

## Gladiators in the 21st Century: Violence and Injuries in Sports Conference Coming to TJSL on November 10

They are the modern gladiators. They participate in society's most violent, bone-jarring spectator events. They are today's athletes.



They risk battered bodies and shattered limbs and, much worse, depression, dementia and possibly death as a result of traumatic brain injury, all the unnecessary consequence of the culture of violence that is pervasive in sports at all levels in today's world.

Sports at the pro, college, high school and even the grade school levels, especially football, have become blood sports. Athletes inflict intense and intentional bodily force upon each other, quite often with the encouragement of coaches, peers and, worse yet, parents. A "win at all costs" mentality prevails in today's sports world at great cost: physically, mentally, emotionally and financially.

This gladiatorial culture of violence plays itself out on American football fields each fall. If we fail to deal with this inexcusable but preventable problem, the death knell may be sounding for football and other injury-prone sports as we now know them.

Thomas Jefferson School of Law's Center for Sports Law & Policy is tackling this critical problem by presenting "Gladiators in the 21st Century: Violence and Injuries in Athletics", a daylong conference at the law school on Saturday, November 10. This conference will examine the violence and devastating injuries that pervade sports and focus on finding solutions on the medical, legal, policy and cultural levels. What are the effects of this violence, both short-term and long-term? And, what can we do to change this culture of violence and protect today's athletes?

The event will feature highly engaging panels of distinguished legal and medical professionals as well as pro athletes. It is through well intentioned and well informed discourse, such as this conference, that acceptable and practical solutions will emerge.

The keynote speaker is legendary sports agent **Leigh Steinberg**, who has played a highly active role in getting the National Football League to address the problem of concussions among players.

In introducing this cutting edge conference, Professor Rod Smith, who Directs the Center for Sports Law and Policy at Thomas Jefferson said, "I am thrilled to announce that we are bringing leaders in medicine, law and sport to the law school to discuss and find solutions to the crisis of violence and injuries in sport." Smith added, "I fear that, if those who love sport fail to address these excesses, other will do the work for us and we will not like the result. We must find solutions."

This conference is funded through the generosity of an anonymous donor. For more information and to register: <http://www.tjssl.edu/conferences/gladiators-conference-2012>

## ***Legendary Lawyer Appeared at TJSL on October 23***

It's not every day that TJSL students, faculty and staff get to hear from a genuine legend.

And Michael Tigar is just that. He is among America's greatest lawyers, behind only Thurgood Marshall and Clarence Darrow, according to California Attorneys for Criminal Justice "Lawyer of the Century" balloting. That is select company.



Professor Marjorie Cohn, Michael Tigar and Professor Meera Deo

He gave two presentations at TJSL on Tuesday, October 23; the first on labor law titled "Worker Rights Under Attack: Outsourcing and Globalization". The second presentation was a training in the art of cross-examination. These events were co-sponsored by The TJSL Center for Law and Social Justice, the TJSL Faculty Colloquium Committee, the National Lawyers Guild-TJSL chapter, and the National Lawyers Guild-San Diego chapter.



Michael Tigar

"Professor Tigar gave an entertaining and informative lecture at TJSL, said Professor Meera Deo of the labor law presentation. "He spoke broadly on ways in which the rights of workers around the world are intertwined.

"I was inspired by the many ways he tied together concepts from various areas of the law and society generally. For instance, he made clear early on that if our immigration policy shifts to focus on deporting workers from factories in the United States, 'the sewing machines will follow' soon after as globalization encourages pursuit of the low(est)-wage worker (whether domestically or abroad). It was also wonderful

to hear him draw on his wealth of experience as a litigator over decades of legal practice."

Quoting Bob Dylan, Professor Tigar said, "these times they are a changing," speaking of the challenges he feels those practicing labor law are going to face.

He geared his comments to two main themes: Outsourcing and Globalization, and how they are bound together.

Professor Tigar talked quite a bit about the history of labor law and the need for lawyers to continue to help workers through community meetings, which are protected under the First Amendment, despite efforts of many companies to use federal extortion statutes under RICO to try to put a stop to the union organizing.

"The law of community organizing empowers communities to organize against outsourcing companies," he said.



Most of all, Professor Tigar stressed the personal commitment lawyers must make to the workers' cause. "American law is not doing the job for disadvantaged workers," he said.

*Legendary Lawyer at TJSJ on October 23 continued...*

Michael Tigar

“Professor Tigar stressed the importance of students using their legal skills to help the community,” said Professor Marjorie Cohn, a close colleague of Tigar. “He discussed the benefits of setting up small law offices to defend workers who are organizing to protect their legal right to freedom of association.”

“As lawyers, we have this opportunity to embrace the change that is coming,” Professor Tigar said. “This challenge is the finest hour of lawyers to shape what the law needs to be to serve the people (workers) and contribute to their liberation.”

Alonso Zavalasoto 2L attended the cross examination skills training later in the afternoon. “I’m glad our school is inviting prominent attorneys like Mr. Tigar. That’s definitely a great way to learn new trial advocacy techniques,” said Zavalasoto, who is interning at the Alternate Public Defenders Office. “I went to see Michael Tigar’s seminar because he is one of the best criminal defense attorneys in the country and that’s what I want to be: a criminal defense attorney at the Public Defender’s Office. Several PDs attended the session and were talking about it at work.”

Zavalasoto walked away learning some valuable tricks of the trade that he plans to put into practice. “His advice on the use of his hand in order to tell the jury that there are always two sides to every story during opening statement was brilliant and I will probably use it in my next Mock Trial competition. Also, his advice on how to discredit an expert witness during cross-examination was very informative as well.”

“I was fascinated by Mike Tigar’s presentation,” said Andrew Eckhart 1L about Tigar’s presentation. “Professor Tigar clearly has a strong belief in what former Supreme Court Justice Sandra Day O’Connor calls the ‘Majesty of the Law’. He has learned to combine this belief with his respect for people and his skills as a litigator. This combination creates a tremendous enthusiasm for his profession which you can sense when you listen to him speak. He is the kind of person you definitely want to go out of your way to meet. All in all, it was a very enjoyable experience.”

