



SCU LAW TOPS U.S. NEWS & WORLD REPORT 2015 RANKINGS

By The Advocate Staff

As is tradition, SCU Law topped the 2015 US News & World Report list of best law schools. Yet again beating out Yale, Harvard, and Stanford, Santa Clara Law's success can largely be attributed to the convocation of legal eagles who nest themselves in Bannan Hall and Heafey Library. This year's rankings took into account the usual factors, such as peer assessment, selectivity, and placement success. However, signaling a shift in the curriculum on which law schools are ranked, U.S. News also considered a wide range of new unconventional criteria.

Perhaps the most surprising new factor taken into account was the quality of toilet paper provided to students, faculty, and staff. While visiting Santa Clara's campus, U.S. News personnel came away rawly impressed by the sandpaper-like substance that our

fine institution provides. Sources who asked to remain anonymous stated, "Santa Clara Law's commitment to rough and low-grade toilet paper shows that the school is dedicated to producing hard-ass attorneys. This will serve the student body and the legal profession well as too often we see other schools pampering their students, and as a result firms are weighed down with soft, baby-bottomed associates."

U.S. News was particularly impressed with the facility improvements at Santa Clara this year. The organization applauded recent strategic development decisions, such as prioritizing the new fountain on Palm Drive, additional landscaping in front of the historic Mission Church, and a parking structure, over improvements



Number one again. Ho-hum, bore bore, nothing new to see here.

to the law school lecture halls, faculty offices, and library. An anonymous source was quoted to say, "This continues the trend of smart facility choices by the university at large, such as

the Celebration of Family statue in 2012 and the restriping of parking spots in 2013." SCU law has already announced

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Class Attendance Up as Professors Offer Free Food & Beverage During Lectures

By Michael Branson
Editor-in-Chief

In an effort to increase class participation and student attendance, many professors have begun to offer snacks and meals to students during class. The idea started last year when a bus orgs professor misinterpreted overhearing one student say, "I refuse to go to that bullshit class unless the professor literally spoon feeds me the answers." The trend quickly expanded, first to all bus org courses, then to bar courses, and finally to 1L lectures and even to seminars and clinics. Now, professors willing to provide unique alternatives have seen attendance skyrocket, often well above 100%.

The school staff quickly tried to end the trend by placing limits, such as requiring the food to be served just outside of the classroom, or mandating school catering, but the rules were largely ignored and soon the school surrendered to the incessant demands for food. In a complete reverse of policy, the school has installed cabinets in each room filled with tiny plates and condiments, and special pizza-box-shaped trash bins replaced the current sorted receptacles.

One negative side-effect is the increased number of emails students receive from

professors every day. SCU inboxes have become inundated with subject lines like "[Law-Students] FREE CHIPOTLE & PROCEDURAL DUE PROCESS," "Recent Canvas Notifications: Intentional Tortes," and "Pizza My Heart with Prof. Love, sponsored by LCS." Similarly, the TV screens in the lounge and the notice boards in the stairwell have become fully



Hungry SCU Law students line up before class outside of Bannan 142.

inundated, so much so that lunch events have struggled to successfully advertise for guest speakers.

Several professors have been pushing the boundaries on creativity, and perhaps on the code of ethics. A crim pro professor was severely reprimanded after offering unlimited scotch and brandy to students who arrived early. Class also ended early

when the front row gunners could no longer control their outbursts. Professors of smaller seminars were also warned after moving class to local eateries, Starbucks shops, and even to The Hut.

While some professors have aimed to increase attendance, others have used food to increase class participation. "Any volunteers" is no longer heard in Professor Jimenez's Civ Pro course ever since he began providing three-course meals to the student willing to explain *World-Wide Volkswagen* or *Twombly*. And nearly every class has implemented a candy bowl Socratic method, despite passionate protests by the Cowell Health Center.

Of course, professors who have refused to offer food in class have seen dramatic reductions in student attendance. Professors quickly learned that attendance would remain low if Quiznos was offered. Students in Prof. Manaster's Environmental Justice Seminar have entirely boycotted the class after being tricked by his promise of "food for thought." Other professors have attempted to "allow for potlucks," but students refused. One student wrote an angry email to The Advocate about these attempts: "If I'm going to graduate with over \$100,000 in debt, the least professors could do is provide for my meals every day."

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Writing and submitting articles to *The Advocate* is a great way to show that you have an interest in a specific area of law. Further, employers will be interested to see that you have sought means to enhance your writing skills beyond writing classes.

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A career in law has many paths. *The Advocate* encourages all law students to submit articles about their own journey.

We can be reached at
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Rumor Mill with Dean Erwin

By Susan Erwin
Senior Assistant Dean



The faculty and administration recently met to discuss new regulations, designed to improve the educational experience for our students and faculty. Please take note of the new Classroom Rules below, which will be effective immediately.

1. Attendance: A few of this year's first years continue to have a problem with the concept of signing attendance sheets. To make the process easier (and more reliable), hall monitors will now be posted outside each classroom door. Students will be required to show their access card and two other forms of identification when entering class. Students will be clocked into the room and out of it and will only be given credit for attending if actually in the classroom for 97.36% of class minutes. Students who miss more than 20% of class minutes in any given week will be required to attend detention on Saturday mornings – featuring an endless loop of PowerPoint slides on the importance of being punctual.

