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Class Site: NATIONAL UNIVERSITY

Sunday, November 20, 2011
Noon to 4:30 pm
Real Property I*
Class Site: QUALITY INN & SUITES

Thursday, November 17, 2011
6:00 pm to 10:00 pm
Torts I*
Class Site: NATIONAL UNIVERSITY

Monday, November 28, 2011
6:00 pm to 10:30 pm
Constitutional Law I*
Class Site: QUALITY INN & SUITES

Tuesday, November 29, 2011
6:00 pm to 10:30 pm
Evidence*
Class Site: FLEMING’S MAIN OFFICE

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6:00 pm to 10:00 pm
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Tuesday, November 29, 2011
6:00 pm to 10:30 pm
Evidence*
Class Site: FLEMING’S MAIN OFFICE

National University ~ Costa Mesa Campus
3390 Harbor Boulevard - Costa Mesa (across the street from Whittier Law School) – Room Posted in Lobby

Quality Inn & Suites ~ Lake Forest
23702 Rockfield Boulevard
Lake Forest, California 92630

Fleming’s Fundamentals of Law ~ Main Office
26170 Enterprise Way, Suite 500
Lake Forest, California 92630-8414

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Preparation for February 2012 Bar Exam

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Sunday, 9:00 am to 5:30 pm
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Dear Reader,

Thank you for picking up this edition of The Courier. Now that the first semester is in full swing, I hope that 1Ls are getting the hang of outlining and briefing, 2Ls are not getting bogged down in all the work that law review and externships may bring, and 3Ls are finding a bit of joy in their last fall semester of school while not letting the looming Bar terrify them too much.

Since our last issue, many national newsworthy items have taken place: Occupy Wall Street, Amanda Knox’s freedom, and Steve Jobs passing away. Many local incidents have also been brought to our attention: Professor Eastman becoming Chairman at the National Organization for Marriage, Law Review announcing their symposium topic for next semester, and Sodexo meeting with Chapman students. The Courier’s writers have taken it upon themselves to bring you these thought-provoking stories.

I would like to take this opportunity to express my sincere apology to Luke Salava. The incorrect version of the article, You Can Study Abroad . . . But Should You?, written by Luke, was published in last edition. The correct version is published in the online Courier at www.chapman.edu/law/students/lawcourier/backIssues.asp

Sincerely,
Amber Hurley
Editor-In-Chief
If you have read the WRIT in the past couple of weeks, you would have noticed the blur about Chapman partnering with the American Society of International Law. Then you probably would have wondered what the American Society of International Law is and what our partnership with them means for Chapman students. Well, here are some answers.

The American Society of International Law (ASIL) is a nonprofit organization that has no political affiliation. The mission of ASIL is to: “foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice.” (http://www.asil.org/mission.cfm) What that means for us students that are interested in international law or that are savvy to the encroaching nature of international law on domestic law firms is a number of benefits.

The benefits include one complimentary regular registration to the annual meeting in March 2012 on Confronting Complexity, recognition on all ASIL's promotional materials for the annual meeting as well as promotional material as a partner of ASIL. All students of academic members may go for free to the ASIL Fall Meeting, where Chapman will be promoted as a partner of ASIL.

The benefits also include a ½ page advertisement per issue of the American Journal of International Law (there are 4 issues a year), announcements and hyperlinks in the ASIL Academic Bulletin (an electronic publication sent three times a year to ASIL's 4,000 members and posted on asil.org), listing on asil.org as a 2011-12 Academic Partner including a link to Chapman's website, recognition in the ASIL Bi-Annual Report and ASIL Newsletter, and an option to have ASIL co-sponsor and publicize events at Chapman.

Last but not least, there are teaching and career resources that this partnership offers, such as special rates and access for Chapman faculty to ASIL's resources for teaching international law, complimentary access to career development webinars (online seminars providing advice on pursuing a career in international law), one complimentary copy of the 2011/2012 edition of ASIL's acclaimed Careers In International Law, and participation in 2011-2012 career fairs (October 2011 in New York City and November 4, 2011, in Los Angeles).

These benefits will allow Chapman students access to ASIL's careers book, enhancing career services and broadening their scope beyond a career in Orange County, or even the U.S. By allowing faculty access to ASIL's teaching resources, the benefits of the partnership reach down to the students.

We will receive even more resources to assist us in our study of international law. The advertising that ASIL promises to us as one of their partners is invaluable.

Employers from all over who know and respect ASIL as an effective organization will know Chapman's name as one that values international law as an important part of the legal world.

Besides all of these enormously beneficial, foreseeable perks to Chapman and its students, surely there are benefits that cannot yet be anticipated.

The most pertinent of these perks is ASIL's Fall Meeting (http://www.asil.org/midyear-meeting/) which will be held at UCLA on November 3, 4, and 5.

