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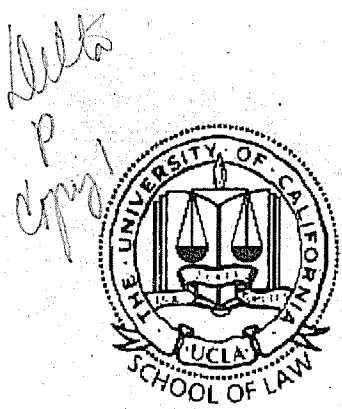
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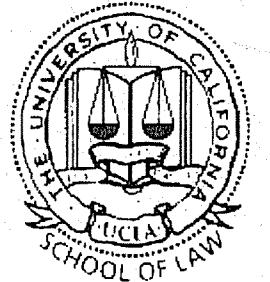
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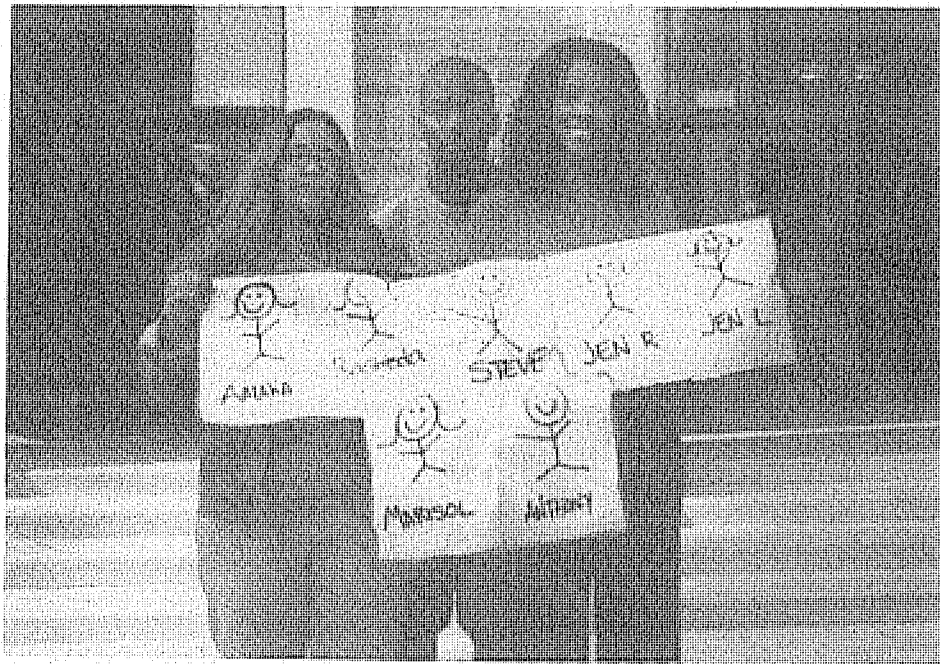
UCLAW Students Take a Stand

Marky Keaton
3L

As many of you are aware, in the next couple of months the Supreme Court will decide the fate of affirmative action in this country in *Grutter v. Bollinger* ("Grutter"). Our class was in a unique position as we were part of the first generation of students to be admitted and educated in California without race-conscious admissions policies. We were the first victims of Proposition 209 and could personally attest to the detrimental effect of the proposition on all students at the UCLA School of Law and other similarly situated California institutions.

The process began when 3L Rasheda Kilpatrick brought a coalition of students together from many unique backgrounds and cultures to figure out how a voice could be given to those who had heretofore been silenced by the formalistic and impersonal nature of legal education. From these modest beginnings Students of Color Against Resegregation of Education ("SCARE") was born. From all this, it was decided that we would write the Supreme Court directly and file a brief as *amici curiae* (friend of the Court) in *Grutter*.

Let me just say that filing a brief in the Supreme Court is no small task. The process, like most things related to the law, is purposefully designed to keep normal human beings from thinking they could ever do it. Expensive fees. Consent requirements. Standing require-



Angela Mooney-D'Arcy, Marky Keaton, Erika Woods, Amara Andrews, Rasheda Kilpatrick, Steve Kwon, Jennifer Ro, Jennifer Lai, and Marisol Arriaga

ments. Tedious deadlines. Wait, did I mention that you also have to have an attorney certified to argue before the Supreme Court submit the brief on your behalf. Oh, and one more thing, from the moment we first met as a group until the time we had to meet the final filing deadline in *Grutter*, we had only two weeks. It was nice to learn that democracy was alive and well and that anyone with lots of money, a sophisticated legal staff, and a personal connection to the highest level of American jurisprudence was more than welcome to file a brief with the Court.

Don't ask me how we did it—that was the work of an incredibly large and dedi-

cated core group that was determined to get this done. The group was not just students. It also included legal professionals and faculty members who took great time and care to review and make suggestions on our work product. It involved sleepless nights, skipping class (most of which I hardly ever bother to attend anymore, having realized the stigmatic effect the environment was having on me), intense arguments over style and substance, and for me, a powerful, profound, and mildly sad revelation that this was the only document I've worked on since I enrolled in law school that I actually cared about. It was not because

I was writing to the Supreme Court. Instead, I realized for the first time that I was writing what I felt. I and my *compatriots* were addressing the severe harm caused to a large number of students at our school. It is this harm that we believe must be faced head-on instead of hidden in the background.

In the process, we learned things that were both touching, disturbing, and inspirational. Several students in SCARE worked on soliciting testimonials for the brief from other UC law students. The response from students at Berkeley, Hastings, and Davis was overwhelming, powerful, and immediate. These students, representatives of countless races and cultures, told tragic tales of courage in the midst of insurmountable odds. They all demonstrated heroism in the truest sense—pursuing their dreams for a better world in the center of academic institutions determined to convince them that their problems are all figments of their imagination. There were simply too many to publish, and the process of editing them to meet our page-limit was a thankless task that broke all of our hearts.

In addition to these student statements, the brief also outlined several legal justifications for race-conscious admissions policies. Desegregation and diversity are compelling state interests. Resegregated schools like UCLA and Berkeley cause unimaginable harm to all students who enroll in them that can never be adequately remedied. Our soci-

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The \$880 Candy Bowl

Shelley Cobos
3L

Ah, the joys of being a member of the most prestigious law journal at the law school! As a member, you get to spend all semester writing a 30-page comment that will be outdated by the time you turn it in or by the time it is published; you get to do numerous cite checks following Bluebook rules, accurately dubbed "an anal retentive wet dream" by one anonymous author; and, last but not least, you get to pay dues of \$70 for the "honor" of being a member! SEVENTY DOLLARS you say? To be a member of this organization? That's what I said! And I was the Business Manager! You know, the one in charge of the budget and the dues account. With 88 members paying \$70, that's \$6,160. But where does all that money go? Let's explore that issue.

At the beginning of the year before our organization held an all-members meeting, I was surprised to learn that dues were going to be raised to \$70. The prior year the dues were \$60 and, as Busi-

ness Manager, I knew that we had thousands of dollars in surplus. I could not understand why the dues were being raised. I was puzzled as to where this number came from, especially in light of the fact that I had not yet created a budget. Obviously, this decision was made without the guidance of a budget. "Why would we need all of this money?" I asked myself.

When I inquired, the chief decision-maker of the dues increase responded, "[W]e didn't feel it necessary to do calculations this year because the previous class had already weighed between \$70 and \$60 dues based on the consideration of whether or not to eliminate the candy bowl. They eliminated it, and we restored it." While I was wondering who this "we" was, I struggled to recover from my surprise at the justification for the increase - \$10 x 88 members = \$880 for candy! That's a helluva a lot of candy!

Even though the chief decision-maker referred to a distinctive "we," I

See **CANDY**, page 11

An Early OCIP?

Who's smoking crack and why aren't they sharing? There is a proposal on the table that some of you may not be aware of...to have OCIP the week before school begins! Because summer break just isn't short enough. Because we want to be forced back here a full MONTH before other law schools begin.

OK gang, yes it is a pain in the ass to deal with classes and OCIP at the same time. But this inconvenience is a trifle compared to the short-comings of moving OCIP up.

First, the sanity component. You NEED to work or something over the summer but you also NEED a few days to get back to LA, get settled, and complete the pre-reading for your courses. If not, insanity quickly settles in.

Second, the feedback component. Ideally, interviewees would like some feedback about the firms they are interviewing with. Since people with offers won't be around, there will be no available source of information.

Third, the offer component. If you do work at a firm, you will have no idea whether or not you are getting an offer by the bidding deadline. Therefore, you will have to do the research and go through the damn hassle of bidding. For others, this really sucks because bidding will be inundated with people who will not eventually interview resulting in cancellations galore. Worse yet, some people will not have heard back from their firms and will be taking up interview spots they may not need.

Fourth, the money component. If you are lucky enough to have a paying job over the summer, this means one less week of pay. In light of the recent fee hikes, that really hurts.

Fifth, the writing sample/resume component. You will have to bust your ass to put together a writing sample and guestimate the assignments you may have in order to put your resume together by the due date. What the hell? "Uh, I worked on a large litigation project, I think."

Sixth, the callback component. As if two weeks weren't long enough to keep you dangling on the hook, you now get to wait a month (or so) to find out if you get a call back. Meanwhile, students from all the other schools are Wowing your interviewers. You aren't THAT unforgettable people! Geez!

Seventh, the weather component. Let's see, if given the option of a stuffy wool suit in August or September, what would you pick. Duh!

So kiddies, that's our take on the matter. Toon in next time, same bat time, same bat channel.

Phatkaats, Midulaged & Baulding, LLP
4 Your Inphoah Way
Lu Sir Ville, CA 12345

Dear Phatkaats and Associates:

Thank you for responding to my inquiry in as little as two months. I am ecstatic to learn that you find my resume quasi-impressive. I understand that taking time away from your billable minutes to communicate with me is a great sacrifice. Hence, I sincerely appreciate the millisecond of interest you pretended to take in me.

I have been fortunate to receive rejections from a large number of highly qualified firms such as yours. As you can imagine, I am in the enviable position of having to choose among them. I have carefully reviewed your firm's qualifications and cross referenced them with those of other firms in a well-organized spreadsheet as I was taught to do in Lawyering Skills. I will send you the Memorandum of Points and Authorities detailing my position, shortly. Your shiny brochures and paraphernalia indicate you have a fine record. I was especially impressed by the conciliatory penlight and notepad you gave me at the JOLT Career Fair in lieu of the summer job you promised. Unfortunately, I reviewed my needs and found that I have already exhausted my requirements for recycling paper for the upcoming summer. With regret, therefore, I must advise you that I am unable to offer you an opportunity to reject me at this time.

Although I am sure this news is disappointing, please understand that my inability to pursue your candidacy is unrelated to your qualifications. I hope that your interest in denying me will continue. I strongly urge you to keep me in mind for the summer following my second year of law school should you have a sustained interest in rejecting me. I am certain you will be among the top candidates to pass me over. I sincerely appreciate your continued interest in rejecting me and I wish you success in all your future hiring endeavors.

Sincerely,
Gisu S. Sadaghiani
Measly 1L
UCLA School of Law

I Am Not a Crook

Richard Sander
Professor

In the fall issues of *The Docket*, third-year Judy Marblestone and I exchanged arguments about the merits of Santa Monica's minimum wage ordinance. She supported it; I opposed it. Santa Monica voters narrowly defeated it in a November referendum. In February's *Docket*, Professor Ken Graham took the debate over minimum wages in a very different direction by making a personal attack upon me. He claimed that I was, in effect, a paid lobbyist for the hotels that would have been among the businesses affected by the Santa Monica ordinance; that I should have disclosed my bias in the article; and that my alleged facts were simply corporate propaganda.

This may sound to some like the sort of hyperbole that often finds its way into the *Docket*, but to me and many of my colleagues, it was pretty disturbing. UCLA is different from other law schools partly because of the cordiality and mutual respect that the faculty share with one another. I can't think of a single instance in my 13 years here when one colleague has attacked the integrity of another. We might disagree on substantive issues (and Ken and I have often disagreed), but we know that the other fellow is sincere and has tried to be responsibly informed. Over the years, Ken has told me about his grandchildren, asked me to play drums in the musical, worked with Kris Knaplund and me on an evaluation of his academic support efforts, and given me a helpful lead on data about economic inequality. That he

would attack me in print without talking to me beforehand or checking his facts was, to say the least, disappointing.

My work on living wage laws, on which I based the *Docket* article, stretches back seven years. I've published four commissioned studies and written three academic articles (one published, two scheduled for publication). All of this work is based on empirical and field research, which is expensive. Sponsors of the research have included living wage advocates, industry groups, the City of Los Angeles, the University of California, and the Employment Policies Institute (EPI). The editors of the *Economic Development Quarterly* (a peer-reviewed journal that is probably the leading journal in the field) commissioned me last fall to write an article about the Santa Monica ordinance. This is the piece I was working on when I wrote the *Docket* article.

Compared to many other academic debates in economics, the debate on living wage proposals has been highly polarized. This is probably partly because living wage proposals have sprung up at the grassroots level, and cities studying the issue have not shown as much sophistication as would, say, a Brookings Institution, in choosing academics to evaluate the pros and cons. As a result, most leading labor economists have stayed out of the field, and most studies in the field are either strongly pro- or anti-living wage.

I think that the work my colleagues

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The Docket

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An Interviewing Story

Elena Gerli
Columnist

I'm going to tell you a heartwarming story. Yes, in the legal world there are heartwarming stories. Well, maybe this is more of a vindication story. It's not a very exciting story, so don't bitch after you read it that I wasted your time. And, sadly, it is not the kind of story where wrongs are righted, lives are saved, the innocent are set free, or the oppressed prevail. It's just a story about something that happened to me.

This semester I needed a part-time job, so I responded to several job postings on the OCS website. One of the firms requested a cover letter, resume and writing sample. They called me in, and I was interviewed by two of the partners, Dave and John (not real names). The writing sample was a copy of a brief I wrote last summer while working for the Attorney General's Office, doing criminal appeals. John looked at it, saw the cover page which showed that it was a completed brief, and put it down again. He then said something to the effect that the sample was not helpful because many people must have worked on it. GASP!

I tried to explain that that was not the case, that I had written the brief, but John shrugged me off and asked for copies of my Moot Court briefs. I tried to tell him that those briefs are not reflective of my current writing abilities, but again he shrugged me off and demanded that I send them. He said he wanted to see something I alone had written.

I wanted to argue with him about

this, but I don't lose my cool at interviews. So I agreed. I left their office, to put it mildly, insulted and pissed off. As I drove away, I decided that I would call and tell them I wasn't interested in the job; then I decided that I would email them the briefs and let the chips fall where they may; finally I decided that I would refuse to send the briefs, period. I changed my mind a dozen times. I wanted to call someone to vent, but I was so furious that I couldn't think of a single person to call. And I was so angry that my back seized up. As an aside, I'm going out on a limb and suggest that driving while some major muscles in your body are seizing could result in failure to remain properly within your lane.

Fortunately, I didn't get home until late that night, so I had time to calm down and to think about how I would handle the situation. Dave and John were expecting my briefs via email, so I chose that as my mode of communication. I wrote them that I would not submit the briefs they asked for. Part of the reason I did appellate work in the summer and then externed for a District Court judge was that I was dissatisfied with my writing skills, despite having received a Distinguished Advocate Award in Moot Court [toot, toot]. Then I explained how the AG's Office Summer Honors Program works, and how much control law clerks actually have over the final briefs. My point was that the sample I gave them was indeed mine.

The tone of my email was totally pro-

See **STORY**, page 11

Jared Gordon
Production Manager

In the depths of winter, UCLA experienced its own episode of chilled speech. On February 5, S.B.A. Secretary Jamie Morikawa sent out the weekly S.B.A. announcements via email, which included political satire about the Taliban. This satire set off a small firestorm of controversy, and resulted in Morikawa issuing an apology in the following week's announcements. Rumors erupted on campus following her apology that she had been forced to apologize, and that a system of censorship for the announcements was being set in place. While it appears these rumors have been somewhat exaggerated, it is clear that the episode has resulted in a further chilling of speech at the law school.

Like most stories, this is one best understood by starting at the beginning. Morikawa took over her post as S.B.A. Secretary at the beginning of this academic year following her uncontested election. One of the primary duties of the Secretary is to send out the weekly S.B.A. announcements. Many people probably delete these announcements without even reading them. But of course, if you were one of those people, you probably would not be reading *The Docket* either, because you would have thrown it away too, in your exercise of your right to remain ignorant of the world around you. Morikawa wanted to get more people to read the announcements, so she started to add humor.

During the middle of the fall semester, Morikawa began to include a new part of the announcements: the "unsubstantiated rumor." "I was standing in the hallway with some friends," when Morikawa jestfully made up a rumor that her "roommate Sundari [Wind] was going to be the homecoming queen." Morikawa decided to include the story as an "unsubstantiated rumor" at the end of the announcements, and got such a good response that she decided to "make it a weekly thing."

Most of the time, these "unsubstantiated rumors" have focused on students, staff, or professors that Morikawa believed would appreciate the humor in her accounts. For instance, one week featured a rumor that had Professor Volokh shooting into the ceiling of the law school after hearing that he was nominated for a judicial post. This was of course entirely fictional, and clearly anyone reading the rumor would recognize that it was merely intended to be funny. Morikawa also focused her satire on events at the law school, like finals and the Barrister's Ball. The initial "unsubstantiated rumors" mostly focused on sources of humor at the law school.

