

# The *Res Ipsa* LOQUITUR

*The Official Newspaper  
of the  
University of Miami  
School of Law*

February 2008  
[studentorgs.law.miami.edu/res\\_ipsa](http://studentorgs.law.miami.edu/res_ipsa)

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# Law School Celebrates Diversity Week



# UM's First Annual Diversity Week

**PRESTON CLARK**  
SPECIAL TO THE RES IPSA

The American Bar Association declared diversity to be this year's signature initiative on law campuses across the country. The ABA encouraged Student Bar Association leadership to organize a "Diversity Day" to celebrate the many racial, cultural and ethnic groups represented within our campus community. There was one problem! One day simply wasn't enough for us. Based on the high level of interest from student organizations to participate in the event, it became apparent that one-day to celebrate diversity wasn't going to be enough at UM Law.

Allison Avent, the ABA representative to the SBA, decided that UM would need at least a week to celebrate our rich diversity. So began the SBA's efforts to organize the first annual Diversity Week at the University of Miami School of Law.

The first annual Diversity Week took place from February 11th through the 15th. Aside from a couple days of torrential rainfall, the event was spectacular. The student organizations that participated included OUTLaw, the Hispanic Law Students Association, Society of Bar & Gavel, Christian Legal Society, Asian Pacific Law Students Association, HOPE, Cardozo, International LLM Students, Association of Caribbean Law Students,

Student Organization for Human Rights, South Asian Law Students Association, and the Student Bar Association. Great food was served, music was played, dancers, piñatas, flags, posters—it was truly an event symbolic of our unique and diverse student body.

Two highlights from the event included HLSA kicking off the first day of Diversity Week with a team of salsaeros from the undergrad campus and a hard-to-beat piñata that was reluctant to give up its candy. Another highlight was on the final day of Diversity Week. The International LLM students representing over ten countries provided an eclectic table of food and drink from countries such as Brazil, Colombia, El Salvador and Germany, among many others.

Additionally, Diversity Week proved to be a great opportunity for the many organizations to present themselves to the entire student body. For many 1L's it was their first exposure to our many organizations. For everyone it was a lively celebration of music, food and culture on the bricks. At a time when students are hustling for jobs, preparing outlines, drafting memos and briefs it is nice to have a break from the stress to celebrate our campus community and its diversity. The SBA is already looking forward to next year's Diversity Week—an event we hope to be bigger and better than this year's.



*The Honor Society of Bar and Gavel*  
Founded in 1949



## CONGRATULATIONS TO THE SOCIETY OF BAR & GAVEL'S SPRING 2008 TAPPEE CLASS!

*Membership in the Society is the highest honor that can be bestowed upon an individual at the law school so please join us in recognizing the following individuals:*

JACKIE BERGER  
LEIGH-ANN BUCHANAN  
SCOTT BYERS  
CHRIS DISCHINO  
DANA FOLEY  
VEENA GURSAHANI  
CHRIS MALEK

NATASHA O'DELL  
YOLANDA PASCHAL  
LIZ SOMERSTEIN  
MERIDITH SCHANTZ  
LAURA TEPICH  
DAVID TROPIN

Founded in 1949, The Society of Bar and Gavel is considered the highest honor awarded at the University of Miami School of Law. Its purpose is to provide service to the Law School and the Greater Miami community. The Society was responsible for creating vital programs at the School of Law, including the Barrister - the first school newspaper and predecessor to the to the Res Ipsa Loquitor, The Moot Court Board, the Slip Opinion - a weekly newsletter like today's Hearsay, Equity Playhouse, scholarship funds, interaction with children's homes, and Barristers' Ball - the Law School's awards banquet.

In 1969, The Society of Bar and Gavel, at the request of the University, reorganized itself as the Highest Honorary Society at the School of Law to recognize, as well as promote, service to the Law school, its student body, and the Greater Miami Community. The ideals sought in members are exemplary character, outstanding leadership, service to the law school and the community, and a positive attitude.

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# SBA Elections: Malek elected new SBA President

**SYLVIA-REBECCA GUTIÉRREZ**

**RES IPSA STAFF**

This year, the student body selected the new SBA administration from an unprecedented number of candidates. Initially, forty-one students competed for the eighteen various positions. Most significantly, seventeen students vied for the six available 2L senate positions, and twelve students contended for the six available 3L senate positions. The election process received a second round of attention when the results required run-off races for both the presidential and vice presidential positions. Additionally, one 2L senate seat also saw a run-off.

Janet Stearns, Dean of Students, expressed a positive outlook with regard to the number of candidates present in this year's election. "I think that the wide range of candidates running for office is an excellent sign of student interest and involvement at our School of Law," Dean Stearns said.

Current SBA President Preston Clark said, "The voter turn out was amazing. The 1L's came out the strongest with nearly 50% of the class hitting the polls. Over 500 students voted in the first election, which is significantly higher than last year."

The new year will present many new and unusual challenges to the new SBA administration. As Clark said, "The incoming SBA leadership has a tremendous opportunity. Right now is a very unique time in the history of our law school. Not only are we about to get a new

dean, but our very ambitious president and provost are taking new interest in our law school community. The hardest part about making substantial change as a student leader is running in to the wall of status quo. I think everyone from the top down knows that it's time to shake things up at the school. What a great time to be a student leader!"

Chris Malek won the race for the SBA Presidency on February 29, 2008, after a run-off against Michael Marshall. Both candidates have served continuously on the SBA senate since their first year of law school.

Omar Bradford, newly elected as the SBA Vice President, expressed the desire to have the SBA administration enhance job opportunities, professional identify, and national marketability.

"My plan is to make measurable progress - progressions toward improving issues that affect our daily lives as students and resolving issues affecting our school's national marketability," said Bradford.

Enthusiastic about the opportunity to serve the law school community, Bradford said, "Law school is a choice we've all made in order to get the most out of life. Let's go get it! I care about this school a great deal and I am extremely, extremely thankful for the support of the student body."

Michelle Cohen secured the SBA Secretary position. Echoing Bradford's enthusiasm for the new administration, Cohen said, "We can look forward to a strong SBA that can get things done and appropriately represent the student body."

Dean Stearns said that she antici-

pates working particularly closely with Michelle Cohen as SBA Secretary "to work with the Inter-Club Council in order to address many issues of space utilization, Web site and communications, and streamlined event planning for all organizations." As Cohen explained with certainty, "The student body can expect increased communication."

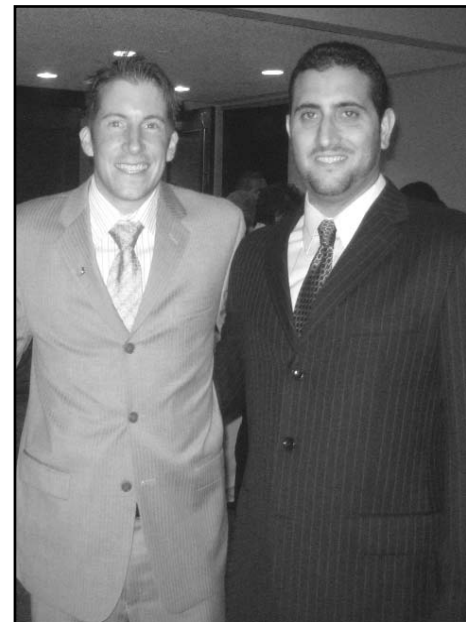
Having served as a senator both her first and second years at the law school, Cohen noted that this is a unique SBA administration. "All the 3L senators are brand new [to the SBA administration], and most of the 2Ls are new as well," Cohen said. According to Cohen, the student body can expect fresh ideas and new ways of doing things.

Jennifer Pratt captured the position as SBA Treasurer. Dean Stearns said, "I look forward to assisting Jennifer Pratt as Treasurer in continuing many projects started this year with respect to improvements to the SBA Book Exchange."

Kim Salamone will take over the position as SBA Historian. Jana Blount will serve as the newly elected ABA Representative.

Next year, students can expect strong support from newly elected 3L Senators Benjamin P. Bean, Sean Friedland, Michael Kuczynski, Sara Neugroschel, Brian Vidas, and Julie Young. As Friedland explained, "I look forward to working diligently and efficiently with the SBA Government to ensure that the voices of my fellow UM Law students can and will be heard."

