

Tuesday, February 17, 2015

Government**Uniting for battle: Bay Area companies respond to Obama's call to action on the cybersecurity front**

President Obama's speech at last week's cybersecurity summit on Stanford's campus signaled the important role Bay Area companies - and lawyers - will play in the ongoing fight against cyberhacks.

U.S. Court of Appeals for the 9th Circuit Billy club-wielding man cannot be deported for moral turpitude, 9th Circuit rules

A lawful permanent resident from Mexico who admitted to being a criminal street gang member when found carrying a billy club isn't deportable for having committed a crime of moral turpitude, a federal appellate panel held on Friday.

U.S. Supreme Court**A bogus case of camera shyness**

History is happening now in Washington, D.C. - but only a select few will be able to witness it. With less than 200 seats available to the general public, the Supreme Court is a tough ticket. By **Alex Armstrong**

Firm Watch**On the Move**

A weekly roundup of lateral attorney moves, law firm office openings and partner promotions from around California.

Intellectual Property**Open Text wins damages after jury finds that Box infringed patents**

A San Francisco federal jury awarded Open Text SA \$4.9 million in damages after finding that Box

company, infringed three patents.

Litigation**LA, Kern County at odds over limits on sludge recycling**

LA has gone on the offensive again in a long-running fight between the city and Kern County, this time over a recent ordinance regarding biosolids, the byproduct of purification systems that treat wastewater from businesses and residences.

Laptops in law school: To ban or not to ban?

By Don J. DeBenedictis

Earlier this year, UC Hastings College of Law student Matthew Huzaineh got permission from administrators to switch out of one constitutional law class into a different one. Why? Because the first professor forbids students from using laptop computers in class, while the second one does not.

"It's a big issue," said Rory Little, Huzaineh's new, more accommodating law professor, about whether laptops are good or bad in the classroom.

In education circles, it's a debate as old as the Internet, or at least wireless routers.

For law faculty, the issue gained renewed currency this month when Steven Eisenstat of Boston's Suffolk University Law School posted a law review article explaining in detail why he now bans laptops in his classes. The paper "is much the buzz," said Laurie L. Levenson of Loyola Law School.

In particular, Eisenstat cited a trio of studies by education researchers at UCLA and Princeton University demonstrating that students who type notes on their laptops retain and comprehend less than those who handwrite their notes.

"If you prohibit laptops, you're going to be outing those who need accommodation."

- Laurie L. Levenson, Loyola Law School

He concludes that "we need to question whether our students are being served by our continuing to permit their use of laptops in our classes. And if ... they are not, then we need to ban or seriously limit their in-class access to their laptops."

That raises problems. "I would vehemently oppose banning laptops or tablets" as a school policy, said Erwin Chemerinsky, the dean of UC Irvine School of Law, which leaves the decision up to individual professors.

"Students react badly when faculty members ban laptops," he said.

Huzaineh can attest to that. After he went through the trouble to get permission to switch classes, other students asked him, "How did you do that? We've got to get out."

After all, he said, "we grew up on the computer. ... A lot of people say, 'This is the



Don DeBenedictis / Daily Journal
Erwin Chemerinsky, the dean of UC Irvine School of Law, teaches a federal courts class on Thursday. He said he "vehemently" opposes the school-wide ban of laptops, a practice being more widely adopted by some professors.

only way I've ever taken notes."

Faculty who do prohibit or limit in-class computers give several reasons. Principally, they say Internet access is just too attractive and distracting. They worry students will check email, surf the Web or play solitaire.

"We live in a society with ADD," explained Erez Aloni of Whittier Law School, who won't allow laptops in the classes he teaches.

"Students do a lot of multitasking" if they have their laptops connected, he said. "Not only are they distracting themselves, they are distracting others" around them, whose attention might be grabbed by what's on a neighbor's screen.

Another reason, both he and Chemerinsky said, is that a laptop can become a barrier between a student and his peers and professor. Particularly in a small seminar, "as soon as you start staring at your computer, you're taking away from the group," Aloni said.

If prohibiting computer-assisted note-taking seems paternalistic, so what? "Teaching is paternalistic," he said. "As lawyers we need to focus, to maintain our attention. I think it's good training."

Most importantly, as the UCLA-Princeton and other studies show, laptops hinder learning.

Able to type very quickly from a lifetime spent at keyboards, law students using laptops tend to treat taking notes as taking dictation, many professors said.

"They transcribe rather than sitting and thinking," said Rodney O. Fong of the University of San Francisco School of Law, which bans laptops in first-year classes only. Typing students may plan to go through their transcripts later to organize and synthesize their notes, but they frequently don't get around to it, he said.

Like many law professors, UCI's Catherine Fisk said she often had the experience of posing a question to an intently typing student, only to have the student ask for the question to be repeated. "Obviously, they were paying zero attention," she said.

When she taught at Duke University, Fisk prohibited laptops, partly because most other professors did. At UCI, she allows them.

Most law faculty also are somewhere in the middle on the issue. "I'm 49-51," said Lawrence E. Rosenthal of Chapman University Fowler School of Law.

He allows laptops generally, but he insists students in his criminal law class use book versions of the California Penal Code - because scrolling through the book online is too time-consuming and cumbersome.

