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Loyola Graduate Makes Tragic Discovery In Nepal

1989 Loyola Law School alumni Joel C. Koury found more than a challenging ascent when he joined a professional mountaineering expedition to the Himalayas.

Koury just below summit of Island Peak (Nepal - 20,000 feet) Picture by Y. Lewis

Joel C. Koury, 36, a 1989 graduate of Loyola Law School and currently an attorney for Los Angeles County's Public Defender, has some amazing stories to tell.

Listening to him talk over a pleasant lunch near his old office in Long Beach, surrounded by the trappings of civilization, one is tempted to forget the events he so vividly recounts actually happened - that they aren't figments of a fertile imagination or excerpts from an adventure film.

You see, Koury is a world-class mountaineer. He's been on expeditions to most of the world's significant mountain ranges - the Himalayas and the Andes being the most well-known. He's full of those yarns climbers are so fond of spinning - the eleventh hour, desperate attempts to get gear shipped to a camp, the danger in the air, etc.

Koury discovered climbing in the summer of 1988 while prosecuting misdemeanor offenses for the Parks Department in Yosemite. Amusingly, the man who was to go on to become his primary climbing partner (and one of the most respected mountaineers in the US), Dave Bridges, was one of the people his office was trying to prosecute (Koury is quick to point out he recused himself from the proceeding). That summer he did Half Dome. In the immediately ensuing years he also managed to successfully negotiate El Capitan, Washington's Column and North Dome (all considered to be among the most difficult faces in North America).

California in the early eighties, looking for work, only to decide to return to school (the cost of education here in California being too minimal). He finished up with a degree in Political Science from UCLA. Law school was the next logical step. According to him, he's always known his future lay in public defense. He says he can't conceive of a more fulfilling career - practicing "pure law," expending all his energies defending those who can't defend themselves. After passing the bar in 1989, he worked briefly for a private criminal defense attorney David Kenner (counsel for Snoop Doggy Dog) but, as soon as the hiring freeze lifted in the public defender's office, switched there - where he plans to stay permanently.

Koury "discovered" climbing in the summer of 1988 while prosecuting misdemeanor offenses for the Parks Department in Yosemite. Amusingly, the man who was to go on to become his primary climbing partner (an one of the most respected mountaineers in the US), Dave Bridges, was one of the people his office was trying to prosecute (Koury is quick to point out he recused himself from the proceeding). That summer he did Half Dome. In the immediately ensuing years he also managed to successfully negotiate El Capitan, Washington's Column and North Dome (all considered to be among the most difficult faces in North America).

See Koury (Page 7)
MOVIE REVIEW:
Nine Months
By Rod Rummelsburg, Class of '98

English actor Hugh Grant makes his Hollywood movie debut in this romantic comedy filmed in San Francisco. Sam (Hugh Grant), is child psycho- therapist who suffers through therapy sessions with the little monsters. When his live-in girlfriend (Julianne Moore) announces that she is pregnant, Sam shifts into anxiety overdrive. Sam is not ready to be a father. He is not prepared to marry his girlfriend. The thought of having to trade in his two-seat Porsche for a car that has room for a baby seat is devastating. Sam is not ready for commitment. So Hugh Grant slips off to Hollywood and meets black hooker (Divine), who rocks his world. The press gets a whiff of this. Soon his English wife is upset, but not so upset that she leaves him, because it helps her modeling career. Meanwhile, Queen Elizabeth thinks that Divine might be a nice girl for her son, Charles, after she dumps Diana. Sorry, I'm confusing plots. It's the first time I've ever done that sort of thing. It was really a very foolish thing to do. It won't happen again.

Hugh Grant demonstrated that he is a gifted comedy ensemble actor in the British film Four Weddings and a Funeral. He brings the same preppy character to Nine Months, but this time he interacts with an off-beat set of American losers. Tom Arnold, from the John Belushi school of acting, is a loud, obnoxious, insensitive father of three ill-mannered kids. And his wife (Joan Cusack) is expecting a forth. Tom Arnold wants to video tape the birth, because the video will be as neat as World War II movies. Tom feeds into Hugh Grant's anxiety of fatherhood. And so does Hugh Grant's confirmed bachelor friend (Jeff Goldblum). Jeff had a chance of being in a committed relationship and raising a family, but the thought of being tied down was suffocating his freedom as a depressed, broke artist. Robin Williams delivers the real comedy gems in Nine Months. He is a Russian gynecologist who has spent 10 years in Russia studying monkeys and rats, but has never delivered a human baby. This baby will be his first. Nine Months swings from lighthearted humor to slapstick, and is punctuated with tender moments.
BOOK REVIEW:

*Gestures: The Dos and Taboos of Body Language Around the World*; Roger E. Axtell

By David Paul Bleistein

A hypothetical: You’re off on that bar trip across the world, to Cabo for a little sun ‘n’ fun in between Spring Break, or to a really authentic ethnic eatery. The service is great, but you don’t speak their language, and they don’t speak yours. So you want to use gestures to praise your servants.

Another hypo: You’re meeting clients who are foreign nationals. You want to impress them with your impeccable manners as well as professional competence. You try to gesture accordingly. Be careful! Some perfectly nice gestures can make you look like a total fool. Traveling around the world, we can be insultingly wrong. Italians and Greeks may actually get angry, “what, you don’t wanna touch me? What am I, diseased?” Straight, normal Arab men hold hands in public and walk down the street together. It’s not intended as a threat, but it’s the idea behind it. It’s not something that really ought to be footnoted. On the other hand, this book’s greatest value lies in that it tends to sensitize the reader to gestures in general; this is especially helpful in dealing with, say, those annoying, AK-toting riot police. You’ll only gesture with great care in tense situations.

*Figure 1*

Gestures are written in breezy, direct language, and illustrated with cartoons of people making various gestures. Nasty gestures are portrayed unflinchingly, though with an eye towards avoiding gratuitously offending sensitive readers. The book isn’t an exhaustive scholarly study. Rather, it’s meant to give an overview that you can digest in a few hours. The book covers the World; it isn’t an exhaustive scholarly work. Nevertheless, the great value of this book to LLS students should be obvious, even to those who’ve done a lot of traveling. The man who wrote *Gestures* traveled and lived abroad for over 28 years; he’s probably forgotten more than most of us will ever know about a huge variety of local interpersonal customs.

