The Commentary

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The Commentary is Back - Resilient as Ever!

See Inside:

It Depends - An Ode to Law School
Mike Sapp
Page 6

The Use of Artificial Intelligence in Modern Warfare
Talon Mahosky
Page 19

Synthetic Stars and Stolen Voices: Protecting Likeness in the Age of Artifical Intelligence
Ashleen Herrarte
Page 22

Spring Break, At Last: A Long-Awaited Change at California Western School of Law
Katherine Palma
Page 26

About *The Commentary*

The Commentary is more than just California Western's student-run newspaper; it's a vibrant platform that serves as the voice of the law school community. The Commentary is published at least twice during the fall and spring semesters, and once during the summer semester. However, for this school year, *The Commentary* published the Fall 2025 edition, and published the Spring 2026 edition, which you are currently reading.

The Commentary offers a unique forum for students, faculty, staff, and alumni to express their opinions, discuss pressing issues, and share insights on a wide range of topics, whether those are legal or non-legal topics.

At *The Commentary*, we believe in inclusivity and diversity. We do not discriminate based on race, gender, age, religion, sexual orientation, political affiliation, or country of origin. Our goal is to provide a space where every voice is heard and respected.

It's important to note that the views expressed in *The Commentary* are those of the individual authors and do not reflect the views of the editorial board or the school. As editors, we do not endorse any particular viewpoint or opinion; rather, we aim to foster healthy and constructive dialogue within our community.

The newspaper is primarily funded by the Student Body Association (SBA) funds, highlighting our commitment to transparency and accountability. We take pride in our role as a platform for free expression and encourage all members of the law school community to contribute their thoughts and ideas to *The Commentary*.

The editors have put in countless hours of hard work and dedication to bring you this edition. We have carefully curated and edited each article to ensure that it meets our high standards of quality and relevance. We hope you enjoyed reading this edition as much as we enjoyed putting it together.



Thank You to the Authors

We are incredibly grateful to all the authors who contributed their articles to *The Commentary*. Your dedication and passion for sharing your insights and perspectives enriched our publication and sparked meaningful conversations within our community. We couldn't have produced such a great edition without your valuable contributions.

Every one of our authors is truly exceptional. Your willingness to engage with important issues, explore diverse viewpoints, and contribute thought-provoking content is what makes *The Commentary* such a dynamic and engaging publication. Thank you for your creativity, your hard work, and your commitment to making *The Commentary* a platform for meaningful dialogue and debate.

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Table of Contents

1
Meet the Team!

6
It Depends - An Ode to Law School

8
Learning the Law While Living It: Grief, Property, and the Limits of Legal Education

10
Management Theory and the Law School Landscape

12
When Leaving Isn't Enough: Keeping Survivors Alive

14
Sustaining Affinity Organization Membership in a Busy Law School Environment

16
Regulating Artificial Intelligence

19
The Use of Artificial Intelligence in Modern Warfare

22
Synthetic Stars and Stolen Voices: Protecting Likeness in the Age of Artifical Intelligence

26
Spring Break, At Last: A Long-Awaited Change at California Western School of Law



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Ashleen is a 3L interested in Entertainment Law and Intellectual Property Law. She graduated from the University of California, Riverside with a Bachelor's in Political Science – International Affairs and a Bachelor's in Philosophy. She has previously worked in lemon law, personal injury law, and criminal law. She has been the Vice President of Entertainment for the Entertainment & Sports Law Society for the past two years, and a member of the Moot Court Honors Board. In her free time, she enjoys spending time with her dog, doing yoga, and baking!



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Christian is a 1L. He graduated from Brigham Young University (BYU) with a Bachelor's in English and minors in Entrepreneurship and Spanish. Before law school, he worked as a staff writer for Stab Magazine, the leading voice in surfing, and as a legal intern in an Estate Planning firm. Christian also lived in Yucatán, México for two years and is interested in the fair, ethical treatment of migrants and in Immigration Law generally. In his free time, Christian surfs (too much) and enjoys reading and attending concerts, and finding new music.



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Richie Etienne is a 1L from Florida and attended the University of Miami for his undergraduate studies. Prior to law school, he worked as a Legal Assistant at the United States Attorney's Office for the Southern District of Florida. He currently serves as a Sergeant and Paralegal Specialist in the U.S. Army Reserves JAG Corps. While he is still exploring which area of law he would like to practice, Richie plans to continue serving in government after graduation. He is excited to contribute to The Commentary as an Editor and looks forward to collaborating with his peers through this experience.



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Ashley is a 1L and one of the new editors for The Commentary. She graduated from UCSB and is interested in pursuing a legal career in civil litigation in hopes of one day serving as a judge. She is also involved in Pride Law and LLSA, and volunteers at Casa Cornelia as a translator. She loves connecting with others—so please say hi and chat if you see her around! In her spare time, she enjoys trying out new recipes and watching a good series.



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It Depends — An Ode to Law School

Mike Sapp

I came to law school expecting to learn the law. The answers. The rules. How things actually work.

