“She was a beacon of light in the darkness.”
“Everyone who knew him was the better for it.”

LAW SCHOOL COMMUNITY MOURNS LOSSES

CHAPMAN LOSES PROFESSOR WHO CHAMPIONED LGBTQ RIGHTS,
LAW STUDENT WHO DEVOTED SELF TO SERVICE

PAGE 13

ALSO

Barrister’s Ball: A Night in Newport
See Page 6

Law Students Get Engaged During Law School
See Page 8
Two-Day Live Legal Examination Writing Workshop
- **San Diego**
  - February 25/26, 2012
- **Orange County #1**
  - March 3/4, 2012
- **Los Angeles**
  - March 10/11, 2012
- **San Francisco**
  - March 10/11, 2012
- **Orange County #2**
  - March 17/18, 2012

**Long Term Bar Review ~ July 2012**

**Online Home Study Bar Review ~ July 2012**
Begins anytime after March 2, 2012.

**Ultimate Bar Tutorial™ ~ July 2012**

**Short Term Bar Review ~ July 2012**

**Performance Workshop ~ July 2012 Bar Review**
June 16/17 and June 23/24, 2012.

**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.

**Exam Solution®/Final Reviews Spring 2012**
- **Orange County** – Mid-April 2012.

---

**Fleming’s Courses and Publications…**
- California Bar Review - Live/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 1 & II*
Dear Reader,

Thank you for picking up this edition of The Courier. I hope that it brings you smiles and entertainment as we find ourselves knee deep in the second semester of this school year.

This edition is full of opposites. It is packed with happy photos of the love birds at Chapman and law school events such as Barrister’s Ball and the Public Interest Law Foundation Silent Auction. However, this edition brings sad news from our own Chapman Law School community and from across the globe in Syria.

All of the articles are well-written and add a little something unique to this paper. As we all try to regain our footing after the terrible losses Chapman has experienced, I wish everyone good luck on their midterms and on gearing up for the second half of the semester.

Sincerely,

Amber Hurley
Editor-In-Chief
It’s Just a Little Bit of History Repeating

Jessie Brownell
Senior Editor

Though most of the world is unaware, Syria’s President Bashar al-Assad and his army have been at war against the innocent people of Syria for almost a year now. Al-Assad seeks to silence his opposition through violence. However, Syria’s people continue fighting for the most basic right: their humanity. Bashar al-Assad, will have no such thing; he and his army are killing men, women and children alike. They do not see humans; they see threats to their power. They are torturing, raping, maiming and killing everyone that stands in their way. The question that cannot help being asked is: when all is taken from your humanity, what do you have to lose? The people of Syria are fighting back and willing to die for their freedom.

What we take for granted in the United States, the people of Syria are currently fighting for. All they ask for is freedom. Freedom to live as humans; freedom to work and support their families; freedom to not live in terror; freedom to speak above a whisper in their own homes about their beliefs; freedom to decide who runs their country; freedom to see their children grow old. Is that not much different than what we all want?

President Bashar al-Assad just keeps fighting harder to suppress the revolutionary voices, especially because the international community has done little to help. The United Nations Security Council cannot reach a consensus on what to do. The world is sitting by waiting and watching to see what will happen to the people of Syria and it all seems too familiar. Whenever we are confronted with despicable human atrocities we freeze, loathe to act because we may act incorrectly. But when ruthless dictatorships take lives by the thousands, what other choice do we have as humans but to do something?

This issue is local for us. On Friday, February 10, 2012 about 40 people came out to support Syria in Newport Beach, CA. We stood in front of the Syrian Consulate holding signs and waving flags. The OC Register came out to cover the protest in order to shed light on the situation in Syria. The Newport Beachers were supportive, honking their horns and waving in support.

There was also a silent vigil held in Southern California in support of Syria on February 11, 2012. This was attended by one of our own students here at the law school, Noor Kurdi. Noor is Syrian and has family in the Syrian capital of Damascus and in the city’s outskirts. As you can imagine, this issue is personal for her. Noor said recently in an article about Syria on http://multiamerican.cspr.org:

“I have had three family members killed in one day. In their case – when a neighbor was shot and killed outside my uncle’s grocery store, my uncle heroically stepped outside to save his neighbor’s body and bring it inside. At this point, regime thugs charged into his store and shot my uncle, his son, and another friend in the head. I saw their pictures post mortem online.”

see Syria, page 5
“It’s something else to see their injuries and bodies; it’s absolutely horrifying. But then multiply this feeling over and over and that is how I feel everyday when I see images of dead and injured children, mothers wailing over the bodies of their babies, husbands and wives screaming in agony as they say goodbye to their beloved, and children on the ground crying next to their dead daddy. I can’t get these images out of my mind. This is happening every day.”

