CHAPMAN LAW
COURIER

October 2010 Volume 2, Issue 1

The 'Nightmare Well'

'It was not supposed to be the largest accidental oil spill in history nor one of the worst environmental disasters in America. But little did the engineers know, the unexpected was about to happen.'

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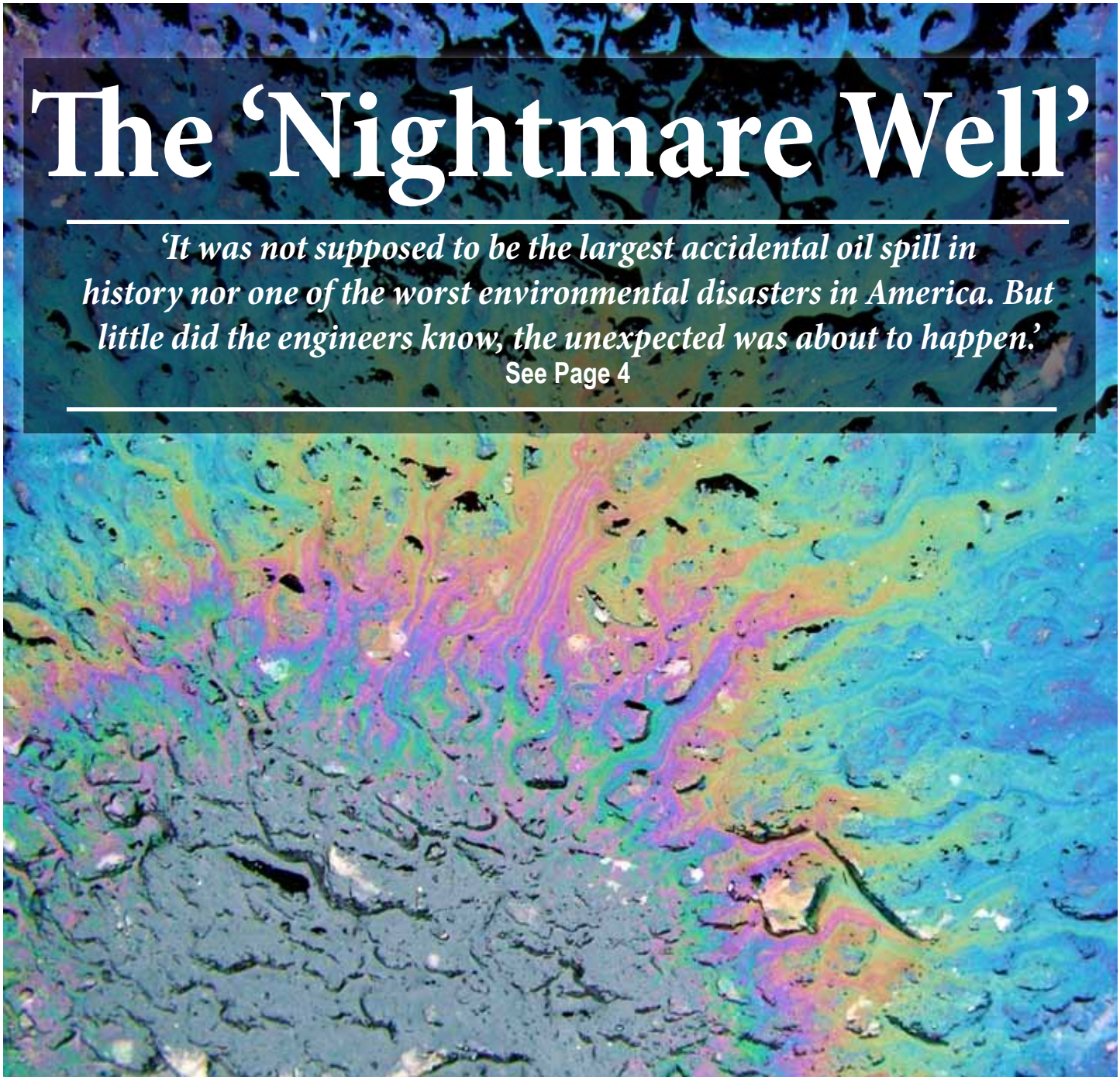

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EDITOR'S NOTE

Amber Hurley

Dear Reader,

Thank you for picking up the first edition of The Chapman Law Courier for the 2010-11 academic year. It is with great pleasure, as well as uneasy trepidation, that I introduce myself as your Editor-in-Chief.

As I find myself transitioning to a new position as "EIC" this year, it is worth noting that both the Courier and Chapman Law are in transitional stages as well. Only a few short years ago, the Courier was a struggling online only publication with little readership, save a few interested faculty members and students. Now, we are in our second year of hard copy publication, printing 500 copies per issue. That number is expected to rise exponentially, thanks in no small part to the warm and receptive feedback we have received from students, faculty, and alumni over the past year. In addition, Chapman Law finds itself in the middle of a search for a new Dean of Students, we are getting comfortable in a spot amid the top 100 law schools, and all the while a new crop of 1Ls hit the ground running just a few short weeks ago.

In this issue, you will find numerous articles pertaining to similar transitions in all walks of life: A 1L's personal perspective on the trials and tribulations of the dreaded first year of law school; the use of marijuana as a biofuel to replace traditional energy sources; the consequences of the BP oil spill; and finally a unique look at Ground Zero nine years after 9/11.

Whether you are a returning student, a newcomer to the Chapman community, or an alum looking to reconnect, I wish you the best of luck in your own personal transitions. I hope you enjoy reading this edition of the Courier as much as I have enjoyed putting it together!

Amber Hurley,
Chapman Law Courier Editor-in-Chief

Dollars and Dreams

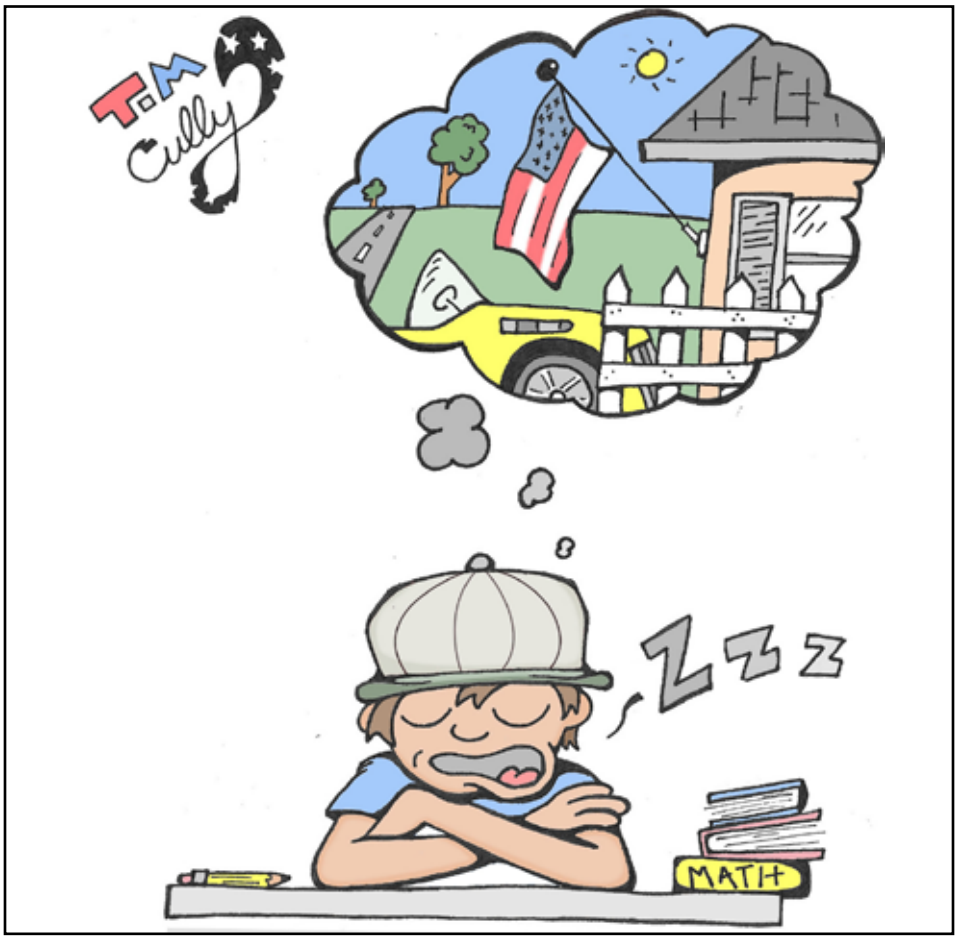
Don't Ask, Don't Tell falls victim to political gamesmanship

