

THE DISSENT

"Since I started the sentence, I guess I should finish it." —*Professor Lacy*,
Civil Procedure, 11/9/83

PUBLISHED BY THE S.B.A. AT THE U OF O LAW SCHOOL

1984

JANUARY

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Ready or Not! Here Come Final Exams

by Derrick Bell

While it is not mentioned in my resume, one of the professional accomplishments of which I am most proud is the successful passage on the first try of the bar degree of the law school, Pennsylvania, District of Columbia, New York, and California.

And, out of the wisdom acquired while attending several different bar review courses, I prepared for minority students a set of exam-taking suggestions that have been handed down by generations of law students in schools across the country. The editors of *The Dissent* thought that they might be of some help to you as the fateful period of final exams draws near.

Personally, I believe that law schools must move toward measures of student achievement that are both more accurate and more fair, that better utilize the learning potential of an examination, and that more realistically simulate the wide range of skills that a lawyer must bring to his or her professional work. But while final exams remain, acquiring skill in the mechanics of taking them will help your performance, moderate the trauma involved, and, almost certainly, will improve your grade.

I. Studying for Law School Exams

There is simply no substitute for adequate preparation. Technique in exam taking will enable you to convey to the professor your knowledge of the subject, but will not take the place of knowledge. Students vary in the amount of time, less than 30, and probably 40, hours per week should be set aside for study of various types, reading and briefing, and organizing and reviewing class notes, writing outlines, participating in study groups, etc.

Many students find two obstacles to serious study.

1. *Motivation* — More than a few first-year students find it difficult to concentrate on their courses which they see as needlessly complex, boring and irrelevant. To some degree they are right. But to get through law school and into the challenging, rewarding and satisfying work beyond, some mastery of first-year courses must be achieved. Remember:

a) *The first year is difficult for everyone.* The amount of sheer information to be assimilated is staggering, the classes with the emphasis on the so-called Socratic method can be traumatic, there is little "feedback" with which to measure progress during the year, and the emphasis in first-year courses tends to favor property over persons to a painful degree.

b) *First-year subjects are basic.* Gaining a firm foundation in these subjects now will — regardless of final exam grades — stand you in good stead throughout law school, during your exams, and in practice. The time invested now (and the sacrifices made) will pay rich dividends later.

Study Principles, Not Rules — Rather than trying to memorize specific case rules and case names, try to ascertain and understand the basic principles in each section of the book. Spend the hours typing up lengthy, detailed course outlines. Review the table of contents of your casebooks. Ask the law school editors included each section. What basic principles did they seek to convey? Do your class notes reflect the key points or efforts to teach these principles? Then try to outline each chapter on five or six pages. The outlining technique is an excellent way of maintaining efficiency during long study sessions. We learn by doing. In your effort to boil down a difficult subject area into a short outline you learn more of the material than if you simply read it. You have made it on your own, and personal summary notes will prove invaluable as you begin to review.

c) *Reify on your Text, Cases, Course Notes and Personal Outlines* — Go easy on seeking out esoteric information in law reviews, treatises, and hornbooks. Do not eschew your own note-taking or outlining when you discover commercial outlines. Commercial outlines are likely to give you hundreds of rules which

II. Writing Law School Exams

There is no single correct way to write an answer to a law examination. Students using many different types of writing techniques have done well in law school and have passed bar examinations. Students who have a good foundation in the law and sound reasoning ability will favorably impress the instructor, even though they lack the upper class writing style discussed in the article.

Good answers are usually easy to read, clearly expressed, and well organized. They demonstrate the student's ability to recognize issues, apply the appropriate legal principles, theories and rules, and convincingly utilize both the applicable law and given facts to support the conclusion reached.

Poor answers are predictably hard to understand. They tend to ramble, ramble and disorganized with long and difficult-to-follow sentences. Grammar, punctuation and spelling often are poor. Few teachers consciously downgrade papers because of poor grammar, but such defects in form do make a good impression, particularly where the answer fails to mention major issues, provides erroneous law on basic points, and resolves issues merely stating unsupported conclusions.

To avoid these common problems, the answer must be written in a form that ensures that it reflects the student's knowledge and analytical ability. The following are some suggestions for the student's recommendation on this) and then adhere to these time limits.

1. *Schedule your time.* Determine how much time you can devote to each question. Set aside the professor's recommendation on this) and then adhere to these time limits. Read, think, then write. Spend no less than one-third and preferably one-half of the time available on each question reading, organizing and outlining your answer. Read the question at least twice. Be sure you understand and have noted on scratch paper all the issues. Generally, you should devote no more than 10% of the time to the question. Red herrings are rare. Strike through or underline facts in question as you proceed to insure of all of them. Do not assume facts. Example: If A and B are said "to have an agreement," this does not necessarily mean they have an enforceable contract.

3. *Organize answer in logical sequence.* A chronological sequence is effective except where the rights of several parties must be given, in which case these rights should be reviewed in turn together with defenses to such rights unless the question specifically advises otherwise.

4. *Outline before you write.* Note in your outline what legal rules are applicable to your facts and how you will use them. If your answer is well thought out and outlined before you write, you are unlikely to have a shorter, more logically organized answer which is more likely to enhance your grade. But, as a practical matter, there is only time for writing in an organized fashion.

5. *Remember to whom you write.* The professor who grades your paper must read the papers of up to 200 other students. He will try to wince himself away from even the thickest morsel of unorganized verbiage, but he is only human and can be expected to greet more favorably the student who demonstrates knowledge of the law if the few legal points are set forth in a coherent and logical, i.e., lawyer-like fashion.