This information is not meant to frustrate or discourage, because there is something you can do, that all of us can do. You can speak out against these harms. You can get informed. You can think about what kind of help you would want if your family were being slaughtered and raped for no other reason but for a dictator to maintain power.

After reading this article, you cannot go back. You cannot say that you do not know there is something terrible happening in Syria and you definitely cannot say that you do not know what you can do to help. Please, think about your own humanity and freedom. Think about if they were taken away – would you want help getting it back?

**WHAT YOU CAN DO**

“There is something you can do, that all of us can do.”

**READ THESE ARTICLES**


http://www.cnn.com/video/?/video/world/2012/02/06/damon-syria-violence-onslaught.cnn

http://english.alarabiya.net/articles/2012/02/13/194447.html

**SIGN THESE PETITIONS**

https://secure.avaaz.org/en/smuggle_hope_into_syria_q/?slideshow


https://wwws.whitehouse.gov/petitions#!/petition/put-halt-assads-campaign-killing-and-crimes-against-his-own-people-now/cYMzWxKg

**CALL THE WHITE HOUSE**

@ (202)456-1111 and ask for help to stop the massacres. A group of Syrian Americans have developed a message for the current situation that you can use or you can provide your own sincere message: “We ask President Obama to intercede on behalf of Syrian civilians for the immediate cessation of violent and deadly actions undertaken by the government, army and security forces led by Bashar Al-Assad. We ask that the president follow-up on his public statement asking for Bashar Al-Assad to step down because he has lost legitimacy by all possible means including diplomatic, economic and if needed military action.”

**DONATE HERE**

http://www.lifeusa.org/site/PageServer?pagename=syria_er

To donate money that goes towards medical supplies or to donate actual medical supplies, go to: https://secure.avaaz.org/en/smuggle_hope_into_syria_q/?rc=fb&pv=21
“We danced, laughed, and partied the fantastic night away,” 2L Lauren Shaw remarked of the evening. Chapman’s Barrister’s Ball was, in all accounts, a success on February 18, 2012 at Harborside Restaurant and Grand Ballroom in Newport Beach.

The location for Barrister’s usually changes every year, and 2012 was the first year it was held at the Harborside Restaurant. Also new this was the popular photo booth area complete with nautical props, two fully equipped bars, and a glorious, but messy, chocolate fountain for dessert dipping.

SBA Event Committee Co-Chairs Katie Walsh, 3L, and Stephanie Morris, 2L, planned the event for months, and while both were gratified with the result, Morris said the passing of Professor Mary Katherine Baird-Darmer did impact the celebration.

“The turnout was great, it was a little smaller than last year, but that is expected with a smaller 1L class,” Morris said. “We sold close to 370 tickets, and I believe about 350-360 people attended. The staff and faculty did not attend, due to the tragic loss of Professor Darmer.”

Professor Darmer passed away the day before the event, February 17, 2012, at the age of 47. She taught many classes at Chapman including Evidence and Criminal Procedure.

“I personally felt sad that evening, and I’m [sure] many other students were greatly impacted by the news of Professor Darmer’s passing,” Morris said. “But I think it was really great to get together and remind ourselves that we are a community and to be able support one another through difficult times.”

Professor David Finley did attend, though, as his band opened Barrister’s Ball. Jackson Leverone, 2L, played guitar and sang, and Laura Moss, 2L, also sang some numbers.

“It was a great gig! I think we got the volume right, and the audience reaction was really positive, which made my whole night,” Leverone noted. “People dancing and having fun makes it fun for the band. It was a real pleasure to be invited to join in this year.”

Katie Walsh said she thought the venue was intimate and beautiful. “I think that law students deserve a chance to relax and enjoy life,” she remarked. “[Barrister’s Ball] gives us a chance to do this and look good in the pictures.”

2L Kyle Mott agreed that the props for the photo shoot were a great idea. “The nautical theme and the photo shoot was fun and different,” he said.

After students were done dancing, posing for photos, and indulging at the chocolate fountain, many partook of the shuttle transportation Chapman arranged to bring students back inland.

“It was a wonderful evening,” Shaw said.
1L First Semester: Don’t Listen. Do What You Love.

