

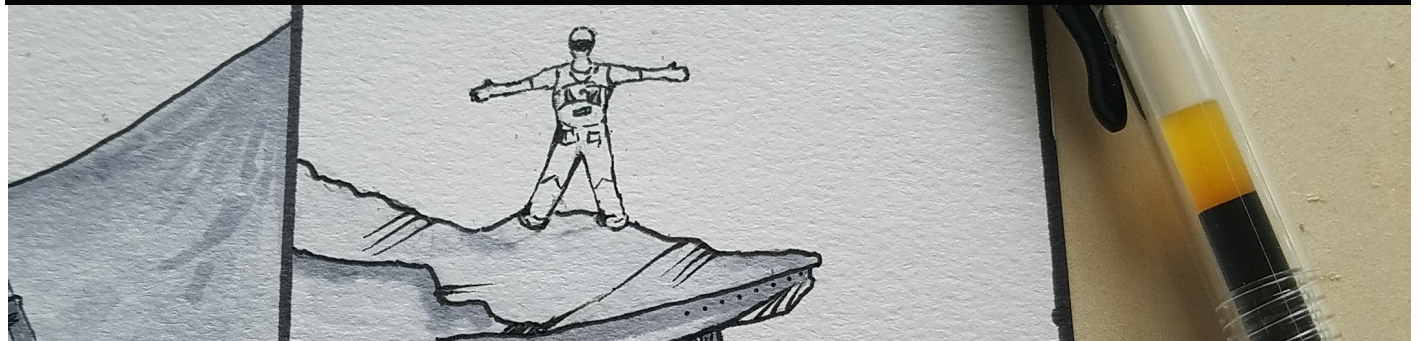
CHAPMAN LAW COURIER

Issue 9, Volume 1

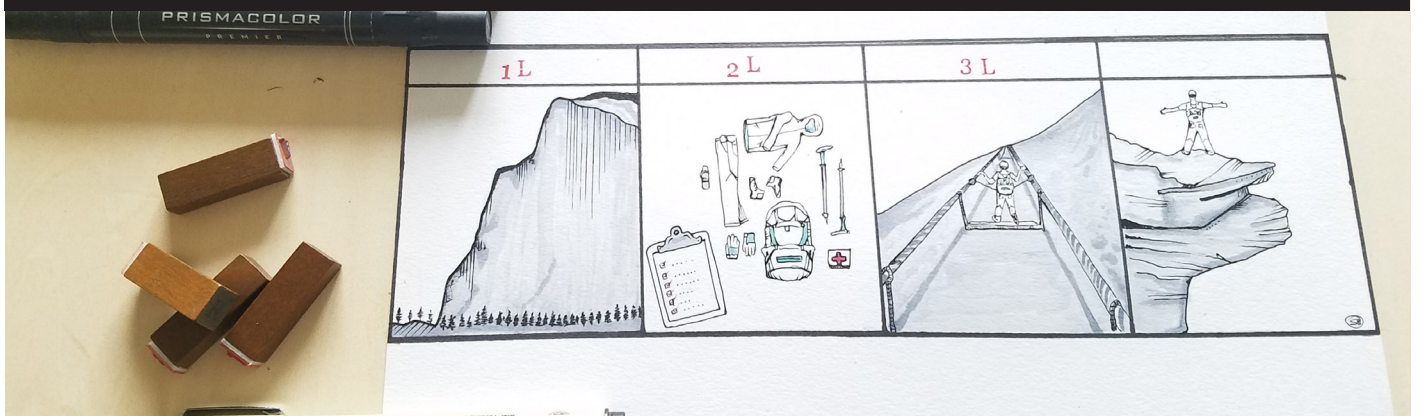
October 2017



Fall 2017 Issue



Breaking Bad and crime + DACA + Prop 64 and social host liability
+ Helping the homeless + Law student advice + Hispanic Law Students Association +
Innovative technology in the business world





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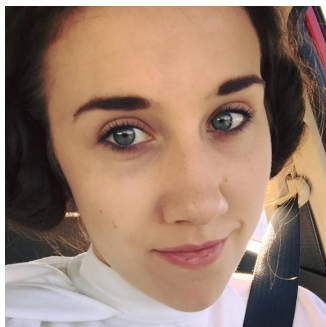
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Editor's note

Dear readers:

To quote renowned author Rudyard Kipling, "Words are, of course, the most powerful drug known to mankind." It is because of my addiction to the drug of words that I feel honored to be this year's editor-in-chief of the *Chapman Law Courier*. I have the privilege of being the first to read what many of our students have on their minds regarding a broad range of issues, from deeply political subjects like immigration and free speech, to more lighthearted ones like law school dating advice. I hope that those of you reading this who have yet to get involved are inspired to submit something for future issues. We need more of your brilliant minds to be heard and acknowledged; the *Courier* is a vibrant platform from which these thoughts may be expressed.

We are doing something new with this issue. We are not only distributing printed copies of the *Courier* for those who still cherish tangible print, but we are also electronically distributing the *Courier* in PDF format in an effort to create a stronger presence among our student body. I hope you are inspired by what you read and take the initiative to get involved next issue. Please email me at sauve101@mail.chapman.edu if you would like to be involved in future issues! (Since this is an October issue, it seemed fitting to use a photo of me dressed as my alter-ego, Princess Leia.) Enjoy this issue!



Your editor-in-chief,
Kaylee Sauvey
Class of 2018

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The Chapman Law Courier is looking for volunteers to assist with editing, writing, layout, and advertising!

If you would be interested in joining the *Courier* staff, email Kaylee Sauvey at sauve101@mail.chapman.edu.

