

The Chapman Law Courier

... The reason to check your Chapman mailbox

February 2007

Volume 2, Issue 1

Search for new Dean of Chapman Law

- *Darren Case*
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With the sad news of Dean Parham Williams retiring at the end of this year, there is much speculation about who the next Dean of Chapman Law will be.

These are certainly large shoes to fill, for Dean Williams has made amaz-



ing strides with this law school in his tenure, but I believe I have found the perfect candidate for the position. Here are the candidate's qualifications, as noted on his website:

“Graduate of Columbia University in economics with honors

“Graduate of Yale Law School, valedictorian

“Worked as a poverty lawyer in New Haven and Washington D.C.

“Worked as trial lawyer in the field of trade regulation at the Federal Trade Commission in Washington, D.C.

“A university adjunct at American University in Washington, D.C. (taught political and social content of mass culture), University of California at Santa Cruz (taught political and civil rights under the Constitution), and at Pepperdine University (taught libel law as well as securities law and ethical issues since 1986)

“Speech writer and lawyer for Richard Nixon at The White House and then for Gerald Ford

“Columnist and editorial writer for The Wall Street Journal

“He has written sixteen books and seven novels

“Frequently writes for the Washington Post and has been a regular columnist for Los Angeles Magazine, New York Magazine, and has written a lengthy diary for ten years for

See Dean on page 2

Need-to-Know Basis

On-campus publicity

The Courier will be sponsoring weekly fundraising events throughout the semester. If your club could use some time in the spotlight to promote your next meeting or event, we can help! Contact Ashley Jurca at jurca100@chapman.edu.

Advertising tool

Advertising space is available in black and white or color. Contact Rob Terrazas at terra101@chapman.edu for circulation, demographic and

pricing information.

Let your voice be heard!

If you are interested in writing for the Courier, we want to hear from you. Ideas are due by the 12th of each month. Final articles are due by the 20th. Contact Jennifer Spinella at jenspin@alumni.rice.edu.

Great Newspaper. Great Price!

The Chapman Law Courier is now available for purchase. For \$10 per issue, we can ship copies of the paper to your family or friends anywhere in

the United States. Contact Rob Terrazas.

On the Docket

Working with Legal Recruiters - Feb. 7 - noon, 237A

How to Open a Solo Practice - Feb. 15 - noon, 237A

Government Career Day - Feb. 24, hosted at Loyola

Entertainment Law Career Day - March 10, hosted at Southwestern

Legal Recruiter's Fair - March 27, noon - 2 p.m., Lobby

Editorial

Page 2

Welcome back, fellow Chapman Law students!

Hello and welcome to the third edition!

It is the beginning of a wonderful semester. 1Ls, you are halfway done with the grueling first-year experience. 2Ls, you are halfway done with the grueling law school experience. 3Ls, this is it!

I am looking forward to another amazing semester with the Courier. We have many great events just on the horizon, and of course, more issues of the Courier to look forward to!

I would like to thank everyone for the immense support of our efforts—students, faculty, and administrators—

with your encouragement, I believe the paper will continue to grow. As always, I welcome the thoughts and ideas of anyone interested in helping the paper to develop.

Good luck this semester,
- **Ashley Jurca**
Editor in Chief

Dean, continued from page 1

The American Spectator

These credentials alone are arguably enough for him to be the next Dean of Chapman Law. This man has had an historic career, but wait, there is more:

“He played the role of a boring teacher in Ferris Buel-ler’s Day Off, which was ranked as one of the fifty most famous scenes in American film

“He had a game show, where contestants tried to match wits with him for his money in “Win Ben Stein’s Money”

Yes, I want Ben Stein to be the next Dean of Chapman Law and so should you. The time is now for Chapman to go out and reel in this big name. Hiring this famous scholar and unique film star will bring us much needed exposure and validate Chapman Law as a top tier law school.

Chapman is an amazing law school and university, which needs a big name to come in here to give us the respect we deserve. When Pepperdine University School of Law hired Kenneth Starr as dean on April 6, 2004, Pepperdine went from a Tier 3 law school to within the Top 100 as a result.

Pepperdine Law’s Rankings by year in U.S. News & World Report:

2003 - Tier 3

2004 - 99th

2005 - 77th

2006 - 87th

The building, professors, and students impress everyone who attends or visits Chapman Law. The problem Chapman Law faces is its anonymity. Granted, the school is well respected in California, but this university’s reach should extend much further than that.

