



## INTL. HUMAN RIGHTS EXPERTS CALL FOR INDEPENDENT INVESTIGATIONS OF POLICE SHOOTINGS

By Elena Applebaum and Grace Harriett

Managing Editor/Senior Editor and IHRC Students

In Fall 2017, the International Human Rights Clinic (IHRC) at Santa Clara Law took on the case of Luis Góngora Pat, a homeless Mayan immigrant from Teabo, Yucatán, who was killed by San Francisco Police on April 7, 2016. It has been nearly two years since Luis was killed and his family is still seeking justice and an adequate remedy. The IHRC was able to bring international attention to the ongoing impunity in this case by participating in a hearing in Washington, D.C., before a body of human rights experts from the Organization of American States (OAS).

On December 7, 2017, IHRC clients testified at a [hearing before the Inter-American Commission on Human Rights \(the Commission\)](#). The hearing focused on the issue of impunity for



Left to right: Luis Poot Pat, Jose Góngora Pat, Carlos Poot Pat, Adriana Camarena.

extrajudicial killings in the United States. Back in Fall 2017, the IHRC submitted a request for the hearing to be held during the Commission's 166th extraordinary period of sessions, which focused on human rights violations in the U.S. and Canada.

Under International Human Rights Law, states can be held legally responsible for violations of its international obligations. As a member state of the OAS, the United States is responsible for respecting, protecting, and guaranteeing the human rights found in the American Declaration

on the Rights and Duties of Man.

The United States can be called before the Commission either for a case-based hearing or a thematic hearing. A thematic hearing is used to present the Commission with up-to-date information on a particular human rights issue in a member state. At a thematic hearing, petitioners and the state delegation are able to publicly and transparently address a serious human rights issue, and receive feedback and recommendations from the Commissioners.

In this particular hearing, the IHRC alleged that the United States is violating the right to life due to the excessive and disproportionate use of lethal force by police officers, the right to equality before the law due to the discriminatory impact such practices have on vulnerable populations, the right to judicial protection and due process due to its failure to hold officers accountable, and the right to dissemination of information by failing to accurately report numbers of police-involved deaths and keeping victims' families in the dark

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## FINDING MEANINGFUL WORK - AN INTERVIEW WITH ASSISTANT DEAN RUPA BHANDARI

By Brittany Ricketts

For The Advocate

As Santa Clara Law Students, we all want to have a meaningful career; most of us as practicing attorneys hoping to leave our mark on the world. We know that we want a job that we are passionate about, fuels us, and is fulfilling in every sense. However, starting the job hunt can be confusing and challenging at times. That is why the Office of Career Management (OCM), located in Bannan 230, is the hub for all students' concerns and needs regarding career success

This year, OCM welcomed two new attorney counselors, including Rupa Bhandari as the new Assistant Dean of Career Management and adjunct professor. Although she is new to this position, she is no stranger to SCU Law. Rupa (Class of '05) also walked the familiar halls of Bannan as a law student. In this interview, Rupa shares her thoughts about her vision for OCM and the tools and resources for students to utilize during their career exploration.

**How do you see your role as Assistant Dean of Career Management? What unique perspective do you hope to bring to this role?**

I'm an alumna. I remember what I felt like as a student. I know how hard this journey can feel. It was so overwhelming to think about what I was going to do. So many cool things about the J.D. is that there are so many job opportunities out there. This degree is so valuable in so many work environments. I wish I had thought to have a conversation in law school about what I was going to do with my degree, rather than follow a sense of what I was "supposed" to do. I would have tried a few more things and been more intentional in law



school. ... I want the students to know that they don't have to come in here with a set plan. It is perfectly okay to come in with no clue. We want to help guide them as they think about it.

**What is your vision for the future of the Office? What do you hope the office becomes as result of your leadership?**

I hope students feel like OCM is a welcoming place with resources to give them the confidence to go out and have the meaningful work that they want. I hear students stressing out in the halls that they need to know what type of law they want to do, stick with it, and go with it. But that's not the case. This is the time to discover it and think about it, and then it will be easier for you when you're out of school. I want students to know that at whatever stage you are in your career search, we will help you along the way.

