RES IPSA LOQUITUR
(SED QUID IN INFERNOS DICIT?)
SANDRA D. O’CONNOR COLLEGE OF LAW
ARIZONA STATE UNIVERSITY

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Why You Should Write for Res Ipsa Loquitur

By Ravi Arora

For the past week, I have been mulling over the problem of recruitment for the student-run newspaper. The problem is an especially difficult one, primarily because it is the existence of the problem itself that baffles me most. How is it so hard to find people willing to write and be published in a school of nearly a thousand students, all of whom have committed themselves to a career focused on reading, analyzing, and formulating arguments?

When I started law school, I fully expected that students in law school would be not only intellectually but also activists and philosophers in their own right. I was captivated by the romantic prospect of being immersed in an environment that brought a diverse array of bright minds together to advance questions of incredible theoretical and practical import and then further provided the possessors of those minds with the means to tackle such problems in the real world. For the past month, I have not been disappointed in this expectation. The wealth of legal organizations, volunteer groups, and student competitions is ready evidence of a robust, active, and knowledgable student body.

But, returning to the original point, where I have been disappointed is in the invalidation of my assumption that such a student body would be teeming with aspirng young writers eager to submit their thoughts and analyses to their peers for contemplation and meaningful discussion. At the very least, I figured that a high concentration of intellectual arrogance, opinionated tenacity, and competitive aggression would produce more of a drive have one’s views -- rather than those of one’s ideological counterparts -- printed and distributed to one’s peers free of charge. Apparently I was wrong. Despite the abundant interest of discussions that I overhear and the extracurricular projects that

Res Ipsa Loquitur

See “Inspiration” on Page 3

This Issue

By Kyle Dufek

On Monday, August 27, Attorney Gen- eral Alberto Gonzales formally submitted his resignation to President Bush. The long-called-for resignation followed several months of harsh criticism and multi- ple showdowns with Congress regarding his perceived honesty and ability to com- petently run the Department of Justice.

Gonzales’ tenure as Attorney General has been plagued with such difficulties, begin- ning even as he entered the confirmation process.

Gonzales was confirmed on February 3, 2005, as the replacement for outgoing Attorney General John Ashcroft. Though he was confirmed in the Senate by a vote of 50-36, the post was not easily attained. The confirmation process required the would-be AG to face many difficult questions, especially from Senate Demo- crats, surrounding his role in constructing 9-11 policies that appeared to be advantageous to foreign prisoners. While it’s to be expected that some animosity will arise out of the confirmation process, the vote amongst the Senate Judiciary Committee members was most telling – all eight De- mocrats on the committee opposed Gon- zales’ candidacy.

The legacy that Gonzales leaves as the leader of the Department of Justice will be seen by many as one of division and partisan politics at its worst. Gonzales entered the position of Attorney General in the midst of a controversy surrounding the NSA’s domestic wiretap program that began during his tenure as White House Counsel. The AG was put in a position of defending his testimony on the matter to the Senate Judiciary Committee, who called into question the truthfulness of the answers he had previously given. Perhaps most importantly, the wiretap controversy brought to light concerns about the integ- rity of citizens’ personal liberties within the current administration. Unfortunately for Gonzales, this would not be the only controversy to plague his time in the DOJ.

Most recently, Gonzales has come un- der fire for the sudden en masse firing of seven U.S. Attorneys. A congressional inquiry into the matter uncovered docu- ments that suggest that the dismissals were entirely partisan in nature.

The firings were discussed as early as September of 2004, not only by Gonzales, but also by Kyle Sampson, the DOJ ofi- cial who would become Gonzales’ Chief of Staff, and Harriet Miers, the attorney who succeeded Gonzales as White House Counsel. U.S. Attorneys who were not identified as having rallied loyal to the president, or as “loyal Bushies,” were seemingly fired en masse on a single day in December 2006.

In the eight months since the firings, Gonzales has found himself defending not the firings, but claims, of the ren- ewed version of the USA Patriot Act, and his own honesty and integrity.

Sampson resigned his post in March, upon discovery of his working in concert with the White House to orchestrate the firings. Following his resignation, Sampson testi- fied before the Senate Judiciary Committee, maintaining that Gonzales’ testimony was less than truthful, responding, “I don’t think it’s entirely accurate,” to questions about the attorney general’s answers to several questions.

Other members of Gonzales’ staff have resigned in recent months in ways that have opened a window to the world on the Department of Justice. Monica Goodling’s resignation came on the heels of her invo- cation of her Fifth Amendment rights in response to questions from Congress about the attorney firings. Concerns over compre- nence in the Department of Justice were fueled when Goodling’s resume was scruti- nized in the media. She obtained her law degree at Regent University School of Law, as did approximately 150 other attorneys hired into the Department of Justice since President Bush took office in 2001.

