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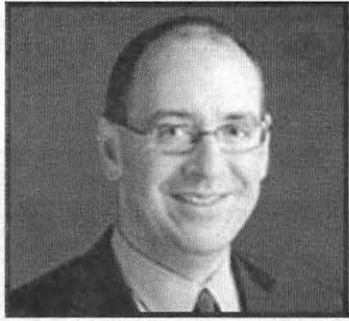
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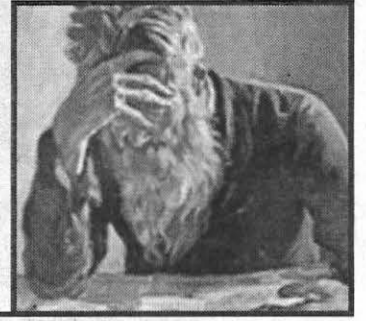
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MOTIONS

University of San Diego School of Law



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Volume 47, Issue 4

December 2010



'Tis the season! Following school tradition, Warren Hall is once again decked with boughs of holly.

The Graduate Student Council: Here for You!

by Chris Dibbern, Staff Writer

Everyone has heard of the Student Bar Association here at the University of San Diego School of Law. The SBA performs many duties for the student body. It communicates our concerns to the administration, provides resources to student groups, and plans great events. What many of you don't know is that there is another organization here on campus just like SBA, except dedicated to the entire graduate student body. That organization is the Graduate Student Council.

The graduate community here at USD is very large. It is the responsibility of the Graduate Student Council ("GSC") to serve and unite the different graduate students here on campus. Currently the GSC has representatives from the College of Arts and Sciences, the School of Business Administration, the School of Leadership and Education Sciences, the Hahn School of Nursing and Health Science, and, of course, the distinguished School of Law. A diverse collection of students from each of these schools has agreed to serve the greater graduate community, and we are all better for it.

Each year, an Executive Board is elected by the GSC's existing councilors. This year, the GSC is headed up by its Chair Krystal Norris of the School of Law and Juliette Nash of the College of Arts and Sciences. The Secretary is Kristen Johnson, and the Graduate Assistant is Jacqueline Che. The Faculty Advisor is Sean Horrigan. Each of the graduate schools has its very own representative(s), all of whom welcome feedback from their constituents. A key responsibility of the GSC is to provide a graduate student voice to the school's administration. An important thing to note is that Krystal Norris has a seat on the Strategic Planning Committee. Ms. Norris provides a very important perspective to Student Affairs through her dedicated work on the Committee. Yet, this is just one example of how the GSC is working for you, the student.

The GSC's base of operations is the Grad and Law Commons, or the GLC, located at Student Life Pavilion 401 right across from the Pardee Legal Research Center. The GLC is a place where graduate and law students can get together and read a magazine, enjoy a cup of coffee free of charge, microwave a Hungry Man dinner, or even, God forbid, study. The GLC is a great place to hang out, but it also serves as a conduit to esteemed GSC Councilors. In addition to providing GSC event and meeting reminders, the Grad

See Graduate Student Council, page 3

Where I'm Standing A 1L's Reflection

by Jyoti Jennings, Associate Editor

"I know you're probably worried about your score" My Law Skills professor looked at me ruefully. "But I don't want you to worry, okay?"

Out of pure habit, I automatically nodded and smiled congenially. Heck, I think I might have even laughed a little—a rattling, tittering little laugh to fill the office space while my GPA, law career, faltering belief in my intelligence, and the student loans all started bumping around in my head. I attempted to follow what the professor was saying about my work while my mind raced ahead to the inevitable—though impossible—calculations of my overall grade in the class.

As I hunched on the edge of the chair, it occurred to me that a small office room is very much like a box. My fist seemed to glue itself to my chin as I leaned my elbow on the professor's desk. I vaguely tried to adjust my expression. The professor kept trying to explain where I needed to improve, fluttering out little notes in the margins of my paper on the computer screen. I kept nodding. Either by reluctant acceptance or dull shock, I thankfully didn't tear up or do any blubbering. I just kept smiling and murmuring "okay, yes" as we lightly discussed my epic failure to "get it." I wonder if she'd notice if I crawled out of the office? Maybe that's why she has that nice, soft rug just inside the door in the first place . . .

See Where I'm Standing, page 8

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EPIC FAILURE THE CHAOS OF SPRING REGISTRATION

by Christina Phan, Senior Staff Writer & Nicole Weil, Staff Writer

Getting into Devitt's Evidence class is a full-time job. You better have your finger on the trigger when registration opens because if you hesitate, even for a second, you kill your shot at a decent schedule. You hesitated, didn't you? Well, the class you wanted is full. The waitlist is full. Now you're stuck taking classes you don't want with professors your friends warned you not to take. Doesn't that just stink for you? This spring's schedule is especially slim pickings.

Within minutes of registration opening up for the 3Ls, classes like Sports Law, Remedies, International Redress, Mediation Skills, Legal Drafting, Negotiations, International Negotiations, Religion and the Constitution, Law of American Democracy, Interviewing and Counseling, and Complex Litigation closed and became so full that the waitlists even closed. Yeah, you're right; we did pretty much list the entire spring class selections. The 2Ls watched this occur in utter dismay while several 3L Facebook statuses rejoiced in pure excitement for being able to receive most, if not all, of the classes and professors they wanted. As for 2Ls, what were we thinking . . . ? "DIE! DIE! DIE!"

At 7:12 a.m., Alexander Yen (3L) posted one simple statement to his Facebook . . . "Sports Law!!!" followed by a friend's comment at 7:45 a.m. "Did I really just get every class I wanted? What the . . ." Well, as a 2L, all I have to say to these people is, "I want to punch you in the jugular." I couldn't even get onto the waitlist for some of my classes. And beloved Brooks will be visiting at another school after this year. Therefore, I will not be able to enjoy another class with him before I graduate. Further, I am also utterly depressed that Lady McGowan is only teaching 1L classes this semester. Sad day!

But life is not all carefree and dandy for 3Ls. In one of my classes, a frustrated 3L student came to class after registration, sat down, hair frazzled, and stated that her computer froze and she did not get any classes she needed because they filled up, and now she does not have enough units to GRADUATE. She can only take classes on Monday and Wednesday because the other days she'll be up in Malibu working for a law firm. After a rigorous meeting with administration and the registrar's office, all she received was feedback

See Spring Registration, page 6



Grief-stricken 2L who didn't get into Sports Law



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MOOTERS & SCOOTERS

by Noah Buxton, Staff Writer

Well, first things first—a “mooter”—no need to look it up (especially not on Urban Dictionary). Around here, a mooter is a moot court competitor, an oral advocate. The problem that mooters took on for USD’s second intramural tournament of the 2010-2011 season, the Intellectual Property competition, was based on a cease and desist letter sent from Razor Scooters® to a small snowboard company that named one of their new boards the “Razor.” Ted Sanders, Executive Board member, national team competitor, and this year’s problem writer, chose the area of law he was interested in, and while searching for facts to overlay the legal questions, Ted’s fiancé reminded him about the experience of her brother and his snowboard company. *Insert shout-out to Donek Snowboards here.* Ted ran with it, and the result was an outstanding winter-themed problem that challenged the competitors from the brief writing all the way through their oral arguments.

This year’s competition hosted 19 teams and many more judges from the legal community. Tournament coordinator Nick Fox said, “It can be difficult to get busy legal practitioners to make the time commitment,” but added, “once they come and see the level of advocacy and get involved in the problem, they really enjoy themselves.” The IP competition is a team tournament and gives students the opportunity to work in pairs, each arguing a different narrow legal question, but collaborating and crafting a cohesive brief and argument. Fox also encouraged first year students to make themselves known to the Appellate Moot Court Boards and especially to volunteer and bailiff for the McLennon tournament this Fall. First year students will submit applications to be part of next year’s Associate Board late next semester.

The final round of the competition was held in USD’s own Grace Courtroom and featured a distinguished bench. Stanley Panikowski, adjunct professor of law at USD and attorney with DLA Piper; Dessa Burton of Fish & Richardson; and Professor Kris Panikowski, also formerly of Fish & Richardson, made for an intimidating panel. This year, Craig TenBroek and partner Kevin Kwon took first place overall, with Vijay Bal and Brian Headman following close in second. Amanda Betsch and Tiffanie McDowell received accolades for the number one brief, and the award for best individual oral advocate went to Kevin Kwon.

Chairman of the Appellate Moot Court Board, Cody Payne, said that this year’s tournament was a great success. Payne said he measures the success of the tournament by the level of preparation, professionalism, and advocacy shown by the competitors. In addition, the success of any tournament is the result of those that work so hard to organize it and the attorneys that carve out the time to judge. It seems that this year was a success by all those indicators.

Mooters are excited for the upcoming McLennon tournament and will start preparing soon after school starts up again this coming January. The McLennon tournament is much larger than this year’s two intramural competitions, has a required in-class component, and offers a heightened level of competition.

Don’t look for a mooter on a razor scooter, but do look for the USD’s Appellate Moot Court program to continue its national and intramural successes, specifically to keep improving upon its prestigious national ranking. If you want to be a part of that success, find a mooter and ask how to get involved.



Note from the Editor

“One who is not disturbed in mind even amidst the threefold miseries or elated when there is happiness, and who is free from attachment, fear and anger, is called a sage of steady mind.”

—*Bhagavad-Gita As It Is*, Translated by A.C. Bhaktivedanta Swami Prabhupad, Chapter 2: Text 56

I thought this quote was pretty pertinent for law students this jolly time of year. For one thing, I put stock in wisdom passed down for 5000 years. For another, I think steadiness of mind is absolutely essential for everything in life—white (knuckled) Christmas driving, law school, and final exams(!) included. It’s steadiness of mind that’s going to get us through law school, one semester at a time.

And, hey, how about this Fall 2010 semester? It’s winding up now—and I mean that with the full implications of the phrase “winding up.” With final exams just around the yuletide corner waiting to be unwrapped, some students have a tendency to get so wound up they start zipping in circles like clockwork toys. But before you go cuckoo, consider what one of my professors said: If the school hadn’t thought you could do it, you wouldn’t have been admitted.

It isn’t easy to get admitted to this school. University of San Diego School of Law is definitely a choice sugarpum in the bunch, and a lot of people would love to study at the stately university on the hill in seaside San Diego. You have to admit, attending USD is better than a low average exit salary in the eye. And as many facial tics as you may still have when the professor calls on you, you must notice how much smarter you are about the law than when classes started. You must notice that you’re in good hands here at USD and that you’re on the way to a great career filled with life and the law.

So, as the holidays approach—a time for love and joyful refreshment of values—remember the simple fundamentals of why you are here at law school. You have been given the gift of learning the law of the land—the law that governs, organizes, and protects all people of this nation. Be grateful. Be steady in mind. Be honorable. Be just.

And Merry Christmas!

Jyoti Jennings, Associate Editor



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ESCAPE FOR A STUDY BREAK AT FRANK'S LOUNGE

by Evan Acker, Senior Staff Writer



The Frank Warren Lounge, located in USD's Student Life Pavilion

With the inevitable grind of final exams upon us, Frank's Lounge, located within the Student Life Pavilion, is available for that much-needed study break with pool tables, foosball, videogames, and TV for law students, grad students, and undergrads alike.

Along with La Gran Terraza, Frank's Lounge was the last part of the SLP to open back in September of 2009 and houses three large high definition TVs, each equipped with a Playstation 3, Xbox 360, and Nintendo Wii. Additionally, there are two massive projectors that often show football and basketball games.

Charles Ramos, Dining Service Manager at USD, is in charge of day-to-day operations of the lounge, named after its primary donor, Frank Warren, of whom you might have heard if you attend law school here at USD. "It's a really simple idea that gives [the students] a place to go," Ramos said. "The lounge was created because people want [that type of entertainment] on campus."

In fact, as the stress mounts for law students, every Thursday at 7:30 p.m., Frank's Lounge is host to a wide array of tournaments, from pool to FIFA '11 to Guitar Hero, with prizes for first, second, and third place.

Joseph Heathman, a 2L, enjoys the lounge not only for its videogames but for its general atmosphere as well. "I come here to study, actually," he said. "The chairs are really comfortable."

Students can simply show their Torero Card and rent out cue sticks, foosballs, and the latest videogames. "People check out games for hours at a time," Ramos said. And while your peers might think it a bit odd to play videogames with a final exam in 12 hours, everyone copes with stress differently.

Surprisingly, what Ramos sees as a disadvantage to law students is actually quite welcomed by many of the students of Warren Hall. "The bad part is you have to compete with a lot of the undergrads as well," he said, as a sorority with approximately 30 undergraduates held its monthly meeting nearby.

In addition to the entertainment, patrons can also order food from La Gran Terraza and have it delivered to the lounge free of charge. Is there anything better than some chicken fingers, Playstation 3, lounge chairs, and sports on, all at the same time? Well yes, probably, but this definitely ranks in the top five.

Additionally, the lounge encourages clubs to have their meetings at Frank's. While the entire lounge cannot be rented out exclusively to any one club, the club can still host its meetings on the premises.

And of course if any law students have recommendations, Ramos is always looking for opinions. "You law students are an important customer base, and it's important to get a sense of what you are looking for as much as possible," he said.

Frank's Lounge Hours

Monday-Friday 7 a.m. – 10 p.m.
Saturday-Sunday 9 a.m. – 10 p.m.



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From Graduate Student Council, page 1

and Law commons also features the GSC bylaws and a GSC work station. In fact, two very special members of the Graduate Student Council were hand-picked to work at the GLC in their spare time. Indeed, the GLC serves as a great resource to the students, and the GSC is intent on serving its constituency just as much.

As part of its purpose to unite students from the different graduate schools, the GSC sponsors several events each year. This past spring, the biggest event was Padres in the Park. Over 100 graduate and law students attended this event at Petco Park. There was also a wine tour in which the students took a charter bus to the beautiful Temecula wine country and tried their best to not recreate their own personal *Sideways*. There was also a Spring Basketball Tailgate at O'Toole's, the tavern here on campus. The 2009-10 period closed out with the End-of-Year Party at Fluxx in Downtown San Diego. Other minor events the GSC puts on include Monday Night Football, the Resource Fair, and the Pumpkin Social.

If you didn't know, the marquee fall event for the GSC is the Grad/Law Tailgate, which was held November 19. The turnout was tremendous; over 150 students and their guests from every graduate school attended. The Graduate Student Council provided excellent food and drinks, and it seemed like everyone was pleased with the layout. The first twenty people who arrived at the event each received a lovely scarf or a t-shirt. Chris Dibbern, our councilor from the School of Law, hosted a raffle that featured prizes like hats, sweatshirts, and the ubiquitous official GSC t-shirt.

Several key members of the SBA were in attendance, including President Lyon Maher and three 1L Representatives. They also welcomed Dean Kevin Cole, who is known to be a devoted USD basketball fan. The President of the Graduate Business Student Association, Asia Simonelli, was also there. In fact, it was Ms. Simonelli's excellent leadership that led to the event's success. She partnered with Chris Dibbern, who surprisingly was no event-planning slouch himself.

The main draw of the event was the college men's basketball game between the USD Toreros and the Boise State Broncos. Unfortunately, a last minute 3-point shot by Matt Dorr to tie the game was blocked by Boise State's Robert Arnold. Boise State pulled it out in a nail-biter, 65 to 60. Even though our basketball team couldn't pull off the victory, the Grad Law Tailgate was truly a success. The GSC thanks all those who came out and invites everyone back next semester to some of our spring events.

Visit the GSC website at
www.sandiego.edu/gsc



GSC Grad/Law Tailgate: (Left: Several law students enjoy the evening; Center: GSC officers; Right: Chris Dibbern & Ben Black whoop it up)

RED LIGHT CAMERAS

Generating Revenue Reaches New Low

By Kevin Terrell, Associate Editor



For anyone who has ever had his or her day ruined by an illegitimate traffic ticket, hear me now.

As you pull up to your average intersection today, your entire periphery is lambasted with a tangle of lit-up arrows and stoplights, crosswalk signals, and signs with even *more* arrows, shouting directives like NO or ONLY ON TUESDAYS IF RAINING. Where once stood three colored lights and a bunch of conscientious, alert drivers now sits a bunch of confused, hesitant drivers trying to untangle what essentially looks like a schematic for a nuclear submarine.

But despite the government's best efforts to remove driver vigilance and judgment from the process of driving, the driver will always need to make his or her own call in one situation: the yellow light. At some point, every driver gets a last-minute yellow and has to decide whether to keep going or hit the breaks.