**What would you say to students that are hesitant about making an appointment with counselors, or using the OCM as a resource?**

We are here to help. We are not here to hand you a job. You don't have to come in knowing what you want to talk about or have something specific in mind. Just start the conversation. We want to get to know you. Our hope is to see everyone and know a little bit about everyone.

**What tools and resources other than resume critiques and interview prep does the office offer to students? In addition, what do you think is the most under utilized resource that students need to take advantage of?**

Resume and interview preparations are just the beginning. Students need to come in to talk with us. As both counselors and coaches, we are under utilized. Our knowledge is vast. Some of my favorite conversations with students are when I start talking with them about their career goals and as we talk we start uncovering different passions they hadn't realized before. We devise a plan and work together to see who they can reach out to who is already in these types of roles and what the next steps are. ... Advice should be tailored and we can only give you the unique advice you deserve if you come in and start building that relationship with us.

**You are also an adjunct professor. If you were to give a famous "last lecture" what sort of words of advice would you like to leave students?**

You're in control. It's your life. You chose to come to law school for a reason, don't lose sight of that. It's so easy to get lost in the shuffle of what you think you are "supposed" to do; especially in careers in the law. This profession is so broad. I believe you can find what is meaningful within it. You get to decide. We're here to help.

If you would like to make an appointment with Rupa or one of the attorney counselors, please visit [SCU Law Jobs](#) or stop by the Office of Career Management.

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## Human Rights Experts Call for Investigations of Police Shootings



Commissioner Margarette May Macaulay  
of the Inter-American Commission on Human Rights

about ongoing investigations.

IHRC students conducted extensive legal research to substantiate the request for the thematic hearing, and drafted [written submissions](#) to the Commission. Students also helped prepare oral testimonies for the hearing, including that of Luis Poot Pat (cousin of Luis Góngora Pat) and San Francisco activist Adriana Camarena.

The IHRC partnered with the American Civil Liberties Union and Robert F. Kennedy Human Rights to form the civil society delegation. At the hearing, testimony was also presented by civil rights activists [Shaun King](#) and Justin Hansford, as well as Maria Hamilton (mother of [Dontre Hamilton](#), who was killed by police in Milwaukee, and founder of [Mothers for Justice United](#)).

The hearing highlighted the lack of effective investigations and prosecutions in cases of

unjustified killings and excessive use of force by police, both at the federal and the state level, particularly where the victims are members of vulnerable communities. The hearing analyzed the disproportionate impact on Native American, Black and Latino communities, as well as persons with mental illness and people experiencing homelessness. Speakers also highlighted the multiple barriers preventing victims from having access to effective

remedies.

Unfortunately, the delegation representing the U.S. government did not include officials from the Department of Justice (DOJ) or other relevant federal, state, and local officials. The Acting Deputy Chief of the U.S. Permanent Mission to the Organization of American States, Genevieve Libonati, spoke about the DOJ's ability to conduct investigations, but mainly referred to the information publicly available on the DOJ's website.

In response to the testimony presented by the civil society and government delegations, Commissioner Margarette May Macaulay declared that: "One needs an independent body to investigate the police. It cannot be the police itself, investigating itself—nor ought it to be prosecutors who work closely with police."

*Continued below with Student Post-Hearing Advocacy Efforts.*

### STUDENT POST-HEARING ADVOCACY EFFORTS

This Spring, Santa Clara Law's IHRC has been busy designing an advocacy campaign to raise awareness of impunity for police-involved shootings.

To educate the public here in Santa Clara, the IHRC hosted a public presentation in Bannan Hall on February 8th, which is available to [watch online here](#). The presentation included a conversation with activist Adriana Camarena, and José Góngora Pat, Luis Góngora's brother.

IHRC students are also working on a series of videos to circulate on social media, which will educate the public on how the lack of federal oversight has led to impunity for unlawful, unnecessary extrajudicial killings. The advocacy videos will also explore how this problem has had a disproportionate impact on families like Luis Gongora's, in vulnerable communities.

