

The Chapman Law Courier

... The reason to check your Chapman mailbox

November 2006

Volume 1, Issue 2

Eminent domain: Imminent danger?

- **Tim Kowal**

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Do you like your home? You'd better hope a big-box retailer doesn't. According to the Supreme Court's holding last year in *Kelo v. City of New London*, the next insipid incarnation of your favorite superstore is cordially invited to set up shop at your address. Property rights post-*Kelo* are protected by nothing more

than an empty requirement that your city council assert someone else can make better use of the property than you.

This diatribe is nothing novel if you have thumbed through the opinion section of your newspaper this past year. Commentators have been scathingly critical of the *Kelo* decision. What might be new to you, however, is that come November, you will have an opportunity

to formally register an opinion on the matter. Voter initiative Prop 90 will prohibit *Kelo*-type transfers and restore a more ordinary meaning to what we call "property rights." Sounds good, right?

A closer look reveals that Prop 90 does not only restrict eminent domain. It also reins in our cities' ability to regu-

See **Property rights** on page 4

Waste not, Chapman: We've got plans for your bottles and cans

- **Victor Pham**

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Between attending classes, teaching classes, and managing the school, the Chapman Law School Community is extremely busy. So when these respective individuals take time out of their busy lives to do something, it is generally something worthwhile. As is exemplified by Professor Melissa Berry, Professor Berry's Environmental Law class, the Student Body Association (SBA), Carlo Tomaino, and Professor Lynda Hall's collaboration to expand the school-wide recycling program from aluminum cans to also include

paper, plastic, and glass.

Professor Melissa Berry contributed to Chapman's improved recycling program by challenging her students to change the prior inadequate program. Frustrated with the lack of recycling at the law school, especially in light of the undergraduate campus' comprehensive program, Professor Melissa Berry cast down the gauntlet to Chapman's most ecologically aware students - her Environmental Law class. These intrepid students rose to the occasion by voicing their

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Need-to-Know Basis

On-campus publicity

The Courier will be sponsoring weekly fundraising events throughout the semester. If your club could use some time in the spotlight to promote your next meeting or event, we can help! Contact Ashley Jurca at jurca100@chapman.edu.

Advertising tool

Advertising space is available in black and white or color. Contact Rob Terrazas at terra101@chapman.edu for circulation, demographic and pricing information.

Let your voice be heard!

If you are interested in writing

for the Courier, we want to hear from you. Ideas are due by the 12th of each month. Final articles are due by the 20th. Contact Jennifer Spinella at jenspin@alumni.rice.edu.

Great Newspaper. Great Price!

The Chapman Law Courier is now available for purchase. For \$10 per issue, we can ship copies of the paper to your family or friends anywhere in the United States. Contact Rob Terrazas.

Research Assistant Needed

Carolyn Young, Director of the Externship Program, needs a research assistant to work with her on an article in the areas of Family Law and Dis-

ability Rights. If you are interested in either area, please contact her at CaYoung@chapman.edu, or stop by office 445.

We Won!

Two Chapman Appellate Moot Court teams recently advanced to the Final Four against UC Hastings. Andy Bugman and Tom Vogeles took home top honors. Andy and Tom will move on to the national tournament in Philadelphia on Nov. 11. Andy also took home the individual award for "Most Outstanding Oralist."

Marcus Garrett and Matt D'Abusco finished third.

Diversity Week to promote meaningful dialogue



I am very excited about the opportunity to serve the law school as Assistant Dean of Student Affairs. Chapman Law School is ranked third in the nation by the Princeton Review for the best quality of student life. As Assistant Dean of Student Affairs, I want to continue to develop the student-supportive

environment already present at Chapman by increasing communication between students and faculty/administrators on key issues, answering student questions, responding to student concerns, and working with student organizations.

I also plan to sponsor one or two events each semester designed to raise the consciousness of students on important matters and/or to enhance student life at the law school. One of my first tasks in my new position was to work with student organizations and other law school administrators to establish what we hope will become an annual event here at Chapman Law School-Diversity Week. Plans for the spring semester tentatively include presentations on DUIs and domestic violence. I hope you will contact me if you have any ideas for presentations or events, ways to improve student life, questions or concerns. My door is always open.

- **Jayne Kacer**

Assistant Dean of Student Affairs

Recycling, continued from page 1

concerns to the representatives of the student body- the Student Bar Association.

Chapman's SBA, eager and willing to accommodate student concerns, raised the recycling issues with Carlo Tomaino, the law school's Facilities Manager. In particular, SBA acted as the liaison between the students and the administration by meeting and corresponding with Mr. Tomaino over the summer to make sure the program was still on schedule to begin during the fall semester.

Impressed by SBA's determination and resolve, not to mention troubled by

the sheer amount of paper not being recycled, Mr. Tomaino welcomed the opportunity to improve the recycling program. He worked with Chapman's Facilities Department to make the new program as accessible to the students as possible. This included having the cleaning service expand the already existing aluminum recycling collection to include paper, glass and plastic.

Finally, Professor Lynda Hall, Chair of the Campus Community Council of the Faculty Senate, and the undergraduate student group LEAD, should also be recognized for their role in our new recycling program. Their recycling

operation on Chapman's main campus provided the inspiration and model for the law school's new recycling program.

Through these individuals' collective efforts, the recycling program went from a bare-bones operation to a comprehensive enterprise. These efforts, however, were only meant to be the beginning-in order for the program to meet its next milestone, it will need the cooperation of the entire student body. So the next time you have a glass, aluminum, paper, or plastic waste product, do your part by disposing of it in one of the many blue bins around campus.