The student body can also expect dedicated representation from newly elect-



SBA President Preston Clark (L) and President-elect Chris Malek (R)

ed 2L Senators Ashton Freeman, Matt Givens, Adam Goldman, Christopher Hahn, Ian Kirtman, and Patrick Sullivan. "I personally thought that the election for Senators was run with great integrity by both candidates and the elections committee alike," said Givens. "I am just proud to be one of the 6 selected students to represent our class of over 500. It is truly an honor to me, and to repay the students I will do the best job that I can by working hard to make the changes that the students would like to see, as well as just improving the over-all quality of life for the three years that we are here."

## 2007-2008 LAFAC ALLOCATIONS

### Meeting Date: September 4, 2007

Student Animal Legal Defense Fund - \$ 1,400.00  
(for the 15th Annual Animal Law Conference)

APALSA - \$ 3,130.00  
(for the Moot Court Competition and the NAPABA National Convention)

Serena Joseph - \$158.00  
(for the Corporate Responsibility Officer Conference)

Honor Society of Bar & Gavel - \$4,031.00  
(for the 8th Annual Race Judicata)

International Law Society - \$3,000.00  
(for the ABA International Section Meeting)

### Meeting Date: September 18, 2007

U.M. Law Review - \$6,500.00  
(for the Annual Symposium)

Honor Society of Bar & Gavel - \$6,000.00  
(for the Barrister's Ball 2008)

Student Organization for Human Rights - \$600.00  
(for photo display of trip to the Dominican Republic)

Environmental Law Society - \$400.00  
(for the National Environmental Law Moot Court Competition)

BLSA - Kafi Kennedy-Swanson - \$800.00  
(for travel to regional/national meetings)

BLSA - Gabrielle Berthelot-Levin - \$800.00  
(for travel to regional/national meetings)

H.O.P.E. - 'Canes Carnival - \$780.00  
(for the Fall 2007 'Canes Carnival)

BLSA - \$2,000.00  
(for the Southern Region Convention)

Inter-American Law Review - \$2,243.00  
(for the for the Annual Symposium)

### Meeting Date: January 22, 2008

American Constitution Society - \$1,000.00  
(for the National Moot Court Competition)

UM Law Review - \$3,000.00  
(for the 2008 Symposium)

Society of Bar & Gavel - \$ 5,000.00  
(for the 2008 Barrister's Ball)

H.O.P.E. - \$600.00  
(for the Spring 2008 Clinic in Guatemala)

### Meeting Date: February 5, 2008

Entertainment & Sports Law Society - \$4,500.00  
(for the 11th Annual Symposium)

Miami Law Women - \$400.00  
(for The Pink and White Ball)

Dean's Cup Committee - \$3,650.00  
(for the 2008 Dean's Cup)

International & Comparative Law Review - \$450.00  
(for the Immigration Symposium)

BLSA - Black Law Students Association - \$1,026.00  
(for the National Conference in Detroit, Michigan)

H.O.P.E. - \$780.00  
(for the 'Canes Carnival)

**TOTAL: \$ 52,248.00**

**\*Courtesy Law Activity Allocation Committee**

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# Career panel invites notable Miami Law Alumni

NICOLE WULWICK

RES IPSA STAFF

On Wednesday, January 30th, the Career Planning Center and Academic Achievement Program presented a panel discussion on Legal Careers. The panel was a showcase of accomplished University of Miami Law alumni who enthusiastically discussed their myriad legal careers with 150 first year students. Joanne Koren, Director of the Academic Achievement Program, was pleased to sponsor this exciting event, noting, "the Legal Careers Panel Discussion coordinated by third year law student and Dean's Fellow Jordan Dresnick brought together shining stars from the Miami legal community. Offering students a wonderful opportunity to engage in a candid dialogue, the panelists shared stories about their own experiences and offered insight and advice to students just beginning to embark on their professional careers. All the panelists are highly respected and each represented a different sector of practice. It was wonderful to see room 352 filled to capacity for the lunch time presentation."

The Panelists represented a variety of legal fields in the Miami area, giving students wide-ranging opinions about careers choices. The distinguished panel included: Adalberto Jordan, United States

District Court Judge and former law clerk to U.S. Supreme Court Justice Sandra Day O'Connor, Carlos Martinez, Chief Assistance for the Miami-Dade Public Defender, Dave Coulson, Partner at Greenberg Traurig, Amanda McGovern, Partner at Kenny Nachwalter and Pam Perry, Of Counsel to Dresnick & Rodriguez. The attending students were able to take away answers to a wide range of issues relating to summer internships, law school courses, career choices, extracurricular activities, and participation in the on-campus interview program. 1L Vanessa Baker found the career panel both exciting and informative. "As a first year, we have many questions about jobs and our future. It was great to meet Miami's Assistant Public Defender since I want to be a public defender myself and it was a wonderful opportunity to get the inside scoop of what employers are looking for."

A question and answer session led by the Academic Achievement Program Dean Fellows gave students a chance to ask their own questions to the panelists. 2L Dean Fellow Scott E. Byers considered the Legal Career Panel to be a success, giving students a chance to ask questions about summer opportunities instead of relying on the rumors from the bricks. Byers said, "the fact that there was a diverse panel from many different areas

of law, it allowed a student the ability to direct a question to someone in the area of law that interests them. The chance to sit and talk to a number of former students of the law school and see what they did and also to hear what they look for allows students to realize their ability to become successful lawyers. At the same time it lets us realize there are many opportunities out there for Miami law grads."

Learning about the numerous opportunities for the future was very motivating for the attending first-year students. 2L Dean's Fellow Allison Perez also found all the panelists incredibly interesting and beneficial for the first-year students when applying to summer internships. In particular, Perez noted, "from my interviewing experience, I found the panelists advice about ensuring the quality of writing statements to be particularly true. While interviewing, I had been asked extensively about my writing sample, and could tell that employers relied on my sample as a representation of my work."

For those students interested in pursuing a career in a firm, the panel was comprised of panelists from both large and small firms. The opinions of these experienced lawyers painted a clear picture of daily life at a law firm. The panelists also gave helpful advice on resume building and interviewing with firms. 1L Allison

Janowitz said, "The career panel was an excellent chance to hear the differences between different law firms and why the lawyers preferred their specific law firm size, which as someone who is trying to figure out which size of law firm to explore, was important. I found the panel helpful and relaxed, and eager to answer questions openly and honestly." Interestingly, the panelists who worked in both a firm and in a public interest position discussed the advantages and differences between both types of careers. Their advice was helpful for students unsure of which area of the law to explore during an internship this coming summer.

All of the participating panelists were excited to be involved with this year's event. Pam Perry was honored to participate and share her experiences. "I think it is wonderful that so many law students were eager to learn about the reality of practicing law. The questions from the students were excellent. It was clear that the students were very hard-working and interested in learning all that they could about the day to day life of being a lawyer or a law clerk. I wish I could have hired every one in the room." The Career Panel will hopefully become an annual occurrence, bringing together local Miami Law School alumni with aspiring students.

Dennis O. Lynch, Dean  
University of Miami School of Law  
Cordially Invites You To A Celebration in  
Honor of The Appointment of Professor Bernard H. Oxman  
To The Richard A. Hausler Chair

Wednesday, March 5, 2008

Lecture by Professor Bernard H. Oxman  
"The United States and the Future of International Law"

5:30 p.m.

Reception to Follow

University of Miami Lowe Art Museum  
1301 Stanford Drive  
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# Barristers' Ball 2008: Celebrating Our Past & Future

**RACHEL DRUDE**  
**RES IPSA STAFF**

## The Five W's

So here's the scoop: **the who, what, where, and when** of **Barristers' Ball 2008** and why Bar & Gavel President Mindy Reinstein and Event Chair Dria Rodriguez have dubbed this year's Ball "The Biggest Barristers' Ball Ever." Organized by the Society of Bar & Gavel, Barristers' Ball is an annual extravaganza and honor banquet that brings together students, faculty and alumni to celebrate the year's accomplishments both on the Bricks and throughout the South Florida Community. This year's fete kicks off on April 5th at the Hilton Hotel in Downtown Miami, with student organization-sponsored cocktail receptions from 7-8 pm, followed by dinner, drinks and dancing from 8 pm until midnight.

Over a delicious three-course dinner, the Society of Bar & Gavel will announce the winners of the Roger Sorino Award, the Hausler Golden Apple Award and the first ever Alumni Leadership Award, which will recognize one outstanding alumni whose professional achievements, accomplishments and service to the community promote and uphold the four tenets of the Society of Bar & Gavel—service, leadership, character and attitude—and have earned him or her the recognition of distinguished

alumni. Also expect to lift a glass, toast and applaud fellow students at the traditional "Passing of the Gavel" ceremony honoring outgoing and incoming presidents of student organizations.

