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The Loyola Reporter

The Loyola Law School Student Newspaper
Volume 19, Number 6; February 29, 1996
919 S. Albany St., Los Angeles, California 90015

"Freedom of expression is the matrix, the indispensable condition, of nearly every other form of freedom."

Justice Benjamin Nathan Cardozo
Palko v. Connecticut, 302 U.S. 319, 327 (1937)

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

-John E. Rogers
Loyola Reporter Staff Writer
Long Beach, Calif

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 dangerous encounters with foreign law enforcement, the days of bumpy rides in lorries, jeeps, on donkeys, by decrepit propeller planes, etc.

Those stories alone would fill a thousand newspaper columns.

Fortunately, Koury has what may be the mother of all climbing tales...

But, before that, some background. Joel C. Koury grew up on a farm in northeast Pennsylvania. He moved to

California in the early eighties, looking for work, only to decide to return to school (the cost of education here in California being to 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 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)

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Memories of Costa Rica

By David Ackerly ('96)



Author Discovers Real Pitfalls lie in Jungles not Courts...

Costa Rica

Six months have passed since I spent a magical month in Costa Rica. Many memories have faded, while some have grown more intense. For everyone who went on the trip, passing time continues to alter the experience. My memories of the trip may differ from everyone else's, but they are just as real.

I woke up as the plane dipped below the clouds. My first

sight of tropical rain forests! As an environmentalist heading to Costa Rica for the first time, I was extremely curious about what was in store.

"San José is just like California."

"Costa Rica really is the third world."

I'd heard so many different percep-

See Costa Rica (Page 6)

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 Devine might be a nice girl for her son, Charles, after he dumps that tramp 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 light-hearted humor to slap-stick, and is punctuated with tender moments.

Go to page 6

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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 around the world, to Cabo for a little sun 'n diharrea during 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 warmth and goodwill, as well as professional competence. You try to gesture accordingly.

Be careful! Some perfectly



Figure 1

ingratiating or benign gestures in the U.S. can get you in real trouble elsewhere. Also, norms of such very basic manners as how close to stand near someone, looking them in the eye, or not, can vary a lot from place to place.

Gestures: The Dos and Taboos of Body Language Around the World by Roger E. Axtell, is intended to guide you through the maze of human interpersonal customs. *Gestures* is 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 American traveler abroad a way to avoid looking like a total fool.

Some gestures, like the one commonly known as "the finger," "the bird," and "digitis impudicus" [figure 1] leave no room for misunderstanding; it means, "up yours!" around the world. It's also a real classic; it's kept its meaning for over 2,000 years. So the next time you "flip off" another driver, remember that you're part of a long legacy. Roman soldiers, spoiling for a brawl, probably flipped off each other, or maybe they flipped off the barbarians, or a picture of a Caesar they didn't like. Most people all over the world know its meaning and know not to use it, unless they're prepared to face the consequences.

Others are not so obvious, at least not to Americans. For example, the familiar thumbs-up gesture [figure 2] is considered a signal of approval in places as diverse as the United States, Western Europe and Japan. Generally, it means, "good going," "good job", etc. So imagine the surprise and dismay of an innocent American [or Japanese] abroad in Australia or Nigeria, where thumbs-

up means "up yours," especially if accompanied by upward jerks. ["Good- ay!" POW!]

Misusing gestures can sometimes have international implications. In the 1950s, then-vice-President Richard Nixon alighted from an airplane in Latin America and promptly made the "A-OK" gesture with both hands [figure 3] in front of all the media. Nixon was greeted by boos and hisses; he'd literally said, with both hands, "f-you"! And this at a time of great and growing Latin American hostility to the United States. He meant no harm, but it took a while for the Latins to realize or believe it.

Preventing these and other faux pas is the idea behind *Gestures*. It's not intended as a social history of gesturing, nor is it meant to be an exhaustive encyclopedia. Rather, it's arranged to make it easy to find out how to avoid offending [or really really piss



Figure 2

off] the people of various countries around the world.

For example, the familiar a-ok sign in the United States, and Canada means OK, good, etc. In France, it means "zero" or worthless. In Japan, it means money. In Latin America, it means, well, Richard Nixon sure found out. The perils of thoughtlessly making this gesture to waiters or waitresses [or bureaucrats! EEK! Or helmeted, AK-toting riot police!! EEK! EEK!] all over the world should be obvious.

Another example is the "V" for victory signal, made by raising both index and middle fingers above a closed fist. If you make it with the palm facing the observer, it's usually all right; today it's the familiar peace sign [with a grinning, two-handed version of it popularized by Johnny

Gestures himself, Richard Nixon]. But if, while in England, you twist your hand around with the palm facing you, and give a little jerk for emphasis, you've just really really pissed off an Englishman [figure 4].

Winston Churchill may have adopted this gesture as an impudent, public way of flipping off the Nazis in World War II as a gesture of defiance; "Here's what we think of your bloody blitzkrieg!"

Gestures also covers the Byzantine subtleties of other, less conscious body lan-

guage. For example, in the United States, we don't like to touch much; too much touching can lead to charges of sexual harassment. Traveling around the world, Americans tend to assume others feel the same way, and act accordingly. In China and much of Northern and Western Europe, we're right. In Latin America, Italy and parts of Africa and the Arab world, we can be insultingly wrong. Italians and Greeks may actually get angry ["what, you don't wanna touch me? What am I, diseased, or some damn thing?"] Straight, normal Arab men hold hands in public and walk down the street together [figure 5].

My dad always told me: "Give 'em a firm handshake, and look 'em right in the eye" when greeting someone; he'd add, "I just hate a handshake like a limp petunia." Job-interviewing skills workshops also emphasize this point. If my dad had been a Latino, however, he might very well have said: ". . .

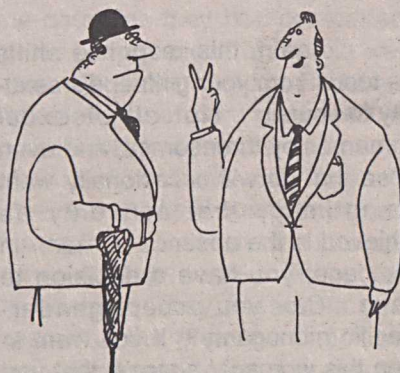


Figure 4

. . . and don't squeeze too hard, like one of those rude, pushy Nortamericanos!"

Gestures isn't perfect. There's just enough scholarly detail

that I found myself 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 3

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.

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

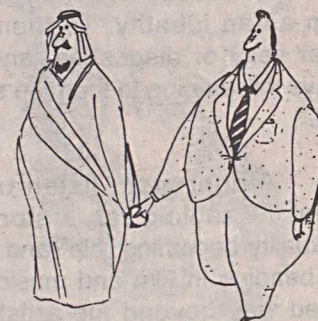


Figure 5

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*. Obvious 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.

Overall, I highly recommend *Gestures* as a good way to spend \$12.95. Get it and you can be confidently careful out there.

Grendel's Notebook

by R.J. Comer

"Can I Watch? Right and Wrong Responses to Finding Out Your Girlfriend is Bisexual: A Guide for Guys."

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."

"Does he know you do chicks?"

"No."

"He doesn't even know you're bisexual?!"

"No, of course not. You know how guys get when they find out you're lesbian?"

"Uhh, no."

"It doesn't even register to them as an identity. To them it's either sexy or disgusting, and it's always threatening to them on some level."

Alright men, listen up. A recent TV tabloid ran a story on bisexuality becoming "hip" and gender-bending in film and music has moved way beyond the artist formerly known as Prince. In fact, a friend of mine here at Loyola recently expressed shock over teenage lesbian couples attending her little sister's high school formal. The bottom line is that bisexuality has probably not increased, but it's likely to become increasingly open. Factor in that we men don't exactly handle ambiguity very well and I figured it was time to give you a leg up [indicate metaphor - I know] on how to handle it if your girlfriend tells you that she enjoys women sexually.

Here are some classic, but wrong responses and some better responses you may want to employ if care about continuing your relationship with this woman.

WRONG RESPONSE: "Wow! Can I Watch?!"

The only response worse than "Can I watch" is "Wow, can me and my friends watch?" But the whole "can I watch" response steals the focus from the woman and makes you the focus instead.

Gentlemen, I realize that we men - especially you young boys - tend to think sex is something men do to women instead of *with* them. Well, I hate to burst your... eh... bubble, but your girlfriend's sexuality is not about you. You merely participate in it, though quite possibly not to the extent you think you do.

When a woman confides in you that she is sexually attracted to women, she may be attempting to tell you a number of things. First, she may only want you to know her better, to gain your acceptance and understanding. In this case your best response is an affirming one. Ask her about her experiences with women and ask her whether she is equally fulfilled by men and women or if she has a stronger preference for one than the other. If you have previously pledged monogamy and exclusivity to each other, then you may want to clarify whether she is faithful to you with regard to other men, or with regard to all others. If you require complete fidelity, say so, but don't demand. If you want a woman to be faithful, share with her how devastated you would be if she had intimate relations with anyone other than you. Reaffirm that only she fulfills you and you hope she feels the same way. Ultimately communicate to her that you require monogamy. Unlike men, women realize the value of being wanted and desired; they are often more emotionally available to commitment. She has made herself vulnerable to you, return the favor. Or at least appear to.

She may also be attempting to inform you that her sexual fulfillment depends on occasionally having sex with women. This means she cannot commit herself to you to the exclusion of all others.

WRONG RESPONSE: "Okay, I can do two of you, but can I pick the other woman?"