Follow the link on the WRIT from the past weeks and make sure that when you register, your balance is a beautiful $0! For those of you taking the MPRE, no fear - you can always just attend the events after you are done. The meeting itself consists of speakers, seminars, a career fair, lunches and dinners - all including a slew of renowned professors and practitioners of international law.

If you have ever even considered a career in international law in the slightest way, it would behoove you to attend this meeting. Don't forget to RSVP!

If you have any problems finding how to RSVP, or have deleted your WRITs, e-mail me at brown211@mail.chapman.edu and I would be glad to help.

For more information on ASIL, go to www.asil.org.
Not Close to a Compromise: Marriage Equality

Amber Hurley
Editor-In-Chief

Chapman has always been a place to foster new ideas, by encouragingly accepting everyone’s opinion. This has never been truer than on the issue of marriage equality and the newest developments within our school, faculty and students.

On October 10, 2011 Chapman University School of Law and Dean Campbell kicked off the 2011-2012 Global Project for LGBTQ Rights and Feminism speaker series. The first speaker was Steven Cohen, the former Chief of Staff of the New York Attorney General’s office and senior advisor to New York’s Governor Andrew Cuomo. Mr. Cohen played a vital role in the passage of New York’s Marriage Equality Act, which allows for gender neutral marriages between same-sex and opposite-sex couples. Mr. Cohen believed that marriage equality was important, saying that “if Larry King can get married over and over again, anybody should be able to get married.” He expressed that money was not a pivotal matter in the passage of New York’s Marriage Equality Act. Instead, he emphasized the importance of pursuing a single method of action, through the collaboration of all parties involved, as opposed to allowing the many well intentioned people to pursue multiple pathways.

The mission of the Global Project for LGBTQ Rights and Feminism, which began in 2010, is to bring leading scholars and policymakers to Chapman University to discuss a wide range of issues related to family law, marriage equality, discrimination based on sex and sexual orientation, international human rights, and the profound impact that gender and sexual orientation have on law and society. The Project plans to address the complex questions evoked by the feminist theory and LGBTQ rights through an interdisciplinary approach and provide an important forum for international dialogue about gender and sexual orientation.

This year, the Project will be bringing professors and scholars from around the nation to speak on issues, such as, transgender rights in unlikely places such as Pakistan and the global implication of American homophobia.

Thomas Campbell, before becoming dean of Chapman University School of Law, made his views on gay rights well known. As Dean, however, he feels he does not have the right to associate his own views as necessarily those of the law school. Dean Campbell hopes the Global Project for LGBTQ Rights and Feminism will encourage the “free exchange of ideas and welcomes all students, faculty, and staff to attend all our functions for their educative value.” He has the “hope that the resolution of important public policy issues might be enhanced by thoughtful participation by members of the Chapman School of Law community.”

As part of his pursuit of an open discussion on these issues, Dean Campbell was willing to meet with students concerned about the effect the law school’s former Dean and current Constitutional Law Professor, John Eastman’s new position as National Organization for Marriage (“NOM”) Chairman may have on Chapman’s reputation as a law school. Professor Eastman took the position as Chairman for the NOM in September of this year. The NOM, founded in 2007, opposes same-sex marriage and fights to keep marriage between a man and woman. Professor Eastman noted that he was “honored to be offered this position,” as it recognized his scholarly work and litigation on the subject. He was not previously involved with the organization, but has been involved with the issues which the organization advocates, taking an active role in defending the “traditional definition of marriage” within the court system, legislature, and democratic battles. As for the law school, Professor Eastman feels that a robustness of opinions is important, but ultimately would hope to succeed in persuading people to the “correctness of his opinion” about the importance of traditional marriage to society.

Only two days after students submitted a letter of concern to Dean Campbell, he set up a meeting with them. The hour and a half meeting covered discussions on the issue of the potential impact of Professor Eastman’s position on the law school’s reputation, as well as the solution to this concern.

The purpose of this meeting was not to attack Professor Eastman’s opinions or views. It was simply to engage in an open discussion about the impact of his actions on the reputation of the law school. As noted by a student attendee of the meeting, Dean Campbell acknowledged the students’ legitimate concerns, but didn’t see Professor Eastman’s new position as a problem. Instead, Dean Campbell wants the law school to be known as a school where controversial ideas are openly discussed and talked about in a meaningful manner. Dean Campbell noted that he imposes no attempt to silence any responsible viewpoint which is respectfully presented.

The LGBT speaker schedule can be found at http://www.chapman.edu/law/centers/globalTrade/LGBTQproject.asp
We’re Mad as Hell, But We Don’t Know How to Not Take it Anymore

Kat James

Protesters.