## What's New

The Alumni Leadership Award is one of the many ways the Society of Bar & Gavel is working to re-establish the original purpose of Barristers' Ball and move away from the kitschy "Law School Prom" image of years past. On her pursuit to revamp and revitalize Barristers' Ball, Event Chair Dria Rodriguez states, "We want to revive the tradition of bringing the 'barristers' back to the law school for a reunion with faculty and classmates and allow them to share a wonderful evening with current students. Ultimately, we want to stay true to the Ball's motto being 'An Evening to Honor Our Past and Celebrate Our Future'."

## And the Sixth W: What to Wear?

Whether you've been in the Magic City since you could crawl and shake your rattle to the beats of the Miami Sound Machine or just a single semester, the Miami fashion bug has no doubt taken a bite out of your personal style (not to mention your wallet!) and Barristers' Ball is no time to be caught looking shabby. In choosing your ensemble, please remember that

along with your date and fellow classmates, you will also be in the presence of faculty, administrators and alumni, so a minimal amount of class, although a rare find in many a South Beach club, is required—for your sake and for mine. Any Janet/Britney/Tara sneaky-peeks will not bring you any sort of good publicity here! That being said, the acceptable dress code for females includes anything from chic cocktail attire to formal, floor-length gowns. As for men, suit and tie are recommended, but losing the tie won't make you a loser—just remember to dress in sync with your date so you don't look all K-Fed standing next to a Scarlett or a Jessica. After all, we all know they both had a thing for Justin—GQ all the way, which in my personal opinion is the only way to go.

## A Few Caveats (Because I Love You)

Not to be a Debbie-Downer, but as your friend and fellow partygoer, I think a few pointers are in order. After all, we want this to be a shiny-sparkly memory in your mental law school scrapbook and not an evening drenched in regret. First, as mentioned in reference to attire, please remember that you will be in the esteemed company of not only your peers but also administrators, professors, and alumni, including the people who may and most likely will influence your future

grades, employment and career. But instead of looking at the situation as a limitation on your personal dress or expression, look at it as a phenomenal opportunity to get to know and celebrate with some pretty impressive and accomplished people. On that note, please remember that open bar is not an all-access invitation to get trashed and relive your frat boy glory days, audition for Girls Gone Wild or test drive your ultimate fighting skills. Boys, check your egos at the door. Girls, that goes for you too. Finally, and perhaps most importantly, please refrain from drinking and driving. Either designate a sober driver or arrange for alternate transportation. A limo is nice but a taxi will do, and we all know the number from the first year skit so no excuses!

## So What About Tickets?

Space is limited, so get your tickets early! Last year, tickets sold out and this year is bound to be no exception! Third year students get first dibs on tickets during the 3L Pre-Sale which commences March 3rd. Regular ticket sales begin March 5th and continue through the end of the month. Pick up one for you and one for your honey on the bricks between 12:30 and 2 pm from one of the lovely Bar & Gavel representatives. Ticket prices are \$65 for Students, \$75 for Bar & Gavel Alumni and \$85 for Faculty and Alumni. Cheers!

# Pink and White Ball: Raising Breast Cancer Awareness

**LEXI HOLZBERG**  
**RES IPSA STAFF**

Law school events are a beautiful thing. It's a night out on the town sponsored by the law school. There could not possibly be a better excuse to party than the old "It's a law school event." Law school events are like homework assignments, fun ones; and in the case of a Miami Law Women party, it's for charity.

This year's Pink & White Ball turned out to be a spectacular success, and quite the perfect extracurricular. This was only the event's second year, and already the party had created quite a lot of fanfare. The week before the event, Miami Law Women and Lawful Productions sold tickets on the Bricks for two and a half hours each day. The tickets were sold at \$20 each and all of the proceeds were donated to two breast cancer research and support foundations: Komen for the Cure and Be Bright Pink.

E-mails went out weeks before the event to serve as a reminder, though little reminding was needed. Miami Law Women members and Lawful Production members drove tickets all over the city and LAFAC helped a great deal by sponsoring the event. Fifty tickets were

sold over at the Medical School and the event was also well-publicized at the Business School. Facebook groups and e-mails circulated, and students planned their upcoming weekends around the event.

The night of the 15th (just after Valentine's Day this year) students and friends began slowly to trickle in to the outside bars at the Raleigh Hotel. By 11pm, the spaces around the pool and across the sandy lawns were filled to the brim. Miami Law Women estimates that around 600 people came out for the event. Even better, this year, including donations, the event will have raised over \$10,000; well up from the \$6,000 the event raised at the event's debut.

Miami Law Women's urging of a strict pink and white dress code did just the trick for a packed house: all who came were perfectly matched and wearing their support for the cause. As for the pink slap bracelets this year handed out at ticket sales in order to gain entrance, Miami Law Women's Social Chair, Dana Foley, came up with the idea as a great successor to last year's Lance Armstrong bracelets.

Dressing for a cause in general is a great way to represent the chosen cause and to get attendees excited about the event and its goals. The

idea of dressing for a cause is nothing new, of course. Fashion shows and inspired dress codes have long been great ways to fundraise and promote great event turnouts. Pink and white are also the signature colors of the many breast cancer foundations. Purchases at every major retailer around the country offer pink and white items for the cause which donate a portion of the proceeds to breast cancer research, prevention, and treatment.

Back to the fabulous event: other than the change of venue, one notable alteration to the event was the party's title. This year the event was entitled "ball" to suggest a more formal event, perhaps in the hopes of greater donations. The group essentially hopes that one day the event will be an actual "gala," until then, the term "party" seemed to cause less confusion to explain that no date and no gown were necessary to come out and have a great time.

The event seems only to grow in size and popularity. Jennifer Hochstadt, President of Miami Law Women, explains: "The event, thus far, has been a tremendous success. People feel good about being a part of this cause. Because we're students, it's hard for many of us to make the sizable donations we would like to



Pink and White Ball Leaders Tammy Savin (L) and Jen Hochstadt (R) (courtesy MLW)

make. Through the event, pooling resources, together we make a statement that we all care about the cause."

As for the collaborative efforts that make this party a winner, all hands seem to be on deck for this successful party. Members from Miami Law Women, Lawful Productions, as well as many other organizations' members and leaders combined their efforts this year to make the Pink & White Ball an unbelievable event. It's high time for many more law school events out on the town, all for a good cause.

# Barrister's Ball 2008 Ticket Sales

## **General Ticket Sales Begin March 5<sup>th</sup> 2008.**

Bar & Gavel Office E271  
2:30 pm – 4:00 pm

Student Tickets: \$65.00

*Includes Three Course Dinner, Open Bar,  
Awards, Dancing, Photos, and a Fun  
Night of Memories.*

**April 5<sup>th</sup> 2008**

**Hilton Hotel**

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**Buy your Tickets early!!**

For more information E-mail [Dria1909@yahoo.com](mailto:Dria1909@yahoo.com)

# INTER-AMERICAN LAW REVIEW SYMPOSIUM



Photos Courtesy Kevin Gaunt

# DIVERSITY WEEK



Photos courtesy Anna Mance

# MIAMI LAW REVIEW SYMPOSIUM



Photos courtesy Miami Law Review



# PINK AND WHITE BALL



Photos courtesy Jennifer Hochstadt

# Miami Law Review Symposium: Race and Public Schools

**JONATHAN WALDMAN**  
**RES IPSA CONTRIBUTOR**

On February 2, 2008, legal scholars from around the country came to the University of Miami for the annual University of Miami Law Review Symposium. This year's symposium covered one of the most controversial legal topics confronted by the Supreme Court in the last few years—the constitutionality of race-assignment programs in public secondary schools. The case that prompted this debate was *Parents Involved in Community Schools v. Seattle School District #1* (PICS), a 5-4 decision where the Supreme Court held, broadly, that school districts were not allowed to consider race, even if done to improve diversity, when deciding where high school students go to public school. Professor Marvin D. Jones stated: “The recent Supreme court decision was a spring board to understanding the historical as well as the constitutional dimensions of the issue [resegregation in the nation's schools].”

The symposium offered listeners a full day's worth of legal dialogue regarding the current state of segregation in the United States. The day started out with opening remarks by Dean Lynch and Professor D. Marvin Jones, welcoming the panelists and introducing the PICS case to

the listeners. Following the welcome was a four person panel, moderated by Professor Mario Barnes, discussing the background of the PICS case, while revisiting the Court's decisions in both *Plessy v. Ferguson* and *Brown v. Board of Education*.