FLASH! Oops, did you decide you didn't have time to stop? Well, that's going to be \$450, and we'll mail you the ticket, along with a souvenir photograph of you picking your nose while yawning. Drivers, meet the red light camera, the most dangerous and insulting addition to modern intersections.

Similar to what a Canadian retiree might set up in his backyard to catch Bigfoot, the red light camera senses any motion in the intersection after the light turns red and snaps a photo of your license plate so *they* can issue you a ticket. Of course, the police claim that the purpose is safety—the idea being that drivers, once aware of these cameras, will be less inclined to run red lights, and there will be fewer accidents. I can feel my heart cockles warming.

The problem with hiding behind safety on this one is that these cameras have actually *increased* accidents when better methods are available. First of all, if you're driving at night, the flash is very intense—like the light John Travolta saw in *Phenomenon*. When your eyes are adjusted to the dark, its liable to give you a seizure, not telekinesis.

Secondly, any reduction in side- and front-impact collisions has, in most camera-enforced intersections, been replaced by an almost equal *increase* in rear-end collisions from people slamming on their breaks because, although going through the light would be safer, they're afraid of getting a ticket that costs more than their rent.¹

Third, 95% of pictures snapped by these cameras were not people blowing through yellow lights, but rather making an innocuous "rolling right hand turn" at a red light. Only 5% of these misfires were prosecuted, after we paid a sheriff's deputy to stare at all those blurry pictures.²

But the most infuriating fact: The single best way to reduce accidents at an intersection is to simply lengthen the yellow light time. Loma Linda saw a 92% decrease in red light citations by extending the yellow light by ONE second.³ You see, most drivers aren't out racing for pink slips during rush hour; people just need more notice to slow down. So instead of spending millions on cameras, all they had to do was extend the yellow light by one freaking second.

However, the government is *SHORTENING* the yellow lights at some camera-enforced intersections. But why would they do that!? (feigned incredulity) Why, in the face of empirical evidence that more yellow time will solve the problem, would they rather install cameras? Because the city of San Diego made \$20 million in a year-and-a-half using these cameras, more than one officer could generate in a 35-year career.⁴ Oh, and the manufacturer, Lockheed Martin, got a 15% cut from every ticket. All at the expense and risk of the commuting taxpayer.

Between the 2 a.m. ticket for rolling a stop sign on an empty street, or the parking ticket issued out of a golf cart during the 15 minutes you were in Kinkos, we've gotten used to the police wringing the citizenry like a bar rag for funds, but this time they've gone too far.

The good news is these cameras have been ruled unconstitutional in several states already . . . but not yet in California. In the mean time fellow driver, apply some PhotoStopper reflective spray (\$19.95, you can borrow mine if you like) to your license plate to obscure the flash, appeal any tickets you get, e-mail your city councilperson, and together—cue patriotic music—we can show the Man that we conscientious drivers *are* paying attention.

ENDNOTES

1. Illinois: Study Finds No Benefit to Chicago's Red Light Cameras, <http://www.thenewspaper.com/news/31/3175.asp> (last visited Nov. 20, 2010).

2. Loma Linda Keeps Rolling Right Turn Cameras, <http://blog.photoenforced.com/2010/02/loma-linda-keeps-rolling-right-turn.html> (last visited Nov. 20, 2010).

3. *Id.*

4. It's All About the Money: Revenue Drives Red-Light Cameras, Not Road Safety, <http://www.clarksvilleonline.com/2008/08/22/revenue-drives-red-light-cameras-not-road-safety> (last visited Nov. 20, 2010).

CONTINENT WATCH

International Human Rights Law Society

Africa, Democratic Republic of Congo, by Tyler Blix

As conflict in the Democratic Republic of Congo continues, women and children are being targeted in retaliatory attacks by rival militias. Rape, torture, and sexual abuse are being used as weapons of war. At least 657 cases of sexual violence against women and girls were documented in September and October, with many more likely going unreported. With 15,000 women raped in Eastern Congo last year, the DRC has been dubbed the "rape capital of the world" by the United Nations. The UN plans to send a special mission to the DRC this month to meet with local organizations and community leaders to discuss ways to combat this problem.

Africa, Somalia, by Sharai Elko

United Nations experts have condemned the public execution of two teenage girls, ages fourteen and eighteen, in Beledweyne, Somalia. The two young women had been accused of spying for the Ethiopian government by the Islamic militant group al-Shabaab, and were killed by a firing squad in front of local residents. Somalia remains torn apart by decades of conflict, and human rights violations and sexual violence continue to rise, including instances of public execution, torture, stoning, rape, female genital mutilation, and forced child marriages.

Asia, China, by Judy Tsai

Although China has signed two international human rights conventions, citizens of China still lack basic rights such as freedom of speech, religion, and the right to own private property. Several individuals have voiced the need for political reform in China, but the Chinese government has responded by kidnapping, torturing, or jailing these individuals. Gao Zhisheng, a lawyer who represented members of outlawed Christian churches, was kidnapped and tortured by government security agents in 2009. Liu Xiaobo, a co-author of a declaration calling for political reform and a recent Nobel Peace Prize winner, was arrested by the Chinese government in 2009 and sentenced to 11 years in prison. Today, Gao Zhisheng is still missing, and Liu Xiaobo is still in prison.

Europe, France, by Lisa DeBolt

There is growing discontent among many Western European leaders that Romanian immigrants are becoming a financial burden to their countries. Roma are often unable to find employment, and end up signing up for welfare or drifting into begging and petty crime. French President Nicolas Sarkozy recently ordered immigrant camps destroyed and Roma deported. The European Court of Human Rights is investigating and will prosecute those private actors or state officials who commit violence against Roma. They will decide whether France's expulsion of Romanian migrants violates EU law or international human rights law.

Middle East, Iran, by Evan Hearnberger

Human rights attorneys continue to be arrested in Iran. These attorneys often receive threatening phone calls from government ministries, have relatives arrested as leverage, and are seized without warrant by plain-clothed agents. Nasrin Sotoudeh, a detained attorney whose charges include co-operation with the Centre for Human Rights Defenders (Iran's leading human rights group), recently reported on Iran's preparation of frivolous tax irregularities cases against 30 other human rights attorneys. Sotoudeh's trial was set for Monday, November 15.

North America, Cuba, by Lydia Strunk

Twelve of the 52 political prisoners President Raul Castro agreed to set free remain jailed in Cuba. This summer, the Castro government agreed to release 52 dissidents arrested during a 2003 crackdown on political opposition and sentenced to lengthy prison terms. Thirty-nine were let go after agreeing to emigrate to Spain, but 13 refused to leave the island. Of the remaining 13, one has been released, a good sign that the government might release the remaining men despite their refusal to live in exile.

North America, Mexico, by Morgan Suder

Following the 2006 uprising in Oaxaca, the presence of nearly 50,000 military and police personnel patrolling the streets have made Oaxaca significantly more dangerous. The Oaxacan police force has arrest warrants for those who organize any kind of protest, including those advocating for human rights. They apply an offense called "sedition" from the Oaxacan penal code, which states that whoever speaks against the government or attends a protest is guilty of the crime of "sedition." Although human rights delegations visit Oaxaca frequently to report on such problems, human rights defenders and journalists continue to be subjected to extreme violence and harassment, forcing many to leave the state or even the country entirely.

Oceania, Papua New Guinea, by Tina Arshakyan

Research by AusAID indicates that 66% of women from Papua New Guinea have experienced domestic violence, and 50% have experienced forced sex. AusAID estimates continued gender-based violence will increase the number of people living with HIV in Papua New Guinea to over 208,000 by 2012. Secretary of State Hillary Clinton recently declared that the United States will contribute \$5 million to fight the spread of HIV/AIDS in Papua New Guinea.



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Election Reflection

by Christina Phan, Senior Staff Writer

This is purely a jaded opinion piece. I'm not even going to try to make it impartial or bipartisan and link articles. Enjoy.

As the results slowly trickled in, on November 4, 2010, we saw individuals like Judge Sandoval, Nikki Haley, Susana Martinez, Tim Scott, and Kristi Noem winning their respective elections. We even saw candidate Adam Miller for the "Rent Is Too Damn High" party win one percent of the votes in his New York race. There was widespread fear from incumbents across the board because of the clear voter disapproval of the current political landscape. Even rising stars like Congressman Aaron Schock (R) was a little bit scared for his seat.

By the day's end, the Republican Party held, for the incoming year, 239 House seats to the Democrats' 189, ensuring the Democrats no longer have an absolute monopoly over the political landscape. The Democrats still hold a majority of the Senate; however, their majority has been cut significantly to now only 53 Democrats to 46 Republicans. It is important to note that several of the Senators who generally caucus with the Democrats are known to be moderate or even conservative on several issues (e.g., Joe Lieberman). And also, the Blue Dog Democrats may be more willing to negotiate and work with the Republicans in fear that they may be ousted in the 2012 elections. Maybe we'll actually be able to see some bipartisan activity from the two houses.

The voice of the voting masses seems to be rather clear; people no longer want to hear the same sickening sound of business as usual. They no longer want the reign of the good ol' boys club or Chicago-style politics. The people want real change. A call-to-action has been sounded, and politicians have been duly notified to watch out and not slack on their duties to the country and the people. The people want legislation and strategy that will actually help the growth of our nation. No more under-the-table, underhanded, and sleazy "buddy-buddy" behavior. We no longer want our President to travel internationally and once again return a complete failure and have countries like South Korea and China sit in a backroom laughing at our negotiation efforts for free trade while playing poker with our credit checks. We want our country to stop bleeding, begin healing, and slowly move towards the black and maybe one day into the green. Across the nation, the message seemed to be clear.

However, in some states (e.g., my beloved home state of California) the voting results were utterly confusing. The ridiculous and confusing aspect of the California election had nothing to do with the Governor and Senator elections. I personally felt that all the candidates were extremely weak. The people decided to vote for known failures and crooks over highly likely failures. My business mind dictated my vote; however, at the end of the day, the results do not make much of a difference in my mind. California is a near lost cause. We are broke and no longer moving towards the black but quickly tumbling down a steep cliff into red obscurity. We are a lost cause when it comes to fiscal policy. Clearly, no one in the California political spectrum (Democrats, Republicans, Independents, etc . . .) paid any attention in their basic finance, economics, or logic classes.

California is not known for its success in the realm of economics and finance; we are known for our supposed social awareness. We purport to be accepting and open, a place for individuals to express themselves and be free and happy without government dictating how we live our lives and what we do with our bodies. This is what we say. However, the fact is, every time we have the opportunity to take a stand and make an actual difference . . . what do we do? We vote to ensure that chickens have more rights than human beings. We talk the talk but do not walk the walk.

The masses may want to blame the conservative base of California for these losses; however, there are

California: "[E]very time we have the opportunity to take a stand and make an actual difference . . . what do we do? We vote to ensure that chickens have more rights than human beings."

ELECTION RESULTS

Proposition 19: Legalize Marijuana
54%: No

Proposition 20: Redistricting
61%: Yes

Proposition 21: Vehicle Surcharge Revenue
58%: No

Proposition 22: Tax Revenue Use
61%: Yes

Proposition 23: Suspend Pollution Laws
61%: No

Proposition 24: Repeal Tax
59%: No

Proposition 25: Budget Vote
55%: Yes

Proposition 26: Two-thirds State Levies
53%: Yes

Proposition 27: Elimination of Citizen Redistricting Committee
60%: No



Governor
53%: Brown, Jerry—Dem
42%: Whitman, Meg—GOP
2%: Nightingale, Chelene—AIP
1%: Ogden, Dale—Lib
1%: Wells, Laura—Green
1%: Alvarez, Carlos—PRP

Lieutenant Governor
50%: Newsom, Gavin—Dem
40%: Maldonado, Abel—GOP
6%: Brown, Pamela—Lib
2%: King, Jim—AIP
2%: Castillo, James—Green
1%: Weber, C.T.—PFP

Secretary of State
53%: Brown, Debra—Dem
39%: Dunn, Damon—GOP
3%: Menasche, Ann—Green
2%: Tobin, Christina—Lib
2%: Short, Merton—AIP
2%: Cabral, Marylou—PFP

Attorney General
45.9%: Harris, Kamala—Dem
45.7%: Cooley, Steve—GOP
3%: Allen, Peter—Green
3%: Hannan, Timothy—Lib
2%: Templin, Diane—AIP
2%: Evans, Robert—PFP

Treasurer
56%: Lockyer, Bill—Dem
37%: Walters, Mimi—GOP
2%: Crittenden, Kit—Green
2%: Teyssier, Edward—Lib
1%: Lauten, Robert—AIP
1%: Reiger, Debra—PFP

Controller
55%: Chiang, John—Dem
37%: Strickland, Tony—GOP
3%: Favor, Andy—Lib
2%: Martinez, Karen—PFP
2%: Frankel, Ross—Green
2%: Beliz, Lawrence—AIP

Superintendent Public Instruction
54%: Torlakson, Tom
46%: Aceves, Larry

U.S. Senate
52%: Boxer, Barbara—Dem
42%: Fiorina, Carly—GOP
2%: Lightfoot, Gail—Lib
1%: Noonan, Edward—AIP
1%: Roberts, Duane—Green

Insurance Commissioner
50%: Jones, Dave—Dem
38%: Villines, Mike—GOP
4%: Bronstein, Richard—Lib
3%: Padilla, Dina—PFP
3%: Balderston, William—Green
2%: Pedersen, Clay—AIP

Board of Equalization: Seat 1
63%: Yee, Betty—Dem
32%: Scott, Kevin—GOP
3%: Watson, Kennita—Lib
3%: Borg, Sherill—PFP

Board of Equalization: Seat 2
50%: Runner, George—GOP
43%: Parker, Chris—Dem
5%: Michlin, Willard—Lib
2%: Mitchell-Saywer, Toby—PFP

Board of Equalization: Seat 3
56%: Steel, Michelle—GOP
34%: Heising, Mary—Dem
5%: Dixon, Jerry—Lib
3%: Finley, Mary Lou—PFP
2%: Lussenheide, Terri—AIP

Board of Equalization: Seat 4
72%: Horton, Jerome—Dem
13%: Hoffman, Shawn—AIP
12%: Da Baets, Peter—Lib
4%: Lawrence, Nancy—PFP

Supreme Court: Retain Carlos R. Moreno
67%: Yes

Supreme Court: Retain Ming Chin
65%: Yes

Supreme Court: Retain Chief Justice Cantil-Sakauye
67%: Yes

more registered Democrats than Republicans in the state of California. These conservative-based groups can pump as much money into a campaign as they like, but first, the liberal base has a significant amount of personal funds to neutralize anything from the conservative base and second, as Meg Whitman learned this past election, at the end of the day, you cannot buy an election.

Why do Californians purport to be open and accepting, but vote differently? I guess because, in this case, it is so important to protect individuals from victimless crimes and therefore, even if we're broke, we should spend a significant amount of money policing the market and to ensure that individuals cannot make a decision on what they do with their bodies. I bet if we had a vote regarding those stupid TSA x-ray scanners, Californians would vote that groping people at the airport is just fine and dandy. At the end of the day, California equals a big failure. We stink in the arena of fiscal policy, and we are a bunch of liars when it comes to social awareness and responsibility.

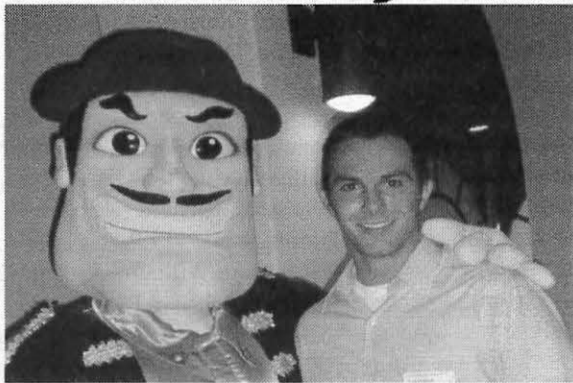
Turning back to the general election, hopefully there will be an era of some sort of change actually coming to D.C. The GOP seems to be getting the message and is supposedly working to promote a youthful and more minority-filled party through their new set of freshman congressmen and junior senators. As for the Democrats, they had the brilliant idea of reelecting Pelosi to continue in her position as leader of their congressional team.

Have the tides changed and the party of supposed youth and change really become a bunch of old-timing, stubborn individuals while the party stereotypically known as rich, business-minded, Caucasian men is stretching its wing and pulling in the female, younger, and minority groups? November 4, 2010 may be the day that we look back at as the beginning of a positive political movement, or it may be another day of false hope and just pure rhetoric, as November 4, 2008 has shown to be. My young but extremely jaded mind sadly feels that the latter will hold true, but time will tell.



