After receiving many emails expressing positive feedback on my article titled The Search for the New Dean of Chapman Law in the last issue of the Chapman Law Courier, I wanted to write a follow-up. In the previous issue, I expressed my point of view that Chapman University School of Law should take a serious look at bringing in a big name to make headlines and to enhance the prestige of our law school. My suggestion was Ben Stein, a man with a superb academic and political background (graduate of Columbia University in economics with honors, valedictorian graduate of Yale Law School, speech writer and lawyer for Richard Nixon at the White House and then for Gerald Ford). Not to mention Stein’s celebrity status would truly put Chapman Law on the map (Stein is best known for his role in Ferris Bueller’s Day Off and as being the host of “Win Ben Stein’s Money”). In addition, his hiring would legitimize Chapman Law in the area of Entertainment Law.

Now it would be misleading if I said that all I received was positive feedback in suggesting Ben Stein as the next Dean at Chapman Law. I also received several laughs (mostly from Professor Kochan) and statements such as “you have got to be kidding” and “Ben Stein went to law school?” It is not surprising that these professors and law students would argue with me about why Ben Stein would not be the best choice.

Although I specifically suggested Ben Stein, I feel that my main point may have been lost from that article. The main point is that Chapman University School of Law truly needs to bring in a big name. Now I still think Ben Stein would be a great choice, but it does not have to be him specifically. It could be any big name, such as John Ashcroft.

See Dean on page 2

Search for new Dean of Chapman Law - Part II

- Darren Case
case103@chapman.edu

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The academic year has finally come to an end and I must say that I could not be more pleased with the progress the Courier has seen in the past few months.

At the risk of sounding like an Oscar winner, I do have a few people to thank for this remarkable year. First and foremost, I want to thank my staff for being so fantastic.

I am so grateful to have a group willing to devote their precious study hours to providing the Courier with exceptional articles and photographs. I look forward to working with all of you again next year.

I, along with the Courier staff, also owe a huge “thank you” to Professor Kochan. The concept of the Courier was entirely his creation and without his support, it might never have come in to existence. We are quite fortunate to have him as a faculty advisor.

I would also like to thank a few special individuals that have shown a great amount of support for the Courier that far exceeded what I could have ever expected: Professor Bell, for fundraising for the Courier (without being asked!); David Finley, for his advice and direction in managing the paper and for the awesome masthead; and Leslie Ivie, Gloria Davis, Barbara Babcock, and John Bailey for their tremendous support of Courier fundraising events!

I would also like to recognize Dean Williams for his encouragement of our efforts from the beginning. I am very proud that I have had the opportunity to be at Chapman during the Dean’s tenure and will miss him greatly as he goes into retirement. I hope that his successors realize that they have a lot to live up to.

Thank you all for making this year so great. 3Ls, good luck on the bar-please come back and visit. To everyone else, good luck on finals and have a great summer!

- Ashley Jurca
  Editor in Chief

Dean, continued from page 1

John Ashcroft, like Ben Stein, has a superb academic and political background. Ashcroft graduated with honors from Yale University and earned his Juris Doctorate from the University of Chicago. Ashcroft was Missouri’s Attorney General for two terms, and later became Missouri’s Governor. His political career continued, where he was elected to the United States Senate. Finally, he became the United States Attorney General during George W. Bush’s first term.

Currently, John Ashcroft is a professor at Regent University School of Government in Virginia Beach, Virginia. He is also a law professor during Regent University School of Law’s summer abroad program. Most importantly, Ashcroft has expressed his fondness of Orange County, California. Why not make him the next Dean of Chapman University School of Law?

As I stated in my last article, Chapman is an amazing law school and university, which needs a big name to come in here to give us the respect we deserve. John Ashcroft would be a great addition for our law school. So would Ben Stein. So would any other qualified big name individual.

Sources:
http://www.benstein.com/
http://www.whitehouse.gov/government/ashcroft-bio.html

The Courier executive board maintains general editorial control over the content of its articles. We reserve the right to make changes, omissions, improvements, or other modifications in any of the information or materials at any time without notice.
The first successful and catastrophic terrorist attack using an airliner happened on December 18, 1973. It took place in Rome and “only” claimed the lives of 30 passengers since the explosives used were detonated prior to takeoff.

Those who sought to harm the West and its citizens took an opportunity to create chaos and wreak havoc on a previously unimagined scale. Inevitably, grander plots of destruction would be unveiled. Incidents like the downing of Pan Am Flight 103 over Lockerbie, Scotland, forced civil democracies to consider the consequences of unrestricted and undefended air travel.

