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THE DOCKET

MARCH 1994

## Jesse Dukeminier: The Polished Property Professor

An Interview by Bruce Barnett, 1L

Jesse Dukeminier was not always the polished property professor known to all of UCLA Law School for his debonair wit and broad interests. At age 18 he was just another infantry intelligence agent reconnoitering behind German lines. "The Germans were actually pretty smart," Professor Dukeminier remembers. "They were waiting for us and I was shot through my face." He smiles and points to the crest of his cheek bone. "Just one inch higher, and I wouldn't be teaching law."

Not one to waste time, energy, or his good luck at surviving battle, a young Dukeminier applied to law school shortly after the war ended. He really wanted to go to Yale law school, but found it necessary to accept the

earlier invitation of Harvard. In those days Harvard asked for a \$50 deposit, which Jesse Dukeminier produced with some difficulty. Yale eventually offered Jesse Dukeminier a first year position, but he could not afford to forfeit the \$50 he had already given Harvard. So he attended Yale starting in his second year.

That he attended both Harvard and Yale Law Schools was an early indication that Jesse Dukeminier was no ordinary lawyer. His contributions over the years have included writing statutes for the Kentucky State Legislature and serving on a California Legislative Law Review Committee.

More years ago than anyone has the right to inquire about, Professor Dukeminier and the founder of Gilbert's Outlines were

See "Professor" on P. 2

## FIRST ANNUAL PILF AUCTION: A BIG SUCCESS!

by Braden Penhoet, 2L

The First Annual PILF Auction was a startling success, bringing over 200 students, faculty and alumni together for hors-d'oeuvres, drinks, music and spirited bidding at Bullock's Garden Room Restaurant March 3. "It wasn't just another fund-raiser. I think it really captured people's imagination," said one student who attended.

Professor Mark Grady (new

to the law school last year) brought his considerable energy and dry humor to his role as Auctioneer, providing as much entertainment for onlookers as for active bidders.

Attractions included donated meals from professors and restaurants, tennis dates with faculty members, trips on pleasure boats, luxurious hotel stays, and first class airline tickets on Reno Airlines. Among the popular items for sports fans were a hockey stick to be signed by Wayne Gretsky and a tennis racquet signed by Jimmy Connors. (PILF arranged the signatures through personal contacts). Unique art available included a signed original Matt Groenig cartoon (featuring beloved "Simpsons" characters) and original stills from Disney movies. PILF president Lisa Rosenthal arranged a walk-

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### What's Up Docket?

More about Diversity

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## Encouraging Diversity at UCLAW

by Patty Amador, 3L

On March 14, 1994 a group of students saw their efforts to organize the UCLAW community come to fruition. They organized an educational forum to discuss the diversity, or lack thereof, within the hallowed halls of UCLAW. The forum was held on the front steps of the Law School and brought together former alumni who work in the Los Angeles community, presently enrolled students and a few professors. The speakers focused on diversity in student admissions, in faculty appointments and in the curriculum. At its peak, there were about 150 students listening to speakers, and on a more disappointing note, there were only 5 faculty members in attendance and of those 5 only 2 were professors not scheduled to speak. The following will present some of the highlights of the afternoon event.

Third-year law student, Jennifer Rose, kicked off the event. She stated that, "we students came together based on similar concerns we shared about UCLAW's stated commitment towards diversity and the dichotomy we have identified between UCLAW's public pro-diversity message and the reality of a student body, faculty and curriculum that does not reflect the diverse experiences of the Los Angeles community." Although she commended the Law School's efforts in the admission of people-of-color, Ms. Rose faulted the administration for not placing enough weight on an individual applicant's financial status and for refusing to state its position on the "diversity" status of lesbians and gay men. In addition she reminded those present that the curriculum far from represents the diverse experiences of those it is educating. "Diversity to better serve the community means the development of curricular goals which reflect the experiences of oppressed groups, for example courses which teach students how to work with the poor, courses on immigration and gay rights."

The first faculty member to speak was Professor Cruz Reynoso. He informed the crowd that, presently in the state of California, there are ballot initiatives aimed at eradicating institutional efforts to increase diversity, such as affirmative action programs. He reminded us that such programs are under constant and increasing attack. He also told us that he chose to teach at UCLAW because of its commitment to diversity. When Professor Reynoso was a student at Boalt Hall he was the only Latino in his class, and in 1959, he became the first Spanish speaking attorney in the Imperial Valley. Finally, he reminded us that as attorneys, all of us will be carving out new experiences and new laws to respond to those experiences.

Another speaker, Mike Yamamoto, a 1971 UCLAW grad and currently an attorney with the Legal Aid Foundation of Los Angeles (LAFLA) stated that he was "honored to be invited to speak." Mr. Yamamoto was one of the founders of what is now the Asian/Pacific Islander Law Student Association (APILSA). He sees the current student efforts as part of the "lifelong struggle to bring truth and justice, with compassion, to the legal field."

A 1981 UCLAW graduate, Elena Popp, also an attorney with LAFLA, told of her struggles to help diversify the student population. The year she entered the administration did away with the former Affirmative Action program and instituted the current Diversity program. The decision was made just before finals week. She

See "Diversity" on P. 4

*"Professor" Con't from P. 1*

great friends. In fact, the founder of Gilbert's Outlines (Bill Rutter) also started one of the first state-wide bar review courses, later to become Barbri. For a while, Professor Dukeminier traveled throughout the state giving expert lectures for bar preparation. Bill Rutter paid for the best teachers in the country. But the pay wasn't high enough to overcome the boredom of repeating the same lecture over and over again.

Leaving the lecture circuit meant Professor Dukeminier had more time to take on yet another challenge issued to him by Rutter. Professor Dukeminier accepted the responsibility of writing a comprehensive Gilbert's outline on the subject of property. Prior to Professor Dukeminier's effort, the outline was a superficial review written by Rutter himself. To do a proper job, Professor Dukeminier ceased all scholarly work for an entire year; he can not describe the total number of hours involved. The Gilbert's Outline on Property in the LuValle bookstore these days is the 5th or 6th edition, and is a tribute itself to Professor Dukeminier's command of his subject. Professor Dukeminier volunteers that his outline is "too big.... I tried to get the publishers to reduce the print size, but they didn't follow my advice....its really too big." He laughs at the suggestion that his outline may be more comprehensive and detailed than his text. "Of course, the outline doesn't have room for philosophy or much discussion," he explains.

Professor Dukeminier's writings are authoritative, and easily fill an entire shelf, and yet he seems to not relish a review of his own work. Under some pressure, he allows the possibility that he might yet put out a comprehensive text which builds on his current work.

It is not hard to coax him into an enthusiastic discussion about the great influences in Property law, starting with the Norman invasion of England and the invention of estates. After the Norman invasion, and before the evolution of written laws, Property law and Constitutional law were essentially one and the same.

Professor Dukeminier considers it reasonable, therefore, that

law school at the turn of the century took property very seriously indeed, devoting 3 years to the subject, not just one semester. We still owe a great debt, he asserts, to John Chipman Gray, the author of the definitive 5 volume text. Gray pioneered the case system of teaching law when teaching Property at Harvard from 1883 until 1913.

But Professor Dukeminier's admiration for Property's historical context is but a background to his thoroughly modern and eclectic approach to the subject. He insists that "property is alive. He admits that "property used to be taught as doctrinal, but when one talks about Bette Midler's persona as a property right, we have to see property as more than just land."

Students fortunate enough to be enrolled in Dukeminier's class or seminar soon realize that Property, taught well, is among the most fascinating of all legal subjects. With a twinkle in his eye, Professor Dukeminier invites his students to acknowledge that each of them owns property, and most of them would like to own more.

But Professor Dukeminier's own property needs are apparently limited enough. He has turned down countless lucrative offers to consult, and instead passes all of these requests to colleagues willing to involve themselves in the world of private practice law.

As his students might guess, Professor Dukeminier has a special feeling for art. He tries to collect works which he finds powerful or imbued with an unusual perspective. For the time being, however, he is too busy teaching and writing to collect all the art he would like.

Perhaps he will collect more art when he fully retires. Along with a handful of other senior professors, Professor Dukeminier has accepted a partial retirement from the Regents of the University. But he is quick to point out that the so called "retirement" is really an economic manipulation of the University to pay elder teachers from a different pool of funds. Professor Jesse Dukeminier continues to teach one semester each year. Students need not panic that his last season is approaching any time soon.

## ETHICS SHORT TEST

Quite a few students took the MPRE this month and now await their results. This waiting period can be nerve wracking. To help alleviate this anxiety, The Docket is re-printing a short-version ethics test to serve as a results predictor. Take a few minutes to answer the questions below and then check your score. If you passed this little test, well then, the world's your oyster.

### Question #1:

You find a notebook without a name in it. The next day, a frantic first-year student runs up to you and says, "Someone told me you have my notebook."

Do you say:

(a) "Here it is. You must have been so worried."

(b) "What's it worth to you?"

(c) "Someone may have told you I have it, but that's hearsay evidence and it's inadmissible."

*The correct answer is "c," however, those of you who are getting a joint JD/MBA degree may also claim credit for "b." Note that even though you have no use for the notebook, and will probably throw it out, it is nevertheless important to give the correct legal response.*

### Question #2:

You belong to a study group where each member prepares an outline of one course. You find out one student (Herbert) has deliberately included false information in his outline.

Do you:

(a) Tell Herbert that what he did was vicious and amoral.

(b) Logically accuse Herbert of violating an unwritten contract of good faith

(c) Say nothing and hope the others do not figure it out, after all grades are curved.

*The correct answer is "b," of course. Unfortunately, arguing "b" is a losing proposition. Herbert is a diligent Contracts student and will point out that since there was no contract in the first place, there cannot be a "good faith" issue. You could try to argue Reliance. Herbert, however, is likely to say that it is unreasonable to rely on a spirit of camaraderie and fair play when only the top 20% will get A's.*

### Question #3:

As usual, most of the copy machines in the library are not functioning. You are about to

SEE "ETHICS" ON P. 10

## THE DOCKET

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*"Diversity" Con't from P. 1*

and a group of students wrote a proposal that they wanted to present to the faculty and administration. This proposal demanded that the "diversity" admits show a demonstrated commitment to "diversity" or to working with the poor. She now realizes that this idea was a bad idea. She stated that the student proposal should have demanded that "every student who receives a subsidized education at a public institution, whether it be through grants or loans, should repay those tax dollars by working with underprivileged communities."

Another student speaker, Lucy Rosas, 2L reminded the crowd that "not all students of color are among the 40% 'diversity' admits, many of us come in under the 60% program" and that there are "a lot of Anglo students coming in under the 40% program!" She forcefully stated the belief that the administration should include economic disadvantage within its "diversity" focus. And she urged students of color, who often feel silenced within the classroom setting, to "speak out" and share their thoughts and feelings with their fellow classmates.

