

UCLA

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# THE DOCKET

## UCLA SCHOOL OF LAW

Volume 43, Number 5

THE DOCKET

March 1995



Professor Nelson adds his own touch of *savoir faire* to a successful event.

### PILF's Auction Bags \$22,000

by Wendy Aron

The Public Interest Law Foundation (PILF) held its Second Annual Auction at Los Ponchos on February 23, 1995. Over 400 students, faculty, family and friends attended the event. Thanks to the generosity and support of the law school community, PILF raised \$22,000 which will go toward summer grants for students who are working in public interest agencies during the summer.

The Auction is one of the law school's largest community events. The great success of the Auction this year was due to the hard work of the Auction Co-Chairs: Vivian Kuo, Peter Chun, and Nadia Awad. Professor Nelson and Professor Grady, the auctioneers, were not only entertaining, but really got the crowd excited and motivated. Everyone enjoyed the music performed by The Usual Suspects (Professor Derian, Pro-

fessor Spillinger, and Professor Caminker), and guest singer, Tsan Merritt-Poree.

Some of the exciting items auctioned included a walk-on to *Wings*, a walk-on to *Murphy Brown*, a hockey stick signed by Wayne Gretzky, a basketball signed by the UCLA team, Dean Prager taking notes for a student in classes for a day, lunch with Gil Garcetti, and much more.

Preparation for the Auction was a lot of very hard work and PILF would like to thank everyone who helped make this event such a success. We would also like to thank students who solicited gifts, who donated gifts, and who worked the night of the event. Finally, we want to thank the law school community for their support. We are already looking forward to an even bigger and better Auction next year!!

### Women's Law Union Addresses Sexual Harassment on Campus

Administration Makes Strong Showing of Support  
by Erin Gunn

On March 2, the UCLA Women's Law Union sponsored a discussion on sexual harassment and the legal profession. Abby Leibman, the executive director of the California Women's Law Center, spoke at the discussion and answered questions about how sexual harassment affects law students.

According to Ms. Leibman, sexual harassment in education is a relatively new body of law that follows legal developments in the employment context. She emphasized that both men and women can be victims of sexual harassment, because sexual harassment is about power. Gender, race, and class are a few of the many factors that contribute to an individual's feeling of power over others.

Dean Prager and Dean Varat also attended the discussion and answered the many questions posed by students. Dean Prager said that UCLA Law School has had very little experience with sexual harassment complaints. In the past sixteen years, only two instances of sexual harassment were reported that involved the law faculty. Other instances of sexual harassment occurred during placement interviews with prospective employers. However, as Abby Leibman explained, there may

be many instances of sexual harassment that are not reported to the school administration. A student may not know whether he or she has been sexually harassed, may feel too intimidated to report a professor's conduct, or may fear being "blackballed" by employers in the legal community.

See HARASS on page 17

### UCLAW Drops in Magazine's Poll

The latest *U.S. News & World Report* academic ranking lists UCLA Law School at 24th. Boalt Hall moved up to share number 8 and USC moved into 15th spot. This ranking places the school (for the first time?) behind, *inter alia*, the University of Iowa, the University of Minnesota, and the University of Texas at Austin. UC Hastings dropped from the low 20s into 45th.

Both legal academics and practitioners put UCLAW at 16th. But the school suffers in both placement and faculty resources. The new library could change the latter. A few less acts of God and better reporting by recent grads might

See POLL on page 17

### UCLAW Through International Eyes Culture, American Style!

By Robert Jystad

The United States can be a shocking place to newcomers. Alex Jooss, from Germany, was surprised when a prime-time network newscast showed the picture of a woman walking naked in the New York subway. It was not the woman's nakedness that caught his attention. It was the fact that they blocked out her breasts. In Germany, few broadcasters would think twice about showing her nakedness in a news report on television.

Immediately following the newscast was a commercial for a new movie. The ad was violent and gorey. "I could not believe it," he told me. "How can Americans worry so much about sexuality but think nothing of violence?"

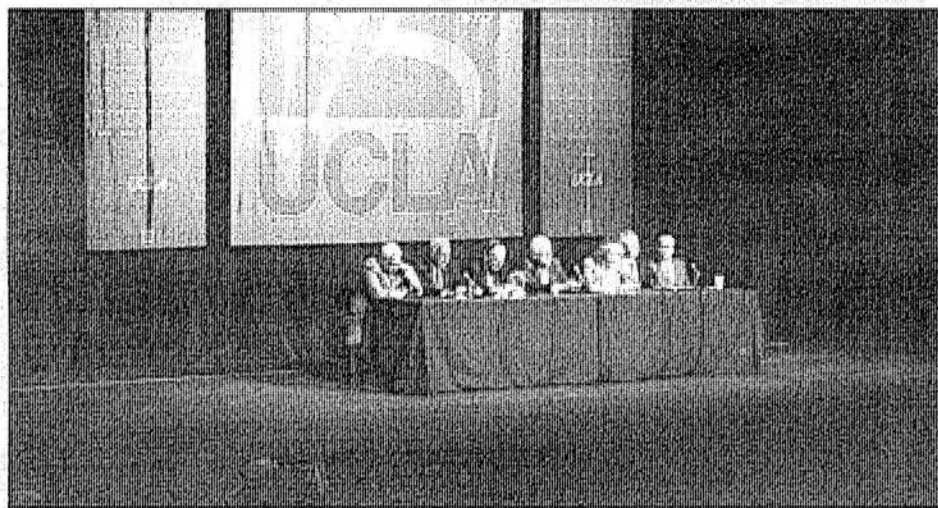
Alex's incredulity is shared by several of our foreign friends at the law school who again joined me to discuss their theories and experiences of our culture.

\*\*\*\*

Limor Zer:

I am having a great time here. For one thing, I don't feel foreign. There are so many immigrants here. When I go on the bus half of the people don't speak English. They speak all different kinds

See LLM on page 11



History in the making (Photo courtesy of UCLA Special Events)

### Swords Into Marketshares

ILS Addresses Economy of New Middle East

by Jeff Jacobson

On Wednesday, February 22, the UCLA International Law Society held its second annual international law symposium. Entitled "Turning Swords into Marketshares," the symposium addressed the economic effects and opportunities resulting from recent changes in the Middle East.

The event, held in MacGowan Hall, included several of the most prominent Arab and Jewish leaders in the United States and provided these leaders with a rare opportunity to meet together and discuss substantive economic issues which have great impor-

tance for every nation in the Middle East. Topics discussed included foreign investment in the Middle East, regional economic issues, and doing business in the Middle East.

The symposium marked the first West Coast meeting of officials from Jordan and Israel. Only six months earlier, before the signing of the Israel-Jordan Peace Treaty in July, 1994, Israel and Jordan were in a state of war. Dr. Taleb Rifai, Jordan's Commercial Representative, and Gerry Stoch, Israel's

See INTERNATIONAL on page 10

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## News &amp; Notes

## From Star Wars to Stargate Alum Talks on Product Licensing

by T. E. Adler

When Rand Marlis graduated from UCLA in 1974, the only thing he was sure of was that he did not want to work as a lawyer. From a part time job at A&M Records cataloging Beach Boy songs, he learned enough to create an album of classical music — for plants. His "Music for Plants" album was the first step to a career in the entertainment industry.

