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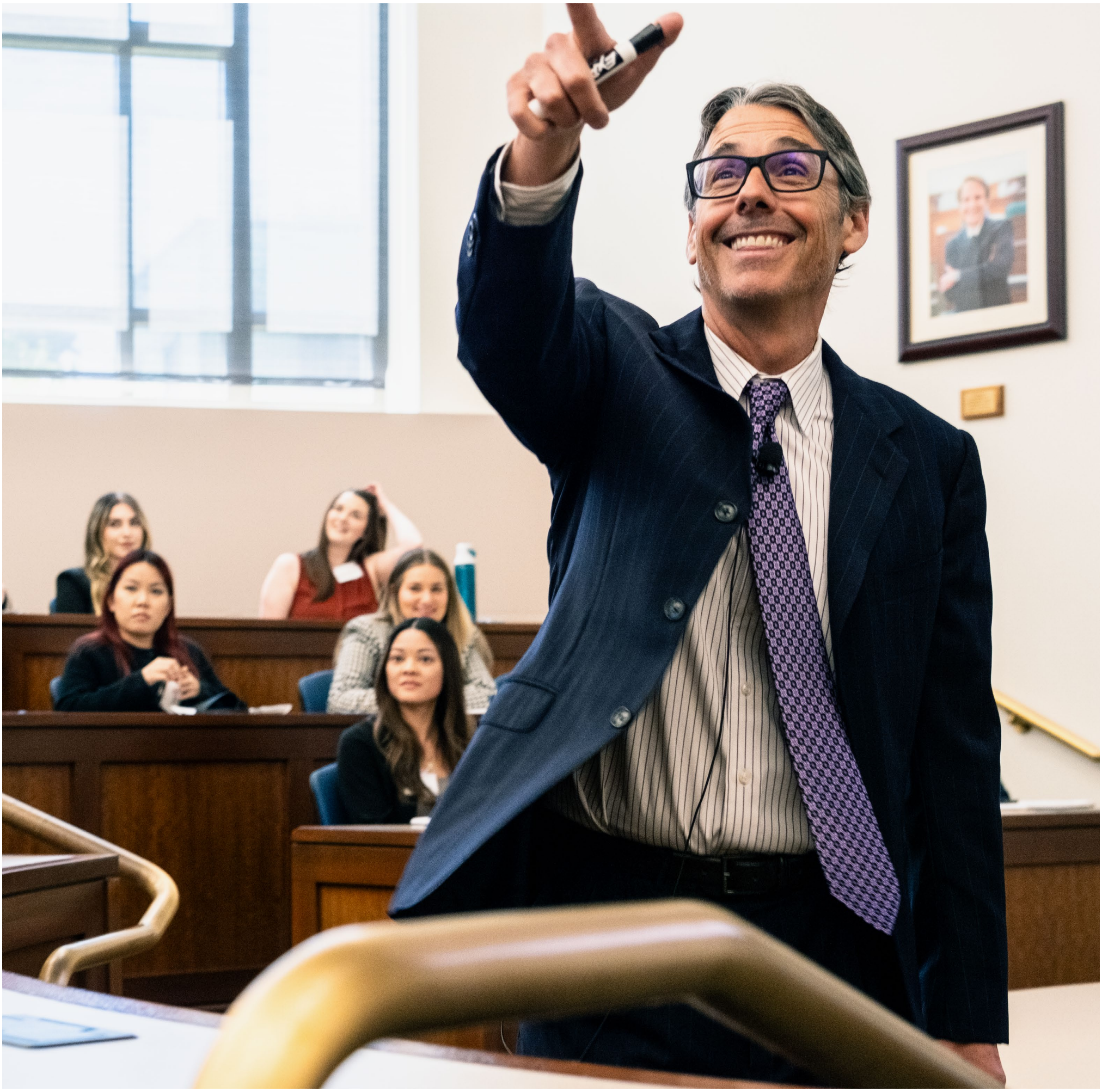
SPRING 2025



SPRING 2025

SCHOLARSHIP

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COVER PHOTO: FOWLER SCHOOL OF LAW PROFESSOR HENRY NOYES IN FULL FLIGHT DURING CLASS

DESIGN, CONTENT & PRINCIPAL PHOTOGRAPHY: DEANE SUTIC

WITH GRATEFUL THANKS TO THE CHAPMAN FAMILY, FOWLER SCHOOL OF LAW FACULTY AND ADMINISTRATIVE SUPPORT TEAM AND OUR CURRENT STUDENTS

SCHOLARSHIP

SCOTUS PRESERVES THE OPPORTUNITY TO COMBAT DISINFORMATION. WILL WE TAKE IT?

NAHAL KAZEMI

After an unprecedented month of upheaval in the presidential race, with the election still over three months away, we can expect online disinformation to again become a major concern. Much attention has been paid to the ability of new AI technologies to generate "deep fakes," or very sophisticated, artificially generated video and audio that present entirely false information. Additionally, we have seen widespread proliferation on social media of "cheap fakes," or deceptively cropped and edited videos that paint a misleading image.

In this rapidly changing landscape, many are asking if the government should have any role in combating political disinformation online, and if so, what governmental action would be consistent with the First Amendment. Others are asking if social media companies are improperly or unfairly silencing certain viewpoints. But we also need to ask what we, as citizens and media consumers, should be demanding of both the government and social media companies to protect the integrity of our elections, inform us about how our data is used to target content to us, and to respect our privacy as we seek information.

The Supreme Court heard a trio of important cases on the First Amendment and government limitations on speech this term, NRA v. Vullo, Murthy v. Missouri, and the NetChoice cases. In these cases, the Court reaffirmed important rights and limits on efforts to regulate speech. It held that the government cannot threaten regulatory action against third parties for their association with a speaker advancing an unpopular political viewpoint. The Court also overturned a lower court's decision to prohibit the federal government from communicating with social media platforms to encourage them to enforce their own content moderation policies against disinformation. Finally, in a decision sending the case back to the lower courts for further proceedings, the Court reaffirmed social media companies' right to moderate compiled content (like in newsfeeds), free from government attempts to make them "viewpoint neutral."

Both government and social media companies have a legitimate interest in combating disinformation (intentionally false information) and misinformation (information that is false, but that the speaker may legitimately believe to be true). While government cannot censor or punish political speech (even most false political speech), it can advance its own viewpoints and try to persuade others, so long as that effort does not become coercive. Social media platforms have their own speech rights to moderate content to create communities consistent with their missions. They also have strong financial incentives to make sure their platforms are not unpleasant, untrustworthy, or downright hateful environments to better attract and retain users and advertisers.

Social media companies are not merely deciding what can and cannot be posted on their platforms, however; they are also continuously gathering user data and making that information usable by advertisers to specifically target their ads, often without the users' knowledge of how their information is gathered, stored, analyzed, or sold. These data create a potent tool for both political campaigns and those seeking to peddle disinformation. And unlike many other advanced countries, the United States lacks a data privacy law to protect internet users from the misuse of their data, or to require transparency about how that data is used.

While many platforms are either downgrading political content in users' feeds (Facebook) or refusing to carry political advertisements outright (TikTok), still others are now permitting a broader range of political content and advertising (like X, formerly known as Twitter). Much of the paid political advertising you will see on platforms will have been targeted at you, based on all sorts of data gathered about you from the internet, including your shopping and reading habits, your location, age, occupation, gender, and sexual orientation. While some U.S. states allow users to opt-out of having their data used this way, most do not.

Additionally, some of the so-called news you will see on these platforms will actually be part of foreign disinformation campaigns from adversaries including Russia, China, Iran, and North Korea, geared toward amplifying divisions in American society, sowing distrust, and confusing voters. They use that same data gathered by social media companies to selectively target their audiences for maximum impact. State and Federal governments need to continue to monitor these foreign disinformation campaigns to protect the integrity of our elections. Government and the private sector will need to be able to communicate with each other in order to effectively combat these threats.

Nahal Kazemi spent over eight years as a political-military affairs officer in the United States Foreign Service. Her postings included Casablanca, Morocco; Baghdad, Iraq; Budapest, Hungary; and Washington, DC. Upon leaving government service, she returned to Orange County and joined Keller/Anderle LLP as Senior Counsel, where her practice focused on business litigation. Her clients have included "Big Four" accounting firms, AMLAW 100 law firms, and Fortune 100 companies as well as government entities.

Link to the resources listed below on your digital device using these QR codes.

Read "Spies, Trolls, and Bots: Combating Foreign Election Interference in the Marketplace of Ideas," in Fordham Law Voting Rights and Democracy Forum.

Nahal Kazemi at Chapman.edu

What we as citizens and consumers of content should demand of all platforms is (1) greater transparency about who is paying for political advertising to ensure foreign adversaries are not illegally influencing our elections; (2) enhanced transparency on how advertisements (including political advertisements) are targeted to users; (3) the opportunity to opt out of having our data harvested for the purpose of targeting advertisements; (4) clear and transparent content moderation guidelines that are fairly enforced; and (5) explanations if and when our content is taken down for violating a platform's terms of service. We should also demand that Congress and the President enact legislation requiring platforms to increase transparency and give users more control over how their data is used.

These changes are essential not only to protecting our privacy, but to protecting our democracy as well.

THE SECOND AMENDMENT MESS

LAWRENCE ROSENTHAL

Lawrence Rosenthal entered the practice of law as an Assistant United States Attorney for the Northern District of Illinois, specializing in organized crime and public corruption prosecutions. Among other things, he brought the first racketeering case involving insider trading, and secured the longest sentence in the history of the district in an organized crime case (200 years). He subsequently joined the City of Chicago's Department of Law, where he was Deputy Corporation Counsel for Counseling, Appeals, and Legal Policy. In that capacity, he argued three cases in the United States Supreme Court, and supervised a large volume of complex litigation as well as legislative as policy matters.

Read Lawrence Rosenthal's "Nonoriginalist Laws in an Originalist World: Litigating Original Meaning from Heller To Brue" in American University Law Review.

Lawrence Rosenthal at Chapman.edu

This is the Second Amendment: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

It is the job of the United States Supreme Court to interpret this Amendment. The Court has botched the assignment.

The Supreme Court has decided that the Second Amendment's preamble, and its reference to a "well regulated Militia," does not help us to understand "the right to keep and bear Arms." In this, the Court claims to honor the "original meaning" of the Second Amendment when it was ratified in 1791. Yet, back then, preambles were commonly used to interpret ambiguous legal texts.

So how, then, does the Court ignore the preamble? The Court tells us that the Second Amendment is not ambiguous, so the preamble does not matter.

This is nonsense. The phrase "bear arms" may sometimes mean simply carrying guns, but often, it has a more specific meaning—carrying arms in connection with military service. Scholars who have studied the way this phrase was used in the late eighteenth century have reached just this conclusion. In fact, the studies show that, most often, "bear arms" had a military meaning.

Instead of referencing the Second Amendment's preamble, the Supreme Court tells us that gun control laws are consistent with the Second Amendment only when they are "analogous enough" to regulations that existed in the early Republic—the late eighteenth and early nineteenth centuries.

That is a big problem. There were not many firearms regulations in the early Republic, with good reason. Firearms were hard to load, hard to aim, and pretty much useless to criminals. Today, they pose dangers unknown back then.

Even worse, the Court's "analogous enough" test produces a kind of jurisprudential chaos. In 2022, the Court struck down a New York law requiring people who want to carry concealable firearms in public to obtain a permit and demonstrate particularized need to carry concealable weapons, despite the long history of laws prohibiting concealed carry.

This year, in contrast, the Court upheld a law prohibiting persons subject to a domestic-violence order of protection, issued by a court after threatening an intimate partner, from possessing firearms. Yet, domestic-violence orders of protection were unknown until the latter part of the twentieth century, and court orders barring individuals from possessing firearms were unknown in the early Republic. The "analogous enough" test, predictably, is a recipe for chaos.

It may be tempting to blame the Supreme Court and its conservative majority for the Second Amendment mess. But significant blame belongs with the lawyers who have defended gun-control laws before the Supreme Court. These were all lawyers of stature, but they were not historians. When they tried to craft historical arguments to a Court that claimed it wanted to follow the "original meaning" of the Second Amendment, they made serious mistakes.

