

## Law Prof Takes Trip

A law professor at the University of Oregon recently boarded a mysterious, invisible craft from outer space and orbited the Earth at high altitudes for nearly an hour, the *Dissent* learned today.

Students in Ed Baker's Constitutional Law class told the *Dissent* that shortly after class began on October 26 Professor Baker disappeared and was not seen again until after the bell rang and he was heard to say, "We'll continue this discussion on Monday".

Authorities investigating the bizarre occurrence are puzzled by the fact that Baker's voice remained clearly audible during his absence from Earth. Many students took notes on what Baker said during the hour, but were unable under questioning to explain what their notes meant.

Asked about the incident, Baker replied that he was unaware of entering the craft and leaving the Earth's surface.

"I didn't know anything about it until afterwards," he said. "It just seemed like any other class, really."

Students who witnesses the event, however, appeared dazed and shaken, and some medical experts fear brain damage may result from exposure to the disappearance.

In a related development, authorities announced that they intend to widen their probe after students in the other section of Constitutional Law testified that Professor Herb Titus disappears in a similar manner all the time.

## Client Counseling Competition

Have you noticed the new poster up on the SBA bulletin board? Have you been waiting anxiously ever since you heard last year's team got a free trip to New York City? Can you hardly wait to get a chance to apply some of that knowledge you've been storing away for years?

If so, have no fear! Client Counseling is alive and well and living in Eugene.

The Nation Client Counseling Competition is sponsored by the Law Student Division of the ABA. Last year 120 law schools participated including U of O. In fact, the U of O team won the Northwest Regional Competition and got to go on to the National Competition at New York

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## ENVIRONMENTAL CLINIC TACKLES STATE ISSUES

The Environmental Clinic, spurred on by faculty member John Bonine, is gaining statewide recognition for its accomplishments. The Salem Oregon Statesman, in its Sunday, October 15th edition, details the impact of clinic members of forestry, pollution and recycling. The key to the clinic's success is its thoroughness in research and writing. A copy of the *Statesman* article is posted in the student lounge.

## Still Crazy After All These Years

The continuing saga of the shams and scams of first year, B section:

Not to be sucked into the quicksand of overwork and underplay (thank god, I was beginning to worry), Section B planned its First Annual Halloween Horror Show (hereafter FAHHS). An anonymous benefactor, the Great Pumpkin, offered a gourmet dinner to winners in particular costume categories. The only requirement was that the costume had to depict a character from some first year case.

Prof. Shulman enlisted the assistance of fellow profs Basye, Forell and Lawrence for judging and other assorted services. Not to be outdone by mere students, the professors presented a stirring rendition of *Surowitz v. Hilton Hotels Corp.*, that tear jerking tale of the poor polish immigrant (Lawrence) who, relying on her son-in-law Irving Brilliant (Forell), verified a complaint against Hilton (Shulman with a box over his head) without understanding the allegations! Fear not -- jurisprudential backpedalling saves our heroine from dismissal.

Not to be outdone by mere professors, the students rallied with a host of illustrious characters near and dear to devout casebook readers. The winners:

### Most indecent or morally objectionable

Marc Perrin for Reed Christianson, an overgrown adolescent who gained fame by sexually molesting a 5 year old; and Melinda Eaton, garbed in stylish charcoal grey, for that ever-hoped-for Deep Pocket.

### Most intellectually stimulating

Susan Warne for the Ghost of Quasi-in-Rem, which passed away in *Shaffer v. Heitner* (1977).

### Most elaborate

Candace Reed and Vicki Seiber for that pregnant star of stage and screen, Rose 2d of Aberlone (a heifer).

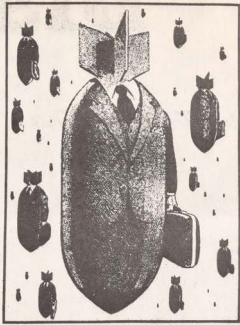
Coq au vin and chocolate fondue were presented to the winners.

The Kid concluded the day's ceremonies by proclaiming that this event proves once again that Section B is the craziest.

# The Prez Sez:

All caffeine addicts probably know of the SBA's track record on the coffee service. For the few of you who do not know (or cared to know) here is a short recap. Several years ago the Student Bar Association was not even in the business of providing coffee. Our first attempt was a machine that have six ounces of horrible coffee for a nickel, but like its cousin, the photocopy machine, it seldom worked. One year ago we installed the self-service drip machines and started out charging a mere 5¢. Severe losses forced the price up to a dime and finally to 15¢. Less and less money was received and losses for the year totaled over \$900.00. Well, like a fool (and a coffee addict) I ordered the machines once again, but negotiated a contract at less than last year's prices. With a lower price and the absence of the graduating third year class (who never paid for anything),

(continued p. 6)



## EDITORIAL

For those of you who haven't noticed, the finals schedule is finally posted. The only question that remains now is: Why did it take until the end of October????

