

# PRE-LAW REVIEW

VOLUME VI, No. 1 MARCH 2007

## Presidential Address *Nick Payton, President of Bellarmine*

Hello all and welcome to the revival of the Pre-Law Review. On behalf of the Bellarmine Society, I hope you find these pages full of insight into the legal world, either as an easy read over lunch or during those dry moments in class. This is the first publication in our effort to reintroduce the Review to future law students and the BC community at large.

Given the introductory nature of this first edition, I hope to clarify the Society's mission and the function we serve within the broader community of Boston College. The Bellarmine Society is the student organization for undergraduate students interested in law. Our primary objective is to serve as a resource of law-related information for all students. Secondly, we strive to foster a sense of community among pre-law students. In the absence of a unified curriculum, such as the pre-med program, we believe it is important to pursue this latter goal in order to build a mutually supportive network for those interested in law.

To achieve these objectives, we have several existing programs and developing ones. The Mentoring Program and Community Affairs Program are integral parts of the Society, as well as this publication. Revival of the Review is a priority of the Society as it is a meaningful vehicle for the dissemination of law-related information and as way for many students to get involved. The Mentoring Program consists of internal and external components that facilitate interaction among pre-law students. The internal program has upperclassmen mentors and underclassmen mentees, while the external program links BC Law student mentors with upperclassmen mentees. Lastly, the Community Affairs Program, still in its infancy, is establishing service opportunities to encourage students to give back to the community. I urge students to get involved in any and all of these programs. The events hosted by Bellarmine provide useful information, as well as opportunities to engage other students interested in law. As you read on, you will find upcoming events that I hope are appealing and useful for you.

I look forward to these next few months and hope you will join us in our efforts to strengthen the Society.

## JETBLUES SPUR PASSENGER BILL OF RIGHTS

*Caroline Cole, StaffWriter* and dangerous experience; all Last month's jetBlue crisis left passengers stranded on the tarmac for up to eleven hours. The planes ran out of food, water, air, and sanitary bathrooms. Flight 751 to Cancun sat for nine hours; none of the passengers were released. jetBlue is not the only culprit, American Airlines stranded planes in

On February 14, 2007, this occurring before the plane left passengers aboard ten jetBlue flights at JFK International Airport entered the world of a flier's worst nightmare. Delays, layovers, and cancellations have long been the hassles of flying, but recent events have turned air travel into a risky, tortuous, even has a chance to take off.



## ANNA NICOLE SMITH

*Mary Beth Morris, StaffWriter*

On February 8<sup>th</sup>, Anna Nicole Smith, the platinum blonde former Playboy Playmate of the year, widow of the late oil tycoon J. Howard Marshall II, reality TV star, and Trimspa spokeswoman died at the Hard Rock Hotel in Seminole, Florida. Immediately, there was an international media frenzy.

## A QUESTION OF JURISDICTION

Whether you loved or hated Anna Nicole Smith, her story is truly tragic. From her addiction to prescription drugs, to losing her first husband, and most recently the fatal drug overdose of her teenage son Daniel, her shocking life is still twisted in legal issues that could take years to untangle. Not only is the court involved with the question of paternity and custody of Smith's infant

## UPCOMING

### BELLARMINE EVENTS

#### BC Law School Panel

Tuesday, March 13<sup>th</sup>  
6pm, McGuinn 121  
Q & A with current BC law students and professors

#### Sophomore Event:

#### Professional Law Panel

Monday, April 2<sup>nd</sup>  
7 pm, Location TBA  
Practicing attorneys from different fields will speak about their education, background, and how they got to where they are today. Open to all!

#### What to Expect When Applying to Law School

#### With guest speaker Rob Shaw

Tuesday, March 22<sup>nd</sup>  
6:30pm, Location TBA  
BC graduate and former president of the Bellarmine Society, Rob Shaw, will come to share his insights on law school and answer questions.

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# PROFESSOR PROFILES

## ATTORNEYS ON CAMPUS

Allison Broderick & Timothy Colter, Review Editors

Ever wonder where Boston College graduates end up after law school? Some are right back on campus! After various occupations and career choices, several graduates have chosen to come back to the Heights to share their experiences in the classroom with aspiring students. With a variety of interests and areas of expertise, much can be learned from these alumni turned professors, who are more than willing to help students discover the diversity of law and the many paths down which it can lead.

