

The Commentary

CALIFORNIA WESTERN SCHOOL OF LAW

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Spring Issue



The Commentary is Back - Resilient as Ever!

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**100
YEARS**

**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, and published the Spring 2025 edition, which you are currently reading.

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.

We encourage students, faculty, staff, and alumni to continue to speak their minds by submitting articles to *The Commentary*.



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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.



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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!



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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

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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.



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Ashleen Herrate

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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!



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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!



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Free[dom of Speech for] Palestine

Heather Hunter

“[I]f there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought ... not free thought for those who agree with us but freedom for the thought that we hate.”[1] Justice Oliver Wendell Holmes included those words in his dissent in the Supreme Court case *United States v. Schwimmer*. Free thought and immigration were central issues in the *Schwimmer* case, and they are central issues in a more recent case involving an immigrant in the U.S. named Mahmoud Khalil. Justice Holmes’s powerful statement reflects the importance of free thought and, in turn, the freedom to express one’s beliefs through speech. Currently, the Trump administration is aggressively challenging the rights to free speech and due process, particularly for immigrants in the U.S.

Mahmoud Khalil was born in Syria to Palestinian refugees.[2] He moved to the U.S. in 2022, and he attended Columbia University’s School of International and Public Affairs, where he recently earned his master’s degree.[3] Khalil is a lawful permanent resident and his wife, Noor Abdalla, is a U.S. citizen.[4] His wife is eight months pregnant with their first child.[5] These facts demonstrate Khalil’s significant ties to the U.S. which are important for immigration cases. On March 8, 2025, Immigration and Customs Enforcement (ICE) officers dressed in plain clothes arrested Khalil in his apartment building while his wife frantically sought advice from their attorney over the phone.[6] ICE officials arrested Khalil for his alleged involvement in protests at Columbia University against Israel’s war in the Gaza Strip. [7] To date, Israeli military strikes have killed nearly 50,000 Palestinians in the Gaza Strip, overwhelmingly civilians.[8]

Further, the International Court of Justice found it “plausible” that Israel is committing genocide in the Gaza Strip and ordered Israel to take measures to prevent genocide.[9]

The Trump administration alleges Khalil is “a radical foreign pro-Hamas student.”[10] Hamas is a U.S.-designated foreign terrorist organization responsible for the October 7, 2023, attack in Israel that resulted in over 1,000 Israeli deaths, overwhelmingly civilians.[11] Khalil adamantly refutes any Hamas affiliation and alleges he played a mediating role between Columbia University officials and the activists and students who took part in the protests.[12]

Further, Khalil alleges the Trump administration is using his case to chill speech they disagree with, namely speech opposed to Israel’s actions in the Gaza Strip as the Trump administration steadfastly supports Israel.[13]

The Trump administration has not charged Khalil with a crime, and they are not seeking to deport him related to a criminal or terrorist activity. Rather, the Trump administration is seeking to deport Khalil pursuant to the rarely invoked Section 237 of the Immigration and Nationality Act, which provides the Secretary of State broad authority to deport an individual for foreign policy reasons.[14]

Khalil is currently being held in detention in Louisiana, over 1,000 miles from New York.[15] New York is Khalil’s home, where his pregnant wife is, where his attorneys are, and where any potential evidence against him is located. If his case remains in Louisiana, an appeal would be heard by the Fifth Circuit Court of Appeals, the most conservative in the country.[16]

Khalil's case is notable for several reasons. First, Khalil is a lawful permanent resident, which provides more robust rights than in other immigration contexts, including free speech and due process rights and a pathway to U.S. citizenship. Second, the Trump administration is not alleging Khalil committed any crimes. Thus, if he is deported it would likely only be for his speech related to the Columbia University protests, rather than more commonly used grounds for deportation, such as criminal or terrorist activity. Finally, any ruling against Khalil has the potential to set a dangerous precedent in this country regarding free speech rights. As law students, just as Justice Holmes stated, we recognize the importance of free thought and free speech, particularly in the education setting where we rely on vigorous discourse for the advancement of ideas. Any restriction on such discourse should be limited and supported by ample justification, rather than restriction based on speech one merely disagrees with or even hates.