(Looks great on a résumé!)

Staying Healthy for the Mind and Body

By Alice Carranza Vega, *Class of 2019*, Student Wellness Liaison, *Health Law Society*

In law school, personal health and happiness are often pushed aside to prepare for what seems to be the only item on our law student priority list: grades. With a little dedication, there is no reason why staying healthy and active in law school cannot be accomplished. Below is a list of tips on how to stay healthy, remain active, and how to mitigate the inherent stress of being a law student.

1. **Get Enough Sleep!**

Remember: *all-nighters are a thing of the past!*

Law students get caught up in seemingly-endless pages of reading every night, while forgetting that a major contributor to stress is a *lack of sleep*. Pulling all-nighters back in undergrad might have been the norm, but pulling an all-nighter in law school would be a disservice to you. Coming to school well-rested will help you feel more prepared, attentive, and energized. If it's getting late and there is still more to do, try turning off the light and setting the alarm an hour early to finish your reading. This technique has worked for me, since I'm not forcing my sleepy brain to push through 20 or more pages of dense material at midnight.

2. **Visit the Argyros Fitness Center!**

One of the perks of being a Chapman student is that you're a short walk from the main campus and can use the gym for free. The convenient location makes it easy to use as a resource for study breaks. Even if you stretch a workout out over several hours and complete it in small intervals during study breaks, it still counts! If you cannot afford to take the time away from studying, another favorite of law students is reading while on the stationary bike. Go alone or drag your gym/study buddy with you. Also, while you're on the main campus, you can take advantage of the healthy food options at the Argyros Student Union Center: Jamba Juice, Simply to Go, and SubConnection.

3. **Join the Chapman Fitness Challenge!**

Need an incentive to exercise? Join the **Chapman Fitness Challenge** – a one-year program in which you track your physical activity and food intake throughout the day to receive points. The more points you accumulate, the greater are your chances to win Disneyland passes, Chapman merchandise, movie tickets, and other cool items. For more information, visit the Chapman Fitness Challenge page at <https://www.chapman.edu/students/life/fitness-and-wellness/fitness-challenge.aspx>.

4. **Do YouTube Yoga and Meditation!**

I recently started doing yoga and meditation exercises, but with my law student budget I knew I couldn't afford to join a yoga studio. I simply bought a yoga mat and have been accessing free yoga videos on YouTube. Never done yoga? Don't worry! There are videos for beginners. For those with busy schedules (most likely all of us!), 20-minute videos make it easy to get a quick workout in. Meditation videos can help relieve anxiety, stress, and insomnia.

5. **Meal Prep!**

Meal prep isn't just for bodybuilders. If you've reached a point where you find yourself driving through McDonald's every day before and after class, consider meal prepping. Dedicate a few hours on the weekend to prepare simple dishes, such as rice or quinoa, veggies, and a protein of your choice. A great timesaver is a **spiralizer**: a kitchen appliance that cuts certain kinds of vegetables into spiral noodles in seconds. A favorite is zucchini, but other vegetables work well, too! Remember that *what* you're eating is as important as *when* you're eating! Some good **brain foods** include walnuts, almonds, blueberries, broccoli, avocado, peanut butter, apples, kale, and dark chocolate – yes chocolate!

6. **Organize!**

To help with stress, your planner should be your best friend during law school. Make good use of your highlighters and sticky notes. I went through more highlighters and sticky notes during my 1L year than I did in all my time as an undergrad. As a 1L, I wrote the readings on my planner and kept track of any upcoming events or meetings. I still do this as a 2L. I used my highlighters to "**book brief**," which is when you use a different colored highlighter to brief inside the casebook. Use different colors for the issue, rule, facts, reasoning, and holding. I also used a different color for anything in the case that the professor emphasized in class. Sticky notes are also always useful tools.

7. **Reward Yourself!**

Go ahead and watch that movie! If you know the next season of your favorite series is dropping on Netflix, it's *okay* to binge it! Just make sure that you are balancing responsibility with reward. Hannah Stetson, a current 2L, shared a tip about the importance that decompression has on mental health. "I might watch an episode on Netflix as long as I feel I accomplished something that day," she said, "like finishing all my readings for class without getting distracted with social media."

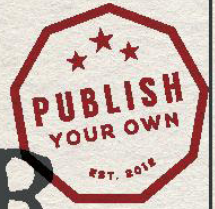
8. **Use Your Smartphone!**

Track your progress! Accountability is a huge factor in fitness progress. Smartphone apps like *My Fitness Pal* or *Map My Fitness* can help you easily log calories and progress.

Drink enough water! The human body is approximately 60% water. Humans should drink between two liters and a gallon of water every day. Apps like *Waterlogged* have the ability to program notifications to remind you when it's time to take a sip.

Keep health a priority and remember: you're first a human and *then* a law student.

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STUDENT ORGANIZATION SPOTLIGHT: HLSA

The *Hispanic Law Students Association (HLSA)* is committed to promoting diversity and providing opportunities for Hispanic American law students in the Chapman community. Brianna Ruiz, *Class of 2018*, and president of *HLSA*, shared a bit about the organization, her involvement, and how students can become involved.

FORMATION OF HLSA

I first considered creating *HLSA* during my 1L year when I noticed that the Hispanic American organization at Chapman had been inactive for several years. (In recent years, Hispanic American law students had found their home in the *Minority Law Students Association*.) In my 2L year, I became actively involved in the *Orange County Hispanic Bar Association* by attending social mixers and events. After meeting so many interesting Hispanic American attorneys and judges through *OCHBA*, I decided to dedicate time during my 3L year to create a thriving organization at our school.

