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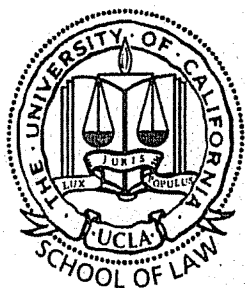
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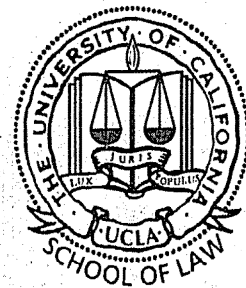
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The Docket

UCLA SCHOOL OF LAW



VOLUME 49, NUMBER 4

405 HILGARD AVENUE, LOS ANGELES, CA 90095

FEBRUARY 2001

Student Denied Visiting Permit

Third year student struggles with administrative delays.

By Crystal Howard
Senior Editor

Very few students are allowed to spend a semester visiting another institution. Permission is granted only under extreme circumstances, such as when a student must seek medical treatment elsewhere or needs to attend to a sick family member. Not everything that the average student might consider a "hardship," however, is so considered by the administration. As 3L Willie Nguyen found out, even being engaged to a person living hundreds of miles away does not rise to the level of "extraordinary circumstances."

Mr. Nguyen spent this last summer and fall semester working and externing in the San Francisco Bay Area. Although he had been planning to return to UCLAW for his spring semester, in October he became engaged to his girlfriend of four years. He asked the UCLAW administration for permission to be a "visiting" student at either Hastings or Boalt. The reasons, he says, were both financial and emotional: his fiancée had followed him to Los Angeles but now had the perfect job as an elementary school teacher in San Francisco. Mr.

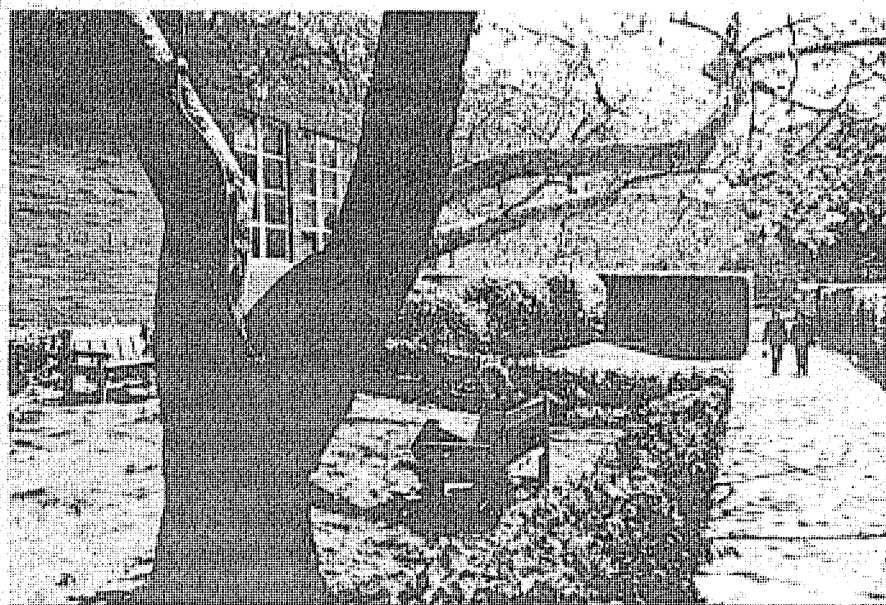
Nguyen had just accepted a public interest job, so money was tight—the couple would be paying all of Mr. Nguyen's bar expenses on public service salaries, in addition to managing the expenses of day-to-day living. The couple could not afford two households, nor could they manage to remain apart for six months. In early November, Dean Cheadle declared a "bright-line rule": relationships are not a hardship unless the couple is married. Same-sex couples might be treated differently since they do not have the option to marry in California, but for opposite-sex couples, the case is closed.

Mr. Nguyen asked whether getting married immediately would cause the school to grant permission; Dean Cheadle responded that it might, and that Mr. Nguyen should contact Dean Jonathan Varat, which he did. Dean Varat did not respond.

Eventually, Mr. Nguyen received a phone call from Dean Barbara Varat, who explained that Dean J. Varat was busy and another school.

After receiving no reply, Mr. Nguyen re-sent his email several days later, again asking whether the decision would be different were he married. Dean B. Varat replied that "the marriage question is moot at this point" because Hastings applications were past due. Mr. Nguyen answered that Hastings had told him there was still a possibility to attend despite the expired application deadline; again he asked Dean B. Varat for a direct answer to the "marriage

UCLAW Students Bear Down For Harsh California Winter



Nina Wessel, 3L, braves the elements to study outdoors. Many UCLAW students are strangely unfazed by winter weather.

question."

Dean B. Varat, frustrated with the amount of time spent on the matter, sent an email apparently intended for Dean Cheadle but which had been "replied" to Mr. Nguyen instead: "Liz, shall we say yes? I am REALLY sick if this..." [sic]. Mr. Nguyen "was quite shocked when I received Dean Barbara Varat's e-mail that was intended for Dean Cheadle. Not only did it seem to indicate a lack of sensitivity to my situation, but, more

importantly, it really illustrated the totally arbitrary nature of the decision-making process."

Dean B. Varat acknowledged in a subsequent email that it would have been fair to allow the couple to marry and for Mr. Nguyen to have been a visitor at Hastings, except that by now it was too late. The email also admitted that Mr. Nguyen's initial re-

See VISITING, page 8

Care or \$ell Set to Debut Tomorrow Night

Weeks of hard work are coming to fruition Saturday evening.

By Michael E. Lopez
Editor-in-Chief

It's been a strange week at UCLAW. This paper is informed and believes that at or around 6pm every day this week, odd creatures resembling law students have more or less assumed control of the main lobby at the front of the school. At first it seems that they are protesters, carrying signs and chanting and shouting. But just as soon as one has written them off as the latest incarnation of Administration Takeover 101, they break out into song and dance. Well, on a charitable day it might be called dance.

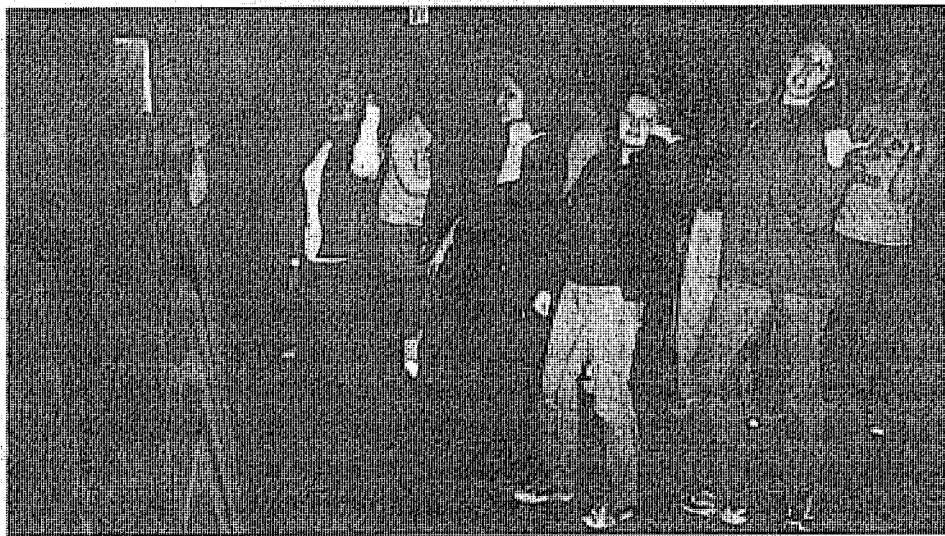
All month, the performers of 403 N.W. 2d 143, UCLAW's own musical theatre company, have been hard at work, staying late into the night, not to study for property or fed courts but to prepare for the performance of the 19th Annual UCLAW Musical. They have run lines, blocked scenes, and spent hours dili-

gently attempting to master the simplest of dance steps. While never rising to the level of a professional production, the UCLAW Musical has always served as a chance to have fun, and is one of the few chances to see Faculty do anything besides teach. Have you ever seen Kenneth Karst, Master Thespian?

This year's show will be held tomorrow night, Saturday February 3rd, in the Northwest Auditorium. Curtain is at XX:XX. Tickets will be \$10 at the door. Although many students purchased their tickets two weeks ago, there are still many left.

The plot for this year's show, "Care or \$ell," surrounds a pair of attorneys working for a radical environmental law firm. One of them becomes disenchanted with the tribulations of public interest work. But soon, the CIA has stepped in. Between riots, car bombs, global warming, and funerals, "Care or \$ell" finds high and lowbrow comedy in the most unlikely of places.

The show's lead roles are played by Chris Scott, 1L, and Karen Maccarah, 3L. Scott plays Ellis Landrun-Ross, the arrogant and megalomaniacal head of the Institute of



The Care or \$ell Chorus rehearses a big number. Front Row, L to R: Yvette Neukian, 3L, Tina Bayl, Elizabeth Hisserich, 3L, Michelle Ilczyszyn, 1L, Cheryl Kelly, 1L.

World Welfare. Macarrah plays Tracy Rang, "the lawyer who keeps IWW going," and whose imminent departure threatens the firm's stability.

Other notable roles include the two CIA operatives, Mack Roppolis, played by Kevin Leung, 3L, and C. Dexter Craven, a.k.a Xerxes

a.k.a. Merese D'Hauts a.k.a. Colonel Flagg, a hilarious role delivered by Scott Dewey, 1L. Yvette Neukian, 3L, plays Connie Zoldan, a professor whose "unbiased" opin-

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EDITORIAL

The Long Twilight Struggle

Does law have the answer to everything? We are a nation of laws, not of men, we are told in school. Americans are weaned on tales of justice and American culture is permeated with the myth of the invulnerable lawman, rooting out evil and insuring that good triumphs.

But Law may not have the answer to everything. Note the phrasing: *may* not have the answer. Perhaps it does, and perhaps it doesn't. The resolution of this question is what lies at the heart of so many issues which inflame our society today: racism, affirmative action, abortion, even speech codes.

We, the school and the Nation, are and have been locked together in a struggle to answer that question, a tiring and taxing conflict that is being waged in classrooms, in legislatures, on the airwaves, and even on the internet.

Should the law be the force that irons out all conflicts in our society? Have we grown so fractious, so diverse, so factionalized that the only thing that binds us together at all is the accord of law? Is it no longer possible to co-exist without the omnipresent threat of government (read violent) reprisals?

Imagine that you are a Mexican-American working in a law firm, and at one point one of your co-workers makes a grossly inappropriate statement about "wetbacks." Is this a situation for the law to resolve?

Imagine that you are a pregnant woman, hopelessly unable to provide for your child, who is due in 7 months. You wish to get an abortion. Is this a situation for the law to resolve?

Or take an even harder example: You are a racist. You own a store. Many people apply for an open cashiers job. You work at the store 10 hours a day, and you don't like to work alongside Blacks. Should the law dictate the terms on which you make your hiring decision?

People, liberal and conservative alike, who believe that the reach of law should be limited are in the death throes of a struggle in which they fight for the recognition of autonomy and responsibility. The struggle is fierce, and the struggle is often painful, but it is almost over.

