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THE DOCKET
UCLA SCHOOL OF LAW

Volume 44, Number 2 THE DOCKET October 1995

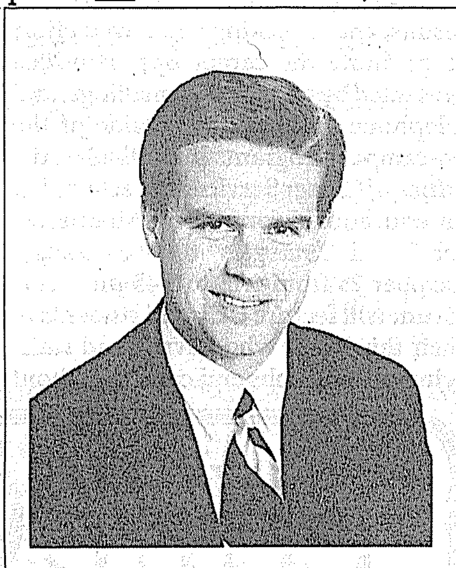
Family Tragedy Forces Local Attorney To Challenge Health Care Giant

by Bruce Barnett

Once again, Oxnard attorney Mark Hiepler has successfully represented a breast cancer victim in her action against Health Net. On October 18, 1995, the Los Angeles Times reported that a three-member arbitration panel slapped the state's second-largest health maintenance organization with a $1-million judgment for improperly denying a bone marrow transplant. See Michael A. Hiltzik, "HMO Slapped with $1-Million Judgment in Cancer Case," *L.A. Times*, D 1.

Just a few years earlier, attorney Hiepler had represented his own deceased sister's estate in a similar action against Health Net. That trial, in which the jury returned a $89-million verdict against Health Net, catapulted Mr. Hiepler to national fame.

However, prior to December, 1993, few attorneys knew of Mr. Hiepler. He graduated from Pepperdine Law School in 1988, and was an associate in the Los Angeles officers of Sedgwick, Detert, Moran & Arnold until 1992. In January of 1992 he joined the firm of Lowthorp, Richards, McMillan, Miller, Conway & Templeman in Oxnard, California.


Mark Hiepler

It was while Mr. Hiepler was working at this firm that his sister, Nelene Fox, called upon him to exercise his legal skills in her battle against breast cancer. She had requested that her health plan, Health Net, pay for a bone marrow transplant. Although a risky procedure, the bone marrow transplant was her only hope for survival. In a letter to Health Net, Mr. Hiepler pointed out that Health Net's contract with its one million members covered procedures like the requested bone marrow transplant. When Health Net

See HIEPLER on p. 11

SBA Discussion Draws Packed House
Faculty Offer Thoughts On Race in Admissions

by Robert Jystad

Stung by the Regent's Order to excise race from the criteria considered in admitting new students, the administration created a new task force to revise the law school's policy. Among the student members of the task force is Leo Trujillo-Cox, the SBA president. Trujillo-Cox had argued against the order at the Regent's debate. His efforts there were lauded by Dean Susan Prager.

Cox and several member of the new SBA ran on a slate that made affirmative action a major plank in their platform last year. Taking a first step toward fulfilling that plank, the SBA called an affirmative action town hall meeting Monday, October 9.

In an unusual turn, the meeting was presented neither as a discussion with the audience nor a debate. Trujillo-

See AFFIRMATIVE ACTION on 11

PILF Panel & Reception

by Steve Haydon

Far too frequently, when the issue is access to justice the dispositive question is "how much can you afford?" Over a hundred UCLAW students had the opportunity to hear public interest lawyers from all over Los Angeles describe their efforts to balance the scales when PILF kicked off the semester with the eighth annual Public Interest and Pro Bono Panel and Reception on September 28.

Professor Paul Bergman welcomed the students and introduced the panelists, who included Paul Freese, Jr. of Public Counsel's Homeless Assistance Project, Leah Daniel of the Alliance for Children's Rights, Kenneth Green, Bu-

See PILF on p. 10

Student protest estimated at 2200 participants.

Law Students Join Affirmative Action Protest

by Robert Jystad

As students milled around the law school entrance the morning of the protest, I asked Reuben Garcia, a walkout organizer and protest legal observer, to compare this protest to the Prop. 187 protest. "I don't think there is the same immediacy," he said. "Opposition to the passage of 187 followed the vote directly. The Regents' order came last spring."

His disappointment did not last. Moments later, a crowd of law students marched toward "the Bear" to join about 500 other students ready to parade the campus and Westwood.

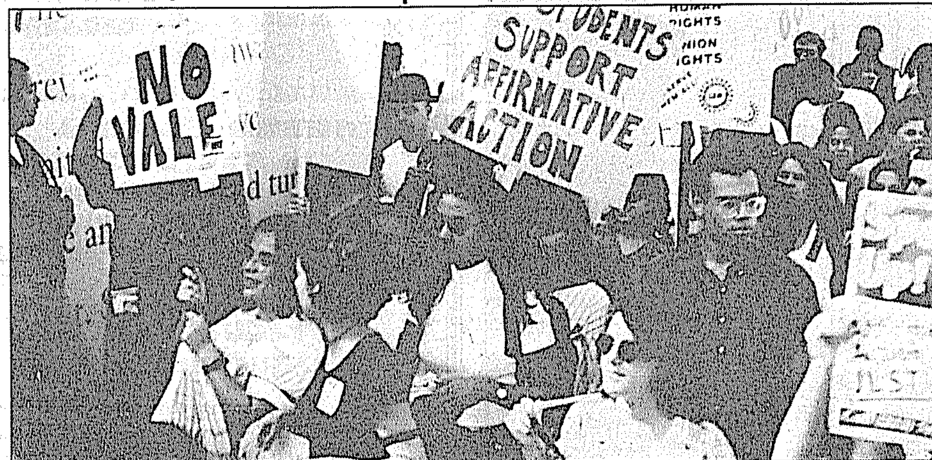
Along the way, Janai Nelson explained her decision to join the protest: "I love to go to class, but I could not in good conscience stay in class while others were fighting my fight." Steve Haydon said,"You can't remedy centuries of racism with poorly enforced anti-discrimination laws." Kay Otani took up the lead urging the group to get vocal. The weak response led him to suggest the group could use some political action training.

The group eventually found its voice and as it drew near the larger crowd below Ackerman, law students started to whistle and scream. The raucous Ackerman group suddenly grew quiet, then let out a large cheer as the two groups merged.

We stood around for over an hour listening to speeches. Tracy Lemmon, 2L class president, explained how SBA had taken a referendum on the walk out and voted to approve it. The protest, she told me, capped the "12 Days of Education" affirmative action encampment in front of Shoenberg. Meanwhile, UCLA's security police quietly passed out leaflets entitled "Guidelines for Student Demonstrations," "Felony Arrests," and "With Freedom Comes Responsibility."

By the time we started marching, the crowd had grown to over 1000. We wound our way around campus and

See WALKOUT on p. 12



UCLAW students supporting the affirmative action walkout.

Report From Vietnam

by Kiet Huynh

Kiet Hyunh, 3L, spent the past summer looking for employment in his native Vietnam and found many reasons to postpone his return to law school. However, we are fortunate to have his report via Internet from the other side of the globe. Kiet invites everyone to correspond with him. His email address is Kiet.Hyun@BMHCM-01.SMJARDIN.LANGATE.sprint.com.

I apologize for taking this long to write to you. I should have written sooner, but never in my wildest dreams would I imagine that this is how things would work out.

I quit my job with the Thai law firm after three weeks in Bangkok. There wasn't much to do there. The firm has a lot of works but the Indochina group in Bangkok was pretty dead. The people in that firm told me to be patient until I get to Ho Chi Minh City but I couldn't. Somehow there was a gap in the line of communication and we didn't connect.

See VIETNAM on p. 9

News & Notes

UCLAW's Raquelle de la Rocha Newsmaker in *L.A. Daily Journal* And *Los Angeles Times*

UCLAW lecturer Raquelle de la Rocha, recently appointed head of the Los Angeles city ethics commission is once again in the news. On Monday, October 16, 1995, the *Daily Journal* featured Ms. de la Rocha in a front page "Profile" column by Martin Berg. See Martin Berg, "Planned or Not, Job is Ideal Fit," *L.A. Daily Journal* p.1.

In an interview that same day, Commission President de la Rocha told ***The Docket*** that the *Daily Journal* article was inaccurate in at least two details. First, as much as she would have loved to claim the achievement, she did not get "straight A's" at UCLA Law School. Second, having converted to Judaism at the age of 20, Ms. de la Rocha considers the reference made to her "Catholic upbringing" somewhat misleading.

Unfortunately for us, the *Daily Journal* profile accurately reported the fact that Raquelle de la Rocha's job at UCLA will soon end because lecturers' positions here have a six-year limit. Ms. de la Rocha has been acknowledged to be one the laws schools great assets and a great inspiration for many a new student. She has also served as faculty advisor to ***The Docket*** since 1994. ***The Docket*** staff, students, and faculty will surely miss her upon her departure next year.

Raquelle de la Rocha

The *Daily Journal* profile of Ms. de la Rocha as an important community figure was indeed timely. For example, de la Rocha was recently called upon to speak with reporters following the L.A. Ethics Commission's controversial firing of Benjamin Bycel. See Jean Merl, L.A. "Ethics Panel Fires Director in Closed Session," *L.A. Times*, A1, October 21, 1995. It appears that upon her departure from UCLAW, Commission President Raquelle de la Rocha will have no difficultly occupying newfound free time.

Fall 1995 Moot Court in Full Stride

by Elliot Kleinberg

The Moot Court Honors Program has hit full stride with Fall oral arguments set for late October and early November. Two hundred and four second and third year law students are participating in the Fall competition. Judges for the competition include local practitioners; as well as state and federal jurists.

> *District court ... ordered the school board to admit the Chinese students ... The school board held a public meeting and decided not to appeal.*

This semester's problem involves issues of equal protection and intervention. The respondents represent the interests of an elementary school that implemented an admissions policy designed to promote ethnic diversity. When the school was forced to increase tuition, many of its minority students could no longer afford to attend. To remedy this problem, the school admitted six wealthy Caucasian students whose parents were expected to raise funds to pay for minority scholarships. To make room for the incoming wealthy students, the school board rescinded enrollment offers to several students. Three of these students, all of whom were of Chinese descent, filed suit against the school board for violation of their Fourteenth Amendment rights.

The district court entered judgment for the plaintiffs and ordered the school board to admit the Chinese students in place of the wealthy Caucasian students. The ruling had adverse consequences for those students whose attendance depended upon the scholarships created by the school's new admissions policy. The school board held a public meeting and decided not to appeal. Notwithstanding the board's decision, parents of wealthy and poor stu-

See MOOT COURT on p. 10

American Indian Law Students Association comedy night.

On-Campus Interviews Over, Alternative Jobs Beckon

by Bruce Barnett

This year's extended Fall On-Campus Interview Program (OCIP) has finally come to a close, leaving many students' egos bruised because one or another firm failed to invite the eager lawyers-to-be to a follow-up interview. A recent memo dated October 17, 1995, from the student representatives for the Career Placement Committee announced the possibility that UCLAW would change its policy to permit "prescreening" of student interview candidates in order to stimulate firms' interest in the Spring On-Campus Interview Program, and increase the total number of employers interviewing at UCLAW.

However, the Office of Career Services is undaunted by the Fall OCIP results, and is making a renewed effort to promote the career opportunities presented by networking, mailings, and telephone solicitations outside of the on-campus program. In particular, the Office of Career Services has scheduled an educational forum on "Alternative Job Search Strategies" for Wednesday, October 25 from 4:15 to 5:45 pm. This forum will feature UCLAW students in their third year who have found satisfying summer jobs and careers without resorting to the on-campus interview program.

Laurie Seplow, Career Counselor in optimistic about job opportunities for UCLAW graduates, although she notes that the October 16, 1995 National Law Journal finds that men still earn more than their female counterparts at many legal jobs. This sexual inequality notwithstanding, Bill McGeary, Assistant Dean for Career Services, notes that

To CAREERS on p.12

PILF Follow-Up

Homeless Youth Wins Small Claims

by Kelly Rozmus, 2L

"Phil", one of the clients described in the *Working With Homeless Youth* article in the September issue of *The Docket*, won his small claims action against the electronics store that wouldn't honor his extended warranty. The judge awarded Phil over $800 in damages. Phil's computer is still in need of repair but the cost is estimated at about $25. Public Counsel's Homeless Youth Project clinic is now assisting Phil in enforcing the judgment.