I thought by the time I graduated, I'd be able to answer questions. Definitively. Confidently. Like a lawyer.

The experience couldn't have been further from the expectation.

Because every single time I thought I'd found a clear answer — every time I raised my hand, or got cold-called, or read a case and thought "okay, now I get it" — I heard the same two words.

"Is this contract enforceable?" It depends.

"Is the defendant liable?" It depends.

"Is this law constitutional?" It depends.

"Will I make it through this?" ...It depends.

Three years. That's like, what, a thousand days? Countless cases. And the answer is always the same. It depends.

So much so, I started to wonder: does it apply everywhere?



Is a hot dog a sandwich?

It depends!

Is cereal a soup?

It depends!

Is coffee a beverage — or a personality trait?

It depends!

Is "per my last email," a threat?

It depends!

It took me three years. Three long, painstaking years of plowing through fields of opinions, drowning in footnotes, and buckets of Red Bull. But I finally figured it out.

The answer really is, "*it depends*."

Because up till now... it depended on *them*.

The professors who pushed us, not off of a cliff, but away from the shallow end, because they knew we could swim. Who refused to just give us the answer, because they knew we could find it ourselves. Who held office hours, in collaboration with our availability. Who answered emails at 5 AM.

We depended on you.

The families and loved ones who believed in us even when we stopped believing in ourselves. Who couldn't tell a tort from a tortilla but showed up anyway — with food, with phone calls, with time, with a kind of faith that doesn't need to understand in order to hold our space.

We depended on you.

And the friends who sat beside us. Who studied with us in the library until it closed. Who shared outlines, flashcards, and panic. Who reminded us, in the hard moments, that we weren't alone in this.

We depended on you.

None of us would be sitting here without all of your support.

But now we stand at the precipice.
Everything behind us was preparation.
Everything ahead is performance.
Because now **it depends** on us.

And if you listen carefully, you'll always be able to hear it whispered in the wind...

...It depends...

It depends on our courage.

The courage to stand up when sitting down is safer. The courage to speak when silence is easier. The courage to be the friction the system needs, even when the system pushes us down.

...It depends...

It depends on our empathy.

The empathy to see people, not case numbers, not billing entries, not problems to be solved. To remember that behind every file is someone's worst day. Someone's last hope. Someone who trusted us with something they couldn't carry alone.

...It depends...

It depends on our humanity.

The humanity to stay soft in a system that rewards hardness. To keep your heart open even when the work invites you to close it. To refuse to become the cold, detached lawyer that this job is so good at creating.

The world is going to ask a lot of us... It already has!

People are going to ask:
"Will justice prevail?"
"Will the rule of law matter?"
"Will the legal industry rise to meet this moment?"

And what will we tell them?

"IT DEPENDS!"

NO!!!

We will rise above the rooftops, and with our barbaric yawp, we roar with a resounding: **YES!**

Because the future depends on us!!

And looking out at this class — at the scars we've earned, the lessons we've absorbed, the people we've become — I cannot think of a better group of people to depend on.



Mike Sapp, Class of 2026

Learning the Law While Living It: Grief, Property, and the Limits of Legal Education

Tara Gappy

Life doesn't stop for law school—or does it? During orientation, I was warned that life around me would continue and that I would have to remain focused on school, missing out on family outings, parties, vacations, etc. This was understandable; No pain, no gain. But I could never have predicted that I would unexpectedly lose my father.

On the morning of March 11, 2026, I received two phone calls at 6:45 a.m. from my dad. My alarm had gone off at the same time, so I missed his calls. At 7:10 a.m., I noticed the missed calls and called him back twice. No answer. I thought nothing of it. My father was notorious for calling early and not answering when I called back, and I was supposed to see him for dinner that evening, so he was most likely just calling to solidify plans.

Since I had an assignment due at 9 a.m., I focused on finishing it, assuming he would call me back when he noticed I had called him. By 8:35 a.m., I had turned my assignment in. Before leaving for work, I scrolled through my notifications and saw a message from my stepsister saying she was sorry about my dad and asking if I was heading to the police station.

Confused, I called her, and she told me that my father had passed. Those calls I missed earlier were from the sheriff's department trying to notify me of my father's passing. But I was supposed to see him later that day. How could he be gone? My heart dropped. I felt like I couldn't breathe. The world spun as I fell to the floor.

The following weeks were the hardest of my life. I was already balancing a full-time job while attending law school part-time. My days were structured down to the minute, split between on work, classes, and assignments. I felt like I was already at my limit.

Then my father passed away. Instead of planning our dinners, I was planning his funeral. Instead of laughing with him, I was crying at his grave.

On my first day back in Property class, we discussed death, wills, and the transfer of property. We read cases about people who had passed, with their lives reduced to facts on a page. Before, these cases were academic. They were something to brief, analyze, and move on from. But sitting there, I could not separate what I was learning from what I was living.

I tried to focus on the facts, the rules, and the holding, but all I could think about was how closely the material mirrored my reality. The law treated death as orderly and procedural, almost clinical. But there is nothing clinical about loss.