In spite of the fine job that Mrs. A and the administration staff in general do to keep this law school functioning and functional, the handling of the finals schedule still remains a glaring bi-annual example of a grossly inadequate solution to what should be a fairly simple problem. Logistically and logically, there is no justifiable reason why the schedule should not be prepared and in our registration packets each term. The administration already knows (and has known for years) which courses are predominantly second year and which ones are predominantly third year. They also (supposedly) know which courses will be taught that semester and (hopefully) who will teach them (although after this year this second point is a rebuttable presumption). Given this knowledge, delaying preparation until late October amounts to nothing less than a gross in-

justice to those consumers of this school who desire to travel (home, vacation or whatever) during the busy Christmas break. Consider, for example, the fact that airline flights to my destination were booked solid by mid-September! Sure I got my reservations, but I had to assume that I would get a final on the last day. Now I find that I'm done on the 18th but I'm stuck in Eugene for four days after that simply because it's impossible to get reservations now. Thanks alot for nothing.

What are the benefits of preparing the schedule early? Well, for starters, the people who pay the salaries of everyone in this building would be able to finalize their plans to the optimum benefit of all concerned (professors too would be able to know with certainty what they would be doing over the break). Furthermore, it would solve a major headache that the present system gives the administration every single semester -- conflicts. With the schedule in front of us when we register, conflicts immediately disappear. No one takes two courses which have a final on the same day. The three-in-a-row problem is also solved since individuals who have signed up for three consecutive finals have done so voluntarily with full knowledge of the consequences.

Other law schools have their finals schedule prepared before they register. This University provides this service for the undergraduates and non-law grad students. We third year students have been screwed three years in a row, but hopefully the administration will get off its ass and get its act together for the second, first, and incoming classes.

Mike Stone

\*\*\*\*\*  
The Dissent is the student newspaper  
published by the Student Bar Association  
of the University of Oregon School of Law.  
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|--------------|---------------------------------------------------------------------------------------------------------------------------------------------|
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# ENVIRONMENTAL NEWS

For those who don't yet know, Land, Air and Water (LAW) is a student environmental research group dedicated to improving the quality of our environment. We focus on using legal skills to achieve this goal, so that members have a chance to apply their classroom knowledge to real world environmental problems. In the past, LAW has been involved in a variety of projects, including helping to preserve French Pete, reviewing plans for Northwest energy development, presenting testimony to the Energy Facility Siting

Council on the proposed Pebble Springs nuclear reactor, and commenting on agency compliance with state land use goals.

We are continually involved in environmental issues important to Oregon, and will be using this space in the Dissent to keep other law students informed on the projects we undertake. We encourage all those who are interested in the environment and/or in environmental law to make further inquiries into our activities!

## WHO'S WHO IN L.A.W.

L.A.W. is organized into five subdivisions this year. A second or third year student heads each sub-division and co-ordinates law student research, writing, and agency interactions. Projects come to us through a variety of sources: community and public interest groups who are facing environmental calamities and can't afford attorneys are directed to us by local attorneys, law professors, etc.; student research generates solid footing for a law suit; agencies and other environmental interest groups are constantly pelting us with information on impending doom; environmental clinic passes on projects and expertise in many forms. The following is a list of current projects and "area Heads." Please contact us if you have expertise or interest in any of these areas.

### Land Use -- Gary Marcus

1990 Plan  
Cone-Breedon  
Mobil Oil exploratory drilling  
Grazing Lands

### Water -- Rick Parrish

Statewide Water Resource Planning (Derb Carter)

Wa Chang pollution (Mark MacDonald)  
Development of estuaries (Rick Parrish)

### Forestry -- Kurt Burkholter, Jeff Johnson, Steve Balagna

RARE II  
BLM Wilderness areas  
Forest Land Use Plan review

### Pollution -- Ralph Bradley, Pat Sharkey

Pollution legislation drafting for the 1979 Legislature

2,4,5-T herbicide issues

### Energy -- "No Nukes" Fred Harris

Transportation of nuclear wastes  
Anti-nuke legislation drafting  
Wa Chang

## L.A.W. EVENTS

Tuesday, Nov. 7, "Indian Lands and Environmental Law" Charles Wilkinson, 12:30  
Tuesday, Nov. 14, Joe Brescher, an outstanding environmental attorney from San Francisco who has argued before the U.S. Supreme Court and was very involved in the Black Mesa law suit, will be speaking to the entire law school at 12:30 in room 129. Mr. Brescher will also mingle with L.A.W. members at a potluck that evening, time and place to be announced.

## RARE II FLAWS BARED

In September, L.A.W. members reviewed and made comment on the U.S. Forest Service's Draft Environmental Statement (DES) of its second Roadless Area Review and Evaluation (RARE II). RARE II is the process by which the Forest Service is determining the land use designation for those national forest areas as yet undeveloped. Some areas would be designated "non-wilderness" (opening them, in effect, to timber production), some would be designated "future planning," and some would be allowed "wilderness" status, which would then be proposed for Congressional protection.

The DES purported to discuss what environmental impacts these designations would entail, as generated from a range of possible alterations it set forth. It failed to adequately do so. In its methods (an incomplete economic analysis, a "stacked" range of alternatives), the DES fell short of the consideration required by the National Environmental Policy Act of 1964 (NEPA). In its ends (a wilderness allocation, at best, of only 30% of what is already de facto wilderness), the DES reflected an agency disregarding its mandates contained in such legislation as the Multiple Use and Wilderness Acts. Those mandates must be embodied in such administrative decision making as RARE II, or so we argued in our comment. We'll see what happens when the final EIS emerges early next year.