The law school, founded by televangel- ist Pat Robertson in 1986 following the failure of the law school at Oral Roberts University, has had great success in plac- ing their alumni with the federal govern- ment since 2001 – the year in which Presi- dent Bush tapped the dean of the univer- sity’s government school to become the director of the Office of Personnel Man- agement for the executive branch. It isn’t surprising that in the years that followed, the path to the White House was an easy one for Regent grads, regardless of their abilities. In the year in which Goodling graduated from the Tier 4 law school, only 40 percent of her classmates man- aged to graduate. The White House has not yet formally named a replacement for the outgoing AG, but were executed on Senator’s Home. Theodore Olson currently seems to be the name on everyone’s lips. However, it’s entirely likely that the confirmation of a new Attorney General will be somewhat stalled while Congress tries to wrap up the inquiry into the firings of the US Attor- neys. Senate Democrats are likely looking for a candidate who is less parti- san, and who will bring some integrity and balance to the DOJ following Gonza- les’ rocky tenure.

Gonzales was born and raised in Texas, and immediately attended the Air Force Academy. He obtained his undergraduate degree from Rice University in 1979, and attended Harvard Law School, graduating in 1982. Upon graduation, Gonzales joined the law firm of Vinson & Elkins in Houston – well known for several of its clients, such as Enron – eventually becom- ing a partner.

As the governor of Texas, George W. Bush enlisted Gonzales’ assistance, as senior advisor to the governor, chief elections officer, and as the governor’s lead liaison on Mexico and other border issues. Gonzales was named Texas’ secretary of state in 1997, and was eventually ap- pointed by Bush to the Texas Supreme Court in 1999. He served as a justice on the state’s highest court before following Bush to Washington in 2001, taking a position as White House Counsel. Gonzales’ tenure was not entirely accurate,” to questions about the attorney general’s answers to several questions.

Attorney General Gonzales Resigns Amid Controversy

By Jeff Lee

Over the course of his previous trials and appeals, Speers and his family had ex- husted all of their funds on his defense. After the allegations surfaced, search- ers hired into the Department of Justice since President Bush took office in 2001. The law school, founded by televangel- ist Pat Robertson in 1986 following the failure of the law school at Oral Roberts University, has had great success in plac- ing their alumni with the federal govern- ment since 2001 – the year in which Presi- dent Bush tapped the dean of the univer- sity’s government school to become the director of the Office of Personnel Man- agement for the executive branch. It isn’t surprising that in the years that followed, the path to the White House was an easy one for Regent grads, regardless of their abilities. In the year in which Goodling graduated from the Tier 4 law school, only 40 percent of her classmates man- aged to graduate. The White House has not yet formally named a replacement for the outgoing AG, but were executed on Senator’s Home. Theodore Olson currently seems to be the name on everyone’s lips. However, it’s entirely likely that the confirmation of a new Attorney General will be somewhat stalled while Congress tries to wrap up the inquiry into the firings of the US Attor- neys. Senate Democrats are likely looking for a candidate who is less parti- san, and who will bring some integrity and balance to the DOJ following Gonza- les’ rocky tenure.

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Man Represents Self in Yuma Trial

By Sarah Dufek

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true of the many other public officials who have committed themselves to a career focused on reading, analyzing, and formulating arguments?

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Robocop outfitted with “Probable Cause” chip

By Kyle Shelton

Robocop, the cybernetic one-man war on crime, has been outfitted with a “Probable Cause” chip, Detroit Police authorities said Monday. Programmed with the help of Supreme Court Justice John Roberts and constructed with the partial brain matter of former Justice William Rehnquist, the new “Probable Cause” chip will now allow Robocop to execute warrantless searches and further his battle against the criminal underworld of a dystopic and crime-ridden Detroit.

“The Probable Cause chip, with its Gates Processor 2010x, allows Robocop to do a totality-of-the-circumstances test in 1/100th of a second,” said Dick Jones, Detroit Chief of Police. “To make Robocop go through the bureaucracy of getting a warrant from a magistrate, when his processor already utilizes the flexible, common sense standard the court currently uses, is pure poppycock.”

Some legal scholars disagree with Robocop’s new judicial role. “We need to preserve the role of magistrates as independent arbiters of probable cause,” says Bob Morton, President of the ACLU. “No one should be above the law. Even Robocop.”

Supreme Court Chief Justice John Roberts, at the unveiling of Robocop’s new chip, spoke out against such detractors. “Critics say Robocop isn’t an independent arbiter. Independent? He’s a robot!” said John Roberts. “Who could be more independent than a crime-fighting machine with no emotions?”

Roberts added, “He’s part man. Part machine. But he’s all cop.”

Robocop’s first warrantless search with the new chip, in which Robocop entered a drug dealer’s house through the living room wall, went off without a hitch. “Robocop totally made the right call on that one,” said Robocop’s partner, Ricky White. “He judged the veracity and the basis of knowledge of our informant with in-depth retinal scans and a brutal interrogation process. Our informant walked away a little bloody and with a new limp, but we were confident he was telling the truth.”

Robocop, at the scene of the search and seizure, had this to say about the controversial chip. “Dead or alive, you’re coming with me, criminal scum,” said Robocop. “Excuse me, I have to go. Somewhere there is a crime happening.”

Robocop’s new advanced interrogation techniques chip will be installed next spring.

Ginsburg to replace her dissents with clip-art

By Kyle Shelton

Supreme Court Justice Ruth Bader Ginsburg announced today that she will no longer write out her dissents to the court’s decisions, but instead will make her opinions known through the use of carefully chosen clip-art.

