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THE DOCKET

UCLA SCHOOL OF LAW

Volume 45, Number 5

THE DOCKET

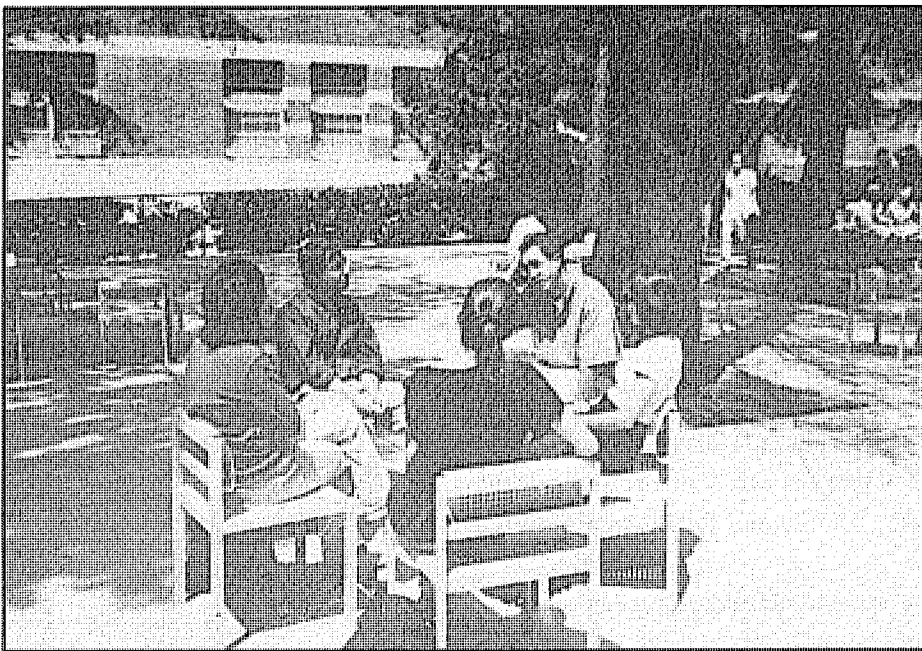
MAY 1997

POLL FINDS UCLAW STUDENTS LEFT OF CENTER

Poll finds that 50% of students oppose the death penalty

By **David Simonton**
Editor-in-Chief

Although academics often herald law schools as havens for free and open debate, many students often find politics an uncomfortable area of discussion — both inside and outside of the classroom. In part, the roots of this aversion to political discourse might lie in our legal training, which prizes the ability to impartially argue both sides of any issue. For others, politicized debate simply may seem inappropriate in an environment that encourages us to question preconceived notions of right and wrong. Still others, however, may shy away from expressing their political views for fear



Students talk politics in the Courtyard.

of being summarily "labeled" as adherents to one ideology or another.

But whatever its origin, the trepidation with which many students and faculty members approach politics

means that any conclusory statements as to what "the student body" or "the faculty" believes are inherently suspect. In an attempt to reach a more nuanced understanding of the politi-

cal climate at UCLAW, *The Docket* recently sent out a political survey to 50 students selected at random. The results of the poll, along with a summary of the polling methodology, are reprinted in graphical form on pages 6 and 11. *The Docket* also attempted to distribute an identical poll to the members of the UCLAW faculty. However, due to the poor response rate, *The Docket* was forced to use data from the voter rolls of the County of Los Angeles as a surrogate measure of the faculty's political views.

While some of the poll results revealed a robust diversity in political attitudes, others revealed a greater degree of ideological homogeneity than many may have suspected. For the student body, an overwhelming majority (68%) reported that they most strongly

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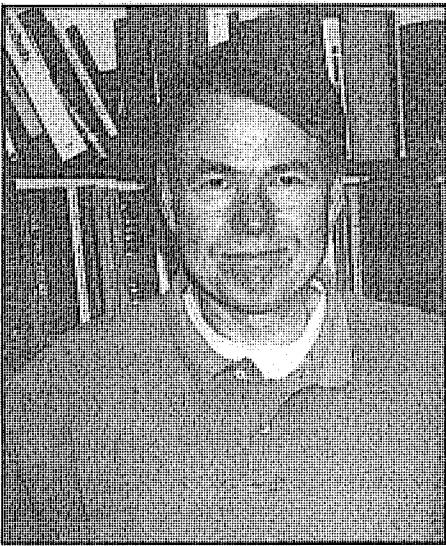
Professor Grady Named Dean at George Mason

By **Josh Meyer**
2L

UCLAW lost one of the nation's foremost law and economics scholars last month when Professor Mark F. Grady accepted the position of Dean of George Mason University's School of Law. Professor Grady, who received both his B.A. and J.D. from UCLA, has been on the UCLAW faculty for five years. He currently teaches Torts, Antitrust and Intellectual Property.

"I have always felt a great debt to UCLA," said Grady. "I think I got much more than I paid in. Although I will miss my colleagues and students, I will always carry UCLA with me in my heart and mind."

Grady's impressive academic credentials made him a natural fit for George Mason, which enjoys a nationwide reputation in field of the law and economics. While a student at UCLAW, Grady studied under the guidance of Harold Demsetz, a giant in the then-nascent law and econom-



Prof. Mark F. Grady

ics movement. "At UCLA, I learned law and economics from the best teachers in the country," remembers Grady. "I received exactly the education that I needed to do the work I wanted to do." Part of that work experience included a stay at the Federal Trade Commission, where he served as director of the policy planning office.

It has been in academic circles,

however, that Professor Grady has made his biggest impact on the world of law and economics. According to UCLAW Professor Grant Nelson, Grady is a "national scholar" in the field, a description borne out by his litany of academic credentials. In addition to being a founding member of the American Law and Economics Association's Board of Trustees, Grady has held a law and economics fellowship at the University of Chicago and was a John M. Olin Visiting Professor of Law and Economics at Duke University.

Professor Grady is equally as well-respected by his students, many of whom expressed sincere disappointment when told of his decision to leave UCLAW. "Of all the classes I've taken at UCLA, my first-year Torts class with Professor Grady remains my favorite," said David Simonton, 2L. "He always

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Black Letter

Supreme Court Declines to Terminate First Amendment Rights of Protesters

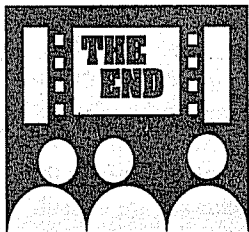
By **Mark Lamb**
News Editor

Few issues provoke more heated discussion than abortion; thus, it is hardly surprising that the confrontations between women seeking abortions and those committed to dissuading them often reach a flashpoint outside abortion clinics. These clashes were the impetus for a new expansion of the First Amendment in a Supreme Court decision handed down in February.

The tone of the abortion debate has paradoxically become more extreme as the fundamental question of the legality of abortion appears to have been settled as a matter of constitutional law. Although defenders of abortion-on-demand use 24-hour waiting peri-

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WHAT'S INSIDE



Billy's World
Billy loves da movies!!!

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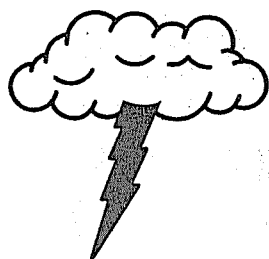
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The dogs fight
it out at the
Pound

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News Flash



SCAPILSA Conference Explores Asian American Legal

By Belle Hsu

3L

On Saturday, April 5, 1997, the Southern California Asian Pacific American Law Students Association (SCAPILSA) sponsored a conference at UCLAW entitled, "Asian Americans & the Law in the 21st Century." The member schools of SCAPILSA include UCLA, Pepperdine, Loyola, and Whittier. Edward Lew (2L) of UCLAW and William Wu of Pepperdine Law opened the conference with an overview of the new challenges and opportunities available to Asian Americans in the legal profession. Subsequently, Dean Susan Prager introduced the keynote speaker, California Supreme Court Justice Ming W. Chin. Justice Chin was a decorated United States Army Captain in Vietnam, a deputy district attorney in Alameda County, the head of a civil litigation law firm's trial department, and a judge for the California Superior Court and Court of Appeals.

The panels included "Asian Americans in Politics," "Legal Challenges to International Business in the Pacific Rim," "Hate Crimes: Violence Against the Asian American community," and "Balancing Family and Relationships with a Successful Legal Career."

Some of the highlights of Justice Chin's speech focused on race issues, specifically whether race relations have improved since the not-too distant days when Asian Americans could not marry those of Mongolian descent, Japanese Americans could not fish in certain waters, Chinese Americans could not testify against Caucasians in court, and San Francisco's laundry ordinance mandated that people could not conduct laundry in wooden buildings, mainly owned by Chinese Americans.

Today, many Asian Americans have been recognized for their valuable contributions, including Chancellor Chang-Lin Tien of U.C. Berkeley, Governor Gary Locke of Washington, and Dr. David Ho, *Time* magazine's 1997 Man of the Year. However, Justice Chin — who served on the 1991 Advisory Committee of Racial and Ethnic Bias in the Courts — emphasized that we still need to improve race relations within the legal system. For example, in California, there are relatively few minority judges. While Caucasians make up only 57% of the state population, 84% of judges are Caucasian. The story is the same when it comes to practicing lawyers; 95% of attorneys in the state Attorney General's Office are Caucasians, and only 2.8% of law firm partners across the country are minorities.

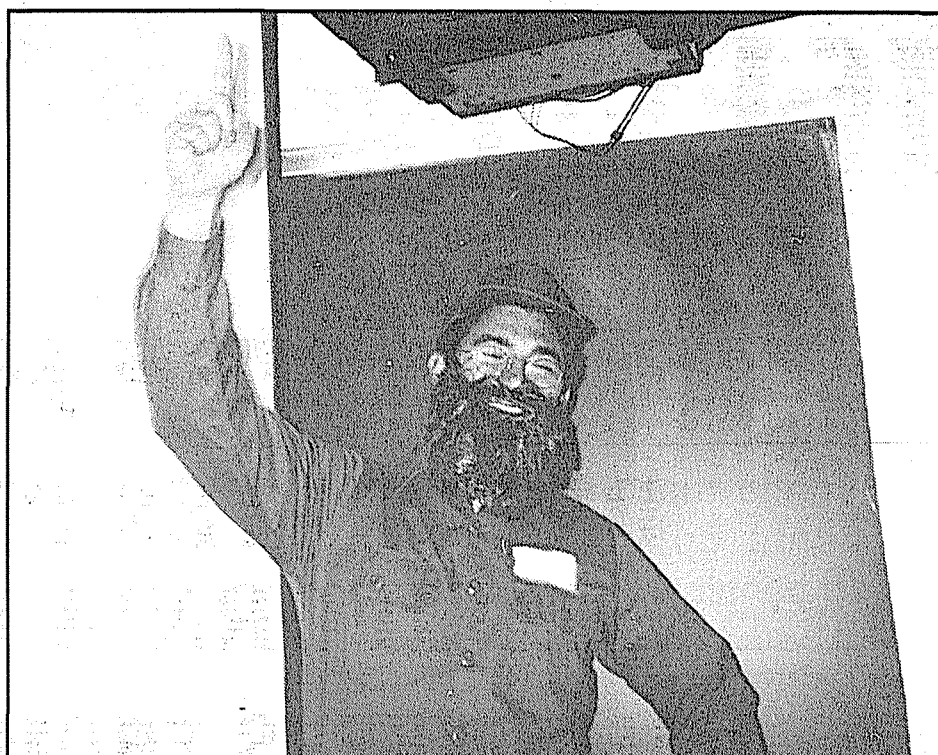
The public perception of the courtroom is also crucial. When attorneys who have accents are treated poorly by court personnel and judges, the legal system seems oppressive and loses its legitimacy. By the year 2020, the diversity of California will change — current "minorities" will become the majority.