Heather Hunter, 3L

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From Paper to Podium: Inside the Journey of a Jessup Team

Madison McCormick

As my teammates and I carefully arranged our binders and notes on the counsel table, it all began to feel real—we made it to the U.S. West Regionals of the Philip C. Jessup International Law Moot Court Competition. When it was finally my turn to approach the podium, months of effort condensed into a twenty-five-minute argument delivered under the sharp gaze of seasoned judges. Every citation, every counterargument, every moot—we carried it all with us.

The Philip C. Jessup International Moot Court Competition is the world's largest and most prestigious moot court tournament, drawing nearly 700 law school teams from over 100 countries. I'm forever grateful to have participated in a competition that brings together the best aspiring advocates from across the globe.

The competition is divided into two intense and transformative phases: the memorial writing phase in the first semester and the oral advocacy phase in the second. Our team—representing California Western School of Law—included Heather Hunter, Jasmin Divas, Kaylina Castellanos, Jason Pitha, and myself. Each of us brought unique strengths to the table, from sharp legal research skills to a commanding oral presence.

In the fall, we dove headfirst into our written memorials, similar to appellate briefs, covering five complex issues under international law. This year's problem touched on the International Court of Justice's jurisdiction, state official immunity, enforced disappearances, law of the sea, and seizure of sovereign assets. International law is vast, intricate, and at times, contradictory.

But with long nights, countless drafts, and invaluable guidance from our coaches, we shaped our arguments and met our submission deadline, working until the early morning hours of the day it was due.

After a short breather, the shift to oral argument prep began. We had just one month to transform dense legal concepts into persuasive arguments—without knowing what our opponents would say. Three nights a week, our team gathered for moots. At first, we were nervous. We clung to our outlines. We avoided eye contact. But round by round, our confidence grew. I watched my teammates evolve, finding their rhythm, commanding the room, and fielding tough questions with poise.

By the time February rolled around, we arrived in Portland ready. Seeing teams from across the region crowding the hotel lobby added a surreal energy to the moment. The adrenaline was real. Each round was more intense than the last. Judges tested us with curveball questions—some we hadn't even considered. But we adjusted. We supported each other. While one team member ran out for food, the others crammed in last-minute research or helped refine rebuttals.

Our hard work paid off. We proudly placed as Octofinalists and received the award for Fifth Best Memorial in the U.S. West Regional, a huge honor given the level of competition.

But more than the awards, the real reward was the journey. I watched each member of our team transform from hesitant first-time mooters into skilled, passionate advocates. We built trust, forged lifelong bonds, and discovered confidence in ourselves and in each other. Being a part of Jessup was more than a competition; it was a crucible of growth.

As we each set out on our legal careers, we carry with us the skills, memories, and camaraderie of this experience, hoping to help guide the next generation of Jessup advocates to their own counsel tables.



Madison McCormick, 3L



Don't Forget to Touch the Grass

Arianna Lara Bonilla

“Don't forget to touch the grass.” This sentiment has been repeated to me constantly by mentors, professors, and friends. Nothing truly prepared me for law school's challenges—relearning how to read, outlining cases, applying legal rules to fact patterns. Law school demands constant adjustment—not just from class to class, but week to week, even day to day. The never-ending reading, the constant flow of work, and the anxiety. It's easy to feel a little lost, but then I hear that gentle reminder: touch the grass. Feel the cool earth beneath your fingers. Breathe.

At first, I thought “touch the grass” meant taking time for myself—doing things I love, spending time with friends. While those are all great stress relievers, they don't ground me the way community does. Community is camaraderie, shared struggles, and common goals. Community is essential, though often overlooked, along with what Professor Klein, professor of Civil Procedure and Evidence at California Western, calls “our purpose.” On the brink of exams during our first semester, Professor Klein reminded us that we were all people before coming to law school, each with our motivations for choosing this path. He continues to remind us to, “Take an hour for yourselves this weekend.” An hour without work. An hour just for us. An hour to touch the grass.

