Also

The Armenian Genocide
See Page 4

Copyright, or Copywrong: Garcia v. Google
See Page 10

The Legal Profession’s Dirty Little Secret
See Page 11
“I can do more than I could ever imagine.” I think we have all come to find the truth in that statement. To think that only three years ago, we would have never considered so many things we have done in these past three years possibilities.

Today, we find sitting at a desk for 12 hours straight normal. Drinking at least 5 cups of coffee per day is part of our routine. When someone asks us out for happy hour, we’re already 2 drinks in. Law prom exists...and there are embarrassing photos to remind us of it. Jokes aside, we have all come so very far in terms of our personal growth, maturity, and responsibility. The amount of productivity we have become accustomed to here reaches levels that the majority of our peers outside of law school will never attain.

Three years have passed and we are now asking ourselves, where do we go from here. Many of us have no idea. The reason why we initially attended law school may have evolved into something completely different or transformed into a broader or more specific form. Some of us may dedicate our lives to advocacy whereas others may forego the practice of law in lieu of other opportunities. Regardless of what we end up doing immediately after law school or in the distant future, we have the ability to do things we were incapable of doing three years ago. It is clearly apparent that every single one of us is remarkably different from the person that first entered the law school’s doors.

In these three years, we have experienced tragedies. We have seen sadness fly below the radar until it was too late. We have lost loved ones. We have felt the physical affects of stress beyond our control. But out of these tragedies, we have found hope. Hope that we can help one another. Hope that others can help us. And hope that we can rise above our stressful experiences.

It is this dynamic that makes our law students different from others. We have a unique student body that is unlike those at other law schools. We are Fowler Law Students. Congratulations, to all my fellow 3Ls and good luck to everyone continuing their journey.
Fleming’s Spring 2014 Schedule…

Two-Day LIVE Legal Examination Writing Workshop
- San Jose: February 15/16, 2014
- Los Angeles: March 8/9, 2014
- Orange County #1: March 1/2, 2014
- Orange County #2: March 15/16, 2014

Long Term Bar Review - July 2014

Online Home Study Bar Review - July 2014
Begins anytime after March 1, 2014.

LIVE Ultimate Bar Tutorial™ - July 2014

LIVE Short Term Bar Review - July 2014

LIVE Performance Workshop - July 2014 Bar Review - Orange County
June 21/22 and June 28/29, 2014.

Online Home Study Video Performance Workshop for the Bar Exam
Available online any time.

Online Video/LIVE ‘Science of the MBE’ Workshop
Available online any time.

LIVE Exam Solution™/Final Reviews - Spring 2014
- Orange County – Mid-April 2014.

Fleming’s Courses and Publications…
- California Bar Review - Live/Online
- California Bar Review: Essay Advanced Analysis - Online
- California Performance Workshop - Live/Online
- National Professional Responsibility Review
- California Baby Bar Exam Review
- Exam Focus Chat for The Baby Bar
- Legal Examination Writing Workshop
- Exam Solution™ Final Exam Reviews
- National Performance Exam Solution™
- Essay Examination Writing Workbook, Volume 1, Volume 2, Volume 3 and Volume 4
- MBE Examination Workbooks, Volumes I & II

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Fighting for Recognition: Why We Will Never Forget the Armenian Genocide

By Hilda Akopyan
Senior Editor

This year marks ninety-nine years since the Ottoman Turks massacred 1.5 million people, mainly Armenians, but also Syrians and Greeks. Turkey has denied its occurrence since it happened in 1915. Subsequently, twenty-three countries have recognized the horrific acts that took place. Even though Henry Morgenthau, U.S. Ambassador to Turkey marked it as a “new way to eradicate a nation...[sentencing] a whole nation to death,” the United States continues to deny that it ever happened.

The Ottoman Empire, ruled by the Turks, was once powerful and prospered economically after seizing lands across West Asia, North Africa, and Southeast Europe. The Empire faced serious decline by the nineteenth century, losing a large portion of its lands by 1914. In response, a group known as “The Young Turks” was created with goals of conquering Armenia which, at the time, extended from the Caspian to the Black Sea.

On April 24, 1915, now globally recognized as Armenian Genocide Day, the Ottoman Turks killed Armenia’s artists, poets, writers, and scientists. The attacks were part of an organized and well-planned scheme which gave little opportunity for Armenians to protect themselves or fight back. Once the men were exterminated, women, children, and elders were marched hundreds of miles through the desert without food, water, or belongings. They marched to their deaths.

Those who were not killed instantly were beaten regularly and tortured. Many women found ways to commit suicide to avoid enduring continuous sexual abuse. Records, journals, and testimonies of survivors showed that the victims had their limbs cut off before they were killed. Pregnant women's stomachs were cut open as part of horrific bets made on the sex of the baby. While the rest of the world labeled this a “war,” genocide took place. As Yossi Belin, Israeli Deputy Foreign Minister, put it, “It was not war. It was most certainly massacre and genocide, something the world must remember.”