On February 5, Morikawa expanded the scope of her humor and included an "unsubstantiated rumor" about a fictional Taliban law school. The "unsubstantiated rumor" read:

"This week's unsubstantiated rumor: Taliban School of Law in Afghanistan invites UCLA law students to sign up for its

See **RUMOR**, page 15

Barrister's Ball Goes Off Like a Prom Dress

Kate Bushman
2L

There was no queen. No cheesy theme. Not one wore a corsage or boutonniere. There certainly were no chaperones in attendance. And I'll be damned if I had a date.

But even lacking those typical elements, this year's Barrister's Ball delivered so much more than what one would think a typical law prom would provide.¹ In the opinion of this unbiased journalist,² on a scale of 1-10, I give this year's law prom a 768.34. Knowing the great, yet skeptical, legal minds in my audience, I feel the need to justify my position with the brief memorandum that follows. Because, after all, a great law prom is truly determined by weighing several key factors, in light of the totality of the circumstances.

First, every good law prom needs a choice venue. Since the law school does not have the traditional high school gym à la *Carrie* at its disposal for law prom, it is a challenge to find a suitable replacement. This year, the Barrister's Ball Committee Chair, Chris Marvin, went above and beyond the call of duty with the Marina del Rey Marriott. In addition to being conveniently located on the West Side, the rooftop space had amazing views and elegant decoration. Overall the scene for our night of debauchery was breathtaking; genuinely a much classier joint than I thought I'd be attending that night.³ Definite thumbs up on the place; just keep your fingers crossed they will have us back next year, now that they know what real law students are like.

Second, a truly great law prom has

to have a sweet guest list. The law school community itself delivered on this one by providing a great mix of people ready to strike up a conversation, dance with chairs, or sing off the rooftop balcony. To make it even sweeter, aided by a good deal of soap, deodorant, some shaving and plucking, the entire contents of Tammy Fay Baker's makeup case, and just plain time spent outside fluorescent lighting, this crew sure did clean up good.⁴ I was pleasantly surprised by how amazing absolutely everyone looked. Moreover, people looked genuinely happy and like they were enjoying themselves. I guess that is what you get when you remove the stresses of law school life and replace them with large quantities of alcohol.

The guest list high note had to be the 1Ls. After this law prom, the first year class is officially renamed the "Fun L" Class. Becky Ettinger did it up right by organizing her fellow first years into a rollicking party machine by the time appetizers were served. Alicia Hancock was a dancing machine, which I didn't know was possible when dressed completely in leather. John Alden, who has incidentally made me crave old episodes of *Miami Vice*, also did not disappoint on the dance floor, in conversation, or at the bar. But topping the 1L hits has to be the one and only Jeff Cohen, who gave the lip-syncing performance which has been the talk of all the Ballers. This was the climax of the evening for everyone I have spoken to since law prom. Yes, the academy has spoken, and now this moment will go down in history with other such prestigious and unforgettable law prom moments.⁵ However, let's not forget that Cohen would not have had this



1Ls kickin' it wit da gin 'n juice.

moment without the help of the rest of the "Fun L" class. In fact, three cheers for everyone in attendance.

Third, a fantastic DJ is a must-have for a switched-on law prom. I know one thing for sure about this DJ: he played Snoop with very little drunken coercion. That's enough for this girl to be satisfied that he was Snoop-di-fly fo' shizzle. That simple fact plus the dance floor was always packed equals a happy musical experience for all at the Ball. I could be wrong; it could have been the loads of alcohol and numerous hours in front of a mirror practicing dance moves in a leisure suit that packed the dance floor. But I haven't heard near the level of complaining that I did after last year's DJ debacle⁶ so I say this factor cuts in favor of the law prom kicking ass. [Ed Note:

We respectfully disagree with the author's musical taste. Go Flock of Seagulls!

Finally, before and after events are requirements for a great law prom. As mentioned earlier, Becky Ettinger threw a sweet pre-party in the hotel itself, and was definitely the place to be both before, during, and after the Ball. The after event to attend was karaoke at Scott Monroe's and Erwin Benedicto's apartment. This duo need only a reason to break out the collection of karaoke favorites, including a full disc of love song duets. If you had other plans, or simply passed out (as I did), then you missed out.

See **BALL**, page 12

Supporting our Soldiers

Jon David Henderson
2L

Many Americans think that those who don't support the President on Iraq don't support the military. Peace protesters that attack the military lend support to this belief. Some equate any questioning of the President's foreign policy with appeasement, and seem to feel that those who doubt the wisdom of an invasion would rather support Saddam Hussein. Perhaps they would be more comfortable in Iraq—citizens there don't question their president. They blindly cheer Saddam without asking questions. They aren't allowed to.

I think support for our soldiers is not the same thing as support for the President. And vice versa. I believe it is not only my right, but my responsibility, to try and ensure our nation's security, to try and ensure our nation does the right thing. I don't think an invasion of Iraq is the right thing—not because I support an evil tyrant like Saddam Hussein, but because no evidence has been presented that Iraq is a threat to our nation. None at all.

I support a war on terrorists, and I think North Korea is a real danger to us, but not Iraq. And not without justification. And not without the support of our allies. And not when the Iraqi link to Al Qaeda has been shown to be a lie. I get very nervous when a President lies to the American people in order to build support for such a vital decision.

To some that means I don't think we should defend ourselves. But I do believe the United States has a right to de-

fend itself. That is why I proudly served as a rifleman in the 101st Airborne, and other infantry units around the world. I think we should kill the terrorists where we find them, and destroy any government that threatens our way of life. All I would ask for is some reassurance that my actions would help our Republic, and not endanger it. Some, including apparently the President, would rather I not ask any questions. Just as in Iraq no one questions Saddam.

I have been on casualty notification teams. I would ask Mr. Bush if he knows what it is like to tell a farmer and his wife that their son, their pride and joy, the son that they nursed, loved, taught to ride a bicycle, that their son is not coming home anymore. And then, as their shattered faces collapse, and the light goes out of their eyes, to then have to answer the question from them "Was it worth it? Did our boy die for a good reason?" Should I answer, "I don't know. I never asked?" Does Mr. Bush know what it is like to take a human life, and how desperately soldiers need to believe that doing so was the right thing to do? Still, if it is the right thing to do, I think we should go.

My problem is that "if." Because if it is not the right thing to do, then we should not do it, even at this late date, even with 300,000 troops already deployed, and even if it would embarrass us. If we invade for the wrong reasons then the rest of the world, fairly acquiescent about our power, would see us as the threat. Would we be better off then?

See **SUPPORT**, page 13

The Turn of the Tide

Yuval Rogson
Columnist

I thought I would take a moment to reflect on the momentous significance of the period of time we live in. Our competing values are culminating in policy decisions that, one way or the other, have tremendous implications for the future. These competing values may take the form of conservative versus liberal ideology but the labels make them seem simpler than they really are.

By the time you read this article we may already be at war. If we are, take a moment to pray for the men and women sent in harms way to achieve the purposes that America has set out. Whatever your feelings about the war, there is no excuse for not supporting our troops. However much you disagree with the purpose they set out to accomplish, they are our soldiers. If you disagree with the purpose, go out on marches and vote for a different administration. That is how our community voices its respectful discontent.

We are at a crossroads in time. On one road are the policies of the past. Along it you will find landmarks labeled "Peace in our time," "Containment," "The 1994 agreement with North Korea," and "half-measures (otherwise known as proportionate responses)." This road diverges at an abyss labeled 9/11. Just past the abyss, a growing cancer is revealed and in the shrouded mist the specter of weapons of mass destruction begins to form.

This is a well-worn path. Many people find comfort in it and changing

paths is never easy. People like the old and the familiar, sometimes even if they prove to be inadequate for modern times. There is always comfort in knowing the rules of the game even if it means you will eventually lose.

Most people admit that some changes are required. Have the old alliances, formed to face a cold war threat that has become obsolete, become obsolete themselves? Must the values that America prizes become subservient to the values of a wider community on such decisions as self defense? Does the U.N. have moral authority over America? These are all questions whose answers are coming.

I took a walk outside the other day to watch the protesters. I read a couple of the slogans they had on their posters. One read "An eye for an eye makes everybody blind." This seemed to me to be an empty platitude as most slogans are. If the argument against war is that you should not respond to evil, it is not a very good argument. Another said "No war for oil." I didn't quite understand what that meant except to show the profound ignorance by the person who wrote it to the competing values at play in this debate. I know (or at least hope) this is not the best they can do.

So where does the road diverge to? A new road is, after all, an unworn path. The contours are not well defined. It is fraught with potential disaster and hope as any new and untested road is. Some people or nations will never come. Others will join once the path has taken

See **TIDE**, page 14

Adventures in Bar Review

Gabriel Rothstein
Columnist

(This article is about the adventures of 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.)

Once again it was Thursday night, time to don my sweet-looking dragon shirt, load up on booze and head to some crappy bar in Santa Monica for Bar Review. I don't mean to make it sound like a chore to go to Bar Review, in most cases I love going to bar review, but lately the law student turn out has been pretty poor, and that sucks. Therefore I think it's time to stop making excuses and start showing up on Thursday night. There's plenty of time to work hard and get serious AFTER law school.

Anyway, after a few stiff drinks, my brother and I headed out the door to "The Room" which is a bar located on 14th and Santa Monica. It's a dingy lounge type bar that can only be entered via the parking lot.

The place is pretty darn small (not that I've ever seen it full) but it has tables for sitting and good music for dancing. Perhaps the most interesting feature about the Room is the lighting, or the virtual lack thereof. This place is dark, very dark, which can be great for smooching with that special (or not so special) someone. However, the darkness of the bar can and often does have disastrous consequences. For example, imagine talking to hot girl/guy inside the bar and

then walking outside to talk or have a smoke with them and realize that the 9 you were talking to just became a 6. To combat this pervasive problem every girl I talk to inside the bar must be given the "Power of Light Test" to determine their true level of attractiveness. (This may make me sound shallow, which I am, but if you are one of those delusional people who believe "it's the beauty on the inside that counts," then the Room is the perfect bar for you, you intellectually elitist, hypocritical fucks!)

I was pretty excited when I entered the bar around 11:30, because I was a number of drinks in and I was feeling groovy. I immediately took care of my first two needs, I took a piss and got my ass a drink. For some reason I just don't feel comfortable walking into a bar and not getting a drink immediately.

I'm still on the Atkins Diet (no carbohydrates) so I'm drinking rum and diet coke which is a horrible concoction, but thankfully it does the job. Additionally, because of the almost complete lack of carbs in my diet I tend to get drunk quickly and thoroughly which is great on the wallet, but not always so great for those around me, but if they don't like it, fuck 'em.

After pissing and getting my drink I head to the back of the bar where I find a number of law school peeps hanging out and dancing. Normally I don't dance when I first get to a bar, but I made an exception in this case because it was Kerry's birthday, she loves dancing, and I was just that drunk.

After dancing for a little while I run into my friend Laurie, a cute 2L who was a wee bit hammered. She tells me that

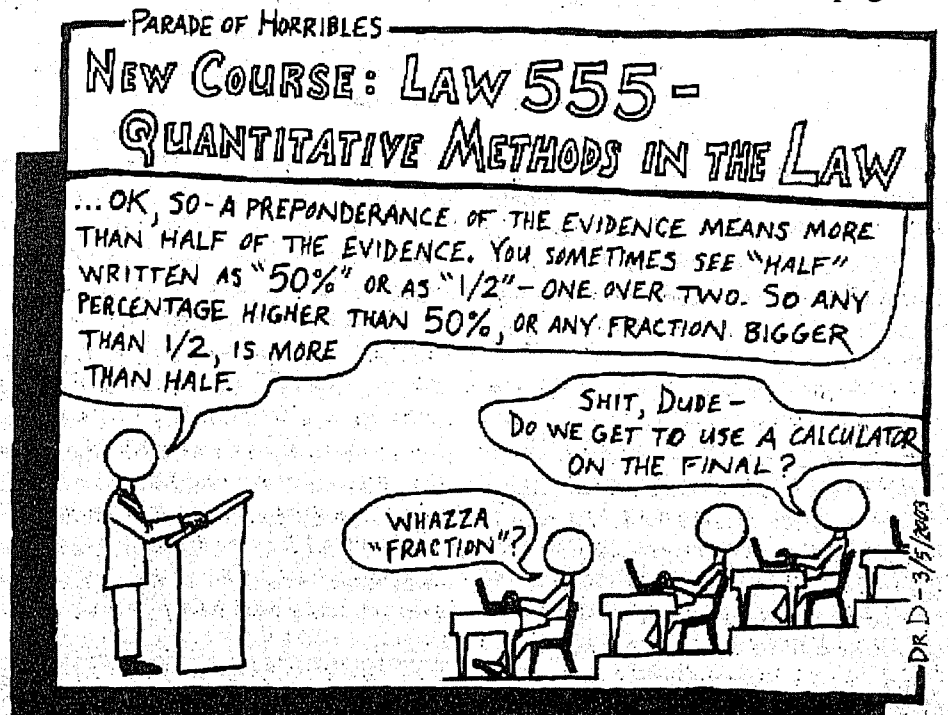
she wants to set me up with a friend of hers. First I'm thinking that's great, but then I realize perhaps Laurie doesn't know me very well. Most of my friends know better than to set their friends up with a guy like me because I certainly don't have the best reputation. (Fear not loyal readers, any bad reputation that I have is quite well deserved I assure you.)

So I explain to Laurie that it's probably not a good idea to set her friend up with me because there is an extremely high likelihood that we'll sleep together on our first date and then I'll never call her again. Yeah that's pretty much my M.O. and it works surprisingly well here in LA.

In fact I have to thank the rest of the men in LA for giving the women of this

town such incredibly low expectations when it comes to dating. Just the other night I was in a bar talking to a woman who told me that she didn't want to go home with me because she knew we'd hook up that night and I'd never call her. I didn't even attempt to dispel her of that notion, in fact I told that was exactly what I had in mind, and then to my utter bewilderment she went home with me anyway!! Damn do I love this town!! My attitude and lustful desire may make me seem immature, but I never claim to be anything but immature and at bare minimum I am very honest. When it comes to me, you pretty much know exactly what you're gonna get.

See **REVIEW**, page 12



North Korea: Juggling Three

Michael Lee
Columnist

Another war? Throw it on the pile, the administration says.

Last October, North Korea announced it was capable of producing nuclear weapons, and would continue to develop its abilities to do so. Arriving on top of the ongoing war on terrorism, and the President's continuing efforts to generate support for war on Iraq, such an announcement would give any government pause to consider. And it did—before they charged ahead, determined to get on with their agenda.

Recently, Defense Secretary Donald Rumsfeld assured the nation that the U.S. was up to the task of simultaneously handling a war on two fronts, which either shows amazing confidence or stupidity. The U.S. hasn't fought a full-scale conflict in two-hemispheres since World War II, and then only because the Japanese forced our hand; not to mention we were propping up the already existing Allied forces in Europe. Now, the Bush administration is contemplating the U.S. playing Stretch Armstrong between two engagement theaters on opposite sides of the world—both against countries with weapons of mass destruction—AND, while he's at it, keep the war-on-terrorism ball up in the air.

Far from showing strain, Bush seems to believe we can do it all: he announced that Iraq, Korea, and Al Qaeda are all deserving of "#1" priority status as enemies. Say the administration decides to play favorites and take it one enemy at a time: should the president still be gearing up to attack Saddam? Or should he take a breather and juxtapose the two threats? Here's what he'd see if he did:

Iraq: Saddam's efforts to build an atom bomb have been constantly frustrated, or at least consistently monitored. *North Korea:* Has enough nuclear materials to build at least two atomic bombs, and possibly six more in as many months. Furthermore, if it restarts one of its old nuclear reactors, it could produce enough materials to continue adding one bomb every year.

Iraq: A pariah in the international community. *North Korea:* Shares a border with China, a member of the U.N. Security Council with veto power, its own nuclear arsenal and the world's largest standing army—a nation that has warned against a U.S. offensive on no uncertain terms.

Iraq: Saddam's army doesn't have one tenth of the snowball's chance it had in 1991 of resisting a determined U.S. assault. *North Korea:* Kim's army is capable of overwhelming both the South Korean army and the U.S. forces stationed there in conventional battle.

The issues are hard to sort out, as demonstrated by a faculty panel debate in February hosted by the International Law Society. The tone of the debate strongly mirrored a debate on Iraq last semester, featuring three of the same speakers.

One outside speaker was UCLA Chancellor Albert Carnesale, who happens to specialize in the topic of nuclear proliferation. In addition to detailing what we currently know about North Korea's nuclear capabilities, he gave details on what we *should* have known: in 1994, the U.S., Japan, and the two Koreas concluded the "Agreed Framework," under which North Korea agreed to "freeze" its nuclear program, in ex-

change for an import of 500,000 tons of fuel oil per year, and a U.S. promise to build a \$2 billion set of special nuclear power plants incapable of producing weapons material.