“I think its time to give up,” said Ginsburg, speaking from her office Thursday. “Despite having spent hours in crafting dissent that express my moral outrage and concern this court has still decided to uphold limits on abortion, deal staggering blows to school desegregation, slash campaign finance reform, make it more difficult for women to sue for equal pay, curtail the free speech rights of students, loosen countless legal restrictions on business, and help death penalty convictions stick.”

“The tide against me, what’s the use of spending hours writing a dissent when a clip-art of a sad kitten will express the same thoughts?” said Ginsburg. “I mean, if you’re going to have to watch your life’s work get destroyed by conservative nut jobs, you might as well get more free time out of it.”

Fellow Justice John Paul Stevens agrees that Ginsburg might be on to something. “With so many 5-to-4 votes against us, it appears this court is even more conservative than it was under Billy Rehnquist,” noted Stevens. “With no light at the end of the tunnel for progressives, it just makes sense to give up writing dissents and start showing pictures of a cartoon pine tree lighting itself on fire. It’s not like anyone was reading them anyway.”

Ginsburg’s various clip-art dissent have been proven quite effective. “The other day I was looking at one of my majority decisions that took away environmental protection for parts of the wetlands,” said Justice Samuel Alito. Ginsburg’s colleague “I got to Ruth’s dissent, and it was a clip-art picture of a cartoon earth with a big frown on its face. And I started thinking, ‘Why is the Earth so sad?’ Then it hit me. The Earth was frowning because we took away protection of the wetlands. Let’s just say that image haunts me more than any written dissent ever could.”

Other Supreme Court Justice disagree with Ginsburg’s new system. “I don’t care if she thinks we’re destroying decades of judicial progress,” said Justice Clarence Thomas. “She still owes us more than a clip-art image of a snow-man melting under the sun. She might hate global warming, but that’s still just lazy.”

Ginsburg herself tries to avoid thinking about the controversy. “With the clip-art system, I now can spend more time on wakeboarding and salsa dancing, my two first loves,” said Ginsburg. “Not having to be the constant voice of reason has really freed up my schedule. I only wish I had started doing this earlier last term.”

Reports say with Ginsburg being in the minority so frequently, the only real concern is how much original clip-art her Microsoft Publisher program has left.
New Column! “Ask a 2L”

Due to the bevy of inquiries from 1Ls, Res Ipsa has decided to create an instructive column called “Ask a 2L.” Feel free to submit your questions and concerns for immediate mockery and possible (but not likely) edification:

That being said, to the questions:

Dear 2L,

I’ve taken two tours of the law library for my classes, and while I’m impressed with its resources, I’m a little overwhelmed. Can you recommend some of the library’s highlights?

-Lost in the Stacks

Thanks for the question. I basically divide the library into three sections. The basement seems to be populated by a funny group of students who incessantly talk in Blubook code. Whenever confronted with two or more of these people in conversation, I laugh at their jokes and tell them to stop joking. They stare at me blankly and then mumble something about OCI. The first and second stories are for people who feel that a law student is only working hard if a lot of people see him with a lot of open books strewn about a table. I dropped out of theater my freshman year, so this is clearly not for me. That leaves the third story, or as I like to call it, “the Playhouse.” Where else can you mumble as loudly as you want, marvel at the picture window in the men’s restroom, and wonder how cool the observation decks would be if they weren’t locked all the time? As an added bonus, I’m told there is a secret society of law students that meets in the north staircase. The cause they swear a blood oath upon: keeping the stench emitted by the fridge in the student lounge at maximum dry-heave levels.

Dear 2L,

My professors tell me to stay away from Legalines® and other hornbooks, but I am still curious about them. What is your advice?

I Years for Sleep

Basically, your professors are trying to keep you from the best thing law school has to offer. Confucius once said that we all strive to find the golden mean, and who I am to argue with a man who once theorized that those who tell too many light bulb jokes will sooner burn out? My case outlines were beyond dreadful enough that I could take them to the bar after class and pretend to do reading as I socialized with my future colleagues. (As an added bonus, the paper quality is much better than in the textbooks, so you can avoid those unsightly ale-stained volumes that populate Half.com.) Despite this, the 1/2 page synopses of each case is plenty to get you though the few real conversations about the law that you will have. Like the one you might have with that dude who acts like Civil Procedure is interesting (I call him The Hare, because there is no way he can keep this up for three years), or perhaps with the one attorney you meet that doesn’t brush you off because you decline being the volunteer janitor at his firm over the summer.

Dear 2L,

Is it bad that I eat at the cafe nearly every day? It’s just so convenient, and the food isn’t terrible, right?

Allergic to the Sun

You make some interesting points, but let me give you some of my own. If you keep up this pace, come November, even looking at the cafe is going to be rougher than the Socratic method on Friday afternoons. Just like I don’t play “We Built This City” 3x a day, even though I want to, you shouldn’t go to the cafe just because it’s there. Branch out, young men, and ask that girl who has been ignoring your creepy glances to try out one of Tempe’s excellent ethnic restaurants. Make haste, young women, and prepare a picnic to be enjoyed with your comrades. Above all, don’t let your 90 minutes of freedom waste away staring at art from the WTF collection. Go boldly into the wilting sun, and return refreshed, or at the very least, buzzed enough to make Solitaire a challenge for once.

Next issue: Locker room door etiquette, the merits of Monday happy hours, and the dreaded Facebook fatigue.