2. Food: In an effort to be respectful to everyone in the classroom and mindful of those with severe allergies, the following foods will no longer be

allowed in the classroom: pickles or any other vinegar-based product, anything deep fried, any product originating in the ocean, and anything covered in a sauce. To minimize noise, all food items must be unwrapped and ice must be removed from beverages before entering the classroom.

And, lastly, everyone must chew with their mouths closed and use their napkins.

3. Computer Use: Effective immediately, the following sites will be blocked in classrooms: ESPN, Zappos, Match.com, RateMyProfessor, Above the Law, and onlinemahjong.com. Staff will be tasked with standing in the back of each classroom and ensuring that students are only using their laptops for appropriate uses. Any unauthorized browsing or messaging will be announced loudly and publicly mocked.

4. White Board Markers: The administration noted that we lose, on average, 498 white board markers each week from the classrooms, costing the school about \$6,000 per month. Effective immediately, all students and faculty will be searched when leaving classrooms and all white board markers will be confiscated.

5. Dress Code: The following items of apparel are banned from law school classrooms: pajama pants, baseball hats, uggs, scrunchies, and anything smelling

of gyms or yoga studios. Students in Professor Ekern's class wearing sports logos are limited to San Jose Sharks gear only.

6. Behavior: When responding to questions from faculty members, students must stand, begin all responses with "If it pleases your honor . . ." and address all faculty with their appropriate title and full name. Students addressing faculty by their first names in the classroom will be required to drop the course. Students must be respectful at all times, faculty are strongly encouraged to do so as well.

7. Lunchtime presentations: All lunchtime presentations must end at 12:50. Presentation sponsors are required to spend the remaining 10 minutes cleaning the room. Particular attention should be paid to pizza-grease stains on the desks, shredded lettuce on the floors, and soy sauce packet dribbles. Doors must be opened and vent fans employed to remove offensive food odors.

8. Pets: All dogs must be housebroken, no exceptions. No cats, rats, children or geese will be permitted in the classroom.

These rules will be posted in each classroom. The administration will also post signs ensuring students that we are no longer not monitoring emails, facebook messages and tweets.

Have a great April Fools Day.

Raising the Bar: California Bar to Undergo Major Changes

By Amanda Demetrius
Senior Editor

On the heels of changes to the SAT exam for college admissions, the California State Bar is considering suggested changes to the state bar exam. College Board President and CEO David Coleman stated that standardized tests have become "far too disconnected from the work of our high schools," and as a result, State Bar President Luis J. Rodriguez, Santa Clara Law Alumnus, has determined that budding attorneys need to be more adequately prepared for practice after graduation. Pursuant to this recently developed credo by the authoritarian body that determines the fate of every law student in the state, the State Bar has developed several new additions and alterations to the already grueling exam.

The State Bar of Admissions has proposed several amendments to the substantive proportions of the exam. First, the Office of Admissions wants to highlight the importance of developing an awareness for working based on billable hours. Local attorney, Sarah Thompson, a proponent of the imminent changes, asserts that it is an imperative skill, which all attorneys must master. She contends that practicing working on a tenth of an hour is one of the fundamental building blocks of successful law practice. The Bar has released examples of methods through which these abilities will be tested. One

such example released by the Bar is, "If Laura Lawyer spends 11 minutes on the phone with client A, 2.5 minutes on Facebook, 13 minutes recording notes about the call, 10 seconds receiving a Snapchat, 8 minutes reading Reddit, 4 minutes on Above the Law, and 2 minutes inputting her time into the billing program, how many tenths of an hour should Laura bill to client A." Law schools are panicking trying to determine the



best approach to preparing students for this sudden and drastic change. Drew Thorne, Dean of California Academy School of Law has concluded that incoming students will be required to account for their study time by submitting to professors an itemized statement detailing how time was spent, down to a tenth of an hour. California Academy's School of Law's applications for the 2014-2015 school year have dropped by 20% following Dean Thorne's announcement.

As an additional substantive change to the exam, the Bar has considered adding a "Client Relations" portion to the potential essay exam topics. Among other focuses in this new legal emphasis, the exam may focus on subjects like

finding an appropriate establishment for casual drinks, selecting an appropriate golf course given a client's particular handicap, convincing an entrepreneurial client that their idea to convert used

toilet paper into recycled greeting cards is a bad business venture, and/or concealing your status as a first year associate when delivering advice to clients who assume you are a seasoned attorney. The Office of Admissions is developing a list of testable subjects and will release the final list

well before the changes are scheduled to be implemented. Jordan Nelson is an attorney who has been retained to determine the content of the newly testable topic. Nelson suggests that briefs and due diligence are only a small portion of the work that new attorneys must be versed in to serve their clients. Nelson and the Office of Admissions suggest that future attorneys begin to prepare by spending ample time on the golf course, as well as the local tavern.