The first panel was followed by a luncheon in the Flamingo Ball Room. Charles Ogletree, a Harvard Law School Professor and Executive Director for the Charles Hamilton Houston Institute for Race and Justice, was this year's keynote speaker. Professor Ogletree has written and spoken extensively on race in the United States in the aftermath of *Brown v. Board of Education* and gave an influential speech about the social effects of the Court's holding. As Professor Casebeer noted: “I know I learned a great deal about the current thinking of the Roberts Court and the Seattle decision on affirmative action. Race has not disappeared from this society and our legal system. We must continue to keep discrimination on our national agenda.”

The last two panels discussed the current legal framework of affirmative action and what is expected of courts and the states in the coming years. Included in the group of distinguished panelists from around the country were University of Miami School of Law's own professors Kenneth Casebeer and Patrick

Gudridge. Todd Allison, Editor in Chief of the University of Miami Law Review, reflected, “It was very exciting to hold a forum for debate on an issue as important to Americans as affirmative action in schools. By inviting respected panelists both for and against affirmative action, we were able to create not just a presentation of one side of an argument, but an intellectual debate regarding the Supreme Court's decision.” Dean Dennis Lynch similarly thought highly of the Symposium: “The Law Review students did a wonderful job of inviting excellent speakers to address legal issues that are critical to the future of higher education. The various panelists and Professor Ogletree, who spoke at the luncheon, were well prepared and very thoughtful.”

Following the symposium, a reception was held on the bricks for all panelists, professors, and attendees to conclude the day's festivities. This was an opportunity for students and faculty members to mingle with the renowned guests on a personal level. Joshua Paster, Projects Editor of the University of Miami Law Review remarked, “the reception was a fantastic way to conclude what was an incredible day. We had a chance to relax after a long day, and reflect on the many intriguing issues discussed. Further, it was a final way to thank our



Professor Francisco Valdes, who served as a moderator, at the Podium (courtesy MLR)

participants and sponsors.” The 2008 University of Miami Law Review Symposium was sponsored by The Daily Business Review, Dade County Bar Association, Jeffrey D. Fisher, JD '80, Fisher & Bendeck, P.A., Hon. Gill S. Freeman, JD '77, Jill Goodman, JD '84, and Jerald Goodman, JD '84, Hogan & Hartson LLP, LAFAC, Law Alumni Association, LexisNexis, The Lipton Foundation, Susan L. Lipton, JD '70, and Preston J. Scheiner, JD '07.

The panelists' articles and arguments will be published as a symposium issue in Volume 63.

## Congress passes major change in Financial Aid Law

**JAMES YI**  
**RES IPSA STAFF**

Do you want to become a public service lawyer but that hefty law school loan is making you reconsider your passion for public service? Well, there is a solution. This solution is called the College Cost Reduction and Access Act of 2007 (CCRAA). The main purpose of CCRAA is to provide assistance to students or graduates by increasing funding for Pell Grants by \$11.4 billion over the next five years. Although CCRAA's main purpose is to support undergraduate students, CCRAA can significantly help law students with the repayment of their loans.

Income-Based Repayment (IBR) lowers monthly loan repayments on federally guaranteed student loans. These monthly repayments are lowered to 15% of the student's discretionary income, determined by the student's adjusted gross income minus 150% of the poverty level. Furthermore, any monthly interest left unpaid under IBR will be canceled by the government for up to three years. A student may choose to pay the lowered monthly payments under IBR for up to 25 years. Unfortunately the student will still be responsible for the

remaining balance after IBR expires. The only requirements to qualify for IBR is that the student has a “partial financial hardship” and that the student's loans are federally backed loans. Public service is not a requirement to qualify for IBR.

For those interested in public service, the government has a more rewarding plan. Under CCRAA, the government will cancel the entire remaining balance left on a student's loan as long as the student has made 120, or ten years of, loan repayment beginning on or after October 1, 2007. The beauty in this plan is that loan forgiveness can work in accordance with IBR and other repayment options. Therefore, a recent law school graduate can have his or her monthly payments drastically reduced under IBR and then have his or her remaining debt canceled by the government after ten years, as long as the graduate remains in public service during those ten years. This could mean hundreds of thousands of dollars in debt canceled by the government.

For example, assume a recent unmarried law school graduate finds work at a non-profit public service law firm, paying \$35,000 annually. Further, let us assume that this graduate has incurred \$180,000 of debt

through federally backed loans. Under IBR, this graduate's monthly loan repayment would be capped at only \$368.27 versus the \$2071.45 of monthly loan repayment under the standard repayment plan. Moreover, because this graduate is working at a non-profit public service law firm, if he or she works in the public service sector for ten-years, while making monthly repayments, he or she may have the remaining balance canceled by the government. In our example, this would amount to a total of \$266,193.42 in debt forgiven. Of course this is a more extreme example, but it goes to show the potential CCRAA has to help public service oriented law students do the type of work they feel passionate about without the dreadful thoughts of low income and high debt. Even non-aspiring public service law students may at least take advantage of IBR if the loan repayments become burdensome.

The House and Senate overwhelmingly approved CCRAA on September 7, 2007. President Bush signed CCRAA on September 27, 2007. However, this act has not yet been finalized. Congress is still working on detailed provisions and amendments to CCRAA. These amendments will most likely not affect the struc-

ture of IBR or loan forgiveness. General information and final changes to CCRAA should be posted after July 1, 2008 at: <http://www.nasfaa.org>. For general information regarding public service and what CCRAA means to law students, please visit: <http://www.equaljusticeworks.org/resource/ccraa>. For the actual CCRAA text, please visit: [http://kenedy.senate.gov/imo/media/doc/HR2669\\_conf\\_report.pdf](http://kenedy.senate.gov/imo/media/doc/HR2669_conf_report.pdf). You may also visit the Financial Aid office located in A395 for more information regarding CCRAA. Finally, to create your mini-hypo and to see how IBR and loan forgiveness works under various factors, please visit the IBR calculator at: <http://www.finaid.org/calculators/ibr.phtml>.



# Inter-American Law Review Symposium: Focus on Brazil

**DANIEL KRAWIEC**  
**RES IPSA STAFF**

On February 9, 2008, the University of Miami Inter-American Law Review hosted its annual symposium. This year's event, called "Globalization and the Pharmaceutical Industry: Brazilian Intellectual Property Law and US Policy Implications," was brought about by a controversial article written by law school alumnus Lawrence Kogan. In his article, Brazil's IP Opportunism Threatens U.S. Private Property Rights, Kogan criticized the Brazilian government's policies relating to intellectual property rights, especially in regards to pharmaceuticals, and argued that these policies not only threaten Brazil's internal development but also American private property rights. A crowd of about 120 people, including our own President Donna Shalala, attended the resulting symposium, which was a debate not only on the Brazil's behavior, but on the desirability of the modern intellectual property rights system itself.

There were many highlights of this debate. Among them, Catherine P. Bennett, Senior Vice President at the National Foreign Trade Council in Washington, D.C., lauded the Lula government in Brazil for fostering intellectual property and innovation by being one of the first nations to enact legislation implementing the Agreement on Trade Related Aspects of Intellectual Property Rights agreement (TRIPS) in 1996. This agreement was reached during the Uruguay round of the General Agreement on Tariffs and Trade and set international minimum standards for intellectual property protection. However, Bennett contrasted this with some of Brazil's other actions, such

as its compulsory licensing of AIDS medications, under which it produced itself and bought from overseas pirated versions of currently patented drugs. Bennett noted that while such behavior may seem advantageous in the short term, it leads to predicaments such as those that countries like China find themselves in, with only low quality, low value foreign direct investment. "Brazil is getting the reputation as an obstructionist in multilateral circles which leads investors to wonder what impact this will have on its domestic economic policies," said Bennett.

A lively, fast paced discussion broke out during the symposium over whether Brazil's compulsory licensing of AIDS medications was not only bad for its economy, but also over whether this action itself violated TRIPS agreement. Daniel Pinto, First Secretary of the Brazilian Embassy, made clear that Brazil's position was it had not violated the agreement. Pinto welcomed debate about the relative merits of Brazil's compulsory licensing, but insisted Brazil's behavior was not illegal. Keynote speaker, Professor Frederick Abbot of the Florida State College of Law, agreed with Pinto that what Brazil did was legal. Bennett, however, expressed greater skepticism. "Brazil is technically accurate," she said. "It can also be argued, however, that the Paragraph 6 amendment was not intended for use by Brazil, the 8th largest economy in the world."

