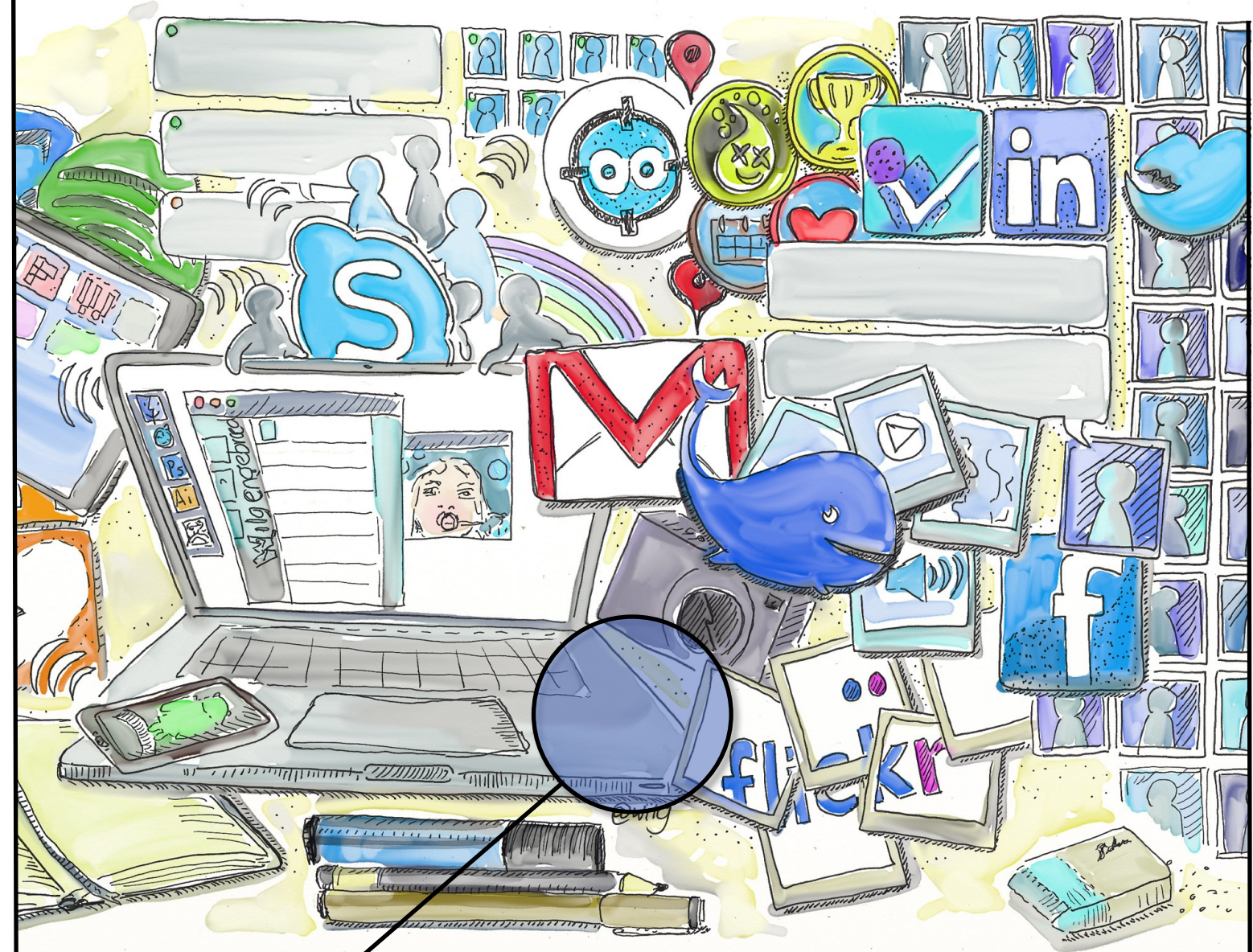


JANUARY
2016

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WESTERN NEW ENGLAND UNIVERSITY SCHOOL OF LAW



NETWORKING RESOLUTIONS

Start the new year off right with these tips
and land the job you've dreamed about

Pages 1 & 9



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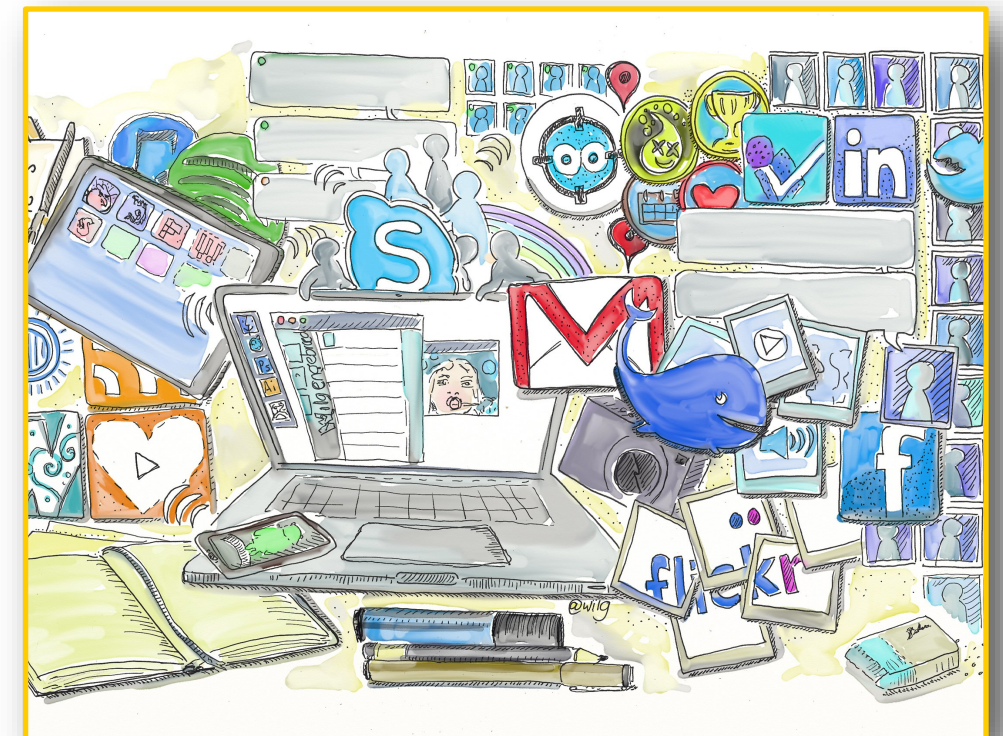
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Talia K. Gee
Class of 2010

make the MOST of your networking time

Networking leads to and reinforces relationships — at least it can when it is done effectively. Building referral networks takes time and requires a consistent presence. Consider these techniques to make the most of your networking time. By Douglas S. Brown, JD