-as compiled by Matt Estes

The Executive Branch Must Resist Congress in Attorney General Fight

By Matt Nelson

This fall our law school has a course entitled “Separation of Powers,” which is being taught by Justice W. Scott Bales of the Arizona Supreme Court and former United States Supreme Court Justice Sandra Day O’Connor. The course covers the conflicts between the branches of government in American history. Currently, President Bush is nulling over the appointment a new Attorney General, in a political move that is already shaping up as a major separation of powers conflict between the Executive and Congress.

Some in Congress are demanding that the price of confirmation be the appointment of a special prosecutor that will monitor the Executive branch. They want a prosecutor to investigate recent U.S. Attorney firings, as well as the accusation that former Attorney General Alberto Gonzales lied to Congress about the National Security Agency’s Terrorist Surveillance Program.

President Bush should resist this intrusion by Congress. They have argued that Gonzales or the White House acted improperly by removing some of the U.S. Attorneys. U.S. Attorneys are political appointments and there are no constitutional or statutory restrictions on the ability of the Executive branch to remove them. There have been hearings and testimony from the U.S. Attorneys who were removed. Opponents of President Bush have not been able to come up with substantial evidence of any wrongdoing. Furthermore, there were no investigations that were interfered with or indictments stopped. Some Senators believe U.S. Attorneys should be independent of the Executive branch. Others have even said the Attorney General should be independent and that should be the price of confirmation. The White House needs to hand out copies of the Constitution to our Senators. The Constitution gives all the authority that U.S. Attorneys and the Attorney General exercise to the President. The President is charged with guiding the Justice Department in its prosecution priorities. These may need to change as the President sees fit—especially in a time of war. An independent set of prosecutors, uncontrolled by any elected officer, would be dangerous to our form of government.

The allegation that Gonzales lied to Congress is equally devoid of evidence. When he was testifying before the Judiciary Committee about the Terrorist Surveillance Program, he was speaking about a program which is highly classified. His description of the program differed than those of other officials but the material facts that were presented were not different. There are no grounds for a perjury investigation when the only difference in testimony involve the type of adjectives that are used. The framers of the Constitution wanted the country to have a strong Executive branch. They had gone through the experience of the Articles of Confederation, which had given Congress both the executive and legislative duties. The Confederation was unable to defend United States interests abroad or stop conflicts between the states. In the Federalist Papers Alexander Hamilton wrote: “Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks. It is not less essential to the steady administration of the laws.” He also said: “A feeble Executive implies a feeble execution of government.”

James Madison feared the legislative branch would try and take powers from the other two branches. His fears are coming true as Congress attempts to hobble the Executive. Congress has attempted to limit executive conduct in the war on terror and the Iraq war. By trying to hold confirmation of the new Attorney General hostage to the demands of an appointed special prosecutor, Congress is continuing its attempt to gut the powers of the president.

Opinions and Editorials
I’m sure you’ve heard the commercials or seen the ads on television — refinance your home, consolidate your debt, and pay only a fraction of your current mortgage payments! Usually, we’re able to see through the hype and understand the mathematical reality that comes with too-good-to-be-true offers. However, Americans have allowed themselves to wallow in ignorant bliss for the last several years, falling for these alluring mortgage schemes, not realizing that reality would catch up eventually. It sounded great at the time. Get a mortgage with a ridiculously low interest rate — even if it’s only for a few years, before the rates jump uncontrollably, and balloon payments come due. Or secure a loan that only requires you to pay interest, giving you payments so low, you don’t even care if they want to raise the rates on you. These offers sound great, so long as you pair them with your exit strategy. Have a adjustable rate mortgage that starts increasing the rate in three years? No problem — just refinance in two and a half years, or better yet, sell the house and upgrade to something even better! However, homeowners in these situations are quickly finding that their exit strategies simply don’t exist anymore. In a supply-flooded market where median home prices are quickly stalling, selling a home for a price that allows you to come out on top of the deal is a tough task. Likewise, homeowners haven’t been able to refinance, largely due to their inability to get their home appraisal for a mortgage value their lender is willing to lend, especially given the recent trend of minimal initial down payments.

Unfortunately, the result of all of these market trends is that homeowners are being foreclosed on in droves. Here in Arizona, it has recently been reported that one in ten mortgage holders are currently behind in their payments. Foreclosure rates are up nationally, largely driven by the higher numbers in high-growth states like Arizona and Nevada. It doesn’t seem that the trend will reverse any time soon.

The National Association of Realtors has reported that both home values and housing sales will be taking an even bigger hit than has been previously forecast. Additionally, they report that home values and housing sales will not recover to their earlier levels through the end of 2008, at least.

Subprime mortgages — those that are offered to individuals who otherwise wouldn’t qualify for the amount they request — are largely blamed for the problems we’re currently experiencing. These loans are much more likely to go into default than traditional mortgages. Sometimes it’s a matter of the creditworthiness of the borrower. But sometimes, the problem is in the financing itself.

Even borrowers with otherwise good credit have fallen into a trap, stretching themselves thin to buy a $600,000 home in a $300,000 neighborhood that they could have easily afforded.

