

UCLA
The Docket

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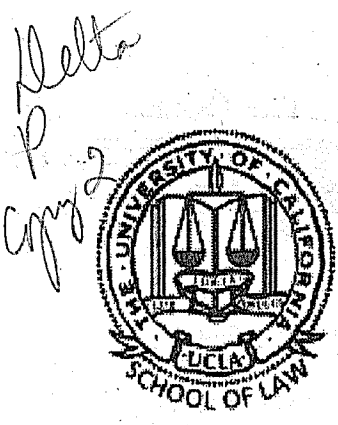
The Docket, 52(5)

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UCLA Law School

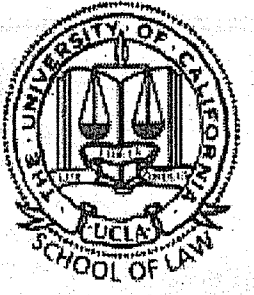
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The Docket

UCLA SCHOOL OF LAW



VOLUME 52, NUMBER 5

405 HILGARD AVENUE, LOS ANGELES, CA 90095

MARCH 2004

\$4 Million Donation to UCLA

San Manuel Band of Mission Indians Donation is Largest Ever by Tribe to Educational Institution

The University of California Los Angeles (UCLA) School of Law and the San Manuel Band of Mission Indians today announced a first-ever of its kind donation to an educational institution by an Indian nation. The San Manuel Band of Mission Indians has bestowed a \$4 million gift to the university to establish a Tribal Learning Community and Educational Exchange Center in support of Native American study, which will be administered by the UCLA Native Nations Law and Policy Center. A first for tribes as well, this gift represents the San Manuel Band of Mission Indians' strong commitment to higher education.

"UCLA has world-renowned programs in law and American Indian studies, and through the creation of the Tribal Learning Community and Educational Exchange Center, we hope to increase awareness of, and grow interest in, the often ignored history of Native Americans and our ongoing legal strife at the state and federal level," said Deron Marquez, chairman of the San Manuel Band of Mission Indians. "We believe our donation underscores the importance of funding the study of Native American law and community development, and our hope is to set the precedent for other tribes to come forward and demonstrate their commitment to, and the importance of, Native nations studies in their local communities as well."

The Tribal Learning Community and Educational Exchange Center will

serve students recruited from Southern California tribes, as well as law students, graduate, and undergraduate students already enrolled at UCLA, and is committed to fostering the following goals: to provide professional development for California tribal members; open pathways to tribal higher education; partner Native instructors with university professors to address educational needs; develop tribal, community college and university collaborations on Native American curriculum development and course-sharing, including on-line and video-conferenced class; train and supervise students in community building projects, internships and in providing law clinic services to tribes engaged in nation building efforts; and introduce new courses in nation building and California tribal histories, cultures, contemporary issues and policy.

San Manuel Band of Mission Indians Donates \$4 Million to UCLA

"We accept this generous contribution from the San Manuel Band of Mission Indians with much excitement and hope for the future of American Indian law studies here at UCLA," said Interim Dean Norman Abrams. "The tribe's donation will provide this institution with the means to implement our commitment to American Indian legal studies. We commend the tribe for its support for education of the next generation of lawyers who aim to understand and practice Indian law, and to work on issues relating to the rights of Native Americans in our state and federal legal systems."

Abrams added, "We appreciate the hard work of UCLA School of Law faculty Carole Goldberg and Pat Sekaquaptewa, as well as Professor Duane Champagne for making this gift possible."

UCLA is the first law school to have a juris doctorate/master of arts in American Indian Studies which is offered in conjunction with the UCLA's Interdepartmental Program in American Indian Studies. Professor Carole Goldberg, a prominent scholar of Native American law, is director of the Joint Degree Program and is faculty chair of the Native Nations Law and Policy Center.

About the Native Nations Law and Policy Center

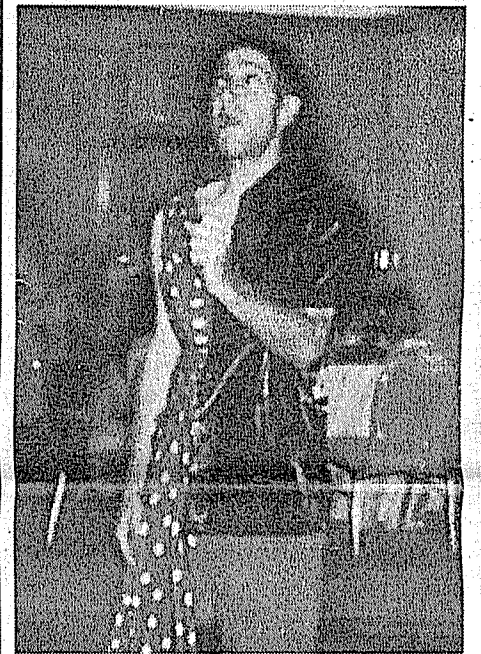
The Native Nations Law and Policy Center was created to support Indian nations throughout the United States, especially in California, in developing their systems of governance and addressing critical policy issues. UCLA School of Law faculty member Pat Sekaquaptewa, a member of the Hopi Tribe, is the Director of the Center, which has a Research and Publications division, an Education and Outreach division, and a Legal Clinic division. Within the Legal Clinic division are the Tribal Legal Development Clinic and the Hopi Appellate Project. The Tribal Legal Development Clinic provides instruction to law and MA students and supervises clinical work on approved tribal legal development projects submitted by Tribes and tribal organizations.

Prom

Shannon McMasters
Columnist

First things first when it comes to prom...who gets to be my date?

Normally, I wouldn't be concerned about bringing a date, because I would hate to tie myself down to one person for the entire evening. Then it occurred to me that most guys in attendance probably would have a date, even if I didn't. And I certainly would never attempt to hit on a guy who was with someone else...ahem.



Jeff Cohen's debut as "Shim".

So I started examining my options. I was seeing two guys at the time: Band Guy and Surfer Boy. Now I know what you're thinking...two guys? Listen, I am in the process of phasing one of them out. Actually, I will probably phase both of them out, because I don't want them to think there is a chance at a relationship. That's when I realized that bringing them to Barrister's Ball would not have helped them to understand that we are just hanging out. So instead of selling my ticket or asking a date, I decided to go solo.



Dean Cheadle Gets her Groove On

The next thing to do was figure out how my friends and I were going to get way the hell out to Pasadena on a Friday

SEE 4 MILLION, PAGE 9

AUCTION SUCCESS

Mike Lee
Columnist

PILP's 11th annual Auction on March 5th was bigger than last year's, and nearly as aggravating for the ones



Prof. Bergman - Gets Into Character planning it. But already it looks like it'll be as lucrative.

Besides a larger number of lots up for bid, this auction was different from last year's in the schedule decided upon by the student co-chairs. Instead of the live auction competing with the

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EDITORIAL

Farewell UCLAW

I am writing my farewell editorial this month because there is no guarantee that I'll be handling *The Docket* next month. I am 34 weeks pregnant. Don't think that means 8 1/2 months because they have a very odd way of counting weeks for pregnancy. First of all, the counting begins two weeks prior to when you believe you actually got pregnant. That is because the assumption is that you cannot really know when you got pregnant so they base it on your "cycle". Then there is the false belief that human gestation is 9 months. It isn't. It's 9 1/2 months. Therefore, I am 8 months pregnant today, even though I am 34 weeks. Additionally, I have ostensibly 6 more weeks to go instead of 4. I say ostensibly because pretty much I have anywhere between 4 and 8 weeks. That's a long way around to say that I might be a new mother, in labor, or just too damn uncomfortable to pursue my role as Editor-in-Chief next month.

I applied to UCLAW because it is an excellent school. But really, I didn't put much thought into it. I took the LSAT in 1998 or 1999. I don't remember any longer. I was working for Ralphs Federal Credit Union as their marketing manager at the time. I left the credit union and worked developing the online presence for an international wholesaler of vintage clothing. I then took on the position of web content manager for a start-up that did online patent valuations.

In late January 2001, I saw the writing on the wall. I had survived two rounds of layoffs. I wouldn't likely survive the next. So, I decided that it made the most sense to take time to get my law degree and hope the economy would be on the upswing once I was done. I had one week to make the UCLA application deadline.

I figured why not go to law school and improve my marketability. Why not use law school as an opportunity to transition out of financial services and marketing.

I picked UCLA because I lived in LA. Because my husband was running the national sales and marketing force of a technology company here in LA. Because I am a resident. What I did not know about UCLAW could fill a book.

Before starting school, my husband's company shut down after not getting more funding. Within a few weeks of school starting, the terrorist attack on the United States occurred. Within a year, President Bush took us to war in Afganistan and Iraq. Instead of the economy recovering, the country went into recession and then supposedly came out; however without jobs. In the last year, Governor Gray Davis was recalled and Arnold Schwarzenegger was elected in his place. California is in a financial crisis. Gas prices are above \$2 a gallon and likely to stay up there.

Still, I am optimistic. I am excited about the future.

I don't have a job. I have sold my home. I am 8 months pregnant.

Instead of UCLAW providing me with the means to a career change or increasing my marketability, it has given me much more. My life is richer because of the friends I have made, the excellent education I have achieved, and the opportunity to learn to see the world from a new perspective. Thank you UCLAW.

Dear "Abby"? Dear "Abe"?

Hi there Abby,

Choo Choo Chace, my current Train Wreck, came over to visit about a week ago and had a total melt down. It appears as though the calm, cool exterior is egg shell thin, and when cracked reveals a serious...you guessed it...train wreck. He visits and we kiss for a while (after a gripping conversation about NASCAR...one of the few remaining white trash sports). This continues and then escalates to more PG-13 type behavior (not "R", I am a good girl).

Anyway in the middle of all this, he freezes, his eyes get wide like saucers and he says, "I can't do this...this isn't what I do". And I say, "What the hell are you talking about? What don't you do?"

He goes into this huge tirade about how he doesn't make out with girls like this unless he's dating them. I remind him that he turned me down when I asked him to dinner a week earlier. He tells me that he's got this girl in Kansas City that has put her life on hold for three years for him and he's not sure what is going on with that, although they aren't dating right now. (I restrain my "well she seriously needs to find a better hobby" comment). He freaks out and makes a mad dash to my front door where he tells me that this can't happen and he can't really do the friend thing right now...and he leaves!

