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## The Cross Examiner

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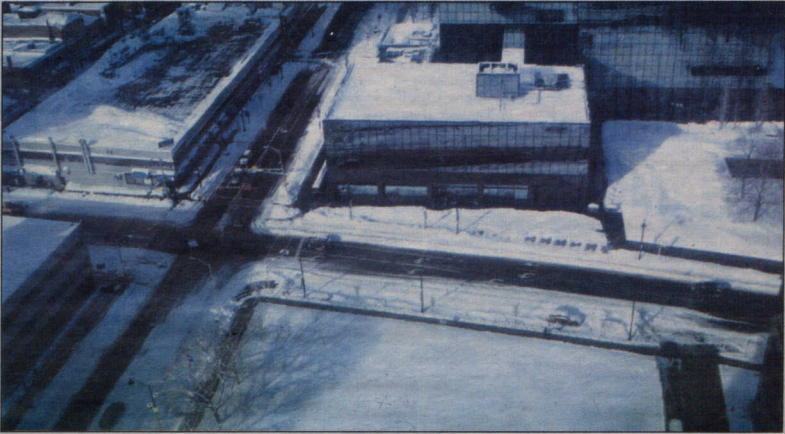
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OPINION

## You call this "spring" semester?



*Joe Luppino-Esposto*  
Snow day: Newark, as seen from 19 floors above SHU Law, has been pelted with snow, and it continues into this week, even as most of it has melted. Treacherous driving conditions have caused the cancellation of many classes, which will keep students in the classroom a day longer this April.

## With unrest in Egypt, Cairo program hangs in the balance

**Joe Luppino-Esposto**  
*Publisher*

The fate of the Cairo summer study abroad program hangs in the balance in light of the anti-government protests in Egypt. According to Professor Bernard Freamon, he, along with Seton Hall Law administrators and representatives from the American University in Cairo, intend to make a final decision by March 1.

Freamon said "Our program has already been through terrorist bombings, two Arab/Israeli conflicts, an uprising in Gaza, the Israeli/Lebanon war, 9/11, and two years ago, we dealt with a bout of the swine flu. So our program has a lot of experience in dealing with crisis in the Middle East. This is nothing new for us."



*Phil Ryan*  
Yearn to learn, return: Freamon has led the Cairo study abroad program for years, but Egyptian unrest threatens to cancel it this summer.

Phil Ryan, a 3L, enjoyed his past two summers in Cairo. "I'd go back to Egypt right now if I could," he said. "The thirteen weeks I spent in Egypt, exploring Cairo, interacting with Egyptian people, seeing Egyptian sites, and learning about

another culture, were some of the best weeks of my life."

This year's program is tentatively scheduled to run from May 28 to July 8, with an option to go on a cruise of the Nile River following the program. The 20 class sessions are held at the American University in Cairo and are taught by Seton Hall Law faculty.

The website now tells prospective students that the university will monitor the situation as it continues. The page also mentions the travel warning put out by the U.S. State Department that all non-emergency government personnel

evacuate the country. Freamon said that the program was suspended

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## Last Resort works to secure freedom for those who have been denied justice

**Victoria Gonchar**  
*Staff Writer*

On Thursday, February 3, guests from all over the greater New Jersey area packed the SHU Law atrium to listen to Professor Lesley Risinger and her colleagues launch the Last Resort Exoneration Project. Last Resort is a program focused on exonerating the wrongly convicted in New Jersey. Run by Seton Hall Law Professors Lesley and Michael Risinger, the program provides *pro bono* legal and investigative services to help wrongfully convicted inmates assert their innocence.

In addition to Lesley and Michael Risinger, the program featured many speakers, including Erik Lilquist, Senior Associate Dean;

Raymond Brown, a noted exonore attorney; and Barry Scheck, the co-founder of the Innocence Project at Cardozo Law in New York City. All the speakers were enthusiastic and extremely optimistic about the future of this new initiative.

Lilquist began the evening by highlighting Seton Hall Law's ongoing commitment to social justice and introduced the program as the first exoneration program entirely devoted to New Jersey. As he concluded his introduction he reminded the crowd that, "No system is perfect, and even with the best intentions, mistakes can and do happen. We can't give back the years lost and the lives shattered, but we do have a responsibility to correct these mistakes."

Risinger, the program's director, addressed the serious issue of wrongful convictions in the United States; that "the criminal justice system needs to face the reality of this problem." She noted that in the past 15 years, New Jersey alone has had eight exoneration, five based on DNA evidence. Raising spoke further of the Innocence Project and its mission to exonerate innocent individuals convicted of heinous crimes that they did not commit.

A previous client of Risinger's, Luis Rojas, was in attendance as she told the story of his wrongful conviction and four and a half year incarceration before his exoneration. Raising described the teamwork necessary to succeed at such a difficult task and acknowledged all

"We can't give back the years lost and the lives shattered, but we do have a responsibility to correct these mistakes."

the individuals who have worked for such a worthy cause, such as the law enforcement officers and prosecutors, who "braved the wrath, scorn and ridicule from others, but still stood up as witnesses and spoke the truth."

Also present during the reception were exonorees who were wrongfully convicted and imprisoned for the crimes of others. Byron Halsey and

**EXONERATION PROJECT**  
continues on page 5



# Crisis on the New Jersey Supreme Court

**Evan Lazerowitz**  
Staff Writer

The New Jersey Supreme Court is facing a constitutional crisis, and Seton Hall Law Professor Edward Hartnett is right in the thick of it. Last May, Governor Christie declined to re-nominate Justice John Wallace to the Supreme Court, appointing Anne Patterson to replace him. Christie cited what he believed was the increasing activism of the court as his reason to drop Wallace. In protest of his decision, the New Jersey Senate, run by the Democratic Party, has refused to hold hearings on Patterson until 2012, when Wallace's term would have expired.

As a result, a vacancy now exists on the state supreme court, and under the New Jersey Constitution, the chief justice

has the power to appoint a temporary replacement. Chief Justice Rabner did just that, appointing Judge Edwin Stern of the Appellate Division to the court, citing an increased workload. This situation was fairly noncontroversial until December, when Justice Rivera-Soto announced that he would abstain on all decisions so long as Stern remained on the court. Rivera-Soto relied upon a law review article written by Professor Hartnett entitled "Ties in the Supreme Court of New Jersey," that argued that the chief justice only has the power to appoint a temporary replacement to create a five-member quorum (The court currently has 6 members). The court responded with its own opinion justifying the Chief Justice's general appointment power. Hartnett, for his part, is "happy that this scholarship is being taken seriously," but

still believes that the court, in its decision justifying the appointment power, "didn't persuade [him] that they were right."

Since then, Rivera-Soto has tempered his stance, and said that he will participate fully in all cases where Stern's vote is not outcome determinative. In cases where the temporary justice's vote would affect the case, he says he will make that decision if it becomes necessary. Hartnett believes that this reversal was a wise decision, comparing the situation to Justice Brennan's death penalty decisions. "Justice Brennan always voted against the death penalty because he believed it was unconstitutional in all circumstances, but in each case, still argued against the death penalty on the merits of the individual case." In this sense, Hartnett believes Rivera-Soto's decision is "a step in the right direction," because he can still participate in cases while continuing to argue that the majority is wrong.

As for the implications of the Chief Justice's ability to choose additional members, Hartnett says that with current political conditions, it is conceivable that Chief Justice could appoint up to three temporary justices to fill vacancies. He is not convinced by the court's explanation that the word "necessary" in the constitution gives the Chief Justice absolute appointment power. If one accepts the majority's reading then, "if the [appointment] trigger is to seven, then that makes the quorum requirement irrelevant," as the court would always have seven members. Hartnett worries that a logical extension of this would allow the court to add additional members beyond seven if the caseload increased. This power was proposed at the 1947 New Jersey Constitutional Convention, but as Hartnett notes, was explicitly rejected.



Courtesy Seton Hall Law

**Man of the hour:** Hartnett is one of the preeminent experts on New Jersey's 1947 Constitution.

While he lauds Chief Justice Rabner, Hartnett notes that the court may not always have such a scrupulous leader. The New Jersey Constitution, after all, was written in the aftermath of "I am the law" Frank Hague, the notorious "boss" of Jersey City, who controlled much of the judiciary. If the Chief Justice has discretion to choose a temporary justice, it could "change the perception of manipulation," as to the public's view of the Supreme Court. Hartnett is hopeful, though, that the Governor and other politicians can come to a reasonable compromise and solution. As seven members. Hartnett worries that a logical extension of this would allow the court to add additional members beyond seven if the caseload increased. This power was proposed at the 1947 New Jersey Constitutional Convention, but as Hartnett notes, was explicitly rejected.



Courtesy Seton Hall Law

**Decision of the 'Hart':** Justice Rivera-Soto's decision to abstain from cases relies on Professor Hartnett's law review article.

## Barrister's Ball is just around the corner

**Katie Sylvester**  
Staff Writer

Last semester brought unprecedented success with high attendance of SBA-sponsored social events.

In October, Fall Kick started off the SBA social calendar at Bahama Mama's in Hoboken, which was followed by November's Holiday Party at the always-classy Newark Club. According to Student Bar Association President Todd Tolin, it is the first time that both Fall Fest and the Holiday Party sold out. No surprising, the Student Bar Association will continue the tradition of hosting such popular social events this spring.

One of these events is SBA Social Chair Christine McCarthy's favorite event of the year, Barrister's Ball. McCarthy compares Barrister's Ball to something like a "law school prom," but states that "it is way more fun than your high school prom could possibly have been." The comparison to prom is likely due to the formal nature of the event.

