



# Forum Conveniens

Vol. II, No. 4

The Student Newspaper of the University of Arizona College of Law

Wednesday, February 12, 1997

## Emphasize Lawyer Role As New Attorneys

by Ralph Nader and Wesley J. Smith

Harvard law graduate, Ansel Chaplin, a corporate lawyer with thirty years of practice under his belt told us that many of his colleagues are big firm "spin control artists" who put the best face on the "outrageous or close-to-outrageous behavior" of their clients. As a consequence, clients view their legal representatives not so much as professionals but "hired guns" creating a "system [that] promotes a kind of fundamental moral dishonesty."

These are not very encouraging words to read while you are a law student spending three years of your life in rigorous preparation for a license to practice law. But they are words that need to be taken to heart. The legal profession has devolved into a mercantile business where the ethical obligation to "zealously represent clients" has become the be all and end all of legal representation, resulting in the surrender of professional independence, sadly commented upon by Mr. Chaplin.

The general public is also aware that something has gone terribly wrong with the legal profession. The ubiquitous lawyer jokes we continually hear are merely one sign that the legal profession has slipped into disrepute among the general public. And for good cause. People sense that the legal system does not serve the common good but has come instead to be utilized and administered primarily to benefit the richest and most powerful members of society. Is it any wonder, then, that respect for the rule of law has plummeted?

There is a powerful antidote to this despair and cynicism; the revitalization of the role of "lawyers" as a check and balance to the activities engaged in by "attorneys."

Many believe that the terms attorney and lawyer are synonymous. They aren't. The word attorney designates the private role of legal representative vis-a-vis the client. The word lawyer represents vitally different duty required of the legal professional; the public role of "officer of the court" whose duties extend beyond the client to serving the justice system and the broader public interest.

The varying role of attorney and lawyer are both essential to effective and ethical legal representation. Without the attorney function, no duties of loyalty would be owed to the client, as a consequence, each legal professional would be tempted to become judge and jury of each case. But, without the lawyer function, legal representation would devolve into an anything goes, whatever-it-takes-to-win form of legal Darwinism, where justice would be superseded by the raw power of wealth, status, and connections, and where graft and ruthlessness would essentially prevail.

In today's legal profession, the attorneys have eclipsed the lawyers, especially in the area of large firm and corporate practice where the values of the law. This development has marketplace too often supersede the concept of equal justice under created a legal system in which might fundamentally makes right, where individuals seeking justice from the most powerful private and public institutions are often crushed under unremitting "scorched earth" litigation tactics of attorneys who are paid hundreds of dollars an hour to obfuscate, obstruct, delay, and otherwise transform the pursuit of civil justice into a protracted, expensive, and inefficient war of attrition.

One need only look at the business pages of newspapers and the legal weeklies or read the news section of the Wall Street Journal to see what is going on. Regularly, stories appear of attorneys from the largest and most prominent law firms accused of discovery abuse, spoliation (destruction of evidence), misleading courts, and other unethical practices.

Unfortunately, these reports are not the proverbial bad apples. Such forms of practice have become standard operating procedures as law firms vie to gain the favor of business interests and reap the fee largess that such activities garner. But the sense of emptiness felt by increasing numbers of corporate attorneys nearing retirement results, we found in researching our book, *No Contest*, from their decades of missing out as "lawyers" to preserve and extend the legal pillars of our democracy. Instead, too many of these attorneys became lobbyists to either enrich their corporate clients through such programs as corporate welfare or to aggressively restrict the access to justice and other legal rights of aggrieved persons trying to hold their clients responsible. Both the tort "deform" legislation drives and the vast pervasiveness of one-sided sign-on-the-dotted line contracts that dominate the market place all the way to compulsory arbitration clauses undermine our system of justice.

This all extracts a terrible toll; on society, against individuals caught up in an increasingly cruel and unresponsive civil justice system, and to the emotional health and well being of the attorneys themselves.

Society is injured by a lowering of the respect for the rule of law. People who feel that they do not have reasonable access to justice lose faith in the justice system. They refuse to serve on juries. They swallow injustice rather than use the legal system for its intended purposes. (There are few mental agonies more acute than believing one has been deprived of justice without an effective remedy.) In some extreme cases, they decide to take the law into their own hands and act violently or otherwise unlawfully.

The personal toll on attorneys is also excruciating. Many come to hate practicing law but cannot leave it because they are hooked by the money that is made. Imagine working for years to obtain the laudable goal of receiving a legal license only to wake up every day with your insides churning because you hate what you do for a living. Is it any wonder that attorneys have high incidence of alcoholism, drug abuse, marital discord, and other emotional problems?

The time has come to change course and revitalize the essential role of lawyering in all areas of legal representation. This can and should begin in law school where law students have an especially vital role to play. Students can resurrect practices undertaken by their predecessors in the sixties and seventies who sent questionnaires to recruiting law firms about their professional practices. These questions could include issues of the nature and scope of *pro bono* representation, activities to empower systems of justice, ethical guidelines followed by the firms, etc. Such consciousness raising can have an impact - as it did back then - especially considering that the law students activists of yesterday are now the managing partners of the recruiting firms.

