

# The Commentary

CALIFORNIA WESTERN SCHOOL OF LAW

Jan. 2025

cwslcommentary.com

Fall Issue



**The Commentary is Back - Resilient as Ever!**

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**CALIFORNIA WESTERN**  
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# About *The Commentary*

*The Commentary* is more than just California Western's student-run newspaper; it's a vibrant platform that serves as the voice of the law school community. *The Commentary* is published at least twice during the fall and spring semesters, and once during the summer semester. However, for this school year, *The Commentary* published the Fall 2024 edition, which you are currently reading, and will publish the Spring 2025 edition.

*The Commentary* offers a unique forum for students, faculty, staff, and alumni to express their opinions, discuss pressing issues, and share insights on a wide range of topics whether those are legal or nonlegal topics.

At *The Commentary*, we believe in inclusivity and diversity. We do not discriminate based on race, gender, age, religion, sexual orientation, political affiliation, or country of origin. Our goal is to provide a space where every voice is heard and respected.

It's important to note that the views expressed in *The Commentary* are those of the individual authors and do not reflect the views of the editorial board or the school. As editors, we do not endorse any particular viewpoint or opinion; rather, we aim to foster healthy and constructive dialogue within our community.

The newspaper is primarily funded by the Student Body Association (SBA) funds, highlighting our commitment to transparency and accountability. We take pride in our role as a platform for free expression and encourage all members of the law school community to contribute their thoughts and ideas to *The Commentary*.

The editors have put in countless hours of hard work and dedication to bring you this edition. We have carefully curated and edited each article to ensure that it meets our high standards of quality and relevance. We hope you enjoyed reading this edition as much as we enjoyed putting it together.



# Thank You to the Authors

We are incredibly grateful to all the authors who contributed their articles to *The Commentary*. Your dedication and passion for sharing your insights and perspectives enriched our publication and sparked meaningful conversations within our community. We couldn't have produced such a great edition without your valuable contributions.

Every one of our authors is truly exceptional. Your willingness to engage with important issues, explore diverse viewpoints, and contribute thought-provoking content is what makes *The Commentary* such a dynamic and engaging publication. Thank you for your creativity, your hard work, and your commitment to making *The Commentary* a platform for meaningful dialogue and debate.



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# Meet the Editors!

## Alexandra Kepler

*Co-Editor-in-Chief*

Alexandra is a 3L interested in Immigration and Civil Rights law. She graduated from Arizona State University with a Bachelor of Arts in Transborder Chicana/o & Latina/o Studies and a Bachelor of Arts in Earth & Environmental Studies. She worked and interned in the business and humanitarian immigration fields. She is the current Executive Director of Notes & Comments of the *California Western International Law Journal*. In her free time, Alexandra enjoys playing with her two dogs, exercising, baking, and trying new hobbies.



akepler@law.cwsl.edu



frashidi@law.cwsl.edu

## Fereshta Rashidi

*Co-Editor-in-Chief*

Fereshta is a 3L interested in Personal Injury and Immigration law. She graduated from the University of California, San Diego with a Bachelor of Arts in Economics and a Minor in Political Science. She worked in business immigration before law school and is now the Co-Chair of the Immigration Law Society. She is a proud Afghan American. In her free time, Fereshta enjoys whale watching, trying new foods, and volunteering her time to help Afghan refugees.

## Angela Cruz

*Senior Editor*

Angela is a 3L. She graduated from the University of California, San Diego with a Bachelor of Arts in Political Science - Public Law. She has a particularly strong passion in advocating for minors during divorce cases. Angela has been working in family law firms for about 3 summers and is looking forward to continuing to practice family law after the bar. In her free time, she enjoys spending time with her family, friends, and boyfriend as well as trying out new food and coffee spots!



cqcruz@law.cwsl.edu



mhmotsenbocker@law.cwsl.edu

## Madison Motsenbocker

*Senior Editor*

Madison is a 2L interested in International and Constitutional law. She graduated from San Diego State University in May 2023 with a Bachelor of Arts in Political Science and International Security and Conflict Resolution (ISCOR). This past summer, Madison worked as a Law Clerk for the Legal Aid Society of San Diego's Fair Housing Team. She is the current Junior President of the International Law Society. Madison joined *The Commentary* because she believes bettering your community begins with giving those around you a platform and a voice.

## Zachary Brenner

*Editor*

Zachary is a 2L pursuing the CWSL-SDSU J.D./M.B.A. dual degree program. He graduated from the University of California, Santa Barbara in 2022. Zachary worked in elected politics at U.S. Senator Alex Padilla's office before starting law school and has worked on corporate matters as a law clerk at a full-service law firm. He is an Honors Instructor for Legal Skills/Writing for 1Ls. In the spring, Zachary will extern at the San Diego Superior Court. He is passionate about exploring legal issues around cryptocurrency and blockchain technology. In his free time, Zachary enjoys listening to history podcasts and practicing Spanish.



[zgbrenner@law.cwsl.edu](mailto:zgbrenner@law.cwsl.edu)



[rffletes@law.cwsl.edu](mailto:rffletes@law.cwsl.edu)

## Becky Fletes

*Editor*

Becky is a 3L. She graduated from the University of California, Irvine with a Bachelor of Arts in Political Science and a minor in Comparative Literature. For the past 3 years, she has been working at a trusts and estates firm as a Legal Assistant. At school, Becky served as part of the Student Body Association (SBA) and is the current SBA Administrator. In her free time, Becky loves to find new cafes, attend concerts/festivals, and do anything crafty!

## Ashleen Herrate

*Editor*

Ashleen is a 2L interested in Criminal and Entertainment law. She graduated from the University of California, Riverside with a Bachelor in Political Science - International Affairs and a Bachelor in Philosophy. She previously worked in lemon law, and this past summer she externed with Judge Joseph Brandolino in Los Angeles. She is the current Vice President of Entertainment for the Entertainment & Sports Law Society. In her free time, she enjoys spending time with her puppy, doing yoga, and trying new food!



[ajherrate@law.cwsl.edu](mailto:ajherrate@law.cwsl.edu)

## Madison Smith

*Editor*

Maddy is a 2L interested in Entertainment and Sports law. She graduated from Geneva College with a Bachelor of Arts in Political Science and minors in Criminal Justice and Philosophy; where she worked as a swim instructor and intramural sports director while participating in the community engagement team. Last summer, Maddy worked as a Legal Intern at Neighborhood Legal Services; where she worked on custody cases and with victims of domestic violence to advocate for protection from abuse orders. Currently, she is the Treasurer for Homeless Outreach Legal Society (HOLS). In her free time, Maddy likes to read, spend time outdoors, and she is currently training for her first 5k!



