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Zealous Advocate

Whittier Law School

Spring 2012

Issue 1

My First Murder Trial

Sarah Rinelli, '12

For some of us, Saturday mornings are usually reserved for nursing hangovers, getting mani/pedi's and catching up on sleep. However, if you want a great experience in hands-on trial work, consider enrolling in the Criminal Trial Advocacy class offered by Orange County District Attorney Jim Tanizaki.

Prof. Tanizaki teaches students how to conduct a criminal trial, including voir dire, opening statements, direct and cross examination, closing arguments, objections, and evidence admittance.

The final is not like the typical essay or paper final. Students are assigned to a team that will conduct an entire criminal trial. Students are responsible for finding and training witnesses as well as fabricating tangible evidence.

This semester, "Prosecutors" Alicia Davis, Danny Rubin, and Sarah Rinelli were up against the "Defense" team, Gillian Knox and Nadine Dahdah. They tried a murder case based on a real-life shooting

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From left to right: *Rajbeer Timmy Moroak, Ritzi Lam, Jamie Weiler, Fancois Aroux, Lisa Young, Jeff Sutton, Sergui Goga*

Photo courtesy of *Kash Khan, '11*

Poets Get Smart About Smart Phones

Whittier Hosts Symposium on the Law of the Smart Phone

Karen Shiffman, '14

We have come a long way since the mobile phones of yesteryear. Remember when you could expect little more from your mobile phone than a crackling phone call and perhaps a text message if you were lucky? The smart phones of today far surpass the prehistoric brick phones of the last millennium. These tiny wonders schedule and assist us in nearly every facet of our modern lives and are practically surgically attached to our hands. The power these devices have to connect us has given rise to a host of legal issues and regulations.

On November 4, 2011 the Center for Intellectual Property Law and the Whittier Law Review presented the 29th Annual Law Review Symposium on The Law of the Smart Phone. The symposium featured panel discussions and presentations covering economics, regulation, privacy, and intellectual property issues surrounding the smart phone and related technology.

Presenters discussed the state of regulation as it relates to smart phones. Along with the possibility of being tracked utilizing the GPS on their smart phone, consumers can be tracked via apps and widgets on their phone, as well as, through social networking sites. Consumers freely and voluntarily provide information that allows others to track their movements through-

What's Coming Up...

- ◇ 3/23/12
Barrister's Ball-Tickets on sale now!
- ◇ 1/18/12
Welcome Back Winter BBQ-Luau in the Snow

out the day. And while the FTC requires that providers provide notice of their privacy practices which must be consented to by consumers, there is a need to move to a privacy model where consumers have more control. Now that all of our private information can be stored on our smart phones and carried with us, some argue that privacy laws must be reformed and adapted to handle the constantly changing technology. In the meantime, if consumers do not wish to be tracked, they may choose to use a prepaid cell phone purchased pseudonymously with cash.

The discussion turned to focus on issues relating to the smart phone and criminal privacy. There has been concern in recent years regarding the

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News



From left to right: Paula Schmid, Casey Cooper, Steve Basinger

Photo Courtesy of Kash Khan, '11

Barrister's Ball 2012

Get your party pants on...you're going to need them!

Casey Cooper '12

The most anticipated social event of the year will be here before you know it! The Whittier Law School Barrister's Ball 2012 will be held at the Hyatt Newport Beach on March 23rd at 9pm.

Prom – that high school rite of passage that we have all experienced. While we are no longer in high school, that doesn't mean that we can't re-create all of the GOOD, omit all of the BAD, and add an open bar. Barrister's Ball is the law school version of Prom, however, this time everyone comes as a part of the popular crowd, and there is thankfully a lack of embarrassing pre-pubescent acne.

Barrister's Ball is always a highly anticipated event but this year's ball will exceed expectations and is not to be missed!

As you enter the outside veranda, you will be greeted with a glass of champagne and given time to enjoy the ambiance and

take pictures in a custom photo booth. The champagne reception will continue until the doors to the ballroom open at 9:30pm where you will be treated to 3 hours of complimentary open bar with liquor, wine and beer included. An array of "late night" snacks will be available to enjoy while you drink, dance, and mingle with all of your favorite Whittier Law School classmates and friends as you dance the night away with our very own world famous DJ Gather, who has had residencies all over Los Angeles and Orange County! As the night nears its end, a custom candy bar will be revealed to satisfy every sweet-toothed aficionado's tastes. Eat it while you continue to party into the night, or fill your bag to take home as a souvenir.