Incidents such as these gave rise to heightened security and greater scrutiny of both passengers and cargo in order to provide a safer atmosphere for travelers. It is not necessary to detail the events of the most recent outrage carried out against our nation, but the events of 9-11 forced the nation to further reconsider its previous standards of safety.

One of the best means of protection against those seeking to destroy airliners or to use them as weapons is the addition of armed guards to the flight crews of various airlines. For years countries like Israel have mandated the presence of armed “Air Marshals” to guard flights leaving or entering the country. Israel recognized that its aircraft were prime targets. The country’s solution to ensure the protection of its citizens boiled down to an old fashioned show of force. It is hard to prove a negative. We may not be able to prove that the lack of a 9-11 or Lockerbie style attack against Israel is a direct result of the presence of the air marshals, but it would be silly to contest that it is not at least a significant factor, especially given the near daily attacks carried out in a variety of other venues against that nation.

One of the major rationales for the presence of any type of police force is its ability to act as a deterrent to criminals. The very presence of an armed air marshal who is capable of using force through lawful means is a major benefit, even if he never has to act. Terrorists are much less likely to target an area that they know may be protected by a highly trained and armed individual.

Armed marshals are also the key to travelers’ and flight crews’ peace of mind. Who wouldn’t feel safer knowing their aircraft is being protected by a highly trained individual? Air marshals are versatile, effective and easily trainable. In combination with reinforced cockpit doors, higher scrutiny of passengers, luggage, and cargo, as well as armed pilots, they can be another useful tool in protecting the airways.

The dumbest arguments against armed air marshals goes something like this: “Won’t the cabin depressurize if a gun is discharged on an airplane? Won’t everybody on board die anyway?” I suggest that the people making such an argument do some firearms research and take a basic physics course. Air marshals could easily use pre-fragmented “safety slugs” which are designed not to ricochet off hard surfaces or penetrate walls. And even if you penetrate the airliner’s wall with a regular handgun bullet, the cabin will not depressurize to any measurable degree. A bullet hole would, at most, cause a small amount of leakage, which could be easily plugged up. The risk of ruining the structural integrity of an airliner with small arms fire is insignificant. So why is it that the United States and others still wrestle with the idea of this apparently superior method of defense?
It’s late November and you’ve just found out you passed the California State Bar. After three years of tedious studies, you’ve arrived. The world is your little legal oyster and you cannot wait to find that pearl.

The next day you read a fascinating story in your hometown newspaper about a woman who single-handedly uncovered a large-scale police corruption ring and against all odds brought the crooked cops to justice. Instantly, you picture a feature film starring Sally Fields as the heroine and Al Pacino as the sleazy head of the Police Force. You’re a lawyer now; you can negotiate for the rights. You have always dreamed about working in Hollywood and this could be your golden ticket. You track down the woman and meet with her to secure the motion picture rights to her story. She likes your energy and trusts you, but is reluctant to sell you the rights unless you partner with an established producer. After all, this is a million dollar story.

You use your networking skills to score a meeting with an extremely powerful Hollywood Executive who has a great Beverly Hills location and an even better track record. “Alright, Partner,” you think to yourself as you ascend the marble steps, with more tiger and deer heads than the San Diego Zoo, and a little man engulfed in papers sits behind a large oak desk. He mutters, “Whatcha got?” between cigar puffs - barely taking his eyes off the new issue of Variety sprawled out on his desk. You pitch the story. His eyes light up as he asks you if you know the woman personally, and how you got the story. He notices your discomfort and prods you further… “Say, kid, was the story in the papers?” You remain silent - reluctant to divulge your kernel of knowledge.

He then asks you where you’re from and immediately you fear the worst…you are about to get swallowed by a shark while trying to make your first deal.

Sensing your unease, he assures you that he does not do business “that way” and promises to involve you in the picture if he secures the rights. He plans to set up a meeting with her and you breathe a sigh of relief. You follow up with a letter thanking him for his time and for promising to involve you in the movie. His response? This brief memo: “It was a pleasure meeting you but I recall making no such promise.” He then buys the rights on his own.

Think this sounds like a plot in some Hollywood movie? Well, this is the very first Hollywood negotiation that attorney and expert negotiator William Rose undertook when he was starting out many years ago - an experience, although painful at the time, that taught him an important lesson about Negotiating in Hollywood….or anywhere else for that matter.