Less than two decades later, Adolf Hitler organized the most tragic and devastating attack against humanity — killing millions of innocent people. To support his bloody initiatives, he pointed to the Armenian Genocide, saying “[w]ho, after all, speaks today of the annihilation of the Armenians?”
Many Turks, however, were friends with the Armenians and could not stand to tolerate the inhumanity that was occurring. These brave souls put their own lives and families’ lives in danger to help as many Armenian families as possible by adopting young children as their own, giving them shelter, food, and hope for life. Other survivors escaped to different Eastern European countries and the Middle East, which explains why most Armenians are from different countries.

Much of present-day Turkey belonged to Armenia before the genocide of 1915. You can see the beautiful Mt. Ararat with its two peaks Sis and Masis from almost anywhere in Armenia. For many decades, Armenians fought for their land back. Now, they just fight for recognition of the genocide that they went through. Nothing will rewrite history, but denial of the truth causes the biggest wound. Denial allows history to repeat itself. Spreading knowledge and awareness allows atonement for those who wrongfully lost their lives. As Belin has said, “We will always reject any attempt to erase its record, even for some political advantage.”
In a highly controversial ruling issued on February 26, 2014, the Ninth Circuit found that Cindy Lee Garcia, an actress, had an independent ownership interest in her performance in a film, and thus a copyright interest. Scholars, practitioners and many more in Hollywood have criticized the ruling because it has potentially changed the relationship between film actors, directors and producers.

The case involved Garcia, an American, who was cast for a role in a film tentatively titled Desert Warrior. The film's writer and producer, Mark Basseley Youssef, pitched the film as an adventure story set in the Arabian Desert. However, when Garcia saw the 14-minute trailer for Innocence of Muslims on YouTube, in which part of her dialogue had been dubbed over, she knew it was a lie. The film caused uproar and protest in the Muslim world, and an Egyptian cleric issued a fatwa, calling for the killing of all those involved in the making of the film. Garcia received death threats and had to take measures to protect herself, including relocating her home and business.
Simultaneously, Garcia requested that Google remove the video from YouTube. Garcia filed eight take down notices, a requirement under the Digital Millennium Copyright Act, but Google refused them all, claiming she was not the author of the work and had no other copyright in the work. Typically, an actor in Garcia's position falls under the Work For Hire Doctrine and vests his or her rights in a performance to the production company, in this case Youssef. However, because there was no written contract between Garcia and Youssef, the court found that Garcia's performance did not qualify under the doctrine.

Interestingly, Garcia applied for registration of her performance—the same performance she sued to protect in the District Court—in the film and was subsequently rejected. In a letter from Laura Lee Fisher, Chief of the Performing Arts Division of the Copyright Office, to Garcia's attorney, dated December 18, 2012, Fischer told Garcia that her performance cannot be registered apart from the motion picture, and it is not likely she will be able to register the whole work in her name. This is in line with the Ninth Circuit's ruling, which stated that Garcia did not qualify for registration.

The court did find, like it has in other similar situations, Garcia's contribution to the film was so minimal that there was an implied license transferring Garcia's rights in her performance to Youssef, and then the court also found that because of Youssef's fraud in regard to the type and purpose of the film, the implied license was exceeded.

“I actually agree with the court's decision,” said Yasmine O. Abdel-Aal, principal at Markah Legal PC, a local entertainment and intellectual property law firm that represents talent and producers. “Any other way would overly broaden an employer's rights to use an actor's name, likeness, etc., in ways that were not initially intended or known to the party upon entering into the agreement. It's just a basic meeting of the minds situation. Here, there was none,” Abdel-Aal said.

Ultimately, the circuit court held that the public interest implications weighed in favor of Garcia, and that it would “err on the side of life” when it ordered Google to remove the video.

“The panel has adopted a novel interpretation of copyright law that will invite uncertainty and chaos for the entertainment industry, documentary filmmakers, amateur content creators, and for online hosting services like YouTube, allowing bit players in movies, videos, and other media to control how and when creative works are publicly displayed...The majority's approach opens the door to an extra in even Gone With the Wind contacting Netflix and demanding that it purge every copy of the film from its inventory,” Google responded to the ruling.

Google's request that it not be required to take down the video pending an appeal was denied. However the court, on March 13, 2014, ordered Garcia to file a response to Google's petition for rehearing en banc on the copyright issue. Garcia's brief was due April 3.
By Kristalyn Lee
Contributor

Whether instilled by my frugal father or just my own glorified version of a treasure hunt, I have aimed to live life on a budget since the 5th grade. My weekly allowance always seemed to go toward one common theme: clothes. Rolling their eyes, my friends would ask, “Another pair of shoes?” Little did they know that I could buy my whole outfit (shoes included) for the price of their new backpacks. I learned at an early age to get more bang for my buck.