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The Courier executive board maintains general editorial control over the content of its articles. We reserve the right to make changes, omissions, improvements, or other modifications in any of the information or materials at any time without notice.

Trouble with Tribbles

- Anil Bhartia

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Chapman University is so Republican you get a \$10K scholarship if you voted for Bush, \$5K if you still support the war in Iraq, and \$1K if you own a gun.

Just kidding. Actually, the Chapman School of Law is quite sensitive to the divisive nature of politics, and the faculty goes out of its way to represent and encourage debate from all sides of the spectrum. The surrounding area however, at first glance, appears to be another matter.

Orange County has been such a bastion of liberal thinking and open-mindedness that sometimes I feel like I am suffering from an intellectual overload. Now that I have spent just over a year in "the O.C.," I realize how ignorant I have been my whole life and in retrospect, it seems as though perhaps I knew nothing about the outside world prior to coming here. Now that I am enlightened, I think it rather fitting that I share the important things learned over the past year.

Bush is a great President

I was under the mistaken impression that he was one of the worst U.S. Presidents of all time. My bad. I now realize I was wrong. For all the great things he has done for this country and the world, my jokes were unacceptable. Having listened to many friends from different countries, and to extremely biased news channels like the CBC, the Spice Network, and BBC, one could say that my opinion was misinformed.

Now that I have switched to a truly unbiased news source, CNN, and after seeing how much "Dubya" has done for peace in the Middle East, erasing national debt and strengthening the dollar, I realize now that it is true what the folks here in Orange County have been telling me the whole time - love the Bush.

Guns are great

In my neck of the woods, growing up, everyone was mistakenly made to believe that guns, in general, were bad things. Again, we were duped into believing that the more readily accessible and easier to acquire they were, the higher the likelihood they would be used by the wrong people, or in the alternative, the right people in the wrong situations. As a safeguard, we just avoided them altogether.

Thanks again to those biased news channels, I wrongly believed guns killed people. Living in this mainstay of liberal insight and daily epiphanies, I have now been taught that guns don't kill people, people kill people. Wow, that is so deep; I wish I had known that before.

Step aside Michael Moore, why don't you try growing up on the mean streets of Irvine? The folks need their guns to protect against government (wait, I thought the current government was great?), not to mention protecting ourselves from the crime wave afflicting Irvine, Newport Beach and Laguna.

Whatever happens happens - it's never the guns' fault, it's the people that use them. Some of my best friends here in law school have quite the collections, even giving and receiving them as Christmas gifts. Nothing says loving like the gift of guns. I hear they make great stocking stuffers.

Republicans are infallible

While I certainly knew Republicans and Democrats were typically on opposing sides, I had no clue how divisive one's political affiliations could be - here people treat it like a religion. I was wrongly raised to judge people on their individual merits but have fortunately learned better - let's judge people on whether they are a Democrat or Republican.

At this point I must admit that I have sinned-God forgive me, I have sinned-by being anti-war (Iraq), pro-choice and,

well you know the rest. Fortunately, I have learned over time that those are the ridiculous ideals of the others. No, not the Others from the show Lost, the others, as in the Democrats.

Apparently, those ideals I had developed belonged to tree-hugging, left wing, proletariat, let's-save-the-world Democrats. I realize the error of my ways now. How dare I for an instant think that a woman should be allowed to do what she wants with her body? How dare I oppose a war to overthrow a guy in Iraq (who was being bank-rolled by the Republican administration in the 1980s, and whose heinous actions against his people went unpunished by that same administration since they were using him against Iran)?

I have learned that issues these days, like people, are no longer judged on their merits but instead on the political party to which they belong. This is a great idea and it will make life much simpler for me. Sorry to all those Democrats who think I have jumped ship, if only you had taken the time to shove your ideals down my throat every two seconds, maybe I would have been more inclined to stay.

All sarcasm aside, I must say that I have thoroughly enjoyed Chapman and living in the very comfortable, yet seemingly conservative, Orange County. While the professors actually make it fun to learn the law (that itself is quite the feat), the students also make it interesting to learn about the different perspectives that people have on politics and life.

While some may brand our school as being hardcore Republican, don't be fooled - this is likely more of an illusion created by the few who speak up. For those who are shy to answer the call of a professor beckoning debate for fear it may go against the majority, please, speak up. You may just find that the majority is not what it appears to be.

Legacy of diversity: *Mendez v. Westminster*

- Gary Polk

Chapman MLSA President

In 1950, a young African-American student named Linda Brown was denied admission to a public school near her home in Topeka, Kansas.

She sought and was denied relief in the Federal District Court and Court of Appeals. In 1954, the United States Supreme Court granted certiorari and heard Ms. Brown's appeal. The Court's decision in *Brown v. Board of Education*, 349 U.S. 294, established a legal precedent barring racial segregation in public schools.

But six years earlier, in 1944, Sylvia Mendez, an 8-year-old Mexican-American girl, had been denied admission to her local public school in Westminster, California.

Though most of the nation does not know about Sylvia, her case struck an early blow against the separate but equal standard in education. The case, known as *Mendez v. Westminster*, 64 F. Supp. 544, did not make the Supreme Court's docket.

It did not need to since the lower federal courts decided in favor of Sylvia's case at the state level in 1946. The case marked the end of legal school segregation in California.

Most people remain unaware of the significance of this

case. While *Brown* was a major accomplishment in the push for equality, the *Mendez* case set a legal precedent that helped the *Brown* attorneys add weight to their arguments before the United States Supreme Court.

