



THE ADVOCATE

SANTA CLARA UNIVERSITY SCHOOL OF LAW

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Dean Explains FY2011-2012 Budget

Dean Wender discloses SCU Law's budget and allocation process

By Martin Behn

Law school transparency is not just a topic anymore - it is a crusade for many. Websites and bloggers decry for-profit and not-for-profit schools alike. Frequent complaints are lodged against the employment and bar-passage rates. Complaints against the ABA and the scholarships offered to many students are also pervasive.



Amidst this concern, *Dean Jacqueline Wender* (Senior Assistant of Administration) sat down and explained some of the budgetary breakdown for SCU Law. It may be helpful to think of Wender as the brains behind the books: her

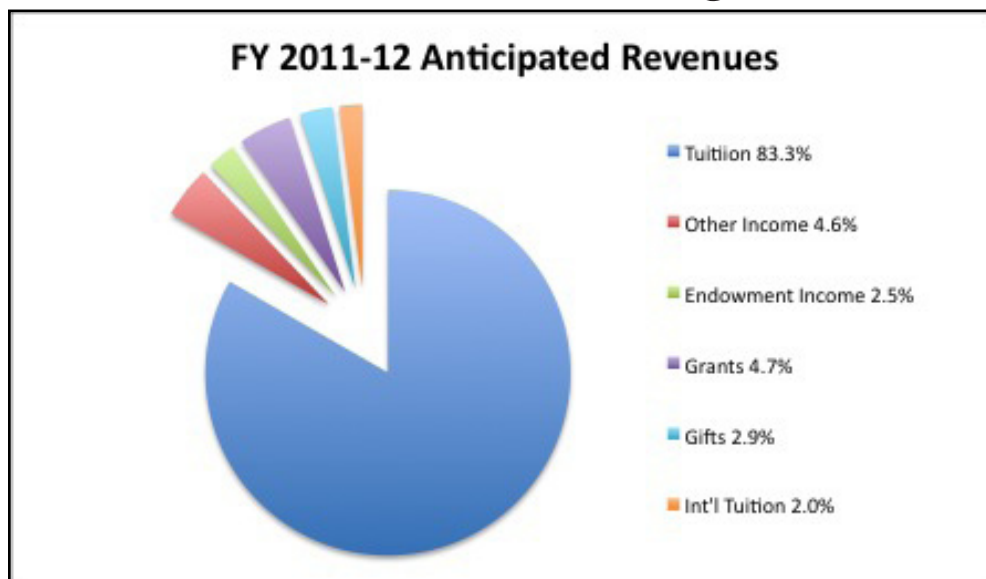


Figure 1.

credenza is topped with FY-2011-2012 binders and similar.

From the outset, Wender made it

FIGURES COURTESY OF SANTA CLARA UNIVERSITY

clear that the administration has in years prior provided this information to *The Advocate*. Additionally Wender said, "Unless we understand the goals of

the law school, we shouldn't talk about the budget." This was a point repeated, because without understanding where the administration is trying to take the school, the budgetary breakdown can be misused or misunderstood. There are many questions which the administration revisits every year. One of these Wender asks, "[whether] we are comfortable with the student-faculty ratio?"

Another important segment to understand about the budget is that the law school is operated separately from the rest of the university. It operates, like some other schools, under a memorandum of understanding (MOU) with the main university. Wender said the school is, "a part of the university, but financially separate."

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"Mothers of Bedford" Captivates

By Susie Dent

I have a confession to make: like most law students, I cannot bring myself to turn away from shows involving behind-the-scenes looks at life behind bars. Not in the face of reading assignments, outlines, or healthy levels of human interaction—nothing. Incarcerated for a cacophony of offenses, the unconventional "stars" of these sixty-minute segments stir senses of fascination, fear, curiosity and empathy. For those of us drawn to criminal law, however, we seem to watch less for entertainment and more for anthropological purposes. To us, these are clients, not characters, and a more intimate look into their lives is often left to be desired.



Critics of this in-depth series argue that the colorful stories these men and women share must be taken with a grain of salt, as a mundane soundbyte would not keep a viewer's attention. Authenticity or elaboration aside, these inmates are still someone's mother, sister, brother, and, more often than not, someone's parent.

According to the Bureau of Justice Statistics Special Report "Parents in Prison and Their Minor Children," the number of children under 18 with a mother in prison grew 131 percent between 1991 and 2007, when approximately 65,600 mothers were incarcerated. As of 2011, eighty percent these

incarcerated women were mothers of school aged children. What has become of the children they left behind?

These tales of incarcerated motherhood are the subject of the 2011 documentary *Mothers of Bedford*, direct by filmmaker Jenifer McShane. Debuting at the New York Documentary Film Festival last November, *Mothers of Bedford* delves into the lives of five women on the inside of Bedford Hills Correctional Facility, New York states only maximum security prison. From murder and manslaughter to robberies, these five women have been stripped of their traditional motherhood roles due to bad luck or bad decisions.

Fortunately for the women of Bedford Hill, the facility has embraced alternative rehabilitation and special programming for their inmates, with the hope that instilling parenting skills will not only make the women better mothers, but better functioning individuals if they are released. This emotional reshaping and skill rebuilding takes place in Bedford's Children's Center, a program founded by sister Elaine Roulet. A former school principal, Roulet took students to visit their incarcerated mothers, eventually garnering support for the center by the Department of Corrections.

A far cry from a traditional visitation area, the Bedford Children's Center looks like a happy, peaceful elementary school classroom, full of games, toys, and books for the parents and children to enjoy together. Director Bobby Blanchard, ex-

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See "MOTHERS OF BEDFORD"

Chevy, Ford Dispute Superbowl Ad



PHOTO BY THOMAS HAWK, CREATIVE COMMONS LICENSE

By Amanda Demetrus

Roughly 113 million viewers sat down on Super Bowl Sunday to enjoy two distinguished sports franchises duke it out for the Lombardi trophy and the chance to call themselves the champions. While the game was nothing short of entertaining, fans also found enjoyment in watching the battle of the Super Bowl ads, where companies shelled out \$3.5 million for a thirty second time slot to compete for this year's prized title of most memorable commercial. This year there was no shortage of auto company ads that sparked debate. Yet, just as there were two longtime rival football teams going head to head on the field, two longtime rival car companies were quarrelling over advertisements during commercial break. Chevrolet's \$7



million dollar post-apocalyptic, tongue-in-cheek advertisement that took a shot at the durability of Ford pickup trucks was met with resistance from Ford's legal team and has generated amusing public bickering between the two auto conglomerates.

The ad opens showing signs of the aftermath of a quintessential apocalyptic event. A man and his dog emerge from the rubble in his Chevy Silverado pickup truck to the tune of Barry Manilow's "Looks Like We Made It." The brave Chevy driver and his furry sidekick drive through the ruins and miraculously find fellow survivors who appear to be their friends, standing next to their trusty Silverados. One man inquires, "What happened to Dave?" to which a friend regrettably replies, "Dave didn't drive the longest lasting, most dependable truck

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State, Nation and World Report

Law School News in Brief
White Plains, NY - Cooper Green (3L), Sam Forbes-Roberts (3L), Eric Ruehe (3L), and Bernadette Valdellon (2L) all competed in the Pace International Criminal Court moot court. The team made it to the semi-finals, missing first in the finals by one point. Forbes-Roberts took second place in his brief, and Ruehe took second for his brief, and second for best overall oral arguer.

San Francisco, CA - Sebnem Kimyacioglu (3L) and Martin Kopp (3L), competed together alongside *Jacob Vigil (2L)*

and *Christopher Creech (2L)* at the Saul Lefkowitz Trademark Moot Court. Vigil and Creech took home first place, and will advance to the finals in Washington D.C. on March 17.

State & Local
Richmond, CA - A rare glimpse at a battleship has come to the Bay Area. The USS Iowa is at Point Richmond. The former member of the famous mothball fleet in Suisun ferried FDR, and was one of the last of the class to be built.

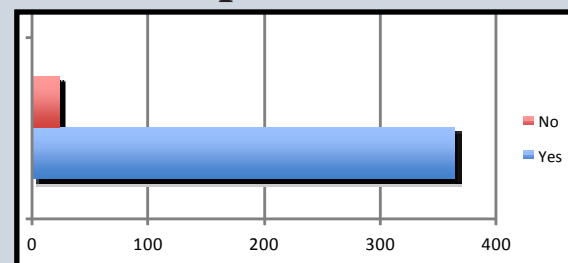
National
Chicago, IL - Abuse of prosecutorial power, or reflection of reality? Either way a new University of Illinois at Chicago study finds the city to have the most corruption convictions of anywhere else in the US.

International
European Union - regulators in the E.U. and in the U.S. have come to a consensus: the term organic on both sides of the pond is sufficiently similar to be marketed the same in either location. This means starting June 1 we may see more organic imports from Europe, and they might be gobbling up more U.S. made organic products as well.

Entertainment
Sports - Jeremy Lin of the New York Knicks continues to inspire. He has the best starting record in the NBA since the merger with the ABA. He has led his struggling team to more than a week's worth of victories. His numbered jersey is outselling LeBron James. The best part - he is the first U.S. born player of Chinese or Taiwanese descent.

Music - Whitney Houston, who died on Saturday February 11 at 48 years old has sold over one million songs and albums since her passing.

Faculty decide do revisit whether grade distributions should be published



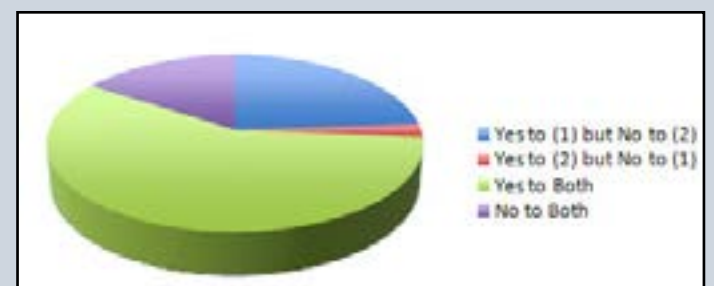
Do you think that the professor grade distribution spreadsheet should stay up on Claranet?

| | | |
|-----|-----|-----|
| Yes | 364 | 94% |
| No | 24 | 6% |

In a recent Council of Leader Meeting, Dean Susan Erwin posed the question whether the grade distribution chart should be published. Faculty are lodging complaints that students misuse the information and are picking classes solely based upon grade distributions of

professors. While some of the student leaders agreed with the faculty sentiments, and others disagreed, *The Advocate* decided to do our own poll. We offered a \$25 gift card to Costco. Additionally, we offered five \$5 gift cards to Starbucks for participation. Over 388

students participated in this poll. The winner of the Costco gift card is **Zoya Singh**. The winners of the Starbucks gift cards are: **Caleb Bates, Paul LaMartina, Jay Tufano, Lucianas Manriquez, and Laura Pfannkoch**. Please check your student inboxes!



