Chapman Law
Trips the Light Fantastic at
Barrister’s Ball 2013
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ALSO
Controversy Over Proposed Gun Legislation
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Chapman Law Review Symposium: The End of Law School as We Know It
See page 4

Photo courtesy: Alan Falcioni
**Fleming’s Spring 2013 Schedule...**

**Two-Day LIVE Legal Examination Writing Workshop**
- San Jose: January 26/27, 2013
- San Diego: February 23/24, 2013
- Los Angeles: March 9/10, 2013
- Orange County #2: March 16/17, 2013
- Orange County #1: March 2/3, 2013

**Long Term Bar Review ~ July 2013**

**Online Home Study Bar Review ~ July 2013**
Begins anytime after March 4, 2013.

**LIVE Ultimate Bar Tutorial™ ~ July 2013**

**LIVE Short Term Bar Review ~ July 2013**

**LIVE Performance Workshop ~ July 2013 Bar Review ~ Orange County**
June 22/23 and June 29/30, 2013.

**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 2013**
- Orange County – Mid-April 2013.

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**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*
Dear Reader,

Welcome to 2013! I suppose this is a little late as you will actually be reading this in February, but it is still exciting. The Mayans were wrong (ha), President Obama is still our president, and joy of joys, the 3L class is mere months away from graduation. Three years of law school have come and gone in a blink. Soon all that will be left of the Class of 2013 is a bench or commemorative tree on campus and some big picture of all our heads hanging in a first-floor hallway. Decades from now, little lawyer wannabes will look upon our faces in awe...and maybe mock our hair styles.

Personally, I cannot wait to graduate. I would like to be employed sometime before I turn 30, so the sooner the better! Some days I can hardly contain my excitement to graduate. I am like a baby lawyer in Chapman’s birth canal: ready to bust out into the world. Sorry for the visual.

Hopefully, this edition of the Courier will provide you some distraction as you muddle through this semester. Our stories feature an op-ed about the law review symposium, news on topical law issues of today (redundant I know, you try being clever at 7 in the morning), coffee, confessions of a 1L, hilarious law suit fails, and of course, Barrister’s Ball pictures. That’s right, we’re your first source, after Instagram, Facebook, text message, and email, for photos from the big night. We held over this edition just to bring you your Barrister’s pictures in a timely manner. You’re welcome.

Also, drumroll please, this edition features the Courier’s first ever attempt to publish Valentines by students. If they bring romance, joy, and/or laughter then hizzah! We are so smart for doing this. If there is some racy Valentine or some regretful incident that occurs from the Valentines, then don’t blame us! We’re not editing the Valentines. So again, if the Valentines are a success, then it was totally our idea, and if administration puts the kibosh on future Courier Valentines, then we had nothing to do with it. Deniability. Thanks, law school! I wish you a happy pre-midterm season, dear reader, and will speak with you again in the graduation issue.

Cordially,

Lauren Crecelius
Editor-in-Chief
The End of Law School as We Know It

By Luke Salava
Staff Writer

“My name is Forrest—Forrest Gump. I’m gonna be a lawyer.”

The drought in law school applications across America is so bad that, even if he earned an LSAT score of 120, Forrest Gump could qualify—somewhere—for a spot in the Class of 2016. According to University of Maryland law professor Robert Rhee, keynote speaker and panelist at Chapman Law Review’s 2013 Symposium, only about 53,000 law school applications are expected this year—for 55,000 available seats.

Legal Education: How to Prepare Students for the Job Market

Welcome to law school, Mr. Gump. The worst kept secret in legal education is that the current model largely fails to produce graduates who can find employment or meet clients’ needs, and, according to Rhee, “the word is out.” Application numbers are now half of what they were just a few years ago, and Google searches for “LSAT” and “law school” have likewise plummeted by more than 75 percent. Students are reconsidering the high cost of pursuing a law degree, Rhee said, and are leery of spending three years in a program which requires only two (as seen by Arizona’s recently permitting 3Ls to sit for the bar exam while still in school). According to Rhee, the risk of investing in a law degree is too great today, as each year there are only half as many new attorney jobs are available seats.

“The Future of Law, Business, and Legal Education: How to Prepare Students to Meet Corporate Needs”

Law schools face a new frontier crying out for innovators to claim and chart it.

What can law schools do? This was the question tackled at Chapman Law Review’s recent Symposium entitled “The Future of Law, Business, and Legal Education: How to Prepare Students to Meet Corporate Needs”. During the symposium, dozens of legal and business experts discussed what law schools must do to produce graduates who can hit the ground running. Regardless of the methods used, agreed the panelists, we must act now.

“You either change or you go home,” warned Boston College Professor Michael Cassidy, who compared today’s law schools to the 1970s Detroit auto industry and the 1980s Pittsburgh steel industry. According to Cassidy, “the schools not in the Top 20 who most nimbly meet the need for change” are the schools that will earn students’ tuition money.

Throughout the symposium, experts exhorted the audience to improve the usefulness and relevance of legal education so as to produce practice-ready graduates. Symposium attendees saw examples of novel instruction methods involving real-time, on-your-feet exercises designed to teach students how to effectively relate to clients, courts, and attorneys. Also highlighted was the danger of holding to traditional methods of training students to “think like a lawyer,” which stifles morality and good judgment, substituting a mere how-to-not-get-caught mindset. It is the forest, not just the trees, several experts explained, that students must learn to recognize, but the current curriculum is almost entirely tree-focused.

One school embracing change to avoid becoming the next Ozymandias is Washington & Lee University, represented at the symposium by Professor James Moliterno, a nationally acclaimed legal education reformer. According to Professor Moliterno, Washington & Lee has completely reworked its law curriculum, and students’ third year is now allocated exclusively to an experiential curriculum where students and professors, somewhat pruned of “junkie” classes. Junkie classes, according to Chancellor Strine, are those which students and professors, somewhat like drug addicts, abandon useful endeavors in pursuit of intellectual highs, the students by studying obscure subjects in which they dream of specializing, the professors by indulging their fantasies to dive into favorite pet fields of study. What students really need, he opined, are classes like Advanced Contracts and Advanced Civil Procedure, which teach the true fundamentals of lawyering.

