

# CHAPMAN LAW COURIER

November 2010

Volume 2, Issue 2

## Women in Politics

*“The media heralding this election as the next phase in women’s suffrage could be a cunning diversion from the concern that would arise in response to our waning political representation.”*

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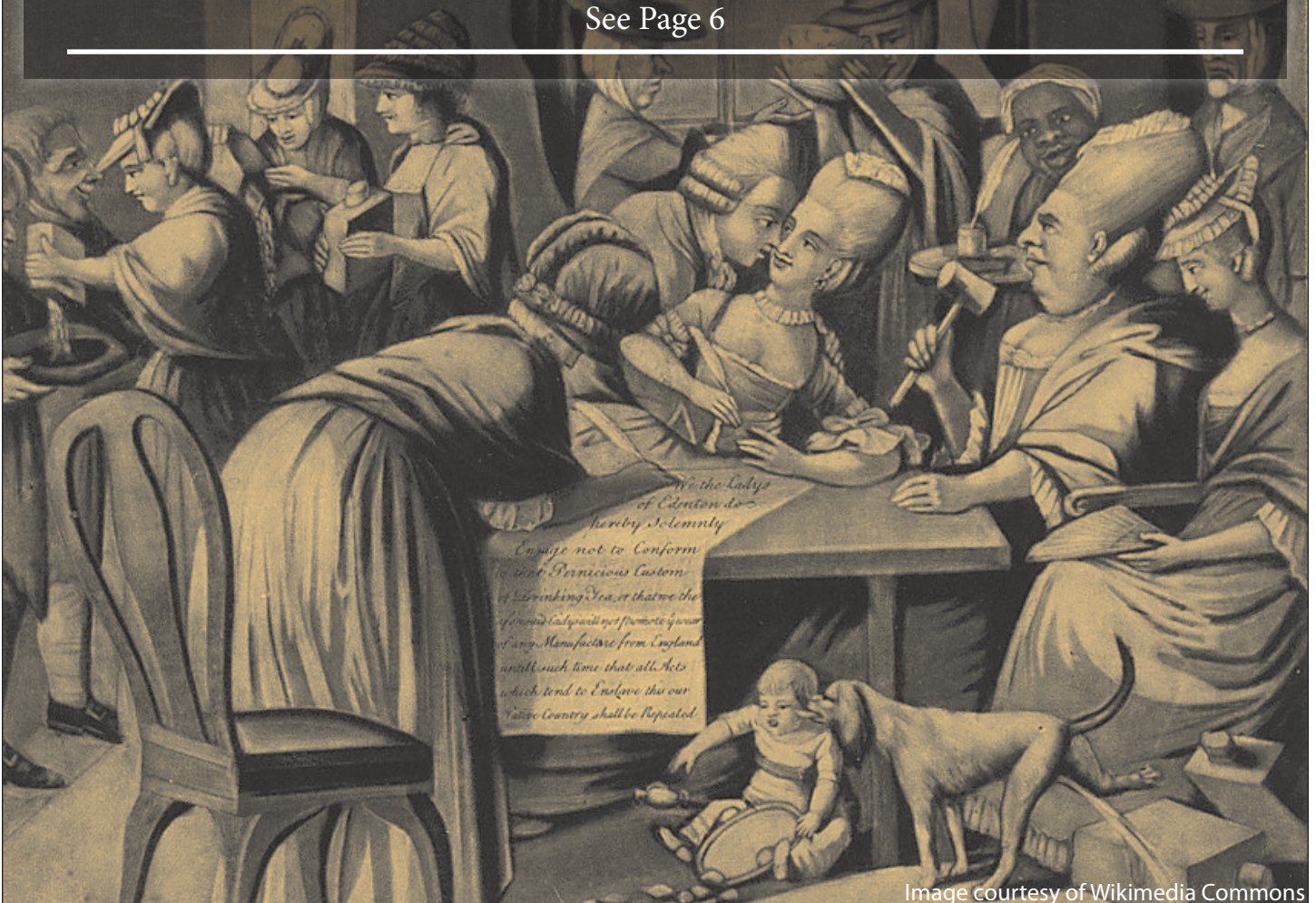


Image courtesy of Wikimedia Commons

**ALSO**

All about the Honor Code  
See Page 8

Papa Hassan goes out in a (kitchen) blaze of glory  
See Page 10



# Symposium dissects *Citizens United* decision

MELISSA MIELKE | Senior Editor

*Nexus: Chapman's Journal of Law and Policy* hosted its annual Symposium on October 22 to discuss the recent decision in *Citizens United v. Federal Election Commission*, in which the Supreme Court allowed corporations to make independent expenditures to political campaigns under the First Amendment. *Citizens United*, decided in January of this year, has had scholars on both sides of the political spectrum analyzing the events leading up to the November elections with an eye towards the decision's role. As the Journal's often described

"fearless" academic advisor Professor Hugh Hewitt remarked, "never before has a *Nexus* Symposium been so timely."

The effort of the *Nexus* Board was apparent, as they did a fantastic job assembling a diverse panel and bringing together some of the finest legal scholars from across the country. Presenters included, but were certainly not limited to: Ilya Shapiro, Senior Fellow in Constitutional Studies and the Editor-in-Chief of the *Cato Supreme Court Review*, James Bopp, Jr., Partner at Bopp, Coleson & Bostrom and General Counsel for James Madison Center for Free Speech, Dr. Saby Ghoshray, the Vice President for Development and Compliance at the World Compliance Company, and Ciara Torres-Spelliscy, Counsel for the Democracy

Program at the Brennan Center For Justice, part of NYU Law School.

