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LLM from page 1

of languages. I go into a store and the shopkeeper is also a foreigner. In my country if you have a foreign accent, people start asking who you are. Even though there are many immigrants in Israel, it is in the nature of people there to ask. You feel you are a stranger. In California there are people from Asia, from Mexico, even from Israel. People never notice your accent when you start speaking. But I think it is peculiar to California. When I travel in other parts of the country, people notice my accent. But here I blend in. Even at the law school. There are many students who are not LLMs whose families are recent immigrants.

I have a funny story. Soon after I first arrived I went to a mall. In the parking lot I was passing someone who said "Hi. How are you doing?" I was thinking, where do I know this person? I have been in this country only three days. It could not be that I met him before. Then I realized that is the American way. If you pass people and you are as close as a meter to you, they will say "Hi." If it is half-meter, they say "How do you do?" I finally got used to this. I see people in the street that I don't care about and I say "How do you do!"

In my country, if you say "Hi. How do you do," you must have known him because he will stop and say "Oh, how is your mother? How is your car." You have a half hour conversation and end up inviting him to dinner.

Roberto Peralto

One of the weaknesses of this culture is that you are so rigid you cannot adapt well to the influences of other cultures. This culture is rule-bound and resists cultures that bring a more dynamic sensibility to life and to business. There is a way of doing business that recognizes the importance of relationships and the flexibility that relationships require. This culture tends to respond to change by fixing standards.

For example, in customer service many companies measure effectiveness by the number of calls a representative makes, not by the interaction between company representatives and their customers. This is crazy. What kind of quality can you expect from someone forced to worry about volume? Half an hour with one customer might give you more profit than twenty calls.

Also, in this country I often see people sitting alone having coffee. In my country you would never see this. People break from their work to be together not to be alone. If you take a break you always ask someone to go with you. If you go to a party, you go with someone. Just to be together. In my country, if you saw someone sitting alone, people would say, "Oh, poor guy." This country seems to be very lonely.

Asseline Malebranche

As in all big cities, life in California is on the fast track. I like its weather, some of its parks, and walking along Santa Monica Beach is a delight. I cannot say much about California, because besides Westwood, where I live, I do not know much about California itself. I am going to spend a little time after the program to get to know Los Angeles and California better.

Westwood is a pleasant place. People are nice in general. But the entertainment opportunities are great. You can find free concerts, movie premieres and much more. There are times when "All I want to do is have some fun until the sun comes up on Santa Monica Boulevard." Unfortunately there is a lot of reading to do.

Haiti is very different. Haiti is a

small island where the people take time to enjoy life ... at least before the turmoil that started in 1986. In spite of those problems, I miss its many charms.

Antonio Bernardini

I have the sense that American society is always inclined toward accomplishing some end. Maybe it is because reputation in this country is only based on what your professional or economic status. In Italy, certainly people aspire to achieve these things, but you don't move around so much, and, moreover, you do not underestimate the importance of other values. People think about the long term and recognize the importance of developing lasting relationships.

Alberto Gallotti

I did not expect California to be like Italy so I was not surprised by some of the differences. I like the professionalism here, the efficiency. When they say things they get them done. You have a good service a good product that is the end of the line. But beyond that what is missing seems to be deep personal relationships. Beyond that nice smile that "Hello, how are you" there is not that deep feeling of friendship. Perhaps Americans don't know friendship the way we know it. Perhaps Americans are lonely people, scattered all over the country. They can never develop what they call in psychology "the village" mindset. They don't have the long deep radical relations that they take with them wherever they go.

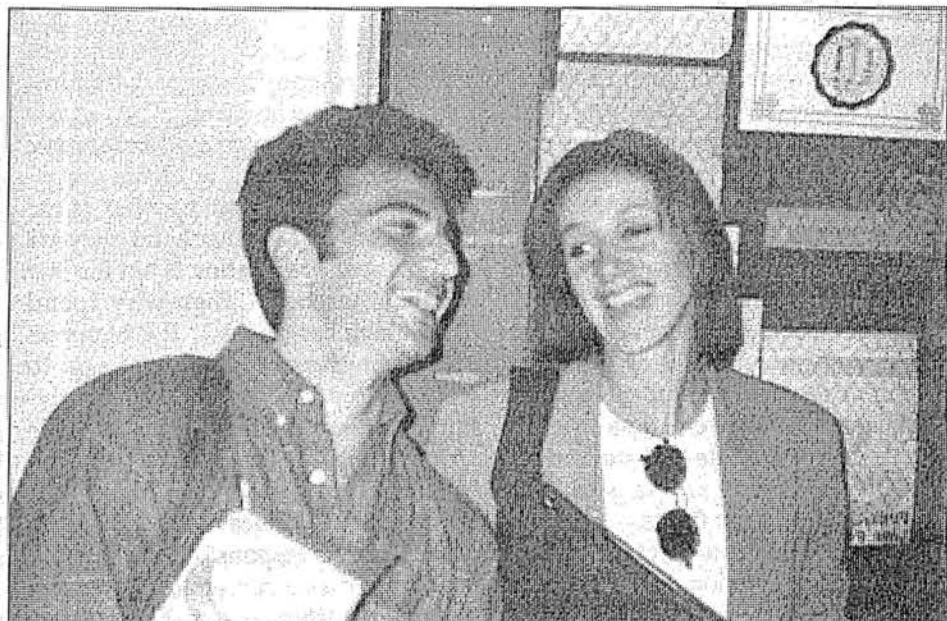
Docket:

What fosters "the village" in your country?

Alberto:

The question is not what fosters it in my country. The question is what happened here. You society allows people to slip into homelessness so easily. That is why you are so concerned with survival and beyond that to make more money, to do the deal. Maybe in Europe our social welfare systems help, but here even people are sent out on their own even at a young age to find their own way.

Certainly the competition that produces your driven natures ends up creating magnificent technological advances. Our brightest brains come here to study your technology. But I don't think your accomplishments make you happier people. Despite all the prob-



Lina and Antonio relaxing in *The Docket* office.

lems in Italy, the people are a happy people.

Anastasia Zografau:

I came here from New York, where I worked at the Greek Embassy for three years. I came here because I got married. But had started the LLM program at NYU part time. So when I got out here I talked to Professor Handler. Only the deadline had passed and the program was full. But then it turned out that one of the LLMs changed his mind and they let me in. I am still working with the consulate. I am a legal advisor in the trade division there, helping American companies establish businesses in Greece.

America is very different from Greece. Law school is a totally different experience here. I think it prepares you better for the competitive environment you face after you graduate. In Greece, you take courses pass/fail and if you fail you just take the course and the exam over again. But we have a lot of unemployed and low paid lawyers. Here even if you are an average lawyer you can have a decent salary. In Greece they say if you see something running its either a dog or a lawyer.

Greek life is more relaxed than life in the United States. Relationships seem to be more important. But there are drawbacks to those relationships because they make you accountable to many people. In this country, I can wear sneakers, go to the grocery store when I want to. As lonely as Americans may be, there is something spe-

cial and appealing about the freedoms they experience.

Alex Jooss:

I think it is fair to say Europeans are more relaxed. Money and career don't seem to be as important as they are in this country. But there are differences even within Europe. In southern Europe, family is much more important. People still live with their parents until their late 20's if they are not married. The materialistic aspects are not as strongly emphasized as they are here.

I do not think, however, that the quality of life in the United States is lower. The work ethic and its emphasis on efficiency has helped this country to become very powerful and the most sophisticated country on the planet. It is different quality of life. Things are very advanced. Even social interaction is focused on being effective. Everyone has his or her card and their are not wasting a lot of time talking about stuff that is not important.

I have traveled a lot and lived in many countries and I joke with others that I am 40% German, 30% Latin American, and 30% American and I encounter this conflict within myself. Part of me says be with people that is the gist of life. You need interaction. The other part of me says be effective, be career minded. Do what you have to do and do not worry about other people. It strikes me every time I come here that people are so aware of business that I sometimes think why don't you slow down and not think about what the cost is. Why don't you just enjoy life?



Anastasia Zografau, LLM student from Greece.

EXPECTATIONS from page 5

terribly boring—not in all instances, but enough to be rather annoying. Secondly, it should not be called “education” at all, because pedagogical principles are only minimally incorporated into what goes on in the classroom. “Boot camp” would be more appropriate. Teachers expect students to know the law rather than teaching it to them. However, a basic principle of teaching is to not expect students to know before guiding them into learning. Moreover, if a student happens to not know the answer, some teachers will proceed to ridicule that student. In other settings among adults, such ridicule could lead to fist fights.

Most professors neglect the imparting of basic information, frame of reference, foundational models and guidance that is needed in any educational program. I don't think most schools could expend so much energy hiding knowledge from students and still be called a school. Furthermore, law school is concerned with slavish adherence to arcane rules and formalities and not with intellectual freedom nor with law that can be applied to real life. Teachers routinely refuse to answer student's questions in class and schedule office hours at times and in volume that make it impossible for all students to have access to them. High teacher-student ratio does well for the law school's coffers but is detrimental to students' understanding.

The most atrocious aspect of law school education, is its examination scandal. The time given to complete exams is usually sadly inadequate. In many cases, students are usually better off studying the material at home rather than going to class. Something is drastically wrong when the highest raw score in any class is eighty-four out of 200. This simply indicates that students were tested on material that was poorly, or never taught.

