The Art of Baby Making
Examining the Legal World Behind Third Party Reproduction

Photo by D. Sharon Pruitt

ALSO
Legal Nonprofit Exonerates Innocent Man
See page 16

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  - **Torts I**
  - Class Site: NATIONAL UNIVERSITY

- **Sunday, November 18, 2012**
  - Noon to 4:30 pm
  - **Real Property I**
  - Class Site: AYRES HOTEL

- **Monday, November 26, 2012**
  - 6:00 pm to 10:30 pm
  - **Constitutional Law I**
  - Class Site: AYRES HOTEL

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Dear Reader,

I regret to say that by the time you will be reading this, Finals will be a very ugly, looming entity. Never one to pass on the melodramatic, I cannot help but think of William Yeates’ ghastly words, “And what rough beast, its hour come round at last, slouches towards (Chapman) to be born?”

-Shudders- Well, we’re all veterans, and you 1Ls will learn soon enough. It actually goes by rather quickly…unless of course you have a final on December 17, the THIRD week of finals. Awesome scheduling. It’s cool though, getting basically a month of winter vacation is still very sweet. I’m going to miss that next year! Unless of course I am “fun-employed” as my Loyola Law grad friend calls it, though I certainly hope that is not the case. It would be great to have a short winter break because I am a new hire! All 3Ls could agree with that. But I digress…

While celebrating or bemoaning the newly or re-elected President and in between your flash card power hours and outline study sessions, this edition of the Courier can provide some fun diversion. We again offer some interesting news in the law industry, some Chapman events and student commentary, and, of course, some awesome corresponding art by Shaun Sanders! Pat that guy on the back, his artwork is so entertaining! So my dear friends and colleagues, explore these pages with gusto. I leave you with my own bit of poetry, (I’m no Yeates, but I do get a love for it.)

The Law Student’s Prayer

Our finals,
Which are approaching,
Cursed by thy name,
In Chapman come,
Let ExamSoft run,
On my laptop as it should function.
Give us this day our daily latté,
And forgive us procrastinating,
As we forgive students who’ve aggravated us.
And lead us not into The District,
But deliver us from the curve,
For the goal is graduation, getting barred,
And finding a job with billable
hours forever and ever. Amen.

Cordially,
Lauren Crecelius
Editor-In-Chief
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Perks and Pitfalls of Paid Clerkships

By Denise Vatani
Staff Writer

The universal conclusion I have learned when surveying other students is that there is more to be gained when clerking for free, and a lot more pressure and expectations on you when you are getting paid. Sure, many of you 1L’s and 2L’s are hoping, wishing, and praying to get a paid position over the summer, but wait – I don’t want to burst your bubble, I just want to give you the realities of your dreams coming true.

Typically, an internship is when you work for no pay and an externship is when you work for no pay and get school units instead. In my experience, along with my fellow colleagues, it typically seems as if your boss is more willing and able to actually teach you lawyerly skills and give you some life lessons along the way when you are not getting paid. They understand you are there to learn and help as much as you can. With these kinds of positions, you are given much more leeway in your assignments and due dates. Don’t get me wrong, there is still a lot of pressure to do well and deliver your best work, however, if you are working on something for the first time, your supervisor is much more willing and able to spend a few minutes with you discussing the details of the assignment and what they are exactly looking for.

On the other end, when you are getting paid to be a law clerk, a lot of the time your boss assumes you already know how to complete assignments quickly and independently or at least you know how to figure it out on your own. When you are getting paid to be a law clerk, a lot of the time your boss assumes you already know how to complete assignments quickly and independently or at least you know how to figure it out on your own. Many firms are paying you per hour and want you to do billable hours while you are on the clock. Also, when your work is getting billed out to clients, there is much more pressure on yourself to conduct every assignment perfectly, because there is someone “real” on the other end that is really depending on your work. Personally, I always put extreme amounts of pressure on myself and take materials home to review and study to be more prepared for work the next day. Even though this cuts into my free time, I have noticed that once I actually understand the issues I am researching and working on, I am more interested in that topic and understand it better in order to help our client to the best of my abilities.

Another negative to a paid legal position while in school is that you can’t willy-nilly not show up because you decided to work on homework instead. Whether it be Thanksgiving break, Christmas break, or summer, you still have a responsibility to show up and work the hours you are scheduled for regardless of school being out. Work commitments do not go away just because school is out for the summer.

On the flip side, though, there can be many positives to working for pay while in law school. The biggest one being that you actually get paid! Having

Things We Expect We’ll Never See at Chapman Law
(And a Few We Wish We Would)

Compiled by Luke Salava,
with thanks to all who provided such ingenious ideas

15. Coffee from a real barista
14. Official skeet shooting team
13. Ample parking
12. Charity faculty pie eating contest
11. Real US Mail, addressed to “[Student] c/o Chapman”, in your box
10. Permission granted to parachute into graduation
9. Express elevator (skips the Second Floor)
8. School Fight Club
7. Professor Rotunda sporting a subdued traditional necktie
6. Talent shows and costume contests
5. A student unhappy about choosing Chapman over another law school
4. Affordable, delicious fare catered hot and fresh by Sodexo
3. An actual panther

2. Dean Campbell having a bad hair day
1. Consistently comfortable classroom temperatures
Relationship Thoughts from a Law School Student’s Spouse

By Jennifer Howard

In the highly recommended how-to-survive-law-school gem, 1L of a Ride, Andrew J. McClurg delineates a comprehensive Pre-Law-School To-Do List. He suggests some very sensible preparation tactics such as, “be excited!” and “approach law school like a full-time job.” Yet the part that struck me most two years ago when my husband, 2L Brandon Howard, was readying for the LSAT was the section at the beginning of McClurg’s book entitled “get your life in order.”