Outside the classroom, conversations with classmates allow us to be transparent about our struggles. Transparency builds trust, respect, and connection. It reveals the quiet resilience within us—the reasons we came here. Many of us want to create change, to advocate, to be challenged. These motivations remind me of our collective purpose. Stripped down, it's simple: to make a difference. Touch the grass—feel the coolness beneath your palm, breathe, and remember who you are.

One of the first moments I truly understood the weight of “touching the grass” came at the swearing-in ceremony of the San Diego La Raza Lawyers Association board. I spoke to several lawyers about their motivations to pursue law and the challenges they continue to face. Many described their struggles in law school: being first-generation meant not only not knowing how to navigate law school but also not knowing it was okay to ask questions. Their stories resonated with me. Stories of navigating two languages for their families, battling imposter syndrome in higher education, and, despite their families' best efforts to be supportive, feeling achingly alone.

That night, I understood what it meant to “touch the grass” in a new way. Speaking to attorneys from similar backgrounds and seeing their work in the community reminded me of my purpose. The ceremony shifted my perspective from the weight of daily tasks to the bigger picture. The work of the San Diego La Raza Lawyers Association reinforced that what we do now matters and that our foundation is essential for the future. My classmates' compassion, leadership, and advocacy will, without a doubt, make a difference in the communities we serve. Even small acts—checking in on one another, carrying each other through personal challenges, simply saying hello—are the connection we all require in its simplest form.

“Touch the grass.” My community is what shifts my mindset. It is easy to lose sight of our purpose while racing to keep up with law school's demands, but holding onto it is how we hold onto ourselves. When attending an Ethics & Wellness Workshop with the California Judges Association in February of 2025, I heard a phrase that stayed with me.

Judge Rohanee Zapanta spoke about staying true to your “personal constitution,” the fundamental beliefs and principles that guide you. I had never heard it phrased that way, but it resonated. Our personal constitution is what keeps us grounded. Our own patch of grass.

What are my core values? What are the ideals I refuse to stray from? How do I plan to uphold them as a lawyer?

Touching the grass is not just a reminder to pause. It is a call to return to who we are, why we began, and the people we hope to serve. So, wherever you are, take a moment. Step outside. And touch the grass.



Arianna Lara Bonilla, 1L



Quiz: What Type of Attorney Are You?

Rebecca Fletes

1 *What kind of bag do you take to class?*

- a. A...backpack... (Jansport, North Face, Lululemon, Herschel)
- b. Shoulder bag (designer bag, Longchamp, tote bag)
- c. Briefcase (extra points if it has a buckle or wheels)
- d. Don't need a bag, carry everything in hand (either under-prepared or over-prepared)

2 *Picture this, you are in Civil Procedure, and you have a feeling that TODAY, out of all days, you are going to be cold called... BUT you didn't do the readings, and this isn't your favorite subject. Class goes on and you start to feel hopeful because your professor hasn't looked in your direction BUT then as you let out a breath of relief, you hear your name called. What do you do?*

- a. Keep a calm, collected demeanor and make up an answer that sounds kinda right, all while frantically scrolling through notes to miraculously find something actually on point.
- b. You let your professor know that you did not read the case at hand but can brief the next one, yet you really are going to Quimbee the case on the spot so you can have an answer once they circle back.
- c. This is silly, of course you read because you know this isn't your best subject and are fearful of being put in this exact position.
- d. Hey, it happens and it's not the end of the world, you just admit that you did not read.