Amazingly, the lawyers who appeared before the Supreme Court defending gun control laws never even argued that the Second Amendment right to "bear arms" was ambiguous, and for that reason, should be interpreted with reference to the Second Amendment's preamble. Instead, they somehow convinced themselves

that the historical evidence demonstrated that the Second Amendment conferred no individual rights at all.

This gamble was a big loser. Since then, lawyers defending gun-control laws have played a kind of analogy game, trying to somehow shoehorn modern laws into an ill-fitting eighteenth-century framework.

For those who advocate reasonable firearms regulation, this is a loser's game. There simply was not much in the way of firearms regulation 200 years ago, when firearms were not very useful to criminals. Why did such able lawyers convince themselves to make such weak arguments? Lawyers may not have a good answer to that question, but psychologists do.

Psychological research has extensively documented the phenomenon of confirmation bias—the tendency to focus on evidence that supports preexisting beliefs, and to discount evidence inconsistent with those beliefs.

There is every reason to believe that confirmation bias is a special problems for lawyers, since they search for evidence that will produce the outcome favored by their clients. Psychological research, however, suggests that lawyers are unlikely to give fair weight to the other side's evidence.

This is a special danger for appellate lawyers—the kind that appear before the Supreme Court. They do not try cases, and have little experience weighing conflicting evidence.

Advocates of responsible firearms regulation need to start over. The historical analogy game is a road to nowhere.

I like to tell my students that the best legal theories are based on something that is true. That should be where a new strategy to defend firearms regulation begins. The phrase "bear arms" is ambiguous. Even the Members of the Court's conservative majority, at least on occasion, have admitted as much.

Because the meaning of the phrase to "bear arms" is ambiguous, we need to interpret the Second Amendment in light of its preamble. This is the point that lawyers defending gun-control laws need to start making. It has the virtue of being right.

The Second Amendment may confer individual rights, but it should also be interpreted in a way that produces a "well regulated Militia."

The Second Amendment, in short, is not a straitjacket that permits only the regulations that were in place when firearms were crude and of little use to criminals. This is the insight that ought to be the starting place for a new legal strategy.

EN LUCHA POR LAS TORTILLAS, DERECHO INTERNACIONAL ESTÁ DEL LADO DE MÉXICO

ERNESTO HERNÁNDEZ LÓPEZ

La defensa es por las tortillas y la masa, realizada con los controles mexicanos para el maíz genéticamente modificado (OGM). En un Decreto de 2023, México prohibió el maíz transgénico para consumo humano. Esto molestó a Estados Unidos, un gran exportador de maíz OGM, que rápidamente invocó un panel comercial en virtud del Tratado entre México, Estados Unidos y Canadá (T-MEC). Alega que el Decreto viola el Capítulo 9 sobre seguridad alimenticia, denominado Medidas Sanitarias y Fitosanitarias (MSF), según el derecho comercial.

Las defensas se enardecen. En junio, el panel realizó audiencias durante dos largos días, con declaraciones, refutaciones, preguntas y respuestas de las dos partes y de Canadá. Éstos fueron los únicos procedimientos, antes de una decisión en noviembre próximo.

Todo es difícil de seguir, incluso con tanta información disponible en internet. Las argumentaciones legales presentadas por Estados Unidos y México constan de más de 580 páginas, más de 750 pruebas de evidencia (en su mayoría estudios científicos) y casi 2 mil notas a pie de página. Canadá y las organizaciones no gubernamentales, que apoyan el Decreto de forma abrumadora, presentaron más opiniones por escrito.

Ernesto Hernández López's current research focuses on international law, post-colonialism, law and food, and immigration. He publishes extensively on food law in both popular press and academic literature. This op-ed first appeared in Contralínea (Mexico), his English translation of the article follows after.

Hernández López's most recent academic work on this topic, "Corn War: a Trade Fight between the United States and Mexico" was published in Cardozo Law Review de • novo. Links overleaf.

Link to the resources listed below on your digital device using these QR codes.

Read this op-ed at Contralínea (Mexico).

Read "Corn War: a Trade Fight between the United States and Mexico" in Cardozo Law Review de • novo.

Ernesto Hernández López at Chapman.edu

Es un sitio complejo para cualquier observador. En muchos casos, los abogados discrepan sobre las traducciones y las conclusiones científicas. La materia científica se refiere a la salud humana, los herbicidas cancerígenos y la biodiversidad en las plantas de maíz.

A ello se suma que las elecciones presidenciales estadunidenses son en noviembre, y ambos partidos políticos claman sobre el comercio internacional. Añadirán tortillas y masa a sus gritos de campaña, como lo han hecho con temas de seguridad fronteriza, refugiados y fentanilo. Antes, en octubre, la doctora Claudia Sheinbaum asumirá la Presidencia. La elección de su gabinete indica que México mantendrá esta defensa. Se espera que cada parte argumente con vehemencia desde su madriguera. Empecemos por las cuestiones obvias. El Decreto no afecta al maíz destinado al forraje o a la industria, que es lo que exportan los agricultores estadunidenses. Cuando Estados Unidos dice que México perturba el comercio, se refiere al maíz amarillo usado como forraje. Pero el Decreto sólo afecta al maíz blanco para las tortillas y la masa, que México no importa, pues es autosuficiente. Esto está claro en el propio Decreto, como ha argumentado el gobierno de López Obrador. Y lo que es más importante, el derecho internacional sobre medidas sanitarias y fitosanitarias da la razón a México.

Para agravar el dramatismo, Estados Unidos exagera lo que establece el Decreto. En sus dos escritos, el inicial y el de respuesta, inventa un problema que llama "Substitution Instruction". Esto se tradujo como "sustitución gradual", pero técnicamente no es correcto: "gradual" se refiere a algo escalonado, pero "Instruction" es una instrucción u orden o disposición, cosas diferentes.

De todos modos, esto se refiere a instrucciones para sustituir supuestamente el maíz OGM en la alimentación animal en México. La queja estadunidense es que las instrucciones del Decreto no son claras.

El problema es que el Decreto no obliga a la sustitución. Es evidente. Cualquier lectura de los artículos 7 y 8 del Decreto lo confirma. Si usted le ha dado seguimiento a la disputa, desde hace 11 meses, parece que Estados Unidos está desesperado. Recordemos la sabiduría de antaño: "guajolote que se sale del corral, termina en mole".

Tres puntos ilustran lo que está pasando. En primer lugar, el Decreto deja en paz el maíz para el forraje y el uso industrial. El artículo 7 explica expresamente que la Cofepris (Comisión Federal para la Protección contra Riesgos Sanitarios) sigue aprobando el maíz transgénico para estos usos, siempre y cuando no sea para tortillas o masa. Estados Unidos nunca lo menciona. Debido a esto, el artículo 7 no aplica ninguna medida, y mucho menos ninguna directiva.

A continuación, el artículo 8 amplía esta idea. Describe lo que es necesario antes de una eventual sustitución, estableciendo los parámetros para remplazar algún día el maíz OMG para animales. Las condiciones incluyen determinar la seguridad alimentaria nacional y las repercusiones en la salud humana. Son medidas necesarias antes de cualquier sustitución. Son requisitos previos, aún por aplicar o formular.

México explica que estos parámetros no se han producido. Por lo tanto, no ha fijado ninguna fecha para la sustitución, ni mucho menos ha emitido directriz alguna. México articula esto en dos escritos y en repetidos debates con abogados de Estados Unidos y Canadá.

En tercer lugar, debido a esto, el panel puede desestimar la mayoría de las reclamaciones estadunidenses. En pocas palabras, el panel no necesita examinar si hay "orden de substitución" ("Substitution Instruction", en inglés) que viole los compromisos sobre MSF. ¿Por qué? Porque los artículos 7 y 8 no son medidas sanitarias y fitosanitarias, según el tratado comercial y el derecho internacional.

Los artículos 7 y 8 del Decreto no se aplican, por lo que no constituyen una medida sanitaria y fitosanitaria. Las MSF se definen como "toda medida aplicada" para proteger "la vida y la salud de las personas", o para "preservar los vegetales" de los "riesgos resultantes de la presencia de aditivos, contaminantes, toxinas u organismos patógenos en los productos alimenticios" y otros riesgos, como plagas y enfermedades. El T-MEC utiliza esta definición del Acuerdo sobre la Aplicación de Medidas Sanitarias y Fitosanitarias (Acuerdo MSF) de la Organización Mundial del Comercio (OMC). En 2020, Estados Unidos, México y Canadá incluyeron esta definición en el artículo 9.1 del T-MEC, acuerdo que forma "parte integrante" del reciente tratado. Además, pactaron "sus obligaciones conforme al Acuerdo MSF". Estas normas de la OMC enmarcan la forma en que los socios norteamericanos estructuraron sus compromisos del Capítulo 9.

México no ha aplicado ninguna sustitución del maíz transgénico en la alimentación animal o el uso industrial; tampoco ha aplicado ninguna instrucción u orden.

La normativa de la OMC subraya que un "elemento fundamental" de la definición de una medida sanitaria o fitosanitaria es su aplicación. La medida "debe ser "aplicada para proteger". El Órgano de Apelación estableció este criterio en la controversia Australia-manzanas procedentes de Nueva Zelandia de 2010. Este caso se refería a medidas dirigidas a bacterias, hongos e insectos en manzanas importadas.

Posteriormente, los paneles de la OMC siguieron examinando la aplicación de una medida, en los casos Costa Rica –aguacates frescos procedentes de México de 2022– y Corea –radionúclidos (isótopos radioactivos) de 2019–. Ambos se referían a la seguridad alimenticia. México ganó su caso contra las medidas costarricenses, preocupadas por el viroide de la mancha de sol (ASBVd) en aguacates importados. Aquí el panel definió "aplicar" como "[e]mplear, administrar o poner en práctica", refiriéndose al Diccionario de la lengua española de la Real Academia. En su caso, Japón se quejó de las medidas que Corea dirigió a los productos pesqueros, tras la fusión de la central nuclear de Fukushima. Ambos paneles comenzaron su análisis jurídico identificando lo que se aplica o no, para determinar si las normas MSF son pertinentes.

El factor "aplicado para proteger" forma parte del canon legal, identificado en el Índice Analítico de la OMC: Interpretación y aplicación de los Acuerdos de la OMC. Se trata de un análisis extenso y actualizado de controversias en la OMC, utilizado por abogados y panelistas como guía para resolver disputas comerciales. El índice informa sobre cuál es el derecho internacional en materia de MSF.

En resumen, México no ha aplicado nada para sustituir los forrajes de maíz OMG. Por ello, los artículos 7 y 8 del Decreto no son medidas sanitarias ni fitosanitarias. No son instrucciones u ordenamientos. No se aplican. No hay nada que aplicar. El resultado práctico es que el panel no puede examinar una larga lista de quejas sobre la alimentación animal, que es lo que Estados Unidos exporta a México.

Esto es una parte, pero una parte muy importante, de las muchas cuestiones que se plantean ante el panel. Es fácil perderse en la fanfarronería y los densos argumentos sobre derecho técnico y ciencia especializada. Para cualquiera que intente entender lo que se argumenta, puede estar seguro de que muchas de las quejas estadunidenses son irrelevantes, especialmente las relativas a la pérdida de mercados y al cambio de expectativas. Las exageraciones y la desesperación no cambian la realidad obvia, evidente en el Decreto y en el derecho internacional.

INTERNATIONAL LAW SIDES WITH MEXICO IN A FIGHT FOR TORTILLAS

ERNESTO HERNÁNDEZ LÓPEZ

The defense is for tortillas and masa. Done with Mexican controls of genetically modified (GMO) corn. In a 2023 Decree, Mexico outlawed genetically modified (GMO) corn for human consumption. This upset the United States, a large GMO corn exporter, who quickly invoked a trade panel under the United States Mexico Canada Agreement (USMCA). It claims the Decree violates the trade pact's Chapter 9 on food safety, called Medidas Sanitarias y Fitosanitarias (MSF) under trade law.

The defense heats up. In June, the panel had hearings over two long days, with statements, rebuttals, and questions and answers from the two parties and Canada. These were the only proceedings, before a decision in November.

It's all hard to follow, even with so much information available online. American and Mexican legal filings comprised of over 580 pages, over 750 exhibits (mostly scientific studies) and nearly 2,000 footnotes. Additional submissions came from Canada and non-governmental organizations, who overwhelmingly support the Decree. It's a rabbit hole for any observer. Already in many instances, lawyers disagree on translations and scientific conclusions. The science regards human health, carcinogenic herbicides, and biodiversity in corn plants.

