



# St. Thomas Law News

ST. THOMAS UNIVERSITY SCHOOL OF LAW NEWSLETTER

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## PREPARING FOR EXAMINATIONS

Exam taking is a time of high stress and anxiety. Students should get adequate rest before exams. Students should avoid abusing prescription drugs, pulling “all nighters,” or otherwise incapacitating themselves prior to the start of the exam. To insure the integrity of the exam process, all students are required to abide by the rules and policies concerning the administration of examinations. Go now, and review your final exam schedule. Make sure you know when each of the examinations is scheduled for each class. Set up a study schedule. Do not rely on early versions of the exam schedule.

If you have an exam on the first Monday morning and have not already picked up your AGN, you can get it at 8:00 a.m. on Monday from the Registrar’s counter. Please arrive early enough to do so, prior to the actual start time.

Below are some guidelines and rules for you to follow regarding your upcoming exams. Please note that have been instructed to follow the procedures as set forth herein.

1. Students must **report in a timely** fashion for the examinations. Any tardiness will cause the student to lose time for that exam; excessive tardiness may preclude the student from taking the exam at all.
2. If any student gets sick prior to an examination, he or she should contact the Registrar’s Office (305-623-2360) or e-mail Assistant Dean John Hernandez ([jhernandez@stu.edu](mailto:jhernandez@stu.edu)) immediately. Then, the student should go to his or her physician and get documentation. Do not start an exam if you are ill.
3. The time allotted for an examination includes the time to “bubble in” answers on the Scantron Answer sheets. Students must make sure to record their answers on the Scantron answer sheet prior to the expiration of the time allotted for the examination. Students will not be given extra time at the end of the exam to bubble in the Scantron answer key.
4. Students taking exams with Exam 4 should report to the rooms **at least 15 minutes** prior to the

## CAMPUS EVENTS

<b>April 26:</b>	Last Day of Classes
<b>April 27:</b>	Tax Clinic Alumni(ae) Reception, Cordero Breezeway @ 5:30 p.m.
<b>April 27-29:</b>	Reading Days
<b>April 30 – May 11:</b>	Final Exam Period
<b>May 3:</b>	Baccalaureate Mass, Chapel of St. Anthony @ 7:00 p.m.
<b>May 12:</b>	Commencement Ceremony, Fernandez Family Center @ 9:00 a.m.

start time. Students must make sure to download the exam BEFORE the day of the exam. **If you arrive late to an exam, or did not sign up for Exam 4 on time, you must hand-write the examination.**

5. Students using Exam 4 must activate and open Exam 4 at the **beginning** of the examination. It is the student's responsibility to make sure the clock set on his or her computer has the correct time.
6. Students take and use Exam 4 at their own risk. If a technical problem develops, the student should notify the proctor ASAP and revert to taking the examination by hand. There is insufficient time to resolve technical problems that may arise during an examination.
7. Students will be limited to whatever is essential to complete the examination.
8. Students are not allowed to bring book bags, backpacks, purses, or any kind of satchel or bag into the exam rooms.
9. No cell phone, electronic tablet, watch, or other similar device is allowed in the examination room. Student should leave all such devices at home, in their cars, or in the care of some other student who is not taking an examination.
10. Students are limited to one small, quart-size, see through plastic bag ("Ziploc style") to carry limited personal items (e.g., pens, highlighters, pencils, medications, foam ear plugs, feminine hygiene products) and one bottle of water (only water). Students also can bring in a laptop to use for the exam and cords for laptop. No other electronic devices are allowed in the examination room.
11. For examinations more than four (4) hours in duration, students also can bring in one, small food item that can be consumed quietly (e.g., soft granola bar, candy bar). Student cannot bring in chips, gum, hard candies, and cannot bring any item that contains peanuts.
12. Any sweatshirts, sweaters, etc. must be worn while in the room, hoods must be worn down, and the sweatshirt or sweater must be removed prior to going to the restroom. Students cannot bring large coats into the room.
13. For open book examinations, student may bring in what is designated above and the specifically designated books or notes allowed by the professor. Students will need to have those books and notes in a way they can be carried directly into the room, not in book bags.
14. If the professor has specifically allowed an electronic device (e.g., calculator) then the student may have that device. But, it cannot be a function of another device; e.g., a student cannot use the calculator function on his or her phone. If there is any doubt as to whether the book, notes, device, etc. are allowed as per the professor's instructions then the student will not be allowed to bring in the questionable item. (So, for example, if the professor has allowed in a specific copy of a rule book, photo copies of that book are not allowed.)
15. Students may leave a testing room only one at a time for rest room breaks, and must sign out and in. If two students taking the same examination attempt to use the same rest room at the same time, the proctor may delay one student from entering the restroom until the other student has exited.
16. Students may not talk or consult with anyone during the administration of an examination.