3 *What is your coffee order?*

- a. Not into coffee, so chai or matcha
- b. Latte or cappuccino
- c. Americano or cold brew
- d. Eh none of the above, so soda or energy drink

4 *What is your favorite tv show?*

- a. Only Murders in the Building
- b. Suits
- c. The Office
- d. Love Island

5 *What is your ideal externship?*

- a. U.N. Office of the High Commissioner for Human Rights
- b. Sony Pictures Entertainment
- c. Supreme Court Clerkship
- d. Latham & Watkins LLP



If you mostly answered—

A You are reliable, quick to react, and can make decisions on the spot. You don't beat yourself up easily and grow from mistakes in the past. You may be anxious on the inside, but you never let others see and can turn things around quickly! Some may call you a Plain Jane or a Jack of all trades, but you don't take that offensively because you put your best foot forward and can adapt to new situations. You may find yourself attracted to these areas: Real Property Law, Employment Law, Family Law, Criminal Law

B You are open minded yet not shy about voicing your opinions. You don't let others walk over you but you're not arrogant – you're confident. You may feel pressure to keep up your strong, witty personality but you have a great support system to lean on when you need it. Some may call you an attention seeker or over-the-top, but those people don't see all the hard work and effort you put into everything! You can see yourself doing: Entertainment Law, Appellate Law, Personal Injury Law



Rebecca Fletes, 3L

C You are fierce, intelligent, and a go-getter. You don't take no for an answer and have always been seen as someone who knows what they want. You may feel like you missed out on things and regret choosing difficult paths, but you are putting in the work now so that later, you can be absolutely carefree. Some may call you pretentious or tell you to "loosen up, not be so uptight" but you don't give them the time of day because you are focused on your own happiness. You strive for: Corporate Law, Intellectual Property Law, Tax Law, Judge

D You are adventurous, curious, and understanding. You do things on your own time and prefer your own space. You take interest in many different things and are always looking for ways to learn more but in unconventional settings. Some may call you a dreamer or unmotivated, but you don't care what others have to say about you. You don't like people who tell you how to do things the "right way" because you know its better to do what's best for you. You are someone who can look beyond what is in front of you and likes challenges. You may like non-traditional roles such as: Professor of Law, Politician, Legal Journalist, Consultant OR can picture yourself doing: Estate Planning and Probate Law; Immigration Law; Juvenile Law



Competing in ADR Competitions

Enas Gaballa

We have all heard the statistic—99% of cases never make it to court. Yet, law schools rarely prioritize training students on arbitration, mediation, or negotiation. Rather, these skills are left to electives, or extracurricular teams. I hadn't realized how important these skills were until I joined the Alternative Dispute Resolution (ADR) team at California Western School of Law. The ADR team is a competition team here that offers a completely different experience from the trial or appellate teams.

Competing in ADR is more than just knowing the law, it requires quick thinking, stress management, and the ability to collaborate under client guidelines and time constraints. The entire competition experience can be nerve-wracking, but I wouldn't trade a minute of that stress because of the immense value that competing brings.

The anxiety begins long before the actual competition. You hear it quite often, the ADR team keeps crazy schedules, four-hour long practices three to four times a week—and it's not because we enjoy each other's company so much. ADR competitions require a deep understanding of not just the negotiation or mediation tactics, but a deep understanding of yourself. Each competition presents new fact patterns, unfamiliar opponents, and unpredictable curveballs. You prepare by learning everything—the law, the statutes, and any potential surprise facts the opponents may have—yet despite this preparation, there's always an underlying fear—*What if it all falls apart? What if I'm not prepared enough? What if the judges hate me?*

When the day of competition finally arrives, the nerves escalate by about 100 degrees. Walking into the room feels like a death march, and you can feel the suffocating weight of expectation.

The judges, usually attorneys or judges versed in dispute resolution, scrutinize your every word and move. The competitors who (you hope) have prepared as much as you have are prepared to poke holes in your arguments. The first words out of your mouth are as shaky as your hands, yet as the negotiation moves forward, the preparation comes rushing back. You find your rhythm; ask probative questions, use active listening, and employ the collaborative strategy.