The lesson involved the central dilemma in every negotiation. In fact, it’s called “the negotiator’s dilemma” and it occurs when a negotiator must decide when to negotiate cooperatively and when to become competitive. Every negotiation deal requires some level of cooperation. But if you cooperate while the other side competes, that is, grabs value for themselves at your expense, you will be exploited - as Mr. Rose found out. Had he prepared properly, Rose admits, he would have learned this producer’s reputation for backstabbing. With this knowledge, he would have been much more guarded in releasing information about the story. Another failure Mr. Rose acknowledges was his lack of an alternate plan. He admits, “I would have increased my power..."
In the beginning of 2002, Britney had it all. She was ranked the most powerful celebrity in the world by Forbes magazine, her third self-titled album debuted as number one in the country, and her four-year relationship with Justin Timberlake seemed blissful. A mere six years later, the world watched as the Pop Princess suffered from a second failed marriage, a series of stints in rehabilitation programs, and a custody battle that could force her children into the arms of ex-husband Kevin Federline.

The temptress is no stranger to legal woes, and has been engulfed in contractual disputes like most other mega-celebrities. For example, in March of 2003, Skechers filed a multimillion dollar counter lawsuit against the singer claiming breach of contract. The parties settled in May of 2003 for an undisclosed amount. Less than a year later, in February of 2004, a San Diego based company named Lite Breeze sued Spears for copyright infringement based on the name of her 2004 CD entitled “In The Zone.” The company owned trademark rights to “In the Zone” which they filed with the USPTO based on their athletic clothing line. A Los Angeles judge granted summary judgment for the defendants in 2005. Finally, Spears has been sued twice for copyright infringement over her song lyrics: once over “What You See (Is What U Get)” by Michael Cottrill and Lawrence Wnukowski, and more recently over the ballad “Sometimes” by Steve Wallace.

Breach of contract, trademark infringement, as well as copyright infringement sound relatively painless for a mega star with a team of attorneys working around the clock. However, these all pale in comparison to the most recent legal drama - the painful realization that she may lose her children, Sean Preston and Jayden James, in the nasty custody battle that is currently unfolding. Never quite the picture of a perfect mother, it seems Britney has been scrutinized for her “parenting” before she had the chance to become a mother. In 2005, paparazzi captured her lovingly holding FedEx’s hand while he puffed away on a cancer stick. Then, while literally barefoot and pregnant, Spears reportedly stepped on a needle outside a hotel in Hawaii and had to get an HIV test. With all the money she spends on Cheetos and Red Bulls you would think this girl could afford a pair of Skechers.

Since giving birth, we have seen photos of her driving with her four-month old in her lap along the curvy roads of Malibu and practically dropping her son on the cold concrete while walking to her SUV. Furthermore, since her divorce was announced, Britney has turned her attention from parenting and onto the single party scene with classy broads such as Paris Hilton and Lindsay Lohan, which could be disastrous for the custody battle. In fact, Divorce lawyer Dylan Mitchell elaborated in an interview with Fox News saying, “now is not the time to party. Now is the time to be Super Mom.” Just five weeks ago, Britney Spears lashed out on a photographer’s car with an umbrella when Kevin would not allow her to enter his home and visit her kids. Not the reaction you want captured on camera.
Guess What?! Your Classmates May Be Celebrities!
Football v. Baseball: Is Baseball still America’s National Pastime?

With the popularity of football in America skyrocketing, an argument has been made that baseball should not still be considered America’s National Pastime. Bill Idleman seems to think so, as he debates with Darren Case. Each of them brought forth their best eight arguments, hoping to spark a debate among Chapman Law’s student body. So, what do you think? Is baseball still America’s National Pastime?

**FOOTBALL**
- Bill Idleman

  Friday Night Lights - Friday night high school football is a way of life in small town America. The game serves as a gathering place for socializing and community bonding. Only parents and that “crazy old guy” show up to high school baseball games.

  Cheerleaders - Football is home to the Dallas Cowboy Cheerleaders. Would you rather look at Mr. Met or an attractive young lady during a break in the action?

  Mascots - The mascots have character in football. Again, Mr. Met or an actual stampede of buffalo?

  College Football - College football is the unofficial religion of the Bible Belt. Every game matters and its followers are convinced that the sun will not rise following a loss. Do they even have college baseball?

  Tailgating - Sure, there is some tailgating before a baseball game, but football tailgating is an event unto itself.

  Strength of Schedule - Football’s short schedule caters to America’s short attention span and places more importance on each game.

  Modern Day Gladiators - America has a short attention span and a thirst for violence.

  Football satisfies with nonstop action-packed plays and hard hitting.

  The Super Bowl - It’s one game, one large party, and a semi-national holiday that both men and women will watch. The Super Bowl is a worldwide event that captures enough viewers so that every advertising agency on Madison Avenue wants a piece.