Robert Sherwood, an expert on judicial systems in developing countries, added another dimension to the debate. Sherwood worried that while a focus on strong intellectual property rights is important to development in Latin America, that their weak judicial systems will effectively neuter such laws. Until Latin Americans learn to rely more upon

the formal court system instead of what he called "social network transacting," economic development will be severely constrained.

Judit Rius, a foreign law expert with Knowledge, Ecology, and Studies, a Washington based group focused on the management of knowledge resources, provided symposium participants with a possible solution to the problems of the current intellectual property system. Rius doesn't think private intellectual property rights will help developing nations. She said "we can all agree the system is broken and that now we need to discuss how to fix it." Her ideal solution would be to replace the current intellectual property system with a prize system. Under one version of her solution, individuals or groups would finance their own development of new pharmaceuticals and technology and would compete for prizes as a reward. A panel of experts would judge which new developments were most beneficial to society and award prizes accordingly. In return for their prize, the developers would give up any exclusive property right in their new invention. Under this system, "we only pay for successful performance and allow generic competition from day one," said Rius.

In strong disagreement with Rius, however, was John Kilama, President of the Global Bioscience Development Institute in Wilmington, Delaware. Kilama argued instead that "the winners of the new economy will be those countries that understand that IP is the cornerstone of this new economy of the 21st century." Otherwise, Kilama thinks that developing nations will never receive the high quality foreign direct investment necessary to compete in the global marketplace. Kilama, a native of Uganda, said that even

where they exist, intellectual property laws are not the reason the poor in developing nations lack basic medicines. He explained that most useful drugs are not even patent protected and it is the lack of free markets and the rule of law that keep their availability low in certain places. "We can't say the [IP] system is broken, in fact, it has never really even been tried in the developing world, but has worked quite well in the developed world."

During his presentation, Kogan focused on a defense of private property rights. Kogan called private property a "fundamental natural right" of all people, and said that the balanced struck in the United States between individual rights and societal rights, with a preference for the former, is unique even among Western, developed countries. The purpose of his article was "to bring to light what is happening in international forums." He touted Brazil's experience with compulsory AIDS drug licensing as an example of governments becoming bolder in their disregard for patent rights and as part of the global struggle "to define the role, scope and extent of government vis-à-vis individuals and society in general in the coming eras."

Other speakers at the symposium included our own Professor Keith Rosenn as moderator, Dean Janet Sterns, who gave the opening remarks, and Dr. Susan E. Webster, Executive Director of Florida International University's Office of Intellectual Property Management. Dr. Webster counsels universities across the world on the marketing of their intellectual property, and explained that once American universities were given the rights to intellectual property created on their campuses, an explosion of discovery occurred.

## Law School poised to gain Black Law Review

**GABRIELLE BERTHELOT-LEVEN**  
**RES IPSA STAFF**

Joshua (Josh) Harris, the Editor-in-Chief of the Black Law Review, was looking at all the other law reviews around and realized that there was no scholarly review that discussed the issues facing the black community in the South Florida area. Seeing the need for a scholarly review that dealt with this issue, Josh Harris and Kevin Harris set out to establish the Black Law Review at the University of Miami School of Law. The Deans of the law school and certain faculty were very supportive of the endeavor.

In fact, Professor Mario Barnes, the Black Law Review faculty advisor, was a founding member of the African American Law & Policy Report at the University of California at Berkeley Boalt Hall School of Law. The journal which has been renamed the Berkeley Journal of African American Law & Policy was created to fill a void as the Black Law Review intends to do. Professor Barnes feels that the law review he helped to found and the Black Law review come

about because the students want it and they are searching for a connection to scholarly ideas that speak to their interests. Dean Stearns was very enthusiastic when she heard from Josh and Kevin about their interest in starting a Black Law Review. She stated that, "One of my priorities this year has been to encourage new student organizations to come forward that will reflect the broad diversity of our student body".

Just because the name of the law review is the Black Law Review, Editor-in-Chief Harris, stresses the point that the law review is not exclusive to blacks. In fact, the name Black Law Review was chosen as a neutral name that described a wide group of people. Harris points out that black includes African American, Caribbean, African, and many others. He encourages and welcomes diversity. Josh believes that the final product of the Black Law Review will be enhanced if non black students are involved.

The Black Law Review will have a consortium with the National Black Law Journal. The National Black Law Journal was founded in 1970 and was the first journal of its kind. One of the Journal's

founding editors noted that it was important that there be a forum for providing a theoretical framework for practical daily application of Black legal ideas and concepts. The Journal is housed at Columbia University School of Law and formerly at the University of California Los Angeles School of Law.

The first journal of the Black Law Review will debut in Spring 2009 and be entitled National Black Law Journal: University of Miami Black Law Review Edition. All articles that will be featured in the journal will be submitted to the National Black Law Journal and be edited by the editorial board of the Black Law Review. The journal will feature at least two student notes. The student notes will be written by law students at the University of Miami School of Law. The first edition of the Black Law Review, solo edition, will come out in Spring 2010.

One important difference between the Black Law Review and other law reviews currently on campus is that your grades are not a determinative factor. To join the law reviews at the law school you must be within the required percentage bracket of your class or section and

write on for most of the law reviews. With the Black Law Review, if your grades happen to not be at the top of your class, that is not a hindrance.

If you would like to join the Black Law Review editorial board and be a part of history, there will be an open meeting in March. Applications will be available towards the end of March. The application process will include a small writing sample, an editing section, and a personal interview. The Editor-in-Chief encourages everyone to apply to be a part of the law review. Kevin, the Managing Editor, warns that it will be hard work, but will have a big reward and presents an opportunity for you to be a part of something special.

Currently the board of the Black Law Review is: Editor-in-Chief, Joshua Harris, 2L; Managing Editor, Kevin Harris, 2L; Marques Eason, 2L; Zahire Estrella, 1L; Tyson Gaines, 3L; Kira Griggs, 3L; Courtney Mitchell, 2L; Yolanda Paschal, 2L; Nicole Ramos, 1L; Steve Sarrell, 2L; Zenobia Tasby, 2L; Rochelle Willis, 2L; and Daniel Whyte, 2L.

# Dean's Fellows: Over a decade of helping students achieve

JOANNA DOERFEL  
RES IPSA STAFF

The United Nations designated 1994 as the "International Year of the Family." Aldrich Ames was charged with spying for the Soviet Union by the United States Department of Justice. Major League Baseball went on strike, cancelling the World Series. O.J. Simpson was arraigned for the murder of his wife and Ron Goldman. FSU beat Nebraska in the Orange Bowl for the national championship.

But something else happened in 1994 – something only slightly less well-known and certainly noteworthy – Joanne Harvest Koren, Esq., inaugurated the Academic Achievement Program (AAP) at the University of Miami School of Law. The AAP involves students, faculty, and the law school administration in a collaborative effort to promote and enhance the academic environment for the law school. But at that early stage, the benefits and far-reaching effects of the AAP were greatly underestimated.

## Benefits to 1Ls

Beginning first-year law students (1Ls) are given the opportunity to study under other exemplary upper-level students, known as substantive Dean's Fellows, in each of the areas of study required during 1L year – Torts, Property, Elements, Criminal Procedure, Civil Procedure, Contracts, and Constitutional Law. These additional study sessions provide 1Ls with a comfortable, informal, yet invaluable opportunity to ask questions and further delve into foundational subject matter. A current 1L, Cassandra Spring, acclaimed, "I started the program with high expectations, and luckily I've had great Dean's Fellows that have exceeded them all!" Carolina Pelleya, a third-year Dean's Fellow, observed that "the

Program is extremely useful in that it breaks down a lot of the barriers implicit in 1L year, it makes teachers more approachable and the language of the law more easily understood because it is interpreted by fellow students. I feel that I not only benefitted tremendously my 1L year from the DF Program, but I was also able to give back to that Program and hopefully help others in the process."

Additionally, the AAP provides first year study-groups and exam-workshop lectures to assist 1Ls in adjusting to the rigors and requirements of law school exams, and law school life generally. Not only do these groups and workshop lectures prepare students for exams, but they also encourage 1Ls by providing additional support, revealing other students with the same concerns, worries, and frustrations; in short, supplying a sense of community in the whirlwind of law school. Another Dean's Fellow, Veena Gursahani, asserted that "the program is a valuable asset to the first year students because not only do you automatically have someone willing to help you with the class, but you have someone who you know wants to relate to you. We're all doing this because we wanted to make the 1L experience better for someone else, because we wanted to help."

