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THE LOYOLA REPORTER

Vol. 18 no. 4, January 15, 1995

HOW TO GET YOUR GRADES BY PHONE

BY NOW YOU'VE ALL HEARD ABOUT OUR NEW METHOD OF LEARNING YOUR GRADES, BUT...

To Repeat the school announcement:

The school has adopted the Intone Grade Inquiry system.

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Enter "1"

Enter YOUR Social Security Number (Student ID is same number- NOT your exam number)

Enter your birth month in numbers and day in numbers using a 0 for one digit months and days. (e.g., 0101 for January 1 or 1225 if you are Jesus Christ).

Enter 1 for Fall 1994 Grades.

Enter 9 to exit.

We have the promise of using this Intone system in the future for Enrollment Verification, Financial Aid and OCI Appointments.



i fought the law and i won

DAVID PAUL BLEISTEIN ('96)

There's nothing quite like a good gloat to get your spirits up, especially about a victory over that most implacable enemy, the dreaded L.A. City Parking Enforcement. So forgive me, if I've sinned.

I park on the street. Our parking garage is lovely, but it's also expensive. (Sez Mom: "Dear, aren't you afraid of your car being stolen?" I wish someone would.)

Now for The Facts:

Right after school started in August, I parked in front of the wheelchair access ramp under those fat, green *Ficus* trees directly across from the Rains Library on 9th Street.

I got a parking citation.

Pursuant to Cal.Vehicle.Code § 22522, the fine was \$280.00. EEK!

I know what the ramps are there for and I applaud their purpose. (I once helped some poor guy in his 300 lb wheelchair up over a curb and almost joined the handicapped in the process.) So call me a scumbag for parking front of it. But they should be clearly marked and this one was not.

Sol resolved to fight.

Parking tickets are initially appealable by administrative hearing. That means, instead of going to court, a Bureau employee reviews the findings of one of its revenue collectors in the field. By the hearing officer's own admission, almost everyone is found liable, as I was (surprise, surprise!)

You can appeal the Hearing Officer's findings within 20 days of the date of the decision. If you appeal, you get your case heard *de novo* in front of a judge who doesn't have to abide by the rules of evi-

dence. What that means is that you get to give your story about what happened and you don't have to be formal about it.

The appeal was held in the county courtroom just off the freeway on South Robertson Dr. The city sent a representative.

So I made my case

cont'd on page 7

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EUROPEAN INTERNAT'L LAW CLINICS

The University of San Diego Law School will offer clinics in London and Paris this summer, as well as study by the English tutorial method at Oxford. In Paris and London, second-year students may work for credit in law firms and corporate counsel's offices specializing in EEC law and international business law. There are also Paris internships with international organizations.

The student's work depends on the legal problems in the office. Students can expect to do research and draft contracts, opinion letters and memos. They may participate in client interviews, negotiating sessions, and firm strategy planning meetings.

Available to both first and second year students are London credit internships with barristers that cover a full range of English trial work, and non-credit internships in possibly Mexico with international law firms.

The Oxford tutorials allow the student to study law in the English manner, researching and writing papers and discussing them one-on-one with Oxford dons.

The clinics and tutorials are in conjunction with USD's summer programs abroad. They are in Dublin on international human rights, London on international business, Oxford on non-business Anglo-American comparative law and Paris on international and comparative law generally. For further information, write Ms. Cindy King, USD Law School, 5998 Alcalá Park, San Diego, CA 92110-2492 or FAX (619) 260-2230.

FREE CLINIC SEEKS GUIDES FOR YOUTHS

The Los Angeles Free Clinic is seeking volunteers to serve as mentors for homeless and high-risk youth in Project STEP (Short Term Employment Project). Project STEP is the only employment program for homeless youth in Hollywood. It teaches youths the skills they need to find and keep jobs, and provides them with a daily paycheck that serves as an alternative to panhandling.

A key component in the program is a one-on-one relationship with a mentor. For many youths, their mentor is the first adult to show an interest in them, and the only positive adult role model they've ever had. For many mentors, this is the most fulfilling and gratifying volunteer experience they'll ever had.

The Los Angeles Free Clinic is looking for stable, responsible adults who can commit one hour a week to talk to a young person trying to turn his or her life around. Spanish-speaking mentors are particularly needed.

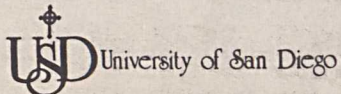
For more information, please call Craig Fleishman, volunteer coordinator, (213) 653-8622.

SUMMER LAW STUDY

in
Dublin
London
Oxford
Paris

San Diego

FOREIGN LAW PROGRAMS
SCHOOL OF LAW
UNIVERSITY OF SAN DIEGO
5998 Alcalá Park
San Diego, CA 92110-2492



RANDOM THOUGHTS

David Rubin '95

As a lifelong sufferer (or at least since entering law school) of Attention Deficit Syndrome, I found myself in a great quandary; I would start writing a story, but never finished past the first column! Rather than write these efforts off as a complete waste, I decided to publish a compilation of these unfinished stories. And away we go!

This newspaper was NOT printed on recycled paper. Sorry, tree-huggers. But look on the bright side - it should make a perfect liner for your environmentally correct bird cage.

Some of you people need to understand that you are supposed to drive in only ONE lane of the parking lot at a time, not both. To do otherwise may cause an accident which will result in litigation. Such litigation will only mean higher tuition for the rest of us since it

be on television.

This past week, Whitewater independent counsel Kenneth Starr reopened the investigation involving the death of Vince Foster, a top White House aide and Rose Law Firm partner. The previous non-independent counsel, Robert Fiske (the same man who represented B.C.C.I. kingpin Clark Clifford), concluded that the death was a suicide. At the same time, his investigation revealed that semen stains and blonde hairs were found in Mr. Foster's underwear. Now, could you please run by me the color of Hillary's hair again?

DON'T KICK THE DOG!

The fact that you couldn't be bothered to do more than look at the Casenotes for Evidence does not justify your kicking Fido! If you really feel that you need to let out some steam after seeing a succession of 70's, try head butting the brick wall. It really does feel good. Fido will thank you.

There has recently been an increased interest in reviving the NFL's instant replay rule. Strangely enough, this interest has been largely confined to the southern portion of Florida.

The NHL is back! As we go to press, the NHL Players Union and the owners have finally come to agreement: Everyone's salary will be increased, the owners will get fatter and richer (but poorer on the balance sheets for tax purposes), and keeping with a long tradition, the fans will be screwed. Nevertheless, I will be among those hapless saps who pay over \$20 for nose-

bleed seats in the Forum.

Am I the only one who isn't exactly enthralled with our bi-annual tradition of spending over \$400 for textbooks which a year from now will only be useful in the event that your new puppy is being paper-trained?

To my fellow third years who are not yet employed: faced with moving back in with Mommy or selling your soul to Larry Parker, which would you choose? (One of life's many dilemmas.)

The Cowboys by 3. The Chargers by 6 (if last week's crew is still officiating).

DOWNTOWN CONDOS FOR SALE OR LEASE

STUDIOS, 1 BR, 2BR, 3BR,
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LOCATED ON DESIRABLE
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would establish the negligence of the idiot(s) who designed car lanes that even Evel Kenivel would be unable to navigate.

Punditry 101: Who selects these pundits? Its hard to watch the boob tube these days without seeing one of the following persons commenting on the O.J. Simpson case: Laurie Levenson, Sam Goldman, Bob Pugsley, Peter Aranella, or Erwin Cherminsky (insert your own nominees here). Those poor family law professors. If only people gave a damn when some sauced up athlete beat up his wife - maybe then they would get to

This is WESTLAW UPDATE, a concise summary of WESTLAW press releases sent to *The Loyola Reporter* on a regular basis.