Thirdly, legal “education,” as it stands today has little practical value. It gives students an inadequate idea of what the profession truly is like. If they are not fortunate enough to find summer jobs, they can graduate from law school without even the slightest idea how to file a complaint, write a proper brief or perform any of the basic functions of a lawyer. If graduating doctors were as incompetent as graduating lawyers, this country would be in a grave

health crisis. Law schools' incompetent training is responsible, in part, for turning out horrible lawyers.

Law school seems schizophrenic about the bar exam. Students are required to take a certain number of bar courses, but on the other hand, they are told that bar preparation is not the law school's function. Then why spend time taking bar classes? It is common to hear lawyers say that you begin to learn law for the first time when studying for the bar. All the things one needs to know for this pivotal exam are relegated to bar preparation courses. This is a clear case of educational institutions shunning their responsibility to prepare students for an exam which would determine whether or not they become practicing lawyers. The ABA's mandate that law schools refrain from bar preparation is misguided and elitist. Students have to pay more for an opportunity to learn this crucial legal information after spending a fortune on law school. This has a disproportionate effect on poorer students.

The role law schools play in legal education should be eliminated or greatly reduced. This may seem a radical proposal, but law schools are only a twentieth century experiment which has proven to be highly ineffective. However, the prestige and access to high paying jobs they provide have become a fixture in the minds of many. These factors may cause them to vehemently oppose their eradication. A more practical solution may be to reduce classroom time to a year—or a year and a half, maximum. Students would learn the basic multi-state bar requirement courses. Law schools should have working relationships with law firms, solo practitioners and agencies where students can spend another year in practical training.

Such a well-crafted program should be more than sufficient to train students to be lawyers. The high anxiety, loss of confidence and sheer consternation that most students currently experience throughout law school and upon graduation would be greatly reduced. Graduates would be able to then focus on practicing law, rather than on learning it for the first time and the profession might regain some of its lustre.

DIVERSE from page 5

prone to doing) in which two applicants have identical LSATs and GPAs. The only factor distinguishing the two applicants is that one applicant worked full-time through college. While both applicants are impressive on the basis of numbers alone, the fact that one applicant achieved her scores while working full-time through college distinguishes her as exceptional.

If Favish will concede that work experience is a factor that may distinguish one candidate over another, perhaps he can understand that there are other factors, equally unrepresented by the LSAT/GPA score, that merit consideration as well. By factoring in various qualities in a person's background, such as race, UCLA is acknowledging that there are many desirable qualities that cannot be quantified by the LSAT's.

Favish grossly misrepresents the UCLA's admissions by focusing exclusively on the program's consideration of race. Is it coincidental that Favish spent so much effort detailing admissions statistics by race but was conspicuously silent about the program's consideration of factors such as physical disability, economic and family hardship, number of advanced degrees, work experience and geographical background? For all the research Favish conducted, he failed to turn up the fact that whites and Asian Americans (whom he portrays as victims of UCLA admissions policies) participate in and are accepted through the diversity category just as other groups are.

Why consider race? In a heterogeneous society such as the United States, a person's racial identity is often a significant part of his or her experiences and background. Favish states in his letter that he is unaware of any idea or perspective that a black, Latino or Native American might have that is impossible for a white person to have. What Favish does not consider is that, while any student might be *capable* of learning different ideas and perspec-

tives, he would not have the *opportunity* to acquire that broad range of perspectives were it not for the presence of other students of different backgrounds who inform, challenge and diversify his classroom discussions.

Without a classmate who had lived on a Native American reservation, how would our criminal law discussion on parental duties have been informed of the dilemma many Native American parents face in risking the confiscation of a child they bring to the doctor? Without the insights of a classmate who had interviewed death row inmates, how much less rich would our discussions of the death penalty have been? Without a Chicano classmate who had worked as a migrant worker when Malathion was used as a pesticide, how much less lively and personal would our discussion have been about product liability?

A law school education is not just about learning the black letter law. If that were the case, we could all obtain degrees through correspondence schools. Rather, it is about learning to dissect a legal problem in a hundred different ways, and understanding the far reaching consequences of each different approach. It is about learning to represent clients competently in the context of their particular backgrounds.

Incorporating diversity does not come at the cost of high standards. UCLA's 92% bar passage rate is evidence that our admissions program chooses capable candidates. More importantly, UCLA's list of outstanding alumni and alumni accomplishments are testament that success comes in many forms.

Unlike Favish, who assumes that a score index can adequately identify the “best” students, UCLA's diversity program looks for those applicants who have something *unique* to offer to the practice of law.

Asian/Pacific Islander
Students Association
Representing 140 students of Asian
and Pacific Islander descent

DREAMS from page 8

wonderful opportunity, a little irreparable harm to your future career.

True, this will only affect the ones who had potential for a “real career.” For the old utility players who never lived up to their potential, the replacement season may mean a six figure income until the “real players” come back. Then, they steal back home to their lower paying jobs.

Yet, for the minor leaguers, whose fresh faces have “potential” stamped all over them, what happens to their careers. The reality that comes when they make that return trip to the minor leagues. If called up again, will that “potential” be replaced with the brand, “scab”?

In a league where the most obscure facts are recorded for posterity, those few months in that replacement season will not haunt him in his sleep, it will greet him every day of his life. Everyone will remember that they played that infamous replacement season of 1995.

The whining announcer who has to make small talk between batters will at least once, every game, will mention that John Doe at the plate, played that replacement season of 1995 and do a little “scab” expose.

The endorsements will come pouring in as every company wants this former scab to endorse their products. Little kids will beg for their

autographs: “Mr. Scab, please sign this fake autograph book.”

Yes, that most promising “scab” label will not affect his future career. It will have no effect on his abilities as a player. Of course, the fact that none of the other players talk or socialize with him is inconsequential. Baseball is not a team sport anymore.

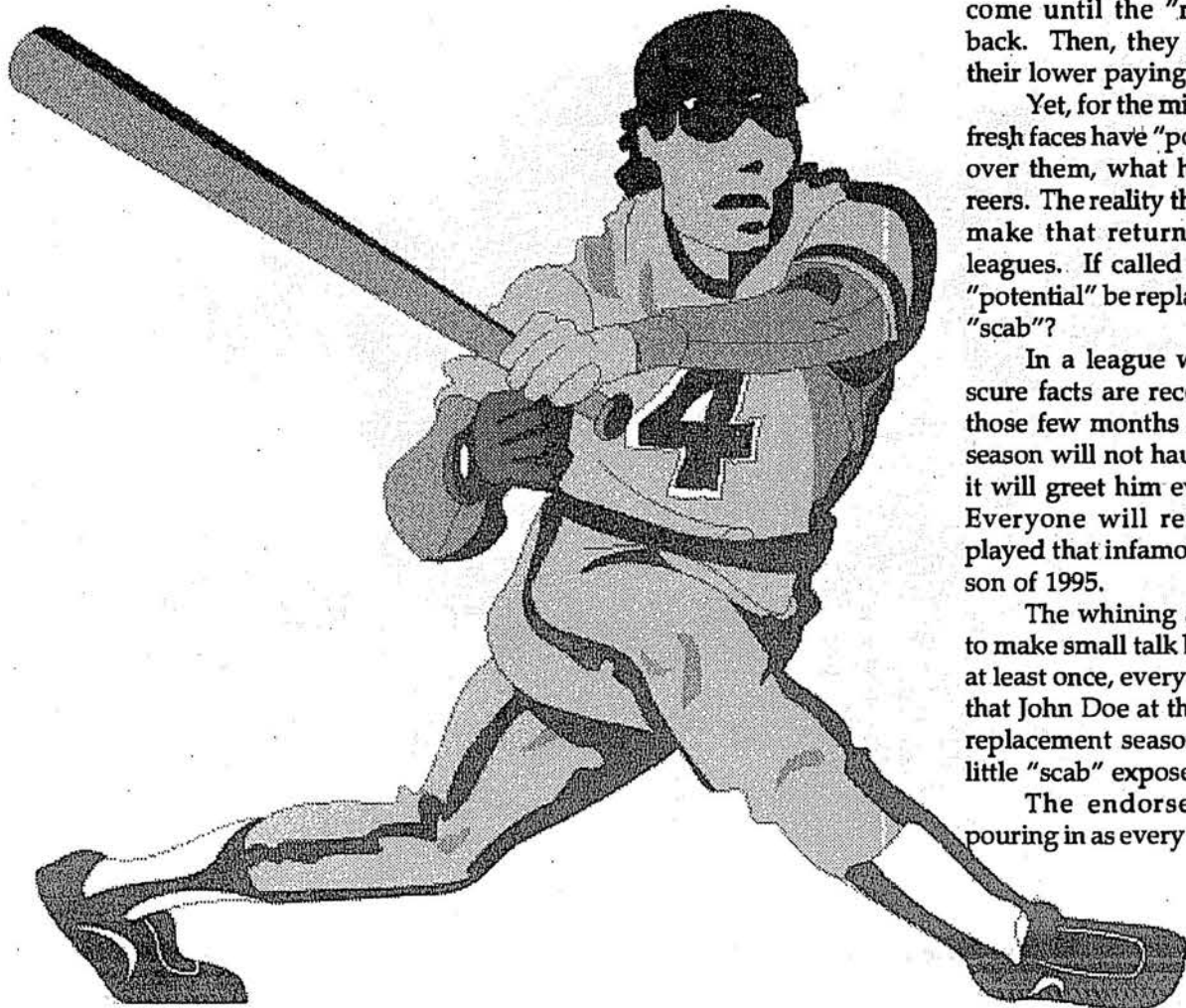
The grudge holding writers will never vote you into the Hall of Fame. The super secret “qualification” of worthiness, can not overcome that “scab” moniker, even if you walked on water.