## POSSIBLE L.A.W. FIELD TRIPS

The L.A.W. travel service may schedule trips to the administrative law jungle if enough interest is shown, and if hearing schedules are convenient. See the administrative process at work -- find out why you are studying LAP, watch citizens and an occasional clown participate, count the industry attorneys....we only ask that you do not feed the bureaucrats. One possible location is the upcoming NRC hearing in the earthquake resistance of Trojan's cooling system (date presently unknown). See Fred Harris for details.



UPDATE OF 1990 PLAN

Every five years Eugene citizens have an opportunity to update the 1990 plan. The present updating process, which began in 1977, is nearing completion. Final recommendations will be made in December, and a final draft of the update will probably appear in June, 1979.

Projections show that Eugene's population will double to 200,000 in the next twenty-five years. This creates the controversial issue in the 1990 plan of housing density: should it be as low as 5.5 residences per acre, or as high as 10? Another controversial issue is park space: how much does Eugene need and how much can it afford?

Steve Gordon, a Lane Council of Governments (LCOG) staff person, will explain the 1990 plan and its relation to statewide planning goals in one of L.A.W.'s regularly scheduled Tuesday lectures, probably in early December. Those interested in Eugene's future are urged to attend.

## No Nuke News

FLASH!! COMMERCE CLAUSE FOUND RELEVANT!

L.A.W. recently assisted the National Lawyers Guild, Clergy and Laity Concerned, and the Trojan Decommission Alliance in the preparation of a legal memorandum supporting a pending Lane county health and safety ordinance that would strictly regulate the transportation of nuclear material. The ordinance, modeled on a present New York City ordinance, would essentially prohibit the transportation of such material except for medical purposes or narrowly defined national defense emergencies. First read before the County Commissioners last Wednesday, this ordinance may be approved at the next Commissioner's meeting.

Similar ordinances have been enacted in several communities in New Jersey, Connecticut and Vermont. None of these comparable ordinances have yet been challenged successfully. With over 300 nuclear transportation accidents already reported, undoubtedly many more communities will pass anti-nuclear transportation laws in the future. Seems like a lot of people don't want to glow in the dark.

During the preparation of our memorandum, we wrestled with the Commerce Clause, analogized our way around some tricky Supremacy Clause issues, and narrowly avoided an Interstate Compact. Constitutional law students the world over will be glad to note that Lane County people opposed to nuclear disaster to not discriminate against out of state nuclear material. We don't even care even care if the trucks and trains carrying this material have contoured mudguards, are only ninety inches wide, or are also carrying mislabeled apples and cantaloupes packaged in Arizona by child laborers working for the state government. We don't need any more radioactive junk to put in our milk.

Will we be pre-empted by the Feds? By the state? Only Rhenquist and Burger know for sure, but the illustrious and sometimes ambiguous constitutional scholar Ed Baker thinks we might get away with it. Keep reading No Nuke News for future developments.

BALLOT MEASURE RECOMMENDATIONS

Yes on 4 -- This measure would make it much easier to form Public Utility Districts in Oregon, thus giving more people access to cheap hydro power from BPA. PUD customers would pay about half as much as customers of investor owned utilities.

Yes on 9 -- This measure would prevent utilities from charging present customers for power plants to be built in the future. Most states do not allow this. Many older people never benefit from the future plants, and are thereby paying now for utilities' future profits.

No on 10 -- This measure, if passed, would effectively destroy ten years of land use planning in Oregon. Both Henry Richmond, director of 1,000 Friends of Oregon, and Dorothy Anderson, an LCDC commissioner, have spoken at the law school this fall against the measure in a debate organized by first year student Todd True.

NUCLEAR REGULATORY CIRCUS

The Nuclear Regulatory Commission is presently conducting "public" hearings in Portland as to whether or not the Trojan Nuclear Plant should be allowed to operate while repairs are being made on a structurally defective control room wall. The real question seems to be whether the costs PGE's stockholders incur as a result of Trojan's continued non-operation outweigh the risks to the public of an accident occurring while the wall is being fixed. Does PGE's bad management and poor safety record indicate that it should not be permitted to re-open Trojan while Bechtel patches up the holes? Does the fear of losing a few million dollars profit outweigh the risk of losing a few thousand lives if a breach of containment occurs? What is your life worth? Does the NRC care what the public thinks? The present hearing may help to answer these questions.

A recent computer analysis by PGE reveals new problems with the earthquake resistance of the pipe system supplying cooling water to the reactor building. Fred Miller, of the Oregon Department of Energy, says that a whole new set of hearings will consider these pipe hazards.

MELTDOWN REPORTED

The SBA has reported that Winsor, Missouri, has apparently suffered another nuclear meltdown, removing it from the face of the earth once again. All that remains of the once quaint hometown of SBA President Tom Carter is a black hole in the map which hangs in the back SBA office. Winsor suffered a similar mishap once last year when a hole was punched in the same map, but quick action and some scotch tap narrowly averted complete disaster. The present meltdown is of a much more substantial nature, and the destruction appears to be irreparable. When asked for a comment, Carter said, "The place was already a pit, but this is ridiculous."

but if your feet are on the ground.

One final word, Kid. Your audience is composed of wise students and fools. Teach the wise ones, ignore the fools. As we held in Lot's Wife v. Sodom and Gomorrah, "Don't look back."

