

INTER ALIA

wednesday, april 6, 2005

Two years ago, when I was trying to decide what to do with the rest of my life, I went to the University of Idaho's website, and started looking at all the different majors in the alphabetical list. Landscape Architecture sounded appealing, so I clicked on the link that said "Landscape Architecture," or so I thought. I would learn much later that my mouse had slipped, and I had actually clicked on "Law." Eeeew!

The numerous references to "law school" should have tipped me off, but America's preeminent landscape architect was Frederick Law Olmstead, the guy who designed Central Park in New York. I wondered why they didn't call it the "Olmstead School," and thought it was odd they would use the guy's middle name if they were naming a school after him. Whatever. Down in Boise, we were always told there was a bunch of smart people up in Moscow at the U of I, and I figured I'd just go with the flow and get with the program. After all, those folks up in Moscow are smart enough not to play football outside in the snow on blue turf. [Hell, yes! Football's an indoor sport! Go Vandals! Kick Northeastern Louisiana Polytechnic's ass!]

So I read up on admissions, and dutifully registered to take the LSAT, which I thought stood for Land-Scape Architecture Test. Except for one logic games question about the placement of bonsai trees and koi ponds in a tea garden, I didn't see the relevance of the LSAT to landscape architecture at all. I also remember that many of the other students taking the LSAT that day seeming like a rather serious and competitive bunch, who didn't look like they got outdoors and relaxed that often; not the type who would be good at designing parks and golf courses.

Many months later, after I was accepted and got the book list, I thought the first year subjects were a bit odd. But

once school started and the semester progressed, the relevance of some of the classes quickly became apparent. Property was a natural, as landscape architecture is all about land. Wouldn't want to go architecting a landscape if we weren't sure who owned it, now would we? And likewise for Contracts. Surely, a successful landscape architect must also be a savvy businessman when it comes to bids and offers and all that legal stuff. The sand and gravel cases from Oklahoma and Alaska were my favorites. Less so for Torts, but once we got into negligence, it made sense. If one were to improperly architect a landscape, all hell could break loose, and the landscape architect could find himself up to his ass in lawsuits, not to mention alligators that have escaped

Additional insights by *inter alia* columnist and future landscape architect...

A. Wunnell

their metal mesh containment sacks and gone on a tail-swinging rampage. Less so also for LR&W, but there was an assignment involving rock ledges and waterfalls, and another involving the buildings and pathways in a zoo. And (ahem!) one may wonder if there was some "bush-trimming" going on in the Knight case; enquiring minds want to know. But Civil Procedure continued to befuddle me all the way through the semester. What in the heck did this federal court stuff have to do with landscape architecture at all, or anything else for that matter?

What puzzles me about the program at this school is that we are so close to some wonderful examples of good landscape architecture, and the teaching opportunity of going on field trips to these sites was just left on the table, no points to be had. This university has a fine arboretum, and just north of us

in Spokane is the lovely Manito Park, designed by Frederick Law Olmstead's firm. Not to mention the natural beauty of the Palouse itself, evoking as it does the rolling hills of Tuscany. [Well, make that a Tuscany with only one-star restaurants.] Perhaps the school adheres to the deprivation theory: by isolating the student from the landscape in windowless lecture halls and dreary library basements, purity of vision is obtained, and the student is better able to create fresh new landscapes without the undue influence of the surrounding landscape. After all, landscape would be dull if it were all Olmstead parks and rolling fields of lentils with nothing avant-garde to challenge the status quo.

Then during marathon binge-drinking sessions at the end of finals, I got a chance to socialize more with my fellow classmates and discovered that many of them were here training to become attorneys. What the hell, wassup with that!? After I sobered up, I did a little investigative work, and discovered that I had actually enrolled in a law school, one of those places where they train people to be lawyers. No wonder it sucked.

So now what? Well, first stop was Office Depot to shell out for an Official Genuine Microsoft Optical Mouse so nothing like this ever happens again, dammit! So do I ride this out and actually become a lawyer, pretending that was my intention all along? Or do I freely admit that it was all just a big misunderstanding, and call it quits at the end of the semester? The voices inside my head scream out: "Bail out! Run while you can!"

The thing I will miss the most about law school is racking up those Lexis-Nexis

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A. Wunnell's ramblings  
continue from page one.

## Horoscopes

By Madam Lowre d'Expectations

points to compete for the Lexus. But I may not have to give that up, as I have a legal theory, borrowed from *Keegan v. Ticketmaster*, 666 F.3d 666 (15th Cir. 2005). If Keegan prevails, then I have a valid claim under Title III of the ADA also. My case is analogous to Keegan, in that the website controls the access to the place of public accommodation. Instead of Victory Stadium, my place of public accommodation is the sumptuous leather interior of that shiny new Lexus. So the ADA would be applicable under the nexus theory. Would it be more persuasive to refer to it as the "Lexis-Nexis Lexus nexus" or the "Lexus Lexis-Nexis nexus?"

