

THE ADVISOR

THOMAS JEFFERSON SCHOOL OF LAW | APRIL 6, 2015

TJSL'S FIRST ANNUAL JAMESON CRANE III DISABILITY AND THE LAW WRITING COMPETITION RESULTS ANNOUNCED

RESULTS

DISABILITY AND THE LAW

Jameson Crane III Writing Competition

Thomas Jefferson School of Law Dean Thomas Guernsey announced the results of the First Annual Jameson Crane III Disability and the Law Writing Competition. "We were gratified to have received 27 submissions for the competition," said Dean Guernsey. "The competition was keen."

The first place prize was awarded to Margaret Condit, a J.D. candidate from Loyola University Chicago School of Law, for her paper titled *Remember the IDEA: A Call for Courts to Apply a Piecemeal Approach to Transition Litigation*. The first place winner will receive a \$1,500 cash prize.

There were two second place prizes awarded. One second prize went to Ruth Hocker, a J.D. candidate at William and Mary Law School, for her paper *More than a Consolation Prize: Using Section 504 to Advance Special Education Rights*.

The other second prize went to Doron Dorfman, a J.S.D. candidate at Stanford Law School, for his paper *Conflicts between Private and State Disability Identities: Perceptions of the Procedural Justice of the Disability Determination Process*. Each second place winner will receive \$1,000.

Submissions were judged anonymously in two rounds. "Our panel of judges was comprised of three law professors who are noted scholars in disability law and a lawyer who is active in organizations serving those with disabilities," said Professor Susan Bisom-Rapp, who coordinates the competition. "The judges were very impressed with the quality of the submissions." The Thomas Jefferson Law Review will consider all the winning submissions for publication.

Made possible by the generous gift of Thomas Jefferson alumnus Jim Crane '13

and his family, the national competition aims to encourage outstanding student scholarship at the intersection of law and medicine, or law and the social sciences. Open to currently enrolled U.S. law students, medical students, and doctoral candidates in related fields, the competition promotes understanding of legal issues related to disability, furthers the development of legal rights and protections, and improves the lives of those with disabilities.

"The Crane competition demonstrates our law school's commitment to excellence in legal and policy analysis for underserved populations," said Dean Guernsey. "Improving life for the disabled requires changing attitudes and assumptions. Our hope is that the Crane competition will provide a forum for such change," he noted.

THIS YEAR'S BARRISTERS BALL HIT IT OUT OF THE PARK



This year's Barristers Ball held at Petco Park on Saturday, March 28 was a huge success.

[The photos of the event can be viewed here.](#) Photos courtesy of Picture Bakery.

"The venue was absolutely breathtaking," said SBA Social Events Director Michelle Ribaldo. "It was fun watching everyone walk onto the field and gaze around at the vast and open stadium in awe. The ambiance of the event was light and fun and the night was filled with great tunes provided by The Innocent Bystanders."

The Barristers Ball is SBA's annual awards ceremony honoring students, faculty, staff and alumni. It is an opportunity for everyone to come together and celebrate achievements in a fun and formal setting.

"This year's Barristers Ball went above and beyond expectations, thanks to the hard work of many, but in particular Michelle Ribaldo who spent countless hours communicating with the venue and vendors to ensure the night went off without a hitch," said Student Bar Association President Katie Smith. "It was wonderful to have so many professors present and actively involved in the evening."

Throughout the evening, awards were handed out for:

1L Professor of the Year of the Year:
Professor William Slomanson

2L Professor of the Year:
Professor Marybeth Herald

3L Professor of the Year: Brenda Simon

Adjunct Faculty Member of the Year:
Professor Karen Harkins

Staff Member of the Year: Jody La Salle

Student Organization President of the Year: Rose Kabir

Student Appreciation Award:
Lauren Audette

SBA Appreciation Award:
Phil Shapiro '85

Lewis and Clark Award for Innovation and Dedication: Professor Lilys McCoy

Thomas Golden Alumnus of the Year Award: Eric Ganci '08

Charles T. Bumer Civil Libertarian Award: Daven Raj Ghandhi

"I would like to give a special thanks to all of our sponsors for their donations," said Social Events Director Ribaldo. "The students who dedicated their time to help ensure the night ran smoothly, and to all of our guests, all of whom made the night a success!"



