



Fall 2011

## UC San Diego Student Legal Services

# VERITAS VINCIT



## The New “Alcohol Immunity” Law

A new law went into effect on January 1, 2011, that could apply to many university students in this state! California Business & Professions Code Section 21200 states that a minor (*i.e.*, a person under 21 years of age) is immune from prosecution for “Minor in Possession of Alcohol” or “Purchasing

Alcohol for a Minor” charges IF all of the following occur: 1) the minor called 911 to report a medical emergency caused by alcohol involving himself/herself or another person; 2) the minor was the first person to call; and 3) the minor remained on the scene until assistance arrived. This immunity does NOT apply to DUI, reckless



driving, or municipal charges. If you want to know more about this law, contact SLS to schedule an appointment!

### Inside this issue:

## File Sharing & Piracy by Desi Kalcheva, SLS Intern

The New “Alcohol Immunity” Law **1**

File Sharing & Piracy **1**

Criminal Law 101 **2**

Adderall & Other Prescription Drug Issues **2**

Discover the Law **3**

Facebook Privacy **3**

Welcome 2011-2012 SLS Interns! **4**

At a time when cell phones are like micro-versions of laptop computers, when textbooks are transitioning from printed-paper to electronic page form, and when lectures can be virtually attended via an Internet medium, accessing copyrighted materials has become a nearly seamless process. However, as effortless as it may be to click and download copyrighted material—such as music, movies, tv shows or computer programs—the violation of anti-piracy laws does not come without consequences. While students are recurrently reminded to practice academic integrity, less frequently are they informed of UCSD’s Copyright and Peer-to-Peer (P2P) File Sharing Policy. Last year alone, UCSD’s ResNet Office issued over 800 copyright violation notices to students.

With the prevalence of this type of infringement comes the urgency for student awareness of piracy and the need to prevent it. UCSD maintains an explicitly-worded policy governing copyright violations. It cites the consequences for infringement—whether on or off campus—and offers alternatives to potentially illegal sources. (see more at <http://acms.ucsd.edu/filesharing>).

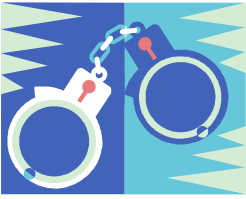
Using P2P through file-sharing networks such as Limewire and Kazaa, where nearly all the shared material is copyrighted, immediately becomes illegal when the transfer of copyrighted data from one individual to another is not with the consent of the owners of the copyright.

While UCSD does not conduct network searches for illegitimate distribution, it acts in accordance with the federal

Digital Millennium Copyright Act by responding upon receipt of copyright violation notices from credible sources.

A violation of law and/or UCSD policies can lead to serious consequences. If a student is linked with copyright infringement, he or she may be fined and his or her UCSD Internet connection may be blocked for the remainder of his or her time at UCSD. Moreover, implications may exceed university reprimand. Copyright protection agencies increasingly monitor university activity relating to file sharing and distribution, and copyright holders reserve the right to file charges for infringement of intellectual property, in some cases holding the violator responsible for damages amounting to hundreds of thousands of dollars.

Because the potential sanctions can be significant, it is best to err on the side of caution. If you have questions, call SLS for an appointment. Better to be safe than sorry!



It is important for UCSD students to have basic knowledge of criminal law so that they are aware of prohibited activities and the consequences for engaging in them. In California, criminal

## Criminal Law 101 (Part I) by Ann Tran, SLS Intern

laws may be found in a number of statutes, most notably the State's Penal Code.

The classification of an offense—as an “infraction,” a “misdemeanor,” or a “felony”—is based on the punishment for the offense, which depends upon its seriousness. The least severe type of offense in California is called an “infraction.” An infraction is a violation of an administrative regulation, municipal/city code, or state or

local traffic rule. Infractions are not considered criminal offenses and are not punishable by incarceration, and (unlike misdemeanors or felonies), a person charged with an infraction does not have the constitutional right to an attorney.