Independent investigations have found that about 1,000 people die each year due to police shootings in the U.S., yet the FBI fails to adequately account for more than half of these. According to Amnesty International, none of our fifty United States (and the District of Columbia), have laws regulating lethal police force that are in line with international standards. International Human Rights law requires that lethal force only be used a last resort—when it is legally justified and proportional to the amount of force being used against the officer. Here in the U.S., an



Left to right: Luis Poot Pat, Fr. Luis Arriaga, Nazia Chandiwalla, Daniel Williams, Elena Applebaum, Commissioner Margarette May Macaulay (IACHR), Grace Harriet, Prof. Francisco Rivera.

officer is allowed to shoot and kill a person as long as their "fear" was "reasonable" under the circumstances.

In 2017, [Attorney General Jeff Sessions released a memo stating that it is not the federal government's job to oversee local policing](#). This blatant refusal to ensure that human rights of U.S. citizens are protected by state actors (i.e. police officers), directly contradicts U.S. commitments under the American Declaration on the Rights and Duties of Man.

The thematic hearing on December 7th put international pressure on the U.S. federal government to ensure "independent investigations" for police-involved shootings. Now, the Commission is working on an extensive report that will be published with recommendations for the U.S. The report will incorporate testimony presented by IHRC clients at the thematic hearing, and IHRC research. The Commission's report is expected to be released this summer.

The IHRC recognizes that international pressure will be strengthened if the public is educated about the human rights guaranteed to them by international law. It makes sense that a public educated on human rights would fight to defend them in the same way Americans already fight to defend their constitutional rights. This is the goal of the IHRC's advocacy efforts—to increase awareness of the impunity for extrajudicial killings in vulnerable populations, and to put pressure on state actors to provide adequate remedies.

There are three advocacy videos that the IHRC plans to release on social media in the coming weeks: one that highlights testimony from the December 7th hearing, one that will explore the life and death of Luis Góngora Pat, and another that will explain the impact of impunity for police-involved shootings on vulnerable communities.

The work of the IHRC, its clients, and partners, is aimed at fostering a respect for human rights here in the United States. Taking on Luis Góngora's case, and helping the family bring international attention to the impunity of his death, has been a highly rewarding and enlightening experience for the students involved.

## A Patina of Open-Mindedness

By Dante Quilici

For *The Advocate*

Weeks ago, Santa Clara University's President, Fr. Engh, sent an email out regarding flyers that were posted on campus. The President described the flyers as "xenophobic" and "anti-immigrant." His message primarily focused on encouraging "civil discourse." He also emphasized that there are two sides to the issue and society has an "obligation" to have these types of public policy discussions in a civil manner. Accordingly, he stated that we should not be "demonizing" the other side of the political aisle.

While I agreed with Fr. Engh's message generally, I could not help but question whether our school genuinely wants to promote open discussion on political topics. I do not like attributing motives to people without hearing their entire argument; but, it seems like our school may be demonizing a particular viewpoint. I decided to meet with Fr. Engh to discuss his email.

Fr. Engh and I had an informative and civil conversation. We talked for almost an hour. We did not talk about the merits of DACA; instead, we talked about encouraging civil discourse more generally. We also analyzed the flyer's message in depth. As our conversation ended, I asked Fr. Engh the following question: "Is there an argument in favor of deporting the DACA Dreamers that is not xenophobic?" He paused and thought for a while. Shaking his head, he said he didn't believe there was.

Fr. Engh could see that I was surprised. He quickly asked me if I could make a non-xenophobic argument in favor of deporting Dreamers. Playing devil's advocate, I argued it wouldn't be fair to those who have been waiting for years to gain their citizenship the legal way. He responded by reiterating the moral injustice that would result from deporting Dreamers. While I in fact agree with him that we should not deport Dreamers, he was focused on the outcome of the policy and ignored my argument's rationale. I asked the question again, and he reaffirmed his view that non-xenophobic arguments for deportation of DACA recipients do not exist.

Herein lies the problem of civil discourse in our society. Fr. Engh was not separating the rationale of fairness



from the outcome of deportation. He was convinced that any argument in favor of deporting Dreamers is anti-immigrant and xenophobic, because he was only looking at the argument's result. It would not be fair for me to accuse Fr. Engh of supporting open-borders, simply because he does not want to deport Dreamers. But, that is precisely the parallel argument he is making.