Justice Chin cautioned, however, that the lack of minorities on the bench may not be a sign of intentional bias, just as it is not necessarily true that having more minorities on the bench would increase fairness. Furthermore, in Justice Chin's opinion, quotas are not a good idea. Rather than focusing on statistics and blaming others, improving diversity starts with minority students and attorneys. The Justice argued you must be a good attorney first in order to be a good judge. Only then will diversity among court personnel follow.

The Honorable Ronald S.W. Lew spoke during lunchtime in the Shapiro Courtyard. He was formerly a deputy city attorney, a member of the Los Angeles Fire and Police Commission, and a Los Angeles Superior Court Judge before being appointed to the federal district court. According to Judge Lew, the best thing about being a judge is the ability to mete out justice. Judge Lew also recounted that during his youth, his parents could not buy property in Los Angeles because of their race. His concluding remarks also echoed Justice Chin's opinion that students should concentrate on being good at what they do. Judge Lew also encouraged students to participate in bar associations, support public service, seek judicial appointments, and run for political office.

Overall, the conference was well-attended by attorneys, professors, and students. The conference informed participants that although Asian Americans have made large strides in gaining equality and respect, there is still much to do to assure the advancement of Asian Americans and other minorities in the legal and political sphere. As the numbers of Asian Americans rise in both law schools and legal community, we should be aware that we all have an obligation to continue the progress.

Picture of the Month



Cuban Dictator Fidel Castro makes an unexpected stop at the law school. Oddly enough, this Mr. Castro had an affinity for Mexican soccer, tamales, and Norteñas. When asked about this he remarked, "Mexico has always had great bazeaboll."

THE DOCKET

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Loyola	83%	74%	- 9%	USD	79%	72%	- 7%
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Billy's World

By Guillermo Frias

Going Quietly Into That Good Night

Every time that I find myself in Mexico, I make it a point to visit my grandmother. She is very old and has been that old ever since I can remember. I am especially touched by dignity of her age when I see pictures of her glorious youth; she was very beautiful and, from what I am told, quite charming.

I get a similar sensation whenever I decide to go to a movie in Downtown L.A. I used to wonder through the area in the mid-'80s and as a result I had the opportunity to see the last gasp of most of the old downtown theaters. I remember being able to get into triple features for only \$2.50. My favorite showing of all time was when they played "E.T.," "Raiders of the Lost Ark" and "Excalibur" together. Please keep in mind that I was just a boy then. I had already seen "Raiders" and "Excalibur," but seeing them in combination with "E.T." was something else.

Although I enjoyed those theaters, there was one thing about them that I did not like: their huge restrooms. For you see the restrooms, like the rest of the theaters, were constructed in another era, back when Downtown still had some glory and played host to Hollywood premiers. I was actually frightened to descend into such caverns.

The old theaters are grand in scale. In their heyday they were far more luxurious and elaborate than our modern, bunker-like movie complexes. Their opulent designs were a feast for the eyes. And, like the beauty of my grandmother, they can still be seen today if you look hard enough. Here are a number of theaters that you can still visit.

The Million Dollar Theater (1917) 307 S. Broadway. On opening night Mary Pickford, Lillian Gish and Charlie Chaplin arrived to see William S. Hart in "The Silent Man." Countless vaudeville and movie greats, including Judy Garland and Rudolph Valentino, also appeared here. The theater, built by entrepreneur Sid Grauman, is one of the earliest movies houses in the United States.

In its glory days it boasted 2,200 seats, coffered ceilings, Wild West icons (bison, six-shooters, longhorns) and fine hart statutes. All of that was gone by the time I bought my first ticket. At that time they played mainly tacky Mexican movies and live shows. Now it's an evangelical church catering to poor Latin American immigrants. If you don't mind the bad Spanish, spoken with a Portuguese accent, I suggest paying a visit. The theater is so big that no one will notice you.

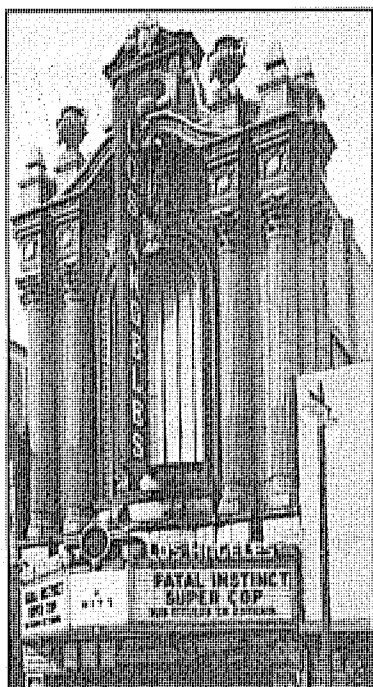
The Mayan (1926), 1044 S. Hill. The architecture of the theater was meant to resemble the pre-Columbian buildings of Uxmal and Chitin Itza of Yucatan, Mexico. The theater has a colorful past. It opened to a Gershwin musical. Later it became a movie theater, a burlesque house, a pornography theater, a Spanish-language film house, a dance club, and is now a Salsa Club. According to Richard

Lamparski's "Hidden Hollywood," Marilyn Monroe once appeared here. A night of dancing under such history might not be bad.

The Los Angeles Theater (1931), 615 S. Broadway. The last great movie palace built in Downtown. It was built in just 90 days and opened to Charlie Chaplin's "City Lights." Part of Downtown had to be closed because of the crowds and the limousines. The theater's exterior was done in an extravagant French Renaissance design. The interior, considered the most extravagant of all Los Angeles theaters, is a narrow, elaborate lobby awash in ornamental ivory and gold. The ladies room features mahogany vanities and thirteen types of marble. Today the theater is closed and is used primarily to film movies. To see



The lobby of the Los Angeles Theatre



The exterior of the Theatre stands 80 feet high

On Common Sense and the MRE

By Phillip Lee

2L

Back in college, a friend once asked me what I would do as a lawyer faced with an ethical dilemma. Part of my response was to tentatively hope that I would be able to avoid getting into such quandaries by detecting them before it was too late. It was a pretty practical answer, though perhaps a bit naive. Sometimes it's just plain hard to figure out what is right and what is wrong. However, we might do well to remember the simple fact that it is possible to do something wrong, and that someone may have to take responsibility for that wrong.

In the short amount of time that law school allows for thinking about the discussion of lawyers and ethics, I would like to take the phrase "Professional Responsibility" and just focus on that second word: RESPONSIBILITY.

Law students are a special group, replete with people both bright and well-intentioned, but law students are not immune to the trends of society. At the risk of turning off some readers by stating things simply, the society of our modern times tolerates a movement that shirks responsibility. Contrary to popular humor, lawyers are humans, and thus no less susceptible to such attitudes.

In the legal profession, whether it's defending a guilty corporation or conducting a sneaky deposition, the concept of responsibility gets buried under piles of "Someone else did it. Nobody did it. It's not my fault." Lawyers rest too vigorously on the distinction be-

tween attorney conduct that is punishable and conduct that is "merely" unethical. Like myself, many of you have already dozed (or played Solitaire) through Professional Responsibility, so you know what I'm talking about.

Let's think about what it would be like if the course was renamed to just plain "Responsibility." Chew on that for a few seconds. Perhaps we would not be so quick to separate our responsibilities as attorneys from the rest of our lives. We couldn't just put on a lawyer mask and hide behind the Model Code or Rules. Think about it. What does it mean to you to be...responsible?

See, you wouldn't just have a responsibility to the rules and to your billable hours. You would have a responsibility to your client, to the community, and to your family. You would have a responsibility to you, because you would be living with the awareness that what you do, whether behind closed doors or in the public eye, would affect you and those around you. To paraphrase Thomas Paine, while reputation is what the Bar and potential clients think of us, character is what God and angels know of us.

This was only a short exercise, and it leaves a lot unexplored (maybe that's irresponsible of me, ha ha). But I think that when it comes to the "problem" of lawyers and ethics, it would benefit us to simply start talkin' and walkin' the basic notion that we, as much as anybody else, have to take responsibility for the stuff that happens because of us as well as around us.

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Discounts to UCLA Students



Profile: When and why did you come to UCLA?

Knaplund: I came to UCLA in 1983. I was hired to teach a legal writing course and to design the academic support program.

Profile: How did the academic support program work back then?

Knaplund: I taught the second half of legal writing and started working one on one with students who were having academic difficulties. The model at that time was to do one-on-one tutoring, but we knew from undergraduate studies and from our experiences at UCLA that it doesn't tend to be that successful. Students might do better at the time they are tutored but, once you stop the tutoring they tend to fall back to where they were. So we were thinking "This does not make sense." You can tutor people in all their courses, in all of law school, and up to the bar or you can do something that really changes the whole approach to law school. The other advantage was that we could give people course credit rather than asking them to do things

on top of their whole load.

Profile: How did you structure the new program?

Knaplund: I designed a course so students could drop the second half of Lawyering Skills and instead take my section that dealt very intensively with writing and analysis skills. We would write every week in class, analyze that, and write again in the next class and keep building on that. Students would get a fantastic amount of in-class writing, which would then translate into helping them on their exams.

Profile: Since that course was so successful, where did you go after that?

Knaplund: We wanted to help students even earlier in the school year so we decided to design a summer program for entering first year students. We started that in 1986 and that's been going on ever since, and it's been a lot of fun.

Profile: Where has the academic support program gone from there?

Knaplund: This year I'm teaching a special section of Torts which is similar to the Lawyering Skills course I teach, but now the students are with me five hours a week for the Torts class. The main difference between this and the original legal writing course is that in the Lawyering Skills course I would give them writing exercises in all their spring semester courses. But of course, I couldn't work that deeply on the substance with them because I wasn't teaching the substance, I was teaching the writing. Now, because I am teaching them Torts, we can go very deeply into the substance of Torts and do the writing exercises and then translate it into other courses too.

Profile: How successful have the exam writing workshops been?

Knaplund: Statistically we have found that people who write two practice exams do about 3 points better than those who don't.

Profile: What interests you the most about the area of academic support?

Knaplund: What really interests me is



Professor Kristine Knaplund

how people learn. I think it is fascinating that some people come into law school and just intuitively "get it." For the other 90% of us it is not that intuitive and it takes some work to figure out how this is different from college and how to approach it. For me, teaching a class is always interesting because each group is different in terms of learning.

Profile: Where did you go to college?

Knaplund: I went to Oberlin College and graduated in 1974. It was a very small school with 2000 students plus about 600 in the conservatory of music.

Profile: What law school did you attend?