While the ideas espoused by each presenter were provocative enough to warrant their own article, the dynamic interplay between Mr. Davis-Denny, an Associate at Munger, Tolles & Olson LLP and Board Member of the California Common Clause, and Mr. Ginsberg, a Partner at Patton Boggs LLP, truly deserved the keynote position.

The theme of Mr. Davis-Denny's presentation was one of concern: concern for what impact the *Citizens*

“(N)ever before has a *Nexus* Symposium been so timely”

Prof. Hugh Hewitt  
Nexus Journal Academic Advisor

in the future and democracy as a whole. While Mr. Davis-Denny conceded that implied advocacy by corporations was legal prior to *Citizens United*, the fact remains that at this juncture in the campaign reportable outside spending has exceeded what was spent in the entirety of 2008 and, in fact, represents

a 73 percent increase in spending. Mr. Davis-Denny also cautioned against the inadequacy of

our disclosure laws, for it is estimated that over 70 percent of funding is actually not disclosed. While the majority in *Citizens United* held that there is nothing wrong with money

Political parties can no longer garner money, mobilize voters, or set the message for the candidates, and special interests have stepped in to fill this role.

buying access or influence and that the Court's interest is limited only to quid pro quo corruption, Mr. Davis-Denny cautioned that this is not what most people would think of as a functioning

democracy. In the end, Mr. Davis-Denny discussed his involvement with litigation in Arizona regarding the state's system of public funding for political campaigns. This last minute litigation, he said, is another example of a disturbing trend, where the rules of the game are being changed in the eleventh hour. He concluded by espousing his hope for better disclosure, contribution limits, and alternative systems for campaign financing.

Mr. Ginsberg took the opposite approach, highlighting that *Citizens United* did not alter the requirement for a disclosure disclaimer by corporations nor did it permit corporate contributions directly to candidates. Corporations, prior to *Citizens United*, could spend unlimited amounts on issue ads, so why the sudden influx of ads from special interest groups? The answer, according to Mr. Ginsberg, was the decline of political parties and the inability of candidates to set their own agenda, both of which began after the McCain-Feingold Act was passed. Political parties can no longer garner money, mobilize voters, or set the message

for the candidates, and special interests have stepped in to fill this

role. This distortion of the system results in candidates who are no longer able to set their own agendas. Mr. Ginsberg cautioned that this will lead to savvy special interest groups determining what issues matter to them, and then backing the particular candidate who, regardless of political affiliation, takes the position most beneficial to the interest group. The reality of *Citizens United*, Mr. Ginsberg stated, is the impact it will undoubtedly have on a corporation or union's ability to influence the voting habits of their own employees, which should worry everyone.

As all the presenters made clear, *Citizens United* marks a new era in campaign finance regulation and First Amendment jurisprudence, and we should monitor its impacts with a careful eye.

## COMING SOON

### DESTINATION: AFRICA 2010

The documentary series, produced by Chapman students (and in part by some of our law school colleagues) in Botswana and Zanzibar, will be shown on **Thursday, Dec. 2**, in Folino Theater at the Dodge College of Film and Media Arts. The screenings will be followed by a Q&A with the students involved, live music, and a reception! Botswana includes work by **3L Dhruv Sharma** and **2L Amber Hurley**, and Zanzibar includes work by **2L Lauren Shea**.



# The Finals Countdown

## 1L stress levels rise as the number of days to finals tick down to the end

**LAUREN CRECELIUS** | Junior Editor

As the semester progresses, I'm feeling a little better about school in the sense that I better understand what is expected of me, though delivering it is now the issue. I've been trying to read and rally in the library, but it's been freezing me out lately. The library is so cold, I can see dead people. If Chapman made an official "Chapman Law" snuggie, it would sell out in the first week.

Library icebox aside, one thing I have been enjoying lately is small group time. I love my fellows. Not just one or two, but all of them. They all seem so successful, and they can explain the material so well. I want to get a rolling backpack and just keep a fellow in it. I'd roll them everywhere I go and just ask them the random questions of daily law student life: "What's the answer to that practice question? What room did that free pizza come from? Does this outfit make my butt look big? How do I get these wine stains out of the carpet?" I couldn't go wrong! I'd be the most successful 1L the world has ever known.

Interestingly, a hurdle of law school success among my fellow 1Ls has appeared in a glass more than a few times. Sunday headaches when you need to study are the worst. A friend asked me a few weeks ago, "I heard lawyers and law students are all big partiers; isn't law school fun?" I told her, "No, we're all big drinkers—sometimes there's a difference." And, of course, the irony of an En Banc scheduled during Wellness Week was not lost upon the 1Ls, in fact it may have made October's En Banc even

more popular. Memos and midterms have lately curbed the imbibing; however, the growing horror of finals will surely keep it at bay.

Finals. It makes your spine tingle just thinking about it. Freddy Kruger, leprosy, tornadoes, sharks, and finals. Add it to your list of super scary things. Some 1Ls were nearly hyperventilating over midterms, most of which were ungraded, so it is unfathomable what we'll act like come December. A picture of Gollum comes to mind, hunched-crazy, cradling "precious" outlines and muttering grammatically incorrect sentences.