MONTE CARLO NIGHT



On Friday March 20, the International Law Society (ILS) along with Delta Theta Phi, the Center for Global Legal Studies, La Raza, the Black Law Students Association, and the Business Law

Society transformed the eighth floor into a casino to host Monte Carlo Night. Each year ILS uses the event proceeds to fund scholarships for TJSL students pursuing international study abroad or

participating in international internship programs.

"I am so thankful to have received contributions from Professors, board members and students! The event would not have been as successful without teamwork," said ILS President Rose Kabir.

Celebrity dealers for the event included Professors Delman, Herald, Wenger and Inman. In addition to the traditional date auction, blackjack, poker and roulette, attendees participated in a raffle drawing to win gift cards and promotions to various local businesses.

PROFESSOR BISOM-RAPP'S ARTICLE CITED IN A NEW JERSEY SUPREME COURT CASE

A law review article published by Professor Susan Bisom-Rapp was cited in February 2015 by the New Jersey Supreme Court, the state's highest appellate court. The case, *Aguas v. State of New Jersey*, involved allegations by a corrections officer that she was sexually harassed by her supervisor. Professor Bisom-Rapp's article was referenced by the dissenting justices in an opinion authored by Justice Barry T. Albin.

The central issue in the case was whether in a claim of hostile environment harassment, where no tangible action is taken against the employee, an employer can assert an affirmative defense to vicarious liability by showing it 1) exercised reasonable care to prevent and correct sexual harassment, and 2) the employee failed to avail herself of preventive or corrective opportunities, such as those provided by a sexual harassment policy and grievance procedure.

"This affirmative defense," explained Professor Bisom-Rapp, "was created by the U.S. Supreme Court in its *Ellerth* and *Faragher* opinions, companion cases decided in 1998." New Jersey, however, until last February, had not expressly embraced the defense. Instead, in a series of decisions interpreting the state's Law Against Discrimination (LAD), the New Jersey Supreme Court seemed to impose



strict liability on employers for hostile environment harassment perpetrated by their supervisors. The *Aguas* case changes the legal doctrine, and New Jersey now provides an affirmative defense to employers attempting to avoid vicarious liability.

"Many academic commentators have been critical of the *Ellerth/Faragher* affirmative defense, arguing that it allows employers to prevail in hostile environment cases by taking steps that are purely symbolic rather than substantive," said Professor Bisom-Rapp. In other words, employers, under the defense, need only promulgate a sexual harassment policy and grievance procedure rather than actually providing a working environment free from harassment. Professor Bisom-Rapp's scholarly work was among the first to make such arguments.

Justice Albin cited Professor Bisom-Rapp's 1999 article *Bulletproofing the Workplace: Symbol and Substance in Employment Discrimination Law Practice* for the proposition that "[t]he *Ellerth/Faragher* standard...is not the optimal method for discouraging sexual harassment in the workplace." "It really is a thrill," Professor Bisom-Rapp noted, "to see one's work have an impact on the case law. Even though I was cited by the dissent rather than the majority, the majority took great pains to clarify that 'an employer that implements an ineffective anti-harassment policy, or fails to enforce its policy, may not assert the affirmative defense.'" In this way, the majority sought to refute the charge of the dissent that it was embracing a form over substance approach to eradicating harassment.

ALTERNATIVE DISPUTE RESOLUTION SOCIETY COMPETES IN SAN FRANCISCO



On March 13, the Alternative Dispute Resolution Society sent Frances Maldonado, Will Burkett, Dane Watson and Puneet Loyal to the California State Bar's 16th Annual Environmental Law Negotiations Competition in San Francisco, California.

A total of 26 California Law schools participated in the Competition held at Golden Gate School of Law. The prestigious negotiation competition helps students build essential negotiation skills by providing a forum in which students, acting as lawyers, attempt to negotiate a complicated environmental legal problem under time constraints in an area of law they may not be familiar with.

