



{ *prima facie* }

TEMPLE University
Beasley School of Law

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New Temple Law Website Coming Soon

Scott Kuhagen
Staff Writer

The law school's new website will go live "as soon as possible," potentially in a matter of weeks, according to Assistant Dean for Computer and Information Technology Shyam Nair. Nair stated that most websites have a lifetime of three years, and that with the current Temple Law site in its sixth year the time had come for a new online presence for the law school.

The design for the new site was chosen last spring, when the Temple Law community overwhelmingly chose one design over two other candidates. The content on the current site, contained on at

least 2,000 pages, will mostly be transferred to the new site,



Soon this layout will be only a sweet memory...

because the school did not want to generate completely new content. However, because the technology underlying the current site is no longer supported, the school chose to

switch to using the Microsoft Sharepoint technology that allows for the old content to be converted into a format that can be used on the new site.

Nair acknowledged that the database conversion from the old site to the new site is taking much longer than expected, as the developers must work to make sure that each part works on the new site. The school is working with Active Data, an outside firm based in Bethlehem, Pa., that has the old site running on their engine and that is assisting with the database conversion.

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Temple 3L, Tony Foltz, Still In Hospital

Rochelle Keyhan
Editor-In-Chief

Third year law student, Tony Foltz was the victim of a hit and run accident around 2:30 am the morning of Sunday, April 11, 2010. The driver drove away from the scene, but witnesses saw which direction he had gone and the police eventually found a car that matched the witness' description. Two days after the police announced they had found the car allegedly involved in the accident, the driver, Nicholas Hasselback

turned himself in to the police.

Tony Foltz is a third year Temple law student who was set to graduate this May. He suffered arm and leg injuries and a skull fracture and has undergone multiple surgeries. Foltz remains in critical condition at Hahnemann University Hospital in Center City. At the present time, he was alert and responsive for a period of time before he was sedated again for further surgery. If you

would like to write a card or letter to Tony or his family, you can leave it with Dean Esten in Barrack 103, who will then deliver them to Tony's family.

The driver of the vehicle was Temple University undergraduate Nicholas Hasselback. Hasselback was also set to graduate this May

If you would like to write a card or letter to Tony or his family, you can leave it with Dean Esten in Barrack 103, who will then deliver them to Tony's family.

before he was placed in custody for the hit and run. He

remains incarcerated on \$500,000 bail.

Hasselback's preliminary hearing is scheduled for April 29 at the Criminal Justice Center in Center City.

Prima

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Website from Page 1

Asked when the new site would go live, Nair responded: "Sooner rather than later, but we don't want to put something up there that is not complete... Once the conversions are resolved... then we have to do the quality control" checks. The different law school departments will have someone designated to update the parts of the website that concern them, Nair said.

Nair elaborated about the need for a new site and the school's approach to the new

site: "One of the concerns we had with the current site is that it is old, it is difficult to navigate, most students don't really use the site." Instead, most students just use the search button to find the information they need, Nair pointed out. As for the new site, Nair stated that with many different groups of people who would use it, it had to work for everyone. "We have the current students, we have prospective students, we have faculty, alumni, employers... each one's needs are slightly different," Nair said. He said that the school's goal is to craft a

website that caters to each constituency, and has had input on the site from each of these groups.

Asked about what he is personally most looking forward to with the new site, Nair said that "my goal is to get it up as soon as possible... it's the right time to do it." He is also looking forward to an increased use of constituent dashboards, social media, and Web 2.0 features, as well as a greater ability to stream audio and video of events that take place at the school.

Update: Gerald Ung Trial Date Set

Gerald Ung, third year Temple law student arrested in January for shooting a man in January of this year, was ordered to stand trial beginning May 7, 2010 in front of Judge David Shuter on the following charges: attempted murder, aggravated assault, possession of

an instrument of crime, simple assault and recklessly endangering another person. Two gun charges were dismissed because Ung has a permit to carry from Virginia. Ung is represented by Philadelphia Defense Attorney Jack McMahan and is alleging self defense.

GRADUATION

Temple Law School's 2010 graduation ceremony will be held on Thursday, May 20 at 4pm in the Liacouras Center. The current ABA president, Carolyn Lamm, is the commencement speaker and graduating 3rd year Mike Zabel is the student speaker.

Graduates: Regalia is available through the bookstore both in-store and online. Online purchases need to be made by **May 1, 2010**. Purchases can be made in store until **May 19, 2010**.

Letter from the Editor-In-Chief:

Temple Prima Facie will take a summer hiatus and be back in full swing in the Fall! So, if you want to write or edit for the paper, help with the design or the website, be our SBA representative, or help in any other way - email us at TemplePrimaFacie@gmail.com. Prima Facie is up and running, my last law school final ever is April 28th and then I can graduate with a sigh of relief! In my stead, please welcome your new co-editors in chief, Jane Charles-Voltaire and John Krawczyk.

Thank you very much, it's been a pleasure!

Sincerely,
Rochelle Keyhan

Editor's Note: Update on Judge Porteous impeachment from last issue.

Updating a previous article, The House of Representatives unanimously voted in favor of all four articles of impeachment for Judge Thomas Porteous. H. Res. 1031. The Senate has taken the first steps towards trial and appointed a committee to find and report evidence against Porteous on March 17, 2010. Sen. Res. 458.

Inside Klein: Real talk with Jane Charles-Voltaire The *Invincible* Mr. Griffith

Most days at Temple Law, one can hear Vince Griffith's voice resonating through the lobby of Klein hall. He sits at his post, assertively greeting and engaging anyone walking through the front door. With his deep, uniquely distinctive baritone, and his haunting presence, one might believe he was holding court as professors, staff and students each find moments throughout the afternoon to pay homage. The secret is that sessions with Mr. Vince are in fact lessons in life, and all who have had the occasion to speak with him, be it for 5 minutes or 2 hours, instantly grasp the tremendous resource that he is to our community.

I had the opportunity to speak with Mr. Vince about his own life experiences and his colorful narrative shed some light on his world-view.

What was it like growing up in North Philadelphia in the 1950's?

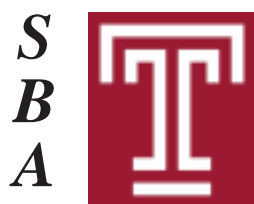
Griffith: I loved the neighborhood because you had everybody there. This was the pre-integration era and therefore everyone of the black community lived there, rich or poor. Our teachers they lived a little bit above us in an area called Tioga, Nicetown, but some even lived in the neighborhood right by the school. It made for a good thing because you had a lot of people

who contributed to the neighborhood and made people strive to do better. You couldn't use the excuse, well all of us are poor, so that's just the way we are, you had too many mentors and shining examples of people that were doing good. I had a couple of my neighbors, like James his father, Mr. Allen, was a doctor; people like that, they were like beacons and made you say, I can do it too. Neighbors looked out in a very strong way and that made a sense of unity. I remember I was playing on the second floor window and my mother had gone out. I was riding the second floor window sill like it was a horse and the neighbor came and she snatched me off and she tore



my behind up and then I got another whopping when my mother came home for playing in the window like that. I could have killed myself, but when you're seven what do you know? Sunday mornings were the best. The men working on their cars and the women would

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Corner

Dan Tyman
SBA President

With the year ending it means that another SBA Board of Governors is leaving office. This year, five of our six officers are graduating. As thanks to them, I'd like to use this space to highlight some of the achievements of the Student Bar Association.

The most long-lasting achievement this year was the overhaul of how money is distributed. Every year you pay a Student Activity Fee (it's one of those things hidden in your massive tuition bill). That goes to fund the activities the students put on at Temple Law (in addition to money kicked in

A Moment of Thanks

by the administration and the alumni). This used to cause a free for all for money. Over time, the process became more rational, but it still wasn't working. Mike Sinclair, our SBA Treasurer, a graduate of the Coast Guard Academy and Coast Guard officer, applied his skills to the problem. The new system – which took immense time and effort to craft and put into practice – has been a resounding success. Student organizations had the money they needed to put on the great events you've enjoyed, and not only were we able to fully fund Barrister's Ball this year, but we've already funded next year's too.

Barrister's Ball itself was a great success. After the (somewhat inflated) controversy over last year's, I turned the event entirely over to Yemisi Ogunro, our Day VP and a graduate of (National Champions) Duke. I'm very glad

I did. The event was wonderful, as everyone there can attest. The Ballroom at the Ben was a great venue, decorations were fantastic, the Ball was sold out, and it came in under budget (thanks to Yemi's negotiating skills).