Douglas S. Brown, JD

IMPLEADER

- 1) **Create blocks of time.** Networking is one of those “important but not urgent” activities that can get pushed to the back burner by the day-to-day pressures of life. Create structure by scheduling appointments for your networking and relationship building every week. Block five kinds of activities: deciding where to network, preparing, meeting, following-up, and keeping in touch. Start by scheduling a couple of hours a week on the following-up and keeping in touch activities. This will give you a firm foundation and help you build momentum.
- 2) **Build a schedule.** Attend gatherings that make sense for your intended area of practice and your life. Focus on areas where you can find connections to help you raise your profile. Bar associations are necessary, but not sufficient. Find other community and interest groups—including those that are not obviously business-related. I know many attorneys who’ve received great referrals from not-for-profit boards, community activities, or parents from their children’s activities. Schedule one group gathering and a one-on-one session each week. The one-on-one could be with a new acquaintance, or someone you haven’t seen in a while. The key is to get into this routine. Don’t overextend yourself, because it will be difficult to maintain the presence necessary to build solid relationships. Evaluate your progress quarterly and make changes to improve results.
- 3) **Prepare effectively.** Start by learning all you can about the person you are meeting or the group whose event you are attending. Even a half-hour of focused thinking and preparation time will improve networking effectiveness. Approach the meeting with a giver’s mindset—and be prepared to offer something that would help him or her in their business or with something you have in common. LinkedIn is a great source of information. If you don’t know what would help them, come prepared with some good questions to help you learn more. Know what you would like to accomplish in the meeting. Are you simply trying to get to know the person better as part of a long-term relationship, or is there something specific he can help you with?

- 4) **Listen and ask great questions.** If you want to be interesting to someone, you need to be interested in them. The person you are talking to is typically a hundred-times more interested in themselves than they are in you. Ask questions that they will enjoy answering. Start with something other than, “What type of law do you practice?” I like asking people what they do for fun, or where they went on their last vacation. Asking questions not only builds rapport, but it gives you information that provides the basis for future conversations and moves the relationship forward. When engaged in conversation, remember to make eye contact, practice active listening, and don’t become distracted by your phone or who you need to talk to next. Resist the temptation to talk about yourself in detail.
- 5) **Follow UP!** Have a simple and repeatable system for following up on meetings and conversations. Decide on specific actions. Make notes right away—before you drive home—on what you talked about and pick one follow up action (beyond the “thank you” e-mail). Calendar the follow up action. Be creative in following up and make it personal. Send an article of interest, or a connection to share. It might be as simple as a greeting card thanking them for their time. Supplement in-person meetings with social media—especially interest groups on site such as LinkedIn where you can post and answer questions. Create your own “Top 40” list of people you ought to stay in touch with. As part of your weekly planning, decide which three to five of the 40 you want to reach out to that week. Keep a weekly call list with you. Use it when you have small blocks of downtime to simply make a call or send a note to say hello. Even if you feel like it has been “too long,” take the initiative—you never know where it may lead.

ABOUT THE AUTHOR:

Attorney Douglas S. Brown has invested the last 20 years of his career helping people and organizations become more effective. He is currently the Executive Director of the Connecticut Bar Association and is also a coach, consultant, educator, and speaker with extensive experience in the legal industry, law practice management, and legal career development. Doug is a frequent CLE presenter and his business and career advice has been featured in publications such as The Hartford Business Journal, The Chicago Tribune, Inc. Magazine, Wired.com and Fox Business.

CONNECTICUT BAR ASSOCIATION UPCOMING EVENTS

SFP160120 Rediscovering Ediscovery: How to Get and Use it Under the Revised Rules

1/20/2016

Location: New Haven, Connecticut Time: 6:00 p.m. - 9:00 p.m.

EDU160126 The Healthy Lawyer: Get on Track: Nutrition for Success

1/26/2016

Location: New Britain, Connecticut Time: 12:30 p.m. - 2:00 p.m.

EDU160127 Connecticut Casemaker: A Complete Guide

1/27/2016

Time: 12:30 p.m. - 1:30 p.m.



ALUMNI PROFILE



Talia K. Gee

Class of 2010

Central West Justice Center

Represents employees in matters involving unemployment, discrimination, wage and hour violations.

What is the most fulfilling part of your work?

The most fulfilling part of my work is being able to help people in need. At legal aid we often get cases that are not attractive to lawyers in the private bar. These cases often involve the most vulnerable population. It is extremely rewarding to be able to help these people that often need the most help and the most critical times in life.

During law school, what kind of work did you do that helped enhance your skills?

During law school I completed an employment and labor law course. This course taught me the basics of employment law. I also completed a judicial extern-

ship, which was my first exposure to court. This experience allowed me to see litigation from the bench perspective, which helped me learn how to navigate the judicial system later in my career. Legal research and writing was a course that taught many intangible skills that I still use today.

What was the most difficult aspect in school and how did you overcome that obstacle/experience?

The most difficult aspect in law school was balancing the volume of work with participating in extracurricular activities and my home life. Combining all of this with also pursuing my career aspirations made for a very stressful time. As a result my grades, personal life, and career suffered. I overcame these obstacles by remaining organized and being honest with myself about my priorities. Once I realized I was not able to do everything I began to prioritize what I would be able to do and completed those tasks. I made it a priority to be the best at what I could do. That made all of the difference. When I made that change things improved in every area.

Are there any specific programs, committees, clubs that you suggest current students to join? Either for classes, studying, fun, networking etc.

I suggest current students join two programs: one in school and one outside of school. Joining a program in school will allow you to connect with your peers and be a part of the law school community. This will pay off at a later time when these classmates you are in a group with become your friends, coworkers, and study partners during bar prep. I also suggest students join one program outside of the law school such as a local bar association like the Hampden County Bar Association. The first reason is that your membership and participation in events will likely be free. The second reason is membership in these organizations will get your face out in the community and will allow you to develop relationships with potential employers and mentors. I also never suggest joining an organization if you don't plan to ever attend events, participate in listservs or discussions, or serve in some leadership capacity.

How did you network or if you didn't how do you wish you had? How can students benefit from meeting other attorneys and others within the legal profession?