The competition consists of two 100-minute preliminary rounds where teams of two negotiate with each other and are judged by a panel of environmental lawyers, judges and professional mediators. Following the two preliminary rounds, four teams are selected to participate in the final round. Students are evaluated on preparedness, negotiation style and tactics, execution of strategy, adaptability, teamwork, oral presentation, outcome and ethics. To be successful in the competition students must be well versed on the facts and law, understand the reasonable range of settlement options, anticipate opponents' arguments and interests, and realistically assess the strengths and weaknesses of their position.

This year's problem dealt with air contamination on tribal land where a large oil company has continually emitted harmful pollutants into the region for over 54 years.

TJSL teams acted as counsel for environmental advocate groups (first round), representing the interests of a fictional indigent tribal community, and the Environmental Protection Agency (second round) against attorneys for a large oil company accused of violating the permit requirements of the Clean Air Act. The teams excelled in showcasing effective communication and ability to quickly assess the interests of "Big Oil" in order to reach a negotiated agreement.

Loyal and Watson who were coached by Vice-President Mark Marion, put forth a valiant effort. They faced tough competitors but held their ground and used their leverage effectively to advocate for their clients interest. Marion was very pleased with Loyal and Dane's performance, "Having the opportunity to coach Dane and Puneet and observe them compete against two teams and hold their own, was a tremendous experience"

Maldonado and Burkett coached by President Chelsea Grover, defeated their competitors and advanced to the final round. "It was so exciting to hear our names among the finalists. I really had to take a minute to process what was going on" said Maldonado. Only four teams

advanced to this stage and the excitement was overwhelming. Grover explains, "We never know how the judging is going to go at these competitions. It can be quite subjective, so we just tried our best to eliminate places for the judge to score us down. I am incredibly proud of Frances and Will, the dedication they put into preparing for this competition was outstanding."

Maldonado and Burkett were given one hour to read a new fact pattern and prepare a negotiation strategy for the two-hour final round. Upon receiving the final problem, the entire team went into high gear; Grover explains, "Everyone came together and helped Frances and Will prepare for the final round. ADR members are a close knit group, and seeing everyone step up and help was really awesome." In reflecting on the competition as a whole, Maldonado echoed Grover's sentiments, stating "the best part of the competition was during the last moments of our final round when I spotted the team huddled together towards the back of the room silently cheering us on. Having our team come together at the end of a long day made the endless hours spent preparing for the competition totally worth it." Maldonado and Burkett placed 4th out of 26 teams.

DIVERSITY WEEK WILL RUN FROM APRIL 6 -10



TJSL's Diversity Week events will take place April 6 -10.

Professor Dyson and the student organizations producing the events believe it is important to increase access to justice for those communities that are underserved.

The Diversity Week organizers work to create networking opportunities for students allowing them to engage with practicing attorneys in the community.

To devise the most successful Diversity Week possible, the committee decides what events to organize and what their focus will be based on interests and ideas. According to Professor Dyson, it is the student's energy that makes Diversity Week a success.

This year's schedule of events is as follows, and those who are interested in attending needn't do anything special – As Professor Dyson put it, just "come with an open mind, a healthy appetite for the luncheon and prepare to be engaged!"

Events may change based on availability of speakers or other uncontrollable issues.

Monday, April 6th 6 - 9 p.m.

Navigating Culture in the Workplace, Documentary/Panel of Community Attorneys, APALSA, 8th floor

Tuesday, April 7th 11:30 - 1 p.m.

Indestructible Roots, Armenian Law Students, Rm. 227. Featuring the CNN Documentary "On the Road" with featured speaker Professor Guzelian. A second documentary covering topics of genocide will also be presented time permitting

4:30 - 6 p.m.

Documentary, BlackTransmen, Outlaw, Room 320

Wednesday, April 8th

Diversity Luncheon, Sponsored by All Student Groups, 8th floor

11:30 - 1 p.m., (day students)

5 - 6 p.m. (evening students)

4:30 - 6 p.m.

Diversity Issues in the South Asian Community, SALSAs, Room 318

6 - 8 p.m.

Immigration Law Reform Roundtable, La Raza and Immigration Law Society: A panel on President Obama's executive actions, DACA and DAPA. Prof. Durst

is a panelist and a representative from San Diego Dream Team (college activists fighting for immigrant rights). Room 229

Thursday, April 9th 11:30-1 p.m.