By Amber Hurley

On September 21, people's lives stood still as senate cast their vote. Democrats needed one Republican to vote with them. Unfortunately for so many Americans, when the 56 "against" and 43 "for" vote returned, nothing had changed. Not only was a Military Spending Bill of over $700 billion denied, but openly gay and lesbian individuals could still be discharged from the military and the opportunity for hundreds of thousands of young people to remain legally in the U.S. vanished.

Passed by Congress in 1993, Don't Ask Don't Tell (DADT) is a law mandating the discharge of openly gay, lesbian, or bisexual service members. Estimates put the number of service members who have been discharged under the policy at over 13,500 ("About 'Don't Ask, Don't Tell'", www.sldn.org). Repealing DADT was, and still is, a proposal favored by most in Congress. Had it been presented as its own separate bill, it likely might have passed in the Senate with ease. However, thanks to Senate Armed Service Committee Chairman Carl Levin (D, Michigan), the DADT bill was attached to a military spending bill of over $700 million. By attaching the DADT bill to the military spending bill, Levin hoped to force the hand of Republicans who may not have been in favor of repealing DADT on its own. In response, Senate Minority Leader Mitch McConnell attempted to add an additional 20 amendments to the bill. Harry Reid, Senate Majority Leader, nixed McConnell's plan, limiting the Republicans to one amendment while also adding the Dream Act to the mix.

Whose still with me? Well, apparently not everyone, because that chain of events led some key Senators to vote against the bill, despite supporting the repeal of DADT. Susan Collins (R, Maine), took the senate floor to explain that while she vehemently opposes DADT, she could not support a bill that precluded Republican amendments. Thus, she and fellow Maine Republican Senator Olympia Snowe failed to cross the party line in order to repeal DADT. Apparently Republicans aren't Lady Gaga fans.



> No one deserves to be second class, whether a gay service member working to preserve the freedom of her fellow Americans or a student hoping to receive citizenship in the only country he calls home.

Receiving less publicity, the Dream Act was also denied approval. The Dream Act is a Congressional effort to allow undocumented immigrants who entered the U.S. under the age of 16 and have lived here for at least 5 years to become citizens of the U.S. by serving two years in the armed forces or attending two years of post secondary education. To be eligible for citizenship under the Dream Act, the individual must be in good moral standing and must not be otherwise deportable under the Immigration and Nationality Act. The Dream Act applies to any person up to 35 years old. (Lee, 16 Cornell J.L. & Pub. Pol'y 231, 239 (2006))

Currently, it is estimated between 300,000 and 800,000 people that would be eligible for citizenship under the Dream Act. Each year around 60,000 to 80,000 people graduate high school that could apply for assistance under the Act ("Memo says immigrants could get green cards", www.sun-sentinel.com, "DREAM Act opponents rely on resentment to erect barrier to fairness", www.southcoasttoday.com). These people are currently in the United States illegally but could become citizens by attending college or serving in the armed forces. This Act allows good people, brought

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America's largest oil spill finally sealed

Research compiled by Julie Chang

The Explosion

It was affectionately referred to by engineers as the "nightmare well".

The Deepwater Horizon rig was drilling one mile below the surface of the Gulf of Mexico. Transocean Ltd. owned the drilling rig and operated it on behalf of British Petroleum.

The blind shear ram was not supposed to fail. It was the last line of defense in preventing an immense explosion of oil and gas into the Gulf of Mexico. If a blowout were to occur, the blind shear ram's blades (or "pinchers") were to cut through the drill pipe and seal the well.

It was not supposed to be the largest accidental oil spill in history nor one of the worst environmental disasters in America. But little did the engineers know, the unexpected was about to happen.

On April 20, 2010, Chris Pleasant, a subsea engineer, headed towards the bridge to activate the blind shear ram after the 10:20 p.m. blast had occurred. Mr. Pleasant went to activate the ship's emergency disconnect system, which would set off the blind shear ram and free the rig by disconnecting the riser.

The blind shear ram never triggered.

Mr. Pleasant observed that the pressure in the blowout preventer's hydraulics had dropped. Without this hydraulic pressure, the blind shear ram and the blowout preventer would not be able to function and were made worthless.

Against orders, Mr. Pleasant triggered the emergency disconnect system. The situation appeared fine until he checked the panel's flow meters, which were showing zero flow of hydraulic fluid under pressure to the blowout preventer. Mr. Pleasant "knew it was time to leave."

Despite all this, the ship and crew as well as engineers rushed to trigger the blind shear ram. Engineers had to wait over a day before they could attempt to activate it. After several failed attempts, subsequent explosions followed, and the oil continued to flow. The Deepwater Horizon drilling rig exploded and sank two days after the blowout. Eleven people died.

Everything had failed.

OIL SPILL BY THE NUMBERS

205.8 million gallons of oil spilled
33.6 million gallons recovered by BP
10.35 million feet of booms deployed
11.14 million gallons removed in controlled burns
1.84 million gallons of chemical dispersants used
5,939 dead birds collected as of Sept. 14
584 dead sea turtles collected as of Sept. 14
411 controlled burns
966 miles of shoreline hit by oil at peak
7,000 response vessels at peak
47,416 response workers at peak
88,522 square miles of federal waters closed to fishing at peak
$552.5 million BP payments to claimants, so far
$8 billion BP costs, so far

Source: Los Angeles Times research, from Sept. 19, 2010, "Next, a gusher of uncertainty" article.

The Aftermath

First, the oil hit Louisiana, followed by Mississippi, Alabama, and finally Florida. It has been estimated that about 35,000 to 60,000 barrels of oil were gushing out of the well each day.

Approximately five million barrels of oil had already poured out from BP's well by July 15 - 86 days after the blowout. Although the well was capped, it was far from a permanent solution to the problem. Work immediately began on two relief wells.

On the surface, the oil seemed to be dissolving faster than most had anticipated, in part due to the gulf's warm waters and shifting ocean currents which kept the majority of the oil away from shore, but the future implications of the oil spill remain unclear. Many are worried about the layers of oil being found under the surface. Professor Samantha Joye, who teaches marine sciences at the University of Georgia, reports to have seen an unnaturally thick layer of oil on the sea floor about 16 miles from the wellhead.

