



California Western students honored for pro bono, public service

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"Pro bono and public service work are very much in our DNA here at California Western." So said Niels B. Schaumann, the law school's president and dean, as he welcomed honorees and guests to the induction ceremony for the Pro Bono and Public Service Honors Societies.

More than 100 students were named to the two societies for giving more than 13,000 hours of their time for either pro bono or public service legal work over the past year.

"This is just fantastic," Schaumann told the students. "You are uniquely suited to help people with a legal problem when they would not be able to get help otherwise."

Keynote speaker Jeffrey S. Isaacs '68, a member of the board of trustees and recently retired partner at Propcopio, talked about how although he was doing well in his law firm, he realized he "wasn't making a difference in anybody's life."

That was the epiphany that led Isaacs to pro bono work.

"I started representing people and didn't charge them," Isaacs said. "I didn't want to just serve only the other partners, so my salvation came not from within the firm but from without the firm." Isaacs' message hit home with 2L Clinton M. Pierce, who says his career path will be in public service law.

"I definitely know I'm going into public defense," Pierce said. "Hearing Mr. Isaacs was really inspiring for me and set in stone that that's what I want to do."

Rewarding is a term many of the inductees used in describing their experiences with pro bono and public service work.

"Extremely rewarding," said 2L Arcelia N. Magaña. "It's so helpful to take the knowledge that you've gained in law school and the knowledge that you've gained in the real world, and apply it to help people who don't have access to that knowledge." Magaña worked at both the California Western Community Law Project (CLP) and the Legal Aid Society.

"Giving back to the community is really rewarding and doing it on behalf of California Western is even more so," said 3L Joanne L. Heilbrun, who completed her public service work at the U.S. District Court for Southern California.

"I like the feeling of giving people something that they just couldn't find anywhere else and being able to help them," said 3L Ian E.R. Smith, who provided pro bono work for both CLP and the San Diego Volunteer Lawyer Program.

"This is why you become a lawyer," Schaumann said. "You pay it forward."



New attorneys face challenging job market in San Diego

By Sydnie Moore, Special to The Daily Transcript
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Despite the improving economy, San Diego's legal landscape has changed. As a result, the job market for recent law school grads here remains tight, with many law firms downsizing and adapting a much more conservative approach to hiring.

Richard Huver, president of the San Diego County Bar Association, said that as a byproduct of the recession, many law firms have downsized or merged.

"Now, there are many more small, boutique firms versus big law firms in San Diego," he said. "Close to two thirds of our members are in firms of five or fewer attorneys."

Matthew Lab, assistant director of the career and professional development office at California Western School of Law, concurs.

"San Diego is basically a small to midsize law firm market -- 83 percent of law firms here have under ten employees."

Lab said that another offshoot of the economic meltdown is the emergence of the non-partner track. "In the old days, attorneys were hired to be on track for partnership, but now there is a new class of attorney: the staff attorney or career associate."

This is a simple cost-saving alternative, he said. Following the recession, "corporate clients now have more leverage in terms of billing and do not want to pay for training anymore."

Julie Remer, assistant dean in the office of career and professional development at the University of San Diego School of Law, said hiring by law firms today is a lot more measured and restrained than it was ten years ago.

"Law firms do not want to take on new attorneys if they are not sure the work will be available," she said. And "clients do not want to pay for work of junior associates."

Notwithstanding changes in hiring trends, experts see the legal market here picking up, albeit slowly. "Overall, the San Diego market is improving at a slow but steady pace," Lab said. "We are tracking the state in general, but because San Diego is a smaller insular market, it is trailing the Bay Area and Los Angeles."

Remer agrees. "It is a slow trend, but things are getting better for our graduates, who are moving into better jobs at established firms."

However, she said that San Diego is a small and tough market, and the key to finding employment is to gain hands-on experience -- however possible -- via internships, pro bono

work and more.

Remer said that the California bar will soon mandate more hours of hands-on training. With this in mind, USD is adding opportunities for practical experience.

“We really emphasize hands-on work, with legal clinics, pro-bono opportunities and internships.” To gain invaluable experience, Jeffrey Chin, director of career services at Thomas Jefferson School of Law, said he often encourages students to look outside San Diego for entry-level positions in Los Angeles, Orange County and Riverside.

“The market [in San Diego] is still challenging for entry-level attorneys,” Chin said. “They can always come back here after they get some experience.”

