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10-1-2015

Motions 2015 volume 52 number 2

University of San Diego School of Law Student Bar Association

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Digital USD Citation

University of San Diego School of Law Student Bar Association, "Motions 2015 volume 52 number 2" (2015). *Newspaper, Motions (1987-2019)*. 172.

<https://digital.sandiego.edu/motions/172>

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Sage Advice

Brody Burns has a Conversation with Professor David McGowan



Professor David McGowan is the Lyle L. Jones Professor of Competition and Innovation Law at USD. Professor McGowan obtained his BA from UCLA, and his JD from University of California, Berkeley. Professor McGowan also is a partner in Durie Tangri LLP and is a member of the American Law Institute. He currently teaches in the areas of Contracts, Intellectual Property and Professional Responsibility. Professor McGowan was kind enough to discuss his thoughts about maximizing the law school experience, preparing yourself for practice and his eclectic taste in music.

Q: How long have you been teaching and when did you come to USD?

A: I've been teaching since 1998, so 17 years now. I was at the University of Minnesota from 1998 until 2004, and then I came to USD in 2005.

Q: In addition to teaching you continue to practice, what areas of law do you practice?

A: I practice Intellectual Property, Antitrust and Professional Liability. It's good to have both the practical and the theoretical. A steady diet of either would be unappealing to me.

Q: What are some of the differences that you see in the professional and academic worlds?

A: Modern practice is a competitive service environment. Attorneys have to be constantly focused on outcomes. What does the client expect? When do they expect it? There is a huge premium on responsiveness. You must be intensely pragmatic. Another difference is a sense of proportion. Practitioners will show off, but they realize there is a goal beyond demonstrating their own cleverness. For example, in law school we teach issue spotting. Now issue spotting is really important, but in practice issue spotting has to be combined with salience. You don't get brownie points for spotting an issue that doesn't cash out.

Q: What are some of the differences that you think students should be aware of between the academic setting and professional setting?

A: In practice, a deadline is a deadline. Another difference is concision. In the professional world you have page maximums, not page minimums. If you can do something in a paragraph, then you don't do it in a page. Concision is extremely important.

Q: How can students work on the concision?

A: Students should write a page every single day. page of some sort of prose that has some point.

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Big Changes in Office of Career Planning and Professional Development

By Chad Colton, Managing Editor

A familiar face in the Office of Career Planning and Professional Development will be leaving the law school community before long. Scott Morris, the Assistant Director of Employer Outreach and Communications, will be leaving the law school at the end of October to pursue a number of entrepreneurship ventures that he has been developing, and to spend more time with his wife and daughter. Many of us will miss Scott for his excellent advice and his expertise refining resumes and cover letters, not to mention the fact that he happens to be an all-around super cool guy as well. While Scott's position will remain vacant until the Law School can find the right person to fill his shoes, a dynamic new face has recently stepped up to lead the office, with bold plans for the future.

Molly Tami is the new Assistant Dean for Career and Professional Development. Mrs. Tami was very excited to begin working here at USD Law, because this is very much a homecoming for her. "I actually started law school here; my first year was at University of San Diego. At the time, my husband was in the military. He was a Navy doctor and we thought he was going to be stationed here for a while. But, low and behold, he got orders to go up to the Bay Area. So, I had to transfer after my first year.



I got into Berkley, which was a fantastic place, but I always had this warm place in my heart for this school."

"After I graduated, I practiced in the Bay Area, and then we had to go to Virginia for a couple years because of my husband's military obligation. I basically did City Attorney work. I was in-house counsel in a couple cities, and then I worked for some law firms that represented cities and public agencies. Many years after that, we decided to move back East.

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Learning to Color Inside the Lines

By Joe Stewart

As we finish our first month of legal study, many are undoubtedly wondering if they've set themselves up for failure, or worse, that their mothers were right—they should have become doctors. But we shouldn't let this Wonderland allow us to forget that we're here as a result of proving ourselves capable of studying law. I'm here to say your mother will be proud when you earn your J.D.

That is, if you're not setting yourself up for failure now that you're here.

We all remember undergrad and the ease with which we could procure "right" answers on command. Those four esteem-building years of knowing answers with certainty, though, will do us as much good here as a Korean dictionary in Mexico.

Let's walk through this logically: Law school exists to create lawyers. Lawyers exist to resolve disputes. Disputes exist as a result of disagreements. Disagreements about what? WHO'S RIGHT.

Do lawyers get to decide who's right? No. Lawyers get to argue who's right. Of course we know this. So why is the notion of learning to make compelling arguments so daunting?

We're smart people. We know how to draw conclusions and argue for our conclusions. What do we know, though, of drawing legal conclusions?

And lo, they looked upon the crux and wept, for they knew they were imperfect before it and could not reconcile imperfection.

Consider your logic a big box of vibrant Crayola crayons. Consider your reasoning a majestic landscape put down on canvas. Consider this—what is your canvas?

In undergrad, you operated with a blank canvas, outlined your subject, and colored your picture. "

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MOTIONS

Published Since 1963
Formerly *The Woolsack*

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Our mission is to provide news, information, analysis and commentary to the students, faculty, and staff of the University of San Diego, the University of San Diego School of Law, and the general legal community of San Diego. We believe that journalistic excellence is the soundest foundation for success. We pledge to seek and report the truth with honesty, accuracy, and fairness. These principles are cautiously guarded by each member of the Motions staff.

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Motions welcomes articles, letters, guest columns, complaints, and commentaries. All submissions must be original work and include valid attribution information. We reserve the right to edit for content, length, style, and the general requirements of good taste.

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Letter from the SBA President

By Keith Van Wagner, SBA President

One month down! That's what I would say to you, if you told me you were struggling with staying motivated in law school. Or if you asked, how long have we been in school? And whether you're a first year, second year, third year, or part time student; you've made it through the first month.

To the first year students, congrats! This has been your first month, and I hope it was great. Or at least not too stressful, not too difficult. Do you understand torts yet? Don't worry, no one does! Civil Procedure seem complex and difficult? True. Fear not, soon you'll be deep in the throes of Legal Writing and Research, pumping out document after document you didn't realize you had the time to complete! But it gets better. By now you should have seen the exciting and interesting extracurricular events that USD has to offer: the Student Organization fair was on the 16th, and hopefully you found at least one group you either didn't realize existed, or which you are now interested in. Take advantage of the resources these groups can offer - a new insight into a previous unknown area of law, or a new group of contacts you can lament your woes to.