In that moment, I realized that while the law can attempt to organize death, it cannot capture the weight of it.

At the same time, I was dealing with real legal questions about property and what happens next after a person passes. Although these issues paralleled what I was learning in class, I quickly realized that doctrinal knowledge alone was not enough.

Understanding the law in theory is very different from relying on it in practice, especially when you are grieving. The rules felt structured in the classroom, but in real life, everything felt uncertain. There were gaps between what I knew and what I needed to know, and that gap felt overwhelming.

Law school teaches us to think critically and analytically, but it does not always prepare us for the moments when the law becomes personal. That disconnect revealed a gap between legal education and lived experience, one I had never fully understood until I was forced to navigate it myself.

The day I write this marks two weeks since my father passed. I wish I could say that life around me did not stop while I was in law school, but for one very important person in my life, it has.

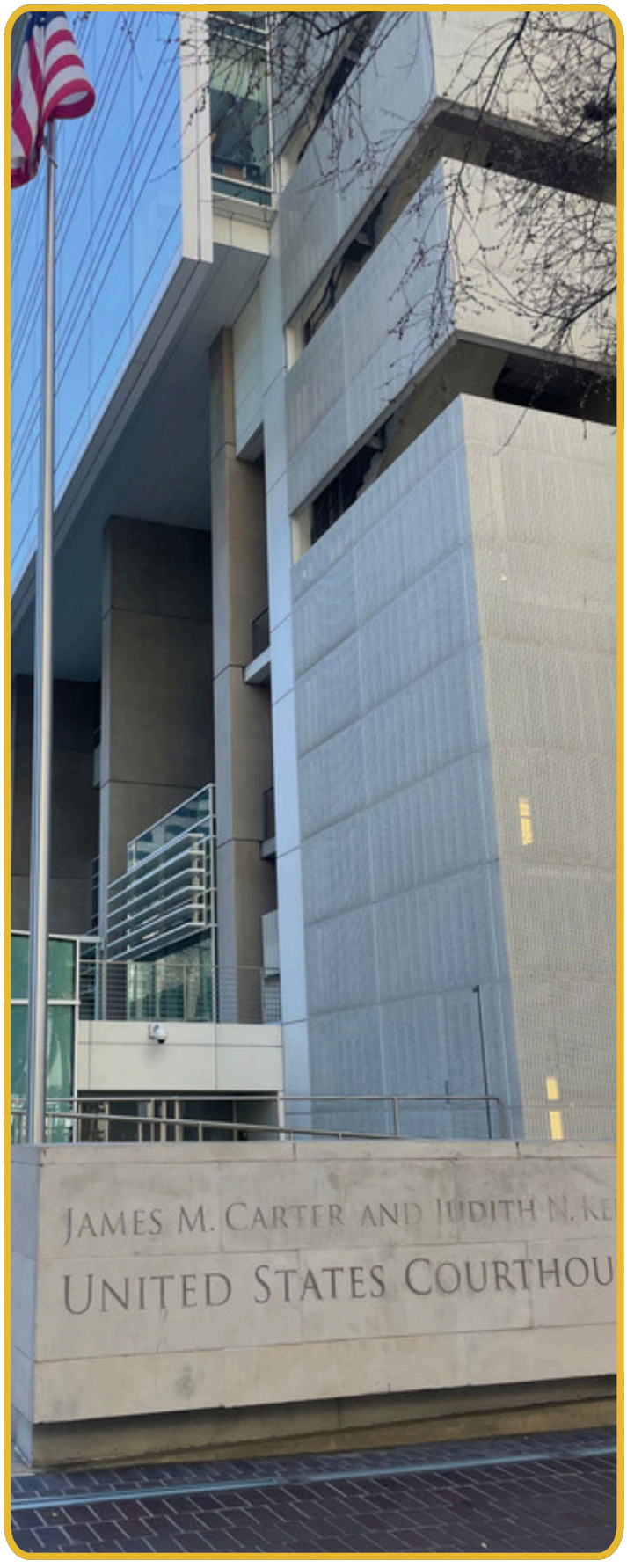
This time has been incredibly difficult. But I am writing this as a promise to myself that I will persevere.

My father was incredibly proud of me for attending law school. While my grief is heavy and the days feel long, I will carry it with me, not as something that holds me back, but as something that drives me forward.

I will make him proud of the attorney I am becoming, one who understands that behind every case is a person living through hard, life-changing moments.



Tara Gappy, Class of 2028



Management Theory and the Law School Landscape

Angelina Rubio

The Oz Principle is a management framework centered on accountability and on maintaining a mindset that recognizes one's own actions, ultimately choosing to pivot one's focus from excuses to action. Roger Connors et al., "The Oz Principle," at 13 (2010)[1]. When I first encountered the Oz Principle, I connected with its focus on individual attitudes; it was not strictly confined to the workplace in its application. It was a perspective that I could refer back to and continue to apply as I entered new communities.

