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Understanding the Whistleblower

by Shenandoah Titus, Esq.

With the current national – indeed international – media frenzy surrounding an apparent whistleblower in the White House, I will try to shed a little light on the whistleblower concept while delicately avoiding political landmines. As to the torrential downpour of news flowing out of Washington, DC, I offer no comment – liberal or conservative. I leave that drama to the political pundits.

First, what are my qualifications to speak to this issue? Succinctly, I am a whistleblower myself. I formerly served as the first Program Manager for the Anti-Harassment Unit, United States Department of Homeland Security (DHS) Headquarters, Washington, DC.

I was “asked” (cajoled really) to engage in conduct that I found to be both inconsistent with my oath as a public servant and my personal honor. I vehemently refused management’s request, and I subsequently reported the matter to Congress. Like all whistleblowers in the public and private sector, I suffered fierce retaliation, bullying and harassment from DHS management.

Yet unlike many whistleblowers, I fought back legally and prevailed to my full satisfaction. I subsequently authored a book sharing my experience as a whistleblower and rendered insights on how one might combat workplace bullying, harass-

ment and retaliation – whether or not one is a whistleblower in the conventional sense.

As I note in my book, legitimate, non-politically motivated whistleblowers are a unique breed of honorable men and women who value service above self, and whose staunch commitment to serving the public good often places them at risk of losing their employment, health, and even families when they have been abandoned. The whistleblower will certainly lose his/her “friends,” as people run and hide in fear rather than stand by their proclaimed



Shenandoah Titus, Esq.

friend.

Nevertheless, the whistleblower stands tall because he or she feels compelled to do the right thing. Note that, despite the current avalanche of media attention on the whistleblower, this is not at all a new concept. Honoring and providing protection for whistleblowers began in the U.S. in 1777! Yes, long before CNN and others enlightened the world that such a term exists.

The true whistleblower, as opposed to someone whose sole agenda is to cause public embarrassment to another, is the noblest of souls. Think about it this way, as a hardworking taxpayer, would you want to see your tax dollars subjected to fraud, waste or abuse at the sole discre-

tion of public officials who have no fear of accountability?

In the private sector, would you want your loved one to drive away from a garage with shoddy brakes because the company placed profit over safety, with no fear of accountability? Would you want a pharmaceutical company to issue a loved one unsafe drugs, having bribed health inspectors to write fraudulent reports with no fear of accountability?

And what of your children? It is a sad fact that institutions designed to educate and provide spiritual guidance, respectively, have harbored officials who would prey on innocent children. Among the fearful and silent adults, who would hold the child molesters accountable for



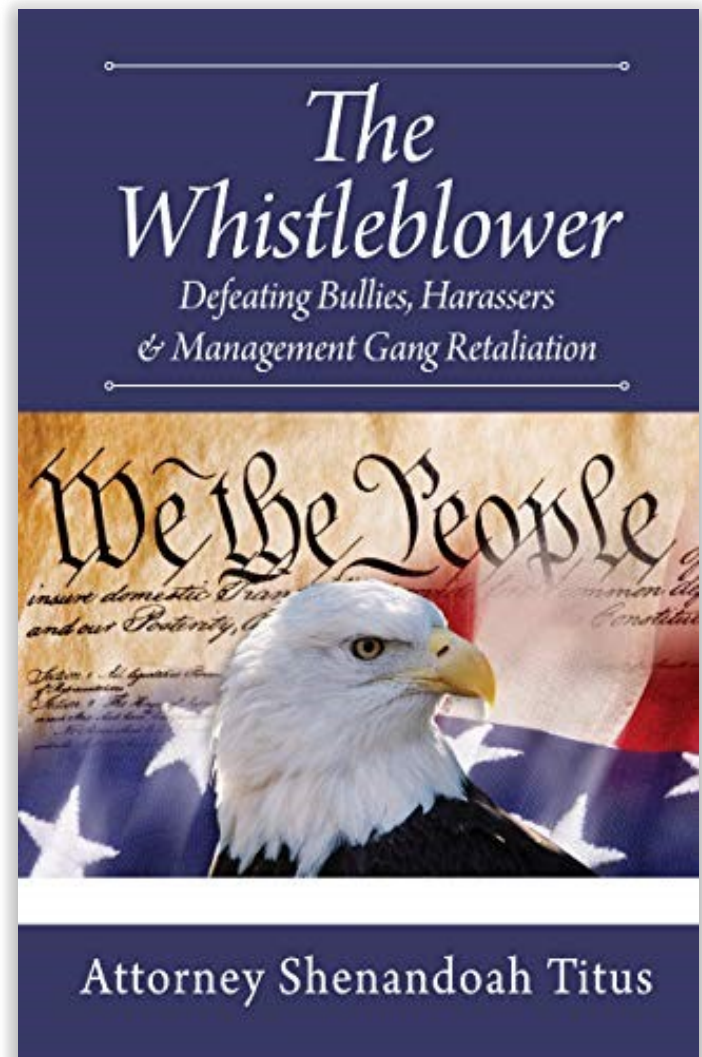
their crimes?