Hey, wait! I think change IS happening!

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From Spring Registration, page 1

that they would *try their best* to help her with her schedule. Personally, it would be nice to have more class offerings, more sections of popular classes, upper level bar classes that are not scheduled at the same time, and less disparity in the teaching quality of our faculty team.

*Note: I find that our overall faculty is fantastic and fun and dynamic, but there are some *interesting apples* that are clearly less popular. With a new Dean coming in, the goal should be to ramp up on our professors and ensure less disparity. Every professor should be equally sought after. Further, more classes, more sections, less "We'll try our best," and more "We WILL fix it."

The drama does not stop there; did you know that students are not allowed to take both Negotiations and International Negotiations at the same time? Yeah, neither did most other students because the information was not common knowledge nor listed anywhere easily found. Well, a few 3Ls who registered for both classes were forced to drop one of them. Sucks for them! 2Ls, don't get too excited because once these boys dropped, *the waitlist bulked up again*, and the classes are still too full to even add onto the waitlist. FAIL, again.

As the days passed, classes continued to fill up, and waitlists completely closed out. 2Ls frantically worked to retool their schedules because their 1st choice, 2nd choice, and likely 3rd choice schedules were filled out and pathetic before registration even opened.

Five days after 3L registration, 2Ls were ready to play at 6:45 a.m. (maybe earlier). Facebook was on full fire with intimidation slurs passed through chat and status updates. Finger exercises commenced to ensure the trigger finger was working lightning quick, and when 6:59 turned to 7:00 a.m., the refresh button was clicked, fingers quickly typed the numbers in and pressed submit and . . . horror ensued!

Constitutional Law with Semitsu; Criminal Procedure I; High Tech Start-Ups; International Environmental Law; International Civil Litigation; Crime: The People, The Process; Tax I; the Trust & Estates series; White Collar Crime; Work, Welfare, and Justice; Corporations and all of the writing classes completely closed out to the max. Tears of frustration and pain echoed through the San Diego morning fog, and Facebook once again lit up with action. Words of consolation were sent out to those who failed to adequately practice their finger skills. The one and only Kevin Kwon gave brilliant advice: "The key to getting your classes: picking the ones no one wants."

This spring semester, just about every class is full to the max, students are frustrated, 3Ls are stressed, and EPIC FAIL rules the day. For the next month before the spring semester starts, students must hope, pray, and possibly intimidate their fellow students into dropping classes so they may receive a decent, workable schedule. *Motions* has no clear advice on how to maneuver this chaos, except to recommend making a habit of checking the class offerings at least three times a day in hopes that at least a waitlist will open up. We also refer you to the wise words of Kevin Kwon.

We would like to clearly note that we do not recommend nor condone intimidation of any sort. However, we understand logic dictates that the more people who drop, the more likely you will get your class. But remember, if you're a jerk to your peers, they will remember, and you will not get a job! Good luck, and happy hunting!

FACEBOOK: CHANGING THE WAY WE COMMUNICATE

by Chris Dibern, Staff Writer

The elderly talk on their landlines. The middle-aged folk use e-mail and cell phones. Teens use IM and text message (to send their naked pictures). Different demographics communicate in vastly different ways. Facebook has realized this, and it aims to unite communication into one simple system. That system is Project Titan.

Project Titan is directed at competing with Gmail, Google's web-based e-mail behemoth. Each individual user can obtain an e-mail address in the @facebook.com domain while enabling a larger communication spectrum that reaches across to chat, IM, and text message. In their announcement on November 15th, 2010, Facebook CEO Mark Zuckerberg and Director of Engineering Andrew Bosworth, stressed that Project Titan is "not an e-mail killer." This new messaging system is built around the principle of seamless messaging across platforms. On the one hand, Gmail revolutionized web-based e-mail through a system of individual e-mail conversations among multiple users. Titan expands on that by creating a conversation from SMS, chat, e-mail, and Facebook IM. These interfaces will all combine to create a common thread viewable in multiple places.

As a law student, this revolutionary system of messaging will greatly enhance how I communicate with others. For example, if I am planning an event, I can send out an invitation through e-mail to a person who then will confirm with me. If they have a quick question about the event, they'll see me on Facebook Chat and inquire about their concerns. Then, if that person needs a reminder much closer to the time of the event, I can shoot them a text message. All of these communications will be merged into one single thread through Project Titan. This may very well end the days of forgetting if you told someone that an event's dress code was business casual. If your friend shows up to an event in a t-shirt and jeans, you can point to your archived Facebook Chat to prove that you told him. With classes, lunch meetings, attorney mixers, intramural sports, and other obligations, Project Titan will make strides in simplifying my law school life.

Facebook is attempting to expand on what it already does best, spam filtering. Currently, if someone does not want to be contacted by, or even seen by, someone else, he or she can permanently block people. In Project Titan, a similar concept is accomplished through the Social Inbox. The Social Inbox works as a spam filter in that, if you choose, it will only show messages from your friends.

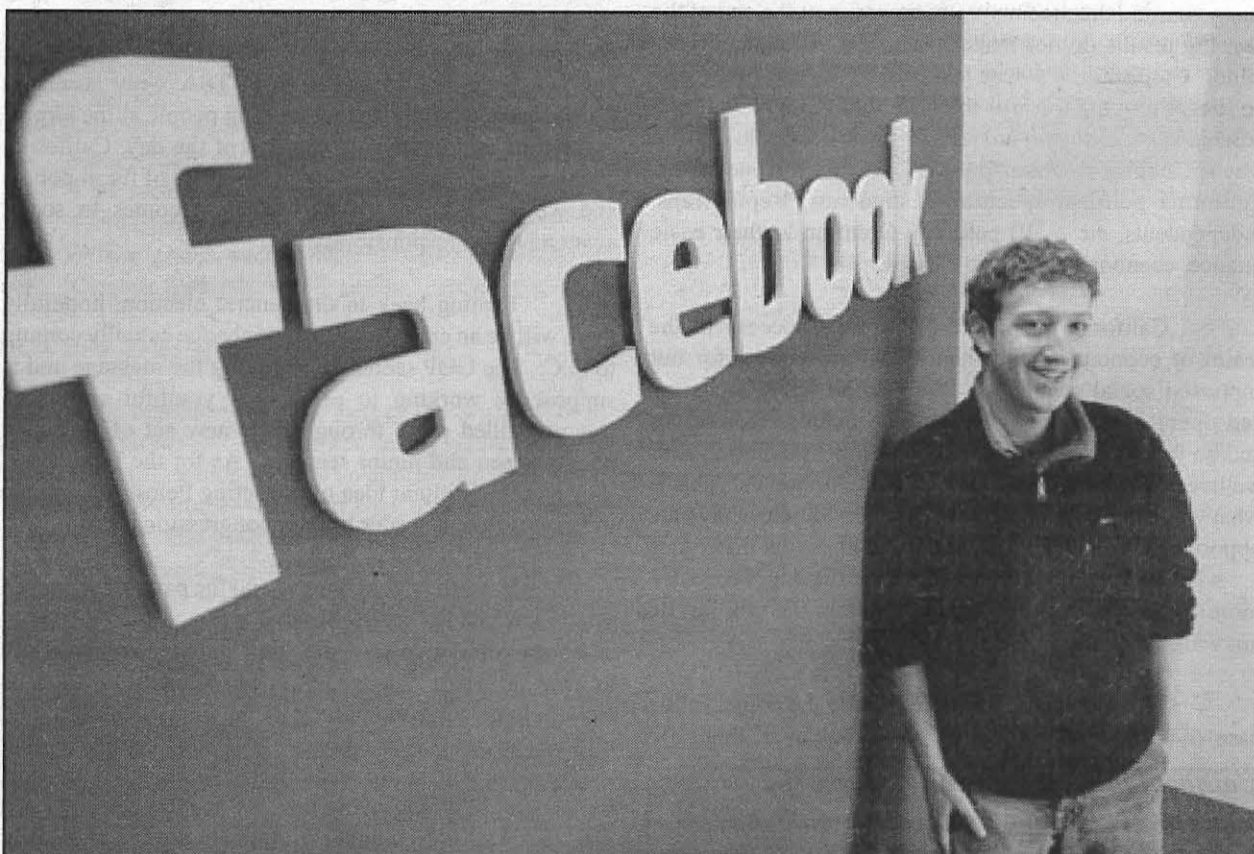
Using Facebook, one's abilities to share media will be greatly enhanced. Someone can text you a link to a YouTube video, and you can click it and view it right on your phone. Even if you're living in the dark ages with that crumbly T9-sporting dumbphone, that text will be saved so you can come back to it later on a computer. This is aimed directly at one of the key features of Google

Chat, videos embedded inside conversations. Through this, Facebook is attempting to make media sharing a much more intuitive procedure than it has been in the past.

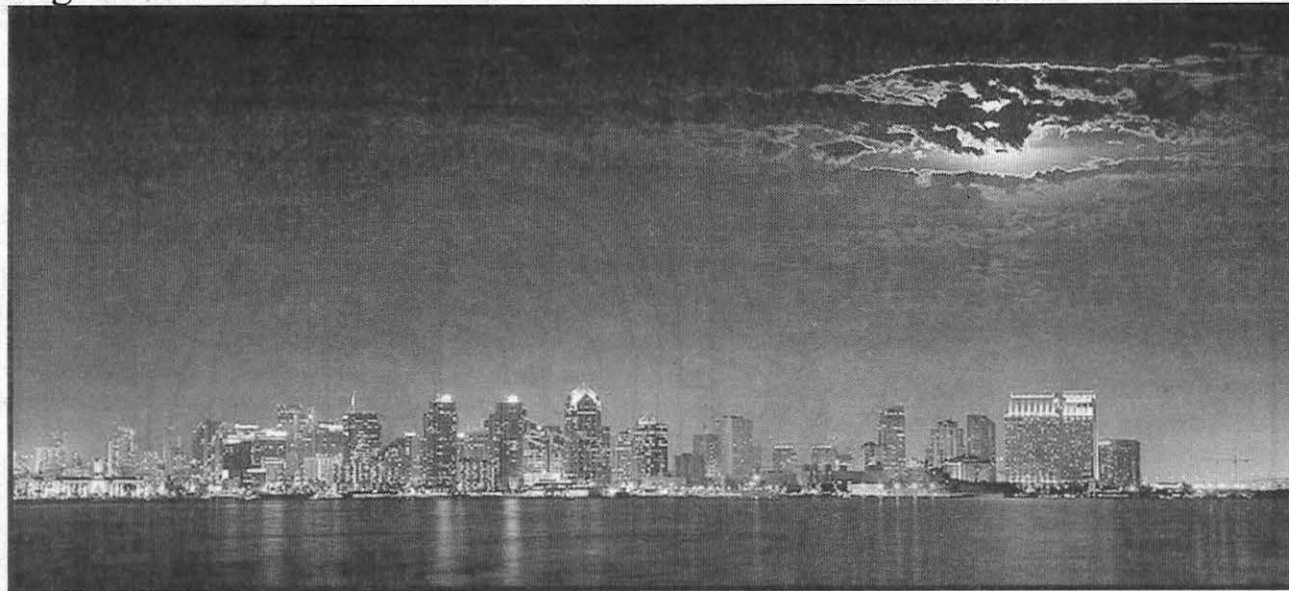
There are several important things to consider for the average Facebook user in choosing to adopt this new system of messaging. First and foremost, each user will have the opportunity to have his or her Facebook username as an @facebook.com address. While having everything in one place might be good for some people, there is a feeling that this will not be appropriate for work and school. If one does start using this e-mail address, his or her employer may not feel comfortable forwarding messages to it because of privacy concerns. Facebook accounts have been hacked into, and a company may want to avoid an employee's transition to a Facebook e-mail because company secrets may become vulnerable to attack. Obviously, a traditional social platform such as Facebook may have trouble being serious in the big-time legal world, in which we all aspire to be.

As with everything, we must look at Project Titan for what it is, a great idea stuck in its 1.0 phase. Facebook will throw marketing towards Titan adoption, but it also realizes that it's a growing technology. The system will probably not be that intuitive and thus, at first, harder for the average person to use. Also, phone makers must be willing to play ball with Facebook if tighter integration with mobile platforms is to be achieved. Currently, Facebook Chat is not a key feature on many mobile phones. In addition, YouTube seems to be the only video interface to be widely adopted on the leading mobile operating systems. Needless to say, heavyweights such as Google, Apple, and Microsoft will want to push their own social solutions into Android, iOS, and Windows Phone 7. This may be a stumbling block at first, but this commentator believes that Project Titan has the right people behind it to ensure a brighter future for this social networking revolution.

In a Google world, Facebook is attempting to make its mark. While Facebook will never exemplify the truly widespread entrepreneurial spirit of Google, it's concentrating on expanding what it's already good at. Google has brought us Maps, Goggles, Gmail, Calendar, and Documents, and it has gained a great amount of market share because of it. Meanwhile, Facebook has mainly done social networking right, and it's happy with that. With Project Titan, it's marking its territory as the pinnacle of the social internet, but also as a key player in messaging. This is a great leap forward for communication, but it remains to be seen if we'll all quit our Gmail habits to start anew with Facebook. As for myself, Project Titan will ensure that I pay less attention in class than I do now. Zuckerberg, you are an evil genius!



Mark Zuckerberg, Evil Genius



DEATH AND LAW SCHOOL IN SUNNY SAN DIEGO

by Kurt Whitman, Editor in Chief

My first experience with death came when I was a senior in high school. That was the year that one of my first best friends, Peter, died in a car accident one icy January day in Wisconsin. Another friend called me in the early evening to tell me the news, and a few of us got together to . . . well, to be together. I don't remember what we talked about, or even where exactly we were, but I know two things for certain: 1) It felt right to gather together as friends that evening, and 2) I didn't cry. I remember six years earlier when Peter's dad died—Peter and I were in Sixth Grade. Peter came to school the next day, and he didn't seem phased. Our teacher told him he should go home, and I remember Peter smiling and saying that he was fine. He didn't cry.

At Peter's funeral service, I cried. Pretty uncontrollably actually—from the moment I saw Peter's mom until I got home after the service. Then, that evening, I went to work at the grocery store. I remember stocking shelves and bagging groceries, trying to steer my mind away from death and toward non-perishable cans of peas instead. It kind of worked. But death had now officially become a part of my life.

It wasn't until the spring of 2010—sixteen years after Peter died—that I encountered death so closely again. Within those sixteen years, I had lived a life filled with college, a career, and the law school experience, weaving a colorful web of glories and mistakes on the way. My grandma always told me, "Have fun while you're young!" I most certainly did. My grandma, who died in April 2010, most certainly approved.

I got the call from my dad on a Thursday afternoon right before Corporations. I remember being in the Warren Hall parking lot, I remember it being sunny, I remember wearing sunglasses. Enter the cloud. After my dad told me some of the basic things a father tells his son when his grandma dies, I remember the conversation turning pragmatic—I was in San Diego with my grandma; my parents were in Wisconsin; it would be best if I could go to the funeral home to take care of the arrangements. That would work fine; I could do it on Friday . . . because I didn't have class. Then I went to Corporations. Then I went to Lawyering Skills II. I skipped softball.

The next seven days were intense. Friday, I went to the

funeral home. I selected my grandma's casket. Saturday, I met with my Lawyering Skills partner to go over my mock trial. Sunday, I did my Wills & Trusts homework . . . which naturally now vied differently. Monday, my parents arrived. Tuesday, my wife and parents watched the mock trial. We won. I went to all my classes that week. I skipped softball on Thursday. Grandma's funeral was on Friday. Grandma was gone, but my life continued.

I don't want to understate the importance my grandma had in my life. She was a tremendous influence on me and a true hero. I specifically chose to come to the University of San Diego School of Law because for me it was like coming home—home to my birthplace and home to my grandma. I have no regrets about coming to USD Law, especially considering the time my wife and I got to share with my grandma. We spent many Sundays with her, enjoying food and conversation. We spent her final two Christmases together (which also happened to be her birthday—we always have cake for Grandma and Jesus). And I was here for her—and the family—when she died.

I guess I'm getting old because people close to me are starting to die more frequently. I aged considerably last spring. One month after my grandma died, and in the middle of final exams, my wife's mom passed away. We Whitmans got hit pretty hard this year. Death now occupies a pretty significant part of my life. And the coping and healing is a work in progress. Mix in the stresses of law school, and it has been a true challenge.