Again, this response shifts the focus from your girlfriend's sexuality to yours. Not all bisexual women enjoy threesomes, and even those that do will occasionally want the intimacy that can only be achieved in the absence of men. In this case, you have a decision to make. Can you accept gender-specific monogamy? If you want to keep this woman, I suggest that you allow her occasional lesbian encounters, but reaffirm that you definitely do not want to share her emotional commitment. Try to get her to promise that sex with women will remain casual because it's her heart you want to possess, not her

body. You must convince her that you cannot bear the thought of her pursuing another significant emotional relationship with another man or woman. Yeah, I know; sounds sappy, but you've already lost the battle for her body, so may as well fight for her heart and soul.

On the other hand, this may be a golden opportunity to score that gender-bending threesome you've only read about or were too drunk to remember the last time. The best response is: "Well, honey, I want you to be fulfilled. Maybe we

spectrum ranging from extreme homosexuality to extreme heterosexuality. Many people are socialized to think they are all straight and that those deviant homosexuals are all gay or lesbian. But most of us are somewhere on the spectrum, acting out our primary sexual preference sexually, and acting out our less prominent sexual preferences in subtle ways. For example, "straight" men have sex with women only, but their homosexual side is often revealed in sports - all that butt-patting, and please let's not

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should share a woman. It would be you and I doing her." If you're really adventuresome, offer to share a man with her as well. Now I know, you're not gay; you're not interested in being with a man; you're just so damn macho straight and disgusted by homosexuality. Yeah, yeah, yeah, get over it; you're girlfriend's bisexual. Chances are she won't take you up on it, but you will endear yourself to her by offering. The point is, keep the focus on her needs and yourselves as a couple. It's not a threesome; it's you and she having a sexual adventure together. Sounds corny, but it just might work.

The important thing to remember throughout this whole new discovery is that sexuality is a

even begin to talk about high school and collegiate wrestlers. All of us know at least one "straight" man who dances 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 girlfriend is one of them, so what? The discussion you need to have is about her and the impact her sexuality 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 clinging 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 column. 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 federal court reporter, issues of international full faith & credit (in conjunction with various treaties) have arisen. The probate code sections I refer to at the end are very straightforward. They simply say if a testate probate (one with a valid will) has been opened in a country we recognize diplomatically, our California probate courts, should they be faced with an ancillary proceeding, must respect that document (with a few exceptions).

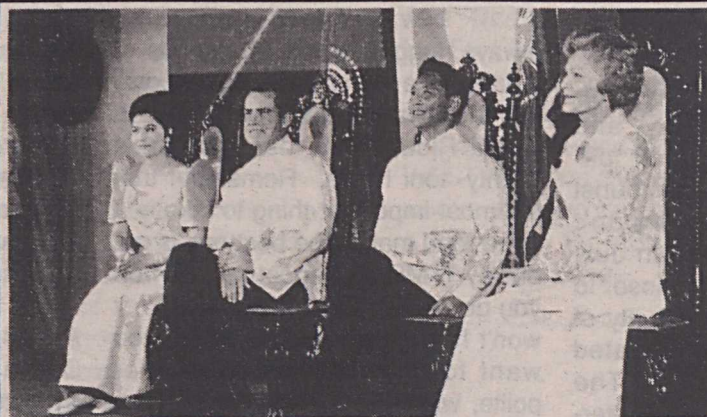
[Marcos excerpt]

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 a) 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. At 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 Letteau had already been calendared. That hearing was subsequently continued. But Real's "telephone injunction" 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

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Richard M. Nixon Library

Meldy, Dick, Ferdy & Pat kickin' back in Manila. One point four trillion bucks'll pay for a whole lotta partying.

based on PC 12523 grounds. Since a domiciliary probate has already begun in the Philippines, admitting a supposedly valid will, how, except possibly under 12523(b), can an intestate matter live here?

By the way, if

by Roman Mosqueda, which already has an ongoing probate case on Marcos and, hence, will also be present. You see, the Filipinos want to put an end to their Marcos proceeding. 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 mythic \$500,000,000 overseas.

this picture isn't big or odd enough for you, just think of this: As Wolf said in our interview, the Doris Duke probate, *supra*, is closely tied to this Marcos matter. Evidently Duke either offered to lend or did actually lend money to an "insolvent" Imelda some years ago. That's some combination...

P.S. You don't have a Doris Duke probate, *supra*, here in this article. She was an eccentric millionairess 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 pet camels...

Fini



Campus Announcement

February 6, 1996

The International Law Society would like to thank Matthew Kaplan and Charles Harder for their exemplary contributions in the capacity of President and Vice President of ILS. We would also like to congratulate the newly elected officials of ILS: David Berger as President, Shane Kamkari as Vice President, Roger James as Secretary, James Prenton as Treasurer, and J. Kelly Lindsay as Publicity Officer. The first act of the new administration was to create the position of Summer Studies Chair, which has been filled by Christian Ramorino. ILS members will be pleased to learn that the new administration also plans to balance the budget by 1997. Congratulations to all, and good luck!

-J. Kelly Lindsay
ILS Publicity Officer

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enjoin a state probate court). At present, as of a February 7 hearing, Judge Letteau has set a VSC date of April 30, 1996 for all connected counsel. Several interests are represented in this affair and will be present there. Kenneth S. Wolf, a prominent West Los Angeles probate attorney with the firm of Hoffman, Sabban & Watenmaker, is acting as chief estate counsel for the 9,560 human rights plaintiffs from the Philippines (no...that's not a typo). Wolf, under the direction of east coast lead attorney Robert Swift, is handling the probate & estate elements of the case. Swift and his associates won a series of federal "human rights violations" jury trials (alleging a wide range of violations - including execution and torture) against Marcos last year in Hawaii - totaling 1.6 billion dollars U.S. Of course, these are empty judgments until some actual money is found somewhere. Because of that, Swift and Co. are on the look-out for "pop-ups" around the globe - meaning points in world law where Marcos' name surfaces.. The idea is where there's

now 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.

Wolf sees serious problems in the California probate proceeding

LOYOLA REPORTER
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Costa Rica (from p.1)

tions. When the plane was leaving LAX, I noticed the workers in their standard issue jumpsuits were all wearing their OSHA- approved headgear. When the plane taxied up to the San Jose terminal, the workers were standing around plugging their ears with their fingers. This was definitely the third world.

Costa Rica in July, the "Green Season." Formerly, and more accurately, the "rainy" or "off" season. That was until the tourist board got hold of it. I wouldn't dream of going to Florida in July and here I was going much closer to the equator. But the capital city of San José, located in an elevated valley, really is temperate. The coastal rainforests can get swelteringly hot, but San José was almost pleasant. We were warned to bring sweaters-I never unpacked mine. I also thought the rainy season might be like Hawaii, gentle afternoon rains to relieve the humidity. Forget it. We're talking daily gully- washers, absolute cats and dogs.

Once through customs, you have an immediate need for *colones*, the local currency. Everywhere I've traveled I've been warned against exchanging money in the street. At the airport people rush up to you. These are the government licensed money changers, though it's wise to check their rates and calculations, as a few seem to have trouble with multiplication. I wouldn't try this anywhere else in the country-stick to banks. And if you can't find a money changer at the airport, stick some traveler's checks inside your passport and wave it over your head. Problem solved.

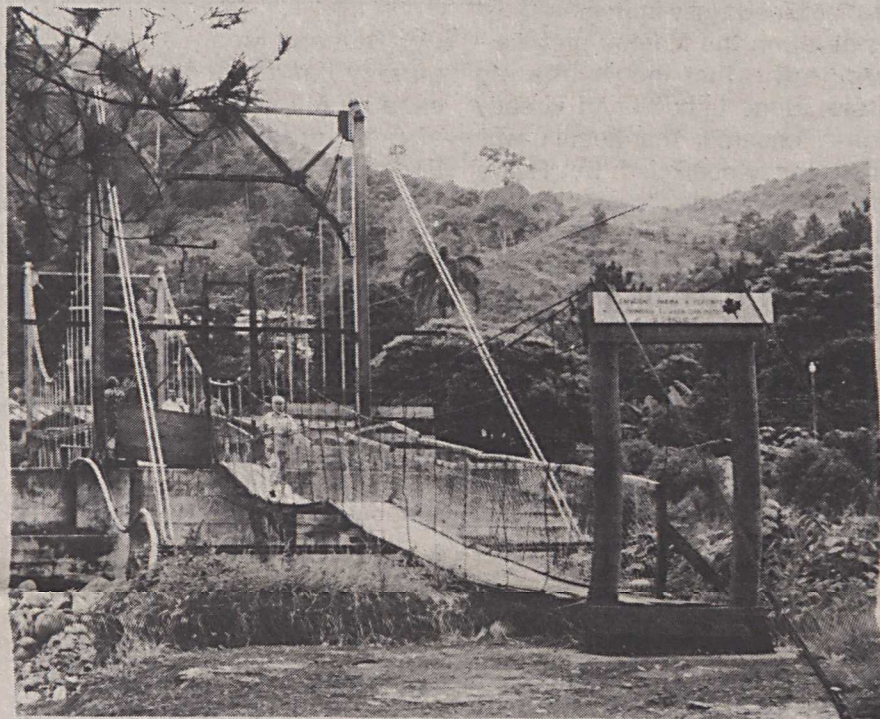
I arrived a week early to see some of the country. At first I was going to bike through Costa Rica with a guy from Lewis & Clark, then I made plans to scuba dive with the students from Georgetown, but everything fell through. Fara Daun and I decided to rent a car and drive around. This is an expensive option, so it's nice to get four people to go. On the other hand the cars have enough trunk space for one overnight bag, so pack light. We didn't reserve a car in advance, so we were lucky to find a four- wheel drive available. One agent tried to convince us that a little compact is all you need. DON'T LISTEN. Always take a four- wheel, even a six- wheel if they have one. The roads can get terrible, and the famous Costa Rican potholes! Some are big enough to fish in. Flycasting. Also watch out for the most prevalent traffic sign as you drive through the country, the dreaded "No hay paso." It means you are about to meet your maker unless you turn quickly-the road ahead is about to become one way heading towards you. This usually occurs when trucks are bearing down on you.

