

UCLA
The Docket

Title

The Docket Vol. 51 No. 3

Permalink

<https://escholarship.org/uc/item/55b5v69n>

Journal

The Docket, 51(3)

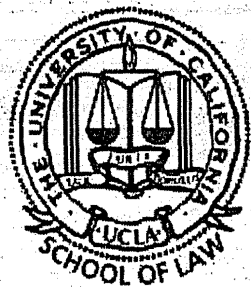
Author

UCLA Law School

Publication Date

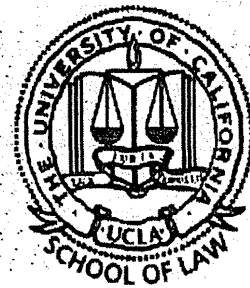
2002-11-01

Delta
P.
copy



THE DOCKET

UCLA SCHOOL OF LAW



VOLUME 51, NUMBER 3

405 HILGARD AVENUE, LOS ANGELES, CA 90095

NOVEMBER 2002

Students Kick Some Faculty Ass

Willow McJilton
Editor-in-Chief

72 to 40. Yes, seventy two to forty! That was the precise score at the end of the Fourth Annual PILF Trivia Challenge on October 24, 2002. Ok, back up. A little background information is needed.

The Public Interest Law Foundation (PILF) raises money each year to help fund summer internships for UCLAW students working for non-profit organizations. Without this money, many UCLAW students would literally starve to death!! So, to raise money to help these desperate students, PILF puts on a number of events, the first of the year being the PILF Trivia Challenge. Students are pitted against the faculty in a game of wits and useless cocktail party information.

The contestant process is rather rigorous. To start, people volunteer and are put into a contestant pool. Then, students and faculty vote (via a donation to PILF) for their favorites. The four students and four faculty members who have the most votes (aka raise the most money) participate in the challenge. Rumor has it that Professor Zasloff puts \$50 in for himself each year, which is **strongly encouraged** as the money goes to such a great cause.

Before going any further, a brief digression. First, hats off to everyone who volunteered to be a contestant. It cannot be easy to put yourself in the spotlight and your knowledge up to scrutiny. Second, every contestant was astounding. I personally could not have answered more than one out of every five questions

correctly (even without the time pressure). In my book, they were all geniuses and I would be honored if any of them would attend my next cocktail party. Digression over.

The faculty team this year consisted of Professors Patrick Goodman, Frances Olsen, Jonathan Zasloff and Dean Varat. The students were represented by Jared Gordon, 3L, J.D. Henderson, 2L, Steve Kaplan, 1L, and Jim Van Blaricum, 1L.

Last year the students were blown away by a faculty team dominated by Professor Zasloff. Many students feared a repeat of the slaughter. Professor Zasloff was unofficially dubbed the god of useless knowledge. However, early in the match, the student team proved itself a force to be reckoned with. Although every member of the student team was frighteningly brilliant, Steve Kaplan rose as the team leader. Yes folks, I'm here to tell you that Zasloff has finally met his match.

Although it seemed that fewer students and faculty attended this year, the crowd was much more festive; sporting signs like "Students & Angels, We've Waited Long Enough," "Zasloff You've Met Your Match," "A Dingo Ate My Baby," and "Jared 3:16."

Here are just a few highlights from the challenge: Professor Olson singing "on the seventh day of Christmas, my true love gave to me: seven maids a milking." Unfortunately, it was supposed to be "seven swans a swimming" but I give Professor Olson kudos for singing the answer. Jim Van Blaricum amazed the audience with his "Back to the Future"



The PILF student team looking smug as they smoke the faculty

knowledge. In usual form, Professor Zasloff contested an answer (yes, again). This time the issue was whether Seattle's NBA team is officially named the "Super Sonics" or simply the "Sonics." Zasloff said the NBA website was wrong. Immediately, a student raised a sign stating "Simmer Down Zassy."

So, if you missed the PILF Trivia Challenge then it sucks to be you. But, you can still help the cause by participating in the PILF Paper Chase 5K Run/Walk on January 25, 2003. Contact Ginny at boster@2004.law.ucla.edu for more info.

Until then, if you'd like to try your skills, here's some of the questions/answers from the PILF Trivia Challenge!

1. What cartoon character lives in the town of Bikini Bottom in a pineapple under the sea?

2. What are you afraid of if you have the following phobias: (a) agoraphobia, (b) arachnophobia, (c) triskaidekaphobia (d) hypsiphobia, and (e) spermophobia or spermophobia?

3. What city will host the 2006 Winter Olympics?

4. What creature dwells inside the Labyrinth at Crete?

5. In what year was the first World Series played?

6. Buddhism is one of the two official religions of Japan. Name the other one

7. Only two American Vice Presidents have ever resigned from office. Spiro Agnew is one. Name the other.

8. What American sculptor is best known for his mobiles and innovative wire structures?

See **ANSWERS**, page 14

WHAT'S INSIDE

Vegan Cooking	2
Not Helping the Poor	3
What to Do With Your Summer	
Kick Ass Summer (Europe)	3
Workin' for Da Man (Gov.)	4
Mixed Summer (Pub. & Private)	4
Spain	5
Externing	8
Bar Review	4
Holiday Cheer for Singles	5
Birdman, Esq.	5
Right Perspective: Iraq	6
Iraq Debate at UCLAW	7
New Urinal	7
Comics	3, 7, 9, 15
Dear Cassandra	8
Facebook Poetry	8
Erasing Race	9
It's All Moot	9
Surfin' the Web	10
CalBar to do list	15
Entertainment Review	16

A Retrospective Book Review

Leib Lerner
3L

The summer before law school, when I still read for pleasure, I picked up the book *Closed Chambers: The First Eyewitness Account of the Epic Struggles Inside the Supreme Court* (Times Books, 1998). In it, Eddie Lazarus describes his term as a law clerk for Supreme Court Justice Harry A. Blackmun in 1988. As part of my judicial externship, I recently reread some of the most controversial sections of the book.

The book has raised two major issues since it was published. The first is Lazarus' allegations that clerks play an extensive role in manipulating the Supremes' decisions. Supposedly, both liberal and conservative minded clerks affected their justices' decisions in death penalty, abortion and other controversial cases. The second issue is the fallout from the book itself, mainly the fact that by disclosing events beyond the public record, Lazarus broke the code of confidentiality expected from judicial clerks, especially ones who serve Supreme Court justices.

Three years after reading the book, and now that I have spent my fall semester externing for Judge Thomas Donovan of the United States Bankruptcy Court, I feel that I can weigh in on both issues. Lazarus exaggerates the degree that clerks can manipulate the system. However, it does seem true that clerks ultimately have a certain limited amount of power to affect the outcome of close cases, similar and analogous to the role performed by paralegals, summer associates, and junior attorneys who draft briefs for more senior attorneys.

When people on the 'lower echelons' [hereinafter "Downers"] research a legal problem or draft a motion, they choose which cases to cite, which causes of action to claim, which lines to highlight. Judges and 'higher echelon' attorneys, [hereinafter "Uppers"], basically the attorneys who sign their names after at least one law clerk or associate does the actual research or drafting, do not usually have time to re-research or fully discuss all the choices made by the Downers. They frequently rely on gen-

See **BOOK**, page 10

EDITORIAL

What is too politically correct? This past month in two separate classes the use of the word "negro" in Supreme Court opinions sparked intense controversy. The first question raised is: "Should the term 'negro' be completely edited out of Supreme Court opinions?" We feel that this kind of revisionist solution circumvents the Civil Rights Movement. With this kind of thinking, the whole political correctness editing thing goes too far. By eradicating the past, we don't and can't learn from it. Most UCLA students weren't even twinkles in their parents' eyes during the Civil Rights Era. In addition, by seeing race as a factor in court opinions, we better learn that our justices are human with their own biases, biases that significantly influenced the development of law in this country.

The second issue raised is: "What is the professor's responsibility?" It was suggested that the professor using the term 'negro' in an overhead presentation overstepped the boundaries of appropriateness, though the exact language was copied and pasted from the relevant Supreme Court opinion. The term should be viewed in its historical context and understood that the case was from the 1960's. Editing the language to protect current sensibilities is not the job of the professor and is counter productive to the students' understanding of that era in our past. We realize the professor's role is to create and encourage an environment conducive to learning, but censoring Supreme Court opinions so as not to offend, is outside the scope of their job.

A third issue that we want to address is: "Should we expect students to self-censor when reading aloud from the casebook in order to avoid offending their classmates?" The idea that students should be required to categorically censor the language when reading, goes too far. If a student is uncomfortable with certain words, that student ought to have the right not to say the word or words. For example, some students do not speak the name "God" aloud. They should not be made to do so in reading aloud; however, telling all students that they must censor their words when asked to read or when referring to the text interferes with the learning process. Each word in these opinions was selected with a particular reason. The word used is representative of the period in history and to delete it would be to take it out of the social context of the time.

Some final thoughts on this issue: We are fortunate enough to attend a school with the kind of diverse student and faculty body that was unimaginable 20 years ago. The difficult part is that the line between open discussion and being offensive can be extremely fine. The opinions expressed in this editorial are not intended to discourage people from standing up and speaking out when they are uncomfortable with a situation. Our intention is to emphasize the need to balance discretion and honesty, current ideas of appropriateness with an accurate view of history.

The SALDF Vegan Cooking Corner

The Student Animal Legal Defense Fund (SALDF) presents scrumptious non-animal product recipes for your enjoyment. Bon Appetite!

Ratatouille (Rat-uh-tooy)

Ingredients (makes enough for 8 to 10 servings):

Extra virgin olive oil (not the mixed variation)

Fresh clove of garlic (not the powder or salt)

Italian spices (about 1 tsp) or some fresh oregano, thyme and basil

1/2 cup of salt (to salt the eggplant)

Fresh ground pepper

1 large sweet onion (you can also use the red onion if you like the taste better) about 3 inches across.

1 large eggplant (about 8 inches long and at least 4 inches across at the widest part) or 2 smaller eggplants; you could also use the Japanese eggplant if it's available (I'm told you don't have to salt the Japanese eggplant)

8 to 10 small zucchini (about 1 inch in diameter and 5 or 6 inches long; you want the smaller zucchini because they're tastier and don't take as long to cook).

2 28oz cans of peeled whole Roma tomatoes; preferably the kind that has them in their own juice and basil (Hunts or Progresso are good brands to use).

1 small can of tomato paste (you might not use this — it depends on how much time you have to let it simmer once you've put it all together).

Wash and blot-dry the vegetables. I like to cut the vegetables in large chunky pieces and that is the more traditional Ratatouille. But you can cut the vegetables smaller so they'll cook faster. But if you cut them too small, your "stew" will look like puree. Each time you add a vegetable to the pot, you want to gently but thoroughly mix in into what's already in the pot. Be sure to get the new vegetable covered with the oil and liquid from the pot. You have to make sure each vegetable is cooked before you add the next ingredient. That's an important secret to a really yummy dish.

Salt: First: cut and salt the eggplant. Trim off the top and bottom of the plant. Slice into 1/2 pieces (discs); then cut each disc in half and then in quarters. Place them into a large plastic bag; put about a 1/2 cup or so of salt in the bag, close the top and shake the bag for about 30 to 60 seconds to make sure you've coated all the pieces. Then dump the whole lot into a strainer (colander) and leave it in the sink for at least 20 minutes. You'll notice a brown liquid drip from the strainer as it sits. That's the musky, back-of-your-throat yucky flavor that I've always disliked in eggplant, oozing out (how's that for a scientific explanation?). I've been told that the Japanese eggplant doesn't need to be salted because it doesn't have that dusky flavor. However, I've never used Japanese eggplant in this dish.

Olive Oil: Put enough olive oil in a "Dutch oven" pot to cover the bottom to a depth of about 1/16th of an inch. Heat the oil on medium high so it sizzles when a drop of water is sprinkled on it. You don't want to let the oil get too hot, because the vegetables will burn easily.

Garlic: Take one clove of garlic and cut it in half. If you like a lot of garlic, mince the garlic and leave it in the sauce. I usually just cut the clove in half and place it in the heated oil, then with the tip of a knife I kind of smear the whole pan, bottom and sides, with the piece of garlic while the heat releases just a touch of garlic — or I leave it in the heated oil while I add the onions. Once the onions are translucent, I search around for the 2

garlic bits and remove them. That way nobody has to bite down on a piece of garlic. But you can leave it in the sauce.

Onions: Cut the onion into 1/2 inch strips. The secret with onions is to get a really fresh onion; fresh onions don't make you cry when you cut them. I like the Maui sweet onions, because they're not as strong a flavor and usually I can find fresh Maui onions (you buy them one at a time because they're more expensive). But, really, any onion will do.

After you introduced the garlic to the hot oil for about a minute, add the onions. Gently stir to get them coated and let them cook for a few minutes. When the onions are translucent, you'll be ready for the zucchini.

Zucchini: Cut the zucchini in 1/2 inch pieces (discard the ends). If you keep the pieces uniform in size, they'll cook evenly. Otherwise, you'll have some zucchini cooked and the rest not quite done. Stir in the zucchini until the pieces are coated with the oil and liquid in the pot. The zucchini will go soft and translucent when it's done. Then you're ready for the eggplant.

Eggplant: Once the eggplant has "rested" in salt for at least 20 minutes, thoroughly rinse off the salt. Try to shake as much water off as possible, then add to the pot. Gently mix the eggplant into the other vegetables and let it cook. This might take 15 to 20 minutes and you'll want to stir the pot often. It's helpful to put a lid on the pot after you've added the eggplant, to help it "steam" faster. The eggplant is done once its "meat" is translucent. The eggplant will release some liquid to the mix — but it can burn easily if the flame is too high or it's not stirred enough.

Spices: I add the fresh ground pepper, basil, oregano and a tiny bit of thyme, at this point. It makes a difference if you can use fresh basil and oregano. Cut it fine. I use the "eyeball" method, which isn't very helpful to people making this dish the first time. I would estimate I use about 1/8 teaspoon of freshly ground black pepper (about 8 twists of the pepper mill) and approximately 1 to 2 Tablespoons of basil, 1/2 Tablespoon of fresh oregano and maybe 1/8 teaspoon of thyme (maybe less). I don't salt this dish until it has simmered for a couple of hours. I taste the juice first to decide if it needs it, and then only sparingly if it does.

Whole Tomatoes: Keep half of the juice in one of the 28oz cans. The rest you can drain off. If you add too much liquid it'll be like soup instead of a stew. Cut each whole tomato in half as you add it to the pot. Don't forget this step, otherwise the tomato will burst as it cooks and make a mess.

Once you add the tomatoes, you're basically done. Let the pot simmer, uncovered, for at least an hour — two is better. If you don't have that much time, add about 1/2 of a small can of tomato paste to the stew and mix it in well - let it simmer for 1/2 hour. You may want to add a pinch of sugar to the stew if you use the tomato paste, because the stew will be a bit sharp if it hasn't simmered for at least two hours. Good Ratatouille has a "mellow" taste.

The good thing about this dish is that it's even better the next day. It's great by itself or over pasta, rice or potatoes. I love it with a Boca burger and a nice glass of French Merlot or Claret wine. Yummy!

Vegan Garlic Mashed Potatoes

Ingredients (makes about 6 to 8 servings):

6 to 8 medium size very fresh baking potatoes (this is key)

The Docket

UCLA School of Law

WILLOW MC JILTON
Editor-in-Chief

CATHERINE OLIVER SMITH
Managing Editor

JARED GORDON
Production Manager

CHRISTOPHER BAKER
Business Manager

PAMELA HARTMAN
Editor

KENNY ROOST
Entertainment Editor

MICHAEL LEE
Columnist

YUVAL ROGSON
Columnist

GABRIEL ROTHSTEIN
Columnist

MATT HOLOHAN
Columnist

Contributors

DANIELLE BROWN, KATE BUSHMAN, STEPHANIE CHRISTENSEN,
JAMES CONOLLY, SCOTT DEWEY, ELENA GERLI, JARED GORDON,
JD HENDERSON, LEIB LERNER, JUSTIN RADELL, RICHARD SANDER,
SHAWN WESTRICK, & SUNDARI WIND

The Docket is published six times a year by the students of the UCLA School of Law. Copyright 2002. All rights reserved. Points of view expressed in The Docket do not necessarily reflect the opinions of the editorial board. All submissions are subject to an unrestricted right to revise. The Docket is not responsible for unsolicited materials.

See VEGAN, page 11

ACCOUNTING FOR LAWYERS, PART THE SECOND

ASSETS	LIABILITIES
\$130 K PER YEAR + BONUS	BIG-ASS UNDERGRADUATE PRIVATE-SCHOOL DEBT
DREAMS OF PARTNERSHIP AND CORNER OFFICE	EVEN BIGGER-ASS LAW-SCHOOL DEBT
BIG-CITY, BIG-FIRM ATTITUDE	TRULY HOPELESS CREDIT-CARD DEBT
LUXURY TOWNHOUSE IN PALOS VERDES	NO TIME TO WORK OFF ALL THE POWER LUNCHES AND BOOZING
FLASHY NEW BEEMER	THE ONLY PEOPLE YOU EVER SEE ARE ALL LAWYERS
SURGICALLY-ENHANCED TROPHY WIFE/HUSBAND	YOUR NEIGHBORS ALL HATE YOU
LOTS AND LOTS OF BLACK SUITS	YOUR IMMORTAL SOUL

HAPPY OCTOBER 15, 2002

How Not to Help the Poor

Richard Sander
Professor, UCLAW

The issue that most galvanized activists at the law school this fall was Proposition JJ, a proposed minimum wage law that would have set a high minimum wage (\$12.25 for employers not providing generous benefits) in parts of Santa Monica. The proposal was revolutionary enough to attract national attention, and stimulated so much local interest that more people voted on JJ than on anything else on the Santa Monica ballot. But even though 71 percent of Santa Monicans voted "Green" or Democratic in the governor's race, JJ narrowly lost. Why?