"Hold on a minute!" I hear you saying, "but Keegan was a blind guy, and you're not, so how do you qualify under Title III of the ADA?" Well, let's funnel down and define the term "blind." Here's the syllogism: Someone is blind if they cannot see (major premise). I "cannot see" doing two more years of law school and becoming an attorney (minor premise). Therefore, I am constructively blind, and am covered under Title III of the ADA (conclusion). I would of course be seeking injunctive relief, specifically a court order allowing me to continue use of my Lexis-Nexis account after withdrawal from the law school. Keegan gets his concert tickets, I get my Lexus, Ticketmaster gets the shaft, everybody's happy!

**Aries (Mar. 21 – April 20):** After reenacting "99 Bottles of Beer on the Wall" you will have an epiphany, but will soon forget it after passing out, praying to the porcelain god.

**Taurus (Apr. 21 – May 21):** There aren't enough Lexis points in the world to buy you a life.

**Gemini (May 22 – June 21):** Either avoid elevators or invest in some Beano.

**Cancer (June 22 – July 22):** Yes it's springtime, and love may be in the air, but that doesn't change the fact that you're a law-nerd.

**Leo (July 23 – Aug. 22):** Although the ever-increasing price of gas is pain in the ass, it's not a valid reason for skipping school.

**Virgo (Aug. 23 – Sept. 23):** If you can remember a time before law school, you must be a 1L.

**Libra (Sept. 24 – Oct. 22):** Although the use of the world "lottery" makes carrel selection sound like a good thing, don't be fooled: it's all a conspiracy to make you believe that you want to be here.

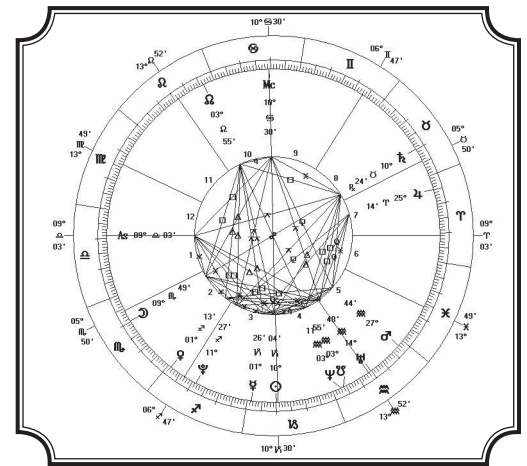
**Scorpio (Oct. 23 – Nov. 22):** Too bad you can't consolidate your gambling debt.

**Sagittarius (Nov. 23 – Dec. 21):** With the ever-increasing subject list of E & E titles produced, you think they'd make one law students could really use: an E & E on Social Situations.

**Capricorn (Dec. 22 – Jan. 20):** The best way to get the respect of the upperclassmen and professors is to wear 4-inch heels and a matching handbag.

**Aquarius (Jan. 21 – Feb. 19):** The best way for you to have helped the U of I law school keep its ABA accreditation was to completely avoid the law school for the three days of the visit.

**Pisces (Feb. 20 – Mar. 20):** Do the world a favor: don't breed.



## inter alia

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*inter alia* is the University of Idaho, College of Law's official humor and opinion pamphlet, published on alternating Wednesdays. Submissions for publication are encouraged. Any opinions represented herein are those of the indicated author or *inter alia*'s staff and in no way represent the opinions of the Student Bar Association. *inter alia* prefers Spanish cheeses to Italian cheeses.

## SBA CARREL LOTTERY

- If you want a carrel for the 2005-06 school year, you must submit your name with any possible grouping (up to 4 people) by **Thursday, April 7 at 5 PM** in the box at my carrel—1st Floor, #119.
- You must fill out a carrel application even if you want the same carrel. There is no guarantee that your current carrel will be available. Everyone who wants a carrel must turn in an application so that they will be entered in the lottery.
- All groups must submit their names together (1 sheet per group). If you are signing up as a group, you must sit with the members of that group. [Based upon carrel availability.]
- The actual names will be drawn **Friday April 8 at 11:30 AM** in Room 106. Anyone who would like to attend the drawing is welcome. A council member will be present to oversee the process. Students do not need to be present when the names are drawn; however, they are welcome to attend. **ACTUAL CARRELS ASSIGNMENTS WILL NOT TAKE PLACE UNTIL Monday, April 11 at 11:30 AM.**
- The order in which your name is drawn on Friday will determine the order in which actual carrel assignments will be made on Monday in Room 104 at 11:30 AM. This is to ensure the process on Monday runs smoothly and without chaos.
- The order of names will be posted on the main floor library door according to class (1L or 2L) so that you will know in what order you will be choosing your carrel assignment on Monday.