TJSJ Professor Lilys McCoy also attended the cross examination skills training held in the Moot Court Room. “I think that the most useful piece of advice was that before you even begin crafting your cross examination, you have to make sure that you have, to the best of your ability, collected every prior statement that the witness has made,” she said.

McCoy explained why she attended the event. “One of the keys to being a good lawyer is finding and leveraging opportunities to learn and improve throughout your career,” McCoy said. “There is always something new to be gained, especially from someone with the depth and breadth of experience of a Michael Tigar. Basically, anytime I have an opportunity to hear one of the lions of the profession speak, I jump at it. And, judging from the audience, so do many long-time local practitioners.”

The cross examination skills training was open to local attorneys who received two hours of MCLE credit.



Andrew Eckhart '1L (Center wearing white shirt) and Alonso Zavalasoto '2L (on the end in the black suit)

## Music Copyright Termination Panel Rocks The House on October 20

Thomas Jefferson School of Law, the Entertainment Law Society, in association with the Center for Law and Intellectual Property presented an important and well-attended seminar on October 20, titled "Music Copyright Terminations: The Ticking Time Bomb Has Arrived."



The event drew a large audience

"The specter of music copyright terminations is hanging over the music industry," said TJSL Entertainment Law Professor K.J. Greene, who produced the conference. "At stake are many millions of dollars in copyrights in the signature songs of the Seventies. The question is will artists and performers win back their copyrights, as contemplated in the Copyright Act, or will labels and music publishers fight tooth and nail to prevent terminations. The first wave of music copyright terminations begins in earnest in 2013, and precursor of what may come was glimpsed in Village People composer and singer Victor Willis. That is why we were delighted to kick off the event with a special video appearance by Brian Caplan, the attorney for Willis in the recent litigation over termination rights to songs such as 'YCMA' and 'Macho Man.'"



Professor K.J. Greene

According to Professor Greene, "The panelists, including three TJSL grads who are achieving prominence in the IP/Entertainment field, Lisa Cervantes '97, Valerie Dearth '03 and Lacy J Lodes '08, all performed superbly. Copyright termination is a complex, indeed byzantine issue, but the panelists really brought the nuances of terminations to life, and as panelist David Branfman, a top San Diego copyright lawyer said, it was a very quick three hours."

Najmah Brown 3L, who co-directed the event along with Camara Mathis 3L, stressed the importance of the conference for those who would practice music law. "For any practitioner in the Intellectual Property and Music realm of the legal practice, The Music Copyright Termination panel was definitely a must-attend event," Brown said. "The panel consisted of heavyweight attorneys and music executives, who shared a wealth of information regarding the matter. From the actual filing of a copyright termination to what provisions are necessary in the contracts. Key emphasis was on artists selecting their hit songs and then re-negotiating those deals. It is not in the best interest of the artist to try to acquire publishing for their entire catalog of tracks. The cost of filing a copyright termination case can be very costly and would not be a benefit to the artist for renegotiating publishing for songs that will not generate revenue. The moral of the story is if artists or their heirs have a hit song from the 70's that is still generating revenue or can potentially be exploited for a profit then they should seek copyright termination. "



Professor Jeff Slattery Introduces the panelists

## Music Copyright Termination Panel Rocks The House continued...

“This event once again showcased the value of TJS� student-faculty collaborations,” said Professor Greene. “My directors Najmah Brown and Camara Mathis performed flawlessly in putting this event together, and the moderators, TJS� professors Julie Cromer Young and Jeff Slattery really moved the discussion along. Our goal is to run the premier IP and Entertainment events in San Diego, showing that TJS� is at the cutting edge of IP.”



Co-Directors Camara Mathis and Najmah Brown



Attorney Brian Caplan being interviewed by Professor K.J. Greene

Professor Greene also had high praise for TJS� Art Director Sherwin Laranga and Communications Coordinator Denice Menard, who produced the Brian Caplan video.

“Thanks to the creativity of Sherwin and Denice, attendees were treated to a professional-grade video that creatively incorporated music video clips of the Village People singing hits such as ‘YMCA’ and ‘In the Navy’ interspersed throughout the interview,” said Professor Greene. “The video combined information and entertainment that kept the audience engrossed.”



[Click here to check out the Music Copyright Termination Video](#)



## Keith Bremer '91 In the Spotlight

In the September 27, 2011 issues of the Los Angeles Daily Journal and the San Francisco Daily Journal, Keith Bremer '91 is listed among the “Top 100 Lawyers in California.”

**“My experience in law school is really the foundation/cornerstone of my firm and my career. I had a great learning experience in law school which prepared me for the war ahead – the practice of law/trials.”**



Keith Bremer '91

Bremer is a founding principal attorney of [Bremer, Whyte, Brown & O'Meara LLP](#), a law firm with 80+ attorneys and offices in Newport Beach, Los Angeles, San Diego, Riverside, Northern California, Las Vegas and Phoenix.



[Click here to view the Alumni “You Can Succeed Video”](#)

A number of TJS� graduates also hold positions at Bremer, Whyte, Brown & O'Meara. They include: **Raymond Meyer Jr. '94, Partner; Vikas Nagpal '99, Partner; John Henri Toohey '99, Partner; John Clark Gottlieb '00, Associate; Alexander Michael Giannetto '08, Senior Associate; Henry Hyunku Kang '10, Associate; and Orchid Barzin '10, Associate.**

## The 86<sup>th</sup> National Conference of Bankruptcy Judges Panel Held at TJSL on October 24

A panel of ten judges and lawyers from the 86<sup>th</sup> National Conference of Bankruptcy Judges presented "Developing a Successful Bankruptcy Career: Judges and Lawyers share their secrets" on Wednesday, October 24.

The panel discussion held at the Thomas Jefferson School of Law was well attended, and the wisdom of many collective years of experience was shared.



**Panelists**



**Left: Judge Margaret Mann**

The Honorable Judge Margaret Mann from the United States Bankruptcy Court of the Southern District of California advised: "Your reputation is your most valuable asset to guard, regardless of the area of law your practice." It was also stated: "You can build your reputation over many years and lose it in a second."