Once I committed to law school, all bets were off. The fact that I could buy a small condo with my tuition alone did not look good for my future as a shopper. In order to sustain my addiction, I had to get creative. I opted to bring lunches and skip the bars: an $8 Bruxie was a new top at Target and a $9 whiskey was halfway to a new pair of shoes at Nordstrom Rack.

I managed to survive law school by living an enjoyable, balanced life...on a budget, of course. Shopping became a way to de-stress from law school. Even though I might have been stumped by a cold call, I quickly rebuilt my confidence with a new outfit for only $20. I even found a new shopping partner in crime, Nayda, who loves a great bargain as much as I. Even though we may have failed our Contracts final, a good faith effort deserves a trip to Nordstrom Rack. If I woke up early for a bar prep on a Saturday...better hit Target on the way home.

I prefer not to wait until I’m a lawyer when I can buy whatever I want, whether it is on sale or not, because the thrill is in the bargain: I will always surpass the retail racks with tunnel vision on the sales and clearance. I will graduate with the skills to begin my career as an attorney, but I will also be able to dress the part, all for just a couple hours pay.

**BUDGETING TIPS**

- **Go straight to the sale section:** Contrary to any prior misconceptions, the sale section almost always has the same quality items, if not better, than the full-priced section.
- **Sell back your clothes:** Buffalo Exchange in Costa Mesa and Crossroads in Newport give you 30 percent...
of the amount they price your clothes, which would have normally gone to Goodwill. You almost always have leftovers.

- **Keep receipts and pay attention to return policies**: Nobody loves buyer’s remorse. Target, Nordstrom Rack, and H&M all have at least a 30-day return policy. If you haven’t worn it in 3 weeks, return it!
- **Coupons and Groupon are your friend**: As Kate Gosselin once said, “Forgetting a coupon is like flushing money down the toilet.”
- **It’s 5:00 somewhere**: save a few bucks by grabbing dinner or drinks at your local happy hour or Taco Tuesday.

**FASHION TIPS: BARGAIN SHOPPING DOESN’T HAVE TO LOOK CHEAP**

- The key in being fashionable is not how expensive the outfit is, but how you piece them together.
- **Favorite stores**: Target, H&M, Forever 21, and Nordstrom Rack. Not to mention their amazing clearance section, all of these stores have great, versatile work-appropriate attire for both men and women. Reflections Shoe store at Irvine Spectrum has a permanent BOGO (buy one, get one 50% off), sales included! Even if your feet end up hurting after a week, you only end up spending $12 for a pair of shoes. To invest in a more comfortable, quality pair of heels, I swear by Nordstrom and its return policy…if they hurt, just take them back with your receipt!
- **A tailored blazer and heels can class up any outfit**: I swear by my H&M blazers, which retail for around $50, but often go on sale for $20.
- **Long hair, don’t care**: sock buns and ponies make for a chic, professional look
- **Wear black or neutral colors to offset statement jewelry pieces, prints, or loud colors**: Forever 21 has a variety of statement necklaces for $18 or less.
- **Invest in a comfortable and versatile pair of flats for emergencies**.
- **If going straight from work to drinks, plan your outfit a day ahead** to allow you to quickly change in the car, such as different shoes and jewelry. See example with referee shirt…please excuse the selfies.
- **Exchanging a few minor pieces makes a huge difference!** Start business casual with a sweater layered over a collared blouse and ditch the sweater and add some jewelry and heels for drinks after work

*Keep up with Kristalyn’s budget updates on where to find great deals at http://lavidaleelee.wordpress.com/*
We hear it all the time in the legal industry: “Network, network, network!” I learned the importance of networking when I was eighteen, but back then, I didn’t even know what the term meant. By chance, I realized that I could land myself a more stable job through friends than I would get just by applying online. I even experienced a warmer welcome at my new job because my friend had put in a good word for me.

Now, I’ve become familiar with “networking events” that require me to step out of my comfort zone. The more networking events I go to, the more I understand how they work. Everyone can be successful at networking — regardless of whether you are an introvert or an extrovert. It’s all about mindset. Here are a few pointers I’ve learned to apply at networking events over the years:

Don’t label yourself. The moment you call yourself an introvert or an extrovert, you voluntarily place yourself in a strict category. You are whoever you choose to be. Give yourself the chance to learn what to improve on after attending a few networking events.

Look at it as a way to make new friends. It eases the tension for both you and the person (or people) you are talking to. If you’re only honing in on finding a new job, people may feel like you don’t care about them. After all, we are human beings and want to feel connections with the people we interact with.