I tend to believe that social movements, while of merit, aren’t the vehicle that drive change; rich white men (metaphorical, of course) who decide to back the protesters’ play are the real movers and shakers, and they can pretty much choose to ignore pissed-off people en masse with impunity if they so choose. I know what you’re thinking - I’m a real glass-half-full type girl and it’s hard to be around someone so optimistic. I get that all the time.

My personal cynicism and foul temper aside, I think the general problem with a bottom up, disjointed and massive movement that takes up like a sudden sail wind is that you can’t control the broad constituency that you attract (i.e. crazies/junkies/telemarketers and other un-savories), and your message has a tendency to become convoluted, if not completely nonsensical.

This ill has not passed over the Occupy movement, and they’ve gotten hell for it in the media and coffee shop conversation. Conversely, like any other movement with fans and foes, that vilification has only bolstered those that identify with the vague and vitriolic message that the protesters here, there and everywhere have been chanting.

And that’s the damndest thing: vague and vitriolic is the best we can do right now in responding massive twist-o-panties that we’re experiencing as a country.

The bottom line of both the 99% and Tea Party message is that something is rotten in Denmark when it comes to American governance, but we can’t quite figure out nor agree what has gone bad in our national refrigerator. I admonish you to consider that the powers that be – whatever you think about the kind of banal subjugation of democracy and (brace yourself) authentic capitalism that makes the pursuit of happiness possible.

Did I just endorse capitalism? Marxian though I am (the distinction between MarxIst and MarxIAN is critical, folks), I accept that capitalism is the status quo and I even like the idea of it in it’s authentic form. I’m not talking unfettered, free market, popular rhetoric stuff. I’m talking about Adam Smith. Quick history lesson: Smith started out as a moral philosopher. At the time, the theory that was en vogue in his field was that man is essentially driven by rational self interest – he only cares about his survival and so his morals are determined according thereto. Smith went against the grain and said that man’s essential driving force is empathy.

That’s right. Adam Smith. Empathy. Deal with it.

He thought that man was intrinsically knitted to other men because we are social and not solitary creatures, and so on the most primordial level we understand that, while we must work hard individually to make a life of our own and for our families, we must in turn be concerned about the life of our neighbor to truly live well. While he espoused this idea in *Theory of Moral Sentiments*, an almost forgotten work, it carries through in the capitalist manifesto *Wealth of Nations*. He thought capitalism was a way to ensure equity for all persons; to enable those who would otherwise be unable by cast or creed to live a decent and dignified life.

It wasn’t a system that he envisioned as enabling the fittest to not only survive but multiply their greed while the weaker died. It was a system that he believed would radically transform the society that he knew – one that systematically disenfranchised those who were deemed undeserving of a decent life.

I won’t be occupying anything. The recent events in Oakland almost make me want to – the idea of a police state is something that shakes me to the bone and makes me want to – the idea of a police state is some thing that shakes me to the bone and makes me want to take to the street with gravel in my gut – but I still won’t. I’ll quote UK journalist Dan Hind to tell you why:

“The established order can cope with riots. It cannot cope with a reasonable conversation about the role of [insert the cacophony of wrongdoers here] in creating crises.”

I’m ready to start a reasonable conversation, and I hope that you – 99%, Tea Party, whatever – are ready to do it with me.
Learning from Amanda Knox - Know Your International Law When Travelling Abroad

Blaise Vanderhorst

After four years in jail, Amanda Knox is free. Knox had been studying Italian at the University for Foreigners of Perugia in Italy in November 2007 when her roommate was sexually assaulted and murdered in their apartment. The victim, Meredith Kercher, was Knox’s fellow classmate, a British subject and Erasmus exchange student. Knox was accused of murder and spent nearly four years in cautionary detention (carcerazione preventiva). Knox’s trial did not commence until January 2009, and continued until December of that year, when she was convicted of murder and sentenced to 26 years. In 2010 the Italian prosecutor, Giuliano Mignini, was convicted of abuse of office. Knox was acquitted this October after a de novo appeals trial, and has returned home in the U.S.

Some of you may be considering studying in a foreign country while in law school. Chapman offers many study abroad programs, and the experiences can be fun and enriching. However, as the Knox case demonstrates, American students must take care. It can be a nightmare for many Americans to be accused of a crime and imprisoned in a foreign country. For all the complaints about our own judicial system, there are many rights we take for granted in the United States, and not every nation has the same guaranteed protections and means of redressing abuses.

Professor Michael Bazyler, who has written and taught on subjects of international law, international human rights law, and comparative law, offered his advice to the Courier.

“There’s a tendency I have seen of some students when they come to a foreign country. They feel like they have a lot more freedom than they do at home, and behavior they wouldn’t do at home they do abroad. We always caution students to remember that just because you’re not at home, certain bounds of propriety still apply. And if you violate the law, you will be arrested, and there’s very little that the professors of the American embassy can do to help. When in Rome, do as the Romans do.”

