

# THE COMMENTARY

## CIP Secures Victory Abroad

Nicaraguan Authorities Prove No Match for CWSL's California Innocence Project

BY DANIEL WADE  
ASSOCIATE EDITOR

Last October, The California Innocence Project (CIP) welcomed Jason Puracal to campus. The diligent and dedicated CIP volunteers and staff recently exonerated Mr. Puracal, ending a 500 day stay in Nicaragua's notorious La Modelo Prison.

Mr. Puracal, a 35-year-old native of Tacoma, Washington, was arrested on suspicion of money laundering and drug trafficking in November in 2010. He had been living in Nicaragua, selling real estate to vacation home seekers after serving his tour with the Peace Corps.

Typical of many CIP cases, Mr. Puracal's conviction was based on speculation and circumstantial evidence. The Nicaraguan authorities argued that Mr. Puracal had used his real estate escrow account to supply money to an international drug ring. But the government's expert witness could not even define or explain how an escrow account works, let alone how one would be used in this capacity. In addition, Mr. Puracal's 10 co-defendants claimed they had never met him. Nonetheless, Mr. Puracal was sentenced to 22 years in prison.

Mr. Puracal's sister Janis, also an attorney, initially contacted CIP. Ms. Puracal expressed concern about Mr. Puracal's due process rights and the unsanitary conditions in the La Modelo prison. CIP agreed to take the case on a pro-bono basis. After a hard-fought battle implicating criminal and international law, Mr. Puracal was freed.

CIP Director Professor Justin Brooks said of the case, "The Cali-



See CIP on page 3...

It's a bird... it's a plane... it's a 2L!



MICHAEL KNIGHT

California Western's student body is extremely diverse. Each of us has a story. Some stories are traditional, while some involve more twists and turns. Each month, we at *The Commentary* look to feature a student and his or her story, exploring what was behind the student's decision to come to law school. This month, we are excited and privileged to bring you the story of California Western 2L Christian Barton. We thank Christian for sharing his story and hope it inspires those who read it as much as it inspires us. **Story, page 6.**

## Experience vs. Academics: The Struggle to Keep Up with Reading

How Extracurriculars Often Take a Back Seat to Preparing for Class

BY ELENA SHAYGAN  
EDITOR MAXIMUS

If you're a 3L, by now you are absolutely feeling the pressure to gain "experience" before graduating. Even as 2Ls you feel it. Hell, 1Ls are already being prepped for it.

Summer internships, clinical internships, not-for-credit during-the-school-year internships, non-profit work, SBA positions, mentoring, *Commentary* articles, Law Review publications, club presidencies, trial team practice, California Innocence Project meetings, Jessup research, the list goes on and on. Everyone's talking about how hard it is to find a job "in this economy." So what do we do to make ourselves competitive? Everything. Everything except class work.

Unless you're taking a practicum class (those seem to take SO much time and energy), it's likely you're giving about 1/3 of the effort you would've if it were a first year class. Perhaps this is old news to you all, but I just found out teachers are only allowed to assign us a certain amount of reading. What other reason could there be for this policy besides to allow us time to focus on our extracurricular activities?

But what do we do with this limited amount of assigned reading? We blow it off. Who could blame us? At no point after first year is the importance of reading and academics emphasized. You get your last 1L grades and it's off to the races trying to build up your resume.

At the end of a day filled with club meetings, internships, and SD Young Professionals mixers, it's easy to brush off the 20 pages of reading your professor will likely just review in class anyway. But then the next day, as you're sitting in class, it hits you. The Guilt. You know you feel it (if only for half a second before you bury it with internet distractions).

We're all law students, and that means somewhere down the line, before law school sucked it out of us, we gave it 110%. We are the people who were passionate, committed, and worked hard at EVERYTHING we took on. And now, as we spread ourselves thinner and thinner to get more and more on our resume, we can't help but feel terrible that we aren't doing everything we could for this class or that assignment.

Most law students I have come to know and love over the years have taken on at least two time-consuming extra curricular activities at once, easily averaging 40 hours a week of work. We have become full time resume-builders in See ACADEMICS on page 3...

## Grades Saga, Episode IV

Townhall Meeting Held with Faculty Committee and Students in Attendance

BY BEN PEZZNER  
EDITOR-IN-CHIEF

For the last 11 months, a faculty committee has been reviewing California Western's academic policies to determine whether it would be appropriate to make any significant changes. As we reported last month, the 50-95 grading scale is one of the policies under review. "While the faculty regularly reviews the academic policies, this particular review has been more extensive because the grade policies implicates numerous other policies and procedures," said Dean Aceves during a recent interview with *The Commentary*. "It has broad implications for all members of the law school community."

Perhaps the broadest implication involves tweaking a system that has historically provided positive results with respect to gauging bar passage probabilities among the student body. The 1L drop cutoff, the curves, and the pre-bar review placement procedures have all been carefully programmed to allow the school to determine each student's probability of passing the California Bar Exam on his or her first try, and to act on this determination. Anyone looking at California law schools' bar passage rates would agree that California Western knows what it is doing in this regard. Our school consistently has among the highest bar passage rates in the state, which is welcome news to any student who is even remotely afraid of the California Bar Exam.

But while the grade policies may be helpful when it comes to passing the bar, the faculty are aware that these policies may be somewhat less than helpful after students have passed the bar and are looking for jobs. Updating the grade policies to address this issue without losing the ability to precisely determine bar passage probabilities is not as easy as it seems. The faculty committee has engaged in a methodical review for this very reason. According to Dean Aceves, "The committee has examined what other schools do. It has sought out various perspectives. It wants to hear the views of all constituents, including students and alumni. Indeed, the faculty would not adopt such significant changes See GRADES on page 3..."

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**Campus Life** Check out the 4th floor when it used to be a groovy hangout. Read about some of California Western's most eligible bachelors. Plus, one student's take on the darn construction. Pg 7

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# INSIDE COVER

## LETTERS FROM THE EDITOR



**BEN PEZZNER**  
EDITOR-IN-CHIEF

You can never have too much of a good thing. When's the last time the hot tub was too hot, your reading assignment was too short, or your underwear fit too perfectly? Indeed, I would venture to guess the answer to each of these questions is "never." So when the editing team was faced with too much high-quality content this month, we had no choice but to make Commentary history and add some real estate. That's right, oh faithful Commentary readers. This month, we bring you 16 pages of first-rate reading material.

These are exciting times at The Commentary. We are more than halfway to our goal of reaching 100 new writers. On one hand, having so many new people makes

our jobs easier because now the regulars do not have to pump out all the articles in lieu of making our Evidence outlines. But on the other hand, the addition of all these new voices adds to the magic that makes up the California Western community. As I mentioned on the first page, everyone here is unique. Everyone has a story. Everyone has something to say. And when each writer expresses himself or herself in constructive and creative ways, we all benefit.

In this issue, you will find inspirational stories, helpful advice, constructive criticism, useful opinions, delicious holiday recipes, and a brand new section of creative submissions including poems and a Property Law rap. The diversity of content mirrors the diversity of our community. In addition to student submissions, our pages are graced with the submissions of various faculty and staff. Huzzah!

Special thanks to the editing team and to everyone who submitted content for this issue. Without you, our hot tubs would be lukewarm, our reading assignments would be too long, and we would all need to buy new underwear.

*Benjamin Pezzner*

I have a secret for you, dear *Commentary* readers. It's a little embarrassing to share. It's a secret I have carried with me for many years – only those nearest to me are in the know. Yet, here I am broadcasting it to the masses.

Friends, I take the phrase, "put your thinking caps on," literally. See the photo to the right? That's a common occurrence at my place. If there is a big chore that needs to be done, a paper to write, or a problem to solve, a costume is necessary. For many years it came in the form of a hard hat procured on a trip to Lava Beds National Monument. Then it was a cowboy hat. At one point I donned my swimsuit and sunhat because if I couldn't go to the beach, the beach was coming to me. Often in the *Commentary* office, it is in the form of the Burger King crown.

I do my best thinking while dressed up. Adding a hat or special accessory gives me the extra oomph I need to get things done. Too bad there is a no hat policy during exams.

However, it has come to the point where even the myriad of hats and costumes is not enough. As managing editor of *The Commentary* it is easy to get caught up in the decision making of which articles are printed, the placement of each photo, whom to ask to write a story, and the size of the headlines. The time and effort put into this paper by only a few people is enormous.

After contemporaneously crying tears of frustration and strangling Ben (almost) when he decided we should add four more pages to the paper, I realized it is time for change at *The Commentary*. As the new year approaches, we will be stepping further away from the daily tasks of the paper. As Ben and I finish our third year it is time to begin the process of passing on the paper to new students, albeit slowly.

We are looking for a new wave of leaders. Dear readers, I am asking for your help. We hope that you want to contribute more. Whether you attend all the meetings or none, we are asking you to step up and help us out. Make sure to bring your favorite hat.

*Grace Garner*

Help us reach our 100 writer goal! Show us your stuff: [cwslcommentary@gmail.com](mailto:cwslcommentary@gmail.com)

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## THE COMMENTARY EDITOR TEAM

We meet Wednesdays at 5:15 on the 3rd floor of the 350 building.  
Join us for an hour of fun, pizza, and bounce houses!



If you are interested in contributing, email:  
[cwslcommentary@gmail.com](mailto:cwslcommentary@gmail.com)

## LETTER TO THE FACULTY

Dear Faculty,

When I was in college, I decided to join a fraternity. I didn't know what they had in store for me. Would they haze me? Would they make me swallow a goldfish or jump on broken glass? Would they embarrass me in front of my peers?

It turns out they didn't make me do any of that. There was no hazing. The only thing I had to do was give a flower to a girl and tell her she was pretty. And even that was optional! So why the lack of hazing? "Simple," they would say. "How could we earn respect from our new members if we first treated them with disrespect?"

Fast forward to my first day of law school. Class has just started. The professor is introducing herself. The door opens; a late student walks in. The professor stops talking and glares at the late student, watching her take her seat. "Your name?" The student tells the professor her name, the professor makes a note to herself, then continues teaching. Ten seconds later, the door opens again. The professor abruptly stops mid-sentence and watches the late student try to walk to an empty chair in the middle of the row. "No. You sit on the end. You're disrupting class by trying to walk all the way to the middle." The professor waits until the student is sitting, glaring the entire time. "Your name?"

Fast forward a month. I'm sitting in class. We're about 45 minutes in. A girl gets up and begins to make her way out of the room. "Where are you going?" Asks the professor, an annoyed look on his face.

"I'm going to the bathroom," says the student, her face turning red.

"Well I'm 62, and if my bladder can hold it for an hour and fifteen minutes, then so can yours. Sit down."

Fast forward to my 3L year. I'm sitting in a seminar. It's been nearly two hours, and it is time for a break. We are asked to be back in four minutes. Five minutes later, the last of the stragglers are walking in. The professor stops talking, and her demeanor shifts from pleasant to annoyed. "You know, I asked you all to be back in your seats a minute ago. It's really rude to walk in late like this." The professor rolls her eyes, shakes her head, then returns to the lesson.

The common theme in these vignettes (all true, by the way) is that the professors treated the students with disrespect. They were treated like kids, separated out, and embarrassed in front of their peers.

We are not kids.

We are in our 20s and 30s. Some of us have kids of our own. Some of us graduated from college many years ago, entered the work force, and are now back in law school. Some of us served in the armed forces. No, we are not kids.

I can think of two reasons professors may have for treating students with disrespect. First, when we get out in the real world, and we are representing real clients in real court, the judge will not tolerate tardiness or bathroom breaks. We should learn punctuality now. Second, the learning environment suffers when students don't treat it seriously enough.

These are both excellent points. But there are ways of accomplishing these goals without disrespecting students. See Professors Bohrer, Smythe, Campbell, Fink, and Lynch if you are looking for ideas on how to run a strict classroom while treating your students with respect. In the meantime, imagine you are a CEO addressing your stockholders or a guest speaker at a symposium, and one of the audience members walks in late. Would you make him swallow the goldfish?

Respectfully yours,  
A Law Student

# THIRD PAGERY



Mike Cosgrove, Rafael Hurtado, and Sarena Kustic look on as one of four faculty candidates speaks.

## Giving Students a Voice

BY SARENA KUSTIC  
ASSOCIATE EDITOR

This month California Western is conducting faculty interviews. As part of the interview process, each candidate meets with several committees. Here's the exciting part: One of these committees is composed entirely of students! California Western recognizes that when it comes to hiring new professors, our opinions matter. As a result, the Faculty Interview Committee was formed.