One of the most challenging aspects of ADR, and the real world, is that it's unpredictability. Unlike trial or appellate teams, where legal arguments are structured, ADR requires adaptability. You have to be persuasive yet cooperative, assertive but not aggressive, and collaborative but not a pushover.

Despite the nerves, I wouldn't give up competing. Win or lose, you walk out of every competition with invaluable skills. You learn how to think critically, negotiate effectively, and communicate persuasively. You develop a sort of resilience when facing new and unexpected challenges and overcome the self-doubt associated with them. The feedback from coaches is often blunt but constructive, helping to refine your approaches and continue growing your skills. Then, there's the friends you make along the way. The long hours spent with teammates creates a bond; a shared experience that connects you with people you might never have met otherwise.

Ultimately, competing in an ADR competition test of both skill and character. The nerves, the uncertainty, and the pressure make it an intense challenge. However, the sense of fulfillment that comes from successfully navigating negotiations, learning from the experience, and improving with every round makes it all worthwhile. ADR competitions are not just about winning; they are about becoming a more competent, confident, and well-rounded advocate for the future.

The Transfer System on Trial: Who's Accountable for Failing First-Gen Students?

Matthew Bagdasar

For many first-generation college students, navigating higher education is like entering an unfamiliar legal system without legal counsel. Nowhere is this challenge more pronounced than in the transfer process from community colleges to four-year universities. While community colleges are designed to be gateways to higher education, the path to transferring schools is often a bureaucratic maze riddled with obstacles—barriers that disproportionately impact students from underrepresented backgrounds.

The statistics reveal this stark reality. According to the California Community Colleges Chancellor's Office, nearly 79% of California community college students intend to transfer to a four-year university.[1] Yet, only 21% successfully transfer within four years.[2] The numbers are even more concerning for students of color: only 15.2% of Latinx students and 16.1% of Black students achieve this milestone in the same timeframe.[3] These figures are not just abstract data points—they represent thousands of students whose educational aspirations are derailed by systemic inefficiencies.

Through my work supporting transfer students, I have witnessed firsthand how these barriers manifest. Many students juggle work, family obligations, and financial instability while trying to decipher transfer agreements buried in institutional jargon. Advising resources, though invaluable, are often stretched thin—some counselors oversee hundreds of students, making individualized guidance nearly impossible.

Consider one student I recently worked with. She spent years meticulously completing her coursework, believing she was on track to transfer.

It was only by chance—after seeking advice at the last minute—that she discovered she was missing a single prerequisite, which would have delayed her transfer by an entire year. The information she needed wasn't easily accessible, and without intervention, she might have abandoned her goal altogether. Together, we reviewed her courses, clarified her requirements, and developed a plan to keep her on track. This fall, she will enroll at a University of California campus—the first in her family to do so.

As law students, we are trained to recognize systemic inequities and advocate for structural reforms. We analyze policy failures, examine legal frameworks, and debate solutions at the macro level. However, my experience working with transfer students has underscored the power of micro-level advocacy—simple, tangible interventions that can change the trajectory of a student's education and, by extension, their future.

In California, where 71.4% of community college students come from diverse ethnic backgrounds and more than two-thirds of transfer-intending students have high financial need,[4] meaningful change requires both large-scale policy reforms and direct student support. Expanding funding for transfer advising, increasing transparency in articulation agreements, and holding institutions accountable for equitable transfer policies are necessary steps. But as advocates, we must also recognize the power of individual action—whether it's clarifying a requirement, demystifying the process, or simply telling a student, “You can do this.”

The law is often an instrument of access, ensuring that individuals can navigate the systems designed to serve them. Right now, the transfer system is failing too many students. It is incumbent upon us—as future attorneys, policymakers, and educators—to ensure that higher education remains the vehicle for social mobility that it claims to be.