THE DOCKET

UCLA SCHOOL OF LAW

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- Los Angeles – October 14 & 15, 1995 *(Live Presentation)*
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Begins October 7, 1995 ends February 11, 1996

✓ **FALL FINAL REVIEWS**
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EVERY CLOUD HAS A SILVER LINING

By Steve Chahine, 3L

I'm sure that much like me, you breathed a tremendous sigh of relief and elation after hearing those two glorious words, "Not Guilty." During the deliberation, my image of humanity wavered causing me to entertain the unimaginable, but my unnecessary doubts were soon quelled and my opinion of the common man was vindicated once and for all: he is truly ignorant, unapologetically unsophisticated, desperate to believe anything that brings him comfort, and above all, morbidly gullible. And thank the good Lord for that.

THE SILVER LINING

Imagine a world where a jury would have returned a "Guilty" verdict. A world where truth is sought out above all else; a world where intense scrutiny is placed on minute details. No one would buy used cars. Who would hire you? Would anyone "order now" because supplies are limited? Who would buttress the left slope of the bell curve?

The verdict may have disappointed most Americans but the entire "Simpson Experience" has given us a lot to be thankful for.

1. **OUR FUTURES IN THE LEGAL PROFESSION:** Our legal careers are practically guaranteed by the verdict. So long as no one chlorinates the jury pool, there is little a "representative cross-section" of algae can't be con-

See CLOUDS on p. 12

... and did I mention that I also teach?

by Donna Davis

All negativity aside, the People v. O.J. Simpson trial created a wealth of career opportunities for law professors throughout the Los Angeles area. The search for that perfect pundit who could summarize legalese into a 'sound bite' that the starving public could digest at dinner led to many a law school professor posturing to be 'discovered'.

Since the all-seeing media trucks have pulled away and big trial after big trial shuns that courtroom camera...what is that law professor to do now, after her fifteen minutes of fame has lapsed?

... Open a catering service ...

Being at the beck and call of a major network should have developed great skill in cooking up delicious tidbits from much of nothing and serving them to the general public for money...

... Open a bar ...

All of the other media legal personalities could gather around the watering hole and watch Court TV with the volume down and make their own commentaries to each other while constantly passing the "bar" to get to the microphone. Introductions would not be necessary; everybody knows *your* name...

...Produce a television show...

Take a celebrity who may or may not have committed a murder, mix in some politics and have a great legal mind backed by a eager cadre of associates as the only way to get at the truth and save the hero. Take a year to drag the trial out, but only show it once a week....

... or you could teach, again...

Remember, the faded glamour of trying to explain a badly written case to students who keep walking out of your class to go interview. But the dull joy of trying to keep 125 students awake at 9 am on a Monday morning surely could never compare to the thrill of live television.

Mom, I'll Be Home Early

by Diane Klein, HLS 94-95, UCLAW 97

I am a transfer student from Harvard Law School, and I've been meaning to write a column for ***The Docket*** introducing myself for at least a month. I spent my first year of law school at Harvard, but it wasn't like *One-L* or even *The Paper Chase*. It was more like *Scenes From a Marriage*. Two days after my torts exam last January (Harvard's first semester exams are after Christmas), my husband of five years walked out on me and my two preschoolers. Sitting in the front row of the lecture room in Pound Hall where I'd been dazzled by Jerry Frug's postmodern contract interpretation, my husband earnestly informed me that he was in love with someone else. Emotionally speaking, the semester that followed was like being turned on a spit over a roaring flame. Twenty-five pounds melted off of me; often the only thing I consumed all day was the muffin and fruit I mechanically ate while my property prof — a reactionary in his own family but a radical to those who end up at HLS these days — discoursed on Delamirie and Loretto and jousted with my section's token Republican.

I had been fortunate enough to get a law firm job in Westwood for the summer, which I looked forward to as something to do with myself all day, around people who had not known me as either the smug, self-confident young wife I had been or the shaken and shell-shocked I felt myself to be. I spent most of the last few months of the term counting down the weeks, days, hours until I and my kids would be out of Cambridge, across the country in L.A., licking our wounds and recuperating in the warmth and comfort of my mother's home. The fall and my second year of law school seemed as distant as my wedding day.

Two months later, there was no doubt that my marriage was irrevocably over. But my children were thriving in their new setting, helped immeasurably by most especially my mother, but also my father, sister, and even

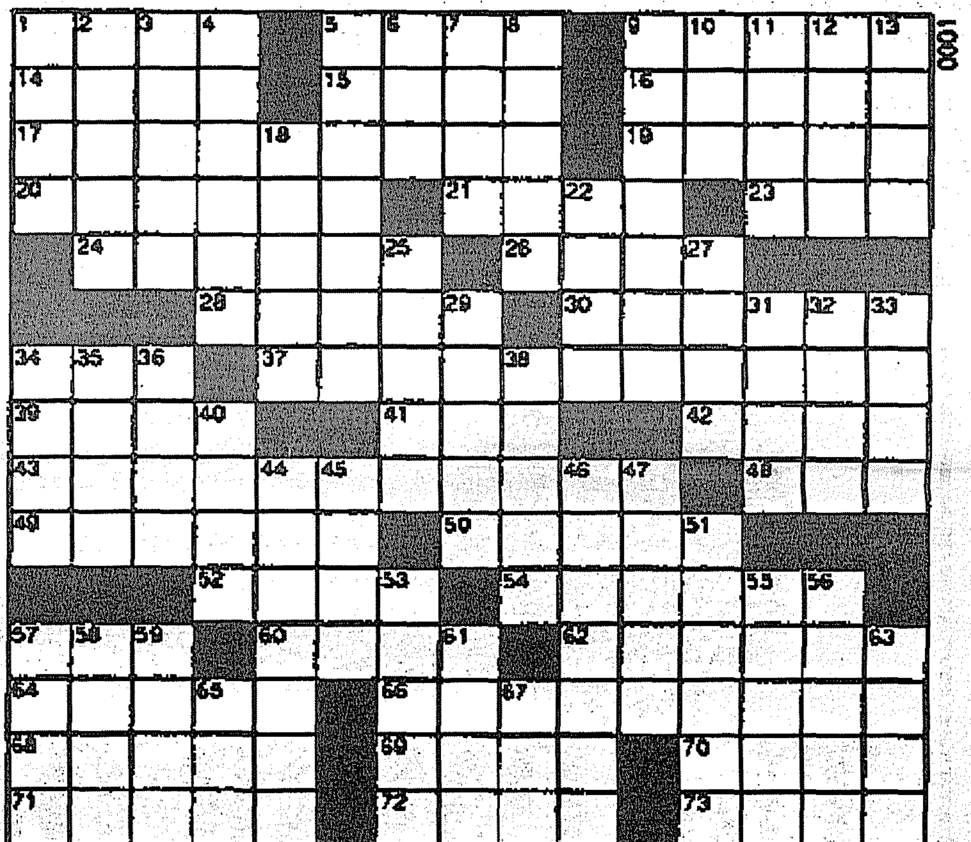
See HOME EARLY on p. 13

CROSSW RD® Crossword

Edited by Stan Chess
Puzzle Created by Richard Silvestri

ACROSS
1 Concern
5 Eschew the scissors
9 Peachy color
14 Marge
15 Make eyes at
16 In the cooler
17 Longshoremen?
19 Paper money
20 Accumulate
21 Get all mushy
23 Erhard's method
24 Turned down
26 Roman wherewithal
28 ____ the hills
30 Be benefactor
34 Dict. label
37 Waterfront vacation?
39 Argued a case
41 XXXIV tripled
42 Watch display, perhaps
43 Passenger on the landing?
48 Epithet for Anthony Wayne
49 Junket ingredient
50 Not so hot
52 Actress Gray
54 ____ anchor (move securely)
57 Stand at the plate
60 Where port is left
62 Prodded
64 In the clouds
66 Shore dinner?
68 Move edgewise
69 Mrs. Peel
70 Alternatively
71 Got up
72 Twenty quires
73 "____ I say more?"

DOWN
1 Dandified dudes
2 Troy tale
3 Chaucer pilgrim
4 Oscar-winner of 1961
5 Hero
6 Psyche component
7 Styptic stuff
8 Fight against
9 Smart organization?
10 The Plastic ____ Band
11 Liturgy
12 Escadrille members
13 In case
18 Association of merchants
22 Adriatic island
25 Capital of Bangladesh
27 Author Bagnold
29 Miss by a whisker
31 *Paradise Lost* character
32 *Ciao*, in Chelsea
33 Gave the once-over
34 N-S connection
35 Babe's hue
36 Young or Penn
38 Lowlier
40 Cgs unit
44 Yelled at
45 "Willie and the Hand Jive" recorder
46 Oscar Wilde specialty
47 Get ____ (ditch)
51 Deluge with decibels
53 More recent
55 Allan-____
56 Concise
57 Woofer sound
58 Came down to earth
59 Hoo-ha
61 Verbalized sigh
63 Proof of purchase
65 *Alice* spin-off
67 GP gp.



Mr. Lastings

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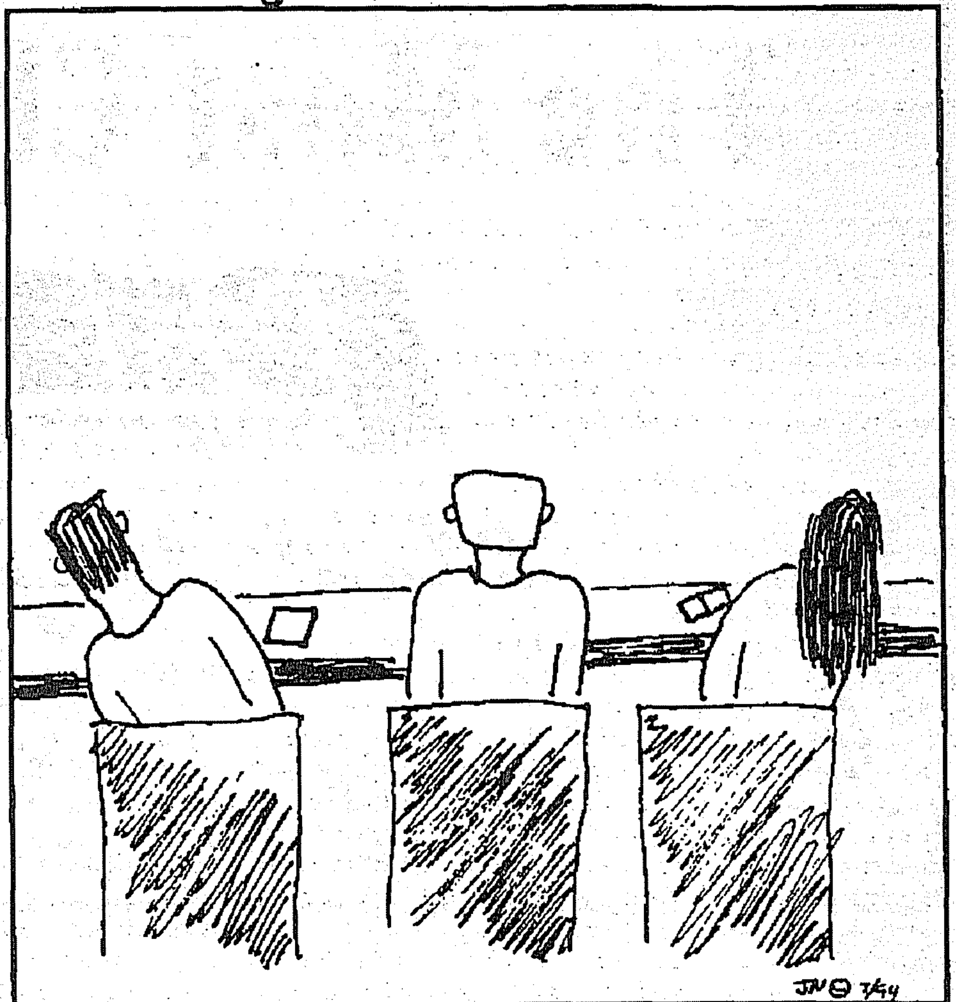

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Russell T. Kirshy
26 Cart Path Road
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Mr. Robert Feinberg
President, PMBR
1247 6th Street
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September 23, 1994

Dear Mr. Feinberg:

I attended your three day Multistate workshop at the Hynes Convention Center in Boston this past June in order to prepare for taking both the Florida and Massachusetts Bar exams in July. As you can imagine, since I was taking two bars, a high score on the Multistate portion was imperative for me.