At the same time, law professors and administrators can reinforce these activities by paying heightened attention to the importance of legal ethics in the legal practice, pressuring firms which recruit on campus, and seeking the assistance of experienced alumni in the transformation of legal practice away from the attorney-dominant form to one balanced and benefited by a greater exertion by legal professionals of their role as lawyers.

If students, faculty, administration, and experienced lawyers join together in a concerted effort, balance can be restored to the practice of law, and it can become, in the galvanizing words of attorney and former diplomat Sol Linowitz, a "profession that is once again independent, willing to sacrifice money for pride, eager to reassert its role as the guarantor of rights."

## P.C.B.A. Seeks Nominees for 1997 John G. Hawkins Professionalism Award

By Carolyn K. Bass, Executive Director  
Pima County Bar Association

The Pima County Bar Association is accepting nominations for the 1997 John G. Hawkins Professionalism Award.

The Award will be given to the second or third year student enrolled in the University of Arizona College of Law who most exemplifies the qualities expressed in the Arizona State Bar Creed of Professionalism.

The Pima County Bar Association Board of Directors named the award after John Hawkins because as a lawyer, citizen and judge, he lived this creed. John Hawkins was an exemplary professional and a good friend to all the legal community, exhibiting special concern for the needs of new lawyers.

The purpose of the award is to promote professionalism at the very inception of a lawyer's career, thereby making the tenets of professionalism a way of life. The award carries with it a stipend of \$500 which is presented at the PCBA's annual awards luncheon on Tuesday, May 27, 1997, and acknowledgment on a plaque in the lobby of the UA College of Law.

Those interested in applying should send a brief letter explaining why you believe you should receive this award. Your letter should be addressed to the PCBA John G. Hawkins Professionalism Award Committee and sent to the address listed below no later than March 31, 1997. In addition, you must include a resume and four references as follows: one (1) UA law student, one (1) local lawyer or judge, and two (2) UA College of Law faculty.

Thank you.

PIMA COUNTY BAR ASSOCIATION

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Tucson, AZ 85701

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## Inside

Elizabeth Quillen recalls how it felt to study for and pass the Nevada Bar.....Page 3

Todd McKay offers his guide to all-you-can-eat dining in Tucson.....Page 5

The Weird World.....Page 2





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# NALEO Educational Fund Announces 1997 Summer Legislative Program

submitted by Lloyd Monserratt, NALEO

Los Angeles, CA. -- The National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund and Shell Oil Company have begun a nationwide search for qualified Latino college and university students interested in an intensive six and a half week summer legislative internship program. The NALEO Summer Legislative Internship Program is designed to give students a behind-the-scenes look at how public policy is developed and implemented at the state and federal levels. Applications must be received at the NALEO Los

Angeles, CA office by 5:00 p.m. PST Friday February 28, 1997.

"The day-to-day dynamics of policy making and public service cannot be taught in a classroom," said NALEO Executive Director Arturo Vargas. "We feel it is important to develop our next cadre of Latino leaders in the environment where key decisions are made."

During the six and a half week program, participants will travel to their state capitals, local county and city halls and Washington, D.C. to work with legislators and their staffs. Interns will perform a variety of important functions including researching legislation, monitoring hearings and

preparing briefing papers. They also will meet with White House representatives, advocacy organizations and the news media.

Another highlight of the internship is participation at NALEO's Annual Conference to be held June 19 through 21 in Miami, FL. Here interns will attend workshops and network with prominent Latino elected officials.

A total of fourteen students from Arizona, California, Colorado, Florida, Illinois, New Mexico, New York and Texas will be selected. Students must be residents of these states, but do not need to attend school in these states. Interns will receive a stipend,

transportation and accommodations at NALEO's Annual Conference and at George Washington University in Washington, D.C.

Applications and program information are now available by going to our World Wide Web page at <http://www.naleo.org>, or by writing to: NALEO SLIP Program, 3409 Garnet Street, Los Angeles, CA 90023, or by calling 213/262-8503 ext. #31.

NALEO is a non-profit, non-partisan civic affairs research and technical assistance organization. Its constituency is the nation's more than 5,400 Hispanic elected officials and their supporters.

In James City, Va., in September, Robert Pablo Montez, 46, at first showed up at the public assistance office with dark glasses and a white cane, claiming to be blind, but left when a social worker told him he'd need a doctor's certificate. A week later, he returned minus the cane and glasses and soon was arrested when he threatened to blow up a social worker's car if she didn't sign him up.

Ronnie Wade Cater, 39, was arrested in Hampton, Va., in October and charged with calling in a bomb threat. According to detectives, he was sitting at a bar, drunk, and had the idea to tell police there was a bomb at another bar, hoping to divert enough officers to that bar so that he might drive home undetected. However, probably because he had been drinking, he lingered on the phone a little too long while talking to the dispatcher, and the call was traced.