Marlis is now president of Creative Licensing Corp., a company which has handled product licensing for films such as *RoboCop*, *The Terminator*, *Silence of the Lambs*, and *Stargate*. He spoke recently at a brown bag lunch organized by the Entertainment Law Society.

After a stint doing "awful legal work in the insurance business," Marlis found work at Twentieth Century Fox archiving film clips. "At that time Fox was releasing two science fiction movies. One everyone knew was going to be a big hit. It featured big machines, a truck 30 feet long, all kinds of action and car chases. That was *Damnation Alley*.

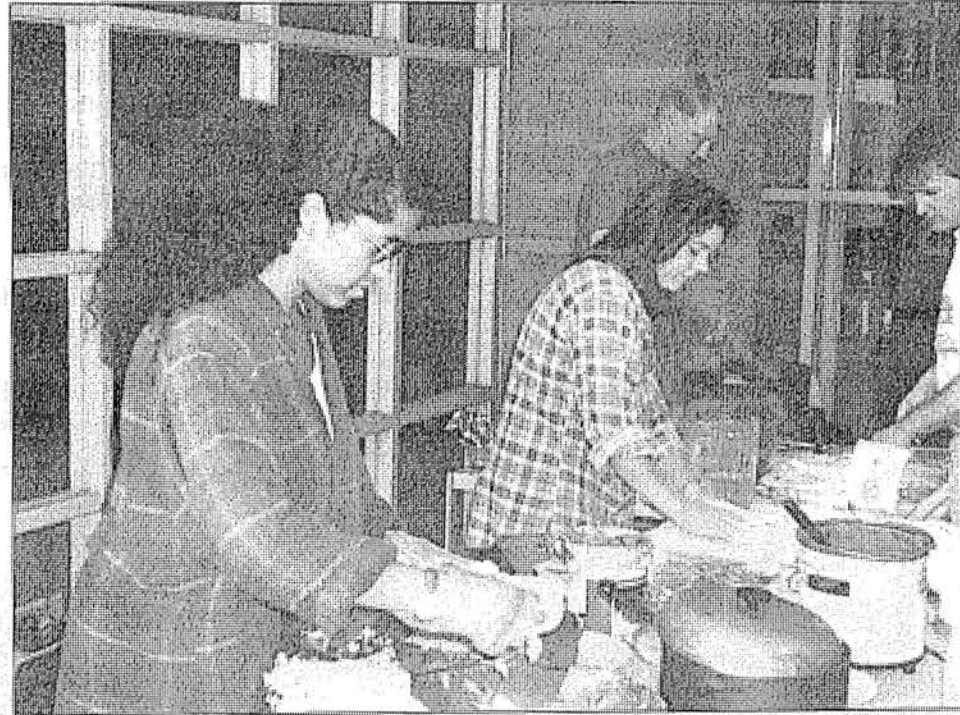
The other was a children's movie that nobody expected anything from. It had a simple plot and dumb dialog like, 'beep beep, where are we going R2?'" That "children's movie" turned out to be *Star Wars*, and the modern era of product licensing was born.

On the strength of his "Music for

*That "children's movie" turned out to be Star Wars, and the modern era of product licensing was born.*

Plants" experience, Marlis began working on product licensing for Fox, making nearly \$3 million for the company from M.A.S.H. T-shirts, but getting little for himself. "Not having a clue" about what he would do next, he quit and started his own company.

Marlis stressed the importance of networking for anyone wanting to work in the entertainment field. He encouraged students to get as wide a range of experience as possible. "People get into the entertainment business by many different tracks. You've got to get out there and find your own way."



American Indian Law Students Association whets appetites with traditional fry bread.

### PILIPINO AMERICAN LEGAL CLINIC

Free Intake Referral Service  
by Michelle Castro

Pilipino American students from several local law schools have organized the Pilipino American Legal Clinic, an intake referral service designed to meet the legal needs of the Pilipino American community. The Clinic, which opened earlier this month, provides a comfortable, bilingual setting for those Pilipinos troubled with immigration, landlord-tenant, employment, or domestic violence problems. It is a joint project of the Legal Aid Foundation of Los Angeles (LAFLA), the Asian Pacific American Legal Center (APALC), the Philippine American Bar Association (PABA), and Search to Involve Pilipino Americans (SIPA).

"Los Angeles has been in need of a Pilipino legal clinic of this sort for years," said Fred Nakamura, the Asian Outreach Coordinator at LAFLA. "Pilipinos, especially the elderly, are often unaware of their legal rights and are often unable to afford a private attorney. This Clinic

See PILIPINO on page 17

### Entertainment Law TV / Movie Panel

by Donna Davis

Three practicing entertainment lawyers shared their secrets for getting into entertainment law with over 30 eager law students. Of course they wanted to reiterate that they all took a different road to get to Hollywood, but they did arrive.

Panelist Thomas Cavanaugh, a former UCLA law student, now works in domestic television for Twentieth Century Fox. The road he traveled went through a SAG externship, a published paper, and a big firm job that taught him the basics of "entertainment" law.

Pepperdine Professor Gerald Phillips' father was in the business, so he followed in his father's footsteps down the road to Universal Artists. Phillips drafted some great boilerplate contract language that still stands today. He expressed knowing the minute details of law in the state where the suit is filed. It is the cornerstone for taking the right clients and knowing which

See ENTERTAIN on page 17

### Library Column

## Bridge the Gap; Reference Appointments; Online Reference Help

by Linda Maisner,  
Instructional Services Librarian

### BRIDGE THE GAP:

Wondering how you're going to cope with your summer employment? Lots of students at this point in the year seem convinced that they remember absolutely nothing about legal research, fear they will fall on their faces at their summer jobs, and know deep down that there is nothing they can do between now and the end of the semester to change this.

WRONG! There is plenty you can do, and it won't take much time. The first thing to do is to relax. You know a lot — it just takes hearing things a few times, and practice. The second thing to do is to mark your calendars. On Friday afternoon April 21 (exact time and place to be announced) the Law Library reference librarians will present real world tips and a legal research review to make sure you are successful at your summer (and permanent) jobs. We call this session Bridge the Gap because it is intended to bridge the gap between research in law school and in actual practice.

Linda O'Connor, who was a law firm librarian from 1981-1990, will give an overview of successful research strategies in the firm environment. Amy Atchison and Linda Maisner will

cover the essentials you need to know about legal bibliography, both federal and California, and acquaint you with some heavily used practitioner materials. And for your door prize, we'll send you off with a packet of useful research guides to which you can refer when you're at the firm.