Another solution for many is to start their own practice.

“We are seeing more attorneys hanging their own shingle after law school,” said Huver, who also runs **The Huver Law Firm**. Chin adds that some students may venture out as a solo practitioner for a year, and then find new opportunities after that.

Regardless of whether they work in a big corporate firm or branch out on their own, certain practice areas are predominant in San Diego.

“Civil business litigation is the bread-and-butter work,” Remer said. “And intellectual property is always hot here -- especially if you have a technical engineering background or a Ph.D. in life science.”

Lab sees high demand for students with a background in computer science or engineering. “Estate planning is picking up, and employment law is typically strong.”

Another distinct trend in San Diego -- and nationwide -- is shrinking law school enrollment. According to the Law School Admission Council, the number of people applying to law school is down 8.5 percent from last year.

Remer said as class sizes get smaller, the balance between the number of jobs and employers is remaining steady or growing. “With the number of incoming students shrinking, today’s graduates will be in better shape in coming years.”

Add to the equation the imminent retirement of nearly 786,000 baby boomers who now represent half the lawyers in the country.

Lab said when baby boomers retire, there will be a shortfall of attorney positions not being filled, fueling a demand for lawyers. “When you look at raw numbers, I am bullish and excited about the future -- despite the changing legal landscape.”



Local educators express mixed views about proposed experiential learning requirements

By [Lyle Moran](#), The Daily Transcript
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The legal industry has been criticized for years for not offering the hands-on training to future attorneys that students pursuing careers in other professions, such as medicine, receive. In a move that could address those critiques, the State Bar of California's board of trustees has adopted new training requirements for law students that emphasize experiential learning.

One of the proposed mandates, which still must be approved by the California Supreme Court and the state Legislature, requires law students to complete 15 units of practice-based experiential training during law school.

Besides courses on topics such as pre-trial preparation and oral advocacy, students can also count units awarded for participation in legal clinics, externships and apprenticeships toward meeting the standard.

Officials from San Diego's law schools say they support the broad concept of more hands-on learning for their students.

But there are some differences in opinion among them about whether a mandated number of credit hours are necessary and will be beneficial for aspiring lawyers.

Margaret Dalton, faculty director of Clinical and Placement Education at University of San Diego School of Law, said she strongly backs the bar requiring experiential learning.

"It is amazing how long we have gone without requiring it," Dalton said. "You need to learn the fundamental skills and practice them in a real-life context."

She said she believes most USD Law students are already meeting the proposed standard because of the mix of course offerings and hands-on activities the school offers. USD Law has 10 different free clinics, ranging from focusing on immigration to entrepreneurship, where students can provide legal services under the guidance of a practicing attorney. Last year, 160 student interns in the clinics logged more than 20,000 hours of work.

Topics of simulation classes include mediation, negotiation and trial advocacy. Dalton said she would support the new 15-hour requirement being applied to students entering law school this year.

She expressed disappointment though that the State Bar's proposal permits students to meet the required credit hours solely by taking simulation courses, which she said do not involve actual clients or transactional work.

Dalton said she thinks the agency should mandate that a portion of the credit hours be fulfilled through more realistic experiences, such as legal clinics or field placements.

Linda Morton, California Western School of Law's associate dean for experiential learning, said she too is supportive of an experiential learning requirement for law students.

More than 75 percent of California Western students already satisfy the 15-unit requirement and the rest would likely just have to take an extra course or two to get there, Morton said.

She pointed to the school's Skills Training for Ethical and Preventive Practice and Career Satisfaction initiative, known as the STEPPS Program, as one example of the school's commitment to hands-on learning.

Through the program, second-year students take two courses emphasizing fundamental legal skills, such as drafting documents and negotiation, in addition to learning about ethics within a professional setting.

The school also offers students more than 35 simulation courses, as well as the opportunity to participate in its internship program and a variety of legal clinics.

Morton said her position focused on promoting experiential learning is additional evidence of the school's backing of that style of education.

"At California Western, we have been training our students for professional practice for a long time," Morton said. "I think that is why we are in good shape not only to adopt, but to support this 15-unit requirement."

But not all local law school officials are as enthusiastic about the proposed standard. Thomas Guernsey, dean and president of Thomas Jefferson School of Law, said requiring more experiential learning is a great idea in the abstract, but it will create unintended consequences. One of the drawbacks, he said, is that law school students will have fewer opportunities to study other areas of the law not required by the bar examiners, but that are of interest to them.