In law school I networked by obtaining leadership roles in the organizations I was involved with such as the Black Lawyers Association. This allowed me to get to know a lot of people in other organizations. I also made it a point to attend events held by other organizations. I attended a few events held by local lawyer organizations. I wish I had attended more.

For law school students, meeting attorneys, court clerks, and others in the legal field is invaluable. It is your introduction to those people. That introduction can lead to a mentorship relationship, a potential employment opportunity, or some other relationship. You would be surprised how far some people are willing to go to help a law student. Membership in organizations and attendance at events will expose you to those people. When you're a first year associate sent to the courthouse to file something with little direction, that clerk that you met at the cocktail party last

year may be willing to go the extra mile to help you because she remembers you from the networking event you attended last month. This exact scenario happened to me.

I would also recommend getting involved with a hybrid organization like the Western New England University School of Law Alumni Board of Directors. This organization will allow students to get involved with the university and be exposed to alumni and the administration.

What is something you did or advice you were given that has helped you now?

The best advice I was given in law school was to make sure I took care of myself. This meant make sure I had down time for myself to relax and relieve stress. The gym became my outlet for this. Today the gym remains my outlet for stress.

CONTINUED ON NEXT PAGE

The Need for Lawyers is Increasing

OPTIMISIMS

by **RABIA HAMID**

LEX BREVIS Staff Writer

Many people say that the job prospects for law school graduates are bleak. While it may be hard to get a job as a criminal defense attorney right out of law school, fields such as health care law and intellectual property law are expected to be areas of growth, in need of lawyers.

A lot of the nation's largest law firms have thriving health law practices that will continue to grow as the demand increases. This area of practice includes healthcare lawyers who are employed by insurance, biotech and pharmaceutical companies. Health care law, a subset of health law practice, is a growing field, and includes everything from elder care and embryonic stem cell research to Medicaid fraud and the implementation of the Affordable Care Act.

Other growing areas of practice include patent law and family law. Divorce is at an all-time high—51% in 2012 as reported by the Pew Research Center. Moreover, labor and employment law, which includes labor relations, collective bargaining, and wage and hour actions, is also expanding. Some states are moving towards legalizing internet gambling; thus, gaming law is becoming an expanding practice area as well.

So you have to ask yourself, "How will I increase both my substantive knowledge and practical experience so that I will be better suited for the job market that exists when I graduate?"

ALUMNI PROFILE CONTINUED

Was there a class or area of law you studied that has proven particularly helpful now?

Legal research and writing proved to be particularly helpful. I have found that no matter what job I am in, I will always need to know how to find the law efficiently, write effectively, and orally communicate my findings sufficiently. Another class that has been extremely helpful has been extremely helpful has been civil procedure. Since I am a litigator in several different courts, I often times have to remember different rules. Remembering lessons from civil procedure class during my 1L year has been the greatest tool in my practice. The lessons I learned in this class have almost always been a part of the rules I needed to follow for the respective tribunal.

What class(es) if you recall, helped you the most on the Bar exam and what states’ Bars did you sit for? And do you have any advice for those about to take the Bar?

If I had to give advice to any law students about taking the bar it would be to have a balance. Don’t stress yourself out too much trying to complete every assignment, read every piece of bar preparation material, or attempting to take every practice examination. Have a balance that involves intense studying for 3-4 hours at a time followed by a break for an hour or two to let your brain rest. Find an outlet that will allow you to get your mind off of studying. For me, that outlet was the gym. Find your respective outlet and use it every day you study. You will need it.

Also, don’t try to keep up with everyone else who says they have completed every assignment. They probably have not. March to the beat of your own drum. Those people won’t be taking the bar exam for you. If you are too stressed out from studying on the day of the examination, you will not perform well. Trust me. This happened to me and caused me to fail the bar exams for Massachusetts and New York the first time I took them in July 2010. I took these same exams a second time in February 2011, making sure I relaxed and followed the above advice during studying, and I passed with flying colors the second time. I took the Connecticut bar exam in July 2012 and passed. I only sat for the local day for Connecticut, as I was able to

transfer my MBE score from the bar exam I took in New York in February 2011.

Classes that will help you on the bar exam are bar preparation courses, constitutional law, criminal law and procedure, and evidence. Most of the bar examination is about thinking like a lawyer. The exams test how you think in the context of the various subject matters. Courses that will challenge you to think like a lawyer, such as Moot Court, will also be very helpful.

What was your favorite part of attending Western New England University School of Law?

I loved how welcoming the WNE community was when I attended. The professors seemed to have a vested interest in making sure you were able to do all that you wanted to do with your career. I appreciated that.

How did the skills you learned in law school transition into the legal profession?

I would not have been able to transition into the legal profession without the skills I learned during law school. Law school doesn’t teach you how to be a lawyer. Law school teaches you how to think like a lawyer. This is crucial because when you become a lawyer you will often rely on what you learned in law school as a base to learn more in your given area. Without a solid foundation such as the education I received from WNE I would not have been able to make the transition to being a lawyer.

What surprised you most about Practicing?

I was nervous about practicing law because I felt that everyone else in the room would likely know the answer to whatever question I had. The more I practice the more I learn no one else knows the answer either.

What have you enjoyed most in being an attorney?

The most rewarding thing about being an attorney is the personal challenge. I get to push myself every day to become better, smarter, and stronger. I get to help people while learning something new. It is very rewarding. I also love that I get to meet so many people from different walks of life.

A lawyer is necessary during the best of times, like the purchase of a new home, and during the worst of times, ...CONTINUED ON PAGE 14

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LEX|RELAX

By EMILY DUBUC

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FRANK AND TED'S EXCELLENT ADVENTURE

The Rise of the Republicrats and the Fall of Political Correctness Through Strong Citizenry



by **ROB ANTHONY FERRIS**
LEX BREVIS Staff Writer

The premise of the following article is similar to a 1989 movie with Keanu Reeves called Bill and Ted's Excellent Adventure; where two teenagers travel around in time to meet important people during pivotal moments in history. Like the film, the people in this article are real, the events are real, but the time-travel clearly is not. Since it has now been established that time travel is not real, let me first introduce you to our two main characters, Franklin and Theodore Roosevelt.

Franklin Delano Roosevelt and Theodore Roosevelt were two very unique, and extraordinary men that served as President of the United States of America. Teddy served as a Republican president from 1901-1909. Teddy had enormous public support and oversaw many innovative changes in foreign and domestic policy alike. Franklin, was a Democratic president and served from 1933-1945. He was the only US president to serve more than two consecutive terms, and presided over almost the entirety of World War II.

