

THE INFORMER

NEWSLETTER

October 22, 2009

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GRIPES: Why Case Books are Expensive and How Students Can Avoid Being Gouged

By Jeff Hutchins, 2L
Staff Writer

This fall more than 300 students began their initial year at Thomas Jefferson School of Law (TJSL). Each first year student was provided with a list of casebooks to buy for class. The average cost varies from each section but students are likely to dole out, if not surpass, a thousand dollars for textbooks. This article provides a brief breakdown of how the TJSL bookstore gets away with charging such high prices and how students can ease their budget through alternative means.

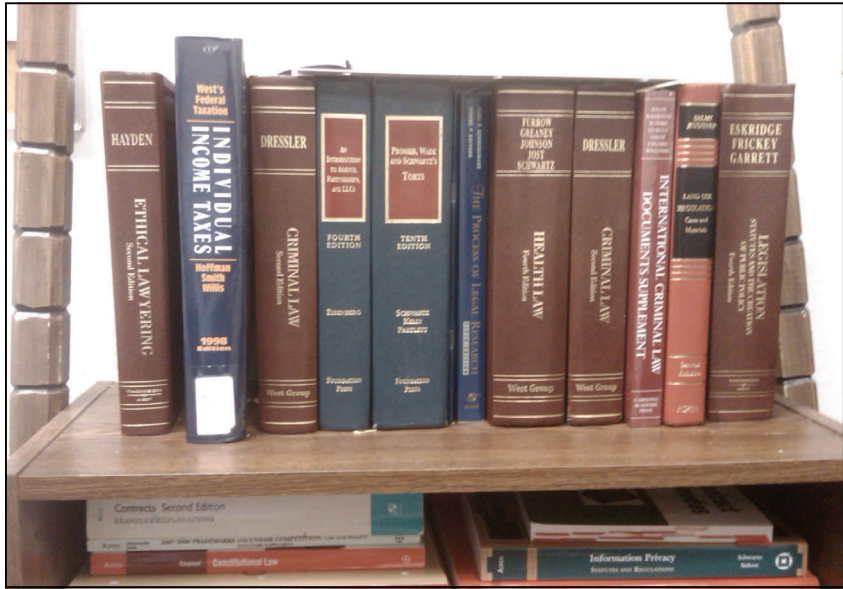
The factors causing high prices are a dearth of competition, the lack of influence students have over the industry, and the used book market (purchases over the internet). These three reasons push the prices of new and used casebooks well over \$100. As the only place on campus to purchase casebooks, the TJSL bookstore has little if any incentive for a “sale shelf” or competitive pricing. Furthermore, students are fluid consumers. Since we are only in school for a brief period, we lack a vested or long-term interest in the price of casebooks. Thus, even though many students may complain about the

high cost, it is very unlikely they will lobby or lay pressure on the publishing industry.

Publishers attempt to justify their prices by citing the lengthy method of producing a single textbook. Granted the process of developing, reviewing, producing, marketing, and distributing illicit a slew of costs; even so it is hard to convince any law student a book is worth more than \$150. I do not merely chastise and complain about these books barons on a whim, instead my anger is justified by many recent studies.

A report by California’s Accountability office found the prices of textbooks skyrocketed 30% just in four years. The Washington post reports that between 1986 and 2004 the price nearly tripled, raising an average of 6% a year while inflation only rose 3%. It has become so bad Congress even passed a bill attempting to regulate the industry. This piece of legislation-required publishers to sell supplemental materials separately, i.e. CD, (this goes into effect next year, 2010) and the law will mandate publishers to disclose pricing to faculty.

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2L Manifesto: Breast Cancer Awareness Month

By Katie Tooma, 2L

In honor of Breast Cancer Awareness Month -- Let’s talk about boobs. But not just any boobs-- my boobs. According to the American Cancer Society, 1 in 4 women diagnosed with cancer are diagnosed with breast cancer; and the chance of getting breast cancer increases with age. So, you could imagine my surprise when in 2007 I found a lump in my left breast. It felt like a rubber ball – the kind you get out of a \$0.25 machine, except it did not bring me joy. At 21 years old, it was painful and it terrified me.

After telling my doctor, she referred me to a radiologist where I got an ultrasound. The gel was cold, as I stared eagerly at the screen, not sure what I would see. Then there it was-- the lump that had been plaguing me. I thought it looked like a platypus swimming. The radiologist did not think it was anything to worry about; however, upon further examination whatever was inside of me was estimated to be over 5 centimeters. For those of you not familiar, that is pretty damn big in breast lump land.

My mom felt like we should go see a surgeon and have him give us an opinion on our next step. She took me to a doctor that other family members have used for different surgeries. The doctor confirmed what the radiologist said. It was likely not a cyst (which sometimes can just be drained), but a fibroadenoma. A fibroadenoma is a noncancerous, hard breast lump. They usually are only 1 centimeter or smaller. They are nothing to be worried about, but can continue to grow. He suggested that it be removed. Now this doctor was probably the most unsympathetic doctor I have ever met. His bedside manner was terrible and proceeded to make it seem like this was a routine surgery – like

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“WE HOLD THESE TRUTHS TO BE SELF EVIDENT: THAT ALL MEN ARE CREATED EQUAL;
THAT THEY ARE ENDOWED BY THEIR CREATOR CERTAIN INALIENABLE RIGHTS; THAT
AMONG THESE LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS”

THOMAS JEFFERSON

GRIPES, from page 1

TJSL Professor Ken Vandevelde comments, “The professors at our school don’t like the high cost of textbooks.” Many teachers have started to seek alternatives to casebooks. Prof. Vandevelde and others post some, if not all required material online via TWEN. Laura Brooks, the manager of the TJSL bookstore, acknowledges the costs appear high but she notes, “Our store is convenient for students and when you compare our prices to the Internet they are competitive.”

As a poor law student, I have no intention to support an already profitable industry. I gripe and write this article because the textbook market, roughly a 3.6 billion dollar industry, is making a hefty profit by taking advantage of students. I am tired of supporting these book barons. That is why I buy all my books online. My first two years of law school are a perfect example. I spent

over \$1100 dollars on new and used textbooks for the first year. After complaining to a second year student, they suggested I buy my books online. By taking their advice, the total cost for all of my second textbooks was \$600 cheaper than my initial round of casebooks.

The secret to this process is twofold. First buy and *sell* your books over the Internet. That way it is possible to break even or subsidize the cost of new editions. The entire process is very simple. Start by emailing your Professor for the name and edition of your casebook. Another way is to go to the bookstore and get the name and edition of your current casebook. Amazon.com and Half.com are great web pages but <http://www.addall.com> is even better because it bundles and searches sellers. The second trick is to buy old editions. Twice I bought out of date editions. Most students are fearful because it seems they will miss readings or the edi-

tions are too different. Unless you are in intellectual property or a class where case law is constantly changing this will not be a problem. The majority of cases are at least decades old. In addition, a study by the California Student Public Interest Research Group found that the average release time between textbook editions is 3.8 years, regardless of whether the information has changed since the previous version.

For those individuals not pre-disposed to buying and selling over the Internet, there are further alternatives. The first option is the “reverse shelf” in the library. For every class at TJSL two copies of the textbooks are made available at the library. These books can only be checked out in three-hour periods. Since the books are on reserve, they must be checked in and out via the Main Circulation Desk (just past the metal detectors where the two library attendants are always on duty). Unfortunately, it is common for

copies to be out before class, so do your homework in advance. In addition, the books are property of the library thus no highlighting or writing in the margins.

Finally, there is the option of splitting costs with classmates. This setup is easy to implement and very straightforward but can lead to problems if your schedules do not mesh. This solution is optimal for first year students who share the same schedule. In addition, when 2L’s and 3L’s are in the giving mood, 1L’s can request or be given their old books that we all know we will probably sit on a book shelf in an office somewhere. Even though casebooks are expensive at the TJSL bookstore, there are cheaper, alternative means. By following any of the aforementioned options, you will save you money and the pain of having your jaw hit the floor when you see the total cost of next semester’s booklist.

MANIFESTO, from page 1

cleaning teeth. To me, it was the end of the world. No one was certain it wasn’t cancerous. How could he just be so nonchalant about it? The last thing I wanted was anyone to tell me that what I was going through was a blip on the radar. The fact that I was 21 and even had the 1% chance that I could have cancer was bad enough but I had to deal with a doctor who laughed at me when I started crying about surgery. I had never been admitted into a hospital and I can still count the number of times on my hands (8) that I’ve even been to a hospital. I was also terrified of being put under anesthesia, as that’s never happened to me either. This doctor was a jerk. He made my fears seem like they were not just unwarranted but unreasonable and insignificant. He did not explain anything to me in a simple way, but merely complicated things – I think to provoke me into having him work on me. It was as if he was “selling surgery” to me.

I left telling my mom that I never wanted to go to him and that he would never come anywhere near me with a scalpel. (I left out the part of the story where he tried to explain to me how he was going to cut me open and having my nipple torn to shreds didn’t really sound appealing).

We were fast approaching “panic time” as my mom was pressuring me into making a decision about whether or not I was going to have it taken out.

When luck would have it – I got taken off of my parent’s health insurance because I was out of school for 6 months. My parents got me temporary health insurance for some ungodly amount of money just until I started law school in the fall. Thankfully, one of the top breast surgeons in New York took my temporary insurance. I was instantly in love with the doctor and her assistant. The two of them were understanding, caring, and understood my bedside manner. They didn’t even flinch when I called the other doctor expletive after expletive. They answered all my questions, explained the procedure to me in a way that I might have been able to perform it on someone, and even agreed to my ridiculous demand about an IV not going into my hand but in my arm.

I was scared to have the surgery. I was scared of scars. I was scared of being deformed (damn internet). I was scared of finding out if it was cancerous. But, I was also very interested in seeing it. I decided that it was better to just get this thing out of me.