Many of us at USD Law have dealt with death in our lives—for many of us, we have encountered it in the midst of our law school experience. I was somewhat surprised (and comforted) when numerous peers approached me to express their sympathies after my grandma passed away. It's definitely tough to find the right words to say in those moments, but it definitely means a lot to have that support. And it's always nice to realize you're not alone.

Thank the Lord for . . . well, the Lord. And thank the Lord for life—the joys, the pains, and the memories. This holiday season, my wife and I will be focusing on family at a much higher level than mere cliché. Because life is damn short. And there's more to life than the world of the law. And death—that ominous cloud—constantly looms over us . . . even in sunny San Diego.

Score Free Airfare This Holiday Season

by Nicole Weil, Staff Writer

Getting "bumped" is not good in the grocery line, but it can be great if you're at the airport. Although flying during the holidays is a giant hassle characterized by crowds, traffic, long security lines, and delays, the holidays present an opportunity—for YOU!

Airlines routinely over-book their flights, knowing that some passengers will not show up. When more passengers check-in than there are seats on the airplane, the airlines will ask for a few passengers to voluntarily "bump" themselves onto a later flight and compensate them with a voucher for free airfare on a future trip.

During peak travel times, when the airlines are really desperate for volunteers, the amount of the travel voucher may even be negotiable. To take advantage of this, go to the counter at your gate and tell the agent that you are willing to be bumped if the flight is oversold. Because the number of overbooked seats is limited, you want to be first on the bump list.

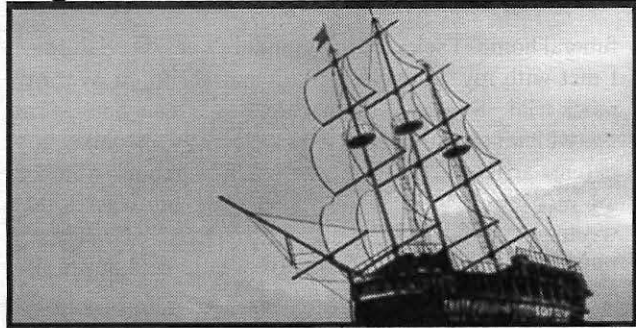
If they call your name, quickly ascertain the facts: (1) find out how much they are offering in airfare credit, and (2) be sure to ask when the next flight will be. There could be flights every hour or only one flight per day, so evaluate if you are willing to wait that long. Often when there is a long delay, the airline includes food or hotel vouchers.

Have safe and profitable travels!

Nikki Weil is co-founder of www.virtualtraveltips.com for saving time, money, and hassles.



MOTIONS REMINDS YOU TO SPEND THIS
HOLIDAY SEASON WITH THE ONES YOU LOVE



NAVIGATING LAW SCHOOL: REFLECTIONS FROM A 1L

by Henry Ciocca, Staff Writer

As a first year who hasn't finished a full semester, I'll be the first to admit that, in the law school realm, I still don't know much about much. But, in experiencing the whirlwind of starting fresh in a new place, observations and reflections abound. I share some of these ruminations as a means of semi-catharsis; in trying to make sense of it all on a personal level, I hope to shed light on navigating law school more generally.

The thing that has struck me most is the sheer power of law school to consume us. To many first years, getting our bearings requires focus and attention to what we deem the law school "method": read, go to class, read some more, outline, read more, repeat. I refer to this as law school "tunnel vision." Initially, "tunnel vision" helps us adjust to meeting the demands of a rigorous workload. We should worry, however, when the constant repetition of this routine becomes wearing and monotonous.

Sometimes law school feels like that iconic Bill Murray masterpiece from 1993, *Groundhog Day*. Did law school ever make you feel as though you are living the same day over and over, and that you have the uncanny ability to predict how each day will inevitably unfold? If the answer is yes (and it is for me), then law school has undoubtedly swallowed you into the depths of the figurative tunnel, where the deeper you dig, the harder it is to climb out.

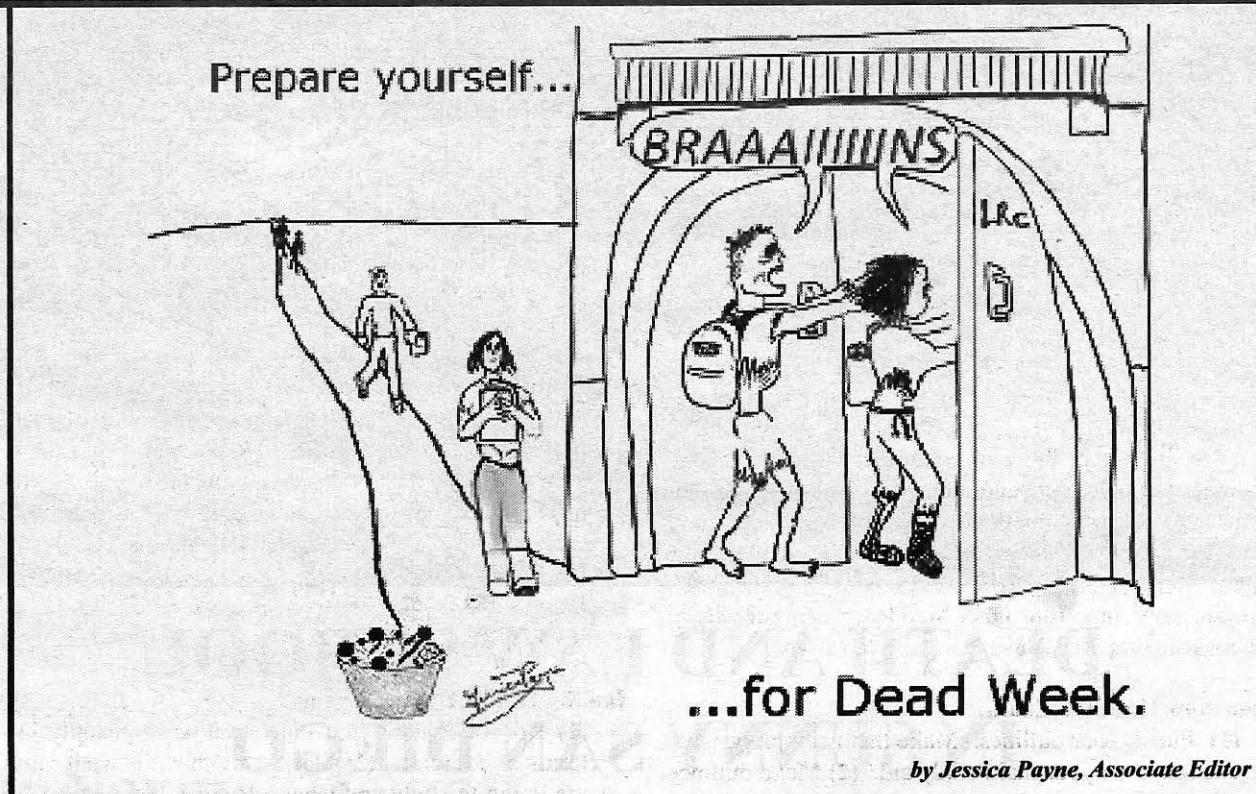
But discussing law school as this larger-than-life entity is exactly the problem. We too often give law school the power to consume us by equating "law school" with "life." Maybe I'm being quixotic, but it seems to me that the pair can exist independent of each other, with

From Where I'm Standing, page 1

I confess I caved in pretty deep for the next half of the day, and all my classmates who had the misfortune of meeting up with me were treated to a regaling of my woes. Oh well. I figured I would give myself over to gloominess for at least a certain measure of time for form's sake... Ahem! However, I tell you, that business of being dejected is no fun! So, I soon decided I had had just about enough of *that*. After all, there was work to be done. Thus, with a blurred eye and a tight jaw, I finally sat down and started working through the memo again. Despair turned to resolve. My fingers began to move more quickly over the keyboard. I was going to sort out the problem, and that was just all there was to it. Pored over the writing lab computer in the LRC, I found solace in working. I soon felt much better as renewed determination began to kick in.

And you know, I've noticed this. Determination and tenacity more than actual brains has often been my saving grace, and, while it's frustrating, I don't think this is a bad thing. In an ideal sense, I would rather have fought the good fight than have something handed to me by virtue of some talent I happen to possess. This is because it keeps me humble, it keeps my ego in check, and it keeps me in fighting trim. Will I win? I don't know. I don't know if I can turn this memo around—which is one small, but important skirmish in the larger battle of gaining my law degree. The point is that I don't want to look back and think I crumbled when the pressure was on. The point is honor and fortitude. I want to know that I tried my very best. Even if the results are not something I can be proud of, then at least I can be satisfied with the effort I put in. At least I will have fought the good fight. The scores, the winnings, the results—I will just have to let those go.

I should let them go. In Vedic scripture and philosophy, it is said that one should not be attached to the results of one's actions. This is because the results that you reap from your actions, whether good or bad, merely bind you and your happiness to the material world rather than the spiritual world. Part of this idea is that if I am forever trying to satisfy myself with the fruits of my endeavors in



some overlap in the middle (think Venn diagram). When we keep our blinders on, digging deeper into the tunnel, we have the tendency to lose touch with reality. The law school "entity" becomes our reality—and that, I think we can all agree, is a daunting thought.

Although this is not radical, I believe that having a life independent of law school is essential to achieving personal fulfillment and asserting an internal sense of balance. This is because the ability to not let yourself get wholly "consumed" gives you the power. It's law school on your terms.

To me, not becoming entirely "consumed" means making a concerted effort every day to do something not related to law school that provides inner contentment, harmony, and equilibrium. Like Scrabble? Play with a friend for an hour. Really into hot yoga? Go sweat like crazy. It doesn't matter. The point is, we are in law school—we are intelligent people, so we must understand ourselves enough to know what makes us happy. Life irrespective of law school: a novel concept for a 1L, but one that seems worth pursuing.

life, I will only be constantly reminded that, in the end, it's beyond my control. Even when things turn out right, everything in this world is temporary. I think it is much better to bypass the necessity of success altogether, and glimpse the bigger picture. Just think, in the entire cosmic manifestation there exists a tiny, tiny galaxy. In that tiny galaxy is an itty-bitty solar system, and in that itty-bitty solar system is a speck of a blue planet. On that planet are billions of people, living, dying, enjoying, suffering, feasting, and starving... and I am one of them. For a moment, will you walk outside with me and look up at all the millions of stars? I ask you, would it really be worth crying over the fact that my legal writing for Law Skills class still needs work?

With this in mind, I'm not going to set myself on things as meaningless and transient as a grade or score. I am not a machine or some hunk of lifeless matter, and as such I cannot be sustained with material things or achievements. As a living being, my ultimate sustenance lies in what is eternal and nourishing to my spirit—not my body, brain, or ego. I must strive for what really makes me happy in the long run. I know that basing the meaning of my life on spiritual goals rather than material ones will enable me to transcend all the confusion and chaos that life bombards me with. Today is an example of this.

Today reminds me of how I'd like to be. I've always been a silly girl with an imagination, but sometimes I used to like to pretend I was an aspiring warrior like in old stories. Silly girl, I know—but I still like that idea. I like the idea of charging in with my sword drawn. And if I had a shield, I think it would have symbols on it. I think it would be graven with symbols of God, of loved ones, and of all those I wish well. It would be emblazoned with the standards of love, devotional service, courage, and truth. These are my sheltering talismans wherever I go and whatever I do. Everything else? Everything else is just a passing battle to be won or lost and—finally—set in the past. And, yes, I know I will lose battles... but I don't think I'll lose the war.

Okay, legal memos, final exams, law school—I'm still standing!

I do not mean to undervalue the fact that we all get contentment from actively applying ourselves to the study of law. Participating in the law school process is a fulfilling and worthwhile endeavor, and it gives us happiness to know that we are a part of something uniquely meaningful, something bigger than ourselves.

I'm only suggesting that maintaining law school "tunnel vision" at all times isn't necessarily the most beneficial way to navigate our surroundings. Perspective is the key here. Being able to remove the blinders, look up, and climb out of the tunnel means having the courage to occasionally stray from routine, even if that means not finishing the last ten pages of Crim Law reading until the next morning.

Maintaining perspective allows us to control and limit the degree to which law school "consumes." A difficult proposition to accept, considering the pressures and stress we all feel as first years, but a strategy that will lead to healthy living in the long run. We undertake this project with the goal of avoiding law school "Groundhog Day" because we know that life should be lived on our own terms, not someone else's (or something else's—I'm looking at you, law school).



Scientist and engineer Nikola Tesla studying (presumably for final exams)

HIGHWAY TO THE STUDY ZONE

1L PERSPECTIVE

by Taylor Wemmer, Staff Writer

1L year is definitely a whirlwind experience with a steep learning curve. Speaking of curve, who's excited about finals? The end of the semester may seem daunting, but the good news is that everyone is in the exact same position you are. Think of it as a rite of passage.

The most important thing to remember is that everyone has his or her own style and method of learning. Do not compare your study methods with others; concentrate instead on what works best for you. As 1Ls, we also have great resources available to help us prepare for finals week. Here are some tips from Janet Madden, Dean Scivoletto, and our teaching assistants.

From Now Until the Exam:

(1) Finish your outlines. Make them comprehensive enough to be your main study aid. (2) Make outlines of your outlines. Have an "attack sheet" or mini outline ready that contains the most important information, so that you can find what you need quickly and easily during the exam. (3) Do practice problems! Use course supplements, past exams, and the questions your TAs have posted on TWEN.

(To find the questions prepared by your TA, add "Academic Support Program" as a class on TWEN, click on Fall 2010, and then find your section's classes.) (4) Practice typing or writing out the answers to practice problems, preferably in a timed environment. Try to mimic the exam experience as best you can. If you have an open-note exam, test your outline to make sure it contains the material you need. (5) If you have any questions for the TAs, ask them now! Their office hours end the last week of classes. (6) To avoid technical issues, download the ExamSoft software and your professor's exams now if you plan to type your exams.

Healthy Habits During Exams:

(1) Do not change your daily routine, especially in terms of exercise. (2) Make a timeline of what you are going to study and when. Budget some exercise time and/or short breaks in order to recharge. (3) Do not skip out on sleep. Keeping your body well-rested during the days leading up to the exam is incredibly important to make sure your brain is functioning well. (4) Eat healthily. Your body will thank you for it.

On Exam Day:

(1) Relax! You have studied hard, and now it is time to prove what you have learned. (2) Get to the exam room at least fifteen minutes before the scheduled time. (3) Do not forget to look up your four digit ID number beforehand. (4) Read each question carefully. Read long fact patterns at least twice. Give yourself time to process the information before you write out your answer. (5) Make sure you understand the call of the question, and write out a short outline or checklist of main points to touch upon in your essay. (6) Allocate your time carefully! Make time limits for each question and stick to them. (7) After the exam, avoid the postmortem dissection! Do not talk about the exam with other students to compare answers; you cannot change what you wrote, and you will only torture yourself by second-guessing. (8) Take the night off following the exam to clear your brain. Get a good night's sleep so that you awake refreshed and ready to study for the next round.

For more helpful exam taking tips, pick up Janet Madden's "Preparing for and Taking Law School Exams" handout outside her office, WH-117. Good luck!

2L PERSPECTIVE

by Christina Phan, Senior Staff Writer

Don't let anyone trick you into thinking that after your 1L year, life gets easier. That's just flat-out wrong. Why? The subject matter may be a little less difficult, the curve may be a little less stringent; however, there's so much life to be lived as a 2L. Second year is the year where you work, do not sleep, have no time to outline, do not study, and three weeks before finals you have no idea what's going on in any of your classes.

The difficulty with 2L year is not the same as the first year of law school. The subject matter is not as tough because you are already well-versed with the language and taking law school exams. The difficulty lies in being able to balance school with work and clinics, and all the other extra-curricular activities available, including journal writing; mock trial competitions; moot court competitions; student organizations; research, brief, and memo writing; and networking. Without realizing it, you will be working 60/70 hour weeks, juggling the totality of your commitments. Sometimes you'll even hit 100 hours. Going to class and barely keeping up-to-date with class reading is tough enough; outlining, taking practice exams, and actually understanding the subject matter falls to the

backburner. In a flash, it is finals, and you have no idea how your life moved so quickly. You are sure that you are going to fail all your classes and get kicked out of school. Although it is very unlikely that your grades will drop so tremendously, the fear lurks at the back of your psyche.

Furthermore, because we were able to schedule our own classes, many individuals (e.g., yours truly) completely forgot to look at the exam schedule when registering and ended up with four exams, three of them back-to-back-to-back.