My fellow 1L friend Nicole and I joke

about her ponytail height as indication of the stress level of law school. If the

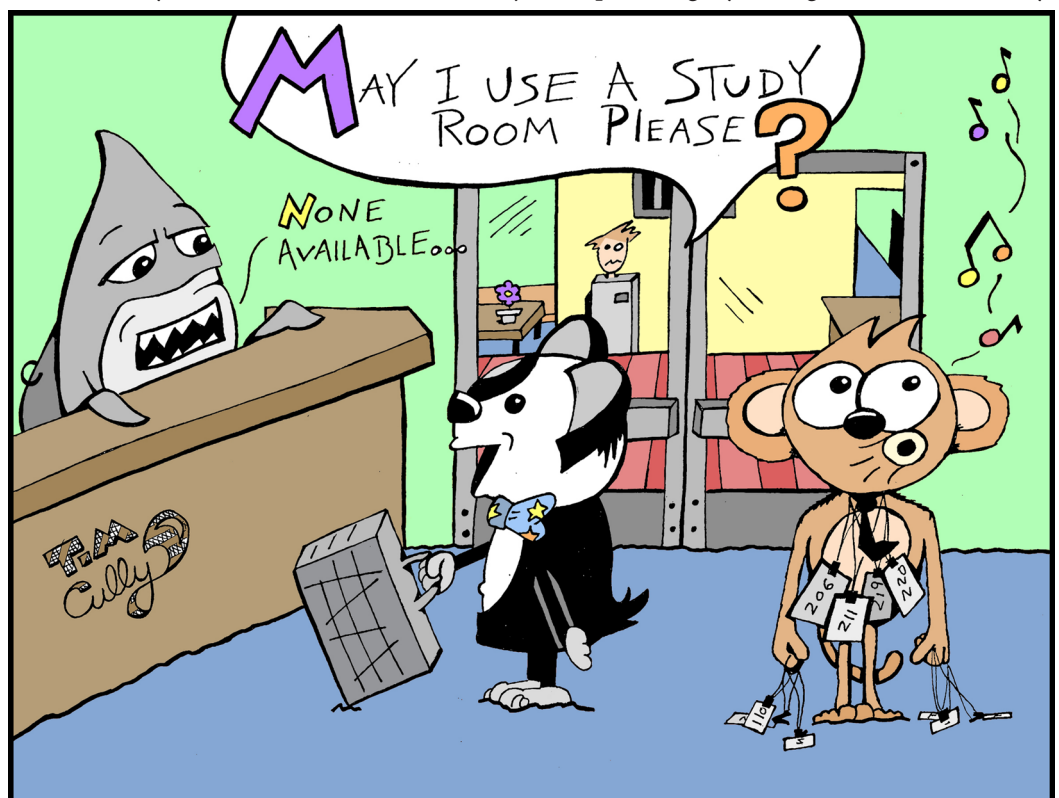
ponytail is high on her head, then she's ready to tackle anything. If the ponytail is low, that signals defeat. We figure the ponytail will

just fall off in December. My ponytail might fall off too. I do have a strategy for finals, though: drink copious amounts of Red Bull and badger my academic fellows with questions. Wherever a fellow is, I'll be there, in the shadows, with my outlines ready and a list of questions. We'll practice IRAC until we can't IRAC anymore. My apologies in advance, fellows, but surely you knew being so successful in law school would come with 1L crazies like me. No worries, though, it'll all be over December 17- and you won't have to worry about me pestering you again...until January.

"I heard lawyers and law students are all big partiers; isn't law school fun?"

I told her, "No..."

It makes your spine tingle just thinking about it. Freddy Kruger, leprosy, tornadoes, sharks, and finals.



CARTOON BY TIM CULLY

## Student Org Speaks: *Outlaw members take on teen suicides*

**REBECCA KIPPER** | From Outlaw

Recently, there has been a rash of young people killing themselves because they were bullied for being gay. Just the other night, I went to a candlelight vigil that recognized the tragedies of these suicides. On the short ten-minute walk around the Orange Circle and back, two separate drivers slowed down and yelled the word “faggot” at our group. It did not shock me. In fact, I almost expected something like that to happen. What did surprise me was the reaction that I got from people when I told that story. Most of my friends were shocked that something like that could happen. Most of my friends just couldn’t believe that in this day and age, someone would do something like that.

But why wouldn’t someone think it was OK to insult gay people if we live in a country where discrimination against gay people is condoned and even supported? We live in a country where a school district would rather cancel the prom than allow a lesbian to bring her girlfriend. We live in a country where



PHOTO BY JON SULLIVAN

our national policy is that gay people are too disgusting to serve beside our national heroes in time of war. We live in a country where gay people are widely thought of as unworthy of the family recognition that brings with it so many benefits and joy. We live in a country where gay people are considered so deviant that if they were allowed to marry, it would actually weaken straight peoples’ marriages. Wrap your head around that.

How can this sorry state of affairs not send a very powerful message to gay youth? How do you think a gay teenager feels when he sees that it is OK, on

a national level, to completely ban gay people from institutions? How would that have felt to you? For example, I’m sure some of us were embarrassed or self-conscious about something as a teenager – our hair, our weight, our feet size. You name it; one of us was probably horrified over it. Now imagine if that very characteristic was vilified on a national level. How would you have handled that?

This vilification has got to stop. The only way to stop it is for this country to put an end to discrimination against gay people. Are you a supporter or an opponent of discrimination? Think very hard about the answer to that question. It is not enough that you personally do not discriminate. Do you support the policies of this country which discriminate? Have you made it clear that you don’t support those policies, or do you just throw your hands up? Are you willing to condone discriminatory policies because they don’t affect you?

When it is perfectly OK for adults to treat gay people very badly, then how can we expect our kids to act any differently?

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# WOMEN IN POLITICS

**KAT JAMES** | Staff Writer

We as law students typically have trouble with numbers (unless they are preceded by "\$"), so allow me to share a few with you now.