"Some people dress to the nines, with tuxedos, ball gowns, scarves and updos, and many keep it a little more casual in

suits or cocktail dresses," said McCarthy. "Some people bring dates, but don't feel obligated."

According to McCarthy, a great aspect of Barrister's Ball is the opportunity for students, faculty, and administrators to come together and celebrate the year. Additionally, the winners of the SBA elections will be announced that night, and the gavel is passed from one SBA president to the next.

This year, Barrister's Ball is scheduled for April 15 at the Hilton Parsippany. The price will likely be under \$50, including an open bar, cocktail hour, and a full sit-down dinner. Because many students opt to stay the night and continue the party, the SBA will offer a unique new wrinkle at this year's Ball: post-Barrister's karaoke. "Law students, open bar, late-night karaoke? I am sure it will be quite memorable," McCarthy said.

Adding to the excitement of Barrister's Ball is the return of the Find the Pirate contest, where a free ticket to the Holiday Party was awarded to the student who found the magnetic Seton Hall pirate hidden in the law school.

According to Tolin, "this time, however, a silver and



McCarthy

gold pirate will be hidden within the school! The student who finds the silver pirate will win one ticket, and the one who finds the gold will win two!" He encourages students to stay tuned to the SBA blog for more details on finding the pirates and winning tickets to Barrister's Ball.

McCarthy encourages all students to attend, and to buy tickets early. "We spend so much time at law school learning and studying, that sometimes you forget to stop and enjoy the friendships that you make as well and celebrate all our hard work. Barrister's Ball gave everyone a solid chance to do just that. Come out and enjoy it. We've earned it."

**Have something to say?**

**Send letters to the editor!**

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### MISSION STATEMENT

Guided by faith, inspired by the good works of Mother Elizabeth Ann Seton and The Sisters of Charity, and continuing in the storied tradition of Seton Hall University, it is the mission of this student newspaper, *The Cross Examiner*, to bolster communication, ensure transparency, and encourage a proactive student body, so that with the rest of her University, the Seton Hall Law School may continue to foster excellence in scholarship, charity, and the passionate pursuit of social justice.

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## President Tolin reviews fall semester, looks ahead to spring



Courtesy Seton Hall Law

**Rally yer' mateys!** The Seton Hall Pirate stopped by to say hello to the lil' sprogs visiting during the SBA's new Family Day event.

### Katie Sylvester

Staff Writer

Student Bar Association President Todd Tolin considers the fall 2010 semester a success for the SBA because he says that the organization met many of its goals. Tolin cites new additions such as Family Day and Mentor Coffee Hours, and sold out social events including Fallfest and the Holiday Party.

"The SBA Blog is something that I am tremendously proud of," Tolin states. "No webpage as comprehensive or detailed as this blog has ever been available or as utilized by an SBA."

The blog, available at <http://blogs.shu.edu/sba>, provides contact information for every SBA member to facilitate student feedback to the SBA representatives, the SBA's governing documents, and SBA meeting minutes.

Tolin also cites excellent communication and cooperation with the law school administration as contributing to successes, such as reforms to exam policies and improvements to the Legal Research and Writing program.

"I have found that our administration and faculty are truly amazing people who are incredibly responsive to the comments and concerns I bring to them, and are very committed to making every student's experience here a great one," says Tolin.

After these changes in the fall, what can the student population expect to see this spring?

According to Tolin, keep an eye out for fun social events, kicked off by last month's

exciting Pirate Pride week, and changes to SBA internal procedures. Spring semester brings the anticipation of Barrister's Ball. One goal of Tolin's presidency was to make the annual event as affordable as possible. "Both the Social Chair, Christine McCarthy, and Director of Festivals Javier Diaz deserve much of the credit in making these events happen, as does our Treasurer, Tom Zuppa, who has really skillfully managed our funds so as to make these events more affordable than they've been in the past." Also, Tolin suggested that students be in the look-out for another "Find the Pirate" contest — and three more Barrister's Ball tickets up for grabs.

As for the new procedures in SBA structure, Tolin said "the Election Bylaws will see some more amendments to make them more fair.... There may be some proposals to help us have flexibility in timing rules where it affects organization formation. I want to make sure we leave the SBA running as smoothly as possible so that the next President can make an easy transition into office."

This semester will be Tolin's second and final as SBA president.

"I believe this time has been more of a success than I would have ever imagined last April, and for that I have to thank my amazing E-Board, and the many wonderful senators who are constantly stepping up as volunteers or advocates. Being president is pretty much a full-time job and one without set hours. It involves a lot of listening, a lot of talking, and a lot of coffee. But honestly, I've loved every minute."

## SHU Law adjunct professor Baroni a possible US Senate candidate for 2012

### Michael Collins

Staff Writer

Could a member of the Seton Hall Law faculty be New Jersey's next United States Senator? Adjunct Professor Bill Baroni was recently suggested in a Bergen Record op-ed as a candidate that "potentially stands out" to run against Senator Bob Menendez (D-NJ) in 2012. Mark Greenbaum floated the Baroni candidacy, arguing that if he won the election, he would make the race against Menendez "instantly competitive."

While columns such as Greenbaum's encourage Baroni's candidacy, other New Jersey political experts counsel restraint. Rutgers Professor of Political Science Ross Baker is quick to remind that Baroni has "made no unambiguous statements about running." Until that changes, Baker says that Baroni will still encounter the "usual New Jersey problem of never having run statewide," and thus lack name recognition.

At present, Baroni is the Deputy Executive Director of the Port Authority of New York and New Jersey. Appointed to this position by Governor Chris Christie, Baroni oversees the bi-state agency that operates, among other things, the area's three major airports, six Hudson River bridges and tunnels, PATH trains, Port Authority Bus Terminal, several ferry terminals, and the World Trade Center site. The Port Authority of New York and New Jersey has an annual budget of over \$7 billion.

Prior to the Port Authority post, Baroni was a state senator and assemblyman from New Jersey's 14th Legislative District. Independent pollsters describe the district, which encompasses the state worker-heavy region outside Trenton, as "basically a Democratic district." Baroni's record as a Republican victor in

this "left-leaning" district bodes well for running statewide in left-leaning New Jersey, argues Greenbaum.

If Baroni were to run, he would first have to win the Republican primary. Given Baroni's pro-labor and pro-gay marriage stance, Greenbaum concedes that Baroni may have a "difficult time" winning the nomination. But if Christie remains popular among Republicans and supports Baroni, Greenbaum reasons the governor's endorsement could be a "decisive imprimatur."

At this point, the general election prospects for Baroni or any other Republican challenger remain unclear. In a recent poll by Public Policy Polling (PPP), Sen. Menendez had an upside-down job performance rating around 37 percent, which PPP President Dean Debnam described as "weak." However, the poll also shows Menendez defeating potential Republican challengers such as state Sen. Tom Kean Jr. (R-Westfield), who previously mounted an unsuccessful challenge to Menendez in 2006. A head-to-head matchup of Menendez and Baroni was not polled.

Overall, it is an uphill climb for Republicans to win statewide in New Jersey, say political scientists. "Even when [Republicans] recruit the perfect candidate, like they did with Kean Jr. in 2006, they typically come up short," said Patrick Egan, Assistant Professor of Politics and Public Policy at New York University.

Menendez is potentially vulnerable to attack based on the "usual Hudson County corruption cloud that hovers over anybody in a 30-mile radius of Jersey City," adds Baker, "but [Republicans] have not been able to get anything to stick." He considers Menendez's reelection "unassailable" at this time.

Baroni could not be reached for comment on this story before print.

## Donate your used cell phones

### Denise M. Pinney

Special to the Cross Examiner

It's not too late for students to donate used cell phones to assist victims of domestic violence. In January, the Women's Law Forum, Family Law Society, and students participating in the Courtroom Advocates Project, Public Interest Network, and Student Outreach Society joined forces to begin a charity cell phone drive. The Seton Hall Law community is asked to place no-longer-used wireless phones, batteries, and accessories in any condition (from any wireless service provider) in the drop-box located on the security desk in the atrium. The drop box will be available through February 25.

According to 2L Edvie Clark, President of the Women's Law Forum, "all phones will be donated to Verizon Wireless HopeLine, which refurbishes and distributes cell phones to domestic violence organizations and law enforcement agencies for their domestic violence clients."

3L Katy Burritt Rockwood, President of

the Family Law Society, added, "HopeLine provides 3,000 minutes of free wireless service and can really help domestic violence clients who may be in crisis or in transition. Phones that can't be salvaged are disposed of in an environmentally sound way consistent with HopeLine's zero landfill policy."

Last year the Verizon Foundation provided Seton Hall Law School with funding for the Verizon Public Interest Fellowship Program to support six paid summer fellowships and one postgraduate fellowship in the area of domestic violence representation. 3L Shari Genser, Courtroom Advocates Project Coordinator, said, "CAP is happy to work with other student organizations to help individuals impacted by domestic violence. We provide support on a volunteer basis in the courtroom setting, so this kind of community service project is perfect for us."

For further information, students are encouraged to visit [www.verizonwireless.com/hopeline](http://www.verizonwireless.com/hopeline).



# When you need a book, Chris knows where to look

**Ryan J. Byrnes**  
Copy Editor

A law school library is not normally the happiest place on earth. At its best, it is a necessary evil; at its worst, it is the bane of an aspiring barrister's existence. It is visited out of necessity, and it is not uncommon for its inhabitants to sacrifice manners and pleasantries for the sake of their next deadline.

Notwithstanding the stress inevitably found in a law school library, Seton Hall Law boasts a remarkable library staff. Here, at the epicenter of law student life, one of Seton Hall Law's longest-tenured and most under-appreciated employees has made his positive impact felt every weekday for nearly two decades. In a place where stress often rules the day, Chris Brennan dedicates himself to making things easier for others, providing them with a friendly face, and extending them a helping hand.