I am pleased to report that I received my results from Florida yesterday, and scored a 162 on the Multistate portion of the exam. As you are well aware, a162 on the Multistate makes it virtually impossible for me to have failed the Massachusetts Bar. In addition, this score allows me automatic admission to the D.C. bar as well.

I am absolutely positive that PMBR made the difference between just an average score and the one I achieved. I took BAR/BRI as my primary bar review course for Florida. Although their materials covering the state topics were adequate, I spent little time using their multistate materials. This is because after doing a set of their questions, and then doing a set of PMBR questions, it became obvious that PMBR questions were the most challenging. This proved to be a good move for me because when I actually took the Multistate, it was not as difficult as the PMBR practice questions I had done. In addition, I spotted at least 40 questions on the Multistate that were covered in the PMBR materials or lectures.

I would like to extend my thanks to my lecturer Steve Palmer and the entire staff PMBR. Thanks to you, I will never have to take another bar if I don't want to.

Very Truly Yours,

Russell Kirshy

Russell Kirshy

Thanks To PMBR I Passed The D.C., Mass. & FL. Bar Exams!

The PMBR Questions Were The Most Challenging!"

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PERSPECTIVES

Playing the Race Card

by Robert Jystad

The relevance of Emmett Till's story (see Bruce Barnett's "The Ghost of Emmett Till") is unassailable, but not for the reasons Bruce gives. Bruce believes that the story is important to tell because times have changed. The terrible injustice of the Simpson verdict, for Bruce, is that it resurrects the same attitudes that wrongly acquitted Till's murderers — attitudes that subvert the criminal justice system and shred the fabric of American society. As if those attitudes had died.

Not that I believe Simpson is innocent. Something about the timing, the blood, the stalking, the 911 calls, the "confession" to Rosy Grier, the suicide threat, the freeway chase, the plastic bag and the shovel in the back of the Bronco (for gardening? excuse me?) add up in my mind to guilt beyond a reasonable doubt. As far as I am concerned, there is injustice in this verdict.

Still, Cochran was right to play the race card. The Los Angeles Police Department, despite several recent attempts at reform, made race a factor in this case. Regardless of the countless systemic justifications made to support Cochran, a culture of racism flourished at the LAPD under Daryl Gates and under a policy designed to subdue criminal behavior by harassing African American men. Without that culture, there might be no reason to believe that evidence of an investigating officer's racism could create a reasonable doubt about a black defendant's guilt.

In Los Angeles, it does and it will not disappear with Mark Fuhrman. A recent *L.A. Times* story reported on the 44 problem officers named by the 1991 Christopher Commission. Three were fired. Ten quit. Nine have been promoted. Twenty-seven officers received 78 complaints, four for excessive force, twelve for unauthorized force. The Police Commission investigating the complaints sustained only a small number. In one case, a detective (one of the nine promoted) admitted to forging signatures on reports that identified suspects in a murder case and then lying about it in court.

When I first heard Simpson's defense team inject race into the case, I will admit I was troubled. Something about the obviousness of the ploy unsettled me. Something about mixing the "L.A. riot factor" into the question of a single human being's guilt. The tactic seemed crude, almost grotesque. I wondered, honestly, what it said about the credibility of the defense

See RACE CARD on p. 12

The Ghost of Emmett Till

by Bruce Barnett

Had Emmett Louis Till survived his racist times, he would have been only 54 years old this June, able to add his voice to the many commenting on the instances of justice and injustice surrounding the O.J. Simpson trial. Mr. Till might well have observed that times have changed mightily. After all, he had grown up in a time when a man of color risked punishment for merely speaking to a white man or just looking at a white woman.

Indeed, such were the ways of the American South when fourteen year old Emmett visited his grandfather in Money, Mississippi. On August 24, 1955, on a dare from his companions, Emmett (a black male) made the fateful mistake of speaking directly to 23 year old Carolyn Bryant (a white woman), who was tending her husband's general store. Mrs. Bryant claimed that Emmett made a brazen sexual advance in the form of a "wolf whistle," and tried to hold her waist. According to Emmett's courageous and proud mother, however, Emmett did no more than speak to Mrs. Bryant. Emmett may well have whistled, Emmett's mother conceded, since he often attempted to conceal his stuttering by whistling.

One week after Emmett's visit to Roy Bryant's general store, Carolyn's husband returned from a fishing trip with his half brother J.S. Milam. Upon learning of his wife's encounter with Emmett, Bryant and Milam set about finding Emmett. They dragged him from his grandfather's shack, making no attempt to disguise their murderous intent, apparently feeling no guilt nor fearing discovery.

Emmett's last image of America consisted of two burly white men spouting racist epithets as they kicked in his face. Not satisfied with inflicting a lethal beating, Emmett's assailants shot him in the head and tied a heavy fan around his neck so he would not rise from the Tallahatchie River.

In Chicago, Emmett's mother heard of her son's abduction. On the urging of Chicago police, Mississippi police arrested Milam and Bryant, who admitted the abduction but not the murder they had committed a few hours earlier.

Less than three days after his murder, Emmett's badly mangled and decomposed body surfaced. One half of Emmett's head was missing. A remaining eye hung from its socket. However, by the initialed ring on his finger, Emmett's grandfather could make a

See EMMETT TILL on p. 13

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Opinions

The Power Card

by Gerardo Camacho

The powerful in this country are where they are, in large part, because of our legal system. For a fee, lawyers will provide and regulate power. If you hire a lawyer, you are buying power. The more lawyers you can afford, the more power you can have. In effect, what we have is not so much a "legal" system, but a system of "power."

But this model has at least one major flaw: it provides a forum where power can compete with and defeat justice. Justice, it would seem, is often no match for power.

Law students who are upset about the verdict in the Simpson case, therefore, are either hypocrites or in the wrong line of work. Lawyers, as it so happens, often find themselves defending a party who probably deserves to be punished, or attacking a party that probably does not so deserve. That's what pays the bills. Large firms, for example, are often hired simply because they have armies of associates at their disposal who can complicate a lawsuit so far beyond recognition that a less wealthy opponent has absolutely no recourse but to give up or settle, regardless of the possible outcome.

In order to guarantee that from now on justice will prevail over wealth and influence, the plug will have to be pulled on the main power source in this country. Don't hold your breath. If anyone feels like trying, just remember what happened in Kubrick's *2001: A Space Odyssey* when the crew tried to shut down HAL. The world, it turns out, was never the same.

1965 or 1995?

HEAT UP CONGRESS

Student Aid Update

by Dominic Perry

In the week of October 23, both the House and the Senate will vote on reconciliation bills that propose cutting over $10 billion from federal student aid. The message we need to convey to Congress is simple. THESE BILLS ARE DEVASTATING TO STUDENTS AND TO AMERICA'S FUTURE! Congress needs to hear that message loud and clear in this next week. The National Association of Graduate-Professional Students (NAGPS) suggests two very simple and very effective methods: phone calls and letters.

1-800-574-4AID

This free 800 number has been established by the Alliance to Save Student Aid (of which NAGPS is a member). When you call, you are asked to enter your zip code, and then you are connected to your member of Congress. Clearly tell them that you think that these cuts are too big and that they are unnecessary. Urge them (especially your Senator) to vote for amendments that lower the amount of money Congress should cut from the student loan program.

But don't stop there. Get your friends and your parents to call. Work with student leaders on your campus to set up a phone bank (a cellular telephone company is often willing to donate phones — its great advertising for them). Write the 800 number on the chalk boards in large lecture halls. Be creative. WE NEEDS THOUSANDS OF CALLS IN THE NEXT WEEK!!

Email Letters to Congress

NAGPS has established a special email address SAVE-STUDENT-AID@NETCOM.COM, to receive letters to Congress. Simply type up your letter, and email it to this address. NAGPS will print the letter, and it will be hand delivered to your member of

See STUDENT AID on p. 9

Editorial

MEMORANDUM

UCLA School of Law 147602

DATE: September 22, 1995
TO: All Law Students
FROM: The Office of the Dean
RE: Plagiarism

We write to help students avoid a problem with substantial ramifications for their academic and professional careers: plagiarism. We regret having to bring this matter to everyone's attention, but events in the last year suggested it was important to alert students.

Last year the School encountered some papers submitted for written assignments that were substantially plagiarized. In addition to outright plagiarism (taking credit for writing what the student had not written), there were problems with insufficient and improper citation (bypassing the source actually used in research and citing to the sources found within it), which also results in plagiarism. The students in question of whom were on the verge of g subjects

Plagiarism Is ...

On September 22, the Dean's Office circulated a memorandum warning students that their legal careers might be jeopardized if they were caught plagiarizing. The memorandum mentioned two students who, on the eve of their graduation last year, submitted writing assignments that were "substantially plagiarized." (Dean's Memorandum, September 22, 1995). The students were "handed significant suspensions and other sanctions." (*Id.*)

The message is: Be very careful. Do not "take credit for writing what [you] have not written" (*id.*), and beware of "insufficient and improper citation." (*Id.*) Improper citation includes "bypassing the source actually used and citing to sources found within it." (*Id.*) In other words, do not pretend to have read primary sources when in fact you are relying on secondary sources. Likewise, do not pretend to have read secondary sources relying on primary sources when what you are relying on are secondary sources citing other secondary sources citing primary sources. Furthermore, do not pretend to have read secondary sources citing other secondary sources citing primary sources when what you are relying on are secondary sources citing secondary sources that cite other secondary sources citing primary sources.

So the policy is fairly clear. Do not carelessly or intentionally misappropriate others' ideas or the ideas that others have appropriated. (*See id.*) Students who are being taught to think should not pretend to think when all they are thinking are other thinkers' thoughts.

But where did the Dean's Office get these ideas? Are they published in the student guidelines? Where in the student guidelines? And who wrote the student guidelines? Are they UCLAW's own creation, or did the Dean's Office "lift" the guidelines from another school?

In other' words, "He [*sic*] that [*sic*] is without sin among you, let him [*sic*] first cast a stone . . . ." (John Bartlett, *Familiar Quotations* (Boston: Little, Brown, 15th ed., 1980), p. 45:2 *quoting The Holy Bible*, John 8:7 [source unknown].) *Cf. id.* at 130:10 *citing The Koran* 2:42 ("Do not veil the truth with falsehood, nor conceal the truth knowingly")[source unknown]. *Contra id.* at 757:14 *quoting* Wilson Mizner, *Saying* (no publisher, n.d.) ("When you steal from one author it's plagiarism; if you steal from many, it's research").

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BUSINESS & FINANCE

The property rights movement is gaining in strength and awareness throughout the country. A variety of excessive state and federal land use and environmental laws are being challenged in the courts and legislatures. The outcome of such efforts will have a substantial impact on business and real property investment owners. Two of the organizations leading the way are Oregonians In Action and the Pacific Legal Foundation. Today they share with us the principles which underlie the growing private property rights movement.

John Hanches
Business and Finance Editor

Editors' Note:
THE DOCKET especially welcomes contributions from both JD and MBA students for this section.

Private Property Rights
The Civil Rights Issue of the 90's

by Bill Moshofsky

Property rights are among our most basic, essential civil rights.

By protecting rights to private property, the Constitution provides owners the incentive to accumulate wealth and conserve the resources that generate it. The right to own, use, sell or otherwise dispose of private property is the cornerstone of our market-based economic system. Moreover, without property rights our other precious rights would soon be of little value.

Then why have property rights become a major issue?

The reason — all across the country, governments at all levels have been trampling on property rights by using regulations as a substitute for buying interests in private land.

Generally, this is done by restricting the use of land to provide public benefits — such as habitat for wildlife, wetlands, natural areas, or open space — without compensation to the landowners. This means that forest landowners can't harvest trees, farmers can't farm, businesses can't be sited, and people can't live on their own land.

How can government get away with such regulatory confiscation without compensating landowners for what they lose, especially considering that the U.S. Constitution provides that no private property shall be taken for public use without just compensation? The answer is — the courts have the ultimate power to decide what those words mean, and so far, the courts say that no compensation need be paid to a landowner for loss of value from a regulatory use restriction if the owner is left with any use. Putting it another way, compensation need be paid only when all use is denied.