Twenty- seven students were arriving from all over the U.S. for the three- week International Environmental Law course. In addition to Fara and me, the other seven from Loyola were hip- hop Katie, who was touring the countryside by bus with Letitia, quiet, reserved, and an amazing dancer; Hany, sprung from Mobil Oil for three weeks, try-

ing to keep his place of employment a secret from the radicals; José Luis, who went down for an externship before classes started; tall, beautiful Aimee, with her ironic sense of humor; and Chris and Deborah, who were much too serious, spending much of the time studying or practicing Spanish with their Tico families.

I was overprepared as always, lugging about 20 pounds of guidebooks around, trying to compile the most efficient route through Costa Rica. That idea didn't last twenty- four hours. Remember that the most important thing to take is a good road map. The best one is put out by ITMB of Vancouver. When you get lost, show it to the locals. It won't help them get you where you want to go, but the Ticos, ever polite, will complement you on your beautiful map.

The guidebooks say that



Tico, the only term for citizens of Costa Rica, comes from the diminutive added to many Spanish words. I have no idea. I don't speak Spanish, only French and some Italian. That was no help. When you stumble downstairs in the morning and say, "Buon giorno," people look at you as if to say: "You're speaking Italian, idiot." The only time French was any help was with a restaurant menu listing, in English, "Spaghetti Donkey Style." This was as baffling as it was unappetizing, until I connected the donkey-the burro-to the French *beurre*-butter-and sure enough, it was spaghetti with melted butter. I was patting myself on the back until I started to eat this thing. A big plate of greasy pasta. Well, no one goes to Costa Rica for the food.

And the guidebooks will tell you English is widely and commonly spoken. They lie. If you don't speak Spanish, buy a good phrase book, listen to some tapes, pick up the important phrases before you go. It can prevent some embarrassing moments. The first night I needed to buy some nail clippers. I went to a rural *farmacia*, walked past the t- shirts and postcards to the counter and started pantomiming nail clippers. For a moment I think the clerk thought I was crazy. The he caught on. "You want the *farmacia* for pipples." I looked around. Behind the sunglasses were walls of kibble, mane combs, hoof cream, God knows what all. I had no idea there was a *farmacia* for animals!

Fara had prepared for the trip by going to the University of Washington Medical Center for advice on avoiding tropical diseases. I thought we just had to worry about malaria. She told me all about dengue fever, which is also carried by mosquitos. The first time you catch it is bad enough. If you later contract another of the four known strains, your organs can start hemorrhaging like they will with ebola. And how about Chagas' disease? According to the pamphlet she brought back from Seattle, this little parasite is the scourge of Latin America. We scoured every room we stayed in to avoid this little two-centimeter long monster.

The first day we drove up to Arenal, arguably the most famous of Costa Rica's many volcanos. Unfortunately it looked like all the others: the base of a mountain shrouded in clouds. This is of

earthquake a few years back that destroyed many older buildings and residences. There were small surfing towns, but-unless you came by bus, had no possessions to steal, and liked extremely basic motels-they were a little scary.

So what the hell, it's our second day, there are a few hours of daylight left. Let's drive to Panama! The road was rough, rutted-those famous potholes-with dozens of small bridges roughly covered with wood. We were stopped a couple of times at police roadblocks: This was a prime area for drug smuggling. We drove through miles and miles of banana plantations-God, how I learned to hate banana plantations! Basically the workers all live in company towns: some were reasonably nice by Tico standards, others were dilapidated. We drove by one house that was billowing smoke, but with no flames visible. And everyone was just walking by. Apparently this is what they do when the bug infestation gets a little intense.

We reached the border, a town and checkpoint at the foot of a long bridge. Day workers were streaming back into Panama. We thought for a moment about joining their numbers and trudging across. Then we considered what we'd do if 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't pull off to the side. While the road we were on would seem like a small 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 shredded.

There was no where to stop but on the road. We were on a deserted stretch, with the ocean nearby. This was mosquito country, and though we were both taking our malaria medicine, I didn't want to test it. I slathered on the DEET and stepped into the lightly falling rain.

Professor Benson, the organizer of the Costa Rica program, was horrified that I brought DEET-95% pure at that-which is available in California only by mail. This was DEET so strong that it would strip paint from its own con- See Costa Rica (Page 8)

Nine Months (from page two)

Some of the acting is excellent (Julianne Moore, Joan Cusack, Robin Williams). Some of the acting is passable (Hugh Grant, Jeff Goldblum). And then there is Tom Arnold. But Tom Arnold does not sink this film; he is merely a beer can on an otherwise scenic beach. Director Chris Columbus keeps the story moving. The characters are engaging. Hugh Grant matures from a self- centered yuppie to an introspective soul realizing there are more joys life than champagne, Brie, and sex. The film is an entertaining watch from beginning to end. Enjoy.

course the green season. During the rainy season you can never see the tops of volcanos, except of course on the day before I get there. 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. So, what the hell, let's drive to the Caribbean. It's a small country, you can do things like that. The road map is dotted with little gas pumps to lure you into believing there are gas stations nearby. They must be laughing up a storm in Vancouver. Once you are away from any major city, don't let the gas gauge drop below one- half. If you aren't on a truck route, you can get in serious trouble.

The Caribbean coast is very different from the rest of Costa Rica. There are very few descendants of indigenous people, most are direct descendants of the Spanish. However, the Caribbean coast was settled by black Jamaicans who came to work on the railroads. Here you find that a peculiar patois of English is poken instead of Spanish. The guide books all warned us to avoid Puerto Limon, and it turned out to be a rough and inhospitable port town. As we drove further south, we found a region of tremendous poverty, aggravated by an

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 you will be questioned on. For example, within the category of Constitutional Law, you can choose to only be quizzed in the sub-area of "Case or Controversy". You can select 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 explain the answer. 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 for the MBE 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 substantively wrong. 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 man-machine interface is ergonomically designed with respect to the iconic arrangements. For you non-hackers, the software is easy to use. You click

on the pictures. No typing is necessary.

WESTWare tests in the subjects 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 select 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. You still have a one in four chance of guessing correctly.

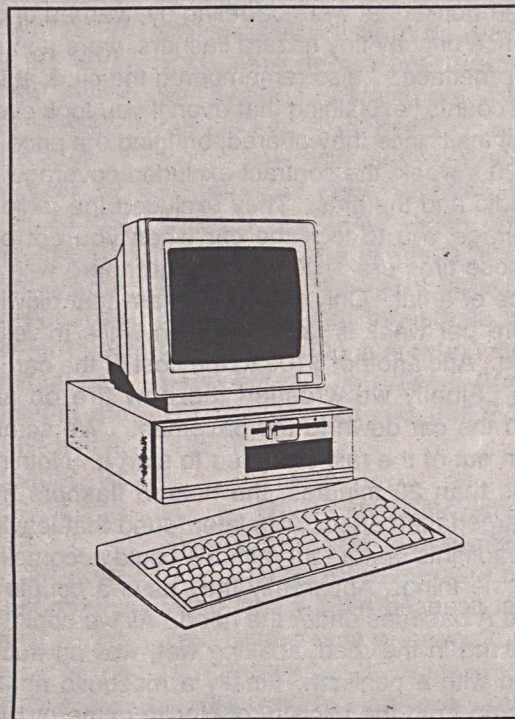
The software has a sound button, which asks if you have a sound-blaster card. My computer does not have one, so the program ran silently. It is just as well. I would not want to alert the whole neighborhood if I select an incorrect answer. The software also comes with a glossary of basic law concepts. You do not have to scroll down a list to get to the topic you want; start typing the topic name and software automatically positions you 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. OK, it's not a substantive time penalty, but it would still be nicer 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 cutesy questions. You will NOT see: "Barny D. Dinosaur, a police officer, stops Mr. Flint Stone and sees Mr. Stone stuff a packet 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 feet) and, ultimately, Chimbarazo (20,000 feet).

Most recently, he, Dave Bridges and a Department of Energy sponsor, Don McIntyre, put together a one month long expedition to Nepal - with twin objectives; 1) Island Peak (20,000 feet) and 2) Ama Dablam (22,000 feet).

It was on this extended venture that the events comprising "the mother of all climbing stories" transpired.

Here it is...

In April of 1995, Koury, Bridges, McIntyre and several other national climbers, arrived in Nepal, paid their "climbing fees" (about \$1500 per peak) and made the long hike into the mountain region. Several minor climbs were conducted. In mid-April, after making an abortive shot at the summit of Island Peak (reaching 19,800) but turning back due to weather and time constraints, Koury regrouped with Bridges to try the big one, Ama Dablam. Two thousand feet from the summit, Koury, wearying after weeks of

15,000 foot altitude exposure, joined with McIntyre, who had started earlier and run out of gas. Bridges, the strongest of the climbers, proceeded solo and summited - out. Koury and McIntyre, both exhausted, began the 10 mile, 4,000 vertical foot retreat to the mountain's base camp (a well-populated compound with medical facilities and government representatives). Partway down, in the process of dropping his gear to a ledge (using a rope), Koury lost his pack. It tumbled almost a thousand feet down into a deep ravine. Since it contained his passport and money, Koury had to retrieve it. So, executing several rappels and scrambling over a mile or so of vertical precipices, he and McIntyre reached the chasm floor.

Rummaging through the boulders, searching for the pack, Koury spied two boots protruding from a rock pile. He remembers thinking it odd that the color of his boots, which he assumed had burst from the pack in the fall, had changed somewhat. When he tried to tug them out of the rubble, he found they were attached a human body - - an incredibly desiccated corpse.