Jonna Hoffman, 3L and James Michels, 1L spoke on behalf of the Legal Society on Disability. Mr. Michels told the crowd that they were among the group of "hidden minorities". But this will no longer be the case, he will be part of the effort to build their community at UCLAW, which will then spread across the campus and to the state. Ms. Hoffman stated that she too wanted to knock down the barriers that confront her and all "disabled" students. She wants to eradicate the physical and psychological barriers that the "abled" community places before her, such as the lack of building or library access. She also wants UCLAW to increase its efforts to recruit "disabled" students.

On behalf of the Lesbian, Bisexual and Gay Alliance (LBGA), 3L, Norman Gholson

reminded us that people of "diverse" sexual orientation have always been a part of the UCLAW community. They just haven't been able to identify themselves, "becoming visible is part of our history and part of our struggle." He also stated that any movement to organize around sexual orientation must include people-of-color, and vice versa. He put forth the following facts, (1) UCLAW only has one openly bisexual faculty member, (2) there is presently no role for the LBGA in admissions, (3) there are no courses in our current curriculum that discuss issues of sexual orientation. "The next few years will be a time of great change, we will be forced to respect diverse relationships, families, medical problems and we will have to provide equal access to jobs and education for the Lesbian, Gay and Bisexual community. Will UCLAW educate us or will they continue to ignore us?"

There were many more speakers than the space in this article will permit, among them Sharon Lo of LAFLA, reminded all "diversity" students that "You have a right to be here. . . . You must learn the theory from your professors and they must learn about 'reality' from you!!!" And Jerald Dotson, 3L stated, "Fairness and equality for all people in our society will not be easy to come by. But we must accept the challenge that achieving it presents, instead of taking the easy way out—the easy way is putting everyone else 'out of the room' so that one seemingly clear, apparently interference-free voice rings out alone. If we don't want to see that happen we have to be willing to vigorously assert and defend our right to 'be in the room', but we also have to be willing to do whatever it takes to live in it, together, peacefully and productively." Al Muratsuchi, 3L, closed off the event by asking the students present to organize and come together to push for the diversity in admissions, faculty and curriculum which will make the school a more inviting atmosphere for all students.

## PILF AUCTION PICTURES



*Students pack the house for the PILF Auction*



*Meredith Blake, 2L and Lisa Rosenthal, 2L, PILF Auction organizers encourage the crowd to bid high*



*And the Band Played on...*

# African Heritage Month

by Janai Nelson, 1L  
Nedy Williams, 2L

Africans have a unique history in this country. The institution of slavery in America is not so far behind us that we can allow ourselves to forget the process of dehumanization imposed upon Africans as a people. Whether you want to admit it or not, that institution never intended Africans in this country to be anything except slaves. Yet, despite that oppression, Africans and their descendants have created - in a very short period of time - an amazing culture of science, music, literature, and politics. Traditional values of African heritage are embedded in that culture, constantly emerging in our everyday achievements.

February is the month when we, as Africans in America, celebrate the people, events, and ideas that shape our rich culture. Although our daily existence is, in itself, an affirmation of our history, February is the month when we can express our love for our culture collectively and share with others the richness of our African heritage. The Black Law Students Association decided to celebrate African Heritage Month at UCLAW in various ways: a library display, a daily quote board, ribbons of support, weekly film presentations, and a guest lecturer.

Because the scholarship and perspective of African people are generally excluded from American legal education, African Heritage Month provided an opportunity for law students of all races to supplement the eurocentric curriculum by learning about African history and culture. To this end, BLSA displayed daily quotes by African scholars, activists and leaders in the foyer of the law school. Among those quoted were Kwame Nkrumah, Sojourner Truth, Dr. W.E.B. DuBois, and Ntozake Shange. In addition, BLSA featured an educational film presentation each week dur-

ing African Heritage Month. Some of the films shown were "Sarafina" and a documentary on the life of Dr. Martin Luther King, Jr.

To show support for African Heritage Month, BLSA asked that all students and faculty wear ribbons during the month of February. The ribbons were cut from African cloth bearing a vibrant red, black, green and gold print. We chose to use ribbons with these colors because each color has cultural significance. For example, red symbolizes the blood shed by African people in struggles for freedom worldwide, black represents the skin color that unites African people in the Diaspora, green signifies the fecundity of the earth and the African continent in particular, and, gold represents the sun and the riches of the earth's minerals.

On February 10th, BLSA invited community activist and artist Akinsanya Kambon to UCLAW as a guest lecturer for African Heritage Month. Mr. Kambon's topic was "From Black Nationalism to Pan Africanism." He presented a slide show on the rise of nationalism and revolution in the 1960's and 70's through the Black Panther Party and similar organizations. In addition, BLSA extended the presence of African Heritage Month at the law school by displaying literature by famous authors of African descent, African cloth and artifacts, and rosters of legal decisions, political organizations, and historical figures in the library's showcase.

BLSA would like to thank all those students and faculty who attended our events or otherwise showed their support for African Heritage Month. Next year we intend to continue these activities and include a social event. We encourage all students to acknowledge and celebrate the contributions of African people all year long because twenty-eight days is too short to honor centuries of civilization.

## UCLA-PUBLIC COUNSEL LAW SCHOOL PARTNERSHIP GIVES ADVICE ON GETTING A JOB

by Carson Taylor

I suppose that this is the wrong time to write this kind of column, but don't stop reading before I explain why. As part of my responsibility to Public Counsel, which funds my position in conjunction with the law school, I have spent portions of the last three months helping Public Counsel make summer hiring decisions. I come away from the experience with lots of ideas about what is good and what is bad about a resume, what is a good interview and what is a bad interview. Meanwhile, most of you have already decided, or been decided upon, for summer employment, so it is not likely that anything I have to say will help you, for this season. If I wait to write this, until the fall, I will have forgotten more about the subject than I know now, and you will benefit less.

So we have two choices here. I can write this article now, and you can save it until you need it, or I can write it now and save it until next fall. KNOW THYSELF! I'll forget it exists by next fall, so it's up to you to save it.

**PIECE OF ADVICE NO. 1:** Proofread each and every resume that you send out, just before you stick it in the envelope. In the day of computer-edited-custom resumes, you can really turn off a potential employer. For instance, the cover letter that I got addressed to: Carson Taylor,

Public Counsel,  
601 So. Ardmore,  
Los Angeles, California

Dear Ms. Lopez:

I was raised in the Fresno area and I am extremely interested in returning there for a summer internship with \_\_\_\_\_. Etc.

I could have been more charitable and recognized how this error might have happened, but I kept thinking maybe the author of the letter ought to be in Fresno, instead of LA.

**PIECE OF ADVICE NO. 2:** The average Public Interest organization, and I bet most big private firms, get more than 300 resumes within a two month period. I toss (read do not consider thoroughly) anything that looks like is being

sent to 100 other law firms. Therefore, personalize your cover letter. Let the reader know that you know something about them.

**PIECE OF ADVICE NO. 3:** Personalize your cover letter by pointing out the parts of your resume that will specifically interest the reader. If it is a public interest firm, let them know in the cover letter that you have volunteered your time with umpteen poverty agencies. Let them know that you want to make a career in public interest law. If you have no choice, explain why you have been working for H & R Block for the last ten years, have your highest grades in tax, but now want to be involved with a public interest firm helping poor people.

**PIECE OF ADVICE NO. 4:** Do not send a resume that is longer than two pages and figure out a way to highlight the parts of the resume that will appeal to your audience. Remember you are getting about 60 seconds of the reader's time. If there is something good to be seen, make sure it is not hidden away.

**PIECE OF ADVICE NO. 5:** This observation may be a reflection of my own weaknesses, but I found myself counting up numbers of experiences, paying less attention to length of experience. In other words, one month at x pertinent agency should go in the resume. ("Pertinent" is the key word here.) A long quality experience will show up, but do not downplay the importance of lots of different experiences—if they exist.

**PIECE OF ADVICE NO. 6:** A well placed letter of recommendation is worth a lot. The key is what is well placed. I hate it when someone sends a letter of recommendation from a teacher—unless I am being told something that relates very specifically to the work the student will be doing. So think! What can a letter of recommendation tell the reader that I can't say in my resume. If you can think of something, do it. (I am not against letters of recommendation. The only issue that I am addressing here is attaching a letter to the initial cover letter and resume.)

**PIECE OF ADVICE NO. 7:** Try and enjoy this process. It will make everything you do seem more natural.

**PIECE OF ADVICE NO. 8:** Try and enjoy this process. It will make everything you do seem more natural.



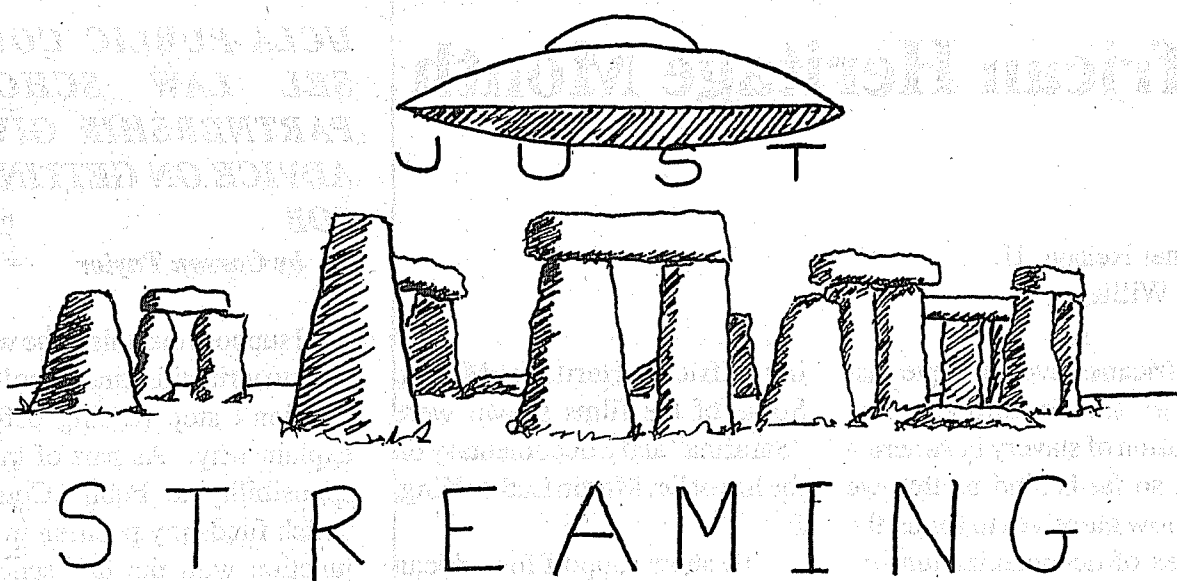
## HEARSAY HEADLINES

Runor has it that graduation will be indoors this year. It seems that the outdoor ceremony costs more, and funds are low right now. Maybe we could hold graduation in the stairwell that exits near LuValle. A new wall covering was added to the stairwell over the Christmas break for just \$50,000. It would be a tight fit for all of the graduates and their family members, but, what a wonderful opportunity to show off that very expensive wallboard.

With regards to the graduation speaker, things still look good for Hillary Rodham Clinton. Though somewhat bogged down with the whitewater issue, some have suggested that LA would be a perfect place for Hillary to be. No one thinks about water in this town.