So, what does all of this mean for the economy at large? The months of July and August were terrible in the credit market, and the impact was certainly felt in the entire financial world. The S&P 500 lost over 6% between July 2 and August 16, largely on weakness in stocks in the financial and housing sectors. Unemployment numbers announced at the beginning of September indicated no change in the unemployment rate, but showed an additional 4000 jobs lost. This number could even be low — it only reports those workers who have lost jobs and are actively looking for new employment. The stat doesn’t begin to describe the lost business and home of self-employed individuals, like real estate agents, who could be as good as the statutory definition of “unemployed.”

Following this unemployment report, the two-year treasury yield reached its lowest point in two years. Paired with concerns in the equity and credit markets, the Federal Reserve Board has found the events of the last two months severe enough to take action. They’ve already given temporary relief by granting a 50 basis point drop in the overnight rate. The real indicator as to where our country’s financial leaders see our country going will come on September 17, when the Fed decides whether to lower the federal funds rate.

These actions allow the Fed to come to the economy’s rescue. There is good and bad in a reduction of the fed rate. If the fed funds rate will allow borrowers easier access to capital, which is sorely needed. At the same time, a rate cut can be seen as a sign of weakness in the market, as it is a way of somewhat artificially forcing growth in the economy. In anticipation of the rate cut, the dollar is weakening worldwide.

The credit crunch has reach beyond the average homeowner, affecting even the largest credit consumers. Large corporations are finding themselves scrambling to secure financing on mergers and acquisitions they’ve been planning, in some cases, for years.

But the pain of the credit crunch affects individual consumers most painfully. The homeowner who is having a hard time making his rapidly-rising mortgage payment — for the third month in a row — is going to cut way back in his summer spending, be less willing to go on vacation, and won’t be as willing to tap into their HELOC to buy that new car. Instead, he will start clipping coupons, nix the trips to the mall, and either buy a used car or one that is much reduced in price, based on what he qualifies to borrow.

I heard another one of those commercialists on the radio today, offering a fabulous rate and an instant solution all of one’s financial problems. I can only hope that American consumers can learn from the problems that have been exposed over the last two months, and realize that the only way to truly solve one’s financial problems is to ignore the hype, and take a thoughtful, realistic approach to credit.
Inspiration for You to Write for Res Ipsa

I could continue to wax poetic about the virtues of writing, but just in case I lack the authority, eloquence, or wit to inspire any of you to submit to the paper, I have compiled a list of inspirational quotes from more qualified writers than myself to assist you in your journey. Remember that every year Dr. Elizabeth Kulczynsky of the University of Virginia tells her students to consider the words of Sandra Day O’Connor College of Law. A writer is a person for whom writing is more difficult than it is for other people. Thomas Mann (1875 - 1955)

The skill of writing is to create a context in which other people can think. Edwin Schlossberg

Learn as much by writing as by reading. Lord Acton

Where there is much desire to learn, there is much necessity to write. Paul C. Russell

If you would not be forgotten as soon as you are dead and rotted, either write something worth reading or do things worth the writing. Benjamin Franklin (1706 - 1790)

Reading maketh a full man, conference a ready man, and writing an exact man. Sir Francis Bacon (1561 - 1626)

Without words, without writing and without books there would be no history, there could be no concept of humanity. Hermann Hesse (1877 - 1962)

P.S. Before any of you points out that you don’t have the time to submit, consider the following. (1) It generally takes about 2-3 hours to write a decent 500 word article and we only put out 3 issues per semester, making for a total commitment of 6-9 hours per semester…time which is really more valuable to you than it is to any of us on the staff of the paper. (2) None of us who regularly submit to the paper have any more free time than the rest of you, it’s just a matter of how you choose to spend it.

John Milton (1608 - 1674)

I have never thought of writing for reputation and honor. What I have in my heart I must come out; that is the reason why I compose.

Ludwig van Beethoven (1770 - 1827)

I can’t believe it! Reading and writing actually paid off! Matt Groening (1945 - ), The Simpsons

If you can’t annoy somebody, there’s little point in writing. Kingsley Amis

Totally Useless Legal Facts

- Unlike B.C. (before Christ) the abbreviation A.D. (Anno Domini, “Year of Our Lord,” not After Death) is properly placed in front of the year, hence, you get A.D. 500 rather than 500 A.D.
- The New Hampshire state motto of “Live Free or Die” is stamped on their license plates by prisoners housed in their Concord prison facility. North Carolina’s license plates bear the motto “First in Flight,” although they don’t report an increase in prison escapee attempts.
- The words “Alma mater” mean bountiful mother.
- Mr. Miranda of the famed case Miranda v. Arizona, which set up the Miranda warnings given to suspects (you have the right to remain silent, etc.), died several years later in a bar fight.
- Ohio is listed as the 17th state admitted to the Union, however, it is actually the 47th. Congress apparently forgot to vote on the resolution for its admittance but rectified its mistake on August 7th, 1953.

Guilty Verdict After Juror Is Dismissed from Trial

John Steinbeck (1902 - 1968)

The man, the jury, the prison and the state see that justice is done. A system that has developed that seeks to strike a balance between these divergent interests, but that balance is far from perfect. Despite our belief that juries will glean the truth from the evidence, all of the evidence is not presented from the point of view of the defendant, in fact. We don’t want a trial to be mined in evidence of character and propriety because we believe that evidence of that type is not very helpful in determining the truth, except when we find the crime truly horrifying. Every defendant is guaranteed a right to a speedy trial, but the appeals process can cause the case to extend for years or even decades, denying victims the satisfaction of justice and destroying the lives of truly innocent defendants.