Honestly, I have only outlined fully for one class out of four. I've taken some notes in the other three, but my mind has been swamped with interrogatories, depo summaries, pleadings, and motions. May It Please the Court, International Arbitration . . . my notes are just a jumbled mess. I even noticed while looking over some of my notes to begin outlining that I have some random tidbits of ideas and notes regarding moot court and various cases and research for real work. Fantastic!

Three weeks to go, I do not plan on sleeping; I plan on buckling down and just studying into the wee hours of

the night. I already have heavy bags under my eyes from my insomnia, but now there is no doubt that by the time my winter "break" begins, I'll be haggard and look utterly awful, like Halloween came just a few weeks late. Woohoo! Outlining and practice exams, here I come. Of course, alumni, career services, and 3Ls tell us students to focus on school and don't overwhelm ourselves. Well, if you tell a child not to touch the hot pan, guess what? They're going to grab the hot pan and whack you in the head with it. I do not regret my schedule in the least. But I sure wish I had allocated my time more efficiently.

At least I got smarter, and I planned my spring schedule to ensure that I won't die at the end of the semester studying and outlining for a gazillion classes with finals on top of one another. However, my schedule is not in the least lighter; it's heavier, with more work commitments, moot court competitions, VICAM, other organizations, and more running around like a chicken with its head cut off. Beautiful! I'm nothing special though—just an average 2L student. We're all busy; we're all insane; we're all law students. Hopefully, the mantra that in your 3L year, "they try to bore you to death" is actually true.

3L PERSPECTIVE

by Drew Miazga, Senior Executive Editor

I've had good success on most of my law school exams, so while I don't know the best study method, I can tell you what works for me. I break my final preparation into three main segments: creating an exhaustive outline, condensing that outline as much as possible, and then doing practice problems/exams.

In general, I think it is important to make an outline for every class. Making an outline forces you to consider everything you've read and covered in class and articulate the rule of law in your own words. Once completed, you have one document containing all you need to know for the final. It's always been my practice to then boil down my exhaustive outline into a condensed version. This will force you to go over all the material again and try and capture the important black letter law from each topic, leaving behind the details that you won't need on an exam. On your exam, you will be tested with various fact scenarios and asked to apply the law. The fewer words you can use to describe a concept, the better. It forces you to get the "essence" out of what you have learned, making it easier to apply in new situations.

The more sources, the better. While you should always confine your studying to only those topics that you discussed in class and in the assigned materials, consulting outside sources can shine light on a confusing topic. By consulting a handful of explanations, either one will ring true and give you that "Aha!" moment, or, by comparing the materials, you will be able to derive the essence of the topic. Do remember though, the "authoritative jurisdiction" is what you went over in class, not what Law-in-a-Flash says.

When I start crafting my outline, I head to the LRC and go straight to the reserve room. There I will grab a treatise, Nutshell, and perhaps a commercial study aid on the class I am outlining that day. I think the treatise/Nutshell combo is strong because the Nutshell presents the topic in a short form that you can read in a few minutes before really exploring the details through more comprehensive sources. Please, don't forget to check out the books in the reserve room so that all students will have access to the material.

Good sources for outlines include other students' and, of course, your class notes. Good electronic resources include outlines downloaded from Lexis and from another commercial site, CALI. For difficult topics, I can't recommend CALI enough. The interactive lessons and practice questions are very effective at teaching the material because every answer you get wrong is accompanied by a (hopefully) helpful explanation.

Start from a skeleton outline constructed from the course syllabus or textbook chapters and subheadings; then it is simply a matter of filling it in. I'd begin with my class notes and textbook notes to fill out the basics. If you feel you have a good understanding with that topic, perhaps try some practice problems or a CALI lesson just to make sure, and then move on. For hard topics, I think it is just a matter of consulting different sources, writing down important points as you go into your outline, and then testing your knowledge with practice problems.

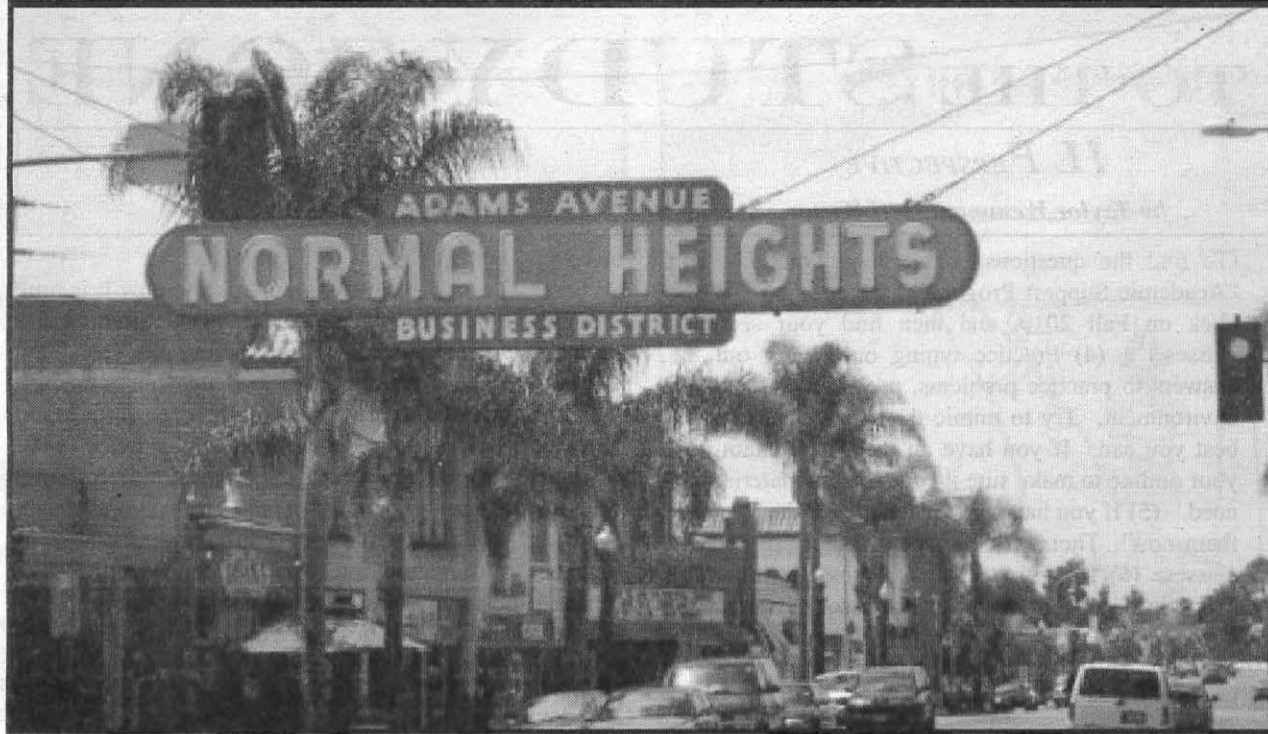
After you finish slogging through the initial outline, consolidate your knowledge of the course into a more

condensed outline. For this outline, I try and remove reference to any specifics, like case details (although I might leave the name), and I try and simplify the law as much as possible. This is better than passively looking over your outline because reformulating your previous expression of the law into different words enhances your understanding of the underlying idea.

Once you have completed this process, you should have a pretty thorough understanding of the topic, and it is time to test yourself with practice problems. For this, I recommend flashcards, CALI lessons, Examples & Explanations, and commercial outlines with practice problems. *Siegel's* is probably the best commercial aid for practice problems. It usually contains about 100 multiple choice questions on the topic, as well as twenty or more essay questions. All the answers in the back are very detailed. Exams from professors are obviously crucial in figuring out what to expect on the exam; however, sometimes I find their use limited if they don't have answer keys.

Learn from your mistakes. The practice problems will show you what areas you need to review, so focus on those areas that you still find the most confusing. Don't get tripped up if you fall for a trick question or two on a topic you think you already have a firm grasp on. Better you fall for it now than on the exam.

That pretty much sums up my exam preparation. Of course, a large component is also keeping up with the reading and taking good notes in class, but it's a little late in the semester to proffer that advice. Best of luck on the exams, and have a great winter break!



The Neighborhood: Normal Heights

by Tyler Hazen, Staff Writer

Welcome to another installment of The Neighborhood. I hope you have taken the opportunity to explore America's Finest City and perhaps even followed one of my recommendations. This month I returned to my favorite neighborhood east of the 805: **NORMAL HEIGHTS**. Located on Adams Avenue primarily between 30th and 35th street, Normal Heights is a great neighborhood for a low-key, casual night out. Normal Heights can be surprisingly charming.

Start at the Blind Lady Ale House, also known as BLAH. This gastro-pub challenges San Diego's great beer houses, including Toronado and Hamilton's, in terms of selection and creativity. If you liked Warhead candies as a kid, try sour ale, a tart, fruit-infused beer that tastes like it sounds. Start your night off right with one of their chorizo pizzas. Just don't try to finish one yourself.

Head down the street to Rosie O'Grady's, a bipolar faux Irish bar. This place is either packed wall-to-wall or as empty as the snack table in Jessica Simpson's dressing room. Behind Rosie O'Grady's is the tiny Proprietor's Reserve Wine Bar. With only 20 seats, Proprietor's Reserve is a great place for adult grape drink. Ask the knowledgeable staff for its recommendations. The best Irish bar in Normal Heights is the Ould Sod. On Monday and Wednesday nights, the Ould Sod's happy hour is buy two drinks, get the third for a quarter. Bring a friend and rack up the free drinks. The Ould Sod is one of the few bars in Normal Heights where you can find a good selection of distilled beverages; this is primarily a beer neighborhood. If you're in the mood for coffee, Lestat's is the place. Lestat's frequently has live music of the coffee house genre. Look for their open mic night. But the crown jewel of Normal Heights is Triple Crown Pub. Triple Crown is a gamer's paradise, with pool tables, darts, shuffleboard, and an entire ping pong annex. Relax with a game of shuffleboard and great beer. Finally, head a few blocks west to Antique Row for your antiquing needs.

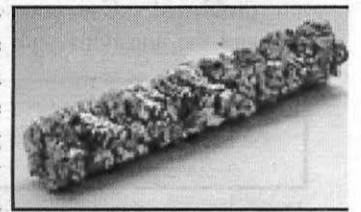
Once a year, the Adams Avenue Street Fair invades Normal Heights. This is a festival you don't want to miss. This last year there was a band playing on the roof of El Zarape Mexican Restaurant in the style of the B Sharps, or to a lesser extent, the Beatles. Locals danced in the streets in front of Triple Crown Pub as cars swerved to miss them. If that doesn't sound like a good time to you, do yourself a favor and go for a scenic cliff-side drive with Junior Seau.

Magic Necklaces: Titanium May Improve Life Performance For Athletes, Law Students

by David Helphrey, Staff Writer

Professional athletes who wear vinyl necklaces embedded with titanium claim magical results from these medicinal fashion accessories. The most popular necklaces in sports are titanium-vinyl, not gold. The titanium allegedly stabilizes the body's flow of electricity. Scientists disagree, claiming that any effects from better body electricity is pure placebo. Industry marketers point to the results of all-star athletes like Josh Beckett and Tim Lincecum, while skeptics point out that Matt Hasselbeck wears one but he sucks.

Skeptics and science aside, law students who also suffer from pain, lethargy, and slow muscle recovery have a new secret weapon. If your hand feels a little heavier than it should when you raise it in class, and traditional law school remedies like alcohol and caffeine are not enough, \$30 buys you a new cure-all necklace. Don't let the exam proctors worry you, the micro-globular-titanium-infused-wellness-jewelry is not an electronic device and can be worn during finals. For the home remedy cheapskates, wearing your laptop cord probably won't work, even though copper is a better conductor.



Titanium: Magic?

Even if it is just placebo, your purchase adds to the popularity, which strengthens the mental effect. Thus, the more people who buy one, the better it works, right?



Panacea, or fashionable accessory? ... or both?

Baby and J.D. at the Same Time? In Pursuit of a "Well-Rounded" Education

by Nicole Weil, Staff Writer

This is a story of becoming "well-rounded" while attending USD Law School, figuratively and literally. How so, you say? By getting pregnant during law school. If you have babies on the mind, please listen up because I have some pros and cons for you to weigh in on and some unsolicited advice as well.

Here's my tale. I returned to law school in August sporting my baby bump, not realizing the impact it would have on my peers. Suddenly, other students starting sharing their desires to start a family, and I realized that having a baby is a taboo subject in law school. A lot of students think about it, but no one really talks about it. This is presumably because all of us at USD are on a professional track, and who needs a major league distraction like that in the middle of Torts, Contracts, or Crim Law? Personally, my husband and I did not want to wait three years to start our family. We are expecting our little one in December.



Now, I am no expert, but I did have the fortune of consulting with recent USD graduates who earned two titles during law school: Mom and J.D. So, if you are thinking about rounding out your belly and your education, here are some things for you to consider:

PROS

- If you are ready for a family, you don't have to wait three years. Getting pregnant is also a little like gambling in Vegas—you don't know when you will hit the jackpot, so starting in law school means less pressure to make it happen right away.
- It may help you find a job after school, if you can tout to a prospective employer that you will not need maternity leave in the near term. The fast track to partnership doesn't exactly leave time for making babies.
- As a student, you have more flexibility in choosing your schedule than you would with a full-time job,

and part-time study is also an option that offers more time for baby and studying.

- Making time for class and studying is easier if you have family members nearby or a nanny to help take care of your little one. If you have the support system in place, you are miles ahead. If not, see the con argument below.

CONS

- Law school is tough enough without having the toll of pregnancy and the time demands of taking care of a newborn. Your GPA might not get along well with morning sickness, labor, and lack of sleep.
- It is difficult to know how you are going to "feel" during pregnancy; Some days are better than others. I have had a relatively nausea-free time, but everyone is different. It may be difficult to plan when you are going to feel well. I would suggest trying to stay ahead of the syllabus and outline early for those bad days when you are unable to study.
- Pregnancy and motherhood could hurt you in a tight job market by limiting your time for clerking and networking.
- Help is essential when balancing a baby and law school, and child care is expensive. Law school may not leave much room in the budget for a nanny or day care if you don't have family around to help.

The best way to balance pregnancy and law school is to be prepared. Have an idea of who is going

See Well-Rounded Education, page 11

From Well-Rounded Education, page 11

to help with the babysitting, and choose a feasible class schedule. Once the due date is near, make sure you plan for the baby's early arrival. Set up the room, install the car seat, wash the clothes, study and write your papers in advance. Did I really just write that? Try to plan ahead; try to study and write your papers in advance.

Bottom line, getting pregnant and having kids in law school is a very personal decision, and no soapbox is high enough to stand on and preach otherwise. It is important to be able to manage stress and multi-task, but I believe moms are the best multi-taskers in the world, aren't they? So, should you choose to take the path to parenthood, just know it is possible and that there are other moms (and dads) who have already paved the way.

The Documentary that Cost \$10 Trillion to Make

Film Review: *Inside Job*

by Kevin Terrell, Associate Editor

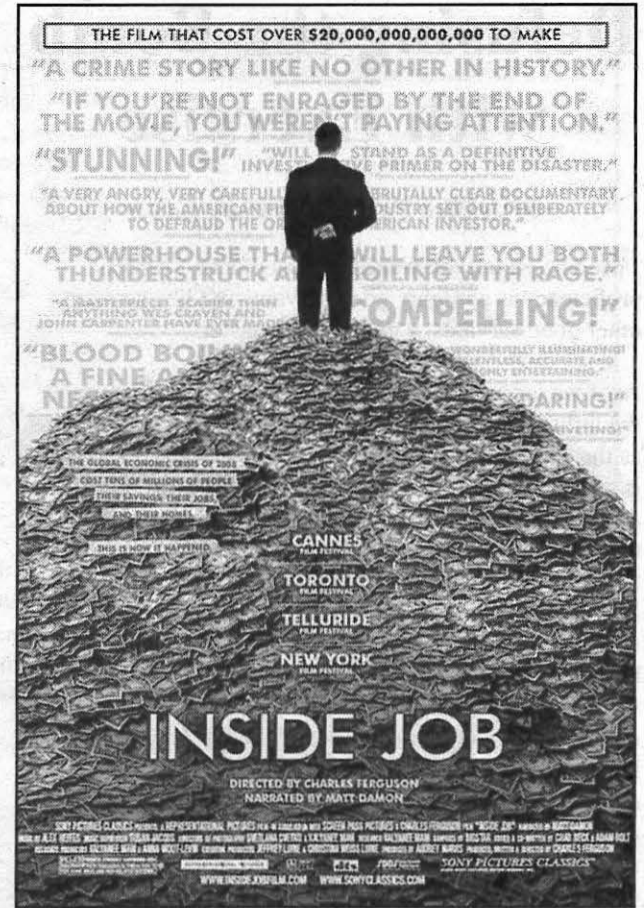
Even the most fervent patriots and resolved optimists have to admit that today, America is struggling. With soaring unemployment, lagging industry, and citizens' rampant

mistrust of both business and government, millions—if not billions—of individuals are suffering a hangover from a turn-of-the-century party to which only a very, very few Wall Street executives were invited. And they're not hurting. They're still employed. In fact, they're still millionaires.