Both men shared quite a bit in common- more than just the fact that they were former law students and also related to each other. They had other things in common too. They both had very strong women in their lives; for Franklin it was his mother Sara and his wife Eleanor. Eleanor, famous in her own right, was critical in helping Franklin develop into who he was to become. When Franklin was racked with polio, it was Eleanor who helped (a once physically fit) Franklin grieve over the realization that he was to be bound to a wheel-chair for the rest of his life due to infantile paralysis. It was Eleanor whom Franklin bounced ideas off of before bringing them to fruition. It was Eleanor who did a lot of the traveling work that Franklin was unable to do for one reason or another.

Similarly, Teddy Roosevelt had a wise, and

strong-willed mother who helped care for him when he nearly died from respiratory illness as a child. It was also his sister whom he affectionately referred to as "Bamie" that influenced him. Teddy's sister Bamie was one of the few confidants he kept in close contact with after he personally witnessed the death of both his mother and first wife in the same twelve hour period. Teddy would later write in his journal of that day, something to the effect of "All the light has gone from my life." His grief was so profound that he could not put anything more than that into words and just put a big letter "X" at the end of his short journal entry. Adding insult to injury, this tragedy struck Teddy on St. Valentine's Day, which also happened to be Teddy and his deceased wife's fourth anniversary.

This highlights one of the most important commonalities between the two men- the ability to overcome adversity. They both faced it, and they faced it hard too. Franklin at one point even built metal braces for himself to give the impression that he could walk, even though doing so meant immense pain; all the while he put on a happy face for the public. There are even times when he fell quite literally on his face but still he picked himself up. Paralysis, and other people's views of his disability, would not be a detriment to Franklin Roosevelt.

CONTINUED ON PAGE 11

THE UNCONSTITUTIONALITY OF TRUMP'S IMMIGRATION POLICY



by **ANGEL GOMEZ**
WNE LAW Guest Writer

Are we witnessing the current rise of a dictator-like leader who disregards the U.S Constitution?

The presidential elections are nearing, people are anxious, and Donald Trump continues to decimate the founding principles of the United States. Trump has, once again, found a way to attract the interest of the American viewer, but this time, through his immigration policies. Conceivably the questions is, what are his policies and how are they considered detrimental to the United States?

Trump's rhetoric has led many to believe that children of women, who illegally migrate into the United State and subsequently gives birth to him or her, should be stripped of American citizenship. These children are often, derogatorily, referred to as "archer babies". His argument originates from the notion that nearby countries and its residents, like Mexico, use their children's American citizenship as an excuse to establish a relationship to United States soil.

Trump's argument is perhaps merited in that, better immigration policies should be enforced. However, his ideas strike against the indispensable clause of the Fourteen Amendment of the United States Constitution. This clause reads "all person born... in the United States and subject to the jurisdiction thereof, are citizens of the United States". It continues by reassuring that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States".

Trump may argue that the Fourteenth Amendment is applicable to the States and not to the federal government, but this argument is further undermined

by Congress's implementation of this clause in Title 8 United States Code section 1401. By Congress enacting this as federal law, it automatically preempts any contradictory efforts as provided by the Plenary Power Doctrine. The Plenary Power Doctrine is a judicially imposed idea that allows neither courts nor state interference with Congress-enacted immigration laws. This is, of course, as long as there are no constitutional concerns with regards to the creation and enforcement of such laws.

The Immigration and Nationality Act, which is a collective body of immigration law, and is regulated by Congress, clearly highlights in section 301 that "a person born in the United States and subject to the jurisdiction thereof" is considered a national and citizen. Hence, this clause prevails among any other rhetoric from Trump.

The practical aspect of Trump's immigration plan is also unfounded considering that it may be virtually impossible to enforce. For example, how would a court determine if a woman purposefully migrated to the United States to give birth? How will authorized officers seek the right women? Will this create privacy issues? Needless to say, in order for the government to deprive a citizen of his right to be a citizen, due process must be served. This will account for an influx in litigation, thus courts may be overwhelmed with cases. These concerns do not provide an exhaustive list, but speak to the difficulties that arise from enforceability.

CONTINUED ON PAGE 14

networking

2016

"You're **lucky**. You are doing well because you know a lot of people in the legal profession." Wouldn't that be a nice thing to hear. Of course, you would be immediately reminded of the tireless nights you had and continue to have due to writing, emailing current and prospective contacts back, creating activity on social media, and basically, working your booty off. Tell them that "luck" or anything for that matter didn't just happen. You understand that all relationships take work -- professional ones too, no doubt.

Here are 5 tips to successful networking. Hope they keep you inspired.

1) Be proactive. Soooo...you're at a cocktail party and you're chatting with someone amazingly interesting. After your wheels start turning and you realize that you'd like to continue communicating with him or her after the party, especially because you two vibed so well, remember to ask for a business card or a Twitter handle, or something. **Whatever you do, don't walk away with nothing.** Let that person know you are somebody too, and be genuine on why you would like to continue to keep in contact. If you're the first person to reach out, with confidence, you'll probably impress that person and show him or her you mean business. Feels much better to walk away with a smile. Believe me.

2) Use social media. Speaking of social media, if you're not on Twitter, Facebook, YouTube, Pinterest, Instagram, Google+, etc., you gotta spend some time working on that. If you are pursuing a passion and you're not on a major platform, you're missing out on the potential for opportunity. I get 90 percent of my fashion, celeb, lifestyle, entertainment, and health news from social media. I either get it directly from the source or I get it from a friend or follower (in which I then research facts later on). Having direct contact to some of the biggest influencers, decision-makers, companies, and celebrities in the world is pretty powerful. And of course, you can communicate with some incredible, like-minded individuals. Don't you wanna be up in the mix? Do you think that if a company you were trying to work for looked you up online and found nothing about you or your work...that you would impress them? Think about it. And with that, try to **keep your online persona professional**. Remember, you can always have different profiles for different reasons.

3) Give and do not expect the same in return. I can't tell you how many times I've promoted articles, songs, music, books, TV shows, and tons more regarding people I respect. Some of these people I know on a personal level and some are technically strangers. Because I promote what I think is great and what I think others would find great too, I don't expect anything in return. Sure, it would be awesome to get recognized from that person, company, or organization I'm promoting...But I've learned to not hold my breath. **I don't promote with expectations.** Some people are busy, don't care enough, or just aren't interested in building or maintaining that working relationship. Be fine with that. If you reach out to someone and you don't get the results you wanted, you should see that as a personal success anyway because you were proactive. All is good in my world if I don't "gain" anything in return. But all is even better when they do...Yes, that's a great feeling of joy. It's also a great feeling when someone initiates and reaches out to me first. Because I value networking to the extent that I do, I enjoy being reciprocal in some way or another. When it comes to networking, I live by The Golden Rule.