The following databases have been added to WESTLAW for your researching pleasure. Some are treatises that have been placed on-line; others are looseleaf services and others are databases acquired from other on-line services.

For more information on specific databases, call the West Reference Attorneys at 1- 800- REF-ATTY (1- 800- 733- 2889). For technical assistance in general, call West Customer Service at 1- 800- WESTLAW (1- 800- 837- 8529).

DB NAME is the name you'd use to call it up once you've logged on to WESTLAW.

If any database is not available, let us know.

DB NAME **WHAT'S IN THE DATABASE**

ADA- LH Comprehensive legislative history of the Americans with Disabilities Act of 1990. Docs include: public laws, committee reports, bill or amendment versions, hearings, excerpts of congressional debates and other "miscellaneous transcripts" relating to the Acts

BJS Bennet's Guide to Jury Selection and Trial Dynamics in Civil and Criminal Litigation. Jury selection and trial presentation strategies for both civil and criminal litigation eloquently elucidated in a single volume by noted authorities, Cathy E. Bennett and Robert B. Hirschorn.

EDR- RAATS Resource Conservation and Recovery Act (RCRA) Action Tracking System database. Contains "over 8,500" records of administrative and civil actions brought under RCRA brought by the EPA.

ELI- SENVL Sustainable Environmental Law database. Full text of *Sustainable Environmental Law* (a treatise) by Celia Campell- Mohn, Barry Breen and J. William Futrell.

FAMLV- LH Complete legislative history of the Family and Medical Leave Act of 1993. Docs include: public laws, committee reports, bill or amendment versions, hearings, excerpts of congressional debates and other "miscellaneous transcripts" relating to the Act.

JURIDIAL 12 databases containing foreign materials. (That's all the info they gave us!)

JW- ADA Americans With Disabilities Act database. Full text of the treatise *Americans with Disabilities Act Handbook, 2d Edition* by Henry R. Perritt, Jr. Includes main text and "portion(s) of the volume's supplement" as well as "any pertinent ancillary materials as they are reproduced."

OJ- COMMENT The one we've all been waiting for! Ongoing commentary on the O.J. Simpson trial by "various legal experts."



JUST WALK

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CAKE WITH PURCHASE OF
LUNCH AND DINNER ITEMS**

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BAGLE WITH CREAM CHEESE
COFFEE OR NATURAL JUICE

우동 전문점

LUNCH \$4.99

UDONG · RAMEN · HOT RAMEN
MORISOBA · SALAD · SANDWICHES

맛보고

Enjoy!
SAPPORO
NOODLE HOUSE

**Pasguini
Cappuccino**

MON.~SAT. 9:00 am
10:00 pm

HOUSE DINNER \$12.99

◎ FRIED WHOLE FISH
FULL COURSE DINNER
(INCLUDE CAPPUCCINO
COFFEE ICE CREAM)

◎ SHABU-SHABU
DINNER

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ON THE 'NET WITH WESTLAW

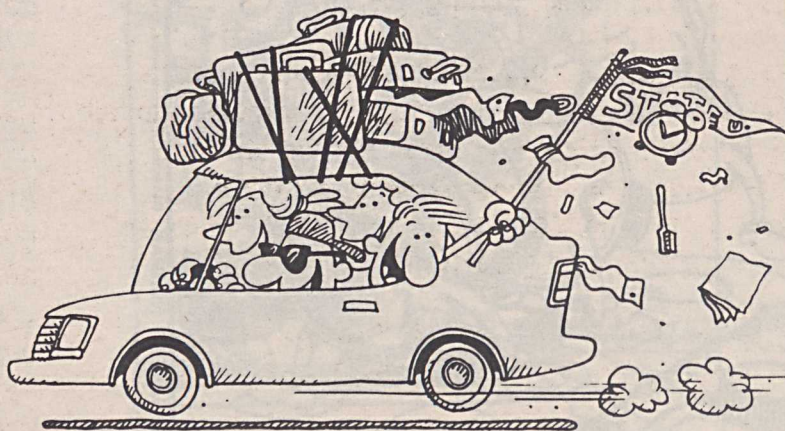
LLS IS NOT ON THE INTERNET but...

If you're hooked onto the Internet, WEST publishing materials are now available on World Wide Web (WWW). WWW allows users to find information on Internet databases using the "hypertext method."

The URL (Uniform Resource Locator) for WWW is <http://www.westpub.com>. This can be accessed through Lynx or a graphical Web browser.

For more information on WWW call: 1- 800- 778- 8090 or zap your queries via the e- mail to: westmedia@westpub.com OR webmaster@westpub.com.

See you in cyberspace!



PROP 187 AS SEEN AT A LAW SCHOOL IN NEW ENGLAND

POINT

(name withheld by student's request), New England School of Law, Boston, MA

By the time you read this article, the '94 election will be history and some important issues will have been decided at the voting polls. Perhaps no state referendum has been so highly publicized, so widely criticized, and so crucially important to a state's economic welfare (which is not the type of welfare you stand in line for twice a month) than Proposition 187 in California. When one strips away the accusations of racial prejudice and illustrations of illegal immigrant babies dying in the streets, one finds that Prop 187 is about economic survival. The most important part of Prop 187's success is not whether it's passed in California or whether it withstands constitutional challenges; the true measure of Prop 187's success will be if it acts as a catalyst for the federal government to address the "financial black hole" of providing entitlements and federal/state subsidies to illegal immigrants. States like California, Texas and Florida cannot hope to survive (not prosper, just survive) economically in a climate that appears to reward illegal immigrants who find new ways to elude the international border patrol.

To be sure, I agree with the command of the Statue of

IN THE EVENT YOU HAVEN'T NOTICED, STATES LIKE CALIFORNIA, FLORIDA AND TEXAS ARE NOT THE ONLY FORA FOR DEBATE ON IMMIGRATION IN GENERAL AND PROP. 187 IN PARTICULAR. THESE TWO PIECES WERE ORIGINALLY PUBLISHED AS A "POINT/COUNTERPOINT IN *DUE PROCESS*, THE STUDENT NEWSPAPER FOR THE NEW ENGLAND SCHOOL OF LAW. THANKS TO THE AUTHORS FOR GRANTING PERMISSION TO REPRINT HERE AND THANKS TO R.J. COMER ('96) FOR BRINGING THIS PIECE TO OUR ATTENTION

Liberty, "Give me your poor, your weak, your tired, your downtrodden," but not at the expense of illegal immigrants sapping the strength of states' fiscal foundation. When 2/3 of all babies born in LA County Hospital are born to illegal immigrants who have only come across the border to give birth to their children in the U.S. so that they may receive all the entitlements and benefits of U.S. citizenship, something's definitely wrong. Sure, maybe Prop 187 isn't the panacea to this ever-swelling problem; but at least it's a start or a spark that will light a few fires under some people in Washington. Hey, here's a novel idea -- why don't we try to focus more of our attention/money on the citizens of this country for awhile.

COUNTER-POINT

Bobbie Barkman, New England School of Law, Boston, MA

What's definitely wrong is not that the 2/3 of all babies born in LA County Hospital are born to illegal immigrants, it's labelling people based on their national background in order to justify racism. Racism cloaked in nationalism accomplishes the same results, it draws lines and separates people into "us" and "them" categories making it almost impossible to see each other as members of the same global community with the same needs.