Chapman Law has the opportunity, but it will not happen unless we take action. When you are asked who the new dean of Chapman should be, proudly reply, “Now is the time, get us Ben Stein!”

Sources:

<http://www.benstein.com>

<http://www.pepperdine.edu>

<http://www.usnews.com>

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The Courier executive board maintains general editorial control over the content of its articles. We reserve the right to make changes, omissions, improvements, or other modifications in any of the information or materials at any time without notice.

Proposed health care solution: recipe for disaster

- Ryan T. Darby

ryantdarby@hotmail.com

The rising cost of health care is a growing problem, but Governor Schwarzenegger's proposed solution will only exacerbate costs while chilling economic growth, driving the state deeper into debt, and subjecting Californians to an embarrassing court battle.

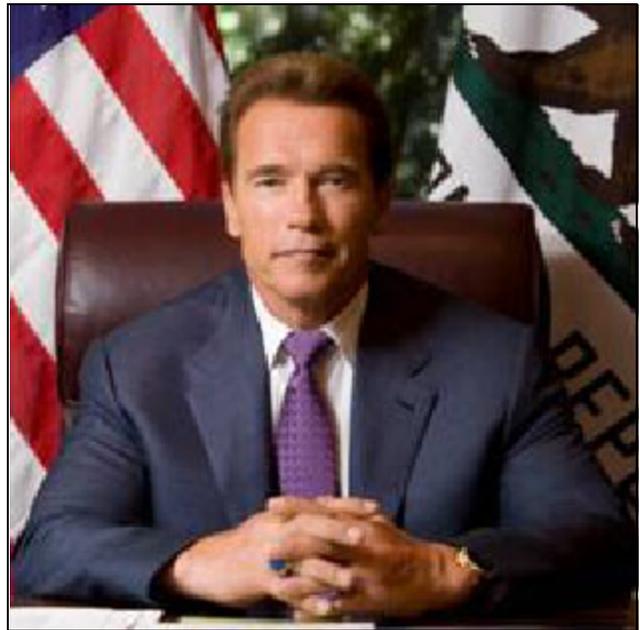
Schwarzenegger's proposal is born from the noble idea that society should help the indigent suffering obtain treatment. However, its tremendous costs substantially outweigh any benefits.

First, it will require business owners employing ten or more people to pay for their employees' health care costs or, alternatively, pay a 4 percent tax upon its total payroll. This provision is based upon the false premise that employers will not modify their behavior to account for increased costs. In reality, employers will most likely offset this cost by hiring fewer employees, lowering wages and benefits, outsourcing jobs, or even transplanting their businesses to other states. The costs imposed upon companies will therefore be passed onto the workers.

Second, Schwarzenegger's proposal will impose a new 2 percent tax upon the gross revenues of doctors, and 4 percent upon hospital gross revenues. The late Milton Friedman - Schwarzenegger's alleged mentor - quipped that if society wants less of something, it should tax it. Taxation is typically levied upon gross income, but this tax is levied upon gross revenue. Therefore, physicians and hospitals will essentially be taxed for their costs as well as their profits. Due to the substantial costs of providing medical care, this could feasibly translate into a new tax of 15 percent or more upon income.

This new tax will likely dissuade doctors and hospitals from operating in California, and those who do will offset these high costs with higher fees. The number of emergency rooms has declined rapidly in recent years; California's nurse shortage is among the worst in the country; and many medical students are graduating with \$200,000 in loans. This tremendous new cost may well convince the medical industry that the supposed privilege of practicing in California is simply not worth the cost. Alternatively, those who remain will - like any other business - pass those new costs onto the consumer.

Third, the plan will impose new mandates upon insurance companies that will also raise their costs of doing business. The "guaranteed issue" rule requires insurers to provide coverage regardless of the applicant's health status, while "community rating" prevents insurers from varying its premiums based upon age or health. This will allow people to forego health insurance altogether until they get sick, at which point they pay the same premium as though they were healthy.



This prohibition on standard cost controlling mechanisms will inevitably lead to higher costs for everyone else.

