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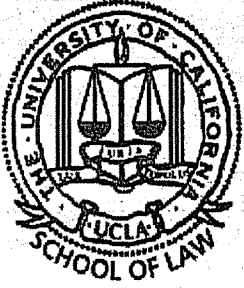
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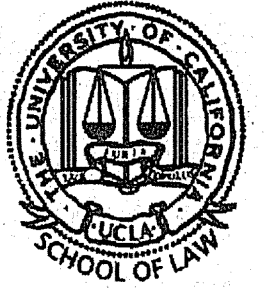
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THE DOCKET

UCLA SCHOOL OF LAW



VOLUME 51, NUMBER 4

405 HILGARD AVENUE, LOS ANGELES, CA 90095

FEBRUARY 2003

“Fogey Barcicle” Wins Toni Award!*

Kate Bushman

2L

DISCLAIMER: You are about to embark on an artistic voyage, my review and interpretation of this year’s UCLAW musical production, “Fogey Barcicle.” Therefore, keep an open mind, since the substance of this article may or may not be true; for truth is in the eye of the beholder, and art imitates life, and *The Docket* doesn’t want to be responsible for any offensive bullshit I may (or may not) have made up.

On January 2, after a grueling three weeks of rehearsals, UCLAW debuted its sold out performance of “Fogey Barcicle.” Written and directed by Professor Ken Graham, the original musical featured songs based on the music of Hoagy Carmichael and a spectacular collaboration between faculty and students for an all-star cast. The story chronicles the trials and tribulations of a UCLA Professor frozen for 50 years, suddenly reduced to a relic in the midst of a world that has passed him by and a seemingly incoherent legal framework. Thus, Graham’s masterful piece manages to hit home with both students and professors with his tale, while simultaneously spiking the number of mid-life crises in the UCLA faculty. The tale twists and

turns as *Docket* Reporters, an FBI Agent, and a night law school attendee alike race desperately to find who pushed Fogey in the freezer. This dramatic whodunnit keeps you guessing as a conspiracy unravels that reaches the lacy pink panties of the very top men in the country.

Perhaps one of the most dramatic and expressive portions of any magnum opus is the choreography. The use of body movement as a channel to the very soul of both performer and songwriter can subtly inform the audience of the deeper meaning of the song, the story, and, indeed, life itself. Graham’s “Fogey” is no exception. The choreography showed the magnanimous influence of Franz Kafka, P. Diddy, a few margaritas, and the quintessential law school accessory: the rolly bag.

The bold cast of faculty and students showed no fear whilst bringing Musical Mad Scientist Graham’s brainchild to life. Scott Dewey, 3L, tackled the title character of Professor Barcicle with a passion seldom seen outside 2-for-1 shooters at bar review, and a few tweed jackets borrowed from Professor Gardbaum. Dewey’s epic portrayal of the rise and thaw of a UCLA legend is

rivalled only by Oscar winning performances such as Charlton Heston in “Planet of the Apes,” Anthony Hopkins in “Silence of the Lambs,” and Barbara Streisand in “Funny Girl.”

Anna Chinowth, 1L, masterfully executes the role of Alice Erda with a voice with unrivaled sweetness and a hesitant, yet tender affection for the popsicle Prof. The sexual frustration and ambiguity played out between Dewey and Chinowth is so dead on, it is as if they looked into the very soul of the corporeally depraved at UCLAW. Or they read *The Docket*; same difference.

Dean Cheadle, Ken Klee, Ken Graham, Grant Nelson, and Dean Prager made up the faculty’s crack team of theater mercenaries, sent in to the heart of the musical m  le to get in, sing their number, and get out, sparing the prides of countless UCLAW faculty and staff, and the ears of innocent audience members. Given that cries of “Encore!” and “Bravissima!” and “Nelson, You Rock!” have echoed through the faculty center since their astounding performance, I must confirm that in one swift move the faculty has finally recovered from the beat down they received in the PILF Trivia Challenge.

Michelle Ilczyszyn and Jared Gordon, UCLAW’s own Woodward and Bernstein, tackle the roles of *Docket* reporters with just the right blend of dashing good looks, keen journalistic instincts, and single malt scotch. This daring duo held the audience in such unqualified suspense, at times it almost seemed as if they didn’t know their next line. You can’t teach that, people; it’s a gift.

Rounding out the journalistic hat-trick is Willow Mc Jilton, who captured the enigmatic wit, drive, and beauty wrapped up in the feisty role of Editor-in-Chief of *The Docket*. When asked how she mastered this role with such ease, a Mc Jilton spokesperson responded, “Willow felt like she had been training for this role her whole life... well, at least for the last year.”

Newcomer Pallavi Dhawan and returning favorite Kimber Rudo play meddling professors doing what any law school faculty member does in the presence of intellectual innovation and change: they CRUSH it! Squash it down! They certainly DO NOT GIVE IT TENURE! They send it to Pepperdine!!!!

SEE MUSICAL, PAGE 8

WHAT’S INSIDE

Graham Responds	2
Apology	2
Fee Hike	2
Favorite Cases	3
Jack and the Beanstalk	3
A Short Story	3
PILF Run	4
Screwing Students	4
Adventures in Bar Review	4
The Right Perspective	5
Comics	5, 8, 10, 11, 13, 15
UCLAW Bathrooms	6
Bar Trip Ideas	
Greece	6
Surfing	7
St. Petersburg	7
International Criminal Law	6
You Aren’t That Pathetic	8
Fun with the Law	14
Entertainment Review	16

On The Columbia Disaster

Sapna Kanoor

2L

I bow my head again today, sullen and shocked. It’s happened again.

I remember that cold January day when I was a third grader in the middle of an enrichment lesson and another teacher burst into our classroom to tell us that the space shuttle had exploded. I felt so sad, but I didn’t know what to make of any of it. It was too hard as an 8-year-old to imagine what all of it meant. The president himself, the most powerful man in America, was there on TV reduced to tears, and to me it felt like the whole of the nation cried with him. It was the first time in my life that I knew what it was like to be one of many united in grief. Years later, it would bring a strange sense of comfort and kinship to ask someone that somber question: “Where were you when the Challenger exploded?”

And here we are again. We’re riveted to our TV sets again. We’re hanging on the every word of news anchors again. We breathlessly await the next news conference - again.

Most of us never knew any of the seven people who perished in that darkness above the blue of the sky. They may have passed you on the street once. Maybe you even said “hi” to them, or nodded. They were ordinary people, but

at the same time, they were nothing but extraordinary. And that’s why, though I knew none of them, I could not stop the tears from coming as I learned more about who they were and how amazing they were. It seems clich   to say it, but they were among the very best the world has to offer, and their sacrifice is an example to all of us.

We’ve been mired in the post-September 11 no man’s land for quite some time now. The dust has settled, we’ve bent down to pick up the broken pieces and we feel like we may be trying to put them back together again. We’re being lulled into complacency again, beating the drums of war, haranguing about stocks and taxes, glued to reality television when, in times like these, pure reality could never stare us harder in the face.

Before this, there probably weren’t that many of us who even knew that the Columbia was on a mission. Probably none of us would have cared that much. But those seven people, and the many others who worked alongside them, were dark horses slaying away at a dream that was so much grander than oil or weapons, business or politics, Democrats or Republicans, Israel or Palestine. They worked in the service of *mankind’s progress*.

Did they have to die for us to see that?

EDITORIAL

Usually *The Docket* staff has a major thorn in their collective asses that they just must express in the form of a scathing editorial. But where to begin in this issue? The outrageous fee hike that comes on the heels of the criminally increased "technology fee?" (By the way, only half the internet ports around the school are in working order and a bunch of the lights in that frigidaire of a library are burnt out . . . still . . . for like 2 YEARS!) But alas, Kate Bushman's commentary on the new fee hike said it all, and so succinctly too!

How about graduation? First, it is absolutely wonderful to graduate UNEMPLOYED. Trying to convince ourselves that waitressing IS a noble profession. And that the evil Salle Mae agents won't really hunt us down if we change our name and move to a small Mexican villa. Trying to believe the civilians (non-law people) when they tell us not to worry, that jobs fall off the fucking job tree and roll to you. Second, the prospect of sitting through the dulllest ceremony possible in 100 degree heat, wearing black and dark purple velvet. At least while we melt we can watch the faculty lounging in the shade; that should be of some comfort.

Commentary can always be made on the issue of Affirmative Action. However, the only thing we feel strongly about is that in history of anyone's memory, there has not been a single midget at UCLAW. What does the administration have against the little man (or woman)! They have little feelings too! Just watch Jerry Springer!

Or we could explore the wise advice dispensed in law skills that women should wear skirts in court. Bite Me.

In the words of the infamous Cartman "Screw you guys, I'm goin' home."

Experts and Evidence

Ken Graham
Professor

If you have taken evidence, you know that when an expert testifies in court, the first thing cross-examining counsel will wish to know is "who paid for your opinion?" The law follows the old Slavic proverb "whose bread I eat, his song I sing."

Alas, when experts appear in the newspapers, we seldom get that important information. Thus, unless *Docket* readers also read the *Los Angeles Times*, they would not know that Professor Sander's recent opinion that raising the minimum wage would be bad for workers was paid for by the wealthy businessmen opposed to Measure JJ on the Santa Monica ballot.

I do not question Professor Sander's right to engage in advocacy—I myself have represented clients at least as scummy (if somewhat less powerful) than his. But since most reputable law reviews require writers to disclose such conflicts of interest, I was somewhat surprised that he chose not to share his with *Docket* readers.

I suspect some of his ideological cohorts share my concerns. How will they ever maintain the myth of "value-neutral social science" if they don't sharply distinguish between paid advocacy and merely tendentious scholarship?

Applying your evidence training will raise even more questions. For example, Professor Sander's claim that a minimum wage of \$12.25/hour is "high" is what lawyers call an "opinion." So we ask "high" compared to what? The pay of Enron executives? Day care workers? Social science researchers?

When Professor Sander opines that most of the expected beneficiaries of JJ are secondary earners we don't need cross-examination to know he means "women." But we would need to ask if he thinks "secondary earners" in the legal profession also deserve lower pay.

Professor Sander's article is filled with what social scientists like to call "data"—for example, that "hotel maids currently average \$9.75/hour and most

receive benefits" What they call "data," lawyers call "hearsay." If you speculate about who might have told Professor Sander what maids are paid, you may find the article less convincing.

Since Professor Sander is an "expert," the law allows him to base his opinions on hearsay—even questionable hearsay. As a one-time restaurant bus boy, I wondered whether the waiter making the minimum wage and getting \$12/hour in tips was just a hypothetical example or whether his "data" support this "middle class" waiter.

I also have hearsay to share with you. My daughter worked for several years as a maid for one of Professor Sander's clients. Her opinions of the lives of "secondary earners" is much less rosy than the one he paints. I spare you the litany of abusive spouses and boyfriends, sick children, and sexual harassment by supervisors.

Instead, I give you a hypothetical composite of one of the more "successful maids." She, her husband, and their two children get up every morning at 2:00 AM to deliver the *Los Angeles Times*. Then the kids are off to school, her husband seeks work as a day laborer, and she cleans rooms as fast as she can so she can be home in time to meet the kids when they come home from school.

If she is lucky, when the kids fall asleep in school, she gets called in (during her working hours, of course) for a "conference" rather than having social service investigators descend on the family. When the kids don't do well on the SAT, pundits will attribute this to their ethnicity, the parents' lack of education, their teachers, or their genes—not the minimum wage.

I am sufficiently removed from my immigrant, working class upbringing to be as bemused as I am outraged by the efforts of wealthy lawyers to convince themselves that if the poor got more money, they would waste it on beer and lottery tickets rather than investing in fine wine and Enron stock. I submit the latest reincarnation of the social science theory that slavery was good for the slaves is a poor basis for making public policy.

Apology

Lieb Lerner,
3L

Last issue, I wrote a book review about *Closed Chambers* by Eddie Lazarus. I had originally written the review to fulfill an essay assignment during the beginning weeks of my fall externship. We were assigned to read class excerpts of *Closed Chambers* and various critiques, write a short essay, and be prepared to discuss the issue of clerk confidentiality in class. I had met Eddie Lazarus, and read his book before law school, so I wrote him for his comments. He responded, and I asked permission at that time to share his comments with the externship class, which he graciously granted. I then wrote my externship essay and that was it.

Towards the end of the externship, I thought that my essay would appeal to the broader law school. I reworked my essay into the article that was printed in *The Docket*. I did not inform Mr. Lazarus of my intention to reprint his email in *The Docket*. I have since spoken with him and personally apologized. I would also like to apologize on these pages, where the mistake occurred.

Fee Hike

Kate Bushman
2L

I would like to thank Dean Jonathan Varat for his thoughtful letter in early January informing us of the \$585 mid-semester fee increase. I would also like to say thank you for his kind words, offering the administration's help, should there be anything they can do to help in this time of need.

I, like many other law students, was at a loss at how to come up with this money. However, due to some inspiration from the BruinWalk, I have decided that I will man a daily kissing booth in the courtyard in order to raise the additional funds. I encourage the administration to follow up on their offer of assistance.

Pricing is as follows:
Kiss on the Cheek \$5
Kiss on the Lips \$20
Lengthy Kiss \$5 per second

ADMINISTRATION ONLY SPECIAL:
Kiss My Ass
One-time payment of \$585

THE DOCKET

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My Favorite Cases

Elena Gerli
Columnist

Part 1: Mad Boars, Satanic Litigation and Bicycle-Riding Axes.

Hard to believe though it may be, three years of law school really zoom by. The time is mostly a blur, punctuated by heavy books and often disappointing grades. Don't get me wrong, I really look forward to being a lawyer – I'm just not an enormous fan of the academic excruciation required to become one. However, now that I'm a 3L I can guiltlessly indulge in frivolity – come BarBri, frivolity will be a thing of the past. Part of my 3L fun consists in finding Whacky Cases and Articles. Some are not so much whacky, as just plain funny.

So, for those of you who share my love of the absurd, the ghoulish, and the sarcastic, here is a rundown of My Favorite Cases. The Moral of each story is mine (unless so stated).

I will start, as the song goes, at the very beginning, a very good place to start. I think almost everyone has read this case, but it's good enough to repeat. I'm talking about *The Queen v. Dudley and Stephens*, (1884-85) L.R. 14 Q.B.D. 273. Dudley, Stephens, Brooks and a young cabin boy were lost at sea for 18 days, the last seven of which without food, and the last five without water. The cabin boy was weakened because he had drunk some sea water, which had precipitated his thirst (ice cream does the

same thing, by the way).

Believing they had little hope of imminent rescue, Dudley and Stephens made an executive decision: to eat the weak one. Brooks initially objected to killing the boy, but all three men eventually drank the boy's blood and ate his flesh. Four days later, Brooks, Dudley and Stephens were rescued. The jury determined that the boy probably would have died in those four days, and one or more of the other men likely also would have died, had they not cannibalized the boy. Dudley and Stephens were sentenced to death – off with their heads! – although the Crown later commuted their sentence to six months' imprisonment.