Delaware Court of Chancery Chancellor Leo E. Strine, Jr. Unlike other speakers, whose visions for the future conjured almost Montessori-like images of law schools, Chancellor Strine reminded attendees that much in traditional legal education is still essential. Technical knowledge and rapid issue-spotting skills are what students need in the field, contended Chancellor Strine, not the unstructured learning experiences of “the maelstrom of practice”.

Chancellor Strine also sobered students by asserting that rigid grading curves and merciless cold-calling techniques are good for students, as such pedagogical methods mimic the unforgiving real world of law practice. Where the chancellor echoed the other speakers was in the subject of law school courses, which he agreed should stress practice over theory, and which need to be pruned of “junkie” classes. Junkie classes, according to Chancellor Strine, are those where students and professors, somewhat like drug addicts, abandon useful endeavors in pursuit of intellectual highs, the students by studying obscure subjects in which they dream of specializing, the professors by indulging their fantasies to dive into favorite pet fields of study. What students really need, he opined, are classes like Advanced Contracts and Advanced Civil Procedure, which teach the true fundamentals of lawyering.

The symposium having concluded, with so many in agreement that law schools’ survival depends on action, the spotlight naturally rests on Chapman and its response. Law School Dean Dr. Tom Campbell, along with much of his faculty, appears to be on board. Since arriving at Chapman, Dean Campbell spearheaded the new Business Law
“Carries, small hand… smell like cabbage.” Most people in our generation know the quote from Austin Powers. Many have also read “Something Wicked this Way Comes” at some point in school. Generally, carnivals and the people who run them are not a topic in our society, or if they are, they’re a negative one. The reality of working for a carnival is, of course, much different than it has been portrayed. I know this because I grew up working for carnivals and have done so off and on throughout my entire life.

My fellow law students usually find my background surprising. A few even assume at first that I’m messing with them. But I’m not. I really did grow up in a traveling carnival. Curiosity typically follows this initial reaction. What’s it like working for a carnival? How did you go from a carnival to law school? I’ll tell you.

I wasn’t born into what most would call a typical childhood. My parents owned and operated games for traveling carnivals; much like the kind you’d see once a year at the Orange County Fair. Think games, rides, and cotton candy. No elephants or clowns, you find those at a circus, which is different. Early on, life at the carnival was all I knew. I was homeschooled by my mom as I traveled with my parents in our RV from city to city across states throughout the West Coast. When I was a little older my mom and I settled down off of the road, and I went to middle school and high school in Oregon. My summer vacations, though, were always spent back at the carnival, working for my dad in the games.

At nine years old, I learned the ropes of working at a carnival from my dad. You’ve probably seen someone like me at some point when you’ve been to a carnival. I’m the one who calls out to you walking by and persuades you to play and win prizes. Since the topic often comes up I will address it directly: I’ve never worked a carnival game that was rigged. There are no secret magnets or glue holding bottles together, nor, as a drunken patron once accused, is there “dart repellant” sprayed on the balloons. I’m still not exactly sure what “dart repellent” is, but after years of working at the carnival I am sure that one of the most persuasive techniques one can utilize is honesty.

The easiest way to convince people to play is to tell it like it is. I explain that a carnival game is similar to a casino game in Las Vegas. The odds are skewed in the houses favor, but if you’re lucky or good you can sometimes beat the odds and hit the jackpot, the jackpot in this instance being a gigantic plush animal, instead of money. So if you want to have fun, play my game. But if you just want a stuffed bear, try Wal-Mart. I believe this approach worked so well in no small part due to the preconceptions people hold regarding carnival workers. Customers expect me to mislead them, and they appreciate it when I don’t. Similarly, it only takes one or two lawyer jokes to see that the same preconceptions are associated with lawyers.

Normally one wouldn’t associate working at a carnival with the practice of law, but in certain respects I feel the carnival has prepared me for my chosen career. Working a carnival game for years instilled a very specific skill set. I’ve grown comfortable approaching and interacting with complete strangers, and convincing them to choose my game. That’s one of the main reasons mock trial and moot court have come naturally to me at Chapman, because in essence a trial attorney’s objective is the same as my task at the carnival. At the carnival I persuade strangers to do something, in court a trial attorney persuades twelve jurors to decide the case in favor of their client.

Growing up a carnie also prepared me for where I specifically hope to practice, the public defender’s office. I can’t help but draw parallels between those I grew up with at the carnival and many of the clients I’ve encountered as a law clerk with the public defender. The stereotypes associated with carnival workers are not without some truth. Frequently those who end up working carnivals do so because they have nowhere else to go. Sometimes that’s because of a criminal record, which makes it exceedingly difficult to find

Symposium, From Page 4

Emphasis program and helped arrange for Chapman students to receive credit for corporate externships, a genuine novelty in today’s law school market. These changes, if the symposium speakers are to be believed, are unquestioningly in the right direction. But are they enough?

Just as surely as consumer technology has changed, the legal market has changed, symposium attendees learned, and law schools must either adapt or go the way of the typewriter and the audio cassette tape. Law schools face a new frontier crying out for innovators to claim and chart it. The message of the symposium was resoundingly: not cosmetic changes, fundamental changes—not then, now. Chapman has an unparalleled and unlikely-to-repeat-itself opportunity to break out of obscurity and assert its place among those law schools who “nimibly meet the need for change”. Will Chapman seize that opportunity by claiming a spot on the vanguard of legal education?

Time will tell.
Bar exam takers rate Kaplan higher than BARBRI in key areas*

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

- Exam-likeness of MBE Practice Questions
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*Based on an exit survey of 1,973 July 2011 bar examinees who took bar review. Survey conducted at 24 randomly selected locations in states where Kaplan offers full service bar review. Each respondent rated his/her primary bar review course. Rated higher means Kaplan students rated Kaplan higher than BARBRI students rated BARBRI.
Well—he did not—"
(Laughter)

So goes the transcript of oral arguments for Boyer v. Louisiana from January 14, 2013. Justice Clarence Thomas cracked a joke, after not speaking on the bench for nearly seven years. Although no one is entirely sure what he said, news agencies like The Huffington Post and The New Yorker guessed that he was making a joke about Yale Law School, his alma mater.