## Dear Cardozo, J.

Dear Justice Cardozo:

What do you have to do to get respect around here? I mean, here I left a lucrative practice in a prestigious (sic) East Coast firm where I was an accepted authority on my subject and held in awe by friend and foe alike. I come here and slave over 60 hours a week in an attempt to communicate my knowledge to others. And what do I get for my troubles; for my sacrifices? I'm constantly being mistaken for an undergraduate, my students cannot comprehend even the most basic rudiments of the English language, and my colleagues (sic) refer to me in public as "The Kid." Furthermore, they seem to think I'm a gullible fool too! One person actually tried to feed me a line of crap about "honorary membership" in some ridiculous (sic) organization, "The Little One's Law Forum" or something like that. That's so absurd that it really burns me up to think that they believe I'm dumb enough to fall for such an obvious hoax.

Unfulfilled Pioneer had it made. She's only here for 6 months. I'm sentenced to 3 years. What should I do Justice Cardozo?

Sincerely,  
Righteously Indignant

Dear Righteously Indignant,

Listen Kid: remember Aretha Franklin v. Heart of Atlanta Motel? In that case we ruled that "respect" was spelled R-E-S-P-E-C-T. So the first thing you need to do to earn respect around here is learn how to spell. After all, you no longer have a P-R-E-S-T-I-G-I-O-U-S East Coast legal secretary.

As long as people think you're a student, why fight it? Try sitting in classes instead of teaching them. You'll discover it's just as frustrating. But there are advantages. For example, you actually can ask the women students out on dates, instead of just fantasizing about it.

You groan about being here for three years, but once again think of your poor students. They too are imprisoned for the duration. At least you're getting paid.

Besides, no faculty stays here for three years. Half the faculty are away on leave every semester. If you stick around for more than nine months people will refer to you as "The Old Man", or "The Senior Partner." Why Professor Hildreth, who has been visiting for two semesters, was recently awarded a Mazzi's Pizza with the works in appreciation of his extremely long service.

As for the "Little People's Forum": don't hang around that bunch too long. You may start tripping over them. But before you buy platform shoes, remember "Small Is Beautiful." Besides, as far as the Supreme Court is concerned, it matters not if your head is in the clouds,

Dear Justice Cardozo:

Lately I have noticed posters on the first floor of the law school which call one's attention to a speaker on the subject of child abuse. A closer look reveals that the sponsor is the Law Partners organization. This leaves me somewhat distressed. Does this mean that law students are more prone to beating their children? As a single person I have no inside information. Please reveal the truth.

Agonizing on Alder Street

Dear Agonizing,

It's about time someone exposed this appalling situation. Those on the "inside" reveal that the Law Partners' organization is so bizarre that it makes the Salem Witch Trials look like Romper Room.

First consider the initiation ritual required of those in Law Partners. The two consenting adults, loosely referred to as a "couple", must dress up in ridiculous costumes, and while shaking nervourly exchange vows and rings.

Gaping relatives, some on the point of hysteria, look on in disbelief. After the ceremony everyone gets drunk and dances with people whom they avoided talking to for the past ten years.

This is just the beginning. One member of the "couple" decides to go to law school. The law student's spouse immediately qualifies as a "Law Partner." Although in the old days they called such people "widows" or "widowers."

The marriage starts taking strange turns. The couple soon files papers to incorporate under subchapter S. The once loved child becomes a "tax advantage." The family dog is mere "chattel." In the middle of the night the neighbors stop hearing words of passion. Instead they awake to a cry of Res Ipsa Loquitor.

And the beatings! Lord, if it only were beatings. In order to pay for books the husband sells a security interest in the child under UCC 9-109(4) classifying him as "inventory." Meanwhile, the wife offers the child up as collateral to pay for a divorce. The wife calls the child a "fixture" (UCC 9-313(1)(a)), but forgets to file in the real estate office (UCC 9-402[5]).

The husband then goes bankrupt and the trustee in bankruptcy takes the child under §70(c). The child is taken from the driveway so no breach of the peace occurs, UCC 9-503, since the child only says, "Goo." The child is then sold at auction according to UCC 9-504.

Just thank your lucky stars that you are living on Alder Street with all the other single people. Dread the day when you move in with someone and change your address to the couples' neighborhood of Harris or Onyx Streets.

\*\*\*\*\*Justice Cardozo thanks those who submitted letters to the Dissent mailbox and encourages other to submit their problems for judicial review.\*\*\*\*\*

## Faculty Profile:

### R.J. Mooney

"The Dissent has reached record lows. Why doesn't it do something interesting like write an article about Ed Baker and the several great articles he has published recently?" So said Ralph James Mooney after a few glasses of wine at a recent party.

O.K., Mr. Mooney, what have you written lately besides a Commercial Law midsemester exam?

After tough negotiations, a sober Jim Mooney agreed to an interview on three conditions:

1. That we print nothing to give aid or comfort to his enemies.
2. That we mention his best time for the 10,000 meters (42:12 - "but it was a short course, I think").
3. That we give him a free plug for his American Legal History course.

Jim Mooney was born in Pendleton on February 27, 1943 and moved to Eugene at the age of seven. "I'm the token Eugene native on the faculty," says the 1961 graduate of South Eugene High. He attended Harvard on a four-year scholarship, majoring in Government. He then attended Michigan Law School where, naturally, he was an Assistant Editor of Law Review and graduated Order of the Coif.

