



Dale E. Fowler School of Law

EDITOR'S NOTE

BY CONNOR SMITH

Many of history's great revolutionaries and champions for the cause of justice have been lawyers. From Nelson Mandela to Thurgood Marshall; Fidel Castro to Barbara Jordan, lawyers have often led the charge for peace through fundamental changes to the legal systems in which they work. The skills one learns as a lawyer – a rigorous attention to detail, a deep understanding of law and policy, strong advocacy skills to zealously defend not only one's client but the all-to-fragile pillars on which systems of justice rest – position lawyers as unique counselors and advocates in the larger movement for justice for all. The best of lawyers use these positions to become People's Lawyers – lawyers who fight alongside and on behalf of the marginalized, the dispossessed, the abused, and the alienated.

People's Lawyers have traditionally used their position of privilege and power to lead charges against the battlements of institutions, government overreach, and violence in all forms. As we move into the 21st century, we can look back at the history of those brave (but only partially successful) assaults on the walls of power and learn from those tactics and strategies. Additionally,

movements today are arguably better equipped than ever with more discerning education, incredible tools of communication and organization, and a rich history of tactics and solutions to draw from in their fight for justice. So, with history and technology seemingly on our side, where is the justice?

Despite staggered gains in the fields of human rights and legal protections it seems that the milieu in which People's Lawyers work and operate is just as flawed and broken as it has ever been. Despite the gains of the Civil Rights and Indigenous Movements of the late 20th century, the blood of black and brown children still flows through city streets, and our communities still ache with the absence of missing Indigenous women.

These stark realities should not cause us to cower away, but instead should encourage us to continue challenging the legal and extralegal forces that create violent and oppressive conditions. The People's Lawyer of the 21st century, walking alongside the movements they represent, must strive to take back the power wrested from the people in courtrooms and in the streets. They must seek justice in the face

of discrimination, fearmongering, neo-McCarthyism, and violent crackdowns on dissent and autonomy. The People's Lawyer of this century must do this first and foremost by listening – listening to their clients, listening to elders, listening to the movements they walk alongside and among. Only from this position of 'lawyer as listener' can the People's Lawyer shout in tune with the courageous cry for justice rising in one voice from the movement itself. Questions of exactly how listening lawyers can join, support, and provide service to the movement lie half-answered on the bleeding edge of legal theory today.

These are questions that the articles in this edition of the The Forum of the Chapman University Fowler School of Law explore and engage with in the fields of copyright law, labor struggles, criminal justice reform, and historical and systemic racism. The authors you will read here present deep insights into the prejudices and flawed structures of the legal system that many if not most might take for granted as the unquestionable status quo. But as People's Lawyers, we know that the status quo is never inviolable and that a new world is possible and just within our reach.

INTRODUCTION

JAYNE TAYLOR KACER

As I approach retirement, I have spent time thinking about what the Chapman University Fowler School of Law was like when I first arrived as compared to the law school as it is now. Through the efforts of many, we have become a more diverse, and thus stronger and more vibrant, community. In addition, our current students are more engaged than those in past years. They readily share their thoughts, concerns, and passions. This has led to the development of a number of student organizations since 2004, many of which are based on student ethnicity, faith, ideology, and world views, including the American Constitution Society, the Black Law Student Association, the St. Thomas More Society, the

Hispanic Law Student Association, the National Lawyers Guild, the J. Reuben Clark Law Society, the Korean American Law Student Association, Outlaw, the Muslim Law Students Association, the Human Rights Law Society, the Students of Law Against Trafficking and Exploitation, and the Diversity and Social Justice Forum. These groups have given their members a voice, as well as an opportunity to share their cultures and beliefs with fellow students, faculty and staff. They have enriched the fabric of our law school and, personally, I am grateful for all they have taught me over the years.

The Diversity and Social Justice Forum (“DSJ”) was started by a handful of students with a vision. They wanted to shed light

on some of the ills in our community, our nation, and our world. They also wanted to explore how, as lawyers and as human beings, we can address these problems. In only four short years, they have tackled many issues plaguing us today including voter rights and voter ID laws, asylum and immigration, transgender rights, the use of violence against minorities, homelessness, health care, and the school to prison pipeline. Through the use of symposia and publications, the DSJ has expanded the views of those at the law school and the larger legal community on these issues and encouraged us to consider possible solutions.

The DSJ has created a powerful platform on which

societal injustice can be examined and ideas to address them can flourish. As I retire, I hope the students who participated in DSJ will continue to advocate against social inequities over the course of their careers. In addition, I challenge the Fowler students who follow in their footsteps to build upon the work begun by their predecessors so that our law school continues to be an environment that embraces diverse identities and ideas.

Jayne Taylor Kacer

Associate Dean of Student Affairs

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In September 2019, Jayne Taylor Kacer, Associate Dean of Affairs, retired from 18 years of service to Chapman University Dale E. Fowler School of Law. Throughout her tenure, Dean Kacer facilitated and supported Fowler’s most progressive organizations, and was an integral force that has contributed to the current environment at Fowler that embraces diverse identities and ideas.

After graduating cum laude from Loyola Law School in 1985, Dean Kacer joined the Orange County-based law firm Rutan & Tucker, LLP, and was made partner in 1993. During the course of her career in private practice, she primarily handled large, complex civil litigation matters and civil appeals in both federal and state courts.

Dean Kacer joined the faculty at

the Chapman University School of Law as an adjunct in 2001, and accepted a full-time position in 2004. She was selected by the students as Professor of the Year for 2006-2007.

In addition to her teaching and administrative duties, Dean Kacer has served as a faculty member for the National Institute of Trial Advocacy (NITA) on the subject of depositions. She has taught Remedies, Pre-Trial Civil Practice, Practice Preparation, Legal Research and Writing, Legal Writing Skills, and Mediation Clinic.

Dean Kacer’s support and guidance for the Diversity & Social Justice Forum has provided our leadership with inspiration, and has helped to manifest a powerful platform for this community.