Where are all the normal men?

Working for nub in all the wong pwaces

Dear Working,

First, as for Chace, give him a lot of time. Reconsider him, in fact. If he comes back to you when he has got his shit together, great, give it another try, if not, there are a lot more trains to ride.

Second, and you are not going to like this advice, there is no "right" place to find a good man. Much less a normal one. Believe me, I've tried. Mormon temples, Jewish temples, Christian temples, even the men's bathroom at Maloney's!

Love is like a roller coaster at Disneyland. You walk around the park all day standing in line, going through the motions, only to be disappointed by the unfulfilling and surprisingly uncomfortable ride at the end.

Your best bet is to flip a bitch. Look for love in all the wrong places. The perfect guys are the ones no one else wants. They worship you, nurture you, and have spent 20 years of their lonely adult lives thinking of creative ways to please you.

So be kind to a stranger,

For you never know.

It just might be an angel, come

Knocking, at your,

Door.

Best of luck,

Abby

Dear Abe,

I am having some major issues about sex and intimacy and my partner. To bow to stereotypes, I am more male than otherwise when it comes to wanting to get some. At least substantially more so than my man.

To clue you in, I went to a lingerie party last Tuesday. We were each to bring something that cost about \$20. It was meant to be like a white elephant party thing where one person opens up the first gift, then the second person can either steal the first person's thing or pick a new gift...etc. Anyway, I got a very sexy get-up and STILL HAVEN'T WORN IT because there has been no reason to do so. Is this boy allergic to lovin'? I am trying to teach him, but need advice on how to motivate the less-sexually-driven.

Sincerely,

Crouching Tiger, Hidden Libido.

Dear Crouching,

Is that you? Oh snap! That party was the shit, no? Do you know who ended up with my fruit-roll-up teddy? That thing was off the hizzy fo shizzly! My place next Sat.

Anywho, I realized a while ago that some people are just boring and going through life on a moving sidewalk. The only thing I would try at this point would maybe be other guys. I'm reminded of the Volkswagen commercial: Drivers Wanted. You need a man who'll put your thing down, flip it, and reverse it.

Take me for example.

Or, if you would like a more tame solution, just flirt with other guys. Personally, I believe that nothing turns another person on like seeing their significant other turn on (without follow through) or be turned on by someone else. Of course not everyone agree, but screw them.

If that doesn't work, you can always invent someone to make your guy believe you're the object of another's affection. Grab a handle and start emailing yourself. Something like hugelawstudent@hotmail.com, but, get your own. Hugelawstudent is already taken, you see.

If that doesn't work, try dropping hints.

Subscribe to Glamour. That right there is a dead give away that you're a HIT (hoe in training). Conveniently leave the magazine open to the article titled "500 More Ways to Become a Huge Slut." (I think it's in every other issue).

Last but not least, you can always do the tried and true: play hard-to-get. When he asks you to see a movie on Friday night. Slap him.

Don't be a stranger,

Abe

THE DOCKET

UCLA SCHOOL OF LAW

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Tastes Great -
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Summer 2003 Bar Exam Pass Rate (First-Time Takers)

UCLA
Pass Rate:
(241 of 270 Passed)

89%

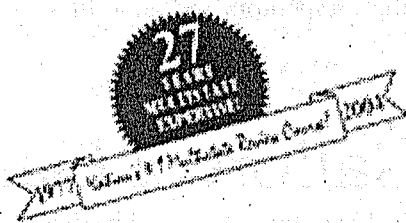
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(154 of 158 Passed)

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(87 of 112 Passed)

77%

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Fighting for Our Rights: Externing At The Institute for Justice Jessup International

Shawn Westrick
3L

Leroy Jones wanted to own his own taxi cab company. The city of Denver frustrated his dream through the state's ridiculous licensing regime that had denied every application brought before it for over 50 years.

Vera Coking wanted to keep her home from being taken by New Jersey. Did New Jersey wish to build a freeway or put up a post office? Nope, they planned to take Vera's property and then turn around and hand the property over to Donald Trump at a sweet price so he could build a parking lot.

Jennifer Kinsey wanted a better life for her daughter, Jermaine. Jennifer wanted to utilize a public school choice program that would allow her to send her daughter to a superior school to ensure a better life for her child.

Scott and LouAnn Mullen wanted to adopt Matthew and Joseph. The boys had suffered in the Texas foster care system for years. But Texas delayed their adoption because the boys are black and the Mullens are not.

What do all these people have in common? They sought help from the nation's premier libertarian public interest law firm.

The Institute for Justice (www.ij.org) strives to preserve the freedom of opportunity and challenges government's control over individuals' lives. The Institute for Justice (IJ) sues governments when they suppress entrepreneurs who want to earn a living free from arbitrary and oppressive government laws. They litigate on behalf of individuals whose private property rights are threatened by government abuse of eminent domain laws. They

represent parents who seek to choose the education that best meets their children's needs. They defend individuals' right to free speech.

I spent the spring semester of this year externing with IJ. In college I had read a book by Clint Bolick, a co-founder of IJ. Shortly before IJ argued *Zelman v. Simmons-Harris* in front of the Supreme Court, I watched Clint Bolick go toe-to-toe with Professor Chemerinsky here at UCLA over the constitutionality of a school voucher program (IJ won). After my first year at law school I attended IJ's conference dedicated to law students. After all this I knew I wanted to spend a semester working with IJ to help them defend our civil rights.

I could not have asked for a better experience than the semester I spent in

JD Henderson
3L

This year, for the first time in 18 years, UCLAW fielded a team in the Philip C. Jessup International Moot Court Competition, widely recognized as the largest and most prestigious moot court competition in the world. I was on this year's team, along with my fellow team-members Monica Duda, Tom Moss, and Richard Park. This year's problem was a dispute between two fictitious countries before the International Court of Justice in the Hague involving war crimes and the new International Criminal Court. We had to research the problem and prepare a brief for each side. We started work in earnest in October, and submitted two 36-page briefs in January. We then began preparing for the oral rounds.

We flew to Lubbock TX and the

SEE IJ, PAGE 7

SEE JESSUP, PAGE 7

Roscoe Pound

Shannon Maders
3L

On Thursday, March 11, four UCLAW students argued before a distinguished panel of federal judges in the 53rd Annual Roscoe Pound Tournament. The four students—Greg Goodfried, Scott Lawrence, Eric Vandeveld, and Robert Baggs—had worked long and hard to earn a spot in the Final Round of the Roscoe Pound Tournament.

The Roscoe Pound Tournament is the culmination of the UCLA Law School Moot Court Program. The program begins with the Fall Competition, which is open to all second- and third-year students. The top 40 % of advocates who compete in the Fall Competition advance to the Spring Honors Competition. The top eight advocates in the Spring Honors Competition advance to the Semi-Final Round of the Roscoe Pound Tournament, and the top four advocates in the Semi-Final Round advance to the Final Round.

This year's four finalists faced rigorous questioning from the Honorable Pamela Ann Rymer of the United States Court of Appeals for the Ninth Circuit, the Honorable Arthur Alarcón of the United States Court of Appeals for the Ninth Circuit, and the Honorable Guide Calabresi of the United States Court of Appeals for the Second Circuit.

This year's case problem involved a traffic stop in which a police officer pulled a vehicle over because a Grateful Dead sticker in the rear window appeared to obscure the driver's vision in violation of a state law. During the course of the stop, the officer became suspicious that the driver might be transporting drugs and asked the driver if she was. The driver admitted

that she was. A search of the vehicle uncovered a hotel address and the key to a hotel room. The FBI began immediate surveillance of the hotel room and arrested a second suspect the following day. Prior to being arrested that day, however, the suspect threatened a hotel housekeeper who had unwittingly happened upon the suspect's drug-making equipment.

The first issue before the Court was whether the Fourth Amendment requires police questioning at a traffic stop to be reasonably related to the initial justification for the stop. Scott Lawrence argued on behalf of the Government that police questioning need not be reasonably related to the initial justification for the stop; Greg Goodfried argued on the driver's behalf that it must be.

The second issue before the Court was whether the application of United States Sentencing Guideline § 3C1.1 requires that a defendant have knowledge of an investigation at the time of the obstruction or attempted obstruction of justice. Eric Vandeveld argued on behalf of the second suspect that, in order to apply the sentence enhancement, the government must prove that the defendant had knowledge of the investigation at the time of the obstruction; Robert Baggs argued on behalf of the Government that knowledge was not required in order to apply the enhancement.

Like an overzealous first-year law professor, the Judges peppered the advocates with hypotheticals that drew out the policy implications of their respective positions. The advocates defended their positions with remarkable skill, displaying not only

SEE ROSCOE, PAGE 8

Brett Cook
3L

UCLA Dominates 2004 Black Law Students Association-Western Region Moot Court and Mock Trial Competitions On February 12-14, 2004 the Black



Law Students Association-Western Region held their annual convention in Las Vegas, Nevada. The regional convention hosted the Fredrick Douglas Moot Court Competition and the Thurgood Marshal Mock Trial Competition. UCLA was represented in the moot court competition by one team (consisting of Robin Hazel and Rea Holms), and our school was represented by two in the mock trial competition. Team One consisted of Genna Jones, Bernice Howse, Antoinette Dozier, Kendra Fox-Davis and Team Two was made up of Erica Dowdell, Vona Ekpebe, Kristi Mathews, and Shondella McClellan.

Robin Hazel and Rea Holms won first place in the Moot Court Competi-

tion. Rea Holms received the Distinguished Outstanding Advocate award. Erica Dowdell, Vona Ekpebe, Kristi Mathews, and Shondella McClellan (Team 2) received second place in the Mock Trial Competition. Both of these

teams will advance to the National Competition in Boston, Massachusetts on March 18-20, 2004.

The moot court team was coached by Professor Joaquin Avila. The mock trial teams were coached by Professors Cheryl Harris, Albert Moore, and Jyoti Nanda. The mock trial teams were also assisted by third year law student, Brett Cook, who was a national semi-finalist in last year's BLSA mock trial competition and received the Best Defense Advocate award last semester at the Georgetown White Collar Crime Mock Trial Tournament. Congratulations to the competitors and good luck in Boston.