Many professors who permit computers give their students stern talks early on about taking good notes and warning them about the risks of reduced comprehension.

One reason to allow laptops, many said, is that that some students need them, such as those requiring a special accommodation for a learning disability. "If you prohibit laptops, you're going to be outing those who need accommodation," Levenson said.

"Every student is different," said Dean Allen Easley of Western State College of Law. "We don't want a policy of treating every student as identical."

And there are some good reasons to encourage laptops. For instance, Hasting's Little said when a casebook gives an edited version of an important precedent, he sometimes has students pull up the full case online.

In addition, some professors - especially those teaching legal research and writing - are creating their own digital texts and teaching materials.

Also, many students these days buy their expensive textbooks in less costly e-book formats. That means the laptop is the textbook.

Professors who do ban laptops - including Aloni and Suffolk's Eisenstat - say once

Mergers & Acquisitions

Dealmakers

A roundup of recent transactions across the state and the lawyers involved.

Constitutional Law

Reinstate the ban on foie gras

California Attorney General Kamala Harris is right to appeal a federal district court's misguided ruling, which invalidated the state's groundbreaking foie gras law. It's up to the 9th Circuit to rectify it. By **Stephen Wells**

Antitrust & Trade Reg.

High time for high court to revisit antitrust exemption

Twice in the 20th century the Supreme Court was confronted with an opportunity to reverse the 1922 ruling that baseball is not interstate commerce and twice it declined to do so. But maybe not this time. By **William B. Gould IV**

Constitutional Law

Mixed causes of action get mixed anti-SLAPP results

The state Supreme Court should resolve the matter of to what actions the anti-SLAPP statute can be applied. By **Stephen L. Raucher and K. Cannon Brooks**

Intellectual Property

God made a farmer, then Congress made the DMCA

A few weeks ago, I found myself on a sunny strawberry farm in Santa Maria in the seat of a John Deere tractor, inspecting the computerized controls with one of my students. Why? Intellectual property. By **Dan Nabel**

Criminal

Is marijuana's classification irrational?

While Congress drags its feet on marijuana policy, people are being prosecuted and put behind bars. The courts are taking notice. By **Tom McMahon**

Letter to the Editor

LETTER: Misleading comments regarding CFRA ruling

The article published Feb. 9 titled "On leave, behaving badly," is misleading in its explication of the state Supreme Court's recent ruling on the California Family Rights Act. By **Lee Feldman**

LETTER: 'Male attorneys strike out on their own'

A recent article - especially its headline ("Female attorneys strike out on their own," Feb. 12) - and women-only attorney groups and seminars are classic examples of the soft bigotry of low expectations. By **Alfred G. Rava**

Judicial Profile

students get used to old-school note-taking, they find they like it.

Whittier Law School's Kristen Martin has surveyed students at the end of her advanced lawyering skills class, where she only allows book versions of the various sets of codes and rules the class studies. About 10 percent of the students disliked the computer ban, 46 percent didn't care and 44 percent found they preferred using books, Martin said.

But that's not reason enough for many. Ban opponents argue strongly that students should be able to choose for themselves how they best learn.

"They're adults," Levenson said. "We should provide them with the information" and let them decide.

Hasting student Huzaineh goes further with that argument. "I'm paying about \$50,000" for a law degree, he said. "I want to learn the way I want to learn."

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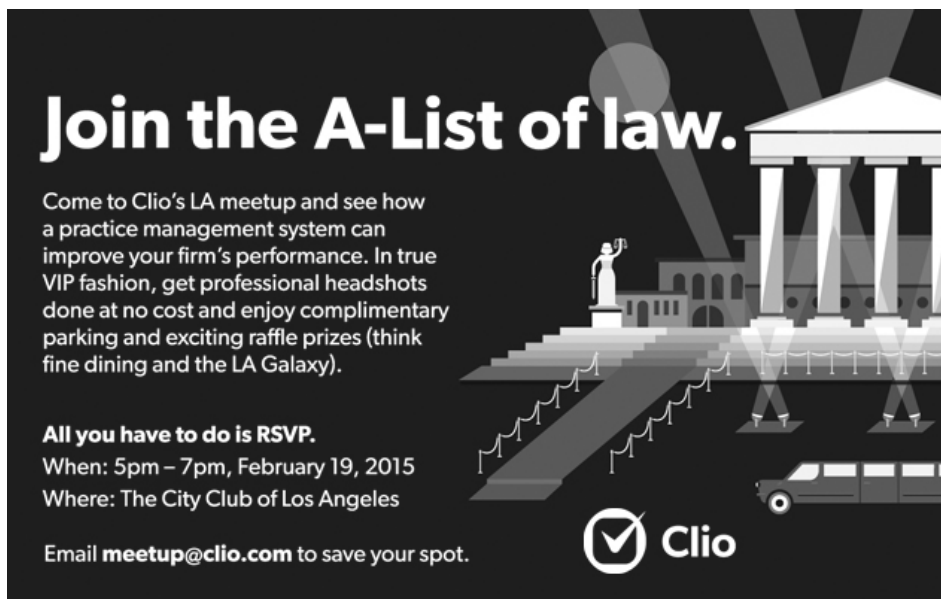
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Education

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