On every issue, people are abandoning the defence of personal responsibility and autonomy, and picking up the rule of law as their weapon of choice. The specifics have taken precedence over the more general question. Abortion has long since ceased to be a question of whether there should be government involvement. It is now about the "right to life" versus the "right to choose," both rights enforced by the rule of law. Racism can no longer be something just that is awful (and silly), something that sensible people simply do not believe in, but is now something illegal.

Law does not exist in a vacuum. It influences the actions and the motivations of all who live under its aegis. Pass a law forbidding hate speech, and many who refrain from hate speech will do so not because they have been taught that it is wrong, but because they fear reprisal. Often, by artificially repressing these feelings rather than dealing with their source, those who hate simmer, with the pressure building till it explodes.

Society is a system. Like any system, it is possible to control through the manipulation of its variables. But as any student of systems is aware, the more energy that is put into a system in an attempt to control its function, the wilder and wilder the system's natural oscillations become. More power is necessary to maintain control. But while there is no limit to the system's oscillations, there is a limit to how much power one can expend. Law is the application of energy to the system of society. It is a sweeping and broad control mechanism. Occasionally, such as when there is formal, government sanctioned discrimination, it is the appropriate tool. But not everyone believes it is the answer to everything.

Those who advocate the light and infrequent application of law are losing their fight. Control of the discourse has shifted, and the very language of the debate is shifted against them. But at the very least, when we go forth into a world of laws, not of men and women, we can remember the perhaps utopian position for which they once stood: the proposition that free and autonomous human beings might live together in peace, without the threat of punishment hanging over their heads.

CLLR Student Comment Competition

By Ines Kuperschmit
2L

Since the late 1960's, the scope of the *Chicano-Latino Law Review* has expanded to examine issues affecting the broader Latino community, including the cultural, political, and economic interaction of the United States and Latin America.

The primary goal of the *Chicano-Latino Law Review* is to provide scholarly and critical analysis of various legal questions and topics and the effects they have on the changing community. A diverse pool of perspectives and insights (as presented by professors of law, students of law, judges, scholars on nonlegal subjects, and attorneys) is selected for publication. In this way, *CLLR* attempts to fulfill an obligation of service to the national community while maintaining high standards of scholastic integrity and objectivity.

Through this competition *CLLR* hopes to raise the voices of law students concerned and interested about Chicano and Latino issues. The *Chicano-Latino Law Review* invites you to submit written works towards the 2001 Student Comment Competition, the winner of which will be published in this year's journal. Works can be of any length and of any subject matter that pertains to Chicano and Latino studies, community, or issues that affect them. Previous year's submissions have dealt with all areas of the law and culture including immigration reform, education, equal protection, and language rights. All students are encouraged to submit entries, which are due March 2.

For more information please E-mail *CLLR* at: clr@orgs.law.ucla.edu

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UCLA School of Law

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CORONATION IN THE IMPERIAL CITY

One member of our staff takes a first-hand look at W's inauguration.

By **Toby Bordelon**
Senior Editor

I was one of the several hundred thousand people who attended the inauguration of George W. It was a good time. Perhaps the most exciting part was the naked lady. But I'm getting ahead of myself.

It wasn't quite a coronation, since there was no crown involved, but it was fairly close, something that should concern big believers in the republican form of government. What with the red carpets, the high security, the musical fanfares, fancy balls, and the like, the world should think we were crowning a king and not swearing in a president. Gone are the days when President Truman strolled along the streets of DC and tipped his hat to passersby. As one writer put it, however redundantly, in a letter to the Washington Post, "The Inauguration has begun to look like imperial Rome under the emperors."

I was discussing these thoughts with a friend of mine the night before the anointing, as we stood between the Capitol and the Supreme Court. It was an interesting feeling, being surrounded by so much power. And yet the place felt marginalized. Neither one of these branches, supposedly equal to the executive, have nearly as much power as the President can wield today. It is an interesting development, and potentially a worrisome one.

My weekend started with a trip to the

national zoo to see its two newest residents, the fabulous Pandas. They're quite cute. They actually move around and play in trees, unlike Tsing-Tsing in his dotage. One thing about the Pandas that was a bit refreshing—they did not appear to give a damn about the Presidency.

The next morning, we woke up early to head in for the big event. My friend Andy works for Congressman Ernie Fletcher, and was thus able to procure really good tickets. He and I had been to both of Clinton's inaugurations, so we had a good idea of what to expect. We got to his office, gorged on Dunkin Doughnuts (which, while good, are clearly inferior to Krispy Kreme), schmoozed with the constituents, and then went to the swearing-in. We had a good view, excepting the fool with the umbrella. It wasn't really raining, just a light mist, and yet this man felt the need to have his umbrella open. He must have been from Southern California.

In front of us stood the Capitol: a grand sight, the seat of our democracy, one of the most powerful buildings on earth. Behind us were the masses of people we referred to as peons—those who didn't have the connections to get tickets. We had been peons for Clinton's two inaugurations, so we didn't feel so bad calling them that.

One might think George W. would throw one hell of a party, given his past. But it wasn't really that great. It was a bit subdued. Clinton's first one was better (though his second was lame). Granted, the whole crossing the river/retaking Washington crap Clinton did was a bit

much, but ringing the bell around the nation was kind of cool, in a melodramatic way. It made for a great show at any rate. Bush had a celebratory gala at the Lincoln, too, but it wasn't as over the top as Clinton's was.

The ceremony itself was unremarkable: the band played, the choir sang, important people were gradually introduced. Both Hillary and Bill Clinton were booed. Chief Justice Rhenquist and the rest of the Supreme Court received a rousing ovation. Go figure.

The introductions gave an even more imperial tone to the whole affair. When the governors were introduced, it felt almost like they were vassals, come to pledge their fealty to the new lord, rather than leaders of sovereign states in a federal republic. When the members of Congress came out, they, too, seemed to be paying homage to a king, not welcoming the new leader of a co-equal branch of government. It was a subtle feeling, but it present nonetheless.

As for Bush's speech, it was a very good inaugural speech. And by good, I mean short. Short is the key to a good inaugural speech. This is DC in January. It's cold. It's wet. We were sitting there in the freezing mist, and we really didn't feel like being there any longer than necessary. Save the specific policy stuff for the State of the Union when we're all in our living rooms with heat turned on. Clinton, while a great speaker, can be a bit long winded at times. As to brevity, Bush delivered.

The best line in the speech? Regarding children in poverty: "This is not an act of God, it's a failure of love." Very cool.

Perhaps a not-so-subtle jab at those who believe that people in poverty are because of their own personal deficiencies.

After the speech was over, we debated whether or not we wanted to go to the parade. Since the mist was quickly turning into a light rain, we headed back to the Congressman's office to watch it on TV in the company of more doughnuts. Wise move on our part, especially given that much of the route ended up being obscured by police. Back in the office we chatted with more people and debated the merits of Dunkin Doughnuts versus Krispy Kreme. Krispy Kreme, obviously, won.

But what about the naked lady? Some woman ran naked through the crowd, with something to the effect of "Bush Stole the Election" painted on her body. Now, nakedness is great when appropriate. But anyone who would run naked anywhere in DC in January, especially when it's raining, is just a damned fool. Maybe she's from Alaska. We didn't get a chance to ask her.

Branching Out

Legal education outside the classroom

Willow Mc Jilton, *Staff Columnist*

As the job hunt begins, many of us 1Ls are realizing how little experience we really have in the legal world (and I'm sure a few of you 2Ls & 3Ls know what I'm talking about). What better way to beef up the old resume then to gain some real world legal experience?

The Workers Justice Project (WJP) offers a multitude of valuable legal experiences for ambitious law students. Students can gain experience in interviewing clients, oral advocacy, negotiation skills, and even representing clients in settlement conferences and hearings. The time commitment varies from a couple of hours a month to three or four hours a week. Students also can choose to work on one case from beginning to end.

WJP is a new program to UCLAW and is funded by a grant through the school. The objective of the program is to form a community interest in labor and employment issues. WJP is a liaison to other organizations to provide law student volunteers. WJP currently works with three project sites and expects to expand in the near future. These sites offer extraordinary opportunities for students to gain real legal experience.

Bet Tzedek Legal Services (BT)

BT assists low income workers with a variety of legal issues including wage claims, unemployment insurance, and wrongful termination. BT needs UCLAW students to assist at monthly clinics and with individual cases. Student can work with attorneys in

wage and hour calculations, drafting demand letters and complaints, and representing clients in settlement conferences and hearings. Yes, you as the student can represent a client. Wage claim hearings and settlement conferences do not require attorney representation so students have the opportunity to advocate for their clients directly. Also, BT has summer internships, so volunteering could help get the proverbial foot in the door!

Korean Immigrant Workers Alliance (KIWA)

KIWA serves primarily Latino and Korean workers. KIWA needs UCLAW students to volunteer on Friday afternoons for a couple of hours to assist in case preparation. Volunteer opportunities include drafting demand letters and complaints, legal research, interviewing clients and witnesses, and representing clients in settlement conferences and hearings. In particular, KIWA really needs translators for both settlement conferences and hearings. Translators needed in Mandarin, Cantonese, Korean, and Spanish. Note: UCLAW students have received emails about several scholarships available for those with an interest in working with various minority communities. In addition to generally feeling good, volunteer experience can add a lot to an application for scholarship funds!

The Garment Worker's Center (GWC)

GWC was founded by Sweatshop

Barrister's Ball?

By **Crystal Howard**
Senior Editor

Fast approaching this month is UCLAW's annual Barrister's Ball. Just what is the ball, you might ask? And what the heck's a barrister? According to Merriam Webster, "ball" is from the French *baller*, to dance, Late Latin *ballare*, Greek *ballizein*. It is "a large formal gathering for social dancing," and "a very pleasant experience: a good time." "Barrister" comes from Middle English *barrester*, from *barre* bar + *-ster* (as in *legister* lawyer), and means "a counsel admitted to plead at the bar and undertake the public trial of causes in an English superior court." In modern English, the Barrister's Ball is a fun event of social dinner and dancing, an evening to enjoy each other's company outside the (sometimes) nasty atmosphere of law school and mingle with professors, friends, and staff in an unscholastic fashion. Dress is anything from ballgowns to khakis to Marti Gras costumes. This year, the ball will be held February 24, 2001 at the Westin Bonaventure, downtown L.A. Attendees of the ball may reserve a meal of pasta or steak, with an ice cream castle for dessert. Guests can reserve rooms at discounted rates. Music will be a mixture of hip-hop, '80's, salsa, swing, meringue, techno, disco, and other dance tunes. Last year over three hundred people attended the ball, and attendance is expected to be even higher this year. Tickets are \$40 individually, \$37.50 each for two or more, and \$360 to reserve a table for ten people. Tickets will be on sale February 5-8 and 12-15 in the student lounge from 10am-2pm (no tickets will be available after February 15).

