

# CA Supreme Court OK’s Warrantless Search of Cell phones

The Recent Decision That Left Your Fourth Amendment Rights in Shambles

Lindsey-Shannon Lee  
1L Staff Writer

On January 3, 2011 the California Supreme Court made a startling ruling that challenges Fourth Amendment rights. In a 5-2 decision, the justices established a scary federal precedent that cell phones on a suspect’s person are subject to a warrantless police search. This decision brazenly departs from a recent Ohio Supreme Court ruling that held police do not have that right.

On April 25, 2007, Gregory Diaz was



Public Domain Photo

Mobile devices such as these are at the center of a dispute involving the 4th Amendment.

arrested by Ventura County Senior Deputy Victor Fazio in connection with the sale of six tabs of Ecstasy, a Schedule 1 controlled substance. According to court documents, Diaz drove the Ecstasy’s seller to the location of the sale and remained in the driver’s seat

as the sale took place in the backseat. Deputy Fazio heard the sale via a wireless transmitter and immediately arrested Diaz for being a co-conspirator in the sale of drugs.

Fazio transported Diaz to the sheriff’s station where he seized Diaz’s cell phone.

After interviewing Diaz, who denied having knowledge of the drug transaction, Fazio began to electronically search Diaz’s phone. Fazio admitted to having to navigate a few screens and folders on the cell phone in order to eventually access Diaz’s text messages. Fazio’s search ultimately revealed a text message that contained the numbers “6 4 80.” Fazio interpreted this message to mean “four pills of ecstasy for \$80” and used this discovery to elicit a confession from Diaz within minutes. Diaz was subsequently charged with selling a controlled substance (in violation of Health and Safety Code § 11379 subd. (a)). Eventually Diaz pleaded not guilty, and moved to suppress the text message from evidence. The trial court denied his motion, stating that whatever a search of his person turned up is “really fair game in terms of being evidence of a crime or instrumentality of a crime...And under these circumstances I don’t believe there’s authority that a warrant was required.” Diaz withdrew his guilty plea then pleaded guilty to transportation of a controlled substance. The Court of Appeal affirmed and the Supreme Court granted Diaz’s petition for review.

In an opinion written by Associate Justice Ming Chin, ([www.courtinfo.ca.gov/opinions/documents/S166600.PDF](http://www.courtinfo.ca.gov/opinions/documents/S166600.PDF)) the majority likened the search of Diaz’s cell phone to searches conducted in precedent cases from the 1970s. However, the distinctions between the facts are

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# The Florida Decision

Jonathan Cooper  
3L Managing Editor

The Constitution is a document that sets limits, and its very purpose is to restrain power. Through the 10<sup>th</sup> Amendment, the Constitution declares that powers, which are not granted to the federal government, are reserved to the states and people therein, so whereas the powers of the states are unlimited, the powers of the government are certainly constrained.

The premise of the Constitution is that it is a living, breathing document. However the power which Congress utilizes to achieve its end results is granted from within the four corners of the document. As such, the question regarding Health Care and its reform was not whether the principle is right, or if the country is in need of reform (which we certainly are), but whether the powers to obtain the end result were constitutional.

Flexing your muscle when you are not at a sculpting contest may seem arbitrary. However, the constant practice and reformation, which occurs as you adjust your posture, and position



Wikipedia user Ebyabe

The United States Courthouse in Pensacola, Fla.

while looking in the mirror is precisely what occurred with the Florida decision. The government, through Congress, sought a novel way of enacting legislation and a mandatory

health insurance minimum by forcing its people into a stream of commerce.

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# Success on Different Scales with Different Measures

Deciphering what the Bar Results *really* mean

Jonathan Cooper  
3L Managing Editor

Each semester I inform you, the students of Thomas Jefferson, of our bar results. I must sadly say that each time I report this information I have the glimmer of hope that things will change and that our fates will turn. Unfortunately, our results for July 2010 fell where they typically do, below the California ABA approved law school average, behind Cal Western, and behind every one of our personal expectations.

This past July was no exception to our dismal performance history on the California Bar Exam. The state average for all California ABA approved law schools, first time takers, was a stunning 75.2%. Thomas Jefferson School of Law, was 58%. This is 17.2% below the state average for all California ABA approved law schools, and 12% behind Cal Western (who had 70%). The following chart is the passage percentage for first-time takers of the Cal. bar:

	TJSL	All ABA Approved	Deviation
July 2010	58%	73.3%	-15.3%
Feb 2010	52%	56.8%	-4.8%
July 2009	46%	76.5%	-30.5%
Feb 2009	42%	50.5%	-8.5%
July 2008	76%	80.7%	-4.7%
Feb 2008	61%	60.1%	+ .9%

<http://admissions.calbar.ca.gov/Examinations/Statistics.aspx>

Now these results in and of themselves are

Bar Passage, Continued on pg. 2

# The SOAR Program at Saint Vincent DePaul Village

My experience as a participant in the SOAR program in downtown San Diego.

Marty Stratte  
2L Criminal Law Society President

It is likely that most, if not all, members of the TJSL community have come across an individual currently calling the streets of San Diego’s East Village their home. One cannot help but wonder how these folks ended up on there and how they survive day-to-day. Many assume that a drug or alcohol problem is a prerequisite for homelessness and would be

surprised to hear some of the heart wrenching stories of our neighbors currently living on the streets of the East Village.