It took, in Koury's words, some time for he and McIntyre to get their thoughts together at this point. Eventually it was decided the two would strike directly for the base camp from the ravine

floor - blazing a new trail down (since they had departed from 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 astonishment, that the Nepalese officials were not interested in returning to the body. From the few personal 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 been unable to reach 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, elected to go back themselves (no small feat). They hired a Sherpa, Mingwa Dorche, to accompany them and headed out 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

Costa Rica (From Page 6)

tainer or any clothing you were wearing. But was it strong enough to stop the malaria and dengue fever mosquitos? And as the rain picked up, the question became: Was DEET waterproof?

Some people prefer citronella or other natural insect repellents. DEET is the only 100% effective mosquito repellent, according to the EPA. Governor Cuomo pulled it off the shelves in New York a few years ago, only to find it was the only product to stop deer ticks, the carriers of Lyme disease. DEET poses health risks to children, the elderly, and others highly susceptible. On the other hand, mosquitos lick citronella off me like it's lemon icing. It's your choice, but read about the symptoms of malaria and dengue before you choose.

As I was jacking up the Suzuki, I could taste the DEET running into my mouth and feel it running into my eyes. But I was also conscious that the trucks that were barreling by, warned of our presence only by tiny hazard flashers, were a much bigger menace. I also remembered the clerk at the rental counter explaining that even if you took every type of insurance they offered, bringing the price up to \$400 a week, the contract excluded coverage for the radio and the tires. They excluded the radio to encourage you to lock the car when you got out. But those tires are THICK. I thought there was no chance of a flat. Only later did I learn that blowing one tire per week is fairly common while traveling around. Add another \$100 to the cost of the car.

Finally we wrestled the new tire on and jacked the car down to the pavement. We scrambled in out of the rain and tried to start it. Nothing. In less than 20 minutes, the hazard flashers had discharged the battery. We later found that leaving the headlights on for four minutes could accomplish the same thing. Apparently they have a couple of double A batteries under the hood. All we could do was stand in the road, soaking wet, waving trucks around with a penlight. Finally a mosquito abatement van from the Ministry of Health came by with what I swear were the shortest jumper cables in the world. About the length of a wire coat hanger untwisted. About the same thickness, too. Once they managed to maneuver their van so we could 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 jazzed from the potential disaster. The hotel restaurant was open air, so we spread on some more bug juice and went to eat. The setting was nice, beyond the highway was the ocean. You couldn't see it, or hear it, but you knew it was there. You knew it was there because crabs started clicking across the tile floor, heading wherever their feeble brains 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. Just then the food came, so we had to settle back to the entertainment provided by the other diners. Every few minutes one would let out a yell as a crab mistook a leg for a palm tree and tried to climb it. I decided this was one strange country.

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 apparently buried just below the surface. For a country promoting eco-tourism, there's also a lot of trash along the roads.

That day was spent searching for an important word to add to your vocabulary: *llanta*. Driving in Mexico you can't stop stumbling across places that repair flat tires. In Costa Rica, inexplicably, they are hard to find. So when you blow a *llanta*, go to Alajuela, north of the airport. Tell them David sent you. The guy who left his headlights on while

asking how much tires cost and needed a jump to get the damn car into the repair bay.

Continuing west we reached the Pacific coast. As you pass through Guanacaste province the terrain alters dramatically. The whole province is dry, cattle ranching country. Demand for beef cattle is a major threat to rainforests worldwide. Once the forests are burned or cut down, the poor quality soil can sustain grasses for a few seasons, but then it is played out. Eventually the ranchers abandon it. In much of the world, it then turns into desert.

The beaches in Guanacaste are some of the few that meet tourist expectations. Costa Rica is not blessed with broad, 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. If and 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 to speak of, 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 towns are dirt, and during the dry season they spray them with molasses to control dust. During the rainy season the molasses washes down into the ocean, coating surfaces and killing flora. You can do some great scuba diving or snorkeling, but 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. The plug hung down from the unit and electrical wires from the wall were just wrapped around the plug. No outlet, no electricians' tape—just the bare live wires. This gives you an 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 passes through a large plastic shower head that is plugged 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 don't 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, who knows what could be breeding there? Later in the trip Fara pocketed my phrase book by mistake. I was very grateful in the long run. That meant I had to buy a replacement, so I chose a different one. The new phrase book explained that the rubber mats are to keep you from getting electrocuted! I thought back to that air conditioner and stood in the middle of the mat for the rest of the trip.

Now Ticos are not only pure-bred Spaniards, they are also short. Katie loved it that every guy was about her height, around 5'6". But as we headed back towards San José and the start of classes, we stopped for a night in Puntarenas. It was the final night of their annual festival, and we strolled by all the booths and rides. I quickly became aware, as we passed thousands of people, that I had yet to see anyone my height in the entire city, even in the entire country. I could've been the center on the Tico national basketball team! And later, when one of my friends actually met the center of the national team, he turned out to be an inch shorter than me.

Everything in the Costa Rica is built to scale. The ceiling in the buses is only 6' high, so if you're taller, you stand with your head cocked to one side. There is no possible way to wedge your legs in between the seats. To signal for the bus to stop, you push a buzzer located in a strip that runs along the center of the top of the bus. Some 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 real men don't buzz for a stop: they whistle.

See Costa Rica (Page 14)

Cafeteria Alternatives:

[Other Places...Other Prices]
By David Paul Bleistein

Foodland Chinese & Mexican Fast Food 739
S. S. Union Avenue, LA, CA 90017 (213)
483-2390 Open 7 days a week.

This place is located in a strip shopping center on the northwest corner of Union Avenue and 8th street [catty-corner to the Los Angeles Legal Aid Foundation offices].

This ain't no-fat yuppie-chow, or faux-Chinese or Mexican-lite. This is basic fast food, for people who don't have time to mess around, or a huge bankroll to mess around with. Nothing on the menu is over \$5.95 and the overwhelming majority is under \$4.00. Unlike Mickey D's, however, some of the Chinese dishes include some green vegetables. When I need to have some veggies, I opt for the "vegetable feast" or the beef and broccoli.

I've eaten just about everything they have, on many a late night of studying, after our beloved cafeteria was closed. For the Chinese food, my recommendation is to stick to dishes that are good if they sit around a bit, like the chicken curry, BBQ chicken and pork, and the hot and sour soup. Things like Kung Pao chicken, that have to be fresh or they get mushy, tend to sit too long.

There's an interesting variety of Mexican food, too. If they're fresh, the taquitos are wonderful; crunchy tubes filled with seasoned chicken. I also like the tacos carne asada, thin little tortillas filled with beef, peppers and onions.

But my absolute fave is the spicy fried chicken. To me, it's the food of the gods. It's what spicy fried chicken should be: peppery, but not overwhelming, with bits of hot pepper in the coating, and extra-crispy, but not armored with doughy breading like the "extra-crispy" served by a certain Kentucky dude in a white suit and funny tie. It's not local, but it is delicious, and I get tempted about once every two weeks or so. With some no-akly beer on the side, you have a party; it's gotten me through many a late night in the library.

The best part is the price. It's only \$2.25 for six pieces of chicken, no rolls or cole slaw [so who eats cole slaw and rolls, anyway?]

The decor is strictly functional, and the atmosphere doesn't invite schmoozing. Most people eat and run, or more frequently, run and eat.

Finally, if you want to cater, especially with some spicy fried chicken, give them a call, they'll make a good deal. Then, invite me; it won't go to waste.



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 lawyers plenty of business. They bark, howl and whine, nonstop, at the most inconvenient times. They defecate and urinate everywhere, preferably in well-traveled paths. Worst of all, they chew on things, 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 [remember when a news station recorded an animal control officer being attacked by a pit-bull 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 . . .

Under Civil Code § 3342, The owner of any dog is, essentially, strictly liable for damages arising from that dog's bite - but not necessarily from other injuries. The victim can be either in a public place or lawfully in a private place. The own-

er's prior knowledge of the animal's viciousness is irrelevant. However, liability can only attach to a dog's keeper if the keeper knew or had reason to know that the dog was dangerous [See, *Hillman v. Garcia-Ruby*, 44 Cal.2d 625, 283 P.2d 1033 (1955); *Buffington v. Nicholson*, 78 Cal. App. 2d 37, 177 P.2d 51 (1947)].

So how does this work in practice?

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. [*Brotemarkle v. Snyder*, 99 Cal.App.2d 388 (1950); *Northon v. Schultz*, 130 Cal. App. 2d 488, 279 P.2d 103 (1955).] The violation of the leash law with the first dog and the cocker spaniel owner's prior knowledge of the dog's bad habit created a duty, breached when the owners failed to control their dogs.

B. LAWFULLY IN A PRIVATE

PLACE

A licensee on a dog-owners' property is lawfully there. So is an invitee who, hearing no answer by ringing the doorbell, steps into the garage looking for the owner's car to find instead: "uh, nice doggie," Grr! Crunch, "ouch!" [See *Delay v. Braun*, 63 Cal. App. 2d 8, 146 P.2d 32 (1944).] On the other hand, invitations have their limits; thus, too bad for a little kid who opened the gate to a hosts' backyard against Mommy's instructions - Grr, crunch, etc (did he get a whip-pun', too?) [*Fullerton v. Conan*, 87 Cal.App.2d 354, 197 P.2d 59 (1948).] In another case, the 10-year-old playmate of the defendant's son was lawfully there because he'd been visiting regularly for three or four years and the defendant parents had greeted the plaintiff in the driveway before their dog bit him in the yard [*Smythe v. Schacht*, 93 Cal. App. 2d 315, 209 P.2d 114 (1949)].

Finally, any cop, fireman, mailman or anyone else performing "any duty imposed on [them]" by the laws of California or the laws of the United States is also lawfully there. [§ 3342.]