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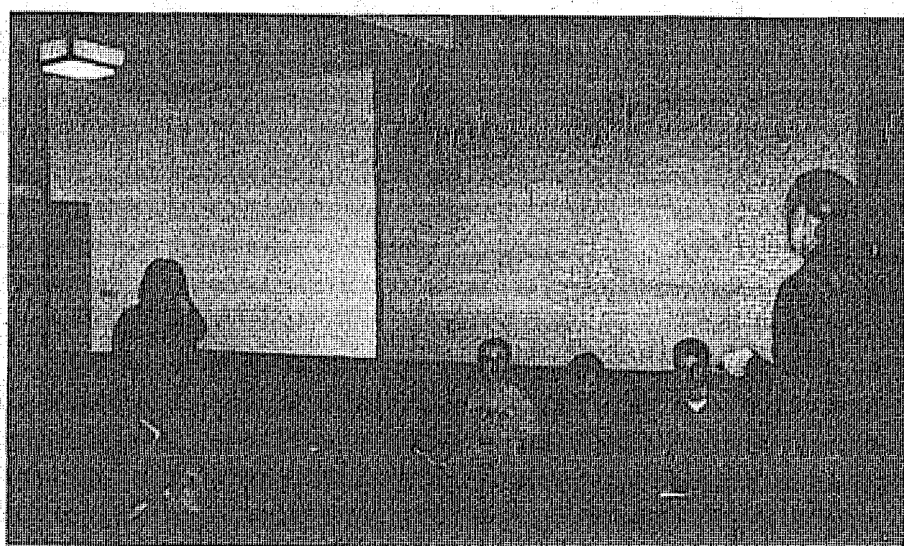
MUSICAL

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ions are eagerly sought after by corporations who don't mind paying her to remain unbiased. And Elizabeth Hisserich, 3L, plays Hedda Hunter, a legal job search expert retained to help Tracy find a new line of work.

Throughout the show, commentary and narration is given by a host of parody news anchorpersons, including B. Grumble, Ted Cop-Out, Ronnie Dung, and Jim Liar.

The music for "Care or Sell" comes from the musical, "Carousel," although similarities to that show stop with the melodies. Every year, for 19 years, Professor Kenneth Graham has penned the libretto to an original play, including a complete (and always humorous) re-write of the original musical lyrics. Previous shows have included "Thinking an I," which featured music from the famous Rodgers and Hammerstein musical "The King and I," and last year's



Professor Kenneth Graham, director, gives the cast some instructions and advice in the last week of rehearsal.

"Kernal Knowledge," which featured music written by Jerome Kern. Next year's show is in the works. To celebrate the 20th anniversary of the UCLAW Musical, will feature alumni from previous shows.

"Care or Sell" shamelessly abuses such timeless classics as "Mister Snow," which becomes an ode to the virtues of a mindless job as corporate in-house counsel performed by Hisserich and Maccarah and "When the Children Are Asleep" which is brutally transmogrified into a diatribe on consult-

ing done by law professors. Even Rodgers' joyous "June is Bustin' Out All Over" was not spared, as it was rendered into a tongue-in-cheek examination of the problems of Global Warming.

The UCLAW Musical comes but once a year. (That's three times in a Law School career, something that might not be immediately obvious to lawyers.) It's a chance to see your friends, enemies, colleagues, and even your professors as you've never seen them before. It is often said that the Law School is a staid and boring institution, lacking a sense of humour. Not true. Well, not *always* true. "Care or Sell" has jokes and witticisms galore. The humour in the UCLAW Musical ranges from the obscure to the bawdy to the terribly clever. There's something for everyone, so don't miss out.

What: "Care or Sell," the 19th Annual Law School Musical

Where: The Northwest Auditorium, near Sproul Hall.



The cast completes a run of the first number of the show. L-R: Rebecca Kanter, Glen Carrington, Yvette Neukian, Michael Lopez, Cheryl Kelly, Ching Lim, Laura Hill, Kevin Leung, Michelle Ilczyszyn.

Law Review To Hold Reception For 1Ls

Per Curiam

Every first-year student is presented with the question, "Should I write on to Law Review?" Answers vary, as many can't picture giving up Spring Break in Cabo to write a comment, while others endure the passing tribulation of the write-on competition for any number of reasons. But every student can benefit from making a more informed choice, and to that end the Law Review is holding a Wine and Cheese (and beer and chips) Reception on Thursday, February 8th, in room 1314 (by the Distribution Room).

The reception will feature hors d'oeuvres, cheese, wine, beer, as well as non-alcoholic alternatives. It will last from 3:30 - 6:00pm, and students may feel free to come at any time. Several faculty will be dropping in as well.

This reception, which is open to all first-year students, not just those definitely interested in the Write-On, is meant to allow first-year students to get to know present law review members in an informal, conversational setting and get a better feel for the organization. It will help to answer that other question: "What is Law Review, anyway?" If you're thinking about writing on, not sure and need some convincing, or just curious to see who these people are that call themselves the Law Review, come, relax, and enjoy yourself.

When: Thursday, February 8th from 3:30 - 6:00pm

Where: Room 1314

Hidden Gems: Classes You Don't Think You Should Take

By Michael E. Lopez
Editor in Chief

The names themselves are soporific: Bankruptcy Policy, Insurance Law, Advanced Civil Procedure. Who has the endurance for yet another year of that famous attention-grabber, Civ Pro? Who except the truly devoted would ever dream of taking a course that begins with the word "Bankruptcy?" And Insurance Law? Please. It would be more exciting to be crushed to death beneath seven tons of eighty-four degree goose down, being fed cognac intravenously while John Denver plays in the background than it would to study something like Insurance.

Except it isn't.

I've singled out these three classes as hidden gems: classes you would never dream of taking that are, in fact, among the most interesting and engaging courses the law school has to offer. Too often, I think, they are passed over simply because of their subject matter and titles. I've included two numerical evaluations for each course — one based on my initial impressions of the class, and another based on my total experience. You may never have thought to take these courses, but here they are, revealed at last. And don't fret if you aren't able to log onto URSA first thing in the morning for your registration. These classes will have room.

Bankruptcy Policy: Professor Klee

No prior knowledge of bankruptcy needed, my ass. I was convinced that the course description had been a bald-faced lie.

There I was in a room with six other people. One of them, the professor, is among most famous luminaries of the Bankruptcy field. Another is the now-CME of the Law Review and perhaps the most avid bankruptcy aficionado ever to stride this campus. Of the handful of other students, only one besides myself hadn't clerked for a Bankruptcy Judge. I was a



Professor Ken Klee has doubled the size of his Bankruptcy Policy class this year.

future litigator adrift in a sea of Chapter 11 junkies.

I am happy to report that I was wrong. Although it did indeed take me longer to get my footing than some of my colleagues, Professor Klee did a marvelous job of explaining things. So maybe I had to spend a little longer reading the gripping and dramatic saga of the "United States Bankruptcy Code." Big deal.

This class is not about Bankruptcy Law (that's another class). This class is really about policy: why do we have bankruptcy law and how do we best shape it to those ends? It's a lot of reading (any seminar worth its salt is), but it's definitely worth it.

I suspected that the class was going to be fun when Professor Klee let us design the syllabus. Yes, you heard me right. He gave us a list of potential topics to discuss each day in class. To this list we added several of our own. When the list was complete, we voted on what topics we would cover during the semester. We were instantly involved and invested in our own learning process.

In true seminar style, of course, we each were in charge of "teaching" one of these classes. After a small but furiously efficient series of laissez-faire date and topic trades, we were ready.

I have absolutely no desire to ever see the inside of a bankruptcy proceeding, but having taken this class, I not only understand what happens (on a general level), but also why it happens. I feel at least conversant with the terminology of this field, and that's something that is important (and rare) in an era of growing specialization.

Granted, debating the drawbacks and benefits of a universal federal exemption will never be like watching 90210, eating chocolate, or dunking Professor Zasloff. But it can, at least, be entertaining and interesting.

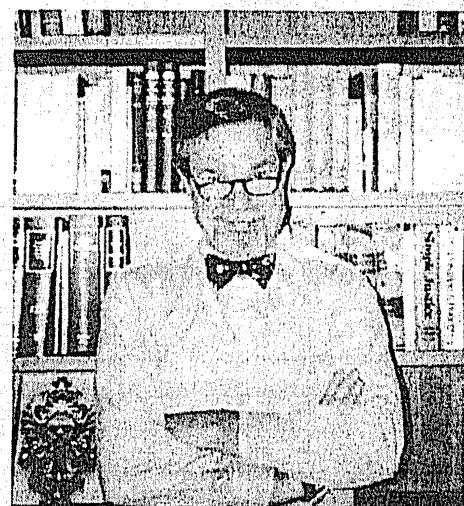
Going in: * * *

Coming out: * * * * *

Advanced Civil Procedure: Professor Yeazell

All right, it's Civil Procedure. I admit it. Nothing can be done about that. It's not ever going to be cannibalism, affirmative action, or abortion rights. But it's probably also not what you think.

We don't study jurisdiction (that's Fed Courts, an important but dry class), and we don't study the intricacies of class actions. Advanced Civil Procedure is a



Professor Yeazell only created the Advanced Civil Procedure course last year.

class that attempts to answer the question, "Why is the civil litigation system structured the way it is?" Professor Yeazell has four answers to this conundrum: lawyers, judges, money, and settlement. After all, those are the four most common things (next to parties) in a civil lawsuit.

This class looks at the law surrounding and shaping these topics, but also looks at their evolution over the last century. To understand law today, it helps to know where it came from. But more than that,

It's Cold and Sue Season

By Sam Fortenbaugh
Staff Columnist

Just when I thought I had encountered everything UCLA Law School could throw at me, I was surprised. That UCLA managed to surprise me is itself surprising. Meta-surprise. Nothing about the Socratic method could prepare me for of my teachers bursting into class and threatening to sue me for giving her a cold.

I said, "What?!" I thought she was kidding. She wasn't. She said, "You were the last person I saw. You gave me my cold. I'm going to sue you." I'm going to get sued for giving someone a cold. I didn't know what to do. But I am supposed to know the law I'm third year law student. However, I am not well versed in the subtleties of infection law. I could not readily recall any case that might be on point like *Smith v. Nyquil* or *Contact v. The City of Chicago*. I wish UCLA had offered a course like "Sickness and the Law."

Before I had started law school, I would have deferred to this learned legal scholar and paid for her cold medicines, and somehow made up for all the pain she was suffering: the reruns she had to watch on Nick at Night, the People magazine articles she had to reread, and the obligatory person someone is, whether they have any integrity, and whether they are just going to law school because they have nothing better to do. (And when I say nothing better, I mean that there are a number of people who

have had over sixteen years of education and life experience and are unwilling to abdicate their choice in selecting their professional careers.)

This must be a very stressful decision. The faculty may have to sacrifice UCLA's ranking in the US News and World Report, which, from what I've heard, is how they are viewed by their academic peers. How can anyone expect them to put aside their academic credentials in order to make sure a more well-balanced and purposeful student body is let into the Law school?

That's a big sacrifice. I don't know if I could do it.

Well, I could do it. I *did* do it during my interviewing process this fall when future employers asked me about the caliber of my legal education. I said that I couldn't have asked for better training, and that I didn't have a qualm about it. So I can't blame these faculty

members if they are just going to sacrifice a few students with bad LSAT's and GPA's, I was too much of a coward and lied about it myself.