This year's event is a departure from those in the past. We have listened to the student body and reformatted the event to give you what you want! After a week off from school, whether you go on spring break, or spend the week studying, this will be everyone's last chance to blow off steam before hunkering down for finals.

As a courtesy, rooms have been held at the Hyatt Newport Beach at a rate of

\$139 for any Whittier Law School student attending the event. Book your room ASAP, as they are limited and the rate will only last until March 7th!

To book your room call (888) 421-1442 or visit <https://resweb.passkey.com/go/WHLS>

During Ticket sales, we will be raffling off a free room with complimentary breakfast for two, massages, and many other great prizes!

Buy your tickets early and save!

January 9th – January 12th Pre-Sale: \$65

January 18th BBQ Sale: \$70

February 27th – March 22nd: \$75

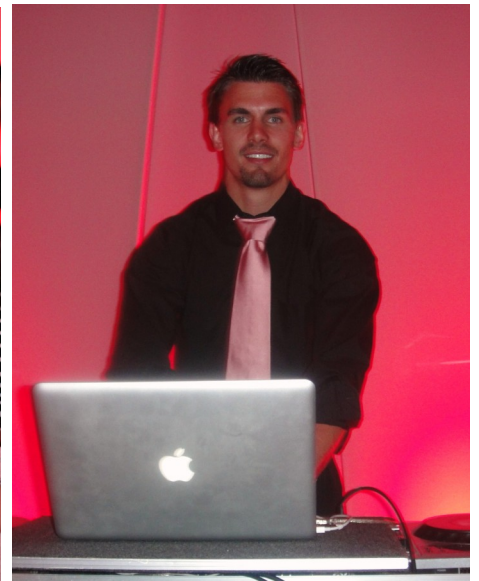
Door Price: \$90

Don't miss the hottest event of the year!! Barrister's Ball 2012 is sure to be an epic event, remembered and talked about for years to come. And remember, "the road goes on forever, but the party never ends!"



From left to right: Cassie Dang, Michelle Lee, Chinfanny Yeh, Christine Ulich, Lisa Young

Photo courtesy of Kash Khan, '11



Above: Jason Hunter

Photo courtesy of Casey L. Cooper, '12

Professor Spotlight

Professor Frank Orozco Jr. is an adjunct professor of law who blends academics and real world experience into a truly memorable class period. Professor Orozco's passion for the law and his students is evident from the first minute you walk into class. For that reason I decided to take a couple minutes to chat with him so that we could all get to know the man who always makes time for his students.

Advocate: *Can you remember how you felt on your first day?*

Orozco: I remember it vividly. I was overwhelmed and fearful and it seemed that everyone around me was confident and ready. I learned very soon that no one was really prepared for law school.

Advocate: *Did you have a particularly entertaining or inspiring professor?*

Orozco: Prof. Kevin Johnson (now the Dean at King Hall) helped me throughout law school. He was my civil procedure instructor as a 1L. He helped me through rough patches during law school, advised me on my career as a lawyer, and is still a friend today. When I started teaching at Whittier, I turned to Prof. Johnson for advice.

Advocate: *What was your favorite class?*

Orozco: Trial Advocacy. There was nothing more fun than playing Trial. I had a great instructor and learned a lot about laying proper foundation, courtroom demeanor, and strategy. I got to compete with our school team, which was a lot of fun too. I think trial ad and evidence are the two classes that pre-

pared me the most for litigation.

Advocate: *Can you remember any funny story from your time at law school?*

Orozco: I always thought it was funny the day in Con Law when 15 of my classmates "passed" when our professor called on them. As a professor, I don't



Professor Orozco as pictured on the WLS website.

Frank Orozco Jr.

B.A., University of California, San Diego

J.D., University of California, Davis School of Law
Class of '97

find it so funny anymore, but at the time it was pretty amusing.

Advocate: *Have you maintained any close friendships with any of your classmates?*

Orozco: Davis was a small school, and that provided the opportunity to meet and get to know a lot of great people. Davis Law School also had a lot of events, and I was involved in several organizations and activities. Some of my closest friends are the ones I met in law school. I am still in touch with almost every friend I had there, even though we are all spread out now.

Advocate: *If you had to do it all over again, would you still attend law school?*

Orozco: Ask me another time, ha ha ha.