In Knox’s case, she had the added challenge of expressing her innocence to hostile and suspicious law enforcement in a second language, was interrogated all night, and was told that calling a lawyer would make things worse for her. By alleging that the police struck her during interrogation, she was subject to an additional charge of slander, which made her statement that she was in the flat and saw a man named Patrick Lumumba, a local bartender, in the apartment, admissible despite her recanting the statement and it being made in without an attorney present.

The prosecutor, Giuliano Mignini, known for his involvement in the “Monster of Florence” case, is seen by some as an unhinged conspiracy theorist, and in 2010 received a sixteen month sentence for abuse of office and illegally bugging journalists. Irrespective of the prosecutor’s own issues, the Italian system as a whole is quite different from our own. Understanding the differences between legal systems and individual rights is essential to anyone traveling outside the US.

“As the Knox case demonstrates, American students must take care. It can be a nightmare for many Americans to be accused of a crime and imprisoned in a foreign country.”

Any American travelling abroad should understand the different legal systems of the nations they visit,” Professor Bazyler said. “It is important to understand that like most of the continent and indeed most countries which were not part of the British Empire, Italy uses a civil law system.”

One procedural difference in some civil law nations is the de novo appeals process, like the one used in the Knox case. A de novo appeal means that new evidence and questions of fact may be argued on appeal, while in the United States, only issues of law and procedure may be reviewed.

“The process of de novo appeal is unusual to American justice. Even if she was found not guilty, the prosecution could have appealed,” Professor Bazyler said.

“In this case she was found not guilty and appealed. Under American law she would have been confined. The basic principle of criminal law under civil law is one that searches for the truth.”

Italy, however, is unique in that it recently changed from an inquisitorial trial system, the kind commonly used in civil law nations, to an adversarial system, the kind we are more familiar with in the United States. Most Civil Law nations, such as Germany, France, Spain, Japan, Mexico, and China, use an inquisitorial system.

“It sort of brings up images of the Spanish inquisition, torturing people on the rack until they confess, but that’s not what it means.

Unlike in the United States where the truth is supposed to come out of the duel between the prosecution and defense, in the Inquisitorial system there is an investigating magistrate; one who investigates and then decides if there are enough facts to go to trial,” Professor Bazyler explained. “The lawyers themselves play a much smaller role. I show an [Inquisitorial] criminal proceeding in my class, and the students are always surprised at how active the magistrate is and the how passive the lawyers are.”

Travelling abroad can be exciting and enlightening, but Americans will do well to remember that their rights are not the same. Know the laws, exercise your best judgment, and consider avoiding countries not known for substantive fairness, and hopefully you’ll be able to enjoy your time abroad without running into trouble.
What Law Students Can Learn From Steve Jobs

Jon Mason
Senior Editor

You may have heard that Steve Jobs, former CEO and co-founder of Apple, Inc., recently passed away. While the passing of such an influential individual is certainly an important and historic milestone, depending on your particular personal computing proclivities, you either ate up the exhaustive coverage of his passing, rolled your eyes, openly criticized his products as inferior, or simply ignored it because you had better things to worry about.

Whether you are in the Mac, PC, or the “could not care less” camp, Mr. Jobs can teach us many lessons as law students and future leaders.

Be Picky: Learn When To Say “No”

Jobs, quoted in “Business Week,” said the secret to Apple’s success comes, among other practices, from “saying ‘no’ to 1,000 things” because it allows for better concentration “on the ‘really important’ creations.” Apple is continuously in the process of saying “no.”

Mac fans and PC purists both know Jobs was never afraid to remove long-loved features of products when they were no longer necessary. He took away firewire ports and even optical drives, apparently unafraid of saying “no” even to loyal customers who grew accustomed to those features. While this sometimes enraged the fan base, such changes certainly have not prevented Apple from seeing consistent growth.

Most attorneys say the secret to building a successful practice is to pick the right cases. We must resist the temptation to take any case that comes along and learn to say “no” when appropriate. Furthermore, learning to say “no” to some of our distractions while in law school will free us to be able to concentrate on the things that really matter.

Be An Innovator

While Jobs was undoubtedly a creator, many of the products he helped create were the result of his knack for innovating. Various studios had experimented with computer animation before Jobs’ “Pixar” began to perfect it. MP3 players and digital music stores existed pre-iPod and iTunes. The all-in-one computer had been done before the iMac. The iPad was certainly not the first tablet either. Under Jobs’ watch, Apple refined these popular products so they were simple and accessible to the masses.

There is great potential for innovation in our profession. Whether it’s innovating in the area of legal services by varying fee arrangements, using technology to better serve clients, or working with clients to fashion innovative solutions to their problems, we should seek to innovate at every level of our profession.