The word is that UCLA will have one of its own recent graduates returning this fall to teach. Eugene Volokh, Class of 1992, will be returning to teach Constitutional Law. Eugene, still in his early twenties, has excelled since an early age. Graduating from college when he was just 15, Eugene made his first million by age 18 through computer software development. Eugene will return to UCLA after clerking for Supreme Court Justice Sandra Day O'Connor.

**THE  
DOCKET  
WISHES  
ALL  
A  
HAPPY,  
SAFE,  
RESTFUL  
SPRING  
BREAK!**



by George B. Singer, 1L

I hereby volunteer to be abducted by any interested UFO's that happen to pass through the solar system in the next few decades. If you must probe my body, please use instruments of a reasonable size, and please don't cut anything off. Supposedly, when I was five, I was replaced by an alien. A ball of light about the size of a basketball came down from the sky in my front yard and shot a beam toward me. I think I have the same body, but a different mind. I'm just waiting for instructions. It would be pretty disappointing if the point of my being here is just to live out a regular human life, only to have my memory sucked into some machine when I'm on my deathbed. No, I'd much rather get some instructions soon, like this month.

Katie said she was liking school. Told other people she hated it, but she told me she couldn't wait to go back...

I don't think insane people are actually insane, but I don't buy into the theory that they're geniuses who see things we can't understand, either. I think they're part of the grasping wind, reaching for solid things, unable to hold on, settling slowly like dust. They're a bit of a colloid; a gaseous suspension comprised of solid matter from our dimension and fractured pieces of the hologram of the universe. Somehow, they're caught; unable to be com-

pletely one place or the other.

...she said she was glad she ran into me—hadn't seen me in a year and wanted to know what I was up to. She seemed happy, finally. In a dream, we went for a walk...

That man on the bus who stares beyond your eyes was supposed to be a comet circling the Crab Nebula, but he took a wrong turn around Alpha Centauri and meshed with some extra pieces of consciousness that had split off in an odd direction about .000072 of a second after the big bang. That's why he knows what you're thinking, but can't reveal it to you.

...I'll never forget, she was buying suntan lotion. She must've been thinking about the future. Can you buy suntan lotion and not be thinking about the future?...

The bible says I'm going to hell. Something in Leviticus, I think. My friend Kristin is going to hell, too. We plan to have a pretty good time—we're going to open a blues bar. The way I figure it, the devil's got all the great tunes, so what've we got to lose? I always thought the devil should compete with god and make hell a really fun place—like a hedonistic amusement park. Heaven would seem boring by comparison—all that creepy 'becoming one' with everything. Who wants to be 'one' with people like Oral Roberts and Anita Bryant?! The thought makes me sick.

...Katie was distressed be-

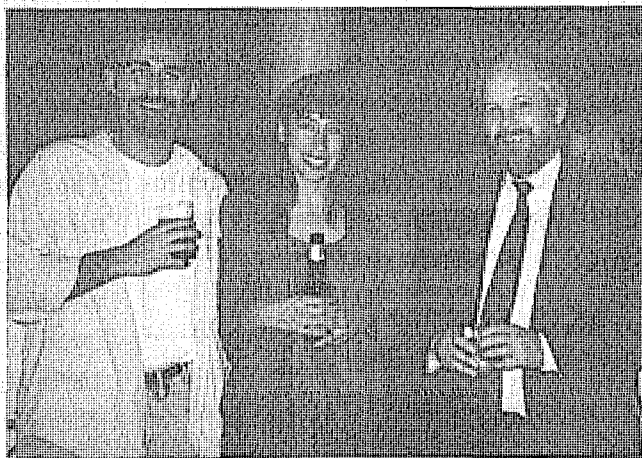
cause she wanted to know who was controlling those construction beams that always fall into place just in time to save Olive Oyl. I told her no one was doing it. She just made it by luck every time...

I did that "What Color is Your Hang Glider?" job-thing and it said I should become a terrorist. I thought a job in Lizard and Squirrel Abatement would be *much* better. But now the elevator door is closing. Will it go where I want it to? Will my fingers sink into the buttons like they're made of flesh? I read that people make love with trees in some cultures. Share your sexuality with the earth. Why not?

...she really wanted to see Stonehenge—didn't want to die till she saw Stonehenge. The world was spinning around her, and she didn't know which direction to follow. Vertigo is exhilarating when you're a kid, but when you can't stop it...

What goes on in the basements of America? Do kids still play school? *Light as a feather, stiff as a board*. Do they paint race tracks on the floor and ride big-wheels? Who are they alone with down there? Do you know?

...found out later that when I saw her, she had already bought the gun. Why did she need suntan lotion when soon her face would be...



David Leon, 3L and Raquel Hunter, 3L and Prof. Carson Taylor imbibe before bidding at the PILF Auction.

*To the Editor:*

In the February 1994 Docket Mr. Monforton (3L) complains that UCLA, through its diversity program, promotes a racially varied student body. Blind to the value of diversity and using statistics from more than one half decade ago, Mr. Monforton erroneously concludes that diversity students are unqualified and therefore unwelcome at UCLA Law.

Stripping away the veneer of racism, one sees Monforton's posture as elitist. Does he fear social change and the alteration of the status quo? Monforton proposes that UCLA Law measure an applicant's value on the basis of LSAT scores and grade point averages alone. Yet he offers no evidence that society as a whole reaps any benefit from such narrow admission standards.

One could argue that the public opinion so disdainful of attorneys reflects the failure of old fashioned admission standards to produce effective lawyers. UCLA's diversity program seeks to train attorneys from varied backgrounds. As a state university, UCLA needs to fulfill its mandate to meet the broadest needs of its population, and not merely turn out generations of redundant corporate attorneys.

Students from diverse backgrounds with diverse interests and abilities will not necessarily, on average, have the highest scholastic achievements. But lawyering is an interpersonal process that calls on far more skills than measured in either LSAT tests, grade point averages, or even Bar pass rates. It is time for all law schools to place more emphasis on intelligent problem solving, rather than rewarding only argument and conflict.

Mr. Monforton extracted a quote from Dickens' *A Tale of Two Cities* to describe Monforton's concerns of bias in the diversity program. How ironic that Charles Dickens himself suffered a depraved childhood, and had to leave school at the age of 15. In a world of Mr. Monforton's device, Dickens would be denied further advanced education. The world at large does not measure an individual on grades alone. Neither should UCLA Law School.

Bruce Barnett, 1L  
Rochelle Howe, 1L  
("Diversity Students")

# Opinion

*To The Editor:*

Recently, minority students at UCLA Law were the target of an irresponsible and unjustified attack by fellow law student, Matthew Monforton. As a student organization, one of the Black Law Students' Association's (BLSA) goals is to foster racial tolerance. In light of this goal, BLSA felt it imperative that we respond to the editorial, which has undoubtedly fueled racial tensions. Our response is not intended to question Mr. Monforton's right to his opinion, since we wholeheartedly embrace all rights guaranteed by the Constitution. We merely seek to correct the numerous inaccuracies in his editorial which clearly serve to invalidate his arguments.

One of the primary inaccuracies underlying Mr. Monforton's entire editorial is that all students of color are diversity students. The diversity program employs a multitude of criteria in selecting diversity students. Although race is one factor in the selection, it is

See "BLSA" on P. 11

*To the Editor:*Facts v. Fiction

According to Mr. Monforton, ("A Tale of Two Stacks," February 1994), if you are a minority student, then you are a diversity student. "[E]ach class consists of 40% diversity students, and each class also consists of around 39% minority students, (therefore, it is easy to see) which of these factors Mickey zeroes in on once the applications reach Room 71." The article finishes with a challenge to the members of BLSA (as if they personally have any control over the admissions policy of the University) and the administration to do away with question number 7.

Just for the sake of argument, let's suppose that every person of color is a diversity student. Now let's have a hypothetical dinner and invite the alumni who participated in the diversity program to attend. If every alumni came, the guest list would include the

dean of a major law school, several faculty members, judges both local and federal, members of the city council, district attorneys, public defenders, partners in major law firms. The result would be many people of color who contribute significantly to the legal community. This article is intended to fight fiction and prejudice with Facts.

(1) Fiction: UCLAW funds diversity programs like the summer program to which diversity students are "invited" even when there is a severe budget crisis at hand.

Fact: According to Professor Knaplund, this program is a privately funded program. It is funded by the Milken Family Foundation. The grant is a dedicated grant. This means that its use has been designated by the Foundation. The money that UCLAW receives from the Foundation is to be used only for the summer program or the T.A. program. As a matter of fact, Professor Knaplund has previ-

See "Fact/Fiction" on P. 11

*To the Editor:*

Matthew Monforton's column, "A Tale of Two Stacks" (The Docket, February 1994) is an impressive example of provocatively spurious reasoning. In it, Matthew explains that 60% of the applicants admitted last year came from the "demonstrated academic achievement" stack and 40% came from the "diversity" stack. He goes on to talk about diversity criteria and suggests a correlation between the 40% allocated to diversity students and the 39% of actual minority student representation. I take it his implication is that Dean Rappaport doesn't actually consider work history, age, outstanding achievements, etc., but rather the diversity admit stack is made up nearly entirely of minority students - "...you can see which of those factors Mickey zeroes in on once the applications reach Room 71."

See "Opinion" on P. 11

## THE DOCKET NEEDS A NEW EDITOR FOR NEXT YEAR!

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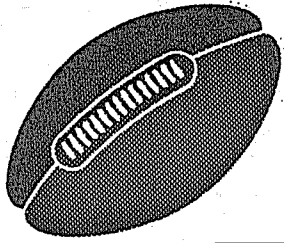
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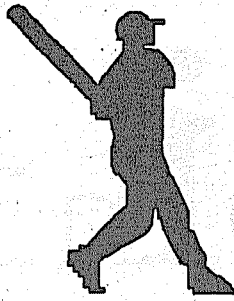
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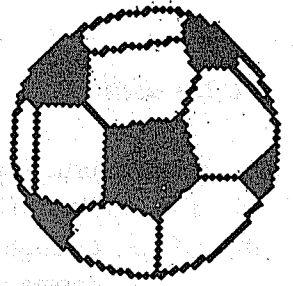




## SPORTS



## SHORTS



## NHL UPDATE

by Alex Tamin, 21

The middle of March in Southern California, not the typical setting for an outbreak of HOCKEY HYSTERIA, but I am pretty tired of college basketball already, and the big dance isn't even under way baby!!! Maybe that's it, I'm just tired of Dicky V, Digger, Big Monday, Super Tuesday, and Chris Farley. I've had my fill of Bobby Knight, John Cheaney, and Rickey "time for a stroll" Byrdson. No more Big Dog, Fab Five minus one, and horrendous free-throw shooting. So it's time for hockey.

Actually, there are only 15 games left in the seemingly interminable hockey season. (I have to give College hoops credit for a mercifully short five month season.) Of course, the playoffs take 2 months, making predictions speculative, but fear not I'll have some. (Remember if you wrote for the Docket, you could make the rest of us read your opinion.) That's why I've decided to give out some awards and try to recap an interesting NHL season.