Actually, back in 1994 I chose to go to law school instead of culinary school, and sometimes I wonder what would have happened if I had gone to culinary school instead. (I had the chance to finally go to culinary school in 2004, but I had already been practicing law for 7 years.) In all seriousness, I am very happy I went to law school, and 14 years later, most of my memories of those three years are very good ones. So if I had to do it over again, I probably would.

Advocate: *What do you miss the least about law school?*

Orozco: The tension while waiting for grades.

Advocate: *What advice do you have for 1Ls?*

Orozco: Don't fall behind; be organized. Most of the first year classes start preparing you for

elective courses, and ultimately the Bar examination. If you stay focused and organized, you should do well.

Advocate: *What advice do you have for 2Ls?*

Orozco: Don't get lazy. Start thinking about a job now. Graduation will approach before you know it.

Advocate: *What advice do you have for 3Ls?*

Orozco: Maintain your integrity. Don't let it fly out the window once you pass the Bar. You are about to become representatives of an oft-maligned profession, but it doesn't have to be that way.



Ask Advocate



Dear Advocate,

I am a 2L and known for being shy. I know that I need to start making the most of networking opportunities and mixers but the idea of mixing and mingling with potential employers makes me feel a little panicky. Please help me while I breathe into this paper bag!

-Networking Novice

Dear Novice,

I've been there, sitting in the parking lot of some networking wine and cheese fiasco, keys in hand, wondering if it is too late to pretend my car broke down. The idea of trolling around a room full of strangers in the hopes someone will take notice and employ me gives me bad flash backs to my speed dating debacle of 2009 (trust me it wasn't pretty). The whole idea of selling myself in a forced social environment makes me feel a little smarmy and awkward. But networking is a must and the ability to comfortably converse with people and make connections is an invaluable skill. Take a deep breath and put down that paper bag! Even if you are not naturally comfortable in social situations, with a little practice and by following a few simple rules, you can learn to make the most of these networking opportunities and perhaps (dare I say) have a little fun while you're at it.

First off, if you find yourself feeling apprehensive at the idea of the networking mixer, it may help to select one that is preceded by an activity or event. Something like the Whittier Law School Student Bar Association Student/Alumni Golf Tournament. This allows you to get to know people while you're out doing something. Conversations are less forced when you are focused on something else. Later, at the mixer you have a built in topic of conversation to break the ice. Events preceded by lectures or community service are also great options if you're looking to ease your way into working a room.

Instead of showing up to the mixer as an outsider try getting involved with the organization that is hosting the mixer. As an organizer you may be able to get to know some of the important folks that will be in attendance and this may allow you to feel more at ease when the time comes to approach them and strike up a conversation that will hopefully end with a business card and a valuable connection.

Still having a hard time peeling yourself off the wall and breaking into a conversation without having a full blown panic attack or breaking out into hives? It can seem a little intimidating to approach strangers already in the midst of a conversation and try and weasel your way into it without feeling like a creeper. But

don't worry, this isn't the 5th grade. No one is going to tell you "this is an A and B situation so C your way out of it." People are there for the same reason you are to meet people to make connections. Be confident (or fake it), walk up to a gathered group, make eye contact with someone in the circle and smile. When there's a pause, introduce yourself. Remember networking is more about listening than selling yourself. Ask thoughtful questions and really listen to the answers given. Often people fixate on what they want to say next and fail to give their potential contact their full attention. People can tell when you aren't paying attention and that leaves a poor impression.

I know this all sounds easier than it is in person, especially if you have a tendency to be shy or socially awkward. To avoid any nervous ramblings, Kate Eklund of the Whittier Law School Career Development Office, suggests preparing and practicing a clear and concise 30 to 60 second introduction of yourself that includes a discussion of your interest in the area of practice related to the event. It would also be helpful to try and anticipate some of the questions that you may be asked. For instance plan short answers to questions regarding your goals, experience and areas of interest. Practice these out loud in the mirror or in front of your friends. No friends? Try your cat or the kid behind the counter at Starbucks...just don't forget to tip him.

Don't get stuck in one group for the entire event. When the conversation is over, say your "nice to meet you's" and excuse yourself. If you have a business card offer it to your potential contact. If (s)he has one they will likely offer it to you in turn. If you don't have your cards with you, you may ask the contact for their card at the end of the conversation if you feel it has gone well and asking seems appropriate.