Prior to the Explosion

In April, prior to the blowout, BP was preparing to seal the well so that it could be used in the future. *The New York Times* reported that, according to industry experts and other oil executives, BP took a number of very risky shortcuts, including "using a well design that presented few barriers to high-pressure gas rising up; skipping a crucial $128,000 test [to measure] the quality [of] the cementing; and failing to install capping devices at the top of the well that could also have kept gas from lifting a critical seal." All these things were used to cut costs and maximize profits for BP.

A number of crucial components of the rig had not received careful inspections since the year 2000 - despite the fact that guidelines required that the blowout preventer rams and failsafe valves be inspected every three to five years. Furthermore, the owner of the rig knew about the deficiencies in maintenance that existed immediately prior to the explosion.

Updates

Although Transocean, Halliburton, and other companies were involved with the Deepwater Horizon rig, the U.S. government holds BP accountable for costs and damages related to the oil spill. In August, the government decided it would require more thorough reviews before al-

lowing deepwater drilling.

On September 14 Tony Hayward, the chief executive of BP, stated that there was no evidence supporting the belief that BP's methods to cut costs had caused the Gulf of Mexico oil spill. The parliamentary committee is deciding whether more drilling regulations should be put in place in order to prevent another massive spill from occurring. This decision is of particular importance in light of the fact that BP is planning to drill another deep well – this time, off of the coast of Scotland.

The hearing's mood was relaxed in comparison to the grilling session Mr. Hayward faced against American lawmakers in June. At that meeting, he was repeatedly asked why BP officials took time and money-saving shortcuts that increased risk. Mr. Hayward stated that he had not been on the rig, had no prior knowledge of problems with the well, and that he did not take part in making the decisions.

Subsequently, in July, Mr. Hayward announced his resignation. The man who led the gulf cleanup effort, Robert Dudley, is scheduled to take Mr. Hayward's place as chief executive of BP on October 1.

In the meantime, investigations of the explosion are ongoing, In order to raise funds to pay for the damage, BP is selling assets worth $30 billion. Additionally, BP has a $20 billion oil spill compensation fund that is being administered by Washington lawyer Kenneth R. Feinberg, who has experience handling the 9/11 Victim Compensation Fund.

The victims of the oil spill may spend years in litigation if they decide to sue instead of accepting a settlement. If, however, they decide to accept the settlement, they would be doing so before the spill's full damage is known.

The final sealing began on September 17, nearly 150 days after the blowout. Crews started to pump cement into the oil well. It was announced that the well was completely sealed on September 18. Then, crews began standard procedures to abandon the well.

Information gathered from Los Angeles Times and New York Times

The oil spill in perspective

California Oil Spill Legislation

The Oil Prevention Bill, AB 234, was submitted to Governor Arnold Schwarzenegger for approval in early Sept. 2010. The bill "requires the administrator for oil spill response to implement activities related to oil spill response, including drills and preparedness, and oil spill containment and cleanup," as well as to coordinate with the federal government. In order to prevent what happened in the Gulf of Mexico from happening in California, the bill also implements more stringent safety requirements for offshore oil platforms, including protection from "blowout preventer failures."

For the text of the bill, please visit: http://www.leginfo.ca.gov/

For summary information about the bill, please visit: http://pacificenvironment.org/article.php?id=3342

Relief Efforts

If you wish to get involved in relief efforts or donate money, here are some nonprofit organizations that are active in the Gulf Coast:

Gulf Coast Fund, Rockefeller Philanthropy Advisors: http://gulfcoastfund.org/

Gulf Coast Spill Fund, Greater New Orleans Foundation: http://www.gnof.org/programs/gulf-coast-oil-spill-fund/disaster-on-the-gulf-coast/

Gulf Coast Oil Spill Response Fund, Oxfam America: https://secure.oxfamamerica.org/site/Donation2?df_id=4340&4340.donation=form1

National Parks Disaster Recovery Fund, National Parks Foundation: http://www.helpparks.org/

Federal Listed Wildlife and Plants Threatened by Deepwater Horizon Oil Spill

There are 29 endangered species that could be impacted by the Deepwater Horizon Oil Spill, including a whooping crane, wood stork, and the Leatherback sea turtle.

For more information visit: http://www.fws.gov/

Economic Impact of the Deepwater Horizon Oil Spill

On May 28, Ken Salazar, the Secre-

See OIL PERSPECTIVES Page 15

What the 1L is going on?

An open letter to the law class of 2013

By Lauren Crecelius

Uh oh. We all knew it wouldn't be easy, but sweet supplements save us, it is hard. Besides the heavy workload, there's also strained eyesight, paper cuts, and running out of change for the coffee machine to contend with. We all know the adage "they scare you, they work you, they bore you," and I guess I've come to accept that I will continue to be scared until 2011. Year of the 1L, a season of fear and sweat. I'm terrified to give a wrong answer. I'm terrified I'm not studying enough, and I'm terrified I'm not retaining vital information. The intangibles are frightening. Law school is like a haunted house. I can't see what the scary things are, but they're there, and I'm pretty sure they could murder me if they wanted.

During the first week, I was sitting outside, and I caught the end of a conversation. All I heard was someone say, "What the hell is going on?" Exactly. What the hell is going on? I could very well apply that question to every aspect of my new 1L life. I have so many other questions too, like why does that beetle dive bomb me when I'm eating lunch outside? Where is the sign-in sheet? How have all the other rows signed it but mine? Who's that hot, brown-haired 3L I see on Tuesdays and Thursdays, and would he let me borrow his old outlines?

Photos by Jeanine Hill

Law school is like a haunted house. I can't see what the scary things are, but they're there, and I'm pretty sure they could murder me if they wanted.

Ask the 1Ls: What are you most scared of?

"How cold everyone says the library really gets in the winter." - *Lauren Shaw*

"I'm most scared about not performing up to my expectations when finals roll around." - *Kyle Mott*

The procrastination dance is another challenge. I could go study right now… or I could go watch the *Jersey Shore* and eat cheese. Actually, the *Jersey Shore* is quite an inspirational show. I feel motivated to break a mental sweat after watching it. In your worst, most confusing day of law school, you will still be an intellectual prodigy compared to Snookie. She may also have to hire you one day, and then you can get some of that sweet realty TV money, so you win twice over.

The 1L life may be stressful, but there are many good points as well. The professors all seem to be good-natured people who enjoy their subject, the campus is beautiful and modern, there's undergrad eye candy, and Orange itself is a pleasant little city. Studying will become less stressful with practice (I actually had a dream about highlighting the other night, which has to be a good sign, right?), and there is definitely comfort to be found among fellow 1Ls.

The camaraderie of classmates is wonderful. Chapman is ranked high for quality of life for a reason. I like to picture us as a school of salmon, flinging ourselves against the sharp rocks of a waterfall, trying to get upstream. Also, there are bears trying to eat us and rednecks trying to fish us, but you really shouldn't focus on the bears and the rednecks. What you should focus on is that we're a school, and we're all working to pass the obstacles together.

If we work hard and help each other, we can persevere. Also, try to look for the humor and joy in the little things to keep up your spirits. For example, last week I needed to change a light bulb high up, so I stacked all my law books on a chair and stood on the pile to reach it. I was able to change the bulb, which leads me to this point: how many law students does it take to change a light bulb? One. And one thousand dollars worth of books. See? I bet you're chuckling already.