In St. Paul, Minn., in December, well-to-do dentist Gerald Dick, 58, his wife Gretchen, 56, and their two adult children were charged with receiving up to \$250,000 in stolen luxury consumer goods that they had allegedly "ordered" from a personal shoplifter who was given detailed lists of which upscale goods to procure. (In a refreshing departure from suspects' usual denials, Mrs. Dick was reported to have said to the police, "You caught us red-handed. Now what?")

In September, Texas-based Electronic Data Systems (the company founded, and later sold, by Ross Perot) won the contract to collect the unpaid parking tickets for the city of Madrid, Spain. A few weeks later, the city treasurer accused the company of creating as many as 73,000 bogus tickets in order to collect more money on its contract.

Michael Anderson Godwin spent several years awaiting South Carolina's electric chair on a murder conviction before having his sentence reduced to life in prison. In March 1989, sitting on a metal toilet in his cell and attempting to fix his small TV set, he bit into a wire and was electrocuted. On January 1, 1997, Laurence Baker, also a convicted murderer once on death row but later serving a life sentence at the state prison in Pittsburgh, Pa., was electrocuted by his homemade earphones as he watched his small TV while sitting on his metal toilet.

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## THE WEIRD WORLD

compiled by Michael Hytopoulos, 3L

The New York Police Department disclosed in December that it has been stepping up the enforcement of a little-known ordinance that makes it illegal for a subway passenger to occupy more than one seat (such as by putting a package or his feet on an adjacent seat), even if no one else is in the car. NYPD said more than 31,000 summonses (carrying \$50 fines) were issued in 1996, compared with 1,800 in 1993.

After a trial in Alesund, Norway, in December, a 34-year-old man was sentenced to 12 years in prison for repeatedly molesting seven boys he was baby-sitting. Before now, no child molester in Norway had ever been sentenced to longer than six years, and no one has ever been sentenced for longer than 21 years for any crime.

Balaclava Blues: Police in Grand Rapids, Manitoba, in December said a woman, who had chased down a thief who had stolen her group's bingo receipts, ripped off his balaclava and discovered it was her 15-year-old son. And Barry George Paquette, 40, was arrested in November for the robbery of a convenience store in Edmonton, Alberta—a collar made easier because he was halfway through the robbery before he realized he had forgotten to pull down his balaclava. (He halted the robbery momentarily to pull it down, but the store's surveillance camera had already captured his face clearly.)

Janet Merel of Deerfield, Ill., recently introduced Diet Dirt (sterilized soil that can be sprinkled over french fries, cake, etc., to make them taste repugnant). Order \$10 bags from 1-888-Diet Dirt.

Huntsville, Tex., prison inmate Steven Russell escaped in December when he walked past guards after having colored his prison whites with a green marking pen so they resembled hospital scrubs. He was soon recaptured. However, David A. Neel, 48, serving a life sentence at a prison in Point of the Mountain, Utah, did not even make it out the gate in his December escape attempt because a guard thought something looked funny about the United Parcel Service box into which Neel had had himself sealed.



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# Beatitude: How It Feels to Pass the Nevada Bar

by Elizabeth Quillin, Esq., Alumna

The anticipation builds. Oh, God, did I do it? Maybe, a miracle will occur and I passed. Oh, no! I know I really blew that question. I totally missed the conflicts issue, and the UCC/remedies issue, and I didn't even finish the last question. There's no way I passed. A sinking feeling passes over your body and lands in your stomach. Who am I kidding, there's no way I passed. I'll just have to do this again next year. Ugggggggggg!

Then, after weeks of anticipation, it's time. Your friends and family look into your eyes and search for an answer. No one wants to ask; so they smile, nod, and move away. You call for the results on the designated day, Friday. That way, if you bombed, you have all weekend to prepare to face your friends with your disappointment and humiliation. You pick up the phone and dial. "Sorry, the results will be released after 1:00 p.m." You hang up. You try calling again. 1:05, 1:07, 1:10. Busy. You finally get through. The operator puts you through to Admissions. A friendly voice answers. You say you called to get your results. You give your name. You think about hanging up. Within seconds, she says,

"You passed! Congratulations!" You voice your shock and disbelief, "I did? Oh, my God! Oh, thank you!" You hang up. Your mouth drops open, and with tears in your eyes, you begin to smile. Praise God! Miracles happen and pigs can fly. And you begin to babble nonsensically to whoever will listen. "I passed. I can't believe it." The imaginary bag of boulders that has burdened your shoulders is lifted and you start to straighten up. The next time somebody asks you a legal question, you speak a little more authoritatively, after all, you passed. You survived. You're a lawyer.