Thurgood Marshall, an NAACP lawyer (who would become the first African-American Chief Justice of the United States Supreme Court in 1967) and Charles Houston, the Dean of Howard University Law School, had been developing legal theories to combat school segregation since the mid-40s.

Marshall filed an amicus brief in support of *Mendez* using the theories. The brief contained the arguments Marshall would later use as the lead NAACP attorney in the 1954 *Brown* case.

The *Mendez* case also deeply influenced the thinking of Earl Warren who was the Governor of California at the time. By 1954, when the *Brown* case appeared before the United States Supreme Court, Earl Warren had become its Chief Justice.

These cases helped set the legal framework for desegregation and their history illustrates the interconnectedness of marginalized groups in the on-going fight for justice and equality in these United States.

Property rights, continued from page 1

late property, requiring cities to pay for every regulation it imposes. Say a city decides it can't handle the 100 new subdivisions on your parcel, so it regulates your parcel so that you can only have 20. Under Prop 90, the city must pay you for the loss in value resulting from the regulation. Is this a good idea? Perhaps. It sounds nice in theory anyway.

What about environmental regulation? Prop 90 would require payment for that too. We can still save wetlands and flowers and bugs, but it's not gonna come cheap anymore - government will have to pay for it. This is likely to remove much of the silliness and overreaction that is notorious in the environmental regulation arena. But surely there are some very important environmental concerns worthy of regulation. Prop 90 might allow property owners to blackmail the public to get truly valuable preservation.

But let's get back to eminent domain: do its opponents really have the better of the argument? Consider some of the social ills attending property rights. In badly blighted neighborhoods, what incentive do slumlords have to spruce up their buildings and attract nice quiet families when their existing drug-dealing tenants are quite happy to pay in full and on time? At what point should we allow our cities to stop waiting for market forces to overcome externalities and collective action problems to reverse the blight in our neighborhoods?

And if you come out in the middle of these positions, how do you make a principled distinction? How are we to devise a meaningful jurisprudence with such little guidance from our Constitution, which requires only that a "public use" be the object of the taking? These were just some of the questions that were addressed at the First Annual Chapman Federalist Society Symposium Oct. 20, entitled "Eminent Domain: An Imminent Danger?"

The event featured property rights attorneys from the Pacific Legal Foundation, discussing the history and theory of eminent domain; attorneys from Nossaman, Guthner, Knox & Elliot, discussing the concerns that arise in actual takings litigation; local city council members, offering the city's perspective, and what actual voters-as opposed to policy wonks-want to see in their cities; and Chapman professors Lawrence Rosenthal and John Eastman, offering their perspectives and experiences.

The *Kelo* decision has gone far to get the entire country heated up over the issue of property rights. But perhaps the greatest danger at the moment is not the direct effects of the holding, but from dubious and reactionary new legislation that *Kelo* has inspired across the nation.

Editor's Note: The Federalist Society's Eminent Domain symposium video is now available online for viewing at <http://www.chapman.edu/law/FedSocSymposium2006.asp>.

MLSA Profile: Johnnie Cochran, an inspired career at a glance

- **Bobbie Ross**

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"If the glove don't fit, you must acquit." Attorney Johnnie Cochran changed the world with this catchphrase. Best known for representing OJ Simpson in what was possibly the trial of the century, Cochran made his mark on the world by proving to be one of the nation's premiere attorneys.

Cochran was born on Oct. 2, 1937 in Shreveport, Louisiana, but at the age of six, he moved to Los Angeles with his family. Even at a young age, Cochran was a very driven and determined individual. Cochran graduated at the top of his class from Los Angeles High School, where he was one of only twenty-four black students in the entire school. Cochran went on to attend UCLA for his undergraduate education. In 1959, Cochran graduated from UCLA with a BA in business administration. From there, Cochran attended Loyola Law School where he received his JD in 1963 and passed the bar exam that same year.

"An injustice anywhere is a threat to

justice everywhere" served as Cochran's motto throughout his life and career. Cochran began his legal career working as a Los Angeles Deputy City Attorney in the criminal division for two years, before opening his own practice, Cochran, Atkins & Evans in 1981. The firm now bears the name, 'The Cochran Firm.'

With a career spanning four decades, Cochran made a name for himself by representing some very high profile clientele, including Michael Jackson, OJ Simpson, Sean Combs (aka Puff Daddy, P. Diddy, Diddy, etc.), Reginald Denny, Elmer "Geronimo" Pratt, Rosa Parks, Snoop Dogg, Tupac Shakur, and Abner Luima, among many others.

Most people know of or, at the very least, have heard of the above mentioned cases, but what most people do not know is that Cochran's career was fueled by a passion to promote racial justice.

Cochran took on many civil rights and racial profiling cases. For example, Cochran represented Ron Settles, a young African-American football star from Cal State Long Beach, who was

killed by police and whose death was made to look like a suicide. Cochran also represented Leonard Deadwyler. Deadwyler, an African-American motorist, was stopped by police for speeding in an attempt to get his pregnant wife to the hospital. Cochran additionally took the case of Elmer "Geromino" Pratt, a former Black Panther who was framed by police and imprisoned for twenty-seven years before gaining release when Cochran represented him on appeal.

On March 29, 2005, Cochran passed away from a brain tumor, leaving the firm named after him to continue his legacy.

Cochran often stated that Thurgood Marshall was one of his heroes and that Marshall along with *Brown v. Board of Education* were part of the reason that he became a lawyer. Just as Marshall inspired Cochran, Cochran has inspired many others - including this writer.