Other Uses for \$2 than Buying Not Quite a Gallon of Gas

Disclaimer: This is not a form of betting. This is not in any way meant to be a baby betting pool. I certainly know better than to openly solicit for such a thing in print in The Docket, a highly regarded news source. That being said:

Join the OliverSmith Baby Update Club. For \$2, you receive, at intervals, an email update of the development of

the child.

In addition, you get, for absolutely free along with your \$2 membership fee, the opportunity to guess the date of birth, weight and length, and the sex of the baby. Should your guess come closest to the reality, you win an as yet to be determined amount.

Now don't be fooled by people

who tell you that this is a baby betting pool. It absolutely is not. That wouldn't be legal. No betting. You are receiving an invaluable service with your membership and the chance to participate in a harmless game that does have a prize of a monetary sort. This is, however, law school, and I can absolutely guarantee you that I would never

in 100 million thousand bazillion years try to entice you into gambling, especially over something so sacred as the birth of a child. That would be wrong.
Email: oliversmith2004@lawnet.ucla.edu to "join" today.

Due date 04/27/04.

The Trojan Doctrine: Trademarks and the Law of the Horse

Eugene Volokh
Professor of Law
8 Texas Review of Law & Politics 259
(2003)

Trademark law desperately needs the Trojan Doctrine. Rather than defining the doctrine, I begin with an illustration. Magellan's Travel (former slogan: "Safe Travel Begins at Magellan's") specializes in books and equipment for travelers. Magellan was a famous explorer, so on the surface the trademark makes perfect sense. Many people, when asked who Magellan was, will say that he was the first person to circumnavigate the globe.

In fact, Magellan never circumnavigated the globe, but was killed half-way across, in the Philippines. The whole voyage also managed to do in 250 out of 270 members of Magellan's crew, apparently also the likely fate of those who shop at Magellan Travel, especially if they are carrying Amelia Earhart Luggage. The Trojan Doctrine, I suggest, should invalidate trademarks if consumers—

had they only thought hard about the phrase—wouldn't dream of buying a product with such an inapt name. One might think of this as a sort of doctrine of "tertiary meaning." I don't know what precisely is harmful about such trademarks, but surely there must be something.

Consider Rembrandt Toothpaste, which supposedly whitens teeth. Sparkling teeth are good, and Rembrandt van Rijn is good. And yet Rembrandt's paintings are mostly done in deep, dark colors. The subjects almost never show their teeth, for reasons familiar to those who know Renaissance hygiene. Are the Rembrandt Toothpaste people sending us a hidden message about the efficacy of their product? Are they trying to spread artistic illiteracy? There ought to be a law.

Other examples abound. I foolishly bought a Random House Unabridged Dictionary before thinking the matter through more deeply. On reflection, I realize that randomness is

the quality I least want in a dictionary—or in a house—either in the sequence of the entries or their content. I would much prefer a Well-Organized House Unabridged Dictionary. Falsely misled, I have been irreparably harmed. I was even tempted to drive a Mitsubishi Mirage or a Chevy Nova, until I recognized that I should instead get a car that is real and doesn't explode.

But as defective trademarks go, these are nothing compared to the mark that gives the Trojan Doctrine its name. When you think of Trojan, what do you first think of? Some say the war. Some say the USC football team. (By the way, why does USC name its football team after the losers?)

Some say the condoms, to which we will return shortly. But surely the most significant Trojan of all is the Trojan horse, the Trojan term that has even made its way into the English

SEE TROJAN, PAGE 9

A Modest Proposal

Justin Radell
Columnist

I have the best idea for a way to pick the new dean of the law school. It is fine and dandy to have a search committee comprised of faculty, alumni, and students to interview potential candidates from around the country. It might even work, but how interesting is that process going to be? Even though it was meant to be a rhetorical question, I will let you know that I think the process is going to suck. It will both suck generally and it will also likely suck the life out of the members of the committee. We can do something about it because it is not too late. We can take a stand for what we believe in! If you are like me, you believe in competition. You believe in \$1 million paydays. You believe in tribal councils, rose ceremonies, and trips to the boardroom. My friends, we have entered the Enlightenment for reality television in 2004 and we need to strike while the iron is hot. My idea is so simple that I am shocked that no one has thought of it already. Why not create a reality show about the search for a new UCLA School of Law dean?

Creating a reality show centered around the search for a new dean is a great idea for a number of reasons. First, this will bring a good deal of attention to UCLAW. With increased attention, we will likely have an increase in the number of applications we receive. This will hopefully amount to even more toolish entering classes whose LSAT scores and GPAs will help to raise our ranking among law schools. This, in turn, will promote happy alumni who will be more likely to donate to UCLAW. This probably won't raise all that much money for UCLAW, but it will probably raise enough to buy a Taser for Keith, the library security guy, so he can zap people whose cell phones ring in the main stacks, and double-zap them if they're undergrads. Second, the reality show could bring a great deal of money into the school through licensing fees, producer fees, merchandising, and other goodies. With the California budget crisis and impending tuition hikes, there is no question that bringing in extra cash to the school is a good thing. UCLA might even be able to afford to charge

"public school"-scale tuition. I know it sounds like I am talking crazy or imagining a different world (like the one inhabited by Dwayne Wayne and the other kids at Hillman College), but I really think this can happen.

My vision for the show is simple. I plan to integrate my favorite elements of a bunch of reality shows to create the best of them all, "UCLA Law: The Search for a Dean." Can't you just see it in primetime on one of the major four networks? The first main ingredient in the recipe of reality show success is the identity of the host. The host plays a crucial role in the success or failure of the show (see, e.g., Lance Bass as an awful host of the short-lived reality show *Fame*). Without question, we need Jeff Probst of *Survivor* fame to host. Ryan Seacrest would have worked too, but I think he is too busy. As of press time, he is simultaneously working on 30 television shows and 14 radio programs aside from his other commitments. He helps small children cross busy streets on their way to school each weekday morning, and he has been known to walk down streets in commercial districts of Los Angeles popping quarters into meters so that people do not get parking tickets. Needless to say, he is a busy man and this show would have been one commitment too many for him.

The second ingredient necessary to make a good reality television series is the right theme song to play each week over the opening credits. I have given this a great deal of thought and decided that we need catchy music that somehow fits the theme of the show. I think we could probably license the *L.A. Law* theme song for very little cash and update it for audiences in 2004. Maybe we could get DJ Dangermouse to mix the UCLA fight song with the *L.A. Law* theme song to get "UCLA Law" just as he mixed The Beatles' White album and Jay Z's Black album to get the Grey album.

The third ingredient necessary to make a good reality television series is the right mix of contestants. Most of the contestants should be well-qualified academics and others who would realistically do a great job at running the law school and fundraising. However, no reality show is complete without the to-

ken crazy person. What would *The Apprentice* have been without Sam's mysterious lunatic antics? How much more interesting was the first *Survivor* because you knew the other contestants had to deal with a fat naked guy who was always milling around and stirring up trouble?

The fourth ingredient necessary to make a good reality show is the use of twists. Though the use of twists in reality television shows can sometimes be annoying (see, e.g., *Forever Eden*), there are some that are just great. *Average Joe* and *Average Joe 2: Hawaii*, showed that a good way to create drama is by bringing in a group of models midway through

SEE MODEST, PAGE 8

Recusal Review

Mike Lee
Columnist

As far as recusal goes, it seems that there is no discipline for the Supreme Court unless its self-discipline. The Constitution's Article III is silent on the subject of bias or conflict, and the relevant rules for federal judges are not held to apply.

For some this is a reason to worry, with pending litigation involving Vice President Dick Cheney, who recently took Justice Antonin Scalia on a duck-hunting trip—probably safe to say, a sumptuous, all-expenses paid duck-hunting trip.

Granted, it's hard to think of a justice with a thicker hide against outside influences than old Tony. For better or for worse, George Bush would probably have to detonate a nuke in Manhattan on purpose to get Scalia to change his stance that the Court should stay out of the legislature's and executive's affairs—except, wink, in case of clear error.

At the same time, Justice Ruth Ginsberg has been criticized for her association with an activist group. Professor Gary Rowe says he doesn't believe "justices should be hermits—what, they're not allowed to have friends?" Indeed, the justice's lives are deceptively pervasive—one of the

Facebook Game

Kate Bushman
Columnist

So this year is rapidly coming to a close and finals are imminent, which means that everyone in UCLAW is scrambling for the next best way to procrastinate. Hearing the cry of my fellow law students, I devised this fabulous game using our friend, the Facebook. What's great about this game is you can get to know your fellow law students in the comfort of your own little hole in the library, without any of that awkward social interaction law students detest so much. Good luck and have fun!

- 1) Who is pictured twice in the 2003-2004 Facebook: once as a 2L, then again as a 3L?
- 2) Who is from:
 - a. The Karate Kid's California Home
 - b. Honolulu, Hawaii
 - c. Home of the early 1990s Grunge Scene
 - d. Fairbanks, Alaska
 - e. Home of Caveman Brendan Fraser
 - f. Sheboygan Falls, Wisconsin
 - g. Murfreesboro, Tennessee
 - h. Des Moines, Iowa
 - i. Tuscaloosa, Alabama
- 3) Hobbies/Interests include:
 - a. "Dropping it like it's hot"
 - b. "You name it!"
 - c. "Reading Vonnegut"
 - d. "Beating Bryan Dominguez at golf, basketball, baseball, and football"
 - e. "Avid New Yorker Reader"
 - f. "The Pursuit of laughter"
 - g. "Deleting spam mail"
 - h. "Vice"

SEE GAME, PAGE 9

attorneys whom Chief Justice

Rehnquist fired questions at in the recent oral argument for *Grutter v. Bollinger* was one of his own former clerks.

The fact that the rules don't formally apply doesn't mean the justices don't still hold themselves bound. Justice O'Connor has repeatedly recused herself from cases where she owns stock in one of the litigants.