Knaplund: I went to UC Davis Law

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Boredom at Any Speed

By Monica Emerick

3L

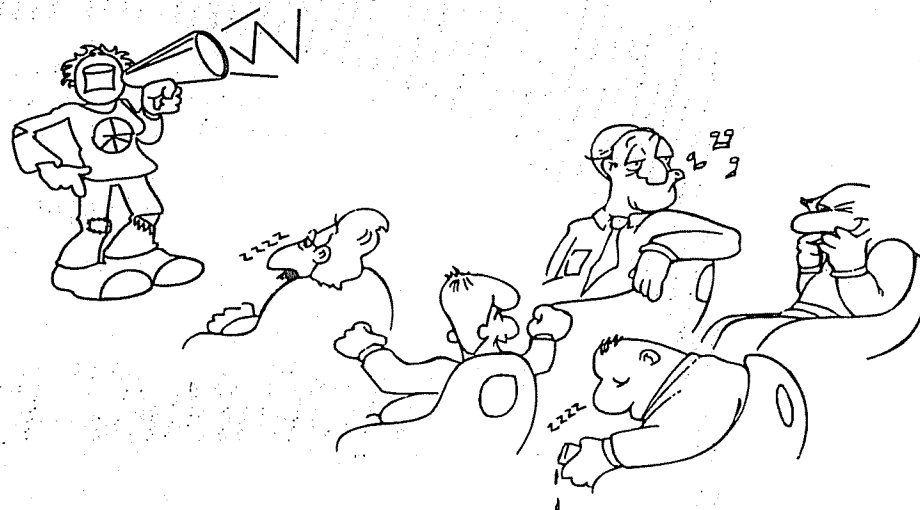
This past summer, I received my first speeding ticket. Despite the drawbacks associated with my flagrant violation of the law, getting a ticket did have one somewhat positive effect on my life: I realized that I am much less pathetic than at least one cross-section of the West L.A. population.

As a result of my extremely *minor* transgression (for doing 73 in a 65!!!), I was given the "opportunity" to go to traffic school and thereby purge any evidence of my crime from my DMV record. I would miraculously be restored to my status of virgin speedster. So I headed on over to the Improv Comedy Traffic School in Santa Monica for a Friday filled with laughter and entertainment — or so I thought.

It was immediately clear to me that traffic school was not going to be an eight-hour episode of "Seinfeld." It was more like a very bad episode of "Saved By the Bell," sans Screech. I entered the "classroom" to find myself surrounded by the seedy underbelly of West L.A. Who were these freaks and losers? A variety of wanna-be entertainment industry hotshots, a very

scary woman who drove an eighteen wheeler, a few hotrodding senior citizens, and some total randoms.

The instructor, "Rudy," besides being about as funny as Hannibal Lecter, pretty much thought he was every woman's dream. He could not get over



himself. I don't think I've ever heard the word "babe" so much in one day since the day that pig movie got all those Oscar nominations. A couple women tried to enter the classroom after 9:15 am, which was a DMV violation. Rudy said he couldn't let them in, but he sure wished he could, because they were "damn attractive." I silently hoped this was merely a pathetic attempt at humor.

Anyway, Rudy then proceeded to have us go around the room and introduce ourselves and state our crime. It was at this point that I first considered bribing Rudy to sign my certificate and let me out seven hours early. We had Alex, who stressed very early on that

he lived in Malibu and drove a Porsche (unfortunately, he never told us what color or year it was — darn). Alex was pretty much the biggest cheeseball I've ever met (and mind you, I grew up in L.A.). He was dressed in a black T-shirt, black parachute pants, and a black blazer. He obviously thought he was about to make the next "Honey-moon in Vegas" (the greatest movie of all time, by the way), because he was

very keen on relating that he was in the "biz." Oh, and by the way, did I mention that he lived in Malibu?

The most hysterical point in the "sharing" session was when Len spoke. Len had been pulled over for speeding. He noted that this was his tenth time in traffic school, that he thought the LAPD was out to get him, that he had absolutely *never* been in the wrong when ticketed, that he was mad as hell and not gonna take it anymore, blah blah blah.

Rudy tried to get Len to just tell his ticket story and move on, but Len was unrelenting. He insisted on pouring his heart and soul out to us, while spewing forth a number of expletives directed at cops the world over. Try as he might, Rudy could not get Len to shut up. Len must have thought traffic school was his psychological stomping ground and that somehow, by dumping his problems on a bunch of losers and me, he would exact his revenge on the police. He spoke at length of the numerous times he had been forced to undergo roadside drunk driving tests, how he was suspected of driv-

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POLITICS

From page 1

identify with the Democratic party, with only 7% describing themselves as Republicans. Although a sizable 21% considered themselves to be independent, a full two-thirds of such respondents subsequently indicated that they lean towards the Democrats. While the poll also revealed a few adherents to the Green and Natural Law parties (2% each), not a single respondent identified themselves with the Reform Party — a surprising result, given that 19% of the electorate voted for Ross Perot in the 1992 presidential race.

The results from the faculty largely mirrored that of the student body: over 75% of registered faculty members were Democrats. Indeed, a roughly equal percentage of the faculty (7%) were registered under "Decline to State" as were registered as Republicans. This strong Democratic leaning was even more pronounced among female faculty members, as not one Republican female faculty member appeared on the voter rolls. To a large extent, these results support the findings of a similar survey performed by Professor James Lindgren of Northwestern University, which was featured in the March issue of *The Docket*.

The poll also asked students to describe their political ideology on a five-point scale, with 1 representing "liberal" and 5 representing "conservative." The average response for the student body as a whole was 2.2, with 68% of respondents placing themselves left of center. In contrast, a meager 7% of respondents described their political views as right of center.

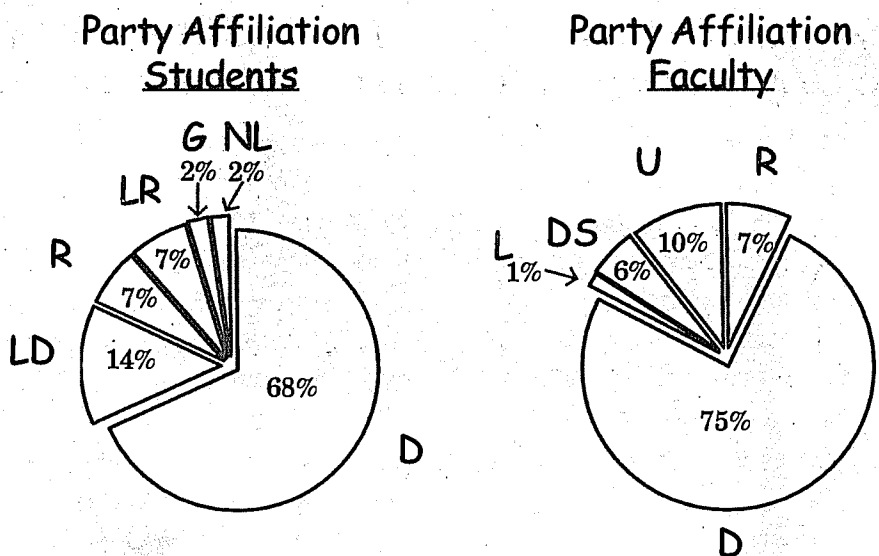
While these results may come as no great revelation for some UCLAW students, others will no doubt find them somewhat surprising. To investigate the accuracy with which students perceive their peers' political views, *The Docket* further asked respondents to rate the political ideology of the student body using the same five-point scale.

Interestingly, the average response for all respondents was 2.7, suggesting that students may erroneously perceive their peers to be more conservative than they really are. This misperception was most pronounced among the more liberal students; those who described themselves as "1's" felt as though the student body was actually right of center (average score = 3.1). This cognitive bias was not exclusive to left-leaning students, however: those who described themselves as "4's" or "5's" placed the student body further to the left (aver-

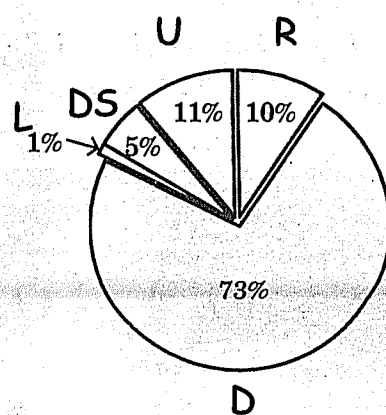
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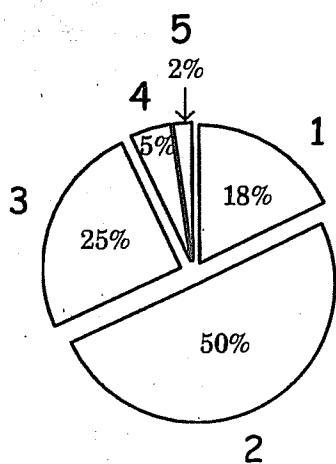
Key:
D= Democrat
R= Republican
LD= Lean Democrat
LR= Lean Republican
G= Green
L= Libertarian
NL= Natural Law
DS= Decline to state
U= Unknown



Party Affiliation Faculty & Administration

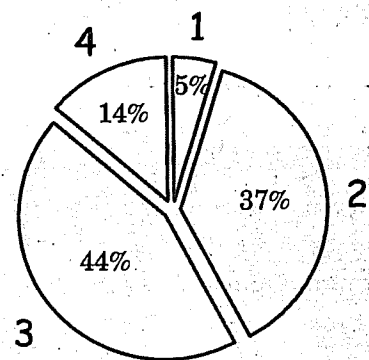


How would you describe your political ideology? (1 to 5 scale where 1 = liberal and 5 = conservative)



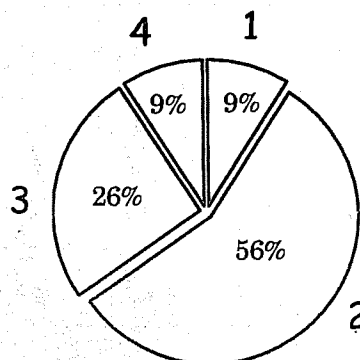
Average = 2.23

How would you describe the political ideology of UCLAW students? (1 to 5 scale where 1 = liberal and 5 = conservative)



Average = 2.67

How would you describe the political ideology of UCLAW faculty? (1 to 5 scale where 1 = liberal and 5 = conservative)