**MVP**

Cam Neely: Plays every other day and leads the league in goals.

*Runners Up:* Sergei Federov, Dominick Hasek, and Patrick Roy

**Best Goalie**

Dominick Hasek: The Grant Fuhr world tour is sure to continue.

*Runners Up:* Patrick Roy, Chris Terreri, and Mike Richter

**Best Defenseman**

Ray Bourque: One of the all-time greats and is playing like it.

*Runners Up:* Al Macinnis, Sandis Ozolinsh, and Scott Stevens

**Best Overall Player**

Sergei Federov: several levels above everyone else.

*Runners Up:* Mike Modano, Jeremy Roenick, and Eric Lindros

**Biggest Surprise (team)**

New Jersey Devils: in a year of surprises, the biggest shock is that New Jersey players can care about winning not whining.

*Runners Up:* Dallas Stars, Buffalo Sabres, New York Rangers, San Jose Sharks, Florida Panthers, and Anaheim Mighty Ducks

**Biggest Disappointment (team)**

Los Angeles Kings: last year's finalists will not make the playoffs.

*Runners Up:* Quebec Nordiques, New York Islanders, and Winnipeg Jets

**Biggest Surprise (individual)**

Adam Graves: who knew he could score?

*Runners Up:* Ray Sheppard, Sandis Ozolinsh, and Martin Brodeur

**Biggest Disappointment (individual)**

Joe Sakic: instead of leading the talent-laden Nordiques to the playoffs, Nordiques looking to send him packing.

*Runners Up:* Shawn McEachern, Tim Cheveldae, and Ron Hextall

**Coach of the Year**

Jacques Lemaire: instilled pride and toughness in the Devils.

*Runners Up:* Bob Gainey, Roger Nielsen, and Mike Keenan

**Coach on the way out**

John Paddock: Only Ottawa has less points than Winnipeg

Others: Glen Sather (will move back to GM), Al Arbour (will retire), and Pierre Page (has wasted enough time and talent)

**The Playoffs**

East (in order): Rangers, Canadiens, Devils, Bruins, Penguins, Sabres, Capitals, and Flyers.

Rangers over Flyers, Canadiens over Capitals, Devils over Sabres, and Penguins over Bruins.

Rangers over Devils, and Canadiens over Penguins.

Why? Because Montreal has one thing no one else has: Patrick Roy  
Darkhorse: Penguins.

West (in order): Red Wings, Flames, Maple Leafs, Stars, Blues, Blackhawks, Canucks, and Sharks.

Red Wings over Sharks, Canucks over Flames, Maple Leafs over Blackhawks, and Stars over Blues.

Red Wings over Stars, and Canucks over Maple Leafs.

Red Wings over Canucks.

Why? Federov, Yzerman, Essensa, and Scotty Bowman

Darkhorse: Canucks.

## Reflections on a College Football

## Season Gone Wrong

by Michael Luke, 2L

Yeah, I know. You sports fans are probably saying what is this clown doing writing about college football when March Madness is in full swing. Well, this little article was originally intended for the last Docket, but deadlines weren't given to the trusty reporters. So everyone will just have to sit tight and deal with it. Besides, it can never be too late to talk about college football. Just relax, close your eyes, and let me take you back in time.

It's late in the football season. Team A, which has been number one in the polls (and has legitimately been considered the best team in the country) the entire year, has just lost and been dominated by highly ranked Team B in their hostile home stadium. As the bowl picture develops though, A ends up playing the new number one team in the Orange Bowl, while B has to settle for playing a slightly lower ranked opponent. New Year's Day sees A beat the new number one team and finishes with B clinging to a victory in the closing minutes. A and B both finish the season with one loss.

So who's number one? The polls pick B. The reason? Simple. The two schools finished with identical records and B beat A on the playing field. End of story.

Now, I may be a fan of A, but this seems logical to me, and I can live with it. Now you sports fans may be saying, "But Mike, Florida State, not Notre Dame, ended up being number one." True, but I wasn't talking about the 1993 season. No, I was talking about 1989, when A was Notre Dame, and B was Miami. Eerie, isn't it? The only real difference between the two years is the Orange Bowl, in which 1989 Notre Dame dominated a highly regarded Colorado team, while 1993 Florida State needed a late score and a missed last second field goal to eek out a win over much maligned Nebraska. Other than that, 1993 was almost a carbon copy of 1989 with different teams. Yet, it seems that the copier ran out of ink when it came to the final result.

Determining the national champion by a poll system used to create controversy, but a tolerable kind of controversy. Even if you didn't agree with the polls, you could always find some kind of logic in the champ, i.e. the undefeated BYU team. The 1993 result would have been perfectly sensible if the polls had followed the precedent they set forth in 1989. However, it appears that the AP and USA TODAY/CNN people have chosen to overrule themselves only four short years later. Can someone say arbitrary? In fact, these days it seems like many of their decisions, not just championship ones, don't make sense. For example, at one point in 1993 Tennessee was ranked ahead of Florida, who had a better record and had beaten Tennessee. I now admit that the time for a college football playoff system has come, which is what makes this season so sad (well, that and the fact that ND got screwed out of a title in one of those years). You see, I like the polls. The poll system is part of what makes the college football regular season so exciting. Lose one game and you may be out of the picture. Now that's pressure! Things just aren't the same when you have a playoff.

Take a look at college basketball. Really now, how important is the regular season to teams like North Carolina and Duke? And how many people have pools (for entertainment purposes only, of course) for anything but the NCAA tournament? Even so, when polls make such arbitrary decisions, their time in deciding the national champion has past. This season proves that the time has come to settle the championship on the playing field, which is what I thought Notre name and Florida State did in South Bend last year.



# ENTERTAINMENT

## TWO ON THE AISLE

by Robert Wargo, 3L

Oscar fans take note — this year's ceremony, the 66th annual for those who are counting, takes place Monday, March 21, here in Los Angeles from 6:00 to (hopefully) 9:00 PM/PT on ABC-TV (Channel 7). Here are a few predictions and personal wishes for this year's winners in a few top categories. **Best Picture/Director:** Steven Spielberg's monumental "Schindler's List" has been picking most of the major awards around town and rightly so. The film is a masterpiece, with great storytelling and an extremely moving effect on the audience. Aside from "Schindler," my personal favorite among the nominees was the exquisite "Remains of the Day." But to have "The Fugitive" on the list of nominees over "The Joy Luck Club" or the outstanding "Farewell, My Concubine" (the likely winner and my pick for best foreign language film) reeks of undue influence from our friend\$ at Warner Bro\$. Spielberg himself should finally take home an Oscar for his direction, although it would be nice to see a woman - Jane Campion, director of "The Piano" - finally win. **Best Actor:** Tom Hanks recently took home the Golden Globe award for his portrayal of an attorney fired because he has AIDS in "Philadelphia," but this probably had more to do with the subject matter of the film than great acting. Hopefully, Academy voters will award Anthony Hopkins for his portrayal of the proper English houseman in "Remains of the Day." **Best Actress:** This has to be one of the fiercest competitions in any acting category in recent memory. Each of the actresses gives Oscar worthy performances, but the favorite at the moment appears to be Holly Hunter as the mute pianist in "The Piano." Should she win, she'd be the second actress in Oscar history to win without saying a word in the film. (The other? Jane Wyman for "Johnny Belinda"). My personal favorite in this category is Stockard Channing, for her witty and insightful portrayal of a lady of New York high society in "Six Degrees of Separation." **Supporting Actor/Actress:** These two categories are harder to pick this year as there really aren't any truly standout performances. My money is on either Leonardo di Caprio for "What's Eating Gilbert Grape" or Tommy Lee Jones for "The Fugitive." In the actress category, I'd go with either Anna Paquin for "The Piano" or Rosie Perez in the overlooked "Fearless."

If you aren't moved out by the time the Oscar's are over, take time to see any of the following nominated films still in release: "Six Degrees of Separation," "Shadowlands," "Belle Epoque" (Spain's nominee in the foreign film category), "The Piano" and "Schindler's List."

Other recommended films recently seen include: "The Snapper," a lucky shamrock from Ireland from director Stephen Frears ("The Commitments"). Trouble starts when a young Irish lassie finds herself "up the pole" (pregnant) and she decides to keep the baby. However, she won't tell anyone who the father is, and when word gets around town who it is, all hell breaks loose. A better date movie hasn't been made in awhile than "Four Weddings and a Funeral," directed by Mike Newell ("Enchanted April"). Hugh Grant (recently in "Remains of the Day") heads the cast as the marriage shy Charlie, who keeps running into the beautiful Carrie (Andie MacDowell) at his friends' weddings. The film takes a number of funny potshots at weddings and other marriage rituals, and provoked quite a bit of laughter from the audience. The film is a little gem which hopefully will catch on with the masses. Playing a special engagement at the Mann National in Westwood is the 1969 Best Picture winner "Midnight Cowboy." An ultimately depressed portrayal about urban alienation, the film contains outstanding performances from Dustin Hoffman and Jon Voight and is nearly as relevant today as it was back in 1969.

Closing soon at the Doolittle Theatre in Hollywood is a bit of

See "Aisle" on P. 10

## Law Student by Day...Orchestra Conductor by Night: *Living a Velocissimo*

by Kay Otani, 1L

Eyes gritty, mouth gummy, and the mother of all headaches hitting the top of my head with a mallet. A glance at the clock: 7:00 a.m. Seems like just minutes ago it was 4:00. Fourth week of law school and averaging 3.5 hours of sleep per night. Morning ablutions. What's today? Property, Torts, Crim... Carmen Rehearsal.

Yeah, that's me, just another 1L at the UCLA School of Law. Looking at another day of living two lives on the same meal ticket. 1L by day, conductor by night. At first it wasn't so bad, a barbecue and an interesting couple of lectures on lawsuits and the role of attorneys. A little reading. Then the first day of class came.

Property. Some sadist decided that there would be half-hour differences on when the class would begin, 8:30? 9:00? Tuesday? Wednesday? I never did figure it out. One day I came in ten minutes late and there was a stranger lecturing class. I looked around. Yeah, the usual suspects alright, I can recognize the members of my small section. Finally I spot my prof in the front row and realize it's a guest lecture. All seats are filled, so I sit on the floor. Really interesting lecture, but he must have been flying to have covered the material to this point in ten minutes. Ten minutes later everyone gets up to leave. I figured everyone had been told the class time had been changed, then I figured out it was Wednesday, or Monday, 8:30? 7:00? Whatever.

Strange things happen when you go through long periods of sleep deprivation. Those little animals that walk next to your car and the spiders that keep falling on your hair? They're not really there. Your Torts prof, however, is there. How do you know? Because as soon as you fall asleep, the sleep seeking question hits you. It's always a shocker because you dozed just as the substantive part of the query went by. You try to evade, you look at your neighbor like you think the question was directed at her. No joy. She just looks back at you. Beads of sweat start forming on your forehead, you squirm and time becomes compressed. Milliseconds become hours as you feel an answer building somewhere from that part of your brain that faced the saber toothed cats on the African veldt. You can feel it coming and it's going to be a doozy, a real lead filled billy of an answer. It's building and building while your prof's eyes gleam just like the saber tooth's did. Finally, in a rush of adrenaline, you feel it bursting forth in all of its burning glory. "Vi et armis!" you cry, and promptly faint. Your colleagues revive you just in time to go to Crim.