MISSION STATEMENT

HLSA is an academic, community service, and social group dedicated to fostering a supportive atmosphere for Hispanic American students and promoting diversity within the Chapman community. Unfortunately, the legal community is not as diverse and we'd like it to be – currently, less than 4% of attorneys in California are Hispanic. It is *HLSA's* goal to encourage the professional growth of our members by raising awareness of resources available to the Hispanic American legal community. Additionally, we will be advocating for training that prepares students to meet the needs of the legally underserved, particularly in the Latino community. It is our goal as an organization to provide law students with the support they need to be successful and fight injustice in our community.

WHAT GREAT THINGS CAN WE EXPECT FROM HLSA?

HLSA is working closely with Eric Dominguez, the president of the *Orange County Hispanic Bar Association* and a 2010 Chapman Law alumnus to schedule events and speakers. We are scheduling a panel of both prosecutors and criminal defense attorneys to come to Chapman to speak to our students about their role in the criminal justice system and some of the obstacles they may face as Hispanic attorneys. We are also coordinating an event on immigration law with Professor Ernesto Hernandez. Stay tuned!

HOW CAN STUDENTS GET INVOLVED?

Stay active and involved by sending questions and/or requests to be added to the email list to me at ruiz172@mail.chapman.edu or Henna Idrees at idree101@mail.chapman.edu. We also have an active Facebook group: "Chapman Hispanic Law Students Association."

Ask a 2L!

Life Advice for Students from Law School's Brand of Middle Child

The following questions have been modified from actual "Yahoo! Answers" submissions and answered by our own Vivian Dao, Class of 2019.

"I'm dating an attorney. Should I go to law school so that the relationship is even?" –Even Steven

My Dear Even Steven,

I cannot believe you would even ask this question. The answer is, of course, yes! There are simply no other good reasons to go to law school than to mirror your partner's career path. However, before you begin this endeavor it is *very important* to remember that you must always eat the same exact meals and only drive the same model cars. That is the secret to having a successful relationship and legal career! Remember: when your current relationship meets its timely demise because you failed to develop your own identity, your next plan of action should be to pursue the exact same professional education as your next unlucky lover.

The true underlying issue here is your feeling of inadequacy. Do you feel as if things in your current relationship are uneven? If so, it might be a stretch to assume that a \$150,000 Band-Aid will fix this inequality. Your relationship's success does not hinge on you and your partner tackling law school together. Your partner's accomplishments do not belittle or outshine your own. Find the confidence to establish your own identity and your relationship will thrive!

"Help! Law school is making me boring on dates!" –Boring Betty

Dear Boring Betty,

Good news/bad news. Bad news: you'll be boring until you graduate. Good news: you're perfectly self-aware! Now that you've identified the problem, the only thing to do is find a solution. It's difficult to be fun and interesting on a date when you spend so much time with your nose inside of a case-book. You know what they say to new law students: *Law school doesn't teach you how to practice law; it teaches you to think like a lawyer.* The problem with this is that it's impossible to **stop** thinking like a lawyer! Imagine you're at a candlelit dinner where your date has just ordered champagne and complimented your dress, but all you can think about is liability!

This dim lighting is a workplace accident waiting to happen! That champagne cork might hit someone in the eye! How dare he mention my dress; my body is underneath here – that's sexually harassing!

Sometimes we try to find love, but all we find are torts.

If this scenario sounds familiar, then you need to take a step back and relax! Yes, it can be difficult to talk about anything other than law school because it consumes so much of your life, but connections are made by talking *with* people, not *at* them! If your date isn't familiar with the nuances of Civ Pro, he will probably find a dinner-time crash-course on personal jurisdiction boring enough to not call again. Next time you catch yourself wanting to bring up mutual assent on a date, **don't**. Instead, try striking up conversation about your latest Netflix binge or local new restaurants you want to visit. The wisest bit of advice that I can offer is that there is *always* common ground in streaming media and food. If that isn't enough to engage him, maybe *you're* not the boring one after all!

"Is it lame to be graduating law school at age 27?" –Aging Agnes

Dear Agnes,

Well, this is awkward. I'll be 29 at my own law school graduation, so I'm not sure how to tell you this, but yes, it is **super lame** to be graduating law school at age 27. Graduating law school at 26 is perfectly acceptable and at 28 is also just fine. However, if you finish your legal education at precisely 27 years-old then you deserve to be shunned by society and taken to the stockade.

There is no right way to do law school. Everyone is on a different life path and if you finish school at 27, then that is your personal road to follow. Law school is an enriching experience because of your exposure to so much diversity. Students enter at different times in their lives and have different perspectives and goals. This variety in a student body and resulting student interaction is essential to forming a well-rounded attorney. You have so much to contribute because of your experiences you have had before starting law school. Remember: your age is a positive thing – don't beat yourself up about it!



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Homelessness in Orange County: Offering a Helping Hand

By Kristin Fabella, *Class of 2020*

My parents kicked me out at 18, without giving me time to find a new home or pack up my things. Without an immediate place to call “home,” I could easily have ended up on the streets. I had no car, no job, and no money, but I had plenty of social capital – networks of supportive people around me, helping me to function seamlessly through this difficult transition. These connections were the reason I escaped life on the streets, but I realize that many others faced with this turn of fate have not had my level of fortune.

My current apartment is down the street from the Santa Ana Riverbed. Anyone who has driven by the river can see the homeless encampments, which have only become more prominent in recent years. There is a stark contrast between my own living situation – a luxurious apartment complex overlooking the Anaheim stadium – and the rows of tents lining the 57 freeway that so many people have come to call “home,” but which the broader community refers to as “Skid River” – a local variation of the famous Los Angeles “Skid Row.”