The Moral of this lovely story, and the holding in the case, is that eating someone to save your own life is not self-defense. Apparently, "temptation" caused by "sufferings which might break down the bodily power of the strongest man, and try the conscience of the best," is not an excuse for murder. Who knew?

My next pearl happens to be my favorite also. I call this one the Mad Boar Case. *Marshall v. Ranne*, 493 S.W.2d 533 (Tex. Civ. App. 1973) In this case, the plaintiff was attacked by his neighbor's mad boar, which had escaped from the defendant's hog farm. The plaintiff testified that the boar had already charged

SEE CASES, PAGE 10

A Shepherd in Winter A Short Story

Kraig Odabashian
3L

Silence. Then suddenly the phone shrieked with an alarming ring. As if spurned by some supernatural force, I picked up the receiver. The voice on the other side came through like a gust of cold air. First my hand, then my arm, and finally this novel sensation of horror filled my entire body.

It had started as any other day. I got up early and stirred about the rectory for nearly an hour before I went off to attend my chores. I forgot my gloves, and having no time to retrieve them, I blew fiercely on my hands to try and restore them to vitality. Desperate to combat the numbness, I pinched the skin on the back of my hands. The pinkish flesh remained out of place for seconds. Sigh... I could remember when it would have snapped back to its place directly. How I have aged, I thought. But there was little time to lament for my fragile body now. I had business to attend. The usual stops – at the diner I was greeted by the friendly New England faces that I've grown accustomed to in my old age. They are always glad to see me, and I confess I am comforted by this and allow myself this one small pleasure of fellowship in life.

"Good morning reverend," they said one by one.

And I smiled back, inquiring to their affairs. Peter McCleskey's daughter was still very upset about the recent death of her cat, and I promised to stop by and perform a burial ritual. Granted this was probably blasphemous by someone else's standards, but these little things never bothered me very much. Indeed I never cared much for rules at all, nor for

ultimatums or for judgments. And besides, would God really deny a place in his realm for such a noble animal, a beast so crafty and subtle as the feline.

Coffee black – the usual – the bitter taste that is so pleasant, just as the warmth that grows out of your belly and reconquers a body grown weak from the outdoors. This had been my morning ritual all my life, and dare I say more rewarding in some ways than the very blood of Christ. From the navy, to my studies at Columbia, to my seminary in Quebec, to my ministry in Brooklyn, to this little piece of heaven I now call home, I have always marveled at how simple a thing can be so delicious.

There had been an argument down at the mill; no one seemed certain exactly what all this was over, but from past experience I knew it must involve Skip Holland – it always did – so I agreed to stop by later and see if I couldn't reconcile things a bit, perhaps instill the fear of the Lord if necessary. I've known plenty of Skip Hollands in my life, and one more wasn't going to change anything.

When I was a young man I left college with a degree in Accounting. There had been a heated debate when I decided to join the Navy instead of going to work at father's bank in New York, and he cursed at me and swore that I would regret it. The war was over, he implored me, there was no need for me to go running off on some fantastic voyage. But the thought of being off somewhere on the magnificent green sea seemed better to me than the suffocation of the bank,

SEE SHEPHERD, PAGE 11

Jack and the Beanstalk and the Law of Contracts

Mike Lee
Columnist

J. ANDERSEN, H.C., delivered the opinion of the Court:

We've all heard that something of little or no worth "doesn't amount to a hill of beans." The question before the Court today is whether a handful of beans constitute valid consideration. Plaintiff, a free trader, sued defendant to rescind an oral agreement to trade defendant's cow for a handful of beans, which plaintiff, at the time of the transaction, claimed were magical. Plaintiff argues that the original transaction was just a joke, and should be considered void. In the alternative, plaintiff sues for a percentage of defendant's profits resulting from the transaction on a theory of unjust enrichment.

Statement of Facts: Once upon a time, defendant resided with his widowed mother on their family farm. A recent blight destroyed their crops, and their assets were reduced to the land, their farmhouse, and an elderly, decrepit cow. Lacking both money and food, out of desperation, defendant's mother ordered him to take the cow to town and sell her for the best possible price.

On the way to town, defendant met plaintiff, a self-described "free trader," on the road. Plaintiff expressed an interest in acquiring the cow, and after a su-

perficial inspection, offered to buy the cow from defendant in exchange for a small pouch of beans, which plaintiff claimed were magical.

Defendant returned home with the beans, which his mother decried as worthless and threw out of the window. The next morning, defendant was surprised to see that one of the beans had grown into a beanstalk several miles high and sturdy enough to climb.

Not everything that happened after defendant climbed the beanstalk concerns the court: Suffice to say that there was a castle in the air accessible by the Beanstalk, owned by a belligerent, man-eating Giant; when defendant came back down, he was carrying the now-famous Goose Which Lays the Golden Eggs, and had done so at great risk to his own life. Defendant also was forced to chop down the Beanstalk, to forestall the Goose being reclaimed by the Giant.*

Plaintiff now brings suit claiming that the original transaction was in jest, and therefore void. Fully aware that the court can neither force the Beanstalk back into the ground, nor the Eggs back into the Goose, the plaintiff claims a share of the profits accrued through defendant's sale of the Golden Eggs, amounting to not less than 50 percent.

In the alternative, plaintiff claims a share of the profits from the Golden Eggs

SEE JACK, PAGE 12

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PILF Fun Run Proves Age Doesn't Matter

Stephanie Christensen
2L

On Saturday, January 25th about 100 people gathered by the beach in Santa Monica for PILF's second annual Paper Chase 5K Fun Run. As is to be expected at any UCLAW community event the crowd was eclectic consisting of several drunkards, an Olympic level distance runner, a lot of folks in really short shorts, a Dominguez, two vestal virgins, and Professor Nelson.

After giving odds and taking bets, I moved the crowd to the start line and readied the gun (since taking Volokh's firearms seminar I now own a revolver, two shotguns and an Uzi). Adrenaline and anxiety were griping the runners. I gave the signal and, as the crowd shot forward, I observed several peculiar things. Beth Moeller starting tripping 3L runners who already had jobs and therefore were "expendable" (I tell ya she was worse than Zola Bud), several 2L's who still identify as Section 8 had locked arms and were going to run the entire race as a herd, Jim Kawahito was rocking out to Debbie Gibson which he said helped to put him in "the zone," Brian Wank and Kate Bushman were taking turns sucking from a Camelbak filled with Red Bull and Vodka, and the walkers were loaded down with tents, lawn chairs and enough food for three days.

The run was a simple out and back up San Vicente, a popular runner's route for west-siders. As the PILF volunteers and I waited for the runners to complete the race, we licked all of the bagels, slipped mickies into the water, and stuck the bananas in uncomfortable places. Then about 18 minutes after the start the first signs of the return were upon us. A gorgeous man wearing only tiny shorts and a MP3 player strapped to his bulging biceps came running toward the finish line, his sweaty body glistening in the morning sun. Avital, who was supposed to be holding the finish line, passed out from the anticipation of him bursting through her tape. Unfortunately, right before victory he veered to the left and kept running. I gave a shout of thanks to him for making an in-kind contribution of "eye candy" to PILF and turned my attention back to the race.

A few moments later Andy Christiansen came prancing down the street looking nonchalant and obviously reliving his glory days as a track star. Too bad for him he doesn't see Little Ainsleigh weighing in at 26 inches 20 pounds quickly approaching on his right. I ordered the PILF crew to look alive and ready the post-run massage tables (yeah I'll bet you wish you'd have come now don't ya!!) After some elbow throwing and ankle spiking, Ainsleigh tore through the blue and gold finish line



Ainsleigh, UCLAW Order of the Coif 2026, finishes ahead of dad, Aaron Beard

edging out the disgruntled Christiansen.

After that big finish, the rest of the runners started to trickle in and ate the "food" (hee hee) and receive their rub downs. An hour and half after the start, all remnants of the race were removed from our beach side spot and another successful and entertaining PILF event

was drawn to a close.

If you missed out on this one, you are an asshole. But don't worry, the PILF Auction is just around the corner, March 7th in fact, and it will no doubt be the premier social event of the year (outside of *The Docket* dinners of course)!!

Another Way To Screw Students

Justin Radell
Columnist

Are you frustrated when you get a C in a class? Well, soon, you'll learn to be overcome with relief and joy at maintaining that 2.0 G.P.A. The consequences of a failing grade no longer are confined to losing a coveted big firm job or missing out on all the fine dining and schmoozing. Now your punishment for earning a D or F will be a swift rebuke that is somewhat unorthodox in other top-tier law schools.

The university's Academic Standards Committee recently voted to give professors broad powers to penalize students who receive lower than a C in a course. Since 1978, faculty members have had to petition the Academic Standards Committee to give students a grade of D or F. Few professors took the time to petition the committee. As a result, very few students received grades below a C, and things were good.

This all changed Wednesday evening in a startling 7-0 decision by the nine-member Academic Standards Committee. The committee approved a measure that allows professors to petition to require students who receive Ds or Fs to participate in a special study abroad program. Failing students will master the skill of law-school exam taking during a semester-long externship program in Turkey. (READ: Professors can petition to have students deported straight into a Turkish prison.)

The professors on the committee released a statement shortly after the law school announced the change. The professors claimed that the program was for the betterment of the law school and for the students affected. The professors argued that the students would be sent to a "rehabilitation facility" in Turkey, not a prison per se, where they would be forced to study the course(s) they did not

pass using the very small amount of natural light that would reach them during the daylight hours. The faculty tried to emphasize the attractiveness of the program, including the newfound free time these students would have in the evening when there would be no light by which to study (in addition to the fact that the uncompromisingly cold winter would prevent their eyes from properly moving across the pages of their books.) The professors also touted the tangible benefits of the program by stating that the students who participate will learn discipline and perseverance, two traits that form the foundation of any successful lawyer. The faculty guaranteed that these students would never again receive a D or an F in a course after this unique opportunity. They believe these impressive results justify the potentially controversial method of reforming students.

This drastic measure and its unanimous vote came as a huge shock to the law school community. Upon hearing the news, one student currently in danger of failing a course began to shake and sweat profusely just before he took refuge in his Saved-by-the-Bell-style locker. However, reactions were mixed. One student supported the new policy because she thought it would promote tourism to Turkey especially amongst the family and friends of those who take part in the program. Beyond the leaps and bounds that the Turkish tourist economy will grow, there are other positive results that will stem from the institution of this program. Potential injustice and reduced civil liberty issues aside, it is clear that students will work harder so as not to end up in a Turkish prison, a result not even the most adamant opponents of the policy can contest.

The law student population was most surprised by the failure of the stu-

SEE SCREW, PAGE 11

Adventures in Bar Review

Gabriel Rothstein
Columnist

(This article is written by a mildly to heavily intoxicated 3L who while often well-meaning has a tendency to come off as a self-absorbed, shallow, obnoxious asshole. However, nothing in this article is meant to offend and most names have been altered to protect the innocent as well as the foolhardy.)

It was a mellow Thursday night, I was standing on the corner of Santa Monica and Bundy wearing my sweet-looking dragon shirt, drinking rum and diet coke out of a plastic Bar/Bri cup. I checked the clock on my phone, 10:57 p.m., the Big Blue Bus should arrive at any minute. So where was the bus taking me? To bar review of course!

Taking the bus to bar review may sound a little nutty, and when I did it for the first time last year I thought I was a pioneer, but I soon discovered that my friend Brian Pacorda had done it first, the year before. Now to answer the question of why the fuck I would take the bus to a bar. First of all it's free and second of all I'm a psychopath about not drinking and driving (among other things). Don't get me wrong, I'm not against drinking and driving because I'm worried about hurting someone, fuck that, I'm just worried about getting a DUI. DUI's suck!! A bunch of my pals back in NJ lost their licenses drinking and driving and I'm not with that nonsense.

By 11:20 p.m., I had arrived at 14 Below and after the three drinks I'd had at home and the one drink while waiting for the bus, I had to piss like a race horse. But before I walked into the bar I ran into my buddy Sean and this chick Melanie. We all yapped for a little while and I started talking all this shit to Melanie about how I was a screen writer, she was eating it up! Non-law school chicks are unbelievably gullible. Even-

tually my need to pee got the best of me, and I started to head inside. But knowing that there was a cover charge if I entered through the front door, I found a side door that wasn't locked, and lo and behold I was in. (Paying cover is for suckers!) When I walked in I noticed a decent 3L turnout, which is a good thing, the 3Ls gotta be representing, we only got a few months of freedom left before we have to start studying for the bar exam and then its WORK (like 80 hours a week) for the REST OF OUR LIVES!! I think that the good turnout was due to the fact that my buddy Sam was playing in the band. He plays a mean guitar and is quite the pimp.

After hitting the pisser I head straight for the bar where I run into a few friends. We start yapping and I get a drink. About a week and a half ago I started the Atkins diet (a low carb diet) which pretty much says no drinking the first two weeks, and only in moderation thereafter. But fuck that, I'd rather be fat and drunk than thin and sober, so I adhere to the low carb formula and drink rum (no carbs) and diet coke (no carbs) and hope for the best.

After getting my drink I started yapping with my pal Pam (who also happens to be my DOCKET editor) and a cute looking LLM that she was talking to. We talked for a bit and after a few minutes of conversation I had finished my drink and was jonesing for another. I stealthily asked Pam's friend Irene if she needed another drink. She said yes, she could use another Corona, I said cool, grab me a drink while you're there. Instead of telling me to fuck off (as I expected), she gladly agreed. I am convinced that she was digging me despite her claims to the contrary.

A few minutes later, a fresh drink in hand, I ran into my friend Beth, a cute 2L

SEE REVIEW, PAGE 8

The Right Perspective: "Benign(?)" Racism

Point

Yuval Rogson
Columnist

Currently, affirmative action uses a refined form of racism to increase the representation of minorities in certain professions and schools. Affirmative action began as a program that was meant to redress the grievances of African Americans who had been previously discriminated against as a result of their skin tone. Entities with histories of racism were forced to integrate. The requirement of a history of past discrimination anchored the first program. This anchor no longer exists. It has been replaced with a new emphasis on group identity. Thus, if you are African American you qualify for favored treatment even if you live in a mansion in Beverly Hills and have never experienced racism or the back seat of a bus. Similarly, an institution that has never engaged in racism, such as Berkeley or the University of Michigan can arbitrarily decide to engage in "benign" racism to the detriment of others claiming diversity or whatever other excuse they can find to perpetuate their moral posturing. Affirmative Action, as it is used today, divides all of us along racial lines, strips us of our individuality, and allots extra points to those of us in the "preferred" races.

As a result of its evolution, affirmative action has become a racial spoils system. It has expanded to include other minorities besides African-Americans. It now includes Mexicans, Pacific Islanders, and Hispanics. While it is getting increasingly hard to define the minorities that qualify under the categories, it is clear that Whites, Jews, and Asians need not apply.

Some time ago colleges tried quota systems to increase minority representation at top college campuses. Americans of all races are naturally repulsed by such a program because of their belief in individual achievement. They put a pre-

mium on personal sacrifice and personal achievement not ancestry, racial identity, or religious affiliation. The Supreme Court struck down the quota design as a violation of equal protection. Consequently, the proponents of such programs must come up with new designs to hide their racist agendas.