Vice President Dick Cheney



Justice Antonin Scalia

SEE RECUSAL, PAGE 9

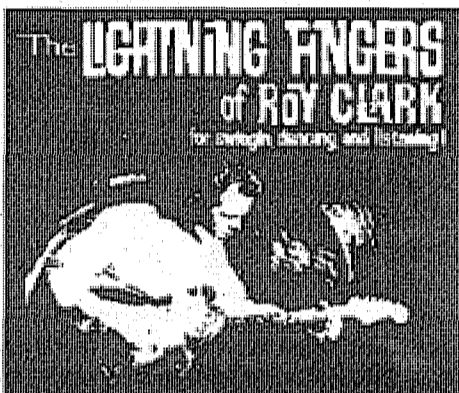
Music Review

Shana Elson
Entertainment Reviewer
Roy Clark

The Lightning Fingers of Roy Clark

In a remote corner of Cinefile Video lies a VHS with "Rockabilly!" word processed onto a piece of paper taped to the front cover. The tape contains various live musical TV performances from the 1950s. Some peon at a TV studio must have snuck into the vault late at night in order to splice together clips for a bootleg compilation. Please, nobody tell the studio. I watched it with delight through static that even the tracking knob couldn't fix. "Holy S—t", I said when a guy introduced only as "Lightning Fingers" started playing the guitar. I've never seen such fast and furious fretwork on an acoustic guitar. After some internet searching, I discovered "Lightning Fingers" was a guy named Roy Clark who had gone on to become a country star after his rockabilly days. Luckily I was able to order this disc of pre-country instrumental guitar tunes (reissued by a record label that loves old quality music and consistently loses money). On the album, Clark combined his own songs with brilliantly reworked public domain songs to show off his chops. He doubled the tempos and gave songs like "Twelfth Street Rag" and "Chicken Wire" twist-like beats. He plays to 50s pleasure principle immaculately.

Air
Talkie Walkie
"Air" has been an apt name for a band that brings us relaxing melodies. "Talkie Walkie", the latest album from the French electronica duo, is even lighter than their signature songs "Sexy Boy" and "Playground Love" from the soundtrack to *The Virgin Suicides*. It's also the most melancholic and beautifully complicated of any of their past work. The whole album evokes the feeling that you are floating alone in space. The layering of soft percussion and synth effects on "Run" makes for a stunning soundscape. "Surfing on a Rocket", "Cherry Blossom Girl", and "Alpha Beta Gaga" are also elegantly moody. This disc is best used for wine and candle style romance.



10 Things to Do Over Spring Break

You, if you are a 1L and have a hate on for life, can try the Law Review write-on. I cannot give you a lick of advice about the process since I went skiing in Vail for my 1L Spring Break. I can tell you, I did get a packet, even though I never asked for one, and I did pick it up and weigh it in my hand immediately prior to recycling it. Now the Environmental Law review never has given me a tree of paper unsolicited, for which I and the Earth are eternally grateful.

If you are a 1L who isn't going to write-on or if you are some other species of law student, the following are just a few ideas for what you can do with Spring Break, late though this notice may be.

10. Come down with a horrible head and chest cold. Lay in bed watching TLC (The Learning Channel). Find out that Meconium is the baby's first poo and sometimes it happens before birth, which isn't a good thing.

9. Realize that you only have 4 weeks after break until finals starts. Begin reading for the semester. Decide there is too much reading and the print is too small. Go to the beach instead.

8. Sleep until noon. Oh, wait, you do that anyway. Sleep until 12:45.

7. Get a bikini wax.

6. Go to the Getty, the Armand Hammer Museum, walk around the La

Brea Tar Pits...aahhhh screw culture - Road Trip to Vegas. Get in around 11 pm. Take a cab to the Olympic Gardens. Pay \$20 to get in + \$20 per lap dance. Stay up all night. Go to Mandalay Bay at dawn. Pay \$28 for a spa pass. Pass out. Get up at 8 pm. Buy a big ass frozen drink. Lose money at craps. Stay up all night. Repeat.

5. Go to Bangkok. Wait. That might take a bit more planning. Go out to eat at a restaurant with Bangkok in the name.

4. Go to Tijuana. Go to Senor Frogs. Get obnoxiously drunk Buy a T-shirt. Spend 4 hours trying to cross back over the border.

3. Read a bunch of mind numbing, detective fiction novels. Realize that law school has ruined this, and so many other forms of entertainment.

2. Meet with your study group everyday. Outline your classes. Nevermind. If you are a grind, you aren't reading this article.

1. Don't look to me for advice. I'm 8 months pregnant, sold my house and moved, am running *The Docket* single handed, and am seriously re-considering this whole law thing 6 weeks before graduation. But then again, like I always told my mother when she pointed out my brother's great grades in high school - I'm well-rounded.

Public Counsel Adoption Day

This past Friday, March 12, UCLAW and Public Interest participated in Public Counsel's Adoption Day project. Students, paired in teams, have been working on the paperwork and meeting with their clients over the last 6 weeks in preparation for the big day. The adoptions took place at the Children's Court in Monterey Park. Students had the opportunity to participate in the hearing and see families created as a result of their commitment.

This very popular, public interest opportunity occurs in both the fall and the spring. If you have any interest in touching children's lives forever and can spare about 7 to 8 hours total, keep your eyes open for the call for participants this coming fall.

My own personal experience was to assist a couple in permanently

adopting three children ranging in ages from 5 to 11. The 5 year old kept raising his hand each time he heard the commissioner (not judge) call out his name, which was absolutely adorable. The middle child, a girl, wore flowers in her hair and had on a fancy white dress. The oldest child was hanging out with his new father, clearly enjoying having a strong male

presence to model. I had tears in my eyes as the commissioner explained the formation of a family to the children and parents. The mother also teared up, happy to finally be assured that these three children whom she has been raising for the past several years are officially and irrevocably her own.

If you cannot participate in the fall, do try again in the spring and do not

be discouraged if you aren't chosen, spaces fill up quickly and 3Ls are given preference. Just seeing the Children's Court is worth the time and effort. Los Angeles has a court specifically set aside for handling children's issues. This is highly unusual and extraordinary to see. The rooms have decorations like a school room might, each child receives a stuffed bear while sitting before the commissioner, the proceedings are less stiff, and the staff and commissioners are specially trained to work with the children. In most other cities if not all, the children's court is part and parcel of family court.

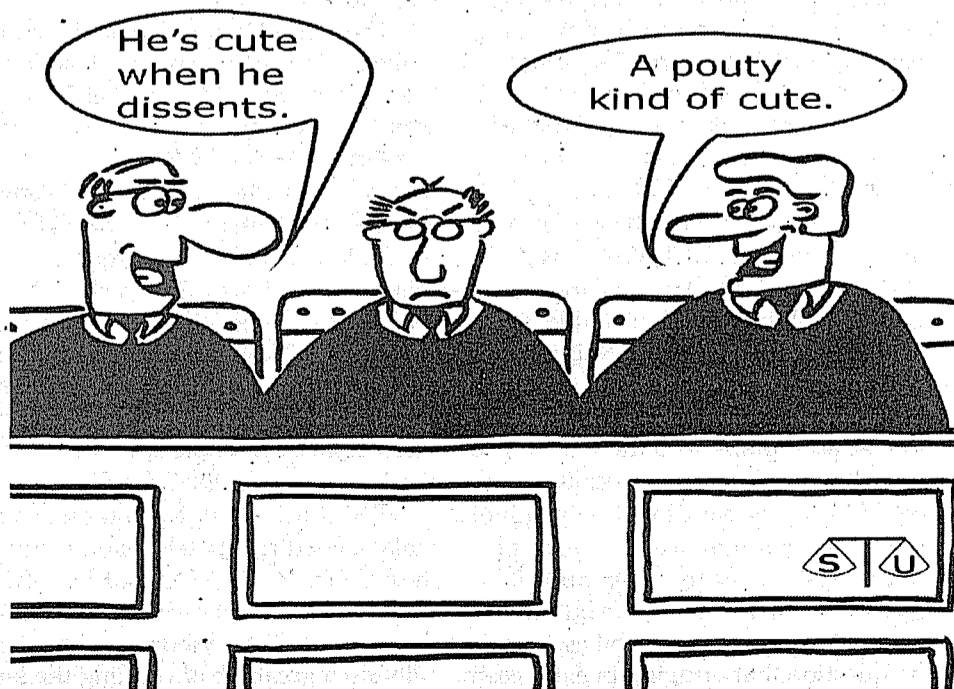
Thanks very much to Rochelle Adelman and Cathy Mayorkas of the Public Interest office and Katyadela Calderon, from Public Counsel for creating and supporting this outstanding volunteer opportunity.

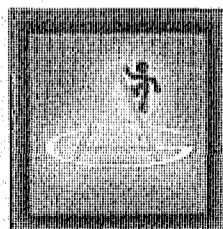


UCLAW Student Volunteers - Adoption Day Spring 2004

Stu's Views

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Alan Goodwin, J.D., Ph.D.
Psychotherapy & Executive Coach
 Bd. of Psych # PSY19421 CA Bar # 156717

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II FROM PAGE 4

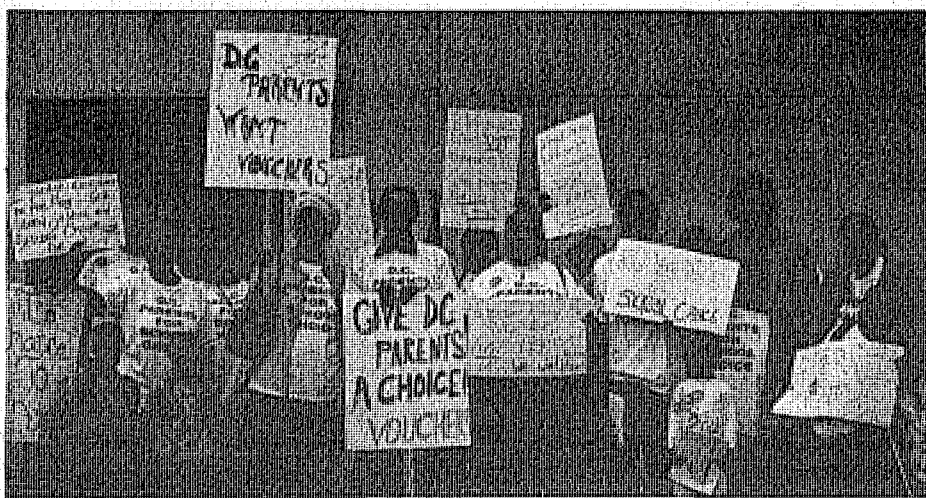
DC working with IJ. From the moment I arrived I was given a tremendous amount of work that was not only serious but also intellectually appealing.