*Figure 2*

Some people, many of whom really ought to know better, avoid offending the locals in strange places by simply never leaving home. If they go to Cabo, they stay in their villa, never venturing out to see the world immediately beyond it. If forced to travel abroad, they cringe about like kicked dogs, afraid of their own shadows. In L.A., they cringe behind locked gates. I’ve had a chance to try some of the advice given in *Gestures*. Obviously sensitivity to various customs - without going overboard - can make a big difference in interactions in places as varied as Little Saigon and East Los Angeles.

*Figure 3*

Overall, I highly recommend *Gestures* as a good way to spend $12.95. Get it and you can be confident that you’ll find yourself hungering for more. A bibliography would have been nice. And, I guess it’s my fault, but I find it hard to trust a book that’s not footnoted. On the other hand, this book’s greatest value lies in that it tends to sensitize the reader to gestures in general; this is especially helpful in dealing with, say, those annoying, AK-toting riot police. You’ll only gesture with great care in tense situations.

*Figure 4*

Another example is the “V” for victory signal, made by raising both index and middle fingers above the palm facing the observer, and give a little jerk for emphasis; you just really really pissed off an Englishman (figure 4).

*Figure 5*

Body Language of the World: The Dos and Taboos of

![Gestures: The Dos and Taboos of Body Language Around the World (Volume 19, Number 6; February 29, 1996)](image-url)

*Gestures: The Dos and Taboos of Body Language Around the World* by Roger E. Axtell

*Figure 6*

That is why this book’s greatest value lies in that it tends to sensitize the reader to gestures in general; this is especially helpful in dealing with, say, those annoying, AK-toting riot police. You’ll only gesture with great care in tense situations.

*Figure 7*

Another example is the “V” for victory signal, made by raising both index and middle fingers above the palm facing the observer, and give a little jerk for emphasis; you just really really pissed off an Englishman.

*Figure 8*

*Figure 9*

That is why this book’s greatest value lies in that it tends to sensitize the reader to gestures in general; this is especially helpful in dealing with, say, those annoying, AK-toting riot police. You’ll only gesture with great care in tense situations.

BY R.J. COMER ('96)

I was having lunch with a friend from out of town last week and she was telling me about her new primary lover, a dumb ex-jock former professional hockey player whose greatest attributes are apparently a very cool network of scars and the ability to crush beer cans between his chin and collarbone.

"I went to the team Christmas party and he introduced me as his girlfriend." She said indignantly.

"Are you two monogamous and exclusive??" I asked incredulously, knowing that she had never been a woman to limit herself.

"That's just it. We hadn't even discussed it. I asked him what he meant by that and he backed away. Typical."

"Does he know about the side boys??"

"No."

"He doesn't even know you're bisexual?!!" I asked, and then, but don't demand. If you want a care about continuing your relation- 

ction very well and I figured it is possible to confess that you used to bend in film and music has expressed shock over teenage sexuality may have an impact on your relationship. We also know at least one "straight" man who dates well or dresses dapper as a Nordstrom mannequin. How about "straight" guys who lift?

People toward the middle of the spectrum may have sex with both men and women. If your girl- 

friend is one of them, so what? The discussion you need to have is about her and the impact her sexu- 

ality may have on your relationship.

Who knows, maybe you'll finally be able to confess that you used to secretly kiss boys before society convinced you not to.
The Holy Grail of All Probate Cases...
The Bizarre and Complex "Ferdinand Marcos" Estate Comes To Town.

By John Rogers
Los Angeles, Calif.

Normally, probate law does not elicit cries of thrilled excitement from readers. However, the bizarre saga unfolding within the "Ferdinand Marcos" estate, with its sweeping human rights violations actions, its "Indian Jones" backdrop, its international juripolitical posturing and its crumbling air of mystery, may change all that...

I write a monthly Probate Law column for the Los Angeles Daily Journal newspaper - sort of a national watchdog service for new developments in case law, procedures and, well, anything else salient. The brief article below is an excerpt from this month's DJ col. I'll write more on it throughout the year as the facts turn up. Some preliminaries - the Swiss government is here right now in Manny Real's court downtown trying to beat the Central District's anticipated attempt at breaking open the "secret accounts" before the starting gun fires. As I recall from talking to our paper's general court reporter, issues of international full faith & credit (in conjunction with various treaties) have arisen. The probate code section I refer to at the end are very straightforward. They simply say if a testate probate (one with a will) has been opened in a country we recognize diplomaticaly, our California probate courts, should they be faced with an ancillary proceeding, must respect that document (with a few exceptions).

"Marcos except"

Bruce S. Ross, of Ross, Sacks & Glazier, reports that his action to open a probate for various California assets alleged to be a part of the vast Ferdinand Marcos (the late President of the Philippines) estate, is moving relatively well. Ross had initiated a proceeding two months ago. Irene Silverman is his petitioner and personal representative. Ross believes he has information sufficient to establish the existence of a significant number of stocks and bonds (many in the Silicon Valley) held by Marcos. b) connect Marcos to at least one West Los Angeles mansion and c) (possibly) link this estate proceeding to the Holy Grail Of all possible probate assets, the legendary five hundred million dollar + Swiss accounts now thought to be Marcos'. Last month, in perhaps the most unusual probate-related hearing conducted this year, Ross, his team, Silverman and several other counsel held a "telephone hearing" (at Ross' office) with Hon. Manuel Real of the United States District Court - Central District - that hearing, in what has been described by several of the other lawyers present as the single most outrageous judicial act they'd ever witnessed, Real enjoined Ross from moving at all on the Marcos probate - despite the fact that a hearing before Judge Lettelle had already been calendared. That hearing was subsequently contemned by the "telephone inaction" was given an "emergency stay" by the Ninth Circuit anyway and was, eventually, reversed by that court on jurisdictional grounds (the justices determined that the Central District simply didn't have the jurisdiction to smoke, there's usually fire. The same theory also applies to the Philippines Government, represented by Roman Mosqueda, which already has an ongoing probate case on Marcos and, hence, will also be present. You see, the Filipinos wait to put an end to the Marcos proceedings: The only problem is they've got what's called a "shadow" estate - one where the assets aren't really ascertainable but may, with enough searching, be found elsewhere. Of course, the human rights plaintiffs and the government officials are primarily interested in the now practically mythical $500,000,000 overseas.