In addition to these costs, the California taxpayer will also be held accountable for the inevitable budget deficits this program will cause. Schwarzenegger promises that employers and medical providers will bear the cost of this estimated \$12 billion program, but the nature of government assures us that the true cost will be far higher than expected. If the above predictions are correct, health care costs will increase while economic production decreases. This would place the state budget in the unenviable position of rising costs exacerbated by declining revenues.

Finally, Schwarzenegger's political distortions of proposal guarantee that its passage will result in a court battle. The California constitution requires tax increases to be approved by two thirds of the Legislature, which would be thwarted by the Republican minority. Therefore, Schwarzenegger is calling this new tax a "dividend" to justify approval by a simple majority. However, the California Supreme Court will presumably conclude that if it looks like a tax and acts like a tax, then it in fact a tax.

Although the utopian notion of universal health care is a policy objective coveted by many, the reality is that Schwarzenegger's proposal would increase rather than lower the cost of health care while placing onerous burdens on California businesses. If the governor is genuinely dedicated to lowering the cost of health care, he could reduce some of the existing regulatory burdens upon the health industry. Otherwise, Schwarzenegger will be lowering - not increasing - the standard of living in California.

So you want to be a Rock Star? (Part II)

How To Begin a Legal Career in the Music Industry

- **Michael Eidelson**
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In my article in the prior issue of the Courier (Part I), I discussed what one might expect before applying for a job in the music industry. In this article (Part II), I will describe how to meet potential employers and make effective personal contacts.

When one decides to pursue a career in Entertainment Law, it is tempting to try to jump directly into the industry hoping to meet established attorneys. However, one must remember not to overlook the resources that are available at Chapman, which can be both important and helpful in making personal contacts. For instance, the Entertainment & Sports Law Society is an essential resource for any student interested in Entertainment Law. The Society at Chapman has roughly 35 members, many of whom have worked, are currently working, or plan to work in the industry. Two major attorneys came to speak for the Entertainment & Sports Law Society last year, Jim Perzik, General Counsel for the Los Angeles Lakers, and David Lessoff, Senior Director of Business and Legal Affairs at Capitol Records. Beyond becoming involved in the Entertainment & Sports Law Society, it may be helpful to take some of the following Entertainment Law courses that will be offered during the spring semester: Entertainment Law, Copyright Law, and the Advanced Seminar in Intellectual Property.

In addition to the resources offered at Chapman, there are often Entertainment Law lectures, seminars, and panels at other law schools, especially those in Los Angeles. Attending such informative events is a great way to meet entertainment lawyers since it can otherwise be difficult to establish contact. Furthermore, attending such events and speaking to attorneys in-person shows a higher level of determination than merely communicating via letters, emails, and phone calls. Obtaining business cards from attorneys at such events can make future contact easier by preventing the need to search for contact information

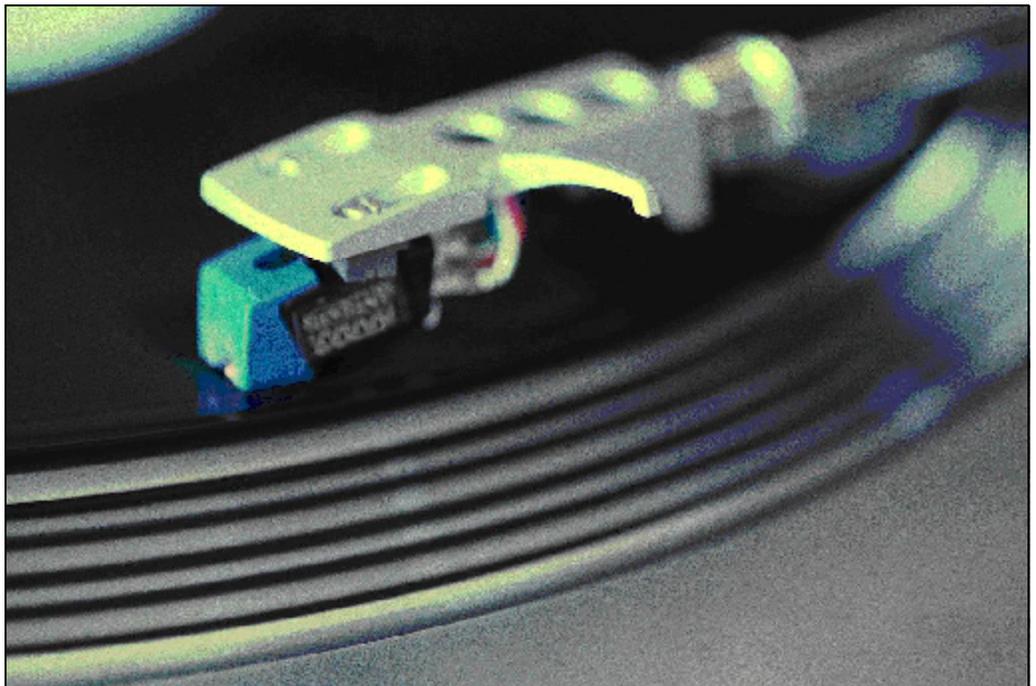
and blindly sending out applications.