Benjamin Franklin (1706 - 1790)

Reading maketh a full man, conference a ready man, and writing an exact man.

Sir Francis Bacon (1561 - 1626)

In the end, this series of counter-intuitive rules and compromises stems from the simple fact that, despite what we may tell ourselves, we can never truly know whether someone is guilty or innocent. Even a conviction requires mere proof beyond a reasonable doubt—not actual or even constructive knowledge of guilt. I believe that the result reached in this trial was the correct one; the prosecution said in closing, “If Speers isn’t guilty, he’s the most unlucky man in the world.” But that doesn’t alleviate the troubling aspects of the spectacle that was the Speers trial.

The Simpsons

Matt Groening (1954 - )
Arizona State University Bar Association

Student President: Erin Lister
Advisor: Kevin Gover
The ASU Bar Association, the student government for the Sandra Day O'Connor College of Law, is an independent organization with voluntary membership and elected officers. It represents student interests and sponsors a speaker's program, athletic and social events, and other activities. All law students are members.

American Association for Justice (formerly Association of Trial Lawyers of America)
Student Leader(s): Lindsey Gomez and Kyle Shelton
Advisor: Jennifer Barnes
The AAJ is dedicated to providing law students with a forum to discuss what life is really like as a trial lawyer. The AAJ helps interested students formulate some crucial legal skills early to make them more marketable (such as trial skills boot camp) and provides networking opportunities to explore the world of litigation. Our goal is to educate students about the role of a trial attorney in areas ranging from personal injury law to death penalty litigation. Additionally, the AAJ offers student membership in some of the prominent bars in the state which we are affiliated in the community, such as the Arizona Trial Lawyers Association (ATLA) and the Arizona Association for Criminal Justice (AACS).

American Bar Association Law Student Division
Student Leader(s): Spencer Profit
Advisor: Myles Lynk
Description: The ABA-LSD sponsors the Negotiations Competition and the Client Counseling Competition where students gain hands-on experience in real-life situations. They also host social receptions, parties, and sporting events throughout the year. Included in your membership fee are a 9-month subscription to Student Lawyer and a 12-month subscription to the ABA Journal, as well as reduced fees for ABA sections and division.

American Constitution Society
Student Leader: NOTE* No stu-
dent leader listed.
Advisor: Paul Bender
Description: Formed in Spring 2001, The American Constitution Society for Law and Policy is a national organization of law students, law professors, practicing lawyers and others. We want to help revitalize and transform the legal debate, from law school classrooms to federal courtrooms. We want to counter the dominant vision of American law today, a narrow conservative vision that lacks appropriate regard for the ways in which law affects people's lives. We seek to restore the fundamental principles of respect for human dignity, protection of individual rights and liberties, genuine equality, and access to justice to their rightfulland—traditionally central—place in American law. The American Constitution Society is a non-partisan, non-profit educational organization. We do not, as an organization, lobby, litigate, or take positions on specific issues, cases, legislation, or nominations. We do encourage our members to express their views and make their voices heard.

Asian Pacific American Law Students Association
Student Leader(s): Yu Cai
Advisor: Dennis Karijala
Description: To promote an understanding of the particular academic, profes-
sional, and political issues that people of Asian descent may face in Arizona and elsewhere in America. Membership is open.

John P. Morris Black Law Student Association
Student Leader(s): Davina Godley
Advisor: Myles Lynk
Description: The BLSA provides educational, legal, and social support for all law students, with a particular interest in stu-
dents of African or African-American descent. Our organization focuses on: 1) increasing awareness about the importance of Black representation in all legal professions; 2) integrating BLSA members with people of color within the legal community; and 3) providing a comfortable social atmosphere for stu-
dents to bond and formulate life-long relationships.

Chicanos/Latino Law Student Association
Student Leader(s): Alba Jaramillo
Advisor: Charles Calleros and Orde Kittrie
Description: To advance the status of Hispanics in the social, educational and legal arenas; to promote and encourage the education of the Hispanic law student; and to sensitize the legal community to the unique needs of the Hispanic community.

Christian Legal Society
Student Leader(s): David Stedden
Advisor: Mark Rentz
Description: The Christian Legal Society (CLS) is a national organization founded in 1961. CLS at ASU seeks to maintain a vibrant Christian law fellowship on campus by cultivating spiritual growth through prayer and prayer and study, building relationships with Christian lawyers in the community, and proclaiming the love of Christ through outreach.

*Editors note: All descriptions and contact information can be found at http://www.law.asu.edu on the Student Organizations Page
Jewish Law Student Association  
Student Leaders: Scott Reznick and Molly Weinstein  
Advisor: David Kader  
Description: The Jewish Law Students Association (JLSA) is a national student organization sponsored by the Jewish Federation. The purpose is to promote and study the legal aspects of Jewish history and culture, as well as to provide an outlet for the Jewish student at the law school. JLSA promotes the higher education of the Sandy Day O’ Connor College of Law’s community by sponsoring various speakers and events throughout the academic year.