In the spring of 2008, I went to the hospital, put on my gown and my little slippers (I still have them), and waited to walk to the operating room. My mom and aunt kissed me goodbye and I talked to my dad on the phone. The anesthesiologist was hilarious. I took off my glasses and couldn’t see anything. The room was a big blur but I kept hearing her infectious laugh and her jokes about the permanent

marker on my left breast. They had to mark it over and over so as to affirm and reaffirm that the one breast was indeed the breast that needed surgery.

The anesthesiologist started the drip in my right arm, and I was instantly cold. The nurse came and tucked me in like a bug and then my doctor and my anesthesiologist came to wheel me back into the operating room. They were driving my bed like a car, zigzagging down the hallway in an effort to keep me smiling. By this time, I was laughing so hard at them, and I couldn’t see that the room kept getting blurry. They asked me to climb over to the other table. My shoulders were about 6 inches from laying back down when BOOM. The anesthesia kicked in.

I woke up to my family in my room and me asking repeatedly to see the lump. Apparently, according to my doctor, I would not shut up during the surgery. I keep talking and asking her if I could see it, how the surgery was going, etc. My boyfriend Andrew showed me some choice pictures in the elevator of me knocked out, my mouth hanging open, and Andrew with showing a thumbs up.

I wasn’t sore and slept on ice for the next two days to keep the swelling and bruising to a minimum. No underwire (type of bra) for me either and I had to take it easy at work. At that time, I was working at a day-care, so picking up kids was not an option for the first week and a half.

Two weeks after my surgery, I went back to my doctor for a follow up. I went to find out whether or not I would have to have another surgery, lose my hair, or all of the above and then some. My doctor was glad it was only a fibroadenoma and a benign one at that. I was cancer free, but I would have to start getting screenings earlier than most other women get. The fibroadenoma was also 5cm – a lot larger than most. It was a cluster of smaller fibroadenomas held together with scar tissue. Where the scar tissue came from, I will never know.

I respect women who go through breast cancer and appreciate their struggle. I pray that I won’t have to go through what I went through again, and that I never have to face what women with breast cancer face. I have to begin going to get checked much earlier than other women simply for my medical history. Ladies you should all check yourself! If not, I’m sure your significant other would gladly help you check.

You can still kind of see my scar when I’m wearing a bathing suit, but it’s almost totally faded. I am so grateful that this is the only thing I have left over from that ordeal. Now that I’ve shared way too much information with you all, try not to stare at my chest next time we see each other.

1L Manifesto

First Semester of Law School v. Pregnancy: A Comparison of Sorts

By Al Masland, 1L

1st Month. The first trimester started when we were accepted to Thomas Jefferson School of Law. We received a letter that said those wonderful words, “you have been accepted.” I imagine this is like taking a home pregnancy test and seeing a blue or red line or a plus or minus symbol, whichever one means “yeah.”

2nd Month. Preparing for law school requires making adjustments. You may have had to cancel a lease, move across the country, quit your job, or maybe you were ready to go and had a few things you needed to address. This is like the hustle and bustle that takes place after

finding out you are pregnant. You have to find an OBGYN you trust, cut out the bad habits, and prepare to live the next nine months in a way you have never lived before.

3rd Month. You are a month into school and you begin using Latin phrases like sine qua non

and referring to legal words as “the language.” You are slowly becoming aware of the

transformation taking place as you begin your legal education. This is nothing more than a “baby bump” as the tabloids say. There is now a visible sign that you have been in law school and a visible sign that you are for sure pregnant.

4th Month. Outlines are necessary in preparing for midterms

and reinforcing the material you have learned. I will go out on a limb here and say this is probably like Lamaze class. Learning the breathing techniques that will come in handy when giving birth, much like learning the elements for assault will prove helpful come test/birth time.

5th Month. Your mid-term study habits may have led you out at 3:00 a.m. for a snack or kept you up color coding flash cards. I actually painted a

chalkboard on my wall to make my living quarters more academic. This is the equivalent of pregnancy cravings. “I’ll take a 5th avenue bar, a jar of dill pickles, and a quart of orange juice...thanks honey.” We now know what we do well, what we want, and what we need to get through the tough times.

6th & 7th Months. Mid terms are behind us but we cannot get lazy. There is still a good deal of work to do keeping up with outlines and staying on top of class work. I imagine at this point in a pregnancy it is important to stay the course and focus on the home stretch.

8th Month. It is about three weeks before finals and the preparation has begun. You have your outlines prepared/ boys and girls names selected. You began taking practice tests/ keeping a bag in the car for false alarm trips to the hospital and you can visualize the completion/already painted the nursery.

9th Month. Finals week has arrived. Sitting down to take the test is like arriving at the hospital. Pre test anxieties are the pregnancy equivalent of quicker contractions. All the hard work has prepared you for this point and its time to bring things full term.

Going Green

By Jonathan Cooper, 2L
Staff Editor

As environmental concerns are brought to the forefront of society and nations are looking at one another in an effort to reduce, reuse, and recycle, Thomas Jefferson has answered the call with its participation. As we prepare to move into a new building, our school was poised to take unprecedented steps in achieving eco-friendly recognition. In doing so, TJSL has aligned itself with the U.S. Green Building Council (USGBC) and Leadership in

cepted tools and performance criteria.”

LEED is an internationally recognized green building certification system, providing third-party verification that a building or community was designed and built using strategies aimed at improving performance across all the metrics that matter most: energy savings, water efficiency, CO₂ emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts. Developed by the USGBC, LEED provides building owners and operators a concise framework for identifying and implementing practical and measurable green building design, construction, operations and maintenance solutions.

LEED is designated based on a point system. For new construction, the scale runs from **Certified** (26-32 points), **Silver** (33-38 points), **Gold** (39-51 points), and **Platinum** (52-69 points). Points are awarded based on going “above and beyond” basic building codes. There are specific “requirements” which must be met in order to qualify for LEED certification. As well, for each category that you go “above and beyond,” points are tabulated.

Earlier this month during the Dean’s Forum and through email communication, I had the opportunity to ask TJSL Dean Hasl a few questions about the new building downtown. Dean Hasl informed me that TJSL is aiming for Gold Status and that TJSL should have no difficulty in achieving Gold status. While I do not have all the specifics on what our new school will entail, I do know that the points that are tabulated come from categories such as Sustainability, Water Efficiency, Energy use and reduction, Material and Resources, Indoor Environmental Quality, and Innovation and Design Process. Of the two questions that I asked during the Dean’s Forum: (1) will we have waterless urinals in the new building, and (2) will we have solar panels at the new building, Dean Hasl answered no to the first question and yes to the second question. Dean Hasl stated that while waterless urinals save water use they also pose a “smell” problem. Regarding the second question, Dean Hasl said yes our new building will have a state of the art solar panel arrangement on our roof and that this system



will generate 56 kilowatts of power per year. This saved power it has to be resold to SDGE, but the solar panels will ultimately reduce our overall bills.

Our new building, just as our current building, will recycle plastics, paper, cardboard, aluminum and other resources that are reclaimable. TJSL saw an opportunity to influence and lead the way with the environment and now TJSL has capitalized on that opportunity. Now is the time for us students to answer that call, to be stewards of the law, to influence and lead the way in the legal realm.

Energy and Environmental Design (LEED) certification. LEED stems from, “the Leadership in Energy and Environmental Design and Green Building Rating System™ [which] encourages and accelerates global adoption of sustainable green building and development practices through the creation and implementation of universally understood and ac-

DEAN HASL INFORMED ME THAT TJSL IS AIMING FOR GOLD STATUS AND THAT TJSL SHOULD HAVE NO DIFFICULTY IN ACHIEVING GOLD STATUS.



Professor Aaron Schwabach

By Jeremy M. Evans, 2L
Editor-in-Chief

Professor Aaron Schwabach has been very kind to lend his time for this interview for the *Informer* and has provided the students with some inside information about his life. Having been a student of Professor Schwabach for one full semester of property I and currently in property II – If I could describe Professor Schwabach in a few words, it would be funny, intelligent, and able to make a somewhat hard subject to teach and learn (property) entertaining. Professor Schwabach has a way about him where he can on the one hand be professional (he always wears a suit to class with his shirt ironed) and yet he is humble enough to make fun of himself, life, property, and law school in general.

One of Professor Schwabach’s most common statements during class is “But I digress.” This statement is preceded by a personal story that relates to the case, rule of law, or some common American experience that helps the students understand the reality of practicing life and the law. Recently, the Professor was discussing a case with a long and hard-to pronounce last name of a party in the case and he likened this to his hard-to pronounce last name. He told several stories of airline attendants and others stating his name with added letters, various pronouncements, and sometimes in the same sentence or during the same occasion. Words such as “Schwinnball” or “Screwbelt” or “Cchwabat.” The Professor explained that he felt a little bad for the client in the case and knew how he felt. The class laughed and we moved onto some legal analysis. To clarify, the correct way to pronounce Professor Schwabach’s last name is [SH – WA – BOCK]. Say that ten times fast! Side note: It is a good idea to learn

Faculty Spotlight

how to pronounce the names of those you work with or for because it shows respect and that you took the time to learn it. A very simple and kind act to perform.

Professor Schwabach is a very courteous man. The Professor always says the German word for “bless you” when one of his students sneezes and says “Guzunteit,” (probably not spelled right) and then he moves on with the lecture. His intelligence is shown in his recent University of Pittsburgh Law Review article regarding the world of fan fiction. The article discusses three issues with website fan fiction: (1) the misuse or misrepresentation of the story elements created by the author; (2) the economic concerns; and (3) the problem of derivative versus transformative work and the economic effects of it. All around, the Professor is a decent man and a good teacher of a tough subject, property, and that is why the *Informer* has highlighted him in the faculty spotlight for the October issue.

Below is the transcript of the interview that I had the pleasure of conducting with Professor Schwabach:

Jeremy Evans (JME): Good day to you sir. Thank you for taking your time to interview with the *Informer* today.

Professor Aaron Schwabach (PS): My pleasure, thank you!

JME: Let’s get right into the questions. Where are you from?

PS: That’s a tough question. Many places.

JME: Maybe, where were you born?

PS: I was born in the University of Chicago hospital. I lived in Chicago until I was 3 ½ years old and then moved all over the Northeast: Kentucky, Delaware, New York, and Pennsylvania.