Crim, what a lovely class. If you had any doubts about your fellow man before, here they're all resolved for you. They're all stinkers. The joy of *Anderson*. Really uplifting stuff. Make you sleep better at night, if you were getting any sleep that is. Utilitarian: Bozo kills 9 gazillion in a fit of insanity, but will never do it again and no one will follow his example. Ok, no harm, no foul. Retributivist: Amy is beaten by a powerful man who tells her he will kill her. Having no chance in a fair fight she kills him in his sleep. Obviously she must be executed to restore the moral equilibrium. Write a brief essay on how you wouldn't be caught dead as either Utilitarian or Retributivist and are they kidding or what?

See "Velocissimo" on P. 10



**"Aisle" Con't from P. 9**

nonsense entitled "Fool Moon" which stars top notch clowns David Shiner and Bill Irwin, both skilled in pantomime and physical comedy. The best way to describe this theatre piece is as an hysterical silent movie come to life, with a number of audience participation skits. The Red Clay Ramblers provide musical support. Try to get \$10 rush tickets about one hour before the performance. Fans of great camp should rush to the Canon Theatre in Beverly Hills to see "Ruthless," an amalgamation of and homage to "Gypsy," "The Bad Seed" and "All About Eve." Precious nine-year-old Tina Denmark will stop at nothing, absolutely nothing, to have the lead in her school's production of "Pippi Longstocking." With outrageous costumes by Bob Mackie and an over-the-top performance by Loren Freeman (in drag) as the Tina's overbearing "agent" Sylvia St. Croix, "Ruthless" will keep you laughing even if you agree with one of the characters when she sings "I Hate Musicals." If you don't hate musicals, try to catch "And the World Goes 'Round" at the Morgan-Wixson Theatre in Santa Monica. The show is a revue featuring the songs of the great Broadway songwriting team of Kander & Ebb, whose hit shows include "Cabaret," "Zorba," "Kiss of the Spider Woman," "Chicago," and "Woman of the Year," and will keep your toes tapping for at least a few days.

**"Ethics" Con't from P. 2**

copy notes from class on the only working, available machine when a friend rushes in with a paper. "Please," she says, "this is forty percent of my grade, I have to turn in two copies and it's due in five minutes. Can I go in front of you?"

Do you say:

(a) "What consideration are you offering me?"

(b) "No way, I have prior possession of this machine."

(c) "Sure, no problem. Do you want to use my debit card?"

The correct answer is "a." Your friend may then respond, "I'll owe you a favor." Naturally, you are too clever for this ruse, and with the tenets of Best v. Southland echoing in your ears, you tell your friend that a promise based on a hypothetical future situation is too illusory to constitute consideration.

Finally, it's over, three more large cups of coffee to keep the four you had throughout the day company, then home to grab an hour of practice and off to rehearsal. Ten minutes early? Read case books for ten minutes, then it's time to open the doors. Except, someone messed up the schedule and your rehearsal room is taken. Panic. Downbeat is in 30 minutes and you pay orchestra at the rate of over \$10 per minute (at the Met time runs at a couple of hundred dollars per minute, that's why conductors aren't allowed to learn on the job) and the clock runs from when the manager says, "It's 7:30 now, *maestro*." Good orchestra manager can cower large ugly men with the venom she can pack into that word, *maestro*. Sort of like being called the deadliest insult you can think of while being kicked in an especially sensitive spot at the same time.

You find a janitor, 20 minutes till downbeat, musicians have arrived and mill around nervously. You practice your most winsome sparkly on them, they stare at you briefly, and then continue to mill around nervously. Oh well, you can't lose 'em all but you can sure die trying. You find a new room and open it. Fifteen minutes to downbeat. Musicians rush in and a frenzy of setting up ensues, usually this would have been done the night before, in fact it was done the night before, just not in this room. Seven minutes to downbeat, musicians are seated and instruments are being put together. Two minutes to downbeat, you nod to the concertmaster and she asks the oboe to give the A. Fifteen seconds to downbeat, the orchestra manager stands and looks at her watch, "It is 7:30 now, *maestro*." You can tell she's disappointed, all that vitriol and no place to bestow.

**Question #4:**

It's on-campus interview time and you are anxiously waiting outside your interview room in the Library mezzanine. You are early for your interview and the interviewer is running late so you must wait behind a well-dressed 2L. As you look over your competition, you notice that his fly is undone.

Do you:

(a) Quietly inform him that

**"Velocissimo" Con't from P. 9**

You practice your sparkly on her. She is not impressed, she sits down in a huff.

Overture. The world disappears in sound and magic. True, not everything is perfect, this is still a rehearsal, but corrections are shouted over the music without stopping. Act I, chorus of soldiers, entrance of Don José's *charmante*, Michaela. Comic relief. Children's chorus, more comic relief, entrance of Don José. Women's chorus of cigarette girls. Finally, the *moment*, Carmen's entrance. A turn to the wings, the big cue... and... no one is there. Orchestra grinds to a halt like a set of bagpipes collapsing. Cast members mill around nervously, you can't even work up a sparkly but stand there silently pulling out your hair. Three minutes and \$30 later, she wanders in from the green room, "Did I miss my cue?" giggle, giggle.

"That's ok, we'll just pick it up 10 bars before your entrance." You never yell at singers. Their instrument is their body and if you make them nervous it just makes the voice tighten up. Instead you smile and stroke them, and the maalo company stays in business another year.

The ensuing two and one-half hour rehearsal (with mandatory 20 minute break) is both the most exhausting and transcendental experience of your life. This has been what you have worked for, sacrificed for, given 20 years of your life to. Why you don't own a nice car, have a good job, a steady relationship, pen pals in Kurdistan. But somehow, for those few minutes when you make the music live, the music lives in you, and it's all worth it.

Finally, as you near the end of the show, you start looking for a place to stop. Opera is usually about two hours and twenty minutes of music, thus in a two and one-half hour rehearsal you can seldom do the whole thing. Except for dress rehearsal which always runs overtime (at time-

and-a-half, double time over an hour). You see a likely place, you head for it. You notice from the corner of your eye the orchestra manager looking at her watch. You increase the tempo just a little, she begins to stand, you speed up a little more, you hit the crescendo, the IV chord... the musicians' backs come off the chairs, the V chord... the bows are a violent sea of translucent white waves, the V... the music rushes toward resolution... and the orchestra manager shouts, "It's ten o'clock! It's ten o'clock! THIS REHEARSAL IS OVER!"

The orchestra stumbles to a stop leaving the sad, unresolved V<sup>7</sup> forlornly hanging in the air, never to know the joy of reuniting with the tonic. Orchestra members groan. The manager smirks, happy at least to have had this small malice. You bite back the strong words which will make her happy she finally got to you, and instead practice your sparkly. The smirk disappears, and she harumphs and turns away.

Your shirt is completely soaked and sticking to your skin. Your pulse is elevated and your breath comes fast. You suddenly realize how exhausted you are as the three hour adrenaline rush leaves you. The musicians are packing up and going home. You have to stay for a while to close up and go over the plans for the next rehearsal with the stage director.

At midnight you get home, brew some coffee and settle in with a few choice case books. You read until even the coffee no longer has an effect. When the highlighter slips from your fingers as you doze at your books, you call it quits. The clock says four. Nothing like a steady routine. As you slip into the gentle arms of morpheus, your last thought is, "Damn, I forgot my Law Skills paper is due tomorrow."

his zipper is open.

(b) Wait until he has knocked on the door and then tell him he's hanging out.

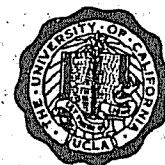
(c) Cut it off and throw it onto the grassy knoll.

The correct answer is "a," of course.

(\*Reprinted from The Docket, Nov 1988, A. Revness)

The Docket Needs

You Next Year



**"BLSA" Con't from P. 7**

not an automatic determinant. Not all students admitted under the diversity program are students of color, nor are all students of color diversity students. A simple glance at participants in the summer program attests to this fact. In his article, Mr. Monforton assumes that the 60% of students in the non-diversity "stack" are otherwise "qualified" for entrance. He neglects to mention legacies, class biases, lack of access to education and reports from UCLAW itself that "persons of elite backgrounds are substantially over represented at the school," to the exclusion of economically disadvantaged minorities.

Mr. Monforton's next misrepresentation is that the summer program drains the school's limited resources. In reality, the summer program is funded exclusively by a private fund donated to the law school explicitly for the creation and maintenance of such a program. The participating professors are paid from this private fund. In addition, the assertion that the law school has lost 10 professors due to "severe budget cuts" is completely false. In fact, UCLAW has lost NO professors due to budget cuts. The summer program is an asset to UCLAW and has proved to be a success on many levels. Not only do many diversity students excel academically, bar passage rates for diversity students today are significantly higher than the outdated figures relied on by Mr. Monforton. His irresponsibility in presenting 8 year old data (which data covered academic years 1982-1986) surely evidences

his ill intent. Aside from the 1987 study, UCLAW does not keep track of bar passage rates of diversity versus non-diversity students. However, UCLAW's current bar passage rate of 88% clearly indicates that diversity students are passing the bar at much higher rates than his figures suggest. If UCLAW does not keep track of such data, then his assertion that the school responds to dipping passage rates among diversity students by "spewing the usual solutions" is simply absurd.

Mr. Monforton's ultimate blunder, albeit the easiest to investigate, is his suggestion that the school itself identifies minority students' mailboxes with color-coded dots. It is a commonly known fact that student organizations identify their members' mailboxes through the use of such dots. For instance, BLSA places the black dots on members' boxes only after obtaining their consent. The dots are used solely for administrative ease, allowing for convenient distribution of organization materials.

As for question #7 on the admissions application, when race or national origin ceases to matter in our society, we will gladly support eliminating question #7. Until then, BLSA will continue our efforts to promote racial tolerance and to celebrate our unique history, strengths, talents and accomplishments.

Respectfully submitted by,

Black Law Students'  
Association

**"Opinion" Con't from P. 7**

It necessarily follows that all of the minority students at UCLAW are diversity admits, and therefore that none of them had the numbers to get in with the white kids in the 60% stack. Since he doesn't cite any evidence that such a correlation in fact exists, he must be assuming it to be true - I can only guess, because he thinks minorities couldn't have gotten grades or LSAT scores as high as whites. In fact, the leap in reasoning yields a false conclusion. According to Dean Rappaport, last year a significant number of whites got in on diversity status. Matthew got the mailbox dots part wrong too. The school does not place colored dots on our mailboxes. Student organizations do, with the permission of their mem-

bers. In light of these inaccuracies and his failure to cite any sources, his further claims about first-time bar-passage rates for "diverse" and "undiverse" students are unreliable at best. However irresponsible the factual and logical fallacies of his argument, I am more disturbed by its racist implications. There are many possible arguments in favor of a color blind admissions process. It is an unfortunate testament to Matthew's prejudice that he was unable to write a critique of the diversity admissions process without relying on racist assumptions.