Enter the whistleblower. This is the man or woman whom fraudsters fear will keep them accountable to the public. To the people. To the rule of law.

And so, as you wade through the political tsunami these days surrounding a prospective whistleblower, there will of course be those who will vilify whistleblowers and, conversely, those who will elevate whistleblowers to sainthood. In the existing political climate, whether the whistleblower is feared or revered may very well come down to one's political agenda.

In truth, the legitimate whistleblower is neither a saint nor a villain. This is simply a man or a woman who, notwithstanding inherent human flaws, believes in doing what is right for the common good.

It's not about politics – liberal or conservative. It's about honor and courage – hopefully not obsolete principles.



Attorney Shenandoah Titus is author of **THE WHISTLEBLOWER: Defeating Bullies, Harassers & Management Gang Retaliation** (available on Amazon). He is the Chief Executive Officer of WARN (Whistleblower Anti-Bullying Resource Network). Visit www.warn-honor.com for more information.

A World Without Another Auschwitz and Birkenau

by Stephen J. Kubick, 1L

When I reflect on a side trip my father and I took on a tour of the Czech Republic up to Poland to see Auschwitz and Birkenau, I was not really prepared for just how life-changing the experience would be for me. Luckily, we had a very long trip back to Prague that night, which most of the tour members in the van were complaining about. For me, it was a chance to enjoy a Polish snack of onion-flavored potato sticks and reflect upon the liberties that we all take for granted. But underneath all of that, I found myself truly scared for the future of humanity.

Auschwitz and Birkenau were very different experiences, even though they were just a shuttle ride away from each other. The gate to Auschwitz reminded me of an amusement park, although to be fair, some cemeteries in Prague, including one that housed Smetana whose “Vltava” composition from “Ma vlast” has endured since 1879, were similarly decorated at their entry points. However, with all of the tourists from a multitude of countries, it seemed that there should be a turnstile and roller coaster screams in the background.

Auschwitz was formerly a Polish

barracks before its use by the Nazis as the Endlösung der Judenfrage (“Final solution to the Jewish question”). Once we descended into the bowels of Auschwitz, the tone of the tour changed. There, we could see where, under the pretense of taking showers, prisoners were herded by dogs and soldiers and left with a canister of gas dropped from above, although later a gas pipe, which we were not allowed to photograph, was used in the name of efficiency. But even this pales in com-





who appeared to be a skinhead started berating me for sneaking in the back, until his mother made him stop. So after the skinhead, and being crammed in the shuttle bus like sardines, it was entirely appropriate to arrive at a much more unadulterated concentration camp, Birkenau (also known as Auschwitz II), replete with boxcars on train tracks toward a final destination.

parison to what came next.

Maybe the idea was to ease the tourists into the otherwise harrowing experience of witnessing what many politicians and people around the world even today deny ever happened: The Holocaust! And of course, we were there in May and it was warmer than it should have been at that time of year, so the other thing that many politicians and people around the world deny is happening, climate change, added value to the experience. After stopping to buy a book about Auschwitz we were herded toward shuttles going to Birkenau.

As often happens on tours, I was separated from my dad and his traveling companion, due to the extremely crowded buses. The only way I could be sure to not lose them was to enter the back door, after which the doors shut swiftly. Oddly, a youth from Australia

It was at Birkenau that Rudolf Hess was hanged for the atrocities he was in charge of at Auschwitz. But it was also where the ovens were used to cremate the prisoners. Our tour guide was very cryptic in his portrayal of the processing of prisoners. He happened to be German, which gave me hope for humanity. I found the sleeping quarters, which were essentially stone bunk beds with straw to sleep on, very eerie. Birkenau looks like a farm. And it was





horrifying to see that the prisoners were treated like animals headed toward slaughter.

The “ash pit,” where of course the ashes of the prisoners were deposited in, was equally disturbing. There was just a sense that something really, really bad had happened at Birkenau.. This was the feeling that I was left with. Auschwitz today houses collections of dolls, shoes, luggage, eyeglasses, hair and other remnants of Holocaust victims. So neat and orderly, too.

The fact is, genocide is a common theme in the world even today. Around the globe, genocide exists in one form or another. All over the world, slavery and human trafficking continue unabated. On just about every continent, human rights are trampled upon on a daily basis. Back in Praha (Prague), I found myself loving the “Jewish District” the most. After going on about the Beverly Hills type of atmosphere there for some time, my father’s traveling companion told me she was “fagged out” and couldn’t han-

dle hearing about it anymore.

Later, my father noted that those were an interesting choice of words. This is also another component of the holocaust that gets overlooked. When I worked in Hollywood, it was often said that Jews and gays were the glue that held the movie industry together. Dawn Steel wrote a book, as the first female CEO of a movie studio, called “You Can Kill Me, But You Can’t Eat Me.” These comments and titles seem to give homage to a shared heritage that must be overcome but not forgotten.