The faculty will, though, at least be sacrificing someone else. They will keep their integrity. It's refreshing, and I now have a new found respect for these professors. This is a lesson that I'll take with me into the world. It takes a lot of courage to admit that you want to teach at Harvard. It takes even more courage to do whatever you can to achieve that goal. There's something very



See **FORTENBAUGH**, page 8



Heretical Ramblings

By Bruce Gibney



I was sitting in Barney's Beanery the other day enjoying a situationally-inappropriate post-workout Diet Coke, idly reading H. L. Hix' *Morte D'Author* and wondering if my new tan Hugo Boss shirt was too dark to go with my off-khaki flat-front Kenneth Cole pants when I was approached by a handsome young specimen (HYS) wielding a clipboard and looking so earnest that, had I been less narcissistic, I would have concluded: Trouble. As it was, I reached an entirely dissimilar set of conclusions. Suffused with a post-workout glow, I (naturally, reasonably) assumed that HYS had wandered over to hit on me. As a collateral result, I concluded:

- 1) my pants and shirt went together fine
- 2) my wildly impractical black leather gym

bag bespoke a fashionable sportiness which
3) I had successfully tempered though the intellectual prop of *Morte D'Author*. Success!

But no. HYS had come over not to investigate Bruce Gibney (!), impeccably dressed post-workout Renaissance man (!!); instead, HYS wished to obtain Bruce Gibney's opinions regarding "problems facing our community." Well, must admit that I gave HYS the same look that I see so often on students' faces in class: utter incomprehension. I said as much to HYS, resulting in an enervating back-and-forth that culminated in HYS stridently inquiring as to whether I was aware of what was happening in the world around me, *in the least*.²



¹ I hate this word, "community." You may recall that certain professors accused me of attacks on the "community," as if the provision of sub-Diddy Reise cookies during finals and a union via an e-mail system afflicted with the electronic equivalent of the menstrual cycle suddenly created a community out of a group of people who as a result of the curve (in real classes) must fight each other like gladiators to survive and, upon graduation, will be paid to annihilate one another in court. Community my ass.

² Besides tax cuts, which HYS did not find worthy of noting on the clipboard.

See **RAMBLINGS**, page 11

★ LOWER ENDS ★ IN ANTICIPATORY Repudiation

AFTER A MUCH NEEDED WINTER BREAK, OCIPGUY AND PARTY GUY RECONVENE IN THE LOUNGE, STILL REELING OVER THE TUMULTUOUS EVENTS IN FLORIDA...

I can't believe Oklahoma won the Orange Bowl!

glug

THEIR HAPPY FIRST WEEK OF CLASS TRANQUILITY IS RUDELY INTERRUPTED...

Library Guy! Who let you out of your carrel?

You two!

Yeah, shouldn't you be studying a syllabus or something?

Charming to the last, OCIP Guy. I see you're all ready for Spring OCIP. You know, if these firms really wanted you, they would have hired you last semester...

Touche, Library Guy. So why are you really here? 'Sup?

What's up? What's up?! Probably your guys' GPA's! Remember that "study group" we formed? And how we were supposed to trade outlines? You guys didn't fulfill your side of our "bargain"!

Oh...how so?

That "outline" you gave me was written on a napkin! Mine was 144 pages long! I even enclosed it in a binder!

Dude, do you want that binder back?

NO! Our arrangement is over! In fact, I've already enlisted a new academic partner...

ROLLERBOY! He's neat and organized! Sure, I don't know what he's lugging around in that big ass bag of his, but I'm sure he'll prove to be a reliable ally!

Rollerboy?! That wuss?! Does he carry his balls in that thing too?

tee hee

high five!

Pay them no mind, Rollerboy. "@ you later, gentlemen...

It's for my back...

Have fun Shepardizing together!

UCLA STUDENTS

BAR/BRI WILL BE ON CAMPUS IN MARCH

EARLY BIRD LECTURES

(Schedule Below)

To attend lectures, you must have a **Gold or Silver Active Membership Card**. If you have not yet received an active membership card, you must call the BAR/BRI office to make an additional payment. We strongly suggest that you take advantage of these lectures to assist you with your understanding of the black letter law. No reservation is needed to attend these lectures

SUMMER 2001 GRADUATES

Bar/Bri Staff Attorneys will be available to answer any questions you have regarding the upcoming Summer 2001 Bar/Bri Bar Review Course and/or California Bar Exam. You may also pay your Summer 2001 Bar/Bri tuition and return your Lecture Site Reservation Form to the Bar/Bri Table during table days.

Early Bird Lecture Schedule Los Angeles

3280 Motor Ave. - Lecture Hall

Mar. 17th	CRIMINAL LAW 9am - 12pm
Mar. 17th	CRIMINAL PROCEDURE 1pm - 4pm
Mar. 18th	EVIDENCE 9am - 6pm
Mar. 24th	TORTS 9am - 5pm
Mar. 25th	1ST YR. REAL PROPERTY 9am - 5pm
Mar. 31st	CONTRACTS 1 & 2 - 9am - 5pm
Apr. 1st	CONTRACTS 3 - 9am - 12:30pm
Apr. 7th	FEDERAL JURISDICTION 9am - 1pm
Apr. 7th	CORPORATIONS 2pm - 6pm
Apr. 8th	CONSTITUTIONAL LAW 9am - 5pm
Apr. 21st	1ST YR. CIVIL PROCEDURE 9am - 5pm
Apr. 22nd	WILLS 9am - 1pm
Apr. 28th	COMMUNITY PROPERTY 9am - 1pm
Apr. 29th	TRUSTS 9am - 5pm



MPRE EXAM MARCH 9, 2001

In order to receive BAR/BRI MPRE materials and/or attend the MPRE lecture, you must be enrolled with BAR/BRI and have paid a total of \$175.

MPRE Books are available for pick up at the Los Angeles Bar/Bri office.

The MPRE Book includes a substantive outline, capsule summary, and four 50 question practice exams. MPRE Software will be available on the internet.

March 2001 MPRE SCHEDULE (Multistate Professional Responsibility Exam) Los Angeles Area Sites

LIVE LECTURE

Sat., Feb. 24, 2001
(9:00AM - 1:00PM)

BAR/BRI OFFICE
3280 Motor Ave.
Main Lecture Hall
(Prof. Chemerinsky)

VIDEOTAPE LECTURE

Sat., Mar. 3, 2001
(9:00am - 1:00pm)

BAR/BRI OFFICE
3280 Motor Ave.
Main Lecture Hall

1-800-995-5227

STANDING POLICIES: WHAT’S THE POINT?

By Susanne Blossom
3L

The Regents of the University of California are meeting here at UCLA March 14 – 15. At that meeting, the Regents may be prepared to repeal SP1 and SP2, the two official UC policies adopted in 1995 at the behest of former Governor Pete Wilson to end affirmative action in admissions, hiring, and contracting in the UC system. These policies were enacted one year before California voters passed Proposition 209, the constitutional amendment bearing the dubious moniker “California Civil Rights Initiative.” This double header of regressive policymaking has rendered the University of California impotent to pursue its mission of extending higher education to all of the people who make up this state.

Repealing the orders that sparked the anti-affirmative action frenzy would represent a critical first step in turning the tide once again towards achieving a system of truly public education. But repealing SP1 and SP2 is not

the same as breaking the vice of Proposition 209. Indeed, even if the Regents decisively repeal the ill-advised edicts of 1995, the University of California will remain bound to obey the law as passed by the voters in 1996. So what’s the point?

I’ve been asked to write a column advising you of the upcoming Regents meeting and explaining, to the best of my ability, the difference between a regressive and restrictive UC policy (SP1/2) and a regressive but, we hope, *slightly less restrictive* state law (209). These differences are textual, and they are slight, but they may provide limited additional opportunities to our admissions committees to invite members of underrepresented groups to join our educational community.

There are broader, and perhaps more abstract, reasons to encourage, to support, and to participate in the repeal of SP1 and SP2. First, the policy is a failure on its face, and should be reevaluated regardless of the larger political context. Second, the University of California is a weighty institution that

sets the tone for policy nationwide. Finally, and most importantly, there is value – immense value – in participation. This is the very stuff of law school.

The Regents’ policy (SP1) promised in its own text that halting the gains of civil rights by ending affirmative action would

...achieve a UC population that reflects this state’s diversity through the preparation and empowerment of all students in this state to succeed rather than through a system of artificial preferences.

By its own criteria, SP1 is a plain failure. Our student population here at UCLA, and throughout the UC system, has moved in the direction precisely opposite that promised by the authors of SP1. The University of California is educating a student body that is, with each passing year, progressively less representative of the increasing diver-

sity of this state’s population – by any measure.

If this country strives to be truly democratic, if we honestly value all our citizens (indeed, all those who take shelter here), and if we genuinely and wholeheartedly desire a nation where everyone can participate fully – politically, socially, and economically – what will it take to get there? Does an admissions policy that results in an homogenous student body, in a state that is decidedly eclectic, reflect a step toward our goal of full participation for all? If it does not, why do we cling to it? These are harder questions, and these are questions that a debate about textual analysis will not answer. But these are precisely the questions that we should be asking ourselves as law students and as thinking members of a community over which we have the capacity to exercise some measure of influence.

Furthermore, and most importantly, there is a great personal and communal gain to be

See POINT, page 9

FORTENBAUGH

From page 6

Nietzsche about what their doing; and when I say Nietzsche, I mean it in the best possible way.

And it sure would be nice for me if UCLA Law was highly ranked. It would be good for my legal legacy as well. I already know how to take care of my legacy.

Ever since I was a 1L, one of the urinals has been missing from the Men’s bathroom across the hall from the student lounge. In its place is a giant cork in the floor. I’m not quite sure why it bothers me. Perhaps it is the lack of symmetry, or maybe I can’t help thinking about George Allen, former Coach for the Washington Redskins. George Allen felt that in order to be a first class organization, you had to have first class surroundings. George Allen would never have stood for a missing urinal. He

felt that a missing urinal would come back to haunt his team. Maybe he’s right. Maybe this missing urinal is the albatross around the neck of UCLA Law School. Maybe our UCLA Law School is not ranked where it is supposed to be because of this missing urinal. Maybe US News and World Report is just waiting for the school to replace the urinal and then we will be vaulted into the upper echelon of national law schools. Maybe the lesson here is: yes LSAT scores are important, but they don’t mean nothing unless you have a pot to pee in.

Someone’s got to take charge. So when I make enough money, I am going to donate a new urinal. What’s in it for me? I’m not looking to be pardoned from my past transgressions like giving a professor a cold. No, I’m hoping that maybe this school will put a small plaque on my honorary commode so that in years to come I will know in my

heart that UCLA Law School is still pissing on me.

And when I say nothing better, I mean that there are a number of people who have had over sixteen years of education and life experience and are unwilling to abdicate their choice in selecting their professional careers.)