My work ran the gamut from helping to submit a memo to the Third Circuit, research on compelled speech, federal and state laws on customer privacy, free speech generally, eminent domain, discovery rules in California, the procedure for the appeals process in Colorado, economic regulations in Louisiana and various other matters in the litigation process during my time in D.C.

I spent my first few weeks researching eminent domain abuse in Ohio. To my great dismay the city of Lakewood labeled a nice neighborhood as "blighted" so that it could take their personal property and turn it over to a private developer so that he could build some upscale housing. Unfortunately, the Fifth Amendment's command that government cannot take private property except for public use (and with just compensation) was not just overlooked by Lakewood officials but flatly ignored. And what made this neighborhood "blighted"? Well because of such horrible conditions such as the lack of two-car garages, two full bathrooms, the square footage

and various other bogus reasons. While I was at IJ, the CBS program "60 Minutes" did a piece highlighting the situation in Lakewood (<http://www.cbsnews.com/stories/2003/09/26/60minutes/main575343.shtml>).

I also got to help defend the free speech rights of the Cochans. The Cochrans' crime was their desire to not be forced by the government to support the "Got Milk?" campaign which they did not agree with. Recently, the Third Circuit unanimously decided that the Cochrans were right and found the law violated their First Amendment rights (<http://www.cnn.com/2004/LAW/02/24/got.milk.suit.ap/>).



Parents for School Choice Rally - DC

JESSUP FROM PAGE 4

campus of Texas Tech University to represent UCLA before the best and brightest other schools had to offer. When we got off the small airplane we were overwhelmed with the smell of cow... manure is a good word, I'll use that. Lubbock is a small town with a very different culture from LA. Flat. I mean somebody ironed it flat. Anti-smoking ads informed us that 70% of Texas Tech students use tobacco products. 70%?!? The law school lounge proudly displayed posters advocating for both political parties - Republicans and the Federalist Society. On the TV in the airport Sen. Kerry was talking, and a man said loudly "Scary Kerry." The crowd nodded approvingly at the brilliant political commentary. That pretty much summed it up - it was George W. country all the way. But, even though we were heathens from liberal Los Angeles, everybody was very nice. I hope that anybody from Lubbock who visits LA gets half as nice a welcome as they gave to us.

Texas Tech ran the competition as smoothly as any competition could be run. The assistant dean, a man named Richard Rosen, picked us up and personally drove us to our hotel. It turns out he had just retired from the JAG corps of the US Army, where he was the Commandant of the Army's JAG school. Those who know me understand how I quickly made a friend for life. We knew many of the same people and talked Army while Monica, Tom, and Richard rolled their eyes in boredom. It also turns out the Dean of Texas Tech retired after serving as the Judge Advocate General of the US Army. Together they procured judges well versed in international law for the competition - 2 former deans of the JAG school, a former staff judge advocate for special operations command and from the 4th Infantry Division, and many other noted international law practitioners and scholars.

The competition itself was intense. Teams were from Stanford, UNLV, Arizona

State University, Kansas University, Oklahoma City University, Southern Methodist University, Southwestern, University of Arizona, University of New Mexico, University of Oklahoma, and the University of San Diego. San Diego casually mentioned that they had been practicing four times a week for three hours at a time. Oh man. Most schools had their faculty coaches travel with them. Ours didn't travel with us... uhh, we didn't have one. Some of the students were in a class called Jessup. It's a class? Wow. All of the competitors were well-prepared and well-supported. We were on our own, and did the best we could, but were disheartened to learn that one of our briefs was docked 5 points on a technicality (no "questions presented" section). Ouch. A faculty coach really would have helped.

The other teams spent the night before the first round feverishly reviewing their notes. We, of course, went to the hotel bar - called the "Recovery Room" because it was down the street from a hospital. Very tacky place - just right for us. Richard bought the first round - four 22-oz "Shinerbock" beers. Shinerbock is actually pretty decent, by the way. If you are ever in TX, don't tell them you are a liberal, and order a Shinerbock. You'll be all right. Anyway, Richard ordered the beer and then turned to us in amazement and said "Seven dollars." Now, I admit that LA is pretty expensive, but \$7 for a beer is too much even here. To be charged \$7 a draft beer in Lubbock? No damn way. I'll take my money and - "No" said Richard. "It's \$7 for all four beers." Wow again. Lubbock suddenly was a lot more interesting. We studied late into the night, and Monica created the "ICC" rap. Don't ask. And especially don't ask her - she'll recite it for you. Again and again and again. The only other "Jessup" people there were from the University of Kansas. They seemed as relaxed as us. We were pretty relaxed because we knew we would be the best team UCLA had entered in 18

The people at IJ are some of the smartest and best prepared lawyers I have ever dealt with. They have been described as a "merry band of libertarian litigators" and after IJ helped to change Denver's oppressive economic regulations, The National Law Journal said IJ scored "a legal-political coup beyond the dream of most litigators".

If you are a civil rights minded person interested in demanding work I would highly recommend an externship at IJ. If you are interested e-mail attorney Steve Simpson (SSimpson@ij.org) or contact me to learn more about IJ. (Westrick2004@lawnet.ucla.edu).

years, even with the 5-point penalty. See the first line of this article if you think I sound arrogant.

The next day we had one round - and it was tough. 45 minutes a side, with 3 well-prepared judges. Richard went first. He didn't receive a single question! I sat and watched him continue on, and on, and began to sweat. For those of you who have done moot court, you know that questions are where you shine - you know what the judge thinks is important, and can score points, as well as you avoid the problem most people face in talking that long without questions. It's tough. Richard was smooth, professional, and calm. I was freaking out because I knew I could not do that - go before a panel and just talk for 20 minutes without interruption. He did, and he did it well. He sat down and I stood up. About 2 minutes into my section a judge asked a question, and whew, we were in the game. Question-response followed by question. It was great. I am so glad I didn't go first.

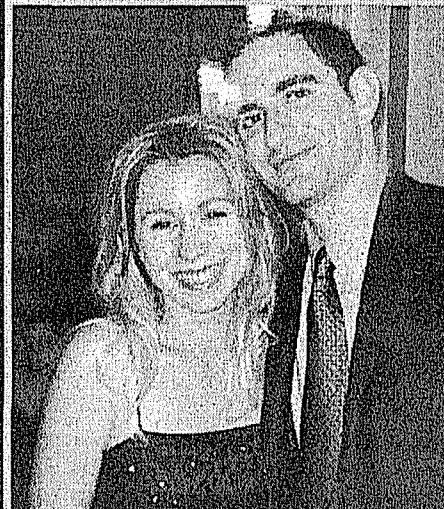
Done for the day, we continued our study at the Recovery Room. \$7! And watching a white Texan who called himself "Compton" perform a rap for the crowd, which was pretty amusing. Monica repeated her "ICC Rap." Ugggh. Please please please stop. She, of course, continued. Shinerbock made it all ok.

The next day we had three rounds, and again it was hellish - all the judges were smart, well-prepared, understood the problem, knew the facts, and asked really F-ing hard questions. Monica and Tom were asked about 50 questions in their second round. At one point Tom was just starting to answer one question when he was interrupted with another question from a 2nd judge, and while that judge was asking that question the 3rd judge interrupted the 2nd judge with another question, and both of them asked different questions at the same time. All three judges

PROM

FROM PAGE 1

afternoon in five o'clock traffic. (Who goes to Pasadena anyway?) In order to make the best of it, we decided to take a limo, so we could drink while we sat in the parking lot they call a freeway. Besides, a prom experience is not complete without a limo.



3Ls Sundari Wind and Justin Radell

The limo was set to arrive at 5:30, leaving us two solid hours to get the job done. However, Erin's car was towed from UCLA campus that day...with her prom dress in it. What a nightmare. But she was able to retrieve her dress and be ready by 6:00. It was time to get our drink on.

Boy did we drink. The limo came with a complimentary bar, and everyone knows how much I love compliments. Shots of this and chasers of that. One beer for you and two beers for me. We were trying to avoid the prices at the cocktail bar, especially while these drinks were free. And I'm all about a bargain.

We arrived in style to the beautiful Ritz Carlton. I mean, I think it was beautiful. It was starting to get dark, and my beer goggles were already strapped on. (Did someone say strap on? Stop it.) We made our way inside to say our hellos and grab a glass of wine before dinner. Here is where it starts to get hazy, so I am going to do my best to recall the events of the evening.

First we went to pre-party in a hotel room upstairs. Oh, you thought drinking in the limo was the pre-party? Don't be silly...that was simply wetting the pallet. After a drink upstairs, we headed down to mingle. One of my favorite things is meeting new people. And no, when I say "new people," I don't just mean young gentlemen. I had a great time socializing with some 1Ls and finally met the editor of The Docket. (Ed. Note: Shannon and I had an entire class together last fall - so when she says she got to finally "meet" me that could be the booze talking. Either that, or she met some poseur who claimed to be me, which happens all the time, what with The Docket being the media powerhouse that it is.)

Unfortunately, I thought it was necessary to introduce myself to people I already knew too. I went up to Dean Cheadle right after dinner to say hello. I've been to her office several times, so I am no random face in the crowd. I guess I thought I was, because I said to her, "Hey, Dean Cheadle. Do you even know who I am?" She smiled, laughed, and said of course she did. So I smiled, I laughed, and I said,

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SEE PROM, PAGE 11

AUCTION

FROM PAGE 1

silent one for the attention of the bidders, the latter wrapped up before the former.



Prof. Holmquist - Raises Bids

This was a trade-off, 2L and co-chair Stacey Rolland said. On the one hand,

more time given for silent bidding tends to mean more and higher bids; this way, however, everyone's attention was focused on the live auction when it began, giving a greater chance of high bids for the big-ticket items – and a bit less shouting required from auctioneer professors Bergman, Holmquist, and Zasloff.

