

## In This Issue

Get to know your staff: Roger interviews another staff member who keeps your school running. Pg 5

Making Love, With Lana: Check out this law student's latest dating misadventures. Pg 11

CALS: New student org. represents kid's interests. Pg 4

Free Money! More businesses have been added to SBA Partners. Get discounts, from auto shops to fine restaurants. Pg 15

Get some tips on the California State Bar moral character determination. Pg 8

We Can't Hear You! This month's suggestion box. Pg 5

Where are they Now? *The Commentary* interviews CWSL alum Kathy Minella. Pg 12

Professor Jessica Fink: TJ picks the brain of one of CWSL's favorite professors. Pg 6

From the Staff.....	2
Student Life.....	3
Campus News.....	5
Professors' Page.....	6
Career Corner.....	8
Legal News.....	9
Advice/Opinion.....	10
Sports.....	13



Professor Jessica K. Fink with her boys.

California Western School of Law

November 2014

# THE COMMENTARY

## New 1L Leaders Elected



New SBA Representatives: Jennie Krauser, Summer Main, Taylor Williams

By ROGER HINOJOSA  
STAFF WRITER

As you may know (or not), SBA 1L elections took place on September 29 for all three sections. After a week of intense campaigning, Summer Main, Taylor Williams, and Jennie Krauser emerged victorious as elected representatives. All three representatives are very unique and amazing individuals. I had the opportunity to get to know them on a more personal basis and learn about some of their experiences during the election process.

Summer Main (Section 1 Rep) is 28, an avid crocheter, and a recent graduate with her B.S. in Legal Studies. She packed up her stuff and moved here, with her three kids and family pet, last Summer from Maine. On top of being a super mom, she works as a tutor for Literacy Volunteers of America, which educates illiterate adults. With her selfless personality, it's no wonder she wants to pursue Health Law.

Overall, she enjoyed the election process and encountered strong competition against Michael Applewhite. Her approach to campaigning was definitely out of the ordinary, but again, selfless. She gave her campaigning money to Hiefer International, which purchased two flocks of chickens for two poverty stricken families in underprivileged countries. She felt it was a lasting contribution and better than using it on campaign materials that could just end up in the recycle bin. In terms of what she'd like to do as an SBA Rep, she hopes to make the communication between the administration and the student body as smooth as possible. She would also like to contribute to the success of her peers by making them more aware of the beneficial resources and events provided by CWSL.

Taylor Williams (Section 2 rep), recently graduated from New Mexico State University, majoring in Criminal Justice and minoring in Counseling and Educational Psychology. She was born and raised in Phoenix, Arizona, where her parents and four sisters still live. She does not have any pets, because according to her, her younger sister is good enough. Taylor is a fun, loving, energetic individual with a big, optimistic outlook on life. She has big goals and aspires to be an Assistant United States Attorney. I asked Taylor for one piece of advice she'd give to a crowd. Her response was, "Don't give up, you can do this." She currently lives in a "sweeeeeeet" place in Mission Valley, where you'll probably find her studying or vibing to some hip-hop, pop, or 90's tunes. When she's not busy with school, you may find Taylor either bird watching or on a unicorn rescue mission. See REPS, p. 2

## Innocent Man Walks Free After 28 Years Behind Bars



Main: Intern Robert Case, Staff Attorney Raquel Cohen, and former intern Lexi Leibel, who all worked to free Roeling, stand proudly at his side. Top Right: Roeling walks across the state property line of San Quentin, a free man. Bottom Right: Interns Bridget Weisz, Leah Gonzales, Chris Goodrich, Lesley O'Brien, and Clinton Pierce share a pumpkin spice latte with the newly freed Adams. Photos taken by Leah Gonzales.

By ROBERT CASE  
CONTRIBUTING WRITER

September 9, 1986 was a day that forever changed the course of a young man's life. That young man was Roeling Adams. September 9, 1986 was the date that Roeling was convicted for the tragic murder of one young man and the attempted murder of two others. Perhaps the saddest part of this whole affair; Roeling was convicted for crimes he did not commit. Despite having an alibi, Roeling's fate of three decades in prison was sealed by eyewitness misidentification, gang loyalty, and a dubious star witness. It wasn't until nearly 30 years later that the true murderer admitted to the crimes, exculpating both Roeling and his brother, Edward, that the wheels of justice finally started to move forward. Because of the new certified admission of guilt by the true killer, the State Parole Board finally granted Roeling parole.

No longer a young man, Roeling is ecstatic to humbly resume his place as a member of society. Anxious to finish his college degree and find employment in the clerical or computer industries, Roeling has all the attributes needed to successfully transition back into society, despite previous inequities. With his entire life in front of him, Roeling Adams is looking forward, and not back, with an inspirational sense of optimism. His story of what is broken with our criminal justice system is also an example of what the human spirit can endure.

"One of the leading causes of wrongful conviction is misidentification," says Justin Brooks, Director of the California Innocence Project. "I am so pleased that Roeling finally has his freedom after 28 years of wrongful incarceration."

On October 17, 2014, Mr. Adams walked out of the gates of San Quentin, where interns and staff attorneys from the California Innocence Project welcomed him to the free world. They introduced him to the wonders of the smart phone over his first meal as a free man in Oakland. He had the red snapper – a dish he had been missing for 28 years. The first song he wanted to hear was "Share My Life" by Kem. The first phone call he made was to his brother. His joy was contagious and tearfully overwhelming. Roeling has a long road ahead of him, but that road is one no longer lined with concrete and iron bars.



## What Do I Know?

By KEN KLEIN  
PROFESSOR



Photo from www.cwsl.edu

Let me start with a story. After I graduated law school, I joined what was at that time a 50-lawyer law firm in Dallas. It was a "carry the bag" firm, meaning that the firm trained new lawyers by having each of them matched with and following around – carrying their bag – a senior lawyer – for a year. The lawyer I was assigned to was Rob Hartmann, who was the head of the litigation department. He was one of the best lawyers in Dallas, Texas, and had a big reputation for being a great teacher/mentor. So as we got to the end of that year and I still felt like I knew absolutely nothing, that was plainly a problem with me, not him. I figured I was running out of time for him to officially be required to answer my questions, so I pulled him aside and asked, "Rob, when did you get to the point where you felt like you knew what you were doing?" Rob seemed a little taken aback by

See KLEIN p. 6

# FROM THE STAFF



## Don't Give Up. The Law Needs You!

It's a little known historical fact that Abraham Lincoln probably once said during his legal studies, "This is exhausting. I think I'll just give up." It's a good thing he didn't. Otherwise, the world would be overrun with zombies and vampires.

We've reached that time of year when the excitement of learning has dwindled, the realities of how ill-prepared we are for exams are brought to light, and getting out of bed to return to work or school after 4 hours of sleep has begun to affect our... I'm really too tired to go on with this sentence.... I think you get the point. Some of us have even uttered the words, "I don't want to be a lawyer anymore."

Stand strong, fellow law student. When the going gets exhausting, just remember... zombies, vampires, Abe Lincoln. -Clint and Seve

## SBA Hosts Another Successful Halloween Auction and Costume Contest



Photos by Chris Saunders, CWSL Marketing and Communications

REPS, continued from p. 1

Taylor loved the election process because it gave her a chance to meet so many people, in all three sections. She received strong encouragement from peers while running against two "phenomenal" candidates. She would like to see how the election process would work if there was a physical ballot box or if the voters could simply return the vote via email, rather than copying and pasting the ballot. She feels that the current process works, but different approaches would be interesting. As an SBA rep, she will make sure all relevant announcements and opportunities are made available to all, in and out of the classroom. She is excited to represent the Student Bar Association.

Jennie Krauser (Section 3 rep), was born in Atlanta, Georgia, but raised in Irvine, California. Jennie is a big sports fan and was a NCAA Division 1 soccer player at North Carolina State University. Just before coming to law school, she played overseas in London for Chelsea F.C.'s women's team. She currently lives in downtown San Diego with a yorkie and morkie. The athleticism runs in her family; both of her siblings are also NCAA athletes. When she's not on the pitch, she's out travel-

ing the world. She has been to 18 different countries! Although being a soccer star, she would trade the boots in for high heels. She has been a runway model and an actress for the majority of her life. She has done everything from print work, runway, commercials, movies, and radio, to broadcasting. After receiving her Communications degree from NC State, she worked as an executive producer and radio co-host for WFJA 105.5 radio station, located in Sanford, North Carolina.

She enjoyed taking part in the election process. It was more competitive than she expected, but overall, it was a great experience because she met so many people. As far as changing anything about the election process, she recommends a simplified voting process. Instead of being required to send an email with your vote, she think it would be easier if the voting email contained the actual voting. She thinks it would be easier for people to simply click on the name they wish to vote for. Now that she is elected, she will strive to represent her section at the upmost level and be the active voice of section three. She wants to be a role model, engage in planning, organizing, and participating in on campus activities, and serve those whom she represents daily.

## From Your SBA President: A Message of Thanks

BY JOANNE HEILBRUN  
SBA PRESIDENT

Time flies when you're having fun! We are half way through the Fall 2014 trimester, and still gaining momentum. A massive thank you to all the students, faculty, and administration who participated in our Halloween Auction, and Eleventh Annual Race Judicata. We raised money for the Access to Law Initiative, Community Law Projects and Toussaint Academy, and had an amazing time doing it! Thank you to our Community Outreach Committee, Race Judicata Directors, and Public Relations Directors for planning, advertising, and executing such wonderful events!

The Barristers' Ball Committee is hard at work planning the 2015 Barristers' Ball, which will be held on Saturday, February 28, 2015. The Committee has toured potential venues, and is working on a show-stopping theme. This is an exciting opportunity to dress up and attend what we affectionately term "law school prom." If you have any ideas, or are interested in joining the Committee, please contact SBA Vice President, Merrick Wadsworth, at [merrick.wadsworth@gmail.com](mailto:merrick.wadsworth@gmail.com), or drop the suggestion into one of our suggestion boxes!

Over the last month, an important student need was brought to the attention of the Student Bar Association. Many students would like to attend conferences or other events that would provide them with an opportunity to learn about and network within their desired specialty. Unfortunately, as law students, we often do not have the funds to dedicate to attending these important events, especially when they are not local. The Student Bar Association

is working closely with the Administration to set up an SBA funded grant program. We foresee an application process with a committee comprised of students, faculty, and administration, to decide on grant recipients. It is vastly important that student funds are used to benefit the student body as a whole, and we are working diligently to create a structure to the program that will ensure the entire student body is benefited as a result. While we are in the early planning stages, we are open to any suggestions or ideas you may have. Please leave any feedback in one of our suggestion boxes or e-mail me at [sbapres@law.cwsl.edu](mailto:sbapres@law.cwsl.edu).

I hope you have been enjoying our bi-monthly Bar Reviews! Our Director of Activities, Fatima Brizuela, has been working extremely hard to secure diverse and exciting venues for each of these events. Please keep your eyes peeled for more information on these upcoming events, and, in particular, our November Sunset Yoga and Bonfire! With the holiday season now upon us, I wish you all a very Happy Thanksgiving! I hope you will spend time with loved ones, and allow yourself a moment of pause to recognize the incredible work you are doing! Good luck to all of the students taking the MPRE on November 1.

To stay informed on all upcoming events, please "like" our Student Bar Association facebook page at <https://www.facebook.com/cwslsba>.

Wishing you all an extremely rewarding November!

## The Commentary is:

Co-Editors in Chief - Clinton Michael Pierce & Seve Gonzales;  
Design Editor - Sarah Donaldson; Copy Editor - Lorenzo Morales;  
Associate Editor - Artichoke, Alex Perez; Associate Editor - Advice/Opinion, Chris Goodrich;  
Associate Editor - Features, Nichole Schirm; Associate Editor - Campus News, Allan Acevedo;  
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CONTRIBUTE AN ARTICLE OR JOIN THE STAFF! EMAIL COMMENTARY@LAW.CWSL.EDU

# STUDENT LIFE

## What it's Like to Intern at New Media Rights

By MARKO RADISAVLJEVIC  
CONTRIBUTING WRITER

I'm currently in my third year at California Western School of Law and working for New Media Rights for a third time. I first began working for New Media Rights the summer after my 1L year and then continued that internship into the Fall of 2013. The experience I gained there is invaluable to someone who wants to practice in the area of Intellectual Property or work for any business clients that have websites. I was approached by the editor of the Commentary to write an article about my experiences so that California Western students could get a better idea of what it's like to work at New Media Rights.

New Media Rights is a non-profit, independently funded program, originally founded by Art Neill in 2007, and which partnered with California Western in 2012. They offer legal services, pro bono and at significantly reduced fees, to individuals and businesses that need assistance with Copyright, Trademark, and other similar issues. They work for the little guy and have received various grants from large

organizations who recognize the importance of the assistance they provide.

Bullying in the business world happens often and was one of the reasons I decided to attend law school. At New Media, we were approached by a client that had their own website, which published articles and various criticisms of all sorts of things. This particular case involved the client's use of an image, which they had altered and written an article about. The article was a criticism of the stereotypes furthered by the image's creators, which was actually the Chicago Department of Health. All over the city, the Department had plastered images of "pregnant boys," to raise awareness that pregnancy is not just a woman's problem. This was a clever technique to bring awareness to an important issue. However, our client, Media Literacy Project, had its own take on the images and wanted to share it with the world. To the Media Literacy Project, the images were disturbing in the sense that the Caucasian boy was sitting in front of white picket fenced houses, while the Latino and African American boys were sitting in front of a graffiti wall and what appeared to be barred windows resembling a prison cell. So our client criticized the images' stereotyping and wrote an article about it.

Now for the big dogs' bite! Our client received a threatening phone call and multiple e-mails from the director of the Department of Health, who claimed copyright infringement and

a violation of the copyright owner's rights under the Visual Artists Rights Act (VARA). The director threatened to sue if our client didn't take the article and images down. After several days of research, I discovered that VARA was not applicable at all in this case. Further, Copyright allows for an exemption to infringement when the use is considered a "fair use," which there was a strong argument for in this case. Lastly, the director of the department did not own the copyright and, thus, had no standing to bring a claim had she wanted to. I laid all this out in a letter and off it went. Let's just say that the article is still up on our client's website and they have had no further threats on the subject. Little guy one, bully zero! You can see more on this story in a testimonial on the New Media Rights website.

The first project I worked on involved writing a memo and a terms of use and privacy policy for a client's website. Ever wonder what a terms of use or privacy policy for a website entails? After researching the terms of use and privacy policies for large websites such as Facebook, LinkedIn and Twitter, I was amazed to see exactly how much thought goes into these things and exactly what these companies can do with your information. Now I know where to look and what to identify when I am reviewing terms of use for various iPhone applications or even programs that go on my computer. I was fascinated to learn about the client's cutting

edge web service and mobile application, and how the terms of service and privacy policy that I was drafting was critical to shaping the service as well as protecting them from future lawsuits. Don't you think this would be an ideal area to learn more about? Do you think it's possible that in the future a friend or colleague of yours may start up a website and need your help with this? It was an amazing experience and I can say with confidence that after working on a few of these projects I'm now aware of how critical it is to the success of an online business, and I would be completely comfortable writing one up for a client and charging them for it.