St. Vincent de Paul Village (SVdPV), also known as Father Joe’s Village, is a residential facility for the homeless located just blocks from Thomas Jefferson School of Law’s new campus. SVdPV began in 1950 as a small operation handing out peanut butter sandwiches. Since 1987, SVdPV has provided housing, counseling, medical care, and educational programs to the homeless and those who are at risk of becoming homeless in San Diego. Many TJSL students regularly volunteer at holiday meals where SVdPV opens its gates to non-residents and allows for guests to enjoy a proper holiday meal

blessed by Father Joe himself. All residents must obey strict rules and perform regular chores in order to retain their highly sought after spot.

Recently, SVdPV began participating in the Supplemental Security Income/ Social Security Disability Insurance Outreach, Access, and Recovery (SOAR) program. SOAR is a national



Father Joe Carroll

SOAR, Continued on pg. 2



Florida Decision, Continued from pg. 1

To simplify, Congress may utilize its power over commerce according to *Lopez v. United States*, where the activities have a substantial relationship to, or substantially affect, interstate commerce. The crux of the Plaintiff’s argument is that, through their “inactivity” of not purchasing insurance, they are not having a meaningful impact on commerce and they are not partaking therein. The Government’s contention is based on a study, which states that \$40 billion is lost annually to under- or uninsured individuals, thus partaking in an economic activity.

The applicable portion of the law reads in part, Section 1501 “if an individual fails to [buy health insurance], there is thereby imposed a penalty.” Herein is the area of contention, for by its very definition and contention the penalty is imposed on “inactivity.” Specifically the lack of an individual’s forced purchase of a government product or comparable product

SOAR, Continued from pg. 1

effort aiming to assist homeless, mentally ill individuals who may be eligible to receive Social Security disability payments, but incapable of organizing and filing their own disability claims. As a student in Professor Herrera’s *Access to Justice Seminar* last semester, I was able to participate in the SOAR program at SVdPV. I worked with the staff and assisted applicants who were seeking disability benefits. While on its face it seemed different than a typical TJSL student externship, this opportunity ended up being a truly beneficial learning experience.

The SOAR process always began with an initial interview that I conducted with the applicant. It was during these interviews that I learned the real stories of how and why these folks were now living on the streets of San Diego, while at the same time honing my interviewing skills. Some, as adolescents, were kicked out of their homes by drug-addicted parents. Some were rejected by their family due to their sexual orientation. Others watched both of their parents go to prison. Perhaps most surprising: some were deserted by their frustrated families who had grown tired of caring for their mentally ill family member.

These stories served as the basis for medical summary report applications that were filed with the Social Security Administration (SSA). Also contained within medical summary reports were diagnoses provided by the resident physicians at SVdPV. I was required to meet with the physicians and case managers in order to further understand the applicant’s background and develop the applicant’s overall claim detailing why he or she was a proper candidate for Social Security disability benefits.

I found that my experience within the SOAR program at SVdPV provided me with a unique opportunity to practice important aspects of being an attorney. For instance, I had to counsel homeless, mentally ill individuals and delicately extract sensitive information that was necessary for the SSA to consider when reviewing the application. This process is akin to the consultation of a prospective client in order to determine whether or not there is a strong case to be heard. Next, I had to effectively convey the trials and tribulations that the applicant had experienced throughout her life into a justified plea for benefits. This stage was like writing a

from the free market is “inaction,” for which a penalty is assessed starting in 2014.

The Florida court does an incredible job at conveying just how the government is unable to force its citizens to purchase any commodity, and further extrapolates on the rigidity and absurdity of allowing such usage through the Constitution. It likens the housing market to this argument, asserting that we all partake at one time or another in the housing market and allowing the government to force us to buy homes, or levy a penalty is absurd.

Florida is a key decision on behalf of the Constitution and I urge each and every one of you to seek it out. This case is bound for the Supreme Court (eventually) and it is a compelling piece of living, breathing history coming to life. Senior Judge Clyde Roger Vinson gives a compelling, reasoned, and logical discussion as to the law in his holding. His words are poetic, easy to read, and are delivered to the American public.

persuasive argument for a client. Moreover, while writing the reports, I had to confer with physicians and obtain each specific applicant’s medical records. This process is similar to the incorporation of an expert witness’ testimony into a case for a client. Finally, I was given the opportunity to advocate on behalf of individuals who have no ability to stand up for themselves in order to try and effectuate change within their lives by synthesizing their tragic accounts into a final, closing argument - just like an attorney does for their client.

At times, law school can be a daunting experience that can cause students to feel overwhelmed and stressed. Participating in the SOAR program provided great perspective on what is important in life. It also invites one to weigh his own problems against those of others that are living amongst us, on the streets. Helping individuals who are homeless and mentally ill strive for positive change in their life is a great opportunity that can also serve as a valuable method for law students to sharpen specific abilities that are necessary for effectively advocating on behalf of a client.