Writers will crucify you at the ballot box for every major league award. A .390 batting average will lose out to the .385 player who didn't cross the line.

The “scab” label will follow him to the grave, inscribed on his tombstone, written in his obituary—was a “scab” in the 1995 season. Fair play? — sure in a game full of foul balls.

The strike has turned into a whole new ballgame called “player unity versus owner unity.” It consists of participants from both sides who refuse to talk to each other. Yet miraculously, they will come to mutual understanding, a meeting of the minds, and end this strike once and for all. They silently negotiate separately. This game has no winner, only losers.

Years from now an asterisk will denote the end of professional baseball. When actions speak louder than words, the silence is deadly ...



McDONALD'S from page 5
 which totaled \$10,000, but the McDonald's Corporation refused to even negotiate with her. So she contacted an attorney who had settled another coffee burn case with McDonald's. Ms. Liebeck sued, and in the course of trial in August 1994, company documents revealed that "in the past decade McDonald's had received at least 700 reports of coffee burns ranging from mild to third-degree, and had settled claims arising from scalding injuries for more than \$500,000," reported Andrea Gerlin in the *Wall Street Journal*.

Despite knowledge of the hazard, company officials refused to warn its customers. "There are more serious dangers in restaurants," said one McDonald's official. And given the one billion cups of coffee that McDonald's sold annually, another company official considered the number of burn complaints to be "statistically insignificant."

After hearing such testimony, the jurors, who were initially skeptical about the case, found McDonald's liable and awarded \$200,000 in compensatory damages. The jurors deducted \$40,000 for contributory negligence on Ms. Liebeck's part. Also, given McDonald's conduct, the jury awarded \$2.7 million in punitive damages, which was equal to two days' worth of coffee sales. Later, the judge reduced the punitive damage award to \$480,000. While awaiting appeal, the parties settled for an undisclosed amount.

Of course, the Liebeck case became the rage of the radio talkshows. Never ones to be daunted by the truth, big business and its toadies in the media and the Right continued to make political hay out of the Liebeck case. Punitive damages, said Marilyn Quayle with apparent consternation on "Crossfire," are a "quasi-criminal penalty put upon the business or person for behavior they would like to stop."

"A jury," sniffed George Will in *Newsweek*, "awarded \$2.9 million to a woman who burned herself when, in a moving car, leaving a McDonald's with a cup of coffee between her legs, she spilled it. She said the coffee was hot."

Americans, declared John MacLean of the *Chicago Tribune*, have come to "look upon suing big companies as an obligation of citizenship."

The concept of "personal responsibility," pontificated John Gaines in the *San Diego Union*, "holds that just because one is injured, he is not necessarily entitled to the financial equivalent of win-

ning the lottery."
 "Life," moaned *The New York Times*, "used to be blissfully simple: the coffee hot, the drinker sitting and sipping. But now everyone's hither and yon, perching take-out coffee in mid-dash. And spilling it. And suing someone."

"America has a victim complex," announced the *San Francisco Chronicle*. "Witness such surreal cases in 1994 as the woman who won a \$2.7 million verdict after spilling coffee on her leg in a McDonald's restaurant."

"Doesn't common sense count for anything anymore?" demanded Rick Van Warner in the *Nation's Restaurant News*, an industry rag. "Is it really McDonald's fault that a customer decided to take the lid off a full, hot cup of coffee while she was behind the wheel of an auto?"

"What we have here is a system which has just gotten completely out of control," screamed Paul Huard of the National Association of Manufacturers on CNN.

Indeed, what's really out of control is media dishonesty. To this day, news stories routinely refer to Ms. Liebeck's lawsuit as the "\$3 million coffee-spill case," months after all the facts are well known.

By distorting the Liebeck case, the Republicans have attempted to warp the issue as honest businessmen versus money-grubbing lawyers and cry-baby plaintiffs. But the real goal of the "Contract" is effectively to deny access to the legal process so that the prying eyes of the American people are forever blinded to the ugly underbelly of corporate power.

So welcome to the Wonderful World of Newt. In Newt's World, if you are injured, we'll discourage you from filing suit under the loser-pays rule. If you are gutsy enough to sue, we'll just mount legal costs to strong-arm a settlement on terms favorable to the defendant. And if you persevere enough to see your suit to conclusion, we'll limit your punitive damages.

Our legal system has its deficiencies. But the lawsuit is one of the few vehicles left available to the average citizen to make her case directly before a jury of her peers, unfiltered by corporate media censorship, dishonest politicians, and cynical punditry. This is not "bad for business." It is democracy at its finest.

Let's have more of it.

BAWL from page 6
 ing smile as my jaw dropped to the ground. Sinatra? Business Suits? At that moment I could not contain myself and buried my face in my hands. I tried to be strong, but my grief overcame me, and there I stood like a child, unable to contain my Barrister's bawl.

 "Tickets please?", she said. I handed her two O'Melveny & Meyers business cards; the last dying vestiges of OCS interviews. Wondering whether she'd take the bait, I contemplated why the invitations were printed on business cards in the first place. This was probably the only way to get a bunch of law students to go. You know, entice us with our strongest Pavlovian reflex: Wave a business card and we all drool and think of employment opportunities. Needless to say, the tickets sold out. Last year the dance committee printed the invitations on 8 1/2 x 14 in. yellow legal pads but when some of the students inadvertently billed the dance committee for "legal services rendered", the committee had to find a less binding invitation to assure no quasi-contractual claim could be successfully maintained. (I'm happy to report law suits were down 40% this year.)

As we entered the ballroom I became puzzled. I could have sworn the invitations said "semi-formal attire", which to most of the men meant "the same suit you wore on the interview with the law firm that offered you a job". Or less optimistically, "the same suit you wore on the interview at your uncle's construction company after every law firm turned you down." But I can see where this would be difficult to print on a business card. Actually, someone pointed out that the specific clothing instructions were in footnote 12 of the invitation. But I never read footnotes. My mistake.

Black was certainly the color of the evening for the ladies. I had this nagging fear before the dance that all over West LA hundreds of women were simultaneously rationalizing, "They'll never know I wore this to prom. Everyone will think it's a new dress!" Although rapidly changing fashion and waistlines would have proven this theory utterly false, the ladies erred on the side of caution and looked "professional yet elegant" just like the on-campus representatives from *Clairol* and *Vogue* instructed them.

Making my way around, I saw my old Property Teacher sitting at a table. I overheard a student next to him tell his date that if Professor Munzer

sat at in that very chair for 14 years, 364 days, and 23 hours without being asked to leave he would gain title to the ballroom by adverse possession. Damn, I hate law school. I needed a drink.

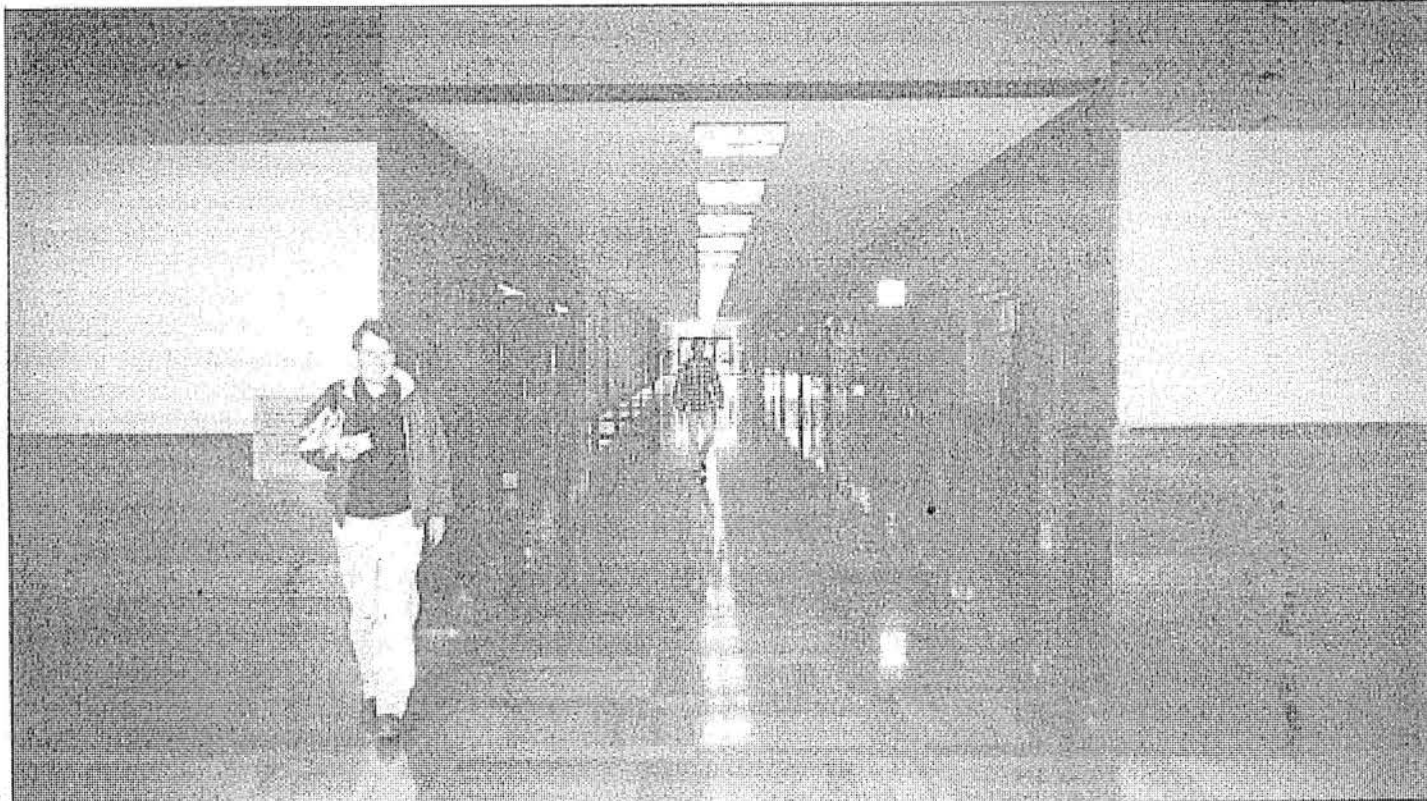
Two screwdrivers later, I approached the hardwood dance floor when a future personal injury lawyer smiled and said, "Pretty slippery, huh?" before stuffing what I thought was his business card in my pocket. Actually, it turned out to be an invitation. Guess he couldn't find a date.