J. Reuben Clark Law Society  
Student Leaders: Casey Blais  
Advisor: Alan Mathesen  
Description: The J. Reuben Clark Law Society is an organization for LDS and like-minded law students which aims to affirm the strength brought to the study of law by a student’s personal religious conviction. We strive through public service and diligent studies to promote fairness and virtue founded upon the rule of law. Values upon which the society is founded are (1) public service, (2) loyalty to the development of the religious dimension in society and in a law student’s personal life. To accomplish its mission, the BCRLS will (1) encourage members to regard law studies as preparation for service of courts, clients, and society, (2) promote and protect the rule of law, and (3) provide its members with opportunities for continuing dialogue on legal topics of significance with members of the Student and local Professional Chapters of the Law Society. Membership is multi-faith and open to any students who share in the goals, ideals, and values of the Law Society.

Jurimetrics Journal  
Student Leader(s): Ted Wimsatt  
Advisor: David Kaye  
Description: Jurimetrics, The Journal of Law, Science, and Technology, published quarterly, is the journal of the American Bar Association Section of Science and Technology and the Center for the Study of Law, Science, and Technology of the ASU College of Law.

Law Journal  
Student Leader(s): Carolyn Williams  
Advisor: Milton Schroeder  
Description: The purpose of the Journal is to produce, edit, and publish high quality works of legal scholarship. The operational and editorial functions of the Journal are run by students. Participation on Law Journal is hard but rewarding work. For those sufficiently eligible, the Journal provides one of the finest avenues for legal education thus far developed. Its work contributes to the student’s intellectual advancement, to the development of law, to the legal profession, and to the stature of the law school.

Law & Science Student Association  
Student Leader(s): Sandy Askland  
Advisor: Andrew Rineberg  
Description: Promote discussion and learning regarding public policy issues in law, science, and technology; sponsor student, faculty, and guest seminars on such topics; conduct conferences on such topics.

Moot Court Board  
Student Leader(s): Trish Stuhan  
Advisor: Rick Nordgren  
Description: Moot court gives students an opportunity to develop their oral and written advocacy skills through in-school competition. Students who are interested in competing against students from other schools (traveling teams) do not go through Moot Court Board. Instead, these students must apply and receive approval from the faculty Moot Court Committee.

Muslim Law Students’ Association  
Student Leader(s): Raees Mohamed  
Advisor: Zarina Nadir  
Description: Muslim Law Students’ Association at the Sandra Day O’Connor College of Law at Arizona State University (MLSA) hopes to play a key role in facilitating dialogues to promote understanding, tolerance, and the exchange of ideas among law students of all religions, races, and backgrounds. We also aim to encourage the active involvement and integration of Muslims into the American legal system and to promote greater diversity in the legal profession. Through its activities, MLSA plans to promote the balanced and comprehensive professional, spiritual, cultural, and academic development of all law students, regardless of their religious or racial background. MLSA hopes to play a key role in encouraging and promoting the active involvement of Muslim law students in shaping the American legal landscape. At the same time, MLSA will encourage Muslim law students to be proactive and to be a voice in the American law school scene. MLSA is open to any student who shares in the goals, ideals, and values of the Association.

Native American Law Student Association  
Student Leader(s): Iona Fitzpatrick  
Advisor: Rebecca Tonsie  
Description: NATLSA is committed to promoting the understanding of Native American cultures and legal issues affecting indigenous people. NATLSA members also provide fellow students with academic support and advice. The Sandra Day O’Connor College of Law chapter is part of the national NATLSA organization, which meets annually in Albuquerque during the Federal Indian Bar Conference.

Parents At Law School (PALS)  
Student Leader(s): Geni Turnbull  
Advisor: Zigor Pekpo  
Description: PALS purpose is to provide support, activities, and information to law students who either have or are considering having kids. We welcome discussions on the practical concerns of being a law student while also being a parent. PALS will provide a social network of students who are going through similar struggles to balance school and family. Ultimately, our goal is to enjoy our families while attaining our full potential in law school.

Phi Delta Phi  
Student Leader(s): Nick Nordgren  
Advisor: K. Royal  
Description: Phi Delta Phi International Legal Fraternity, established in the year 1869 to promote a higher standard of professional ethics, is among the oldest of legal organizations in North America. The Fraternity was established only six months after the Columbus, Georgia convention and nine years before the American Bar Association. It holds a unique position in the history of the North American bench, bar, and the law schools. During the past three decades, Phi Delta Phi’s reputation as an organization devoted to legal excellence has begun to spread into Mexico and Europe.

Real Estate Law Student Association  
Student Leader(s): Jayson Rosell and John Gray  
Advisor: K. Royal  
Description: The Small Business Law Student Association is a student organization whose goal is to educate law students about the legal issues faced by small business owners. A monthly speaker series will be held throughout the academic year. Speakers will include small business owners, sole practitioners of law, and attorneys whose focus is on the needs of small businesses. In addition, SBLSA will hold innovative fundraising and social events throughout the academic year.

St. Thomas More Law Student Society  
Student Leader(s): Carolina Escalante  
Advisor: Michael Bossone  
Description: The St. Thomas More Law Student Society at Sandra Day O’Connor College of Law is a part of the greater national society for Catholic attorneys. At ASU, we seek to form a Catholic community to integrate both the ideals of Catholic social teaching and the opportunities our profession provides.