This way of thinking is by no means unique to Fr. Engh. This is largely prevalent in the modern progressive movement. It appears to me that those who disagree with progressives are presumed to act with malicious intent. Who opposes progressives? Conservatives. Those purporting to be intellectually honest in their politics should not deny the reality that only conservatives are slandered as "bigoted," "racist," or any other accompanying "phobe" or "ism." Such personal attacks are commonly launched in response to conservative policy. For example, conservatives are "evil" if they want to repeal the Affordable Care Act, "xenophobic" if they advocate strict immigration policy, and "don't want to prevent school shootings" if they reject gun-control legislation.

The problem with these assertions is exactly what I have previously explained--they assume the motivation and rationale of the result. They answer the question of "why" someone would advocate for such a position, without ever actually asking so. It is easy to figure out why Hitler wants to do something--because he's evil. The logical conclusion to be drawn from this analytical framework is that progressives believe conservatives to be morally gross. Accordingly, any justification for deporting DACA dreamers must be because they hate immigrants.

This presumption of malevolent intent has further consequences. Progressives grow to become repulsed by conservatives' worldviews and conservatives personally. While I hold this to be self-evident, some will resist its validity. It is progressives who seem to assume moral superiority and shame conservatives in their views. It is progressives who create safe spaces to prevent opposing viewpoints from being sounded. These are the admittedly natural results of assuming someone to be so spiteful as to

justify non engagement with them.

In reality, conservatives have a fundamentally different worldview than progressives. So much so, that neither can truly understand the other's.

Conservatives view legislation through the lens of government action with a splash of slippery-slope phobia. However, progressives seem to view conservative policy as wishing to hurt whatever group is negatively impacted by the conservative's actions.

This is exactly why debate is important. We need different worldviews for different commentary on political issues. Our Santa Clara community is stuck viewing politics through one lens. It is the responsibility of those who hold opposing worldviews to propose alternate ways of viewing political issues that arise. Furthermore, we are obligated to adhere to logic and reason. If logic and reason can be cast out for emotion and insult, then democracy dies and discourse need not take place. This result can only exist with a diversity of worldview in the community, the only kind of diversity Santa Clara seems to not honestly promote.

As Fr. Engh acknowledged in the beginning of our conversation—we should not demonize opposing viewpoints. There are certainly people who want to deport Dreamers simply because they do not want immigrants coming to this country. But there are many other reasons for deporting Dreamers that are not motivated by hatred for immigrants. We must all reject the intellectually sloppy nature of personal attacks in politics.

The harsh reality is that Fr. Engh's email could be summed up as: "We want to encourage dialogue on both sides, unless you are in favor of deporting the Dreamers, in which case you are xenophobic." Make no mistake, "xenophobic" is not intended to be, nor in actuality is, a compliment. It is a negative characterization of someone's worldview. Whose worldview is being negatively characterized? Anyone who disagrees with Fr. Engh on DACA--no matter the reason. The Santa Clara community should be deeply troubled by this. After all, if any student, faculty, or staff engages in honest discourse and becomes receptive to the "other side's" argument, you are now xenophobic. And as Fr. Engh made explicitly clear in both our meeting and his email, our community does not tolerate xenophobia.

## THE SILOING OF AMERICAN POLITICAL DISCOURSE

By Brendan Comstock

Senior Editor

Stop. Before reading this article, try to remember your last political conversation that ended well. For present purposes, let's define "ended well"—at the risk of romanticizing past political conversations—as both parties calmly explaining their side, with a back and forth exchange of political viewpoints, and some indication of one or both sides wavering toward common ground. That latter component would be ideal, but is concededly unnecessary. I hope I am wrong, but I predict that most readers will agree that this type of political conversation is not commonplace. It is not required for a productive political conversation that everyone change their minds to agree with whomever they are talking to at a given moment. But it is impossible to have such a conversation when both sides think the way to "win" is to yell louder than the other and to make the other feel lesser. We should all strive for calm, factual conversations that end with both sides understanding more about the other's position. Let's take a look at what is causing our political conversations to be fraught with intransigence and how we can improve.