Brennan, 38, has called the library at Seton Hall Law School his principal place of employment for 19 years. Monday through Friday, 10 a.m. to 6 p.m., he can be spotted working among Seton Hall's all-star library staff, packing the three floors of Rodino Library, tending to any task that presents itself. Brennan's official title is circulation clerk, the library's jack-of-all-trades, a catalyst that keeps the building's busiest room functioning throughout the daily chaos that is a bustling law school.

He finds books for students, makes copies for professors, converts video recordings onto DVDs, and attempts the never-ending task of keeping the printers stocked with paper. Brennan said it took him about three months to master the library's layout, and there was a time when he could be handed a book and was able to locate its place on the shelves without even checking its call number. Though the constant changes and renovations have made it more difficult for Brennan to maintain his mastery, he still enjoys traveling from South Orange to Newark every weekday morning to a job where his presence is vital.

"The pay isn't bad," said Brennan, who also enjoys the frequent holidays a school employee enjoys. "And I love my co-workers."

Like any job, a day in the life of a circulation clerk has its drawbacks. There's wrist and lower-back pain after a long day of stocking shelves, and the students' tendency to not leave things where they find them sometimes gets under his skin.

"Students moving all the chairs around," he said. "That's my pet peeve."

"It's a lot nicer when you guys aren't around," he joked, admitting there is something appealing about the relative quiet and lack of clutter that characterizes the library between semesters. That serenity has become increasingly rare, and Brennan says the library is now busy virtually year-round.

"The library used to be a ghost town until mid-semester. Now, it's like exam season on Day 1 of the semester."

Though the library has become a busier place, Brennan has adapted to the pace and served admirably. In 19 years, Brennan has never had a complaint filed about him, and even at the peak of the semester stress, he's never had a confrontation with a student. "They've always been respectful to me."

The library veteran, unsurprisingly, is a fan of books, though his favorite series – the science-fiction series "Red Wall" by Brian Jacques – isn't among Rodino's stacks.

**B**ut the 40 hours per week spent among the three Rodino floors hardly paints a full picture of Brennan. The avid nature fan has camped all over New Jersey, and his adventurous spirit and spontaneity have taken him all across the country. Five years ago, he had a dream about camping in the countryside of Iowa. The next day, he got in his car and drove west. Two days later, he had set up his camp in the fields of central Iowa and was introducing himself to the town's residents. He has camped in South Dakota with his father, and often travels to South Carolina to visit his nephew.

When he can't be outdoors, Brennan reflects his love of nature with his unique wardrobe. "I like carnivores the most," said Brennan, who can usually be spotted wearing some sort of wolf-themed shirt. Brennan said he is in the process of transitioning to more of a fox-centric wardrobe, though the change is easier said than done.

Brennan can also be spotted wearing sandals year-round, and though he prefers being barefoot whenever possible,



John Finnegan III

Seen it all: In 19 years, Brennan has observed many changes, not only in the library but in the students passing through its doors.

he is not immune to winter's inclement weather. "Yes, my feet get cold," he said. He wears his flip-flops as long as any given pair will allow, which is typically a few years before the straps inevitably give out. "It's always the straps that go."

Brennan hopes his sandals will hold out long enough to endure the 2012 massive renovations planned for the Rodino Library, as the library continues to modernize and keep up with the changing research and study habits of the students.

"We want to have more students come in and be comfortable with the library," Brennan said, which means following the successful trends of libraries across the country and going more electronic. "We're getting there, but we are struggling to catch up. Things have changed."

**B**rennan isn't sure where he sees himself in ten years. He hopes to continue to travel and camp in his free time, and still hasn't given up on his goal to one day work at Walt Disney World, which he recently visited with his sister. In the meantime, Brennan will be helping you find your next book, pushing in your vacant chair, and re-stocking your printers, and doing it all with a smile.

"Right now," he said, "I just take it one day at a time."

## Finnegan's Feature

# Far from a mockery: The SHU Law Mock Trial Team

**John F. Finnegan III**  
Managing Editor

**S**itting on a stool, in the far corner of Café Deni, are two advocates. Not just any advocates. Trial advocates. Both plan to pursue a career in trial advocacy. Both possess the confidence, poise, and precision to articulate their way to the top. And both hone their skills through the Seton Hall Law Mock Trial Team.

"I've always wanted to be a criminal prosecutor," explains 3L Alec Colquhoun, whom his peers voted co-chairman of the Mock Trial Team. "I joined the Mock Trial Team in the fall of 2009, and the experience has been fantastic." Colquhoun emphasizes the word "fantastic." He cannot help it. He loves the team. Colquhoun believes as the mock trial program has facilitated his development as a trial advocate and as a person, providing a foundation of litigation skills for him to draw upon.

"It's just engaging and fun," gushes 3LE Laurie Kelly, who has been involved with the Mock Trial Team for three years and is the only remaining team member from the 2008 fall semester try-out. Like Colquhoun, Kelly envisions pursuing a prosecutorial role at some point in her professional career. But for now, she embraces the challenge that is the mock trial program.

The Mock Trial Team is the only trial-level advocacy program offered at Seton Hall Law. Colquhoun dubs the program the "captstone" convergence of Evidence, Persuasion and Advocacy, and substantive law school courses. In a mock trial competition, students must assimilate the aforementioned classes and skills to produce a persuasive argument based on an assigned fact pattern. The competition covers every step of the trial process: pre-trial motions, opening statements, direct examinations, cross-examinations, and closing arguments. Because of each competition's extensive scope, Kelly says that students are expected "to prepare for and perform, at a minimum, three different roles during one competition."

Not only must students prepare for multiple roles, but they are required to perform "off note," that is, without any notes, outlines, or reference materials during a competition. Thus, the commitment level is intense. Colquhoun estimates that students practice fifteen hours per week, with preparation beginning about two months before the actual competition date. But the time commitment is predicated on when a team member is slated to compete, and not all team members compete every semester.

Currently, the Mock Trial Team boasts approximately 23 members. It is overseen by Director Jennifer DiTommaso, an adjunct professor who has gained significant trial experience as an Assistant District Attorney in Bronx County, New York. DiTommaso assists in the team's preparation and advocates on behalf of the program for funding. Colquhoun and Kelly describe her as a "hands-on, passionate" mentor who has steered the team to much of its success.

**W**hile the Mock Trial Team is 3L-heavy, interested students take note: there may be a Selection Competition in the spring of 2011. At a Selection Competition, the Mock Trial Team issues a one page fact pattern (civil or criminal) and informs students which side they represent. Students must craft a five minute closing argument based on the fact pattern, and their performances will be evaluated by a distinguished panel of judges, including the co-chairs of the Mock Trial Team, Ms. DiTommaso, and various practitioners from Gibbons P.C. Because practitioners are judges at actual mock trial competitions, the Selection Competition simulates the pressure and scrutiny that imbue a mock trial environment. Although 1Ls cannot participate in a competition until they have taken Evidence and Persuasion and Advocacy, they may still – and are encouraged to – try out for the team before taking these courses.

The Mock Trial Team is sending teams to three

competitions in the spring semester. At the Thurgood Marshall National Mock Trial Competition in late January, the team of Tiffany Stewart, Danielle Counts, Candace Johnson, and Reiah Etwaro made it to the second round in the regional round of the competition. In mid-February, two teams of three SHU Law students will compete in the National Trial Competition, Regional Round, in Philadelphia. And finally, a four-member team will compete at the American Association of Justice National Competition in New York City.

**I**f it all sounds difficult, you're right, it is! But Colquhoun and Kelly maintain that participation in the mock trial program is a rich experience. And they learn from each other. Kelly describes Colquhoun as "passionate and approachable; he is a great mentor to the younger members of the team." Colquhoun is impressed by Kelly's "attention to detail, which is unparalleled. Laurie is uber-prepared, and she's a great advocate on her feet." Asked her most memorable Mock Trial Team experience, Kelly tilted her head to the right and pondered. After a wistful pause, she said, "I think making the team stands out the most, and then, my first competition. I remember the nerves right before, and then just taking command of the courtroom." Colquhoun offered a different take. With a thin smile, he shook his head and said, "Coming so close, but coming up short in the regional semifinals of the National Trial Competition last year."

Snow begins to fall outside Café Deni. Colquhoun adjusts his bright green scarf and Kelly puts on her warm winter jacket. Ready to leave, they still graciously answer one final question. They cannot help it. They're advocates. "I think the mock trial program ingrains practical skills more than just a skills class," said Kelly. "It's a substantial commitment, but it is very rewarding." Colquhoun adds, "You're not going to argue in front of the Supreme Court right away. Mock Trial prepares you for what you will be doing right out of law school. It makes it tangible. It makes it real."



Chasing Amy:

# The costs of clerking



Amy F. Sieminski  
Columnist

Of the many job options out there, judicial clerkships are one of the most popular among graduating SHU Law students. And with the market for new attorneys still somewhat anemic, competition for clerkships is tougher than ever. Judges are getting more applications, and earlier than has been historically seen. For students hoping to snag one of these coveted positions, that means planning and starting early. The Seton Hall Law School Office of Career Services suggests waiting until the federal process is over before starting with state applications. The Office of Amy Sieminski suggests that you ignore that suggestion, and get your materials sorted and ready for mailing by the end of the summer, September at the latest. Use the summer to your advantage and get your stuff together. This process is fast, with positions offered the same day as the interview in some cases. As with everything in the legal field, time is money, and to secure that spot, you have to be ahead of your peers. Even August is not too early.