Do you think that the professor (1) quantitative evaluations or (2) written evaluations should be published?

| | | |
|--------------------------|-----|-----|
| Yes to (1) but No to (2) | 93 | 24% |
| Yes to (2) but No to (1) | 9 | 2% |
| Yes to Both | 225 | 58% |
| No to Both | 61 | 16% |

Law Students Get First Crack at New Housing

SCU Law prepares for new housing strictly for law students

By Michael Branson

Reasonably priced housing is nearly impossible to find around campus, but the Santa Clara University Housing Office is taking efforts to alleviate the pain and accommodate law students with exclusive housing next year. St. Clare Hall, which was previously available for junior and senior undergraduate students, will have priority for law school students next year. As the University continues to build newer, larger residential halls, this will provide additional opportunities for graduate students. To better meet the needs of graduate students, undergraduate students will be moved out of St. Clare Hall and renovations will begin, converting what were dorm-style units into larger studios. The newly renovated units will be available next year and



the first opportunity to apply will go to upper-division law students. St. Clare Hall, soon to be renamed St. Clare Studios, is about as close as you can get to living on campus. Located on what the undergrads call the 'darksides' of campus, the studios are located at the crossroads of The Alameda and Fremont, across the street from Mondo Burrito, and not too far from an unnamed law school favorite watering hole. The units are a five minute walk from both Heafey and Bannan, allowing tenants to live law school at all hours of the day

Strangely, St. Clare used to be an independently-owned motel that was later bought by the University. The school renovated it once in order to accommodate undergraduates, but further renovations will be made to allow for comfortable living for graduate

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The newly remodeled St. Clare Housing.

PHOTO COURTESY: SANTA CLARA UNIVERSITY

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See "ST. CLARE HOUSING"

JIL Hosts International Symposium

By Amy Askin

On February 3rd and 4th, The Santa Clara Journal of International Law hosted a symposium on "Emerging Issues in International Humanitarian Law." The symposium, co-sponsored by the Center for Global Law & Policy, presented four panels of academics and practitioners in the field of international humanitarian law.

Professor Beth Van Schaack commented, "The Symposium brought together a diverse array of experts--from

"Santa Clara students were actively engaged in identifying speakers, formulating the panel topics, and contributing to the discussions after each panel. Many of the participants commented upon how intelligent, articulate, and engaged the student participants were."

Keynote speaker Louise Doswald-Beck, eminent international humanitarian law scholar, challenged the audience to look to the future of humanitarian law. In light of violations of the United Nations Charter and technological advancements in modern warfare,



PHOTO COURTESY: NAVDEEP TAUNK

Professor Doswald-Beck boldly asserted that the framework of humanitarian law cannot do enough to cure grave violations against civilians. The respect of human rights, Professor Doswald-Beck concluded, must become a part of the narrative of the respect of humanitarian law to orient the international community towards positive change.

Similar conferences are more commonly held at law schools on the East Coast or in Washington, D.C., considered by many

to be the hubs of international law. The symposium, which drew experts from around the world, is a distinct example of Santa Clara's prominence in the field. Panelist Professor Kenneth Anderson of Washington College of Law at American University blogged on *Opinio Juris* that the symposium was a "cool place for international law." Anderson commended Santa Clara for a wonderful conference. Due to the faculty and students at Santa Clara, there will be no shortage cool events to advance the study and practice of international law.

academia, the non-profit sector, and government--to discuss and debate cutting edge issues concerned with the law of war. Discussions revealed the way in which conflicts are evolving and the dizzying pace of technological development in war fighting."

Topics discussed included the collision of international humanitarian law and international human rights law, child soldiers, the right to counsel for Guantanamo detainees, legal and philosophical issues surrounding autonomous weapons, and women in the post conflict process. Professor David Sloss noted,

CHTLJ Asks: Is the World of IP Flat?

By Colin Glassey

The Computer & High Tech Law Journal held its annual symposium on Friday, January 27. Speakers came from China, South Africa and Santa Clara to give their views on the state of international intellectual property.

Perhaps the most unusual speaker was Ms. Kremers, a long-time staff attorney with the U.S.P.T.O. who is presently stationed in Beijing. The USPTO has ongoing meetings with the Chinese government and Ms. Kremers is the local eyes and ears of the PTO in China.

Mr. Marais (of the firm Schwegman, Lundberg, Woessner) is originally from South Africa but for some years he has been a managing partner of the Silicon Valley office of SLW. He talked about the on-going efforts to create a fast-track system for obtaining patents in all the industrialized nations called the Patent Prosecution Highway.

Mr. Mallouk, a vice-president from the well-known Non-Practicing Entity "Intellectual Ventures" came and made a credible case for the value of NPEs in the

world of high tech devices. NPEs are often called "patent trolls" here in Silicon Valley, which is not a term of endearment.

Santa Clara professors Thomas Schatzel, Colleen Chien, and Anna Han all participated as panelists or moderators.

Last year's symposium was held at the Computer Museum, while this year the event was held on campus at the new Locatelli Center.

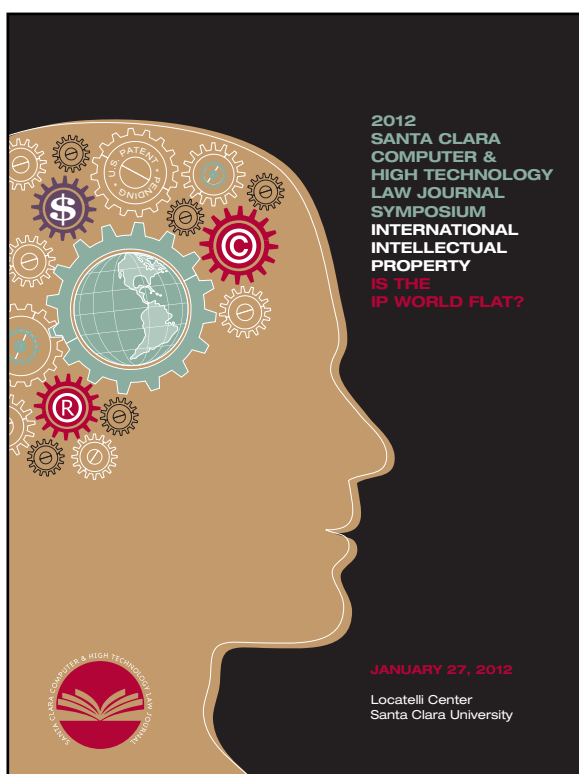


IMAGE COURTESY: COMPUTER HIGH TECHNOLOGY LAW JOURNAL

Santa Clara Law Review Hosts First Symposium: Autonomous Vehicles

By Martin Behn

On January 20, 2012 the Santa Clara Law Review hosted their first ever symposium. The title and topic was fitting for a school nestled in the Silicon Valley: Legal Implications of Autonomous Vehicles. The featured speakers and commentators came from our school, Stanford, and as far away as Washington D.C.

criminal and vicarious liability. The discussion section opened up to a lengthy dialogue with members of the panel and participants with how vicarious liability would appropriately attach to 'drivers' of autonomous vehicles.

During the rushed third panel, members of Squire Sanders & Dempsey from Washington D.C. explained the problems and implications of a stan-



Stanford's Dr. Sven Beiker introduces the topic, technology, and current status of autonomous vehicles.

PHOTO BY: ADVOCATE STAFF

The morning started off early with probably the most impressive spread Bon Appétit has put together in a while.



SCU Law's Kyle Graham suggests that initial lawsuits from autonomous vehicles may not reflect the character and nature of typical suits brought later on.

PHOTO BY: ADVOCATE STAFF

After our own Dean Donald Polden gave opening remarks, Dr. Sven Beiker of Stanford kicked off the first commentators. An engineer, Beiker explained the current state of autonomous vehicles and the mechanics behind it. The main takeaway was that autonomous vehicles would be ready for the road and consumers after production ramped up. What is not ready, however, are our perceptions of the vehicles.

The first panel discussed the civil liabilities surrounding these vehicles. Professor Gary Marchant of ASU's Sandra Day O'Connor College of Law presented potential problems with civil liabilities. Professor Kyle Graham of SCU Law also presented a comment on how initial lawsuits may not mimic what will later become the standard for lawsuits regarding autonomous vehicles.

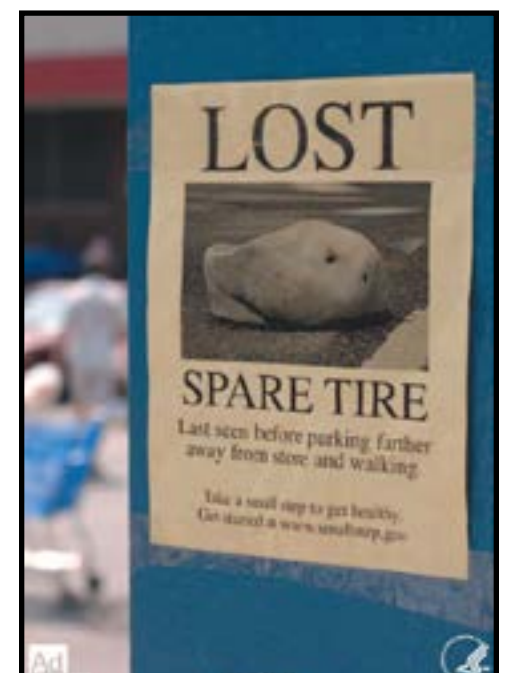
A second panel discussed at length

standardized spectrum for all autonomous vehicles. One of the concerns is that the wireless standards in the U.S. may not be

the same as those available in Asian or European countries, further complicating the mobility and configuration of vehicles.