Stephanie Lee Lincoln

“You can only become truly accomplished at something you love. Don’t make money your goal. Instead, pursue the things you love doing, and then do them so well that people can’t take their eyes off you.” - Maya Angelou

My first semester in law school was not an ordinary first semester in law school. I probably did things most people would advise against doing in your first semester in law school. After all, most professors and attorneys would advise a 1L that it is important to only concentrate on law school by building a vacuum around your studies so that there are no distractions. I did not do that. I chose not to listen to the advice I was given. Instead, I competed to get on the mock trial team, got on the team, competed for the mock trial team in a trial advocacy competition against other law schools, acted as the Student Bar Association 1L representative for my track, performed as social chair for the Junior League of Orange County, California, Inc., and all while living 45 minutes away from school and battling the commute.

At orientation, I remember one of the speakers stating that throughout law school you should always remember why you are in law school. I am here to do what I love. My path was not always attorney-bound, but once I found that my career had to be centered around practicing law, I found what I loved. After working at a few law firms as a legal assistant, every attorney told me not to go to law school. They would say, “go to business school instead.” But I didn’t listen to them. I watched them working 50, 60, 70 plus hours a week; I saw their work red-lined once, twice, thrice; I saw them stressing about billable hours – and I still wanted to go to law school. The first semester has merely reaffirmed my goals of serving others, being committed to my clients, and hopefully affecting the law in a positive way in the future.

I cannot say that this is the same perspective that everyone has after their first semester of law school. Many of my peers are bearing through it just to finish one year and do something else that they might find more exciting. Quite a few people dropped out after the first semester. It’s tough. However, coming into law school after working long hours in law firms made it less of a shock to me when I had to put in 40-60 hours of work a week on preparing for every class. Even after putting in that much work, I still felt like I had no idea what was going on.

Each professor is different – you have to prepare differently for each class, and you have to write each final differently. Although it can be frustrating to feel like you’re just feeding the egos of each professor by catering to what they want in each final or in class, I believe it teaches a lesson about how to work in the legal world. As future attorneys, we’re learning how to listen to who our audience is and how to best persuade our audience. As frustrating as it can be, I think it is important for our future success as attorneys, regardless of what type of law we plan on practicing. When it comes down to it though, I learned to listen to my professors as much as possible, but more importantly, to listen to myself.

When “it” hits the fan – during that percentile-determining final and it’s just you, the computer, your earplugs and pages of issues – I have learned that listening to myself is all I can do. After hours of preparation, memorizing rule statements and flowcharts, outlining, outlining, and more outlining, all I could do is trust that I would use all the tools I had learned.

I couldn’t think about what other people might be writing about; I couldn’t predict exactly what my professor wanted; what I could do was trust my intuition and write the best essay I’ve ever written and try to enjoy writing it.

All in all, what helped me get through my first semester was that I treated every part of it as getting one step closer to doing something that I love. I had a lot going on, but I did not let any of it get in the way of the reason why I am here. The one piece of advice I have for my fellow 1Ls is this: after downing a second gallon of coffee for the day, daydreaming of burning your casebooks when you’re not sure why you’re here anymore, just remember why you first came here and pull through it. It will all work out in the end – listen to yourself and stick to doing what you love.
If you didn’t know, now you do. Heidi and Seal are getting divorced?! What has this world come to? Recently, Hollywood headlines have been smearing starlets names and showing us what Hollywood’s leading men are up to when they’re not in the spot light. From Demi’s drug overdose after her recent split, to Russel Brand’s addiction to chasing countless women other than his wife, celebrities have ruined the sanctity of marriage. Let’s not forget to mention Kim Kardashian’s fabulous wedding to her blue-eyed ball player, Kris Humphries, which ended a short 72 days later.

It’s obvious many teens and young adults look up to celebrities and hope to mimic their lifestyles and relationships. Well unfortunately for the world, Hollywood’s message this time around is “if your relationship isn’t working, get rid of ‘em!” Many celebrities are ringing in the New Year with a new divorce. From Olivia Wilde and Zooey Dechanel to the lovely Kenny G and Sinead O’Conner, each week magazine tabloids are enlightening Americans with recent news of these sad break ups. Celebrity gossip magazines have made their millions spreading news of fake affairs and cheating scandals questioning famous couples’ intentions and love for one another.

Clearly, relationships take a lot of love and dedication and aren’t too easy to maintain. However, when you decide to take the next step in love, maybe you should take a step back and really think about whether you’re ready for it. At least we should learn a lesson from Vanessa, who waited until her 10-year anniversary to leave Kobe; luckily she got not one but three houses in Newport Beach! Even luckier is her attorney who is enjoying the fruits of Kobe’s labor and infidelity.