Surely part of the answer is the \$1.2 million campaign that Santa Monica businesses sponsored against JJ. That was probably a necessary element in a JJ defeat, but it was by no means sufficient. Supporters had substantial resources, too — over \$500,000 in contributions and many, many more volunteers than the opponents had. Two years ago, when the same businesses spent heavily to promote an initiative that would have precluded the City Council from passing any minimum wage, voters overwhelmingly rejected it.

The difference this time was a growing awareness among Santa Monica voters — despite generally banal media coverage — that JJ was not what it seemed to be. Proponents portrayed the law as a simple matter of economic justice, suggesting that the main burden would fall on upscale, beachfront hotels, and the main beneficiaries would be severely underpaid maids whose miserable wages left their children mired in poverty. It was a powerful image, exploited to the hilt. (See, for example, last month's Docket article by Judy Marblestone and accompanying picture of hotel maids.) The problem was, it had very little to do

with reality.

Proposition JJ would have covered about 100 businesses — only 14 of them hotels and only half of those "high-end." Of the 4,000 to 6,000 workers directly affected, only about 250 were maids and janitors. The hotel maids currently average \$9.75 an hour and most receive benefits, so they would have received relatively small raises under JJ — indeed, they would have accounted for less than 2 percent of the total wage increases mandated by the law.

By far the biggest group of beneficiaries would have been employees at Santa Monica restaurants and hotels who receive tips. By a quirk in the law, workers earning tips would have been covered, but their tips would have been exempt. So a waiter making a \$6.75 minimum wage and \$12 an hour in tips would be eligible for the maximum increase possible under the law, even though his income puts him firmly in the middle class. At least on paper, such wage increases to tipped workers accounted for over 40 percent of the wage increases mandated by JJ. Many employers might have adjusted to these bizarre results by eliminating tips and putting all workers on straight salary, but this general pattern — that JJ did a poor job of targeting true low-wage workers — was pervasive.

There are more fundamental problems with any attempt to address poverty through a very high minimum wage. Most people who have low-wage jobs do not live in low-income households — they are usually secondary earners in their families. This was obviously true for the teenagers working the rides at Santa Monica Pier, but it is even true for hotel maids. In Los Angeles as a whole, less than 20 percent of maids (and fewer than 15 percent of low-wage workers

See JJ, page 11

A Kick Ass Summer

Sundari Wind
2L

Though summer seems far away, *The Docket* wants to get all you 1Ls freaked out — I mean informed — about the opportunities that await you. So, here's one more experience for you to draw on — because summer is not just a paycheck, or a resume builder, or a break. It's a chance for you to get an idea of what you want to end up doing when you graduate. Heading into my first summer, there were so many things I wanted to do, and thus my happiest discovery was the concept of a split summer. So here's my story.

We have 14 weeks of summer. My last spring final was on a Friday. The following Monday I started work with Santa Monica Bay Keeper, a non-profit environmental organization concerned with ocean water quality. My first day on the job we took a bunch of sixth graders out on a boat to let them watch (through underwater video) the on-staff marine biologist as he reforested kelp the kids had been growing in their classrooms. We also did ocean and marine mammal education exercises in which the kids participated — including watching the biologist free an octopus that had been accidentally hooked by a fisherman on the pier. After our day in the sun all the Bay Keepers (not the kids) had margaritas on the pier.

The next day, with the honeymoon over, the legal director gave me a huge stack of reading to get me up to date on the Federal Clean Water Act. The only other time I went on the boat was for a "meeting" with attorneys from the Natural Resources Defense Council and other non-profits. Still, the office was in Marina Del Rey and if we weren't going to a regional water board hearing, a meeting with city officials or to court, I got to wear a tank top and flip-flops to the office.

My work for Bay Keeper focused on one primary case. The suit has been four years in the making and, with no settlement in sight, the case is likely to be in court next month. Recently I talked with Steve Fleischli, director of Bay Keeper, and he said he was able to use my work to help defeat a motion filed in court in September. It's nice to know my research and memo have contributed to something I care about.

After the 5½-week internship, I did a five-week study abroad program in Europe. (The ABA has a list of study abroad programs that are ABA approved and listed by country.) It was an amazing program through the Dickinson School of Law at Penn State University. For starters, the program traveled to six different countries, gave guided tours upon arrival in every city, and visited several international courts. In each city we had amazing guest speakers as well as classes.

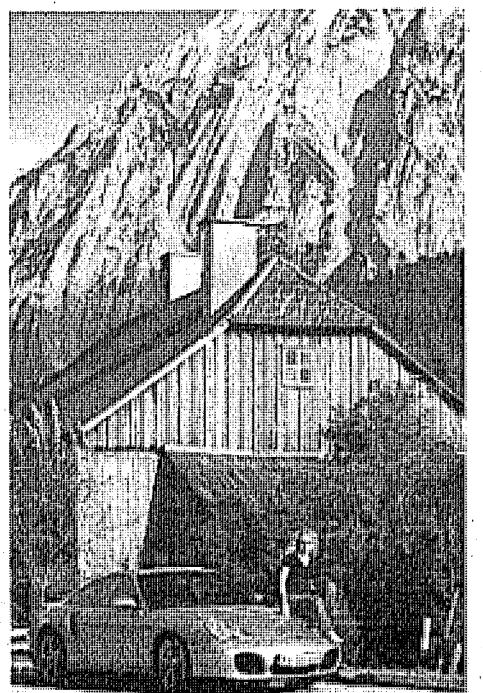
I flew into Amsterdam, the Netherlands and spent a few days in the Hague area to get over jetlag before the program started. The first night there I walked to the beach and watched the sun set, huge and red, into the North Sea at 10:30 at night. The school program started with a guided tour of Amsterdam, followed by free time there (Yes, Amsterdam's everything you've heard it is!). Then we went to the Peace Palace, home of the International Court of Justice. At the ICJ our speakers were Judge Thomas Buergenthal, Member of the ICJ, and

Arthur Wertveen, Secretary of the ICJ. They spoke about the organization and work of the ICJ, as well as their experiences there, and we were able to talk with them at length.

Also in the Netherlands, we visited The Hague, home of the International Criminal Tribunal for the Former Yugoslavia and also the tribunals for the war crimes in Rwanda. We attended an open session of the trial for one of Slobodan Milosevic's top generals. It was intense. There were three security checkpoints, we had to give our passports, and even the guard who gave us the translator headphones had a gun. The proceedings were, just as you see on CNN, behind floor-to-ceiling glass strong enough to withstand a rocket-launched grenade. Behind the glass, the three judges sat in the center, the attorneys sat before the judges on each side of them, translators in smoked-glass booths lined the walls along both sides of the room, and the defendant sat to the left with an armed guard on each side of him. Armed guards stood at the doors, and more armed guards escorted witnesses to the stand and stood beside them while they testified. The day we were there, a top British Army officer testified about being the first to arrive in a village after it was destroyed. As we observed, I switched through the channels on my headset and listened to the proceedings in six different languages. It was awesome to get a sense of the complexities of an international court. For example, at one point an attorney looked at the monitor of one of the court reporters and paused the proceedings to correct her misinterpretation of "a tax" on a village — as opposed to "attacks" on a village. I started to understand the ramifications of even interpreting the trials into the different languages. At the end of the day, the president of the Tribunal court talked with us (in French through an interpreter), and answered all of our questions.

Next, we went to Brussels, Belgium and visited the Council of the European Union headquarters. There, our speakers were Christina George and Anna Lo Monaco, both attorneys for the Council, which governs the business of the European Community. They lectured about international practice before the European Court of Justice, European company law, and the employee's role in administration of a European company. Lec-

See KICK, page 11



A typical summer day in Europe

Workin' for "Da Man"

Elena Gerli
3L

If you like criminal law and want to be a prosecutor, I strongly recommend that you consider working for the California Attorney General, Division of Criminal Law, Appeals/Writs/Trials (AWT). Last summer, three law clerks and I partook of the Summer Honors Program. Normally, there are more than four law clerks, but this year the hiring freeze made the program all the more exclusive (that's our story, and we're sticking to it).

The AWT handles all state criminal appeals. The DA's put the criminals in jail, and the Deputy Attorneys General (DAG's) keep them there.¹ Essentially, the summer law clerks research and write appellate briefs, most of which will be filed with the California Court of Appeal. For the first time this year, the summer law clerks also did some federal habeas corpus work. If you guys don't get to do it next summer, you'll know why!

The first exciting thing about working at the AWT was being told during the interview that my first-draft briefs would come back covered in red ink. For those of you who know for a fact that you are good legal writers, this may not be that big of a deal. For the rest of us, for whom Lawyering Skills simply raised the specter of poor writing skills, this is a good thing. The AWT hires only very good writers, and the quality of the law clerks' work product has to be up to par. They make sure that it is.

This is how it works. Each law clerk has one reviewer, a DAG with a few

years' experience. The reviewer is the person who finds you the case you will have to work on, and who tears up your first draft. I was very happy with my reviewer because she carefully selected projects that I could handle and which brought up different issues, so that I was able to work on a variety of issues.

I wrote four appellate briefs: two addressing Fourth Amendment search and seizure, one about waiver and First Amendment right of association, and one dealing with the Sixth Amendment's right to self-representation. I also wrote a federal habeas motion to dismiss (procedural), and a federal habeas supplemental brief addressing the issue of whether a third-strike sentence violated the Eighth Amendment's prohibition of cruel and unusual punishment. If you want to get your fill of research and writing, and you like constitutional law, this is the job for you! I did not expect that digging deeply into narrow issues would be as interesting and exciting as it was. There is something to be said for using your brain every day and fashioning arguments that are all yours. Beats research memos any day of the week.

I also loved the people I worked with. As I mentioned, there were four of us, and we bonded really quickly. We told each other our nutty stories, laughed uproariously and did some culinary investigations in our area. We carefully avoided the burrito place after we were informed that dead bodies were discovered in the freezer (burritos de muertos), and later the café that served the salad with short, curly hairs in it. Per-

See AWT, page 12

A Mixed Bag Summer

Danielle Brown
2L

In Bountiful, Utah, the town where I grew up, people speak about the ACLU in a tone they typically reserve for speaking about the likes of Satan, Bill Clinton, and fluoridated water. Oddly, this left me longing for the day that I could work for the ACLU or intern for Clinton (but failed to increase the allure of Satan or fluoridated water). In fact, the idea of working for a civil rights organization was one of the driving forces behind my decision to go to law school. So when I was fortunate enough to be offered a position at the ACLU for the summer, every fiber in my being screamed "YES!" except that the call came a week after I had accepted an offer to work at a bankruptcy firm.

The story of how I fell into working at a bankruptcy firm is a little less romantic than the tale of the fulfillment of my childhood dream of working at the ACLU. When people hear you work at a bankruptcy firm they often ask, "how did you end up doing that?" In the same manner I imagine mid-level managers get asked about their choice of occupation. Bankruptcy just sounds boring. I don't know what it is, but even the word itself has the soothing quality of a Quaalude. So really, there's no fantastic story about how I ended at the bankruptcy firm: I interviewed there during spring OCIP, I really liked the people there, and they liked the fact that I showed up to the interview with my nose pierced.

So, I ended up splitting my summer between the ACLU and the bankruptcy firm, which to many people seems like a

very natural and complementary split, although maybe not so perfect as a split between capital defense work and a real estate firm. I worked the first four weeks of the summer at the ACLU and the last nine at the bankruptcy firm. The idea that I could work all 13 weeks of my first year summer was probably misguided, but if I had it to do all over again I would have done the exact same thing (Maybe I would have worked one less week).

Frankly, working at the ACLU spoiled me. The gourmet catered lunches, the generous expense account, the large corner office with Italian leather furniture that I picked out, and my very own secretary—it was not what I was expecting. At least the work was what I had expected: incredibly interesting and satisfying. I spent the bulk of my time at the ACLU doing legal research and writing memoranda which might sound boring to some of you, but remember that I actually like *bankruptcy*, so don't even get me started on memo writing.

I also got to go on a really amazing tour of some of the schools in Compton Unified School District to see how the schools had changed in response to a consent decree that resulted from an ACLU lawsuit. Besides being really inspiring, it was kind of exciting to tell my younger siblings that I just got back from Compton; it was sort of like telling them I had just returned from Honah Lee—the magical place in the Puff the Magic Dragon song.

It was hard to leave the ACLU, but I felt like it was time that I take a job that would allow both my husband and me

See ACLU, page 12

Adventures in Bar Review

Gabriel Rothstein
Columnist

(This article is written by a mildly to heavily intoxicated 3L who while often well-meaning has a tendency to come off as a self-absorbed, shallow, obnoxious asshole. However, nothing in this article is meant to offend and most names have been altered to protect the innocent as well as the foolhardy.)

Welcome back true-believers. As some of you may have noticed, my last Bar Review Column was accidentally cut short (the middle/best part was missing) due to a technical error by Docket Staff. I was told by Docket Big Dog Willow Mc Jilton that there had been a printing problem which caused my article to be horribly shortened. I told Willow Mc Jilton that I knew it wasn't her fault and played it off like it was no big deal. But my apathy was merely a charade and I vowed to seek revenge on behalf of myself and my loyal readers. Despite my mild-mannered nature I am truly not one to be trifled with as Willow Mc Jilton discovered (or actually is discovering right now as she reads this).

At the "Docket Dinner" (The Docket Dinner is the free dinner, at a local restaurant that they give to Docket writers) while Willow Mc Jilton was busy yapping away I stole her drink and took it into the bathroom with me where I peed in it and safely returned it to the table unbeknownst to her!!! (Moral of the story: DON'T FUCK WITH ME, or my articles.) A little later I saw Professor Volokh (the Docket faculty kat) drinking from "the drink" so I might have "poisoned" the wrong person, but whatever, it's

the thought that counts. (Ed note: *Unbeknownst to Gabriel Rothstein, I switched my drink with his upon his return from the restroom!*)

Anyway back to this week's adventures. It was a happy Thursday night, which for me and the rest of the law school hardcore katz, meant Bar review!! The night started off pretty normal. My brother was on his way over to my pad to do some pre-bar-review boozing (only a sucker walks into a bar stone cold sober). The usual wussies who earlier in the week (or day, depending) had been psyched about bar review had all punked out, (this always happens, at least one or two "wannabe" hard-core katz makes some huge stink about going to bar review and how they're going to fuck some shit up and then by Thursday they pussy out like big fat losers) but as usual at least one person who had declined the invite had changed her mind.

So I start my pre-bar review routine with a few drinks and wind up chugging a beer while my brother takes a crap. (I swear that mother-fucker lives on the toilet.) Another beer later and we're out the door, scoop up our pal Rene-Michelle and head to bar review. Bar Review was at The Daily Pint, which is a pretty cool place on the Westside. The Pint is a typical dive bar with all the good dive bar things like pool tables, shuffle puck, lots of good beers, mellow t-shirt and sneakers vibe, and a juke box with good tunes. Unfortunately the Pint also has all the bad dive bar things like limited space, shady dudes, ugly chicks, and only one bartender for like 100 customers! Within the first 10 minutes of being at the bar, all of the "bad dive bar" things come into fruition.

When I first walk in the door, I say a quick hey to a law school buddy or two and then head straight for the pisser. I'd had quite a few drinks (though still sober) and really had to pee. Unfortunately the place was packed and it took a few minutes to get to the bathroom. When I rejoined my brother and Rene-Michelle, they both appeared to be in a world of trouble. R-M (Rene-Michelle) was ordering drinks and simultaneously having the misfortune of being hit on by every 40-year-old, scraggly looking dude at the bar. This tends to happen to her a lot, probably because she has that strange combination of being both hot and looking extremely approachable. Meanwhile my brother is hitting on a couple of non-lawschool "uggers" (ugly chicks). Now normally my bro hits on semi-hotties and hotties exclusively, but at the Pint because hotties are in such limited supply, I guess my bro figured he should just take what he could get. Oh yeah lemme not forget to mention there was some shady dude with a funky hat who was using the bathroom as his own personal cocaine usage parlor.

After getting another two drinks (when a bar is packed and it might be a while between opportunities to order another drink I ALWAYS double fist) I make a lap around the bar checking out the scene and saying hey to friends and acquaintances. After a quick conversation in which a girl tells me that one of her fantasies is to experience "double-penetration" (if you don't know what this is, just ask your friendly neighborhood pervert) I pass by an ex-girlfriend, Lana. We exchange glances; she gives me a sexy

See BAR REVIEW, page 12

CIA SUMMER

2L

This summer I worked in [redacted] for the Central Intelligence Agency. Although I was able to gain a wealth of experience in several departments, I mainly worked with the [redacted] task force. Working for the CIA was very [redacted] and I [redacted] it to anyone.

My interest in the CIA was initially peaked when I spoke with [redacted] at the Government Reception. I picked up an application packet containing [redacted] among other things. I sent my resume, writing sample, transcripts and [redacted] to the main office located in [redacted]. About [redacted] weeks later I was notified [redacted] and scheduled a follow up interview. The interview was very [redacted], I was asked about [redacted] and [redacted].