Expect more. US presidential elections are in November, and both political parties cry unfair trade. They will add tortillas and masa to campaign cries like border security, refugees, and fentanyl. Before that, in October, Claudia Sheinbaum takes office as President. Her cabinet picks indicate Mexico will keep its defensive formation. Plan for each side to vehemently argue from its rabbit hole.

Let's start with the obvious matters. The Decree does not impact corn in industry or animal feed, what American farmers export. When the US says Mexico disrupts trade, it refers to corn for livestock. But the Decree only touches tortillas and masa. This is clear in the Decree itself, as Mexico has argued. Importantly, international law on SPS measures sides with Mexico.

Amping up the drama, the US exaggerates what the Decree does. It concocts a problem it calls "Substitution Instructions." Directions to presumably replace GMO corn in animal feed in Mexico. The American complaint is that the Decree instructions are unclear.

Problem: the Decree does not mandate substitution. It's straightforward. Any reading of Decree articles 7 and 8 confirm this. If you follow the dispute, for seven months now, it looks like the US is grasping for straws. Three points illuminate what is going on.

First, the Decree leaves animal feed and industrial use alone. Article 7 expressly explains that COFEPRIS (Comisión Federal para la Protección contra Riesgos Sanitarios) continues approving GMO corn for these uses, so long as it is not for tortillas or masa. The US never really mentions this. Because of this, Article 7 does not apply any measure, much less any guidance.

Next, Article 8 expands on this. It describes what is necessary before replacement, setting the parameters to one day substitute GMO corn for animals. Conditions include determining national food security and impacts on human health. They are needed before any substitute. They are pre-requisites, yet to be applied or formulated.

Mexico explains that these parameters have not occurred. As such, it has not set any date for substitution, much less issued any directives. Mexico articulates this in two filings and in repeated back and forth with lawyers from the US and Canada.

Third, because of this, the panel can set aside most American complaints. Put simply, the panel does not need to examine if the "Substitution Instructions" violate commitments from Chapter 9 on SPS. Why? Because articles 7 and 8 are not SPS measures, according to the trade treaty and international law.

Decree articles 7 and 8 are not applied and thus are not an SPS measure. An SPS measure is defined as any measure "applied" to protect "human life or health" or "plant life or health" from "risks arising from additives, contaminants, toxins or disease-causing organisms in food" and other risks like pests and disease. The USMCA uses this definition from the World Trade Organization's (WTO) Acuerdo sobre la Aplicación de Medidas Sanitarias y Fitosanitarias (Acuerdo MSF). The US, Mexico and Canada included this definition in USMCA Article 9.1, agreeing that its part of the three-member treaty ("son parte integrante" del T-MEC). Plus they agreed to affirm the SPS Agreement ("afirman" "sus obligaciones conforme al Acuerdo MSF").

These WTO rules frame how the North American partners structured their Chapter 9 commitments.

Mexico has not applied any substitution for GMO corn in animal feed or industrial use and has not applied any instructions.

WTO law emphasizes that a "fundamental element" of the definition for an SPS measure is application. Measures "must be one applied to protect." The Appellate Body established this standard in the dispute with Australia – manzanas procedentes de Nueva Zelandia from 2010. This case concerned measures directed at bacteria, fungus, and insects in imported apples.

Later WTO panels continued looking at a measure's application, in Costa Rica — aguacates frescos procedentes de México in 2022 and Korea — radionúclidos in 2019. Both involved safety in food imports. Mexico won its case against Costa Rican measures concerned about sunblotch viroid (ASBvD) in avocados imports. Here the panel defined "aplicar" as "[e]mplear, administrar o poner en práctica," referring to El Diccionario de la lengua española de la Real Academia. Japan complained about measures Korea directed at fishery products after the Fukushima nuclear power plant meltdown. These panels began their legal analysis by identifying what is applied or not, to determine if SPS rules are relevant.

The "applied to protect" factor is part of the legal canon, identified in the Índice Analítico de la OMC: Interpretación y aplicación de los Acuerdos de la OMC. This is an extensive and updated analysis of WTO cases, used by lawyers and panelists as guidance on how to resolve trade disputes. It reports what is the international law on SPS measures.

In sum, Mexico has not applied anything to replace GMO corn feed. Because of this Decree articles 7 and 8 are not SPS measures. They are not "instructions." They are not applied–there is nothing to apply. The practical result is the panel cannot examine a long list of gripes about animal feed.

This is one part, but an important part, of the many issues before the panel. It's easy to get lost in the puffery and dense arguments on technical law and specialized science. For anyone trying to understand what is argued, rest assured many American gripes are irrelevant, especially those on lost markets and changed expectations. Exaggerations and desperation do not change obvious reality, evident in the Decree and international law.

PLAYING CATCH-UP: HOW TO HELP FIRST-GENERATION STUDENTS THRIVE IN THE LEGAL PROFESSION

CAROLYN YOUNG LARMORE

"I was like, 'Oh, wow! These other externs actually know what they're doing!' And there's some students that have . . . grown up in this world . . . I didn't have that. So, I think it's just crazy, comparing things that I'm seeing for the first time versus the person next to me, they're like, 'yeah, this has been my life; I already knew I was going to do this.' So, I think that's when imposter syndrome kind of hits."

"I had never been in a courtroom before, so I really didn't understand what anything was like. [I could have used] even just a basic rundown of "here's how the courts work and what this looks like." I don't know if they assumed that maybe our first year of law school would teach us that. I don't really remember learning that, though. So, yeah, I think it would have been good to know, because I felt like I was playing catch-up."

- First generation law students reporting their externship experiences

Legal externships and clerkships are a key path toward professional identity formation, giving students a chance to try on the role of lawyer that they've been learning about in the classroom. They also give students much-needed legal experience and can lead to post-bar employment. But first-generation students could be at a disadvantage in these professional settings because they have little experience with lawyers, courts, or office life in general. These challenges are not insurmountable, however. If supervisors offer a more inclusive and supportive atmosphere in the ways suggested below, first-gen law students can thrive in their early legal careers.

Who Is "First-Gen"?

A first-generation or "first-gen" student is one whose parents did not graduate with a four-year college degree. This is in contrast to "continuing-gen" students who have at least one college graduate parent. Of course, many of these first-gen college students continue on to be first-gen law students as well.

Carolyn Young Larmore serves as Externship Director at Chapman University Fowler School of Law, where she supervises about 250 students annually as they work for judges, district attorneys and public defenders, government agencies, non-profits, in-house counsel departments and private law firms.

This article introduces her latest publication, "First-Gen in the Field," forthcoming in Clinical Law Review Fall, 2024.

Link to the resources listed below on your digital device using these QR codes.

Read "First Gen in the Field."

Carolyn Young Larmore at Chapman.edu

According to the Law School Survey of Student Engagement, more than a quarter of law students nationally identify as first-gen. First-gen students tend to share some key characteristics:

- Older than their continuing-gen counterparts.
- Spend time caring for dependents.
- May also be immigrants or come from immigrant families.
- More likely to be a student of color.
- Greater student loans.
- From low-income backgrounds.
- Lack networks and family support.
- Feel imposter syndrome.
- Unaware of the unwritten rules of the office.

On the other hand, first-gen students can be more proactive, resourceful, self-reliant, goal directed, and realistic than their continuing-gen peers. They also exhibit grit and strategic thinking, are flexible, persistent, insightful, compassionate, grateful, and optimistic, all terrific qualities in a legal professional.

What Can Supervisors Do for First-Gen Externs and Clerks?

There are a handful of simple things legal supervisors can do to support first-gen law students on the job.

Recruit First-Gen Students: The first thing that law firms can do to support first-gen students is recruit them. Employers can reach out to first-gen law school groups or at least identify "first-gen" as one of the groups they are seeking to attract with their recruiting materials

Offer More Orientation and Training: All organizations should offer some orientation and training when their extern or clerk begins and be attentive: if the student seems confused or overwhelmed during the office tour or other orientation, take it slow, and be sure to let them know to whom they can go when they have questions. And consider creating written material such as an extern manual that new hires can read at their own pace.

Provide Mentoring and Feedback: To support first-gen students, supervisors should do more than merely supervise work product. They should offer more in-depth mentoring. Mentoring can include things like coaching and advice, help with networking, as well as offering counseling, friendship, and role modeling.

Even better, larger law firms might be able to match the student with a supervisor mentor who was also first-gen, giving the student a role model to emulate and some insight into those unwritten rules. If a first-gen mentor is unsure whether a mentee is first-gen, the mentor should be encouraged to reveal their own first-gen status to any extern or clerk they may seek to mentor, thus encouraging a possible first-gen student to share their own background.

With regard to feedback, all students, not just first-gen, should receive more than a red-lined document or marked-up memo for feedback. Supervisors should take the time to explain not just what needs to be changed, but why, with specific examples where possible.

Help Them to Network: Externships and clerkships are a great way for students to get beyond the four walls of the law school and meet real lawyers who can begin to comprise their network, both inside the law firm and in the greater legal community. Legal networks are crucial to first-gen students who come to law school without much of a professional network. Thus, supervisors should make every effort to help first-gen students build their networks by inviting them to observe court proceedings, depositions, and closings; introducing them to colleagues; taking them to bar events or continuing legal education presentations; and inviting them to socialize with other lawyers. While some creativity may be needed if the work is remote, Zoom coffee dates, brown bags, speaker series, or other similar events can be created.

Start a First-Gen Affinity Group: Larger workplaces may want to consider creating an affinity group for first-gen lawyers they employ, and to invite externs to join. An affinity group, also known as an employee resource group, is a voluntary organization formed by employees who share a common background, identity, or experience. These groups can serve as a support network, providing a space for employees with shared characteristics to connect, collaborate, and advocate for their needs within the workplace. For first-gen students in an unfamiliar office environment, an affinity group can offer a sense of belonging, peer support and mentorship, and networking opportunities.

Temper Expectations and Be Kind: Ultimately, the most important advice for supervisors is to go easy on their externs and clerks, especially those who are first-gen. As one first-gen young lawyer put it, "I think it's cliché, but [my first employer] could have just remembered what it was like for themselves. You know, the first time they started working somewhere." She continued that, "if somebody does mess up, it's not that . . . they're lazy. It's not that they're not trying. Maybe they're confused or overwhelmed, or they're just learning."

IT'S ALL ABOUT THE CULTURE, STUPID! DESTROYING UKRAINIAN CULTURE IS THE PURPOSE OF EVERYTHING THE RUSSIANS ARE DOING IN UKRAINE

DR. JOHN HALL

I spent two months in Kharkiv this summer documenting the widespread campaign of destruction unleashed by Russia against Ukrainian museums, libraries, theaters, art galleries, local cultural centers, and other important cultural sites. The scale is almost unimaginable, the human and heritage cost incalculable. Yet this aspect of the war is mainly understood in the West as some sort of collateral damage to the military campaign, tangential to the Russian war aims, regrettable but somehow inevitable in modern conflict.

This is fundamentally wrong. This war is primarily about the attempted eradication – and the desperate defense of – an independent cultural identity. If Putin succeeds, Ukraine will be erased, suppressed, scattered, and absorbed. Ukrainian culture will be silenced, coopted, subjugated, stolen. Nothing about this is collateral or tangential or accidental. It's what the war is about. Cultural erasure is not some obscure aspect of the war: it is the central pillar of the entire Russian undertaking.

The President and First Lady of Ukraine have attempted to draw our attention to this. Olena Zelenska in particular has taken this cause to the international community. She has argued that the destruction of "our historical and cultural heritage is one of the strategic goals for the aggressor country." After the bombing of the Palace of Culture in Lozova in Kharkiv, her husband stated: "The occupiers have identified culture, education and humanity as their enemies."

Ukrainians are all too aware of Russia's end-goal. Marjana Varchuk, Curator at the Bohdan and Varvara Khanenko Museum of Art in Kyiv, is unequivocal about Russia's war aims: "Destroying our culture is the purpose of everything the Russians are doing. Culture and language strengthen our nation, they remind us of our history. That's why the Russians are shelling our monuments, our museums, and our history. That's what they're fighting with."