Matthew Bagdasar, 2L

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Losing Your Stage Fright: Lessons Learned in CWSL's Trial Practice and Advanced Negotiations Classes

Cristal Hernandez-Moreno

Introduction

This semester I challenged myself by enrolling in Trial Practice and Advanced Negotiation.[1] I was hesitant to take both courses because public speaking can be frightening to me. However, my resolve to continue developing my “lawyering” skills was greater. I also figured it was better to begin building my litigation and negotiating skills now rather than waiting to do so after beginning to practice law. While the semester is not over, I am extremely happy that I chose to take Trial Practice and Advanced Negotiation.

Trial Practice

My trial practice class consists of a big lecture class and a small workshop class. The big lecture class is taught by Professor Parisi,[2] and the small workshop classes that we are split into are taught by several other professors. Professor Conge[3] is my small workshop professor.

The big lecture class meets once a week and helps prepare you for the small workshops. So far, we covered how to write and present opening and closing statements; direct and cross examinations; and motions in limine. During the big lectures, Professor Parisi will use real world personal examples to reinforce the material we touch on. For example, he will share how he dealt with tough cases, opposing counsel, judges, and witnesses.

In the small workshop classes that meet once a week, we practice the material we cover in big lecture. For instance, we mooted direct and cross examinations several weeks ago. Someone played the judge, another the witness, and the student presenting would go up against opposing counsel played by Professor Conge.

It was nerve wracking to play any of the characters, but you learn to dive in and give it your best. It helps that Professor Conge is a great teacher and everyone in the class is cordial and also learning the material like you are. It was great practice learning how to think on your feet and hearing Professor Conge's constructive feedback.

For our midterm, a classmate and I went up against two students from another workshop. We did a mock trial of the fact pattern we worked on during the previous weeks. My job was to give the opening statement; direct, redirect, and cross-examine one of the witnesses; and make objections when necessary. Overall, the experience was great. I was able to push through any nerves, practice making objections, and speak with witnesses on the stand.

The remainder of the course will consist of new material. We will use a new fact pattern for the final, which will be another mock trial. My responsibilities for the final will be to present a motion in limine; closing statement; and direct and redirect a witness, while incorporating the feedback I was provided from my midterm. I am excited for what lays ahead for the rest of my trial practice class.

Advanced Negotiation

Professor Waller [4] teaches Advanced Negotiation.[5] We meet every Thursday evening. Part of our homework each week is to read the one-sided fact pattern we will be using to negotiate for the following class. So far, our fact patterns have consisted of negotiating a rental lease agreement; attorney-client retainer; and a divorce as well as medical malpractice, and a wrongful termination case settlement.

We are paired with a new negotiating partner each class. We are also assigned a negotiation style such as competitive, argumentative, and cooperative. While negotiating, we must do so according to our negotiation style, which can admittedly test your patience because opposing counsel may be avoiding answering your questions or unwilling to reach an agreement. Professor Waller will walk around the room observing our negotiations and provide his expert guidance if necessary.

Typically, someone will begin the negotiation and ask questions to gather facts that help or hurt their case. When this happens, we must be mindful of disclosing facts to our negotiating partner that may hurt our case or that we are prohibited from disclosing. Once both sides have finished fact gathering, someone will make the first offer, and a second counteroffer will then follow. This happens until both sides reach an agreement. If no agreement can be reached, people will go to “trial” in front of the class and a coin toss will determine who wins and what the settlement terms may be.

The skills and information I have learned so far, while doing this, have been invaluable. For example, I can better read through facts and recognize information that will affect my negotiation. I am more patient and a better active listener, problem solver, and decisionmaker. Additionally, I have learned how to be more persuasive and what my ethical obligations as an attorney are while negotiating. Last, I learned how to negotiate while having co-counsel and multiple parties.

After everyone is finished negotiating, we will debrief, and everyone will go over our negotiating experience. Professor Waller will provide invaluable feedback and educate us on any areas we could all improve on going forward in class and practice.

I am looking forward to the remainder of my advanced negotiation class.