"The panel of bankruptcy judges and national experts explained the interesting career opportunities within the closed universe of this practice area," explained Professor William Byrnes.

"The presentation and panel discussion by the distinguished practitioners and federal judges was well received by our Thomas Jefferson students," said Professor Chris Guzelian who attended the event. "Some commented that this was the best opportunity they have had in law school to learn about a legal specialization and make connections that may prove successful in establishing their future careers. In turn, the panel participants remarked repeatedly about the beauty of the TJSL campus, and the eagerness and enthusiasm of our students."



**Center: Judge Randy Baxter**

At a reception held after the formal panel, approximately 30 students spent one-on-one time with the judges and attorneys - exploring their career aspirations and obtaining practical advice of how to achieve them. According to Professor Byrnes "The organizing judge stated that he looks forward to receiving applications from Thomas Jefferson's 'practice ready' graduates."



**Judge Jeffery Hopkins**

"I thought it was a great event, and I am glad that the school was able to host it," said Karissa Mak 2L. "The panel was informative about the field of bankruptcy, and the opportunity to talk to the 5 judges and practicing lawyers was something that was invaluable. I'm glad that our school has the availability to do financially focused classes."

According to the National Conference of Bankruptcy Judges website "The NCBJ is an association of the Bankruptcy Judges of the United States which has several purposes: to provide continuing legal education to judges, lawyers and other involved professionals, to promote cooperation among the Bankruptcy Judges, to secure a greater degree of quality and uniformity in the administration of the Bankruptcy system and to improve the practice of law in the Bankruptcy Courts of the United States."

## TJSL's Brazilian Program Director's Experience at the Brazilian Supreme Federal Court

Thomas Jefferson School of Law Brazilian Program Director Carla McEwen was recently selected from among hundreds of thousands of Brazilian attorneys to be one of seven lawyers who gave their sentencing opinions to Brazil's Supreme Federal Court in the biggest national corruption case in that country's history – the Mensalão case.

Here is her personal account of the events, which unfolded in court on October 24:

"On October 24th, I had the most extraordinary experience in my life at the Brazilian Federal Supreme Court. The justices fought among themselves. It was a big scandal.

I observed with admiration the utterance of the votes of the Minister Dias Toffoli. His legalistic, formal and observance of constitutional principles, the adversarial due process to guide the decisions, proved to be compatible with the US Legal System thus his candor with the others Supreme Court judges was impeccable.

Indeed, there is a rigorous analysis of the criminal evidence. The whole evidence must be applied uncontested and beyond reasonable doubt.

The legal system cannot condemn someone based upon assumptions and hearsay. There is a need for material evidence, irrefutable proof, the maximum force *in dubio pro* defendant.

What I could see is that some are condemned to serve the clamor of the media and the public, which has almost no legal knowledge.

So consider the position and candor of Minister Dias Toffoli unpolluted and consistent with American judges. My opinion is based on his decision."

McEwen was selected from among 50 lawyers whose names were submitted to the Supreme Court by the Brazilian bar associations to be considered for the honor of giving their sentencing opinions. She is not only the youngest attorney selected, but the only woman.

There were a total of 37 defendants in the Mensalão case, which involved a system of bribery where members of the ruling party were literally buying votes from members of other parties in the National Congress. The majority of those defendants were convicted.

TJSL's LEEP Program (Legal Education and Exchange Program), which McEwen directs, has brought dozens of Brazilian attorneys to San Diego to study the U.S. legal system.



*Carla McEwen with Minister Dias Toffoli.*

*Courtesy of Carlos Humberto/SCO/STF*

## ***Juan Melendez Talks to TJSJL about His Death Row Experience on October 24***

*By Susanne Prochazka 3L*

Seventeen years, eight months, and one day. On January 3<sup>rd</sup>, 2002, Juan Melendez was released from Union Correctional Institution in Florida, making Juan the 99<sup>th</sup> Death Row inmate to be exonerated and released from prison since 1973. Melendez had spent 17 years, 8 months, and 1 day on Death Row for a crime that he did not commit. In total, 141 individuals have been exonerated from Death Row.



**Juan Melendez address the TJSJL crowd on the 8th floor balcony**



**Left to Right: Kevin Kampschorr '3L President, Criminal Law Society and Susanne Prochazka '3L President International Law Society**

To raise awareness of Proposition 34 on the California ballot, on October 24<sup>th</sup>, Thomas Jefferson's chapters of the National Lawyers Guild and Criminal Law Society hosted the event. The 8<sup>th</sup> floor terrace became a backdrop for Melendez's story of overcoming the suffering and tribulations he experienced while wrongfully on Death Row.

Melendez began with a description of his arrest for the murder of a man that he had never met and the subsequent trial. Crucial testimony was omitted from the trial and Melendez's alibi, though supported by the testimony of four other witnesses, was brusquely rejected.

Melendez could not read or write in English. "They never give me an interpreter. At that time, if I say five words in English, three of them would have been cuss words." Within seven days after the commencement of the trial, Juan was sentenced to death for a crime that he had not committed.

Once on Death Row, Melendez struggled to stay hopeful and maintain belief in the rightfulness of his innocence claim. The prison conditions were deplorable. The cells were infested with rats and cockroaches, and the food, slipped through slots on the cell doors on a tray, was barely edible.

Other inmates volunteered to teach Melendez how to read and write in English, and this gave him the ability to be actively involved in his appeals process. Through the first long decade on Death Row, he saw several of his friends commit suicide by hanging themselves with garbage bags. At his lowest, he also considered suicide, going so far as to obtain the necessary garbage bag. But his knowledge of his own innocence and his determination to prove it overrode his desire to end his suffering.

In 2001, Melendez had almost exhausted his appeals. His then-attorney came to him in tears, saying that another of her Death Row clients had been executed, and that she was no longer able to work on his case. She promised to refer his case to the best attorney she could find. Melendez's new attorney took control of the appeal case and investigation.



*Juan Melendez Talks to TJSJ about His Death Row Experience continued ...*

She interviewed the former public defender that had represented Melendez at his initial trial, and she was given permission to peruse old documents from the case. In a dusty storage bin, she found a video that contained a taped confession of the real killer, admitting his guilt in the murder.