No fear, against popular belief, Chapman’s very own law students have been falling in love amidst studying for classes. In the last few months alone many of our colleagues have found their special someone and are ready to shout it from the rooftops! The Chapman Courier would like to personally congratulate the following lovebirds on their beautiful journeys to the altar. We wish you all the best and a life filled with lots of love, laughter and future clients! Next time you see one of these Chapman students don’t forget to tell them how annoying they are for being so in love.

Congrats to:

3L Zack Schwartz decided to propose to his college sweetheart, Shana, a week before law school began. He wanted to lock her in before she could change her mind with law school looming. They got married July 10, 2010. Zack said that getting married during law school was easy because the bride-to-be did all the work.

Ryan Howe popped the question to 3L Lau-
An Engaging Proposition: Law Students Get Engaged and Get Married During Law School

Heather Green (2L) & Evan Cote

Scott Boehler (2L)  & Kati Kaminski

Lauren Shaw (3L) & Ryan Howe

Alicia (2L) & Joey Gartrell

Katrina Rochelle (3L) & Ashkan Entesari

ren Shea atop the Empire State building while on a trip to New Jersey to visit her family. The wedding is on September 29, 2012.

2L David Sutton and his fiancé Erin, met at a local dating hot spot, Nordstrom’s. They’re wedding is right around the corner on March 2, 2012.

2L Heather Green and 2L Evan Cote met while in law school and just got engaged this semester. They are planning their wedding for after the Bar next summer.

2L Mike Preciado proposed to his long time Persian beauty, Mona Aliari this past January and caught it all on a YouTube video. They are busy planning their Big Fat Persian Wedding!

2L Alicia and Joey Gartrell planned their big day during Alicia’s 1L year. They tied the knot a few weeks ago on New Years Eve in Laguna Beach.

2L Anne Carol and 3L Jeff Elder (USC Law School) began dating while in undergrad at UCLA, and it was only fitting to get married while in law school. Their wedding was last summer only a few weeks after Anne’s 1L finals.

2L Scott Boehler proposed to his fiance, Katy Kaminski while on a snowboarding trip in Whistler. He popped the question under Christmas lights, out in the forest village of Capilano.

2L Sean Bigley popped the question to his now wife, Joni during his 1L year. They got married just before last Christmas 2011.

1L Adam Weidner and his wife, Lily Sam got married last Labor Day weekend. Adam proposed to Lily while in San Francisco and they decided to take the plunge only two weeks into his first year of law school!

(And last, but not least, I (Editor-In-Chief, Amber Hurley) required Denise put in a blurb about herself ☺)

Matthew Heinz proposed to me, yours truly, during my 1L winter break, on New Years Eve under the Eiffel Tower in Paris. We went back to Paris this last winter break, my 2L year, for our engagement pictures. We’re busy (by we, I mean “I”) planning our blinged out French-Persian wedding!

Congrats to all the beautiful Chapman love birds!
Every time I visit my little country hometown I have to defend my life. The townsfolk are confused by the practices of a female grad student and often query: “Why did you move so far away?” “Why aren’t you married yet?” “When will you get a job that pays?” “Why is your hair so short?”

The latest in the series relates to my ongoing externship with the Orange County Public Defender’s Office: “How could you represent those criminals?” To which I answer, “oh country mouse, you’re basing all of your information on endless episodes of Law & Order, and it really isn’t like that at all.” This answer, however, does not go over well.

Every Tom, Dick, and Henrietta has an opinion about lawyers. Lawyers are the butt of constant jokes, portrayed as sleazy money grubbers, and sometimes even literally depicted as the devil’s advocate. I have no idea what it entails to be a plumber or a doctor and I wouldn’t assume to know, yet the public at large has many ideas about what it entails to be a lawyer, and many of those ideas are ugly. Between dealing with lawyers in their own lives and seeing them portrayed on television, the public has marked lawyers and law students with a seemingly inescapable scarlet letter. Criminal defense attorneys arguably get the worst of it.

Since the end of 1L year, I have worked for both the District Attorney and the Public Defender one after the other. Before working at either place, I believed criminal defense attorneys were unseemly and DAs were “the good guys.” I still think the DAs are “the good guys,” but I also think the public defenders are “the good guys” too. Both groups want justice, but justice for different people involved in the situation. The DA wants justice for the victim, and the PD wants a just due process for the defendant. I find myself on the defense side of the fence, the defense fence, I suppose.