Among the big-ticket items were an African safari and a hike up Mt. Kilimanjaro.

And, more practical, a fully-paid Bar Review course.

A number of favorites from last



Doug Keehn
3L
Drat!
Outbid Again.
I cannot believe
how many people
want my aunt's
blue ribbon canned
jams!

year were donated again, including a poker night at Judge Kozinski's home, a tour of the Playboy Mansion – one of the night's biggest sellers – and an on-campus parking spot – which couldn't otherwise be had for gold.

Among professors' donations, said Rolland, one of the most enjoyable parts was for students to learn something they didn't know before, about someone who they usually only see in a classroom. Professor Rick Abel donated tickets to a Bach chorale concert in which he will perform; Professor Juliet Williams, a lesson in Persian cooking; Canadian professors Sharon Dolovich, Jody Freeman, and Gillian Lester, donated – natch – tickets and their company for a Flames vs. Kings ice hockey game. Professor Yeazell donated, as he does every year,



Stephanie Christensen
3L
How much money
do I have in my
account and just
how much do I
want that Playboy
mansion tour?

one of his trademark bowties – with tying instructions attached.

"The big challenge," said 2L Stacey Rolland, "is that it all happens one night." Co-chair Sarah Remes agreed, saying that the last few days before are completely hectic, despite the fact that preparations begin barely after the last auction is over. The co-chairs had to supervise a team of more than 100 volunteers to solicit, collect, and catalogue thousands of items for bid, as well as organizing the night itself.

It's a bit like exams, Remes said. No matter how early you start, you always wish there was something you had done earlier.

A precise figure could not be given, since there were a lot of unclaimed items and outstanding donations to be collected; however, the co-chairs were

confident by the night's end that they were "on track to meet or exceed" last year's take.

Last year the auction collected about \$64,000, which, coupled with other fundraising, enabled PILF to grant about \$100,000 in PILF grants – so at \$3,500 apiece, close to 30 students received them last year.

Though she is glad to hand over the reins to next year's co-chair, Remes mused that next year the school could try to do more to tap alumni for donations and attendance – "that's where the real money is."



Prof. Zasloff - Raises the Volume

ROSCOE

FROM PAGE 4

an impressive intellectual dexterity but an incredible command of the case law. At the Awards Ceremony following the Final Round, the Judges uniformly praised the advocates for the quality of their presentations. Forced to choose a winner, however, the Judges selected Scott Lawrence as the 53rd Annual Roscoe Pound Champion.

Despite the sober atmosphere in the Moot Courtroom during oral arguments, there were occasional moments of levity. When Greg Goodfried tried to cite a Ninth Circuit decision in his client's favor, Judge

Rymer quipped, "Everyone knows the Ninth Circuit is crazy." In response, Goodfried adroitly cited a Tenth Circuit decision that reached the same conclusion. During an exchange with Scott Lawrence, Judge Rymer asked whether, given the initial justification for the stop, the officer could have asked the driver if she had engaged in insider trading. Jumping in, Judge Calabresi cracked that "most people who have Grateful Dead stickers engage in insider trading – we know that.."

MODEST

FROM PAGE 5

the competition. Will academic achievement triumph over rock-hard pectoral muscles? The uncertainty will create tension, and this tension will create great television.

The fifth ingredient to make a good reality show is a good format. The candidates will be brought to the UCLA School of Law to compete against one another for the opportunity of a lifetime. The candidates will be split into two gender-balanced groups (maybe we can spark some love connections?) and will be forced to live together in a Tudor-style mansion in Bel Air where their lives will be taped 24-7 a la *The Real World*. The mansion will be staffed by the witty British butler who single-handedly saved the first edition of *Joe Millionaire*. In the first few weeks, the candidates will compete in a number of inane tasks that have nothing to do with running a law school. Whatever team loses the task for that week will be forced to undergo Committee Scrutiny (much like tribal council on *Survivor* or the boardroom on *The Apprentice* or a rose ceremony in a *Bachelor*-type show). Committee Scrutiny will present an opportunity for each applicant's file to be reviewed. One of the candidates reviewed will be rejected each week.

The sixth ingredient for a good reality show is a good panel of judges. In my

format, the Committee will be hand-selected for their varied expertise. The judges will evaluate each of the losing team members and eliminate the weakest link. Though we could have academics on the committee that really wouldn't be any fun. So, I think that the best thing to do is put together a group of pseudo-famous reality television alums. Rachel Hunter will judge the outward appearance and fashion sense of each of the candidates. Hopefully she can borrow that laser pointer her co-judge Lorenzo Lamas was always waving around on that *Are You Hot?* show. Richard Hatch, the first \$1 million winner of *Survivor* will judge the cunning wit and teamwork abilities of each of the candidates. Donald Trump will evaluate the management skills and business background of each candidate and will also say "you're rejected" while thrusting his hand out like he does on *The Apprentice*. The star of *The Littlest Groom* will be on-hand to make sure that jokes about height are kept to a minimum. Some of the rejects from the first and second installments of *Average Joe* will be on hand for cameos to demonstrate how the title of "average" was an overstatement. Simon Cowell of *American Idol* will be brutally

SEE MODEST, PAGE 9

Name That Baby Contest

All naming rights are reserved to Brian and Catherine OliverSmith.

Submit original name ideas
by April 8th to
oliversmith2004@lawnet.ucla.edu

Extra (pointless) points are awarded for creativity, ingenuity, original thought...In other words, pretend you aren't training to be a lawyer!

Absolutely no prizes are going to be awarded, but you might just suggest a name that does get used.

Sex of the baby is *unknown*.

4 MILLION

FROM PAGE 1

About the San Manuel Band of Mission Indians

Descendants of the Serrano Indians, the San Manuel Band of Mission Indians inhabited a territory spanning the San Bernardino Mountains, valley and adjoining desert lands for centuries. Today, the tribe is located on the San Manuel Reservation near Highland, Calif. Like other tribal lands in the United States, the San Manuel Reservation is a sovereign nation with its own system of government and tribal laws. The tribe operates the San Manuel Indian Bingo and Casino and the San Manuel Bottled Water Group, in addition to managing a variety of economic ventures. A partner in the community, the San Manuel Band of Mission Indians actively contributes to a variety of projects in neighboring areas. Nearby cities and towns receive support from the tribe for cultural, social, and economic projects to benefit the common good of the communities in which the tribe's members live and work.

JESSUP

FROM PAGE 7

then went silent and waited for him to answer. Damn. He did great though, and answered all three. It's all about controlling your presentation, and he did – he would answer and in his answer lead the discussion right back to where he wanted to go. He even stopped shaking nervously after the first few minutes. (Don't laugh unless you've done moot court – it IS scary).

That night the four finalists were announced – and we weren't one of them. Well, we didn't expect to be. We had no faculty coach, no history of competing, and the other teams were freakishly well-prepared. We consoled ourselves with the fact that we didn't think we had embarrassed UCLAW, and that we did better than last year's team (see the first line again).

We debated whether to go to the movies or to the awards presentation that night, and finally decided it would seem rude not to attend, especially given the incredible hospitality shown by our Texas Tech hosts. So we went. Are we glad we did. Our team won 2nd and 3rd place Best Oral Advocate trophies. We missed being one of the final four by – you guessed it – five points. 5 no 'questions presented' section" penalty points. If we didn't have the penalty we would have been in the semi-finals, and given that we were the only team with two people to win awards in the oral competition we could have made it to the international round. Well, I don't care. We made our school look good, and we set the standard for next year's team – all they have to do is win the whole thing or drop out of school in shame. No pressure. Just victory or death. My new friend Dean Rosen of Texas Tech, US Army retired, would appreciate that language.

That night we – well, you know what we did. \$7 for four beers, how could we not. Monica mentioned that one reason Richard did so well was rehearsal – she heard him rehearsing his argument while he was in the shower in the hotel. Richard was embarrassed, and we laughed our butts off. And we met the team from San

MODEST

FROM PAGE 8

honest when he dishes out witty barbs and backhanded compliments in that oh-I-can't-hate-him-because-he-speaks-in-such-a-proper-manner-with-his-little-british-accent-like-he's-Hugh-Grant kind of way. He has no other skills to bring to the table because we aren't going to make the candidates sing, but I'm sure you agree that the time has come for some law school professors to be the ones humiliated for a change.

The seventh and final ingredient for a successful reality show is to be flexible. If things aren't going perfectly, the



Jeff Probst - Would He Survive?

producers need to be able to adjust. For instance, if it seems like the tasks are too easy and that the contestants aren't having any conflict or issues, we can (1) require them to eat at LuValle three times each day, (2) have them attempt to interact with or get any straight answers out of the evil people in the UCLA Department of Parking Services, or (3) force them to migrate their email accounts. Any combination of these suggestions could entertain me endlessly.

If this reality show sounds like a good idea to you, that's because it is a



Ryan Seacrest - Over Pixelated



Interim Dean Abrams - Nolo

TROJAN

FROM PAGE 5

language itself. (It can be found immediately between "zither" and "stymie" in my Random House.)

So let us think about Trojan condoms through the deconstructive lens of our equine friend. Here, in brief, is the story of the Trojan horse. Troy withstood the Greeks' siege for years, managing to keep the invaders outside its portals. But in a moment of weakness, seduced by the Greeks' deception, Troy opened its gates and let in a large horse. From this horse, in the middle of the night, lots of little men flooded out and destroyed the city.

A fine name for a condom.

Professor of Law, UCLA School of Law (volokh@law.ucla.edu). The author would like to thank Randy Barnett, Tom Berg, Leanne Freeman, and Jim Ho. In fact, he does thank them.

RECUSAL

FROM PAGE 5

But that's a bright line, says Rowe. By the same token, Scalia might recuse himself from a case that his son was trying.

Moreover, Rowe doesn't see any real influence on a pending case being exerted from a hunting junket. The fact that it's hard to see the benefit conferred means it would be all the more difficult for someone – even other Justices – to make a case for improper influence. Further, the sophisticated briber knows better than to go for the obvious cash-in-the-bag; he goes for the untraceable: box seats at the Superbowl, or travel to Bangkok.