Guernsey gave intellectual property law, a growing sector of the industry, as one example of a subject fewer students would have the ability to study if the new requirements go into effect. "With the bar imposing 15 units of experiential learning and bar examiners requiring all these subjects to be on the bar exam, you have essentially required all of law school," Guernsey said.

The dean also highlighted that the California bar's proposed mandate would be nine units more than the experiential learning requirement approved by the American Bar Association last year that is expected to be phased in during the years to come.

Courses that qualify for the ABA practical skills requirement would also satisfy California's mandate.

Guernsey suggested the State Bar examiners should reduce the number of subjects that are tested on the exam, which he said would free up time for students to take experiential courses.

Morton, from California Western, agreed that requiring students to be proficient in a dozen different subjects tested on the bar exam, in addition to the 15-units requirement, could prevent students from in-depth study of their areas of interest.

“Twenty-first century law practice requires in-depth knowledge of and experience with specific subject areas, not a broad range of knowledge over very different areas of practice,” she said.

Niels Schaumann, dean of California Western, said even though his school should have no problem adapting to the 15-units requirement, he is not a fan of the State Bar trying to mandate curriculum changes in legal education.

He expects deans from top law schools nationwide will also weigh in on the topic at some point because they all send graduates to California who will seek to pass the bar here.

“It would be a mistake to think this would only affect California schools,” Schaumann said.

No timetable has been set for when the proposed training requirements approved by the bar’s board last fall will be taken up by the Supreme Court and the Legislature, said Laura Ernde, a spokeswoman for the State Bar of California.



Law schools question bar exam scoring transparency

By **JAMES PALEN**, The Daily Transcript
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Looking at the most recent bar exam passage rates of the state's 21 ABA-approved law schools, the deans at two local schools express reasons to cheer. But at the same time, they're expressing some criticism, aimed not at the test-takers, but rather at the test administrators.

Just prior to the start of the new year, students who took the bar exam for the first time in July 2014, and the deans at the schools they recently graduated from, found out how their performances compared to those of other schools in the state.

Both the University of San Diego School of Law and the California Western School of Law produced students who passed the bar at a rate above 71 percent — 72.7 percent for USD students and 71.3 percent for California Western students -- surpassing the average performance of 69.4 percent for all of the 21 ABA-approved schools in the state.

UC Berkeley topped the list with a pass rate of 88.3 percent. Thomas Jefferson School of Law performed was just shy of 45 percent. Ranking the state's 21 ABA-approved schools by their pass rates, California Western came in No. 11, while USD was at No. 10.

That's the highest USD has ranked in seven years against other California ABA schools in the biannual release of comparative test results. Meredith D'Angelo, USD's assistant dean for law student affairs, said that over the past several years, USD has designed a "robust" program focused on bar-taking skills, which she partially credits with helping students there pass the bar at rates near or above 70 percent in recent years.

"USD really doesn't teach to the bar, but we have developed programming to help our students develop their bar exam skills," D'Angelo said.

Offering bar exam preparation through all three years of a student's time at USD, that programming includes one-on-one counseling, a bar exam introduction workshop, the USD Bar Exam Conference and a commitment to setting up test scenarios for each class that are as true-to-life as the school can provide.

About a month before the next bar exam in July, for example, USD will rent space in the San Diego Convention Center to host a one-day bar simulation, in which the students will participate in a mock exam in the actual venue the bar exams are held in.

"I'm sure they'll be thrilled," D'Angelo said with a sarcastic chuckle.

She said USD is in the middle of a comprehensive assessment of each of its preparation programs, sending out surveys about each event. But finding out how valuable they are to current students is a challenge, she added, since they haven't taken the bar exam yet. The information gathered will be coupled soon with the next round of bar-takers to get a more

accurate picture, D'Angelo said.

Where California Western ranks in the list comes as no surprise to Niels Schaumann, dean of the California Western School of Law. He says the school has built a history of outperforming — in terms of bar passage rates — certain law school rankings systems he's been vocal in his criticisms of, such as *U.S. News & World Report's* annual list of the best graduate schools in the country.

"When I talk to prospective law students, there are two things that they mostly care about — bar passage rate and employment rate," Schaumann said.