The Committee is provided a copy of each candidate's resume, so students can review each potential professor's education and work experience. But that's not all. The Committee also meets with each candidate over breakfast, and only the Committee and the candidate get to attend – no staff. This provides a comfortable environment for the Committee to ask the potential professor questions about topics important to students.

The candidate is also given the opportunity to learn the characteristics students value in their professors. After the Committee's breakfast meeting, the students are

encouraged to join the candidate and faculty over a lunch meeting. During this meeting, the candidate gives a presentation to the faculty. This provides the Committee with an opportunity to see the candidate's presentation style.

Once the Committee has met all of the candidates, each student on the Committee submits his or her observations and thoughts about the candidates to the Faculty Appointment Committee. The faculty then reviews the students' evaluations and uses them to help with the decision-making process. The point being, we as students have been given a valuable opportunity to have our voices heard regarding those who will be our future professors.

The faculty hiring process is not the only time students are invited to voice their opinions. There are other committees at California Western that include student representatives.

If you're interested in being on one of these student committees in the future, contact Dean Seibel at [kms@cwsu.edu](mailto:kms@cwsu.edu). Dean Seibel chooses a cross-representation of students to participate to make sure as many voices as possible are represented.



Pictured, from left: Janis Puracal, Jason Puracal, Prof. Brooks, Brian Banks

## International Victory for CIP

From CIP on page 1

fornia Innocence Project at California Western School of Law was proud to represent Jason and stand alongside the David House Agency, the Puracal family, and all of the social activists who fought so hard for his release."

Mr. Puracal's case is a reminder that the criminal justice system here in the United States and abroad is not a perfect system. Many people in the United States and around the world have been wrongfully in-

carcerated and need public support.

"Any exoneration takes a village: lawyers, law students, community assistance. But I've never seen a case that takes a larger community than this one," said Director Brooks.

Mr. Puracal's legal battle is not over; the prosecutor in charge of his case has appealed the nullification to the Nicaraguan Supreme Court. But for now, Mr. Puracal is home safe with his family, thankful for CIP's assistance in his release.

## Legal News In Brief



**Sexting Judge.** We start this month's Legal News in Brief with a story about a judge and his briefs. Detroit judge Wade McCree was caught sexting with his bailiff, and the bailiff's husband is now suing him. According to McCree, "I've got no shame in my game." MPRE test writers must be scrambling to add some new fact patterns into the exam.



**Law Student Bird Killers.** Two Berkeley law students were arrested after decapitating and tossing around an exotic bird's body at a Vegas casino. Interestingly enough, one student clerked last year with the U.S. Department of Justice's Environment and Natural Resources Division. No word yet on whether U.S. News & World Report will figure this into Berkeley's ranking under the "gifted students" category.



**Cheaper Books Overseas.** The Supreme Court heard a copyright case involving a Thai grad student who had his overseas family send him cheap textbooks so he could sell them on eBay. If the Court decides First Sale Doctrine does not apply to foreign-made products, allowing content creators to maintain control of their works after they are sold, the student could be on the hook for paying a \$600,000 judgment.



**New Building for SDCBA.** After 22 years in its old, asbestos-filled building, the San Diego County Bar Association will be moving to a brand new Bar Center, located at 401 West A Street. The current Bar Center is being sold. Not clear is how much the opening of a new homeless center across the street weighed in the decision to move.

GRADE	DEFINITION	LETTER EQUIVALENT
95-90	Excellent	A
89-80	Above Average	B
79-74	Satisfactory	C
66-67	Satisfactory	D
66-55	Unsatisfactory	F
54-50	Unsatisfactory	
W	Withdraw	
P	Pass	
NC	No Credit	
IP	In Progress	
IR	Incomplete	
RC	Repeated course	
A	Audit	
H	Honors	
HP	High Pass	
WP	Low Pass	
W	Withdraw	

## Grades Update

From GRADES on page 1

without hearing and considering the views of our students. This is truly a collaborative process."

The collaborative step is an important one to the faculty. Many students have expressed frustration in the past several months because they feel that either the process is taking too long, or students are being left out of the conversation. In response to this sentiment, the faculty is anxious to get the word out about their progress and their open door policy. "The committee has solicited, and will continue to solicit, input from a wide variety of constituencies: administrative staff, faculty, alumni... and, of course, students. We cannot serve the interests of the student body without finding out what our students think," said Professor Fink, co-chair of the committee. "While we cannot yet predict the outcome of this project, we greatly value student input as part of this process."

To that end, the committee will be holding an open discussion session in an effort to hear the views of California Western students regarding this issue. The session is scheduled for **November 15 from 12-1 in the Auditorium**. The *Commentary* highly encourages all students who are interested in being involved in the decision making process to attend. In the meantime, Professor Fink is happy to answer questions and discuss any ideas or concerns.

In any event, it is important to know that whatever the outcome, the faculty's main goal is "to offer students the best educational experience possible," according to Dean Aceves. "While I do not know what changes may occur in our academic policies, I am confident that any action taken will benefit our students, our alumni, and the broader law school community."

## School Balance

From ACADEMICS on page 1

addition to full time law students.

I know it's a little late in my law school career after being up to my eyeballs in apathy for my entire second year, but I'm now recommitting to my classes. The truth is elective lectures are cake, the assignments are a joke, and the finals are, well, non-existent, so why should I be brushing it off? I've made up my mind that first and foremost I am a law student. That means I go to law school. That means I do school work. And if I can't handle this limited amount of school work then I can't handle my extra activities.

# CAMPUS NEWS

## A Little Bit of Hawaii in San Diego

BY KATRINA JULIAN  
STAFF WRITER

Aloha! Welcome to our first ever “Diversity Corner” where you can find updates on what student organizations within California Western’s Diversity Coalition are up to. We start this monthly series with one of the most recent events this Fall: the California Western Luau!

Last month, the Hawaii Law Students Association (HLSA) and the Asian Pacific American Law Students Association (APALSA) hosted the California Western Luau for the entire campus and local community to enjoy. More than 100 students, staff, and attorneys attended the Luau with family and friends. We welcomed lawyers from specialty bar associations like the Filipino-American Lawyers of San Diego and Pan Asian Lawyers of San Diego and also lawyers from the Federal Defenders office. The breathtaking venue, Embarcadero Marina Park North, provided a backdrop on the water that made some feel like they were really in Hawaii. The perimeter was lit with Tiki torches to enhance the intimate, relaxed mood.

“I really liked the venue because it made me feel like I was at a real luau. It was like a cheap ‘day-cation’ to Hawaii,” said APALSA member and Luau volunteer Vilette Magapan, 2L.

The evening included food, music, dancing, and fun. Guests got to devour delicious Hawaiian-style food such as mac salad, kalua pork, and chicken katsu from Da Kine’s in Santee. Our very own Donna



The halau of Polynesian dancers entertained the crowd with authentic hula, Tahitian, and Maori dances.

Blain generously provided refreshing “Hawaiian Punch” to wash the food down. Admissions Assistant Tony Duldulao’s daughter, Belle, sang and played her ukulele, and Shakti Vagdama, 2L, kept the good vibes rolling by playing island jams.

“I thought the event was awesome! It was a good mid-week break from school and it was so nice to be surrounded with good vibes and the feeling of aloha,” said HLSA member Catherine Asuncion, 1L. “Reminded me of home.”

Another 1L, Omid Afati, said, “Food was great, company was great, show was great... 10/10 would do it again.”

The featured performers of the night were from a “halau,” or Polynesian dance group, called Makani Kai. They entertained the crowds with authentic hula, Tahitian, and Maori (New Zealand) dances from all of the islands of the Pacific. Some of the highlights included beautiful women, a fire dancer, and of course... audience participation numbers.

“The show itself took us to all the different islands of Polynesia, from Tahiti to New

Zealand to Hawaii, which informed those who attended that the different cultures are similar, as well as different in their own native ways, such as through dancing and dress attire,” said APALSA Vice President and Luau organizer Stephanie De Jesus, 2L.

As a member of the executive board for both HLSA and APALSA, I have been involved with resurrecting the longtime California Western tradition of a school luau. It was the main goal that Matthew Prellberg, Patti Wilson, and I had coming onto HLSA’s Executive Board last November as 1Ls. We managed to put on a “mini Luau” at school last Spring, but always envisioned a more significant event that more closely resembled a true luau from Hawaii. So we worked over the summer months into this trimester to bring back a California Western tradition. Our goal in producing a full-scale luau was to spread the Aloha spirit to stressed-out law students, attorneys, and other professionals. Going beyond putting a fun event together, we thought everyone could benefit from knowing a little bit more about the cultures served in diverse

San Diego.

“Anybody who went out to the luau got a glimpse of what Hawaiian culture was like,” said Sara Khosroabadi, a 2L who is a member of both HLSA and APALSA. “Getting to know different cultures, in general, is very beneficial to [future] attorneys because it helps them better relate to clients.”

The HLSA and APALSA executive boards would like to especially thank all of the members, volunteers, school officials, and community partners who helped make the event so successful. The hope is that the Luau will continue again as a school tradition for everyone to enjoy and learn from for years to come.



Students line up for delicious Hawaiian food from Da Kine’s before enjoying games on the lawn.

## Halloween Auction and Costume Contest Winner



This year’s Halloween Auction was a huge success, raising \$2,700 for the Toustaint Academy. At the end of the auction, *The Commentary* put on its first annual costume contest!

Upper photos: Ron Burgundy, Lady Justice, and Veronica Corningstone (Ben Pezzner, Brenna Miller, and Grace Garner); Lady Justice <-- First Place!

Lower photos: Madame Butterfly (Salina Battisti); American Badass (Hank Crook); Lady Justice, Mitt Romney and his Binder Full of Women (Sami Haddad), Madame Butterfly, Lady Liberty (Lauren Brill), and Steven Spielberg (Prof. Klein).

# CAMPUS NEWS



Mediation Competition Finalists: Clark Ovruchesky, Joey Gross, Lauren Foley, Marc Ebel



Lynch Appellate Finalists: Christine Dixon, Stacey Dooley, Uncle Bill, Jacquelyn Bickar, Linda Praast

## Moot Court Reigns Supreme Among the Land

### BY MOOT COURT HONORS BOARD

This semester, California Western's Moot Court Honors Board (MCHB) has been very busy! Not only have we been hosting our own intra-school competitions, but we have also represented the school in a number of national competitions throughout California.

#### ADR

MCHB's Alternative Dispute Resolution (ADR) teams had an incredibly successful year. In late September, MCHB sent two teams to the Thomas Jefferson School of Law National Sports Law Negotiation Competition. Anette Radonski and Greg Gianoni placed in the top 10 and Terra Davenport and Deniz Bayramoglu finished 4th out of 40 teams.

In early October, MCHB sent two teams to the Southwestern Law School Entertainment Law Negotiation Competition in Los Angeles. Cassandra Abbott and Ed Schwartz competed with Janelle Burch and Andres Michel. Burch and Michel finished in the top 10.

In early November, Cassandra Abbott

and Matthew Prellberg travelled with Anette Radonski and Greg Gianoni to San Francisco to compete in the ABA Regional Negotiation Competition. Radonski and Gianoni are returning Regional Champions, having won the entire competition last year. This year, Radonski and Gianoni finished 4th out of 24 teams while Abbott and Prellberg finished 3rd. The top three teams are invited to the ABA National Finals held in Dallas, Texas in early February 2013. Congrats to Cassie and Matthew! Good luck at Nationals!

Daniel Rawlins coached all three teams. Dan has helped transform California Western's ADR program into a clear national powerhouse. Congrats to Dan and his students on their continued success.

#### Appellate

The MCHB Appellate Teams have also enjoyed tremendous success. MCHB sent two teams to the University of San Diego School of Law National Criminal Procedure Tournament. Out of 35 competing teams, Ben Machida and Regina Bagdasarlian advanced to the Round of 16 and ultimately finished 12th. Rookies Jake Schulte and Emily Cunningham advanced even

further to the quarterfinals, finishing 8th overall with the 5th Best Petitioner Brief. Both teams were coached by alumna Francisca Balerio.

In mid November, MCHB will send Susan Sindelar and Sara Staninger to the Fifteenth Annual Pepperdine University School of Law National Entertainment Law Competition in Malibu, CA. The team is coached by alumna Kate Clark.

#### Trial

In early October, Michelle Ryle, Clayton Carr, Lindsey Willard, and David Wilson participated in the National Criminal Trial Advocacy Competition, hosted by the California Attorneys for Criminal Justice (CACJ) and UC Hastings College of Law. Alumni Shannon Kitten and Paul Parisi led the team to San Francisco, where they advanced to the quarterfinals. The team finished 7th out of 23 schools from across the country.