### REFERENCE APPOINTMENTS:

The reference librarians will also be happy to make individual appointments with you if you wish to get up to speed in a specialized area of law, or a particular aspect of legal research, either to prepare for practice or for a school assignment.

To make an appointment, email the

See LIBE on page 10

### Errata

The Docket reports the following errors that appeared in the last issue. (1) The top picture on p. 13 is the American Indian Law Students Association fry bread sale not the Women's Law Journal's chili contest. (2) The LLM student from Haiti is Asseline Malebranche. (3) The score given the faculty for fashion was 70, not 65.

# THE DOCKET

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# CONSIDER ALL THE FACTS

WHAT BARPASSERS SAYS	WHAT BARPASSERS DOESN'T SAY
<p>"#1 California owned and operated bar review"</p>	<p>BAR/BRI is the #1 choice among bar review enrollees. Last Summer, far more people took BAR/BRI than any other course.</p>
<p>"We are so confident you will pass we give you a money-back guarantee on your tuition"</p>	<p>Barpassers charges a <b>non-refundable materials use fee of \$845</b>, the balance paid would constitute the "tuition." Thus, if you paid \$1,445, your "tuition refund" would only be \$600.</p>
<p>"While other courses use professors moonlighting as bar exam experts, Barpassers only uses professional instructors"</p>	<p>The majority of BAR/BRI professors have been preparing bar exam students for years, many longer than Barpassers has even been in existence. BAR/BRI uses ABA law school professors teaching in their areas of expertise. Some of the Barpassers "experts" have never taught at an ABA law school.</p>
<p>"Wills, Trusts, and Community Property audiotapes are supplied to students for convenient home listening"</p>	<p>The only one "convenienced" is Barpassers since they do not have to schedule a live or video lecture to teach these subjects. These subjects are of particular importance for two reasons. First, many law students do not take them while they are in law school, and second, over the past ten years, these subjects have appeared on the bar at least <u>20</u> times.</p>
<p>"We are exclusively dedicated to the complex and unique California Bar Exam"</p> <p>Barpassers claims that BAR/BRI is only a national course.</p>	<p>While Barpassers claims to be "exclusively" dedicated to the California Bar Exam, they also claim to be "exclusively" dedicated to the Bar Exam in other states as well.</p> <p>California BAR/BRI has successfully prepared law students for the California Bar Exam for nearly 30 years.</p>
<p>"3-day simulated bar exam, same format as the actual bar exam."</p> <p>"BAR/BRI's simulated bar exam is only 2 days and is not consecutive"</p>	<p>BAR/BRI offers a two day Simulated Exam that includes all three sections tested on the actual bar exam. BAR/BRI's system is structured to help prevent student "burn out" which may occur when taking a full simulated exam shortly before the actual exam. It helps ensure that your performance peaks on the three days of the Bar Exam and not on a simulated exam. <b>BAR/BRI's staff of attorney-graders will personally grade and critique your exam, while Barpassers' exam is self graded.</b></p>
<p>"We put our emphasis on in-class testing workshops"</p>	<p>BAR/BRI will not waste your valuable study time. BAR/BRI's focus is on the quality of workshop hours and not on the total number of hours. Up to 40% of Barpassers performance workshops are used for in-class writing exercises. The BAR/BRI Workshops are efficient and thorough, accomplishing the same objectives as the Barpassers Workshops <b>in half the time.</b></p>



*Enroll or switch today to  
BAR/BRI and join the majority  
of California bar review enrollees.*

# PERSPECTIVES

## The Courage to Change

by Robert Jystad

They called it the Wailing Wall. A long long time ago, before URSA, UCLA law students learned about their grades by trekking to a bulletin board opposite Room 1420. There, in view of friend and foe, law students confronted their dreams head-on. Forty percent of the 1Ls had a pretty rough go of it. It was not uncommon for students to weep. One or two even collapsed. Who knows how many hid under the cover of night, hoping they would be alone for what probably would be a terrible moment.

Then, a couple of years ago, the Wall came down. Why? According to a memo issued by the Records Office in 1992, URSA was "more professional." The online system allowed students to receive grades in the privacy of their own homes, enhanced confidentiality, and complied better with the Federal Education Right to Privacy Act. As it turns out, enterprising students had figured out ways to learn their classmates grades by comparing student IDs across small seminars.

The Wall could be with us today. Thanks to an administrative staff that

had the courage to say the Wailing Wall was a hazing not worth the effect, it is not.

Today we endure another kind of hazing. Only this hazing comes from the combination of a rough job market and a grading system that infects the core of our academic experience here. We can do nothing about the market. Times are hard, they will probably get harder.

The grading system is, however, within our grasp. We got rid of ranking. We got rid of percentiles. The time has come to bring this school in line with the majority of top notch law schools and to dump what is in effect merely a replacement for ranking.

Nancy Kaufman, in a recent article in the *Journal of Legal Education* called "A Survey of Law School Grading Practices," provides us with some interesting data. Seventy percent of 120 law schools surveyed use traditional letter designations. An another 6.7% employ something like High Pass, Pass, and

See CHANGE on page 10

### Selected Law School Grading Systems\*

	Grade Designation	Curve
Boalt	HH/H/P/NC	Yes (floats**)
Yale	C/H/P/LP/F	No
Columbia	E/VG/G/P	Yes
Penn	Dist/E/G/Q	Yes (20-40-40, floats)
Harvard	A+/A/A-/B+***	Suggested
Michigan	A/B/C/D	Suggested
Georgetown	A/A-/B+	" (25-70-5)
Virginia	A/B/C/D	Yes (3.0 mean > 50)
NYU	A/A-/B+/B	Suggested
Cornell	A/B/C/D	Suggested (B-mean)
Duke	4.0/3.0/2.0/1.0	Yes (3.1 mean)
Texas	4.0/3.0/2.0/1.0	Yes (25-50-25)
USC	90/80/70/65	Yes (78 mean)
Chicago	88-80/74-79/68-73	Not confirmed
UCLA	100-85/84-75/74-65/64-50	Yes (20-40-40, floats)

\* No ranking should be inferred from the order of schools  
 \*\* Faculty allowed minimal (5%) fluctuation either direction  
 \*\*\*GPAs calculated only for honors purposes. Do not appear on transcripts.  
 Data provided by 1994 National Directory of Law Schools (National Association for Law Placement) and law school registrars.



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## Opinions

## UCLAW Diversity Program Makes Regional News

LA Lawyer Opines in *Daily Journal* UCLA Student Group Replies

**Race Matters at UCLA  
Minority Admissions Policy Lowers  
Law School's Standards**  
By Allan J. Favish

For many years controversy has raged over whether employers, schools, and other institutions give preference to lesser qualified individuals on the basis of race. Because these institutions fail to release meaningful statistics about their practices, they invite speculation that there is something to hide.