Stay strong, 1Ls, and I'll be seeing you in library.

The do's and dont's of your 1L year

By Ian Silverthorne

I spent a great deal of my time during the first month of my first year getting as much advice from 2L and 3L students as I could. I was terrified of what was before me and was incredibly intimidated by a lot of very intelligent people in my classes. To make matters worse, I have a family and was also figuring out how to balance the various constraints on my time. I knew I had to study like crazy, as most of my classmates not only had fewer limitations on their available time to study, but they sounded pretty smart.

After the first semester, I realized that most of the advice I had received was spot-on. Some of the advice I did not pay too much attention to I should have applied better, but very little of it turned out to be bad advice. So here, presented in what I think is order of importance, is the advice that turned in to wisdom for me, as reflected on after the end of my first year:

In-class discussion is only important to figure out what the professor wants.

In most of your classes, or likely all of them, you have already identified the people that like to talk a lot. This is fine, and those people will likely be rewarded with higher participation grades for doing so. But be very careful as to how much attention you pay to what people say. Rather, focus on what the professor says in response. And take notes on what the professor says in response if they restate whatever idea was just stated by a fellow classmate. Remember- you are writing your exams for your professor only, so…

ONLY figure out what the professor wants.

Some pretty smart people are teaching you. They not only have a firm grasp of the material they are teaching, but they have a pretty set idea on how they want you to learn it. This in turn requires that you regurgitate it on to exams not only in a way that shows you know it, but in a way that does not irritate, frustrate, or induce eye-rolling by your professors. Grading is anonymous- they have no idea who wrote the exam they are grading. And they have a lot of them to grade. Figure out how they want you to write your exams and write them that way. Do not think for one second you will impress them with your exams by not providing them exactly what they want. In fact, do not plan on impressing them. Plan on just writing an exam you know they will like. And plan on wondering if you did it well for a few weeks…

Don't be a jerk, you are here to pass the bar. No one likes an over-competitive jerk. 'Nuff said.

Ask the 1Ls: What are you the most surprised about?

"The friendliness and camaraderie amongst all the students - after hearing so many horror stories about the competitiveness between 1Ls, I was pleasantly surprised about how willing the students are in helping and supporting one another." - *Alyssa Chan*

Brief all your cases.

This is not rocket science. These cases will teach you the law and illustrate it for you to absorb. If you need to buy a High-Courts Case Summaries study aid, do it. But be sure to write out your own briefs for each class. You will be ready for discussion, and you will be in tune with the learning that is going on. But…

Don't book brief!

Do not go through your cases in the book, with different colors of high lighters, and color the facts in red, the holding in yellow, the rule in green, etc. This is not an art school- write out your briefs separately in your notes and make an effort to learn what is being presented.

Read for every class.

At least read for every class. If you don't have time to take notes or add to your outline, at least read for every class period. You won't feel lost, you won't fall behind, and you will just have a better learning experience.

Do not be the person who hooks up with everyone.

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'Ground Zero Mosque' causes mosque mayhem

By Amber Hurley

Last month marked the ninth anniversary of the 9/11 attacks. Since that terrible morning, many developments have taken place near Ground Zero. Off-Track Betting opened a site a couple of blocks away. The Amish Market opened almost next door. A Burger King was built down the street from the WTC visitors center. New York Dolls Gentlemen's Club reopened only three blocks away. And a cultural awareness center, called Park51, has been making plans to open in 2011, two blocks away from Ground Zero.

This center, better known as "The Ground Zero Mosque," is a nonsectarian community, cultural, and interfaith spiritual center. It includes a Muslim prayer area, an Olympic-size swimming pool, a fitness center, and a monument to honor all those we lost on 9/11. According to Park51's website, the founders' goals "are pluralism, service, arts and culture, health and healing."

Although Park51 is a well-intentioned interfaith hub, many observers believe the building of a Muslim place of worship so close to Ground Zero would be downright insulting to 9/11 victims and their loved ones. Various polls have shown that, because the terrorists involved in the attacks were also Muslim, 61% of Americans believe the Mosque should not be built near Ground Zero. One well-informed protestor so accurately pointed out that "Muslims *are* famous for building mosques on top of victory sites." Another made a compelling argument that if Jews or Christians "bombed Mecca then built a 13-story church or synagogue there, how would Muslims feel?" It's hard to argue with that logic—but I'll try anyway. ("The Ground Zero Mosque ..." www.inewp.com).

First, let's ignore the fact that the location of the proposed mosque is already being used for, well, a mosque. Because a nearby mosque in New York's Tribeca area is experiencing overflow problems, some 500 or so Muslims use an abandoned building on the site, formerly a Burlington Coat Factory, for their daily prayers. While anyone who watches *The Office* knows that if you walk into a Burlington Coat Factory with $724 you are literally a king, the space seems better utilized in its current state, given the growing needs of New York's Muslim community. Until the proposed Park51, most Americans seemed perfectly content with Muslims conducting prayers in a coat factory a couple of blocks from Ground Zero. So now that they would like a nicer place to put their heads on the ground six times a day, why is it such a problem?

> Opponents of the Ground Zero Mosque don't have a leg to stand on.

Let's also set aside the fact that the World Trade Center itself included a Muslim worship room when it was still in existence. Muslims from all walks of life conducted their prayers *within* the walls of the WTC, and yet now a mosque built around the corner is somehow blasphemous. Real Americans can walk down the street from Ground Zero to place bets on football games, throw $2 bills at naked women, and order a juicy, quarter-pounder from Burger King, in no particular order. But praying to Allah so close to the hallowed ground where the center of capitalism once stood is apparently taking it too far.

No matter their arguments against Park51, those opposed to its construction cannot ignore federal law, which hold the government to a strict scrutiny when attempting to restrict the building of a religious institution in situations like the Ground Zero Mosque. According to 42 U.S.C. 21C Section 2000cc, "[n]o government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution (A) is in furtherance of a compelling government interest, and (B) is the least restrictive means of furthering that compelling government interest." Thus, it is the landowner's right to build a mosque on his property unless the government satisfies its substantial burden. In my opinion, the government has a better chance of shutting down the countless souvenir stands outside Ground Zero that profit from the grief of thousands of Americans than demonstrating any plausible reason for restricting the construction of Park51, let alone a compelling reason.

The office of New York City Mayor Bloomberg has noted, "If it's legal, the building owners have a right to do what they want." ("Muslim Prayers and Renwal Near Ground Zero," New York Times). Indeed, as the law clearly indicates, opponents of the Ground Zero Mosque don't have a leg to stand on. Nine years have passed since 9/11, yet our level of tolerance for other cultures seems to have remained unaffected, at least to some degree. Hopefully, for the patrons of Park51, that will change in year ten.

Burning the Koran: Political Correctness vs. Pandering to Terrorists

By George Hartline

In the days leading up to September 11 of this year, a small-time preacher from Florida, Terry Jones, decided his church was going to hold a "Koran Burning" where people would bring him Korans to burn in protest of Islamic terrorists, or the "Ground Zero Mosque" being built in New York City, or who knows what. This, in turn, caused a huge, worldwide outcry - individuals and groups from all over the world were completely outraged, protesting and speaking out about it in some way. Although the burning event never took place, the outrage continues, and the sociopolitical "can of worms" is far from closed.