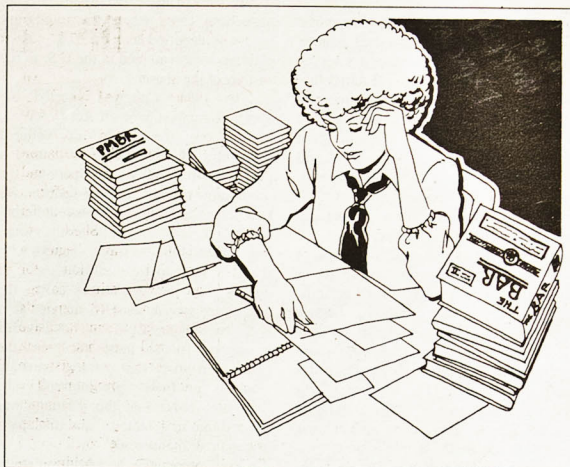
You've heard about it from others. Everyone complains; everyone talks about the discomfort; all share their horror stories. You're scared, and despite all of the stories, you still don't know what to expect. The closer it gets, the wider your mood swings. You go from "I can do this," to "I'll never make it." Some days you cry, some you vomit (or get close to it). Other days, it's the opposite end of your body that responds to the stress. Women get zits. The guys quit shaving. You look in the mirror and notice new wrinkles and bigger bags under your eyes.

At noon, you pick up your friend at the airport and drive to the hotel. As you wait patiently in line to check-in, you observe a somber couple standing in front of you. You learn that he is taking the exam and she is his wife. She looks as haggard as the rest of us. To make things worse, the hotel has no room service. Since life without coffee is impossible, you call your dad who delivers a coffee pot, coffee, nonfat milk and sweetener to your room. You put the

milk in the ice chest you have packed with snacks.

After weeks of intense, exhausting work, morning comes and labor begins.

right. There are porno movies on the cable TV. The next day by noon, its over. A five-day migraine sets in. You pop the codeine, grab the ice pack, and



When the time finally arrives, the pain is excruciating. At times, you want to get up and walk out. But you persevere. At night, too tired to study, you watch Olympian, Michael Johnson, make history. The following morning, some butt-head shows up wearing a T-shirt with sharks on it. Several practicing attorneys are sitting in the row in front of you. Times are tough in California, they tell you. Almost everyone around you is from somewhere else. Only a handful of locals in the bunch. The next night, you channel surf and find out your buddy is

go to bed. Later, after you get the results, you stare in joyous wonderment. And you completely forget about the pain.

Nevada is one of the few states in the nation that offers the bar exam only once a year. Part of the rationale for this is that the state does not have a law school. Another is to limit the number of attorneys in the state and thus ensure more work (and higher salaries) for the current attorneys. Since the bar exam is only offered once a year, Nevada permits

**Passing the Bar**, continued on page 6

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# TECLA Seeks Student Volunteers to Assist Battered Immigrant Spouses and Children

by Elizabeth Quillin, Esq., Alumna

Ayuda, a legal aid group that assists battered refugee and immigrant women in Washington D.C., conducted a survey in 1995 of Latina women and found that 60% of undocumented and recently documented women suffer battering and extreme mental cruelty. 77% of those married to U.S. citizens or Legal Permanent Residents (LPRs) are abused, and 69% of the spouses who are U.S. citizens or LPRs never file a visa petition on behalf of their undocumented spouses.

Normally, when a U.S. citizen or LPR marries an immigrant, the citizen or LPR must file a visa application with the Immigration Naturalization Service (INS) to change the immigration status of the new spouse. This change of status permits the immigrant to legally reside and work in the U.S. because of the marriage relationship. The immigrant cannot file the application on her own, and must rely on the spouse to do so.

In domestic violence situations, the abuser may begin the process and then withdraw the application if he becomes angry. The abuser may also threaten to have the immigrant spouse deported if

the abuse is reported or if the battered spouse tries to leave the abuser. There have been cases where the immigrant spouse is deported and the U.S. citizen children have remained in the U.S. in the custody of the abuser.

In 1994, Congress enacted the Violence Against Women Act (VAWA). Recognizing the plight of battered immigrant spouses, Congress created a provision in VAWA that permits the immigrant spouses to self-petition for themselves and their immigrant children. No longer must the immigrant spouse wait for the abuser to follow through with the INS visa application. In order to qualify for the VAWA benefit, the immigrant spouse must be married to a U.S. citizen or LPR. The battered immigrant spouse must document the abuse, and prove that extreme hardship would occur if she were deported. She must also prove that the marriage was entered into in good faith, and that she is of good moral character.

In Tucson, the Tucson Ecumenical Council for Legal Assistance (TECLA), a local non-profit organization, developed Proyecto VAWA to assist battered immigrant spouses with VAWA


petitions. Through Proyecto VAWA, TECLA offers legal advice regarding VAWA's immigration benefit and the necessary documentation to file a VAWA application. Clients are assisted with preparing INS documents and affidavits describing their abuse. If children are also undocumented, they are also included in the petition. Since the clients are undocumented, many do not qualify for legal assistance elsewhere.

