



THE ADVOCATE

SANTA CLARA UNIVERSITY SCHOOL OF LAW

School of Law Newspaper Since 1970

THURSDAY, NOVEMBER 3

Volume 42 Issue 2

Rallying Without a Single Rally Cry

SCU Law students opine and participate in Occupy Wall Street.

By Jordan Barbeau

On September 17th, nearly a thousand protesters gathered in a throng along Wall Street. It was a seemingly meager turnout in a city of eight million, but it



gained momentum. Even with no locus of orchestration and no articulated policy aim, the discontentment and solidarity of the Occupy Wall Street movement has grown to span cities, countries, and continents. In a manner no student of social movements could predict, the buf-

feting pressures of law enforcement have only served to draw out once reticent dissenters – creating ardent supporters with the very efforts they hoped would quickly silence the few rabble rousers.

A month and a half later, without a day of respite, gatherings in over a thousand cities worldwide have taken up the “Occupy” name and mantle. A movement lacking a leader, a spokesperson, even a clear issue of focus, has become a force to be reckoned with. And the question many are asking is – how long until this fizzles out? There

are several reasons behind that query. It is wishful, for those who find the Oc-



Occupy protests have sprung up around the country. Pictured are those in San Francisco.

PHOTO BY: ADVOCATE STAFF

cupy movement foolhardy and pointless. It is dare-to-dream for those who see the protest as this generation’s revolution – replete with drum circles and patchouli.

And it is born of morbid curiosity for the rest of us who are awed by the resilience of this ragtag rebellion.

The Occupy movement has no observable trajectory towards political relevancy in the traditional sense. They are not offering candidates or forming PACs, and don’t even have any official spokespeople to field questions. And yet, even those who only weeks ago were predicting the imminent collapse of such a disorderly group of disgruntled “hippies” and “rich kids” are now hesitant to place their bets on a short-lived battle. Somehow, this unofficial coalition has staying power.

On a certain level, this decentralized form has worked in Occupy’s favor. Expectations are low and easily met whenever a protest pops up in a new city – because there’s no staged anticipation.

Continued on Page 4
See “OCCUPY WALL STREET”

Professor Defends Public Domain in *Golan v. Holder*

Santa Clara University Law’s Professor Tyler Ochoa writes amicus curiae for case before SCOTUS.

By Matthew Dedon

On October Fifth, the United States Supreme Court heard oral arguments for the case of *Golan v. Holder*. Originally filed in 2001, *Golan* challenged the constitutional-



ity of restoring the copyright of foreign works that were previously in the United States public domain. The case was filed in response to the Uruguay Round Agreements Act (URAA) which was enacted in 1996. Section 514 of the act removes many foreign works from the public domain, some of them very well known. Affected works include the music of Prokofiev, *The Hobbit* by J.R.R. Tolkien, and *The Lady Vanishes* by Alfred Hitchcock.

Tyler Ochoa, professor at Santa Clara University, has been involved with the case for the past few years. In his amicus curiae brief, Professor Ochoa points out that far more than the selected works may be in jeopardy.

“Ultimately it’s the entire public domain that’s at stake,” Professor Ochoa says. “If Congress is allowed to do this

now, what’s to stop them from later taking Shakespeare out of the public domain?”

Some Justices see it differently. Justice Ruth Bader Ginsberg has remarked that they are not restoring copyright protection to a work that had previously been protected and then entered the public domain. Rather Justice Ginsberg argues for protecting works that never had the chance for copyright protection at all.

There is some precedent for a work to be protected in this matter. The play *Peter Pan* enjoys a perpetual copyright in the UK, with proceeds donated to a children’s hospital.

“The King James Bible also enjoys a perpetual copyright in the UK,” adds Ochoa.

Justice Sonia Sotomayor argued that the increased protection the URAA provides will encourage foreign authors to distribute inside the United States.

Ochoa disagrees, “If it’s in the public domain anyone could publish it at any time. The argument that an exclusive right is needed is fairly weak.”

While some on the Supreme Court plead protection for works that never had their shot, Professor Ochoa points to the larger picture, “This would encourage a ‘cherry-picking’ of works.” Those

Continued on Page 3
See “GOLAN v. HOLDER”

Direct Examination: Professor Eric Goldman

Professor Eric Goldman sits down with Advocate staff for an interview.

By Colin Glassey

You won the Cal Bar Association’s IP Vanguard award, this is only the 3rd year of the award’s existence and you are in good company with Professor Lemley of Stanford and Ms. Cohn of the EFF as the previous winners (in the academic or public policy category). Do you think IP law is gaining “mind share” in the legal community in California?



I don’t see the award as a sign of growing interest in IP law. I see it more as a “lagging indicator”, reflecting the amount of dollars at stake in the IP community. There has been a long-term steady increase in the interest in IP law. Especially as we have seen industry giants going tête-à-tête in high-stakes market battles, it’s hard for the state bar to ignore those.

Your blog “Technology & Marketing Law Blog” is frequently updated with some very substantial news stories and commentary on cases. In the past keeping a blog would have been regarded in most academic circles as more of a hobby but now, it appears that attitudes

have shifted. As you allocate time between the many things you do each day, how do you prioritize blog updates?

First, blogging is a passion, not an obligation. If it were an obligation I would grow tired of it and stop. Instead, it is something I like to do and that helps me prioritize blogging against all the other competing demands for my time. Also, I choose what to blog by selecting the single most interesting thing I’ve seen that day and sharing it with a larger audience. So, I don’t blog everything that I see; that would be overwhelming. There are times I can’t blog because I simply can’t, but if I just pick one item a day to blog, it becomes a lot more manageable. Think about all the different things that come across my desk in the course of a day - hundreds or perhaps thousands of little tid-bits of information -- I try and pick the most interesting one and add some perspective, not just “the what” but “the why” and what it means. So, that is how I balance blogging with the rest of my life.

Also, it’s been very helpful to have a co-blogger. That has helped me feel like I do not have to blog everything. We have a very active e-mail exchange about who will blog what, and there have been times when I saw something really interesting that I can offload to my co-blogger and we get it covered on the blog. Thus, it’s not all on my shoulders. Also, I made a choice fairly early on

Continued on Page 9
See “GOLDMAN”

STAFF

Editor-in-Chief
Martin Behn

Managing Editor
Amy Askin

Executive Managing Editor
Robyn Morris

News Editor
B.P. Broadmeadow

Feature/ Entertainment Editor
Matthew Dedon

Opinion Editor
Gregory Williams

Photo Editor
Matt Izzi

Staff Writers
Jordan Barbeau
Michael Bedolla
Barrett Bisignano
Michael Branson
Collin Glassey
Amanda Gordon
Robert Klein

Guest Writers
Claire Bocek

Editor Emeritus
Dominic Dutra

The Advocate is the student news and literary publication of Santa Clara University School of Law, and has a circulation of 1,000. The Features, Opinion, & Entertainment sections of *The Advocate* are articles that reflect the viewpoint of the authors, and not the opinion of Santa Clara University, *The Advocate* or its editors. *The Advocate* is staffed by law students. Printing is contracted to Fricke-Parks Press of Union City, California.

Article submissions to *The Advocate* are encouraged and welcomed from all law students, faculty, alumni, and administrators. Please contact the Editor-in-Chief about format requirements and submission dates. Letters to the Editor are encouraged. Letters should not exceed 250 words. All submissions are published at the sole discretion of *The Advocate* and may be edited for length, grammar and clarity.

If interested in placing an advertisement with *The Advocate*, please contact the Editor-in-Chief by e-mail for advertising rates. *The Advocate* reserves the right not to accept an advertisement for any reason.

Santa Clara University
School of Law
500 El Camino Real
Santa Clara, CA 95053-0426

Contact *The Advocate* at
SCUAdvocate@gmail.com

Copyright 2011.

State, Nation and World Report

STATE & LOCAL
California - An initial estimate of \$19 billion for the California high speed rail was a bit of an underestimate. It is now believed that the project will cost upwards of \$98.5 billion dollars, almost five times the original estimate. The project will take at least an additional 13 years to complete. The train would cut the trip from S.F. to L.A. down to two hours and forty minutes

San Francisco - In the San Francisco mayoral race, voters don't need to worry about which candidate is the absolute best. Instead, voters now have the option of ranking their favorite candidates. It's always good to have a safety

mayor.
NATIONAL
United States - A Nor'easter hit the North East last week, with unexpected snowfall reaching more than a foot in some areas. Many are still in the New England are still without power as the surprise storm knocked down tree limbs and power lines.

INTERNATIONAL
Europe - Greece's current debt crisis is not only sending shockwaves the Europe's financial well-being, the effects are being felt stateside as well. Wall St. fluctuates as the instability across the Atlantic and in the Mediterranean continues.

Philippines - The world has

reached seven billion people. Danica May Camacho was born October 31, 2011 in the Philippines and brought the world's population total up seven billion.