[mlsmith@law.cwsl.edu](mailto:mlsmith@law.cwsl.edu)

# Memo: Loss of Use Under a Commercial General Liability Policy

Miguel Muro Jr.

## QUESTION PRESENTED

1. Can a business owner bring a loss of use claim against their insurance company due to the property owner temporarily closing the building down due to fumigation?

## SHORT ANSWER

1. A business owner is not likely to bring a loss of use claim against their insurance provider if the policy contains certain limitations or restrictions, such as defining “property damage” as actual physical injury to the property.

## BACKGROUND

Loss of use damage is a type of damage that is the consequence of interruptions of normal use of property. These interruptions can be caused by tangible, physical blockage of access to property. Loss of use claims result in damages payable by a commercial general liability policy that a business owner has for their business. Subject to all exclusions and limitations of the commercial general liability, the policy coverage applies to the damages incurred by the business because of the interruption. The amount of damages can be measured according to the loss experienced by the business, such as the amount of lost profits, the cost of renting an alternative building, or the rental value of the owner’s chattel. There are certain instances where a policy will not cover loss of use, including when a policy explicitly states that the occurrence must result in actual physical injury to tangible property and the policyholder does not prove they

have suffered a direct physical loss or property damage.

We want to know whether the closure of the building due to fumigation is a qualifying interruption of use to the property that a business owner can submit a claim on. If certain restrictions and limitations exist regarding this specific occurrence, then a business owner is not likely to recover lost revenue caused by the closure. Also, if their policy explicitly required the loss to exclude occurrences that cause actual physical loss or property damage, then a business owner is not likely to recoup if they bring a loss of use claim against their insurance company.

## ANALYSIS

A business owner is not likely to bring a loss of use claim against their insurance provider if the policy contains certain limitations or restrictions, such as defining “property damage” as actual physical injury to the property.

Depending on how a business’s commercial liability coverage defines “property damage,” the business owner may be able to bring a claim against their insurer if the terms of the policy allow coverage when there is no physical damage to property.[1] In *Anthem Elecs., Inc. v. Pac Empls. Ins. Co.*, the court was presented with the question of whether a circuit board’s unexpected failure caused the loss of use of property.[2] Anthem Electronics, Inc. (Anthem) brought a suit against its insurance provider, Pacific Employers Insurance Company (Pacific),

alleging that the insured's general liability insurance policies required the insurance provider to defend Anthem against a suit brought by a third party.[3]

The suit brought by the third party regarded defective circuit boards supplied by Anthem, which the third party used for its scanner machines.[4] This defect in its machines caused the third party to incur replacement costs and lost revenue due to ceasing its operations and replacing its customer's scanners.[5] Pacific argued that it was not required to defend the lawsuit because the losses alleged in the third-party suit were not covered by the insurance policy.[6] Ultimately, the court held that the lawsuit established the possibility of a covered occurrence for which the insured could be liable.[7] The court pointed to a section of the policy that stated that Pacific "will pay damages the insured becomes legally obligated to pay . . . because of . . . property damage." [8] Under this section of the policy, property damage was defined as "[p]hysical injury to tangible property, including . . . [the] loss of use of tangible property that is not physically injured." [9] Since property damage was defined to include loss of use, the court sided with Anthem's argument that the third-party scanners were tangible property and were damaged within the meaning of the policies through loss of use.[10] From this, we see that the term explicitly mentioned in the policy will determine whether the business owner will be able to recoup losses during the temporary closure of the building.

Several cases following the COVID-19 pandemic have ruled in favor of the insured in denying coverage when there was no actual physical injury to the property.

In *Inns-by-the-Sea v. California Mutual Ins. Co.*, the court decided whether a business could bring a claim against its insurer to recover lost income due to the COVID-19 pandemic.[11] Inns-by-the-Sea (Inns) operated several lodging facilities that lost a substantial portion of its revenue due to the mandated public health orders issued in the city of Monterrey that called for citizens to shelter in place.[12] Inns subsequently made a claim to its insurer, California Mutual Ins. Co. (California Mutual), under its commercial property insurance coverage for the loss of business income caused by the pandemic.[13] While Inns had business income coverage in the event of a suspension of the business's operation, the policy provided that "the "suspension" must be caused by the direct physical loss of or damage at [Inns'] premises." [14] Inns argued that the virus' continued and increasing presence led to the Inn's suspension of operation.[15] The court sided with the insurance provider and held that Inn's operation was neither suspended due to direct physical damage to its property nor to a direct physical loss of Inn's property.[16] The court reasoned that "the mere loss of use of physical property to generate business income, without any other physical impact on the property to generate business income, without any other physical impact on the property, does not give rise to coverage for direct physical loss." [17]

The California appellate courts recently held that, absent an explicit definition, "physical damage" is defined as a direct physical loss or damage to property.[18]

In *Another Planet Entertainment., LLC, v. Vigilant Ins. Co.*, the court assessed whether the pandemic-related public health orders

mandating temporary closures of businesses were a direct physical loss or damage to property.[19] Another Planet Entertainment, LLC (Planet) filed suit against its insurance provider, Vigilant Ins. Co. (Vigilant), alleging that the actual or potential presence of the COVID-19 virus at its entertainment venues caused direct physical loss or damage to property, and triggered coverage under its insurance policy.[20] Agreeing with Vigilant, the court concluded that the actual or potential presence does not establish direct physical loss or damage to the property.[21]

The court began its analysis by laying out that, under California law, physical loss or damage to property requires “a distinct, demonstrable, physical alteration to property.”[22] Planet argued that the virus altered the property by bonding and interacting with it on a microscopic level, but the court held that, even if this was true, it does not result in “injury or impairment of the property itself.”[23] Planet then went on to argue that the virus rendered its property unfit for its intended use.[24]

The court rejected the argument and stated that “the mere fact that a property cannot be used as intended is insufficient on its own to establish physical loss to property.”[25] Similarly, the court mentioned that “the fact that a business was forced to curtail its operations, in whole or in part, based on pandemic-related government public health orders is likewise insufficient” because the restrictions are “legal and intangible in nature.”[26]

## STEPS TO DETERMINE WHETHER COVERAGE EXIST

- To begin, we must determine whether a business owner has commercial general liability coverage.
- If the business does have commercial general liability coverage, we must next look at the terms of the policy and see if there is a provision regarding “loss of use.”
- Following, if there is loss of use coverage, we must look at the terms of this section and find any limitations and exclusions in the loss of use coverage to determine which circumstances are not covered by the policy.
- Thereafter, we must determine what the policy defines as “property damage.”
- Finally, if there is no loss of use coverage under the commercial general liability coverage, we must look to see if the policy includes “business interruption” or “use and occupancy” coverage to possibly cover the lost revenue during closure.