My next assignment was to write a release agreement for a small scale movie producer who was making a documentary. I had to think critically about what exactly he would or might want to do with the footage so that I could secure him the various required rights under copyright law and rights of publicity. The bottom line is that I worked on a variety of great projects during my time at New Media Rights.

In conclusion, if you want to help start-ups, innovators, and creators, and learn a lot about copyright, media, and public interest law, New Media Rights is the place to work. Thank you for reading and check out their website at, [www.NewMediaRights.org](http://www.NewMediaRights.org) where you can read tons of other testimonials and stories about the types of clients they have helped.

## Joined Lawyers Club Yet?

By COURTNEY STRANGE  
CONTRIBUTING WRITER

Here's a little bit of what you've been missing: Annual Dinner: This May, retired United States Supreme Court Justice Sandra Day O'Connor gave an inspirational and highly entertaining speech about society's ignorance concerning government functions, the importance of an independent judiciary, and the unique position we have as legal professionals in educating citizens in our communities about these critical issues. Events like this serve many purposes, including fundraising for Lawyers Club's charitable arm, the Fund for Justice; highlighting the achievements of our local, national, and global leaders; educating ourselves on the issues women face in law and society, and networking. In a room of nearly 600 people, law students had the unique opportunity to mingle with lawyers, judges, and local elected officials.

Mentorship Opportunities: Lawyers Club monthly luncheons provide law students with the opportunity to take a break from our busy schedules, take a nice walk downtown, and sit at a table of 10-12 attorneys and judges. Each luncheon features influential leaders who discuss issues that affect our profession. Don't miss the annual Holiday Luncheon in December, one of the key events of the year!

Happy Hours: At these intimate settings, law students get an opportunity to enjoy discounted or complimentary drinks and appetizers while mingling with amazing attorneys who are passionate about mentoring law students.

Fall Judicial Reception: Lawyers Club hosted this event in conjunction with the National Association of Women Judges Conference. Budding law students had the opportunity to talk with influential judges from all over the world right here in San Diego!

Lawyers Club is the second largest bar organization in San Diego with over 1,300 members, yet it still provides numerous opportunities throughout the week where law students can interact with prominent members of the San Diego legal community in intimate and comfortable settings. Lawyers Club members have a passion for encouraging and mentoring law students - all you have to do is show up!

As we continue to advance the role of women in law and society, we invite both male and female law students to join us in learning what role you play in achieving greater equality in our profession. The Lawyers Club Student Committee will be dropping by each month to keep you in the know via The Commentary, SBA Wall and Facebook Page. We will be highlighting key aspects of Lawyers Club as well as past and upcoming events. Come see how involvement in Lawyers Club has been pivotal to career advancement for leaders in the San Diego legal community. At a minimum, create a log-in to get the weekly e-mails and be notified as soon as events are posted. Need more convincing? Check out the website [www.lawyersclubsandiego.com](http://www.lawyersclubsandiego.com) or contact me, Student Committee Co-Chair, [clstrange@law.cwsl.edu](mailto:clstrange@law.cwsl.edu).

## Chargers Welcome ESLS to Qualcomm

By STEPHANIE FRANCO  
CONTRIBUTING WRITER

For the first time ever, the Entertainment and Sports Law Society on campus was able to take a group of students to go see our San Diego Chargers take on the Jacksonville Jaguars. ESLS was able to cover half of the first 22 tickets for all due paying members. This only came out to \$26 for the game after dues, which was a great opportunity for students. After an impressive turn out for the first general meeting, we had a total of 30 people attend the game, and a few more came and joined our tailgate.

The Chargers welcomed our group by showing their love for CWSL on the scoreboard during the first quarter, which got us really pumped up for the game! The game was a success with the Chargers winning 33-14 with an impressive performance by Phillip Rivers, Eddie Royal, Malcom Floyd, and Nick Novak.



ESLS plans on having some amazing events this year for all students interested in sports and entertainment law. The goal of the club is to bridge the gap between Los Angeles and San Diego and provide our students with opportunities to which they would otherwise not be exposed. ESLS has a busy year ahead, including co-hosting a mixer on October 23rd with Phi Alpha Delta, Older Wiser Law Students, and the Student Intellectual Property Law Association to watch the Chargers take on the Broncos at The Local.

Other upcoming events include involvement in the Chargers Blood Drive, where students can volunteer, donate blood, and get some autographs from their favorite players. We encourage students to sign up and



volunteer for the Chargers Blood Drive on Tuesday, November 25, in Mission Valley.

ESLS will also be hosting a panel with sports attorneys in the spring, along with the annual Entertainment and Sports Law Symposium sometime in March. All students are welcome to join the club! For more information on joining ESLS please contact President Justin Reid at [Justin.Reid.Law@gmail.com](mailto:Justin.Reid.Law@gmail.com).

"Working in the entertainment and sports legal industry has been my passion and reason behind my pursuit to obtaining a legal degree. The Entertainment and Sports Law Society has been instrumental in making my passion a reality. I am excited for great things to continue to happen through our work in ESLS and encourage anyone with any interest to join and contribute to our organization." - President Justin Reid. (This is a quote from the ESLS President, feel free to use it or not)

The ESLS board is: Adam Grant (VP of Entertainment) Stephanie Franco (VP of Sports), Paris Novinni (Treasurer) and Justin Reid (President).



# STUDENT LIFE

## Student Organizations

California Western is host to a number of student organizations supporting future attorneys from all walks of life with all sorts of career plans. These are just a few of them. For a comprehensive list of student organizations, visit [www.CWSL.edu](http://www.CWSL.edu) and click on "Student Life."

### Amnesty International

This international organization campaigns for human rights for all individuals. Our mission is a world in which each person enjoys the human rights set forth in the Universal Declaration of Human Rights.

### Black Law Student Association

The Black Law Students Association at California Western is a chapter of the National Black Law Students Association. BLSA provides a forum and support system for Black law students. Anyone who is concerned about issues facing minority law students, especially Black law students, and is committed to the recruitment and retention of Black law students at California Western is welcome to join.

### Alternative Dispute Resolution

"We put collaboratively-generated mutually beneficial solutions into problem solving and practice." Our goal is to give students a better understanding of how dispute resolution is not only present, but crucial, in many different fields of law.

### Asian Pacific American Law Student Association

The Asian Pacific American Law Student Association strives to provide an effective networking system linking practicing Asian Pacific American Legal professionals with Asian Pacific American law students. Also, the organization acts as a sounding board for concerns that are specific to Asian Pacific American law students. Our organization sponsors social and educational events, which are open to all members of the California Western community.

### Entertainment & Sports Law Society

The Sports and Entertainment Law Society's mission is to cultivate interest in legal issues affecting the sports and entertainment industries, and provide a forum in which students can meet, exchange ideas, and interact with prominent attorneys, agents, executives, professors, managers, and artists in the fields of sports and entertainment law.

### J. Reuben Clark Society

The J. Reuben Clark Society is a group of attorneys, law school graduates, and law students who support our Mission Statement of religious conviction, public service, and professional excellence in the preparation for, and the practice of, the law. We invite all law students of the LDS faith, and of other faiths, who support our mission statement, to become members.

### Health Law Society

Through speaker events, discussions, and social networking interactions, the Health Law Society seeks to empower present and future health care leaders with essential knowledge of health care and its impact upon the polity.

### Hawaii Law Society Association

The purpose of HLSA is to provide law students with access to local culture through speaker events and social mixers where they can meet fellow law students who are here from Hawaii.

### Public Interest Law Foundation

The Public Interest Law Foundation (PILF) is dedicated to increasing awareness amongst law students about the inequities that exist in the legal system.

### Immigration Law Student Association

The purpose of the Immigration Law Student Association ("ILSA") is to promote the study of immigration law within the United States and to foster awareness among students regarding domestic immigration issues in San Diego and in the country at-large.

### PrideLaw

PrideLaw exists for the purposes of having a presence on campus, in the local community and at the national level as a student group which recognizes and advocates for the rights of LGBT persons.

### South Asian Law Student Association

The South Asian Law Student Association exists to increase the awareness of the South Asian community about issues that concern them.

### The Federalist Society for Law and Public Policies

The Federalist Society for Law and Public Policy Studies seeks to promote an awareness and application of the following principles: that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is the duty of the judiciary to say what the law is, not what it should be.

## CWSL Welcomes New Student Organization: CALS

BY SUZANNE SCHMIDT  
CONTRIBUTING WRITER



Children's Advocacy Law Society (CALs) is a new student organization on campus! As President of CALs, I am very excited and wanted to thank all those who expressed interest. The goals of CALs are to help bridge the gap between students and professionals through networking events; to educate students on current unmet legal needs of children so that when students enter the job market they are exceptionally knowledgeable and more prepared to advocate for children and receive fellowships; and finally, to actively advocate for children in our San Diego community and abroad by connecting students with volunteer opportunities and with law firms that do this fulfilling work.

Even if Children's Advocacy is something that you know you cannot devote a career towards, many attorneys do Children's Advocacy work on the side. On this point, CALs advisor and CWSL career advisor, Drew Lautemann, believes that working in Public Interest areas such as Children's Advocacy, even if only on the side, is not only "the right thing to do, it's a great way to build your network, reputation, resume, and skills. Helping society and yourself is not mutually exclusive!"

All of the CALs officers are deeply passionate about advocating for children, and I am confident that together we can become an active, engaged, and respected organization at CWSL, in our legal community, and around the world. Speaking of around the world, we will be having a bake sale including delicious home baked goods on November 10<sup>th</sup> in the lobby. All of the proceeds will go towards a non-profit organization based in Kenya, called the Stahili Foundation. Currently Stahili provides funding for the education and living expenses of 25 former neglected orphans in rural Kenya, and provides legal advocacy on behalf of many more. To learn more visit <https://www.facebook.com/stahili>. Please email us at [cals@law.cwsl.edu](mailto:cals@law.cwsl.edu) or comment on our Facebook Page <https://www.facebook.com/CWSL-CALS> if you or your organization would like to join efforts and help make the bake sale a success.

In addition to the bake sale, we are doing an ongoing fundraiser for children in San Diego who were recently removed from their families due to abuse, neglect, or abandonment. When a child is first taken from their family, usually the first night is spent at a local emergency shelter. This night for children is very scary and often filled with a lot of grief. The money that we raise through the fundraiser will go towards buying beautiful, quality therapeutic teddy bears called Comfort Cubs to give to these grieving children. A local non-profit organization produces these bears and is selling them to us at a reduced rate. A donation of ANY AMOUNT will go far. For more information and to make a donation visit: <http://www.gofundme.com/ftu7os>

Our first ever general meeting will be an Ice Cream Party, on November 3<sup>rd</sup> at 12:15 to 1:15 in 2G. It will be an informal time to release your inner child for a moment and indulge. All of our officers will be there for you to meet. In addition, we really want to encourage active participation in this organization so we will be collectively brainstorming ideas for greater success in our current fundraisers. If you would like to become a member bring \$15 for annual dues. We are currently in the process of designing T-Shirts to give to our new members and we are also building up a strong outline bank. More info will follow!

Our second general meeting this trimester is on November 17<sup>th</sup> at 12:15 to 1:15 in 2G. Take a break from studying and eat lunch on us (on a first-come basis). We will welcome two experts from USD's Children's Advocacy Institute (CAI). Melanie Delgado will discuss unmet legal needs facing transition age foster youth. Christina Riehl's will discuss a Child's right to counsel in dependency proceedings, both in a national context and also the problems of representation in CA. The event will be a good time to get exposure to the area of Children's Advocacy.

I cannot wait to welcome you as a new member and work together to advocate for those who are largely unrepresented and have no voice.

Your President of Children's Advocacy Law Society,

Suzanne Schmidt

 Children's Advocacy  
Law Society

# CAMPUS NEWS

## Meet Your Staff: Megan Burkart



By ROGER HINOJOSA  
STAFF WRITER

I'm sure there are plenty of times when you're case briefing, outlining, or writing a legal memo and you just think to yourself... Megan Burkart is a boss; however, for those of you who haven't, or don't even know Megan, allow me to introduce her.

Megan works in Campus Reception, Mailroom, and Room Booking for non-class booking. What does that mean to us? In our perspective, she processes student organization bookings, she's the one who helps you find where specific departments (or bathrooms) are and, if you use caller ID to return a call from someone on campus, you'll get Megan. Get to know her; she's a great person to talk to.

Megan says she enjoys all aspects of her job, but her favorite aspect of the job is booking rooms. She compares it to playing mental Tetris, because she has to fit certain bookings in rooms, keeping in mind set up and breakdown times, without creating any overlapping conflicts. The other way Megan contributes to our fine community is with her knowledge of CWSL. Apparently, a student went to Megan looking for answers, because another student said, "Go see Megan, she knows everything." While Megan says she doesn't know everything, she can point you in the right direction to people who do.

Megan is a happy-go-lucky girl from a little, unknown country town near naval base Great Lakes, IL. Her husband is in the Navy and they were stationed in San Diego three years ago. Megan says that she was completely culture shocked when she moved here. The definition of traffic, where she's from, is a 10 car line of traffic from tractors hogging the road. She doesn't live under a rock, but no traffic in the Midwest could prepare her for So-Cal traffic. Megan's take on California traffic, "I still get excited when I see someone else that uses the rare, elusive turn signal to change lanes."

Outside of work, Megan is a wizard. She's a gamer, an avid reader, and is big on fantasy right now; she recently finished *The Crown Tower*, by Michael J. Sullivan. She also enjoys going on early morning runs to clear her mind and prepare her for her day. Megan magically juggles school part-time; a full time job; taking care of her house, because her husband is often away; and working with her charity, Grobanites For Charity. She is the co-founder and an essential component in operating a small non-profit called Grobanites For Charity, or GFC, a fan-based organization for singer Josh Groban. They raise funds for Josh Groban's Find Your Light Foundation, which funds music and arts programs for kids in the US. She began this project when she was 18. \$1 million raised and 12 years later, it's the one thing she can point at and say, "I made a difference." When you have the time, stop by and say hi to Megan, she'd love to get to know you, or to point you to the nearest restroom.

## E.L.L.S. Speaker Panel

By LAUREN-NICOLE CARTER  
CONTRIBUTING WRITER

My name is Lauren-Nicole and I am the President of the Employment and Labor Law Society. We are having a speaker panel next month on November 11, 2014, co-sponsored by the ABA & Career Services.