The DA represents the interests of the People and the victims, and the PD represents the interests of the clients and the system. Many of the clients are not born villains, but have had very hard lives as well. Having a hard life is not an excuse for committing crimes, but recognizing it helps explain the big picture of the situation, and furthers the principle that that client deserves the fair representation of the law afforded all citizens.

I do not believe a person who commits a crime should go free, but I do believe that person should be charged with the appropriate charges, given a fair trial, and if found guilty, sentenced appropriately for the crime committed. Protection of the system is important. If the police use illegal tactics or the prosecution does not present their case in accordance with the law, then that defendant should go free because the system cannot tolerate the sloppy prosecution of its citizens. We see celebrities drive drunk or hit their spouses or endanger their children, and the system offers them an appropriate, albeit the utter minimum, trial and sentencing. Why then should a citizen who cannot afford private defense receive any different form of justice?

Public defenders need to have a very good sense of humor, given some of the cases they work. Seeing how they care so much about justice for their clients, really endeared me to the office and made me respect them for work they do. Like the DAs, the public defenders are also the “good guys,” though they don’t have the luxury as being recognized as such.

The quality of the people represented by a public defender is not so different than the quality of people represented by private defense. Upstanding wealthy citizens or average citizens who require public defense have a strict, though sometimes overlooked, similarity: they are both charged with crimes. Both should have quality defense and both should expect justice. The moral of this lengthy defense of defense then, is when you find a niche of the law you click with, that you can call your own, don’t worry about what others say or think. What does it matter the label you choose if your heart isn’t in your work or your mind doesn’t believe in what you do? Don’t be afraid to draw a line in the sand and step over it.
PUBLIC INTEREST LAW FOUNDATION
AWARDS DINNER & SILENT AUCTION

Tuesday, March 20, 2012  6:00 - 9:00 P.M.
DoubleTree by Hilton, 100 The City Drive, Orange, CA

SPECIAL GUEST OF HONOR AND PILF AWARD RECIPIENT:
Richard D. Fybel, Associate Justice, 4th District Court of Appeal, Chair of the California Supreme Court’s Advisory Committee on the Code of Judicial Ethics

KEYNOTE SPEAKER:
Todd Spitzer, Victims’ Rights Attorney and Legal Affairs Director of Marsy’s Law for All, former State Assemblyman, County Supervisor, and Assistant DA
Topic: "Marsy's Law and the Continuing Fight to Advance Victims' Rights"

Dinner & Silent Auction Price: $50 each; $35 for Chapman alumni, faculty & staff; $20 for students. Tickets available in the law school lobby, or reserve at www.chapman.edu/law/rsvp.

SPONSORS: CHAPMAN SBA; PHILLIPS, WHISNANT, GAZIN, GORCZYCA & CURTIN, LLP; FRAZER, LLP

PILF Silent Auction Items (so far...):
- Dinner, Drinks and Poker Party donated by Profs. Noyes & Cianciarulo
- Gold Suite Party at Angels Game donated by the Traut Law Firm
- Food Truck Tour donated by CSO Director Suzanna Adelizi ('05)
- Angels v. Oakland 10th Row Field Tickets donated by Rutan & Tucker
- Two Tickets to Les Miserables donated by Prof. Staples
- Acoustic Guitar Jam Party donated by Prof. Finley w/ Jackson Leverone ('13)
- Dinner at JT Schmid's donated by Prof. Schultz
- Fine Wines donated by Prof. Noyes, Barnett & Larmore
- Designer Handbag donated by Jennifer Fry ('11)
- Coppola Winery Gift Basket donated by the Francis Coppola Winery
- Margarita & Taco Happy Hour donated by Profs. Carey, Walkow & Barnett
- Signed Angels memorabilia donated by the Los Angeles Angels of Anaheim
- Newport Harbor Boat Cruise & Kayaking Rental donated by Prof. Skahen
- Dinner and Hotel Stay donated by Doubletree of Orange
- Shakespeare in the Park donated by Professor Eastman
- Lunch with Prof. Caso
- Italian Dinner with Prof. Cianciarulo
- Dinner and Drinks with Profs. Ron & Kyndra Rotunda

ADDITIONAL AUCTION ITEMS AT WWW.CHALPMAN.EDU/LAW/STUDENTS/PILF
Skip Class, Get Awesome and Earn Credit with a Judicial Externship

Luke Salava

Considering becoming a trial attorney? Stop everything and sign up for a judicial externship. There may be a better way to see if you have what it takes, or even if you are pursuing the right career.