So you want to be a Rock Star? (Part I)

How To Begin a Legal Career in the Music Industry

- **Michael Eidelson**

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When I was applying for an internship in the music business, I learned the importance of being persistent. Notice how I begin here by talking about persistence - this is because persistence is the single most important attribute that one can have when applying for any job in the music business. Any applicant who looks for a position in the industry soon realizes that it is nearly impossible to find names, addresses, email addresses, or phone numbers.

Even if an applicant does have access to the addresses of record labels, it is more than likely that blindly sending out application materials to the Human Resources department of each record label will only result in returned envelopes - as I learned from my own experience. This makes personal



See **Rock Star** on page 6

Photo by Michael Eidelson

On the Docket

- Helen Gurfinkel
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Nov. 10

Noon, Dean's Roundtable - Dean's Conference Room

Nov. 18

8:30 p.m., Orange County Law Firm Practice Day - Western State

Nov. 1 - 22

4 p.m., Mentor Program Registration - Career Services Office

Nov. 6

Noon, "Judicial Externships Redux - A second information session on getting a spring or summer externship in state, federal, or administrative court." - Room 237A

Nov. 9

5 p.m., Speed Networking - 237A/B

Nov. 17

Noon, Student Business Card Order Deadline - Career Services Office

Nov. 7

Noon, Practicing Tax Law: Getting a

Job and Succeeding - 237A

Nov. 8

Noon, Practicing Entertainment Law: Getting a Job and Succeeding - 237A

Nov. 2

Noon, Health, Stress, Substance Abuse and the Lawyer - 379

Nov. 9

Noon, Business Etiquette 101 - 237A

Nov. 13

Noon, Bridging Gap/ Summer Associate Success - 237 A

Rock star, continued from page 5

contact with attorneys in the industry essential and, again, requires that favorite word - persistence.

It is helpful to remember that the music business has its own culture and its own set of unspoken rules. As such, one should not expect applying for a legal job in the music business to be like applying for any other legal job. For example, to apply for most legal jobs, it is often sufficient to drop off application materials with an employer and wait for the employer to call you back.

If one uses the same approach to apply for a job in the music business, one will likely never get a response. It is probably the norm in the music business for an applicant's phone calls, letters and emails to go unreturned. However, it is critical that the applicant not take this silence as rejection. The applicant should assume that their letters and emails are being read and that their voicemail messages are being heard.

Lawyers in the music industry are busy and are used to having a constant stream of applicants who are looking jobs. Furthermore, I have noticed that employers in the industry tend to prefer to hire applicants coming from within the industry itself before turning to applicants from outside the industry.

All of this means that there is no shortage of individuals interested in working in the music industry and no shortage of potential employees. Therefore, it becomes essential for an applicant to distinguish him or herself from

the other applicants. The best way for applicants to do so is by expressing genuine interest in a persistent, but mature manner, over an extended period. I found that many of the attorneys in the music business, especially younger attorneys, remember the path that they took to get a job in the industry and appreciate applicants' persistence as a result - almost like a rite of passage.

The application process should be viewed as a challenge. As frustrating as the process can be at certain points, such frustration only makes the process that much more exciting when there is a positive turn of events. In the initial application stage, the goal should be for the applicant to lay a foundation for eventually meeting the potential employer in-person. Be sure to look for my next article, which will discuss how to meet potential employers and make personal contacts in the music industry.

Editor's note: Last summer, Michael worked as a legal intern for EMI Music in Los Angeles. EMI Music is the parent company for several smaller record labels, including Capitol Records and Virgin Records. The internship at EMI focused on learning about music licensing, reading artist agreements and writing sync licensing agreements for television shows and commercials that wished to use EMI master recordings. While the preceding article focused in large part on how one can begin a career in the music business, the concepts apply similarly to other areas of the entertainment industry.

Dicta

"In Vegas, you can build a nuclear power plant next to a bordello with blackjack tables in the back. They just.

Don't. Care." -- Prof. Hugh Hewitt, *Constitutional Law I*

"... and my client replied, 'People call me Rabbit.' And, you know, that was bad." -- Prof. Scott Howe, *Evidence*

New Marketing Coordinator offers encouraging words

- **David N. Finley, Esq.**

Marketing Coordinator

As I begin my experience as the law school's new Marketing Coordinator, the excitement that surrounds me could not be more palpable. In just a few short weeks, it has become clear to me that this institution is poised for great things, including serious national recognition.

Maybe this feeling is just the buzz of a new semester; or, maybe it is my own excitement at joining the ranks of Chapman's dedicated law school team. But there is a very real sense that the hardships of the school's first decade (the "building years") are now behind us.

With this optimism, there is also a great feeling of pride: no matter where we might fall in the US News ranks, for example, we know we are better than that. As Professor Bell has determined, on a number of important objective factors Chapman clearly belongs alongside - or above - many higher tier schools.

So, for me, as the law school's new marketing ambassador, this is a fantastic time to become a part of Chapman School of Law. I would certainly agree with those that believe that now is the time to begin our ascent up the US News ranks.

And while there will always be obstacles facing a newer academic institution, I believe that history will show the law school's second decade to be the period in which it emerged as a school of note. I have already rolled up my sleeves to begin the work necessary to achieve this goal; and I know others are equally as committed.

Chapman feels like a great law school - it reminds me of my own experience as a student at one of California's top tier schools. And with the launch of the Chapman Law Courier, the students now have a wonderful vehicle to communicate with, and about, the law school - and beyond. On that note, I would like to congratulate all of those individuals who have committed precious law school hours to the creation of this unique and important publication.

As the Courier finds its own voice, I would encourage all involved not to hold back: you are, after all, advocates. I believe that a student law school publication, more than any other, should be a place where all opinions are heard. And as law school will teach us, often it is the minority voice that is most important.