### TIMOTHY FLAHERTY

*Undergraduate University:* **Boston College**

*Law School:* **Boston College**

*Areas of Professional Expertise:* **Trial Law**

Timothy Flaherty is currently a part time professor in the Carroll School of Management, specializing in Business Law. During his senior year at Boston College, Professor Flaherty applied to law school and was accepted by Boston College Law. He decided to attend law school immediately after graduation, feeling it was the right track for him to pursue, both academically and professionally. He participated in a Law School Admission Test (LSAT) prep course, which he encourages all students applying to law school to take. As the application process is highly selective, being prepared is crucial. Flaherty notes that the culture of law has changed

dramatically over the years and it is increasingly important to maintain a competitive profile. Professor Flaherty explained that the two most important numbers law schools look at are a student's GPA and LSAT score. In most cases, roughly the top 10% of applicants are accepted and the bottom 10% of applicants are normally dismissed. Then, he explained, other factors such as personal statements and recommendations are considered to determine the rest of the class. He said it is important to note what characteristics certain schools may be looking for, as Boston College Law, at the time he applied, was impressed by public service

over other activities. Professor Flaherty said his time at BC Law was not the cutthroat experience many first year law students encounter. With a class of roughly 300, he was helped by students and faculty alike, in academic and social environments, to pursue his studies and earn his Juris Doctor degree.

Professor Flaherty worked with the District Attorney of Middlesex County before becoming a Trial Law Prosecutor and forming his own firm in downtown Boston. Each day in the workplace is different for Flaherty and he believes it is important to always be prepared and to become an expert in whatever subject matter you are dealing with. Professor Flaherty urges students not to use wealth as a motivator for a career in law. Rather, he advises, "become a lawyer to affect social change and change within individuals' lives."

### RICHARD MONAHAN

*Undergraduate University:* **Boston College**

*Law School:* **Boston College**

*Areas of Professional Expertise:* **Estate Planning/Wills**

As an undergraduate at Boston College, Richard Monahan made the decision to apply to law school at the last minute. Despite having planned to follow a career in teaching upon graduation, Monahan was inspired by a Jesuit teacher of his to pursue an alternate path in law. With little preparation and no help from an LSAT course, he applied to law school. Monahan was accepted to BC Law, where he said he had a wonderful experience. While he was inundated with large amounts of work that law school requires, he said that it was a wonderful and fair experience. He enjoyed the atmosphere greatly and the community that law school formed. To this day he remains in contact with many of his classmates from Boston College Law School, some of

which went on to work for the FBI, in large firms or have opened small, private firms of their own.

Monahan never had a preconceived notion of what type of career he wanted to pursue after law school, and he encourages students to do as he did and simply "fall into it." After working for a firm for a short time, Monahan opened his own practice outside of Boston where he still operates out of today. Over the years he has been involved in fields such as the drawing of wills, tax returns, and working with private estates. Along with the part time teaching at Boston College, Monahan loves what he does and has embraced his career in law for many years.

Monahan strongly communicated how one must have the right motives when deciding whether or not to pursue a career in law. It is not best, he said, to set oneself on a path towards a career in law that has the most potential for wealth. Instead, it is better to immerse oneself in the experiences undergraduate study and law school have to offer, and allow the options to unfold themselves. He encourages students to take courses in philosophy, as he says it teaches "right and wrong and makes you think about things in terms of absolutes." Attention to detail and skilled interpretation are important and you must maintain decent and moral behavior at all times. Through his years of teaching and practicing law, Monahan says that as long as an individual has the correct motives and a strong will to work, the most best fit in the field of law will ultimately become apparent.

DAVID P. TWOMEY

Undergraduate University: **Boston College**  
Law School: **Boston College**  
Areas of Professional Expertise: **Labor Arbitration**

A professor in the Carroll School of Management, Professor David P. Twomey has taught at Boston College since 1968. Upon receiving his undergraduate degree from Boston College in Economics and Marketing, Twomey pursued further education and earned his MBA at the University of Massachusetts at Amherst. After working in banking and financial services for two years and having enjoyed gaining the work experience, Twomey decided that it was time to “prepare (himself) for higher responsibility.”