9:00 PM. Dinner time. Fortunately the chicken had been sitting out since 6:30 and was chilled to perfection. An argument broke out ahead of me whether *Salmonella* or *Ebola* would garner the higher settlement claim. One left a stack of business cards by the serving dish.

I then scoured the ballroom for a seat, making sure to avoid any table where I thought "collateral estoppel" might become the punch-line of a joke. Needless to say, I was being far too picky and by the time I finally found a place to sit, my dinner was hot. The shining star of the evening was the band, Fearless Jimmy. But they weren't even seven notes into their first song when all the future copyright lawyers scrambled for the pay phones in an attempt to notify ASCAP of this unauthorized performance of licensed compositions.

Oblivious of the \$1200 fine that awaited them, Fearless Jimmy rocked the house with an array of familiar tunes but between each song they turned down every song request the students made, from "Young at Heart", to "That's Life", to "New York, New York". Obviously a band with a limited repertoire. By the fifth song, my Sinatra withdrawals were so intense, I demanded to speak with Fearless Jimmy himself. "There is no 'Jimmy' in this band", said the scantily clad female singer. A future torts lawyer slithered up behind me and whispered, "False advertising" and stuck his business card into my pocket before vanishing into the crowd. (Turned out to be another invitation.)

Frank Sinatra won out in the end. I guess Fearless Jimmy was a little too progressive for the likes of lawyers. And as one student put it, "At least the DJ isn't in violation of section 106(a) of Title 17 of the U.S. Codes". True. So very true. As the evening came to a close my weary date and I made our way to the door and I reflected on the dance I had just experienced. "If I can make it there, I'll make it anywhere...", Frankie sang. True. So very true.



Mark Grady, local standup comic moonlighting as a professor.

GRAFFITI from page 5
 address. So our only hesitation was whether to run it as is or whether we could modify it enough to preserve its point without publishing language that many would feel is unnecessary and would detract from the author's purpose, which as we read it, was not simply to shock but to move somebody with the power to do something to address the problem.

We would imagine that you found the article shocking. We would hope many people did. They should have. And it should not matter whether the graffiti said what it did say or said simply, "I want to tie you up and gag you, then beat you until you bleed." To print the details any more explicitly than we did, which was still pretty explicit, served no constructive purpose.

MAD 1L from page 7

made me feel good. Except for the distressing fact that the grading curve would now be that much higher, I could console my bruised ego — still smarting from my own less-than-astonishing performance — by comparing myself to her. She was one of the ones *who just couldn't hack it*. I glowed with a certain smug superiority.

Until I met the Figure in Black, that is.

I first noticed it on the bus to school.

I was packed in amidst the other morning commuters when I glimpsed a tall, dark shape at the back of the bus.

I glimpsed a tall, dark shape at the back of the bus ... it held a long gnarled staff with a curved blade ... which clanged against the ceiling of the bus each time we went over a pothole.

It was swathed in a black robe which covered its entire length. At its side it held a long gnarled staff with a curved blade attached at the top which clanged against the ceiling of the bus each time we went over a pothole. An

acid scent drifted forward, a smell of must and decay. At the next stop I lost sight of the apparition. "Probably an art major," I mumbled to myself.

I glimpsed the Figure a few more times around campus: in a cafe, on the street, at LuValle buying a sandwich. I began to wonder about it, sensing that it might have some connection with me. Finally, I spotted it in the library, sitting at a carrel, slumped over so that the peak of its tall hood wouldn't brush against the acoustic tile above it. I gathered my nerve and approached the Figure in Black.

"Hi," I said, "I haven't see you here in the law school before. Are you a student?"

Red eyes burned out at me from somewhere inside the cavernous hood.

Breath like brimstone wafted out into my face.

"I am your death," the figure intoned solemnly. "Nice to meet you."

"My — my what?"

"Your death."

I've been following you for a while now. Took you long enough to notice."

"You mean... it's my time?"

"No, no. Not yet. But I'm here to remind you that your time *will* come someday. You might want to remember that. Whatever you're doing, you'd better get the most out of it, because in the end I'll be waiting for you. And you'll never know when I'm coming to reap." At this last word, the Figure shook the long scythe in its hand and the library filled with the clatter of brittle bones clacking.

The Figure suddenly looked at its watch. "Just look at the time. I've got

to go. Some guy over in Brentwood's about to have a brain aneurism. Very sudden. I'm glad we had this little chat, though." In a puff of smoke, the Figure was gone.

The Figure suddenly looked at its watch. "Just look at the time. I've got to go. Some guy over in Brentwood's about to have a brain aneurism."

Yesterday, I heard that Dot found a job. She's working in a water sports shop in Maui, teaching

windsurfing and training to be a scuba instructor. Someone showed me a picture of her, tan and smiling.

I think about all the reasons I came to law school. *The job market's tough. I need to start a career. My grandparents will be so proud. It's time to stop dreaming and get practical. I need a good excuse to get more student loan money.* I think about the Figure in Black. Then I think about Dot and I have to ask myself: which one of us is the one who just couldn't hack it?

MISERY from page 7

sors today deploy a strict Socratic technique. Nevertheless, many UCLA students can relate to Levin's description of his first year. "Imagine a section of 125 1L's arrayed in ranks like a Colosseum crowd but with the Christians in the amphitheater rather than in the arena, while the professor volleys 50 millimeter questions with the help of his seating chart ... Picture them marching from Contracts to Torts to Criminal Law, Civil Procedure to Property, three class hours every morning with four hours of baffling text for each hour of recitation, two weeks behind by the fourth day, and

Students felt like "rubbish" just because they failed to score in the top 10 percent of their class, despite their A and B performance at schools like Swathmore and Oxford.

no feedback till exams nine months off."

Levin recalls that in 1969 Harvard Law School emphasized grades to the point that Rhodes scholars allowed mediocre law school grades convince them that they were destined to be only mediocre lawyers. "The thing that amazes me about the Law School," said Russell, "is the totality of it. If you're not good at law, you're not good at anything." Other students felt like "rubbish" just because they failed to score in the top 10 percent of their class, despite their A and B performance at schools like Swathmore and Oxford. In some cases, after the first year they gave up and never talked in class.

Levin described the phobias, psychosomatic symptoms, and magical thinking which erupted around Harvard exam time. Obsessive compulsive behavior was common. Levin tells of a student who outlined the subject so completely he never had to take notes. He just checked to see if the professor got the points he did. And that student got a C.

Perhaps the stress at Harvard in 1969 was a bit greater than UCLA. Levin reports 50 out of 1700 law students that year "were hospitalized or repeatedly treated for syndromes caused by the

crushing effects on self-esteem of grade competition and Socratic method. He notes that number did not count the many who suffered silently, constrained from complaint by the stigma of seeking psychological counseling.

Some women found a perverse satisfaction in the equal opportunity afforded by law school stress. "It wasn't like [college] at UCLA or Brandeis, where the professors won't give girls an eighty because they'll just go out and have babies." The process did not treat merely the women badly. It treated everyone badly; and that treatment was no accident.

Levin quoted Andrew Watson's 1968 article, which found Law professors "gleeful about destroying students' preconceptions in the name of 'toughening' ... They will openly insult students and psychologically cut them to ribbons ... without much concern or even awareness." Levin notes that the vengeful response sometimes elicited, to the extent law practice and litigation demands aggression, "may have been the goal all along."

But Harvard Law School did not retain its grading system, nor the or-

When Harvard abandoned its numerical grading, did the reputation of its school or the employment opportunities of its graduates suffer?

thodox Socratic method. The grade system has gone from numbers to letters. Students may choose to take their courses pass-fail. There is no longer any class rank.

Can UCLAW learn from Harvard's evolution? When Harvard abandoned its numerical grading, did the reputation of its school or the employment opportunities of its graduates suffer? Did suffering or self doubt over grades at law school serve any purpose at all? "Practicing law," concludes Levin, "was very different from being a law student; it required and reward dozens of skills our analytic arabesque barely touched."

LIBRETTO from page 6

at it: "If I promised then I will pay." His friends are not amused. "What?" "Are you mad?" Marcello begins to praise Benoit about his flirtations. Under the effects of the wine and camaraderie of the friends Benoit admits he flirts and says that he likes plump women, those who are unlike ... his wife! "What? This man flirts when he

"What? This man flirts when he has a wife!"