It was quickly discovered that, at the time of the initial trial, both

prosecution and defense had been aware of the existence of this taped confession, but had failed to procure it and put it on the record. In light of this new evidence, Melendez was entitled to a new trial. The state of Florida declined to re-prosecute the case because the key witness, a jailhouse informant who was known to bear a grudge against Melendez, had died, and other witnesses had since recanted their testimony.

After 17 years, 8 months, and one day of incarceration, Melendez was released from prison. Upon release, he received \$100 compensation. He has not received any further compensation, nor has he received an official apology from the state of Florida.



**Juan Melendez**



Melendez's powerful presentation riveted the audience. Through his story, he was able to raise awareness of Proposition 34, the abolishment of the death penalty ballot measure that Californians may vote on to ensure that what happened to him, where an innocent man faced death for a crime he did not commit, does not happen here.



## My Experience as a Guest Speaker for CLIMB

By Amy Louttit '2L

Because of my history of working with adolescents, I was really excited about the opportunity provided by CLIMB to be a guest speaker at Crawford High School's Law Institute program on October 19. It had been a long time since I had spoken in front of a group of teens like that and I wasn't sure if I could still keep high school student's attention like I used to. This particular group of students made it easy for me.



They wanted to listen; you could see their facial expressions changing as I took them on a journey through my struggles. I was able to share the three most important lessons I had learned to get me to where I am today; setting attainable goals, having faith in myself, and applying lessons from my good and "bad" role models. When I finished my story and asked if anyone had questions. Hands shot up throughout the room while others waited until class was over to tell me how much they related to the things I was sharing with them. Their questions were thoughtful, relevant, and showed a great deal of maturity; an exceptional group of students!

I am happy to say that at least one student in that room will be working closely as my Youth Consultant with the National Association for the Education of Homeless Children and Youth's San Diego Task Force for Unaccompanied Youth starting this November! Thank you CLIMB!

If you would like to be a Guest Speaker, please contact, CLIMB's Program Coordinator, Lee Vernon at [vernonlm@tjisl.edu](mailto:vernonlm@tjisl.edu).



## The Importance of Maintaining a Positive Mental Attitude

By: Anna Lopez, Crawford Law Academy Student

During CLIMB's Job Readiness Training we learned many new things. One of the most important things we learned was the importance of positive mental thinking. We learned that maintaining a positive mental attitude is important to your production, because if you keep a positive attitude, you are more motivated to get your work done. Additionally, a positive attitude can help you build up your confidence

Another thing we learned about is how your personal attitude can have an impact on your coworkers. Both positivity and negativity can rub off on others, so it is important to make sure you remain positive when working on a team project. We have learned so many things in the past few weeks, and I really feel like I am getting the most out of these classes.

## An announcement from Alex Kreit the Director of the Center for Law and Social Justice



The Lawyers' Committee for Civil Rights Under Law, the San Diego offices of DLA Piper, California Common Cause and the American Civil Liberties Union need your assistance on Election Day, November 6!

The Election Protection program is the nation's largest, *nonpartisan*, voter protection coalition and ensures that eligible voters across the country are guaranteed their right to cast a ballot on Election Day.

They are looking for attorneys, paralegals, law students and other interested volunteers to serve as nonpartisan poll monitors in San Diego County on November 6th. As a poll monitor you will identify and troubleshoot any issues confronting voters and you will have support

from the attorneys on the national Election Protection hotline and the San Diego command center at DLA Piper.

Volunteers must attend a 90 minute training the week before the election and sign-up for at least one, 4-5 hour shift on Election Day.

Shifts will begin as early as 6:30 a.m., so it's easy to volunteer and still get to work at a decent hour.

To volunteer, sign-up for a training and one or more Election Day shifts at <http://volunteer.866ourvote.org>.

For your convenience you will see that they have midday, evening and weekend training options.

Lawyers, law students and law firms, please contact Nancy Anderson, Director of Pro Bono at Lawyers Committee, at 202-662-8354 or [nanderson@lawyerscommittee.org](mailto:nanderson@lawyerscommittee.org)

### Writing Center Workshops

***Want to Study Smarter, Not Harder? Don't miss the rest of the Writing Center Workshops with Professor Cooper!***

**Moving On After Miserable Midterms**  
Thurs, 11/1 at 11:30 AM  
Room 227

**Legal Writing: The Basics**  
Thurs, 11/8 at 11:30 AM  
Room 227

**Countdown to Final Exams**  
Thurs, 11/15 @ 11:30 AM  
Room 227

**Creating an Exam Approach**  
Tues, 11/20 @ 11:30 AM  
Room TBD

### Ahilan T. Arulanantham: Surveillance and Secrets Under the Obama Administration on November 8

Ahilan T. Arulanantham, Deputy Legal Director of the ACLU of Southern California, will be giving a presentation at TJSJ on Thursday, November 8 from 11:30 a.m. - 12:45 p.m. in Room 325.

Mr. Arulanantham's talk is entitled, "Fazaga v. FBI: Surveillance and Secrets Under the Obama Administration." Ahilan T. Arulanantham will discuss the rise of the state secrets doctrine through the lens of *Fazaga v. FBI*.

*Fazaga* is a challenge to the FBI's policy of widespread surveillance on the Muslim communities in Southern California. Details of the FBI's program were revealed when an FBI informant went public, describing a disturbing policy of dragnet FBI surveillance on the Muslim community that had gone on for years.

Recent media coverage includes a feature on This American Life: <http://www.thisamericanlife.org/radio-archives/episode/471/the-convert>

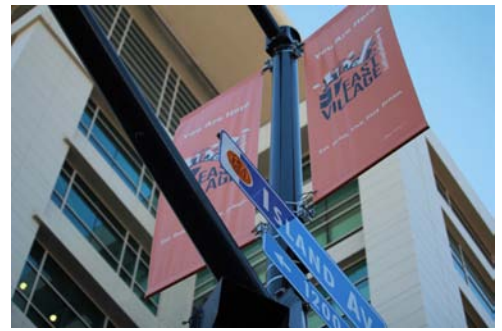
This event is co-sponsored by the Faculty Colloquium Committee, the Muslim Law Student Association, and the Center for Law & Social Justice. To RSVP, please contact Donna Gehlken at [dgehlken@tjsl.edu](mailto:dgehlken@tjsl.edu).