If you're outraged, you should be, and you're not alone. Academy Award-nominated director Charles Ferguson's new documentary *Inside Job* points a heavy finger (if not a loaded gun) at the architects of the house of cards that was the U.S. derivatives market. The documentary explains, as simply as is possible, how our banks sold poorly regulated, but attractively packaged, financial products in astronomical quantities, making a few people rich as the rest of the world bore the risk, and eventually came up bust.

Matt Damon, who has been politically outspoken since his self-penned soliloquies in *Good Will Hunting*, narrated the film. While not as sultry as Morgan Freeman, Damon's fuming undertone was a perfect match for the documentary; his character, the outspoken Obama-supporter and puppet (see *Team America*), sounds like he's gritting his teeth throughout the script, including at the end when he disappointedly recites, "Nothing has changed."

The most fun (or perhaps infuriating) parts are the interviews, where Ferguson asks all the right questions as he politely dismantles the men who were in on the game. The professional, voluntary interviews with bank executives and bureaucrats captured more than one "hand in the cookie jar" face. Easy to follow and hard to forget, the film is a must-see for anyone who intends on having, making, or using money in his or her lifetime.



Inside Job (PG-13) is playing locally at the Landmark Hillcrest Cinema

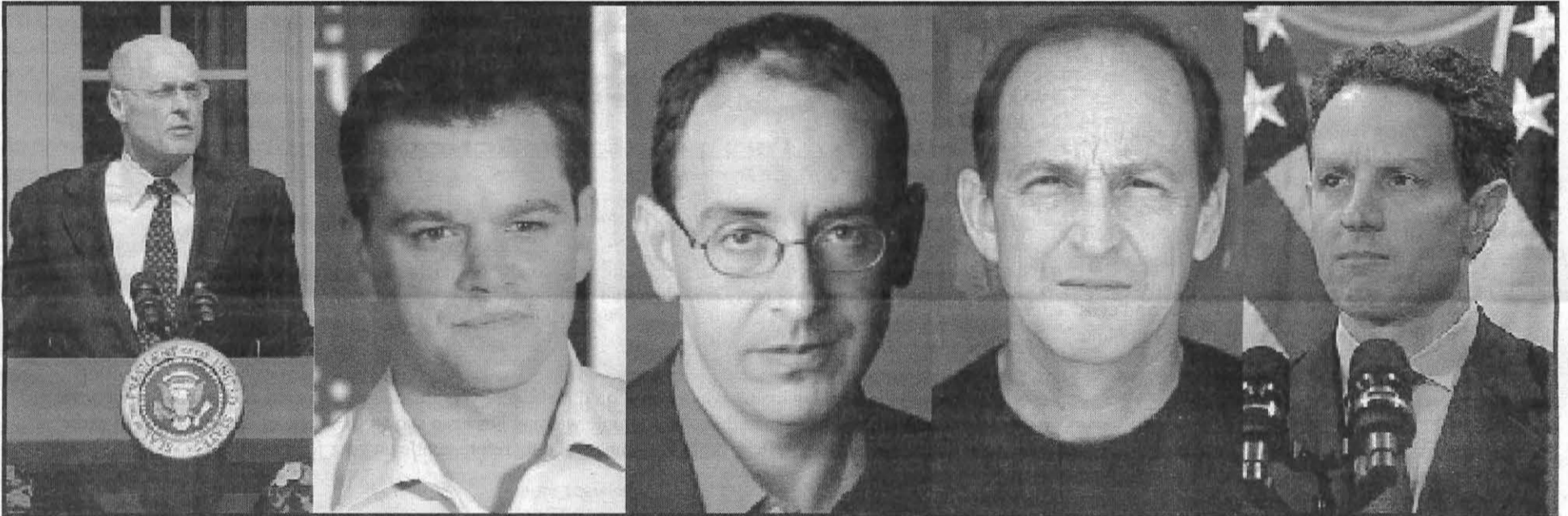


Photo: Former Goldman Sachs CEO Henry Paulson, Narrator Matt Damon, Professor Frank Partnoy, Director Charles Ferguson, U.S. Treasury Secretary Timothy Geithner

USD Law Boasts Inside Man on New Documentary *Inside Job*

Interview With Professor Partnoy

by Kevin Terrell, Associate Editor

Motions: Morning, Professor. Congratulations on your appearance in *Inside Job*. I saw it last week and thought it was excellent.

Professor Frank Partnoy: I'm glad to hear it.

M: How did you get tapped for this movie?

P: I think Charles Ferguson, the director, had read some of my writings on financial regulation, including a book I wrote called *Infectious Greed*, so he called me and we talked about the financial crisis and some history, and had a back and forth for a while. And I went to New York and sat for an interview.

M: So he must have just liked your manner of delivery, or what you were saying?

P: I have no idea (laughs). He talked to a lot of people, and I have a very small part in the film, you know, just a few seconds. I think he wanted to rely on as many people as possible, so there was a lot of footage he didn't use. But he had about as wide an exposure to the witnesses

and experts who are relevant to the story as, I think, anyone ever has.

M: So he got a good handle on what really went down?

P: I think so. He got every side of the story. One of the strengths of the film is that it is critical from so many angles. It's not partisan. It fires bullets in every direction, at just about everyone.

M: It definitely does, and that goes to show just how many people were involved. This film clearly doesn't paint a lot of these bank executives in a very positive light. Why were they so willing to grant him access and an interview?

P: Well, some people were only willing to talk off the record. But he knows a lot of bankers in New York, and he's well-known and respected. Some bankers wanted to tell him their side of the story, to try to persuade him.

M: How long did you talk for?

P: A couple hours or so. He ended up using me mostly as a kind of setup guy for a few topics. He was very clever in how he chose to use different people. And you know, if you look at the movie as just art, as craft, I think he does a brilliant job of stitching together the material that he got. It's easy to lose sight of that skill, but it's really hard to boil hundreds of hours of footage into 90 minutes. There was an incredible amount of editing that had to be done. After my interview, Charles Ferguson and I shared a cab downtown. I was going to NYU, to give a talk, and his apartment is nearby. He could not be a more interesting, delightful person. He's just a great guy, and I was really glad to be a part of his project.

M: One of the things I think this movie does well is that

it takes a really complicated topic and makes it easy to understand. Fraud in the financial derivatives market isn't the most accessible topic to the average moviegoer.

P: Right, I think one of greatest strengths of the movie is that it is so entertaining. And, in fact, I think the less you know about financial crisis, the more engaging the movie is.

M: And hopefully it will inspire people to want to know more about it and understand more of where their money is going and who's controlling it.

P: I hope so. Sony Pictures Classics asked me to write a lesson plan for teachers who want to discuss the film in class. So I prepared one—it's available for free on the movie's website. It's designed mostly for high school and college students, but it can be useful for law school students, too. It's so relevant to the basic corporations class in so many areas, and I think the movie helps facilitate an understanding of some of the key cases and concepts.

M: So, this crisis, and the fraud that led up to it, it just seems like everyone from every company and government agency was involved, and it's sort of discouraging. What can the average investor or shareholder or voter do to make sure this never happens again?

P: I think one of the most troubling parts of the movie is that it leads you to this angry and bleak conclusion. It tries to end on an uplifting note about people becoming more active politically, but I think the overwhelming message is that whatever needs to be done probably isn't going to get done, so I think what an average person can do after the anger subsides is really not much. Besides buckle up for the next crisis.

Defusing the Bomb with Exercise

by Jessica Payne, Associate Editor

Theodore Roosevelt waxed philosophical, "Athletic proficiency is a mighty good servant, and like so many other good servants, a mighty bad master."

As if we law students are in any danger for falling under the influence of any master besides the law! Nonetheless, as the counseling department endlessly extols, exercise is especially vital for law students because of our astronomical stress levels. Besides innumerable long-term health advantages, the major appeal for us is that it takes our minds off the infinite list of assignments. All law students are pressed for time, but by relieving some tension and relaxing for an hour or two a week, you will be more focused and more efficient when you return to work. Besides, whatever the outlet, we all need to relax, or we will implode or explode. Although I am not a health expert or zealot, I wrote my law school admissions essay on living for a balanced body and a balanced mind, and I admit that my first semester of law school has left me feeling a little *unbalanced* in both departments. I cannot hope that I will regain complete sanity until May 2013, but, next semester, I have vowed to add exercise back into my life.

I discovered the best-kept and least-utilized secret at USD Law: the Recreation Department. Law students sadly cannot take athletic classes for academic credit, but there is a major benefit—there is no attendance policy, so you can come as you please. As a USD law student, you have three athletic options before you:

1. **Intramurals:** Most famous for softball (of course), USD grad/law student intramurals also offers 5 x 5 basketball and something called Olympics. It is also acceptable to join the undergraduate leagues of 6 x 6 volleyball, ultimate Frisbee, 4 x 4 team tennis, or speed soccer. You either can register as an independent player and get placed on a team, or form your own power team of law students to destroy some delicate undergrad egos, *Old School* style. Register for unlimited leagues online for \$20.00 per year or \$15.00 per semester.

2. **Crashing Undergrad Classes:** USD offers most Recreation classes for \$50.00 a semester, and an instructor holds classes twice a week. Among many, many others, classes include tennis, swimming, belly dancing, Pilates, ballroom dancing, mixed martial arts, sailing, surfing, ballet, and scuba diving (for \$175).

3. **Mission Gym Classes:** With the \$80.00 gold-standard "Fit & Active" pass, you can come to as many "Yoga, Pilates, Cardio Specific, Kickboxing, Spin, Hip Hop Dance, Boot Camp, and much more!" classes as your poor, overworked body can handle. The Missions Gym is open from 7 a.m. to 12 a.m. on weekdays and from 9 a.m. to 9 p.m. on weekends. Make your life a little more relaxed in Spring, and sign up for an interesting class!

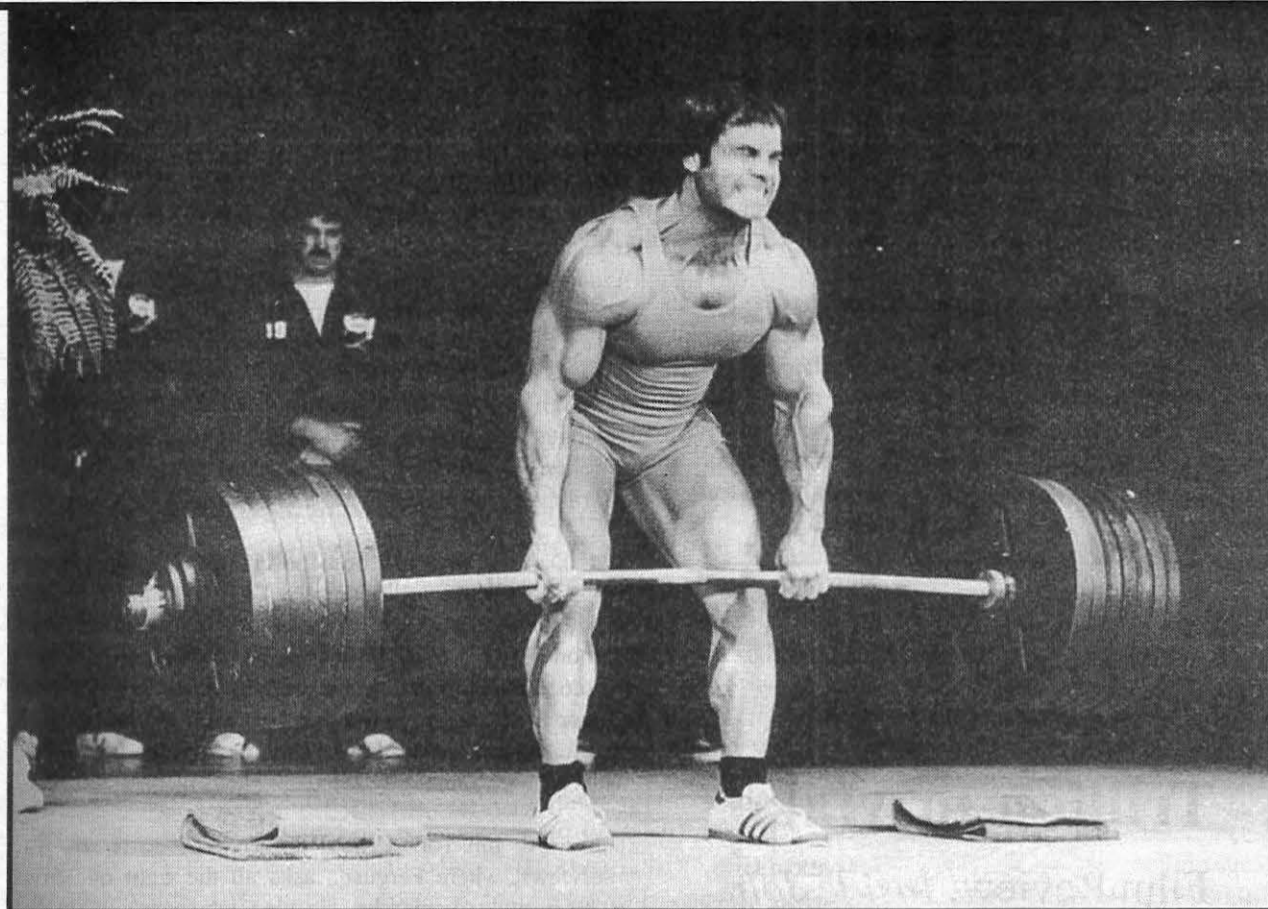
Questions?

Undergrad classes: Serena Boyd, 619-260-4533, serenaboyd@sandiego.edu

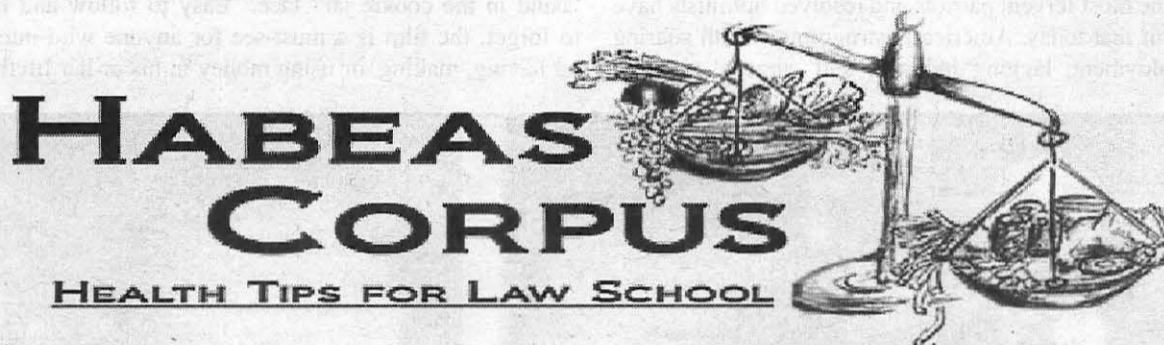
Grad classes: James Perakis, 619-260-4275, usdlawintramurals@gmail.com.



USD Law student shows off before Torts class



USD Law student gets in a little workout after outlining.



by Jyoti Jennings, Associate Editor & Certified Yoga Instructor

Students sometimes have a tendency to forget that their heads are attached to their shoulders. Remember, during final exams it's just as important to make sure your body is in shape as well as your mind.

EXERCISE

Regular exercise is key. No matter what, you should make sure you are doing some kind of exercise activity every day. You don't have to run a marathon. Just simple walking has been shown to be one of the best kinds of exercise because it rejuvenates your system yet is low-impact and therefore gentle on your joints.

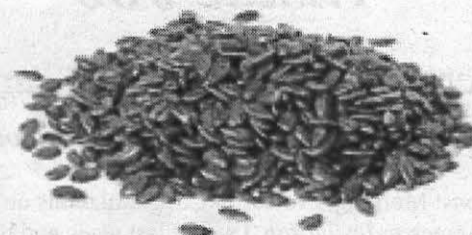
SLEEP

Seriously, this one's a no-brainer. Get plenty of sleep. Mental and physical performance goes down exponentially the more sleep-deprived you are. And don't skimp out by just getting a good night's sleep the night before final exams. Making a habit out of getting enough sleep will nourish your body and mind.