## QUESTIONS

- Do you have a commercial general liability policy (CGL)? If so, what does the policy say about loss of use?
- Does the CGL mention any exclusions or limitations regarding loss of use claims?
- How does the policy define “physical damage?”
- If your CGL does not cover this occurrence, do you have “business interruption” or “use and occupancy” coverage?

## CONCLUSION

Here, we do not know the specific terms of the business’s commercial general liability policy. While loss of use occurrences may be covered under the policy, coverage may be subject to certain limitations and exceptions. These limitations or exceptions may state that “property damage” requires actual damage to the property. California has held that property damage requires a distinct, demonstrable, and physical alteration to the property. Depending on how the policy terms define property damage, a business may be able to bring a claim for loss of use due to the inability to physically enter the building. It is unlikely that the business owner will successfully bring a loss of use claim against their insurer if the terms define “property damage” as a direct physical loss or damage to the property. If the policy includes “business interruption” or “use and occupancy” coverage, a business may recoup its lost revenue from these avenues.

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Miguel Muro Jr.

# Justice for All: The Power of Representation and Cultural Understanding

Malalai Fazilat

As the president of California Western’s inaugural Muslim Student Association (MSA), I have come to recognize the profound significance of representation within legal education. For students hailing from underrepresented communities, the journey through law school can often resemble a daunting odyssey, fraught with challenges that extend beyond mere academic rigor. It is imperative that we cultivate an environment where diverse voices are not only acknowledged but celebrated – fostering a sense of belonging that is essential for both personal and professional growth.

The concept of representation transcends numerical diversity; it embodies the fundamental principle that every individual’s perspective enriches the collective discourse within the legal profession. For many students from marginalized backgrounds, the presence of mentors and peers who reflect their identities serve as beacons of hope and empowerment. It communicates a critical message: that their voices are valid and that they, too, can play a pivotal role in shaping the future of law.

Within MSA, I witnessed the transformative power of community. Whether it is navigating the intricate interplay of cultural obligations and academic demands, or confronting instances of bias, here, students find camaraderie in shared experiences. This solidarity fosters resilience, reminding us that we are not merely solitary figures in pursuit of a legal degree, but rather are part of a collective journey that honors our shared struggles and aspirations.

However, representation alone is insufficient in ensuring equitable legal advocacy. To serve a diverse society effectively, aspiring legal practitioners must cultivate cultural competency—the capacity to understand, respect, and engage with the rich tapestry of backgrounds and experiences of their clients. This skill is not only an adjunct to legal education, it is a cornerstone of effective advocacy.

Consider the plight of a client from an underrepresented community seeking legal counsel yet feeling marginalized or misunderstood due to cultural barriers. This disconnection can exacerbate their legal challenges and perpetuate systemic inequities. By embedding cultural competency into our curriculum and practice, we prepare ourselves to be more than just lawyers. We become advocates capable of bridging cultural divides and fostering trust.



Law schools can enhance cultural competency through targeted workshops, interdisciplinary seminars, and community engagement initiatives. Such programs facilitate opportunities for students from diverse backgrounds to share their narratives and perspectives, which enriches the educational landscape. Understanding cultural nuances is not simply an academic exercise, it is a vital component of practicing law in a manner that is both just and equitable.



As I continue to lead MSA, I aspire to create a nexus where the voices of all underrepresented communities can converge. By fostering dialogue and collaboration, we can amplify the narratives of marginalized groups and cultivate an atmosphere of mutual respect and understanding. Together, we can dismantle stereotypes and build a culture of empathy that permeates our legal education.



Malalai Fazilat  
2L

In conclusion, the imperatives of representation and cultural competency in legal education are not merely theoretical constructs, instead, it is essential for the future integrity of our profession. As we endeavor to create a legal landscape that authentically reflects the diversity of our society, let us commit to building inclusive spaces that honor every voice. The journey we undertake within MSA is but a fragment of a larger movement toward a more equitable legal profession—one that values the richness of our differences and seeks to uplift all communities.

# Smart Settlements: How AI is Shaping the Future of ADR

Fereshta Rashidi

Artificial Intelligence (AI) is increasingly being integrated into the legal field and streamlined many processes. Alternative Dispute Resolution (ADR), like arbitration, mediation, and negotiation, are alternative forms to resolve disputes between parties through a third-party neutral who offers an opinion or communicates information about the dispute to the disputants.[1] ADR is less formal, cost-effective, and easily accessible because these various processes are outside the norms of traditional litigation.[2] Now, AI promises a future where disputants who opt to choose a resolution through an ADR process can access mediation tools that are even more efficient, cost-effective, and equitable than ever before.

The benefits of AI in ADR are undeniable. For one, AI has the potential to vastly reduce time and costs by summarizing and analyzing documents and conducting legal research.[3] Current AI technology tends to work best for tasks where there are patterns, rules, definitive right and wrong answers, and enough data to make up a formal structural system.[4] The extent of AI impacting ADR processes, disputants, and the role of third-party neutrals will depend on a variety of things, such as the technology, algorithm or system used; data inputted to allow the system to be one that is assistive or automated; and level of human oversight and intervention.[5]

*Assistive technologies* support, inform, or make recommendations to third-party neutrals.[6]

By eliminating costly administrative tasks and providing quick informational resources to third-party neutrals, assistive technologies offer benefits to disputants with a fair, efficient, and economical resolution process.[7]

*Automotive technologies* detect correlative patterns in datasets by studying previous disputes and rules to partially or even fully automate its intended tasks.[8] By fully automating negotiation, settlement, award, and resolution plan drafting, and decision-making, automotive technologies may even replace third-party neutrals.[9] These technologies provide disputants with an accurately forecasted case outcome and allow underrepresented parties to make informed decisions.[10]