Be the one to break the ice. There are always people at networking events that have difficulty approaching new people. If you decide to take the initiative, it will take the burden off others, and they are likely to appreciate you more for it. Also, breaking the ice shows people that you are confident in yourself. What’s the worst that can happen? If your conversation with someone happens to take a turn toward the negative, remind yourself that there are tons of other people in the room you can talk to instead, and just move on.

Be enthusiastic. Happy people have contagious personalities. It may not seem like a big deal, but you will look more inviting if you put in the effort to smile more. People passing by will see that you and your newfound friend are having a great time talking to each other, so they will feel encouraged to approach you. It really works, judging from my own experience.

Don’t forget to follow up! Networking doesn’t end after you leave the event. Make sure to exchange contact information and reach out to people you met after a day or two, at most. My standard approach is to reach out by email, so that my new contact can feel free to check his or her email and respond at a convenient time. LinkedIn is great, and sometimes Facebook works even better. Remember, each person you interact with is unique — try to get a feel of each person’s likes and dislikes, so you will know how to sound when you reach out after the event.

The more networking events you attend, the more you will improve! Everyone is capable of networking, but the trick is in discovering the approach that is right for you.
THE LEGAL PROFESSION'S DIRTY LITTLE SECRET

By Stephanie Lincoln
Editor in Chief

When I worked as a legal assistant prior to attending law school, I hoped that the sexism I experienced in the workplace was solely a symptom of being lower on the food chain in terms of title. I also hoped that things had changed since 1996 when the ABA’s Commission on Women in the Profession pointed out that “women continue to encounter significant barriers which prohibit their full and equal participation in law school.” But, what I have learned is that sexism is a symptom of the legal profession that is being transmitted from generation to generation.

One generation gets used to the habit that it has seen practiced, and then once that generation is finished practicing law, many teach in law schools. Thus, they take that habit, bring it into the teaching environment, and transmit that symptom on to the next generation of aspiring lawyers.

One Fowler School of Law alumnus who asked to remain anonymous recently said, “The legal profession has failed to advance, as many other professions have, in terms of work/life balance, making it impossible for women to be both involved mothers and ‘successful’ lawyers.” She pointed out that “this is demonstrated by the fact that there are more women attending law school and more women associates at large law firms, yet very few woman partners.” She resolved her dissatisfaction with the legal profession by leaving the practice.

It is not a new proposition to state that some law professors (male and female alike), even some here at Fowler School of Law, have been perceived by students to be sexist. According to a student who prefers to remain anonymous, “the biggest thing I have noticed is the differential treatment of the way men and women are perceived in the classroom.” She noted that she can see this how “when a woman speaks her mind or is acting assertive in the classroom she is perceived as being aggressive, whereas when a man is being assertive in the classroom he is perceived as being confident.”

Some students notice it by how the professors deal with different students during office hours. Others understand there is an issue by noticing continued preferential treatment of some over others, which is displayed in various ways. Another anonymous student said she noticed differential treatment by how one professor “very obviously picks male volunteers over female ones and on numerous occasions, he’d tell a girl she’s wrong and then applaud a guy for an identical answer.” Her method of dealing with this was by dedicating her feelings to more important matters rather than letting his lack of professionalism concern her.

Fowler Law School is not the first law school to see this problem in practice. At Harvard Law, some female law students see it as male dominated and a place that intimidates brilliant women, making them underperform, according to an article by Erin Fuchs.

Even though the “glass-ceiling” has technically been shattered, women are often expected to fit the sorority sister or nurturing mold by “playing nice,” baking cookies for co-workers, dressing up like the other girls, and avoiding making waves with others. As Professor Joan Williams of UC Hastings notes in her book, What Works for Women at Work, professional women are expected to perform office housework such as bringing cupcakes in for birthdays, ordering office lunches, and answering phones in the conference room more often than their males colleagues.

Lois P. Frankel, Ph.D., an internationally-recognized executive coach who has worked with Fortune 500 companies, sets forth certain types of behavior that might help women rise above the things that might unconsciously hold women back in the workplace in her book, Nice Girls Don’t Get the Corner Office. Dr. Frankel does not push women to be more “manly,” but instead, promotes women to rise above being “girly,” in their business interactions. In doing so, she helps women rise above stereotypes that are often associated with women who act like girls in the workplace.

Some tips she provides are that “unless your name is Betty Crocker, keep candy, cookies, and other goodies off your desk.” Also, she advises not to ask for permission and stop apologizing. Another key point that she makes is to “avoid couching your opinions in the form of questions.” Although women should be hesitant to change behavior due to the climate of the profession, the argument can be made that if women start demanding equal treatment by breaking free of stereotypes, greater strides may be made.

