



Students watch trials, meet Commissioner at "Law in Action"

By Matt Nelson

On the first day of Fall Break, Commissioner Frank Johnson of the Maricopa County Superior Court sponsored "The Law in Action Day." This is the second time he has done this. Commissioner Johnson invited ASU Law School students to come to his court room and watch the action. He did this last year for the first time and only two students showed. This year, 22 came to the event.

In Commissioner Johnson's courtroom, we saw a motion being argued in a DWI case. We had been given copies of the motion in advance along with some background on the case. The defense attorney was attempting to get the software codes for the breathalyzers that the state uses in traffic stops. The prosecutor's position was that the state did not have the manufacturer's codes. This has been an issue in several states where defense attorneys have argued electronic interference can give false alcohol readings on the machine. State courts have split on whether the state has to supply these codes to defense experts.

We went to another courtroom and watched the testimony in a case involving the alleged illegal possession of nunchucks. It is illegal in Arizona to possess nunchucks, unless you fall within exceptions to the law, such as martial arts training and exhibitions. After the opening statements, we watched the testimony of the police officer who was the sole prosecution witness. He had stopped the defendant's car and found the nunchucks after a consensual search of the car. The defense then put the defendant on the stand, where he testified that he was moving and had a family heritage of martial arts. There was a break in the trial because the defense martial arts expert would not be available until the next day. The judge then asked us for questions about the case with the prosecutor, defense counsel, police officer and defendant all present. All the participants in the case, except the defendant, made comments about their role in the case and they answered our questions. It was a very useful experience, especially for those who have never seen a real trial. Actors on TV trial shows are always very smooth and quickly react no matter what happens.

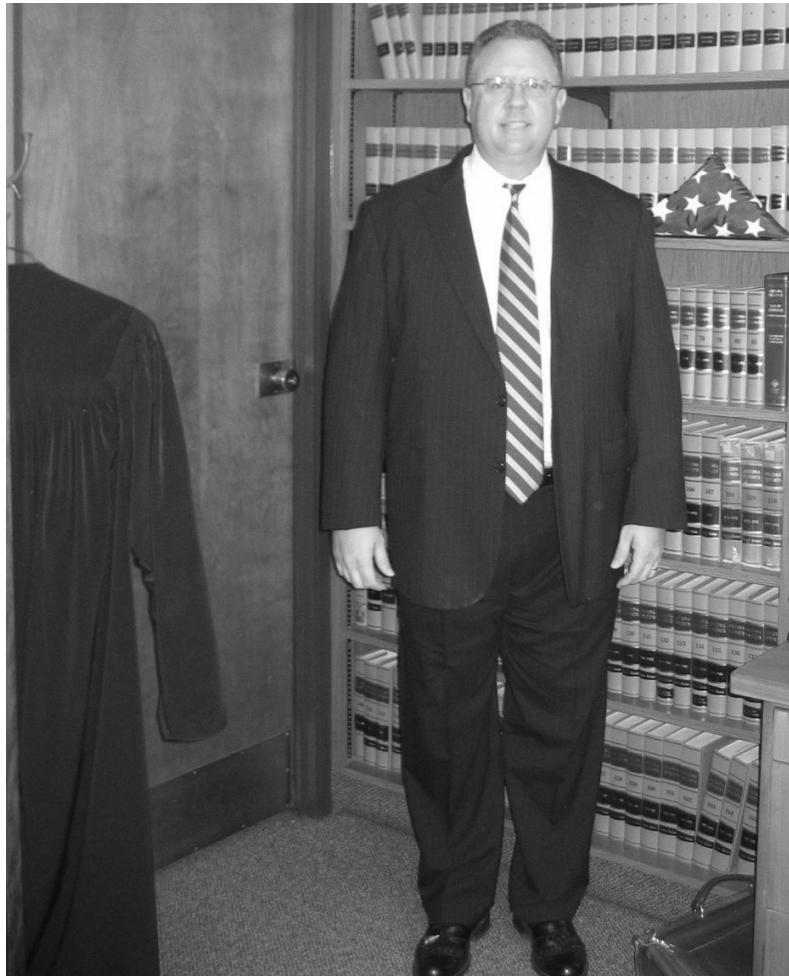


Photo by Matt Nelson

Commissioner Frank Johnson enjoys a quick break in his Office during "Law in Action Day" in October.

Watching a real trial shows the very human element on display in real courts. Commissioner Johnson sent an email to us a few days later which said the jury had returned a not guilty verdict. The jury probably engaged in jury nullification, since the defendant did not seem to fall within the statute exceptions.

Res Ipsa Loquitur interviewed Commissioner Johnson about the Law in Action Day, his Superior Court experience and background.

RIL: How did you start in a law career?

FJ: Quite by accident. I was an undergrad at Michigan and I was considering going to medical school. I was working at the hospital as an orderly and I called to see that I

was getting school credit. I dialed the university law office by mistake. The attorney who answered encouraged me to come and work at that office and so I did. After working there, I found the work interesting and decided to forego medical school and apply to law school. That office allowed me to work while I attended the Detroit College of Law (now Michigan State University Law School) as a law clerk.

RIL: How did you make it to Arizona?

FJ: While at Michigan, I came out here for one of the bowl games and I was amazed at the short sleeve weather in January. I decided I wanted to move here. I worked as a Juvenile Corrections officer while waiting to take the Bar and get the

results. With my experience in Juvenile, I got a job as a public defender in the Juvenile Division, where I worked for four and one half years. I decided to try the other side and became a County Attorney for two years. After that, I went back to being a public defender.

RIL: How did you become a Commissioner?

FJ: People around here said that I was a fair and reasonable person both as a public defender and prosecutor. I thought I could do a good job in the role of a commissioner. Commissioners do the same job as judges except that commissioners are appointed by the presiding judge and judges are elected. I was interviewed by a panel of judges. The first interview ended when I tipped over the chair I was sitting on. After a couple more interviews, I got the job in 2005. I do any type of case short of the death penalty because I have not had the training on that yet.

RIL: What are your likes and dislikes about your job?

FJ: I strive to be fair and impartial to the attorneys. At Superior Court, your reputation is your most important asset. We all make mistakes and attorneys here know that I am very approachable. I don't particularly like the robe and the power that goes with it. I think respect should be earned.

RIL: Why did you start the Law in Action Days?