ENTERTAINMENT
Celebrity - In a recent announcement that shocks no one, Kim Kardashian has announced after seventy-two days, she is ending her marriage to NBA play Chris Humphries. The world continued not caring.

Television - Known for delivering high quality entertainment with shows such "Mad Men" and "Breaking Bad," AMC has unleashed another outbreak of good television with "The Walking Dead." "The Walking

Dead" follows Rick Grimes (above) and his band as they attempt to survive a zombie-apocalypse. While the story is nothing new, the show, now in its second season, drew in 7.3 million viewers for its season premiere with high production values and exceptional acting.

TECHNOLOGY
Apple - With the iPhone 4S, Apple has come close to producing a phone that literally does it all. The new "Siri" function transforms the iPhone into a personal assistant, keeping schedules, conducting searches, and entertaining, all through voice commands. The remaining question: can it blend?

Loan Debt, Law Schools, Potential Moral Hazard

By Benjamin Broadmeadow

The title and this article are inspired by the recent film *Wall Street: Money Never Sleeps*. Like the first *Wall Street*, the sequel is social commentary, focusing particularly on the circumstances of the 2007-2008 Housing Loan Bubble and the resulting economic crisis. Michael Douglas returns to his role as Gordon Gecko, a devious man of Wall Street, driven by the motto "greed is good." But he also throws around the term "moral hazard" quite a bit to describe the financial institutions largely responsible for sparking the economic downturn.

For those unfamiliar with the term, a moral hazard is a situation in which a party insulated from risk will act differently than if it had been exposed to the risk. When a person or entity bears no responsibility or consequence, there will be a tendency to act less carefully and with greater risk. This leaves another party to bear a higher share of the consequence.

The ending to the movie is no surprise. The evil financial institutions crumble and fail, and America must weather a recession. And although the movie was just another Hollywood take on the 2007-2008 economic crisis, it left me considering the term moral hazard.

Which led to the question: are law schools moral hazards?

Student college loan debt in the United States is nearing 1 trillion dollars. The amount factors in all levels of higher education, including undergraduate, graduate, law school, and professional education. Earlier this year, the U.S. government stated that it will no longer be offering subsidized loans starting in July, 2012. However, President Obama has come forward saying that the government will find a way to aid students have taken on massive amounts of debt. There is a pressing fear that the student loan bubble will be the next housing bubble.



Law schools have seen a rise in applications and acceptances. According to *The New York Times*, there was a 13% increase in law school applications and acceptances in following the 2008 economic crash. Some schools such as Cornell's law school, saw increases upwards of 40% in their applicant pool.

Three years at law school will cost approximately \$177,000. The cost will vary depending on which school, private or public, rankings, location, etc. Looking at schools in the Northern California area, Santa Clara University School of Law has estimated cost of \$191,000 for the next three years, University of California Hastings will cost \$184,000, and Stanford University Law School checks in at over \$200,000.

The average law student will leave law school with approximately \$100,000 in law schools loans. This amount does not factor in the interest students will have to have to pay for taking out those loans.

Unfortunately, the legal profession has not been immune to the recession either. The conception, whether warranted or not, of a guaranteed job coming out of law school simply is no longer the case. A juris doctorate does not provide the competitive edge in the job market as it once did.

And yet, law schools are continuing to accept applicants in record numbers. While top tier law schools may cap their capacities, lower ranked schools, in effort to move up in rankings, accept more students and encourage the process of taking out loans in order to fund the education.

A recent *NY Times* article highlighted several schools tactics of bringing in top-rated students on scholarship, but not clarifying how easily those students might lose their scholarship. For some students who did lose their scholarships, loans became the option available to stay in law school.

In sum: During this recession, law schools have increased their acceptances of people hoping to become more competitive in a volatile job market. More people are taking on large amounts of debt in order fund the J.D. Upon graduating, soon-to-be lawyers, faced with a dwindling job market and loans, must

figure a way to repay their debt or else default. And analysts are fearful of the student loan bubble bursting.

If a law graduate defaults on student loans, the decision to attend law school was his and his alone. A law school can accept as many students as they want, educate them in the law, and award them a J.D. It is no fault of the law school if the economy is suffering and their graduates cannot find a job.

But what of these institutions that are taking on more students and gladly accepting their tuition, tuition that is covered by student loans?

It is a win-win situation for law schools. They bring in more revenue with higher numbers of students, but do not suffer if those students ultimately default on their loans. Like the housing crisis, law schools aren't risking their money. They can act in a more haphazard fashion because they do not share in any financial burden if their students renege on their loans.

The next question, then, is what is a law school? Is it a business, free to seek profit? Or is it an institution to provide a public service, a public good?

Anyone can decide freely to attend and pay for law school. If a person is aspiring lawyer, one would hope that they properly considered the risks and benefits associated with pursuing a legal education. However, when law schools flaunt employment statistics in order to attract prospective, they better be prepared to back them up. Using skewed statistics or scholarships in order to push the product of a legal education and gain further business is false advertising.

The legal profession has strict standards of ethics. Law schools mandate courses on ethics. Bars require law school graduates to pass the "MPRE" in order to become licensed attorneys. Lawyers are simply held to a higher moral and ethical standard.

As the institutions that educate and train future lawyers, law schools should be held to a higher standard as well. While students certainly have the choice to not apply and attend law school, the

Continued on Page 4
See "MORAL HAZARD"

Building Committee Tackles New Building Planning

By Martin Behn

Talking with Professor Alan Schefflin, who is on the building committee for Santa Clara University law, it seems likely that the law school will get a new building.



Currently absent from the plan is the full funding. Also, the certainty of the layout, whether student groups and offices will be intermingled with faculty, and the whether a student lounge will be separate from faculty and classrooms.

Schefflin said he has been a particular advocate for separating the student lounge from faculty and administration, so students have a space of their own.

The design of the new building is also in flux. Although there are new building plans outside the Dean's office, it is unclear whether these are finalized plans, or merely a mock-up of what could be in store for SCU Law.

Delving deeper, Schefflin detailed that while not everybody agrees about what should be done about the library, "something must be done."

The building committee is thinking

Schefflin said, "Everybody is under the assumption we would definitely get a new building, sometime." Unfortunately, there is really no timeframe for when this will happen.

Of any new building, Schefflin said there are two main issues, which must not necessarily be solved together, "First the certainty, and second the design."



A sign outside the Dean's office depicts drawings of what the new law school may look like

PHOTO BY: ADVOCATE STAFF

into the future, wondering whether there should be on-site or off-site repository. Further compounding the problem, the committee is determining how a library of the future will look and function,

when more attorneys and students are implementing online research in lieu of dependence on hard copies.

SPOTLIGHT ON: CHRISTINA FIALHO

Santa Clara University's Christina Fialho, 3L, received honorable mention to the national PSLawNet Pro Bono Publico Award. The award recognizes extraordinary contributions law students make to under-served populations. Fialho is passionate about immi-

grant's rights, providing direct legal services to immigrants with many advocacy organizations. She has also founded Detention Dialogs, which connects community volunteers with Immigration and Customs Enforcement detainees to provide services.



PHOTO COURTESY: CAROLYN KIM

Tax Clinic to Prepare Students, Assist Santa Clara Community

By Martin Behn

Santa Clara has a new clinic on campus, headed by new faculty member Caroline Chen. She will serve as the Low Income Taxpayer Clinic (LITC) director



for the inaugural year. While housed in the Katherine and George Alexander Community Law Center (KGACLC), the LITC will technically be separate from KGACLC.

Students in the clinic will assist low-income clients, and guide them along their entire process. Dependent upon the clients, the students will assist clients through the auditing process, an appeals process where audits are disputed or in tax court that operates much like other Article 1 courts.

Students may also have the chance to advocate for clients in the collections process, which involves compromise with the IRS revenue officers.

Chen brings insider knowledge to SCU of the IRS, where she specialized in Large Business and International divi-

sions for 13 years. In an interview, she mentioned that she worked on controversies at the audit, appeals, tax court and collections divisions. Chen will offer great expertise, and help the students. Along with the ties within the IRS, Chen said she "Knows how to maneuver within the IRS."

Only starting on September 12, Chen has been busy setting the clinic up for the six incoming students for Spring 2012. She has already found the clinic's first client. She is also trying to find a way to streamline potential client contact, to get a steady flow of taxpayers for the clinic to serve.

Students will also be brought in under the Tax Court code, to be able to represent their clients in court if need be.

Chen said the Tax Court has had a long history of allowing students to represent clients in small controversies, and now there is an analogous rule enabling this. Students must be certified by the Office of Professional Responsibility, a division under the umbrella of the IRS serving to police advocates who represent taxpayers.

One of the main ways students will gain experience is through the intake interview process. Rather than providing

advice, students will interact with potential clients, gathering information, and researching and writing memos whether or not clients are good candidates for the ability and skills of the clinic.