### Be Selective:

Like any job application process, there are costs that students should be aware of before they begin. Running out of funds midway through the process can delay the sending of your applications, which can cost you interviews. On the New Jersey state level, it is tempting to simply send an application packet to every single judge that is still breathing and within driving distance, which is every judge in New Jersey. Do not do this. Getting an interview from a judge in Cape May sounds great until you realize that its two and half hours away, and on the same day as an interview in Elizabeth. That

is not fun. Instead, be reasonable. Judges also will not want to interview you if you have zero connection to the area, so sending them your materials is a waste of paper. (Captain Planet would not approve) and money. (Mr. Crab would not approve).

One of the easiest ways to waste a ton of money in this process is to send out legions of application packets when there is no realistic chance that you will even get an interview. For the big time federal clerkships, take an honest look at your grades and your resume and decide if are less competitive, but still reputable state clerkships are more your speed. No one at career services will tell you this.

### Supplies:

Because of the sheer volume of applications that the average student sends out, the cost of pursuing a judicial clerkship can be quite high. For one, paper and envelopes are not cheap. You must use the fancy stuff if for no other reason than everyone else is using it, and this is no time to look stingy. The standard resume paper runs about \$14.30 per 100 sheets at Office Depot (you can do much better on Amazon.com where a 500 sheet box is around \$28.50). Envelopes cost about \$14.50 for a pack of 50 regular size (remember that federal applications require more materials and thus larger envelopes) and you can buy them in packs of 100 on Amazon.com for around \$23.00. I suggest planning for at least three to four sheets per application packet (resume, cover letter, grade sheet, and/or reference list) for state applications, and at least 4 for federal applications. Also, leave yourself some "screw up sheets." Nothing is worse than realizing a typo after hitting print on a 50 judge mail merge and not having enough paper left to remedy the crisis. Finally, consider postage. Career Services will pay for up to 75 state application postage mailings, and up to 100 for federal mailings. If you do not mind lagging your packets to school, this is a great way to save some money.

### Miscellaneous Costs:

Aside from the meat and potato costs of applying, it's important to factor in things like additional gas for driving to interviews, dry cleaning bills, possibly the cost

of another suit altogether (back-to-back interviews in the heat of September is more than some Febreeze can cure). Finally, never underestimate the necessity to budget for Advil and booze, but not necessarily for consumption at the same time, but they will inevitably be needed, as this process is not only expensive but mind melting, too. (For those not of the drinking variety, possibly creating a Rita's or Coldstone fund will do the trick).

### Salary:

For students, the most important number related to clerkships is the one appearing on their paychecks. The decision to pursue a clerkship will undoubtedly rest on whether students can afford to take them. While they provide great experience and a year's worth of deferment from this crappy market, some students simply cannot stomach making less than \$50K.

Unlike the private sector, clerkship salaries are relatively uniform. In New Jersey, for example, clerkships salaries start at \$43,437 for criminal, civil, and family court judges, and rise to \$57,090 for the New Jersey Supreme Court judges. At the federal level, students can expect a bit more. Federal employee salaries are governed by the Judicial Salary Plan, which, like the state system, sets the salaries in a scale by grade (type of employee) and by step (years working). Clerks starting directly from law school are experienced a JSP 11. Those with additional education or work grade can be graded a JSP 12. Salaries differ by region (adjusted for cost of living) with the New York/Newark region starting at \$62,729 (\$77,585 for a JSP 12); Washington/Baltimore: \$62,467 (\$74,872 for JPS 12); Philadelphia/ Camden: \$61,245(\$73,408 for a JSP 12).

For those who look at a clerkship as an opportunity to gain valuable experience, expand your legal network, and pay the bills (your parents might still need to pick up the blackberry tab, but it's a start), I suggest getting your supplies in order, your lists edited, and digging right in over summer break. Because most judges like to have their clerks selected by fall, scoring a clerkship means you can enjoy cruising through your last year with the job search over! I suggest giving it a go, and with some planning, you will net more than you will have shelled out.

# EXONERATION PROJECT:

continued from page 1

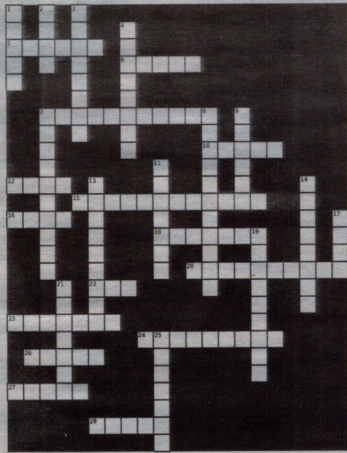
David Shephard were cleared of their convictions by DNA evidence. Halsey spent 22 years in prison before proved innocent; Shephard spent ten years in prison and worked tirelessly to find the evidence that would exonerate him. The two are now involved in the fight to help give a voice to others who have been falsely accused. Both looked on while Brown, an exoneree attorney who worked on Halsey's case, stressed the importance of their struggle for the exoneration of the innocent. "It's easy to pick on the people who don't have power," Brown emphasized, and further noted, "the justice system is not complete—there is still much work to be done and justice is in our hands."

Scheck, the co-founder of the Innocence Project, concluded the event by speaking about the critical need to focus on wrongful convictions in all areas of the law. He stressed the importance of a system that worked towards protecting the innocent and convicting the guilty. "We are in a digital revolution and we have the capability to change the infrastructure of the system. You don't need money, just the willingness to do it."

Scheck maintains complete faith in the project and hopes that five years from now he will speak again to celebrate the project's success.

Students interested in working for The Last Resort Exoneration Project can contact the program at LastResort@shu.edu.

## Snow Day! Meghan "Maddog" Chrisner-Keefe



- Across
- LRW room temperature
  - Invisible ice
  - Time of year when "Girls Go Wild" (two words)
  - 2008 Exam delayed by snow
  - Overall snowpants
  - Chocolatey warm-up (two words)
  - Snow remover/Awesome word for doing someone
  - Gloves alternative
  - Don't eat the... (two words)
  - Undocumented individual's nightmare
  - Pirates will win the Big East when hell \_\_\_\_\_ over
  - Umbrella of winter weather (two words)
  - Relax
  - Like dandruff, a bad date or a pastry \_\_\_\_\_ Bros
  - Bros \_\_\_\_\_ Bros
- Down
- Ear warmers
  - Mary
  - Poppin bottles in the ice, like a \_\_\_\_\_
  - Sled without skis
  - Winter necessity (two words)
  - Clumpy alternative to ice melter (two words)
  - Nosy snack
  - A man with three balls
  - Foreigner song (three words)
  - 1L year feels like this
  - Four-letter word
  - Winter workout
  - Devils turf (two words)
  - Booze chute (two words)

**Winter Weather Action Alert**  
All blood types needed.



**Seton Hall Health Law Forum Blood Drive**  
March 1, 2011 10 a.m. - 4 p.m.



## New Faculty Spotlight

## New scholar pleased to join "vibrant and dynamic community" at SHU Law

**Joe Kenny**  
Copy Editor

Last fall, Seton Hall Law welcomed a new scholar in the fields of international law, counterterrorism, human rights, and constitutional law.

Professor Jonathan Hafetz joins the faculty as an Associate Professor of Law, teaching courses in Civil Procedure and National Security Law. Hafetz recently remarked that he is "thrilled to be part of such a vibrant and dynamic community, and to have the opportunity to teach such bright and talented students."

An accomplished scholar himself, Hafetz earned a Juris Doctorate from Yale Law School, where he was Senior Editor of the Yale Law Journal. He also earned a Master of Philosophy in Modern History from Oxford University, and a Bachelor of Arts degree from Amherst College in the quaint western region of Massachusetts. In addition, Hafetz was awarded a postgraduate

Fulbright Scholarship studying social welfare in Mexico.

Following law school, Hafetz completed a series of federal clerkships with Judge Sandra L. Lynch of the United States Court of Appeals for the First Circuit and Judge Jed S. Rakoff of the United States District Court for the Southern District of New York. He went on to serve in a number of public interest roles with The Partnership for the Homeless, the American Civil Liberties Union, and NYU's Brennan Center for Justice. In addition, Hafetz practiced law, focusing largely on prisoners' rights and *habeas corpus* cases. He was lead counsel on a number of Guantanamo and other military detention cases, including *Al-Marrisi, Spagnuolo*, 129 S. Ct. 1545 (2009).

Hafetz taught as an adjunct professor at Hofstra Law School and Brooklyn Law School, though his career as an educator began in the 1990s when he taught history at the River Oaks School in Monroe, Louisiana.

As a faculty member at Seton Hall Law, Hafetz maintains an active research agenda. He recently published a book called "Habeas Corpus after 9/11: Confronting America's New Global Detention System." Also, he has published numerous journal articles. When asked to describe his active research, Hafetz remarked, "I am looking at US, counter-terrorism policy in an international context—by comparing it to policies in other countries. I am also exploring connections across different areas of law—for example, between counter-terrorism and immigration policy."

In addition to his role as an academic, Hafetz is married and a proud father of two sons named Ben and Sam, ages twelve and nine. He resides in Brooklyn with his family and



Courtesy Seton Hall Law

**GTMO to Newark:** In defending the indefensible, Professor Hafetz has demonstrated one of the finest traditions of the bar.

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## Your Net Trail and how it can cost you the job

**Mike Wilkos**  
Columnist

"We will be known forever by the tracks we leave."  
—Lakota Native American Proverb

## Cautionary Lessons from a True Story

As a rising second-year student, Felicia's law career was off to a great start. Although it was a hectic time with advanced courses, Law Review, and applications for summer jobs, Felicia had an excellent GPA and was able to obtain references from two of her school's most esteemed professors. She was on her way to being hired for a high-paying summer associate position that would help take care of her student loans and get her foot in the door of a highly competitive job market.