Silverman, the personal representative in this California probate matter, is the nominee of the Golden Buddha Corporation, a purported creditor of Marcos. A little history on them... A Filipino gentleman by the name of Roger Roxas, one of the founders of Golden Buddha, has been deceased, claimed to have unearthed a network of tunnels under the Baguio Hospital in the Philippines in 1971. The Baguio Hospital had been the site of the Japanese military headquarters in the Philippines during World War II. These tunnels, he claims, were filled with treasure - crates of gold bullion, various foreign moneys - all of the relics and artifacts confiscated by the Japanese from the twenty-nine countries they had conquered. But the largest piece of the pie was a one metric ton Golden Buddha - fabricated out of pure gold, with an unscrewable head and a chest cavity full of uncut diamonds. Wild stuff! It gets worse. As Roxas' story goes, Marcos found out about the treasure and sent troops to raid and occupy the hospital. They spent one year excavating the grounds. The "treasure" discovered there, it is argued, went on to become the Marcos family fortune - estimated now by international experts, better sit down, to have had a real-time value of $1.63 trillion dollars U.S.

We see serious problems in the California probate proceeding based on PC 12523 grounds. Since a domiciliary probate has already begun in the Philippines, admitting a supposedly valid will, is except possibly under 12523(b), can an intestate matter live here? By the way, if

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P.S. You don't have a Doris Duke probate, supra, here in this article. She was an eccentric millionare who died five years ago in New Jersey - leaving behind an immense fortune ($700,000,000 in New Jersey bonds alone). Her case went before the New York Court of Appeals last year. I wish I had the space to tell you more about it. There were allegations of murder, kidnapping and fraud, not to mention some truly bizarre claims concerning her later demise.

Fini
Costa Rica (from p.1)

tions. When the plane was leaving LAX, I noticed the workers in their standard issue jumpsuits were all wearing OSHA-approved headgear. When the plane taxied up to the San Jose terminal, I noticed the workers in their headgear. When the plane taxied up to the San Jose terminal, the valley, really is temperate. 'The coastal rainforests can get sweltering hot, but San Jose was almost pleasantly. We were warned to bring daily gully-washers, and I decided to rent a car and drive through the country, the guidebooks say that the car was gone when we got back. We turned around and drove north.

Darkness came as we drove along a narrow two-lane highway. There are no shoulders along roads in Costa Rica, you can pull off to the side. While the road was flat, we drove along an old rural road in California, it was a major truck route in Costa Rica. All of a sudden the ride got very rough. But the road surface ahead looked smooth, a feature so rare you notice these things. I stopped and took a look: The front passenger tire was completely flat.

Professor Benson, the organizer of the Costa Rica program, was appalled that I brought DEET-95% pure at that which is available in California only by mail. This was DEET so strong that it could scuba dive, but one of the nation's four mountain ranges stood in our way. On the way up we drove through a cloud forest. You may wonder what a cloud forest is. Think of it as two separate things: "How beautiful, I'm driving through a forest! Oh MY GOD! I'M DRIVING THROUGH A CLOUD."

We had planned to drive to the Pacific coast so I could scuba dive, but one of the nation's four mountain ranges stood in our way. On the way up we drove through a cloud forest. You may wonder what a cloud forest is. Think of it as two separate things: "How beautiful, I'm driving through a forest! Oh MY GOD! I'M DRIVING THROUGH A CLOUD." We had planned to drive to the Pacific coast so I could scuba dive, but one of the nation's four mountain ranges stood in our way. On the way up we drove through a cloud forest. You may wonder what a cloud forest is. Think of it as two separate things: "How beautiful, I'm driving through a forest! Oh MY GOD! I'M DRIVING THROUGH A CLOUD." We had planned to drive to the Pacific coast so I could scuba dive, but one of the nation's four mountain ranges stood in our way. On the way up we drove through a cloud forest. You may wonder what a cloud forest is. Think of it as two separate things: "How beautiful, I'm driving through a forest! Oh MY GOD! I'M DRIVING THROUGH A CLOUD." We had planned to drive to the Pacific coast so I could scuba dive, but one of the nation's four mountain ranges stood in our way. On the way up we drove through a cloud forest. You may wonder what a cloud forest is. Think of it as two separate things: "How beautiful, I'm driving through a forest! Oh MY GOD! I'M DRIVING THROUGH A CLOUD." We had planned to drive to the Pacific coast so I could scuba dive, but one of the nation's four mountain ranges stood in our way. On the way up we drove through a cloud forest. You may wonder what a cloud forest is. Think of it as two separate things: "How beautiful, I'm driving through a forest! Oh MY GOD! I'M DRIVING THROUGH A CLOUD." We had planned to drive to the Pacific coast so I could scuba dive, but one of the nation's four mountain ranges stood in our way. On the way up we drove through a cloud forest. You may wonder what a cloud forest is. Think of it as two separate things: "How beautiful, I'm driving through a forest! Oh MY GOD! I'M DRIVING THROUGH A CLOUD."
SOFTWARE REVIEW:
WESTWare MBE Preparation Software
By Rod Rummelsburg, Class of '98

WEST Los Angeles, CA.

West Bar Review has come out with an "intelligent" set of interactive flash cards for studying for the Multistate Bar Exam (MBE). What makes a flash card intelligent? Several things. You can choose the category of subject that either begins or combines with the question, how much time you have to answer the question or how much time you require for the entire exam. The computer times the number of seconds you take to answer each question. When you click on the one of the 4 multiple choice answers, the program gives you instant feedback. You can continue with the exam or click on a button to exit. For example, when you click on the correct choice, the computer keeps a running total of the percentage of questions you answer correctly. And the computer will print a copy of your test results with a breakdown of how many seconds it took you to answer each question. Additionally, you can print out a copy of your test results as a reminder of how unprepared you actually are.