Putin is nothing if not clear about his intentions. He has called Ukrainian statehood "a fiction," and alleged that Ukraine only exists because of a series of mistakes by Soviet leaders. He claims that Ukrainians lack the history, identity, and culture worthy of a separate state. His pundits have claimed that Ukrainian language and culture simply do not exist. Russian historians and scholars tamely support the Kremlin's line. Reality is bent to meet Putin's warped narrative.

The current campaign aimed at degrading Ukrainian culture has been unrelenting. As of mid-September, UNESCO has verified the damage and destruction of 289 sites of significant Ukrainian cultural heritage since the invasion began in 2022. These include over one hundred religious sites, almost thirty museums, over 100 buildings of historical and/or artistic interest, and assorted monuments, libraries, and archives. Included are some of the country's most iconic and irreplaceable buildings and historical collections. This is necessarily a conservative (though growing) estimate, as confirming events in areas controlled by the Russians, or in current conflict zones, is almost impossible. Ukraine's Ministry of Culture puts the figure much higher. Evidence of intentional targeting is clear.

The Donetsk Academic Regional Drama Theater, in the city of Mariupol, in Donetsk Oblast, was destroyed by a bomb dropped by a Russian aircraft. At least 600 civilians were killed who had been sheltering there. The building was clearly marked "children." A museum in Ivankiv dedicated to the beloved folk artist Maria Prymachenko was partially burned down. A Russian missile erased the history museum in Kupiansk in the Kharkiv Oblast.

There is perhaps one attack that stands out, both because of the symbolic nature of the site, and because it was so obviously intentionally targeted. In May 2022, a Russian missile destroyed the museum and historic home of Ukraine's greatest poet and philosopher, Hryhoriy Skovoroda. Located in a peaceful forest near the tiny village of Skovorodynivka in the Kharkiv Oblast countryside (think Walden Pond and Thoreau), his home and grave were visited by generations of schoolchildren. His portrait is even to be found in most Ukrainian pockets, adorning current banknotes. The burned ruins of his home now stand as evidence – if any were needed – that even the most remote and isolated historical sites, if cherished by Ukrainians as a symbol of national identity, are at risk of sudden, unannounced and devastating attack. The governor of Kharkiv, Oleh Synyehubov, responded: "The occupiers can destroy the museum where Hryhoriy Skovoroda worked for the last years of his life and where he was buried. But they will not destroy our memory and

Dr. Hall studied law at Stanford Law School where he became the first student twice awarded the Carl Mason Franklin Prize in International Law. He has carried out extensive human rights fieldwork in Cambodia (where his research centers on factory conditions, the bringing to justice of the Khmer Rouge, and human trafficking), and the Philippines.

This article appeared on the Fowler School of Law blog in 2024 with a small selection of Dr. Hall's photographs of war-torn Ukraine.

Link to the resources listed below on your digital device using these QR codes.

Dr. John Hall interviewed about Cultural Genocide at the Kharkiv Human Rights Group website.

The Ukraine war at UNESCO.

John Hall's original blog post at on the school blog, with extended photo gallery.

John Hall at Chapman.edu

IMAGES (Author's own)

Overleaf Top-left:
In November 2022, the British street-artist Banksy confirmed that he had created seven pieces in Ukraine. This one, showing Putin being thrown by a young girl in a judo match, is located in Borodyanka, near Kyiv. It ridicules the absurd macho posturing of the Russian dictator. It is located in the center of a destroyed residential area, surrounded by bombed housing blocks now devoid of residents. Ukrainians I spoke with are clearly proud that such a famous artist risked his life to visit Ukraine to offer his symbolic and artistic support. This image has been widely used in Ukraine from postage stamps to t-shirts and is now ubiquitous across social media globally. The original piece is now protected from poor weather by a protective shelter.

IMAGES

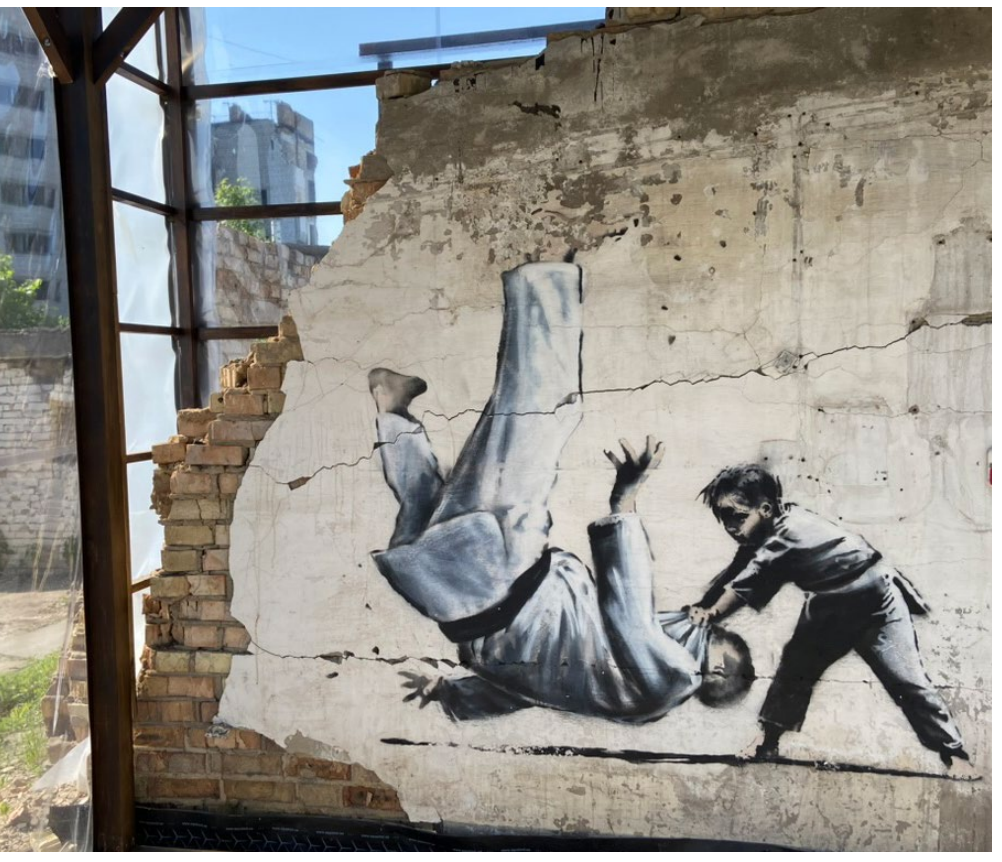
Bottom-left:
Another Banksy, located in the small village of Gorenka in the Kyiv region, on the ground floor of a residential building destroyed by a Russian missile. It shows an old man calmly having a bath in the middle of the damage, symbolic of the national sense of calm heroism being demonstrated by the population under the most appalling conditions. The message is clear: we will carry on regardless. It also demonstrates a central aspect of much of Banky's art: a serious political message made with irony and humor.

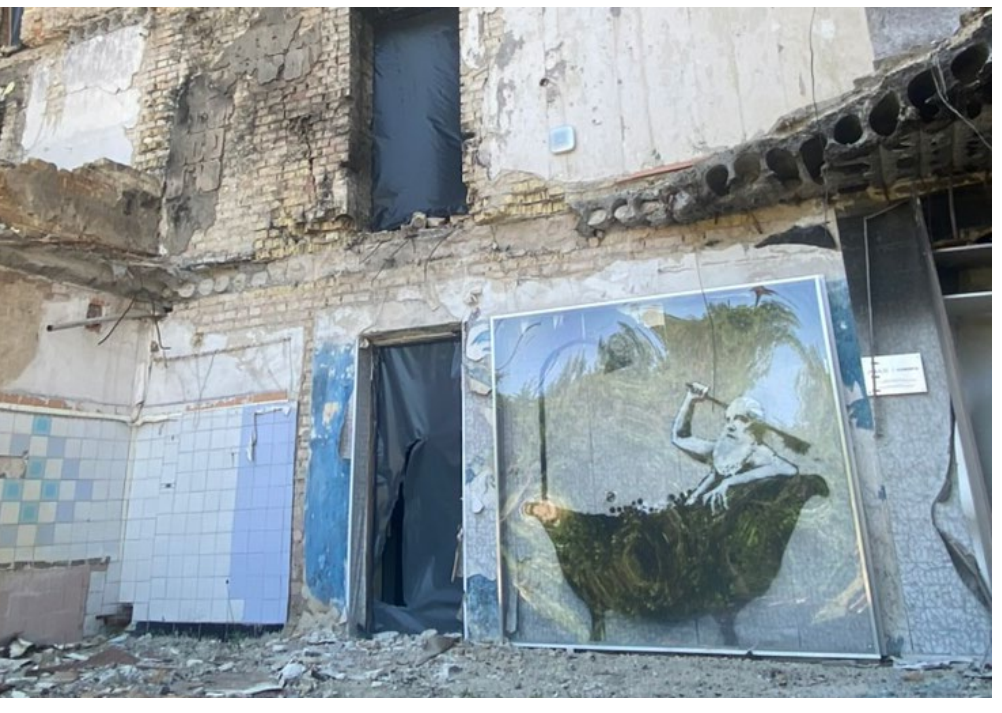
Right:
Ukrainian mural artist, Iryna Vodolazhchenko, spray-paints a memorial candle on the side of a residential building in Izyum, in the far east of Kharkiv Oblast. A Russian missile killed dozens of residents in the building. Vodolazhchenko is one of the Ukrainian artists using their talents to memorialize and interpret the horrors of the war.

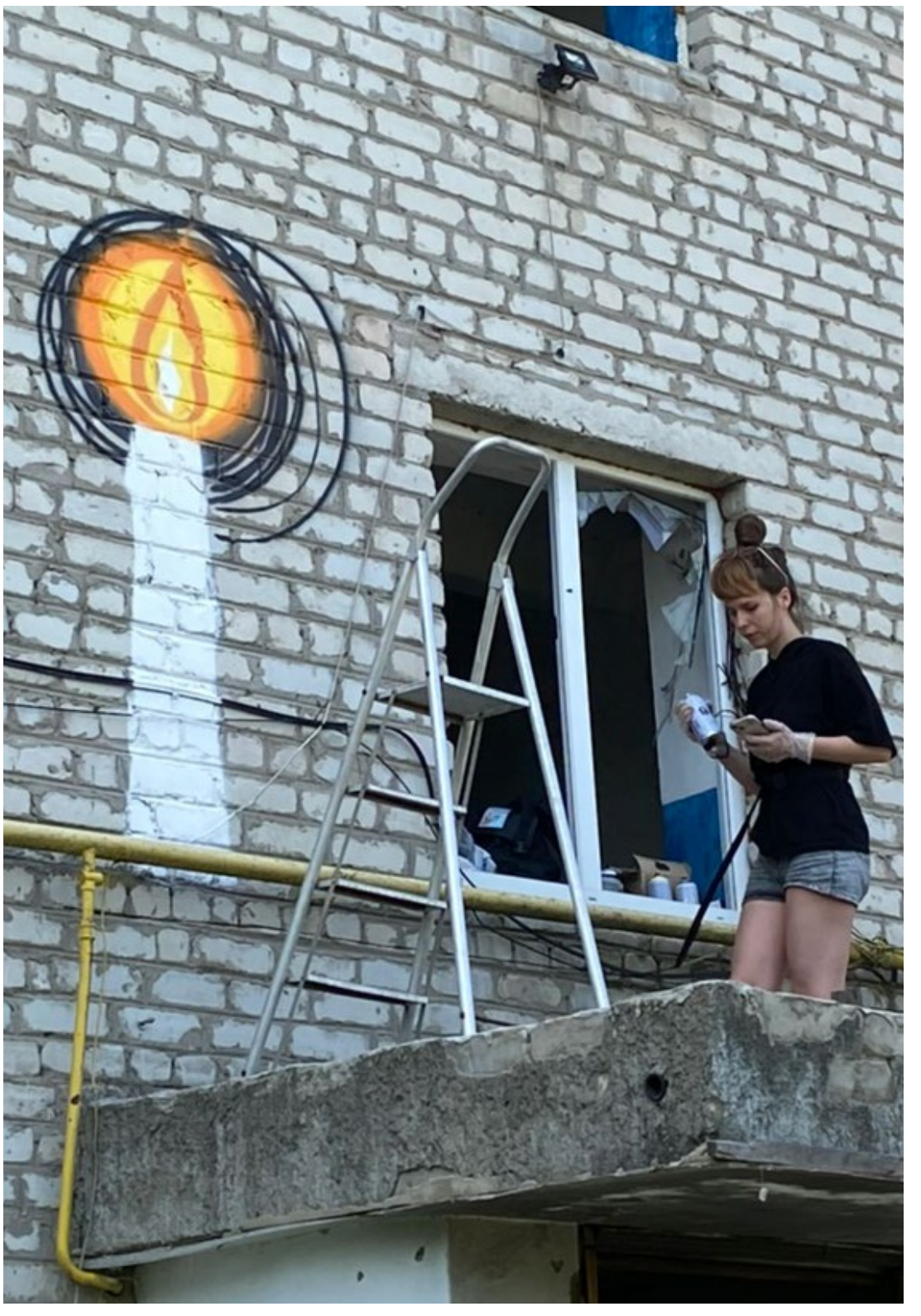
our values."