First of all, before discussing the merits of the outcries of the people, one thing is certain: per the First Amendment, freedom of speech means that the Pastor from Florida has the *right* to burn the Koran, just like people can burn the flag or say "I love Jesus" on the corner of the street, or to host a pornographic website.

So, the important question is *why* our society thinks this is wrong. Specifically, why are people in the United States, from law students to Angelina Jolie to the President, so completely outraged by this action?

Two major reasons emerged to explain why it would be so appalling: It would be politically incorrect *and/or* it might cause terrorists around the world to react violently against troops/Americans/etc. Now let's analyze both of these.

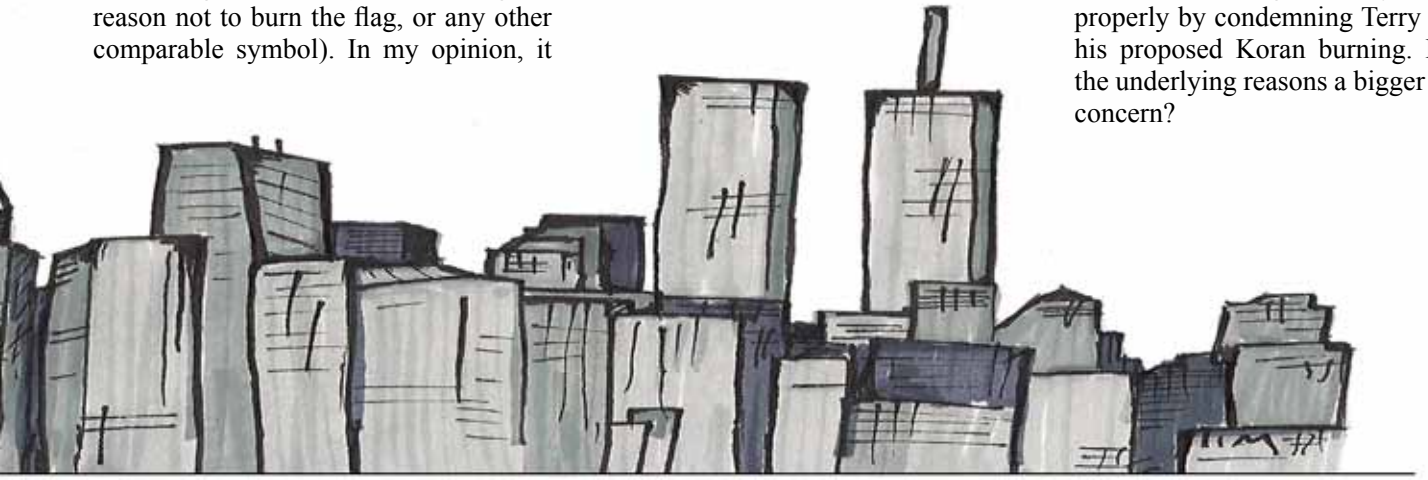
The "politically incorrect" reason. This is a good reason not to burn *anyone's* religious book (It is also a good reason not to burn the flag, or any other comparable symbol). In my opinion, it should be the *only* reason not to do it. While maintaining its substance, this argument can be divided into two groups: secular and religious. The secularists out there say, "Don't do it because it is insensitive to the beliefs of others and it's just unkind." The religious groups say things like "Jesus wouldn't do it so neither should you," or something to that effect. Both of these arguments are equally valid; essentially, the argument is to do unto others as they should do unto you. We should be tolerant of other's beliefs.

> Freedom of speech means that the Pastor from Florida has the *right* to burn the Koran, just like people can burn the flag or say "I love Jesus" on the corner of the street.

The "it will cause terrorist violence" reason. This is a terribly incorrect reason to not do something. Those who propound this argument, like President Obama and many other higher-ups in our government, have stated that burning the Koran could incite violence against our troops, Americans, and the country itself (As an aside, that the actions of a small-town pastor could evoke so much response from so many important people is astounding!). This rationale is fatally flawed and should never have come from the lips of those in government positions. What this argument says is "citizen, do not do something you have the constitutional right to do because if you do, the terrorists are going to hurt someone." That argument grants a big victory to terrorists around the world. It's like handing a $1 million ransom to a kidnapper and saying "Sorry it took so long." The next thing you know, terrorists will be using their newfound realization that the big-wigs in U.S. government are scared and are giving in to their terror. After all, that is what terrorists do: they try to make people do what they want by using that person's fear against them.

In this case, the thing that the citizen wanted to do - burn the Koran - went against what almost all of society here in America considers "the right thing to do." So the outrageousness of not doing it because terrorists threatened "You better not!" went pretty much unnoticed. However, the bigger picture here is this: what if it had *not* been something our society considers wrong, but it was something as equally reprehensible to terrorists? For example, what if the preacher in Florida had garnered the same attention by saying he wanted to put the Koran in his church's "prayer circle" and pray for God to convert Muslims. Let's say this was something just as bad to Islamic terrorists as burning the Koran. Would there be a different societal reaction? Or would the President also say "we know you have the constitutional right to do it, and it's not really something our society considers bad, but don't do it anyway because the terrorists don't want you to and if you do it they will react violently!"

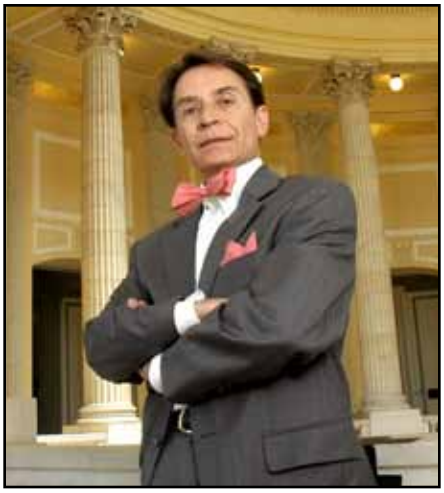
Ponder that and ask yourself again, just why exactly did we think burning the Koran was wrong? Surely we reacted properly by condemning Terry Jones for his proposed Koran burning. But were the underlying reasons a bigger cause for concern?



Regally Rotunda

A professor's view on legal fashion

By Julie M. Chang



With his tailored American and European suits, colorful dress shirts, and signature style accessory: bowties, Ronald Rotunda looks like a sharp, put-together professor.

It therefore follows that he graduated magna cum laude from both Harvard College and Harvard Law School, where he and his classmates wore sports jackets to lectures and coats and ties to meals. He served as Assistant Majority Counsel for the Watergate Committee and was both a Fulbright Professor as well as a Fulbright Research Scholar.

At Elena Kagan's Supreme Court confirmation hearing this past August, Professor Rotunda was spotted wearing a yellow bowtie, white shirt, and burgundy suit, which garnered public curiosity as to the fashion sense of this Ethics and Constitutional Law professor.

When asked about his style, Professor Rotunda lightheartedly attributed his sense of color to his father. He also referred to his Italian background, noting that in Italy men dress up when they go out. For our interview, Professor Rotunda wore a black pinstriped suit, a white dress shirt, and a nice red bowtie with blue sharks holding briefcases. He said he likes to demonstrate his humor subtly through his style, which explained the lawyers depicted as sharks on his bowtie. When asked what inspired him, he simply replied, "life."