Six years later, the Bush Administration, systematically ignoring or undoing every policy pursued by Clinton, "set aside" the agreement, prompting North Korea to withdraw from the Nuclear Non-Proliferation Treaty. This action is particularly worrisome now, Carnesale pointed out, given North Korea's reputation for selling conventional weapons to other countries; once it has a stockpile, might have no qualms about selling surplus nukes.

Carnesale stated that the U.S.'s priority should be to revitalize the 1994 agreement and get South Korea to "refreeze" its program; to pledge not to undermine Kim Il Sung's regime; and "hope that the [South Korean] government continues to act rationally, in a way that furthers their own interests." Carnesale pointed out the dangers of even triggering a war in Korea: "Seoul is within range of their artillery; Japan is within range of their missiles."

Professor Randall Peerenboom said the main problems obstructing the U.S.'s formation of a clear policy are similar to the problems looming in Iraq, especially if the administration is ambitious enough to try and effect a regime change in North Korea as well. There is opposition to Kim's government, true, but not enough that Bush should consider a second Bay of Pigs. Moreover, Peerenboom raised serious concerns about the U.S.'s institutional competence to reconstruct a country after replacing its regime. Like Iraq, North Korea has been an authoritarian government for some time, so designing a democratic infrastructure would be a commitment of years. Peerenboom commented on the impossibility of solving these problems overnight: "The U.N. doesn't have the capacity to drop in internationally trained judges by parachute."

Professor Jonathan Zasloff, who at last semester's Iraq debate was the closest thing to an apologist for the Bush Administration, now roundly condemned the U.S.'s actions.

Among the worst of these was when Bush made his famous "Axis of Evil," speech, lumping Kim's North Korea in with Al Qaeda and Iraq as sworn enemies of the U.S. Zasloff quoted Talleyrand: "it was worse than a crime—it was a blunder." As a result of this blunder, Zasloff said, we have earned the enmity of a country that has 850,000 troops massed on its border with South Korea; facing them with the South Korean army are a mere 37,000 U.S. troops; a number which China will not permit to be increased. Those troops are not a wall, Zasloff said. "They're just a tripwire." Unlike Iraq, the U.S. is not in a position to move unilaterally against North Korea. "We have a lot of moral clarity, and no policy," Zasloff said.

Professor Khaled Abu El Fadl, echoed this last sentiment, and used the topic of Korea to refocus our views on the Iraq question. He said the U.S. continues to justify its international belligerence through moralistic pronouncements; an argument which quickly falls apart.

"Evil regimes? There are plenty to go around," he said, including human rights violations by the Saudis, Kuwaitis,

See **KOREA**, page 13

Lack of Diversity

A Student's Perspective

Marky Keaton
3L

I still remember my thoughts when I first decided to come to law school at UCLA. I was certain that the law was a venue through which many of the inequities so prevalent in modern American society could be remedied. However, I soon learned the law is complicit in a system which actively discriminates against numerous groups. Moreover, in countless moments the law has been the responsible party for many of the most severe atrocities our country has ever seen. I watched as my peers saw their idealism and thirst for a better world eradicated by a system which privileges grades, wealth, and status over morality, personal integrity, and honesty.

I do not know many who have been able to pursue their legal education at UCLA without sacrificing many of the noble ideals which brought them to law school in the first place. I am not the first person to comment on the ironic nature of the endeavor we are all engaged upon. A legal education is a morass of rhetoric about social justice and the pursuit for truth governed by many people who appear to have never practiced such ideals in their own life. This dichotomy caused me great distress. I wondered how so many of our professors and faculty could talk so much about being honorable and valiant and yet display no such characteristics in their own lives. It bothered me that law firms, which possessed al-

most no partners or associates of color, could speak of their gallant commitment to diversity as if they were heroes for interviewing one black law student.

Clearly, the problem was mine. Obviously, I should just accept that hypocrisy is intrinsic to the legal profession and that being able to argue both sides of an issue is more valuable than simply saying what's right. For three years, this is exactly what I have striven to do at great personal cost. UCLA is a school where everyone is told to be happy that they landed in such a great place. Never mind that I was the only African-American male in a class of almost 300 students. Somehow that's no big deal. Oh...wait—only one Native-American too—no problem—there aren't many of them anyway. Besides, the retort goes, we have lots of women and Asians so we're really diverse. It doesn't matter that many women will only be able to be successful in major law firms if they adopt oppressive male paradigms that devalue their identity. It seems irrelevant that Asian-Americans are not simply one aggregate group but a community of identities many of which are still horribly underrepresented at our elite law school.

All of this rationalizing was really exhausting. Now, as a 3L, I'm just tired. Good grades and an unconscionably large bank account didn't make me feel much better when I was the only black male walking around my law firm this

See **LACK**, page 14

Don't Drink and Walk

Shannon McMasters
1L

When I came to Los Angeles, I had hopes of making a few close friends and going out once in awhile. I was sure that I would be studying so much that there just would not be much time for anything else. Boy was I wrong. Who knew that I could possibly drink more in the first year of law school than in my entire undergraduate career? The faculty and students at UCLA did.

I recall orientation and how they told us we would make lifetime friends here. They mentioned how social it would be with events like "Bar Review" and kegs in the courtyard. They went on to tell us that we might even find that special "someone." So... law school is going to be about partying and hooking up after all? Sweet.

However, I had no idea just how *painful* it would be to socialize in law school. It is downright dangerous. In my own personal study, I have found that an increase in alcohol is closely linked to self-induced injuries. I managed to escape undergrad relatively unscathed. Of course, everyone wakes up with their typical random bruises, wondering how in the hell they got there. But in six months of law school, I have had three major incidents. I would call them accidents, but that would mean there was no one to blame. And I blame law school.

With all of the studying and reading, I feel like I have to "reward" myself with big nights out. If I was going to be super studious through the week, then I was going to make up for it on the weekend. Study hard, party harder.

The first semester I flew to Atlanta to see my best friend Hannah and go to a huge outdoor concert. I love live shows and have gone far and wide to see my favorite bands. That weekend was no exception. After drinking all day, we went out in Buckhead. Buckhead is an area of Atlanta where all of the kids hang out, since it is a neighborhood of bars. The Buckhead Saloon is our favorite bar, because the bartender loves Hannah and always gives us free drinks. Needless to say, by the end of the night I was hammered. We made our way home and started up the stairs to her house. I may have started the stairs, but I didn't finish. I ate it. I introduced my knee to the concrete and they were not happy to meet each other. I am not talking "whoops I scratched my knee." I am talking "oh shit, I have a bleeding, gaping, flesh wound." How does one fall up the stairs anyway?

When my friend Craig picked me up from the airport, he asked how I got "that gnarly gash." I just told everyone that I got crazy in the mosh pit. I really did have bruises all over my arms from the concert. It simply was better than saying my drunk ass fell up the stairs. Anyway, it wouldn't have happened if I didn't love rock shows so much.

About a month later, I went camping with some friends from law school for our three-day weekend at Joshua Tree. I am sure you can already tell where this story is going. But what else are you going to do around a campfire, except drink (and play "Never Have I Ever")? You wrestle, of course. Don't ever drink

See **WALK**, page 17

ONE-L HELL

Write for *The Docket*

Jesse Saivar
1L

FUCK. I've been saying that a lot recently. Fuck me, fuck you, fuck Civ Pro. I'm talking like a fucking lawyer already. I may not know how to make a motion for a summary judgment under Rule 56, but I can drop an "F" bomb with such rumsfeld and precision it would make Rumsfeld tell me to chill out. I'm a fucking first year and I'm not too happy about it.

People told me it would suck. I expected it to. But it's like someone telling you that Hell is hot. You don't get the picture until you're eternally skinny dipping with Hitler in the Sulfur Lake.

What follows is a typical day in the pathetic life of this 1L.

I wake up this morning to the pleasant musings of my 84-year-old face-lifted neighbor's 4-inch freak of a dog yelping and whining like she does so thoughtfully every morning. After shouting a few courteous words their way, I let my shower pee on me in the gentle, not-hard-enough-to-get-the-soap-off way I've grown to love. I then lug my 132-pound gaggle of bags four blocks uphill to the bus stop. It was so nice of the driver to give me the "sorry buddy" shoulder shrug as I chased after him down the middle of Wilshire Boulevard.

Yippee. Now I get to wait. Again. For the fourth day in a row. Sitting on a flowerpot surrounded by bags at the scene of a recent triple homicide. I narrowly escaped Death by a Mini on Wilshire and now I'm worrying about getting capped

because someone may be aiming at Koo Koo Roo and miss.

Seventeen minutes and no drive-bys later, the Big Blue Shitbox finally comes again. I forcibly cut in front of all the old ladies and women waiting to get on so I can get a seat by myself. Things backfire when my Bruin Card won't work. I slide it 12 times to countless angry beeps. It worked yesterday. It worked the day before. What have I done wrong?! I start realizing that the longer it takes, the more the people trying to get on the bus start crowding me. By the time I get the approving single beep, I've got seven people jammed in the entrance surrounding me with scowls on their faces.

Ah, but the looks are worth it, for I spot an empty seat in the back. I work my way towards it. It's fun walking with three body bags draped on my back as the bus jerks back and forth. I'm stumbling down the aisle with the style and grace of Anne Nicole Smith on a tight rope. I'm sure the vet who risked his life defeating the Nazis will really appreciate getting taken out by some skinny geek's Property book hitting him in the face.

Luckily after all of this I finally make it to school. I'm lucky because I get to attend class. Three hours of confusion and anxiety. Do T and A have indefeasibly vested remainders in fee simple subject to an executory interest if B's unborn child dies before C's husband? FRCP Rule 13(a)(2)(C)(iii)(delta)(ocho) telling me I have 17 days, 3 hours, 27 minutes

See HELL, page 17

Justin Radell
Columnist

Have you ever had the desire to write for a publication that receives critical acclaim and accolades from statesmen, businessmen and academics throughout the world? Well, keep dreaming. If you want to write for a newspaper with an inconsistent tone and a readership that hovers around 15 people (including my parents, the crew in Records and the guy who stocks the vending machines), then *The Docket* is the place for you.

I was recently standing in the courtyard speaking with some friends and the last issue of *The Docket* came up. My friend gave me the following compliment after reading my last piece, "Hey Justin, I didn't know you could write." After taking a moment to fully appreciate how little she thought of me prior to reading my article so that she would consider my contribution to be evidence of my ability to "write," I suggested that she submit an article to *The Docket* herself. She replied, "What could I write about?" The answer I gave her was that she could write about anything or nothing at all. I quickly flashed back to one of my favorite episodes of *Seinfeld* where George shared with Jerry his idea for a television show about nothing. George explained that anything that happened in their lives, even if nothing happened, would constitute an episode. Though Jerry was skeptical, the show was picked up by NBC, but suffered an ill-fated demise when the head of NBC decided to join Greenpeace in order to impress

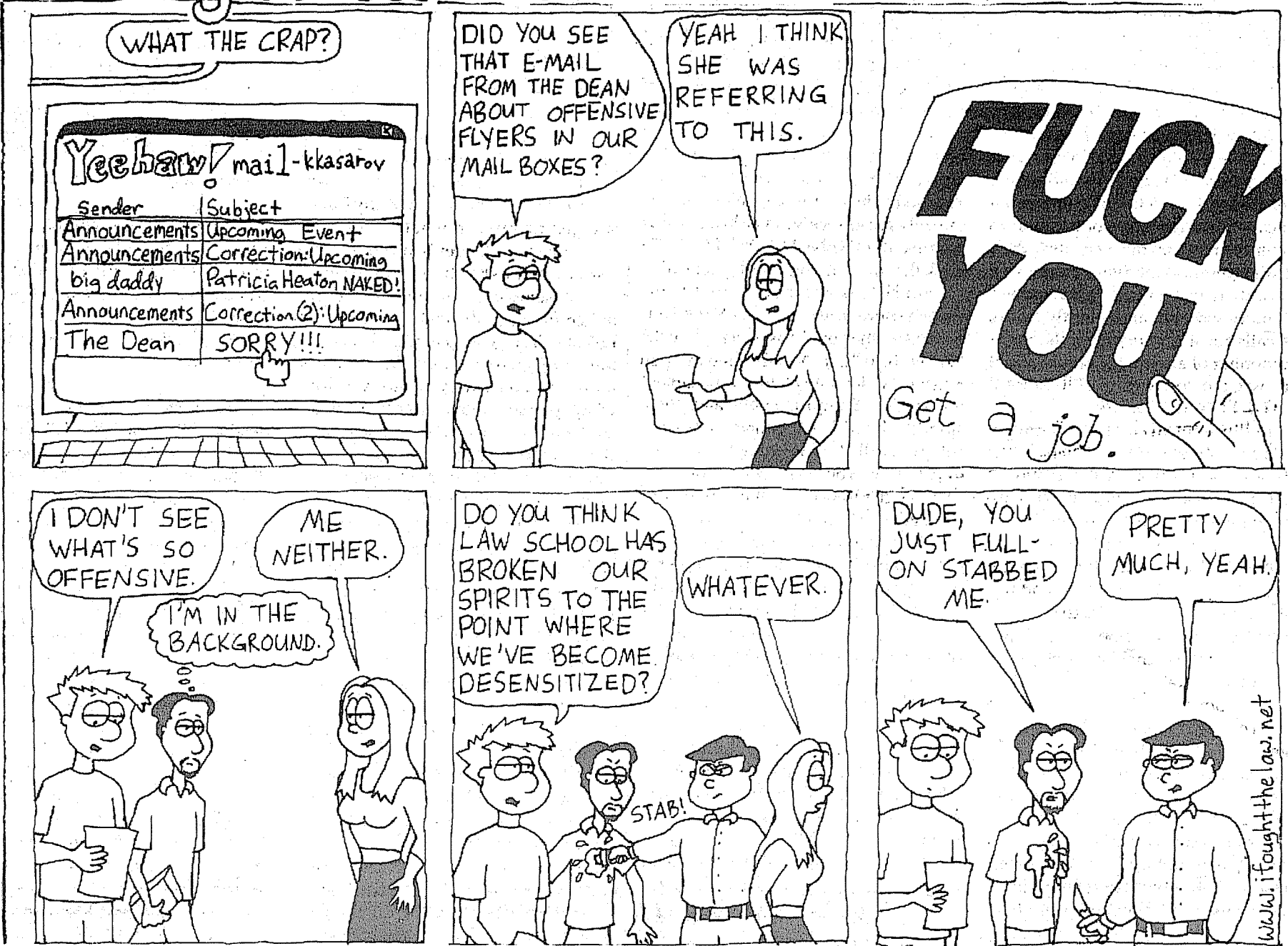
Elaine. That is neither here nor there.

Following the arguments so skillfully argued by George of *Seinfeld*, I will explain how anything or nothing at all can be the basis for a *Docket* article, in an attempt to convince you to write for *The Docket*. What you are doing right now is a *Docket* article. You could take some time to write about reading *Docket* articles. Maybe you like them. Maybe you don't. Maybe you take issue with the font or the fact that the articles that try to be funny aren't, whereas the serious ones are. Either way, you have something to say that can fill a 500-word block in the paper. My solicitation of potential *Docket* writers is a *Docket* article — self-referential writing is tricky like that. The possibilities are endless.

Say you are sitting around watching MTV and someone gives a shout out to their peeps. You might think to yourself, "I wonder where the phrase 'shout out' developed" or, better yet, you might want to investigate the first use of the term "peeps." Go figure it out in all your free time and write about it — that would be a *Docket* article. You could write a *Docket* article about anything that is on your mind whether it is serious or silly. You could write about the underground drug cartels that fund the law school coffers or the maze-like underbelly of the library where an adventure of *Goonies* proportion is ready to take place. You could write a poem and rhyme like you used to do all the time. The world is your oyster. Now go forth, be righteous, write an article and submit it.

i fought the law

by matt holohan



China: More Authentic than Take-out

Catherine OliverSmith
Managing Editor

If you are looking for a tremendous experience for your bar trip and don't want to just laze about on a beach during the day recovering from the drunken revelry of the night before, then I would suggest China. I was there last summer for 18 days and had an incredible time.

The Great Wall is one of the wonders of the world and I wondered mightily how I was going to climb up and down its precarious slope in slip-on flats in 102° weather. China is very (VERY) hot in the summer, and I was outside Bei Jing when I climbed for just over an hour, going only a short, but breathtaking (in more than one way) distance. The Great Wall is truly but one of the many wonders of China. Another is the humanity. Everywhere. All the time.

Our first stop was to Tian An Men Square. We did not get to go across it, as it was closed off for some military exercise (hopefully not against democratic students), but did enter under a large hanging banner in red with an unsmiling Mao. A crush of people crammed into the narrow space we walked through to get in and over to the Forgotten Palace. Tour groups with flags aloft were lemming-like walking through and around to see the antiquities. Some tourists were well read and sharing their knowledge (whether welcome or not) in loud voices as they pushed along in front of the windows to the rooms, while others complained that the place was dusty and the windows not clean enough to give them

a pristine view into the past.