## ***East Village Fun!***

Be sure to look up next time you walk down the streets of East Village!



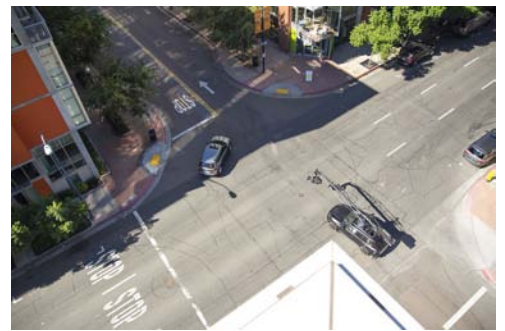
And when you do you will see banners designed by our very own Art Director Sherwin Laranga! Laranga was commissioned by the East Village Association in August to design something unique and specific for the East Village.



## ***Chrysler Comes to the East Village!***



Hopefully you got a chance on the afternoon of October 29 to check out the Chrysler commercial being shot just outside our building on the corner of 11th and Island.



At this time, there is no air date. So it will be exciting when one day in the near future we recognized the East Village and perhaps even get a glimpse of TJSJ in a Chrysler commercial airing on TV!

## ***Our New Neighbors, The New Central Library!***

On June 28, 2010, the City Council approved construction of the New Central Library!

According to the Central Library website "This move helps improve the entire 35-branch library system and benefits San Diegans for generations to come."



The building is 497,652 square feet. Nine stories including a charter high school on two floors, two levels of parking, an auditorium and coffee bar will inhabit the Central Library upon completion.

The library is located on the corner of Park Boulevard and 11th and is due to open in July 2013.



# FACULTY SCHOLARSHIP

## Citations Added October 21 - October 29

### **Madeline June Kass**

#### **Presentations:**

Moderator, *Wind, Water, Weather & Endangered Species Act*, ABA's 20th Fall Section Meeting on Environmental, Energy, and Resources Law, Austin, TX, October 11, 2012

### **William H. Byrnes, IV**

#### **Articles:**

*There is an End to Everything, to Good Things as Well as Bad: A Summary of the 2012 Sunsets and Taxmageddon*, [Developments & Highlights] Mertens L. Fed. Inc. Tax. 6 (with John Walker) (Thomson Reuters July 2012)

#### **Articles:**

*FACTA's February 2012 Proposed Regulations with Softened Compliance: Carrots but Mostly Sticks*, [Development & Highlights] Mertens L. Fed. Inc. Tax. 8 (with Alberto Gil Soriano) (Thomson Reuters Mar. 2012)

#### **Articles:**

*To Provide or Pay? Determining the Employer's Best Option for Employer-Based Health Care Coverage Under the Affordable Care Act*, [Developments & Highlights] Mertens L. Fed. Inc. Tax. 9 (with Stephen Polak) (Thomson Reuters Jan. 2012)



**AMAZING EXTERNSHIPS AVAILABLE**

**FOR SPRING 2013 !!!**

**You might be asking yourself what is clinical education?** Through the “clin-ed” program, you can earn academic credit while working in public agencies, selected corporations, or private law firms. Under the supervision of a practicing attorney, your externship will afford you the opportunity to appear in court in addition to doing research and drafting legal documents. Areas of practice can range from civil litigation, criminal prosecution, criminal defense, child welfare and custody, contracts, and business law.

**The experience you will receive from this course will be invaluable! You will gain hands-on experience, networking opportunities, and great employment prospects for your future.**

**REQUIREMENTS FOR THE CLINICAL EDUCATION PROGRAM:**

- § ***30 units completed by start of externship***
- § *First-time participants must be in good standing*
- § *Repeat participants must have a cumulative GPA of 2.43 or higher*
- § *Full-time students should consider time constraints when applying for Clin-Ed credit the same semester they take Evidence. Most sites require 20 hours/ week minimum*

**In order to receive credit, students also attend a class and complete several academic assignments . YOU may not receive academic credit *and* be paid during the same semester.**

**If you meet the requirements, do not miss this amazing experience!**

The Externship Office is located at: 495 11th Avenue, entrance is on 11th Avenue  
The TJSL contact person is: Ms. Alexandra Rosa, Externship & Pro Bono Coordinator  
Email Ms. Rosa at [arosa@tjssl.edu](mailto:arosa@tjssl.edu) or call 619-961-4341 for further information.

**Come join Professor Brenda Simon's  
Patent Law Class,  
The Center for Law and IP, and  
The IP Law Association for**

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United  
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**Patent Practitioner  
Jim Cleary  
from  
Mintz Levin**



**How to Establish a Great IP  
Practice in 10 Easy Steps:  
A Practical Guide From an  
Attorney in the Trenches**

**Tuesday, October 30, 2012  
11:30– 12:50 p.m. ~ Room 227**

*For more information and to R.S.V.P.,  
contact Derek Midkiff, IPLA Secretary, at  
[Midkifdl@TJSL.edu](mailto:Midkifdl@TJSL.edu)*



# HALLOWEEN

&



# REPRODUCTIVE JUSTICE!!!

The Law Student for Reproductive Justice  
will be holding their 2nd general meeting

WEDNESDAY, OCTOBER 31st

Room 216

11:45am – 12:45pm

Join us for bewitching conversation and a  
hauntingly good time!



Stay and enjoy lunch!!



# HAPPY HALLOWEEN



Feel free to contact us!