In late 1993 I saw a document displayed in the reception area of the admissions office at the University of California, Los Angeles, School of Law, that said race was a factor in some of its admission decisions. I wondered to what extent race was a factor, so I wrote a letter to the Dean of Admissions, Michael Rappaport, asking for the race, grade point averages, Law School Admissions Test scores, and admissions decisions for the applicants to the 1993 entering class.

Dean Rappaport responded that the information was "not available." I

Mr. Favish, it's time to take a refresher course . . .

In "Race Matters at UCLA: Minority Admissions Policy Lowers Law School's Standards," published in the *Daily Journal* on January 10, 1995, Allen Favish argues that by considering race as one of many factors in its admission policy, UCLA School of Law has failed in its duty to produce the best lawyers.

Favish mistakenly appraises the quality and academic potential of the student body by looking solely to the LSAT/GPA indices. LSAT scores and grade point averages may be correlated with one's GPA in the first year of law school. We believe, however, that one's worth cannot be reduced to a set of numbers.

The diversity admissions program is premised on the notion that there are many other predictors of success in law school and in the field of law, ranging from additional academic degrees to ability to overcome adversity. Consider a hypothetical (as we law students are

See FAVISH on page 15

See DIVERSE on page 12

False Expectations  
Of Law School

by Ian Noel, 3L

In my other life, before attending law school, I was an educator and so thought law school would teach me to be a lawyer. I expected to shoulder quite a bit of responsibility for my education but I expected to get assignments and texts that were designed for clear tutorial purposes and exams based on material I was taught. I also thought law school would arm me with a rudimentary understanding of the legal system. Furthermore, seeing that the bar is a horrendous exam, and its passage required before any lawyer can practice, I believed law school would prepare me for it. However, I never dreamed teachers would expect me to know the law before they had guided me into learning it. On the other hand, I did not expect law school to teach me to think. I expected to be placed in situations where I could think about issues for myself.

Sad to say, legal education has been rather disappointing and its present structure cannot be justified even on a rational basis test. In the first place, it is

See EXPECTATIONS on page 12

Misery Loves  
Company

A Look Back at Grades, Finals,  
and Law School Stress with  
Michael H. Levin, Esq.  
Harvard Law School, 1969.

by Bruce Barnett, 2L

The UCLA School of Law can look at the history of other great law schools in order to gain a perspective on the issue of grades and class ranks. In the March-April, 1995 *Harvard Magazine*, Michael H. Levin describes his experience with grades in "Fear and Loathing at Harvard Law School." In the spring of 1969 Mr. Levin interviewed 30 of his colleagues. Their experiences and responses may sound familiar to many UCLA students.

At the time Harvard was known as the birthplace of the Socratic method. According to Levin's classmate, Russ Russell, the iron inductive reasoning at Harvard was "the height of ungenerosity. Never give answers. Only ask questions. Let the class figure what it's supposed to learn."

Perhaps only a few UCLA profes-

See MISERY on page 14

## Editorial

## Alumni Forever

Once we graduate, our lives change. Two accomplishments accrue which no one can every take away. First each of us will always be a law school graduate. Some of us may not practice law. But the law degree gives each of its recipients the right to type "J.D." after his or her name.

All of us graduating from the UCLA School of Law are also alumni. This provides us with a great privilege. Throughout the country, UCLA is recognized as a premier institution, especially at the graduate levels. Years after graduation, when no one asks about class rank, the credit for graduating from one of the nation's finest law schools endures.

But we must not forget that responsibilities accompany this privilege. The UCLA School of Law can not count on the State of California to provide all of the necessary social and economic support great schools require. Generosity and good deeds from graduates of this law school will do more for the value of the UCLA degree than millions of dollars of state funds could accomplish.

Many of us face hardships and stresses today. That should not deter us from realizing a better tomorrow and future good fortune. We can't all take the top paying job at the world's greatest law firm. Not everyone wants that job. It is more important to enjoy the decades of practice in front of us. In that way, excepting tragedy, we will all have many reasons and opportunities to give time and money to the UCLA School of Law.

We are alumni for life.

Legal "Reform"  
& Spilled Coffee  
The Media Scandal

by Paul Ruiz, 3L

The proposed "Common Sense Legal Reform Act," part of the 10-point "Contract With America," is a doozy. Among other things, the Republicans in Congress want a "loser-pays" rule that will discourage good faith claimants of modest means from filing lawsuits against corporate defendants. Also, the "reforms" will limit punitive damages to three times the amount of compensatory damages.

Ostensibly, the "reforms" are designed to curtail the alleged flood of frivolous lawsuits. Quoth the *Contract*: "Isn't it time to clean up the court system? Frivolous lawsuits and outlandish damage rewards make a mockery of our civil justice system."

What "frivolous lawsuits" are the Republicans talking about? Rep. Michael Oxley (R-Ohio), Chairman of the House Energy and Commerce Committee, gives a clue: "Whenever the public reads about a woman who spills coffee in her lap and gets \$3 million, most people say that this doesn't make a whole lot of sense."

Rep. Oxley is referring to none other than the case of one Stella Liebeck. Ms. Liebeck is the grandmother from New Mexico who ordered hot coffee from a McDonald's drive-thru window. With her grandson driving and while the car was stationary in the parking lot, Ms. Liebeck opened the lid to her cup to add cream and sugar and inadvertently spilled hot coffee on her lap. The coffee — maintained by McDonald's at temperatures between 180°F-190°F (compared to 135°F-140°F for typical home brew) because customers supposedly "like it hot" — scalded Ms. Liebeck and caused severe third-degree burns on her groin, inner thighs and buttocks. She spent seven days in the hospital and was treated with skin grafts.

Initially, Ms. Liebeck only wanted reimbursement for her medical bills,

See McDONALD'S on page 13

## Letters to the Editor . . .

Dear Docket:

This note is in response to the "Vile Graffiti" article that appeared in the February *Docket*. Specifically, I am concerned about the editor's note that indicated "(s)ome graphic portions are deleted for reasons of decorum." What portions? Though you note that the edits were not intended to blunt the author's anger, I bet the changes did just that. And for what purpose? To be responsive to the delicate sensibilities of your readership? If it is not against paper policy, I would like to read the author's unedited version. This would allow me to verify that the edited-out portions were indeed too horrible to print.

I would guess that part of the purpose of such an article was to put in print, in respectable forum (*The Docket*), what already occurred in public. The graffiti already existed in public space, doing damage — we should bring it into super-public space so it can do some good. (People *should* be shocked, people *should* be exposed to the author's anger. This way, discussion is sparked and maybe people are educated in the process. Blunting the article by editing out unsavory portions does not help this process).

I would also be interested in knowing what process you went through to decide that the piece should be edited for the reason of "decorum," and how you decided which portions should be eliminated.

Thank you

The Docket replies:

Our goal this year was to improve the caliber of the paper. Many people think we have, some maybe not. One choice we made was not to run the kind of articles students often write that contain gratuitous and purposeless sexual or excretory language. Had this article been anything other than what it was in fact, we probably would not have run it.