Last summer, I received a Public Interest Law Organization (PILO) Summer Fellowship to assist TECLA with Proyecto VAWA. Due to the needs of this special group of clients, I continued to volunteer for Proyecto VAWA this past semester. By the time you read this article, I will have already graduated and left Tucson. Nevertheless, I am desperately seeking volunteers to continue this worthwhile work for TECLA. Current time commitments are one morning per week, from 9:00 a.m. to 12:00 p.m. at the Brewster Shelter. If we can recruit more than one volunteer, it may be possible to reduce the commitment to every other week. Interested individuals must speak Spanish, although complete fluency is

not necessary. My Spanish was moderately proficient and since working at TECLA, my proficiency has increased significantly. I have also learned legal terms that I did not know before. I strongly recommend Immigration law as a prerequisite, although experience with domestic violence and family law is helpful as well.

Words cannot express the satisfaction I have received helping Proyecto VAWA clients. These clients suffer not only from domestic violence, but also from the fear of deportation and possible separation from their children. I know it is difficult to schedule more into an already busy schedule. But, I promise that the experience you will gain is well worth it. Not only have I met wonderful people working at TECLA, I have met some of the most incredible women clients. My interviewing skills have improved. My Spanish has improved. But most important, I am now even more grateful for everything that I have. If you are interested in more information, please call Helen Gonzales, staff attorney at TECLA, 623-5739.

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# A Guide to All You Can Eat Dining in Tucson

by Todd McKay, 2L

As the end of the semester rapidly approaches and loan funds dwindle, it is an appropriate time to consider ways of consuming insane amounts of food for very little money. The trend in all you can eat dining is an exciting one. Only a few years ago, ethnic food lunch buffets, Sizzler, and Waffle House were about the only places one could go to and stuff oneself sick. Now a gluttonous diner has a wide array of eateries from which to choose. The market has responded appropriately to America's desire to have a place to take the family and fill everybody up for twenty-five bucks. That's a beautiful thing.

Let's be candid here. Overeating is not for everybody, and I certainly don't recommend doing anything that facilitates eating disorders. But if you have the metabolism, and frankly, the stamina, to truly eat excessive amounts of food, this guide should be helpful to you. Thankfully, the industry has dropped the overly polite sounding "all you care to eat" for the utilitarian "all you can eat." These people want you to eat all you can, so don't be shy. Slap your money down and get busy! The listings are in no particular order, and I encourage you to try them all.

**Sweet Tomatoes.** The high end of the all you can eat (AYCE) spectrum. This place actually has tasty and well-prepared food, unlike some AYCE establishments. For seven and a half

bucks you get free reign over their lovely salad bar and hot food area, which has soups, potato bar, pasta, and pizza. Highlights include the Summer Barley Salad, which one of the industrious and friendly salad bar workers told me would soon disappear.

Until recently they had a helpful dessert schematic diagram that illustrated how to create a fudge sundae using the brownie muffin and "soft serve." Neither the schematic or brownie muffins have been seen of late, but you can still finish your meal with "soft serve" and toppings. (What exactly is "soft serve"? Apparently it is neither yogurt or ice cream, but a chemical substance unto itself; it certainly looks appetizing when dumped from the carton into the machine.) Sweet Tomatoes is a bit pricey, but has savory food that doesn't leave one feeling sick afterwards.

**Souper Salad.** About four dollars lets you eat all the soup and salad you want. Great sugary muffins and best of all, pudding. Yes, you can fill bowls and bowls with pudding, both chocolate and banana. Negatives: They seem to have cut down on staff recently, and you have to rely on the wait staff for beverages.

They have separately ordered sandwiches, but they aren't all you can eat, so why bother? Though the fare is limited compared to Sweet Tomatoes, Souper Salad has the price advantage.

## Sirloin Stockade and Golden Corral

These are grouped together as meat and starch types of AYCE establishments.

AYCE salad bar and hot food area, plus separately ordered steaks and other meaty items. The basic buffet is about six dollars, for a bit more you can order a steak. They usually have

some sort of meat substance on the buffet, so save a dollar and stick with the buffet. Sirloin Stockade has a seafood salad that undoubtedly contains "krab" and other faux-seafood items, but it's sleazily tasty. The salad bars in these places are basic, and most of the other items are out of cans. Sirloin Stockade has a great dessert item—hot fudge cake, which is an undercooked brownie-like substance saturated with fudge sauce. It looks disgusting and makes one feel that way later, but tastes great. Golden Corral has slightly better steaks and a more expansive selection of food. These aren't exactly fine dining and both have a fill-

up-the-family ambience, but they are great when you just want to inhale food.

**Hometown Buffet.** very similar to above two but there is no separately ordered meat possibility—it's a strictly buffet affair for around seven bucks. It has the distinct advantage of a customer-accessible all you can drink beverage area with sodas and most importantly, chocolate milk. The ability to drink half a gallon of chocolate milk is alone worth the price.