I admit in my own life that I used to mistakenly assume that all homeless people were just people who made terrible life choices and their homelessness was a product of their laziness, drug addiction, etc. My own life experience showed me that no ordinary people are immune from becoming homeless. We need not even make mistakes. A hard-working person may lose his or her job, miss a month’s rent, and end up on the street. Of course, this is not always the case; some people, even those who have struggled with drug or alcohol addictions, are able to avoid homelessness if they have a strong support system. This social capital is perhaps one of the most important factors missing in the lives of those struggling with homelessness.

This is the first in a series of articles documenting the issue of homelessness in Orange County. In subsequent issues, I will discuss causes of homelessness, policy decisions preventing us from having a stronger impact on the Orange County homeless community, and political actions that can be taken to stop this problem from growing. It is important that we – as a law school community – take steps to mitigate this issue. Law students busy themselves with school, jobs, and other activities, but we can afford to spend a few hours out of the month helping out those we pass by every day.

“It’s easy to see helping them out as a chore, but you will feel so much better. You help them and you help yourself.”

Our own Professor Rick Faulkner and his son, Morgan Denges, have been instrumental figures in assisting the homeless community for the past year. I sat down with Professor Faulkner and Denges to discuss what steps they have taken to have an impact on this community and how those interested in helping are able to volunteer or otherwise have an impact on this problem. Denges is a passionate advocate for those living with homelessness; both he and his father grew up locally and have seen the substantial increase in homelessness around Orange County firsthand. Denges eventually joined the Orange County Catholic Worker, an organization that provides food and other services to the homeless community. A simple step toward battling this problem is to join an organization such as Orange County Catholic Worker, Denges suggested. Homelessness is not an issue that we can completely solve, but we can start by showing compassion toward those impacted by it.

Volunteering to help the homeless is often mischaracterized as inherently dangerous and for this reason, many are reluctant to volunteer. Denges pointed out that while there are some safety concerns for individuals – particularly women – a way to mitigate these concerns is to volunteer in groups. As more people continue to join these organizations and build relationships with those living in encampments, we may be able to help others feel that they have regained a sense of lost dignity – a feeling preventing them from being able to rejoin a society from which they feel ostracized. “By [volunteering] regularly,” Denges said, “they recognize you, and you recognize them, and you build relationships. You establish rapport with them.” Faulkner agreed and added, “It’s easy to see helping them out as a chore, but you will feel so much better. You help them and help yourself.”

If you would like more information or wish to join the Orange County Catholic Worker, you can email Morgan Denges at mdenges12@gmail.com, or visit www.ocatholicworker.org.



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October 1-27 **Domestic Violence Awareness**

Supplies may be dropped off in the box located in the Student Lounge or in the SBA Room



Professor Faulkner, pictured with the homeless encampments at the Santa Ana Civic Center.

CRIMES OF A CHEMIST

Copycat Criminals, Censorship, and Contemporary Culture *Breaking Bad* and Its Impact on Criminal Imitation

By Kaylee Sauvey, *Class of 2018*, President, *Entertainment and Sports Law Society*

I am obsessed with *Mad Men*. I've seen every episode at least a half-dozen times, set the theme song as my ringtone, and my go-to "Little Black Dress" looks like I pulled it from the closet of Megan Draper – and that's just the way I like it. Anyone who has watched even one episode of the show knows that everyone in the glamorous '60s setting smokes *Lucky Strike* cigarettes. The very first time I saw a pack of *Luckies* for sale in Europe last summer, I bought it immediately. I don't smoke, but I smoked these. My point: repeated exposure to something controversial in a television show can inspire imitation. I speak from real-life experience.

Transitioning to the subject of this article, *Breaking Bad*, I have to say that, first of all, I love Vince Gilligan for creating such a vivid world with strong, unique characters. Saul Goodman is one of the most brilliantly crafted characters on television today. I spent some of my 2L year studying *Breaking Bad* and its effect on society. I was interested and intrigued to learn why a show with such a controversial plotline had the power to hold a diverse audience's attention. As I delved deeper into this world, I discovered that the global success of the show and its stylized presentation of criminal conduct had cut a new groove in the world of criminal psychology; specifically, it seemed to shake the established criteria of copycat crimes – crimes committed in mimicry of another. Examples of copycat crimes based on film have been occurring in frequency since the 1970s (with the release of films like *A Clockwork Orange* and *Dirty Harry* pioneering inspired imitation) and the concept of committing copycat crimes has evolved from historically attracting almost exclusively young people to instead appeal to a broader age group – a shift which appears to have been at least partially inspired by the success of *Breaking Bad*.

The rags-to-riches underdog storyline and 50-year-old Walter White's ascent from a weak and pitiful character to a strong anti-hero is a journey that seems possible even to an average person

without a criminal history. The on-screen dynamic and chemistry (pun intended) of a twenty-something and a middle-aged man appeals to both age groups and has resulted in specific examples of middle-aged and young people alike engaging in violent or drug-related crimes. The rise in meth distribution and use, as well as the modern technique of tinting the ordinarily-clear drug a sky blue to mirror its presentation in the show suggests that this attractive presentation of criminal activity on-screen has piqued the curiosities of viewers and more are inclined to indulge their curiosities in the drug, just as I was intrigued enough to buy that pack of *Luckies*.