Over the years and with the help of the Internet, he has collected over 50 bowties and matching handkerchiefs. He has bowties for Christmas, St. Patrick's Day, New Year's Eve, and even one for Abraham Lincoln's birthday.

Since grade school, Professor Rotunda "always wanted to be a lawyer." He commented that law school is a professional school, meaning that students should dress accordingly. For instance, he said, "when you are practicing law, people dress like adults," and he recommended, "when you go to court, you should dress for success." He said, "the trick is to make sure clothes are comfortable," emphasizing that fit is important. One time, however, he nearly committed a fashion faux pas when he forgot to pack a suit to wear the next day for a trial, so he bought a suit that very night and wore it the following day.

When asked whether his wife, Professor Kyndra Rotunda, had a say in what he wore, he answered that she has a "good fashion sense," but that he usually dresses himself.

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Professor discusses new LL.M program

By Kim Stern

I sat down to interview Dr. Ronald Steiner regarding his vision for Chapman's recently established Entertainment & Media Law, LL.M. program. Dr. Steiner is currently a Visiting Associate Professor of Law and Director of Graduate, Summer, and Joint Degree Programs. To many students he is also a Professor of Criminal Procedure and Introduction to American Law. Dr. Steiner's expertise is evidenced by his numerous publications and array of impressive credentials. His down to earth and warm personality could not mask the intellect and energy that he seemed to unintentionally project.

Despite his calm exterior and genuine attentiveness throughout my interview, I couldn't help but think that his mind must have been going 300 miles per minute, coordinating, innovating, and advancing Chapman's legal programs during our interview.

An LL.M. or *Legum Magister*, which means "Master of Laws" in Latin, provides students with an intensive focus in a particular area of law. *Legum* is the possessive plural form of the Latin word *lex*, which means "specific laws." The plural form of a word is abbreviated by repeating the letter. Hence, "LL." is short for "laws." Chapman's Entertainment & Media Law, LL.M. accelerates the process of gaining credibility and expertise in this area of law.

"Employers are looking for people with more skill and knowledge than other candidates. An LL.M. is one way to do that."
- Dr. Ronald Steiner

"Employers are looking for people with more skill and knowledge than other candidates. An LL.M. is one way to do that." Dr. Steiner said.

According to Steiner, the Entertainment & Media Law, LL.M. program was a natural offshoot of the School of Law's plan to capitalize on the synergy of Chapman's film, business, and law schools. The JD/MFA program lent itself to further progression, and Chapman's Entertainment & Media Law, LL.M. was born. Dr. Steiner credits this progression in part to the University's high profile film school and the fluid connections between faculty and staff at the film and law schools. This relationship is one of the "differentiators" of Chapman's LL.M. program that other universities with similar LL.M. programs simply do not offer. Dr. Steiner cites the various speakers, writers, and filmmakers in residence at the film school as just a few of the ways students can immerse themselves into the "insider" culture of entertainment and further their professional development. Another "differentiator" of Chapman's program is Professor Heller's "Working with Filmmakers" course. Professor Heller supervises students who provide legal services to an actual filmmaker beginning production on a full-length feature film. Chapman is the only school to offer this cutting edge course.

Dr. Steiner is certainly heading a progressive vision of development. It is a refreshing change of pace from the many universities that are stuck in their ways and unreceptive to forward moving thought and the development of new ideas. It seems as though his repertoire of vocabulary doesn't include the words "no" and "can't." This certainly is a benefit to any student in the program. Students interested in finding out more about the various LL.M. programs offered at Chapman are encouraged to stop by Dr. Steiner's office, view the website, or talk to current LL.M. students.

DREAMS: Politics killed DADT and Dream Act

From Page 3

here by their parents, to have a chance at residency, rather than punish them for the "sins" of their fathers.

Those who are adverse to the Act are worried about it consequences. Former Dean of Chapman University School of Law, John Eastman believes "this is a huge magnet to encourage further illegal immigration and an amnesty for those people that have already violated our immigration laws." Supporters note, however, that the act will incentivize military service and higher education for deserving young adults already here. Those not here don't have any incentive to illegally immigrate to the U.S. since they would not qualify for citizenship under the Dream Act's provisions. ("DREAM Act opponents rely on resentment to erect barrier to fairness", http://www.southcoasttoday.com) The Dream Act passing could have utilized thousand's of students' valuable talents and given them the chance for economic gain. Sending them back to their home countries would waste the U.S.'s initial investment in their education.

DADT's personal effects run deep in many. A veteran, who must remain anonymous because of her sexual preference, stated, "I get a surge of pride every time I put on my uniform…I actually feel a physical pain when I hear people say [DADT should not be repealed] because I know how much it means to me to serve my country and serve it well. She continued, noting the absurdity of it all, by saying, "I am extremely experienced and well-respected in my unit, and yet, I know that any day, I could get a phone call or an email that could end my career just because of who I love. It makes me feel like a second class citizen." Chairman of the Joint Chiefs of Staff, Mike Mullen, feels DADT is unacceptable because these people have to "lie about who they are to defend their fellow citizens."

No one deserves to be second class, whether a gay service member working to preserve the freedom of her fellow Americans or a student hoping to receive citizenship in the only country he calls home. Hopefully, when Republicans and Democrats finally put petty gamesmanship aside in the name of equality, all of their dreams will come true.

Destination: Africa 2011

Since 2008, law students have been chosen to take part in an annual human rights filmmaking project in conjunction with the film school. Each year at least one law student is chosen to work together with film students to make a social justice film in a third world country, highlighting a local NGO involved in a specific human rights issue. Thanks to an anonymous donation, all travel expenses are paid for each student participating in the program.

This year, students will travel to Mali and Ghana to make films in each country. Two law students will be chosen, one for each film. To apply, students must submit a resume and a 1-page application to Professor John Hall by October 6. Applications must include the student's year in school, GPA if any, background in filmmaking, international experience, and a statement as to the student's candidacy for the program.

Last year, 3L Dhruv Sharma and 2L Amber Hurley were selected to work on films in Botswana. Of the experience Sharma said, "Destination Africa is a wonderful opportunity to see new, beautiful countries and meet fascinating people from different cultures, all the while making a film that is for the benefit of an underprivileged and disenfranchised group. Not only is it a pleasant break from the law, it is also a fascinating foray into a new and unique subject: film-making."

Hurley's experience was highlighted by "the chance to meet people from all walks of life." She added "it's not a vacation. It's a complete emersion in another culture as you get to peek into the private lives of extremely fascinating people whose world is much more complicated than ours. Telling their story is an incredibly rewarding experience."

If you are interested in taking part in this one-of-a-kind opportunity, please timely submit your applications to Professor Hall at jhall@chapman.edu. Interviews will take place at the law school and film school in October and November.

Prop. 19: One dank debate

By Melissa Mielke

On November 2nd, Californians will once again head to the polls, and, along with choosing the new Arnold (pronounced Aaah-nald), Californians will also decide the fate of Proposition 19: the Regulate, Control and Tax Cannabis Act of 2010. The bill would legalize marijuana-related activities for people over the age of 21 and authorize the state to regulate and tax its sale. Such a tax would not only boost California's blundering budget and affirm states rights, but it would also allow Californians to cultivate industrial hemp, an untapped natural resource.