It was fitting that Professor Frank Doti kicked off the festivities. After all, he has been instrumental to Fowler’s tax program and provided the introductory piece at the first Chapman Law Review symposium. In his address Professor Doti mentioned that in 1999 there were many calls for simplifying the tax code, and yet, since then, the code has only gotten more complex. However, Professor Doti mentioned that he feels that the federal tax code is not complex: “It’s a damn good law,” said Doti. “It accomplishes its purpose in getting those who can most afford [it, to] pay more tax than those who can’t. But, at the same token, over the years it has become frustratingly ridiculous with respect to the bells and whistles in the law.”

And so, there is need for discussion...and debate. Tax law can be challenging, but a lot of the discussion is based on simple, non-tax ideas. The presentations proved that we can best understand that tax issues are everywhere, important, and not just “math.”

The first panel, moderated by Professor Bobby Dexter of Fowler Law, focused on specific tax issues affecting the business world. According to Professor Jonathan Forman of the University of Oklahoma, pensions and annuities are costly to the treasury, and are just examples of the rich taking advantage of tax deferrals. He argued for a simplified system, so that all taxpayers can take advantage of the various retirement plans. Professor David Hasen from Santa Clara University proposed to treat the taxation of corporate income differently for investors. His plan is to provide for deductions to those who invest in corporations, receive a dividend, and then re-invest prior to the next tax return. The aim...
of Professor Jordan Barry University of San Diego was to lower the corporate income tax because U.S. businesses have a perceived disadvantage compared to international businesses. And finally, Professor Steven Bank of University of California, Los Angeles, feels that the corporate interest deduction should be capped.

The second panel, moderated by Bahar Schippel from Snell & Wilmer, and Kelly Phillips Erb of TaxGirl, provided a lively discussion regarding pass-through entities (Subchapters “S” and “K”). Professor Roberta Mann from the University of Oregon felt that taxpayers should have a choice when it comes to pass-through entities, because choice is good. Her hope is to keep “S” corporations around, as the vast majority of small entities are “S” corporations. However, Professor Walter Schwidetzky of the University of Baltimore opposed this position because of abuse with “S” corporations, explaining that partnerships are a better deal anyways. Professor Robert Morrow from Fowler Law, although unwilling to side with either of the other two speakers, did profess that Section 704 (within Subchapter “K”) is his favorite, as it allows for the attorney to build a partnership around the business, and most importantly, allows for the attorney to have a steady stream of clients.

Professor Edward Kleinbard of the University of Southern California presented the keynote speech during lunch. Kleinbard said, “The reason that tax reform, in the broad sense, cannot happen is because there is no agreement on the fundamental question ‘how large should government be and how much should we finance.’” He furthered explained that “Those of us who think about tax tend to think about questions in the wrong order… The ultimate question is: what should we be spending our money on? And how to finance it is much easier.” Kleinbard added that public debates about tax reform are unproductive because people are arguing about the wrong question, noting that we should focus more on where to spend the money before we discuss how much to spend.

Moderated by Professor Michael Lang of Fowler Law, the third panel discussed the effects of federal business tax reform on state and local tax. Oksana Jaffe from the California State Assembly presented the advantages (such as simplicity) and disadvantages (such as a loss of legislative decision-making authority) of California automatically conforming to federal income tax law (currently, there is delayed conformity). Professor John Swain from the University of Arizona discussed state taxation of out-of-state partners, which could lead to either over-taxation or under-taxation because each state taxes its citizens differently. Professor Darien Shansky from the University of California, Davis discussed the emerging taxation issue regarding carbon tax, which could be initiated on the state level, as opposed to a tax starting on the federal level. However, such taxes could be economically damaging, as businesses would look elsewhere, and so, the challenge is to level the playing field without violating the Dormant Commerce Clause. Todd A. Carper of Ernst & Young “cleaned-up” the panel, noting that California will face many challenges, as it still has to balance the budget on a yearly basis (unlike the federal government), and yet, align its tax code with the federal government (albeit on a delayed schedule).

Moderated by Douglas A. Schaaf of Paul Hastings, the final panel focused on the taxation of multinational corporations. Professor Robert J. Peroni from the University of Texas warned that the international tax system needs to be perceived as a fair system in order to receive domestic support. He proposed an update to the source rules, among other proposals. Professor J. Clifton Fleming of Brigham Young University stressed that it will be unlikely that all countries will agree on an uniform apportionment program that meets everyone’s needs, but a new system is needed. Professor Omri Y. Marian from the University of Florida introduced a “negative” corporation tax residence test, to avoid the tax abuses associated with shell corporations in tax-free jurisdictions. And finally, Professor Tracy A. Kaye of Seton Hall University discussed the tax-avoidance programs that corporations such as Google, Apple, Facebook, and Amazon are exploiting.