At the University of Michigan, the admissions committee set up a program that added 20 points to the admissions index score for all non-Asian minority applicants. This made race more important than a perfect SAT score (12 points). At the University of Michigan Law School, being born a non-Asian minority applicant means you can score 20 percentage points less on the LSAT than your colleagues and still compete against them for the limited positions available. I can just picture the elitist admissions committee coming up with this absurd racist system. How paternalistic and demeaning.

As we all know by now, the law school application process is a pretty harsh experience. We had to take the LSAT and write an essay to describe ourselves and our accomplishments. Ultimately the admissions board distills your entire persona, GPA, and LSAT score down to a number that decides whether you are accepted or rejected. It is an impersonal experience. Nevertheless, everything included in the index should represent items the applicant has worked hard to achieve. Race isn't one of them. Imagine learning that with your scores a black applicant would have a 100% chance of entering the school of your dreams. That's what happened to those Michigan applicants fighting for their (and our) rights to equal protection under the law.

It makes me so angry because racism reduces all of us by robbing us of our humanity. I am not Yuval Rogson the

SEE POINT, PAGE 10

Counterpoint

Erika Woods
3L

"Our constitution is color-blind and neither knows nor tolerates classes among citizens"¹

"I have a dream... that one day my children will be judged by the content of their character rather than the color of their skin."²

Of all the rhetorical tools used to discredit affirmative action policies, the hijacking of comments made by Dr. King and Justice Harlan are the most disturbing. While critics of affirmative action would have us believe that Dr. King and Justice Harlan would be supportive of their efforts to end race-conscious policies that benefit historically oppressed minorities, nothing could be further from the truth. When Justice Harlan stated, "our constitution is colorblind," I cannot believe that he intended this statement to be interpreted literally. Instead, I believe that he was trying to call attention to the fact that race-conscious segregation policies touted by the majority as reciprocal and non-discriminatory, were actually grounded in principles of white supremacy and a deliberate intent to discriminate against Blacks. Likewise, a literal interpretation of Dr. King's comments does a great injustice to everything he stood for.

Unfortunately, critics of affirmative action have been somewhat successful in using Justice Harlan and Dr. King's words as a rallying cry to end 'unfair' and 'discriminatory' racial 'preferences.' A great deal of their success can be linked to their ability to define the parameters of the debate. They tell us that affirmative action is 'reverse discrimination' and that the constitution requires that everyone be treated equally. They also define what it means to have merit and urge us to believe that affirmative action policies benefit unqualified minority applicants at the expense of quali-

fied white applicants.

In order to combat these attacks, we must be honest about what affirmative action is and why it is necessary. With all due respect to the majority of affirmative action supporters, I do not believe that affirmative action is necessary in order to expose white students to the diverse perspectives and opinions that minority students often have. Instead, I believe that affirmative action is necessary because the legacy of racism and exclusion created by decisions such as *McIntosh v. Johnson*, *Dred Scott*, *Plessy v. Ferguson* and *Korematsu v. United States* has not been erased. I believe that affirmative action is necessary because this country was founded upon the paradox of stolen land and labor. I believe that affirmative action is necessary because this country created and maintained a racial caste system that denied equal opportunity to all non-white individuals for centuries.

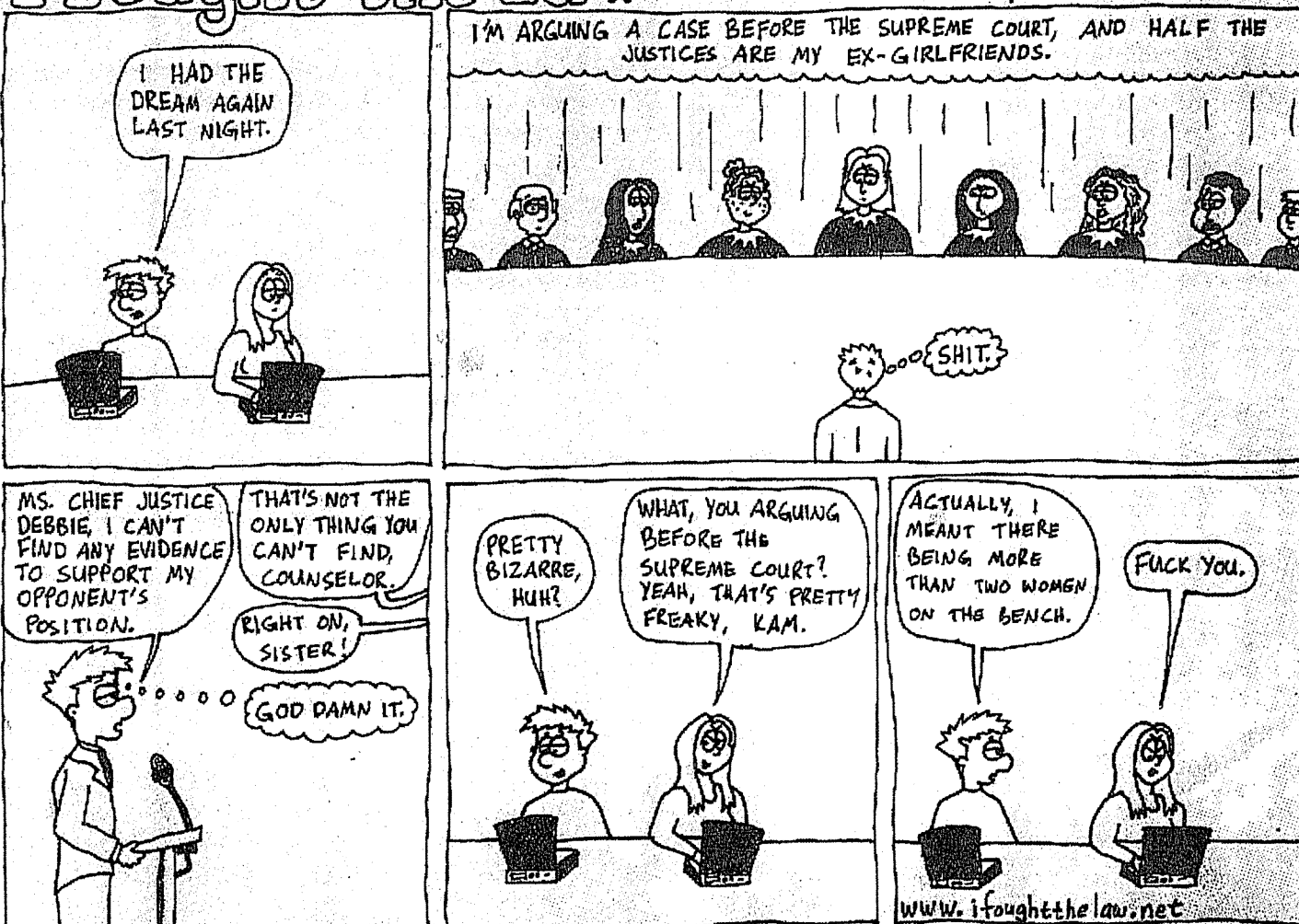
Given this country's history of racial oppression and the continuing effects of that oppression, I do not believe that it is possible to treat all individuals the same while at the same time treating all individuals equally. I simply cannot believe that a system which refuses to take into account an individual's race but that purports to treat all individuals equally and fairly could produce a law school class in which only 13 of the 900 students admitted are Black.³ What's fair or equal about a system like that? Given the large disparities in wealth and opportunity that still exist in this country between the different races, true equal protection within the meaning of the 14th amendment requires that the government treat everyone fairly, not equally.

In addition to redefining the rationale behind affirmative action programs, we must also correct the misconceptions about what affirmative action is. Affir-

SEE COUNTER, PAGE 10

i fought the law

by matt holohan



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Gender Inequality in UCLA Bathrooms

Jared Gordon
Production Manager

A recent Docket study of the bathroom facilities at UCLAW indicates substantial gender inequity in the distribution of some amenities at the law school. Men have access to 37 percent more toilets than women in the law school building. This disparity is even greater on some floors and areas of the law school. Surprisingly, additional disparities exist even in the distribution of sinks and paper towel dispensers.

This difference drew varying responses from female UCLAW students. Andrea Collier, a 3L, was resigned. "I would say that is about average. Most places are like that," said Collier. She continued, "there has always been an insufficiency of women's facilities." Melissa Poole, a 2L, was less content, indicating that this disparity "seems a

little problematic."

The gender difference is further magnified on the first floor, where men can use nearly twice as many toilets as women (47%). "Wow! Who knew? That really is shocking that there are 50 percent more," Poole commented in response to the inequality of the 1st floor bathrooms.

Men even have access to more stalls than women do on the first floor, even though there is generally less need for men to use stalls than women. This disparity leads to occasional lines in the first floor women's bathrooms, and occasional female discussion of "rush hour" times for the bathrooms, neither of which seem to occur in any of the men's restrooms.

Collier commented, "We have to actually go in the stalls. It's a much quicker operation for you guys. So it doesn't make any sense at all." Poole's concern was that, "In my experience, women

have to use the restroom a lot more frequently than men." This suggested that women make more trips to the restroom than men do, a result not tested in this Docket study. Men had little concern with lines or waiting in their restrooms. David Egdal, a 3L, indicated that, "I've seen concentrated turnover. But you don't really have to wait [in the men's restrooms.]"

Location differences in first floor bathroom facilities may further contribute to this inequity. In the restrooms closest to the lounge (which generally appear to be the busiest restrooms for both sexes), men have access to 17 toilets (seven stalls and 10 urinals) in their restroom across from the lounge, while women only have five stalls in their restroom across from the registrar. This 71 percent difference near the lounge is the source of much of the disparity in the

SEE BATH, PAGE 15

Floor	Female	Male	% diff
<i>Toilets</i>			
1	17	32	47%
2	13	17	24%
3	10	17	41%
Total toilets	46	73	37%
<i>Stalls</i>			
1	17	18	6%
2	13	9	-44%
3	10	8	-25%
Total stalls	45	39	-15%
<i>Sinks</i>			
1	12	20	40%
2	11	10	-10%
3	9	10	10%
Total sinks	36	44	18%
<i>Towels</i>			
1	10	14	29%
2	6	6	0%
3	5	6	17%
Total towels	27	32	16%
<i>Seat covers</i>			
1	7	6	-17%
2	6	4	-50%
3	5	4	-25%
Total seat covers	23	18	-28%

Greece is the Word!

Lawschool Malkintent
5L

Really miss all night parties? Topless bungee jumpers your thing? Can't wait to see those hairy Italians in their little black thong bikinis? Ahh the virtues of Greece. Where else can you attend a toga party and claim it is a history lesson? All at once now "oopah!"

I'm not a researcher - my law skills prof can show you the grade. But I spent two weeks in Greece so unless you've gone, that makes me an expert. Here's a step by step of how I did it and advice on how to improve on my mistakes.

Middle of college, I'm sitting at a birthday party three weeks before summer ends. The fellow sitting next to me explains that he had plans to leave for Greece the next day but his friend had just backed out. I decide to take his place.

Tip one - plan your trip more than 24 hours in advance. You lose a little in spontaneity but you more than make up for it by saving yourself an ulcer and not forgetting shoes.

We decided to fly from Los Angeles to New York the next day and fly out to Greece from there. This fellow was supposed to go with his friend, but they had cancelled their tickets. We had no tickets for either of these flights. I got to New York on a now defunct student travel pack, and from there managed to finagle two roundtrip tickets to Athens.

Tip two - buy your tickets beforehand. Considering our timing, flying from NY, and the unavailability of Internet options, we made out pretty well. But if you start searching now you can easily pick up tickets for \$800. (Look for the possibility of flying into Santorini, it is not an international airport however if you can switch planes in Europe you will probably save a day of travel).

We get to Athens and make probably the most important move of the trip. We decide to go east to the Cyclades rather than west to Corfu.

Tip three - choose wisely. Get out of Athens as soon as possible. It looks like a bad 70's porn movie and the nightlife is no better than Barstow (yah, don't let the name fool you). I'm sure there are historical sites to see, but save the bones and stones tour for when you're married. From the mainland, it is either really ex-

pensive or a huge pain to try to visit both the eastern and western islands. Corfu is bigger and has the famous Pink Palace but it is a little dirtier, more expensive and since it is closer to mainland Europe (you don't have to go around mainland Greece), it is also much more populated by Euro trash. Also, all there is the Pink Palace. It is the bar, it is the club and it is where everyone stays.

The Cyclades are made up of Peros, Naxos, Santorini, Mykanos, Lesbos, Crete and my favorite, Ios. At the very least they offer more options and more to see. I've spoken with people who have spent summers working on all the different islands and all prefer the Cyclades, especially Ios.

Back to the trip. We take the slow boat and start to plan how to spend our time. Step one: start working the mojo with the ladies. Step two: fail miserably. Step three: strike up a great conversation with two dirty Canadians. Canadians are the best, the guys are guys and the girls are easy.

Tip four - getting out there. If you don't fly into Santorini you will take a boat that will stop at several islands. It will take about a day to make it to the last island. You can save about half a day by taking the hovercraft, but it will cost twice as much. On the advice of the Canadians, we head straight for Ios.

Tip five - Now you have several options on which island to stop at. You can travel all around, but if you are pressed for time or want to know where the best place to stay, choose Ios. Crete is sort of separate; it takes a special trip and I've never been there so ask your archeology prof about it. As for the rest, Naxos and Peros are basic cities and not really worth the time. Mykanos and Santorini are more expensive, everything is about double what it is in Ios. Also Mykanos, the West Village/West Hollywood of Greece, is a lot more druggie (read big on "e"). So if raving and rolling is your thing ... Santorini is a couples island. It is more romantic, more upscale, more expensive and harder to score. True, it does have the black sand beaches, but after you've remembered your second grade science class and burnt your ass because well, black absorbs heat, the normal beaches start looking much more

SEE GREECE, PAGE 12

International Criminal Law

Golzar Kheiltash and Steve Obenski
3Ls

Augusto Pinochet. Slobodan Milosevic. Pol Pot. What do you know about the tools that citizens and watchdogs have used to go after war criminals and dictators whose regimes commit human rights abuses? Who is a criminal anyway? Fidel Castro? Henry Kissinger? And who decides who is a criminal? What theories should prescribe a court's jurisdiction to try such figures for their actions?

On March 7, two major events at UCLAW will bring together some of the most distinguished and controversial figures in international criminal law to debate these questions and more. First, the Journal of International Law and Foreign Affairs (JILFA) will present the symposium, "Justice and Sovereignty: Implications of the International Criminal Court," featuring both the Bush and Clinton administrations' Ambassadors-at-large for War Crimes, as well as some of the nation's top scholars on universal jurisdiction. Second, that same evening, the International Law Society (ILS) will host "Pinochet and Beyond: In the Aftermath of a Dictator," featuring the barristers who argued the Pinochet extradition case in the U.K., and moderated by UCLA Alumnus Ninth Circuit Judge Alex Kozinski.