Chris Reese, a UMBC grad and the best Temple Owls supporter in the law school, took over as Secretary with a mandate to cut down on the amount of emails. Chris shepherded many into the digest system, and created new regulations on the amount of emails that can be sent out and who can send them out. It wasn't a cure, but it was a big step in the right direction.

We've had many other great successes. The State Supreme Court Debate, moderated by Charles Fitzpatrick and Vanessa McGrath, brought positive publicity on our law school. The ABA Representative was re-added to the Board of

Governors. Ricky Santee, a Dickinson grad and licensed basketball referee, did a great job as ABA Representative, including overseeing the Client Counseling Competition. Space limits my ability to list more accomplishments, and I'd be remiss if I didn't mention some other 3Ls who did great work in the SBA this year. People like Abigail Thompson (who oversaw the 100 Days Party), Stephen Rudman (who revived *Prima Facie* amongst many other contributions he made) and Student Leader of the Year Colin Haviland (the awesomeness of the Brehons needs no explanation).

Let's all take a moment to thank these people if you see them (and Dan Hernandez, Evening VP who still has two years left). They left big shoes to fill. And good luck to Vanessa McGrath and her Board in doing as great a job as those people did.

Clinical Round-Up



Rochelle Keyhan
Editor-In-Chief

Clinical Registration Numbers (different than your course registration numbers!) are listed outside Room K615 near the clinical registration packets outside the office. Registration forms must be submitted to the clinical office **by 5:00 pm Friday, April 23rd** at the absolute latest. Below is a description of a clinical course by a 3rd year student, outlining his experiences with the program.

Must apply by: **Friday, April 23rd at 5pm** in the clinical office, Room 615 Klein – whether you want a clinical each semester, or only one semester, you **MUST** apply by the April 23 deadline.

You will be assigned a priority registration number that is separate from your normal course registration number. (So, if you have a terrible registration number, don't be discouraged – you could get a great clinical registration number.) The registration packet is available at TemplePrimaFacie.com: <http://www.law.temple.edu/pdfs/Clinicals/PriorityRegPacket.pdf>

While 2Ls likely have already made your selections, the following descriptions are testimonials from anonymous 3Ls that 1Ls can use next year, and 2Ls can use to make decisions between waitlisted clinicals, or switching around their schedules next semester to the extent spots are available:

US Attorney Clinical

"The clinical involves a large (over 100 page) case file of a rogue FBI agent and his involvement with a Russian mafia organization. The facts are interesting, and the clinical trial advocacy training by seasoned US Attorneys is similar to an advanced trial advocacy course. The training is hands on and very active from two excellent United States attorneys. Students practice arguing bail motions, motions in limine and the actual trial in front of federal magistrate judges (who take the exercises seriously and provide constructive feedback). The packet is thick, and the US Attorneys expect a lot. You will gain as much as you are willing to put into the clinical – the US Attorneys make themselves constantly available for collaboration, assistance and growth as an advocate (at the theoretical planning stages of a prosecution to the actual execution). The more you prepare, the more helpful and specific their criticisms will be. Basically, this can be a lot of work, or not much work – and you'll get out of it as much as you put in. By way of reference, while this clinical is a lot of work, it is much less work than the District Attorney clinical."

Death Penalty Clinical

"For this clinical, offered in the Fall semester, I was assigned to the Capital Habeas Unit (CHU) in the Federal Community Defender's Office, in the Curtis Center downtown. My experience was more similar to an internship than a clinical, as I primarily did research assignments and drafting assignments, rather than working on particular cases with client contact. The CHU Unit's work focuses almost exclusively on post-conviction appeals for those sentenced to death. I did most of my work in the intern office within CHU at the Federal Community Defender's Office, where I had my own computer and space to store my work. Others in the clinical were assigned to individual attorneys who were defending death penalty cases at the trial level, so their experience was likely quite different from mine."

Family Law Litigation Clinical

For this clinical, offered in the Spring semester, I was assigned to the Temple Legal Aid Office within the law school. This felt like a true clinical experience, as I was assigned individual clients, communicated with them on a regular basis, researched and prepared for their hearings, and conducted their hearings in Family Court. I was also required to conduct intake interviews for potential new clients. The facilities and equipment in the Legal Aid Office are severely lacking, but they are scheduled for an upgrade next year.

Philly DA

"They warn you that it's a heavy workload, and they aren't kidding. The work is time consuming: half a day per week preparing your cases, then a full day in court, then a few hours afterwards closing out your files. Additionally, they ask you to come in a couple hours a week to attend a usually-worthless lecture. However, it's real trial experience in a real courtroom, and no shortage of it. There is nothing between you and an impatient judge, or an underhanded defense attorney, or an annoyed witness – you get to deal with it all yourself. Those invaluable experiences cannot be replicated in the classroom."

Civil Practice for Clients with Health Care Issues

"Most of the work here is Social Security benefits. Helping people apply for benefits, helping them appeal their decisions when they're denied benefits, helping them deal with the government when it tries to take benefits away. There is also some estate planning for people who are sick or disabled. The best part of this clinical is that you get to deal with people who have very real and very immediate problems. It is one thing to help a faceless company draft a legal document, but it's quite another to help the person sitting in your office get money for badly needed medical treatment. Also, for better or for worse, there is tons of classroom time to teach the substantive law."

The Innocence Project

"Whenever I talk about taking part of the Innocence Project clinical at Temple, the first thing out of my mouth is always "It was the best experience I've had in law school." From what I can tell, that seems to be the sentiment from everyone else who has taken the Innocence Project clinical as well. The first thing about the Innocence Project that makes it such a great experience is that it's good work. You won't

just find criminal defense attorneys in support of the Innocence Project but prosecutors, police officers and judges all encourage the work that the Innocence Project is doing. It's a great feeling to be able to come into the office and know that you are using your legal skills for something good and that helps real people, not just characters on a final. The second thing about the Innocence Project that makes is a great experience is Marissa Boyers-Bluestine, the legal director of the Pennsylvania Innocence Project. Marissa has been a part of the Temple Law community for years, starting as a student at Temple Law and since graduating from Temple, she has remained to help with Temple Law's Trial Team and ITAP program. As the head of the Innocence Project clinical, Marissa does a wonderful job teaching students about wrongful convictions, Pennsylvania's appellate and post-appellate process and even about the day-by-day working of being a practicing attorney. Additionally, Marissa has an open door policy with her students so any time you feel the least bit stuck or in need of assistance with your caseload, you can duck your head in and she'll be glad to take as long as it needs to help you out. There are a lot of active cases and you'll be assigned to work on them as soon as you finish your training on the first day. In the beginning, you'll start with the initial letters the inmates send to the project and you'll check through them to see if the inmate makes a claim of actual innocence. Once you have had more training, you'll be assigned more difficult cases. This will consist of testing the inmates' claim of actual innocence and trying to find evidence that can show they were wrongfully convicted. You'll meet with witnesses and investigators and in the end, you'll be the one deciding if the inmate has a true claim of actual innocence or if the file should be closed. Now, it wouldn't be honest to say that there aren't downsides to the Innocence Project clinical. It not only takes the whole Wednesday of your week but many hours on the other days as well. It is a serious time commitment. Additionally, you can get very invested in your cases and it can be difficult to close a case when you've spent a lot of time with it. Despite these faults, I would say that the Innocence Project is a great clinical. I've saved the best part for the very last. One of the first days of the clinical was driving to Graterford Prison and meeting with some of the ongoing clients that the Innocence Project is working with. Hearing their stories, learning about their experience with the law, I would say that even if you ignored everything else that makes up the Innocence Project clinical, the clinical would be worth it for the visit to Graterford."

Sexual Orientation and Gender Identity

"In the Sexual Orientation and Gender Identity clinical, students will work at an LGBT clinic to assist clients who are dealing with issues related to their LGBT status. These issues can range from discrimination at work, harassment in communities, estate planning for same-sex couples, or assisting trans-gender clients with a legal name change. The clinical is broken up differently from the other clinicals at Temple. There is a one hour class on Wednesdays but you will also have three three-hour shifts throughout the week. During these shifts, students will work on a hotline where LGBT individuals can call in for legal assistance. When students aren't on the phone, they may be meeting with clients, drafting letters or researching legal issues for the clinic's clients. The LGBT clinic is a good way to get experience interacting with clients. However, it can be a difficult dealing with clients at first. Over the semester, you will get more experience that will make client interactions a great deal easier. You may also get courtroom experience if you are court certified. You can become court certified by taking ITAP or by completing at least 54 credits, passing the basic trial advocacy course and earning at least a "C" in Evidence. Over the semester, students will also learn about LGBT issues in Pennsylvania, including legal status of same sex-partners, employment discrimination and second parent adoption. The shift schedule may take up many hours during the day on multiple days but the work rarely takes up more than the ten hours a week the student is scheduled for."