In essence, the Oz Principle identifies two conflicting mindsets: above-the-line thinking and below-the-line thinking. When you are operating above the line, you actively engage with and understand the reality of whatever situation you find yourself in, take your own actions and responsibilities head-on by holding yourself accountable, and find solutions. Id. at 13. Below-the-line thinking stands in opposition, typically expressed in avoidant behaviors that ultimately distance your contributions from your surroundings, placing blame elsewhere, or making excuses for yourself. Id. at 10.

What does this have to do with law school? Everything. Maintaining an above-the-line mindset leaves us better equipped to face the challenges of law school and ultimately paves the way for becoming zealous advocates. Beyond the basic graduation requirements, each student's path is uniquely their own. That individuality creates a heightened level of personal responsibility. In essence, we are all building our own futures, and it falls upon us to make sure we are taking full advantage of that opportunity. Above-the-line thinking in this context is critical to ensuring we get every ounce we can from our experiences and leave California Western better prepared to face the challenges of the workforce. No one is going to tell you to brush up on your outlines, no one is going to tell you to apply for that job or run for that SBA position; it's up to you. How do you make it work?

You make it work by doing exactly what we are trained to do: apply the facts. Reflect on your actions and evaluate how they contribute to your outcomes. If we do not like the hand we are dealt, what good is it to cry over the cards? Buck up and come up with a new game strategy. We are entering a field rooted in identifying issues and presenting solutions; that should not apply exclusively to our future clients. There is an introspective aspect that we must contend with as well; those practices start now. Whether it is finding your bearings as you enter an adversarial judicial system or confronting "the curve" in class, it is extremely easy to point at factors that are just out of your control if you are unhappy with your performance. An above-the-line mindset does not require you to be infallible in the face of disappointment; it does require you to recognize when you are shifting responsibility and explaining away day-to-day losses as beyond your control. When you succumb to those feelings and relinquish your agency in exchange for the brief respite of feeling like "it wasn't really your fault," you do yourself a disservice; you fall below the line. Honor your emotions; no one likes losing, but make plans and focus on what is in your control. What did you do right? What can you do better?

In practice, adopting a mindset grounded in accountability allows you to remain adaptable and responsive. By consistently evaluating your role in any given outcome, you position yourself to pivot when necessary and develop effective solutions rather than becoming stagnant. As we progress through law school and enter an evolving legal landscape, adaptability will be critical. As we enter a profession defined by advocacy and problem-solving, accountability is not optional; it is foundational. The habits we build now will shape the kind of lawyers we become. By choosing to operate above the line, we are not only improving our performance in law school but also laying the groundwork for ethical, resilient, and effective legal practice.



Angelina Rubio, Class of 2028

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When Leaving Isn't Enough: Keeping Survivors Alive

Kynesia Rodgers

Shifting the Burden to Protect Victims

By the time you finish reading this sentence, someone in the United States—and hundreds more globally—will have experienced domestic violence.[1] Yet the burden of safety is still placed on those trying to escape. Most victims face this trauma alone, and when they do finally seek help, they are too frequently met with accusations instead of assistance. The focus shifts away from the abuse and onto the victim's behavior—why they stayed, why they didn't leave, why they didn't speak up sooner. This response ignores the reality of abuse, which is rooted in control, fear, isolation, and survival. No one should have to justify their response to being harmed at the hands of a trusted partner. For support to be effective, the law must move away from questioning victims and toward actively protecting them.

Separation Violence

"Separation does not end abuse; it often intensifies it."[2]

The failure to protect becomes even more dangerous when escape becomes a calculated risk. The threat of serious harm or death increases when a survivor attempts to leave an abusive partner, a reality known as separation violence. Individuals in abusive relationships have an approximately 7-8 times higher risk of intimate partner homicide during this period.[3] In fact, roughly 50-75% of intimate partner homicides occur around the time of separation or after attempts to flee.[4]

Many abusers escalate their behavior when they sense a loss of control. Even after physical separation, victims are not truly free. They are stalked, threatened, harassed, and manipulated through children or the legal system. Yet the law tends to treat leaving as the solution, without providing the protection necessary to make that decision safe. Protective orders exist on paper, but without meaningful enforcement, they can offer false security. In this way, the system continues to place responsibility on victims—not only to leave but to survive what comes after.

Leave Alive

"Survivors do not lack strength; they lack safe options."[5]

The disparity is precisely why stronger, proactive solutions are vital. Leave Alive, a proposal requiring stricter monitoring for offenders, shifts the burden of protection onto the abusers and the system meant to hold them accountable. The initiative advocates for mandatory ankle monitoring in domestic violence cases, particularly during the critical period of separation when victims face the highest risk of harm.

Research shows that electronic monitoring can reduce recidivism by approximately 20-40% compared to traditional supervision, while also increasing compliance with no-contact orders.[6] Unlike protective orders that rely on victims to report violations after they occur, electronic monitoring creates real-time accountability and enforceable distance. It is not about increased punishment but about prevention—ensuring

escaping victims are not left unprotected. If the system truly prioritizes safety, it must move beyond reactive measures and implement solutions that actively prevent harm. Leaving should not be a gamble with one's life; it should be the first step toward actually living.