Given that California Western has consistently in recent years been higher on the list of actual bar performance than it has been in more subjective "best of" lists, Schaumann said that at some point, one has to wonder: "What exactly is *U.S. News* supposed to be measuring anyway?" From a student's perspective, he said, the bar pass rate data appear to show the most relevant information that more subjective rankings fail to. That, he said, includes what happens after graduation, and because a lawyer can't really be a lawyer in California without passing the bar, passage rates directly affect employment rates.

California Western's passage rate of more than 70 percent is not an aberration, Schaumann said, and the numbers back him up.

"I don't think we've over-performed, because where we are this year, both in terms of employment and bar passage, is pretty consistent historically with where we've been," he said.

"We've typically been somewhere near the middle."

Going back at least three years, California Western has indeed performed relatively similarly against its in-state competition, and sometimes even better.

Results from the February 2014 bar exam showed the school finished ahead of eight other ABA-approved schools with a 72 percent pass rate. The July 2013 results weren't as favorable, as California Western finished above five other schools, but in February 2013 the school finished in a three-way tie ahead of 10 other schools.

The July 2012 results showed California Western with a 77 percent pass rate — good enough to finish ahead of eight other schools and in a tie with another, while in the February 2012 test, California Western posted a 78 percent pass rate to place No. 2 among its competition.

California Western finished above the statewide average for bar passage in five of those six exam terms.

Still, Schaumann, who's been dean at California Western since August 2012, said he sees for the school opportunities for even better outcomes in the future. Part of what sets California Western apart from other law schools, he said, is its bar preparation for students, both before and after graduation.

That's where Shane Dizon, California Western's assistant dean for academic achievement, comes into the picture.

Though relatively new to California Western — he came to the law school last year after working for Hofstra University — Dizon said he's already realized that he's come into a program more

focused on bar exam success than he's seen elsewhere.

"It really starts in earnest in the second year," Dizon said.

Students are given a chance to take early bar preparation courses that he said not only cover material frequently tested on the bar exam, but simulate realistic bar exam conditions.

"We think -- and we know -- it's important to also provide context in the bar exam perspective because the exam is so important," Dizon added.

Almost all California Western students take the school's more major preparation course in their third year, right before the trimester that empties into the traditional bar preparation course — offered in May for July exam-takers and in December for February test-takers. The multiple course offerings in bar preparation give a perspective of what's to be expected in bar preparation and on the bar exam itself, Dizon said.

"(It's) the juggling of not only multiple subjects but also multiple question types," he said, which offers chances for students to give feedback. "Once students get to bar prep itself, we do feature a bar review course that gives them, again, lots of opportunities for feedback, gives them a little bit longer to digest each subject."

And the community at California Western reinforces that culture of success, he said. On-call tutoring, the provision of time with professors to discuss test subject matters before that specific subject comes up in the review course, and bonuses — such as students occasionally being provided food so they can stay to keep studying — make up that culture.

Earlier this year, *National Jurist* magazine ranked California Western No. 12 in the nation in listing the best law schools for bar exam preparation. The magazine compared schools' LSAT scores to their bar passage rates, trying to find a statistical correlation using linear regression. That analysis found that using LSAT scores, accounting for differences in state to state in bar pass rates, 62 percent of law schools' bar pass rates could be predicted within 5 percentage points.

California Western outperformed its expected score, the magazine reported.

Using LSAT data from the classes of 2011 and 2012 for an average LSAT score of 153, the school would have been expected to achieve a bar pass rate of 71 percent, but as noted earlier, achieved an actual pass rate of 78 percent in February 2012.

That outperformance somewhat correlates with Schaumann's belief that at schools that focus heavily on bar exam preparation, LSAT scores are not necessarily a reliable predictor of bar passage. And that sentiment plays a part in the criticism many have expressed of the most recent bar pass rate scores, and the transparency of the National Conference of Bar Examiners, which administers the bar exam.

At last July's bar exam, there were several documented problems with the software students had to use to answer the essay portion of the exam. When the bar results were released, many deans were surprised at the overall drop in passage rates — not just at individual schools or in individual states, but across the country. The July 2014 percent pass rate of 69.4 percent for the 21 ABA-approved California schools, for instance, was significantly lower than the 75.9 percent

pass rate observed in July 2013.

When deans began questioning the NCBE about the scores, with some asking for openness regarding the scoring process undertaken, the NCBE said the drop didn't reflect any problems with its test administration, but rather a less-able July 2014 class of test-takers. Schaumann said the NCBE pointed to recently lower LSAT scores as backup for its claims.