If WESTWare were a movie and I were Siskel and Ebert, I would give it two thumbs up. I tried to find fault with the software, but I could find nothing. I answered a lot of questions incorrectly, but I can't blame that on the software. The software self-installs. It is self-explanatory to run. There are no instruction manuals and no interactive help screens; they are not needed. For you hackers, the machine interface is ergonomically designed with respect to the iconic arrangements. For non-hackers, the software is easy to use. You click on the pictures. No typing is necessary. You can choose the subject of Crim Law, Con Law, Evidence, Contracts, Torts, and Property. You can choose to take tests in each of the subjects separately or in combination. You can see the level of difficulty for each test. Beginning, Intermediate, or Advanced. I could not tell that this option does anything, because a Beginning question looked no different than an Advanced question, both still have a one in four chance of guessing correctly.

The software has a sound button, which asks if you have a sound- blaster card. My computer does not have one, so the program runs silently. It is just as well. I would not want to alert the whole neighborhood if I select an incorrect answer. The software also comes with a glossary of basic law concepts. You do not have to scroll down a list to get to the topic you want; start typing the topic name and software auto-complete on the topic. This is a sign of well-designed software.

The only irritant was answering test questions which were too long to fit on one screen. When optimizing my test-taking for speed, I prefer to read the call of the question first. For a long question, this meant wasting time scrolling or clicking to the next page. A mouse click wastes a couple of milliseconds, but it's OK, it's not a substantive time penalty, but it would still be nice to see an entire question on one page.

As for the technical requirements, WESTWare runs on Windows 3.1 or better, Windows 95, and Macintosh System 7.0 or better. It requires 4MB of RAM and takes up 15MB of hard disk space. It takes about 30 seconds to read in each new test from disk. But when taking a test, the response is instantaneous.

And finally, WESTWare has one major advantage over the commercial flash cards. There are NO cutey questions. You will NOT receive "Did you know?" type of crack into Pebbles mouth. Is the seizure element of the Fourth Amendment implicated? Are any other seizures imminent?" The questions in WESTWare are the actual kind of questions you would expect to see on the MBE. WESTWare is a useful tool for MBE preparation. Two thumbs up for this package.

Koury (from page one)

Soon after that, however, he moved into "real" expeditions - the kind people write memoirs about - sponsored by professional outfitters, led by guides, and so on. The first of these was to Ecuador in 1993, where he polished off Layambe Peak (18,000 foot altitude exposure, no ar - blazing a new trail down the main trail when the pack had fallen). Once there at the base camp, they would notify the Nepalese government, who would send a chopper up.

There was nothing they could do with the body except cover it and place it back where it had been.

Hours later, after free- navigating the ravine down to the plateau where the camp sat, they learned, to their astonish- ment, that the Nepalese officials were not interested in returning to the body. From the few per- sonal effects, Koury and McIntyre had pulled from the corpse, it was deduced the body was that of a missing Belgian woman climber, believed to have died in an avalanche two years before (in 1993). Her team had abandoned her and, given the nature of high altitude climbing, had been forced to move on. Somehow, no one had ever come back... The Nepalese representatives were willing to leave it at that.

This didn't sit well with Koury. It just didn't seem right.

He and McIntyre, after much discussion, decided to go back themselves (no small feat). They hired a Sherpa, Mingwa Doroche, to accompany them and head the next morning. But climbing back to 19,000 feet took its toll. While they made it, it was clear it would be impossible to carry the body out.

Here, the Sherpa made a suggestion. His tribe, he said, provided what was called a "sky burial" for those of their number left dead in the mountains and beyond retrieval. Their bodies were stripped and carefully placed atop a funeral mound - open to the air.

The vultures and other high mountain birds would clean the body and, eventually, it would simply pass away - becoming part of the Himalayas. So, there, alone on the floor of the ravine, that is exactly what they did.

Koury says it was one of the most powerful moments of his life.

Much later, in Katmandu, he and McIntyre contacted a British Ex-Patriate who kept track of all Nepalese climbing expeditions. Hopefully, this Englishwoman got word to the dead climber's family. To this day, they don't know if she did.

All of the somber aspects to the expedition were counter-balanced by the fact that Koury met his future girlfriend, Yolanda Lewis, on the climb. After returning stateside, Lewis moved to Los Angeles. Koury is happy to report the two have become inseparable ever since.

On climbing and the practice of law, Koury tends to
The beaches in Guanacaste are some of the few that meat tourist expectations. They are not blessed with white sand beaches like the Caribbean islands. Yet a Mexican company is planning a massive development, Papagayo, that will transform the coast into a new Acapulco. When it is completed, Papagayo will have more than doubled the current number of hotel rooms in the entire country. In addition to the tremendous demands that will place on roads, water, electricity, there is a problem that still amazes me: Eco-friendly Costa Rica has virtually no sewage treatment. There are no living coral reefs and the coastal diving is plagued by hotel development-all the sewage flows straight out into those picturesque bays you want to dive in. The roads in the lowlands and along the coast in the dry season, they spray them with mollusks to control dust. During the rainy season the mollusks wash down into the ocean, coating surfaces and killing flora. You could get some great shots there. If you need to get a boat that will take you away from the developed areas.

One room we stayed in had a window air conditioner. They had dug down from the unit and electrical wires from the wall were just wrapped around the plug. No outlet, no electricians' tape to adjust the hole. This gave me the idea of the quality of Tico electricians. There is no hot water in Costa Rica, showers have heated water. When you turn the shower on, the water runs very hot. You can prescription the shower head so you can plug into a 220-volt circuit. If you turn the water on too hard, it passes over the coils inside without a chance to get warm. If you do not turn it on hard enough, the water passes the coils entirely. But if you get it just right, you get a warm shower. I was very concerned about tropical diseases. Every shower I got into had this rotten old no-slip rubber mat on the floor. The first thing I did each time was to kick that out of the way. I mean, in a tropical climate you would think that a developer would want to take care of such a little detail. But even if you do you would be in for a surprise.