6. *Develop a writing technique.* It will take will power, but at least some of your precious studying time should be devoted to actually writing out answers to old exam questions. This practice will enable you to test the effectiveness of the suggestions in this article and to develop your personal techniques, skills that will prove most valuable during the stress of the exam.

One effective technique follows the style of a good judicial opinion. Each question will likely include several major issues. Divide your discussion into separate issues and cover one at a time. For each major issue:

a) Begin with the conclusion — It makes it easy for the reader to know where your answer is headed. If rights and duties of several parties must be given, it may be more logical to deal with the major issues as you respond consecutively with these rights and duties.

b) State the specific legal issue involved — In the context of the facts given (without simply repeating the facts) set forth the legal issues raised by these facts.

c) State the legal rules applicable to the factual issues — Many students believe that since the examination will be read by one fully conversant with the rules of law, it is unnecessary to include explanations of the law as part of an examination answer. This is a misconception. A brief explanation of the applicable law is an appropriate part of your answer. While it is true that the teacher will know the legal principles involved in the problem, he or she should be called upon to use his or her knowledge to supplement your answer.

d) Do not do a write a thesis or general dissertation on the law. Every sentence should serve both to communicate information and build support for your conclusion. Volunteered statements or abstract, inapplicable law will detract from your answer. They don't demonstrate the student's ability to think, but merely his memory of a few basic legal rules.

e) Of course, those principles of law required by the facts must be stated accurately and should be set forth with clarity. Do not ramble. Make sure that every statement of law fits into the answer being addressed. The answer should be succinct, but should not be overly terse. Remember, representing a student's best effort, the student used in learning the elements of the principle or rule.

f) Set forth your reasoning demonstrating why in the context of the given facts a particular rule(s) should be determined by the legal issue. If there is another view, indicate your knowledge of it and tell why you reject it. Then, state the conclusion. Decide the legal issue presented. Do not leave your answer dangling. Resolve the specific issue presented in the question. Make a clear transition to the next issue.

g) Whatever the technique, try to leave time at the end to reread your answer. Inevitably, you will discover errors and remember the points that will strengthen your answer.

Finally, a few general suggestions on presentation:

1. *WRITE CLEARLY.* If you are experienced at typing exams, do so. If not, best not to experiment now. Do not write legibly only on the last page of the exam and if your handwriting is poor, write on every other line.

2. *KEEP YOUR SENTENCES SHORT.* Do not try to express too many thoughts in one sentence. Clarity of expression is very important on examinations. Shorter sentences are easier to read and understand.

3. *PARAPHRASE FREQUENTLY.* Most students write by rote and regurgitate without any paraphrasing. It is suggested that you refer to your casebooks and test materials frequently. If a particular page contains no paragraphs or the paragraphs are overly long, you will find that you tend to approach this material with reluctance. You should not add to the examiner's fatigue by making your paper. This paraphrasing may be your answer saved.

And, some practices to avoid: 1. *PHRASES SUCH AS "FEEL" OR "I BELIEVE."* These phrases are usually avoided as a substitute for reasoning should be avoided. For example, a statement by the student that "I feel defendant was reasonable" is not helpful. The use of the first person is not particularly objectionable. However, generally a more impersonal approach is preferable, e.g.,

"it would seem," "plaintiff might contend."

2. *DOGMATIC EXPRESSIONS SUCH AS "CERTAINLY," "UNDOUBTEDLY,"* These terms are usually avoided for reasons. It is much easier to state that "certainly the defendant was reasonable" than it is to explain WHY he was reasonable. However, credit is given for explanations, NOT conclusions. Also, such words inflexibly commit the student to a particular position on points which in most cases are arguable.

3. *REPETITIVE PHRASES.* Students occasionally tend to overwork a certain phrase. For example, if you begin every other sentence with "it could be argued" or some similar phrase, the reader's attention is distracted by the constant repetition.

4. *MISPELLING OF COMMON LEGAL TERMS.* Some legal terms are used so frequently that it creates a very unfavorable impression if the student has not learned the proper spelling. EXAMPLES: heresy, statute (for statute), trespas, homicide, breach.

5. *PARENTHETICAL EXPLANATIONS.* The use of parenthetical phrases tends to break the continuity of a sentence and should be avoided for that reason. Lengthy parenthetical explanations are more effectively presented as separate sentences.

6. *ABBREVIATIONS.* Limit your use of abbreviations to those in common usage. Do not use such law student abbreviations as "for contract." Also, if the problem refers to the parties by specific names such as Adams and Brown, do not abbreviate these names rather than the abbreviations A and B.

7. *DISPLAY OF VOCABULARY.* Do not consciously attempt to display your vocabulary. You should strive to express yourself simply and clearly. A student who reaches for a big word into the dictionary and uses it incorrectly, thereby defeating his purpose and confusing his discussion.

8. *INCOMPLETE SENTENCES.* A smooth essay style calls for properly constructed sentences. Do not express yourself in fragmentary phrases. "Could be battery here. Probably not. Depends on reasonableness."

9. *LENGTHY INTRODUCTIONS.* As a general rule, the reader is interested in your analysis of the issues of the particular problem. A long, general introduction leading into a discussion of the issues is likely to be skimmed over or ignored. If therefore represents a poor investment of time.

10. *RECAPITULATION AT THE END OF YOUR ANSWER.* A lengthy recapitulation is like a repetition of points previously made and conclusions previously reached. If the student has one point of reservation, the probability he has not adequately discussed the issues in the problem.