## Benefits to 2Ls and 3Ls – the Writing Center

But the benefits do not stop with 1Ls. In addition to substantive Dean's Fellows, the Writing Center is available to all law students, providing assistance in paper-editing, Bluebook citing, resume writing, and general knowledge and assistance in law school life. "The AAP Writing Center is an extremely valuable asset for 1Ls and upper-level students alike. The Writing Center is staffed by Dean's Fellows who have demonstrated strong command of

essential legal research and writing skills," Josh Feinberg notes. "Every day, Writing Dean's Fellows assist their fellow students with grammar, punctuation, sentence structure, and organization of written compositions. The Writing Center gives students the opportunity to refine their legal writing skills in a friendly, non-adversarial, and stress-free environment." Every student can all benefit from this resource, if only to get a fresh eye or a new perspective in a paper or resume. The Writing Center and the exam-workshop lectures should not be undervalued as a crucial and integral resource for all UM students.

## Benefits to Deans Fellows

However, the benefits of the program are not limited to the students who attend the Dean's Fellow sessions, the writing center, or the workshops. Those students who participate as Dean's Fellows profit as well. Another third year Dean's Fellow, Megyn Greider comments, "Having to articulate torts black-letter law to a classroom of first semester 1Ls is the best preparation for jury trials I could ever imagine!" A rising 3L, Jennifer Hochstadt states, "I am grateful for the opportunity to remain involved with first and second year students. Also, the writing center gives me a chance to go back to the basics on a weekly basis. Teaching Blue-booking, correcting grammar and assisting in stylistic formatting forces me to practice those skills as well." Not only does the AAP assist 1Ls, but the Dean's Fellows participating in the program learn interpersonal skills, teaching skills, and book and practical knowledge for real-world trials and negotiations. Also, Dean's Fellows create a bond among each other as several Dean's Fellows noted, "working in the writing center as a Dean's Fellow you become close with your colleagues and we all come to depend on each other."

## Benefits to the School

Finally, by benefiting students and fostering interpersonal relationships among and between students and professors, the AAP ultimately benefits the entire university. One student found the most rewarding moments of participating in the program as "seeing someone come in scared, depressed and confused and watch that person grow confident and successful in legal writing as the semester went on" and "[being] told that I was instrumental in assisting someone whose practice exam was passed out by their professor to the entire class." The confidence and academic progress derived from the AAP reflects positively on the University of Miami. When those students go out into the legal community, the skills learned through the AAP can assist young attorneys in making an impression and rising quickly in their firm to senior associate or partner. While this clearly benefits the individual, the achievements of the alumni of UM positively reinforce the quality and superiority of the law school.

## Conclusion

The AAP is underutilized and under-valued for the wealth of benefits and significant contributions it adds to every individual associated with the program. Without question, 1994 was an influential and significant year. That significance, at least for Miami and the Florida legal community, was supplemented by the establishment of the AAP and its far-reaching effects. The AAP became the foundational backdrop – the intellectual catalyst – that silently enhances and increases the value of the UM's academia.

[http://studentorgs.law.miami.edu/res\\_ipsa](http://studentorgs.law.miami.edu/res_ipsa)

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# Hurricanes football rebuilding with top-ranked class

CHRIS BROCHYUS  
RES IPSA STAFF

Finally. After a weak 2007 for Miami athletics, there is something to rejoice about. Shawn "the Matrix" Marion is going to help D-Wade restore some type of respectability to the Heat, Jason Taylor is making the Tuna proud on "Dancing with the Stars," and a sanctioned street fight brought prestige to our academic institution.

Regardless, the only thing scarier than Kimbo Slice is the five-star Miami defensive recruit Arthur Brown (6'1" 220, LB), and his brother a 2009 recruit Bryce Brown (6' 200 RB).

"Brown is a finisher," stated a report on the recruiting website Scout.com. "When he hits you, you go no further."

Brown's brother, Bryce Brown, is currently Scout.com's second ranked

recruit of 2009, and he has already committed to Miami. The Browns, of Wichita, Kansas turned down offers from Alabama, Florida, LSU and USC.

On February 6, 2008 it became official that Randy Shannon is taking the U back to prominence among college football's elite, with the announcement that that UM had received letters of intent from 32 high school recruits.

Shannon and his staff recruited the top-ranked incoming class in the nation, and most importantly, Miami won the battle for their own backyard. Nearly half of the class hails from Miami-Dade County, including the nation's top-ranked high school football program, Northwestern.

Northwestern, led by quarterback recruit Jacory Harris, crushed every team they played in the 2007 season, finishing a perfect 15-0, and outscoring their opposi-

tion 628-133. Also, Northwestern traveled to Texas to defeat the then-No. 1 high school team in the nation, Carroll, where 39,000 people were in attendance.

Northwestern, serving the Liberty City area, has produced 11 NFL players, rapper Trina, rapper Jackie-O, rapper Uncle Al, rapper Luke, and rapper Trick Daddy Dollars (albums include www.thug.com; Book of Thugs: chapter AK verse 47; Thugs are us; Thug Holiday; Thug Matrimony: Married to the Streets; and, Back by Thug Demand).

In addition, the 'Canes have recruited 8 Northwestern players including three ESPN top 150 recruits, and Rivals.com's seventh-ranked recruit, Marcus Forston (6'3" 285, DT).

All three of Jacory Harris's starting wide receivers will be accompanying him to Miami including Aldarius Johnson (6'2" 200 4 star), Tommy Streeter (6'6"

200 4 star), and Kendal Thompkins (5'10" 165).

However, Jacory will have to compete for the quarterback position with returning senior Kirby Freeman, a 2007's four-star recruit Robert Marve, and two more freshman quarterback recruits (Cannon Smith (6' 200 3 Star and Tyler Cook 6'6" 210lbs. ESPN Top 150)).

On the defensive side of the ball, Arthur Brown and Marcus Forston are accompanied by outstanding backs: Brandon Harris (5'10" 175 4star), Ramon Buchanon (6'1" 195 4star), CJ Holton (6'2" 200 4star), and Vaughn Telemaque (6'2" 180 4star).

Even more impressive is that four of the top seven of the nation's linebackers committed to Miami including: Sean Spence (6'1" 200 4star), Marcus Robinson (6'2" 210 4star) and Jordan Futch (6'3" 210 4star).

## Canes Dancing on the bubble

BRIAN YATES  
RES IPSA STAFF

The last time the University of Miami won a basketball game against Duke, Rick Barry was shooting underhanded free throws for the Hurricanes. The past was forgotten Wednesday night though as the 'Canes snapped a losing streak that stretched back to 1962, with a 96-95 win over the fourth-ranked Blue Devils.

It was only the third time in the school's history that they had beaten a top five team, and the first time it had happened since the Hurricanes topped second-ranked UConn in 1999.

"I had a feeling; something inside of me," Miami guard Jack McClinton said after the game, "I just felt like something great was going to happen."

Duke coach Mike Krzyzewski was left stunned.

"I don't know if it's the time of year, or if they just took a deep breath," he said afterwards, "but damn."

"It's like somebody has come in and invaded their bodies," he said of his team.

Miami (18-7, 5-6) won by jumping out to a lead, and then sticking to their game plan, even when Duke finally got hot from behind the three-point arc.

The Blue Devils (22-3, 10-2) connected on only 6 of their first 21 three-point attempts and were down 20 with less than 13 minutes to play. But they hit 9 of their next 16 attempts and stormed back to make Frank Haith's team sweat it out.

"You're down by twenty," Krzyzewski said of their run, "I mean, what the hell?"

But rather than panicking and trying to match Duke three-for-three, Miami stayed with their game plan and continued to aggressively push the ball inside against the Blue Devils' weak frontline.

Although outrebounded for the game, Miami simply overpowered Duke in the paint, outscoring them by 20 inside.

Dwayne Collins punished Duke inside, powering his way to 26 points and 7 rebounds.

"He [Collins] was outstanding," Haith

said. "He played like I think Dwayne is capable of playing."

But the big man showed some finesse as well, with a reverse layup to end the first half, and another to begin the second.

"Everyday I do it in practice before Coach comes in," Collins said of the reverse.

McClinton chimed in to say, "I tell him to quit doing that shot."