The most difficult part of the process was the background investigation. I had to [redacted]

[redacted] If you are applying I would highly recommend you [redacted]

When I first arrived at the office, I [redacted]. Soon I was able to work on several cases involving a plethora of legal issues including [redacted] and even [redacted]. In one case, [redacted]

Overall, it was a [redacted] summer!

“Basque-ing” in Spain

James Conolly
2L

Why did I choose to study abroad? It was actually a decision I made before I realized how far the economy had tanked and how difficult it would be to get a paying job of any kind. The economic downturn had the effect of flooding the applicant pools for the non-paying jobs, the judicial summer externships, etc. I wanted to go abroad partly because the idea of taking less stressful, less useful, but more interesting law classes was somewhat appealing. The fact that it would also put me in a country where I could dance until 6 a.m. and generally detox after nine months of grueling work as a 1L was something more of a persuading force.

I chose to study in Spain, and my time there wasn't what I would call a rest from law school. I would call it the antidote. Don't get me wrong, I did study. I learned many things about European health care law and human rights law. I even had finals. However, stress and Spain are mutually exclusive concepts. People there don't get too worked up about things like deadlines, being on time, or even working ... it's considered rude. It took all of two hours (the time it took to get off the plane, settle into my room and shower) for this ethos to lodge itself in my head. It resides there still.

However, lest the dean read this and decide to revoke my study abroad credits, I should say something about the experience. St. Louis University Law School – through which the program was coordinated – has a small campus in Madrid, and several of its faculty are Spanish law professors. In civil law systems, these are the people who write the laws (1Ls, ask your civ pro professors). As such, our professors were fairly well connected and were able to get us in on some court proceedings, which included an appeal from a murder conviction (during which the convicted sat right in front of me, unshackled and unguarded ... the whole “laid-back” thing runs pretty deep) and the trial of a suspected terrorist.

Spanish courtrooms tend to be smaller than their American counterparts, especially because a jury often is not needed. At least, that was the impression we got from the courtrooms we saw. Many of the courtrooms used for terrorism trials were built specifically for that purpose. The courtrooms had public viewing gallery (essentially four rows of chairs) separated from the judges' bench by a wall of bullet-proof glass that could withstand the impact of a metal chair launched from 5 feet away or swung baseball-bat style. We know this because it has been tested many times. Additionally, there is a glass box in which the accused sits, across the room from the defense counsel.

Almost everyone tried for terrorism in Spain is Basque. The Basque Country is a small area in the north of Spain, close to the French border. The Basque people are not Spanish, nor are they French. Their culture is wholly different and their language is completely unique. Many in this region have been calling for the declaration of a separate Basque state for as long as memory serves, and part of this protest has formed ETA (a Basque acronym), the militant group which has been responsible for hundreds of deaths in Spain since the 1960's.

Prior to entering the courtroom, we spoke with a judge who has presided over many of these cases. He lives in a very secure house and has a security team check his car every morning before

he starts it. ETA reprisals against judicial and security personnel are common. He told us that these trials were unusual because most of the people on trial were young (18-25 years old) and they tried everything they could to make a mockery of the proceedings. They would joke with their counsel, seated across the room from them, they would refuse to plead either guilty or not guilty, laugh at the judge, slam on the glass, etc. Some of this is political rhetoric: Basques refuse to recognize the jurisdiction of Spain's criminal courts. Some of it is bravado. But, he added, the trial we were going to see was even more unique because the operative on trial was a woman. She was 23 and moderately famous simply because she was – as the judge put it – “really quite attractive.” The press has even dubbed her the “Tigress” (La Tigresa). He added that the boys in our group were to control any reactions of approval we might have upon seeing her (apparently, this has been a problem in the past). He reminded us that she was on trial for gunning down three Spanish soldiers stationed in the Basque Country.

At the beginning of the trial, she was asked to enter a plea. She refused, and instead launched into a combative diatribe about how the court in which she was appearing was a sham, the charges were improper and that she was tired of being in a glass box. “So, we'll then enter a plea of not-guilty,” was the judge's dismissive response, and the trial continued.

The counsel for the defense – also Basque – would occasionally exchange looks with the accused, and although the jokes were lost on me, the two of them would stifle giggles every once in a while. The court reporter told us that in the Basque country, intelligent young people who are active in the separatist movement are encouraged to become lawyers in order to move the issue of separatism forward through legal paths. This also means that those accused of terrorist activities have a fairly formidable legal machine working in their defense. The defense counsel in this case has had a reasonably successful run of cases despite the fact that she was not long out of law school. The sad corollary to this is basically that those perceived as less intelligent are usually trained to become terrorist soldiers.

I don't know the outcome of that trial, but I imagine the Tigress was convicted. The evidence against her was quite strong, and this was not her first time in front of a judge. (The prior time no charges were brought.) This time they had eyewitnesses willing to testify (a rarity in the Basque country, where a lot of people don't seem to see a whole lot when the police are asking questions.) My last week in Spain, several bombs exploded in popular tourist areas, resulting in a lot of injuries and a few fatalities. ETA claimed credit for all of them.

Studying in Spain was definitely worthwhile. In addition to the courtrooms, some of us explored the city's other cultural aspects. I would highly recommend study abroad to anyone. It actually is interesting to see how another legal system works and to compare it to our own. After the course was over, I took off the rest of my summer to explore a little more of Europe. I didn't see many courthouses in Milan, Nice and London in the weeks following my classes, but I am assured they are there. Oh, and in case you were wondering: actually, yes, the Tigress really was pretty. She was about 6-feet tall with long black hair and devastating green eyes. But, I doubt very much that will make much difference for the next 25 to 30 years.

Holiday Cheer for Singles

Kate Bushman
2L

When preparing for holiday break, most law students shop, make travel plans, and look forward to quality time with family and friends. Although I can't wait to deck the halls, I find myself thinking less about all of the pleasantries and more about the dreaded question revived yearly at my holiday family get-togethers: “So... why don't you have a boyfriend?” Okay, most of you have probably been hassled by your relatives about your love life (or lack thereof) at one time or another, so you know the discomfort and frustration I am talking about. Hell, maybe you too are bracing yourself for your mother's comments about “the grandchildren” (although there are none to speak of), or for Aunt Sallie's attempts to set you up with her latest bucktoothed co-worker. If this is the case, take solace in this article, and know that any aggravation you are experiencing, my family takes to a whole new level.

Some background is necessary to truly understand how this seemingly innocent question has become the bane of my holiday existence. I come from

Dubuque, Iowa, a town of about 60,000 people on the Mississippi River. Here, the norm is for high school and college sweethearts to get married promptly after graduation (if they attend college) or sometimes even earlier (shotguns optional). Meanwhile, after the ripe old age of 21, all remaining singles in the tri-county area scramble for the last single person standing. Although I am only four years out of high school, my classmates are crazily getting hitched and having kids (not necessarily in that order). Now don't misunderstand me – just because this triggers my gag reflex doesn't mean that I'm not happy for my friends – that is a choice that they were ready to make (I think). But for me, it is more than scary to think about (1) marrying any nut job from my high school class or (2) committing myself to anything of that degree at this point in my life – shit, I can barely finish a six pack of beer, or my train of thought...

So where was I? Oh yeah, so on top of the general social norms of my hometown, it is totally engrained in my family values and expectations as well. My

See **CHEER**, page 14

Harvey Birdman Attorney at Law

Shawn Westrick
2L

I don't normally watch television shows about the law. Maybe I just cannot believe Tony Danza is a lawyer, but I typically avoid network law programs. No Law and Order, no Crime and Punishment, none of it. Nothing personal, just don't watch 'em. However, there is one law-related program I do watch as often as possible. Sure, it's a little out of the mainstream. Sure, there's no fancy post-production work. Sure, the main character is a large crime fighting bird, but, who am I to judge? This show airs on Adult Swim on Cartoon Network, and it's called *Harvey Birdman – Attorney at Law*.

As Adult Swim's website describes the show: “Once a third-rate superhero, Harvey Birdman is now a third-rate lawyer, trying like hell to get by in a fancy law firm.” Harvey's joined by his sidekick eagle, Avenger, his paralegal buddy Peanut, and his eye-patched and rather odd boss, Phil.

Harvey of course was not always a lawyer. Originally he was known simply as Birdman during the 1967 Hanna-Barbera series, “Birdman & The Galaxy Trio”. Along with Avenger, he fought crime. But good times rarely last, and soon the super hero gig got monotonous. So he did what so many people do when they do not know what to do with their lives. He decided to become a lawyer. Now, as an Attorney at Law, he represents his fellow Hanna-Barbera cartoon stars in a variety of strange cases. With his former villains comprising the opposing counsel, Harvey tackles the cases like only a guy in a business suit with a

mask and large wings can!

Who exactly does this winged lawyer represent? Fred Flintstone: simple construction worker, or the head of an organized crime family? Harvey's on the case, trying to prove Fred's innocence based on the theory of a simple bowling ball. The episode is aptly titled “the Daba Don.” Harvey represents a Japanese pop band, known as “Shoyu Weenie.” Harvey's clients accuse the American rock band, “Jabberjaw & The Neptunes” (featuring the shark that sounds a lot like Curly from the Three Stooges) of stealing their song “Mochi Mochi” and calling it “Lovey Lovey.”

Harvey also represents everyone's favorite Jellystone Park bear, Boo Boo. Boo Boo is captured by federal agents and accused of being the “Unabooboo,” a revolutionary sending boobytrapped gift baskets and cookie bouquets to all the heads of corporate America. By far my favorite episode is the one in which Harvey represents Shaggy and Scooby. While en route to solve another mystery, the two are pulled over by a State Trooper. Their natural gigglish and dopey behavior leads the Trooper to believe they are under the influence of illegal substances, and they are taken to jail. Harvey delivers a classy performance with dynamic dialogue like:

Harvey - “There are two lives that depend on me giving the performance of my life in court tomorrow.”
Bartender - “Scotch?”

Harvey - “Hell, yeah! Let's get stinko!”
Classic stuff I tell you. Who needs Tony Danza? You can catch Harvey Birdman on Comedy Central's Adult Swim (see www.adultswim.com).



The Right Perspective: War & Iraq

Point

Yuval Rogson
Columnist

When discussing whether to go to war with Iraq I think it is important to consider the current threats to the U.S. and the changing nature of our enemies. The current threat to our Nation primarily comes from the ranks of Militant Islam, whose subscribers have a hatred for the U.S. which has the force of religious conviction. This hatred manifested itself in the terrible events of 9/11, which I believe stands as a prime example of the potential devastating consequences of waiting to be hit before deciding to go to war.

The nature of this unique threat changes the rules of when and when not to go to war. Because Militant Islamists are not rational and therefore do not respond to the deterrents that worked in the past, a new strategy is necessary to combat them. In response to 9/11, the President announced a new policy that has become known as the "Bush Doctrine." It states that, as a categorical rule, those who participate in terrorism or shield terrorists will be treated the same, meaning both will be destroyed. The doctrine was not qualified by the political niceties of the State Department. As a result, it provides the moral clarity necessary to wage a successful war against such a determined foe.

You might ask: what does all this have to do with a war against Iraq? Well, in my humble opinion, everything. Iraq is a terrorist state hell-bent on acquiring weapons of mass destruction (WMD) and conquering the world. Saddam Hussein has a dangerous and disturbing history. He is determined to arm himself to the teeth. In 1981, he was building a nuclear reactor, the production of which was artificially cut short by the U.N. condemned Israeli pre-emptive strike. If not for that act of foresight, the U.S. and the world would have had to face a nuclear armed Saddam. He has stockpiles of chemical and biological weapons including nerve gas and smallpox. He is instinctively aggressive waging wars of conquest in Iran and Kuwait while ruling his country with an iron fist-killing his own family members if they dare to cross him. He has used poison gas on his own people and his army committed heinous atrocities in Iran and Kuwait. In addition, to keep some influence in the terrorist world, he pays money to the families of homicide bombers creating a perverse incentive to murder civilians.

All of which leads me to believe that Saddam cannot be allowed to have nuclear weapons or any other weapons of mass destruction. The only real opposition to this notion is that deterrence can work and therefore containment is possible even with a nuclear armed Saddam Hussein. The majority of Americans are simply not willing to take that risk. Imagine living in a world where an evil tyrant like Saddam has devastating weapon like nuclear bombs and strategic biological weapons. With these weapons he would threaten the entire free world. Beyond being likely to use these weapons himself, he may share them with the Islamic terrorists who are his natural allies against the American "devil." I have no doubt that they will use them. Consequently, his ability to develop nuclear weapons must be "pre-

empted" and his current stockpiles must be destroyed.

So what is pre-emption? I would define it as attacking and disabling or destroying a known enemy before he gains the capacity to do terrible harm to you. We have all painfully learned the consequences of inaction or half-assed action. The bombing on 9/11 was not Al-Qaeda's first bombing or even first bombing attempt at the World Trade Center. Still, we were complacent. We fired a few missiles at empty tents and a pharmaceutical factory. All to no avail. We, as a nation, literally woke up to the terrorist threat we now face. As a result, we will not wait for the danger to manifest itself into action before we react because that smoking gun could be the destruction of New York City or Los Angeles. The potential damage is so devastating that it demands pre-emptive action in order to avert it.

As I have mentioned before, there are really only two choices here: prevent Saddam from developing more weapons of mass destruction or live in a world where he has such weapons. Even France believes that pre-emptive action must be taken. It is the parameters of such action where all but the eternally delusional Liberal or Academic (sometimes I confuse the two) finds disagreement. To my liberal friends, I apologize, but there is no Santa Clause (or Hanukkah Harry) or containable terrorists. While I'm willing to live with the illusion of the former I am certainly not willing to live with the reality of the latter.

The argument against a pre-emptive war is that the risks somehow exceed any gains deriving from it. As support for this position the "parade of horrors" is brought out, which takes advantage of the unknowns and assumes the worst. One of the risks would be alienating our precious allies in the war on terrorism. Needless to say, it is vital to American interests to remain on friendly terms with the rest of the civilized world. A war in which our "allies" disapprove of our action might be seen as aggressive and make our allies less inclined to support us thereby endangering the coalition against terror. Moreover, a war with Iraq might inspire Saddam to unleash his current supply of chemical and biological weapons possibly compelling us or Israel to respond in kind with nuclear weapons.

As a result of these reasonable fears, a minority of Americans believe that the great debating society AKA the U.N. has the right idea. Go in and inspect and keep on inspecting and hope it works. If it doesn't, then deliberate for another 6 months to a year before the U.S. finally decides to go to war anyway. Only days after the mid-term election, the U.N. passed a resolution calling for inspections of Iraq's weapons capability. While I understand the president's desire to get world approval and appease our allies, the whole thing seems like a useless and dangerous exercise. I didn't vote for Kofi Annan and I had no ability to prevent Syria from obtaining the rotating position in the Security Council or the Sudan from gaining membership on the Human Rights panel the very year that the U.S. was kicked off. I do know that I trust the U.N. as far as I trust Security Council

See POINT, page 13

Counterpoint

J.D. Henderson
2L

The President has not shown that war with Iraq is morally just. Until he does so (if he can) we should not go to war with Iraq. Under "just war doctrine," a state is morally justified in its use of force if it meets the these factors: (1) The damage inflicted by the aggressor on the nation or community of nations must be lasting, grave, and certain. (2) War should be waged only as a last resort. (3) There must be serious prospects of success. (4) The use of arms must not produce evils and disorders graver than the evil to be eliminated. As discussed below, war with Iraq has not met the just war standard.

(1) The damage inflicted by the aggressor on the nation or community of nations must be lasting, grave, and certain. If the facts show that Saddam is close to completion of a nuclear weapon we don't need to wait and be hit first before responding. His history of chemical weapons use against Iran and his own Kurdish minority demonstrate that he should not be allowed to acquire even more dangerous nuclear weapons. Is there proof that an atomic threat from Iraq is imminent? We simply don't know. We are told that evidence can't be shared because of "national security." If the United States is to go to war, it had better not do so under false pretenses. The administration needs to lay out its case clearly and unambiguously, just as President Kennedy did during the Cuban Missile Crisis. If there really is evidence, then a way can surely be found to show it while protecting the identity of sensitive intelligence sources. This has not been done. Meanwhile, North Korea, which provided Iraq its Scud missiles, has openly admitted to continuing its development of nuclear weapons despite agreeing to stop doing so in 1993. Is there talk of war against North Korea? Strangely, no. Why Iraq and not North Korea?

I am not willing to take it on faith, without evidence, that we must invade or suffer nuclear attack. Retired General Wesley Clark, a former NATO commander, feels the same. He recently testified before the Senate that, "It's a question of what's the sense of urgency here? So far as any of the information has been presented, there is nothing that indicates that in the immediate, next hours, next days, that there's going to be nuclear-tipped missiles put on launch pads to go against our forces or our allies in the region."

On 9/11 we watched in horror as two towers full of living human beings crashed to the ground. Our reaction was normal—we wanted to fight back, to punish the "evildoers." I feel the same. I want Osama dead. So why are we invading Iraq, a secular regime often denounced by Islamic fundamentalists such as Al Qaeda? Iraq did not attack us on 9/11. If Iraq had been behind the attacks, this debate, and Saddam, would already be over. The President's weak attempts to use 9/11 to justify war with Iraq only point out the weakness of the case. When a president uses half-truths or untruths to justify a war, it is probably a good idea to slow down the march towards conflict. The attacks of 9/11 are unrelated to Iraq, and thus can provide no justification for an invasion.