Don’t get me wrong. I’m a huge fan of all things orderly, but the main thrust of this section seemed to be: break up with your significant other now. Since then, I have heard the same sort of advice repeated many times, most recently in Julia Walde’s article, “Relationships in Law School and the Inevitable Breakup Cycle.” That article pronounced a bleak outlook, stating that by the end of law school, prospective lawyers have a diminished ability “to feel a wide range of emotions.” While this may be true for some graduating J.D.s, I would like to reassure 1Ls that this effect is by my husband applied to law school to ameliorate. Slowly, I’ve realized that the interpersonal difficulties that have been ascribed to law school are simply characteristic speed bumps of this time in our lives. We’re struggling twenty-somethings; we’re trying to make ends meet; we’re trying to find time for each other; and we’re trying to build a place and a meaning for our passion and experience. We don’t know what we’re doing; we’re just stumbling along a twisted corridor and checking doors to see if they’re locked. But, we were doing that before law school, too. And we’ll be doing it after law school, only hopefully with a bit more direction and confidence.

Here’s the not-so-secret realization I would like to share: relationships shouldn’t be hard. Why does everyone say they need to be hard? If your relationship ends “because of law school,” then it probably would have ended when one of your parents got sick or when one of you got laid off, or when...
The Wild West of Third Party Reproductive Law

By Lauren Crecelius
Editor-in-Chief

T

hird Party Reproductive Law is known as the “Wild West” by those who run in the family law circuit. Reproductive rights are so inherent that they extend to assisted reproductive technologies (ART) which exists generally unguided by anything more than contract law.

ART can be a Godsend to the infertile, single, and/or homosexual parents who cannot conceive naturally or easily. It can also, however, be an outlet for abusers, like the infamous Nadya Sulman aka “Octomom,” and produce a bevy of unsettling problems.

“Like the Wild West there aren’t any rules,” Professor Gary Gorczyca said. “It’s all a frontier that’s being explored and developed without regulation.”

Professor Gorczyca, a partner of the family law firm Philips Whisnant Gazin Gorczyca & Curtin, LLP, has practiced family law for 35 years and currently teaches the family law class at Chapman. While he practices more traditional family law, Professor Gorczyca has also worked with adoption cases and cases involving frozen embryos.

The potential for legal issues abound in the grey area of ART, from matters arising from “selling” babies to even simple issues of rights to the child. Professor Gorczyca said egg donors, sperm donors, surrogates or gestational carriers, and the expectant parents could all potentially have a biological and therefore legal connection to the child. The soup gets even thicker when considering that California law provides the husband of any woman who gives birth in California is presumed to be the father of the child. The soup gets even thicker when considering that California law provides the husband of any woman who gives birth in California is legally presumed to be the father unless he is sterile or impotent, Professor Gorczyca said.

A recent infamous ART story involved Ben Seisler, a man who paid his way through law school by making gratuitous sperm donations. To date, Seisler is the known biological father of about 70 children, and he has stated to media sources in the past, “I have reason to expect between 120 and 140 [children].”

“Depending upon the size of the community, [Seisler] has increased dramatically the chance that his genetic offspring can at least have potential of procreating with each other,” Professor Gorczyca commented.

The use of family making through ART has doubled in the last decade, according to the Center for Disease Control, and with the rise in use comes the rise in abuse. Apart from general laboratory mix-ups caused by human error, some in the ART industry purposefully engage in malfeasance for the money. In 2009, the University of California shelled out millions in settlement costs when some UCI Center for Reproductive Health doctors were found to have stolen the robust eggs and embryos of younger women without their knowledge or consent to implant in older women seeking in-vitro fertilization (IVF).

Most notably, the country was and still is, aghast by the tale of Orange County’s own Nadya Sulman, the “Octomom.” Sulman used IVF several times to have six children. The single mother became ill-reputed, though, when she used IVF again in 2009 to conceive octuplets. She has since admitted to requiring public assistance and has even appeared in pornographic films and in gentlemen’s clubs to make money.

After the “Octomom” debacle, several bills were proposed to limit the number of embryos that can lawfully be transferred, but there was Constitutional pushback. No bill made it into law.

Part of the problem, Professor Gorczyca said, is that the law retroactively responds to cases like the “Octomom” and then cannot move forward because the right to reproduction trumps it.

“Relatively, this is an evolving area,” Professor Gorczyca said. “Technology is always way ahead of the law, and the law is slow to catch up to the technology.”

The American Society for Reproductive Medicine (ASRM) currently issues guidelines and ethical practice reports for those in ART arena. ASRM has some pull, for example they expelled the “Octomom” physician Dr. Michael Kamrava’s from their membership, but their guidelines are not law. The contracts between ART professionals and participants, as well as the threat of private tort claims, are perhaps the only red line laws controlling third party reproduction services.

Attorney Kate Lyon is a colleague of Professor Gorczyca and specializes in ART procedure. She said there is some legislation regarding gestational carriers in the pipeline for 2013, but it is more about clarification and procedure than ultimately changing any law or the current status quo in California.

“There is talk of wanting to overhaul [the laws], but again especially in California, financially the state is just not in the position to be doing a lot with respect to it. There is just not enough money and interest right now…to really change it a lot. California has far bigger issues to contend with,” Lyon said.

“Additionally, being in the field, many of us know that there is greater danger with ill-conceived, gut-reaction legislation, as opposed to that which is carefully drafted and thought through.”