The important question to be asked in discussing Prop 187 is who's economic survival are we talking about? Certainly not the economic survival of those whom this heartless referendum seeks to punish. And punish for what? The mere misfortune of having parents not lucky enough to be born in the good ole's U.S. of A. Nothing like prosecuting, judging and convicting a whole group of people before they've even committed an offense. But first, for those not obsessed with the growing immigration problem, let's clarify exactly what Prop 187 will do if passed. California's Prop. 187 seeks, among other things, to deny governmental support to the children of illegal immigrants who are born in this country. Now there's a good solution, "we can't do anything to stop the flood of illegal immigration, so let's crush those immigrants by denying their children the basic necessities of life instead. That'll show 'em, now they're sure to stay in their own country where they belong." Please!

First, addressing the issue of immigration, legal or illegal, if the United States and states like California, Texas and Florida are so wor-

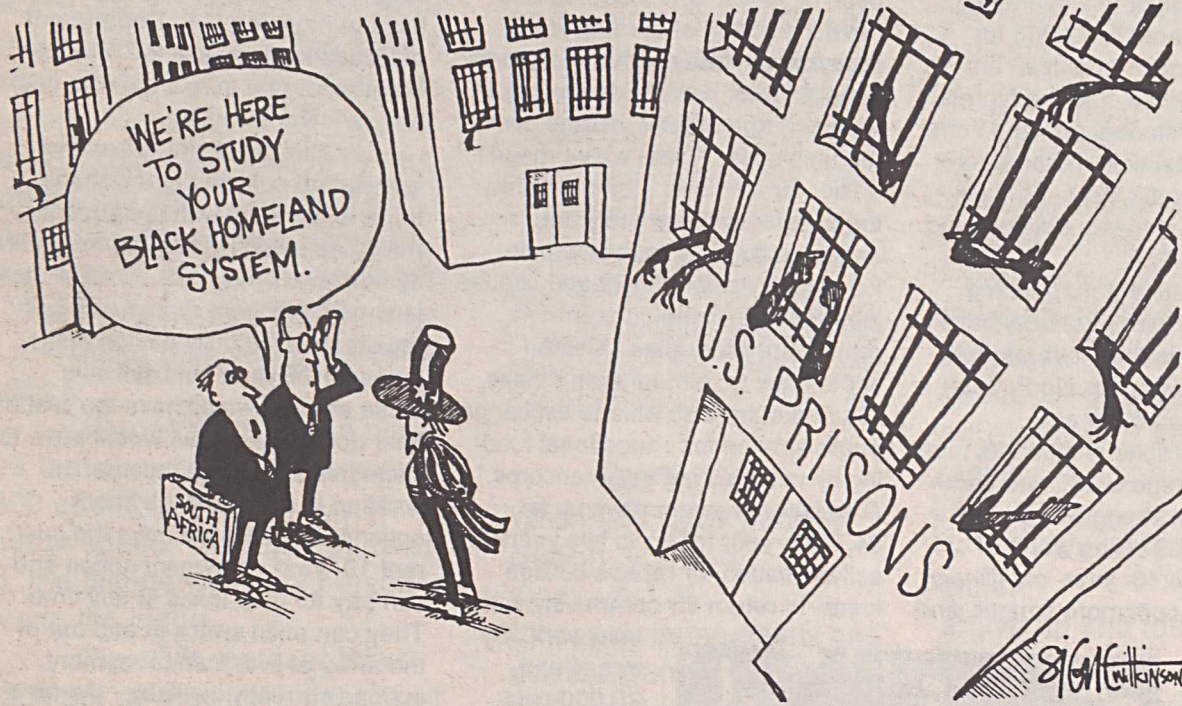
ried about immigration into the U.S why not try a different approach, one that goes to the root of the problem. Think about it, why do people come to the United States? Probably for many reasons, but at least one may be the poor economic or political climate of their home country. If the U.S can spend billions of defending Kuwait and supporting the Contras, maybe those dollars would be better spent on raising the quality of life in our neighboring countries like Mexico. U.S. corporations move into countries like Mexico to exploit workers by paying below subsistence wages so they can increase profits. Why not insist that corporations act more responsibly for a change instead of punishing people that, because of a simple twist of fate, weren't fortunate enough to be born in the United States. A better question is why punish people born in the U.S. just because your parents weren't born here. Your novel idea has one fatal flaw and that is children of immigrants, legal or illegal, are citizens of this country. I suppose we should thank our grandparents and great-grandparents for having the foresight to move to the United States before the proponents of Prop. 187 came up with this brilliant idea!

LACK OF FOCUS TWISTERINE



CARTOONS

Cartoonists & Writers Syndicate



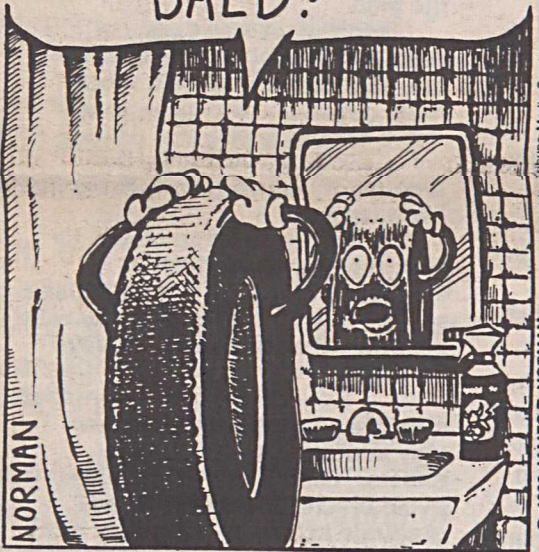
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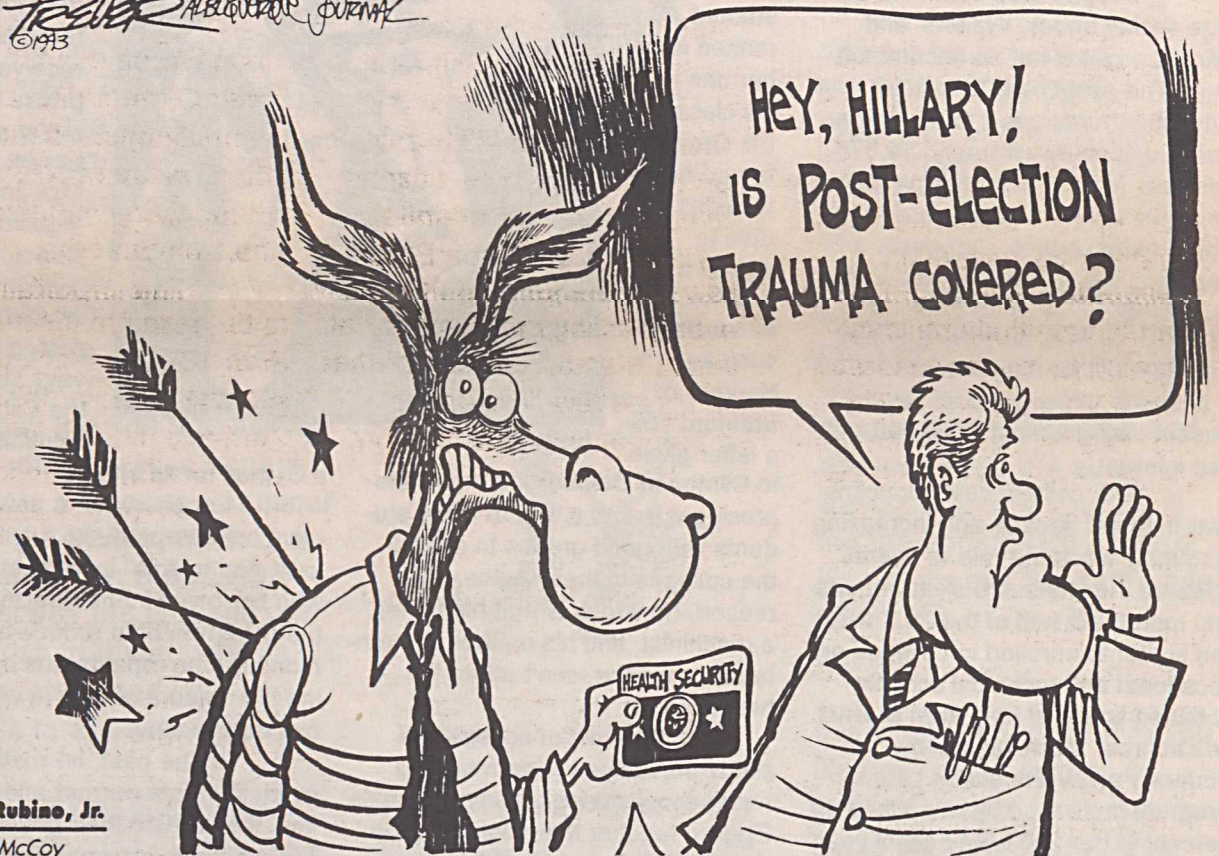
OH, MAN! I'M GOING BALD!