The upcoming modifications will certainly require adjustments to law school curriculum and will change the legal landscape for recent law school graduates. Rodriguez has assured attorneys within the state that the modifications will greatly benefit the

Google Assembles A-List Artificial Intelligence Ethics Board

By Brent Tuttle
Staff Writer

Arnold Schwarzenegger, Megan Fox, and Tom Cruise are just a handful of the names being added to Google's recently assembled artificial intelligence ethics board.

The selection process started several months ago when Google acquired London based artificial intelligence company, DeepMind Technologies. The details surrounding DeepMind itself are scarce, but the A.I. company states that they work in an effort to combine the best techniques from systems neuroscience and machine learning to develop general-purpose learning algorithms. Put frankly, they work to enable computers to think like humans.

This comes in the wake of another Google shopping spree, where it appears the Mountain View company cashed in on their robotic rewards points, acquiring several robotic engineering and manufacturing companies. The most notable company purchased was Boston Dynamics, an engineering firm that develops warfare-ready robots for the Pentagon.

DeepMind co-founder Shane Legg's recent comments that "human extinction will probably occur, and technology will likely play a part in this" citing artificial intelligence as this century's "number one risk" for our species, coupled with Google Chairman Eric Schmidt's quote stating that the onset of robotic warfare "constitutes the most significant shift in human combat since the invention of

the gun" has created apprehension in the minds of some. These outliers fear that Google may soon have the capability to develop Skynet-like armies.

However, to ease any worries about their intentions, Google agreed to create an artificial intelligence ethics board to ensure that this technology would not be abused.

The most notable appointee to Google's board is Arnold Schwarzenegger. Citing his impressive performance throughout the Terminator franchise, specifically Terminator 2, the company feels that Arnold is fully equipped to assess and handle any sort of threat stemming from the possible development of robotic soldiers. In addition, Google also referenced his immaculate ethical conduct as a husband, a father, and as the Governor of California. Google hopes that these same upstanding morals will be instilled in the advancements that come about from their recent acquisitions.

In a bold move for gender equality within Silicon Valley, Megan Fox will be taking a leading role on the ethics board. Google feels that her performance in Transformers speaks volumes about her qualifications and capabilities. A source within Google but unauthorized to speak on their behalf stated, "Megan's ability to collaborate with the Autobots and successfully overcome the Decepticons was all the company needed to demonstrate that she was on the right side of robotic warfare." Additionally, despite

the First Amendment and applicable uses of the word, Fox will champion the #BanBossy campaign within the A.I. community, embedding the fact that the use of this word is a big no-no in any beings that stem from artificial intelligence developments.

Other A-list figures added to the ethics board include; Tom Cruise, Will Smith, Keanu Reeves, and Joaquin Phoenix.



Impressed by his keen understanding of the future as seen in Minority Report and his dealings with a quite literal form of artificial intelligence known as Scientology, Tom Cruise was a shoe in.

Will Smith's resume came stacked with achievements from I, Robot, and additionally his interactions with Geoffrey the Butler on the Fresh Prince of Bel-Air. Though the latter fact initially puzzled some, it is rumored that Google execs reasoned their butlers essentially serve as humanized robots, so Will's ability not only combat the misuse of A.I. in I, Robot, but also to engage robots in a loving and diplomatic way, exhibited he was a good fit.

Analysts suspect that Keanu's firsthand involvement with artificial intelligence, law enforcement, and covert operations was what drew Google to him. Mr. Reeves work as Neo in the Matrix reflected a sense of experience and camaraderie with both computer programmers and the artificial intelligence world that Google felt would be beneficial. They are hoping his presence will help bridge the gap between the human and robotic thought process. Additionally with his former role as Special Agent Johnny Utah in Point Break, Reeves brings a high-stakes ability to go deep undercover and uphold the law, something Google believes will be invaluable if there is an ethical breach in any of their A.I. ventures.

Joaquin Phoenix was a late addition after Google privately screened Her for all of its' employees. After a vote amongst senior managers, it was agreed that Joaquin's romantic involvement with A.I. would manifest the fact that anyone who dresses like his character will inevitably end up alone and miserable, unable to find a suitable partner of any species or existence. Given the rate this already seems to occur amongst humans, Google would like to avoid any of their artificial intelligence creations incurring the same feelings of anxiety, loneliness, or depression; especially because the company has no immediate plans to engage in pharmaceutical manufacturing, at which point they may reconsider.

After news of the Google's ethics board was formally released, Google (GOOG) was trading up by 0.53%.

Best of Times, Worst of Times at Santa Clara Law

By Bill Falor
Staff Writer

It's been quite a year here in law school at Santa Clara University, and there's much to reflect upon as we students turn our eyes toward the summer. With plenty of help from the rest of the staff, the following Best/Worst list seeks to encapsulate the Santa Clara experience as "reducto ad absurdum" as is tolerably possible. While the list is in no way all-inclusive (especially in the Use of Loan Money category,) it has absolutely been fashioned with ill-conceived snap judgments and a hearty disregard for acceptable student behavior. Enjoy!