In 1972, he returned to Eugene as a visiting professor at the Law School and liked it so much he stayed. Two years later he took a leave to be a Harvard Fellow in Law and the Humanities. His American Legal History course (which he offers next semester) grows out of that fellowship year. It is a course, he says, in "the nature of change, focusing primarily on 19th century developments in private law, the emergence of the legal profession as a powerful force in American society, and the 20th century crisis in legal thought following the Legal Realist attack on formalism.

"The course emphasizes the relations of legal change to political, economic, and social change, and focuses on what I like to call 'the big picture': inquiries such as, what is the nature of law, and what roles do or should lawyers play in society?"

We asked Mooney how he likes teaching. He leaned back in his chair. (We expected him to begin pacing, which he usually does if he has to answer a question in more than one sentence.)

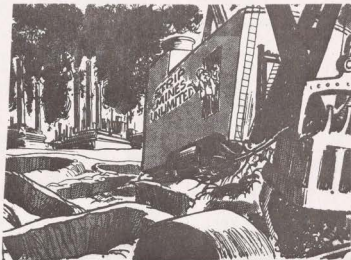
"I enjoy teaching. I think all of us on the faculty do. We work hard at it because we recognize a high responsibility to communicate our knowledge to the class as well as we can.

"On the other hand, I don't really agree with persons who assert that teaching is our only responsibility. I think university faculties have an obligation to help society solve important questions facing it - by research and careful thought about those problems. Academics are about the only persons with enough training and time to concentrate their energies on solving the most difficult problems."

"How about the students?"

"The students at this school, for the most part, are very capable and friendly. With very few exceptions, I have genuinely enjoyed my contact with them, both inside and outside of class. I do sometimes wish, though, that they were a trifle less concerned about having the faculty 'lay out' hornbook law to them, and a trifle more insistent that we challenge them on deeper levels. In my view, this school should concern itself more with questions of legal roles and values, and less with learning legal rules. This is why I think, for example, the Ed Baker's jurisprudence course and mine on legal history are important."

The Dissent would like to thank this courageous soul for being the first Faculty Profile. Hopefully, such profiles will be a regular feature of this otherwise hopeless rag.



"Don't those control nuts realize that if God wanted to keep mountains, trees and clean water, He wouldn't have invented coal?"

This Issue's Query: What is wrong with the display case outside the administration office?

Prez sez (cont)

I figured we had a chance to make the coffee service self sustaining. I was wrong. To date, we have lost \$230.00 - well ahead of last year's losses. We do not have the large reserve of money that last year's SBA enjoyed. Commencement, the basketball net, and the coffee deficits used up about \$3100.00. We must either break even or eliminate trust fund financed activities such as orientation, commencement speakers, keggers, and various law student created projects. We have instituted an inventory control on the coffee and supplies in an attempt to pinpoint excessive expenses, thievery of money or coffee, and the high loss days (and nights). What happens the rest of this semester will determine the status of the SBA coffee service for the spring semester.

Tom Carter

## Counseling (cont)

University. They did not win the Nationals, but they did learn a lot and have a great time. This year the Nationals are to be held in San Diego (not the East Coast, but think of it - sun in March!).

The competition involves two-person teams conducting an interview similar to what an attorney would do in practice. The "clients" are given a problem and play the role of a person coming to a lawyer for advice on that problem. The contestants have been told the general area of the problem (this year it's "Legal Malpractice: Yes, No, or Maybe")

and are judged on such things as establishing rapport, getting the necessary information, manner of conducting the interview, and planning any future course of action.

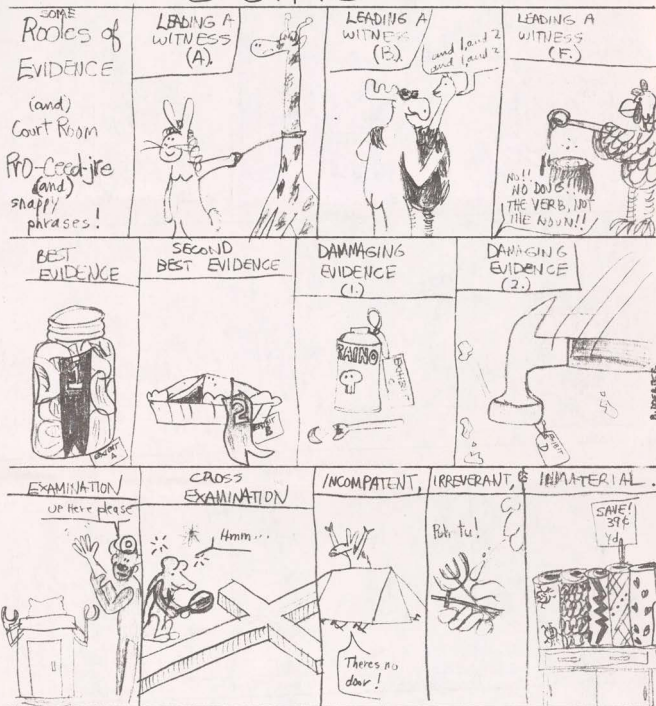
The purpose of the competition is to "promote greater knowledge and interest among law students in the preventive law and counseling functions of law practice" and "to encourage students to develop interviewing, planning and analytical skills in the lawyer-client relationship in the law office." That's the official rap.