The insurance panel led by Professor Robert Peterson of SCU Law was equally

as lively after lunch. While this reporter had to leave, many more people were showed up after lunchtime to enjoy the afternoon discussions. It seems the first Santa Clara Law Review symposium was a success.



Santa Clara Law Interviews for Environmental Law Professor

SCU Law Faculty busy reviewing and interviewing candidates

By Michael Branson

Santa Clara Law has made its choice on hiring a new environmental law professor, but it may be weeks, until we hear the official announcement. The thirty seven member Faculty Hiring Committee met on February 10th to make the decision on filling a



and Professor Graham has expressed interest in teaching natural resources. The school has also long voiced a need for an additional environmental law professor to strengthen the program and expand class offerings. Professor Manaster specifically mentioned his hopes for a faculty member who could provide expertise in international environmental law.

Many other factors influenced the School of Law's decision to search for an environmental professor. The growing role of climate change law has created new demands for a professor with experience unique to the field. And while the school has been fortunate to have many adjunct and visiting professors, including Professor David Sandino, the school recognized the need for a permanent position.

The law school has taken notice of the University's renewed focus on environmental sustainability. SCU's President, Father Engh, has continually emphasized the need to make sustainability an emphasis for the university. The SCU website states sustainability is a central tenet to the University in order to "further its mission to act as a voice of reason, conscience, and service to society." Strengthening the environmental law program demonstrates that the law school intends to participate in university-wide goals.

After securing the hire of Professor Hasen to add strength to the tax law department, Santa Clara Law made adding professors in environmental law and intellectual property law a high priority. With these goals in mind, the Faculty Appointments Committee—Professor Hammond, Professor Joondeph, Professor Han, Professor Chien, and Professor

Manaster—began the hiring process.

The law school chose to take a unique path in the hiring process. Typically when law schools are looking to hire

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: branches of environ- :
: mental law—cleantech, :
: greentech, and renew- :
: able energy” :
:

they send representatives to the Faculty Recruitment Conference of the Association of American Law Schools (AALS), which was held this year in Washington D.C. Instead, the Faculty Appointments Committee chose to do the hiring virtually. The law school sent out a hiring announcement through legal faculty websites. The announcement required candidates to “demonstrate a record of superior classroom instruction and scholarly production” to fulfill needs in climate and international environmental law. After collecting hundreds of resumes in response, the Committee narrowed the field down to twelve to fifteen applicants.

The Committee then conducted Skype interviews with each of the candidates

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See “ENVIRONMENTAL PROFESSOR”

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: sity-wide goals.” :
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faculty position to further develop the curriculum in environmental law. After a demanding selection process, the five member Appointments Committee had narrowed the field of applicants down to four candidates.

Santa Clara Law has been fortunate to have professors passionate about environmental law. Professor Manaster and Professor Glancy have been indispensable in offering upper division environmental law and land use classes,

Housing at The Alameda and Fremont first available to law students

“ST. CLARE HOUSING”
Cont'd from Page 2

students. The complex offers 59 units, which are currently doubles. These units will be converted to studios each with a living space, kitchen area, and private bath. The renovations also include purchasing new furniture for all the rooms, priority being nicer desk chairs—so that we can spend countless hours studying in comfort—as well as full-size beds. While designed for individual students, the Santa Clara Housing Office bulletin emphasized that married couples are just as welcome.

The pricing for the units will become available any day now, but are currently unknown. The Housing Office has said that the studios will be priced below market value, which is currently \$1100 a month, and would be for a ten month lease. The price would include all utilities, cable, and internet. There are laundry facilities on site, but unfortunately do require quarters. There is also an outdoor patio with a small grass lawn and a common room with a computer/study room, a large lounge, restrooms, a service desk, and a community kitchen. Parking is available, but it is unclear whether this would be included in the pricing or not.

The most unique aspect of St. Clare Studios is the effort to make it exclusive to law students. While Santa Clara has offered a range of housing options limited to graduate students, this will be the only option geared specifically to law students. Upper Division students

.....
: Law student services :
: will be actively inform- :
: ing students about :
: when to apply. :
:

will be able to apply this week, months before others. The studios will open to incoming law students in April and finally to other graduate students in May. If interest is high enough, it is very likely that all 59 units could be occupied by law students. The applications are rolling, and will become available through ecampus.

Alisa Guglielmo and Law Student Services are enthusiastic about the prospects of St. Clare. Guglielmo believes it will be a “great opportunity” for upper-division law students to gather together and have a sense of community. To ensure that the studios really are occupied entirely law students, Law Student Services will be actively informing students about when to apply. Information will be posted on bulletins soon, if it is not already. Additionally, Law Student Service will be providing information to allow students to visit model rooms.

Beyond St. Clare, there are other options available for graduate students, including the two-bedroom Park Avenue Apartments, the unfurnished University Square Studios, and various houses located around the perimeter of campus.

More information on the St. Clare Housing can be found by going to: www.scu.edu/housing or e-mailing housing@scu.edu.

Alumni Shelyna Brown Appointed to Bench



Santa Clara Law Alumni **Shelyna V. Brown** ('96) is sworn in after being appointed to the bench in Santa Clara County Superior Court at the end of the 2011. Judge Brown also previously taught *Advanced Trial Techniques* at SCU Law.

PHOTO BY: ALLONN LEVY

Should Undergrads Preview Law School?

Will previewing law school with a mentor change the way undergrads approach law school?

By Deval Desai

One cannot escape the rampant bad publicity of the legal profession. On blogs and news forums anecdotes convey law school graduates drowning in debt with no good options for the future.



Still, thousands of people every year decide to take the leap and with law students struggling to land jobs in today's legal market, resources for undergraduate students interested in choosing law as a career path have significantly diminished. Pre-law advising services, career counselors, and law school websites can only do so much to guide prospective students in the right direction.

Even if one is lucky enough to spend time working in a law firm before stepping into the world of standardized testing and personal statements, the environment of legal institutions often remains unknown. Yes in a law firm prospects can observe what lawyers actually do in their daily activities, perform a variety of tasks that will help them determine if they have the desire, capabilities, and temperament that it takes to be a lawyer. But the question many forget to ask is, "What does it take to become a lawyer?" It is difficult to describe the rigorous journey called law school to interested candidates, but there are some options that are available and others that

should be available to help prepare them for the next step.

For undergraduates, one of the common majors chosen by students interested in law is political science. It is certainly the closest of all majors to the values and institutions with which law deals. For those who are interested but not convinced, the Department of Political Science here at Santa Clara offers a "Pre-Law Emphasis in Political Science" program requiring six related courses for declaration. Note that the school posts

It is difficult to describe the rigorous journey called law school to interested candidates...

a valid disclaimer as well: "Students should be aware that a pre-law emphasis or a transcript filled with law courses does not improve your chances of gaining admission to law school."

As for those who chose to join law school later in their careers, it would be very helpful to attend a legal writing seminar to help bridge between undergraduate education and law school. This would present an opportunity to practice writing in an intellectually demanding, but pressure-free law school environment. Students and professors can agree that a course on the fundamentals of legal reasoning and analysis would serve to reduce the anxiety many feel upon entering law school.

On that note, a clever law student from the University of Arizona recently

presented an opportunity for a "Pre-Law Legal Externship" on the popular online classified advertising website Craigslist. Enthusiasm sprung from the description to serve as a catalyst to the innocent, wide-eyed and unsuspecting undergraduate student while leaving veterans of the law school experience wondering how no one had thought of this before: "Want to start off Law School already knowing how to brief your cases, ace your finals, and manage your time?!"

That actually sounds like a great idea

– case briefing, attending lectures, and drinking coffee while being mentored by an experienced law student. If students advocate for such a program, even without the minimal compensation mentioned in the advertisement, it would present a great opportunity for pre-law students and current law students. Applicants need to hear the truth: go to law school if you want to be a lawyer and have an intellectually challenging profession but be prepared for the work that goes into it and the chance that it may not be financially rewarding right off the bat. In no way should such an "externship" serve to dissuade those set upon law as a career, however, knowing the realities of legal education will prepare students for the journey.

Section classified • jobs • administrative jobs email this posting to a friend

Pre-Law Legal Externship 3-4 hours a week. (University of Arizona)

Date: 2012-01-21, 9:25AM MST
Reply to job-id: 2511822842@craigslist.org

Interested in Law School? Don't know if you're interested and want the Law School experience to see if it fits you? I want to start off Law School already knowing how to brief your cases, ace your finals, and manage your time? Don't pay thousands of dollars for pre-law courses when you can have One on One mentoring with a current UA law student.

This is a Pre-Law Externship, meaning financial compensation is minimal, as the actual compensation covers no preparation for Law school through working with a current University of Arizona Law student.

Dates:
2-3 Hours a week (get as much as you prefer).

1. Preparation of case briefs:
Students will be assigned 5-10 cases a week in which they can create custom case briefs. Instructions on how to create case briefs will be given, and feedback on products created will be given to increase the student's legal analysis skills. This is actually quite easy, as there are sites that already provide the case briefs for the majority of cases. For 90% of cases, this will simply entail searching google for "Case Name brief" and copying this into word. This allows the student to become familiar with the style of Case Briefs, and saves the Graduate student time.

The law student assigned to the undergrad will be performing the required reading and case analysis, suggesting the case briefs provided by the undergrad, and walking the undergrad through the case briefs (both the intent and meaning of the case, as well as important factors that were missed and/or overlooked).

2. Occasional Lecture attendance - Student will on occasion be allowed to attend special speaker presentations on narrative law concepts (such as the effects of judicial discretion and polarization in politics). Students may also have the opportunity to sit in a trial law class to see how the dynamics of the Socratic method teaching style plays out.

3. Coffee! A couple times a week, the student can treat themselves to a Free Starbucks coffee (paid for by the graduate student), by picking up a cup for themselves and the grad student and bringing to the law school before class. This time can also be used to review the case briefs and discuss any other questions the student may have.

This mentoring program can be as flexible or as limited as the student wishes. Either meeting once a week to discuss case briefs and have coffee, or meeting a couple times a week to discuss law school preparation and study tips.

4. Free class notes, outlines, and test prep from a previous law school student! Start off already having the tools to succeed!