The Dissent is an independent newspaper published quarterly by the University of Oregon Law School Student Bar Association. Opinions expressed herein are those of the respective authors. *The Dissent* welcomes articles and comment. All submissions must be signed.

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Mike King

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EUGENE, OREGON 97403

LETTERS TO THE EDITORS

To the Editor:

Judging from the last issue of *The Dissent*, it appears that the dim-witted students and faculty of this school have finally gotten what they asked for: a bland newspaper! If I read one more article on Minoru Yasui, I'll vomit! (Come on, Peggy, give us a break!) And the Dean's article on financial aid wasn't all that exciting either. In fact, the spiciest thing in the whole paper was the recipe for Cauliflower Soup!

But the saddest part of all was your removable insert called "The Not Funny Page." Come on—do grown men and women have to be warned in advance when something is supposed to be humorous or satirical? Heaven forbid if a "Not Serious" article mistakenly gets put in the serious section of your paper! You'll have students and faculty so confused, they'll surely shut down your presses for the rest of the year (or until a committee can be formed).

As for me, I can see that I'll find more interesting reading in the *Oregon Law Review*.

Your pal,
Ben Tesdahl

To the Editor:

During the recent Toozee controversy, I was one of several students who circulated a petition requesting signatures in support of a letter which suggested the Placement Office re-evaluate the hiring policies of Toozee, Kerr, Marshall and Shenker and perhaps bar the firm from interviewing on campus. The response to that petition was quite varied and a few of those responses deserve some comment.

One major misconception surrounding the letter and the petition was that we were requesting that Toozee change its hiring policies, to discontinue the use of sexual orientation as a criterion for or against hiring an individual. As future lawyers it is imperative that we learn to read and comprehend what's actually printed on paper in any written statement before we begin reading in addition before that aren't there. The letter clearly stated that we were interested only in a clarification of the hiring policies of Toozee and, if the firm discriminated against applicants (or for, for that matter) on the basis of sexual orientation, that Toozee not be allowed to use the school facilities for interviewing. This is a far cry from demanding a change in hiring policies. Any private firm "should be able to hire anybody they want" and "nobody should have to hire someone they don't want." (comments I so frequently encountered; it simply should not be allowed to use attributes unrelated to job performance as criteria for hiring when interviewing through the Placement Office).

Another response to the letter, the response which gave me the most pause, was that discrimination on the basis of sexual orientation was perfectly justified and that no one should ever have to hire a "fruitcake," whether sexual orientation was related to the job qualifications or not. It occurs to me that the bigotry and bias of the most sort of opinion can best be exemplified by a few substitutions in a phrase in Mr. Toozee's letter. The original statement in Mr. Toozee's letter: "I think it's highly improbable that we'd ever hire a fruitcake, but if we did, it would be because there wasn't a problem," I think it's highly improbable we'd ever hire a kike, but if we did, it would be because there wasn't a problem." Or,

"I think it's highly improbable that we'd ever hire a nigger, . . . or, 'I think it's highly improbable that we'd ever hire a broad, . . . spick, . . . Republican, . . . WASP," etc. I think the danger of such an attitude is obvious.

(The issue is simple: in a democracy such as ours, should public resources (i.e., university facilities) be used to foster discriminatory attitudes? The obvious answer is no. If your answer is yes, then everyone who isn't Aryan better head for the hills.)

Lois Day

To the Editor:

The not-so-hallowed halls of this law school reverberate with the cries of "bring back the *Dissent* as we used to know it." Apparently, there is a significant level of disenchantment with the alleged "new look" to the paper. One hired member of the faculty was quoted as saying, "I preferred the *Dissent* when it was scurrilous." Others obviously share that sentiment. However, these critics have missed the point.

In the past, the *Dissent* has been soundly criticized for two "failings": not carrying "hard news" of the law school; and for publishing "offensive" material. As a result, the SBA formulated an interim policy for the *Dissent*, placing the paper under the direct control of the SBA.

The *Dissent* is now required to reserve space in each issue for law school news. This year's editors have actively encouraged student organizations, the faculty, and the administration to submit news for publication.

However, the SBA recognizes the value of a student paper that will take a critical stance on the issues. The *Dissent* actively encourages contributions that reflect student ideas, whether or not these ideas are irrelevant, controversial, or satirical. The *Dissent* is under a mandate to publish everything it receives from students, subject, of course, to space limitations and the laws of libel and slander. The only change in policy from past years is that the authors of articles must sign their articles.

The *Dissent* will normally publish authors' names with all articles. Pseudonyms will not be substituted for an author's name. In rare cases, and at the discretion of the *Dissent's* Editor and the SBA President, a name can be withheld upon request. However, the author must still have signed the article before submitting it.

Generally, the only reason that an author's name would be withheld would be where the author would be subjected to extraneous, unreasonable personal or professional attack for having expressed a view or for having presented particular information.

A final note: if students, and others, object to the contents of their newspaper, they have an obligation to submit material that more accurately reflects their desires and opinions. The *Dissent* can be no more interesting than its contributors. There are a lot of intelligent, creative people in this law school. Instead of complaining in private, they should start writing!

Ken Ford
SBA President

Dear Editors:

First, I compliment you on your campaign to raise funds for *The Dissent* through selling ads to local businesses. Unfortunately, therein may lie the problem, as the format of the paper seems to have been changed to avoid offending anyone (i.e. the advertisers). The last issue of *The Dissent* was not unlike my old high school newspaper, which is fine if that is the purpose of the publication.

As a fan of the old *Dissent*, I believe the paper was meant to be satirical. True, some of its contents in the past went past the threshold of satire and into the realm of bad taste and offensiveness, but that is the risk a satirical publication must take (e.g., *National Lampoon*). Even the cartoons on Phil's locker probably offend some people, but, thankfully, that doesn't stop him.