Fourth Amendment, Continued from pg. 1

nothing short of obvious. In one case, heroin was discovered hidden inside of a cigarette box in the suspect’s pocket during an arrest. The differences between drugs discovered inside a cigarette pack and the information accessible in a cell phone or smart phone are too vast to be enumerated. As it stands now, this opinion allows police officers to access information that would normally require a warrant, such as personal emails, client communication, photographs or even financial records.

Justice Kathryn Werdegarr’s dissent called the new rule “overly permissive” and echoed a warning that such a decision could even lead to similarly invasive searches during routine

Bar Passage, Continued from pg. 1

not indicative of our overall performance, but rather a glimpse as to our inabilities. However, since I began disseminating this public information through The Jeffersonian, the results have been consistently poor.

These results are not emphasized enough, or highlighted enough on campus. My presumption though, is all of this will eventually change. The focus for the past few years has been on a new building, new campus, new faculty and a transition to a better future. It is time that we begin to focus on our bar passage rate. I believe this change started with the implementation of a new 1L grade curve. This mandatory curve established that 20% of students in all required core 1L classes would not pass under any circumstance. A non-passing grade is any grade below 2.0. As such at least 20% of every 1L class must fall within this mandatory failure, and up to 28% could conceivably fail. Now these 1L courses can be countered with second semester grades to raise your cumulative course grade above the threshold of 2.2, however the grades are still reflected on your transcripts. For more information, <http://www.tjssl.edu/sites/default/files/files/EXAMINATIONS-GRADING-HONORS-ACADEMICS.pdf>.

The new curve will predict, or filter out, those students who’s GPA puts them into a higher risk category for not passing the California Bar Exam. Now GPA in and of itself does not

traffic stops. She further states that this opinion allows police “carte blanche, with no showing of exigency, to rummage at leisure” through an arrestee’s mobile phone or portable computer. Her opinion artfully expressed the fears of legal experts, defense attorneys and citizens everywhere, “The majority thus sanctions a highly intrusive and unjustified type of search, one meeting neither the warrant requirement nor the reasonableness requirement of the Fourth Amendment to the United States Constitution.”

While the nation anxiously waits to see this issue addressed in the U.S. Supreme Court, it might be a good idea to put a numeric lock on your mobile phone.

dictate bar passage, however the correlation between lower GPA and lower bar passage rates cannot be denied.

Apart from my concern with our typically low, far from average first-time California ABA approved bar passage rate, is our repeater bar passage rates that are unfortunate:

	TJSL	All ABA Approved	Deviation
July 2010	24%	29.1%	-5.1%
Feb 2010	28%	40%	12%
July 2009	23%	29.8%	-6.8%
Feb 2009	31%	35.7%	-4.7%
July 2008	41%	32.9%	+8.1%
Feb 2008	34%	42.3%	-8.3%

<http://admissions.calbar.ca.gov/Examinations/Statistics.aspx>

My personal recommendations would be: 1) With the new facility, host a TJSL repeater course to be held on weekends. This course will provide a detailed analysis of past failing exams, along with facilitated workshops. 2) Offer a repeater option for the school sponsored Bar Secrets course. 3) Set measurable goals for both first-time taker bar passage rates, as well as repeater bar passage rates. 4) Celebrate the results!

Areas of opportunity need to be addressed, just as our successes need to be celebrated.

Thomas Jefferson School of Law

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Interested in the SOAR Program?

SVdPV and the TJSL externship office are currently looking for students who are interested in participating in the SOAR program. This is a great opportunity to prepare for internships that pair students with indigent clients, such as the San Diego Public Defender’s Office.

For information on how to participate in SOAR or to learn more, please email:

Professor Herrera: lherrera@tjssl.edu  
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# B

Navigating your way through obtaining your first legal job

**Amanda Pollard**

1L Staff Writer

As we all know, being a first year law student is one of the most confusing and challenging times of our lives. You are faced with the question of how to handle your workload at school, while attempting to maintain a normal life at home. After the first semester ended we all breathed a huge sigh of relief. Then, even before your sigh of relief has finished, the conversation for 1L students flips from talking about workload and professors, to “how the heck are we supposed to get a job?”

But ask half of all first year students and they have no idea where to begin with a job search. As a Thomas Jefferson student however, we are fortunate to have a great team of career counselors at our disposal. And that’s where your 1L Guide to Getting a Job begins!

First, meet with your career counselor. Do not brush this off and think you can find a job

# The 1L Guide to Getting a Job

on your own. Very few are able to! So take an hour out of your day and go see your counselor. Don’t know who they are? Mosey on up to the 5<sup>th</sup> floor and ask! I know, genius isn’t it? Or just log on to Symplicity and make an appointment.

Next, start your resume. This is not the resume that Chili’s hired you with when you were in college. A huge mistake a lot of students make is thinking they can do a resume on their own with no knowledge of what a legitimate legal resume looks like. Start creating your legal resume by brainstorming and compiling all of your professional experiences and extra-curricular activities. Bring a copy to your career counselor meeting but also upload a version onto Symplicity or email it to your counselor before your meeting. During your meeting you’ll learn how to tweak your resume to be as effective as it can be.