This is an unofficial externship, not sponsored by the UA college of law, and thus is primarily compensated via the mentoring, preparation for law school, and free coffee. Those interested can respond to this post with:

Name:
Age:
Major:
Why you're interested in law:
Relevant Achievements in other jobs:
Apply today to be 6-12 years ahead of your fellow law students when you start your new job!

Location: University of Arizona
• Compensation: Free Coffee, Lecture notes, Outlines, Test Prep, Mentoring
• This is a part-time job.
• This is at a non-profit organization.
• This is an entry-level job.
• Principals only: Recruiters, please don't contact this job poster.
• Please do not contact this job poster about other services, products or commercial interests.

PostingID: 2511822842

Real job posting. IMAGE COURTESY: CRAIGSLIST.ORG

"BUDGET AND ANALYSIS"
Cont'd from Frontpage

The law school's fiscal year runs from July 1 to June 30. This means that Wender and the administration must budget based on the upcoming year, keeping in mind both the August to May school year, as well as the traditional calendar year. This brings a lot of complication in how to schedule any given year's budget.

The fiscal year 2011-2012's anticipated revenues are reproduced in Figure 1. A big "piece of the pie" of the revenues are from tuition. Grants are the second biggest category, and that money goes largely to clinics like the Northern California Innocence Project, the Cal EMA post-conviction DNA testing assistance program, and the low-income taxpayer clinic. Other income comes from sales and room rentals (like those to Barbri during the summer). Endowment income includes interest payouts for each particular endowment. Much of this money goes to scholarships, and some is specifically earmarked for professor positions or similar initiatives.

The anticipated expenses of fiscal year 2011-2012, as seen in Figure 2, deserve some more attention. Faculty salaries, staff salaries, and benefits (like health insurance) make up about 50 percent

of the costs for the year. This figure can fluctuate plus-or-minus three percent from year to year.

Department operations include the costs of business expenses, events for the

catalogue.

Financial aid is one area Wender focused on. A lot of the money comes from endowments or specific gifts which is set aside for specific scholarships to

Remember the how the school operates on an MOU? The university overhead represents the separation of law and university. SCU Law pays university overhead costs to the main campus. But for all other purposes, they get the same in return: gardening, security, and facilities maintenance.

Other expenses are uncategorized fees, utilities, and some unexpected costs.

Capital reserves is an amount stashed away. The law school has plans for a new building (haven't you heard?). Currently that building is in the planning stage, and the administration hopes to unveil plans this year for that upcoming expenditure. Wender said, "educational institutions have the obligation to manage things for the long term." The capital reserves piece

of the pie, and planning for the building are both in line with this obligation.

When asking ourselves, "Where does our tuition money go?" it is important to remember that SCU Law is a living, breathing entity. The above-mentioned figures give law students a glimpse into the underpinning of how Santa Clara functions, and its hopes for expansion and growth.

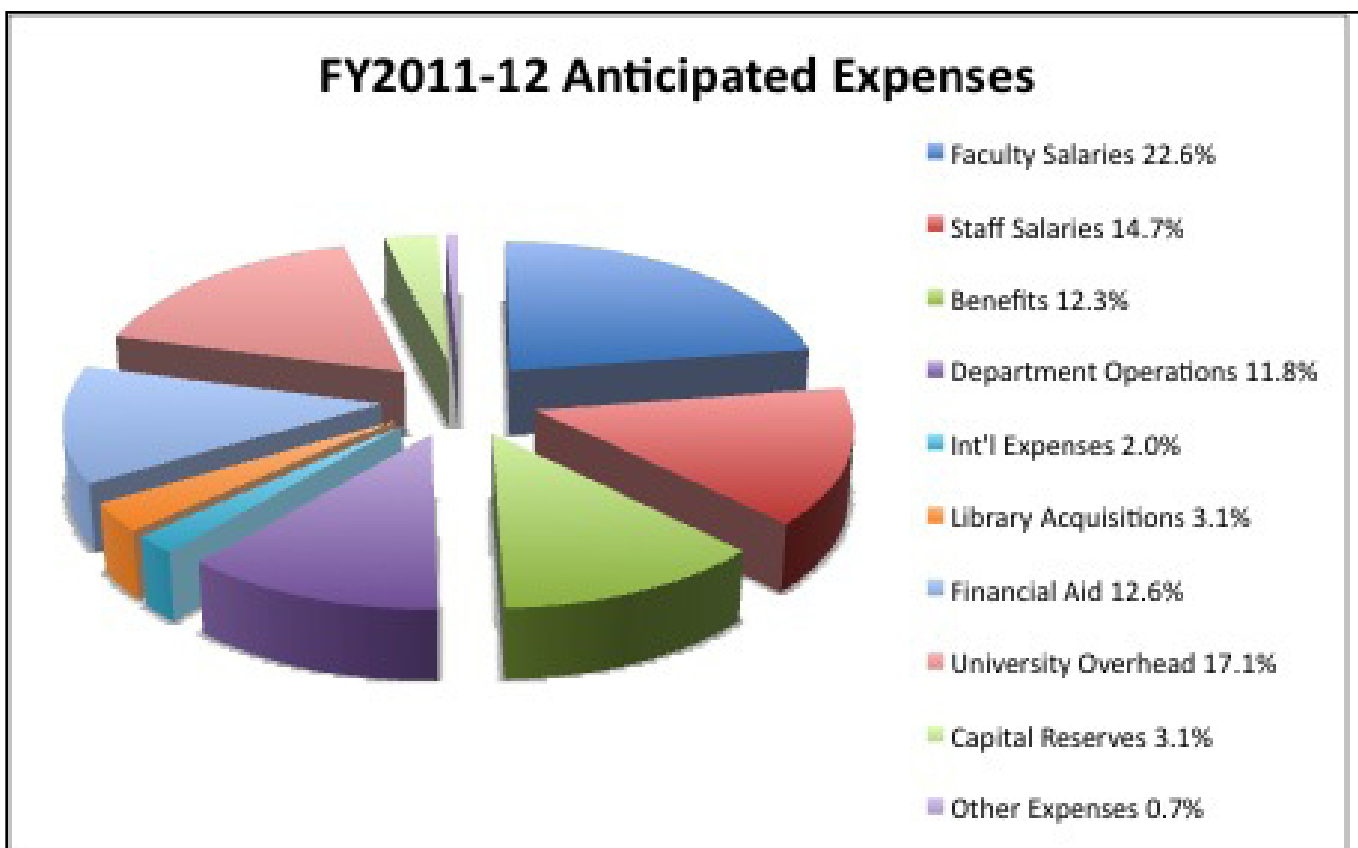


Figure 2.

FIGURES COURTESY OF SANTA CLARA UNIVERSITY

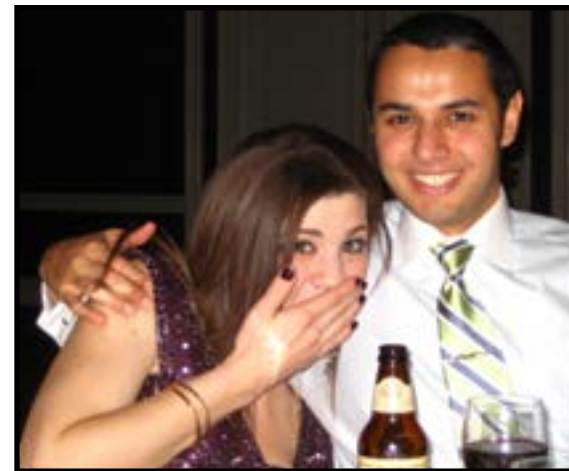
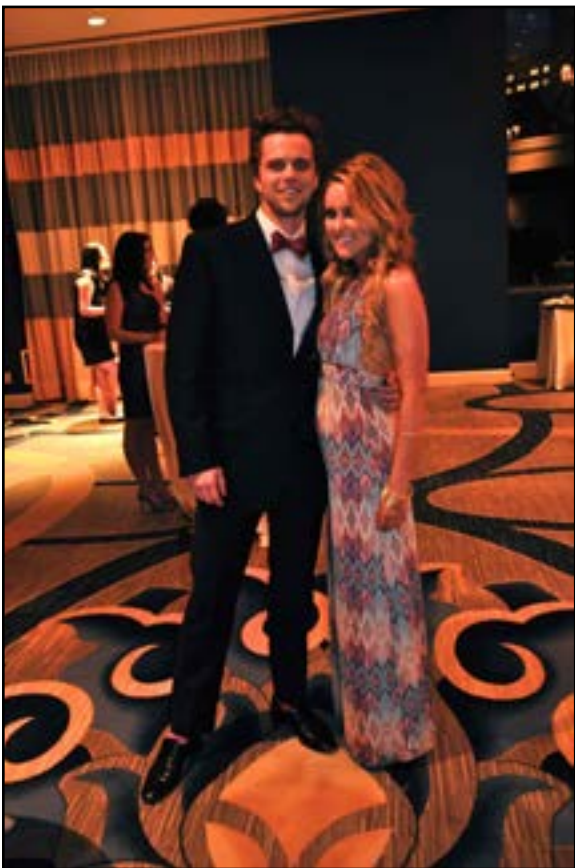
Center for Social Justice, High-Tech Law Institute, research assistants, and the student bar association. The student bar association includes accounts for the student groups on campus.

International expenses and library expenses are straightforward. They are costs associated with sending students abroad. Likewise, the library must stay current and continually update the

use. Additionally, some money is often tied up in the endowment process, and cannot be paid out until the gifts or endowments capitalize. This means there may be money which is given to the university, but must mature until the payout on interest matches how much will be given out in a scholarship (essentially perpetuating the financial aid benefit). This is the area Wender explained the university wishes to expand the most.