It is important to realize that despite the above suggestions, there really is no “right” path to beginning a career in the entertainment industry. While establishing professional contacts is very important, it can be equally important to make contact with non-attorneys who work behind the scenes in the entertainment industry, at all levels and in all departments. Since the entertainment industry is small and interconnected, everyone seems to know each other, which makes relationships that much more important. In the music industry, attending small concerts to support local bands and getting to know musicians can result in making connections to the industry that may prove beneficial later.

A job search in the entertainment industry is exciting, yet it can also be unpredictable. The process of applying for jobs and moving upward in the industry can, and often does, continue long after one gets the first job. The good news is that the effort that is necessary for establishing personal contacts in the industry at an early stage will continue to pay off, long into the future.

Editor's Note:

Last summer, Michael worked as a legal intern for EMI Music in Los Angeles. EMI Music is the parent company for several smaller record labels, including Capitol Records and Virgin Records. Please feel free to direct any questions or comments to eidel100@chapman.edu.



A Day in the Shoes of an Entertainment Attorney

- Aleksandra Sarosiek
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We all remember “Take Your Children to Work Day,” that special day once a year when skipping school was justified by spending a day at your parent’s office, desperately trying to be polite and not break anything. Well, I was fortunate enough to play “Take your Sister-in-Law’s Roommate to Work Day,” and the job I shadowed was that of an Entertainment Attorney.

I met with Allison Hart Sievers, associate at Lavelly & Singer, which is a talent-side entertainment litigation firm based in Los Angeles that focuses on entertainment and business litigation, including intellectual property, right of publicity and privacy law, defamation, contract disputes and business torts, among other matters.

The 26-year-old firm has carved out quite a niche in Entertainment Law since they focus on strictly litigation rather than transactional work. Furthermore, the firm works directly with talent rather than production powerhouses and is proud to have represented talent such as Kelsey Grammar and ZZ Top.

So how does one get the opportunity to represent such notorious names in Hollywood? Well, that is precisely what I sought out to find out. While in law school at the University of Texas School of Law, Allison found herself interested in various areas of law because she did not want to “limit herself.” However, she did write an article on the illusory nature of net profits clauses in entertainment contracts which may have sparked her interest in Entertainment Law.

After graduating, she got her first job working for a solo practitioner who did basic business litigation. Since the firm was not giving her the experience this go-getter craved, she began looking for a new job. She eventually landed an associate position at Lavelly & Singer and the rest, as those in the industry say, is history. In characteristic apprentice tradition, I asked Allison what her typical day is composed of. I guess you could say it is anything but typical.

She explained, “[this industry] is very unpredictable. A firm-wide crisis can come in and you must drop what you are doing and help [the client] out. Such a crisis might



involve a tabloid threatening to publish a defamatory article about a client, the need to get a restraining order against a stalker who may be threatening a client or the need to seek to an injunction against a film studio who is threatening to release a motion picture without giving a client proper credit.” Although this all comes as second nature to Allison, who has been working at Lavelly & Singer for over six years, the laundry list of talent that the firm has worked with is by no means ordinary.

In 2004, Lavelly & Singer helped fight off an automobile dealer who was using Arnold Schwarzenegger’s photograph on advertisements without permission. Just last year, the firm represented Catherine Zeta-Jones against a Nevada based website company called The Spice House who illegally used her photo on their website. Neither of these cases went to trial and both were settled out of court using Alternative Dispute Resolution tactics.