Lyon, who herself had twins using IVF assistance, said she believes when third parties are involved there should be stronger psychological requirements for donors, gestational carriers, and potential parents. She said there is no comprehensive database tracking donors and gestational carriers, so if, for example, one surrogacy agency denies a woman applying to be a gestational carrier, she can go to another agency and, conceivably, conceal information in order to be accepted into that program.

“The issue is there is no database,” she remarked. “Donors can and have been known to shop programs and withhold information, and there is no way to accurately cross check anything right now.”

Another problem on the horizon, Lyon continued, is that some states are pushing personhood amendments which deem a fertilized embryo to be a human being. While the backbone of the argument for personhood amendments often center around the issues of abortion, fetal rights and reproductive rights, enactment of such laws would greatly affect ART and could hurt infertile

See Baby, page 19
Law Students Get into the Hallow

Left: 3L Kayla Xavier as Little Red Riding Hood, 3L Leslie Seibert as a cat, 3L Austin Underhill as Dracula, and 3L Jill Stockton as Katniss Everdeen.

Above: 3L Mary Collins as Peach and Chapman Law grad Hugh Myers as Mario.

Above: 3L Lauren Crecelius and 2L Tiffany Smith pose with fellow flappers.

Left: 3L Denise Vatani and fiance as KISS members.

Above: 3L Dayna Richards as Daphne from “Scooby Doo” and Tuscan raider from “Star Wars”.

Right: 1L Claudia Lopez and boyfriend as Suzy and Sam from “Moonrise Kingdom”.

The Chapman Law Courier would like to congratulate the ever-so talented and beautiful Miss Julia Walde as the 2012 Costume Contest Winner! 3L Walde and her boyfriend Chapman Law grad Naji Chami both dressed as Beetlejuice.
Above: 2L Devin Gifford as The Dude from "Big Lebowski" and 2L Sam Morgenstern as Kat Von D

Left: 3L Devyn Mott as Sloth from "The Goonies"
Right: Professor Richard Faulkner was a dead ringer for "Breaking Bad’s" Walter White

Above: 3L Chris Hossellman as an OC Housewife and a queen

Left: 3L Aubree Hudson as Dia de los Muertos

Above: 3L Aubree Hudson as Dia de los Muertos

Left: 3L Kyle Mott as Sloth from "The Goonies"

Right: 3L Tiffany Johnson as a penguin and 3L Audrey Nguyen as Catwoman

Above: 3L Lauren Shaw as a mermaid and sailor

Above: 3L Lauren Shaw as a mermaid and sailor

Left: 2L Aaron Davidson as Cookie Monster and 2L Sam Morgenstern as Kat Von D

Right: 3L Kyle Dinicola as a horse and a gardener

Right: 3L Tiffany Johnson as a penguin and 3L Audrey Nguyen as Catwoman
“YOLO.” Everyone knows what this acronym means. We have heard the phrase in movies, in The Strokes’ “You Only Live Once,” and Drake’s “The Motto.”

I have come to strongly dislike the acronym, not only because it has been overused, “erryday, erryday, erryday” but also because I got my first speeding ticket while blasting this song in my car. But that’s beside the point. Gone are the times when I would rationalize my spontaneous drive up to San Francisco for the day to watch some of my favorite bands, or when I would zip-line 300 feet from the ground, or brave excruciatingly cold water on a tiny raft by thinking “YOLO.” That was summer, but now my daily activities are a bit different.

Now when I have time to do something eventful, I end up doing something mildly fun like watching a movie instead. Unfortunately, movies do not give me the adrenaline rush that I crave after a long, exhausting week of briefing cases, but I will take what I can get as a 1L.

Law school began mere weeks ago, and yet it feels like my life has changed dramatically in such a short amount of time. I was warned that coming to law school would change my life, but I did not know to what extent. My usual weekend plans now consist of going out to do something amusing for several hours and then my head is stuck in the books the rest of the weekend. I rarely spend the same amount of time with my friends as I used to, and if I do spend time with them at all, I have to group them all into one hangout session because free time is limited. It’s not the most pleasant feeling knowing you don’t have time for the people you care for, but at least I’m making new friends in law school.

After the first few weeks, I developed my routine: Wake up, get Starbucks, go to class, study, study, study, sleep, and repeat the next day. It is a bit frightening and I hope I am not alone in this, because if I don’t stick with my schedule I feel guilty or feel that I have wasted another valuable hour by watching Dexter or YouTube videos. Also, my eating habits have changed; I expected this, but I did not want to accept it. It does not matter if you know how to cook, because even if you do, you don’t have time. If you don’t know how to cook, you are stuck eating the same food every day. Personally, I love pizza, but since I started law school, pizza joints have become my last resort when I select where to dine. Although sandwiches can be boring, I am an avid sandwich eater because they are cheap and easy to make when you are on the go.

Law school so far has been an eye-opener, to say the least. We all come here thinking we are good students because we did well in undergrad, but the work I did as an undergrad does not even begin to compare to the work I complete in law school. I feel like a fool at times, especially when professors “cold call” us to answer questions. We read the case and briefed it, so why do we get nervous during class when the material is right in front of us?! Welcome to Law School, and this is not supposed to be an easy ride, right?

After surviving the eighth week, experiencing my first graded midterm, and turning in my first graded writing assignment, it might be easier to overcome what seems impossible with a little help from others.
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**Overall value.** What more can we say?
CELA Conference Addresses Important Changes in California Employment Law

By Blaise Vanderhorst  
Staff Writer

Recently, employment attorneys from across California gathered in Orange County to learn about changes in employment law, to share stories of litigation successes, and to enjoy each other’s company at the 25th Annual California Employment Lawyers Association (CELA) Employment Law Conference. The conference provided CELA members an opportunity to catch up on changes in employment law, to learn from some of the state’s top employment lawyers, and for lawyers and law students interested in entering the field to learn about the plaintiff’s side employment law practice.