The main reason our conversations have turned out this way is because our information ingestion, digestion, and opinion formulation is done almost entirely in silos. To illustrate this, think about how many people you know who consistently watch MSNBC and Fox News. How many people actually use both of those outlets as an information source? I think we know the answer. Such a person is a unicorn in American

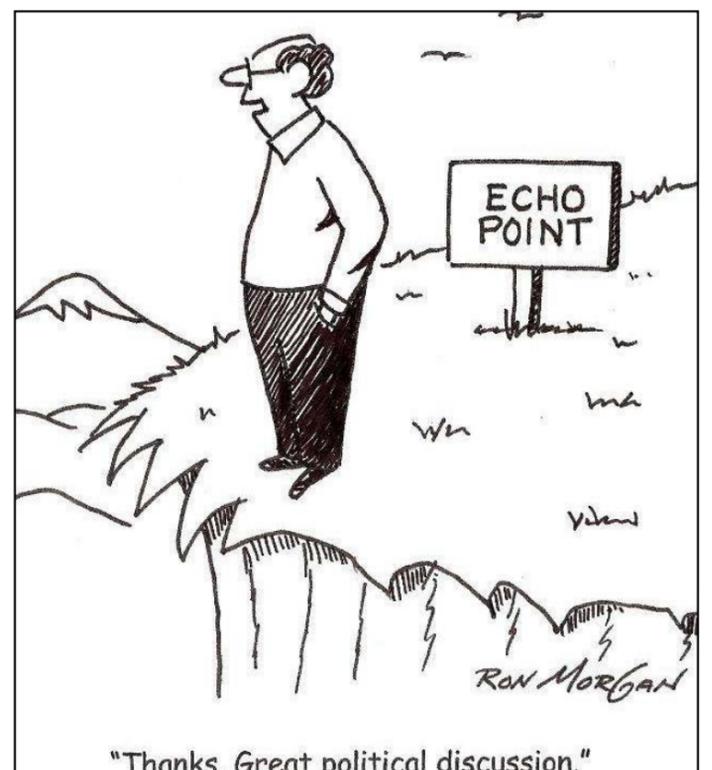
politics. Of course, that is not conclusive in determining whether one has true diversity in their information sources, but it is a good start.

The diversity (or polarization) of information sources only covers the ingestion and digestion components of the political information lifecycle. In an ideal world, political opinions would not be formed without genuine political discussions among opposing viewpoints. Today, this does not appear to be happening. Somebody who is left-leaning might hear about an offensive statement that came out of the White House, listen to Pod Save America, formulate their opinion, and that is that. Then, when they talk to a person who digested that same invective, but viewed it as a perfectly rational statement, they both, armed with their set-in-stone opinion, proceed to fling their Pod Save America-Rush Limbaugh talking points at each other. This is an all-too-common occurrence and nowhere near a productive form of political discourse.

How can we change this? STEP OUT OF YOUR SILOS (myself included). I am not proposing we all utilize every possible information source. I am proposing we all earnestly step into the other side's shoes and understand why their opinion is what it is. That should start with learning how they ingest and digest information. Go to different news sources and see how a particular topic is being discussed and portrayed to each set of viewers or listeners; that will give you an idea of how the average Democrat

or Republican is receiving information. This way, when you do have a discussion regarding a polarizing topic, both sides begin with at least a semblance of empathy. From there, it becomes much less a yelling match and more of a two-sided discussion.

Is this an idyllic formulation of what could be? Of course it is. But it is also possible. Gradual movement toward the middle, precipitated by simply understanding the other side's position, could result in a less toxic political environment and increased productivity in the Beltway.



# OFFICE HOURS UNWOUND



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**1. What is your top source (news / journal / legal blog / other) for keeping current with the law?**

I read the New York Times and listen to NPR on the commute to keep up with current events and what's going on in business, which in my field is just as important as keeping up with the law (and big developments in the law get covered by these outlets). With respect to new developments in the law specifically, I don't have a top source; most of my colleagues and friends are posting about new developments on social media in a very timely manner.