Allison highlighted the importance of ADR, asserting that every attorney should be familiar with the tactics of mediation and negotiation: “We have a lot of high profile clients... who would prefer to resolve their disputes outside of court. It is not unusual for settlement agreements to contain strict confidentiality clauses will never allow [others] to hear the intimate settlement details.”

I concluded by asking her for some words of wisdom for current law students who are interested in the field. She recommended getting involved in entertainment organizations and taking any intellectual property classes that Chapman offers.

It was truly an honor speaking with Allison about this fascinating field, and gaining insights from someone so experienced and knowledgeable. Since she is about to have a child of her own very soon, I’m sure she did not mind getting practice for the real “Take Your Child to Work Day” she will experience in a few years.

New professor untypical of mold

- Ashley Jurca
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I say “tax attorney” and your mind immediately registers the image of a numbers-obsessed, pocket protector-wearing geek who bores colleagues by reciting the entire tax code at social functions.

Professor Bobby L. Dexter is one of the most recent additions to the Chapman School of Law, and although it is true that prior to becoming a professor he worked as a tax attorney in Atlanta, Washington D.C., and Chicago, he’s far from fitting the aforementioned description.

So why leave the comfortable firm life to pursue a career as a professor? Dexter made the choice to change careers for a number of reasons. For one, Dexter says that he enjoys writing in both a general and legal sense, and looks forward to the idea of writing for scholarship.

Further, he appreciates the interpersonal side of teaching in which he can interact with students and other professors daily. Perhaps most importantly, however, Dexter claims that firm life can reach deep into one’s private life-being a professor gives him much more control over his personal time.

Professor Dexter arrived at Chapman by way of Loyola University in New Orleans where he taught moot court and legal research. It was not long into his stay at Loyola that his whole world was turned upside-down by Hurricane Katrina. Dexter was fortunate enough to have learned about the storm early.

After becoming aware of the path of the storm, he used the state’s Con-

traflow system, a method by which the state turns all of its inbound highways outbound, to make a swift exit.

Professor Dexter claims that despite all of the difficulty involved in evacuation and attempting to rebuild Loyola’s law program in Houston (Dexter and his colleagues would fly in from around the country to teach for a few days and then fly home-repeating the process throughout the entire semester), he considers himself “blessed.” He deems it a successful year, due in no small part to the desire of the students and faculty to make it work.

As a professor at Chapman, Dexter began this fall by teaching Federal Income Taxation.

His most recent publication entitled, “Transfiguration of the Deadbeat Dad and the Greedy Octogenarian: An Intratextualist Critique of Tax Refund Seizures” discusses the method by which the federal government seizes federal income tax refunds to cover things like past due child support, past due state income tax liabilities or excess disability payments.

He argues that under the Constitution, the federal government is only authorized to take taxes for specific purposes-to pay the debts of the United States, to provide for the common defense of the United States, and to provide for the general welfare of the United States-and that the aforementioned seizures do not fall within these categories.

This semester, Dexter is teaching Corporate Mergers & Acquisitions as well as Secured Transactions, a course he believes is not well understood by many law students. In his class, a student will learn about how the law

seeks to protect creditors and debtors in secured transactions, such as loans for cars or items purchased on store credit (e.g., major household appliances like washing machines and big-screen TVs); of particular interest are the rules governing debtor v. creditor disputes and creditor v. creditor battles. Given that secured transactions help to fuel substantial segments of our economy, he feels that every student should consider taking the course, especially if they have any interest in representing or working with financial institutions or sophisticated businesses.

So, what about the “real” Professor Dexter? What are the important things to know before taking his class? Well, first, contrary to popular belief, Dexter “most assuredly does not” have a photographic memory; however, because of his initials he has a propensity toward multiple-choice answers “B” and “D.”

Dexter has a low tolerance for students that “disregard the class.” This includes habitually coming late or missing class, or failing to put effort into the work assigned. As for his advice to current law students, he recommends students “accept the burden of being a good law student and a good lawyer-consciously accept that burden. Success will not fall in your lap no matter how smart you are. You have to decide that you want to be a good law student or good lawyer. Accept the burden of training yourself.”

On behalf of the student body of Chapman Law, I welcome Professor Dexter to our school.

For more information on Professor Dexter, contact him at dexter@chapman.edu.