As my own journey at Chapman tracks the journey of the Courier (we both emerged at around the same time), I am also excited to watch this publication mature and grow. I'm sure we each will experience growing pains, and I certainly have much yet to learn. On that note, I want to let it be



Photo by Avi Phillips

known that I have a true open door policy. I will consider all ideas from anyone with a stake in the success in this school, including faculty, students and staff. I am particularly interested in hearing ideas from students about how Chapman School of Law can reach its true potential.

Many come to Chapman with workplace and scholastic experience in marketing, business, communications, and related fields, and I would value honest feedback about my job as well as how we can all make Chapman even greater. Please feel free to drop by my office at any time, or email or call to discuss your ideas, feedback, criticisms, etc.

Once again, I would like to extend my congratulations to everyone at Chapman: this is a great school with huge potential. If we all work together, I believe that the School of Law will be a force to be reckoned with for years to come, not only in Orange County, but throughout the state and the country. I look forward to working with each of you.

David Finley, Esq.

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Long Live the Queen!

A Conversation with Chapman's Queen's Bench founder

- Jennifer Spinella

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"The percentage of female partners in Orange County's large law firms are among the lowest in the nation."

-- OC Lawyer Magazine

Realities such as this led Caroline Ketchley, 2L, to found one of the school's newest student organizations, Queen's Bench of Chapman. I recently sat down with Caroline to find out more:

What is Queen's Bench?

It's an organization dedicated to the professional advancement of women in the legal field.

Why did you start Queen's Bench?

Why wouldn't I start Queen's Bench? I started it because there is far more to beginning and maintaining a successful legal career than getting your J.D. One of the best things you can do to accomplish your goals after graduation is to effectively market yourself while you're still in school. The way you do that is by building meaningful relationships through mentorships and networking.

I felt that there were not enough networking opportunities available to Chapman Law students, and I wanted to create a way for people to build a network that worked for them.

While there are quite a few minority student organizations, there were no organizations in place specifically for women that capitalized on the professional resources available to us in the local community. Why not implement a system that allows you to market yourself to a receptive audience?

I started this organization to open an avenue of networking opportunities that isn't otherwise readily available. The purpose is to bring women together who share common interests and concerns, and provide a support system within the student community, as well as a mentoring and networking system comprised of professionals in our local legal community. We could also greatly benefit from the knowledge and experience of our own faculty members.

One problem with 'networking' is that it is difficult to get the ball rolling; it's a somewhat amorphous idea that sounds fabulous, but can be rather overwhelming. Queen's Bench has already started the process.

First, student members are great resources of knowledge and advice on surviving your first year, from guidance about certain classes and professors, to externship and internship processes. Basically, it's what you discuss with your girlfriends, but on a larger scale.

Second, Queen's Bench is continuously generating ties with members of the legal community beyond Chapman who are experienced in real-world practice. The greatest benefit you can receive from mentoring and networking rela-

tionships that you cannot get out of classes is hands on experience: learning from your mentor's achievements and mistakes, whether your mentor is a fellow student or a practicing attorney.

What are your goals for Queen's Bench?

My ultimate goal for the organization is to develop lasting ties at two levels: within the Chapman student community, as well as between Chapman students and the practicing legal community.

Queen's Bench aims to utilize the resources that we have in the local area to create a successful program that addresses not only general legal concerns, but also concerns commonly held by women. This will be accomplished through a "sisterhood," if you will, within the student community, as well as at the professional level.

We hope to foster this through various social events on- and off-campus, as well as panel discussions comprised of individuals practicing in the area. In future years, it is my hope that Queen's Bench will establish stronger relationships within the community, and can host larger events with various speakers. In addition, I hope to use the organization as a means to further alumni relations, and capitalize on that home-grown resource.

Is this a feminist organization?

I would like to make it clear from the beginning that the purpose of Queen's Bench is to optimize networking and professional development opportunities for Chapman students; NOT to represent any political affiliations.

Regardless of your position on political matters, it is my goal that our activities will be a venue to refine networking approaches, and not a venue for pushing a political agenda. I want any person at Chapman who is concerned with issues pertaining to women in the legal profession to be able to take advantage of this opportunity.

What's next?

Queen's Bench will be holding meetings and events throughout the semester. At this time we will be framing a plan for the rest of the semester, as well as setting goals for the spring. We have a MySpace group page set up under "Queen's Bench"; feel free to contact me if you would like any further information.

It is a great way for first year students to start networking, and a great way for second- and third-year students to develop, implement, and finalize a successful career plan, as well as mentor other students. Some events that we hope to put together this year include: meet and greet events specifically geared toward networking; mentor/mentee pairings; wine tasting events; golf clinics; yoga classes; and panels that address women's issues.

For further information Caroline Ketchley may be reached at ketch101@chapman.edu.

Celebrity favoritism: Life is not always a walk on the beach

- Aleksandra Sarosiek
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For my first piece as an Entertainment/Sports writer for the Chapman Law Courier, I decided to take a look at a celebrity who had a recent brush with the law, and perhaps squashed a long-held belief. First, the cold, hard facts...

Summertime heat waves and long days spent on the putting green bring out the carelessness in all of us. This season also marks an increase in DUI arrests since police patrols and checkpoints are more common. This summer was no exception, and we even saw one of Hollywood's finest fall victim to his own over-indulgence. As most of you probably know, Mel Gibson was arrested for DUI. However, what some of you probably don't know is that this was the second time Mel was stopped on the Pacific Coast Highway with alcohol on his breath.