In mid October, Andrea Pella, Alexandria Verdian, Adam Hepburn, and Jordan Furrow beat La Verne School of Law and Thomas Jefferson School of Law in the preliminary rounds of the San Diego Defense Lawyers National Trial Competition. The

group advanced to the semifinals, beating another La Verne team. In the finals, the judges tipped the scales in favor of Southern Methodist University. This is the second consecutive year a California Western team has made it to the finals, with Pella and Verdian winning the entire competition last year. The team was coached by alumni Jason Conge, Aleksandr Yarmolnets, and Angela Shimizu.

California Western sent another team to the San Diego Defense Lawyers competition. Kiley Shaumleffel, Christian Barton, Patricia Wilson, and Tori Lazar represented CWSL well and faced La Verne and the University of San Diego. The team was coached by alumni Andy Kleiner and Vanessa Gerard.

In mid November, California Western will send a group of veteran and rookie student advocates to the ABA Section of Labor and Employment Law's Ninth Annual Student Trial Advocacy Competition in Los Angeles. The team is comprised of Robyn Riedel, Nereida Melgarejo, Katie Nagler, and Brittany Dobbins. The team is coached by James Mangione and alumna Billie Gibson.

## A Challenge To Be Better: LL.M. Trial Advocacy Program

### BY PUNAM KUMAR LL.M. STUDENT

My name is Punam Kumar and I am an LL.M. student in Trial Advocacy here at California Western School of Law.

I have been a civil litigation attorney, primarily in insurance defense, for eight years. Like most new attorneys, my goal was to find work quickly after passing the bar exam. My heart was set on criminal law, but at that time, the market was very limited in criminal law positions. The jobs that were available required more experience and clearly, I fell short. I was exposed to various fields of law, including personal injury, employment law, premises liability, and construction defect. While these firms presented interesting areas of practice, I was very unhappy. I quickly grew tired of having my work measured solely in billable hours, and I desperately wanted my work to be more meaningful, particularly in relation to the clients for whom I worked. In other words, I wanted my work to have a real purpose to make a difference. I wanted to advocate on behalf of my clients, but unfortunately, the work in which I was engaged afforded me only a limited opportunity to do so.

I was apprehensive of beginning an LL.M. degree and sitting in a classroom for a year being lectured without any practical,

real-world experience. Heidi Cruise, the program coordinator, assured me the program would involve both lecture and practical training; a first of its kind in the nation. At that point, I weighed the pros and cons of continuing on a path of complete unhappiness and disappointment in this profession, or make a bold move and push forward with this program. And of course, I chose the latter.

So, why did I apply to the LL.M. program? It's simple. I want to defend the rights afforded by the U.S. Constitution to those charged with federal crimes. I want the thrill and excitement of a courtroom where I could feel a deep satisfaction in my work. I want my work to mean more than just a number at the end of the day. For far too long I have felt disconnected in my profession, and this program allows me to embrace my skills and passionately represent the interest of my clients.

I have been in the LL.M. program for about eight weeks now and it is the most exhilarating experience post law school. I have never felt so challenged both personally and professionally. I can honestly say there is so much I did not know. Directors Mario Conte and Justin Brooks have invested a great deal from the selection of professors to the instruction of the key core subjects applicable to federal criminal

trial practice today. Our class will be performing mock trials in the federal courthouse later this semester in front of federal judges. We are being trained every week by supervisory attorneys from San Diego Federal Defenders Office, and we are going to be placed in internships in federal defenders offices all over the country.

Just imagine sitting in a classroom where you have the top legal professors in the field along with attorneys from all over the world gather in one place and share a common goal: to become trial attorneys. There are no egos but a sincere and genuine desire to learn. Sure, law school teaches us the fundamentals for passing the bar exam, but the LL.M. program in Trial Advocacy does so much more. It allows you to draft motion after motion, present oral arguments, prepare and present your case-in-chief both at a bench and jury trial, and so on. These experiences are invaluable and certainly not taught in law school or in civil litigation as one would imagine. Having experienced the world of civil litigation and the false promises by insurance defense firms, I never thought I would finally get the opportunity to do what it is I always wanted to do -- trial work. It certainly has been quite a journey for me personally, but I have no



Prof. Barros, Supervisory Attorney, SD Federal Defenders

regrets. I am simply taking the experiences I have acquired during my years in practice and now shifting my focus from civil litigation to criminal defense. It is really not that difficult if you are motivated and committed to change.

I strongly urge you to consider the LL.M. program. In fact, I challenge you. Contact Heidi Cruise at [hec@cwsu.edu](mailto:hec@cwsu.edu) or stop by her office on the 2nd floor, room 2J. Simply put, the experience is one of a kind, and there is nothing out there that will prepare you for the practical world of criminal defense or trial work more than the LL.M. program at California Western School of Law. I am proud to be a part of this program and to be in the company of such incredible legal minds.

# STUDENT FEATURE

## Twists and Turns: Perils of Human Flight, Triumph of Recovery

FEATURING

**CHRISTIAN BARTON, 2L**

On July 14, 2004, I made my first skydive. On a day off, I joined two co-workers from Yosemite National Park and headed down into California's Central Valley to go skydiving. After signing a release form, which only covered my initial tandem skydive, I boarded the plane. A heady mixture of excitement and trepidation built inside as the speedy aircraft made its way up to altitude. All too quickly the cars below diminished to mere specks, as we approached our 13,000' exit altitude. When the door opened, the temperature in the cabin instantly dropped as the howl of the wind assaulted our ears. Strapped to my tandem-master, we waddled to the open door. As we climbed out, I got my first glimpse straight down. I looked back up at the cameraman hanging onto the exterior of the aircraft, yelled "Oh Shit!" and then we were gone. Falling at over 100 mph, the feeling of true human flight overwhelmed me. The cameraman flew over, grabbed my hand, and initiated a hard turn. Linked together, the three of us pivoted throughout the sky as we plummeted towards the Earth. All too soon the cameraman backed off and we deployed our parachutes. Before my feet even touched the ground, I knew I was hooked. As soon as we landed, I paid for a second tandem and was on the next flight. Less than a week later I was back at the drop zone, receiving skydiving training.

Over the next two years I skydived 190 times. Sounds like a lot, right? However, what if I told you the record is 640 skydives... in a single day. For those who enjoy skydiving, it is not uncommon to perform more than a dozen skydives a day, every single day. Since skydiving is not a mainstream sport, the general public has a great number of misconceptions about skydiving. While the repercussions for those involved in skydiving incidents can be catastrophic, the actual number of fatal skydiving incidents per year is extremely low. The United States Parachuting Association (USPA) estimates that more than three million skydives are performed each year, with only thirty of those skydives resulting in fatalities. However, because skydiving fatalities are so rare, each one tends to be newsworthy. There are over one hundred fatal auto accidents in the United States each day, yet we rarely hear about those. As a result, we forget that fatal auto accidents happen constantly. But due to the sensationalized nature of skydiving accidents, the public naturally has an overexaggerated

belief about the danger of skydiving.

On August 22, 2006, I was once again at the drop zone skydiving. I made two skydives in the morning, and as lunch time approached, I wasn't hungry. Since low altitude skydives only cost \$5, I decided not to eat and instead chose to go on a low altitude skydive. I had made a few low altitude skydives from a small Cessna 182, but the Cessna was not being flown that day. Instead the Beech 99, a larger, faster aircraft which I had never made a low altitude jump from, was in service. The owner/operator of the skydiving center was piloting the aircraft that day. After reaching my 3,000' jumping altitude and getting the go order, I exited out of the aircraft for my 191<sup>st</sup> skydive.

Upon exiting, the tail of the aircraft slammed into me. After the impact, I found myself in a pain-induced stupor. Luckily I purchased a skydiving rig with an automatic activation device (AAD). AADs sense barometric pressure to determine altitude and fall speed. If a skydiver continues falling beyond a preset altitude, it deploys automatically. Unable to deploy the parachute myself, it thankfully deployed for me.

According to a witness, the shock of the parachute opening woke me from my daze, and I then realized that I was heading directly toward a tall set of power lines. I steered away from the power lines, but I had no choice but to pilot my parachute through a nearby set of trees. Parting the branches with my legs, I managed to safely make my way past the trees, but the property beyond the trees was a grape field strung with stakes and wire. Apparently I quickly turned my parachute and landed in line with the rows of grape stakes, avoiding impalement.

The first thing I remember after exiting the aircraft is lying face down on the fertile black earth of the grape field. I tried to get up. At first I thought the wind had been knocked out of me, my legs felt weak and I couldn't get a breath. But I quickly realized that my legs were more than weak. To my great shock, I realized that I could not move or feel anything below my waist. I started to scream out in pain, calling out for help. Two passing motorists saw my landing, and made their way over to me. The motorists tried to comfort me and started to remove my helmet. Suddenly my EMT training kicked in and I told my rescuers that I could have a spinal cord injury; that they should keep my helmet on and keep their hands on my head to minimize movement.

After what seemed like an eternity in the noon Central Valley heat, paramedics arrived on the scene and strapped me to a



RUSSELL BARTON

backboard. Luckily, although the Lifeflight helicopter rotated among several local airports, it happened to be at the airport that day. I was quickly transported to the hospital. Along the way, a paramedic repeatedly yelled at me to breathe, but I was loathe to follow his pleadings. Every breath, torture. The burning fire which accompanied my refusal was comforting in comparison to the agony of actually taking a breath.

As I arrived at the hospital, numerous doctors and nurses descended upon me. I found out later that due to the severity of my injuries, the emergency room doctors debated whether to discontinue lifesaving efforts. Thankfully they didn't. Instead I was wheeled into surgery, and for ten hours, they operated on my shattered back.

When I awoke again, a day had passed. I still had no movement or sensation below my waist. My attending physician approached and told us that both of my lungs had been collapsed, that I had eight rib fractures, multiple vertebrae fractures, and severe spinal cord damage. He also calmly stated that I would never walk again.

Neither my parents nor I were willing to accept the diagnosis.

At first, incapable of the most basic actions, like a newborn I could not even sit upright without support. Multiple hours of physical therapy in the morning, several more in the afternoon. Nausea preventing the intake of medication, intense muscle spasms as my nervous system remapped its damaged communication network. Every waking moment I kept trying to regain that which I had lost. Even while lying in my hospital bed, I concentrated on moving my muscles, though at first they refused to respond. Slowly my rehabilitation progressed, each day a bit more improvement made. Sitting upright unassisted, making transfers from my hospital bed to the

wheelchair, the wiggling of a single toe, feeling a touch on my shin, finally barely moving a leg. Every new victory, hard fought but well worth any possible effort.

After weeks of arduous rehabilitation, the date of my hospital discharge arrived. I told my therapist that for my final day I sought to really challenge myself and he assured me that he had a "surprise" prepared. He rolled my wheelchair over to the waist-high parallel bars within the rehabilitation center and told me, "Stand up!" He clearly could see my resultant shock, for though I had regained some strength, I had not yet dared consider the possibility that I could once again stand on my own two feet.

With a vice-like grip on the bars and support from my therapist, I shakily rose up out of my wheelchair for the first time since my injury. Standing again, a heady feeling overwhelmed me that had nothing to do with the hypotension caused by my injury, but rather was entirely the result of reattaining a lost perspective. What happened next surprised everyone, even my therapist. With weak and tremulous legs and admittedly some help, I took my first steps. Steps I had been told were impossible. Although inpatient rehabilitation marked but the beginning of my convalescence, in taking those steps I felt as though I had earned my liberation. I have oft considered how much harder would have been the battles which followed, had I never walked those first steps prior to discharge.

*Editor's note: Stay tuned for Part Two of Christian's story in next month's issue. We guarantee it will be one of the most intriguing legal stories you have ever read. It involves a negligence lawsuit against the pilot, incompetent attorneys, and Christian's decision to attend law school as a result. Once again, we thank Christian for sharing his story with us.*



Christian Barton takes it easy in his custom back brace. All part of his miraculous recovery.

RUSSELL BARTON

# CAMPUS LIFE

## Fourth Floor Story Time

BY MITCH MILLER  
ASSOCIATE EDITOR

The fourth floor is an oddly designed space. It was originally built to be an uncovered sunbathing area, and so it was long before the I-5 ran through downtown. If you have noticed that the inner wall of the student lounge seems to look like an exterior wall, it was! The restrooms were originally for actors to prepare themselves to enter the auditorium. Later, a café opened up and created a kitchen space. Little known to anyone on campus, the fourth floor has a SECRET ROOM with no doors! Behind the desk in the men's restroom (yes there is a desk in the men's restroom) was a door to an old shower room. It is now a walled up secret. This was a favorite subject of Edgar Allen Poe; just review *The Cask of Amontillado* or *The Black Cat*. Don't believe me? Knock on the wall behind the desk. I dare you.