What is a judicial externship? It involves working for a judge, researching issues that are before the court, performing other tasks around the courthouse, and, best of all, observing trials. It's much like a judicial clerkship—among the most prestigious legal jobs one can obtain out of law school—except it lacks the brutal competition in landing the position, and instead of a judicial clerkship's famously modest salary, the reward is full-fat law school credit. It comes with immense amounts of experience and knowledge that one would never find in a textbook or lecture, and it teaches, first-hand, how theories met in the classroom actually perform in the courtroom.

Judicial externships are laden with many benefits and encumbered by few drawbacks. Consider how you might enjoy the following:

1. Gaining superb knowledge in the area of law the judge presides over. Seeing the law in action each day in court is of great help to the extern considering a career in that field. Diverse parties bring myriad causes of action, sometimes several cases in a single day. This is more cases than one would likely see while working in a law office, which typically handles only a few at a time.

2. Learning professionalism from watching the constant flow of attorneys appearing before the court. Especially illuminating is witnessing the judge's reaction to different attorneys’ approaches. Someday, as a practicing lawyer tempted to make a comment that seems like the height of wit and cunning, the former extern will remember how grating and insincere such comments appeared from the other side of the bench, and thus escape needless embarrassment.

Professionalism is an indispensable courtroom skill, and seeing it modeled (or not) is an incomparably useful experience.

3. Growing familiar with manifold attorneys' styles, which can both inspire you to emulate those styles and bring comfort in realizing that it's also alright to just be yourself. Consider one recent trial, which pit a theatrical showman of an attorney, possibly a mock trial champion, against a quiet, diminutive, and reserved counselor who looked like easy prey. Mock Trial Champ rubbed his hands in glee upon asking a juicy question of a hostile witness whose answer was obviously going to be quite damaging. Jaws dropped when Easy Prey calmly leaned into his microphone and coolly uttered, “Objection, 352 . . . . ”, thereby preventing the witness from saying a single word. No antics, no thrashing about the courtroom in indignation rage, just utter Jedi mastery of the Evidence Code. He could have charged tuition for such a great lesson, but externs get this kind of thing, every day, for free.

4. Advancing student and career goals. Not only do externs receive class credit for doing something other than reading casebooks, they add impressive-looking legal experience to their résumés. Hitting it off with the judge might even supply a mentor—a very well-connected, highly respected mentor. Topping it all off is the delicious fact that externships require no final exam. “Blissful” is not too strong of a word to describe this opportunity.

5. Experiencing a humbling but uplifting glimpse into the practice that will greet you in the very near future. Being in court adds vivid color to otherwise black letter law and teaches what the profession is really about. Seeing tears of both anguish and relief upon the entering of judgments reminds you of why you want to be an effective attorney providing zealous advocacy in perilous times—or why you do not.

6. Trying out legal skills in real cases with real stakes at play, but with little chance of ushering in real disaster. Externs are effectively court volunteers, and, unlike in private practice, making a blunder is not going to cost the extern’s employer a huge client. The judge never has to strike hours of work from a client’s bill and is unlikely to rely solely on an extern’s work in a truly important matter. In other words, you’re not going to get canned for making an honest mistake. Rather, externs get to learn from others’ mistakes. Seeing the judge rebuke sheepish attorneys right in front of their clients will go a long way toward reminding you to avoid the same mistakes when the clients are yours.

Still interested? For details on available trial court externships and how to apply, contact Chapman’s Externship Director, Professor Larmore—or try asking whichever of your classmates is frequently wearing a suit to class, as they might have just come straight from the courtroom, working at their own externship.
Noyes burst out laughing.

That wasn't the first or last time he pulled a prank on me. " That was the question for me. Dan readily agreed, but I whispered to Dan to ask that promise because I had another question at a review session, I asked back-to-back questions about the final. What exasperated with Nate continuing to procedure with Professor Henry Noyes, were attending a review session for civil memorial service on February 20, 2012 in Chapman. A Track 3 student, Dan's mild temperament would often deceive his fellow Track 3 friends when he would suddenly drop a hilarious comment or joke.

"After pestering my professor with my thousandth question at a review session, I promised to ask no more. I soon regretted that promise because I had another question." Nate said. "I whispered to Dan to ask the question for me. Dan readily agreed, raised his hand, and said, 'Nate wanted me to ask this question for him so how does...\r\rThat wasn't the first or last time he pulled a prank on me."

The whole track, Nate, and Professor Noyes burst out laughing.

Katherine's message was 'you are not alone', and 'we will overcome.' Professor Darmer received her juris doctorate from Colombia University, worked as a private attorney on Wall Street, and later as a federal prosecutor before she became a fulltime Chapman Law faculty member in 2000, according to her faculty profile. She was a champion for same-sex equality rights and criminal defendant rights.