See CIVIL RIGHTS on 11

Lose Your Property, Lose Your Freedom
A Wake-Up Call for America

by Sigfredo A. Cabrera

Property rights — why should anyone be concerned about protecting and preserving them? Are the rights to own, reasonably use, and enjoy private property abstract legal concepts that only lawyers and judges should worry about? Hardly.

James Madison defined property as "that dominion which one man claims and exercises over the external things of the world, in exclusion of every other individual." According to Black's Law Dictionary, the term *property* "embraces everything which is or may be the subject of ownership." It is the "unrestricted and exclusive right to a thing; the right to dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with it." By definition, the term does no just apply to lumber companies, builders, ranchers, and farmers. If you own a home or business, you are a property owner. If you own a car, stocks, bonds, or an IRA, you are a property owner.

Because the concept of private property ownership is so encompassing, it might be tempting to think, "The 'wetlands' issue doesn't affect me, so I won't worry about it." Or, "I'm glad I don't own forest land in spotted owl areas." These kinds of statements demonstrate a lack of understanding of some basic truths about the freedoms many take for granted in America. Moreover, the complacency implicit in comments like these is the very catalyst that promotes and accelerates the erosion of individual and economic freedoms our Founders sought to protect when they drafted the Constitution.

The Most Fundamental Right

It is often overlooked (or perhaps ignored) that private property rights are included as civil rights guaranteed by the United States Constitution. The Bill of Rights, as part of our Constitution, declares in the Fifth Amendment that "no person shall be...deprived of life, liberty or *property* without due process of law..." That Amendment further states, "nor shall *private property* be taken for public use, without just compensation." And again in the Fourteenth Amendment, local officials are forewarned, "nor shall any state deprive any person of life, liberty, or *property*."

Writing for the majority in last year's landmark ruling in *Dolan v. City of Tigard*, Chief Justice William Rehnquist of the U.S. Supreme Court stated that property rights are as important a part of the Bill of Rights as freedom or speech

See WAKE-UP on 10

Where do you find the time to...

run to the prof's office,
dash to study group,
dig through the library,
assemble quotes,
annotate class material,
search & research,
get that note to prof,
brief cases,
find cites,
see if Susan knows,
outline it,
write it, print it,
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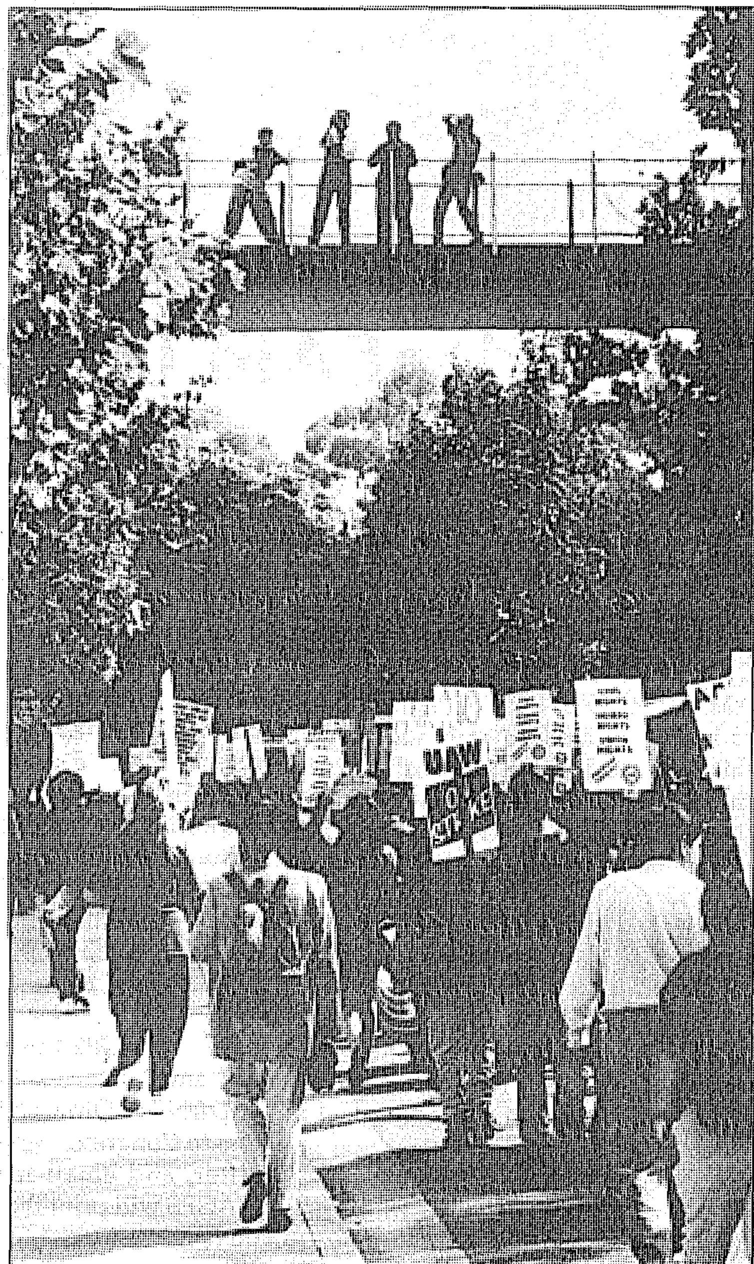

Signs of whose times?

VIETNAM

from p. 1

I think it was because of the way things were and not anyone's fault.

When I got there (Bangkok), I found out that both the director and the coordinator of the Indochina group had resigned the previous month. To make things worse, the assistant to the director was taking a month-long vacation. The only person in Bangkok's Indochina group at that time was a new administrative assistant who was hired two weeks before I arrived. So, another Vietnamese law student intern from the States and I got stuck with this person who knew basically nothing about the Indochina group's practice.

She asked us to do filing and make photocopies and other administrative tasks. I didn't mind doing anything as long as I got a chance to learn Vietnam foreign investment law, but I wasn't learning anything. The only significant thing I did when I was there was to edit a letter written in English by a Thai attorney on behalf of a client. The letter demanded a retraction and an apology for a libelous article in the newspaper.

The two lawyers for the Indochina practice group were in the Bangkok office for a few days and the other intern and I seized upon the opportunity and asked for work. One of the lawyers gave the other intern a client's file to read, but then demanded its return ten minutes later.

I was more fortunate. I was asked to make comments and suggestion on the draft of a material supply contract. I found out later from an incoming email that I was asked to file that these guys had not organized any summer program for us even after we had been there for a week. The email literally reads: "The summer interns are here, maybe we should organize a program for them."

> *I am not sure if these guys were really busy ... or if they were simply protecting their turf. [We] were ready to become loyal soldiers. We were not used.*

Even now, I am not sure if these guys were really busy and didn't want to be bothered by us or if they were simply protecting their turf. I don't know what these two lawyers had in mind but the other intern and I were ready to become loyal soldiers. We were not used. So when the other intern mentioned that he was going to quit, I felt that I could not let him down. I told him that his last day would also be mine. I submitted my letter of resignation ten minutes after finding out that he did. I had no regret even though I knew that things were going to change and that I would benefit from the changes after his resignation.

I went back to Ho Chi Minh City thinking I would see my family and then come back to the US in one or two weeks. I was wrong. Upon my arrival, I found out that my mom would likely be in Ho Chi Minh City for at least another five weeks so she could finish her radiation therapy. My mom had uterine cancer and had had an operation earlier in the year to remove her uterus. However, the cancer cells had spread out to some of her arteries and veins and those could not be removed. My mom was ill but she was so happy to see me. Imagine seeing your son for the first time in fifteen years — since he was still a teenageer. She wanted me to stay even though she had no idea how she would support me.

My dad, on the other hand, kept apologizing about how he was in prison for 15 years and could not take care of us or see how we grew up. He was in a re-education camp. He told me of recurring nightmares that he had in the camp.

In one of those heart-wrenching dreams, he saw that my younger brother and I (kids in those days) were eating at one of the run-down food stands on the street. We could not afford to buy much and so we were still hungry after we finished our plate. My younger brother wanted more but the street vendor would not burge, and so I begged her to fill our bowls with the leftover discards stored in a bucket. These leftovers are saved for hogs that the street vendors were raising at home. My dad said that he would wake up and cry to himself all night after these horrible dreams. He also said that his fellow prisoners were having similar nightmares. Imagine how hard it was for these once-prouded men to "witness" what their families were going through and not to be able to do anything about it.

Vietnam is much better now. There is more freedom now, at least in the economic sectors. It is also very modern in term of modern conveniences, but only in Saigon and the large cities and only if one can afford it. Most people can't.

Anyway, I just could not pick up and leave, so I went to different law firms to drop off my résumés. Through a connection, I got hired by Baker & McKenzie. They pay me US $2500 a month, a lot more than the Thai firm.

I've been working on differnt aspects of Vietnamese foreign investment law. The best thing here is that I get to learn a marketable skill and get paid at the same time. The worst thing (well, there are two) is that there is no system of researching law here and that the law is poorly written and incomplete.

The thing I miss most is friends. Everyone I know is in the States. I have to make new friends here. Thank God I am busy. Otherwise, I would go insane.

STUDENT AID

from p. 7

Congress next week. When you write, tell how these cuts would affect you personally. And don't just write to one Senator. Duplicate the letter and send it to the other Senator for your state.

WE ONLY HAVE A WEEK TO TEN DAYS TO MAKE OUR VOICES HEARD ON THESE VOTES!! THE GOAL IS THOUSANDS OF LETTERS AND THOUSANDS OF PHONE CALLS!!

Key Republicans in the Senate

Below is a list of Republicans who represent crucial votes in next week's Senate reconciliation vote. If you live in their states, please, please contact them in this next week! All phone numbers are area code 202. If you are in the Senator's state, the 800-574-4AID phone number should connect you to your Senator.

Domenici (NM)	224-6621
Hatfield (OR)	224-3753
Specter (PA)	224-4254
Santorum (PA)	224-6324
Abraham (MI)	224-4822
D'Amato (NY)	224-6542
Frist (TN)	224-3344
Thompson (TN)	224-4944

Talking points:

1. Tell your Senator that you believe $10 billion is too much to take out of the student loan program. Express your strong support for amendments which reduce this number.
2. Don't be fooled if you are told that these cuts will not affect loan eligibility. Ask how it is that Congress can expect to cut $10 billion out of student loan programs and not hurt students. Point out that these cuts result in higher loan costs for students, since the 6 month grace period will be eliminated and the interest on PLUS loans is being raised. Also, limiting or eliminating direct lending harms the healthy competition in the loan program that has been beneficial to students.
3. Let your member of Congress know that students are watching their votes and will vote accordingly.

Difference between the House and Senate Bills:

Both bills cut roughly $10 billion from the student aid program. Both bills eliminate the six month grace period on student loan interest for college graduates and increase the interest rate on PLUS loans. The Senate bill caps the direct lending program at 20% and places a 0.85% tax on the total loan volume of a college/university. The House bill eliminates the direct lending program but does not feature the 0.85% tax.

It is expected that an amendment will be offered in the Senate to reduce the instruction by about $6 billion, so that only $4 billion would need to be taken from the student loan program over the next seven years. When you call your senator please indicate your support for such an amendment.

Dominic Perri
Legislative Concerns Coordinator
National Association of Graduate-Professional Students

The National Association of Graduate - Professional Students
825 Green Bay Road, Suite 270
PHONE: 708-256-1562
Wilmette, IL 60091 FAX: 708-256-8954
NAGPS@NETCOM.COM

NAGPS 10th Annual National Conference
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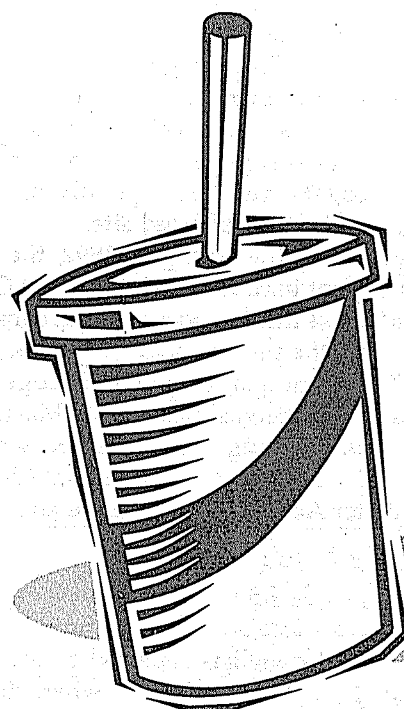
Stop The Raid On Student Aid! Call 1-800-574-4AID!