Exhausted and soaked through, we were still to kick that out of the way. I mean, in a tropical climate you would think that a developer would want to take care of such a little detail. But even if you do you would be in for a surprise. The next morning we strolled along the center of the top of the bus. Some people who knew the hotel's "nature trail" Everything in Costa Rica is built to connect the two batteries, we were back in business.

We drove a couple of miles until we came to a new hotel way outside our budget. At that point we just wanted to escape the damn car. Exhausted and soaked through, we were still so we had to settle where their fee-ble were sending them. Big crabs. I mean, BIG crabs. Like Alaska BIG CRABS. The resident cats ignored them except for one kitten. Now here was an interesting pitched battle in the middle of a restaurant: crabs with large pincers vs. a kitten. I would have bet on the crabs, but apparently their one brain cell each couldn't conjure up what to do when faced with this new land-based, furry creature. But even if you knew it was there, you probably couldn't have prevented it from happening. The next morning we strolled along the hotel's "nature trail." Everything in Costa Rica has "nature" or "eco-" something or other. The hotel was built on the grounds of an old estate, and you could see the ruins, along with some pretty flora. But the nature trail was also used for the hotel dump, and we got to wander by the piles of refuse that they put there. It was an interesting way to waste your legs in between the seas. To signal for the bus to stop, you push a buzzer located in a strip that runs along the center of the bus. Sometimes people had to strain to reach it while standing up. I would amaze people by reaching it without leaving my seat. I should note, for the record, that I didn't buzz for any reason, not even to whistle. See Costa Rica (Page 14)
DOGGIE LAW I: When the dog bites, with his teeth dear, blood and litigation, start to spread ....

By David Paul Bleistein ('96)

Whatever their status as the best friends of humankind in general, dogs are staunch allies of the lawyer segment. Dogs bring the most inconvenient times. They leave lawyers plenty of business. They defecate and urinate everywhere, including people.

That's the focus in this piece. Here I try to provide a brief capsule of the law of the state of California as it pertains to biting dogs. Many of these laws are rather new, apparently passed in the wake of widespread hysteria over pit-bull and other dog attacks. Some of these laws are rather new, apparently passed in the late 1980's? Long-time dog owners who thought they knew all this stuff may be in for a surprise.

I. DOG BITES; strict liability but...

A. OTHER INJURIES

Generally, if the dog hurts someone as a result of conduct other than biting, the plaintiff wins, if at all, on negligence. Thus, a guy knocked off his motor scooter by a dog running without a leash in violation of a local ordinance recovered, as did a lady knocked down when a cocker spaniel in the habit of jumping on people ran against her legs. 

B. LAWFULLY IN A PRIVATE PLACE

A licensee on a dog's property is lawfully there. So is an invitee who, hearing no answer, steps into the garage looking for the owner's garage as a guard dog was held to be lawfully there because thousands of people had visited the ranch and the defendant par-ent's son was lawfully there because he'd been visiting regularly for three or four years and the defendant par-ent's had greeted the plaintiff in the driveway before their dog bit him in the yard. 

C. DOGS IN GOVERNMENT SERVICE EXEMPT [SURPRISE!]

A 1988 amendment provides that § 3342 does not apply - i.e., the owner is not liable - if the dog belonged to a government agency and the dog was defending its premises.

DOGGIE LAW I (cont on p. 13)

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California

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Schedule of Classes

San Diego Handlery Hotel - Live Lectures

Friday, April 26, 1996
9:00 am to 1:00 pm
CIVIL PROCEDURE II
(Professor, Vic Fleming, State Bar, Associate Professor, Western State University, San Diego)

Saturday, April 27, 1996
9:00 am to 5:30 pm
CONSTITUTIONAL LAW II
(President, Vic Fleming, State Bar, Associate Professor, Western State University, San Diego)

Sunday, April 28, 1996
9:00 am to 1:00 pm
TORTS II
(President, Vic Fleming, State Bar, Associate Professor, Western State University, San Diego)

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DOGGIE LAW I (cont. from p. 9)

If you own or "harbor" a dog that kills or injures a "guide, signal or service dog," you'll be made to make restitution, either by paying the vet bill or replacement and training costs for a new dog. [Penal code § 600.2]

F. ASSUMPTION OF RISK DEFENSE

This is the most common way to defeat a tort claim if a dog bites a person who isn't invited onto your property. For example, a salesman who had been following for fifty feet along a fence by a barking dog and entered the yard anyway - crunch,ouch! - was found to have assumed the risk made apparent by the dog's conduct [Gomes v. Syme, 51 Cal. 2d 418, 333 P.2d 754 (1959)]. It wouldn't be much more interesting to see a court case where the dog didn't bark, but just looked nasty; would that be enough? 

But - as you might expect - small children are held not to be able to assume this risk posed by a barking dog [Greene v. Watts, 210 Cal. App. 2d 103, 26 Cal. Rptr. 334 (1962)].

ii. ATTACK DOGS & "MISCHIEVOUS ANIMALS"

Like a loaded gun in the nightstand, attack dogs can hurt the innocent. If you own or have custody of a dog "trained to fight, attack, or kill" under section 399.5 of the Penal Code, and it bites people twice, or one time causing "substantial injury," it's out of you, too. This isn't any tos, carcels, either; owners who violate this statute are guilty of a misdemeanor, punishable by a fine of up to $1,000 or six months in the county jail.

And Heaven help you if you have a "mischioseous animal" under Penal Code § 399. Though the law doesn't define it, if you own such a critter and "knowing its propensities, willfully sufficr it to go at, or keep it without ordinary care" and it kills any human being who took any reasonable precautions, you're guilty of a felony. Note the broad wording in the language. Note that such key terms as "ordinary care" are not defined. If you own a nasty dog, to use extra ordinary care. Don't be the test case before the Cal- Supremes where they decide that, yes, the law is constitutional.

In People v. Berry, 1 Cal. App. 4th 778, 2 Cal. Rptr. 2d 416 (1991) [review denied], the victim was a child under three, who could not take the reasonable precautions available to prevent being killed by the defendant's pit bull. The victim thus became a new-nabed felon, guilty of manslaughter. The dog in Berry was a pit bull, trained for fighting. The victim had wandered onto the owner's property where the dog was restrained on a six-foot long leash.