To the second year students, yay! You're so close to halfway done! Maybe you're busy preparing for the Alumni Moot Court tournament. Or busy trying to meet your line and cite checking requirements in the pyramid scheme of that journal you foolishly joined. Either way you're no doubt busily juggling way-too-many thrilling activities at the moment. Don't forget though - soon you should be applying for summer jobs: can't let you forget

those 7 month long hiring phases that will easily slip on by if you're not careful. The second year also gets better: winter is coming, and with it these wretched air-conditioner-wrecking heatwaves will leave, and we can all go back to wearing light jackets with shorts in a display of solidarity against the weather. Also, you'll be actually halfway done, which is a nice benchmark to reach.

To the third year students: screw winter, graduation is coming. Which seems ridiculously fast and hectic and worrisome, since I'm guessing most of us are in similar predicaments: with graduation comes a sense of elation, followed by a sense of dread for the bar and the necessity for employment. Go speak to the Office for Career and Professional Development, network, fill out applications, or just show up to a law firm and claim the first desk you see a la *The Secret of My Succe\$s*. Will the third year get better? I'm waiting around to see, same as you. It certainly appeared that way, watching last year's graduates enjoy themselves.

To the part time students: Hi. How are things? I hope they're good...because I don't really know what your lives are like. However, I hope that full-time work and school don't take up every single moment of your lives. Congratulations on making it through the first month of this semester.

On another note, did you know USD School of Law jumped 17 positions to rise to the 35th most cited law school faculty in the United States? That's pretty cool. Go USD!

-Keith Van Wagner
is a 3L interested in
Criminal Law



Keeping Perspective: Meeting Nestor in El Salvador

Ken Brown Discusses His Time Spent in El Salvador on a Mission and how Meeting Nestor Has Helped Him Maintain Perspective on Law School



By Ken Brown, Associate Editor

Nestor lived in a one-room shack. It was similar to the size of a small tool shed and had no electricity. He relied on sunlight and candles for illumination. He slept in a hammock, strung across the shack from one side to the other. His two-month-old son, whom he was raising on his own, slept in the hammock as well. I became acquainted with Nestor in San Miguel, El Salvador, when I was on a two-year missionary assignment in the country. Nestor had immigrated to El Salvador from Nicaragua to improve his standard of living. I cannot imagine what kinds of conditions he lived in prior to coming to El Salvador.

Nestor worked as a tailor, fixing torn pants and shirts. When he had enough steady work, he and his son could both eat. When he did not, only his son ate. I offered to help Nestor financially, but he always rejected the help. If he was going to make it, he was going to make it on his own.

Nestor was my hero. Nothing in life seemed to discourage him. I felt guilty for all of the times that I had complained about not having a nice car or not liking the food I was given. I realized this was so insignificant and petty. When I asked him about his hardships, he would look me squarely in the eye and tell me, with a smile, that he knew he would get through it somehow. His positive attitude, persistence, and sense of responsibility are qualities that I wanted to emulate. Although he was humble and uneducated, he seemed to have a better grasp on life than I did. Nestor helped me understand that when times are hard, faith, a positive attitude, and hard work will get you through.

When I first arrived in El Salvador, I was a young man who had spoken English my entire life. I had taken one college-level Spanish course, which had taught me only the basics. Being placed in a country where the only language spoken was Spanish, I had to learn to speak it very quickly. At first, when I spoke, I would receive blank stares, laughs, or teasing remarks about my accent.

Continued on Page 3

Big Changes in Office of Career Continued...

We are both from Cincinnati and our families were in Pennsylvania. Since our parents were getting older, we decided to live in Cincinnati and basically raised our kids there. Our daughter is now a lawyer; she went to the University of Cincinnati and works for the city, while my son is a software engineer at Google.

"I spent five years as the Associate Dean for Student Affairs and Services at The University of Northern Kentucky College of Law. In that position, I oversaw student affairs as well as career development. "This was a smaller school, so we had fewer resources and a smaller staff. I also ran the pro bono program. It was a challenge; a lot of the smaller law schools are struggling these days, so I decided that I wanted to do something different.

I had some political plans to work with one of my friends who I thought was going to be in a pretty high position. I was hoping to do policy work for her, but elections don't always turn out you think they will, and she didn't get elected. I did some non-profit work, some consulting, and then I started thinking about coming back to California. I happened to see the posting for this job and, like I said, I love this school. I thought about how much I love San Diego, what it would be like to go back to where it started for what might be my final and great job, and that I could stay here for as long as I want and they want me. And then, some day, I could plan on retiring in San Diego. I actually have some friends from my first year of law school who I have reconnected with now that I'm back here in San Diego. As I've told people, sometimes you actually can go back; you start here, and that's sometimes where you end up."

Assistant Dean Tami hopes that, in her new role, she can help the Department serve students as effectively as possible. "We want the focus to be on career planning and professional development, and not just the way some students think of it as simply finding a job when they graduate. We really want to help students think very deeply while they are in law school: what are your career interests, what classes do you like, what experiences do you like, and then help them come up with a career plan that includes all their experiences in law school, coursework, did they do an externship, what kind of work are they doing in the summer, volunteer work. Any and all of those types of things, that should be part of a larger plan. Career development doesn't stop when you graduate from law school. Many people graduate and are going to have a number of different careers in the law before they finish with it. There's probably jobs in law that don't even exist now that are going to be important in the future, so we really want to equip students to be prepared."

So, the next time you happen to be on the ground floor of Warren Hall, stop by and say "goodbye" to a friendly old face, and say "hello" to a new one.

*-Chad Colton is
a 2L interested in
Environmental Law*



Keeping Perspective Continued...



I began to empathize with the hundreds of immigrants that I had met in the United States who struggled to learn our language and customs. I respected the hard work they needed to become successful in a foreign country. After learning the Spanish language, I came to know and truly care about the people who lived in El Salvador. I ate what they ate, walked where they walked, and lived like they lived.

El Salvador is a country in turmoil. It has a population of approximately 6.3 million people, and more than 3,800 people have been murdered so far in 2015. If current trends continue, the homicide rate will be over 90 per 100,000 people, which will give El Salvador the highest homicide rate in the world.

That is more than dangerous countries such as Honduras, Venezuela, Jamaica, and Columbia. That is about 20 times deadlier than the United States. Yet I met hundreds of Salvadorians with attitudes like Nestor – committed to stay positive, support their families, and be the best that they can be.

I have since lost touch with Nestor, but I think about him often. I hope he his business is thriving and that he and his son are safe. Although I haven't spoken to him in several years, he, and many of my other friends in El Salvador, have left lasting impressions on me.

It is easy to complain about our personal problems. I sometimes complain about how difficult law school is. I should be grateful for the educational opportunities we all enjoy in the United States. I often complain about not having any money, and for having to pay off student loans for the next 20+ years. I should be grateful to have food on the table every day. I sometimes complain about my health, or my family's health. I should be grateful for not having to worry about being shot every time I leave my home.