Santa Clara University School

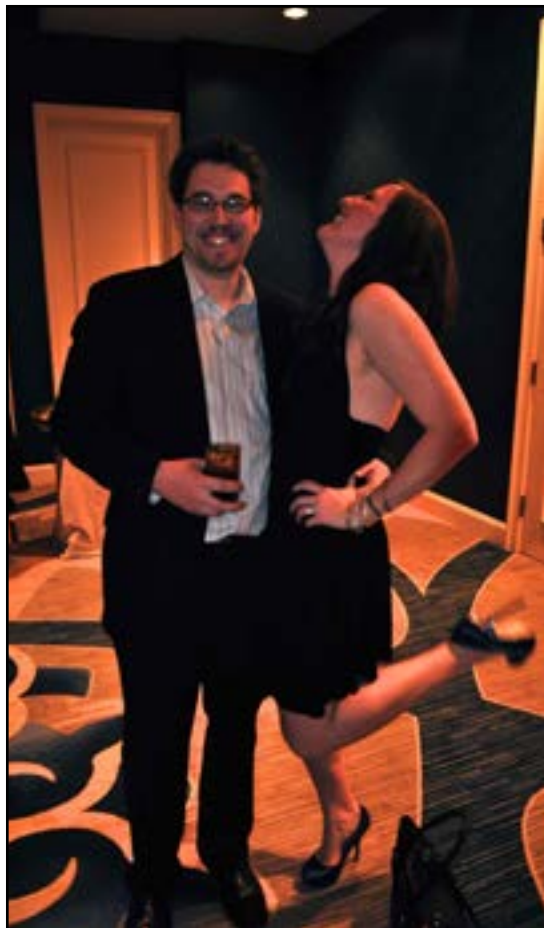
*Santa Clara Law Students and Faculty
in San Jose to enjoy an evening of*



ALL PHOTOS COURTESY OF MA

Faculty descend upon the Fairmont Hotel

fine food, dancing, and celebration



MATT IZZI AND ADVOCATE STAFF

Historical Reality of 'Paper Money Collapse'

Detlev Schlichter, of Mises Academy, investigates the risks of our fiat currency

By Colin Glassey

Mr. Detlev Schlichter is an economist who spent 20 years working as an investment banker in London before quitting his job to write this book.



Schlichter does not have comforting words to say. In a nutshell he argues first there are no examples of fiat currencies which have survived for any great length of time. Second, he argues our current system of fiat currency is going to fail just as all the previous ones have failed. Third he argue the sooner we address this problem the better, delay just makes the disaster of a fiat collapse worse.

So, what is "fiat currency"? In the distant past, when the King of Lydia (Croesus of legend) first minted coins, money was based on real, tangible goods that were widely valued. Many strange things have been used as currency, from the donut shaped stones of Yap Island to cigarettes that were used in the P.O.W. camps in Nazi Germany during the Second World War. But generally gold, silver, and copper have been used as the basis for money in most of the world for more than 2500 years. However, starting in the Song Dynasty (around the year 1100 A.D.), the idea of using printed pieces of paper to represent money first

appeared.

At first, the paper money was matched on a one-for-one basis with the gold or silver which the Song government had in its treasury. The paper money was much easier to carry than hundreds of pounds of copper coins and had other advantages as well, but the temptation to simply print more paper currency notes, without matching quantities of real precious metals became irresistible and by the year 1260, the Song paper money had become nearly worthless. Why? Initially, when you presented one of the Song "notes", you could get exactly the

amount of silver that the note said it was worth. However, as the printed money supply soon vastly exceeded the actual available currency in the hands of the government, the Song adopted schemes to avoid paying the "face value" of the

notes to the holders. Merchants quickly learned that a note saying it was worth 100 silver coins was actually only worth 10 silver coins, or 1 coin, or, towards the end, 1/1000 of a silver coin.

In American schools we have all seen pictures of German citizens taking their wheelbarrows full of "reichsmarks" to the grocery store to buy a loaf of bread (this during the terrible period of hyper-inflation in the 1920s, a few years before the Nazis took power). But this "paper money collapse" has happened before in many countries. Schlichter argues in this book that it has happened in every country where the money was no longer tied to a fixed asset, without exception.

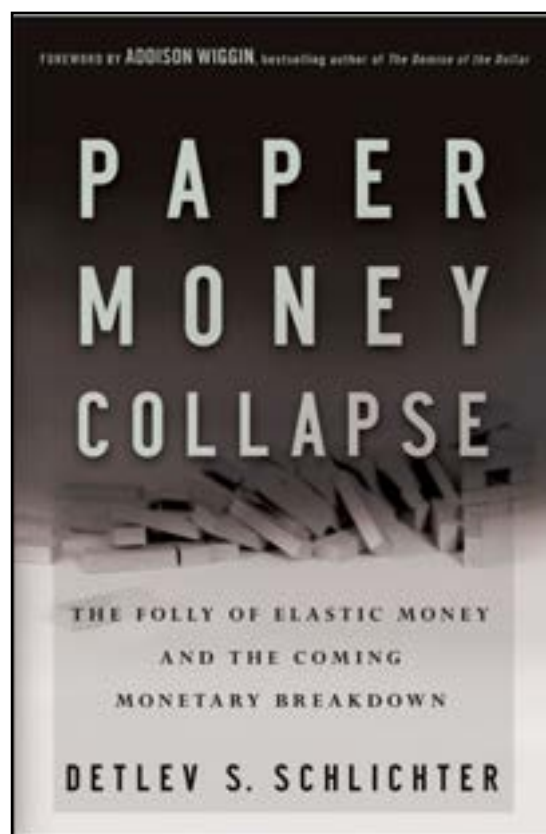
Is this a mere historical curiosity? Sadly not. Our world is one in which just about every currency is backed by empty treasuries. The U.S. dollar is worth only what people think it is worth, and it is is-

sued based on the "whim" of the Federal Reserve. The U.S. dollar (like the Euro, the Pound, the Yen, and the Yuan) is a "fiat" currency. Up until the Civil war, the U.S. Treasury was willing to pay all debts using gold and silver. After 1861, gold was still used to handle exchanges with foreign nations but internally, most banks would not back their currency with gold or silver and it could not be demanded from the U.S Treasury.

For more than 100 years economists have argued whether there is any realistic alternative to the fiat currency system. Most economists who have tenured positions in American Universities believe fiat currency is the only game in town. But Schlichter argues that we have been living on borrowed time and the current economic problems which have bedeviled the U.S., Europe, and Japan over the last decade cannot be solved so long as the currency is controlled by central banks with the authority to increase the quantity for any arbitrary reason.

The book is not easy reading, J.K. Rowling or John Grisham have nothing to fear from Schlichter. As an historian I can confirm the author's argument that, up until the present age, all previous fiat currencies have failed. Whether the current era is one where "new rules apply" as most economists think, is beyond my professional competence to say.

"Paper Money Collapse: The Folly of Elastic Money and the Coming Monetary Breakdown" by Detlev Schlichter, Wiley & Sons, 2011.



Must Read: 'Non-Required Reading 2011'

By B.P. Broadmeadow

Law school is not exactly there place where reading for pleasure occurs. Case books give you exactly what you need, and not a whole lot more. But if you find



that the casebook isn't satisfying your literary need, "The Best American Non-Required Reading of 2011" may do the trick.

For those unfamiliar with 'The Best American' series, its goal is simple: to take the best of any given genre, ranging from non-fiction to poetry, and combine them into a single yearly volume. The series started in the eighteenth century and has since become a staple of the American reading culture.

'The Best American Non-Required Reading' is a standout among the 'Best American Series.' Edited by David Eggers and pulled together by committees composed of high school students, 'Non-Required' is not beholden to any particular literary requirement. It draws from all corners. It's an American diner that serves French cuisine, Mexican food, and take-out Chinese. It is all the best reading you have never been forced to read, but should.

'Non-Required' is divided into three main parts.

The Introduction sets the tone for the rest of the book. This year's introduction was written by famed director Guillermo Del Toro. His introduction

is a love letter to the printed word, to the ink on paper. For him the book is a blind date, where love stories outnumber the disappointments. (This is a very poor paraphrase of what he actually wrote. You should read it yourself.)

Part I is more light-hearted fare. Several categories of from the 'Non-Required of 2011:'

- "Best American WikiLeaks Revelations"
- "Best American New Band Names"
- "Best American Lawsuits" (It makes you wonder about our future profession)
- "Best American Adjectives, Nouns, and Verbs Used in Reporting of the Gulf Oil Spill of 2010"
- "Best American New Entries to the O.E.D. Beginning with the letter H"
- "Best American WiFi Names"

These micro-categories of the 'Best American Series' will change from year to year, but they echo current trends in

our pop-culture. In age where social networking and instant media waste words like ketchup packets, the sections in Part I of 'Non-Required' are pleasant reminders that literature can survive

even in the digital age. After all, it only takes one hundred and twenty-seven words to make 'The Best American Even Shorter Story.'

Part II brings the heavier hitters. The tone becomes more serious in this section. Where each section in Part I feels like a snack, the essays, short stories, and other pieces in Part II are meals

unto themselves. They are to be savored. You cannot skim through this section.

The opening 'Second Lives' by Daniel Alacorn offers a grounded escapist piece. It is followed by 'An Oral History of Adama Bah.' This autobiographical story is story-telling at its horrific best.

In the aftermath of 9/11, Bah recounts how her American identity is stripped from her when her government suspects her of being a terrorist only because she is Muslim. It is raw, it is at times uncomfortable, and it is truthful. It is also very good.

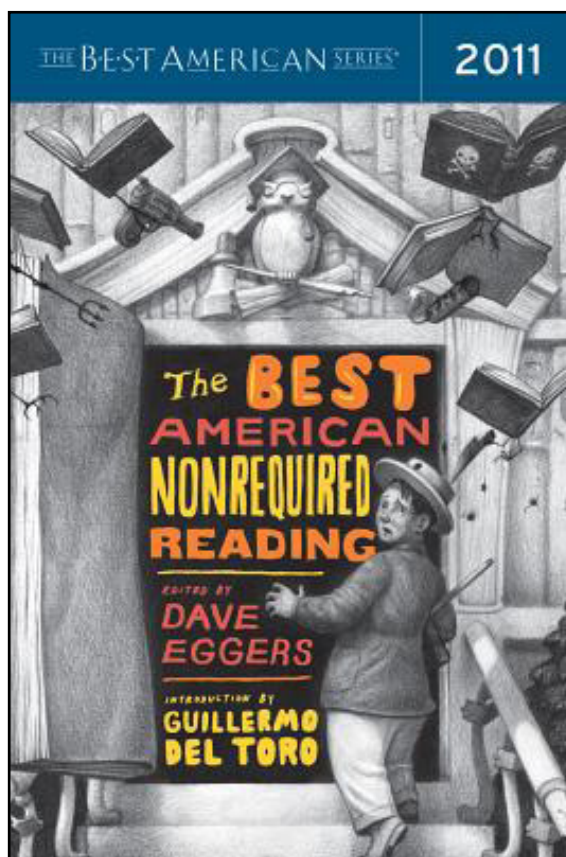
The rest of the book continues in similar fashion. Distinguished writers such as Neil Gaiman and Joyce Carol Oates contribute flavors of their work. Gaiman delivers a refreshing take on the science fiction short story, while Oates pens a story of a plastic surgeon losing his grip on reality. Her work is as usual - brilliant.