BRAIN FOOD

If you want your brain to work, give it something to work with. The following foods are particularly known for nourishing the brain:

- Lots of green, leafy vegetables, such as lettuce and spinach
- Broccoli
- Avocados
- Blueberries
- Acai berries
- Cherries
- Apples
- Cocoa (dark chocolate)
- Flax seed
- Unroasted nuts, such as peanuts, walnuts, and pecans
- Whole grains, such as oatmeal and whole grain bread
- Organic milk (the less processed the better)



Flax: It does a brain good.

YOGA BREATHING EXERCISE

Oxygen is the nutrient your body cannot live without for more than a few minutes. Take care that you are breathing well throughout the day, and not just taking shallow breaths. The following exercise is a form of yoga meditation for clearing the mind, which focuses on controlling the breath.

- Sit comfortably with your back straight and your neck long.
- Gently close your eyes, resting them.
- Take a deep, deep breath, letting the air fill your lungs all the way to the bottom.
- As you slowly breathe out, say the word "Gauranga."
- Say it in syllables—"GOR-RA-UN-GA"—in an almost sing-song way, lingering on each syllable and letting them use up the air of your exhalation.
- Repeat for at least three breaths.



SOFTBALL PLAYOFFS IN FULL EFFECT

by Umar Hussain, Staff Writer

LAW LEAGUE PLAYOFFS

#5 Drunken S.O.L.E.S. 18 #4 Sons of Pitches 16

The Drunken S.O.L.E.S. came away on top in the upset special on Thursday night at Manchester Field. D.S.'s hitting prowess was too much for the Sons of Pitches to handle.

Kim "The Shiv" Cruishank got D.S. going as the spark plug on offense and defense. She singled to lead off the game, and her teammates followed with four consecutive hits to put D.S. up 4-0 early in the first. SOP came right back and cut the deficit to one with a 2-run home run by their cleanup hitter.

The same back and forth action was displayed for the rest of the game until D.S. burst out to an eight-run lead by the 7th inning. SOP fought back valiantly, scoring five runs, but ultimately came up short.

D.S. captain Darrell Turner was a home run short for hitting for the cycle. Marquis "Big Papi" Anderson put a dent in his bat with a monstrous home run and double (3 RBI).

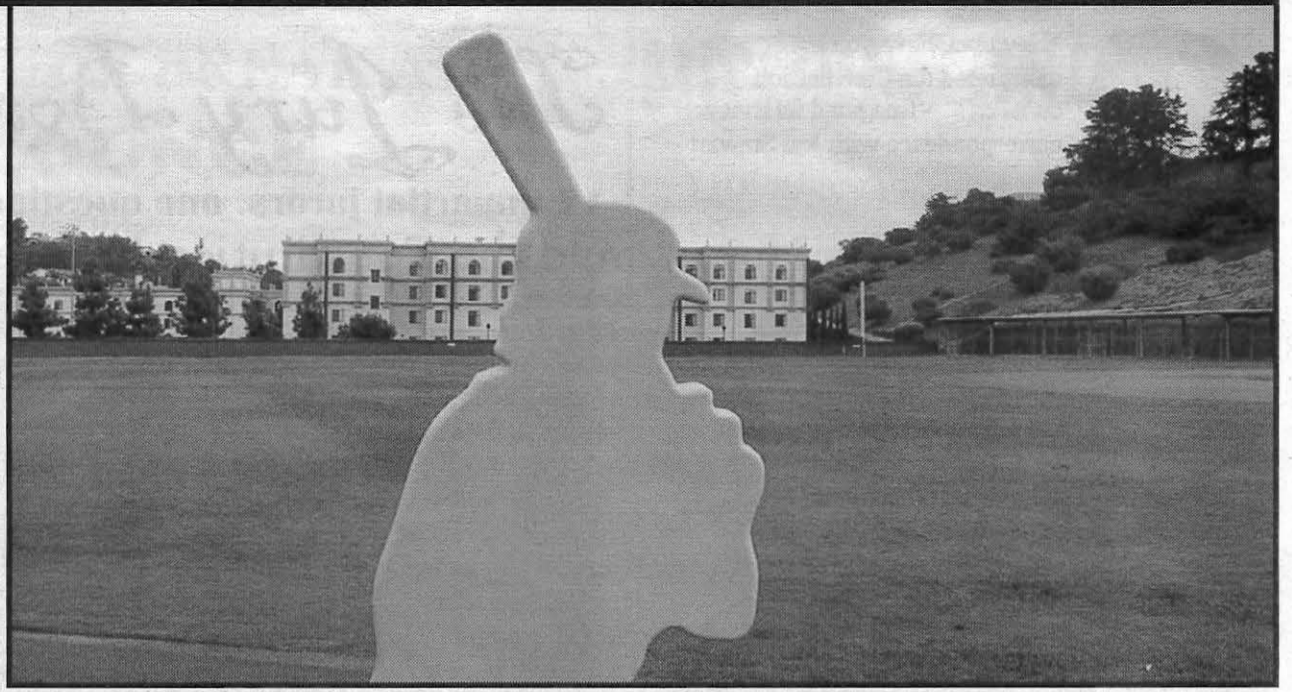
Said Cecily Myrha after the game, "Son of a Pitch! When's next season start?" D.S. advances to the semifinals and will play the team to beat—the K Killers—on Thursday, December 2.

#3 Susan Changs 11 vs. #6 Cases Loaded 4

Cases Loaded was the highest ranked 1L team in Grad/Law softball, and unfortunately they were trumped by experience as the Susan Changs took the 11-4 win.

After battling neck and neck for the first four innings, Susan Changs, in the final two innings, overtook CL and paved their way into the semifinals. CL, however, did not leave without showing the upper L's that they belong.

Henry Ciocca's diving catch in shallow center field, though normally something found on ESPN Baseball Tonight's "Web Gem" segment, has come to be expected



as standard play for the 1L center fielder. Mike Reilly, who was battling a wrist injury, was awarded the Kirk Gibson play of the playoffs.

"Mr. Reilly has been listed as "questionable" for the last few weeks with an "upper body injury." With the strength of one good wrist, Mr. Reilly led off the game with an Ichiro-esque lefty HR (his first ever left-handed at bat). The only difference between Mike and ironman Brett Favre is their phone bill," said New York native Jon Salt.

UNDERGRAD SOFTBALL SEMIFINALS

Metaphor 3 Well Hung Jury (Law team) 2

This was perhaps the best defensive performance by any two teams in USD softball history. Metaphor's starting pitcher threw a nasty curveball every pitch, which even the best hitters on WHJ had difficulty turning on. Well Hung Jury starting pitcher Lonnie Brown put in a masterful performance of his own, striking out three and inducing fly ball outs throughout the contest.

Metaphor went up 1-0 in the 2nd inning on a single. WHJ finally mustered its first base hit in the 4th inning when Mark "The Alaskan Assassin" Chicklo lased a ball into deep left field for a solo home run (his 5th home run of the season). The hit knotted the game at 1.

"They were throwing some nasty pitches all game. I just waited for a pitch I could hit. Luckily, he left a curveball hanging just over the plate, and you know us. We are Well Hung, so it wasn't a problem taking care of that," said Chicklo in his mid-inning interview.

Metaphor came right back the next inning when its left fielder hit an opposite field home run to take the lead at 2-1.

In the 6th inning, WHJ loaded the bases with two outs for Umar "I Take This Too Seriously" Hussain, who laced the first pitch up the middle for an RBI single.

"That was a big opportunity for us. When I was at the plate, Chicklo signaled for me to hit it up the middle. There was a big gap, and I did my best to get my team back in the game," said Hussain.

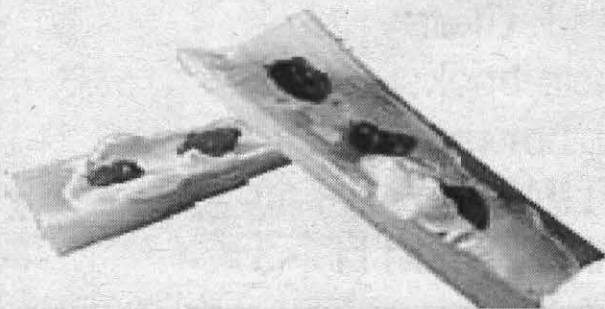
Behind solid defense from Kevin Brown, Mark Serino, and Raul Macias, WHJ forced the game into extra innings. After failing to score in the top of the inning, WHJ had its backs against the wall. With two on and two outs, Metaphor needed one hit to end the game. Ironically, they got that run to score on a WHJ error. Hussain, in center field, dropped the easiest catch he had all season on a short pop fly.

"Aside from catching the ball on a corner kick in the fifth grade when I was a defender, that's the most frustrating play I have ever had in sports. I made three pretty good catches in the game, and couldn't make that one!? I hate sports," said a distraught Hussain.

Metaphor came away with the 3-2 win and moved onto the finals. What's next for WHJ? "We are going to take this valuable experience we got in the undergrad league and use it to crush our colleagues in the Law League next semester. 1Ls, 2Ls, and 3Ls, watch out!" warned a confident Kevin Brown.



Park rules at Manchester Field.
Fortunately, ants on a log are not prohibited.



FINAL GRAD/LAW SOFTBALL STANDINGS (FALL 2010)

Place	Team	Captain	Wins	Losses	Ties	Run Diff.
1	K Killers	Caloiaro	5	0	1	60
2	Legal Eagles	Henderson	5	0	1	59
3	Susan Changs	Coughlan	5	1		50
4	Sons of Pitches	Tarkowski	5	2		35
5	Drunken Soles	Turner	5	2		14
6	Cases Loaded	Charukul	5	2		10
7	Fist Pumps	Coover	4	3		27
8	Barely Legal	Waller	4	3		24
9	Free Floating	Zarconi	4	3		8
10	Dalkon Shield	Basel	4	3		7
11	Awkward Poppers	Peck	4	3		-5
12	Flexy Back	Barrasso	4	3		-14
13	Devil's Advocates	Friedman	3	2		-2
14	Penal Thunder	Cantrell	3	4		15
15	Santucky Militia	Berkstresser	3	4		-3
16	Sloppy Seconds	Stephan	2	4		-22
17	Code Blue	Jordan	2	4		-27
18	Torts Illustrated	Glacuum	1	4		-15
19	BB&B	Gillis	1	5		-34
20	Footnote 213	Whitman	1	5		-44
21	Brooks Bombers	Decker	0	6		-33
22	Cool Runnings	Praskievicz	0	6		-67



"Hey man, have you ever interpreted the Constitution on weed?" - Imagined interview correspondence with Jon Stewart

The Jury Box

12 impartial jurors. one question.

How should the Constitution be interpreted?



"It should be read concretely, originalist. If we don't take the letter of the law literally, it makes the document completely open to interpretation, and therefore, meaningless." - USD Law student Sanjay Athalye

"[The Constitution] should be interpreted liberally. Society changes over time and our laws should reflect those nuances; having to amend the Constitution all the time isn't plausible or efficient."

- USD Law student Joann Bussayabuntoon



"Nine Supreme Court Justices on stage, each holding a numbered metallic suitcase. One excitable contestant chooses blindly between outcomes all the while being egged on by a jury of his or her peers. The system works."

- Howie Mandel, sweating furiously.



"If you want to pretend words have no true meaning and it's all a matter of reader interpretation, take a high school literature class. People's lives and basic human rights hang in the balance, and the words on those pages meaning what they did literally and unequivocally when written, are literally all we have to protect us."

- Old Timey Liquor Baron Aaron "Bugsy" Bugler



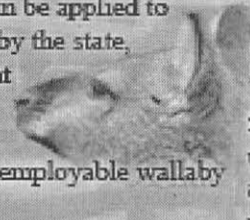
"The Constitution was written by men with wooden teeth. Comparing the structure and culture of society now to back then is like watching the Flintstones and Jetsons back-to-back. We need a flexible interpretation for modern society to function efficiently."

- Felicity Franklin, bakery owner, Hanna-Barbera fanfic author.



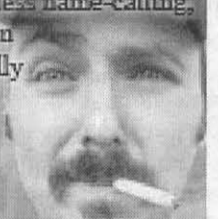
"The Constitution embodies important counter-majoritarian, separation of powers, and individual rights principles. A purposive reading of the text can be applied to reign-in impermissible oversteps by the state, but not unduly restrict government branches and agencies taking action to facilitate a modern way of life."

- Rocko, unemployable wallaby



"The Constitution should be interpreted in the company of friends, where the sangria is flowing. A great interpretation usually involves a pack of smokes, pointless name-calling, a whole range of torts, and often a drunken march into a fast-food drive-thru. I usually black out by the Second Amendment."

- Johan Mohamed, legal enthusiast, civil war reanactor



"[B]egin with the text, and to give that text the meaning that it bore when it was adopted by the people. . . I do not think the Constitution or any text should be interpreted either strictly or sloppily; it should be interpreted reasonably. Many of my interpretations do not deserve the description 'strict.' I do believe, however, that you give the text the meaning it had when it was adopted."

- Supreme Court Justice Antonin Scalia



"I think we should interpret the Constitution with FIRE. Or, in the alternative, find the death penalty to be cruel and unusual punishment for arson related deaths and crimes."

- Criminally insane ward of the state Jeffrey Thomas



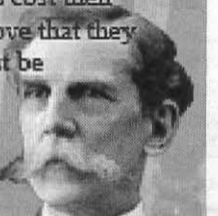
Jurists should consider framer's intent in their analysis and reading of the Constitution. They should also apply ideas of federalism, separation of powers, and basically realize that citizens want to live their lives and the national government should generally, "move [bum], get out the way, get out the way."

- USD Law student Christina Phan



"When we are dealing with words that also are a constituent act, like the Constitution of the United States, we must realize that they have called into life a being the development of which could not have been foreseen completely by the most gifted of its begetters. It was enough for them to realize or to hope that they had created an organism; it has taken a century and has cost their successors much sweat and blood to prove that they created a nation. The case before us must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago."

- Justice Oliver Wendell Holmes



The Crime Report

by Jessica Payne, Associate Editor

Have a question that you would like to pose to the jury? Send your suggestions to motions@sandiego.edu.

Halloween Hacker

On Nov. 1, Public Safety responded to a report of a theft at the University Terrace Apartments. An investigation revealed that a laptop computer had been taken from a resident hall room between 9:30 p.m. and 2:30 a.m. the night before.

Drawback of Convertibles

On Nov. 2, Public Safety responded to a late report of a theft. A USD parking permit was taken from a convertible vehicle parked on campus. The vehicle was unsecured because the owner left the top down. The theft occurred between 7:30 and 8:00 a.m. on Oct. 8. No other items were missing from the vehicle.

Mi Mercado Ahora!

On Nov. 2, Public Safety responded to a report of a theft of a cell phone charger by an employee. The employee admitted to taking the item, and the case was referred to Human Resources.

Going to the Next Level

On Nov. 4 at Maher Hall, Public Safety responded to a report of vandalism. Upon investigation, initials and a heart had been scratched into an elevator wall. Building Maintenance was requested to repaint the wall.

Displeased Drunk

At 10:27 p.m. on Nov. 6, at Palomar Hall, Public Safety responded to a report that a resident student was being verbally abusive towards a Resident Assistant. Upon investigation, the individual was contacted, identified, evaluated, and found to be too intoxicated to care for himself. The individual was voluntarily transported to Detox.

Taking Names

On Nov. 7, it was reported that 62 nametags had been taken from resident hall room doors and five large banners had been vandalized. The theft was thought to have occurred between 2:00 and 10:00 a.m. on Nov. 7.

Locker Larcenist

At 8:29 on Nov. 10, Public Safety responded to a report of a theft of a wallet at the Jenny Craig Pavilion. It was taken from a secured locker between 7:00 and 8:00 p.m.



"i lik 2 Read"
by Peachdog Jones

i lik 2 Read
Instant Mesagis
Myspace Mesageis
Text Mesajiss
Just give me a messiges
N i wil Read them
But dam them books
Them dum n boring
:) LOL ROFLMAO ROFLMAFAO
FFF0F0FRAAFFFFFFFFfff <3

Moe Shuns, Esq.*

Unimpeachable Advice For Impressionable Law Students

*also available for birthdays
and bar mitzvahs.



Hello, USD law students! My name is Moe Shuns, and, as part of my parole, I have been ordered 5,000 hours of community service. Because the judge allowed me to partake in this advice column, each hour I spend helping you law students with your legal problems gets me one step closer to finally getting this ankle bracelet off my leg!