**BASEBALL**
- Darren Case

  Rivalries - Baseball: Red Sox vs. Yankees, Chicago Cubs vs. St. Louis Cardinals, Los Angeles Dodgers vs. San Francisco Giants; Football: Hmm…I know there is one, I just can’t think of one that can compare.

  Wrigley / Fenway / Yankee Stadium - Historic stadiums in which epic games have been played for over a century.

  Legends - Mickey Mantle, Jackie Robinson, Babe Ruth, Cal Ripken, Lou Gehrig, Willie Mays, Nolan Ryan, Roger Clemens, Kirk Gibson, Ty Cobb…I could go on for pages. Football was a sport that began by random dudes wearing sweaters, khaki capris, and leather helmets.

  7th Inning Stretch - What other sport will essentially stop a game being played for you to stretch after you have been lounging around and relaxing all day? If that were not enough, baseball allows you to sing a song about your love for the game.

  Baseball had the legend Harry Caray. If you don’t love Harry Caray, you should seek help.

  Game of all Ages - Baseball is a game of all ages. It has been the same game since its inception. You can compare Ty Cobb to Ricky Henderson, Mickey Mantle to Ken Griffey Jr., Bob Gibson to Randy Johnson, etc. For football, see the comment above about random dudes wearing sweaters, khaki capris, and leather helmets.

  Grown-up Temper Tantrums - In baseball, if your game is not going well, you can have a temper tantrum in front of millions of viewers and it is okay. It is a tradition! There is nothing better than watching a manager throw his ball cap, kick some dirt, pause for a moment, and then take a base out and chuck it into the stands.

  World Series - The “October Classic,” need I say more?

  Day at the Park - Baseball is an all day event that your whole family can attend (Football: Drunken Raiders Fans are not family friendly). You can go to the baseball park early to watch batting practice, spend time in the magnificent stadium, lounge around in the bleachers, and have a beer and a hot dog. Speaking of food, football does not even come close. Think of the Fenway Frank, the Dodger Dog, or any one of Milwaukee’s sausages.
Dear Counselor,
Why is law school so much like high school?
Sincerely,
Shocked and Awed

Dear Shocked and Awed,
Consider the following:
“Great minds discuss ideas; Average minds discuss events; Small minds discuss people.” - Eleanor Roosevelt
“Insanity in individuals is something rare - but in groups, parties, nations and epochs, it is the rule.”
-- Friedrich Nietzsche
“You must be the change you want to see in the world.”
-- Mahatma Gandhi

Dear Counselor,
Someone who I thought was one of my closest friends has removed me from her MySpace “Top 8.” What am I to do?

Negotiations, continued from page 4

significantly if I had somewhere else to shop the deal. But without other options, I felt I had to trust him.”

Mr. Rose further explains, “Your goal as a negotiator is to establish a tone in which cooperation is possible. However, you don’t want to cooperate too much, too soon. Start slowly, and if the other side cooperates you continue to cooperate. But if not, don’t reward their competitive moves with cooperation. That sends the wrong message.

Meet competitive moves with competitive responses. Reward only cooperation with cooperation. This is the message you want to send, and if they don’t get it, you can walk away, especially if you have options.”

Oh and if you’re wondering what happened to the movie…like so many others it was never made. It “died in development,” as they say, but the lessons live on.

~William Rose, a Santa Monica attorney and negotiation teacher, has negotiated for and against some of Hollywood's biggest names in Entertainment, Sports and Business....starting with his debut over 30 years ago. More information can be found at www.negotiationhollywoodstyle.com.

Spears, continued from page 5

during this sensitive time.

Not long after, Federline’s attorney, Mark Kaplan, revealed through a written statement that his client “is prepared to go the distance in order to do what he feels is necessary to protect and safeguard the children and will not be intimidated or dissuaded from pursuit of those goals.” This sounds like a man on a mission.

However, I do believe he began producing his first rap album with similar conviction and we all know how successful that was.

Hopefully the two will soon come to an amicable solution that will benefit the children instead of catering to their selfish, self-aggrandizing ways. With the custody battle around the corner, my advice for Britney is simple. Stop partying with DUI offenders, stop experimenting with new hairstyles, stop assaulting innocent people with sharp objects, and start being the loving mother that your children deserve.

NOTE: At press time, attorneys for both sides reached a settlement agreement over the custody of the children after a five hour negotiation. Details have not yet been released, but sources say that Britney was not awarded sole custody. I don’t know about you, but I’m not surprised!