One early ADR system utilizing AI models human litigators and insurance adjusters' decision-making processes by mirroring how a person mentally links facts and conclusions to reach a decision.[11] It can even adjust the outcome in response to new or altered facts through an algorithm based on thousands of if-then rules.[12] CoCounsel, released in March 2023, can conduct legal research, analyze documents and contracts, and prepare depositions.[13] It can also study previous disputes and apply that data to future matters. [14]

Developing rules and accurate outcomes based on this structure presents a weakness because ADR processes that use AI systems based on machine learning can only operate by detecting correlative patterns in data at this time.[15]

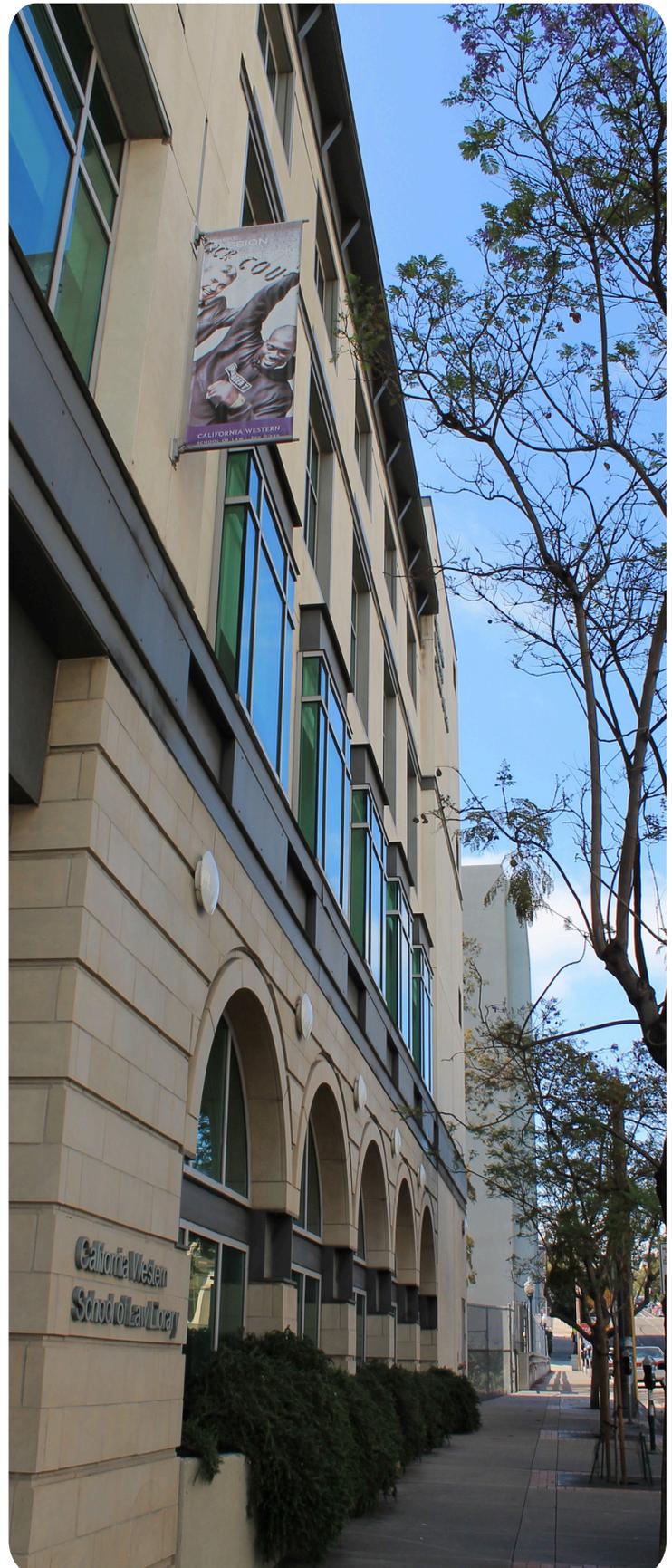
Laws and rules do not provide the kind of structure that can easily help an AI system or its algorithm learn and identify patterns since disputant conflicts often involve multiple areas of law and various fact patterns that are often times unique.[16] The most pressing concern is the potential for bias in the AI systems itself.

AI algorithms are only as unbiased as the data it is trained on, considering if the data used to structure these systems reflects systemic biases.[17]

This would exacerbate inequalities and negatively affect disputants' rights. Human attorneys and third-party neutrals, at the end of the day, also make the ultimate decision as to whether certain information is relevant and how to properly navigate the very real emotional needs of disputants during ADR processes. Mediators, arbitrators, and other third-party neutrals involved in ADR processes are often chosen for their interpersonal skills and emotional intelligence.[18] Dispute resolution involves deep human emotions and often ethical considerations that AI is not equipped to fully comprehend at this time. Currently, AI systems are insensitive to emotions and may be incapable of interpreting emotional data into its algorithms.[19] It cannot replicate empathy, intuition, and the understanding that a human third-party neutral is intended to do.[20] Will AI be able to comprehend emotional intelligence in the future? Who is regulating these AI systems? And, who would be held accountable if the AI system makes a mistake in a dispute resolution process?

AI's role in ADR will absolutely change the ways in which we approach dispute and conflict resolution. There is no denying its very promising ability to streamline processes and offer predictive insights.

However, it is imperative we remain cautious and deliberate in integrating AI as the future of ADR may very well be shaped by the standards and commitment to justice we hold today.



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Fereshta Rashidi  
3L

# No Taxation Without Representation: Should the Voting Age be Lowered?

Jenna Miyahara

“Old enough to fight, old enough to vote.” This was the common slogan for the Youth Voting Rights Movement during the Vietnam War.[1] During the late 1960s, the United States was enmeshed in one violent, and costly, war in Vietnam, in which young men across the country were drafted starting at the ripe age of eighteen.[2] However, large swaths of these men were prohibited from voting and weighing in their opinions in political decisions, such as exactly who would be allowed to declare wars and deploy troops.[3] Decisions that not only impacted these young men, but would ultimately determine their fate.