Also note that your homeowner's insurance probably won't cover you in cases like the above, since it usually covers damage flowing from negligence, but not crimes.

The bottom line is, it's probably better not to have a nasty dog around lest he kill someone he shouldn't, and make you a victim, too. On the other hand, if you live near a person who insists on keeping nasty dogs around, you may have a remedy.

III. "POTENTIALLY DANGEROUS DOGS"

If you have a dog that has committed two or more uncompromising attacks on people, you may have to get a special license under Food & Agr. Code § 31600 et seq. This section includes dogs that have killed domestic animals on two occasions over the past three years, including cats. If your neighbor owns a cat-killing dog, and you like cats, this may be your remedy, if you don't mind a legal catfight [sorry].

If, after a hearing, with due notice [§§ 31621, 31622], your dog is found to be potentially dangerous [PDD], you'll need to get a special license and vaccinations [§ 31641] and keep the dog confined in a place where children cannot trespass [God only knows that this law is; I was a boy once, and if I wanted to trespass, I trespassed, dammit, dogs or not]. The animal control department may order the dog destroyed [killed] if it determines after the hearing, that "the release of the dog would create a significant threat to public health, safety and welfare." [§ 31645]. No cases on that.

If you sell your PDD, you'll need to tell the county animal control authority. [§ 31643]

PDD status is not permanent; if your PDD had just had a really bad day, and doesn't bite anyone for a 36-month period from the date of PDD designation, it's taken off the list. [§ 31644]

Local cities or counties may forbid the ownership of dogs that are PDDs. [§ 31645] If the owner of a PDD turns out to be stubborn, or stupid and ignores the above laws, said "owner shall be punished by a fine not to exceed five hundred dollars [§500].""
Costa Rica (From Page 8)

We had decided to get our money's worth out of the four-wheel and sand tires giving us access to the Pacific coast. There was a lot of Sunday beach traffic. Every so often the road would widen to six or eight unmarked lanes, more like a wide parking lot than a road. The long straight line of cars would keep from being tossed over, trying to pass, trying to speed up and still avoid the dozens of pot-holes. They would literally swarm all over the road, and occasionally a front or rear end would pop up like bread from a toaster as the car went into, or out of, a pot hole. Then, just as quickly, the road would go back to two lanes and everyone would jockey back into line. The beaches in the area, like Jaco, are very dirt-appalling limitations of California—it's the only place I heard English spoken regularly. The best restaurant- not the food, but for the name-was Jaro Bell.

Fara and I were nearly the last students to check out of the Port Alegre Park from Loyola the Sunday afternoon before classes began. We returned the car to the airport and found the road lined with Sunday beach traffic. The Loyola instructors read, "You must check in by 5:00." Time was running out and the cab couldn't get through the traffic jam. It is a popular outing to go to the airport on Sunday afternoon, have a picnic, and watch the planes. Everyone was very pleasant, but some people's dogs were barking, and I had started taking antihistamines, so I couldn't take that fruit anymore. The post office was virtually nonexistent in civil populace gained little from all the investment but must now bear the burden of the debt.

Donna from Florida had rafted the Picuare before and setup the number for our raft. Aimee and I took the front, where large wolves were also, and Donna and Isamu were behind us. Fara and Blaine had the back cover. We practiced our paddling and headed off for the rapids. Everything went smoothly for quite a while. We dropped into one big hole, though, and Aimee and I both to hold on to the raft. Then one day we came to find the manhole was a plus. "Donna and Isamu were supposed to be slow enough to cross, but how could we create a drug that wouldn't allow you to eat fruit?"

Glassie began, and we started meeting the other students, like the beautiful "twins" from Georgetown. They weren't related, but their clothes were both blondes, about the same height, and always hung together, they looked very different. But some people's dogs were barking, and I had started taking antihistamines, so I couldn't take that fruit anymore. The post office was virtually nonexistent in civil populace gained little from all the investment but must now bear the burden of the debt.

The mother of the family was staying at the other end of the building. We took a cab, so it didn't seem too tough to find the house until I realized that there are no street addresses in Costa Rica! I had to learn my "address" in Spanish if I ever wanted to take a cab back, "on the road to Sabana," or "across from the supermarket! La Cosecha, fifty meters north to the pink house." There is home mail delivery, apparently, but there is no box for a post office. Instead, the customer windows have been pushed out into the small lobbies of the home -- a company that designed landfills: fall on, torts aplenty. Funny idea, troopers both. They floated back in the back of the raft. I looked back just in time to see Aimee slip and fall on torts aplenty. Funny idea, they think we all have a duty to watch where we're going.

The first class wearing my expedition pants from REI. I had been convinced to pack lightly, so I wanted to go with some synthetics. I figured they wouldn't have clothes dryers in Costa Rica and that with the humidity it would take forever for jeans to dry. My long pants unzipped into shorts and Emily Yozell, who coordinated the trip in Costa Rica and taught part of the class, looked at me and said, "You North Americans are really crazy." Well, I was lucky, because my family always had laundry every day. Some students' families only did laundry once a week. Most of the students wore t-shirts, shorts, or jeans.

The class was interrupted, as every evening we had to stay in the law school by a sound truck promoting the teachers' strike. The government was promoting our class back to back to back to back to back to back to back to back to back to back to back. I suddenly remembered that no- tort- law thing. Go ahead, jump in the river, who cares, you're on your own. I scrambled back in the raft. The next day, when we landed the rafts and hiked up into the hills to a natural water slide, I let some of the others try it first. You can't take safety for granted in Costa Rica as you would in the U.S.