The Chapman Law Review symposium covered a lot of taxation issues in a short period. Although it was neat to see that the Chapman Law Review went full circle by bringing back a tax-themed symposium, the issues are just as relevant today, and they will still be relevant tomorrow. Maybe the Chapman Law Review is actually partying like it’s 2099. All of the videos and presentations can be found at http://www.chapmanlawreview.com/archives/2448.
The clinical mediation program at Chapman Law is a hidden gem. No other course or clinic offers students the opportunity to handle multiple cases on a weekly basis. Mediators, with the guidance of Professor David Dowling, work together to settle cases ranging from restraining orders to small claims appeals. Some parties show up pro per, others with attorneys. Some cases are heated, while some parties are eager to settle and avoid a trial. Whatever the circumstances, students are able to learn valuable skills that directly translate into the workforce. "The mediation clinic provides one of the best practical experiences in law school," according to Professor Dowling. His students couldn't agree more. The mediators develop useful communication skills and learn how to deal with attorneys and emotional parties.

As certified mediators, students sit down with the parties and begin by explaining the mediation process, specifically the neutrality of the mediators and the voluntary nature of the mediation. Most importantly, the parties and the mediators sign a confidentiality agreement, standard in all mediations. Following the introduction, the mediators listen, ask questions, and help the parties understand the different options available, including the possibility of settling. If the parties agree to a mutually beneficial arrangement, the mediators scribe a settlement, which is subsequently reviewed by the judge and signed as an official court order. Students have the opportunity to mediate complex cases and craft settlements week in and week out.

Last week, the program had the pleasure of having some distinguished members of Chapman Law observe the mediations. Dean Tom Campbell was one of these visitors. Dean Campbell express that “the work of our students, under the gentle guidance of Professor David Dowling, was exceptional. The students entered into a difficult, emotional conflict, and found common ground. They operated with a high degree of professionalism. Their work was highly valued by the Presiding Judge of the Superior Court, who sought us out to tell us so. And, as a learning experience, I can think of few if any better ways to train our students in the skills necessary to be an effective lawyer.”

Apart from the mediation clinic, Chapman offers a Juvenile Hall Clinic as well. This is a very unique opportunity to meet with minors who are criminal offenders and teach them the conflict resolution skills they most likely never learned. In other words, students help the minors understand different techniques to resolve their disputes so that they can complete their incarceration conflict-free and take the skills they learn into society. The program’s students are a testament to the wonderful practical skills acquired with the hands-on training that the clinics provide.

Professor Dowling offers all of the mediation courses and clinics during the Fall, Spring, and Summer semesters. Any student eager to jump straight into the clinic and begin mediating should contact Professor Dowling if they have questions about the prerequisite requirements. Students who aren’t planning on working this summer and don’t want to pay for units can speak to Professor Dowling if they are interested in taking part in the mediation clinic as an internship. Students can speak with the Professor in his office (room 446) or via e-mail at ddowling@chapman.edu.

### Top 10 OC Hikes

**By Michelina Perani**  
**Staff Editor**

1. **Top of the World Park**  
21601 Treetop Ln., Laguna Beach, CA

2. **Peters Canyon Regional Park**  
8548 E. Canyon View Ave, Jamboree Road, Orange, CA

3. **Holy Jim Falls Trail- 2.8 miles**  
Live Oak Canyon Rd, Trabuco Canyon, CA 92679

4. **Crystal Cove State Park**  
8471 N Coast Hwy, Laguna Beach, CA

5. **Upper Newport Bay Nature Preserve**  
2301 University Dr, Newport Beach, CA

6. **Bommer Canyon Trailhead**  
Irvine, CA

7. **Whiting Ranch- 17 miles total**  
Parking at Market Place at Portola Parkway in Foothill Ranch and at Glenn Ranch Road Staging Area, Trabuco Canyon, CA 92679

8. **Aliso & Wood Canyons Wilderness Park- about 8 miles**  
28373 Alicia Pkwy, Laguna Niguel, CA 92677

9. **Castaways Park- 2.9 miles**  
1401-1499 Castaways Ln, Newport Beach, CA

10. **Irvine Regional Park- 3 mile horse trail**  
1 Irvine Park Rd, Orange, CA 92869
KAPLAN BEATS BARBRI – AGAIN*!

In July 2011 and July 2013 bar exam exit surveys, examinees who took Kaplan rated Kaplan higher than BARBRI students rated BARBRI in the following areas:

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*K*Based on exit survey of 1,973 July 2011 bar examinees and 1,250 July 2013 bar examinees who took bar review. Surveys conducted at 24 randomly selected locations in states where Kaplan offers full service bar review. Each respondent rated his/her primary bar review course. 2013 survey conducted by MMR Strategy Group.
On Thursday, March 27, 2014, Chapman’s Public Interest Law Foundation (PILF) held its biggest event of the year at Turnip Rose Celebrations in Costa Mesa. Students, faculty, alumni, and fellow community members were dressed in their best cocktail attire to attend PILF’s Silent Auction and Gala. The event is organized and run by the members of PILF, but the two students who should be recognized for their outstanding job in organizing this year’s successful event are Silent Auction Chairs Parisah Robin-son, 2L, and John Hughes, 2L. Parisah and John started working on this event last summer and faced a major hurdle in January 2014 when their first venue option fell through. However, they managed to power through and bring everyone together for this magnificent event.