Join Temple Prima Facie!



Wanted: Writers, Layout Designers, Photographers, Web Designers,
Copy Editors!

Keep your eye out for the SBA email announcing our first meeting at
the end of the summer for the Fall 2010 issue!

If you're interested, email Temple Prima Facie at
templeprimafacie@gmail.com

Griffith from Page 3

be getting you ready for church. We had an old saying in my house “You can either go to church, or get a beating and go to church.” And you would come outside and the day had a flavor of its own. You heard nothing but gospel music, for blocks and blocks. I could walk from 17th street to 19th Street and Chelton Avenue, where my church was, and I would hear nothing but gospel, which was really on point. So you know that everyone was vibin’. These were the things that I reveled in, and I enjoyed about my neighborhood. You had that unity there because everybody was doing the same thing, plus you had to interact, there [was nothing] of people being on the computer and isolated, you had to interact.

Mr. Vince’s hearty chuckle resounded as he recounted to me these childhood memories, depicting a forgotten era in the history of this neighborhood. I wanted to know more about his first experiences with Temple and how he as a member of the community viewed the University.

What was your interaction with Temple University at this time?

Griffith: I grew up about 3 to 4 blocks from Temple University, which was like a big fortress in our neighborhood. And we weren’t sure what it was. It was a mysterious place. But when I went to 2nd grade I participated in a summer camp in the playground at Carver elementary, and I had student teachers from Temple come over and that’s when we penetrated the fortress. And it was a lot of fun because they were trying new educational ideas and to teach us different little things

they were learning in school. That was my introduction to the Temple community.

Simply imagining the feeling of conquest that must have overtaken a young Mr. Vince and his companions is stirring. And, as spoken, one immediately sensed that this moment would be forever bound in his mind. Mr. Vince is a man of intense wisdom and amongst one of his favorite topics of enlightenment is the topic of dating and relationships. Many evenings, one might catch the whispered exchanges between the mentor and his disciples.

Dating back in those days was very, very on point. You had to deal with irate cranky fathers, who wanted to know why you were coming to their door, what was your purpose? And the courting game was full blown. There would be sitting in the living room sessions, there would be sitting with mother and father and any siblings and discussing what you planned to do with your life. And woe to you if you didn’t have a plan, cause you would not get another invitation. “What you bring that boy over here for? He ain’t about nothing.” So in courting there was also taking people out on dates. The motivation to get a job came through, I liked a young lady, and she said “you have no job” What? The next day I got a job. And I’ve been working ever since. And it was a very good thing to have a job and a girlfriend.

Another experience, which would play a significant role in shaping Mr. Vince’s view on life was his experience in the Vietnam War.

How did you get to Vietnam? What had you been doing up until that point?

Griffith: Well, here comes the military obligation of every male in the country. In 1965, 4 days before Christmas, I got a greetings letter to report at 7:30 in the morning. That’s how I was drafted. But it was very fateful for me, because I learned to see outside of North Philly. There were a lot of experiences and things I had never seen, and it really enriched my world. I can’t even describe [it].

For many, Mr. Vince’s charming anecdote on courting in the 1960’s coupled with his candor about the draft is reminiscent of the everyday complexity of his character. His devotion to his nation at a time when his own community was struggling with police brutality and political tyranny is incredible.

What was going on in North Philadelphia while you were in Vietnam?

Griffith: Would you believe in the mid-60’s because of the brutality of the police department we had a series of riots here in north Philadelphia that devastated the business strips that we used to really enjoy?

Columbia Avenue, Susquehanna ave., Ridge ave. and 31st street were all shopping centers that rivaled 9th street as far as togetherness and purchasing stuff. You could get anything from a mousetrap to a house full of furniture right on Susquehanna ave, two blocks above Temple’s campus. We had movie theatres throughout the neighborhood, you didn’t have to go downtown for anything, but after the riots all the business kind of evaporated in North Philly. Now we’re talking about circa 1965, these things came to pass when I went to the war, and once I came back from the war, we had a new day.

And nobody stayed in North Philly anymore. Which was a tragedy, because it used to be a great place to live; it wasn’t a prosperous place but it was a spiritual place.

So, what did you do when you came back from the war?

Griffith: When I came back there was no way I could go back to working in a restaurant for pickins’. I had a very good job with an electronics company called TRW, and I worked there for about 20 years. About halfway through, they needed someone to do this field called electron plating and they were willing to pay my way for me to go to Temple. In those days you didn’t need a college education, this was the early 70’s into the 80’s, you could get a good job if you had a decent brain about you and good hands. A lot of times people just stayed and worked for places like Westinghouse, Bilco, Ford, and they would be good for you. My company said, Vince “I want you to get some college in so that you can do this job, and you’re gonna have to take up chemistry and electrical theory at Temple, we’ll pay the tuition, all we need you to do is the work.” So guess what, I was on it. I did that for 2 years. I worked while I was going to Temple and I learned how hard it was to be a student/worker with a family. It can be very, very hardcore. It made me give up one of my loves, i.e. the Eagles Football for a year. But I really enjoyed coming to Temple. Now I was really in the fortress and I could see the way it worked. I got to see how the school could really work for the community. This is when I first saw the integration of the school with the community.

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Griffith from Page 6

As the life and the community he had known as a child disappeared, Mr. Vince changed his course and had a vision about what Temple could bring back to North Philadelphia. He had conquered the ivory tower, striving to make a better life for himself and his family. But Mr. Vince is a man who fervently believes in community, and the decline of North Philadelphia would remain embedded in his mind as he developed his political philosophy.

What are some of your political views?

Griffith: When I came home I saw a lot of economic turmoil and riots in the city. It helped shape my political status today.

I believe I am a nationalist - democratic socialist, if you can figure that one out. If you sit with me for 5 minutes, you'll know. I've seen the good the bad and the ugly of America, in my time here on the planet, hopefully people will come to my view-point on things, i.e. the good Samaritan, that's what I believe we should be. In the early 70's, I saw how the black community was suddenly getting jobs, which there never used to be, and then when the 80's hit, it flipped again, and it was kinda' hard to get jobs again. The political climate, that's a rough terrain, I don't see enough minorities getting out to do what they need to do to put themselves in a better situation and also the powers that be, they will never concede power.

As some who have had the opportunity may know, politicking with Mr. Vince is its own rite of passage. His tremendous breadth of history and culture color every

discussion with either heated debate or silent compliance. His views are bold and unapologetic and in an era of political correctness and timid assertions about our society, it is refreshing to hear someone who speaks from his heart. As our session came to a close, I wanted Mr. Vince to talk about his experience working at Temple and how he saw himself within the law school.

When did you begin working at Temple?

Griffith: I was a dorm guard for about two and half years, which I enjoyed thoroughly. I was able to get in with the youth there and to give them a little bit of discipline on the scanty clothing they would wear out on the weekends, because I would tell them I was gonna dime them out to their parents. And usually they responded, they didn't want me to dime them out. So it was a good give and take thing, the parents loved me, and the youth they begrudgingly loved me. But it was all good and fun. Then I moved up here to the law school. My dynamic with the students is very amusing, because some of them can be very snobbish and it's my job to break them down and make them realize that they are still human. They've always been glorified as "A" students and sometimes they need a smidgeon of humbling, even though the professors give them a hell of a lot to be humble about. I love to see the way they come in here arrogant as 1L's, by the time they're here two months they're sulking about, and cursing, and just feeling like, whoa, and they have to come back to earth again. And I love it. There's nothing like humility in a man or woman. I'm here to make them take their

BAR APPLICATION DEADLINES:

PA: Exam Date: Tues July 27, 2010 and Weds July 28, 2010.

First late = April 30 (\$650 fee).

Second late = May 15 (\$950 fee).

Final = May 30 (\$1,350 fee).

Deadlines are POSTMARK deadlines.

NY: Exam Date: Tues July 27, 2010 and Weds July 28, 2010

Final Acceptance Date = April 30.

"Applications must be postmarked no more than 120 days and no less than 90 days prior to the exam for which application is being made. The Board does not accept either early or late applications."

NJ: Exam Date: Weds July 28, 2010 and Thurs July

29, 2010

Final filing date = May 15, 2010.

Deadlines are Postmark/ Hand Deliver deadlines.