CELA was founded in 1986 as a statewide organization for lawyers representing employees in individual and class action employment cases, including cases involving unpaid wages, discrimination, defamation, harassment, retaliation, and whistleblowing. Founding member Bill Crosby, who initially ran the Association’s operations out of his office, described the organization as necessary.

“[Plaintiff’s employment attorneys] needed a network so we could communicate with one another and better serve our clients,” he said. “We were going up against the biggest lawyers and firms… that money could buy.”

To counter the deep pockets of large employers and the nearly unlimited resources of large defense firms, CELA sought to facilitate the sharing of legal information, strategies, and tactics between lawyers, in addition to serving as a general support network for members. This seems to have worked, for several Conference speakers referred to the Association as “the biggest law firm in the state.”

“I am helped by CELA every day,” Beverly Hills Firm Equity Attorney Barbara Figari said. “The listserv; the overwhelming amount of support and camaraderie CELA members provide to one another; being able to simply talk about cases, strategies, or common experiences with fellow members—and much more experienced members—is an amazing gift CELA gives, and one for which I am grateful on a daily basis.”

A key component of CELA’s success has been its members’ commitment to always answer the phone for fellow CELA lawyers, attorney Christopher Whelan noted.

“Whenever a CELA member called, you would drop whatever you were doing and answer the call. Some members are specialized and are the ‘go to people’ on various areas of the law and practice,” he continued.

“For instance, even today I will get three to five calls or emails a day about defamation . . . . It is not unusual to take an hour off my work to put together a quick brief… on an issue that is causing a CELA member a problem. With a quick phone call you could get a brief on an issue from the expert in the area and save 20 to 40 hours of research.”

According to Whelan, this commitment is a godsend.

CELA, page 19

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Friday Freedom: A Law Student’s Remedy

By Dan Danet
Staff Writer

After a long week of dodging the Socratic Method, briefing cases at 2:00 AM and taking copious amounts of notes, Friday has finally arrived. Your mini-break from class has officially begun. Bursting with joy as your locker slams shut, you ponder your next move. Should I go out? Cook something for dinner? Are there any good movies playing? The options are endless. How do students unwind after a grueling week of learning the law?

Some students relax with sports. Whether it’s playing a pick-up game or rooting for their team on NFL Sunday, law students find comfort in the realm of sports.

“I prefer to do my weekly stress relief on Friday afternoons. A few of us get together once or twice a month and hit the golf course. There’s no better stress relief than to do something with people who are as bad at it as you are,” remarked 2L Neil Kuczynski.

Kuczynski explained that sharing stories of “getting owned by a professor on a cold call” while getting some fresh air is helps him recharge for the upcoming week. Other students prefer to participate in their favorite sports without stepping onto the field. Michael Marino, an avid fantasy sports fan, uses this time to prepare his roster for battle.

“It’s a unique way to compete against your friends by using your knowledge of sports,” claimed 2L Michael Marino. When he’s not making tactical trades or updating his roster, Marino follows his beloved New York Yankees. “I watch the New York Yankees because they’re a playoff- worthy team - unlike the Angels,” quipped the Connecticut native.

Others enjoy relaxing at home without a fixed agenda. With class finished for the week, Friday night is an opportunity to de-stress with life’s simple pleasures.

“I like to relax with a night of good old-fashioned television programming. More specifically, I enjoy the early 90’s ABC TGIF line-up. Nobody can ease the pain like Michelle Tanner, Steve Urkel and Suzanne Somers,” 2L Brian Anders said.

After a jam-packed week of interning and class, 2L Chiryze Navarro likes to “watch Netflix, eat a good dinner, and just stay in to wind down”.

Friday night also means spending quality time with your significant other. With law school consuming the majority of one’s time during the week, Friday night is a perfect time to put down the notebook and pop in The Notebook. While admitting that her Friday night plans are often a “wild card,” 2L Katrina Galvez attempts to set Friday aside as a “date night” unless she has an exam or other assignment looming. Rachelle Baker, 1L, echoes this sentiment and says that Friday night is an ideal time to “go out to dinner and a movie with the boyfriend.” She added, “I like to get away from the law school crowd, so we usually just hang out with his friends.”

But what would Friday night be without a little fun on the town? With the Orange Circle a couple of blocks away, it comes as no surprise that students enjoy sharing a drink with classmates and friends.

“My track mates and I usually go down the street to O’Hara’s to shoot some pool and get a few drinks. Other times, we get together at someone’s apartment for drinks and video games, and then go to a house party or bar hopping,” 1L Arthur Arutyunyants said.

Ashleigh Tenney, 2L, said she doesn’t have a particular go-to location and prefers to explore different areas. “A good Friday night consists of good fun, friends, and drinks. I don’t really care about the order or where it happens,” Tenney commented.

As for yours truly? I like to begin my Friday adventures with a trip to The Bruery for a drink and light snacks. Afterwards, I make my way over to The District to meet up with classmates. Drinks, dancing, and fun are on the agenda for the rest of the night.

No matter how you spend your Friday night, the message is clear- take this opportunity to “catch up” on life and get re-energized for Monday.
Move over Bear Grylls, 1L Billy Zakis is About to Out-Adventure You

By Ryan Anderson
Staff Writer

For most of us, simply finishing law school is accomplishment enough for the near future. But for one Chapman student, earning a Juris Doctorate is just one of his serious life goals. Billy Zakis, a 30-year-old 1L from Santa Barbara, Calif., wants to row the Atlantic Ocean from the Canary Islands of Spain to Barbados in the Bahamas, setting a speed record along the way.