Distributed by Tribune Media Services

TREVER ALBUQUERQUE JOURNAL ©1993



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Wild Kingdom

By Anthony Rubino, Jr.

"Damn it, Jim! I'm a doctor, not a magician!"—Dr. "Bones" McCoy



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KEVIN MEYERS ©1993 THE CHARLOTTE OBSERVER

Distributed by Tribune Media Services

A GROWING CRISIS IN STUDENT DEBT?

By Judy Braginsky
College Press Service

The \$25,000 that University of California-Davis senior Corrine Walters figure she'll owe after earning a master's degree in plant biology scares her. She says she has no clue how she'll pay it all back and that school debt could eat up a quarter of the income she might expect from an entry-level laboratory job in biology.

Hillary Wicai, newly graduated from Northwestern University's Medill School of Journalism, landed her dream job as a TV reporter with WFLI in West Lafayette, Ind., but can't afford the clothes to look professional on the air. Wicai struggles with a \$21,000 debt from the year at Northwestern that helped her land the job. "Every single thing I wear to work was given to me by my mother and grandmother who shopped for bargains," she says.

Despite their collective college sticker shock, Walters' and Wicai's plight is not an uncommon one. The American Council on Education forecasts a student at a public university will spend \$9,876 this year (up 5.8 percent from last year) on tuition, fees, room and board and supplies. At private universities, costs are projected to rise by 5.6 percent to an average of \$23,700. In fact, borrowing to pay the entire bill for four years of school at a private university could leave a student owing almost \$100,000, plus interest.

With college costs doubling over the past decade and increasing at roughly twice the rate of overall inflation, the Census Bureau reports that more than half of the 20.6 million students enrolled in colleges or vocational and technical schools obtained financial help from at least one source. Borrowing in the Federal Family Education Loans Program increased by more than 40 percent in the 1993-94 school year alone, says Donald Stewart of the College Board.

"For many students, finding a way to finance their education may be as much of a challenge as the academic training they'll have to master," wrote Census researchers Rebecca Sutterlin and Robert Kominski in a report released in October. Loans were the source of the largest amount of aid, averaging \$3,155 for just more than 3 million students borrowing to attend class. Other sources of aid included Federal Pell Grants (averaging \$1,375 for 14 percent of students), fellowships and scholarships (averaging \$2,467 for 12 percent), college work study (averaging \$1,560 for 4 percent) and the GI Bill or other programs (averaging \$2,503 for 2 percent).

Assistance from employers was the most popular source of income for students (\$3.6 million or 18 percent) but averaged just \$979 per student, the report found.

The Census Report also revealed men averaged \$2,953 in assistance compared to \$2,891 for

women. Men also received more in terms of scholarships, averaging \$2,971 compared to \$2,068 for women. African-American students, meanwhile, had the highest proportion of students getting some sort of financial help (58 percent and averaging \$2,527). Fifty percent of white students obtained aid averaging \$2,927.

Despite the burgeoning need, federal loan programs have remained flat in recent years, with students receiving less in Federal Pell Grants and other aid.

As millions of students face whopping college costs, and another 12.5 million struggle to pay off a collective \$41.9 billion worth of college debt, one 16-year-old Illinois high school sophomore sought, and received, the

notice of President Clinton. Arthur Orkisz, an A-plus honor student ranked number one in his class in Elk Grove, feared he wouldn't be able to attend a high-priced university such as Harvard or Stanford. In a letter given

to Clinton in October, he urged the president to find a way to allow students with good grades to attend the colleges of their choice. The reason, he wrote, is that his father, a machinist, and his mother, a maintenance worker, can't afford the tuition.

"The cost of college is a pretty pervasive concern among high school students," says Orkisz's English teacher Mary Johannesen. She had assigned her 90 students to write letters to the president on any topic. She then delivered the letters to the White House when attending the 30th reunion of the president's Hot Springs, high school class because her mother was his classmate.

Seventy-five percent of her students wrote of college tuition fears. "Sophomores are pretty concerned," she says. "The seniors have pretty much given up. They figure since they can't afford the colleges of their choice, they won't even apply. A common attitude is 'I'll wait and work awhile and see what happens.' It's pretty depressing."

Clinton quoted a paragraph from Orkisz's letter at a press conference and cited his efforts to improve the educational loan system so far, including a student loan program enacted by Congress in 1993 that has helped more than 330,000 students. The program extends college loans to students and gives students more options on paying back their loans. In addition

to paying a fixed-dollar amount over 10 years, now students also have the option of earning loan repayment money with a community service job or can choose to kick in a percentage of their income over the loan's life. "I feel we've made it easier for students... by reorganizing the student loan program, enabling students to repay their loans on a flexible basis and choose jobs without undue concern for repayment schedules," Clinton wrote back to Johannesen's class. "Students are also able to exchange public service for educational funding by participating in Americorps." (The latter program pays up to \$4,725 a year for up to two years for college tuition, or repays college loans-



in return for community service work. By year's end, 20,000 paid volunteers will participate.) Still, Clinton's student loan reforms do not receive high praise from everyone. Laura McClintock, legislative director for the United States Student Association, says she'd give the Clinton Administration

a C-plus for its efforts.

For example, a new repayment option approved July 1 allows low- and middle-income students who borrowed loans directly from the government to reduce their monthly loan repayments by extending the amount of time in which they can repay loans.

In the past, no matter how much students earned after graduation, they repaid their government-backed loans on a standard 10-year plan. Under Clinton's new program of income-contingent loans, some students could have their monthly loan payments spread out over a much longer period and cut their monthly payments by half. This should reduce the number of graduates who abandon their school loans, say Clinton administration officials, which in turn should save the government hundreds and thousands in bad debt annually.

However, McClintock and some college officials were alarmed at some of the plan's details arguing that monthly loan payments are dropped so low it could actually hurt students because many will be lured into paying school loans for as long as 25 years. McClintock says those extra years of compounding interest will mean students could wind up doubling or tripling college costs. "Once students are given the option of low monthly payments, many will grab it," she says.

Terry Hartle, vice president for government relations at the American Council on Education,

agrees. He supported a successful infight by leading college organizations to have the U.S. Department of Education increase the annual repayment rate from what was originally a lower formula.

Still, there are several key issues that college organizations hope to work out with the government, including limiting the tax liability borrowers may face. Under income contingent repayment, borrowers who faithfully pay on their loans for 25 years and still owe some amount would have the rest of their debt forgiven but would have to claim this amount as income. In addition to the new repayment options, students still have the current 10-year repayment option and can pay for their loans at any time. They can even switch in and out of the array of five-loan repayment options currently available. As for a Clinton proposal to have the IRS collect student loans, proponents say repayment could be made easier if borrowers paid off their loans through withholdings from their paychecks. McClintock and others feels the IRS customer service record gives ample reason to reject the plan.