Remember always be on time and dress appropriately. When in doubt err on the side of caution and go with a suit. Bring your business cards if possible, as well as a pen and paper just in case. Most importantly bring your smile!

So you made it though the mixer in one piece! You didn't throw up on anyone or hyperventilate and pass out and you even managed to get a few business cards. Kate in the Career Development Office recommends that you send your new networking contact a follow-up email within 24 hours. The message should remind the contact of who you are and where you met. You should mention one or two specific details about your conversation to jog their memory.

If you can survive law school you can handle a little networking. Good luck and happy job hunting!

This edition of Ask Advocate was written by:
Misty Premo, '13, Editor-In-Chief

Poets' Perspectives

1L Woes, Wisecracks and Wishes

Elisa Fortise Christensen, '14

Starting law school is an unnatural phenomenon. This is not news, we've all been there, and despite warnings from our wiser 2 and 3 Ls to our professors, 1Ls ignore the advice. After all, what gallant warrior pauses to consider such suggestions as "keep a balance in your life" or "make sure you manage your stress" when s/he is on the top of the mountain with a lance at their side ready for battle?

I remember driving past a fellow 1L walking his dog before mid-terms (or was it finals, I remember nothing but rules and elements now), and I yelled to him, "Hey! Shouldn't you be studying?," just joking with him, since he is one of three in my class I call "The Attorneys" anyway. These guys look like they popped out of the womb in a suit and a briefcase. Later that week I apologized to him, thinking I shouldn't have made him feel guilty for walking his dog, since it was probably the only break he'd taken the entire semester. He said it was just fine, he was listening to the Crim Law Fleming's CD on his headphones. Sick.

I used to enjoy reading. My bookshelves use to be pretty, with colorful, interesting novels from the classics to those on different cultures, the government, history, outstanding fiction, science, etc. I was proud to show them off, always looking forward to those moments

when a new friend would come over and say, "Wow! You read all of this? What an interesting collection!" Now my "non-law" books are mostly in boxes and my one main bookshelf leans precariously off to the right, bowing under the weight of my law books, threatening at any time to give up under the pressure.

I understand exactly how it feels.

I used to get through my day and reward myself with reading. Now I end my day of constantly reading and reward myself by passing out.

I used to love my pretty clothes, but I'm already mourning the painful transition from clothes that make me look and feel beautiful to black and gray suits that make me feel, well, like a staunchy, conservative lawyer!

What's worse, is the nagging feeling that if I'm doing *anything* else than studying, I am wasting precious time.

As a result of this irrational feeling that we must study all of the time, 1Ls are incredibly easy to spot.

In the grocery store: we are the ones in the check out line that are mouthing things with a furrowed brow while staring at our Ipads or laptops, which we take *everywhere*.

In Starbucks: you have to poke us in the back to get us to

move ahead in line because we are right in the middle of a nightmare about getting called on in Contracts that morning.

At school: (well this one's obvious) we are the ones prancing around like little roosters, trying desperately to hide our huge insecurities from each other.

By the pool at our apartments: we're the ones that are never there.

While driving: we're the ones that cut you off, *several times* in the span of five miles, and despite you laying on your horn and madly flipping us off, we never even look up, because we are trying to make sense of the sickest thing ever done to innocent 1Ls: The Rule Against Perpetuities.

At Thanksgiving Dinner: We're the ones that are there, but are so cranky that the entire family, including the pets, wish we weren't.

At Christmas Dinner: We're the ones that are home, but you don't see us for 10 days because rumor has it we've been sleeping in a blacked out room since we arrived.

And despite all of this, we are still scared out of our minds, even the ones that pretend they aren't worried about a thing. I would just bet they're the most scared of us all.

So continue galloping, 1Ls, full speed ahead but remember: all of us are riding the horse of uncertainty into the battle of the unknown...together.

Good luck this semester and Happy New Year to all of you!

The Zealous Advocate is dedicated to providing a voice for all Whittier law students. If you are interested in contributing to the Zealous Advocate or would like to join our editorial staff we are always accepting new members on our team. Story submissions should be between 400 to 700 words. The editorial board of the Zealous Advocate reserves the right to edit all submissions for length, grammar, and clarity.