The event will take place from 12:15 p.m. - 1:30p.m., with the panel in the Moot Courtroom and a mixer in the Roy Bell Reading Room immediately after. Here are the panel members:

**Mishell Parreno Taylor - Littler Associate**

Mishell Parreno Taylor focuses her legal career on representing employers of all sizes, ranging from local to global corporations on a broad spectrum of employment law issues. She has extensive experience in handling employment litigation in federal and state courts and administrative agencies across the country, including California, Texas, South Carolina, Arkansas and Alabama. Her experience includes defending clients against individual and class-wide claims of discrimination, harassment, wrongful termination and retaliation. Additionally, she aggressively handles both individual and class action wage and hour litigation in matters involving claims of missed meal and rest periods, unlawful deductions, misclassification and off-the-clock work. Not only has she successfully defeated claims at the dispositive motion or class certification stage of litigation, she has also successfully litigated an all defense verdict in the Southern District of California involving claims of national origin and race discrimination and retaliation. In addition to her strong litigation experience, Mishell has extensive experience in advising employers on all aspects of the employer-employee relationship. She assists

employers in identifying and preventing problems before they arise through compliance analysis and development of workplace policies and procedures.

**Wendy L. Tucker - Procopio, Cory, Hargreaves & Savitch LLP**

Wendy L. Tucker's practice focuses on providing practical, effective advice to assist employers in complying with all aspects of state and federal employment law while, at the same time, reducing the risk of potential lawsuits. Her goal is to provide solutions tailored to individual employers to accommodate her clients' philosophies and assist her clients in reaching their objectives. Wendy's twenty-plus years of experience enables her to offer her clients creative and effective solutions. Wendy has been recognized as one of Southern California's Top Rated Lawyers, one of the Top Rated Lawyers in Healthcare, and has a Martindale-Hubbell® AV Preeminent Rating.

**Corey P. Hanrahan, Esq. - Trial Attorney at The Hanrahan Firm**

Corey Hanrahan has been practicing law since June 2008. From July 2008 to July 2014, he was practicing at a mid-size plaintiff's employment law firm. Starting August 1, 2014, he left and founded his own firm, still focusing in plaintiff's employment law. Mr. Hanrahan does everything at the office, including drafting pleadings and discovery, taking depositions, and trying the cases at trial or arbitration. He has tried five cases to jury or arbitration verdicts, and settled one case during arbitration. Corey Hanrahan has served as counsel on more than 100 cases.

**Warren Paul Beck - Attorney at Law self employed**

Warren Paul Beck has been self-employed for 33 years in private practice. He mainly represents plaintiffs who were employees that were wrongfully terminated, discriminated against or harassed. He also advises small busi-

nesses who want to be in compliance with federal and state laws so as to avoid being sued by their employees. He represents parties before the EEOC, Department of Fair Employment and Housing, Division of Labor Standards Enforcement, and the California Unemployment Insurance Appeals Board. Warren Paul Beck has also participated in many mediations, privately and in the public sector, as well as involvement in both union and private arbitrations. He also represent Federal employees who pursue discrimination claims through the Federal EEO process. In law school, he was Dean of Delta Theta Phi law fraternity, acting editor of school newspaper, and Chairperson of the Social Activities for the Student Bar Association. Mr. Beck is in the 1981 edition of Who's Who in American Universities and Colleges.

## We Can't Hear You! Suggestion Box Update

By J.R. CANLORO  
CONTRIBUTING WRITER

We first would like to thank all those who have provided their comments in the suggestion boxes. There is a constant flow of suggestions that respond to the Question of the Week as well as other student concerns. One of the questions we asked students was how they felt about the food options at CWSL. It's clear from the responses that students aren't pleased with the available options. Though the options in terms of flavor and quality are limited, one student's suggestion regarding healthier options could be beneficial to students—simple options such as fresh, organic fruits and vegetables. A good place to begin may be at the Bagels/Donuts with the Dean events. Though bagels and donuts are delicious, the student comments that it is the fruits and vegetables that "stimulate brain cell activity and provide for a healthy gut." Giving students the opportunity to explore these options can truly be worthwhile for the student body. An additional suggestion requested drinking fountains that include a dispenser for filling water bottles. Not only could those drinking fountains be beneficial in a student's well being, but it also promotes sustainability and conservation.

Another question we asked students involved what kind of events they were interested in attending. Though some suggestions included very attractive ideas like brewery tours, cocktail parties and parties in general, one student was interested in attending events with a charitable purpose. Though student organizations plan philanthropic events throughout a trimester, their advertising doesn't always catch the attention of the student body at large. School-wide advertising is key to encourage students to attend these philanthropic events. Low commitment events such as soup kitchens, literacy events or encouraging higher education to high school students may be events that students would be interested in attending.

Though there were numerous suggestions that SBA has received, SBA as well as the administration hope the suggestions continue to come in as well as increase. While suggestions can be left at suggestion boxes throughout the 350 building, feel free to leave a suggestion through email by emailing the suggestion to calwestombudsman@gmail.com.

## Tech Update: Email On Your Phone

By DANIEL STARNES  
COMPUTER LAB AND NETWORK TECHNICIAN

Today we are talking about email. I like to keep my home, work, and school email separate. Some people want all their email in one place, so they can look one place and see all their email at once. Thanks to smartphone and tablets, you can have the best of both worlds. You can set up your smartphone to access each email account that you have. This way, you can see all your email in one place, but keep each account in a separate box, if you want.

However, there is one problem that keeps cropping up. I often have students come to me and say, "I can receive email, but I can't send email from my smartphone." This is usually just a configuration problem, and is easily fixed. You have to set up both the incoming server, and the outgoing server. Many people set up the incoming server and stop there. So let's say we have Mr. Law Student, whose account name is "lawstudent", and his password is "Password1". (Yes, we do have a test account named "lawstudent". No, the password is not "Password1", so quit trying.)

Mr. Law Student would go to the email settings on his smartphone or tablet, and set it up like this:

Incoming Mail Server  
Type: IMAP  
Host Name: lex.cws.edu  
User Name: lawstudent  
Password: Password1

Outgoing Mail Server  
Type: SMTP  
Host Name: lex.cws.edu  
User name: lawstudent  
Password: Password1

If your system says the outgoing server settings are "optional", that is because some systems don't require the outgoing server settings. Ours does. So make sure you configure both the incoming and outgoing server settings on your phone.

So, if you can receive email on your phone, but you can't send email, try checking these settings. If it works, great! If it still doesn't work, stop cursing at your phone and go see your computer tech. That's what I'm here for.

# PROFESSORS' PAGE

KLEIN, CONTINUED FROM P. 1

1. Being a lawyer is a great job. You are paid to think about and solve intellectually challenging problems every day. That's pretty cool.

2. But... Clients are a bottomless pit of need. If they weren't, then they wouldn't be needing a lawyer. Their need can eat you. Literally. You have to have boundaries. You have to go home at the end of the day and turn your brain off. You have to have a full and rich life outside of work. And you have to sleep. One of my mentors used to say, "this would be a great business but for clients." Another said, "when you go home at night don't forget it wasn't your money on the table." I would say it differently. I liked my clients and I liked solving their problems. But if you can't keep straight the difference between you and your client then you won't last in this business, or at least won't happily last in it, for long.

3. You are hired to solve a problem that someone could not solve on their own. That definitionally (Word doesn't think "definitionally" is a word - Word is wrong) involves a certain amount of tension. It never hurt my client when I was the most polite and professional lawyer in the room. Clients did not always believe that, but I do.

4. Every single thing you do as a lawyer has your name on it. Make sure you keep that single thought in mind when you ask - is this good enough?

5. Be kind. To your clients. To your adversaries. To your colleagues. To yourself.

6. Don't apologize for what you do. We are a big part of the reason that we live in a civil and safe society.

7. Admit mistakes and confess what you do not know. It is not a sign of weakness, but of strength.

8. Smile and laugh. Most things involving humans are kind of funny.

9. People are often intelligent but uneducated. You are more educated than most people you will encounter as a lawyer, but not necessarily more intelligent. Don't confuse the two.

10. Preparation beats skill every time.

11. Your ability as a lawyer can rarely win a position that should lose, but your inability as a lawyer can lose a position that should win.

12. Don't always eat at your desk. Eating out is fun.

13. Every dollar you make and don't spend will make your life oh so much better later. Money can't buy love. Money can't buy happiness. But money can buy freedom. Money can give you the courage to make a decision that you wouldn't make without the safety net of a savings account. It can free you to

do what you want instead of what you need (hat tip to Mick Jagger).

14. At the end of the day, the most important tool you have is your integrity. No case and no client and no matter is worth sacrificing your integrity. One of my mentors used to say, "never get chalk on your shoes." Another said, "stay in the middle of the fairway." A third said, "If someone has to go to jail, make sure it is your client, not you." Wise folks, those mentors of mine.

15. Never pass up free food. Especially chocolate chip cookies.

16. Assume that every single word you write, text, tweet, email, shout, or whisper will eventually be repeated to the person you would least like to hear it.

17. Walk through any graveyard. Count the number of memorials that note what a great person, parent, or spouse the deceased was. Now count the number that note how many hours a person billed. What conclusion does this teach about work place/life balance?

18. There will be hard days. That's why we call it work. That's why someone has to pay you to do it. If the bad days start to outnumber the good days for a significant period of time, then it is time to do something else.

19. Decide which of these seems more right to you: Assume the best in people knowing you sometimes will get burned OR Assume the worst in people knowing you sometimes will miss opportunities.

20. Almost every decision I ever made that seemed really consequential and hard at the time, turned out to be not so much just a few years later.

21. It's okay to fail. It comes with the territory. But try not to make a habit out of it. Learn from it. Fail forward.

22. Outwork your opponent.

23. More success comes from a love of winning than from a fear of losing.

24. It's okay to be anxious. Anxiety sharpens the mind. Just don't let it freeze you.

25. Lots of people in the law - including adversaries, colleagues, and clients - are anxious. You often encounter people at their worst. Do not confuse someone who is angry at you with someone who is angry with you.

26. Be yourself. Don't play a lawyer. Don't adopt someone else's style. There is no magic formula or best style. But integrity comes close to being a magic formula. And if you are not true to who you are then that will be something other people pick up on with disturbing frequency.

27. Trust your gut. If a potential client matter seems off to you, then say no. There's a saying in Texas, "Lie down with dogs; get up with fleas."

28. Be patient with your thinking and your expectations. Another Texas saying: "Pants first; shoes second."

29. Keep in mind that your client may not have the same goals as you do. And when you keep this in mind, don't forget who is paying who.

30. And if you can't remember this long list, then just remember this. Most of the rules of dating translate equally well to rules for being a lawyer. Be a good listener. Be yourself. Be kind. Offer to pick up the bill for lunch.

## PROFESSOR FINK: EFFEN BLACK CHERRY VODKA AND SODA



Photo from www.cwsl.edu

BY TURNER HOPKINSON  
ASSOCIATE EDITOR

**What type of law did you practice, where, and for how long?**

I practiced employment litigation for a large law firm in Chicago from 2001 until 2006. I was representing employers in basically any type of matter in which an employer could be sued. There were lots of sexual harassment cases, discrimination cases, wage and hour cases, and all that good stuff.

**Did you enjoy it? Why or why not?**

I loved practicing law. I tell my students on the first day of every semester, every class that I teach, that I loved practicing law. I loved big firm life. I think it's really unfortunate you guys don't get that message more frequently. I think a lot of times the assumption is that the person at the front of the classroom is there because they either hated practicing law or were not very good at it. I loved it; I have a competitive streak, so litigation really tapped into that. I also am very nosy and employment law let me dig into what happened with the employee and employer relationship.

**How long have you been a professor at Cal Western?**

I have been here since 2006, initially as a Teaching Fellow. We now call that a Visiting Assistant Professor. Then I was a tenure-track faculty member, and now am a tenured faculty member. I had always thought I wanted to practice law for 30-40 years, make partner, and work at my firm for as long as I could because I loved it.... and then someday, in my 50's or 60's I would teach. That was the game plan. Then when I moved to San Diego, my firm didn't have an office here, and I started looking into other firms. And I had one of those moments where I thought, "I could do whatever I want" right now ... maybe, let's just try to have 30 years from now be now. I fell into it, and I loved it. Once I got that first taste of teaching I fell into love with it.

**How was your law school experience?**

In some ways it was much more difficult than I expected. And in some ways it was much easier than I expected. I spent a lot of time the summer before leaving for law school "brainwashing" myself. I said to myself, it can't be about the grades anymore, it can't be about being the top of my class because I was going to law school with 150 other people who were always at the top of their class. And so, I had to really make myself okay with the fact that if I got average grades that was okay! So in that respect, it made things a lot easier. I felt like the pressure was a lot less than undergrad because - and I mean this in the least cheesy way possible - because I was there to learn. I only took classes that were interesting to me or had interesting professors. I didn't take any classes I was "supposed" to take and that made the experience much

richer than I expected. It was also much more difficult than I expected because, as everyone reading the Commentary knows, law school is a very different way of learning, test taking, and you have to change the way you work and study to be successful.

When I was in law school the only required course was Professional Responsibility. I had a very idealistic sense in law school that I only was going to take the courses I found interesting. However, looking back on it, I now think it's a great idea to take at least certain Bar recommended courses - if not all of them. And there's a reason behind it. I don't think most students remember very much after they take an exam, but, as you'll see when you sit down in BarBri and your instructors start talking about these concepts, you have that moment of, "Oh, I've heard of this before." It makes it a lot easier because, for example, it's really hard to teach yourself Con Law II for the bar if you never took it in law school. But if you've had it before, you're not teaching it to yourself and something will come back to you. So I do think it's actually a pretty good idea to take the Bar recommended courses.

**What is your favorite class to teach?**

They're all different. Employment Law is my baby because I practiced it for so many years. So, I go into it with a unique perspective of "here's how this actually works." And that's really fun for me. Constitutional Law is a course that I never envisioned myself teaching, and that I kind of fell into, and I adore it. I adore it because a lot of the students are still pseudo-first year students. I don't teach first-year students, but especially when I teach Con Law I in Summer or Fall, it's students who are just done with their first year. I also think that the material in Con Law I is really interesting and important. I want my students to be informed about current events. I want them to hear things on the news and say, "that's not true and I know why that's not true." I think even more than Con Law II, which is sort of the "sexier" of the Constitutional Law courses, Con Law I really addresses topics we encounter every single day. So, I love being able to make my students into informed watchers of the news.

Remedies, I like primarily because I see a lot of familiar faces. Most students wait until the end of law school to take this course, so I get students with a whole body of knowledge - and usually they have taken my Con Law I class, which translates to a comfortable, familiar environment.

**Professor Stiglitz said he enjoys teaching 1Ls because they are more motivated and eager to learn compared to 2Ls and 3Ls. However you don't teach any 1Ls; how do you deal with the struggle of motivating and capturing the attention of upper classmen/women?**

I have never taught 1Ls. Every faculty member has a different answer to this problem. My answer is to tell students, "You are paying something like \$2.50 a minute in a three credit class. So, some of my attitude is if you want to be disengaged and rely on last year's notes, take shortcuts, and not really learn the material then go ahead - you're an adult. I'm not going to take away from the rest of the class by holding your hand in class." At the same time, it's distracting. It's distracting for me because I know every single thing that goes on in my room. Students don't believe me. I know when you're on Facebook, I know when you're messaging across the room, I know what's going on. And if you're distracting to me and not paying attention I will call on you. But it's still unfortunate if you are not engaged, because you are paying so much money to be here and be successful.