Along with the inside work, LITC hopes to build ties with outside counsel to refer cases beyond the scope and ability of the clinic. Chen said the clinic will not have the ability to file back-tax returns, because of special software needed.

The clinic hopes to potentially help outside counsel as well. Chen said she hopes to have students assist with legal research on client cases. The clinic has the ability to complete a lot of research which may be beneficial to their clients, or similarly situated clients which it cannot formally accept.

Student work at the clinic will have a real impact as well. Chen explained that the clients are real people, who may be having their wages garnished, or in jeopardy of losing their homes.

At The heart of the program will be students helping out their clients.

Chen said, "Advocacy and persuasion is the essence of our job." And she is confident this is what students will learn through the new clinic.

Santa Clara Law Professor Supporting Public Domain Issue Before Supreme Court

"GOLAN v. HOLDER"
Cont'd from Front Page

old works which are most valuable would be attractive targets for copyright protection and for distributors to reap the benefits. "It's not all works which are threatened by this law," says Ochoa, "just the most valuable ones."

It doesn't stop at copyright either. The precedent set by copyright may extend to other areas of intellectual property as well.

"Congress could use this as precedent if they wished to bring a patent back

"Ultimately it is the entire public domain that is at stake."

under federal protection." But Ochoa is quick to add, "The case is stronger for Copyright protection, because there is a first amendment issue."

Golan v. Holder is a turning point for copyright protection. On the one hand it may severely weaken the public domain, but there is also a chance that the Supreme Court may instead adopt a bright line rule for copyright protection.

"And that's the best-case scenario." Ochoa says. "If Golan is held unconstitutional then Congress is unlikely to try again."

A written opinion will likely be issued sometime early next year. Until then, all authors will wait with bated breath to see what the future of intellectual property law holds.

Tan Ban: Tanning Beds Banned for California Minors

Governor Jerry Brown signs into force a ban on tanning for minors.

By Robyn Morris

Hopes and dreams of looking like Snooki and J-Woww of Jersey Shore fame were dashed early October for California teens with the swipe

of Governor Brown's pen. Beginning January 1, 2012, anyone under the age of 18 is precluded from using ultraviolet devices to achieve a golden glow.

Currently, only minors under the age of 14 are banned from tanning beds, while 15 to 17 year olds are allowed tanning privileges with parental consent only.

The ban was part of a batch of initiatives aimed at improving the health of Californians, according to the Governor's office. California is the first state to enact such a blanket tanning bed ban for minors.

The bill's sponsor, Senator Ted Lieu, publicly commended Governor Brown for taking a stand against the unhealthy practice. Lieu and his supporters emphasize that tanning is too popular in the state, especially in affluent areas of



Southern California. He noted there are more tanning salons in Los Angeles County than Starbucks or McDonald's outlets. "I praise Gov. Brown for his courage in taking this much-needed step to protect some of California's most vulnerable residents - our kids - from what the 'House of Medicine' has conclusively shown is lethally dangerous: ultraviolet-emitting radiation from tanning beds," said Lieu.

The Indoor Tanning Association chafes at the proscription, asserting tanning salons are already subjected to regulations at the hands of California's Department of Consumer Affairs and the FDA it called the most stringent in the country. They also claim the ban will hurt businesses, many of which are owned by women.

Regardless, the American Academy of



PHOTO COURTESY: EVIL ERIN

Dermatology applauds the ban, stating that previous research has shown that people who have used indoor tanning are at 75 percent higher risk for melanoma, the most deadly form of skin cancer. This risk is only multiplied the sooner one is exposed to damaging UV rays.

movement toothless. "Look at the Tea Party - they've been able to flex that political clout and elect candidates. If in the next election, OWS gets out there and supports candidates, they can definitely make some real change happen. But before that's done they have to put together a platform." The lack of a coherent message is a frequent complaint. Many aren't entirely sure what the Occupy protestors want to accomplish, what presumably legislative change they would propose.

Meredith Hays, 2L, puts it succinctly: "Good message, poor delivery, horrible organization." Hays is disappointed in the strategy the Occupiers have chosen, noting that the campouts are wasting time and wasting municipal resources that we all have to pay for (such as police overtime). She considers the protests aimless, and expects they won't accomplish anything unless they pursue existing political avenues of reform. Like Lightman, she feels they need to clarify a real platform in order to gain credibility.

"The issue that they are protesting for is such a large issue that is so multifaceted, and they can't explain why it's

Fois Gras, Shark Fins Slated for California Ban

California soon to make good on legislation aimed at culinary choices.

By Gregory Williams

Pay attention gourmands, time is running out on eating some of your favorite foods that are not exactly liked by those in the animal rights communities.

California is nearing the statutory dates for the start of bans for two gourmet (or possibly cruel and environment wrecking) foods: foie gras and shark fin.

For those of you that have not been bombing around the south of France or dining at the chicest restaurants, foie gras is the fattened liver of either a goose or a duck. It has been the darling of many chefs, French and otherwise, due to the decadently rich flavor and texture. So what's the big deal about it? It starts and ends with the way it is made.

In French, foie gras means fat liver. It is made through a process that



force-feeds the ducks or geese in order to ensure that their livers grow fat enough to make an ideal product. Animal rights activists say that this process, where corn is forced down the animal's throat is cruel and can hurt the animal and even cause death in some cases. Proponents of the food say that while the force feeding is unnatural, ducks and geese naturally gorge themselves yearly before preparing for migration.

California is not the first place in the US to try a foie gras ban, as a similar ban has already been attempted in Chicago. I say attempted because after the ban, many foie gras "speakeasys" showed up where top chefs plied their crafts in an underground fashion, turning Foie gras from pariah to the hottest underground food item.

Shark fin soup, a delicacy in some Asian countries has come under fire in the state of California, with Governor Jerry Brown recently signing legislation that will ban the sale of the fins used for the soup. The reason for the ban is that, much like ivory and elephants, the harvest of sharks solely for their fins is wreaking havoc on shark populations in the world's oceans.

While conservationists applauded the ban, which could save millions of sharks every year, opponents of the ban see it as an attack on a dish that has a cultural significance.

Whatever your take is on either shark fin soup or foie gras, you are officially on notice that either your favorite or most reviled dishes will be disappearing from menus in July of 2013 and July of 2012 respectively.



PHOTO COURTESY: JEAN-CLAUDE

"OCCUPY WALL STREET" Cont'd from Front Page

Responsibility is also kept local and not shared across the movement (whether for poor turnout - which would otherwise be blamed on the leadership; or for arrests - the collective nationwide bails alone would have bankrupted any founding organization born at the outset of this crusade). Because there is no one message, the focus can be fluid and tailored to any conversation, creating space for broad appeal. Like the Hydra of myth, if you cut off one of the heads, three more replace it. But many expect that the lack of structure will end up punishing and perhaps even destroying the movement.

"There needs to be a leader, a voice to rally around." **Eric Lightman, 3L**, has participated in Occupy rallies in both San Jose and San Francisco. Without a central figure or figures to articulate a course, the protests risk losing steam as they scatter in too many directions. While he is supportive of the message, Lightman is also concerned that the lack of real political activity may render the

wrong and why we need to seek their goals. I think they're causing more trouble than making headway." Hays says. The Occupiers, or at least several de facto spokespeople from OccupyWallSt.org and Adbusters, maintain that their tactic is about restoring democracy - seeking change that cannot be achieved through traditional political means because the system itself is broken. But it is unclear whether they can effect change without a narrowed focus and targetable benchmarks.

"There's no rallying cry that can be translated into policy. The nature of the movement is too big and too abstract." Muses Lightman, "Maybe what comes out of it is that these different interests that have cobbled together and formed an amalgamation of hundreds of groups fighting for economic justice under this umbrella." Whether they can continue to gain momentum with no clear actionable goal is anyone's guess, but as the number of cities with assemblies grows and the number of days of consecutive protest stretch on, Occupy is clearly a movement that won't go quietly.

"MORAL HAZARD" Cont'd from Page 2

school themselves must recognize that they simply are not a business. Their decisions and actions should reflect those ethical standards they impart upon their students.

Law schools are in position where they are insulated from the financial risks their students take on, which is not necessarily a bad thing. However, when law schools attract students via post-graduate employment numbers and promises of scholarship, encouraging students to attend their schools, perhaps the total risk of defaulting on loans should not lie with the student when the student cannot find a job or loses that scholarship.

Greed may be good, but law schools aren't in the business of greed. They are educational institutions, representing certain ideals. The discussion should be had as to whether law schools, and perhaps other educational institutions should weather financial risks with their students. Otherwise, they continue to be moral hazards.