JME: Very nice. Were your parents in the military?

PS: My father was a journalist and we just moved to many places.

JME: Great, thank you.

JME: What is your favorite food?

PS: I see that this interview might become a questionnaire

See **Schwabach**, page 15

Professor Susan Tiefenbrun

By Jennifer Goldman, 1L
Staff Writer

Professor Susan Tiefenbrun has been a professor at Thomas Jefferson School of Law for ten years. She is the director of the Thomas Jefferson School of Law China and Nice summer study abroad programs, has a Ph.D in French Literature, and has taught at Columbia University, Sarah Lawrence College, University of Michigan and Hofstra University School of Law. She decided to go to New York University School of Law at age forty-four and embraced this experience wholeheartedly.

Jennifer Goldman: You started out as a teacher, what made you decide to choose law?

Professor Tiefenbrun: My teaching was about language. I spoke many foreign languages even before I got to law school, seven or eight foreign languages at that point. Law always fascinated me and I just wanted to learn the language of the law and see how it applied politically.

J.G.: How did it feel going to NYU law school as a woman later in life?

P.T.: It was very difficult coming in as an older professional woman. I was a foreign language literature professor and I was way up there, then suddenly to go back down to being a student and not understanding anything of what was going on, whereas before I was an expert in this field. I call it the democratization of Susan.

J.G.: How did law school change you?

P.T.: I really became a different person. I understood the plight of being a student again. I understood the pain and frustration of not knowing everything all of the time and wanting to understand, but not being able to very easily.

J.G.: Do you think it was beneficial to go to law school later in life?

P.T.: I think it was a good thing going to law school later in life because I am more closely able to relate with what the students feel when they come in, as first year law students and they are completely lost.

J.G.: What prompted you to work in a law firm in Paris?



P.T.: Before I came to law school, I was a French literature professor at Colombia University and at Sarah Lawrence College. Then I decided to go to law school later in life and wanted to do my first job in a French law firm, so I could learn a little more about French law, continue to speak French, learn about the law in French, and see the differences between the common law system and the civil law system.

J.G.: What was the law school experience like for you?

P.T.: It was the best decision I have ever made. I loved law school. I found it fascinating. Law for me was just another language I had learned, but it was much more than just a language.

J.G.: How was law school different from teaching as a French literature professor?

P.T.: The way the work is structured. The legal education I received was amazingly eye opening. I wrote four books and fifty articles before I even went to law school. Yet, when I went to law school I really learned how to write better because I learned to write more concisely, more precisely.

J.G.: How has a woman’s role in the legal profession changed?

P. T.: There are more women. There are now 51% women and before it was much lower. Women have a reputation of being good at what they do, which was different from before. Our society has not totally changed yet, where there is an equal distribution of the work and family obligations.

J.G.: What is the best advice you can give a law student?

P.T.: Study very hard. Read the newspaper everyday and try to be the best you can at what you are doing. Assume a certain level of perfectionism; strive for excellence and everything will fall in line. Students who strive for excellence will already have a competitive edge and will enjoy more.

Student Leader:
Lanarka Lydia Rose

Student Spotlight

Organization:
**Public Interest
Law Foundation**



By Ian Van Leer, 2L
Executive Editor

You have probably met Lanarka Lydia Rose, the 3L; she is involved on campus, to say the least! You probably have not seen her resume, though, and neither have I, but that is likely for the best because it is stacked and intimidating. What I mean to say is that she has the experience to take her where she wants to go. Lydia is active and has an apparent compassion that you or I could not think of competing against her.

Lydia wants to be a litigator with her own firm. She wants to lead a family law practice with a Christian and moralistic theme. To be fashioned under a holistic theory, she intends for her firm to defend clients with care, catering to their legal, emotional, and spiritual needs. Lydia will provide “counseling to restore the whole,” as she put it.

Lydia is fervently passionate about family law and, last year, she reintroduced the Family Law Society (FLS) to the Thomas Jefferson School of Law (TJSL) students. Upon her own initiative, she reorganized and incorporated the forgotten Family Law Society, and now reigns over the organization as president.

Holding the presidency of just one campus club cannot satisfy her; she also presides

over the Christian Legal Society (CLS) as the vice-president. As Lydia explained it, the CLS is a club that operates in an informal environment, discussing biblical topics in conjunction with relative legal issues. (Note the interconnection between her professional goals and her scholastic participation). If I were a member of the CLS or FLS, I would surely have voted for her.

As if heading two school organizations is not enough: Lydia has competed on TJSL’s Alternate Dispute Resolution (ADR) team, and is a member of the school’s Mock Trial team. She represented TJSL at the American Bar Association Mediation Competition held at Arizona State University last semester and coached a negotiation competition in San Francisco in 2008. This semester Lydia was one of a select few chosen to compete in a Medical Malpractice Mock Trial, occurring October 22-23, in downtown San Diego.

I can go on about the work she voluntarily accepts, and I will. She is and has been a student volunteer at the Development Office for the Alumni Association. In the spring of 2009, she taught local San Diego children through the Street Law program. (Once upon a time, she was also a substitute teacher). Lydia has worked in the ADR office in a District Court in Maryland. In addition, she has worked with the Solicitor General and the head state-prosecutor in Atlanta, Georgia.

Lydia has jumped out of plane, scaled steep rock cliffs, traversed raging and fuming white water rapids, slept under the stars in a lean-to she built by hand from leafs and twigs, and is graduating this May. Lydia has done it all and will do more. Look for this wonderful, bright, and beautiful woman on campus, and say hello.

By Taylor Garrot, 2L,
PILF Co-Career Chair

The Public Interest Law Foundation (PILF) is dedicated to raising awareness among law students of the need and opportunity for attorneys in public interest law. PILF is a member group of Equal Justice Works, formally known as the National Association for Public Interest Law.

So what is Public Interest Law? "Public Interest Law is the use of law by nonprofit organizations, law firms, and government agencies to provide legal representation to people, groups, or interests that are historically underrepresented in the legal system. Areas of public interest law include but are not limited to civil rights and liberties, women's rights, children and youth services, immigrant issues, worker rights, employment law, consumer rights, public benefits, gay and lesbian rights, environmental law, and the death penalty." Equal Justice Works, equaljusticeworks.org (accessed July 31, 2006).

As you can see from the list of organizations above, there are a myriad of opportunities to get involved in Public Interest Law. At Thomas Jefferson, PILF’s executive board and committee chairs work hard to organize panels and events that include some of San Diego’s best and brightest attorneys. Our most recent panel brought in twelve attorneys from different organizations including the San Diego District Attorney’s Office and the American Civil Liberties Union (ACLU). All of the attorneys were very excited to see the student curiosity for Public Interest Law and were more than happy to answer questions after the panel was over.

One thing that distinguishes Public Interest Law from other areas of law is the drive and determination of those who practice in the field. Most of the practicing attorneys never lose their passion to help those in need and are always looking for a way to make a difference in someone’s life. If you have this passion and wish to help others in need, Public Interest Law is right for you.

How Can I Get Involved? A primary function of PILF is fund-raising. Every year, PILF holds an auction (live and si-



lent), that helps us raise revenue to support our cause. So what is our cause? Our cause is to promote students to explore public interest areas of the law. Through the money we raise at the auction, and the rest of the year, we are able to award stipends to students who take public interest jobs over the summer. Stipends take the form of grants, scholarships, and fellowships and help to offset the mostly unpaid summer positions.

PILF also advocates community service. We are excited to get students out into the communities they will serve in the future. This exposure is designed to highlight the need for attorneys to be active in the communities they serve and to raise the professional standards of the legal profession. The community service can be through organizations as Habitat for Humanity or the Knowledge is Power Program (KIPP) in which volunteers teach and mentor underprivileged middle school students. It is important to note that Public Interest Law is not limited to any certain area or practice: if it helps the community, it becomes our mission.

Who do I Contact to Learn More? The Public Interest Law Foundation at Thomas Jefferson is made up of a diverse group of students who are eager to answer questions about the Foundation. Our executive board and committee chairs are staffed by 2Ls and 3Ls, most of whom have experience in Public Interest Law. You can add us on TWEN, Facebook, or visit our website (pilf.tjisl.edu). We look forward to hearing from anyone who is interested in Public Interest Law: together we *can* make a difference.

NOVEMBER 13, 2009 **Speed Networking Event**

**Ever want to attend a fun networking event
with no frills, no fuss, just fun?
Speed network with judges, prosecutors, defense
attorneys, family law attorneys, and more!
Professional business attire required.**

5:00-7:00 p.m. -1st Floor of Courtyard

Dear Editor,

Re: Parking

Okay, so I understand that we have a parking issue. I understand something must be done about it. The school is subject to fines, the neighbors are upset, and it's a problem. However, I have a serious problem with parking violations being issued to students at a cost of \$100 for the first offense and possible dismissal for the third. I find myself asking, is it our fault that the schools parking facilities are crowded? The simple answer is no.

Thomas Jefferson is definitely getting bigger, that is plain to see. The new 1L class is the largest we have ever had. This school is in a transition, we have been for a while and I believe it is time for the schools administration to take responsibility

I AM A 3L AND WHEN I DECIDED TO COME TO THOMAS JEFFERSON, PART OF MY DECISION WAS BASED ON THE IDEA THAT "YOU WILL BE IN THE NEW CAMPUS DURING YOUR THIRD YEAR."

for their actions. It was them that admitted a historically large number of students this year, knowing full well that we had a parking problem last year. It is understandable that they increase the student population to pay for the new campus but they must take responsibility for that decision.