McClintock also says that despite the creation of direct lending, an income contingent repayment option and Americorps, students are still finding that tuition rates are on the rise while the amount of loan dollars available has been lagging.

Federal appropriations for education have shamefully decreased in the last few years, she says. "There's a huge disparity with the amount of aid available," says McClintock.

Education experts warn that sizeable student debt could have ugly social and economic side effects. They fear students may avoid teaching, social work and graduate school because they don't believe they will be able to pay off their loans. Educational researchers Joseph Boyd and Carol Wennerdahl questioned 551 recent, debt-laden college graduates and discovered six in 10 said they had troubles paying back their student loans. More than 25 percent said their debt has caused them to live with family or relatives and 35 students said their debt caused them to postpone needed health care.

Palo Alto, Calif., economist Richard Carlson, who helped set up the first federally guaranteed loan program 25 years ago, agrees that the degree of student debt today will change the pattern of choices of majors and occupations, despite Clinton's optimism. "And how are banks going to handle graduates already with big debts buying cars and houses?" he adds.

It's all enough to have led Dan LeBeau, a senior at University of Wisconsin at Stephen's Point, to shoulder a wooden coffin for the second mock funeral he's led through college campuses in two years to protest climbing education costs. "It's hard to be a full-time student anymore."



fought cont'd from page 1

again. The judge paid no attention to the hearing officer's findings.

I argued that I shouldn't have to pay because I could not see the ramp. The fat green *Ficus* trees blocked out all of the street lamp's light. There were two cars on either side of it, which made it almost impossible to see the ramp from front or rear. The curb was not painted, there were no signs, there was no crosswalk leading to it. There was no sign on the ramp. In short, the ramp was just about invisible.

My roommate took a picture that showed all of this with 1600 speed film and a very slow shutter speed. Though not needed, the picture was very persuasive to the judge.

The city's representative didn't put up much of a fight at all. All he did was argue that the citation was a prima facie case of my violation. His facial expression showed that he found the picture as persuasive as the judge did. The judge finally said, "Uh, we'll accept your assurances and reverse it for you Mr. Bleistein."

I'm too lawyerly to dance out of the courtroom. But I did grin ear-to-ear for so long my gums dried out.

So there is a lesson in this big megillah. Obviously, don't park in front of wheelchair ramps. *Mea culpa* Hail Mary, etc. But you can fight if you've been treated wrongly.

See the accompanying story for nuts- and- bolts information in fighting a citation of your own.



LOYOLA REPORTER

vol. 18, no.

Editor in Chief

David Paul Bleistein

Associate Editors

Steve Baker
Gary Pfister
Dave Rubin

Contributors

John Rogers

u can fight the law and win too

DAVID PAUL BLEISTEIN ('96) In my case, I had difficulty getting a picture that would support my arguments. As was routine, I asked for and got 2 continuances to get evidence.

First, be warned that fighting a ticket is a righteous pain in the posterior; unless the fine's a real whopper, it's likely not worth the bother. On the other hand, you'll get some real practical procedural experience which is a part of your education. Having taken civil procedure, you should know this stuff. Now you'll get the chance to apply it.

1. **EEK! a ticket**
When you get a parking citation, you can
a) pay up, OR
b) not pay immediately and ask the Bureau to review it and see if you really are liable.
.c) ignore it and suffer the consequences.

2. If the Bureau agrees that you aren't liable for the citation, you're off the hook. But it's better to expect to be found liable.

At this point, you have the right to either:

- a) pay the fine and waive appeal OR
- b) pay the fine and ask for an administrative appeal before a Hearing Examiner at the Administrative Adjudication Bureau OR
- c) not pay the fine and run the risk that your vehicle will be booted (and lose all rights to appeal).

3. If you elect choice (2)(b), send in the form provided along with payment of the fine. A hearing will be scheduled, usually in about a month or so.

The hearings are informal. You're herded into a little room with the Hearing Examiner and sworn to tell the whole truth and nothing but. Then you tell your story to the HE. You may offer any physical or testimonial evidence that may support your argument. The HE will then make a determination based upon his or her application of some rigidly technical rules to the evidence you gave. You will be informed about two weeks later, after you are safely out of the office.

4. About 2 weeks to a month later, you will get the HE's Report/Notice of Decision in the mail. Expect to be found liable, except for the most unusual situations. The HE who heard my case said that "we have very little latitude" in making determinations.

5. At this point you can either:
a) give up and forget about it OR
b) appeal the HE's deci-



sions within 20 days of the **mail date** of the HE's decision.

6. Now the pain in rear gets really righteous.

I found that the operators at the other end of the Parking Violations Bureau number were grossly uninformed about such things as venue and procedure. I had to rather rudely insist on talking to a supervisor to get correct information.

- a) **Venue recommendations.** You will have your choice of any of four places to make and adjudicate your appeal: 1) the main courthouse at 110 N. Grand, downtown LA; 2) Valley Division, Civil in Van Nuys; the Robertson Branch in West LA and 4) the San Pedro Branch in San Pedro.

ANY of the satellite branches is better than the main courthouse. The lines are long, service is terrible and the place is crowded like an ant colony. Plus, you'll have to wait months for a hearing. At the Robertson branch, I was given a choice of days within two weeks of when I made my petition.

b) **Procedure.** In appealing the citation to the Municipal court, you become a plaintiff in a lawsuit. You'll have an excellent chance to apply some of that horrible stuff you learned (or forgot) in Civ. Pro. Read and heed: this is a new procedure, so be prepared for people at the courthouse who don't know what the correct procedure is.

You will have to file a **NOTICE OF APPEAL - PARKING** and a **PROOF OF SERVICE OF NOTICE OF APPEAL - PARKING.** (it's important to get the right forms) Make certain to supply a phone number for the agency and the correct name and address. Also supply your own name and address AND the address of the court where you are filing the appeal (**Be careful;** it's not always the same one where the case will be heard!)

It is vitally important that you file the correct forms. In general, a third party has to serve the defendant (here, the city), not the plaintiff. But the third-party requirement is waived in a case like this, so you can mail your **NOTICE OF APPEAL** yourself, or serve it at the office where your hearing was conducted.

I recommend serving by registered mail. That way, if the city loses your **NOTICE**, they can't move to quash for insufficiency of service because your receipt will furnish proof that you served them.

You will be asked to select a date and time. Mail a copy of your **NOTICE** to the agency and go for it on trial day.

DIDJA' FEEL THE EARTHQUAKE?

DAVID PAUL BLEISTEIN ('96)

It's been about a year since the Martin Luther King Jr., day earthquake. For reasons I'm going to get to, concerns over earthquake safety are more salient than ever.

I've been a California resident since 1985. I've experienced about one major earthquake a year since I've been out here. I'm not a seismologist but I find earthquakes fascinating, and I've made it my business to learn as much about them as I can.

We all have our MLK earthquake tales. Here's mine.

At about 4:15 A.M. on the morning of January 16, I woke up. (I had to go the john, the byproduct of a really great MLK- day eve party.) It was clear outside. Gonna be a lovely day and no school that day, hooray hooray. It was peaceful, quiet in Monterey Park. There should have been crickets chirping, except it was too cold (it got down to 38 F that night). All was well.

A look at the clock, then snap off the light.

4:30 AM.

At or about 4:31, there was a low vibration, like a truck going by. But trucks don't vibrate the entire house and rattle the windows in their frames. About three seconds later (I counted, thousand-one, thousand-two) the house shook. And shook. And shook. It shook violently, up and down and side-to-side, both at the same time.

I wasn't frightened, actually. A small frame house like the one I lived in is one of the best places to be in an earthquake. Thus emboldened, I looked outside.