IL: Exam Date: Tuesday July 27, 2010 and July 28, 2010.

First time bar exam applicants:

"Late filing, upon payment of sharply escalating fees, is permitted through May 31."

"Absolutely no applications accepted after May 31 for July 2010 bar exam."

Wash., D.C.: Exam

Dates: Tues July 27, 2010 and July 28, 2010

Timely = 4pm May 3, 2010.

Late = 4pm May 18, 2010.

CA: Exam Date: Tues July 27-Thurs July 29

Late = June 15.

mind off of the stringent law stuff and relax them a little bit. I think that that's what I do, because I give them slight diversions, and homely stories and just make them ease up, because there's nothing in life worth your time so much that you can't see the forest through the trees. Sometimes you got to back it up and then you can see the whole picture. And I find that this seems to work for me, I get their mind off of things just enough, without completely distracting them. Plus I have some age-old wisdom, because these people are young and they need a lot of learning about

regular life, not just law life. *And just like that, as he is prone to do, he informed me that the conversation was over. These captivating stories that he had shared with me were only pieces of the man sitting before me. More people passed and he continued to greet them, occasionally he would answer a question, show someone the new book he was reading or simply send them off with an endearing goodbye. It's no wonder that Vince Griffith holds his place as a wise man amongst us.*

Temple Study Abroad: Beijing, China and Cork, Ireland

Take the Law Out of Law School

Colin Stuart
Staff Writer

“There is no law in China.” I heard this phrase dozens of times during my semester in Beijing. In a lot of ways, it is true. Around 45 years ago, Chairman Mao decided to rid China of all western influences. For the



next ten years young Chinese males pillaged the countryside in an effort to destroy everything related to capitalism. Included in this abashing of western culture – the education and legal systems. Despite Beijing’s recent efforts to institute the rule of law, Communist party members are still above the law according to the constitution.

In a lot of ways, the Tsinghua University curriculum parallels the unorthodox nature of the Chinese legal system. For example, while at Tsinghua I did not encounter a single casebook, the Socratic method, grades, or in-class exams. Instead, in-class lectures focused on the development of the Chinese legal system and our professors’ role in that development.

From 1966 to 1976, all schools in China closed as a part of the Cultural Revolution. During the Cultural Revolution, teenage males set up shop on college campuses and violently removed Western/capitalist influence from China. In some of my classes at Tsinghua, professors would recall their own participation in the Cultural

Revolution. Specifically, one professor recalled criticizing former teachers (which led to the suicide of two of them), abducting a woman accused of adultery, and warring with rival groups of the so-called “Red Guard” on Tsinghua’s campus. I had read about the Red Guard prior to my arrival in China, but hearing the non-apologetic tone in the voice of a man that was both a victim of and responsible for China’s darkest moments was an experience that I did not envision upon my entry to law school.

Outside of the classroom, I was the lecturer. Seemingly, in every corner of China someone is waiting for an American to walk by to ask him or her about Barack Obama, Taiwan, sex, crime and Allen Iverson. I was frequently asked in detail about getting an MBA and the NBA, neither of which I know much about. Inevitably, the conversation got turned on its head and I would be lectured about crime in America, why the US should stay out of the Taiwan conflict, and how the West is overly critical of China.

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Traveling With The Luck Of The Irish

Emma Stuhlmann
Staff Writer

I studied abroad at University College Cork (UCC) in Cork, Ireland, for the Fall 2009 semester. It was an amazing experience and I would recommend that anyone that has the chance to study abroad should go before graduating from law school. I decided to go because I knew I would probably never have an opportunity to live in another country and I’ve always wanted to go to Ireland.

I went with two other Temple Law students: Tim Collier and Amanda Height. We lived together in an apartment near the downtown area. We also had a roommate who was an undergraduate student from Beijing, China, and dozens of international students that lived in our apartment complex.

The three of us took LLM classes in the Law Department at UCC. We had to take six classes each because of the way that credits matched up between UCC and Temple. It was a lot of work, but it was nowhere near as stressful as the first couple of years at Temple Law.

The classes were very different than law school classes here. Professors do not use the Socratic method and the

reading was more frequently from academic articles than textbooks and cases. I liked getting an international perspective on things like juvenile justice issues and immigration and refugee law. I also took a clinical class, in which I observed court proceedings, visited the local prison, and attended talks by professionals in the criminal justice field. This class was especially useful for me because I want to do public defender work when I graduate and I got to learn about the differences between the American and Irish criminal justice systems.

In addition to studying, I got to travel all over the country and see so many beautiful things. The Irish coast and countryside is breathtaking. I rented a car

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Temple Study Abroad: Continued

China from page 8

Despite some fundamental contentions between the two super powers, the Chinese are eager to share their culture. Whether I had questions about the chicken head in my soup or inquiries about a particular type of tea, there was always someone willing to share their knowledge of China's vast culture. While law school can

make you forget that there is a world outside of Klein Hall, the four exquisite schools of Chinese culinary art, the modern cities that dwarf New York and the sense of national pride that bridges the gap between the ancient dynasties and the modern super power provide a constant reminder that Klein hall is but a grain of rice in the iron rice bowl.

*Ireland from
page 8*

and learned to drive on the other side of the road. There were more times that I was stopped in the middle of the road because sheep or cows thought the road was their pasture than I can count. The peacefulness of the countryside and the village pubs was a great juxtaposition to the excitement of Cork City. While



Cork is a small city by any American standards, it has tons of pubs and restaurants, and a very busy nightlife. The Irish people in the pubs and the students in the UCC LLM program were welcoming and friendly, and they were one of the best parts of the experience.

Living in Cork was one of the most rewarding experiences I have had in law school. I

absolutely recommend that people take advantage of the study abroad opportunities available at Temple. If you go, get involved in the local community and step outside of your comfort zone to make friends and learn new things. Try to see as much and do as much as you can. We all know that life as a lawyer can be tough, so get out there and do as much as you can.

A Temple Law Student's Treasure Map to Amelia Island, Florida

The average man will bristle if you say his father was dishonest, but he will brag a little if he discovers that his great-grandfather was a pirate. - Mark Twain

Marla Neufeld, Esq.

As you cross the "gangway" onto the barrier island of Amelia Island, Florida, you are instantly transported into a charming and unspoiled paradise, surrounded by one-hundred year old moss covered oak trees, pristine white sand beaches, salt water marshes, and abundant native wildlife.



However, this quaint haven, just off the Florida Coast, and only thirty minutes from the Jacksonville International Airport, was once the stomping ground for pirates!

The Embargo Act of 1807 and subsequent legislation in 1808 made it unlawful for U.S. ports to import European goods. Amelia Island's maritime heritage is due in large part to the natural deep harbor on the north end of the island, which provided convenient access for smugglers, pirates, and sea captains. Not only was Amelia Island the former home to the gold loving Captain Jack Sparrow, but Amelia Island is the only community in the United States to have been occupied by eight different countries flags. The famous expression on Amelia Island is, "the French visited, the Spanish developed, the English named, and the Americans tamed." With its cast of pirates, native Timucuan (as early as 2,500

B.C), shrimpers, nobles and confederates, the island's rich 4,000 year history is full of tales and treasures.

Amelia Island's city center, Fernandina Beach, was once a charming seaport village, and in the early 20th century became known as the birthplace of the modern shrimping industry. With its Victorian-era architecture, Fernandina Beach is home to Northeast Florida's oldest and continuously operating bar, the Palace Saloon as well as Florida's oldest operating hotel, the Florida House Inn. The townhosts an enticing array of delicious waterfront dining experiences. The first weekend in May each year, the island hosts the Isle of Eight Flags Shrimp Festival to celebrate the shrimping industry with live music, arts and crafts exhibitions, and boatloads of fresh shrimp and seafood. The Shrimp Festival

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Treasure Map from Page 11

features a 'pirate look-alike' contest, a parade featuring pirates handing out pirate "booty" while blasting