"She was a remarkable teacher, and she would want us to learn, not just from her life, but from her passing," Dean Jayne Kacer said of the woman she called, "dynamic, thoughtful, brilliant, and compassionate."

"Katherine Darmer was not weak. Katherine Darmer was one of the strongest people I met. Katherine Darmer was a warrior," Dean Kacer said. "But unfortunately, deep depression is like a cancer; you cannot will it away, no matter how strong you are."

Several stories were told at the memorial service about Dan's good humor, amiable nature, and his good works. A man of faith, Dan grew up with a sense of service and purpose to help others. Dean Jayne Kacer read Dan's admission essay during the service, which highlighted some of his achievements.

At the age of 12, Dan and his family took a mission to help in orphanages in Thailand, and Dan discussed the experience in his admission essay.

"My worries, my fears and my feelings of inadequacy as a 12-year-old boy melted away as I played with happy, optimistic Thai children, many with no earthly possessions," He wrote. "I remember feeling like I never wanted to complain about anything ever again. I wanted to love like they did and be grateful for what I had."

As Dan grew older, he visited more countries and helped the locals there. More significantly, though, he loved them. He sincerely cared for the people he worked with, and in working with them, he appreciated his family and life all the more.

"After every service project I felt appreciative of the things I saw and felt because it changed the way I looked at others and the way I looked at myself." He wrote. "I realized that because of this I wouldn't be like the others my age...These service experiences are one of the reasons I intend to practice law. It is my desire to reach out and help those with problems and needs."

Friend and fellow track student, Shain Wassar, attended the service at Chapman’s Fish Interfaith Center, and said, "Although difficult to go to the memorial of your friend, Dan's memorial was beautiful and gave me a sense of closure on what has been an extremely difficult month."

Dan's memory will be treasured and his presence will be missed. In what small space of time Dan had here, he made the most it, and everyone who knew him was the better for it.
Author’s Note: For this article I had hoped to speak to several personal injury attorney’s to discuss the effect of Howell v. Hamilton on their practice. However, as of press time, I had only heard from two attorneys—my father, and a friend’s dad, Mr. Perez, who admitted that he had not had any cases directly affected by the ruling.

Last summer the California Supreme Court decided the case of Howell v. Hamilton Meats and Provisions, Inc. 52 Cal.4th 541. It was a simple case—a motorist was hit by a truck, brought a personal injury action against the employer of the truck driver (gotta love that respondeat superior), and won. But after the verdict was entered, the defendant motioned to reduce the jury’s special verdict for the plaintiff’s medical expenses to the amount that the providers accepted as payment in full, not the actual bills. The motion was granted, and the plaintiff, predictably, appealed. The Appeals court reversed, so the defendant appealed to the California Supreme Court. The Court then handed down a verdict that has since wrought havoc for plaintiffs and personal injury attorneys, and that chipped away at a fundamental doctrine of tort law.

Say that you and a friend are crossing the street. You have health insurance, while your friend does not. You both are hit by a car and suffer the same injuries, and have the same hospital bills. Since you have insurance, the hospital bills your insurance company, and after negotiations, accepts something less than the original.

see Howell, page 15
**Darmer, from page 13**

Professor Timothy Canova remarked about Professor Darmer’s unending strength to fight for the causes she believed in, and that she sometimes endured persecution for standing firm.

“She was a beacon of light in the darkness… she carried a torch when many of us were afraid to do so,” he said. “But unfortunately, she was also a candle in the wind.”

Professor Deepa Badrinarayana spoke and mentioned some of the unpleasant comments being made online under the news story covering her death. She reminded the gathering that Professor Darmer loved her children, and that once she even told Professor Badrinarayana that “the reason I fight for these causes is because I think of a world in which my children have to grow up in.” Professor Darmer wanted to make a better place for her babies.

---

**Howell, from page 14**

charge as “payment in full”. Your friend, meanwhile, doesn’t pay his bills, hoping to get something out of the case against the driver who hit you both. You go to court, the driver is found negligent, and both you and your friend blameless. With the same injuries and the same bills, you both should get the same special damages - the itemized bills for your hospital stay, medications, and therapy - and general damages, such as pain and suffering, right? Well, not anymore. Now, thanks to the California Supreme Court, an uninsured person, or a person who hasn’t paid their bills, can present the entirety of their bills to the jury, while those with insurance, Medi-Cal coverage, or those who have paid their bills can only show what was accepted as payment in full, and what is still owed. Why? *Howell v. Hamilton*, and the erosion of the collateral source rule.