90/535 = current number of women in Congress/total members of Congress  
 32 = number of female governors that have served or are currently serving  
 31 = the US ranking on the Global Gender Gap Report

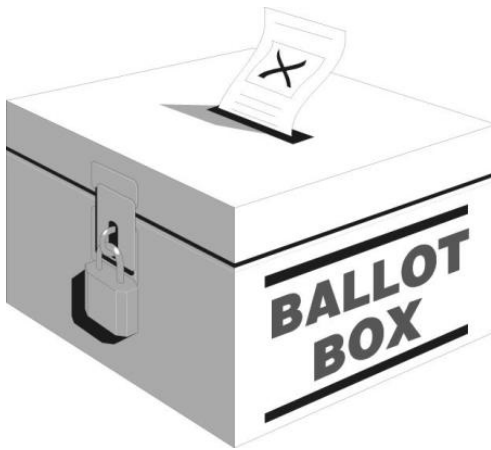
These innocent little statistics have

allowed every Tom, Dick, and Harry with the good fortune of being broadcast in print or pixel to tout tawdry coinage like "Year of the Woman." Mostly this is because women are still significantly underrepresented in positions of power, though said representation has been on an upswing since about 1978.

Did you *know* that 2010 is known as the "Year of the Woman"? If you did, what does that imply to you? Does it imply that women will increase their political presence this year? Their professional presence? Physical presence? Prescient presence? I could go on with a litany of

alliterative phrases for days, but I think you get my point. If you don't have an answer to any of those questions, you are at least in the same boat as I am.

So let's turn our attention to the political arena and light the lamp of knowledge – or at least hover around the dusty glow of analysis – just for a moment. If this "Year of the Woman" moniker is supposed to be in reference to women gaining more force in the House and the Senate, there are more than a few analysts who would write that off as hogwash, among other colorful expletives. The Center for American Women and Politics



## 2010 MIDTERM ELEC

"Reality will intrude soon enough, and Republicans will have to decide what kind of opposition they intend to be. One could argue that the most fundamental choice facing the new Republican House majority, in particular, is whether to stand on cultural or intellectual dissent — or, put another way, whether they want to cast themselves principally as the party of Sarah Palin or the party of Paul Ryan."

*Matt Bai*  
*New York Times*

"The voter  
 people's m  
 businesses"

### CALIFORNIA ELECTION RESULTS

#### Governor

Jerry Brown (D)	53.2%
Meg Whitman (R)	41.7%

#### Lieutenant Governor

Gavin Newsom (D)	49.9%
Able Maldonado (R)	39.7%

#### Secretary of State

Debra Bowen (D)	52.8%
Damon Dunn (R)	38.9%

#### Attorney General

As of the time that the *Courier* goes to press, the California Attorney General race continues to remain "too close to call."

#### U.S. Senate

Barbara Boxer (D)	51.7%
Carly Fiorina (R)	42.9%

#### Ballot Propositions

Proposition 19:	
No	54.0%
Yes	46.0%
Proposition 23	
No	61.2%
Yes	38.8%

California elections results were obtained from the California Secretary of State's website, located at <http://vote.sos.ca.gov>. National election results were obtained through the New York Times website, located at <http://www.nytimes.com>.

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at Rutgers University reports that 152 (14 for the Senate and 138 for the House) of the 308 women who filed are successfully on the ballot – a record breaker for women running for Congress in a single election. But, if the catastrophic defeat of the Democrats that has been ubiquitously forecast by news outlets and scholars is to materialize, it is worth pointing out that a) the overwhelming majority of women currently serving in Congress (69 out of 90) are Democrats, and b) 100 of those 152 female candidates are as blue as the day is long – though, kudos where kudos are due to the GOP for seeing a record for female candidates.

In other words, if this is indeed is the “Year of the Woman”, and if the Democrats are indeed about to enjoy some sour grapes, 2010 may be better described as the “Year of the Woman in Decline.” Why

then the media meltdown as we were on our way to looking like Iceland?

Well, for starters, there is the fact that female enfranchisement – that is, incorporation and representation in political, economic, and social spheres – is a perennial favorite topic of pundits and academics alike, and especially en vogue at the moment due to the global movement spearheaded by Ban Ki-Moon. But cosmopolitan ethics are such low hanging fruit that they are passé; what’s a parochial explanation? Well, in California, it may be because we are the only state experiencing an estrogen-soaked Senatorial race.

Elsewhere, though, the answer is a bit more dubious. It is of course possible that either a deeper analysis was purposefully avoided, or wistfully overlooked. While I am more inclined to believe the former, the case for the latter is almost more intriguing for patrimony-hating feminists

(like yours truly) - a more conservative, less x-chromosomed Congress spells turmoil for those of the pro-choice persuasion, for instance. That is, the media heralding this election as the next phase in women’s suffrage could be a cunning diversion from the concern that would arise in response to our waning political representation. Worse still, there is the possibility that this kind of rhetoric persists as a subliminal method of subjugation – i.e., women still deserve a pat on the head when they achieve that which a man already has.

But, that discussion would border on conspiratorial musing to some, and quite frankly if I’m going to go down that road right before finals I’d rather talk about Area 51 or the Moon Landing – the arguments that would ensue in response would at least be less tense. So let’s see how things turn out and talk some Simone de Beauvoir at the post-finals, pre-winter break festivities. See you there.

# LECTION RESULTS

’s message to Sacramento: Keep your hands off other money, whether it’s the taxpayers’, local governments’ or . You’re not to be trusted.”