After our tour of the Czech Republic, our homeland, and seeing my ancestral village, Potehy, I found out from 23&Me that although my father’s family identifies as Czech, the only Eastern European DNA I have is 6% Polish. Since it was just a hop, skip and a jump to Poland from the CR, I can believe it. But I have to wonder if that part of me is Jewish as well. Tellingly, I am mostly German. My mother was adopted at birth in May 1944 by Germans in Ne-

braska, and because of the World War II era that she was born into, I have to wonder if she is Jewish.



And so, although things like the Holocaust may seem remote and intellectual to us in 2019, I would just say, as Martin Luther King, Jr. noted, that we are all connected. In other words, we are all Jews. We are all gays. We are all fill in the blank. We must try to remember this, even when law school

might suggest to us otherwise. I just witnessed a video of Elijah Cummings on the ABA website. It was one of the last speeches that he gave.

He implored each and every lawyer, at a conference of Attorneys General, to use the power that they have within themselves to protect humanity from atrocities. He spoke of a 4-foot tall woman in the White House who was accused of being “the Whistleblower,” coming to him in tears because they were putting materials on high shelves so that she couldn’t reach them. He spoke of how these are very dangerous times that we’re living in. I know that the 2016 election had a lot to do with why I started law school at the age of 52.

I’m not alone in my 1L class, in that regard. We’re all connected. We can make a difference. Gandhi famously said, “be the change that you want to see in the world.” As with global warming and lawyering up for that, I think the key is to not try and be the one who takes credit for saving the world, getting rid of a dictator, or stopping a genocide. But what we can do is bond and work together toward creating a world that is more hospitable to our sons, daughters and grandchildren. A world without another Auschwitz or Birkenau.

An Ode to Coffee

by Lennin La Cruz, 3L

There's something special about coffee that elevates it above all else.

It can be iced or hot, sweet or bitter, a treat or a necessity, a lifestyle or an addiction.

A means to an end or just a simple pick me up.

It works wonders for some. Absolutely nothing for others.

Is it not much like relationships with people?

You can either give someone the cold shoulder or greet them with a warm hug.

Be kind and supportive or cause them nothing but pain.

Someone you spoil yourself with for satisfaction or someone you depend on and trust.

Someone you happily include in your life or fail to see the red flags, only to get poisoned by their toxicity.

Someone you reluctantly spend time with just because it benefits you in some way or someone who can make your day feel just a bit brighter, the load a little less heavy.



Someone who truly makes you feel fulfilled or content with how your life is going, which makes you think that you did something right somehow and the feeling of achieving this is just purely euphoric. Someone you're better cutting off and not trying again after the first taste left a nasty impression, one that will stay in your memory and keep you away from others out of knowing that it's not worth it if it'll just be a repeat of the first bad taste

See, people are like coffee.

You have to go out of your way to get coffee. And pay. And then wait. Some cups will be better. Some will be worse. You'll never know whether it'll come out exactly as it looks like. You can only truly know from tasting it.

Unfortunately, not every cup will last forever. So savor the flavor. Take small sips and enjoy it until you inevitably seek out your next cup.



Mindfulness and the Law

by Shama Patel, 3L

When the word “mindfulness” comes to mind, the last thing one usually thinks about is the legal profession. It is unfortunate that is the case because law students, lawyers and other legal professions are in desperate need of this very antidote called “mindfulness.” So, what exactly is “mindfulness”? Merriam-Webster's basic definition is "inclined to be aware." So then, mindfulness is just being more conscious, isn't it? Yes and no. The act of being mindful is being more conscious and present in the here and now. Mindfulness is to be more aware in the moment just like a runner is in the moment running a marathon. We are all capable of being aware and in the moment and though it seems difficult with looming deadlines and a constant checklist of things to do, it is indeed possible; however, it requires practice. But just as you can't run a marathon without training, or pass an exam without studying and preparation, you can't be “mindful” on continuous basis without regularly and actively cultivating awareness and presence. The most recommended method for cultivating this practice is by focusing on the breath. The following are some of many examples:

BREATHING EXERCISES	
Alternate Nostril Breathing	Sit comfortably on the chair or on the floor. Bring your right hand up to your nose. Gently hold the right nostril closed with the thumb and inhale through the left nostril. Remove the hand, pin the left nostril open with the ring finger, and exhale through the right nostril. Now inhale through the right nostril, release the ring finger, close the right nostril with the thumb, and breathe through the left nostril. Keep the head in a neutral position. Begin with 5 back-and-forth rounds and work up to 10 rounds.
Focused Breathing	Try to be focused on breathing when the mind needs to be quiet. Your back should be flat on the floor or upright in a chair. Start with a deep breath in the stomach. Inhale while expressing a pleasant word or phrase like, "I am content." Exhale and visualize breathing out a bad attribute like stress or anxiety. Visualize breathing in a soothing color, or count while breathing. In on 1, out on 2 up to 10 times, and then repeat the sequence. Do this for at least five minutes.
Belly Breathing	When experiencing a stressful situation like law school/work deadlines, try the belly breathing method. Sit upright and relax your shoulders. Consciously pay attention to your breath, take one normal breath and observe the flow of the breath into the chest or abdomen. Imagine your abdomen being filled by air and inhale through the nose, then slowly exhale. Try increasing the rising of the belly while inhaling more deeply. You may do this exercise as much as you need.