The collateral source rule states that when an injured party receives compensation for his injuries from a source independent of the tortfeasor - say, insurance or Medicare - those payments should not be deducted from the damages which the plaintiff would otherwise collect from the tortfeasor. Robert Vanderhorst of Porterville, CA, a practicing attorney for 28 years (and, in the interest of full disclosure, this writer’s dad), explained it as follows:

“Conceptually it’s a pretty clear picture. The tortfeasor should not get the benefit of me paying insurance or the benefit of the fact that my employer paid me even if I was off-work for my injury. You don’t give the benefit to the wrongdoer. That’s the main social policy reason.”

The damages awarded in civil cases are, after all, not merely compensatory but also punitive and deterrent. And, Vanderhorst added, despite what insurance adjusters often say, higher special damages result in highergenerals.

However, this rule has been under assault in California thanks to a campaign driven by, according to some plaintiff’s attorneys, the insurance industry. “It’s a long time in the coming and the insurance companies have been getting their way for a long time, and plaintiff’s rights are eroded more and more,” said Ricardo Perez, of Perez Law Corp. in Pomona.

As Mr. Vanderhorst described it, “Before Howell there were three other cases that chipped away at the collateral source rule: *Hanif, Nishiyama*, and one that’s not mentioned in the decision, *Greer*. With *Hanif*, they said the tortfeasor should only pay what Medi-Cal/Medi-care will cover. Then *Nishiyama* said it applies to private insurance. But there was an in-between step with *Greer*. *Greer* said if it’s Medi-cal or Medicare, something the injured person didn’t pay for, *Hanif* and *Nishiyama* should apply; but, if I paid for insurance, the defendant tortfeasor should not get the benefit of my paying health insurance premiums. So *Greer* took a middle road and said there was a difference between welfare and insurance you pay for. *Now Howell* takes it all the way.”

Mr. Vanderhorst agreed that the insurance industry was responsible for the shifts in the law. “You get hit by a drunk driver, who’s going to pay, him or his insurance? The insurance companies just don’t want to have to pay for things.” He referred to the 1996 Proposition 213, funded by insurance interests, which limited the damages that a faultless but uninsured motorist could claim to economic damages - no pain and suffering.

The results of *Howell* have been devastating and require plaintiffs’ attorneys to change the advice they give their clients, the cases they will take, and the relief they can obtain for their clients. Mr. Perez stated that insurance companies have already taken advantage of the shift in negotiating settlements, claiming that they “are using the case in negotiating settlements, getting whatever the hospital would take with an insurance plan or with medicare, instead of the full bills. It’s affected all those cases.” Mr. Vanderhorst, who takes many personal injury cases, said that he lost “$15,000 in the first day after *Howell*, and thousands in every case where it has applied to special damages since then.”

The future does not look good for the collateral source rule in California. Despite the claims of the court that “we do not alter the collateral source rule” and that the rule still “applies with full force here and in similar cases”, it seems as though they have, if not so much as killed the rule, “put a knife in it”, as Mr. Vanderhorst described it. “We’re eliminating responsibility. That’s the direction of all of this. The tortfeasor’s burden has become less and less, from prop 213 to *Hanif* to *Howell*. We’ve told him, ‘Oh, you hurt somebody? He can’t work for three months? It’s okay, he’s got disability insurance!’ It’s cutting into my practice, and it’s cutting into the full compensation my clients deserve. We’re getting no fault without a fault. The next shoe to drop is that they’ll say the collateral source rule doesn’t apply to lost wages covered by disability. And next they’ll go after pain and suffering.”

Despite the harm it has inflicted to plaintiffs’ attorneys, neither Perez nor Vanderhorst knew of any concerted effort to change the ruling by ballot initiative. As Mr. Vanderhorst summarized, “The plaintiff’s bar is still traumatized.”
BARBRI AMP (Accelerated Memory + Performance) is the most innovative and advanced online legal learning application when preparing students for the bar exam.

Exclusively available, from BARBRI, this software allows students to learn faster, improve information recall and perform at a higher level, as the learning methodology activates the brain to more easily absorb information.

- BARBRI AMP is based upon Nobel Prize-winning research revealing how the brain learns and remembers
- The application’s 22 cognitive switches automatically stimulate and bolster recognition and recall
- Focused modules and an individualized learner experience efficiently and effectively identify and remediate knowledge gaps

follow us facebook barbri.com/amp