**Waffle House.** The Granddaddy of AYCE. If you haven't been to a Waffle House adjacent to an interstate at two in the morning, you really should. The AYCE dining only occurs during certain late night/early morning hours, but it's cheap and beautifully sleazy. A waitress shouts your order to a sullen cook, and an endless supply of hamburgers, eggs, hash browns and chili appears before you. The price is cheap, the ambience is down home truck-stop, and you'll be tasting the stuff for days afterwards.

**Pancho's Buffet.** AYCE Mexican food. Yes! It's not gourmet, but it fills you up. A very festively decorated restaurant. Little flags on the table alert you to alert the wait staff to your dining needs. The last time I feasted here I was served by the happiest person in the whole world. It was somewhat disturbing how much enthusiasm he had for clearing dishes.

All You Can Eat, continued on page 7

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...or live it in a courtroom?**



## Passing the Bar

*continued from page 3*

law students who are graduating a semester early to sit for the exam after their second year of law school. Therefore, it's possible for early graduates to pass the bar exam before even graduating from law school. Both Marty Orsinielli (class of '97) and I decided to give it a try.

In prior years, Nevada's pass rate was usually pretty high. The percentage passing was usually in the high 70's. This year, however, the pass rate was only 62%. The drop was attributed to several factors, none of which you care about because most of you will sit for the Arizona exam. Suffice to say, you will wonder who gets paid to write such questions.

I share the following example with you. The constitutional law essay posed a First Amendment issue regarding burdening commercial speech with a federal tax. Congress decided to tax casino advertising to create a national fund for toxic waste storage. Other forms of gaming advertising were exempt. I remember discussing the First Amendment, and I added a segment about a taxation nexus. I had no idea what the answer was. I later discussed the question with a judge in Las Vegas and she said, "Interesting, that is an unanswered question of law." I then realized, "Hey! Who the hell knows? Even the examiners are guessing the outcome on that one."

A few words of advice -- Bar review courses are expensive. You can easily spend \$2,000 or more including your bar application fees. Consider the cost to take the exam over, if necessary, and your opportunity cost in terms of lost salary if you have to clerk until you pass the next exam. Both Marty and I opted for Bar/Bri, but shop around to see what works best for you. You'll get lots of advice. Here's mine.

### PMBR

This is special course devoted entirely to the MBE exam. The MBE is a one-day multiple choice exam that tests six substantive areas of law: Evidence, Constitutional Law, Contracts, Property, Torts, and Criminal Law/Procedure. The exam is administered on the same day across the nation. Almost all of the states use this exam. During the morning session, you have three hours to answer the first 100 questions. After lunch, you'll have another three hours to answer another 100 questions. To complete all of the questions, you need a pace of 1.8 minutes per question. The questions are in random order, so often you may think you're reading about contracts and at the end of the question find out the issue being tested is property.

A lawyer at a large firm recommended the PMBR course to me. She said that she scored so high on her MBE exam, that she could waive into any jurisdiction that accepted high MBE scores in lieu of sitting for the bar exam. That's all I needed to hear. Marty and I signed up for both the six-day and three day course.

The six-day course is held about one week after final exams. You spend each morning on a practice exam that tests a single subject. After lunch, you review each question and both the right and wrong answers. It's a great way to start reviewing and refreshing your memory. You are also not stressed out at this

point. After the course, you are then instructed to do at least 50 PMBR questions every day until the exam. This practice session fits into your regular bar review program. The PMBR questions are extremely hard, much harder than those offered by Bar/Bri's six-day Gilbert course. I sat through the Gilbert's and decided to focus on the PMBR questions. PMBR also tells you not to bother with the questions offered by your regular bar prep course. I think that they are right.

The three-day PMBR is offered a week or two before the actual bar exam. The first day is a simulated MBE meant to kick your butt. The next two days you review the answers and restore your self-esteem. I talked Marty into taking both courses, but he was right. Taking a three-day simulated exam one or two weeks before the actual bar exam is cutting it too close, in my opinion. The six-day course was plenty. As I recall, I completed about 2,000 questions and Marty did more. Doing the practice questions is the key. Also, the MBE is weighted 1/3 of your total bar exam score. It won't hurt to do well on the MBE if your essays are borderline.

### Kids

Full-time day care, grandparents, summer camp or non-custodial parents. Do whatever it takes to get 6-8 hours of study time each day. This is not the time to succumb to mommy-guilt or daddy guilt. You have to study to pass. Unless you're a night-owl, bar review is not to be left until after the kids are in bed. You won't be able to concentrate and you won't retain a thing. The reading is actually sleep-inducing. If possible, treat your studying like a full-time job. Your children (and spouse) might whine a bit about your neglect, but they will survive. (And if you pass the exam, you can afford therapy for them when they're older and really screwed up). Occasionally, you will blow off a day or two. But, don't make it a habit. In the long run, suffering for a couple of months is worth it if you can pass the first time. Then you can all celebrate after it's all over.

The actual week of the exam, I sent my son, Tyler, to a one-week summer camp in Prescott, Arizona. The kids can't call home and you can't call the camp. I knew he was having fun and he was safe. I highly recommend it.