These events are timely. The judges and prosecutors of the International Criminal Court (ICC) are about to be inaugurated in a ceremony at The Hague, Netherlands in early March. This will be the culmination of a 50-year effort, launched by the U.N. General Assembly in 1948, to create a tribunal that would be responsible for the trial of persons charged with genocide and other grave crimes. It was not until 1998 that the treaty was completed and submitted to nations around the world for ratification. Human rights advocates celebrated on April 11, 2002, when the 60 minimum ratifications were presented to the U.N. and the treaty entered into force.

In the U.S., some politicians and scholars have questioned the wisdom of creating the ICC. Although President Clinton signed the ICC treaty, the Bush Administration has since refused to be bound by that signature, and has argued the institution could be used by politi-

cally-motivated states to harass U.S. citizens and leaders. The JILFA symposium will commence with a keynote lecture by Professor Terree Bowers, former prosecutor for the International Criminal Tribunal for the former Yugoslavia and Rwanda. Next, the morning panel will include current Ambassador-at-large for War Crimes Issues Pierre-Richard Prosper and Former Ambassador David Scheffer, who held the same post in the Clinton administration. The two will discuss the wisdom (or lack thereof) of the United States' refusal to participate in the Court, and hopefully will explain the reasoning behind their administrations' different positions on U.S. participation.

In the afternoon, two world-renowned scholars, Ruth Wedgwood, Yale Professor of International Law, and Stephen Krasner, Stanford Professor of International Relations, will debate the concept of universal jurisdiction that forms part of the backdrop of the ICC.

The ILS event Pinochet & Beyond will focus on the debate surrounding a particular international figure accused of international crimes, and will allow for discussion of additional important controversies of international criminal jurisdiction. Augusto Pinochet, formerly president of Chile, was in London in 1998 receiving medical treatment when the Spanish authorities served the British government with an extradition request, based on charges that Pinochet was responsible for the murder of Spanish citizens in Chile. The consequent extradition proceedings generated enormous controversy around the world, as they concerned the responsibility of heads of state for crimes committed while they were in power. Because the ICC's jurisdiction does not cover events that took place before July 1, 2002, nor events in countries that have not ratified the ICC treaty, the pre-existing problems of international criminal jurisdiction are very much alive.

Pinochet & Beyond will feature two distinguished British barristers, Michael Shrimpton and Alun Jones, Q.C., who represented General Augusto Pinochet and the British Crown, respectively, in the landmark 1998-1999 proceedings. In panel discussion format, each lawyer

SEE JILFA, PAGE 11

Take the Risk, Feel the Rush

Willow McJilton
Editor-in-Chief

The infamous bar trip. What to do? Definitely tropical. After studying my ass off for two months non-stop, I am NOT going someplace cold or somewhere that requires a lot of planning or walking. Simply not going to happen. So, what about a surf trip? Don't know how, hey. No problem. Surf camp is a great way to learn or improve.

A highly recommended place for women is Surf Divas. They have a very helpful website at www.surfdivas.com. They offer a range of services. The best is the adult, all women surf camp (aka "boarding" school). This camp, located in La Jolla Shores (near San Diego), includes surfing orientation, daily instruction and coaching, lodging in a tent (on Carlsbad State Beach), surfboard, wetsuit, and 3 nutritious meals a day (vegetarian menu available). They even video tape your surfing so you can see how you do! Like any camp, the nighttime activities include a big slumber party. The post-bar dates are August 11-15 and August 25-29. If you register before March 15, the cost is \$860. After March 15, it goes up to \$910.

Surf Divas also offers weekend clinics. These are highly recommended even if you decide to attend the surf camp. The clinics will start you off using all of those muscles that magically appear whenever you attempt a new sport. There is a clinic every weekend; two hours on Saturday

and two on Sunday. The total price tag is \$115 for a beginner. The weekday clinic is more intensive at two hours a day, Monday through Friday. The total for this clinic is \$300 Both clinics include instruction and all of the gear.

Surf Divas has a sister surf school called Las Olas which offers surf safaris for women in Puerto Vallarta, Mexico. Female only with daily surf lessons, ocean-front villas, private massage, gourmet meals, yoga, and kayaking. For a six day adventure, the prices (excluding air transportation) are Early Registration Price: (60 day prepay) \$1,795 gets you a single bed in shared villa (2-4 per Villa) or \$2,195 for a private villa. Regular Price (non early reg.): \$1,995 for single bed in shared Villa (2-4 per Villa) or \$2,395 for the ritzy private villa. This biggest drawback is that the sessions are from October through June which just misses the bar trip experience but still very cool to keep in mind. For more info go to www.surflasolas.com.

Now, you ask, what about the other 49% of the school. The male population. Well, I really didn't get very far in that search. I was busy day dreaming about Las Olas. But here is a great surf directory: www.boardfolio.com/surflinks/camps. This site has an extensive list of surf schools and camps in a variety of places including Byron Bay, Australia, Bali, Barbados, and Costa Rica. This is a great place to begin your research. Hang Loose! Dude (or Betty)!

St. Petersburg

Kimber Rudo
2L

I visited St. Petersburg in the summer of 1998. It was, even then, in a state of flux and should you visit the city today it probably would be a different place than when I saw it. However, its greatest appeals are cultural and historical, and this is incorruptible.

The city was founded around 1700 by Peter the Great and served as the capitol of Russia during various periods. It is home, most famously, to the Hermitage (there is a neat movie out right now set there called *Russian Ark* for those hard core movie buffs), also known as the Winter Palace. The Hermitage now serves as museum to the tremendous fine art collection of the Tsars, housing thousands upon thousands of paintings representing some of the greatest masters throughout Europe. There are several of these great palaces within St. Petersburg or on its periphery. They are architecturally stunning, spanning a number of periods including Baroque and classical, and beautifully echo the Tsars' fascination with Europe (one palace was built to resemble Versailles) while retaining the distinctive Russian sensibility.

I particularly liked the city's great history. It is a city that has seen revolution, siege, name changes, and world war, and the layering of each time period is tangible in everything from the buildings to the people themselves. When I was there I stayed in a mediocre hotel (I was in college) across from an

old cemetery, final resting ground for the likes of Tchaikovsky.

On the way into town we passed a large (I have this recollection of everything in St. Petersburg being large) concrete building with the hammer and sickle worked repeatedly into the stonework. Out front stood a large bust of Lenin, with the nameplate removed. Further into town, the star presented to the city by the communists commemorating the siege of Leningrad still stood on its pedestal, though many other remnants of the communist regime had been visibly defaced or partially destroyed. In the city a statue remained, dating back to the Czarist period. It had been left standing by the Bolsheviks, according to our guide, because it was a particularly rare form of statue, as the horse upon which the figure was seated had several feet off the ground. The conglomeration of styles, politics and culture of St. Petersburg made it an unforgettable vacation. Of course, I was a history major and these things make me happy.

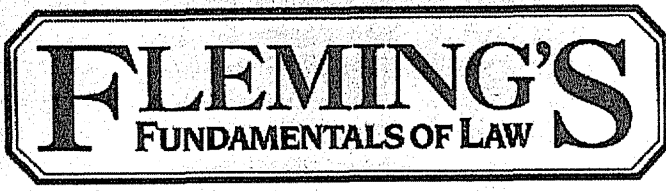
An aside: If you do plan to go to Russia, there are a few things worth keeping in mind. Don't take Russian Airlines if you can help it. If everybody inexplicably gets off the subway, get off with them and catch the next one, even if it isn't your stop. Wear your visa all the time because they are a hot commodity and without one it becomes a lot harder to leave. Watch out for the water. As the guide told us, "The water is really soft," meaning that there is something in it that can make an American pretty sick.



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SCHEDULE OF SEMINARS

SAN MATEO/FOSTER CITY

- Saturday, February 15, 2003 : 9:00 am-4:00 pm
- Sunday, February 16, 2003 : 9:00 am-4:00 pm
- All sessions will be given live at The Crowne Plaza Hotel, 1221 Chess Drive, Foster City, The Drake Room.

SAN DIEGO

- Saturday, February 22, 2003 : Noon-6:00 pm
- Sunday, February 23, 2003 : Noon-6:00 pm
- All sessions will be given live in the Auditorium at California Western School of Law, 350 Cedar St., San Diego.

ORANGE COUNTY

- Saturday, March 1, 2003 : 9:00 am - 4:00 pm
- Sunday, March 2, 2003 : 9:00 am - 4:00 pm
- All sessions will be given live at Hope International University, 2500 E. Nutwood Ave. at Commonwealth, Fullerton (across from Cal State Univ. Fullerton), Second Floor, Room 205.

LAS VEGAS

- Saturday, March 1, 2003 : Noon-6:00 pm
- Sunday, March 2, 2003 : Noon-6:00 pm
- All sessions will be given at UNLV, Sam Boyd School of Law, 4505 Maryland Parkway, Las Vegas, VIDEO PRESENTATION.

LOS ANGELES

- Saturday, March 8, 2003 : 9:00 am - 4:00 pm
- Sunday, March 9, 2003 : 9:00 am - 4:00 pm
- All sessions will be given live at the Ramada Hotel, 6333 Bristol Parkway, Culver City, Studio One.

ORANGE COUNTY

- Saturday, March 15, 2003 : Noon - 6:00 pm
- Sunday, March 16, 2003 : Noon - 6:00 pm
- All sessions will be given live (Lecturer: Attorney John Couch) at Hope International University, 2500 E. Nutwood Ave. at Titan, Fullerton (across from Cal State University, Fullerton), Room 215A.

VENTURA

- Saturday, March 15, 2003 : 10:00 am - 4:00 pm
- Sunday, March 16, 2003 : 10:00 am - 4:00 pm
- All sessions will be given at the Ventura College of Law, 4473 Market St., Ventura, Room 9. VIDEO PRESENTATION.

SACRAMENTO

- Saturday, March 15, 2003 : Noon - 6:00 pm
- Sunday, March 16, 2003 : Noon - 6:00 pm
- All sessions will be given live (Lecturer: Attorney Mara Felger) at McGeorge School of Law, 3200 5th Avenue, Sacramento, TBA.

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You Aren't That Pathetic II

Willow Mc Jilton
Editor in Chief

Back by popular demand, for those lonely and single nerdlings out there, our infamous list of REAL personal ads to reassure you that you are not the freakiest person alive. Have a great Valentine's Day!

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Appreciates women with nice round rear. Will worship, fondle, caress, spank and play to our delight. Sweet, shy man, 30s, will treat you nice, pleasing you in many ways. Attached okay. Flexible.

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MODEL WITH SELF CONFIDENCE
Tall, VGL, very fit and financially successful gentleman seeks a White female model as companion. Dinner, evenings out, and of course, shopping. Please be fit, busty, and very attractive.

MASSAGE MY BI-WIFE

Couples and single guys welcome for a free full-body massage. The more hands, the better. Call for more details.

MUSICAL

FROM PAGE 1

Dhawan and Rudo's spectacular portrayal of ruthlessness and cunning cloaked with social apathy and quirkiness reveals talent rivaled only by a 3L with a working internet connection.

Just when you didn't think Graham had any other surprises up his sleeve, he comes out with the combination one-two-three-four! punch of a twisted law enforcement trapezoid. Breakthrough performer Shaffy Moeel plays the part of the beautiful and mysterious FBI Agent tailing Fogey and anyone else who seems to threaten Homeland Security. David Malkin plays the ever ready UCPD: ever ready to break out the tear gas at the remote chance of bottled water in the library. Billy DeClerq, also known as Officer Thursday, shocks everyone by understanding Mens Rea very well. It is too little, too late for this 2L, but at least someone got it. DeClerq's amazing voice is also a surprise. There is speculation he will forgo the OCIP draft in order to replace Justin Timberlake in N'Sync. Cry me a river, Justin, cause your ass has some competition.

Finishing out the combo is three-time UCLAW musical all star Laura Hill, who plays the CIA Agent everyone wants to get their hands on. A beautiful voice, a great eye for choreography, and the master of the backstage quick-change, Hill will be sorely missed as she graduates and goes to work for... the CIA! See, I told you life imitates art.

The performance of veteran chorus member Catherine OliverSmith can only be described with the words of Maya Angelou: it's in the fire in her eyes, the flash of her teeth, the swing of her waist, and the blend of her margaritas. Chorus member Ben Liu returns at the behest of fans city-wide, again delighting the au-

HAIRY-LEGGED FRENCH WOMAN
Buddhist, 5'9", 150, long blonde hair, green eyes, 40s, seeking spiritual mate to spend the rest of our lives together, loving and adoring each other.

DESPERATELY SEEKING SUSAN/TS

Experienced swinger couple looking for encounter with she-male for fantasy fulfillment. Must be real. No TVs (SFV).

LOOKING FOR MR. JINX

Did you work on the film "Mr. Jinx"? Do you do a great bunny fufu imitation? Are you a handsome gentleman named Ryan? If so, I would like to meet you for a refreshing beverage. I am the woman who told you that you were handsome, and then blushed.

KISSABLE BRUNETTE ATTORNEY
High-spirited, caring, warm, sexy. Stanford/UCLA. Advanced degree. Arts interests. Trim, 108. Seeks LTR with trim, fit SWM professional of character, 46+, n/s. Monogamous LTR.

SWEDISH BLONDE, EX-STUNT WOMAN

40s, worked many films in Europe. Lost leg in motorcycle crash. Wants happy athletic, wild man. Will stump you silly.

ROMANTIC AND MATERNAL

Me: young-looking 40s, top priority now is having a family. If candlelit dinners with Miles playing softly in the background and cooing babies are what you want, then listen to my profile.

dience with his innovative vocal stylings and dance moves even MC Hammer can't touch. Kraig Odabashian stunned audiences with his dancing ability, and his enthusiasm. Kraig is making efforts to harness this energy for the good of the world, like providing power to small countries or Anna Nicole Smith's plastic surgeon. New talent Nina Zhang and Michael Lee turned heads in their debut with their ease in playing discontented 1Ls. A spokesperson for the cast said they are in contract negotiations for next year, although they are wary of being typecast as law students.

Newcomer Jed Lowenthal took the dual roles of Father Mackenzie and a UCLAW student. Such a smooth transition between characters leads this reviewer to believe that the lifestyles may have more in common than one would think. At the urging of the director, I undertook the challenging role of Doug from the Records Office. I would comment on my performance, but since the Records Office staff punked out on watching all my administrative glory, I won't reveal the details here on the off chance they try to relive it in the cheap seats. Buy a ticket next year, suckers.

Many lessons are to be taken from this musical, but the most important one is this: LAW SCHOOL HUMOR IS FUNNY. I didn't believe it until I saw it either. So next year, walk away from the Golden Girls marathon and just get there.

Oh, and one last thing: Professor Nelson had an incredible performance after putting up a 16:05 in the PILF 5K just hours prior. One final question: WHERE YOU AT, FACULTY?

*Toni recipient determined by Fogey Barcicle cast. Other musicals considered for this award were... uh... none!

REVIEW

FROM PAGE 4

with a penchant for yapping. She's generally an upbeat person, but lately all she can do is complain about dudes. But she ain't bitching about not meeting dudes, or even not getting asked out. No, she's bitching about too many dudes asking her out. She said in the last three weeks she's had like four well-dressed mature professional men wanting to take her places in their Porsches and BMWs. It seemed strange that she would bitch about getting hit on by those types of dudes. Some would think by this period of our lives and careers, women would look for mature professional men. Me, I know better — that's why my immature, obnoxious, shit-talking self rarely has difficulty getting women.