Typically, a person who pleads guilty or is found guilty of an infraction is required to pay a fine. If the offense relates to driving, the violator may be assigned “negligent driver

points” which may affect the individual's driving record. Common infractions include: 1) speeding and other moving violations; 2) vehicle safety issues, such as a nonfunctioning car tail light; and 3) possession of an ounce or less of marijuana.

To learn more about criminal law, specifically misdemeanors and felonies, check out the Winter 2012 SLS Newsletter, coming soon!

## Adderall & Other Prescription Drug Issues by Emily Fernwood, SLS Intern

It is 3am, finals week, and you have a final exam in 9 hours. You have podcasts to catch up on and slides to review, and you have read the same page in your textbook four times but can't remember what it says. What do you do? For an increasing number of UCSD students, the answer is simple and automatic: Take Adderall.

Adderall (like Ritalin) is an amphetamine drug available by prescription to treat Attention Deficit Hyperactivity Disorder, or ADHD. These drugs may cause the user to stay awake for long periods of time and may enhance focus and concentration. Many students, over-

whelmed by a heavy workload, turn to these and similar drugs to stay on top, especially in classes with a competitive grading curve.

The purchase, use, or sale of Adderall without a valid prescription is illegal under federal and state law and may lead to dire legal consequences. Prescription amphetamines are classified as “Schedule II” drugs by the federal Controlled Substances Act. This means that while these and similar drugs have legitimate medical purposes, they also pose a high risk for abuse and dependence. Health concerns aside, giving or selling Adderall to someone without a prescription can result in a prison term and a hefty fine.

Illegal use or possession of Adderall is also a violation of California Health and Safety Code Sections 11377 & 11550. A misdemeanor conviction for unlawful use or possession of Adderall may result in a jail sentence of up to one year, a substantial fine, and a mandatory one year driver's license suspension for persons under the age of 21.

Students who receive government aid for tuition in the form of Pell Grants, Perkins Loans, or Work-Study Programs may see their aid revoked or suspended if convicted of a drug charge, which could delay or prevent graduation for students dependent on aid. In addition, anyone who is caught using

or possessing these or other controlled substances on campus may be referred to the Office of Student Conduct for sanctions such as a fine, probation, and if serious enough, suspension or dismissal from UCSD.

So is it worth it? Like most anything else, the choice to use Adderall is a personal one, but it is important to know all of the facts in order to make an informed decision. For more information about the legal aspects of using Adderall and other prescription drugs, come to the Discover the Law workshop during Winter Quarter 2012.





## Discover the Law is BACK for Winter 2012!!

### What is the Discover the Law program?

Discover the Law is a legal education program comprised of a series of 38 workshops on 28 different topics related to law. The workshops are offered to all currently-registered UC San Diego students regardless of academic or professional interests, including graduate and professional students. Students who attend at least four workshops will receive a certificate and an invitation to a recognition reception in Spring Quarter 2012 during which the certificates will be awarded. *Discover the Law is not offered for academic credit. Students do not need to be considering a career in law to participate in Discover the Law.*

### Why should you participate?

- To earn a certificate that demonstrates your commitment to learning more about the law and law-related issues.
- To gain practical knowledge that will help you avoid legal problems.
- To acquire skills and information that will help you make informed decisions.
- To enhance your resume or graduate school application.
- To connect with judges, attorneys, and other professionals as well as fellow like-minded UCSD students.

### What requirements must be met to receive a certificate?

Students must attend at least four one-hour legal education workshops. Each workshop must be from a different subject category of four categories total: Savvy and Safe, Rights and Responsibilities, What's That?, and Jumpstart Your Career. Students will receive a program guide which describes all of the workshops offered in each category. Students will need to have the presenters initial their program guides at the end of each workshop they attend to verify attendance. Students will also need to fill out pre- and post-program questionnaires in order to receive their certificates. Students who attend eight workshops will receive special recognition.