Finding Your Niche

In 2003, Apple’s worldwide market share hovered near 2%. Macs, the minority computing choice at the time, generally did not compete with the popularity of Windows.
My sister once flushed her phone down the toilet. Not just dropped it in, flushed it. Until my phone fell into the toilet during the first en banc, the only things we had in common were our parents and our noses.

Afterwards, I worked through each stage of grief. At first I was in denial, I ran to Jalapenos and bought a cup of dry rice in the hope of bringing my phone back to life, which I faithfully carried around searching for my friend – we’d agreed to meet “at the circle.” When I realized it wasn’t going to turn back on, I was angry with myself for putting my phone in my pocket instead of my purse. I was angry at the Chapman females who make the 1st floor bathroom so gross that I always feel compelled to use the 3rd floor bathroom. I was angry that Forever21 made such a flimsy pocket on my adorable sweater.

By Wednesday, I was depressed. I thought I’d be eligible for an upgrade to the iPhone soon, so the shrinking number of days I would need a phone just didn’t seem worth the money. Thursday I accepted my situation and gave up, I didn’t need a phone. Mike Preciado, a 2nd year law student, encouraged me with his ancient “talk and text only” phone and the comment: “I feel like it’s redundant to have an internet phone in law school when I am on my laptop 24/7.” So true. Or so I thought.

Preciado makes a valid point, as I wait for my new white iPhone with the pink sparkly case, I have realized how valuable my Apple products are. On my iPad, I have access to the WestlawNext app, which I find simpler and more intuitive than the full online version. LexisNexis has several apps, including Q&As and an app that Shepardizes cases right on the iPad or iPhone. I have an app that allows me to make flashcards that I can use to study. I have apps that let me watch shows while exercising over at the undergrad gym. When the time comes, there are bar prep apps to assist with my studies. So, while I struggle with paying for a smartphone, at the end of the day, I justify it as a law school expense. Thanks, Steve Jobs.
Have you heard of the Islamic Republic of Dearbornistan? You won’t find it on a map, but that is the tongue-in-cheek name some use to refer to the Detroit suburb that boasts the greatest percentage of Muslim residents in America. George Saieg, a Sudanese Arab immigrant based in Anaheim, claims that the City of Dearborn unfairly discriminated against him in a tacit attempt to impose Islamic Shariah law in America. In May, the Sixth Circuit agreed.

Each year from 2005, Saieg, a Christian, visited Dearborn to avail his message to the hundreds of thousands who attend the city’s annual Arabic festival, the nation’s largest. Saieg and several sympathetic Christians, in accordance with their beliefs that they must seek to convert Muslims, mingled with festival-goers on the public streets and sidewalks where the festival is held, distributing literature and seeking conversations with Muslims interested in discussing Christianity. In 2009, the City, perhaps due to pressure from Muslim voters, ended this practice with an ordinance forbidding

see Saieg, page 11

Luke Salava

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leafleting within five blocks of the festival, purportedly for reasons of safety, crowd control, and facilitating the free movement of traffic. If Saieg wanted to proclaim his message, he would have to do so from a stationary vendor booth.

According to Islam expert Dr. Andrew Bostrom, such a proposition can make conversations more than intimidating to Muslims under Sharia law. As the Sixth Circuit noted in its opinion:

""[T]he penalty of leaving Islam according to Islamic books is death," which makes Muslims reluctant to approach a booth that is publicly "labeled as . . . Christian." Saieg believes that evangelism is more effective when he can roam the Festival and speak to Muslims more discreetly." Bostrom notes that this opinion is "a salient observation revealing how these justices understood the Sharia-based objections to non-Muslim proselytization which motivated Dearborn’s attempt to abrogate [Saieg’s] freedom of speech—mainstream Islam’s continued rejection of freedom of conscience." Or, as law professor Roberta Aluffi Beck-Peccoz states in her book *Law and Religion in the 21st Century* (2010), "Islamic States have always strongly opposed [freedom of conscience], claiming that it contravenes Islamic Law . . . . Moreover, they express fear that proselytism represents a kind of foreign interference in their internal affairs. Consistently, Islamic States do not favor proselytism; they sometimes tend to restrict it even in its lightest forms, such as the simple expression of one’s intimate beliefs . . . ."

The Sixth Circuit knew that evangelizing would be effectively neutered if one-on-one leafleting, which could be done discreetly when Muslims could take materials to read privately, was forbidden. Accordingly, citing First Amendment grounds, the Court struck down the ordinance.

Unfortunately for Saieg, this decision did not come until after the festival, so he and his companions yielded to the City's unconstitutional ordinance and set up a booth five blocks away. They also sent out missionaries to mingle with the crowd and engage in discussions without distributing leaflets. Regrettably, Muslim security guards (one of whom was seen wearing a “Hezbollah” tattoo) set out to intimidate the Christians. Some tried to trap the Christians by asking to see their Bibles, then accusing them of leafleting and even having police arrest them when the Christians responded by offering their Bibles. Simultaneously, the guards failed to enforce the anti-leafleting rule against Muslim proselytizers, including people who were distributing t-shirts with the image of a boy urinating on an Israeli flag.