As big a win as Wednesday night was for the Hurricanes' basketball program, it might have been even bigger for their season. Miami came into the game sitting solidly on the NCAA tournament bubble, and needing a solid showing in their final six outings.

Haith knows what the Duke win means, and deflected any talk of a signature, or program-defining win.

"We're still trying to build a resume to make the NCAA tournament," he told reporters. "A signature win? That's for those guys on ESPN to talk about."

And ESPN is talking.

ESPN's bracketologist, Joe Lunardi, had Miami in his "last four out" category before the Hurricanes upset Duke. Expect to see them rise now, and Lunardi even referred to Miami as the hottest bubble team in the nation on Thursday.

Haith has said that he believes Miami needs to go 8-8 in ACC play in order to make the NCAA tournament. In order to reach that mark, they need to win three of their final five games.

Those final five games, however, include home dates with Virginia and Boston College, and a game at Florida State, all bottom dwellers in the ACC. There is also a revenge factor, as Miami has already lost to both Boston College and Florida State this year, the latter on their home court.

But the Hurricanes appear to have gotten hot, and it is coming at the perfect time. Having won their last three games, and two of those wins coming on the road, Haith seems to have them peaking just in time for tournament play.

And if Miami can continue to get production from players other than Jack McClinton, as they did Wednesday night when four players scored in double figures, the wins will only get easier to come by.



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# Start Living a Healthy Lifestyle & Begin Reaping Rewards

**DIMITRI DE SILVA**  
**RES IPSA STAFF**

Long hours seated in the library and in class, late nights reading, coffee, energy drinks, Subway sandwiches, lack of sleep, and nights on the beach are all part of life as a law student here at Miami. Between the demands of school and work there is little time to exercise and eat right. In fact, with the added stress, many of us have taken to smoking. However, it is essential to begin implementing an exercise program and eating right. In short, if you treat your body right, it will return the favor.

The benefits of exercise are far reaching and include the prevention of chronic health conditions as well as overall mood enhancement. One of the best ways to shake off the stresses of a long day at school is to hit the gym or to go for a run. Your body is built to reward you for taking care of it. Exercise helps boost your confidence and self-esteem through the release of numerous chemicals and hormones, including endorphin, making you feel better and more relaxed. This is commonly referred to as the runner's high, as

it is common post mid-to-long distance runs. Post exercise euphoria is common and can carry you through the day.

Since the advent of modern medical practices, the top killers in America have become chronic illnesses, such as heart disease and cancer. Exercise combined with healthy nutrition can help prevent heart disease, cancer and osteoporosis. With consistent and proper exercise one can manage their blood pressure. High-density lipoprotein (HDLs), "good cholesterol", plays a critical role in managing blood pressure. The key is keeping your system "clear" and allowing blood to flow freely. HDLs assist your body in keeping everything clear and helping balance out low-density lipoprotein (LDLs), as known as "bad cholesterol". Working out regularly boosts your HDL levels, while lowering your LDL levels. As a result, your blood pressure is reduced and the overall stress on your body is lowered. Working out also helps your body deal with oxidative stress and free radicals. Essentially you can train your body to cope with naturally arising pressures by placing controlled and measured pressures on it through your work outs. As a result,

your body is more resilient when it has to deal with naturally occurring stress.

One of the most important benefits gained from proper nutrition and working out is weight management. Weight management comes down to a balance between caloric intake and expenditure. As we have become slaves to the library, and are constantly sedentary, our overall caloric expenditure has gone down significantly in law school. In order to compensate, one must either reduce their intake, the amount they eat, or facilitate additional net caloric expenditure through working out. By engaging in a workout plan you can help ensure that you are burning the calories you are eating. This will allow you to manage your weight and control your body image.

Coffee and energy drinks are quick fixes. They lift you up but wear out soon after. Caffeine and other ingredients in these drinks lift you up; however, the end result is a drop in energy level you were initially at as your system "crashes". Regular exercise can boost your cardiovascular system. Strengthening your heart and lungs will allow your body to deliver necessary blood and nutrients to your

body more efficiently and regularly. This will allow you to maintain steady energy levels throughout the day and not have to rely on coffee and energy drinks. Working out also can give you energy throughout the day or give you a lift after classes. As a result of your body trying to recover from the workout, you will be more alert and have more energy post-workout.

After finally finishing the reading for the next day you crawl into bed for your much deserved 4 hours of sleep, only to stay there lying awake. If this happens to you, working out may be your solution. Working out results helps you fall asleep faster and into a deeper sleep. Studies have shown that an elevation in body temperature, which is gained during a work-out, four or five hours before sleep, helps the body relax, fall asleep easily and go into a deep, restful sleep. Improving the body from within will allow it to look good and perform better.

The most common excuse is the lack of time. However this excuse holds no ground in the grand schemes of things since working out not only helps strengthen your immune system but also teaches your body to cope with stress.

## PPP&L Symposium Addresses Drug Abuse

**SYLVIA-REBECCA GUTIERREZ**  
**RES ISPA STAFF**

On February 22, 2008, the Psychology, Public Policy and Law Journal (PPP&L) presented its annual symposium on the effects of psychostimulant drugs on law students and the legal profession.

The symposium was the result of PPP&L Managing Editor Miriann Guazzini's paper addressing the increased use of the so-called "study drugs," such as Adderall, among law students. "The effects of Adderall on mental health are not discussed openly, or taken seriously," said Guazzini. "Among professionals, lawyers have some of the highest incidence rates for substance abuse, suicide, and depression. Adderall abuse adds a new dimension to this scary statistic." In addition to a variety of physical side effects, abuse of study drugs also raise important ethical considerations for potential and existing members of the bar. Guazzini said, "Most importantly, it raises the question, what are law schools valuing?"

PPP&L thus titled the event The Abuse of Adderall and "Academic Steroids" in Law School: Clinical and Ethical Perspectives. Janet Stearns, Dean of Students, introduced the event and speakers. Geoff Cole, UM Counseling Center Substance Abuse Counselor, spoke first. According to PPP&L Editor-in-Chief Cynthia Blankenship, "He provided invaluable insight to what pressures are placed on students that make them turn to substances such as Adderall."

Next, Dr. Jon Shaw, Professor

and Director of the Division of Child and Adolescent Psychiatry at the University of Miami Miller School of Medicine discussed the medical effects, advantages and disadvantages of Adderall. Dr. Shaw emphasized the benefits of Adderall when it is correctly prescribed. In addition, Michael Cohen, Executive Director of the Florida Lawyers Assistance Program, provided a perspective on the legal and ethical affects of using Adderall.

The event closed with insights from PPP&L's Faculty Advisor, Dr. Bruce Winick. "He proposed a solution to the problem," Blankenship said. "Dr. Winick proposed that law students learn that there is more to life than grades. He suggested that law professors as well as law school administrations promote this ideology." According to Guazzini, Dr. Winick emphasized that law school administrators and students reexamine what is valued in legal education within the framework that the profession is one of advising and guiding the lives of clients.

"The audience was very interactive and asked many great questions," Blankenship said. "The Psychology, Public Policy and Law Journal is very pleased with how the event took place. We are very grateful for our sponsors, our speakers, and those that came to our event. Additionally, everyone on the Journal worked very hard to make the symposium a possibility. We feel that the abuse of Adderall is a very important topic that often goes unaddressed, and we are grateful that UM Law School, our sponsors, and the public were supportive of our symposium."



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# Alumni Perspective: A day with Glenn Holzberg ('82)

**GLENN HOLZBERG**  
**SPECIAL TO THE RES IPSA**

Friday morning I was in court, on a specially set hearing, which I didn't realize until I was asked to write this article, involved matters of professional responsibility. The first words out of my mouth after "good morning your honor," were essentially, "I made a mistake when announcing last week that we were ready for trial and I need relief from the court" (in this case a last minute continuance.)

Without boring you with the details, there was never a question in my mind in preparing for this hearing and on the way to court that morning that those would be the first words I spoke. The reason is simple: it was truthful, it was the right thing to do, and while it may have reflected poorly on me, any other statement (excuse?) would have been wrong and frankly would have lacked the candor which the tribunal rules of professional conduct not only require but demand of each of us.

For those of you with an interest in civil litigation, the issue was whether a late disclosed expert witness should be allowed to testify at trial. The legal issues determined by a well-established Florida Supreme Court decision, *Binger v. King Pest Control*, which held that absent prejudice in fact to the opposing party the court within its discretion can allow an untimely disclosed witness to testify so

long as reasonable alternatives are available to avoid denying the party's right to present witnesses in support of its case, 401 So. 2d 1310 (Fla. 1981).