Julia Mass, 1L

**"Fact/Fiction" Con't from P. 7**

ously asked whether the money could go to another cause and was told that it could not.

(2) Fiction: UCLAW lost ten professors to severe budget cuts (due to the diversity programs drain on the system)

Fact: According to Dean Barbara Varat and Stella Ong (head of personnel), this figure is completely inaccurate. UCLAW has not lost any faculty positions due to severe budget cuts. Some faculty have opted for the voluntary early retirement program offered by the University of California. However, the same number of permanent faculty positions remain available to the law school to hire new faculty. In addition, the law school has recalled all of the faculty who have retired, and nearly all of them continue to teach one course a year even though the law school is hiring new faculty to fill the full-time positions that the retired faculty vacated. Additional faculty who have departed from UCLA were either visiting professors or left for other reasons. The bottom line is that as far as I (& Dean Varat & Ms. Ong) could uncover UCLAW did not lose ten tenured professors due to budget cutbacks.

(3) Fiction: The school has at least ten scholarship programs that exist exclusively for minorities.

Fact: After looking through several papers and a booklet printed by UCLA, (given to me by Sean Pine in the Records Office), I believe I have found the ten scholarships Mr. Monforton so generally mentions. They are: 1) Arnold & Porter, 2) Baker & McKenzie Fund, 3) Beverly Hills Bar Association, 4) Black Women Lawyers Association of Southern California, 5) Hufstедler, Kaus & Ettinger Scholarship, 6) La Raza Alumni Scholarship, 7) Liebert, Cassidy & Fierson Minority Scholarship, 8) The Morrison Foerster Fund, 9) Mudge, Rose, Guthrie, Alexander & Ferdon Scholarship Fund, 10) Wives of the Bench and Bar Scholarship. I would like to point out that these ten scholarships are all privately funded. UCLAW is not free to deviate from any specific instructions given by the donor. Surely Mr. Monforton does not support telling private individuals or companies how to spend their money.

In the booklet printed by UCLA, "Graduate Division, Graduate Student Support for Continuing Students 1994-95," I found one scholarship that mentioned race, the Graduate Advancement Program Award, (GAP) and even then, there were other requirements, such as a 3.0 GPA or a "B" average (75 GPA), in addition to showing financial need. According to Sean Pine, the Law School does not directly finance any scholarships that are designated for only minority students.

(4) Fiction: The school identifies each of its minority students with different color dots.

Fact: Again according to Sean Pine, the Records Office is not the entity that puts the dots next to the names on the mailboxes. Instead, the various student organizations use these dots to identify their members and put information in the mailboxes that these students may be interested in receiving. Also, a student must consent to having a dot placed next to their name. So, if the Republican students want to put elephants next to their names, and the Democrat students want to place donkeys next to their names, they are free to do so. The fact that none of these organizations has done so is due to the fact that they have chosen not to.

(5) Fiction: The bar passage rate is lower for diversity students than for non-diversity students.

Fact: Studies show that race is not a factor in determining whether a person will pass the bar or not. Grades are. Also, this is more and more a phenomena of the past. While it is true that 7 or 8 years ago there was a wide disparity in the bar pass rates for diversity and non-diversity admits, that gap is much smaller now. For the record the bar passage rate for July 1992 was 90%, the bar passage rate for July 1993 was 88%. This figure includes diversity and non-diversity students.

The LSAT only predicts the chances for success in the first year of law school. It does not predict who will become a good lawyer. This creates something of a catch-22. If the law school desires applicants who are bright but may have a history of performing poorly on

See Fact/Fiction on P. 13



## Shirley Eugest...Again!

[Editor's note: Due to a computer glitch, last month's 'Shirley' was inadvertently omitted. It is reprinted elsewhere in this issue of The Docket.]

Well my little pythons, I have returned. And I know you missed me. Proper minds should not buy into that garbage of an excuse above. I don't for a minute believe that Sue Ryan got caught with a disc where she didn't want it. The truth is, I was bumped by JoeMama Bubba, or whatever the heck that hick's name is. Three articles in one issue? Come on, he/she/it/\_\_\_\_\_ was not that interesting. Or should I say titilattng? What's Joe Bubba's fascination with body parts anyway? We heard of Aunt Martha's breasts, his father's crack, and homeless appendages. Could it be that Joe Bubba is really the dark side of Prof. Munzer? We all know of his interest in body parts-academically, of course. **RUMOR FLASH: Professors Munzer and Olsen are collaborating on a Frankenstein type creation, with each contributing from their 'parts' collections. They have decided that body parts in isolation are not nearly as exciting, (or legal!), as bodies in their entirety. But then, Angie Rho and Avelino Halagao could have told us that.**

Speaking of the propriety of

property professors, Ellen Brostrom wants to know why Prof. Munzer was not at this year's Barrister's Ball. She had to dance with her own husband all night long! Jennifer Rose was heard to say, "At least she has a husband." Jennifer appears solo in the BB pics hanging in the hall outside Veronica Wilson's office. Speaking of which, where was Veronica? Dean Varat, Sean Pine, and that extremely efficient Lynn at the Information Window (and no, she is not Shirley, either), have all been hanging out at recent Law School soirees. But no Veronica. Why?

While we're lurking around that part of the campus, can you name the interracial couple who meet every day in the Library at 4:30? Their coy ploy ("Can you watch our books while we go to the copy room?") fools no one. (Note: Shirley has nothing against interracial coupling; this fact is provided only as an aid in identification.)

Speaking of ID, what large 3L has been warned, twice now, that if he is caught walking out of LuVall Commons one more time without paying for his food, his Bruin Gold card will be confiscated? Of course, then he really will have to walk out without paying, but a better choice would be to walk out without eating. Big firms don't necessarily hire big

lawyers!

Now Shirley wants to chat a little about the PILF Auction winners. Or should we say losers. Some outrageous amounts of money was spent on the chance to walk onto the Murphy Brown set and eat catering truck chow. Why, this money could keep Shirley's hair tinted blue for a year! But, what we really want to know is how is it in the 'public' interest for 'private' parties to buy schmooze time with their professors. Is it really happenstance (PILF's word for "free market") that those who will knosh with Knaplund, vivisection with the Varats, and frigate with French, are also students of these professors? Hell, and Shirley does apologize for the vulgarity, why not Zuma with Zolt, bathe with Forbath, or loiter with Littleton? After all, it was for a good cause, right?

Speaking of "causes", while Shirley doesn't get the connection, she complies with a reader request and passes along the following message to Joe G.: "Despite the earthquake, tea is still being served at Royce. Miss you." If the decipherment is printable, Shirley wants to know what this means. And what did it mean that I-Fan and Paul were not at the Ball. Things appeared to be going well for them. Oh well, you know what happened to Andrea and Dave, and Nicole and what's-

his-name. Maybe they were all at Veronica Wilson's for a counseling session. Speaking of which, to that certain non-1L female with marital problems: Going home with someone after the BarBri Happy Hour at Pancho's will not help you 'sort things out'. This particular gentleman (sic) 'sorted out' another female law student after last year's BarBri-Do. Rumors of six separate sordid couplings may lead to a name change—how about the BarBri Whorey Hour? Some of this year's scamming was pretty olfactorally offensive. (It stank!) If you PILF'ed a professor at the auction you might can get away this this type of (mis)behavior. Otherwise you should be preoccupied with briefing your case holdings, not casing briefs to hold.

Well my Law School Dearees, if Sue Ryan and, OK-she-is-nice Raquel, decide to print this then you'll know that there is only one month of Shirley left!!! Yes, all good things must come to an end, so if there is a tid-bit or two that you've been savoring, now's the time to spit it out. Leave me a message on the Shirley line (825-2025) or drop a note in my mailbox (next to 2L Raquel Hunter). Coming next month...The Annual Shirley Awards! Keep those fingers (and legs) crossed. You could be a winner!

## Movies Take Spring Break Early

by Michael Luke, 2L

Judging by the movies that have recently been released, it appears that the movie industry has gotten a jump start on their vacation. Fortunately, movies such as The Paper and the zany Naked Gun 33 1/3 Cboth unavailable for review) should be strengthening the lineup soon, hopefully holding us over until summer when the big boys come out to play. For now though, I guess we'll have to settle for the mediocre entertainment that Hollywood has on the table. The two movies reviewed are perfect examples of the slightly unsatisfying appetizers recently made available.

### Reality Bites

Reality Bites is the story of

four friends, recently graduated from college, and their quest to find the meaning of life and love, and how they fit into those definitions. A successful yuppie (Ben Stiller) eventually enters their lives after a car accident and romances one of the young ladies (Winona Ryder). The new relationship creates tension between Ryder and her best friend (Ethan Hawke), which eventually drives the two friends together. Realizing now that they were meant for each other all along, the two set out to live happily ever after.

Now, we've seen this s Cory before, but let me start off by saying that I liked this movie. It was a comedy that was genuinely funny, something not easily found these days. Some parts were even belly-aching funny. For example,

at one point the four major players dance to "My Sharona" late at night in a gas station convenience store. The scene is absolutely hysterical. In fact, it is one of those rare scenes that loses none of its humor even though it was shown in the trailer.

In addition to being funny, the movie is also very clever and topical. This should come as no surprise to fans of The Ben Stiller Show formerly on FOX. Stiller, who also directed the film, really is a comedic genius, and it is no wonder that his work on the canceled show earned him an Emmy.

Finally, the movie has one of the greatest soundtracks in recent memory. Personally, I went to three music stores after seeing the film and the soundtrack was sold out in all of them.

I'm sure that many of the movie tunes will be making their way to the radio and the billboard charts soon.

Unfortunately, Reality Bites has many problems, all of which help drag it down into the average movie doldrums. Most importantly, the characters, while funny, are just not that likable. None of them ever seem to comb Cor wash for that matter) their hair. Ryder, who seems kind of sweet at the beginning, manages to become somewhat annoying 2/3 of the way through the movie. Then there is Ethan Hawke's character. A super-intelligent 22 year old who has been fired from TWELVE jobs over the course of his life and seems to be proud of it. The guy

See "Reviews" on P. 14

**"Fact/Fiction Con't from P. 11**

standardized tests, it is difficult to criticize the law school when these students are unable to show their knowledge on yet another standardized test, the Bar Exam.

The point is that the diversity program at UCLA reflects an effort by the administration to judge applicants on something other than the numbers on a page. Why are the LSAT score and GPA superior judges of success? Why aren't age, life experience and background, work history, race, outstanding achievements, disadvantages overcome, worth at least as much? What indicators accurately predict a successful contributor to the legal community? Is a good lawyer someone who is reflective, kind, compassionate, wise, tough, hard working, smart? Aren't all these qualities reflected in the diversity selection criteria? I believe that they are. And I also believe that the school counts these qualities to prevent and fight the institutional racism Mr. Monforton is so concerned about.

To the BLSA members who put the beautiful placards in the hallway during February, thank you for giving me something to ponder as I made my way to class each morning.

