



THE WEEKLY NEWSLETTER OF THOMAS JEFFERSON SCHOOL OF LAW

TJSL ALTERNATIVE DISPUTE RESOLUTION SOCIETY TEAMS EXCEL IN ABA REGIONAL NEGOTIATION COMPETITION

BY PROFESSOR PAUL SPIEGELMAN



Over a month of practice and preparation culminated in an impressive finish from both teams TJSL's sent to the annual ABA Regional Negotiation Competition at the University of California at Berkeley held November 8th and 9th.

The two teams were: (1) Lorena Garza (3L) and Lucia Valenzuela (2L) (coached by Tara Almazan Mallis (3L)) and (2) Sam Ehrlich (3L) and Rachel Weckhorst Espejo (3L) (coached by Khouloud Elmasri (3L)).

In the preliminary rounds, Lorena and Lucia tied for 1st overall out of 24 teams while Sam and Rachel placed a close 4th, beating out teams from such schools as Stanford, UCLA, the University of San Diego, UC Hastings, and California Western School of Law. With these outstanding performances, both teams reached the final round on Saturday morning. The real fun started when our teams were given the fact patterns at 7pm, a mere 14 hours before they would have to negotiate on Saturday morning. With faculty supervisor Professor Paul Spiegelman in Los Angeles at the National Moot Court Competition, Tara Almazan Mallis took over the duties of organizing the preparation for the finals, sending Professor Spiegelman the problem and acting as mentor to the teams and liaison between Professor Spiegelman and both teams.



Both teams turned in exceptional performances on Saturday morning that resulted in a three-way tie for first with host school Berkeley. While the teams narrowly missed out on winning the entire competition after the tie was broken by scores on a supplemental skills evaluation sheet, the teams' respective performances resulted in a 2nd place finish for Lorena and Lucia while Sam and Rachel took 3rd. This means that Lorena-Lucia, and, possibly Sam-Rachel are headed to Chicago for the National Championship on February 7 and 8, 2014. Said Professor Spiegelman, "this was a remarkable team effort by both teams and their coaches. Our teams demonstrated superior skills at planning, negotiating and evaluating themselves and topped the field of twenty-four strong teams in the most prestigious negotiation competition

in the country. It took a remarkable team effort from the teams, the coaches, the faculty supervisor and the assistance of Professor Waldman who gave advice at several practice sessions. This was our best performance at the ABA Regionals since 2006 when TJSL sent two teams to Nationals and they finished fourth and fifth in the nation. Based on the skills and teamwork exhibited this weekend, an even stronger finish at Nationals is not out of the question."

We are proud of the teams' accomplishments and are excited for the future of the ADRS at Thomas Jefferson School of Law. We will host new member try-outs for the upcoming semester next Sunday, November 17th.

MOOT COURT TEAMS PERFORM WELL: TJSL TEAM WINS BEST BRIEF

By Professor Paul Spiegelman



CJ Akselrad (3L), Jacqueline Palacios (2L), Yvonne Ruiz (3L)

The team of Yvonne Ruiz and Jacqueline Palacios, won the award for best brief at USD's National Criminal Procedure Tournament held in San Diego on November 7th through 10th. Yvonne and Jackie, ably coached by CJ Akselrad also advanced out of the grueling four-session preliminary oral argument rounds and got all the way to the quarter finals before getting knocked out. Together, they bested every team in a prestigious field which included top teams from all over the country, including, Fordham, South Texas College of Law, Pepperdine, and UCLA.

The best brief award was particularly gratifying because both Yvonne and Jackie are products of Moot Court's Advanced Appellate Advocacy Workshop which we instituted for new members four years ago. In the program, students attend online workshops in the summer focusing on skills that make their briefs effective. As part of the program, all of our students take four pledges: (1) I will never use words or phrases I do not understand; (2) I will always explain why a similarity or difference in an analogy or distinction argument would have mattered to the court which wrote the opinion I am discussing; (3) I will put a roadmap near the beginning of my argument; (4) I will try to make every section of the brief count by using that section to enhance the argument for my client. In addition, Yvonne took advantage of our upper level writing option and revised her Bankruptcy Law brief from last year under Professor Spiegelman's mentorship and was a student in Professor Spiegelman's Pretrial Preparation Course this past summer in which analytical skills in brief writing were emphasized.