CWSL ARCHIVES



CWSL ARCHIVES

## I Just Want BANG! BANG! BANG!

BY IRIS JOHNSON  
STAFF WRITER

We all know how important it is to get the best seat in the lecture hall, especially in a location as expansive as our Auditorium. When students got comfy for their first day of Advanced Legal Analysis and were greeted by Professor Jones, they were also greeted by something else: a nearly deafening BANG BANG BANG BANG BANG BANG on the back wall of the huge lecture hall. A reasonable person may have initially thought that students at a rival law school had invested in a high quality battering ram and were coming to steal our bar passage rate (who am I kidding, that isn't at all reasonable). But no, our beautiful 350 building is just getting a face lift.

From August 27th through mid-January, construction workers will be power washing, painting, repairing and upgrading the 350 building façade, as we all learned from Dean Padilla's email in early August. They will also be replacing windows on the second floor which will save more energy and reduce noise from the 5 freeway.

While it is certainly important to maintain and improve our buildings on a regular basis, the peculiar part in all of this is the school's timing. Referring again to the email, the school makes its best effort to schedule these projects during the summer when less students are taking classes. Due, however, to extenuating circumstances, the school was unable to schedule this work until... the first day of Fall classes. Further, construction cannot take place in the early mornings or late evenings when less students are present because such work is prohibited by a city ordinance. (Attention all 1Ls: in your Property

Class when you discuss ordinances you should definitely bring this issue up as an example. Raise your hand in the middle of lecture and exclaim that the school was subject to an "ordinance" while it was undergoing construction! You'll instantly make friends with everyone else in your class after you drop that knowledge bomb!)

Of course, absorbing all of the important points from your civil procedure lecture is difficult enough without the incessant sound of hammers on walls mere feet from where you sit. Lecture life is already distracting enough with the temptations of gchat and facebook. Now we have to focus through a cloud of noise without even the thought of a pleasant trip to the restroom to comfort us. #lawschoolproblems

Perhaps just as Little Italy residents must get used to the sound of passing trains at Santa Fe Station, students at California Western will become accustomed to the sounds of construction during class.

What I for one will not get used to are the lovely new window coverings in some of our restrooms. While I am currently loving the rustic trend in bathroom décor, construction paper and masking tape are all that separate my restroom break from the outside world. I think that takes the trend a little too far.

But In the end, our beautiful 350 building will be even grander than it was before its facelift. I think we will all appreciate the reduced noise from the freeway as well. A bit of background noise has even been proven to aid in focus and concentration. So I encourage my fellow students to make lemonade out of lemons and, frankly, get used to it. A bit of noise will be worth a refreshed look at 350!

## 90 Seconds with SBA

MERRICK WADSWORTH

**What is your position within the SBA?**

1L Representative

**Where did you go to undergrad?**

UCLA

**Why did you become involved in SBA?**

Because I like being involved in student government and I thought it would be a good opportunity to get involved with the school and meet new people, also Deniz told me to.

**What is the coolest part of your job?**

Getting to meet tons of upper classmen with loads of good advice on life and law school.

**If you were a flower, what kind of flower would you be and why?**

I would be a sunflower because I love to be in the sun.

**What is your favorite hobby?**

I LOVE to dance. Club, mirror, shower... you might even catch me in the library stairwell.

**If you were shrunk to the size of a pencil and put in a blender, how would you get out?**

I would scream really loudly until somebody came and let me out.



DENIZ BAYRAMOGLU

KEVIN KANOONI

**What is your position within the SBA?**

Vice-President

**Where did you go to undergrad?**

Cal State Northridge

**Why did you become involved in SBA?**

Because I wanted to make a difference for the school. I wanted to represent the school and build on the successes of the previous presidents and vice presidents. I think the SBA is a real instrument for good. Mainly, I am a student just like everyone else, and I want to work with everyone to better the student experience.

**What is the coolest part of your job?**

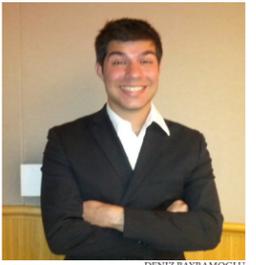
Meeting and getting to know a lot of new people. It's exciting to interact with the entire student body.

**If you could have any super power in the world, what would it be and why?**

Two, actually. First, the ability to fly REALLY fast. And second... wait, actually I just really want to fly. How awesome would it be to get to places without transportation costs!?!)

**What is your favorite food?**

My mother's Dolma (stuffed grape leaves). Hands down.



DENIZ BAYRAMOGLU

DENIZ BAYRAMOGLU

**What is your position within the SBA?**

Chairman of the Board of Representatives

**Where did you go to undergrad?**

UCLA

**Why did you become involved in SBA?**

I've been part of the SBA since I first got to CWSL. I love being a part of student government. I try to do anything I can do to make our school a better place. SBA can help our voices get heard, and I enjoy representing the students and voicing our concerns.

**What is the coolest part of your job?**

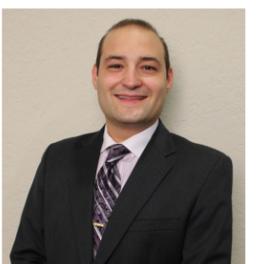
I get to meet and personally interact with all of the student organizations and their leaders. Learning about all the amazing events that our student organizations are hosting is really awesome.

**What is your favorite hobby/interest?**

I like teddy bears, sunsets, and moonlit walks on the beach... seriously though, I would have to say college football. I LOVE me some good PAC-12 football, especially watching UCLA.

**What would you do if you just inherited a pizzeria from a long lost uncle?**

Start making Pizza! I love cooking. (Law and pizza are kinda the same, right?) And let's be real - who DOESN'T love pizza? I might even donate pizza to Career Services events.



DENIZ BAYRAMOGLU

# SPORTS

## Lance Armstrong's Yellow (Blood-Stained) Jersey

BY CONNOR FLAHIVE

ENTERTAINMENT AND SPORTS LAW PRESIDENT

In the past few weeks, Lance Armstrong has crashed harder than a pile-up of cyclists on the downslope of the Hautes-Pyrénées. That's a cycling joke, and you don't get it because no one pays any attention to cycling. That is, until the world's most famous cyclist is stripped of his seven Tour de France titles amid allegations of doping in what the U.S. Anti-Doping Agency called "the most sophisticated, professionalized and successful doping program" in sports history.

To date, Lance Armstrong has become the most ridiculed and harshly treated athlete accused of cheating in the history of sports. The question is whether all of the contempt is justified in light of the bigger picture?

Barry Bonds, a known steroid user, is still listed in the record books as baseball's all-time home run champion. Before Bonds, Mark McGwire, and Sammy Sosa were widely credited with revitalizing baseball's popularity during their home run chase in 1998. That season, both McGwire and Sosa eclipsed Roger Maris's long-standing and highly coveted single-season home run record. Years later, both would become proven steroid users, yet neither has been stripped of his home runs.

Ok, cycling and baseball are two different sports, right? Well what about the fact that since McGwire and Sosa's home run race in 1998, more than a third of the top finishers of the Tour de France have admitted to using performance-enhancing drugs in their careers, or have been officially linked to doping. In fact, from 1998 to 2010, only once has the Tour de France winner not been implicated for doping. And for what it's worth, there is almost no evidence against Armstrong besides the testimony of other riders, all of whom were doping. As USA cycling coach Jamie Staff recently put it, Armstrong has "been kind of a scapegoat ... a lot of people have done it, probably everyone in his generation. If you wanted to finish the course you had to jump on board."

After being stripped of his athletic achievements, the final blow came when Armstrong lost all of his endorsement deals from companies like Nike. Well, at least we know where Nike draws the line. If you're

sent to federal prison for one of the most cruel and inhumane crimes in the book, Nike will stay loyal (Michael Vick). If you cheat on your wife, you're in the clear (Tiger Woods). But if you cheat on your sport, you're out. In Nike's defense, it is a sports company, not a church. Thus, the broader implications of Armstrong's disparagement lie off the playing field anyway.

For a decade, Armstrong, who is a cancer survivor himself, has been almost universally admired in the cancer survivor community as an inspiration and a symbol of hope. Since its inception in 1997, Armstrong's foundation Livestrong has raised \$470 million to fund cancer research and empower those affected by it.

Now, the future of Livestrong is in jeopardy. Despite Armstrong stepping down as chairman, major donors to the cancer-fighting charity are now asking for their money back. Whether or not Lance Armstrong used steroids is a foregone conclusion. He did it, and he lied about it along



JOEL SAGET/GETTY IMAGES

the way. But let's not forget that injecting sheep's blood into your body doesn't turn a mediocre athlete into superman. Lance Armstrong was just competing on equal footing in an era where the use of steroids across the sports world was rampant.

Although he has been stripped of his cycling accomplishments, no one can take away what Lance Armstrong has done for cancer patients and research across the world. I hope you will join me in believing that the good done by Armstrong's advocacy for cancer outweighs the damage he did to his sport.



STEPHANIE DE JESUS

## CWSL Intramural Sports

BY STEPHANIE DE JESUS

INTRAMURALS DIRECTOR

As the trimester continues onward, so does the California Western intramural basketball season! The great accomplishment of going to law school is new and exciting, but can become extremely stressful as time goes on. One of the most important factors to success in law school is to maintain a solid work-life balance. Intramural sports can help achieve that balance by helping students engage in different activities and opportunities which allow them to get involved and meet new people. Participating in intramurals is a great way to expand your base of friends on campus and to divert your attention (for a guilty hour) from the pressures of the classroom.

According to Kent Blumenthal, executive director of the National Intramural-Recreational Sports Association (NIRSA) and author of the article, *Collegiate Recreational Sports: Pivotal Players in Student Success*, recreational and intramural sports are viewed as an essential component of higher education. A study conducted by NIRSA found that students who participate in recreational sports derive three major benefits from their involvement: improved overall emotional well-being, reduced stress coupled with an increased ability to handle workloads, and improved overall happiness. Recreational sports programs also build self-confidence and character,

promote diversity, teach team building, and improve leadership skills. See [http://www.nirsa.org/am/documents/research/scup\\_article.pdf](http://www.nirsa.org/am/documents/research/scup_article.pdf) for more on this study.

Our intramural sports are lead by SBA and include many kinds of sporting events throughout the year. For this trimester, California Western students are competing in the Fall 2012 Intramural Basketball League. The league consists of 8 teams of both current California Western students and California Western alumni. The teams compete once a week fighting to be in the top six to make it to the playoffs on November 15 and November 29. The teams participating range from newbie 1L students to oldie alumni who still enjoy the weekly, competitive basketball hour. Teams this season consist of those who have continuously competed each year and have returned with hopes to maintain the "CWSL Basketball Champion" bragging rights. Who will be the champions for this season? Come find out and support your fellow classmates every Thursday night at the San Diego Community College, Harry West Gymnasium, at 7 p.m. and 8 p.m.

\*Watch for advertising such as posters, sign-up tables, and campus-wide e-mails that will announce the beginning of sign-ups for an upcoming intramural event!\*



HANK CROOK

## In other sports news...

Sports agent Leigh Steinberg spoke to members of the Entertainment & Sports Law Society. Leigh is the real life inspiration for the movie "Jerry Maguire," and has represented 60 1st round NFL draft picks and the #1 overall pick a record 8 times.

Pictured, left to right:

Shana Metzger, Aaron Gordon, Connor Flahive, Leigh Steinberg, Trayshon Herndon, Andrew Campos, Sheila Tabrizi

# CAREER SERVICES, OH YEAHHHH!



Editor's note: We keep featuring the Career Services Office every month because we think it's one of the most important, yet most underutilized resources we have available to us here at California Western. If you walk into their office and say hello, they will match you with a talented and interesting advisor who will serve as your partner in crime (or civil!) during your tenure here. When they see you in the halls, they will remember your face, your name, your career preferences, and what you had for breakfast last week. They are that good. But most importantly, you will get one-on-one assistance in a way that is not possible by only attending events and deleting emails. We urge everyone to stop in. Also, check out their bios below - you will see there is nothing to be afraid of!

## ROBIN LAKE, ESQ.

CAREER ADVISOR

Robin 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 weekends with her husband at their cabin in Big Bear. Since graduating from 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.

## COURTNEY MIKLUSAK, ESQ.

ASSISTANT DEAN, CAREER SERVICES

Courtney is a proud UCSB Gaucho and is Career Services' 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! And to top it off, she was voted "Best Hair" in high school. How cool is that! A graduate of California Western, Courtney practiced both civil litigation and transactional law in San Diego. Courtney works to develop and strengthen relationships between the Career Services Office and legal employers and to create job opportunities for law students and graduates.