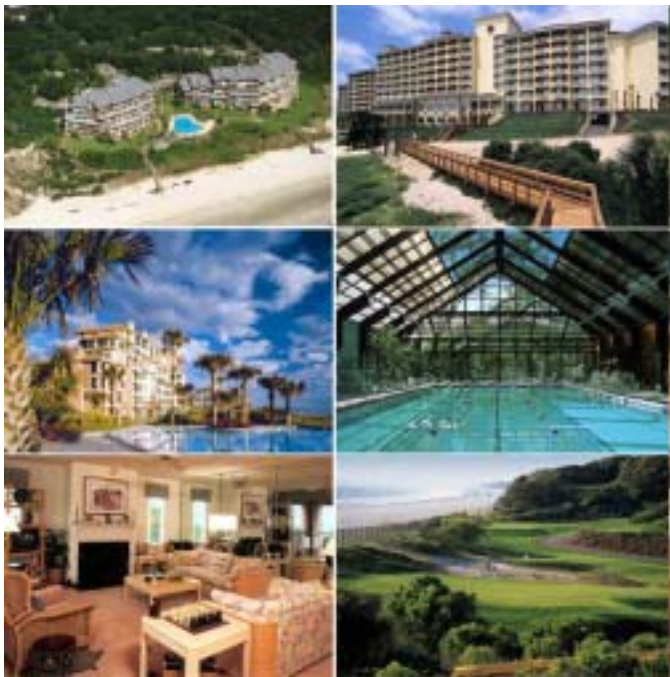
features over thirty types of salts, which are not only incorporated into the cuisine, but are brought table-side to sample with your meal. Unique salts include Himalayan Pink from the pristine Himalayan

while deeply breathing in the relaxing scents of lavender and other soothing herbs. Now imagine getting a delicious massage while rhythmically swinging from your hammock. The Spa at the Ritz-Carlton features its signature "zero gravity" treatment, Heaven in a Hammock, which incorporates the therapeutic benefits of massage while slowly swinging on a hammock which allows for even weight distribution, creating the sensation of floating and weightlessness. After relaxing in your hammock, navigate the salt water seas as the pirates did years ago with Amelia Island's Kayak Amelia. The Ritz can coordinate a guided kayak tour through the salt water marshes of the Intracoastal Waterway where you can learn about the local eco-system and indigenous wildlife. Keep an eye out for dolphins, sea turtles, and m a n a t e e . (www.kayakamelia.com). Surfing lessons can be arranged where you can ride the gentle breaking waves off the Atlantic Ocean or you can saddle up and gallop down the white sand beaches on horseback. For a calmer beach experience, Amelia Island offers unique shell collecting on its shores.

While the pirates once roamed Amelia Island on their

ships, the more modern way to explore Amelia Island's treasures is on the human transporter Segway with Eco Motion Tours. Combine the excitement of riding a cross-terrain Segway while touring the remote and uninhabited park-protected island of Fort George Island. With Eco Motion's one or two hour guided Segway excursions, roll down the sandy paths as you explore the cultural and natural wonders of Fort George Island which is surrounded by oyster shell mounds, sand dunes, historical structures, lush rainforest-like trees, and exotic animals such as armadillo, sea turtles, bobcats and more than 250 types of fantastic winged creatures. (www.ecomotiontours.com/our-tours.php).

For a memorable escape from law school, swagger over to Amelia Island as the pirates once occupied, for a peaceful retreat among the untainted dune-lined natural wonders of Amelia Island. When you need a break from the stressful legal world, and you feel like you don't have a legal (pegleg) to stand on, explore the once pirate-inhabited land of Amelia Island and ask yourself, "how did the pirate become a lawyer?"he passed the barrrrrr!!!!



their cannons, and a pirate invasion and firework display. (www.shrimpfestival.com).

Amelia Island is home to the celebrated oceanfront Ritz-Carlton, named for the fifth consecutive year by Conde Nast as one of the 'Top Resorts' on the mainland U.S., where each of room includes a coastal view amidst lavish accommodations. Keeping the pirate culture alive, the Ritz-Carlton hosts a treasure hunt every Friday and a pirate toast to begin each weekend. (www.ritzcarlton.com/en/Properties/AmeliaIsland/Default.htm).

Salt is the Ritz-Carlton's signature fine-dining restaurant, where you will savor the most incredible dining experience in Amelia Island. Salt

Mountains, Cyprus Black Lava mixed with activated charcoal, and Salish a northwest Alderwood smoked sea salt, just to name a few. Salt has a spectacular seasonal menu, boasting over 500 wines.

Salt offers a two-day interactive cooking school to learn the "savory secrets and tasty techniques" of the restaurant's talented chef, Richard Gras. The Salt Cooking School Package includes two nights at the resort and participation in the two-day cooking school, featuring a daily breakfast, samples of the numerous salts, champagne-de-jour and luncheon, as well as a Ritz apron and recipe book.

Imagine lying in a hammock with the sound of the ocean quietly crashing around you,



The Bar Review

The Bar Review is provided as a public service to Beasleyites with an eye towards preventing poverty and alleviating despair.

*Ben Parisi
Staff Writer*

Barrister's Ball

This was my first Barrister's Ball, so I can't compare it to years past, unless I use the stories and rumors that I've heard. By that measure, this year was a bit subdued. Barrister's has been described as a kind of Roman orgy for the repressed, overworked unfortunates of law school, with our brothers and sisters at arms furtively grasping at some lost dream of care-free happiness and spirit, their inhibitions checked by alcohol and an ever-present sense of life being slowly but steadily siphoned away. In that respect, my hopes were dashed. However, thanks in no small part to the efforts of some dedicated

SBA members, the night was generally a great success.

The open bar was limited but fairly generous, and the small variety of hard liquor available was generally top-notch. Three separate bars kept the lines fairly reasonable. Apparently there was a ban on shots, which might explain the lack of functional but obviously doomed love connections that night. Four shots of tequila! I said (they were not all for me). No shots, the salty Son of Philadelphia tending bar replied. What can you do then? I asked. Six lukewarm ounces of Jose Cuervo tequila water later ("on the rocks"), any desire I had for irresponsible drinking was quenched.

The food was unimpressive. An insipid penne with, basically, butter on it sat next to a boy scout dinner-worthy baked ziti, and the roast beef (or whatever it was) was cold. Apparently the desserts were passable, but I can't say from firsthand knowledge. This year, lobster was had by none.

Law Day

The food was better at Law Day. Held at the Federal Courthouse, this ceremony to welcome 3Ls into the profession was well-attended, and the speeches were on the whole short and interesting. Mayor Nutter made a special appearance, a bit late after dealing with

Philadelphia's recent Lord of the Flies problem, and was generally quite charming. There was free wine afterwards, along with a fairly good spread of food, nothing too fancy but ranging from passable to quite good. The dessert table was well stocked, and the mini crême brulee was an unexpected surprise. The one problem was the awkwardness that came from trying to eat from a small plate in a room that was absolutely packed with people, some of whom might actually be able to hire one of us. But what right do I have to complain? This was a free event, so the value was unbeatable.

Review of Le Bus

*Jamie Shanker
Staff Writer*

Le Bus is a small take-out place right by Rittenhouse Square with high quality pre-made soup, salads, and sandwiches to quickly grab for a lovely picnic in the Square, if you are lucky, or to hurry back to the office/classroom, if you are not so lucky. Le Bus is known for their baked goods; they sell a variety of loaves, rolls, and desserts to take home. The rotating sandwich selections run about \$6, while the soup of the day is \$4.

Daily specials are announced on a board outside; the combination of nicer weather and a promise of gazpacho lured me in.

I am a sucker for curry chicken salad. I enjoy mine with the addition of something sweet, like raisins. Le Bus brilliantly places the curried chicken salad in their "Delhi" sandwich

on their hearty raisin nut bread, it really added to the enjoyment of the sandwich. The chicken salad itself consisted of hunks of white meat, no what-did-I-just-bite-into situations over here. For under \$6, this filling and relatively good for you sandwich was well worth it.

Other sandwich selections include the Arcadia, with turkey, bacon, and pesto-may and vegetarian options like the Lebanon, with hummus, swiss, and apple. The staff offers to toast up any sandwich on the panini press.



The nice sized portion of gazpacho hit the spot, but it would not be sufficient for a meal on its own. It is pretty hard to screw up gazpacho. Le Bus's contained fresh ingredients and had the appropriate consistency, not too tomato soupy. I would have liked slightly bigger sized bits of tomato, though.

Soups come with a choice of roll, and let me tell you- these

rolls are not an afterthought. Both the sun-dried tomato and olive roll were gorgeous expressions of what rolls should be, crunchy on the outside, soft in the middle, and generously filled with pieces of sun-dried tomato, olive, or whatever else you chose.