Perhaps the advertisers would not want to put their names on a page of questionable material. There could be a few "serious pages" for them which could also include articles of the type which dominate the last issue, but these pages should be the exception, not the rule.

As Prof. O'Fallon said, "I liked it better when it was scurrilous." He's not alone. A "dissent" implies a disagreement with the norm. With the present format, perhaps you should change the name to *The Concurrence*.
David Zwink

Dear Editors:

Your article on Cat Killing in West Germany was contemptible. When 300,000 creatures of any life form, whether human or animal, have been shot, poisoned, strangled, axed or thrown from balconies, they should not be the subject of cheap humor.
The First Year Class

To the Editors of *The Dissent*:

I was upset (and disappointed) by the October edition of *The Dissent*. Particularly bad was the trashy article on the library and its administrators. As an entering student, I never imagined that editorial policies of the student paper for this fine law school permitted publication of irresponsible articles by anonymous authors. I am now advised this benevolence is authorized under the guise of student rights and freedom of the press.

My concept of journalistic freedom is somewhat different. I balance criticism with responsibility to the reader, freedom with restraint. It is not an anomaly (at least to me) to believe the most rewarding aspect of media freedom is the exercise of self restraint. Some very good newspaper hold that such a doctrine has a dual purpose; namely, the doctrine upholds the ideal of professional competence, while insuring perpetual First Amendment liberties in a complicated social order.

Of course, I am always skeptical of those who demand media anonymity in the name of freedom. Granted, traditional humor in a student newspaper is one thing; "free shot" vindictiveness we don't need and shouldn't desire in our law school newspaper.

This letter is to advise you of my resignation from the staff of the paper. Accordingly, and in protest of the present policy, please excuse my name from the masthead of any future editions.

Craven Young

Dear Mr. King:

Your debt has been recalled.
Dr. R. Ramsey
School of Journalism
Steven F. Austin State University

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POETRY

Mountain Evening

Gnarled roots clutch the merciless stone
Like arthritic fingers no longer pliant
Trees bear limbs stunted by their
Winter coats of storm-leavened whiteness
The serrated crest towers above the
cradled lake
Shadowed chimneys reach toward the
deepening blue
Bathed in the rose hues of the setting sun
The mountain shimmers with the softness
of alpenglow
The saddle's smoother contour is
silhouetted
Against the purple stillness of the
northern sky
Flickering shadows from the snapping
campfire
Dance on the greying trunk of a long-
fallen tree
The wind-chopped lake hushes to
nocturnal placidity
As its tree-fringed surface is ignited
By the quicksilver of the rising moon
And the inverted crest looms in the
obsidian waters
Across the wilderness miles to the south
Banner and Ritter command the
indomitable heights
Slumbering through the icy Sierra night
'Til their meadow flowers awake in the
morning splendor

Dust in the Inner City

Soft sifting across the gum-spotted
sidewalk
Escapes the shuffling feet of a weary old
man
Listless dogs sniff the guest register of
the hydrant
Windows are thrown wide to the
evening's mugginess
On the front stairs solemn men talk the
day to an end.
Children run laughing across the street
Escaping the impatient drivers of too-
powerful cars
Excited by their games of tag and kick-
the can
They open their hearts to the treasures of
childhood
And leave the talking to later and sadder
days.

Water

Tracked by a canoe's silent wake
Cleaved with the foamy precision of a
bowspirt
Exploded skyward by the marriage of
rock and comb
Misted in prismatic brilliance beneath a
fall
Mirroring peaks in half-thawed
abstraction
Reflecting shadowed cloisters after the
rain
Carrying russet leaves in Autumn's
regatta
Bathing the sculptor's proud creation
It transcends from placid sea to ominous
thunderhead
Returning in the languorous sweep of the
river
Which of man's elaborate distillates
Can boast such perfect usage?

Evolution

Plants scatter random seeds
Hoping for reproduction.
We need not worry such
Only two to take action.
'Long as we shoot our seeds
In the correct direction
With electricity
Making a tight connection.

And as the current flows
Lightning from the erection
So we repopulate
In an act of perfection.

Conversation

To save oneself? he said
Yes, I said, to bring out everything
that is within — one's thoughts,
ideas,
dreams, desires, feelings. Not to
force them, to share them in the holy
court of communication.

Then what?
To live them in action.

by robert john

Phi Delta Phi

Chase Inn, the University of Oregon
School of Law's chapter of the na-
tional legal fraternity Phi Delta Phi, in-
itiated 12 new members into the
chapter on November 11.

The initiation was held at Professor
Randolph's Eugene home. David
Bartz, our Province President, and a
1983 graduate of the U of O School of
Law, presided over the ceremony.

The new members are:

Donald Ahar
Victoria Barr
Jeffrey Beaver
Kenneth Chan
Kahlil Day
Duncan Fields
Thomas Fraser
Steven Green
Gayle Kverland
Loralee McKee
Wade Regier
Mark Sierra

In October, several members of the
fraternity were taken on a two-
hour tour of the Oregon State Police Crime
Lab in Eugene.

—Karen Altman

the ants are in the cupboards again...

the ants are in the cupboards again
eating honey
last night they were in the refrigerator
eating dates
yesterday morning they were in the
pantry
eating bread

before that
they were

in the livingroom eating incense
in the bedroom eating cough drops
in the shower eating public hairs

when I first moved to eugene i hated
ants
but now they taste rather good
in the honey
in the dates
and in the bread

by dennis gert



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SCURRILOUS

the not serious page

Supreme Court Reporter

by David S. Curcio



Case Name: *Defendant v. Schlitz Bottlers Co.*, 127 Ed's 243 (1983).