The current record for a row across the Pond for a five-man team is just over 37 days; Zakis hopes to beat this time. He devises to start in December 2013 and finish in January 2014, but he fears he may have to postpone that until after graduation in 2015.

Some of you may need to pick your jaws up off the floor. For those on campus familiar with Zakis, however, it’s not that surprising.

“It’s classic Billy,” 1L and fellow Track 2 member Monica Huie said.

It’s characteristic because Zakis has already accomplished a number of other feats of physical endurance:

He completed a 2,650-mile hike on the Pacific Crest Trail, which spans the U.S. from Mexico to Canada; a 500-mile bike trip on the Colorado Trail through the Rocky Mountains; a 1,100-mile hike on the southern half of the Appalachian Trail; and, over 100 miles of canoeing on the south fork of the Shenandoah River.

Zakis’s outlook on the adventures is simple: “It’s not about the miles, it’s about the smiles.”

He was also quick to explain that the adventure is not all glorious. He endured numerous near-death experiences, such as being caught in a fast-moving lightning storm, attacked by a mother hawk, and struck at by a 5-foot rattlesnake, not to mention all the rashes, insect bites, blisters, chaffing, and ailments. He has also tackled Giardia, an intestinal parasite, twice.

“That’s what calloused blisters and stronger muscles are about, he contends; “The pain never completely stops, but it does lessen over time and endurance.” The same could be said for law school.

“Training and research, figuring out logistics, getting the right equipment, and good nutrition are all necessary for success,” he noted.

Adventurers know, Zakis said, that preparation is the key. For the time being, he certainly has much to accomplish before he can start his newest rowing adventure.

Zakis needs to raise between $100,000 and $150,000 in order to buy and outfit a boat. This is no ordinary rowboat, because it has a waterproof hull to keep the passengers safe and dry in case of a storm, or in case the boat capsizes. He also plans on pairing with a charity to help fundraise and add an extra cause to the adventure, which is another item on his checklist. More importantly, Zakis only has one other teammate and needs to find two or three more to complete his team.

In order to train and prepare himself for the trip, Zakis attended the Brixham Sea School in England last summer where he became certified by the Royal Yachting Association in sea survival, first aid, and Ocean Theory (navigating by celestial bodies using a sextant, plotting courses, planning voyages, ocean currents and weather patterns, etc.), and received his VHF Radio Operator’s License.

Anyone interested in more information should flag him down in the hall. And for the record, yes, ladies, he is single.

Relationships, from page 6

some other difficulty beset you.

Don’t get your life in order because of law school. Get your life in order because it’s your life. Law school is not some sort of guillotine aimed at severing the head from the heart. It’s just another phase to mold you into a better, more qualified version of who you were at the start of your 1L year. Don’t blame law school for your problems. Praise it for your successes.

And don’t be afraid of law school. Don’t start backing away from a relationship you care about just because you think it’s doomed to failure now that you’re in law school. I’m telling you from experience, it’s really not that bad.

Here’s another thing: your significant other will have her or his own life outside of your law school experience. Shared Google Calendars are a beautiful thing. Still, it shouldn’t be a huge chore to spend some time and energy keeping up-to-date with what is important in your significant other’s life. And expect your significant other to be interested in what you’re learning. It’s fascinating stuff. I’ve told so many people about that Lucy v. Zehmer case – what ridiculous circumstances! I can’t tell you much about the Rule Against Perpetuities, but at least I’ve heard of it. And at least I’ve read 1L of a Ride.
Law Students’ Favorite Study Jams

By Sam Morgenstern
Staff Writer

I survived journalism school by writing while listening to music, so my general practice is to listen to music while completing law school assignments or even while I’m reading. I can actually listen to songs with lyrics I know by heart while I read. I know, gasp! I think I have conditioned myself to pay attention to the material I’m reading, and not the lyrics I hear in the background.

Originally, I started asking people for their favorite study songs so I could publish a playlist. Unfortunately, law students do not always follow directions. The only one who listened was a 1L. Good job, Mr. Hersch. At least Mr. Tanizaki helped me out by supplying his favorite artists and Pandora stations.

Orchestra-type music used to annoy me after a while, but after listening to Vitamin String Quartet’s “Songbirds: A VSQ Tribute to the Women of Modern Rock” album, I am finally on board. Seriously, I am listening to their tribute to Florence + the Machine’s “Shake it Out” as I type this sentence and wondering where this ensemble has been all my life.

So I’m offering up a big ‘thank you’ to the people who contributed to this article. I thought I totally knew music and I was overjoyed to find that “Maybe I’m Amazed” by the endless array of cool artists on the airwaves.

Okay, I will shut up now.

Without further ado, I give you seven Chapman Law students’ favorite musical treats, including my own. Check out my favorites, which I will link to the Law Courier MyCourthouse page.