So, next time you think about how difficult your life is, do what I do?

Think about Nestor. Look myself in the mirror, squarely in the eye, and tell myself, with a smile, that you know what, I'll get through it somehow. You should do the same. Think about Nestor.

*-Ken Brown is a 3L
interested in the field of
Employment Law*



Sage Advice Continued...

A (Contd.): They should practice explaining their positions to non-lawyers. Students need to cultivate the ability to delete their own words. It's hard because people tend to fall in love with their own creation, but they must get past this.

Q: What other skills do you think are important for law students to develop while in school?

A: As an attorney you must be able to express your analysis clearly. You must be able to know how to put a story together, framing the story to be favorable to your position. Successful attorneys assemble the facts, then they array these facts relative to some goal, and they frame their arguments to achieve that goal. Being able to understand the logic of social interaction and how to persuade someone is extremely important. Framing and storytelling are crucial to successful argumentation. Anything in law school that allows a student to stand up, on their own, and make an argument, where they have to take responsibility and own their presentation, is valuable.

Q: Let's assume a resume comes across your desk of a student looking for a job, what are some of the first things you notice about that resume?

A: The first thing I look for is a connection to someone who I can call to ask about the person. I look at where they went to school or where they worked before. I want to know that I can tap someone to get the real skinny on the person. Law is a networking game. Grades matter. If they're bad then you want to know why, you want to know what's going on. Sometimes grades are a proxy for people who don't really want to be attorneys. For the kind of work we do, we look to see if there is something that indicates the person is interested in technology. Do they have a math degree or a physics degree? Or are they some crazy gamer (which is good)? I also look for something that indicates the person would be tolerable in the conference room or on conference call at 2am. Something interesting, that shows they have a life.

Q: Is there anything else you would want students to know about practicing law?

A: Law is a craft, law is an art, and law is a science. You have to dedicate yourself to living those principles and pushing yourself to realize them to the fullest extent of your ability. If you think that way, then you won't be mailing it in to get a check or to get status. You must find a way to take whatever skills you have and to channel, shape and perfect those skills and you have to do that knowing that this process will never end. If you think you've reached perfection you've made a mistake.

Q: Finally, imagine you're a concert promoter, and you can book any three artists, dead or alive. Who are you booking for your ideal show?

A: Rush, Stevie Wonder and Willie Nelson.

Q: Why Rush?

A: Because they are stunningly good musicians. Neil Peart is unbelievable. Geddy Lee's bass is crazy. Alex Lifeson is criminally underrated. They always pushed to improve. Their lyrics are impeccable. In 1980 I heard the song Limelight and it blew me away. If you listen to the lyrics, they are beautiful prose. (Very concise.) The message to me was that there are no rules. You can be a rock band and write elegantly. You could frame it as a story of virtue rewarded. They never tried to go out and be Bon Jovi. They did their own thing and if that thing was an eight-minute instrumental, so be it.

*-Brody Burns is a 3L
interested in Criminal
Law*



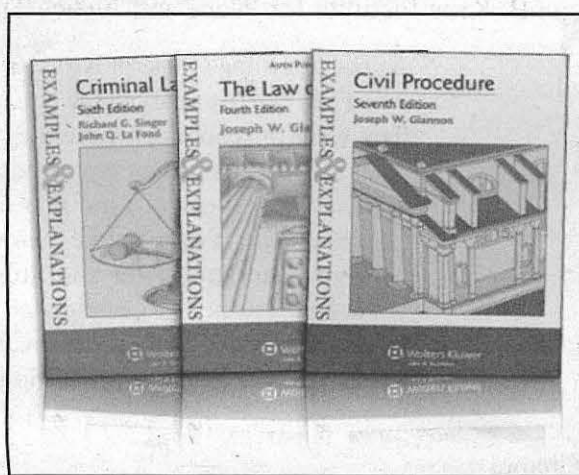
Law Librarian Corner: *Fastcase and Other Pearls of Wisdom*

By Anna Russell, Law Librarian

As an alumna of USD School of Law, I am very familiar with the ebb and flow that is the Fall semester tide. Law school is grooving for most folks by this fourth or fifth week of school, meaning you have your routine and your class notes are growing nicely.

You are feeling stress starting to pile on you as deadlines are coming closer and closer. But you are still in a calm zone right now. If you are like I was, then you may just be using the law library as a place to rest your butt and chat with your friends while you procrastinate on your Civ. Pro outline (hopefully Prof Martin is not reading this).

It took me a number of years to learn what I wish I knew starting in my 1L year – the law library has tons of material available for checkout to help in law school and after. Did I need to pay \$40 for Civ. Pro I Law in a Flash and roughly the same amount for every class's accompanying Examples and Explanations? No, even though I loved the E&E books, I definitely did not need to establish my own home library of study materials and then an Amazon seller account to refund myself.



The flashcards and study guides are at the library; we even have a few Gilbert's outlines. But wait, maybe you are way more modern than I was and like to see your resources online. What then fancy library? Can the old-fashioned house of printed cases and statutes provide any study materials in cyberspace? Yum, yes. Duh.

Another resource that I wish I knew about from day one is www.cali.org, which is a website dedicated to providing study practice for pretty much every law school class. You just need to ask us for the USD account code and create your own free account. There are even free ePub versions of code books you will need for some classes.



So, hopefully you are not reading this as a 3L and cursing your need for an Amazon seller's account. But I digress; I wanted to mention Fastcase. It's my last pearl of wisdom for the September brain. By far my biggest surprise upon graduating law school was learning that Westlaw and Lexis were not the alpha and the omega of legal research.

What I am trying to say is that Lexis and Westlaw are just the tip of the iceberg as far as finding legal research. It would have been nice to know where I could look for the same material maybe for free or in cheaper locations. Fastcase is one of those resources. And it now connects to and nicely searches the law review articles available from HeinOnline. What's HeinOnline? Don't be shy, stop by the law library's reference desk and we will tell you. To see our full list of Research Databases visit our library homepage at: <http://law.sandiego.edu/library>



Who is Anna Russell?

She is your friendly Electronic Resources Librarian. She has two little boys (who are very cute, that's a fact, not an opinion). She likes riding motorcycles and outdoor activities. She wishes she could win the lottery but would rather save than actually buy a lotto ticket. Before law school, she was in the Navy and after law school she worked for the Department of Justice. She loves her job as a law librarian and could not imagine a better place to work or better people to work with!