B. WHEN DOES A KEEPER KNOW THAT A DOG'S NASTY?

That's hard to say. A pet shop owner who kept a German Shepard he didn't own tied up in his shop as a guard dog was held to have known of the dog's "vicious propensities" [*Radoff v. Hunter*, 158 Cal. App. 2d 770, 323 P.2d 202 (1958)]. Also, when a "servant" knows that a dog is vicious, that knowledge is "imputed to the master" [*Roos v. Loeser*, 41 Cal. App. 782, 183 P. 204 (1919)].

On the other hand, no knowledge was imputed to the keepers of a turkey ranch who kept three dogs, one of which had bitten a paperboy five years earlier. The court noted that thousands of people had visited the ranch and not been bitten [*Chandler v. Vaccaro*, 167 Cal. App. 2d 786, 334 P.2d 998 (1959)].

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

DOGGIE LAW I (cont on p. 13)

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1:30 pm to 5:30 pm
CONTRACTS II-U.C.C.
(Assignments/Delegations, Third Party Beneficiaries, Conditions, Breach, Remedies)

Sunday, April 28, 1996
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CORPORATIONS

Sunday, April 28, 1996
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Saturday, May 4, 1996 • 10 am to 2 pm
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(Sale of Land, Recording Act, Easements, Profits & Licenses, Covenants, Equitable Servitudes, Eminent Domain)
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6:30 pm to 10:30 pm
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Wednesday, May 1, 1996
6:30 pm to 10:30 pm
EVIDENCE II
(Hearsay, Privileges)

Thursday, May 2, 1996
6:30 pm to 10:30 pm
CRIMINAL LAW

Friday, May 3, 1996
6:30 pm to 10:30 pm
CONTRACTS II-U.C.C.
(Assignments/Delegations, Third Party Beneficiaries, Conditions, Breach, Remedies)

Friday, May 3, 1996
6:30 pm to 10:30 pm
CIVIL PROCEDURE I
(Jurisdiction, Venue, Choice of Law, Pleadings, Joinder, Class Actions)
Video: Room 106

Saturday, May 4, 1996
5:30 pm to 9:30 pm
REAL PROPERTY II
(Sale of Land, Recording Act, Easements, Profits & Licenses, Covenants, Equitable Servitudes, Eminent Domain)

Saturday, May 4, 1996
5:30 pm to 9:30 pm
REAL PROPERTY I
(Concurrent Interests, Future Interests, Adverse Possession, Class Gifts, Landlord/Tenant)
Video: Room 106

Sunday, May 5, 1996
1:00 pm to 5:00 pm
CONTRACTS I-U.C.C.
(Formation, Defenses, Third Party Beneficiaries, Breach, Remedies)

Sunday, May 5, 1996
1:00 pm to 5:00 pm
REMEDIES II
(Damages, Rescission, Restitution, Reformation, Specific Performance)
Video: Room 106

Sunday, May 5, 1996
6:30 pm to 10:30 pm
TORTS I
(Intentional Torts, Defenses, Negligence-Causation Emphasis, Defenses)

Sunday, May 5, 1996
6:30 pm to 10:30 pm
EVIDENCE I
(Relevancy, Opinion, Character, Impeachment, Best Evidence, Types of Evidence, Burdens/Presumptions, Judicial Notice)
Video: Room 106

Monday, May 6, 1996
6:30 pm to 10:30 pm
TORTS II
(Negligence Defenses, Strict Liability, Vicarious Liability, Products Liability, Nuisance, Misrepresentation, Business Torts, Defamation, Invasion of Privacy)

Tuesday, May 7, 1996
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DOGGIE LAW I (cont. from p. 9)

itself from any "annoying, harassing or provoking act," or was assisting a government employee in: apprehending a criminal suspect; investigating a crime or possible crime; executing a warrant; defending a cop "or other person."

D. CONFINE YOUR BITING DOG, OR ELSE....

If you love your dog, and it's bitten "human beings" at least twice, watch out. Or, if that nasty dog down the street keeps mistaking people for dog food, and the owners can't or won't confine it, Civil Code § 3342.5 gives you a remedy. Under § 3342.5, the D.A., or city attorney may bring an action in municipal court to determine if "conditions of treatment or confinement of the dog or other circumstances existing at the time of the bites have been changed" which removes the danger posed by the dog.

If not, after a hearing, the court can make "any order it deems appropriate" to keep the dog from biting anyone again. This includes, but isn't limited to, having the dog "remov[ed] . . . from the area" or "destr[oyed]" - killed, "if necessary." In short, the message to the owner is: Do something about that biting dog, or lose it. Note that this section doesn't apply to dogs who like to bite other animals.

E. DOG BITES SEEING-EYE DOG

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 followed 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. Byrne*, 51 Cal. 2d 418, 333 P.2d 754 (1959)]. [It would 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 the 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 ouch for you, too. This isn't any torts, case, 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 hellhole.

And Heaven help you if you have a "mischievous animal" under Penal Code § 399. Though the law doesn't define it, if you own such a critter and "knowing its propensities, willfully suffer[] it to go at large, 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, better to use extraordinary 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 owner thus became a newly-minted 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 insur-

ance probably won't cover you in cases like the above, since it usually covers damages 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 unprovoked attacks on people, you may have to get a special license under Food & Ag. 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-killer 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 into which children cannot trespass [God only knows what *that* 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 usual 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 just had a really bad fur 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. [§ 31646] 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)."

IV. DOGS ARE PETS ONLY [SORRY, NO BITING BACK]

☐ Rodney Dangerfield once said, "[1] is that a fur coat, or [2] did your dog die?" In California, if the answer to [1] is "yes," the answer to [2] had better be "no."

It's official. A majority of The People of the State of California have decided that dogs are pets only, not to be used for food, or fur. Thus, the Umpteen Commandments state, thou shalt not eat thy dog, or cloak thy body with its fur. Penal Code § 598b provides that anyone who "possesses, imports into this state, sells, buys, gives away or accepts any carcass or part of a any carcass of any animal commonly kept as a pet or companion" intending to eat it or having another person eat it "is guilty of a misdemeanor." Penal Code § 598a of mimics the general language of § 598b except it forbids killing any dog [or cat] with "the sole intent of selling or giving away the pelt of such animal."

SUMMARY

In general, the case law seems straightforward enough. But However, some of the recent statutes may be fodder for ambitious prosecutors willing to stretch the law to its limits. Note, too, that the courts are much more willing to put their hammer down on a defendant dog owner where the victim is a child, especially a little one.

A dog may be very useful to keep nasty people out of your property. Survey after survey shows that criminals are truly afraid of dogs, especially big, nasty-looking ones. But if you avail yourself of doggie protection, beware of doggie liability.

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seminars #1, #2, & #3	Sat., April 20 at 11:00 (Donovan Hall)

information available in the law review office - cassasa 4th floor
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Costa Rica (From Page 8)

We had decided to get our money's worth out of the four-wheel and so we drove south along 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 respond by spreading out all 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 disappointing imitations of California-it's the only place I heard English spoken regularly. The best restaurant- not for the food, but for the name-was Jaco Bell.

Fara and I were nearly the last students to check in with Karen Parks from Loyola the Sunday afternoon before classes began. We returned the car to the airport and found ourselves stuck in a massive traffic jam. The Loyola instructions read, "You must check in by 5:00." Time was running out and the cab couldn't get through. Apparently it is a popular outing to go to the airport on Sunday afternoon, have a picnic, and watch the planes. All while inhaling massive amounts of leaded gasoline fumes.

The "mother" of the family I was staying with came to get me. 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 Sabanilla, left at the supermarket La Cosecha, fifty meters north to the pink house." There is home mail delivery, apparently, but everyone has a post office box since that makes it slightly more likely that anything you send will get through. I was told several times to only send postcards, since postal workers will open everything else to see if there is something to steal. The main post office in downtown San José is a beautiful old structure, one of the few architectural gems left. Once it had small lobbies off the street and huge interior halls for customer windows. Now all the large halls have been divided up into endless walls of tiny mailboxes. So all the customer windows have been pushed out into the small lobbies. Very Tico.

I got a call from José Luis, a friend from Loyola who had spent the summer externing in Costa Rica. My roommate, Hany, and I caught a cab to meet José and his girlfriend for dinner. There we were introduced to the national dessert, or if it isn't, it should be: *Tres leches*. I never could figure out what the "three milks" were, but it is a rich cake soaked in custard topped with a sweet icing. If I ever come down with diabetes, I'll be able to trace it back to that first *tres leches*. But if you want to try a good version, go to Spoon in Los Yoses, behind the Lavacar.

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 beans and rice-it is a very bland diet. Anyone expecting spicy Mexican food will be very surprised. And they serve mountains of fruit. Once my family found out I was a vegetarian-and some Ticos still have trouble understanding the concept-every breakfast and dinner consisted of about 5 pounds of fruit. At first it was wonderful: papayas, mangos, pineapple, and the ubiquitous bananas. But we didn't know how to stop them. We tried not eating some of the fruit, but it would show up at our next meal as if it had our names on it. The exact same slices.

"What happened to the cheese?" Hany asked me one day. "I liked the cheese. We ate the cheese. So what happened to it?" We had become attached to what was the only protein in my diet. Hany ate meat with the rest of the family. But we couldn't figure out how to get the cheese back. Hany had no Spanish, mine was, well, it was French. There was one daughter who spoke English. Towards the end of our stay I asked her if her family knew we were studying law. She said yes. Good. Otherwise they must have thought we were the stupidest Spanish students ever. Finally towards the end of our stay, I just couldn't take the fruit anymore. I had started taking antibiotics, so I told my family that I couldn't eat fruit while I was on the medication. I think I ruined their vision of the *United States*; we were supposed to be such a great country, but how could we create a drug that wouldn't allow you to eat fruit?