- The lottery will remain the same in that current 2Ls (future 3Ls) names will be drawn first, followed by current 1Ls.
- On Monday, everyone will meet in Room 104 at 11:30 AM. Names/groups will be called up to the front table according to the order in which your name was drawn. Assignments will be based upon availability.
- **NOTICE:** at least one person from your group must be present when called. If you are not present when your name is called (or have no group representative) you will then be moved to the bottom of the list, so that those who are present can make their choice.

### CURRENT 2Ls:

PLEASE FILL-OUT AND RETURN THE **GREEN** APPLICATION FOR CARREL ASSIGNMENTS, AVAILABLE ON THE SBA BULLETIN BOARD.

### CURRENT 1Ls:

PLEASE FILL-OUT AND RETURN THE **BLUE** APPLICATION FOR CARREL ASSIGNMENTS, AVAILABLE ON THE SBA BULLETIN BOARD.

**All applications are due by Thursday, April 7 at 5 PM to the box at carrel #119 or in the return envelope on the SBA bulletin board (located next to the *inter alia* box on the main floor).**

Thank you so much for your cooperation in helping this process run smoothly. If you have any further questions, feel free to contact me: (Keisha Oxendine) carrel #119 or oxen5052@uidaho.edu.

### Events Calendar

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Monday, April 4 - Friday, April 8  
PAD, SODA, ACS Canned Food Drive

Wednesday, April 6  
11:30 AM  
SBA Meets with Student Leaders to Discuss Budget Request Guidelines  
Room 103

Wednesday, April 6  
ITLA Movie Night:  
*To Kill a Mockingbird*  
Room 104

Friday, April 8  
1:30 PM  
Discussion of Partial Birth  
Abortion Legislation with  
Shannon Coffin  
Room 104

Wednesday, April 13  
Barrister's Ball Tickets on Sale  
\$10 Single / \$15 Couple (drunk)  
\$8 Single / \$13 Couple (sober)

Wednesday, April 13  
4:30 PM  
SBA Budget Requests Due to  
SBA VP, Ritchie Eppink  
eppi0937@uidaho.edu

Saturday, April 16  
8 PM  
Barrister's Ball  
Black Tie Optional  
Best Western University Inn

Wednesday, April 20  
4 PM  
SBA Meeting  
Room 104

Wednesday, April 20  
4:30 PM  
SBA Budget Meeting  
Room 104

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Send event listings to  
crtaylor@uidaho.edu.

### Roman Letters from the Editor

So I just realized that this is the second-to-last issue of *inter alia* for the semester. Which means for all you good people who have been holding out on me (here's looking at you, Mr. Bott), you might want to relax your grip.

I also realized that it is the last issue before the Barrister's Ball. For those of you who have yet to attend, you're not alone. I myself was too cheap to pour an additional \$15 into the meaty grasp of SBA simply to sample hors d'oeuvres and wine in 2004, and may very well be too cheap this year as well. But I hear the organizers (including *inter alia*'s own Mr. Slack, whose latest appears on page four of this issue) classed things up this year—moving it from the old Moscow high school gym to the best hotel in town—so maybe my tuxedo tee will emerge from storage next week after all.

I was chatting with SBA Vice-President Eppink a couple of weeks back, and was surprised to discover there exist law professors who believed *inter alia* to have followed the dodo and Grand Funk Railroad into posterity. So after you're done reading this in class, be sure to get it to your professor...perhaps in paper airplane form.

Earlier this week I was tipped off (by the incomparable Mr. Dearing) to a particularly humorous portion of the Idaho Code (§ 18-5001, to be precise) dealing with the definition of "mayhem." Apparently—and Webster's backed the old-timey Idaho legislature that drafted this gem—mayhem has a technical meaning that involves dismemberment. Or nose slitting. Or eye gouging. Or tongue pulling. Which means next time you are in a crowded theater watching *Chinatown*, you can shout, "Oh no! Roman Polanski about to commit mayhem on Jack Nicholson." You may get beaten by confused theatergoers, but at least you will be technically correct.

I was downstairs in carrel land a few weeks ago—after hours, when words like discurrence start to make sense—when someone said something like, "She can't finish the dildo." I've been wondering ever since what was meant.