1L. Geoffrey Hersch’s Playlist
• Rachmaninoff Prelude in C Sharp Minor, Op. 3, No. 2
• Lifschitz Etude in E Major
• Hadyn Sonata in E Flat Major, No. 59, Hob. XVI: II. Adagio E Cantabile
• Collins Nocturne No. 2 in E Flat Major Op. 9
• Piotr Ilyich Tchaikovsky Serenade for Strings in C Major, Op.48, I. Pezzo in Forma Di Sonatina

2L. Ryan Smythe’s Go-To Artist
• Nicki Minaj

2L. Stephen Tanizaki’s Choice Pandora Stations
• Hans Zimmer
• Blue Scholars
• Vitamin String Quartet
• Common Market
• Surreal and the Sound Providers

2L. Nathan Camuti’s Music Pick
• Vitamin String Quartet

2L. Chelsea McGuire’s Study Station
• Spa Suite Pandora station

3L. Nicole Wilson’s Artists of Choice
• Norah Jones
• Rilo Kiley
• J. Beibs

My Picks
My multiple study/outlining playlists include, but are not limited to, these awesome artists with which you should spend more Spotify/Pandora/iHeartRadio/Hype Machine/Noise Trade/KROQ.com/iTunes time:

Blues, Jazz, and Other Amazing Things
• Al Green, Eric Clapton, Otis Redding, Miles Davis, Santana
• Michael Bublé--This is embarrassing, but I also dance around while listening to him when I clean my apartment. Maybe I wish I were the female incarnation of Mr. Big or Don Draper just a little bit. Try listening to “Haven’t Met You Yet” or “Feeling Good” without doing padebures and pirouettes around your living room.
• The Crazy, Stupid Love Soundtrack

Electronic-Ish, But Way Better Than (Insert Name of DJ With Cult Following Here)
• M83

I’m 95% Sure KROQ Likes These Bands
• Mumford and Sons, Coldplay, Grace Potter and The Nocturnals, Florence + The Machine, The xx, Ellie Goulding, Yeah Yeah Yeahs (acoustic tracks), Band of Horses, JJAMZ (Note: JJAMZ is a new super group that you will love if you like Rilo Kiley, Bright Eyes, Phantom Planet, Maroon 5, or The Like. The band name is terrible.)
• Walk the Moon—Playing at The Observatory in Santa Ana on Nov 15
• Imagine Dragons—“It’s Time” will make you feel like you’re on top of the world. The lead singer sounds a little like Anthony Kiedis (Red Hot Chilli Peppers) if Kiedis had a better voice. Currently touring with AWOLNATION.

Super Relaxing
• Ray LaMontagne-folksy, crazy stage fright, wrote a song for Meg White (entitled “Meg White”)
• Best Coast-beachy rock, will open for Green Day on tour
• The Maccabees-opened for Florence + the Machine at the Hollywood Bowl
• NEEDTOBREATHE--one of those cool Caps Lock bands
• Stereophonics—you’ve heard their stuff but might not realize it
• School of Seven Bells

Lastly, the following problem was a must-mention: People who do not listen to music while completing anything law school-related. To those people who helped me with a mere twenty-five percent of this article: You probably accomplish more than I do in a shorter amount of time because you don’t rock out to Foo Fighters while you outline. Props.
Legal Nonprofit Exonerates Innocent Man Convicted of Murder

By Stephanie Lincoln
Staff Writer

Local nonprofit group Innocence Matters gave a presentation October 22 at Chapman Law about their efforts exonerating John Smith, an innocent man who spent the last 19 years in prison for murder.

Smith and Innocence Matters members Dierdre O’Connor, Jessica Farris, and others spoke to more than one hundred Chapman Law students and faculty about the two-year process of exonerating Smith which culminated on September 24, 2012 when he was officially freed.

Smith was wrongfully identified by a victim in a drive-by shooting nearly twenty years ago. One victim died and the other was shot but survived as the only eye-witness.

When the eyewitness first spoke to paramedics, he said Blood gang members were the perpetrators. The assumption that Bloods gang members were the doers, however, was purely speculation as there had been a gang shooting the night before. Two months later, the eyewitness identified Smith as the shooter, and though he recanted almost immediately, Smith was prosecuted and sentenced for murder. Smith even had several witnesses who confirmed his alibi, that he was nowhere near the scene at the time of the shooting, but his trial attorney only established alibi witnesses that gave Smith an alibi after the shooting.

“If we’re going to convict people, the case ought to be persuasive,” O’Connor said.

After working on the Troy Davis case as an amicus attorney, O’Connor decided that she would start Innocence Matters, but she did not know when. Around Christmastime of 2009, O’Connor received a call from Smith who told her his story. After this conversation, she felt it was “meant to be” and Smith was going to be innocence Matters’ first client.

Smith explained how he received a contact list of lawyers who help exonerate the wrongly convicted, and O’Connor was the very first person he contacted. Smith was weary of lawyers, he continued, because of the ill-preparedness of his trial attorney followed by an appeals attorney who took Smith’s money and ran. When he spoke with O’Connor, though, something clicked, and the rest was “pretty much history.”

“The hard part is getting someone you can trust and you feel can actually do their job,” Smith remarked.

In March of 2010 O’Connor had to move very quickly to become a nonprofit so they could start work on Smith’s case. Smith and O’Connor were both excited to meet and work together. Then law student Jessica Farris discovered the program online shortly thereafter and joined the team.

O’Connor and Farris had a lot of work ahead of them—they had to go through almost 17 years of history to make sure they were completely up to speed with Smith’s case. The focus of their investigation was evidence substantiating the investigations and the chronology of events that occurred the day of the shooting. Farris described how the most difficult part was for her was meeting the lawyers she described as “hapless” because she felt they had gotten Smith in jail for 17 years for something he did not do.

When Farris met Smith, she said that he was the most thankful person she had ever met. During her time on the investigation, she became even more convinced with John’s innocence and every time she interviewed alibi witnesses, she became more convinced with the “bad hand John had been dealt.”

To O’Connor, the most infuriating thing about the case was that Smith had asked every lawyer he had retained in the past to talk to the actual eyewitness and on top of that, the eyewitness was always easy to find since he was in custody in prison. Farris said that within seconds of sitting down with him, the eyewitness said he did not see anything. The eyewitness explained the events that led up to his faulty identification, he described how he was handcuffed, taken out of school, embarrassed, and how he felt pressured by the police to make the identification against Smith. The police officers scared him when they showed the autopsy photos of his dead friend. Farris could not believe, she said, how easy it was for the eyewitness to recant.