Not all the pieces in 'Non-Required' are purely written. What is reading if not interpretative watching? So 'Non-Required' also pulls together best in drawn literature, where the story unfolds one panel at a time. Colors in 'The Imaginist' do the work of words.

After the last line in 'The Boy's School, or the News in Spain,' I was left wanting. Not because the 'Non-Required' failed to deliver, but because that's what good writing does. It makes you crave the written word even more.

If you had to read one book, or if you wanted to read one book, I would recommend 'The Best American Non-Required Reading of 2011.'

"The Best American Nonrequired Reading 2011" Edited by Dave Eggers, Mariner Books, 2011.



San Jose Offers Italian Villager Experience

'Paesano Ristorante Italiano' offers authentic taste of Italy in the heart of downtown San Jose

By Matthew Dedon

The other night I was in the mood for some Italian. I recalled that, a few months earlier, I had been to some place out in San Ramon called Giatti's. It had good food and a lively atmosphere. "Let's Go!" I cried. "But there's a thunderstorm outside and it's an hour away!" my girlfriend replied.



I was not to be deterred, I leapt in the car and looked up the address, and this is where the trip hit the first snag. It turns out there is no such restaurant called Giatti's, but there is one called Piatti. It also turns out that it's not in San Ramon, it's in Danville, which would add another twenty minutes to the drive. And, it just so happens, that when you turn on to the freeway in a thunderstorm and the food is an hour-and-a-half away, suddenly memories aren't so appetizing. So we started looking for alternatives a bit closer to home.

If you are ever in the mood for a bite

of good Italian food but a long drive is out of the question- you are in luck. Buried in Santa Clara's Little Italy neighborhood is a gem of a restaurant: Paesano Ristorante Italiano.

On West Julian Street, just before downtown San Jose and a little over a mile away from Santa Clara University this little restaurant can pack a delicious meal and atmosphere into its small frame. You will find all types having dinner there: young couples, older Italian locals grumbling about the young couples, and groups of friends sitting down to eat. Although the atmosphere may seem family friendly you won't find many children eating here with their parents, this is the type of place to go with friends, a spouse, or a significant other.

The ambience is casual without losing too much of the "authentic" feel that it



PHOTO COURTESY: KIOKO O.

brings. Pictures of the Old Country line the wall, and the servers will speak to each other and diners in Italian. Oh yeah, this place has plenty of regulars, which I consider a mark in its favor. The staff is very helpful and will do their best to guide you towards the tastier dishes, just be sure not to put parmesan on your

seafood.

Speaking of the food- my dinner was a penne zio pino pasta, which was penne pasta, chicken, mushrooms, and asparagus in a white cream sauce. It was very tasty, and it was very heavy. Most of the meals are like this, so come prepared. The appetizer was a very smooth white mushroom soup and a very creamy burratta. The soup was just the sort of thing to get the meal started, but the burratta was a bit overkill. It was tasty but the entrees are rich enough without adding an extra helping of cream. Keep that in mind when you order.

The price is decent, it's not cheap but it won't break the bank as long as you are careful. If you stick to just entrees then dinner for two will come to about forty dollars. If you add in drinks, appetizers and desert it will easily be twice that.

Most importantly: you must give this place a try. The ambience is nice, the food is delicious, and the staff is friendly and helpful. Come early because the place fills up fast. I guarantee you won't regret it. Next time I'm in the mood for something Italian, I'll remember to look a little closer to home.

Paesano Ristorante Italiano. 350 W. Julian St. Suite 1, San Jose CA 95110. 408.217.9327. www.paesanolittleitaly.com

The Blue Pheasant: Dining and Dancing

Restraunt caters to a different, yet equally lively crowd as San Jose

Downtown scene

By Colin Glassey

The Blue Pheasant in Cupertino is moderately well known for its commitment to dancing, drinking and as a place to meet with singles. It also has a restaurant which serves food that is good, though likely at the upper end of your typical law-student's price range.



I arrived there one rainy Friday night and found that the parking lot (which is quite large) was still mostly empty. Inside the daily specials were listed next to the entrance to the restaurant portion of the Blue Pheasant. The selection was typical American fare: steak, chicken, grilled salmon, and several types of pasta.

After looking over the menu I opted for one of the daily specials, as did my diner companion. The bread was typical high-end French bread with a crusty exterior and a softer interior. The service was good but the meal was not fast (we arrived at 7:45, towards the end of the dinner time). When the food arrived it

was delicious and worth the money. I had the prime rib while my companion had the grilled salmon. Both dinners were served with vegetables that were quite tasty and not overcooked, which is an all-to-common problem with most restaurants. The salmon had a tangy cream-based sauce, while the prime rib was served with an "au jus" pepper-flavored light sauce. The total cost for two people (excluding two glasses of wine) was \$50.

The dining area consists of seven or eight small booths along the walls with a few tables scattered in the middle of the space. The decor is not ostentatious,

which are now ubiquitous throughout American cities. Instead, this is place to take a romantic interest for a good meal and perhaps dancing afterwards.

By 10 PM, the dancing area of the Blue Pheasant was packed with people (mostly 30 and older) and everyone seemed to be enjoying themselves. I suspect the Blue Pheasant "works" as a place to meet singles both because of the architecture (the space is broken into a series of small rooms), and because the music is not terribly loud. As a result, one can actually enjoy something of a conversation with the person that you dance with. The music appears to be a mix of popular music from the 70s to the present. Michael Jackson's dance hit "Billie Jean" made a welcome appearance as did Carlos Santana's Latin pop-hit "Oye Como Va". The Lady Gaga tunes were also quite popular with those who were dancing. The contrast with the stunningly high volume of the music at the clubs in downtown San Jose where our "Bar Reviews" have taken place (Agenda and



PHOTO COURTESY: COLIN GLASSEY

but well chosen, with some landscape paintings on the walls and plenty of large wine glasses on all the tables. The atmosphere is relaxed while not "home-like". The interior suggests that this is a place which is not where you go to take your clients (and impress them with how rich your firm is) nor is it just the next step above the fast-food establishments

Studio8) is significant.

When I finally left the Blue Pheasant at 11:30, I noticed that the big parking lot was full.

The Blue Pheasant
22100 Stevens Creek Blvd. Cupertino, CA 95014. 408.225.3300.
www.bluepheasantrestaurant.com.

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

The "Only American Beer"
Black and Tan

- 100% Gilbey's Lager
- 100% Best Lager
- 100% Water
- 100% Hops
- 100% Yeast
- 100% Brewed in the USA
- 100% Delicious
- 100% Fun

100% Satisfaction. Add a small rebate.

Never underestimate "fun & time".
Resist drinking to drunk driving.

100% Satisfaction. Add a small rebate.

Dean Erwin's Rumor Mill...

By Dean Susan Erwin

Is there a deadline for applying for a certificate such as the High Tech Law, Public Interest, or International Law Certificate? If so, what are the deadlines?



reproduced in the table included from the California Bar web page (see figure 1).

When do employment figures for 2011 bar takers come out for SCU law?

According to Dean Huebner, LCS is still in the process of collecting and verifying employment information for the Class of 2011. Information must be submitted to various organizations in late February and to the ABA in mid-

just go to:

<http://law.scu.edu/careers/employment-data-2010.cfm>

Will we ever get a cafe like the business school has?

I sort of answered this in the October column: The cafes around the school are yours as well and not that far away. Bon Appetit has experimented a few times with coffee carts with food options 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.

PI&SJ Law Certificate was due February 6th

Intl Law Certificate was due February 15th

High Tech Law Certificate is due February 17th

If you have questions about the certificates, go see the helpful, wonderful people on the third floor in the 301 suite!

When does statistical data on the 2011 bar takers come out for SCU law?

Technically, the graduating Class of 2011 includes those who graduated December 2010, May 2011, and July 2011. The July 2011 graduates will be taking the bar in a couple of weeks . . . keep good thoughts and send well wishes to your classmates!

The results from the July 2011 bar are

| | FIRST-TIMERS | | | REPEATERS | | |
|--------------------|--------------|------|-------|-----------|------|-------|
| | Took | Pass | %Pass | Took | Pass | %Pass |
| CALIFORNIA WESTERN | 189 | 149 | 79 | 36 | 10 | 28 |
| CHAPMAN | 159 | 126 | 79 | 39 | 10 | 26 |
| GOLDEN GATE | 155 | 102 | 66 | 59 | 15 | 25 |
| LOYOLA | 335 | 281 | 84 | 57 | 14 | 25 |
| McGEORGE | 225 | 155 | 69 | 56 | 16 | 29 |
| PEPPERDINE | 182 | 157 | 86 | 14 | 6 | 43 |
| SCU LAW | 242 | 185 | 76 | 24 | 12 | 50 |
| SOUTHWESTERN | 243 | 156 | 64 | 77 | 23 | 30 |
| STANFORD | 108 | 96 | 89 | 1 | 0 | 0 |
| THOMAS JEFFERSON | 126 | 42 | 33 | 89 | 12 | 13 |
| UC - BERKELEY | 222 | 193 | 87 | 6 | 0 | 0 |
| UC - DAVIS | 176 | 131 | 74 | 21 | 5 | 24 |
| HASTINGS | 379 | 302 | 80 | 40 | 14 | 35 |
| UCLA | 299 | 254 | 85 | 20 | 9 | 45 |
| LA VERNE* | 87 | 49 | 56 | 42 | 8 | 19 |
| USD | 248 | 189 | 76 | 53 | 19 | 36 |
| USF | 186 | 138 | 74 | 30 | 12 | 40 |
| USC | 179 | 163 | 91 | 12 | 3 | 25 |
| WESTERN STATE | 71 | 55 | 77 | 48 | 6 | 13 |
| WHITTIER | 99 | 55 | 56 | 67 | 11 | 16 |
| TOTAL | 3910 | 2978 | 76 | 791 | 205 | 26 |

Figure 1: a representation of the bar passage rates for 2011.