Hopefully there is something to the myth that the Supreme Court is apolitical; perhaps it's the security of lifetime appointment, the tendency to see Presidents come and go, or some limited sense of solidarity among the nation's most exclusive club. But whatever the reason, the famously conservative Warren Burger shopped Nixon to Congress. In a similar situation, Scalia would happily send the whole White House cabal down the river if he thought the Framers would have wanted him to.

GAME

FROM PAGE 5

- i. "Tacos"
 - j. "Mod-Funk-Explosion"
 - k. "Gathering rosebuds while I may..."
 - l. "Wine, Women, and Song"
 - m. "Plant watering"
 - n. "Actually I'm rather dull..."
- 4) Whose Facebook picture:
 - a. Looks like a mugshot
 - b. Looks like a glamour shot
 - 5) Who makes the best chewy chocolate chip cookies?
 - 6) Who is a North American Female Sumo Champion?
 - 7) Who was a semi pro-rugby player?
 - 8) Who was a guard for the Golden Bear's Football team?

Had enough yet? If not, here's a game that you can play with friends. All you need is a large bottle of alcohol and the Facebook. Take turns opening the Facebook to random pages and placing your finger on a random picture. Take a drink every time your selection either 1) attended Berkeley, 2) listed hobbies that included "working out" or doing volunteer work, or 3) graduated from undergrad after the year 2001. The final portion of the game (and the real fun) begins when you have finished the bottle of alcohol and now every time you pick a random that matches the criteria, you call them up and strike up a conversation with them about 1) their alma mater, 2) their BS hobbies, or 3) what it was like to grow up in the 1980's. Now that's fun for the whole school!

SEE ANSWERS, PAGE 11

Stu's Views

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NEWS 9



Tonight we have part 47 of our series: "Is the media over-hyping the Kobe Bryant case?"

SEE JESSUP, PAGE 11



Random Prom Photo Ops

101* Uses for your *Docket*

After weeks of breathless anticipation the day arrives when your poor empty box is visited by *The Docket* fairy (your EIC).

You wrest your way through the thronging crowds to grab your copy before it is made off with by some 1L hoarder seeking endless admiration and popularity through multiple *Docket* ownership.

Clutching your copy in your sweaty hand, you seek some privacy in your inner sanctum sanctorum. The award winning journalism distracts you from the lingering scents left by the less enlightened previous visitor.

You streak through the pages, reading and re-reading each word, committing the poetic prose to memory. Once done, you cannot release the paper. How can you let go of something so meaningful and purposeful?

Well, you don't have to let go. I'm here to tell you that after you read your *Docket* and have worshipped at its font of journalistic sacristy, there is more joy to come:

The following suggestions are a compilation of what the best mind here at *The Docket* has come up with the guide you through your crisis. 101 Uses for your *Docket*

1. Book cover to protect those weak, ineffectual law book covers
2. Wrapping-paper - particularly good for covering new baby gifts (hint hint)
3. Blackmail material - threaten to write someone into your own article and provide pictures (we'll publish it)
4. Cat box liner (doesn't fluff)

5. Packing material (it is at least as adequate as the WSJ - and the writing much more dynamic)
6. Cut out letters for ransom notes **
7. Oil leak collection until you get a job, pay off exorbitant law debt, and can afford a better car (also, can you believe how expensive oil is - you should collect your neighbors too and put it aside for retirement funding)
8. Origami (really - learn to make something other than that damn crane already)
9. Wick for a Molotov cocktail
10. Rain hat (a must have here in grey and drizzly Southern California)
11. Wastepaper basketball (what else) ball
12. Shoe padding and lining
13. Wallpaper (Hildy used newspaper on Trading Spaces, so you know if must be a good idea - think about the 1,000s of fake flowers she put on the bathroom walls for that one lucky couple!)
14. Placemat (that thing you put under your plate to protect the finish on your table, assuming you have one)
15. Streakless window washing
16. Rolled up, it can be used for obedience training on dogs and men
17. Undergrad chick magnet (most haven't caught on to the fact that you have no real

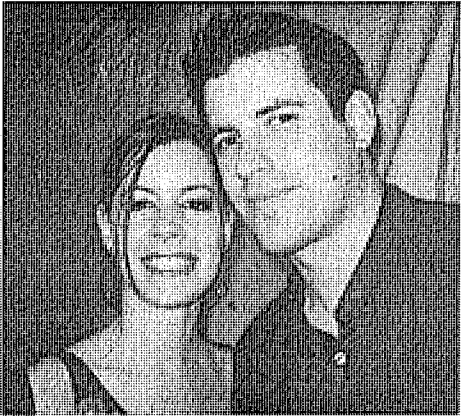
- earning power and tons of debt in this economy and are still impressed by "law school")
18. Toilet paper (imagine you are traveling overseas. At least it isn't waxed)
19. Clothing (Anthropologie regularly uses paper on its manikins)
20. Ground cover for rose planting
21. If you still get wood in class or because of a breeze (learn some control man) you can cover up with your handy *Docket*.
22. Frame it as art - because that's what it is
23. Paper doll material
24. Confetti
25. Collect 3 years worth, make a fabric cover, and create a special, one of a kind cushion
26. Barbie doll tent
27. Christmas tree garland
28. Spit wad ammo
29. Silly putty picture provider
30. Excellent source of dietary fiber
31. Funnèl
32. Magician's prop
33. "It's a hat, it's a brooch, it's a pterodactyl! Bwak, Bwak"
34. Rumor has it the inside is sterile so you can wrap a new born in it (just in case your fearless EIC labors in the hallway)
35. Source of in depth local and national news analysis.

*So it is only 35. BFD.. Sue me.

** A B C D E F G H I J K L M N O P Q R S T U V W X Y Z



Kimber Rudo and Michelle Dombrovskya



Erin Ranahan and date



Self Portrait - EIC and Hubby

This Space
Intentionally Left Blank.
Write for
THE DOCKET.

PROM

FROM PAGE 7

"that's okay. It's Shannon." Then I turned around and walked away. Whoops.

The other great reason for cocktail hour is to see everyone's outfit. Vara, who didn't attend prom, asked if anyone particularly looked good. In my quest for honesty, I said, "Well, yeah...me."

My theme this year was "La Isla Bonita" (shout out, Madonna). When I went to the flower store to buy a rose for my hair before prom, the flower lady pointed out a beautiful red rose with white lining on the petals. "Oohh," I said. "That's a Latin Lady," she said. Sold!

However, Adam took the cake for his prom ensemble. His retro suit was made of thin corduroy, straight from the 70s. He wore the ugliest tie I've ever seen that had about three different patterns going on at once. He pulled it all together by wearing his flip-flops. Fifty Cent would have been proud, as Adam was truly a P-I-M-P.

At this point in the evening, I was in dire need of food. I hadn't eaten much all day, so I needed to slow down the effects of the alcohol... if even possible at this point. Although anything tastes good when you've been drinking, I was craving the salmon.

The problem was that I neglected to place my dinner order earlier in the week, so I thought I would end up with the chicken. But I have this little trick for

situations like that: flirting. And I must say, the salmon was delicious. In my ravenous state, I finished my dinner before some people even took their first bite. I should have been embarrassed by the way I hunched over my plate and shoveled in the food. I was like a dog standing over a piece of meat, and if anyone got close or talked to me, I would growl and flash my teeth.

Everyone finally caught up and finished their dinner, so it was time to dance. The funny thing was, I didn't hear any music. I glanced over to see the DJ standing behind the table and sort-

ing CDs. So, I decided to take matters into my own hands and get the party started. The DJ was extremely accommodating and allowed me to pick the first song. I chose Snoop Dogg's "Beautiful," in honor of myself, and got the dance floor going.

After a while, the music suddenly stopped and the dance floor cleared. The DJ came on the mic to prepare us for the unexpected: Jeff Cohen's debut as "Shim." Was it a she or a him? Jeff's half man/ half lady ensemble was a show-stopper.

Jeff was sporting half of a suit and

half of a red and white polka dotted dress, complete with half of a long, curly, black wig. If we thought he couldn't top last year's impromptu song and dance routine, we were wrong. Jeff was definitely the highlight of the evening.

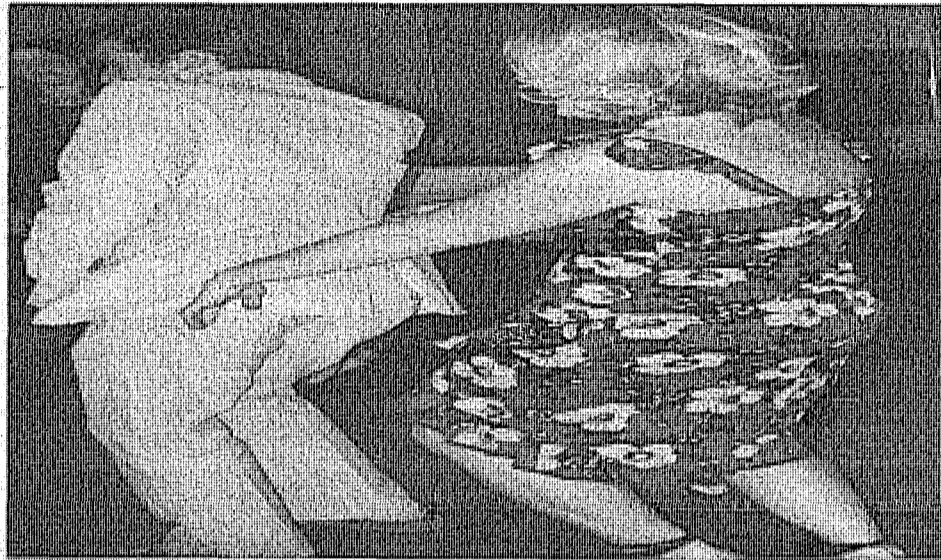
As all good things do, Barrister's Ball had to come to an end. The limo was set to pick us up at 1:00. We piled in and got ready for the after-party at Bryan's.

I decided to check my messages and saw I had a missed call from Band Guy. Since it's always fun to drunk-dial (not to mention the possibility of a late-night visit), I called him back. Everyone was being so loud in the limo, it sounded like he said he was at Dave Grohl's house. So I said, "Sorry, that was funny. I thought you said you were at Dave Grohl's house." It was no joke.