**What is your favorite part about teaching?**

The easy answer is students. But to me it's more than just the students. It's that moment when I see a student "get it" or the moment when I see a student become genuinely interested and engaged in a top-

Which professor do you want to hear from next?

What would you like to know about him or her?

Every month, Turner Hopkinson will interview another professor, chosen by our readers.

Send your requests to  
TJHopkinson@law.cwsl.edu

# PROFESSORS' PAGE

ic. My favorite moment as a faculty member is by far, when I get an e-mail from a student who will say "I heard this story on the news" or "I saw this article" and ask me "isn't that what we were just talking about?" For me, that is phenomenal; it's me doing my job.

**Do you feel law school adequately prepares a student for the real-world practice of law?**

I think that every law school does to some extent. I think that our law school does a better job than most. I graduated law school completely incompetent. I was a hair breath away from committing malpractice for the first six months. And for the most part, most law students are. There is no easy way to have you fully prepared. But I do think we do a better job than most because we emphasize practical learning and "learning by doing." I understand that, among students, STEPP's is a controversial requirement, but I think it does a really good job of showing you what you're going to be doing when you're out in the real world practicing law.

**What is one of the biggest changes you've seen since you started teaching in terms of the way law school is ran?**

I think there are two things. First, there has been a much stronger emphasis placed on practical learning. Cal Western has always kind of been there, but we've put it on steroids in the past few years and really have put an emphasis there. And the ABA and California Bar is putting their emphasis there as well, and upping their requirements. So that's one big change. Practical learning was always percolating here, but now it's become a primary focus.

Technology is the second thing that has changed. My first year of law school, almost no one had computers in class. By my third year, people were carrying 50-pound brick laptops. There was no ability to get online in class. And I don't necessarily think it's a terrible thing, to have computers play a role in the classroom, but it has changed the way students learn. It's given them the ability to transcribe every word that is said versus actually thinking and figuring out what is important.

**What is your most memorable moment as a lawyer?**

My most memorable moment as a lawyer was when I second-chaired a jury trial as a second year associate with a partner who really believed in mentoring. Standing up to do my first direct examination in federal court, having been a law student just two years before, was awesome.

**How about as a teacher?**

One would be when I unknowingly went into labor with my second child during class. I didn't know that I was in labor! That was certainly a memorable moment. My second would be my first day of my first year teaching. It was the most terrified I've ever been in my life. All I wanted was for the students to not realize how terrified I was.

**What do you recommend students do to excel in your classes?**

Obviously, pay attention. But it's not obvious. It's more than paying attention. The best thing you can do in my class is stay engaged - and that means a lot of different things. It means not relying on scripts from last year's class because I know you're relying on that because I know everything that goes on in my classroom. And, you really won't learn the material. Being engaged also means participating. I'm a huge hypocrite when I say that because I can count on one hand the number of times I voluntarily participated in law school. I was that girl who sat in the back of the room who was terrified of speaking in class. But I see the difference that it makes for students when they ask a question and not just internalize what I am saying, but also verbalize it. And "being engaged" also goes beyond just doing your readings. It goes beyond just briefing cases, which I realize by the third year no one is doing. I think it is doing what I mentioned before, looking out for issues in real-life and starting to make those connections between law and the real-world.

**What methods of teaching do you use for your classes and why?**

I use a combination of panels with lots of volunteering, while still reserving the right to cold call on people. I rarely do that,

but I will do it, especially if I think you're not paying attention. My initial reason for not cold-calling on people was terror. I was such a scared new teacher, and I thought to myself that I didn't know what I was going to do if I called on someone who was unprepared, so I just put the students on panel. And now I think that having panels just makes for a more robust discussion.

**What do you think is the most valuable thing a student should take out of law school?**

I think it depends on the student and what the student wants to do once they're done with law school. If you're looking to go and practice law at a firm or a prosecutor's office, or some type of traditional setting, then you always hear people joking about "thinking like a lawyer." I honestly still don't know what that means, but I think it is learning to go through the motions and pretend you're a lawyer at the least. I used to say the most important sentence a new lawyer can say is "that's a really interesting question, let me check on it and get right back to you." And I probably said that to clients a hundred times my first year. You have to master learning how to carry yourself like a lawyer, act like a lawyer, fake it until you make it, and not commit malpractice. All of those skills are incredibly important for any lawyer, new or old. And knowing that you don't know the answer—which is the case 95% of the time when you start out — and knowing how to find the answer and who to call is invaluable.

**What can a student do during law school to prepare for the real-world of practice?**

I think the biggest thing is making connections. Again, I'm such a hypocrite because I never wanted to network during law school. Even now, there's nothing more painful to me than having to go to a conference, make small talk, and network. Some people are great at it, I'm not and it's not something that I enjoy. But networking does not have to be that generic schmoozing thing; it's also networking with your law school colleagues. In some ways, I really failed in that. I didn't make the connections that I should and could have made in law school. And these are the people now who are CEO's and senior partners. And because of this I think the most important thing you can do to prepare yourself is to make connections.

This also includes connections with faculty. You'll never know if five, six, or eight years down the line you're going to need a recommendation letter. If your faculty members either don't know who you were, or even worse know who you were but in a negative fashion, that's a bridge that you burned unnecessarily. Go to office hours, schmooze us up a little bit, and we will remember you.

**There seems to be a divide in opinions about developing your resume. For example, if I want to be a criminal defense attorney should I focus solely on developing a resume in criminal law? Or, do you think it is more beneficial to create a more generalized resume that could potentially open doors to more avenues of post-graduation employment?**

I think it depends on a couple of things. First, it depends on how sure you are about knowing what you want to do. I was talking to one of my students about this yesterday. I went to law school not really knowing what I wanted to do but decided during law school that I was going to litigate because I hated transactional work. And I said that for years, until a partner at my firm heard me say that and started laughing. He said, "what do you mean you hate transactional work, you love drafting employment contracts, what do you think that is?" So sometimes, even when we think we "know" what we do or don't want to do... we really don't know.

If you are a student who thinks that you are sure about what you want to do, I would say keep at least a tiny bit of your mind open because you never know what opportunities will pop up. However, if you are truly passionate about doing something and know that is what you want to do, you want to create a resume that reflects that and be able to say, for example, I concentrated in criminal law because this is my passion.

**What would be the biggest piece of advice you could give to a 1L?**

Don't be scared and don't be competitive - and that's really hard to do. It's advice that's easy to give, but really hard to follow, especially in light of the curve and everyone thinking they're going to fail out. I think you should just focus on being a good student, doing the best job you can, and not being so worried about the person next to you in the library saying they've been studying four hours more than you - I guarantee you haven't and it's wasted energy. Don't waste your energy on what other people are doing, just worry about yourself. And no one will like you if you're that competitive jerk who makes fun of fellow classmates or doesn't help anyone out.

**Same question, but for a 3L.**

Be engaged. It's not over. You're still paying the same amount of money to be here and you can be learning things that can help you. You're still making connections with faculty members. Don't waste your time, and frankly don't waste my time. There is nothing more frustrating than looking out in a lecture hall when I have worked my tail off to craft what I think is a great class and seeing students not paying attention. Stay engaged and I think for both a 1L and a 3L you should get involved in other activities. Another huge mistake I made in law school was not doing that.

**Where do you see the legal profession in ten years?**

I think it is kind of like a pendulum. When I graduated law school jobs were available, salaries were high, everyone was hiring, and there were 90 person summer associate classes. And now it's not like that. I'm hoping the pendulum is swinging back the other way. I don't think we will ever be back to the boom that we were in back then, but I hope that we are at a place where we have a market where there are jobs for students. I think the fact that all law schools have seen their applications down may help the job market in the future.

**Do you see it going back to the more traditional "big" law firms or will we see the trend of smaller firms or solo practitioners continue?**

I think the big firms will always be in business. I drank the Kool-Aid; I am a huge proponent of big firm law. I think the resources that you get, the caliber of lawyers that you get, and having so much expertise in one firm... it's something that you can't get in small law - at least not as easily. And it's not that there aren't great small firm lawyers or solo practitioners. In fact, I think these lawyers have caused big firms to have to change the way they do business. I think the days of having conference calls with four partners charging \$700-800 an hour are over. A client won't pay for that - not when they can get great legal advice from a smaller firm. But I don't think that big firms are going anywhere.

**Where do you see yourself in ten years?**

I will be here doing exactly what I am doing now. They will have to carry me out of here. I will no longer be, and I am no longer, the "young cool professor" and it's very depressing to me. But I will be doing the same thing I am right now.

**Do you recommend a student follow their passion or money?**

Hopefully they follow their passion. I think following the money without any passion results in burning out very quickly. But I also think following your passion where there is no money is a really rough road. So I think you have to find a way that allows you to be comfortable financially while still following your passion.

**What areas of law do you see expanding in the future?**

I think that employment and labor law is going to remain a robust area of the law. I think employers are always hiring and firing and employees are always suing. I know, I'm biased, but my expertise is in the employment area. I think IP and privacy law and areas like that are going to be very hot areas as the law tries to catch up to the technology. I think healthcare law, primarily trying to deal with the new landscape that's being set up, will be important too.

**Do you see law school tuition and the large influx of new lawyers as a problem?**

**Do you see the current model as sustainable, and if not, what do you see hap-**

**pening?**

I'm not an expert on this at all and I don't have a very strong opinion on this. Is the tuition too high? Of course it's too high, it would be great if law school were more affordable... but there's only so much as a law school can do about it with costs rising in other areas.

**If there's one thing you would change about law school, what would you change?**

The biggest thing I would change actually is already changing. I did not have any real practical experience in law school. I didn't do a clinic, I didn't do any practical learning... I didn't do anything besides take classes, really. And I think the extent to which schools like Cal Western are offering internship and externship opportunities are really precious opportunities. So, I would say the change is already happening.

**With this shift in curriculum, do you feel students are leaving law school more prepared in a practical setting but not learning black letter law as much?**

I think it depends on how a student structures his or her academic career. I think for those students who know exactly where they want to practice and what they want to do, they can tailor their courses to focus on that along with practical learning, when and where that is appropriate. But if a student doesn't really know the direction that he or she wants to take, it can be tougher because if you don't know if you want to do bankruptcy law, labor law, or tax law then it's difficult to make sure you are taking the appropriate classes. I do think that you should be equipped when you graduate law school to teach yourself nearly any area of the law. There are some areas like administrative law or tax law that are more difficult to teach yourself, but almost any area of the law you should be able to, at the least, research it yourself or know how to contact useful resources in your area by the time you graduate.

**Favorite drink?**

Effen black cherry vodka and soda is my favorite alcoholic drink.

Orange Crystal Light is my favorite non-alcoholic drink.

**Favorite place to go in San Diego?**

Grand Del Mar.

**Perfect Friday night?**

Dinner with my family, followed by a movie on the couch.

**Where does your passion for Constitutional law come from?**

I did not aspire to be a Con Law professor; I was asked to teach it and agreed. What came as a genuine surprise to me was how interesting it was. I love the fact that I see this stuff all the time on the news and I can talk about it in class. And I also had the most amazing Con Law professor in law school, Larry Tribe, who is a Con Law God. The fact that I get to try to do what he did makes me pinch myself. He's someone who I worship - worship isn't even a strong enough word for it. And so, to get to try to emulate him is amazing.

**What helped you develop your teaching philosophy?**

It's very easy for me: I do the things that worked for me as a student and I don't do the things that I hated as a student. I'm someone who needs a very organized, methodical environment. Professors who were all over the place drove me crazy. I also was a student who really reacted very strongly when I saw a professor embarrass, humiliate, or disrespect a student in class. Because of this it's really important to me that my classes create an environment where people are comfortable.

**You're originally from Detroit, correct? What brought you to San Diego and would you ever return to Detroit?**

What brought me to San Diego is a short answer—my husband. My boyfriend at the time brought me to San Diego. As for Detroit, I try not to return for more than four days at a time!

**What do you view as your greatest accomplishment?**

My kids. I have two awesome kids and as much as I love this job—and I love it—everything will always come second to my kids. The second this job hampers my ability to be a fantastic Mom, I would be done.

# CAREER CORNER



Photo from www.cwsl.edu

## Get to Know Your Career and Professional Development Staff

BY MATTHEW A. LAB  
ASSISTANT DIRECTOR  
CAREER & PROFESSIONAL  
DEVELOPMENT

The Career and Professional Development Office is here to assist you as you make the transition from law student to professional. We want to partner with each of you to ensure that you are not making this jump alone! Everyone in the Career and Professional Development Office is dedicated to giving full effort to assist you on your way to a highly rewarding and satisfying career in the law. Get to know us! Don't be a stranger! The more we know of you, the better we will be able to help you. To help you get to know us, we thought that we should provide you with some off-beat information about us that you won't necessarily find in our official website bios:

**Courtney Miklusak, Esq., Assistant Dean.** A graduate of California Western, Courtney practiced both civil litigation and transactional law in San Diego. As the Assistant Dean of the Career and Professional Development Office and overall manager of the office, among many other things, Courtney works to develop and strengthen relationships between the Career and Professional Development Office and legal employers and to create job opportunities for law students and graduates. Courtney is a proud UCSB Gaucho and is our department's resident restaurant critic. If she or her husband Clark, a fellow Gaucho (and Qualcomm engineer to boot), haven't eaten there, they know someone who has! She and her family just relocated to Escondido, in north San Diego County.

**Jocelyn Salvatori, Esq., Assistant Director.** After graduating from UC Davis Law School, Jocelyn practiced in private law firms representing small and large corporations in business litigation, labor and employment litigation and product defect litigation. She counsels students and coordinates our judicial externship and clerkship programs. Jocelyn is also our go-to person for part-time students, students who are in law school pursuing a second career, and alumni who are re-entering law practice after taking time off from the practice. Jocelyn and her family enjoy vacationing in Hawaii, watching the TV series Hawaii Five-0, and eating at L&L Hawaiian BBQ.

**Matthew Lab, Esq., Assistant Director.** I counsel first through third year students and recent graduates as well as implement many career development programs throughout the year. I spent my years of full-time practice in law firms and in-house in the areas of business, real estate

litigation and transactions. A former chef, I just had to go to law school (UC Hastings) in the greatest culinary city in the West, San Francisco; where I left behind (not my heart, but) my chef's toque, long hair and earrings. These days, Lisa, our three boys and I enjoy anything outdoors that involves two wheels, preferably off-road, camping, and tending to our hens, micro urban farm and 100 vine vineyard, from which we produce our house wine, "Three Boyz Blend".

**Drew Lautemann, Esq., Career Advisor.** Drew is new to our office and primarily counsels students interested in careers in public interest law and coordinates CWSL's Pro Bono and Public Service Honors programs. He spent the last few years working with a wide variety of local nonprofit organizations, managing a solo immigration law practice, teaching nonprofit development courses at San Diego State University, and leading a summer abroad course in Costa Rica. Drew and his wife Eva met while law students at CWSL and are the proud parents of a bunny, four guinea pigs, and a new puppy, and he annoys each of them daily as a terrible, aspiring folk singer-songwriter. Until folk music returns to popularity and he becomes a huge star, you can find him in the Career and Professional Development Office revising your resumes!