However the article raised an issue we think the administration needs to

See GRAFFITI on page 13

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# Entertainment

## The Barrister's Bawl

by Steve Chahine, 2L

I knew I had made a wrong turn in Sunset Village on my way to the Barrister's Ball last Saturday night. It seemed as if my date and I had inadvertently stumbled upon a funeral procession. Everywhere the eye could see, men and women cloaked in black somberly marched through the underground parking garage towards the elevators. Out of respect I dared not ask them for directions as they visibly mourned a re-

of a wake, a Senior Citizen's Convention, and the ever elusive Barrister's Ball."

We once again caught sight of the mourners dressed in black, and to my amazement saw them enter the very room from which "I Did It My Way" was emanating. "Can I help you?", asked a woman by the door blissfully humming the opening montage of "New York, New York" which like an



Fearless Jimmy, with lead singer Don Thornburgh, 2L, rocks barristers into mid-semester ecstasy.

cent loss. Once inside the vestibule of the auditorium my ears were struck by the closing notes of an old Frank Sinatra tune. After a brief pause the sound of yet another old Frank Sinatra tune filled the air. "What a huge building this must be", I thought to myself, "to be the host

eerie premonition began moments later. "Well, I'm not over 65 nor have I lost a loved one in the recent past. But do you know where the lawyer's dance is?"

"You're here!" she said with a gap-

See BAWL on page 13

## La Bohème: The Perfect Opera?

(A Clip-and-Save Libretto of Act I for UCLAW Students)

by Kay Otani,

Conductor Bel Canto Opera, 2L

Opera is FUN! *La Bohème* is much like a Broadway Musical. It is a black comedy just like *Man of La Mancha*, *Fiddler on the Roof*, or *West Side Story*. There are jokes and funny situations throughout. Unfortunately, all the laugh lines are in Italian.

The best way to learn to love opera is through video tapes with subtitles. Once you know the story and dialog it really is like a musical. In fact, the operas of Puccini show the direct lineage, both musically and story-wise from opera to Broadway.

For those who want to be in on at least some of the jokes, I hope this clip and save libretto will be helpful. Remember, just like in Broadway, it's okay to laugh at the jokes. In fact the actors will love you for it. I will love you for it—I'll know you read my libretto.

### ACT I

(A freezing garret in Paris, shared by a poor painter, writer, philosopher and musician. It is Christmas Eve.)

The painter, Marcello, is trying to paint the Red Sea. The writer, Rodolfo, is looking out at the smoking chimneys of Paris and criticizing the garret's unlit stove for being lazy—besides, those silly forests, what do they do under the snow anyway? Marcello reveals a profound conviction: he is freezing cold—cold as his ex-girlfriend's heart, and hungry too. He comes up with an idea: burn the chair! No!—Rodolfo has a better idea! His play will warm them! Marcello: "Please don't read it!" Rodolfo: "No, we'll burn it!"

The philosopher Colline enters complaining that pawn shops should be open on Christmas Eve. He is amazed by the fire. "Quiet!" yells Rodolfo, "They're giving my play." Colline (approvingly): "I find it quite brilliant ... (the paper quickly burns down) ... but quite short." Rodolfo: "Brevity is a virtue." They burn the second act and then all the remaining acts at once—"Profound thought!" "Brilliant love scene!" Too soon the paper burns down ... "What a fragile drama! Down with the author!"

Rodolfo is saved by the entrance of Schaunard, the musician. He bears wood, food, wine, and a fat purse. In-

credulous, Marcello refuses to believe the coins are real until he sees the King's head on them. While the others set the table and fill the stove, Schaunard recites the tale. He was hired by an English Lord Someone or Other. On arriving at the house, he asked when to start the lessons. Instead, the Lord pointed to a parrot and said "Play till it dies." He played for three days, then got a maid to bring him some parsley. He fed it to the parrot and, like Socrates, it died.

"Who died?"—Schaunard realizes that no one has listened to his story, they have been too busy setting the table and are about to eat all the food. "No! That is for the dark days ahead! The Latin Quarter is filled with savories ... and happy young women on Christmas Eve! Remember Religion: we drink at home ... but we eat out!"

This happy moment is interrupted by a knock. "Who is it?" "The Landlord!" Everyone hides: "No one is home!" "We're closed!" The landlord, Benoit, finally gains entrance by promising to say only one word. He says it as he comes in: "RENT!" Seeing that hiding is useless, everyone comes out and begins feeding him wine. Benoit shows them that their promissory note is now due. Marcello takes it and looks

See LIBRETTO on page 14



KAY OTANI, CONDUCTOR, UCLAW 2L  
DONNA SMITH, UCLAW 2L  
JENN SWENSON, UCLAW CLASS '89  
JERRY BREGMAN, UCLAW CLASS '90  
GUALTIERO NEGRINI, MUSIC CENTER "PHANTOM"  
MARY LOU BASARABA, TOSCA 1994  
MICHAEL LYON, TOSCA 1994  
BILL DI DONATO, ARTISTIC DIRECTOR

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# Diary of a Mad 1L Second Semester Slump

by T. E. Adler

This is the story of another law student, a friend of mine from last semester. Let's call her Dot (short for Dorothy, we'll say).

Dot came to law school full of enthusiasm. She plunged into the workload, even relished it. She spent hours struggling through cases, distilling the dense verbiage of Holmes, Hand, and Cardozo down to elegant one page briefs neatly laser printed and brought to class every day to fortify her against any socratic assault the professor might wage. There were fervent discussions with her study group debating the finer points of *quasi in rem* jurisdiction and vicarious liability, interspersed with speculation about the potential AmJurs in the class, the professors' social habits, and the private life of that weird guy in the third row who analogized every legal issue to some part of the human anatomy.

Dot's bedroom spilled over with study aids, the tide of them threatening to submerge every inch of floor space. She bought outlines, casenotes, cassette tapes, hornbooks, and a special virtual reality visor which was designed to flash black letter law against your eyelids as you slept thereby imprinting all the answers into your subconscious mind. Of course, she never actually referred to any of these expensive placebos, but she did feel a lot better prepared simply having them clustered around her as she studied. Dot even toyed with the idea of attending a clinic which specialized in transfusing patients with the blood of straight "A" law students from top 10 schools, but instead settled for a date with the editor-in-chief of the Law Re-

view, which was nearly as much fun.

Eventually, the preparation culminated in a frenzied two weeks of intellectual bulimia: bingeing on cases, class notes, and black letter law, then purging into three or four bluebooks, flushing a semester's worth of legal knowledge into the hidden plumbing of the law school grading system, never to see or think about any of it again.

And what did Dot get for her months of cheerful subjugation to the demanding regimen of the 1L? One of those GPAs that improves by two whole grades if you turn it upside down.