"Scandalous!" "Unclean!"

"Throw him out!"

has a wife!" "Scandalous!" "Unclean!" "Throw him out!" The drunken Benoit is rushed out of the garret. He no longer has the promissory note. He also has no money. He is heard falling down the steps. Marcello: "So much for the rent." All laugh.

The friends divide up the money. Colline states that he will go to the barber for the first time. Rodolfo wants to finish his story for the newspaper "The Beaver." Rodolfo listens to the rest go down the stairs: "Damn the landlord! The light is out!" Colline is heard crashing down the stairs. Rodolfo: "Are you dead?" Colline: "Not yet!" The friends go off.

As Rodolfo works, he hears a knock. It is a new neighbor, Mimi, whose candle has gone out. She is beautiful but pale. As she enters, she gasps and feints, dropping her key. When she is revived, he gives her a glass of wine, lights her candle and reluctantly watches her leave. Suddenly she returns—"I lost my key!" As she stands there, her candle is blown out—"Oh no! Please light it again!" Thinking quickly, Rodolfo blows out his own candle—"Oh no! Mine's gone out as well!" In the dark they search for her key, he spends most of the time looking at her in the moonlight until she tells him to look harder. Rodolfo finds the key—"Ah!" Mimi: "Did you find it?" Rodolfo: "Ah, no." (He pockets her key.)

Finally, their hands touch and he holds her hand warming it. As she begins to draw her hand back: "Wait!" he begs her, "The moon is near us, and I

will tell you in two words who I am and what I do. Who am I? A poet! What do I do? I write! How do I live? I LIVE! In my carefree poverty, I squander rhymes and love-songs like a lord! As to dreams and visions and castles in the air, I'm a millionaire. Yet two thieves have stolen all my jewels—two pretty eyes—they just came in with you. Yet the theft of my treasure is nothing, for it has been replaced by hope. Now that you know me ... please tell me of you."

"They call me Mimi. I don't know why, for my name is Lucia. My story is short, I embroider roses and lilies. I love things which possess sweet enchantment and speak of love and springtime, of dreams and visions—that are poetic. Do you understand? All alone, I make my supper, I don't always go to mass, but always pray. I live alone in a little white room overlooking roofs and sky. But when the thaw comes, the first sunshine is mine—April's first kiss is mine! I watch a rose in my room coming into

"Oh beautiful face, in you I see the dream incarnate I'd like to dream for ever!"

"Oh sweet poetry of love, alone you shall command me!"

bloom, petal by petal. The scent of a flower is so sweet—but the flowers I make, alas, have no smell."

They are interrupted by Rodolfo's friends asking what has happened and what is he doing up there by himself. Rodolfo answers that he is not by himself and that they should go to the Cafe Momus to wait.

There follows one of the greatest duets in the history of music: "Oh beautiful face, in you I see the dream incarnate I'd like to dream for ever!"—"Oh sweet poetry of love, alone you shall command me!" Rodolfo moves to kiss Mimi. "Wait! Your friends await you!" Rodolfo: "Are you sending me away then?" Mimi: "No ... but may I come too?" Rodolfo: "What? ... But it's so much nicer here, and it's cold outside!" Mimi: "I shall be warm near you." Rodolfo: "And when we return?" Mimi: "Curious!"

As they exit: "Ah, love!"

END ACT I

FAVISH from page 5

then filed a lawsuit under the California Public Records Act for an injunction compelling the university to give me the documents. Before the action went to trial, the defendants gave me the documents that were supposedly "not available."

These documents reveal that in 1993, over 5,200 applicants were competing for 350 spaces in the fall entering class at UCLA School of Law. Upon receiving UCLA's admissions decisions, at least 52 of these applicants may have been very surprised.

Thirty of these 52 were rejected despite GPAs of 3.5 and higher and LSAT scores above the 92nd percentile. Three of these thirty identified themselves as Asian, the other 27 identified themselves as white or declined to state their race (W/DS).

In contrast, 22 of the 52 were offered admission, although 13 who identified themselves as black had GPAs less than 3 and LSAT scores below the 80th percentile; six who identified themselves as Latino had GPAs less than 2.94 and LSAT scores below the 71st percentile; and three who identified themselves as Native American Indian had GPAs of less than 3 and LSAT scores below the 71st percentile.

No offer of admission was made to any W/DS applicant having a GPA less than 3 and an LSAT score below the 80th percentile. This was despite the fact that 10 of the rejected W/DS applicants in this lower range had GPAs equal to or above 2.9 and LSAT scores equal to or above the 75th percentile — a feat matched by only one of the 22 who were offered admission.

UCLA did more than simply reject 30 highly academically qualified W/DS and Asian applicants while offering admission to 22 blacks, Latino and Native Americans with far lower academic qualifications. It also treated academically average individuals in a manner that suggests that race was a large factor in the admissions decision.

Among applicants with GPAs ranging from below 3.3 down to 2, and LSAT percentile scores ranging from below the 84th down to the 50th, 42 of 122 blacks, 32 of 155 Latinos, and 3 of 18 Native Americans were offered admission while none of the 201 Asian and only 1 of the W/DS applicants in this range was offered admission. This was despite the fact that among those in the upper level of this range, whose GPAs ranged from below 3.3 down to only 3, and whose LSAT percentile scores ranged from below the 84th down to only the 75th, there were 127 W/DS and 35 Asian applicants.

It might be argued that race was not a significant factor in the admissions offers to these 77 black, Latino, and Native American applicants with average academic qualifications because they

may have had other evidence of personal qualities warranting their admission. But that argument implies that only one of 654 W/DS and Asian applicants in this range had such evidence — a dubious proposition.

UCLA School of Law publicly acknowledges that race is a factor in some of its admissions decisions. The documents I obtained help reveal the apparently large extent to which race, rather than individual academic merit, deter-

— all because of their race.

As evidence of UCLA's successful record, Rappaport cites the law school's most recent bar passage rate of 92.1 percent for graduates taking the exam for the first time. However, this statistic does not reflect students who dropped out or otherwise failed to get that far. I wonder what percentage of UCLA students whose race was an admission factor never got to the point of taking the exam?

minority students to the efforts of students themselves. Are black, Latino and Native American students more dependent on faculty members who make race an admissions factor or on their own ability to read, comprehend, critically analyze, logically think, write and do the other things that lawyers must do?

Many of the lawyers who graduate from the law school will do work for the citizens of California. I wonder how many Californians of any race whose preservation of life or property depends on the skills of their attorney will thank UCLA for making available to them a lawyer who is less than the best possible?

The issue is whether UCLA is justified in producing lawyers who are less than the best. Prager says students and faculty appreciate "an environment where there is a diversity of ideas and perspectives." What idea or perspective material to legal education will be neglected if there is no black, Latino or Native American student in UCLA's law school?

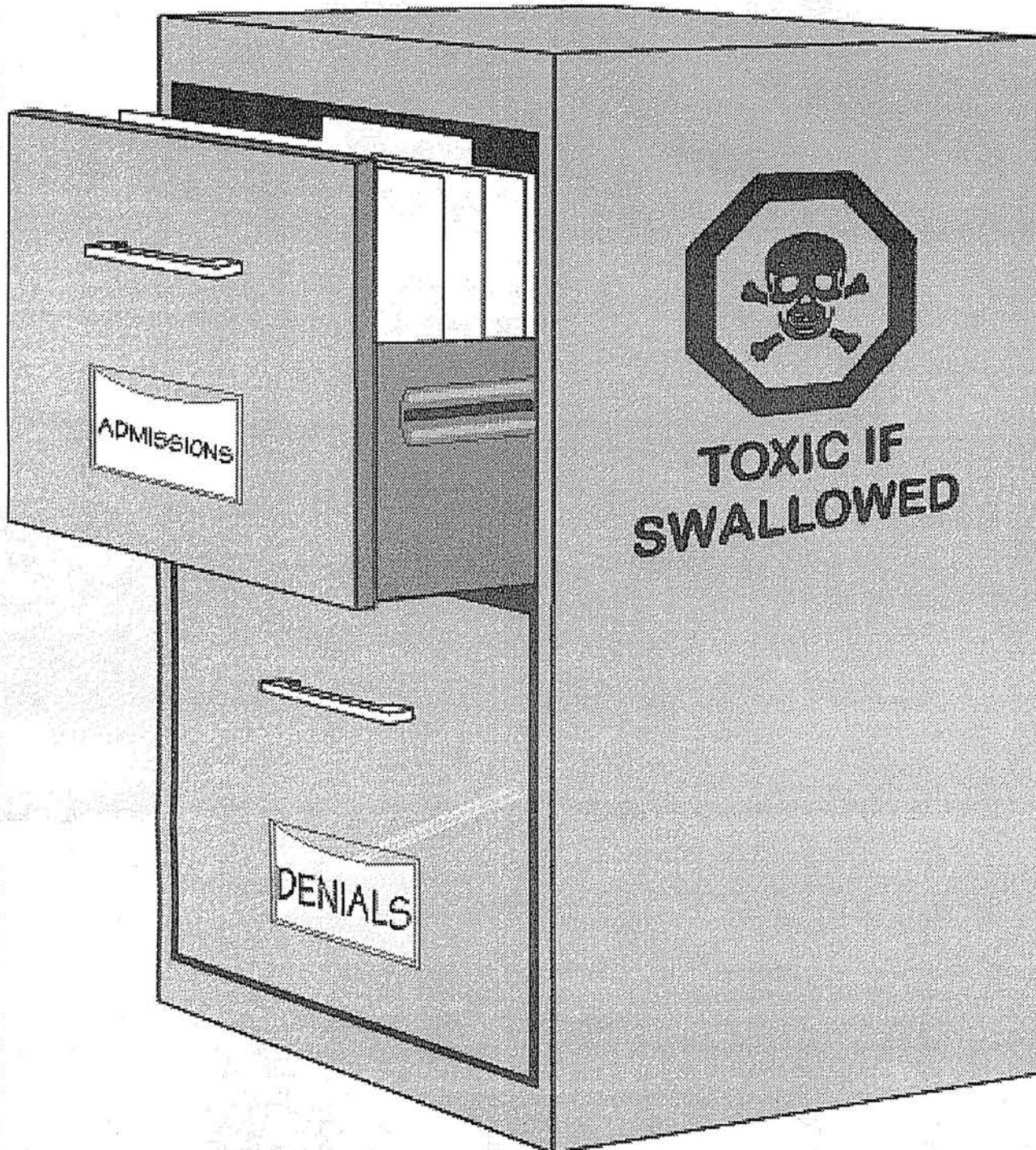
I am white, yet I believe that the 1964, '65, and '68 Civil Rights Acts are the best pieces of legislation passed in this century. I believe that the ancestors of today's Native Americans were victims of mass murder. I am unaware of any idea or perspective that a black, Latino, or Native American might have that is impossible for a white or Asian person to have. I am not aware of any evidence linking race with moral perspective or ideology. Nevertheless, apparently Rappaport, Prager and a majority of the UCLA law school faculty believe that simply having more non-white and non-Asian lawyers is sufficient justification for UCLA to produce law-