EDITORIAL POLICY: *The Zealous Advocate publishes articles, letters and columns of interest to Whittier Law students and the local legal community. Views expressed in such submissions are those of the author(s) and not necessarily those of the The Zealous Advocate, Student Bar Association or the Editorial Board.*

We look forward to hearing from you!

Misty Premo, Editor-in-Chief

mistypremo@gmail.com

Smart Phone from Page 1

practice of using GPS to track a person without first obtaining a warrant or seeking a warrant to track a person's movements using cell phone tower registration data without first showing probable cause. Historically, law enforcement officers have not needed a warrant to rummage through a person's trash, use a low-tech beeper to track them, or tail them around the clock with a team of agents. However, more recently the issue of police using GPS to track a person without first obtaining a warrant was scrutinized in *United States v. Jones*. The U.S. Court of Appeals for the District of Columbia Circuit rejected the government's claims that federal agents have a right to install GPS location-tracking devices on anyone's car without a search warrant. The Circuit Courts are not all in agreement on this issue. The Third Circuit held that the Magistrate Judges may decide whether to require a warrant for GPS and cell phone tracking.

Presenters further discussed the application of the Fifth Amendments with respect to passwords and encryption on smart phones and reinterpreting the Fourth Amendment within the context of the smart phone. Passwords and encryption frustrate the Fourth Amendment dynamic especially with respect to a search of a person's cell phone incident to arrest. If police ask for a person's password, that person can simply "plead the Fifth". The police could eventually crack the password; however, time is not on their side when they only have between 5 and 20 minutes to perform a search incident to arrest. Only where the government can establish that information on the smart phone adds nothing to the case against a person is that person not protected by the Fifth Amendment (the "foregone conclusion doctrine"). An argument can be made where the smart phone has been used to access public documents, such as on Google Docs or Dropbox, that the infor-

mation is not that of the smart phone owner's since others could have the password to that public document.

Today, people share everything about themselves, where they are and what they are doing, on social media sites as though the information was just between the closest of friends. People post things online that they would never divulge to others in person. Yet users still have an expectation of privacy – just because they share something with their Facebook friends does not necessarily mean that they have abandoned any claim to privacy. Because of this we can likely expect to see a change in privacy laws in the future. In fact, several proposals have been made to create a social network users bill of rights. In the meantime, Lisa Borodkins suggests: "Don't put everything online. Keep your 'pen friend'."

The discussion moved on to the mobile consumer. In many countries, consumers use their smart phones as a portable payment system for everything they purchase, while in the U.S. consumers are still not quite ready to embrace their smart phones as an all-inclusive form of payment. Instead, we carry around credit cards, debit cards, cash, and even checks to pay for purchases. This could be due to the average age of smart phone users in the U.S. today.

The afternoon concluded with a discussion of intellectual property and the smart phone including a discussion of the future of law with respect to the smart phone. Presenters discussed the future of innovation and the expected alternatives to closed cellular networks. They discussed the issues involved with the free flow of data to and from the internet and users, and how broadband neutrality rules would do more good than harm. The speakers suggested that there must be a balance between the interests of users and those of copyright, trademark and publicity rights

holders in this mobile era. Currently, we protect fictional characters, such as Mickey Mouse, better than we protect people with respect to the right of publicity.

The smart phone can help us now to understand and figure out what some of the issues may be with respect to future computing technologies. As technology moves forward, new issues will arise and the law needs to be able to change to encompass these new technologies. M. Scott Boone concluded the afternoon with an apt quote from William Gibson: "The future's here. It's just unevenly distributed."

Trial from Page 1

in the local area. 3L Trial Advocacy Honor Board veterans and 1Ls were asked to participate as witnesses, and they really stepped into character. The 3Ls mentioned this class was slightly more relaxed than the trials used in competition, and perhaps more life-like as such. The 1Ls said it was great to experience the scrutiny a typical witness endures during trial. For many 1Ls, this was the first trial they had ever witnessed. For those of us who have had court viewings, having such interesting facts is rare.

Three judges gave performance feedback, including Whittier's very own graduate, newly-hired Assistant District Attorney Hoon Chang. While the prosecution did convict the defendant of Second Degree Murder, the defense team was deemed the winners after successfully mitigating the outcome. Nadine Dahdah had the best argument, and Gillian Knox was the best overall. Notable mentions went to Danny Rubin for having the most passionate delivery, Alicia Davis for being the most improved/ best grasp of the facts of the case, and to Sarah Rinelli for having the best personality/ most likely to relate to.