Safety Over Silence (S.O.S.)
"Silence is the greatest ally of violence."[7]

For too long, victims have been expected to endure, explain, and survive in silence, while the structures meant to protect them fall short. True advocacy requires believing victims, removing the barriers that keep them trapped, and implementing real protections—like enforced monitoring—that prioritize preventative safety over procedural convenience. It also means rejecting the attitudes that allow abuse to be minimized or ignored in the first place.

When the system responds in a way that ensures victims are not just heard but protected, it fosters environments where victims feel secure enough to be vocal. No one should have to die because they are afraid to seek help or unable to reach the phone. Safety, not silence, must be the default when lives are at risk.

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[6] Erez, Edna et al. (2012); Kim, M. et al. (2013). Studies on GPS/electronic monitoring and domestic violence offender compliance; Criminal Justice and Behavior meta-analyses.
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Kynesia Rodgers, Class of 2028

Sustaining Affinity Organization Membership in a Busy Law School Environment

Jonathan Johnson

One of my favorite parts about being a student at California Western this past year is simple: the free food. On the days when meal prep isn't done, and I am looking at spending $18 for lunch, student organization meetings have come through more times than I can count. Free food is practically a law student staple, and for good reason;. it gets students in the room. But it also raises a question: how do you turn attendance into engagement?

As I prepare to step into a leadership role with the Black Law Student Association, that's something I've been thinking about more intentionally. Maintaining interest in an organization is one challenge, but sustaining meaningful involvement over time is another. For student groups with long histories and strong missions, that question feels especially important.

There's plenty of research on the value of affinity groups in higher education, particularly their role in fostering belonging and supporting academic success. But when it comes to what keeps organizations active year after year, the answers often seem less formal, more experiential, and often passed down through members. With that in mind, I've started to reflect on what helps an organization not just exist, but exist and feel worth showing up for.

One idea that stands out is shared investment, giving people "skin-in-the-game". Folks are more likely to stay engaged when they feel a sense of ownership, however small. That might look like opening up conversations beyond an executive board, having general members lead some events, or even rotating small responsibilities so participation feels more accessible. In a schedule as demanding as law school, not everyone can commit at the same level, but creating multiple entry points for involvement can make it easier to stay connected.

Consistency also seems more important than complexity. A well-attended event doesn't always need to be large or exhaustive. Sometimes it's the smaller, "low-effort, high-impact" events that really make a difference. A monthly coffee chat, a standing outline exchange session, or other informal check-ins all quietly build a stronger sense of community over time. Those moments can make an organization feel present in members' day-to-day lives, rather than something they only engage with occasionally.

I've also been thinking about the role of connection outside of formal programming. Professional development opportunities like meeting attorneys or observing practitioners, are essential. But so is building community in less structured ways. Informal gatherings, like a game night, a group hike, or study session, can create the kind of familiarity that makes people more comfortable showing up elsewhere. It's often easier to engage in professional spaces when there's already a sense of belonging behind them. (not to mention higher general body attendance).

Another piece that feels important is continuity. Leadership turns over quickly, and shared knowle knowledge can disappear just as fast. I applaud organizations on campus that have maintained interest over the years and kept their boards full. I believe it's the small efforts, like documenting what worked, keeping shared resources accessible, and "passing the torch" help make transitions smoother and help new leaders feel comfortable in their newfound positions.

Finally, I think there's value in being responsive and dynamic in nature. What members need at the beginning of the semester may not be what they need during midterms, finals, OCI season, etc. Checking in, even casually or /informally, can help ensure that programming stays relevant rather than routine. Sometimes the most effective events are the ones that meet a need people didn't realize could be addressed in that space.

These are just a few reflections as I look ahead to a new role. I don't think there's a single formula for building a strong organization, but I do think it starts with paying attention to what draws people in, what keeps them coming back, and what makes their time feel worthwhile. The rest seems to follow from there. With the summer ahead and fall semester on the horizon, all the work in the meantime will be worth the future students benefit.



Jonathan Johnson, Class of 2028



Regulating Artificial Intelligence

Jessica Zaki

Artificial Intelligence (AI) tools are currently being deployed across various fields, including American healthcare, the economy, government, and the military, among others. All the while, AI is not governed by any comprehensive legislation or statute. [i] AI implementation with no governance creates a gap of potential risks of harm to users, and this gap is not an oversight. It reflects a legal system that is still debating what to do and who is responsible. It reflects a legal system that is still debating what to do and who the responsibility lies with. [i]

The debate boils down to this: who should take the lead in regulating AI? Today, courts have been forced to take that lead. [xv][xvi] However, while courts have a role to play, it is not the lead role. The judiciary is reactive in nature. It is confined to the facts of a case, and it is notoriously slow. These features make courts unsuited to govern this issue. AI advances faster than any technology before it; faster than any lawsuit can travel through courts. [ii] Therefore, there needs to be a preemptive law in place rather than a reactive interpretation. That job belongs to Congress.