Avoid even the appearance of inappropriate consultation.

17. Proctors have been instructed to continually walk through the rooms and look at students taking the examinations. If you are easily distracted, sit where this will have the least effect on you.
18. Students may use only ear plugs or headphones that are incapable of receiving any kind of transmission. If a student intends to use something other than ear plugs, the device must be approved ahead of time by Assistant Dean Hernandez.
19. Students must turn in all materials at the end of the examination, and **place their AGN on all materials**. You are not to put your name or other identifying information on the examination materials. Students should clearly label blue books 1 of 3, 2 of 3, 3 of 3, etc. (as applicable). Do not, under any circumstances, exit the room with the examination question booklet.
20. The Professor for the class, members of the Registrar's office staff, and members of the Administration may walk in and observe the administration of the examination.
21. Students are not to argue or debate with the proctors. If a student disagrees with a proctor's decision, or has a problem or concern, please ask to see a member of the administration ASAP.
22. Proctors have been instructed to report any activity that appears suspicious to the Administration. The Registrar, Assistant Registrar, Assistant Dean Hernandez, Assistant Dean-Fonseca Nader, Associate Dean Dykas, and Associate Dean Lawson may investigate any matter that is brought to our attention. Again, avoid the appearance of any impropriety.
23. Students must follow the Proctor's instructions at the conclusion of the examination. Students must stop all writing when instructed to do so and submit examination materials in an orderly manner.
24. Please be advised that students are **not permitted to take smoking breaks** during examinations. Breaks are allowed only for use of the restroom, and the student must sign out and in when leaving and entering the room. Any student taking an examination should go nowhere other than the restroom or the examination room.
25. Students taking exams in the Annex (Rooms A-111 and A-112) and CPD-113 in the Center for Professional Development must use the restrooms in the CPD building.
26. If any problem develops after an exam or a student feels like he or she needs to communicate something to the professor about an exam, verify that all of an answer was received or otherwise has some question or needs assistance with regard to an exam, **never** contact the professor directly prior to grades being posted. Contact Assistant Dean Hernandez [jhernandez@stu.edu](mailto:jhernandez@stu.edu).

Any student with a health or dietary issue who needs to bring in some item to address that concern needs to clear the item with Assistant Dean Hernandez prior to his or her first final. If any student has any question about the policy, please contact Assistant Dean Hernandez.

Proctors have been trained and advised that examinations create a lot of anxiety and stress. They have been asked to be sensitive to students concerns. Likewise, students should be aware that proctors have specific, assigned tasks to complete.

If any student has any question about examinations or the exam process, please contact Assistant Dean Hernandez at [jhernandez@stu.edu](mailto:jhernandez@stu.edu).

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## INTERNATIONAL MOOT COURT 2018-2019 EXECUTIVE BOARD

The International Moot Court would like to announce the 2018-2019 Executive Board: **Erika Cordovi** – President; **Christian Lee Gonzalez** – Vice President; **Antonio Villa de Rey** – Treasurer; **Karina Hidalgo-Gato** – Secretary; and **Ana Gracia** – Member Coordinator.

The 2017-2018 Executive Board would like to congratulate each of you and has high hopes for the future of the organization.

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## VITA DINNER AND TAX SYMPOSIUM

On Tuesday April 24, the volunteers of STULS/VITA had their end of year dinner to celebrate the accomplishments of their tax season. This year, STULS/VITA process more than \$400,000 in tax refunds. Additionally, graduating tax students revealed their Tax LL.M. choice. This year, students from the tax program have been admitted to Georgetown, University of Florida, Northwestern, and Boston University.



## TAX LAW SYMPOSIUM WAS A BIG SUCCESS

On April 19, 2018, the St. Thomas University School of Law Tax Law Society hosted a Symposium entitled: “Decoding H.R. 1 – Tax Cuts and Jobs Act Symposium: Challenges and Opportunities.” The 2018 Symposium covered the new tax law changes under H.R. 1 (“Tax Cuts and Jobs Act of 2017”) affecting individual, estate, gift, international, and corporate taxation matters. The symposium was a big success. More than 100 persons attended. The symposium was organized by Professor **Mark Wolf**, and many successful alumni(ae) served as panelists.