This must be a very stressful decision. The faculty may have to sacrifice UCLA’s ranking in the US News and World Report, which, from what I’ve heard, is how they are viewed by their academic peers. How can anyone expect them to put aside their academic credentials in order to make sure a more well-balanced and purposeful student body is let into the Law school? That’s a big sacrifice. I don’t know if I could

See FORTENBAUGH, page 14

VISITING

From page 1

quest had been made “over a month ago” – weeks before the application deadline for Hastings had passed.

It is now too late for Willie Nguyen, who is spending his last semester at UCLAW. But, he says, it is not too late for other students who may fall victim to this arbitrary process. “While I’m obviously disappointed by the decision in my particular case, I’m just as concerned about the arbitrariness and lack of transparency in the process. These decisions, which can have a huge impact on students’ lives, are made behind closed doors without any clearly articulated guidelines.” Even if the rules are clear, they must be communicated to students. In Mr. Nguyen’s case, had the “marriage question” been answered immediately, he might be in San Francisco right now.

My cup runneth over...

By Jonathan Shimkus

1L

For better or worse, we are back to school. And while some of us have no problem crying ourselves to sleep after receiving last semester’s grades, these drinks are for everyone who did a little better than that, and for those of us spending some quality time with our friend the bottle on the 14th.

THE KAMIKAZE

Early in the semester is the best time to get trashed. (Contrary to all the advice that it was the days leading up to the final, which I received from my classmates.) For these purposes, use the super-shot, the Kamikaze. It’s gotten me through a lot of jams, made birthdays worth celebrating, parties good enough that I forgot ‘em, and totally smoothed over the relationship with my then current boss who thought I was uptight!

(This is a BIG shot!)

In a large glass filled with ice (preferably a shaker) add:

- 1 1/2 oz. vodka,
- 1/2 oz. triple sec,
- 1/2 oz. lime juice.

Shake and strain into a large shot glass or a single rocks glass. Finish in one sip.

LONG ISLAND ICED TEA

Another pet peeve of mine is pre-made Long Island Ice Teas. If you have had a bad one, it was probably because it was out of a bottle. It’s one of the easiest ways for a bar to make money. The Long Island is a premium drink, and if they can pass it off there is plenty of profit. A good warning sign is when the bartender uses only a gun to make it. So next time ask for the bartender to make it from scratch and get your money’s worth.

Shake and strain into a large specialty glass or collins add:

- 1/2 oz. gin
- 1/2 oz. Vodka
- 1/2 oz. light rum
- 1/2 oz. Tequila
- 1/2 oz. triple sec.
- 2 oz. sweet n’ sour.

Enough Coke only for color (so it looks like tea - you shouldn’t be tasting it)

Add a lemon for garnish

Be sure it is shaken, otherwise it’s not worth drinking, stirring is not enough.

Doing it my way since October of ‘99, I still don’t drink and drive.

The Librarian's Desk

This month's column includes highlights of a few interesting books recently acquired, as well as a detailed description of Legal Resource Index, a database that could be very helpful to you if full text searching is not getting you what you need. But first, a not so pleasant topic.

REPORTING DISRUPTIVE USERS

We strongly encourage you to report any disruptive users or any other problems within the Law Library to the library staff as soon as possible. You can do this either by coming to the Circulation Desk or by calling x53960 from one of the campus phones located on each floor of the library in the photocopy rooms. We promise to deal with the situation immediately. Bear in mind that library staff is not always aware when problems occur, because most problem patrons do not misbehave when the guards do their rounds. Again, we'd like to emphasize that your help in letting us know of any problems in the library, particularly as they occur, would be greatly appreciated.

ANOTHER WAY TO FIND ON-POINT LAW JOURNAL ARTICLES

Lexis and Westlaw contain two types of journal article databases. One type contains *full text* law journal articles (Law Reviews Combined on Lexis or JLR on Westlaw); the other contains *references* (rather than full text) to a much larger number of law journal articles. If you aren't satisfied with the number or type of journal articles you find using the full text databases, you might want to try Legal Resource Index, an indexed database.

The searchable form of Legal Resource Index is available on LEXIS as Legal Resource Index and on Westlaw as LRI. This is what an indexed record from the LRI database looks like.

What is the advantage of using this database? Each record is quite short, and generally includes only basic bibliographic data (author, title, citation, and a few other items) rather than the full text of the article. However, there are some "extras" in an indexed record. "Descriptors" are subject terms or phrases (including legal concepts) that describe aspects of the article. If your search terms aren't working well in the full text database, switching to LRI, with its Descriptors and Jurisdiction notations may offer you more precise results. Although the LRI record is usually not full text, if either Westlaw or Lexis also has this article in the full text database, it will offer a hyperlink to the full text article.

Other reasons to use this index. Since an indexed record is so short, creating a search is quite simple. For example, if you are looking for articles regarding transsexual marriages in California use the simple search query: *transsexual and California*. A special advantage of the LRI databases is that they include articles from journals that are not available on-line, but which the library very well may have in print.

To sum up, an indexed database such as Legal Resource Index can provide you with more journal articles than are available in the full-text databases, and can offer you tighter searching, including the ability to search added terms and legal concepts.

NEW BOOKS! (blurbs quoted from the dust jackets of the books)
World War 3.0: Microsoft and its Enemies by Ken Auletta: Random House, 2001.

"...(The story of) the government's massive civil suit against Microsoft for allegedly stifling competition and innovation on a broad scale"... Auletta crafts this landmark confrontation into a tight, character- and incident-filled courtroom drama featuring the best legal minds of our time..." *KF 228 45 A93 2001*

Entitlement: The Paradoxes of Property by Joseph William Singer: Yale University Press, 2000.

"...The author argues that owners have not only rights but obligations as well – to other owners, to non-owners, and to the community as a whole. Those obligations ensure that property rights function to shape social relationships in ways that are both just and defensible." *K 720 S56 2000*

The China Democracy Movement and Tiananmen Incident: Annotated Catalog of the UCLA Archives, 1989-1993, compiled by Jian Ding and Elaine Yee-Man Chan, edited by Leslie Evans: UCLA Asian Pacific Monograph Series, 1999.

"...the UCLA Archives run to 11,060 pages, now on deposit at UCLA's Richard C. Rudolph East Asian Library. These summaries provide a good feel for the events as well as offering a guide to UCLA's holdings in this area...document an important, although very diffuse movement in recent Chinese history..." *JQ 1516 D56 1999*

In the Interests of Justice: Reforming the Legal Profession, by Deborah L. Rhode: Oxford University Press, 2000.

"...Deborah L. Rhode goes beyond the commonplace attacks on lawyers to provide the first systematic study of the structural problems confronting the legal profession...she calls for a return to ethical standards that put public service above economic self-interest." *KF 297 R48 2000*

The Walking Guide to Lawyers' London by Andrew Goodman and Cliver Berridge: Blackstone Press Limited, 2000.

"Thus the visitor to legal London...will pass not only through the beautiful and peaceful Inns of Court with their majestic buildings and handsome squares...but also to and fro through history, developing an understanding...how the environment of the lawyers shaped and influenced their practices over the centuries." Beautifully illustrated. *NA 4475 G72 L66 2000*

OH, NO, MORE MUG CHOICES

Your UCLA Law Library Mug will soon be useable at all campus libraries. Because of the Law Library's good example, users of other UCLA libraries have asked to be allowed to take beverages into these other libraries. In response, the Library system will soon be selling its own mug, one that offers a beverage discount. These mugs will be sold for \$3.95 in all ASUCLA restaurants and coffee houses. The first beverage is free with purchase, and refills of coffee, tea, or soft drinks cost 75 cents each. Your Law Library mug is free to you, of course, but it doesn't allow you a discount on beverages.

Adrienne Adan, Jennifer Lentz, and Linda Maisner
Email us at: lawlibrary@lawlib.ucla.edu

ANIMAL

From page 9

The process, Mr. Frank stated, was less like a battering ram and more "like the floodwaters," gradually washing away resistance through persistent pressure. With the help of Dr. Temple Grandin, a humane slaughter expert, and Rabbi Adam Frank (Mr. Frank's brother), Mr. Frank researched and documented Jewish law issues, obtained footage of unnecessarily cruel practices inside kosher slaughterhouses, lobbied the Rabbinical Assembly, the central authority for conservative Jews worldwide, and even considered going undercover in an Iowa kosher slaughterhouse.

In the end, an eleventh-hour threat to release powerful video to the media con-

vinced the Rabbinical Assembly's Committee on Jewish Law and Standards to approve an opinion declaring shackling and hoisting a violation of the law prohibiting inflicting pain to animals. The opinion was co-authored by Elliot Dorff, vice chair of the Committee and UCLA adjunct professor.

Mr. Frank is now trying to convince the Orthodox Union, the group that certifies kosher meat for the orthodox Jewish community, that shackling and hoisting should be banned. As most kosher meat in the United States is certified by the Union, it remains a challenge for the ethical kosher meat consumer to know that he or she is buying meat slaughtered by more humane means. "The best practice," Mr. Frank ad-

mitted, "is to abstain" from buying meat for now.

The Animal Law Speaker Series brings attorneys to the Law School to discuss a wide variety of topics that impact animals and the law. Chaired by Melissa Bjorkenstam, 2L, the Series has featured talks by Steven Wise on his book, *Rattling the Cage*, and Deputy D.A. Tom Connors on "crush" videos, as well as a panel consisting of the authors of the first casebook on animal law. Upcoming talks include Chris Hansmeyer speaking about the First Amendment rights of protestors on February 28, and David Wolfson speaking on agribusiness and farm animals on March 9. Watch for announcements via e-mail.

WILLOW

From page 4

Watch and the Asian Pacific American Legal Center to protect the rights of garment workers. GWC is looking for UCLA students to help at their monthly legal clinics. Law students will conduct intake interviews with workers.

WJP has wonderful opportunities to gain real legal experience and represent clients. Even if you are not on the labor law path, working with WJP clinics is a great way to fine-tune your legal skills. For more information contact Amy Whitehurst at whitehur@2002.law.ucla.edu.

Attorney Works to Change Jewish Law POINT

By Ira Bibbero
3L

Last Wednesday evening, as part of the Animal Law Speaker Series, Mr. Aaron Frank spoke at the Law School about changing Jewish law to reduce the cruel treatment of animals during kosher slaughter. Mr. Frank, who appeared as part of the Animal Law Speaker Series, has worked for four years to change a slaughter practice that is accepted within parts of the kosher meat industry but outlawed as inhumane for secular slaughter. This practice consists of

shackling cattle by one hind leg and hoisting them in the air while still conscious, in preparation of slaughter. Federal law that banned the practice in 1958 gave kosher slaughterhouses an exemption because no alternative methods of slaughter were available that comported with Jewish law. Religious Jews will not eat meat unless the animal is killed according to kosher practices prescribed in Jewish law.

Mr. Frank, an attorney who is currently the Executive Director of the California Wildlife Center in Malibu Canyon, told the story of the slow process involved in convincing the Jewish community that the

accepted practice was unnecessarily cruel. Mr. Frank said that he considered other methods of changing the practice, such as litigation and legislation, but realized that would likely not be successful due to First Amendment free exercise considerations. Changing Jewish law was the best means Mr. Frank knew of to effect the change in slaughter practices. However, established religions, especially decentralized ones like Judaism, are slow to change their ethical standards.