FIRST AMENDMENT AND THE HAYS CODE

In 1915, the Supreme Court held that motion pictures were not protected under the First Amendment, as film was not considered "speech."¹ This, of course, meant that content of motion pictures could be regulated without constitutional consequences. In 1930, the modern MPAA released the Hays Code, a detailed guideline for filmmakers that restricted content that could be shown on screen.² In its "Crimes Against the Law" section, the Hays Code stated that the depiction of crime and drug use were explicitly prohibited and could "never be presented in such a way as to *throw sympathy* with the crime as against the law and justice or *to inspire others with a desire for imitation*," (emphasis added). These provisions in the Hays Code reflect early-1900s concern that film would evolve into a ripe medium for imitation, even as early as 1930. The same sentiment of the Hays Code was also applied to the Television Code of 1951 – a similar code designed to control content of network television. By 1951, both film and television were under strict content regulation.

In 1952, the Supreme Court held that "motion pictures are a significant medium for the communication of ideas"³ and First Amendment protection was extended to motion pictures. The extension of First Amendment protection to film neutered the impact of the Codes, because, instead of

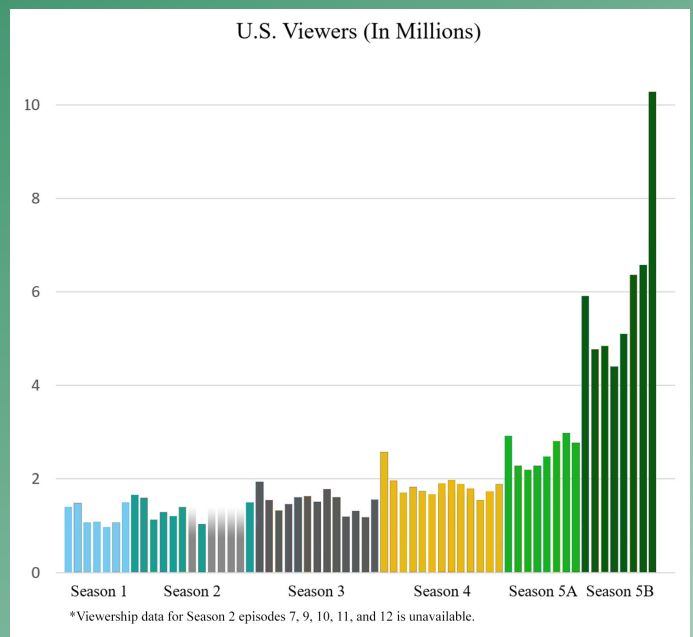
regulating content of motion pictures, as the Hays Code had done, the MPAA resolved to eventually adopt the modern ratings system in order to limit exposure of certain levels of content to appropriate age brackets. By curating specific audiences, rather than content, filmmakers could be free to express themselves through their films, but the effect that the Code had on the public – limiting exposure to young minds to controversial content – could be administered in a constitutionally-safe way.

IMPACT OF BREAKING BAD ON VIEWERS

The effect of *Breaking Bad* on viewers can be seen in the specific examples of criminal conduct committed in the copycat style of the show. To isolate a particularly active year for copycat *Breaking Bad* crimes, in 2013, there were at least five crimes globally attributed to criminal mimicry of the show; two involved methods of concealing crimes (dissolving bodies in chemical acid), one involved a mobile meth lab (operated by a pair of middle-aged manufacturers), and the remaining two were *high school teachers* arrested for distribution of meth (one of them, 57-year-old Stephen Doran, even had been diagnosed with stage III cancer).⁴ As early as 2010 and into the present day, economists and law enforcement investigators have noted the substantial worldwide increase in meth distribution since the show's January 20, 2008 airdate. Kansas City police chief Darryl Forte noted that there was an increase not only in local meth distribution, but a greater frequency of *blue-tinted* meth had begun circulating in Missouri.⁵ This blue-tinted meth also increased in circulation in the real-life setting of the show: Albuquerque, New Mexico.⁶ It appears that there is no solid explanation aside from imitation.



Crystal meth in its natural color. (Creative Commons, photo credit: Radspunk)



Breaking Bad viewership increase through all 5 seasons of the show. (Creative Commons, photo credit: Danieljbbrown)

WHAT HAPPENS NOW?

It is true that placing more restrictions on content and censoring television further would create a host of problems regarding free speech and the First Amendment. It is also true that the more attractive and stylistic an idea is communicated to the public, the higher are the chances that viewers will be influenced. In the case of examples such as *Breaking Bad*, that influence has taken the form of copycat crime.

ENDNOTES

- 1) *Mutual Film Corporation v. Industrial Commission of Ohio*, 236 U.S. 230 (1915).
- 2) The Production Code, *General Principles*, 1930, http://www.dartmouth.edu/~germ43/pdfs/production_code.pdf.
- 3) *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495 (1952).
- 4) *Real-Life Walter White? Stephen Doran, Massachusetts Tutor with Cancer, Charged with Trafficking Meth*, THE HUFFINGTON POST, May 24, 2013.
- 5) Darryl Forte, *New Color, Same Old Meth*, KCPD CHIEF'S BLOG, July 21, 2010.
- 6) Heather Saul, *Real-Life Breaking Bad? Drug Dealers Sell Blue Crystal Meth in Albuquerque, New Mexico*, INDEPENDENT, Jan. 14, 2014.

NOTE: I initially wrote this as a 40-page directed research project, which means that there is *a lot* of detail I am leaving out. If you're interested in learning more about this concept, send me an email at sauve101@mail.chapman.edu.

What Is Too High?