New prof brings international flair to curriculum

- Ashley Jurca
jurca100@chapman.edu

“Do what you love and don’t worry about the money. If you are doing what you love, the money will follow-maybe not right away, but it will.” These words of advice come from one of the newest professors to join the Chapman University School of Law, Professor Marisa Cianciarulo. With a flair for cooking Italian food (she uses her grandmother’s recipes) and the ability to speak fluent Spanish, it would seem that if she followed her own advice, she might end up as some kind of exotic international chef, but she has followed her own advice and her true passion is the law-international law to be exact.

Professor Cianciarulo’s interest in international law emerged long before she reached law school, but it was as a 3L at American University that she became interested specifically in refugee law. At American, she participated in an international human rights clinic where she represented asylum seekers in immigration court during asylum office proceedings. In fact, it was during the clinic, some 3 years prior to September 11, 2001, that she learned about the Taliban. Generally, only about 30% of those seeking asylum win their cases. During the period from 1998-2001, she says that 100% of her clients seeking asylum from Afghanistan won.

After law school, she pursued her interests further by serving as a non-profit immigration attorney, and then later worked with a small private firm in the same field. Following that, she became an immigration staff attorney with the American Bar Association (ABA). She attributes her desire to teach in part to the lack of fulfillment that came from her policy work with the ABA-she wanted contact with people rather than paperwork.

In 2003, she began teaching a refugee clinic at Villanova University similar to that of American University. During the clinic, students received practical experience that allowed them to work with actual clients and to appear in court. Those seeking asylum through the clinic represented a broad range of countries including Columbia, Guatemala, Mexico, Afghanistan, Kenya, Belarus, Somalia, Pakistan, Haiti, and Cameroon, although most came from countries in West Africa. Professor Cianciarulo would ultimately like to begin a comparable refugee clinic at Chapman and is currently teaching “Refugee Law” as a step in this direction. She will also be starting a Family Violence Clinic, likely in Fall 2007.

In addition to teaching “Refugee Law” Professor Cianciarulo is also teaching “Gender and the Law” this semester.



Photo by Avi Phillips

Her interest in teaching this course may have stemmed from her prior experience with a course called “Feminist Theory in Practice” that she took in law school. While she considers it to have been her favorite course, she is disappointed that the word “feminism” has picked up such a negative connotation-she views the course as another lens to look at issues through. In fact, she values divergent viewpoints so highly, she says that the biggest mistake a student can make in taking her class is in thinking that she would penalize someone for having a view that she would not share. In “Gender and the Law”, she looks at subjects such as how the law has affected women and women have affected the law, substantive equality through affirmative action cases, feminism, and feminist movements in the law. And if these aren’t good enough reasons to take her class, she points out that she doesn’t give a final-it’s a paper class. In fact, she has never even given a final exam and says, “I never have, and I don’t know that I ever will.”

Chapman is pleased to have her join our faculty and we look forward to learning much from her experiences.

For more information on Professor Cianciarulo, contact her at cianciar@chapman.edu.

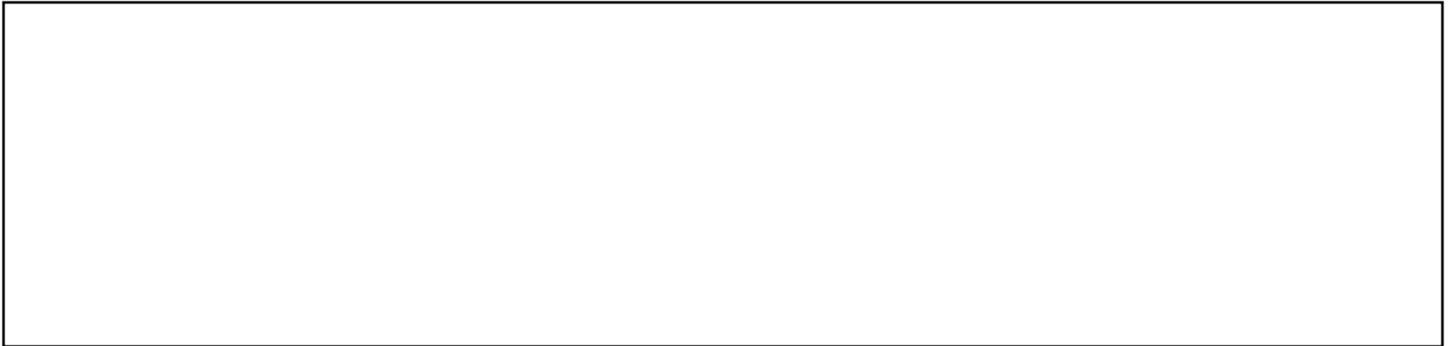
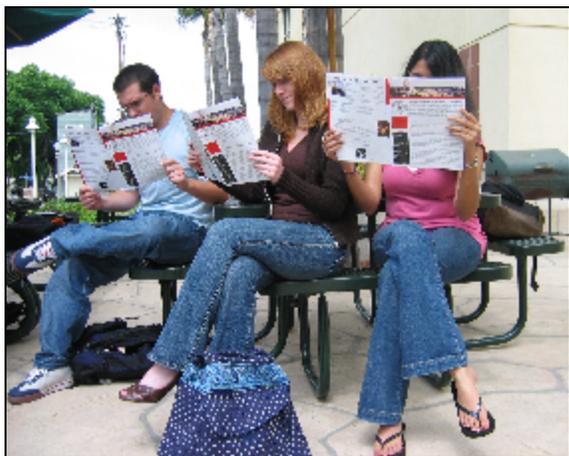