**2. What do you consider to be the most important development in your field or the legal profession in general over the last 5 years?**

I don't know if the 5 year timeframe is exactly correct, but I think that perhaps one of the most important inventions has been the blockchain, and I believe that blockchain is starting to have, and will have, a big impact on our profession. We're already seeing law practices forming around virtual currency businesses, and now public offerings for virtual currencies via the ICO mechanism. However, we are only beginning to see the uses of blockchain for self-executing "smart contracts" and transactions where trust can be replaced with code. Lawyers of the not-too-distant future will need to understand these technologies and adapt so that lawyers and technology tools can coexist.

**3. If you could go back in time, what advice would you give to yourself in law school?**

Enjoy it more! Law school seems stressful and busy, but trust me - it will get worse when you are a practicing lawyer. Law school is the perfect time to start practicing work-life balance. It wasn't really until my last semester or two that I started to really get to know my classmates, and then it was over.

**4. Who is someone you admire, and why?**

My friend, Sylvia. She was diagnosed with Leukemia in 2010, and while getting chemotherapy declared that she was going to train for and run her first half marathon, despite never running before. She ran that half marathon less than a year out of treatment, and several more. Her cancer came back with a vengeance in 2013, putting her in the hospital for several months before the doctors told her she needed a bone marrow transplant or she would die. Within mere months of the transplant, she ran the San Jose Rock and Roll half marathon - despite having graft versus host disease where her body was fighting the transplant, being 40 pounds bigger than usual from steroids, wearing a big clunky facemask, and still sporting a PICC line for her continuing treatments. She has never let cancer define her, and continues to push herself physically even though she's not back to normal in any sense of the word. She is the bravest, strongest, most determined person I know.

**5. Do you have any book recommendations?**

A friend of mine is the Executive Director of the Design Program at Stanford, and he wrote a book called "Design Your Life." It teaches the reader how to apply design thinking to career planning. It is fascinating, and I highly recommend it to anyone who is planning their career, thinking of making a career change, or just evaluating whether their current job is where they want to be.

**6. What was a memorable experience in your legal career?**

My first court appearance was about a week after I was sworn into the bar. I was sent to the San Francisco Superior Court to argue a discovery motion. The magistrate ruled in my favor, and the attorney on the other side flipped out! He started yelling in the courtroom and got escorted out into the hall by the bailiff. Then when I walked out into the hall to call the partner on the case and tell him we won, the opposing counsel was screaming down the hall at me! I had to ask a bailiff to walk me to my car because I didn't feel safe.

**7. What is your favorite restaurant in the bay area?**

I love carefully crafted unpretentious food, with good wine or beer to go with. My favorite is probably The Refuge in Menlo Park or San Carlos - the best pastrami (even my New York native friends agree), and Belgian beers on tap.

**8. What do you enjoy most about being a law school professor?**

I love that I teach a small class (20 or less students), because I feel like I can really connect with everyone in the room, and we can collaborate at working out complex problems. The learning is not all one way in our clinic; I'm learning from the students and the clinic clients each semester. In the last 5 years, I feel like I've learned more than in the previous 15 years as a practicing lawyer.

**9. What is a subject (legal or non-legal) you would like to learn more about?**

I've always worked in or with businesses, and learned a lot of business concepts through observation and trial by fire. However, if I had more time and energy, I'd go back to school and get an MBA. It's more likely that I'll just continue to read books and watch instructional videos to pick things up along the way.

**10. How do you unwind?**

For 8 years now, I have been raising money for the Leukemia & Lymphoma Society and train for endurance events with Team in Training. I'm currently training for my fourth Olympic-distance triathlon in March, and thinking about spending the summer training for my first half ironman. Training to the point of exhaustion is really good for relieving stress!

**1. What is your top source (news / journal / legal blog / other) for keeping current with the law?**

Scotusblog - truly outstanding.

**2. If you could go back in time, what advice would you give to yourself in law school?**

Practice, practice, practice, write, write, write.  
The value of practicing writing cannot be overstated.

**3. Who is someone you admire, and why?**

**Legal:** Justices Ruth Bader Ginsburg (Notorious!) and Ming Chin, two justices who worked through tremendously difficult personal health issues, all while serving the public.