Melodye Hannes, 1L

**"PILF" Con't from P. 1**

on spot on the situation comedy "Murphy Brown" after learning from Professor Bergman that the show's producers had offered a similar spots to other fund-raisers. Barpassers, Barbri, and other bar review services offered classes and materials, which brought substantial contributions to PILF and, as it turned out, allowed savings over commercial rates.

PILF Board vice president Meredith Blake coordinated the event while on judicial extern in downtown Los Angeles. The event raised over \$13,000 for public interest clerkship grants.

### The Docket Sports Staff's Final Four Picks

#### Kevin Riley

North Carolina	Duke
UCLA	Louisville

#### Kirk Norley

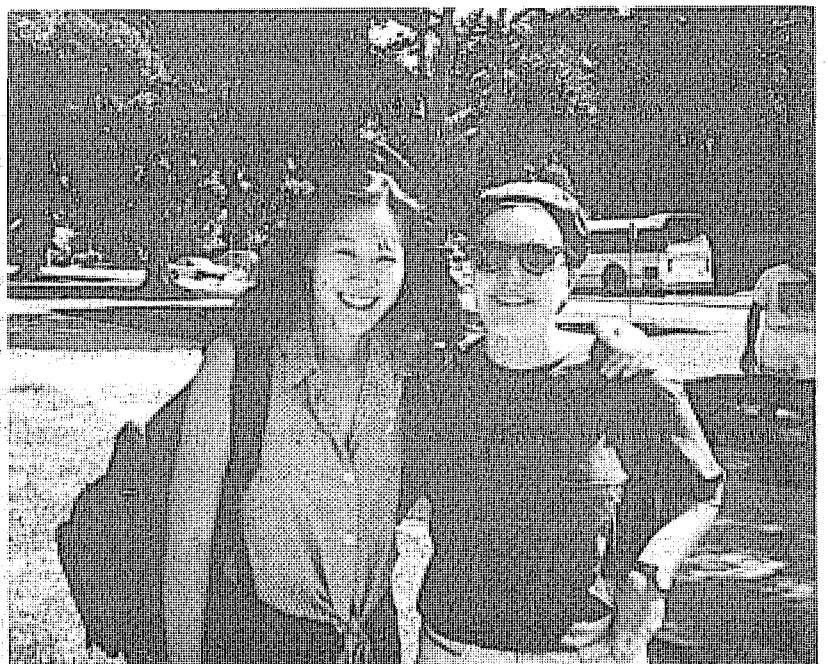
North Carolina	Duke
UMass	Arizona

#### Alex Tamin

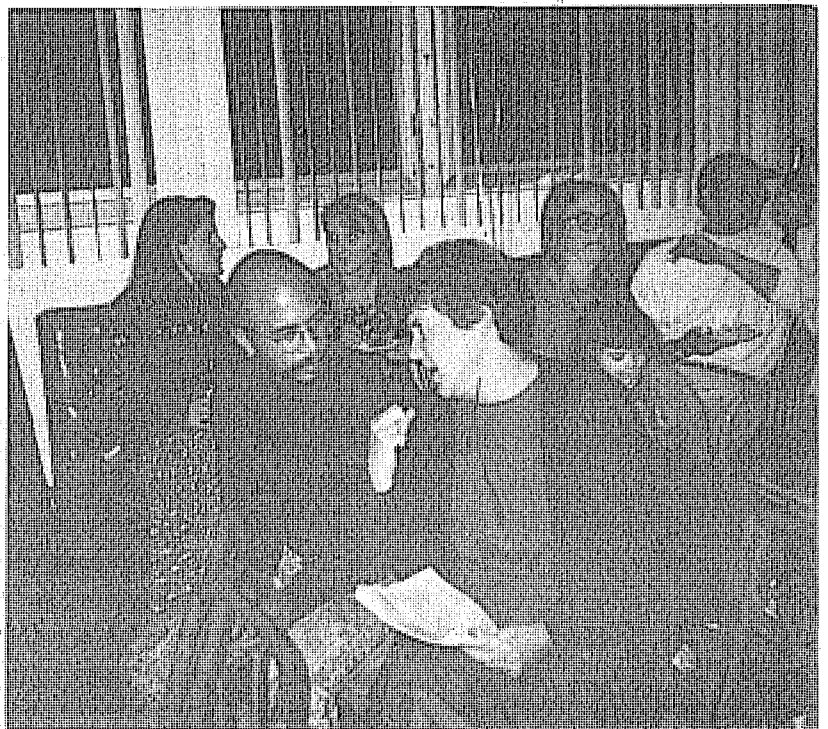
UConn	Marquette
Michigan	Louisville

#### Paul Kassabian

North Carolina	Duke
UMass	California



*Pamela Lew, 3L and Cristina Llop, 3L  
give each other a hug at the Diversity Forum*



*Dean Susan Prager consults with Stephen David  
Simon, 2L about a particular Auction item*

P U C C I N I

**TOSCA**

MARY LOU BASARABA

MICHAEL LYON  
CONRAD IMMEL

BILL DI DONATO

KAY OTANI

BEL CANTO

**OPERA**  
C O M P A N Y

Bel Canto's Carmen  
"... Mary Lou Basaraba sang Micaela artfully and gave the character more spirit than many sopranos can manage."  
Lewis Segal, LA Times

Bel Canto's Barber of Seville  
"There is no space to enumerate the reasons for the surprise and delight in the Bel Canto Opera Company's modest, hilarious and mostly stunningly performed Barber of Seville..."  
Alan Rich, LA Weekly

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Musical Director and Conductor

## Kay Otani, 1L

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*"Reviews" Con't from P. 12*

is a cynical bastard with a major chip (more like a chunk) on his shoulder, and he hates everything and everyone even remotely associated with financial success. He is also mean and nasty to everyone in the movie, and these people include his three best friends and the woman he loves. Some people have said, "Aww Mike, he was just kidding." I'm sorry, but I think I can tell when someone's playing around, and in my opinion, the Hawke character was just out to hurt people's feelings. It's upsetting that the characters were unlikable because many are touting the film as extremely representational of the twentysomething generation. Hey, if these characters are what others think of me and my generation, then maybe it won't be so bad turning thirty.

Further, while the script was clever, the basic story was contrived. The worst part about this is that the story had a real chance to be original. Stiller's character, while kind of goofy, seemed like a genuinely nice guy who really cared about Ryder. He probably would have treated her very nicely. I thought that Ryder and Stiller might end up together, sending the message that just loving a woman isn't enough, you need to do more in terms of your actions because after all, love is just a word. Instead though, Reality Bites opted for mediocrity, sending the horrible message that women will continue to choose men who may love them but will obviously treat them like dirt none the same.

Finally, the movie abruptly switched in places from being really funny to being really serious. It changed so abruptly that it gave me a bit of emotional whiplash, making me feel almost guilty about what I was just laughing about a second before. This is alright if it happens a few times, but it happened too many times in the film and eventually became a bit disturbing. So, when the final votes are

tallied, a movie that had potential for greatness ended up being just average.

*Guarding Tess*

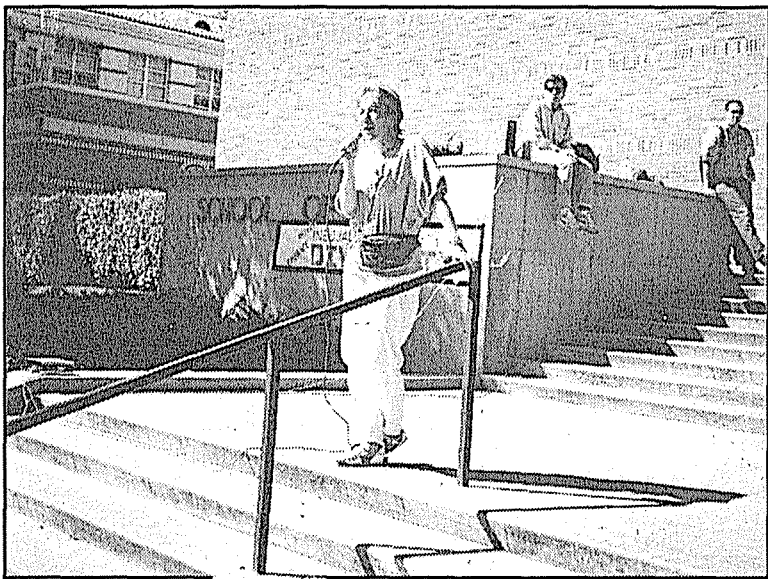
In Guarding Tess, a secret service agent (Nicholas Cage) is assigned to protect the eccentric widow (Shirley Maclaine) of a former president. In the beginning, the two can't stand each other but eventually they develop a very strong bond.

Nothing new in terms of the plot line, but that isn't so bad. What is fatal, however, is the way this movie takes two brilliant comedic actors and completely wastes their talents. Cage is a master in scenes where he gets to lose control and a little bit of his sanity. Anyone who's seen Honeymoon in Vegas can attest to this. However, Cage's uptight, secret service character doesn't allow him to cut loose. It's a shame because everyone in the theater seemed to be waiting for it. At one point, even Maclaine's character tells him he should loosen up a bit. Similarly, Maclaine can definitely be hilarious in the role of an eccentric older woman, as Steel Magnolias proves. Sadly though, Maclaine's eccentricity is limited to being kind of a hard to deal with hermit.

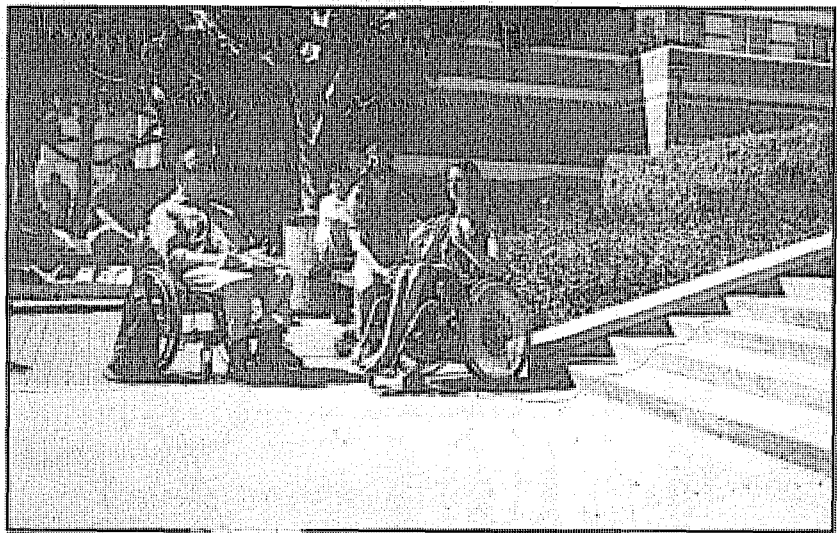
Overall, Guarding Tess is probably not a bad movie. In fact, it's kind of sweet and endearing. However, when you bill yourself as a comedy and have Cage and Maclaine, you can't help but be disappointed when you're not funny, and I would say a comedy that isn't funny has a very serious problem.