Notable Upcoming Events at USD

USD Law Events:

Career & Professional Development – Moral Character Requirements – Wednesday, October 7, Noon and 4:30pm
 Career & Professional Development – Judicial Clerkship Program Informational Session – Thursday, October 8, Noon and 4:30pm
 Appellate Moot Court Board – Alumni Torts Tournament – Friday, October 9 – Sunday, October 11
 Dean's Mixer – Tuesday, October 20, 4pm at Warren Hall Back Patio
 Dean's Office – Bergman Memorial Lecture Series: Theodore J. Boutrous Jr. – The Legal Theory and Impact of Vergara v. California – Tuesday, October 27, 6pm at Joan B. Kroc Institute for Peace and Justice Theater

USD Law Sponsored Events:

The Red Mass – Monday, October 5, 6pm at Founders Chapel
 USD School of Law Alumni Board & SBA Mentorship Program Kick-Off Reception – Thursday, October 8, 5:30pm at O'Tooles
 Public Law Section of the State Bar of California Reception – Thursday, October 15, 5pm at Best Best & Krieger LLP
 11th Annual USD School of Law – Procopio International Tax Law Institute – Thursday, October 22 – Friday, October 23 at Joan B. Kroc Institute for Peace and Justice Theater
 CCSL Conference: "The Future of Research on Hedge Fund Activism" – Friday, October 23 at Degheri Alumni Center Boardroom
 2015 Climate and Energy Law Symposium – Friday, November 6, 8am at Mother Rosalie Hill Hall
 2015 Distinguished Alumni Awards Luncheon – Friday November 20, 11:30am at Holiday Inn San Diego Bayside

USD University Events:

2015 Women PeaceMakers Panel – Wednesday, October 7, 7pm at Joan B. Kroc Institute for Peace and Justice Theater
 FBI Information Session – Thursday, October 8, 12:30pm at Hahn University Center Forum B
 Praised Be! Pope Francis and the Environment: Care for Our Common Home – Thursday, October 8, 4pm at Mother Rosalie Hill Hall Warren Auditorium
 USD Legacy Entrepreneurship Conference – Thursday, October 8, 5:30pm at Joan B. Kroc Institute for Peace and Justice Theater
 Apple Fest – Tuesday, October 13, 1130am at Student Life Pavilion Plaza Mayor
 SOLES Fall Open House - Saturday, October 17, 9:30am at Mother Rosalie Hill Hall Sala
 South Africa After Apartheid: Two Decades Later, Where Are We Now?, Tuesday, October 20, 12:15pm at Joan B. Kroc Institute for Peace and Justice Theater

USD Homecoming – October 16-18 Events:

Friday, October 16 – Big Blue Bash Concert & Festival, 6pm on Torero Way in front of the Hahn University Center and Student Life Pavilion
 Friday, October 16 – Ole Kick-Off Party, 7pm at La Gran Terraza and O'Tooles, Hahn University Center
 Saturday, October 17 – Football Tailgate and Picnic, 11am at USD Soccer Field located directly behind the Student Life Pavilion
 Saturday, October 17 – USD Torero Football vs. Drake, 2pm at Walter J. Zable Field at Torero Stadium
 Sunday, October 18 – Alumni and Family Closing Mass, 10:30am at Founders Chapel
 Sunday, October 18 – Dining at La Gran Terraza, 10am at La Gran Terraza

USD Athletics Events:

Football - Home games on October 3, October 17 and October 24
 Volleyball - Home matches on October 2, October 15, October 17, October 20,
 Women's Soccer - Home games on October 16, October 29 and October 31
 Men's Soccer - Home games on October 10, October 16 and October 18,

Call for Submissions...

Motions is always looking for new content.

If you are an aspiring writer, poet, photographer, artist, or you just want a medium to express your creativity then we want you.

We are open to submissions on law related topics and non-law related topics. If you are interested in editing or assisting the publication of the newspaper, then please contact us at motions@sandiego.edu

Learning to Color Continued...

Forster's A Passage to India was a response to modern communism bastardizing Marx's Manifesto?" Get to coloring.

In law there is no canvas of infinite proportion. Issues exist and must be framed within the confines relevant to the issue. We're here to learn those confines.

A sage of practice has told me that a point will come when everything clicks and you just get it. You'll know it's happened, but you won't know exactly what has happened. Moreover, you'll be fully incapable of understanding how you thought about law before that moment. Based on his advice and a few thoughts of my own, I'm going to take a crack at helping to hasten the "click."

First and foremost, put down your crayons. What good is putting color on the page if you don't know what you're trying to draw? There's no use in imitating Pollock when you're being trained in the discipline of Renoir.

Don't be afraid to be wrong, and be wrong frequently. Challenge yourself to answer questions posed by your professors, whether aloud or in your head. Listen to the answers rendered and tease out the differences between them and your own. Think about how you came to your answer and endeavor to understand how the answer provided by the professor was deduced from the question. The more you learn to think like them, the closer you'll be to seeing the lines.

Brief your cases and don't cut corners. You may feel like the walking dead and wonder if you'll still have any remaining social network come December, but you'll be grateful when it's time to prep for finals. Fully understanding the material now will curb your anxious paranoia in a few short months.

And this particular nugget I'm glad I uncovered so early. Take a concept that you're studying and write out your thoughts on it. Explore the concept and how it relates to other aspects of your study. Line out connections until your mind is exhausted. And don't edit it. Arrange a time to meet with your professor, and send what you've written beforehand with a note that you'd like to discuss the way you're thinking about the material to get a feel for where you're on track and where you're going astray. This insight will be invaluable as you move forward in your work.

Lastly, have fun. Find humor in your folly, appreciate the notion of reading true life history to understand how we render justice through pre-determined but copious laws, and look forward to coloring in the very near future. Once you see the lines, I'm told, you'll forget what it's like to try coloring a blank page.



-Joe Stewart is a 1L interested in studying and researching law

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Hike it Out! A Rundown of Some of San Diego's Best Hikes

By Lauren Crosby

Summer is behind us, the leaves are changing colors, and the bitter cold of San Diego winter is right around the corner. Just kidding. The rumors are true - it is basically always perfect here.

I want to take this opportunity to remind you of the outdoors, because at a month in the school year, chances are, you are not seeing enough of it. The walk through the law school parking lot doesn't count. School is rough and the work is constant. There are casebooks to read, notes to outline, jobs to apply for, cite-checking assignments to turn in...am I stressing you out yet? So for the days where it gets overwhelming, here is some unsolicited advice on what has kept me sane. Stop. Not all the time and not forever, but just stop for a little bit, every now and then.

So what does one do when you need a break, live in San Diego, and are a poor law student? Stop stressing, take advantage of that killer weather and get outside. The great outdoors is free. So drop the books, close the laptop and try one of these hikes.