Saddam and his cronies are evil, and the world would no doubt be better off without them. He has brutally oppressed his own people. That is not a reason to invade Iraq. If that were the test, then we

should also invade North Korea, Syria, Zimbabwe, and arguably Saudi Arabia, Egypt, Iran, China, and on and on. Something more is required to provide a just cause for war or the sovereignty of all nations is threatened.

(2) War should be waged only as a last resort. One reason given for war is that Saddam is not complying with UN resolutions. However, Saddam hasn't complied with UN resolutions for at least a decade. Why the rush to war now? Three retired four-star American generals said recently that attacking Iraq without a United Nations resolution supporting military action could limit aid from allies, energize recruiting for Al Qaeda and undermine America's long-term diplomatic and economic interests. The three generals, some of whom warned that a war with Iraq could detract from the campaign against terrorism, said the Bush administration must work harder to exhaust diplomatic options before resorting to military action to oust Saddam and eliminate any weapons of mass destruction Iraq may have. They said a United Nations resolution was important because it would isolate Saddam internationally, give skittish allies some political cover to join any military action and bolster America's long-term global aims. "We are a global nation with global interests, and undermining the credibility of the United Nations does very little to help provide stability and security and safety to the rest of the world, where we have to operate for economic reasons and political reasons," said General John M. Shalikashvili, former Chairman of the Joint Chiefs of Staff.

Now that the President has been forced to obtain a UN resolution calling on Iraq to comply with weapons inspections, he must allow time for the resolution to work. If Iraq complies, then no war is needed. If Iraq does not comply and is shown to be an imminent threat we will have worldwide support for our actions. Why rush to war without such support? The short answer is that there is no need to rush. Make the case, build support, and then if other measures don't work we will have the moral legitimacy we need before we issue our military a license to kill and put our soldiers in harm's way. When (if) diplomacy fails we will at least know that we tried. Our soldiers and the innocent noncombatants who will be caught in the middle deserve our best diplomatic efforts.

(3) There must be serious prospects of success. Our military is the best the world has ever seen. Success against the Iraqi military is a certainty, and thus the President's call for "regime change" is bound to happen if we invade. We need to be certain, however, that such a change would result in a safer world. That is the test for success, not removing Saddam. The President has not shown that war with Iraq would result in increased safety for our nation.

The war could (and probably would) have consequences beyond what most of us can predict now. The eminent military philosopher Carl von Clausewitz has cautioned that when preparing for war, political leaders should never take the first step until they know their last. If war with Iraq is worth U.S. blood and treasure, it is worth es-

See COUNTER, page 13

UCLAW Uncorks a New Urinal

Jared Gordon
3L

Over the past summer, UCLA completed what is believed to be the largest renovation project at the law school since the completion of the Hugh and Hazel Darling Law Library – the installation of a new urinal in the men's room opposite the lounge. While seemingly trivial to many, the importance of the change will be cleared when put into context by some of the many users of the men's room.

The urinal's intended spot had long been held by a large cork in the ground, bringing to mind images of some disturbingly large, and piss-poor, bottle of chardonnay. Yes, in order to prevent large scale plumbing disasters where the pipes backed up like a shaken bottle of bubbly, a large cork really was installed to block the pipes for several years. Aurelio Torre, a 3L and concerned male member of the law school community, remembered his first thought upon seeing the giant cork in the men's room when he was a 1L, "it seemed weird." Todd Piro, also a 3L, exclaimed, "I could see this happening at a second-tier law school, like McGeorge, Loyola, or USC," but not at UCLAW. Clearly, something had to be done. And the brave men and women of UCLAW's administration and the UCLA plumbing services were the ones to do it.

The new urinal also marks a change in the brand that the UCLA plumbing services relies upon. When the previous urinals at the law school were installed, plumbing services used Standard brand urinals. Now plumbing services has switched to Eljer, with good results. Torre commented that the new urinal is "a beautiful thing. It's quite shiny, I like that." Though the specific model could not be confirmed by press time, it appears to be the premium quality Eljer Signature in classic white.

The new urinal is an understated addition to the facilities at UCLAW, but its importance should not be. Torre, whose sobriety during his interview was questionable, opined that "the new urinal is the best thing to happen to the law school in the past 50 years."

The addition of the urinal to the men's bathroom increases its capacity by 25 percent. Skeptics would note that the new urinal is the fifth of ten, and should only increase capacity by 11 percent. However, these skeptics forget a man's all-important need for space. Thus, only odd-numbered urinals are used except in emergencies, or during sporting events. "The last thing you want to feel is crowded when using the urinal," noted Torre. Some sociologists have opined that this factor may have contributed to the great frontier spirit of our land, as whole families went forth searching for a less crowded place to unburden themselves. UCLAW, as befitting one of the great law schools of the West, continued that tradition with this renovation project.

The resources expended on the new urinal may appear irrelevant for those who will not have a chance to use the urinal. Melissa Poole, a female 2L, summed up her gender's lack of enthusiasm for the renovation by pointing out "we don't use the urinal."

Others may be concerned with the gender equity implications of this capi-



UCLA's Newest Renovation Project

tal expenditure. However, those critics should note that while the men's bathroom does have a spiffy new urinal, it lacks many of the amenities of the women's restroom across from the Registrar's office. Various sources have confirmed that the women have both couches and seat covers in their restroom. Poole commented that she has "never seen anyone spend any length of time sitting on the couches," but that she is sure someone must use them. Torre summed up the feelings of many men when he observed, "a couch in the bathroom is the last place I would want to sit."

Ultimately, the addition of the urinal fills a gaping hole in the infrastructure at the law school. Piro, expressing the thoughts of many men in the UCLAW community, exclaimed, "I'm so excited I have to go to the bathroom."

Michael Lee
Columnist

"War is the continuation of politics by other means," said military philosopher Karl von Clausewitz. The most ready interpretation of his words, whether the listener is a student, a soldier, or a statesman, is that war is a perfectly legitimate tool of statecraft—in other words, as long as the ends are acceptable, the means used shouldn't be quibbled over. That interpretation is always wrong.

Professor Hans Rogger (recently deceased) of the UCLA History Department liked to introduce his course on War and Diplomacy in Europe by explaining what Clausewitz was really trying to say: that war must always have a clear political objective, and woe betide any nation that doesn't have a plan for what the peace should look like.

In short, any war that does not have its own end in sight is doomed to be destructive, self-perpetuating, and just plain messy. World War I, the widening of the Korean offensive, Vietnam – all brutal examples of what happens when nations start wars without knowing exactly why. Or, as Ghandi said, "if we insist on eye-for-an-eye all the time, we'll all be blind soon."

The Bush administration, far from denying this danger, seems to welcome it: "The war on terror might well go on forever," Vice President Cheney said, conveniently excusing the administration's lack of planning for the aftermath of its best-case scenario: that the U.S. deposes Saddam Hussein and dismantles Iraq's weapons of mass destruction.

The U.S.'s "war on terror" and the gaining momentum of Bush's initiative to declare war on Iraq has, since September 11th, influenced perspectives on everything from economic projections to popular movies. Six months ago, an editorial in the *Wall Street Journal* praised

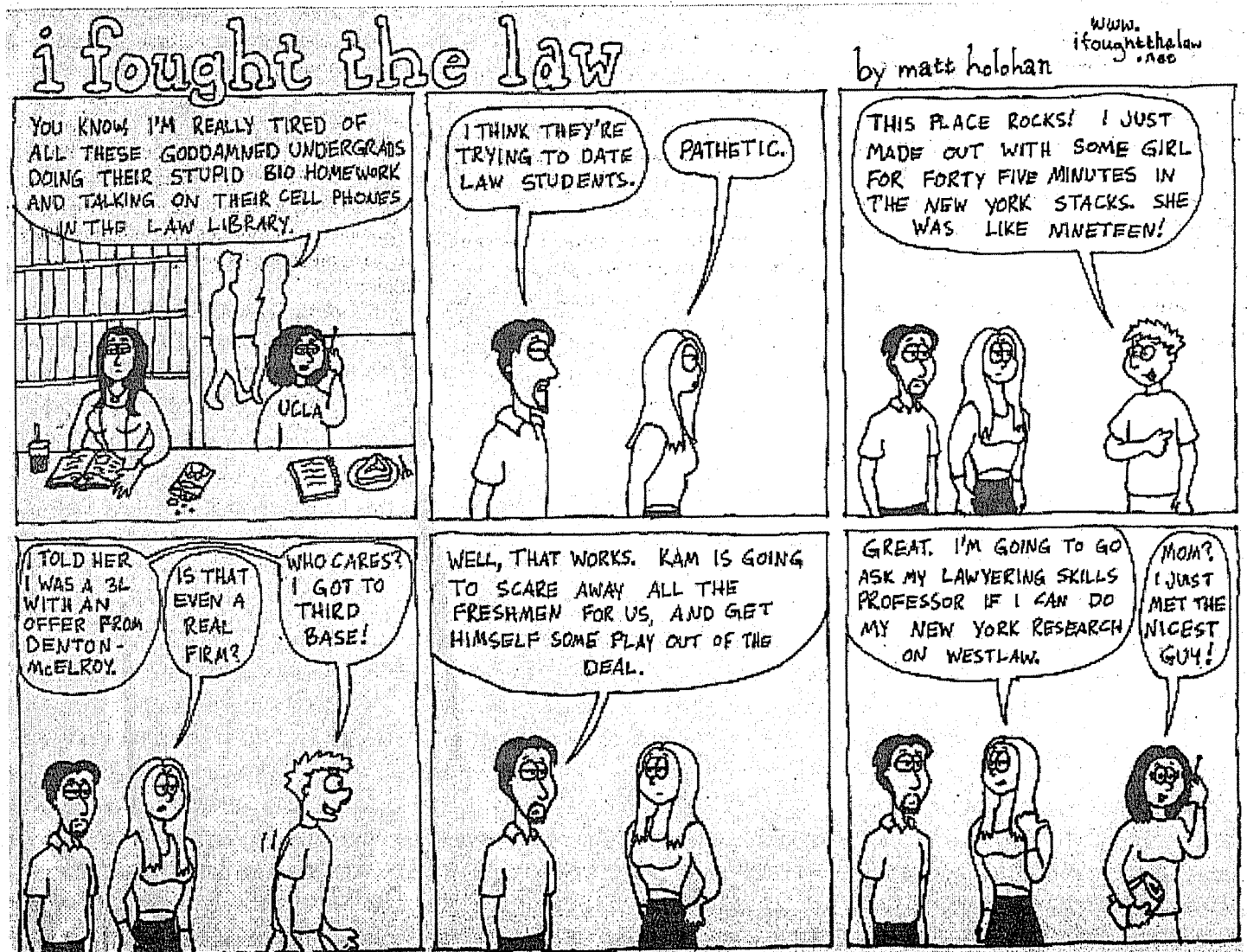
"Lord of the Rings" as a perfectly topical film, featuring as its villain an "absolute evil" and "consummate totalitarian" (earlier in the same article, the writer complained that Darth Vader was too wishy-washy). It went on to say that in these dark times, we should have movie villains to equal the real life ones, all the better to inspire us to greater acts of heroism.

Even UCLA School of Law is not insular enough to shield its inhabitants from the controversy, which gave rise to a faculty debate on October 7th, sponsored by the Journal of International Law and Foreign Affairs. Among the most moving speakers was Prof. Richard Abel who, as a member of the Vietnam generation, felt it was hard to exaggerate the number of possible consequences of war with Iraq.

At worst, he listed, the U.S. would achieve the total disintegration of the Iraqi state (which was, after all, cobbled together by the British in the first place), a re-ignition of the Iran-Iraq war, an increased Iranian hostility towards us and a hampering of the burgeoning democracy movement there, rekindled hostility toward America among Muslims worldwide and, inevitably, a widening of the Israeli-Palestinian conflict. The disintegration of the Iraqi state, he believes, will have the most catastrophic effect in the long run; "There's an infrastructure in Iraq that we'll be destroying," he said. "It's not like Afghanistan or the Balkans."

Nor would consequences be limited to the Middle East, according to Abel's grim recitation. We also risk torpedoing our own precarious economy and alienating our allies in the future, however compliant they may be at this moment. Against this he weighed the likelihood of America's success in achieving its goals. Our strongest current justification,

See DEBATE, page 15



Dear Cassandra

Dear Cassandra,

I don't have the greatest grades, but they aren't really horrible either. I have given a lot of time in volunteering and have some work experience. You would think I could get a job, but no dice through OCIP. I am really discouraged and feel totally rejected, and I don't think it has been really fair. Should I hope things are better in the spring or just start looking for another Public Interest or government job for this year?

Also, am I just a big schmo, or was I supposed to understand how Law School works? I just had no idea about all the machinations required to not just get out of law school, but to get a job. It seems that there were a bunch of strategic moves I was supposed to know about and make, hoops I should have jumped through, things I should have joined regardless of actual desire and interest. Was there some great survival book out there that I missed reading? It is too late for me, but maybe you can help some poor 1L who is clueless like me get on track in time to give them a chance.

Jobless and Clueless in LA

Dear Jobless,

All right, I feel like I'm talking you off the ledge of a tall building. Just breathe, calm down, and repeat after me: "I will get a job, I will not lose hope, I will not be deterred from the horror that was OCIP."

First, let's start with OCIP. You're right, it was discouraging and frustrating (just ask to 98% of the people who went to countless interviews and got nothing to show for it but an inferiority

complex). The key thing you should remember is that the rejections you got at OCIP weren't personal. It's not that you're not good enough or smart enough to get a job with the big firms - you're at UCLA, this proves that you work hard and you've got a good noggin on your shoulders. You have to look at the big picture: the economy sucks right now and the big firms that were interviewing at OCIP are also interviewing at the top Ten schools in the nation for a meager 5-6 summer associate positions. Does this make sense? Is this fair? Are they sadists? I digress. Bottom line: you shouldn't believe that you're somehow less worthy of the big firm jobs that were dangled in front of your nose during OCIP. You are good enough, you are smart enough, and gosh darn it, you will get a summer job!

Now, let's talk about your options at the moment. Government and public interest jobs are a great way to get a lot of experience, but from the tone of your letter, I get the sense that you consider a public interest or government job as "settling" for something. I don't have a lot of information from your letter, but I suggest that you evaluate what you want out of a summer job - great pay, experience, networking, and decent hours?

If you're interested in a firm job, you don't necessarily have to wait until Spring OCIP to start looking (although I think it's true that most small firms really start recruiting actively in the spring). Still, you should start researching firms

now. Look at the materials in OCS (that huge binder they gave you last year has a lot of helpful information), research on the Internet, ask your professors or lawyers in the community.

Once you find places where you might be interested in working, start sending cover letters out. You have to take an active approach to job searching - it's a hard and arduous process, but a necessary evil. If you get rejection letters from this approach, don't lose heart. This is the approach I took after I saw that I was getting nowhere with OCIP. I got tons of rejection letters (seriously, I could probably re-paper my entire apartment with them), but I also got an offer. Trust me, persistence pays off.

Lastly, I'd like to reassure sure that you didn't miss the boat on OCIP - there was no magic survival book that would have told you the secrets of easily landing a job. Don't torment yourself by wondering whether things might have been different if you had joined "X" Journal or done "Y" Clinic. There is no magic way to finding a job, nor is it an easy road. All I can do is assure you that you will find a job, you just need to roll up your sleeves and start working for it. Good luck.

** To all the 1-Ls, let this be a cautionary tale: don't pin all your hopes on OCIP. This should only be one avenue you take during your job search. You have to take the initiative when it comes to job searching, just ask any of your weary upperclassmen.

Externing: The E! True Hollywood Story

Stephanie Christensen
2L

So I'm sitting in the library last fall faithfully reading my contracts when I come across a case that makes me want to vomit, the infamous PG&E decision written by Justice Traynor. The case was so absolutely incomprehensible to me that I took personal offense, so you can imagine my delight when I read on a few pages to discover that another judge, although technically bound by the decision, had taken the time to write an entire opinion blasting the incompetency of the PG&E ruling. It was so beautiful it brought tears to my eyes. That's how I decided to go work for Judge Kozinski.

The normal process for landing an externship is to traipse over to OCS at the end of fall semester, meet with the extern/clerkship person, plow through the judicial biographies, get together a writing sample, resume, references and cover letter and blanket a variety of chambers. Since I only wanted to work for one judge I just spent some time trying to find out everything I could about him - schooling, prior jobs, memberships, shampoo brand, what time he leaves his house in the morning, the basic info needed by any good stalker. While I won't reveal my final tactics you do know that I got the job or else I wouldn't have the honor of writing this piece for *The Docket!*

All judicial chambers are different. The work will vary depending on whether you're in state, federal, trial, or appellate court, but obviously the most distinguishing factor is the judge. Mine was shall we say "unique." Therefore I will try and separate out the aspects of the job that are specific to working with Judge Kozinski from those that relate to all judicial externships.

The first thing you can count on when externing for a judge is that you won't get paid! Not one goddamn cent. No intra-chambers money, no PILF funding, no work study handout. And don't

try and go whining to Veronica either. It turns out that people have very little sympathy for a poor little future lawyer who will soon be making six figures and is spending the summer working for a famous judge - go figure. Aside from this sad fact, the outlook is good.