## JOCELYN SALVATORI, ESQ.

ASSISTANT DIRECTOR

One of Jocelyn's life-long dreams has been to be a contestant on the Price Is Right; while another is to have an extremely short haircut, which she doesn't think will ever happen. 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 students on nontraditional tracks.

## NOELLE DORMAN

MANAGER OF CAREER SERVICES  
PROJECTS & SUPPORT

Noelle is the office vegetarian, animal rights advocate, and resident authority on all things related to big-hair metal bands! She is our office "rock." She graduated from Cal State Fullerton with a B.A. in Political Science and received an M.S. in Child Development from SDSU.

## KARLA BARNFIELD

ADMINISTRATIVE ASSISTANT

Karla's day job is with the Loews Resort, Coronado, where she organizes special events and works closely with the Executive Chef, who she informs us is French and has neither long hair nor earrings.



## WANDA HARVEY-AMOKE

ADMINISTRATIVE ASSISTANT

Wanda is the first face you will see upon entering our office. With her, you always know you will get a smile, but you can never anticipate her hairdo because it changes daily!

## MATTHEW LAB, ESQ.

ASSISTANT DIRECTOR

A former chef, Matt just had to go to law school (Hastings) in the greatest culinary city in the West - San Francisco - where he left behind his chef's toque, long hair, and earrings (but not his heart). These days, his partner Lisa and their three boys enjoy anything outdoors that involves two wheels, preferably off-road, and tending to their micro farm and wine grape vineyard. Matt counsels students and recent graduates, and he implements many career development programs. He spent his law firm and in-house years in the areas of business, real estate litigation and transactions.

## ASHA WILBUN, ESQ.

GRADUATE CAREER ADVISOR

Asha enjoys sharing some of the scary and hairy experiences that her husband encounters as a firefighter in Los Angeles. Yikes. 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 the next phases of their lives.

## JILL BLATCHLEY, ESQ., CAREER ADVISOR, PRO BONO & PUBLIC SERVICE PROGRAM COORDINATOR.

Jill enjoys her yearly trips to Maui with her husband Bill and her weekend walks to and from Ocean Beach, lately accompanied by her son's short haired Chiweenie dog, Huckleberry. She is glad to be living on terra firma after spending the last 16 years living on her 82 foot boat. A USD Law School graduate, Jill has broad legal experience in private law firms, government agencies, and the courts. Jill regularly counsels students and also coordinates and develops our Pro Bono Program and Public Service Program, through which many students gain their first law clerking experiences.

# OPINIONS & ADVICE

## Jury Nullification: Not Just An Underground Sex Fetish?

BY MIKE FEDERICI  
ASSOCIATE EDITOR

If you take the time to listen to what others in our generation are saying, you'll often come to a pretty common conclusion: we are too busy for some lame exercise in common law judgment. Jury duty is apparently a burden to those of you who think this way.

Yet out of the other side of their mouths, I'll often hear an idea which conflicts so perfectly with their ideas on the jury, I sometimes forget that they aren't jerkin' me around. They want to *help people* through the legal system. Whether it be through the CIP, the Public Defender, employment law, medical malpractice – whatever – they all want to feel warm and fuzzy inside by getting paid \$250 an hour. Hell, who doesn't?

You want to help people as a lawyer, right? Okay, let's examine that process for a moment. "Ring ring, telephone in the office. Hello? Oh, a new client? Absolutely, you can come on in on (checks schedule) next Thursday at 2pm." That's probably your only available time slot for the day, if not the week. And you can only really afford to give the poor sap about an hour of your time for the initial interview. Great, so the guy comes in. You sign him up. You then go through anywhere from a few weeks for simple discovery to more than three years to go through more complicated discovery. I'll omit getting to trial, much less the nightmare hellscape that is going to and getting through trial.

You just spent all that time. You and your client spent all that money. You lose. Or you win. Either way, that's an amount of resources I rarely spend to keep up my



personal relationships, much less help out some schmuck who got into a car accident.

Now let's consider jury duty. You get the letter. You're officially summoned. You go to court, you get selected. You get free food and free lodging. Sure, it takes a dent out of a week or so of your life, but for all practical purposes, you didn't have to exert more effort than it takes to go on a booze run on a Friday night. Now, having done what is essentially nothing, you get a chance to say the two most powerful words in American jurisprudence: "Not guilty."

Unlike a practicing attorney, a juror gets to say "not guilty" no matter how obviously and patently guilty the guy is. Some kid got caught driving at 0.09 blood alcohol level, but didn't hurt anyone and didn't have any passengers? Not guilty. An older guy gets caught growing his own weed and sometimes smoking it? Not guilty. See what I'm saying? These are just two of the issues I hold near and dear and that I'd like to change one day; you have your own. Every time you get put on a jury, you get the

singular opportunity to nullify any idiotic, nonsense law that a bunch of prudish old people passed before you were born. You get to skip the middle man.

Some hapless black guy arrested near the scene of the crime. He's accused of being a drug dealer or for having committed some petty crime in the area. Not guilty. I don't care how guilty he is, I'm voting not guilty. It's not because I'm an anarchist (although I'm pretty close) or because I'm doing it just for a laugh (although I am). I'm using what might be the only time in my life to take what I hold dear and wield it to affect someone's life for the better. The guy was probably arrested in large part just because he was black and in the wrong place at the wrong time. I guarantee you a chubby Italian law student like me would never have even been considered a suspect. Even though my lineage is rife with criminals than blacks will ever hope to achieve.

That aside, I don't even need justification to say "not guilty." On a practical basis, it is common sense these days that our prison

system is overwhelmed. It isn't because there are more criminals, it's because people like us – like *you and me* – don't take jury duty seriously. Some half-assed prosecutor presents his half-assed case and convinces twelve bored people that they can go home if they just all say guilty. It's a hell of a lot easier than listening to a zealous defender trying desperately to rebut the fact that his client is black or Latino or (fill in your own stereotype) and had some weed on him when the police pulled him over for no good reason.

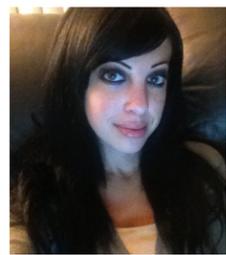
The point is, whenever you're presented with some asinine, backwards, 50 year old law as a lawyer, you need to advocate it to the best of your ability no matter how asinine and backwards it is. When you're a juror, you get to do what you can never do as an attorney: ignore it, cross it out, spill coffee on it, watch bondage enema porn while considering it, and in all other ways disrespect a law that disrespects our basic sense of justice. Just because it's written down doesn't make it worthy of our respect.

So I say to you, law students of America – fight back whenever and however you can. I believe that our school is full of good folks who genuinely want to do right by people. I know a lot of them personally and the ones who have the most conviction have become some of my best friends. We don't always see eye to eye, but I respect passion wherever I find it.

So take some of that zeal, take some of that passion, and think of it every time you are lucky enough to be selected for jury duty. Take the greatest joy in American political and legal life and say what needs to be said most of the time:

Not guilty.

## Truth, Liberty, and Leah: Who The Hell Do You Think You Are?



BY LEAH REEVES  
ASSOCIATE EDITOR

I am not sure if this is a new phenomenon or not, but have you ever noticed the sudden

influx of people complaining about the content of a stand-up comedian's show? I would like to take a few minutes to address just that. I have a mild understanding of the fact that many people are more emotionally sensitive than I am. I am also aware of the fact that some people, quite frankly, are very uptight and cannot take a joke if their lives depended on it. However, I am talking about the people who believe that they have a great sense of humor, and thus happily embark on a trip over to their local stand-up comedy venue in order to sit back and enjoy some laughs. However, a little while into the comedian's routine, these people become irate, offended, and some even become violent. I have a question for this type of person: "Who the hell do you think you are?"

It is not that I believe that people are not entitled to feel hurt, offended, shocked, etc. What I am not comprehending is the fact that these people are happy to *pay money* to spend over an hour laughing at *other peoples' expense*, only to become enraged when a joke hits close to home. I want to know why these people think that they are so special, that they are so above the rest of us, that other people have no right to make fun of them? Personally, I try to get to com-

edy shows early enough so that I can sit in the front row, in order to up my chances of being picked on and called out by the comedians. This type of interaction makes the comedy shows exponentially more enjoyable for me. I have been called out for my style, a face I might have made, and if I am sitting close to a female friend, lesbian jokes become common place coming out of the mouths of the comedians.

A while back, I read an article about a lesbian woman who was sitting in the front row at an Eddie Griffin comedy show, and everything was fine until Griffin made fun of lesbians. This woman threw a water bottle at the comedian! And it gets worse — now this woman is threatening to SUE the comedian for an apology and an unspecified amount in monetary damages! This angers me greatly, and I am a future lawyer! I would never take a case like that. Who the hell does this woman think she is that she deserves an apology?

Griffin's spokesperson Ann Flagella issued a statement to the media saying, "He was doing his job and making the audience laugh... ALL races, religions, genders and stereotypes are considered EQUAL on stage and are all open for material." What's even better is that the owner of the venue is standing by Griffin, apologizing to everyone else for getting an ending that wasn't supposed to happen. If you are uptight and cannot take a joke, then you are entitled (if not encouraged!) to get up and leave the venue. You do NOT have the right to become violent. Ever.

Another incident earlier this year in-

volved Daniel Tosh. After a female audience member heckled him, he retaliated verbally. If you ask me, heckling a comedian is essentially ASKING, if not DEMANDING that they call you out and give you hell. Let us recap. This woman not only went to a comedy show, but she went to a Daniel Tosh show, and he is KNOWN for being one of the most offensive comedians out there. (Side note - that is why he is one of my favorite comedians!). This woman claims that she was completely stunned, finding it hard to process what was happening, and feeling like she needed to get out of there immediately. However, according to the owner of the venue, the women actually stayed for the entire duration of the show before complaining to the management.

Earlier this year I was at a comedy show in La Jolla. The comedian was making fun of everything under the sun. As is common with comedians, he was making a lot of jokes about race. Now, one does not

have to be racist to tell racist jokes, nor to laugh at them. Anyone who knows me well knows that I am as far from racist as they come, but I enjoy any joke that can make me laugh – the more dirty, offensive, or crude – the more I enjoy the joke. Anyway, back to this night. The audience was very engaged and was laughing hysterically. All of a sudden the comedian made a joke about religion and everyone, except for me, suddenly became quiet, and multiple people even groaned their disapproval loudly. I pose the same question to those people as well: "Who the hell do you think you are?" I did not want the comic to feel bad, especially because his jokes were hilarious, so I cheered loudly and with an encouraging applause, all by myself. That part was okay, as I do not mind being the lone ranger. Sometimes, you have to "stand up" for what you believe in, even if you are standing alone.



# OPINIONS & ADVICE

## Managing Stress: Don't Let the Lizard Drive Your Bus

BY CHRISTY CASSISA, ESQ.

ADJUNCT PROFESSOR AND WELL-BEING COACH

Getting into law school means that you're at the top of the proverbial heap! Congratulations! But now you're realizing that you are one among many of the top-o-the-heaps. And now you see that you have to work your tail off just to stay in the heap.

Enter your stressed-out Lizard Brain. Driving the Bus. And, as you might imagine, an angry lizard driving a bus can be somewhat detrimental to everyone and everything nearby, including the bus itself (a.k.a. you).

How do you manage that angry stressed-out lizard? Read on, dear student, read on...

In pre-historic days, staying alive was priority Number 1. When a tiger jumped out to eat you, your body and brain launched into "Fight Flight Freeze" mode, giving you a bath in stress hormones like cortisol and adrenaline. These hormones made your body ready to take on a fight, run for dear life, or play dead. This was the very essence of survival.

Fast forward to the modern life of a law student. Not many hungry tigers lurk in the halls of school. The hormones that helped us evolve to our current levels of success are no longer necessary to stay alive, but the body's memory is very very long. These days, your colleagues might resemble that tiger when they are confronting, arguing with, or just being abrasive towards you. And the stressors of looming deadlines, fear of failure, and the constant depletion of physical resources that are the daily reality of the law student cause chronic sympathetic nervous system arousal — or "lizard brain."

You have already likely experienced the results of this state of affairs. According to

the Mayo Clinic, some of the symptoms you may experience with chronic stress include:

- Headaches
- Muscle aches
- Fatigue
- Increased illnesses
- Stomach upset
- Chest pain
- Sleep disturbances
- Anxiety
- Lack of motivation or focus
- Irritability
- Restlessness
- Depression
- Angry outbursts
- Social withdrawal

Your body is spending all its energy just staying alive, and there's not much left over for anything else, including studying, friendships, listening attentively, speaking coherently, remaining upright in class... the lizard is driving your bus.