Twomey applied, without having taken an LSAT prep course, and was accepted to Boston College Law School. He described the unique experience of law school, saying that “you felt like you were just in another place.” Simultaneously serving as a Lecturer at Simmons College, Twomey said law school was a challenging experience, yet he enjoyed the combination of learning law and teaching. This experience inspired Twomey in his third

and final year of law school to pursue teaching law at Boston College upon graduation.

Twomey has written over thirty editions of textbooks on business law. Twomey has conducted research in many areas related to labor arbitration, including contract law, agency law, and others. Twomey has served as a labor arbitrator between unions and management in both the private and public sector, and has been called to serve on Presidential Emergency Boards (PEB) on labor related issues.

When examining his preparation for law, Twomey discovered that as an undergraduate it is more important to feel comfortable with your major rather than focusing on law related classes. He advises students to take courses in English and History as well as logic and accounting. The skills these classes provide are invaluable for law school. Moreover, Twomey stresses involvement in such activities as debate and mock trial, and encourages students to gain the experience that an internship at a law firm

will provide. Such activities will allow one to discover if a career in law is something they would like to pursue. Most importantly, though, he stresses that any student should educate themselves in whatever it is they enjoy and are passionate about, and do well in that area of study.

Twomey’s experience, along with that of Monahan and Flaherty, are just a few examples of the many options available to students in the field of law. As each of these BC grads show, certain individuals may decide to pursue law school directly following their undergraduate experience, while others may first seek the opportunities that work experience might offer. Regardless of what course of action is taken though, all three professors stress the importance of maintaining the correct motives and a strong work ethic. If you follow their advice, perhaps one day you too will end up back where you began your search for a life in law, as Flaherty, Monahan and Twomey have, right here at our very own Boston College.

## CURRENT EVENTS

### FOREIGN COMBATANTS

*Jonathon Cardosi, StaffWriter*

A recent federal appeals court ruling in the District of Columbia highlighted the contentious issue of which constitutional rights are afforded to detained foreign combatants. Denying the habeas corpus petitions of enemy combatants captured during the international War on Terror, the decision represents a victory for the Bush administration, whose legal and military consensus strongly supports continued detention, even in the absence of formal charges or a timetable for prosecuting detainees. While an appeal to the Supreme Court appears inevitable, the present composition of the court and the provisions of the Military Commissions Act – that the appeals court conspicuously upheld – make its future outcome uncertain.

The Supreme Court, in its 2004 decision

### LIBERTIES AND THE LAW IN THE WAR ON TERRORISM

*Hamdi v. Rumsfeld*, concluded that United States citizens captured during the global War on Terror retain the constitutional right to challenge the basis for their detention under habeas corpus and due process provisions. Rejecting the government’s contention that such appeals might jeopardize sensitive national security information, the Supreme Court, in a plurality decision, firmly rebuked that argument. Holding that constitutional guarantees of equal protection before the law and reasonable access to challenging the basis of one’s detention represent a fundamental right of American citizens, the court dismissed the government’s

contentions.

While the precedent of *Hamdi* represents a victory for civil libertarians, the fact that these

**Habeas Corpus - a writ requiring a person to be brought before a judge or court, especially for investigation of a restraint of the person's liberty.**

new challenges to detention emanate from foreign nationals

appears sufficient to render its holding non-binding. Though challenges to habeas corpus and due process violations in civil court remain available for US citizens detained during the War on Terror, it is another claim entirely to argue that non-citizens should be afforded those same rights within the civilian judicial system. It appears, at least for the time being, that *Hamdi* represents the high water mark for detainee rights.