Poor House Bistro Rocks San Jose DT

A taste of New Orleans is brought to downtown San Jose

By Michael Branson

You hear the Poor House Bistro before you see it. With live music six nights a week, there is always something great to listen to. Most of the groups speak to blues influences, but you can expect to hear some rock and funk as well. Just around the corner from HP Pavilion, the Poor House Bistro has become a hot spot to go before a Sharks game, but in no way does that make it a sports bar. In fact, it's quite the opposite. It has become a place to relax, enjoy New Orleans flavors, and take in the music. The restaurant itself has a great casual vibe, inhabiting an untouched Victorian house. But the real appeal is stepping outside and sitting on the porch or underneath the awning and listening to the band groove. Tonight, eight performers managed to fit on the stage along with their drums, congas, guitars, saxophones, and keyboards. Just as full were the tables surrounding the stage with an engaged and jubilant audience.

The Poor House serves up practically every classic New Orleans meal. The menu lists twelve different Po' Boys, including the signature Poor House Po' Boy, with ham, roast beef, beef drip-



pings, and au jus dressed with cabbage tomato pickles, mayo, and creole mustard. Other choices are more eclectic, including a pretty spicy BBQ chicken, catfish, oyster, and French fry po' boy, where the fries are soaked in beef drippings and stuffed into a N'awlins French roll. No need to say that vegetarian options are pretty limited.

The Po' Boys are great, but here is the meal to get when you come with three friends: First, get a pitcher of beer. The options seem somewhat limited when you order inside, but step out to the side of the restaurant near the stage where a separate bar has a much more extensive beer selection than you would expect as well as mixed drinks. You can go classic, with a pitcher of PBR (\$12) or you can go classy with my all-time favorite Al-lagash White (\$18).

Then, head inside and place an order for the New Orleans Combo (\$13.75) and a whole toasted muffaletta (18.50). The Combo comes with smaller bowls of gumbo, red beans and rice, and jamba-

laya, as well as a cornbread muffin. The andouille sausage in the jambalaya gives it that authentic creole spiciness.

If anybody wants to start a Man v. Food challenge, attempt to conquer the 9"-round muffaletta alone. Otherwise, it

cious olive tapenade. Get it toasted so that the provolone melts into the sandwich. It also makes the airy Italian round bread that much better.

Finally, finish off the night with the mouth-watering good bread pudding (\$5.95). The pudding is dense and moist and brings early flavors of Thanksgiving and Christmas. It comes in a pool of warm caramel praline sauce that will surely disappear before the pudding does.

The Poor House Bistro is located at 91 South Autumn Street in San Jose and is open every day for lunch and dinner. Try to go on a Saturday or Sunday, when headliners play and they are open an extra hour, unfortunately only until 10pm. For those of you looking to show off your musical skills, open microphone is on most Tuesdays. Check out the website, poorhousebistro.com, for more information. Let me know how you enjoy it, or if you need someone to go with.

Poor House Bistro, 91 South Autumn Street, San

Jose, California. Open MonThu: 11am-9pm; Fri-Sat: 11am-10pm; Sun: 10am-8pm; Sun. Brunch: 10am-2pm.



Poor House Bistro conveniently located near the San Jose Dideron station brings Jazz, Zydeco and Southern flavors to the South Bay.

PHOTO COURTESY: ADVOCATE STAFF

comes in four wedges and is just enough to split amongst the four of you to possibly have room for dessert. The muffaletta comes filled with salami, ham and mortadella, dressed with tons of deli-

Santa Clara Law's L.L.M.: A European Perspective

A French L.L.M. exchange student shares her recipe for success.

By Claire Bocek

Do you like cooking, why? Because studies and a professional path truly look like culinary art. We always have to spice up our career. Wake up your palate with cardamom, mustard seeds and cumin and just keep reading.

I come from France where I grew up in a family business and soon realized how crucial it was to be surrounded by good advisers who know exactly how to take good care of their clients. I would say the business world tastes like "desserts" for me. When you know what you like, it means you are already on the right path.

Inside the "dessert chapter" I decided to go to law school to major in tax, corporate and business law. Do you like chocolate? If each class should have its flavor, tax class would be a "fondant au chocolat" for me.

After six years in law school - that is what it takes to get a J.D. and take the state exams in France, I practiced four years as a counselor in Tax and Business Law in large law firms. I worked for such firms as CMS Francis Lefebvre and Fidal, and as a freelance attorney in collaboration with the bicultural French and United States partners of Fileas. For each of these targeted law firms the

interviewing process was not a piece of cake. Each company receives heavy volumes of applications. After going through such a rigorous process, my advice for students and professionals is to distinguish oneself with an original but consistent recipe.

I really enjoyed my working experience in France but just as I was about to get a partner position, it was time to move abroad for personal reasons. Indeed from the outset of my career path I have kept in mind my wish to complete a L.L.M. program. Going abroad was a perfect ingredient for my recipe, the icing on my chocolate cake. There are many reasons I chose to pursue an L.L.M.

First, as a tax consultant and a business lawyer my daily assignments were to work as an international team-player on cross-border transactions drafted in English. By the way, have you ever tried to deal with the purchase of an aircraft by a US trustee

company owned by a French citizen from a Danish company by phone with a foreign counterpart whose English is not a native language? I should have recorded my first conference call for you

- it really tasted like sour spinach. Maybe others would have enjoyed that kind of interaction, but I did not.

Second, just take a look at the website of the largest companies. PricewaterhouseCoopers talks about international experience in these terms: "accelerated career progression, deeper

personal development, improved skills and expertise, greater cultural awareness, better understanding of international differences, broader and closer

global networks, long-term friendships, increased confidence in overcoming challenges, enhanced creativity through exposure to new ideas". Given descriptions like this, an L.L.M. speaks for itself.

Consequently, as I was fascinated by international taxation and convinced about the value of a L.L.M. program, I chose to relocate my new kitchen to the Silicon Valley, an energizing birthplace of start-ups and new technologies and probably the most intense business region of the US. Where there are business activities, there are numerous other opportunities.

As a foreign person living 6,000 miles away, the Internet was my sole tool available to compare universities. Needless to say I had strong expectations of the clarity and quality of the information available on websites. I was very pleased by what I found on Santa Clara University's School of Law website. The classes offered in the L.L.M. program, the professor's career path, the job employment statistics related to the alumni, the advantages offered by the law career services and the writing center, the campus size, the annual events, the international student rate, the university's history, and the J.D./MBA joint-degree program grabbed my attention. Other articles and blogs confirmed the reputation of the university and I quickly concluded

Continued on Page 8
See "L.L.M. Perspective"



PHOTO COURTESY: CLAIRE BOCEK

Halloween Bar

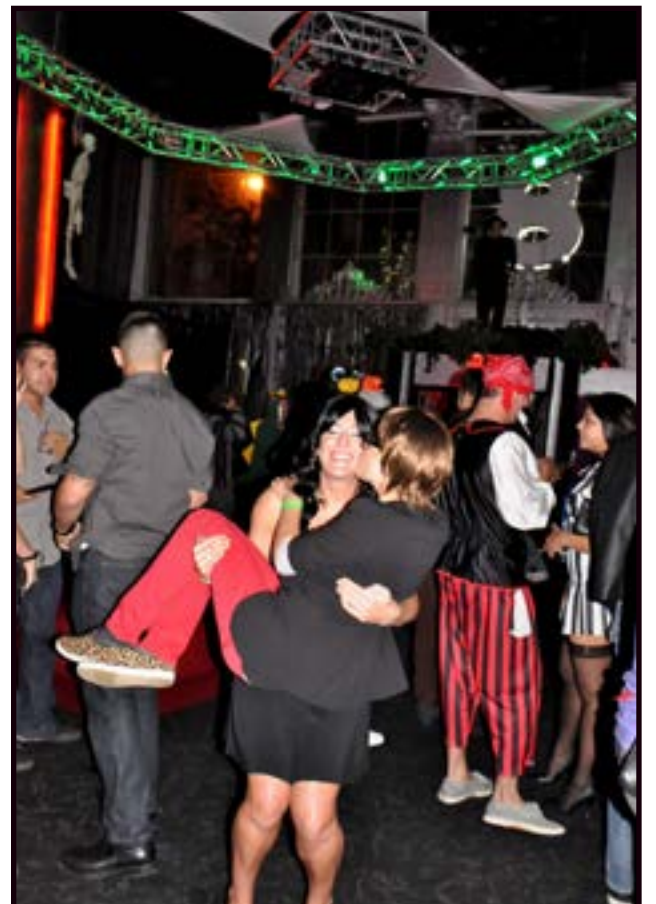
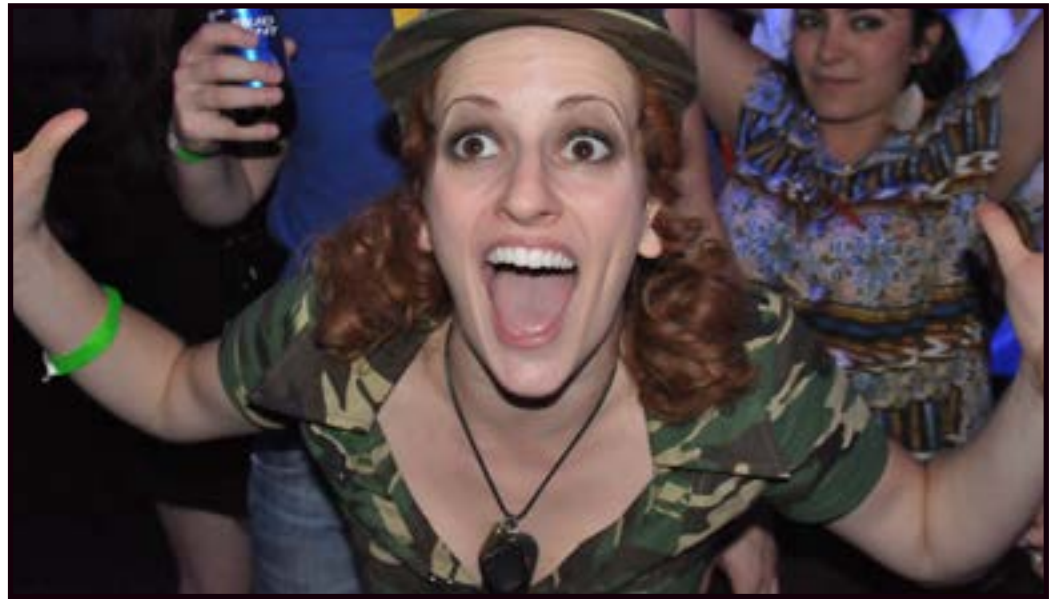
Santa Clara Law Students dress up for Halloween Bar Review, held at Stud