Amidst the tweets and the laughter and the shock of his lost joke, there is newfound curiosity about Justice Thomas. He has opposed speaking in court in the past. "I think you should allow people to complete their answers and their thought, and to continue their conversation," Justice Thomas said in a CSPAN interview. "I find that coherence that you get from a conversation far more helpful than the rapid-fire questions."

What made him speak then? A New Yorker article indicated that the gist of the joke appears to be "that graduation from Yale is a sign of incompetence." Was the quip by the Yale-educated Justice being self-effacing and modest about his Ivy League pedigree? Was it a sign of strained relations between Justice Thomas and his university?

We are not even sure what his full comment was, so we will likely never comprehend the nuance of Justice Thomas’s joke. It is a reminder though that these esteemed men and women are people and were, at one time, law students. On that vein, here is a personal profile of the supreme beings of our Supreme Court.

Chief Justice Roberts
At 58, Justice Roberts is a relatively young justice. He was appointed by George W. Bush and is known as a conservative justice. Despite being one of the younger justices, he is rather old fashioned. He likes to write his opinions with pen and paper, and once famously asked in City of Ontario v. Quon what the difference was between an email and a pager.

Justice Antonin Scalia
The longest-serving justice on the current court is Justice Antonin Scalia. He’s a conservative and an originalist. He is a famous opponent against the Roe v. Wade decision, and he is also known for amusing quotes. Justice Scalia holds the record for inducing the most number of laughs in court, according to U.S. News. Popular Scalia quotes include “a law can be both economic folly and constitutional” from CTS Corp. v. Dynamics Corp. of America,” and “In a big family the first child is kind of like the first pancake. If it’s not perfect, that’s okay, there are a lot more coming along.”

Justice Anthony Kennedy
Justice Kennedy is not related to those other Kennedys of political fame.

Appointed by Reagan, he is known as a moderate, swing-vote justice. He was the deciding vote in Planned Parenthood v. Casey, an important abortion case. As a child, his father offered him $100 to do anything that would get him picked up by the police. Squeaky-clean Kennedy was never able to collect on that bet.

Justice Clarence Thomas
The strong silent one, Justice Thomas is a NASCAR fan and drives a black corvette.

Justice Ruth Bader Ginsburg
Appointed by Bill Clinton, Justice Ginsburg is viewed as a liberal presence on the court. She is the second female justice after Sandra Day O’Connor, and the first Jewish female justice. Justice Ginsburg is a huge opera fan, along with her colleague Justice Scalia. The two appeared as on-stage extras in a production of Ariadne auf Naxos, playing dinner guests.

See Justices, page 12
The Supreme Court will soon make an historic decision on whether bans to same-sex marriage are constitutional when it rules on two cases currently before the Court: Hollingsworth v. Perry and U.S. v. Windsor. Windsor will decide the constitutionality of the 1996 Defense of Marriage Act (DOMA), which permits U.S. states and territories to avoid recognizing same-sex marriages performed in other states or territories. Hollingsworth focuses on the constitutionality of California Proposition 8, passed in 2008, a voter initiative which attempted to amend the California constitution to read that only marriage between a man and a woman is valid and recognized in California.

At the trial court level, both DOMA Section 3 and Proposition 8 were declared unconstitutional. DOMA Section 3, which defines marriage as being between a man and a woman as husband and wife, was declared unconstitutional under the Equal Protection Clause. Prop 8 was similarly deemed unconstitutional for violating the Due Process and Equal Protection Clauses. Appeal Courts affirmed both decisions, which the Supreme Court subsequently accepted for review. Oral arguments for both cases will be heard in late March, and decisions are expected in June.

In Windsor, the sole issue before the Court is the constitutionality of Section 3, which declares marriage as between one man and one woman. Section 2 of DOMA allows states to forgo providing full faith and credit to same-sex marriages performed in other states. Any victory for same-sex marriage proponents in this case may be isolated to the granting to same-sex spouses of the same federal benefits that other spouses enjoy, such as Social Security survivor’s benefits and the ability to jointly file tax returns. Such a ruling would still allow each state to choose whether or not to recognize same-sex marriages performed out-of-state.

The decision in Hollingsworth could be much further-reaching. If the Court declares California’s same-sex marriage prohibition unconstitutional, similar laws in other states may be challenged as well. Because of the doctrine of stare decisis, which compels lower courts to follow higher courts’ rulings, other states’ prohibitions would become unconstitutional as well.

Many Americans’ views seem to have recently taken a drastic change on the issue of same-sex marriage. One example of a changed opinion comes from Chapman 1L Shaun Sanders, who formerly was opposed to same-sex marriage. “Any time the government decides to extend rights to one person and deny them to their neighbor, there is a high burden of rationale required...
No matter how much we enjoy reading 100 pages of Con Law in an evening, we all reach that I-will-throw-my-book-out-this-window-if-I-don’t-take-a-break point sooner or later after a long night of reading.

Enter the all-powerful DVR to save you. Use this technological gift to law students everywhere and record some killer television shows that will help you mentally check out for thirty minutes to an hour.

And for skeptics, hear ye, hear ye: In April 2012, The New York Times published “To Stay on Schedule, Take a Break” in support of taking breaks to make library marathons more fruitful: “A growing body of evidence shows that taking regular breaks from mental tasks improves productivity and creativity – and that skipping breaks can lead to stress and exhaustion.” Stress and exhaustion do not produce those 4.0s you are hoping for, so read on.

Suits is a must-watch because, although it is highly unlikely that your post-grad/bar passage life will include New York City, BigLaw, and solving legal problems with TV script-like precision, the plotlines and character development are amaze. Yes, the abbrev “amaze” is appropriate here. If you watch Suits, you will come to understand that a Team Harvey Specter and a Team Mike Ross exist. Gabriel Macht’s portrayal of Harvey is complicated and engrossing…and it helps that he is a beautiful specimen of man. You can see where my loyalty lies.

Unless you enjoy prepping for Select Topics and subjecting yourself to information overload by watching PBS afterward, you are going to watch your favorite shows to escape reality like 3L Greg Tross: “[I watch] New Girl because Schmidt is my jam, and I enjoy Girls. I like anything that’s mind numbing,” he said. “Dexter is addictive; the cliffhanger at the end of every episode always leaves you wanting more.”