Break-time Snack time ANY TIME!



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WAKE-UP

from p. 9

and religion or the protection against unreasonable searches and seizures.

Thus, acquiring, owning, using, and enjoying private property are not mere privileges government can grant or deny at its discretion. Moreover, the right to private property is the most fundamental of all civil rights we enjoy, and preserving it ensures the preservation of other basic rights guaranteed in the Constitution.

All other civil and political rights — the right of basic freedom, religious worship, free speech, the right to vote, etc. — are vitally dependent on the right to own private property. "Let the people have property," said Noah Webster, "and they will have power — a power that will forever be exerted to prevent the restriction of the press, the abolition of trial by jury, or the abridgement of any other privilege."

The Basis for Prosperity

Private property also is the basis for our prospering economically and living secure and healthy lives. Through private property ownership, people retain incentives to create, to initiate and sustain progress, and to use resources more efficiently. Lifesaving medical advances, technological innovations, energy efficient manufacturing processes, just to name a few, are made possible because of private property. The result is a high standard of living Americans have come to expect and cherish.

A high standard of living also gives Americans *greater* individual freedom. As people prosper economically, they are able to invest for education, retirement, recreation, homeownership, family security, environmental protection, etc. These freedoms in turn provide a higher standard of living and similar freedoms to others, like employees and customers, and launching pads for the accomplishments of future generations.

But unnecessary and intrusive government regulation severely restricts freedom, not only in the use of property, but in the enjoyment of its proceeds. That restriction hinders the marketplace by reducing the number of voluntary exchanges of goods and services in which all parties benefit.

A Slow, Subtle Erosion

The erosion of property rights is a very slow and subtle process that can take not just months, but years, even generations — one instance, one case at a time. And nearly always, the erosion is not apparent. It is "behind the scenes" — not evident on the evening news or in the daily newspapers, but buried in thousands of pages of documents accumulated each year around the country in the corridors of government. Indeed, this country's fourth President, James Madison stated in 1788: "I believe there are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations."

And frequently, the victims of the "silent encroachments" are just ordinary folks. They are the hardworking and self-reliant Americans struggling to attain — or maintain — the American Dream but who have been hampered by overzealous regulators and left adrift by the undertow or bureaucracy. Their shattered dreams and anguish are painfully revealed in the public record.

OCIE AND CAREY MILLS (Florida)

On May 15, 1989, 58-year-old retiree Ocie Mills and his son Carey shocked the nation by becoming one of the first people to serve jail time for violating federal wetlands regulations. Their crime? — cleaning out a drainage ditch and putting clean builders sand on a parcel of land where Carey Mills planned to build a home. The Millses wanted to clean out the ditch to control mosquitoes and to improve drainage. Although Ocie and Carey Mills had prior approval from the Florida Department of Environmental Regulation (DER), the U.S. Army Corps of Engineers (Corps) arrested them for filling in a "wetland" without a permit.

Believing the charges to be totally unfounded, Ocie did not hire an attorney and defended himself and his son. "The charges were so incredibly trivial," he said, "I did not take them seriously and certainly didn't think that we could be in jeopardy of going to prison."

During their trial in federal District Court, the judge refused to allow Ocie to present evidence confirming that the Millses maintenance of the drainage ditch was allowed under Florida law and that DER officials authorized the placement of sand on his property. The judge also refused to allow DER employees to give their opinion that the property was not a wetland as defined by the Corps' regulations. Ultimately, the two men were each sentenced to 21 months in federal prison camp, were denied eligibility for parole, each fined $5,000, and subsequently ordered to restore the affected site.

In the spring of 1992, the Millses went back to the U.S. District Court to erase their convictions. But constrained by the present state of the law, the reluctant and sympathetic judge upheld their convictions. In his March, 1993, ruling Judge Vinson expressed astonishment of how the federal Clean Water Act had been interpreted in a manner "worthy of Alice in Wonderland" in which "a landowner who places clean fill dirt on...dry land may be imprisoned for...discharging pollutants into the navigable waters of the United States."

LOIS JEMTEGAARD (Washington)

Mrs. Jemtegaard of Skamania County, Washington, owns a vacant 20-acre parcel that the county zoned for a single-family home. She would like to sell the parcel as a buildable lot so she would have money to repair her home, located on another parcel, that she says "is literally falling down around my ears." The proceeds would also help supplement the widow's retirement income.

The problem is that the parcel she wants to sell is considered to be a "resource" and "scenic" land under the Columbia River Gorge National Scenic Area Act. Under that federal law, the parcel may be used only for agriculture or timber operations. However, the property is not suitable for either of those uses.

A profitable farming operation is not possible because of the small size of the property and inclement weather including sleet and gorge winds. About one-fourth of the parcel is part of a 700-foot-deep box canyon. Because of the steep slopes, it is impossible to drive a vehicle or farm equipment across the canyon.

Similarly, while the soils will technically support timber production, only about five acres of the parcel are now wooded. Although this is too small to harvest economically, the Gorge Commission staff states that the soil type will support growth of 170 cubic feet of wood fiber per acre per year. But those trees will not produce any harvestable timber for 65 years!

Although Mrs. Jemtegaard holds formal title to the property, for all practical purposes she has lost any realistic use of it. Moreover, she has not received a nickel of compensation for the "taking" of her land for public benefit. Her parcel has lost its economic value as a buildable lot so long as the Columbia River Gorge Commission's decision disallowing a home remains in effect.

Hope Through Involvement

These scenarios of regulation gone amok in America represent only the tip of an ugly iceberg whose body is submerged and invisible to most of us. Many more "silent encroachments" can be found in the legal files at Pacific Legal Foundation, the nonprofit organization defending in court the property rights of the Millses, Mrs. Jemtegaard, and others like them, without charge.

Their stories are shared here not to mock our local and federal governments, but to enlighten Americans and to inspire them to voice their concerns about the way lives and land are regulated in this country. Understandably, Americans are disgruntled about the many wasteful, ineffective, and burdensome policies emanating from Washington, D.C., and state and local governments. But tragically, too many citizens fall prey to apathy and succumb to the false notion that our representative republic does not work. The result is a disintegration of those economic, social, and moral principles that are fundamental to this nation's heritage.

Indeed, what we are witnessing in this country is a gradual decay in the basic principle that government is supposed to *protect* private property, not take it away; not impede reasonable use and enjoyment of it; and not destroy its economic value through overregulation. But there are ways that citizens can get involved and stop the erosion of their rights.

First, the education of representatives is critically important. Citizens need to stay informed and communicate their concerns to their elected representatives about proposed or existing policies that are harmful to private property rights. Second, environmental laws need common-sense reforms that will balance conservation goals with the societal and economic needs of the general public and private property owners. Third, Americans can prevent further erosion of their property rights by supporting charitable organizations that defend private property rights and the concept of free enterprise and limited government.

Summary

Apathy is freedom's worst enemy. Doing nothing will only invite further erosion. In the Declaration of Independence, Thomas Jefferson wrote: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness." More Americans need to wake up and once again ardently defend this fundamental truth. They can start first by taking a keen interest in what their elected representatives are enacting in the name of the "public interest."

(Sigfredo A. Cabrera is Directory of Communications for the Pacific Legal Foundation, a nonprofit, nonpartisan organization with offices in Sacramento, Bellevue, Anchorage, and Portland.)

PILF

from p. 1

reau Chief of the L.A. Public Defender's Office, Mark Yoshida of Asian Pacific American Legal Center, and Sylvia Argueta of the ACLU Foundation of So. Cal.

Keynote speaker Steven Nissen, Executive Director of Public Counsel, noted the dearth of legal providers to the poor despite a quantifiable baseline need of all in our society for vital legal services. Law students listened intently to stories of the personal and professional challenges, rewards and hardships that accompany careers dedicated to providing legal services to the under-served.

When the dust settled, students and panelists repaired to the Faculty Center for a reception where they were joined by representatives from twenty public interest organizations, including the NAACP Legal Defense Fund, MALDEF, California Women's Law Center, Public Counsel, Bet Tzedek, Mental Health Advocacy Services, Natural Resources Defense Council, and Legal Aid Foundation of Long Beach. Over wine and hors d'oeuvres, many students took full advantage of this rare close ratio of students to public interest lawyers to continue the discussion of careers in public interest law.

MOOT COURT

from p. 2

dents affected by the district court's decision filed a motion to intervene on behalf of their children. The district court denied their motion having found that the school board adequately represented the parents' interests in the original trial. The circuit court reversed, and the plaintiffs filed a petition for certiorari to the U.S. Supreme Court.

Participants in the Moot Court Honors Program are judged on the quality of their written briefs and oral advocacy. Following the Spring competition, advocates with the highest combined scores argue before the Moot Court Board, which selects four advocates to compete in the annual Roscoe Pound competition. At this year's Roscoe Pound competition, advocates will present their case before Judge Emilio M. Garza from the Fifth Circuit Court of Appeals, Judge David B. Sentelle from the D.C. Circuit Court of Appeals, and Judge Deanell Reece Tacha from the Tenth Circuit Court of Appeals. These three distinguished jurists will hear arguments and determine the 1995-1996 Moot Court champion.

CIVIL RIGHTS

from p. 9

This is in stark contrast to what is required when government physically occupies property — in that case, the government must pay for whatever value is taken, without regard to whatever uses the landowner has left.

This inconsistent approach evolved primarily because the US Supreme Court recognized that governments should be able to regulate uses on private land to some extent without compensation (to prevent nuisances, to protect air and water, etc.) — but simply failed to establish realistic limits. It's no wonder regulators have taken full advantage of that failure.

There are powerful reasons to curb "regulatory" takings.

First, there is no rational basis for the current distinction between (1) "physical" takings and (2) "regulatory" takings. The loss to the landowner is the same regardless of whether it is physically occupied or use is denied. Without the right to use property, it has little value.

Second, it is simply unfair to force individual landowners to bear burdens the public should bear. If the public wants to press private property into public service, the public should pay for it. Denying a forest landowner the right to harvest his trees to provide wildlife habitat is no different than requiring a farmer to leave his grain crop for pheasants, requiring a city lot owner to give up his back yard, or taking money from a bank account or IRA.

Third, aside from constitutional and fairness concepts, requiring compensation for regulatory takings is simply good public policy. It automatically brings realism and economic discipline, and it helps assure resources are not misallocated.

Just as important, requiring compensation helps assure wise use of resources. The public has many needs that must be met such as crops and forage to provide food, raw materials for lumber plywood and paper, minerals essential to a host of industries — plus all the jobs and tax revenues that are generated.

Fourth, limiting public control over private land will, in the long run, assure better stewardship of the land, and a better environment. The key is "incentives". Private landowners have the incentive to care for their own property, to improve it and to make the most of it. By contrast, if land is public, no one owns it and there is no incentive to care for it — and you have the "tragedy of the commons" such as overgrazed rangeland or overfished oceans.

In the long run, private ownership assures a better environment as well as a better economy. Look at what happened in the former Soviet Union where government ownership and control brought environmental disaster as well as economic disaster.

Recent developments in the courts and legislative bodies provide hope that compensation will be required for "partial" takings.

There are encouraging signs the pendulum is swinging toward protecting the rights of landowners against excessive regulatory restrictions.

The US Supreme Court decision in *Dolan v. City of Tigard*, 114 S.Ct. 2309 (1994) [a case handled without charge by the Oregonians In Action Legal Center], and *Lucas v. South Carolina*, 112 S.Ct. 2886 (1992), indicate the high court is leaning toward greater protection for private property from regulatory encroachments. For example, the court in *Dolan* said it saw no reason that property rights under the 5th Amendment of the US Constitution should be considered a "poor relation" to other rights such as freedom of speech.

Meanwhile, in 48 states and in the Congress, "property rights" activists such as Oregonians In Action are pushing for legislation to require compensation or other protection for partial takings by regulations that restrict the use of private property to provide public benefits.

In Oregon, property rights and land use regulation were major issues in the 1995 Legislature. A "compensation" bill passed both the House and the Senate, but was vetoed. Another bill requiring owner consent to historical designation did become law. Many other bills were heavily debated.

In the state of Washington, a stronger "property rights" bill (that was initiated by signed petitions) passed both the House and Senate and has been referred to the voters.

In the Congress, property rights legislation is center stage. The House has already approved a compensation bill, and the Senate is working on similar legislation.