I'll never forget what I saw for as long as I live, amen.

The light poles on our street were whipping enthusiastically back and forth, like giant puppy dog's tails, in arcs about 25 feet long; the lights stayed on the whole time. My car bounced up and down on its weak springs like the asphalt driveway was a giant trampoline. It looked like the chrome grille was vigorously nodding; yes yes yes, we're

roommates had all run outside; they looked like white underwear ghosts, too terrified to be cold.

I heard something crash to the floor in the kitchen. A woman screamed, a man yelled.

Then the scariest, most bizarre part: Off to the east, turquoise-colored fire blazed in the sky like heat lighting, along with thunder. FLASH buzzboom FLASH buzzboom FLASHFLASH buzzbuzz-boomboom. About three blocks away, on the main street that paralleled ours, high-voltage power lines shaken by the earthquake were "arcing" when the shaking brought the wires close together.

Then it stopped.

Our house was okay, except for a bottle of sesame oil that fell to the floor. No one was hurt.

A quick trip around the neighborhood showed a surprising lack of damage. The 7-11 at New and Garfield Avenues had a few bottles fall to the floor. The man at the 24-hour self-serve gas station said the canopy overhead swayed violently, and he got a close-up view of the arcing power lines. Police cars raced around. Otherwise, it was very quiet, like right after rowdy children are told to shu up and they do.

I called my parents' home number in Ohio. No answer.

On the radio, people were calling in to various stations describing what they felt where they were and the damage, if any. San Diego, Santa Barbara, Riverside, Lancaster. Clearly, we'd had a BIG earthquake.

I finally got my father on the phone. He'd heard about the earthquake on his car radio at 7:32 AM, EST (3 hour's time difference): "... a large earthquake just occurred in the Los Angeles area at about 4:31..." I told him I was okay.

You all know the rest.

So why does all of this matter? Why is this in a law school newspaper? Because the 1994 MLK-day quake

scale and it did terrible damage. I talked to some students and professors who lost possessions, and in some cases, their homes.

The "Big One" when it occurs, will be anywhere from 20 to 100 times as strong; somewhere between 7.8 to 8.8 on the Richter scale. It will be a terrible day in southern California history when it occurs; probably one of the baddest bad days most people will ever experience. The key word is "when." This is about as relevant as anything ever gets.

Earthquakes are really human-made disasters. Almost all of the people who die in California earthquakes do so because something people built (not very well) falls on them. We have little to fear from tsunami ("tidal waves") here. As terrible as the big one will be, the odds are almost certainly in your favor to survive it, if you know what to do. After survival, the question becomes how to reduce or eliminate property losses caused by the earthquake. After all, homelessness and/or destitution get a bit distracting on top of law school studies.

In a series of articles for **THE REPORTER** I'll show you what you can do to avoid the distractions caused by homelessness and destitution. This could improve some people's academic performance. Is that salient or what?

As certain as the sun will rise, we'll have earthquakes here in LA. The forces that cause earthquakes are the same forces that make southern California such a climactically charmed place. That mighty ridge of mountains to the north keeps out the cold, dry, continental air mass that would otherwise give us cold winters and much hotter summers. Those mountains were raised by two plates in the earth bumping against each other, locking up and releasing, causing earthquakes. Thus, in a very real sense, we owe our climate to earthquakes. The MLK earthquake caused the Santa Susanna Mountains, just north of the San Fernando

Valley, to rise another foot in height.

The big one will be caused by a rupture of the San Andreas Fault, which lies just beyond the big mountains to the north of L.A. The San Andreas is one of the biggest fault systems in the world, running for about 3/4 of the length of California. Other faults (e.g., the Newport Inglewood fault in 1933) have also caused earthquakes, but they are not as large.

The most recent rupture of the SA was in 1906 in San Francisco. The last time we had a big one down here was in 1857, at a place called Fort Tejon, near Lancaster. Another portion of the SA fault, out near San Bernardino, may have had a giant earthquake in 1745. (This according the geological evidence, not eyewitness accounts.)

The epicenter of the big one will most likely be out around San Bernardino or Palm Springs. Under the seismic gap theory, this area is vulnerable because it has gone the longest without a major earthquake. The seismic gap theory states that when you have a fault and a portion of said fault has not had any earthquakes on it, you have a seismic gap. That seismic gap is considered to be, all things being equal, the most probable location of the next earthquake on the fault. There is a seismic gap between approximately the San Gabriel Valley and the Salton Sea.

All of this is actually relatively good news for LA. In general, the further away from an earthquake you are, the better off you are.



SCIENCE FICTION WRITING CONTEST

.....

Hypothetical Case Competition

The *Science Fiction Law Society* of Loyola Law School (Los Angeles) is conducting its first nationwide competition. Copies of the following fictional case have been shipped to all ABA law schools in the U.S. -- for publication in those school's newspapers and journals.

If you are interested in competing;

- 1) Read through the case.
- 2) Research and compile a complete holding; replete with case and statute law (sources and references can be factual, fictional or both).

- 3) Submit to either LLS mailbox #420 (John Rogers) or mail in to the address at the end of this introduction.

The deadline for receipt of entries is March 30, 1995.

The top ten answers will be printed in a limited-edition anthology and distributed to all participating schools.

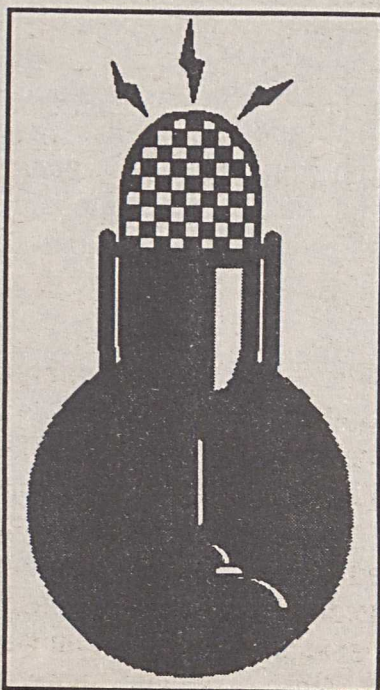
The competition will be judged by: two law school professors, one professional law editor and the SFLS board.

Winners will be notified by April 15th, 1995.

Good luck!

For more information or to submit off-campus, please contact:

John Rogers
SF Law Society
LLS-Los Angeles
c/o Daily Journal
915 East First St.
Los Angeles, CA 90012
(213) 229-5351



Hypothetical Case Series

Case #001

Centauri Orbital Station, Inc. v. Trans-
Andromeda Space Lines, Ltd.

*Seventh Extra-Solar Circuit Court of
Appeals, 2341¹.
497 F.4th 1002.*

Plaintiff, Centauri Orbital Station, Inc. (COS), owner and operator of Centauri Epsilon space station (UNesT reg. 2204. CommSec.dat-tag.||.01210alp-D), brought suit against defendant Trans-Andromeda Space Lines, Ltd. (Trans) on several causes of action. Notably here; negligent exposure of a controlled viral species to a known biosphere, hazardous and unlawful cargo practices, statutory violation of maritime freight provisions (StellaMar Reg. 9301 et seq.), negligence leading to the explosive decompression of a populated loading zone, [-], [-], wrongful death (417 counts human, 214 counts non-human), economic loss, wrongful death (subsidiary and collateral), resultant commercial damages.

Trial court, at the request of the Omegan planetary assembly, waived decision (executing a judicum elevatum under Amendment forty six of the re-Unified Space Code²), opting to hear preliminary factual arguments only.

We choose to accept this elevation and try the case on the facts as they have been presented.

Criminal procedures too numerous to cite have been initiated here and in five other non-human jurisdictions.