Exhibit B



Do you know who I am?

- **Darren Case**
case103@chapman.edu

If you guessed Charles C. Chapman, you are correct. Aside from recognizing his face, do you honestly know anything else about the person our university is named after? Imagine the embarrassment you would feel during an interview, being unable to formulate a paragraph about him. This article is intended to give you the basic education of Charles C. Chapman and to propose that we do more to honor him.

According to various sources, Charles Chapman first came to California in 1894, after he retired as a publisher in Chicago. Being a descendent of John "Johnny Appleseed" Chapman, Charles had farming in his blood. Charles Chapman purchased an orange orchard in Fullerton, where his Valencia oranges prospered. Many other farmers copied Chapman's farming techniques and choice of crop, which lead to an economic boom for the region. Chapman's success in the orange business established him as a prominent figure in the area, where he was then elected as the City of Fullerton's first mayor in 1904. The City of Fullerton then began construction of the Chapman Building (Located



at 110 E. Wilshire), which he opened in 1923.

Aside from Chapman's success in the orange business and as mayor, Chapman's other entrepreneurial activities lead to the discovery of oil in Placentia in 1919. The then aging, well-respected businessman and philanthropist, became a benefactor of the merged California Christian College in Los Angeles and Hesperian College, which was renamed in honor of Chapman in 1934.

So there you have it, the condensed history of the successful entrepreneur from which Chapman University gets its name. As for my proposal, I would like to see Chapman University have an annual celebration in his honor, where we can invite the current orange and oil "royalty" of Orange County to a charitable gala. Hosting this event will bring the always-welcome publicity to our prestigious Chapman University, in addition to honoring Charles C. Chapman.

Sources:
www.ci.fullerton.ca.us, www.oc.ca.gov
www.chapman.edu

Unquotable quotes

- **Magdalena Kozinska**
kozin100@chapman.edu

Attorney: Were you the lone ranger on duty that night?

Witness: I was a park ranger on duty that night.

Attorney: I mean the only one, the lone-

Witness: You mean alone?

Attorney: Alone.

Witness: Yes.

Attorney: I'm going to ask you a series of questions and this gentlemen in front of you is writing it all down. He is only able to write down audible responses, so you can't shake your head up and down or shake it across to designate no or yes. All right?

Witness: (Nods head affirmatively)

Attorney: What do you do as a clerk?

Witness: I work as a cashier and, you know sometimes I make the orders...everything in the store.

Attorney: Now, directing you attention to June 16,

did something unusual happen inside the liquor store on that day?

Witness: No everything was normal.

Attorney: Everything was normal?

Witness: Normal. Yeah.

Attorney: Well, was there a body found inside the liquor store on that day?

Witness: Yeah, that's right.

Attorney: How did you know that it was February 12 that you were working on your car at Chris' house?

Witness: Because I went over there and I talked to a bunch of my alibis that I'm hanging around with

Attorney: Bunch of who?

Witness: Alibis, the bunch of people I always hang around with

Attorney: And y'all had a very intimate relationship, didn't you, Ms.A?

Witness: We had sex two times. It wasn't very intimate