However, there is much opposition to all such legislation, mostly from environmental groups, planners, state and federal agencies, cities and counties, and the media.

Fortunately, polls confirm the general public recognizes that property rights are human rights that must be protected along with other civil rights.

(Bill Moshofsky is Vice President for Government Affairs of Oregonians In Action, a statewide, nonprofit, nonpartisan organization.)

AFFIRMATIVE ACTION

from p. 1

Cox opened the meeting by explaining and justifying the format. The point, he asserted, was to begin the meeting by providing enough background information so that the students could "deal with the question" of affirmative action.

Howard Gadlin, the UCLA ombudsperson, co-chaired the panel. He concurred with Cox in the format. The point of the discussion, according to Gadlin, was not to produce winners and losers or to force the two sides of the debate into agreement. Rather, the meeting would "heighten awareness."

Professor Julian Eule spoke first. Eule told the story of a conversation he had with a law alumnus who threatened to withdraw support now that he had learned "what was really going on at UCLA" (i.e., an affirmative action admissions policy). Eule queried the alum's GPA which turned out to be 79. "Do you think your colleagues who graduated with 85's are better lawyers than you are?" "Absolutely not!" the attorney responded. "Then why do you think undergraduate grades are a better measure of future performance than law school grades." Merit, concluded Eule, is not a self-defining term.

Professor Jerry Kang followed Eule with a utilitarian analysis of affirmative action. The cost, which Kang conceded but never detailed, fails to outweigh the benefits. Benefits include decreasing racial prejudice, broadening life experiences and encouraging future leaders to break down stereotypes.

Kang cited a childhood in Skokie, Illinois, where he was often complimented on his English skills and a high school counselor discouraged him from going to Harvard to study science because "there were too many Asians studying science at Harvard." Kang is critical of those who would use "wedge politics," i.e., argue about the detriments of affirmative action for Asian Americans in order to justify abolishing the policy. Asian Americans, according to Kang, are beneficiaries of affirmative action.

Professor Christine Littleton added that all of us are beneficiaries of some kind of affirmative action. Our educational experience at UCLA is enhanced by a diverse student body. Looking out over an all white classroom at an East Coast school now strikes her as odd. Furthermore, the problem that affirmative action means to address has not gone away. Women still make up fewer than five percent of skilled jobs. Finally, affirmative action, for Littleton, was a contract between American society and minorities: "We will not bring cases of discrimination in return for your promise of a better world."

Professor Eugene Volokh ended the panel discussion representing the vein of faculty who oppose race and sex criteria in admissions. Volokh admitted that merit is not the only criterion worth considering but criteria like race and sex cannot be justified. Why not religion? Wouldn't UCLA be a better school of we had more Moslems or fundamentalist Christians? The problem with religion, argued Volokh, is that we recognize that it is inappropriate to take it into account the same way we should recognize that race is not appropriate. In both cases, to benefit one race or one religion is to discriminate against other races and religions. The point of Title VII of the Civil Rights Act was to discourage discrimination, to teach the public that race and religion and gender are irrelevant. Affirmative action, according to Volokh, leads us to the opposite conclusion — that race matters.

A follow-up panel is planned for faculty to address student questions and, presumably, to give us some insight into the task force's recommendations.

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HIEPLER

from p. 2

sustained its denial of the transplant, Mr. Hiepler filed a lawsuit against Health Net for breach of contract.

Mr. Hiepler's sister died before her case was tried. As the son of a pastor, Mr. Hiepler and his family looked towards their religion for strength and support.

For several reasons, Mr. Hiepler would need as much support as possible for his suit against Health Net. First, the trial would be in Riverside, where conservative juries were often disinclined to favor the plaintiff and hesitated to find health care providers guilty in malpractice actions. Second, Mr. Hiepler was challenging a corporate adversary who could mount a defense utilizing virtually unlimited resources. Third, Mr. Hiepler's own firm doubted the merit of his case. In order to finance this action on behalf of his sister's estate, Mr. Hiepler mortgaged his own home.

Fortunately, Mr. Hiepler had married an attorney, and he was therefore he did not toil alone in his battle against the giant. Together, Mark and Michelle Hiepler crafted a strategy which preoccupied every waking hour for months. In December, 1993, a Riverside jury awarded Nelene Fox's estate $89 million — by far the largest verdict ever involving the denial of health carebenefits. *Fox v. Health Net* 219692 (Superior Court Riverside Co., California).

Immediately following Mr. Hiepler's successful action against Health Net, various media analysts proclaimed him to be one of the nation's foremost experts in the field of HMO litigation and health care benefits. In July, 1994 Mr. Hiepler was named one of the Nation's Top Ten Trial Lawyers of the Year by the Trial Lawyers for Public Justice Foundation, based on his work and success in the *Fox v. Health Net* case.

Today, Mark and Michelle Hiepler run their own firm in Oxnard, California, specializing in representing plaintiffs against health maintenance organizations and affiliated medical groups. Just last week, Mark Hiepler presented to a Simi Valley jury the case of Joyce Ching, who died at the age of 34 from colon cancer. Mr. Hiepler argued that Mrs. Ching's physicians breached their fiduciary duty when they failed to provide her with the full range of medical services she had paid for by way of enrollment in her company-sponsored health plan. See David R. Olmos, "Cutting Medical Costs-or Corners?" L.A. TIMES A1, May 5, 1995. If the jury finds the defendants guilty, Mark Hiepler will have heralded in yet one more legal precedent.

RACE CARD

FROM P. 6

team.

Officer Mark Fuhrman, after all, was a professional. Fuhrman investigated crimes. Fuhrman took great pains not to destroy evidence. Plant evidence because O.J. Simpson was a black man? Get real. The guy played golf with Arnold Palmer.

So I cringed when F. Lee Bailey took off after Fuhrman and beat him over the head with a charge of racism as vigorously as any corrupt cop wields his joystick. He fooled me. He fooled most of us. The next day, Professor Peter Arenella told the *Times*: "Judged by [Bailey's own] standard, Bailey failed. Fuhrman never acted or testified in a manner that supported the defense's characterization of him as a rogue, racist cop." (March 16, 1995.)

> *[Among] the 44 problem officers ... Three were fired. Ten quit. Nine have been promoted ... a detective admitted to forging signatures on reports*

Professor Arenella cautiously added: "But the ultimate measureof Bailey's cross-examination won't come until the jury assesses the credibility of defense witnesses . . ." He was right. One witness, supported by home-made recordings, would ultimately lead the *Times* to characterize F. Lee Bailey's cross examination of Mark Fuhrman as "prescient." Called it his finest hour.

The story of Emmett Till is not relevant because the ugliness of race-based jury nullification has resurfaced, albeit under a misplaced ruse of rectifying historical injustice. Emmett Till is relevant because it reveals how a penological infrastructure designed to promote justice and public confidence in law enforcement rather undermines our faith in our protectors. Emmett Till does not remind us how far we have come, so that we might avoid "returning" there. He lets us know how far we have yet to go.

CLOUDS

from p. 4

vinced of. Gone is the need for briefs or proving elements. It's all Poker these days. We've got race cards for African-American defendants, gender cards for female defendants, and reverse discrimination cards for Caucasian defendants. For those unfamiliar with the rules, race trumps gender and a couple extra million buys you another deck.

2. **LITERARY TREASURES:** As historical background, I recommend Shakespeare's Othello. You know, the tale about the Black king who in a fit of jealousy murdered his fair-haired wife because the evil Iago planted the seed of infidelity with a pilfered handkerchief? (Who says truth is stranger than fiction?) Then try Faye Resnick's "Diary" and OJ's "I Want To Tell You", (both mercifully available on audio-cassette for the illiterate). And with works by Kato Kaelin, Dismissed Juror #2144 and #1859 already published, the OJ anthology will be well rounded off. But don't forget to save room on the shelf for Juror #2254's Playboy pictorial and Dominic Dunne's novel.

3. **AWARENESS OF ETHNIC COMPOSITION:** A jury is intended to be comprised of an accurate cross-section of our society. I had no idea Los Angeles was 75% black, 83% female, 8% Hispanic, and 100% unemployed. The "Nay-sayers" question whether these the kinds of people are fit to unsheath the sword of Justice. Being female, Black, and unemployed is essentially the Triple Crown of Oppression. And expecting these people to reasonably assess the facts without passion or prejudice is like starving a man for months, taking him to an all-you-can-eat buffet, and expecting proper table manners. But I say "Nay" to the Nay-sayers.

4. **DIVERSITY!:** Webster defines it as "difference; variety; a collection of different ideas." Be careful what you wish for.

5. **DARWINIAN ADAPTABILITY:** Since jurors didn't seem to pay much attention, the OJ trial indicated that Criminal Law has as much practical application in a courtroom as Latin has in casual conversation. Although this threatens the veryexistence of Criminal Law Professors since students are now fully aware of their uselessness, they showed remarkable adaptability by taking to the airwaves in search of a less informed audience. So a species on the brink of extinction adapts to an environmental change with a behavioral modification, thereby ensuring its survival. Natural selection at work.

6. **CULTURAL EXCHANGE:** Despite the mish-mash of diverse groups on campus, the verdict truly brought us all together for one brief moment where we realized why we don't spend much time with each other.

7. **PROOF OF THE P.T. BARNUM THEORY:** There really is a sucker born every minute. So with 12 jurors on the case, OJ's fate was sealed just shy of a quarter-hour. In any event, the Trial of the Century has finally left the courtroom of Judge Lance Ito. To quote juror number 6, "Garbage in, garbage out." Exactly.

THE CLOUDS

1. If the jurors weren't racially biased or motivated, then why did one juror say that the verdict marked "a great day for all African-Americans"? I don't seem to recall any Caucasian-Pride Festivals after the DeLorean acquittal.

2. Why do Blacks criticize Whites for finding fault with the justice system only after a Black defendant is found not guilty, when Blacks are just discovering hope in the justice system only after a Black defendant is acquitted?

3. If the mother of your children was just murdered, would your first instinct be to grab a passport, fake beard, $10,000, and a Thomas Guide?

4. An acquittal of OJ means not only that every piece of evidence including the blood, hair, and carpet fibers were planted, but the actual killers left absolutely no trace of their crime behind. Who knew the Colombian mob was so stealthy.

5. The Grand Conspiracy Theory. Let's play count the racists. Mark Fuhrman (I'll give you that one), Christopher Darden, battered women, the entire DA's office, the limo driver, the collective human genetic pool, the Colombian Drug Cartel, the coroner, Willie Williams, wailing dogs, the forensics department, CellMark Genetic Laboratories, the real killer, the Department of Justice, Bill Hodgman (who faked heart trouble to divert attention from the truth), Ron Goldman, the FBI, Italian cobblers, Ford Motor Co. — Bronco division, and the CIA — already suspected by some of engineering crack and AIDS.

6. What happens when the investigators Simpson hired to find the real killers of Ron and Nicole come back to OJ and say, "We think you did it"?

7. The defense claims OJ's Bronco chase was motivated by suicidal intentions. Since when do you need $10K and a passport to get into heaven?

It is unlikely that the two sides will ever come to any agreement. You see, Caucasians look at the Mountain of evidence and tell African-Americans, "Try chipping away at that." Meanwhile African-Americans see holes in the prosecution's case and tell Caucasians, "Try filling those up." We're just looking at different things. The vast majority of American's think OJ Simpson is guilty, but who knows, the verdict may actually have been correct. I had my reasonable doubts as soon as Johnny Cochran put on that knit cap.

PART-TIME POSITION NOW AVAILABLE:
Corporate Welfare Workshop Organizer

The Tourism Industry Development Council (TIDC) is a non-profit organization that organizes for programs and policies to raise the standard of living of Los Angeles' tourism workers, and that include the City's culturally diverse neighborhoods in the promotion, marketing, and development of the region. **The California Network for a New Economy (CNNE)** is a state-wide progressive information-sharing network. CNNE's member groups include trade unions, environmental justice groups, and community organizations working for a more democratic, environmentally sound economy.

Why does Los Angeles City's Jobs and Contracting Policy Need Change?
Recently Los Angeles Airport officials pushing Mayor Riordan's "privatization" schemes began to replace unionized restaurant contractors with non-union contractors paying far less. 325 workers — many of them African American and Latino, most of them making good salaries with benefits — lost their jobs. Companies like McDonald's and Wolfgang Puck, offering a dismal future of part-time, minimum wage jobs, took the union contractors' place.