Pictured from left to right: **Victor Gabuardi** (3L), Professor **Wolf**; **Cynthia Rosa** (3L), **Diana Barroso-Duenas**, **Ansell Fernandez** (3L), and **David Hernandez** (2L).

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## 6<sup>TH</sup> ANNUAL ELDER LAW SYMPOSIUM

On April 17, 2018, the Elder Law Society hosted its 6th Annual Symposium at St. Thomas University School of Law. This has been the law school’s largest symposium with more than 150 attorneys in attendance. The speakers addressed some of the diverse issues presented by Elder Law and discussed why it is a growing practice area in South Florida. The Symposium was sponsored by the Law Offices of **Collett P. Small** ‘05, P.A., Sanchez Vadillo LLP, and Biscayne Bank.



## ACTUAL INNOCENCE LUNCHEON

On April 16, 2018, the Student Bar Association and the Criminal Law Society hosted a luncheon entitled *Actual Innocence*, where Vivianne Del Rio (Assistant State Attorney) spoke about her involvement in the Post-Conviction Unit at the State Attorney's Office, and Robert Barrar (Criminal Defense Attorney) talked about his involvement with the Richardson Case (one of the most famous exoneration cases in history). Mrs. Del Rio and Mr. Barrar spoke about actual innocence/wrongful conviction, and finding justice in the criminal justice system. More than 30 law students attended this event.



Pictured from left to right: **William McRea** (2L); **Morgan Levine** (1L); Robert Barrar, Esq.; Vivianne Del Rio, Esq.; **Katherine Santana** (2L); and **Lace Hernandez** (2L).

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## ST. THOMAS TRIAL TEAM END OF YEAR BANQUET

St. Thomas Trial Team's End of the Year Banquet was held on April 14th, 2018, in the Evelyn & George Goldbloom Convocation Hall at St. Thomas University. The banquet recognized the Trial Team's coaches for all their hard work throughout the year, celebrated the year's accomplishments, and said goodbye to the graduating 3L students. This year's banquet was a special occasion because it celebrated a successful year as *National Champions*, and it said goodbye to faculty adviser, mentor, and coach, Adjunct Professor **Michael Mayer**. Mayer's dedication, passion, and leadership led the

St. Thomas Trial Team for the past nine years. This year's theme was *Mardi Gras Masquerade* in honor of the ABA National Champions winning in New Orleans.

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## PALERMO PROGRAM MOCK TRIAL COMPETITION - CAROL CITY SENIOR HIGH SCHOOL

On April 13, 2018, more than forty 9th and 10th graders from Carol City Senior High School participated in the Honorable Peter R. Palermo Program Mock Trial Competitions at St. Thomas Law with their teacher Asiah Wolfolk-Manning, Esq. Our guest volunteer judges included Jeff James (Miami-Dade School Board Attorney), Shuntal Dean (Kubicki & Draper), and Raven Liberty (Rubinton Law). Special recognition and thanks to: Palermo Program President **Na'imah Lafferty** (2L), Vice-President **Shannon Smith** (2L), Secretary **Jasmine Ramos** (2L), and Professor **Gary Kravitz**.

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## FBA STUDENT DIVISION BROWN BAG LUNCHEON

On April 13, 2018, the Honorable Peter R. Palermo Federal Bar Association Student Division attended a brown bag lunch hosted by the Honorable Beth Bloom, U.S. District Court Judge for the Southern District of Florida. Judge Bloom spoke about the practice of federal law, professionalism, and civility. After lunch, Judge Bloom gave a tour of her courtroom and explained the symbolism of the phrase “passing the bar,” and why it is an honor and a privilege.



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## BLACK LAW STUDENT ASSOCIATION UMOJA CEREMONY

On April 12, 2018, the Black Law Students Association held its Umoja Ceremony, in recognition of the Spring 2018 graduates. The dinner was held in the Evelyn & George Goldbloom Convocation Hall at St. Thomas, and it was well attended by St. Thomas Law students and alumni(ae). Encouraging words were shared by Dean **Tamara Lawson** and Professor **Tia Gibbs**; the Guest Speaker was Attorney LaDray Gilbert of The Gilbert Firm, P.A., in Marianna, Florida.



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## STUDENT ACHIEVEMENTS

**David Bixby** (2L) is the recipient of the South Miami Kendall Bar Association Scholarship. He will be awarded his scholarship at South Miami Kendall Bar Associations annual banquet, at University of Miami’s Newman Alumni Center on May 30.

**Diego Sanchez** (2L) has been chosen as the 2018 recipient of St. Thomas University’s “Valencia Engaged Scholar” Award. The award was established in memory of St. Thomas Villanova, Archbishop of Valencia, who was known as “Defender of the Poor.” The award is given every year to a student who has exhibited outstanding integration of their academic study with the social-justice issues of our wider community.