Aaron Davidson, 2L, watches TV for the laughs. “Modern Family and American Dad are funny shows that don’t force you to keep up with current events to get the jokes,” he noted. “While in law school I tend to appreciate shows that do not focus on a detailed plot, but instead focus on making me laugh.”

Speaking of checking out, let us talk about checking in…to the hospital. TV networks keep wheeling out medical dramas and crossing their fingers that we will fail to notice that they stole all their best ideas from ER or House or Nip/Tuck. From The Mindy Project (hilarious) and Scrubs (Zac Braff has the cute/funny/nerd thing down to a science) to Emily Owens, MD (which has already been cancelled), viewers cannot get enough of the shows featuring gross medical issues, inter-office sex followed by inter-office gossip and subsequent moments of inter-office conflict.

Shane Micheil, 1L, admitted that his favorite TV distraction is Grey’s Anatomy. “I miss Mark and Lexi and [SPOILER ALERT]: #christinashouldhavediedintheplane crash. Don’t judge me,” he said.

Even the most studious of us refrain from working for 12 hours straight. “If I don’t have a lot of time, I need a quick escape, and so comedies like The Big Bang Theory, How I Met Your Mother, Weeds, Entourage, and Family Guy are great shows for that,” Adam Weidner, 2L, said.

If you actually want to feed your mind even while taking a break, Weidner has a solution: “If I have a little bit more time, but feel that I do not want to “waste” an hour, I then tend to watch shows with more substance, such as Law and Order, The Mentalist, or even (sigh) the news.”

I know I just joked fun at PBS, but I want to admit that I was wrong about Downton Abbey. I wrote it off as a Fifty Shades of Grey-type of guilty pleasure for women in the middle-octogenarian age bracket until I sat over winter break and watched five episodes of this show on Netflix…in a row. Just trust me here and watch the first episode. You will be addicted unless for some strange reason you hate English accents and historically accurate drama.

“Downton Abbey on PBS is such a great show to watch during school because it is a time piece show that takes place in early 20th Century Britain and focuses on property rights,” 3L Shain Wasser said. “It gives you a nice break from school while reminding you all about Wills and Trusts.”

Whether you have an affinity for Dan Rather, share a glass of vino with your friends and watch The Bachelor, or laugh until you cry at Taco’s antics on The League, remember to give your brain a rest. So stop talking about OCI already, put down that E&E, and watch some boob tube with your buddies. You will feel better afterward.
Chapman law students and faculty danced the night away February 16, 2013 at the annual Barrister’s Ball held at the Chuck Jones Center for Creativity.

The Chuck Jones Center was a new location to host the event, SBA Event Committee Co-Chair Nicole Wilson said, and the theme was correspondingly artsy as a nod to the famous Looney Tunes cartoonist.

“This was kind of a diamond in the rough find for us,” Wilson, 3L, said. “After two other venues fell through, [Co-Chair Sean O’Hair] and I checked this one out at the suggestion of Stephanie Morris and really saw uniqueness and potential.”

The event highlighted the usual jammings of Professor David Finley’s band followed by DJ music. A new feature for this year’s festivity was a cocktail hour with drinks and passed hors d’oeuvres. SBA expected about 350 people in attendance, Wilson said.

“With the pressure filled environment of law school, Barrister’s is a great place to interact with others on a more relaxed, and classier level,” 3L Lauren Tillotson said of the yearly event.

The event was not as relaxing for SBA members who plan the activity though, and Wilson said Barrister’s Ball is the most challenging event she has ever planned.

“I’d love for people to know how much this means to both me and Sean and how hard we have worked on this event, along with the rest of SBA, for months. Literally, since August,” Wilson said. “…This event is planned by the students for the students and after months of work, it should be awesome.”

The efforts of the SBA shown and attending students were delighted by the occasion.

“There is just something exciting about getting dressed up and going out on the town,” 3L Josh Rosenblatt noted. “Getting to do that with all of your closest friends at school makes Barrister’s a phenomenal night in and year out.”

The theme of bonding with fellow law students and faculty away from the pressures associated with law school is always the driving force behind the event. For the 3Ls especially, commented Wilson, this may be one of the last times to let loose and have fun before the Bar.

All levels of law students, though, enjoyed the evening of diversion before Spring Break.

“It is an exciting event that allows you to leave the stresses of law school behind for one night, and be in a carefree environment with the people who truly have been through thick and thin with you,” 2L Allyson Rudolph commented. “It is nice to take a step back sometimes and really enjoy the moment and I think Barristers Ball allows us to do that.”
Chapman Law Trips the Light Fantastic at Barrister’s Ball 2013

By Lauren Crecelius

Editor-in-Chief

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Barrister’s Ball photos courtesy of Alan Falcioni and Chapman Law students and staff
Justice Stephen Breyer

Justice Breyer is seen as a liberal justice, who has a pragmatic and non-originalist approach to constitutional interpretation. An Eagle Scout, Justice Breyer enjoys bird watching and biking. In 1993, he was hit by a car while riding his bike, and left the hospital to go meet with President Clinton, who appointed Justice Ginsburg that year instead. Justice Breyer’s book, *Active Liberty*, sets out his philosophy, including that the judiciary should resolve conflicts in a way that encourages the people to participate in government.

Justice Sonia Sotomayor

Justice Sotomayor was nominated by President Clinton but was successfully appointed by President Obama. She is the first Hispanic justice and the third female justice on the court. She had a difficult childhood, with a diagnosis with Type 1 diabetes at the age of seven, and her father’s death when she was nine. Still, Justice Sotomayor persisted, and has said that she knew she wanted to be an attorney at the age of ten, and was a fan of Nancy Drew and Perry Mason.

Justice Elena Kagan

Appointed by President Obama, moderate to liberal Justice Kagan is the most recent addition to the bench. She successfully petitioned for the Supreme Court’s cafeteria to add its first frozen yogurt machine. She wrote her undergraduate senior thesis on socialism in New York, and has expressed interest in the history of American political radicalism. She concluded by saying, “American radicals cannot afford to become their own worst enemy. In unity lies their only hope.”