The Lamasery Buddhist Temple is the largest temple outside of Tibet and is also in Bei Jing. It is not a temple so much as a compound of many temples with various meanings. At the very end is a 27-meter high Buddha made of sandalwood all from only one tree. The artistry and magnificence of this one sight more than makes up for getting completely lost for an hour.

The summer palace is outside the city and on a lake, breezy and providing lovely areas for walking and boating and resting. The covered walkway goes on for what seems to be miles, and every last bit of it is painted with flowers or birds. There must be hundreds of thousands of minute portraits along the ceiling alone. There is a Bat Garden in the city where all the carvings and pictures are of bats. Bat means happiness and bats eat insects, so in a way it makes sense. There are half-day rickshaw tours of the Hutong (old city with the compounds made of small, single-story homes). Each doorway has a raised lintel over which you must step to enter. We were told they are made that way to keep the evil spirits out, but I still managed to get across it. A canal runs through the city (and eventually leads down to Shanghai) and I think to take a kayak and spend a day on the water would have been a tremendous experience, but unfortunately not one associated with my tour.

I do not recommend the Ming Tombs unless you like walking into a cement tunnel with a few large marble sar-

cophagi at which you may toss your money for luck, again pushing and shoving against the multitudes to glimpse a meaningless slab protected by smudged plexi-glass.

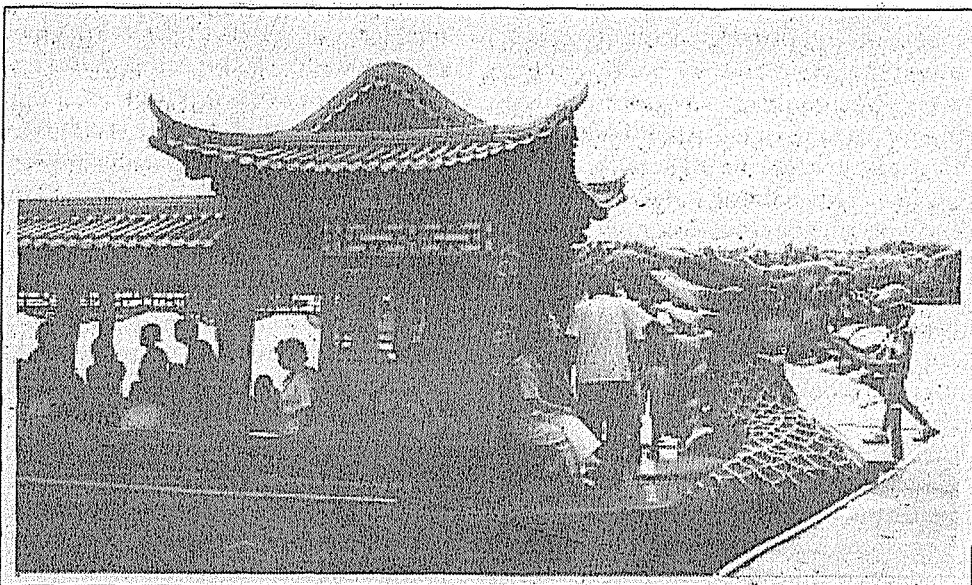
The Temple of Heaven is also in Bei Jing. It is a very large park with several Buddhist temples. Like the Summer Palace, covered walkways lead to the temples from many directions, and people are all about. They are dancing and playing music and using broom-size calligraphy brushes with water to write poetry on the ground, playing cards, and a type of checkers. It would have been pleasant to stay and sit awhile and take it all in, but after three days, I was off by plane to Xi'An, home to the famous Terra Cotta warriors. They are a sight worth seeing, but not for two to three hours straight.

At the Peking Opera (the one we saw

not in Peking but in Xi'An) we sat directly behind Imelda Marcos. We can be seen smiling and waving in all the pictures that people were taking of her, though her helmet head may obscure us a bit. Her shoes were silver with glittery sequins and rhinestones appliquéd, nicely matching her gown. Before leaving Xi'An, visit the Big Wild Goose Pagoda (not to be confused with the Great Big Wild Turkey Whiskey Bottle—unfortunately).

Chongqing (population 30 million) is a very hilly, hot city with a huge and infinitely ugly People's Meeting hall. It is also the place to catch a ship that will sail the Yangtze. Unfortunately, boarding the ship by 6 p.m. leads to many dull and tired tourists bedding down before 8. A brightly lit area across the river and

See CHINA, page 11



Vive la Résistance

Aurelio Torre
3L

So, let me get this straight: the United States, considering launching a comprehensive war in the Middle East, may pause its war machine mainly because of European cries of dissent chiefly emanating from Paris. Hmm... I could go two ways with this article: my intellectual side calls for a reasoned opposition to the French stance on the war, citing their own disingenuous motives for opposing American actions in Iraq. My less cerebral, more visceral, and slightly drunk side calls for a caustic, juvenile, bitter lampooning of all things French. What to do, what to do... screw it, I'll do both!

THE FUN SIDE SAYS:

Getting joint advice from Germany and France about one's war plans is like getting a lecture from Mike Tyson on anger management. The French managed to get a Teutonic whupping three times in less than a century. People are quick to forget the Franco-Prussian War, when Napoleon III refused to yield to a newly unified Germany only to have Bismarck Alsace his Lorraine. Then there's WWI, where the Frenchies were getting a butt-kicking, Kaiser-style, only to have our doughboys pull them out of the fire. And, of course, there's WWII, where the large and supposedly prepared French Army managed to get attacked, invaded, and completely conquered in about three weeks. Look it up: the Germans invaded in late May, and were marching under the Arc de Triumphe by June 14th. Magic Johnson's talk show lasted longer!!!

And, in yet another glittering chap-

ter in their military history, the French even showed us how to lose the Vietnam War. Quick, albeit slightly simplified, recap: German bootprints in Paris were still fresh when the French marched off to defend their holdings in Indochina. Faster than you could say "Dien Bien Phu," we had to try to pick up the pieces, only to engage in our first losing war. Yet another lesson for our American ears: the only reason we've ever lost a war is because the FRENCH LOST IT FIRST! Stick that in your crepe and smoke it!

And let's not even get started on the French sports scene. We OWN the Tour de France (they might as well replace the "Fr" with an "L"). And the French Open is just ridiculous: any tennis tournament where Pete Sampras sucks and some spindly, dwarf-like Spaniard is successful can hardly be considered a sporting event. Tennis on clay? Whose idea was that? Here's how the conversation must have gone down: [In a French accent]

"I'm thinking of starting a tennis club, Maurice, but I can't think of what materials to use for the court surfaces."

"Well, Maurice II, that's quite a problem. We certainly can't build them out of normal street materials like asphalt or cement, that makes far too much sense. And we can't have grass surfaces, because grass grows pretty much everywhere so that too makes far too much sense. Besides, those strong, strapping Americans, with their massive frames and generous endowments, will crush us on such courts!!!"

"How about clay? That way, we can

See VIVA, page 15

In the Know

Erin Welsh and Yassi Almadar
1Ls

So law school has turned you into an extraterrestrial. You go out with your "outside" friends and listen to them recap an exciting episode of American Idol and you're thinking "Didn't Kelly Clarkson win that show already?" "And hey, are Jennifer Lopez and Puffy Daddy still getting busy or what?" You wear your stonewashed Levis, rolled up at the bottom, with sketchers, wondering if your ensemble is a bit outdated as you notice undergrads smirking at you in LuValle. You go to a bar to pick up a girl, but sadly your pick-up lines seem to mimic an opinion by Justice Cardozo. Okay, perhaps this is slightly exaggerated, but, seriously, the complexities of wills and trust and personal jurisdiction can interfere with the ability of law students to be normal human beings.

While the repairing process may take more than just one *Docket* article, this is the dawn of a new era. Our ultimate mission: to prove that we are not just another mass of law student recluses and that we are "in the know." (Can you hear the star wars theme song playing?)

Mission #1: Disseminating "Expert" Advice from the Faculty to the Masses. Everybody could use a little debauchery and perhaps even romance in their lives. "But I have no game!" you may say. Have no fear—as law school alumni and experienced lawyers, these "experts" can help you gain the necessary "skills" to successfully negotiate through the austere law school terrain.

Questions Pertaining to Dating and

Romance:

Interviewer: How do you feel about law students dating each other while in law school in general?

Prof. Zasloff: Well given you're a 1L you are not going to meet anyone else... Who else's heart can you send palpating with subject matter jurisdiction?

Interviewer: Do you have any suggestions for those 1Ls who are absorbed in their studies, but find their minds wandering every time they spot a particularly coveted 3L?

Prof. Zasloff: I suggest wearing a pin-striped suit.

Interviewer: Any conversation suggestions? *Prof. Zasloff:* Well, there use to be a tort of seduction. You could tell the 3L that you're studying the tort of seduction and that you would like to do more tort research. Or you could say, "The way you make me feel is unconscious!"

Prof. Nelson: Have a friend of his act as a intermediary to get the message to that person that the 1L has more than a passing interest. Perhaps the direct approach is more fashionable these days, but it wasn't when I was in law school. One had to be more subtle when I was in school.

Interviewer: Conversely, how would you advise a 3L who feels the lure of the "outside," yet finds themselves attracted to the naiveté of a 1L?

See KNOW, page 17

Lost in La Mancha

Kraig Odabashian
3L

So it's a random Friday night. No bar review. Nothing good on television. You had plans to go somewhere with someone but they cancelled and now it's too late to do very much anyway, so what are you gonna do? Meditate? Study?! Of course not. You're going to call up a few compadres and catch a flick. So what do you want to see? How about *Daredevil*? Because I'm sure a movie about a guy in a red jumpsuit prancing around for two hours is really going to be entertaining. It was called Spider-Man, it came out a year ago, and it sucked then too. Veto! Or you could satisfy your girlfriend and indulge the chick flick. It sounds like a good idea, but gentlemen, take my word, *How to Lose a Guy in 10 Days* is about as fun as Chinese water torture, so think hard about the cost of that extra little affection you might get by picking "her" movie. So time to get artsy. You could go see a foreign film, but then again, isn't the point of movies to avoid reading for at least a couple hours? How about a documentary? Risky, right? It could be really boring. But for those of you who are willing to take the plunge, Keith Fulton and Louis Pepe's recently released *Lost in La Mancha*, about filmmaker Terry Gilliam's (director of 12 Monkeys) failed attempt to produce an adaptation of Cervantes' *Don Quixote* (entitled *The Man Who Killed Don Quixote*), offers a refreshing change of pace from the usual mundanity of simple exposition, predictable climax, and epilogue for which Hollywood directors should be subject to some extremely violent form of medieval torture.

Fulton and Pepe trace the gradual unraveling of Gilliam's film as it is produced on location in Spain. The most significant setback is lead actor Jean Rochefort's development of a swollen prostate during production. By an unfortunate coincidence, the script calls for Rochefort's character to be on horseback for a large portion of the film. To add to the turmoil, Gilliam's film goes millions over budget, the weather goes sour, and the Spanish air force is running fighter jet exercises over the set. Much of the movie follows the daily trials and tribulations of a disconcerted and livid Gilliam, who grows angrier and more frustrated as problems continue to arise. Meanwhile investors and insurance agents hover over him and Johnny Depp snickers quietly in the background. In one of the documentary's "laugh out loud" moments, Gilliam confronts Depp,

who is set for a chain gang scene. Gilliam hollers and attempts to instruct Depp with his usual zealous aggression. At the same time, Spanish war planes are streaking through the sky and it's starting to rain. Astounded, Gilliam turns listlessly to the other producers and asks why no one checked a weather report.

But the real innovation that makes the documentary provocative and funny enough to merit \$9.50 and a \$7, bag of popcorn is the compelling metaphor which Fulton and Pepe draw between the eccentric protagonist of the film and the ever maddening Gilliam. Like Cervantes' classic *Don Quixote*, the documentary film is largely about the dying fit of a would-be romantic who, determined to overcome all odds, is eventually forced to face reality. "The Battle of Don Quixote is a battle against reality. And I think filmmaking is a battle against reality. But in this case, reality has been stronger than the dream," says Bernard Bouix, Executive Producer of *The Man Who Killed Don Quixote*.

Indeed, I found myself laughing only nervously, perhaps as one laughs at farcical elements in Shakespeare. We are entertained, but we know all too well that what we are really laughing at is ourselves and our condition as human beings. We all live for dreams, but sometimes the world doesn't cooperate, and sometimes disaster strikes. Despite Gilliam's haughty attitude and friction with the rest of the cast and crew, he is a sympathetic character for the very reason that the film is about Gilliam living for his dream, and despite all zeal and courage in the face of adversity, failing. By the end of the documentary, as the filmmakers pack up costumes and props without a finished product, I felt so sad that I leaned over and hugged the theatre goer sitting next to me. "Are we not all brothers," I asked, weeping on his shoulder. Well, maybe that didn't actually happen. But one simply cannot ignore the slowly evolving dramatic action of the documentary, evoking sympathy from the audience with a cunning and creative subtlety that never fully sinks in until the final moments of the film, when it becomes all too clear that Gilliam, like *Don Quixote*, has at last awoken from his fantasies.

Lost in La Mancha concludes by informing the audience that Terry Gilliam is now attempting to find investors who will buy back his script from the insurance company that took possession of it as part of their contract. Sounds like they could use a few good lawyers. Litigation anyone?



Write-on

Stephanie Christensen
2L

Ahhh, the Law Review write-on. The memories, the expectations, the missing spring break. First, come the questions. Should I write-on? Is it for me? What will I be missing out on if I don't? What the hell are they looking for anyway? Are any of my friends doing it? The decision whether to write-on is a very personal one requiring knowledge of yourself (What kinds of things make you happy? Do you like to feel challenged? With whom do you like to spend your time? Will you regret it if you don't try?), combined with knowledge of your expectations and career goals (Do you want to clerk post-grad or perhaps go into academia? Will these skills be useful and can you get them somewhere else?).

I suggest you do a little soul searching before diving into this one. But as I know that many Docket readers are without souls, I will offer some further advice. I'm supposed to give you the benefit of my experience, the advantage of my knowledge, the utter wisdom that is Steph. But since I already rambled on at the Law Review informational meeting last week, I thought I would aide in your decision-making by breaking down some basic personality types that you may encounter on your path. My friend Bushman says I was "born to break things down" so here it goes . . .

Category One – The "Anti" Crowd: The "anti" crowd is comprised of those individuals who seem to be against every goddamn thing on the face of the earth, especially law school. Don't mind the fact that they are actually in law school. No, no, my friend. They are only here to get the piece of paper and go back into the world to change the dynamics of power and they refuse to "buy into" anything law school related. To them, Law Review represents everything that is wrong with law school. It creates a false meritocracy and is just another something designed to exclude and artificially promote those who would think themselves better because their name appears on a masthead.

Chances are you are not one of these people. I know this because if you were you would not be reading *The Docket*, as

it too is a symbol of oppression, voicing the opinions of the dominant class with an occasional amusing piece thrown in here and there. But while you may not be one of these people, you will hear from them, so you need to understand where they are coming from, internalize the advice, and move on with your decision.

Category Two – The "I Would Really Like to Write-On but I'm a Big Pussy Afraid of Failure so I Refuse" Crowd: Everyone knows this group. They usually go through life always taking the safe route—becoming what their parents want them to become, never leaving the area of their birth, or only giving 80 percent. The safe route is specifically designed with a built-in excuse ready and waiting for anyone who would question an outcome. If someone were to ask, "Are you on Law Review at UCLA?" they would find great comfort in saying "no, BUT I never even tried to write-on, it's not for me."

This group seems to grow relatively larger after first semester of 1L year when law school has sufficiently torn students down and defense mechanisms are necessary to preserve sanity. The tricky thing about this crowd is that it takes some time to know if you are really one of them. Take a long hard look kid.

Category Three – The "You Bet Your Ass I'm Going to Write-On. In Fact, I will Define Myself by It. I Buy it All, I Want it All" Crowd: These guys are a real piece of work. Having always defined themselves by the amount of praise placed on them by others, it is hard not to continually seek the warm rays of societal recognition. They do it because that is what one is supposed to do. They want it, and they think that they are entitled to it and if they don't get it, the world will literally stop turning. Be wary of these people. If they get what they want you won't want to be around them and if they don't, you really won't want to be around them.

Category Four – The "I Tried to Write-On but I Didn't Make it and I'm Bitter as Hell so I Will Bad Mouth Everything to do with Law Review" Crowd: This crowd is easy to identify. When you hear an upper-classman bad mouthing the process or the outcomes

See **WRITE**, page 14

Written-off

Katherine Blanca Farkas
2L

I'm supposed to tell you about completing the write-on, and then not making Law Review. Unfortunately, the story of me sitting around working on the write-on is even more boring than the story of me reading the politely worded rejection letter. Instead, I've decided to give you a little wrap-up of the whole experience in the style of a children's book I once read. You needn't read the children's book before you read my little story. In fact, if you do read the book, you'll be violating the prohibition on outside research.