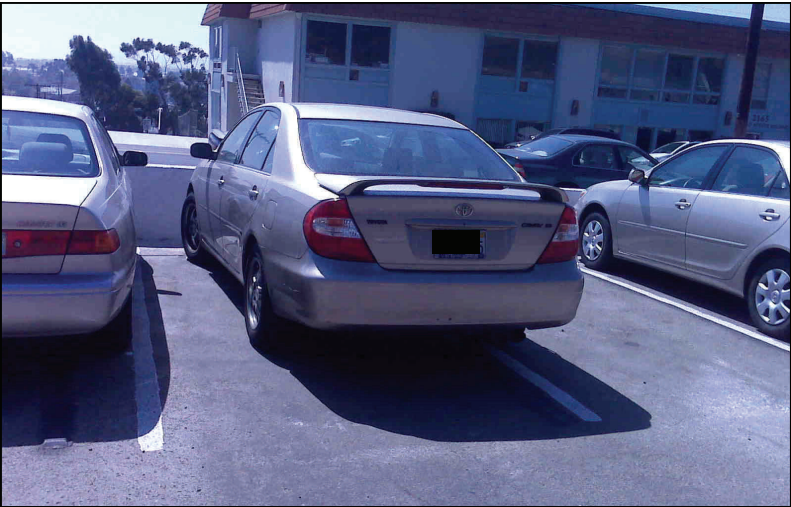
When I was a 1L ProJo gave us the same run down of the parking situation. Since that time there has been no change except parking down at the Ballard Center, which might not seem far but I challenge anyone to walk from there with a couple of law school books, a couple of supplements, maybe even a lunch and not be sweating like a pig. And what happened to the Shuttle? I heard rumors of the school starting a little shuttle from the Ballard Center to Campus. I know what you're thinking, Andrew you're lazy, and to that I say, touché. But think about it we pay over \$18,000 dollars a semester, over hundred dollars a class session. Should we have to lug all that gear, are we not allowed the convenience of showing up ten minutes before class? Do we have to show up an hour early, drive around, get frustrated, wait, then reluctantly park at the Ballard Center while running up

the hill to get to class on time, all because the school needs to pay for a new campus? The school violated the conditional use permit with the city, not the students. At the very least, it is evident that they did not solve the problem before it came to this; we have had a parking problem since before I enrolled here in the fall of 2007.

I am a 3L and when I decided to come to Thomas Jefferson, part of my decision was based on the idea that "you will be in the new campus during your third year." It's my third year and instead of a new campus right next to a trolley stop, we have the same old ill-equipped facilities that are now over crowded. When we pay tuition, we agree to study hard and learn the material, the school on the other supplies professors, ADEQUATE facilities, and they administrate the schools business. They have

failed in at least two of these endeavors. Not only does it practically rain through the ceiling tiles in LLB 300, which a simple bucket is the response, but now if I am not an hour early for class I have to contend with parking further away from campus, or be issued a citation for parking on a public street because the school could not resolve the issue.

When did the school start policing parking on public streets? They are issuing citations of \$100 for the first offense? I thought \$45 for parking during street sweeping in PB [Pacific Beach] was excessive. Who came up with the \$100 dollar amount? As a law student, I find myself thinking of that word, what is it again, oh yeah reasonable. It seems incomprehensible to me that school can issue a citation to a student for parking in an area where it is otherwise legal to park. I can hear it now; it is a 100 dollar fine because we want to deter students from parking there. Now I'm not condoning these actions, but what would stop a student from simply not registering their vehicle with the school or not displaying their sticker? "If I can park next to the CYB without my sticker why wouldn't I?"



Maybe this Student should be fined a hundred dollars also...

We pay an exorbitant amount in tuition to study here and on top of studying and midterms, finals, the bar, now we have to worry about being dismissed for parking? This seems almost ridiculous. What happens if we decide to engage in civil disobedience like Henry David Thoreau and not pay the fine, will we be denied our degree for not paying this unreasonable fine?

But then again we do live in San Diego, which issued a traffic ticket every 64 seconds according to the Union Tribune (http://www.signonsandiego.com/uniontrib/20080601/news_1n1pkmain.html). I once watched a meter maid, or parking enforcement officer as they like to be called, issue a citation to a student in front of the smoking section of the library for being about an inch in the red because their car was just a little too big for the spot between the fire hydrant and the loading driveway, but now I have to worry about my own school giving me a ticket. (If

you're reading this, I gave that person a dirty look, don't worry.)

I know the administration is trying to do what is best for the school. They have made agreements with Comfort Inn and the Ballard Center for parking which is great. To be fair we do have to do our part as well, we can start by staying inside the lines people, come on get with it, do not take up two spaces. The school cannot afford to be fined \$250,000. The problem I have is I don't see how that fine is my problem, or any other students for that matter. It shouldn't be. The bottom line is that the schools administration should be here to support the students. It seems that the future is more important than the present. Not only were we told things that did not happen regarding the new campus, but now we have to suffer the problems that come from it. I guess you have to break a couple of eggs to make an omelet.

Andrew Flores, TJSJL Student

ProJo responds to the letters:

I understand the frustration, and the administration is truly appreciative of everyone's cooperation in complying with our Conditional Use Permit. Permit me to dispel a misconception. There is a notion that the school admitted a large class in order to fund the new building. From the statistics given to me, neither the number of applicants nor the number of students admitted was appreciably different from fall 2008. The difference was in the "yield." More students who were accepted actually decided to attend the school. Further, we had fewer transfers to other schools. As a result, are entering class was, indeed, larger than last year.

At the end of last spring, we decided to terminate our lease for the Ballard Center parking

lot because there was simply insufficient use. The rent was quite high and the lack of use augured against continuing the lease. We have renewed the lease due to our increased numbers. However, there appears to be no great increase in the number of students actually using that lot. Nonetheless, we hope it will help alleviate the parking situation. We do have 40 spaces at the Comfort Inn (in the covered parking to the right as one enters the underground lot). This is one half block from the school and quite convenient.

Once again, I think everyone for his/her cooperation. This is not my favorite part of the job.

ProJo

Dean Jeff Joseph

Dear Editor,

I disagree with venue choices for our bar review events, SBA events, and others... I attended one at Sidebar a week or two ago. Let me just say that it is not awesome for a struggling student to have to pay 26 bucks for two drinks... I understand that downtown is pricey, but the fact that you people are so pretentious as to think that we can all afford to have a good time at these places is ridiculous. It is no wonder that there are not many people that show up...Wouldn't it make it more fun and sociable if we ALL could afford to have a good time? Thanks.

By Anonymous TJSL Student

Dear Student,

We are sorry to hear that you think we [the SBA] are pretentious simply based on the bar review venues. We have attempted to switch between beach bars and downtown nightclubs so as to satisfy the diverse tastes of our student body. Further, we work hard to get discounts for our students on drinks specials. If you find that drinks are pricey, try drinking the "specials" that are reserved for you. Additionally, if you are so concerned, please feel free to join the social committee and make a difference. We welcome your feedback, insults aside.

By Christopher Paulos, TJSL Student:

Dear Christopher Paulos,
There are other areas of town to hold bar reviews besides the beach and downtown...

THERE ARE OTHER AREAS OF TOWN TO HOLD BAR REVIEWS BESIDES THE BEACH AND DOWNTOWN...

By Anonymous TJSL Student

Dear Student & Christopher Paulos,

I completely agree with that statement. If all of the bar reviews are at the beach and downtown, it is really a hassle for someone who doesn't live there. The idea of these bar reviews is to be a fun relaxing time. It isn't relaxing for me to drive to either of those locations, fight crowded streets, search or pay for parking, only to get into a crowded bar.

I went to a few and stopped. It wasn't fun to stand in bar that would have been crowded without us there. I think SBA might have a better turnout, and have an easier time getting

deals, if they dealt with bars that could use the extra customers. Now, I'm not suggesting go to any bar that sucks, only not to the ones that meet capacity every night on their own. Those bars downtown, or at the beach don't need our business therefore they don't need to incentivize our going there, hence not that great of deals on drinks.

I'm not suggesting that i have all of the answers. But I am and I think others would be interested as well in seeing a bar review east of the 5 freeway in a venue that doesn't have us packing in like sardines to sell us discounted overpriced (so "average" price) drinks.

By Anonymous TJSL Student

Dear Editor,

From reading Dean Joseph's letter sent to "all TJSL students" October 7, it seems that the school is in "crisis mode" regarding parking violations that jeopardize our conditional use permit, not to mention complaints from neighbors. The question that has to be asked is: "Why wasn't something meaningful done about this earlier?" Why did it take a warning letter from the city to get the administration to provide more

offsite parking? This year, an unusually high percentage of admitted 1L's actually enrolled, which worsened the existing parking shortage. Yet, toward the beginning of the year, we were told that we could no longer park at the Ballard Center; the reason given was that too few students used the spaces to make it worthwhile to pay for them. We've been told several times that the school "encourages carpooling." Well, get real: In Southern California, you have to do more than "encourage" people to carpool. You have to spend money. Provide bookstore or cafe gift certificates to students who regularly carpool. Buy or rent a van for use in organizing student carpools. Yes, there are insurance regulations to contend with. I'm sure these could be worked out if student parking became a priority; companies everywhere sponsor carpools. The continual parking hassle affects students academically; it takes time to shuttle your car back and forth all day long. It's unfortunate that it took the threat of losing our CUP [Conditional Use Permit] to get the administration to take student complaints about parking seriously.

By Andrea Monk, TJSL Student

Dear Editor,

The Women of Color in Law Luncheon

There is something empowering about being in a room with nearly 300 practicing and future female attorneys and judges. The Women of Color in Law Luncheon, hosted by Judge Vallera Johnson, is something that cannot be described in words. Judge Johnson stated candidly to her fellow colleagues at October 7th's event that, when she first conceived the idea of gathering women in the legal profession together for a meal a number of years ago, she never expected it to grow into what it has become. The Women of Color in Law Luncheon is an amazing opportunity for students to come together with their future colleagues and make lasting connections with the women that have paved the way in this profession for those of us who will continue to make strides for

gender equality.

Not only as a female student of color, but also as a student of this institution, I was proud to see that Dean Kransberger was recognized, along with her team. Dean Beth Kransberger and her team were recognized for their continuing efforts to create a student body at TJSL that represents the future of our profession – a diverse group of individuals who represent more than high-test scores, but those students who represent the creativity and inspiration that drive those in our field to practice law.