One final hobby that all the Justices share is basketball. They like to play on a special basketball court on the top floor of the Supreme Court building, affectionately named “The Highest Court in the Land.”

> They like to play on a special basketball court on the top floor of the Supreme Court building, affectionately named 'The Highest Court in the Land.'"
Controversy Over Proposed Gun Legislation

By Lauren Crecelius
Editor-in-Chief

Controversy over gun control law is nothing new in modern American society, though recent tragedies have intensified the debate and, perhaps, the laws will change. Most recently, the massacre at Sandy Hook Elementary School in Newtown, Connecticut in which 20 children and six teachers were murdered, has thrust the issue to the top of the list. The shooter, 20-year-old Adam Lanza, also killed his mother and later committed suicide on Dec. 14, 2012.

Other recent tragedies include the 2012 Colorado shooting at a movie theater which left 12 people dead and 58 injured, and the 2011 shooting in Arizona which left 6 people dead and 13 injured.

Though these murders have prompted many people to demand stricter gun control law, others maintain that stricter laws will impede upon Constitutional rights and will not stop violent tragedies such as these. Even the Connecticut Post notes that the Newtown populace are themselves divided on the issue.

The Obama administration’s focus is on curbing access to high-powered rifles and large-capacity magazines, according to National Public Radio. In January, California Senator Dianne Feinstein proposed legislation to reinstitute an assault weapons ban and outlaw ammunition magazines holding more than 10 rounds.

According to FBI Criminal Justice Services, about 67 percent of all homicides in the United States in 2011 were completed by firearms. The FBI runs the National Instant Criminal Background Check System, or NICS, which has been in place since 1988. The NICS screens gun buyers who purchase firearms from licensed retailers; however, according to Fox News, 29 states do not require NICS checks for firearms purchased at gun shows. Part of Senator Feinstein’s proposal would require an NICS check on all gun sales or transfers, including those over the Internet, through classified ads, and even between friends and family.

However, the National Rifle Association maintains on its website that, “attempts to ban or tax ammunition are tactics to eliminate or curtail gun ownership.” The NRA cites the Second Amendment of the Constitution and Supreme Court decisions affirming the right to bear arms.

According to FBI Criminal Justice Services, about 67 percent of all homicides in the United States in 2011 were completed by firearms.

The NICS form is intended to exclude certain people from obtaining guns, including felons, fugitives, illegal immigrants, the mentally ill, anyone with a restraining order, and those who have committed violent misdemeanors. NICS has been criticized though, for being an incompetent system, due in part on the lack of information contribution by the states. According to a 2012 Government Accountability Office review, dozens of states underreported mental health records and drug violation records to the NICS, records which could prohibit certain people from obtaining firearms.

The statistics and proposals over gun control rage on, and to delve into their own personal views Chapman Law students Mary Collins, Officer with the National Lawyer’s Guild at Chapman, and Jonathon Cayton, Vice President of Logistics with the Federalist Society, discuss their thoughts on the matter on pages 14 and 15.
In Favor of Stricter Gun Legislation

By Mary Collins
Staff Writer

I have this neighbor who is constantly smoking on his balcony. Although he has every right to smoke on his own balcony, his second-hand smoke drifts into my apartment every time. Even on a hot summer day, I have to rush to close the windows so that I am not breathing in his smoke. Radical gun ownership is kind of like smoking, because it is a personal choice that could affect the health and welfare of others. Your choices affect other people in profound ways, and can put them in danger. When personal choices put other people in danger, they amount to tyranny.

Radical gun ownership does not include people who keep one or a small number of guns in their homes to be used as a tool in times of emergency. There are also many people who responsibly collect and preserve older weapons as artifacts. Radical gun ownership is a celebratory affinity for guns combined with overzealous hoarding of guns or of ammunition. It goes far beyond the intent of the Second Amendment. Gun ownership and use has become a common hobby in our culture. I wonder if it would be unnerving to anyone if I had a similar affection for, say, chainsaws? Does anyone even remember that guns are dangerous?

The mere possession of automatic and semi-automatics is radical because of the radical harm that these guns can cause. On December 14, 2012, Ming Yinjun stabbed 23 people at an elementary school in central China. None of the victims died of their wounds. By comparison, American James Eagan Holmes was able to legally purchase 6,000 rounds of ammunition online, before launching an attack on an Aurora, Colorado movie theater, with four legally-purchased guns, including an AR-15 with a 90-round magazine. He killed 12 people and injured 58. Certainly violent intent is difficult to eradicate, but the results are horrific when the perpetrator of violent intent has a semi-automatic firearm.

Responsible gun owners frequently cite their own history of law-abiding behavior as reason why they should be unburdened by gun restrictions. However, many of the famous American shootings were committed by individuals with no criminal record. The massacres at Columbine, Virginia Tech, Aurora, and the Sandy Hook Elementary of Newtown were all perpetrated by persons with no previous criminal record. Background checks are not be enough to guard against attackers with no history. There is also no guarantee that a gun will be borrowed from a licensed owner and used to commit violent crimes. For example, the gunman of the recent Newtown tragedy borrowed his mother’s gun to commit his shooting spree. It therefore follows that a better way to protect against such catastrophic incidents would be to limit legal gun ownership to less-powerful weapons.

The famous massacres of recent memory do not even scratch the surface of gun violence. Guns are used in drive-by shootings by gangs and other criminal organizations. Guns are used to rob convenience stores and to steal cars. Guns are used to kidnap, rape, and murder. Guns are used to perpetuate the sale of illegal drugs. Guns are used to commit suicide. Guns discharge and kill or injure young children. The famous gun massacres may seem few and far between, but the effect of gun violence is more prevalent than we realize. The more weapons are legally licensed to the public, the more risk there is that some of these weapons will be stolen, used improperly, or purchased illegally from their original owners years later.