Category	Best	Worst
Place to Eat Off-Campus within Walking Distance	Wrap This. Great food at even better prices. Tuesday's Chicken Shawarma special is an absolute must, but you really can't go wrong with anything on the menu.	Wicked Chicken. Overpriced food, small portions, and some pretty tremendous Yelp reviews. On Thursday nights, the local Furry population meets here to mingle.
Professor Clichés	Cold calling other students who aren't paying attention.	Cold calling you if you aren't paying attention.
Men's Bathrooms on Campus	2nd Floor, Bergin Hall. Always pristine, multiple sinks whose soap dispensers always have soap, and tall urinals. This place is a pleasure in which to do both Numbers 1 and 2.	1st Floor, Bannan Hall. Muggy, with smells lingering from one too many Lee's Sandwiches. Overused and undercleaned, it should be used for peeing only. Even then, I'd look elsewhere.
Classroom Attire	What people wear to school.	What lawyers wear to trial.
Gunner Type	The student who saves the class from the awkward silences by succinctly and accurately answering the questions posed to no one in particular.	The student who feels slighted from years of deserved mockery and demands rapt attention from their peers on an insufferably consistent basis.
Music to Listen to Before a Final	Symphony No. 4 in A Major, Op. 90, "Italian" by Felix Mendelssohn.	We Didn't Start the Fire by Billy Joel.
Game to Play During Class	Tinder.	Tinder.
Weekend Destination	San Francisco.	Heafey.
Post-Bar Plans	A couple weeks with your best friends in some exotic locale, doing your utmost to forget the misery that just dominated your life.	Jury duty.
Bucket List Item	Drinking during class.	Finishing your SAWR.
Background TV While You Outline	Party Down South.	Rich Kids of Beverly Hills.
Use of Loan Money	Beer.	Character and Fitness Application.
Things You Never Thought You'd See at Santa Clara This Year	Free daily coffee in Bannan.	Dalai Lama protesters.

Coffee Confessions

By Nikki Webster
Staff Writer

Before law school, I didn't need coffee to get through my day. It was more of a social beverage that tasted good and made me feel purposeful – if I had a coffee, I could do “all the things,” and more! [See <http://hyperboleandahalf.blogspot.com/2010/06/this-is-why-ill-never-be-adult.html>].

Now that I'm in law school, I confess that some days I need coffee. In fact, my new favorite is the Americano, because the espresso tastes so intense and it perks me up even more.

Other days I just WANT it, like the hot beverage is some sort of emotional support that is going to keep me from getting the crazies as I do hypos and attend class. And the want is so strong it turns into a NEED almost immediately. When I have an Americano, I am all smiles, the ever-composed Nikki, making smooth turns on my bike as I glide to class as though I have the power of levitation. Nothing can ruin my day.

Well, there is this one major exception that has actually ruined many a day for me. The problem is, while I'm imagining that I have super powers and can use my infinite grace to effortlessly guide me to class, it turns out biking to class is not a very graceful means of transportation at all – especially not with a hot beverage in hand.

Imagine first, my daily journey to campus. I keep my bike upstairs, locked to the balcony outside my apartment. Every morning, I carry the bike downstairs (a two-handed process), swing a leg over, make sure my book bag is lined up evenly down the center of

my back (otherwise the bike will be unbalanced and I will fall over – yes, I know from personal experience), bike to class, and lock up my bike (also a two-handed process).

Now, picture that process with a coffee. Have you ever wished for an extra appendage, a tail, perhaps? Go-go-gadget coffee cup holder? The thing is, even the best mugs tend to leak when they are not held perfectly perpendicular to the ground. And I got tired of making a coffee, leaving it on the balcony, carrying my bike down, running back upstairs to get the mug while carrying my ridiculous heavy book bag, hopping back up on the bike and lining up my books, then biking to class one-handed, holding the mug as far away from me as possible so as not to pour it all over myself.

More often than not, I forget the mug on the balcony, so I bike to the cafeteria instead, lock up the bike, order an Americano, and then bike to class. This is an even more dangerous venture because for some reason our cafeteria does not offer the little stoppers that close up the opening you're supposed to drink out of. I am always extra careful to set the hot drink down where I won't knock it over as I unlock my bike. I get back on the bike, wheel over to where I left the steaming cup, and precariously pick it up and start pedaling one-handed. Even if I don't spill it at this point, I'm still not home free yet.

It turns out that our campus, as lovely as it is, has an infinite number of cracks in its paved walkways, especially down the new walkway that is paved with BRICKS. Every time I ride over a crack, the steaming hot coffee leaps out of the opening in a geyser-like event and sprays all over my right hand, arm, and leg.

And it BURNS. This, of course, makes me spaz out which then shoots more coffee out of the opening! The Americano gets all over me, burning every bit of flesh it lands on. By this time, I've usually stopped pedaling and I'm just standing, straddling my bike and wincing while my skin burns and the hand holding my half-full coffee cup drips the contents all over the ground. It is truly a delight wearing more of my Americano than I've consumed – NOT. (On the other hand, could I have a potential claim against the cafeteria? See *Liebeck v. McDonald's Restaurants*).