Email: [lsrj@tjisl.edu](mailto:lsrj@tjisl.edu)

Facebook: TjislLawStudentsforReproJustice



**PHI  
ALPHA  
DELTA**

**CELL  
PHONE  
DRIVE**

In observance of  
**Domestic Violence Awareness Month**

via  
**HopeLine**  
from Verizon

THROUGH THE MONTH OF  
**OCTOBER**

**DONATIONS ARE  
REFURBISHED  
& SOLD  
PROCEEDS GO TO  
NON-PROFIT  
ORGANIZATIONS  
THAT PROVIDE  
PHONES, SERVICES,  
& CASH GRANTS**

**DONATION  
BOX**

LOCATED IN THE PAD CUBE  
- STUDENT ORG OFFICE  
**YOU CAN ALSO  
DROP YOUR DONATION  
OFF TO A PAD REP/TABLE  
MON.-THURS. LUNCHTIME  
ON THE 3RD FLOOR**

**FIRST MONTHLY ALUMNI  
HAPPY HOUR MIXER**

**THURSDAY, NOVEMBER 1,  
5 P.M. - 7 P.M.**

**LOCATION: THE BEER COMPANY**

**\*Current Students are welcome!**

**Be sure to attend the Alumni Mixer!**

At The Beer Company located at  
602 Broadway, San Diego,  
CA 92101  
(619.398.0707)



For the opportunity to mingle in a non-classroom  
setting with appetizer and drink specials.

Thursday, November 1, 2012  
5 p.m. to 7 p.m.



## **The SBLC is now accepting applications for Spring 2013!**

*The application deadline is November 1, 2012*

If you are interested in transactional law and working with entrepreneurs, small businesses, and nonprofit organizations, now is the time to apply for a certified law student position in the SBLC. As certified law student, you will provide legal assistance to San Diego County residents who do not have the means to hire legal counsel. Students must devote 15 or 20 hours a week to client work and attend a mandatory weekly seminar. A minimal commitment of 5 units is required to participate in the SBLC.

### **Pre-Requisites**

- Successfully complete first year of law school.
- Successfully complete Professional Responsibility and Business Associations.
- Successfully complete or currently enroll in Civil Procedure II and Evidence.
- No major commitments to extracurricular organizations.
- Preference given to students with prior legal work experience

### **Application**

To apply for a position for the Spring 2013, please submit a formal letter addressed to Professor Luz Herrera indicating your interest in working with the SBLC.

Please submit the letter, a resume, and an unofficial transcript to [bnieman@tjssl.edu](mailto:bnieman@tjssl.edu) no later than November 1, 2012. For additional information about what to include in your formal letter, please visit [www.tjssl.edu/clinics/sblc](http://www.tjssl.edu/clinics/sblc).



# ART & ENTERTAINMENT LAW PROJECT



**The AELP is now accepting applications for Spring 2013!**

*The application deadline is November 1, 2012*

If you are interested in transactional law and working with artists, actors, dancers, writers, musicians, filmmakers and related non-profit organizations, now is the time to apply for a certified law student position in the Art and Entertainment Law Project (AELP). As an AELP student, you will provide legal assistance to San Diego County residents who do not have the means to hire legal counsel. You will devote 15 or 20 hours a week to client work and attend a mandatory weekly seminar. The total number of units you can earn is 5 or 6, at your choosing.

## **Requirements**

- Successfully complete Professional Responsibility
- Successfully complete or currently enrolled in Civil Procedure II and Evidence
- Successfully complete first year of law school
- No major commitments to extracurricular organizations

## **Application**

To apply for a position submit a statement of interest indicating your interest in working with the AELP, a resume, and an unofficial transcript to [bnieman@tjsl.edu](mailto:bnieman@tjsl.edu). For additional information about what to include in your statement of interest, please visit [www.tjsl.edu/clinics/art-entertainment-law](http://www.tjsl.edu/clinics/art-entertainment-law).

# PATENT CLINIC

**The Patent Clinic is now accepting applications for Spring 2013!**

*The application deadline is November 1, 2012*

If you are interested in working with individuals or organizations having patentable ideas, now is the time to apply for a certified law student position in the Patent Clinic. As a Patent Clinic student, you will provide legal assistance to those not having the means to hire their own patent attorney. You will devote up to 20 hours a week performing client work and additionally attend a mandatory weekly seminar. The credit hours you receive for the Patent Clinic can total up to 6 units.

## Requirements

- Qualifying undergraduate degree for U.S. Patent Office patent practice
- Successful completion of first year of law school
- Successful completion of Professional Responsibility  
(Spring 2013 semester only - may take PR concurrently with Patent Clinic)
- Successful completion or concurrent enrollment in Civil Procedure II and Evidence
- No major commitments to extracurricular organizations

## Application

To apply for a position, please submit the following to [bnieman@tjsl.edu](mailto:bnieman@tjsl.edu): a formal letter addressed to Professor Ross L. Franks describing your interest in working with the patent clinic, a resume, an unofficial TJSL transcript, and an unofficial undergraduate transcript. For additional information about what to include in your formal letter, please visit [www.tjsl.edu/clinics/patent-clinic](http://www.tjsl.edu/clinics/patent-clinic).

# TRADEMARK CLINIC

**The Trademark Clinic is now accepting applications for  
Spring 2013!**

*The application deadline is November 1, 2012*

If you are interested in working with artists, entrepreneurs, small businesses and non-profit organizations in the trademark legal area, now is the time to apply for a certified law student position in the Trademark Clinic. As a Trademark Clinic student, you will provide legal assistance to San Diego County residents who do not have the means to hire legal counsel. You will devote 15 or 20 hours a week to client work and attend a weekly seminar. The total hours you devote to the SBLC can amount to 5 or 6 units.

## **Requirements**

- Successfully complete Professional Responsibility
- Successfully complete or currently enrolled in Civil Procedure II and Evidence
- Successfully complete first year of law school
- No major commitments to extracurricular organizations

## **Application**

To apply for a position submit a formal letter addressed to Professor Tim Dennison indicating your interest in working with the trademark clinic, a resume, and an unofficial transcript to [bnieman@tjssl.edu](mailto:bnieman@tjssl.edu). For additional information about what to include in your formal letter, please visit [www.tjssl.edu/clinics/trademark-clinic](http://www.tjssl.edu/clinics/trademark-clinic).



## Alternative Dispute Resolution Team

# Informational Meetings

**November 1, 2012**

**12pm Room 323 &  
6pm Room 229**

**Who are we?**

The ADR Team teaches invaluable skills in the legal arena related to negotiation and mediation. Members are introduced to bargaining techniques, negotiation strategy, and theory. Members will also have the chance to meet professional negotiators in the industry, and compete in negotiation and mediation competitions across the country.