4) Be honest. If you find yourself really interested in interviewing someone...or taking him or her out to be a business dinner...or requesting an invite to an event...Just be honest with your intention. If you're not, things will fall apart in one way or another. Either you will be called out on your BS and you will come across as anything but genuine (**who wants to network with a faker?**). That, my friends, is the quickest way to kill networking. Remember: That person knows that person...knows that person. Don't make a bad name for yourself by choice. Come on.

5) **Work hard without talking a big game.** Under-promise and over-deliver. Pretty self-explanatory, and oh-so-very important. Do your best without over-promising on delivery, deadlines, or even products. It's easy to do that when you really do have good intentions, strive to exceed expectations, and are dying to kill a project (in a good way). Just take the time to make sure all of your bases are covered first.

EXCELLENT ADVENTURE CONTINUED

This could shed light on how after having suffered a huge defeat at Pearl Harbor and initial defeats in North Africa during WWII, Franklin was unafraid and eager to get right back into the fight. He was also unafraid to refer to Japanese aggression as “Tyranny”, and German aggression as “Naziism.” Franklin, the Democrat, was also unafraid of committing millions of troops to fight a world war- not too long after the end of the First World War. Franklin’s war (WWII), ended in complete and unconditional victory for the USA, as well as the liberation of oppressed people the world over. For a Democrat though, to call out Nazis for who they were, and to commit troops abroad to fight evil in the face of an isolationist public hardly seems the liberal move. Like Teddy, however, Franklin was not afraid to jump the aisle and cross to a more conservative ideal when it was practical, this is perhaps something we could learn from today.

After witnessing the deaths of his closest and most beloved family in less than half a day, Teddy Roosevelt wandered the frontier and became a thrill-seeker in order to allay his depression before returning to public life. This gave him a love of nature and the wild. It must also have given him an enormous understanding of the human condition. As President, he would later enact laws preventing the destruction of forests, and preserved land such as Yellowstone national park which was undoubtedly due to his time in the wilderness. Teddy also broke up industrial monopolies so that everyone might have a fair shot in life; so that the destinies of hard working people would no longer be controlled by a single person.

Teddy was also known to be an avowed progressive- let us be honest, protecting the environment, breaking up monopolies to give a square deal to more people, hardly seems the conservative move. Like Franklin however, he wasn’t afraid to go outside of “party lines” to embrace liberal ideals when it too was practical. Perhaps Franklin and Teddy were more than just republicans or democrats...perhaps they were both, “Republicrats.”

Hopefully we can now see how all individuals are capable of overcoming adversity and hardship. Adversity may not be unique to America, but our ability to overcome it and progress, certainly is. We have always been able to progress, thanks to people like our characters Teddy and Frank. But is there a moment in time where “progressivism” becomes “*re*-grissivism”? Let us by way of time-travel bring Franklin and Teddy to the recent present to examine these real life events; we begin our journey in early 2014:

An extremely accomplished and successful woman named Ayaan Hirsi Ali has just been dis-invited from being given an honorary degree by Brandeis University. Ayaan was born and raised in Somalia in a Muslim family and

hence she too, was a Muslim. She was mutilated as a young girl in a very brutal way, in line with the customs adopted in that area and in line with one aspect of her family’s faith. She grew up a Muslim for a very long time and was arranged into a marriage that she did not want. Ayaan, frightened by her personal experience with her faith, subsequently began to speak out against the practices of her faith that she felt she had been greatly injured by.

Ayaan became a prominent and outspoken figure and rose to become a politician in Europe. Ayaan even made a short but popular film in the Netherlands with her friend and colleague, a man named Theo Van Gogh. The film was critical of certain aspects of Ayaan’s faith. After the release of the video, Van Gogh was shot eight times and his throat was cut in an attempt to decapitate him by Islamic Fundamentalists. A note was pinned to his body with the knife issuing a Fatwa (a universal death threat) against Ayaan. Ayaan was also declared an apostate, (similar to a “heretic”), after leaving her faith and speaking out against certain practices. Ayaan continues to speak out to this day against the subjugation of women and the practices which she believes are unfair to, and injure women. These are occurrences Ayaan has seen first-hand in a number of countries around the world. Ayaan does more than criticize however, Ayaan offers insight and solutions into these issues faced by many women today. She faces constant death threats and frequently travels with an entourage of body guards; but still she speaks.

At this point in our story, Teddy and Franklin say “wow, she seems like a brave woman...but why was she ‘revoked’ of her honorary degree she was offered at Brandeis? She has an incredible story and first-hand experience with the subject matter, risking life and death to tell her story and offer solutions!?” Assume it was you that brought Teddy and Franklin from their time to this moment in recent history...you would have to explain to them the concept of “political correctness,” and how Brandeis refused her an honorary degree because it didn’t want to appear “Islamophobic.” At this point Teddy the fighter (and progressive), and Franklin the democrat, whose wife Eleanor, was a champion of human rights and feminism, would probably be outraged and confused. They say to you: “How could a woman, fighting for gender equality in her former religion be silenced by a “liberal” university such as Brandeis?

You then bring Teddy and Frank to this very day to give them another example of this strange notion of political correctness. You tell them that in our modernized “progressive” generation, people no longer have to face hardship or uncomfortable truths because all one needs to do is utter the phrase, “sexism” or “racism” or “homophobia.” You explain that by taking the moral high ground and by merely shouting one of these phrases, you automatically win an argument and eviscerate what might

otherwise be a healthy dialogue that could address real world problems. This means that instead of actually facing down adversity, whether real or imagined, you need only to shout a phrase at your opponent, and point a noble finger elsewhere. Teddy and Franklin, having known and faced down real hardship, now have their jaws dropped to the floor in shock. They of course recognize that problems do exist, but why add such a detriment that causes everyone to tip-toe around every issue?