*George Skelton  
Los Angeles Times*

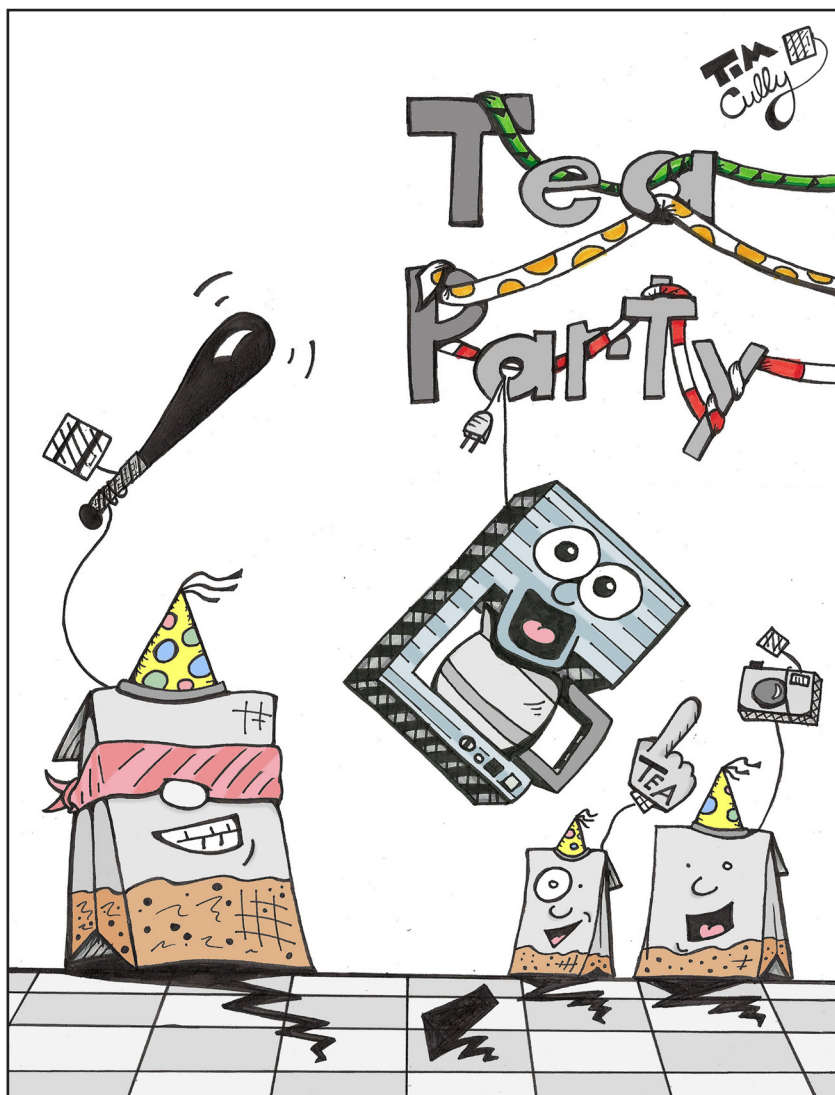
## CONGRESSIONAL POWER CHANGES

### ouse of Representatives

-Election:	
Republicans	178 (and one vacancy)
Democrats	255
t-Election	
Republicans	239
Democrats	188
Still undecided	8

### enate

-Election:	
Republicans	41
Democrats	59
t-Election	
Republicans	46
Democrats	53
Still undecided	1



CARTOON BY TIM CULLY

# Is the Honor Code, uhm, Honored?

**JOANNE LEMBO** | VP of Finance

During 1L orientation, every incoming law student takes an oath to comply with the School of Law's Honor Code. The Code is explained in detail in the Student Handbook that every student receives. In part, the Honor Code "calls for a commitment by students to adhere to the highest ideals of professional integrity."

Self-regulation is an integral aspect of the Code's success – but are students willing to abide by self-regulation when so much emphasis is placed on grades?

After my first year of law school exams, I was shocked to hear how many people thought they had witnessed an honor code violation. Perhaps where potential or suspected violations of the Honor Code occur most is during examinations – specifically with regard to abuse of the "sign out" privilege. As returning students know – and first year students will soon find out – examinations are administered by proctors. However, once the test packet has been distributed and the exam has begun, the proctors leave the room and every student is on his or her "honor."

The sign-out sheet is meant as a courtesy for students who genuinely need a bathroom break, or need to get up and stretch during a three hour exam. But who is policing the sign-out policy, and when do a student's actions become a violation?

According to Jayne Kacer, Assistant Dean of Student and Alumni Affairs, "When proctors are not present, students are on their honor to comply with the sign in/out policy."

Maryam Isles, the Registrar for the School of Law, says that the Registrar's Office monitors the list, and if a student repeatedly leaves the room during an exam, it will be considered suspicious activity.

But if a student suspects a violation, can it be proven just because someone has signed out multiple times during an exam? It may be suspicious, but when you are sitting in an exam room, how can you prove a violation?

A current 2L at Chapman experienced this problem during second semester of his 1L year.

"As early as my first final exam of second semester, I started noticing that a ton of students were signing out during the exam

– a lot more than first semester," says the 2L, who wished to remain anonymous. "It seemed like people would get their exam, read through the questions, and then sign out. I kept thinking, 'This many people cannot possibly have to use the bathroom!'"

He continues by saying, "At a certain point it just became ridiculous. People were signing out three or four times during one exam, and at one point, I even saw two people who were dating each other sign out together. I mean, come on," says the student.

The student says he did not complain at first because he wasn't sure if a violation had actually occurred.

According to Dean Kacer, "Pursuant to the Honor Code, students are required to make a report to the Honor Council if the student 'becomes aware of facts establishing reasonable grounds to believe that a violation of the Honor Code... has occurred.'"