Law students, lawyers and many other professionals are burnt out by studying, workload and/or the inability to have a work/life balance; therefore, many people unfortunately turn to addictions. It is no surprise that lawyers rank pretty high as the profession with the most alcoholics, addicts, etc. In order to combat this, it is vital to work on yourself. With practice and time, you will become more relaxed and less reactive. In the past, when certain people and situations have caused a sequence of emotions that have sent you spiraling into terror, rage, and panic, you will have a measure of room and objectivity around those feelings. This will make it possible for you to behave more deliberately. Mindfulness is an inside job. Check in with yourself, take care of yourself and cultivate healthy daily rituals.



Change happens from within, and it is only when we learn to be mindful, practice self-care in the form of exercise, daily rituals, and maintaining awareness in each and every task. We are not machines, and life is extremely short; therefore, why is it worth creating so much inner turmoil and stress? So what if you don't make the deadline or if you didn't do as well as you would have liked. You are still enough and there is always a learning curve to better yourself. There are many resources available to aid one with their mental health. Therapy is tremendously beneficial not just for students and professions, but really for anyone. Also, our law school has many resources they can provide in regards to law and mental health. Mindfulness is one practice for the individual self; however, therapy and workshops provide understanding, a community, and education.

One Who Speaks Through Transcripts

Loosely Based upon Actual Transcripts

by **Eric Raymond Harrell, 3L**

Defendant: Am I under arrest?

Detective Blank: No, no charges have been filed.

Defendant: What if I would like to go home now?

Detective Blank: Yes, you can do that. We'll stop the recording and drive you home.

Years Later...

A woman wakes in the confines of a small cell. Light from the pod casts false sunlight into the recesses of her bunk. She feels well rested but that's easy when you're locked in your bedroom for 16 hours a day. The walls are the color of Elmer's glue, and in fact, they kind of even seem to drip in spots. Her cellmate is snoring on the bunk below her. Any minute now and the CO will give the call to wake-up. That's just the routine. First, the lights shine through the twelve by twelve-inch pane of ballistic glass, then it's the rooster call for hygiene and bed-checks.

The woman drops down off the bunk and stands at the 'door.' She hesitates to call it that because that would

imply that it was a passageway that could be opened from either side. The 'doors' here only open one way. Her cell reminds her of a riddle: "What has keys but no locks, space but no room, and you can enter but you can't exit." The answer? A keyboard. An accessory to a tool she will not have access to for several years because it was an accessory to a . . . Crime.

Defendant: Are they trying to say that I made him do it or something like that?



Detective Blank: Did he provoke you?

Defendant: What does that mean?

Detective Blank: It's a simple question really.

Defendant: It's not. Like...not at all. It's not simple.

Detective Blank: It is. Yes or No.

Defendant: No then...wait, what does it mean if I say yes or no, what's the police process behind that?

Detective Blank: What do you mean what kind of process. It's just your side.

Defendant: Would that help prove anything?

Detective Blank: It's just your side is all. Part of the truth.

The call has come to wake them up and the collective tirade of captive individuals is enough to wake almost anyone up except maybe her cellmate. The woman doesn't know her cellmate that well — other than the fact that she sleeps like a hopper on his first trip. The girl was put in there after they rotated one of her friends out. She's not sure if waking her up will set the girl off. The nice thing would be to wake her up, but she just doesn't know her cellmate like

that. The woman brushes her teeth with a teeny three-inch toothbrush. Her gums occasionally bleed from her own thumb jabbing the side of her mouth. They definitely don't bleed from the paper-thin worn-out bristles, that's for sure. She takes a quick look at the bed to make sure it's made and takes a quick moment to actually make it before getting into position. The poor girl in the bottom bunk is just waking up, she's not going to be able to brush her teeth in time. The guard is at the door looking in, craning his neck to peer into the whole six-feet of the room. Her cellmate is on the toilet and the guard sees her too. There are no words exchanged. She knows what to do. The woman stares into the pale turquoise below the window as the electronic lock buzzes.

Defendant: What if I would like to go home now?

Detective Blank: That's fine if you want to go home but there are two sides to



the story remember? We will have to just accept the other side. We can turn off the recorder and stop today.

Defendant: I don't feel comfortable right now, that's all.

Detective Blank: You going to give us your side of the story or is it your wish to leave?

All of the women are ordered into single file like elementary school children. The whole pod is lit up from these long headlights above them. A florescent reminder of the cold reality of confinement reflects off the polished floors as they are pulled forward by the sheer force of shifting feet. They pass through checkpoints, through empty spaces where they are made to wait until they are brought through another tortoise checkpoint. Her cellmate whispers, "these doors ever remind you of Nursing scrubs." It's a rhetorical jab. The girl's pissed she wasn't woken. The woman had told her cellmate where she worked before all of this. Before she was convicted.

Defendant: I'm, like, really tired. I worked all day at Mercy General.

Detective Blank: Look we just want the truth. We want your side of things.