(1) Torrey Pines State Reserve. Torrey Pines is more of an "outdoor trail walk" and it is lovely. It's tough to beat any day that includes a view of the Del Mar/Torrey Pines coastline. When you get to the beautiful views at the top, just remind yourself that we live here and feel instantly superior on the location versus almost every other law school. Life is not bad. Check the tide and time your trip so that you can hike all the way down to the beach and then walk north along the beach back to the Torrey Pines State Beach parking lot. Or better yet don't walk to your car and just stay at the beach all day.



(2) Cowles Mountain. Fun fact: Cowles Mountain is the highest peak in the city of San Diego. Admittedly, there's not a ton of competition but still a pretty cool claim to fame. Also, it's a nice 3 mile out and back on a well-maintained trail. This hike makes for a perfect post-class workout! Go at dusk and if you're lucky, a clear evening will give you some great city views. Pro-tip: If you do the evening option, do not, as my roommate and I did, forget a flashlight and walk down in complete darkness. Or if you have a sense of adventure and want a difficult challenge - then go for it in the dark.

(3) Black's Beach. You could walk to any old beach, but why do that when you can hike down to a better beach? Enter Black's Beach. Park at the Torrey Pines Gliderport on Salk Canyon Road and make your way down the cliffs to the beach. Fair warning, some of the paths are slightly treacherous if balance is not your strong suit. I basically fell down to the beach last time I did it. However, many a barefoot surfer carrying a board in one hand gracefully and effortlessly passed by me, so this could be a personal problem. This hike has amazing views, a mostly empty beach, and a good surf spot. And if you're feeling extra adventurous, don't forget that bathing suits are optional at Black's.



(4) Mount Woodson, or the infamous "Potato Chip" hike. Just do it. It's long, real hot and the top will feel a little like waiting for a ride at Disneyland. However, the resulting potato chip picture is legitimately awesome, the views are great and this is just a great hike all around. Bring water and sunscreen, go early and give yourself some time for this one - definitely more than the other hikes on this list. While you're up in North County, go get a carne asada burrito from Jalapeños in Rancho Bernardo or a beer from the original Stone Brewery in Escondido. You just went for a hike, you deserve it.

(5) Devil's Punch Bowl. This one I haven't done yet, but it's on my list. This is a longer, tougher one up in Ramona that ends with a waterfall and a swim. Who wouldn't love that? Somebody try it out and report back ASAP.

If you're really, truly, inescapably stuck on campus and just need a little mental break, go on a "hike" to the other side of campus. The Joan B. Kroc Institute has a couple benches where you can watch a beautiful sunset over San Diego bay. In the end, take advantage of the great outdoors and go explore the many hikes of San Diego.

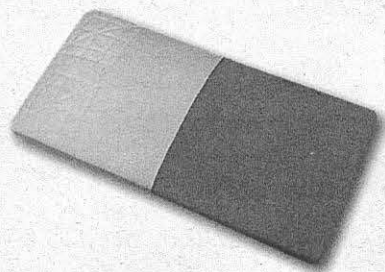
-Lauren Crosby is a 3L interested in Public Interest Law



A Tale of Two Bases

Cody Wisniewski, Softball Commissioner

Week one of Grad/Law Softball Fall Season is officially in the books. Before we look at the gameplay, let's breakdown some of the team names featured in the league this season. First and foremost, the best name of the season, hands down, is "Diminished Faculties." Not only do we finally have a law school faculty team back in the league, but their name is the perfect pun. We will just gloss over the fact that they have a roster featuring players such as Professors Lazerow, Lee, Cole, Kelly, Cannon, Smith and Wonnell, as well as the dean of our law school, Dean Ferruolo. A lot of the other great names come from the 1L teams. Not only are they solid puns, but they are not the same tired, old, recycled names from years before. A few of the better names are: "Cases Loaded," "Unestoppeables," and "Batter Call Saul." Overall, there are some pretty solid names in the league this year, which is of course the most important part of a successful Grad/Law Softball team. The bar is set high. I have yet to see the commitment rise to the level of the North Korean's from two years ago, who actually managed to buy a North Korean flag and fly it from a truck on their way into the game. Consider yourself challenged.



The first official game of the season was Thursday, September 10. We saw some great plays and some, well, not so great decisions. There were enough in-the-park homeruns this week to clue teams in that a solid outfield is going to be necessary in order to be competitive this season. Everyone always tells us that law school is a marathon, not a sprint, but try telling that to an outfielder who has to chase down a monster slam over their head with no wall in sight to stop the ball. We also saw the first double play of the year turned in the first game of the season, and in the first inning no less. As a matter of fact, defensive success was accomplished mainly by tight infield play this week, but we will see if the infield defense gets a little weaker as teams realize they may need more speed and skill in the outfield.

Now, onto the not so good. One of the highlights of the captains' meeting before the season began was to talk about special rules of the league. Of those rules, the safety base at home was prominently featured in our discussion. Well apparently I didn't say "safety base at home" enough because no one seemed to pay attention to that rule. As a matter of fact, this article should probably just be, "there is a safety base at home," repeated until I run out of space. I lost count of how many runs were lost because runners touched home plate instead of the safety bag. Number one of the not-Top 10, however, goes to Ball's Out (sorry guys and gals). They crushed a Grand Slam, but literally every runner touched home plate, instead of the safety base. Since there were already 2 outs, only the first runner mattered, but I like to think that qualifies as 6 outs in one inning. To make it even worse – their game ended in a tie. I'm sure that one stung a bit. They definitely were not the only guilty party, almost every 1L team lost a run or two due to the safety base.

We have a lot more softball to play this year. Like any season, of any sport, some teams are hoping to start a winning streak, while others are hoping to put the first W of the season up on the board. If there is one saying for week one it has to be that "victory comes to those who make the least mistakes." So if you're not on a team, remember to come out and cheer on your friends and if you're playing, and you're running your heart out on the way home, hit that little white base off to the right, you'll thank me for it later.

-Cody Wisniewski
is a 3L interested
in Corporate
Transactional Law



Student Organization of the Issue: Business Law Society (BLS)

Name: Business Law Society (BLS)

Mission: Our mission is to facilitate open dialogue in various areas of business and transactional law, to provide a forum for students to network both within the USD community as well as the surrounding legal community, to educate interested students in specialized issues of business law, and to positively impact the community through philanthropic ventures and service projects.

What is Business Law: A broad category of law examining topics that impact the operation of business. While there are specific areas of business law, such as tax, labor, employment, bankruptcy, arbitration, securities, etc. BLS serves to expose members to business law generally, enabling members to sample different areas of business law to see what they like best.

Website: <https://www.facebook.com/usdbls>
Also add us on TWEN

Key Officers: Kosta Martikas, President; Mya Shofany, Vice President; Lauren Titchbourne, Treasurer. We are also open to creating positions for those who are committed to a specific aspect of club administration and who are motivated to produce results.