**Robin Lake, Esq., Career Advisor.** Since graduating from the USD Law School, Robin has amassed over twenty years of transactional law experience in San Diego with firms of all sizes. She counsels students of all levels and is responsible for our Alumni Mentor Program and social media. She is the proud parent of two hippies, one an artist and the other a musician, one of whom has longer hair than she does! She enjoys good food, better wine and weekends with her husband at their cabin in Big Bear – and not necessarily in that order.

**Asha Wilbun, Esq., Part-time Graduate Career Advisor.** Since graduating from California Western, she has spent most of her time as a prosecutor at the San Diego City Attorney's Offices. Asha is excited to be back at her alma mater helping 3L students and graduates smoothly transition to their next phase of life. She enjoys sharing with us some of the scary experiences that her husband has encountered as a firefighter in Los Angeles. Yikes. She and her growing family recently relocated into a new home in Encinitas, in north San Diego County.

**Noelle Dorman, Assistant Director - Projects and Employer Development.** Noelle is the "rock" of our office. She graduated from Cal State Fullerton with her B.A. in Political Science, and she received an M.S. in Child Development from SDSU. She is our resident vegetarian, animal rights advocate, Pittsburgh Steelers/Pirates/Penguins fan and authority on all things related to big-hair metal bands!

**Wanda Harvey-Amoke, Administrative Assistant.** Wanda has been with our office for six years, and is the first face you will see upon entering our office! With her, you will always get a smile, a little Southern charm (or attitude depending on the circumstances), but you can never anticipate the color or style of her hair because it changes daily!

**Amanda Robbins, Department Coordinator.** Amanda manages employer and student databases, monitors and promotes job opportunities, and assists in the overall management of the office. Before coming to Cal Western, she spent over 5 years working for a private family law firm (yes...family law, woohoo!). She and her fiancé purchased their first home a little over a year ago, which means that they spend most of their free time devoted to the endless flow of DIY projects. In her free time, Amanda enjoys being outdoors, obsessively developing her collection of succulents, and spending time with their 75 pound Dutch Shepard fur-child named Zoey.

## Two Tips for the California State Bar Moral Character Determination



Photo from www.cwsl.edu

BY DREW  
LAUTEMANN  
PROGRAM MANAGER  
CAREER &  
PROFESSIONAL  
DEVELOPMENT

As all law students (hopefully) find out before they graduate, to become licensed to practice law one must submit and pass a Moral Character Determination Application. This is an in-depth background check that involves disclosing a lot of information about yourself, including all the addresses at which you've lived for the last eight years, all the schools you've attended (and your student ID numbers at all schools), all the jobs you've had since 18 (except short-term, non-law related jobs), any academic disciplinary actions taken against you, any arrests or convictions you've ever had, and much more. It is advised to start your Moral Character application early, generally at the beginning of your 3L year, because it can take a lot of time to find all the necessary information and because it can take even more time for the State Bar to conduct the background check. This article is intended to bring two possible issues to your attention that may delay your application and license to practice. One of those issues – criminal history – likely won't surprise you, but another – living at unverifiable addresses – might.

First, you should disclose any and all criminal arrests and convictions you've had. That means everything. Ever. If in doubt, disclose. That drinking ticket from high school? Disclose. That case that was dismissed? Disclose. That case from [insert any Spring Break destination] in college that surely no one will ever find? Disclose. Not appearing completely truthful is one of the worst things you can do. Second, take responsibility. I know of a situation where someone's license to practice law was held up for an entire year after passing the Bar Exam, and while I cannot be sure, I suspect part of the reason is because she did not take full responsibility for her actions. She received two citations for alcohol-related offenses during law school and always argued that she was unfairly targeted by the police officers. I don't know what she wrote in her Moral Character Application, but I know other attorneys with similar criminal histories who did not have to wait to become licensed, and the difference may have been how they approached the issue in their applications. I suspect those attorneys took responsibility for their actions, while the other attorney made excuses for why she was not fully to blame. So, disclose everything and take full responsibility.

My next piece of advice comes from personal experience. I took a few trips to Latin America in college and during law school and spent a couple months there each time. I mostly lived in rented rooms and apartments in rural parts of Costa Rica, where I paid with cash and never received written leases or contracts. To make matters worse, when I had actual addresses (which was not always the case) they were something like, "Town of Huacas, 100 meters south of the intersection, 50 meters behind the pizzeria." I wrote these addresses on my Moral Character Application, and I don't think they were what the evaluators are used to seeing. So, while I watched most of my law school friends' applications sail through without problems, I waited. And waited. It ended up taking over nine months to get an approval, and it came only a few weeks before I received my Bar Examination results. So, while I stressed over getting my Bar Exam results, I also had to worry about my Moral Character Application. Eventually everything worked out, but even if you think there isn't anything to hold up your application, I suggest submitting it as early as possible. Also, it costs \$500 to submit, so, plan your finances accordingly.

# LEGAL NEWS & OPINION

## No Love for Hate Crime Legislation

BY JOSHUA SOUK  
ASSOCIATE EDITOR

On September 11, a gay couple walking in a gay friendly area of Philadelphia was attacked and brutally beaten. Descriptions of the crime given to police clearly indicate that the couple was targeted because they were gay. Injuries included facial and bone fractures. One victim had his jaw wired shut for two months. Immediately following the attacks, politicians and celebrities decried the violence. They also decried another matter: Pennsylvania's lack of hate crime legislation.

Hate crime legislation is a fairly new concept. It was not until the 1980s that legislation was introduced in the House or Senate, and it took until 2009 for the House and Senate to pass the Hate Crimes Prevention Act. This act empowered the Justice Department to investigate and prosecute hate crimes. Today, 49 states have hate crime statutes that vary in what areas they cover. Although these laws generally include race, religion, or ethnicity, it has been a battle to include crimes against LGBT persons. As society has evolved on the issue of LGBT rights, the law has slowly trailed behind. Pennsylvania is a prime example. The hate crime law in Pennsylvania allows certain crimes to become hate crimes if they are motivated because of a victim's race, color, religion, national origin, or ancestry. Notably absent for the Philadelphia victims is LGBT status.

There are varying reasons for not including LGBT status in hate crime laws. But the argument over whether LGBT status should be included misses out on the larger issue currently being debated regarding these laws: should there even be hate crimes legislation? Hate crimes legislation sounds good and there is no doubt supporting such legislation is advantageous to a political candidate's career. And because of the perceived heinousness of attacking someone simply because of who they are and what they represent, prosecuting these specific types of crimes makes us feel better about ourselves. But opponents of the laws urge us to look past this feeling.

Opponents argue that a crime is a crime. An attack is an attack. An assault is an assault. Just because someone is targeted for belonging to a certain group of persons should not have an effect on the type of punishment the attacker receives. Yes, it is terrible and sickening that in this day and age in the United States people are attacked, beaten, or even killed simply because of their race or ethnicity. The question is, according to opponents, why should one vicious beating be treated as more reprehensible than another? If you think about it, crime victims are all targeted for some reason. A man may be targeted for a mugging because the expensive suit he is wearing gives his attackers a perception of his wealth. Women are sometimes stalked because they fit their stalkers "type," whether it is tall, short, blonde, or brunette. A person might be car-jacked because the particular car they drive is extremely expensive, or easy to sell once stolen. Is there any difference between deciding to attack and rob a man because he looks wealthy, and deciding to attack a man because he looks, or is perceived to be gay? Is it ethically or morally just to legally designate one attack as worse than the other, and one victim more deserving of justice than another?

Proponents of the law point to the special emotional and psychological impact of hate crimes. In the back of our minds, especially as law students who read case after case describing the various horrific ways a person can be hurt or killed, we all know we may one day be robbed, attacked, or car jacked. Although the odds are low and no one likes to think about it, the possibility exists. But it is different for people belonging to certain minority groups. A straight man does not have to worry about being targeted because he is walking down the street holding hands with his girlfriend. A white person does not generally have to fear being attacked simply because they are white. The emotional violence of a hate crime is just as bad, in some cases worse, than the physical violence. The effects of physical violence can heal and fade but the psychological impact can last for months or even years and require significant treatment.

Thus far it seems that the opponents of hate crime legislation are losing their fight. While there is a chorus growing louder in calling for a tougher examination of these laws, the fact is they are politically popular. These laws make us feel better about our society because we feel we are punishing evil behavior by evil people. The offenses punishable by hate crime laws are not seen as random; rather, they are an attack on a person for a specific reason coming from a place of intolerance, ignorance, and of course, hate. While society may be willing to accept that everyone is at a certain degree of risk for random acts of crime or violence, it becomes a different story once the randomness of the crime is replaced by a specific motivation. Opponents may argue that a crime is a crime, but society and legislators see it differently.

## The Constitution Does Not Evolve

BY RYAN MCKINLEY  
CONTRIBUTING WRITER

In the September issue, *The Commentary* ran an editorial, Constitution Day Should Be A Celebration of A Work In Progress (hereinafter, "Work in Progress"), which challenged readers to view the Constitution as a work in progress, in order to "move society forward." Unfortunately, arguing for a theory of Constitutional construction more conducive to "evolution" and more responsive to social changes reveals the fundamental problem with this theory—that it is a Machiavellian attempt to circumvent procedural safeguards written into the Constitution in order to achieve desired social and political ends.

Work in Progress correctly stated that "our nation's Founding Fathers imbued the Constitution with the ability to adapt..." However, it seems to misunderstand just how the Framers accomplished this. The Framers prescribed a very specific process, called Amendment, in Article V of the Constitution. This process required that any measure seeking to modify the Constitution be substantially more popular than is required to pass a regular bill. In so doing, the Framers made the conscious decision to protect the fundamental principles of this nation—separation of powers, individual liberty, and personal autonomy—from a whimsical and volatile populace.

Yet, this has not prevented our country from progressing continuously from the dark ages "predat[ing] electrical devices, indoor plumbing, and the internal combustion engine." In fact, the Constitution has been properly amended seventeen times since the first ten amendments (the Bill of Rights) were ratified in 1791. The legislature properly responded to calls for equal protection under the law, women's suffrage, and to repeal prohibition when the socioeconomic costs of depriving people the right to party proved too great a damper on the nation's spirits. This process, not judicial divining of popular opinion, is the proper method for altering the Constitution when it is hampering desirable social change.

It is true that at the time of ratification our Constitution, and our Founding Fathers, were not perfect. Indeed, although many of the Framers were anti-slavery, they were forced to make a compromise severely at odds with the founding principles of our country. In order to create the United States, as opposed to a group of thirteen states, or a group of three or four small federations, the anti-slavery Framers wrote into the Constitution laws which allowed slavery to continue in order to appease the pro-slavery Framers. This defect, unfortunately, is not one which would have been cured by a theory of Constitutional construction more oriented towards the norms and morals of the society. After all, the norm in society prior to the civil war, and continuing until the Civil Rights Movement, was that black Americans were lesser citizens. Many of the best arguments against slavery were actually based on Originalist interpretation. Unfortunately, however, slavery and discrimination were so ingrained in our country's culture that to fix it required a war and decisive action by the legislature to amend the Constitution, bringing it more in line with the fundamental principles upon which it was written.

Originalism does not "stubbornly reject...progress" as Work in Progress emphatically states. The form of Originalism most commonly seen in decisions and scholarly texts seeks the "original public meaning" of the Constitution. This requires looking at historical evidence to determine what the Constitution was understood to mean when ratified. For example, to determine whether a search has been conducted for the purposes of the Fourth Amendment, the Court would look at what the common perception of the meaning of the word "search" was under the Fourth Amendment during the time of the Framers. Although the Framers had never seen, nor had any inkling that future police might have the ability to use thermal imaging to scan a house and find heat lamps, the Court can certainly evaluate whether the public meaning of "search" at the time would include such a thing.

The glaring problem with the idea of the Constitution as a "work in progress" is the lack of consistency and predictability in the law. Too often, courts are asked to deviate from the text and meaning of the Constitution in order to advance a certain political agenda or achieve desired social change. Work in Progress points out some of the progress we've made in recent years in recognizing homosexual marriage, which can, to a certain extent, be credited to courts taking a Living Constitutionalist approach to cases challenging the constitutionality of laws restricting marriage to heterosexual couples. Is this a desirable end? I would say yes. Were those laws unconstitutional under an Originalist approach? Probably not. However, by relying on courts to achieve these ends, instead of properly amending the Constitution, we leave our achievements vulnerable to regression at a later date. What if a fundamentalist religious reawakening leads to a renewal of moral condemnation of homosexuality? Presumably, Evolving Constitutionalism would endorse a resultant reinterpretation of the Constitution to allow for prohibition of homosexual marriage because, after all, that would be necessary to allow for evolution of the Constitution to suit the changing morals and norms of the society. Rejecting that proposition would require an admission that the interpretive method is merely a means to a currently favored end, and closer to a form of political advocacy, more appropriate for presentation to the legislature, than a reliably applicable doctrine of interpretation.

For our legal system to properly function, consistency in the rule of law is of utmost importance. Our most fundamental law, the Constitution, was not perfect as originally written, but it provided us with a method to change it when it needed changing. Unprincipled decisions designed to reach a popular conclusion prevent consistency and hurt the legitimacy and credibility of the document that formed history's greatest success story. The Framers recognized the volatility of popular opinion and designed our Constitution to be immune to its fleeting changes. We can recognize this and fight for desirable change through the legislature, or we can adopt an evolving approach, allowing the Supreme Court to be the weather vane for popular opinion. "Progress," as an end in itself, simply does not justify sacrificing the integrity of our nation's foundation.

## Crime And Diseases

BY JOSHUA SOUK  
ASSOCIATE EDITOR

The good news is you survived Ebola. The bad news is you are being prosecuted for bringing it into the country. At least that is what Ebola victim Thomas Eric Duncan may have been told had he survived the illness. Duncan traveled from Liberia to Dallas and once in the United States became ill. His diagnosis marked the first time anyone had been diagnosed with Ebola in the United States and set off a predictable media frenzy. Pundits and politicians wanted to know why he was allowed entrance into the U.S. after coming from an area so hard hit with the virus, and prosecutors began to investigate whether he could be charged with a crime.

In the wake of the Ebola outbreak, Liberia now requires travelers flying out of the country to complete an exit questionnaire regarding their health. The questions are asked to help immigration and health officials determine if a person may be suffering from symptoms of Ebola and if they were exposed to the virus by interacting with an infected person. On his questionnaire, Duncan answered "no" when asked if he had cared for an Ebola patient or touched the body of someone who had died in an area infected by Ebola. Whether he knew it or not, he was wrong.

It turns out he actually had been exposed to an infected person through a random act of kindness. Duncan's neighbor in Liberia was pregnant and suffering from Ebola. Duncan helped the sick woman into a cab so that she could get to the hospital. She died that evening and a few days later Duncan traveled to the United States.