**What:** Hear from current members and get feedback; witness a short spar; and have your questions answered

**When:** November 1, 2012

**Times:** Room 323 12pm-1pm and  
Room 229 6pm-7pm

**Questions:** [adr@tjst.edu](mailto:adr@tjst.edu)

*Refreshments will be provided*



**SOUTH ASIAN LAW  
STUDENTS ASSOCIATION**

THOMAS JEFFERSON SCHOOL OF LAW

**BOLLYWOOD  
MOVIE NIGHT  
FRIDAY Nov.2**

**7:00pm**

**ROOM 231**

**Film: Dil Bole Hadippa, Starring: Rani Mukherjee and Shahid Kapoor**

**for more information please e-mail: [SALSA@tjssl.edu](mailto:SALSA@tjssl.edu)**





# AMERICANS FOR PROSPERITY®

## Third **FREE** trip to **Las Vegas!!**

Our first two trips to Vegas went **great!**

Our **FINAL** trip is **THIS WEEKEND!**

RSVP with Brittany Walker at

[walkerbj@tjssl.edu](mailto:walkerbj@tjssl.edu)

RSVP by **Tuesday, 10/30/12!**

We leave from the school at 5:30pm on **Friday, 11/2.**  
We return **Sunday, 11/4.**

While in Vegas, you'll get **PAID \$15 an hour** to canvas!



# ATTN: First Semester 1Ls

## MANDATORY

### CAREER SERVICES ORIENTATION

The Career Services Orientation will provide you with an overview of the job search process. You will also receive our extensive Career Services Handbook. After you attend the Orientation, you may schedule your first individual counseling session with a member of the Career Services staff. Food will be provided.

YOU MUST ATTEND ONE OF THE FOLLOWING SESSIONS:

- . THURSDAY, NOV. 1ST - 11:30AM-12:30PM, RM 325
- . MONDAY, NOV. 5TH - 11:30AM -12:30PM, RM 227
- . MONDAY, NOV. 5TH - 4:30PM-5:30PM, RM 229

TO ATTEND, RSVP IN THE EVENTS TAB IN SYMPPLICITY.

Contact Career Services for help logging on to

Symplicity, [careerservices@tjsl.edu](mailto:careerservices@tjsl.edu) or 619-961-4233.

Best Chapter in the Nation 2011-2012

PHI ALPHA DELTA



*presents*

# WINE, CHEESE, & JUDGES' PET PEEVES

*Network with the members of the local Judiciary  
as they drop the gavel on bad courtroom behavior!*

FRIDAY, NOVEMBER, 2, 2012

6:30 P.M. IN ROOM 323

Please RSVP to [vargasja@tjssl.edu](mailto:vargasja@tjssl.edu)

\*\*\*\$10 for non-PAD members\*\*\*

FORMAL RECEPTION TO  
FOLLOW ON  
THE 8TH FLOOR

For more info, please visit [tjssl.edu/phialphadelta](http://tjssl.edu/phialphadelta) or email [pad@tjssl.edu](mailto:pad@tjssl.edu)

# The Great TJSL Presidential Debate!

**Hosted by JLR, PAD, PILF, OUTLAW, SVA, NLG, and ILS with new clubs signing on every day, a debate will be held November 5th, 6:00-7:50 in room 227. Moderated by professors Herald and Greenberg.**

**There will be 7 topics of debate:**

- 1) Engery policy**
- 2) Welfare policy**
- 3) Foreign Policy**
- 4) Balanacing the budget/ Fiscal Policy**
- 5) Healthcare**
- 6) Potential Justices up for appointment (4 Justices up for retirement in the next 4 years)**
- 7) Gun policy**

**To register to debate, pick a topic and email Rachel King! [kingra@tjisl.edu](mailto:kingra@tjisl.edu)**



**fit**

VISIT THE  
**FIT ATHLETIC CLUB  
BOOTH**



**WELLNESS WEEK**

MON. NOVEMBER 5TH & TUES. NOVEMBER 6TH  
ON CAMPUS FROM 12PM - 2PM

FREE **fit** NATURAL FOODS™ SAMPLES

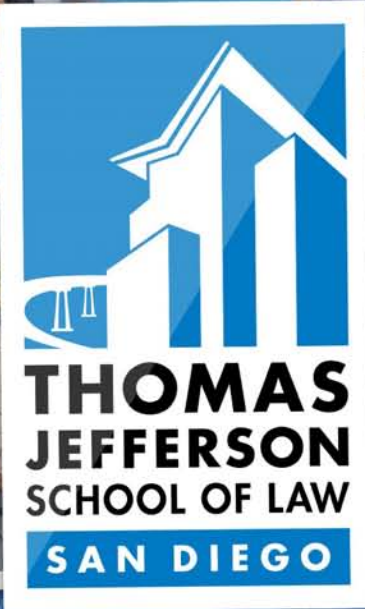
FREE TRIGGER POINT THERAPY  
(20 MIN.) WITH TRAINER CHUCK CARONE

FREE ACTIVE MUSCLE RELEASE THERAPY  
(20 MIN.) WITH TRAINER RYAN HAINES



NEW AT **fit** -

# DISCOUNTED SMALL GROUP TRAINING



# FOR ALL TJSL STUDENTS

OVER 45% OFF REGULAR RATES

3 PERSON GROUP MINIMUM - \$35 PER SESSION  
EMAIL [KUSHA@FITATHLETIC.COM](mailto:kusha@fitathletic.com) FOR MORE INFO



# JEWISH STUDENT UNION

## GENERAL MEETING!!!

*When: Thurs., Nov. 8, 2012*

*Where: Room 217*

*Time: 12:00 to 1:00p.m.*

*For more info, please visit our  
Facebook page: JSU - JSL*



**Culture Night *Presents:***

# HEALTH CONSCIOUSNESS



Join us to discuss Health and Lifestyle choices and the impact they have on quality of life with Crawford High School Students.