IMAGE COURTESY: SUSAN ERWIN

March. Once that's done, LCS will immediately start formatting all of the data for the webpage. You should expect to see it about mid-April.

To see all of the information that we received from students from last year,

solved the problem. Last week we were told there was something in the air vent on the third floor and they were working on it." (Author's note: they didn't say what that something was.)

Why does the third floor smell so bad?

According to Lisa Willett, our building manager: "Facilities believes they have

Time to Rethink Exams

By Martin Behn

Santa Clara Law needs to rethink the exam rescheduling policy. According to the student handbook, currently an administrative reschedule is only possible if: (1) there are three exams in "two consecutive days; i.e., not simply any 48-hour period", (2) two exams back to back, one at 6:00PM another at 9:00AM, or (3) two exams on the same day. After finals, I discovered these conflicts are not normal at the Georgetown or UC Hastings law schools.



Fall semester 2011 I was unfortunate to fall under the additional clause of circumstance (1), but not one two consecutive days. In less than 48 hours, but over three days, I had three exams. Some how this is not an administrative conflict. To make matters worse, the exams were on the first three days of the examination period.

The conflict was expected, I filled out the form for reschedule before the semester had started, and thought that my finals would be more amiable than they looked on paper. Originally I had two exams on one day, then another exam on the third day. Three weeks before the examination period began, I received my rescheduled appointments. Immediately I protested, but to no avail. I hunkered down for the next three weeks, and diligently tried to study for the impending block of finals.

There is no stated goal in the administrative exam conflict policy. If there were, it might read, "To assist students in taking exams and being well prepared for them." The exam rescheduling policy clearly does not achieve any goal related to this though. After accounting for sleeping, somebody falling within the three exams within 48-hour window only has mere hours to review notes. It is time to rethink this policy.

There is a reason in 1L year the administration blocked out a lengthy period to become accustomed to finals. After one final, it is draining and takes students a while to recover and be able to think in another subject. In order to do well on a test which encompasses an entire semester's worth of material, the 1L experience shows us we need more than mere hours to collect our thoughts and review material.

University of California Hastings has a particularly forgiving policy. If there are two exams within 24 hours, it will be considered an exam conflict. Further, they will reschedule the exam for you. How would this mesh with our policy? Each one of my exams would have been pushed back one day. That means I would have been able to take my three exams over five days instead of three.

Continued on Page 11
See "EXAM POLICY"

"MOTHERS OF BEDFORD" Cont'd from Frontpage

plains that a transformation takes place when this once-a-month visitation occurs: "Women are in this role as inmates, but they come to this room and become mothers."

This interaction is not only emotionally satisfying for both the parent and the child, but is also serves to stifle a return to a life of crime once returning leaving custody. "If they have a relationship with their mother instead of romanticizing their mothers, I really believe they're less likely to get incarcerated and follow their moms into the prison," Blanchard stresses.

The five women profiled in Mothers of Bedford sketch a more humanized depiction of the life mothers lead behind bars. The youngest of these women, Melissa, arrived at Bedford already pregnant and shares her cell with her eight-month-old daughter, Emma. Another, Mona, has been in prison for twenty-three years, after being sentenced at just nineteen years old with two toddlers. Tamika has a first grader and a preschooler. Rosa, who was an employed mother of two at the time of her incarceration, struggles with how to explain to her son why she is in prison. And



PHOTO COURTESY: MOTHERS OF BEDFORD INC.

Anneathia, the daughter of a recovering addict, fights to mend her trust with her mother in order to get her two daughters back into her life. By adding a face to the statistics, Mothers of Bedford is able to both expose the often-overlooked faction of mothers behind bars as well as highlighting a successful means of discouraging recidivism.

By taking its audience on an objective journey into the lives of these women, Mothers of Bedford provides a thought provoking, sincere representation of the joys and pain that accompany any parent-child relationship, regardless of its location. Even for proponents of a more punitive rehabilitation approach, the film provides an interesting viewpoint

on a rarely reported population, which often gets lost in the more edgy, gang-centric prison anecdotes which grace our television screens during

prime time. If you have a desire to scratch beneath the surface of the lives profiled in short segments of Lockup while still getting your fix of behind the scene prison footage, this documentary is for you.

Mothers of Bedford is presently shown in various community screenings and at film festivals nation-wide.

The official trailer can be viewed at:
<http://www.youtube.com/watch?v=SbrFOyZwKr0>.

More information about the films director, background, or contact information for the producer can be found at:
www.mothersofbedford.com

SOPA Not Over

By Jake McGowan

Forget what's right. Let's find the right path forward. The true winners of the "piracy" war will be the companies that spend their resources adapting, rather than digging their heels in and adopting a legal scorched-earth strategy toward consumers.



service, it comes off lazy.

Let's face it: the Internet has usurped essential production and promotion duties of record labels and movie studios, and even if these content producers deserve to enforce their property rights to a degree, they shouldn't necessarily feel entitled to the profit margins they used to enjoy.

But while some companies have made the leap of faith, others stay dedicated to a purely legal solution: If you look at the way SOPA and PIPA are crafted, you can see how these companies perceive their predicament. To them it really is a war; if they could just pick off these rogue websites, the whole axis of piracy will unravel and people will go back to paying \$14.99 for a CD, or almost \$30 for Iron Man — on blu-ray.

At the same time, downloaders should not expect to keep getting everything for nothing. Despite the valid concerns about Internet censorship and stunting innovation, it is shaky logic to justify downloading albums, movies, or TV shows because you disagree with a corporation's business model.

Also, it's not like the record labels' and movie studios' cautious cynicism toward innovation is completely unfounded. For all they know, they could pour money into a brand new content distribution system with fair prices, and people will torrent anyway. Maybe if consumers voted with their wallets, these companies would be more optimistic about investing in providing a better service.

The battle is far from over, but there are signs of progress. Every time a consumer rewards content innovators like iTunes, Netflix, Spotify, and Redbox, they provide a glimpse to a viable future where consumers pay fair prices through good business models. But this future is delayed as long as consumers and content providers cross their arms, refuse to budge and insist they are right.

Forget what's right. Let's find the right path forward.

After a successful barrage of online protests and blackouts, the collective Internet breathed a sigh of relief when



IMAGE COURTESY: ARS TECHNICA

the unpopular online piracy legislation SOPA (Stop Online Piracy Act) and PIPA (Protect IP Act) were shelved indefinitely, and rightfully so. The legislation would have given law enforcement over-broad powers to seize domestic and foreign domain names, creating a risk of censorship and threatening the robust Internet on which we all depend.

But beyond SOPA and PIPA, the ideological battle over online piracy rages on, and both sides are sticking to their guns, willfully ignorant to the fact that a courtroom is not always the best place to settle a dispute, and that the practical solution is somewhere in the middle.

Regulating content distribution in the digital era has been, to grossly understate matters, a unique challenge given the awkward interplay between the unbridled power of the Internet, our government's value of intellectual property rights, and the First Amendment. These factors, among others, have made it difficult for Congress to legislate the problem away, as we saw play out with SOPA and PIPA.

The moral aspect of the debate alone could span volumes, let alone a mere editorial, so I want to focus on a broader idea: we need a change in attitude.

Most of all, both consumers and the content providers need to drop their righteous indignation and realize that although compromise comes at a cost for both sides, it provides an even greater opportunity.

On both sides, the issue is framed in black and white, and to a large degree people are misdirecting their anger toward Congress alone. We see SOPA and PIPA as signs that Congress is out of touch. While that may be true in its own regard, Congress doesn't really care what's on your Tumblr; they're doing the bidding of their campaign donors and trying to uphold the status quo: a system that values intellectual property rights.

The fundamental disconnect at play here doesn't involve Congress; it's the media empires' failure to concede that young consumers have been completely re-wired with new expectations for consuming media. As scary as it sounds to them, they might as well just accept it: young consumers expect more for less, and when labels or studios groan while possessing the tools to provide a better

SCU Law's administrative rescheduling exam policy causes students morale and grades to suffer.

"EXAM POLICY"
Cont'd from Page 10

Further, the administration would have taken care of the problem, and not made me stress out about it three weeks before exams.

Georgetown law has a same policy, one exam for every 24 hours. However, they consider the 25th hour of the reschedule fair game. Another clause in their policy states that for any student with three exams within four consecutive days, the exams are reschedule for five consecutive days. Again, they check and correct all the scheduling conflicts for the students.

Other schools have exam rescheduling policies that make sense. We spend an entire semester on one class. With almost every class I have taken, the exam is the sole way for the instructor to grade each student. Occasionally quality participation may 'bump up' a student. Other times, the overall grade may be changed if there are regular submissions of homework. Must most often, the grade floats or sinks on one final exam. Administrative scheduling which prevents students to be adequately prepared for exams ignores this reality. Further, it undermines a student's ability to perform well on a test. The administration