Many alternatives to gun control have been proposed since the recent Sandy Hook Elementary shooting in Newtown, Connecticut. Some suggestions have been bizarre, like Newsweek Contributor Megan McCord’s suggestion that the children should have rushed the attacker, rather than hide. Others have said that the mentally ill should be the subject of increased regulation and scrutiny. I worry that increased government regulation of the mentally ill may result in persecution and discrimination, which would then discourage those suffering from getting help. Another proposal has been to station security forces inside classrooms, movie theaters, and other places vulnerable to attack. Installing trained individuals in every vulnerable building, however, would be an expense that the government, and most public schools, could not afford. Furthermore, the possibility of a classroom duel between a shooter and a security guard is almost as threatening as a single shooter. It saddens me to think of children going to a school in a police state, in which an armed guard is necessary, simply because there are adults who don’t want to compromise their right to bear arms. There can be no freedom if we all have to live in fear. In the wake of the Newtown tragedy, I think that it is time for Americans to take a more realistic stance on gun control and regulation.

Many point to the Second Amendment as the reason against having gun control. The Second Amendment, however, says only that we have the right to bear arms. It does not say that such a right should go completely unregulated. Sometimes we have to submit to government regulations in order to benefit public welfare. I would liken gun control to airport security. Sure, you might feel safer being able to carry your own gun on an airplane. You may even feel that you could stop a terrorist attack. However, air passengers collectively give up their right to carry a gun when they fly, not because each individual is personally suspect, but because of the peace of mind that such regulation brings. We feel safe knowing that murderers and peaceful gun owners alike are not armed. Gun control is necessary just like airport security is necessary, because we cannot know the intentions of every stranger. The harm that can be done by bad intent weighs heavy on our minds and oppresses our freedom.

Sometimes we have to submit to government regulations in order to benefit public welfare.
In Opposition of Stricter Gun Legislation

By Jonathan Cayton
Staff Writer

I have been a firearms professional for the better part of a decade. I am an NRA certified firearms instructor, a California DOJ Certified Instructor, a United States Marine Corps Infantryman, a competitive shooter, and I sold retail firearms for three years. I am proud to be part of a community that upholds an oath to defend both the defenseless and the unwilling...even though more than one person has suggested that my career choices are unhealthy and immoral.

As a father, I now have no greater concern than the wellbeing of my offspring, but I have not adopted a level of irrationality that will preclude me from teaching my daughter how to shoot. She will learn that firearms are an extension of body and mind, that there is no substitute for self-reliance, and that the things feared most are least understood.

I must admit to having at least a closeted disagreement with most government restrictions (firearms related or otherwise), but I wholeheartedly accept what the Supreme Court has referred to as "longstanding prohibitions" on gun possession by felons and mental incompetents. In fact, these restrictions have been recognized for centuries. Modern restrictions are more elaborate and an abbreviated list of prohibitions includes: felony convictions; convictions for assault, battery, or another violent misdemeanor such as domestic violence (generally 10 year prohibitions); adjudication by a court to be a danger or threat to self or others; found not guilty by reason of insanity; found incompetent to stand trial; placed under a conservatorship; or admission to a mental health facility. Enforcement of these prohibitions has always been an issue, but that is a problem that can only be cured by electing responsible representatives.

However, as noted in the landmark case District of Columbia v. Heller, "the enshrinement of constitutional rights necessarily takes certain policy choices off the table." Bans on handgun possession have been struck down by courts and every state except Illinois has a system for permitting the concealed carrying of firearms by citizens. The purpose of the Second Amendment as a codification of individual rights that applies to federal and state governments has been upheld in the Supreme Court. In Heller, the Supreme Court engaged in a detailed analysis of the construction and the overarching purpose of the Second Amendment. The "militia" pre-dated the ratification of the Constitution, and comprised of a common group of citizens who possessed a natural right to own arms and act in concert for common and self defense. Congress was to deny the power to abridge the ancient right of individuals to keep and bear arms, so that the ideal of a citizens militia would be preserved along with the natural right of self defense.

The militia was expected to have personally owned bearable arms that were compatible with military standards. According to precedent the category of firearms that deserve the most stringent protection are those that are typically possessed by law abiding citizens and compatible with military standards. Although I disagree with several elements of the decision, the National Firearms Act of 1934 was upheld in U.S. v. Miller, partially because there was no evidence presented to show that the firearm in question, a short-barreled shotgun, was a weapon typically possessed by law-abiding citizens for lawful purposes. Further, no evidence was presented that it was a weapon commonly used by a military. A muddled version of this idea has been promoted by the gun ban lobby for decades. Proponents of regulation spend millions of dollars openly advocating bans on private firearm ownership. These groups previously focused on handgun restrictions, claiming that pistols were less deserving of protection under these principles.

The Second Amendment was never envisioned as protection merely for hunters or recreational target shooters. It is a codification of "the natural right of resistance and self-preservation," and "the right of having and using arms for self-preservation and defense," as noted in Heller. Even though the Second Amendment certainly protects hunting rifles, modern hunting rifles are generally not adaptable to the standards of military small arms and neither are magazines that have restricted ammunition capacities. Firearms, like all other technological advancements, have evolved over time. Keep in mind that semi-automatic rifles became standard issue for the US Army in 1936 and the modern "hi-capacity magazine" has been around since the Browning Hi-Power was introduced in 1935. Since we do not analyze constitutional rights in a historical vacuum, private ownership of the hotly debated semi-automatic "assault rifles" as common and essential modern military arms is protected under this rationale.

Unfortunately, fear and ignorance are generally the driving forces behind gun control. Consequently, laws have no real effect on crime and are even less likely to prevent the sort of national tragedies that galvanize proponents and opponents of gun control. The history of government regulation demonstrates that there is not a cure-all for gun-related violence. Regulation of machine guns and short barreled shotguns/rifles were advocated as solutions to violence in the 1930s. Requiring firearms dealers to record sales and banning the mail order purchase of firearms were advocated as solutions to violence in the 1960s. Regulating handguns, banning "assault weapons," and limiting ammunition magazines to 10 rounds, were advocated as solutions to violence in the 1990s. Yet somehow, evil and determined individuals have always managed to circumvent these laws.

To say that California is a failed model for gun control would be a
Fact: Law school students are peculiar creatures. Here are just a few ways in which we, in general, are a unique breed. Which statements can you identify with?