Conclusion

I am happy I enrolled in Advanced Negotiation and Trial Practice. I learned so much already that I know will only make me a stronger advocate. Both classes have also proven to be low stakes and safe spaces to learn. I encourage all students to take Advanced Negotiation and Trial Practice. As other people have mentioned, even if you do not plan to litigate or negotiate, you will gain a better understanding of the process which will make you a more competent attorney. Professors Parisi, Conge, and Waller are all phenomenal, and you do not have anything to lose other than your stage fright.

Sources

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- [3] *Id.*
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- [5] Course Descriptions, *supra* note 1.



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Evaluating the Barriers to Accessible Education and Training in the Time of Uncertainty

Alexandra Kepler

The justice system is meant to protect individuals and ensure fairness and equity. Yet, the reality that many immigrants face does not reflect this purpose. Unlike the criminal justice system, which provides representation to individuals who are unable to afford an attorney, immigrants are not granted the same protection and generally must navigate the complex legal system alone.[1] Furthermore, immigration law faces significant backlogs as 3,687,750 active cases are pending nationwide before the immigration court since the end of February 2025.[2]

Despite this, immigration law is under greater threat and experiencing rapid changes. Nonprofits are seeing significant cuts to its federally funded programs.[3] These challenges highlight just how vital representation is as nonprofit advocates call for funding and challenge these changes in court. [4] While advocacy for these programs is necessary, these changes also show the gaps that could widen if the programs cannot be restored. Now, more than ever, training and education within immigration law should be more accessible to individuals who are interested in becoming lawyers.

Department of Justice (DOJ) accredited representatives, nonlawyer individuals who can represent immigrants in front of government agencies, are questioning their place within the system if their funding is revoked.[5] If funding is revoked, then representation for other programs will face similar repercussions. The American Immigration Lawyers Association (AILA) suggests that current private attorneys should be called upon to help fill these gaps.[6] But this is only a short-term solution. Eventually, attorneys retire, leave the legal field for another profession, or switch specialties.

How do legal professionals ensure that clients receive long-term representation? The answer is to remove some of the financial hurdles to become a lawyer. Individuals are drawn to becoming DOJ representatives because it is a cheaper alternative to becoming a lawyer. It allows individuals to serve their communities without incurring the financial burdens imposed on lawyers and law students.[7] Becoming a lawyer does not just mean accruing student loan debt to pay for law school. It also includes payments for registration with the California Bar Association, the MPRE, moral character determination, a laptop fee, and to take the bar. All for the low cost of \$2,000 – not including any additional surcharges, appeals, or retakes.[8] It also does not account for the cost of bar prep. According to the ABA Young Lawyers Division, 21% of respondents took out private loans during the bar prep period to fund their living and other expenses.[9] As a result of the expensive costs of education, the median student loan amount at graduation is roughly \$137,500 and the median bar loan amount is \$7,500.[10]

While the cost of student loans and a bar exam fee are likely anticipated, every little payment along the way is not. Each small fee adds up and each step is met with another hurdle to overcome. If the legal system was created to ensure justice,[11] why is protecting justice only accessible to those who can afford it? Removing these fees towards licensing, or even being truly transparent about these costs, and reducing educational costs can ensure that justice is served. By providing aspiring legal professionals with access to affordable education and licensing requirements, more individuals can pursue a career in the field and fill gaps in times of crisis. Now is the time to explore these changes as immigration nonprofits' funding cuts highlight the need for legal representation.

Sources

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[5] Law 360, <https://www.law360.com/articles/2311870>

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[7] *Supra* note 5.