THE + (What somebody who likes this place would say)

- From marble rye loaves to olive rolls, Le Bus is stocked with delicious fresh bread of all varieties

- With rotating menu, you won't be bored

- Most options are on the healthy side, but are balanced by strong flavors

THE - (What somebody who doesn't like this place would say)

- No real seating area
Le Bus, 135 S 18th St (@ Walnut St), 215-569-8299

Federal Court Quashes Human Gene Patents

Shelly Biggs
Staff Writer

On March 29, the U.S. District Court for the Southern District of New York invalidated 15 claims contained in seven patents related to two human genes (BRCA1 and BRCA2) whose mutations have been associated with breast and ovarian cancer. The patent claims concerned "isolated DNA" containing at least part of these genes. Isolated DNA refers to a segment of DNA nucleotides existing separately from other cellular components. These segments of nucleotides are normally associated with DNA found in nature and include both DNA originating from a cell as well as synthesized DNA.

The challenged patent claims also concerned methods for using the gene sequences to identify a high risk for breast or ovarian cancer. A predisposition to breast or ovarian cancer is associated

with mutations in the two genes. Myriad Genetics, the company that holds the challenged patents with the University of Utah Research Foundation, charges for screening for these predispositions. Because the patents provide Myriad Genetics with a monopoly on this test, the company is able to charge over 3,000 dollars for screening.

In *Association for Molecular Pathology v. U.S. Patent and Trademark Office*, individual patients, medical organizations, the Public Patent Foundation at the Benjamin N. Cardozo School of Law, and the American Civil Liberties Union challenged the patents on the basis that genes are "products of nature." According to the U.S. Supreme Court, "products of nature" are not patentable as a matter of law.

The district court held that isolated DNA is a product

of nature because it is not fundamentally different from DNA as it exists in the human body and that merely purifying or isolating DNA is insufficient to merit patentability. The court further concluded that the comparisons of DNA sequences used to determine predispositions to cancer are abstract mental processes that also cannot be patented.

According to *The New York Times*, "[a]bout 20% of human genes have been patented, and multibillion-dollar industries have been built atop the intellectual property rights that the patents grant." Many geneticists and other scientists have bemoaned such patents for decades - since the Supreme Court first validated a patent on a living organism in 1980. If the Supreme Court upholds the district court's decision, assuming it is appealed and *certiorari* is granted, it could

have a profound effect on intellectual property law and the way we conduct medical research, especially how we fund it. Proponents of gene patents argue, *inter alia*, that upholding the district court decision will stifle innovation because without the profit security offered by patents no one will be willing to invest in genetic research. While this may be a short-term concern, if we can create a new funding structure, the long-term effects of the decision could revolutionize healthcare by increasing patient access to the benefits of genetic research, including screening for predispositions for cancer and gene therapies. It could also actually *enhance* innovation by fostering a less inhibited exchange of ideas.

Reviewing Professional Ethics

John Fegley
Staff Writer

As Detroit Mayor, Kwame Kilpatrick stood trial for wrongfully terminating two police officers for investigating his office for misconduct allegations. While on the stand, Mayor Kilpatrick testified under oath that he was not having an affair with his chief of staff. Sex scandals have become too common an occurrence in the political headlines and have only come to grad attention of a one-liner in a monologue of late night television. But for those who need a quick refresher of Professional Ethics before finals, it's not the mayor who is facing the disciplinary panel, but the attorneys representing the parties.

Law.com reports that The Michigan Attorney Disciplinary Board found that Michael Stefani, counsel for the officers, had violated the ethics code by serving subpoenas for the Mayor's text records on the communications provider and not on the Mayor. Upon receiving the records, he kept them to himself, violating the court's order that they be turned over to the judge for review.

The texting records that proved Kilpatrick perjured himself in denying a sexual relationship with his staffer. ABC News reported that instead of turning the information over to the judge,

Stefani used the messages to get a settlement of \$8.4 million for his clients. In return, Stefani agreed to keep the conversations private and shielding Kilpatrick from perjury charges.

As reported on Law.com, a separate disciplinary board hearing found that Kilpatrick's attorney, Samuel McCargo, had violated Michigan's Rules of Professional Conduct. McCargo was charged with failing to inform the judge when he had been shown the evidence that demonstrated his client lied under oath.

McCargo's sentencing hearing was held on March 29, 2010. It was recommended that

he have his law license suspended for thirty-five months. His final punishment will be handed down on an undecided date. Stefani's sentencing hearing is scheduled to take place on April 1, 2010 according to the Detroit News.

As for Mayor Kilpatrick, he pled guilty to two counts of obstruction of justice and resigned from office. He agreed to pay \$1 million to the city, forfeit his pension, and served less than four months in prison.

Editor's Note: no updates about sentencing were available at the time of publication.

Virginia Attorney General Proves Controversial from the Start

Scott Kuhagen
Staff Writer



VS.



The attorney general of Virginia, Kenneth Cuccinelli, took office in January and has already become involved in two high-profile controversies: one over the legality of public universities to discriminate on the basis of sexual orientation, the other his quick legal attack on President Obama's recently enacted healthcare reform law.

Cuccinelli, a Republican, caused a firestorm of criticism when he sent a letter to the presidents and boards governing Virginia's public colleges and universities in early March that declared the schools had no authority to include sexual orientation as a protected class within their nondiscrimination policies. Cuccinelli argued that, as the Virginia General Assembly had not included sexual orientation as a protected class in the Virginia Human Rights Act, Va. Code § 2.2-3900, the schools had no power to protect additional classes of people without prior action by the General Assembly. Writing that he was aware that several public colleges and universities already included sexual orientation in their own nondiscrimination policies, Cuccinelli stated that "any college or university that has done so has acted without

proper authority." He concluded the letter with the following advice: "Accordingly, I would advise the Boards of each college to take appropriate actions to bring their policies in conformance with the law and public policy of Virginia."

Reaction to the attorney general's letter was swift and harsh. Students and alumni sent letters to state legislators, college officials, and organized on Facebook. Equality Virginia, a gay rights group, urged Virginia Gov. Robert F. McDonnell to press the General Assembly to add sexual orientation as a protected class. Taylor Reveley, the president of The College of William and Mary, released a statement saying that the public university does "not discriminate against people ... [on a variety of grounds, including sexual orientation] or tolerate discrimination against them... This is not going to change."

Former Virginia Gov. Gerald Baliles, a Democrat, argued that Cuccinelli erroneously included the schools into the same category as local governments, which in Virginia can

only exercise powers expressly granted by state statute. Baliles wrote that, by other statutes, Virginia colleges and universities were granted broad powers to make their own rules to govern their own operations.

To quell the furor, Gov. McDonnell issued an executive directive (not a binding executive order) a few days after Cuccinelli's letter was released that prohibited discrimination in the state workforce, including on the basis of sexual orientation. University of Virginia president John Casteen welcomed the directive, saying that he was "alarmed" by Cuccinelli's letter, and that he was "personally grateful" to McDonnell for issuing it.

Even with intense public attention focused on the issue, the Virginia House of Delegates voted 55 to 42 on March 9 not to consider a bill that would have banned discrimination in

public employment on the basis of sexual orientation.

Virginia Sues Federal Government Over New Healthcare Law

The same day that President Obama signed the healthcare overhaul into law, Cuccinelli sued the federal government over the measure, claiming that it conflicted with a state law that outlaws an individual health care insurance mandate, and that Congress had exceeded its enumerated powers in enacting the overhaul. In a seven page complaint filed in U.S. District Court for the Eastern District of Virginia, Cuccinelli argued that the overhaul concerned a non-commercial matter and was similar to other regulations of non-commercial matters that the Supreme Court had invalidated in *U.S. v. Lopez* and *U.S. v. Morrison*.

The case is *Commonwealth of Virginia v. Sebelius*.



Tango and Cash, Billy Budd, Sailor, Rites of Passage & Graduation

Colin Stuart
Staff Writer

Have you ever seen *Tango and Cash*? It's a movie starring Sylvester Stallone and Kurt Russell. When it starts out and they're both super-cops, but they each have their own style; Tango, Sly's character, is a really flashy, clean cut, and by-the-book kind of police officer and Cash, Kurt's character, is more of a fly by the seat of his pants kind of cop. Well, it's a great film and I recommend it highly. (Admittedly, it falls apart at the end; they storm the arch villain's compound with these James Bondesque gadgets and simultaneously slay him with two caps to the dome). Anyway, in the final scene of the movie they're walking away from the slain super-villain—two caps to the dome—and they're exchanging this priceless banter, just like they had been the entire movie, and it makes you feel like they are going to go on forever that way: bustin' super villains and throwing barbs at one and other all the while confident in their status as super-cops.

I only mention *Tango and Cash* because I will shortly be making an exit of my own and as much as I wish it was true, it is not going to be anything like the ending of *T & C*. Tango and Cash have made it; they were already established super cops before this debacle and *a posteriori* their renown has

grown. As they leave the movie you, and more importantly T & C, are sure of their status. My academic credentials do not rise to the level of T & C's crime fighting acumen, and I could not possibly be as sure of my status after graduation. Job or no job this is uncharted territory. I feel more like Billy Budd, Sailor must have when he was impressed into service with British Navy.