One very big fear most students have is that they have no legal experience to add onto their resume. Director of Career Services Beverly Bracker says that’s okay. Most first year students are in that exact same position, and if they are not, the only advantage a student with experience has is that they have been in the environment of a law office. More often than not, students have only dabbled in clerical



Thomas Jefferson School of Law

Past Career Fair at Thomas Jefferson School of Law.

work before their first year and have not yet had the type of substantive experience you will learn during a summer internship. So, beef up your resume with any relevant experience and

activities from the beginning of college up to this very day. It is better to write down everything you can think of, and then your counselor will

**1L Job Tips, Continued on pg. 4**

## Phi Alpha Delta Meet & Greet

The Members of Phi Alpha Delta head to Basic Pizza.

**Chelsea Halpine-Berger**

1L Phi Alpha Delta

On Thursday, January 27<sup>th</sup>, Phi Alpha Delta hosted our Spring 2011 Meet and Greet, with much success. The scene of the crime was Bar BASIC, right around the corner from the downtown campus, where we drew a crowd with the lure of “free” pizza and good times. Current PAD membership was well-represented, with 40-50 brothers and sisters joining the fun, including TJSL (Western State) alumnus, Philip Shapiro, Esq. The 1L’s were also out in substantial numbers with their attendance swelling to over 50 during the four hours we monopolized the venue. If this is any indication, it is apparent we are off to a good start this semester and only hope to continue our successes from last fall!

The Franklin Chapter of Phi Alpha Delta was recently the recipient of Most Outstanding Chapter for District 30, which encompasses all of the San Diego law schools and several

schools in Orange County. Not only did we break single semester membership records last fall, but we are also on pace to break the all-time PAD membership records nationwide. It certainly is a great time to be a part of such a great organization!

This spring, the Franklin Chapter has a number of social events planned, such as our first annual St. PADy’s Day social on March 16<sup>th</sup>. Additionally, we have a number of professional events planned, including our Etiquette Dinner on February 24<sup>th</sup> at the Westgate Hotel. PAD has also been active with a number of community service efforts in the last few months; such events include “Operation Thank a Vet” and our Christmas food drive to help feed those less fortunate. We are looking forward to working with the Special Olympics and Habitat for Humanity, along with another food drive this semester.

Apart from the Student Bar Association, Phi Alpha Delta is the largest student organization on campus, with just shy of 200 total members, and we are always growing. We are constantly on the lookout for motivated and enthusiastic new members to help out, simply participate in the social and networking events or learn something beneficial and new from the professional events. All students are welcome to join! Please contact our Marshal, Eric Bernsen, [bernseea@tjssl.edu](mailto:bernseea@tjssl.edu), with any questions, or visit the PAD National website, [www.padcommunity.org](http://www.padcommunity.org), for further information.



Phi Alpha Delta

Phi Alpha Delta members at Basic Pizza



Phi Alpha Delta

The Phi Alpha Delta Executive Board at Basic Pizza

## New Building, Our Future

The SBA highlights the importance of Student/Faculty cohesiveness as Thomas Jefferson continues its ascent.

**Jeremy M. Evans**

3L SBA President

As we begin to settle into our new home, it should come as no surprise that we will reflect on the aspects of the building that we like and dislike. Over the past few weeks, it has been a big transition from Old Town to Downtown and this transition still continues today. Of the many thoughts about the new building, let us consider if, or how, the new building will affect the culture of Thomas Jefferson School of Law.

I have always considered Thomas Jefferson School of Law a home. As with many churches across the country - the church does not make

the people and its faith, it is the people’s faith that makes the church. Our law school is built upon the foundation of its students, faculty, staff, maintenance, and administration that come to school every day with a mission in mind. However, from time to time, a new building will affect the way its people feel, react, and view the world.

Thomas Jefferson School of Law’s greatest attributes are its humility, accessibility, and the diversity of its students, faculty, and staff, while providing a world-class legal education. In consideration of the new building, a lot has been discussed regarding American Bar Association recognition and *U.S. World News & Report* ranking, which is both important and exciting. However, our law school offers something special to all potential students that is not quantified by the “ranking.” An interesting question to ponder is whether our increase in stature will decrease our accessibility?

One of the Student Bar Association’s goals this year has been to obtain student access on faculty committees in order to give students a louder voice concerning school issues. We have successfully gained such access and hope to begin a strong tradition of faculty-student partnerships. Gaining access to faculty committees is important primarily because these committees are where decisions are made that affect students. Being a part of these committees allows students to aid and influence the decision making process.

Before setting foot on the campus of Thomas Jefferson School of Law, I made a promise that by the time I graduated, I would have made a mark here and made it a better place to grow as a person, learn the law, and meet new people. Now, as my legal education at Thomas Jefferson School of Law nears the end, I continue to reflect on the future of our law school. We must continue to find a balance between stature and access, while striving for greatness.

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[www.sandiego.edu/lawabroad](http://www.sandiego.edu/lawabroad)





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### 1L Job Tips, Continued from pg. 3

weed out what is irrelevant.

Third, begin to work on your cover letter. Cover letters take some work and are supposed to always change based on where you are applying. This is usually your first impression. This will be the document that explains why you want the job, and also why you are the best fit for it. Don't know where to begin? At your career-counseling meeting take the cover letter handout and begin dreaming up thoughts of why you deserve the "golden ticket." Your counselor's job is to help you market yourself in the best way possible, and the more you give them and yourself to work with (creativity people!), the more satisfied you will be with the results.