**Highlighters and Tabs**
Only in law school…
- Is highlighting a difficult task which requires 8 different colors of highlighters.
- Do you have a mini-mental breakdown when you discover it is impossible to whiteout over a highlight.
- Do you ask for highlighters, earplugs, and post-it tags for birthday and Christmas presents.
- Do you shop for book tabs and highlighters with the same degree of care and diligence as you do when purchasing a house or selecting a lifelong partner.
- Do you study so hard that your yellow highlighter tip breaks off while reading.

**Textbooks and Reading**
Only in law school…
- Is your supplement larger than most undergrad textbooks.
- Do you get calls from your credit union about questionable charges for case books totaling over $1000.
- Would you consider textbooks and notes as “valuable belongings” during a fire alarm.
- Do you wish there was a Black Friday sale for casebooks and supplements.
- Do you get excited when you realize you read a case last semester for a different class so you only have to skim it this time.

**Writing Papers**
Only in law school…
- Do you rejoice when the page limit for a final paper is increased.
- Do you desperately want to shrink the font size, expand the margins, and reduce the spacing to single spacing, just to fit within the page limit.

**Studying and Library**
Only in law school…
- Do people rush to the library to study if class is cancelled.
- Do you feel you should be paying rent towards your library study room rather than your unused apartment.
- Do you consider quality time with your best friend to be sitting at the same table, not speaking to each other, while you both study.
- Are you excited for daylight saving time because that means an extra hour of studying rather than an extra hour of sleep.
- Are you irritated by a fire alarm interrupting potential study time, instead of rejoicing and leaving campus.

**Final Exams**
Only in law school…
- Is waiting for the results worse than the actual test.
- Does your heart drop when you realize you have a dreaded open-book final.
- Do you set four alarms because you’re afraid you will wake up late and miss your afternoon final.

**Jobs**
Only in law school…
- Is it understood that “what are you doing for the summer” is not a question about vacation plans.
- Do you beg to work for free, anywhere.

**Random**
Only in law school…
- Are you proud of yourself for “working out during school” because you took the stairs rather than taking the elevator.
- Is the right answer always “it depends.”
- Do you realize in Torts that you are not a “reasonable person.”
- Do you lose your ability to empathize with people complaining about the work load in any other academic programs.
- Do you walk down the street and imagine all the tort possibilities.
- Does the fact that you’re halfway done with the semester terrify you, instead of making you happy.
- Is the first thing you do on winter break is get your eyes checked.
- Do you receive “K” in a text message and you automatically read it as “contract.”
- Do you realize that life is like a game of Tetris; you have to shift the different shapes of blocks around so they all fit. Unfortunately, law school is the spherical shaped falling block. Good Luck!
Chapman’s Convenient New Coffee Stand

By Claudia Lopez
Staff Writer

Although student eyes were still slightly closed upon returning to campus after winter break, Chapman students were miraculously awakened in the morning by the aroma of coffee coming from the coffee stand that is set up in the lobby by Rinker Library.

The law school began envisioning the idea of a coffee stand many years ago. However, this coffee stand was introduced at the end of the 2012 fall semester. Dean Tom Campbell and Dean Jayne Kacer decided to make the idea come alive after receiving numerous requests from the student body. The coffee stand is run by Sodexo, a food service provider that all Chapman schools are contracted with, and it also oversees other lucrative stands on the main campus, such as Einstein Bagels and Jamba Juice. At the law school coffee stand, students will find a variety of items for sale such as fruit, sandwiches, juice, muffins, and, of course, coffee.

According to Dean Kacer, if the coffee stand makes a certain amount of money, Sodexo will consider making it a permanent entity in the law school.

“At one point, a long time ago, it worked out where Sodexo brought food, such as sandwiches and salads every day and sold them...students didn’t use it as much as everyone had hoped,” she said. “From Sodexo’s side, they didn’t have the sale, so they ceased to provide that service.”

Although Law students seem to be enjoying the convenience of the coffee stand, minor adjustments such as location of the stand might help grasp attention. “Chapman Law needs a coffee cart,” 1L Priscilla George opined, “and a more convenient location just might help up embrace it as we should.”

The main caveat, however, is that the coffee stand is currently only accepting cash or Chapman panther bucks, not credit cards. Accepting cards is a suggestion to possibly increase sales as expressed by 1L Hilda Akopyan.

“Coffee is decent,” Akopyan commented. “[It] would be awesome if they accepted debit cards.”

Shain Wasser, 3L, agreed the stand would be more viable if it accepted credit cards, though all in all, she said she liked the new stand.

“It was great, I was running late to select topics and didn’t have time to get coffee and a three hour class without coffee is hell,” she said.

Although the stand is modest, students agree it is definitely an upgrade from the vending machine that produces dreadful liquid “coffee.”

So far, the stand has been prosperous enough to return for its fourth week and with the undergraduate students returning from break, hopefully sales will increase and the stand will become a permanent fixture.

“Our hope is to convince [Sodexo] that we can sustain some sort of a sale center here at the law school,” Dean Kacer expressed.

If the stand becomes successful, it may be able to expand and provide students with more options in the future, such as an actual barista making foamy flavored drinks.

“I never buy coffee from the stand because I usually buy coffee that I like such as a Mocha or Latte, not just drip coffee.” Annie Lin, 1L, commented.

There have been a couple attempts to have a coffee stand in the law school in the past, and though this is just a trial basis, two permanent locations have been proposed already by Dean Campbell and Dean Kacer. The tentative proposals include Sodexo potentially using the room adjacent to the student lounge, currently known as the game room, because it has a sink. The second proposed idea is that there could be a completely self-monitoring mini mart with a variety of food and drinks for sale.

It is apparent that a student demand exists for fresh coffee, however, as Sodexo is its own independent business, the company needs to know that there will be profit if set up permanently. The stand is usually set up and running during peak hours, usually between 8:30am and 11:00am. So any students who want a decent cup of coffee in the morning without having to drive anywhere or wait in long lines, should show Sodexo some appreciation and order a cup or two sometime during their trial run.

Guns, from page 15

monumental understatement. California passed two “assault weapons” bans in 1989 and 1999, has a 10 round magazine limit, has required the registration of handguns for over 20 years, and has over 800 other statutory firearms regulations. Yet, according to the FBI, 1,220 homicides; 16,146 robberies; and 17,055 aggravated assaults were committed with firearms in California in 2011.