Yvonne and Jackie were also a formidable team in oral advocacy. Yvonne was an immovable advocate in support of her client; in one round, representing the government in a case where a policewoman had entered a home to determine the source of a water leak and found evidence that the resident was part of a human trafficking operation, she literally overpowered the bench with the force of her positions and one of the judges on the panel was a sitting Superior Court judge. Jackie is a consummate performer, advocating for her clients with smooth, engaging style that is at once persuasive and easy to listen to.

Also performing well in the same competition were Paul Hefley and Elizabeth Atkins. Both teams in this competition were aided in oral argument practices by faculty and alumni, including Professors Wildenthal, Semeraro, Cohen, and Kreit and the following alumni: Assistant DA Ben Barlow; defense attorney, Jay Temple; Deputy Attorney General, Donald Ostertag; and post-bar District Attorney clerk Meghan Buckner.

This was a busy weekend for the Moot Court team. We also competed in the National Moot Court Competition Regional Competition at Southwestern Law School. The teams of Kimberly Roth, Matt Monaco and Rodney Eales and of Tomi Adeleke, Kelly Mourning, and Pamela Rivera both represented TJSL well, but did not advance in the competition. The teams were greatly aided in their preparation by faculty members, Kenneth Vandavelde, Marybeth Herald, Bryan Wildenthal and Chris Gruzelian and alumna Meghan Buckner.

Jon Stahler, Kelsi Pilcher and Jackie Nicolas competed at the Pepperdine Entertainment Law Competition. They were greatly aided by faculty critiques from Jeff Slattery, Devon Desai, and local practicing attorneys, Thomas Goode and Bryan Gannon.



ObamaCare/Patient Protection and Affordable Care Act

By Jeremy M. Evans '11, SDCBA New Lawyers Division CLE Co-Chair

On Thursday, November 7, 2013, the New Lawyer's Division of the San Diego County Bar Association (SDCBA) and Labor & Employment Division of the SDCBA hosted a Continuing Legal Education (CLE) course on the recent updates and issues with ObamaCare/the Affordable Care Act, at the new 'Bar Center at 401' in Downtown San Diego. Thomas Jefferson School of Law (TJSL) graduates and NLD Co-Chairs of the CLE Committee, Jeremy M. Evans '11 and Amanda L. Thompson '07, organized the event with Moderator and TJSL

Professor Susan Bisom-Rapp. The panelists were top attorneys Kitty Juniper, Partner with Hooper, Lundy & Bookman, and Gregory E. Knoll, President and CEO of the Legal Aid Society of San Diego and Consumer Center for Health Education and Advocacy.

The purpose of the program was to discuss affordable health care from the perspective of labor and employment, consumer, health and policy, and economics. Overall, the program participants discussed the changes coming via ObamaCare/PPACA, educating employers, employees, and consumers, specifically the attorneys who represent them, so we can better represent and advocate for our clients, and addressing the economic impact of the PPACA and what introduction and enforcement means for businesses, employers, individuals and attorneys.

Event Moderator Professor Bisom-Rapp began the program and introduced the two panelists. Professor Bisom-Rapp is an internationally known scholar in the field of comparative workplace law, who writes about globalization, equal employment opportunity, occupational safety and health, and the rights of migrants. She is the co-author of a recent path-breaking casebook, "The Global Workplace: International and Comparative Employment Law - Cases and Materials." Professor Bisom-Rapp is a distinguished and well respected Professor by her colleagues and students alike.

Professor Bisom-Rapp explained that the ACA is a very complex law, and provided helpful information and websites available to employers/businesses, employees/consumers, and labor unions in making sense of this large and complicated legislation. "She added that in academia among her professor colleagues, the prevailing issues revolve around the definition of a full-time employee under the ACA versus federal law, one says 30 hours, and another says 35 hours for statistical purposes, the individual mandate and penalties, and the use of the insurance exchanges, which has been under some controversy recently."