The unofficial reaction to the (Continued p. 8)

**2nd  
BIG  
YEAR!**

# The Adventures of BUNS

AT LAW SKUL!





# Counseling (cont)

competition by last year's participants was overwhelmingly favorable. Contestants in the local competition generally seemed to feel that conducting the interview and getting the feedback from judges and clients was an excellent learning experience.

Moot Court Board sponsors the local competition and this year is putting a lot of effort into having a well organized competition. The local competition is tentatively scheduled for (continued p. 12)

## PHI DELTA PHI UPCOMING EVENTS

November 7 Brown Bag Special: "Trial Attorneys as Adversaries and Friends", presented by Art Johnson and Darst Athertley. Room will be posted later.

November 17 Fall initiation. Persons interested in joining the fraternity should contact Brooke Holstedt or Deb Ehrman.

**2nd  
BIG  
YEAR!**

# The Adventures of BUNS AT LAW SKUL!



And now, a few words  
from the Uniform  
Commerce Code



Ahh  
choo!

The statute of Frogs



RÜEDINGEN GERMANY

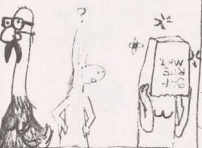


FLOATING LIENS

Yesh  
indeed



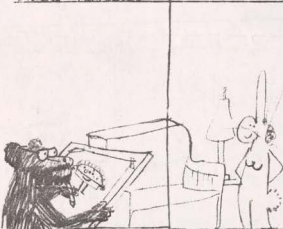
SELLERS REMEDIES



SOME EXTRAORDINARY & BIZARRE  
ANCIDANCES



TENDERING A CHECK



DRAWER & DRAWEE

Eh, You change cars  
at Box Elder.



BULK TRANSFERS



RELATIONSHIPS BETWEEN  
2-403 and 9-307

© OCT. '98  
DIVING DUCK SCHOOL OF SCHOOL  
MADE IN U.S.A.



## Reflections

...so anyway, this might not have much to do with law school, but I thought I'd relate it and then let people make what they want to out of it...they probably will anyway...it seems far away now, but I remember it was down by a river, and it was evening...the sun was disappearing, and it made one of those sunsets...you know, one of those red sunsets...and there were a few birds in the sky and the river was quiet and smooth, and then here's this old man sitting on the bank, with his knees pulled up to his chest, and he's just staring at the water, or maybe he's sleeping, I can't really tell...it's getting pretty dark, but there's still some light left in the air...and I start to walk behind him, but then I think what if he's dead, or hurt...out here so far away...it is far away, there are mountains on both sides...I peer down and it looks like there's something sticking into him...oh Jesus, it's a spear, or a tree branch, something, he's been...no, no it's just a pole...a fishing pole for Christ's sake...I laugh under my breath and start to move on, take a step and a twig snaps under my foot...this loud CRACK that hangs in the air...and his head comes up...real slow, not like you'd expect with a noise like that...and he turns his head real slow...til he's looking right at me...and the red sun is reflected in his eyes, and he says... have I seen his sister... and I say no, is she around someplace and I glance behind me into the forest but it's pretty dark...when I turn back

he's staring into the water again, with his chin resting on his knees...so I was going to ask if he needed some kind of help, but for some reason it seemed better not to...so I kept on walking and after awhile I put my hands in my pockets and started whistling...

## Headlines of the Future

Picture yourself ten years down the road. You're a successful Eugene Lawyer who has spent a long day charging clients outrageous fees. You have just come home, you pull the Register-Guard from its box; you settle in your easy chair, and turn to the front page. Here are some news you might see.

"TITUS CONVICTED ON FELONY CHARGE. The judge commented, 'I couldn't understand a work of his defense.' A constitutional argument put forth by the defendant was also rejected. In his memorandum the judge cautioned, 'The Commerce Clause has nothing to do with embezzlement.'"

"CONTRACT RULED INVALID. A contract between R. J. Mooney and Ronald Griffin was held void for illegality and failure to meet the requirements of the statute of frauds."

"OREGON LAW REVIEW now available through Readers Digest Condensed Books. The complete set of law reviews is avail-

(continued p. 12)

## Sports News



"If there's one thing I can't stand, it's a kamikaze duck."

# Impressions From the Outside World

Who among us here at the law center has not met someone for the first time, and, as we fancy a favorable impression will form in the mind of our listener by such a revelation, let slip the fact that we hope some day to practice law because we do so want to advance the cause of social justice and world peace, only to hear our aspirations dismissed with the words, "All lawyers are crooks", or "The law is an ass", or other such cynical words.

Let anyone should come to believe that these sentiments enjoy universal acceptance, I present below some passages regarding law and related matters from the works of recognized authors to illustrate that the "best people" manifest a high regard for lawyers and the law.

Such a collection has been needed. Too long have we suffered "...the slings and arrows of outrageous fortune" bereft of all consolation, save for the knowledge that Howard Cosell once practiced law.

Now, here in one place, is all the justification any of us need for devoting every fibre of our being - today, tomorrow, forever - glorious law.

A recent decision of the Supreme Court leaves to each community the right to decide what is pornography. Speaking for the majority of the Court, Chief Justice Warren Burger admitted that although no link has yet been found between the consumption of pornography and anti-social behavior, any community may assume that such a connection exists if it wants to - in other words, an outraged community may burn a witch even though, properly speaking, witches do not exist.