In 2010, again under an anti-proselytizing ordinance, many of the same missionaries returned to the festival; this time, they chose merely to walk among the crowds. Because so many locals recognized the missionaries from before, especially a certain Pakistani Muslim who had converted to Christianity, the missionaries found themselves surrounded by Muslims demanding answers of them. Nevertheless, festival organizers cooked up a plot to have the missionaries kicked out of the festival, accidentally revealing the plan to an Arabic Christian attending the event. Before long, Dearborn police arrested the missionaries on trumped up charges, saying that they were screaming at attendees and conducting themselves in a disorderly fashion. Fortunately for the Christians, their peaceful behavior had been recorded on video, and they were acquitted, though they claim to have endured something of a kangaroo court in the process.

These incidents in Dearborn highlight a tension between rights and freedoms in America. Our right to enjoy freedom of religion means people may be neither coerced to practice a particular religion nor precluded from practicing their religion. The city of Dearborn tried to deprive Saieg of this right and trampled on his belief that he would be disobeying God, and doing Muslims a disservice, unless he let the people of Dearborn hear—individually—of Christianity and how they could enjoy it.

Naturally, Dearborn’s citizens had an interest of their own, in freedom from religion, including the freedom to attend an Arabic festival where they could enjoy strictly Arabic influences as much as they desired. Saieg, although himself an Arab, brought a largely un-Arabic influence, Christianity, to the festival; this understandably insulted many Dearborn Muslims. The problem is, freedom from insult is an unachievable goal: in a democracy, were offensiveness to become a sufficient criterion to restrict another’s rights, virtually no behavior would be lawful. Here, Dearborn Muslims suffered only from insult, not from a legitimate infringement of their rights—according to the Sixth Circuit, this was insufficient to justify limiting Saieg’s.

America also enshrines freedom of conscience. We uphold people’s right to keep their beliefs—or to change their beliefs—as their consciences dictate. We want society asking— and being allowed to ask—important questions. To prohibit Saieg from inviting others to ask questions, and to exclude Dearborn Muslims the safe opportunity to learn to ask those questions, would have been unconscionable.

(Endnotes)
1 *Saieg v. City of Dearborn*, 2011 WL 2039157
2 http://www.andrewbostom.org/blog/2011/05/29/first-amendment-trumps-sharia-in-dearborn
4 footage available on www.answeringmuslims.com/p/dearborn.html
It took nearly one month for Fullerton Police Chief Michael Sellers to put the six police officers involved in the fatal beating of Kelly Thomas on paid administrative leave. Orange County District Attorney Tony Rackauckas took more than two months to bring formal criminal charges against just two of those officers – Manuel Ramos and Jay Cicinelli – for murder and manslaughter, respectively.

The manner in which this incident was handled by the Fullerton City Council, the police department, and the District Attorney’s Office has sparked national outrage over police brutality, excessive force, and the growing tendency of law enforcement agencies to attempt to sweep their own misdeeds under the rug. In the days immediately following the beating, the Fullerton Police Department was quick to characterize Thomas’ beating death as an “isolated incident.” D.A. Rackauckas assured the public that, “as far as intentional killing, [he had] not seen any evidence of that in this case,” despite the fact that videos had surfaced on YouTube showing Thomas desperately screaming for help as he was repeatedly tasered and pummeled by six armed police officers. As for the activists gathering outside of the police department and attending city council meetings, Mayor Jones compared them to a “lynch-type of mob” whose airing of grievances was akin to “torture,” to which Thomas’ stepmother, Dana Pape, responded, “let’s watch that video and see who really got tortured.”

The victim’s father, Ron Thomas, along with other civil liberties activists, has been persistent in demanding a formal investigation of the Fullerton Police Department – particularly in light of a recent flood of allegations of past aggression and abuse of power, which seem to indicate a pattern of misconduct.

One notable example is the case of Eddie Quiñonez, who alleges that Officer Ken Hampton got upset that Quiñonez was filming him, knocked the phone out of his hand, grabbed him, and slammed his head against the wall. Quiñonez was then arrested for being drunk in public, but charges were never filed because a blood test revealed that Quiñonez had no alcohol in his system.

In another case, Christopher Janku alleges that Officer Perry Thayer slammed his face against the curb and stepped on his head, forcing his “face into a gutter full of disgusting, dirty water.” Then, Officer Thayer put him in the back of his squad car without a seatbelt on and repeatedly slammed on the brakes so his head would hit the cage. In both cases, the two men allege that they were stone-walled when they filed official complaints.