On the night before her first job interview, Felicia "Googled" herself out of curiosity during a period of procrastination. To her horror, her Twitter page was the first search result. When Felicia first signed up for Twitter, she listed her real name—first and last. Since 2007, Felicia regularly tweeted about her controversial political views and her tumultuous love life.

Felicia quickly made her Twitter account private. Problem solved, right? Wrong! On the Internet, there are hundreds of websites that leech off of Twitter, indexing tweets and account information. Although her Twitter account was now private, these other sites still displayed her old tweets upon Googling her real name.

But even more terrifying—her *Net Trail* was exposed. Everything she had done on the Internet under her one username could now be found by anyone who wanted to look for it.

## Your Net Trail: What is it and Why Does it Matter?

Your *Net Trail* is the accumulation of information—message board posts, blog comments, photos, Twitter updates, etc.—that you leave on the Internet whenever you post under a unique username.

The rising popularity of websites such as Facebook, Twitter, YouTube, and Myspace are problematic for job seekers because these sites present employers with another way to screen applicants. You don't want an employer to find your Twitter account that lists all of your innermost or controversial thoughts, and you certainly don't want an interviewer finding visual proof of just how much fun you had last weekend.

In addition to Felicia's above true story in which a simple



Jim Ward (flickr)

**Eyes on the prize:** When it comes to online employment, big brother might be watching you.

Google search of her first and last name revealed her username and Net Trail, consider the following scenarios.

## Scenario One: Unique Email Search

Let's say that for your whole life you have used the alias "Sample9687" whenever you posted on the Internet. Your email address is Sample9687@gmail.com, your Twitter email address is http://twitter.com/Sample9687, and your Facebook address is http://www.facebook.com/Sample9687 (activated through http://www.facebook.com/username).

A prospective employer gets your resume. At the top of your resume, is your contact information, including Sample9687@gmail.com. Either out of curiosity or standard screening procedure, the employer searches for "Sample9687" in quotes.

With one easy search, the employer has found your Net Trail. Rants, debates, videos, pictures, online journals, etc. are now at the employer's fingertips.

The employer finds your old Webshots account that you haven't touched since the beginning of college; in fact, you even forget it existed because you use Webshots anymore? A picture of you looking less than professional after a night of partying leads the employer to conclude that you are not the type of candidate that he is looking for.

## Scenario Two: Facebook Email Search

Your name is Chris Johnson, and you've done everything right. Your Facebook page, http://www.facebook.com/Chris19823, is private. In fact, you used a fake name—your

Facebook friends know you as "Big Chris Daddy," which you find hilarious. You've applied to jobs using your professional school email address, which is "chris.johnson@university.edu." However, you forgot that you registered for Facebook using your university email address.

The employer gets your resume and, as a standard screening procedure, she enters your email address into Facebook's search feature. The search returns one result—the profile for "Big Chris Daddy." Even though your Facebook profile is private, your picture and "likes" are still visible. Both come across as extremely unprofessional.

In the address bar of her web browser, the employer sees "http://www.facebook.com/Chris19823." Her interest is piqued and immediately she does a Google search for "Chris19823."

Chris's *Net Trail* is exposed. The search reveals that he has extremely strong political views that the employer does not find amusing. In fact, Chris frequently posted under

Chris19823 on CNN.com, vehemently flaming and cursing at anyone that disagreed with his viewpoints.

Needless to say, Chris is not hired.

## Internet Reputation Management Critical Advice for Job Applicants

Felicia is not the exception. Most people post online using the same username for everything that they do without even thinking about it. In fact, we believe that *Net Trails* will have a huge effect on politics in the near future. Think of how easily a candidate's past *Net Trail* could be exposed and used to cast doubt on his or her character.

For a comedic look at the future of *Net Trails* in politics, see comedian Pete Holmes' stand-up routine at around 1 minute and 10 seconds into the video located at http://comedians.jokes.com/pete-holmes/videos/pete-holmes—internet-sleuth.

The implications, of course, will vary for each individual. Some people have nothing to hide. Others do. Still, it is important to be aware that everything you do online leaves a discoverable *Net Trail*.

Being proactive and managing your *Net Trails* is an often overlooked aspect of getting a job. If you take anything out of this post, it should be this: if you want to be a professional of any sort, then you need to 1) reconsider what you are putting out into cyberspace, and 2) make sure anything private is either locked down or untraceable to your real identity.

Find out next issue how to protect yourself online!



# Cold start, warm experience

## A personal look at the Chamonix-Genève 2010-2011 winter intersession

**Frank Gonnello Jr.**  
Associate Editor

December 26, 2010. The snow was falling. Fresh powder, a depthless white, blanketed the silent landscape, making indiscernible mounds out of bushes, signs, and vehicles. Temperatures sank below freezing, dropping lower with the falling sun. It was a setting even Jack London would have had difficulty imagining, and a seemingly perfect start to a study abroad program in the Alps.

Only one problem: we hadn't made it out of Newark yet.

Due to blizzard conditions affecting transportation across nearly the entire eastern seaboard, 2010-2011 Chamonix-Genève Winter Intersession was temporarily put on ice for more than half of its enrolled 30 students. But, with a little ingenuity (driving a 17-foot U-Haul to Washington, D.C., to fly out from Dulles International Airport) and lot of patience (on hold with Continental Airlines Customer Service to book a new flight as soon as possible), everyone enrolled in the program made it to Chamonix, France in time to ring in the New Year—even if their luggage was late to the party.

Sill, we had arrived. For the next 10 days, we could forget about New Jersey, its airports, traffic, and awful snow removal procedures, and just bask in the glory of finally being in Chamonix, a world-renowned ski community at the intersection of the French, Italian and Swiss Alps. And that's exactly what we did.

For skiing and snowboarding fans,



Frank Gonnello Jr.

**View from the top:** The program's mountaineers enjoyed breathtaking views of the Chamonix valley, like this scene from the top of Le Grands Montets.

every day was a different mountain, as the French peaks of La Flégère, De Balme, Les Houcheys, and Les Grand Montets, Italy's Courmayeur, and Switzerland's Verbier were all just a bus ride away. The plethora of slopes and off-piste areas provided choices both for the beginners and the more experienced snow sportsmen. The elite even had an opportunity to traverse the Vallée Blanche, a legendary 10.5 mile run starting at Mont Blanc's highest point, with a guide (and a little bit of courage).

A host of other choices were available to those not looking to ski or board. Students were able to tour the illuminated innards of an ice glacier, ice skate at a local venue, hike snow-covered mountain bases, and of course, take free shuttles to different parts of the quaint French village for endless designer shopping.

Oh, and did I mention there was a class, too?

Yes, the main (read: minor) reason for our trip to Chamonix was the two-credit International Human Rights Law course led by Professors Lori Nessel and Carl Coleman. Through a very reasonable selection of readings and guest lectures,

this nine-day peek at international law topics provided the class with exposure to some of the most prevalent issues in today's global climate, including violations and protections relating to gender, labor, health, refugees, and migrant workers.

Even for those who prefer a library over snow-covered mountains, the trip was worth the plane-fare for the two enlightening visits to Geneva's World Health Organization (WHO) and International Labor Organization, and the United Nations Refugee Agency (UNHCR). There, the class was able to associate real human beings with the work being done to equalize the health and liberty of all global citizens. Presentations by several UN workers, some very passionate about their jobs (*understatement*), truly reinforced the human element oft overlooked in the faceless treaties, resolutions, and conventions we had been hearing so much about.

But a wise man once said, "turns out not where, but who, you're with that really matters," and this group was a testament to that truism. The 2010-2011 Chamonix-Genève Winter Intersession was an undisputed success for all of those fortunate enough to experience it, precisely because of the people experiencing it. Be it those from the Hall that already knew each other well, or those who only recognized one another only by the library cubicle they frequent, a bond was created that tied each of us to nearly two weeks of memories that can never be replicated. Add to that some non-

SHU students (e.g. a west coast amateur photographer, a French-American with a strict wine, olive, and cheese schedule, a dry humorist from the ATL, and an Aussie (*pronounced OZ-ee*) with an affinity for '90s alternative), and you're left with a fascinating ensemble more culturally diverse than the Village People.

Indeed, the 2010-2011 Chamonix-Genève winter intersession provided us with many opportunities to learn; from human rights to humanities, moguls to multi-state conventions, each of us could explore something new about the law, the world around us, and maybe even a little bit about ourselves.

So, while trials and tribulations may have marked the start of the trip, it was the positive experiences and new friendships that truly defined it. For that, Chamonix will forever shine in our memory like the sun off fresh, flight-cancelling snow.

Did you travel to New Orleans, Africa, or France this winter break? Share your experience in the March issue of The Cross Examiner!

for the will, picture all your dreams, her name is Snow Hall.



Thomas Barber

**SHUnited we stand:** Students enrolled in the program's International Human Rights course were treated to a tour of the United Nations World Health and International Labor Organizations.

Yes, the main (read: minor) reason for our trip to Chamonix was the two-credit International Human Rights Law course led by Professors Lori Nessel and Carl Coleman. Through a very reasonable selection of readings and guest lectures,

## CAIRO:

continued from page 1

for the two years following the terrorist attacks of September 11, 2001. "This is the most significant crisis since then," he said.

The problem now is the uncertainty and volatility of the situation. "The planning, and set up of the program, the purchasing of airline tickets, are not something that can be done at the last minute," he said. Because of the time constraints, "We need to fish or cut bait" by March 1, Freamon said.