FJ: I wanted to return a favor I had received as a law student. I went into a federal court in Detroit to watch a case and the judge took time from the trial to welcome me. I want students to see that trials are interesting and they should come here and watch to learn about trial work. Working as either a prosecutor or a public defender can be very rewarding as long as you are honest with the judge and opposing counsel. Even if you don't continue here, you can get experience and work in the private sector.

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Dean's Lunch Focus: Tuition

By Matt Estes

On September 19, 2007, Dean Patricia White spoke with about 75 students at a "brown bag lunch" meeting, focusing on the process of tuition setting at Arizona State University, and how it affects law students.

Recently, the Arizona Board of Regents (ABOR) decided to set tuition rates for the 2007-2008 year in the fall, rather than the spring, in order to allow individual academic units more time to allocate and organize funds. This caused a rush for university administrators to set their funding plans and priorities, and was the impetus for having the Dean's meeting with the students so early in the semester.

Dean White recommended modest increases in overall law tuition rates, in order to maintain the current level of services provided, especially in career services, building improvements, faculty/student ratio, and financial aid. Inconsistent fiscal policies at the university level in years past caused the law school to seek funding from larger incoming classes. The last such class to have entered under such a funding regime is the current 3L class. Because of a recent vote by ASU Law faculty to restrict incoming class size, increases in funding for the law school will not come from expanding class sizes, according to the Dean.

See "Lunch" on page 5

COLUMNS AND OPINIONS

Facebook, Doors and Happy Hour—Ask a 2L

Back by popular demand, "Ask a 2L" answers the tough questions, the puzzles that even hours of Socratic discussion do little to deconstruct. To the fanmail...

Who would have thought I'd have made it through two months of law school and my biggest problem would be Facebook? Seriously though, first-year doctrinal law is about as challenging as beginner's Sudoku, and socially, every one of my peers fits into one of the twelve stereotypes listed on BarelyLegal.com, easily manipulated by my tales of grandeur and phantom contacts with downtown firms. But hardly a day goes by where I don't look like a fool by a) mistyping a Status Update, b) exchange 20 messages with the girl who sits across from me, even though we can hardly make conversation in real life, or c) blurt out personal facts about my friends that classify me as a Level 5 Internet Stalker. Have any thoughts?

-Halo 3 Got Nothing on Me

Since you clearly have established a healthy balance of Internet in your life, I will move on to the question of Facebook best practices. While Facebook may be in your short rotation of Internet vitals (for males, typically following email and fantasy football, but before CollegeHumor.com), it doesn't hurt to take a break. I recommend inserting a few stray swear words in an obvious place in your profile. That way, the mind-control zombies at Facebook HQ will suspend your account, make it look like Internet traffic was the culprit, and let you back on in a few days. Such a reprieve from the pressure of continual social flux does right by the mind and soul. Sure, when you get back online, your ex-girlfriend will have changed her "Relationship Status" about 5 times, and that creepy guy from high school that found you "on accident" (by typing every conceivable permutation of your name into Friend Finder) will want answers, but isn't your sanity worth it?

P.S.: Don't be that guy holding a puppy in your profile picture because you think it makes you look lovable. More likely, girls

will wonder if all you can handle is something cute and showy that takes orders and doesn't talk back.

I want to talk about a serious issue: the door to the basement locker room. At first, I thought it was a godsend to have a place to stow my books and lunch. Then I discovered that when 550 people converge upon one area between classes, martial law ensues. Since I was a college soccer player, I can dodge locker doors indiscriminately flung open. I have even overcome my fear of getting smacked in the face by the main door, which my friends and I affectionately call "3-4-Run!" However, I am at a loss for what to do when I open the door and there isn't a close-by person to hold it for. Should I simply let it close behind me, or am I required to hold it open for anyone I see, including people at the top of the stairs? I'd appreciate guidance in this area, especially if it will help me get on law journal.

-Giggling Nervously at Everything My Professor Says

The basement door is perhaps the best judge of character in the hallowed halls of our law school, and for me to give you an answer would be both presumptuous and inappropriate. So, here is what you do: First, open the door slowly, so as to avoid meeting new people by holding pressure to their broken nose. Once open, see if you can make eye contact with anyone in range. If you can, smile and hold the door, unless waived off. In indeterminate cases, push the door as far open as the hinges allow while humming the first few beats of your favorite song (I choose "Another One Bites the Dust," be sure to pick one uniquely suited to you), and let go after no less than four and no more than eight beats. This will get you through 99% of cases looking like the polite, considerate go-getter that you most certainly are. For the stray 1% of basement door snafus, stare at the ground, whip out your cell phone and start indiscriminately pushing numbers. I learned this trick last year from a 3L while he was showing me how to hotwire the library copiers without a Sun-

card.

I hear stories about mythical Monday night happy hours at the law school. Do these in fact exist, and if so, where do I sign up?

-Alone with my Torts book and Monday Night Football

Tread very carefully when attempting to speed up the work of the ages. In the beginning, God gave us the seventh day to rest, meaning that, *ipso facto*, he established Saturday night as a drinking holiday. (In an unrelated note, God created DUI attorneys on the sixth day, soon after "all the living creatures that crawl on the ground.") Union advances several decades ago brought the standard five-day work week, and with it, the advent of local taverns within strolling distance of the town bank, gladly receiving healthy donations from Friday paychecks. As advanced societies looked to evolve in recent years, they looked to indoctrinating their young. Two new truths have emerged: smoking cigarettes is apparently more deleterious to health than going without food (as evinced by the money spent on anti-tobacco advertising and national hunger prevention), and more importantly, Thirsty Thursday is now a birthright. While some fringe elements have attempted to make Wednesday "the new Thursday," Thursday remains the current state of the art in modern libation theory.

There are further reasons to tread carefully when drinking socially early in the week. Monday is typically known as "industry night," where long-suffering barmaids and bouncers get wrecked to make up for their lack of a weekend. If you find yourself in an establishment serving many of their own, don't be surprised to find an 18% tip compared to the injustice of apartheid, or a request for extra ranch met with Medusa's glare.

.till next issue...

-as complied by Matt Estes

CALI Awards—Positive recognition or hunting ground?

By Tracy Rineberg

As it nears the beginning of final exams, the end of the semester becomes more and more a reality. 1Ls look to their first exams with trepidation, 2Ls dread the addition of yet more work, and 3Ls have likely stopped caring.

Looming over all of this is what happens after finals are done — yes, the CALI awards. While most students know they can use the Cali.org website for studying or quick questions, a significant amount are surprised to know that there are awards for each class. Now, most would assume by "each class" I mean 1Ls or 2Ls. No, I mean literally each and every class offered at the law school.