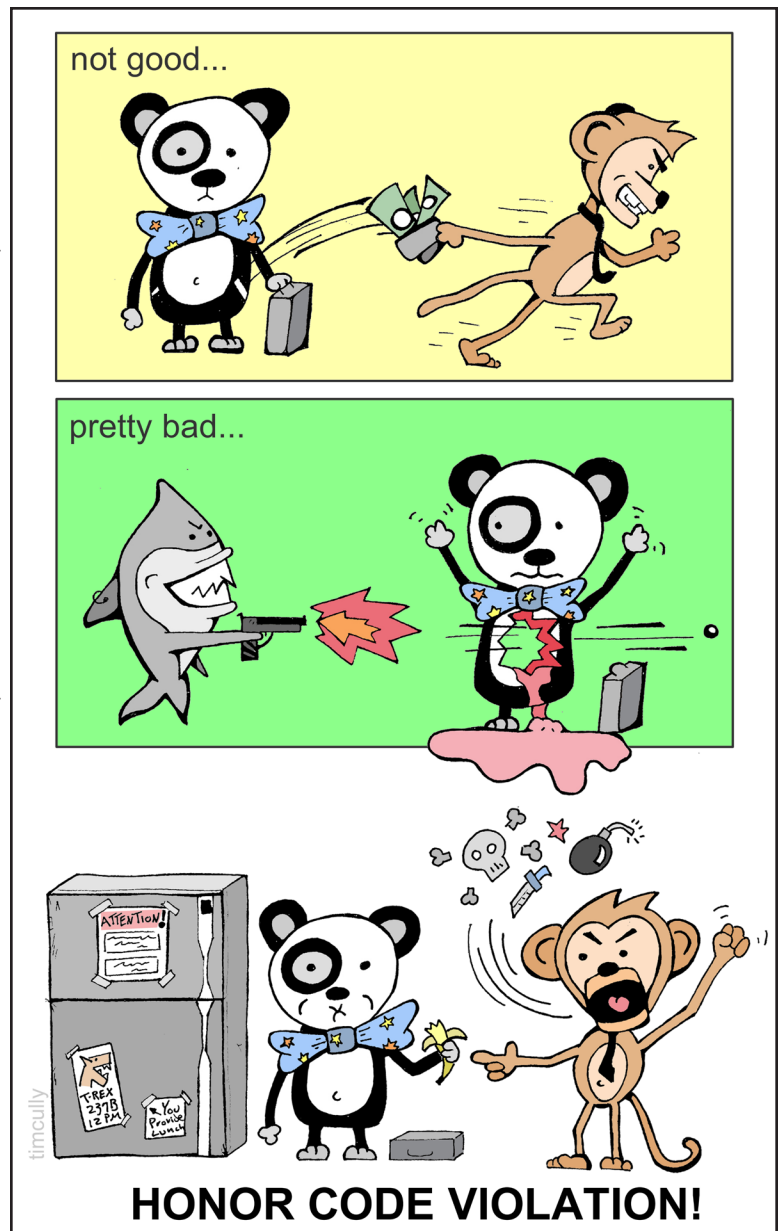
"I did not want to make such a serious accusation if I had nothing to back it up with," he states. "But during my last exam of the semester, it was so bad that I e-mailed Dean Kacer and made an appointment to talk to her about what was going on."

"When I spoke to Dean Kacer, she said

that the school would check into it and review the sign out sheets to see if there had been suspicious activity by anyone in particular. But she also said that because I had waited until after the exam to report my concerns, there was no way to actually catch the people suspected – all they could do was question them about their sign-out activity."

However, according to the Registrar, although it may depend on the circumstances, students are usually allowed to wait until after the exam to report a suspected violation.

"As someone who abides by the Honor Code, and takes it very seriously, I was really frustrated – I did what I was



CARTOON BY TIM CULLY



supposed to do, and probably got a lower grade than people who were most likely in violation of the Code, because their violations couldn't be proven," says the 2L.

So what *can* you do if you suspect someone of an Honor Code violation during an exam?

Dean Kacer says that the law school does occasionally receive complaints regarding the sign in/out policy from either the Registrar's Office or from fellow students. "Typically, these relate to (1) the failure to sign out, (2) inaccurately recording the time of return, and (3) frequent departures from the room while testing is in progress."

Dean Kacer says that the sign in/out log is very helpful in evaluating these types of complaints. "Therefore, students should always sign in and out during exams, not only to comply with the requirement, but also to create a record in case there is a complaint against them."

Students should remember that if they

report a fellow student, their identities are not disclosed to the student who is the subject of the complaint until informal efforts to resolve the matter by a plea agreement have been rejected and a complaint has been served in anticipation of formal action.

Students can obtain report forms from Dean Kacer or from the three students that comprise the Office of Student Assistance. Their names and contact information can be found on the bulletin board in the student lounge. The completed form should than be turned in to the student chair of the Honor Council (Brett Murdock, 3L) or to the faculty chair of the Honor Code Committee (Professor John Hall).

After a report has been made, the issue is investigated by "one faculty member

and one member of the Office of the Law School Advocate," says Dean Kacer. "If they find that a report is warranted, one is prepared and given to the student who is the subject of review. The student has an opportunity to file a response, after which any necessary follow up investigation is conducted."

If the investigators determine that reasonable grounds for a violation exist, they may pursue formal or informal resolution of the matter or pursue formal action. The suspected student may be represented by counsel throughout the process at his or her own expense or may

be represented by any other person, including another student.

If a student suspects an Honor Code

violation at any time throughout the year, he or she should report it immediately. To review Chapman's Honor Code, you may download a copy of the Student Handbook from <http://www.chapman.edu/law/students/handbook.asp>.

"As someone who abides by the Honor Code, and takes it very seriously, I was really frustrated ..."

the subject of the complaint until informal efforts to resolve the matter by a plea agreement have been rejected and a complaint has been served in

"I did not want to make such a serious accusation if I had nothing to back it up with ..."