The eyewitness told O’Connor that he had tried to set the story straight the whole time. He said he called the police, and told the bailiff before trial he that he did not want to go through with testifying, but the bailiff said “just remember the sounds of the gun.” At the trial, when the eyewitness heard his dead friend’s mother crying, he said he felt compelled to go through with the lie.

Smith and the eyewitness both took polygraph tests. Smith’s results were positive as were the results of the eyewitness’s recantation.

Innocence Matters then filed the Habeus Petition on October 29, 2010; an Order to Show Cause was on November 5, 2010; the Discovery Brady Violation was filed on November 12, 2010; they received the initial District Attorney’s reaction in January 2011; February 2011 through August 2011 consisted of district attorney investigating, meetings with the district attorney and chamber conferences; on September 30, 2011 they filed a Supplemental Petition on a Brady Claim; and on November 8, 2011, they received news that the district attorney was going to submit a memo on their petition. O’Connor described how it still took an incredible amount of time to get from “we’re gonna do it” to “we did it.”

For Smith, the most frustrating part was that he had been told the whole process...
would only take three weeks. He did not have much faith in the district attorney’s office until they “did it.” Smith was brought out of Calipatria on September 20 to County Jail and was brought to court in downtown Los Angeles on the 21st. Smith was “beside himself” when O’Connor told him it was going to happen. Then, that afternoon, they received a call from the court that it was not going to go through that day because the judge was ill and another judge could not substitute. Three days later, on September 24, 2012, Smith, the Innocence Matters Team, and even rapper Chris Brown, who took interest in the case at the end, waited with bated breath as the judge officially announced Smith’s exoneration and release. He was finally released on September 24, 2012.

Chapman Law graduates Valerie Feltz Rone and Katie Walsh also assisted in the exoneration of Smith. O’Connor discussed how the one thing that she has noticed is almost true in innocence cases is that the attorneys have let the client down a lot of the time. In order to ensure that the interns at Innocence Matters were not just another in the string of lawyers to Smith, she made sure each one of the students visited Smith at prison.

For the first ten years, Smith thought something was going to happen. After that, he was just desperate to find someone to help him. “Everyday was a struggle,” he said. “All I had was the truth and it wasn’t good enough for most attorneys.”

Innocence Matters is a nonprofit organization dedicated to preventing wrongful convictions and honoring the truth. In addition to providing direct representation for the innocent, the organization seeks to advance the broader goals of education, prevention and reform through innovative preventative programs. Learn more about Smith’s case at: innocencematters.us/John_Smith.html. Donations can be made online here: tinyurl.com/InnocenceMattersDonation.
LAW LIBRARY DOS AND DON'TS

By Sam Morgenstern
Staff Writer

I'm sitting in the library while I write this story so I can really capture the setting. This is not an all-inclusive list of “how to act in the library” because “I'm just a girl living in captivity” in the library writing this article and pretending that I’ll finish my Corporations reading, too, all in the course of an hour. So, if you’re going to brave the law library, keep in mind some library etiquette.

Do not unplug your headphones from the headphone jack in your laptop before pausing Spotify. I’m sure the students hard at work were really pleased to hear Sara Bareilles’s a capella performance of “Love Song” for the five-ten seconds it took you to laugh, fumble around, and silence your computer.

If you’re going to sneak chip bags past the front desk and into the main rooms of the library, don’t open them. Don’t even think about chomping down on those Lays, because someone will either tell you to STFU or spend the 10 minutes it takes you to eat wishing they could muster the energy to tell you to STFU because your chewing is now the most annoying sound they have heard all day.

Hold on. Let me take a two-minute pause from writing this story while I open my bag of Pretzel Crisps in the reading room (what is this room’s name...the one with the newspapers?). This room on the second floor is an exception to the rule above, right? Ah, just choked a little but no one wants to save me because no one likes to listen people chomping down on chips in the library. I’m such a hypocrite.

If you are going to take pictures, you better put that phone on silent first. Just stop Instagram-ming in the library. Seriously now, Chapman Law students (and anyone else who actually hangs out in the law library for... fun?) why can’t your phone app fun wait until you are done reading? Oh yeah, because you want someone next to you; just Facebook/text/Tweet/Comment on their Instagram photos like the rest of the world.

Stop “typing with purpose.” You don’t have purpose, you have massive anxiety about law school and are trying to type as fast as you possibly can so you can fit as many tasks into one day as you can before you collapse on top of your computer.

Reading that last sentence stressed you out, huh? It was 1) a run-on and 2) it was stressful for me, too, because I was “typing with purpose.” The poor soul in this reading room with me likely dislikes me now. “She didn’t even go here!” he/she wants to “whisper” to his/her neighbor.

If you understand that Mean Girls reference, I would like to respectfully request that you introduce yourself to me one day soon. We would likely become SUCH bffs. And I’m a transfer student; no one likes to talk to us! “Pariah” is not a good look for anyone.

We all need to show some R-E-S-P-E-C-T in the library, but sometimes you are famished and the only food your one dollar in cash will buy you is a bag of chips, and sometimes your cousin G-chats you and you laugh at whatever vulgar joke he just made. Sometimes you’re sick; sometimes you need a ten-minute mental break so you start Instagram-ming to keep yourself happy and alert.

Trust me, I get it. After all, those hypotheticals I just offered you were not hypotheticals at all; they were examples of my library conduct. Sorry, everyone. I’ll put my Pretzel Crisps away now.