Defendant: I feel like I'm going to get charged no matter

what. If I say anything, I'm going to get a notice telling me to appear in court.

Detective: If you stick with this story, I can almost 100 percent guarantee that's exactly what's going to happen.

There's always a guarantee of 1 cup of 2% milk alongside your 1 cup of cereal, 2 oz. of scrambled eggs, and a slice of bread. Breakfast is what it is. The 1/2 cup of canned fruit was a welcome addition. Must be someone's birthday.

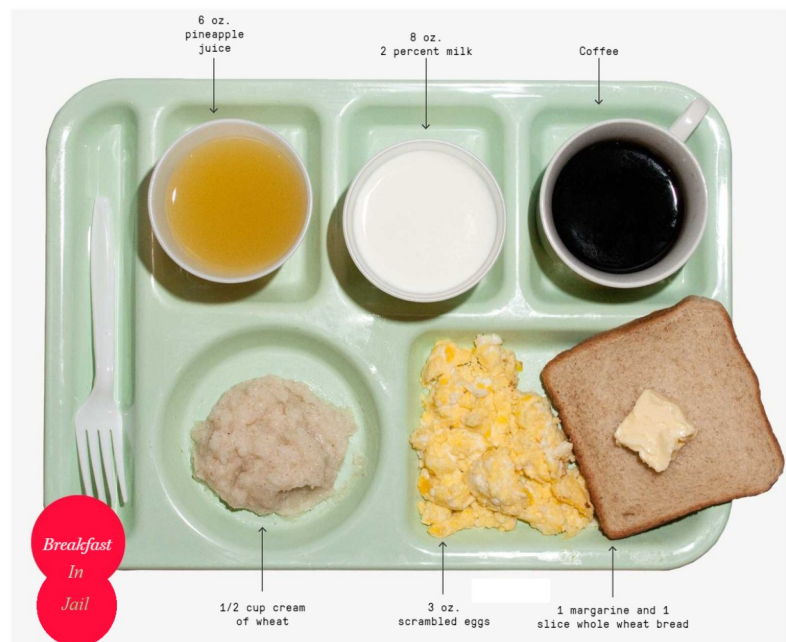
Detective Blank: Did you message him online and tell him to come meet you?

Defendant: No.

Detective Blank: So why on this night would his friends say that you did.

Defendant: I don't know I'm very confused. I don't know why they would make a claim like that.

The woman is given forty-five minutes



of leisure time in her cell. She cleans the shared toilet in silence as her cellmate watches her. She starts by wiping the top of the bowl.

Detective Blank: We need to get to the bottom of this, don't we?

Defendant: But then you'll lock me up after this ends.



Detective Blank: No, we won't. This isn't some TV crime show.

Defendant: I keep telling you the same thing.

Detective Blank: How about this? Are

you ready for this? You tell us the truth and no matter what you tell us, you will go home today.

Defendant: Okay, that's exactly how it went, how you said it earlier. I guess.

Detective Blank: Don't guess, tell the truth.

The woman is allowed a fifteen-minute telephone call that will be shortened to ten. An officer explained the change. He said, "Cause' the telephone is broken."

Defendant: I guess I did it if they're saying it, but they got it all wrong though.

Detective Blank: We need to hear it in your own words, you can't just keep saying "I guess."

Defendant: I'm just not sure based on what you said.

Detective Blank: Come on, you know if you did it. If that's the way this is going, I'm done with asking.

The woman is provided four hours of leisure time. Her cellmate is talking to her again.

Defendant: Okay, yes, I did it.

Detective Blank: See, you'll go home tonight. So, you attacked him, right?

Defendant: Yeah, I guess I did what you said.

The woman and another prisoner she's friendly with are escorted on a walk around the prison wards for exercise.

Detective Blank: You guess, or you did it.

Defendant: Yeah.

Lunch is served in the cell.

Detective Blank: So here we are, two hours later and we finally got your side of the story.

Defendant: This is so frustrating.

Two hours of leisure time.

Detective Blank: Don't you feel better-

Defendant: I don't think their side is right, they're wrong.

One hour of recreation.

Detective Blank: Listen closely to me. Don't you feel better that you told us.

The woman doesn't feel so good after dinner. 1 cup and 1/2 of soggy green beans, 1 cup of curdled milk, and 2 oz. of dry chicken. Over dinner she remembered her lawyer convincing her to take a deal after she took the stand. She talked for hours on that uncomfortable wooden chair, but no one seemed to listen. She pled down to voluntary manslaughter.

Defendant: What happens now? I feel like I've been played.

Detective Blank: You're not under ar-

rest, forget that TV crime show crap.

To wind down for the night, the woman plays dominoes with women in her pod. The whole pod is still lit; the metal tables reflect fluorescent white light all over the place. The corrections officers waive her over through their protective screens. The woman wafts over to a panel on the wall and orders commissary supplies. She returns to her cell for two more hours of leisure time. The lights are shut off without warning. Her cellmate snores. As she lays in her bunk, she remembers the last conversation she had with detectives before her trial began.

Detective Blank: Do you have any questions of us before we turn off the recording?

Defendant: Yeah, what just happened?