I tried to make Law Review. Unfortunately, I didn't. Fortunately, I learned a lot about the constitutional implications of high school drug testing. Unfortunately, I learned somewhat less than

the amount needed to make Law Review. Fortunately, I learned to be a better cite checker. Unfortunately . . . See the previous "Unfortunately." Fortunately, it prevented me from spending the whole break sitting on my ass and watching Reality TV. Unfortunately, I gained new empathy for everyone who got voted off the island. Fortunately, my great friend Stephanie Christensen got on Law Review. Unfortunately (for her), she gets to see me smile every time she has to go find 93 original sources and then pull three cite checking all-nighters in a row. Fortunately, life goes on and I had enough free time this year to do Moot Court. Fortunately, I can't say I didn't try. Unfortunately, I can't say I didn't try.

(Tune in next time for my country western song about the joys of losing Moot Court.)

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BAR REVIEW

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We will also be having an informational shin-dig after spring break (with **FOOD!!**).

AMICUS

From page 1

ety is still generations away from fully eradicating the harms caused by our country's unpleasant history of racial and cultural oppression. Aggressive affirmative action is not only necessary, but it is also the least restrictive means available to combat the racial stereotypes many students carry unconsciously about their peers of color. The first step to healing is simple acknowledgment of the pain that has been caused to so many innocent people.

In the end, the latter argument is the one that matters most to me. I am convinced that no country can call itself civilized when it allows this much emotional harm to be done to those it expects to be its future leaders. It is the story of the students that must not only be heard but listened to. After all, we are the ones who are supposed to be the alleged beneficiaries of these policies. It is making this voice heard that the student testimonials in the brief are all about. The real justification for full and legitimate integration is the human one our professors and administrators are trying to teach us never existed or to simply ignore.

At our press conference to celebrate the filing of the brief, Congresswoman Maxine Waters eloquently spoke about how social justice has passed many of our elders by making it the responsibility and the burden of the young. So be it. Hundreds of students attended the press conference from all over UCLA to show that they recognize and embrace this sad calling and are more than willing to sacrifice their futures to achieve a better system for all. On April 1, many of us will be in Washington DC for oral arguments in *Grutter*. The Supreme Court may decide to turn back the clock in our society

another 100 years, but they will not be allowed to do so without the young and strong eyes of the future watching and passing judgment on them. We will not forget.

For those of you interested in reading a copy the brief, it is available online at www.umich.edu or on Westlaw at 2003 WL 554405. We have also emailed a copy of the brief to Dean Jonathan Varat with the hope that he will send a copy to every faculty member and administrator at this school and encourage them to read it and act on it. The administration should not only be proud of its students for their efforts, but all of them should take a moment to understand how they can do a better job of addressing the plight of many of their dedicated students who have been silenced in this environment.

While we have not heard back from the Dean yet, we are confident that he will send the copies out soon and make a statement to our student body and to the public about how the administration intends to take a proactive and socially responsible stand on these issues in the future. We look forward to joining with and working with him and others in the faculty and administration in this process. We also hope the rigid and unimaginative study of law many have been subjected to here will not stifle the creativity and brilliance of the vast majority of our student body. If you only do what they expect you to, then you are doing a disservice to yourself and to all of those who worked and died in antecedent generations to create a better world for all. Keep your dreams alive and never stop working for a better future. It is yours to make.

PARADE OF HORRIBLES

THINGS THAT DIDN'T SELL AT THE PILE AUCTION

ITEM:

STARTING BID:

A CONSCIENCE	\$2.00
MORAL SCRUPLES, COMPLETE SET, WITH INSTRUCTIONS	\$1.00
A LIBERAL EDUCATION	\$0.75
A MASTER'S DEGREE IN PHILOSOPHY	\$0.25
LAWYERING SKILLS REFRESHER COURSE	\$0.10
GREAT MOMENTS IN PR VIDEOTAPE	\$0.05
SIGNED GROUP PHOTOGRAPH OF SAM CLOVER, LILLIAN HUMMEL, MATT BLAIR, PAULA PEPPER, AND BRAD LUPPT	"PRICELESS"

Dr. D - 3/4/2003

CANDY

From page 1

assumed the decision had been generated from a pre-vote conversation with other organizational members. Determined to fulfill my duties as Business Manager, I jumped to my post, immediately attending to the budget, as I was fairly certain that it would be the principle reference in the dues-raising voting session. I gathered input from all those who might know what expenses came out of the dues account and created the budget. Bagels on Thursdays (you didn't think those were free did you?), the organizational banquet, and of course, the newly revived \$880 candy bowl.

At \$70 per member, there was a surplus of greater than \$3500. At \$60 per member, there was a surplus greater than \$2500. What's more, a surplus of approximately \$3,000 had been left by at least the three prior boards (i.e., the past three years) and no one seemed to know why. Someone had obviously miscalculated in the previous years and collected too much in dues. All the more reason not to raise the dues, I thought. If this money has been left sitting around for three years, why not use it?

I awaited notification of the final voting session regarding the dues increase. However, I soon found out that a "selective" voting session had already been held. Astounded, I wondered what had transpired and on what basis the decision had been made. One "select member" expressly said that he did not recall agreeing to raise the dues: "I don't remember agree[ing] on an amount." Another "select member" said "I don't recall us setting the dues at \$70. I do remember us mentioning an amount, but I am almost certain we decided to put it off until later . . . [I]t seems arbitrary to just set an amount, without knowing what the actual expenses will be." Arbitrary indeed.

Despite this news, I figured there was no time like the present to submit the budget to chief decision-maker for the final big vote. To my dismay, however, chief decision-maker remained adamant on the higher amount, even after reviewing the budget. But now, the justification was not JUST the candy bowl, but that we should maintain the surplus because "[it] . . . stands to benefit every class going forward in the event of emergencies." In other words, maintain the surplus for the sake of maintaining the surplus.¹ As one member observed, "I do not see what possible emergencies there could be that

STORY

From page 3

professional. I was not angry or disrespectful in any way. And I looked forward to hearing from them at their earliest convenience. Much to my chagrin, they did not tell me "go to hell, you crazy bitch." That would have made a funnier, though less heartwarming, story. Instead, they said they did not intend to impugn my integrity (ha! too late), that they would read the sample I submitted, and would get back to me. Later with a friend I laughingly imagined the conversation about me between Dave and John.

Predictably, soon thereafter I received a rejection letter. Ostensibly I had not been hired because of my unabashed interest and greater experience in criminal law, and they needed someone with more civil experience because they almost exclusively handle civil matters. Pah!

Exactly a week later I received an-

our fees would need to be used for. Bagels on Tuesdays? The bar runs out of booze during the law review reception and someone needs to go to SavOn at midnight?" Yes, my sentiments exactly.

Not one to give up, I consulted our organizational advisor, who suggested that the entire organizational staff vote on the issue. Needless to say, an all-hands vote was not allowed to take place. I imagined the rationale must have been that members should not have any say about the dues that they pay or how it is spent anyway. I mean, why should they? It's not their money, anyway. Oh wait! Yes it is!

Anyway, I thought it important to let the other organizational members know that their financial interests were not considered at all when it came to their dues being raised in light of the candy bowl. If there would have been an all-hands vote, I'm sure there would have been a majority consensus to have the members contribute \$880 for candy. It just makes sense. I find it offensive that the members were expected to blindly fork over an increased amount of money without even having any say as to what types of candy would be offered. I'd also like to mention that the selection was just awful. Small pieces of Price Club candy shoved into a coffee mug (I guess a mug looks like a bowl if you look at it at a certain angle) in a locked office does not seem worth \$10 per person. I mean, I at least expected truffles and Mountain Creamery chocolates for that kind of dough!

P.S. Total amount spent on candy for the entire duration of the Board - \$59.26!

1 It sounds as comical as Justice Scalia's derisive dissent in *Minnick v. Minnesota*, 498 U.S. 146, 166: "Today's extension of the *Edwards* prohibition is the latest stage of prophylaxis built upon prophylaxis, producing a veritable fairyland castle of imagined constitutional restriction upon law enforcement. This newest tower, according to the Court, is needed to avoid "inconsistency with [the] purpose" of *Edwards*' prophylactic rule, *ante*, at 154, which was needed to protect Miranda's prophylactic right to have counsel present, which was needed to protect the right against *compelled self-incrimination* found (at last!) in the Constitution." Analogy: Let's maintain the surplus for the purpose of maintaining the surplus because we should!

other letter. I almost threw it out, thinking that they were paying me the courtesy of a second rejection letter. Considering the unsettling number of people I know who have received rejection letters even from firms they did not interview with, this was a possibility. Instead, I was being offered the higher end of their starting hourly pay to help out on a criminal misdemeanor matter which they predicted would take six to ten weeks. I needed the money, and it was criminal stuff. I figured that at this point they knew I'd tell them to go to hell if they misbehaved in any way, so I decided to give it a go.

I churned out a couple of memos over a three-week period. A few days before writing this article, I was at the

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CHINA

From page 7

downstream a little bit looked considerably more enjoyable and lively, but "no-one" was to leave the ship. The ship's crew sleep in tiny rooms below deck and do not go ashore but for a few months in the winter. For a full 10 months they eat, sleep, drink, and breathe life on board, though they may pass within hailing distance of their families. On rare occasions the captain may give leave at a port, as he did in fact on this trip, so that he could visit his own wife and young child. But many people will see their children and parents, husbands or wives only as they pass by, waving furiously from the lower deck.

Fengdu is a ghost city (not a ghost town) that is up in the hills and quite a climb (700 steps), though it will be less so after the flooding. The gorges are interesting to see, though misty, and after a while much like any river set about with low mountains (or high hills). The dam was HUGE, MASSIVE, NOT YET BUILT.

Off loaded the ship in Wuhan and saw a lotus farm, then on to Shanghai. Shanghai is an incredible city. Modern buildings with brightly lit signs surround the harbor. There is a huge Old Town Bazaar area much like a huge "China" town. Don't count on having clothes made in Shanghai if you show up on Friday and have to leave by Sunday since the shops are closed. But do bring a suit you especially like, a dress you wish you had eight of, a French cuff, button-down shirt you need by the dozen, and get clothes made for a fraction of the cost. I could not get any made in mainland, but did get some in Hong Kong and they were done within 24 hours and to perfection. Taking something with you that you love gives them something to copy, which they will to the last little stitch, and they'll put the original right back together again. In Hong Kong don't expect them to be Chinese however, as I believe every last one we saw or talked to was Pakistani. Back to Shanghai, don't bother spending \$75 for a long bus ride out to Suzhou (silk

making homeland and "Venice" of China). It is not as pretty as they will tell you, (Venice stinks a lot too), it does have a leaning Pagoda (like the tower in Pisa) but the cost and time is not worth it. You are much better off staying in Shanghai.

I won't talk about Hong Kong here, as it deserves its own space. If you have never been, go now, go often. Anyway, I recommend China. I recommend you take a tour (if not a long tour that takes care of everything at least take a tour of each city to get your bearings and be prepared to be lost and confused without a guide). Don't expect the food to be great (if you are on a tour), as it is not, and breaking away to get and do your own thing is next to impossible. Do not take pictures of military installations unless you wish to be detained in a small room with loads of angry men yelling at you in Chinese, taking your film and destroying it, and showing you various means of torturing you, not including the "Chinese Water" torture.

Before you go be sure to learn to pee standing up (if you are a woman) and take a few rolls of TP. If you splurge and decide you deserve a massage do not expect the spa massage you get in the US. The massages have no music, no candles, no scented oils, and may include more people than you and your masseuse in the room and the soundtrack to *Tremors* in addition to loud, chattering voices drifting over from the adjoining room. Still, as you will walk and walk and climb and walk, I do recommend paying \$25 for a full hour. If you buy anything from the street vendors, know that you are paying less than you would in a store, but that if you just waited five more minutes the next guy along would sell you two for the price you paid for one. Beware the caterpillar shish kabobs and deep fried scorpions, eat the pigeon and think of it as squab. Do not leave your money and credit cards and travelers checks in the bar of your

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BALL

From page 3

In addition to the factors enumerated, law prom had several other key ingredients, such as a traveling photographer, a fancy-schmancy sit-down meal, the requisite deflowering of the innocent, a chance to play dress up, and all your favorite friends from school in attendance. Thus, unquestionably the law prom did rank a 768.34 this year.⁷ There you have it, skeptics. My sincerest compliments to the people who made it possible and definitely to those who attended. I am sure this will only be rivaled by the PILF auction for the social event of the year.

1 For those of you who chose not to attend, I recommend kicking yourself repeatedly while reading this. But, as my good friend Steph Christensen pointed out, if you don't have class the other 364 days of the year, then you probably couldn't pull it together for B-Ball either.

2 C.f. I am also a member of the Barrister's Ball planning committee. Additionally, I may not have the best recollection of the night. For further explanation, see *infra* note 3.

3 This is not mere self-deprecating humor. At one point in the evening, a fellow committee member told me that the Marriott was a bit unhappy as some of the guests had "brought their own alcohol." Of course, I expressed my shock at the level of tackiness displayed by my colleagues. I then immediately excused myself to the ladies room, where I polished off the pint of Jack Daniels I had stowed in my evening bag.

4 I have a few specific shout outs to give here: first, my girl Golzar Kheiltash looked incredible in pale pink; much to the dismay of the other 15 girls wearing strapless black dresses (myself included), Celine Wyman looked like we all wished we did in her slinky little number; Jon Delshad pulled off a sweet swinging look, complete with fedora; as usual, the Three Domingui styled like they were born to—why couldn't I get some of those lucky chromosomes??; Svetlana Henderson (wife of JD) made married look good in her pastel ensemble; and Jeff Cohen is officially the only man I know who can make the pink ruffled tux look HOT.

5 Cohen's lip-syncing joins last year's law prom academy award winning moment given by none other than 2L Scott Monroe. In the middle of the dance floor, Monroe demonstrated his stunning and dramatic vocal stylings—directly into a bottle of booze. This performance moved several members of the UCLAW community to tears, and sent many more running for cover. What can I say, UCLA Law School: all class, all the time.

6 I did not know that "Cotton Eyed Joe" nor Color Me Badd were so popular in LA. Crikey, they weren't even popular in Iowa anymore, and we're running a good three years behind. Singing into a bottle of booze may have been the best idea—at least it deadened the sound of the blaring 80's hair band music.

7 O'Connor's concurrence that the law prom did kick ass, but only because she's a swinger has been omitted, as well as Scalia's dissent whining about how no one would sit at his table. Ashcroft's amicus brief on prohibiting dancing and booze at the ball has been placed in the circular file next to next to Dean Varat's copy of my Fee Hike article. Your fingers crossed they will have us back next year, now that they know what real law students are like.



J.D. Henderson: Pimpin' it up at the Law School Prom.
(With Svetlana's permission, of course!)

REVIEW

From page 4

After getting another drink I start talking to a few 3Ls. All of us are fearing the upcoming summer which will consist of studying for the bar, freaking out about the bar, and then more studying. Oh, and then it's work like a dog for the next 30+ years, yeah! We agree to enjoy what little peace we have left and try our best not to let any good partying opportunities go by.

During our conversation, a law student whom I shall call Travis wandered into our conversation. Now I like Travis, but he can be a wee bit annoying and thus I go through pains to avoid his company. Sorry let me rephrase that. I despise Travis, he is very annoying, adds nothing to the conversation, is usually way too sober, and has the uncanny ability to bring me down. He's that guy in class who asks the ridiculously off the mark "what if" questions, the kind that even the professor thinks he's a dork for asking. Anyway, this time he kills my buzz by reminding me that the MPRE exam is the day after the PILF Auction which pretty much means I'm gonna be super hungover during that exam. (Come on you, don't think I'd miss an event with free food AND free booze did you?) And perhaps this year we can actually get Dean Cheadle to do that keg stand. I figure a bid of a few hundred dollars ought to do it.

A little while later I walk out of the bathroom and bump into two cute girls. We start talking, and they are totally digging me. I'm drunk enough to pull off that obnoxiously funny-guy routine without being so drunk as to kill my action by being too crass. Everything is going well, but I am caught in the horrible snafu of having to pick which girl I want to really "kick it" with. This is a dangerous situation, primarily because there is a 50/50 chance that I'm gonna pick the dud. As in when talking to two girls at a bar invariably one of them is wild and wants you bad, while the other either has a man, or is a raging prude or in other words "the dud." The major issue here is, if you pick the dud there is a 90 percent chance you will piss off the cool chick, thus leaving you with nothing.

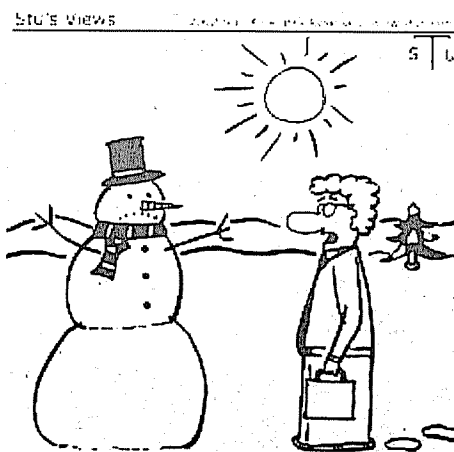
I could tell this was not the type of situation where I could wait it out and let the conversation dictate which girl was on the "Go Team." I was damn drunk and my immature humor would only entertain for so long, so I knew I had to make tough decision. Thus I handled this as I handle most tough de-

isions, in front of both girls I took out a coin, flipped it and immediately focused my attention on the girl who won the flip. Naturally I didn't tell the girls what the coin was all about, and because this is LA and most women here are not known for their skills of deduction, I wasn't worried about them figuring it out. Unfortunately for me the flip winner had a boyfriend and she wasn't going to cheat, no matter how hard I tried to convince her otherwise. Not being a quitter I focused my attention back to the flip loser, but naturally by this point all hope was lost, so I took my coin and headed back to the bar.