yers are less than the best. I wonder if the voters of California would agree.

Some black, Latino, and Native American UCLA law students may have far better legal skills and may make far better lawyers than some white and Asian students. These students might have been offered admission even if their race was not a factor. However, such students now have suspect credentials. UCLA's policy has succeeded in stigmatizing, to a degree the Ku Klux Klan only would dream about, those blacks, Latinos, and Native Americans who could have succeeded without a racial preference.

Are there any black, Latino, and Native American UCLA law students who would like to have won their admission strictly on the basis of their individual abilities? Are there any who resent being stigmatized by UCLA as people who were not good enough for admission without consideration of race? Are there any who wish to be judged on the content of their character, not on the color of their skin?

(Allan J. Favish is an attorney in Tarzana, California. This article appeared in the Los Angeles Daily News, Los Angeles Daily Journal, San Francisco Daily Journal as well as other papers.)



mines who can attend one of the nation's leading law schools.

A Daily Journal article on UCLA's admissions policy ("UCLA Marks a First in Diversity: No Racial Majority," Dec. 19) said that according to Dean Susan Prager, the law school faculty had concluded that "UCLA had to make a contribution to bring minorities into the legal profession" and that the school "made a commitment to recruiting and retaining students of diverse backgrounds."

If the law school's decision that it "had" to do something and that it made a "commitment" to do something is not setting a goal or target, then I don't know what is. Nevertheless, Dean of Admissions Rappaport is quoted as saying that the school has "no goals, targets, or quotas." Perhaps Rappaport is unfamiliar with what the law school "had" to do and made a "commitment" to do, as revealed by Prager.

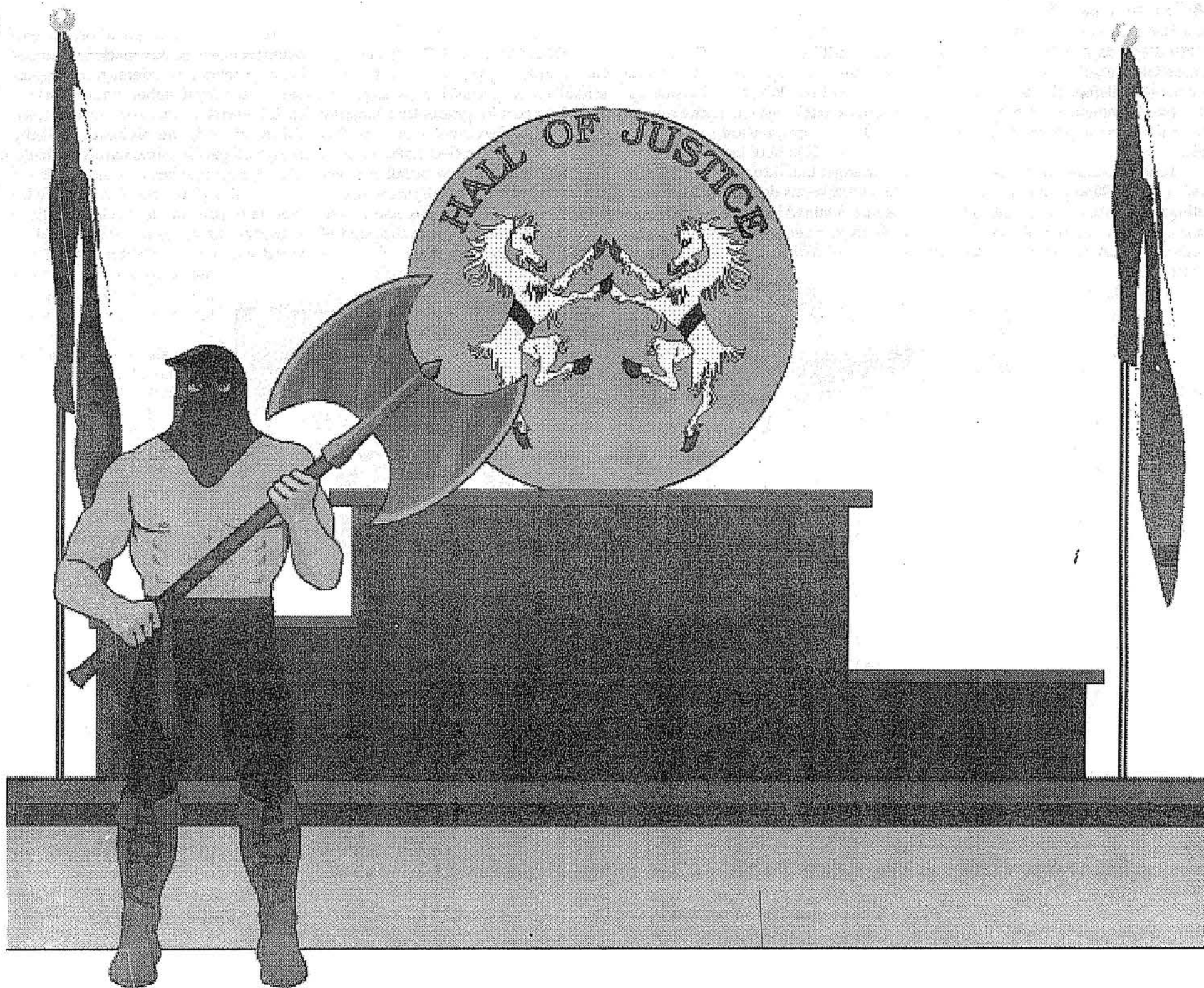
In the article, Rappaport, responding to my criticism, disputed the notion that minorities were given preferential status. But he admitted that race is a factor. This is nonsensical. The documents I obtained indicate that in some cases, blacks, Latinos, and Native Americans are being preferred and whites and Asians are being disabled

Moreover, passing the bar exam merely means that a person has the minimum level of competency necessary to practice law. It does not indicate whether the person's level of practice will rise above that of the thousands of mediocre lawyers.

Because of the applicant pool they attract, some law schools don't have a realistic chance to add significantly to the number of lawyers who are better than mediocre. However, UCLA's applicant pool gives it an opportunity to produce lawyers who will not merely pass the bar exam but become some of the nation's best. To the extent that race is an admissions factor, UCLA squanders that opportunity and loses its greatness.

The Daily Journal quotes Rappaport as saying that UCLA is "producing outstanding students, no matter what ethnicity." However, I have not heard Rappaport say that UCLA is producing the best students it can. Those who wish to lower standards for some individuals almost never talk about the concept of "the best."

Prager attributes the increased number of minority students to the efforts of the law school's faculty, beginning 25 years ago. But I have not heard her attribute the increased numbers of



COMPULSION from page 7
from fabulously wealthy Jewish homes.

The Jewish heritage of the defendants and victim was not an insignificant consideration. Barely a decade earlier, in 1915, a lynch mob, driven by anti-semitic rhetoric, abducted and hung Leo Franks, a Jewish factory superintendent. He was being held in jail after receiving a life sentence for his alleged murder of a 14 year old worker, Mary Phagan. Subsequent evidence suggested that Leo was framed by the factory janitor Jim Conley. (Leo's conviction was overturned in 1986). Many Jewish leaders feel that the Jewish identity of the victim in the Leopold/Loeb case spared the American Jewish community an exacerbation of anti-semitism which it might have otherwise faced had Frank not been Jewish.

Even aside from anti-semitism, Darrow clearly faced a formidable challenge. The crime was frightening as much for the coolness of the admitted killers as the brutality of the murder. Public opinion heavily favored the State of Illinois' demand for the boys' execution. One Chicago newspaper reportedly offered to rent the Chicago White Sox stadium to hold an open air trial.