### STABBING STUNS CAMPUS

*Jenny Suh, StaffWriter*

What could have been a harmless argument over laundry met a tragic end on Friday, February 23, 2007 as Brianna Jones, CSOM ‘09 reportedly stabbed the victim twice, supposedly with a switchblade. Although the reason for the attack is still open to speculation, according to the eye witness accounts and statements given by friends, it has been ascertained that the victim was under the influence of alcohol and a parent was present

JONES HAS BEEN SUSPENDED FROM SCHOOL INDEFINITELY PENDING THE OUTCOME OF THE CASE.

at the scene and reportedly aggravated the scuffle between the two girls. The victim is recovering and will return to school, while Jones has been suspended from school indefinitely pending the outcome of the case. Jones pleaded not guilty at her arraignment in February but is due back in court on March 23.

## THE CIRCUIT ON STEROIDS

*Darian Peña, Staff Writer*

A December 27, 2006 decision by the San Francisco based Ninth Circuit federal court of appeals held that the U.S. government has the authority to use the names of Major League Baseball players who were subject to urine tests for Steroids. Before the MLB decided to make test results public in 2005, they instituted a policy of random drug testing that ensured results would remain undisclosed to the public. However, a major seizure by the federal government of documents belonging to Comprehensive Drug Testing Inc. (CDT), which conducted tests for the MLB, created the possibility for the full divulgence of players who used steroids.

The government is engaged in an ongoing investigation of steroids in professional sports, which has stemmed from the BALCO steroid distribution scandal that implicated many notable figures in professional sports.

The Court addressed a U.S. government appeal against two separate lower court orders to return documents seized from CDT and Quest laboratories, which are believed to contain the names of 100 professional baseball players. As an appendage, the U.S. appealed the invalidation of subpoenas to a grand jury resulting from the seizure of those documents. Those appeals were brought forth by the Major League Baseball Players Association citing the Fourth Amendment provision against

unreasonable searches. They claimed that the seized documents should be returned because the "government acted in callous disregard of the Fourth Amendment rights" of the MLBPA and the CTD Laboratory. In short, the Court ruled in favor of the government on all important counts, citing that the government was careful to only seize materials relevant to the its investigation. Furthermore, the government, as Judge Diarmuid F. O'Scannlain elucidated, "Displayed attentiveness both to the warrant's precautionary procedures and to the importance of avoiding unnecessary disruption of CDT's business operations."

Judge Sidney Thomas issued a vociferous rebuke of the majority's conclusion. In his partial dissent of the

*Continued on Page 5*

## LOSS OF A CULTURAL ICON

*Continued from Page 1*

daughter Dannielynn which I will focus on, the court also heard cases for the custody of Smith's body. The legal web is tangled with numerous pending court decisions including Smith's will, the future of the estate of late J. Howard Marshall, and ongoing legal claims against Trimspa and Smith.

In terms of custody of Dannielynn, (which could potentially entitle her and her biological father to evenly split the estate of Anna Nicole Smith), there are a series of laws providing a hierarchy of rules to define what court is entitled to jurisdiction. The jurisdiction of the courts is especially problematic in these cases. Jeff Atkinson, a family law professor at DePaul University College of Law, told ABC news that the Uniform Child Custody Jurisdiction and Enforcement Act and the Parental Kidnapping Prevention Act govern which court can determine paternity and decide custody in the United States. At the top of the hierarchy is the court that has already entered a custody order in the case, granting it exclusive continuing jurisdiction. If a court entered a custody order, it can decide any custody or paternity issues if the parties reside in the state.

In Smith's case, there has not been an order to determine the custody or paternity of Dannielynn. There are numerous men that claim they are the father of Smith's daughter, including her companion Howard K. Stern, and photographer, Larry Birkhead. Birkhead filed a petition in

Los Angeles on October 2, 2006, but there has been no ruling on the case.



The next inquiry, according to Atkinson, is whether the child has a "home state", or, "a state in which the child has lived for the last six months or since birth if the child is less than six months old". Five month old Dannielynn was born in the Bahamas and under U.S. law the Bahamian government could decide the custody and paternity of Dannielynn. However, Atkinson also

noted that a Bahamian court could send the case back to the U.S. for determination. If it is determined that Smith and her daughter had joint residences, the issue is further complicated by the rule of "significant connective jurisdiction" and the action of Birkhead to file a petition for paternity may be a sufficient action to apply jurisdiction to the case (if Anna jointly lived in LA).