In those regions occupied even temporarily by Russian forces, the destruction, looting, and vandalism of art and cultural artifacts has been rapid, systematic and well-organized. It has taken place at a speed, thoroughness, and scale not seen in Europe since the Nazis or the Soviets during World War Two. What valuable art has not been burned or blown to pieces, has been carried off. Russian occupiers helped themselves to a unique collection of coins and medals from a local museum in Mariupol. They looted the Kuindzhi Art Museum, named after Arkhip Kuindzhi, a famous Mariupol-born landscape painter. A unique collection of ancient gold artifacts was stolen from the city of Melitopol. The list goes on. Reports indicate that stolen items have already turned up in Moscow and on the black market. Libraries have been stripped of Ukrainian language books, while books on Ukrainian history, poetry and literature have been replaced by texts approved by Moscow extolling Russian culture and history. The Zelinskys are exactly correct. Their nation faces an existential threat from a Russian invasion intended to target and delete Ukrainian cultural identity. Putin's intentions are there for everyone to see. Russia will blot out Ukraine as an independent culture, a people, and an idea. Only ruins will be left, the remnants and memory of culture scattered to the wind or buried in rubble.

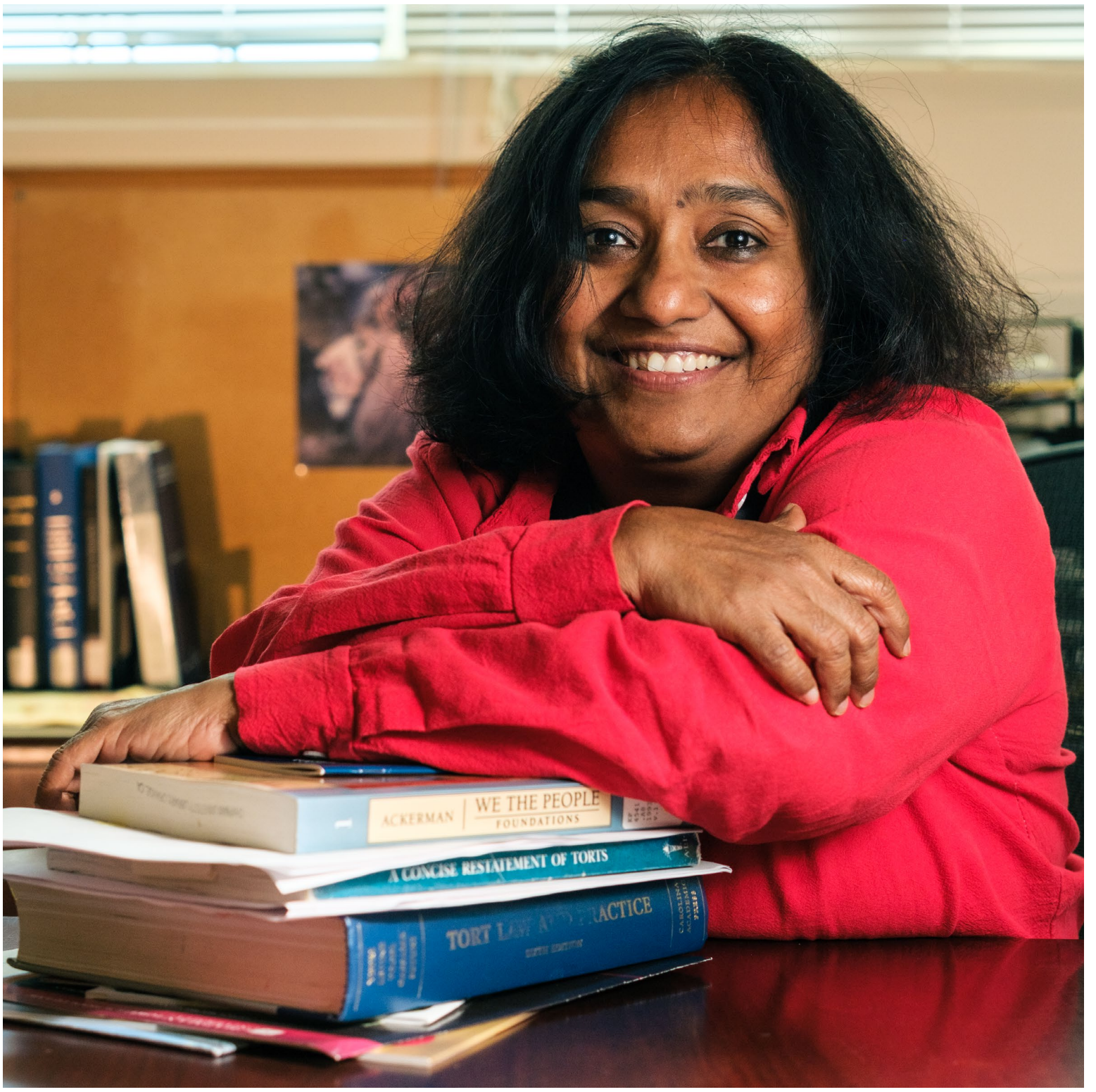
There is, of course, an internationally recognized term for the crime where acts are committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group: genocide. It is a term which brings with it clear duties and responsibilities. We cannot become bystanders to the events in Ukraine, as much as some might wish that, and even if that would be the cheaper or more convenient political path. We owe a moral, ethical and legal duty to ensure that Putin's goal of the erasure of the Ukrainian cultural identity does not succeed.







FACULTY PROFILES



Dr. Deepa Badrinarayana poses for a portrait in her office in Kennedy Hall at the Fowler School of Law.

Dr. Deepa Badrinarayana at Chapman.edu

DR. DEEPA BADRINARAYANA
LEADS THE WAY FOR RESEARCH AND FACULTY DEVELOPMENT

Fowler School of Law's newly appointed Associate Dean for Research and Faculty Development, Dr. Deepa Badrinarayana, aims to craft a new vision for research and faculty scholarship at the school.

Hers is a vision based on constant intellectual engagement at the school that dovetails with broader legal academia as well as the Orange County professional legal community. Badrinarayana's vision seeks to foster the emergence of novel scholarship that meets the law's modern challenges. Badrinarayana's optimism and passion for the project and its challenges are infectious, "We have a vibrant legal-academic community here at Chapman, with brilliant ideas and perspectives that I want to harness to drive the school's scholarship forward."

"The Fowler faculty is currently engaged in a broad range of research interests and activities," adds Badrinarayana, citing Professor Nahal Kazemi's scholarship on social democracy and the First Amendment, Professor Ernesto Hernández-López's work on food law with a special focus on US-Mexico trade disagreements on corn, Professor Suzanna Ripkin's exploration of corporate citizenship, and her own work on environmental law, to name just a few of the numerous academic projects currently underway at the school, a few of which also appear in this publication.

Dr. Badrinarayana joined Chapman University's Fowler School of Law from Pace Law School, where she completed her Doctorate in Juridicial Studies in Environmental Law. Prior to emigrating to the United States, she served as research officer for a Government of India-World Bank Environmental Capacity-Building Project, at the National Law School of India University.

A member of the World Conservation Union, a member of the Committee on Environmental Law, Chair of the AALS Section on Law and South Asian Studies and an Executive Committee member of the AALS Section on Environmental Law, Badrinarayana is a jurist steeped in environmental advocacy and action who relishes her new challenge in supporting for the research and scholarship needs of the thriving Fowler faculty. Looking forward to developing faculty workshops and academic symposia alike to drive this effort forward, she shares a glimpse of some of her latest projects: Scotus in Focus–a panel analysis of recent Supreme Court decisions, and a reboot of her successful 2023 Climate Change conference.

"My goal is to make Fowler [School of Law] a welcoming place for scholars from across the world to feel at home, and to create a space where they can actively engage with the Chapman academic community for the global exchange of ideas and scholarship," she adds.

"To my mind, the rule of law has real, transcendental value," Badrinarayana adds, "my goal is to create a space for academic objectivity so that we can be part of a process that creates fairness in society." We are looking forward to enjoying the fruits of Dr. Badrinarayana's efforts as she tackles the challenges ahead.

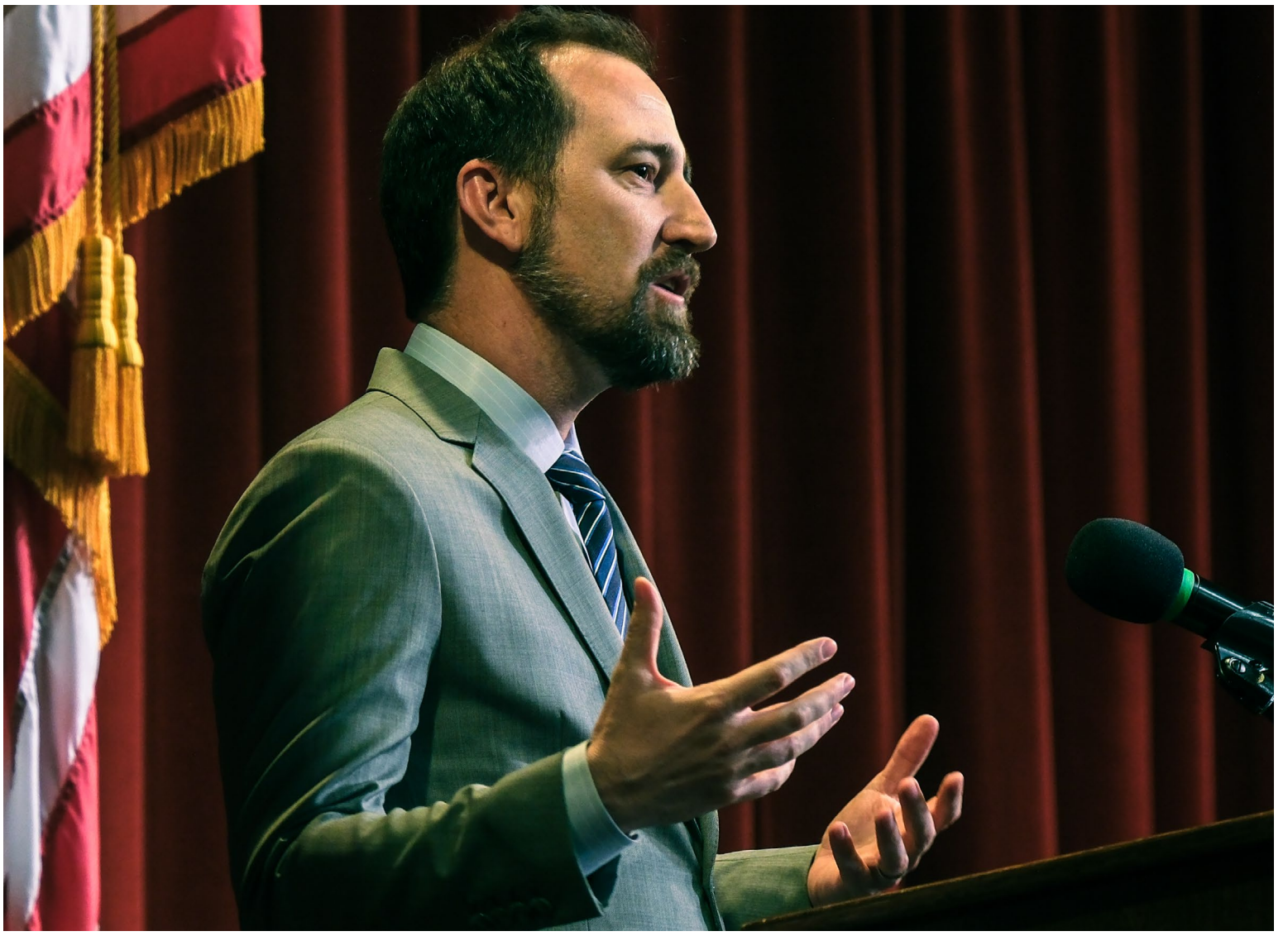
NATE CAMUTI
IT'S ALL ABOUT PHYSICS, PASSION AND PRACTICE

BY MELANIE WU

Nathan "Nate" Camuti (JD '14) brings extensive experience in IP and Copyright Law to the adjunct faculty team.