It was bittersweet that we could celebrate the rights and advancements of women in this nation while a panel discussed the long and difficult battle women in Iran are fighting for basic human rights. It should make us give pause to the privilege we take for granted, and remind us that the battle for equality for all persons extends beyond our immediate community—that when we enter onto

our campus we should remember that we are a step ahead of the curve in adequate representation of our global community. It is through efforts of individuals like Judge Johnson and Dean Kransberger, that we continue

to progress as a society and as a profession. We will be a blessed group if we can provide similar opportunities to future generations of litigators and advocates.

Allyson Evans, 1L

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Why Study Abroad?

By Brandi Haefs, 2L
Advertising Director

I will be the first to admit that I am bias after attending the TJSL programs in China and Nice over the summer but I think everyone should try to study abroad if possible. There are countless benefits and many students do not realize just how important and incredibly fun it really can be. Studying abroad is like jumping off the pages of your favorite novel and experiencing all the things you could only imagine. It is far better than a normal vacation or traveling to another country by yourself. Whether you are interested in it for the opportunity to travel, the credit, want to pursue the International Certificate at TJSL or simply would like to add it on your resume, it is definitely worth every penny. Some of the programs even work out being less expensive than taking summer courses offered at the San Diego cam-

pus.

Regardless of your motivation you will also have memories that will last a lifetime. The lifelong friendships you will make, the amazing food you can try, and all the interesting cultural experiences you will witness are immeasurable. In France this year we got to see the Tour de France run right along the beach and in China we even got to see the carrying of the Olympic Torch along the banks of beautiful Westlake. Nice, France was absolutely amazing and so incredible. China was exquisitely beautiful and very interesting. Where else are you going to see these things or experience such exciting events?

The courses offered are always impressive on your resume, or if you are interested in doing anything with an International focus. Course like International Business Transactions, International Investment and Arbitration, or the World Trade Organization, can be very informative and useful. Most of the

time, study abroad programs offer courses that relate to international issues and can teach you things that you miss in American law schools. I also loved the shorter three and four week semester system.

Participating in a study abroad program increases your job marketability especially if the person interviewing you has studied abroad or has been to the country you visited. International experience is ranked high among many employers and it can be considered a crucial asset of prospective employees. Studying in another country shows an employer that you are resourceful, adventurous, well rounded and can adapt to new situations. Learning the intricacies of a new culture will help you to be more culturally

sensitive to others. I can definitely say that you will face many unfamiliar circumstances when you go abroad and have to adjust to them, but the journey is completely worth it.

There are numerous reasons to participate in a study abroad program and everyone should look into the opportunity. You never know what you might learn and it is impossible to imagine just what you will get out of the program. Studying abroad and traveling to another country is a defining moment that will change your life and I am confident that if you ask anyone who has been they would agree.

THE 2010 CHINA STUDY ABROAD PROGRAM

MAY 23, 2010 – JUNE 11, 2010

HTTP://CHINAPROGRAM.TJSL.EDU

THE 2010 NICE STUDY ABROAD PROGRAM

JUNE 27 2010 – JULY 23, 2010

HTTP://NICEPROGRAM.TJSL.EDU

DIRECTOR : PROFESSOR SUSAN TIEFENBRUN

Study Partners

By Danielle Mor, 1L
Staff Writer

Many students begin their studies with good intentions, but as time goes on they end up slipping out of their carefully prepared study routine and fall behind schedule. Most students who go to law school are self-motivated, however with our rigorous schedules it is easy to get distracted and lose sight of the reasons why you attended law school in the first place. It is for this reason that I encourage study partners. A study partner is not just a person or group of people who bring considerable knowledge, experience and enthusiasm to the learning process. Study partners keep you on task when you are low on motivation and cannot see the light at the end of the tunnel.

Having study partners can make a huge difference in your success. However, it is important to make the study-buddy system work for you. To be effective, make sure the group can meet at times that are convenient, and when you do meet, make the most of the time and resist the urge to goof-off. Make sure it is a focused study session so everyone can get something out of it. I meet with my study partners usually three times a week. We typically look at particular topics or focus in on that week's lesson. We make sure that everyone in the study group

understands and knows old material before moving on with new material. If at any point during the study session one person just does not get it, the whole group backs up and explains it in a different way so we are all on the same page and no one is left behind. This is our responsibility to each other, and it strengthens our understanding of the topic.

As midterms have passed us and as finals approach, my study group turns it up a couple notches and we commit to meeting every day for 8-10 hours. We take an organized approach and review information, go over past exams, and come up with different scenarios for each other to answer. Finals and midterms are stressful, but if you have study partners that you can rely on it definitely relieves some of the stress. Still, it can be very hard to be in a small study room with your study group for hours on end so do not underestimate the importance of taking study breaks. One thing about studying for midterms and finals that really works for my study partners and me is that we take breaks. We leave the study room, grab lunch or dinner, spend quality "friend" time with each other, and leave the studies back in the study room. It is very important to build a strong relation-

ship in and out of the study room with your study partners because chances are you will study with them for the next three years. I cannot thank my study partners enough for their devotion, time, and friendship

that they have given me and I hope you can find the same satisfaction!

Enjoy your first year!

Sudoku

1		4	5			3	8	
					1	5		4
	5		4		8			
7	4			2				3
3		9	8				6	2
	8			1			5	
	2	7		4		6		8
5	6			8				
				9	6		7	5

Submit your finished Sudoku Puzzle to the SBA office for a chance to win a prize.

Name:_____

Email:_____

Phone Number:_____

Puzzles will not be accepted after October 2nd, 2009

Fight Night: UFC v. Sherman Act

By Chase Buzzell, 1L

In 1993, the Ultimate Fighting Championship (UFC) appeared on the scene displaying the sport of mixed martial arts (MMA) to the world. Initially, creating a wake of attention throughout America in small isolated circles; the company and sport soon waned throughout the late 1990s, in part, due to the perceived brutality and political pressure led by Senator John McCain of Arizona. Then, in 2001 Las Vegas casino moguls, Frank and Lorenzo Fertitta founders of Zuffa, Inc, purchased the nearly bankrupt company. With greater capital behind the company, reformed rules, a cable-televising contract, and other factors, the UFC exploded drawing fans in droves.

Since the purchase by parent company Zuffa Inc., UFC has been praised for the revitalization of MMA at large. The sport currently enjoys a strong foothold in the arena of sports entertainment and specific to MMA, UFC is the predominate company. However, UFC and particularly President Dana White have received criticism for their business practices that tend to stifle any perceived threat to the UFC hegemony. Which begs the question, are UFC's business practices legal? The answer lies within antitrust laws.

The Sherman Act (the Act) set-off the body of antitrust law and continues to serve as the umbrella to other antitrust laws. Section one (§1) makes illegal every contract, combination, or conspiracy, in the restraint of trade. However, more than a cursory review is necessary to understand the scope of the Act and its application.

Often the Act is misperceived as a measure to prevent the dominance of a business over a market. Rather, derived from a constitutional basis to regulate interstate commerce, the Act essentially oversees anti-competitive business practices. The framers believed such practices would hinder the market in question, ultimately hurting consumers. Overtime and with the advents of business, antitrust law has shape-shifted to govern practices that restrict trade, such as exclusive dealing arrangements, predatory acts designed to achieve or maintain a monopoly, or corporate mergers that would effectively reduce competition within a particular market or industry.

UFC's rise to the hegemonic MMA Company in the world has, at the very least, approached some tentacles of antitrust law. Or perhaps the UFC has already breached antitrust laws. Even if so, is the UFC relevant enough for anyone to notice?

First, MMA as a sport has to constitute a market. Then, UFC's business decisions and the media vehicles utilized such as; TV, pay-per-views, websites, etc., need to demonstrate anti-competitive business practices. Whether, MMA constitutes a market is answered with facts such as: UFC being televised in 36 countries world-wide, UFC's presence of international offices, and UFC totaling over \$20 million in pay-per-view revenues in 2006 alone, while surpassing boxing and World Wrestling Entertainment (WWE) in pay-per-view revenues. Thus, it appears as though UFC's prevalence and large following constitutes a market.

Turning to business practices beckons for further analysis. Over the last few years, UFC has purchased other MMA organizations only to fold or swallow the organization in favor of placing the UFC label on the newly acquired entity. One may find no trouble when comparing similar behavior to that of corporations in other markets; however, the MMA market is not very large in nature due to the infancy of the sport. Many upstart organizations have attempted to hang a shingle out and take a slice of the MMA pie only to be met by the UFC – resulting in nearly all of the pie being consumed by UFC.

In 2006, World Fighting Alliance (WFA) was purchased by the UFC and folded. In 2007 Pride FC, UFC's largest competitor and once at the forefront of MMA was acquired for an unconfirmed \$70 million, and although President Dana White publicly stated in the merger-aftermath Pride FC would act as a separate entity, soon thereafter Pride FC was effectively folded. Meanwhile, organizations such as International Fight League (IFL) once seen as a potential rival to the UFC folded in July 2008 and Affliction Entertainment who had a long heated battle with UFC folded in July 2009.

With respect to the merger of acquisition and merger of rivals, UFC has a right just as any other company to purchase an asset in their best interest.

However, intent and motive are relevant factors in examining antitrust violations. Here, UFC is purchasing companies with seemingly the sole intent and motive to preserve their powerful position, which can be corroborated by President White's public comments regarding the competition.

In regards to the folding of rival organizations, antitrust laws would not be of concern if they folded because they could not gain traction due to being an ineffective company. However, in both situations previously noted, it has been alleged that UFC preyed on fighters with contract offers, as an effort to prohibit the rival organizations from acquiring the rights to certain fighters. Moreover, employing a technique as double programming, UFC purposely schedules live per-view events or replays fights during the televised events of rival organizations. Whether these act rise to the level of predatory is arguable.

