

# DUE PROCESS

VOLUME I, NUMBER II – FEBRUARY 2009

## NEW ENGLAND LAW NEWS

### *The Other Side of the “V”*

The law school experience at New England Law Boston is separated into two divisions and likewise into two separate and unique experiences. While the choice to attend law school as a day student or an evening student is a personal choice, there are commonalities that drive the decision for most students. Evening students tend to be older with significant outside responsibilities and/or financial forces demanding a full time income.

Day students tend to be younger and able to finance their education more traditionally. As a 3LE, who has recently altered her lifestyle to accommodate a greater academic focus, (aka quitting my full-time job), I am in a position to advise and comment on the differing experiences of law school as divided among the class divisions.

Remembering my first year as 1LE, I recall the comments tossed about the discussion page of TWEN and amongst social circles with respect to the social class and privilege of the full time day students.

There was a brooding hostility towards those students who are not in a position to contemplate three years without an income. Likewise there is an understandable defensive backlash from the majority of these day students whose pockets are being turned inside out because they are often financing a three year vacation from full-time employment. That is, if you want to call a commitment to a full-time law studies a vacation. So, my suggestion, to the incoming and ongoing evening division students is to stop quibbling over class divisions, it's a fight you'll never win. Start getting your arsenal ready, because you have a whole different set of guns to fight with... [continued on page 5 in print]

## MARK YOUR CALENDARS!

- **New England OUTLaws** want you to join them! First, be at **Game Night** on Tuesday, February 3<sup>rd</sup> at 8pm at Dillon's apartment at 62 Boylston. Next, pop in at the **Spring Meeting/Brainstorm** on Tuesday, February 10<sup>th</sup> at 5pm in Room 301. Then, don't miss the **Karaoke Night Mixer** on Wednesday, February 11<sup>th</sup> at Club Café.
- **SAVE THE DATE!** The **Convention for the Elimination of All forms of Discrimination Against Women (CEDAW) and Its Optional Protocol** is scheduled for Friday, April 3<sup>rd</sup>!
- The **Law Day Banquet and Barrister's Ball with Keynote Speaker, The Honorable Ruth Bader Ginsburg**, will take place on Friday, March 13<sup>th</sup> at the Boston Marriott Copley Place. Don't miss it!
- Come and check out the **Center for Business Law's** conference entitled: **Money, Business, Fraud, Criminal**

**More in Print:**

*A Letter from Dean O'Brien...*

*People in the News*

*Notice Regarding Student E-mail Accounts and School Communications*

*Convention for the Elimination of All Forms of Discrimination Against Women and Its Optional Protocol*

*Students Honored for Achievement in 2007-2008 Academic Year*

*Law Day with Justice Ginsburg*

*Judicial Language Project*

*Recent and Forthcoming Faculty Publications, 2007-Present*

**Prosecution, Civil Enforcement, Government Regulation, Taxation, and Intellectual Property Protection** on Thursday, February 19<sup>th</sup> at 4pm at New England law’s newest space at 31 St. James Street!

- The **Women’s Law Caucus** wants you to be aware of their upcoming events! Join the **WBA Round Table Discussion on Women in the Workplace** on Tuesday, February 3<sup>rd</sup> at 5:30pm in the Cherry Room; don’t miss the **Human Trafficking Awareness Event** sponsored with the **International Law Society** on Thursday, February 12<sup>th</sup> from 2:30-7pm in the Cherry Room; and be a part of the **Annual Follies & Roast Event** on Friday, March 27<sup>th</sup> at 5pm at FELT Nightclub!

**STUDY ABROAD**

*Study Abroad 2008: One Student’s Experience in Prague*

If I could talk about one aspect of New England Law, I would emphasize how great the study abroad programs are. Whether it’s Prague, London, Edinburgh, Ireland, or somewhere else, the experience you have will expand your knowledge of culture and provide you with invaluable studies of different legal systems. Further, the people that you meet, from your school, other schools, or even natives, may turn into long lasting friendships and personal relationships. I attended two summer abroad programs, but one, Prague, has given me an unforgettable experience most students dream of. As the heart of Eastern Europe, Prague proved to be a perfect mix of culture, studying, traveling, and fun.

Charles University Faculty of Law hosted the Prague program. From day one, Charles University and their student representatives were accommodating and facilitated students’ stay in Prague. Student representatives gave us tours and answered all of our questions. From “where are the trains,” to “where can we go out at night,” student representatives remained patient and eager to assist us. Furthermore, the dean and

**JOBS JOBS JOBS!**

*That Coveted Summer Job*

During the summer of 2008, I interned at the Suffolk County D.A.'s Office. Because I was a rising third-year student, and therefore had my 3.03 certification\*, I was able to be a student prosecutor and handle my own cases from the beginning (the arraignment stage) to the end (the disposition phase, including plea bargains, motion sessions, and even a trial.)

I found information concerning intern positions at [http://www.mass.gov/dasuffolk/docs/job\\_opps.html](http://www.mass.gov/dasuffolk/docs/job_opps.html).

I applied by sending in a resume and a cover letter. These positions, I’m told, are competitive and SCDAO makes offers on a rolling basis; therefore, students should apply earlier than the March deadline. I received a call concerning my application and interviewed with Lupita Donovan, who is the Hiring Coordinator. She offered me the position at the end of the interview, and allowed me to choose the court where I would intern.