Darrow argued that the boys deserved leniency on account of their mental illness. They must have suffered from severe mental illness, he reasoned, to have committed such a senseless murder. He also argued that Leopold had been strongly influenced by reading Nietzsche's philosophy. Darrow

had the accused undergo psychiatric examinations by "alienists." The alienists, as mental disease experts were called in those days, testified as to the defendants' sexualized childhood, and their suppressed homosexuality.

Levin's *Compulsion* is a masterpiece. His writing makes the crime, the investigation, and the trial seem as vivid as yesterday's news. But the most brilliant part of Levin's work is not Levin's writing. It is Darrow's grand oratory at the trial's close which impressed me most of all. Levin virtually reproduced verbatim Darrow's inspired three-day-long closing statement. I had no difficulty believing the newspaper reports that Darrow's words brought tears to the judge's eyes. I have neither heard nor read more eloquent a statement made against the death penalty, and in favor of rehabilitating those who have committed even the worst criminal act.

Darrow's pleas proved effective. Leopold and Loeb escaped the death penalty. The judge's announced rationale was that the defendants were both minors at the time of the crime. He sentenced each defendant to 99 years in jail.

Ten years later, Loeb was stabbed to death, allegedly while sexually assaulting an inmate. Leopold was paroled in 1958 and lived until the age of 66 in Puerto Rico, working as a medical laboratory technician.

But the legal issues which arose from the Leopold/Loeb case have survived the defendant's death. Darrow was arguably the first of many lawyers

to effectively defend clients with the history of their childhoods and adolescent influences. The courtroom role of psychiatrists has steadily increased ever since this trial. How much do the Menendez brothers owe to Darrow?

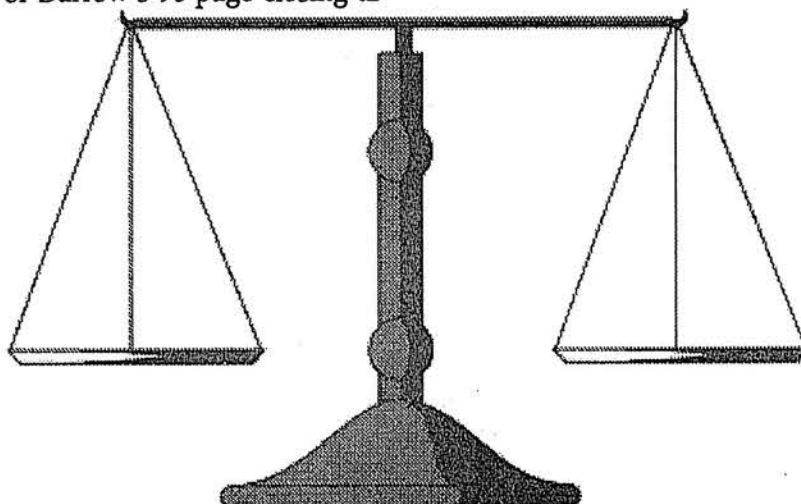
Naturally, most modern law students are more familiar with the facts of the O.J. trial than any other case in or out of law school. Yet, what lessons can students extract from this televised trial/show? That money can buy the best known names in criminal defense should be no revelation. Will the O.J. trial yield any new, enduring message?

In contrast to the mere sensationalism of the O.J. trial, the Leopold/Loeb trial left a legacy far beyond the well publicized tragedy of its victim and assailants. Yet, unfortunately, very few law students will learn about this remarkable trial, outside of an occasional newspaper reference. The UCLA Law library has in its archive a copy of Darrow's 90 page closing ar-

gument. But the library carries no other works regarding this historic event except for what students may find in law review articles and a single civil appeal. *Leopold v. Levin*, 45 Ill.2d 434, 259 N.E. 2d 250 (Leopold's suit against Levin for invasion of privacy). A 1992 film about the Leopold/Loeb crime, "Swoon," is available on video. But this work focuses on the defendant's personal relationship and does not explore the legal issues.

Compulsion, written in 1956 and reissued by Dell paperbacks in 1991, remains one of the best resources for exploring the Leopold/Loeb case. I highly recommend *Compulsion*. In the genre of "true crime" writing, *Compulsion* is a classic that should not be missed.

But I have one caveat. Students reading *Compulsion* may lose some of their awe for Johnny Cochrane, F. Lee Bailey, and other modern litigators. Darrow is a very hard act to follow.



PILIPINO from page 2

is a great way for Filipinos to educate themselves in a comfortable, bilingual environment."

Student leader Michelle Castro agrees. The second-year law student at UCLA, spearheaded the project last fall, and has since been joined by other Pilipino law students from UCLA, Loyola, Whittier, and Pepperdine. "There are many reasons why Filipinos here in America are hesitant to seek legal advice — money problems, language barriers, fear of the unknown, etc ... This Clinic eliminates many of those barriers."

The Pilipino American Legal Clinic will be open on the first and third Tuesday of every month from 3 to 6 p.m., and is located at 3200-A West Temple Street in Los Angeles. Legal information is available to all those who drop in during office hours. Those seeking legal representation, however, must satisfy certain income requirements and must live between the 90001 and 90670 zip codes. For more information, please contact Michelle Castro at (310) 446-9551 or Jun Denolo at (213) 382-1819.

POLL from page 1

help the former.

According to unverified sources, UCLA and several major schools resisted participating in the ranking when the news magazine first broached the idea. The same rumor has it that had we refused to participate, the magazine would have ranked us anyway and, probably not to our satisfaction.

Complaining at this point either about accuracy or efficacy could hurt the school's reputation. Certainly no one would take us seriously. But one wonders how it is that a publicity stunt on the level of a swimsuit issue has captured legal education.

ENTERTAIN from page 2

battles to fight.

Panelist Mark Litwak was a former writer and producer. When management changed and his star fell to the ground, he fell back on his law degree. Now he represents clients who can sue his former employers.

Since all roads lead to Hollywood, the students wanted to know the shortcuts. However, the panelists recommended getting a couple of years experience before taking that Hollywood road trip. Although a two year experience gaining period is not the quickest road to town, the reality is that practically every lawyer wants to practice entertainment law. Thousand of resumes arrive for every job opening. It is not only who you know, but what you know.

As soon as the meeting adjourned, the students tried to make that connection and get to know the three panelist who are already there.

Although there is fierce competition for the entertainment lawyers positions, the Entertainment Society does a lot to expose the students to those in the know.

The society is also sponsoring several brown bag lunches in nontraditional entertainment fields, like motion picture licensing, publishing, etc. throughout the semester. Check the bulletin boards for upcoming events.

HARASS from page 1

Even when someone does come forward with a complaint, the student is often unwilling to reveal his or her identity. This can create a difficult situation for the Administration. If the student names the faculty member, the Administration is obligated to investigate the complaint. If, in that investigation, the faculty member denies any wrongdoing, the student's identity must be revealed in a formal charge entered by the Administration. Unfortunately, it is this obligation to disclose the student's identity that makes students reluctant to report incidents of sexual harassment.

Several alternative options exist for students, as Dean Varat expressed. Students who believe that behavior by a faculty member is inappropriate could meet as a group with the professor and voice their concern. Forming a group can make individual students feel less intimidated by the professor. Moreover, the professor may be unaware that his or her behavior is being perceived by students as harassment. Confronting the professor will often make the harassing conduct stop.

In addition, if a student does not feel comfortable confronting the professor, he or she can talk to Dean Varat or Dean Prager about strategies for dealing with the behavior, again as long as they do not name the perpetrator. If the harassment occurs during an on-

campus employment interview, the student can report the conduct to the Career Center.

Finally, the student can contact Howard Gadlin, the UCLA ombudsperson, to discuss the behavior. Unlike an allegation made to department chairs, the student can tell Gadlin the perpetrator's name without immediate risk of disclosure. In most cases, Gadlin will contact the department chair and suggest that the faculty be instructed about harassment. Gadlin can also mediate, but mediation involves discussion at a level of detail that usually provides the perpetrator with enough information to figure out the accuser's identity. Anonymity under these circumstances tends to be meaningless. If a student wishes to enter a formal complaint, the complaint must be signed. No student can file a formal complaint anonymously.