Classes began, and we started meeting the other students, like the beautiful "twins" from Georgetown. They weren't related, and while they were both blonds, about the same height, and always hung around together, they looked very different. But some people couldn't tell them apart. Mario, a large black Puerto Rican, worked for a company that designed landfills; Heather, from Colorado, who could almost last two hours without a Diet Coke; Marina Rodriguez, who grew tired of explaining that her father left when she was two and she didn't speak a word of Spanish; Seth, from Georgia, who had the strangest, hand-thrusting-like-an-Egyptian way of dancing; two permanently hungover guys from Sacramento; Dana, always as happy as a big puppy, ready to try out his Spanish on the *chicas*; Donna from Florida, who I mistook for a major outdoorswoman from the way she dressed, only to find out that she just followed The Gap urban-hiker look; Isamu, from New Mexico, who, like several of the others, doubled up by taking Spanish lessons in the afternoon; and Blaine, a huge ex-insurance salesman from Colorado who may be literally the most boring person ever born.



Stress Management; Costa Rican Style

Tort law, as we know it, is virtually nonexistent in civil law countries. Hany and I rode the bus to our first class. Near the bus stop was an open manhole. Someone likely stole the cover to sell it. For two weeks, the manhole in the middle of the street was open. Then one day we came to find branches and boards sticking out. Apparently someone, who probably had to replace an axle, got fed up and marked it to warn others. A huge U.S.- style mall opened near the University in Los Yoses while we were there. No grand opening, no ribbon cutting, nothing. Here was the biggest single commercial development in San José, and one day the doors were just open. Near the entrance was Victoria's Secret, and there was The Gap, and a Dockers store. Upstairs was the Food Court-no Spanish translation, just Food Court. Most of the stores were still closed, and as we wandered around, there were planks missing, tools and nails to slip and fall on, torts aplenty. Funny idea, they think we all have a duty to watch where we're going.

I came into 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 it, looked at me and said, "You North Americans are really crazy." Well, I was lucky, because my family did 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 was every class we had in the law school, by a sound truck promoting the teachers' strike. The government was proposing cutbacks in benefits and funding of teachers' pensions. For many years Costa Rica, like other Latin American countries, borrowed heavily from the World Bank and other lenders from the industrial north. Now those lenders are mandating

cutbacks in social and domestic spending so that the countries can pay back the loans. Most of the populace gained little from all the investment but must now bear the burden of the debt.

Deborah came up to me during the break. "I came to Costa Rica to get away from your announcements." Ok, so I made an announcement before the first class. We had to organize a two-day rafting trip down the Picuare that would leave in only four days. So sue me.

Donna from Florida had rafted the Picuare before and set up the trip. Six of us went, the perfect number for our raft. Aimee and I took the front, where long arms were a plus. Donna and Isamu were behind us. Fara and Blaine had the back covered. 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 had to hold on to keep from being tossed overboard. Donna and Isamu were thrown into the bottom of the raft. I looked back just in time to see Blaine and Fara wash over the side. Real troopers both, they floated along until we were able to pluck them out of the water. It actually looked like a lot of fun. Later we came to a shallow run where Roberto, our guide, told us we could just float over the shallow rapids. I hopped in, floating along feet first as instructed. It seemed great until I jammed into the first rock. Turned sideways, I deposited some skin on the next rock. 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 out 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 Yuppies. After a few hours we headed off in cabs to one of the best known discos: *Infinitos*, a dark, crowded, low-ceilinged dance floor

See Costa Rica (Page 17)

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Around the Big Town

Eating & Drinking in Lotus Land

By David Paul Bleistein

Amazon Restaurant, Bar & Grill, 14649 Ventura Boulevard, Sherman Oaks, CA 9103 (818) 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]. Bim 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, absent-mindedly.

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

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

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

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

"I love this place," John says, gesturing at the building, "they give their money to endangered species."

"You care about endangered species?" Uma says, giving a telltale 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-times-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 on the walls and on the bar. There's a floor-to-ceiling waterfall in the middle of the room, and a fake night sky, complete with shooting stars to wish upon.

The only thing the place *doesn't* have is waiters and waitresses dressed like Tarzan and Jane.

It's around noon, so it's right in the middle of Amazon buffet lunch time, which falls between 11:30 and 2:30. John grabs a plate and gives one to Uma.

"What kind of food do they serve here?" she asks.

"A little of everything; Chinese, Mexican, Caribbean, Italian. . . ." John laughs, "except for meat-and-potatoes!" John piles his plate high with black beans, spicy vegan pizza, tamales in corn husks, salmon with mildly hot onion-and-bean sauce, and fried rice. Uma does the same; by the time they sit down, their plates are piled like mountain ranges.

The room buzzes with the happy sound of Hollywood Industry schmoozing: "Working on this project. . . got canned from that project. . . it's a great concept, but do you think the suits'll buy it? . . . you should live so long. . ."

There are no suits in the place; only casual dress.

John nervously watches as a huge man who moves with the grace of

a ballet dancer sits at a table all by himself and eats mounds of salad, then rotini pasta. Then a whole buffet bowl of salad, followed by an entire buffet tray of salmon. The guy looks like the Michelin man, padded with muscles and tattooed with little flowers, butterflies 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. . . . Soon, 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 pissed 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."

"You're 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 Bacudillo 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?"

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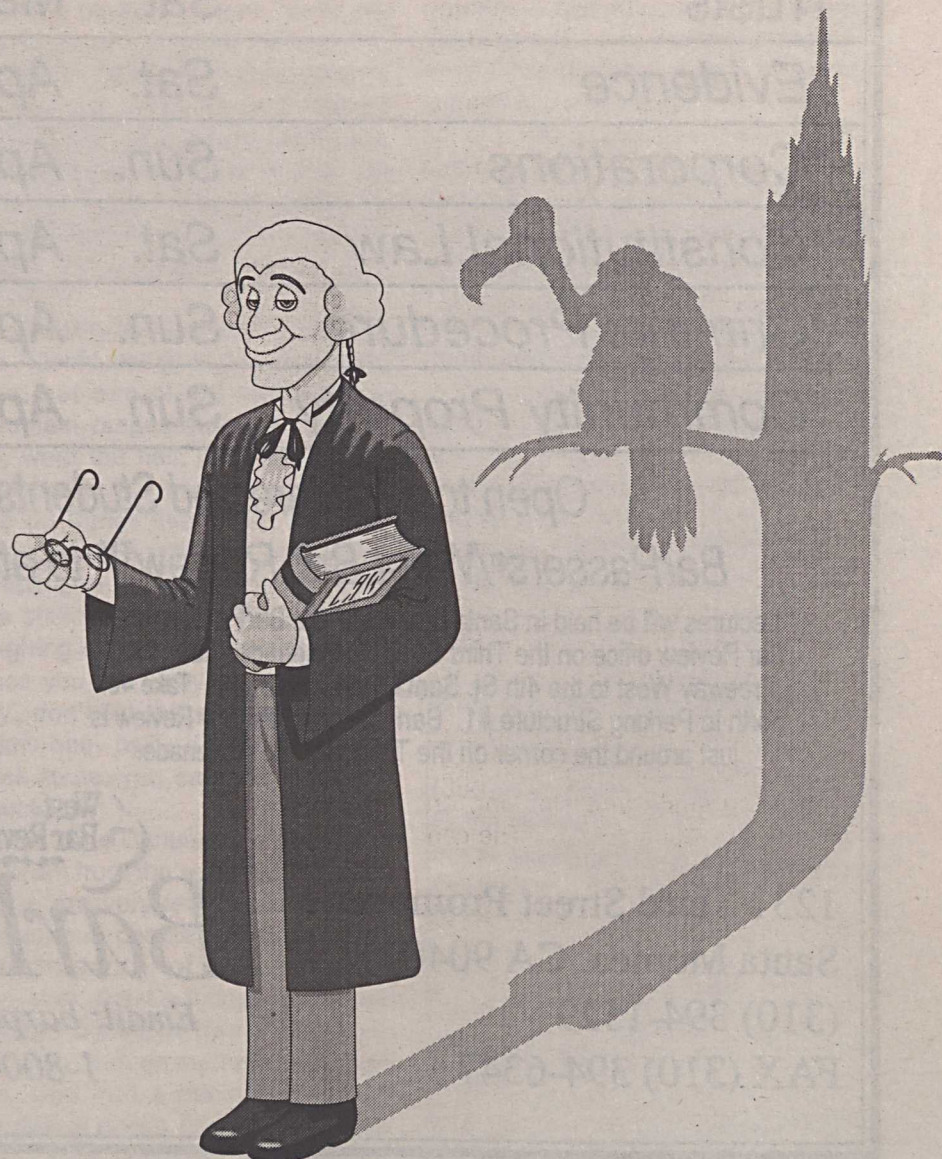
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Are They Right About Us?
[Next Month]



A Local Custom; Smoking out the Bugs

Costa Rica (From Page 14)

with small tables shoved against the wall and in little alcoves. Some of the others made repeated trips there; once was enough for me. But we eventually settled on a regular nightspot, Risas, a downtown disco run by an expatriate. There are two floors of bars, with a dance floor on the third floor ringed by a balcony on the fourth. The locals would surrender the floor to our group during the U.S. music sets, then most of us would flee during the salsa sets. We ranged from the fantastic Katie and Letitia down to those of use doing the suburban white guy shuffle.

One night during a break I came over and sat by Aimee. She stared lifelessly into space and said in a monotone, "I have no peripheral vision." I glanced down to see what she was drinking. There is a local firewater, *guaro*, priced a lot less than rubbing alcohol and a lot less tasty. But no, she was drinking Imperial, a local beer. It turned out she had been on the slide.