While there I bumped into my brother (Adam) who for the past month has not been drinking. He's not in AA or anything, he just wanted to see what it would be like to go a whole month without drinking (naturally being my brother and a fellow partier he wisely picked February, shortest month of the year). His total sobriety has provided quite the benefit to me this month and I don't just mean the driving thing. In fact I recommend always bringing along a sober friend when you go out, they are remarkably useful and at times seem to have almost supernatural abilities.

For example last week at bar review, Adam could actually remember the names of the girls we were talking to (a never ending problem for me), and he even recognized a girl that had shot me down three months before, it was unbelievable. But perhaps the best benefit of all was his ability to counsel me on which girls were attractive and which girls weren't. Apparently after a number of drinks I become woefully impaired in this area, thanks Bro!!

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"Mr. Frosty, it's March.
Time to talk estate planning."

SANDER

From page 2

and I have done has actually been unique in that we support many living wage proposals (and played a significant role in passing Los Angeles'), while opposing others (like the Santa Monica proposal).

In every one of our studies, we've made a basic distinction: municipal living wage laws that require city contractors to pay higher wages generally work well, if the government adopting the mandate realizes that it will end up bearing most of the higher cost; but municipal *minimum* wage laws that try to create small geographic enclaves of higher-wage jobs tend to have lots of negative and unintended side effects.

The Santa Monica proposal had this problem and many, many others, detailed in my earlier Docket article and my studies. (The entire Docket exchange on Santa Monica can be accessed at <http://www.law.ucla.edu/faculty/bios/sander/docket.html>. My bio page also has a link to my report on Santa Monica.) It's because we are considered fair and objective that we have been asked to speak at conferences organized by supporters of living wage laws, and conferences organized by opponents.

Since I started doing large-scale empirical research eight years ago, I've been the principal investigator or co-principal investigator on about \$2.2 million in research grants and contracts. Business-funded organizations provided about \$80,000 for four different studies, including the \$55,000 that paid for my first Santa Monica study in 1999-2000.

Most of the other funding has come from major, independent research organizations like the National Science Foundation, the American Bar Foundation, and the U.S. Department of Housing and Urban Development. These funders don't award grants because they want a paid mouthpiece; they want someone who's going to do careful, credible, independent research. If I started publishing work that didn't meet those criteria, the funding would disappear pretty quickly.

More fundamentally, I'd like to question Ken's premise that any faculty member at UCLA Law School would take a public position on a policy issue because they had been hired to do so. I've never seen any evidence that that's the case for any of my colleagues, and I frankly find it hard to imagine. We may have many faults as academics, but we at least have the virtue of being passionate about ideas. That's the main reason we're here.

One final point. Although Ken suggested that my entire article was biased, he specifically challenged only one fact: my contention that the average starting wage of maids at the hotels covered by the proposed Santa Monica ordinance was \$9.75 an hour. This fact happens to be true, and it's not something I took on faith from hotel owners. I calculated it by looking at the actual payroll sheets of multiple hotels. And I confirmed it by talking to union organizers at the hotels (who argued that the wages had been raised that high to undermine support for the Santa Monica ordinance). If Ken would like to check it out by joining me in a tour of Santa Monica's hotels, I hope he'll let me know. I'd like to catch up on his family.

If a tree falls on a mime in the middle of the woods, and no one is around, does he make a sound?

SUPPORT

From page 4

If the risks of not going to war are higher than going to war, then we should fight. If not, then the best thing to do is to avoid a fight. But information is required for that decision, and it is not a decision for the President alone. It is a decision we should make as a nation.

The President falsely tried to link Iraq to Al Qaeda, and could not. Yet he still talks constantly about 9/11 when asked to justify an invasion of a country that had nothing to do with it. He next claimed that an invasion was justified because Saddam is a tyrant. But we cooperate with Saudi Arabia – the nation that gave the most support to the hijackers – and so many other tyrants that I don't have time or space to list them. Finally, he claims that Saddam has weapons of mass destruction. Yes he does. We have known that for over 20 years. So does Pakistan, so does North Korea, so do many countries. What makes Saddam different? Well, the President claims that Saddam "might" use them against us. If we invade he certainly will. How does this make the world a safer place?

Don't get the wrong idea - I don't think we need sit around and be hit before responding. We should attack first rather than wait and be attacked. But what evidence does the President have to support his view that Iraq will attack the United States, or that Iraq will shortly have atomic weapons? It appears that he has none, or that he doesn't feel he needs to share it with his fellow citizens, or even more frightening, doesn't think he even needs it. But didn't he take an oath to serve us, not the other way around? Aren't we the boss? Ultimately, isn't this a government of the people, by the people, and for the people? Should we take Mr. Bush's word for it, and require nothing more, in order to send the sons and daughters of our nation off to war? Is that patriotic?

As a soldier, I took an oath to the Constitution, not to the President. I guess some feel there is something wrong with that too. But I would like them to try and tell that to the soldiers of the United States Army, who understand very well that they are the guardians of the Republic and our Constitution, and not the servants of George W. Bush.

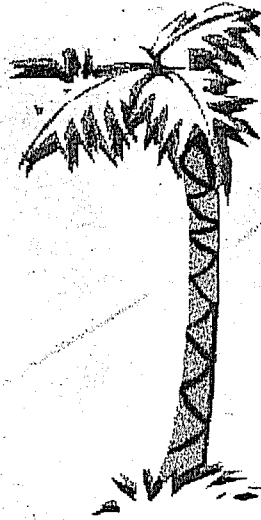
So as a patriot, I will continue to

question, and fulfill my duties as a citizen. If some would rather blindly follow where a leader tells them to go, that is their right. I won't though. And neither did George Washington, Thomas Jefferson, or any of our founding fathers, who rebelled against another George who felt that the people should serve him, instead of him serving the people. I wonder if many supporters of this war would have taken up arms against King George III, or would they instead have insulted Washington and his ragtag troops, calling them traitors to the Crown?

I guess my view on the war makes me unpatriotic. But I will stand with the soldiers who took the oath to the Constitution. And if we go forward into Iraq I will support our military, whether the decision to send them was right or wrong. They don't have the luxury of making that choice for themselves, and shouldn't be blamed if it is a mistake. They depend on their fellow citizens to get it right. They depend on us, the people, to risk their lives only when it is the right thing to do. What an amazing amount of trust it takes to put your life in the hands of your fellow citizens, to forego many of the freedoms of civilian life so that others can enjoy that freedom. How wonderful that we have young men and women willing to do that for our nation. We owe them so much. We owe them our freedom. And if we send in them in mistakenly, we shouldn't blame them. We owe them an apology. We will have failed them, not the other way around.

So I will try my best to get it right. I will march in protests, and demand that the President justify a war with real evidence, instead of lies and "what might happen." I will demand the President show that a war will make things better for our nation, that it is right and just. If he can do so, then I support an invasion. If he can't, or refuses to do so, then I am against it. I think I owe our brave soldiers that much. I am sorry that some don't think they owe them as much as I do. But they can think whatever they want because of the Founders of our Republic. The ones who created our Republic because they thought it was right to question authority.

God Bless America.



The PILF auction article was supposed to go here. But, they made so much money this year that they are still counting it and depositing it in an off-shore Jamaican account. Oh well.

Shout out to D.V. - takin' it all off for a good cause!

KOREA

From page 5

and the Israelis. When the rest of the world knows this, he asked, "how do we sound to the world?"

Mostly as a nation of boisterous, shoot-ourselves-in-the-foot cowboys.

By the same token, he charged that the U.S. is not truly worried about Saddam Hussein's weapons of mass destruction. Rather, we have lapsed into the old ways of thinking about the Middle East "as a sparsely populated desert where a patriarch/dictator represents his whole nation" – the perfect arena for an overly demonstrative show of force. In closing, he named another unfortunate consequence of the U.S.'s "catch-up" approach to foreign policy: every time some international crisis pops up from an unexpected direction, a host of self-proclaimed "experts" crawls out of the woodwork – some are charlatans, others are just plain stupid.

Professor Fran Olsen echoed earlier criticisms more vociferously, and added her own research to try and help the audience see things from North Korea's point of view. Korea first experienced U.S. invasion in 1871, a byproduct of Britain's "Open China" policy to make way for Western traders in Asia. The Allies arbitrarily split the country after World War II. Many of the same Japanese who had conquered the country in the first place and who the U.S. had restored to power administered the new country.

As a result of the split, North Korea suffered a severe famine (South Korea was an agricultural breadbasket). It now shares a border with a sworn rival, South Korea, the brutal regime of which the U.S. propped up during the Cold War and helped to invade the North in 1950. Then, of course, along came Bush, whose "always-do-the-opposite-of-what-Clinton-said" policy systematically knocked over every prop of the U.S.'s queasy détente with North Korea. Bush undercut South Korea's conciliatory policy towards its neighbor, and even threw in some anti-Chinese rhetoric. On top of that, Hans Blix, the current headliner of the U.N. investigations in Iraq, infuriated the North Koreans by determining to conduct more aggressive investigations than he had in Iraq after 1991. "Our treatment of North Korea sends a very dangerous message: if you want to be safe, you need weapons – a bigger gun, a bigger gun, and a bigger gun."

Seen from their perspective, the North Koreans could have every reason to want nuclear weapons – either as a protection from a trigger-happy U.S. President, or simply to improve their bargaining posture. Sometimes, Olsen said,

Americans have a tendency to forget that we're the only ones who have ever actually dropped a nuclear bomb on other human beings.

It's even more frightening to all concerned that not since Reagan have we had a Chief Executive as reckless as George W. towards the question of nuclear weapons. Before the Cold War ended, old Ronnie brought us to the very brink, counting on Star Wars and "holes in the ground" to protect us from nuclear annihilation. George seems determined to make the same mistakes, first repudiating the ABM treaty with Russia and saying that missile defense really isn't a bad idea – in recent remarks, certainly a better idea than renewing an old treaty with North Korea. Remember – "Clinton bad; Saddam bad; we good."

Watching the President, I have uncontrollable recall of an episode of "Cheers," in which Frasier convinces dim-witted bartender Woody to run for city council. At the least, Frasier thinks it'll be a delightful joke on the apathetic voting masses; at most, he sees himself becoming a power behind the throne. As Woody's campaign gathers steam, Frasier has a good laugh – until he dreams one night that Woody is in the White House, speaking to the Russian premier over the Hot Line:

"Yeah, well, I'm calling your bluff! I'm firing my missiles too!" [hangs up]

The First Lady: "What was that about, Woody?"

"I dunno."

MUSHROOM CLOUD – Frasier wakes up screaming.

Picture a similar scenario:

George: "You're a clown, and a coward! You don't have the guts to try and attack me now, do ya? Find a good hole to hide in, because we know where you live!" [hangs up] I certainly told Saddam.

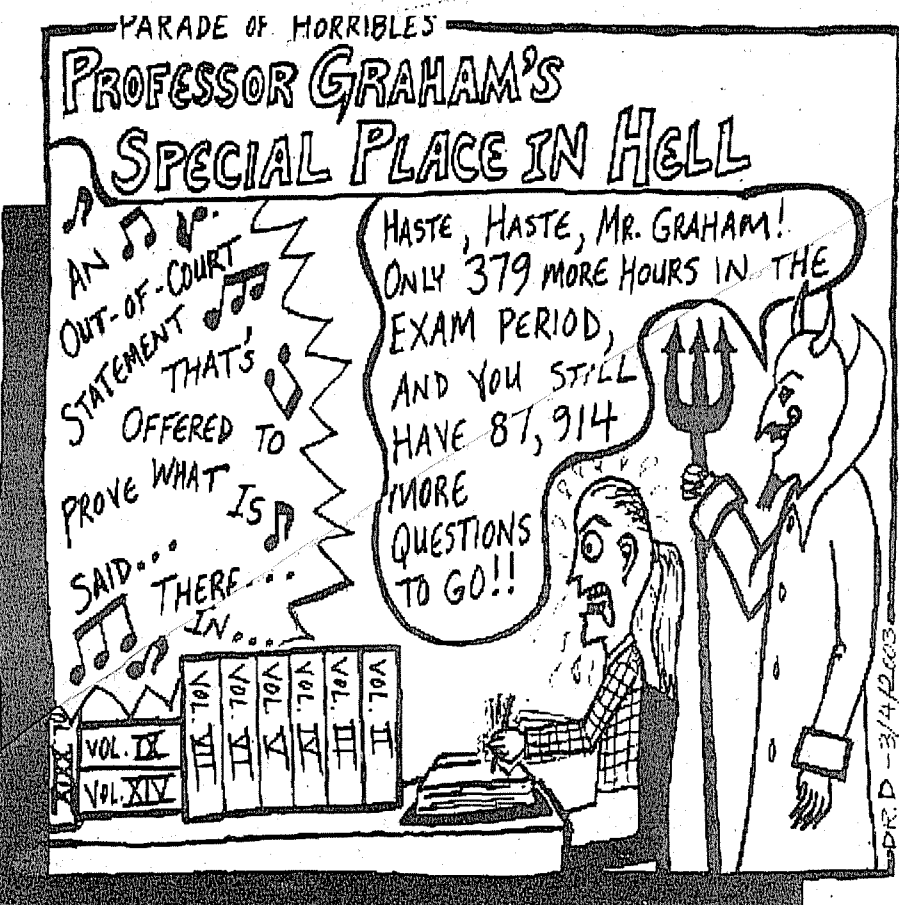
Laura: "Honey, you picked up line one. Saddam's on two. You just told off Kim Il Sung."

George: Huh?

BOOOOOOOOM!!!

One might assert that such a temporary lapse of attention with something so important would never occur in our Chief Executive; but consider how the man's mind seems to work: several speakers at the debate remarked scathingly on the rumor that Bush's sole rationale for including North Korea in the "Axis of Evil," at the time of his speech, along with Al Qaeda and Saddam Hussein, was out of concern to not appear categorically anti-Muslim.

Sometimes, as with Ronnie and King George III, you just have to wonder if the man's all there.



REVIEW

From page 12

Adam is having a rough month (as if the non-drinking weren't enough). He recently became victim to the "Just Stop Calling" break-up. (Just Stop Calling, JSC for short, is my own personal patented style of breaking up with some one- the name speaks for itself- no bullshit explanations, no whining, just complete and total communication interruptus. It's harsh, but it's efficient and it work)..

It's close to closing time, I'm drunker than Barney after last call at Moe's, when I see Adam sitting in a booth talking to two sweet-looking blond Finnish girls. How he got these two to sit and yap with him despite a bar full of guys I have no idea. How he did it I don't care, but I can tell that he needs a "wing man" quick. Unfortunately by this time in the evening my conversation skills have diminished drastically. Remember my obnoxious-funny guy routine, well now it's just plain old obnoxious guy routine. I realize that my presence is only hurting the cause, so I abruptly leave the table.

I take another lap or two around the bar, do a little bit of dancing, get shot down by a girl or three and then head to the bar just as I hear the magic words "LAST CALL." (In my former life when I used to bartend my favorite time of the night was taking that deep breath and yelling out to everyone that it was last call for alcohol).

I belly up to the bar to get myself that final drink. I probably shouldn't have another one seeing as how my vision is getting blurry and people keep telling me that I'm slurring my words.. (This happens every now and again, but I'm convinced that a night of drinking has affected their hearing and not my speech.) I wave good-bye to a few people as they are leaving and I'm soon out the door another bar review come and gone.

Oh hey, just a side note I am graduating (I hope) in May and I'm looking for someone to take over this column. If you or someone you know is interested, come talk to me about it. If you can't find me at school, just wait till Thursday nite at bar review, or any law school function where booze is present. I'm not hard to find, I'm the drunk guy talking a whole lot of shit.

**PILF AUCTION 2004
Dean Varat goes
Full Monty!**

WRITE

From page 8

you should wait until he or she is finished and then ask, "Did you write-on?" If they get really quiet you know to take their "advice" as a mere rant.

If you really take the time to explore why/if you want to write-on, understand the possible outcomes, and go in (or out) with your eyes open, you can avoid the bitterness and frustration that seems to pervade much of law school, including the write-on. If you then choose to write-on you will be guaranteed a spot in

Category Five — The "I Want to Write-On, I am Comfortable with Myself and with My Abilities, I will Work Hard and I Deserve to get on and if Those Assholes on Law Review Don't See That -Fuck 'Em" Crowd: For more information on this crowd see author.

Good day and good luck my friends.

LACK

From page 5

summer. Clearly this was a life trend I could do without.

Recently, however, I have been blessed to realize that my circumstance is not unique. Rather than being alone, my experience is indicative of the experiences of many students of color at law schools such as UCLA. A good friend of mine, Rasheda Kilpatrick, decided to articulate publicly what many of us had been feeling and suffering through internally. It was from her efforts that a coalition of UCLA Law students decided to file an amicus curiae brief with the Supreme Court in *Grutter v. Bollinger*.