You may be wondering why I don't just buy a super-convenient awesomely designed coffee holder for my bike. The answer is, I did. And it is even worse than holding the beverage in one hand. It turns out that I've gotten a lot better at holding the cup steady even as I go over the thousands of cracks and bumps on the way to class. In contrast, the first day I put the Americano in my new, incredibly cool coffee-holder I had installed the night before, when I rode to class, the coffee BOUNCED with my bike, repeating the geyser effect and escalating it. I got to class drenched; like I had been in the wet zone at Sea World and Shamoo had sent a wave of hot coffee to splash all over me.

At this point, you may just think that I'm an idiot for trying so hard to get to class with a coffee. I understand; I have thought this too. Ultimately, I think the ideal solution is for Bannan to get a café so we can all enjoy coffee every day and not have to hazard burns on our bike rides. In the meantime, I'll keep perfecting the process and let you know the best technique when I discover it. Cheers.

SCU LAW HOLDS STEADY AHEAD OF HARVARD, YALE, STANFORD

“USNWR”

From Front Page

major development plans for 2015, including replacing four bike racks and adding a vending machine outside of Bannan Hall.

Another new factor considered by U.S. News and World Report was student's internet usage. In a new trend that seems to be popular amongst government entities and corporations,

U.S. News combed over the law school's Internet traffic. Their research found Santa Clara Law students showed enormous devotion and interest to scholarly journals such as BuzzFeed, theChive, ESPN, Reddit, Upworthy, Rich Kids of Instagram,

#whatshouldwecallme, and other assembled lists of meaningless things written by false authorities. Also, in stark contrast to lackluster law schools whose bandwidth was eaten up by the use of WestLaw and LexisNexis, U.S. News found that a majority of our school's Internet traffic was consumed by YouTube, Netflix, Hulu, VIP Box Sports, MLB.TV, and other sports streaming websites. Most impressively however, U.S. News said as opposed to other law schools who reflected an interest in LinkedIn, Glassdoor,

and other career-oriented social media websites, our student body's obsessive use of Facebook, Instagram, and Tinder demonstrated that we are indeed on our way to becoming Lawyers Who Lead.

Another area where Santa Clara Law continues to rise above all others in the U.S. News rankings is the use of a seamless website user interface. SCU Law was commended

of 2011 when students searched for future summer offerings. Clearly, this distinction is a reflection of SCU Law's position in the heart of Silicon Valley and its close connection with the tech community.

A third new factor taken into consideration was the attractiveness of the undergraduate population. U.S. News observed that a majority of the baby Broncos carelessly galloping

around campus appeared to have descended from thoroughbred bloodlines and good genetic pools. This in turn creates an aesthetically

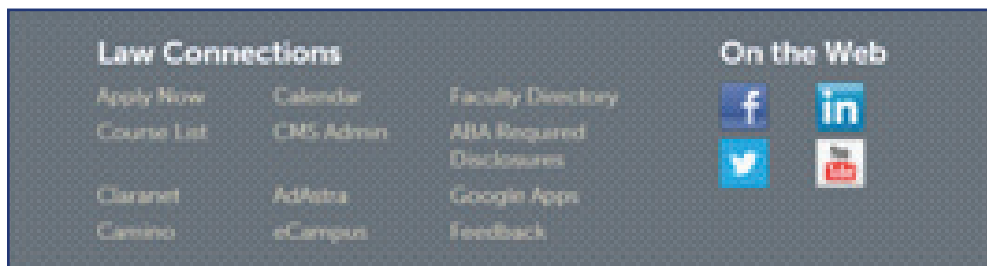
pleasing environment for law students who are burdened with heavy work loads, stress, and a scarcity of decent looking potential partners. This measurement, in addition to the fact that other top-tier law schools tend to have less attractive undergraduate populations, was a particularly helpful element in Santa Clara cementing itself atop the competitors.

SCU Law was additionally commended for its wide offering of professional skills courses. Like other top schools, Santa Clara Law

offers legal drafting, negotiations, and technology licensing. But SCU Law recently expanded its skills course offerings to reflect areas where the school feels students are perhaps falling behind. Among the new classes are Networking (4 units), ALW: Resumes and Cover Letters (3 units), Talking to Adults (2 units), and Conservative Wardrobe Selection (2 units).

In ranking SCU Law first in the Nation, U.S. News was heavily swayed in their decision by our student body's general interest in the financial gains which can come about from practicing law, despite having no real interest in the subject itself. Conversations overheard on campus referencing the words “baller, ballin', bling, bossdog, and big bucks” coupled with substantial online shopping habits both in the classroom and library, and an absence of any meaningful dialogue about legal issues amongst students, led U.S. News to deduce that our students followed the C.R.E.A.M. philosophy similar to that of Shaolin's Wu-Tang Clan.

Other areas where SCU excelled include student attendance at guest speaker and symposium events, number of emphases offered for legal certificates, availability of sub-standard coffee vendors within walking distance, and excellent dust accumulation and bacterial growth within SCU's library collection.