Dot floundered through the first couple of weeks of the second semester. She halfheartedly worked on a resume, not knowing whom to send it to. She told herself that she would try even harder and would bring her grades up. She walked through the halls staring at the floor, avoiding all eye contact for fear that when she looked up the other students would be staring at her forehead, somehow seeing her grade point average branded there like the mark of Cain, all of them silently weighing her value as a human being by it and finding her seriously wanting. One day in the third week, the contracts professor called her name in class and there was no answer. She had dropped out.

I was sorry to see Dot go. She was pleasant, friendly, easy to talk to. I hadn't gotten to know her very well and now I'd never get the chance. But deep inside, in the secret confines of my increasingly lawyerlike heart, her failure

See MAD 1L on page 14

# Table Manners

If "as charming as Johnnie Cochrane" does not find space on your resume or cover letters, you might consider adding a couple of the following to your "what to say when the conversation dies" file:

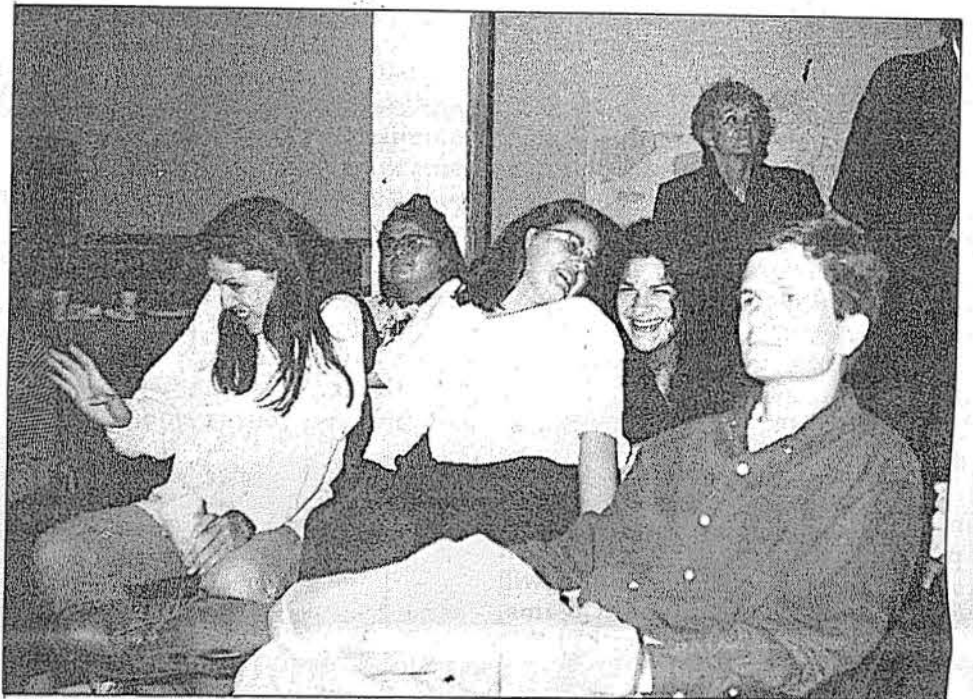
What's the difference between a lawyer and a catfish?  
One is an ugly, scum sucking bottom-feeder and the other is a fish.

What's the difference between God and a lawyer?  
God doesn't think she's a lawyer.

What's the difference between a lawyer and a leech?  
A leech quits sucking your blood after you die.

What's the only disadvantage to using lawyers instead of rats in laboratory experiments?  
It's harder to extrapolate the test results to human beings.

Why should lawyers be buried 100 feet deep?  
Because deep down, they're really good people.



PILF Auction. Is this fun or what? [By the way, has anybody ever mentioned a faint resemblance to David Letterman? Just kidding.]

## BOOK REVIEW

# The O.J. Simpson Trial is NOT The Murder Trial of the Century

Book Review by Bruce Barnett  
**COMPULSION** by Meyer Levin

Seventy years ago two brilliant University of Chicago students named Richard Loeb and Nathan Leopold Jr. kidnapped and murdered 13 year old Bobby Frank. They planned the "perfect crime" to demonstrate their superiority, and chose their victim at random from amongst the neighborhood's children.

The lurid details of the crime shocked the nation. After Loeb lured Frank into the front seat of their car, Leopold cracked Frank's skull with a chisel, then dragged him into the back seat where the two college students repeatedly beat Frank until they were sure he was dead. They then drove to an isolated marsh, stripped Frank naked, and dropped the body into a ditch. Before leaving, they attempted to disfigure his face and genitals with hydrochloric acid. For days after the murder, Leopold and Loeb delivered ransom demands to Frank's family, relishing the excitement of their criminal act.

However, their glee was short-lived. Leopold's eyeglasses had fallen in the field near Frank's body. The police traced the glasses to Leopold and arrested him and his accomplice eight days later. A few days into their interrogation, they confessed. Clarence Darrow, hired by the defense, had the defendants enter guilty pleas, and devoted his energies to a bench trial regard-

ing the penalty. He implored the judge to withhold the death penalty. Darrow presented one of the earliest and most sophisticated depictions of mental illness and diminished capacity ever heard in our courts.

The trial and Clarence Darrow's defense preoccupied the press as no other murder trial in history, despite the technological constraints of the time. The police had no helicopters. The district attorney had no DNA testing. There was no television. Even so, the world was watching.

Meyer Levin developed a special interest in this case. He was attending the University of Chicago at the same time as the murderers. First as a Chicago journalist, and later, in his documentary novel *Compulsion*, Mr. Levin struggled to reconcile the perpetrators' intelligence and refined upbringing with the horror of their crime.

Levin's novel vividly reconstructs the background to this heinous crime. Both of the accused had planned on becoming lawyers. Leopold had already been admitted to Harvard Law School. Loeb, age 18, reportedly had a 175 IQ and was the youngest student to graduate from the University of Michigan. Like their victim, both defendants came

See COMPULSION on page 16

## FILM REVIEW

# JUST CAUSE

by Donna Davis

Imagine you are a black inmate on death row in Florida for the sexual assault and murder of a young white girl. The electric chair is so close that you can feel it. Your only hope is to get a UCLA law professor who opposes the

years, and let Sean Connery play the professor. Reality is replaced by suspended disbelief.

"Professor" Connery is joined by cast members, Kate Capshaw as his wife and former Florida prosecuting attorney, Laurence Fishburn, as the lawman who beats confessions out of criminals, and death row inmates, Blair Underwood and Ed Harris.

Connery agrees to take on Underwood's case and battle the small town mentality that allowed justice to be railroaded. The forced confession, the conflicts of interest, the incomplete au-



Sean Connery

death penalty and hasn't been in court for ten years to file your last appeal. Your last hope rides on that professors ability to uncover the truth. Would you:

- Rejoice because everyone knows the law they teach is the way the "law" aka justice, is practiced; or
- Pray for death.

This scenario may seem too unrealistic. Better make that a distinguished Harvard Professor who hasn't practiced law inside a courthouse for 25



Kate Capshaw

topsy, and the missing murder weapon, all cast a doubt on the meaning of justice. But all is not as it seems.