Clearly I wasn't the only one to think so. In the middle of our conversation this totally hot brunette walks over and cuts Beth off and starts giving her shit for complaining about something she should be happy about. Beth gets a little tweaked out and excuses herself. I naturally keep talking to the hot brunette. Her name is Andromeda, (cool ass name) and she's a professional rock climber and waaaaay out of my league, but for some reason she doesn't realize it and we talk for a few minutes. She starts talking about all these weiner guys she knows and how they ask her out and then pussy-out when it comes to closing the deal. She said the just the other night this dude invited her to his apartment. At first he does everything right, they have a few drinks, he puts on some music, then he asks if she wants to play a game. She's like cool thinking he's gonna say "strip poker", or "pet the kitty" or something like that. NO, THE DUMBASS goes to his closet and takes out the game Boggle! An hour later he's going back to the closet to find his chess set. Realizing that this guy was a total wus and that she was going to be getting no dick, Andromeda bailed. She also left the bar soon after our conversation. She was a damn cool chick!

A little while later I bump into my pal Jimmy who's talking to a sweet-looking blond chick. I wander into their conversation and hear this chick talking about playing different sports. She tells Jimmy and me that she's a big time scuba diver. I say wow that's cool, I'm a big time "muff diver" which of course gets a big laugh from Jimmy, but not from this girl. She says wow, what's that? She really has no idea, so I tell her don't worry, Jimmy will show you later, and then I quickly slide out of the room.

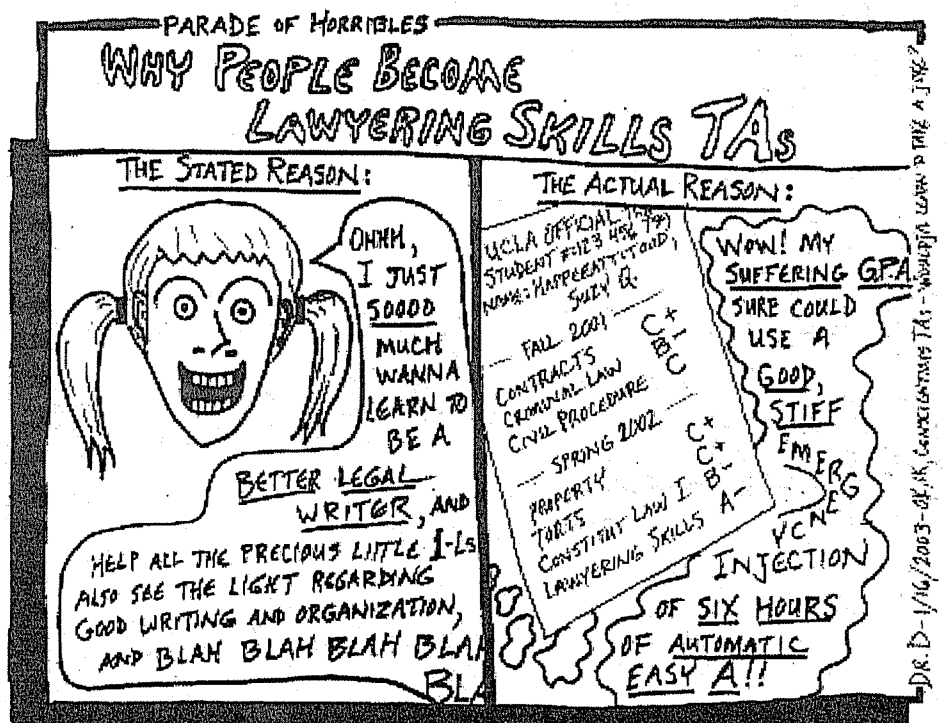
I'm gonna take this time to address a pervasive issue that has comes up often in the life of law students and bar reviews. Many people complain that although they talk to many seemingly cool people at bar review, those same friendly people snub them when they see them in the hallways the next week. They ask me, Gabe, why are people so nice at bar review but so mean when I see them in school? The honest true answer: ALCOHOL! It's easy to be friendly when you're drunk, but much tougher when sober.

This doesn't always have to be a bad thing. In fact right here I ran into my semi-friend Julianna, whom I only speak to while intoxicated. If she's sober or I'm sober we just don't talk; it's a perfectly functional relationship. Anyway I ran into her and two of her friends, I was half in the bag but she was sober (and in a bad mood) so I only talked to her friends. One of them was cool, but the other one was a bit of a bitch, and she had this constant scowl on her face. I'm sure she's a cool chick, but she sure didn't seem cool tonight.

One of the craziest things that happened at bar review was when this dumb ass Eric tried to give me advice on how to score with the ladies. Now I don't mind getting advice normally (not that I need it) but this guy was so far off it was ridiculous. Anyway I was talking to a few peeps, Michelle, Stephanie, Eric and Bob about my strategy with the ladies, which pretty much consists of buying them nothing, taking them nowhere, being selfish and sleeping with them as soon as possible. All of a sudden, Eric (who I don't know very well), starts giving me shit and telling me that I am an asshole and that women don't like jerks, they like nice guys. And he went on to say that if you want a woman to like you, you need to treat her well and show her that you care.

Now I'm not sure what prompted Eric's tirade, maybe he was "chicking up" or trying to look like the good guy in front of the ladies, I don't know, but what I do know is that most of the time, nice guys DON'T GET SHIT!!! As my good friend Julie Clements once said, "I really like nice guys, but the truth is I usually treat them like shit, use them, rarely sleep with them, and always dump them for some asshole who treats me like crap. I can't help it, assholes are exciting." Don't get me wrong, there ain't nothing wrong with being nice to someone once you've been dating for a while (a few

SEE REVIEW, PAGE 13



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Mar. 8 th	EVIDENCE 1 2pm–6pm
Mar. 9 th	CORPORATIONS 9am – 1pm
Mar. 9 th	EVIDENCE 2 2pm–6pm
Mar. 15 th	CIVIL PROCEDURE 9am – 5pm
Mar. 16 th	CONSTITUTIONAL LAW 9am – 5pm
Mar. 22 nd	CONTRACTS 1 & 2 9am – 5pm
Mar. 23 rd	CONTRACTS 3 9am – 12:30pm
Mar. 23 rd	CRIMINAL PROCEDURE 1:30pm – 4:30pm
Mar. 29 th	TORTS 9am – 5pm
Mar. 30 th	WILLS & TRUSTS 9am - 5pm
Apr. 5 th	MULTISTATE WORKSHOP 9am – 5pm (Torts/Constitutional Law)
Apr. 6 th	MULTISTATE WORKSHOP 9am – 5pm (Evidence/Contracts)
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POINT

FROM PAGE 5

Jew. It might be a part of who I am but it isn't anyone's business when deciding whether to admit me into a professional school. That's why I usually refuse to disclose my race. It's shameful that I even have to see that type of question on an application. Are whites, as individuals, somehow less worthy than their minority counterparts as result of their involuntary status? Can this be fair? Is racism by any other name less of a crime against the individual unjustly affected?

I question whether thrusting an under-qualified applicant into a competitive institution does that person any favors. The dropout and failure rates for such applicants are higher than their counterparts. It's really benevolent to doom the people you are trying to help to a significantly increased chance of failure not to mention a serious inferiority complex. Such programs also help reinforce negative stereotypes and increase animosity between Americans.

The application committee's only concern should be whether I can handle the curriculum and how my academics, extra-curriculars, recommendations and essay compare with my colleagues. In the Spirit of Liberty, Judge Learned Hand answers the concern of Harvard's board that too many Jews were matriculating by saying that the emphasis for admission should remain on the demonstrated scholarship of the applicant. It is the simplest and most important criteria, especially for professional school. Moreover, it prevents members from tweaking the system to serve their own questionable agendas.

The proponents of affirmative action believe that we need "benign" racism in order to counter the racism they so naturally see throughout America. Sometimes I'm not sure which America they live in. They are so willing to see the worst in society that they fail to acknowledge the tremendous strides America has made. These "progressives" would use this archaic instrument of oppression to even the imbalance. Instead of finding ways to increase the scholarship of minority applicants so that they compete alongside their contemporaries, they lower the bar for them. This is truly one of the most humiliating forms of racial prejudice out there. It's the teacher saying "Hey Timmy, its okay. I understand why you can't be like the other kids. I'll give you a lollipop anyway for trying."

I don't doubt that racism still exists in America but I challenge the extent of its affects. The opportunities present to each of us depend so much on our upbringing and our families. However, it depends even more on our individual drive and determination. Plenty of poor and oppressed peoples (racial minorities or otherwise) have succeeded despite their disadvantages and without any paternalistic assistance from the government or suspect elitist institutions bent on moral posturing. That does not mean it isn't harder when you don't have the family structure and support that others have. That is a fact of life for many applicants regardless of their minority status.

The new catchword for these benign racists is "diversity." There must be racial preferences to increase the diversity of the campus and who can be against diversity? Well, it depends on what you mean by diversity. According to these racists, skin color can be used as a proxy for ideas and beliefs. Is that what Martin Luther King had in mind when he ex-

pressed his desire that his children be judged by the content of their character? Should I immediately associate black skin with a particular type of person or is that just another form of racism? Should I suspect that a black person is fundamentally different from a white person by virtue of their race or is that just another form of racism? To me the answer is clear.

Moreover, the idea that these boards give a damn about diversity is laughable. Surely diversity among teachers is just as important if not more important than diversity among the student body. After all, the teachers will be exposing the students to new ideas. Therefore, it is extremely important that these ideas not be portrayed with a monolithic bias. 90% of all liberal arts professors are democrats. If these people value diversity where is the urgency to hire republican or libertarian professors? Non-existent because diversity of ideas is not what they have in mind.

I know that the proponents of affirmative action often have the best of intentions but that does not excuse the crime they are perpetrating against me and upon society as a whole. For every person they artificially support through these programs they degrade a worthwhile human being for the crime of not being of the preferred race. This directly contradicts the grand meaning of the Fourteenth Amendment that demands

COUNTER

FROM PAGE 5

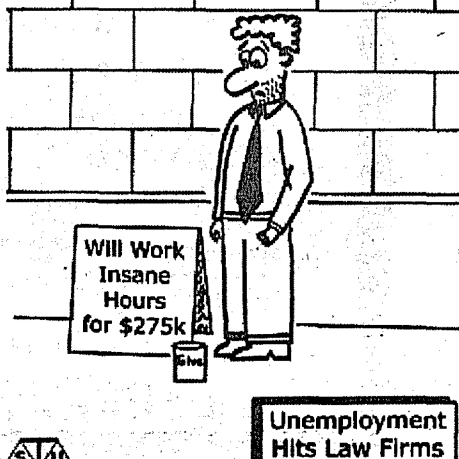
affirmative action is not a program that benefits unqualified or undeserving minorities. Instead, affirmative action broadens the definition of what it means to be qualified by looking past traditional notions of merit (such as the SAT or LSAT) that tend to favor white, upper class individuals. As a proud beneficiary of affirmative action, I take offense at the notion that I am an unqualified affirmative action recipient. Without affirmative action, it would not have been possible for me to become the first member of my family to obtain a college degree (something that was unattainable for my parents, who grew up during the 1940's and 1950's in Arkansas and Louisiana). Without affirmative action I would not have had the opportunity to prove that I am capable of graduating in the top of my class at a 'prestigious' law school such as UCLA. Without affirmative action, there would be no one here to write this damn article.

¹ *Plessy v. Ferguson*, 163 U.S. 537, 559 (1896) (Harlan, J., dissenting).

² Martin Luther King Jr.

³ See UCLA School of Law admissions statistics for the graduating class of 2003

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CASES

FROM PAGE 3

him 10 or 12 times, had held him prisoner in his outhouse several times, and had also attacked his wife. The plaintiff sued his hog-raisin' neighbor for, you guessed it, negligence.

The Texas trial court (bless 'em!) denied the plaintiff relief, reasoning that he was contributorily negligent because he had previously had the opportunity to shoot his neighbor's boar, but had failed to do so. The plaintiff testified that he had not shot the boar because he did not consider it a neighborly thing to do. I cite to the court of appeal opinion, which was not reversed until it reached the Texas Supreme Court. *Marshall v. Ranne*, 511 S.W.2d 255 (Tex. 1974). The Moral of this story, predictably enough, is shoot first, ask questions later.

Here's a case I myself used in a brief this past summer: the Ax Case. *People v. Foranyic*, 64 Cal. App. 4th 186 (1998). Here, an officer approached the defendant at 3 a.m., after seeing the defendant astride his bicycle, to which was attached a large ax. When the officer spoke to Foranyic, the officer noticed that he was under the influence. The officer detained Foranyic, searched him, and found methamphetamines on his person. Foranyic pleaded guilty to possession of methamphetamine. The issue on appeal was whether the officer had reasonable suspicion to perform an investigatory stop. The Court of Appeal upheld the conviction: "For while Foranyic insists there was nothing about him which suggested criminal activity, he is unable to suggest, and we cannot conceive of, much in the way of non-criminal activity which is accomplished with an ax in the dead of night." The Moral of this story is that when committing a felony, you should avoid attracting attention unnecessarily. Or, as I prefer to put it, DUH!

Of course, no List of Favorite Cases would be complete without a couple of opinions by Incredibly Sarcastic Judges. My particular favorite is Judge Kent, of the Southern District of Texas, Galveston Division. Judge Kent has little patience for city slickers and morons (often the two come conveniently packaged as a twofor). Here are some examples.

In *Smith v. Colonial Penn Ins. Co.*, 943 F. Supp. 782 (S.D. Tex. 1996), Judge Kent denied defendant's motion to transfer venue. The defendant in a breach of contract action moved the court to transfer the case from Galveston (less than 40 miles from Houston) to Houston proper. The defendant's primary argument was that Galveston lacked a major airport, and that the drive from the Houston airport would "encumber" the defendant with "unnecessary drive and expense." The court was not persuaded.

Judge Kent realized that Northeasterners might not be familiar with Texas-style distances. "A litigant in that part of the country could cross several states in a few hours and might be shocked at having to travel 50 miles to try a case, but in this vast state of Texas, such a travel distance would not be viewed with any surprise or consternation. [FN1. 'The sun is 'rize, the sun is set, and we is still in Texas yet!']" The Judge assured the defendant that it would likely find the journey "an easy, traffic-free ride . . . as compared to a congested, construction-riddled drive to downtown Houston. The Court notes that any inconvenience suffered in having to drive to Galveston may likely be offset by the peacefulness

of the ride and the scenic beauty of the sunny isle." Furthermore, "Defendant will be pleased to discover that the highway is paved and lighted all the way to Galveston, and thanks to the efforts of this Court's predecessor, Judge Roy Bean, the trip should be free of rustlers, hooligans, or vicious varmints of unsavory kind." Don't you love Judge Kent? I certainly do.