There are many avenues for discovering what jobs are out there throughout California. And for students who want to "go home" or even to another state where they eventually wish to practice, summer is a great opportunity to get experience in that state. If you find that Symplicity does not meet your needs, share this with your counselor because they have abundant resources and can help locate out of state summer jobs for you.

We all know that money is an issue in law school. But do not sacrifice legal experience just to pay the bills. If your only option for legal experience is unpaid, you have options!

**Option 1.** Work a paid job in the evenings and intern part-time gaining legal experience.

Your counselor will tell you it is essential to focus on getting legal experience. This summer will build the foundation for your next, and hopefully more sophisticated, legal experience. If you end this summer with nothing to talk about as far as legal experience goes, you are at a disadvantage. You can do both! Pursue a part-time legal internship and obtain a part time job in retail or a restaurant or as an administrative assistant in another office setting. Your counselor will tell you that foregoing summer school for experience is almost always worth it.

**Option 2.** Externships

The externship office at TJSL can point you in the direction of a lot of opportunities. Professor Judybeth Tropp is the Director of Clinical Externships which is a great place to start. Not only do some of these positions pay, but you can also complete them for academic

credit. If you're completing units of academic credit through an externship you are eligible for financial aid during the summer.

If you were lucky enough to snag a job all on your own and they don't necessarily want to pay you, contact the externship office and see about the possibility of receiving credit for the job. This again will allow you to become eligible for financial aid.

For those students who are especially technologically oriented a specialized technology oriented externship is available through adjunct Professor Randy Berholtz.

**Option 3.** Job Fairs

The next job fair on the horizon is for students especially interested in government. Look for information soon on Government Career Day at Chapman. Students will be able to apply in advance to obtain a scheduled interview spot. Keep an eye on the career services E-News publication and Symplicity for more information.

**Option 4.** Research Assistant

This option is definitely not for everyone. In order to be a research assistant you have to excel academically. If you do particularly well in a class you may be invited by that professor to help them in their research process. If you "click" well with a professor you can also always ask. On occasion a faculty assistant will send out an email with a request for a faculty assistant as well. Assistants are usually part of a federal work-study program and paid accordingly.

As always, remember to network. You may have a distant aunt or cousin with great legal connections you never knew existed. Make sure the people in your life know you need experience. Remind your family and friends that you're in law school and looking for experience. And remember you're not alone- utilize the school resources.

Last but not least, don't freak out! There is time left to apply for summer jobs and plenty of opportunities to go around. The first step is making your way in to see your career counselor and setting yourself up to excel. As law students, we are learning fast that we have to plan ahead in a way we didn't have to in undergrad. Part of this planning process involves a team of people that will guide you toward valuable experiences that will help you work toward your long-term goals. Start gathering this team of people for the long-term. Good luck!

I N T E R N A T I O N A L L A W S O C I E T Y  
P R E S E N T S

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C

METROPOLITAN MUSINGS

A 1L’s sketch of commuting via railway.

Getting from point A to point B and everything in between.

Michael Dykstra  
1L Contributing Writer

I live in Solana Beach. This would not be relevant but for the fact that I do not own a car. As such, I rely on the Coaster train to commute to class. Southbound, I use the time to study, as the Coaster is conducive to case briefing. But once I transfer to the Trolley, I leave my mobile study haven behind, and put my course materials away as the ride becomes more jolting and crowded.

Two weeks into being a law student and I already feel as though I have learned a lot. However, this can probably be credited more to an inflated, sense of self-congratulation than anything else. Nevertheless, I have noticed that I am both looking and thinking about things in a different manner. This new perspective is due to the culmination of learning I am experiencing on any given day. While the majority of this learning comes by way of engaging with professors, casebooks, and fellow students, another aspect of it is derived from simply being enmeshed in the larger social fabric that surrounds us.

While I am waiting to catch the Trolley at the American Plaza stop, a middle-aged woman sheathed in a peppermint patterned dress asks if I know how long the ride to the Border is. Before I have a chance to tell her I am a novice mass transit rider, the man to my left chimes in with, “An hour.” Despite the lingering gray skies, he wears impenetrable sunglasses and cut-off jean shorts with a Nike tank top. He is chewing hungrily on a toothpick, which is somewhat ironic as the conversation turns to dentistry. Apparently, the woman is heading to Tijuana to get some dental work done. She caught the train down from Los Angeles. She says she’s got a pretty good guy down in TJ, totally legitimate, and much cheaper than any dentist in L.A. She pronounces her dentist’s name with the correct Spanish accent and the man with the jorts fails miserably to mimic her pronunciation. She then confesses she does not have a passport, but that because she is an American, they will have to let her back in the country. She is aware of the new laws, but presumes there is no possible way they could apply to her.