**Nonlegal:** Audra McDonald. She is the greatest living artist in the world.

**4. Do you have any book recommendations?**

So many! Today, I will recommend *Cloud Atlas* and *To Kill a Mockingbird*. If I am being honest, the Harry Potter series. I may or may not have read them.

**5. What was a memorable experience in your legal career?**

January 17, 2006, sitting in Chief Justice Ronald George's chambers, listening to a prison employee describe the execution of Clarence Ray Allen to the justices and their staffs. I was a 3L, externing for Justice Carlos Moreno. This is the last execution that California carried out.

A more positive memory: winning in *Christian Legal Society v. Martinez*, a Supreme Court case that I became involved with as a the co-chair of Hastings Outlaw, the LGBT student bar association.

**6. What is your favorite restaurant in the bay area?**

Oi very there are too many to choose. Some recent highlights: Ken Ken Ramen, Lolinda, Vik's Chaat House, City View (dim sum), Isakaya Kou, Manresa, Dosa, Tartine, Mitchell's Ice Cream.

Thanks, question 7 - now I'm hungry!

**7. What do you enjoy most about being a law school professor?**

Watching the moment when a student "gets it." There is nothing more satisfying than being present when a person learns.

**8. What is a subject (legal or non-legal) you would like to learn more about?**

Music theory. I love music, and know almost nothing about why. Perhaps there truly is no accounting for taste, and I am curious to find out if there is.

**9. How do you unwind?**

Yoga, singing Broadway as loudly as I can, board games, and, of course, Gypsy.



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## RUMOR MILL - BAR PROVIDERS, UP POINTS, AND CHARNEY HALL

By Susan Erwin  
Senior Assistant Dean  
Dear Rumor Mill,

### The school picked Kaplan for ALW, does that mean they are the best bar provider?

From Professor Flynn:

Not at all. You will succeed on the bar working with any of the three full-service bar prep providers: Barbri, Themis, and Kaplan. You may also find helpful supplemental materials from companies such as BarMax, Adaptibar, Rigos, private tutors, and others. SCU also offers for free: baressays.com subscriptions, and free essay and PT feedback during the summer.

This year, we have entered into an institutional partnership with Kaplan because the company offered the right package of excellent services at the right price for our institutional needs. This does not mean that Kaplan is the right or wrong choice for your personal summer bar prep plan. Each student should review all companies to find out what is best for you. Please review this short 20-minute video

presentation on how to choose your bar prep provider(s). The slides for the presentation are here. Please contact Professor Flynn (mwflynn@scu.edu) to ask any questions. And please join in the Bar Fair week, March 5-9, when we invite our bar prep partners to campus to answer questions.

**It's not fair for students who did well to remove the up point requirement, I could have taken those classes Pass/NoPass and had a better GPA.**

Again, from Professor Flynn:

This is an interesting concern, and thanks for raising it. First, a quick factual clarification - the UP requirement has not been removed. The only portion of this academic plan that has changed is that the deferred graduation requirement is not being enforced. The rest of the UP system remains, and applies to all students.

All students have been required under the policy to continue taking bar-tested subjects for a grade until they earn C+ or better in at least four bar-tested subjects. Three courses - Evidence, Constitutional Law II, and Legal

Professions - are already required for all students to take for a grade (you cannot take required courses P/NP). If you did well in these courses (C+ or better), then this system really only required you to take one other bar-tested class for a grade.

Taking bar courses for a grade strongly encourages students to work hard in those courses, and correlates with bar success. To subject students to academic policies that support bar success is not only fair, but mandated by the ABA, which requires us to implement academic policies that help prepare students for the bar.

### Will 3Ls really be in the new building?

From Dean Kloppenberg:

3Ls will be most welcome to study in the new building -- for the rest of the semester after Spring Break and during the summer for Bar preparation! We are working hard to move some 3L classes to the new building, but are awaiting progress on construction and room technology, etc.