### How do I receive more information or sign up for the program?

To sign up or for more information about the Discover the Law program or the workshops to be offered, contact us or check out our website at <http://sls.ucsd.edu>. Sign-up packets are available now!

## Facebook Privacy—Is There Such a Thing? by Amy Lam, SLS Intern

Can you get fired for something you post on Facebook? According to *Karl Knauz Motors, Inc. vs. Robert Becker* (ALJ Case No. 13-CA-46452), you can! In October, 2011, Judge Joel Biblowitz ruled in favor of a Chicago BMW dealership that fired an employee over comments he made on Facebook that were detrimental to the company's reputation. The employee, named Robert Becker, was terminated from his sales representative position one week after posting pictures of an accident that occurred on the lot of the neighboring Land Rover Deal-

ership, which was owned by the same company. The accident occurred when a customer's 13 year-old son, sitting in the driver seat of a car, stepped on the gas pedal, ran over another customer's foot, traveled down an embankment and landed in a pond. Although no one sustained injuries, the company, Knauz Motors, Inc., claimed that Becker made light of a serious situation in his Facebook postings.

On a separate occasion, Becker posted on his Facebook page a comment dis-

playing his discontent for food served at a recent company event. Though Becker claims he was fired for both instances, the company maintained that the termination was based on Becker's Facebook posts about the Land Rover incident alone.

A claim was brought on Becker's behalf, arguing that the Facebook comments were "protected concerted activities" under the National Labor Relations Act. The Judge concluded that although Becker's comments about the food at the company event were pro-

tected, the Land Rover posting was not, and was in no way related to the terms and conditions of Becker's employment.

While posting pictures and comments on Facebook can be fun, they could lead to harmful consequences to our professional and personal lives. With the plethora of information readily available on Facebook, ask yourself this question: How much could the average person on Facebook find out about you?

## The Fall 2011 \*A\* Program Was a Success!!

Every Fall Quarter, Student Legal Services offers the \*A\* Program, a multidisciplinary education program comprised of a series of workshops on topics related to alcohol use and abuse. It is an exciting opportunity for students to critically consider how alcohol abuse impacts individuals, relationships, and communities. The workshops are available to all currently-registered UC San Diego students, including graduate and professional

students. Participants who attend four of the \*A\* Program workshops offered receive a certificate of accomplishment.

SLS recently wrapped up another successful installment of the \*A\* Program. This year, we had amazing speakers including attorneys, representatives from the Sexual Assault and Violence Prevention Resources Center, Student Health Services, and Counseling and Psychological Services, as well as a

forensic science expert and a military veteran. This year, 30 students attended at least four workshops and earned their certificates. Congratulations and thanks to our participants!

If you are interested in learning more about the \*A\* Program, check out the SLS website at <http://sls.ucsd.edu>. And remember, SLS also offers custom-tailored workshops for student groups and organizations. Call us or visit our website to request a specially designed presentation for you!

**Check us out at**  
**[sls.ucsd.edu](http://sls.ucsd.edu)**

## Welcome to Our 2011-2012 SLS Interns!

We at SLS would like to extend a big WELCOME to our 2011-2012 SLS student interns! We have an impressive group of individuals who come to us with diverse and fascinating backgrounds and who are eager to learn!

Desi Kelcheva, Emily Fernwood, and Ann Tran are serving as our very capable and hard working legal research and writing interns for 2011-2012, while Amy Lam is our creative, dedicated marketing intern.

Our wonderful interns have been an integral part in helping SLS plan and

draft this newsletter. In Winter Quarter 2012, they will be working hard on revising the online SLS Legal Handbook, helping to market our office to students, presenting a Discover the Law workshop, researching important legal issues and ultimately draft a legal memorandum.

Whew! They'll be busy, but it will also be an amazing learning experience for them and a huge help to the SLS office.

If you are interested in being an SLS intern next academic year, please stay tuned for more information! SLS will begin collecting resumes and applications and interviewing candidates in Spring Quarter 2012. Please check our website for more information!