U.S. News & World Report was particularly impressed with SCU Law's connections portal.

for its decision to scatter information essential to students across dozens of websites, such as law.scu.edu, camino, clarinet, astra, symplicity, ecampus, and others. Although some in U.S. News were concerned that SCU law could abandon clarinet this year, it was pleased to see that the Law Student Services folder is still active, ready for discovery to all who can find it. U.S. News was also impressed with the power of the search tool on the SCU Law website, which quickly pulled up course listings from the Fall

QUESTION AND ANSWER WITH FACULTY AND STAFF

Despite the abundance of April Fool's content in this issue, this feature is 100% accurate and we greatly appreciate Professors Armstrong, Manaster, and Wendel taking the time to provide responses. The question and answer sets below are the debut of what will be a regularly featured section moving forward in future issues of The Advocate. The primary purpose of these questions is to broaden the scope in which we view our professors and administrative staff here on campus. Too often we leave class with a limited perspective of our instructors and the faculty that support SCU Law. We hope this feature will bridge the gap between the vibrant personalities employed by the law school, and the sometimes impersonal lectures and listserv emails. If you would like us to interview a particular faculty or staff member, or if you have a question that you would like us to ask, feel free to send an email to scuadvocate@gmail.com.



Margalynne Armstrong
Associate Professor of Law

Areas of Specialization:

Constitutional Law, Property, Race and Racism in the Law

Education:

-J.D., Boalt Hall School of Law, University of California, Berkeley
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1. What do you consider your greatest professional success?

I plan to continue working for a few more years and hope I have yet to achieve it.

2. What technology are you currently most excited about?

Artificial pancreas technology.

3. What did you want to grow up to be when you were a child?

My mom said I wanted to be a witch with poisoned apples when I was three or four. Later I wanted to be a writer and or doctor.

4. If you could go back in time and change one thing, what would it be and why?

Historically, I don't think that changing any one thing would make enough of a difference to avert any of the world's great tragedies, except possibly preventing the existence of Adolph Hitler. I will remain reticent about my own life choices.

5. What is your favorite guilty pleasure?

"Archer," I find it exhilaratingly puerile and unremittingly vulgar.

6. What historical event and/or figure do you find most interesting, why?

Queen Elizabeth I. I am fascinated by her gender transgression, longevity (in the face of lifelong threats to her existence), the

literature that flourished under her reign (Shakespeare, Donne, Marlowe, Jonson), and her attempts (eventually abandoned) to promulgate religious tolerance in England.

7. Who are your favorite characters in literature and/or film?

Calvin and Hobbes, Atticus Finch, Huey Freeman, Franny, Zoey and Seymour Glass, Eve Harrington, Sherlock Holmes, Harpo Marx, Penelope, Jean Luc Picard, Lyra Silvertongue, Severus Snape and Harriet M. Welsch are among my favorites.

8. What was the first job you ever had?

Selling newspapers outside of Operation Breadbasket (later Operation PUSH) meetings on Saturday mornings in Chicago. My dad made me do it.

9. What do you consider to be the most important development in your field over the last 5 years?

In the field of legal education it has been the decline in law school enrollment and the ongoing need to reconfigure how we educate the attorneys for the 21st century. In Constitutional Law it has been the Supreme Court's oblique recognition of the legitimacy of same-gender marriage.

10. What piece of advice would you today have given yourself in law school?

Go wherever you need to go for a good judicial clerkship after law school.

1. What do you consider your greatest professional success?

The interesting, satisfying careers in law that so many of my students have made for themselves, with a little, early boost from me. Other successes include the books I have written, especially Illinois Justice (about the Illinois Supreme Court scandal I helped investigate with John Paul Stevens) and my new book, The American Legal System and Civic Engagement: Why We All Should Think Like Lawyers. Additionally, I believe I made useful contributions as a member for 17 years, and chairman for 11 years, of the Hearing Board of the Bay Area Air Quality Management District.

2. What technology are you currently most excited about?

The smart TV my wife gave me as a birthday present, and my first iPhone (leaving Blackberry behind).

3. What did you want to grow up to be when you were a child?

A businessman in my family's small meat packing company.

4. If you could go back in time and change one thing, what would it be and why?

The 2000 presidential election, as I believe many things would have been different—and better-- domestically and internationally under Al Gore as president.

5. What is your favorite guilty pleasure?

The "Survivor" reality (sort of) TV show.

6. What historical event and/or figure do you find most interesting, why?

Abraham Lincoln, as a model of integrity, vision, practicality, and caring. Also, Fidel Castro, as a model of courage, charisma, commitment to social improvement, and complexity, though not enlightened or benign in all respects.

7. Who are your favorite characters in literature and/or film?

Jimmy Stewart's character in Hitchcock's "Rear Window." The little boy in Truffaut's "400 Blows."

8. What was the first job you ever had?

Day camp counselor.

9. What do you consider to be the most important development in your field over the last 5 years?

The dramatically increased recognition that climate destabilization is the preeminent global environmental (and probably existential) concern of this century.

10. What piece of advice would you today have given yourself in law school?

Sit closer to the front in class, so as to maximize my attentiveness. Also, meet with professors in their office hours, so as to enhance my understanding of the courses' content and purposes.