So what's the final verdict? See Reality Bites. Don't see Guarding Tess. The reason? They're both comedies. Bites is funny. Tess isn't, and isn't that the bottom line on comedies? See ya!

## THE DIVERSITY FORUM ATTRACTS A CROWD



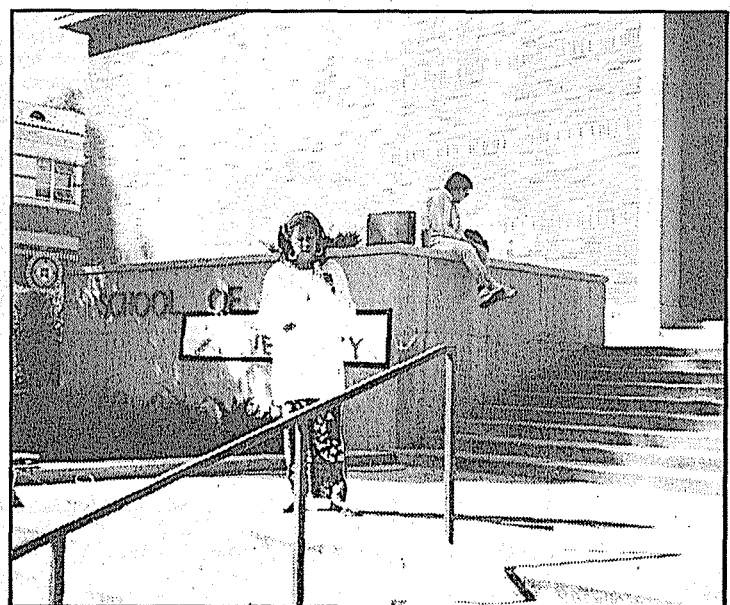
*Professor Chris Littleton talks openly to the students.*



*Jonna Hoffman, 3L talks about the concerns of disabled*



*Students gather in front of Law School on Monday, March 14th for a Diversity Forum*



*Latonya Slack, 3L encourages the school to broaden its commitment to diversity.*

# The Back Page

Announcement of future events should be submitted to Back Page Editor, Elia Gallardo, 3L

...A Guide to UCLAW Organizations & Events

## American Civil Liberties Union

Contact: Heather Harris (2L).

## American Indian Law Students Association (AILS)

Contact: Moraino Patencio, 3L

## Asian/Pacific Islander Law Student Association (APILSA)

APILSA is a student organization for Asian and Pacific Island law students. It provides educational and social support for its members, as well as information about job opportunities and community outreach events. Members are currently volunteering at various legal clinics throughout Los Angeles.

Contact: Angie Rho, 2L and A.J. Halagao, 2L

## Asian/Pacific Islander Law Journal

Contacts: Michael Balaoing, 3L

## Black Law Students Association (BLSA)

BLSA is a student organization for Black law students. It provides support for its members, as well as a forum for discussion of issues unique to the Black community.

Contact: Rod Shelton, 2L

## Chicano-Latino Law Review (C-LLR)

The C-LLR is a student-run journal which provides a forum for issues that affect the Latino community and other minority, low-income, or discriminated-against communities. It is looking for new members interested in helping in the production process for upcoming volumes. Its faculty advisor is Professor Cruz Reynoso. All students are encouraged to submit articles for publication.

Contact: Maria Salas, 3L

## Christian Legal Society

The Christian Legal Society is scheduling bible studies every Wednesday at 12noon. All are invited.

Contact: Mike King, 2L

## Criminal Law Society

Contact: Patrick deGravelles, 2L

## Democratic Law Students

Contact: Eric Kurtzman, 2L

## The Docket

THE DOCKET is UCLAW's monthly student newspaper. Everyone is encouraged to write.

Contact: Raquel Avila Hunter, 2L

## El Centro Legal

El Centro Legal is a non-profit legal aid clinic run by UCLA law students in conjunction with Westside Legal Services. Student volunteers work with staff attorneys to help low income clients with a variety of problems including landlord-tenant disputes, consumer rights issues, and government aid programs such as welfare, workfare, and food stamps. El Centro teaches students practical aspects of lawyering, while helping people who cannot afford private counsel. Anyone interested in volunteering should contact Gary Faliceti at (310) 479-0123.

Contact: Gary Faliceti, 2L and Gretchen Mello, 2L

## Entertainment Law Society

Contact: Andrea Sloan Pink, Pres., 1L

## Entertainment Law Review

Contact: Scott Brutocao, 3L

## Environmental Law Society

The Society organizes career forums and panel discussions related to environmental law, and sponsors the UCLAW recycling program.

Contact: Alex Helperin, 3L

## Federalist Society

The Federalist Society is a nationally reknown group of conservative and libertarian law students and professors.

Contact: Michael Franco, 3L

## Jewish Law Students Association

Contact: Sony Ben-Moshe, 3L

## UCLA Journal of Environmental Law and Policy (JELP)

The JELP is a student run journal that publishes articles by professors, practitioners and students concerning environmental and land use issues. It encourages all students to submit articles for publication.

Contact: Dede Mendenhall, 3L

## La Raza Law Students Association

La Raza Law Students Association promotes issues of importance to Latino law students. It sponsors tutorials, mentor programs, and social gatherings, to aid members and increase student awareness. Membership is open to anyone.

Contacts: Julie Martinez, 2L and Jeff Prieto, 2L

## Law Review

The UCLA Law Review is a student-run legal periodical published six times a year, featuring articles by law professors, judges, and legal commentators, and comments by Review members. Membership on the Law Review is earned through a writing competition during either the spring semester of the first year or the fall semester of the second year.

Contact: Kyle Arndt, 3L

## Lesbian, Gay & Bisexual Alliance

Contact: Julie Smith, 2L and John Niblock, 3L

## Legal Society on the Disabled

Contact: Josh Mendelsohn, 2L

## Moot Court

The Moot Court Board organizes the annual UCLA Moot Court Competition among second year students. Finalists compete in the prestigious Roscoe Pound Competition.

Contact: Craig Shelbourn, 3L and Laura Lewis, 3L

## National Association of Students Against Homelessness

Contact: Arielle Natelson, 3L

## National Black Law Journal

NBLJ is seeking articles, essays, and book reviews on issues relevant to the African American community. Please submit articles to NBLJ Room 2225-C of the law school.

Contact: Karen Pointer, 3L

## National Lawyers Guild (NLG)

The National Lawyers Guild provides a forum for progressive students to discuss pressing social and political issues, as well as, to exchange criticism and ideas for improving the legal profession. The Guild sponsors events including discussions on race, gender and the law; non-traditional lawyering; and the role of lawyers in community empowerment. The Guild also sponsors a series of progressive roundtables.

Contact: Patty Amador, 3L and Elia Gallardo, 3L

## Pacific Basin Law Journal (PBLJ)

The PBLJ looks forward to another successful year! The journal will publish 3 new issues this year, one being a carry-over from last year. One issue will focus on U.S.-Japanese trade relations. The other two publications will examine general issues concerning the Pacific Rim, such human rights in China and the state of copyright law in Taiwan. The Pacific Basin Law Journal is a student-run law journal dedicated to international and comparative law concerning the Pacific Basin region and is always soliciting student comments, book reviews, casenotes, or recent developments.

Contacts: Andrew Ruff, 3L

## Phi Alpha Delta (PAD)

PAD is an international law fraternity. The McKenna Chapter at UCLAW offers various social, academic, and educational events to its members. All students are invited to join PAD.

Contact: Emily Gould, 2L

## Phi Delta Phi (PDP)

All students are encouraged to join the international law fraternity of Phi Delta Phi.

Contact: Chris Jones, 2L

## Pro Bono Society

Give 35!

Contact: Heather MacTavish

## Public Interest Law Foundation (PILF)

PILF provides support for public interest projects within the legal system. Each year it raises money to be used to allow students to work in public interest jobs. Students can support the summer grant program by making a pledge, going to the student play, and participating in the PILF Auction.

Contact: Lisa Rosenthal, 2L

## Republican Law Students Association

Contact: Jack Schaedel, 2L

## Sports Law Federation

Contact: Thaine Lyman, 3L

## Student Bar Association

Contact: Stephen David Simon, 2L

## Women's Law Journal

The Fall issue is published! Pick up a copy at LuValle or at the Law Library. If you would like to submit a book review or a recent development for Spring, contact: Seema Nene, 3L or Patty Amador, 3L

Contacts: Christina Bull, 3L and Megan Mayer, 3L

## Women's Law Union

Contact: Kelly Schramm, 3L

## Yearbook (The Barrister)

Contact: Thomas Treffert, 3L

## 30+ Law Students Assoc.

Contact: Michelle Logan-Stern, 2L

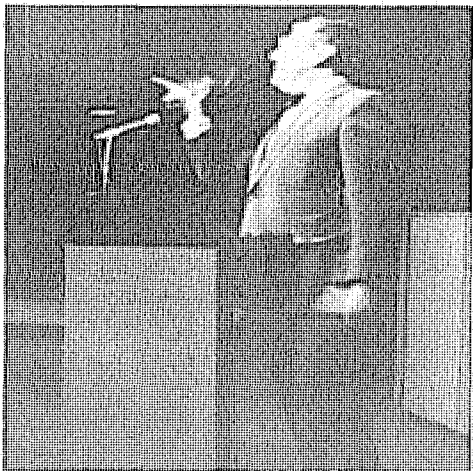


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*Professor Charles Whitebread*

**Logic dictates...**

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that the number of hours spent in Workshops should be no more than necessary to accomplish your goal.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
EVIDENCE 1	EVIDENCE 2	CONSTITUTIONAL LAW 1	CONSTITUTIONAL LAW 2	MULTISTATE WORKSHOP EVIDENCE/CON. LAW
MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
COMMUNITY PROPERTY	ESSAY WORKSHOP EVIDENCE/CON. LAW/COMMUNITY PROPERTY	WILLS	TRUSTS	REMEDIES 1

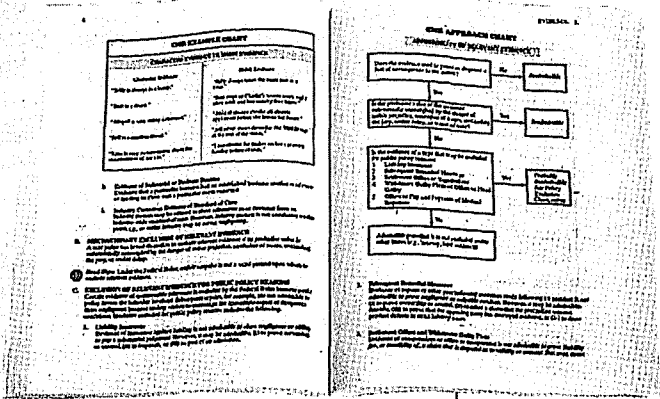
*Sample Lecture Schedule*

**Logic dictates...**

that a study outline be just that, *an outline*, not an overly cumbersome explanation of the law.

**Logic also dictates...**

that there should be a special capsule outline summarizing the vast amount of detail of the law, highlighting major areas of law tested on the Bar Exam.



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