The Court's decision has of course alarmed and confused the peddlers of smut, who claim, disingenuously, that guidelines are now lacking. They complain that the elders of Drake, North Dakota, may object to the work "damn" in a novel while the swingers of L.A. may want to read even worse words. Must the publisher, they ask, bring out two editions, one for permissive L.A. with the work "damn" and another for high-toned Drake with the work "darn"? Or settle the matter by publishing only for Drake?

This is a deep problem which I have solved. Wanting in every way to conform with the letter as well as the spirit of the Court's decision, I have carefully eliminated from this book those words that might cause distress to any one. Since books are nothing but words, a book is pornographic if it contains "bad" or "dirty" words. Eliminate those "bad" or "dirty" words and you have made the work "clean." In this novel I have replaced the missing bad words with some very good words indeed: the names of the justices who concurred in the Court's majority decision. Burger, Rehnquist, Powell, Whizzer White and Blackmun fill, as it were, the breach; their names replace the "bad" or "dirty" words...I believe that these substitutions are not

only socially edifying and redemptive, but tend to revitalize a language gone stale and inexact from too much burgering around with meaning.

\*\*\* Myron, Gore Vidal

"But I don't want to be a lawyer."

"Well, who does? I mean what man of spirit? The law kills the lively mind. It stifles originality. But it is a stepping stone..."

\*\*\* Burr, Gore Vidal

"You talk too much," Sally said to him. Then to me: "But I'll tell you a secret. He's really trying to signal me to tell you that he's pretty bright himself, that he was on the Yale Law Review and was in a fine firm in New York City and --."

"Listen," said Cudsworth, "all lawyers are ignoramuses, and if you made the Law Review it only means you are a real ignoramus because you put all your time on nothing but law."

A Place To Come To, Robert Penn Warren

Law, n.

Once Law was sitting on the bench, And Mercy knelt a-weeping.

"Clear out!" he cried, "disordered wench!

Nor come before me creeping.

Upon your knees if you appear,

'Tis plain you have no standing here."

Then Justice came. His Honor cried:

"Your status? - devil seize you!"

"Amica Curiae," she replied -

"Friend of the court, so please you."

"Begone!" he shouted - "there's the door -

I never saw your face before!"

Lawyer, n.

One skilled in circumvention of the law.

Justice, n.

A commodity which in a more or less adulterated condition the State sells to the citizen as a reward for his allegiance, taxes and personal service.

Politician, n.

An eel in the fundamental mud upon which the superstructure of organized society is reared. When he wriggles he mistakes the agitation of his tail for the trembling of the edifice. As compared with the statesman, he suffers the disadvantage of being alive.

The Devil's Dictionary, Ambrose Bierce

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"O.K. Snapshots from Jolene's album.

Womanhood begins in grade school, age twelve. Jolene loses her virginity to a high school varsity basketball player, who also loses his. More dates. Click. Jolene discovers the orgasm. Click. High school. Click. Meets Greg, law student. Local rich boy. Click. Going steady with Greg. Click. No orgasms with Greg. Click..."

Blind Date, Jerzy Kosinski

\*\*\*

Now, the problem I had, of understanding the law, was because of the language in the law, and the fact that instead of taking each word and finding out the case that the word related to, once in a while I got lazy and I would apply common sense. And then I got really screwed up.

Lenny Bruce

# Impressions (cont)

Before the Law stands a doorkeeper. to this doorkeeper there comes a man from the country who prays for admittance to the Law. But the doorkeeper says that he cannot grant admittance at the moment. The man thinks it over and then asks if he will be allowed in later. "It is possible," says the doorkeeper, "but not at the moment." Since the gate stands open, as usual, and the doorkeeper steps to one side, the man stoops to peer through the gateway into the interior. Observing that, the doorkeeper laughs and says: "If you are so drawn to it, just try to go in despite my veto. But take note: I am powerful. And I am only the least of the doorkeepers. From hall to hall there is one doorkeeper after another, each more powerful than the last. The third doorkeeper is already so terrible that even I cannot bear to look at him." These are difficulties the man from the country has not expected; the Law, he thinks, should surely be accessible at all times and to everyone, but now he takes a closer look at the doorkeeper in his fur coat, with his big sharp nose and long, thin, black Tartar beard, he decides that it is better to wait until he gets permission to enter. The doorkeeper gives him a stool and lets him sit down at one side of the door. There he sits for days and years. He makes many attempts to be admitted, and wears the doorkeeper by his importunity. The doorkeeper frequently has little interviews with him, asking him questions about his home and many other things, but the questions are put indifferently, as great lords put them, and always finish with the statement that he cannot be let in yet. The man, who has furnished himself with many things for his journey, sacrifices all he has, however valuable, to bribe the doorkeeper. The doorkeeper accepts everything, but always with the remark: "I am only taking it to keep you from thinking you have omitted anything." During these many years the man fixes his attention almost continuously on the doorkeeper. He forgets the other doorkeepers, and this first one seems to him the sole obstacle preventing access to the Law. He curses his bad luck, in his early years boldly and loudly, later, as he grows old, he only grumbles to himself. He becomes childish, and since in his yearlong contemplation of the doorkeeper he has come to know even the fleas in his fur collar, he begs the fleas as well to help him to change the doorkeeper's mind. At length his eyesight begins to fail, and he does not know whether the world is really darker or whether his eyes are only deceiving him. Yet in his darkness he is now aware of a radiance that streams inextinguishably from the gateway of the Law. Now he has not yet very long to live. Before he dies, all his experiences in these long years gather themselves in his head to one point, a question he has not yet asked the doorkeeper. He waves him nearer, since he can no longer raise his stiffening body. The doorkeeper has to bend low towards him, for the difference in height between them has altered much to the man's disadvantage. "What do you want to know now?" asks the doorkeeper; "you are insatiable." "Everyone strives to reach