Facts: Roger Defendant, a fifteen year old confirmed schizophrenic alien non-resident, walked into a tavern owned by Gayle Respondent to use the public phone. He called Arthur Appellant and orally agreed to walk across the Brooklyn Bridge and now Appellant's 750 acre backyard within the next thirteen months in exchange for a seven-foot-diameter peppercorn. Appellant told Defendant that the area was covered by "rather tall weeds," but failed to mention that they were in fact oak trees. Lawrence Petitioner, a licensed electrician and patron of the bar, noticed an exposed electrical wire hanging out of the ceiling above Defendant's head and commented on it to Respondent, who made a vague reference to some electrical tape she had in her pocket. Just then, Charles Plaintiff, under threat of death from his armed employer, deliberately set fire to a gas station four blocks away. Due to extremely unusual wind currents, the fire spread to Fred Justice's passing limousine. Justice, unaware of the conflagration on his hood, continued driving. When passing the tavern, Justice had an epileptic seizure and lost control of the car. (His medication had been delayed in the mail since his doctor had not used adequate postage.) The car careened into the tavern. Defendant, who had slipped into an hallucination, thought the car was the Schlitz Mali Liquor Bull and jumped up, elated. His head hit the wire and he was electrocuted. Still breathing, he was loaded into a cab driver's Grenada. While taking the scenic route to hospital the car swerved off the road in order to avoid a Marine who had parachuted into the road. Defendant was pronounced dead by a passing gynecologist.

Procedure: Defendant's mother sued everyone. Justice's doctor impleaded the U.S. Postal Service. The government petitioned for removal to an orbiting space chamber. Appellant filed a counter claim seeking specific performance from the 85 year old woman on her son's contract.

Issue: If a person is killed by either an act of war or a bizarrely unique rare contractual situation, can the trial judge prevent removal of the resulting action to federal court by threatening the family of the U.S. attorney?

Holding: Don't bother us. We don't care.

Reasoning: The court found itself hopelessly confused and broke for lunch. In the meantime, the plaintiff was found to be an imposter, and the case was thrown out amid laughter.

So, you see, briefing isn't too tough if you just see the key facts and the real blood and guts issue. Often, the effort involved in making a good brief consists of the relatively simple act of placing a nickel in a Xerox machine.

But, hey, enough about briefing. Here's this month's quiz: You are sitting in class, minding your own business, when the professor looks right at you and asks for volunteers. You should:

(a) Mumble something about the price of German shepherds and conspicuously scratch your head with your white cane.

(b) Wink and pull out your checkbook.

(c) Stand up and lead the class in a rendition of "For He's (She's) a Jolly Good Fellow (Broad)."

(d) Answer the question to the best of your ability and then puke quietly into your casebook.

"Overalls on cows are redundant."
—Anonymous.



Photo by Marian L. Naden

Prof. Mooney forces a smile while making a mental note to remove the 20 bishops material from his Contracts B repertoire. He added that "The costumes were all very cute, and he enjoyed the magic show, but most students would probably still receive C's."

Oral Roberts University Adds The Dissent to its Required Reading List

Oral Roberts University today joined a growing list of institutions that have placed *The Dissent* on their required reading list. "Life on earth was not intended to be exciting," stated one Oral professor, "and *The Dissent* leaves no question as to its position on this issue. Too much excitement or controversy can lead to dancing or might cause a student to register with the Democratic party. To stifle is golden and at O.R.U. *The Dissent* is 14K."

—M. King



Two questions, three hours

Dissent Uncovers Male Prostitution Ring in Law School Raid

After lengthy investigation, *Dissent* reporters have linked three law students, in positions of high public trust to the AJAX ESCORT AND LANDSCAPE SERVICE. The students, identified only as "Affordable Ford," "The Beav," and "King Kong," confessed to *Dissent* reporters that their service has been in full swing since early 1978, but due to the local economic situation, they haven't had any customers yet. "Affordable" said that "The Beav" did get a phone call last semester, but he got so excited during the call that the "date" had to be cancelled.

The students say that they opened their business to give the female population a break from the tall, charming, handsome, athletic types usually forced upon them. Although they don't have much professional experience, the trio lists some prior "pro bone" work during their twenties, but could not provide any references.

Also seized during the raid were some gold business cards which read: "Hey, Babe, it's Miller Time," and listed the SBA office phone number.

—M. King
Investigative Reporter

FOR YOUR INFORMATION:

According to statistics provided by the Council on American Toilet Safety, more Americans die in their bathrooms than in any other room, including small laundry rooms located above or behind garages. Half of the accidents involve persons consuming alcoholic beverages. Arthur Bricks, Chairman of the Council, issued the following recommendation: "If you drink, don't shit and, if you shit, don't drink."

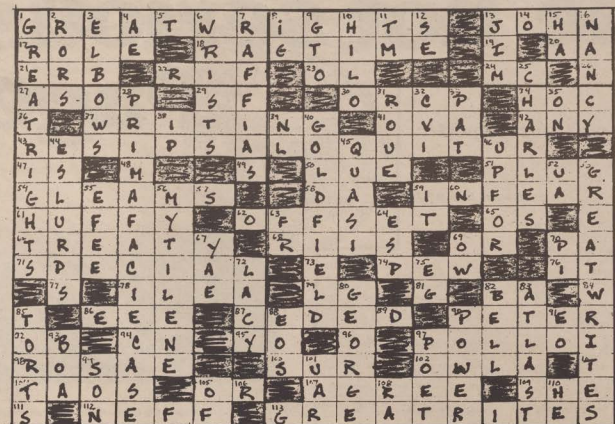
"Divine or natural law is indeed the highest form of law on the planet. In our nation, each individual has the constitutionally protected right to guide her or his life by accepting and interpreting a version of higher law. In order to protect this free expression, the state must be bound by the lowest form of law, that created by humans. These laws arise out of compromise and debate over what is needed to

preserve social order; they are not necessarily moral.