That's right. Several months ago, the actor-turned-producer was pulled over on the same stretch of highway for suspicion of DUI. Although that time Mel was merely given a stern warning, this time the arresting officer was not as forgiving. Perhaps it was the 1-liter bottle of cheap tequila on the passenger seat, or the fact that he blamed Jews for "all the wars in the world." Whatever the reason, he was arrested and sentenced to three-year probation and a court-ordered alcohol abuse program.

Gibson faced similar, not-so-forgiving treatment from the media and production powerhouses. News outlets quickly ostracized the Hollywood hotshot for his rum-charged outbursts, which have been dubbed "a career ender." Jeff Berg, Gibson's agent for the past 18 years, said, "[Gibson's] remarks have created a first class mess." Soon after the incident, Gibson was removed from an ABC series about a Holocaust survivor. Clearly, no one was taking his drunken rant lightly.

This recent arrest stirred up the controversial speculation of celebrity favoritism. Many feel that when celebrities go against the law, they are often given a slap on the wrist, whereas average citizens face large fines or even jail time. This stems from the fact that the court, as well as the prosecution, has tremendous discretion as to the severity of both the charge and punishment.

Detective Tim Flowers stated, "They get special treatment because they're celebrities. The press makes too big of an issue of their arrests. Because of all the coverage the courts go easy on them." However, over the years there has been a steady increase in celebrity convictions. We have seen entertainers like Winona Ryder, Kobe Bryant, and even the creepy kid from The Sixth Sense feel the



Courtesy photo

heavy hand of the law. This begs the question: is the tide changing?

I spoke with famed Entertainment attorney Michael Elkin about celebrity screw-ups being swept under the rug. He revealed, "Being a celebrity in the American justice system is a double-edged sword. Their financial wherewith and public attention enables

[celebrities] to receive special treatment. However, because of the high profile nature of the suspect, public officials, courts, and law enforcement agencies are under higher scrutiny to avoid leniency. This is important because while the system does provide for compassion, the judicial and law enforcement agencies do not want to be lax."

When asked if the traditional practice of celebrity favoritism is being replaced with celebrity dis-favoritism, he stated, "It was easier to be a celebrity and take advantage of celebrity status in the past. But today, with the advent of media and internet coverage, that becomes nearly impossible. Prosecutors are going to look like they're kowtowing to the talent if they don't zero in and act zealously." So perhaps the scale is tipping to the other side...forcing law enforcement officials to put celebrities on the same playing field (or highway) as the rest of us.

When asked whether Gibson's arrest was the result of his anti-Semitic comments, Elkin says, "The act [of DUI] pales in comparison to the remarks he made, and this adds to the heavy hand of law enforcement. Arresting authorities often look not only to the crime, but also to the way [the suspects] handle themselves." He further added, "I can't imagine a way [Gibson] could have been more inflammatory."

Mel's arrest crystallizes the fact that law enforcement authorities are not biased by the box-office success of a particular individual. Thus, they ensure the public the law affects everyone similarly and does not favor entertainers over the average John Doe.

So, the next time you're sipping a Mai Tai in the sand and counting the hours it will take before you're able to drive, remember that carelessness affects everyone, even the star-studded among us.

Sometimes case law is stranger than fiction

- **Scott Ashby**
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Facts: Plaintiff Oreste Lodi alleges that his birth certificate creates a charitable trust, the estate of which would revert to him upon notice. The defendant has been in control of the trust for some 61 years. Mr. Lodi gave notice to the defendant of termination of the trust in the form of a written "Revocation of all Power." However, the defendant "intentionally persist [sic] to control said estate...." Plaintiff sought relief in court, requesting the court order the defendant to relinquish all claims against the estate.

Sounds simple enough, right? The only problem is that the Defendant in question is also Oreste Lodi. That's right, Mr. Lodi was suing himself. And would you be surprised if I told you that this is a California case? (*Lodi v. Lodi*, 173 Cal.App.3d 628)

The case started in the Shasta County Superior Court when Mr. Lodi as plaintiff served the complaint upon Mr. Lodi as defendant. Unfortunately, Mr. Lodi the defendant failed to answer the complaint, so Mr. Lodi the plaintiff sought default judgment. The superior court denied the request, dismissed the complaint, and suggested to Mr. Lodi that he seek legal counsel. Mr. Lodi appeals the decision of the court.

Both plaintiff Lodi and defendant Lodi appeared pro per. 206,614 State Bar licensed lawyers in California and no one would take Mr. Lodi's case? Or Mr. Lodi's case?

Issue: Did the trial court act properly in dismissing the complaint even though no party sought dismissal or objected to entry of judgment as requested? The real issue is what the heck Mr. Lodi was thinking. Not even the court was sure. Footnote 1 reads: "The purpose of plaintiff's action is not entirely clear. However, we note plaintiff caused a complimentary copy of his complaint to be served upon the Internal Revenue Service. It may be that plaintiff hoped to obtain a state court judgment that, he thought, would be of advantage to him under the Internal Revenue Code."

The court notes that the plaintiff's birth certificate did not create a charitable trust, and characterizes the pleading as "...a slam dunk frivolous complaint."

Rule: Section 436 of the California Code of Civil Procedure states that "[t]he court may, upon a motion...or at any time in its discretion, and upon terms it deems proper:... (b) Strike out all or any part of any pleading not drawn or filed in conformity with the laws of this state, a court rule, or an order of the court." Section 425.10 of the same Code

states that "[a] complaint...shall contain...the following: (1) A statement of the facts constituting the cause of action, in ordinary and concise language."