Camuti was interviewed for this publication by Fowler School of Law Student Media Assistant and rising 2L student Melanie Wu.

Nathan Camuti at Chapman.edu



Camuti (pictured right) welcomes Fowler graduates to the profession and the alumni body at the December 2023 Bar-swearing in ceremony.

Professor Nathan "Nate" Camuti (JD '14) is a seasoned attorney, dedicated alumnus and educator at Chapman University's Fowler School of Law, where he can usually be found teaching Copyright Law. With a career that blends practical legal experience with a passion for teaching, Camuti provides students with an insightful, real-world perspective on intellectual property law.

His background—ranging from business management to patent law—allows him to offer a unique perspective and approach to legal education, deeply informed by his own diverse professional journey. He is committed to fostering a supportive and engaging classroom environment that helps students develop both legal knowledge and practical skills.

Before entering the legal field, Camuti earned a Bachelor of Science in Physics with a minor in Philosophy from the University of California, Irvine. He later completed his J.D. at Chapman University's Fowler School of Law after transferring from Thomas Jefferson School of Law. Camuti's path to law school was circuitous, he spent ten years managing small businesses—including a chain of snowboard shops—and coaching the Davis High School snowboard team. This experience helped him develop leadership and organizational skills that would later shape his approach to legal practice and teaching.

After passing the bar, Camuti began at a modest patent prosecution firm in Orange County, where he specialized in utility patent applications and patent office responses. He is now the founder of Camuti Law Group APC, where he practices both litigation and transactional intellectual property law. Always an active member of the Orange County legal community, he has served as the president of the Orange County Intellectual Property Law Association and as a member of the Dean's Council at Chapman's Law School. He currently chairs the Fowler School of Law Alumni Board, working to strengthen connections between alumni and support the professional growth of Chapman graduates.

His teaching philosophy is rooted in his belief in the importance of mentorship, balance, and personal relationships in achieving long-term success. After returning to education later in his own life, Camuti values the diverse life experiences that students typically enter Fowler School of Law with and encourages his students to pursue a balanced approach to their academic and professional lives.

Outside of his professional work, Camuti is still an active snowboarder and keeps up to speed with his reading on current developments in physics, dual passions that help him maintain a healthy work-life balance and stay connected to his love of learning. Through his teaching and leadership, Professor Camuti continues to have a lasting impact on the Chapman Law community and beyond.

"When you tour law schools, everyone gets the 'We are family here' spiel, but at Chapman, we are very fortunate; it isn't a sales pitch–it's true," quips Camuti.

SHAWN HARPEN A SEASONED PROFESSIONAL REGULATOR JOINS THE FOWLER TEAM TO TEACH PROFESSIONAL RESPONSIBILITY

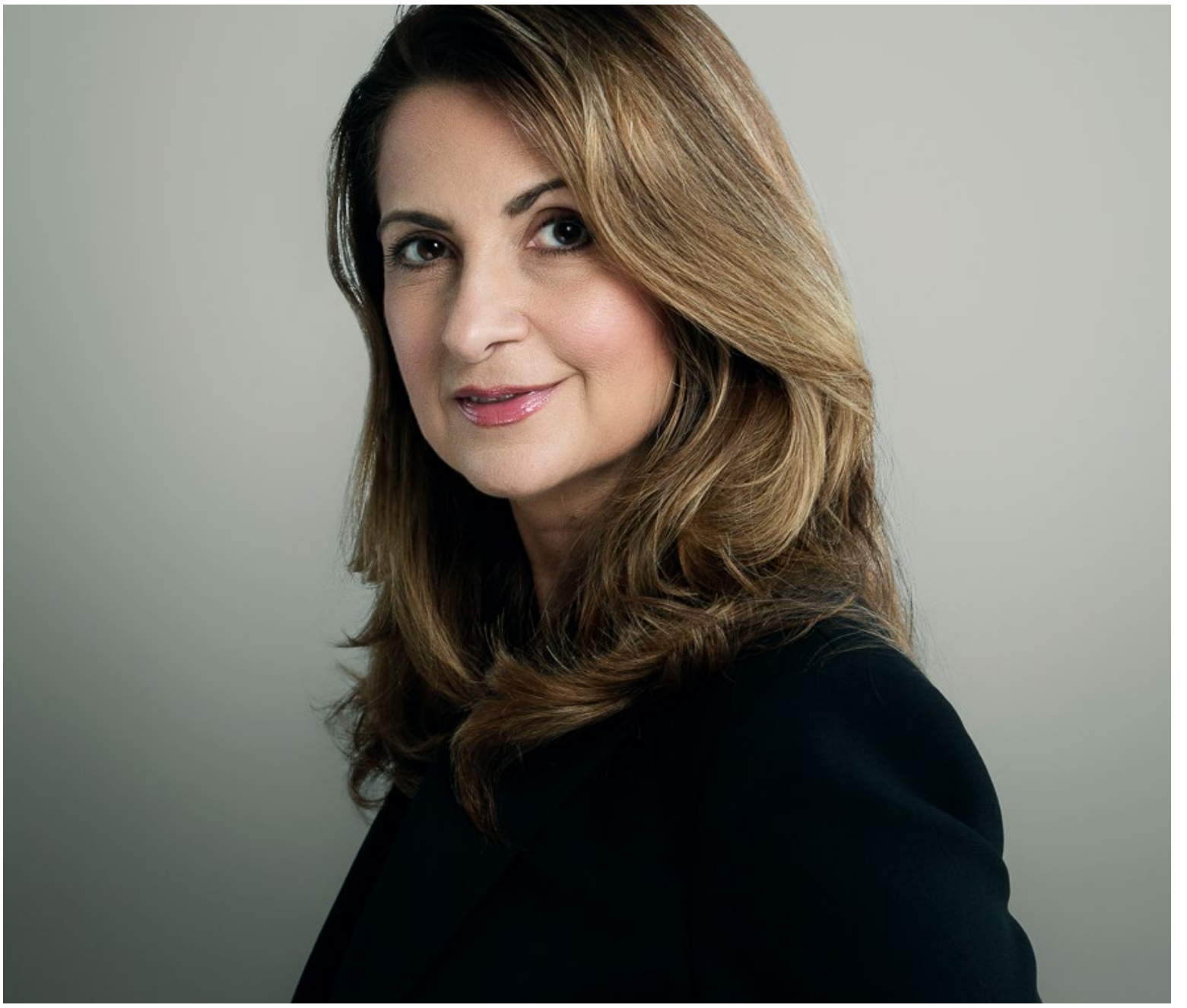
When Shawn Harpen agreed to Dean Paul Paton's request to add her to the Fowler School of Law's roster of adjunct professors, the community gained not only an extraordinary ethics expert to teach the ins and outs of professional responsibility, but a model for what a legal career might become. To whit, she has been partner at two international law firms, Chief Legal Officer and General Counsel for Patrón Spirits International AG and The Patrón Spirits Company, Chair of the State Bar of California Standing Committee on Professional Responsibility and Conduct, Chair of the State Bar of Nevada's Standing Committee on Ethics and Professional Responsibility, member of the Local Rules Advisory Committee of the United States District Court for the Central District of California, and member of the American Bar Association's Standing Committee on Professional Regulation, to list a few of the positions and appointments Harpen has held to date.

Joining the faculty at Fowler School of Law is timely for Harpen, who had been considering additional avenues to give back to the profession, this time by helping foster the next generation of lawyers. "I had been thinking about teaching for a while," says Harpen, "and Chapman stood out with an impressive level of expertise among its faculty, diverse student body, and an excellent bar passage rate."

"It can be difficult to chart a path at the start of your career," she comments. "New lawyers often end up practicing a particular area of law by luck, or by fate. I have learned so much about the profession over time, and there are many things I wish I had known when I first started. I'm really looking forward to imparting some of that knowledge to prospective lawyers."

Harpen's own start in the law was by no means a direct approach. Initially setting out for a career in broadcast communications and working for an NBC affiliate, Harpen soon took an interest in the law. Recognizing the benefit of a legal education while subsequently working in corporate communications, she began attending law

Shawn Harpen (right) is an accomplished attorney and legal thought leader in the area of professional responsibility. She joins the Fowler School of Law this spring to share her experience and leadership as an adjunct professor.



school in the evening to better understand the legal issues that could arise in her role as a communications professional.

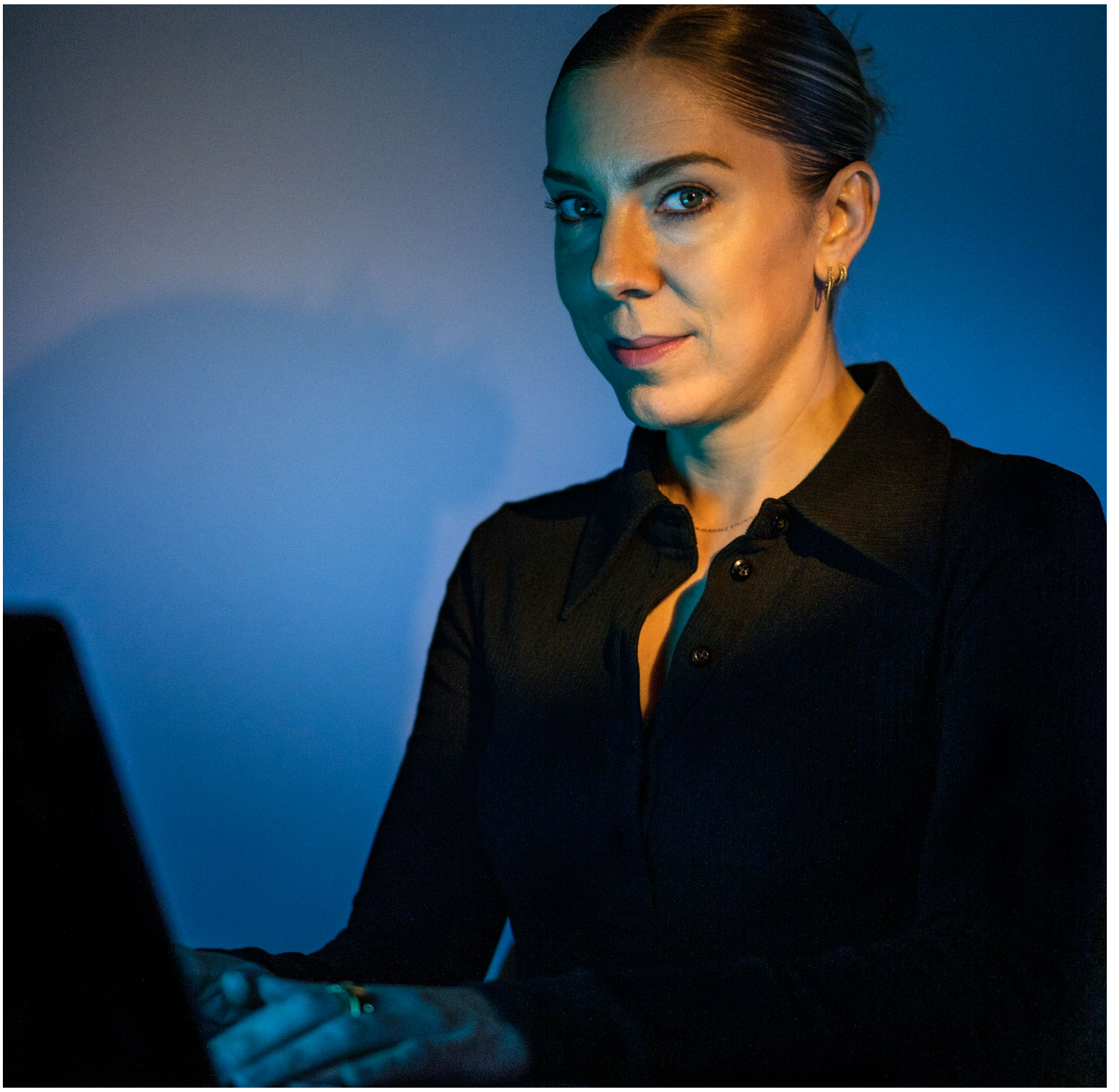
It's clear that once the legal bug had bitten, Harpen was all-in on her legal education and career path into law. She served as an assistant executive editor of the law review, competed on the international law moot court team, and earned her JD magna cum laude from The University of Toledo in Ohio. In the years that followed, she made partner at McDermott Will & Emery LLP, joining Jones Day as a partner after that, and then on to vaunted spirits disruptor Patrón Tequila, as in-house general counsel, providing domestic and international legal advice for the better part of a decade. She also recently obtained a master's degree in sustainability at Harvard University to bolster her knowledge in this key area. These days, she chairs the audit committee of the board of directors of the Starlight Children's Foundation and serves on the board of directors for the Climate Reality Action Fund, all the while serving clients as founder and CEO of Px3 Legal Consulting Corporation.