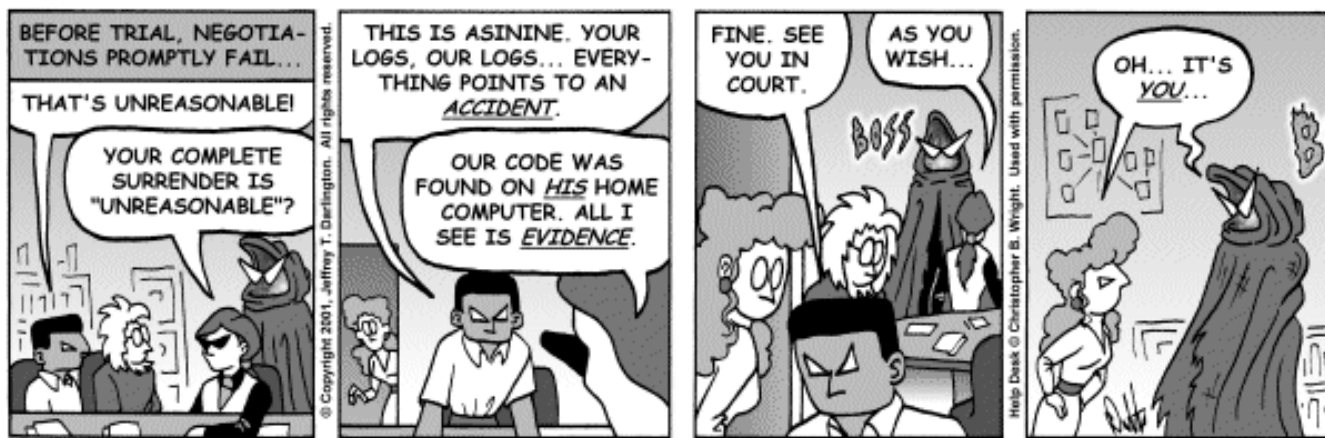
At the end of each semester, the school send to CALI a list of those who have a significant achievement, going as far as to list awards in 1L classes by section. Generally, these are likely the people that received the highest grade in each section of each class, covering all three graduating years.

Some students, like 2L Bethany Lay, have no problem with the awards being posted for anyone on the internet to see. Because these denote high achievement, it is seen by some as an honor. While not necessarily a motivating factor, it is a recognition of a job well done.

Others, however, including myself, see many problems with the posting of these awards. The first and foremost being the fact the recipients are never asked if they want their award posted. Yes, there is the option to take the award down, but the damage may already be done. Some students prefer to keep their grades private. Though the class may have a sense of who is doing the best in a particular section, recipients of many CALI awards are easily noted as possibly the highest in the class.

A second objection is that the awards allow people to hunt down those who do well in a particular subject. In some cases, people who did not talk to others before seeing these awards (or hearing from others that they did well) try to befriend or purposely seek them out in another class in the hopes of studying with "the smart one."

I do not have any solutions to the problem, other than administration asking people before the information is posted. But think—would you want it posted that you have the highest grade?



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CAREER SERVICES

Things YOU need to know about small firms

Recent employment statistics from NALP (the National Association of Law Placement) indicate that small firm practice is one of the most likely destinations for law school graduates today. Fifty-six percent of the 36,465 employed law school graduates from the Class of 2006 entered private practice and 48% of those graduates joined small to mid-sized firms (50 or fewer attorneys).

According to statistics compiled by the Career Services Office, 57% of the 2006 graduates from the Sandra Day O'Connor College of Law entered private practice and 58% of those graduates secured employment with small to mid-sized firms.

These national and local statistics demonstrate the demographic reality of law practice today -- most private practitioners work in small firm environments. So, if you have chosen to pursue a career in private practice, it's likely you will find yourself working for a small to mid-sized law firm. It is therefore vital to understand every aspect of the small firm dynamic, including the hiring process, networking strategies, and how to succeed as an associate at a small firm.

De-Mystifying the Hiring Process

For many law students who are eager to complete the job search process prior to graduation, the small firm job search can be frustrating. The fact that large firms hire up to a year or more in advance creates an expectation among students that they should have secured employment at least by graduation. This, however, does not reflect the reality of the legal marketplace. The reality is that only a small number of law students get jobs through on-campus interviews.

You know that small firms hire much differently than large firms, but what else should you know about the small firm hiring process:

- Small firms usually cannot predict their hiring needs in advance and therefore interview later than large firms.
- Some small firms interview graduates in the spring,

while others won't hire recent graduates until after they take and/or pass the Bar.

- Most have no formal recruitment season but hire on an as-needed basis.
- Most rely on word-of-mouth when looking to hire a clerk or an associate.

So what does all of this mean for you, the student? Logic dictates that the more familiar you can become with the way that small to medium sized firms typically hire, the greater your chances are of receiving an offer. Start educating yourself now ... read books, go to seminars and CLEs, bar association events, breakfasts, lunches, and most importantly, start networking.

Importance of Networking.

Networking is an extremely important tool for securing a position in a small firm. A vast majority of students get their jobs through making personal contacts. (Walton, Kimm Alayne. *Guerilla Tactics for Getting the Legal Job of Your Dreams.*)

The fact is that almost half of the jobs law students get are through self-initiated contact with the employer or by a referral from a friend, relative or faculty member. Another important fact you should know is that jobs in the legal world are rarely publicized; small firms typically do not have the time or budget to take out an ad when looking to hire a clerk or an associate. And small firms typically rely on things like word-of-mouth, which costs nothing. So the more often you are able to get your name out, the more likely your name will come up when someone is looking to hire!

For most law students, networking is a four-letter word. But networking doesn't have to involve standing around at a cocktail party with a bunch of stodgy attorneys you don't know, trying desperately to make small talk with people with whom you have absolutely nothing in common. There are many, many strategies available to build your array of contacts, too many to list in this article. The important thing is to realize the importance of networking as it relates to securing a job with a small to mid-sized

firm. There is no question that contacting employers in person is far and away the most common way of getting a job.

Remember, it's not who you know, it's who you get to know!

Resources

There are an array of resources at your disposal which can help you land a job with a small firm. For example, did you know you can join the Maricopa County Bar Association for a small fee? Also, the Arizona State Bar allows law students to join certain sections such as Intellectual Property, Immigration, Real Property, and Solo/Small Firm for a small fee. The Arizona Bar Association also allows law students to attend many CLEs for a nominal fee.