See ANIMAL, page 10

From page 8

had from joining the struggle. If we choose, law school can be a place of anonymous classes punctuated by late nights of drinking. If we choose, our entire career can be filled with much of the same. But there is value in participation, value in connecting with others who are socially conscious and conceive of themselves as responsible to their community as much as to their personal aspirations. It is also an important lesson to recognize the power that you have as an educated member of society – power that exceeds what your salary as a lawyer will buy in political contributions. It is power that you can wield even now, as a thinking person with high hopes.

GEMS

From page 5

Professor Yeazell seems concerned with making sure his students think about why these changes came about as well. At times, the class may seem to have the aura of Frankenstein's lab, with the mad genius himself speaking in exuberant tones about his theories. ("It's a result of specialization, Igor... SPECIALIZATION!!!!) But the theories are interesting, and worth listening to.

Among the highlights of this class are the guest speakers. The single best lecture I've heard in almost three years of Law School was delivered by Jean Tardy-Vallemaud, a delightful, articulate, and well dressed Vice President from Bank Julius Bär who explained to us the inner workings of "Law Firm Financial Dynamics."

It may not sound interesting (a recurrent theme in this article) but when you start trying to correlate average billing rates with collection realization rates and (most important for us) associate salaries, you realize that these are the day to day concerns which shape how lawyers approach civil litigation.

Other speakers have included lawyers, judges, and professors, all of whom have things to say about the topics we're studying. These aren't Professor Yeazell's cousins from down the street, either. We've got a faculty with connections, and courses like this one take advantage of it.

All in all, Advanced Civil Procedure is fascinating. A little dry at points, and it takes a bit of skullwork to get to the point where it starts to be relevant (and thus

interesting), but it's worth the effort. Professor Yeazell has a fascinating, and oftentimes convincing view of the shape of the litigation landscape, and you're cheating yourself if you avoid it because of its name.

Going in: * * *
Coming out: * * * * ½

Insurance Law: Professor Johnson

I admit it. I wasn't crazy about signing up for this course. I only took it because I have a study partner with whom I take almost all my classes and he was hell-bent on taking it. I tried really *really* hard to get us into Criminal Procedure Adjudication instead. With all respects to

See GEMS, page 14

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

– Voltaire

UCLA LAW YEARBOOK

NEW REDUCED PRICE:

Presale price is ONLY \$20* (now till March 15th);
After March 15th, the price will be \$25*.

Name _____ Yr. _____
Address _____

Payment options:

- ☐ Yes I want to buy a yearbook; bill my SBAR account.
☐ Yes I want to buy a yearbook; here is a check payable to "UC Regents."

Shipping option:

- ☐ Yes I would like my yearbook shipped to the address above.
* Add an additional \$5 to the cost

Tear off at the perforation and take this form and your payment to the Records Office.

PILF Makes Public Interest Possible For Many

By Maggie McLetchie

3L

PILF Chair

As law school 2Ls and graduates benefit from skyrocketing firm pay, many worthy legal causes remain sorely underfunded and depend on support from the rest of the legal community. The UCLA Public Interest Law Foundation (PILF) relies on the UCLA Law School community to raise enough money to provide grants to students who want to serve underrepresented communities and causes during a law school summer. PILF is nonpartisan and has provided funding for a wide variety of summer projects, from working on appeals for individual death row inmates in Mississippi to assisting with impact litigation at the NAACP's Legal Defense Fund.

By supporting PILF, you can help public interest organizations and your fellow students at the same time. PILF involves the entire law school community in the enterprise of providing funding for these kinds of projects by soliciting alumni, faculty, and student support through donations, and through the hosting of events that bring the entire UCLAW community together. In this way, PILF helps us all at UCLAW observe Justice Powell's admonition that "[i]t is fundamental that justice should be the same, in substance and availability, without regard to economic status."

Summer grants of \$4,000 to be provided:

After last fall, with OCIP seemingly dominating campus life and with 2Ls who you'd never imagined in suits clamoring for those ridiculously high-paying summer associate positions, it is sometimes hard to imagine that there are other options besides firm jobs. Public Interest Career Day (held annually at UCLAW) helps expose students

to the exciting array of public interest opportunities out there. These opportunities offer great experience — summer clerks at nonprofits often get more hands-on experiences and intensive assignments than their counterparts at firms simply because their help is so needed. Working at a public interest law firm also helps students work towards the ideal of justice that at least partially attracted many of them to law school in the first place. On a more practical level, only a handful of 1Ls are able to secure positions at firms — leaving public interest internships as the best option for gaining legal experience after the first year.

To make public interest options — which are almost always unpaid — more feasible, PILF provides grants of \$4,000 for 10 weeks of full-time work. To apply, students are required to find a position at a nonprofit legal center (with formal 501(c)(3) status). All 1Ls and 2Ls are encouraged to apply. Please remember that PILF grants are not just available to students in the Program in Public Interest Law and Policy (PPILP) and that PPILP and PILF are entirely separate entities. The application deadline is Friday, March 9, at noon. Applications are now available in the Center for Public Interest Programs, OCS, and on the PILF bulletin board in the law school hallway.

What you can do to help make grants possible:

1) Pledge a day of your upcoming summer or post 3L summer salary. Many firms match pledges so your pledge is twice as valuable to us — we can double your money! This year, PILF has designated June 19, 2001 as UCLAW Public Interest Day, and we are asking all summer associates to donate their salary for that day to help support public interest work at UCLAW.

PILF will be having a Pledge Drive table in the courtyard every Wednesday from 12-1 where you can fill out a Pledge form or come

by with your questions. Please come by and help out your fellow students!

2) Volunteer for the upcoming Auction. Over the next few months, PILF will be working like crazy to get as many things to auction off as possible. We need people to help go after donations (sports memorabilia, restaurant certificates, stores in Westwood, faculty donations, etc.). If you are shy about asking strangers for things, you can also help with tasks such as creating databases or doing mailings.

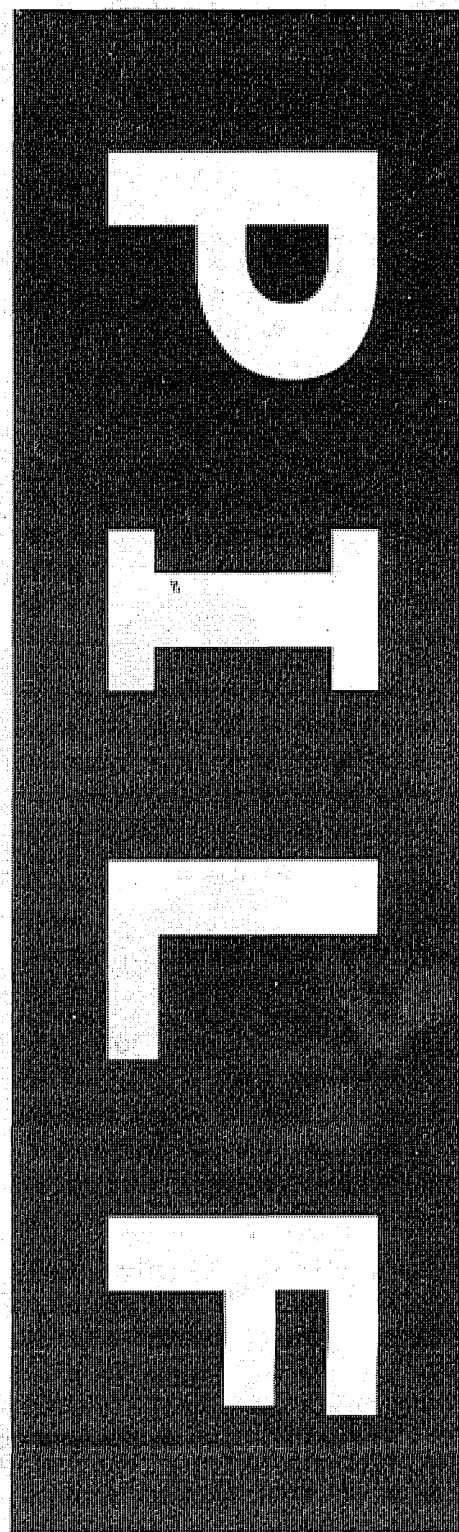
3) Get us stuff to Auction off. You can also help with the Auction by more informally soliciting donations of auction items from people you know or even making a donation yourself — personal requests are one of the best ways to get donations. Remember that there are many creative ways to donate — from making tamales or giving swing lessons to donating a weekend at your parents' house in Big Bear. You and everyone you know has something to donate if you just think hard enough. There are forms on the PILF bulletin board and in the Center for Public Interest Programs. You can also email pilf@orgs.law.ucla.edu.

4) Come to the Auction and bring your friends. The Auction is scheduled for March 9 — put it on your calendars! In addition to helping a good cause, the Auction (which features free food & drink!) is always a fun event for the entire law school community.

How to get in touch with PILF:

Contact PILF at pilf@orgs.law.ucla.edu or call (310) 206-8625 to pledge, donate, volunteer, or just ask questions. Thanks in advance for your help! PILF and the students who receive PILF grants appreciate your support.

Eds. Note: The PILF Auction is the only time we can recall anyone paying \$300 for a \$100 bill



RAMBLINGS

From page 6

Now, I have to tell you, this disturbed me. First, I think I was looking hot enough that day³ that no reasonable person would be able to call upon me to have meaningful opinions. Second, when I tried to relate to HYS some of the issues I've been turning over in my head, HYS gave me the look of contempt usually associated with white-shoe-after-Labor-day level *faux pas*. But the more I think about it, the more I believe that I identified a few issues over which *all* communities ought to mull. Please, tell me what you think.

Elevator Democracy

When you push the button to call the elevator, you're put in a queue that is ordered cardinally and inflexibly — that is, first come, first served.⁴ Obviously, this is not an optimized system. Let's say that I am on floor 99, and you 100, and that I press the button mere nanoseconds before you. I get to go down before you; you get shafted. This is true even though our total trip time would be dramatically reduced if the elevator went up one floor, and then down 100.⁵ Plus, that way we'd get to do it together,

rather than alone. Seems troubling, at first.

But whatever the efficiency loss, I'm really gladdened that this is the way things work because it just seems so democratic, so...so...*American*. I see the elevator first, I get to go down first, and if the elevator feels it can rise to the occasion again, you get to slide down the pole after me. Early bird, worm, etc. What could be more American than that?

I even get a sort of patriotic thrill when I see the call light for a higher floor go on just after I've stepped in. After all, how do you know whether you're fully exercising your rights as a man unless you're screwing someone else?