I enjoyed my internship very much. One of the only drawbacks of the position is that it is unpaid. However, since it is unpaid, many supervisors allow interns to take various days off and make their own hours (for example, I would come in around 8 AM and leave around 4 PM). Therefore, I

faculty lectured us on the interesting history of Prague and their legal system. They also allowed us to tour their courthouse, which was especially fascinating.

Personally, the best part of this program was the endless supply of coffee waiting for us when we arrived to class. Since our classes lasted from nine to one, this coffee kept us awake and alert. We were allowed to choose two classes from the four classes available. I chose Juvenile Law and Health Care Law, however the other two classes were just as great. In Juvenile Law, It was interesting to learn how different countries coddle juveniles where they are tried as minors even for the most atrocious crimes. Health Care Law allowed us to learn about world health in comparison to the United States using legal analysis. It was eye opening to learn how inefficient our health care system is in relation to the rest of the world... [continued on page 21 in print]

**More in Print:**

*Summer in Galway, Ireland*

*Trial & Errors: Civil-izing the Common Law while Voicing History and Creating an International Legacy for Peace and Justice at the ICTY*

*Studying law at the University of Leiden*

was able to receive a great learning experience and still enjoy my summer. I was in court every day, for most of the day, and was given many opportunities to practice the field of law I want to specialize in (prosecution). I would recommend it to anyone interested in criminal law, as well as students who want courtroom experience.

\*The SCDAO accepts applications from rising second-year students as well, although their duties are more limited because they cannot yet practice in the district courts... [continued on page 7 in print]

**More in Print:**

*Judicial Clerkships*

*Summer as a 2L*



**IN OTHER NEWS**

*Securities and Exchange Commission Surveillance: Welcomed Oversight or “Big Brother?”*

On December 16, 2008, in an uncharacteristically animated speech, Lori A. Richards of the Securities and Exchange Commission (SEC) presented her proposal for a new surveillance program for Mutual Funds. Ms. Richards is the Director of the Office of Compliance Inspection and Examinations for the SEC. She presented her proposal at the 2008 Securities Law Developments Conference at the Investment Management Institute in Washington, D.C.

Historically, the SEC has monitored investment advisors and mutual funds through a combination of periodic onsite exams and a system of electronic self-reporting to the SEC. As the number of registered investment advisors has increased over the years, along with the expanding complexity of the industry, it has become a challenge for the SEC to provide effective

**BAR EXAM CORNER**

*A Q&A with Professor Coulthard*

Q: How can I find answers to all of my burning bar exam questions?

A: KEPP READING!

Q: I don’t want to be overly disappointed if I fail. Is it ok if I just hope for the best and see how it goes?

A: The bar exam is tough and requires hard work and dedication. Keeping a positive attitude and planning to pass are pivotal to your success. “If you think you can do a thing or think you can’t do a thing, you’re right.” Henry Ford. The bar exam is all about being positive. You must believe in yourself, and believe that you can annihilate the bar exam. The primary reason students fail the exam is they do not plan to pass it.

Q: I want to find out about my state’s bar exam. Should I grab a Starbuck & Google it?

A: No! The only safe and reliable source of information

oversight.

Ms. Richards is proposing a new surveillance program that would give the SEC unprecedented access to the internal data of mutual funds. She is suggesting that mutual funds open up their IT environments to allow the SEC to access and download information regularly. Such a surveillance program would not only go far beyond the “books and records rule” with which all investment advisors must now comply, it would open up a plethora of serious concerns and practical challenges for Legal and Compliance personnel in terms of Privacy and Data Security.

This program would not be, as asserted by Ms. Richards, a continuation of the electronic reporting that now occurs in the industry. It is true that investment advisors routinely submit data to many agencies including the SEC and the Financial Industry Regulatory Authority (FINRA) but that data consists of reports prepared by the investment advisor and submitted to these agencies via an electronic filing process. It is not currently a system allowing a government agency unfettered access to the servers of these companies.  
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### More in Print:

*I Do Analytical Prowess*

*The Son of God's Cure for Global Warming*

*Marijuana: Illegal, But Not Quite Criminal*

*Contracts Crossword*

about the bar exam is distributed by the state examining authority, usually the Board of Bar Examiners or Board of Law Examiners. Go to this website: <http://www.law.uidaho.edu/baradmission>. The University of Idaho School of Law website provides links to the official state bar exam websites for all 50 states— including yours!

Q: Is the bar exam like a law school final exam?

A: The bar exam is really nothing little like law school final exams. The bar exam is generally tested in three formats:

1. The MBE: 200 multiple choice questions in the areas of Constitutional Law, Contracts/Sales, Criminal Law/Procedure, Evidence, Property, and Torts;
2. Essays: generally fairly short, usually calling for a simple IRAC or simple CIRAC format; and/or
3. The MPT: performance test to evaluate writing and analysis skills. Not every jurisdiction uses this.

NOTE: All jurisdictions except Louisiana and Washington administer the MBE as part of the state bar exam. The key is to know exactly what's tested on the bar exam, and how to attack it.

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**QUESTIONS? CONTACT DUE PROCESS EDITOR-IN-CHIEF,  
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