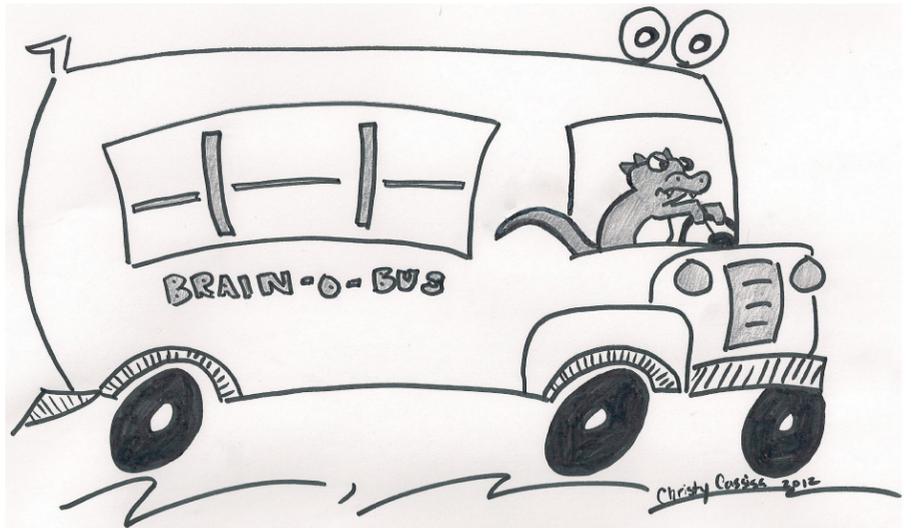
The solution — Calm that lizard!

Just Breathe.

Mindfulness meditation is becoming widely recognized as an effective method of stress reduction and leadership development. Many such programs are being integrated into some of the most respected companies in the world like General Mills, Google, Apple, and Target. Law schools are also jumping on the mindfulness "breath-wagon." Berkeley, Miami, Georgetown, and many more have also instituted various programs dedicated to reducing stress and improving performance through meditation.

Research has shown many benefits from these types of programs, including:

- Reduced overall stress
- Improved immunity
- Improved concentration



- Enhanced self-awareness
- Improved relationships
- Increased resilience in face of conflict
- Improved listening skills
- Increased empathy
- Improved decision-making

Every single one of these is critical to the successful completion of law school and the effective practice of law.

How do we "do" mindfulness? And meditation? Hmm, you're thinking... hoo-woo.

It's not necessarily sitting in front of a candle saying OM. And it's not religious, although the foundations of meditation are found in most religions. It's about cultivating a non-judgmental awareness of the present moment — most frequently through focusing on the breath. Simply sit for 5 minutes and pay attention to your breath. At your nose, in your belly, wherever is comfortable for you. If focusing on your breath is not comfortable for you, become aware of your hands or your feet instead. The practice is not about doing it RIGHT. Yes, really. You do not have to

do this right. There is no right. And it is all right. The actual action of paying attention to your breath (or your hands or your feet) and then noticing when your mind wanders and bringing it back is the key. Notice that I said *when* your mind wanders, not *if*. Your mind thinks; that is what it does for a living. But the practice of focusing, over and over and over, strengthens the muscles of calming and focusing so that you can do it on command when you need to. Which will likely be every single day.

California Western: Welcome to the "breath-wagon."

Your California Western support structure, facilitating the same kind of mindfulness meditation program found at Google, is a seminar called "Life Skills for Lawyers: Tools of Awareness & Stress-Reduction." This free 9-week seminar is already being taught this fall as Life Skills for Lawyers in a small pilot program, and the interest list is forming for the Spring trimester.

NOTE: This seminar will not be found in your regular class enrollment materials. Interested students should contact the professor at: [ccassisa@cwsl.edu](mailto:ccassisa@cwsl.edu).

## Outline Sharing Is Caring

BY MARISA MANDOS  
ASSOCIATE EDITOR

It's that time of the year again: finals are upon us. For many law students, studying for finals means putting in long hours, ditching the trendy outfits for "whatever's clean," and hitting the books. But sometimes, hitting the books leaves us feeling like we got hit by a bus. So, how do we deal? With a little help from our friends.

One of the best things about law school is the concept of outlining. For me, the process of synthesizing an entire trimester of work into an organized and cohesive document is almost as gratifying as actually mastering the substantive material. I color code; I **bold**; I underline. By the time I sit down to take the final, I feel good knowing I've "done all I could." But, contrary to my high school self, my law school self doesn't "know everything." So, I reach out to my friends who have already taken my courses and I ask a question with which you all are familiar: "Do you have an outline for this class?"

Just typing that felt like a shameful ad-

mission. It's like saying, "I had a beer before noon 5 p.m." in that many of us do it once in awhile, but none of us is proud to admit it. But hear me out. Sharing outlines does not necessarily mean "cutting corners." Doing so has some noteworthy advantages.

First, it forces us to be social and collaborative. What? You thought law students were incapable of these things? This may come as a shock to some of the gunners out there, but potential employers are not focused solely on grades or class rank. Of course academic achievement matters, but so do communication skills and teamwork. Further, as the old adage goes, "You'll catch more flies with honey than with vinegar."

The same goes for outlines. The nicer you are, the more help you'll get.

There is something so pure and inspiring about being part of an interdependent community. It reminds us that we are not alone. At some point, we all need each other. The sooner we realize that, the sooner we begin working smarter, not harder. In order for my hypothesis to hold true, though, it has to work both ways.

In addition to asking friends for outlines, I make a conscious effort to "pay it forward" and help others who may need it. We are all in the same boat, and if everyone grabs an oar, we'll arrive at the destination ahead of schedule. Contrary to popular be-

lief, being successful and being kind are not mutually exclusive.

I know, I know. I sound like an idealist. Ergo, a significant disclaimer: someone else's outline can only do so much for you. (See, professors, I saved the best point for last!) Common sense tells us that not every outline we get was crafted by the person who AmJured the course. The probability of that happening - with the curve considered - is unlikely. So, we must still work hard.

Let me be clear: by advocating for collaboration, I am not suggesting sole reliance on another's hard work. That is neither ethical nor helpful. The real value of a peer's outline is in the organization. We see how others organize concepts, rules, and tests. Sometimes, we just need to see something phrased slightly differently in order to have a light bulb moment. However, we all learn differently. For example, I think horizontally, not vertically. To me, Roman numerals are more trouble than they're worth. I'm a chart kinda gal. At the end of the day, I still need to work through concepts on my own in order to understand them.

The process of outlining is what helps us learn and retain the substantive material. Legal analysis skills cannot be borrowed. In practice we will sometimes face problems so unique that no one before us has thought to outline the answers. But in the meantime, it is important to remind ourselves that we are all in this together.

	<b>Step Saver (P) v. Wyse (D)</b> Unenforceable	<b>Hill (P) v. Gateway (D)</b> Enforceable
	P called D to place order; D says they will send software. P follows up with purchase order. D sends "box-top" agreement. P had to remove to accept goods. Forms on box said software was for personal use i.e. non-transferable/can't resell (shows acceptance not conditional on terms; D knew P resold to JDs and MDs; nature of product sold), also had a limitation of warranty provision, an integration clause, and said that opening package indicated acceptance of terms. Determine when acceptance occurred (i.e. which terms apply).	P called D and bought computer. During phone call, D informed important terms on "box top". "Box-top agreement" contained arbitration clause, service/warranty information, etc. P did not return within 30 days (per agreement) and they filed suit. D says arbitration clause applies (so no refund for P).
<b>Parties</b>	Merchant - merchant	Non-merchant - merchant
<b>Offer</b>	Initial phone call (P = offeror)	D
<b>Acceptance</b>	Sending goods (D = offeree/acceptor)	Opening box/box-top agreement
<b># of forms</b>	2	1 [so no §2-207(3)]
<b>D argument</b>	By opening box, P assented to terms	By opening box, P assented to terms
<b>P argument</b>	<ul style="list-style-type: none"> <li>▪ 2-207(1) and (2); terms are material to K thus do not apply, or could argue</li> <li>▪ <b>Never K formation under 2-207(1), so 2-207(3) should apply</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Phone call was offer</li> <li>▪ Want UCC 2-207(2) to apply:</li> <li>▪ Accepted but the additional terms are only construed as proposals and don't</li> </ul>

Marisa uses a clear, structured approach to outlines. Others use tons of color, some handwriting, while others utilize resources such as Mindmanager. Figure out the best way for you!

# CREATIVE COMMENTARY

## Property: It's a Rap

**Rebekah Tychsen**  
Aspiring Professional Rapper



REBEKAH TYCHSEN

In my 1L year I came up with the idea of writing raps to prepare for finals. Rapping is something I am passionate about. Rapping for me is an expression of who I am. It allows me to be myself while doing something fun and perhaps entertaining to others.

I began rapping publically in college. When I got to law school I still rapped for fun, but it was obviously more important to focus on my studies as opposed to my blossoming rap career. I began brainstorming free-style raps about various legal topics while driving in my car, at parties, etc. My fee simple rap was one of my more successful raps during my first year of law school. A portion of it can be read (or rapped!) below. It is always important for rapping fans to know that half of rapping is in the performance so the words alone do not provide the rap justice.

*Are you ready for me let me give ya some of my property.*

*FSA you can have it your way, build a BK or sell it in a 3 way.*

*But heck no if you become a wifey then that sh\*t goes back to me, me and my babies. Condition attached you can't have it your way.*

*Its defeasible and that's unreasonable so the court will interpret it and try to scoundrel it.*

*FSSCS sounds like one really big hot mess. You can have it keep it for eva and eva untill you f\*ck up and then my heirs they will reenter, back to me, back to the people, people who gave a f\*ck about me.*

I encourage my fellow rappers to keep on rapping and for novices to give it a try. It really does give you a fun way to study and encourages you to memorize rules and come up with your own examples of analysis to fit into the raps. Forcing yourself to rhyme rules helps you remember them better.

## Lunch Time

**Bill Bookheim**  
CWSL Reference Librarian

Don't stand in my way when it's lunch time,  
when the scent of good food's in the air  
and my stomach is growling like crazy.  
Step back if we pass on the stairs!

When the hands of the clock are approaching  
the noon hour, I'll be on the run  
to my favorite chow palace of cuisine  
in the snow or the rain or bright sun.

An army may march on its stomach  
as Napoleon once opined.  
I completely agree with his logic:  
I travel at meal time on mine!

Some people are said to have sex on their minds,  
or by the pursuit of big bucks are consumed,  
but I've put a request in my "Last Testament"  
for Chinese-to-go when entombed!

## Law School and Smee

**Rodger Clayton**  
Law Student and Pet Enthusiast

Law school, dogs, dogs, law school. Yea, yea, yea. This human-interest piece is hardly original. Yet, forgive my blatant hypocrisy, for I attempt to contradict those optimistically inclined, self-help gurus of law school-canine lore. The reality of caring for a cuddly, lil' monster while simultaneously studying law: it's tough.

The Law Dog phenomenon is wholly deserved. Petting puppies during finals week reduces some serious stress. Man's and woman's best friend provides the perfect relief for our depleted souls.

What about the other fifteen weeks of the trimester?

Ok, allow me to share my experience living with Smee, the world's greatest dog. Smee and I have been roommates since we both moved to San Diego. He doesn't really bark, he's never shown any aggression, he loves to play with everybody. My pup is now 10 months old and weighs eighty pounds. Not too long ago, I was a first trimester 1L and he was one month old, tiny, and a cute pain in the ass, well... actually that last part's still the status quo. Smee has proven to be an expensive investment, a huge responsibility, and my favorite part of law school. With that in mind, a committed interspecies relationship is not advantageous to everyone.

Apart from eating a *pair* of my socks and pooping lots, Smee has been pretty good. He provides steady companionship, constant entertainment, an exercise partner, and the best pillow around. My dog is the greatest wingman too. He attracts girls (and guys) like no one I've ever seen. Smee actually got me an internship by hitting on an attorney's dog in the park. The attorney and I struck up a dog conversation and that was that.

I cannot help but emphasize the few negative aspects of our bond as a disclaimer for anyone considering a new dog during law school. As a 1L especially, becoming acclimated with school in general, raising an untrained puppy, and exploring an entirely new city are difficult each and of themselves. Concomitantly, these tasks become nearly impossible.

I chose to purchase a puppy because I knew that I would live within walking distance of school, that we would have small breaks between courses, and that there was a dog park nearby. If similar personalized requirements are not meant, owning a dog will prove disastrous to both the dog's well being and the owner's academic performance.