**Friday, November 9, 2012**

**Time: 4-5:30PM**

**Room 227**

**FOOD PROVIDED**

For more information contact Lee Vernon

[vernonlm@tjisl.edu](mailto:vernonlm@tjisl.edu)

[http://www.facebook.com\\_climb\\_tjisl](http://www.facebook.com_climb_tjisl)

Follow us on Twitter: [Climb\\_tjisl](#)







# GLADIATORS IN THE 21<sup>ST</sup> CENTURY: VIOLENCE AND INJURIES IN ATHLETICS

Thomas Jefferson School of Law and the Center for Sports Law and Policy present

## GLADIATORS IN THE 21<sup>ST</sup> CENTURY: VIOLENCE AND INJURIES IN ATHLETICS

NOVEMBER 10, 2012 8:30 A.M. - 6:00 P.M. ROOM 325

They are the modern gladiators. They participate in society's most violent, bone-jarring spectator events. They are today's athletes.

They risk battered bodies, shattered limbs and, much worse, depression, dementia and possibly death as a result of traumatic brain injury. Debilitating injuries are the unnecessary consequence of the culture that promotes deliberate roughness and playing through injuries. This culture manifests in sports at all levels in America.

Thomas Jefferson School of Law's Center for Sports Law & Policy is tackling this critical problem at a daylong conference that will examine the violence and devastating injuries that pervade sports. Speakers will focus on finding solutions at the medical, legal, policy and cultural levels.

### KEYNOTE SPEAKER

Leigh Steinberg, *Renowned Sports Agent, Steinberg Sports & Entertainment*

### PANELISTS

Dr. David M. Reiss, *Expert Witness for Concussion Litigation, DMR Dynamics*  
Dr. Jacob E. Resch, *Director, Brain Injury Laboratory, University of Texas, Arlington*  
Dr. Dwight Zach Smith, *Medical Director, Beyond Wellness Talent Protection; Executive Director, New England Psychiatric Consultants, Plymouth, MA*  
Dr. Kristen Willeumier, *Director of Research, Amen Clinics*  
Jordan Kobritz, *Professor and Chair of the Sport Management Department, SUNY Cortland*  
Travis Leach, *Attorney at Law, Sports Agent, Jennings Strouss*  
Jeff Levine, *Professor, Southern Illinois University*  
Gary Wolensky, *Attorney at Law, Hewitt Wolensky, LLP*  
Matthew Mitten, *Professor of Law and Director of Sports Law Institute, Marquette University*  
Rodney K. Smith, *Distinguished Professor and Director of TJSL Center for Sports Law and Policy, Thomas Jefferson School of Law*  
Shandrea Williams, *Professor of Law, Phoenix College of Law*

### REGISTER NOW

[www.tjsl.edu/conferences/gladiators-conference-2012](http://www.tjsl.edu/conferences/gladiators-conference-2012)

3 Hours of MCLE Credit are available



This conference is free for everyone and is funded through the generosity of an anonymous donor.

1155 Island Avenue  
San Diego CA 92101  
619-297-9700  
[www.tjsl.edu](http://www.tjsl.edu)



PHI ALPHA DELTA

*General Meeting*

When: Tues., Nov. 13, 2012

Where: Room 325

Time: 12:00 to 12:50p.m.

For more info, please visit [tjsl.edu/phialphadelta](http://tjsl.edu/phialphadelta) or email [pad@tjsl.edu](mailto:pad@tjsl.edu)

*Ever wonder the difference between casual & business professional?  
Be prepared for court, interviews, and networking events.*

Phi Alpha Delta presents

3rd Place Winner Best Professional Program in the Nation 2011

# SUCCESS SUITS HIM

Reps from

*Brooks Brothers*  
will teach the basics of  
what to wear  
when to wear it,  
and the proper care  
of these clothes.



When: Wed., Nov. 14, 2012

Where: Room 320

Time: 11:30 to 12:30 p.m.

*\*\*\*Light refreshments will be provided\*\*\**

Please RSVP to [birknsm@tjssl.edu](mailto:birknsm@tjssl.edu)

For more info, please visit [tjssl.edu/phialphadelta](http://tjssl.edu/phialphadelta) or email [pad@tjssl.edu](mailto:pad@tjssl.edu)

# Writing Center

workshops

"A" is for Application

10/25 @ 11:30 AM, Room 227

Moving On After Miserable Midterms

11/1 @ 11:30 AM, Room 227

Legal Writing: The Basics

11/8 @ 11:30 AM, Room 227

Countdown to Final Exams

11/15 @ 11:30 AM, Room 227

Creating an Exam Approach

11/20 @ 11:30 AM, Room TBD



THE  
**WRITING CENTER** ON TWEN

*Study Smarter, Not Harder.*

# OCTOBER

<i>Sunday</i>	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>	<i>Saturday</i>
<p>28</p> <p>Don't forget to check us out on the TJSJ Official Facebook page!</p> 	<p>29</p>	<p>30`</p> <p><b>Happy Halloween</b></p> 	<p>31</p>	<p>November 1</p>  <p>PHI ALPHA DELTA presents WINE, CHEESE, &amp; JUDGES' PET PEEVES</p>	<p>2</p> <p>6:30 p.m. Room 323</p>	<p>3</p>
<p>4</p> <p><b>Daylight Savings 2012</b></p> <p>Fall back one hour</p> 	<p>5</p> <p>11:30 a.m. or 4:30 p.m. 1Ls Mandatory Career Services Orientation Room 227</p>	<p>6</p>	<p>7</p>	<p>8</p>	<p>9</p>	<p>10</p> <p>8:30 a.m. - 7 p.m.</p>  <p><b>GLADIATORS</b> IN THE 21<sup>ST</sup> CENTURY: VIOLENCE AND INJURIES IN ATHLETICS</p>
<p>11</p> <p>SBA Twitter Information Please follow SBA at <a href="http://twitter.com/tjslsba">http://twitter.com/tjslsba</a> or @tjslsba if you use Twitter to receive the latest updates.</p> 	<p>12</p>	<p>13</p>	<p>14</p>	<p>15</p>	<p>16</p>	<p>17</p>