- J. Hassinata-Kayama
- M. Jii'al-Chan-a'aa (Omega)

Factual summary:

At 11:47 am station time (ST) on Tuesday, October 28 2339, the heavy-load, deep space freighter *Amigo Samm*, dropped

out of hyperspace and entered the Omega system. Unmanned monitors tracked its course into the planet grid without incident. At 2:23 pm ST. the *Amigo Samm* requested permission to dock at the industrial wharf of the Centauri Orbital Station, a 5,942,000 ton rotating artificial satellite.

Attachment clearance was granted by the station's space traffic control. Three guide tugs brought the *Amigo Samm* into its airlock slot at 3:49 pm ST.

At this point, accounts differ. Plaintiff asserts that the crew of the *Amigo Samm* began immediately to off-load dozens of yellow-striped, hermetically sealed biohazard cannisters. Defendant Captain Hiram De La Cruz claims to have obtained an inspection by station customs before beginning cargo removal.

Though that factor will figure into our evaluation, it is not crucial to understanding the events as they played out.

At 6:17 pm ST, a seventy-meter hull crane which was in the process of swaying a flat of cannisters from the cargo hold onto the pier, buckled unexpectedly. Within seconds it collapsed, killing three *Amigo Samm* deckhands and smashing open four biohazard cannisters on the docking platform.

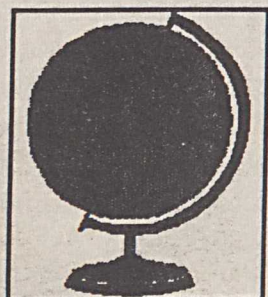
The containers released thousands of Massero-Chuy viral larvae bodies into the station.

Massero-Chuy³, to those not familiar with their history, are a quasi-insectoid viral lifeform; intensely survival-oriented, carnivorous, semi-sentient. Though small in their infant or larval stage, given time and food sources, they will attain sizes approaching those of large dogs. They are a hive (nest/matriarchal) species. Physically, they resemble terran termites.

According to the *Amigo Samm's* manifest, the cannisters were scheduled for transfer to the Hyperspace Freight Cannon (a computer-assisted robot launch delivery system operated by Consolidated Shipping Affiliates). COS's customs & agricultural logs concur.

The final destination, as far as investigators can determine, was to be the Pan-Solar BioToxic Research Laboratory on Vilnius-6.

CONT'D ON PAGE 10



CONT'D FROM PAGE 9

WISCONSIN STUDENT ON HUNGER STRIKE TO PROTEST TUITION INCREASES

By Marco Buscaglia
College Press Service

In less than 24 hours, the Massero-Chuy had contaminated the forward sections of the Delta wharf, a sixty-slot cargo docking wing of the station. Attempts to eradicate the viral/insects using pesticides proved ineffective.

A quarantine was ordered and martial law was declared.

Several fatalities were reported during the chaotic period ensuing.

By 6:35 pm ST of the following day, military vessels had moved into orbit around the station. No traffic was allowed in or out.

A twelve-man Extermination Team, commanded by Col. Jeb Miller, Spc. Fracs/Alpha Det. 5th US Marines, specially trained and outfitted for alien combat, was introduced; their mission, to locate the queen and terminate her.

This mission failed, resulting in the deaths of ten members of the squad.⁴

At 11:42 pm ST, the military's mobile command unit, fearing a station-wide catastrophe, instructed the station master to blow the main air gates, opening the entire industrial wharf zone to zero-atmosphere vacuum.

Since evacuation had been only partially effected, this caused the deaths of at least 600 dock workers awaiting de-contam and/or still crowded near the central hub pass-ways. These helpless victims were drawn, along with tons of steel girder framework, freight materials, loading vehicles and the viral lifeforms, into space.

The Massero-Chuy infestation had been stopped but the accompanying price tag had been enormous.

Seeking recovery for crushing damages paid to the families of the deceased and for the staggering cost of repairing a decompressed dockyard, COS now sues Trans-Andromeda, the freightcarrier who allegedly without proper governmental authorization and inspection, brought the viral infection into the station.

We hold ...

¹ A unique appellate court developed by the UN and the Omegans. The 7th Circuit was and is comprised of 4 human justices and 4 Omegan (alien/non-human) magistrates. Only the UN's Supreme Judicial Tribunal and the Omegan High Magistracy have stare decisis rank over it.

² A seldom used trial alternative; the lower court will "hear" the case but will defer judgment to the ranking body.

³ For further information regarding the Massero-Chuy virus and its biologics, see "Massero-Chuy and Related Alien Viral Life-Forms." by Dr. Heintz Deatermann, Phd. (Univ. of Cornell Press. 2308)

⁴ See "Epsilon Station Hit: A Study in Disaster." by Admiral Jeb Miller, USMC Ret.

MILWAUKEE, Wisc.- University of Wisconsin- Milwaukee student Robert Miranda was getting tired of paying higher tuition each year. And when he realized that state legislators weren't giving much consideration to the issue, Miranda decided to skip a few meals to get some attention.

Miranda, UW's student government president, began a hunger strike on Oct. 20 to protest the increasing costs of education. The 32-year-old junior announced that he would drink only fruit juice and water until state officials launched an investigation into the cause of the annual hike in tuition at Wisconsin state universities.

"I wanted to send a message out and the only way I could get the attention of members of the media and government was to hold a hunger strike," said Miranda. "We were able to get some attention when we held a protest at the state capital in Madison, but we still weren't getting the coverage we thought the issue deserved."

Miranda said he and several other students at UW feel that inflation has little to do with the ever-escalating cost of higher education. Instead, the students blame misplaced priorities from federal officials and university administrators who wish to place more emphasis on corporate investment than education.

"The primary role of the public university should not be to help private businesses make more money," said Miranda. "We're not just talking about the costs of education, but the integrity of the entire system." Miranda said he believes that increasing costs at universities can be traced back to the Bayh-Dole Act, a piece of 1980 federal legislation that is also known as the University-Small Business Patent Act.

The Bayh-Dole Act allows universities to conduct research with the aid of grants from private companies. Schools then can sell exclusive licenses on all discoveries they make to the sponsoring company. This not only saves businesses sizable dollars by letting someone else do the research but earns them extensive tax credits for investing in university research.

The theory that the Bayh-Dole Act helped drive higher education costs through the roof was originated by the National Coalition for Universities in the Public Interest, an education reform organization founded by Ralph Nader

and Leonard Minsky in 1983. Miranda said that after the act was signed into law, universities across the nation immediately raised tuition to help fund their new opportunities in research.

"If a school was actively pursuing corporate dollars to do research, they had to upgrade their facilities to industry standards," said Miranda, who is majoring in criminal justice. "Then they went out and hired high-cost researchers with impressive credentials with no intention of ever putting them in a classroom in front of students. The emphasis shifted from education to research, and the students paid the price."

David Merkowitz, spokesperson for the American Council on Education, said that he has heard the Bayh-Dole Act theory before, but feels there are more tangible factors for the increase in tuition costs.

"The share of money for higher education from most state budgets has dropped significantly," he said. "And given the fact that universities have to offer more than ever before to attract students, the need for money is even more pronounced."

And while Miranda is convinced that the Bayh-Dole legislation is to blame for rising college costs, he said he went on a hunger strike to bring attention to the entire problem.

"No one can deny how quickly tuition costs went up," said the Chicago native. "What we want the state legislators to do is study the problem. If we're wrong, that's fine. But there's a reason costs are so high, and we need to identify it so we can do something about it."