ALL PHOTOS COURTESY OF [Name]

Review Scene

*...s up and let loose at the annual
...io 8 in downtown San Jose this year.*



MATT IZZI, ADVOCATE STAFF



TIL: Fall Favorites

By Amanda Gordon

Hi again. Today, I have come bearing new 'Today I Learned' advice for surviving finals. First, you should hoard as much half-off candy as possible. As most of you should know, the days after a holiday at CVS and Safeway are filled with half-off specials for candy and treats.

You should capitalize on this practice as sugar certainly helps when you're in the library studying for your contracts final. Here are some hints about places on campus with 'candy bowls': The APD study room on the second floor of Bannan, Student Services, a certain torts professor's office, the undergrad career office (next to Benson, where OCI's take place), Financial Aid, Exam Return/Review 2nd Floor of Bergin, the Cashiers Office in Walsh, and the Bursars Office.

Be sure when you are romping around campus sneaking yummy treats to be polite and respectful, that way they remember your manners and not the empty candy bowl you left behind. Always remember, these are people fueling your finals study.

Second, Turkey Trots are not helpless children chasing over-sized turkeys for meals later in the day. San Jose has a Turkey Trot 5K or 10K fun run. At only \$45 per entry, the run is worth getting up early on Thanksgiving morning. At the end of the race there are tons of goodies, including a high-performance t-shirt which means staving off laundry for one more day. Furthermore, setting a goal of a 5K or 10K near the end of classes is good to get in shape for finals. Finals can be stressful and exercise helps clear your brain. Plus the endorphins keep deep depression at bay. Third, stuck here for the holidays because your family lives far away? Have a Friends Thanksgiving. Safeway has a deal where they provide the essentials: bird, stuffing, mashed potatoes, and cranberry sauce. Split eight ways, it comes out to only fifteen bucks per person and you will not have to waste time away from the library in a hot kitchen.

Fourth, planning a LARAW Secret Santa has always made my finals time cheery. Law School friends tend to disappear over the holidays due to travel plans or time spent with families. Given that school does not start up again until the second week of January, it is nice to have one last get together. Plus, because we live in the future, there is an online generator that can pick Secret Santa pairs and email recipients. (<http://www.drawnames.com/secret-santa-generator>).

Finally, as a well intentioned warning, 1Ls probably won't get any grades until January. So relax, enjoy your December break and try not to harass Student Services with, 'WHERE ARE MY GRADES' emails.

PHOTO COURTESY: MARK RUPSI



By Dean Erwin

Hi Gang!

No police reports on Halloween morning, so I am assuming that everyone had a great haunted holiday and partied responsibly!

Yay for you all! Lots of questions this month, so here are some answers:

I always wondered about course evaluations, do teachers get a list of students who fill out their course evaluations, I heard a rumor that they get a list of those that do not? No.

Professors do not know who does or doesn't fill out evaluations. Their report tells them how many students - out of those registered - filled out the survey. Professors do not have access to evaluations until grades have been posted. Once posted the Dean, the Dean of Academic Affairs and the professors review evaluations. For some classes only a few students fill out evaluations - which isn't helpful. If you want your opinion heard, you need to take the time to fill out surveys!

Was the new curve for bar classes in your 2nd and 3rd years implemented? Do all the professors know they now have discretion? The change to the upper division required and bar class curve was approved by the faculty on February 11, 2011 with an implementation term of Summer 2011. The change added



Dean Erwin's Rumor Mill...

the following statement to the grade curve policy: "In upper division bar and required courses, grades of C- or below must be assigned to all students who perform below the range of professional competence. If fewer than 8% of the students in a class perform below this level of competence then the professor may assign fewer grades in the C- or below range." At the time of grading, faculty teaching curved courses are given a grade curve worksheet by my office that spells out the rules.

Why does the school only allow us to keep our emails for 90 days after graduation? That decision is made at the University level. University IT has stated that they don't have the space required to allow students to keep their email addresses. We would love for you all to keep your email addresses - we could keep in touch with you more easily!

Why are there not more 4 credit classes? Interesting question . . . lately we have been getting pressure from the students to offer more 1 unit classes, this is the first call we've received looking for a 4 unit class. I think most professors are used to the 3 unit model and have adjusted their courses accordingly. I will let them know that at least one of you would like more 4 unit options.

Why do FLY credits count as outside internship credit? Shouldn't they be affiliated with the school? The ABA rule is that field placements are those classes in which someone other than full-time faculty has primary responsibility to the client. Clinics are those courses or

placements with other agencies in which full-time faculty have primary professional responsibility for all cases on which students are working. Because your work is supervised by Aila Malik and the other great people at FLY, it is categorized as a field placement and therefore counts toward the maximum allowable field units.

Is there ever going to be some sort of coffee machine in the lounge? The undergrads and the business school have a cafe, do we get one? Coffee Machine - no. It's a bit dangerous to have a coffee pot burning in an area that is frequently empty for long periods of time. We hoped that the hot water tap would help all the coffee drinkers. The cafes around the school are yours as well and not that far away. Bon Appétit has experimented a few times with coffee carts here at the law school, but they have never made enough money to make it economically feasible. We can ask them again if you all feel like you would spend money at a food cart, but so far we batting 0 for about 5 attempts.

Is anybody ever going to police the fridge? Can students take it into their own hands and bring justice to those leaving leftovers in there for weeks? The agreement, at the time that we purchased the fridge, was that the SBA would be responsible for it. Their budget was increased to allow them to hire a student to clean it. This year, I believe a member of the SBA is actually doing the work. Last I looked, it was much cleaner!

Professor's Visit for Patent Act Signing

Professor Colleen Chien had the distinct pleasure and opportunity to be invited to the White House for the signing of the new Patent Reform Act of 2011. The actual signing took place at a local school. Professor Chien was invited along with many other industry leaders and professionals to attend the signing ceremony.



PHOTOS COURTESY: PROFESSOR COLLEEN CHIEN



"L.L.M. Perspective"

Cont'd from Page 4

that the SCU Law School matched my personal expectations.

I should not forget to mention that all senior partners were very supportive of my decision. Further, I am sure their letters of recommendation were instrumental to my admission at SCU.

I have been attending classes here since July, 2011. My professors are fascinating and gripping people. They have substantial working and research experience to share. In my business organization and tax classes I always have the feeling that I am participating in a lively professional conference. This is vastly

different than the theoretical classes I attended before.

Let me give you an example illustrating that my immersion helps me to improve my personal and professional skills. The first time I was on call in international taxation, I felt totally dumb. Although I did the readings and problems, I could not find my words. But it was really nice to see my professor was understanding and patient enough to give me time to feel more comfortable by asking me easier questions. Now we are in the middle of the Fall semester and I demand to be questioned in class like any other students. What a change in two months!

I can't wait for discovering the side ef-

fects of my "spring ingredients": corporate finance, mergers and acquisitions and federal taxation of business entities.

Now that your palates are awakened, close your eyes and strongly think about what you are craving. Roll up your sleeves: select the best ingredients and then: practice, taste, improve. Read cooking (or law review) articles, go out for dinner, whip up your ideas in order to endlessly perfect your path. What helps me is to keep in mind is that the "diversity" of ingredients makes all the difference. The diversity shapes distinctive experience, deepens personal development and naturally any professional career.