Contact: Bls.usd@gmail.com

Highlights from 2014/15: The Diversity in Law Event. This event was special. Working with other student organizations, BLS co-hosted and co-sponsored the Diversity in Law Event, where students were able to hear from diverse attorneys and how they navigate the legal field. BLS happily embraces and promotes diversity.

Goals for 2015/16:

- 1) Invest in BLS for long-term and continued success
- 2) Engage the membership in order for them to take on a more active role in BLS
- 3) Assure successful and worthwhile programming through implementation of membership requirements
- 4) Make being a member of BLS mean something more than another line on a student's resume
- 5) Community Service
- 6) Fostering a stronger bond between members of BLS
- 7) Organization continuity from year to year

Why should students join: Fun and dedicated board members who sincerely want to help expose members to the many aspects of business law. The opportunity to attend BLS events to learn more about specific areas of business law, meet attorneys, and have something to talk about other than what happened in your civil procedure class this week.

SBA Update: Don't Go Singing the Blues!

By Lauren Stockunas, SBA Vice President

What do battling for a spot in the law lot, Bluebooking, and studying for the bar exam all have in common? It's very likely all three make you feel "blue," but these topics were the main points of discussion at the September SBA Dean Student Advisory Council (DSAC) with Dean Stephen Ferruolo and Assistant Dean for Law Student Affairs Meredith D'Angelo.

Let's begin with the most taboo topic – parking. First, to clear up a misconception: students with a parking permit can park in the metered spaces in the Mission Parking structure. Yay! Additionally, Law Student Affairs is working with Parking Services to request removal of the meters behind Loma Hall where the old Torero Store was located, with the hope of freeing up some more spaces for students. So keep your fingers crossed. However, you cannot park in the metered spaces on Torero Way without paying the meter. Second, why can't we have the law lot to ourselves? If we made a parking pass available for just law (and/or grad) students in that lot, and not the Mission Parking Structure, there would not be enough space for all of us to park. There are about 900 students in the law school and we would need multiple lots. Third, if the university allows us to park in the law lot and the Mission Structure, and excludes the undergrads from the law lot, this would not be fair to the undergraduate students. The law school heavily relies on undergraduate programming for funding and it would be difficult for the university to justify reducing undergraduate campus parking in exchange for us to have less stressful mornings. Sorry folks. Please study hard and donate funds to build a new parking structure when you graduate. It wouldn't be the most glamorous building to have your name on, but you would certainly be legendary.

Next, on a scale from awful to awesome, how would you rank your Bluebooking skills? Do you know how to use the Bluebook? Or are you still copying the samples your 1L Legal Writing professor gifted you? Many students have expressed that their Bluebooking skills are lacking and that they are running into difficulties working on journals and in the workplace. Additionally, many students expressed frustration in their lack of familiarity with the California Style Manual. To address these issues, the Legal Writing staff is considering adding more citation training to the legal writing curriculum. Adding more citation training may mean cutting another part of the curriculum. Thus, this proposition is still in the development stage. One potential option would be to implement programs similar to LexisNexis' Interactive Citation Workstation.

Lastly, the "One and Done" bar campaign was discussed. Recently, bar passage rates have dropped statewide and at USD. The school is looking to change this drop. The bar passage rate significantly affects school ranking, reputation, and our future job prospects. Additionally, taking the bar more than once will be a miserable and expensive experience! Thus, this campaign strives to make students more aware of what they need to do to pass the bar on their first try and make more resources available to accomplish this goal.

Some other topics of discussion:

(1) Professional Clothing Drive: Some law students find it difficult to afford professional clothing. The SBA is looking for a club to take this initiative under its wing. Come to the SBA meetings or email a SBA executive board member for more details.

(2) Alumni Mentorship: 3Ls and 4Ls: Although the deadline has passed to participate in the Alumni Mentorship program for this year! Future 3Ls and 4Ps should keep on the lookout to participate next year. And current participants should stay actively involved with their mentors.

(3) Scheduling: Some exams are scheduled back to back and some bar classes overlap. The Dean's Office and Law Student Affairs puts an immense amount of time and effort into crafting the ideal schedule for the greatest number of students. However, of course these are issues that it will take under advisement and try to avoid in the future.

(4) OCI: A discussion on how to improve the OCI process for 3Ls and generally is to be continued. Please email us with any ideas you may have regarding this topic.

That about sums it up for your SBA update! Please stop by our bi-weekly SBA meetings with any comments or concerns on how the SBA can help make USD Law a better place. And of course feel free to email us at: usdsbaboar@gmail.com. Thanks!

-Lauren Stockunas is a
2L interested in Civil
Litigation



The Incredible Value of Mentorship

Brody Burns, Editor-in-Chief

"Tell me and I forget, teach me and I may remember, involve me and I learn."
– Benjamin Franklin

Two mentoring opportunities recently arose for students at USD law. The first is the internal mentorship program, which pairs upper-class students with first-year students. The program aims to provide an invaluable resource for participating 1Ls by providing a mentor who was recently in their position. The upper-class student can provide advice, support, feedback, answer questions and even share exam advice and outlines. The second mentorship opportunity is the USD School of Law Alumni Mentorship Program. The Alumni program is open to 3L and 4P students and strives to provide alumni mentors to students who are on the verge of leaving school for the professional world. Both of these programs present an incredible opportunity for students.

Mentorship is key in all aspects of life. A good mentor relationship should be built upon a foundation that is part teaching, part coaching, part networking and part personal support. For instance if you want to become the best home brewer in San Diego, then learning and working with the head brewer at Ballast Point is a great way to pursue that goal. If you want to master how to stand-up paddle in the surf, then Laird Hamilton is your man. The mentor relationship should provide an opportunity for both parties

to impact the other person's life. A chance for both parties to grow through the other person's experiences.

The following are five tips to ensuring your mentorship experience is beneficial.

(1) Stay in Regular Contact with your Mentor/Mentee: This tip is rather obvious, but one of the major complaints from students who have previously participated in the program, is that they never heard from their mentor. Communication is always a two-way street. It is the responsibility of both parties to maintain communication. Do not rely on the other person to open the channels. Be proactive.

(2) Develop an Actual Relationship with your Mentor/Mentee: In life, people are more willing to help individuals that they personally know and like, than those that they do not know. It's human nature. One of the major opportunities of participating in mentorship is the ability to grow your own personal network. It is important to develop an actual relationship. Do not simply look at participating as what can this person do for me. Look at participation as a chance to make a lifelong friend.