The beneficial characteristics of hemp are numerous. Though most Californians are aware of its medicinal properties, many may not be aware of its high nutritional content. Moreover, it is a "mop crop," employed to remove impurities from water and it can be cultivated for use as a fiber for paper, rope, concrete blocks, or clothing. Despite all of this, what really makes hemp valuable is its ability to be used as a biofuel. Fermentation of the hemp plant creates a non-toxic and clean burning alternative to gasoline, named "hempline" which can be used to power diesel engines.

Although it may be easy for opponents of Prop 19 to narrowly tailor their focus and argue against the legalization of marijuana as a drug, the debate is actually much bigger than that: it's about legalizing a renewable resource that can compete with Big Oil. I'm from Austin, Texas, a liberal oasis in a conservative desert, but even in Texas, the stronghold of Big Oil, we have biodiesel refueling

Criminalization of HIV Transmission: The 'Compassion Paradox'

By Kat James

It has been almost thirty years since the disease that we now refer to as HIV (Human Immunodeficiency Virus) entered the public consciousness, misdiagnosed as a form of Kaposi's Sarcoma and, unfortunately, described in the media as the "gay cancer."

For those who are not old enough to appreciate the massive steps that have been taken in understanding and treating HIV, such outright stigmatization of the disease is difficult to imagine. Although a social and physical death sentence in many parts of the world, the majority of developed countries have moved away from vilifying and ostracizing those stricken with HIV. Moreover, the U.S. stands as the leader in the campaign to eradicate the disease worldwide.

But, as a recently reinvigorated debate indicates, we may not have come as far as we think, and, worse yet, may even be backpedaling.

Amidst a growing incidence of HIV infection in the U.S., the White House released its newly formulated national HIV/AIDS policy. It controversially rejected legislation in many U.S. states that criminalize the reckless or intentional transmission of HIV via sexual contact, blood transfusion, needle sharing, or pregnancy.

In response to this issue, the ABA's AIDS Coordinating Committee is assembling testimonials for an upcoming hearing to review the matter, set to take place on Oct. 18.

Why the controversy? Laws criminalizing HIV transmission, opposed to only allowing civil litigation and remedy, is typically predicated upon the notion that such legislation deters the type of risky behavior believed to lead to the spread of HIV. The idea is to scare someone with the threat of criminal prosecution so that she will change her lifestyle in order to avoid it. Hence, many state legislators were a bit miffed when the federal government criticized their carefully strategized plans to combat HIV transmission.

Policymakers and legislators, who are rarely HIV/AIDS epidemiologists, have little idea as to how to socially prevent HIV/AIDS. Conversely, legislators wrote the national HIV/AIDS strategy in response to a report by Scott Burris of Temple University, who, incidentally, is an HIV/AIDS epidemiologist. Burris, along with most epidemiologists and the White House, argue that statutes criminalizing HIV transmission would not slow the incidence of HIV infection and would "undermine the public health goals of promoting HIV screening and treatment."

So, if the facts are in favor of the Burris/White House position, why the debate?

According to epidemiologist Elizabeth Pisani, it is because policymakers and legislators aren't interested in promoting HIV/AIDS prevention. Instead, they are interested in serving their relevant constituencies who suffer from the "compassion paradox." That is, when the general public is shown populations who engage in high-risk behavior leading to the transmission of HIV (statistically sex workers, drug addicts, and homosexual males), it tends to recoil in righteous contempt. But, when the general public is shown photos of those suffering from the painful later stages of HIV, you will see the public open its heart *and* its pocketbook. Thus, public opinion is too often surmised to support treatment but not prevention.

Policies that are proven to work in the prevention of HIV transmission, like needle exchange programs and laws that protect sex workers, are not attractive to the moral sensibility of the public, and therefore, are rarely reflected in its representatives' legislative motions.

There are occasional successes, but such will not occur without sound advice from public health experts. Without a comprehensive nationwide strategy that extends beyond the legislative realm to prevent HIV transmission, small successes will continue to be futile.

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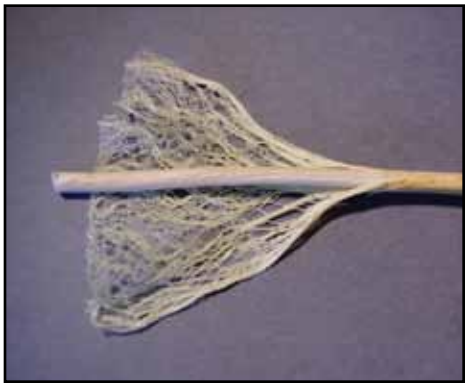
stations. If California is serious about leading the country in emissions reductions and green technology, then it's time we talk about the broader implications of this proposition.

Personally, I'm tired of special interests skewing the debate and silently squandering the ability of renewable resources to enter the markets. Perhaps you think that the legalization of marijuana will create a stuporous society of munchie-crazed morons or perhaps you would love to see a state shove its sovereignty in the face of the Feds. Regardless of your perspective, the worst thing we could possibly do is allow November 2nd to pass without discussing all of the legislative issues that are sure to impact our legal livelihood. Some of Chapman's student organizations have expressed interest in a student debate before the upcoming election. I encourage these organizations to make this happen and for all of us to attend and participate in the discussion. Proposition 19 doesn't just concern drug use; it concerns capitalists, lobbyists, federalists, environmentalists, and…well, it's bound to be a great debate.



New news on Prop. 8 along with Chapman's development

By Joanne Lembo

On August 4, 2010, federal judge Vaughn R. Walker declared the Proposition 8 ban on gay marriage unconstitutional because it violated the Constitution's equal protection and due process clauses. Walker, a Ninth Circuit district court judge, released a 136-page decision, which firmly rejected Prop. 8.

In his decision, Walker states, "Plaintiffs do not seek recognition of a new right. To characterize plaintiffs' objective as 'the right to same-sex marriage' would suggest that plaintiffs seek something different from what opposite-sex couples across the state enjoy – namely, marriage." Walker continues by saying, "Rather, plaintiffs ask California to recognize their relationships for what they are: marriages."

Walker's decision to lift the ban on gay marriage was stayed to consider arguments regarding an appeal. On August 12th, Walker ruled that same-sex couples in California would be allowed to begin marrying on August 18th. The delay in lifting the stay allowed gay-marriage

opponents time to request an emergency stay from an appeals court.

Walker's ruling was based on the fact that Prop. 8 proponents were unable to meet the necessary criteria for granting a stay. He stated that they failed to show that they had suffered irreparable harm, that others would be substantially injured, or that a stay was in the public's interest. Additionally, Walker wrote, "Any stay would serve only to delay plaintiffs access to the remedy to which they have shown they are entitled."

Included in Walker's finding was the poignant conclusion that the fact that Prop. 8 passed as a voter initiative was irrelevant because "fundamental rights may not be submitted to [a] vote; they depend on the outcome of no elections."

The Supreme Court of California has also refused to order Governor Arnold Schwarzenegger and the states attorney general to appeal the federal ruling that overturned California's ban on gay marriage. The Court rejected an emergency petition filed by the Pacific Justice Institute, which argued that the Governor and the Attorney General were required to uphold initiatives passed by voters. Both the Governor and the Attorney General refused to appeal Walker's August 4th ruling. Schwarzenegger has been under pressure from fellow Republicans to appeal Walker's decision, but has said that he supports the judge's ruling.

However, on August 16th, the Ninth Circuit Court of Appeals issued a ruling that froze Walker's decision to end the ban on same-sex marriages. The Appeals Court's decision will force same-sex couples to wait at least until the end of the year to be able to marry.