To illustrate this point even further however you transport Teddy and Franklin to the present time. A time that has recently seen a wave of barbaric terror, constant bombings, beheadings, mass shootings, even school shootings. You show them a school-kid who brings to school what looks like a time-bomb. The school reports the student because they were frightened that what has happened in so many other places could happen at their location and so they err on the side of caution because it is after all, an entire school filled with children. It turns out it was not a bomb after all, and as a result, our current President brings the student to the White House to promote the student as a victim of discrimination. The family of the student is now in a multi-million dollar discrimination lawsuit against the school. Teddy and Frank are a little unsure of where you are going with this so you bring them to San Bernadino, California to the home of the two terrorists who had just murdered fourteen unarmed people. You first bring them inside the home of the two shooters and their six-month old baby.

Upon walking inside the home of these terrorists, you see that it was filled with explosives and ammunition that clearly took a long time and a lot of parts to construct. Seeing as how Teddy a former “rough-rider” is no stranger to guns, explosions, and battle; he demands to speak to the neighbor of the shooters. Once you bring Teddy to the neighbor’s house, he angrily asks the neighbor; “Excuse me, but these kinds of bombs take some serious work to assemble, you didn’t notice anything out of the ordinary while they were being built, and you didn’t even report this activity!?” The neighbor tells Teddy exactly what the neighbor told authorities after the shooting: the murderers were up at all sorts of hours, receiving all sorts of packages, and doing all sorts of strange things in the garage, making all sorts of strange noises. The neighbor was too afraid to alert authorities because they feared the backlash if they were wrong in their assumption. The neighbor would be known as a “bigot” and perhaps even publically shamed and humiliated forever- it is a lot to risk.

Franklin and Teddy now are shaking their heads because they are beginning to see the problem. The form of progressivism we are insist upon now, is not the progressivism that they intended, in fact it’s regressive. It has become so upside down that you can’t respond to clearly suspicious activity because you may be charged with being a

“bigot,” you can’t fight for women’s rights abroad, like Ayaan, because you may be deemed “Islamophobic” by a “liberal” institution. If the school administrators that became nervous about a kid with what looked like a time-bomb are facing public humiliation and a lawsuit, then clearly it comes as no surprise that a neighbor in San Bernadino doesn’t want to get involved with something that sounds and looks suspiciously like bomb making. Our political correctness has become so upside down that it is starting to cost lives. In response to this, you then bring Teddy and Franklin back in time to see Confucius for advice, he tells you, Franklin, and Teddy, one of his more famous phrases: “When the world is upside down...chin up.”

Although Confucius’ advice can sometimes be a little ambiguous, when you bring Frank and Teddy back to the present, it makes clear sense. The world is in fact upside down and we as citizens must keep our chins up. We need to ask practical questions that require practical answers. The fact is that not all practical solutions are idealistic. Sometimes practicality and idealism are contrary to one another, and pragmatism is almost always the best, most clear-cut answer. Our current President however, is not providing the clear cut and pragmatic answers that we need right now. He continuously insists on doing what is “idealistic” as opposed to “pragmatic.” He confuses people by bringing the student with the clock (that looked like a time-bomb) on an official visit to the White House while shaming the school that reported the behavior. Simultaneously however, Obama has his staff tell the American public to “say something if you see something [suspicious]”. He appears to be helping to create a weakness in the citizens that creates fear of the pragmatist, on top of heavy reliance on government, and a “high-horse” form of morality that is not only impractical, it’s simply not working.

Franklin and Teddy also see that American citizens, who are normally hardworking, industrious, and filled with fortitude have become somewhat complacent and dependent on the government. Franklin would probably be outraged at this dependence along with the debt that Obama has raised from six trillion under Bush, to nearly twenty trillion now. The reason Franklin would be especially mad was because it was Franklin himself that initiated much of these now out of control social programs. However, when Franklin implemented these social programs it was for a vastly different reason; necessity during the great depression. It was Franklin who first implemented social security, but it was meant as a safety net that you as a worker pay into, not as free money. He would not have to time-travel to see the dangers of complete government dependence and Socialism because that seductive form of governance we know as Socialism and Communism were alive and well during Franklin’s presidency. Examples of complete government dependence can be found in people like Stalin, or places like Maoist China, even Franklin’s arch-enemy, Adolf

Hitler, was a Democratic Socialist. Whether you want to call it Socialism or Communism it may look appealing initially, but it is always a bad idea in the end.

Franklin and Teddy both are itching to remind Americans that hard work, self-reliance and ambition are time proved methods of success not more and more government dependence. The only thing government dependence creates, is more government dependence and eventually Socialism. The problem with Socialism (as Margaret Thatcher said) is that “eventually you run out of other people’s money to spend.”

There is one area where government might help and it is right up Frank and Teddy’s alley. It is actually the one area the government (our founders believed) was really supposed to exert control over, and that is the maintenance a strong military. The safety of a strong military provides a more prosperous country, and more allies who invest in that prosperous country. Teddy apparently was onto something quite profound when he used the now world famous phrase: “Speak softly and carry a big stick.” What we learn from Teddy’s phrase is that yes, diplomacy and negotiations are extremely powerful tools in the American arsenal; but it can only be successful when you have the requisite force to back up your words (the “big stick”). This in the end saves lives and prevents future conflicts because it creates the ability to negotiate solutions out of strength and it deflects potential threats, causing a safe and secure, more prosperous nation.

You now bring Teddy and Franklin to 1991 Kuwait to show them the truth of Teddy’s phrase. You show them how after only five days of overwhelming ground force (and some months of air-strikes), General Norman Schwarzkopf easily negotiated a cease-fire with a powerful dictator (Saddam Hussein) after expelling him from Kuwait. The huge but brief, military show of force was enough to bring even a hardened tyrant like Saddam to speak quietly with the USA and flee Kuwait in a humiliating defeat for Saddam, and an un-paralleled US-led victory.

For another illustration of Teddy’s “big-stick” philosophy, you would transport Teddy to Nanking, in 1937 China. The Japanese are currently invading all of Eastern China and are committing some of the worst atrocities in human history against an entire population. This atrocity has since become known as “The Rape of Nanking.” Japanese soldiers are barbarically exterminating, torturing, executing, and raping Chinese civilians with zero outside intervention and the Chinese military is too weak to defend itself against the Japanese aggressors. The Chinese citizens are also un-armed.

Teddy’s “big-stick” strategy to combat Japanese aggression here would have been to utilize China’s vast resources to maintain both a strong military and a strong citizenry to deflect the growing Japanese threat in the Pacific. Without these available, the Chinese army and citi-

zenry were left nearly defenseless and as a result, the Japanese were sadly able to massacre at will- nearly unopposed. This also highlights the need for the pragmatic thinking for which Teddy was known. Although building up a strong military is hardly ever an “idealistic” idea, it is pragmatic. To be “idealistic” in the hope that other countries or nation states will never act upon their bad intentions is both naïve and dangerous. In Nanking, and many other instances across the world, this catastrophe has played out far too many times.