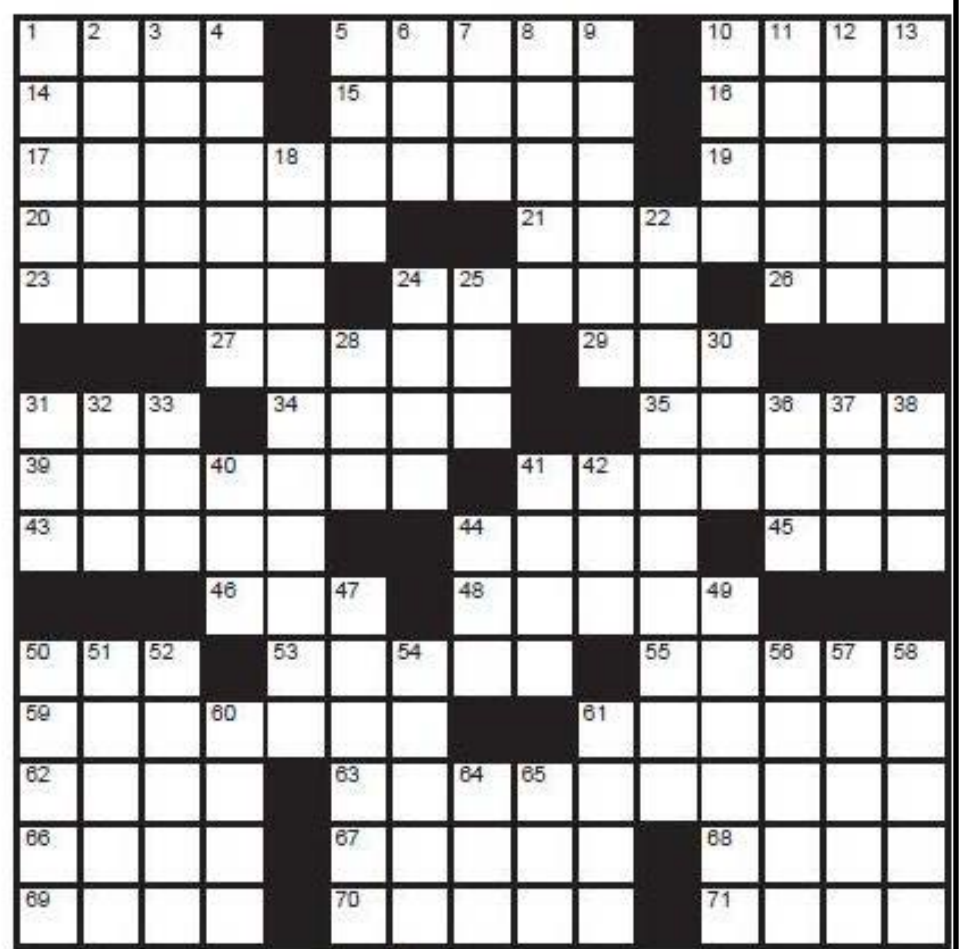
should rethink this policy because it hurts student grades.

The administration may have one good argument for the policy though: academic integrity. It makes sense to not have too many students taking a given test far after their classmates have taken the test. The risk of one rescheduled student asking another student how they did is high. However, there is an academic policy to deal with this problem. If we are caught cheating, the penalties are high. Not only can the school award us an F for our improper behavior, but they will also report this behavior to the state bar. Shouldn't this be reason enough for people willing to break academic policy enough to deter students from cheating?

Santa Clara University School of Law's exam rescheduling policy is far behind the times. Other schools, both similarly situated and in different areas, are forgiving to their students. These schools are aware of the risks of rescheduling, but they trust the student body enough to not cheat, and give students a fair shake at succeeding in finals. Our school should not be so blind to the heavy consequences of poor administrative exam rescheduling.

Across

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- 33 Blunder
- 36 Crete mountain
- 37 Condensation
- 38 Dutch commune
- 40 Brazilian port
- 41 Storm
- 42 Gr. letter
- 44 Caress
- 47 Rel. holiday
- 49 Take for granted
- 50 Regions
- 51 Fight
- 52 Subsequently
- 54 Dishonor
- 56 Claw
- 57 Antelope
- 58 Reposes
- 60 Hire
- 61 Exclusively
- 64 Knock
- 65 Be in pain

Down

49ers Explode in NFC

Niners perform like a 'lightning in a bottle', ready for next season

By Jake McGowan

When Jed York and Trent Baalke signed Head Coach Jim Harbaugh to a five year, \$25 million contract, they stoked the blind hope of the faithful while leading pessimists to think the signing was merely another desperate attempt by a fading franchise to catch lightning in a bottle.



Well . . . they caught lightning in a bottle.

The 2011-2012 Niners were just that: electric. One year and no major roster pickups removed from a familiarly disappointing 6-10 season, Coach of the Year Harbaugh and the Niners struck the league with a fury that their opponents' running backs would be most apt to explain.

Though he operates in the shadows left by Harbaugh's spotlight, much credit should go to coordinator Vic Fangio, who presided over a defensive unit that harried each opponent's quarterback, shut down the run game, and had a penchant for forcing turnovers.

On the other side of the ball, better play-calling and improved performance by the offensive line gave once-maligned quarterback Alex Smith an opportunity to show steady signs of improvement. With their perennial threats Frank Gore and Vernon Davis, and younger players like Michael Crabtree coming into their own, the offense was no longer a gaping liability.

Out of nowhere, the Niners were a force in the National Football League once more.

But just as fast as the lightning struck, it was gone. In the NFC championship game, the red & gold executed their

game plan for the most part, but thanks to a few bad hops and untimely turnovers, the electric 49ers season was over at the hands of the New York Giants in an excruciating overtime loss that cast a pall over the Bay Area, save for a few giddy Raiders fans.

With a renewed yet heavy-hearted spirit, the Niner faithful must echo the age-old fan's refrain: there's always next year.

The other big news surrounding the Niners is the steady progress toward a new stadium, and both the City of Santa Clara and the 49ers have been optimistic about having shovels in the ground as soon as possible. Niners CEO Jed York hopes to have the venue ready by 2014, but the conservative estimate is that the yet-to-be-named stadium will host its inaugural season in 2015.

The approval of a \$200 million loan from the NFL last Thursday will definitely accelerate that process, representing one of the final obstacles the team faced before breaking ground. Last year in mid-December, City Council members voted to tap \$850 million in bank loans to finance construction, but the banks would not finalize their contribution until the NFL assured that they would pitch in at least \$150 million.

While many local businesses and fans welcome the news, others worry that the stadium is not worth the investment, and may plague the city with debt despite efforts to minimize the risk to the city, and by extension, Santa Clara taxpayers. Despite these fears, it seems all but certain that in a few short years NFL football is coming to Santa Clara, and only seven miles from Santa Clara University.

Santa Clara Law Sports and Entertainment Law Society is attentive to the debate, and how it impacts the team, our city, and our local legal field. They held a meeting earlier this year discussing the legal issues surrounding the new stadium, and on Sept. 6 they will host the a symposium touching this subject.

The four candidates were then invited for interviews on campus. Each candidate has found enthusiastic support among different faculty members, and together they cover a wide range of expertise in the environmental law field. Some fields of study included water, air, environmental justice, and renewable energy. Additionally, two of the candidates have been actively interested in California's climate change initiatives.

The Environmental Law Society Co-President Jamie Ormond, who responded along with other students to the faculty's invitation to meet with the four candidates, feels confident about the pool—so confident that she believes the school should hire two of the candidates. Doing so, Jamie argued, "would instantly establish Santa Clara as one of the premier, if not the premier, law schools in the newest and most important branches of environmental law—cleantech, greentech, and renewable energy."

"ENVIRONMENTAL PROFESSOR"
Cont'd from Page 4

to bring the field down to the final four. Professor Manaster was surprised at how well the Skype interviews worked, saving expense, inconvenience, and reducing the carbon footprint of the hiring process. Because of the lower cost and increased convenience, the school was able to conduct a wider range of interviews, including those with professors outside the United States.



Chevy trucks save owners from apocalyptic doom, Ford trucks... maybe not

"CHEVY AND FORD AD DISPUTE"
Cont'd from Frontpage

on the road. Dave drove a Ford."

According to Chevy, "it was a good humored spoof on the predictions of a world-ending cataclysmic event." It was "completely over-the-top, outrageous version of the devastation and destruction predicted to occur this year by the Mayan calendar." Ford didn't quite see it that way.

Prior to Super Bowl Sunday, Chevy released this commercial on various social networking sites. Upon learning of the intent to air this ad during the 2012 Super Bowl, Ford's legal team sent a cease and desist letter requesting General Motors, the parent company Chevrolet, to refrain from running the ad and remove it from its website and all other websites. Ford cited to black letter advertising law that "expressly or implicitly disparaging claims can damage a product's market share and, therefore, [] such claims [must be] truthful, accurate and narrowly drawn." Ford claims that Chevy's guarantee of the "longest lasting, most dependable pickup" is based on data that does not take into account all relevant criteria and are therefore unfounded. While this may be a viable argument, Ford continued to find the ad offensive.

Ford claims Chevy is unable to make accurate representations that their trucks will be the safest, most dependable come post-apocalypse, and that the advertisement may mislead potential Ford owners into thinking they are at risk when the world ends (save purchasing a Silverado). Ford's letter states, "Thus, Chevrolet has absolutely no basis to disparagingly imply that, in the event of a catastrophic event, Ford's pickup trucks and their respective owners will be reduced to ashes." Ford even went as far as to request that NBC pull the ad from the air.

Ford seemingly discredits viewer's ability to understand the humorous message and is concerned consumers will base their future truck purchases on its ability to withstand an alien invasion and the seven plagues of Egypt.

In response to Ford's gripe, Joel Ewanick, GM's global chief marketing

officer, publicly assured Ford, "We can wait until the world ends, and if we need to, we will apologize. In the meantime, people who are really worried about the Mayan calendar coming true should buy a Silverado right away." To add insult to injury, Ewanick tweeted just hours before the game, "Chevy stands by its claim, we build the longest lasting most dependable truck, watch ad, Ford is worried about Dave!" Lucky for viewers hoping to see witty, entertaining commercials, Chevy ignored Ford's feeble attempts to claim Chevy was misrepresenting their trucks and aired the ad despite their threats.

Bloggers and social media sites agree that the commercial was among the best of this year's Super Bowl. One blogger stated, "if you're going to make an ad to appeal to dudes who might be in the market for a Chevy Silverado, you can stop drilling, because you've struck oil with this one." Sites whose primary purpose is to highlight the best Super Bowl commercials give the Chevy ad nothing less than honorable mention, if not more, in the ranking of this year's best. It is clear that Chevy has struck a nerve in the Ford organization but it has also cemented its place in Super Bowl commercial history.

Despite Ford's warnings to take all appropriate steps to enforce and protect its reputation should Chevy go forward in airing the ad, post-Super Bowl, Ford seems to not be following through on its threats. Ford spokesman Mike Levine noted that any decision about what to do after the ad airs is up to the Ford legal team.

While it may not ever be known whether Chevy can help the human race survive the Mayan apocalypse, it appears it is fairly equipped to handle Ford's threats to pursuit legal recourse for supposedly misleading the American public into thinking their only chance of surviving an apocalypse is to purchase a Silverado. This current squabble between the two auto giants is not the first and is surely not the last, but there is something to be admired about Chevy, their good-humored CMO, and entertaining marketing efforts.

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