You will learn to actually do legal research. For me this started the first day when I was handed a case involving forum non conveniens. Several things happened at that moment. First, I assured the clerk that I understood this area of law perfectly. Second, I went to my Black's to find out what the hell forum non conveniens was. Third, I sent a scathing email to my civil procedure professor for cleverly deciding to cut out this section of the course. Fourth, I set to researching the topic by clicking "Live Help" on Westlaw and begging the researcher on the other side to find me everything on point. I love those guys!!! But by the end of the summer, due to sheer repetition, I was able to research with reasonable assurance that I was getting most of the available material.

At the appellate level, you can also count on watching a few oral arguments. In fact, this is one of the best parts of the gig. Nothing compares to watching your guy up on the bench doing his/her thing. You're part of a little club and you have the inside scoop on the whole line up of cases and you get to watch the lawyers sweat it out while you gossip with externs from other chambers. If you work for Judge K, you'll really see some sweat! It is so incredibly entertaining; I'd take him over TiVo. Sometimes I'd laugh so hard I'd have to leave the courtroom. The following are a couple of his classics from the summer. Addressed to the lawyers, "Look up there on that wall (indicating the side wall of the courtroom). That's the handwriting. I'm sure you can all see it. Now get out of my courtroom and go settle this case." Then there was the time he threatened a lawyer appearing pro se. This guy was a real prick. It went something like this

(lawyer has been rambling on for about two minutes spouting off absolute crap), "Look, I'm tired of hearing you talk. You can either pay the fine, or I'm going to write an opinion and I'm pretty sure you're not going to like what I have to say about you."

On that point, you are pretty much guaranteed to see some really good lawyering and some really bad lawyering. In everything from the briefs, to the motions, to the oral arguments you will see attorneys that make you want to go work for them (shout out to Quinn Emanuel!) and attorneys that will send you scampering to the state bar website to see if they really are lawyers. One guy actually stood up in the courtroom and said, "I've been practicing for 20 years so I pretty much know all of the cases." Not all the cases in this area of law, or all cases on point, he meant every goddamn case! I'll bet that comes in handy at cocktail parties.

The final thing you're universally likely to take away from an externing experience is improved legal writing. Now I'm sure you all love lawyering skills and value the time you spend writing your memos but lets face it, even the best of them barely pass the smell test. In chambers you will not only see massive amounts of briefs that will give you exposure to different styles and arguments, you will actually get to write a little of your own under the supervision of a neurotic clerk who is sure to make sure it is perfect before it gets anywhere near a judge. It's like having your own little helper monkey.

In the end you can't go wrong with externing. While you may not get to watch home videos of your judge on the Dating Game (yes judge K was on twice!!!), or bungee jumping off a tower yelling, "Fuckin' A this is awesome," or dressed as Mr. Spock and superimposed into a Star Trek episode (I swear I'm not lying), you will learn an incredible amount about lawyering and the law in a very short amount of time.

Where is Facebook?

Justin Radell
2L

Where are you Facebook?
Oh how I have longed for thee.
I wish I could play with you
Underneath the oak tree.

You are a nice Facebook.
Your cover is yellow like the sun.
If only you would come out of hiding
I know that we would have so much
fun.

Facebook! Facebook!
Where have you been?
I hope not in some dark alley
With a cough and a bottle of gin

But if you were Facebook
That would be okay.
I would not hold it against you
And when you arrived I would still
yell "Hooray!"

Maybe you are a witness
In a mafia trial,
Where you have to disappear
And not come by the law school for a
while.

Maybe you are lawyer
Working at O'Melveny.
If I were making that much cash
I would be busy working on my
progeny.

Maybe you are a Narc
Trying hard to stamp out high school
drugs.

Or maybe you are a crime scene
investigator
With a passion for bugs.

So if you are reading *The Docket*
Know that you are surely missed
And if you don't return soon
The law students will really get
pissed.

Yes Facebook
That was a threat
You heard me right and
I have no regrets.

Now stop being lazy and
Shunning the status quo
Just hop off the presses and
Into our boxes, ya know?

The will of the law student
community
Is too hard to combat.
We want you right now,
What do you say to that?

You have nothing to say because
There is no reason to be so late.
There are a bunch of angry law
students
Whose appetites you must satiate.

So hear me loud and clear Facebook
Because I will not repeat
That it is time for you to make an
appearance again
Or else you will feel the heat.

Editor's note:
O, Dear Facebook, here at last!
Why did you take so long?
Your absence from my heart and box
Was nothing less than wrong.

Erasing Race

APILSA, Admissions Committee

Watch out! The government is trying to erase your race! Recently qualified for the 2004 ballot, the Racial Privacy Initiative is a measure that, if passed, would prevent any state institution from collecting information on the race and ethnicity of Californians, even for critical purposes such as establishing effective education policies, combating barriers in employment, and safeguarding health care. RPI's principle proponent, UC Regent Ward Connerly, seeks to make California the first color-blind state in the nation. In published reports, Connerly has stated, "we will give our society a chance to move forward, beyond restrictive and arbitrary racial boxes." However, the RPI is seriously flawed in its approach to addressing the realities of America's racial inequities.

Regardless of whether you find Proposition 209 correct in its framing of "merit," or whether you find it to be inherently flawed and exclusionary, if you truly believe in a society, and legal system, that should include and represent folks from all different walks of life, you agree that racial diversity is an impor-

tant goal. Inherent with this goal is recognizing that we live in an imperfect society, where discrimination unquestionably exists, and empirical statistics often provide the backbone in combating it. For instance, the worst public schools in the state often lack textbooks, working bathrooms, and credentialed teachers, and these overcrowded, under-resourced schools are overwhelmingly comprised of students of color. Important data on enrollment drop-out and graduation rates help address inequalities that persist among different groups. No one would be able to monitor the racial background of students attending public schools or state colleges and universities. There would be no data available regarding their achievement or drop out rates. And, there would be no way of knowing to what degree taxpayer-funded schools would be serving students.

Here's another example. In New York City, for instance, the US Attorney's office and the State Attorney General's Office found evidence that the NYPD's Street Crime Unit (the unit that fired 41 shots at Amadou Diallo) engaged in a pattern and practice of racial profiling

against African Americans. This determination was based largely on statistical findings from forms known as "stop and frisk" reports, which, among other things, require officers to document the apparent race of the individual stopped and the reasons for stopping them. But, let's examine what the RPI actually says regarding racial profiling:

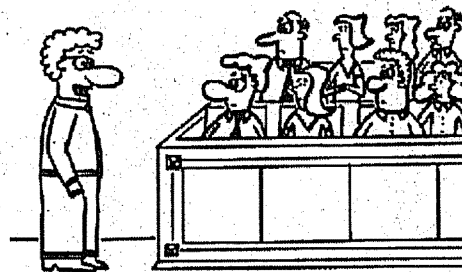
"Neither the governor, the legislature nor any statewide agency shall require law enforcement officers to maintain records that track individuals on the basis of said classifications, nor shall the governor, the legislature or any statewide agency withhold funding to law enforcement agencies on the basis of the failure to maintain such records."

The RPI would outlaw the collection of critical data, even though NY clearly is not alone in addressing issues of racial disparities: other cities such as Pittsburgh, Milwaukee, and Cincinnati have been forced into consent decrees by the Department of Justice because these departments engaged in racially discriminatory hiring and firing and through excessive use of force and racial profiling against the communities they are sworn to serve.

Stu's Views

© 2002 Stu. All Rights Reserved. www.stu.com

Discount Lawyer



"My client is totally innocent of a few of the charges."

Statistics based on race serve the legal system in identifying problems and potential remedies in addressing issues of race-based discrimination. The Racial Privacy Initiative is another divisive measure, like others we have seen many times in California in the past 10 years, which would prevent the needs of underserved communities from being addressed. The RPI is wrong, and a number of progressive and conservative groups have spoken out against this repressive measure. It must be stopped.

It's All Moot

Catherine OliverSmith
Managing Editor

First, you give them \$40 so they can buy you an \$8 lunch. You print off a gazillion cases to read when only about half are pertinent. You read and highlight them then completely forget about moot court until 3 days before your brief is due. At this time, you get together with your partner, even though you really actually never have to speak to them, which is very disconcerting because you think, "Hey, this is my partner, we're in this together", only to learn that you are really all on your own and no one is on your team. This is brought home for some people when the day the brief is due their partner tells them "I quit" because the brief didn't get done. This happens more than you would guess. In fact, I know one person who had two partners quit. One quit before the brief the other just before oral arguments. F.Y.I. - oral arguments really aren't so tough. If you did the reading and wrote your brief, you should be able to get through the oral round without too much prep and worry.

So, just before the brief is due you stay up all night for a few days in row. Every three minutes you ask your partner: "You're sure you don't care about making honors?" You skip classes or you continue to skip classes if you don't normally go anyway. You get behind on your reading, if you are actually doing it. You like this even less than Law Skills because you realize that you brought this down on yourself, that it is entirely voluntary torment.

At the last minute you print off the 70ish pages of your brief (damn those appendices) and spend another \$70.00 because you have to provide 12 copies. After you turn it in barely on time, you read through it quickly and find all the typos. You may, at this point, melt down and yell at your partner for muffing it, when they did a ton of the work while you slept. Well so what if it isn't entirely perfect. You could have spent the extra four hours formatting, if it meant that

much to you, you big jerk.

About 3 weeks later, you have two or three oral rounds which adds up to 30 or 45 minutes total oral argument time for you but you end up having to be at the law school all day and because your nerves are totally shot, you cannot use the time constructively, except perhaps to prepare for your next oral round because the whole idea that they will interrupt and ask questions so you don't have to know what you plan to argue is a load.

You pull out your black suit. You'll notice that it certainly looks like a funeral at the law school on this day. You stutter, turn red, lose your train of thought, and muff up completely by saying "you guys" to the judges instead of "your Honors".

At the lunch break you talk with other people about how they did and they tell you their arguments and you realize you really are a moron. You also find out that the judges have no idea what the case is about but are asking questions supplied them by the moot court executive board. Then, as you complain about your judge being poorly prepared and somewhat dull, you find out she is married to the guy from your 1L section sitting next to you and is a second year associate at a big firm you would kill to work for and that you have now completely f*cked up any chance of that. You also are suddenly eating all by yourself and people keep giving you dirty looks. So, for some of you, it's a normal day.

You have one judge tell you that you use too many short sentences in your brief and that you have too much organization, but the next one tells you your sentences are too long and you aren't organized enough. You get a brief back covered with sticky notes that are so completely illegible you don't know if they are telling you how great your argument is or if they are telling you that you have just misstated the law and would be sanctioned in the real world.

The other wonderful part of moot court is when you end up arguing against

people you know. Arguing against people you don't know isn't a big deal, but it sucks having friends read your brief and then having to argue opposite them. They learn what a truly abysmal writer you are and how your legal acumen is lacking important things, like an understanding of the law. Then, as luck would have it, you get to argue against the guy who won your Law Skills moot all by himself because he is just so kick ass good.

I have to admit, maybe I am being a touch melodramatic. You have to meet my mother, because it runs in the family, the melodrama I mean. So anyway, it was very useful to practice case analysis, writing a brief, and doing an oral argument or two in front of peers and law professionals. I would thank the executive board, but I really don't have their names here in front of me. I know Laura Hill did the food and some other stuff and Todd Piro did something, as did other 3Ls. I know they put a lot into making Moot Court go well and we all appreciate their hard work. Thanks, whoever you are.

40 people made moot court honors and are eligible to compete in the spring. Not making honors does not mean you cannot participate, it just means you aren't competing. Basically, I get to put I was a moot court participant on my resume (2 months too late because no-one is going to see it again, but that's really beside the point since I did it for the experience and not to pad my resume.)

A final point for all you 1Ls out there (and others who want to observe or help out) if you are a time-keeper you may actually end up getting a date, as happened with someone I know. How this person managed it, I don't know, but in the course of a little over an hour during which time you would think the judges would be busy paying attention to the arguments, this student managed to get to know a judge well enough to get asked out, and went.

Docket Stripper Contest Winners

Oh, sorry, we mean Docket OCIP Contest Winners. Our mistake.

Most OCIP Rejection Letters

Our winner of most rejection letters from first interviews during OCIP 2002 is Daisy Duck*.

Daisy received a un-damn-believable 33 rejections (and still no job!).

It's a down economy, you're still a great person, your mother loves you. Plus you get a dozen donuts. See there are upsides to being "a loser."

Lowest GPA with OCIP Offer

Congrats to 2L Mickey Mouse* for the lowest G.P.A. to get a job offer out of OCIP.

The winning number for OCIP 2002 is: 2.1. This totally blows away our former record of a 2.8, held by Willow Mc Jilton, Editor-in-Chief of *The Docket*.

We at *The Docket*, who are still unemployed, have no further excuses and so bow down before this year's interviewing god. Your prize, should you accept it, is dinner with *The Docket*.

* Names withheld to protect the guilty, the innocent, whoever the fuck you are.

Surfin' the Web, Dude

Catherine OliverSmith
Managing Editor

First off you want to go to www.antivirus.com and get rid of the Klez virus. Then you need to stop downloading MP3s because that's where you keep getting infected. I know, I know, you love your MP3s but you might have to buy some music. Then, because you love and worship Snuffleupagus, you should visit www.geocities.com/dockaterule/snuffy/snuffy.html to see the Cult of Snuffleupagus.

For those who cannot spell, and yet managed to get a decent grade on your Law Skills graded paper, try www.websters.com. It will at least make your thank you letters less painful for the long-suffering new associate to read. What do you mean you didn't bother to write thank you notes? Where were you born, a barn? To get free downloads of fixes, programs, games, graphics and other such stuff, check out www.shareware.com.

If you are like me and you occasionally need some uplifting words by which to live, then search for quotes. One site is www.thequotationspage.com. I don't say it is the best, but you can start here. Or buy Bartlett's Famous Quotations Book at www.bn.com.

Have you ever spilled something on a new shirt and freaked or gotten ballpoint ink on your silk and linen skirt and not known what to do? Check out the online Hints from Heloise. I now know that hairspray will lift ballpoint ink. Visit her at www.heloise.com.

I realize this may be a little late for you 1Ls out there taking torts, but if you have really enjoyed the class and love thinking of all the really horrible accidents waiting for you at the start of each day, save www.worstcasescenarios.com to your favorites list. You can learn how to escape from a rampaging alligator (maybe not a big deal here, but there was one wandering around downtown in Savannah, Georgia this summer). But don't teach your evil roommate how to kick in a door in case you eventually have to change the locks and evict him or her.

Have you seen the www.amihotornot.com site yet? I heard about this one on Kevin and Bean (KROQ morning show) over a year ago. It is a place where you get to grade real people

on a scale as to whether they are hotties or noddies.

If you want to send out a cute little friendly card to someone to say you love them, then go ahead and visit www.bluemountain.com, if this sounds way too dull and sunset and puppies to you, then you have to check out www.talkintoons.com. They even have a parental advisory section. The protection is great, you have to click a button claiming to be over 16. That certainly will discourage children.

What is a Yankee? It's like a quickie, but a guy can do it alone.

That was to see if you are paying any attention. To read more jokes like this, check out www.twistedhumor.com. They also have audio and flash files to view. But it is nice to also have the possibility of soundless humor that can be enjoyed during class.

Many people have recommended The Onion, especially for those of you who enjoy *The Docket*. As you are reading this, I am assuming you like *The Docket*, so you are likely the kind of person for whom The Onion will be a good link. Check it out at www.theonion.com. You can get it in paper form. As it is really good bathroom reading, you may want to splurge.

As you prepare to buy your books next semester, assuming you don't drop out of law school to pursue something that really makes you happy, you may want to consider some cheaper alternatives to the gauging prices they charge here - I saved over \$150.00 by getting my books from www.half.com. I could have saved even more had I realized that as a 2L you really, really, no longer have to do your reading. Had I known that, I would have spent the money on something more useful, like leg waxing. Another decent book site is www.bigwords.com, but I think you have to have the ISBN and lots of other details to get anywhere on this site.

Well good luck with your exams and papers and such. You may want to hold onto this list for next semester since you need to actually buckle down now and get started on your outline, that's assuming you didn't get the log-in and password for Jolt's list of outlines and saved them as your own to use like almost everyone else.

F.Y.I.

Hemorrhoids, no matter how purple and painful, are not a disability. Being fired for doing a "shitty" job because your ass hurts does not invoke ADA protection. Even if the nasty little butt beans are inside and outside. Even if they are so bad you have to undergo not one but three surgeries to alleviate the problem:

"To characterize such a common malady as hemorrhoids, even severe hemorrhoids, as a disability would thwart the purpose of the ADA," Judge William Acker Jr. of the U.S. District Court for the Northern District of Alabama wrote, in granting the employer's motion for summary judgment."

You can get short-term disability payments for missing work for the surgery and recovery though. You can also get your doctor to write a note telling your employers that you should have some extra "me" time in the bathroom. Even so, having to go home to get clean panties when you mess your drawers can be too disruptive to your work and not evidence a "substantial" limitation to a life function. (*Davis v. BellSouth Mobility LLC*, N.D. Ala., No. CV-01-AR-0986-S, 11/1/02).

BOOK

From page 1

eral knowledge, quick looks at the Rutter Guide, and a few moments of discussion to proofread and sign the document, or, for judges, to decide to grant or deny the motion.