I board the Trolley and scan for an open seat. There is one, although the man sitting across from it suggests that maybe it is not actually open, with his legs extending out like barricades. I could just stand, but I would like to sit. I approach said man anticipating that he will retract his legs so I will not have to crawl over him. He does not. After pausing for a moment, I then carefully move to step over his legs when he reacts violently. “NEXT TIME, SAY EXCUSE ME MAN. I’ll let you pass, I’ll let you pass. NEXT TIME SAY EXCUSE ME MAN,” he shouts, loud enough for the rest of the trolley car to hear, although I do not look around for proof. All I am able to muster in return is a meager, “Alright.” I did not think I was in the wrong. The eye contact we made sufficiently provided my intent to sit as well as his acknowledgment of that intent. Additionally, the fact that his headphones were blaring discouraged any attempt at a verbal

You're Welcome

Practical advice for law school and beyond  
Scott Greenwood | 2L Editor

Dear Scott,

I’m having some trouble balancing my internship with all of my classes this semester. I never get to go out with my friends and I’m not even getting very good grades. Do you have any advice for making it work?

Sincerely,  
Busy Law Student


Dear Type A,  
Many students are able to balance school and work and are able to put forth quality work in both. However, taking on too much may have detrimental effects on your social life. If this is a concern for you, consider internship possibilities. No, I don't mean YOU working another internship; I'm talking about finding your very own intern to work for you, and do the things that you don't want to do (i.e. going to class, taking notes, making outlines, getting coffee, etc). Look for an undergrad or even a high school student. I'm not saying this will work for everyone but so far it's worked well for me. Consider running an ad on craigslist similar to this one:  
Looking for that internship to put on your resume??? Internships

look great on College and Law School applications. Do you want real-world experience? Do you want to see exactly what it is a Law Student and Certified Legal Intern does? Sit in on real law school classes and learn valuable note-taking skills. Follow a Law Student to their internship and assist them with exciting things like photocopying, alphabetizing files, and stuffing envelopes. Must write legibly and follow directions.  
[Note from Scott’s intern: First, I apologize for any grammatical errors in this month’s work. I didn’t have time to proofread the articles since I had a paper due in homeroom on The Catcher in the Rye. Scott has been super nice to me but he has me working very hard. Second, I’ve learned so much being an intern’s intern this semester that I don’t even mind that I’m not getting paid.]  
You’re Welcome,  
Scott

Dear Scott,

Is it OK to take the elevator up/down only one flight of stairs?  
Sincerely,  
A concerned student

Dear Concerned Student,  
No.



FATHER JOE'S VILLAGES®

MOMS & BABIES

*Are Homeless Too*

HOST A DRIVE

Invite family, neighbors and co-workers to get involved and **HOST** A DRIVE!

Start collecting now and deliver your contributions May 3-9 to

Father Joe's Home Office at 3350 E Street in San Diego.

For more information on hosting a drive, contact

Ryan Pocock at (619) 446-2119 or [ryan.pocock@neighbor.org](mailto:ryan.pocock@neighbor.org).

PRIMARY NEEDS

- Diapers (Large Sizes)
- Baby Wash
- Baby Shampoo
- Baby Food/ Formula
- Onesies
- Baby Wipes
- Baby Bottles

SECONDARY NEEDS

- Diaper Rash Cream
- Baby Powder
- Teething Rings
- Bottle Warmers
- Educational Toys

Gifts for Mom

- Spa Treatments
- Hair Styling
- Manicures
- Facials
- Gift Baskets
- Jewelry
- Perfume
- Flowers



# Study: 67% of San Diego drivers lack basic skills

Confirms what most already knew.

Scott Greenwood

2L Editor

SAN DIEGO – According to a new study published in the quarterly journal *California Road and Pavement*, 67% of San Diego drivers “didn’t even know their cars had turn signals.” “This is disturbing news, but certainly not surprising to anyone who has spent any time on San Diego Roads,” said a California Department of Transportation (DOT) official who spoke on

the condition of anonymity.

The study, which was conducted over a 5-year period, examined data from over 10,000 hours of traffic footage and included interviews with hundreds of San Diego residents. The details are varied but a vast majority of drivers were taken by surprise at the mention of turn signals. “Those blinkering things? They cost extra at the dealership, right?” asked a puzzled Shirley Walker of El Cajon.

The study also found that while 20% of drivers were aware of turn signals and the purpose they served, they simply chose not to

use them on a regular basis. Franklin Moss of North Park admitted: “I guess they’re useful sometimes like when I want to cut across 3 or more lanes of traffic to get to a highway exit, or when I want to use my car as an instrument to play along to my music with. If they didn’t make that annoying clicking noise I might use them more often. Or I might not.”

The California DOT official speaking anonymously shed some light on past attempts to make San Diego roads safer. “We’ve tried in the past to raise awareness of turn signals. You might remember the “Blink-it or Ticket”

initiative of the 1980s that failed because drivers overwhelmingly chose the “or Ticket” option… We tried again with Operation Enduring Turn Signal in the early 2000s but that too was a failure.”

The one bright spot of the study revealed that most San Diego drivers were aware of their brake pedal and nearly 97% know how to honk a horn. In light of this information, California DOT’s new program aimed at decreasing accidents will focus less on turn signals, and more on braking and horn use.

# Not Your Average Steak-house

East Village’s *Cowboy Star* Takes You Back to the Wild West

Sarah Stewart-Bussey

2L Editor

It was just like the old Western movies. I stepped in from the ‘California cold’ into a fireplace-warmed cabin. The tantalizing scent of grilling steaks and freshly poured bourbon wafted through the air. I wondered if I had I entered heaven prematurely. We were quickly greeted by the hostesses, and offered water while we waited. My date ushered me over toward a loveseat that resembled something you’d find on a porch on the American frontier circa the 1800’s. The seat was worn, soft leather, with the back made of a brown and white spotted cow hide. The coat hanger rested in the corner—a slightly mangled tree branch with horseshoes nailed to it.