See JUST on page 10



# Sports

## The Silence in the Field of Dreams

by Donna Davis, Sports Editor

This column would have had an in depth, cutting edge interview with a major player involved in the baseball strike, but my interview requests were denied. Yet, this refusal to shed light on the strike says more about the strike than the sound bites from the negotiation panels are willing to admit. The truth comes to light through their silence.

### Silent Compliance

The factual proposition is that the 28 teams are in the baseball business to make money. They cannot make money unless baseball games are played. The figures reported from the current strike are staggering. The owners have lost an estimated \$300-\$500 million in revenue. The players have lost an estimated \$200 million in salaries. Since the August strike began eight months ago, a lot of teams have been seeing the "Cincinnati reds" as their losses mount.

Spring Training is considered a joke. However, the 28 teams are fielding players who will represent them come April, the start of the season. Although the quality of the product will be in dispute, all of the teams will be in the same boat.

There will be a replacement winner and a replacement loser. The newspapers will report the replacement standings. The replacement fans will cheer for their replacement teams. Sooner or later that "\*" (asterisk) that

denotes "replacement season statistics" will fall by the wayside just as Roger Maris' asterisk for most home runs in a season. The 1994 World Series asterisk will be like the one that denoted games were not played because of World War II. The replacement season will turn into a trivia question. It will soon fade away.

Except for the team that wins the replacement World Series. Their championship rings will be real. The show will go on, and a new champion will be crowned.

### What's a Little Animosity Among Friends?

Baltimore Orioles owner, Peter Angelos is the outspoken owner against Commissioner Bud Selig. Angelos wants to refuse to field a replacement team. He wants to keep Cal Ripkins' consecutive game streak alive. He wants the strike to end, and the real baseball season to begin.

However, when the Commissioner is talking about putting a Virginia franchise in Camden Yards' backyard, and your revenue base is

decimated by that new team, how outspoken can you remain? When the other owners can vote to strip you of your franchise, it's real hard to voice your displeasure about the system when you no longer have a team.

### For The Love Of Money

The players want their fair share of the millions that they generate from television, the ticket gates, and pay per view. It's the American way. Their piece of the pie. It's the way a capitalistic society works.

Of course given a chance, every player wants to play in a market that will reward him most handsomely. If Pittsburgh cannot cut the mustard, then its off to Los Angeles, he goes. The capi-

talistic society does not make adjustments for a small market, big market price controls. The small market teams still have to pay the big salaries for the big talent needed to fill the stadiums.

The money flows freely because the unions continually fight to keep it that way. The owners are accused of trying to "break the union." The union that won right to arbitration. The union that helped make professional baseball professional.

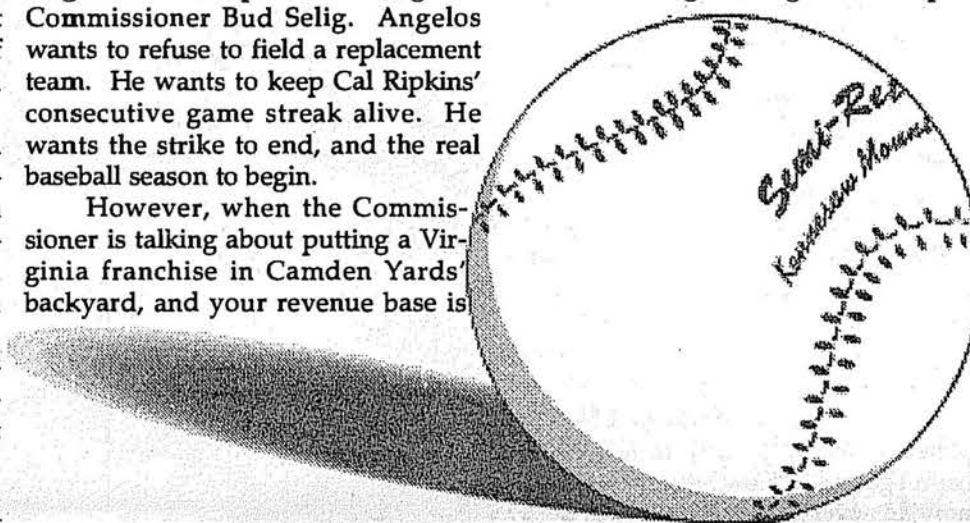
Then, there is a crack in the armor. A lone player breaks the ranks and talks to the media calling for other superstars to join him at the ballpark. Later he realizes that he made a mistake, he didn't really mean to imply that he would cross a picket line. He must have misspoken. His voice is silenced as his "union" friends push him back into line. In this tough business, nobody talks out of turn.

Yet when the empty checking accounts, start cry to be feed, they could speak louder than any union solidarity. An empty wallet could cause some stars to steal into camp where the money is.

### The Scarlet Letters: S-C-A-B-S

The rotisserie league comes to life. Fantasy baseball camp for wannabe professionals. Take a chance, and we'll welcome you to the big show. However, their may be a small side effect for this

See DREAMS on page 12



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Course Lecturer

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Mr. Fleming has taught as an Assistant Professor of the adjunct faculty at Western State University in Fullerton and is currently a Professor at the University of West Los Angeles School of Law where he has taught for the past eleven years. He maintains a private practice in Orange County, California.

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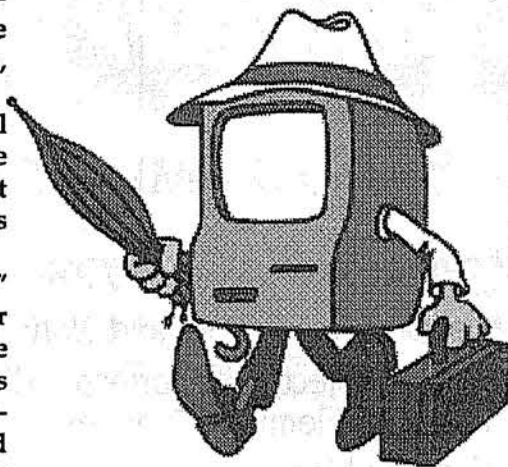
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JUST from page 7

A few new movie twists all lead to the same old movie question: would you oppose the death penalty as vehemently when your family's life is on the line? or will you become the judge, jury, and executioner?

The muddled fact pattern will bother the budding legal scholars. The ease at which the criminals outsmart and out maneuver the legal eagles fails to hold water with even One-L's.

Trying to balance a "just cause" for homicide with a "just cause" for seeing this movie, is more than this sole juror can handle. The only time this thriller should thrill you is on your television screen. It is definitely a good rental, or matinee bargain, but the scales of justice won't balance when you pay seven dollars to see this.



INTERNATIONAL from page 1

Consul for Economic Affairs, shared a panel discussing opportunities for joint projects as a result of the recent peace treaty. Stoch and Rifai acknowledged both feelings of awkwardness and excitement as a result of sitting with their counterpart for the first time to work together to improve the Middle East economic landscape.