Ticos enjoy their food. Frankly, they also enjoy our food, as Burger King and Pizza Hut are everywhere. But like the national dish, gallo pinto-black rice-it is a very bland diet. Anyone expecting spicy Mexican food will be very surprised. They are fond of beans, which, according to my research, I had found out I was a vegetarian--and some Ticos still have trouble understanding the concept-every breakfast consisted of about 5 pounds of fruit. At first it was wonderful: papayas, mangos, pineap- ple, and the ubiquitous bananas. But we didn't know how to stop them. We tried not eating any of the fruit, but it would show up at our buffet table. Oh no! We had finally outgrown the idea that we had been that the teachers' strike. The government was promoting our class back to back to back to back to back to back to back to back to back to back to back. I suddenly remembered that no- tort- law thing. Going ahead, jump in the river, who cares, you're on your own. I scrambled back in the raft. The next day, when we landed the rafts and hiked up into the hills to a natural water slide, I let some of the others try it first. You can't take safety for granted in Costa Rica as you would in the U.S.

The first evening most of the class gathered at Bar Rio, home of los Plasticos, the Tico version of a night club. All of us felt the price head off in cabs to one of the best known disco's: Infinitos, a dark, crowded, low- ceilinged dance floor.
### Free Lectures for Final Exam Review

#### First Year Subjects

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<tr>
<td>*Community Property</td>
<td>Sun. Apr 21, 1996</td>
<td>2:00p-5:30p</td>
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Open to all interested Students • You do not need to be enrolled in BarPassers®/West Bar Review™ to attend! Bring yourself, a pencil, and a friend!

Lectures will be held in Santa Monica at the BarPassers/West Bar Review office on the Third Street Promenade. Take the 10 Freeway West to the 4th St. Santa Monica offramp. Take 4th north to Parking Structure #1. BarPassers/West Bar Review is just around the corner on the Third Street Promenade.

***Lectures with asterisks (*) will be held in Santa Monica at the Radisson Huntley Hotel at 1111 - 2nd Street. Take the 10 Freeway West to the 4th St. Santa Monica offramp. Take 4th north to Wilshire Blvd, turning left onto Wilshire. Travel west two blocks to 2nd St. and turn right. The Radisson Huntley Hotel will be one-half block north on 2nd St.***

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(415) 896-2900
FAX (415) 896-1439
Amazon Restaurant, Bar & Grill, 14649 Ventura Boulevard, Sherman Oaks, CA 91403 (818) 789-8240. To get there from LLS: there's two ways: (1) take 101 to Van Nuys [S], then Ventura [W] OR I-10 [W], 405 [N], 101 [E], Van Nuys [S], Ventura [W]. Bin bam boom, you're there.

Try the $6.95 all- you - can - eat lunch buffet. Lots of fish, pasta, great salad, veggie pizza, black beans and other great stuff.

A hypothetical scene in the movie, Pulp Fiction. John Travolta has just awakened from a long, hard night of dancing the twist and sticking horse needles full of adrenaline in Uma Thurman's heart. Uma Thurman wakes up next to him, then lays her pretty head across his bare chest.

"Hungry?" he asks her, absentmindedly.

"Yeaah!" she says, then bites him playfully.

"OW!" he says, then bites her diamond-studded earlobe.

After growing playfully a while, and giggling, he says, "Hey, I know this great place to go for lunch!"

And they go to Amazon, about two blocks west of Tower Records' enormous Ventura Boulevard store, with equally huge murals of various stars on it. [SoLA!]

"I love this place," John says, gesturing at the building, "they give you their money to endangered species!" You care about endangered species?

"You say giving a lettuce pat on the shoulder holster with a .45 under John's impeccably tailored sports jacket.

The outside of Amazon is painted bright green, with a three-dimension-life-size portrait of a mountain gorilla, along with a mural of animals and birds of the forest. The inside is pure Hollywood rainforest: muscled-looking trees festooned with various climbing foliage, fake rough-hewn lava and prancing lambs all over his enormous shaven skull. What is that bulge under his impeccably tailored sports jacket? An Uzi? An AK?

"Before John can say anything, Uma gets up and darts over to the giant's table. At first the guy looks a bit alarmed; John starts to look very alarmed, and reaches under his impeccably tailored sports jacket... [W] Uno. Uma and the giant are laughing. Then Uma reaches over and pecks the giant on the cheek.

When she gets back to the table, John isn't sure whether to be pissaed or frightened.

"Who were you laughing at?"

John asks petulantly, stuffing his mouth with black beans.

"You," Uma said, "you are so paranoid! Are you afraid of him?"

She smirks a little, "I'll bet you though he was a hit man or something."

"Well, yes, I did..."

"He isn't a hit man or anything like that, dear."

"You know him?"

"He's a set designer at the studios. Uma pauses, "He just loves the buffet in this place, especially the salmon. He says he can just eat all he wants and no one complains. For only $6.95."

"It'd be like complaining to a 2,000 pound gorilla."

"Your so paranoid. How can you be afraid of a guy who does baby photography on the side?"

"Baby photography?"

"Yeah, the kids love his tattoos."

The Amazon gives some of its money to conservation causes. I don't know how much, and I don't care. I like the rainforest, but I can give my own money, if I want. I like the food here. Even Washington lumberjacks will like this place. It makes a nice change of pace from the spotted owl pot pie, with the particle-board crust, washed down with dozer lubricant.

If a lunch buffet doesn't thrill you, there's always dinner. This includes items like: Dolphin-safe tuna sandwiches, from Thailand, and Baccaludio Mario (chicken with veggies, garlic, tomatoes and melted low-fat mozzarella); organic angel hair pasta with chopped tomatoes, halibut with sun-dried tomatoes, capers and sweet basil. By now, you get the idea that if it's meat and potatoes you're after, this ain't the place.

All credit cards accepted. They will deliver to your home or office. And, "Calabasas Amazon plans to open Fall of '96!" Yahoo, if you live in Calabasas.

Meanwhile, John and Uma varoom off down Ventura in John's sports car with the top down; it's a beautiful day. Grace Jones pulls up next to them at a red light in blue Maserati, pulls out an AK...

"Hey!" she says, "can you tell me where can I get this repaired?"
the bat-hrooms was covered with rainforests to pastureland and plants wandered through the compound and into the nearest bar, a large tected in public and private parks the edge of the hammock. One of my friends was one day when her Diet fauna, and the northernmost spot the Key Largo. They couldn’t understand why the room outside the country converted from tropical all sorts of exotic birds woke me. I expected the overwhelming beauty of rainforest and tropical dry forests, but often the differences are hard to notice-but, unlike Hawaiian orchids, they have a fragrance. What you will find in Costa Rica is the famous microfauna. In other words: bugs!