"Divine law, however, is a rigid interpretation of what one believes to be morally right. It cannot be compromised and there exists no universally acceptable version. Thus, it cannot be used as a basis for human law. When the state allows its destiny to be guided by natural law, persecution and doctrinaire policies inevitably result."

—Bob Barker,
"The Price is Right"
(or something like that...)

by David S. Curcio



Mosner Goes to Moscow

Most students don't even know Matt Mosner. Those who do, know him as a quiet, intelligent, good-natured human being with a flamboyant roommate. A few even know that Matt speaks Russian fluently, writes English brilliantly (Oregon Law Review staff), and studies law occasionally. On November 15, however, Matt was informed that his "low profile" existence was in for a drastic change: Matt was selected to represent the United States as a member of its International Debate Team. The Team of three will tour the Soviet Union for three weeks in April of 1984.

Matt's selection was the end result of a nationwide selection process conducted by the Committee on International Debate and Discussion of the Speech Communication Association. Matt qualified for his tour by surviving an initial screening, a language proficiency test, interviews, speeches, and a last-minute trip to Washington, DC for the final evaluation. Matt would have been unable to make the trip to Washington without the efforts of Dean Bell to secure funding with less than a week's notice. (Rumor has it that funding came from money that had been set aside for the L.A.P. courses. No too course, they will not be offered. Too bad.)

The interviews in Washington, DC were grueling, to say the least. Not only did the interviews begin at 8 a.m. Eastern time (which translates into a groggy 5 a.m., Eugene time), but Matt had to display his knowledge of Russian history, literature, and politics. The candidates were even watched during lunch for their social interaction skills. Yet, even with spinach between his teeth, Matt excelled in all the desired categories.

During his tour of Russia, Matt and his fellow debaters will address packed crowds of Russian students and citizens. The tour's main topic will be

the responsibilities of the United States and Russia to the Third World. (Responsibilities other than invasion, that is.)

Matt's selection represents a high honor both for him and for the school. The students and faculty of the U of O School of Law wish Matt the best of luck. One problem, Matt: the Law Review staff wonders how you will do your cite-checking assignments for April. (Is there a Russian version of the bluebook?)

One added note: The U of O may have two international debaters, as there is also a New Zealand trip in the planning stages, for which Sean O'Rourke is a potential member.

—Susan Randall

(Do I get a byline?)

Ethics Prof Included in Questionable Behavior

"A lawyer shall not . . . neglect a legal matter entrusted to him." DR 6-101(A)(3), ABA Code of Professional Responsibility.

On Wednesday morning a disillusioned group of students filed sadly out of the classroom in which they had hoped to receive a pre-ethics-exam pep talk from the "Old Master" himself, Prof. Clafin Carp. Prof. Carp, who is a former dean of the law school, and who teaches Legal Profession, had scheduled the review session weeks in advance, and had even confirmed it in class the day before. Now with just two days remaining until the Multi-state Professional Responsibility Exam (MPRE), panic had set in.

"I'll never pass the exam now," mourned one despondent third year student. "All my hopes were riding on Clafin."

"This is a classic case of detrimental reliance," quipped another. "If I had known he wouldn't be here today, I would have studied for the MPRE on

my own time. Sheesh."

Later, despair turned to anger. After several hours of self-consolation at Rennie's, the students were ready to bring Carp before the state bar for disciplinary proceedings. But try as they would, they were unable to figure out what the charge might be.

Indeed, the Old Fox had outflanked them: they simply could not comprehend the Code without his advice. But perhaps the last laugh is on Clafin Carp. As one student remarked, "After I graduate, I'll still have his phone number."

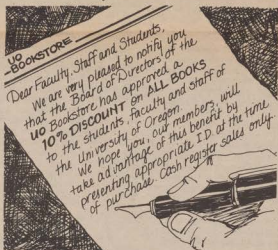
—Steve Hallock

I goofed. This voluntary meeting for Multi-State exam takers was rescheduled several times and I failed to get it down on my calendar. I did meet several students the next day.

Moral: Don't volunteer to undertake charitable works unless you follow through.

Steve: My phone is 686-3863.

Chapin Clark



Philling In, Philling Out, Philling Off

Who is that creative force behind locker #5, the locker of vaguely perverse cartoons and left field ramblings? What is the "Work Ethic Productions" stuff anyway? Why the logo of that militantly punk man with work-on-the-brain?

The force with us is Phil Northrup, of Philadelphia via Nashville via his very own space.

Law school has its share of desperadoes, but this one is unique. Phil (or Philo, his pen name) concentrates his energies on extracting and creating art where you would think it couldn't exist. Want an example? Okay, how about ethic: the xerox machine and work ethic stationery.

One has only to go to the Warehouse Artist Studio at 385 Lawrence to see the only life-size xerox self-portrait in town (see photograph). *The Dissent* asked Northrup about this unique form of self-expression:

DISSENT: Let's talk about the self portrait.

NORTHURP: Okay.
D: I think it's really interesting... I mean basically you crawled all over a xerox machine, right, and spliced yourself back together?