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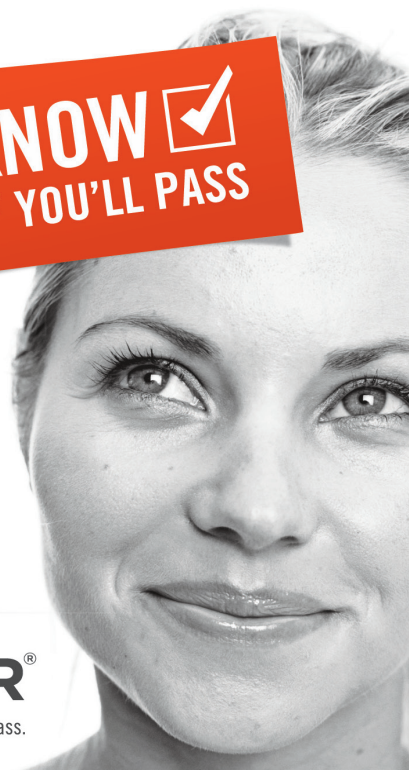
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# Farewell, Papa Hassan's; Hello, Chapman expansion

**JONATHAN MASON** | Senior Editor

Sometimes in life we have to take the bad with the good. Case in point: on July 14, 2010, a kitchen fire caused substantial damage in Papa Hassan's, the much-loved Orange restaurant that opened in 1977. Despite having another three years on the lease, owner Mahmoud Haidar chose to cut his losses and close the restaurant for good.

Though Papa Hassan's closure saddened many Orange County residents and Chapman students, the way may now be open for the university to build the previously announced \$50 million 1,000-plus capacity performing arts center. Without any hint of ill will, Haidar said "Chapman wants to grow and I understand their plan. When I think of how many students are going to learn from the college and from the performing arts center. That is very good."

While students are familiar with the main campus, many students do not know that Chapman continues to purchase property surrounding the university for future growth and for the benefit of current students. According to Harold Hewitt, Vice President and Chief Operating Officer in Chapman's Office of the Executive, the university owns approximately 60 homes in the surrounding area, renting them to students, faculty, and staff.

The performing arts center is just one of Chapman's aggressive expansion projects set for the next several years. The university's announced plans also include constructing a "Filmmaker's Village" on N Cypress St. and W Maple Ave. (west of the Dodge College), as well as a state-of-the-art science center at the old avocado packing plant on N Cypress St, a few blocks west of the law school. While the economic crisis has prolonged the timetable for these projects, each is still in the works for the next several years.

These ambitious plans, coupled with Chapman's property acquisitions has fueled rumors that the university has been trying to purchase Hoov's Liquor Store on the corner of Glassell and Walnut, though the store owner said the store has a ten-year lease on the property. Hewitt added that the university has "no plans to acquire it." Without any facts to indicate such would be the case, some students



PHOTO BY JONATHAN MASON

have jokingly tossed around a conspiracy theory or two that Chapman is property-crazy and there was some nefarious real cause of the fire at Papa Hassan's.

Hewitt explained that Chapman's expansion operates under a specific plan approved by the Orange City Council. To make changes to this plan, the university holds public meetings and works with various groups to ensure that projects meet the required code, historic regulations, and community standards.

When asked about his dealings with Chapman and the fire that caused the restaurant to close, Haidar resolutely denied any wrongdoing on anyone's part and added that he has always had a great relationship with the university and its representatives. Haidar explained that after surveying the damage and running the numbers, the cost

of repairing the damage and bringing the building up to current code would simply not have been worth the remaining two to three years left on the lease.

Instead, after 33 years in business, Haidar chose to close Papa Hassan's and search for a new location. Haidar is confident that he will find a suitable, similarly-sized location in Orange or Tustin and hopes to finalize his plans over the next few weeks. The move will be bittersweet for Haidar who said he could write a book about the changes he has seen in Orange as Chapman has gone from a small college to an increasingly relevant university. "I have received so much support, lots of people on our Facebook page, lots of phone calls," said Haidar. "Our customers are like a family."

Many locals feel the same way and hope to see a new Papa Hassan's open sooner rather than later. Until then, the poor 1Ls will never know what they missed, while the 2 and 3Ls are left searching elsewhere for suitable Hassan's substitutes. Please let me know if you find them. My palate begs you.

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# Prop. 19 student debate leaves more to be desired

REBECCA FAULKNER | Staff Writer

The Prop. 19 student debate about legalizing marijuana was wildly successful, leaving students hoping for more student debates as the 2010-2011 school year continues. Nearly 100 students showed up for a free lunch and an entertaining break from studies. Following the debate there has been an overflow of positive student comments about the debate style and the presentations from both sides. Professor Stahl, the only faculty member in attendance, moderated the event and kept the debate flowing. Arguing “Yes on 19” was Mike King and Bobby Waltman, and the “No on 19” opponents were Kaitlin Drake, Ashley Beagle, and Kelly Manley.

While “No on 19” cautioned about the lack of information regarding any economic gains California will garner with the passing of Prop 19, “Yes on 19” gleefully touted that more pot smoking leads to less drunk driving. The basis of this assertion was an audience poll. In keeping with their economic and constitutional analysis, “No on 19” went through a detailed and well researched, yet somewhat dry, argument about why the proposition “as currently written” should not be passed, and thus marijuana not legalized.

In contrast to the Prop 19 opponents, King and Waltman veered from their legal arguments and created an amusing, yet not so persuasive argument, at one point mentioning “the munchies.” Caroline Scala, a Chapman Law 2L, referred to the overall debate as “entertaining” but noted that “Yes on 19’s” arguments were “too pro-stoner.” While many of King and Waltman’s arguments seemed purely for amusement, they did have some serious compelling points as well. For example, they listed the “No on 19 supporters which included paper companies. In addition, the Prop. 19 side pointed out the history of hemp production and noted that the United States is the only industrialized country to prohibit hemp cultivation. In rebutting these arguments “No on 19” stuck to their “guns,” focusing on the uncertainty about the money California would make from the sale of marijuana and arguing that California should not circumvent federal law when it risks the

loss of important federal funding.