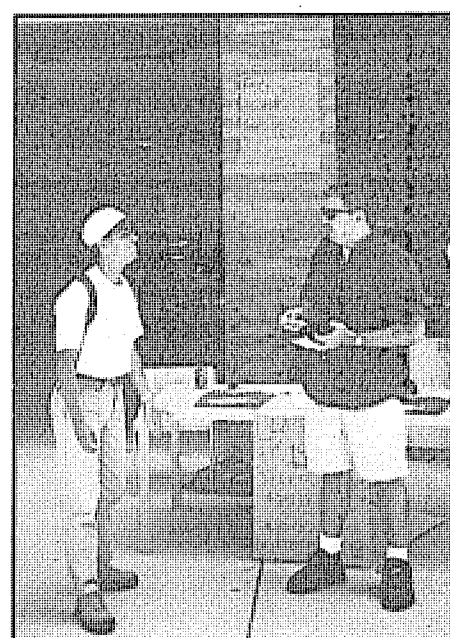
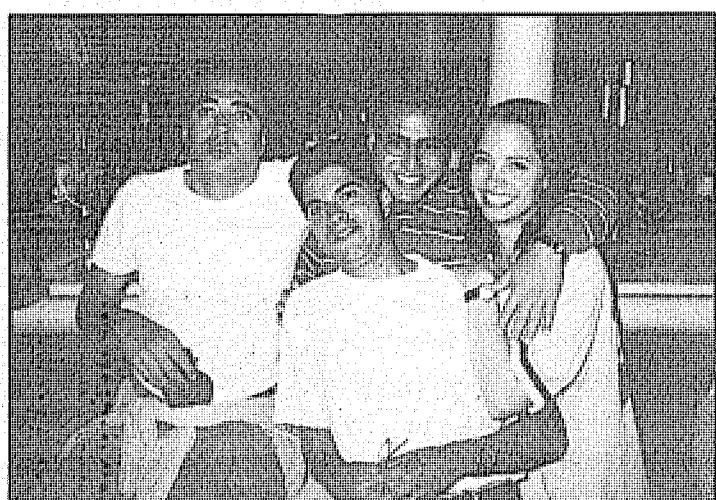
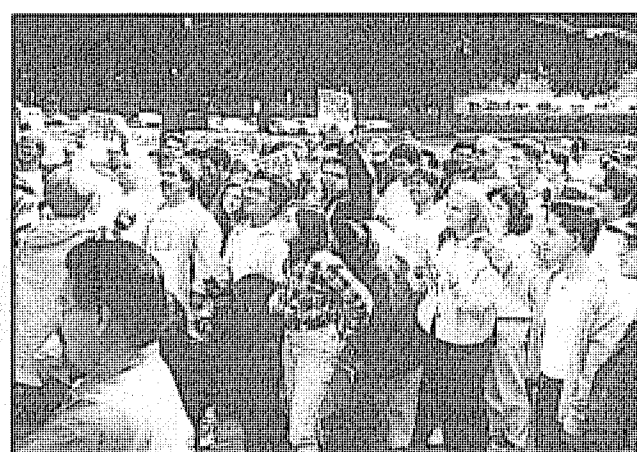
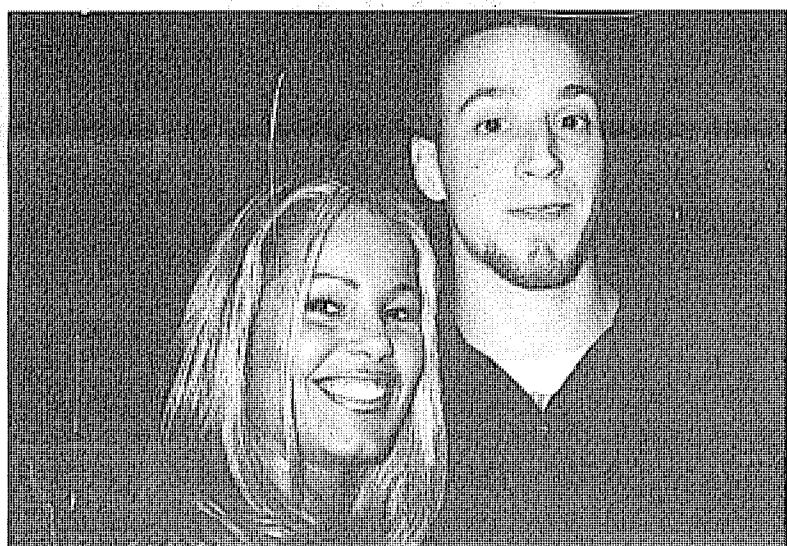
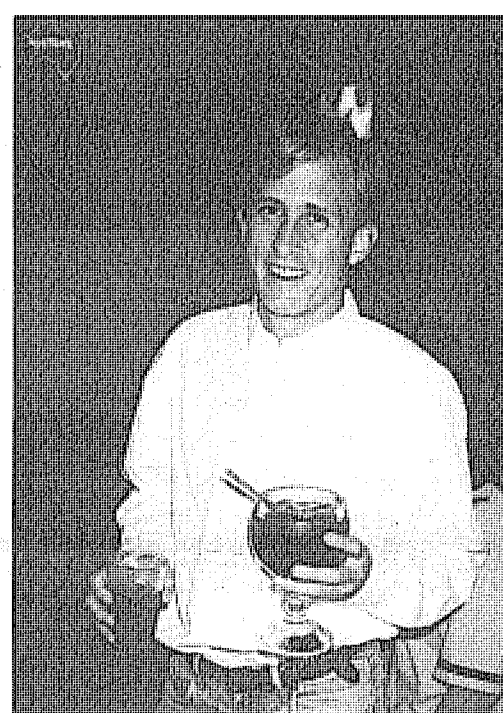
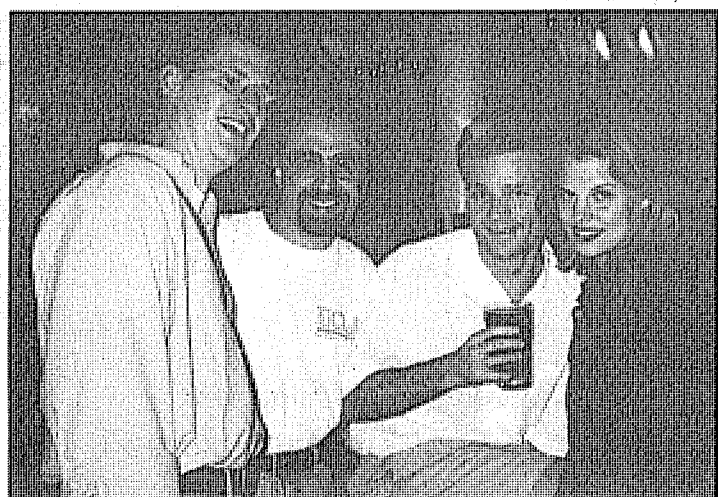


Average = 2.35

THE DOCKET

COMMENCEMENT PULLOUT

UCLAW
Class of 1997



Haydon Wins UCLA Alumni Association Award

By **Cia Ford & Armen Martin**

Director of UCLA Outreach Programs

Earning exceptional marks in the School of Law is only one facet of Stephen Haydon's academic success story. Older and more mature than most students -- having run a successful private investigation agency prior to returning to law school -- from his very first semester he manifested the promise of excellence to come, bringing an aura of maturity and poise to the first year experience. This promise of excellence was fulfilled when Haydon was awarded a UCLA Alumni Association Outstanding Graduate Student Award.

The Outstanding Graduate Student Award is presented to "honor the achievements of distinguished graduate and professional degree candidates." The criteria for the award include "scholastic excellence at the highest level, creative academic contributions beyond degree and departmental requirements, exceptional service to UCLA, and extra curricular service to the community." Winners of the award receive \$500 and Life Membership in the UCLA Alumni Association. Haydon becomes only one of a handful of UCLA students to win the prestigious award.

While at UCLA, Haydon has spent much of his time writing about combating discrimination. Haydon's first paper at UCLA was on "full application testing" -- a technique aimed at better detecting and understanding

rental discrimination. A second paper on the subject examined the legal community in California which engages in fair housing litigation, carefully analyzing the practical incentives behind the attorney's selection of cases and the reasons why so few cases are brought. These two papers were rated as "outstanding" by Professor Rick Sander, the law school's nationally known scholar in the area of housing discrimination. Haydon has also completed scholarly works on reforming the auto insurance industry's response to fraud and race discrimination in public accommodations. The latter paper appeared in the April issue of the UCLA Law Review. While it is a significant accomplishment for a student to complete even one publishable article while in school, it is almost unheard-of for a student to complete *four*.

Haydon devotes significant amounts of time to volunteer work in the fair housing area. For the last five years he has served on the Board of the Westside Fair Housing Council; now, with the necessary legal background, he also co-chairs the Council's Litigation and Legal Education Committee.

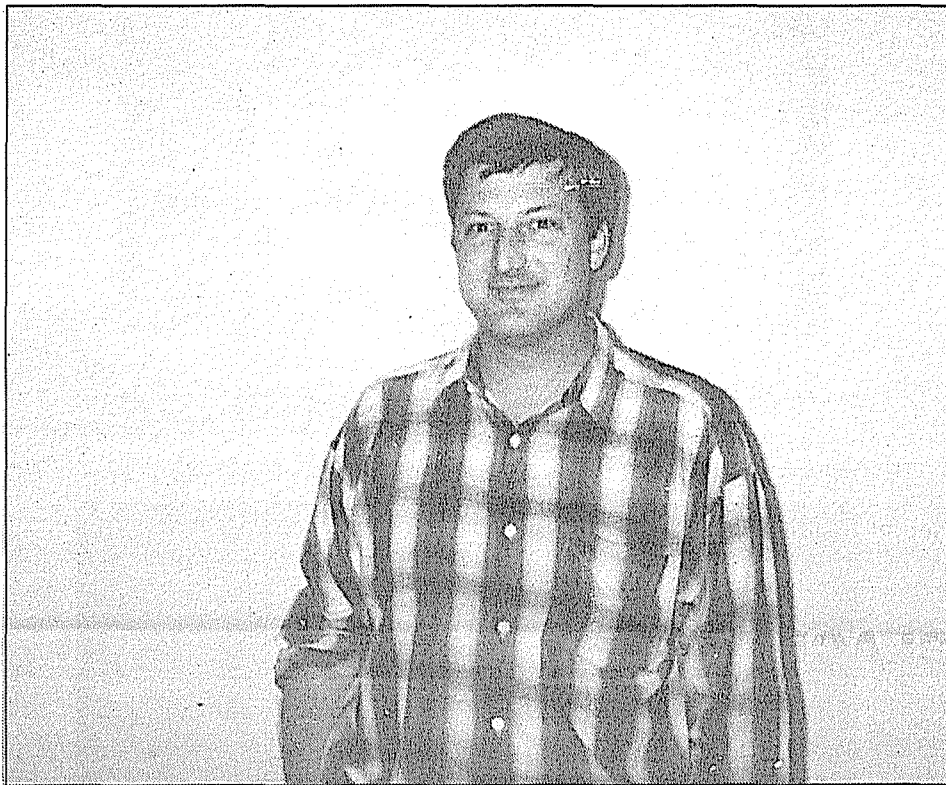
Haydon has served as a Teaching Assistant, as a Student Representative to the Clerkship and Teaching Committee, and as a Student Representative to the Faculty Appointments Committee wherein students interview candidates applying for teaching positions at the law school and provide written evaluations to the voting faculty.

Haydon is the second law student ever chosen for a Teaching Fellowship in the UCLA Collegium of University Teaching Fellows. The CUTF provides teaching fellowships to fifteen graduate degree candidates through a University-wide, competitive application process. As a result of this selection, he developed and taught an undergraduate course on anti-discrimination law, tracing its development from the Civil War-era Dred Scott decision to the present.

As Chief Articles Editor of the UCLA Law Review, Haydon was the linchpin of that publication this past year, regularly putting in forty to fifty hours a week reviewing and editing law professors'

scholarship.

When asked about the Alumni Association's award and UCLA in general, Haydon remarked, "I am deeply honored to be receiving this award from the University, and particularly to have been recommended by the law school. This is such a great place, I admit I have mixed feelings about graduating. The law school has provided an intensely rich and warm intellectual environment in which to study law, made so by an especially bright and diverse student body, and by professors who care as much about teaching as about scholarship and are marvelously talented at both."



Stephen Haydon, another UCLA success story

Carrie Hollister Wins Benjamin Aaron Award

By **Michael Asimow**

Professor of Law

Carrie Hollister has won the Benjamin Aaron Award for her article "The Impossible Predicament of Gina Grant." The Aaron Award is presented each year to the graduating third year student who published the best piece of student work in any of UCLA's law journals. It carries a \$500 prize.

Hollister's article, published in 44 UCLA L. Rev. 913, concerns the dilemma confronted by Gina Grant who had been convicted of voluntary manslaughter while a juvenile. Under South Carolina law, her record as a juvenile was sealed. She failed to disclose the incident when she applied to Harvard University. Harvard revoked her acceptance when it discovered her troubled past.

Hollister's comment surveys the juvenile justice system and its historic rehabilitative philosophy as evidenced by sealed record statutes. It contends that universities and employers should



Carrie Hollister, winner of the Benjamin Aaron Award

not be permitted to inquire about juvenile records that have been sealed.

Benjamin Aaron, now retired, was a longtime UCLA faculty member. He made funds available so that the Law School could recognize student scholarship through this annual award. The selection was made by a faculty committee (consisting of Professors Asimow, McGovern, and Schwartz) that reviewed all student work published or to be published this year in any of the school's law reviews.