Now, these first few observations may come off as campy decor. Why in the world would a restaurant so intensely pursue a Western theme? Aren’t they afraid of coming off as cheesy? But no, Cowboy Star nailed it. The wood log cabin style décor was just enough. The scattered old Western movie posters featuring Gene Autry and John Wayne were sparse, and expertly placed. A few weather worn cowboy hats were hung on the wall in the bar area; a perfect place to hang your hat. Even the waiters and



Sarah Stewart-Bussey

Sarah Stewart-Bussey and Guest at *Cowboy Star*

bartenders were decked out in western style button down shirts with pearl snaps.

As soon as we were seated, we were surprised with a delicious treat: a bite size brioche lightly dusted with parmesan cheese. Just a simple, salty snack to whet the appetite, and I thought, a very classy touch. And then the truly impressive service began. Our waiter hailed from Florence, and I have never had a waiter as attentive as this gentleman. He quickly brought us our menus, served our choice of roll (sourdough or wheat) and asked for our drink order. He was eager to explain any menu items we were curious about, and was truly enthusiastic about what the Cowboy Star had to offer.

As for the drinks, they are an experience in themselves. With names like ‘Orange Blossom Special’ and ‘Kentucky Coffee,’ you simply can’t go wrong. The dinner menu is quite concise

compared to the drink menu. It included a few appetizers like sweetbreads (which I wrongly thought meant a bread item), braised pork belly, and salads. I opted for the Farmers’ Market Lettuce Mix, in hopes of offsetting the abundance of calories I was about to consume. I know, its twisted logic. Regardless, the salad was as light and fresh as I had hoped, sprinkled with goodies like shaved asparagus, toasted almonds and cheese made from sheep’s milk. But the true show stopper was on its way—the Orange Blossom Special. This was what I like to call a man’s drink, a truly well made cocktail. As my drink of choice is usually scotch, calling something a ‘man’s drink’ is definitely a compliment. It being served a girly martini style glass did not deter me. The first sip was deceiving. The smooth bourbon was quickly detected, followed by a note of orange, then a

dash of ginger. I quickly realized if I had more than one of these, I’d be drunk.

For the main course, I went with a small 8 oz filet. You simply order the cut of steak you like, and how you’d like it cooked, but that is as much say as you get. The accompaniments are a surprise; you get what they are serving that day. And speaking of ‘they,’ the kitchen itself was impressive. The dining area was bordered by the kitchen, but with no wall between the two. You could sit at your table, sipping on a delightfully strong bourbon cocktail, and watch the four chefs prepare your meal in an impeccably clean stainless steel kitchen. Our waiter continued to stop by at all the right times to refill water glasses, bring more bread rolls, clear silverware and plates without disturbing the delightful conversation we were having.

And then a beautiful thing happened; one of my favorite songs drifted through the air as if the original record was playing across the room. I had noticed the music before that point, even commenting on a few good songs here and there. They played mostly old country music (and by old I mean nothing newer than Loretta Lynn’s ‘Coal Miner’s Daughter’) and some great big band and swing classics. But once Kitty Wells and Red Foley’s duet ‘One by One’ floated through the restaurant, I knew I had found an amazing place that I would certainly frequent in the future. The pièce de résistance arrived shortly thereafter, a filet accompanied with a heap of fluffy, creamy mashed potatoes and crisp asparagus. The plate was quite simple, yet elegant. No unnecessary items on the plate; just meat, potatoes and a vegetable. And all cooked just right. My steak cut like butter, the asparagus was crisp but not underdone, and the mashed potatoes were delicately whipped and didn’t need any extra toppings.

In a world full of restaurants that overdramatize the presentation, or over garnish the food itself, this beautiful plate was refreshing. Cowboy Star harkens back to the old frontier of the Wild West, while simultaneously bringing you decadent cuts of meat, simple yet complementing side dishes and stiff, well made cocktails. What more could you ask for?

## Commute, Continued from pg. 5

agreement.

After class I travel northbound on the Coaster. New company sits down in the seats beside me at the Sorrento Valley stop. I am reading a magazine, though I am drawn more toward my fellow passengers’ conversations. My magazine provides a thinly veiled decoy for my eavesdropping tendencies. They discuss the difficulties of raising children and one of the men starts describing a Native American rite of passage in which he participated some years ago. He said he was not yet a man, and that this is partly how he became one. Over the course of four days in the wild, he and others were not permitted to eat or drink anything. No exceptions. I picture myself struggling in such an environment—man or boy.

Warm sunlight floods the windows of the train as we steadily approach the coast. The seemingly infinite Pacific welcomes my imagination as it too seems to know no limits. I see a number of nice homes perched precariously atop crumbling cliffs overlooking the water. Adjacent to these homes I see a man imbibing in what appears to be a beer on a beach access trail.