At the time, the voting age across the country was between eighteen and twenty-one years old, with most states restricting voting to those of twenty-one years of age or older.[4] However, youth and student activism was at new heights following the Civil Rights Movement and the recent passage of the Voting Rights Act of 1965, protecting Black American’s right to vote.[5] In response to the Voting Rights Movement and roughly sixty introduced resolutions in Congress to lower the voting age, Congress passed a bill extending and amending the Voting Rights Act of 1965 to lower the voting age to eighteen across the country.[6] However, the Supreme Court, in *Oregon v. Mitchell*, struck down the bill as unconstitutional as infringing upon a state’s right to impose its own voting age, and that Congress could only regulate the minimum voting age in federal elections. [7]

Thus in 1971, following the Court’s disappointing decision, the U.S. Senate and House of Representatives voted in favor of an amendment to lower the voting age to eighteen in all states, and in just over two months, a record-breaking time, the 26th amendment was ratified by the necessary three-fourths majority of states.[8]

Considering the nation’s logic in passing the 26th amendment—that if a U.S. citizen is old enough to have their freedoms directly impacted by political decisions, they are old enough to have a say in those decisions—this historic event begs the question if the voting age should be lowered once again? One of the first aspects of American History children learn is the American Revolution, and our nation’s fight for independence from tyranny. Of the driving factors that sparked the American Revolution, arguably the most well-known was the belief in “no taxation without representation” following the passage of the Stamp Act. However, to this day, this principle fails to reign true for large populations of U.S. citizens—minors. All states maintain a minimum voting age of eighteen years old, but all states also allow for the lawful employment of minors. The Fair Labor Standards Act sets the minimum age of employment at fourteen, and only limits the number of hours worked by minors under the age of sixteen.[9]

Minors, like all other legally employed adults, have taxes taken out of their paychecks to be allocated to state and federal programs and organizations. However, unlike all other legally employed adults, let alone all other adult U.S. citizens, minors do not reserve the right to vote for those determining tax hikes and cuts.

The common argument against lowering the voting age is that those younger than eighteen are not mature enough to weigh in on such decisions, or that teenagers younger than eighteen are not motivated enough to effectively participate in elections.[10] However, given the rise of youth activism and political engagement from high school-age individuals in the U.S., lowering the voting age does not appear to be a moot extension of voting rights. Further, if teenagers are mature enough to secure employment and participate and promote our economy, doesn't this insinuate that they are also mature enough—and arguably, entitled—to vote?



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Jenna Miyahara  
2L

## Free to Speak, But Not Like That

Jesús Mendoza Downey

Short story writer George Saunders says he has an inner nun.[1] I imagine this nun raps his knuckles and questions every word he writes: Does your reader need to know this? How can you say this with fewer words? What is the point of this story? Harsh, but these questions refine his writing until what is left is all essence, no filler. Mr. Saunders won the highest literary awards and published several stories in *The New Yorker*,[2] so the nun must be onto something.

The first semester of law school has felt like several nuns jockeying for space in my mind. Or maybe I should say judges, to fit the legal theme. Nun or judge, the effect is the same: professors assign readings and tell us first-year law students how we should think and write about legal doctrines. Like the nun, they mean well, but sometimes their messages do not align. One professor may phrase a doctrine a certain way, only for another professor to phrase it slightly differently. I know it is unrealistic to expect them to all be on the same page. Heck, once we graduate from law school, every judge and managing partner will have different preferences and procedures, so in a way, this is good practice. But still, the experience has been disorienting and disheartening.

It seems that as law students, we are free to speak, so long as we say it the right way. Many of us come to law school with ideas of what counts as good writing, only to be shown the Bluebook and sample legal memos.

We are told “judges and managing partners have very little time,” and “they are very busy, so get to the point in your writing!” (Again, the nun.)

I admit, it is satisfying to realize that we can boil our arguments down to 1,000 words, 700 words, or even 500 words! We chop our drafts down until what is left is mostly essence, little filler.

But what is lost in this process? I am reminded of what it was like to grow up as a bilingual kid — I very quickly learned when it was and was not best to speak Spanish. They say speaking more than one language is a superpower, and it is. It connects cultures and communities, but it also has to be hidden sometimes, deployed only when necessary, or face unwanted attention. This is the same thing as writing a legal memo or a final exam as a first-year law student. Stick to the rules. Do not stick your neck out too far. Place your quirks and creative mind aside. There will be time for that later.

I suspect the first year of law school is meant to be a dunk in a tub of icy water, at the end of which we will be welcomed with open arms and patted dry with warm towels. We have to get bruised a bit and learn the rules before we are allowed to play within them. Professors have been through the legal machine, and they want students to understand its realities.

I appreciate all the advice we receive on how to navigate law school and the legal field as first-year law students. The challenge, for myself and my fellow law students, is to take this advice and hold on to people, places, and things that give us our voice. Otherwise, we risk sounding like a monotone drone, and not the songbirds we can be.

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Jesús Mendoza Downey  
1L



# From Drama to Doctrine: What Fictional Lawyers Teach Us About Practice

Analese Sandoval

Fictional lawyers have captivated audiences for generations, not only through their dramatic court scenes but through the powerful values they symbolize. Iconic characters like Atticus Finch, Elle Woods, Mickey Haller, and Annalise Keating offer more than just entertainment; they provide lessons on the ethics, passion, resilience, and authenticity needed to thrive in the real world of law. Through their stories, each of these characters illustrate essential qualities that young lawyers can adopt to succeed, and make a meaningful impact on their clients and communities.

## Atticus Finch: Integrity and Moral Courage

Atticus Finch, the protagonist of To Kill a Mockingbird, remains one of the most admired fictional lawyers due to his unshakeable commitment to justice and equality.[1] In his defense of Tom Robinson, a Black man wrongfully accused, Atticus knowingly takes on a losing battle to uphold the principle that everyone deserves a fair trial. His dedication to justice, even at a personal cost, showcases the moral courage that all lawyers need.

Atticus teaches new lawyers that the legal practice is often about doing what is right rather than what is accepted.[2] Defending an unpopular client or handling a controversial case requires the same fortitude and integrity Atticus demonstrates; reminding lawyers that they are agents of justice, even when the world pushes back. His story encourages attorneys to stand up for justice.

## Elle Woods: Authenticity and Self-Confidence

In Legally Blonde, Elle Woods defies societal expectations and stereotypes by excelling in law school and winning a high-stakes case with her unique skills and insights.[3] Initially dismissed as a superficial “dumb blonde,” Elle’s journey highlights the value of authenticity and self-confidence. She remains true to her personality, embracing her interests and background rather than conforming to traditional lawyer stereotypes, which ultimately gives her an advantage in understanding and connecting with clients.