Not surprisingly in a student debate discussing drug use, there will likely be a side that seems fun and easy going and a side that seems uptight and traditionalist. While discussing that point, Environmental Law Society President Melissa Mielke noted, “No on 19’ showed that even arguing a potentially

unpopular position can be done, and can be done well.” However, Kelly Manley

voiced frustration about the debate saying she “was not pleased with how it went at all.” According to Manley, she was asked to argue the legal and economic reasons that Prop 19 should not pass, not moral or policy reasons. She explained that “Yes on 19” “did not adequately argue the legal or economic ramifications of [Prop 19], nor did they address the specific points we brought up.” She felt the debate appeared as “two fun guys making really entertaining and hysterical points...versus three boring girls making

the unpopular argument and boringly talking about law.” Manley’s points are valid. For future debates, each side should trade outlines of their main arguments before presenting them to ensure comparable talking points. Additionally, each side should remember that while entertaining and involving the audience is important, students still respect well

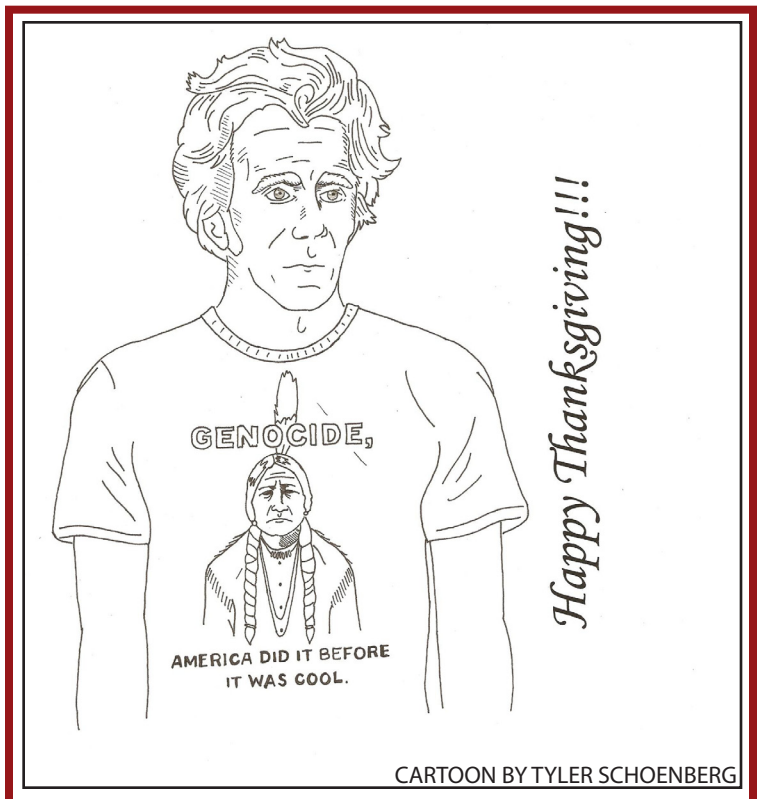
thought out and presented arguments – even when they are tedious.

Hopefully the fear of arguing a side that may seem “unpopular” with peers will not limit informed and valid discussion of the issues. As law students we should all be able to articulate both sides of an argument whether we personally agree or disagree. One issue that young people

Each side should remember that while entertaining and involving the audience is important, students still respect well thought out and presented arguments—even when they are tedious.

rarely seem to publicly oppose gay marriage. However, someone may have that chance

in the spring. Rebecca Kipper, a Chapman Law 2L, has proposed a gay marriage student debate for spring 2011. Kipper is certain there is a law student who will argue against her for the opposition. According to 2L Brian Turner, students should debate these types of issues where there are “divergent beliefs on both sides.” Thus, future debates about gun control, affirmative action, capital punishment, and euthanasia, in addition to gay marriage, would likely garner student interest and a large turnout.



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Wednesday, November 17, 2010  
6:00 pm to 10:00 pm

### Contracts I - U.C.C.\*

*Formation, Defenses,  
Breach, Remedies,  
Third Party Beneficiaries*

Thursday, November 18, 2010  
6:00 pm to 10:00 pm

### Torts I\*

*Intentional Torts, Defenses,  
Negligence-Causation Emphasis,  
Damages, Defenses*

Friday, November 19, 2010  
6:00 pm to 10:30 pm

### Civil Procedure I\*

*Jurisdiction, Venue,  
Choice of Law, Pleadings,  
Joinder of Parties/Claims*

Sunday, November 21, 2010  
Noon to 4:30 pm

### Real Property I\*

*Concurrent Interests,  
Future Interests, Adverse Possession,  
Class Gifts, Landlord/Tenant*

Monday, November 29, 2010  
6:00 pm to 10:30 pm

### Constitutional Law I\*

*Justiciability, Supreme Court Authority,  
Commerce Clause,  
Federal/State Conflicts,  
Privileges and Immunities,  
Separation of Powers, Due Process,  
State Action*

Tuesday, November 30, 2010  
6:00 pm to 10:30 pm

### Evidence\*

*Emphasis In Relevance, Character,  
Impeachment, Opinion,  
Best Evidence, Hearsay, Privileges*

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## In-Office Video Viewing

Subjects listed here are available for viewing on video, Monday thru Friday, at Fleming's Fundamentals of Law's Main Office between 9:30 am and 5 pm.

- ▶ Civil Procedure II
- ▶ Community Property
- ▶ Constitutional Law II
- ▶ Contracts II - U.C.C.
- ▶ Corporations
- ▶ Criminal Law
- ▶ Criminal Procedure
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