I. Institutional Limits of Judicial Oversight

While Courts have adapted to new technologies over time, adaptation does not mean courts are prepared to anticipate the advancement of new technologies. [xiii] Judges apply existing legal principles on a case-by-case basis, meaning they can only respond to the harms and facts alleged in the case before them. [xi][xii] Legal scholars have spent years documenting this problem and often find that the law "lags" structurally, by design. [ii]

The Collingridge dilemma captures why this matters so much for AI specifically: in a technology's early stages, its impacts are too uncertain to regulate, but by the time those impacts become clear, the technology is so entrenched that effective regulations become exponentially harder. [iii] AI will not wait for the law to catch up. Its integration into healthcare, finance, and national security is well underway before any working regulation has been defined. [x]

II. Congressional Action

Congress, however, has the institutional tools for proactive regulation. [xiv] Legislative bodies can hold hearings before the damage is done, commission expert analysis on anticipated damages, and draft frameworks that address them. [ix] The Congressional Research Service has spent a considerable amount of energy cataloguing AI's broad implications, and the consistent finding is that these challenges require a coordinated governance plan. [i] Federal policy has moved toward establishing clear standards for safe and trustworthy AI development and implementation while also keeping the U.S. competitive in the "race to superintelligence." [iv] Executive orders have specifically targeted regulatory fragmentation, recognizing that a system where fifty states develop independent AI rulings is no system at all. [v] Legislative proposals have begun sketching national regulation mechanisms, and while it is the right architecture, it is not fast enough to keep up with the growth of new technology. [vi]

The Department of Justice put the stakes plainly: misuse of AI in the justice system threatens due process, public trust, and civil rights. [vii] These harms compound quietly until they are impossible to ignore, but by then, the systems producing these harms are already deeply embedded in our society. In State v. Loomis, the Court confronted the use of the COMPAS algorithm in criminal sentencing, a risk-assessment tool used to predict recidivism. [xvii] The defendant argued the system was opaque and potentially biased, yet the Wisconsin Supreme Court ultimately allowed its continued use despite acknowledging transparency concerns. [xviii] This case illustrates this dilemma: by the time courts begin evaluating an AI system's risks, that system is already embedded into our system.

III. The Price of Inaction

Courts are not built for AI governance. Every ruling is tied to those specific facts before the court, and by the time a lawsuit challenging an AI-related harm is filed, litigated, and decided, the model at issue may have already been updated or replaced. [viii] Comprehensive and urgent legislation is the only mechanism capable of getting ahead of the problem by accounting for anticipated harms, while also allowing the U.S. to continue in the race to superintelligence. Congress has the duty to build a durable framework of AI governance that can withstand the technology's continued evolution. This is not a simple task because enacting forward-looking policy demands careful design and extensive research. [ix] Courts play a fundamental role in AI governance by interpreting legislation Congress enacts. But interpretation is not governance. Congress must build the framework; courts will hold it accountable.

Sources:

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Jessica Zaki, Class of 2027



The Use of A.I. in Modern Warfare

Talon Mahosky

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In 1945, a group of contrite scientists ushered in the nuclear age from Los Alamos, New Mexico. Today, Silicon Valley executives are facilitating the transition into the new sphere of conflict: an age in which artificial intelligence redefines the very nature of war.

Intelligent killer robots aren't a dystopian science fiction; they are an on-the-ground reality for those living in conflict zones across the world today. Not convinced? Just ask Claude. I did:
Me: "Hey Claude, were you used at all in any capacity by the American government in the current conflict in Iran?"
Claude: "This is a significant and troubling topic that I want to be transparent about. Yes — according to multiple news reports, Claude (meaning Anthropic's AI models, the same family I'm part of) has been used by the U.S. military in the ongoing Iran conflict."[[i]].

As artificial intelligence's (A.I.) rapid growth continues unchecked so too does its use in military operations. The U.N. first documented the use of weapons with autonomous capabilities in the Libyan Civil War in 2020 .[[ii]]. A.I. has since 's been employed in the Russian-Ukraine War [[iii]], Israel-Hamas War [[iv]], the U.S. capture of Venezuelan leader Nicolas Maduro [[v]], and most recently, the U.S.-Israel attack on Iran [vi].

Two major ethical concerns surrounding the use of A.I. in armed conflict are currently on display. The first of which is the risk of escalation that A.I. poses in war. A.I. promises speed and efficiency, but when the task at hand is killing, acceleration can become a liability rather than an advantage

The U.S. proved thisquestionthis question earlier last month during its initial bombing of Iran. With the help of Anthropic and Palantir's Maven program, which by early 2026 had deeply integrated Anthropic's Claude A.I. model for battlefield data analysis, target identification, and surveillance; the U.S. targeted over 1,000 sites in its initial strikes on Iran, averaging approximately 42 targets an hour .[[i]]. Secretary of War, Pete Hegseth, celebrated in a press briefing declaring "Operation Epic Fury [had] delivered twice the air power of shock and awe of Iraq in 2003."[[ii]]. Observers credit the abnormally large number of targets to the use of A.I.