As a result of the public outrage over these incidents, the Fullerton City Council voted to hire an independent consultant, Mike Gennaco, to review the Police Department’s policies and practices, and reform the City’s police force. Gennaco is currently the chief attorney for the Los Angeles County Office of Independent Review, which oversees the Los Angeles County Sheriff’s Department. Gennaco’s investigation will take several months, and he promises to detail his findings and recommendations in a public report.

However, many citizens already see this as an insincere effort on the part of the City Council and are skeptical that his report will produce anything of substance. One of the main questions that Gennaco will have to answer is whether a “Blue Code of Silence” within the department has created a culture that enables misconduct and abuse of power. This question may prove to be difficult to answer given that, if it exists, the Fullerton officers certainly will not be amenable to volunteering any information that will reveal its existence.

The public now awaits the findings of Gennaco’s investigation and, in the meantime, will insist that government officials are held accountable to their constituents. Smartphones have proven to be a great way of accomplishing this, and certainly in the absence of bystander video in the case of Kelly Thomas, this story may have played out quite differently.
Sodexo Meets with Student Representatives

Hugh Meyers

Sodexo Representatives, Sean, Sharon, and Jennifer, three of the most unassuming people you will ever meet, file into the Dean’s conference room, smiles and handshakes for everyone. Sean informs us that he’s just come from Colorado and his red, bleary eyes comport with this statement. Everyone takes a seat at the table. Tom Nolin, a 3L attending the meeting, is unfurling charts, printouts, menus, and other evidence onto the table, like a master prosecutor ready to try his case. This is the calm before the storm.

Luke Salava, a 2L, begins with what he calls a “battery of questions.” “Sodexo has devastated student societies,” he says. He points out how these groups are forced to go through Sodexo to pay for almost all events, which is prohibitively expensive. Dean Kacer explains that for the 39 student organizations at the law school, one of the most important goals is to draw speakers, which in turn means drawing audiences, which in turn enhances the learning experience for Chapman Law students. These organizations recently had their funding reduced to $250.00 for the entire year. If an event has a particularly high draw, 100 students or so, then the group is looking at an event budget of as little as $2.50 per person. This is impossible given Sodexo’s menu options. The Sodexo representatives insist that they are listening to our grievances.

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At this point, Sean plays Sodexo’s cards and starts inquiring about interest in a coffee cart. It seems that Sodexo finally is willing to concede to the law school’s long-standing request for food services on the law school side of campus. He continues by pointing out it’s generally agreed that the price point of $4.5 is the optimal price for food options on the cart (bagels, fruit salad, etc.) and that coffee on par with Peet’s will be adequate. The representatives ask for best times of day to offer the services and other details.

Nolin interjects, returning the meeting to why the students have really come: He wants to know about the “mysterious entity” that is Sodexo and wants to get a look at the “phantom contract.” Sean calmly informs us that the contract is a private contract between the company and the University, and that, further, we shall not be privy to its contents unless permission is granted by both parties. Nolin proceeds, unperturbed, noting that Sodexo’s profits for 2011 at 5 percent. The reps counter that of course Sodexo is a for profit company, and point out that the company’s profitability drops greatly during the summer when very few classes are in session. Nolin acknowledges this but wants to know the duration of the contract. Dean Kacer notes that the contract is very complicated, covers far more than just student organization use of Sodexo’s catering services, and that the law school has little say. And just when things seem about to boil over, a student sardonically interjects that we can blame it on socialism and Barack Obama.

Dean Kacer encapsulates other student concerns into a list of grievances: the student menu options aren’t that attractive, groups should not be charged for paper plates, and prices are not reasonable for finger foods. Kate Walsh, a 3L, brings up the last En Banc catastrophe, the one with the blink-and-it’s gone appetizers. Possible solutions to the pricing issues were discussed: Students might be able to get reduced rates if they pick up the food and forgo catering services, Sodexo might get less expensive options, and there might be more variable pricing and selection. But there are still more concerns: overcooked meat, forks that break easily, cups that melt in the sun. Barbara Babcock notes that while recycled forks may be good for the environment, broken tines don’t make for an enjoyable eating experience. Sean then relates his snicker bar success story. Applause erupts as he regales about a simple war with a vending machine and the phone call to Sodexo that fixed everything.

The reps leave on the note that they are going to take all our feedback with them. Sodexo has recently changed management and they’re working on a new strategic business plan. Hopefully, this plan is made with knowledge that a company’s name is one of its most important assets and that students are its primary consumer. Students still exercise plenty of choice when it comes to non-event eating, and Sodexo’s student relations certainly play a role in the choice of whether to eat on or off campus.