Now I’m not a big fan of bugs, especially the palmettos they have down there (think flying cockroaches the size of doorknobs). But there are beautifully lighted, multi-colored lights that attract huge numbers of mosquitoes. If you’re into that kind of thing. Wonderful to look at when they’re outside. There’s no mos-quito problems in San Jose, but there are still bugs all over. I thought I was getting pretty brave about the whole thing until I was in the bathroom one day and saw a leaf that had come off someone’s shoe. Suddenly what looked like a tongue came out of the leaf and started dragging itself across the floor. That leaf now sleeps with the fishes.

The trip rafting down the massive river most of the rafters returned to the rainforest. It was hours of rainforest and tropical dry forests, that time in the rainforest, not slog-ging through the mud, that I remem-bered most. The trip rafting down the massive river most of the rafters returned to the rainforest. It was hours of rainforest and tropical dry forests, that time in the rainforest, not slog-ging through the mud, that I remem-

The international legal sys-
tem has not met the fast- paced challenge of environmental degra-
dation. Those of you who hate case names will love international envi-
nomical law there-are only four cases. Countries submit to jurisdic-
tion by the international courts in order to utilize the courts as plain-
tiffs in future disputes. The increasing effects of transboundary pol-
lution require stronger duties to coop-
erate and notify neighboring coun-
tries in the event of disasters like Chernobyl. Cooperation is also needed to combat the global warming and acid rain, which are brought on by the increased consumption of nonrenewable resources. The U.S. wants other nations to preserve their rainforests while we continue to clear-cut our own forests. Other nations find the same hypocrisy in our attempts to ban freon and other flu-
rinated hydrocarbons: tropical nations want the air conditioning and aerosol sprays that we’ve enjoyed for decades. The proposed solutions involve transferring a great deal of wealth from the industrial-
ized northern nations to the less developed southern ones. We must pay them not to pollute. Don’t look for U.S. voters to embrace this idea anytime soon.

Costa Rica is at the cross-
roads of North and South America. In addition to its own unique species, it is the southernmost location for North American flora and fauna, and the northernmost spot for those from South America. More than 24% of the country is now pro-
tected in public and private parks and reserves. The decades since World War II have seen almost half the country converted from tropical rainforests to pastur-ead and plan-
tations through logging. In an attempt to profit from the preserva-
tion of these biological treasure troves, Costa Rica has negotiated a pact with a large pharmaceutical manufacturer. If any “miracle” drugs are developed from a careful cata-
logging of Costa Rican lifeforms, the country will receive a royalty. This, combined with ecotourism, is an attempt to make the rainforest pay their way in a capitalistic society. Don’t go to Costa Rica expecting large mammals and huge flocks of tropical birds flying across the rainforest. For that you need to go the Amazon or Colombia. In Costa Rica you’ll find a wide variety of rainforest and tropical dry forests, but often the differences are hard to spot by the untrained eye. The country boasts of having more than 50% of the world’s orchid species. I expected the overwhelming beauty of Hawaiian orchids. It turns out that most of the world’s orchids have small brown flowers that are hard to notice-but, unlike Hawaiian orchids, they have a fragrance. What you will find in Costa Rica is the famous microfauna. In other words: bugs!

Anonymous Submission:

“Recently, I had the opportunity to sit-in on an SBA meeting. I was appealing the budget of a campus organization. I was wel-
come to the meeting with an abundance of Domino’s Pizza. They spared no expense, and offered a dazzling array of top-
pings. The SBA members laughed at their greedy lips happily, while one said, “this is your SBA dough at work, not cash silice.” In my simple appeal to have funds that my organization had not used in the fall semester available to the club for the spring semester, I was horrified to hear my fellow students debating the issue in terms of precedent set and policy concerns. I understand the need for protocol, but I was witnessing a sickness displaying of third-year thinking as if they were judges and first years attempting to plug in their new found termin-
ology and thought process as much as possible. Fortunately, the ayes had it, and my organiz-
ation was victorious. I believe that if we were not friends with many of the people present at the meet-
ing, somehow they would have created a rationale to deny my request. If not for the pizza, would have left this meeting with a foul taste in my mouth.

Koury (from page 7)
This rewarding new text by Dunshaven Law College’s Distinguished Professor of Xen jurisprudence, Wilhelm Anterich, is a very welcome addition to his growing canon of field treatises on alien legal customs and disciplines. Anterich spent all of 2125 in the bush researching the current book; living as a villager with the Zorian, he concludes they are, from his perspective, the third alien race ories. This demands atrial, wherein a stranger to this sort of hands-on legal work is not approached this pleasant. But a strong-willed Zorian can with-stand the trance-like state cocoon. That book, mesmerizing as had with native wildlife - few immediate and usually brutal justice.

School, lived aboard a Quintiloan eral non- lega,1 expeditions into the events through the memory of

Here, Anterich didn’t just regarded as the third alien race ories. This demands atrial, wherein a stranger to this sort of hands-on legal work is not approached this pleasant. But a strong-willed Zorian can withstand the trance-like state cocoon. That book, mesmerizing as had with native wildlife - few immediate and usually brutal justice.
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If Everyone Takes Bar/Bri Or Barpassers...

PASS RATES PLUMMET AT PRACTICALLY ALL CALIFORNIA LAW SCHOOLS!

ABA APPROVED LAW SCHOOLS

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<td>76%</td>
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<td>Davis</td>
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<td>93%</td>
<td>-1%</td>
</tr>
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<td>Hastings</td>
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<td>88%</td>
<td>-4%</td>
</tr>
<tr>
<td>Loyola</td>
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<td>83%</td>
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<td>USD</td>
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<tr>
<td>McGeorge</td>
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<tr>
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<td>Southwestern</td>
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<td>Stanford</td>
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<td></td>
<td>Whittier</td>
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You Figure It Out!

MULTISTATE SPECIALIST

Why Run The Risk?