Essentially, all these episodes and



Gary J. Wood

The San Diego Trolley traveling through downtown

observations can be seen merely for what they are. However, as my time at Thomas Jefferson has already shown, nearly everything is dictated in some form or another by laws. Perhaps a future

client of yours will have the same attitude as the woman traveling to TJ for dental work. That is, one in which rules simply do not apply to them. Offering an “Excuse me” is a social nicety, not

a law. Yet it is easy to see how social norms can influence and encourage certain behaviors over others. Because Native Americans can exercise their sovereignty in ways that the larger citizenry cannot, not all laws are applied uniformly across all jurisdictions. For instance, if this rite of passage was enacted in one of our public schools, it would likely violate a number of laws. What happens when one of these crumbling cliffs completely falls to the ocean? Does one still own land if it doesn’t actually exist atop a cliff but instead is dispersed in the ocean? If the man is indeed drinking a beer, is it legal for him to do so? Drinking alcohol is prohibited on all San Diego City beaches, but in the City of Del Mar it is legal to drink alcohol on the beach only during specific months of the year. Does this rule apply strictly to the beach, or does it also include beach access trails?

These are not terribly important things to ponder, yet these are the kinds of details I am finding myself thinking about. As most of us are busy with classes and a number of other things going on simultaneously, it is easy to feel a bit detached from the larger world around us. But it is nice to be reminded now and again of what all that studying will eventually apply to. Looking around, there appears to be no shortage.



D

Objection to Clin Ed when you get an externship.

Objection to there being no formal announcement about Dean Mead's resignation.

Objection to the new printing system that does not recognize the money I still had on my old card.

Objection to whoever is stealing my Netflixs from the outbox at my apartment. Mail fraud is kind of a big deal buddy!!!

Objection to TJ not buying into the early BarBri course. Guess what others schools have in San Diego... Yea, I'm talking about the ones with the higher bar passage rates!

No Objection to the Barrister's Ball.

Objection to my iPhone not connecting to our "super hi-tech" school Internet

Objection to having my car locked in the Padre Lot. What happened to 24 hours??  
Editor's Note: I believe it's only for students who paid for the monthly pass.

No objection to the eye candy at FIT!

Objection to the 10 pages of instructions needed to print a one page document.

I strenuously object to posting up at a study nook, studying for an hour or two, and then discovering the outlet is useless...

Objection to the high expense of printing - other universities are free. My tuition isn't high enough?

Objection to people who complain about their jobs. If you don't like it, quit! In this economy someone else would be happy to take your place.

Objection to that TJSL alum in New York who got interviewed for the New York Times article. You made us look bad and you clearly were not focused on the bigger picture while you were in law school.

Objection to people not doing their homework before applying to law school. Yes there's a bell curve and yes some of you will fail out. Probably means you should study more...

Objection to students who spend time playing on their computers during class instead of paying attention. And we wonder why our bar passage rate is so low!

No objection to BarBri changing their start date for TJ Students.

Objection to the school charging for lockers!

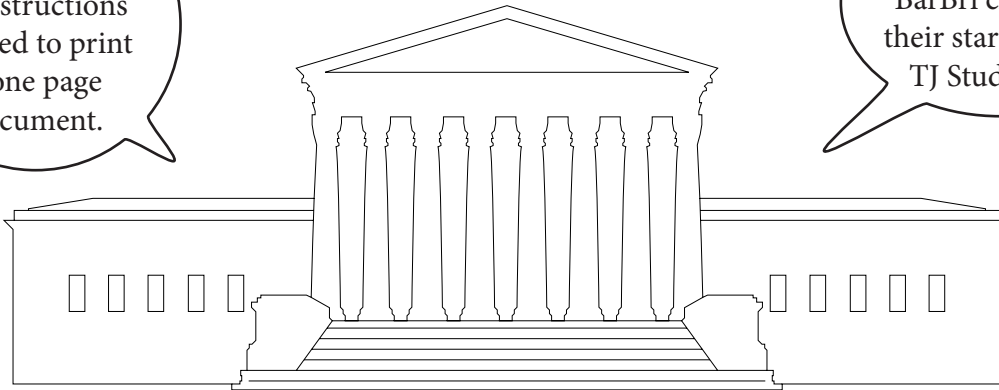
Objection to the printers still not working.

## OBJECTION!

Compiled by Sterling Williams, 3L

Got an Objection?

E-mail: [TheJeffersonian@tjssl.edu](mailto:TheJeffersonian@tjssl.edu)



# Thomas Jefferson School of Law

Center for Intellectual Property Law, in conjunction with TJSL Entertainment Law Society

## Motion to strike... a pose

Fashion business and law

**March 10th 2011 Save the date**

Produced and hosted by Prof. K.J. Greene

Time of conference:  
4:00 pm room 325

The Fashion Show  
begins @ 7:30 pm

### Directed by Jessica Farion

Featuring:

**Deborah Greaves Esq.**

General Counsel at True Religion Brand Jeans

**Staci J. Riordan Esq.**

Chair, Fashion Law Practice Group, Fox Rothchild, LLP

**Joanna Tsai Esq.**

Founder of JYT Law

**Jesus Estrada**

Designer and Creative Director of Haus of Estrada

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*by gordana*

\*Please RSVP to Jessica Collins at [collinjl@tjssl.edu](mailto:collinjl@tjssl.edu) and include the number in your party