The defendant, to press the point, noted that the plaintiff resided in San Antonio, and there were no flights between San Antonio and Galveston. As it turned out, "it is not this Court's concern how Plaintiff gets here, whether it be by plane, train, automobile, horseback, foot, or on the back of a huge Texas jack-rabbit, as long as Plaintiff is here at the proper date and time." There are many more goodies in this brief and caustic opinion. You may think that Judge Kent is unduly harsh. Who cares, the opinion is funny! Moral of the story: as you go out in the world and become your own little litigator, DON'T BE AN ASS. Of course, you may ride one into Galveston if that's what it takes to get you to the court on time.

In another order, later withdrawn from publication, Judge Kent used the words "insipid" and "asinine tripe" to refer to a motion submitted to the court. I withhold the names of the parties to protect the stupid and incompetent. I wonder if Judge Kent would agree to have dinner with me...

And as a Grand Finale, Satanic Litigation. Just like I promised in the title. The word is that people sue God and Satan all the time. I guess that while the U.S. Constitution only guarantees the pursuit of happiness, God and Satan are directly responsible for said happiness or lack thereof. To date, only one case against Satan has generated a published opinion: *Mayo v. Satan and His Staff*, 54 F.R.D. 282 (W.D. Pa. 1971). Mayo sued Satan and his staff (I just love that!) for violating his civil rights and those of a class of people similarly situated. In the complaint, Mayo alleged that "Satan has on numerous occasions caused plaintiff misery and unwarranted threats, against the will of plaintiff, that Satan has placed deliberate obstacles in his path and has caused plaintiff's downfall." Well. The judge determined that he could not ascertain whether Mayo properly represented the interests of the class. Additionally, Mayo had neglected to instruct the court on how to conduct service of process. For these reasons, the judge refused to waive the court fees to allow Mayo to litigate in forma pauperis.

Many years later, a commentator criticized the court's dismissal as too hasty. Charles Yablon, *Suing the Devil: A Practitioner's Guide*, 86 Va. L. Rev. 103 (2000). Mr. Yablon suggests, in this delightful article, that the time is ripe to sue Satan. The goal of the article is summed up in the following paragraph: "I know that the concept of a lawsuit, preferably a class action, against the Devil strikes many lawyers as bizarre, perhaps even absurd. I completely understand such concerns. Obviously Satan is a formidable legal opponent. He is well financed, highly intelligent, very aggressive, and completely unscrupulous. I believe he has had formal legal training. Yet the point of this Essay is to show that in a world in which Philip Morris,

SEE CASES, PAGE 15

SCREW

FROM PAGE 4

dent members on the committee to cast dissenting votes. The students who sit on the committee agreed to speak with *The Docket* on the condition of anonymity for fear of public ridicule and scorn. The students believe that they have been duped and bamboozled by the faculty on the committee.

Apparently, the students were playing Solitaire during the meeting when an email went out informing all students that three-day-old pizza scraps and a recently recovered formerly missing box of donuts from 1989 would be placed in the lounge. Without thinking, as if ingrained in their minds like the location of LuValle, the student members left the meeting in search of this fabled food. According to passersby, the faculty on the committee laughed at the naivety of law students and their insatiable appetite for anything resembling food left in the lounge. Following this brief exercise in joviality and congeniality amongst the faculty, they added the Turkish prison motion to the agenda, debated it briefly, took a vote and adopted it into the law school by-laws. The students returned shortly thereafter with donuts in hand and a glazed look in their eyes (Get it? Glazed - like the donuts. Forget it.). After the motion passed, the students had no recourse and could only sit in shame for the rest of the meeting. For those of you who are paying attention, the score is Faculty 1, Students 0. Don't get cocky faculty, the semester is young.

JILFA

FROM PAGE 6

will discuss the legal and political issues and implications that were critical to and arose from the case, including but not limited to the future of diplomatic and/or sovereign immunity after the Pinochet case, the validity and feasibility of universal jurisdiction as compared to extradition treaties, the legal basis of "crimes against humanity," and the implications of the ICC for those accused of crimes against humanity post Pinochet. Judge Kozinski of the Ninth Circuit Court of Appeals will moderate the discussion.

If you still are not sure whether you should attend, please consider that lunch is provided for symposium attendees and a cocktail reception will precede the Pinochet discussion. Both events are free for UCLA students and faculty, but registration is required. To register for the Symposium, email jilfa@orgs.law.ucla.edu and to register for the ILS Pinochet Event, email info@babcla.org.

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SHEPHERD

FROM PAGE 3

where I had spent many hours of my childhood and many summers of my teenage and college years running errands and sorting papers. I couldn't picture myself as one of father's black suited henchmen, sweating in the terrible heat of Manhattan in shirt sleeves and vest, adding and subtracting all day long, and at the end finding only a glaring zero on the page. And so I left, the only way I was able.

I was stationed on a ship patrolling the Caribbean Sea. It was a ship filled with rebellious young men, some more ambitious than others. When we stopped for shore leave, whether it was Haiti, Dominica, Jamaica, or Cuba, it would always be the same—a rush for the beach and the surrounding village, and they'd rape whichever women happened to be the first to cross their path. There was a young man they called Jimbo, who had a particular habit for this sort of thing, and was a bit of a leader in these wanton escapades. One day, just as we were pulling into port I flatly warned him that I would not permit this to continue. At first he thought I was joking and slapped me on the back, asking if I needed some help finding a girl for myself. But then looking straight into the sternness of my eyes, his jovial attitude turned to rage, and he spat in my face and taunted me with insults.

"What are you, a priest or something?" he asked with a flagrant sarcasm. "Go preach somewhere else."

Jimbo didn't know that I had played college baseball for four years, and I was a strong man in those days. Just as he turned to walk away I felt my bicep contract to summon its force and my fist moving towards his head with all its power. He fell back several yards and hit the deck hard. I jumped on top of him and gave him a few more to make my point clear. Then I looked up at the stunned audience that was watching. An officer came by and hauled me off by my shoulders. I got two weeks of scrubbing decks for the incident, a sizeable portion of which was spent cleaning up Jimbo's blood. But that put an end to Jimbo and to the rest, and some of the better men would smile and swing their arms at me in jest when they walked by.

Then one day I was called to the Skipper's office, and I found this particularly odd, seeing that my altercation with Jimbo was now long past and there was very little the Skipper would want with me, being only a lowly mate. I knocked on the door of his stateroom and heard a beckoning from within. I swung open the creaky door, and before me sat the Skipper behind his desk. He was an older man with pale, wrinkled skin and bright blue eyes, but I could see in them that something was wrong.

"Come in, Ensign," he said politely. "Please sit down." Apprehensively I entered, and seated myself in one of the wooden chairs in the middle of the room. "Ensign, I have some bad news" he said, holding up a piece of paper. "You see, we've just received this transmission for you." "For me?" I was surprised. Ensigns weren't allowed to receive personal correspondence at sea, and I had never even received so much as a telegram in my entire life.

"Yes," he nodded. "You see, son, your father has passed away. I'm so very sorry. You may, of course, take an extended shore leave when we reach the Floridian coast tomorrow."

I never returned to the navy. I received my discharge soon after that day, and went home to New York to reconsider my life. Father had left the bank to me, though I had no interest in managing it.

No, no eggs today, Diane, but thank you. I must be on my way now. I brought some clothes by Mrs. Anderson's. The children greeted me at the door, still yawning in their pajamas. Her husband had left mysteriously some months ago, and had not said where he was going. The clothes were so old and tattered that I was nearly embarrassed to present them. But the girls seemed happy as they greedily unpacked the box and began to play dress up before I had even left. Mrs. Anderson thanked me sincerely, and I mentioned again my deepest regret for her situation. She smiled and hugged me. "I just don't know what we'll do now, reverend," she began to sob.

I reassured her that it would all come out alright. Mr. Anderson would have to call soon. After all, he had left most of his possessions in the house, and suppose he didn't—well, she could stop by the rectory and we would make provisions for the children and their welfare as we discussed some weeks ago.

I wouldn't allow anything terrible like that to happen here. You see, I was a shepherd by profession, much to the objection of my father—for he fancied me a banker, a lawyer, or at worst a man of letters, but this I know he would not have accepted. I know that just now he must be looking down on me from heaven and frowning, his head shaking with the annoyance and dissatisfaction that was his general disposition towards me. But after father died, for some reason, Jimbo's words echoed in my mind, as though it were a prophecy implanted in my soul.

"What are you, a priest?" I found out that to be a priest one must know some Greek and Latin, and better to know some Aramaic as well. I sold my interest in the bank and enrolled at Columbia, studying Classics and Semitics. I attended seminary in Quebec, and a few years later I was ordained an Episcopal priest. I was assigned to a parish in Brooklyn for most of my life. Weddings and christenings were among my most jubilant duties, and found a certain peace in my time there, awaiting the same families on Sunday over and over again, counseling the same souls

plagued by alcohol and narcotics. But the sorrows of the urban life were too real and too hard for me to bear, and I had seen too much. I requested to be transferred to a smaller parish, to someplace where I could live out my later years more peacefully.

That was how I came to this place, where I found myself that cold day, my breath materializing and drifting up like incense before me as I made my way home in the afternoon. There were a few snowflakes here and there; scurrying about as though they knew not which direction to fall, and indeed, whether or not to fall at all. They chased one another through the air and raced down to the earth, vanishing from sight as they hit the frozen earth. They were lost and confused, wandering in the shadows of their own existence.

Perhaps it started as tightness in my throat or an unnatural pain in my otherwise healthy legs. To be honest I can't remember, because it soon came to envelop me entirely—darkness, sorrow, pain—what bitter fruits of the soul I suddenly tasted! I listened attentively to the howling of the wind, which paused quite unusually just as I reached the rectory. Everything seemed wrongfully calm and asleep.

I walked inside and heard the clatter of my footsteps on the wood floors. I hung my coat and jacket and just as I was sitting down, the clock struck three, shattering the silence so suddenly that I jumped and gasped for air. I began to write a letter to the Archbishop requesting funds to mend the Church roof. It had been damaged in the last storm and was in great need of repair.

But before I even reached the end of the first paragraph, I again felt this chilling calm, so still and awful that I wanted to scream in order that I might break it. But I simply froze; some unspeakable evil was lurking just beyond my sight. Perhaps behind the bureau where I kept my everyday clothes, or in the dark patch of corridor that led into the bedroom. It was coming for me, had been chasing me all these years, and it was laughing, cackling quietly in the shadows of my mind, knowing it had finally gotten the best of me. Why did I leave Brooklyn? The question inexplicably rushed through my

SEE SHEPHERD, PAGE 14

PARADE OF HORRIBLES

MPRE REVIEW!

QUESTION ONE. AN ETHICAL LAWYER IS:

- (a) AN OXYMORON.
- (b) A PLAIN OLD ORDINARY MORAN.
- (c) A CHUMP.
- (d) NOT WELL-LOVED BY HIS/HER PEERS.
- (e) NOT DRIVING A BENZ ANYTIME SOON.
- (f) INCORRIGIBLY CLUELESS.
- (g) UNEMPLOYED.
- (h) ALL OF THE ABOVE.

BONUS QUESTION. DOES TAKING PR HELP YOU PREPARE FOR THE MPRE ONE DAMN BIT?
(a) No. YOU SHOULD'VE DONE THE PAPER OPTION.

[HINT: THE CORRECT ANSWER IS (a).]

GREECE

FROM PAGE 4

attractive. Many of the beaches are topless, and while all that flesh might look good in a girls-gone-wild video, apparently Europeans haven't caught on to the silicon fad, or for that matter the fitness fad and the tooth brushing fad or even the bathing fad. (All the islands have nice beaches; I was particular to Ios).

So now I'm in Ios. And I'm calling the rest of this article "Tip Six." One of the nice things about Ios is that it is a small island. A few families own everything and if you smile and are somewhat personable you start to feel like a guest on their pleasure cruise rather than a horny inebriated tourist. Also, Ios is great because the town is small enough that it is near the beach. In other places you choose the beach or the nightlife; hitting both requires transportation and a surprising amount of effort. Still in Ios you'll probably want to stay closer to one or the other. I recommend three places. Places to stay / hotels

Francesco's - \$25/night - it is pretty Americanized. But you can meet great people there, especially if you prefer the English-speaking variety. Talk to Francesco, he's a good man and can help you out with whatever you need. He helped set me up in Santorini. The hotel also has a great view of the Island and a nice little meeting place/bar out front. If you have good eyes, check out the dock and make bets on who's going to get the cutie getting off the boat. Ios Palace - \$30/night - the nicest place on the Island. Good pool, air-conditioned. Hermes - like the palace. Nothing more to say.

O.K. rather than give you a diary of my trip I'll just give you the daily schedule. How to plan the day: 11:30 a.m. - wake up, have breakfast. There are a million little breakfast places and you are going to scarf to get rid of the hangover. 2:00 p.m. - go to beach. Walk the mile or so rather than taking a bus. The exercise will clear your head. Go work on that tan and sleep in preparation for the next night. 6:30 p.m. - get back and shower / clean up wash off the sand. Try to forget the wipe out on the inflatable rings (although it was really cool when the girl lost her bikini top). 8:00 p.m. - get dinner.

Dinner Suggestions: Lord Byron's - \$5/meal and that is expensive for the Island. But it is the best meal you'll find. Funky Chicken - Best chicken gyro on the Island \$1.50. Ask for Nikolas. There is also a Mexican-Swedish place that has great hammocks. I don't remember name or cost. 9:00 p.m. - start drinking at Francesco's - meet other travelers, set up a group to hit the bars.

The evening continues... 10:30 p.m. - hit the bars. 12:00 a.m. - hit the clubs. 3:00 a.m. (8:00 a.m. on weekends) - bars and clubs close. Hit the after-hours places. (This is of course if you haven't hooked up yet. Most of the time you're back in a room). 8:00 a.m. - sleep. See it is just like law school - a lot of drinking and no sleep.

And lastly it is important to remember while there we connected with six hot southern California girls who to this day still show up to parties and will forever be referred to as the crazy Ios girls. I know what you're thinking, "Why do I have to go halfway across the world to party when spring break is just down the Baja peninsula?" You're missing the point. The attraction is to go halfway across the world. There is some wonderful adventurous spirit that the trip brings out in you. You'll want to relive it so much you can even get talked into writing a *Docket* article about it someday.

JACK

FROM PAGE 4

on a theory of unjust enrichment, stating that "but for" the transaction, defendant would not occupy his current position of wealth and influence.

The Validity of the Original Transaction: The court must first consider the validity of the original transaction, independently of its collateral results. We find that the transaction was sound.

Normally, the law does not consider adequacy of consideration. While it is in the public interest to foster transactions that are equally advantageous to both parties, it is impossible to develop any satisfactory standard to determine that one deal is "good" while another is "bad."

In short, the court may not void a transaction simply because it does not believe it is a good bargain to trade a cow for a handful of beans, be they magical or not; the relevant facts are that the plaintiff offered beans for defendant's cow, the defendant accepted, and the exchange immediately took place unconditionally.

Plaintiff argues that his offer was made in jest, that his promise that the beans were magical was illusory, which defendant should have realized from the obvious inequity of the exchange. After all, who would trade a cow for a handful of beans?