Elle’s story shows young lawyers that their individuality is an asset rather than a hindrance. Confidence in one’s background, perspectives, and unique skill set can lead to innovative solutions and stronger client relationships.[4] By embracing their authentic selves, lawyers can approach their work with greater creativity and conviction, which often leads to better outcomes in practice.

## Mickey Haller: Adaptability and Resourcefulness

Mickey Haller, the protagonist of The Lincoln Lawyer, operates his legal practice from the back of his car, which is an unconventional setup that demands adaptability and resourcefulness.[5]

His character shows that effective legal practice often requires flexibility and creative problem-solving to serve clients well.

Mickey’s approach to representing clients from diverse backgrounds combines pragmatism and empathy, allowing him to personally connect with those he serves.

Mickey’s story teaches young lawyers that adaptability is essential in law. The ability to handle unexpected changes, succeed with limited resources, and think creatively is especially valuable in challenging or underserved environments. He demonstrates that being a skilled lawyer is not only about knowing the law, but also about using available tools and circumstances to achieve the best outcomes. This makes his example especially relevant for attorneys in demanding or nontraditional settings.

### Annalise Keating: Resilience and the Complexity of Ethics

Annalise Keating from How to Get Away with Murder is a complex character, often navigating ethical gray areas as she tackles intense legal cases and personal challenges.[6] While Annalise’s methods may be extreme, her resilience, resourcefulness, and dedication to her students are qualities that resonate with real-world legal professionals. Her role as a mentor, along with her personal battles, highlights the reality that lawyers, too, are human who face personal and professional struggles.

Annalise’s story is a reminder to new lawyers that resilience is a crucial quality in the face of adversity. Practicing law can be an emotionally demanding career, and maintaining balance while persevering through challenges is critical.

Moreover, her character illustrates the importance of mentorship, as she consistently guides her students through moral and ethical dilemmas.

By mentoring others and reflecting on their actions, lawyers can develop a greater sense of accountability and self-awareness.

### Conclusion

Ultimately, these fictional characters illustrate that the law is a human-centered profession, requiring more than just technical skills. The qualities these characters embody—integrity, confidence, creativity, and ethical discernment—are essential for lawyers to not only succeed, but to make a positive impact in their communities. As new lawyers enter the field, they can look to these fictional role models to remind them of the deeper responsibilities and values that come with practicing law.

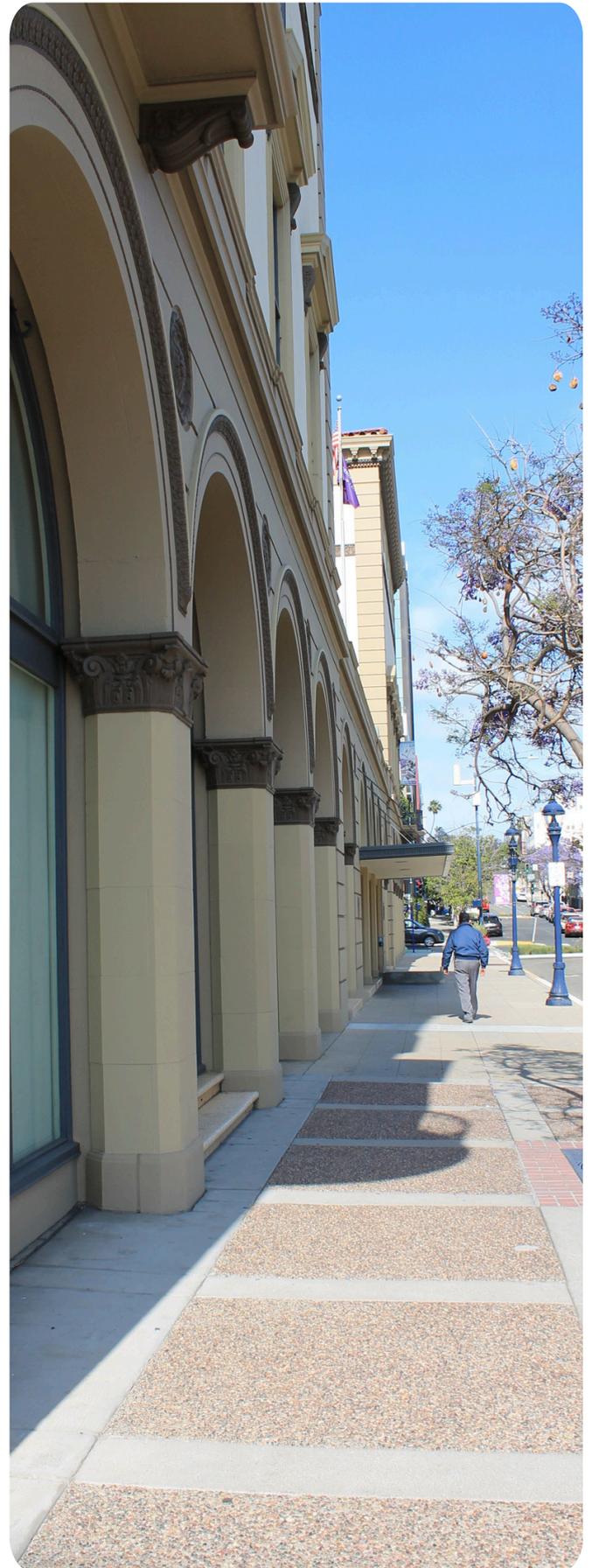


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Analese Sandoval  
3L



# Sovereign Citizens: An Attempt to Destroy Democracy

Emil Onanian

Sovereign Citizens have long been the bane of police officers' existence.[1] For those who may not be familiar, the Sovereign Citizen Movement is a way of thought that encompasses personal freedom and autonomy above all else.[2] They believe that they can achieve this by using a piecemeal construction of the Constitution, Magna Carta, the Bible, and bits and pieces of traditional English Common law to establish their sense of “government.”[3] They are almost wholly anti-government and do not abide by any state or federal law, nor do they recognize the Supreme Court as a legitimate authority, or even the Supremacy Clause of the U.S. Constitution for that matter.[4]

Their history is deeply rooted in racist and antisemitic rhetoric dating back to the early 1970s, but it has since branched off and reshaped into a bizarre compilation of ideals and movements.[5] After its initial establishment in 1971, the Movement slowly grew and started merging with two well-known antigovernment movements at that time: the Tax Protest Movement and the Posse Comitatus Movement.[6] As these two groups slowly lost traction in the coming modern era, the Sovereign Citizen Movement flourished and attracted people with all sorts of extremist and conspiracy ideals.[7] It now draws from a pool of anti-vaxxers, conspiracy theorists, and political extremists on both sides of the spectrum.[8]