I suppose I should conclude this article with tips for perfecting the dog/school life balance. Choosing a puppy is probably not the best choice... they are incredibly demanding. Breed matters big time. Laid-back dogs best handle the sporadic class scheduling and late night trips to the library (first example that popped into my head really was the library-law school swag). Extracurriculars need to be planned around feeding and walking the animal. Trips back home are infinitely more expensive with boarding fees.

Even so, dogs are amazing. Especially at the right time and in the right place... for instance, on campus during finals week.



RODGER CLAYTON



RODGER CLAYTON



AK

## The Zen of the Aquarium

AK

~

i store my pets who make no mess in 10s and 40 gallons  
they live for weeks and don't have beaks or paws or claws or talons  
they swim around and love to feed, yes thats their only wish  
when i get up each day they know, it's time to feed the fish

some swim up right to the top and gobble up the flakes  
many colors, tropical, from Earth's exotic lakes  
tiger barbs and hatchet fish and others from the river  
and gourami comes from hiding so that she can get a sliver

and then I leave and study hard from day right into night  
when i get home they know it's me when i turn on the light  
they swim right to the glass and go from hiding to the top  
they know its time for food when roof goes up and food goes PLOP

and despite the hard work cleaning that is done by the plecastomus  
the algae bloom takes all the room till glassiest is grassiest  
and Sunday morning rolls around im feeling pretty dank  
i blast some 105.3 - its time to clean the tank

i scrub and wipe and filter out the liquid that is brown  
i vaccum all the gravel till the water level's down  
i get that tank so friggin clean i really go to town  
i watch the fish quite carefully, though none of them can drown

and when the tank is clean i fill it all the way back up  
fresh water now the fish all say 'yo homie, thass wassup'  
i flick the light and feed them quick in just the right proportion  
cuz after all that work they need some positive reinforcement

i love my fish and they love me, until they feast again  
those in the forty gallon tank and all those in the ten  
and when im done at school and i at last lay down my pen  
the fish tank is the thing in life that always brings me zen

# HOLIDAY STUFF

## What Are You Thankful For?

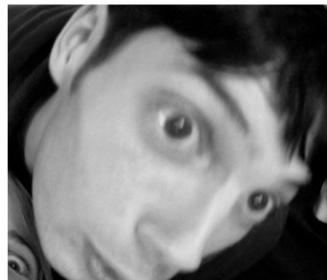
BY **BRENNA MILLER**  
ASSOCIATE EDITOR

'Tis the season to be thankful Cal Westerners. And boy oh boy is there a lot to be thankful for this season. For instance, did anyone else notice that someone started putting dish soap in the kitchen soap dispenser instead of hand soap? Umm genius. Thank you mystery person. Anyway, I asked some Cal Westerners what they are thankful for this Thanksgiving season and here is what they said:



This season I am thankful that this will be my final semester of law school. No more reading cases that I will never use in practice. No longer writing a certain way because my legal skills teacher says I should. No more being run over by "rollie" backpacks in the hallways. There will no longer be the dread of hoping I am not called on in class. And finally, I am grateful that I will never have to take a law school exam or fight with the wonderful CWSL curve. -Chris Gabbard

I am thankful for my parents, both loving and supporting. I am thankful for my husband, my go-to person/best friend. I am thankful for getting to travel; I took three wonderful vacations this year. I am thankful for the opportunity to attend law school. The end is near! Finally, I am thankful for accomplishing my goals, having good health, being sensitive, sushi, and last, but certainly not least, I am thankful for the internet. -Nathalie Miller



I am thankful for professional football because it constantly reminds me that no matter what I do with my life, no matter where I go, no matter how successful I become, I can still have my emotional state dictated by events that I have no control over. -Steven Frankel

This fall I have been commuting to North County every day for work. Thus, I am particularly thankful for my truck. Though the damn thing guzzles gas like nobody's business, and it's white-trash as all get-out, it certainly has come in handy. I find that I can drive more aggressively and efficiently with my truck than I would otherwise be capable of doing if I were in a smaller, nicer car. Often, businessmen driving gorgeous new BMW's or Mercedes' attempt to cut in front of me when traffic slows on the freeway. I don't move. I look at them in their shiny little cars, make eye contact and say, "Bring. It. On." Typically I get a "oh-my-word-beotch-you-crazy" look back at me, and then the suited business man in the shiny BMW gets out of my way. Word to the wise: watch out for the truck with the WSU Cougar sticker on the back. This grateful girl isn't moving off the road for anyone! -Brooke Didier



With graduation around the corner, it is important to reflect on the things most cherished in life. I am thankful for my family and friends for their love, support and encouragement, both personally and professionally. I also am grateful for the opportunities that benefit my future and the success of those around me. -Cassie Sadowitz

This Thanksgiving, as always, I'm most grateful for my friends and family. Especially as I'm coming to the end of law school, I'm grateful for all of the support and encouragement my friends and family have offered over the last two and a half years. I could not have made it through this without my BFF holding my hand (through the phone) each time grades came out, or without my mom's constant pride and words of wisdom. I don't always remember it, but I am indeed a lucky girl. -Melissa Arnold



## Dear Donna

BY **DONNA BLAIN**  
DONNA'S COFFEE CART AND COMMENTARY ADVICE GURU

DEAR DONNA,  
Someone at school is flirting with me but I am in a relationship. What do I do?

-Lucky

DEAR LUCKY,

No matter if you're in a relationship or not, unwanted or uncomfortable flirting should be dealt with. Try being nice and tell them to stop. If it persists, be blunt. The worst that can happen is you will lose a friend that wasn't a friend to begin with.

Some personalities come across as flirting. I get accused of flirting all the time. And I must say, I am "guilty as charged." Always deal with situations that make you uncomfortable; it will make you feel better every time.

Submit your questions for Donna to [cwslcommentary@gmail.com](mailto:cwslcommentary@gmail.com)



ANDRES MICHAEL

## \* Holiday Recipe \*

BY **ANDRES MICHAEL**  
COMMENTARY CULINARY EXPERT

### Cinnamon Bread-Crusted Beef Tenderloin with Port Wine Sauce over Garlic Mashed Potatoes

**Mashed potatoes**

- 3 lbs yukon gold potatoes
- 1/2 lb (2 sticks) butter
- 4 cloves garlic, minced
- 3 tbsp salt
- 1 tbsp pepper
- 1/4 cup heavy cream

**Port Wine Sauce**

- 750 ml (1 bottle) port
- 4 sprigs thyme
- 1/8 medium yellow onion
- 2 cups chicken stock
- 3 tbsp butter
- 3 tbsp flour
- Salt and pepper to taste

**Beef Tenderloin**

- 6 fillets beef tenderloin
- 1/2 cup gingerbread
- Salt and Pepper to taste

Winter is almost upon us! Well, not really because it's San Diego. But that doesn't mean we can't all celebrate the season with a delicious, comforting dish and some holiday cocktails (post-finals, of course).

For mashed potatoes: peel and cube potatoes. Place in pot with water and bring to a boil. Cook until fork-tender. Drain water. Sauté garlic in butter for a couple of minutes and then add the heavy cream. Add salt and pepper and either whip or mash the potatoes (whatever your preferred consistency may be).

For sauce: Fill stock pot with the wine (yes, the whole bottle). Add thyme, onion (just use a layer or two), and reduce for about 30 minutes or until you have about 1/2 cup of wine left. Put reduced wine in a cup and set aside. In stock pot, add 2 tbsp of the butter and the flour. Cook over medium heat for about 4 minutes. Add chicken stock and bring to a boil. Once boiling, reduce to a simmer and add the reduced port. Simmer for about 5 minutes and add the remaining 1 tbsp of butter. Sauce should be thick enough to coat the back of a spoon.

For filets: Crush gingerbread (or ginger snaps) very finely. Coat the sides of the fillet with the gingerbread. Season both sides of beef with salt and pepper. Sear in a pan to desired done-ness.

Then! When you're done eating this delicious holiday dish, grab yourselves a glass of one of these delicious holiday cocktail drinks!

**Candy Cane Shot**

- Peppermint Schnapps
  - Cinnamon Liquor (Aftershock)
- In a shot glass, float peppermint schnapps on top of cinnamon liquor

**White Russian Christmas**

- 1 oz. Cinnamon and Spice
  - 1 oz. Vodka
  - Kahlua
  - Eggnog
- In a tumbler, add Kahlua and Vodka, fill with eggnog

**The Grinch**

- 2 oz. Midori
  - 1 oz. Vodka
  - Lemon-Lime Soda
  - Cherry
- Add ingredients in martini glass, garnish with a cherry

# THE ARTICHOKE

DISCLAIMER: THE ARTICHOKE IS SATIRE. ITS STORIES AND CHARACTERS (HOWEVER MISGUIDED) ARE COMPLETELY FICTIONAL. PROCEED AT YOUR OWN RISK.

## WEEKLY STUDENT CALENDAR

### GENERAL ANNOUNCEMENTS

**Monday:** All students in the bottom 25th percentile invited to join the Dean for coffee, donuts, and poison.

**Tuesday:** Hurricane drill. When alarm sounds, practice looting your neighbor's house and syphoning his gas.

**Wednesday:** Diversity speaker to talk about effect of equal opportunity on bisexual Amazonian unicorns in the workforce.

**Thursday:** Either wear your "Don't Ask Don't Tell Is Discrimination" t-shirt, or don't bother wearing a shirt at all.

**Friday:** Clean your stuff out of the fridge. Seriously, we're not starting class today until you get your moldy crap out of the fridge

### STUDENT ORGANIZATIONS

**Federalist Society:** Meeting on importance of bearing arms while drinking whisky in large truck and boycotting local planned parenthood clinic.

**Jewish Student Union:** Shalom! Manischewitz wine tasting in Room 2C. Get your Jew on. Show us what you got!

**Mormon Club:** Mormon members of the J. Reuben Clark Law Society will meet to discuss a violent government takeover led by Mitt Romney. Well, it will be violent by Mormon standards.

### CAREER SERVICES

**Party at Matt Lab's House:** Meet at the Men's Wearhouse in Mission Valley for carpools. Bring a resume, cover letter, and your favorite vest. Firm handshakes suggested.

*If you have announcements you would like included in The Artichoke's Weekly Student Calendar, please submit this information to Cedric Anderson, The Artichoke's calendar updater. The Weekly Calendar features events and announcements that will likely never occur. But please mark them down anyway.*

## THE ARTICHOKE WANTS



YOU!

Email [cwslcommentary@gmail.com](mailto:cwslcommentary@gmail.com) and tell us you'd like to write humorous satire for The Artichoke section. Do it...

## GANGS OF 350 CEDAR STREET

BY BEN PEZZNER

GRAFFITI CORRESPONDENT

Last month, students who regularly park on Banker's Hill and walk to school were treated to a surprise on the west side of the 350 building. A rather sizeable portion of the black construction tarps had been covered with graffiti. It seemed as if someone had climbed onto the top of the safety tunnel and tagged the school. Student reactions were mixed. "It looked pretty," said Rick Bastion, 2L. "For a moment, I thought I was going to get mugged. But then I settled down and just enjoyed the art."

Facilities Director Jan Carton immediately stepped in and had the black fabric swatches replaced within 30 minutes. "I was impressed with the sheer tenacity of the artist," explained Carton. "Whoever did this would have been in serious trouble if I were there to catch him."

California Western has spared no resource to get to the bottom of this. Student and Diversity Services has been setting up Wanted flyers on easel boards all around town and sending out weekly bulletins. All students who are interning at the District Attorney's office have been recalled back to school to assist in the investigation.

So far, the investigation results have been astounding. The Artichoke has



October 29, 7am: The scene of the crime. Rival gangs at California Western have been quiet in recent trimesters. But recent events suggest a possible resurgence in activity.

learned that any number of California Western's gangs could be responsible for this brazen violation of the honor code. At first, members of the CrIPs and MCHBloods were at the top of the California Western Gang Unit's list of likely suspects. But since their truce with the OutLaw Review and Common "Tary" Street Gangs four years ago, there hasn't been much activity on that front. On the other hand, South Side STEPPS has been getting into trouble recently. Ever since a Gang Unit raid uncovered their role in the SD Card black market last spring, members of

this gang have been acting out.

But Hank Manderson of the Gang Unit thinks the real perpetrator could be a member of the Deaños Mafia. Led by Deaño Aveces, this group is the latest to arrive on campus, and Manderson thinks the graffiti incident could have been part of a plan to carve out some territory.

"Either way, we still have a lot of work to do," said Manderson at a recent interview with The Artichoke. "In the meantime, students should be wary and report all unusual gang activity to the nearest security guard."