Proposition 64 and Social Host Liability

By Mikaela Jackson, *Class of 2019*

The recreational use of marijuana has raised much controversy, as the topic of legal marijuana use in many jurisdictions is a matter of first impression. Proposition 64 (1) legalizes marijuana for the use of adults ages 21 or older, (2) issues licenses for retail marijuana sales to dispensaries, (3) imposes state taxes on sales and cultivation, and (4) enables local regulation and taxation. Although Prop 64 legally allows the use of marijuana, it lacks definitive regulations and rules to outline the proper use for the average consumer. How much marijuana is reasonable for a single person to consume? How can clinicians and law enforcement determine if someone – such as a driver – is “high” enough to potentially endanger the public? What rules apply for social host liability? These are just a few of the many questions that have yet to be answered.

Turning to other state legislation for guidance, Colorado, under House Bill 1114, has identified 5 nanograms of delta-9-tetrahydrocannabinol (THC) per ML of blood in a person’s bloodstream as reasonable. Washington also follows this intoxication limit. Unlike alcohol, which takes approximately 30 minutes to impact the bloodstream, marijuana can affect a user within one minute. Cannabis impacts executive function, which can alter or slow down the way we make decisions. While slowed decision making doesn’t enhance one’s ability to operate an automobile, the difference between individuals under the influence of cannabis and those under the influence of alcohol, is that most people tend to be aware of their impairment after cannabis use.

To answer our next question, the breathalyzer-type test will not work under the properties of marijuana. THC is fat soluble, which means it is absorbed by the body’s fat cells and remains in the metabolism for lengthy periods of time. For a routine user, THC can stay in their body for days, making it difficult to connect the person’s current state of impairment and the presence of THC in their bloodstream. THC can remain in a person’s blood stream even 30 days after their last use.

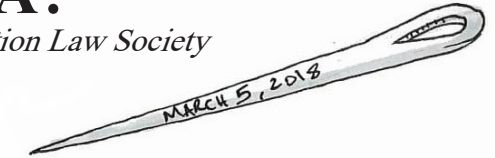
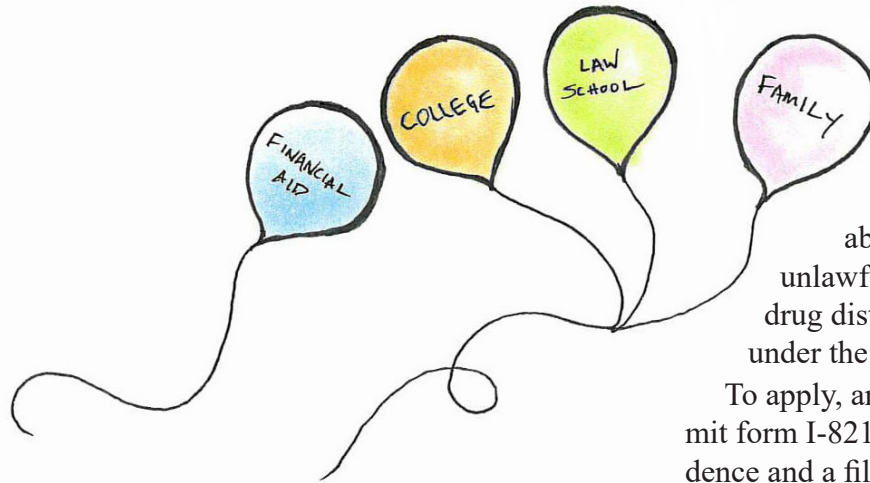
In recent years, the most promising solution for roadside THC testing has been oral specimen testing. The process can detect THC in the bloodstream by using handheld devices to examine a swab taken from inside a person’s mouth. However, saliva is filled with enzymes that break down molecules and can impact the samples. The ultimate problem with roadside testing is correlating THC in the bloodstream and level of impairment at the time of the test.

Finally, social host liability for marijuana is a matter of first impression. What happens when a person smokes marijuana at a party and is responsible for an automobile collision on their drive home? Is the party host liable?

This liability issue and many other questions have been placed before the legislature, especially because there is no scientific testing to correlate impairment and THC in the bloodstream. Most drugs, unlike alcohol, are illegal. Therefore, it is likely a breach of the duty of reasonable care to provide someone with drugs. This is true in jurisdictions that recognize the doctrine of negligence per se. In jurisdictions that do not recognize the doctrine, the question of reasonableness depends upon the duty-risk analysis. There are numerous types of drugs, which vary in both potency and risk to human life. It is up to our legislature to determine whether the distribution of a drug violates the duty of reasonable care – a process requiring reflection on each state’s policies regarding the substance involved. If the provision of a certain drug does violate the duty of reasonable care by presenting a foreseeable risk of harm to the user and the public, the provider of the narcotic should be liable for any resulting consequences. Even if a court recognizes the distribution of a certain category or kind of drug as a breach of the duty of reasonable care, however, the consumer’s negligence must also be considered, under a comparative fault analysis, in determining the liability of the social host. The California judiciary must determine what constitutes a legal intoxication of marijuana that would create a foreseeable risk of harm to the user or public to determine whether a social host is liable of negligence. The concept of social host liability may face challenges with the legalization of marijuana use, but the impact of this theory won’t be clear until legislation provides definitive answers and clear guidelines.

Is This the End of DACA?

By: Amanda Sorvig, *Class of 2019*, Vice President, *Immigration Law Society*



domestic violence, sexual abuse or exploitation, burglary, unlawful possession or use of a firearm, drug distribution or trafficking, or driving under the influence.³

To apply, an individual was required to submit form I-821D, along with supporting evidence and a filing fee to USCIS. If granted, the individual received deferment from deportation for a period of two years.