The pool of individuals within this Movement may contain vast differences, but their premise is simple:[9]

they are ungovernable in their eyes and recognize no authority in any country, state, city, county, or local municipal government that they exist in.[10]

Therein lies the issue with the policing problem. In a society with a nearly militant police force, we have become averse to their presence. We tend to associate their appearance with an issue or criminal conduct afoot considering the nature of their authority. Law enforcement is tasked to do just that – enforce laws. However, this authority comes with a major responsibility that can all too quickly lead to abuse and corruption. In a society where citizens fight to establish fairness and accountability for police, movements like that of the Sovereign Citizen force a large step backwards in the trench warfare of attaining justice. These Sovereign Citizens often try to file absurd court documents with bizarre and illogical arguments related to the government’s overreach in an attempt to upset the judicial economy.[11] When police officers initiate traffic stops, they are often non-compliant and claim that they are “traveling” and not driving, meaning that they do not need a valid driver's license or car registration to drive on any public road.[12]

As one can imagine, this argument only goes so far because it forces the police to assert their authority and use physical force to gain their compliance and effectuate an arrest.

In a highly publicized world with no less than a dozen cameras on every block, the media will inevitably report on this and cause a further divide between citizens and government or state actors. These Sovereign Citizens perpetuate the adversarial relationship and thrive in the tumult created in these situations. Sovereign Citizens, while advertised as an inclusive group with the idea of protecting individual freedoms, lack the objective truth about the nature of co-existence in a thriving society. Their disregard for government and authority is a poison that can seep deep into the psyche of citizens, which may threaten our way of life and promote chaos.

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# Spearheading AI in the Legal Education: CWSL is One Step Ahead of the Curve

Valeh Nikou Aboonour

The practice of law is constantly evolving. This is a particularly critical time as we witness the inception of Artificial Intelligence (AI) and its integration into the field of law. Introducing this tool into the core of our profession will continue to revolutionize the practice of law. From classrooms to the courtroom, this shift will be monumental. California Western School of Law (CWSL) has the potential to be at the forefront of making history.

## Highlighting Some of CWSL's Strides to Be at the Forefront of AI and Law

CWSL recognizes the pivotal role AI is taking in reshaping the legal landscape as faculty members make notable contributions to this global discourse. These recent efforts not only demonstrate leadership, but also reflect a forward-thinking pedagogy focused on preparing students for the challenges and opportunities that AI brings to the legal profession. Some recent highlights include:

- **Esteemed faculty members and professors**, including Joshua Jones, James Cooper, Brenda Simon, and Spencer William extensively researching and publishing articles on the legal implications of AI. Their contributions to the field have made a lasting impact, and their steps to integrate these insights into their classes have exponentially enriched the curriculum at CWSL.
- **Forbes** published an article on the California Innocence Project's (CIP) collaboration with CoCounsel. [1][2]

- **Professor Cooper** appeared on Fox 5 and KUSI News to discuss AI and the law, drawing on his publications regarding the global race to regulate AI and emerging technologies. [3]
- **The New Media Rights clinic** conducted a study and submitted comments to the United States Copyright Office about legal issues surrounding AI development. [4]
- **CWSL Law Review and International Law Journal held a symposium** in 2024 titled *Accountable AI: Responsible Governance of AI and Emerging Technologies*, featuring esteemed speakers, including professors, scholars, and professionals working in the tech world. [5]
- **President and Dean Scott** launched the Justice and Technology Initiative (JTI) at CWSL, positioning the school as “a hub for conversations with premier legal thinkers and professionals discussing the most pressing matters at the intersections of law, justice, and technology.” [6] This initiative also empowers “students to use the latest legal technologies ethically and effectively and to navigate the complexities of new technology law as it arises.” [7]
- **CWSL and LEXIS+ have partnered together to provide training sessions** to teach law students how to properly use Lexis+ AI.

## Switching Gears

These initiatives give impetus to deeper discussions about AI on campus. However, while training sessions are available to students, they are not mandatory, which leads to low attendance rates.

Despite this, talk of AI tools fills the halls and is a major topic of interest amongst students.

## **The Need for Embracing AI in Legal Education**

The use of AI tools are inevitable in both the study and the practice of law. CWSL embraces this reality in many ways, such as integrating AI into the school's curriculum to ensure students are prepared for the realities of an AI-enhanced legal field. However, it is crucial to teach students how to use these tools in law school in a way that adheres to the Model Rules of Professional Conduct.

## **Current Trends: Intersection of AI and Law Schools**

The American Bar Association's Task Force on Law and Artificial Intelligence conducted a survey between December 2023 and February 2024, gathering insight from law schools regarding the integration of AI into legal education. [8] Out of 197 ABA-accredited law schools in the United States, only 29 responded. [9]

### The Survey Results

- 55% of respondents “offer classes dedicated to teaching students about AI.” [10]
- 83% “reported the availability of curricular opportunities, including clinics, where students can learn how to use AI tools effectively.” [11]
- 69% “have updated their academic integrity policies in response to the emergence of AI.” [12]
- 93% “are considering changes to their curriculum in response to the profession's use of AI,” [13] though a significant number remain unsure of how to govern its use by students and faculty. [14]

## **Preparing Students for The Real World**

Technological advancements, like generative AI, likely will not alter first-year, foundational law classes that are taught to help shape statutory interpretation and legal analysis. [15] It is critical for law students to learn how to conduct legal research even if it takes a significant amount of time. The use of AI's assistance will be far more valuable in the years following 1L as a supplemental tool for efficiency and speed rather than a crutch to rely on. The habits law students create, including the use of AI, in law school will likely follow them throughout their future careers.

It is paramount to stay current with AI regulations and to understand the implications for attorneys. Learning how to ethically use AI tools is fundamental to avoid sanctions or even disbarment. These tools allow the user to upload documents and draft motions, which creates a slippery slope.

One might simply use an AI tool to spot grammar issues, but a simple mistake, such as accidentally uploading a document with confidential client information, could cost an attorney their license.