First, a little about myself: I graduated in 2004 from the best law school in San Diego. For legal reasons, I cannot name which school that is. Nevertheless, after realizing there weren't too many jobs for graduates of my school who finished in the bottom five percent, I began chasing ambulances in hopes of finding that one lucrative client who would guarantee me fame, fortune, and an endless supply of sexy paralegal play!

Unfortunately, in chasing those ambulances, I could only run so fast, and, as it happened, I knocked a little old lady off the sidewalk and into the street, where she fell into an open manhole. (What are the odds, right?) So after serving eight months in the slammer for negligent homicide, I was paroled. And here I am, servicing my community for—at minimum—5,000 hours.

And now, you lovable law students, let's get to your questions!

Hey Moe,

With the holidays fast approaching, I am really looking forward to seeing my family back East! But after hearing about the new TSA security measures at the airport, I'm worried to say the least. I feel that my only options when traveling are to submit to a full-body scan that would let people see my privates (and that might also have health ramifications) or to have a TSA agent gently caress my nether-regions. I'm not cool with any of that. What do you suggest?

Well-Endowed . . . No Seriously! in La Jolla

Dear "Well"-Endowed,

First off, you're not going to find a bigger patriot than me. In fact, every Fourth of July, I seek out an Englishman and attempt to run him over with my yellow Hummer while screaming back at him, "Don't tread on me, you limey bastard!"

Anyway, the last thing we want to do is let the terrorists win. So what we need to do is show solidarity with our government and comply with everything Uncle Sam says! So if you are in fact worried about the radiation from those full-body scanners, there's nothing wrong with our friendly government physically confirming that you aren't carrying explosives next to your genitalia. After all, who is to say that you aren't a terrorist? "Innocent until proven guilty," "habeas corpus," and "right to privacy" are all pre-9/11 phrases that anti-Americans still like to hang onto. It's time they move into the 21st century with the rest of us!

Dear Moe,

Last week I was having a great time at the bar review and smooched this 3L because he promised me an outline for my civil procedure class. Does that count as consideration for the outline?

Yours truly,

Romantically Challenged 1L

Dear Challenged,

As we learned lawyers know, consideration is comprised of three elements: detriment to the promisee, benefit to the promisor, and bargained-for exchange. As the promisee, in order to figure out if you have suffered the required detriment, I must ask some personal questions. When you close your eyes, do you picture his chiseled face and smile? Or do you shudder at the thought of touching him ever again? If it's the latter, you have no doubt suffered a detriment. A detriment will be found in any of the following scenarios as well: your friends saw you kiss him, he used way too much tongue, he has herpes.

Secondly, was there a benefit to this guy? While I have my doubts about any girl who uses the term "smooch," I'm willing to give you the benefit of the doubt and conclude that the guy wouldn't have offered this deal had he not thought you smooch-able in the first place.

And so long as you only kissed him after you agreed to the deal, we have a bargained-for exchange. So, all in all, this sounds like a contract and could hardly be seen as "pro bono." Well . . . at least not for you! So scare him with your legal talk, and he'll be forwarding you that outline in no time.

Yo Moe!

A few weeks ago I got a little carried away playing intramural softball and may have assaulted the opposing team's first baseman. He is now threatening legal action, and, with exams right around the corner, I'm getting a little freaked out. What should I do?

Over My Head in Ocean Beach

Dear Over,

We've all been there before. Whether it be because of an opposing softball player, that scheming mailman who I just know is stealing my Publisher's Clearinghouse checks, or that cognitively disabled grocery bagger who always uses paper bags when I specifically requested plastic ones, we all understandably lose our cool sometimes.

The most pressing question about your situation is this: Did you win the game? In all likelihood, you will be facing a jury, and in order to garner enough sympathy from them I'm hoping you lost big. If you got mercy-ruled, all the better. However, if you won, I am saddened to say that it will be tough for you to walk away a free man. May I suggest "bumping into" your victim in a dimly lit parking lot? While I don't have a lot of courtroom experience, I'm pretty sure it cuts down on attorney fees and court costs if you scare the victim from contacting the authorities.

That's all for this week, students! Make sure to send your actual questions, however bizarre or mundane they may be, to motions@sandiego.edu. Make sure to address the e-mail to me, Moe, in the subject line. I'll pick the best ones and answer them right here, next issue!

The "Arrrt" of Smuggling

Great Cases in Smuggling History

by Kurt Whitman, Editor in Chief

I have taken it upon myself to utilize my 3L skills as an experienced legal researcher to uncover the best U.S. Smuggling Cases in the history of U.S. Smuggling Cases. And in doing so, I earned enough Westlaw points to score a free golf tee warmer! Enjoy the list!

In re 1650 Cases of Seized Liquor, 721 A.2d 100 (Vt. 1998).

(That is a lot of liquor, even for Vermont.)

United States v. 2,180 Cases of Champagne, 9 F.2d 710 (2d Cir. 1926).

(Classy . . . Second Circuit in the 1920s? On their way to Gatsby's house, no doubt.)

Three Thousand Eight Hundred and Eighty Boxes of Opium v. United States, 23 F. 367 (C.C. Cal. 1883).

(SING ALONG!!! Three Thousand Eight Hundred and Eighty Boxes of Opium on the wall, Three Thousand Eight Hundred and Eighty Boxes of Opium . . . take one down, pass it around, Three Thousand Eight Hundred and Seventy-Nine Boxes of Opium on the wall. OK, too much typing for that one.)

The Ocean Bride, 1 Hask. 331 (D. Me. 1871).

(Unfortunately this case isn't about a stolen mermaid—it's just another "sea vessel full of liquor" situation.)

United States v. One Ford Coupe Automobile, 272

U.S. 321 (1926); United States v. One 1970 Buick Riviera, 463 F.2d 1168 (5th Cir. 1972); United States v. One Buick Coupe, 54 F.2d 800 (S.D. Fla. 1931).

(In hindsight, were these attempted smugglings *really* worth it??? I mean, besides the sleek and luxurious Riviera—that would be AWESOME!)

United States v. Two Mitsubishi Pick-up Trucks, 396 F. Supp. 2d 117 (D.P.R. 2005).

(Lesson: If you drive a Mitsubishi around Puerto Rico, you're going to get pulled over.)

United States v. 144,774 Pounds of Blue King Crab, more or less, 410 F.3d 1131 (9th Cir. 2005).

(Yes, *more or less* . . . give or take a Blue King Crab or two . . . I mean, once you go past 93,000 pounds or so, it's kind of a pain counting 'em all.)

United States v. 1,000 Raw Skins of Caiman

Crocodilus Yacare, No. CV-88-3476, 1991 WL 41774 (E.D.N.Y. Mar. 14, 1991)

(Ooooooh . . . Yacare! . . . Gross!)

United States v. Miscellaneous Jewelry, 667 F. Supp. 232 (D. Md. 1987).

(Well, make up your mind, U.S.! Exactly which of my miscellaneous jewelry do you want? OK, listen! You can take everything except my '80s neon t-shirt clips!)

Various Items of Personal Property v. United States, 282 U.S. 577 (1931).

(Come on, this is totally unfair—it's the Great Depression, and the U.S. is stealing people's various items of personal property. Well, this country was BUILT on VARIOUS ITEMS OF PERSONAL PROPERTY! And the Guv'ment ain't getting its grubby hands on MY VARIOUS ITEMS OF PERSONAL PROPERTY!!! And anyway, it's the GREAT DEPRESSION, so I ONLY OWN TWO "VARIOUS" ITEMS OF PERSONAL PROPERTY: They are a Herbert Hoover 1928 campaign button and a rat ear.)

United States v. Approximately 1,170 Carats of Rough Diamonds Seized at John F. Kennedy International Airport on January 13, 2004, No. 05-CV-5816, 2008

WL 2884387 (E.D.N.Y. July 23, 2008).

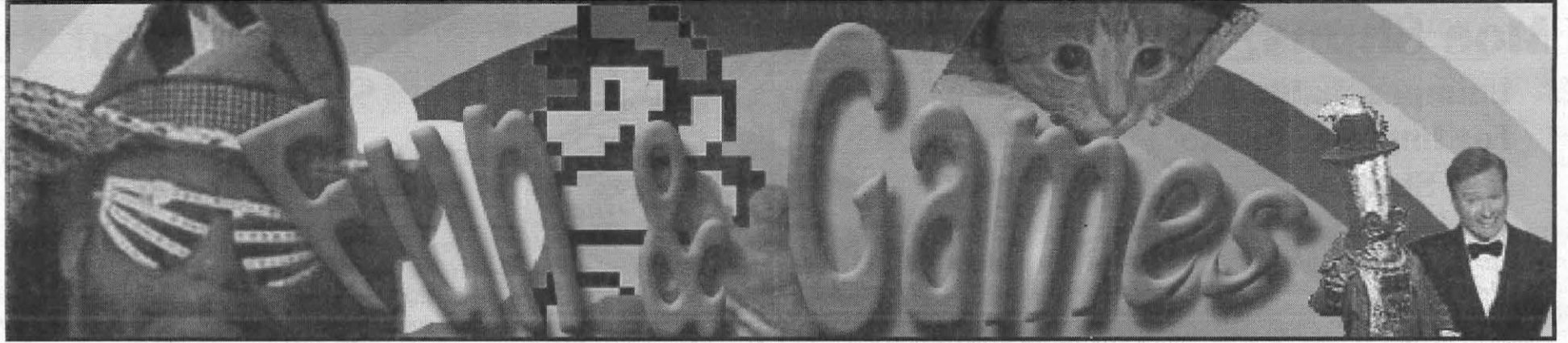
(Now *that's* more specific!)

United States v. Approximately 600 Sacks of Green Coffee Beans Seized from Café Rico, 381 F. Supp. 2d 57 (D.P.R. 2005).

(Yucky . . . *green* coffee beans??? . . . What the heck?! Were they being soaked in Yacare?!)

or . . .

(As I was going to Café Rico, I met a man with 600 sacks.)



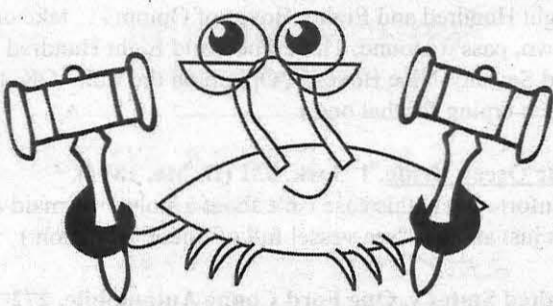
What saying is seen here?

- Ashley
- Catherine
- Nicole
- The Law
- Jacob
- John
- Lawrence

SEEKING EMPLOYMENT
Rocko. Down-on-his-luck wallaby looking for challenging, fulfilling career in VCR Repair

"Now That's Good Lawyering" by Zach Friedberg

THE HONORABLE JUDGE LEARNED CLAW



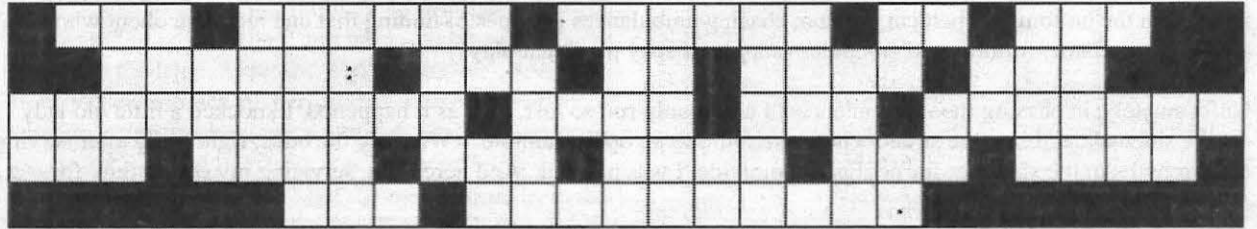
"The court is now in session."

FIND DEAN COLE!



Fun Page Answers: www.motionsonline.org/funpage/answers

FALLEN LAW QUOTE

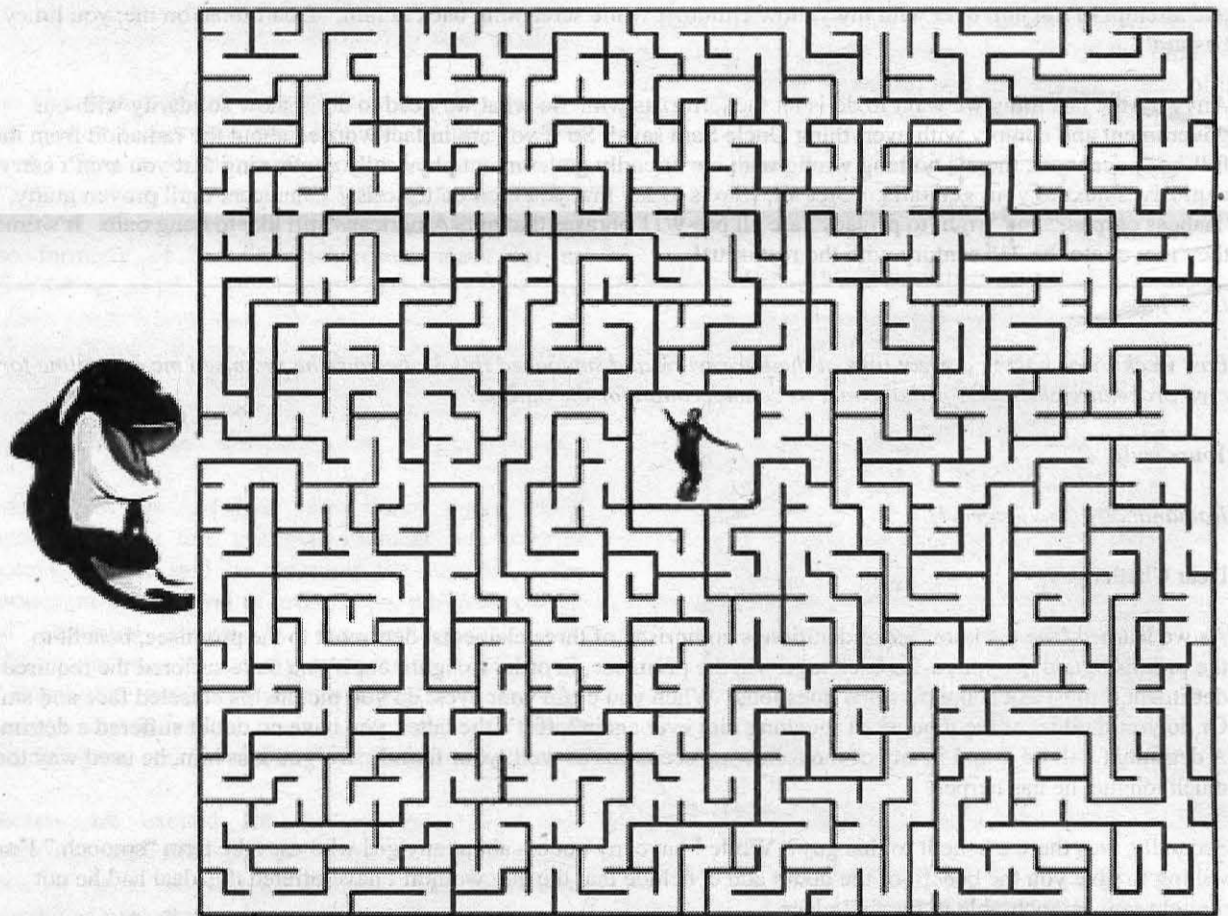


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 T H E U A S A O N O D D H T E G A A E M E X A N T Y Y

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	5		7		9		1
9		1	5		6	8	7
	3	5		4		1	9
8		7	2		1	6	3
	8		6		5		3
		6		2		9	

Popsicle Sticks By Zach Friedberg and Kenneth Yu

HOW DOES A LAWYER CURE BAD BREATH?

WITH AN AMEND-MINT

HOW DID THE COW DEFENDANT GET OUT OF STATE COURT?

IT FILED A NOTICE FOR RE-MOO-VAL

WHAT DO YOU CALL SHOOTING A GUN WITHOUT ANY MONEY?

DISCHARGE IN BANKRUPTCY

WHAT DO YOU CALL IT WHEN A BUG TRESPASSES?

EN-ROACH-MENT

IF THE IRS SAID 5% AND THE TAXPAYER SAID 2%, WHAT DID THE LAWYER SAY?

I DON'T KNOW, IT WAS A CONFLICT OF INTEREST

WHAT WAS THE PIRATE'S FAVORITE COURSE IN LAW SCHOOL?

ARRRT LAW