Why join a section and attend CLEs? As a section member you will be eligible to participate in monthly luncheon meetings, participate in online discussion groups and receive periodic newsletters detailing upcoming events and networking opportunities. At CLEs you will meet attorneys practicing in your areas of interest.

There are also several books available in the Career Services library which details some of the discussion points raised in this article:

Guerilla Tactics for Getting the Legal Job of Your Dreams.

Searching Small, Searching Smart.

Career Services is committed to assisting you in your search for small to mid-sized firm employment. Review the schedule that follows and plan to attend Small Firm Week to be held Monday, October 22 through Thursday, October 25. Small Firm Week is a series of educational events designed by the Career Services Office to bring together attorneys and law students interested in a career with small to mid-sized firms. Attorneys from around the state will be available to discuss topics such as relationship building, job-search strategies, and hiring tips for small to mid-sized firms.

Small Firm Week Events Guide

Monday, October 22, 2007

Relationship Building with Small Firms

Speaker: *John McCrudden*

12:15 to 1:15 pm – Room 105

Mr. McCrudden is the Associate Director of the Working Professionals and Alumni Programs for the W.P. Carey School of Business. He will speak on the importance of relationship building in general and how it applies to securing a job with small to mid-sized law firms.

Tuesday, October 23, 2007

Speed Networking

4:00 to 6:00 pm - Steptoe & Johnson Rotunda

Law students will have the opportunity to interact, one-on-one, with various attorneys from across the Valley. This is our second-annual event.

Note: This event is open to 2Ls and 3Ls on a first-come, first-served basis.

Preference will be given to those students who attend the Relationship Building with Small Firms event on Monday, Oct. 22

Wednesday, October 24, 2007

How to Get a Job with a Small Firm

12:15 to 1:15pm – Room 105

Daniel Ortega - Roush McCracken Guerrero Miller & Ortega

Helen Perry Grimwood – The Grimwood Law Firm, PLC.

Robert Sewell and Josh Deere – Davis Miles, PLLC

Thursday, October 25, 2007

Small Firm Practice Area Career Fair

4:00 to 6:00 pm - Steptoe & Johnson Rotunda

Attorneys representing 30 different practice areas will be available to discuss what it's like to practice law in specific areas at small firms. The set up will be very informal with a table for each practice area where students may meet the attorneys and ask questions.

Administrative Law
Alternative Dispute Resolution
Animal Law
Antitrust Law
Appellate Law
Bankruptcy Law
Business Law
Construction Law
Criminal Law
E-Commerce & Technology
Employment & Labor
Finance/Banking
First Amendment Law
Natural Resource Law
Family Law

Health Law
Immigration
Indian Law
Intellectual Property
International Law
Juvenile Law
Probate & Trust
Real Property
Securities Law/Arbitration
Securities Law/Litigation
Sports & Entertainment
Tax Law
Trial Practice
Workman's Compensation
White Collar Crime

LEGAL NEWS, HUMOR AND SATIRE

Half and Half: Legal News with a Twist

By Ravi Arora

Juice Getting the Squeeze

O.J. Simpson's good pal and apparent partner in crime is feeding his notorious chum to the sharks. Charles Cashmore (appropriate name given his success in the armed robbery trade) agreed to take a reduced sentence in exchange for his testimony regarding the armed robbery of two sports memorabilia stores. He will testify that the two accomplices that entered the stores with O.J. were carrying weapons (an aggravating factor). O.J. and the other two accomplices deny that weapons were used. O.J. and his accomplices were allegedly robbing the collectors' stores to recover items that O.J. considered to be his.

What Happens Next?

Police will announce plans to show the jury video footage that was retrieved from the surveillance cameras at one of the stores. In the footage, O.J. can clearly be seen threatening the owner and patrons, most of whom had gathered for a fantasy card game tournament. At one point in the video, O.J. can be seen waving a Kalashnikov in the face of a child dressed as an elf while screaming "Go on! Cast that Cloak of Invisibility spell and see if I don't do you like I did Nicole! I'm the Juice g***amnit! And who the f**k took the last pack of grape Big League Chew!" Police caught up with O.J. three blocks away when a Laundromat owner reported that a large man was trying to suck quarters out the change machine.

Kinky Death Leaves Oil Executive Screwed

Gary LeBlanc led a double life. By day, he was a well-respected sales executive for Gulf Oil Company. But at night, he liked to cruise the net as "Rubrman." It was through this handle that he met Adrian Exley. Exley was a male stripper, better known to LeBlanc as "Studpup." Despite this odd couple's difference in career choices, they both shared one serious passion – painful and degrading sex. It just so happened that Exley enjoyed spend-

ing his weekends wrapped in plastic and bound with leather restraints inside of a closet (literally, not figuratively). And by a happy coincidence, LeBlanc had built a rubber-lined dungeon in his basement complete with an array of restraints, suspension devices, and of course a closet.

Exley flew from England to Boston to visit LeBlanc for some consensual pain mongering only to be found two months later, dead in the woods. Apparently the straws that LeBlanc had inserted into Exley's nose, allowing him to breathe through the leather mask on his head, did not provide sufficient respiration. Exley suffocated to death on his third day in the closet. Now, Exley's family is suing LeBlanc's estate (LeBlanc committed suicide shortly after the incident occurred) for wrongful death, leaving the courts to decide whether such a suit is appropriate where the activity was consensual.

What Happens Next?

In a related development, Dr. Phil will hold a press conference regarding Match.com's role in the incident. The two lovers met on the famous dating website when "Rubrman" received a personal recommendation from Dr. Phil to take a look at the profile for "Studpup" based on mutual interests. At the press conference, Dr. Phil will defend the recommendation by stating that the two had a perfect match score on the "pain and humiliation" profile scale. He will also advise the press not to view this as anything more than an unfortunate accident. Furthermore, he will remind them that he had been bound in a similar fashion numerous times in Rush Limbaugh's basement during his Oxycotin binge, without suffering any major problems.

Ronald McDonald Fined for Sexual Harassment

The death-food megalith has mostly been satisfied to simply fatten America's children to death with mechanically separated animal byproducts, but it crossed the line when it tried to expand its operations to include back-

office peep shows amongst its array of wholesome family services. Louise Ogborn won a \$6 million jury verdict from the purveyors of cardiac arrest when she was subjected to a strip search by her manager and her manager's boyfriend in the back office of the McDonald's at which she worked.