Members of conservative and religious groups that sponsored Prop. 8 appealed Walker's ruling to the Ninth Circuit Court of Appeals. However, there are questions as to whether they have the authority to do so. As ordinary citizens, they are not responsible for enforcing marriage laws. The Ninth Circuit will discuss this issue when it hears oral arguments in December.

If the Ninth Circuit Court of Appeals dismisses the appeal due to the proponents' lack of legal standing, Judge Walker's decision will become final, barring that the United States Supreme Court agrees hear the case. If the Supreme Court decides not to intervene, gay couples will again be able to marry in California.

Chapman has also taken steps to promote LGBTQ (Lesbian, Gay, Bisexual, Transgendered, Questioning) rights. The school has launched the Global Project for LGBTQ Rights and Feminism within the Chapman Center for Global Law and Development. The program plans to develop an outside speaker and internal brownbag lunch program, and a film series focusing on LGBTQ rights. Among the speakers set to participate in the program are June Carbone, a feminist scholar at the University of Missouri-Kansas City; Dean Spade, Assistant Professor of Law at Seattle University School of Law; and Catherine Smith, an associate dean at the University of Denver's Sturm College of Law. The Project is being co-directed by Chapman Law professors Katherine Darmer and Marisa Cianciarulo. Professor Darmer also plans to offer a seminar called Sexual Orientation and the Law in the spring of 2011.

1LS: Key to success in your first year? Shut up and study

From Page 7

Yeah- this piece of advice did not apply to me, but at the end of the year I realized why it was good advice. Being a married student with a family and a 20-mile commute twice a day, I was as far removed from the social scene as someone can be. Yet I still heard social rumors. And if I heard them, everyone else heard them too. Remember- college cured whatever bad reputation you had from high school. Law school will allow you to fix whatever you did in college. But this is now law school- the start of your professional career, and the last way your classmates will remember you. So don't blow it.

Don't be a jerk, you are here to pass the bar.

No one likes an over competitive jerk. 'Nuff said.

Shut-up and study- nobody cares about your problems.

I never said this. These are the immortal words of Bobby, from the student lounge. He is probably there right now. But I have to include them here, as it was the most poignant advice given to me by someone now a 3L. I was whining about how hard exams were with a couple of track mates last year, and Bobby pointed out that everyone currently in the student lounge had successfully gone through what we were complaining about. His words were harsh, but spot on and should not be altered. You're at a top 100 school and you will all be lawyers soon. So shut up and study. And good luck.

Class of 2013 statistics

Full and Part time matrics	2010	2009	2008	2007
Number of Applications	2890	2883	2483	2317
Acceptance Rate	28%	31%	26%	38%
Number of Matrics	212	181	198	189
75th percentile UGPA/LSAT	3.68/161	3.56/159	3.57/159	3.56/159
Median percentile UGPA/LSAT	3.52/159	3.43/158	3.14/157	3.31/155
25th percentile UGPA/LSAT	3.21/155	3.11/156	3.14/155	3.01/153
Age Range	20-49	20-50	21-48	20-41
Ethnicity	25%	23%	18%	21%
Gender	47% F	50%F	48%F	43%F
	53% M	50%M	52%M	57%M
Out of state	16%	10%	13%	21%

Ask the 1Ls: What are you the most excited about?

"I'm most excited to graduate, that is if I pass my first year." - *Nicole Arbagey*

"I am most excited to start my 2L year and begin taking the elective courses that will be the building blocks of my future career."- *Alyssa Chan*

"Free highlighters." - *Lauren Shaw*

OIL PERSPECTIVES: BP oil spill impact unprecedented

From Page 5

tary of the Interior, exercised authority to suspend some deepwater drilling activities. The current moratorium is in effect until Nov. 30, 2010. An Inter-Agency economic report released on September, 16, 2010, entitled *Estimating the economic Effects of the Deepwater Drilling Moratorium on the Gulf Coast Economy,* states that the moratorium has temporarily resulted in the loss of 8,000 to 12,000 jobs in the Gulf Coast. The Report anticipated that the employment effect will "likely fall more heavily on smaller businesses. . . operating in the Gulf Coast. The Report also recognizes another significant economic impact of the oil spill: a reduction in oil exploration and production over the period of the moratorium. However, the Report also indicates that this decrease is not "expected to have a discernable effect on the price of oil."

To access this report, please visit: http://www.deepwaterhorizonresponse.com/go/doctype/2931/53023/

Is Your Seafood Safe? The Effects of Oil Contamination On the Seafood Industry

The Food and Drug Administration (FDA) has taken aggressive steps to make sure that fish and seafood caught in the gulf region and sold in national markets are safe for consumption. Here are some of the steps the FDA has taken:

1) When water became contaminated by oil, it was closed to fishing.

2) These areas were not re-opened to fishing until the National Oceanic and Atmospheric Administration (NOAA) tested the water and found that it was safe.

3) The FDA has tested every seafood sample from re-opened waters in the gulf.

4) Dispersants (chemicals used to break down the oil) have not been used in fishing areas.

For more information visit the following website and click "Gulf Coast Seafood Safety and the BP Deepwater Horizon Oil Spill: http://www.deepwaterhorizonresponse.com/go/doctype/2931/53023/

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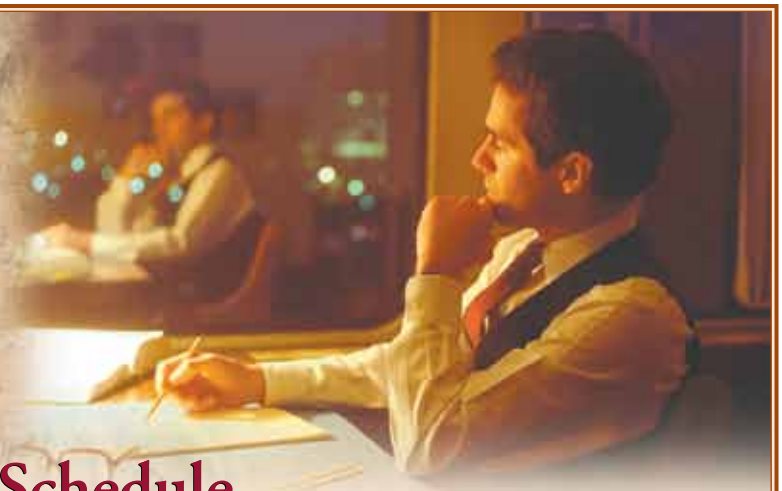

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- **Los Angeles** Oct. 9/10, 2010 *(Live Presentation)*
- **San Francisco** Oct. 23/24, 2010 *(Live Presentation)*
- **Ventura** Oct. 16/17, 2010 *(DVD Presentation)*
- **Riverside** Oct. 30/31, 2010 *(DVD Presentation)*

Long Term Bar Review ~ February 2011

- Begins October 2, 2010. Ends February 6, 2011.

Online Home Study Bar Review ~ February 2011

- Begins anytime after October 4, 2010.

Ultimate Bar Tutorial™ ~ February 2011

- Begins October 29, 2010. Ends February 11, 2011.

Short Term Bar Review ~ February 2011

- Begins December 5, 2010. Ends February 6, 2011.

Performance Workshop ~ February 2011 Bar Review

- **Orange County** – January 22/23, and 29/30, 2011.

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