Sports & Entertainment Law Students Association  
Student Leader(s): Scott Seymann  
Advisor: Chad Noreuil  
Description: To provide career development in the areas of sports and entertainment law. The club will work to establish a curricular program in this specific area of law, and will bring in guest speakers to give students opportunities to understand the many possible work options in this field.

Women Law Students’ Association (WLSA)  
Student Leader(s): Angie Kerbic  
Advisor: Chase Seymour  
Description: WLSA sponsors a speakers’ program, networking events, and addresses special concerns and issues relating to women in law school and the legal profession. Additionally, the Women Law Students’ Association sponsors a mentor liaison program to connect first-year law students with second- and third-year law students and members of the Phoenix legal community.
Byrneing Boadle

By Ravi Arora

In the home of the Beatle’s, Though before the band’s hour, A businessman, named Boadle, Bought barrels of flour. In between buying And bakers receiving, The bulk of the batch Was stored for safe keeping. Barrels were stored In a double floored building, Beyond the bare ground But not far from the ceiling. One beautiful day, Byrne embarked on a stroll, Bringing him beneath The flour depot’s window. The sky being blank, At least bereft of stray barrels, Byrne blindly bumbled, Unbeknownst of his peril. Of a sudden the window Became a black hole, Drawing loose barrels out And dropping them below! Or maybe a goblin, Bacchanal and bored, Began bowling barrels Beneath to the road. In either abstraction, Byrne was bewildered When a blunt and brutal blow To his brain was delivered! Baffled and broken, Badly beaten and bruised, Byrne bit the dust Like one belligerently boozed. Being brought about By doctors benign, He soon became baffled About the blow to his mind. Remembering the bout, One name came to bear, Belonging to Boadle And owing burden of care. Byrne thus brought, To the bastion of the court, The blatant and besmirching Beast of Boadle’s tort. Boadle beseeched The judge’s benignity But the judge beseeched Boadle To spare this breech of his dignity. “Obviously,” he began, “Barrels be not beings, Nor be they winged, Nor behold any feelings! Barrels be but objects, Believing else is non sequitur, And this be but a case Of res ipsa loquitur!” Thus, Boadle, you beastial And brainless baboon, I bestow upon you negligence Betfitting a buffoon. For the blundering blight Of barrels uncontrolled, The balance of your bank Onto Byrne be now rolled!

But Did the Defendant Come in Through the Bathroom Window?

As a member of a mid-life crisis rock band and huge Beatles fan, I have a special appreciation for Montana Judge Gregory R. Todd’s order in a recent criminal case. After the defendant pleaded guilty to burglary, he was asked to fill out portions of a pre-sentence investigation report. In response to the question, “Give your recommendation as to what you think the Court should do in this case,” the defendant replied, “Like the Beatles say, ‘Let It Be.’”

Judge Todd took issue with both the defendant’s apparent plea for leniency and also his misspelling of the name of the Beatles, for who Judge Todd has great fondness. The judge penned a caustic sentencing memorandum, written to the defendant, that managed to work in the titles of these thirty-nine Beatles songs:

Act Naturally
Baby It’s You
Bad Boy
Carry That Weight
Come Together
Day in the Life
Do You Want to Know a Secret?
Fixing a Hole
Fool on the Hill
Get Back
Hard Day’s Night
Hello Goodbye
Help
Here, There and Everywhere
Hey Jude
Honey Don’t
I Don’t Want to Spoil the Party
I Feel Fine
I Should Have Known Better
I, Me, Mine
I’ll Cry
I’ll Get You
I’m a Lover
Let It Be
Long and Winding Road
Magical Mystery Tour
Misery
Mr. Moonlight
Nowhere Man
Run for Your Life
Something
Strawberry Fields Forever
The Word
‘Think for Yourself’
Ticket to Ride
Wait
We Can Work It Out
When I’m 64
You Really Got a Hold on Me

Here’s a taste from the last paragraph of the memorandum:

"Later when you thought about what you did, you may have said I’ll Cry instead. Now you’re saying Let It Be instead of I’m A Lover. As a result of your Hard Day’s Night, you are looking at a Ticket To Ride that Long and Winding Road to Deer Lodge. Hopefully you can say both now and When I’m 64 that I Should Have Known Better.

Judge, what can I say, but Thank You Girl, er rather, Your Honor. Till There Was You, most judicial opinions were just so Yesterday. I hope we have a chance to Come Together for lunch or Something. Why? Well, just Because.

— Montana v. McCormack, No. DC06-0323,

Out of Context
Best Of...

This Section is where we quote your esteemed professors at their finest. In order to keep properly stocked, we need to keep your ears tuned to your professor’s off-key utterances and submit them for publication. The more irreverent and audacious, the better.

I assume 2Ls and 3Ls know nothing. I assume you know nothing. — Prof. Guerin
YOU are GOING to DIE. — Prof. Becker
I’m just saying that when dead bodies start showing up in your home repeatedly it appears more likely that you are responsible. Either that or you’re just really damn unlucky! — Prof. Bartels

She’s Got Bette Davis’[s] Eyes"


(“She’s Got Bette Davis Eyes” was a smash hit for Kim Carnes in 1981. Originally written by Jackie DeShannon and Donna Weiss in 1974, Carnes took the song to number one on the Billboard charts where it held the top spot for nine weeks.)