For me, the time spent writing and re-writing the brief was a unique and symbolic capstone to my legal education. I was given the opportunity to see my experiences at UCLA (both good and bad) from a different perspective. Namely, I was afforded the chance to really face my feelings about events I have experienced at the law school which directly impacted my identity as a Black male. I cannot call my experiences at UCLA positive, or even rewarding. However, I am thankful that I have witnessed first hand the terrifying effect that the lack of a diverse classroom environment can have on an individual's mental/emotional state. While I would not wish this on anyone else, I do believe that it is crucial that our society recognizes we are still only in the early stages of fully eradicating the vestiges of racial and cultural oppression.

As long as students from privileged backgrounds continue to receive benefits and resources not afforded to the vast majority of those in our country, the work of social justice will never be done. It is true that the overt racist is the exception rather than the rule in our modern communities. The problem is the unconscious racism that is still prevalent and not sufficiently addressed by our current methods of jurisprudence. The invidious nature of this subtle racism cannot be understated. Attacking it requires individuals from all backgrounds and cultures to look within themselves and at least attempt to recognize how institutional bias has impacted their personal growth. This is a daunting and often painful emotional task. But at the end of this journey there is a heightened awareness and empathy for the plight of all people.

I feel that I have at least begun this journey myself. And I hope to meet you on the road.

TIDE

From page 4

shape. Still others may turn back. Thus, the pilgrims who will tread down it are bound to confront new obstacles, many naysayers, and very tough decisions. "When or where will it end?" asks one straggler. The answer is uncertain. Perhaps we will hack our way through the wilderness one branch at a time or maybe we can find a place to settle and see if a path to better fortunes makes itself available. "Why don't we just sit in a circle and talk about it for a couple of years and see if the other road clears up?" asks another straggler with a French accent. Because roads don't change directions, I answer, and we know where the other road leads to all too well. We have already wasted so much time. The cancer is growing, the dangers are rising, a decision must be made...

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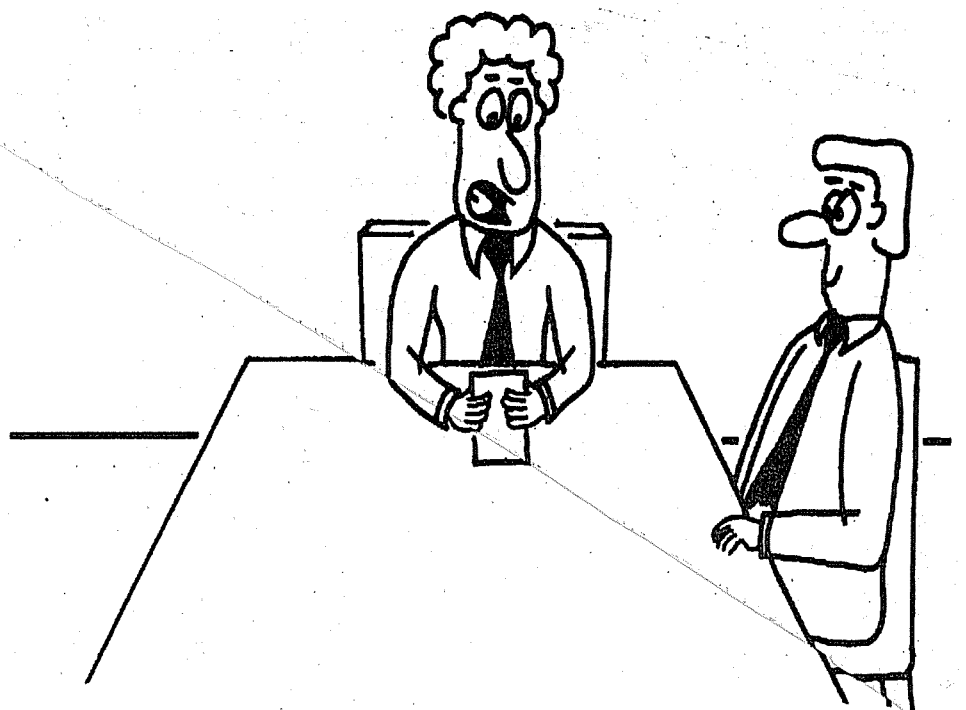
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Stu's Views

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Reading
the Will



"To my loyal estate planning attorney, I leave my children a complicated series of trusts that will generate huge legal fees."

RUMORS

From page 3

study abroad program this summer. According to the slickly produced, full-color brochure, the school's 'brand new campus' located 'somewhere in northern Afghanistan' features high-speed Internet connections in every cave, among other amenities. The tentative schedule includes classes in 'Utilitarian and Retributive Perspectives on Stoning, Amputation and Public Executions,' and 'Normative Approaches to Gender Apartheid.' The deadline to apply is April 1, 2003. Contact the Office of Career Services for more information."

Unlike her previous "unsubstantiated rumors," this one was explicitly political satire, and was satire unrelated to the law school. And unlike most of the previous jokes she had included, Morikawa actually based her satire on research, and relied on accounts of the Taliban regime that she had recently run across.

After this announcement went out, objections started rolling in. Some students emailed Morikawa directly, while others went to Dean Cheadle. This "unsubstantiated rumor" quickly became the subject of conversation among many students who were upset by it. According to Morikawa, those objecting to her satire of the Taliban either complained that it made light of a serious situation, or that it made insensitive generalizations about the people of the Middle East or Afghans. Apparently, objections to her humor were even raised in one of the public interest law classes. Discussion of this "unsubstantiated rumor" spread faster than the rumors it ridiculed.

Morikawa went to great lengths to try to appease the concerns of the students who complained directly to her. She responded to all of the emails, explaining her sources and apologizing for any offense she might have caused. After her personal apology, the concerns of these students were apparently mollified, and they were no longer upset. Despite her initial efforts at conciliation, the controversy had already expanded beyond what these efforts could solve.

Morikawa sent out an apology later the same day. Despite having already issued private apologies to those students who directly complained to her, Morikawa decided to issue a general apology "because the reaction was so strong." She issued a broadly worded apology in which Morikawa expressed regret for any offense she caused, and she indicated, "I certainly didn't mean to trivialize [the situation in Afghanistan] in an offensive way." Morikawa also clarified, "the rumor was not meant to encourage stereotypes or target the people of Afghanistan. The comments were limited only to the Taliban and they were never meant to insult the Afghan people or Middle Eastern people generally." The general tone of the apology was extremely apologetic, and made clear that Morikawa had never intended any ill will toward anyone.

But the apology only began a new controversy. Morikawa still received an email complaint that her apology was insufficient. Most of the emails, however, were supportive of her satire, urging her not to be discouraged, or suggesting that it was ridiculous that she had to write an apology for her satire in the first place. After students complained to Dean Cheadle, the Dean decided to meet with the S.B.A. President, Songhay Miguda-Armstead, to discuss the problem. Dean Cheadle was not happy about

the situation. The Dean wanted the S.B.A. to do something about the announcements. Pressure was applied, and predictably, the S.B.A. caved. The S.B.A. board met, and, after a description of the meeting with the Dean, the board discussed the problem. The S.B.A.'s long-term solution was left ambiguous.

Following the S.B.A. meeting where this controversy was discussed, a loose system of self-censorship has developed. "I don't know what the procedures are supposed to be," explained Morikawa. Instead, "I am now self-censoring," she said. Morikawa continued, "If I do want to take a chance, and throw something political in the announcement, I send it through another [S.B.A. Executive Board] member to check it."

The whole episode has clearly hurt Morikawa. After the controversy, "I was tempted not to write the rumors anymore," said Morikawa, "but because people were so supportive after the apology, and I didn't want people to misunderstand me, I decided to continue. I didn't want to be petty." Still, it is clear that the backlash from this "unsubstantiated rumor" affected Morikawa. "Now when I have an idea not tied to the school that's political, I just don't include it," she said. "Anything that could be remotely sensitive I try to avoid," Morikawa commented. And "even if I do venture into the political arena, I am particularly careful and paranoid," she further clarified.

If it were not so visibly painful for Morikawa, the implication that she intended to disparage any group other than the Taliban with her satire would have a certain irony. She seems almost incapable of intentionally insulting or otherwise offending anyone, and Morikawa clearly goes out of her way to avoid causing offense to anyone in her everyday life. This sensitivity appears to have heightened Morikawa's sense of anguish over the controversy. "To be honest, I thought that people around school knew me well enough, at least in a general sense, to know that I wouldn't print something that made light of something that is obviously very serious and that I would not put the reputation of the S.B.A. on the line just to be insensitive to other people," said Morikawa. Morikawa continued, "I do feel bad that people misunderstood me in that way."

Less clear than the concern that Morikawa feels for those who were apparently offended by her satire is why they were offended by the satire in the first place. The text of the "rumor" begins with "Taliban" and never explicitly or implicitly mentions any other groups, besides the UCLA law students and the Office of Career Services. Perhaps OCS can claim to be offended by the implication they would be connected to a Taliban study-abroad program, but no other individuals or groups can reasonably claim to have been connected to the content of the satire. Only by reading in oceans of interpretation and seas of unsupportable assumptions could the unmistakably targeted Taliban be read to include any other groups. The idea that any mention of the Taliban instantly conveys equivalence to other peoples, such as Afghans, Arabs, Middle Easterners, or Muslims generally, requires an assumption about the ignorance of our law school audience that is frankly insulting. I find it difficult to believe that

VIVA

From page 7

get dirty from playing on the courts, giving us something on which to blame our filth besides our remarkable distaste for showers and basic hygiene. Also, our tiny, inferior French athletes will be able to compete, what with the surface deadening the ball's bounces."

"A splendid idea! Wine and cheese for everybody!"

Absolutely disgraceful. Besides, the best things with "French" in the title aren't even French. French fries aren't French ("frites," those weeny thin fries that I hate, are French). The French dip sandwich isn't French. Even Frenchy, clearly the easiest girl in high school in "Grease," wasn't French.

I know, I know, if any hobby has "jumped the shark," it's ripping on the French. As the French would say, the hobby has become extremely passé. But hey, it's one of our national pastimes, like baseball, "American Idol," and saving the French from the Nazis, and thus can always be counted on for some comfort. It may not match up to France's national pastimes, which include crying, eating snails and having the Americans save them from the Nazis, but I'm proud of them, damnit.

THE LESS DRUNK SIDE SAYS:

Okay, okay, we've all gotten that off our chests. Some say that such rants are what give people a bad impression of Americans, that such vitriol makes us look arrogant and ignorant. Those people would argue that we could fill volumes with a description of the foolish habits and customs the world attributes to us Americans. Well...they have a point, I guess. But lighten up. Laugh at yourselves, people; it keeps you young.

In all seriousness, those relying on France's stance to support their own arguments against war in Iraq are doing themselves no favors. I doubt that the French opposition to this war is grounded solely in a genuine belief that war is not the best option for a more stable and peaceful world. French oil companies, as well as their Russian counterparts, have made very generous pacts with Hussein for oil deals to be enforced upon the lifting of U.N. sanctions. A new, U.S.-leaning government will not be obliged to maintain those deals.

In addition, there is a more important concern: the possibility that some Iraqi nuclear materials may bear French colors. The French were at the forefront in aiding the Iraqi nuclear program in the 1970s, both training over 500 Iraqi nuclear scientists and supplying the reactor and uranium for the Al-Tammuz nuclear site near Baghdad. While Israel presciently destroyed the site in 1981, it's

anyone at the UCLA School of Law is so ignorant of world affairs that they believe that all Afghans are members of the Taliban, let alone all Muslims. Or even that all Afghans believe in the same things as the Taliban, or especially that all Muslims do. Those who took offense at her criticism of the Taliban are jumping at shadows of prejudice where there are none.

Further, if any group deserves satire, or indeed outright animosity and utter rejection of their ideals, it is the Taliban. As Morikawa obliquely referred to in her satire, the Taliban's period of power in Afghanistan was marked by the imposition of the strictest of interpretations of the *Sharia*, which included the imposition of punishments that even

possible that some of those very same materials have helped in the birth of the Iraqi radiological weapons program. If the war unearths heretofore undiscovered nuclear materials, France could be left with a fair amount of egg on its face.

Lastly, there is the specter of empire. The French empire did not go quietly into the night. The empire came to a turbulent end, with the country fighting bloody wars in Vietnam and Algeria in a desperate attempt to cling to the last vestiges of its imperial power. In the post-war era, the French were a thorn in NATO's side, constantly obstructing American initiatives designed to protect Western Europe. Unlike Britain, which for the most part has accepted its newfound role as a post-colonial power, France just doesn't seem to get it.

Ahh, but now we come to the Security Council. This obsolete Cold War relic contains France as a permanent member more as a courtesy than as a recognition of actual power. Here, Chirac and Villepin are making their last stand, appealing to the lowest common denominator of their populace that equates stubborn obstructionism with a rebirth of French geopolitical relevance. Quite frankly, the whole episode is sadder than it is upsetting.

Now, I'm certainly not ignorant of our own hypocrisy within this crisis. We are all aware of our country's support of Hussein during his conflict with Iran. Many of us, myself included, are not fully convinced that the Bush administration's motives are entirely pure. But we cannot forget to turn this magnifying glass on our opponents as well as ourselves. France's somewhat transparently political opposition to the war does it no favors in the world of international perceptions. During WWII, we witnessed brave French resistance fighters sacrifice their lives by the thousands at the hands of the Nazis, an episode which surely ranks as one of the most noble of the 20th century. Now, the memory of those fighters is juxtaposed with a French stance that claims the moral high ground but stinks of political and economic expediency.

In short, I have no problem with anybody that opposes this war. While our views conflict, we are united by the brave men and women of our Armed Forces who fight for our very right to disagree. But if you oppose this war, oppose it because you think that there is a more effective, peaceful alternative. Oppose it because you genuinely believe that diplomacy can overcome Iraqi intransigence. Don't oppose it based on the petty noises of a once-great power.

Scalia and Thomas would have no hesitation to refer to as "cruel and unusual," such as public stonings and amputations. During their tenure, the Taliban were perhaps the most pervasively oppressive regime of women anywhere in the world. The near complete hostility of the Taliban to other religious beliefs, which included the death penalty for conversion from Islam and the destruction of the world's largest statue of Buddha in February 2001, is also well known. There is a sad irony in UCLA's self-appointed guardians of tolerance attacking someone for criticizing one of the most intolerant regimes in the world. Even sadder is that the irony

See RUMOR, page 18

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KNOW

From page 7

Prof. Zasloff: The 3L has to multitask and embrace the attraction of the outside because in the next year he/she will have more money to attract the 1L who might not be as naïve by then.

Interviewer: A 1L has his memo due in two weeks and the impending doom of finals weighs over his conscience. Unfortunately, he met a "hottie" at Barristers Ball. What should he do?

Prof. Nelson: They should arrange to study together—kill two birds with one stone. In terms of studying for exams, I see nothing wrong with studying with another person. In fact, you could have several study dates...that may lead to something.

Interviewer: For the UCLA law students who have not found their "match" in school, do you have any suggestions about how to establish contact and perhaps even engage in meaningful conversation with persons outside of school? Is there a particular type of drink they should buy the "outsider"?

Prof. Zasloff: Well, not the date rape drug. It really depends on what your goals are—the Long Island Ice Tea can be effective because people usually guzzle it and don't realize what happened until they find themselves lying face down on the pavement. Under no circumstances tell people you are a law student. You could tell people you are writing a legally oriented T.V script. Oh, and, NEVER give them those drinks at home. You always have to watch out for social host liability!

Prof. Nelson: Two faculty colleagues found their future spouses on match.com. People tell me, not having used it myself for obvious reasons, that it's a valuable service. I'm not being paid by them and I'm not doing commercials for them, but I've heard it works. Beyond

that, I met my wife on a blind date. When I was a 2L, my social situation wasn't exactly satisfactory, so my friend fixed me up with his girlfriend's roommate. A week later, the two of them broke up but I wound up marrying Judy. Friends are also a good source. But it should be easier than it was in the old days, because now it's 50-50 male-female, but then it was five or six percent female. Actually, females may have liked that.

Interviewer: This is an ethical hypothetical. Jeff goes to bar review. He is extremely thirsty and feels like he wants to cut lose from the rigors of law school. But he realizes he has neither money nor friends. Assume he starts to engage in conversation with Cindy, but doesn't like her. She offers to buy him a drink. What should he do?

Prof. Zasloff: Given the fact that this has never happened to me, this is tough. Clearly, the ethical answer is no. I think he should insist on a non-alcoholic drink and see if he can meet some of her friends. Or insinuate to her that he is gay and then all of her friends will confide everything to him and he will get to meet all of them.

Prof. Nelson: What does a female do when this situation occurs? Presumably a man should do the same thing in this modern day and age. Well, what a female does with a similar offer in a similar situation is probably different in 2003 than it was in 1960.

Interviewer: How about fashion advice? Many 1Ls are thinking, "Is it a faux pas to match my hat with my shirt?" Or (for those fashionable students out there), "Are my leg warmers too risqué for my study date?"

Prof. Zasloff: Four words: Ross Dress for Less. Kathy will be so proud.