Even in countries where firearms are illegal or almost impossible to legally obtain, criminals somehow manage to gain access to firearms. If you want to do something serious about gun violence, take the first step and enroll in a firearms safety course or come find me on the sporting clays range. Learn as much as you can about the subject, and give an honest read to competing arguments, both majority and dissenting opinions. Finally, analyze the enforcement mechanisms that are designed to keep guns out of the hands of dangerous persons and don’t allow politicians to convince you that tragedy can be averted through more legislation.
The only thing more frightening than knowing these kinds of people exist is the fact that they had legal representation. I have scoured the boundless Internet to bring you the best (or worst) lawsuits all of time from around the globe. Here’s to five optimistic clients and their stand-up attorneys. May your exploits always be hopeful and your lawsuits frivolous.

#5 Oh the Inhumanity!
A German man walked into a bank with intentions of thievery. Unfortunately for him, the bank teller quickly realized that the robber was nearly deaf. The teller tripped the security alarm, which the robber failed to hear, and the police arrested the thief shortly thereafter. The deaf bank robber later brought suit against the bank for exploiting his disability.

#4 Insult to Injury
Usually when your favorite sports team beats one of the top contenders in the league, the first thought wouldn’t be to sue the competition. That’s not the case for a South Florida resident who wasn’t satisfied after his team won the game. In fact, he is suing the San Antonio Spurs for violation of the state’s deceptive and unfair trade practices act by sending their marquee players back to Texas to rest. According to the man, he’s not in it for any financial compensation. The lawsuit is currently pending.

#3 Justice Isn’t Always Blind
A man in China filed for divorce from his wife after she gave birth to an “incredibly ugly” baby that didn’t resemble either of the parents. Apparently, the man’s wife had an extensive amount of plastic surgery done before the two met and he claimed that she married him under false pretenses. The court agreed with the man and awarded him $120,000 in damages.

#2 I don’t Wanna be Like Mike.
A man who bore a striking resemblance for Michael Jordan was tired of being mistaken for the athlete. He was constantly complimented on similarities to His Airness’ both in and out of the gym, and the man claimed it was taking an emotional toll. The Michael Jordan look-a-like sued Michael Jordan for $416 million for looking like him and demanded that Jordan grow hair to solve the problem. If that wasn’t enough, he sued Nike for the same amount on the grounds that they made Jordan a famous celebrity. Naturally, the look-a-like dropped the suit later that year.

#1 Afraid of Children? Become a Teacher!
A teacher in Ohio had been teaching Spanish and French to high school students for nearly three decades. When the school district transferred her to a middle school, however, she brought suit for lack of accommodation of her disability. The 61-year-old teacher has pedophobia. No, that isn’t a typo for pedophilia. Pedophobia is a fear of children. The woman is suing the school district for not accommodating her condition. A tentative trial date has been set for 2014.
“Goodbye family, goodbye friends, goodbye youth,” I tweeted pessimistically as I picked up my first semester law school books last August. One hour and $1,200 later, I found myself thinking I’m in way over my head. The excitement I had during orientation quickly became a frenzied panic the first week of school. I quickly realized, though, that most of the expectations I had of law school were simply wrong.

We’ve all heard the stories of the cutthroat, competitive, and sabotaging law students who only look out for themselves. I anticipated being surrounded by these types of people, struggling to hold my own, friendless and alone. What I found instead are some of the most sincere, caring, and genuinely amazing friends I could have asked for. The attitude among Chapman law students is so friendly that it’s nearly impossible to feel lonely at school. Within just the first two weeks of the semester, the 1Ls were planning events to get to know each other better, hanging out, studying together and spending time with one another between classes and after school.

I was wrong once again when I assumed that this would take a shift towards the worst when finals approached. While we stopped going out as frequently, bonds between us were strengthened as we found ourselves combining our notes to make the most effective outlines possible for finals. I found myself surrounded by friends who not only have the same goals but are also willing to go out of their way to help others succeed.

To say that professors will cold call on you and embarrass you, make you uncomfortable, or pick on you is a lie. The image I had created of the strict, demanding, and overly serious law professor was far from reality. While our professors are all demanding, they demonstrate their strong desire for their students to succeed. They’re all accomplished professionals who want to challenge us so that each time we leave their class we’ve learned something new.

It’s true when they say you have to “earn your weekends.” It’s not true, however, that a law student will have no life. If I’ve learned one thing from first semester, it’s the importance of time management and self-discipline. If you remain focused when reading, briefing, and studying, then you can earn a few hours to yourself to do something fun over the weekend. It’s also important to treat yourself to little things over the week, whether it’s an hour off to do something you enjoy like watching TV or going to the gym or something as simple as getting your favorite drink from Starbucks before class.

With these little boosts and the proper management of time, it’s possible to be a good student and still do things you enjoy.

The most important thing I’ve learned so far is that hard work pays off, but a positive attitude will go a long way. Making the most of each day and trying to enjoy the experience will make the next two and a half years some of the best of our lives. We’re not only preparing ourselves for our careers, we’re making connections and hopefully building bonds that will last us a lifetime.

Marriage, from page 8

that I believe the other side is failing to meet.” Sanders added, “I’m a supporter of rational thought; the arguments and beliefs held by opponents of gay marriage could cause me to undermine my core beliefs.”

Sanders’s conversion reflects a reported statistical trend of higher levels of support for same-sex marriage. According to one source, PollingReport.com, more Americans favor same-sex marriage today than oppose it. A recent Quinnipiac University Poll shows that 48 percent support same-sex marriage, while 46 percent oppose it. Other polls portray an even wider margin between the two sides, with a recent USA Today / Gallup Poll showing that 53 percent support same-sex couples’ being recognized by the law. This is in stark contrast to results from the same poll taken as recently as October 2009, when only 40 percent of respondents supported same-sex marriage, and 57 percent opposed it.

Same-sex marriage opponents and proponents alike can look forward to this March 26th and 27th, when oral arguments begin in Hollingsworth and Windsor, respectively. Expect mounting tension and speculation until the final decisions are rendered in June.