Although it is unclear whether Duncan intentionally lied on his questionnaire or was simply ignorant of the fact that he had come in contact with the disease, law enforcement officials in both Dallas and Liberia were ready to prosecute him had he survived. Prosecutors in Dallas had planned to charge him with Aggravated Assault with a Deadly Weapon, which carries a prison term of anywhere from 2 to 20 years. The Dallas District Attorney's office reported that several concerned citizens complained that Duncan might have lied on his questionnaire. A spokesperson for the DA explained,

"It's the District Attorney's role to keep the public safe and you just can't have people circumventing procedures and thinking that they can just hop on a plane, lie on documents, from Liberia and just enter the country here in Dallas county t h i n k - i n g that there are no consequences."

Of course, there is no evidence that Duncan actually lied on his questionnaire. He departed for the United States several days after helping his pregnant neighbor and was exhibiting no signs of the virus. His temperature was scanned three times before he boarded the plane in Liberia and not once was it high enough to register concern with officials. The President of Liberia weighed in, criticizing Duncan for traveling although that may just be a bid to save face amid embarrassment that it was his own country's officials who allowed Duncan to travel.

No one knows what will become of the Ebola outbreak. Politicians have been clamoring to enact travel bans to prevent anyone from the affected areas to travel to the United States. Experts think this will do little good, only adding to the fear and panic that surrounds the virus. For now, enhanced screening has begun at airports throughout the United States to identify those suffering from the disease. People identified will then receive immediate treatment. There is no word yet on whether treatment for the victims will include handcuffs or prison terms.

# ADVICE & OPINION

## Stress: Friend or Foe?

BY JESSICA DARLING  
STAFF WRITER

Nausea, vomiting, upset stomach, diarrhea – those words in that order bring back memories of those awful, old Pepto Bismol commercials I remember watching as a kid. However, as an adult, I can't help but notice just how many people rely on those kinds of over-the-counter products to help alleviate common symptoms many of us experience on a daily basis. People buy medications all the time to treat headaches, stomachaches, or other pains as well as to help us sleep, stay awake, or to help with cold symptoms and even allergies. What many people fail to realize, however, is that the practice of self-medicating is just treating a symptom and not the underlying cause. What if I was to further assert, perhaps, that by managing stress and changing the way people view stress, most, if not all, of those symptoms could disappear entirely?

As a new law student, I expected law school would bring with it a certain level of stress that would be unlike anything I had previously experienced. While this is definitely true, I find myself reflecting on how stress impacts not only our emotional or psychological state of being, but also our physical health. Dr. Hans Selye originally defined stress as the body's physiological response to any demand on us. Over time, we have learned the body's response to stress serves both positive and negative functions in the body. For example, when a person is faced with a dangerous situation, the body reacts by increasing our heart rate, respirations and muscle reactions, which allows the body to more effectively transport oxygen to vital organs so that we can survive.

However, while this fight or flight response can help us during brief instances, it can have a detrimental effect on our long-term health if the stress response becomes chronic. Over time, continued stress on the body can lead to serious health problems, such as heart disease, high blood pressure, diabetes, depression, fatigue, insomnia, and other illnesses. This sounds horrible, right? Interestingly enough, however, there is new research suggesting that how people perceive stress has a powerful effect on how the body actually responds to stress. Kelly McGonigal, a Health Psychologist, gave a TED Talk presentation entitled "How to Make Stress Your Friend," that asked people to rethink their approach to stress. She said, "When you change your mind about stress, you can change your body's response to stress." If this is true, the negative impact stress has on the body can be controlled by a person's perceptions of stress – as long as a person believes the body's stress response is helping them instead of hurting them.

I mentioned Kelly's work because we are quickly approaching finals and many of us are inevitably feeling stress as we prepare for our exams – and that's ok. It is a normal response to feel concern and some level of stress over things that have an impact on our lives. But, we each have a choice of how much we allow those stresses to control our lives. What I challenge each of you to do is change your mindset and approach to stress. Think of your body's stress response as a friend who is here to help you get through your exams and law school. Don't let yourself become so stressed that you lose sight of just how capable and confident you really are. Make stress your friend, not your foe, and you'd be surprised just how far you'll go.

## Optimal Fat Loss

BY NICHOLE SCHIRM  
ASSOCIATE EDITOR

This month I would like to discuss fat loss. Not just weight loss, but fat loss specifically. Many people misunderstand the process of losing fat and think that as the number on the scale decreases, so does their fat. That is only accurate to a point. Whether you are losing fat or muscle depends on what type of diet and exercise you are using to aid in overall weight loss. To be clear, when I say, "diet," I mean the foods you eat as a part of your regular lifestyle, not the fad meal plan you follow for a month before a big event. For any "diet" to work, it needs to be something you can follow forever.

### When Eating Out<sup>1</sup>:

It is always the easiest to eat healthy when you cook your own meals. However, by eating only at home to ensure a healthy diet, your social life may suffer. Changing your diet can be very frustrating and difficult to master, so by limiting yourself, you are setting yourself up for failure. Next time you get invited to go out with friends, go have fun, just remember the following:

1. **One hour before you plan to meet your friends, eat a small meal.** By the time you get to the restaurant, catch up on gossip and finally order and get your food, you have been sitting at the restaurant for at least 30-45 minutes. Eating a small meal consisting of protein and a piece of fruit suppresses your desire to eat the entire breadbasket. Also, going into a restaurant when you are hungry may lead you to make unhealthy choices.

2. **Start with a side salad.** If you tend to order heartier entrees, try ordering a starter salad. This will help you feel fuller faster and prevent you from overeating. Plus, it creates leftovers for tomorrow's dinner. When ordering a salad, skip the dressing and order a side of salsa or some oil and vinegar (light on the oil) to top it with.

3. **Drink a glass of water.** Drinking water right before a meal helps trick your body into thinking that it's full; again preventing overeating. Also, thirst feels similar to hunger, so, having a glass of water will help you determine how much food you really need.

4. **Choose lean protein.** Chicken, turkey, bison, fish, and soy are all great options. Avoid fried meats or heavy, creamy sauces, which add unnecessary fat and calories. Lean proteins help satisfy your appetite long after your meal.

5. **Portion control.** There is a simple portion rule in the fitness industry for a balanced meal: protein about the size and thickness of the palm of your hand; one cupped hand of low glycemic carbs; one fist of veggies/fruits; and one thumb of healthy fats.

6. **Cut the carbs.** Carbs are essential for your daily diet, but choose to eat the majority of them during the day. At dinner, avoid starchy carbs like bread, croutons, potatoes and white rice. Instead, fill up on fibrous carbs like broccoli, spinach, and other vegetables.

7. **Fruit for dessert.** If you must have something after your meal, opt for a bowl of fresh fruit instead of chocolate cake. Or, if you need something richer, order a decaf coffee drink with nonfat milk and sugar-free flavoring.

### Exercising for Optimal Fat Loss<sup>2,3</sup>:

Fasting is used for a variety of reasons. When it comes to weight loss, usually fasting is a negative thing. However, if used correctly, it can aid in the burning of stored fat. "Fasting can refer to any period long enough between meals such that the increased nutrient availability and subsequent

hormonal and metabolic responses to eating subside." For most people, the only true fasted state is as soon as they wake up in the morning, having gone eight hours without food.

When you are in a fasted state and perform low-intensity aerobic exercise like jogging or cycling, your body uses stored fat to fuel your exercise. In order to use stored fat and not burn muscle, avoid high-intensity or prolonged aerobic exercise. If you have trouble finding energy to get you started in the morning, the best natural pre-workout supplement is coffee. Once you are done with your fasted exercise, make sure to eat a balanced breakfast.

You should NEVER fast by skipping meals to lose weight. This will cause your body to burn fat and muscle. This type of fasting is unhealthy and can cause major damage to your body when done for a prolonged period of time. It is also counterproductive when striving for an overall healthy look and lifestyle.

Another way to promote fat loss is by incorporating strength training into your exercise regimen. Many women tend to avoid strength training because they have the idea that they will end up looking like a muscular man. That is a myth. For a woman to achieve the muscularity of a man, she would have to take muscle-building supplements regularly. Women should not be afraid to lift heavy. It is not only good for fat loss, but it is also great for muscle definition and overall strength.

It is scientifically proven that the more muscle you have the faster your metabolism. Muscle uses fat as energy and the quickest way to gain muscle is to add strength and resistance training into your workout routine. After an intense workout when all of your body's oxygen stores are depleted, your body must work overtime to restore its oxygen levels. This is known as excessive post-exercise oxygen consumption, or "The Afterburn Effect". The afterburn is what keeps your metabolic rate heightened for up to 24 hours after your workout.

As strength and resistance training turns your body into a fat-burning machine by increasing lean muscle, it is important not to rely on a scale when tracking your progress. It is well known that muscle weighs more than fat, so it may be helpful to put the scale away and just focus on how you feel and how your clothes fit. Muscle is more dense than fat, so you could be losing fat while putting on muscle and see a number on the scale you may not like, perhaps higher than when you started your healthy lifestyle change. For some, this may trigger a bad mood and bad eating choices throughout the day. Don't freak out. Continue on your journey and it will all balance out in due time. So many people forget that small progress is still progress and you should be proud of that.

Remember, achieving an overall healthy lifestyle is not easy and it takes dedication. Your baby steps will soon turn into giant leaps. Be patient. Make sure to eat a balanced diet with the proper nutrients, and incorporate strength training and fasted cardio into your weekly workout regimen. Most importantly, enjoy your healthy journey of eating right and losing fat. Don't let it control your life and if you slip up, know that it doesn't mean you have to give up. Tomorrow is a new day.

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## Turning Autumn Green: Solar Panels Might be Coming to Cal Western

BY LEO BARELA  
CONTRIBUTING WRITER

California Western has three buildings, which for fourteen hours of the day or more, are filled with students, professors, and visitors. Each room in these buildings is temperature-controlled, seemingly to keep students alert during lectures. An overwhelming amount of these students use laptops, and each of these inevitably require charging at the many outlets that dot the lecture halls, study rooms, and building walls. In addition to personal laptops, the school provides two computer labs, as well as work computers for each of its staff. Without a doubt, we here at California Western consume a lot of energy.

Thao Pham, a Cal Western 2L, believes she has a solution to our energy consumption problem. And the answer is simple: solar panels. While still in the early stages, Pham has drafted a petition that advocates for the installation of solar photovoltaic (PV) systems on CWSL's rooftops.

California Western will benefit tremendously from the installation of solar panels, Pham explains. First, the solar panels will greatly reduce Cal Western's energy costs. Being that the school is located in San Diego, the land of the permanent sunny season, all of those rays can be used for energy. Pham also points out that the money being saved from the energy costs can be used to offer students more scholarships. Additionally, the government encourages entities to be greener by offering grants and tax exemptions for solar panels.

Furthermore, as a school that prides itself as being community oriented, the installation of solar panels offers a unique opportunity for the school to be at the forefront of an ever-expanding green movement. Recently, the University of California system pledged and contracted to go solar by 2017. Our neighbor, Thomas Jefferson School of Law, installed solar panels with the construction of their new building. If solar panels were to be installed at California Western, the school could distinguish itself from law schools across the nation by committing to energy efficiency.

Ms. Pham will be circulating the petition around Cal Western soon. After the petition circulates, it will be sent to Dean Schaumann for final approval. If you support CWSL going solar, be on the lookout to add your signature. The sun is rising on California Western—why not use it?

# ADVICE & OPINION

## Making Love, With Lana This Month: Getting Lucky and Unlucky

BY LANA JO MICHAEL  
DATING GURU

*It's all fun and games until someone is suspected of battery.*

After swiping right and agreeing to 'hang out,' Andy and I decided to go to a Padres game. I was concerned that he didn't know the difference between "your" and "you're," but it was the beginning of summer, a Friday night, and the first baseball game of the year. If Andy sucked, at least the night would be fun.

We met at Basic Bar – not the name of a place you want to meet for a first date, but he picked it. I decided to arrive fashionably late so I wasn't the person sitting by herself during Happy Hour. When I found Andy, I was relieved that he was attractive and could communicate semi-intelligently.

He bought me a drink, laughed at my jokes, and told me I was pretty. He was already winning. Plus he told me that he was a high school teacher, so I assumed he wasn't a total loser.

As we walked to the stadium, a random guy on the street offered us two free tickets. I was a little skeptical – I thought that my date would end in the "typical-Lana-fashion" by us getting busted for some entrapment sting. Thankfully, the tickets were legitimate and directly across from home plate.

The Padres must have had the best game they had in franchise history. No, they did not just score, but they hit at least four homeruns. Andy caught one of the balls and gave it to me. My life was finally straight out of a rom-com.

I almost died of joy when The Kiss Cam had our faces on it. I was excited to kiss him and I thought the feeling was mutual. But, as I went in for a kiss on the lips, he only kissed me on the cheek. If you have ever been turned

down in front of a stadium of about 2,000 people, you will understand my feelings of embarrassment and disappointment.

After the most uncomfortable thing to ever happen on Kiss Cam, Andy went to the bathroom. I thought he left me and that was the end of it all. The people around me gave me the "don't jump off the bridge" look. I returned that with the "I'm trying to decide what ice-cream I should drown my feelings in" look. The two men that sat behind me offered me their drinks... I chugged them like a freshman in a frat house.

About ten minutes later, Andy came back, and he had cotton candy for me. He didn't leave me. He actually went to the bathroom and bought mother f\*\*\*\*g cotton candy. He was officially the man of my dreams. I asked him why he didn't kiss me on the lips and he said it was because he was nervous. \*Le sigh.\*

After the game finished, he suggested we get pizza. This is when I knew he was the one. After we ate our pizza, we went back to Basic for dancing. We tangoed, we did the Weekend at Bernie's, and we got jiggy wit' it. It was wonderful. I didn't want the night to end.

Over the next month, we went on equally cute dates. We went to the zoo, farmer's markets, and rode bikes around Coronado Bay. We swiped, we matched, and we clicked. I was happily surprised that Tinder worked out.

But, one night changed that. After I moved, Andy came over to see my new place. We went swimming in the pool and watched a movie at my apartment. We were having a good time, so we decided to continue having a good time...

If you know what I mean.

Andy, being a gentleman, started verbally directing traffic "downtown." And I must say, he was pretty good at it. As a natural bodily reaction, my leg moved and I accidentally kneed him. I did not realize what happened, until he stopped, looked up, and I saw his jaw hanging unnaturally from his face.

As it turns out, Andy thought I dislocated his jaw. He asked me to hit his face in order to get his jaw back in place. I hit his face as hard as I could. But, as soon as I did, I heard a crunch and I could tell by the 'oh f\*\*k' look on Andy's face, that something was wrong.

We put on our clothes and walked down the street to Urgent Care. Fast-forward two and a half awkward hours and an uncomfortable conversation with an ER nurse later, we found out that I broke his jaw.... Sorry for "partying?" One nurse pulled me out of the room to clarify my story. She specifically wanted to know if I was abusive. I told her "yes – I love too hard." However, she did not share my sense of humor. Nonetheless, we were free to leave after Andy's mouth was wired shut. On our way out, nurses high-fived us. Spoiler alert: Andy decided to go to his house and not return to mine.