Kenneth Manaster
Presidential Professor of Ethics and the Common Good

Areas of Specialization:

Environmental Protection Law, Administrative Law, Torts

Education:

-LL.B., Harvard Law School
-A.B., Harvard College



Peter Wendel
Visiting Professor of Law

Areas of Specialization:

Property, Estates & Trusts, Real Estate Finance, Water Law, Law & Economics, Advanced Writing

Education:

-J.D. University of Chicago Law School
-M.A. St. Louis University
-B.S. University of Chicago

1. What do you consider your greatest professional success?

First, persuading the lovely Gerri to marry me, and a close second, my honorary degree from the University of Augsburg in Germany.

2. What technology are you currently most excited about?

That my 1987 VW Vanagon still runs.

3. What did you want to grow up to be when you were a child?

A European football player.

4. If you could go back in time and change one thing, what would it be and why?

My son John's name. After he was born, his name was Matthew. But when I came to pick him up from the hospital, his name was John. Don't ask.

5. What is your favorite guilty pleasure?

Lulu. Don't ask.

6. What historical event and/or figure do you find most interesting, why?

Pope Francis, for showing that true leaders are those who are men and women for others.

7. Who are your favorite characters in literature and/or film?

Oh, there are so many that come to mind: Robin Hood in

Disney's Robin Hood (yes, the cartoon version); William Wallace in Braveheart; Henry 'Author' Wiggen in Bang the Drum Slowly; Alex DeLarge in Clockwork Orange; Hal, from 2001 A Space Odyssey; Holden Caulfield from A Catcher in the Rye; Bilbo Baggins from The Hobbit (the book version); and Martin Blank from Gross Pointe Blank are the first to come to mind. Take your pick.

8. What was the first job you ever had?

I worked at the St. Louis Zoo as a conductor on the Zooline Railroad and an announcer for the animal shows.

9. What do you consider to be the most important development in your field over the last 5 years?

The proliferation of 'homemade' (with the help of the internet) testamentary instruments, and the law struggling with whether that is a good development to be encouraged or a bad development to be discouraged.

10. What piece of advice would you today have given yourself in law school?

Form close friendships, and keep in touch with your classmates after you graduate. And enjoy law school - I did and still do.

INTERNET SURVEILLANCE AFFECTS THE PRIVACY OF PERSONS AND COMPANIES

By Paola Aguiar
Secretary, LLM Student Association

Historically, surveillance has existed in old civilizations and even in biblical times. A sort of espionage acts that implicates spying and collecting information from enemies to strengthen their own defenses by knowing better enemies weaknesses. The FBI has always used their own techniques to obtain information and today, with the boom of the technological era, they are using the technology to oversee citizens' digital trades and services.

Before the 1970s, warrantless electronic surveillance for non criminal and national security purposes was an inherent constitutional authority, justified in situations of national threats. However, in *U.S. v. U.S. Dist. Court for Eastern Dist. Of Mich., Southern Division*, the Court determined that the President or Attorney General may not authorize electronic surveillance of domestic subversive persons or groups without prior judicial approval. Such searches violated the Fourth Amendment. The trial judge was reluctant to decide the legality of warrantless surveillances when foreign powers and their agents were implicated. He urged Congress to provide standards for electronic surveillance that involves national security purposes.

The Privacy Act of 1974 prohibited the use and disclosure of any records or communications to person or agency, except pursuant to a written request or individual consent. However, there are other exceptions permissible by law, which makes unclear activities to pass the legal filter. A congressional research service reported that Federal Agencies had disclosed personal information of the users' websites to other agencies such as banks, retailers, distributors and others.

In 1978, Congress signed the Foreign Intelligence Surveillance Act (FISA), which establishes the non-criminal electronic surveillance within the United States. The principal purpose was to collect Foreign Intelligence and Counter-Intelligence by identifying targeted foreign entities and persons. This surveillance had to satisfy the probable cause standard to be permissible. In 1995, FISA's scope was extended to cover physical searches and the use of pen registers, trap and trace devices in the investigation of international terrorism and clandestine intelligence acts. These new authorities include telephone calls and electronic communications.

This Act excluded surveillance to U.S. citizens when their activities are protected by the First Amendment. This act created the special FISA court, which operates in secret to review surveillance orders, and individualized applications that imposed limitations to surveil Americans. The FISA Court at the beginning was a secret hearing due to the limited number of cases, but after 9/11 turned into an open court bringing large and broad legal decision in the manner that does not need to be secret. For example, a reconstruction of the constitution if in secret could create controversy.

The acquisition of information by wiretapping and searches without complying with legal requirements may exclude the evidence in certain way because they are considered "fruits of the poisonous tree." Otherwise, in most of the FISA cases the wiretap or search were relevant and useful evidence to the prosecution of foreign agents. The FBI is obligated to pass them to law enforcement community for investigation and further prosecution of crime. FBI based in FISA was obligated to provide those evidences to the law enforcement community as a reasonable legal step. The government cannot gather information to use it in the future if needed.

Those FISA's practices in relation to information acquired through electronic surveillance were questioned under the Fourth and Fifth Amendment. FISA maintained its position that its primary purpose is to secure foreign intelligence investigation by the acquisition of foreign information and not to be used for criminal investigations.