Going deeper inside the embattled city with Teddy in 1937 Nanking, you witness something that emphasizes Teddy’s philosophy. A handful of American and German aid-workers have stayed behind to help the suffering Chinese civilians. After noticing that the Japanese did not attack places that held an American or German flag, the Americans and Germans realized that they could use their flags to everyone’s benefit and thus created a massive “safe-zone.” This impromptu safe zone had literally no protection whatsoever, except the American (and German) flags and what they stood for- a “big stick.” The few aid-workers, armed with nothing except what their flags stood for, were able to negotiate the entire Japanese army to stay away from the safe zone. The Japanese knew how militarily powerful the United States of America could be and did not want to provoke our country (or the Germans) at this time and as such, they agreed to leave the safety zone in place. This “safety-zone” allowed many thousands of Chinese civilians who would otherwise have been butchered, to stay inside of it without harm.

Teddy looks at you after witnessing all of this and reiterates emphatically, “I told you, speak quietly and carry a big stick!” You begin seeing the logic, but you also know that this is where a strong and informed citizenry is complementary, so that leaders are elected who will not abuse this very power. Teddy continues to look on with pride, as he reads the names of these brave American and German workers that set up the safety zone, etched into a memorial that stands to this day in Nanking, China.

You then bring Teddy to Pearl Harbor on December 7th, 1941 where an unprepared America suffered a devastating attack by the same Japanese army that invaded Nanking four years earlier. However, legend has it that the architect of the attack was a frightened Japanese Admiral named Isoroku Yamamoto. He was said to have written in a letter to Japanese Admiralty of that day that: “I’m afraid all I did was awaken a sleeping giant and fill him with a terrible resolve.” This letter reflects not only the accuracy of Admiral Yamamoto’s prophetic quote, but the success of Teddy’s policy as well. The US after Pearl Harbor achieved total victory thanks to massive citizen strength in industry on top of a rapid and successful military buildup. Teddy again looks on in pride at Franklin who currently occupies the White House. Franklin quietly reassures the public that our

enemies will be soundly defeated, knowing that he has the requisite force to carry it out- and he did.

We end this journey with a hypothetical. What if Franklin were able to blame any one of his failures on someone else by accusing them of being discriminatory against the disabled? What if he never had to face down the adversity he faced? The answer is self-evident, we may never have had someone with the tenacity and strategic brilliance to bring about the downfall of tyrants in Germany, Italy, and Japan. What if Teddy never wandered the wilderness after losing his loved ones, and never had to face down his own grief and adversity? What if he was content to blame his grief on someone else and just stayed home? He certainly would have never gained his appreciation of nature that caused him to enact legislation to protect the environment, the benefits of which we still see today in national parks across the nation. Perhaps monopolies may still exist in the form they did back in Teddy’s day if not for his appreciation of the human condition. Teddy learned about the fragile nature of the human condition after having to overcome adversity himself in the form of immense despair. This probably gave him the sympathy to help give every employee (as he called it), “a square deal.”

It seems like what our country really needs right now is strong and pragmatic leadership, but strong leadership that puts the power of the people back into their hands. We need a Teddy, we need a Franklin, we need both. We do not need more power vested in the government to cause us to be dependent, we need the opposite. Well-informed, smart, strong, and hardworking citizens. This is why right now we need a Franklin or a Teddy because they were not afraid to operate outside of party lines and be pragmatic. It does not matter if it’s a Republican unafraid of environmental reform like Teddy; or it is Franklin the Democrat, who was unafraid to use strong military force when and where it was needed. In a sense, both Teddy and Franklin were not really republicans or democrats; they were more like Republicrats, a mix of the two parties.

This Republicrat is someone whom we might begin to see emerging once again. They are self-reliant, hard-working people who are fiscally conservative, and believe in conservative principles like the importance of a strong military and citizenry. On top of embracing conservative principles, Republicrats also value the government being small enough to embrace socially liberal principles, such as not interfering with who can or cannot get married, or what a woman can or can’t choose to do with her body. These are people who are both pragmatically republicans and socially democrats. They do not cry “foul” at every turn and they certainly do not get on their high horse; they much prefer to walk instead, because they do not fear getting their feet dirty. These are people who understand that the word “liberal” really just means the ability to be left alone and free to make your own choices without the

government interfering; they are strong and independent citizens.

The Republicrat is also someone who heeds Abraham Lincoln’s words, who once prophetically said “.... [danger] if it ever reach us, must spring up amongst us. It cannot come from abroad...if destruction be our lot, we must ourselves be its author and finisher.” Lincoln recognized that our downfall is something that would not be from abroad, but rather, from within. The Republicrat recognizes that political correctness is looking more and more like the means to this downfall and we as Republicrats are okay to let political correctness be the one to take the fall instead.

TRUMP IMMIGRATION CONTINUED

This is not an attack against Trump’s person. In fact, many confront Trump with gratitude as he has assisted in shifting the spotlight onto immigration policy. The problem is that immigration policies should never intervene, or otherwise disrupt, the fundamental principles provided by the United States Constitution. Nevertheless, Congress along with the help of the President are to assure that people are not held against their right to “privileges and immunities” that derived from being an American Citizen under both the Fourteenth Amendment and the [Immigration and Nationality Act](#). In such situation that Donald Trump were to become President, he should be held to that same standard ... The rights of the people should never be compromised!

ALUMNI PROFILE CONTINUED

...like during a divorce. People are different depending on where they are in life when you meet them. It is great, as a lawyer, to get to meet people during all walks of life.

Wat advice would you give current students to prepare them for practice?

My advice for current students is to work on being the best you. Figure out what it is that you do that separates you from everyone else, and work on perfecting that. For example, if you’re a member of a firm that has a very small environmental law practice, work on becoming the expert in environmental law. You will prove yourself to be invaluable as the go-to person in that firm for all environmental law issues.