The search was initiated when an anonymous person called the McDonald's. Claiming to be a police officer that had eaten at the restaurant earlier, the person complained that Ms. Ogborn had stolen some items from him while he was there. The caller demanded a strip search be conducted immediately. Ogborn's manager, Donna Summers, happily complied and invited her boyfriend, Walter Nix Jr., to make sure the search was conducted in an appropriate manner. Nix was subsequently convicted of sexual assault charges for improper search techniques and sentenced to 5 months in prison, while Summers was put on probation for her involvement. McDonald's was found liable because they were aware of the prank caller, who had placed similar calls to numerous stores, and failed to give adequate warning to other stores.

What Happens Next?

Since the case went to court, McDonald's has received numerous phone calls from voyeur enthusiasts requesting strip-search birthday parties. McDonald's has denounced the calls as childish and insensitive. However, McDonald's will offer Ogborn a deal in which she would derive all of the revenue from the sale of the new McOgborn, an Atkins-friendly stripped down version of the Big Mac. If Ogborn accepts the offer, she will be agreeing to appear in a commercial in which porn magnate Larry Flint, playing her manager, corners Ogborn in an office and asks her where she's hidden the beef, thus prompting the Hamburger to burst into the room, with a McOgborn strategically held in front of his otherwise naked body. Most likely, she will seriously consider the offer, since the sandwich is expected to generate revenues of more than \$10 million over the next five years, and since Ogborn is an avid fan of Robert Mapplethorpe's erotic photography.

Supreme Court Justice Admits "We Make it Up"

By Jeremy Miller

For years, law students have been baffled in Constitutional Law classes as professors hurl themselves into verbal gymnastics to explain the Supreme Court's logic and reasoning through 200 years of cases on a given topic. Supreme Court cases have been decided, relied upon, overruled, ignored, and distinguished until a line of cases is more circular than linear and cynical law students are left to ask, "Are they just making this up?!"

In a new book entitled "*Well, Duh!*" Justice Ruth Bader Ginsburg of the United States Supreme Court explains, "Of course we make it up! Have you ever actually tried to follow a line of cases over 150 years?"

"*Well, Duh!*" will be available in bookstores on Tuesday and is the newest work by veteran Washington Times reporters Woodstein and Burnward, who gained notoriety for their work in uncovering the fact that Bill Clinton was not, in fact, America's first black President.

Supreme Court Justices have traditionally maintained a code of silence regarding the internal workings of the Court, offering only their published

opinions as possible explanations. However, Woodstein and Burnward were able to use their connections gained through years and years of cocktail parties in the Washington, D.C. area to gain access to Justice Ginsburg.

"I am just tired of keeping up the charade. There is no continuous, logical evolution of precedent in the Constitutional arena," explained Ginsburg, who once represented the ACLU in cases before the Supreme Court. "We each just look at the facts of the case, decide what we want the outcome to be, and find a way to fit our conclusion into the Constitution. You don't think that any one *really* believes in substantive due process do you?"

While other members of the Supreme Court have refused to comment on the new book, some law professors have welcomed the discussion. "The country is ready for this debate," according to Arthur Dent, professor of Constitutional Law at the Duke University College of Law.

"Law professors have been talking about this for years amongst themselves, since the Warren Court, really. When students ask about the Supreme Court making it up as they go along,

we have had to wave those concerns off as unreasonable. But now we have Justice Ginsburg, who is willing to admit what a generation of lawyers have suspected."

Ginsburg's willingness to talk to reporters about this sensitive topic has been derided by some of her former allies. "While I hold Justice Ginsburg in the highest regard, she is full of malarkey," said Harvard Law professor Larry Clan. "The Supreme Court's Constitutional jurisprudence is irreproachable and completely logical. I cannot think of a single instance in which the United States Supreme Court has been inconsistent. It is obvious that Justice Ginsburg has been corrupted by a vast right-wing



Photo from San Diego State University

Justice Ginsburg, pictured here with President Bill Clinton, was sworn into office in 1993.

conspiracy in a transparent attempt to undermine the Supreme Court."

"*Well, Duh!*" is currently ranked at number 7 on Amazon.com's PreSale Bestseller List.

PAGE 5 MISCELLANY

Permission to Speak Freely

By Carrie Thompson Jones

This article started out as an angry email to the administration of the law school. Of course, I took a break from my ranting and cooler heads have prevailed. Instead of sending it to just one recipient in the private confines of an email box, I am sending it to Res Ipsa for everyone's eyes. I have no shame, because I think this topic is something that concerns most of us here at the law school, albeit some more than others. It's about bloated tuition, debt load, and the need for more creative ways to get through law school without breaking the bank.

Ten years ago, I graduated from college after four years of living a pretty fun undergraduate life with a total debt load of \$200. That's right, it isn't a typo, I said two hundred dollars. I lived on a shoestring and worked jobs on the side, and successfully left college feelin' footloose and fancy free.

Just recently, I found a notebook from those college days gone by, wherein I had detailed about 5 different law schools I was planning to apply and attend after graduation. I had written down their yearly tuition among other things. I was absolutely floored to realize that just ten short years ago the cost of ASU's Law school tuition was about \$3500 per year. Today, just a decade later, we have experienced close to 400% inflation in the tuition rates (as of this writing, I can't even remember the exact figure...paying it was so traumatic I blocked it out).

I think it is shameful and unconscion-

able that tuition rates nationwide have gone through the roof and are showing no signs of slowing down (evidenced by the ASU Law \$1000 hike from last year to this year). I was cheering heartily for the few ASU undergrads on appeal against the Arizona Board of Regents for allowing this highway robbery to occur here in our own state. Unfortunately the lower court decision sustaining the tuition hikes was affirmed a few weeks ago, so who knows what next year's rates will look like.

I realized that in ten years there was bound to be some incremental rate hikes to reasonably keep pace with inflation. I just wish tuition had actually kept pace with inflation by a multiplier of one instead of a hundred. You could easily say, "Good grief, quitter whining. You knew what you were getting into when you signed up for law school, the rates were posted." True. However, I signed up for ASU with the assumption there would be more in the way of scholarships, creative financing, and post-graduation loan forgiveness options on the table.

Imagine my surprise, when as a first year, the total amount of scholarships I

was able to land (nothing through the law school, mind you) was just \$500 shy of a full ride scholarship ten years ago (Yahoo!), but made less than a 10% dent in my yearly cost of school in 2006-07 (no yahoo.).