Despite the turmoil, Freamon sees the bright side of the crisis. "This is an exhilarating time," he said. "We are proud and happy for the Egyptian people." But, perhaps ironically, the anti-government protests complicate



Phil Ryan


**Peaceful streets:** It remains to be seen if it will be safe for SHU Law students to return to Egypt.

the status of Seton Hall's program. "What Mubarak brought to the table, although at a high price, was stability," Freamon said. "A program like ours needs stability. But revolutions, by their nature, are not stable."

The end result of the Egyptian uprising could have long-term effects on the study abroad program. "Depending on the outcome of these protests, and depending on what the government looks like, it may not be the same America-friendly Egypt as we've experienced," Ryan said.

But Ryan, like Freamon, feels a connection with the protestors in the streets of Cairo. "When I watch news footage I instinctively look for

people I know. The Cairo Program makes the situation more real to me."



**St. Thomas More Chapel**

**Weekly Mass Schedule**

Tuesdays & Thursdays  
12:45 p.m.

Wednesdays  
5:15 p.m.

**All are welcome**



## New coaches have men's and women's basketball in shape

**Allison L. Martin**  
Staff Writer

With new head coaches for both the men's and the women's teams, the 2010-2011 season marks the beginning of a new era for the Seton Hall University basketball programs.

Coach Kevin Willard came to Seton Hall with an impressive coaching resume, including several seasons assisting legendary coach Rick Pitino in the NBA with the Boston Celtics. Willard came to Seton Hall from Iona



**Upsetting:** Herb Pope and the Pirates pulled off one of the biggest upsets of the year against Syracuse.



**Encore:** Junior Kandice Green will be looking to replicate her performance this season in her senior year.

College, where he led the Gaels to a 21-10 record during the 2009-2010 season.

"Coach Willard plays a pressing defense, with an up-tempo transition offense where the three-point shot is valued," said Patrick Hobbs, who serves as dean of Seton Hall Law and is also acting as the interim athletic director for the university. "It's a very popular style of play with players, so I think they've reacted really well."

The male Pirates are led by 6'5" senior and captain Jeremy Hazell. In November, Hazell broke the scaphoid bone in his left wrist, forcing him to miss almost two months of the season. On Christmas night, Hazell was shot in the arm pit during an attempted robbery in Harlem, but suffered only a flesh wound. Despite the injuries, Hazell is the team's leading scorer, averaging 15 points per game. Hazell currently ranks sixth on the Seton Hall all-time scoring list.

Herb Pope and Jeff Robinson have proven themselves to be key contributors to the team as well, both averaging double-figure points per game. Pope also has been a huge force on defense, with his average of almost 10 rebounds per game ranking him second in the Big East.

The Pirates opened Big East conference play with a big victory over the University of South Florida. Although the Pirates struggled since the opener, they came up with a huge 90-68 upset win over #9 Syracuse University on January 25.

"For the first time, we have our starting players and they understand what they are each doing on the court and are playing as a team," Hobbs said. "To beat Syracuse by 22 at the Carrier Dome where we've only won four times previously is really a big boost of confidence for these young men."

Coach Anne Donovan replaced the long-time women's Pirates coach, Phyllis Mangina, this season. Coach Donovan came to Seton Hall after leading the WNBA's New York Liberty to the Eastern Conference Finals last season.

Junior forward Kandice Green leads the team with averages of 12.4 points and 8.6 rebounds per game. Junior guard Jasmine Crew has also been an impact player, contributing more than 10 points per game and 28 steals thus far in the season. Freshman Ka-Diedre Simmons has stepped up in some key games off the bench, scoring 19 points against Florida Gulf Coast.

The women Pirates started off the season with several wins, but have since struggled in Big East conference games. There are several big games coming up in their schedule, most notably February 22 against perennial powerhouse University of Connecticut.

Seton Hall has been named a host institution for the 2011 NCAA Men's



**Rising to the occasion:** Forward Jeff Robinson, a transfer from Memphis, averages 12.2 points and 6.8 rebounds per each of his high-flying games.

Basketball Championship tournament. The Prudential Center will be the site of the "March Madness" regional semifinals on March 25 and the regional final on March 27. This is the first time the city of Newark will host the event.

All Photos by S.R. Smith



**Righting the ship:** Senior Jeremy Hazell has shown time and time again why he is the captain of the Pirates' ship.

# WestlawNext™



# Christie issues his first commutation

**Sara Ben-David**  
Staff Writer

In late 2008, Brian D. Aitken, a 27-year-old media consultant and graduate student with no prior criminal history, was between jobs and between states. Today, he is the subject of New Jersey Governor Chris Christie's first commutation and a debate about the effectiveness of New Jersey's gun laws.

Separated from his wife, the Colorado resident moved back to his home state of New Jersey to be closer to his 2-year-old son. On January 2, 2009, Aitken was at his parents' house in Mount Laurel when he received a phone call from his ex-wife, canceling his next visit with their son. After hanging up the phone, Aitken became visibly agitated, saying, among other things, "Life isn't worth living." He left the house and hopped into his Honda Civic, which was still full of his personal belongings.

Aitken's mother, worried that her son might be suicidal, called the police. After letting the phone ring a few times, Mrs. Aitken hung up. The police, however, traced the call. By the time Aitken returned, officers were there waiting for him.

After inquiring whether Aitken was okay, the officers asked to search the trunk of his car and Aitken consented.

Inside the trunk, police found a black duffel bag containing three unloaded handguns, several large-capacity magazines, and cartons of hollow-point bullets.

Although Aitken had cleared an FBI check before purchasing the guns at a sporting goods store in Colorado, he did not have a permit to carry the handguns as required under N.J.S.A. 2C:58-4(a) and N.J.S.A. 2C:39-5(b). Pursuant to N.J.S.A. 2C:39-3(f) it is unlawful for any person other than sportsmen who have registered their assault firearms to carry large-capacity magazines. It is likewise unlawful under N.J.S.A. 2C:39-3(f)(1) for persons other than sportsmen traveling to target practice to have hollow-point bullets in their possession. Pursuant to these laws, the Burlington County police placed Aitken under arrest.

During trial, Aitken's attorney Evan Napper argued that Aitken possessed the firearms legally under N.J.S.A. 2C:39-6, which creates an exemption for persons moving from one residence to another. Judge James Motley rejected Napper's argument, holding that there was not enough evidence Aitken was moving at the time he was arrested. Motley sentenced Aitken to seven years in prison.

After the trial, Aitken's family and friends organized a campaign for his release. After receiving support from gun-rights advocates and a "Free Brian Aitken" Facebook page,

Aitken's family petitioned Governor Christie for clemency. On December 20, the governor issued his first commutation since taking office, reducing Aitken's sentence from seven years to time served. According to Christie spokesman Michael Drewniak, "Considering both Aitken's



Habakob Condas (flickr)

**Holiday spirit or promotion of justice?** Governor Chris Christie issued his first commutation shortly before Christmas. Christie's spokesman explains that Christie believes in promoting both compassion and justice.

offense and punishment, the governor believes this is the most compassionate and just solution."

In the aftermath of Aitken's release, Aitken remains at the center of a debate between advocates on both sides of the gun control issue. Bryan Miller, Executive Director of CeaseFire NJ, an organization dedicated to reducing gun violence, hopes that Aitken's release does not become, "a license for others to improperly use guns." Miller is confident, however, that this case will not spark a seachange in New Jersey's gun policies: "The Governor has made

clear in other venues that he will not ... weaken gun laws."

Frank Caso, who has seen New Jersey's gun laws become steadily more stringent during his 40 years as the proprietor of Caso's Gun-a-Rama in Jersey City, hopes the Governor's commutation will instead raise awareness about what he sees as the too-often misplaced enforcement of the state's gun laws. According to Caso, "New Jersey should go after criminals who use guns to commit crimes, not after people who purchase guns legally and then do nothing wrong."

## NH man passes bar on eighth try, but still denied admission

**Donald F. Burke Jr.**  
Executive Editor

Between 1991 and 2007, an applicant for the New Hampshire Bar known as "G.W." failed the bar examination seven times. He finally passed the February 2008 exam, but his celebration was short-lived: the Character and Fitness Committee found him unfit to practice, and the New Hampshire Supreme Court agreed. In addition to concerns about several criminal charges and a lack of candor, the Committee on Character and Fitness noted G.W.'s student loan debt remained unpaid, growing from \$40,000 in 1991 to almost \$140,000 because of interest charges.

According to the committee report, other than working at his mother's motel part-time in lieu of rent and briefly holding two positions as a bartender, G.W. had not held gainful employment since his law school graduation almost 20 years before. G.W. told the committee that he had not considered seeking other employment in order to make payments on his loan because, "if I owed a measly \$30,000, that's an amount of money that certainly could be paid off with a, you know, \$10 an hour job or something of that nature. But because there's \$120,000 worth of interest on that \$30,000 principal, realistically, I need a good job in order to pay that off. And I was trained to practice law. I wasn't trained to do anything else. And I have no desire to do anything else at this point." As to why he quit his bartending jobs, G.W. told the committee: "I didn't enjoy the service business. I felt it was beneath me."

G.W.'s criminal convictions included: (1) a reckless conduct conviction stemming from an incident on April Fool's Day, 1993, when G.W. claims he "pretended to be a robber" at a store in North Conway; (2) six convictions in Caledonia County (Vermont) District Court in 1999 for violating the conditions of a restraining order; (3) a 2001 criminal threatening conviction; and (4) a 2004 conviction for driving while intoxicated.

With respect to the reckless conduct conviction based on his "pretending to be a robber," G.W. explained, "I was on [Social Security Insurance] for six months directly following that incident, so that alone would demonstrate no mens rea. But supplemental to that was the fact that it happened on April Fool's Day. It was a bad joke. I'd say those would be the two reasons." At a previous interview, G.W. had also discussed the incident. At that time, G.W. told the interviewer that he "was writing a book at the time and wanted to see what the store clerk's reaction would be when he showed her a knife with a blade between six and seven inches in length."