Halloween Disputes: Spooky Lawsuits

By Amy Askin

In the days that follow Halloween, children will be sorting their candy and neighborhoods throwing away pumpkins and removing fake cobwebs. Law-



yers, however, will be writing complaints for new cases that arise from the season's festivities. According to a recent article in the New York State Bar Association Journal, which chronicled "The Law of Halloween," there have been suits over neighbor's law decorations, labor disputes arising from Halloween costumes worn by employees, and suits about houses that are literally haunted. Halloween lawsuits present legal claims that involve the circumstances completely unique to All Hallows' Eve. While these cases are not to be taken as silly, here are a few cases to highlight that Halloween lawsuits are in a league of their own.

In a recent Florida case, a woman sued her neighbor alleging defamation, harassment, and emotional distress for an "Insane Asylum" displayed on their

lawn. The decoration in dispute was a homemade Halloween tombstone pointed in the direction of the plaintiff's home, which read:

"At 48 She had
No mate No date
It's no debate
She looks 88
She met her fate
In a crate
Now We Celebrate
1961-2009."

A local news article revealed a rift between the neighbors that culminated in the tombstones. In a motion to dismiss the lawsuit, the defendant's attorney stated that the tombstone was simply a comedic Halloween decoration. The woman did not find the tombstones as humorous as her neighbors. She viewed the writing on the tombstone as a reference to her single status and public records confirmed the plaintiff was born in 1961. Coincidence? Highly unlikely. The woman has since moved from the neighborhood as a result of the suit.

In another case recent case, Halloween was the center of controversy of an unfair labor practice suit. A Massachusetts hospital ordered union nurses to remove black t-shirts they had made for Hal-

loween. The shirts depicted a skeleton and the words "Skeleton Crew" on the front, and on the back, a "thumbs down" skeleton hand with the phrase "cut to the bone," referring to cuts in staffing. The case against the hospital was dismissed by the labor board. Subsequently, an appellate court vacated the order of dismissal and remanded for an evidentiary hearing.

In what has been called "the most infamous haunted house case," a New York appellate court declared a home as "haunted, as a matter of law." This seemingly unorthodox ruling was the result of a suit to rescind the sale of real estate after the buyer discovered that the home he purchased was widely reputed to be possessed by ghosts. For years, the seller had advertised her home as haunted in local newspapers and in Reader's Digest. When the buyer purchased the home, he was unaware of its peculiar history. Although the issue of whether ghosts are real was not discussed, the court ruled in favor of the buyer because even "the most meticulous inspection" would not have put the buyer on notice. Sellers beware: If you think ghosts reside in your home, don't alert the media.

Lastly, a case known as "Little Bo Peep

and Her Flammable Sheep," involved a tort case following costume-related injuries. For a Halloween party, a couple dressed up as Little Bo Peep and a sheep. The husband's sheep costume was covered in Johnson & Johnson's cotton batting (think of the material inside of a quilt). While attempting to light a cigarette at the party, the husband's costume caught on fire and he was rapidly engulfed in flames. The husband filed a products liability action against Johnson & Johnson for injuries sustained after the combustion on a failure to warn theory. After a jury awarded the plaintiff a sizeable award (\$550,000 for the husband and \$70,000 for the wife), the Sixth Circuit reversed and noted that the husband was aware of cotton's flammability and that the husband and wife did not testify that a warning would have prevented them from using the material in that manner. Hello 1L Torts.

Halloween lawsuits are proof that October 31st isn't just about wearing ridiculous outfits and finding candy in almost every room on campus, they demonstrate that litigation might be lurking around the corner.

"GOLDMAN"

Cont'd from Frontpage

that I wasn't going to explain basic legal principles in my blog posts. My blog was going to be a sophisticated conversation for a sophisticated audience. By necessity, that was going to leave some people behind. Not that I'm uninterested in a general audience, but the time required to explain and bring people up to speed would be excessive, and the regulars would get tired of hearing the same thing. So we don't attempt to cater to the relative neophytes.

What do you think is the most exciting area of IP law today?

I think it's all exciting! Do I have to pick only one?

IP fads come and go pretty quickly. I could discuss the fad du jour but, if you asked me the same question three months from now, I would have a different answer.

If I were to pick only one, the biggest battle remains patents and technology companies. This area is more than just non-practicing entities and the influence they have over companies that are actually trying to get products to the market. It's the overall battle of patents and whether they are stifling innovation or enabling it. Professor Colleen Chein has done some excellent work on that topic.

Watching the moves of Google in the last six months, including their failed bid for the Northern Telecom patent portfolio and their purchase of IBM patent portfolio and the Motorola Mobility business, indicates major structural battles are taking place in our technology environment; Google's moves are driven solely by patents, and maybe not in the way that we want. Maybe tech companies are erecting substantial barriers to innovation that are undermining our global competitiveness. We in the U.S. have had it really good for many decades, but maybe patents are threatening our ability to remain the world leader in innovation.

So, if I were pick only one, I would

focus on the role of patents in the tech sector because it is central to our economy. If we get the answer to that question wrong, then a lot of bad consequences may follow.

How close a connection do see between economics and IP law? Should all IP decisions be based on economic cost benefit considerations?

I teach both my IP Survey class and Internet law class as business law classes. In the end, we want businesses to make smart decisions in light of the legal environment. You can think about IP as a freedom of speech issue or a scheme for protecting artistic expression, but I think about it as "rules of the road" for a business decision maker. From that perspective, I think IP and Internet law are essential materials for the business community. Decision-makers need to know the rules so they can make smart decisions. In my class, I hope to help model some of that behavior so students will be prepared to talk with clients about the business choices they are making.

As director of the Santa Clara High Tech Law Institute, what would you like to see it become over the next 5 to 10 years?

I have a long list of goals, some of which have remained untouched since I started the job over five years ago! My broad goal remains helping students obtain their personal and professional objectives. It is our job to help give students tools to help them succeed in their professional career. That remains our priority, and it's been that way since I've been here. To do this, we make a series of tactical decisions: we are constantly deciding what things we can do that will be the most useful to help students achieve their goals.

The number one thing we can do better is provide students with richer experiential learning opportunities (i.e., ways to learn by doing). We are blessed in our local community that students can find part-time jobs and externships for credit, both of which let them learn

by doing. We also have a pretty rich curriculum of skills courses, such as courses that involve simulations and let students "learn by doing" inside the classroom.

Even so, we aren't as deep in that area as I would like. So, the number one thing we can do to help students is to provide some type of clinical opportunity for students within this building where students can work on real-world problems under the supervision of a clinical faculty member. That has been a priority of mine for several years, but coming up with the right structure is quite challenging, and it remains something we are working on. I hope we will soon have a proposal that we can circulate before various constituents for their feedback.

Are there things that you think students can do that would be most beneficial for their career outside of Santa Clara law school?

The law school and law students have a shared responsibility. It's our job to provide ways for students to build their skills, and it's the students responsibility to take advantage of those tools. There are so many rich opportunities on campus for students to take advantage of! I think many students take advantage of many of the opportunities, but there are plenty who could get even more value for their tuition dollars. We hope they will take even better advantage of the tools available to them.

I think the single best thing students can do is get the experiential learning through a part-time job or externship for credit. Experiential learning is the best way to supplement what students learn here in this building.

Beyond that, students should take advantage of all the learning opportunities that present themselves outside of the building, such as conferences both on the legal side as well as on the business side. Conferences can help students better understand the discussion taking place among people in the field, and it gives students opportunities to do networking and meeting other people with

different expertise and interests. Taking advantage of the rich conversation taking place in the Silicon Valley is an essential part of the overall Santa Clara University experience.

In regards to patents and acquisition of patent portfolios, is this something lawyers can influence? Or is this really a political question?

As lawyers, we make a personal choice about what we value in life. Sometimes, the choice is dictated by financial realities, such as law school debt. Even so, lawyers choose what kind of practice they want and the kinds of clients they want to work with.

When lawyers enter the patent field, their choices lead them towards working with one type of client or another. Some litigators represent non-practicing entities (NPEs). That choice may mean those lawyers cannot later take defense-side work. They have picked their side and their opportunities are governed accordingly.

As another examples, patent prosecutors "manufacture" new patents. They choose what patents they will help create. Patent prosecutors should reflect on what they are producing and consider if they are advancing patent's broad theoretical justifications--which presumably attracted them to the field in the first place--or if they are just taking the money.

Thus, practicing lawyers can change the industry by deciding which clients they will take and which they won't. It's fair game for lawyers to make these choices, and I think our industry would be better if more lawyers prioritized that.

Finally, lawyers can speak up about what the problems are seeing in the field. When lawyers speak up, it enlightens the rest of the world. If patent lawyers were to say "patents are not helping my clients, they are hurting them, and here's why," that would provide a concrete example of an abstract problem, which can be highly influential in the decision-making process.