PILF’s Silent Auction has been ongoing for about 10 years and this is the third year that it has been held off-campus. Its primary goal is to fundraise for summer grants given to students who choose to pursue an unpaid position in government agency positions or non-profit organizations working in the public interest. These students are passionate about using their legal skills and knowledge to provide legal services to clients from underprivileged communities.

This year’s Silent Auction began in the evening, as 130 attendees placed bids and mingled with other attendees over cocktails and hors d’oeuvres. Attendees were then escorted into the dining area where a delicious three-course dinner awaited them. Fowler Law’s Professor David Dowling, PILF’s live auctioneer, encouraged attendees during din-
ner to continue placing bids with his enchanting accent. The highest bids placed of the night were for a luxury suite at the Staples Center to watch either an LA Kings, Lakers, or Clippers game ($580) and a dinner with Dean Campbell ($300).

The night also included speeches from Dean Campbell, past PILF grant recipients, and by the two PILF honorees, individuals who have devoted their careers to the legal public interest field. This year, the M. Katherine Baird Darmer Commitment to Public Service Award went to Bill Tanner, directing attorney at the Legal Aid Society of Orange County. Mr. Tanner began his career representing migrant farm workers and seniors. He then worked at the Orange County’s Legal Aid Society in the Seniors and Litigation units before starting his low-income Taxpayer Clinic. Additionally, Mr. Tanner initiated and continues to supervise the Lawyer Entrepreneur Assistance Program (LEAP) to help young lawyers become effective counselors and to help low-income clients.

PILF also awarded the Award for Excellence in Public Service to Renee Gabbard, an attorney at Bryan Cave, LLP. Ms. Gabbard began her career as a Youth Commissioner for the city of Cypress. While attending USC, Ms. Gabbard was the first student appointed to the Board of Governors, as well as President of the Norman Topping Student Aid Foundation, which provided scholarships to local indigents. She taught Estate Law at Chapman University’s law school in the past and was involved in Chapman’s Cortese Elder Law Center. At the Silent Auction, Ms. Gabbard mentioned how she advocated for clients seeking social security benefits as a 1-L. She shared a story of how she would go to the Social Security office daily to help those who needed help filling out their forms. One day she noticed the same man and asked him if he needed help. She soon realized that this man was unable to help himself due to mental issues. She shared with the Silent Auction attendees how that day opened her eyes and how to this day she feels enormous gratitude from contributing her time and skills to the legal field of public interest.

Overall, PILF’s Silent Auction and Gala proved to be a successful event. Although the exact amount raised has not been confirmed, the auction itself, without ticket sales, raised about $10,000. PILF also received $7,000 in sponsorships. Hope to see everyone at next year’s PILF’s Silent Auction and Gala and good luck to the applicants for the 2014 PILF grants!
What I Wish I Knew As a 3L

By Sam Morgenstern
Senior Editor

Although I will still be a 3L until Commencement on May 23, I can easily think of sage words of advice for the now-2Ls but soon-to-be-mostly-apathetic 3Ls. And luckily, many Fowler Law alums have advice for you, too. Read on for golden nuggets of helpful hints…and some stuff I came up with.

1. Enjoy having a life before the Bar Exam—and by the Bar Exam I mean before Professor Mainero adversely possesses your life from June through July. (Lame law school-related joke count: One so far. Read on for more.) “The Bar sucks most in this order: 1) Waiting for results, 2) Studying, 3) Actually taking the test.” Kelly Manley (J.D. ’11)

2. Resist the urge to say ‘fuggetaboudit’ and skip classes to go to the beach, or whatever fun idea you have in mind instead of sitting in class. I hate to sound like a mom here, but we—or someone else—paid “stacks on stacks” (thanks, Soulja Boy) to attend law school, try not to squander the education so close to Commencement.

3. When you do attend class… “be” in class. And I mean “be” as in be in the moment. Not on Facebook, not on Pinterest, not writing your next class assignment that you conveniently forgot to do until you arrived in Select Topics. Listen to lecture, take some notes, participate, and do what you have to do to be a semi-responsible law student during the last year. Kelly Manley (J.D. ’11) agrees: “There will be plenty of ‘I know there’s case law on this exact issue—I learned it in class’ moments, so thorough and saved class notes are still helpful.”