the Law," says the man, "so how does it happen that for all these many years no one but myself has ever begged for admittance?" The doorkeeper recognizes that the man has reached his end, and to let his failing senses catch the words roars in his ears: "No one else could ever be admitted here, since this gate was made only for you. I am now going to shut it."

"Before the Law," Franz Kafka

\*\*\*

But the law is a beautiful thing. The people who attack the law don't really understand it. You know what it's like? It's like the Supreme Court, that's the daddy and it runs the store because it knows how. All the state courts and the civil courts, they're just the clerks, and the daddy says, "Now you just sweep the floor and unpack the stock and that's it. I don't want you to place any orders or change the displays - and keep your hands out of the register."

But the minute he turns his back all the clerks think they know how to run it better, and they start changing everything and ordering the wrong thing and it's a mess. The Supreme Court's the Big Daddy, it knows what is, but the little guys keep trying to run the store.

\*\*\* Lenny Bruce

I said there was a society of men among us, bred up from their youth in the art of proving by words multiplied for the purpose, that white is black, and black is white, according as they are paid. To this society all the rest of the people are slaves.

...Now, you Honour is to know that these judges are persons appointed to decide all controversies of property, as well as for the trial of criminals, and picked out from the most dextrous lawyers who are grown old or lazy, and having been biased all their lives against truth and equity, lie under such a fatal necessity of favouring fraud, perjury, and oppression, that I have known several of them refuse a large bribe from the side where justice lay, rather than injure the faculty by doing anything unbecoming their nature or their office.

It is a maxim among these lawyers, that whatever hath been done before may legally be done again: And therefore they take special care to record all the decisions formerly made against common justice and the general reason of mankind. These, under the name of precedents, they produce as authorities, to justify the most iniquitous opinions; and the judges never fail of decreeing accordingly.

Gulliver's Travels, Jonathan Swift

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MR DARING: But what about those fetuses, sir, that the Vice President has labeled "troublemakers"? I believe he was referring specifically to those who start in kicking around the fifth month. Do you agree that they are "malcontents" and "ingrates"? And if so, what measures do you intend to take to control them?

TRICKY: Well, first off, Mr. Daring, I believe we are dealing here with some  
(continued p.12)

### Impressions (cont)

very fine distinctions of a legal kind. Now fortunately (impish, endearing smile) I happen to be a lawyer and have the kind of training that enable me to make these fine distinctions. (Back to serious business). I think we have to be very careful here - and I am sure the Vice President would agree with me - to distinguish between two kinds of activity: kicking in the womb, to which the Vice President was specifically referring, and moving in the womb. You see, the Vice President did not say, despite what you may have heard on television, that all fetuses who are active in the womb are troublemakers. Nobody in this Administration believes that. In fact, I have just today spoken with both Attorney General Malicious and Mr. Hechaw at the FBI, and we are all in agreement that a certain amount of movement in the womb, after the fifth month, is not only inevitable but desirable in a normal pregnancy.

But as for this other matter, I assure you, this Administration does not intend to sit idly by and do nothing while American women are being kicked in the stomach by a bunch of violent five-month-olds. Now by and large, and I cannot emphasize this enough, our American unborn are as wonderful a group of unborn as you can find anywhere. But there are these violent few that the Vice President has characterized, and I don't think unjustly, in his own impassioned rhetoric, as "troublemakers" and "malcontents" - and the Attorney General has been instructed by me to take the appropriate action against them.

"Tricky Holds A Press Conference",  
Our Gang, Philip Roth

### Counseling (cont)

the week of February 12 - 17, 1979.  
 Regional Competition will be March 10  
 (possibly at U of O) and Nationals on  
 March 31 - April 1 in San Diego.

Keep a lookout for more details later.



(no caption necessary)

### Headlines (cont)

able in a deluxe two volume set for \$6.95 post-paid."

"BAKER REVEALS that a secret combination of coffee beans at Moma's Home Fried Truck Stop provides hallucinogenic 'constitutional insight.'"

"HILDRETH CLAIMS U. of O. tenure by prescriptive easement."

"BONINE SELLS Weyerhaeuser stocks under pressure from environmental clinic."

"RANDOLPH CASHES IN STOCK OPTIONS AND BUYS HAWAII."

"EVIDENCE OFFERED BY PHILLIPS RULED INADMISSIBLE."

"MERRILL LOSES \$15,000,000 SUIT ON PROCEDURAL ERROR."

"RAY INDICTED FOR TAX FRAUD."

"BASYE TAKES POSITION WITH EXXON."

"FROHNMAYER EYES PRESIDENCY."

"EUGENE F. SCOLES DIES INTTESTATE."

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