[8] Admission fees,
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[10] *Id.*

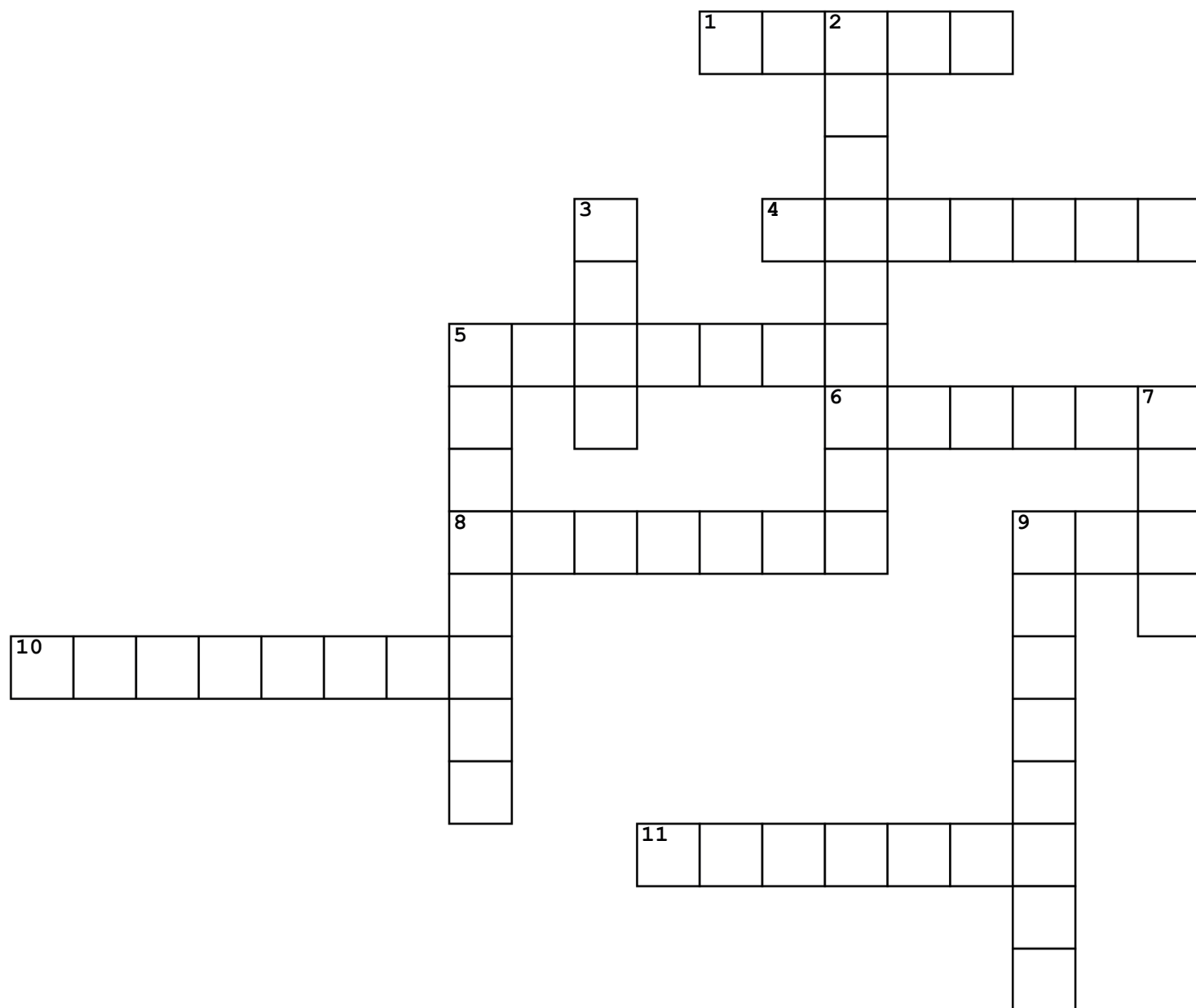
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Crossword: Test Your Legal Knowledge



Across

1. A contract implied by the court
4. "Guilty mind"
5. Tangible, personal property
6. A court confirming or upholding a lower court's decision
8. Opinion disagreeing with the majority
10. Court order to appear and testify
11. Providing legal services for free

Down

2. Party raising the case to a higher court to challenge the lower court's decision
3. Approach and organization to answer essay exams
5. Socratic method used by many professors
7. Required moral and ethical exam
9. Resource that explains how to cite various sources