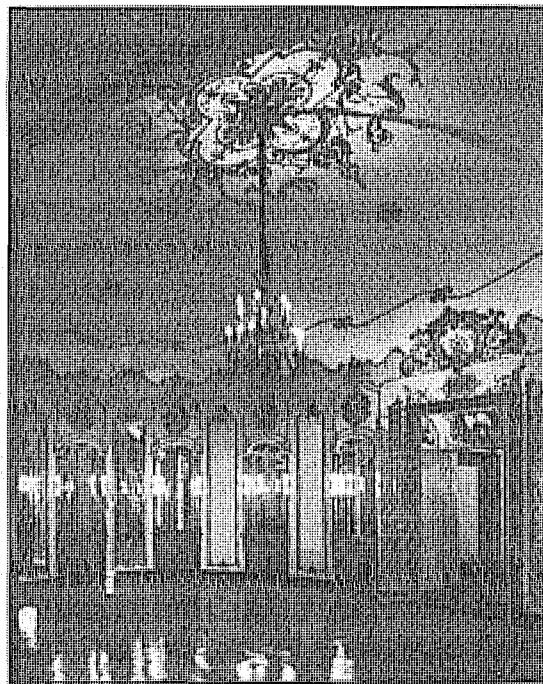
BILLY

From page 4

it you have to call the Los Angeles Conservancy and sign up for one of their tours of the historic downtown district.

The Orpheum Theater (1926), 824 S. Broadway. You can still catch a movie here. The sound might not be THX, or whatever the hell all that stuff is. I can't tell the difference; they are all loud to me. The design of the interior is similar to that of the Los Angeles, but not as extravagant. It is supposed to evoke a light resemblance in style to the Palace at Versailles. And if you ditch class you can virtually have the palace all to yourself on a weekday afternoon. As of this week, the Orpheum is showing a double feature of "Anaconda" and "Congo." Although they may not be the best picture shows in town, they are definitely playing in one of the better houses around.

I know that I did not get to see either my grandmother or the Downtown theaters in their prime. However, their gracefully aged facades are still a comfort. The crowds and glamour may be gone, but they have retained their dignity. Some of the theaters are more worn-down than others, and some that I did not mention are only fit for demolition. I am just glad that I knew them when they were still showing movies.



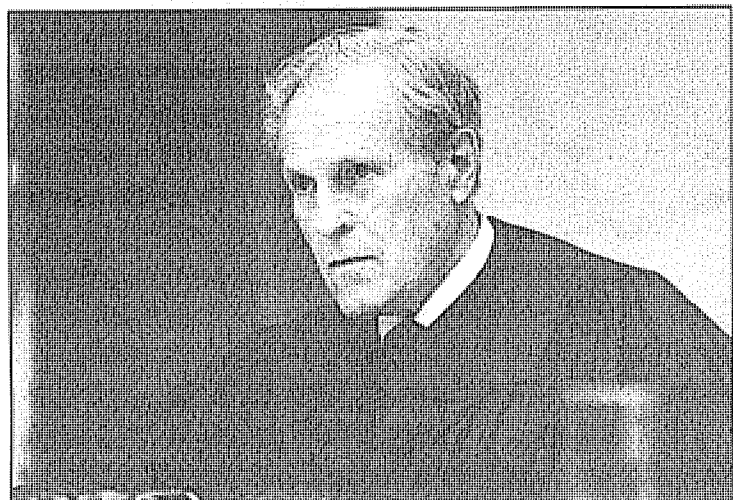
The Los Angeles Theatre boasts the most elaborate powder rooms in the city

The Elder Statesman Prevails

By David Simonton
Editor in Chief

This year's Moot Court season came to a heady conclusion in the annual Roscoe Pound Tournament, held on April 3 at UCLAW. At the end of what proved to be a tightly fought and at times suspenseful evening of oral advocacy, Brian Elder nudged out a strong field of competitors to garner the honor of Roscoe Pound Champion. When asked about his victory Elder said, "I feel very fortunate to have been named champion; the title could have just as easily gone to any of the four [contestants]."

By all accounts, the performance of everyone involved was of an exceptionally high caliber. "It was an extremely difficult decision," said the Judge Robert Boochever, a member of the three-judge panel that presided over the Tournament. "All of the participants did an excellent job representing both themselves and UCLAW." The other judges on the panel included Judge Betty B. Fletcher, a colleague of Boochever on the Ninth Circuit Court of Appeals and the mother of



Judge Robert Boochever

UCLAW Professor Susan French, and Judge Carlos F. Lucero of the Tenth Circuit.

In the end, it was the calm confidence with which Elder delivered his insightful responses that swung the judges in his favor.

Faced with the unenviable task of arguing on the behalf of John Doe, a hypothetical two-time convicted child molester, Elder was deftly effective in directing the judges' focus to the larger constitutional issues in the case. "Merely be-

cause Mr. Doe has been convicted of a crime does not mean that his Constitutional rights have been suspended," argued Elder. "Although my client's crimes are undeniably heinous, he has an equally undeniable right under the Ex Post Facto clause to not be punished for actions taken over 10 years ago."

The other three Roscoe pound Finalists were Mark Lamb, Pegeen Rhyne and Robert Swerdlow, all of whom also argued on behalf of Mr. Doe. Along with Jennifer Jaramillo and Beth

Kraemer, the winners of the Best Briefwriter Awards, the other Finalists will join Elder on the UCLAW National Moot Court Team. The National Team will compete against other local schools next fall in the Regional Competition held in Los Angeles.

If the overall performance seen at Roscoe Pound is any indication, this year could prove to be a very successful one for the UCLA National Team. According to Elder, "Because my name starts with an E, I got to be the first advocate to argue. That meant that I also got to watch the other advocates after I was finished. The quality that I saw from the other advocates was outstanding."

Elder's gracious sentiments were echoed by his fellow National teammates. "Brian is an excellent advocate, and I'm looking forward to competing with him next year," said Mark Lamb at the post-Tournament reception held in the Faculty Lounge. "He stood head and shoulders above the rest of us tonight."

"Of course," Lamb added with a smile, "Brian is six-foot four."



Brian Elder, Roscoe Pound Champion

BLACK LETTER

From page 1

ods and proposed bans on late-term procedures in alarmist direct mail fundraising pieces, the current reality is that first and second trimester abortions will remain largely unregulated for the foreseeable future. This has been a source of real frustration to those who believe that abortion is the taking of an unborn life. As a strategic matter, the Right-to-Life movement has split over how to cope with an unbroken chain of defeats in the federal judiciary.

Mainline groups have conceded that the votes do not exist to pass a constitutional amendment banning the procedure and instead have turned their focus towards more pragmatic legislative objectives: banning "partial-birth" abortions, protecting bans on public funding of abortions, 24-hour waiting periods, and parental notification and consent laws. Abortion rights groups have battled all these efforts vigorously, including attempts to restrict late-term procedures, arguing that the procedures affected by these proposals almost always involve heart-wrenching circumstances in the life of the pregnant woman. Moreover, defenders of *Roe v. Wade* believe that these lesser regulations are an attempt to get a foothold in the larger effort to ban abortion. The two most prominent abortion battles of the 1990's illustrate this phenomenon: the proposed "partial-birth" abortion ban and the earlier effort to permit Medicaid funding for abortions when indigent women become pregnant as a result of rape or incest. Both pieces of legislation involve tragic and extreme circumstances, and those promoting each often labeled opponents of their efforts inhumane and unconscionable.

As the rhetoric inside the Capitol has heated up, more radical anti-abortion groups have increasingly given up on the legislative process and instead have concentrated on stopping "one abortion at a time." This has taken the form of blockading clinics, engaging in aggressive "side-walk counseling", picketing abortionists at home, and (in extreme cases) even committing violent acts against abortion clinics and those who work in them. All these tactics have been in use since at least the mid-1980's, but the organization and intensity of these protests has increased in the 1990's. The most common activist technique, so-called "side-walk counseling," is almost as controversial as abortion itself. The activity in question involves an opponent of abortion (the "sidewalk counselor") approaching a woman entering a clinic and trying to convince her that the procedure she is about to undergo involves the taking of an innocent life. However, the methods used by many "counselors" often blur the line between convincing

and intimidating.

In *Schenck v. Pro-Choice Network*, 117 S. Ct. 855, the Court struck down an injunction requiring a floating fifteen-foot buffer zone between "counselors" and women seeking abortions. The 8-1 majority reached this decision even though protesters had consistently "attempted to stop or disrupt clinic operations by...surrounding, crowding, jostling, shoving, and yelling and spitting at women entering clinics." Chief Justice William Rehnquist, writing for the majority, asserted, "Leafleting and commenting on matters of public concern are classic forms of speech that lie at the heart of the First Amendment, and speech in public areas is at its most protected on public sidewalks."

The case arose out of a permanent injunction issued by a Federal District Judge Richard Acara, which aimed to protect abortion clinics in Buffalo and Rochester from an organized campaign of protest, civil disobedience and "side-

See **BLACK LETTER**, page 13

GRADY

From page 1

challenged us to synthesize our own legal rules from the cases, rather than blindly accepting a single case's gloss on what the law 'is.' That's a skill every lawyer needs, but it's also one that's frequently under-emphasized in many classes."

Grady, who will begin his tenure as George Mason's new dean in early June, couldn't have arrived at a more critical time for the Arlington, VA law school. Last August, long-term dean Henry Manne resigned in the midst of fiscal controversy. Manne is widely credited for turning George Mason into a prestigious interdisciplinary institution, with the school's renowned Law and Economics Center as the centerpiece. Lately, however, Manne had recently fallen out of favor with many faculty members who questioned his liberal charging of personal expenses at a time when the Center was facing a serious budgetary crisis.

While the financial status of the Center has improved under the interim dean, one of Grady's most pressing challenges will be to improve the school's traditionally lackluster fund raising. Although some have expressed concern over the new dean's relative lack of fund-raising and administrative experience, Grady remains confident. "I've lived around law schools for 17 years," he explains. "I think it will be something I'll take to."

Those who know him have no doubt that he will.

Student Awards

UCLA ASSOCIATION OF ACADEMIC WOMEN SCHOLARSHIP
Woman Law Student with Academic Excellence Who is Concerned with Women's Professional Advancement and Welfare
Karin Schwindt

PUBLIC INTEREST LAW FOUNDATION
NAPIL/VISTA Summer Legal Corps Fellowship
Robert Garcia & Jason Pu

GAGE
Academic Excellence in Torts, Evidence, Trial Practice
Eric Carlson

NATHAN BURKAN AWARD
Best Essay on Copyright or Bankruptcy
Sandra Garcia

CESAR CHAVEZ FELLOWSHIP
Commitment to Public Service
Monica Cazares & Elizabeth Estrada

FOUNDATION OF THE STATE BAR OF CALIFORNIA - IMELDA ROSENTHAL MEMORIAL SCHOLARSHIP
Commitment to Public Service
Leo Trujillo-Cox Teresa Magno Hoaiti Nguyen

KAREN HAUSER AWARD
Interest in Child Advocacy Issues
Sam Sokol

ALUMNI ASSOCIATION GRADUATE DISTINGUISHED SCHOLAR AWARD
Academic Excellence
Natalie Pages & Rebecca Rohr

SOUTHERN CALIFORNIA DEFENSE COUNSEL
Highest Grade Point Average in Torts and Civil Procedure
Wendy Heller

NATIONAL ASSOCIATION OF WOMEN LAWYERS
Contributes to the Advancement of Women in Society and Demonstrates Academic Achievement
Sarah Gill

KAREN DOREY BOOK AWARD
Third-Year Law Student Who Graduated From a California State University
Kim Orbeck

ORANGE COUNTY ASIAN BAR ASSOCIATION
Commitment to Serving the Asian Community in Orange County
Jason Pu

BEVERLY HILLS LAWYERS GUILD - ELEANOR KLEIN MERIT AWARD
Academic Achievement
Jennifer Turnock

COOPERS & LYBRAND
Tax Fellowship Program
Robert Wasserman & Damon Richardson

IRELL PRIZE
Highest First Year Grade Point Average
Wendy Heller

COLUMBIA LAW JOURNAL
Published Article
Cynthia Reed

THE DOCKET POLL

POLITICS

From page 7

age score = 2.0) than it really is.