Rather than focusing on the past and debating about whose historical characterizations are correct, participants in the symposium focused on the future. Economics and business clearly provide a framework in which Israelis and Arabs share mutual goals. According to James Zogby, Director of the Arab-American Institute, and Co-Chair of Builders for Peace, a task force initiated by Vice-President Gore to promote private investment in the West Bank and Gaza, "It doesn't matter whose history you recite. What matters is that we're all stuck in the mud together."

Despite these mutual goals, Zogby and his Israeli counterparts strongly disagreed about many issues, particularly those surrounding the unemployment situation in Gaza and the West Bank. The disagreement amongst the panelists in the symposium underscored the interdependence of nations in the Middle East and the need to work together to find solutions to pressing economic problems.

The conference concluded with a panel focusing on doing business in the Middle East. Moderated by Professor Phillip Trimble, the panel included lawyers, businesspeople, investors and bankers. This panel epitomized the di-

verse viewpoints that existed amongst the speakers throughout the day. William Hanna, President of Bank Audi, talked about the possibilities for economic growth in Lebanon. Arthur Stern, former President of Magnavox, and investor Richard Gunther talked about their successful experiences doing business with Israel. On the other hand, Dr. Sabri El Farra, a Palestinian businessman, emphasized many of the problems and obstacles that he continues to face in his business projects in Gaza. Finally, international lawyers David Gardner and David Habib addressed many of the legal issues central to doing business in the Middle East.

The symposium was strongly influenced by the Casablanca Economic Summit, which took place in November, 1994. The Casablanca Summit marked the first time that Arab and Israeli leaders, as well as leaders of multinational businesses, met to work together on developing an economic blueprint for the future. Members of the International Law Society believed that the time was ripe to translate the energy that emerged from Casablanca to the Arab and Jewish communities in the United States. According to Mona Metwalli, conference co-chair, "economics is the common denominator for a peaceful Middle East in the future."

Student organizers hope that the symposium will serve as a springboard for future dialog among Jewish and Arab businesspeople. According to panelist David Gardner, "The very fact that this conference has taken place is a step toward foundation building."

LIBE from page 2

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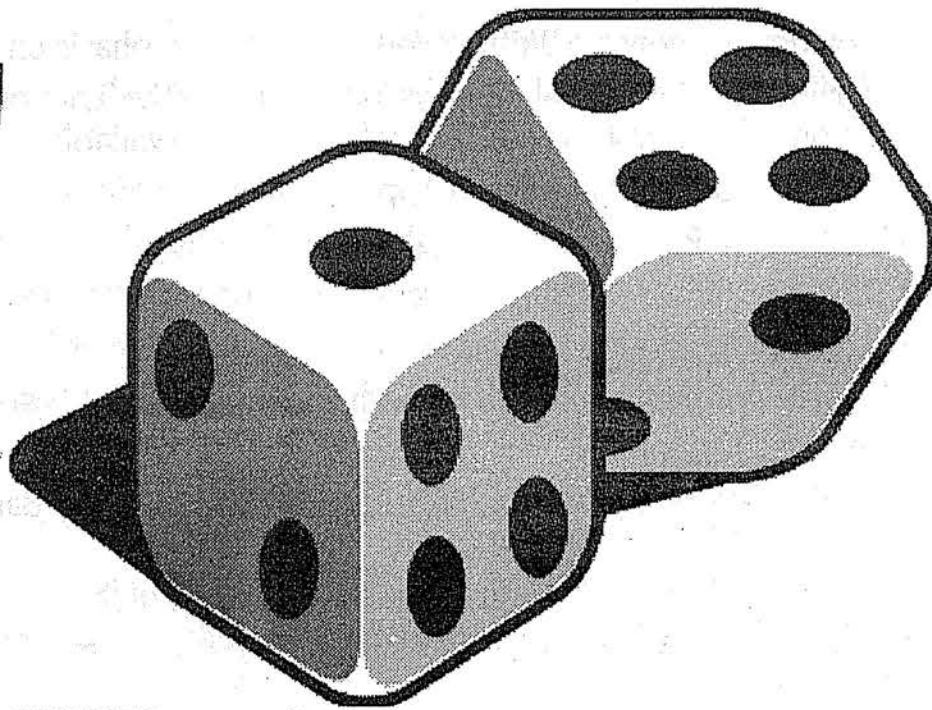
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CHANGE from page 4

Fail. Only 21.7% use number grades on a 100-point scale. The trend, according to Kaufman, is away from the numerical system. In the past five years, 44 of the 120 schools surveyed made changes in their grading systems. Eighteen made changes in grading designations. The rest altered their curves. Of the eighteen, ALL OF THEM shifted from a numerical system to a letter-based system.

Kaufman does not explain the reasons behind the trend. We would like to offer thoughts on the matter.

Remember the NALP form that required an 85.679 to interview. Maybe it was a joke. One interviewer cynically suggested otherwise. Does that number have any meaning? In fact it seems to. That student is not allowed, as we said, to put on her resume 85.68, 85.7, or 86. The sanctions are stiff. Why? Because it is unfair to the students who have an 85.68, 85.7, or 86 GPA.

Employers do not know our ranking. But when they make those quick late night decisions, a GPA of (to be more applicable) 81.679 falls below an 81.68 and an 81.7 just as 125 falls behind 124 and 123. Putative ranking.

GPA is only one side of the story. All numerical systems generate extended digits, however meaningless. Class grades offer yet another. In the first grades editorial we ran, we quoted Professor Richard Abel's cover sheet to his model answer for Torts. [To be fair to ourselves, *The Docket* wrote Professor Abel and asked if we could use the quote. He never answered.] We have cited parts of that same quote in almost every issue this year. The quote runs as follows: "I can see differences in a few top papers and a few that contain real problems, but most students simply demonstrate that they will become competent lawyers. The integer differences are utterly meaningless."

Professor Abel speaks honestly. Of course, employers seem to find a lot of meaning in the difference between an 82 and a 78 but that may be beside the point. Several faculty members have openly admitted to students that apart from excellent exams, which obviously there are, and poor exams, which there are also, the grades that surround the median are a crap shot. According to these professors, those grades have as much to do qualitative distinctions as with whether or not the sun is shining. As much as we appreciate their honesty, and we do, they are telling us that what we fear is true, the system is dishonest.

How can this change? The best of all worlds says adopt the UCLA Medical School approach. You [the student] would not be here if you were not bright. Don't worry about petty distinctions and get on with the job of learning. We [the faculty] will find ways to support (or remove) those who are struggling and award those who excel.

We would not ask so much. At least not now. All we want is for the faculty to admit what several of its members already admit, that in grading their exams, the extremes are noticeable and attempts to spread out the middle are wanting of honest distinction. It would not hurt UCLA's standing to adopt a letter-based system, as have the majority of other top notch law schools. [See the chart.] It is our turn. It makes too much sense. Get rid of the numbers. What you replace them with is up to you. But save us, please, from this wretched alchemy.



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