## In Defense of Jargon

By C. Dale Slack III

COMES NOW THE AUTHOR, C. DALE SLACK III, BY AND THROUGH *INTER ALIA* AND COMPLAINS AND ALLEGES AS FOLLOWS:

I've been doing a bit of reading on the Internet lately, and it seems like "legalese" has been coming under attack from respected legal professionals for some time now. It has also been coming under attack from the type of people who think that the Constitution says you don't have to pay taxes, which should tell you what my position is. I read an article entitled "Nuts to Further Affiant Sayeth Naught" from the *Michigan Bar Journal* or some such rag (I can't be bothered to remember where I read these things, damn-it!) which sharply criticized "legalese" in writing as being outdated and "hard to understand" (to which I reply "how can someone who doesn't understand "further affiant sayeth naught" get onto the Law Review?). A judge also has a webpage where he criticizes it. I've had my hand slapped a few times for using this type of language.

As a child, I remember my grand-da (not a misspelling, Irish colloquial) Cochran complaining about Vatican II and the removal of Latin from the liturgy and its replacement with the vernacular. In his opinion, God spoke only two languages—Gaelic and Latin (Latin being His second language)—and if you were saying something God might overhear, you should do Him the courtesy of saying it so He could understand it. I picked up this habit and continue it occasionally while drunk to this day. I see this general movement toward making things "easier to understand" as another harbinger of the dumbing-down of American society; people are afraid to sound as if they graduated high-school for fear that someone might think they've gotten all uppity with their book-learnin'. What the hell exactly is wrong with "legalese" anyhow? I have prepared what I consider to be decent (though, admittedly not legally persuasive) arguments in defense of this time-honored tradition.

### 1. PROFESSIONALISM

One of the arguments made by the opponents of "legalese" is that clearer writing will improve the public's opinion of the Legal Profession. As someone whose family has had a respectable (or not, according to your view) amount of dealings with lawyers in years past, I can tell you that nothing impresses a client more than receiving an envelope full of documents littered with "wherefore"s, "aforementioned"s and "*ipso facto*"s ready for their signature. It makes them think you're intelligent and a real lawyer. Just because your client doesn't know that "aforementioned" means "that same thing I said a while ago" doesn't mean a judge or another lawyer will not know what it means; and if the judge or other lawyer *doesn't* know what it means, you need to wonder why.

How would you feel if you went to a doctor who said "there seems to be something jamming-up your poop-chute, sir," or "pull down your pants and let me take a gander at that hoo-hoo of yours, ma'am?" Probably not too safe. Doctors use long and esoteric terms like "solar plexus," "gluteus maximus" and "alimentary canal." Maybe Average Joe Sixpack doesn't know his alimentary canal from a hole in the ground, but a doctor who says "poop-chute," "juggs" or "pee-pee" won't be in town for long. Pilots use words like "aileron," instead of "the flappy thing that makes the plane roll." Even mechanics use forty-dollar words like "piston" and "camshaft" that I can't for the life of me understand. Why can't a lawyer use impressive words too? We are educated people; let's sound like it.

### 2. IMPRESSIVENESS

Phrases like "further affiant sayeth naught," "wherefore Plaintiff respectfully requests" and "party of the first part" lend an air of mysticism, respectability and impressiveness. A person who sees those words feels he's really in a world filled with intelligent, respectable people who will magically know if he's lying; and he, in turn, respects those people. If you try to be an Average Joe, he'll see you, his attorney, as just another pencil-pusher,

and the judge as just another fellow in a black dress.

### 3. FUN AND AESTHETICS

This last one isn't really going to persuade anyone; but when else can you say words or phrases like "aforementioned," and "know all men by these presents" but in a legal document? One of the reasons I liked the idea of being a lawyer, as a child, was using on a daily basis these "magickal" words that few other people knew or used. Aesthetically, you cannot tell me that "know all men by these presents" and "*ignorantia legis excusatum non est*" don't sound like beautiful lines from a Shakespearean sonnet. So what if they're not useful or necessary to get your idea across? Is a chrome jungle-cat on my car's hood necessary to make it run? Are the claw-feet on a Victorian bathtub useful to the act of cleaning oneself? Do I need blue carpet in my living room? No; but these items make our lives richer and more enjoyable. Legal writing is not plumbing; it is an art-form and beauty should be a cornerstone.

I'm not suggesting that a lawyer (or in the new lingo, "law-talkin' person with book learnin'") should be penalized ("have somethin' bad done to 'em 'cause they done screwed up") for starting out a complaint ("fancy suin' papers") with "Plaintiff, X, alleges and complains that," or that it should be made so difficult that a *pro se* litigant ("man or woman being their own law-talkin' person") should be shut-out of the system. I am saying that attorneys should take a pride in what they produce, make it beautiful and not be afraid of sounding over-educated—we are, after all. If the Bar really wants respectable, distinguished and honorable members, let us sound that way.

#### Did you know?

- The "where's the cream filling" defense was abolished by statute in 1989 after it was discovered racoons rarely molest children.