Billy's departure from the *Rights-of-Man* was as abrupt as my impending departure from Temple. Moreover, he was leaving a world—in which he was conversant with the customs and etiquette—for a foreign world, His Majesties Service. Billy was the jewel of the *Rights-of-Man*, the best seaman on the ship. He had learned the ropes on the vessel and was known and well liked by his peers and superiors. But the very moment he was impressed, all that changed; just moments after his conscription Billy Budd committed a serious breach of naval decorum. Despite his unfamiliarity, Billy was well trained and quickly adapted to the naval life. Without reciting the entirety of the narrative, I leave that to Mr. Melville, I will advance to the climax of the story.

About his normal business, Billy insulted the incompetent

and jealous master-at-arms Claggert. Although Billy was an excellent seaman, the pride of the naval officer was injured and he accused Billy of inciting mutiny. When confronted with the charge Billy struck the master-at-arms, a serious naval violation. Billy's sentence was death, no chance of pardon or commutation despite the false charge. At *eight bells* Billy Budd, sailor was hung from the mainyard. Billy's departure from the *Rights-of-Man* is a closer analogy to my departure from Temple Law than that of Tango and Cash's triumphant departure.

Billy left the *Rights-of-Man* unsure of his future. Despite his natural gifts and training he found himself cast adrift in a sea of uncertainty. I do not think that I will be hung from the mainyard for future transgressions but I know small missteps can have drastic consequences. All of this uncertainty makes me anxious. Anthropologists have a term for times like these, "life crises."

Arnold Van Gennep in his groundbreaking work, *The Rites of Passage* identifies three major phases of life that warrant ritual to ameliorate the crises. The phases are separation, transition, and incorporation. These phases are potentially inclusive. In the words of Van Gennep, "The life

of an individual in any society is a series of passages from one age to another and from one occupation to another." A crisis occurs at the transition, at a time when the individual is on the boundary of one age or another, when their role in society is not yet defined and the society in which they are a member is unable to categorize them. Ceremonies accompany these changes and signals to the individual and to society at large that a change has been made, a threshold crossed, and membership reinforced.

When I finish classes, I will have received the training necessary to practice as an attorney. The commencement ceremony that accompanies it will be a signal to the community that I satisfied Temple's academic standards and have been trained to practice law. But the ritual is also designed to convey an important message to me. It is a gesture of inclusion. At the completion of the ceremony I will have been welcomed into the Temple Law community. In the end, it is the support of that community, of my peers and those who have crossed the threshold before, who will quiet my anxiety, who will help guide me in my new life. Maybe I can be a super-cop after all.

Right to Bear Arms May Expand Reach

Kyle Payne
Staff Writer

On March 2, the Supreme Court heard oral arguments on a case that could potentially be a regular on future Constitutional law syllabi. *McDonald v. City of Chicago* entered the legal system just one day after the Supreme Court handed down its decision in

District of Columbia v. Heller, which held that statutes banning handgun possession in the home violated the Second Amendment. The lawsuits brought by Mr. McDonald's counsel, like in *Heller*, challenges the constitutionality of a law that bans handguns.

The question now before the Court is whether or not it will extend its holding in *Heller* to the States thereby incorporating the Second Amendment.

According to Constitutional law Professor Mark Rahdert it is highly likely that the Court

will treat the Second Amendment as incorporated and applicable to the States. Perhaps just as important as that result will be the doctrinal explanation the Court will follow. Alan Gura, petitioner's

Continued on page 14

Obama Should Double Down And Nominate Another Woman To The Supreme Court

Rochelle Keyhan
Editor-In-Chief

The Supreme Court of the United States had no female associate justices for the first 190 years of its existence, and no more than two women out of the nine total justices have ever served concurrently. Cumulatively, women have had merely 2.5% representation in the Supreme Court's 220 years, while men have maintained the other 97.5% of the privilege to interpret our Constitution and provide a check on Congress. Beyond the impression the makeup of the Court leaves on our citizens' view of gender equality, the experiences represented in the court have been and continue to be imbalanced to the disadvantage of women, which serves as a detriment to the efficacy of the US government as a cohesive, representative democracy.

The consequences of this inequality are not easily distinguishable at first glance, but they are long lasting – on girls, women and our nation's jurisprudence. Justice Ginsburg described the consequences both as a message to our young girls, and an illustration of the importance of including interpretations of facts from the perspective of a woman in our society. In Ginsburg's words, "there are perceptions that we have because we are women. It's a subtle influence. We can be sensitive to things that are said in draft opinions that (male justices) are not aware can be offensive." One example of those nuances is the 8 male justices' minimization of the lasting humiliation of the strip-search of a 13 year old girl in Arizona last year. "They have never been a 13-year-old girl," she told USA TODAY. "It's a

very sensitive age for a girl. I didn't think that my colleagues, some of them, quite understood." Women and girls experience the world differently than men and boys, and their experiences should be included in the evaluation and application of our laws.

The Supreme Court first assembled in February of 1790, and the first female associate justice, Sandra Day O'Connor, didn't join the court until 1981 – almost two hundred years later. The second woman, Ruth Bader Ginsburg, joined O'Connor in 1993 and Sonia Sotomayor joined Ginsburg last year, after O'Connor left in 2006 after 29 years on the Court. Women make up over half our population, but fill only 26 percent of all seats in state courts and a mere 22 percent of seats in federal courts. With only three female Supreme Court justices ever in the history of the United States, the highest court falls even further behind the states when it comes to equal representation of women. "The 'worst part'," Ginsburg said, "[is] young women are going to think, 'Can I really aspire to that kind of post?'"

There are many women as qualified and capable as their male counterparts to hold these top positions, and in the words of Justice Ginsburg, "They need no favors. They need only equal respect for their talent and equal sharing by men of the job of bringing up the next generation." The recognition of women as capable and qualified members of the judiciary needs to embrace and expand upon the example set by the two women currently on the Supreme Court, the women holding the top judicial posts in 20 of our states,

and the various countries around the world with better representation of women.

It's time for the United States, currently ranked #67 in the world for electing women to national assemblies, to catch up to international trends. Spain has 50-50 representation of men and women in its cabinet, Rwanda has a *majority* of women in its cabinet (56% female cabinet members), Canada has 4 out of 9 women on its Supreme Court, including the chief justice, Beverley McLachlin, Gambia has a female vice president, and of the 192 members of the United Nations, twenty have female Queens, Prime Ministers or Presidents

The United States is woefully behind in establishing equal representation of women in its highest offices, and President Obama is in the position to change the tide of our history by nominating a third woman to our Supreme Court. President Obama's nominations to date have done well to increase the gender parity on the bench. Of his 57 nominees thus far 27 have been women, 13 of which have been women of color. Women deserve to shape and form the laws and policies by which they are intimately affected. The United States deserves a cohesive, efficient and inclusive government. Girls and boys deserve to grow up in a country where they're taught from the beginning that they can both work together to achieve everything. Encourage President Obama to continue working toward gender parity in the federal judiciary by nominating a third woman to the Supreme Court.

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counsel, started his oral argument advocating for incorporation under the Privileges and Immunities Clause. As Chief Justice Roberts quickly pointed out, however, to take this route the Court would go against a 140 year precedent laid out in the *Slaughter-House Cases*. If the Court's questioning is any indication of how it will rule it seems unlikely that it will overrule the *Slaughter-House Cases*. In one exchange Justice Scalia questioned, "Why are you asking us to overrule . . . 140 years of prior law, when — when you can reach the same result under substantive due [process] — I mean, you know, unless you are bucking for a — a place on some law school faculty," which was followed by laughter.

It seems more likely that if the Court does apply the Second Amendment to the States it will find it a fundamental liberty incorporated through the Due Process Clause of the Fourteenth Amendment. Rahdert also points out that this approach will avoid having to confront the question of whether the other Bill of Rights protections that have not been incorporated should be.

Another interesting issue that Rahdert brings up is that *Heller* failed to identify a controlling standard of review for Second Amendment claims. This too will likely be addressed in the Court's ruling and the justices alluded to it in their questioning during oral arguments when they questioned Gura about what deference they should give to statistics that show these types of laws are saving lives.

It seems very likely that by the time *McDonald* is decided the Due Process Clause will be used to incorporate yet another Bill of Rights Amendment.