I was definitely not impressed with how my anemic scholarships had pulled through for me in a time of unprecedented tuition costs, but nevertheless decided to just keep moving forward in the direction of my goals, regardless of the exorbitant debt load I anticipate. But this begs the question, if ASU Law didn't offer me any scholarship money (all of it had been doled

out by the time I accepted my seat last year) with the above-average LSAT and GPA I brought in with my application, who do they offer it to, and why?

I know I must be doing something wrong by actually paying tuition. I hear other students mention the ASU scholarships they received, and have uncovered details of how full-ride scholarships have been used to entice students to stay at ASU as if it is a carrot on a stick. I've even heard of students angrily detailing how they were forced to turn down scholarship

money offered to them by ASU because they had received more than the cost of the semester's tuition already.

I am frustrated and appalled that the loans I take out to pay my own tuition are in a sense being used by the administration to cavalierly subsidize (on a merit-based system) the education of people in the top 10% with a much higher chance than I have, as an average student, of getting a lucrative BigLaw offer. When we graduate, and the top tenners will be offered starting salaries of 160K (and rightly so, they worked damn hard for it!), and due to hefty merit-based scholarships they are likely to not have the kind of crippling debt load that other students who sat next to them in class will have. Furthermore, those of us who actually pay the bloated tuition costs with loans (and where are the need-based scholarships?) will be mortgaged for the next 30 years to pay it off and think ourselves lucky if we can slide into a starting salary of 60K.

Like I said, this article started out as an angry email. Looks like it stayed that way after all. I have to run. Fastweb.com is calling my name.

I was absolutely floored to realize that just ten short years ago the cost of ASU's Law school tuition was about \$3500 per year.

-Carrie Thompson Jones

Lunch addresses student concerns on loan repayment, night classes

Continued from Page 1

Dean White outlined her strategy for maximizing funding for the law school. She explained that tuition is divided into two figures for ABOR rate-setting purposes, general tuition and program fee. General tuition money is put into ASU's general fund and used for university expenses, about 15% of which comes back to the law school, whereas the money acquired from the program fee is devoted exclusively to the program the fee is applied to. Because of this, Dean White favors an approach that requests any tuition increase be addressed at the program fee portion of the tuition rate. An informal poll of students at the lunch meeting showed that the majority of students were in favor of this approach, with most of the minority opposed to any rate increase.

Dean White also responded to inquiries about the status of student organization room. She said that plans for renovation are in the works, and that the administration is working with the Student Bar Association to make the room useful and enjoyable for law students. On the issue of loan repayment programs for those interested in public interest law, the dean eagerly approved of the goals of such a plan, but does not anticipate ASU will begin such a program in the near future. She hoped that the overall affordability of ASU's law program – which compared favorably to many other top-tier law schools at public universities in a hand-out provided at the lunch – would allow students more flexibility to pursue worthwhile and important career opportunities. On the issue of a part-time evening program, Dean White commented



Photo from Sandra Day O'Connor College of Law

Dean Patricia White, center, with former Justice Sandra Day O'Connor and ASU President Dr. Michael Crow.

that a study to examine the feasibility of such a program was taken several years ago by the law school. It showed that such a program was not congruent with the college's overall education and financial goals.

Totally Useless Legal Facts

- The bench in the middle of a Westminster parliament is 2 1/2 sword lengths long. This is to keep both the government and the opposition at least a sword's length away from each other in case of a heated debate.
- In Italy, it is illegal to craft coffins out of anything but wood or nutshells.
- British Parliament proceedings are meant to be held in private, even though they are televised. So, if a member desires to have a secret session, he or she points to the public gallery and calls out "I spy strangers!", whereupon the members vote that "strangers do withdraw."
- In the early 1900's, an elephant was actually tried, convicted, and hanged for murdering a politician's daughter during a circus parade.
- The word "testify" originates from the Roman courts where men were known to swear on their testicles about the truth of the matter unlike our present day Bible system.
- Dueling is legal in Paraguay so long as both parties are registered blood donors.

LEGAL NEWS WRAP-UP

Lawyer pleads not guilty, former Army Chief acquitted and Microsoft withdraws

Tom Anderson sentenced to 5 years

The former Alaska State Representative was sentenced Monday to 5 years in prison. Anderson, convicted in July for bribery and corruption, was accused of accepting nearly \$26,000. Three other Alaska State congressmen have been accused of bribery or corruption, one of whom has already been convicted.

Nortel reaches agreement on fraudulent accounting practice charges

The US Securities and Exchange Commission reached a settlement agreement with Nortel Monday. The telecommunications company will pay \$35 million in penalties for increasing or decreasing earnings in order to fraudulently appear it was a profitable company. The damages will go directly to stockholders.

The fraud, allegedly on the 2003 statement, was not admitted nor denied by Nortel in the settlement. However, the SEC has gone on record by noting the cooperation of the company and its board of directors.

Former Bosnian army chief's acquittal on war crimes charges affirmed

Sefer Halilovic, acquitted in November 2005 by the lower court of the International Criminal Tribunal for the former Yugoslavia at the Hague, saw his acquittal affirmed by the five-judge panel of the Appeals Chamber of the same court.

Halilovic was charged with war crimes based on his command of troops that allegedly murdered Bosnian Croat civilian in the Bosnian civil war. The civil war took place from 1992-1995, with the specific incident occurring in 1993.

In November 2005, the lower court ruled prosecutors had failed to meet their burden of proof that Halilovic had substantial control over the troops accused of the murder of 63 Croats, which included women and children.

Microsoft to withdraw South Korea appeal

Microsoft announced it will drop an appeal to an antitrust ruling against it from 2006. The South Korean Fair Trade Commission ruled against Microsoft in 2006 for abuse of its dominant market position, fining the corporation approximately \$34 million US. The court also ordered Microsoft to provide consumers of its popular operating system, Windows, without bundled software.

European Union Uphold Retirement Age

Mandatory retirement ages were upheld by the European Court of Justice Tuesday. Despite strict prohibitions by the EU of discrimination based on age, national governments are now allowed to create mandatory retirement ages. The requirements were called into question to decide whether they went against the Framework Directive for Equal Treatment in Employment and Occupation, adopted in 2000 by the EU. The Directive implements the principle of equality in treatment of member citizens based on the grounds of religion, sex, racial or ethnic origin, religion, disability, age and sexual orientation.

Lawyer pleads not guilty to federal charges

Melvyn Weiss, a partner and co-founder of Milberg Weiss, entered a plea of not guilty in federal court October 15. The charges, including conspiracy, racketeering, obstruction of justice and making false statements, stems from a long-term investigation by the United States Attorney alleging Milberg Weiss paid up to \$11.3 million in illegal kickbacks since 1984. These kickbacks went to individuals to serve as lead plaintiffs in class action and shareholder derivative lawsuits.