BCS Conferences Shift Over Football

Universities and Colleges Clashing Over Conference Affiliations, Financial Security, BCS Status

By Benjamin Broadmeadow

College sports are no longer being played on the field, in the rink, or on the court. Instead, the NCAA, collegiate conferences, and universities are forcing college athletics to be played



out in the courtroom and behind closed doors.

Conference realignment has dominated sports headlines throughout the fall. Colleges and universities are jockeying to lock down in coveted spots in Automatically Qualifying (AQ) Bowl Championship Series (BCS) conferences, dropping traditional rivalries in favor of financial security.

Dropping conference affiliation is nothing new. Back in 2005, University of Miami, Boston College, and Virginia Tech left the Big East Conference for the Atlantic Coastal Conference (ACC). In 2010, Colorado and Utah joined the Pac-10, leaving behind the Big-12 and Mountain West Conference, respectively, while University of Nebraska joined

the Big 10 Conference from the Big 12.

More recently, Texas A&M left the Big 12 for the South Eastern Conference (SEC), University of Pittsburg and Syracuse left the Big East for the ACC, University of West Virginia has joined the Big 12 from the Big East, and the University of Missouri, currently in the Big 12, is poised to join the SEC. Texas Christian University (TCU) was set to join the Big East, but as the Big East continues to hemorrhage teams, TCU withdrew its acceptance and is now set to join the Big 12.

Don't forget the talks between Conference USA and MWC, both non-AQ BCS, joining together to form not just a super conference, but a mega conference. Their proposed merger would cover a footprint from San Diego to South Florida, and include upwards of twenty eight teams.

The conference shuffle, though, has left some universities with a bad taste in their mouths. When Boston College joined the ACC in 2005, the University of Connecticut (UConn), the state of Connecticut, and other Big East members brought suit against the Massachusetts school. The matter was eventually settled out of court, but fast forward to 2011, and Boston College has blocked UConn's recent bid to join the ACC.

The University of Baylor, watching

Texas A&M head for the SEC, threatened a legal action against the remaining members of the Big 12 should any of them decide to leave for another conference. David Boren, President of Oklahoma University, came forward and said nothing would be gained in a conference where its members sued each other.

With Missouri's move to the SEC nearly formalized, Baylor has been quiet about getting courts involved. TCU's and West Virginia's decision to join the Big 12 may have eased Baylor's mind.

West Virginia, after having just accepted spot in the Big 12, filed suit against its old conference, the Big East. The Big East's remaining members are holding recently departed schools Syracuse, Pitt, and West Virginia to a 27 month lame duck period.

In the mean time, the Big East has raised the conference exit fee to \$5 million. West Virginia has brought suit against the eastern conference in order to begin an earlier exit strategy. Faced with losing its AQ status as a BCS conference, the Big East is now scrambling to write out any and all loopholes from their contracts.

What remains to be seen is how long this cycle of conference realignment will last and how many more schools feel jaded by the process.

POTS: People on the Street

What would be your one law-related superpower?



Shepardize Faster than a speeding bullet – J.P. Thyken, 3L



Power of persuasion – Stacey Tam, 2L



Get rid of student loans – Lou Limon, 3L



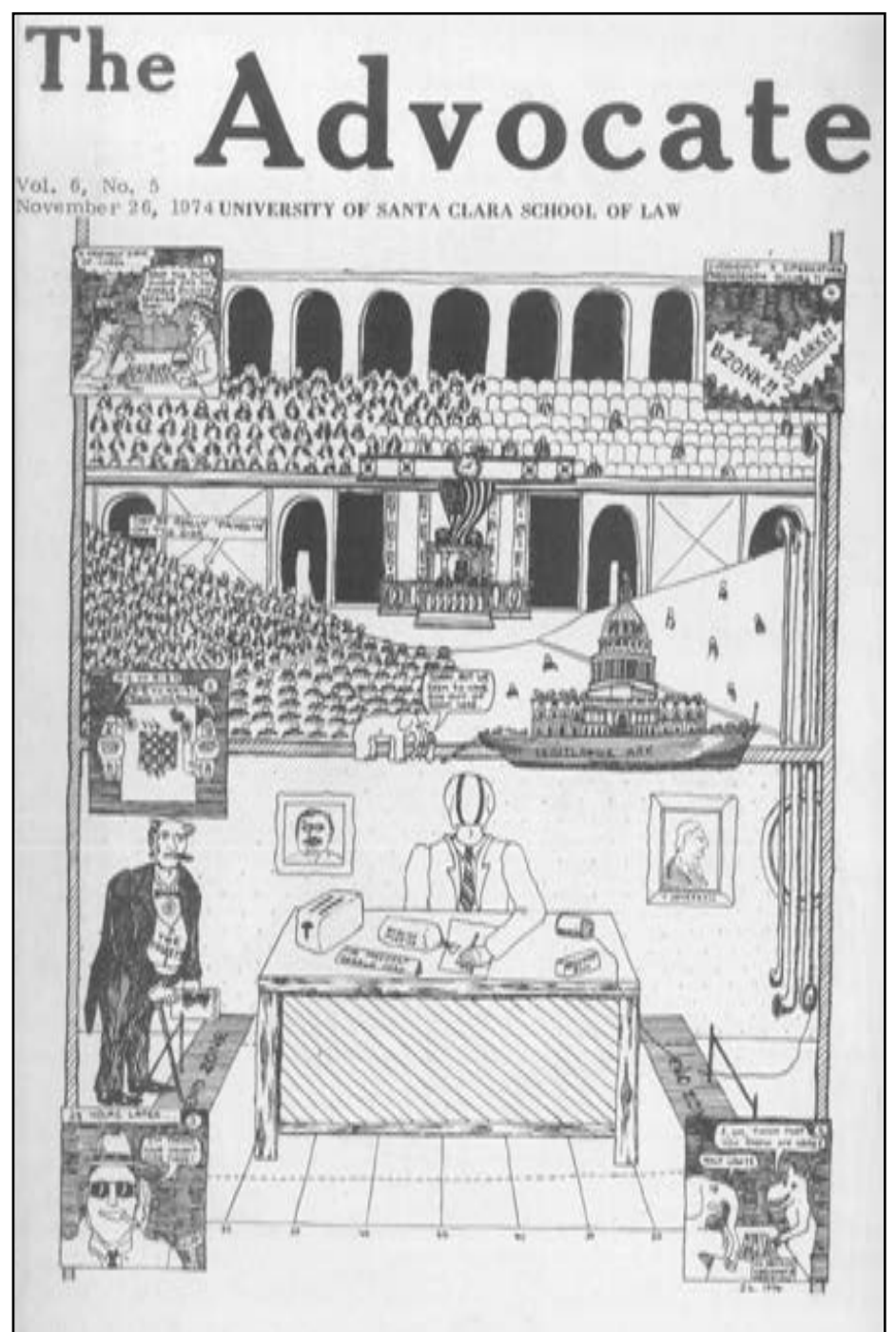
Always know how to convict the guilty – Shannon Quigley, 3L



Telepathy, so you can think what the other party thinks – Matt Clendenin, 3L

From the Archives

Volume 6 Issue 5



Occupy Protests Lacking in Meaning

By Martin Behn

With "Occupy Wallstreet" quickly becoming a household name, a humorous event on Facebook has an occupy protest taking place right here on campus.



Occupy Bannan Hall. It was only a matter of time. The occupy movement has spread from Wall Street to San Francisco and many cities in between. The rally cry behind being part of the 99 percent has mobilized a lot of people to gather, sit and camp. One might wonder how many law students, saddled with more than \$100,000 in debt have been at the protests, and for how long they've stayed. Should we start skipping classes to attend?

YouTube and Facebook are tools for

the occupy movement just as they were for the Arab Spring. Utilities for seemingly disconnected people to rapidly share and foment ideas which turn into movements like the occupy protests.

Videos also capture, for better or worse, the perspective of the people protesting. Sometimes this includes heart-wrenching stories, but more often, attention is focused towards altercations with police, like United States Marine Corps Sgt. Shamar Thomas in New York. The post gained over two million views in less than a month. The recent veteran in Oakland who was injured has many YouTube videos dedicated to him. Many have over 200,000 views in less than a week.

Much of the attention on the occupy movements has shifted from an amorphous message to the alleged police brutality. How has it happened that a

movement that was based in an inequitable financial system that has become salient in the last few years has become about a single issue in media coverage, that of protestors versus police?

Many people are starting to ask the same question. The lack of a unifying voice threatens any power these protests have. The occupy movement is distinctly not like the tea-party movement. The tea-party movement found power opposing most, if not all, of Democrat's policies. The tax debate in Congress this summer clearly evinced the inability of newer Congressional members elected under the support of tea-parties to learn the ropes of compromise.