However, the drafting by Downers coupled with the seemingly limited oversight by Uppers does allow a little wiggle room for Downers to manipulate the outcome of decisions or briefs. In most cases, the experience of Uppers is such that they will catch a Downer who travels too far off the path. Uppers do not need to know a case citation to know well-trodden law. Moreover, the Downer who reaches too far runs the risk of misstating black letter law, jeopardizing job or reputation. It is unlikely that Downers would have the chutzpah to knowingly misstate the law in order to fulfill personal, political or moral objectives. Ultimately, any supposed manipulation by Downers is therefore limited to those cases that are truly arguable.

Assume that a Downer is about to graduate law school, or is one to two years past the bar. She must research the cases, get to know the law, and then make a decision. Her position must be defensible. If she's a clerk, she must make a decision that the judge will feel comfortable signing. If she's an associate, she must be careful that the partner arguing the case in court, and responsible for her reviews, will not be embarrassed by a judge throwing out the motion, or that her drafting will not generate a mocking points and authorities filed by the opposition. This limits most far-off recommendations to unimportant cases, and encourages a certain self-imposed conservatism, at least relative to the Upper's usual leanings. At the same time, this exercise has sharpened the Downer's research skills, forced decision-making, and caused the acolyte to reach beyond the basic law.

At the same time, this lack of true oversight is indeed frightening. Without revealing confidential information (more on that soon), I have experienced moments of trepidation as a law clerk, summer associate, and as a judicial extern. "Is that it?" I sometimes mumble half to myself, "You trust my case summaries?" Other times I have wondered whether I got the law right, or if the case that I was going to get back to later - but didn't - actually changes everything I thought was law. In the end, though, I doubt that I could ever really pull a fast one on my judge or the supervising partner, although I personally have never tried.

In sum, if we beginners are to practice law, we need the freedom to practice, and the guidance to do it right. The system offers us these parameters, both working for judges and in private practice. Although the accounts in *Closed Chambers* of clerk manipulation are overstated, imagine how well Lazarus' Supreme Court clerking contemporaries knew those controversial laws reached during their year at the Court. By briefing the cases for their respective judges, they needed to apply their considerable intellect to understand the law and develop the theoretical underpinnings required for Supreme Court decisions. Presumably, they discussed and argued the cases with each other in formulating their opinions and recommendations to the individual judges. I am sure that in many chambers, the discussions took place in an informal setting together with the judge. From a developmental perspec-

tive, clerking enables the most elite law students to engage their intellect ever further.

Now to address the fallout issue: Did Lazarus breach his duty of confidentiality? The law is frequently exciting, or better said, intellectually stimulating. Such thoughts are difficult to keep within. Human beings need to share their ideas. Notice autobiographies, talk radio, and this essay. The need to share is perhaps the biggest challenge in law as it relates to lawyers' interpersonal relationships and job satisfaction. It plays on vanity, ego, and most everything else Benjamin Franklin was worried about. Is a lawyer disadvantaged from getting new clients if he isn't allowed to brag about his successes beyond the public record? Can an associate interview for a better position at another firm if she cannot share something that is more personal than a public record? Do transactional people who work on 'secret contracts' really never tell?

People enjoy bragging to their friends about how they figured out a new idea. When law students or lawyers get together, they frequently share interesting and novel approaches. In fact, law would stagnate if people did not divulge 'minor' confidences.

Lazarus intended his book to be about the power of law clerks. Ultimately, this human desire to share his excitement and observations of the Court led to a separate and far more controversial discussion about the standard of secrecy required of law clerks, and in my opinion, indirectly, attorneys. Of course, the contents of the book contain the first issue, while it is the fallout that commands the second.

It is this standard of secrecy that haunts Lazarus to this day. I emailed Lazarus the following questions: (1) Where would you draw the line between permissive exposure and breach of confidence? (2) What would you have done differently in writing and publishing the book, if anything at all? (3) Have you seen or heard of any changes in clerkships or the judiciary that you as author would attribute to your book.

I purposely asked three entirely different questions playing on different themes. Question #1 was a pointed question asking Lazarus to identify his 'line in the sand' of confidentiality. Question #2 was a throw away job, an easy question that would have allowed Lazarus to write about any topic. Question #3 focused on what I and many commentators on the book thought was Lazarus' purpose in writing *Closed Chambers* - to promote some type of reform in the judiciary.

Lazarus responded by email: "Can't give you a comprehensive reply now, but suffice it to say that I agree some level of confidentiality is appropriate. For that reason, my book does not contain any substantive conversations between me and any of the Justices. And indeed contains no confidential material that I knew about when clerking except material that became publicly available through the Marshall papers. The folks who've criticized me either don't know what's in the public record, don't pay attention to what is actually revealed in my book, or mischaracterize my methods. One point of legitimate disagreement: Is communication among clerks in which they express their political and

See **BOOK**, page 14

VEGAN

From page 2

1 large red onion
1 clove garlic
1/4 (approx) soy butter or margarine
1/8 (approx) soy milk (plain)
Fresh ground white pepper
Pinch of salt
Olive oil

Potatoes: Wash the potatoes well. I use a small sturdy nail brush to scrub the skins, but if you enjoy eating dirt you can skip this step. Cut the potatoes into 4 to 6 pieces (depending on the size of the potato — you want the pieces to be about the size of a golf ball) and leave the skins on! Boil the potatoes until they're tender (30-40 minutes, but it varies). [I can make this dish in about 15 minutes if I cook the potatoes in a pressure cooker and find the garlic flavor is infused with the potato this way.] Remove the outer dry skin from 1 clove of garlic and split it down the middle. If you like a heavy flavor of garlic, use 2 or 3 cloves. I think it's important to kiss the cook after a good meal, and 1 clove of garlic still leaves room for this possibility. Place the garlic clove in the bottom of the pressure cooker (on the cooking tray, not in the water). Fill the rest of the pot with the cut up potatoes and cook on a high heat. The potatoes should be done in about 7 to 8 minutes at high pressure - then turn off the heat and let the pressure reduce until you can safely open the lid.

Red Onion: Slice the onion into long 1/4 inch wide pieces. While you're waiting for the potatoes, sauté the onions until translucent. I use a tiny bit of olive oil to do this, but you can use any oil you prefer.

Mash: Drain off the onions and put them in the bottom of a large mixing bowl. Place the 1/4 cup of soy butter on top of the onions, then pile the drained potatoes on top of that. I do not include the garlic clove in the mash, but if you really REALLY like garlic, you can add the clove(s) of garlic too. Just be aware, that someone's going to bite into half of a clove and may not like the experience. This is where I bless Thomas Edison and whomever invented the electric hand mixer. Attach the blades to the hand mixer and, without turning on the power, mash the potatoes with the blades until most of the big pieces are reduced to smaller bits (you just have to do this, to avoid splattering cooked potato all over the kitchen). NOW! Turn the mixer on low at first, and mix the butter, onions and potato for about 30 to 45 seconds — then rev it up to the highest setting and whip those potatoes for about a minute or two. Don't whip them for too long, because you want to keep the potatoes as hot as possible. Stop the mixer, make a little hole in the pile-o-potato and add the soy milk (about 1/8 to 1/4 Cup — depending on how dry you like your mashed potatoes) and the white pepper. Then whip the potatoes for about another minute and voila!

The ratatouille over the mashed potatoes is heavenly and filling — and no animal fat! If you make a big enough vat of ratatouille, you can freeze most of it and have a cheap meal for the whole winter.

KICK

From page 3

tures were held in huge oval conference rooms with translator's booths lining the walls and headphones and microphone at every seat. Very formal.

Then we went to Luxembourg and visited the European Court of Justice. We were briefed by a Referendaire (basically a clerk) to Judge David Edwards about a case that we were able to attend. The trial was before a panel of five judges in red robes, and it was mostly in German, so headsets were a must. Then two Referendaires and Judge Edwards, of the ECJ, spoke to us about the work and organization of the ECJ.

Our next city was Strasbourg, France, where we stayed for two weeks. Our classes were at the European Court of Human Rights, across the street from the Commission of the EU. Distinguished lecturers from the ECHR talked with us about the functions of the court, human rights issues, and the law. Also in Strasbourg, Chief Justice Rehnquist taught a seminar on the history of the Supreme Court (basically a very contextualized Con Law class.) We had him for two weeks and he remembered every single student's name after hearing it only once. He was more aged and a bit less intimidating than I expected. We had a big dinner with him one night, and when the restaurant got hot and smoke filled I went outside for fresh air. There was the Chief Justice just standing on the patio. He and I stood there and chatted for about 15 minutes — about France, where I should go in Paris that weekend, what he was going to do for the weekend, etc. It was casual, not at all like he was the head of one of the three branches of our government — a job that only 16 people have had in the history of our country. The next morning (the 4th of July!) he signed my book (we read two of his books for the class), and he remembered me from the night before and talked to me like we were old friends. Didn't expect that when I signed up for law school!

Then we went to Vienna, Austria where we had too many amazing lecturers to list here. Many of the lecturers represented different EU organizations, like the United Nations Commission on International Trade Law (UNCITRAL). Our classes were at the Juridicum, Vienna's law school, where we were joined by some Austrian law students. (Vienna is awesome and Austrians really like to party!)

Then, we flew into London and spent the rest of the program in Oxford. I don't even know where to start with that, except to say it was way cooler than I had ever expected, and a really beautiful city. There are 36 colleges that make up Oxford University, and one of them is called Oxford College, but it's actually less prestigious than

some of the others. Every college is within walking distance of the others and each has its own pub, and the college we stayed in, St. Edmunds, was the only one with its own cemetery. Richard J. Goldstone, our last lecturer, was one of the smartest, most amazing speakers I've ever seen. He is a Justice of the Constitutional Court of South Africa, the former Chief Prosecutor of the United Nations International Criminal Tribunals for the Former Yugoslavia and Rwanda, and recipient of the International Human Rights Award of the American Bar Association (1994). He lectured about law, culture, international politics, and the United States' relationship to other countries. I'm not doing him justice here, but trust me — I was mesmerized.

Notice so far that I've written mostly about the school program. Though we did have classes in every city, no one spent a whole night in the hotel reading, and we all managed to pass the classes. I'll just say that one of the greatest things about a traveling program is that I got to spend my afternoons and nights in different cities, and weekends in different countries. I spent weekends in Amsterdam, Luxembourg, Paris, Salzburg, Vienna, Prague, miscellaneous German towns, etc. I saw the windmills of Holland, ate real Belgian waffles, met a New Zealander who made Luxembourg one of my favorite cities in Europe, went to Hitler's Eagle's nest in Salzburg, drove a new Porsche 911 turbo through the Bavarian Alps (love those German guys!), saw Cirque De Soleil in Vienna, and saw a play of A Midsummer Night's Dream at an outdoor theatre in Oxford. And that's not *even* the half of it. My point is that there is one thing I know for certain: I'll never, ever wish I had spent my summer in LA, worn a suit, and commuted downtown to an office.

I spent the last three weeks of summer traveling around Europe: Ireland, Germany, Austria... If you've done the math through my story you'll notice we've covered 13 1/2 weeks. Just before I left for Europe I also moved, and then subleased while I was gone. Jet-lagged, with everything I owned in a box, and just a few days to go buy my books, I looked toward second year. Then, the morning after I returned home to LA, my best friend died. That's the only thing that made me wish I had scheduled in a break. But no one saw that coming. Some things we can't plan for, and that's why we should make every day count. Make your 14 weeks count. Go do the things you really want to so that you can find out what you actually want to end up doing. Last summer I got a real sense for non-profit work, I was able to actually observe international law, and now I know that I need to spend at least a few weeks next summer... in New Zealand.

JJ

From page 3

generally) are the primary wage-earner for a family with children. Fewer than 5 percent are the sole wage earner for a family. The argument that minimum wages should be determined by what is enough money to lift a family out of poverty is, therefore, logically a non-starter. Overall, Prop JJ was so poorly targeted that 65 percent of the benefits went to households with incomes in the top half of the Los Angeles income distribution, and only 7 percent went to households that were poor or near-poor (that is, within 50 percent of the federal poverty line).

One might think that even really bad targeting of benefits is okay if the costs simply come out of capitalist pockets. But there are two other problems. First, imposing higher costs in a small area causes some businesses to shut down or move. My colleagues and I estimated that Prop JJ would eliminate about 1,100 jobs in Santa Monica (about one job for every four to six workers affected). Even a much smaller loss would be hard to justify. Second, imposing a high minimum wage gives employers compelling incentives to hire staff with higher skills (and higher earning potential), thus displacing the very type of worker JJ purported to help. When one adds it all up, the poor come out as the prospective victims, not the beneficiaries, of JJ.

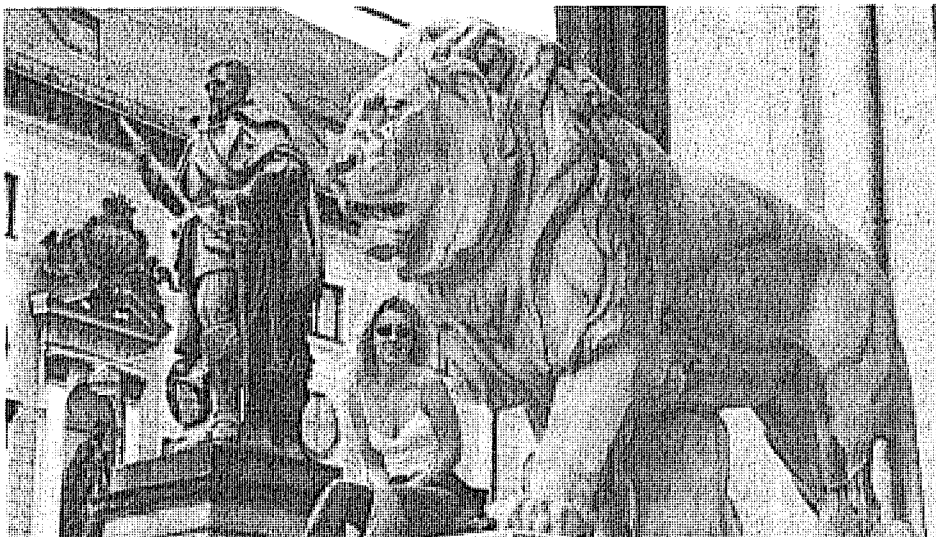
But this isn't the worst of it. Many of JJ's original backers knew perfectly well that, as a redistributive measure, JJ was a fraud. Its primary purpose was never to help the poor, but to force the luxury hotels in Santa Monica to unionize (unionized firms could get an exemption from the law). That's why most of the money spent on JJ's behalf came from unions, and why a leading "community activist" in Santa Monica favoring JJ turned out to be a highly-paid union lobbyist. Supporters persuaded a majority of the City Council to hire a highly partisan advocate of living wage laws to do an "economic analysis" of JJ (the resulting study was clear only in its enthusiastic support of the idea) and consistently avoided, throughout the JJ campaign, substantive debates on the merits. In the process, hundreds of idealistic volunteers signed on for what they thought was a campaign to help the poor.

The moral of this sad episode is that helping the poor is always hard. Since low-income people are generally powerless, it is always wise to look at the fine print in any well-organized effort that proclaims itself as protectors for the poor, whether it be unions supporting minimum wages, developers supporting housing subsidies, or agribusinesses supporting farm price supports. It's worth the effort, though, because it's hard to think of anything more important than providing meaningful help to the poor. The Earned Income Tax Credit (EITC) is one federal program that has proven its ability to lift millions of families out of poverty with very few unintended side effects. I am working with a small group in Santa Monica that hopes that, out of the ashes of JJ, we can fashion the first city-based EITC in California. We've studied it carefully, and think it can really work. If you'd like to be involved, please get in touch.

*Richard Sander recently completed, with Joe Doherty and Doug Williams, The Economic and Distributional Consequences of the Santa Monica Minimum Wage Ordinance. He can be reached at sander@law.ucla.edu.

Q: What do lawyers use for birth control?

A: Their personalities



AWT

From page 4

sonally, I enjoyed my co-clerk Andrea's occasional bouts of projectile vomiting (she was in her first trimester). What!? Projectile vomiting is comedy! And do you know how rare it is?

Of course, this is government work, so you will not be paid enough to live on, and there are no lunches or fancy dinners or mountain-climbing events. But we each had our own office, with our own computer and phone line with voice mail, and we got to watch arguments in front of the California Supreme Court without having to take public transportation (the courtroom is in the building, unlike Elvis). There is some money available for people who work for the government, either through the work-study program, or through the Drown Foundation. Make sure you get the necessary information from the Financial Aid Office and PILF Office before you decide to take such a position. Only \$4,000 is available to you for the whole summer, for 400 hours of work (at, you guessed it, \$10 an hour). The government feels it necessary to withdraw taxes from this amount, and in addition you are apparently supposed to be able to save about \$2,000 of this money. The result is that the total amount of financial aid available to you the following year is about \$2,000 less. Don't take my word for it, get the information.

This semester I am externing for a district court judge. All I can say is, thank goodness I worked at the AWT this summer, my life would be so much harder if I hadn't. Working for a judge involves research and writing like you wouldn't believe. But that's a topic for a whole 'nother article...

If you want to ask me any questions about the AWT (or about the U.S. Attorney's Office, Criminal Division, where I worked my 1L summer), please email me at gerli@2003.law.ucla.edu.

¹ Explanation courtesy of Andrea Collier, 3L.

ACLU

From page 4

to have health insurance at the same time—at least for a few months. And I didn't hate working at a firm. At all. As much as I have enjoyed lecturing on the evils of earning money over the past few years, I didn't mind cashing the checks as much as all the people who had the privilege of listening to my lectures might have thought.