As of print time, Larry Birkhead entered a Bahamian court to begin a three-way custody battle for Dannielynn, involving himself, Howard K. Stern, and Smith's mother, Virgie Arthur. In the Bahamian courts, DNA is not generally used to determine who will receive custody of a child. The country's Department of Social Services will decide who will receive custody based solely on the interests of the child. It seems this case will be more based on emotions, rather than the rule of law. The Bahamian court will use personal opinion rather than scientific evidence to determine which party can provide the best home for Anna Nicole Smith's daughter.

**‘ROID RAGE** opinion, he wrote that under the reasoning of the majority, which he believes is more extreme than the government’s, a magistrate would only be compelled to “review the seized data for probable cause after seizure only if an aggrieved party made a motion.” What’s worse, according to Thomas, is that the government “would be entitled to retain the confidential medical records” even if the irrelevant data collected was “commingled.” He goes on to write that the majority’s rationale removes Fourth amendment protection on private medical documents that are stored electronically.

The crucial issue is the unknown importance of the “commingled” information the government collected. That matter will likely go unresolved in the near future. The powerful Major League Baseball Association will presumably challenge any measures undertaken to uncover the names of steroid users who escaped scrutiny prior to 2005. The current case in question will conceivably fall in the hands of the U.S. Supreme Court. However, the government is not guaranteed a victory. The Ninth Circuit Court, which has jurisdiction over eight western states (including Alaska), is by far the most overturned appellate court in the U.S.

## THE RIGHTS OF PASSAGE

*Continued from Page 1*

August last December for eight hours. The events have led to a nationwide discussion on the institution of a passenger Bill of Rights.

The battle is set between the airlines and the lawmakers in Washington. The airline industry would like to handle the situation themselves. JetBlue was quick to enact their own Bill of Rights following the February letdowns. The Bill includes compensation for long delays and the promise to allow all passengers off the

plane after five hours of confinement. American Airlines also enacted a Bill allowing passengers to deplane after four hours. U.S. Transportation Secretary Mary Peters has said, “It is imperative that the airlines do everything possible to ensure that situations like these do not occur again,” but lawmakers in Washington are not as trusting. Representatives in D.C. are striving to institute a uniform standard for all airlines, and Barbara Boxer (D-CA) has introduced a bill to the Senate asking for a three hour maximum on holding passengers. The bill also includes

food, water, and air regulations.

A bill is also scheduled to be sent through the House, and the passenger Bill of Rights may make an appearance in the upcoming presidential election campaigns. Work is being done to prevent this involuntary confinement, but remember if you want to avoid those nine hour delays stuck on the tarmac, research your airline and consider the rights they may be withholding from you.

For the jetBlue Bill of Rights, visit the website at [www.jetblue.com](http://www.jetblue.com).

## BAPST TO BOSTON

One can only take so much of the Boston College library system. Sure, 24-hour Bapst and the endless nooks and crannies of O’Neill are great for pumping out papers and cramming for exams, but we have an incredible resource at our doorstep—Boston, one of the most distinguished cities in America. So as the warming rays of sun turn the snow to slush, bust out your Charlie Card and head into the city for a change of scenery and an invigorating study session on those lazy afternoons. Exploring the city and finding your own niche is part of the fun, but I’ll jumpstart your journey with a few of my favorite locations:

## GREAT PLACES TO STUDY

*Noah Lundberg, StaffWriter*

### **BOSTON COMMON:**

On a sunny day, there’s no place I’d rather be in all of Boston. In the middle of such a dense city, the space seems endless, and so are the places to study. Benches abound, but the best spot I’ve found is on the grass at the edge of the



central pond. If the ground is damp, no big deal— just make sure to have an extra notebook with you to sit on. The most memorable occasion I have of Boston Common is the church bells of the Arlington Street Church— if you sit nearer the west end of the Common you can hear the church bells playing hymns during the Saturday afternoon mass. There are a few hills with unexpected panoramic views of the city (when you’re not

### **FANEUIL HALL/QUINCY MARKET:**

The abundant restaurants and cafés in this part of downtown allow it to be an option anytime, rain or shine. In addition to the countless establishments offering outdoor seating, two great laid-back joints featuring a pub-like atmosphere that are exceptionally great are Ned Devine’s and the Durgin Park Restaurant. Not only do they have casual atmospheres, but the food isn’t half bad either (to be truthful, it is awesome).

sitting among the trees, that is). If you get tired of the outdoors or the weather turns for the worse, don’t bother heading back to BC just quite yet; head for the Starbucks at the southeast corner of the Common at the intersection of Boylston and Tremont. There’s the option of tables or window front counter stools, but my preference is the latter to squeeze in a bit of people-watching every once in awhile.