I felt absolutely horrible. The next week, I brought Andy soup and milkshakes. After a few days of this, his roommate, who was studying for the Bar exam, asked what happened. Why did he ask me? Because Andy couldn't talk. I told him that we had an accident. I told Andy that I would come back when he texted me. I thought I might be too smothering... If anyone hears from him, in about 6-8 weeks, please let me know.

decompress before being social again.

When my friend arrived, she ordered an Old Fashioned with a side of Luxardo cherries. We both love to try new dishes, so we tend to order a few entrees or appetizers and share. My favorite so far has been the BBQ braised pork tacos. They dust the shells with spices and fill them with the most tender, marinated pork and tangy salsa. To appear somewhat civilized, you will have to use a fork; which turns them into tasty nachos. That's not all. The tacos also come with thick, juicy pineapple cubes and mint. It may sound simple, but oh my goodness, I could just eat the pineapple and walk away satisfied.

When we did walk away, we left happy with the service and out only about \$60 total. In all, we had two drinks each and two entrees. For dinner you are looking at \$10-20 a plate. If you head in for happy hour, drinks are on special and small plates are between \$4 and \$6.

This is another go-to place for a romantic dinner or to go out with friends or co-workers.

**Recommend:** Highly

## BAR REVIEW: A Heavy Pour Without the Fuss

BY ALLAN ACEVEDO  
ASSOCIATE EDITOR

Cherrybomb is the quintessential dive bar. It's got it all: utterly poor lighting, walls spotted with chipped paint, and a men's bathroom that can smell like bleach and urine at the same time.

I must start with kudos to the proprietors of one of my favorite haunts in San Diego. But gentleman, ladies, this is not the place to bring a first date – lamentably. This suggestion, of course, is not predicated on this writer's personal beliefs, but on life experience. I have taken one too many men to this bar; literally, when they said I should take them anywhere I like.

Cherrybomb pulls off dingy like no other. With virtually no overhead light, this is definitely the bar to go to when you don't want anyone to know your name. This is also the place to go when you just want to buy a drink or two, but feel like you've purchased four or five.

The major light sources are the lights under the pool table and the lights under the foosball table. There is minimalist furniture. There are some booths around the long bar by the entrance. The back is dark faux exposed brick with low light candles, resembling an altar.

Through the right lens, the brick red painted walls and low lighting could almost be romantic. A few stiff drinks, of course, could further elucidate that lens. Aesthetics isn't Cherrybomb's strength – nor should it be. Cherrybomb is here for one reason: to serve you a dram or two with no attitude, hassle or wait. Some might confuse the lack of decor with being cheap; I contend that Cherrybomb simply knows where the value is: the drinks.

A Jameson and ginger will run you \$6.75 – cash only. Might not be the cheapest drink you'll find, but after a sip, you'll know you got your money's worth and then some.

During my last visit, the bartender remembered last minute (after almost handing me a near-full drink) that he was supposed to put some ginger ale in it. A splash later, I walked back to my table confident that I would only need one more drink after this one.

The real prize at the Cherrybomb is the jukebox. It features numbers from, inter alia, T. Rex, The Pontiac Brothers, The Sleepy Jackson, AC/DC, The Rapture, and (a personal favorite) Danzig. The men's bathroom reveals the depth and breadth of rock knowledge among patrons, one of whom declared, "the last true punk band to get a major label contract was The Dickies." Debatable, good sir, debatable.

Cherrybomb is conveniently located next to the Sunshine Center Laundry. You can get your laundry and your day drinking done all in one conveniently located strip mall. In fact, this is how I discovered the Cherrybomb (my ode to the late Christopher Columbus). My best friend would do her laundry next door and I would help her finish her drinks while keeping her company.

This is the pinnacle of adulthood – multi-tasking by doing laundry and having an adult beverage at the same time. And you can add being a sagacious businessman to the list – just take one sip and you'll know you are getting your money's worth at Cherrybomb.

Cherrybomb is located on 1st Avenue between Ivy and Juniper, in beautiful Banker's Hill. That's right: Only 0.6 miles (i.e., a thirteen minute walk from the 350 building and only twelve from the 225 building). There is also a surprising amount of free parking in the parking lot.

The next time you only have time for one drink and want to make it count, need to get your laundry done, need a break from studying, need a night cap before calling it quits for the night, need to listen to some choice punk rock, or just plain DGAF, stop by Cherrybomb.

## Restaurant Review: Banker's Hill Bar and Restaurant

BY NICHOLE SCHIRM  
ASSOCIATE EDITOR

As I push one of the antique cast iron spigots, the large barn wood and glass door gently swings open. A friendly, young host greets me and asks where I would like to sit. Hmm... Do I want to sit directly ahead, at one of the small, romantic tables with dim lighting and couples all around? Or just up the ramp to the louder, more social bar that appears to be the choice hangout for many young professionals. Though

the deer on the wall are very welcoming, my eye catches something else. I spot a long community table with a collection of bottles hanging above; creating a soft, colorful glow as the light escapes through the entangled art. No.

Testing the host's patience, I finally decide where I want to sit. She leads me up the ramp; we take a right, and then we walk out the French doors onto the enclosed patio. I sit down with my back to the wall and I stare out at this huge living artwork. There is a 7-foot by 7-foot succulent garden hanging on the wall. More plants are scattered around the ground. The peaceful environment makes me feel like just being there relieves any lingering stress I may have.

I order a dirty martini. I sit and enjoy the atmosphere. There are several people around, but they sound like distant whispers. I take my first sip and as the tingling of the vodka washes away whatever worries I had that day, a smile came on my face. This is exactly what I needed to wind down from a long day of school and work. I was meeting a friend, but it was nice that I got there a little early so I could

# WHERE ARE THEY NOW?

## KATHY MINELLA: CWSL CLASS OF 2009



BY CLINTON PIERCE  
AND SEVE GONZALES  
CO-EDITORS IN CHIEF

### When did you attend Cal Western?

I started in July of 2007 and graduated in December of 2009. I went full-time every trimester so I finished in 2 ½ years.

### Being in school full-time without any breaks, did you find time to work?

I did some work. I did two internships, one of which was my clinical, and I also worked at a downtown restaurant called Bondi, which no longer exists. It was a really nice break from the rigors of law school. I got to hang out with people who were doing normal things instead of spending all of their time in the library. The majority of the people I met are still my friends now because it was a time in my life when I depended on them to keep me sane. I would highly recommend something similar to current students.

### Where was your clinical internship?

I worked at a civil firm that was called Gray and Prouty at the time. It was up in Bankers Hill around 4th and Nutmeg. The firm is now called Schick and Associates and they do general civil litigation.

### Did you go into law school thinking you would do civil litigation?

I did. But after my clinical internship, I knew there was no way I could do it. I thought it was boring. I was at a desk all day doing paperwork. I wanted out of the office and I wanted more variety in my day-to-day work.

### What area of law do you practice in now?

Family law.

### How did you end up in family law?

My second internship in law school was at the Madge Bradley Center working with the DB cases. It was then that I realized I liked family law. It was exciting, there was more action, and I didn't have to deal with criminals. So I applied and got my first post-grad job offer from a family law firm.

### Did you work the 50 hours necessary to be inducted into the Public Service Honors Society, and if so, do you feel like that helped you get a job?

I don't think that helped me get a job. I think the experience I got was good, but I don't think having the Public Service Honors Society on your resume helps in terms of getting a job, especially in this economy.

### How long after taking the Bar did you get a job?

I got really lucky. I started working in September of 2010, so it wasn't too long after Bar results came out that I had a job.

### What was your favorite class in law school?

There was a class about how to run a law office. I can't remember the name of the professor, but it was my favorite class in all of law school. There were a lot of practical assignments were we had to work on stuff like marketing instead of discussing who owns Blackacre.

### Did they have the STEPPS program when you were in school?

It hadn't started when I was in school, but it sounds similar to the class I took. I think these are the types of classes students should focus the most on instead of the more theoretical classes. In practice, you learn the law as you go.

### Once you realized you wanted to do family law, did you take any classes in that area?

Not really. The only class would have been Community Property. I took a wide variety of classes that seemed interesting to me. I remember really loving Remedies and Trial Practice.

### Do you have any advice on getting a job?

I think it really is who you know more than what you know. It's difficult to hire good help. You want to hire someone you trust. I would suggest getting to know as many people as possible and build relationships.

### Did you attend any of the formal networking events?

I actually avoided that type of networking. I always felt like I was in shark-infested water when I went to those events—everyone trying to get a job in one place. Alternatively, I tried to make connections with different types of people while working at the restaurant.

### Did you have any professional mentors?

I had one connection that I really made in law school. Angela Kim in Career Services. I talked to her a lot. I really liked her approach to things. She helped me brainstorm on how to network outside of where everyone else was going.

### What was your first job?

A pretty big family law firm called Fischer and Van Thiel in Oceanside.

### How did you get that job?

I actually found it on craigslist. I didn't apply for any jobs while I was waiting for Bar results. I just wanted to relax. If I didn't pass, I didn't want to be in the position of having gotten a job and then have to tell them that

I didn't pass the Bar. I only started looking after I passed.

### When did you take the Bar?

I took the February Bar. I graduated just before Christmas and then started studying. You actually have less time to study for the February Bar.

### How long did you work for Fischer and Van Thiel?

One year. I was commuting from San Diego, and after a year of that commute, I started looking elsewhere. My next job was at San Diego Law Firm where I worked for 2 ½ years. I just recently left that job in March to start my own firm.

### What did you do at San Diego Law Firm?

I was the head of the family law department. They brought me in to take over and run that department in the firm.

### How many attorneys were at San Diego Law Firm?

There were seven attorneys. Some practiced in the same areas, but I was the only attorney in family law. It was just me, a paralegal, and a contract attorney that worked underneath me.

### What made you decide to go out on your own?

It was time. It was time for me to branch out and start doing things on my own instead of doing things under the umbrella that I was in.

### How's it going on your own?

It's going fantastic.

### How have you built up your client base?

A lot of my clients came with me because I was the only family law attorney. But the thing I've found about building up your clientele is that referrals are key. And not referrals necessarily from other people, but from your clients. If you do an exceptional job and you make sure they feel like they're number one despite your having sixty or seventy other cases, they're going to feel comfortable and refer other business. But also in family law there are a lot of repeat clients.

### Do you work in all types of family law?

I do. I dabble a little bit in dependency, but I usually let dependency attorneys do that because it's its own entity.

### What is dependency?

Dependency is when a child has been removed from the home do to abuse or neglect. Child protective services is involved, and I tend to not work on juvenile cases. We do work on adoptions though so I sometimes go to juvenile court.

### When it comes to divorce cases, what are the tougher and easier parts?

Separation of assets is the easy part. It's just working with numbers. The toughest cases deal with child custody.

### Do you go to court a lot?

Yes. I'm in court on average 3-5 times a week.

### How much writing as opposed to oral advocacy and negotiating do you do?

I don't write much, which is a good thing. Family law is very litigation driven. There's a lot of paperwork, but there's generally not a lot of writing for custody cases. You don't have to do a points and authorities. All there is a declaration and the evidence. Family law is very fact driven. A lot of times you'll have a lodgment with emails and text messages that you have to bring in, but you're not going to be doing as much writing. A lot of it is advocating on your feet in court.

### Do you have to do much research?

Not much. It depends on the cases. If it's something I haven't done before I might need to do some research, but not much. I get by without having a Westlaw or Lexis account.

### Does family law change much?

A recent case came down and kind of changed things. Everything is law in motion now. The courts want to make sure that pro per litigants actually get a day in court. Actually, family law has more pro per litigants than any area of the law. You see them all the time.

### How do you feel about that fact?

I think it's frustrating. As an attorney, you follow all the procedures and rules and local rules, and a pro per will walk into court and hand you a document in violation of these rules and the judge will accept it because the judge doesn't want to get appealed. It can be really frustrating.

### Do you find yourself emotionally attached to your clients and their cases, especially when dealing with custody?

Yeah. Some cases absolutely. I take them personally. Some cases I go to bed thinking about them, I dream about them, and I wake up thinking about them. And usually those cases are the ones that involve kids. When it comes to divorce, I'm not going to take that stuff home with me. I think that anybody who wants to go into family law has to have an understanding that 75% of his or her job is going to be counselor-at-law, and about 25% of it is going to be working as an actual attorney giving advice under the law. You have to be empathetic and understand what your clients are going through, but you also have to have a heavy hand to guide them and not allow them to play the pity card for too long. I've had people sit across from me crying their eyes out because their wife just told them it's done after a 35-year marriage. You have to be able to help them legally, but also counsel them through it.

### What is a typical day like for you?

I don't really have a typical day. Things are constantly changing. I think that's why I like it so much.

### If you could offer one piece of advice to a current law student, what would it be?

Don't stress and take classes you enjoy!

# SPORTS

## Drama Off the Field: The Unfortunate Reality of Sports in America

BY LEONID VAISBURG  
STAFF WRITER

For sports fans, summer is usually a time of bliss and happiness. From America's oldest past time, to the start of football season, most of us are used to having drama strictly on the field. This summer, however, has been different.

Let's start with the Tony Stewart incident. For those that don't follow Nascar, Stewart was involved in one the summer's worst tragedies. During a Sprint Cup race, Stewart and fellow driver Kevin Ward were involved in a racing incident where Ward's car ended up hitting a wall. Ward exited his car and went down the track to confront Stewart about his over-aggressive driving. Apparently, Stewart didn't see Ward, and unfortunately his car ended up hitting Ward, killing him. Subsequent investigations determined that there was insufficient evidence to support any criminal charges. However, instead of dropping the case, the District Attorney has decided to send the evidence to a Grand Jury, who will then decide whether to file charges against Tony Stewart.

There's an old saying that whatever happens on the field of play stays on the field of play. In my opinion, Stewart never intended to hit Ward. Imagine the following scenario in football, a game that is predicated on hard hits. What if a NFL player accidentally kills another during a game? Obviously there is no intent to kill, but there is always an intent to hit hard. Should that player be criminally liable? At what point should law enforcement get involved?

The only analogous situation that I can remember occurred almost 10 years ago in the NHL, when Todd Bertuzzi violently and intentionally attacked Steve Moore from behind; ending Moore's career. Bertuzzi's actions were in retaliation for a hard hit that Steve Moore put on Bertuzzi's teammate, Markus Naslund. Law enforcement became involved in that case, primarily because of the vicious nature of the hit and the perceived intent. So is intent the deciding factor as to whether law enforcement should get involved in incidents occurring within the field of play? If so, how do we measure and determine one's intent? Unfortunately, I don't think there is a clear cut answer to that question. Update: Fortunately for Tony Stewart, the Grand Jury decided against filing any criminal charges.

Let's turn to the NFL for a moment. The start of the NFL season is probably the happiest time of the year for many sports enthusiasts. This year was no exception. Unfortunately, thrilling games and exciting action on the field has been completely overshadowed by egregious conduct and inaction off the field. There's no better place than to start with the Ray Rice story. Rice, viciously and brutally assaulted his then fiancée Janay Palmer in the elevator of an Atlantic City casino. Law enforcement failed miserably by placing Rice in a rehabilitation program, and the NFL clearly failed by suspending Rice for only two games. Contrast this with Josh Gordon, the Cleveland Browns' receiver who was suspended for a full season due to excess levels of THC in his blood. How the punishment matches the crime is beyond me.