Kitty Juniper represented the business perspective as an attorney who assists health-related clients with regulatory issues and developing new opportunities with health care reform. As a partner at a boutique health law firm, she assist clients in navigating the lands of ACO's and health care reform, strategic partnerships and collaborations, managed care and the current wild, wild health care industry west. She has over 24 years of private, government and corporate legal experience as well as positions in management and government relations.



ObamaCare/Patient Protection and Affordable Care Act Continued...

Juniper discussed a few of the biggest challenges facing employers/businesses, employees/consumers, labor unions, and regulators as different aspects of the Affordable Care Act (ACA) are phased into the community. Both Juniper and Professor Bisom-Rapp noted that the incentives for employers/businesses and employees/consumers built into the ACA may cause employers to seek to avoid coverage (although Professor Bisom-Rapp provided statistics that such employment numbers were mostly unchanged), for example, by reducing the number of workers

employed or lowering the hours that employees work. Employees, on the other hand, have an incentive to seek coverage from employers rather than to be compelled to buy it on their own or face a penalty.

Juniper also added some parody to the discussion by offering a Jimmy Kimmel poll where Americans were asked if they supported or opposed ObamaCare or the Affordable Care Act (note: it is same legislation). People supported the ACA more than ObamaCare. The crowd had a good laugh. Juniper added some insight as to her appreciation of the insurance exchanges because consumers and businesses can compare plans to see what is best for their circumstances. Juniper also noted that the estimates of the uninsured will go down by 25 million people nationwide by 2016 under the ACA.

Greg Knoll oversees 120+ employees as the President and CEO of the Legal Aid Society, which provides legal services to low income individuals & disadvantaged communities for a variety of legal problems, including consumer, family disputes, welfare and health benefits, immigration and poverty law issues such as landlord/tenant disputes, disability support and family benefits payments. Greg is also a Board Member and Vice President of the San Diegans for Health Care Coverage.

Knoll discussed the two different and important aspects of the ACA that have been delayed until 2015, the employer mandate requiring large employers to offer health insurance to full-time employees (he states had to occur because the term and definitions in the ACA, specifically as to what is a full-time employee, need to be clarified and defined), and the limit on out-of-pocket costs (not applicable in California), which caps the costs that individuals and families can be compelled to spend on their health care. Knoll also commented on the reasons for the delays and the political and economic implications of the delays.

In terms of political and economic implications, Knoll noted that healthcare costs is the only industry where the cost on a graph continues to rise and suggested that something needed to be done about it (the ACA has nine titles, 400 sections, and 900+ pages of law and policy). Knoll added that when we look back on this time, we will laugh and wonder why it took so long to implement a healthcare program that every other major industrialized country in the world had done it years prior. Knoll pointed out that it took France, which ranks internationally as number one in the world in terms of healthcare provided, 25 years to figure out its national healthcare program (the United States ranks 46th right in front of Iran, at no. 47). He closed by stating that the success of the ACA will be in the U.S. Department of Health and Human Services ability to see problems and fix them with the existing ACA legislation in place.

PILF Hosts Another Successful Career Fair

The Career Fair held at TJSJL coordinated by the Public Interest Law Foundation (PILF) on Thursday, November 7 gave students the opportunity to meet with organizations that serve the public sector.

“I had the opportunity to speak with a variety of organizations including Legal Aid, the Family Law Facilitator's Office and the Innocence Project,” said Tara Almazan Mallis (3L). “The first PILF career fair I attended helped me get my first internship and now I'm hoping it will help me secure my last! PILF brings such a great selection of organizations to our school giving students the opportunity to interact with people in practice and possibly parlay that into an even bigger learning opportunity.”

The organizations conducted interviews with current students who are looking for jobs and who are interested in intern and externships. “I love the fact that TJSJL has a public interest - focused career fair,” said staff attorney with the Legal Aid Society of San Diego's Pro Bono Program Lorena Slomanson '03. “This provides students with a more comprehensive understanding of the public interest opportunities available to them in San Diego. I especially love going back to the school each year for this event, and seeing the interest grow bigger every year. I imagine this interest has grown, in part, due to TJSJL's various thriving clinical programs, where students can begin to know, or expand their knowledge of public interest law.”