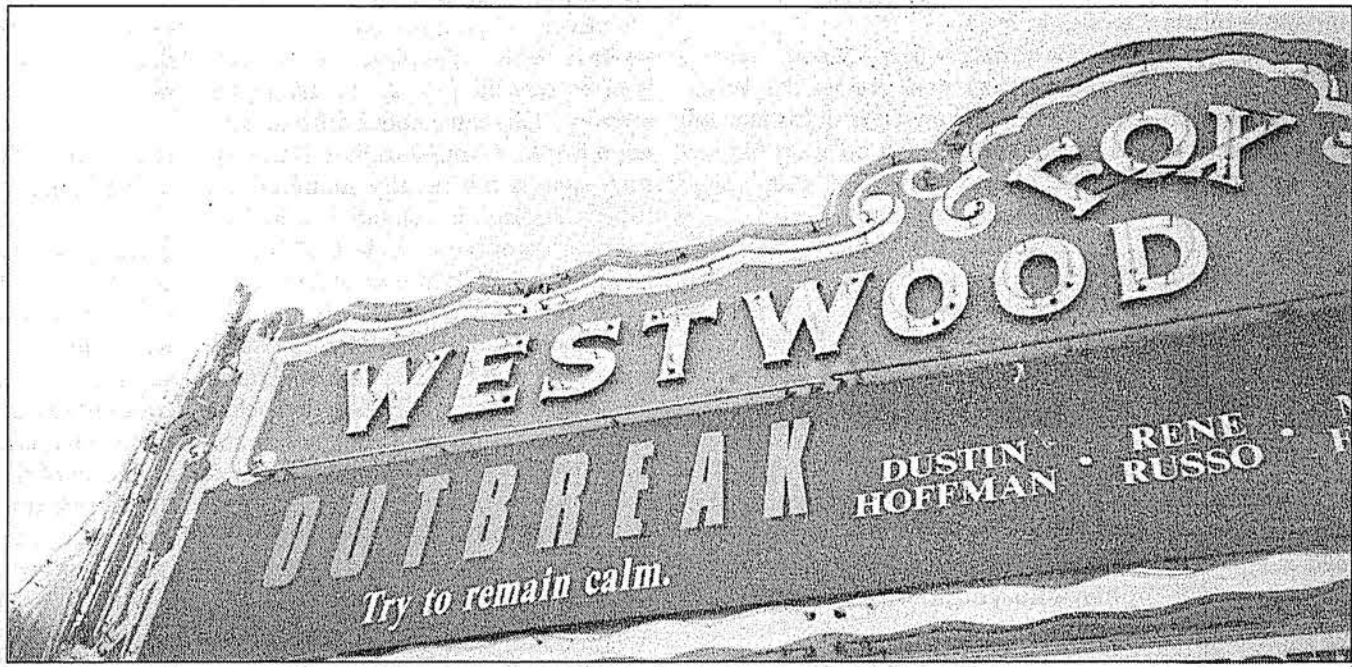
The Women's Law Union would like to serve as an alternative resource for students who feel that they may have been sexually harassed, but would prefer to discuss the conduct in a more informal setting. A group is currently being formed within the Women's Law Union to address some of the many issues that arose during this discussion, and to determine what the Women's Law Union's role in the complaint process should be. If anyone is interested in participating in this group, please see the Women's Law Union board.



Abby Leibman, Executive Director of California Women's Law Center



Deans Varat and Prager address student concerns.



Apropos this month's International Law symposium and the conclusion of our two-part acquaintance with our LLM students, we took a brief look at the international nature of our own little corner of the world.



UCLAW Chambers

UCLAW organizations, activities and events

THE BLACK LAW STUDENTS ASSOCIATION (BLSA) announces the following activities for April, 1995: There will be a barbecue Wednesday the 5th. The first annual BLSA Heritage Ball will take place at the Ramada Inn Culver City on Saturday the 8th. Friday the 24th through Monday the 24th is Recruitment Weekend '95.
 Contact: Tara Moon, 2L

CHRISTIAN LEGAL SOCIETY meetings this semester are Mondays at noon in Room 3467.
 Contact: Deron Burton, 3L

The Docket Deadline for the April issue is April 10. Writers should hand in their articles to the Editors or to **The Docket** mailbox at the Records Office. All articles should be in disk (either DOS or Mac format) with cleanly typed hard copy accompanying.
 Contact: Gerardo Camacho, 2L, Features Editor

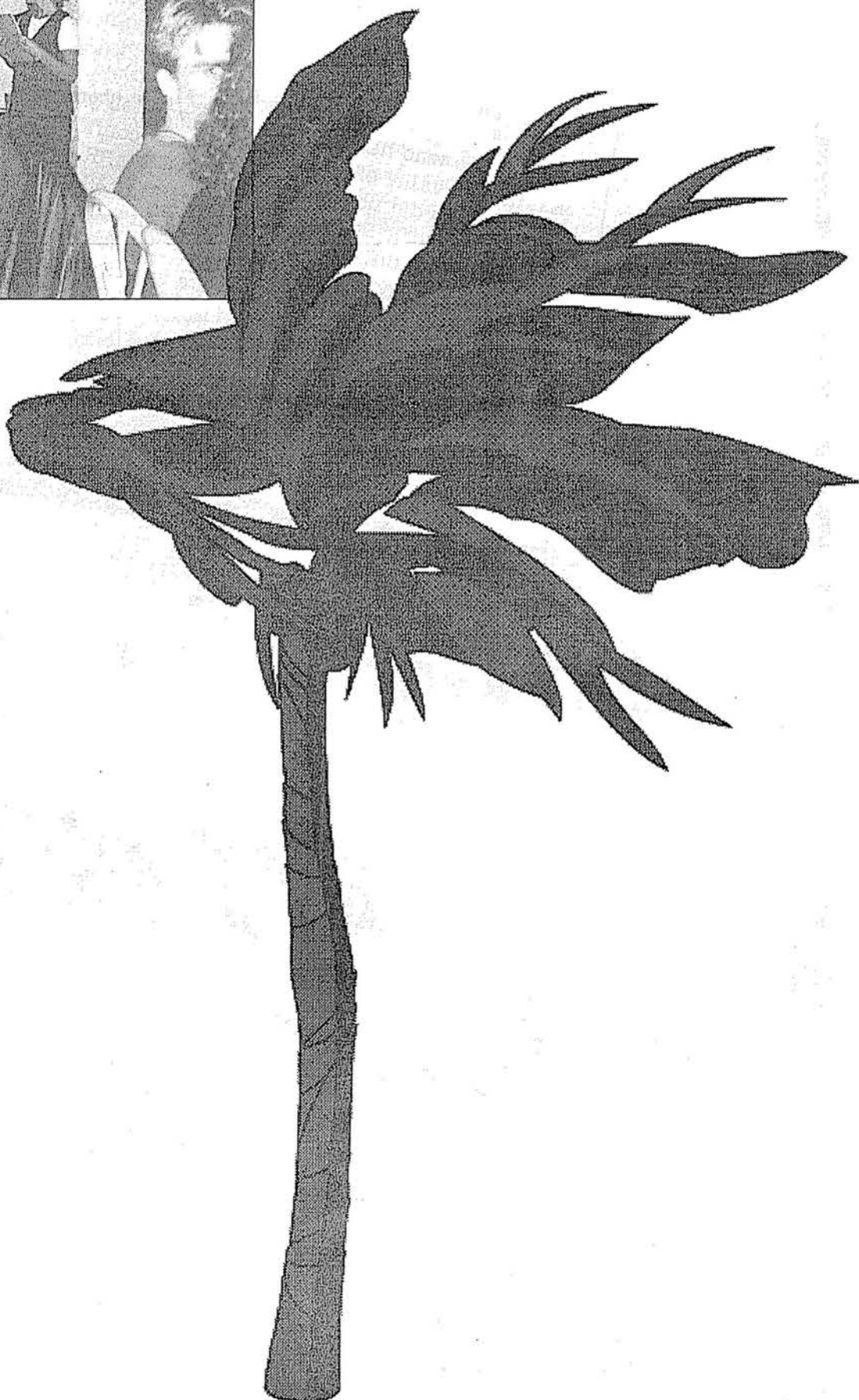
WOMEN'S LAW JOURNAL sponsors a Fifth Anniversary Party April 10, 1995 from 6 to 8 PM at the UCLA Faculty Center, Hacienda Room.
 Contact: Jennifer Cretcher, 2L

Announcements of future events may be submitted to **THE DOCKET** (at the Records Office) or to Cari Garcia, 2L.
 PHONE: 310/825-9437



Some of those who attended and enjoyed the PILF Auction ...

... thanks to Nadia Awad, organizer of the event.



"I Heard PMBR Was Excellent..."

March 9, 1995

Dear Mr. Feinberg:

Your course is a complete success! I am a PMBR graduate who took the three-day Multistate Review Course in preparation for the July 1994 Texas Bar Exam. Because of PMBR, I scored a 188 on the Multistate section of the exam and, thankfully, passed the Bar. I had heard that PMBR was excellent preparation for the Bar. Now, I believe it!

There are a few things I really liked about PMBR. First, the PMBR books really prepare you for the kinds of questions on the MBE. Apart from having literally thousands of practice questions, the books are packed with charts, mnemonics, and explanations that explain why a particular answer is correct. Second, the classroom instruction is excellent. Believe me, many of the MBE questions test fine-line distinctions in the law. Our PMBR instructor really prepared us for these questions by going over these distinctions and by teaching us skills for answering such "trick" questions.

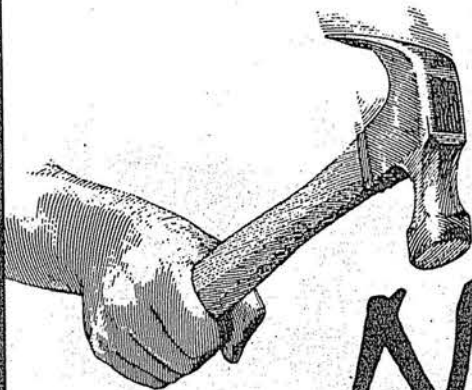
As anyone who has taken the Bar will tell you, during the hectic days of the Bar Exam, the value of peace of mind and confidence is immeasurable. Many of my friends who did not supplement with PMBR thought that the MBE exam was extremely difficult. Having reviewed the PMBR questions, however, I was not surprised by the difficulty of the MBE. In fact, I left the first day of the Bar with confidence that I had scored well. Now that I have received my results, I can strongly recommend PMBR to all students wanting an "edge" on the MBE.

Thanks Again,

Amy Hampton
Amy Hampton
(1994 Univ. of Texas Law Grad.)

MBE
SCORE
188

Now I Believe It!"



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