The development highlights the danger of implementing A.I. in war. Combat environments require restraint and levelheaded statecraft to deescalate fighting. The introduction of A.I.-generated large-scale target lists runss counter to the goal of peace and at its heart is anti-human. They minimize the natural resistance present in traditional war where human operators identify, evaluate, present, and debate potential targets. Instead, life-and-death value judgements are being adjudicated on data center servers in middle America. The A.I. models making those judgements seem indifferent to human life. In a recent study ChatGPT, Claude, and Gemini were pitted against one another as global leaders in crisis situations. The result? Nuclear war broke out in 95% of the simulations[[i]].

The second crucial concern is error. Reliance on A.I. for target identification places an enormous responsibility on these black box algorithms to correctly identify enemy combatants. But A.I. is not perfect and even a 1% error rate can have major battlefield implications. Unfortunately, states have shown a tolerance for higher error rates. For example, Lavender, the Israeli A.I. program used to identify targets in Gaza, reportedly has a 10% error rate .[[i]]. Yet at the outset of the conflict, Israel relied heavily on Lavender at the opening of the conflict, identifying over 37,000 potential combatants with the technology. [1][[ii]]. Were all of these individuals accurately identified? The review process consisted of a twenty-second window in which IDF personnel, whose average age is 19 [[iii]], confirmed the targets were combat-aged males before signing off on the identification .[[iv]].

The U.S. bombing of the Shajarah Tayyebeh all-girl school last month brought these concerns into sharp focus .[[i]]. The bombing which left 168 dead, mostly primary school children, has led experts to raise questions regarding the extent to which the U.S. utilized A.I. in the attack .[[ii]]. Once part of the neighboring IRGC compound, a wall has separated the school and base since as early as 2016 .[[iii]]. Recent satellite images had depicted students playing a ball game outdoors.[[i]] It's plausible that A.I. was fed outdated data and incorrectly identified the school as a military asset. Just as likely, A.I. could have accidentally identified the elementary school on its own with correct information. U.S. officials have not yet been able to denied A.I.'s responsibility for the mistake yet they continue to utilize A.I. in their bombing campaigns [[i]].

And therein lies the issue. An accelerationist mindset has possessed Washington. In a race to the bottom, we have embraced a move fast and break things mentality vying to achieve A.I. superiority before our enemies do. Calls for transparency and guardrails have been met with open hostility. Last month the government classified Anthropic as a supply chain risk after negotiations between the two broke down .[[i]]. The sticking point? The U.S. would not agree to refrain from using the company's A.I. to mass surveil Americans citizens or orchestrate autonomous lethal weapons .[[ii]]. The former non-profit, now "Public Benefit Corporation," OpenAI was quick to strike a deal with the Pentagon after the news of the fallout with Anthropic news broke .[[iii]].

Currently, leaders in both government and industry are abdicating their ethical responsibilities. As members of the legal community, we are uniquely positioned to shape the use of A.I. in modern warfare through continued vigilance and advocacy. A.I. will continue to revolutionize our world. We must keep its use centered on humanity; our very existence may depend on it.

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Talon Mahosky, Class of 2028

Synthetic Stars and Stolen Voices: Protecting Likeness in the Age of Artifical Intelligence

Ashleen Herrarte

In the past couple of years, Artificial Intelligence (AI) has managed to become very popular and affected different aspects of human life, allowing humans to have less interaction with complicated tasks or even day-to-day activities.[i] AI has had a significant impact on the entertainment industry. One of the most significant impacts of AI has been within content creation.[ii] Since AI can analyze vast amounts of data, it can create content tailored to specific tendencies which companies like Netflix can use to analyze their viewing data or recommend content to their users.[iii] AI has been used for content creation like music, film, games etc. This realm of the entertainment industry raises some concerns regarding the right of publicity[iv], likeness rights[v], and intellectual property.[vi].. [vii]

Despite AI having many positive impacts, it has previously had negative impacts to the entertainment industry. During the SAG-AFTRA (SAG) strike, the Writers Guild of America (WGA) and SAG shared their "deep concern" over AI's risk, particularly those threatening artists' right to control their work, receive credit for it, and the lack of attribution.[viii] SAG's position is that the right to replicate one's image or voice "are subjects of bargaining" and that rights cannot be "conveyed without establishing the compensation and terms."[ix] WGA writers are concerned about the need to regulate the use of AI in creating content.[x] Further, they believe AI materials should not be considered "literary material" since it diminishes the credit given to human writers.[xi] Once the strike ended, WGA and the Alliance of Motion Picture and Television Producers (AMPTP) were able to reach a tentative agreement where generative AI cannot be a writer so "written material produced" by AI "shall not be considered literary material."[xii] Additionally, AMPTP has agreed that individuals should be "compensated when their likeness is used to generate a performance."[xiii]