Most recently the UFC created a video game, when EA Sports another popular software developer began design on a video game of their own, President White publicly stated the UFC would "black-ball" any fighter who provided EA sports with their exclusive image rights; potentially affecting a fighter's career prosperity. However, does this invoke antitrust law? Most likely not. Although evidence of an anticompetitive philosophy anti-trust laws are too attenuated; rather,

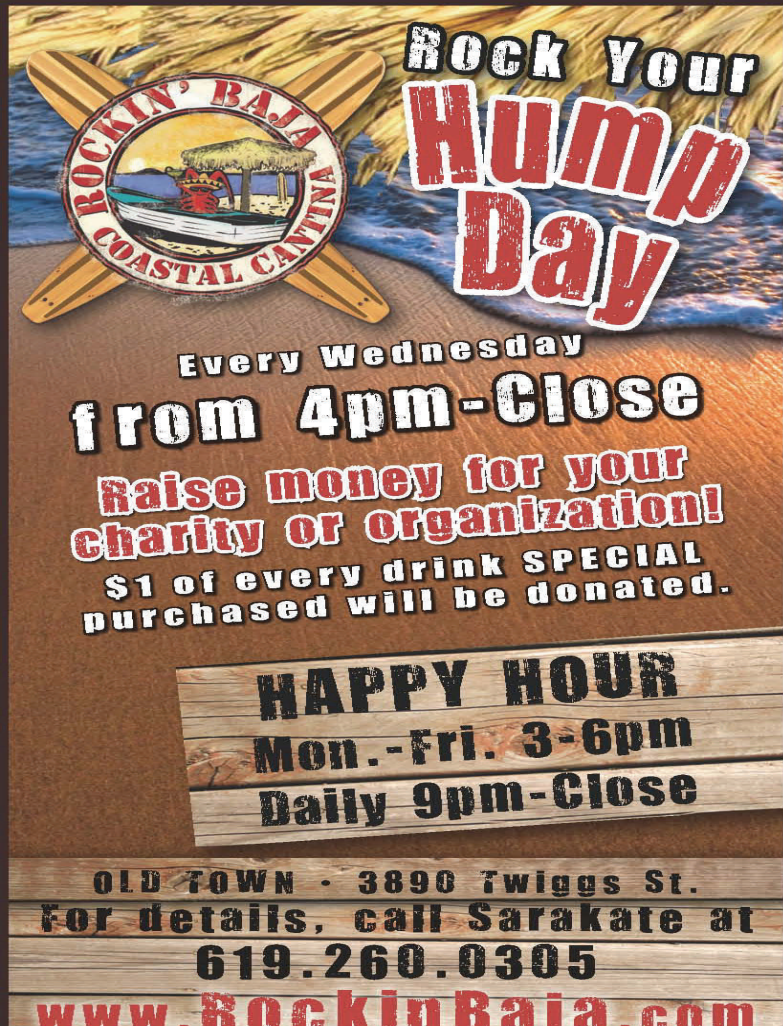
such business practice is more closely aligned with employment law.

Thus, not all of UFC acts call into question antitrust law, but some acts may disservice UFC's image causing them to appear as an anti-competitive company, which may ultimately have a negative impact if UFC is ever brought before a court. In the end, the public seems unperturbed by UFC's practices because, for the most part, due to UFC's controlling share of the market, the audience receives what they want; the best fighters in the world matched against one another.

Nonetheless, theoretically if the framer's paradigm holds true today antitrust laws are not protecting consumers because the lack of competition among MMA organizations is reducing the volume and quality of matches.

All in all, the issues at hand are much more complex and convoluted then the surface level examination found here. Similar to the infancy of the support and subsequent growth the issues at hand are continually developing. Perhaps, overtime another company will employ an equally successful business model that as worked so well for the UFC.

Professor Steve Semeraro met with me and discussed the issues of this subject in great detail. I owe a great amount of the information about the law to him. Thank you Professor Semeraro!



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The SBA is proud to present a series of presentations on **Friday, October 23rd** to help our students, alumni, and the greater legal communities cope with the financial and legal challenges that confront each of us in the current economic climate.

Education and Bar Loans

Time: 10:00 a.m. – 10:50 a.m. Location: CYB 100

Learn about the steps that upcoming graduates should take to avoid becoming delinquent of their student loans, as well as new repayment options available to all federal borrowers.

Living on Credit...The Day of Reckoning

Time: 11:00 am – 11:45 am Location: CYB 100

Torrey Pines Bank will give a presentation on how to manage credit cards and general debt.

A CLE on the U. S. Housing Crisis by Gary Laturno, Esq.

Time 12:15 am – 1:15 am Location: CYB 100

Topics include the U. S. Housing Crisis; Counseling Homeowners in Financial Distress; Options to Avoid Foreclosure; Strategies & Solutions for 2009-2010. Cost for attorneys is \$25 with lunch included. All proceeds will be donated to a legal assistance clinic. 1 MCLE Credit Available. Thomas Jefferson School of Law is a State Bar of California approved MCLE provider. Attorneys can register on line at <http://alumni.tjsl.edu/events/index.asp?eventid=135>

Finding a Job in Hard Times

Time: 1:30 p.m. – 2:30 pm Location: CYB 101

Learn strategies for finding a job during a time when unemployment is at an all time high.

SBA: Sports Soccer Report

By SBA Athletic Committee

With the conclusion of the first two weeks of play, there has been a fun but competitive atmosphere on the pitch with teams comprised of a wide range of students, from brand-new 1L's to the seasoned 3L's. Currently, the Catalina Wine Mixers hold the top spot in the table with an undefeated record, while the Hannah Montana Fan Club is right behind them, riding a win and a tie. The reigning champion, Homegrown Esq., is momentarily tied for third place with the squad formerly known as Cy's Team, the Dirty Dogs. Following the third-place tie in fifth and sixth place is the Free Agency side and the team from Phi Alpha Delta, respectively. Week 3 games for Saturday, October 24 kick off with the

first-place Catalina Wine Mixers against Homegrown, Esq. in the first match, followed by Free Agency versus Phi Alpha Delta. Then we round out regular season play with the Hannah Montana Fan Club versus Cy's Team/the Dirty Dogs. The competition is heating up and with the playoffs on the horizon, the championship is up for grabs. Like the sword in the stone, awaiting the next Arthur's pull on the mythical sword handle, the championship is any team's to claim."

Student Bar Association Athletics Committee

Thomas Jefferson School of Law

sbaathletics@gmail.com

OCTOBER 24TH SCHEDULE

5PM THE CATALINA WINE MIXERS VS. HOMEGROWN, ESQ.

6PM FREE AGENCY VS. PAD

7PM HANNAH MONTANA FAN CLUB VS. CY'S TEAM/DIRTY DOGS

THE GAMES ARE STILL AT TOBY WELLS YMCA. PLEASE HAVE ALL PLAYERS BRING THEIR TJSL ID'S AND CHECKING IN PRIOR TO THE GAME. ALSO, ALL THE CAPTAIN'S SHOULD NOW HAVE COPIES OF YOUR CURRENT ROSTER, SO JUST A REMINDER THAT YOU HAVE UNTIL FRIDAY NIGHT TO MAKE CHANGES TO YOUR ROSTERS BEFORE PLAYOFFS.

ALSO PLEASE NOTE THAT PLAYOFF WEEKEND WILL **NOT** BE HELD HALLOWEEN WEEKEND; INSTEAD IT WILL BE THE WEEKEND OF NOVEMBER 7TH.

It is not the Law – but it is The Fall Season

By Rob Breunig, 1L
Staff Writer

The fall season in southern California is very interesting to me. It is very interesting and very different. It is just nothing like what I am used to. I come from Boston though, which is very different from San Diego. To give you an idea, in Boston just this past week, temperatures dropped into the 30's over night. Yeah, just a little differ-



ent from our weather here.

But that much is obvious. Everyone knows the weather in San Diego is beautiful year round and everyone knows about the cold up in the Northeast. It is no lie either. It really is very cold there for a large part of the year. In fact, part of why I left Boston was my dislike of the winter. I disliked the winter so much that I was willing to leave all my family and friends and come out here for law

school just to get away from it. I do miss many things about Boston though. One of the most noticeable things around this time of year is the fall. You may not realize it, but we do not experience fall here in San Diego. Sure it gets a little colder and a few trees change color, but the majority of the foliage stays the same. In Boston on the other hand, as the temperature falls, the color of leaves change and it looks magnificent.

If you have not been to New England in the fall, you really cannot fully appreciate the fall season. The whole countryside undergoes an incredible and

beautiful change. And do not give me the Julian story either. Several well-meaning folks have told me that I had to see Julian if I wanted to experience the fall here. Sure, Julian is a very nice place.

But the version of fall one can experience there is nothing like New England. I am not saying I do not like the seasons, or lack thereof, here in San Diego. And, I understand entirely if you never want to leave southern CA. For purposes of citizenship, I do not either. If anyone official reads this, I clearly meet the physical presence plus intent to remain requirements. But, I would highly recommend you visit New England during the fall at some point in your life.

Opinion: If I Were President Today

By Thomas Jefferson

For the past eight years, I have been honestly rolling in my grave. America is at a crucial stage in its young life, and through a lapse in judgment by our past and current leadership we are creating a vastly detrimental future for our soon to be leaders and the generations to come. Over the next six months, I will write to you from my current resting spot of Monticello estate, discussing current political affairs.

As a leader in developing republicanism, I believed that each individual has "certain inalienable rights." These rights exist with or without government; man cannot create, take or give them away. With that said, a proper government is one that not only prohibits individuals in society from infringing on the liberty of other individuals, but also restrains itself from diminishing individual liberty. As I wrote in the Declaration of independence, "that all men from that equal creation derive rights inherent and inalienable, among which are the preservation of life, & liberty, & the pursuit of happiness; that to secure these ends, governments are instituted among men, deriving their just powers from the consent of the governed..."

This leads me to the issue of healthcare reform. I believe Barack Obama and the Congress are doing what they can

and what they believe is the proper way to protect these inalienable rights. Remember though, healthcare is not a right; the preservation of life is. With this said, I say it is about time the government stepped in and realized a problem with healthcare. As the insurance companies for healthcare right now are suppressing an inalienable right given directly in the Declaration of Independence, it is time for Congress to rectify this long muffled right. As congress contemplates anti-trust laws in regards to the healthcare industry, maybe before installing its own healthcare option, Congress should look at possible use of regulations. If the problem is astronomical profits, install a regulatory code. Prevent the insurance companies from suppressing someone's preservation of life with the line, "that procedure is not covered; or that pre-existing injury is not covered." Enabling another portion of government run programs will likely lead to the suppression of more inalienable rights

As a major overhaul as the one projected by the President is destined in the near future, maybe such extensive regulation is desired. As an opponent of National debt, the financing of nearly 900 billion is not financially prudent. Living individuals should not have the moral obligation to repay the debts of previous generations and under the current health reform, an addition to the national debt is incomprehensible.