Application: The court held that Mr. Lodi the plaintiff failed to state facts constituting a valid cause of action under § 425.10. Hence, the trial court was within its discretion to strike Mr. Lodi's complaint under § 436(b).

But all was not lost. In fact, he only half lost. As the court noted: "Although it is true that, as plaintiff and appellant, he loses, it is equally true that, as defendant and respondent he wins! It is hard to imagine a more even handed application of justice. Truly, it would appear that Oreste Lodi is that rare litigant who is assured of both victory and defeat regardless of which side triumphs."

So, while it's true, at least in California, that the court frowns on suing oneself, it is equally true that Mr. Lodi, in bringing suit against himself, was guaranteed a victory. Alas, the depraved heart of Justice Sims wouldn't let Mr. Lodi off that easy: "We have considered whether respondent/defendant/beneficiary should be awarded his costs of suit on appeal, which he could thereafter recover from himself. However, we believe the equities are better served by requiring each party to bear his own costs on appeal."

Foosball and lawyers: Don't hate the players... or the game

- **Chris Novak**
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In the Courier's last edition the article, "10 Commandments for 1Ls," contained the following: IX. "Thou shall not consider foosball to be a sport, nor a worthwhile activity to partake in in-between classes"

Suffice to say this comment sent shockwaves throughout the entire school, resulting in this response. This article is intended to defuse the highly combustible tension that resides within the walls of the student lounge, and

once again bring tranquility to our small area of mental release, our escape from the tumultuous and rigorous classroom experience. It is meant as a rebuttal to the dismissive nature embedded into the tone used to describe the foosball, and the foosballers', character and to perhaps lead to a more respectful consideration of our kind. I hope to shed light onto the little known fact that foosball is American birthed, and American nurtured, much like apple pie and baseball.

Foosball is said to have been invented in Western Europe. It was cre-

ated a few decades after modern soccer was formalized in the 1860s. It didn't gain widespread popularity until after World War II at which time it was used as a rehabilitation tool for the war veterans. Although others have scoffed at the idea of a physical enhancement coming out of a foosball table, in fact it has been said to greatly increase and rebuild hand-eye coordination. Today, many doctors recommend the sport to sufferers of carpal tunnel syndrome, a debilitating

Case in point

- **Parul Aggarwal**

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In re Skupniewtitz, 75 F.3d 702 - The court petitioned itself for relief, the presiding judge in his opinion wrote, "This case presents the perhaps unprecedented situation of a court, as litigant, petitioning itself, as court, for relief"

United States ex rel. Gerald Mayo v. Satan and His Staff, 54 F.R.D. 282 - Plaintiff filed suit against Satan and his staff for violation of his civil rights. Among plaintiff's allegations were: (1) Satan had on numerous occasions caused him misery by unwarranted threats, all against his will; (2) Satan had placed deliberate obstacles in his path that caused plaintiff's downfall, and (3) that by reason of forgoing acts, Satan had deprived him of his constitutional rights. The court noted, "We question whether plaintiff may obtain personal jurisdiction over the defendant in this judicial district" and that the plaintiff had failed to include proper instructions for the United States Marshal to service process on defendant, Satan, in his complaint.

Buck v. Bell, 274 U.S. 200 - Superintendent of a state institution sought an order to sterilize plaintiff, an inmate. Judge Holmes in granting the order wrote, "It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind... Three generations of imbeciles are enough."

United States v. Murphy, 406 F.3d 857 - The trial transcript quoted defendant had called Ms. Hayden a "hoe." The court went on to say, "A 'hoe,' of course, is a tool used for weeding and gardening." We think the court reporter, unfamiliar with rap music (perhaps thankfully so), misunderstood Hayden's

response. We have taken the liberty of changing "hoe" to "ho" a staple of rap music vernacular as, for example, when Ludacris raps, "You doin' ho activities with ho tendencies."

Avista Management v. Wausau Underwriters, 2006 U.S. Dist. LEXIS 38526 - Fed up with wrangling lawyers, the Judge ordered the lawyers to convene at a neutral site, and if they could not agree to meet on the steps of the federal courthouse where upon "each lawyer shall be entitled to be accompanied by one paralegal who shall act as an attendant and witness. At that time and location, counsel shall engage in one (1) game of 'rock, paper, scissors.' The winner of this engagement shall be entitled to select the location for the 30(b)(6) deposition."

Marles v. State, 919 S.W.2d 669 - The court's opening line in the opinion read, "This case decides the heretofore undecided question of whether the act of defecating in one's pants upon being informed of a pending criminal charge is a relevant fact for the jury. It also decides whether a witness's description of the event is of such damage to the defendant's chance of a fair trial."

Oil & Gas Futures v. Andrus, 610 F.2d 287 - The court's opening line in the opinion read, "In this appeal we are asked to determine whether ".82" is the equivalent of '82%.' Having successfully completed grammar school, we are able to answer in the affirmative."

Denny v. Radar Industries, 184 N.W.2d 289 - In probably the world's most succinct judicial opinion, Judge Gills wrote "The appellant has attempted to distinguish the factual situation in this case from that in *Renfroe v. Higgins Rack Coating and Manufacturing Co.* He didn't. We couldn't. Affirmed. Costs to appellee."

Movies taught me everything I need to know about the law

- **Sean Coll**

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A Few Good Men - The key to winning any case is **slamming ones fist and shouting**, "I want the truth!" Unless, of course, the truth is detrimental to your case...then it's best to just keep your mouth shut.

The Paper Chase - Succeeding in law school is simple: accept any meaningless, grueling research assignment a professor gives you, sleep with a professor's daughter, and grow a mustache. However, it's probably best to start with the mustache and work your way up to the daughter.