Dean Kacer informed the Courier that “in response about the high cost of using Sodexo, Dean Tom Campbell was able to get a limited amount of funds from the University that will be used to help student organizations ordering from Sodexo.” Dean Kacer and Assistant Financial Analyst Brooke Miller will be in charge of crediting these funds toward student events where the food is supplied by Sodexo.
Law Review Symposium to Commemorate Rule of Law During Watergate Anniversary

Whitney Stefko

On June 17, 1972, five men were arrested for breaking and entering the Democratic National Committee’s headquarters located on the sixth floor of the Watergate Hotel and Office Building. The resulting political scandal, arguably the widest-ranging political scandal in our country’s history, culminated with the resignation of President Richard Nixon on August 9, 1974. In its aftermath, the Watergate scandal spawned legislation, shaped the rules of legal ethics, and forever altered presidential powers and immunities. For the legal community, Watergate is a pivotal marker in the development of modern law.

On Thursday, January 26 and Friday, January 27, 2012, the Chapman Law Review will host their 2012 Legal Symposium, “The 40th Anniversary of Watergate: A Commemoration of the Rule of Law.” The Law Review is excited to bring this event to the Chapman Law community that will host a wide array of legal scholars, politicians and other involved individuals to commemorate and discuss the 40th anniversary of the Watergate scandal.

Among the list of highly anticipated panelists is the event’s keynote speaker, Mr. John Dean. Mr. Dean served as counsel to President Richard Nixon and a key figure in the Watergate scandal as it was his testimony that first linked Nixon directly to the burglary. Mr. Dean served as White House counsel for just under three years, and although he eventually cooperated with Watergate investigators, Mr. Dean was charged with obstruction of justice and spent time in prison for his role in the Watergate cover-up.

For more information regarding the Chapman Law Review Symposium’s panels, speakers, registration and MCLE credit, please visit the symposium website at http://www.chapman.edu/LawReview/symposia.asp or follow the 2012 Chapman Law Review Symposium on Twitter @clrsymposium. For all other questions, please contact Senior Symposium Editor, Whitney Stefko, at whitneystefko@gmail.com.

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Long-Term Relationship While in Law School?

Denise Vatani

Ha, yeah right. Sure, I’ve heard my share of “it’s not gonna work,” “you’re going to be too busy with classes,” “they just don’t understand.” I’m here to tell you, a long-term relationship is possible while in law school! Of course, everyone thinks about whether they have the time for another person while still trying to focus on school, or if their relationship will even outlast 1L year. I remember hearing during the first week of orientation that we would be so busy with reading and studying that it would be too hard to balance a relationship while successfully completing classes; eventually one of us would give up on the relationship (either because the other person was being ignored, or because we couldn’t take time away from our studies to be with them). Yes, a relationship takes love, understanding, and dedication from both sides. But who said you have to get rid of them just because you’re starting a new chapter in life?

There have been hundreds and thousands of people graduating from law schools while in a long-term relationship. As I began researching this topic, I started to notice classmates who happily had a boyfriend/girlfriend, were married, newly engaged, or on the dating scene. On the flip side however, life isn’t all peaches and cream. Of course, law schools have their share of divorces and ugly breakups, but don’t let that deter you from finding your true one. That happens in all areas of life, not just in grad school.

I’ll be the first to tell you from my own experience, that relationships take hard work and a lot of commitment. If you have a shaky foundation from the beginning, things probably won’t be too bright for you in the future. Law school in general (studying, learning how to read cases, outlining, etc.) causes a lot of stress on people. Law school makes people act in crazy ways and say crazy things. But, you don’t have to be superhuman to stay in love and study at the same time. Sure, the first few weeks are tough trying to get acclimated with the whole process, but once you get the hang of how your classes operate, it becomes a bit easier. The summer before I started law school, a student tour guide gave me a piece of advice that I will never forget. She said that it would be almost impossible for someone to literally study 24/7. She said to give myself a chunk of time to NOT do anything law school related and use it to spend time with the people I love, whether that was with my friends, family, or my boo. Obviously I didn’t listen to her advice for the first few weeks in school because I couldn’t even comprehend how to read and brief a case in less than an hour. But as time went by and I learned my way around, I took Friday nights off to just relax and hang out. Those few hours allowed my brain to unwind and take a break from the four walls of the library, and actually remember why I love the people that I do.

Yes, it’s completely normal to take a break from school and not lose yourself in the shuffle. Now as for finals week, that’s a different story! Having open communication with your partner about your workload and time commitments at school will definitely help out.

Even though you’re going through a process that is important and tedious in your life, it doesn’t mean that you have to give up on a part of who you are. Whether it’s going for a night out with your honey, watching Sunday night football, or hanging out with your family, don’t forget who you are and what you want out of all of this. Law school relationships can work. You just have to stay grounded and look at the big picture instead of the instant moment. Law school eventually will be over, so don’t let it take the important people in your life with it as well.
OVER 90% of law students who took BARBRI would recommend it to a friend.*

*These satisfaction numbers are based on responses to student evaluations distributed to more than 25,000 summer 2011 BARBRI students.