"The first real lesson I learned is to come to the table with a solution, not a problem," says Harpen, describing her trajectory through her various roles in her career. It is a kernel that has served her well, ultimately germinating into her contemporary notion of a lawyer's ability to work with different functions in an organization to help evaluate the bigger picture, leading to more efficient and effective operations.

"Engaging counsel early can really make a difference," she adds, "it can get expensive if you skip the foundational steps in this process," describing the need for informed legal guidance, essential in mitigating risk as well as being proactive in solving organizational problems before they arise. Part and parcel to this is "knowing your limits," she adds, "if you don't know an area [of law] well, you need to get up to speed on it, or associate with someone who focuses their practice on that area and obtain the necessary guidance."

With the knowledge that the practice of law involves assessing and navigating a lot of grey areas, her goal is to help students find the confidence to face the daily challenges that will surely come their way, an ability to think professionally and responsibly, and ultimately to be comfortable with the advice they provide to their clients as professionals.

KAITLIN PETERSON
IT'S GAME ON! WITH META'S TECH-SAVVY GENERAL COUNSEL



Kaitlin Peterson (JD/MBA '16) graduated from Chapman University's Fowler School of Law with a dual JD/MBA degree in 2016 and returns to her alma mater to teach Video Game Law.

Returning to Fowler School of Law to teach Video Game Law as an adjunct professor this spring is double Panther Kaitlin Peterson (JD/MBA '16), currently working as general counsel at US multinational tech conglomerate Meta, bringing with her a wealth of experience in gaming, IP and entertainment law. You might think that gaming and entertainment law would have been an obvious choice for this lively and driven Orange County advocate, but when the gaming penny finally dropped, it took Kaitlin Peterson by surprise.

As a student at Chapman, Peterson found her way into any number of leadership roles: President of Moot Court, President of the Sports and Entertainment Law Society, and Treasurer of the Student Bar Association, to name a few. With a natural affinity for sports and being part of a team, she sought internships with the Angels baseball team, and the World Poker Tour–a hybrid of entertainment and sports that played as a TV show but also included gambling– but it was only in former Eric Roeder's (general counsel of Blizzard Entertainment) gaming law class at Chapman that the proverbial penny dropped with a resounding, "This. Is. It!" says Peterson.

A casual gamer in her youth, Peterson was a quick study of both Blizzard's gaming portfolio and what her soon-to-be mentor from Blizzard had to offer her and her Chapman class from his years of experience in gaming law.

Peterson excelled under Roeder's mentorship and tutelage, securing a widely coveted role as in-house

counsel at Blizzard and staking her own claim as one of Blizzard's up-and-coming legal advocates. Four short years later, amid the waxing and waning of tech company fortunes and the ascendancy of social media giant Facebook/Meta, Peterson felt she had "grown beyond [her] role at Blizzard" and joined the Silicon Valley digital behemoth, Meta in 2020, supporting gaming partnerships, contract deals, and entertainment licensing for public-facing programs for Meta Games. Fast forward to four years later, she is now a rising star in Meta's Reality Labs legal team, a mixed-reality gaming platform aimed at augmented devices that, to paraphrase Marty McFly: You may not be ready for, but your kids are going to love. This new form of mixed/augmented technology represents a new frontier for the law, digital rights, rights to privacy, in-house advocacy and education.

What Peterson brings to Chapman this spring is something not typically found in law school syllabi. Drawing on her extensive experience as in-house counsel in the tech sector, working with teams of whip-smart creatives, coupled with her leadership, experience starting as far back as her MBA years at Chapman, Peterson intends to walk Fowler School of Law students through the essential relationship-building between attorney and client (and their various in-house teams) to position in-house counsel as their ally, not their adversary. Sure, there are the meat and potatoes of entertainment and gaming law to get through, too, but Peterson's unique contribution is located squarely in positioning the in-house legal team as an advocate for the organization and an ally for the creative team, something she finds critical and draws on daily in her current role at Meta.

"Chapman already teaches excellent practical knowledge and expertise," she says, "I'm here to show students how to take that and be a good partner when you are an in-house attorney."

For Peterson, the early development of her career came from the scaffolding, career opportunities and guidance her mentors provided her with. Her hope is to return the favor and pass along hard-won lessons, insider insights, and leadership skills gleaned in the trenches of the tech sector. We are thrilled to have this alumna return to Fowler School of Law to offer these same gifts of guidance, experience, and unique insight from a generation-defining industry like social media, gaming and entertainment.

RYAN COOPER ALUMNI SUPPORT FROM THE HEART OF THE CHAPMAN FAMILY

Chapman alumnus Ryan Cooper (JD '18) is a welcome presence on Fowler School of Law's panels for advocacy adjudication and at our open house alumni panels. Cooper brings a wealth of advocacy experience to his engagements at the school, guiding current and prospective students while helping them refine their courtroom skills and professional presence.

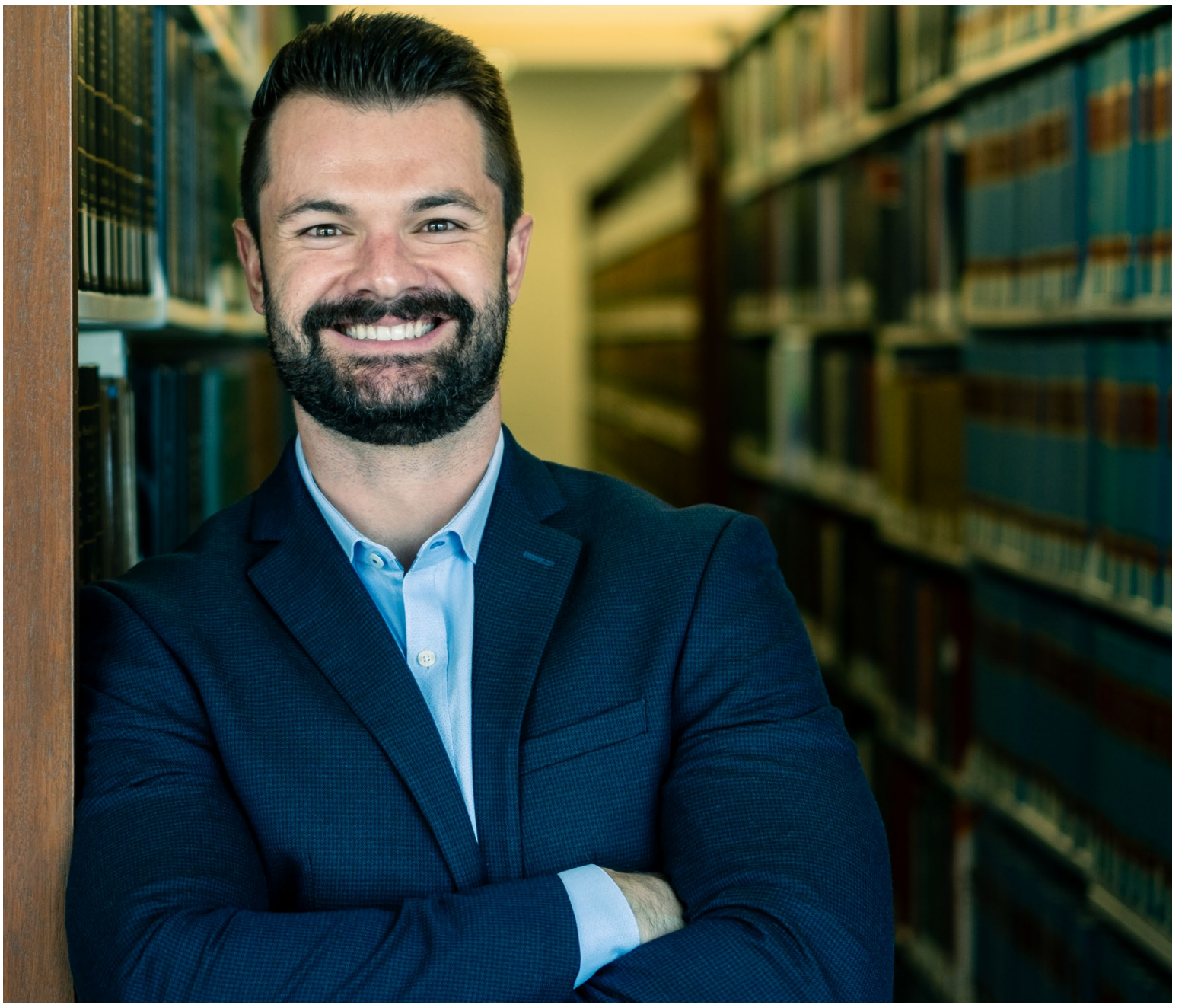
Cooper's commitment to mentoring the next generation of Fowler graduates mirrors, in many ways, his own introduction to the practice of law and his 2L summer clerkship at a plaintiff personal injury firm. Thrown into the deep end from day one, Cooper found himself managing a full caseload and managing a team of legal assistants on his first day in the office to help the firm "plug the hole between lawyers, as one exited and one came on board."

Shouldering this enormous responsibility was daunting but manageable with the excellent support system Cooper had around him, "I just had to figure it all out," says Cooper, "but I was lucky in that I was surrounded by amazing people willing to help me out and mentor me along the way."

This is a common theme threading its way through much of his career, from even as early as pre-admission to Fowler School of Law. As a pre-law student, Cooper only sent out one law school application–the one to Fowler School of Law. "Being accepted felt like a gift," he says, reporting on how lucky he felt to be accepted. It drove him to take his 1L year very seriously, dividing his time evenly between getting the sort of grades that would make him the Managing Editor of the Chapman Law Review editorial team and finding the sweet spot in the Venn diagram between the areas of law he liked and what he realistically could apply himself to for years to come.

"Do you make it, or do you find it?" Cooper speculates aloud about settling on a good career path. Perhaps it's a bit of both, as in Cooper's case, where he reports loving personal injury law from the first taste of it in his fateful 2L summer–liking it enough for a return visit and then turning it into a well-hewn career path, "I think I just listened to my gut the whole way," he offers, "I was thrown in the deep end early on, but I really liked [personal injury law] from the start, and the more experience I got and the more clients I helped, the more passionate I became."

For Cooper, the transition from law student to professional practice was entirely facilitated by mentorship–those



Ryan Cooper (JD '18) is one of numerous committed Fowler School of Law alumni involved with the continual development of our competition teams, our in-house contests and student mentorship.

mentors that fell into his lap and those he sought out along the way. It was through mentorship with senior lawyers that made it obvious to Cooper that the "transition from law graduate to practicing professional wasn't a bridge that you cross, but more of a bridge that you have to build for yourself," with mentors showing you how, and where, to build and conduct professional relationships–a skill Cooper is keen to impart on the fledgling law students currently studying at Fowler.

His advice to students follows a somewhat paradoxical approach, "I tell students that they really shouldn't know definitively what their career paths should look like. You have to keep an open mind. Otherwise, you're in danger of closing yourself off to things that might surprise you, to practice areas you might like."

Coupled with Cooper's constant admonition to "work hard and chase the stuff that excites you," this seems like hard-earned advice, particularly for law students trying to figure out the path ahead while laboring under the weight of their studies. Cooper's advice advocates a career path that is lit by the aspects of law that resonate with a student's personal drivers, while avoiding the mistake of following a borrowed narrative of the "right" or "expected" thing to do.