**You got to know when to hold em, know when to fold em,
Know when to walk away and know when to run.**

4th Annual Criminal Law Society

TEXAS HOLD 'EM TOURNAMENT

**Saturday,
November 7, 2009 – 5:00-11:00 p.m.**

Market Street Village Community Center – 699 14th Street San Diego, CA 92101 –
Enter at the Corner of 14th and G

Enjoy Music, Decadent Burgers, Hot Dogs, Veggie Options and Drinks – PLEASE RSVP to crimlaw@tjls.edu by November 5, 2009

\$20 Buy-in & Unlimited Re-buys at \$15 – Cash okay and make checks payable to the TJSL Criminal Law Society



**Go All In
for San Diego Restorative Justice Mediation Program –**

90% of the proceeds (your buy-ins) will benefit the San Diego Restorative Justice Mediation Program, an organization aimed at preventing the spiral of crime among juveniles in San Diego County through free victim-offender mediation and early intervention in schools and communities. In 2006, 47 juveniles were arrested everyday in the San Diego County, which over the course of the year amounted to 17,155 minors entering into the overburdened juvenile court system (SANDAG). The funds donated from this event will help organize special projects in local schools to help youth that have not committed a crime, but are considered at-risk and on the path to criminal activity.

PRIZES INCLUDE (subject to some change and additions):

- Bragging Rights
- Chargers Tickets
- A 2GB iPod Shuffle
- Gift Certificates
- Piano concert and wine with Professor Tiefenbrun
- Ping-pong match with Professor Christensen
- Watch a WWF fight with Professor Kreit



I OBJECT YOUR HONOR

Objection to cute girls with ugly boyfriends, you're the reason why I drink.

No objection to my professor remembering what it's like to be single and live life for the weekend.

No objection to doing more research for my Halloween costume than my classes.

Objection to tailgating a stick shift uphill. It's just not the smartest thing to do!

Objection to Lamar Odom for getting Khloe Kardashian to sign a prenup AFTER the marriage; now that's a G!

No Objection to the new grade curve. Basically screws the top people, which doesn't include me. Thanks!!!

Objection to being tricked into going to a club that plays only Techno music; NEVER AGAIN!

Objection to using Property 1 terms in Property 2. A Fee Simple Absolute does not exist anymore!

Objection to BAAR: Breezies Ain't Actin Right!

Objection to not having a Pause button in Property 2. For a course that isn't on the bar as much it sure has a ton of information!

No Objection to the Chicago Bears having a QB this year!

No objections to watching people fall asleep in Con Law even when the professor has on a costume. There is no hope for this course...

No Objection to watching *Maury* and *Cheaters*! Two shows that complete me.

Objection to being fined for parking legally.

Objection, the only poor decision that Dean Hasl and Dean Mitnick made [at the Dean's Forum] was admitting a bunch of whiners like the ones that were on display there.

No Objection to having women put the seat up when their done in the bathroom because you're a man and pay the bills in YOUR house!

No objection to my professor's "NOACKSTUPID" t-shirt. Where can I get that get-up? I think I just found my Halloween costume!

Objection to everyone getting sick, stay away!!!

Objection to Advanced Legal Research... THIS JUST IN: It's not supposed to be Legal Writing 3!

Objection to my school sucking so much.! I am a poor law student; do I look like I have an extra \$100 or \$200 to donate to the school. Isn't the tuition more than enough....?

Objection to New Parking Policy: How are you are going to give me a ticket for legally parking on a public street?

Objection, is it Thomas Jefferson School of Law or Thomas Jefferson Parking Enforcement Agency?

No Objection to having a good wingman.

Fantasy Football...the best thing since internet [fill in the blank].

No Objection to reading the *Advisor* in class. Ain't nothing wrong with that!

Objection to Advance Legal Research changing from a pass or fail course to a grading course right before classes started. Now I can compete with students who had clerk positions over the summer instead of learning researching tips in a relaxed environment. Thanks TJSL administration, you're the best!!!

No objection to a good study group.

So what happens to cars in the Comfort Inn after 6pm? In case the school forgot, some students have night classes and others study in the library!

Objection to your older relatives joining Facebook.

Objection to Express Tire for trying to rip me off and me getting the work done for literally

Let's play a game. It's called professors, staff members, faculty members, and the DEANS park like a student for a day...AND adheres to all the regulations put forth. Bring your walking shoes, a sweat rag, and by the way, be on time!

Objection to California natives who think 65 degrees equals winter.

No objection to a networking event in Las Vegas! Best idea ever!

No Objection to my professor after a good energy drink, because everything is "tight!"

Objection to being harassed by the condo owners when I don't even park on "their" street. I didn't know owning a condo meant you can be an jerk.

No objection to my evidence professor learning that "sick" doesn't refer to influenza, but means "cool"



“Can’t we all Just
Get Along?”
Apparently Not

By Jenni Leys, 2L
Creative Director

In 2005, TJSL’s neighbors dropped a lawsuit against TJSL when TJSL agreed to modify its conditional use permit to alleviate the neighbors’ parking concerns. Those parking concerns, as we well know them, are to not park in certain neighborhoods, so that the people who live on San Diego Avenue will have a place to park when they return to their cozy homes after a long day of hard work.

Was this a good idea? Maybe.

Was it good for TJSL law students? Definitely not.

Did everyone hope *we could all just get along*? Yup.

Did we? No, no we did not.

The feud continues – to no one’s dismay. And while no one is surprised by the neighbor’s hostility, everyone is surprised by how they express that anger. I am not talking birthday party surprised (*yeah!*), I

am talking vandalism surprised (*oh dear god, what happened here?*).

Some students complain of simply walking through the neighborhood in order to stretch their legs from studying for HOURS in the library, and neighbors yelling at them and taking pictures of them. *Excuse me sir, I was not even parked here.* I am just walking. But the harassment continues.

Other stories range from a neighbor decorating students’ cars with ketchup and mustard, sometimes dog food, and – a new favorite – paint thinner. Oh yes, I said paint thinner.

Cars are keyed and neighbors yell obscenities, but until recently, no one was doing anything to eliminate the parking problem. Yes, that is nice that we have this little agreement with you. However, this is public parking and I pay an inordinate amount of money to go to this school. I am sorry you are upset, but I have to park somewhere. And sometimes I have to walk, because sitting all day is not healthy.

Yes, yes, we know, what we are doing is extremely annoying. But, sir, what you are doing is

illegal. It makes a girl want to put a video camera in her car to catch these antics via live feed from my evidence class. (Just kidding Prof. Cohn.)

Recently, as we all know, the city has threatened to slap us with a \$250,000 fine if we do not comply, and other parking arrangements have been made. Where would that 250,000 be coming from? Our pockets.

It begs me to say that we only have a little over a year left

on this street, and you would think that the neighbors would have given up by now, (we have certainly been persistent enough). But, no. Apparently, we cannot get along, and evidently, I have to make a run to the electronics store to buy a little camera to tape-record you engaging in illegal activities.

The Beginning of the 40th Anniversary Weekend



STUDENT BAR ASSOCIATION
ANNUAL HALLOWEEN PARTY

FRIDAY, OCTOBER 30,
9 P.M.

BE SURE TO GET YOUR TICKETS NOW
BEFORE THEY SELL OUT!

THE SBA IS THROWING IT’S ANNUAL HALLOWEEN PARTY
FOR TJSL
STUDENTS, FACULTY, STAFF AND GUESTS!

LOCATION: THE SWAY LOUNGE @ THE KEATING HOTEL

COST: \$25

TICKETS AVAILABLE AT THE SBA
OFFICE IN THE CYB EVERYDAY FROM NOON - 1 P.M.

How the New Grading Curve Could Negatively Affect Your Class Rank

By Jay Temple, 3L
SBA Academic Committee,
Chairman

Prior to the fall 2009 semester, the grading curve policy at Thomas Jefferson required that each upper division class have an average between 2.5 and 2.8. However, the TJSL Faculty has decided to change this policy. Starting this semester (Fall 2009), the policy will dictate that the class average should be approximately 3.0. Similarly, the first-year curve was also adjusted. Clearly, high grades will be comparatively easier to earn under the new policy, which is the point – and a point that the Student Bar Association advocated for in previous years. However, this shift in policy will yield some undesirable consequences. Most notably, the new policy will place students who are taking, under the new policy, few graded credits (not pass/fail classes) at a relative disadvantage in the class rankings.

For example, students A and

B both have 3.0 grade point averages and are both currently ranked around the top 25% of their class. Student A plans to take three graded credits and student B plans to take eighteen graded credits in their last year. Assume each student has always earned, *and will continue to earn*, a grade that places him or her exactly at the top 30% in each of his or her individual classes (i.e., the 15th best student in a 50-person Business Associations class). After the policy change, student A will move down and student B will move up in the overall class rank because student B will receive better grades in graded classes since B will be taking the classes graded using a less stringent standard. Accordingly, student A will drop to the top 27% of his class and student B will move up to the top 23%, even though the two students each performed the same in exactly the same classes. This is a problem because waiting to take graded and required courses is the only thing student B has done to “earn” this higher rank.

The extent of the change in rank illustrated in this example is theoretical and likely does not accurately reflect the effect any one student will experience. In reality, the change could be more severe or less severe. Many factors such as number of graded credits taken and existing grade point average will contribute to how much a student’s rank will move up or down as a function of the new policy. However, the effects illustrated in this example, on an aggregate level, will disadvantage any student who takes less graded credits than the average student. Conversely, the new policy will be beneficial for any student who takes more graded credits than the average student. To some extent, this distortion will affect every student who is currently enrolled at Thomas Jefferson (except for the 1Ls who started in August of 2009).