The law holds that a jesting party is obliged to carry out his part of a contract if the other party does not realize the joke, or has no reason to realize it. We hold that the plaintiff is bound under this rule for two reasons:

First, it is not so obvious that a handful of beans for a cow is a bad bargain; if the cow is old, thin, sickly, and does not milk, while the beans turn out to be fertile and capable of producing more beans, then the defendant might well have thought at the time that he was getting the best of the bargain. Therefore, he would have no reason to suspect that plaintiff was joking.

Second, there is a serious question of whether or not the plaintiff fraudulently misrepresented the nature of the beans, to entice plaintiff into the trans-

action. After all, if the plaintiff genuinely believed the beans were magical, why would he choose to trade them for a cow, rather than keep them himself? If that is the case, then the plaintiff has forfeited his claim to any profits resulting from it.

Unjust Enrichment: Plaintiff argues that he had no idea that the beans were really magical, or else he never would have traded them away. Furthermore, plaintiff argues that "but for" the beans, defendant would never have acquired the Goose. Therefore, he argues, it would be unjust to allow defendant to enjoy the full benefits of the Beanstalk. We do not agree with either of these arguments.

It is useful to illustrate our conclusion by imagining a reversal of the parties: suppose Jack sued plaintiff for replevin of his cow, on the grounds that the beans were not magical. In such a case, the court would support the trader's right to keep the cow. Since both parties accepted their goods "as is," without a test or thorough inspection, the rule of caveat emptor would probably apply to bar Jack's claim.

Similarly, in the instant case, plaintiff is estopped by a doctrine of "caveat venditor," a justifiable assumption that a seller enjoys much greater resources and opportunities to determine the true value of goods in his possession than a buyer. For example, a landowner who lives on the same parcel of land for 20 years, and then sells it for development, has no cause of action if the subsequent owner discovers gold on his property. In this case, plaintiff has not shown any evidence that he could not have planted the beans himself, or that he was discouraged from doing so by a third party.

Finally, plaintiff's "but for" argument fails to convince that he is entitled to a share of the profits. While the court recognizes the "but for" causation between plaintiff giving defendant the beans and defendant's capture of the Goose, there is no direct causation. To climb the Beanstalk is one thing, to risk a Giant's castle and bring out a treasure from within is quite another. That

latter result was entirely of defendant's own making. The law recognizes that a man is entitled to the fruits of his own labor. Therefore, plaintiff is not entitled to a share of it.

Conclusion: We conclude that plaintiff has waived any claim to any extraordinary dividends of the beans' "magical nature," by the admission in his first argument that he believed them to be ordinary beans. However, even if he had not, his claim still would fail on an examination of the original agreement. The transaction was a simple, straight-up trade - defendant's cow for plaintiff's beans - with no additional terms set, no provisional language, and no interest expressed in further dealing between the parties. Plaintiff is, in effect, asking the court to add new terms to a contract retroactively, or to reform it in plaintiff's favor because of supervening events which neither party foresaw. Neither the law nor equity supports granting such a request.

True, if the plaintiff did in fact know the beans were magical - a question that is doubtful at best - then perhaps he could argue that he gave the beans in good faith, and the defendant would be under some moral obligation to share profits with him. However, that is a purely moral obligation; without additional consideration, there is no unfulfilled bargain to which the defendant is bound.

Accordingly, the plaintiff's suit is DISMISSED.

FEE FI FO FUM!

*At a pre-trial hearing, it was established that Jack was owner of the goose since 1) the Giant apparently left no heirs, and no will appointing an executor for his estate; 2) Giants as a class are commonly known to acquire most or all of their property through theft; 3) The chances of identifying the true owner or his heirs were practically nil, suggesting that the goose should be considered abandoned property.

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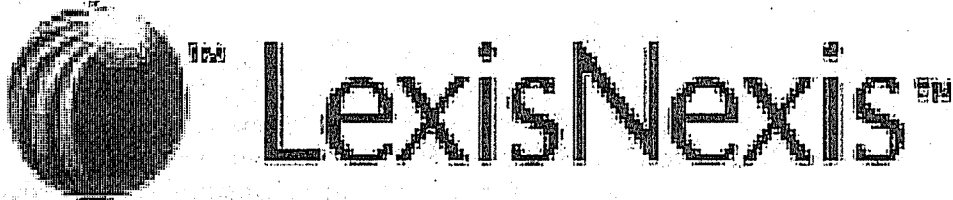
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REVIEW

FROM PAGE 8

months), but when you first meet a chick the nice guy route is definitely NOT the way to go. Then Eric starts saying it's better to wait till you know someone before you have sex with them and having sex too soon can ruin a relationship.

At this point I can hardly believe my ears, where did this dumbass learn such nonsense? Sitcoms, Lifetime, the Oxygen network? I quickly set him straight by informing him that it is generally best for both parties to have sex right away. Here's why: 1) Guys don't hear a damn thing a woman (they are trying to date) says until they sleep together. 2) Most guys don't really know if they like a woman until after they have sex and the sexual tension is gone because any feelings they had before could easily have just been lust. Thus the whole idea of making a guy "wait" in the hopes that he will like you more is foolish because only after getting the sex (be it on the second date or the fortieth) does a guy know if he likes a girl. Now if he decides he doesn't like you (i.e. his feelings for you were lust and not genuine) and he's not gonna call, isn't it better to know that information right away rather than a month down the road when you are totally into him? 3) It's good to know if a guy is any good in the sack and make sure all the parts are reasonably sized and in working order. (Nothing worse than waiting two months to play with a toy that doesn't work). And finally 4) Sex feels really good and I'm all about dat.

Later in the night I ran into Melanie again (the chick I'd met when I first got to the bar), and asked her to buy me a drink. For some reason asking women to buy me drinks had been working really well and I figured I might as well stick with it, besides it saved me some cash. When I asked her to hook a brother up, she seemed a little perplexed but

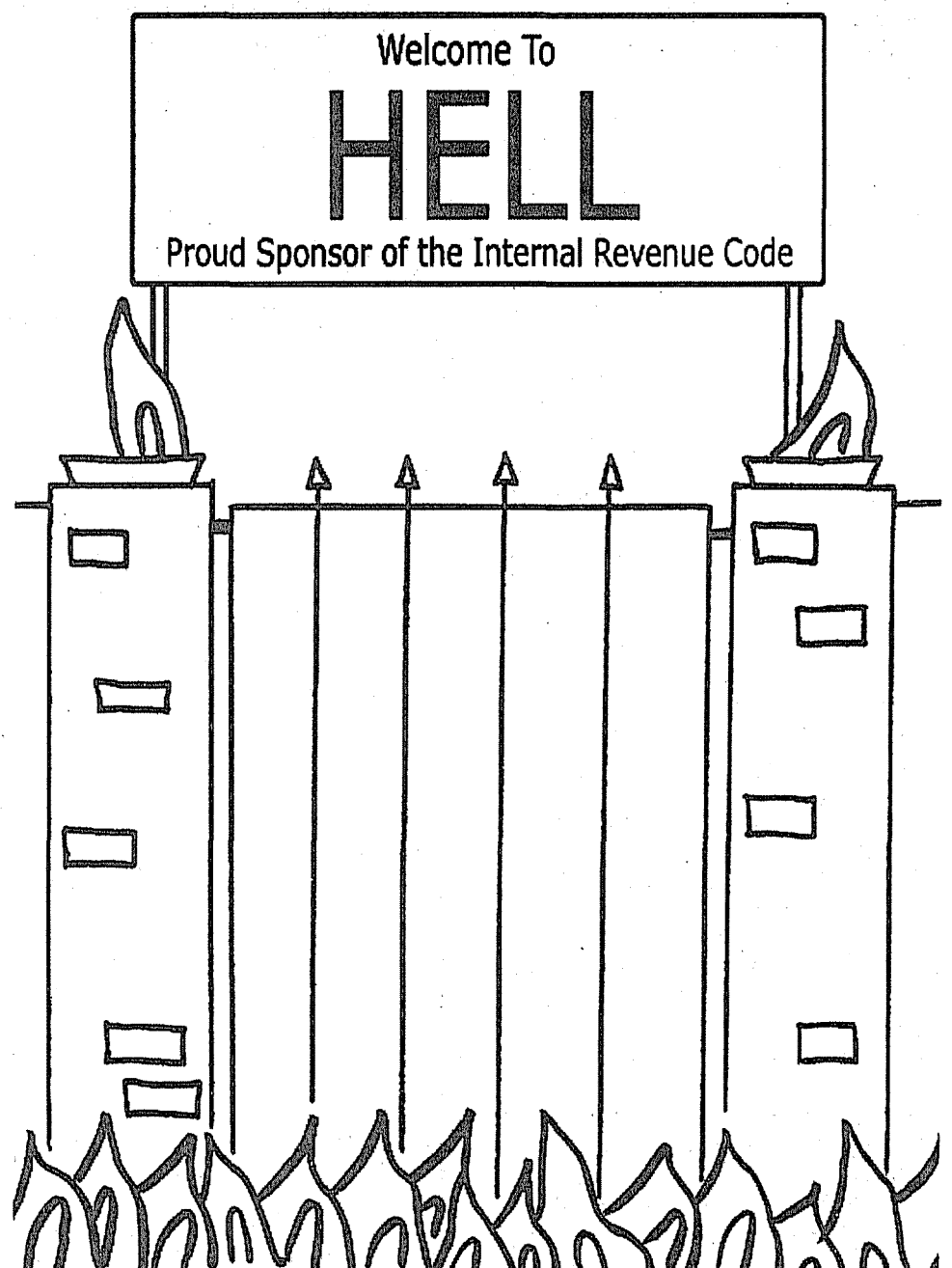
readily agreed. When we got to the bar I told her what I was drinking and she was about to order, but then she looked at me and said, "Um, I just don't want to buy you a drink!" and with that she walked away. Oh well, worth a try.

I spent the next hour or so yapping with my friends Lynn and Sally. Sally is a definite semi-friend. For those of you unfamiliar with the term "semi-friend", a semi-friend is someone that you see and talk to but never make plans with. It is not the same as an acquaintance, because I have plenty of acquaintances that I can't stand, but I'm pals with all my semi-friends, thus the term. Anyway, we yapped about Sally's future plans as a U.S. senator, I said I'd only support her if she was against the war in Iraq, of course she gave me the politicians' answer of, "it depends on the circumstances and it depends on what the definition of 'support' is." (Fucking politicians!) Lynn was yapping about her two ex-dudes, the smart financial analyst who could stimulate her mind, but naturally couldn't do shit for her physically (where it counts), and the other dude could take care of business but wasn't the most intellectually stimulating.

A few minutes after that conversation my girlfriend (the girlfriend thing may come as quite a surprise, let's just say we have an interesting relationship and yes, she reads my articles) showed up. She was making a surprise visit from San Francisco and I was psyched to see her (it'd been two weeks since we'd seen each other), so I pretty much attacked her when she walked in. We hung out for a drink or two but then it was time to bail. For all you true believers if you're ever looking for me and can't find this brother just wait until Thursday when you can catch me begging for free drinks and kicking game at BAR REVIEW.

Stu's Views

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SHEPHERD

FROM PAGE 11

mind just then, and I didn't know the answer.

It was nearly half past four when the phone rang. It rang four times before I saw my hand reaching for it. For a moment I merely stared, my eyes glazed with trepidation, as though the devil himself were on the other line and was calling to remind me of an ancient score to settle.

Click — The sound sent a shudder down my spine as I lifted the receiver from its perch. It was a terribly old phone with a rotary dial pad and a long tangled cord. When I heard the good doctor's voice I was briefly relieved. He practiced in New York, and like me, he came here to escape the madness of urban society, but I rarely saw him outside of Sundays and weekend house calls to the rectory. So I must confess that it being the middle of the week I was surprised to hear his voice identifying itself over the static ridden line of his cell phone.

"Hello, doctor, so good of you to call," I said courteously, suspecting that he was calling to inquire of my health. Just a month ago I had been to the hospital for a heart condition, and on Sundays he had repeatedly inquired as to my physicians and my medications and had insisted that I see this one and not that.

But as he continued to explain his unusual call, the frigid pain returned to my back and limbs. There was something dreadful and unnatural in his voice, and I began to realize this was no good will call.

"Yes, of course I remember her," I said, "that afternoon last summer, a delightful child." With a trembling voice he continued, and I was overwhelmed by a single emotion. They were skating on the pond. The ice cracked. She drowned.

Helplessness. My jaw fell and nearly froze in place, my mouth wide open as though gasping for life. Nearly unable to respond, I felt like a ghost detached from reality. Unable to speak or to breathe or to be. For a moment I remained silent,

and then, realizing my station and my task, I replied. "Yes. I will. I'm so sorry. I assuredly will. Please call back this evening. Thank you for telling me." Click.

Numbness. In that instant, I felt as though I were a fleeting shadow. A shade hovering without essence. Recluse in my own heart of doubt, fighting furiously to regain my reality. With resolution to be courageous, I stood. I gathered my coat and with light, cautious steps I floated towards the doorway. The turning of the door knob, the thud of the door closing behind me, the scraping of my keys against the lock, the quick bang of the car door closing, the rumble of the engine. All these were sounds I would have never noticed in Brooklyn. There life was a never ending stream of chaos, and every little thing was just one small part of the constant rage that pushed the world forward. The tumbling fury that seemed to have no end, the puzzle that had no solution. Here things were different. Here one learns to appreciate and consider everything around him. Every sound, every breath, every soul seems filled with meaning. But it seemed different today. The silence was more pervasive and more menacing, perhaps more a veil than the oblivion I had presumed, and I clung to each voice more tightly, for the voices had sense.

I said a silent prayer as the engine agonized to turn. It was an old pick-up truck that one of my parishioners donated several years ago. I didn't make much use of it because I enjoyed walking, and so every time I tried to drive somewhere it seemed like a moment of trial. I breathed relief as the motor began to roar, and I listened to the sound of the tires pushing through the snow as I started down the road. Already it was growing dark, and I began to wonder if I would be able to find the house. The snow had picked up and the wind howled with an empty moan. Finally, as the doctor had instructed me, I saw a driveway with two stone pillars approaching on the left

hand side of the street. Timorously I moved the steering wheel and turned through them. I felt a terrible chill. Somehow the lifelessness of the stone had possessed me as I passed. So still and immovable that they seemed to emit an arctic radiation that transpired through my skin and settled somewhere there beneath.

Sullenly I knocked at the door. Only 14 years old. I had never had a child. My only personal experience with death had been one of mixed emotions. Of course there had been many funerals, even some tragic ones in Brooklyn. But never anything like this. How could I understand such a loss, and how should I presume to . . .

I heard footsteps descending and the clatter of a lock. The door was opened by a man in his late fifties, tears dripping from his eyes onto his wrinkled face, stained first by age and now by overwhelming sorrow. He was bald and wore glasses. His face was familiar, but in all sincerity I could not recall if we had ever met. I extended my hand warmly and felt myself leaning forward, nearly lunging as I strove to express the ferocious need inside me.

"I heard from your colleague," I said quietly. "Yes. Thank you for coming reverend," he said, beckoning me inside.