When questioned about his six convictions for violating a restraining order, G.W. asserted that he had been "framed." As evidence of this, he produced a motion to dismiss the restraining order and stated: "[W]hat I have here is a motion that was filed by the complainant. It's a motion to dismiss the complaint and the temporary restraining order basically, because it's not true, it says here in pleading 1, pleading 2 says that her father had forced her to lie."

G.W. admitted, however, that he wrote the motion to dismiss and had the complainant sign it. He was convicted of violating the terms of the restraining order by sending her copies of motions. At the Committee hearing, G.W. admitted that he had violated the restraining order in several ways: "I had tried to call her. I had tried to call a friend. I was within 1,000 feet of her house." However, he claimed, "I didn't have the mens rea because I believe that she — it may sound fantastic, but she had told me the last time that she was being held in her house, locked up, her keys were being — had been taken, her money was taken, her purse, whatever, so in that sense, I lacked a mens rea because I was trying to see what was going on, to see if she was being held there."

Making a horrible situation worse, after passing the bar exam, G.W. had been charged with attempted fraudulent handling of recordable writings and false swearing. In response to the committee's request for more information on these charges, G.W. explained that he had filed a stipends with the Grafton County Registry of Deeds claiming a tenancy in common interest in his mother's foreclosed house, in which he was living. G.W. stated:

I am very sorry that I filed that document. It was a mistake. I take full responsibility for my actions. To be candid, my passions were aroused, & I had a fool for a lawyer. I did not research the law prior to the

filings. Had I done that, I would have discovered that in N.H., an individual needs prior court approval, before filing such a document. I never obtained prior court approval. I am sorry. I was ignorant, & I realize that ignorance of the law is no defense.

My defense, if I decided to have another fool for a lawyer, would be that I lacked any mens rea [sic], that I was not trying to falsify the deed, but rather, put potential Bona Fide Purchasers on notice that I intended to sue the bank.

New Hampshire's Supreme Court Rule 42(5)(a) states: "All persons who desire to be admitted to practice law shall be required to establish their moral character and fitness to the satisfaction of the Standing Committee on Character and Fitness of the Supreme Court of New Hampshire in advance of such admission. According to the New Hampshire Supreme Court, "[a]ny doubt concerning character and fitness should be resolved in favor of protecting the public by denying admission to the applicant."

In concluding that G.W. failed to demonstrate necessary character and fitness to practice law, the New Hampshire Supreme Court stated:

A central purpose of requiring character review as part of the attorney-admission process is to protect those members of the public who might become clients of the practicing lawyer from those attorneys who are so morally or ethically challenged that they are unable to demonstrate the type of good character and moral fitness requisite to serving in a fiduciary capacity.

We do not believe any conditions could adequately safeguard the public ... [T]aken as a whole, the record reflects an individual with a long history of evading his financial obligations, as well as failing to accept responsibility for the consequences of his poor judgment and criminal behavior. We see no evidence that, as an attorney, the applicant would conduct himself any differently. Based upon our review of the evidence, we hold that the applicant has not satisfied his burden of proving, by clear and convincing evidence, his fitness to practice law.



## Gaining legal experience, not just a summer fling



**Michael G. McDonough**  
*Editor-in-Chief*

Work a legal job your 1L summer. Get a better legal job your 2L summer. It makes sense, law firms like applicants who have at least *some* legal experience. But the wise law student will not just stop at the summer.

Seton Hall abounds with legal opportunities in the fall and spring, and Lesley Risinger's newly launched Last Resort Exonerate Project is only the latest example. The project will take on law students determined enough to screen through inmate letters and find the proverbial "needle in the hay stack," as Risinger puts it.

It is not too far off that Last Resort, fueled by student work and scholarship, will find a needle or two, and likely exonerate an individual now sitting in prison, wrongfully convicted.

I can see it now:

"So tell me about your legal experience," asks the managing partner. "Just last spring I co-authored a brief which helped exonerate an inmate, wrongfully convicted and jailed for 25 years," says the Seton Hall Law interviewee. "You're hired."

I applaud Lesley Risinger, Michael Risinger, and all those spearheading the Last Resort efforts for their service to New Jersey, the criminal justice system, and Seton Hall Law. But this is nothing new at our school.

As we hustle up and down the ramps and around the atrium, a quiet core of students and professors, scholars alike, work tirelessly at next door's Center for Social Justice. Teams led by professors and energized by students engage the community in real-life cases. The Center's

clinics impact north Jersey residents who cannot afford legal representation and need assistance navigating the murky waters of constitutional law, civil rights, child litigation, immigration, family law, and juvenile justice. "So, tell me about some interesting cases you've read in school?" The Seton Hall Law graduate, having worked a semester in a CJ clinic, responds, "Sir, I've read a great deal of cases, but none have taught me more than the home equity case that I recently argued and won in the Essex County trial courts. The victim was scammed by a sophisticated predatory loan scheme, and I helped her recoup her stolen property and financial assets."

The Center for Research and Policy, too, has been a Mecca for students desiring real world perspective. There, Professor Mark Denbeaux has forged for Seton Hall Law a national reputation as the country's leading research institute on Guantanamo Bay and prisoner detention in the Global War on Terror. If you think that's all they do, then you don't know Denbeaux. The Center conducts regular inquiries into the reliability of forensic expert testimony and is now beginning a project to explore the regulatory conditions leading up to the market recession, joining forces with Professor Kristin Johnson, whose aegis in the financial markets will be invaluable.

Whether it's working with any of the aforementioned entities, attaining a judicial externship through Dennis McLaughlin, or working part-time at a law firm, Seton Hall Law students can and should avail themselves of the many avenues toward semester legal experience. In this way, the spirit of *burgari est impari car* can usher us SHU Law students unscathed through the less than ideal hiring market.

## A pirate's life for us



**John F. Finnegan III**  
*Managing Editor*

As SHU Law Pirates wave goodbye to the year that was 2010, we re-enter the halls of the Hall and get back at it again.

Back to classes, assignments, and four-credit courses. Back to reading in Rodino and SBA candidate endorsements.

Yes, second semester is upon us, and we know it will bring. The lighter days and warmer nights that give life to the spring.

Dean Hobbs will be showered with adulation and praise. If hand-picked Coach Kevin Willard is able to raise The Pirates of the Hardwood to Big East basketball success. For the sake of the fan base, let's not settle for anything less.

1Ls will swell with pride when they tackle their Riccio fears. As a winner emerges from among his or her talented peers. From Property to Con Law, 1Ls will finish the foundation classes. And officially complete their first-year rites of passage.

Meanwhile, stressed out 2Ls heaved big sighs of 2L relief. When they finally handled in those vaunted Gressman briefs. Journal comments will be finished, footnotes all properly cited. For 2Ls mired in the Bluebook, that thought is all too exciting.

And that takes us to the 3Ls, veterans of law school life. We've worked through the trenches, endured all the strife. Commencement will soon be upon us, and not a frown will be found. Among the newly minted grads clad in cap and gown.

But until then, let us all enjoy our last Barrister's Ball. Take a spin on the dance floor, but be careful, don't fall. And root on your classmates who play in the UVA softball tourney. With Camelotto and Sachs at the helm, it will be quite the journey.

From those who work hard in the clinics to even the cynics, Please take a moment and pause. To attend the annual PUN Auction. And support a worthy cause.

When you consider all this positive energy and activity, it should not be surprising. That Seton Hall Law School is indeed still Rising.

## Small Talk: Conversation starters for February



**Frank Gonnello Jr.**  
*Associate Editor*

Who has time to keep up with the latest trends, media, and exciting happenings? Certainly not you.

Here's some things you should know in case talking about the weather gets cold.

**HEAR THIS: KISS EACH OTHER CLEAN (2011)**, by Iron & Wine.

Sam Beam, an American songwriter that goes by Iron & Wine and

resembles a cross between Jesus and a stoned Paul Giamatti (Google him), once again hits a high mark with his fourth studio album, entitled "Kiss Each Other Clean." Using a blend of hushed tones and funky psychedelic grooves, Beam transcends the boundaries of what would traditionally be considered indie-folk music—perfect for mellowing out after a tough round in Gressman. (Tune)



**READ THIS: SOULPANCAKE**, by Rainn Wilson. "Chew on life's big questions" in this creative-juices-boosting read by the actor best known as *The Office's* Dwight Schrute. Along with the many

thought-provoking brain-benders within *SoulPancake*, the accompanying web site offers a place to continue pondering with others that share your affinity for oddly named books. ([soulpancake.com](http://soulpancake.com))



**BUY THIS: MOTOROLA XOOM TABLET.**

iPad SchmyPad. If you're in the market for a tablet this spring, or just want to make your iPad-donning friends a bit jealous, check out Motorola's newest touchscreen slate, the 10.1" dual-core Xoom. Equipped with Android 3.0 (Honeycomb), a user interface designed from the ground up to be ideal for tablets, and rocking a front-facing camera for video calls with anyone on Gchat, this device will be making an appearance in classrooms near you. Plus, Xoom will be upgradeable to Verizon's 4G network without any

additional hardware purchases, so you'll be downloading the latest Angry Birds levels before your iPad brethren can even say "FaceTime." (<http://go.gol.com/gh11s>)

**FLAUNT THIS: KILAJI CANZAS LUNCH BAG.** American made. Stylish. Distinct. Also, it has a sandwich inside. This conversation piece is sure to get your colleagues talking with their mouths full next time you break out this woven lunch bag in the break room. (<http://jgo.gol.com/KNO>)



**EXPLORE THIS: ATLAS OF REMOTE ISLANDS**, by Judith Schalansky.

In the spirit of Be-More-Romantic-Than-Usual Day (Feb. 14), pick up this Atlas, grab the keys to your yacht or private plane, and go make some remote island yours for a day, week, or lifetime. Schalansky makes sure to select islands that won't be on any ordinary tourists' radars, so you can act out your Lord of the Flies fantasies without having to worry about "grown-ups" getting in the way. (<http://jgo.gol/r7C9D>)



# A comment on the proposed solution to LRW woes

**Patrick T. Smith**  
*Staff Writer*

Recently, the Curriculum Committee adopted a proposal submitted by Director of Skills and Curriculum Maya Grosz and Professor Deborah Herrera, Director of the LRW program. The proposal formulates a "hybrid model" for the LRW program, to be implemented in the fall of 2013. This hybrid model proposes hiring two "super-adjuncts" at \$35,000 a year to serve as test subjects in Seton Hall Law's move toward full-time LRW faculty. The "super-adjuncts" each teach two 15-student classes.