This is clearly unfair, especially considering that students could hardly have been expected to foresee these ramifications when registering for classes. Even considering that an email was disseminated to the entire school on November 21, 2008 announcing the new policy, it is unclear how many

students fully considered the above-mentioned consequences at that time, or have even fully considered such implications presently. Further, for the students who did realize these implications, it is questionable how realistic it would have been for them to change their schedules. Even with notice of the policy’s implications, a student should not be expected to make a choice between a higher ranking and a practical (ungraded) education.

However, it is also worth noting the rationales behind the implementation of the new grading policy – Thomas Jefferson students and graduates will aggregately have higher grade point averages. Theoretically, this will situate students and graduates in a more favorable position when seeking employment. This is especially important considering that other institutions use grading scales similar to Thomas Jefferson’s new grading policy. However, while making the average Thomas Jefferson graduate more competitive in the legal career marketplace is certainly a worthy goal, it may come at a high price for an unfortunate few.



The San Diego County Bar Association (SDCBA) has a plethora of great events and programs coming up in November that are perfect for Thomas Jefferson students to get involved in. Be sure to take a look at the SDCBA’s online calendar (www.sdcba.org/calendar) for information on CLE seminars, Section & Committee meetings and other Bar events and programs that might interest you. The online calendar offers comprehensive event information, downloadable CLE flyers, and most importantly it’s where you register for seminars and events. Please keep in mind that while it is rare, changes to event times or cancellations do occur at the last minute, however, up-to-the-minute event information is maintained on the SDCBA online calendar.

SPECIAL EVENTS AND PROGRAMS:

- October 27 - Dialogue on Diversity**
The SDCBA’s annual Dialogue on Diversity seminar and networking event, co-presented by the Association of Corporate Counsel (ACC-SD), will feature a special interactive presentation by Judge Delissa Ridgway (U.S. Court of International Trade) entitled "Cross-Cultural Issues in the Courts." District Attorney Bonnie Dumanis and members of the SDCBA’s Ethnic Relations & Diversity Committee will also speak at this dynamic event. This event will take place at the Bar Center from 5:30 to 8:00 p.m. To register, visit www.sdcba.org/dialogueondiversity.
- November 4 – Hot Topics in Legal Ethics CLE & Networking Event**
Law students are invited to attend a special CLE seminar focusing on ethics in the legal profession which will be followed by a reception for both attorney and student participants. This event is a great opportunity to meet and mingle with SDCBA members and also gain valuable insight into the profession. Registration for the seminar and networking event is available online at www.sdcba.org/lisop.
- November 7 – I Love a Clean San Diego Beach Clean-up**
As part of Lawyers Giving Back, the SDCBA’s yearlong campaign promoting pro bono work, volunteerism and community service, the SDCBA’s Community Service Committee, together with the San Diego Chapter of the California Society of Certified Public Accountants (CalCPA), is coordinating a beach clean-up event to help keep San Diego’s main attraction as beautiful and clean as can be. More information on this event is available at www.sdcba.org/beachcleanup.

VOLUNTEER OPPORTUNITIES:

- Check www.sdcba.org/volunteer for all community service projects and events.
- San Diego Book Project**
The “San Diego Book Project” works with A Plus Surplus Inc, a partner to St. Vincent de Paul, to sort, organize and distribute books to organizations such as schools, assisted living facilities, juvenile detention facilities, etc. at no charge. The San Diego Book Project is looking for volunteers to help in the sorting and distributing of the books to organizations. The next sorting will take place on Saturday, November 6. Volunteers can also arrange date and time of visit to the A Plus Surplus warehouse at their convenience. The A Plus Surplus warehouse is located at 841 14th Street San Diego 92101.
- If you are interested in getting involved in the San Diego Book Project or know of an organization that could use children’s or adult books, please email Mike Meaney and Lori Mendez at lmendezplc@sbcglobal.net.

SECTION & COMMITTEE MEETINGS:

11/02/2009	Ethnic Relation & Diversity Committee 6:00 PM - 7:00 PM
11/09/2009	Eminent Domain Section Meeting 1:01 PM - 1:01 PM
11/09/2009	Children at Risk Committee Meeting 5:15 PM - 6:15 PM
11/10/2009	Military Law Committee Meeting 12:00 PM - 1:30 PM
11/11/2009	Immigration Law Section Meeting 12:00 PM - 1:00 PM
11/19/2009	Social Security Section Meeting 12:00 PM - 1:30 PM
11/25/2009	Appellate Court Committee Meeting 11:45 AM - 1:30 PM

November 2009

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 REPRODUCTION WEEK LSRJ BAKE SALE 11:00 AM DEAN HASL Meeting 6:00 PM Community Meeting	2 4:00 PM Family Law Society Speed Networking 5:30 PM LSRJ Criminalization of Pregnancy Panel	3 12:00 PM PAD Meeting 1:00 PM APALSA MEETING 5:30 PM SOCBA Ethics Seminar 11:30 PM La Rasa Meeting	4 ... La Rasa Meeting 11:45 PM LRSJ Networking Lunch	5 ... LRSJ Networking Lunch 5:30 PM LSRJ Dinner and a Movie 8:00 PM La Rasa Salsa Night 8:00 PM Bar Review	6 SOCBA Beach Clean Up 5:00 PM Crim. Law Society Texas Hold'em
8 6:00 AM #7 SBA Meeting	9 11:00 AM DEAN HASL Meeting 6:00 PM Communities Committee EVENT 6:00 PM PAD Food Drive Begins	10	11	12 CLS Food Drive Begins 5:00 PM Family Law Speed Networking Event 6:00 PM Imm. Law Movie Screening & Meeting 8:00 PM Bar Review	13	14
15	16 11:00 AM DEAN HASL Meeting 12:00 PM JLR Healthcare Panel	17 8:00 PM La Rasa Bowling Night?	18 8:00 PM La Rasa Coffee Sale	19 8:00 PM PAD Food Drive Ends	20 8:00 PM Bar Review	21
22 6:00 AM #8 SBA Meeting	23 11:00 AM DEAN HASL Meeting 6:00 PM Community Comm. Meeting	24	25	26 8:00 PM SBA TURKEY DINNER	27 8:00 PM NO SCHOOL	28
29	30 DEAD WEEK 11:00 AM DEAN HASL Meeting 8:00 PM La Rasa Pre-finals Party	1	2 7:00 PM SBA X-mas Brunch	3	4 FINALS BEGIN 5:30 PM SOCBA Holiday Mixer	5

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Schwabach, from page 4

of my favorites.

JME: Oh no, just a few questions about that.

PS: Okay. Favorite food, I do not really have one. I would have to say I am a vegetarian so foods that fall into that category and anything spicy, and a lot of Chinese food.

JME: Chinese food?

PS: Yes, my wife is Chinese. The region she is from has very spicy food.

JME: Going on that. I believe you were in the Thomas Jefferson School of Law China Program right? Is that where you met your wife?

PS: Yes, I taught in the 2007 China program. However, I actually met my wife at the University of Miami when I taught there. My wife is from Hangzhou, China where the Thomas Jefferson summer program is based. I am always a resource for information on the China Program and China in general.

JME: A coincidence?

PS: Yes it is. My wife and I have three children: Two girls aged 12 and 10 and a baby boy age 2 1/2.

JME: What is your favorite car? I asked Professor Steinberg dur-

ing the last interview. His answer was rather witty.

PS: Anything that goes from point A to point B. My wife is actually more of a car person.

JME: Okay good, very nice.

JME: Please discuss your career a little bit, how you got to where you are now and where you are going.

PS: I went to the Antioch College in Ohio. The College went defunct a while back after 150 years of existence but is now thankfully back. I actually continued a family tradition by starting at a university and then graduating from another university. I initially started at the University of Chicago but graduated from Antioch College. I was a math major in college.

JME: Very interesting.

PS: After undergrad, I attended the University of California, Berkeley law school, Boalt Hall. Then I went to work for the Department of Justice in San Francisco for a year. I wanted to teach, and the University of Miami (UM) offered me a teaching job in legal writing. While at UM, I also taught environmental law, legal ethics, and some other courses that are not coming to mind right now. Then, I received job offers from Gonzaga Law and from Washington University at St. Louis. I

ended up choosing Gonzaga and began teaching there. My wife then received a job offer from a company in San Diego and we wanted to move. I started looking for jobs in San Diego and came across Thomas Jefferson School of Law (TJSL), which was then Western State University. I liked the feel of the school [TJSL] and began teaching here in 1994 – the best decision I ever made. I currently teach Computer & Internet Law, International Environmental Law, and Property.

JME: Did you know Professor Linda Keller who also taught at UM?

PS: Actually no, Professor Keller came after me. But, I spoke with Professor Keller when she was looking to come and teach on the west coast. A small world.

JME: Yes it is. Okay great.

JME: What are your plans for the future?

PS: I love this [TJSL] and will continue teaching here.

JME: Speaking of law school, you have a law review article that was recently published with the University of Pittsburgh correct?

PS: Yes.

JME: What is the law review article about? [As he hands me a copy of his law review article

for my keeping].

PS: The article discusses Harry Potter, fan fiction, and copyright law. The issue is whether web-posts by individuals violate copyright law.

JME: Okay, great. I bet your kids love Harry Potter.

PS: Yes. Actually, in some sense my ideas about writing the law review regarding Harry Potter came from their love for the series.

JME: I will read the law review and write some notes about it here for the article.

JME: How long does it generally take to write a law review article?

PS: That depends. Sometimes the articles come out as fast as I can write, other times not.

JME: I know you have a faculty meeting to attend, so time to go. Great interview professor and thank you for sharing and thank you for your time. That is all the questions I have for your today.

PS: Thank you!

Want to become a better lawyer?

Dive into the
American Bar Association.



or \$60
for
3 years!

Survive Law School

Pass the Bar

Save Money – up to
\$100 off bar review!

Become a better lawyer



Defending Liberty
Pursuing Justice

Join today! Visit www.abanet.org/join