### Work

Don't, if you can help it. Absolutely don't if you have kids. Bar review lasts seven to eight weeks. The last four or five are especially draining. I worked mornings, part-time, until the second week of July. Inevitably, I would stay later than mid-day. Although my work was very rewarding, I became stressed out about not having enough time to study. Unless you have a job that will pay you to lock your office door to study, take time off from work. While I worked, my typical study time would start at 2 p.m. and last until 10 or 11 hours at a time listening to taped lectures. Unfortunately, you take notes and fill in prepared outlines while you listen to the tapes, so you can't even exercise while you study. Bar/Bri's property and contracts lectures are nine hours, evidence is eight. All of my studying was interrupted by trips to the fridge and intermittent phone calls to Marty to whine about my misery.

Most people take off work the last month before the exam. The last three

weeks I would often study 12 to 17 hours per day. Many a night I would lay awake and review hypotheticals in my head.

### Bar/Bri Cassette Tapes v. Video Lectures

I'm not sure about other bar review courses, but Bar/Bri offers daily video sessions that are attended by large groups of your classmates and cassettes of the video sessions which you can use to study on your own. If you miss a Bar/Bri video lecture, they have cassettes that you can sign-out. The problem is that many of your classmates may want to blow off the same session. Problem One: Getting the lecture you want. Problem Two: The cassettes are taped at high-speed, so you need a hi-speed tape player or you'll be listening to the Chipmunks on Equity. Bar/Bri has hi-speed tape players you can borrow, but good luck getting one. Marty and I tried a few times and we finally gave up.

Both Marty and I opted for the Bar/Bri lectures on cassette. Since we both decided to remain in Tucson for the summer, it made more sense. The cassettes also offer more flexibility. You can rewind. Stop. Hit the fridge. Hit the john. Call your friends. All in the comfort of your own home. You can also blow off an evening and catch up later.

Problem One: Some of the tapes are made at the actual live lectures, so the tape-land customers get their tapes two weeks later than the live lecture. You'll get the general substantive lectures at the beginning of your review course. It's the state-specific tapes, like domestic relations, community property and the essays that you receive weeks late. Problem Two: One side of our contracts lecture, hour seven, was completely blank. We got that tape several weeks later. Problem Three: According to Bar/Bri, they used to offer only two video essay lectures. This year, the Nevada video schedule reflected four essay lectures. Our first essay tape came two weeks after the course started. This is when they explained the differences in the Nevada exam and why last year's pass rate was so low. The tape also had a pep talk that would have been a nice way to start the summer. The second essay lecture was also very late. By now, we were into July. Bar/Bri decided that it was too late to tape essay lectures three and four, so we received only the first two essay lectures, while video customers received four. You'll learn that the essays are the most important party of the exam. There are certain buzz words that the examiners are looking for. Since on the average the examiners only spend two minutes reading your essay, organization is important. Also, Bar/Bri offers issue checklists that show you how to organize your essays without missing any issues.

So, the tapes are great if you want flexibility. Some people say they need to be somewhere everyday to be sure that they study. They don't think that they are disciplined enough to study on their own. I'm just as lazy as the next person. I'm also the world's worst procrastinator. I stayed with the Bar/Bri study schedule and at times actually got ahead of where I needed to be. I was able to do this working part-time. I also took my tapes with me when I traveled to Las Vegas to see Tyler. I preferred the tapes. You just have to make sure Bar/Bri has resolved the problems Marty and I had with the tapes. If you choose another bar review course, make sure to ask the same questions. When can I expect all of my

taped lectures? Will I receive the same information the video customers get?

From a substantive point of view, the Bar/Bri lectures were more than adequate. Some of the lectures were actually quite funny. I learned UCC in five hours. The lecturers will paint vivid hypothetical that help you remember points of law. Some include pep talks, key strategies, and personal experiences.

Another word of advice. Don't make a decision based on the software. Remember, you have 1.8 minutes on the MBE exam. If you do not get used to doing the questions by hand, you could damage your timing on the exam. A PMBR lecturer told us that at one MBE exam, a woman was in tears because she did not finish many of the questions. He found out she had relied exclusively on the bar review software to study. This impacted her timing on the actual exam. After I looked at the software once, I never looked at it again. Look to the books and charts to see what works best for you.

### Essays, Essays, Essays,

Always one to go for the easiest route, I found it much easier to do PMBR practice questions, instead of writing a practice essay. Multiple choice questions are passive studying. You read; the answer is right in front of you. You circle and move on. The essays require much more. You need to issue spot, outline, organize, and write. You also have to memorize your issue checklist to write a decent essay. I stated earlier that we had problems getting our essay lectures in a timely fashion. By the time we got the first essay tape, we were already 2 1/2 weeks behind the video people. Both Marty and I agree that we did not spend enough time writing practice essays. You can never be too prepared for the essay portion of the exam. You will also be surprised at the nit-picky things that you miss when you write your practice exams. Force yourself to do the essays. Do as many as you can and read as many old questions and answers as you can. This will prepare you for issue spotting and organization. Looking at model answers will also help to formulate the sentences using those important buzz words that the examiners are looking for.