Detective Blank: Well what is going to happen is that we will bring you home.

Defendant: I mean long term.

Detective Blank: We'll figure it out, okay?

Defendant: (inaudible).

Detective Blank: All right. We're going to turn the tape off now. It's 11:42 pm.

The END.

The Defendant has an Appeal in Process.

MINIMIZING MAXIMUM EFFORT: A View from 4L Year

by Julie Page, MBA

There's no doubt about it, taking on law school is no small task. For those not familiar with the concept of 4L's, we are the ones who have been taking on the monumental task of earning their law degree part time while working full time jobs. Many ask, 'how do you do it?' or 'where do you find the time?'. Law school requires maximum effort. Let's take a moment to look at ways to minimize that maximum effort.

A few semesters ago I wrote an article for Lex Brevis directed at incoming students and what they and their families/supporters could do to help them with law school life. In the article I encouraged our supporters to: feed us, but not expect too much interaction from us; make plans that include us by leaving room for us, but don't fall apart if we have to cancel at the last minute, arrive late, or leave early; follow the 'fix it in 15 minutes rule'; and remember, textbooks and partial tuition payment make great gifts.

Following those tips helped a lot with 2L & 3L years. Now, halfway through 4L, I've learned a few more, like: what's memorized now, will be easier to re-memorize later; the name of the

'rule' is just the handle on the bag, it has to be unpacked to earn the points; no bar-prep program will help you if you don't put in the hours; everyone must carve their own elephant; and the most obvious but always neglected 'turn off your phone when you are working'.

It's often easy for friends and family to remember to feed us but often want to talk with us about what's going on in the news, please don't. I call it the 'fix it in 15 minutes rule'. Stated basically, if I cannot put my hand to something and make a positive change on that topic in the next 15 minutes, then how much do I really need to hear about that topic? As law students, we spend a lot of time in 'intense research mode' or 'over-analytical-mode'. Telling us: "Did you hear about...?" or "Did you see this....?" can easily send a student down 'the research rabbit hole'. I advised people, no matter what you hear on the news or social media, don't bring it to a law student unless you know it's going to have a direct positive impact on what they are doing that specific semester.

If you want to help your law student, read it yourself. Make sure you are

reading the ‘real information’ not just a certain organization’s version of the topic. Pull it together, set it aside for Thanksgiving dinner conversation or ‘summer reading’. If it’s not going to help the student with an assignment due that week, and they cannot fix the issue in the next 15 minutes, they really don’t need to know about it.

card donation to paying down the student’s outstanding balance. Yes, it takes a little planning and they are unlikely to ask for your help, but feel free to offer. It’s easy, it’s online, and nothing shows support like fundraising.



Speaking of Thanksgiving dinner, let’s talk about planning. As mentioned before, feeding your law student is good, expecting them to make plans, or having plans hinge on them is not. When you do actually get them to a table, remember textbooks make great gifts. Sitting around after a big family meal is a great time to crack open a laptop, pull up the WNEU ‘self-service student finance page’ (pictured here) and let supporters jump on and make a credit

That all sounds great if you are near your student but what if you are at a distance? Try small things like: putting money on their favorite coffee card, sending them a gift card to a message place, or put money on their Uber or Lyft account. Seriously folks, a cheep greeting card and a stamp go a long way to battling the mental fatigue. And again, don’t distract them with topics that will pull them away from

their studies and down the research rabbit hole.

That being said, it's time to talk to my fellow students. I'm hoping they've read what's above and thought about ways they can help their support team do the job of being supportive. Now we move onto what we can do for ourselves. Things I wish I understood or had done upon completion of my 'core classes', meaning the classes full time students complete in 1L year, but part time students complete somewhere part of the way through 2L year (part time = 3.5 to 4 years, full time = 3 years).

First, I'd like to talk about carving your own elephant. Now before anyone gets upset at the idea of hurting an animal, let me explain. There's an old joke about 'how do you eat an elephant?' the answer: 'one bite at a time'. Well to eat an elephant one bit at a time, you have to carve it up. The same is true of our course work. No matter what the topic, there's a lot of material to cover and no one professor is going to teach the same material in the same way. No one learner is going to learn the material in the same way. While we all have to face a bar exam, how we learn that material is different for each individual. Some people love to build their own outlines. Other people prefer to get a copy of someone else's outline and customize it themselves and their class. Others look at pre-made outlines and feel like reading it is just like reading another book. The trick is to put in the time and find out what works for you.

Look at the big outline, cross reference it with your professor's syllabus, and then copy it over into a new outline that is based on the syllabus, and gives highlights of what to expect from the text. When you do your reading, build off what you've already done. When you get to the lecture, build some more (strike through what does not work). If you have not already done so, learned how to use 'redlining' ('track changes'), and 'inserting comments' (good for page number references). This is also good for cutting out index cards for memorization. A huge outline is good for getting everything in one place, but you will need a way to summarize and synthesize the information. Index cards are great for memorization.