A coalition of groups including the TIDC, the Hotel and Restaurant Employees, CNNE, and other groups have put forward proposed ordinances that would incorporate new job standards into city contracting and job policy: Companies receiving subsidies or city contracts would have to provide their employees a minimum standard of job security and livable wages.

To support and expand these efforts TIDC and CNNE are organizing a workshop in Los Angeles on how to research and act on corporate welfare. The day-long workshops are designed to strengthen communities' capacity to hold accountable to community interests, corporations receiving the privilege of public economic development support.

Job Responsibilities
The workshop organizer will organize and coordinate a workshop tentatively scheduled for early December 1995. The workshops will include sessions on the restructuring of California's economy, ongoing efforts to incorporate labor/community standards into development policy, and hands-on methods for researching local subsidy abuse. Materials and presentations from a recent CNNE-sponsored workshop in San Jose will form the basis for the workshop.

Job responsibilities include:
- helping plan workshop with TIDC and CNNE staff
- organizing researchers and activists to make presentations at the workshop
- handling all workshop logistics
- conducting outreach to community organizations, labor unions, church people to participate in the workshop and get involved in ongoing subsidy reform organizing
- Oct 17. 1995-mid Jan. 1996; $10/hr+expenses (more w/work study); 15-20 hrs/wk

Qualifications
- **Preferred:** Graduate or undergraduate student in Law, Urban Planning, Chicano Studies, Sociology, etc. with community/union/campus organizing experience
- Women and people of color encouraged to apply
- **A must:** Car, excellent organizational skills, knowledge of LA, initiative, self-motivation, computer fluency

CONTACT ASAP: Madeline Janis-Aparicio, TIDC 213/486-9880 or Hany Khalil, CNNE 310/392-1722

WALKOUT

from p. 1

into Westwood. Cars honked. Classes stopped and looked out windows. Professors and staff gathered on stoops. Helicopters buzzed overhead and reporters collected sound bites. When the procession reached Westwood Boulevard, the protesters numbered over 2000, it extended almost a quarter mile. Law school legal observers kept pace.

Professor Ken Karst told our Constitutional Law II class how, in an antiwar protest, he had helped shut down the busiest intersection in the world: Wilshire and Westwood. A good number of law students now would be able to make the same claim. As we approached the intersection we saw a sea of blue helmets. The police were out in full force. Riot gear. Rubber bullets. Horses. Vans. Over a hundred officers prepared to contain an unpredictable mob.

But what happened next looked more like a choreographed dance than a protest. The crowd entered the intersection, already cordoned off from Glendon to Midvale by the police, in the crosswalk. It circled around the intersection and as the two ends joined several students with black arm bands who had positioned themselves throughout the crowd ran the center of the intersection, holding hands and sitting in a circle. A few other students, carried away by the moment tried to join them, but organizers grabbed them and forced them back to the crosswalk.

Reporters ran to the students trying to get statements but it appeared that the students would not talk but only sang and chanted as they continued to hold hands. Then a breach in the larger outer circle permitted dozens of police to march into the center of the intersection and form two circles around the small inner group and a third circle facingthe crowd. Another detachment of police surrounded the crowd on the outside.

Then the most amazing feat of all: the protest organizers, told by police that when the dispersal order was given no one would be allowed to remain in the intersection, actually convinced 2200 protestors to walk backward off of the crosswalks and onto the sidewalks. The inner circle, obviously well prepped for the act, remained seated in the intersection and after videotaped bookings were led one by one to a police van, fists raised.

Andrew Lloyd Webber would have been proud.

In the end, the protest was not only peaceful, it actually captured a good chunk of media coverage, including the front page of the *Los Angeles Times*. A well organized protest is a significant achievement. Add good media coverage and the event, as protests go, is a complete success.

EMMETT TILL

from p. 6

definite identification. The local sheriff, Harold Clarence Strider, requested an immediate burial. Emmett's mother demanded the corpse be sent home.

The casket arrived in Chicago with orders that it not be opened. Emmett's mother opened the casket nevertheless and studied the hairline and the teeth to be certain that the body was indeed her son's. Having done so, she collapsed, but not before declaring that Emmett's funeral would feature an open casket, so that the whole world could share in her outrage and sorrow.

Mississippi newspapers unanimously condemned the crime and expressed their revulsion at the senseless and violent act. The National and International Press covered the story with a zeal which had not been seen since the trial of Bruno Richard Hauptmann for the death of the Lindbergh baby two decades earlier.

Bryant and Milam faced the jury in a courtroom overrun by press and official observers. Among the many dignitaries to attend was Representative Charles C. Diggs, Jr. (D., Mich). The sheriff derided his presence, discounted his official status, and seated him at a table designated for blacks.

In 1955 neither blacks nor women were permitted to serve on Mississippi juries. All the same, the world was shocked when, on September 23, 1995, the all white, male jury needed only an hour and seven minutes to decide that despite impressive eye witness testimony, their peers were not guilty of murder. "If we hadn't stopped to drink pop," one juror later explained, "it wouldn't have taken that long." Several of the jurors, interviewed years later, asserted that they had "deliberated" so long only because the sheriff-elect, Harry Dogan, had sent word to wait a while to make it "look good." See Steven Whitfield, A DEATH IN THE DELTA: THE STORY OF EMMETT TILL, New York: The Free Press, 1988, p. 42 (citation omitted). The excuse given for the jury's decision was that they were unconvinced as to the identity of the waterlogged and disfigured body.

The murderers' exoneration sent shock waves throughout the nation and the world. Amazingly, both Bryant and Milam, plied by media money, eagerly admitted their guilt shortly after their acquittal. Bryant and Milam were hardly the only unrepentant racists in town. In response to hate mail generated by the verdict, Sheriff Strider told a television audience that "all of those people who've been sending me those threatening letters ... if they every come down here, the same thing's gonna happen to them that happened to Emmett Till." Id. at 44 (citation omitted).

Unfortunately, the extraordinary publicity attendant to the defendants' public confession tended to obscure the evidence presented in the trial that the half-brothers did not act by themselves. Two other white men observed by eye witnesses to have accompanied Bryant and Milam were never identified, much less apprehended. Apparently, a number of town folk besides Bryant and Milam got away with murder.

Emmett Till's death was not an isolated, freakish event. No less than four unpunished similar murders occurred in Mississippi in 1955. Id. at 63. Nor was Mississippi the only locus which black Americans had reason to fear for many years thereafter. Hate crimes continued to plague the South despite the national attention to Emmett Till's death. For example, Bob Dylan's 1960 song "The Death of Emmett Till" predated the civil rights anthem, "Blowin' in the Wind."

Most Americans today are unfamiliar with the story of Emmett Till even though the book and video "Eyes on the Prize" have reacquainted many of us with this episode. Steven Whitfield's 1988 book is the only recent in-depth exploration of this horrible yet historic event that is available in the UCLA campus library system. Surprisingly, many encyclopedic references and articles on civil rights fail to relate the terror of those times to readers, ignoring altogether the tale of Emmett Till and others like him.

Notwithstanding America's limited acknowledgement of past racial inequities, it is no secret that this country has not handed out equal justice to its citizens. Clearly, equal justice is anunrealized goal which has preoccupied America's greatest jurists. Among those most unfairly treated under the law have been America's minorities and the poor.

The story of Emmett Till tells us that O.J. Simpson is not the first defendant with wealth or influence to be acquitted in the face of overwhelming evidence. But the O.J. Simpson trial bears few similarities to the abominations of Southern injustice. Compared to the Bryant-Milam acquittal, O.J. Simpson's acquittal is not, under any circumstances, the most horrifying miscarriage of justice this nation, or world, has ever seen. Even though a jury has declared that O.J. Simpson is not criminally guilty for the murders of Nicole Simpson and Ron Goldman, civil trials and the judgment of the Almighty remain.

Unless the American legal system takes a very ominous turn, there will be many more controversial acquittals. The requirement that juries find criminal guilt "beyond a reasonable doubt" guarantees that many a defendant guilty-in-fact will not be found guilty under the law.

But neither O.J. Simpson's trial, nor any other American trial, should be tainted by a belief that historic racism entitles the defendant to any special consideration.

If that were the case, we would have to wait millennia for color-blind justice. For America shares with the world the burden of millions upon millions of racially motivated murders: six million Jews murdered by a German machine that the United States government left undisturbed until the very end of World War II; streets literally turned red by the blood of Chinese slaughtered in Indochina and Indonesia while we watched in silence; millions of Biafrans, Armenians, and Cambodians whose deaths earned only brief front page notice in this country. Are the survivors of all these holocausts and their progeny due special consideration when on trial for individual crimes?

It is easier to speak of setting aside past sins than to act on that noble sentiment. For example, many Americans are convinced that the Simpson verdict is inextricably entwined with the issue of race discrimination. Simpson's own attorneys made much of the apparent long-standing racism pervading the Los Angeles police force. Did Emmett Till's spirit instruct a predominately black jury to turn away from valid evidence generated by whites? Perhaps it is because we have failed to fully acknowledge the legacy of Emmett Till's murder that his proverbial ghost still haunts the halls of American justice.

A desire to compensate for age-old injustice, if not exact retribution, is understandable. But the implementation of such feelings carries grave risks. For if we divert all of our energy to correct past wrongs, we will not have the strength to fight the evils which exist today.

HOME EARLY

from p. 4

some of my soon-to-be-former-in-laws. I had made some money and (re-) gained some confidence. I was not "my old self" again, I hope, but wiser, more self-aware and simultaneously more empathetic and less judgmental. I was confident that my experience would, among other things, make me a more sensitive and mature attorney. Unfortunately, it became increasing clear that a return to Harvard Law School at the end of August was impossible. There was simply no way to clear my debt with Harvard and pay another year's tuition ($20,000); we had budgeted down to the last dollar to send me to law school without debt, and my husband's salary could not be stretched to cover two households if one contained an HLS student. The lease on our rent-controlled apartment was terminated as of August. All loan deadlines had long since passed, and even if they had not, I was reluctant to contract the massive debt necessary to get me through school in the state of mind I was in, knowing how it would constrain my career choices as a single mother later on. Loyal Bruin alumni at the firm urged me to consider transferring to UCLA.

The Harvard ... "hardship year out" program is for 3L's exclusively (please tell those ailing parents to hang in there).

At that time what seemed most appealing was to spend a year at UCLA and return to Harvard to finish. That way, I'd graduate on time with a Harvard J.D. obtained at bargain prices, having taken at least a few classes Harvard doesn't even offer (like Community Property and Wills and Trusts). And I knew Harvard had a program for students for whom it would be a great hardship to return to Cambridge, allowing them to attend law school for a year somewhere else. This program was popular enough (winters in Cambridge are horrendous) that the administration had seen fit to send out stern memos reminding students that "separation from a "significant other'" was *not* a qualifying hardship; what they had in mind was more like the death or serious illness of a parent.

A marital breakup, impending financial disaster, and the emotional and psychological well-being of two children under five years old certainly looked to me like the sort of "hardship" such a program was designed to accommodate. As you may have guessed by now, the Harvard Administrative Board saw things differently. The "hardship year out" program is for 3L's exclusively (please tell those ailing parents to hang in there), despite the fact that Harvard's curriculum, like most law schools', is entirely elective in the last two years. And mine just wasn't the right kind of crisis. The Ad Board recommended that I take a year off, despite the fact that this would mean an additional year of financial dependence for me and my children on either my errant ex-husband-to-be (doesn't the Dean of Students know the statistics about child support payments?) or my mother (who, ten years earlier, had been told by the Harvard-Radcliffe Financial Aid Committee to sell her beloved beach house to pay my college tuition—and who did so). My desire to finish on time, with my class, at a price I could afford, without further jeopardizing my children's security, fell on the (female) Dean's deaf ears.

Two days after my torts exam ... my husband of five years ... earnestly informed me that he was in love with someone else.