I crossed the threshold and found myself standing in a dark atrium. It was a house of modern design, with corridors leading in every direction into spacious rooms. There were enormous windows on every wall and a winding staircase to one side. It seemed there was not a lamp on in the entire house, and the only way I could see my way around was by the faint vestiges of daylight that had filtered into the room. They cast a pervasive twilight of melancholy that seemed to engulf and consume everything around us. "I was upstairs," he remarked dumbly.

He turned and slowly began to ascend the stairs. I hesitated a moment, not knowing whether he wished me to

follow. He turned over his shoulder and looked at me. I followed slowly up the twisting staircase into a room facing west. He sat down on the floor and looked up at me. Then facing down, he pressed his palms against his forehead. I stood in the middle of the room, hands at my side, waiting for a thought to enter my mind. I could tell that despite his pain he was doing his best to be cordial. I looked around. A desk with a computer set on top, an unmade bed with a purple comforter, books and clothes strewn about, the faint scent of perfume. We were in her room. There was silence for a moment and then he looked up once more and began to speak.

"Her mother will be here with her husband sometime in the morning," he said.

"I'll stay until they arrive," I assured him. He nodded and looked down again. More silence. This time it lasted longer. Perhaps minutes. I watched him quietly in the blue light of the new born evening that flooded in through the window. It was almost entirely dark now, and I could barely make out the features of his face. Then suddenly he jerked forward with a pathetic sob.

"Why?" The word flew at me like a cold dagger. Somewhere deep inside me I could hear a cackling rise, a sinister element that refused to yield to sense. I struggled to resist it as it rose up from my chest to the top of my throat. And so I stood there, a shepherd without a crook. I felt nothing but the darkness that inhabited me, that ate at me like a vicious parasite. Instinctively I addressed myself to speak, about this world and the next, about God and mysterious plans unknown to man. But before the words escaped my lips, I retorted myself for these trite vulgarities and remained silent. I walked towards him and sat beside him against the wall. His eyes followed me across the room and fixed carefully upon me as I sat. He gazed at me longingly, searching for an answer I did not possess, though I was a shepherd.

"Fun" with the Law

Everyone knows law students take school way too seriously. So one of our own took the time to remind us of the sense of humor we left behind somewhere in between Civil Procedure and Lawyering Skills.

How many Supreme Court Justices does it take to change a light bulb?

Six. One to turn it, and five to overturn it.

What did the Supreme Court Justice say when his friend asked him for a mint but he didn't want to give him one?

"Cert denied."

What do you call it when twelve women of various ethnic backgrounds become lesbians?

Diversity jury's dick shun.

What do you call a sarcastic lawyer's second lawsuit against the same person?

A witty re-tort.

What kind of cheese do judges put in their lasagna?

Res juricotta.

What do you call someone who used to be your mother's sister?

Your ex ante.

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CASES

FROM PAGE 10

Microsoft, and Rupert Murdoch are all targets of litigation, the Devil isn't really so tough. Moreover, while Satanic litigation does pose some unique jurisdictional and procedural difficulties, none of them, as I will subsequently demonstrate, poses an insurmountable obstacle to a successful lawsuit."

Mr. Yablon, in the introductory part of the essay, outlines why suing Satan is an idea whose time has come. One problem, he says, is that while there are practice guides for attorneys who want to sue tobacco or asbestos companies, no such publications address the procedural issues faced by the Satanic litigator. Generously, Mr. Yablon did just that: he created a practitioner's guide to suing the Devil. Part I of his essay is A Legal History of Satan, starting with the trial of Job all the way through the whole incident with Daniel Webster. Since then, the Prince of Darkness has avoided the courts, probably because he has not fared as well as you might think. The point of part I is to demonstrate that Beelzebub is not as formidable an opponent as all

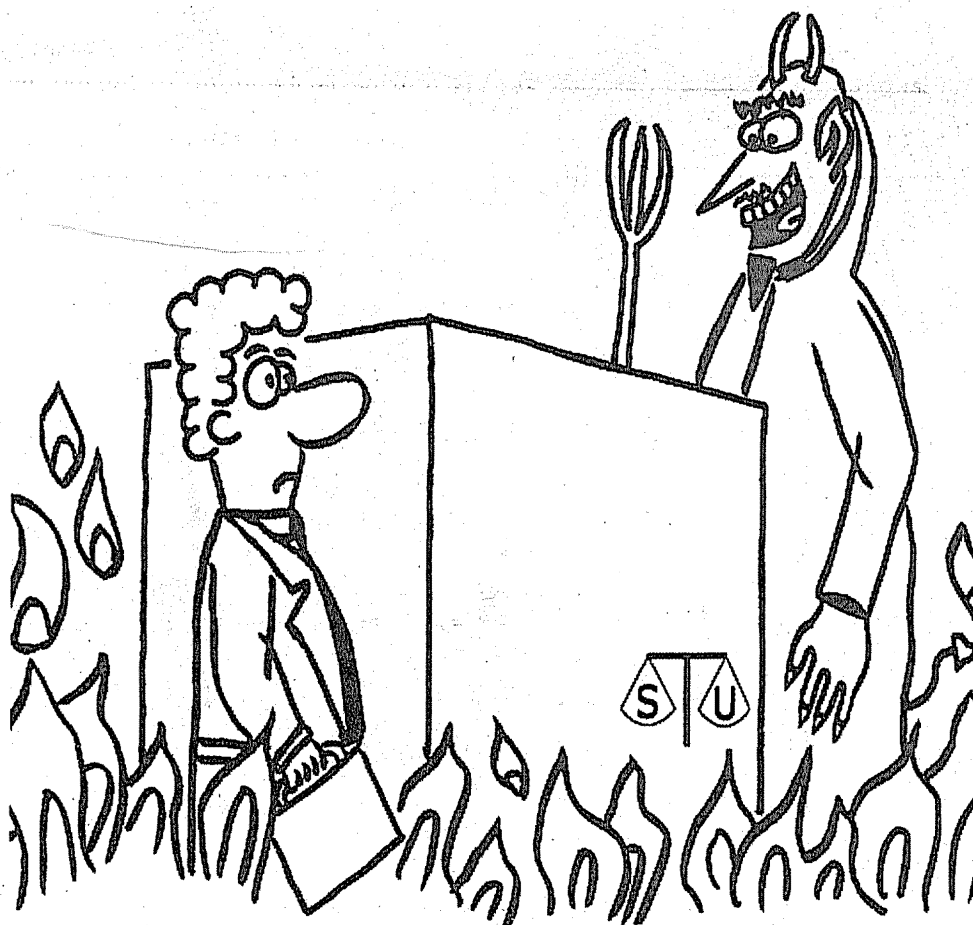
that.

In part II, Suing the Devil: Procedural Issues, Mr. Yablon gives us what we came for: how to overcome the rather obvious procedural issues that surround dragging Mephistopheles into court. For example, the Devil's actual existence is not relevant to whether or not he can be sued. After all, lawsuits against "corporations, nations, deceased persons, and sunken ships, not to mention the ubiquitous John Doe and Jane Roe" are regularly upheld, right? And I won't tell you how Mr. Yablon solves the problem of service of process, but it's an obvious one, and quite funny. In other words, read the article. It's worth the few minutes. Moral of the story: I'm going to love being a lawyer.

Well, that's it for this one. I have more, but apparently there are other people who have written articles and want them published. So stay tuned. In the next episode of My Favorite Cases, I will regale you with stories of Decapitation and Manure. Don't touch that dial!

Stu's Views

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"Well, well. If it isn't Mr. To-Hell-With-Pro-Bono."

Sexually deprived, overstressed 1L seeks Valentine for quick hook up between Property and Contracts. Must love long walks to Lot 3 with rollie bags. My fee simple absolute is looking for a springing executory interest in your servitude. Section 7 students need not apply.

PARADE OF HORRIBLES

- SO YOU HAVE A BORING ETHNIC BACKGROUND (LIKE ANGLA) —
- SO YOU HAVE AN UNEXOTIC SEXUAL ORIENTATION (LIKE STRAIGHT) —
- SO EVEN YOUR RELIGIOUS AFFILIATION IS UNINTERESTING (LIKE PRESBYTERIAN) —

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THIS YEAR'S TOPIC:
"HEARDN' FOR A CRASH: LEGAL ISSUES IN STOCK-CAR RACING"

D.L.D. 1/25/03

.....

We at the Docket would like to wish you a happy Valentine's Day.

Hope you get some!

For a change.

.....

BATH

FROM PAGE 6

law school's distribution of toilets. Collier explained the impact of this difference, "unless you go during a class period, there is a line." This difference leads to "about three minutes" of wait time, according to Collier. Such a delay "is sort of a bummer when you have to get to class," she opined. Egdal commented, "the first floor is where the real inequity occurs."

Even excluding the two bathrooms nearest the lounge, there is still a 20 percent disparity on the first floor, and a 27 percent difference in the building as a whole, in the number of toilets available to male and female law students. This disparity is slightly heightened by one additional men's room (on the third floor in the north wing). For reasons not clear from visual inspection during the study, there is no corresponding women's restroom in the area.

Women do have a slight edge overall in the number of stalls available to them in the law school. There are 15 percent more stalls in women's bathrooms than in men's for the building as a whole. This difference seems rational, as women cannot use urinals, and thus have much more need to use stalls than men.

Other differences in bathroom facilities also appeared in the study. Men have access to 18 percent more sinks and 16 percent more towel dispensers than women for the law school as a whole. This disparity is almost entirely due to the differences between the restrooms closest to the lounge. Removing those restrooms leaves an almost completely equitable distribution of sinks and towel dispensers. Women also have 28 percent more seat cover dispensers in their restrooms than men do. This considerably exceeds the difference in the number of stalls.

An in-person investigation of many of the restrooms further indicated differences between the men's and women's restrooms, particularly near the lounge. The women's restroom across from the registrar's office has various amenities unknown in other restrooms at UCLAW,

including three couches, two tables, a hat rack and a full-length mirror (the only one in any bathroom examined by the study). The couches and tables are located in a partitioned area along with various lockers assigned to unlucky female law students. In contrast, the men's restroom across from the lounge has marble walls, including (possibly fake) fossils, and appears to have been designed at least in part for aesthetic reasons, as opposed to the utilitarian layout of every other bathroom at the law school.

It seems likely that the inequity is a result of the law school's predominantly male past, where most students and faculty were male, leading to consequently higher demand for men's restrooms. "It seems like when the school was built, it would have been focusing on the men's facilities, making them somewhat nice, and the women's facilities were an afterthought," suggested Collier. "I would think that when the law school was initially built, there were significantly fewer women attending law school," concurred Poole. She further suggested, "At this point, I don't think there is a problem [with the distribution of bathrooms.]"

The current student composition of the law school is 499 women (51%) and 484 men (49%).

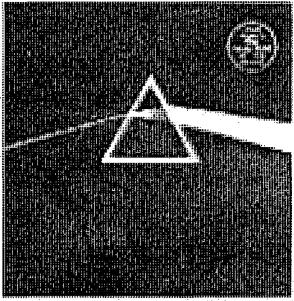
Some students were not as resigned to the inequity as Poole. Collier suggested, "I think they should definitely fix it." "I think it represents an unconscionable failure of the capital development team to adequately track the changes in the student population at the law school," criticized Egdal. His theory was that "the toilet arrangements were probably made by the same people who arranged this year's class schedule." Collier's concerns were more personal. "I would like better facilities and more of them, because I'm pregnant and I have to pee a lot. I bet they didn't plan for that when they built the law school," she explained.

Egdal summed up the situation, "I'm all for equity. As long as you don't have unclean hands."

MUSIC TO DO DRUGS TO DO LAW SCHOOL TO

BY KENNY ROOST
ENTERTAINMENT EDITOR

Spiritualized frontman Jason Pierce's old group Spacemen 3 named an album *Taking Drugs to Make Music to Take Drugs to*, pegging characterizations at their genre of music being associated with drug culture instead of high art (for the sake of a better parallel, this column could be titled *Taking Drugs to Review Music to Take Drugs to Take Law School to*; you're grabbed regardless, and I stand by my choice). Symptoms of "drug music" include: ambient atmosphere, heavily textured sound, and a pretentiously artsy quality commonly belied by experimental tunes. This article reviews the best music basely and baselessly characterized as more to do with drugs than art. These albums take themselves entirely seriously, are super alone and even pleasant accompaniment to your homework travails.



Pink Floyd
The Dark Side of the Moon
98/100

One of the cliché options for best album ever is also a cliché to score *The Wizard of Oz* as soon as the lion roars twice. Let's clear up two misconceptions with one sentence: first, Pink Floyd's best album to consider for best album ever is *The Wall* (it gets 100/100 and is the benchmark of accomplishment: incredible music feeling aggressively competent lyrics focused on a microcosmic story); second, people, when high, accuse Pink Floyd of being "eerily perfect" to anything (rumor is Floyd's eerily perfect to watch videotaped Barbri lectures to - I prefer the Baha Men, but that could just be my biting sarcasm).



The Beatles
Sgt. Pepper's Lonely Hearts Club Band
99/100

This was tricky: *The Magical Mystery Tour* seems like the cliché for hallucinogens, *Revolver* for alcohol, *Rubber Soul* for women and *Sergeant Pepper's Hearts Club Band* for potheads. You may disagree with those characterizations, but you'd be a fool to disagree that this is The Beatles' best album. Lennon's intellectual acerbity in McCartney's musical cheese sounds fabulous and sarcastic as hell. The sole song allowed to totally transcend cheese (and all else), *A Day in the Life*, gracefully completes the album with a take on the sound of the end of the world. *The White Album* influenced rock the hardest, but The Beatles were hardest on *Sgt. Pepper*.



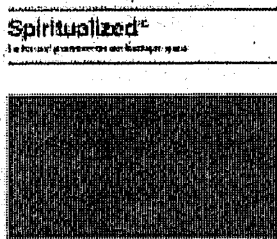
The Flaming Lips
The Soft Bulletin
96/100

While the Lips frequently experiment with music, on this album they experiment with genius. Three years of recording and production spawned an intricate, gaudy and breathtakingly good curtain of music woven with electronic and acoustic threads. Despite the invariable silliness of Lips lyrics, *The Soft Bulletin* is a concept album that deals with grand issues in addition to grand sound. Hear this fun yet challenging masterpiece and, high or not, you'll call it high art.



The Doors
The Doors
95/100

The Doors' debut is their strongest release (followed closely by *Strange Days*), boasting cuts like *Break on Through*, *The End*, *Twentieth Century Fox*, and every other song on the album. The band's extravagance is enough to condescendingly discard their music as timely drug opuses (a mythology that Oliver Stone's movie only enhances), but one could well consider The Doors the first goth group and one of the coolest groups ever (I believe The Rolling Stone reserves its top spot for The Sugarcubes - the publication was seduced by Bjork's Icelandic appeal but, really, Jim Morrison versus Bjork? No contest).



Spiritualized
Ladies and Gentlemaen we are Floating in Space
93/100

The album begins with a gorgeous loop that slowly builds an empire of sound by overlaying voice after voice with classical and spiritual sensitivity. As with Pink Floyd, the music never stops; moods and rhythms swell and transform instead of transitioning via lurches and breaks. Mellow self-indulgence compounded by majestic production and heartbreak results here in a gentle masterpiece tempered by moments of mature frenzy.