Some examples of AI affecting the entertainment industry include the fake AI Drake and The Weeknd song, and Scarlett Johansson's ChatGPT voice. Previously Drake and the Weeknd have been affected by AI's misappropriation of their voice and likeness in the release of the song "Heart On My Sleeve."[xiv] The song was written by a pseudonymous songwriter-producer named Ghostwriter (a TikTok user) who without the consent of the two artists used their voice to create the song.[xv] This song arrived on official streaming services allowing people to believe that Drake and the Weeknd had released a new song. [xvi] This raises various issues concerning "royalty[xvii]-free music generators,"[xviii] copyright,[xix] and likeness rights[xx]. The song was able to get up to a million streams before it was removed from all streaming platforms.[xxi] Despite the singers' record label, Universal Music Group (UMG) complaining that the track "den[ied] artists their due compensation," the primary objection is ethical in that neither artist was associated with the creation of the song.[xxii]

Similarly, actress Scarlett Johansson was affected by generative AI earlier in 2024. Johansson had previously been approached by the OpenAI Chief Executive Officer (CEO) Sam Altman about using her voice for the new ChatGPT voice assistance since he "thought it would be 'comforting to people' who are uneasy with AI technology."[1] Johansson declined the offer and once the new product was announced the AI voice sounded "uncannily similar to her own."[xxiii] Johansson found it alarming because of the misinformation being spread and that there needed to be "protection of [one's] own likeness, work and identities."[xxiv] Despite it not actually being

Johansson's voice that was being used by OpenAI, there is legal precedent that is similar to this issue. [xxv] In Midler v. Ford, the Ninth Circuit ruled in favor of Bette Midler who accused the Ford Motor Company of using a voice that "sounded exactly" like hers for one of their commercials after she had declined their offer.[xxvi] The court found that Ford's use of Midler's voice was a tort under California's right of publicity laws.[xxvii] The court went on to say that the "human voice is one of the most palpable ways identity is manifested," and that by impersonating her voice they were "pirat[ing] her identity."[xxviii]

These circumstances have created a risk for the expansion of AI within the entertainment industry. It is necessary that some safeguards are put in place to protect the right of publicity, likeness rights, and intellectual property of those within the entertainment industry.

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Ashleen Herrarte, Class of 2026



Spring Break, At Last: A long-Awaited Changed at California Western School of Law

Katherine Palma

For years, students at California Western School of Law have gone through the spring semester without a break. Unlike the fall semester, which includes Thanksgiving as a natural pause, the spring semester has been a continuous stretch of reading, cold calls, and exams; no week off, no reset, no breather. Starting in 2027, that is finally changing, and it's about time.

On the issue of spring break, California Western stands out — and not in a good way. Most ABA-approved law schools in California give students at least one week off during the spring semester. California Western, until next year, has not. The absence of a true spring break isn't just an inconvenience; it shapes the student experience in a fundamental way. Constant intensity without a pause leads to burnout, stress, and diminished performance. A one-week break may seem small on a calendar, but it has a huge impact on students' academic and personal lives.

Law School is demanding. We students are asked to learn and retain large volumes of complex material, think critically under pressure, and perform constantly — whether it be during cold calls, class discussions, or preparing for exams. Without time to rest, there is no chance of recovery, and learning becomes less effective. The final weeks of the semester become a test of endurance, rather than a period of thoughtful engagement.

Beyond academics, spring break is critical for career development. The spring semester is when students apply for summer jobs, externships, and post-graduate positions. Deadlines often coincide with the heaviest coursework, leaving students scrambling to balance applications with full class schedules. Whether to prioritize your future career or your current grades that can get you that career, a week off provides the time needed to polish resumes, write thoughtful cover letters, and prepare for interviews without sacrificing class performance. In short, spring break is a tool for leveling the playing field and giving students the opportunity to succeed professionally.

Adding in a true spring break to the academic calendar is more than a small adjustment for students; it's a sign of action that the school values its students and recognizes that well-being and academic performance are linked. Healthier students are more focused, more productive, and more likely to succeed — not just in school — but in the legal profession, as they develop sustainable, non-toxic, and productive work habits. A week off may seem like a minor change, but the long-term benefits for students and the school's reputation are significant.

This change also reflects the power of student and faculty advocacy. For years, voices across campus have pointed out the need for a real break. Students shared their experiences, highlighted the challenges of a continuous semester, and pushed for reform. Faculty supported these efforts, recognizing that student wellness directly affects learning and classroom engagement. Their persistence made this moment possible. This long-awaited spring break belongs just as much to them as it does to anyone at California Western.

California Western School of Law is making a move to become aligned with other schools of law; however, most importantly, we are making a move to create an educational experience in which students can succeed. Spring break represents a cultural shift. This shift demonstrates respect for the wellness of our students, recognition for what our students go through as they complete their legal education, and the understanding that students learn much better when they have had time to rest and be focused.

Spring Break will provide current and future students a week to stop, start again, and return refreshed. The implementation of Spring Break will help produce a stronger performing class. Better performing professionals. A healthier, happier student body and faculty.

Spring break is not just a week, but a statement. It says that students matter, that wellness matters, and that learning and care are not mutually exclusive. Finally, California Western students will have a moment to catch their breath, regroup, and come back ready to finish the semester and their legal education stronger than before. The only downside is that this change is not happening soon enough, especially for those 3Ls who are leaving.



Katherine Palma, Class of 2027