Well, that's my two bits of advice. And many of you will think that is what it's worth. Remember, you will know everything on the exam. You won't see anything new. The bar review courses have a very good handle on what to expect. If they tell you the odds are you'll get a First Amendment essay, then know how to write one. The Arizona exam had an essay on mortgages. Bar/Bri warned us that mortgages are the hot new essay subject. The key is staying calm and being organized in your answer.

### Final Thoughts

Marty has the best explanation for passing the bar exam. He's convinced that you can miss a lot of things and still pass. I don't know. One friend in Las Vegas told me, if you continue to write during the entire exam, you must be spotting issues. It's a good sign. It's the others that quit writing before the allotted time that came up empty-handed. Maybe she's right. As Marty said, you write "Bullshit, bullshit, bullshit . . ." Whatever we did, it worked. Now, Marty says, all we have to do until graduation is show up and breathe.



# All You Can Eat

continued from page 5

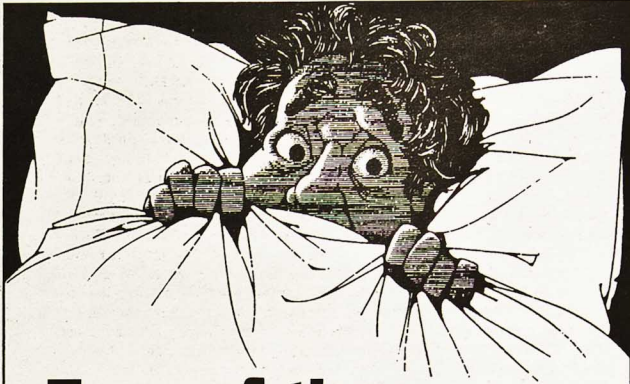
**Grandy's-** Greasy chicken, chicken-fried steak, warm vegetables from cans, many fried things. An older woman in a uniform comes around offering you more biscuits. Grandy's isn't for the faint of stomach or vegetarians, but if you have five bucks and a love of fried items, it's the place.

**Furr's Cafeteria-** Meat substances, fried things, canned vegetables, and little bowls of salad with too much salad dressing. Though you go through the entire line on your first run, subsequent food has to be requested from a little window behind the buffet. This is problematic, because it is often hard to remember what delicacies were on the line and leads to requesting things like the "the brown stuff by the fish." Also, the little kiddy buffet in the dining area offers tater tots, but not the main buffet. Sometimes you just have to grab a few.

**McDonald's-** That's right, the Golden Arches on Grant near Alvernon at one time had an AYCE night, and perhaps still does. Even I was tentative about this undertaking, and I am well trained in these matters. It had to be done, so I brought my dining buddy Matthew who also has innards of steel. There is a set menu of items to choose from, and we decided to try to consume the entire list between us. Getting through the six major sandwiches wasn't bad, but trying to eat five desserts was. I'd never had a McLean Deluxe, and I never will again. Suffice it to say you shouldn't try this without proper preparation and the understanding that you won't be particularly active for some time afterwards.

There you have it, a cursory review of some of Tucson's overeating dining destinations. There are many others, including some actually decent ethnic food lunch buffets. If properly timed, dining at one of these establishments can satisfy one's hunger for an entire day. So grab the kids or the classmates, open your wallet and mouth, and commence to eating.

Want a free mystery meal? Then check out the Internet LunchCounter at:  
<http://speckle.ncsl.nist.gov:80/~lorax/lunchcounter.html>



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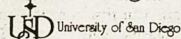
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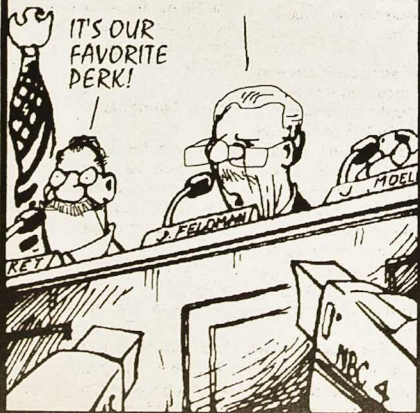
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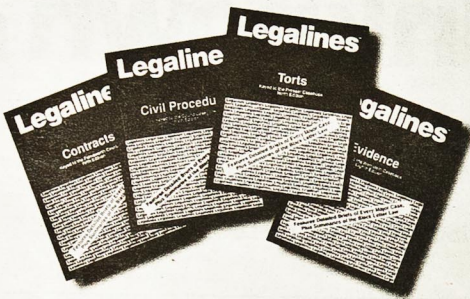
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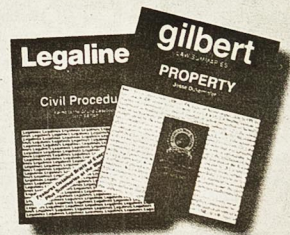
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