They were then able to receive a work permit authorizing employment, a social security number, and a driver's license. The individual would then apply for renewal close to the end of the two-year period. The Deferred Action program in no way guaranteed a route to citizenship to these individuals. They were simply allowed to renew their deferment every two years and hope that Congress eventually found a more permanent solution. As the program progressed, it was evident that it provided new opportunities to young people who had otherwise lived in the shadows. Many of them arrived in the United States as children, with no say in the matter of their relocation. After DACA, they were then required to complete high school, and had the option to pursue higher education. They could also obtain legal employment and secure a bank account, among other things.⁴ An estimated 800,000 people currently hold Deferred Action. Their ethnicities range from Mexican to Chinese to Guatemalan to Korean.⁵

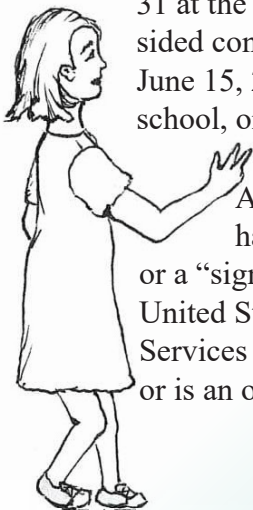
President Trump's announcement began to phase out the program, and imposed a deadline of March 5, 2018. Congress has until then to pass legislation to replace it. As of September 5, 2017, USCIS has stopped accepting initial applications,

On September 5, 2017, Attorney General Jeff Sessions announced that President Trump would rescind the DACA program, stating that it was not law, but a directive from former President Barack Obama.

The Deferred Action for Childhood Arrivals ("DACA"), is an immigration program enacted in 2012 by President Obama to provide temporary status for undocumented young people. After Congress failed to pass the DREAM Act, President Obama initiated DACA by executive action, a more informal process than an executive order. President Obama stated, "What we have tried to do is administratively reduce the burdens and hardships on families being separated."¹

Deferred Action was available to undocumented immigrants who met a host of requirements, including: 1) having entered the United States prior to their sixteenth birthday; 2) were aged over 15, but under 31 at the time DACA was executed; 3) resided continuously in the United States since June 15, 2007; and 4) currently attending school, or high school diploma/GED from the United States.²

Additionally, applicants could not have any felony criminal convictions, or a "significant misdemeanor" as defined by United States Citizenship and Immigration Services (USCIS). A significant misdemeanor is an offense involving



meaning those who have never filed are now unable to file. Additionally, the administration has ceased processing travel requests for DACA recipients. Renewal applications for those whose DACA status will expire prior to March 5, 2018 will only be accepted until October 5, 2017. This means that any young person whose DACA status will expire in the next six months has less than 30 days to gather their financial resources, see a lawyer, and file their renewal application.

If Congress does not pass replacement legislation and President Trump does not decide to revisit it, DACA will end on March 5, 2018. Without a replacement for DACA, 800,000 individuals will no longer be able to work, attend school, or remain in the United States without fear of deportation. This will harm families, who will then be forced to separate from their undocumented family members. For many of these individuals, there is no other route to legalization in the United States, as the requirements for citizenship or lawful permanent resident status are stringent and expensive. Many will be left with no choice but to return to their birth country; a country which they have not seen in years.

What can you do to get involved at Chapman?

Attend Chapman's *Immigration Law Society* meetings and mark your calendar for the "Crimmigration" panel during the Diversity and Social Justice Symposium on November 3. The Crimmigration panel aims to bring more awareness and knowledge to Chapman students on topics such as regressive legislation and detention center policy. Outside of the scholastic community, many organizations have initiated DACA Renewal Workshops to offer free renewal for current DACA holders, many of which accept law student volunteers.

The American Civil Liberties Union (ACLU) of Southern California has compiled a current list of those organizations, as well as others promoting fundraising for filing fees.⁶ Lastly, contact elected representatives to urge them to pass legislation protecting DACA recipients from deportation. Ultimately, Congress has the final decision in the matter. It is crucial to encourage those with swing votes in the House and Senate to support the DACA program.

Now, more than ever, it is important to show lawmakers that creating a permanent option for DACA recipients is a top priority.

ENDNOTES

- 1) The White House, President Barack Obama, <https://obamawhitehouse.archives.gov/blog/2013/02/14/watch-president-obama-answers-your-questions-google-hangout>.
- 2) United States Citizenship and Immigration Services, <https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca#guidelines>.
- 3) United States Citizenship and Immigration Services, <https://www.uscis.gov/archive/frequently-asked-questions#criminal%20convictions>.
- 4) Tom K. Wong, *United We Dream*, National Immigration Law Center, and Center for American Progress National Survey, 3-5 (2016).
- 5) Migration Policy Institute, (<http://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>).
- 6) ACLU SoCal, <https://www.aclusocal.org/en/resources-daca-renewal-applications>.

Artwork by Sandra Baires, *Class of 2019*



Statue of Liberty, a symbol of freedom and liberty to the American people. (Creative Commons, photo credit: 0x010C)

OUT WITH THE OLD, BUT BE WARY OF THE NEW

By Jared Silverstone, *Class of 2018*, Treasurer, *Student Bar Association*

Unlike the last few decades of industry and manufacturing, the likely career path of many members of the “millennial” generation just entering the working world will likely be in the category of online products and services. In the United States, the days of people toiling in warehouses may be coming to an end. In its place, we are facing a world in which a majority of job hunters are college graduates, internet experts, and (in many cases) pursuing careers in technology.

The digital job market is not as tangible as the job markets of the past. The burst of the tech bubble in the early 2000s showed that although people were able to start their own tech companies, they lacked basic knowledge of business operation. Online tech and media companies can be extremely popular, but may not offer substantial revenue stream due to a lack of physical products or viable services.