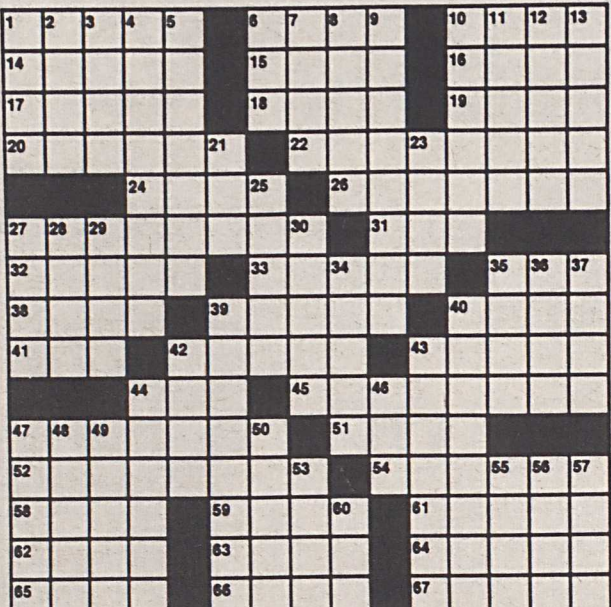
On Nov. 4, two weeks into his hunger strike, Miranda received word that his concerns would be addressed. "Some state legislators came to our office, read our material and promised us they'd look into it," said Miranda, adding that after the initial hunger pains went away, he had no physical problems during his 14-day fast except for occasionally feeling light-headed. "The ball is in their court now."

"I've had tremendous support from the students, and I would think that the elected officials will take that into consideration. We hope that some answers to our questions come soon."

CROSSWORDS

THE Crossword

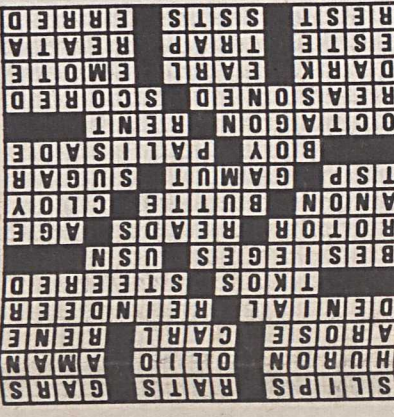
- ACROSS**
 1 Misses a step
 6 Lab animals
 10 Long fishes
 14 Michigan's neighbor
 15 Potpourri
 16 "— for All Seasons"
 17 Got up
 18 Dr. Sagan
 19 Descartes
 20 Disavowal
 22 Dasher or Blitzen
 24 Boxing losses
 26 Guided
 27 Surrounds with troops
 31 Ship letters
 32 Helicopter part
 33 Peruses
 35 Woman's secret?
 38 Soon
 39 Montana city
 40 Satiated
 41 Recipe meas.
 42 Entire range
 43 Sweet stuff
 44 Lad
 45 Line of bold cliffs
 47 Eight-sided figure
 51 Monthly expense
 52 Thought logically
 54 Made points
 58 Unlit
 59 Member of royalty
 61 Act
 62 lt. family
 63 Snare
 64 Lariat
 65 Relax
 66 Fast planes
 67 Made a mistake
- DOWN**
 1 Food fish
 2 Entice
 3 Heavy element
 4 Put into place



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ANSWERS

- 5 Gym shoe
 6 Fabled bird
 7 Winglike
 8 Wearies
 9 Isolation
 10 Bed of roses?
 11 Turk. title
 12 Saree wearer
 13 Mortimer —
 21 Ship's diary
 23 Loch — monster
 25 Watery portion of blood
 27 Nasty child
 28 Long periods of time
 29 Road sign
 30 Inaugurate
 34 Fragrant oil of roses
 35 Simple green plant
 36 Stir into action
 37 "Jane —"
 39 Knives on rifles
 40 Buyer
- 42 Kind of dancer
 43 Heartfelt
 44 Berry container
 46 "— Miserables"
 47 Decree
 48 Halt
 49 Small pies
- 50 Approaches
 53 Minced oath
 55 Lion's sound
 56 Kitchen end
 57 Lock or line
 60 Some records: abbr.

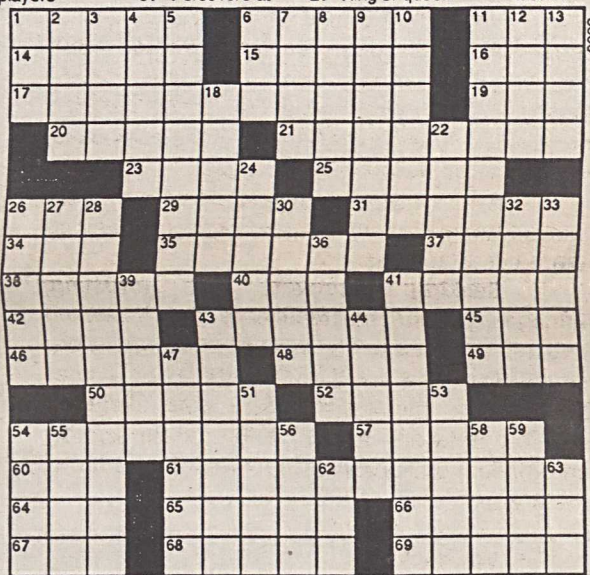


CROSSWORD® Crossword

Edited by Stan Chess

Puzzle Created by Richard Silvestri

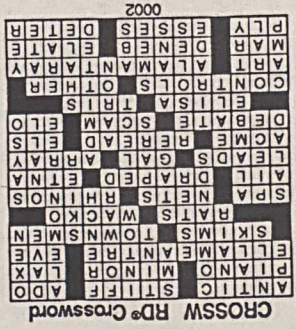
- ACROSS**
 1 Monkeyshine
 6 Withhold the tip
 11 Bother
 14 Domino plays it
 15 Bush-league
 16 Over-permissive
 17 Why did Fitzgerald sing "mi," Holmes?
 19 Mr. Adams and ___ ('50s TV show)
 20 Gives the once-over
 21 Villagers
 23 Slum problem
 25 Nuts
 26 Workout spot
 29 Jersey bouncers?
 31 Zoo attractions
 34 Feel lousy
 35 Stretched out loosely
 37 Alcohol burner
 38 Featured players
- 40 ___ Friday
 41 Imposing group
 42 *No plus ultra*
 43 Go back to page one
 45 Lines overhead
 46 Pre-election event
 48 Ponzi scheme, e.g.
 49 "Hold on Tight" band
 50 "I Still See ___" (*Paint Your Wagon* tune)
 52 Speaker of diamond fame
 54 Holds in check
 57 Different
 60 Gallery display
 61 Is this in the style of a devilfish, Holmes?
 64 Spanish sea
 65 Star in Cygnus
 66 Raise the spirits
 67 Persevere at
- 68 Pieces of eights?
 69 Inhibit
DOWN
 1 Cheta, for one
 2 Guitarist
 3 Address
 4 "The bombs bursting ___"
 5 Issues orders
 6 Little, to a lassie
 7 Dyeing wish
 8 Following along
 9 Bird or Barkley
 10 Dressing type
 11 Where did this fruit come from, Holmes?
 12 Humorist
 13 Babe's buddies
 18 Artificial-fabric component
 22 Mogul master
 24 It's often set
 26 Bar food
 27 King or queen
- 28 How do the sheep get into the pen, Holmes?
 30 Certain servicewomen
 32 Hitting ___ cylinders
 33 Authority
 36 Make a decision
 39 Gave a hand
 41 Came clean
 43 Does some cobbling
 44 Biblical brother
 47 Torrent of abuse
 51 Young, Ladd and King
 53 Easily-split rock
 54 Summer place
 55 Voiced
 56 A foe of Pan's
 58 Q.E.D. middle
 59 Have value
 62 Stomach muscles, for short
 63 "___ darn tootin!"



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Saturday, March 11, 1995 : 1:00 pm to 7:00 pm

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