## WISH I HAD KNOWN: PREPARING FOR ADMISSION TO THE CALIFORNIA BAR

By Grace Harriett  
Senior Editor

As a 3L, I've been reflecting back on the past years of law school and looking at all the "could haves" and "should haves." What stood out the most was how I could have better set myself up for my last semester when it came to the requirements for admission to the State Bar of California. Here is a quick look at some of the requirements, the things I wish I had known, and the best pieces of advice from Professor Michael Flynn, Kaplan Region Director Diana Cox, and Barbri Director of Legal Education Patrick VanHall.

### Moral Character and Fitness application only seems intimidating at first

I admit that I was intimidated by this requirement because it seemed to require so many things, and I felt like I started late. Professor Flynn says it is "fine to not start it until 3L year," but I would recommend beginning to gather the necessary information before 3L year. Some of the requirements include the past 8 years of living history, all legal jobs you have held since you were 18 (and non-legal jobs you've held for 6+ months), and 5 personal references. If you are currently a 2L, open that application up and peruse what they're asking for—your 3L self will thank you later.

### Take the MPRE in conjunction with the Legal Professions course

While you could study, take, and pass the MPRE before taking the Legal Professions course, it is helpful to have either just taken the course or to be currently enrolled. Fortunately, timing works out so you can take Legal Profession over the summer and the MPRE in August, or take Legal Profession in the Fall and the MPRE in November. This way you'll be able to study simultaneously for both the class and the MPRE.

### Schedule your classes efficiently

One of the best strategies of many 3Ls is to hold on to 6 units (2 classes) worth of Pass/No Pass for the final semester. As Professor Flynn puts it, the last semester is your "pivot to the Bar, and the more you can take care of before then the better."



Schedule and plan your classes efficiently, and try to push extra units before that last semester. And do not forget to make sure that you have four Up Points prior to your last semester, so you are not stressing over it at the last minute.

### Do a lot of research before choosing a commercial Bar preparation program

Kaplan Regional Director Diana Cox stresses the importance of doing your research before choosing a commercial program. There are multiple different angles to look at when conducting research (pass results, in-person courses versus strictly online, etc.), but an important strategy per Ms. Cox is to "see a demonstration or walk through of the entire course" to decide which program best suits you. In the Fall semester, SCU Law hosts commercial bar prep partners during Fall Bar Fair Week, and this is a great time to test the interfaces and programs. Ms. Cox and Barbri Director of Legal Education Patrick VanHall agree that one of the biggest student concerns right now is the MBE (multiple choice) portion of the exam. Mr. VanHall notes that the "MBE is harder than ever," and Ms. Cox points out that the MBE is now worth 50% of students' overall score on the exam (dropping essays to only 35% and the performance test to 15%). Ms. Cox recommends looking for a program that "targets your specific strengths and weaknesses" since it is "important that you use your time efficiently and effectively." This is an incredibly

important (and expensive) decision, so I asked a lot of questions because I wanted to make sure I chose the best program for me.

### Bar admission requirements are expensive, so map out your expenses ahead of time

All of the applications, registrations, and fees add up quickly. I wish I had spread out some of the larger expenses. The Moral Character application costs \$551, and the application for the Bar Examination is \$677 (with a \$153 fee to register your laptop). Ms. Cox noted that a common worry she's heard from students when choosing a Bar Prep program is that "Bar Prep is expensive!" She highlights that "usually every company has their lowest prices in the fall and prices continue to go up throughout the year. So the earlier a student enrolls, the less they will likely pay."

### Figure out your best routine and structure for yourself two months before taking the bar

The actual exam will be incredibly rigorous for both body and mind. Utilize those two months prior to the exam to "train" for it. Mr. VanHall recommends students "find a routine, and stick to it," noting that often times students feel like they "didn't do enough prep." He also recommended that students "utilize what made you successful in law school." We made it through law school, so build off those strategies to find the best way for you to study. Utilize a small study group for accountability and support. Mr. VanHall reminds students not to "forget about family," as it is good to unplug sometimes. Also, Ms. Cox emphasizes that students should "keep that end goal in mind as a motivator and a light at the end of the tunnel."

The entire admissions process is overwhelming at best, on top of tackling current coursework and job searching. But when it comes to scheduling, finances, and asking questions throughout the process, the support is there—from faculty, administrators, and mentors, to friends, family, and fellow law students. And hopefully, we will all be adding "Esquire" to the end of our names.