But Schaumann said it's plausible to believe those software issues had an effect on student performance.

"The performance decline was not in the essay portion, per se; it was in the multistate (portion of the exam)," Schaumann said.

But the essay portion is administered the day before the multistate exam, and many students reported staying up well past midnight trying to upload their essays, which had been constantly rejected by the system, he added.

"It was an immediate and obvious bandwidth problem and (NCBE) were totally unprepared," Schaumann claims. "Putting myself in (the students') shoes, if I stayed up until 3 in the morning trying to upload my essay — maybe not even succeeding — and then having to be at the multistate the next morning, I might not do as well as I would have otherwise."

Schaumann unequivocally says he doesn't buy into the NCBE's assertion.

"I don't accept that at all because the LSATs of the class that graduated last year hadn't really declined at all," he said. "If they were down a point, they were nowhere near as significant a decline as we saw in the bar pass results."

Over at the USD School of Law, Dean Stephen Ferruolo has asked the NCBE to provide details about how it scores the Multistate Bar Exam.

Assistant Dean D'Angelo said that to her knowledge, Ferruolo hasn't had any success in getting NCBE to comply with that request.

-Submitted by California Western School of Law.



California Innocence Project seeks clemency for 11 inmates

By [LYLE MORAN](#), The Daily Transcript
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A judge approved Michael Hanline's release from prison in November after he served 34 years of a life sentence for a murder in Ventura County he did not commit.

Hanline, believed to be the longest-serving wrongfully incarcerated person in state history, was the first of 12 people to secure his freedom from a list of those for whom the California Innocence Project has sought clemency.

Staff from the project, family of the remaining members of the "California 12" and supporters gathered Monday at California Western School of Law to raise awareness about efforts to free the others.

"One down, 11 to go," said Justin Brooks, director of the California Innocence Project. "We are not done until we are done."

Brooks said the list was made up of cases in which there was compelling evidence of innocence, but his team was running out of legal remedies they could pursue in the courts.

That is why the project, a clinical program at California Western, has asked Gov. Jerry Brown to grant clemency for the rest, most of whom have spent more than 15 years in prison.

"If the governor looks at them, he will see there is strong evidence of factual innocence, they have been in prison a long time and there were problems with their trials and procedures," Brooks said.

Evan Westrup, a spokesman for the governor, said in a statement: "While we do not comment on individual cases, we've had a number of conversations with the Innocence Project and its materials are being reviewed."

As part of Monday's events, some of those present were scheduled to walk from downtown to Ocean Beach to commemorate a 712-mile march the Innocence Project led two years ago from San Diego to Sacramento.

The goal of the previous Innocence March was also to raise awareness about the California 12, and it concluded with members of the Innocence Project meeting with officials from Brown's staff.

Attendees at Monday's commemoration wore shirts depicting a license plate on the front that said "XONR8" and "Free the CA 12" on the back.

Darleen Long of Corona, whose daughter Kimberly Long is one of the 11 remaining members on the clemency list, was among those who addressed the crowd before the walk.

Kimberly Long was convicted of the 2003 murder of her boyfriend, despite viable alternative suspects and thin evidence against her, according to the Innocence Project.

Long was sentenced to 15 years to life and has been imprisoned for six years.

Her mother — who wore a black shirt that said "Actually factually innocent" on the front and "Free Kimberly Long" on the back — urged those in the crowd to do everything they could to support the Innocence Project's efforts to help her daughter and others receive clemency.

"We have an injustice and we need to push that injustice," said Darleen Long, 68. "We want our children home."

The families of Ed Contreras and Guy Miles, two other members of the California 12, were also present Monday.

Contreras is incarcerated for a Los Angeles County murder despite the recantation of the prosecution's key witness; Miles is incarcerated for a robbery in Orange County after a witness is believed to have misidentified him and others have confessed to the crime.

Mabel Miles, Guy's mother, said she is grateful for the California Innocence Project's work on her son's case and its other activities.

"They have been such a wonderful help in just helping us get the attention regarding his case, otherwise I don't know what we would have done," said Mabel Miles, 71.

One man who was freed after more than a dozen years in prison for a rape he was wrongfully convicted of said he hopes to join the efforts to assist the California 12 and others like them.

Herman Atkins, who was released in 2000, said he is studying at California Western to be a defense attorney with the California Innocence Project.

"I want to help others get out," Atkins told the crowd.