(3) Have Clear Goals on What You Want to Achieve: As you go into either program, it is important to understand what you want to get out of the mentor relationship. As a mentee, your goals may be to build your network, to help you succeed in law school, to understand the path a person took to their current position and/or to learn from the mistakes and successes of a person in your ideal job. As a mentor, your goals may be

grounded in the desire to help or to connect with a student trying to find their path in life. Success in either position, in either program, is partially dependent upon having clear goals. Take some time to draft a list of goals prior to participating.

(4) Be Coachable: Take advice, feedback, criticism, counsel, guidance and any other nuggets of wisdom that a mentor is willing to offer. Open yourself up to adopting that guidance. One of the hardest things to take in life is negative criticism. However, when it comes from a sound source, and is given in a constructive manner, then it can be invaluable. Strive to be coachable in the relationship. Conversely, mentors should always work on becoming a better coach. Get feedback from the mentee on how they feel the relationship is going.

(5) Be Open and Honest: Open yourself up to your mentor/mentee. The more honest and open you are with the other person, the more you will get out of the entire experience.

The field of law is heavily network dependent. Lawyers get referrals from other lawyers, get jobs from other lawyers, and in some cases meet spouses and lifelong friends through other lawyers. So approach each mentoring opportunity as a chance to grow your own personal network. Good luck to both mentors and mentees.

-Brody Burns is a 3L
interested in Criminal
Law



Fall Pigskin Preview and Picks

By Katrina Wraight,

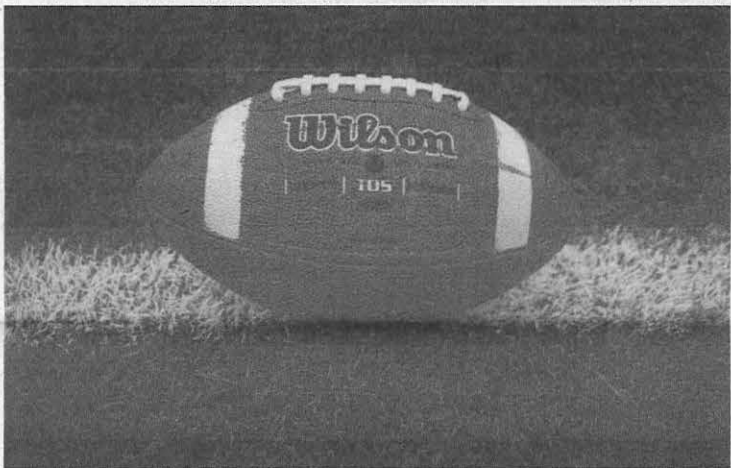
The fall 2015 NFL (“League”) football season is upon us! Those who are not devoted to the sport can take comfort knowing that a good number of your colleagues will be devoting their Monday and Thursday afternoons and a good 12 hours of our Sundays to nothing but football, which could allow the curve to move in your favor. Law students who are football fans are more than happy to take that potential hit to our GPA’s; we believe the fall semester is far superior to the spring semester because....football.

For now, let’s discuss the team that dominated the Super Bowl, offseason, and season opening game: the New England Patriots. The Patriots, who practiced on our football fields the week prior to their game against the San Diego Chargers last season, were the victors of Super Bowl XLIX, defeating the Seattle Seahawks 28-24 to claim their 4th championship win. The Patriots were also the most talked about team during the offseason due to the “Deflategate” Scandal.

During the 2014 AFC Championship Game, the Patriots were accused of tampering with their footballs by deflating them to pounds per square inch (psi) preferred by Patriots quarterback Tom Brady. Quarterbacks generally have a preferred level of inflation or deflation of footballs they use, which sometimes depends on the weather, and each team is in control of the balls they use while on offense. The League rules mandate that game balls are inflated to a gauge pressure between 12.5 and 13.5 psi. After the AFC championship game, it was initially reported that 11 of the 12 Patriots’ balls measured at 2 psi below the minimum amount, however it was later reported that only 1 of the balls was actually measured at 2 psi below the League minimum. The League undertook an investigation to determine who, if any member of the Patriots organization, was due punishment and if so, how much punishment would be dished out. On May 11, 2015, Roger Goodell, the League Commissioner, announced that the Patriots would be fined \$1 million, stripped of their first round pick in the 2016 draft, and that Tom Brady would be suspended without pay for the first 4 games of the 2015 season due to “substantial and credible evidence” that Brady knew of the deflation.

Presenting a lovely intersection of law and football, Brady was able to appeal the suspension of the League in front of U.S. District Court Judge Berman, who would ultimately nullify the League’s decision, finding “as a matter of law, no NFL policy or precedent notifies players that they may be disciplined (much less suspended) for general awareness of misconduct by others. And, it does not appear that the NFL has ever, prior to this case, sought to punish players for such an alleged violation.” Therefore, Brady was able to play in the season opener game against the Pittsburgh Steelers.

Not only did Brady play in the season opener, he threw for around 288 yards and 4 touchdowns solidifying a Patriots victory over the Steelers 28-21. Midway through the fourth quarter, the fans at Gillette Stadium began chanting “Where is Rodger?” The fans were curious as to why Roger Goodell was not in attendance, considering he has attended every single season opening game since becoming the commissioner in 2006. However, much to Goodell’s displeasure, Tom Brady won his appeal, won the game, and continues to win at the game we call life. Below are my picks.



NFC:

NFC North Winner	Green Bay Packers
NFC South Winner	Atlanta Falcons
NFC East Winner	Dallas Cowboys
NFC West Winner	Seattle Seahawks
NFC Wildcards	San Francisco 49ers & Philadelphia Eagles
2015 NFC Championship Winner	Green Bay Packers

AFC

AFC North Winner	Pittsburgh Steelers
AFC South Winner	Indianapolis Colts
AFC East Winner	New England Patriots
AFC West Winner	Denver Broncos
AFC Wildcards	Buffalo Bills & Tennessee Titans
2015 AFC Championship Winner	New England Patriots

Super Bowl

2015 Super Bowl Winner	New England Patriots
2015 Super Bowl MVP	Rob Gronkowski

Although it’s risky (and not my preferred choice) to pick the Patriots to win a second year in a row, as a repeated Super Bowl win has only happened thrice in the past 25 years, Brady, Gronk, and Edelman are an unstoppable trio while healthy and in sync. Also, to my fellow ladies who are looking for motivation to get enthusiastic about football, the trio are quite the eyeful.