The Career Fair gave students the opportunity to get informed about the many types of public interest law paths available.

“After talking to the students and employers, the Career Fair was a success!” said Career Fair organizer PILF President Ashley Salas (2L). “Students learned about programs and opportunities they had no idea existed. Some students were offered internship positions on the spot. The employers were very impressed by the students who came. One employer told me he was glad he could come recruit students in person, noting that his past TJSJL interns were all excellent law clerks. Thank you to all the students who attended the fair, and the co-sponsoring student organizations, who helped to make this career fair a huge success! Thank you also to Career Services, Events, and Facilities for all your help and support.”



Tara Almazan Mallis 3L



Right: PILF President Ashley Salas 2L



Kaitlin Shelby 1L



Staff Attorney with Legal Aid Society of San Diego's Pro Bono Program Lorena Slomanson '03

TJSL Alums Receive Pro Bono Service Awards

Casa Cornelia Law Center celebrated its twenty-year anniversary at the sixth annual Mancha Awards on October 17 at the Joan Kroc Institute for Peace and Justice. TJSL alums Juan Guzman '13, Susanne Prochazka '13 and Susana Inda '13 were among the distinguished list of honorees who were recognized with pro bono service awards this year.

“The evening was a reminder of why I love doing the work that I do, and why I will continue to utilize my legal education and expertise to fight injustice,” said Inda. “This was my second time attending La Mancha Awards, the first time was as a volunteer and this time as an award recipient. It is a great experience being in the same venue with over 200 attendees that all share a common affinity towards helping those who cannot help themselves,” she added.

Professor William Slomanson kindly accepted the award on behalf of Prochazka and Guzman, who both relocated after graduating in May. Prochazka is currently pursuing graduate studies in London and Guzman is in Los Angeles working for Alliance for Children's Rights, a public interest organization providing free legal services to foster children.

“I am truly honored to be a recipient of the pro bono award and to represent TJSL in this category,” said Guzman. Guzman knew he wanted to advocate for youth before entering law school and had the opportunity to intern with Casa Cornelia Law Center's Unaccompanied Minors program.

“Casa Cornelia sees past our clients' indigent status and realizes that everyone, regardless of their status, deserves a right to representation. I will continue to advocate on behalf of children and ensure their voices are heard,” he added.

Casa Cornelia provides quality pro bono legal services to victims of human and civil rights violations. In addition to recognizing the important pro bono work of the San Diego's legal community, La Mancha Awards also raises funds that support the mission of the organization. The 7th annual La Mancha Awards will be on October 16, 2014.



Professor William Slomanson
and Susana Inda '13

2014 National Transactional LawMeet®

Regional Meets: February 28, 2014

National Meet: April 3 and 4, 2014

Registration deadline is September 30, 2013

Thomas Jefferson School of Law's First Ever Transactional Law Meet tryout!

On November 2, members of the Business Law Society took part in a day long tryout to compete in the February, 2014 Regional Transactional Law Meet. The tryout consisted of drafting a contract in a timed environment, marking up opponents' contracts and negotiating the drafted contract. The tryout was intense, but simulated what the students will be taking part in during the Regional Transactional Law Meet. Congratulations to **William Burkett** and **Henry Enemoh**, the team chosen to represent TJSL at the Regional Meet. Faculty Advisor, Becky Nieman, noted: “I was impressed at the level of preparedness of the students, as well as the overall excitement leading up to this tryout. Competitors approached me afterwards claiming the tryout was “fun” and “interesting” and “not like anything they’ve done in school before.” I really look forward to taking the team to the Regional Meet!” The Transactional Law Meet is geared towards those students interested primarily in business transactional work, as opposed to litigation. Those interested in knowing more, are welcome to learn more at the Transactional Law Meet website: <http://transactionalmeet.lawmeets.com/>.



Buy your tees, hats, hoodies and more at TJSL's official online shop!

<http://thomasjeffersonschooloflaw.skorfanshop.com>



**Thomas Jefferson School of Law Graduation to be held on Saturday, December 14, 2013
at Copley Symphony Hall 10 a.m.**

The Valedictorian is Tristan Sullivan-Leppa

The Center for Solo Practitioners, Thomas Jefferson's lawyer incubator program, is accepting applications for its 2014 class. The application period will close on December 1, 2013.