Cooper's own passion for personal injury law cannot be separated from his passion for people–every client is a unique human being who has been harmed and needs help. Cooper's passion is using his skills and abilities to help as many people as possible.

"I absolutely love that I get to represent someone who is being taken advantage of by an insurance company," he adds, "it means I get to be the person who stands up for those people and goes to bat for them." Cooper also acknowledges the hard behind-the-scenes work that goes into being a successful advocate in personal injury law, particularly the relationship-building and hand-holding that is part and parcel of the job and a welcome privilege for Cooper, "You meet people right at the beginning when they are at their most vulnerable, and then you get to be a part of their evolution, of their healing."

After being in the personal injury law for nine years and cementing his position in this space, this Chapman alumnus offers his mentees the advantages of his years of experience carving out his career path and honing a well-founded passion for advocacy.

A SELECTION OF REPRESENTATIVE PUBLICATIONS

JOURNALS

TOM CAMPBELL

The Economics Case for the Consumer Welfare Standard in Antitrust

The Economics Case for the Consumer Welfare Standard in Antitrust, Antitrust, Summer 2024 at 34.

ERNESTO HERNÁNDEZ LÓPEZ

Corn War: a Trade Fight Between the United States and Mexico

Corn War: a Trade Fight between the United States and Mexico, Cardozo L. Rev. De • Novo 64 (2024).

NAHAL KAZEMI

Spies, Trolls, and Bots: Combating Foreign Election Interference in the Marketplace of Ideas

Spies, Trolls, and Bots: Combating Foreign Election Interference in the Marketplace of Ideas, 2 Fordham L. Voting Rts. & Democaracy F. 227 (2024).

ABIGAIL PATTHOFF & CAROLYN YOUNG LARMORE

Flour, Fondant & Feedback: What the Great British Bake Off Can Teach Us About Critiquing Student Legal Writing

Flour, Fondant & Feedback: What the Great British Bake Off Can Teach Us About Critiquing Student Legal Writing, Perspectives: Teaching Legal Research and Writing (forthcoming Fall 2024)

SUSANNA RIPKEN

Corporate Civil Disobedience

Corporate Civil Disobedience, 100 Ind. L.J. (forthcoming Fall 2024-2025)

LAWRENCE ROSENTHAL

The Debt Ceiling is Constitutional

The Debt Ceiling Is Constitutional, 26 N.Y.U. J.L. & Legis. 679 (2024)

Nonoriginalist Laws in an Originalist World: Litigating Original Meaning from Heller to Bruen

Nonoriginalist Laws in an Originalist World: Litigating Original Meaning from Heller To Bruen, 73 Am. U.L. Rev. 1857 (2024).

Nancy Schultz, Legal Scholar

Nancy Schultz, Legal Scholar, 27 Chap. L. Rev. 285, (2024).

CAROLYN YOUNG LARMORE

First Gen in the Field

First Gen in the Field, 31 Clinical L. Rev. 239 (2024).

BOOKS & CHAPTERS

RICHARD REDDING

Depoliticizing Science by Reforming the Academy

Redding, R.E. (in press). Depoliticizing science by reforming the academy. In L. Krauss (Eds.), The war on science: 40 renowned scientists speak out about the current threats to free speech, open inquiry, and the scientific process. New York: PostHill Press.

Leveraging Campus DEI to Promote Free Speech and Ideological Diversity

Redding, R.E. (in press). Leveraging campus DEI to promote free speech and ideological diversity. In R. Maranto, C. Salmon, L. Jussim, & S. Satel (Eds.), The free inquiry papers. Washington, DC: AEI Press.

OP-EDS & POPULAR MEDIA PUBLICATIONS

TOM CAMPBELL

Ramaswamy and Musk Have Commenced a Long-Overdue Course Correction

"Ramaswamy and Musk have commenced a long-overdue course correction," San Diego Tribune, November 26, 2024.

Tariffs Should Only be Used Sparingly and Constitutionally

"Tariffs should only be used sparingly and constitutionally," Orange County Register, October 26, 2024.

Trump and Biden Both Agree on the Same Bad Idea, a Sovereign Wealth Fund

"Trump and Biden both agree on the same bad idea, a sovereign wealth fund," Orange County Register, September 14, 2024.

Armories Can Be Full-Time Homeless Shelters

"Armories can be full-time homeless shelters," Orange County Register, September 7, 2024.

ERNESTO HERNÁNDEZ-LÓPEZ

Why the US Doesn't Have a Case Against Mexico's GMO Corn Ban

"Why the US doesn't have a case against Mexico's GMO corn ban," Agriculture Dive, July 29, 2024.

Nonsense in the US-Mexico Corn Fight

"Nonsense in the US-Mexico Corn Fight," Food Tank, July 29, 2024.

En Lucha Por Las Tortillas, Derecho Internacional Está Del Lado De México

"En lucha por las tortillas, derecho internacional está del lado de México," Contralínea (Mexico), July 13, 2024.

Los Primeros Tropiezos En La Guerra De La Tortilla Con México

"Los primeros tropiezos en la guerra de la tortilla con México," Contralínea (Mexico), July 4, 2024.

Early Us Fumbles in Tortilla War With Mexico Over GMO Corn

"Early US Fumbles in Tortilla War with Mexico over GMO Corn," Common Dreams, June 27, 2024.

Maize and Trade: Free Lesson for Kenya from México

"Maize and trade: Free lesson for Kenya from México," Nation (Kenya), May 25, 2024, online version May 28, 2024.

Law is Not on the US Side in GMO Corn Fight With Mexico

Law is Not on the US Side in GMO Corn Fight with Mexico," Common Dreams, May 14, 2024.

Mexico Brings Science to a Trade Fight Over GMO Corn

"Mexico Brings Science to a Trade Fight Over GMO Corn," Common Dreams, March 19, 2024.

Canada's Dairy Lesson Can Help Solve Mexico Corn Crisis

"Canada's dairy lesson can help solve Mexico corn crisis," Canada's National Observer, January 16, 2024.

RICHARD REDDING (WITH MICHAEL MILLS & ROBERT MARANTO)

What Type of Social Justice Do We Want?

"What type of social justice do we want?," Skeptic Magazine, September 6, 2024.

PRESENTATIONS

TOM CAMPBELL

Law Revision Commission Testimony

California Law Revision Commission, Sacramento, CA. May 1, 2024.

ERNESTO HERNÁNDEZ-LÓPEZ

Legality of the Commodity Credit Corporation

Academy of Food Law and Policy Conference, School of Law, Loyola University Chicago, IL. November 15, 2024.

Trade Sovereign Vs. Food Sovereign

ClassCrits conference, Southwestern School of Law, Los Angeles, CA. February 9, 2024.

A Reflective Look at Using Law to Build a Robust Global Food System

Reflecting on the Past to Advance the Future, UCLA Law, Los Angeles, CA. April 19, 2024. (Panelist)

NAHAL KAZEMI

Scotus in Focus: Insight Into Key 2024 Supreme Court Decisions

Fowler School of Law, Chapman University, Orange, CA. October 24, 2024.

Corruption As a National Security Risk

Syracuse University College of Law, National Security Law Research Seminar, Syracuse, NY. September, 2024.

Starving the Beast: A New Vetting Model Tt Prevent Corruption in International Security Sector Assistance

Junior International Law Scholars Association, Works in Progress Workshop. August, 2024. (Presenter)

Association of American Law Schools National Security Law Section, Works in Progress Workshop. April, 2024. (Presenter)

Southern California International Law Scholars Conference April, 2024. (Presenter)

PAUL PATON

AI, the Digital Space and Regulating the Legal Profession

International Bar Association Annual Meeting, Mexico City, Mexico. September 18, 2024. (Moderator & Speaker)

Adjacent Businesses, Regulatory Barriers and Virtual Nomads

International Bar Association Annual Meeting, Mexico City, Mexico. September 16, 2024. (Moderator & Speaker)

Appraising Unconscious Bias: Gender, Ethnicity, Race, Sexual Orientation and Gender Diversity and Neurodiversity Globally

IBA Diversity and Inclusion Council, International Bar Association Annual Meeting, Mexico City, Mexico. September 16, 2024. (Invited Speaker)

Lawyers as Gatekeepers – ABA Resolution 100 and Rule 1.16

Special Workshop on Lawyers as Gatekeepers, 10th International Legal Ethics Conference, University of Amsterdam [Paper to be published by Routledge in a forthcoming collection, Lawyers as Gatekeepers, in 2025]. July 19, 2024. (Paper Presentation)

Lawyer Regulation and Mobility in the United States and Canada

Special Workshop, "Legal Professionals in a Digitalizing World", 10th International Legal Ethics Conference, University of Amsterdam, Holland. July 18, 2024.

Lawyers as Ethical Gatekeepers

Royal Institute for International Affairs (Chatham House) and the International Bar Association's Legal Policy and Research Unit. July 4, 2024. (Invited Roundtable Participant)

How Solo and Small Law Firms Can Meaningfully and Lawfully Engage in Diversity Employment and Business Practices

California Lawyers Association 2024 Solo and Small Firm Summit, Virtual Conference. June 13, 2024. (Speaker & Panelist)

Navigating the Legal Implications of Artificial Intelligence

Alexis de Tocqueville Society, Orange County United Way, Irvine, CA. April 23, 2024. (Speaker)

Diversity, Inclusion and Civility in the Legal Profession

Chapman University Fowler School of Law, Orange, CA. March 21, 2024. (Speaker & Moderator)

Ethics, Civility and Lawyering in the Age of Generative AI

J. Reuben Clark Law Society Orange County Chapter, Irvine, CA. January 18, 2024. (Speaker)

The Future of the Legal Profession: Values, Civility and Ethics in the Law

California Lawyers Foundation Webinar, January 17, 2024. (Speaker)

ABIGAIL PATTHOFF

Making AI Work for You (the Law Professor)

Arizona State University Law School Webinar. October 25, 2024. (Presenter)

Generative AI As a Discipline-Building Tool

14th Western Regional Conference, Seattle University School of Law, Seattle, WA. September 13-14, 2024.

Can Generative AI Help Build the Legal Writing Discipline?

Legal Writing Institute 2024 Biennial Conference, IU Robert H. McKinney School of Law, Indianapolis, IN. July 17-20, 2024.

LAWRENCE ROSENTHAL

Closing the Remedial Gap After Whole Woman's Health

Southeastern Association of Law Schools 2024 Conference, Fort Lauderdale, FL. July, 2024. (Presenter)

70th Anniversary of Brown V. Board of Education

Superior Court of Orange County, the Orange County Bar Associationn & The Thurgood Marshall Bar Association with Fowler School of Law, Orange, CA. February 29, 2024. (Panelist)

CAROLYN YOUNG LARMORE

First Gen in the Field

AALS Annual Meeting, Section on Empirical Legal Research, Washington, DC. January, 2024.

AALS Conference on Clinical Legal Education, St. Louis, MO. May, 2024.

CAROLYN YOUNG LARMORE (WITH ANAHID GHARAKHANIAN AND JANET NALBANDYAN)

First Gen in the Field

Externships 12: The Power of Agility: Navigating Change with Externships Conference, Boston University School of Law, Boston, MA. October 17-19, 2024.

APPOINTMENTS

JOHN BISHOP

Committee Member, ABA Mediation Committee
American Bar Association

PAUL PATON

Chair, International Bar Association Alternative and New Law Business Structures Committee
International Bar Association

Presidential Appointee, ABA Standing Committee on International Trade in Legal Services 2024-2027
American Bar Association

Member, International Bar Association Diversity Data Working Group, 2024
International Bar Association

ABIGAIL PATTHOFF

Chair-elect, Legal, Writing, Reasoning, and Reasearch Section of AALS, 2025-26
Association of American Law Schools

Editorial Board Member, The Second Draft
Legal Writing Institute

RICHARD REDDING

Elected to Membership
American Law Insititute

CAROLYN YOUNG LARMORE

Secretary, AALS Empirical Study of Legal Education and the Legal Profession Section
Association of American Law Schools

Co-chair, AALS Externship Subcommittee on Scholarship
Association of American Law Schools

Raiders of the Lost Art

Legal Challenges & Recoveries

CHAPMAN LAW REVIEW SYMPOSIUM
JANUARY 31, 2025

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