Similar results were discovered with regards to students' perceptions of the faculty, with the more conservative students tending to describe the faculty as significantly more liberal than did the more liberal students (and vice-versa). Overall, the average response was 2.4, indicating that students perceive the faculty to be more conservative than themselves.

Perhaps the most interesting result was obtained by separating the responses by class year. While first-year students rated themselves at 2.1 on the five-point ideology scale, that figure rose to 2.2 for second-years, and then to 2.3 for third-years. Thus, the trend in the data suggests that students may actually move closer to the political center as they progress through law school (and, of course, get older).

Finally, *The Docket* poll also asked respondents for their opinions on three "hot-button" political issues: abortion, deficit reduction, and the death penalty.

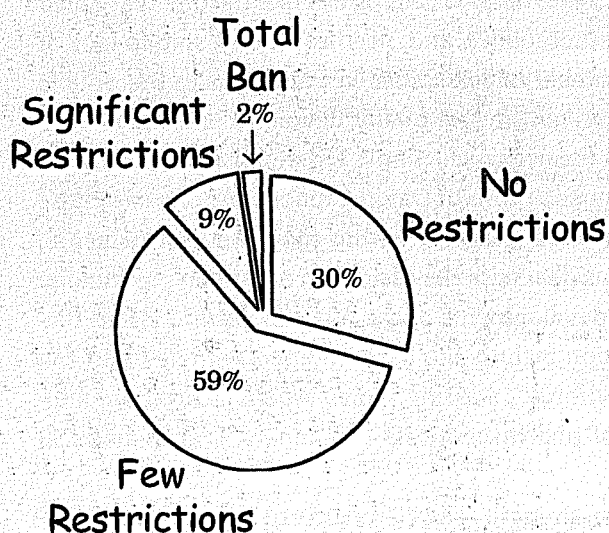
First, students' opinions on the death penalty were much more diverse than one would expect, given their self-described political ideology. Half of the respondents reported being opposed to the death penalty, which means that at least 27% of the Democratic students (and 18% of the student body as a whole) could be labeled "pro-death penalty Democrats." Of course, this result is still somewhat skewed as compared to the US population as a whole, a large majority of which (according to recent surveys) are in favor of death penalty.

As regards economic matters, 33% of students indicated that they would prefer increasing taxes to either reducing government expenditures or reducing regulation/taxes as a method for reducing the federal deficit. While this result may be surprising in and of itself, given the American people's well-documented aversion to tax hikes, even more telling was the fact that those respondents who preferred increasing taxes were on the liberal "extreme" of the student body (average ideological self-rating = 1.2).

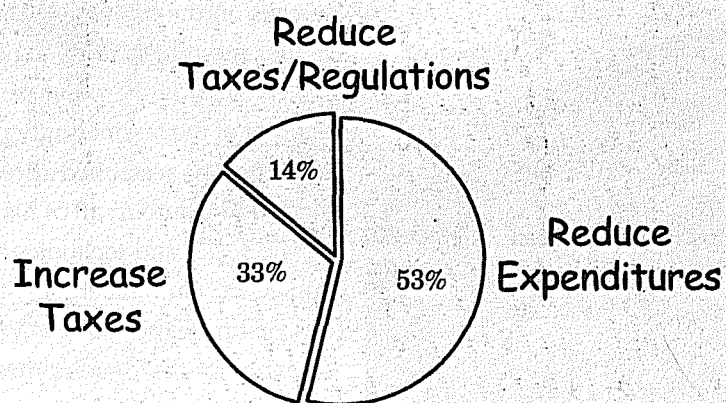
Finally, in the area of abortion, the student body was slightly more libertarian than the American public. The poll found that 89% of students favor no or few restrictions on abortion. Nationwide polls have shown that anywhere from 50% to 70% would like to have liberal abortion laws (depending on how the question is phrased).

Once poll respondent summed up her views by stating, "I hate politics. I think it is very divisive."

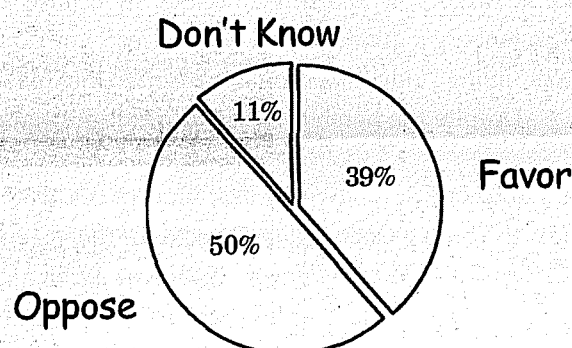
How should government restrict abortion?



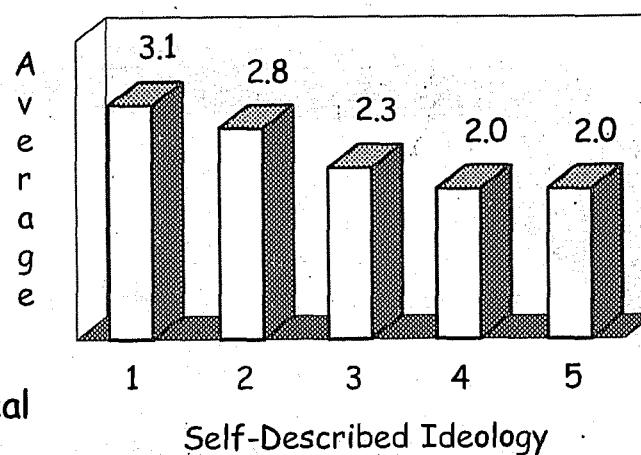
How should the federal government reduce the deficit?



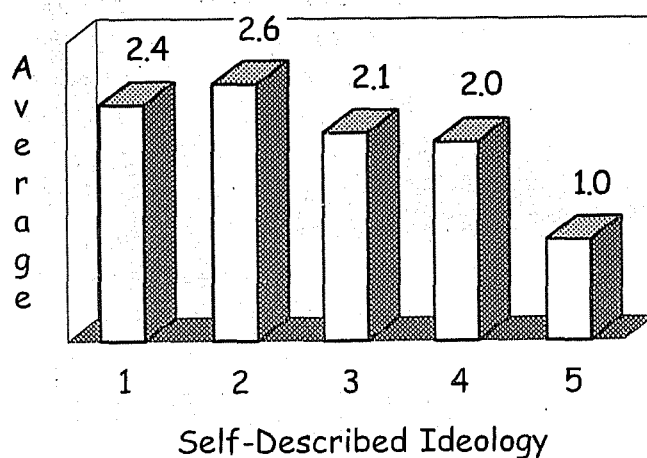
Do you favor or oppose the death penalty?



How would you describe the political ideology of UCLAW students? (1 to 5 scale where 1 = liberal and 5 = conservative)



How would you describe the political ideology of UCLAW faculty? (1 to 5 scale where 1 = liberal and 5 = conservative)



Poll Methodology

The Docket randomly selected 50 students and left a poll form in their mailboxes. Each poll form had a number printed in one corner so *The Docket* could assure there was a response from each student polled. Students who did not return their results initially were contacted again, and a 90% response rate was achieved. Students were assured that at no time would their response be cross-referenced to their name. In order to ensure confidentiality, the corner of each poll was removed after checking off the number corresponding to the student who returned the form. Our faculty political registration numbers were obtained by checking the official Los Angeles County voter rolls for 1992.

Film and the First Amendment: "Crash" and Burn

By Michael Wichman
Entertainment Editor

Yes, censorship is still alive and well in the U.S. In the weeks prior to the writing of this story, community leaders in Charlotte, North Carolina took it upon themselves to decide which artists' works were too immoral to receive funding from the government instead of to allowing members of the public to continue to make such determinations. Additionally, Marilyn Manson recently canceled a concert in South Carolina due to efforts by the legislature to pass a resolution barring the band's performance on state-owned property.

Which leads me to what almost happened to director David Cronenberg's latest film, "Crash." Once upon a time, a Georgia cable television station owner named Ted Turner finally got his big wish, sort of. He had been hunting for a



way to play with the big boys and own his very own movie studio. So, after several unsuccessful attempts during the 1980's, he settled for purchasing Castle Rock Productions and New Line Cinema - the latter of which had its own distribution system - and further developing his own Turner Pictures division.

New Line Cinema had hit it big in the mid-80's with the success of the "Nightmare on Elm Street" series. In order to rebuild their independent film credibility after the release of such blatantly commercial fare as "Teenage Mutant Ninja Turtles," New Line gradually worked to develop Fine Line Features, its subsidiary, into a major indie powerhouse. Fine Line's success in snatching "Shine" from under Miramax's nose last year is but one example of Fine Line's renewed credibility in the independent film world.

Then along came Ted the Shark. Ever since Disney swallowed up Miramax in the early 1990's, critics have decried major corporate involvement in the independent film world. Independent film is essentially underground film making; those who cannot get a film made with studio backing make a go of it alone. If their films are good, independent distributors such as Miramax, Fine Line, and October will buy the screening rights.

Generally, these films appeal only to the arthouse crowd. For independents, the equivalent of a blockbuster would be a theatrical gross of \$15-20 million, a relatively small amount of money considering that "Liar, Liar" made twice that much on its first weekend alone. The main problem with major studios purchasing the independents is that the financial bottom line for a controversial independent film may not be worth the trouble.

A multi-billion dollar corporation is a mighty big target for those who dislike a film's subject matter. Consumers threatened to boycott Disney when Miramax scheduled the film "Priest," a story centering around the homosexual proclivities of a Catholic priest, to open on Good Friday (which is a little bit different than, say, opening "Independence Day" on July 4). After that debacle, Disney decided to sell the rights to such Miramax-acquired properties as Martin Lawrence's raunch-laden concert film "You So Crazy" and the controversial "Kids" in order to steer clear of further trouble.

When Time-Warner merged with Turner Broadcasting, naturally the Turner-owned New Line Cinema came along for the ride. Time-Warner received a lot of heat from the likes of Bob Dole when it released the ultra-violent "Natural Born Killers" three years ago, as well as for its involvement with the maverick Interscope Records. It would seem that the last thing Turner needed was to continue ownership of an independent film studio, but despite talks of selling New Line and Castle Rock, both operations remain on board following the merger. However, considering the delayed release of "Crash" and Turner's public scorn of Fine Line's choice to distribute the film, he probably now wishes that Time-Warner had sold New Line Cinema after all.

"Crash" tells the story of a cultist group of car accident victims who have developed a fetish for crashes. They watch test films of crash-test dummies as if the films were pornographic, recreate famous car crashes like the one that killed James Dean, have lots of sex in automobiles, and, needless to say, stop to look at wrecks on the highway. The number of sex scenes in the film is in the double digits, and all are fairly explicit in nature (yet totally devoid of emotion).