Temple Law Soccer Teams Seek Intramural Indoor Championship, Immortality

Mike Joyce
Staff Writer

When the winter sun set on the championship game at the intramural soccer field, some speculated that the sun had set on the career of one war-worn hero as well. The law school's intramural soccer team had just been vanquished by the Temple Soccer Varsity team, but the team's warrior-poet, law school senior Dan Purtell, remained on the field, pondering the next turn of Lady Fortuna's wheel. "Shall you return for one swansong shot at glory?" I asked. As the winter winds tore across the field, Purtell grimaced, but gave no reply. "The light that shines twice as brightly, shines half as long," he whispered. "This cannot last, but then again what does?" Suddenly an Eagle Owl soared overhead and uttered a commanding "Cawcaw" in Purtell's direction. Delivering a championship t-shirt to the Halls of Klein, the call suggested, may just offer the answer to his question and a piece of immortality.

The Temple Law Co-Ed Intramural Soccer Team shines forth as a beacon of light amongst law school extracurricular activities. Members hail from storied feeder programs such as UC Santa Clara, College of New Jersey, and St. Joseph's Prep. Membership is determined by a rigorous mental, physical, and social selection process. Teammates liken the organization to a brotherhood whose bond is consecrated by battle and time honored tradition.

Membership standards for this organization are high. "Candidates must exemplify excellence generally, demonstrate passable social acumen, and have signed the roster sheet in Pearson Hall by March 21st," says Senior Matthew Brooks, also known as The Godfather I (a title of affection and respect in the intramural community). Academic requirements are also

high. "While Temple Law requires a 2.0 GPA to avoid academic probation, we currently require a 2.574," says Brooks. The Godfather also extols the considerable benefits of membership. "I wouldn't say that being on the team guarantees you a job," says Brooks, "but it certainly does not hurt."

However recently, Godfather Brooks incited controversy when he divided the team into freshman and Senior squads for the indoor campaign. Furthermore, the Law Basketball Team's recent intramural championship, led by popular Sophomore Yechiel Twersky, has intensified the pressure on the Soccer Team to finally bring the championship home. Some say the team is in a rebuilding stage. Others contend that recent management decisions and the team's inability to win important games are signs that the sun has set on the team's championship

promise. "Temple Law students love a winner and will not tolerate a loser," says handsome freshman Stevie Cobb, "Yechiel has once again raised the bar for us all."

Anxious fans need not wait long to discover whether the next turn of Fortuna's wheel will bring a championship. The two law soccer teams have been summoned by Campus Recreation to a 32 team tournament honoring the founding of Temple University by Dr. Conwell. Legend has it the University and her mascot were inspired when Conwell encountered a magnificent Eagle Owl feasting upon a snake in the middle of what is now Liacouras Walk. On April 10th, twelve days of feasting and sport shall commence, during which these band of brothers will attempt to deliver the coveted intramural soccer championship t-shirt and pay homage to Conwell and the mythical Owl. Can they do it?

Social Insecurity: Robbing Peter to Pay Paul

John Krawczyk
Staff Writer

Imagine Harold and Terry are playground friends. Harold asks Terry to hold five dollars that his parents gave him while he gets a drink from the water fountain. Harold comes back from the fountain, but Terry no longer has his money. Terry has spent Harold's money on candy. Harold asks Terry to pay him back, but he says no. Instead, Terry eats the candy, sarcastically hands Harold the wrapper and tells him "this symbolizes my intent to pay you

back your five dollars at some point in the future." Sounds like a bad friend huh? Unfortunately, it also sounds like our Congress and the Social Security Administration.

Let us establish two facts up front: there is the Social Security Administration which oversees the money that we pay in Social Security taxes which is used to fund retirement, disability and supplemental income insurance for America's workers and their families. Its principal fiduciary

responsibility is to manage the Social Security Trust Fund, which is the repository of Social Security taxes collected that exceed benefits distributed. Every year since 1980, collections from Social Security taxes have added to the surplus. The huge surplus was intended to be a nest egg, in case in the future, benefits distributed exceeded taxes collected.

Congress had the great scheme to borrow the funds of the burgeoning Trust Fund to

cover the expenses of other government programs. Congress reasoned that in lieu of raising taxes or borrowing money from other nations, it could borrow money from its own taxpayers. The fantasy was that the Trust Fund would continue to create a surplus so that by the time the money was to be returned, Congress would be able to pay it back and no

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one would be harmed. However, beginning this year, more Social Security benefits will be given out than taxes will be collected, according to the Associated Press, to the tune of a 29 billion dollar deficit. This trend is predicted to continue into the future as well. The AP reports, "Social Security is expected to drain its funds by 2037." Without action, in less than 30 years there will be no money for the retired and disabled citizens of America. Ironically, in order to pay out the IOU's to the future retirees, who for years have paid into the fund, the government might have to do the exact thing they were trying to avoid: increase taxes or borrow foreign capital to replenish it. In essence, the Social Security Administration became the playground friend that takes your money and then provides you with a meager

promise of repayment.

To make matters worse, instead of looking for innovative solutions and accepting the fiscal reality, Congress after Congress continually approved withdrawing from the fund to support other programs, without a way to repay it. For instance, Congress could have dramatically increased the surplus of the Social Security Trust Fund by removing or increasing the income cap of Social Security taxes. For all income that exceeds \$106,800 a year, there is no Social Security tax applied. There is a 12.4 percent tax applied to all income under \$106,800, and the employer pays half of the tax (6.2 percent). Self employed individuals have to pay the entire 12.4% tax on their own.

To illustrate: compare the Social Security taxes of a CEO who earns a yearly salary of \$1,000,000, to someone who

makes \$50,000 in the same period. Making \$50,000, you pay \$3,100 in Social Security taxes per year or 6.2 percent of your income. Making \$1,000,000, you pay \$6,621 into Social Security taxes or .6621 percent of your income. This is less than 1% of the millionaire's salary. This disparity is even worse where the CEOs are paid in stock, since incomes derived from dividends and capital gains are not taxed by Social Security.

What does this mean for us workers now? We are essentially being taxed twice: once openly by the income tax, and second under the guise of a Social Security fund that is being used to fund the same programs sponsored by our income tax. If the trust fund runs out in 2037, anyone retiring afterwards will have the rude awakening that there is no money for their retirement, even though they've been paying into the fund for over 30 years.

The only way to avoid a disaster in this situation, without taxing the rich (who have historically avoided such taxes) is to place restrictions on benefits or borrow more money from abroad. A common restriction tactic is increasing the retirement age, where more people die earlier and therefore collect less of what they paid in. Another common tactic is to decrease the amount of benefits given out per period, making the time necessary to collect a certain amount of money longer than it would have been in previous years. However, regardless of the tactic Congress decides to employ, the average working individual is getting the short end of the stick, being punished for the poor fiscal tactics of its government and the inability of the Social Security Administration to rectify the situation without the purse strings that Congress has taken out of their hands.

We Have the laws. We're Just Not Using Them

Jordan Winquist

President, U.S. for AFRICA

It is not our job to root out corruption abroad, but our deliberate furtherance of corrupt activity is anathema to everything we undertake as law students. According to a March 25th op-ed in the *The New York Times*, every year an estimated \$20- to 40- billion are laundered from developing countries and stashed in the developed world. It is outrageous.

An investigation by the U.S. Senate blamed American lawyers, lobbyists, and university officials for the facilitation of corruption. The report showed how exceptions

to the PATRIOT Act have allowed corrupt foreign money to be wired through hedge funds, realtors, and escrow accounts. Lawyers sure know how to tailor foreign policy to it our greedy, and genuinely repulsive, interests.

Perhaps this is due to the State Department lagging behind the will of Congress to carry out anti-corruption measures. Congress already passed laws to restrict visas of notoriously corrupt officials, known as "politically exposed persons," who exploit their own country's natural resources. Yet according to *Time Magazine*,

the Minister of Agriculture and Forestry of Equatorial Guinea was somehow able to funnel into the United States a total of \$110-million of blatantly corrupt funds. Minister Teodoro Obiang, who also happens to be the son of the current president, transferred \$33-million over just a six-week period to pay for his Gulfstream V jet. The State Department has the laws. It is just not enforcing them.

I agree there are enough local problems with corruption. However, we are deeply involved internationally, and foreign corruption becomes a

local issue when potentially aid money is diverted back to private bank accounts in the United States. The laws lack implementation and enforcement. Fortunately, human rights lawyers, like Philadelphia's own Judith Brown Chomsky, have found ways to use laws such as the Alien Tort Statute to fight our participation in fueling corruption abroad.