N: In a nutshell.

D: And used some watercolor wash...
N: Well, it's a tad bit more involved than that, but that's close enough.

D: Can you verbalize your use of xerox technology?

N: I'm fascinated with the xerox machine, firstly, because it is immediate feedback and it allows me to get the visual effect I want, using a trial and error method, very quickly. It also is an interesting medium, as it is on a visual plane somewhere between two dimensional and three dimension. It distorts.

D: How does it do that?

N: By distorting shadows and mass in a somewhat haphazard way. I am fascinated with integrating technology and creativity.

D: Is that you in a nutshell?

N: Partly. Another important aspect of the xerox is its accessibility both in terms of availability and price.

D: A classless medium for the artist?

N: Almost.

D: A nickel a shot.

N: I like that because it makes it more of a challenge and at the same time it makes it easier.

D: How do you mean?

N: The challenge. Instead of being one of expense, diligence or method, it becomes one of innovation.

D: What you do with what you get?

N: Yes. Akin to building things from found objects, or assemblage, or collage.

Indeed, Northrup builds those too but let's focus on the second example, work ethic stationery. The stationery, or "work pad" as he calls them, represents a marketable version of the rest of the Philo artworks. The symbol of the stationery company (Work Ethic Productions) is a statuette punker replete with shades, earring, and woodax (see figure). We asked how this vision emerged from the brain of a law student.

D: How did the work brothers come about?

N: Well, it's a little graphic design, a little angst, a little humor, some sharp sunglasses and he's ready to work!

D: The first impression is real comical; it's a combination of a real gung-ho almost militaristic figure—but it's definitely counter culture.

N: While I didn't construct them with any preordained purpose in mind...



D: That's what art is about.

N: Oh, good.

D: Law school's role seems to be that of a catalyst. A source of pressure which forced art to new heights within a previously mild mannered graduate student. But why stationery?

N: It's meant to be a base. That's why the stationery format is so appropriate because it's something that one uses to write on and communicate with, not just something to look at.

D: Art you can use.

N: Art you can use.

—Timothy Travis

Revolution

On the first day of class he chided us for not demanding revolution in the curriculum. I had heard this rap before, but that was more than ten years ago, in sociology and political science classes. And, in those revolutionary days, we heard this line from graduate teaching assistants and a few daring young associate professors. But revolution? This is the eighties. And this fugitive from prior restraint was the Dean. Of the Law School.

Then he talked about dividing the class into "quality circles," each to write a question for the midterm. Midterm? That was the other indication this would be different. Consider-

ing the meager development, to date, of my development toward "thinking like a lawyer" different was not what I sought.

Different is what it turned out to be. And I am not the only one who thought so. We ended up, however, toasting the Dean at the banquet. Banquet? Well, yes.

As each quality circle worried a question into existence much anxiety was expressed. We were to grade what other students would write on our question. That proposition had a scary flip-side. As the time grew near he had to tell us, with an expetive for emphasis, that he wasn't leading us

over a cliff. It would be a positive experience. After all, the midterm was to be a pot luck dinner. Pot luck? Then Duncan Fields said that he would donate salmon. And that's how the banquet came to be. Around these free fish was arranged a banquet in the Gerlinger Lounge. The Gerlinger Lounge antiques and carved paneling and pianos and paintings and fireplaces that have not passed smoke in fifty years. You saw it in *Animal House*. Someday my office should be appointed like the Gerlinger Lounge.

I have written better exams, probably, but not learned more preparing for one. The process, as the man said,

works. You have to put a lot together to write an exam question.

On law school orientation day, last year, Professor Greene said we should welcome this anxiety, reach out and embrace the insecurity. It was she the Dean replaced to become our professor for his Con Law course. We did embrace the insecurity, as one grasps a rip chord.

It was a delicious banquet dinner. We had laughs and toasted everyone we could think of, including, as I said, the Dean. He is obviously out to change some things around here. I hope he fares better than those graduate teaching assistants and daring young associate professors used to.

Moot Court Teams Chosen

During the past two months the Moot Court Board has conducted the Moot Trial and Client Counseling Competitions. Both competitions ran very well and the Board would like to thank all those students who participated.

The top four competitors in the Moot Trial Competition are Laurie Abraham, Mark Sierra, Susan Burke, and Doug Fong. The problem was a criminal case in which the defendant was charged with murdering her husband. The defense's argument was that the defendant was a long-time victim of wife abuse and had acted in self defense. Competitors had the opportunity act as counsel for both the prosecution and the defense. The top four competitors will travel to Brigham Young University to compete in the regional competition in February.

The Client Counseling competition was a wonderful response in the number of competitors this year. Twenty-one teams, forty-two students in all, participated in this competition. The problems involved the area of landlord-tenant law. Student actors from the University served as clients

whom the teams had to interview and advise. The competition came down to three very good teams, two of which were First Year Students. Dana Stotsky and Charlene Woods, Third Year, were selected as the top team by a panel consisting of one attorney and one psychologist. They will represent our school here in March as we host the regional competition.

The Board is now working hard on the AAA and First Year competitions, which will be held in the Spring. Please watch the Moot Court bulletin board next semester for more information.

One further note, Matt Mosner, a Second Year board member, has been chosen to represent the U.S. next April in a debate with the U.S.S.R. He will travel to Russia along with the other two debate team members. The Board is very proud of Matt and wish him the best of luck in the debate.