So what is the point of this bizarre concoction? Essentially, the film is yet another of the fascinatingly perverse visions of David Cronenberg, one of today's most highly acclaimed directors and a legend within the sci-fi/horror genre. He is a true auteur; all of his films deal with the distortion of human psychology by the social and technological developments of the modern world. Issues discussed in "Cronenbergian" fashion include the harmful effects of television and censorship (explored by "Videodrome," starring James Woods), corporate malfeasance in the development of pharmaceuticals ("Scanners"), and chemical abuse ("Naked Lunch").

His work is not for everyone, though. The "Cronenberg Touch" usually involves graphic physical demonstrations of the underlying perversity created by our modern society. A man's head explodes in delicate slow motion due to a psychic event in "Scanners," Jeff Goldblum's human body literally falls apart piece by piece as he is transformed into "The Fly," Jeremy Irons performs homicidal surgery on his still-conscious twin (also played by Irons through one of Cronenberg's greater technological feats) in "Dead Ringers," and James Woods has "living" videotapes forcibly inserted into his stomach in "Videodrome." Yuck.

Despite the harsher elements of his collective works, time and again critics have recognized that Cronenberg is a master. "The Fly" was voted by U.S. critics to be one of the twenty best films of the 1980's. "Dead Ringers" and "Naked Lunch" both garnered Best Director of the Year awards from the New York Film Critics Circle. Even "Crash" itself was given a special award for "daring, originality, and audacity" at last year's Cannes Film Festival and also received several nominations, including Best Director, from Canada's equivalent of the Oscars.

After viewing the film, it is easy to see why it has sparked controversy, yet it is also easy to see why it should be treated no differently than any other Cronenberg film. The film contains "perverse" and/or explicit sex from beginning to end. However, the more accessible, B-movie qualities of Cronenberg's works in the 70's and early 80's has given way to a decidedly arthouse style.

See **CRASH**, page 14

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BLACK LETTER

From page 9

walk counseling." The injunction established a 15-foot fixed buffer zone in front of clinic doors and driveways and a floating 15-foot buffer zone around any person or vehicle trying to gain access to the clinic. Each order allowed two "sidewalk counselors" to approach closer for a "non-threatening" conversation, but upon the patient's request required them to cease and desist and promptly move out of the 15-foot buffer zone. Acara imposed the injunction in 1992 after some 17 months of protests led by the Rev. Paul Shenck, a follower of the national anti-abortion protest network Operation Rescue. In 1994, a panel of the Second Circuit reversed Judge Acara's injunction in a split decision, ruling that it violated the test for protest speech laid down in *Madsen v. Women's Health Center Inc.*, 67 F.3d 377. In 1995, the 2nd U.S. Circuit Court sitting en banc disagreed and upheld the injunction on a 13-2 vote, with Judge Ralph Winter writing for 10 members of the court: "The First Amendment permits peaceful communication, not self-indulgence."



Photo Courtesy of Brad Wilson

ing to enter the clinic, which it justified with language from the *Madsen* decision, "[a]s a general matter we have indicated that in public debate our own citizens must tolerate insulting, and even outrageous, speech in order to provide adequate breathing space to the freedoms protected by the First Amendment [quoting from *Boos v. Barry*, 485 U.S. at 322]." In short, there is no generalized right to be left alone on a public street. Significantly, Rehnquist went on to note that, although the Court "need not decide whether the governmental interest involved would ever justify some sort of a zone of separation between individuals entering the clinic and protesters measured by the distance between the two," such a broad prohibition could not be supported on the facts of *Schenck*.

The decision brought swift and predictable action from both extremes in the abortion debate. "The court is saying you can be harassed, it's an insult to women. Patients are at risk of being ambushed by zealots," said Nicole Pearlman, vice-president of the Los Angeles chapter of NOW. Jay Sekulow counsel for the American

Center for Law and Justice and attorney for the protesters, called the decision a "resounding victory for free speech and the Pro-Life movement."

Per usual, both sides overstate their case. Steven Shapiro, legal director for the ACLU had it right when he told the Los Angeles Times, "The court has set a pretty sensible balance between 1st Amendment rights of the protesters and the rights of women to receive reproductive services free of intimidation...in a difficult situation they did the right thing." Or as the uncompromising champion of free expression, Voltaire, put it, "There are truths that are not for all men, nor for all occasions."

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CRASH

From page 12

"Crash" most likely will interest only critics, film scholars, and arthouse crowds. Despite the amount of sex in the film, it is so utterly devoid of emotion that an audience looking for titillation is going to be sorely disappointed.

In fact, "Crash" could almost be considered "anti-porn." The sex is so emotionally detached and unexciting that it is hardly enough to satisfy the prurient interest. And therein lies the point of the film. Cronenberg appears to be saying that as human beings base their hedonism on new technological developments, such as cars, they lose their emotional connection with one another. All of the "crash-cultists" get a greater rush from their automobile fetish than they do from psychologically connecting to a particular human being.

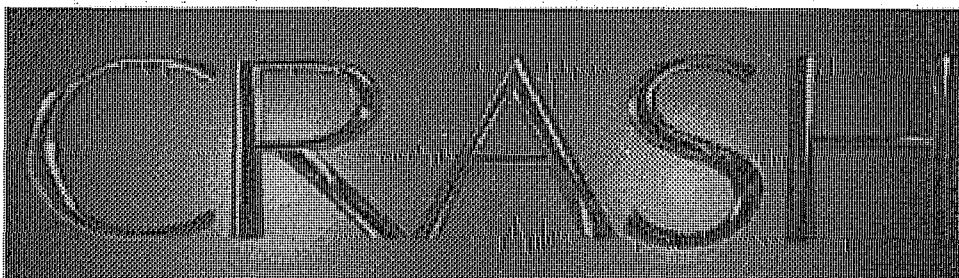
The reason most audiences will find the subject matter inaccessible is that it's too easy to focus on the superficial aspects of the film. Although most people are not sado-masochistic car fetishists, many of the characters' qualities exist in much of the population. Most people may not like sado-masochistic sex, but most people enjoy sex. People generally may not find crash-test dummy videos are exciting, yet they turn out in droves to see the latest action film with an adrenaline-pumping car chase. Most people don't get out of their car to take photos of car wrecks, but many people do slow down to look. And we all know the cultural significance of the backseat of a car.

So, there is a lot of hedonism going on out there, and more than a modest portion of it involves motor vehicles. "Crash" makes its point about this subject by making an extremely Freudian connection between sex and auto-related hedonism (perhaps it should be called "auto-eroticism"). There probably

wouldn't be any uproar if Cronenberg did not take these issues to the extreme. But who would go see such a movie if it was just about the hedonistic aspects of speeding? Hence, the subject matter for this movie had to be a little bit more "out there" to be interesting at all, let alone to discuss the subconscious psychological aspects of this modern form of a adrenaline junkie.

Obviously, the Ted Turners of the world think that such subject matter is unfit for the rest of us because they are appalled by it. They think that movies like "Crash" debase the morals of the community. I have a different take on this one.

The idea that the film glorifies what these people are doing is ludicrous. The characters are looking for the adrenaline-rush that only comes from tempting death. Is this what we are subconsciously doing



when we speed down the freeway at perilous speeds? Is this the fascination that we have with our voyeuristic observation of car accidents or even with cars themselves? Cronenberg attempts to answer all of these questions and more. If the audience will look at the subtext, they will find a more complex way to profile its own psychology.

For a while, it was questionable whether "Crash" was ever going to be shown in U.S. theaters. It was originally scheduled for release in Fall 1996, but was then pulled from the release schedule by Warner. When the studio finally did release the NC-17-rated film uncut, Ted Turner publicly condemned Fine Line for releasing what he considered to be "filth."

The postponement of "Crash's" release exempli-



fies the concerns of censorship opponents that the major corporations' conflicts of interest will close the avenues for distribution of indie films. These issues are only going to be of greater concern as world trading arrangements develop. Recently, China threatened to boycott Disney if it released "Kundun," Martin Scorsese's film on the life of the Dalai Lama, the former political and spiritual leader of Tibet. Despite the fact that Disney stood its ground, and the release of "Kundun" is forthcoming, one cannot help but think that with millions of dollars at stake, future films about politically-charged issues of this sort will be the exception rather than the rule.

The corporate buyout of independent distributors does not bode well for the free dissemination of subversive speech, as demonstrated by the treatment of "Crash" by Time-Warner. While we can temporarily rest assured that free speech won out in the cases of both "Crash" and "Kundun," it is questionable whether it will turn out that way the next time a controversy poses a risk to cashflow. As a result, independent cinema, as well as the voices for alternative points of view, might be better off had they remained independent. Perhaps these events should serve as a message for the last major non-studio owned independent distributor, October Films, to keep fighting the good fight and stay free.

BOREDOM

From page 5

ing under the influence of drugs, etc. I was beginning to long for some sort of drug to divert my attention from Len (and from Alex's parachute pants), and I would have whipped out an Advil (a very dangerous drug, according to high school administrators) but for the sign in the room expressly prohibiting the consumption of drugs or alcohol during traffic school. Rudy asked Len to shut up a number of times, but Len wouldn't budge. Finally, Rudy threatened to throw Len out of the class, but to no avail. The Lenster was set on spilling his guts. As Rudy moved toward Len and threatened to kick his ass, Alex intervened and somehow used his powers of persuasion and fashion sense to smooth things over. "Hey man, chill," he said to Len. Len seemed to respond well to this amazing crisis negotiation technique and did quiet for a few moments.

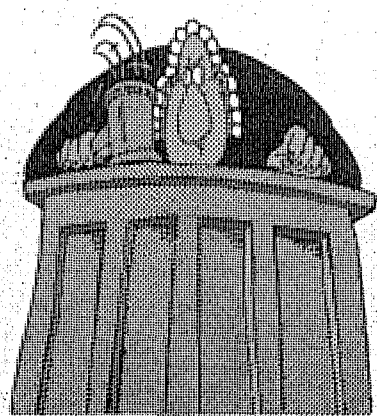
After show-and-tell, we were allowed a nine minute break, during which Len returned all those important pages he had received during his tirade. His cell phone was just oh-so-cool. When we returned from the luxurious break, Rudy broke us into

groups and passed out copies of the DMV test for renewing your license. The test was comprised of about a million questions. Rudy told us to figure out all the answers and try to come up with funny answers in addition to the correct ones. Personally, I think this breakout group thing was just an excuse for Rudy to step outside and smoke a bowl. Anyway, my group included this guy Bob, who obviously had a tremendous self-esteem problem. Like Alex, Bob lived in Malibu. Bob asked Alex whether he lived in a house or an apartment. Alex was visibly insulted by this question and immediately replied that he lived in a "cool" house in the "nice" area of Malibu. Gee, I didn't know there were sections of Malibu, let alone areas that weren't nice. I guess the bad areas of Malibu must be where they shoot all those gory episodes of "Cops" and the nice areas are where they shoot "Baywatch."

Our group was doing pretty well with determining the correct answers to the DMV test, but when it came to coming up with humorous answers, we were having a bit of trouble (I'm sorry, but I find it difficult if not impossible to come up with *anything* humorous about a DMV test, especially the time I'd have to spend waiting in line to take it). Bob, however, thought that each and every one of his suggestions was a diamond in the rough. Unfortunately, his pathetic attempts at humor fell flat and were not incorporated into our team's answers. Bob was getting very antsy. He considered himself quite the comedian and was spewing out stupid answers left and right. Finally, when we were trying to figure out a light-

hearted answer for "A yellow zone means . . ." Bob said "parking for yellow cars only," and started laughing hysterically. We were less than amused. After we rejected yet another one of his boring answers, Bob freaked. "Why are you ignoring me?" he asked. "My answers are funny," he insisted. "I can't believe you won't use any of my answers. What is wrong with you?" Bob obviously had some sort of attention needs that were far beyond our group's ability to heal. Once again, Alex proved that people who live in the nice area of Malibu and drive Porsches make great crisis counselors at traffic school (try using that as a generalization chain in your Lawyering Skills class), as he calmly explained to Bob that his answers were stupid and that he should "chill." Bob did not speak for the rest of the day.