Designed specifically and exclusively for Thomas Jefferson School of Law alumni, the TJSL Center for Solo Practitioners supports new solo practitioners as they establish their own law offices. The program encourages new solos to become leaders in their community by developing ways to reach traditionally underserved populations with much-needed legal services.



To apply for the program, candidates must: (1) be admitted to practice in California; (2) be a graduate of TJSL; (3) have a demonstrated commitment to access-to-justice for those in need; (4) be willing to engage in ongoing pro- and low-bono services; (5) work well in intimate settings with a diverse group of individuals; (6) be committed to establishing a solo- or small-firm practice; and (7) be committed to helping underserved populations after completion of the program.

For additional information or an application, email the director of the program, Lilys D. McCoy, at lmccoy@tjssl.edu.



FACULTY SCHOLARSHIP

Citations Added November 1, 2013 - November 11, 2013

Marjorie Cohn

Presentations:

What Criminal Defense Attorneys Should Know About NSA Surveillance, San Diego Criminal Defense Bar Association, San Diego, California (October 29, 2013)

Meera E. Deo

Articles:

Empirically-Derived Compelling State Interests in Affirmative Action Jurisprudence, 65 HASTINGS L.J. (forthcoming 2014), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2315787

Articles:

Two Sides of a Coin: Safe Space & Segregation in Race/Ethnic-Specific Law Student Organizations, 42 WASH. U. J.L. & POL'Y 83 (2013), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2097926

Articles:

Book Review, *The End of the Pipeline. A Journey of Recognition for African Americans Entering the Legal Profession*, by Dorothy Evensen and Carla D. Pratt, 62 J. LEGAL EDUC. 640 (2013), available at <http://ssrn.com/abstract=2285693>

Presentations:

The Future of Law School Diversity, AALS Annual Meeting, Presidential Workshop on Tomorrow's Law Schools, panel on Law Professors of the Future, New York City (January 5, 2014)

Presentations:

Some Hypotheses for an Empirical Analysis of Law Faculty Diversity, Southern California Junior Faculty Workshop, California Western School of Law, Fullerton, CA (May 14, 2013)

Presentations:

Some Hypotheses for an Empirical Analysis of Law Faculty Diversity, Southern California Junior Faculty Workshop, , California Western School of Law, Fullerton, CA (May 14, 2013)

Presentations:

Preliminary Findings from the Diversity in Legal Academia Project, Berkeley Journal of Gender, Law & Justice Symposium, Berkeley Law, Berkeley (March 8, 2013)

Presentations:

Innovations in Mixed-Method Empirical Research, AALS Annual Meeting, Law & the Social Sciences Panel, New Orleans (January 7, 2013)

Susan Bisom-Rapp

Presentations:

Labor and Employment Issues Associated with the Affordable Care Act: An Academic Perspective, CLE: The Effects of the Affordable Care Act for Businesses, Consumers, and the Economy, San Diego County Bar Association, New Lawyer Division and Labor & Employment Law Section, SDCBA Conference Center, San Diego, CA (November 7, 2013)

MEDIA WATCH

September 23, 2013

Professor Chris Guzelian was quoted in a Washington Post article titled The press-release conviction of a biotech CEO and its impact on scientific research http://www.washingtonpost.com/national/health-science/the-press-release-crime-of-a-biotech-ceo-and-its-impact-on-scientific-research/2013/09/23/9b4a1a32-007a-11e3-9a3e-916de805f65d_story.html

September 26, 2013

National Sports Law Negotiation Competition, held last weekend at Thomas Jefferson School of Law story appeared in The Daily Transcript <http://www.sddt.com/news/article.cfm SourceCode=20130926czb& t=Chapman+University+wins+TJSLhosted+sports+law+event>

October 3, 2013

Alex Kreit partnered with a non-profit on an animated video on drug policy that was recently released. <http://learnliberty.org/war-on-drugs-video/>

October 9, 2013

Professor Alex Kreit was quoted in the Daily Journal article titled Skeptics cast doubt on marijuana legalization drive

October 10, 2013

TJSL's incubator program was mentioned in the Lawyerist <http://lawyerist.com/legal-incubators-helping-hatch-solo-practices/>

October 17, 2013

Professor William Slomanson was quoted in the Los Angeles Daily Journal. The story refers to fed consideration of whether to add sexual orientation to gender & race as bases for monitoring void dire in fed cases.