Plus, the work *was* interesting. I surprised myself by genuinely enjoying it. It didn't hurt that the people were cool, the lunches were free, and the firm had an in-house bar (they take their commitment to fostering the alcoholic attorney culture seriously!). And while I have a public forum, let me give a shout-out to the executives at Enron and the accountants at Arthur Anderson, whose antics have provided lots of legal questions for me and many a summer associate to research, and some of us were able to spread the research on one question out to six of the nine weeks.

All in all, I genuinely enjoyed my experience working at both places. The attorneys and staff at both places were generally fantastic and I learned a lot about myself and what kind of work I do and don't want to do in the future. Plus, I got a free ACLU T-shirt to wear when I visit Bountiful.

**Cut Out This Ad —
Save \$2**

Wilton Place

**Friday, December 6
10 pm
Mainstage**

Coconut Teaser

**8117 Sunset Blvd
Corner of Crescent Heights and Sunset
Park in the lot or across the street at Virgin Megastore**

"Spectacular — the must see band of the year" — *Spun*

"Stylish harmonies and a lot of eye candy." — *Gathering Moss*

"The show is such a gas!" — *Gastroenterologist Weekly*

BAR REVIEW

From page 4

smile and grabs my arm as I go by. I'm feeling pretty good, (booze finally kicking in) and I'm digging the flirting, but she has got to be smashed because usually she treats me like shit.

For some reason most of my ex-lady friends seem to regard me with an inordinate amount of disdain. Perhaps this is due to my "break-up" policy, which is very simple and works extremely effectively but has a tendency to infuriate others. My policy is elementary: if you don't like someone you're dating just STOP CALLING THEM. After a few days and a few (sometimes a lot more than a few) messages, they usually get the picture. (The messages usually start concerned, i.e. "Hey haven't heard from you in a while hope everything is OK," and get progressively less concerned and more antagonistic as in, "Hey Asshole who the fuck do you think you are, Go to Hell!!!") But either way they eventually do get the picture.) The rationale for this strategy is 1) I hate telling women that I don't dig them (and the crying really bothers me), 2) I hate women telling me that they don't dig me (and the crying really bothers them), and 3) In reality it's not like anyone is going to be honest with you about why they don't like you and even if they were you probably don't want to hear that crap anyway.

I must say this strategy hasn't always worked out for the best, but it's led to some really great stories. For example: The last date I went on was really bad. The chick I was out with, Rochelle, was horrible. She complained constantly and hit me with this whole diatribe about how there are so few "real men" out there and went on and on about how she wants to be with a dude that will treat her really good and how she didn't want to work and believed that a man should take care of her financially. Well anyone who knows me knows that I ain't down with none of that gentlemanly nonsense (any woman of mine had better earn her keep if she knows what's good for her). The dude she is looking for is the complete opposite of me.

First off I am a big slacker type kat in constant search of a "free ride." In fact, the only two things that me and this chick had in common was that we both liked booze and we were both gold diggers. (She was hot though and I was still hoping that despite our differences a screw would not be out of the question). For most of the date I'm just being my semi-obnoxious self and

it's clear that she and I are not hitting it off, and she gets monster pissed at me when I tell her my "stop calling" theory. She calls me a coward and says that I should have the guts to be honest with a woman if I don't want to see her again. I completely disagree, but I don't like being called a pussy so when she drops me off at the end of our date I turn to her and say, "Rochelle this is going to be our last date. I find you to be a shallow, whiney gold-digger. However you are pretty hot, so would you like to come inside for a shag?" For some reason she didn't appreciate my honesty and told me to get the fuck out of her car. (I've got a few more stories from the "just stop calling theory" but they'll have to wait for another article).

A little while later I find myself yapping with fellow law school kats, J.P. and Ryan. We had a great drunken conversation about what is the best way to explain to a fellow law student whom you do not know that you would like to sleep with them. Not date them, not hang out with them, just fuck them, preferably at your personal convenience. We came to basically two alternatives. Either 1) just hook-up with them when you spot them boozin' at a law-school event (bar review/courtyard social) and attempt to parlay that hook-up into a booty call. So long as you only hook-up with said person while boozing you can always play it off as drunken revelry if they try and get all girlfriendly/boyfriendly on you. Or 2) just be straight up honest and say hey, you're cute as hell, but I don't want to date you, just fuck you, what do you say?" In the end we could really only agree on one thing and that was, booty calls are great until one of the callers starts getting all "attached" and that sucks.

It's after 12:30 and I'm hammered, so hammered that I decided to tell my friend Amy that it was me who puked all over her front yard the night of her party. (In reality it was her fault for having all that food at the party, oh yeah and you could tell that I had a lot of guacamole.) She's a cool chick and doesn't seem to mind, or maybe she doesn't seem to mind because she's just as toasted as me. A little while later I'm yapping with my friend Danielle, she (and a few other law school chicks) are eagerly awaiting the arrival of a bunch of business school dudes they had met early that day. When those business school dudes arrive some of the law school dudes seem a little put off that "our chicks" are spending so much time with

them. (I don't think it was the time spent that bothered them, more the tongues-out panting of the law school chicks lustily awaiting the arrival of some "new smart datable non-lawschool" dudes.)

Me, I ain't no playa-hata, and the biz school kats seemed cool and I spent my time attempting to even the odds by hitting on any business school chicks at the place. Unfortunately as I learned quickly the business school is like 90 percent guys (talk about a sausage party), thus for the nine biz school guys at bar review there was only one chick. She was wearing the ugliest shirt I've ever seen, but I needed to represent for the L-school and thus took the bullet and yapped with her for a while (not surprisingly none of the business school dudes seemed to mind.)

It was getting pretty late and I was pretty hammered, not to mention horny, so I figured I'd try to work some of my charming playa-magic and see if I could get me a friend to share a bed for the evening. Now I'm wasted, and on the hunt. Like any good hunter looking not for a good meal, but merely for an easy kill, I aim my sights not on a robust healthy target, but on the weak and sick (less attractive) of the herd. I start yapping with two of the "uggers" that my brother was talking to earlier. I'm not sure if it was the booze (I was pretty wrecked) or my utter lack of game that night but these ladies were not feeling my love at all. Usually I'm a sweet-talking smooth operator with all kinds of game but with these chicks the conversation was really difficult. One girl was just tough to talk to and the other one never shut up. Anyway, while I'm rapping with these chicks, I see Lana across the bar and instead of giving me the sexy smile she gave me before, I get the usual dirty look and shaking of the head. Perhaps she was pissed because I was rapping to some other chicks, I mean we had just broken up (Like nineFUCKINGMONTHSAGO!). Now some of you are probably wondering, "why not just hook up with Lana?" My response to that? HELL NO! First, Lana is a psycho and second, I may have been desperate, but I'll never be that desperate. So after striking out with the homely chicks I find R-M and my bro who are both ready to bail, we head out the door, another bar review done and gone. Until next time. And remember, if you can't find me, just wait and you can catch this kat kicking game and boozin' heavily every Thursday night at bar review.

POINT

From page 6

members France and China.

The reason that this is a useless exercise is that it fails to realize that all the inspections in the world will not solve the problem and delay only aggravates the eventual consequences of going to war. The inspections, in order to be successful, require full cooperation from the host government. Does anyone really trust Saddam to provide this? If I were the weapons inspector, I'd start my inspections in elementary schools and hospitals. These are just a fraction of his potential hiding places. Ultimately, it is all just a senseless cat and mouse game providing Saddam with more time and opportunity to continue his treachery and ultimately threaten the world.

Besides, this whole game misses the point. The problem isn't just the weapons that Saddam no doubt has or is in the process of developing, but the problem is Saddam himself. He was willing to starve his own people to keep the inspectors out. He is determined to arm himself and he has the full resources of his country at his disposal not to mention mercenary countries like France and Russia providing technological support. He dreams of global power. Combine these factors with his unbridled intense hatred of America and that is why regime change is the policy of the government.

Giving Saddam more time to bait and switch his weapons and develop new ones certainly cannot serve the purposes of our national security. The idea that war should always be a last resort even when it is inevitable is foolish. All it does is increase casualties and the level of danger when you finally decide to embrace maturity and take action. It emboldens your enemies. Take a look at World War Two as a reference.

That is why I say lets take action now. As to the danger of alienating our allies, we have learned from the past that coalitions, when they are ends in themselves, lead to terrible judgment calls. Such was the case when Bush Sr. mistakenly called off the Gulf War effectively giving victory to Saddam in order to appease our allies like Syria and Saudi Arabia. That decision was a result of a profound misunderstanding of the Middle East that subsists to this day. We, and other western nations, viewed it as a 100 hour war where our forces destroyed the Iraqis in every battle. This is a rational understanding. Do not project rational understandings into the Middle East. As far as Iraq and the other hostile nations view it, Saddam won that war. After all, who is still in power now George Bush Sr. or Saddam? Power is their most important variable. The normative message of that failure is that the U.S. is too soft to finish the job. It is a message that still resonates with the terrorists who struck us so brazenly on 9/11.

Moreover, the U.N.'s fun and games diplomacy has already been completely discredited. North Korea promised Jimmy Carter, who recently won the Nobel Peace Prize, which is the highest honor a terrorist or terrorist enabler can get, that they would not develop nuclear weapons. How did that promise go? Well, to make his peace prize all the more laughable, less than a week after Carter won the prize, North Korea admitted that they were developing nuclear weapons. The Europeans pointed to the peace prize as a protest against Bush's policies. Ironically, it symbolizes the complete failure of the diplomacy of the 90's, to which the Europeans and liberals have inextricably wedded themselves, to achieve anything remotely substantive. Just look at the list of the peace prize winners in the last decade. It should make you shudder.

The fact that some people would describe a pre-emptive war without U.N. approval as "unilateralist" is not surprising. It is no wonder that these people are not able to recognize leadership. After the poll-watching "decision making" of the 90's, any principled policy that does not change at the whim of the populace or the beck and call of other governments may seem "unseemly" to them. However, one look at the mid-term elections will tell you that the American people respond favorably to principled leadership that, while concerned about the feelings of other countries, is not subject to the feelings of other countries. This is especially true when the security of the U.S. is at stake.

The normative impact of a successful war against Iraq will have a significant deterrent effect and keep other hostile nations like Iran and Syria from developing their own weapons of mass destruction. In addition, maybe it will erode some of the confidence the terrorists have gained since we allowed our embassies in Tehran to be overrun and our diplomats held hostage; since we retreated from Lebanon after a bombing killed hundreds of marines; and since two embassies were blown up in Africa with some empty gestures in return on our part.

Some people believe that a pre-emptive war will spur hostile countries to frantically attempt to acquire WMD's in order to shield them from a war with the U.S. This betrays a further misunderstanding of the realities of the Middle East because, once again, it fails to recognize the most important variable: power. These crooked regimes want to keep it at all costs. They will respond to a show of force like the "Muslim street" we have heard so much about. They will retreat and disappear. However, give them an inch and you better be prepared to live at their mercy.

COUNTER

From page 6

establishing and articulating a desired political end, and a plan for the political consolidation of our military success. We must not take the first step until we have thought our strategy through to the last step, until we understand all the risks and rewards. This has not been done.

The first Gulf War convinced many Americans that war is cheap and easy. It isn't. If Saddam and his cronies hold out in the cities we will face urban combat, which is much more dangerous both to our military and to noncombatant civilians caught in the middle. It will not be a cheap victory. There is also the expectation that Saddam, backed into a corner and with nothing to lose, will lash out with the chemical weapons he already has. He has already threatened to strike Israel, and Israel has already promised to respond, throwing the entire region into even more disarray, with unforeseen consequences. General Clark warned that attacking Iraq could divert military resources and political commitment to the global effort against Al Qaeda and possibly "supercharge" recruiting for the terrorist network. Does this sound like a safer world then we have now?

This war would also cost a lot more than the first Gulf War. Democrats on the House Budget Committee issued a report putting the likely price tag for this war at \$30 billion to \$60 billion. The Persian Gulf War in 1991 cost about \$60 billion, but our allies picked up four-fifths of the costs. By going it alone this time the President has ensured that our nation will pay all of the costs of war, both in blood and treasure. The Democrat estimates do not include the costs of a possible long-term peacekeeping mission, or of providing aid. No doubt those costs would be enormous. Would an invasion of Iraq be in our long-term best interests, making the world safer? In short, we don't know. Rushing to war without properly considering the risks and rewards is a recipe for disaster, not success.

(4) The use of arms must not produce evils and disorders graver than the evil to be eliminated. If Iraq is close to possession of nuclear weapons, then an invasion of Iraq would be the lesser evil. As discussed above, the President refused to present evidence of this. Any use of arms would be more evil than a non-existent danger. However, I am also concerned about the President's partisan use of the threat of war. In January, Republican strategist Karl Rove suggested that war created a political advantage for the Republican Party. Before the election, Mr. Bush questioned the patriotism of senators who raised valid questions about his handling of the Iraqi threat. In June, a misplaced diskette containing one of Rove's private PowerPoint

presentations included advice to candidates to "focus on the war" in their fall campaigns. In the recent election, Republicans in Georgia ran ads showing the twin towers falling and stating that Senator Max Cleland, who voted against giving Mr. Bush unchecked war powers, did not have the "courage to lead." Cleland is a combat veteran who lost both legs and an arm fighting in Vietnam. His opponent, who never served in the military, won, as did the Republican Party generally. These "wag the dog" tactics threaten the long-term survival of our democracy.

Mr. Bush, a National Guard veteran who courageously defended Texas from the Viet Cong one weekend a month while Cleland fought in Vietnam, has falsely tried to link Iraq to 9/11, has refused to provide evidence of an imminent threat, and has dissipated the worldwide sympathy and support the U.S. enjoyed after 9/11 by not building a coalition with our allies. He then wrapped himself in the flag when questioned and used the threat of war to his political advantage. Patriotism is the last refuge of a scoundrel.

It is ok to question authority - our founding fathers taught us this when they created our republic. I therefore question Mr. Bush's understanding of our revolution and our Constitution. If war in Iraq is the right thing for us to do, then our President should provide evidence to the American people. He has refused to do this, citing "national security." Until he does so (if he can), a war in Iraq is unjustified. If a "wag the dog" strategy is allowed to succeed, it will weaken our system of government, which is a greater threat to our national security than any possible threat from Iraq. We are not an imperialist nation. We must not become one. War without justification, without allies, for partisan political gain, leads our democracy down the path to destruction.

One last note: as citizens of a republic we are all responsible for the actions of our military, whether we wear a uniform or not. When America wages war, it is never the generals who decide to do so, but the politicians whom we elect. Blame the politicians who start the war, not the soldiers who fight it and pay the price.

2L J.D. Henderson is a Distinguished Military Graduate of Clemson University. Henderson enlisted in the Army infantry as a private, then climbed the ranks to become a corporal, sergeant, staff sergeant, lieutenant and captain. He is married to the former Svetlana Fortner and has the world's cutest baby, Jacob. When not writing for *The Docket*, he spends his time shampooing and brushing his gorgeous hair.

Dear Docket,

I am writing to complain about your editing of my le@tters. Editing should be done in a way that doesn't take things out of context or make the writer look foolish. This is important for 3 reasons: Number 2two: The arguments the writer makes are lost if you. Finally, and perhaps most importantly, Number three:

Sincerely,
C. Ranky
5th Year Law Student

Finals Wisdom:

Knowing is half the battle...
getting someone else's outline is
the other half.

BUSINESS MANAGER Wanted, Needed, Desired!

Single, Editor-in-Chief seeks stable, motivated, money hungry, smooth talking, business manager to show her the money! If you think you have what it takes (and like free food and spending cash) contact, Willow "Cha- Cha" Mc Jilton at docket@orgs.law.ucla.edu. Bring it on.

P.S. If you are a 1L, first semester is OVER, it's time to get involved, make a difference, be all you can be, and all that shit.

The Docket is an equal opportunity employer: we abuse everyone.

BOOK

From page 10

legal agenda's a court secret. I don't think so; others may disagree."

Interestingly, the response really only addresses Question #1, with Lazarus perhaps admitting by default that his book did not accomplish what he thought it would when he set out to write it. Reform is a dead issue, according to Lazarus. Let's instead argue about what each one of us can divulge.

For contrast, I decided to write to UCLA's very own Eugene Volokh, the antonym of Eddie Lazarus. While Lazarus seems to be the uber liberal, Volokh is a gun-toting conservative. Most importantly, Volokh clerked for Justice O'Connor, whom Lazarus indicated in his book left most of her legal drafting to her clerks. Volokh also clerked for Alex Kozinski on the 9th circuit, who wrote a vitriolic condemnation of Closed Chambers titled *Conduct Unbecoming*, 108 Yale L.J. 835 (1999). (I must also disclose that I am currently working as Volokh's research assistant.)

Again, I asked three questions, but all three a bit more challenging than my questions to Lazarus. The questions to Volokh were: (1) What do you consider to be a breach of confidence by a law clerk/former law clerk? (2) Lazarus was critical of Justice O'Connor's hands-off method for allowing her clerks to draft opinions. (I know, this might be a breach of confidence, but tell me what you can), (3) Kozinski was particularly vocal in the immediate aftermath of the book being published. Are there any insights you can share regarding this.