I could go on from here to tell you about Rudy's attempts to get us to pass the various drunk driving tests administered by police (I got to do the funky one where you follow a pen with your eyes. Alex told me I looked "cool" when I did that, and of course I swooned), but Len's outburst at that point probably isn't printable in this newspaper, and I'd like to pass that "Moral Character" portion of the Bar. Needless to say, traffic school turned out to be more dramatic than I had expected and certainly deterred me from speeding for at least a couple weeks — I'd rather get to places an hour late than sit through another riveting episode of Improv Comedy Traffic School.



PROFILE

From page 5

School. At that time it had a public interest focus and I wanted to go into Title VII employment discrimination work.

Profile: What did you do after law school?

Knaplund: I went back to New York, where I am originally from, and I started working for the NAACP Legal Defense Fund. I was doing Title VII work for them as a full-time volunteer.

Profile: Where did you go after volunteering at the NAACP Legal Defense Fund?

Knaplund: I got a job working for Legal Services doing their employment cases for about two years. I did a number of things besides Title VII including some entitlement, welfare, and Social Security cases. I was the main person doing the employment cases including race, sex, age, and physical disability discrimination. I then went to a small private firm that had offices in New York and DC that did all plaintiff's Title VII work.

Profile: Was going straight into teaching without ever having done it before and concentrating on the area of improving teaching methods a tough transition?

Knaplund: It was, particularly since we didn't have a model to work from. This wasn't something that law schools

were doing. Although Boalt had had an academic support program since 1968 that consisted of one-on-one tutoring and a summer program, 50% of the participants dropped out of after the first week. So we were just going on intuition. Dean Prager was just unbelievably supportive and had great instincts about what we should do. It turned out to be very successful and is the only program in the country that anybody has ever demonstrated actually works.

Profile: Why are you so popular with the students?

Knaplund: Like a lot of my colleagues here I really like teaching and I really like the students. I think it is an incredibly accomplished student body with really interesting people. I enjoy coming into class and hearing what they have to say. It's really easy in that sense to engage them.

Profile: Do you have any other secrets that make you so popular?

Knaplund: I think parts of my background have been particularly helpful in teaching. I acted professionally for several years when I first came to LA. I acted in New York but not professionally, and I did some here and that helps in some ways that you would expect in terms of projecting your voice and that sort of thing. It also helps in ways you wouldn't expect.

Profile: Can you elaborate?

Knaplund: I had a lot of training in improvisation. The main thing that teaches you is first of all you have to have a goal, you have to know what it is you want. In acting it's in a scene, but in the classroom it's what do you want people to learn. What improvisational training helps you with is that you try one way to get there and if that doesn't work you try another way and you keep going at it from all different angles. What I have learned as a teacher is that people learn in different ways so you can't present everything the same way and expect everyone to learn it.

Profile: What kind of acting did you do?

Knaplund: Well, nothing very successful. In New York I was in a church group that did a lot of musicals. Here in LA I did mostly stage work. I found pretty quickly that about 75% of actors cannot sing a note, and since I could, it was much easier for me to work in musicals. I also did a couple of films. I earned a total of \$57.25. I liked acting as a hobby but I did not like it as a business at all.

Profile: Are there any video tapes your students could rent featuring you?

Knaplund: I hope not.

Profile: What are your hobbies?

Knaplund: For a long time my favorite hobby was basketball. I played in a



1997 Professor of the Year- Kris Knaplund

women lawyers' league in New York which was a killer. It was so competitive. Here there are a couple of women's leagues (not lawyers), and I played every Sunday for 20 years. We played at the Forum, we would have an all-star game once a year, it was a lot of fun. But I've retired to tennis because I kept getting hurt.

Profile: What is your favorite TV show?

Knaplund: "Mad About You."

Profile: Is there anything else you would like to add?

Knaplund: I would like to thank the class of '97 for electing me Professor of the Year. It is really quite an honor and I appreciate it even though it means I have to write a speech for graduation. I am trying to negotiate it so that I will speak before Jesse Jackson and not after.

Beware!!! Just Say No To Legal Thinking

By Eric Winston

2L

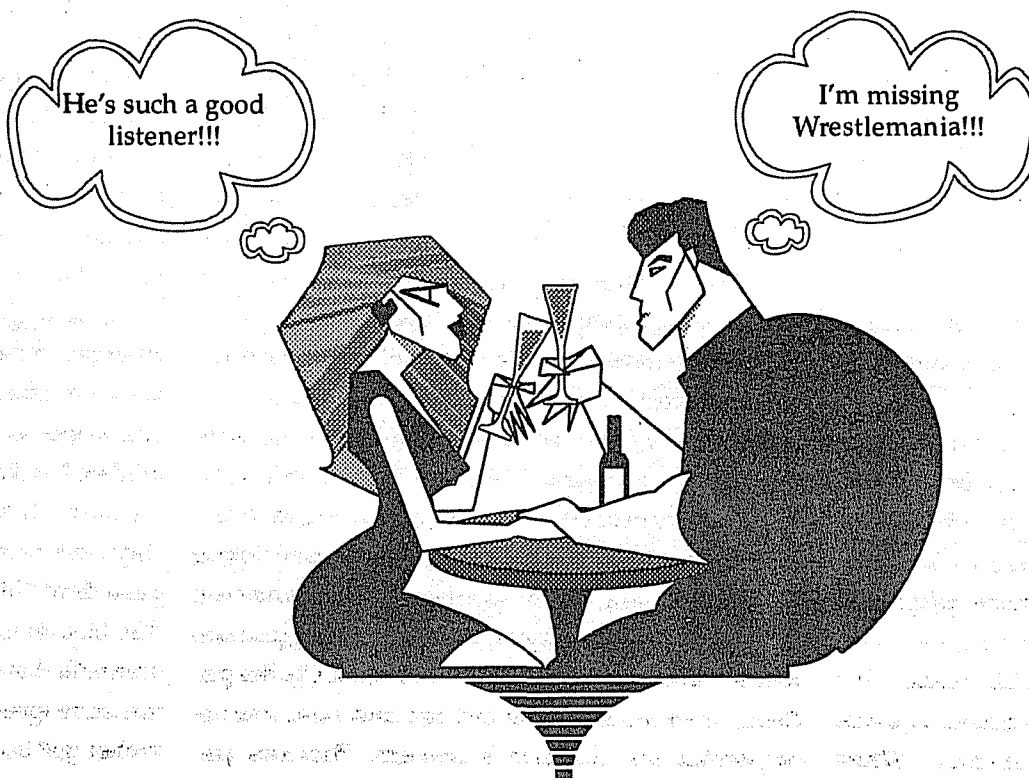
This is a true story. Only the names have been changed to protect the innocent. It's a sad tale that should caution law students of the dangers we will face for the rest of our careers.

A few weeks ago, Marge and Homer were in their car, driving to Homer's apartment. Homer is a second-year law student at UCLA. Marge and Homer were discussing some of the more amusing passages from the book, *Men Are From Mars, Women Are From Venus*. One passage pointed out that men and women, when arguing, should be more cognizant of the things that are particularly important to the other sex. For example, suppose Homer wanted to watch TV and Marge wanted to go to Coffee Bean for an Ice Blended Mocha. While Homer would be mildly hurt if he was not able to watch "The Simpsons" at 6:30 PM, he would be really, really hurt if he had not been able to watch

Cal's stirring victory over Princeton in the NCAA tournament. Thus Homer should go with his love to get the addictive caffeinated drinks when "The

This seems simple enough. However, Homer was struck by this concept. He stated, "This is just like comparative impairment!" Marge re-

sponded, "What are you talking about?" Homer replied, "Comparative Impairment is a theory I learned about



Simpsons was on, and Marge should allow Homer to watch the joy of college sports.

sponded, "What are you talking about?" Homer replied, "Comparative Impairment is a theory I learned about

in Conflict of Laws. It's where a court will apply the law of state whose interest in the action would be more impaired if its law was not applied. The *Women From Venus* thing is analogous. You know, I should do what you want to do when it means more to you."

I find this conversation between Homer and Marge disturbing. It seems scary that law school would have affected Homer's thought processes so much that he could apply a choice of law theory, followed only in California, to a simple conversation about stereotypes of men and women. My Dad warned me about this frightening prospect. He said to me, "After you start law school, you will discover you look at things in a different way. Everything becomes a legal issue. You will find that law school has opened up your head, took out your brain, played with it a little, and stuck it back in your head."

Help!!!

We are pleased to inform you that you have passed

the July 1996 Pennsylvania Bar Examination. You have achieved the following scores:

M.B.E. Scaled Score: 183

Converted Essay Score: 175



The Best Go West

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April 2, 1997

VIA FACSIMILE 443-6614

Gina Caldane Moser
West Bar Review

Dear Gina:

I can't describe how excited I was to find out that, not only did I pass the Pennsylvania Bar Exam, but also that my scores were so high: M.B.E. scaled score of 183 and a converted essay score of 175! I was further thrilled to discover that the 183 was the highest M.B.E. scaled score for candidates sitting in Pennsylvania. I owe these achievements to both Duquesne Law School as well as West Bar Review.

Some of my fellow students were hesitant about taking the West Bar Review course during its first year of administration. However, I reasoned that West has an interest in keeping future attorneys satisfied, and therefore would only associate their name with a quality product. My instincts were correct. Not only was the course at Duquesne administered efficiently and with an eye towards customer service, in no small measure to your efforts, but also I found all the professors to be well-versed in their respective areas of the law. They utilized their time with us effectively, not approaching the subject matter philosophically, but telling us exactly what we needed to know for the Bar based upon past examinations, as well as tips for beating the Bar examiners at their own game. Despite the occasional dryness of some of the subject matter, the professors injected humor and enthusiasm into their lectures, keeping the students' motivation high.

I would recommend to any law school student to take as many as possible of the courses which will be potential subject matter on the Bar exam. However, there were several such courses which I was unable to attend in order to take courses in my practice area of interest. I found that, with the help of the West Bar Review, I was able to absorb enough information on those subjects in order to be highly successful on the essay portion of the Bar exam.

Thanks again, Gina, for all of your helpful assistance, and thank you to West Bar Review.

Sincerely,

Melody A. Hamerl

MAH:scf

Supreme Court of Pennsylvania

Pennsylvania Board of Law Examiners

November 15, 1996

Melody A. Hamerl
1515 Creedmoor Avenue
Pittsburgh, PA 15226-2437

Re: Pennsylvania Bar Examination

Dear Candidate:

We are pleased to inform you that you have passed the July 1996 Pennsylvania Bar Examination. You have achieved the following scores:

M.B.E. Scaled Score: 183
Converted Essay Score: 175

A certificate recommending that the Supreme Court of Pennsylvania admit you to the Bar of the Commonwealth of Pennsylvania, along with an application for admission, is enclosed.

The Pennsylvania Board of Law Examiners extends its congratulations for your accomplishment and wishes you every success in your legal career.

Sincerely,

PENNSYLVANIA BOARD OF LAW EXAMINERS

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