That brings me to my next topic, I wish I had done more to memorize as I went along. When we get to the bar exam, we will need to pull rules and elements and concepts out of our memory and write essays on them. Remember of the two-day exam, just one of those days is on essay writing. Now, granted, the Multistate Performance Test or MPT portion is a 'closed world' problem. That means, nothing you have memorized before opening the test can be used for the test. That's ok. In going through our casebooks, we are learning to pull the rules out of the decisions of the courts. Memorizing the rules and the elements of the rules will help with using them in our arguments. Even if your class has an open book exam, do yourself a favor and memorize what you can now. It will save you a lot of hassle and self-down when it comes to

bar prep time.

When memorizing a rule based on a case, don't just memorize the case name and expect that the graders will know what you are talking about. Anyone can say Dewey standard, Strickland test, Terry Stop, but what do those mean? These words have no more meaning or value than the handle on a bag. The handle is not what's of value, it's what's in the bag that matters. Our essays need to do more than just name to case, we need to explain the elements of the rule. In order to do that, we need more than just a handle, we need to be ready to unpack what's in the bag. Maybe that's why what we work on are called cases. For a case to be of value, we need to unpack it.

Final thought, again and again we are told, in the legal profession, it's not just what we know but what we permit ourselves for being known for. Usually, when paying for an education, a person is paying for an opportunity to be tested and be wrong without lasting consequences. While part of that is true for the study of law, it's more than that. Are you known as a person who is organized, or one that does not do their own work? Are you known as someone who is never ready or class, or one that talks too much? Do you like to argue just for the sake of arguing? Are you trustworthy? Well, are you? Can you trust yourself to put in the effort?

Here's something to try: turn your phone off while doing homework. Seriously, think about it. If you're in a courtroom, in a trial proceeding, you're

not looking at your cell phone. If you're on the stock exchange floor, trading, you're not looking at your cell phone. If you're operating a piece of machinery, like a robotic surgery arm, or bucket loader, you're not looking at your cell phone. So why would you study with your cell phone turned on and in reach? Pick an amount of time. Set a timer for that time. Silence the other alerts. Set it out of sight until the timer goes off.

See if that helps. It could not hurt.



Coming Winter Is

by **Lennin La Cruz, 3L**

The two references aside, it should be noted
That the frigidness is once again coming to curse this place.
We'll all walk in with five layers, looking bloated
With no semblance of joy or warmth, nope, not even a trace.

But we've done this cruel dance already before, right?
Well, most of us have so to the new ones, I say greetings.
Welcome to a new nightmare that will test your might.
It's a jolly good show to attend one-on-one meetings

With your professor of choice or a study group.
The coffee is free and mostly full but it's never hot
Unless you're first in line but at that point, get soup.
It's def more filling, delicious, and you won't lose your spot.

The anxiety of finals won't go away
But you must be prepared. The physical and mental state
Are fragile and can be wounded in a day.
If you exercise caution now, you'll honestly do great.

Remember the goal in mind, a light at the end.
You willingly came, solely to increase your student debt.
Do not be boo boo the fool and lose the way, friend.
I'll see y'all next semester, and that's a surefire "bet?"

NEW YEARS

Public Domain Day 2020

by Chelsea Contrada

New Year's Day typically evokes thoughts of change, renewal, and new beginnings. We resolve to better ourselves, ditching bad habits for healthy alternatives. It is a time to focus on self-improvement, leaving behind the mistakes and regrets of the previous year. However, while we are focusing on ourselves, there are also exciting changes happening in the world of intellectual property. While that may seem totally irrelevant, it actually has an interesting impact on our society and culture. I am of course referring to the expiration of copyright for many creative works, also known as Public Domain Day.

Public Domain Day is a celebration of the expiration of intellectual property protections for certain creative works. On January 1, 2020, the protections for works published in 1924 will expire. Among these are literary works like *Twenty Love Poems and a Song of Despair* by Pablo Neruda, and "The Rats in the Walls" by H.P. Love-

craft. It also includes musical pieces. Many of George Gershwin's early works like *Rhapsody in Blue* will become available and several compositions by Irving Berlin as well. Films released in 1924 will enter the public domain too, most of them silent films.