JFK - If you ever feel like a trial is slipping away from you, just repeat the phrase "Back....and to the left" over, and over, and over, and over...

Liar Liar - If you really need a continuance and can't get one, go to the restroom and kick your own ass. Sixty percent of the time, it works every time.

The Rainmaker - NEVER work for an attorney named

"Bruiser"...he got that nickname for a reason.

Rudy - Yeah, I know this movie has nothing to do with the law, but that "never give up" attitude never hurts.

The Firm - It is only natural that you will want to accept the first good job offer you get regardless of what the employer is offering. However, when the deal seems too good to be true, it is perfectly acceptable to ask your employer, "Do you, by any chance, represent members of the Mafia?" It is also acceptable to ask this question when you meet your girlfriend's father for the first time. Trust me on this one.

Rounders - If you are having a hard time paying your law school tuition, there are two simple words you need to learn: "All in." It's just poker...what could possibly go wrong?

Jury Duty - Actually, let's hope for your sake you've never learned anything from Pauly Shore.

Caddyshack - If you don't see the law career working out...remember these words of encouragement from Judge Smails: "The world needs ditch-diggers too."

Reason reality television sucks (For most part...)

- **Bobbie Ross**
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Who remembers when reality TV was actually good? Some might argue it was never good to begin with, but I can recall a time when my friends and I used to be planted in front of our television screens once a week to catch the newest episode of MTV's "The Real World." Of course, that was back when "The Real World" was actually, well... real.

Sadly, "The Real World" has gone downhill, declining drastically in the amount of "reality" that is actually included in the show. The show's tagline should be changed to "Find out what happens when people stop being polite and start doing whatever they can in order to get a movie/TV/record deal and extend their fifteen minutes of fame." Unfortunately, most other reality TV programs have gone the same route.

Most reality shows don't show reality. Instead, they showcase desperate people who are willing to do anything to get as much camera coverage as they possibly can so that they may pursue their shot at stardom. And the shows that don't feature random desperate unknowns attempting to become celebrities often feature has-been celebrities. Even worse than

those, however, are the shows that are just plain dumb. "Who's Your Father?" (a show in which the contestant, a woman who grew up with an adopted family, attempts to choose her father out of a panel of eight men) is a tad bit ridiculous.

That said, there are some good shows out there that are quite hilarious and showcase the dramarama that we all love to watch. "Hell's Kitchen" is a personal favorite (gotta love Chef Ramsey telling a woman not to stick her boobs in his hot plate!), as is "American Idol" (although I mostly watch it to see Simon make fun of people), and "The Apprentice" (the version featuring The Donald, as Martha's version is incredibly lame). I must admit that as awful as most of the women on the show are, I have become strangely addicted to Flavor Flav's reality show "Flavor of Love" (who doesn't love watching catfights galore all over a dude that wears huge clocks around his neck?).

Regardless of my guilty pleasures, the reality TV trend is starting to die out, and we will start to see some better-quality sitcoms soon. At least that way I can finally have something worth watching as I wait for January to roll around so that Jack Bauer can save the day again.

Relax, continued from page 10

disease that brutally affects millions of Americans each year. The healing power of foosball cannot be denied.

For the rest of us, foosball was ensconced into our culture from being the first televised sporting event in 1946, and to being the first game played in space by the Russian cosmonauts in 1952. It was the mystical snake charmer of men from Albert Einstein to Kurt Vonnegut. Bobby Fischer abandoned his world chess championship title in 1975 under inauspicious circumstances. However, in an interview given to a Belgian newspaper in 1986 he said, "The reason I left the chess world is simple, it lacked any challenges. I searched around the globe to find one that could satisfy my thirst to push myself to the limits and I found foosball." Mind you, however, that foosball does not lead one to become anti-Semitic. That was all him.

Socially, it was accusatorily implied in the aforementioned article that foosballers are shunned in society and are the Darwinian weak of evolution. Foos-

ballers are not social outcasts. Foosballers are famous celebrities - Russell Crowe, Shannon Dougherty and Rob Reiner are among the legions of proud foosball connoisseurs. They are also the leaders of commerce and the people - Steve Jobs, John Kerry and President Bush are said to be avid players. In fact, there is an unconfirmed report that during one battle between Bush and Kerry at the Skull and Bones frat house on the Yale campus, Kerry shut out Bush, thereby forcing Bush to run naked through the quad, a humiliation he has carried with him until this day.

Nowadays, the luster of foosball has been lost through the technology of video games and more advertiser-friendly sports such as football and darts. In fact, even in the place where it has forever been a staple, the sports bar, it has been relegated to back corners or slowly been eliminated altogether. Much like Ozzie Canseco, or for you law junkies, Everett Darrow (Clarence's brother), foosball and its bar mate the shuffleboard table now

live in the shadow of the overrated billiards. This does not mean those who continue its legacy should be looked down upon, or thought of as space-wasting geeks. It just means the last remnants of a once-great sport can still be enjoyed and beloved. The sweat and tears we drop upon that hardwood table are just the same as the sweat dropped everyday at the steel mills running prosperously in Pittsburgh and the car manufacturing plants in Flint. It is the sweat of America. I hope this article has provided some legitimacy to the game we love and the ones who play it - we few, we happy few, we band of brothers.

(Most of the facts, quotes, and historical context of this article are false. The fun is in figuring out which are which. I did not provide the dozens of cites that you all need to justify reality in your lives because there are none. So relax, and next time you see your local foosball player just say, "thanks for everything you've done for this country." That is the greatest gift you could give.)