## FINDING A TRADEMARK FOR CWSL

BY KENNI HUYNH

TRADEMARK EXPERT

To combat brand name syndrome (the refusal to hire students graduating from fourth tier law schools), California Western has come up with a new trademark practice program, registered with the United States Patent and Trademark Office (USPTO). Students enrolled in this program will attempt to prosecute a law school trademark in front of the USPTO under the supervision of a professor. This is CWSL's latest effort to boost hiring of CWSL students and graduates in big firms and corporations, where law school brand name is still the number one hiring criteria. The best trademark, or one that is successfully registered with the USPTO, will be chosen as CWSL's new brand name.

Career Services was the first to join in the chorus for this program. "There is no reason as to why brand name should be the determinative factor in hiring," said Matthias Lowe, California Western's prominent career counselor. "However, given the widespread use of this practice, California Western plans to adopt a brand name that is the indicator of new, successful attorneys."

However, early efforts by eager students have shown to be unfruitful. Howard Law School, a spinoff from the famous Harvard, has been taken as a trademark. Another popular suggestion among students in the trademark

program, Ale Law School, reminds recruiters of Yale Law School. This trademark was promptly rejected by the Innocence Project as an insinuation that California Western as a law school specializes in training DUI attorneys.

Popular presidents' names were also considered, but Thomas Jefferson School of Law stands as a powerful reminder that presidents' names are too popular and would not constitute a unique trademark.

"After all, we have 14 schools in the country named after Washington. They are not distinguishable and will not make a good example for trademark prosecution" said Prof. Thompson, the director of the Trademark Program. Furthermore, presidents' names do not normally come with high rank. Recent, more popular presidents, such as Ronald Reagan and Bill Clinton, come with baggage.

"We do not want to be a law school associated with an obsession of the color of red or illicit affairs with interns," said Kenny Smith, a student familiar with the program.

Efforts to merge with UC San Diego for the name UCSD Law School have failed indefinitely, partly due to the trademark problem. UCSD Medical Center has served California Western with a preemptive cease and desist order, citing image concern.

"We are among the highest ranked medical centers in the country. We

do not want to be associated with overworked and overstressed law students," a UCSD Medical Center spokesperson, who wished to remain anonymous, said in a statement.

But students in the Trademark Program remain optimistic. "We will find a trademark that distinguishes our school. After all, California Western is a unique law school with a tradition of excellent bar performance," said Kenny Smith. High bar passage rates remain California Western's strongest selling point. Thus, trademarks including "BestBar" and "HighBar" have been considered.

Ultimately, California Western did come in first among law schools for highest average student loan debt upon graduation. This is believed not to be a problem among new graduates. With an emphasis on criminal law and public interest law, new graduates are believed to be able to quickly pay off their loans. Other high earning practices, such as Intellectual Property and Business Law remain in trial stages at California Western.

"Our students are creative, and the trademark program is the first step in solving our brand name problem," said a high ranking California Western official. "We will trademark a popular name, and soon our students will be hired by those who value recognizable brands."

# THE ARTICHOKE

ONCE MORE: THE ARTICHOKE IS SATIRE. DISCRETION IS ADVISED. THE TYPE OF DISCRETION YOU USE AFTER EATING A BIG MEAL AND BEFORE JUMPING IN THE POOL, MKAY?

## LAW SCHOOL MC BREAKS AWARDS LUNCHEON RECORD

BY CEDRIC ANDERSON  
LINGUISTIC ANALYST

In an unprecedented display of self-control and social poise, law school awards luncheon master of ceremonies Rasheeda Jones went a record three minutes and twenty five seconds without using the word *prestigious*. Jones crushed the old record set by Greg Jessup who in 1995 went one minute and fifteen seconds without using the word.



GETTY IMAGES

While introducing a local firm that has over the years provided scholarships to minorities with disabilities, Jones had reportedly used up all other adjectives she could think of, including *distinguished*, *esteemed*, and *eminent*, before landing again on the law school awards luncheon mainstay. Onlookers reported that in searching for synonyms, Jones had broken a sweat and began to softly weep, but after a short pause, Jones suddenly blurted out the word and appeared to regain steam. Sources confirmed that in the final two minutes of the awards luncheon, Jones used *prestigious* over twenty five times.

## JUSTICE KENNEDY TAKES UP FULL-TIME RESIDENCE IN CWSL LIBRARY

BY CEDRIC ANDERSON  
MULTIPLE ARTICHOKE SUBMITTER



Justice Kennedy makes himself at home in the library.

Referring to the current caseload in front of the U.S. Supreme Court as “one big Yawn Fest,” Supreme Court Justice Anthony Kennedy took conspicuous leave of the Court and has established permanent residence on the third floor of the California Western Law Library. After only four weeks of hearing this year’s cases, the 76-year-old Reagan appointee “hopped in [his] sweet Z-28, put on some killer tunes, and set off to cool [his] heels in greener pastures.”

Initially, the California Western faculty and student body were excited at Justice Kennedy’s return to the law school’s downtown San Diego campus, not having seen him on campus since he dedicated the law library in September, 2000. But ever since the 24-year veteran of the Court set up a fort made from bed sheets, and began drinking heavily, students and library personnel have become visibly frustrated.

While trying to prepare for his Contracts II class, law student Gerald Peterson was told to “cheese off” when he asked the Harvard Law graduate to turn down the portable cassette player blaring Credence Clearwater Revival’s “Bad Moon Rising.” Peterson later commented, “[Justice Kennedy] not only refused to turn down his music. He also told me that he was kicking back brews with the likes of Earl Warren while I was still wetting my bed. He also called me a pansy little 1L nube. He was so mean.”

Library staff has received several complaints from female students who have allegedly been harassed by the swing-vote justice. “This creepy guy in a stained tank top and cut-off jeans was acting like he was browsing through the International Law section, but after 45 minutes, I could tell he was just standing there trying to get glimpses of me in my study room,” reported third-year student Mara Summers. “I called my friend, Crystal, to come and get me because I didn’t want to leave the study room alone. When she got there, [Justice Kennedy] faked like he was coughing and simultaneously said ‘make out’ really loud. Like the whole library heard it.”

At press time, the Supreme Court Justice was heard talking loudly on his cellular phone to his “pal, Toni Scalia,” inviting him to “get [his] Italian butt down [to San Diego]! Tons of chicks and tons of brews! And there’s nothing these chumps can do about it; my name’s on a plaque on the first floor!”

## WESTLAW REWARDS

BY BRENNA MILLER  
POINTS HOARDER

Are you about to graduate and need to figure out what to do with all your Westlaw points? Maybe you are low on cash this year and need to find an easy way to get your friends and loved ones presents for the holidays? Or maybe you just want to start putting your hard earned points to use? Well my friends, I have taken the time to rack through the Westlaw Rewards catalog and find you the BEST of the BEST items available to you this season. Enjoy!

**Frosted Dragonfly Solar Lantern:** 1,800 points. Have you ever come home and



WESTLAWREWARDS.COM

wished, “Man, I wish there were insect patterns displayed on my wall right now.” Wish no more, my friends. This dragonfly solar lantern casts dragonfly patterns on any surface. It also has an antique brown finish to match all the other antique items that we law school students own. But wait, there’s more! This lantern comes with an advertised on/off switch-- but who would ever turn this thing off? Well, that’s exactly what the makers of this product thought, so this lantern’s solar engineering **automatically** illuminates the lantern during darkness for up to 8 hours -- off switch or not!

**Pilates Magic Circle:** 1,800 points. For about 15 hours of hard legal research, you too can be the proud owner of a rubber tube with handles. The Pilates Magic Circle is indeed magical in its black rubberyness. You could probably buy this rubber ring at any Home Depot or Lowes for \$5 and forego the handles. But let’s be honest, you’re too lazy to do that. So don’t worry, Westlaw’s got your back – or should I say back muscles. This product can not only help build up muscle tone, but it *magically* increases your endurance too. Not sure how to use a rubber ring to build endurance and tone muscles? No worries, neither do we! That’s why it’s magic!



WESTLAWREWARDS.COM

**Under Armour® Long Sleeve T-Shirt with WestlawNext® Logo:** 4,200 points.



WESTLAWREWARDS.COM

Have you ever been able to afford legit Under Armour and thought, “Hmmm I feel like an additional logo is missing.”? No Way! Westlaw did too and took care of it for you! Weeee! Now after you’ve researched on Westlaw for 95493409390 hours, you can order your very own Under Armour shirt with an additional WestlawNext logo. The logo is located on your left bicep, that way you can let all the passing cars know which legal research database you use. You’ll feel at ease knowing that as you are running away from law school

in your new exercise attire, there is a little logo on your left sleeve to remind you that law school is life.

**Multi-Function 3-in-1 Breakfast Center:** 3,000 points. Sometimes I wake up in the morning and I’m like, “Ahhhhhh! Why do I have to walk 2.5 feet to the other side of the kitchen counter to reach the toaster!” or, “Arg! I don’t want to leave this spot in front of the coffee maker!” Wait, what?! You too!? Well don’t worry! For fewer points than a workout shirt, you can get the Breakfast Center from Westlaw. That’s right; you can griddle your eggs, toast your toast, and make your coffee all at the same time using the same unit. It’s brilliant. I mean, what could possibly go wrong with all these wattages going at once while attached to one another? I think while I wait for breakfast I’ll go take a shower with all the time I saved by not moving 2.5 feet across the counter to reach the toaster. No reasonably foreseeable risk there.



WESTLAWREWARDS.COM



WESTLAWREWARDS.COM

**Picnic Time Party Cube Cooler with Umbrella:** 6,000 points. When I go to the beach I get really mad if my cooler doesn’t bring its own umbrella. I mean, what does it think, that it can share my shade? Nonsense. That’s why I was ecstatic to find I could use my Westlaw points to buy this PTPCCU. Now, while I lay in leisure in the sand, this handy little unit is keeping itself insulated by being a cooler with an attached umbrella. Oh, and Westlaw knows how you feel about bending over to pick up a drink from the cooler. So they covered that ordeal by providing a steel-frame stand. Also, the cooler has a 72 can capacity... so don’t you dare bring 73 cans to the beach with you. But wait, what if it’s overcast and you don’t need an umbrella!? Not to fret; the umbrella holder doubles as a flag pole holder. So you can waive your family crest proudly as you bum it on the shady beach.

*Editor’s Note: This article was originally supposed to contain fake items. But the real items in the Westlaw Rewards Catalog were so much more interesting!*

# ENTERTAINMENT

## Legalese Word Search



- |                |            |                 |
|----------------|------------|-----------------|
| ACCORD         | COMPLIANCE | NOTWITHSTANDING |
| ACQUIRE        | CONTIGUOUS | NUMEROUS        |
| ADDITIONALLY   | ELUCIDATE  | PERSONNEL       |
| ADJACENT       | FACILITATE | PROCURE         |
| AFOREMENTIONED | FORTHWITH  | SAID            |
| APPROXIMATELY  | INDIVIDUAL | SUBSEQUENT      |
| ASCERTAIN      | INQUIRE    | UPON            |
| COMMENCE       | NOTIFY     | UTILIZE         |

SUDOKUCOLLECTION.COM  
LEVEL: MEDIUM, PUZZLE No. Moo2

	9				7			
	7							8
	3	4	2	9		5		
9	2	8	3				6	
			6		9			
	1				2	8	3	9
		1		2	6	3	5	
7							1	
			1				8	

## Word Scramble: CWSL Courses

BY SARENA KUSTIC  
ASSOCIATE EDITOR

- ttioloitucsnn lwa \_\_\_\_\_
- prdrcooeee cilvi \_\_\_\_\_
- tnctsrac \_\_\_\_\_
- temernnanttie wla \_\_\_\_\_
- ssinuebs gtianorzanois \_\_\_\_\_
- trbcupakyn \_\_\_\_\_
- anilcrmi pocuerred \_\_\_\_\_
- lzpdaisceie lgela rahrcese \_\_\_\_\_
- tsutsr adn estsate \_\_\_\_\_
- deelarf encmio xta \_\_\_\_\_
- dadneavc amitioedn \_\_\_\_\_
- tiarl pceaitr \_\_\_\_\_

## Now Taking Submissions for the 2nd Annual Cutest Pet Competition!



Bruno, 2012 Winner

Morty, 2nd Place

Mochi, 3rd Place

Submit a photo of your pet by Dec. 3 to [cwslcommentary@gmail.com](mailto:cwslcommentary@gmail.com). Photos will be featured in the January issue of The Commentary.

## Funny Face Winner: Patti Wilson



Earthquake drill! Caption this photo!



Send submissions to [cwslcommentary@gmail.com](mailto:cwslcommentary@gmail.com). We'll print the winning caption next month.