Moot Court Board
Susan Burke, Patrice Smith, Grayle Brooks, Ray Warns, Steve Lipson, Ron Cook, Victoria Barr, Steve Faust, Matt Mosner, Clayton Lance

Miscellaneous

The 1983-84 Oregon Law Review staff extends its congratulations to the 1984-85 staff:

Suzanne Anderson
Jeffrey Beaver
Chuck Bowers
Don Corson
Steven Brown
Ann Fitzsimmons
Paul Glaser
Robert Goodman
Evelyn Henry
Wade Kenon
Ann Lyons
Matt Mosner
Richard Mott
Sean O'Rourke
Terry Schnell
Diane Wiley
Bruce Wishart

Law School Top 5:

"Every Tort You Fear" by The Law Enforcement Officials
"Sweet, Unconscionable You" by CJ and the Briefers
"Pleas, Pleas—Tell Me Now" by The Notice Pleaders
"I'm Voiding in My Pants Over You" by Lethal Dose
"Hey, Hey, Hi, Hi, We're Insane at the ALI" by the Legal Loonies

ONE-STEP JOB PAPERWORK:

Resumes, cover letters and envelopes. Computer stored for quick up-dating and changes. See Chris Jessup, locker 389, for samples.

All candy bars 25¢ on Fridays

at your
Bookstore

Third Year Class Notes

★★★★★★★★★★

Holly and I would like to thank all those who helped make the Fall Ball possible and even a financial success—\$94 in the black! We would especially like to thank Dean Bell who came to the rescue again; Gordon Mallon who went out on a limb and never regretted coming back in; Roy Yakulic for leading the fight and selecting the music; Becky Craven for delivering me to the OLCC; and James Covington and Wendy at EMU Food Services for their infinite patience and good ideas. We also thank the SBA for the \$100 loan and all of you fans out there in movieoland who came and paid. Thanks. (A raspberry for Collier House.)

Graduation plans are moving right along and Dean Gordon brings us tidings of great joy—South Eugene will miss us this year and we will march down the aisle of the Incredible (Edible) Hult. Judge Ed Allen of Eugene is helping with Commencement on behalf of the Alumni (who are hoping we will all leave the state right after graduation) and is out there checking the price of champagne right now.

The current plan is to have Commencement early in the day—around eleven—and have a champagne reception back at the Law School afterwards. The Alumni Association is planning a Centenary Celebration Dinner/Dance to which the Class of '84, families, friends and everyone else is cordially invited. The highlight of the Alumni dinner is that dancing will be substituted for speakers. Music will be provided by the biggest swing band we can afford. Which brings me to a good point: Money.

Without money none of us would be possible and neither will our Graduation Day. The Class is responsible for the champagne reception after the graduation exercises and a few other

miscellaneous items like music to march down the aisle by, flowers and the like. \$94 isn't gonna do it folks. In addition, the graduation committee has received a suggestion that we give ourselves a big party on the Thursday before graduation (graduation is on May 19, 1984, for those of you who didn't know). Parties cost money, too, so how about some fund-raising ideas. Those of you with job offers, hit up your firms. The rest of us, call your mother first and then the unemployment office. The graduation committee will meet at the beginning of January to get the funding of our celebrations off the ground. In the meantime, these are the tasks members of the committee have taken on (you will notice that there are a few open spots for volunteers):

1. Music—Gayle Brooks
2. Food—Kristi Wallaces
3. Design for Invitations and Programs—OPEN
4. Photography—Holly McLean
5. Music to dance by—OPEN
6. Fundraising—OPEN

The following are tasks for all of you members of the Class of '84:

1. Class Marshall—We must choose a Class Marshall. The Class Marshall is the person the Class chooses to honor with the job of leading us into the ceremony and calling off our names as we receive our diplomas. I guess the Marshall may address the class if invited to do so. Last year Prof. Wilkinson was honored and it is a position traditionally awarded to a favorite faculty member; however, research and reference to the local authorities has revealed that nothing is written in stone. Nominations for Class Marshall will be taken by secret ballot early in March and the class will vote on the nominees later in March.

2. Platform Party—Dean Gordon

has suggested that the class nominate persons it would like to honor with an invitation to come to graduation and sit up on the stage with J. Blackmun and the Dean. We should extend our invitations soon, as no doubt your nominees will be important people with busy schedules. Nominations will be received in the Class of '84 box in the SBA office until the day of the SBA general elections for Vice President at which time the nominees will be proposed as a slate for ratification by the class (see, Prof. O'Kelly, I did learn something). Negative votes on particular candidates will be taken as write-ins. Please bring your nominations to the SBA.

3. The Class is responsible for making suggestions and lodging objections with the Graduation Committee and its representatives, Holly and Molly (queer, kids, I know). If you don't tell us what you want or don't want we can't do anything about it. (Of course, we may not be able to do anything about it anyway. . .) But please leave your comments and ideas in the box in the SBA office. Send us your thoughts, your tired, your poor, huddled . . .

—M.G. Holt

*Coup in the Nordic Sweater Club:
Craig Erickson Ousted!*

Wednesday, Nov. 16, 1983, will be remembered as a day of historic significance for the U of O Law School Nordic Sweater Club. Dictator Craig Erickson, who had been losing his political backing over the past year, has been ousted as the leader of the Nordic Sweater Club and has been reported to be exiled in some secret Law Review Retreat.

At this time no new leadership has emerged but an expected play for Craig's position is expected from members of the old administration. There have been rumors of a grass roots movement organizing an election to be held in the next few weeks. Professor Jon Jacobson has already pledged support for the new movement.

For Nordic Sweater Club Solidarity Day coming in the next couple of weeks. Wear your sweater or snowflake in support! Snowflakes will be available from club members.

—Laura Rackner

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