Bathroom Equality

Something I've noticed recently: the newest generation of bathroom signs has bequeathed the women an attaché, just like the men. For the unobservant this was not the case before. A blow for equality, we should say. But the strange thing is that sign for the ladies' restroom still features a woman in a skirt.⁶ This seems a little antiquated; vaguely anti-feminist and contrary to the very spirit that bestowed upon Bathroom

U.C. Regents Disinherit Tobacco Stocks

By Crystal Howard
Senior Editor

On January 18 the U.C. Regents voted to exclude securities of companies manufacturing tobacco products from the system's index funds and to continue existing exclusion from actively managed funds. Lt. Gov. Cruz Bustamante called on the Regents last November to abolish investing in tobacco stocks. "While recognizing our fiduciary responsibility, we also have a moral and social responsibility to the people of California," Bustamante said. "The results of smoking are poor health, high medical costs and lost lives." The President's official recommendations to the Regents' Committee on Investments, however, were not socially-minded, but rather focused on the liability tobacco companies might incur because of the adverse health effects of smoking.

"Background" information given to the Committee on Investments stated the following: "Due to the health issue associated with tobacco, and the complex legal issues that result, the securities of such companies possess unique and non-quantifiable elements of financial risk, independent of normal economic considerations, that render investment in these securities, either independently or in an index fund,

undesirable. In particular, litigation based on the acknowledged adverse health effect of tobacco use poses large and unpredictable liability risks."

U.C. President Richard Atkinson recommended that the Regents avoid investing in tobacco stocks because "of the convergence of a number of factors, specifically, the negative financial risk and liability circumstances affecting the stocks of tobacco products companies, the related health issues, the small percentage such stocks represent of total index funds, the current practice of the Treasurer excluding investment in the stocks of tobacco products companies for the actively invested funds, and the availability of established tobacco free index funds, all such factors being specific to this set of facts."

The Regents voted not only to continue the practice of not investing directly in tobacco stocks but also to avoid investing in index funds that include tobacco stocks by using the Russell 3000 Tobacco Free Index and MSCI EAFE Tobacco Free Index. Those interested in the Regent's activities can check out their web site, <http://www.ucop.edu/regents/>.

¹ And not, like in other situations, vice versa.

² Mathematically: $99/100t + t$ (to go up again) $+ t$ vs. $1/100t + t$ or $2.99t$ vs. $1.01t$. Or if you're picky, 2.99 vs. $(1.01+k)t$ weighted by riders.

³ Interestingly, Bathroom Man is not wearing identifiable clothing *at all*, which makes you wonder if the clothes are either tight fitting, or Bathroom Man is a little under-endowed, or cold, or what.

403 N.W.2d 143 and the UCLA School of Law present . . .

Care or Sell?

A Black-Green Comedy

An
Aesopian Collective Production

In A Theatre Near You

February 3rd

"Care or Sell" • A 403 N.W.2d 143 Production • A Play by the Aesopian Collective • Produced by Blood, Sweat, Tears, and Misery • Written by Ken Graham • Directed by Ken Graham • Sound Design by Keith Endo • Lighting Design by Shoshannah Katz • Crew by Alexandra Hisserich Starring • Chris Scott • Karen Maccarah • Elizabeth Hisserich • Karen Nash • Scott Dewey • Kevin Leung • Yvette Neukian • Michael Lopez • Kim Barlow • Tina Bay • Glenn Carrington • Ana Damonte • Laura Hill • Rebecca Kapter • Cheryl Kelly • Ching Lim • Michelle Hezyszyn • and Kenneth Karst as Ted Tolman

G

Gosh-darn funny

Rated by the MPAA (Malpracticing Practitioners Association of America) as a danger for inducing shortness of breath and uncontrollable spasms that could prove hazardous to the health of curmudgeons, misanthropes, and law students.

* Specifically, the Northwest Auditorium, near Sproul Hall. Some restrictions apply. Offer void where prohibited. See manufacturer for details. Employees and relatives of 403 N.W.2d 143 are not eligible to skip out. Odds of laughing are approximately 1.00. Tickets not available at all locations. Offer ends February 3rd, 2001. Entries must be received by 8pm. This contract limits our liability. Read it. 403 N.W.2d 143 disavows all liability and responsibility for injuries, loss, accidents, or conditions arising out of or connected to this play whether caused knowingly, maliciously, negligently, or recklessly. We've got a small army of litigators at our disposal so you best just watch your step. This advertisement does not create a bailment. We are not responsible for any loss you may incur, including but not limited to property, life and limb, dignity, self-control, respect, and gloominess. Well, maybe we're responsible for the loss of gloominess.

GOT PILF?

Is your dad in the entertainment industry?
Did you go to school with Madonna's brother?
Does your mom have season's tickets to the Lakers?
Do you have a beach-side bungalow?
Can you cook a mean chocolate chip cookie?

if so,

WE NEED YOUR HELP!

The UCLA Public Interest Law Foundation (PILF) is a student-run nonprofit organization that raises money to give grants to students who work in otherwise unpaid public interest summer jobs. Any law student can apply for a PILF grant. Last summer, PILF grants enabled 25 students to work in public interest organizations like The Alliance for Children's Rights (education rights and adoption), Natural Resources Defense Council (environmental litigation), Public Counsel (community development and juvenile justice), and Break the Cycle (domestic violence). PILF would like to invite you to help these students help others.

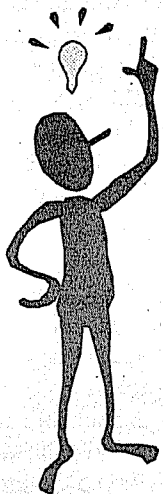
PILF will hold its 8th Annual Auction on Friday, March 9. The auction is a fun evening of music, food and drink which last year attracted close to 400 students, faculty, staff, and alumni. PILF depends on student support to be successful!

Can you make a donation? Do you have a special skill? Please let us know how you can help! Drop a note in the mailbox of Inés Kuperschmit (2L) or Maggie McLetchie (2L), or email PILF@orgs.law.ucla.edu. Thanks!

DONATE TO THE PILF AUCTION!

PREVIOUS PILF AUCTION DONATIONS

Homemade cookies and brownies
Year-long free passes to a movie theatre
Murder Mystery dinner party
Hand-knit clothing item of your choice
Tour of Barbra Streisand's Malibu Estate
Bottle of fine wine
Original artwork
Laker's tickets
Week stay at a mountain cabin
Scrubs signed by the cast of ER
Guitar lessons
Passes to a movie premiere
Massage & spa package
Picnic lunch at the beach



RAMBLINGS

From page 11

Woman the emancipating, business-implicating attaché to begin with.⁷

Semioticists can argue all they want about the need for a pan-cultural identifier so that, say, foreign dignitaries will not find themselves, sitcom-like, in the wrong bathroom, but what about Scottish Bathroom Man and Woman? Kilt conundra galore. Sic transit gloria attaché. Why not just go back to ? and ?? Or, even less ambiguous, depictions of the relevant genitals themselves. Don't poo-poo. I'm not talking about some monstrous paper-mâché cock dangling from the men's room door – rather, something tasteful, in the classical style, à la Michaelangelo's *David*. Art, in other words. You see my point.

Intersection Cameras

They've installed these little photo doo-hickeys in a lot of intersections recently to take a picture of your license plate when you cruise through a red light – little traffic light paparazzi. A little unsporting, don't you think? It totally mistakes the purpose of law enforcement which, contrary to popular belief, is not to catch criminals but to provide citizens with the opportunity to play games of chance with the cops. Thus, if I choose to

hurtle through an intersection at 70 in an SLK of uncertain provenance, chain-smoking, with a former USC rower trying to stop a nose bleed in the passenger seat while the light turns yellow, it is my god-given right to do so.⁸ If I miscalculate and hurtle past a cop concealed in the bushes, so be it. It's the uncertainty of whether or not I'll be tossed over the hood, spread-eagled and at the mercy of the penal law, which gives life its *zest*, its *joie*. Indeed, other Angelenos positively thrive on these brushes with death, these little chances to be rear-ended. Why else would Fletcher Jones have installed that horn in the S600? These little clockwork camera monstrosities are no substitute for flesh and blood: they guarantee the money shot, when the real thing is so much more exciting and uncertain. Uncouth, when you really stop to think about it.

Off Subject Columns

Probably the worst thing, though, is the proliferation of columns that don't tell you what you really want to know. I mean, you didn't just slog through 980 words just to hear my theories about elevators did you? You wanted a straight answer, right? Hmm. Not really my thing.

⁴ What's *in* that attaché, do you think?

¹ In fact, I'm not entirely sure I could do anything but – it's one thing to do fancy maneuvers with your own manual, quite another with someone else's stick.

Reflections: Striving for Greatness

By Toby Bordelon
Senior Editor

Do you ever wonder what people will think of you when you are gone? Many people want to leave some kind of mark on the world. Many of us long for some measure of greatness, but few people ever really get there. Why, I wonder? Why does greatness seem so out of reach? Maybe it's because we're confused about what it really is. What we recognize instinctively as true greatness, and what society seems to reward are two very different things.

True greatness is measured not in accomplishments or achievements, but by the souls you have touched, the lives you have changed, the people you have loved.

I think we all know this, on some level, but for some reason it is contrary to what we are told every day. We revere as heroes star athletes, successful businessmen, and Hollywood celebrities. When we think of the greatest people in the world today, inevitably we think of leaders of nations, maybe because they are prominent, because they have power. When people receive lifetime achievement awards in whatever field it is customary to run through a list of accomplishments. Even as a nation this is what we strive for. Leave a legacy. Leave a mark, some tangible thing future generations can remember us by. We forget that the real

legacy is in the lives of the people we leave behind.

Look at history. Who remembers the Emperor of Rome in 30 A.D., when Jesus Christ was crucified? Not many, I would imagine. (Hint: It wasn't Nero.) It was Tiberius who ruled the empire that year. We may not know him, but the name of a simple carpenter's son from that time is known throughout the world. Who was King of England when India won its independence? The name of George VI probably escapes most of us at the moment. But Gandhi—we all know him. Martin Luther King, Jr.? Household name in America. Quick, who was President when he was shot? Lyndon Johnson. He doesn't even have his own holiday.

The point here is that while our world rewards people who attain fame and wealth and power, the people that we remember long after they are gone show that somewhere inside we have a different conception of what makes a person great. The ones we really honor are those who change our lives.

Let's try something radical. Let's not strive for the temporary recognition that comes with "success," or spend our lives accumulating wealth and material possessions. Why don't we take a chance a aim for something more? Let's live our lives in such a way that when we are gone, people will say that the world is a better place for our having been here.

You'd think that four law-school-educated minds could come up with something interesting to put into the last bit of blank space in a newspaper. Guess again.

GEMS

From page 9

Professor Carbado, I'm relatively pleased that my efforts failed.

I had imagined spending months locked in a basement with a dusty copy of the California Insurance Code. Instead, I got a full color copy of "Anatomy of an Insurance Policy," and my own personal copy of the Rutter Guide to Insurance Litigation.

The class isn't really so much about



Professor Tom Johnson also teaches a "sequel" course, the *Insurance Law Workshop*.

Insurance Law, and in that way is, perhaps, misnamed. It's about three things, really: the physical insurance policy, the meanings of the different clauses, and how these clauses play out in litigation. The last requires a reading of a seemingly infinite number of cases, but is really quite interesting. This of course, can be called "law," but it's law as *process*, not as static statute. The course is almost clinical in its focus on understanding the actual judicial decision-making process.