I have noticed other 1Ls from different tracks in the lounge and it has become apparent that we are finally comfortable at Chapman. You can hear the 1Ls laughing and see them forming study groups. We are slowly assimilating with the 2Ls and 3Ls...okay not really. But we are getting there at a snail’s speed. It is such a welcoming feeling to know that you can be sitting down in the lobby, patio, library or lounge and many Chapman students are willing to sit down and chat or give you advice.

On that note, I wanted to know whether it is smart to go home during Thanksgiving weekend, especially because students often refer to this time period as the “calm before the storm.” I received several responses from 1Ls and some wise words from 2L and 3Ls. Most local 1Ls will be taking a day to spend time with loved ones, while some will be using this time to catch up on outlining. I received similar responses from students who have survived “the storm.” They suggested we take a mental break to recharge our batteries, especially since we will all be sleeping in the library come December. So I will be taking their advice and enjoying some turkey and Black Friday shopping before getting stuck in the storm. We’ll find out next semester if this was a wise choice. Until then, keep your head up!
parents seeking reproductive assistance. There is a small percentage of people who use ART for “social surrogacy,” Lyon said, which involves utilizing a gestational carrier for vanity purposes, though most involved in ART will not facilitate contracts for social surrogacy purposes. In her practice, though, Lyon said people utilizing ART services do so because of infertility issues, both explained and unexplained.

The money that changes hands in third party reproduction services can be very high. Donors and gestational carriers are paid for their discomfort, risk, and service, Professor Gorczyca said, not for the actual biological exchange. Lyon said gestational carriers should not be paid up front, nor should they be given a lump sum post-birth. If she sees contracts with lump sums, she always revises them, Lyon said, because such details “reek of buying a baby.”

Professor Gorczyca observed that many countries do not allow types of ART, so numerous foreign people travel to America, especially to California, to seek out the services.

“From what I know, not all countries allow it,” he said, “so people come here from all over the world because it is allowed and not regulated.”

The European Society of Human Reproduction and Technology estimates that more than five million children have been born with ART assistance worldwide. Currently, more than one percent of babies born in the United States were conceived through the use of ART, according to the Center of Disease Control and Prevention (CDC). This figure passes newborn adoption rates in America.

While many foreign people travel to America for ART services, predominately Europeans and Japanese, a recent boom in “India fertility tourism” has attracted away some surrogacy business. The appeal of surrogacy services in India is the discounted rate. A single Google search reveals a plethora of surrogate companies boasting ads like “Surrogacy in India 4 Less.”

“The results have not always been positive,” Lyon said, “There have been reports of issues with problems establishing parentage, premature birth, maternal death [gestational carrier] ... and some have even reported [Indian] women acting as surrogates being shunned by their community.”

The benefits and pitfalls of outsourcing ART and ART at home will surely reveal themselves as time passes, but in America at least, the reproductive rights will continue to trump the moral and social dilemmas that third party reproductive law can cause.

Professor Gorczyca said he believes laws will develop around health and safety concerns much sooner than laws addressing moral or social overtones. As far as the legal side of ART goes, Professor Gorczyca said it is currently “a small club,” but has potential for growth.

“I have always thought a class on this and related topics, even if just a component of another class, would be meaningful and relevant.”

CELA, from page 12

for attorneys with limited hours and energy, especially solo practitioners and those new to employment litigation.

This year’s conference topics covered the spectrum of the employment law practice, from substantive law to trial preparation to the mundane operations involved in running a legal practice. Recent employment-related legal developments were discussed, such as this year’s EEOC decision that transgendered individuals are covered by Title VII’s gender discrimination prohibition; whistleblower claims under Dodd-Frank; and the signing into law of AB 2103 and SB 1255, major victories for CELA’s legislative committee. Practical issues covered included e-discovery involving social media accounts, complications in settlements, dealing with adverse judges, and balancing work and personal lives. Also featured was a “hootenanny”, a whimsical sing and play along which Whelan fondly described as “a great throwback to the 60’s and the Civil Rights roots of this organization.”

Conference keynote speakers included Kate Kendell, of the National Center for Lesbian Rights, and Erwin Chemerinsky, legal scholar and UCI law school dean. Kendell addressed recent successes and setbacks in the fight for LGBT equality, exhorting attorneys “not to be spectators”. Chemerinsky discussed the closing of the courtroom doors to plaintiffs, both figuratively (through recent decisions which have hindered class-action claims and resulted in stricter enforcement of arbitration provisions) and literally (due to state budget woes). Both speakers’ addresses drew prolonged standing ovations from the hundreds of attorneys in attendance.

The conference’s mix of practical advice and recent legal developments, combined with CELA’s mentoring sessions, makes the conference a must-attend event for lawyers and law students alike. CELA welcomes law student members, and many CELA members strongly recommended that law students interested in employment law attend.

“Join CELA and take advantage of all the programs and educational opportunities there are—most are discounted for law students,” Figari encouraged. “Ask to have a mentor assigned to you. Ask to come intern in a member’s office, or attend employment trials to observe what this profession is all about.”

The conference is also great for networking, and law students interested in employment practice should network early, as the plaintiff’s employment bar is very relationship-based, added Knight.

Those who may not know much about employment law could change their minds after attending a CELA conference; CELA attorneys are dedicated advocates who eloquently communicate their commitment for obtaining justice.

“It’s a field [where] you can really feel good about what you do, have fun, and make a decent living doing it,” Knight said. “You will love what you do, and always feel a strong purpose to what you are doing,” Figari agreed. “Every day is different, never boring, and you are always learning new things. It is the perfect field for someone who wants to have passion for what they do every day.”

Most nicely summed up by Whelan, “I like to save people and help them, not crush them. I like to take the powerful and arrogant down—mainly with their own help.”
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