Risas has a poured cement slide from the third floor down to the street level: you finish dancing and drinking and take the easy way out. But you have to remember there's no tort liability, no plaintiff's bar watching out for your safety. Aimee got going too fast on the slide and slammed her head back. At the bottom of the slide was a heavy punching bag to stop you from flying into a wall. Didn't work for Heather, who flew past it and crumbled in a heap in the corner. David, the cyclist from Lewis & Clark, came down too fast and ended up above the heavy bag, slamming his head into the chain that held the bag. If you have to slide, slide down the stairs. It's safer.

Mario, the wonderful Puerto Rican, strolled into Risas one night with a big smile and smoking an even bigger Cuban cigar. "The cab driver told me of a bar nearby... (puff, puff) where they have beautiful women... (puff, puff) for rent." Renting women is legal in Costa Rica, as it is in most of Latin America. Amazing for Catholic countries. One of my friends was strolling through San José with Heather one day when her Diet Coke ran out. Every two hours she threatened to turn homicidal. They turned into the nearest bar, a large plantation house lifted out of Florida: the Key Largo. They couldn't understand why the room outside the bathrooms was covered with

framed photos of women. Until we looked in the guidebook. Key Largo is a sort of combination bar/brothel. They'd been looking at the menu.

The major focus of international environmental law is sustainable development. Coined in a 1987 U.N. report by the Brundtland Commission, the goal is to improve living conditions without spending all of the world's resources that actually belong to future generations. In fact, in a fascinating case, the Supreme Court of the Philippines was the first to grant standing to representatives of future generations. The indigenous people of the Americas have supported this concept for many centuries.

The international legal system has not met the fast-paced challenge of environmental degradation. Those of you who hate case names will love international environmental law—there are only four cases. Countries submit to jurisdiction by the international courts in order to utilize the courts as plaintiffs in future disputes. The increasing effects of transboundary pollution require stronger duties to cooperate and notify neighboring countries in the event of disasters like Chernobyl. Cooperation is also necessary to reduce impacts of 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 old growth forests. Other nations find the same hypocrisy in our attempts to ban freon and other fluorinated 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 industrialized 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 crossroads 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 protected in public and private parks and reserves. The decades since World War II have seen almost half the country converted from tropical rainforests to pastureland and plan-

tations through logging. In an attempt to profit from the preservation 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 cataloging of Costa Rican lifeforms, the country will receive a royalty. This, combined with ecotourism, is an attempt to make the rainforests pay their own way in a capitalist 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 orchids species. I expected the overwhelming beauty of Hawaiian orchids. It turns out 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!

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 amazingly beautiful multi-hued spiders with bodies the size of cigars. If you're into that kind of thing. Wonderful to look at when they're outside. There are no mosquito problems in San José, but there are still bugs all over. I thought I was getting pretty blasé 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 Piciare gave us the best of both worlds: the excitement of paddling rapids and the experience of serenely floating through virgin rainforests. We spent the night halfway down the river. Most of the rafters headed off to private cabanas for the night, one bedroom and bathroom buildings scattered around the property. Three of us settled for hammocks in the open air second floor of the main building. Every hour I'd wake up, about to roll off the edge of the hammock. One hour it was raining, the next a full moon rose over the river. At dawn all sorts of exotic birds woke me. I wandered through the compound

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 welcomed to the meeting with an abundance of Domino's Pizza. They spared no expense, and offered a dazzling array of toppings. The SBA members laughed their greasy lips heartily, while one said, "this is your SBA dollars at work, have another slice." 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 sickening display of third years talking as if they were judges and first years attempting to plug in their new found terminology and thought process as much as possible. Fortunately, the ayes had it, and my organization was victorious. I believe that if I were not friends with many of the people present at the meeting, somehow they would have created a rationale to deny my request. If not for the pizza, I would have left this meeting with a foul taste in my mouth."

Costa Rica (From prev. column)

with my telephoto lens, watching life return to the rainforest. It was hours before anyone else got up. It was that time in the rainforest, not slogging through the mud, that I remember most.

[End of Part One: Continued next month]

Koury (from page 7)

wax philosophical. To him, there are great similarities. Both criminal defense and mountaineering can be excruciating endeavors - taxing him to the very utmost. And, because of the awful price he pays to participate, the pay-off in the end is all the more sweet. Reaching the summit of a peak and winning a hard-fought case are both exhilarating in their own ways. They both represent massive sacrifice and dedication. Koury, like most high altitude climbers, hasn't got a lot of use for couch-potato activities. No challenge? Why bother?

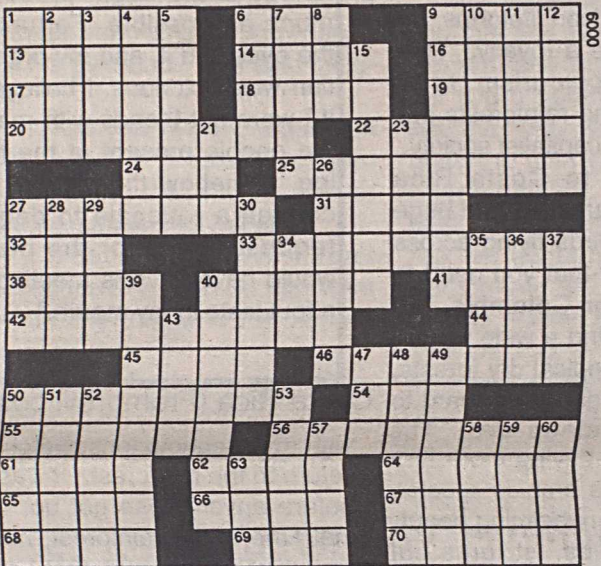
At present, when not trading mountain stories over a few cold beers, Koury is anxiously waiting for another expedition to form.

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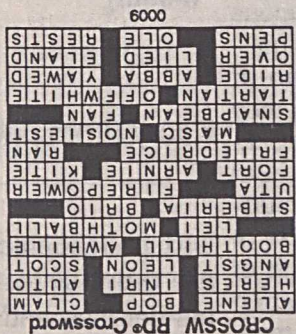
Edited by Stan Chess

Puzzle Created by Fred Piscop

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|------------------------------------|------------------------------------|------------------------------------|----------------------------------|
| ACROSS | 40 Corbin's role | DOWN | 29 Adriatic seaport |
| 1 Coeur d' Idaho | 41 Franklin flew one | 1 <i>Moby Dick</i> captain | 30 Chad's location |
| 6 Jazz style | 42 Donna's inebriated brother? | 2 Lead-in to Letterman | 34 Small-business magazine |
| 9 Simoleon | 44 Participated in a 10K | 3 Sylogist's word | 35 Paladin's first name? |
| 13 "___ mud in your eye!" | 45 Not fern. | 4 Chocolate giant | 36 Greek H's |
| 14 Crucifix inscription | 46 Most like a yenta | 5 Wet Williams | 37 Tom |
| 16 Riley or Morris | 50 Orson's quick-tempered brother? | 6 Platypus feature | 39 Satan, et al. |
| 17 Anxiety | 54 Bleacherite | 7 <i>Nightmare</i> Street | 40 Collection of arms |
| 18 Former boxing champ Spinks | 55 Kilt material | 8 ___ bono (free) | 43 "The Aha Honeymoon" |
| 19 55-Across wearer | 56 Vanna's eccentric brother? | 9 Record of monetary transactions | 47 Rub out |
| 20 Benny's soccer-playing brother? | 61 Astronaut Sally | 10 Saint (Windward Islands nation) | 48 Finn's friend |
| 22 For a bit | 62 "Fernando" singers | 11 Bikini, for one | 49 Get a lungful |
| 24 Kauai keepsake | 64 Deviated, at sea | 12 Tryst locale | 50 Barber's sharpener |
| 25 Lucille's flying brother? | 65 "___ my dead body!" | 15 "... sitting K-I-S-S-I-N-G" | 51 Unsophisticated |
| 27 Onetime place of exile | 66 Spoke with forked tongue | 21 Sequel-to-a-sequel designation | 52 Eve of <i>Our Miss Brooks</i> |
| 31 Con ___ (with vigor) | 67 African antelope | 23 Senate figure | 53 Dynamite guy? |
| 32 Hagen of the stage | 68 Hoosegows | 26 ___ potatoes (home fries) | 57 Bleach out |
| 33 Tyrone's pyromaniac brother? | 69 ___ Miss | 27 Dictionary abbr. | 58 ___ a <i>Teenage Werewolf</i> |
| 38 Apache, for one | 70 Enjoys a vacation | 28 "Take ___ leave it" | 59 Campground sight |
| | | 60 Teachers' degs. | 60 Teachers' degs. |
| | | 63 Short life | 63 Short life |



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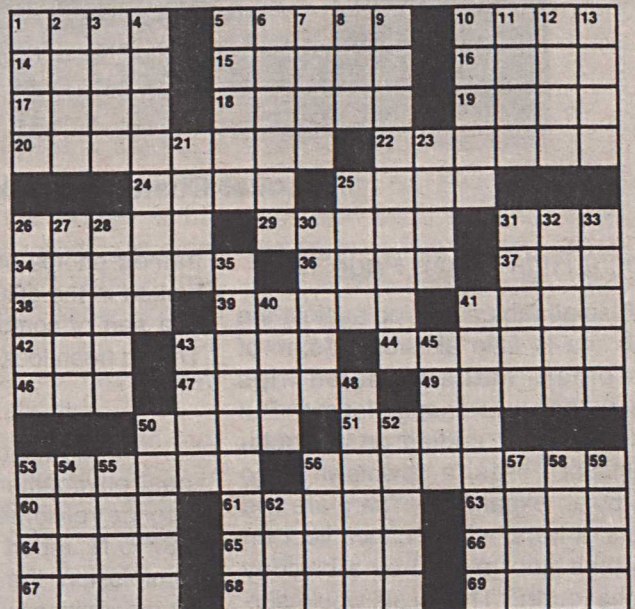