Another example of how the two movements differ is the ability to mobilize in an effort to get out and vote. Two years ago I wrote on the fizzling movement of the tea-party, because of

their inability to find suitable candidates. Today I eat those words. They found the candidates and got members elected on a wave of partisan anger. Those members today, while hamstrung by the many pledges they took to be elected, are nonetheless a cognoscente voting block in congress.

The occupy movement, I predict, will not be as lucky. Many tea-partiers were ridiculed for asking questions us law students are able to laugh at, like where is the department of education in the constitution. Some famous videos captured depicted people decrying federal taxation as unconstitutional (hint, look at Article I, Section 8, Clause 1). However, the best the occupy movement can muster so far are alleged police brutality videos. Where is the message? What are they protesting? How will they bring their message from Wallstreet to Main Street?

A recent Fordham poll also suggests that many of these protesters are "anti-Obama", and will forego elections in 2012. Are you kidding me? Is anybody thinking critically about this movement? If anything, any distrust or dissatisfaction with what is going on in Washington D.C. should spur more political outrage. More voting, more new candidates, and more causes to rally behind. That is what happened with the tea-party movement, and now they have sympathetic ears in Congress.

As law students and lawyers we should be letting people know how change works - through the election system: casting ballots for candidates, running for office, creating petitions for propositions. We may lament the process later when our state is saddled with debt, but this is how change occurs. Change does not occur by sitting in front of city hall and waiting for forcible removal. Law students and lawyers protecting First Amendment rights of individuals to camp on public property does not help advance any cause or movement. You have to have a message that can resonate with a majority, not just the majority of people that already agrees with you.

If anything, incidents which spur police action can undermine any movement. What is the point of advocating an objective if it is to be lost in the ensuing scuffle. Such incidents only lead to more ridicule of the movement. More "Occupy Bannan" Facebook groups, more YouTube videos of kerfuffles with police, and less of a voice where it truly matters.

Crossword

Across

- 1 Elec. units
- 5 Gave up
- 10 Nail
- 14 Orca prey
- 15 Cheer up
- 16 Singer
McEntire
- 17 Orient
- 18 Range
- 19 Foreboding
- 20 Crepes
- 22 Glide
- 23 Leg part
- 24 Daisylike
flower
- 26 Piece of paper
- 28 Pickle
- 31 Strict
- 32 Hindu frock
- 34 Marquis de ____
- 35 Pastureland
- 36 Muscle

1	2	3	4		5	6	7	8	9		10	11	12	13
14					15						16			
17					18						19			
20				21						22				
			23					24	25					
	26	27						28				29	30	
31						32	33				34			
35				36	37					38		39		
40			41		42					43	44			
45				46						47				
			48						49					
50	51							52				53	54	55
56						57	58					59		
60						61						62		
63						64						65		

Copyright ©2011 PuzzleJunction.com

- 39 Sandwich inits.
- 40 Conjunctions
- 42 S shaped
molding
- 43 Stories
- 45 Giant
- 47 Confronts
- 48 Cove
- 49 Pants measure
- 50 Beef cattle
- 52 Laurel &
Hardy producer
- 56 Cheers
- 57 South Korean
city
- 59 Gall
- 60 Poker term
- 61 Seed
- 62 Heb. calendar
month
- 63 Freshwater
fish
- 64 Nobleman
- 65 Look after
- 9 Scot. river
- 10 Agents
- 11 Extraordinary
- 12 Assist
- 13 Zealander
- 21 Concerning
- 22 Fr. saint
(Abbr.)
- 24 Concur
- 25 Transport
- 26 Office worker
- 27 Auto necessity
- 29 Stagnates
- 30 Webs
- 31 Dross
- 32 Visual
perception
- 33 Hotshot
- 37 Memorization
- 38 Step
- 41 Pollen
attractors
- 44 Circus
- 46 Than (Ger.)
- 47 Angel type
- 49 Sao ____, Brazil
- 50 Omani, for one
- 51 1934 Anna
Sten movie
- 52 Time of day
- 53 Adjutant
- 54 Tribe
- 55 Animal group
- 57 Cry
- 58 A Gabor sister

Write on Anything!

The Advocate welcomes comments, articles and letters from the students, professors and law school community in general. We particularly encourage organizations to use The Advocate as a format to keep the student body informed on their activities.

The editors reserve the right to refrain from publishing any contributions.

Artists, cartoonists, poets and photographers are also invited to contribute.

If you know what you want to write, send an email to scuadvocate@gmail.com. Deadlines are generally three weeks from the issue date of the last

Advocate

Fall Means Football and Memories

Student-reporter recounts his numerous trips to college football games since starting law school

By Gregory Williams

Fall is a season that seems to mean a lot of things. School begins, baseball ends, and for those of us that have ever lived anywhere with seasons, the world begins to die around us in a blaze of color. For us, fall means college football.

We had made a pact our 1L year to see each of our college teams in person, meaning we'd be seeing Clemson (Jacob Smith, 3L), Texas A&M (Vance LeBourgeois, 3L), Washington (adopted by Allen Zargar, 3L) and Nebraska (me).

Our first stop killed two birds with one stone, seeing Nebraska play Washington at home in Seattle. By the time we arrived at SEATAC, Vance was covered in adhesive pilots wings indicating that we were ready for some whimsy. We explored the Ali's hometown, had some of the best benedicts we ever had (at a coffee shop called Glo's, seriously, go there) and took in a baseball game before the reason for our trip on Saturday. The Huskers blew out the Huskies and I got to show my friends how well the sea of red travels.

Next up was Clemson. We flew in to beautiful Greenville-Spartanburg International Airport, into what Jake referred to as "God's country." After a two-hour drive, we found ourselves in front of Clemson's stadium, known locally as "death valley." The stadium was empty save for a few members of the TV crew preparing for the next days game. For some reason, the way the shine from the lights lit up the sky around it reminded me of all of the long shots of the field from "Field of Dreams."

The next day we

put on our Clemson orange, did our best to avoid buying folksy keepsakes such as a shirt with an animated marlin on it and a tiger tail that attaches to the back of ones pants, and tailgated with a very Southern man named Chief. We got to yell the Tigers chant of C-L-E-M-S-O-N T-I-G-E-R-S, FIGHT TIGERS, FIGHT TIGERS FIGHT FIGHT FIGHT! The Tigers beat Florida State, and all seemed right with the world.

Then there was Texas A&M. We started our trip in Austin, TX, and wandered around town going first to famous music venues and then to the vaunted Sixth Street. The next morning, way too early, the burnt orange of Austin gave way to the Maroon of College Station on game day. We walked through the campus and saw the Corps of Cadets marching, passed the graves

blowout victory over the hapless Baylor Bears. After the game, while wandering the Northgate area, we found an attorney ad fit for the MPRE exam. It offered discount rates for those that were arrested at the area's infamous chilifest.

Technically, the trips should have been over, we had seen every team that we had set out to see. For all of our boasting before we left, we did not have any real winner as to who was the best. We found greatness in every stop along the

time I set foot on campus and five years since I graduated. In that time, four of my favorite professors had taken on emeritus status, construction had begun on an expansion to the stadium and the students had gotten a hell of a lot younger.

Some of my friends from undergrad had also made the trip and, the night before the game, we had gotten together as we always had the night before a game. For a moment, it was like nothing had

changed and we were back to where we had all started. I thought about a comment Jake had made when we were with him in Clemson, about how being back was not

strange, but being there with law school friends was.

We parted ways only to meet each other a few hours later for tailgating before a painfully early TV-mandated game time. Walking into the stadium everything once again felt just as it was when I was a student. The chants, the songs, and the sea of fans that bled Husker red. The game was great from my point of view, with the Huskers winning easily.

With the game over, and a paper to write, I made my way through back through campus towards downtown. Combined, the four of us had traveled more than 75,000 miles together to visit the places where we started. I paused just long enough to look to the west, past the rest of the campus into the setting sun, casting a deep orange glow over the plains that stretched to the horizon. It was just how I remembered it.



Photos clockwise from top left: (1) Allen Zargar, Vance LeBourgeois, Jacob Smith and Greg Williams enjoy a Texas A&M field visit. (2) Clemson orange and the students rushing the field after victory. (3) Memorial Stadium bleeds Husker red on gamedays.

PHOTOS BY: GREGORY WILLIAMS

way and got to see what each others life was like before we left on this crazy adventure called law school.

For me, there was still one last trip to make, back to my adoptive home of 4 years, Lincoln, Nebraska. It is a long story how I ended up there in the first place, but a happy one. It had been three years since the last

of past Reveilles, the A&M collie mascot, and found some friends of Vance's to tailgate with. We then walked into Kyle Field, home of the 12th man, which lived up to its famous billing in the Aggies



				4	7		3	
				3			2	6
				2	8			4
	4				7		3	
		7					8	
		9			2			4
3					1	8		
5	9					2		
	1			7	3			