So now I'm here, and my life is full of a lot of things I never would have expected even a year ago. One is a commute from the Valley I thought I'd escaped forever when I left Southern California to go to college in 1983. Another is a wonderful, brilliant boyfriend (a UCLA man, of course). But still another is a palpable if dispersed community of women in law school whose position is not so unlike mine. When I was at Harvard, just being a mother in law school was enough to make me an oddity. I like to think a few articles I wrote for the Harvard Law *Record* helped raise students' consciousness a little, though some of the responses were of the predictable "quit-your-bitching-you're-at-Harvard-Law-School" variety. But at UCLA there are two other "divorcees" (to use a quaint word) in my Feminist Legal Theory seminar, and a woman who is the third wife of her second husband in Community Property (though they both have kids, this is definitely *not* the Brady Bunch). In the halls just last week I overheard a first-year explaining to a friend that as a single mother in law school, social engagements don't eat up too much of her time. As summer turns to Indian summer (or do you call this "fall"?), I'm finally adjusting to a life which includes law school, interviewing, part-time work at the law firm, my boyfriend, and, of course, bringing up two children. And a column in ***The Docket***. I hope you understand why I didn't quite make the first issue deadline!

CAREERS

from p. 2

UCLAW provides superb preparation in some of the "hottest" practice areas. He cites recent surveys from The National Law Journal indicating that more than a third of America's corporations will seek more legal services in the future in the areas of environmental law, labor law, and mergers and acquisitions. More than a quarter of the surveyed corporations expect to use more legal services in other business law areas, including contracts, antitrust litigation, employee benefits, and regulatory matters.

FINAL EXAM REVIEW LECTURES

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SUBJECT	DAY	DATE	HOURS	TIMES
CIVIL PROCEDURE Professor Arthur Miller Harvard Law School	Saturday	October 14	Hours 1-3 Hours 4-6	9:00a - 12:30p 1:30p - 5:00p
	San Diego	*Los Angeles*	*Orange County, Rm 20*	
	Saturday	November 18	Hours 1-3 Hours 4-6	9:00a - 12:30p 1:30p - 5:00p
	*San Diego**	*Los Angeles*	*Orange County, Rm 23*	
LIVE EVIDENCE Professor Ray Guzman University of Arkansas School of Law	Sunday	October 15	Hours 1-3 Hours 4-6	9:00a - 12:30p 1:30p - 5:00p
	San Diego		*Orange County, Rm 20*	
	Saturday	October 21	Hours 1-3 Hours 4-6	9:00a - 12:30p 1:30p - 5:00p
		Los Angeles (Live Lecture)		
TORTS	Saturday	October 21	Hours 1-3 Hours 4-6	9:00a - 12:30p 1:30p - 5:00p
	San Diego	*Los Angeles*	*Orange County, Rm 20*	
CONSTITUTIONAL LAW	Sunday	October 22	Hours 1-3 Hours 4-6	9:00a - 12:30p 1:30p - 5:00p
	San Diego	*Los Angeles*	*Orange County, Rm 20*	
CONTRACTS	Saturday	October 28	Hours 1-3 Hours 4-6	9:00a - 12:30p 1:30p - 5:00p
	San Diego	*Los Angeles***	*Orange County*	
WILLS	Sunday	October 29	Hours 1-3	9:00a - 12:30p
			Orange County, Rm 20	
	Sunday	October 29	Hours 1-3	2:00p - 5:30p
	San Diego	*Los Angeles*		
CRIMINAL LAW	Saturday	November 4	Hours 1-3	9:00a - 12:30p
	San Diego			
	Saturday	November 4	Hours 1-3	1:00p - 4:30p
		Los Angeles	*Orange County, Rm 23*	
TRUSTS	Sunday	November 5	Hours 1-3	9:00a - 12:30p
		Los Angeles	*Orange County, Rm 23*	
	Sunday	November 5	Hours 1-3	1:30p - 5:00p
	San Diego			
REAL PROPERTY	Saturday	November 11	Hours 1-3 Hours 4-6	9:00a - 12:30p 1:30p - 5:00p
	Sunday	November 12	Hours 7-9	1:00p - 4:30p
	*San Diego**	*Los Angeles*	*Orange County, Rm 25*	
LIVE CORPORATIONS Professor John Moye	Sunday	November 12	Hours 1-3	9:00a - 12:30p
	*San Diego**		*Orange County, Rm 25*	
	Saturday	October 28	Hours 1-3	9:00a - 12:30p
		Los Angeles (Live Lecture)		

San Diego
California Western School of Law
Room 2C
*Marina Village Conference Center (Nov 12 & 18)
1936 Quivira Way, Room D-1

Los Angeles
Barpassers Lecture Hall
1231 Third St. Promenade, Santa Monica
**Pacific Shore Hotel (Contracts lecture only)
Corner of Pico and Ocean, Santa Monica

Orange County
Pepperdine University Extension
2151 Michelson Blvd.
One Block South of John Wayne Airport
(See Room numbers above)

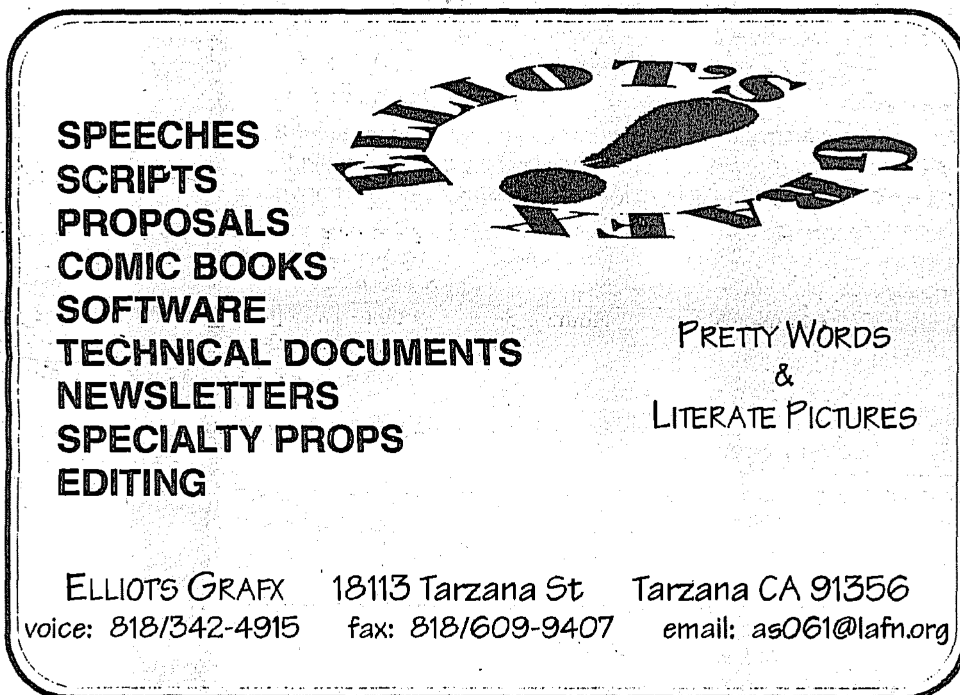
Southern California Office
1231 Third Street Promenade
Santa Monica, CA 90401
(310) 394-1529
FAX (310) 394-6347

West Bar Review
BarPassers
1-800-723-PASS (7277)

Northern California Office
282 2nd Street
San Francisco, CA 94105
(415) 896-2900
FAX (415) 896-1439

NOVEMBER 1995

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 TAERI Clinic 2-4	2 APALC Clinic 4-7 Give 35 in Crtyrd	3	4 BLSA Unity Dance
5	6	7 PALC afternoon Give 35 in Crtyrd	8	9 APALC Clinic 4-7 Give 35 in Crtyrd	10 CSCSC Clinic	11
12	13	14 Give 35 in Crtyrd	15 TAERI Clinic 2-4 La Raza Bake Sale	16 APALC Clinic 4-7 BLSA Solidarity Day Alumni Dinner Give 35 in Crtyrd	17	18
19	20 PILF Board Mtg	21 PALC afternoon Give 35 in Crtyrd	22	23 APALC Clinic 4-7 Give 35 in Crtyrd	24 CSCSC Clinic	25
26	27 PILF General Mtg	28 Give 35 in Crtyrd	29	30 APALC Clinic 4-7 Give 35 in Crtyrd		



KEY:

- **AILSA** American Indian Law Students' Association; Contact Barbara Glidner
- **APILSA** Asian Pacific Islander LawStudents' Association; Thursday night clinics; Thai immigrant case needs translators; Contact Mark Solano, 2L
- **BLSA** Black Law Students' Association
- **CSCSC** Chinatown Senior Citizens' Service Center; Friday clinics for translating, intakes and referrals; Contact George Poon, 213/680-9739
- **PALC** Philippine American Legal Clinic; Contact Doug Carsten, 2L
- **PILF** Public Interest Law Foundation; Give 35
- **TAERI** Thai American Educational Research Institute Legal Clinic; Contact Dr. Virat 818/578-0202

DECEMBER 1995

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4	5 FINALS	6 FINALS	7 FINALS	8 FINALS	9
10	11 FINALS	12 FINALS	13 FINALS	14 FINALS	15 FINALS	16
17 Chanukah begins at sundown	18	19	20	21	22	23
24 / 31	25 Christmas	26	27	28	29	30

California BAR/BRI BAR REVIEW

JUST THE FACTS

EXPERIENCE	Over 25 years of experience with the California Bar Exam. **#1 choice among California Bar Exam applicants.** Last summer, more students took BAR/BRI than any other course.
OUTLINES	Outlines written by ABA Law School Professors, many of whom are casebook and hornbook authors. BAR/BRI's Bar Exam oriented outlines are clear & concise. Separate outlines for each subject tested. Students receive a black letter law capsule summary of all subjects. This Mini Review includes flow charts and comparison charts.
FACULTY	Distinguished ABA Law School Professors lecturing in their area of expertise. Professors include: **Charles Whitebread** (USC); **Willie Fletcher** (Boalt Hall); **Richard Sakai** (Santa Clara); **Therese Maynard** (Loyola); **John Diamond** (Hastings); **Richard Wydick** (U.C. Davis); **Peter Jan Honigsberg** (USF); **Erwin Chemerinsky** (USC).
MULTISTATE EXAM PREPARATION	**Gilbert 6-Day Multistate Workshop** Offered to BAR/BRI enrollees at no additional cost. Each day covers a separate Multistate subject. The format consists of an exam followed by a lecture which reviews the answers and highlights the areas most tested on the Bar Exam. **BAR/BRI Multistate Workshops** These workshops are integrated with your substantive law lectures throughout the BAR/BRI course. Substantive lectures sequentially followed by Multistate workshop (e.g., Crimes and Torts substantive lectures followed by a Crimes and Torts Multistate workshop). This is designed to give students the maximum benefit from these workshops. **Gilbert 3-Day Multistate Workshop** Offered to BAR/BRI enrollees at no additional cost. The format consists of a full-day simulated Multistate Exam, that is computer graded and analyzed, given under exam conditions followed by two days of thorough analysis of each question, subject by subject, reviewing substantive law as well as methodology and technique. **Multistate Materials** Over 3,000 practice Multistate questions, including 700 ACTUAL MBE QUESTIONS from the National Conference of Bar Examiners and a simulated Multistate Exam.
COMPUTER SOFTWARE	Revolutionary "STUDY SMART™" personalized software. Sophisticated software package includes various options: • Multiple Choice Questions • Outlines • Capability for immediate review of key bar exam principles • Instantaneous diagnostic feedback in 30+ MBE subareas • The ability to customize program with personal notes ALL AT NO ADDED COST
ESSAY EXAM PREPARATION	**Essay Exam Workshops** BAR/BRI's essay workshops, featuring Professor **Richard Sakai**, develop skills in writing essays specifically for the California Bar Exam. These skills are emphasized through in-class exercises. **Practice Essay Exam Materials** Graded and critiqued practice essay exams. Over 110 actual past California Bar Exam essay questions with model answers.
PERFORMANCE TEST PREPARATION	**Performance Test Workshops** Featuring Professor **Peter Jan Honigsberg**, BAR/BRI teaches a time/data management system necessary to cope with this unique portion of the Bar Exam. **Practice Performance Test Materials** Graded and critiqued practice performance tests. 10 actual past California Bar Exam performance tests with model answers.
GRADED SIMULATED BAR EXAM	A simulated Bar Exam given over two consecutive weekends that includes all three sections on the California Bar Exam (Essay, Performance and Multistate). This split exam format helps prevent student "burn out" which may occur when students take a full simulated Bar Exam a few weeks prior to the actual Bar Exam. Essay Performance and Multistate simulated exams are graded and critiqued.
STUDY SCHEDULE	Students utilize a structured *Paced Program*™ that gives a daily study schedule organized so that their performance will peak at the most important time: the 3 days of the Bar Exam.
LECTURES	Live lectures and workshops are offered at most major locations throughout California.

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