It is not necessary to memorize the minutia of the California Insurance Code. The course is about the role insurance plays in litigation. To understand that role, you have to understand, to some extent, how insurance works. But Professor Johnson makes that simple. He also has a sense of humor. One day I

FORTENBAUGH

From page 8

do it.

Well, I could do it. I *did* do it during my interviewing process this fall when future employers asked me about the caliber of my legal education. I said that I couldn't have asked for better training, and that I didn't have a qualm about it. So I can't blame these faculty members if they are just going to sacrifice a few students with bad LSAT's and GPA's; I was too much of a coward and lied about it myself.

The faculty will, though, at least be sacrificing someone else. They will keep their integrity. It's refreshing, and I now have a new found respect for these professors. This is a lesson that I'll take with me into the world. It takes a lot of courage to admit that you want to teach at Harvard. It takes even more courage to do whatever you can to achieve that goal. There's something very Nietzsche about what their doing; and when I say Nietzsche, I mean it in the best possible way.

And it sure would be nice for me if UCLA Law was highly ranked. It would be good for my legal legacy as well. I already know how to take care of my legacy.

Ever since I was a 1L, one of the urinals has been missing from the Men's bathroom across the hall from the student lounge. In its place is a giant cork in the floor. I'm not quite sure why it bothers me. Perhaps it

came into class in the middle of a heated discussion about coverage for an airplane that crashed in international waters while en route... well, never mind. The details are unimportant and you probably don't care. Anyway, Professor Johnson overheard our joyous colloquy, and proceeded to make us argue the points in front of the class. One hitch: he made us switch sides.

This class *could* be a tremendous bore. It really has the potential to put students to sleep if it were in the wrong hands. But Professor Johnson makes it what it is: an entertaining and enlightening journey through what seems at first to be a hideously narcotic topic.

By the time you are finished with this class, you should have an understanding of the role that insurance plays in real litigation. You also come away understanding how insurance alters the landscape of law, both in litigation strategy and the formulation of substantive law. Forgive me if I sound like a description in the course catalog, but this *isn't* the description in the course catalog, and it should be.

Going in: **

Coming out: **** 1/2

Conclusion

There are really three things these classes have in common. They are all taught by professors who are masters in their respective fields. They all have guest speakers and non-textbook materials (if only as a supplement), and finally, they are all taught by people actually excited about the class. Maybe you're the type of student who just wants to take the Bar classes, the fluff seminars, and get the hell out. But if you aren't, then these classes should not be overlooked. Maybe Bankruptcy Policy isn't what wakes you up in the morning, but when someone who really loves it wants to teach you about it, it makes all the difference.

is the lack of symmetry, or maybe I can't help thinking about George Allen, former Coach for the Washington Redskins. George Allen felt that in order to be a first class organization, you had to have first class surroundings. George Allen would never have stood for a missing urinal. He felt that a missing urinal would come back to haunt his team. Maybe he's right. Maybe this missing urinal is the albatross around the neck of UCLA Law School. Maybe our UCLA Law School is not ranked where it is supposed to be because of this missing urinal. Maybe US News and World Report is just waiting for the school to replace the urinal and then we will be vaulted into the upper echelon of national law schools. Maybe the lesson here is: yes LSAT scores are important, but they don't mean nothing unless you have a pot to pee in.

Someone's got to take charge. So when I make enough money, I am going to donate a new urinal. What's in it for me? I'm not looking to be pardoned from my past transgressions like giving a professor a cold. No, I'm hoping that maybe this school will put a small plaque on my honorary commode so that in years to come I will know in my heart that UCLA Law School is still pissing on me.

- S.F.

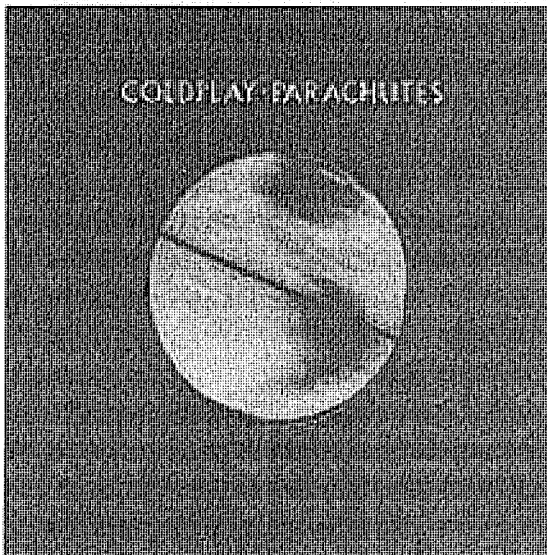
Entertainment Reviews

This month highlights new albums by Cold Play, Muse, Cocteau Twins, Enya and Starlight Mints

By KENNY ROOST, ENTERTAINMENT EDITOR

1. Cold Play: Parachutes

A pleasantly consistently mellow album, which is surprising when you consider it's from another teeny-bopping brit-pop act. Cold Play steal more mood from shoegazers like Slowdive than they do from Oasis or Blur (they may wish they stole mood from Pink Floyd or Radiohead, but



are frankly not that good). The vocals are patterned with Dave Matthews' style, especially when lingering in falsetto (which is about half of the time). However, the best way to express the band's sound is to say: imagine the Cranberries, only with a male singer with (ironically, I guess) less balls. With that in mind, Parachutes' first track, *Don't Panic*, is my favorite. Gorgeous, melancholy guitar strains score sarcastic vocals commenting on what a beautiful world it is (perhaps the sarcasm is heightened by being a 1L). This is the same lovely contrast that Black had on his 80's hit, *Wonderful Life*. Unfortunately, Parachutes drops a peg after this, its music and vocals never achieving the opening track's brief beauty. Instead, the album farts into acquiescent, smaller-minded ambience and repetition. The hit song *Yellow* is a good single, but only because of mere catchiness – not forlorn and lovely sound. I mean, if you just want catchy without quality, try on Hanson's *MMMBop*: rhythm without mind. Cold Play flirt with the mind, but they never actually seduce it.

68/100.

2. Muse: Showbiz

Yet another new brit-pop phenom boy-band. Synth, varied, and pretty adapt musically, Muse may remind you of Space (minus the knock 'em dead single, *The Female of the Species* – that song still gives me chills). Their singer will make you do a triple take before realizing it isn't Thom

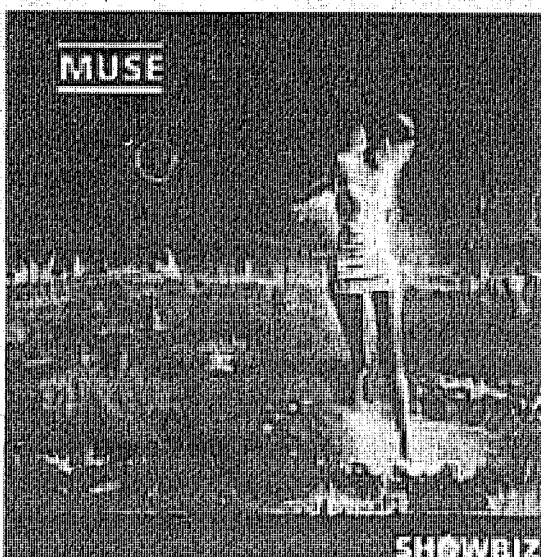
Yorke, but rather a wannabe coming impressively close, missing only where it matters (subtlety and expressiveness). Not great rock, but far better than the cheesy-ass cover

might imply. They are more than three preppy guys striking a generic pose. There are actually a lot of bouncing and non-generic riffs embedded in each song, instead of a few guitars with a couple chords. The problem is that the music never transcends its patchworks to become even remotely moving. 54/100



3. Cocteau Twins: Stars and Topsoil

The surprisingly successful kings of fanciful shoe-gazing goth nonsense fairy-dusted ambience broke up a few years back, and have since released a series of unnecessary compilations that are invariable



symptoms of a caput group seeking posthumous dollars and a poor round-out to their catalog (like BBC sessions and such). This is their latest release: a strikingly pathetic and half-assed attempt at a "best of." If you are seeking a quality yet incomplete compilation of Cocteau Twin's best moments, purchase *The Pink Opaque* (it's been available for over a decade, and has not lost a step). Alternately, if you want to become a collector of the group, start with their best albums like *Treasure* and *Heaven or Las Vegas*. Plainly put, there will never be a good reason for you to have this album...well, unless you want to review it for a school paper. And in that case, just borrow it from me. 0/100

4. Enya: Day Without Rain

More crap from Enya. This is the case, at least, if you believe that her first three albums were pretty cool and climaxed in true excellence on *Shepard*

Moons, and that the follow-up, *The Memory of Trees*, was a cruelly bad and thoroughly uncreative echo of her former output. If that is your take, then *Day Without Rain* is a cruelly bad and thoroughly uncreative echo of *The Memory of Trees*. Which leaves you with a really echo-y pile of crapola. For some reason though, my mom likes it. Go figure. 18/100

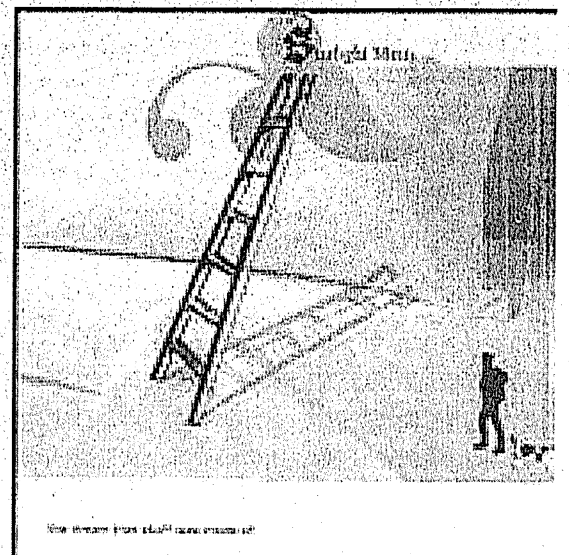
5. Starlight Mints: The Dream that Stuff was made of

Kinky music and agreeably inept vocals that you'll like, if you love Pavement. The off-beat instrumentation defines the sound: mix

your generic vocal/guitar/bass/drums in with a cello, a violin, and even the rare trumpet. On top of this varied instrumentation, Starlight



Mints add thick backup vocals, both male and female, creating further elements including excellent harmony, melody, and a buried a cappella flavor. Eleven amusing songs exploit the sonic potential in a result that comes off either as the Squirrel Nut Zippers on acid, Eleanor Rigby outtakes, or a slightly Latin Archers of Loaf. Unfortunately, while the group's sound is intricate and fun, the songs themselves are often neutral and occasionally even grating. Here's how the listening process will proceed: the first song, you'll think, "Wow, kinda enjoyable and fun." Then you will zone out because the tunes aren't that terribly gripping. Finally, you will be spurred out of your daydream when it forcefully occurs to you, about three



songs in, that the music is actually quite annoying. So here's the deal: listen to one song at a time, and this group will impress you as only a surprisingly-cute-opening-group-at-some-small-club-concert can. 39/100



Worried that he may have missed an important case in his research, Norbert is reluctant to turn in his legal writing assignment.

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