After my pronouncement to the court that when I realized approximately three and a half weeks earlier that we would not be able to obtain testimony from the first disclosed expert, while I advised opposing counsel verbally, I failed to file an amended pre-trial witness list of the need to substitute the expert.

The experienced trial judge after hearing my argument (I actually argued second since the first motion filed was defendant's motion to strike witness necessitating my emergency motion to continue), turned to opposing counsel and explained his role. We thought we knew his role, since both lawyers were experienced, but sometimes it is good to hear it again. The judge, looking directly at opposing counsel said, you're here to defend your client, and pointing in my direction without changing his stare, "and he's here doing his job for his client – but I'm in the fairness business; what would you have me do if you were wearing this black robe?"

At this point, the smart lawyer (and I'd like to think I am one) sits back and says nothing and tries not to smile overtly, because you know you've got him. The moment the judge raised the fairness question, I knew I had won. After 24 years of practice, it is obvious to me

that something we learned as small children is likely the most important rule of law: honesty is always the best policy.

In law school you take 25 to 30 classes, hopefully one bar exam, and will represent from hundreds to thousands of clients in your career; you will appear before hundreds of judges, administrative panels, arbitrators, mediators, boards of directors, corporate officers, administrative bodies, citizens groups, and many other people and bodies that lawyers regularly appear before. I promise you one simple reality – you will only have one reputation, and very few chances to fix it once broken.

There are various rating services that we are all familiar with, such as Martindale-Hubbell. More and more publications naming the best lawyers in the city, state, and country, some of which valuable, others questionable, but the best rating, you should strive toward is the simplest: "he or she is a good lawyer."

A good friend, and fine appellate lawyer, once shared a quote with me which she attributed to a mentor, "reputation lags ability ten years on the upside and ten years on the downside." Meaning it may take you at least ten years from the time you think you've earned a good reputation, to actually have one, and you will probably keep it ten years after you no longer deserve to. I am pleased to say that the majority of my referrals and new business comes from other lawyers, not only

within the state, but from many states around the country. I believe because of my particular sub-specialty (admiralty and maritime personal injuries) I have been fortunate to get referrals from all over; but I am equally confident that I would not be getting such a wide geographic range of referrals if it were not for a good reputation.

You are about to begin preparation for another semester of finals, when studying, obtaining materials from a library or others, when working in study groups, when taking your tests, you are being judged already. I didn't realize twenty-something years ago what is apparent now – your fellow law students will be your peers, colleagues, sometimes your judges, bosses, partners, clients, referral sources, and hopefully friends; they will form the nucleus of your networking base and (they) accordingly will help shape your success and/or failure, and ultimately your reputation. In many ways your reputation is your most valuable asset. Start now to nurture it, develop it, and most importantly to protect it. One day you will find that it is the most important professional thing that you possess.



## UM Law Alumni Brings New Life (Sciences) to St. Lucie County

**MARLA SOMERSTEIN**  
**RES IPSA STAFF**

On your drive up to Disney World, you typically notice orange groves, highway billboards, and gas stations. You probably never noticed the quaint city of Port St. Lucie, 115 miles north of UM's campus. Yet, University of Miami School of Law alumni, Barry E. Somerstein, Esq. (Class of 1976), recently represented Core Communities, LLC, who spearheaded one of the largest real estate development projects in Port St. Lucie in St. Lucie County, Florida, with the County's plan for the Torrey Pines Institute, Oregon Health Science University's Vaccine and Gene Therapy Institute (VGTI), and the Mann Research Center to build a Life Sciences complex in the Florida Center for Innovation at Tradition in St. Lucie. Tradition is a master-planned, mixed-use development with 18,000 new residences and 8 million square feet of commercial space. Mr. Somerstein, a partner at Ruden McClosky, based in Fort Lauderdale, Florida, is the leading attorney facilitating the conversion of a 120-acre section of St. Lucie's citrus groves into a "sprouting and respectable biotechnology community", says the Herald Tribune.

Torrey Pines Institute was the

first organization to locate at the Florida Center for Innovation. Torrey Pines Institute, founded in 1989, conducts basic research associated with major medical conditions, including multiple sclerosis, cancer, heart disease, diabetes, AIDS and other infectious diseases. Torrey Pines agreed in 2006 to place its 100,000 square-foot Florida headquarters in St. Lucie County and is planning to open in early 2009.

The Mann Research biotech company, formed by entrepreneur and philanthropist Alfred E. Mann ([www.aemf.org/](http://www.aemf.org/)), signed a contract with real estate developer Core Communities ([www.corecommunities.com](http://www.corecommunities.com)) to purchase the property. Initial plans for the property include a five or six-building complex providing facilities for research and development, along with medical, office, and retail space.

The complex will be constructed in phases and marketed to life sciences organizations interested in the fast-growing biotech market in Port St. Lucie and Florida's Treasure Coast. Mr. Mann plans to invest \$100 million into said project. Mr. Somerstein represents the real estate developer, Core Communities. "This will be a whole new economy, a huge opportunity," stated Paul J. "Pete" Hegener, pres-

ident of Core Communities, and the visionary behind this project.

In addition to the Mann Research complex, the complex will include the VGTI. This entails developing a 130,000-square-foot facility on the same 120 acres of land purchased by the Mann Research complex. Core Communities plans to spend upward of \$50 million to build the VGTI facility for the institute to lease.

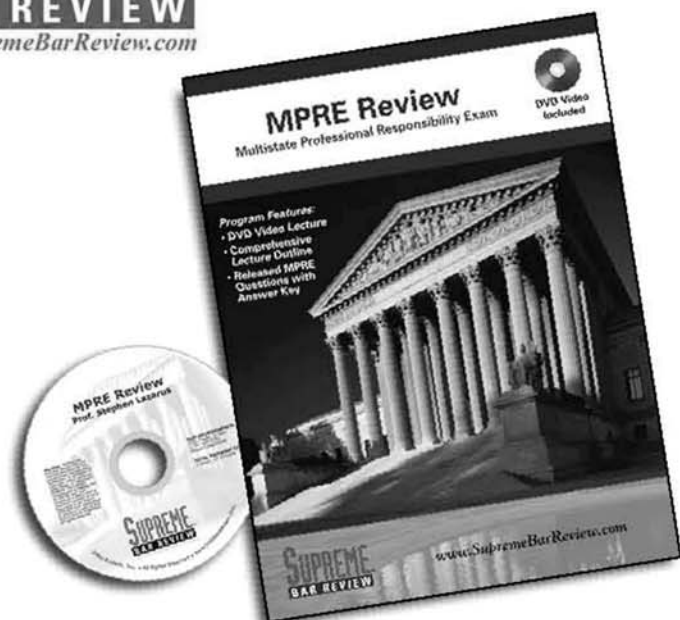
All three of the projects have materialized in less than two years with the aid of more than \$200 million in state and local incentives. Governor Charlie Crist asked the Florida Legislature to allocate \$60 million of the incentives for the projects, and estimates that the VGTI institute alone will create 1,446 positions over the next 20 years. In addition, these developments are slated to generate \$2 billion in payroll and \$4.2 billion in gross state product during its first 20 years in Florida.

Somerstein's extensive background has enabled him to assist numerous clients in taking an undeveloped area of real estate and develop it into a finished product. His efforts in St. Lucie County help to make St. Lucie County the epicenter of the developing life science cluster in the State of Florida.

Mr. Somerstein concentrates his practice in the area of real estate transactional law, finance, leasing, negotiations, structuring and documenting of real estate asset transactions, and land use. Somerstein's strength is in his ability to provide legal advice to his clients yet he is knowledgeable about the business aspects involved in his transaction. In law school, what truly shaped Mr. Somerstein was his strong academic emphasis on commercial law, where he mastered the concept of analyzing contractual issues and looking at the big picture. His legal philosophy is to work hard, and be sure to understand what your clients' needs are. He is an active board of director member of Kids in Distress, facilitating families to cope with the day-to-day stresses of family life, a member of the board of directors at the Shepard Broad Law Center at Nova University, and was most recently named Top Lawyer in 2008 in South Florida Legal Guide.

Law runs in the blood of Mr. Somerstein's family. He is the proud father of UM Law alumni Marla Somerstein (Class of 2007) and current law student Liz Somerstein. In turn, I am the proud daughter of my father, Barry Somerstein.

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