Thank you again, for your willingness to give back.

nuts & bolts



Kelvin Thomas Attorney, Ford & Paulekas, LLP

1. Even if you do not want to pigeonhole yourself into a particular practice, find one needed concept of legal practice that you can offer the paying public, and master it. Read every state/federal circuit case in your area that focuses on it. Read all the new cases that are being decided on that topic. Read legal reviews and online articles on that subject. Do extra work, even if it is not billable. Be an expert so that you have something to offer as soon as possible. After you master that concept, then you can move on towards mastering another concept.
2. Network with people who offer dissimilar services from you. A group of five real estate attorneys all networking and dining together all the time may not produce as many opportunities as a commercial real estate attorney who networks with bankers, real estate developers, and state and local government figures.
3. Find a mentor in your field of practice who does not work in your firm. Find a mentor outside of your field of practice who is just great at lawyering in general. Find a mentor!
4. Respect your clients as if they are your bosses (because they are), but treat them as if they are family (because that will keep them coming back).
5. Be active in your local bar associations and maintain your relationships with your legal friends. You'll build a good base of support, friendships, and referrals will come from attorneys who do different things. I received my first client from a referral by a fellow classmate that specialized in a different type of law. She had a client that needed other services and referred me.



Talia Gee Attorney, Central West Justice Center

"I wish I knew...one of the biggest factors for getting hired is whether or not people want to work with you every day. Don't be afraid to show people your true personality. They may like what they see and hire you on that basis."

"I wish I knew...everything would all work out in the end. You will get a job and a life. Don't fret too much."

"I wish I knew...how important legal research and writing was for being a lawyer."

"I wish I knew...the practice of law is as much about personal relationships as it is about the substantive knowledge."



What's in a Meme?

by **PHILIP McPHERSON**
LEX BREVIS Staff Writer

Copyright. Fair use. Right of privacy. Right of publicity. Trademark infringement. Those are a few of the legal claims that may be brought against someone who has created or otherwise circulated a meme.

Guy walks into a bar singing Nickelback. He belts "Look at this photograph!" He adds his own level of performance to it and holds up his phone to a photo on your Instagram page and immediately changes his tune to a stern: "I'm suing you for it."

What tort could he sue you for? Copyright infringement. He claims you violated his rights to the photograph since owning a copyright gives the owner the right to copy; specifically, a property right in an original work of authorship (including, pictorial, and a number of other works, fixed in a tangible medium of expression, giving the holder the exclusive right to reproduce, adapt, distribute, perform, and display the work.) Perhaps he didn't go to the copyright office, pay the copyright fee and get the photograph copyrighted. Generally, this doesn't matter. If you have not secured the rights to the photograph, given to you by the person or persons in the picture, you may be held liable for copyright infringement because they own the right to their image.

Fair use you say? Good. You paid attention in class. However, what is fair use? Fair use is a reasonable and limited use of a copyrighted work without the author's permission, such as quoting from a book in a book review or using parts of it in a parody. 17 USC § 107.

The guy who walked into the bar (we'll call him Paddie for our purposes) also says that his right of privacy was violated. The right of privacy is the right of a person and the person's

property to be free from unwarranted public scrutiny or exposure.

Paddie's lawyers have been around the block a few times, so why not take you to the woodshed and sing some more Nickelback to the tune of a right of publicity claim against you (I'm not sure what Nickelback song this would be). Dear defendant, the right of publicity is the right to control the use of one's own name, picture, or likeness and to prevent another from using it for commercial benefit without one's consent. At this point, let's just hope you haven't made a dime from this photograph/meme.

If Paddie was perhaps a company, he might be suing for a whole lot more than just copyright infringement. He might also sue for trademark infringement. To sue for trademark infringement, the company definitely had to go down to the trademark office, so there's no question of if they paid the fee to register their trademark. Yes, they did. In short, by clicking "share" on your Instagram page, you opened up a door directly into a courthouse and your wallet to Paddie.

They're everywhere. Memes are a part of our daily language when sharing a laugh with a friend, colleague, family member, etc. We have no idea who started the one that ended up in the group chat between you and your closest friends or on that Instagram page, but the same laws apply to meme's as they do to a photograph. However, like the photograph, the meme is here to stay. So, keep this information in mind as you continue to create and circulate memes, and do your best not to meme your way into a 'Guy Who Didn't Think It Was Funny v. Your Name Here' claim.

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LEX BREVIS

FROM THE EDITOR'S DESK



“ We are looking for what you would like to say. We do not want to be a paper just talking to you, but rather talking with you. ”

Welcome back, everyone!

I want to thank everyone for their continuing support of Lex Brevis. That includes people on both sides of the newspaper. It wouldn't be possible without both our readership and our staff. This newspaper is a culmination of hard work from many people, both visible and those working behind the scenes. Our team of writers, editors, and other staff invest a lot of time and energy to produce our print and online versions.

Looking back:

This has been quite a challenge but, by far, one of the most rewarding aspects of my law school career. I could not be more proud to be a part of Lex Brevis. Our writers do a wonderful job of bringing important issues to light and sharing insightful commentary. They represent the diversity of our law school community. Whether it is covering activism, worker's rights, or other topics, Lex articles serve to inform, inspire and expose important legal issues.

Currently:

Alumni and other legal professionals have been gracious enough to share their perspective and knowledge by participating in Alumni Profiles and of the Spotlight On series and giving support in other ways. One of the goals of Lex Brevis is to help connect us, students, to the broader legal community. I think we are at a unique impasse to immerse ourselves in the profession through experiential learning and other means. Last semester Lex Brevis highlighted mentoring and practical experience as tools to build a career. This month we look at networking as a tool.

This issue we feature content from the Connecticut Bar Association and the Massachusetts Bar Association, both of whom have programs within their organizations for young lawyers and law students to become more involved. County Bar Associations where we live and plan to practice are also relatively easy ways to network. Becoming more involved with local Bar Associations is a great way to meet people in specific areas of law, build professional contacts and develop mentoring relationships.

Going forward:

We wish we had more input from students. I would like to reach out to the student body to ask for your input, thoughts and ideas. Remember, this newspaper is from the students and for the students. It is so important to hear from you. We are looking for what you would like to say. We do not want to be a paper just talking to you, but rather talking with you. After many months of publishing Lex Brevis, I believe student input is critical.

Going forward keep an eye out for Roving Camera where students will have a chance to express their views about certain topics some pertaining to life on campus with the chance to improve life on campus. Also, keep an eye out for Lex Listens—the Lex Brevis suggestion box located on the first floor of the building.

So let's speak out and present what makes you excited or disappointed. As I said before, this is your paper. It is important that we know what you want to hear. Lex Brevis is for you and about you. Be in touch with us so we can be in touch with you. Email us at LexBrevis@gmail.com

With Warm Regards,
Amara Ridley
Editor-In-Chief, Lex Brevis