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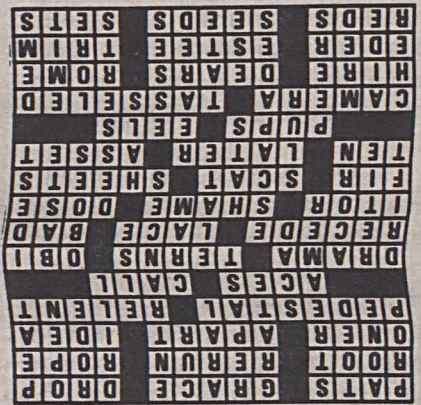
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| ACROSS | 1 Touches tenderly | 5 Charm | 10 Let fall | 14 Cheer | 15 Summer TV fare | 16 Cowboy's need | 17 Lollapalooza | 18 To pieces | 19 Brainchild | 20 Statue base | 22 Become less severe | 24 Top cards | 25 Phone | 26 Serious play | 29 Sea birds | 31 Cumberbund | 34 Ebb | 36 Result of tating | 37 Rotten | 38 "Take — leave it" | 39 Disgrace | 41 Medicinal amount | 42 Tree | 43 Beat it! | 44 Certain linens | 46 Decade number | 47 After a while | 49 Thing of value | 50 Young dogs | 51 Sniggler's catch | 53 Tourist item | 56 Adorned in a way | 60 Take on | 61 <i>Loved ones</i> | 63 European capital | 64 Ger. river | 65 Miss Lauder | 66 In good shape | 67 Cincinnati team | 68 Plant producers | 69 Collections |
| | 8 Mongrel dog | 9 Gateways | 10 Make a hole | 11 Traveled by bus | 12 Overt | 13 Fuel | 21 Marine fish | 23 Additional | 25 Study very hard | 26 Move aimlessly | 27 Lace again | 28 Oak nut | 30 Make happy | 31 Orchestra members | 32 Sew loosely | 33 That is | 35 Adventurous actions | 40 Head covers | 41 Pies and cakes | 43 Defaming remark | 45 Dutch painter | 48 Brought up | 50 Equals | 52 Curves | 53 Sonny's ex | 54 Assistant | 55 Talking horse of TV | 56 London gallery | 57 Traditional knowledge | 58 Give off rays | 59 Foes of Reps. | 62 Native: suff. | | | | | | | | | |



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ANSWERS



BOOK REVIEW

By Loyola Reporter Staff Writer

Zorian Tribal Law

By Prof. Wilhelm Gustav Anterich
Doubleday, Hart & Brace; 2129: New York

This rewarding new text by Dunshaven Law College's Distinguished Professor of Xenojurisprudence, Wilhelm Anterich, is a very welcome addition to his growing canon of field treatises on alien legal customs and disciplines. Anterich spent all of 2128 in the bush researching the current book; living as a villager with the Zorian reptiles for the better part of six months.

Anterich is certainly no stranger to this sort of hands-on treatment. In 2125, he and a team of professors from Loyola Law School, lived aboard a Quintiloan HiveShip, observing the insect mother dispense justice from her cocoon. That book, mesmerizing as it was, does not approach this Zorian material in depth or breadth.

Here, Anterich didn't just

watch the villagers holding court, he actually became a part of it, earning a credential as a wise man of their tribe and formally "trying cases" in front of the village elders.

His thoughtful analysis of Zorian traditional law is blended with a keen psychological understanding (probably brought to the table by his wife, noted psychiatrist Maria Hermosina Anterich, who accompanied him on this voyage). Anterich's perception is never condescending, never outraged (even at the sometimes harsh methods employed) and never boring (he recounts several non-legal expeditions into the deep forests of the planet and the many encounters he and his team had with native wildlife -- few pleasant!).

The Zorians, generally regarded as the third alien race

Humanity has encountered (after the Quintiloans and, some would argue, the Predators - though no actual diplomatic contact has been made with them as yet), have until this text been an unknown quantity from a legal point of view. A primitive race, quadrupedal, carnivorous, roughly in the Bronze Age of technological development, they apparently use a form of religious law based on ancestry and genealogy. An offender, typically one who has taken another Zorian's possessions or mated with his or her spouse, is brought before the village elders. They enter a trance-like state (brought about by ingestion of a local herb) and communicate quasi-telepathically.

According to Anterich, often the tribal elders will be able to see the events through the memory of the offender, and, knowing the exact nature of the crime, administer immediate and usually brutal justice. But a strong-willed Zorian can withstand the trance and hide his memories. This demands a trial, wherein testimony is taken, evidence is pre-

sented and oral depositions are made before the ceremonial fire-hearth.

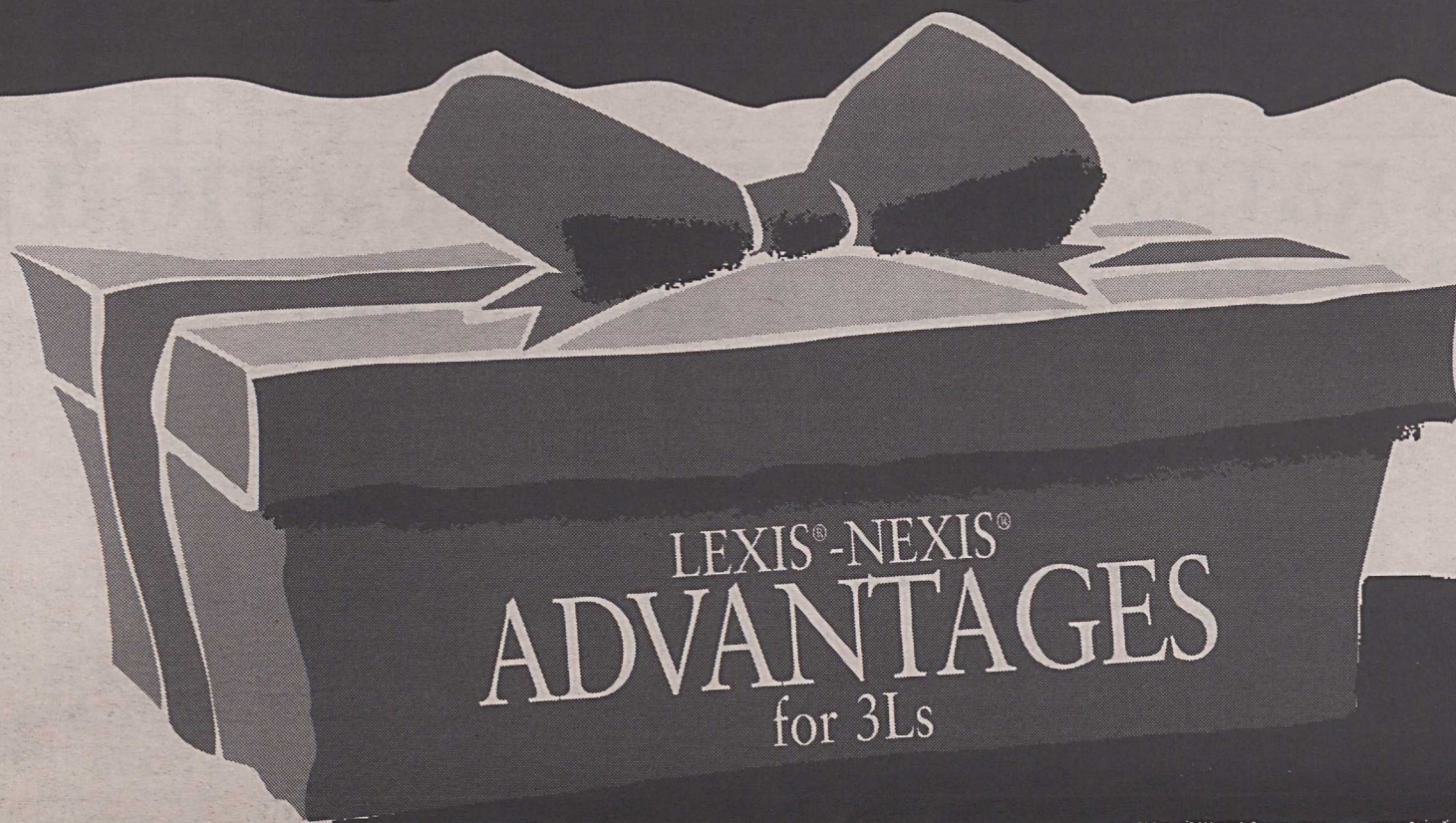
Punishments ranged from minor fines (the giving up of a weapon, the building of a hut, etc) to death or, worse, banishment.

In the final chapters, Anterich discusses his opinions as to our relationship with the Zorian race (basically he advocates staying away) and he compares their system with early man's. In several key areas, he concludes they are, from a temporal/developmental standpoint, superior. In fact, he goes so far as to say that in one or two thousand years they should be more advanced than Humanity in almost all legal doctrines. As always, Anterich's style is easy and familiar while at the same time remaining scholarly. He is an optimist, an academic and, lastly, a good writer.

Zorian Tribal Law is strongly recommended not just for foreign and alien law aficionados but lay readers as well.

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Loyola	92%	83%	- 9%	USD	85%	79%	- 6%
McGeorge	90%	83%	- 7%	USF	88%	81%	- 7%
Pepperdine	90%	87%	- 3%	Santa Clara	78%	82%	+ 4%
Southwestern	86%	80%	- 6%	USC	85%	83%	- 2%
Stanford	91%	91%	—	Whittier	81%	72%	- 9%

You Figure It Out!

pmlbr
MULTISTATE SPECIALIST

Why Run The Risk?