-Katrina Wraight is
a 3L interested in
Environmental Law



Editors Picks For the NFL Season

Brody’s Picks

AFC North: Cincinnati Bengals
AFC East: New England Patriots
AFC South: Indianapolis Colts
AFC West: Denver Broncos
AFC Wild Cards: Pittsburgh Steelers and Buffalo Bills
AFC Champs: Denver Broncos
NFC North: Green Bay Packers
NFC East: Philadelphia Eagles
NFC South: Carolina Panthers
NFC West: Seattle Seahawks
NFC Wild Cards: Arizona Cardinals and Minnesota Vikings
NFC Champs: Green Bay Packers
MVP: Aaron Rodgers
Super Bowl: Packers over Broncos

Ken’s Picks

AFC North: Cincinnati Bengals
AFC East: New England Patriots
AFC South: Indianapolis Colts
AFC West: Denver Broncos
AFC Wild Cards: Pittsburgh Steelers and San Diego Chargers
AFC Champs: New England Patriots
NFC North: Green Bay Packers
NFC East: Philadelphia Eagles
NFC South: Carolina Panthers
NFC West: Arizona Cardinals
NFC Wild Cards: Seattle Seahawks and Dallas Cowboys
NFC Champs: Arizona Cardinals
MVP: Carson Palmer
Super Bowl: Cardinals over Patriots

Legal Cheese!

By Ian Frost

The law is like cheese. It stinks, it comes from Europe and it is full of holes.

Additionally, similar to law, the modern concept of what cheese is was spread by the Roman Empire. Briefly stated, Roman soldiers would sometimes end up staying where they had been stationed as opposed to going back to Italy. A lesser known fact is that Romans loved cheese, so when they settled across Europe they would instate the Roman method for making cheese (which, you may be interested to know, differs from the Greek method and other Eastern methods). Perhaps the best evidence of this is that now, centuries later, family-run dairies and regional co-ops are still making unique cheeses in similar ways all across Europe – except for in Ireland where the Romans never bothered to go. Ireland’s cheese tradition is much newer and the cheeses they export are mostly crafted by immigrant families from other European countries. (But we can save that discussion for another article)

So, what is the Roman method that was disseminated with the conquering horde? Basically, the process comes down to heating raw milk, adding a coagulant (usually rennet), and then separating the milk solids (curds) from the liquid (whey). Everything else is essentially a matter of preference and artistry. Mozzarella is a cheese that can be made and served within a half hour, whereas Gouda generally takes at least a month, but they both follow the same general concept of heating, coagulation, and separation.

It is important for law students to know lots and lots about cheese. It may not be a bar subject, but many lawyers are impressed by a demonstration of fromage knowledge! In fact, my personal statement to get into this fine school was largely about cheese. Cheese and chess, if I recall correctly, but I digress.

For many years all the fine cheeses came from Europe, while American cheese remained unrefined and yucky. I am happy to report that domestic artisan cheeses have come a long way in recent years. If that statement sounds like jargon let me rephrase – Americans are now making cheese that is sophisticated and tasty.

In order to appreciate the difference in quality between cheeses, you must learn how to eat cheese properly. To get the most out of fine cheeses you should take time and pay attention to what you are experiencing. I have provided a brief explanation for how to have the best experience with fine cheese:



1. *Smell.* Pretty self-explanatory. Just sniff the cheese a couple times before you eat it.
2. *Take a bite.* Notice how the flavors change as they move from the front to the back of your mouth and across your palate. I call this the “flavor arch.” The flavor arch manifests differently, depending on what you are eating, but there is a noticeable difference between the initial taste and the taste right before you swallow.
3. *Resolution.* Before you take a second bite, breathe out through your nose. Fine cheese will have a satisfying resolution that is distinct from the initial smell and taste.
4. *Aftertaste.* I am sure you have eaten something that leaves a flavor in your mouth. Fine cheeses have a satisfying aftertaste that stays with you and makes you happy all day long.

Contrast this way of tasting and experiencing food with regular snacks like chips or cake. With junk food, the initial flavor is very intense but the flavor arch tends falls flat. This is part of the reason why we eat this stuff so fast. Each bite is unsatisfying, so we tend to eat junk food until we feel gross. The flavor is a single note that is hit repeatedly, either salty, sweet, or some combination, but there is nothing interesting to experience after the initial rush of flavor.

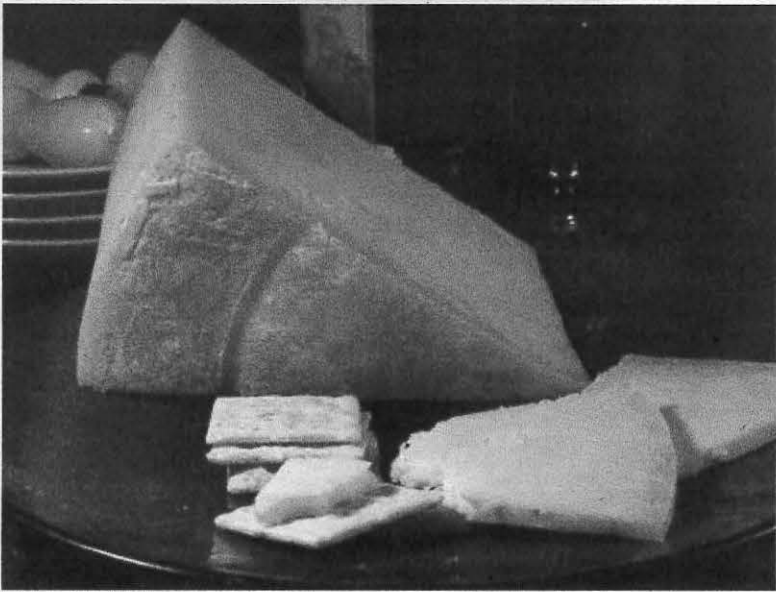
The following are some of the best places to buy and sample cheeses in San Diego:

Venissimo Cheese is my favorite place to buy cheese. The people are friendly and knowledgeable. At Venissimo, you can sample cheese and you can also buy as much or as little as you want. The Ralph’s grocery store actually has a surprisingly good selection of cheese, if you know what you want, but you cannot sample them and they are pre-packaged.

The packaging isn’t ideal but some cheese is better than no cheese.

So, take a minute one of these days and dive into the world of fine cheeses! I promise you won’t regret it.

-Ian Frost is a
3L interested
in the field of
Employment Law



Album of the Issue

We Shall Overcome: The Seeger Sessions - Bruce Springsteen (2006)

The Seeger Sessions is Springsteen’s fourteenth studio album, and his only album with non-Springsteen material. The album features Bruce covering thirteen well-known folk songs which were made popular by folk musician Pete Seeger throughout his career. For the album, Springsteen assembled an eclectic group of talented musicians, which included members of his E Street Band, his wife Patti and the Miami Horns, to form The Sessions Band. The album was recorded on his farm in New Jersey and is simply amazing. It is one of the greatest records I have ever heard.

Check out: *Mrs. McGrath, O Mary Don’t You Weep, John Henry* and *We Shall Overcome*.

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