**Samira Jackson** (1L) accepted a Summer Internship with Rolando Vazquez, P.A., in its Sports Law department in Doral.

**Jonathan Kernizan** (1L) accepted a competitive Summer Internship with the U.S. Department of Justice, Executive Office of Immigration Review in Miami.

**Dufirstson Neree** (2L) accepted a funded Summer Internship as the George Harper Fellow with Legal Services of Greater Miami in its Mortgage Foreclosure Unit.

**Alexsandra Simoes** (2L) accepted a Judicial Internship with Judge Towbin-Singer, 17<sup>th</sup> Judicial Circuit Court in Broward County, Felony Drug Court in Fort Lauderdale.

**Yesenia Rodriguez** (2L) accepted a highly competitive paid Summer Law Clerk position with the Broward County Attorney’s Office.

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## ALUMNI(AE) NEWS

**Andrea Arauz**, a 2017 graduate, accepted a Tax Association position with KPMG in the State and Local Tax department in Fort Lauderdale.

**Pablo Leal**, a 2016 graduate, accepted a Tax Associate position with Ernst & Young's Transaction Advisory Service Team in San Francisco, California.

**Elba Lumbia**, a 2012 graduate, accepted an Attorney position with the Administrative Office of the U.S. Department of Homeland Security in Miami.

**Marc Rapaport**, a 2017 graduate, accepted an Associate Position with Foreman Friedman, P.A., in Miami, specializing in Maritime Law.

**Eric Rubenstein**, a 2017 graduate, accepted an Associate Attorney position with Rubenstein Law in Miami, specializing in Plaintiff's Personal Injury.

**Monica Twombly**, a 2016 graduate, accepted a Trial Attorney position with the Civil Division of the U.S. Department of Justice, Office of Immigration Litigation, Appellate Division in Washing, D.C.

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## FACULTY ANNOUNCEMENTS

Professor **Raúl Fernández-Calienes** has earned a Master of Science degree in TESOL (Teaching English to Speakers of Other Languages). This is his third master's degree.

In addition, Professor Fernández-Calienes has been awarded the 2018 Philip Jones Fellowship by the Ephemera Society of America. The Society selected his study, "Fighting Human Trafficking with Ephemera: Strategies for Education and Action" from applications coming from all across the nation.

Professor **Ira Steven Nathenson** completed his term as Chair of the Civil Procedure Section of the Association of American Law Schools (AALS) by assembling and moderating a panel of distinguished IP, technology and procedure scholars at the AALS annual meeting in January on "Procedure as Technology/Technology as Procedure." Professor Nathenson also has been invited to speak on the intersection of intellectual property and procedure at an upcoming conference at Lewis & Clark Law School at its Twenty-Third Annual Fall Forum this coming September.

Additionally, Professor Nathenson has joined a number of important letters and amicus briefs on matters of speech, intellectual property, and internet law: Brief of Intellectual Property Law Professors as Amici Curiae in Support of Reversal, *TD Bank, N.A. v. Hill*, No. 16-2897 (3d Cir. 2018) (injunctions in copyright cases); Brief of Intellectual Property Law Professors as Amici Curiae in Support of Petition for Rehearing En Banc, *Ariosa Diagnostics, Inc. v. Illumina, Inc.*, Nos. 2016-2388, 2017-1020 (Fed. Cir. filed Feb. 23, 2018), [https://www.eff.org/files/2018/02/26/ariosa\\_v\\_illumina\\_amici\\_brief\\_ip\\_profs\\_.pdf](https://www.eff.org/files/2018/02/26/ariosa_v_illumina_amici_brief_ip_profs_.pdf) (patent disclosures); Letter of Internet Law Scholars and Advocates to NAFTA Negotiators from the U.S., Canada, and Mexico Regarding Internet Immunity (Jan. 21, 2018), <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=2651&context=historical> (NAFTA and Section 230 immunity); Brief of IP Professors and Others in Support of Pandora, *Flo & Eddie, Inc. v. Pandora Media, Inc.*, No. 15-55287 (Cal. filed Jan. 12, 2018), [https://law.yale.edu/system/files/area/center/isp/docuents/yale\\_isp\\_and\\_free\\_epression\\_amicus\\_brief.pdf](https://law.yale.edu/system/files/area/center/isp/docuents/yale_isp_and_free_epression_amicus_brief.pdf) (extent of state copyright law for pre-1972 sound recordings).



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