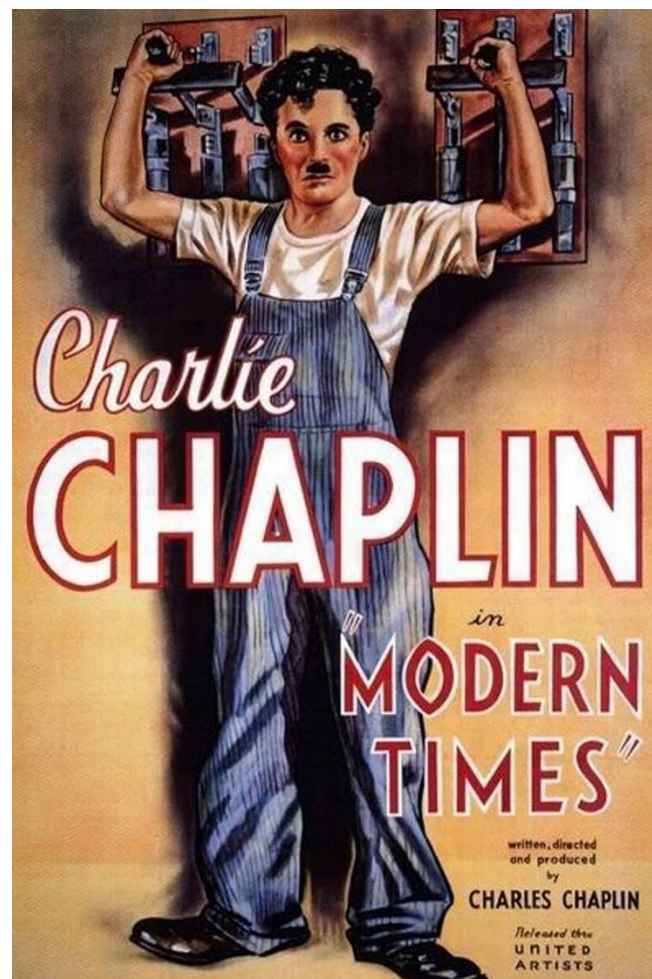


It is understandable that if you are unfamiliar with these works, the significance of Public Domain Day may not be obvious. The truth is, the public do-

main class of 2020 is not quite as exciting as last year. January 1, 2019 saw hundreds of works automatically enter the public domain for the first time after a decades-long delay. These works included literature by Robert Frost and Virginia Woolf, and films starring Charlie Chaplin, just to name a few. The reason for last year's mass release has to do with the long and convoluted history of United States copyright law. If you are interested, the saga is explained in detail on copyright.gov. I will do my best to offer the quick and dirty version.

The original law was introduced in 1790 and only protected certain works with a maximum term of 28 years (14 years + a possible 14-year renewal). This law was revised many times in the decades to follow, perhaps most notably in 1976 when the copyright term was changed from a set number of years to the life of the author plus 50 years. In 1998, our current copyright terms were established with the Sonny Bono Act. This act extended the terms of copyright to the life of the au-

thor +70 years. It also extended the terms for certain other works, creating a “freeze” that kept these works out of the public domain until January 2019. Thus, last January was especially exciting for copyright nerds, music fans, and film buffs alike. Nevertheless, for the rest of us, it can be hard to understand the importance. What does “public domain” even mean?



Works in the public domain do not have intellectual property protections and are available for public use. Works can enter the public domain in a few different ways. The first is when a work is a type that is simply not qualified for copyright protection. An example that should be familiar to you is the Bluebook method of citation. While the actual Bluebook in which the citation system is published is protected by copyright, systems like citation formats cannot be protected. Another way works enter the public domain is when the creator of the content has decided to waive their right to intellectual property protections and instead offers their work for free and unlimited use to the public. The third is when the owner of a copyright forgets to renew the license, or decides not to, which does not happen too often.

The final way is when a work's intellectual property rights expire. This is the heart of Public Domain Day: celebrating the long anticipated expiration of intellectual property protections. Figuring out when a work's protection

expires can be difficult. If you are ever stuck, the American Library Association has a great tool: the Digital Copyright Slider. Once a work enters the public domain, it can be used by anyone for any purpose, including commercial purposes, which has a significant impact not only on society but also on the work itself.

Consider a song used in the background of a television commercial. Someone owns that song and intellectual property laws protect it. The company that wants to use it in a commercial is going to pay royalties to do so, even for just a 30-second clip. However, if a song is in the public domain, there is no cost; the song can be used for free, even commercially. While the company is the beneficiary in this example, it can also potentially benefit the work by uncovering a forgotten treasure.

An example of this is the movie *It's a Wonderful Life*. When the film was first released in 1946, it was only marginally successful and was quickly forgotten. However, the film's copyright expired in the 70's and though it was

qualified for protection for another 28 years, the license was not renewed. The film then entered the public domain, which meant that television stations could play the film without a license and without paying any fees to the creators. The result was television stations playing the film non-stop during the holidays. This was a low-cost way for television producers to attract viewers without having to pay any royalties. Eventually the rights were reserved for *It's a Wonderful Life*, but because it was seen by so many, we now consider it to be a Christmas classic.

As the years pass, creative works will continue to enter the public domain. In 2024, Disney's "Steamboat Willie" and its star, Mickey Mouse, will officially enter the public domain, barring any congressional rulings to further extend protection. Given the impact that Mickey Mouse has had since first appearing in 1928, one can only imagine the cultural effect of the free and unlimited use of the character. Not to mention the economic impact this could have on Disney who will no

longer be able to collect royalties for the use of what is essentially the face of their company and their brand.

The main purpose of intellectual property protections is to encourage creativity. Supposedly, if artists can have their work protected by law, they are more likely to create. There are many who argue that the length of U.S. protections actually suppresses creativity, preventing creators from creating works inspired by others. After all, our current terms make it unlikely that those who were alive to enjoy a work upon initial distribution will see it enter the public domain. Nevertheless, no matter which side you are on, we can all agree that Public Domain Day is worth celebrating and will perhaps be even more so as the years go on, and works more familiar to us become accessible.



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