4. Go to the gym, the yoga studio, the crossfit compound, whatever. “Maybe you’ll hate it during your 3L year, but you’ll love it come bar prep time (because almost anything is better than studying for the bar, even exercising).” Brian Nelson (J.D. ’11)

5. “Take as many courses on bar subjects as you can. You have to learn so, much stuff for the bar. Any preexisting familiarity with the material is going to be very helpful. BUT BEWARE: sometimes the stuff you learn in the class will slightly contradict what you are taught in bar prep. That will make you unspeakably angry, so proceed with caution.” Brian Nelson (J.D. ’11)

6. “Applications! You should be using your 3L year to apply to law firms (or whatever job you want). It may be easier said than done, but setting yourself up with a job before you graduate will save you from freaking out after the bar.” Alexandra Khoury (J.D. ’11)

7. “Take practical classes, for example, Trial Practice and Law & Motion ” Nicholas Fortino (J.D. ’12)

8. “I said to my buddy Joe, ‘Hey man, I’m helping out a student at Chapman with an article she is writing. She wants a list of things I wish I had known as a 3L. Any ideas?’ He responded, ‘Um- mmmmm…. Nope.’ So I guess the advice would be choose your friends wisely.” Brian Nelson (J.D. ’11) and the infinitely less helpful Joe Werner (J.D. ’11)

9. “Don’t stress too much about class rank because it is far less important than you think.” Nicholas Fortino (J.D. ’12)

10. “The transition from being a student and studying for the bar to being an adult with a full time job is a tough one. Don’t be afraid to lean on your friends, especially if they are going through the same thing. This transition is especially tough if you went to law school straight from college.” Kristen Briney (J.D. ’12)

11. “Perhaps contradicting what Kristen said, do not be overly worried or concerned with your transition from student to professional. It seems a whole lot more daunting in your imagination than it actually is. You were able to make the transition to being a law student, which is very tough. You will be able to make the transition to being a professional, which I think is actually easier.” Brian Nelson (J.D. ’11)

And just remember, “There are some (actually a lot) of really dumb lawyers, and even dumber judges. Practicing effectively requires being respectful, friendly, patient, and having thick skin.”

12. “Law school doesn’t teach you how to be a lawyer. Practical experience far outweighs reading the books.” Kelly Manley (J.D. ’11)

13. “People don’t actually grow up as they get older. Workplace offices have as much immature drama and gossip as middle schools.” Kelly Manley (J.D. ’11)

14. “Finally, and most importantly in my opinion, realize that you may not see many of the friends you made in law school after you graduate. I made some incredible friends while I was in law school, but when I was there, I didn’t really appreciate the fact that I got to see them all pretty much every single day. Yeah, studying can suck, finals can be stressful, and the bar is too insane to even think about, but enjoy the fact that you get to see some pretty amazing people all the time. After you graduate, people move away, get married, have kids, and get busy focusing on their careers. Where once you would see a good friend multiple times a week, you may only see that person once a month, or once every 6 months, or even never again in some cases. So make the most out of the opportunity to hang out with the people you’ve gone through the law school fire with.” Brian Nelson (J.D. ’11)
On March 20, 2014, Dale E. Fowler School of Law hosted the 10th Annual Religion & The Law Symposium. The Symposium, sponsored by the J. Reuben Clark Society and co-sponsored this year by Fowler Law student organizations and other local law schools, focuses each year on hot topics relating to religious liberty. This year, the topic was on the conflict between religious liberty and LGBT rights, as seen in the recent cases involving photographers and bakers refusing to provide services for gay weddings, and the raft of bills in state legislatures, most famously SB 1062, the bill reported as permitting private businesses to discriminate against LGBT customers.

Fowler Law Professors John C. Eastman and Lawrence E. Rosenthal weighed in on the legal dimensions of the ongoing controversy. The debate was contentious, but polite, with both professors arguing vigorously in favor of their positions. Professor Eastman argued that laws requiring the accommodation of LGBT persons result in individuals being forced to choose between entering the marketplace and practicing their beliefs. Eastman made frequent use of the analogous hypothetical, asking, when discussing the issue of birth control mandates under the ACA, and the exception for religious employers where the insurance company would offer an additional coverage for birth control that the employer would not directly pay for, whether a Jewish Deli could be made to have a stand selling ham on their premises, even if the government was separately paying for it.

Rosenthal made historically-based arguments, comparing the contemporary objections to interracial marriage and integration that were based on religious belief about race, as well as the history of discrimination against Jewish Americans on the double grounds of race and religion, to the present discrimination against LGBT Americans, which is also predominantly based in religious arguments.

The belief in religious liberty and the belief that minority groups should not be subject to discrimination in public accommodations are both deeply held beliefs shared by most Americans. As this year’s Symposium debate demonstrated, there are strong arguments for both sides. As Professor Rosenthal concluded, “How you come out depends on how you balance these competing claims.”
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