And now that the full video has been released, the NFL decided to punish Rice again, this time suspending him indefinitely. Is this a move the NFL had to make? Absolutely. Is the NFL allowed to do this based on the collective bargaining agreement they signed with the Players Association? Maybe not. Obviously this wouldn't have been an issue had Rice been suspended for a sufficient period of time in the first place. A two game suspension for such heinous conduct was a joke. But is it fair to punish Rice twice for the same conduct? Only time will tell, but the NFLPA has decided to represent Rice as he appeals his indefinite suspension. Regardless of how the case is resolved, I truly hope that no NFL team ever gives Ray Rice an opportunity to step foot on the football field again.

Unfortunately, that was not the only off-field drama for the NFL. As it turns out, there appears to be an epidemic of players making horrible decisions. The 49ers' Ray McDonald and the Panthers' Greg Hardy are mired in their own domestic violence cases. The Vikings' Adrian Peterson is dealing with potential criminal liability in regards to excessively disciplining his own son, causing horrific injuries. I don't know what is happening with the players, but the NFL needs to step in and do something immediately. I understand that everyone is innocent until proven guilty, but these guys need to be held to a higher standard. They are role models for young children everywhere, and the NFL needs to implement a policy where no player should be allowed to play if they are involved in serious criminal matters.

What about the Jameis Winston scandal? Will that ever go away? Nobody knows what really happened, but allegedly, Winston sexually assaulted one of his schoolmates. However, criminal charges against Winston were dismissed after an investigation by law enforcement. Now, there is a lingering possibility of a civil case, but nobody really knows if that will come to fruition. Further complicating things is an ongoing Title IX investigation into Winston's conduct, including potential Florida State honor code violations. I guess Winston didn't perform the Sexual Harassment, Drug & Alcohol Training that we all did, otherwise this whole mess probably wouldn't have happened. It's actually a really sad case. An extremely talented young man with NFL aspirations, armed with 1st Round talent, is in jeopardy of some serious punishment. NFL executives are already afraid of taking this kid with an early pick because of his immaturity. I guess these things happen when you steal crab legs from a grocery store. Winston may or may not be guilty of sexual assault. One thing is certain though, he is guilty of making some really bad decisions. As much as I root for him because he is extremely fun to watch, I do hope the truth comes out at some point, and if the alleged victim is really a victim, then I hope she is compensated for her harm. Hopefully the investigation is concluded before Winston can declare himself for the NFL draft. No matter how dumb this kid may be, there is too much talent there to simply pass on him as a prospect. Once he gets drafted, any sanctions he may receive at FSU will be for naught.

## Who Will Round Out the Top Four Teams in this Innagural Playoff Year?

BY LEONID VAISBURG  
STAFF WRITER

If you think football is the most popular sport in the USA, you are right. Actually, you are partially right. While many people think the NFL leads all sports in popularity, the reality is that NCAA Football is more popular -- it's just not broadcasted as much as the NFL. In my estimation, this has been one of the most exciting seasons of College Football in recent memory.

First, this is the innagural season of the four team playoff. Gone are the days of the top two teams automatically playing for the BCS Championship. Although an 8 team playoff would probably work better in determining the best team in college football, the 4 team format is a good start.

When the season began, the usual suspects were projected to finish at the top. Alabama, Florida State, Oregon, Auburn...everybody thought these teams would end up duking it out in the playoffs. Now, as we sit here in late October, the rankings have some very unfamiliar faces at the top. Ole' Miss and Mississippi State are in the top four. Baylor was looking really impressive until they lost to an unranked West Virginia. Notre Dame was looking good, but a questionable pass interference call went against them causing them to lose at Florida State and fall out of the top four.

While the three undefeated teams are ranked 1, 2, and 3 in the polls, a group of very good teams are in the hunt for the fourth seed. Alabama, Auburn, Oregon, Notre Dame, Michigan State, Georgia, TCU, Kansas State, and Baylor round up a group of very talented one loss teams, all vying for that last spot in the playoffs.

The season is far from over, and the excitement is going to continue until a champion is crowned. I have no idea who will come out on top. Ole' Miss and Mississippi state still have to play each other; so one of those teams will not be undefeated at season's end. Florida State has a soft remaining schedule, so they'll win out and remain undefeated.

My final four prediction is the following: #1 Mississippi State, #2 Florida State, #3 Alabama, and #4 Oregon. I'll probably end up wrong, as I always am with my picks. But I can't wait to see how it all plays out.

## 20 Years of Only the Best from Yankee Great Derek Jeter

BY LEONID VAISBURG  
STAFF WRITER

On May 29, 1995, a scrawny little shortstop from Pequannock Township, New Jersey made his Major League debut for the New York Yankees. Now, his 20th and final season draws to a close. Somewhere in between, this man accumulated 14 All-Star game appearances, a batting average of over .300, over 3400 hits, over 260 home runs, and over 1300 runs batted in. Some people call him Mr. November for his countless post-season heroics, and others call him Captain Clutch for all his timely plays. Regardless of the nickname, Derek Jeter has been one the best players of our generation. He's one of the greatest shortstops in the history of the game, and one of the best players in the history of the storied Yankees franchise. As great as Jeter has been on the field, he's been as equally great off the field. While many people hate the Yankees, very few hate Jeter. He's been one of the greatest ambassadors for the game of baseball throughout his career. A class act, a great player, and a great person -- baseball will miss Derek Jeter. But Cooperstown awaits.

## CWSL Students Crushed by CWSL Alumni at Annual Softball Game

BY LEONID VAISBURG  
CONTRIBUTING WRITER

For the past few years, current students and alumni have gathered on a Sunday to play a little game of softball. The games are always fun and very competitive. Last year, the alumni barely beat the students in a very close game. This year, the game was still very fun, but alas, it was not very competitive. To be honest, I'm not even sure it warrants this paragraph in the newspaper. Regardless, the alumni came out hot, and never really cooled off. It was 11-2 after the first inning, and we just stopped counting after that. The moral of the story is that the student team needs to be more competitive. So next year, you athletic CalWesterners better sign up and play.

# SPORTS

## The NBA and the Return of the King

BY LEONID VAISBURG  
STAFF WRITER

As the baseball season comes to an inevitable end, many Californians probably wonder what sports are left to watch. Sundays are monopolized by the NFL. So too are Monday and Thursday nights. And even Saturday is reserved for college football. But that leaves three more nights. Let's pretend for a moment that we aren't law students, and that we can actually take time to enjoy the finer things in life.

Being from the Great White North, I originally planned on writing about the NHL. My Montreal Canadiens are red hot this season, starting 6-1. But then I realized that many southern Californians don't even know that there's a sport played on ice...with skates...and sticks...and a puck...where scoring doesn't involve touchdowns and field goals. So I put a kibosh on that idea.

Instead, let's talk about basketball. After all, it's going to be a great season. Remember that LeBron James guy? Well he's not in Miami anymore. He went back home to Cleveland. How admirable. The Akron boy returning to his home town to save his reeling franchise. Watch out for these guys, they're going to be really good. Kyrie Irving, Kevin Love, and of course, the King himself. Look for the Cavaliers to run away in the Eastern Conference. And it won't be that close. Unless Derrick Rose manages to somehow stay healthy, and let's face it, he hasn't done that in years. In reality, the Eastern Conference is going to be pretty competitive. The Bulls, Wizards, and my Raptors will probably finish in the top 4, behind the Cavaliers. The Hornets will be pretty solid. The rest of the East will be unspectacular as always.

In the West, we have the return of the Black Mamba. Kobe Bryant finally appears to be healthy again for the first time in a few seasons. It'll be interesting to see how long he holds up as well. Kevin Durant is out for a while, so the Thunder are going to struggle early on. Look for the San Antonio Spurs to run away with the West again. I don't know how they do it, but those guys seem to be giving father time a good run for his money. The Clippers will be good too. Finally free from the Donald Sterling drama and loaded with talent, they'll compete for the top seed in the West. The Golden State Warriors look good too, although they still haven't realized that you're allowed to play defense in the NBA and shoot from inside the 3 point line. They sure are fun to watch though. The Mavericks and Blazers will be pretty good too. But the West is always competitive. For many teams, it'll come down to the final days of the regular season to determine who's in and who's out of the playoffs.

So if you're not studying, or not watching football, how about watching a little basketball? It's going to be a great season. I'll go out on a limb and predict the Clippers and Cavaliers to meet in the NBA Finals, with King James reigning supreme and bringing the city of Cleveland its first professional championship since the Cleveland Browns won the NFL Title in 1964.

## Giants v. Royals in the World Series?

BY LEONID VAISBURG  
STAFF WRITER

Hands up if you predicted the World Series to feature the San Francisco Giants against the Kansas City Royals. I doubt that any one actually made that prediction, and if you did, you're probably lying...so put your hand down. Regardless, this is going to be a really exciting match up.

Let's look at the Royals. Many thought they would be competitive this season. Some even thought they would challenge the Tigers for the AL Central Title. But nobody thought they would be good enough to come out and represent the American League in the World Series. To their credit, the Royals played some excellent ball all summer long. They had a very good pitching staff, and a complementary lineup that could score enough runs to win some games. The Royals actually led the Tigers for a while, before coming back down to earth and earning a Wild Card berth against the Oakland Athletics.

In one of the most exciting games that I can remember, the Royals were down 8-7 in the bottom of the 12th inning, and then miraculously came back and scored two runs to edge the Athletics 9-8 and advance to the Divisional Round.

In the Divisional Round, the Royals were up against the Los Angeles Angels of Anaheim, led by Mike Trout. The Angels were loaded on offense, and had a very good pitching staff to match that of the Royals. To be honest, I don't remember what happened in that series. It was over before it started. The Royals kept the Angels' lineup in check, holding them to a total of 6 runs in 3 games, sweeping the Angels right out of the playoffs.

In the American League Championship Series, the Royals were up against another hot team; the Baltimore Orioles. The Orioles themselves were fresh off a sweep of the Detroit Tigers. This was supposed to be a great series. It wasn't. The Royals swept the Orioles in four straight games, and advanced to the World Series for the first time since 1985 when most of us probably weren't even born yet.

In the National League, the San Francisco Giants entered the playoffs as a Wild Card, as they couldn't catch up to the Los Angeles Dodgers. In the Wild Card round, the Giants played in an equally exciting game against the Pittsburgh Pirates. The game was only exciting if you were a Giants fan, as they mopped the floor with the Pirates, beating them 8-0 behind an incredible performance from their ace, Madison Bumgarner. Don't laugh, that's his real name.

In the Divisional Round, the Giants were facing the Washington Nationals. The Nationals should have won this series, as they had the superior lineup and starting rotation. Instead, the Giants dismissed the Nationals in four games.

Next up were the St. Louis Cardinals, a perennial contender. This turned out to be a competitive series, and the Giants ended up winning in five games, booking themselves a trip to the World Series.

The Giants hammered the Royals in the first game, winning handily 7-1. As I sit here and write this article, the Royals are up 7-2 in the 7th inning of game 2. I can't wait to see how this series unfolds.

## Pain Heals, Chicks Dig Scars, Glory Lasts Forever

BY LEONID VAISBURG  
STAFF WRITER

One of the greatest things about coming back to school in the fall is intramural flag football. In collaboration with Thomas Jefferson, a five week flag football season is played every fall. This year, Cal Western was represented by two teams. First, we had "Barely Legal," a team made up entirely of 1Ls. Then we had my team, "Back That Pass Up," a seasoned team made up of 2Ls. Last year we had a disappointing showing, finish our season at 1-3 and missing the playoffs. This year, we vowed to come out of the gates strong.

Both Cal West teams came out guns blazing. Barely Legal looked really impressive, winning their first two games. Back That Pass Up was equally impressive, putting up over 80 points while starting off 2-0. The third week was disappointing for Cal West, as both teams lost really close games. Our loss was even more devastating as our opponents from Thomas Jefferson scored with 8 seconds left on the clock.

With playoff implications at stake, the two Cal West teams squared off in week 4. The game started out really close, with both teams trading early touchdowns. At half time, the score was tied. In the second half however, Back That Pass Up stepped up their game. We came out "slinging it," and put up four unanswered touchdowns to come out on top. People often think that these games are soft and uncompetitive, but that is not the case; everyone wants to win. With about five minutes left to play, I suffered a nasty collision, resulting in a trip to the emergency room. Without sacrifice, one cannot appreciate victory. Five stitches and a black eye later, I can definitely appreciate our team's valiant effort in the regular season. There have been rumors circulating that my injuries were sustained as a result of an altercation between myself and Seve Gonzales; but those rumors aren't true. In the words of the great Terrell Owens: "that's my teammate....that's my quarterback." Actually, Seve is not really my quarterback, but, he is my teammate.

Although both teams played well during the regular season, neither one of us secured a bye into the semis. Barely Legal played the first game of the playoffs, and was barely beaten by a good team from Thomas Jefferson. Having no subs, my team actually tried to recruit one of the 1Ls to play with us, but unfortunately our opponent from Thomas Jefferson complained about it....pretty typical for Thomas Jefferson to complain about something. It'll be interesting to see what they complain about when their school closes next

year. But anyway, I digress. My team's first game was close all the way through. Nobody really wanted to play defense, and the teams kept trading touchdowns all the way through. With the score 34-30 in favor of our opponents, and with 3 minutes left in the game, our team marched down the field and scored a touchdown to put us ahead 36-34 with 40 seconds left in the game. Our defense finally locked up for that drive, and we came out on top. Next up were the semi-finals.

Our next opponent was the one that defeated us two weeks prior; we were out for revenge. As usual, the game started out pretty close with both teams trading touchdowns. But in typical fashion, we started to pull away in the second half. I'm not one to toot my own horn, but I did have three interceptions and two touchdowns that game. I balled out hard. The game got a little heated once we started pulling away, and the referee actually called the game with fifteen seconds left after I "accidentally" tackled somebody. We won that game 33-14.

Next up were the finals. Our team was completely gassed. We had no subs all day, and we were sore and tired. Our opponent was the only undefeated team left from Thomas Jefferson. They had athletes all over the place, including a former USC Trojan. We hung with them until half time, but we decided to call the game because we couldn't continue. Playing with no subs finally caught up to us. All in all, it was a very successful season. A big shout out to all my teammates who contributed this year, including star QB Sean Ferry (who played like Michael Vick when he came out of Virginia Tech), as well as Seve Gonzales, Alberto Aldrete, Anthony Hughes, Joe Hallare, Chris Lee, Donna Kerr, Alex Valentine, Jessica Williams and Cristal Ruiz. And of course, the undisputed MVP, myself, Leo Vaisburg. My back is still sore from carrying our team all season long. Until next year!

Intramural Soccer starts up in November, so keep your eyes posted for that.

### Do you have an opinion?

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Submit your news, opinions, announcements, concerns to:  
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## SUDOKU ANSWERS

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## SUDOKU

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