WALK

From page 5

and wrestle. As we all know, your reflexes are much slower when you are hammered. By the time you start feeling the pain, the damage has been done. Unfortunately, I got pinned, and I did not realize that my thumb was in a funny, unnatural position under my body. When I finally felt the pain, it was too late. I started yelling for my friend Bryan to get up, but he thinks this is part of the fun. Remember how reflexes slow down? So did his. By the time he finally released me, it was all over. I couldn't use my thumb for weeks. At least I got him back by punching him in the face. I turned the wrestling match into a boxing match. We're even. So what if he can't breathe through his nose? Anyway, it wouldn't have happened if he didn't make me wrestle.

Then the worst alcohol-related injury of them all happened earlier this semester. I went out in LA to the Garden of Eden with my friend Yassi and her crew. While on the dance floor we saw Wade Roberson (Britney Spears' choreographer and boy toy), so I broke through the crowd to dance with him. I was on cloud nine. They have a lot of alcohol on cloud nine. Later on, I told a bouncer that Wade told me to meet him up in the VIP area (which was not true), and he actually let me in. There I proceeded to drink all of the free alcohol that they had

set out for the VIPs. Although I was already lit, I figured that law school stressed me out so much I should probably drink more.

We left the bar and went to someone's house to hang out afterwards. After going to the bathroom, I turned around to flush the toilet and slipped. There go those reflexes again...I couldn't move fast enough to break my fall. But the toilet did. I slammed into the toilet with my right set of ribs. The pain was unbearable. Imagine if I had been sober what this might have felt like. I managed to pull myself together and go home. The next morning I woke up to intense pain. Forget the banged up knee. Screw the thumb. I broke my rib. At least I was prescribed Vicodin for the pain. You don't know pain until you can't sneeze or laugh without it hurting. Anyway, it wouldn't have happened if I didn't have to go to the bathroom.

Great. Now I sound like an alcoholic klutz. But I am here for you. I will sacrifice my reputation to forewarn my fellow students about the dangers of drinking. I would like to say it has all taught me a lesson about over indulgence. Then I remind myself that it really isn't my fault. Law school is doing this to me. They told us that we would be "socializing" a lot. See you guys at Bar Review.

F.Y.I.

Still don't know what to do after graduation? Not really the "lawyer type?" Want an "alternative?" Here it is:

Pepperdine University is beginning a new L.L.M. in Alternative Dispute Resolution!

Pepperdine's Straus Institute for Dispute Resolution, twice ranked number one in the nation by *U.S. News & World Report* (and we ALL know how damn important that is!), is administering the new L.L.M. degree. Professor L. Randolph Lowry, director, said, "Practicing lawyers in the United States and around the world recognize the limitations of litigation as a primary means to resolving legal conflict. While vital for some cases, many legal disputes can be fore effectively resolved using other, less adversarial processes." He explained the L.L.M. program in Dispute Resolution will effectively prepare lawyers who want to represent clients in dispute resolution forums.

The program's focus is the resolution of legal disputes outside traditional courtroom activities through processes like negotiation, mediation and arbitration.

You can get information on this new program by contacting the Straus Institute at (310) 506-4655 or visiting the website at www.strausinstitute.com.

HELL

From page 6

after a post-preliminary hearing subsequent meeting to file a blank tape with the judge's clerk? The Privileges Or Immunities Clause versus the Privileges And Immunities Clause? I chose this lifestyle?

I don't know what the fuck the teacher is talking about. I especially don't know what the fuck this dude in my section keeps raising his hands for. He answers every question with a question. He quotes cases we weren't assigned. He goes on diatribes to practice his public speaking style. I truly appreciate it, asshole.

My reward for all of this is lunch. Mmm boy, LuValle. There are so many options I never know what to get. Do I opt for the succulent brown salad and half Play-Doh cheese and tomato-paste pizza? Or do I reward myself with some creatively named sandwich, maybe the "Involuntary Manslaughter"? I believe the bread is made from the remains of the \$475 worth of supplemental books I bought first semester. At least I got some use out of them.

One more class and I'm done for the day. Yes, so very done. Six library hours worth of boring reading done. Two more hours of note-taking on that reading because everyone else does it so I guess I should too. Another hour of checking my

school e-mail account done. Today I only received 42 e-mails from groups I don't belong to. That's an improvement. I'm still waiting to get invited to a Boring White Male Law Society meeting. I guess they're all at Q's.

I finally leave the library. All I've got to get through is the ride back home on the Big Blue Nightmare. There aren't too many passengers on the bus this late at night. So I'm sitting there with about six other people and in comes a passenger; we'll call him "Melly." Melly must think the seat next to me is the most comfortable in the entire half-empty bus so he plops down next to me. Melly looks fairly normal but Melly doesn't smell too good. Melly also has a fairly severe case of Turret's Syndrome. One half-hour and 68 100-decibel throat clearings followed by "THIS IS GARBAGE!" later, I was home. I hope the elderly couple across from us weren't offended by being called "PSYCHOTIC, DIRTY PEOPLE!!!" by my new friend Melly.

Four blocks downhill and I'm finally home. As I fumble through my pockets looking for my keys, I can't wait to sprawl on my couch to catch the 11 p.m. Simpsons and eat my Top Ramen dinner. My only joys in life. Yep, just got to get my keys... My keys?

I left them in my locker. FUCK.

STORY

From page 11

office. This was the first time I had gone in since my first day, three weeks prior. Dave asked me into his office, closed the door, and asked me to have a seat. He then told me how impressed he and John had been that I had stood up to them with my email. I had stood my ground, and argued my position, and that's what good litigators are made of. He told me they think I have great potential [that's all I'm saying!], and that they want me to stay on as a law clerk once the criminal matter is over. Apparently a common problem with law clerks is that they roll over too easily. Fortunately for them, they won't have that particular problem with me.

If you're still, with me I hope that by this time you are not so bored that you're wondering if you can effectively slit your wrists with *The Docket*. [Ed note: No, it's not possible, we've been trying for THREE years!] The story is a little boring, and surely it won't make the news. But like most stories it illustrates a point, which is that every time you don't stand up for yourself when you know you ought to, you lose a little piece of yourself. Each time, being silent becomes easier than the last, and pretty soon you become the kind of person who doesn't. In other words, a little attitude sometimes goes a long way.

So ... when do you think it would be appropriate to ask for a raise?

CHINA

From page 11

ship. Go ahead and tell them for the talent night that you want to share a folk dance with them and then do the hokey pokey. Try to learn a few words, and even though you are hot and tired and there are just too damn many people around all the time, stay polite and be ready to pose for pictures like a celebrity because many people will ask you to (especially if you have short, spiky red and blond hair, as I did). Tip kindly and take along something Californian or American (even though it is likely made in China) to give away. I took postcards of Hollywood.

RUMOR

From page 15

is probably lost on those guardians of tolerance.

Those who criticized Morikawa for satirizing the Taliban in the belief that such an approach was somehow less serious than an explicit criticism do not understand the purpose and value of satire. Morikawa's satire of the Taliban should be seen in the same way as other political satires. While these works are not superficially serious, it is precisely this quality that makes their criticisms so effective. The most well known example is probably George Orwell's *Animal Farm*, in which barnyard animals are used to portray the horrors of the totalitarian Soviet regime. But literature abounds with other examples, such as Swift's *Gulliver's Travels*, Byron's *Don Juan*, or Aristophanes' *The Clouds*. "It seemed obvious that it was meant as political satire because the whole idea of the Taliban having a school of law is absurd," commented Morikawa.

Indeed, it is the very absurdity of the "Taliban School of Law" that conveys the satirical nature of the "rumor," and that clearly conveys to any reasonable reader that this is not intended to be understood literally. But it is precisely because satire is not to be understood literally that it is an equally cogent criticism as a direct, evidentiary attack. Satire allows the reader to appreciate the absurdity of the situation in a way that condemnations cannot. And while it is a natural human reaction to absurdity to smile or laugh, consider that it is really a nervous laugh, as we attempt to confront and accept the truth of the absurdity. Because, although a "Taliban School of Law" is absurd because it is so counter to our expectations of the Taliban for them to have a law school, it may also be absurd for us as law students to confront the idea of a society, such as the Taliban, in which it is nearly impossible to imagine a law school at all like ours. A law school in which everyone should be free to think as they want, to express themselves as they please, and to criticize those who are deserving of criticism without fear of unjust reprisals. Or is it absurd of me to think that UCLAW can be such a law school?

Stu's Views

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Kenny-The-Optimist



Congrats to all you overachievers! Ya done good work, kids!

MOOT COURT HONORS PROGRAM 2002-2003 AWARDS

DISTINGUISHED ADVOCATES

NATIONAL TEAM
Timothy Chandler
Christian Dodd
Robert Horton
Monica Duda
Shannon Mader
Katherine Farkas
Jonathan Richter
J.D. Henderson
Saul Rostamian
Robert Horton
Melissa Roudabush
Shannon Mader
Jonathan Richter

STATE TEAM

Saul Rostamian
Monica Duda
Melissa Roudabush
Christian Dodd
Jeffrey Turk
Angela Whatley

ROSCOE POUND WINNER

Shannon Mader

ROSCOE POUND FINALISTS

Petitioner Issue 1: *Tom Moss*
Petitioner Issue 2: *Christian Dodd*
Respondent Issue 1: *Shannon Mader*
Respondent Issue 2: *Robert Horton*

ROSCOE POUND SEMI-FINALISTS

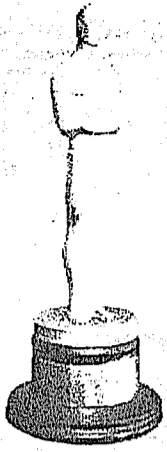
Petitioner Issue 1: *Jonathan Richter*
Petitioner Issue 2: *Timothy Chandler*
Respondent Issue 1: *Angela Whatley*
Respondent Issue 2: *Matthew Benbassat*

WHITE O'CONNOR TEAM AWARD

Shannon Mader
Saul Rostamian

HONORS PROGRAM MEMBERS

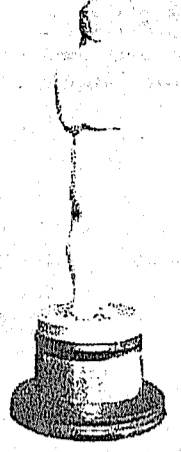
Matthew Benbassat
Tracy Casadio
Shirley Chang
James Conolly
Brandon Davis
Stephen Diehl
Vivian Haun
Sapna Kanoor
Douglas Keehn
Stephanie Lee
Andrew Leung
Jamie Morikawa
Tom Moss
Ashley Normand
Eileen O'Brien
Bertrand Pan
Richard Park
Spencer Parr
Ireneo Reus
Brad Robertson
Kimberly Sobolik Svendsen
Katherine Splan
Dean Unatin
Michael Viayra



The Docket's Return to Oscar

BY KENNY ROOST

ENTERTAINMENT EDITOR



Welcome to the second annual *Docket* Oscars where we – the benign folks behind this esteemed publication – present who we feel deserve to win golden statues come presentation time. 8-balling this year's Academy Awards has proven a task emptier than PR because none of us saw all the nominees, leading to creatively selected favorites. For example, I've only seen *About a Boy*, *Adaptation*, *Catch Me If You Can*, *Chicago*, and *The Two Towers*; but that won't stop me from pretending, thanks to input from the rest of the staff. (This year's venerated flicks simply have "rental" pasted all over them – don't doubt my commitment to the post of Entertainment Editor.) In any event, without further ado and hole-digging, here's what we've got:

ACTOR IN A LEADING ROLE

The Pianist – Adrien Brody *The Quiet American* – Michael Caine
Adaptation – Nicolas Cage *About Schmidt* – Jack Nicholson
Gangs of New York – Daniel Day-Lewis

In this star-studded category, Nicolas Cage emerges mildly triumphant; he successfully pulled off distinct twins and emotions. Of course, if you want to see the best twin acting ever, check out Jeremy Irons as twin gynecologists in *Dead Ringers* – a classic creepy flick.

ACTRESS IN A LEADING ROLE

Frida – Salma Hayek *Unfaithful* – Diane Lane
The Hours – Nicole Kidman *Far From Heaven* – Julianne Moore
Chicago – Renée Zellweger

Would you believe this was a 4-way tie (sorry Diane)? Because votes for Kidman were the most adamant, she gets our nod.

ACTOR IN A SUPPORTING ROLE

Adaptation – Chris Cooper *Road to Perdition* – Paul Newman
The Hours – Ed Harris *Chicago* – John C. Reilly
Catch Me If You Can – Christopher Walken

Like a true professional, John C. Reilly makes being a putz look easy. And he sang well, too.

ACTRESS IN A SUPPORTING ROLE

The Hours – Julianne Moore *Adaptation* – Meryl Streep
Chicago – Queen Latifah *Chicago* – Catherine Zeta-Jones
About Schmidt – Kathy Bates

There was an argument that Kathy Bates should be disqualified for being disturbingly nude, but the race was between Moore and Streep anyway; Moore won in overtime.

WRITING (ORIGINAL SCREENPLAY)

Far From Heaven *My Big Fat Greek Wedding*
Gangs of New York *Talk to Her*
Y Tu Mama Tambien

My Big Fat Greek Wedding earns the most laughs and votes. Of course, spawning a TV show nearly makes me rescind the win much like Miss America did with Vanessa Williams when she posed for *Playboy*.

WRITING (ADAPTED SCREENPLAY)

About A Boy *Chicago*
Adaptation *The Hours*
The Pianist

Adaptation wins in a cataclysm of originality – too much, in fact, to properly fit this category.

ANIMATED FEATURE FILM

Ice Age *Spirit: Stallion of the Cimarron*
Lilo & Stitch *Spirited Away*
Treasure Planet

Lilo & Stitch scored a land-slide victory over *Ice Age*; if I weren't so busy studying, maybe I'd blow the time to have an opinion.

COSTUME DESIGN

Chicago *Gangs of New York*
Frida *The Hours*
The Pianist

Chicago by shut-out.

CINEMATOGRAPHY

Chicago *The Pianist*
Far From Heaven *Road to Perdition*
Gangs of New York

Road to Perdition, with emphasis.

DIRECTING

Chicago – Rob Marshall *The Hours* – Stephen Daldry
Gangs of New York – Martin Scorsese *The Pianist* – Roman Polanski
Talk to Her – Pedro Almodóvar

Chicago in another shut-out.

MUSIC (SCORE)

Far From Heaven – Elmer Bernstein
Frida – Elliot Goldenthal
The Hours – Philip Glass
Road to Perdition – Thomas Newman
Catch Me If You Can – John Williams

Philip Glass is judged victor in a photo-finish.

MUSIC (SONG)

The Hands That Built America (*Gangs of New York*) – U2
I Move On (*Chicago*) – John Kander, Fred Ebb
Lose Yourself (8 Mile) – Eminem, Jeff Bass and Luis Resto
Burn It Blue (*Frida*) – Elliot Goldenthal and Julie Taymor
Father and Daughter (*The Wild Thornberrys Movie*) – Paul Simon

Big names, but Eminem's a no-brainer.

BEST PICTURE

Chicago *The Hours*
Gangs of New York *The Pianist*
The Lord of the Rings: The Two Towers

In a battle of the sexes (XX for *Chicago* and XY for *The Two Towers*), I confess the women were outnumbered. Nevertheless, my dissent is a dictatorial swing-vote decisively giving *Chicago* the edge. I resent this because last year's *Moulin Rouge* was everything *Chicago* didn't have the balls to be, and because I greatly prefer *The Two Towers* to a dull musical. But this is like how teachers have different expectations for students (not so high for us law students in math) – *The Lord of the Rings* is my prodigy, and I know he can do better. His second quarter performance was everything the books and first movie weren't: needless. Voting for the film would be like voting for *Rocky II*.

P.S. If you've any comments on this month's column, witty, charming, or otherwise, freely email me at roost@2003.law.ucla.edu and I'll be sure to get back to you. Or otherwise.

Why Was There A Dramatic Drop On CA Bar Exam Pass Rates?

LAW SCHOOL	OVERALL* 2001 % PASS	OVERALL* 2002 % PASS	% CHANGE	LAW SCHOOL	OVERALL* 2001 % PASS	OVERALL* 2002 % PASS	% CHANGE
Calif. Western	66%	66%	—	Berkeley	90%	85%	- 5%
Golden Gate	60%	57%	- 3%	U.C. Davis	91%	77%	-14%
Hastings	84%	78%	- 6%	UCLA	92%	93%	+ 1%
Loyola	81%	69%	-12%	USD	83%	73%	-10%

Answer: Lower MBE Scores!

McGeorge	73%	71%	- 2%	USF	73%	67%	- 6%
Pepperdine	74%	63%	-11%	Santa Clara	83%	67%	-16%
Southwestern	72%	71%	- 1%	USC	83%	81%	- 2%
Stanford	93%	85%	- 8%	Whittier	50%	42%	- 8%
Thomas Jefferson	59%	48%	-11%	Chapman	70%	71%	+ 1%

*Official statistics furnished by the California Board of Bar Examiners and reflect pass rates for first-time takers.

**Increase Your MBE Score...
Increase Your Odds Of Passing!**



Will You Be Better Prepared For The MBE This Summer?

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