Critical Race Theory Paper Presentations, Room 320

6 - 8 p.m.

Community Town Hall Panel including Joy Utomi and Efaon Cobb, Sponsored by La Raza, BLSA and PLSA, Room 229

Friday, April 10th 11:30 -1 p.m.

Offensive Speech Forum: Inclusiveness & Campus Climate, Professor Greene, Room 323

6 - 7 p.m.

Minority Women in the Legal Field: Advantage or Double-Edged Sword?" Panel of Community Attorneys, Sponsored by BLSA, La Raza, and MELSA Room 227

7 - 8 p.m.

8th floor Networking Mixer. BLSA, and Lawyers Club San Diego

THOMAS JEFFERSON SCHOOL OF LAW GRADUATION INFO

SATURDAY, MAY 16, 2015

DOORS OPEN AT 9 AM

GRADUATION PROCESSION STARTS PROMPTLY AT 10 AM

COPLEY SYMPHONY HALL

750 B STREET

SAN DIEGO, CA 92101

FACULTY SCHOLARSHIP

MARJORIE COHN

Presentations

Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues, World Affairs Council - Northern San Diego County, Rancho Bernardo, San Diego (April 2, 2015)

Drones and Targeted Killing: Legal, Moral, and Geopolitical Issues, Suffolk Transnational Law Review, Suffolk Law School, Boston, Massachusetts (March 30, 2015)

[View All Faculty Citations](#)

[View Legal Writing Competitions](#)

[View the TJS� Event Calendar](#)

[View Scholarships](#)

VITA TAX CLINIC AT TJS� IS OPEN

From now until April 13, the Volunteer Income Tax Assistance (VITA) program operated by Thomas Jefferson School of Law's Tax Law Society will provide free income tax return preparation for students, low-income families, senior citizens and others who can't afford professional tax services or are unable to complete their own tax forms.

Since 1998, TJS� students have annually offered this service to the San Diego community.

The clinic's student volunteers receive training to become IRS-certified, operate

the TaxWise software, interview clients effectively and assemble a proper tax return. This year, approximately 15 students, who are IRS-certified will participate.

The TJS� tax clinic is open to appointment only clients on Mondays from 5 – 9 p.m. and Saturdays from 1 – 5 p.m.

Appointments can be made by emailing tax@tjsl.edu.

The Tax Law Society is advised by TJS� Professor Richard Winchester, a former attorney in the national tax office of

PricewaterhouseCoopers, who is a national authority on employment tax policy and the taxation of the closely held business.

The tax clinic is located in the Law Clinic office at the Thomas Jefferson School of Law in the East Village area of downtown San Diego. The entrance to the clinic is at 495 Eleventh Avenue. The Park & Market Trolley station is adjacent to the law school and there are commercial parking lots available nearby as well as limited on-street parking.



Items you need to bring to the TJS� Tax Clinic to have your tax returns prepared are:

- Proof of identification
- Social Security Cards for you, your spouse and dependents and/or a Social Security Number verification letter issued by the Social Security Administration
- Birth dates for you, your spouse and dependents on the tax return
- Wage and earning statement(s) Form W-2, W-2G, 1099-R, from all employers
- Interest and dividend statements from banks (Forms 1099)
- A copy of last year's Federal and State returns, if available
- Bank Routing Numbers and Account Numbers for Direct Deposit
- Total paid for day care provider and the day care provider's tax identifying number (the provider's Social Security Number or the provider's business Employer Identification Number)
- To file taxes electronically on a married filing joint tax return, both spouses must be present to sign the required forms
- If you rented your home, the name and address of your landlord or property management company and their phone number

THOMAS JEFFERSON SCHOOL OF LAW

ALUMNI & FRIENDS TAILGATE



PADRES VS CARDINALS

SATURDAY, AUGUST 22, 2015 3:30 P.M.

RSVP <http://alumni.tjssl.edu/events/rsvp.asp?eventid=411>

\$28 TJSL STUDENTS **\$35** ALUMNI, FACULTY,
STAFF AND GUESTS



Includes all-you-can-eat tailgate party
access and a ticket to the game!