*How to get there: B, C, or D train to Government Center and walk down the steps on the right side of City Hall as you face it when exiting the subway*

*How to get there: B, C, or D train to Arlington, Boylston, or Park Street*

# LAWFUL ENTERTAINMENT

## ANALYTICAL REASONING QUESTION

An island has exactly seven villages—S, T, U, V, X, Y, and Z—and three roads—Routes 1, 2, and 3. The following is a complete listing of the road connections on the island:

Route 1 has its ends at S and U, and passes through T only. Route 2 has its ends at T and U, and passes through V only. Route 3 has its ends at X and Z, and passes through Y only. Directly connected villages are those villages between which there is a road connection that passes through no other village on the way from one to the other.

### Question 1

Which one of the following villages is directly connected to the most other villages?

- (A) T
- (B) U
- (C) V
- (D) X
- (E) Y

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For the answer to this question, check out our next issue or the LSAC Website!

## QUICK TIPS RÉSUMÉ

Alexandra Kritchevsky, Staff Writer

- Keep it to one page! Your interviewer might not bother turning your resume over, or toss or lose a loose page.
- Your resume is a summary, not a biography.
- Leave white space on your resume so that your interviewer can make notes.
- Keep your resume focused. Have a general resume that can be easily altered for any prospective employment.
- Highlight accomplishments and experiences.
- Always edit your resume—mistakes are sloppy and extremely embarrassing.
- Your resume should never go out alone: hand it out yourself or add a cover letter.

We're on the Web!

[www.bc.edu/bla](http://www.bc.edu/bla)

## BOOK REVIEW: ONE L

Claudia Huapaya, Editor-in-Chief

*One L* is the title of Scott Turow's account of the diverse events during his first year as Harvard Law School and "learning to love the law." A 1L, as the book is titled after, is a student in his or her first year at Harvard Law School. Each class at HLS is comprised of the best and brightest—and most competitive—law school applicants in the country, creating an environment filled with tension and anxiety. The pressure in an institution such as Harvard forces Turow to examine himself, his values, and his commitment to legal education.

This book is a wonderful resource for students contemplating law school. A stolen glance into the personal thoughts and raw emotions of a 1L, infused with wit and humor, his point is clear. Law is not for the meek or faint-hearted. "I know

*Scott Turow delivers a startling narrative of the ups and downs in legal education. He is no stranger to academic challenge but nothing can prepare him for his first year with the law.*

of at least one suicide attempt in my class, and there were more people...driven through the door of the

"Hissing the speaker for a disagreeable comment is an old Harvard habit, practiced throughout much of the university... hissing became a piece of student weaponry frequently used against the faculty."

psychiatrist's office for the first time in their lives."

Competition with oneself and with classmates. This is the basis for all things Harvard. "There was something about Harvard Law School which inspired people to use their capacities fully, to do things in a way that would

make them proud of what they'd done..." Turow wrestles with the ethical issues that arise in legal education and defending arguments that are not necessarily in accordance with your own. He explores the effects of law school on both the professors' and students' personal and professional relationships. Times have changed, legal education has progressed, yet the voice of *One L* still rings true.

*Turow graduated from Amherst with high honors in 1970. He went on to be a lecturer at Stanford until 1975, upon entering Harvard Law. He graduated HLS with honors in 1978 and began serving as Assistant US Attorney in Chicago until 1986. Turow is currently employed in Chicago at international law firm Sonnenschein, Nath, and Rosenthal, doing most work pro bono. He lives with his wife Annette and his three children.*

## BELLARMINE SOCIETY OFFICERS AND CONTACTS

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