The State Bar of California issued a Practical Guidance to address issues that may arise from using generative AI. [16] The rules covered in the Practical Guidance further supports the importance of developing upper-level classes that specifically train students on how to use generative AI before they enter the workforce. [17]

## Reflecting on ABA Statistics and the Path Forward

Referring back to the statistics provided by the ABA’s AI Task Force, it is important to reiterate that these results are based only on 0.15% of ABA-accredited law schools in the United States. [18] The low response rate raises the question of whether law schools across the nation are hesitant, uncertain, or lack guidance on how to approach integrating AI into their curricula. The legal field requires a more accurate depiction of AI’s integration into the U.S. legal education system. Change can be uncomfortable, and it can be slow, but adapting to and contributing to human advancement is essential.

Nevertheless, CWSL is ahead of the curve. It should continue to lead the integration of AI in legal education by implementing AI training into upper-division classes to teach students how to use these tools effectively and ethically.

With an innovative pedagogy focused on future-oriented skills, CWSL has the opportunity to set precedents and make a lasting impact on the future of legal education.



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Valeh Nikou Aboonour  
2L

# The Line Between Movie Magic and Realism in Courtroom Scenes

Armen Yessaian

In the world of film and television, courtroom scenes have become some of the most iconic, suspenseful, and memorable moments. From impassioned speeches, to shocking “gotcha” moments, these scenes often captivate audiences and define characters. But in real life, courtrooms are far less dramatic, bound by procedural rules and a formal structure that is designed to promote order, rather than entertainment. This brings up an interesting question: How do filmmakers create courtroom scenes that feel authentic while still holding an audience’s attention? The answer simply is that there is a fine line between an authentic courtroom scene and realism, and the best example of such... SPOILERS AHEAD... is *My Cousin Vinny*.

For a courtroom scene to resonate on screen, it often requires a degree of dramatization that is not present in actual courtrooms. In real trials, attorneys cannot rely on stunning last-minute evidence, impassioned speeches, or have a surprise witness who no one has prepared for. Yet, without these dramatizations, courtroom scenes risk becoming dull and overly procedural, resulting in the loss of the viewers’ attention, who are seeking suspense and emotional payoffs. The whole goal of movie making is to entertain, and let us be honest, Civil Procedure Rules, Evidence Rules, and even Rules of the Court are not amusing. The challenge for filmmakers is to strike a balance between legal realism and narrative engagement.

A courtroom scene is done well when it respects certain courtroom protocol and infuses drama in ways that serve the story.

*My Cousin Vinny* (1992) is praised by lawyers for its realistic portrayal of courtroom procedures, despite its comedic tone. The film’s lead, Vinny Gambini (played by Joe Pesci) uses cross examination techniques that are both entertaining and technically correct, showing how an attorney might use questioning to disprove evidence. Just ask Professors Garrard and Carr. The humor in the film serves as a release of tension, but the respect for procedure, grounds it to make it feel believable.

Movie magic requires the scene to be entertaining and engaging enough to distract the viewer from reality just for a few hours. The magic in *My Cousin Vinny* can be summed up in just one scene — “The Magic Grits” cross examination scene. In the scene, Vinny questions a witness to cast doubt on the timeline provided by the prosecution. The witness testified he cooked grits in five minutes, matching the time he claimed to have seen the defendants. Vinny, however, points out that it is impossible to cook grits in five minutes without instant grits, which the witness did not use. [1]

Here, Vinny uses cross examination effectively to impeach the witness. Federal Rule of Evidence 611 allows for a thorough examination of a witness’s testimony to challenge inconsistencies. By highlighting a real-life inconsistency, Vinny casts doubt on the reliability of the testimony. To laypeople, the movie gives a comedic insight into how a lawyer works (even if it took Vinny many attempts to pass the Bar Exam).

To lawyers, the movie does a great job of encompassing the Rules of Evidence in a courtroom scene, which most other movies skip out on.

Similarly, *A Few Good Men* (1992) brings courtroom intensity to life by showing how attorneys strategically maneuver and build cases within the constraints of military court protocol. The now famous line, “You can’t handle the truth!” delivered by Jack Nicholson, underscores the drama, while still reflecting real courtroom strategies like pressuring witnesses under cross examination; although probably with less yelling. These films maintain realism but allow for heightened moments that grip the audience.

Some courtroom scenes fall short of this balance by going too far with dramatizations or oversimplifying the legal process to the point of implausibility. For example, *Legally Blonde* (2001), relies on Elle Woods’ ability to recognize hair perm timing to crack the case. While fun and empowering, the idea that a relatively inexperienced law student could represent someone in a high-stakes trial or achieve a moment of truth from a hairstyle is far from realistic. Real life attorneys need extensive experience and procedural adherence, and such a “gotcha” moment rarely, if ever, occurs. But do not get me wrong, it is still a great movie.

The same applies to scenes in *Suits* (2011–2019), which often feature dramatic, last-minute reveals, rapid fire cross examinations, and strategic plot twists that do not really happen in actual legal settings. Real courtroom strategy involves extensive preparation and compliance to rules of evidence, while *Suits* portrays a world where cases are won by sheer wit and theatrics.

But to be fair, imagine if Harvey Specter had to deal with about more than six months of discovery. That would make for some boring TV.

Sometimes, the drama of a scene itself becomes its undoing. In *Liar Liar* (1997), Jim Carrey’s character’s inability to lie in court leads to chaotic antics, outbursts, and a complete disregard for courtroom decorum. Although hilarious, any real lawyer displaying such behavior would quickly be held in contempt. The same can be said for *The Dark Knight* (2008), where a witness in a high-profile criminal case attempts to kill Harvey Dent mid-testimony — a situation that pushes even the most flexible boundaries of realism.

However, a truly “realistic” courtroom scene might not make for great entertainment. Real life courtrooms are controlled environments where judges maintain order, lengthy discussions happen without high-stakes moments, and cases are often resolved without any shocking reveals. Films like *Philadelphia* (1993) and *The Verdict* (1982) depict cases realistically, while using dramatic lighting, pacing, and character interaction to keep viewers engaged without sacrificing authenticity of a legal drama.

So, what makes a good courtroom scene? A bad scene is when the dramatization heavily overtakes reality, or when it feels entirely implausible. A good courtroom scene is a careful blend of realism and drama, grounded in believable legal processes but heightened enough to captivate the viewer. Films like *My Cousin Vinny* and *A Few Good Men* use this blend effectively by showing characters who employ real legal tactics with heightened charisma or unique quirks.

Source

[1] See My Cousin Vinny at 1:22:00-1:24:00.



Armen Yessaian  
3L