Then I lost reception on my phone. I started flipping out and telling the girls that Band Guy was at Dave Grohl's house. Their response: who is Dave Grohl?

I should start being more selective when it comes to my friends, because that was just unacceptable.

Right when I thought I was happy with my decision to attend Barrister's Ball even though I was dateless, I found out that I could have been at a party at Dave Grohl's house instead. You guys have fun next year.



Shannon McMasters Gets the Party Started

JESSUP

FROM PAGE 9

Diego – they were awesome, and not just because they bought us drinks and told us how great UCLA is, but because they were really nice people too. It rained, and we got mud all over us. I know why they say "don't mess with Texas." It is because you don't want to get Texas on you – it is hard to wash out. The next day we spend 8 hours doing nothing and flew home. We were glad to see Kansas win the regional and move on to the international round – Shinerbock helps you think. I hope they win the whole thing.

I would like to thank the following people who helped this year's Jessup team win awards by sitting as judges in moot rehearsals: Tim Chandler, Shannon Mader, Jonathan Richter, Prof. Raustalia, Prof. Steinberg, and Prof. Langer.

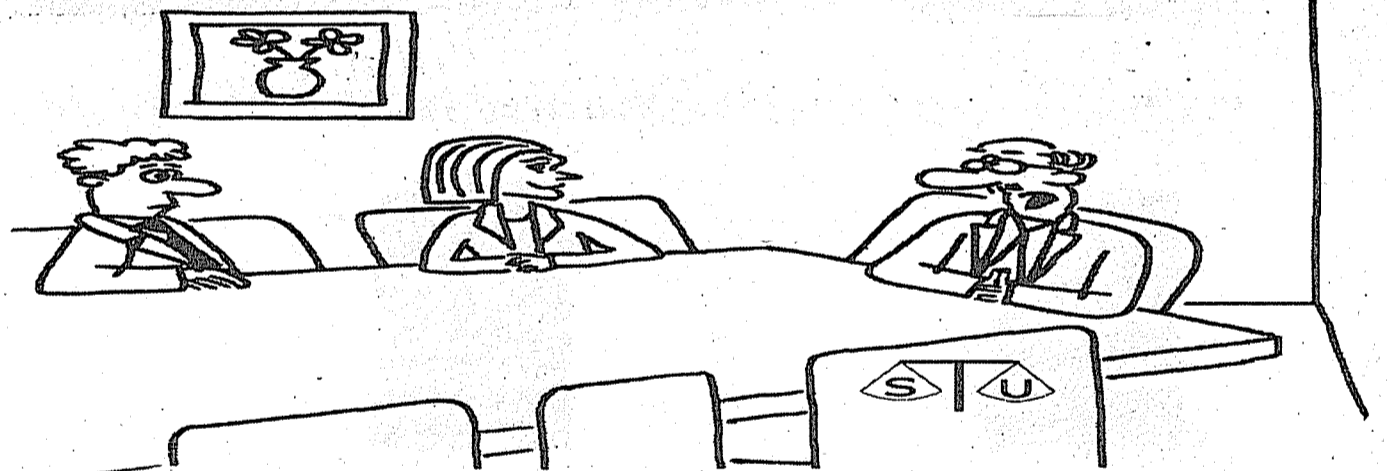
ANSWERS

FROM PAGE 9

1. Eunice Lee (2L/3L); 2. a. Theresa Chow (3L) b. Michelle Comeau (1L) Eunice Lee (2L/3L) JinAh Lee (2L) Summer Young (3L) Kimberly Koide (3L) c. Robert Hennessy (1L), Josh Young (3L) d. Ian Sink (1L) e. Greg Goodfried (2L) Saul Rostamian (3L) f. Shane Nowratzky (3L) g. Jim Kawahito (3L) h. Steph Christensen (3L) i. Brett Cook (3L); 3. a. Demetrius Chapin-Rienzo (Visiting Student); b. Nathan Agam (1L); c. Gina Boksar (1L); d. Chico (Mike Brown) (2L); e. Mitch Frederick (1L); f. Michelle Grock (1L); g. Harold Lee (1L); h. AJ Monaco (3L); i. Andrew Shupe (2L); j. Rick Simon (2L); k. Ryan Lubner (2L); l. Tom Elke (2L); m. Bryan Dominguez (2L); n. Michael Campion (2L) (by the way, it is totally not true!); 4. a. Hey – whose doesn't??? b. Kudos if yours does; 5. Tiffany Parcher (1L); 6. Mahshid Tarazizadeh (1L); 7. Rory Miller (2L) 8. Tate McCallister (3L).

Stu's Views

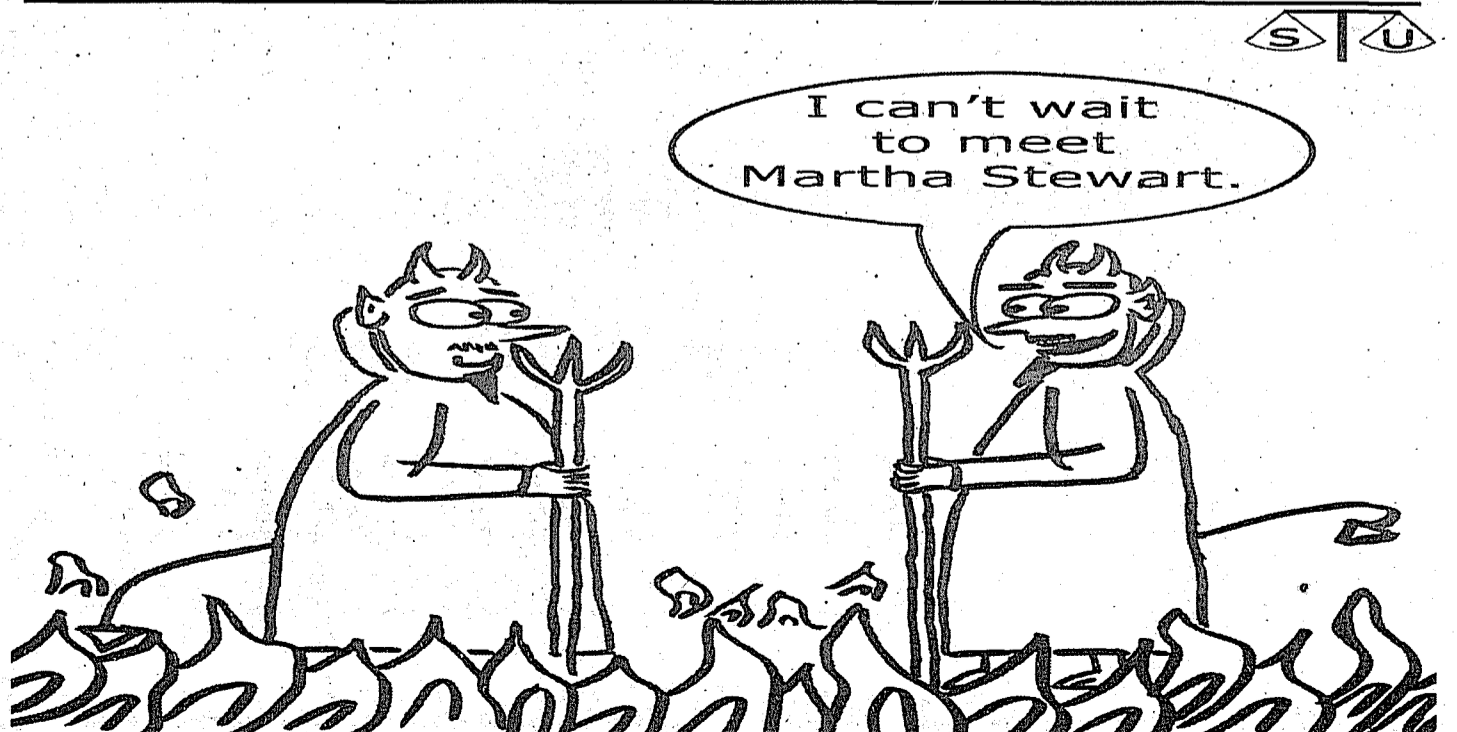
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Here's a dilemma. Should the disclaimer for our client's new sleeping pill read, "May cause drowsiness" or "May not cause drowsiness?"

Stu's Views

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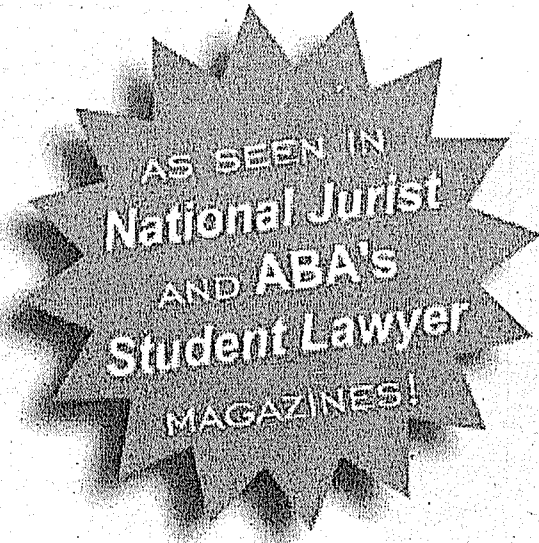
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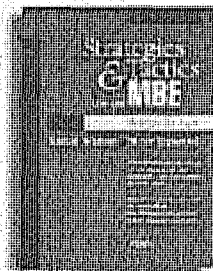
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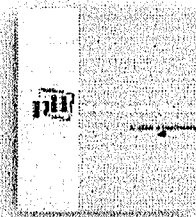
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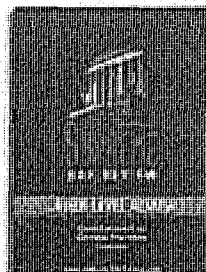
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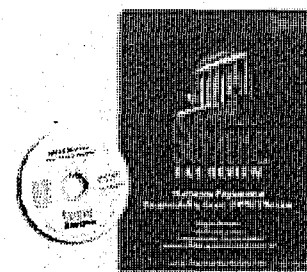
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