Two other lawyers, Seymour Lazar and Paul Selzer, also entered pleas of not guilty on money laundering charges. Other partners of Milberg Weiss have pleaded guilty to similar charges. Amounts of up to \$7.75 million are set to be forfeit by individuals who have plead guilty, along with fines of up to \$250,000.

AT&T, Verizon and Qwest decline to provide information to Congress

Telecommunication companies refuse to give Congress the information requested by the House Energy and Commerce Committee regarding their role in domestic surveillance. The National Security Agency's domestic surveillance program is being investigated by Congress in order to determine if the White House overstepped boundaries.

The companies, facing litigation for their refusal, each cited White House objections to disclosures, national security, and pending litigation as reasons for not disclosing information.

AT&T joined Verizon in an argument that the government should be required to prove information requests were lawful. Instead, they claim the government is shifting the burden on the telecommunications companies. AT&T further responded to Congress saying they would not participate in an "oversight dispute between the Congress and the executive." They added that as a private company, they were not privy to the foundational aspects of any operation and therefore could not be required to determine the constitutionality of the requests by the NSA.

Montenegro set to begin accession process?

The first step in possible accession to the European Union was taken October 15 by Montenegrin Prime Minister Zeljko Sturanovic. The Prime Minister signed the EU-Montenegro Stabilization and Association Agreement. Projected membership is to begin in 2015, and the agreement sets up concrete trade deals and eases access to visas.

The country became independent from Serbia in June, 2006. Serbia has also applied for accession to the EU, but has been denied for non-cooperation in investigations by the International Criminal Tribunal for the former Yugoslavia.

- Compiled by Tracy Rineberg



MORE MISCELLANY

Pro Bono work in international field

By Tracy Rineberg

There's a new student organization in the law school, and it is already having wide reaching effects. The International Law Students Association (ILSA) began last year when a small group of students decided to bring back an old chapter of ILSA. Previous attempts to revive the organization, including one try under another name, were short lived. However, interest has increased and a unique pro bono opportunity has attracted numerous members from all classes.

ILSA has teamed up with the Make-A-Wish-Foundation, giving students a rare opportunity to work with documents from foreign countries. Pro Bono work includes comparing international and domestic documents, in some cases translating the documents from the original language.

Though many ILSA students are multi-lingual, Victoria Ames, the head of the project, is looking for even more translators. "You don't have to become a member of ILSA," Victoria said. "We just need people who are bilingual."

Right now, the program is looking for those that can speak Spanish, Portuguese, Hebrew and French. A level of proficiency is required, as the work is translating the language used in legal documents. If you have are able to help with translations, please contact Victoria at Victoria.Ames@asu.edu.

Res Ipsa Hit Hard by Post Fall Break Injuries

By Matt Estes

Rusty from 9 straight days of relaxation, veteran Res Ipsa Loquitur correspondents Jeffrey Lee and Kyle Shelton both suffered debilitating injuries while writing for the current issue, causing them to miss their deadline.

Mr. Lee, whose seminal article "I'm OK, You're OK: How Justice Rehnquist Really Felt about Criminal Defendants" is repeatedly cited in the journal articles of unaccredited law schools, was stricken by a debilitating case of writer's block late Saturday night. The injury occurred when Lee was attempting to write a substantive article after concluding a 20-hour Halo 3 session. Sure that he could transition from mind-numbing entertainment to mind-numbing journalism, Lee instead could type nothing but "akira25 has nothing on my skillz" repeatedly. While undergoing intensive rehab, Lee was ruled out for the current issue, and is questionable for the next issue. He should be ready for the playoffs.

Mr. Shelton, noticeably three shades paler than his typical skin shade of "transparent" in recent weeks, was found late Friday night in the Ross-Blakely Law Library, rambling incoherently and sitting cross-legged in front of the Atlantic Reporters. Apparently, Shelton is enrolled in a riveting LAW 791 class, "The Law of 1930s Delaware," and became angered at the genesis of the state's lax corporate laws. He initiated a one-man blockade of the aisle to prevent any further research into the state. In the struggle to remove Shelton from the library, he suffered a Grade 3 paper cut to his right hand, while attempting to grasp the heretofore untouched pages of Atlantic Reporter 131. Upon further examination, Shelton has been found to have been solely subsisting on student org pizza and double espressos from Charlie's Café for the past 10 days. Res Ipsa has placed Shelton on paid administrative leave.

Editor-in-Chief Tracy Rineberg defiantly addressed the media, including many pundits who had joked that Res Ipsa would not be able to meet its Tuesday deadline. "See, this is why I hate the media. Just for once, I'd like to read a newspaper that got all the facts right and didn't have to resort to childish humor pieces." She went on to mention that Res Ipsa had a few promising 1L prospects given minor league assignments as editors for the Arizona Republic and East Valley Tribune. She was confident that they would be writing for a real newspaper early next year.



Law School Pets:

Many law school students own pets to help ease the stress of school. Pictured left are 2L Mary Bystricky's dogs.

Nitpicking, an unanimated short

by Douglas Lowden

- Nitpicking, was the proper descript-
- Hey, what do you mean by 'unanimated'?
- Huh, what? What do you mean? I'm busy right now.
- 'Unanimated', what do you mean by that? Is this short going to be animated or something? Or was it already animated and then you de-animated it?
- I don't know. I mean, I don't think that you can de-animate something. It's just a short story that is not animated.
- So why even say that. Just call it a short story.
- Well a short story implies a beginning, middle, and an end. It was just supposed to be a quick exchange of dialogue, something probably more genuine in visual format. Who are you again?
- Actually, some writers denounce that format.
- Animated?
- No, the beginning, middle, and end. They say its not like life. Life just goes on. Have you ever read Vonnegut?
- Well, yeah. Okay then, I'll correct that in the next draft. I'll just call it a short story.
- Hey, wouldn't it be 'inanimate' anyways? I can't see how something is 'unanimated.' It would just be inanimate.
- It's not important. It's out of the title. In any event, 'inanimate' means defunct, and that's certainly how this story feels.
- I apologize. Just go ahead with the story.
- Nitpicking is the proper description for what-
- No, no. You mean, "picking nits." If you are going to write something you should respect proper English. The root verb should go first. Okay, proceed.
- What? Wait, you never told me what you are doing here. Besides, "Nitpicking" is a common expression. I think it's allowable.
- No, someone does not nitpick anymore than cabdrivers cabdrive. They drive cabs.
- By your logic a cabdriver is a driver of a cab. You just broke your own pedantic rule. And if you're going to be like this I might as well point out to that your last line was confusing. Essentially, you said that people don't nitpick they drive cabs. Be wary of vague pronouns.
- Duly noted, but actually, 'cabdriver' is a noun. It's allowable.
- This really is unbearable.
- So you speak of vague pronouns. Yet, 'this' is of limitless ambiguity.
- I want to put a screwdriver through your ear right now. Specifically.
- 'Screwdriver'! You're getting the hang of it. Still, you wouldn't 'screwdrive' me. Think of how bartenders tend bar, bookkeepers keep books, and anteaters eat ants. The combined word is fine until it is put into verb form. In which case, the root verb goes in front of the noun. So you would actually drive screws into me.
- Certainly. Whatever, I don't care anymore. I'll probably never finish my 'Nitpicking' story anyways. Why are you here exactly?
- Oh, I'm fundraising.
- Figures.
- So how would this be more genuine in a visual format?