Unfortunately, my questions were a little too pointed, as I got very little information in return. Volokh responded by email: "By all means please feel free to ask such questions, but I'm afraid I can't answer these particular ones. As to #1, the question is very general, and would

require an article to answer. As to #2, I really shouldn't talk about it. As to #3, I think that Kozinski was generally quite right in his criticisms; check out, if you haven't already, Kozinski's book review in the Yale LJ — it really is devastating."

However, Volokh's true feelings are imbedded within his answer to Question #2, "I really shouldn't talk about it." Here, years after leaving O'Connor's chamber, and within the safe confines of UCLA Law and professorial tenure, Volokh refused to even hint at how O'Connor manages her clerks, or even in general how he himself spent a year in the most important court in the country. This is especially intriguing knowing Professor Volokh's outspokenness on other issues.

More telling from Volokh's words, "I really shouldn't talk about it," is what he doesn't say. He does not say "I don't want to talk about it," so we can infer he does. And I'm sure it would be interesting. I would also bet that there is something that he said at some time to some person where he made the decision that "No, this is okay for me to tell."

Ultimately, this last thought is the challenge Lazarus raises with his book by focusing on the gray area of clerk manipulation. Compare this to the gray area of confidentiality and disclosure. Where will each one of us draw the line at divulging those confidences we gain as externs, law clerks and attorneys? Open and obvious breaches of confidence will be few and far between. Those are clearly prohibited by the Model Rule 1.6, the State Bar, and are frequently prosecuted. At the other end are the 'little secrets' we share with our spouse or trusted friend. The gray in-between questions are where each of us will do battle. Will we side more closely with Eugene or with Eddie?

CHEER

From page 5

mom and dad come from families of eight and ten children respectively, and pretty much all of their brothers and sisters had two to six children, who, in true Midwest fashion, are now married, most with young kids of their own. If you do the math on this one, you will not only see how the boyfriend question multiplies exponentially, but also how I seem like a weirdo being the only twenty-something in the room who can carry on a normal conversation without screaming "MOMMY SAID NO!" at some point or punctuating every comment with a languid wave of my left hand (I swear, my extended family has the frickin' cubic zirconia market cornered).

I guess since 'all the kids are doing it,' it is a perfectly natural question for my family to ask me. Maybe I shouldn't make such a big deal out of it. But — implicit in their question, as the years press on, is their belief that "this cow could be barren." I come from a farming people: being a barren cow is not a good thing. I can just picture my family thinking about taking me to market and cutting their losses while they can. Even if they don't think I am fundamentally flawed now, in their minds, time is of the essence; I'm not exactly a spring chicken in Dubuque, IA! They'll graduate a whole new high school class in another six months, not to mention the spring cosmetology licensing! Now, they're figuring that being in such a hurry, they won't get me the top quality breed, but any breed is better than nothing.

I've thought about the consequences of answering that question, "yes, I do have a boyfriend." Getting grilled about my love life is even worse than merely trying to duck the usual baby vomit and cheek pinches. No way am I subjecting myself to a barrage of questions about what my boyfriend is like 'in the sack.' So I decided this year when they ask me the dreaded question, I will have a little fun with it. Shit, I only see Cousin Sissy once a year anyway, it might as well be memorable for the both of us!

If you find yourself in a similar situation, when you get asked for the billionth time, "So why don't you have a boyfriend?" give 'em a: "I haven't really needed one. You know, since the operation." (throw in a crotch adjustment here), "Don't you know that I live in LA? I am so over monogamy," "Dating is the fucking pits when you have standards," "Gary Condit won't return my phone calls," "Didn't I tell you? I am asexual. I am fattening up for the division as we speak," "I find a six pack of beer and SportsCenter just as satisfying with a lot less interruptions," "I'm working on it, but I plan to realize my true reproductive potential by next April, with or without a man," "Six more months until Joe Bob gets out of prison; after that, I know our love will be rekindled. Until then, I have been warned that his ass belongs to C-Bass" And finally, "Because I'm a bitch. Obviously it didn't do anything to hurt your ability to form a lifelong relationship, but it's fucking killing me."

PUBLIC SERVICE ANNOUNCEMENT

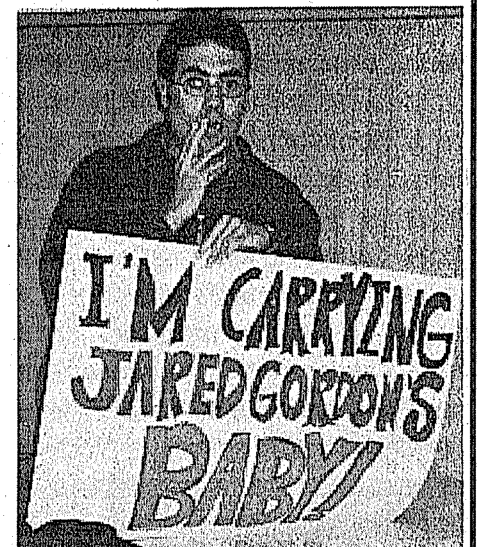
The Shapiro Courtyard is a non-smoking area.

Please refrain from lighting up in the courtyard.

PILF Trivia Challenge Answers

Answers

1. Spongebob Squarepants
2. (a) fear of open spaces/crowded places/leaving a safe place, (b) fear of spiders, (c) fear of the number 13, (d) fear of heights, and (d) fear of germs.
3. Turin, Italy
4. A Minotaur
5. 1903
6. Shinto
7. John Calhoun
8. Alexander Calder



Jared Gordon's Response to Aurelio Torre's Pregnancy Claims:

"After Dean Varat brought to my attention the claims of one Mr. Torre at the PILF Trivia Challenge, I expressed my surprise at Mr. Torre's claims. To the best of my knowledge, Aurelio is male, lacks a uterus, and has not participated in any medical experiments at the UCLA Medical School that would enable him to bear children. However, Aurelio is a fan of Arnold Schwarzenegger, and it is impossible to clearly rule out any 'Twins' style male pregnancy.

I also decline all offers of marriage based on my performance in the PILF Trivia Challenge, as I feel that accepting any of those worthy proposals would cheapen the great tradition of the PILF Trivia Challenge."

DEBATE

From page 7

Abel said, is Saddam Hussein's possession of weapons of mass destruction, and his demonstrated willingness to use them, on his foreign and domestic enemies alike. But the administration, Abel said, has not pulled back from its willingness to use such weapons on Saddam, so all we will achieve in the long run is to bring WMD's (weapons of mass destruction) more into the mainstream. As for the U.S.'s stated goal to replace Iraq's dictatorship with democracy, "We take out the bad guys, put in the good guys, and walk away. That's just naïve beyond belief."

Probably the most controversial speaker was Prof. Jonathan Zasloff, the "designated fire-breather," as he described his assigned role in the debate. Zasloff offered a coldly cynical, *real politik* view of history and international affairs: the naked use of force to further one's own interests is standard practice among all nations, it has always been so and always will be. Despite the attempts to create a body of consensus after both World Wars, he said, the ruling principle of world politics is anarchy; the relevance of international law in a nation's policy debates has always been close to nonexistent, and no one denies it. For example, he said, few nations condemned France's recent unilateral action in the Cote D'Ivoire—just the most recent example that "everybody does it."

If one accepts this purely self-interested view, Zasloff said, then Iraq should be seen as a serious threat. To begin with, Iraq is an enormous destabilizing influence in the Middle East. "Saddam's brain is wired differently, he doesn't understand the concept of deterrence."

Zasloff asserted that we have good collateral proof, not just the government's word, that Iraq is developing atomic weapons. He also questioned the policy of waiting until a belligerent country actually becomes a nuclear power and an imminent threat before we try to confront it. This is not an unfair question, as the pre-emptive strike is a time-honored measure in military strategy, and there are even opinions, albeit minority ones, to allow such a measure as part of a self-defense claim in criminal homicides. But Zasloff's most optimistic view was that the U.S. should actually be encouraged by the prospect of a long and continuous involvement in Middle Eastern affairs—that a conflict with Iraq actually carries enormous opportunities.

Though he concedes it would be very difficult, he identifies the U.S. as one of the few nations with the resources to undertake "a substantial remaking of the Arab and Muslim world." After all, he said, it is a region made up of cultures that respect power, with factions in all the nations that would welcome our aid in modernizing and pacifying the region. Such a remaking would not be unprecedented, he said, citing the U.S.'s substantial role in the reconstruction of post-war Europe and Japan. The trick, Zasloff said, was that in those nations the U.S. "had no exit strategy—instead, we were in [there] for the long haul."

He conceded that he does not agree with all the actions of the Bush government—most notably the separation of military planning and political goals, the

same kind that so worried Clausewitz. But, he concluded, we must also weigh the risks of not acting at all. After all, he said, "the world does not remain in stasis."

It was interesting, since the speakers' topics were not carefully laid out ahead of time, that Prof. Fran Olson spoke right after Zasloff, and provided a perfect counterpoint to his arguments. Olson breathed her own fire, providing a detailed history of the U.S.'s past involvement in Middle Eastern affairs, and showed just how far Zasloff's policies of expediency and self-interest had gotten us in the past.

1953: the U.S. deposes Mossadegh, the democratic leader of Iran, in favor of the monarchial (but pro-U.S.) Shah, who so fails to endear himself to his people that by 1979 the country is delivered into the hands of the revolution, and thus to the rabidly anti-U.S. Shi'ite fundamentalists. 1980-88: the U.S. recognizes Saddam Hussein's Iraq as its natural ally against Iran; and gives it money, weapons, military advisers, and full diplomatic recognition; during the Iran-Iraq war, Saddam Hussein drops shells filled with cyanide gas on the Iranians, the Iraqi Kurds, and his own people, raising few eyebrows in the U.S.

These are the fruits of our Middle East policy for the last 40 years, Olson said, going on to describe the Gulf War as "one big weapons clinic" that followed the U.S.'s belated realization that Iraq had stopped wagging its tail a long time ago.

"It is not in our interests to invade or to bomb Iraq," Olson said, "and it's hard to see that it's even in Bush's interests." Innocents were killed on Sept. 11th, she said, and the U.S. will kill innocents if we go to war. "This will come back to haunt us as little as two years down the road."

Above all, Olson encouraged students not to repeat the mistake of the Vietnam generation. "It wasn't until the draft and the death toll coming home began to affect us," she said, "before we learned what [the war] was really about—don't wait."

The topic of impending war also came up in a quite different context at UCLA, at an October lecture by Dr. Ronald White, author of "Lincoln's Greatest Speech: the Second Inaugural"—a document that George W. Bush could learn a great deal from (apart from the value of possessing literacy skills higher than those of a knuckle-dragging baboon.) The host of the lecture noted that Bush, like Lincoln in 1865, should place himself in the position of a president who's about to see a war end, not start, and decide exactly what he wants the world to look like after the smoke clears. The best words to describe this world—and to end this article—are Lincoln's own: "With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations."

Stu's Views

© 2002 Stu. All Rights Reserved www.stus.com



Something Wicked This Way Comes

(More shit for you to worry about to finalize your transformation into a bona fide lawyer in the great state of California)

California Bar Examination

Made up of the General Bar Examination and the Attorneys' Examination. The General Bar Examination has three parts: six essay questions, the Multistate Bar Examination (MBE), and two performance tests (PT's). These tests are all taken together and California won't accept MBE scores from other states.

You get three hours to answer each set of three essay questions on days one and three of the exam (these are morning session tests).

Each PT is also three hours and you take them during the afternoon sessions on days one and three.

The MBE is administered on day two. You must get a 145 on the MBE or you will not PASS—regardless of how well you do on the other portions.

Registration dates are not yet posted for the July exam. Keep an eye out.

Moral Character Application

The Committee of Bar Examiners conducts an inquiry into your background. This process generally takes four to six months to complete. If you are a 3L, you're late. Bar examiners say you should start on this by the beginning of your 3rd year or you may delay admittance to the bar.

They want your fingerprints to see if you have a criminal record. They also frown on drug and alcohol abuse and other naughty habits you may have picked up along the way.

The fees for your moral character application are hefty at \$349. Then again they want you to fill out a full 24 pages including references, addresses, employment, etc. The kind of information you do not have in front of you and will take you HOURS. Records does not provide you with this application. Go to www.calbar.ca.gov to get it and the instructions and all sorts of other information.

Multistate Professional Responsibility Examination (MPRE)

To practice law in California you must take and pass the Multistate Professional Responsibility Examination (MPRE). Hence the PR requirement. You can pass the exam without the class but you cannot graduate (unless you decide to write a long paper about some professional responsibility issue).

The test can be taken anytime after you start law school and registering with the Committee of Bar Examiners, which you likely did your first year (green envelope sound familiar, anyone?).

The required minimum score on the Multistate Professional Responsibility Examination in California is an unrounded, scaled score of 79.00.

Records Office does not carry this separate application, which can be found and handled online. This test costs you \$50. Visit www.ncbex.org for more information.

Your next date for this exam is March 8—sign up by January 28th, otherwise the next date isn't until August 8, sign up by July 1st.

"I may disagree with what you say, but I will defend to the death your right to say it."

Voltaire

Presenting music reviews of sigur ros,
david gray, tori amos, and jon brion

By KENNY ROOST
ENTERTAINMENT EDITOR

Entertainment kicks into high gear come finals – a malicious coincidence, but *The Docket* seeks to spare your frivolous exploratory hours by isolating the must-experience cool from the forgettable bouillabaisse of entertainment drool. So, attacking the genres of entertainment:

One Liners: fast jokes are invaluable in any scenario. If no one laughs, at least you didn't waste anyone's time hitting the punch-line via a meandering build-up. Example: what's brown and sticky? A: a stick. Ha ha ha. Some will chuckle – some may've heard it or simply think it's silly. Irrelevant, because this only took a moment of your time. A good follow-up: what's brown and sounds like a bell? A: (say this like a church-bell) dunnng...

Movies: flicks cost circa seven bucks even with a student discount, and they take hours. You'd best like what you see. Jaunting quickly through this, 8 Mile is a PBS after school rap special's take on Rocky. That's no recommendation, but only a small warning. The latest Harry Potter kept sweet-talking me into slumber despite all efforts to the contrary. While the first one was lackluster yet magical, this one lost the magic. Avoid.

And onto the reviews – it's really all I'm qualified to do.



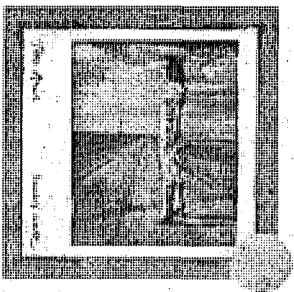
Sigur Ros
Untitled
50/100

Along with David Gray, Sigur Ros was one of the lone groups to release an album scoring at least 90 during my tenure as entertainment dictator. Now both release extremely disappointing follow-ups. Sigur Ros is an extremely cool Icelandic group in league with Radiohead, only far more ambient. Think scrawny male singing falsetto while bowing his guitar to intense drums, calm bass and serene keyboards. The only problem with this latest release is that only three of its eight tracks are particularly good, while the rest are stagnant droops. And of the three, they're good in an excessively mellow way. Which is to say, this album needs more ass to be kicked.



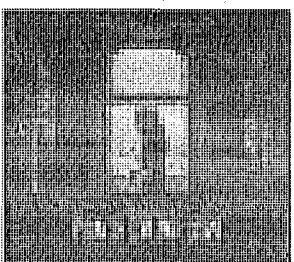
David Gray
A New Day at Midnight
16/100

Whereas Gray's last album was filled with catchy tunes, his latest is filled with droopy ones, if you get my meaning. The contrast of acoustic instruments with trashy electronic color loses its charm on *New Day* – blame overproduction and bad taste. However you hear it, this is a thorough snoozer. Z's away...



Tori Amos
Scarlet's Walk
81/100

With waxing years and waning creativity, even goddesses lose grace. At least Tori's fall is gradual. One could even argue there hasn't been a decline. To *Venus and Back* was planned as a live release; *Strange Little Girls* was, after all, just a cover album. So *Scarlet's Walk* is Tori's first bona fide album since *Choirgirl Hotel*, a damn celestial work. But *Scarlet's Walk* has only flashes of heaven and continues down the path of shoddiness, continuing Tori's fall. Instead of the confrontational rawness of piano and voice comprising the sonic foundation, Tori continues her integration of soft keyboards, bass, and other adult contemporary sounds. *Scarlet's Walk* is Shania Twain doing a cover of a Tori album. That said, this is a good album filled with eighteen tracks: one third filler, one third good, one third quite good, and no thirds inspiringly intense. But you should still be a fan, as Tori live is always inspiringly intense. Despite finals, all the beautiful people of Los Angeles (such as me and Abby McClelland) will attend Tori's local shows. So you should come too; every Angelino seeks to mingle with the beautiful, whether you recognize or repress this.



Jon Brion
Punch Drunk Love
Soundtrack
75/100

Local hero Jon Brion is the wacky music genius who you never had as a roommate in college. He's fun, creative, a spectacular producer (Aimee Mann and Fiona Apple will vouch for this), and provides quirky scores for P.T. Anderson movies. The *Punch-Drunk Love* score compliments its movie in wonderful ways, integrating inadvertent film noises with the music to weave a transcendent rag of excellence. The bizarre noises and themes that enhance and complement the movie don't stand alone too well, however. The listen is amusing, but you miss the whole point. So I recommend just catching the cool flick, although Brion did throw in an original tune with his own vocals, which is a plus. His music, be it for the movies or pop scene, is uniformly wacky, rhythmic, and good.