October 21, 2013

[3D printers: The next intellectual property game changer](#) Philly.com

Deven R. Desai from the **Thomas Jefferson School of Law** and Gerard N. Magliocca from Indiana University look at how 3D home printers could change legal guidelines for patent, copyright, and trademark laws and even internet content rules.

October 22, 2013

TJSL professor to be awarded Bullough Book Award .The Daily Transcript **Thomas Jefferson School of Law** Professor Julie Greenberg's book, "Intersexuality and the Law, Why Sex Matters" has earned high praise.

October 28, 2013

<http://www.providencejournal.com/breaking-news/content/20131028-3-d-printers-could-blur-lines-of-patent-laws-and-others.ece>

Professor Deven R. Desai was quoted in the Providence Journal about how 3D home printers could change legal guidelines for patent, copyright, and trademark laws and even internet content rules.

November 1, 2013

Thomas Jefferson School of Law's fifth Employee Rights Self Help Clinic story appeared in The Daily Transcript <http://www.sddt.com/news/article.cfm SourceCode=20131101czc& t=TJSL+to+hold+employee+rights+clinic+Nov+9#.UngzSPIDt8E>

November 5, 2013

TJSL employee rights clinic set for this Saturday article appeared in the Daily Transcript <http://www.sddt.com/News/article.cfm?SourceCode=20131105tje#.UoFxtfIdt8E>

Sunday Monday Tuesday Wednesday Thursday Friday Saturday

November 2013

<p>10</p> <p>TJ Mayoral Forum 6:30 PM</p>	<p>11</p> <p>TJ Veterans Day Celebration 5:30 PM</p>	<p>12</p> <p>SE Careers in International Law - Hosted by ILS, Career Services and CA Bar International Section 11:30 AM</p>	<p>13</p> <p>TJ SBA Blood Drive - American Red Cross 11:00 AM</p> <p>SE Academic Success - Countdown to Final Exams 11:30 AM</p> <p>SE Armenian Law Students Association - Panel with the Attorneys 11:45 AM</p> <p>TJ Phi Alpha Delta - Meeting SE 11:45 AM</p> <p>SE CLIMB Political Interest Mixer 4:30 PM</p> <p>SE Business Law Society - Medical Marijuana: Is It Legal? 6:00 PM</p>	<p>14</p> <p>SE Phi Alpha Delta - Wine, Cheese, & Judges' Pet Peeves 6:00 PM</p>	<p>15</p> <p>SE Performance Exam Workshop 9:00 AM</p> <p>SE Fashion Law Conference 3:30 PM</p>	<p>16</p> <p>SE Performance Exam Workshop 9:00 AM</p> <p>TJ Small Claims Clinic 9:30 AM</p> <p>TJ Outdoors Club and The Environmental Law Society- Fun Run 5K 10:00 AM</p>
<p>17</p>	<p>18</p>	<p>19</p> <p>SE SBA and Career Services - Speed Networking 5:00 PM</p>	<p>20</p> <p>SE Academic Success - Grammar Bootcamp #4: Using your words Effectively 11:30 AM</p> <p>SE Judges Panel - Hosted by Career Services 4:30 PM</p>	<p>21</p> <p>FE Faculty Colloquium - Speaker: Paula Manning 11:30 AM</p> <p>SE Outdoors Club - Meeting 11:30 AM</p>	<p>22</p> <p>TJ Admitted Student Open House 4:00 PM</p>	<p>23</p> <p>TJ Democratic Professional Club - Legal Seminar 9:00 AM</p>
<p>24</p>	<p>25</p>	<p>26</p> <p>SE Final Exam Fall 2013 - Legal Synthesis II</p>	<p>27</p>	<p>28</p> <p>TJ Thanksgiving - Holiday</p>	<p>29</p> <p>TJ Thanksgiving - Holiday</p>	<p>30</p>