Dating lawyers.

Destitute Darlings

By Ravi Arora

Walker-Thomas, much like Charon,
Made an income by conveyance
Of souls from the world of the living
To where their breath was in abeyance.

Unlike Charon, Walker lacked
Status as a sailor,
And thus its status as a darling,
Failing to win it the court's favor.

Thorne on the other hand, was a silly in-
deed,
Being first of all a woman
And further poor an innocent
With seven illegitimate children.

Full of child and void of brain,
She was ripe bait for the beast,
Who caught scent of her welfare check
And sought to make a feast.

Knowing she could never pay,
Walker procured the fruit,
Luxuries forbidden by default
To the poor and destitute.

"Look my dear, at what I have here,
The food of angel's divine
Which can be yours, at the heavenly price
Of MSRP times nine.

With the addition of taxes, fees, and inter-
est
Plus a reasonable profit remittance,
This designer collection of particle board
Can be yours for a miserly pittance.

Now I know this is a commitment,
But please don't press your mind,
Just place your trust in this plastic smile
And sign on the dotted line."

So the piper played his tune
And the child-like Thorne did follow,
Unaware of the sulfurous pit
In which she would be left to wallow.

The time to pay then timely arrived
Finding the mother with not a penny,
And the grin in which she had placed her
faith
Turned to a grimace with fangs aplenty.

"The hour is at hand, my darling,
To relinquish your soul to us,
Along with every single item

That you've purchased previous.

For, in truth, that weather beaten couch,
For which you thought you'd paid,
Still has three eighths of a penny
Payment not yet made.

And the armchair, which you'd long since
sold,
Left in your grandmother's will,
Had two young calves and a first born
child
Owed upon it still.

Indeed, our records indicate,
We own everything you hold,
All, except this wooden spoon,
But that's before tax is tolled.

With unpaid contributions and costs,
Credit charges and fees,
Penalties and interest,
We'll need one million dollars please."

Thorne cried out, as the serpent bit,
Searching for the light she'd lost
"Can no one slay this devilish fiend
And save me from this cost?"

Of a sudden the clouds on high did part
And a holy light shown down
"Fear not my glue-sniffing harlot child
Your savior has been found!

We, the court, shall cure this wrong
And return to Hell this demon.
For attempting to collect a rightful debt
Get thee back to Cleveland!

How dare you threaten this sweet and
kind,
Mother of seven crack-children,
Whose sweat, tears, loins, and track lines,
To Jesus have been given.

And on that matter of the restraining order
We grant a five hundred meter radius
Against Jesus Rodriguez Aguillar-Thorne,
Upon threat of immediate arrest."

So Thorne kept her Daveno,
Her children, being spared the mill,
Eventually became respected members
Of Walker's traveling sale's personnel.

Why Were Teenage Boys Created?

According to North Carolina Judge David K. Fox, General Court of Justice, Transylvania County, "Teenaged boys were created to mumble darkly whilst doing yard work to justify their existence on earth and their room and board."

That's just one of many pearls offered by Judge Fox in a temporary support order in a divorce case, an order as hilarious as it is skillfully articulated.

The facts are extensive, but basically, the husband, a doctor, was seeking relief from support payments to his ex-wife, who, along with her kids, was living quite well on the ex-hubby's income while declining to seek substantial work of her own.

The wife had been a nurse, a fact not surprising to Judge Fox, who commented "[t]hat, as predictable as death and taxes, doctors marry nurses for second and subsequent unions."

Neither the wife nor husband, according to Judge Fox, had managed to adjust their respective lifestyles in light of the doc's substantially declining income attributable to shifts in the healthcare industry. The result, said Judge Fox, was "an ongoing mathematical economic train wreck."

Part of the problem was that, "since separation, the Parties have undertaken to continue their relationship based upon the constitution and bylaws of the Jerry Springer Show." The wife's grown kids from a prior marriage weren't helping matters either, causing Judge Fox to remark that "[i]t is a mercy that [the husband's] children by his prior marriage are in Illinois."

The comment about teenage boys came in response to the fact that the wife was forking out \$250 a month for yard work instead of making her healthy 17-year-old son get off his duff and push a lawnmower.

While Judge Fox's sympathies seemed to lie with the husband, the doc didn't escape unscathed. Judge Fox described him as "rotund" and "a vessel of ill health, both actual and potential."

But good news! The husband had "acquired a reciprocal, apparently romantic, interest in a local female (working in the health-delivery industry, of course," causing the judge to speculate "that this relationship likely is the primary reason he has begun to address his weight problem with some increase in beneficial exercise, including the muscular effort of pushing aside the dinner plate more frequently."

The judge granted the husband support relief and everyone else comic relief. This summary doesn't do justice to Judge Fox's order. The overall tone, while definitely somewhat sarcastic, is not mean-spirited. He seemed genuinely concerned in the parties' well-being, but also frustrated by their inability to grasp their economic straits.

OUT OF CONTEXT BEST OF...

This Section is where we quote your esteemed professors at their finest. In order to keep properly stocked, we need to keep your ears tuned to your professor's off-key utterances and submit them for publication. The more irreverent and audacious, the better.

"Once you realize that it's not a gun, you have to stop feeling it."
– Prof. Hessick

"Perhaps I shouldn't be so ambiguous." - Prof. Rose

"Now I know many of your other teachers have told you that their class is the single most important class of your life but I will arm wrestle all of them!" – Prof. Forst

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