By examining two separate online services and their platforms, Netflix and Pokémon GO, this article hopes to explain the advantages and pitfalls of embracing the newest “tech” companies that seem to be overtaking the job market.

In the early 2000s, before becoming a titan of industry, Netflix was compared to similar DVD rental companies such as Blockbuster and Hollywood Video. Netflix CEO Reed Hastings attempted to form a partnership with Blockbuster that would use Netflix as its online platform; this meeting did not result in the hoped-for partnership. Not long after, Blockbuster attempted to offer this online service. Hastings clearly saw the wolves nipping at his heels and decided a change was necessary to survive in film rentals – which inspired him to create a streaming service.

In 2007, Netflix launched its online streaming service and the public response was relatively positive. Hastings knew that the DVD rental market was dying and that the world would be searching for its replacement. Hastings was quoted in a 2008 *Wall Street Journal* article stating, “People will continue to watch movies on TV. No doubt about it. But laptop screens are improving. And young people are living on those

laptops.” Clearly, Hastings had a vision of the future of entertainment technology, but not everyone shared this vision.

In 2009, WSJ journalist Martin Peers published an article entitled “Rescind Time for Netflix Stock.” Peers predicted that Netflix stock would drop significantly, despite rising 67% within one year because Blockbuster was working on their own streaming service and Hollywood studios were unlikely to provide Netflix with content if it meant fueling competition.

Given the current status of Netflix and Blockbuster, Peers’ article was undoubtedly wrong. The entertainment industry has seen the introduction of countless technologies that were supposedly going to be the final frontier for television and film viewers. From black and white silent films to “talkies” to Technicolor to 3-D TV, there are countless advancement that have revolutionized the entertainment world. But, when examining the past rise and fall of new entertainment technology, Peers’ assumptions weren’t all that crazy. There are still companies today that release entertainment advancements but fail to find success.



Pokémon GO players at a convention. (Creative Commons, photo credit: Jim Trottier)

In July 2016, countless children, teens, and adults could be seen clustered together on street corners, completely mesmerized by their phones. The reason? Pokémon GO, a revolutionary mobile application which blended real world action with an alternate reality, allowing people to catch their favorite Pokémon in real time. The app attracted millions, from the newest generation of Pokémon fans to ‘90s kids chasing the nostalgia of Gameboy’s Pokémon Red and Blue.

The New York Times, the *Wall Street Journal* and the *Washington Post* all released articles hailing Pokémon GO the next big thing. Pokémon GO became the top downloaded app on iTunes. Investors poured millions into Nintendo and their stock rose 125%. By mid-July, however, reality about the app began to set in. The actual gameplay had become a problem. Players began complaining that the in-app gameplay was not interactive enough. Gamers were quick to point out that the app was not “augmented reality” (AR), but instead presented a façade with very limited gaming options once a Pokémon was caught. Consumers also concluded that Google and Apple had created other AR apps that were actually interactive. Because this technology existed, players expected more from the Pokémon app and lost interest when nothing changed. Pokémon GO’s popularity faded and now, in September 2017, it is not even in the top 100 downloads.

So, what separates services like Netflix and Pokémon GO? Simply put: “supply and demand.” People have continuously demanded new and original services and content from Netflix and they have happily obliged. When the company saw others such as Hulu and Amazon jump on the streaming bandwagon, they began to create their own exclusive television content. Netflix – still the number one streaming service – has recruited former Universal executive Scott Struber in development of their own studio.

On the other hand, Pokémon GO was unable to sustain its hype. Initially, players loved the concept, but soon the novelty wore off and the app was unable to update quickly enough to meet with players’ expectations. There was demand for something new and original, but Pokémon GO relied too much on its early popularity without being able to provide its fan base with what they craved.

When creating, investing, or working for the newest tech startup, it is important for those new to the working world to examine the fundamentals of the company itself. Millennials are all too aware of how fast shifts in the tech world can come. To be sure that they are staying on top of a developing market, one should ask themselves the following questions:

1. Is my company in a developing market?
2. Is my company’s service or product original?
3. Does my company have plans for the future? If so, are they forward-looking enough to stay ahead of the competition?
4. Can my company supply consumers with both what they are advertising and the demands of the consumers themselves?
5. Is there room for growth for me at the company?

If a person can answer “yes” to most of these questions, then it is possible they have created, invested, or joined the next “big thing;” if not, then it may be time to go back to the drawing board or abandon ship. Whatever the outcome, it is important to remember that although a market is constantly shifting, the newest trend will not always be the most successful.



Netflix has come a long way since its mail-order DVD system. (Creative Commons, photo credit: BlueMint)

Diversity & Social Justice Forum



CHANGING INSTITUTIONS, DISAPPEARING PROTECTIONS

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Keynote Speaker: Angela King

Co-founder and Deputy Director
of *Life After Hate, Inc.*



November 3, 2017

Event Schedule:

Registration (9:30-10 a.m.)

Panel 1: Who Watches the Watchmen?: Civil Rights and Accountability Under the New Administration (10-11:30 a.m.)

Keynote Luncheon and Dialogue with Angela King, Co-Founder and Deputy Director of Life After Hate, Inc. (12-1 p.m.)

Break (1-1:15 p.m.)

Panel 2: "Crimmigration": A Critical Look at Rationales for Increasing Deportation (1:15-2:45 p.m.)

Break (2:45-3 p.m.)

Panel 3: American Health Care in the Face of Current Reform Efforts: How Much Should the Public Expect from Gov't Programs and Why? (3:15-4:45 p.m.)

En Banc (5-6 p.m.)

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