This is an admirable initial attempt to remedy an issue that has long been a thorn in the side of the student body. The proposal could remedy LRW deficiencies, such as high turnover, minimal access to professors, lack of uniformity, and an inefficient grading curve. Over the past year, the SBA has advocated the full-time LRW faculty route, and with this move, the administration has

responded with encouraging support.

However, the pace set by the administration in addressing this issue is not commensurate with the urgency that might be necessary.

Most law schools throughout the nation are moving away from adjunct professors and toward a full-time program when it comes to LRW. Seton Hall Law's competitors have already moved beyond the trial program recently adopted by our administration. Both Rutgers-Newark and Rutgers-Camden have full time faculty; Rutgers-Camden going as far as offering tenure. Temple University was recently named one of the top-ten LRW programs in the nation by US News and World Report. On the other end of the spectrum, Seton Hall will not begin interviewing for the two "super-adjunct" positions until one year from now.

The proposal seeks a total of \$70,000, with \$35,000 going to each super-adjunct professor. If the new policy's structure (15 students per class, two classes per super-adjunct) was applied to the entire LRW program,

twelve super-adjuncts could be hired at a total cost of \$420,000. Compared to the current costs of the LRW program, this minimal increase in salary would result in maximum benefit for the entire incoming 1L class, not just a fortunate few.

It is worth reiterating that the student body has received immense support from the administration, and in particular, Grosz and Herrera. Still, the proposal's first step could go even further. One cannot pretend to know the complexities of running a major educational institution like Seton Hall Law. But those complexities cannot be so great that this law school, which brings prestige and economic benefit to the Seton Hall University as a whole, is out of line in requesting such a paltry sum in furtherance of academic excellence.

*Editor's Note: In addition to writing for The Cross Examiner, Mr. Smith also serves as Chair of the Student Bar Association LRW and Skills Committee*

## Obama's new budget equals more pain for law students



**Donald F. Burke Jr.**  
*Executive Editor*

President Obama's budget aims to eliminate subsidized loans for fiscal year 2012. Pursuant to his plan, interest will accumulate — and compound — on all loans as soon as the

loans are made rather than six months after graduation. In the face of high unemployment, lay-offs, and state

spending freezes, this will only make earning a JD more difficult for those who can't take on tremendous debt for

fear of post-graduation unemployment.

Law students are not the only ones affected. Medical students and Ph.D. candidates alike will incur years of additional accrued interest before ever entering the job market. The rationale for tolling interest until payments begin is clear: Early interest accrual is unduly burdensome on students and the increased debt it produces deters higher education. Given the trillion dollar deficit due to the Wall Street bailout, two wars, and the resulting bad economy, governmental priorities have changed. While GRAD-Plus and unsubsidized loans already accrue interest upon dispersal, it is unfortunate that, once again, our generation will bear an increased burden because of short-sighted policies of the past.

It is ironic that the federal government incentivizes financial institutions to reduce loan payments for overpaying home-owners, while simultaneously increasing student debt payments, which unlike mortgage loans are not dischargeable in bankruptcy. Yet in last month's State of the Union Address, President Obama declared, "[T]he best anti-poverty program around is a world-class education. No one should

go broke because they chose to go to college." Perhaps students shouldn't go broke because they choose to graduate school either. We might have expected more from a man who did not pay off his student loans until after he became a best-selling author.

Burdening our generation with the mistakes of the past is a problematic theme in government. Governor Christie recently proposed raising the retirement age for new state employees from 62 to 65. New hires must also contribute 8.5 percent of their salaries to retirement and

face increased health care contributions.

[Side bar: Isn't health care supposed to be free now? Or is it just that we face

criminal penalties if we don't buy health insurance from one of the government's pre-selected providers? I need to revisit that 2,000-page health care bill to sort this out.]

To add insult to injury, workers under 30 will likely spend most of their working years contributing to Social Security without ever receiving benefits. I am amazed that the youth of America are not more upset about the increased burden placed upon them. For instance, the financial institutions the government bailed out with taxpayer money (with the debt imposed on us future wage earners) are now back to making record profits. Instead of paying back the money lent to save their businesses, these very same executives who bullied the federal government into bailing them out are rewarding themselves with million dollar bonuses.

Am I the only one angry about our generation's rapidly diminishing standard of living? As The Band wrote some 40 years ago, "And... you put the load right on me."

Maybe we should stop bitching and start a revolution.

Maybe we should stop bitching and start a revolution.

# YOUR WORDS HERE

The Cross Examiner is seeking new leaders and staffers for next year. All editorial board positions are open!

- Do you want to be...
- an editor?
  - the business manager?
  - a publicist?
  - the publisher?
  - a designer?
  - a writer?

Come to our meeting:  
**Monday Feb. 28**  
**3 p.m. in the Student Lounge**

Or e-mail us at [thecrossexaminer@gmail.com](mailto:thecrossexaminer@gmail.com) for more details

Letters: [thecrossexaminer@gmail.com](mailto:thecrossexaminer@gmail.com)

Ozing her words in highest stress, only to be faithful in her eyes, for she will foster all your dreams, her name is Susan Hall.



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## SPRING 2011 TIMELINE

Below is a timeline of important dates and deadlines for the months leading up to this summer's BARBRI Bar Review Course & the July 2011 Bar Exam.

<b>FEBRUARY</b>	<ul style="list-style-type: none"> <li>Beginning FEBRUARY 15, select your BARBRI Course Location by logging into "My Account" at <a href="http://barbri.com">barbri.com</a>.</li> <li>BEGINNING the week of FEBRUARY 21, if you have \$250 on your BARBRI account for your summer 2011 bar review course, you may pick up the MBE Early Bar Prep™ Volume at the BARBRI display table at your law school.</li> <li>Pay your Summer 2011 BARBRI Bar Review tuition in full by March 1 (<i>regular payment deadline is April 1</i>) and receive the BARBRI Essay Advantage™ for FREE (available in the following states: MA, MD, NJ, NY and VA only).</li> <li>If you are taking the March MPRE, attend the BARBRI MPRE review lecture.</li> <li>If you are requesting accommodations under the ADA for the bar exam and for the bar review course, you should complete those request forms NOW. ADA Accommodation Request Forms may be found at your bar examiner's web site and at <a href="http://barbri.com">barbri.com</a>.</li> </ul>
<b>MARCH</b>	<ul style="list-style-type: none"> <li>BEGINNING MARCH 1, if you have \$250 on your BARBRI account for your summer 2011 bar review course, you may begin BARBRI's intensive Multistate preparation with Step 1: MBE Early Bar Prep™, your first step towards bar exam success. The program is offered online on <a href="http://barbri.com">barbri.com</a>. Step 1 consists of a series of six, two-hour lectures along with the MBE Early Bar Prep™ Volume. This volume contains condensed outlines consistent with the lectures' coverage of the topics. Also included in the volume are Multistate practice questions on each of the six Multistate subjects accompanied by detailed explanatory answers.</li> <li>If you are taking the March MPRE, review your lecture notes and complete the 4 practice exams in the BARBRI MPRE Volume.</li> <li>Bar application filing deadlines*: NJ - between March 1 and April 1 (<i>timely</i>); May 15 (<i>with late fees</i>).</li> <li>Pay your BARBRI Bar Review tuition by April 1 (if you have not done so already) to avoid a late fee.</li> </ul>
<b>APRIL - MAY</b>	<ul style="list-style-type: none"> <li>Bar application filing deadlines*: NY - between April 1 and April 30.</li> <li>Pick up your first set of bar review materials from the final BARBRI display table of the semester at your law school (watch for the email from BARBRI with the exact date of distribution).</li> </ul>
<b>MAY - JUNE</b>	<ul style="list-style-type: none"> <li>Verify your shipping address by logging into "My Account" at <a href="http://barbri.com">barbri.com</a> to receive the remainder of your bar review materials. Materials will ship beginning May 9. <b>Note:</b> your materials will not be shipped without your shipping address verification.</li> <li>Your Multistate preparation continues with Step 2: The MBE Preview™ offered online at <a href="http://barbri.com">barbri.com</a>. Step 2 is a five (5) day program uniquely designed to reveal the subtleties of the Multistate exam as your bar review course begins.</li> <li>Start your Summer 2011 BARBRI Bar Review Course: NY: LIVE - May 17 VIDEO - May 23 or May 24 <i>depending on location</i> (Refer to <a href="http://barbri.com">barbri.com</a> for your location start date). NJ: June 7 - all locations</li> <li>Refer to the BARBRI Paced Program™, a daily study and assignment schedule, to prepare you for taking (and passing) the bar exam.</li> </ul>

\*Bar exam information is subject to change without notice; please verify with bar examiner's office. Stop by the BARBRI table for the bar exam filing information for all states.

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