In 2001, after tragic events occurred in September 11, Congress passed the USA PATRIOT Act, signed by George W. Bush. The Act's purposes were to enhance federal agencies' ability to share intelligence, strengthen criminal laws, remove obstacles in terrorist investigations, and adopt laws that reflect new technology updates.

The Patriot Act made amendments to the requirement of the FISA order by changing the words primary purpose to significant purpose to obtain foreign surveillance. This Amendment was intended to justify intelligence operations that FISA was impeded to use in criminal investigations and prosecutions.

The Patriot Act was expanded and broadened by President Obama when he signed the PATRIOT Sunsets Extension Act of 2011, which extends the legal life of roving wiretaps, court-ordered searches of business records and surveillance of non-American suspects without any confirmation of ties

to terrorists groups.

Section 215 of the Act authorizes the FBI to seek court orders compelling any person or entity to turn over any tangible thing relevant to counter-intelligence and counter-terrorism investigations. The FBI has sent thousands of National Security Letters (NSL), a sort of administrative subpoena that can challenge the non-disclosure requirement in federal court. This non-disclosure requirement mandates that parties will not reveal intelligence investigations. However, there are complaints that this persons investigated could be ordinary people. For instance, the FBI can spy on ordinary people if they do not like and the e-books or websites they are visiting. Those NSLs are prohibited from disclosing the facts to anyone else, so if you are subject of surveillance, you will not be informed that your privacy is exposed.

Many civil organizations consider section 215 unconstitutional because it violated the freedom of speech as was held in *Doe v. Gonzales*. Notwithstanding, the Court of Appeals overturned the decision based on USA PATRIOT Improvement and Reauthorization Act passed in 2006 that allowed the recipients of an NSL to challenge the non-disclosure requirement in federal court. In 2013, the District Court in San Francisco struck down the Court of Appeals decision that authorized the FBI to issue NSLs without disclosure because it is so "impermissibly over-broad."

18 U.S.C. § 2516(1) defines the scope of the authorization for electronic interception and types of information that federal government can gather in counter-terrorism efforts through NSLs as well as gags order without legal advice. The ACLU and the Electronic Frontier Foundation (EFF) have initiated many lawsuits against violations to civil and constitutional rights, including NSA surveillance.

PRISM Program and American Corporate

In 2013, Edward Snowden surprised the international community by revealing NSA confidences. Snowden was an independent contractor working for NSA and the intelligence community. He accessed classified information in the system pertinent to NSA and handpicked certain documents to pass on to journalists.

Among the programs Snowden revealed was the Prism Program. Section 702 of the program included metadata and content. The metadata was supported by legal authority and Section 215 of Patriot Act that permits mass surveillance wiretapping such as phone records to whom you are talking to and whom you are traveling with.

The Prism Program is a secret classified program to collect data of consumers by American corporations. Snowden revealed that this program was a conjunctive work between the NSA and tech companies. It showed specific starting dates of collection: Microsoft in 2007, Yahoo in 2008, Google and Facebook in 2009, YouTube in 2010, Skype and AOL in 2011, and Apple in 2012. Technology companies have denied collaborating with NSA in data collection.

NSA claims Prism had direct access, meaning that the information was not stolen and instead was provided by companies. Some companies received NSLs and did not inform their consumers because of the classified nature of the information and non-disclosure provision meaning that companies could not inform the public about PRISM or that they were working with NSA. Some companies were afraid that non-compliance may have been implied treason and incarceration and in contrast other companies reacted by demanding a warrant process and legal revision before giving the user's data. Google challenged these NSA practices in closed court, but lost. The government reviewed and found the NSA surveillance programs to be lawful, but certain organizations claimed that the decision was taken by secret judges in a secret court and based on secret interpretation of the law.

Snowden's revelation created an economic crisis in American corporations because most of them have expanded globally. For example, Brazil cannot trust American companies to use their search engines because it means allowing the U.S. government to surveil them. International communities are concerned about the surveillance going on. American companies lose a competitive advantage when they cannot sell their products to foreigners because foreigners are worried about making business with NSA.

American corporations need to meet their business interests without opposing government policies and by adapting certain steps to protect the users' privacy. Google, Yahoo and Microsoft joined to push the secret court in Washington to allow them public disclosure about the court order received, the number of users involved and the type of information requested to turned over to the Feds. By giving such information, users will better understand the surveillance purposes and whether the surveillance is lawful and necessary for them.

In spite of the restrictions to talk about NSL and NSA surveillance, companies could put in place

technological fixes to increase the users' trust. Tech companies are competing every day for users by implementing new privacy tools. The companies must strengthen their websites by using web encryption. An unencrypted website could easily be compromised by cyber attacks or intelligence services to collect individual or corporate emails or records. Internet companies cannot support encryption because it's expensive. However, a web encryption by default is important when the user is browsing to protect their rights.

In the 2013 Cyber Surveillance Public Forum organized by Internet Society- San Francisco Chapter, Mr. Abdo explained that it is important to have a separate conversation about international privacy because privacy is not just a civil right; it's also a human right. All countries have raised concern about permissive laws in targeting foreigners and intelligence alliances to obtain information of own citizens by going to other countries that are spying on your citizens.

The Section 215 Metadata Program

Other revelation in 2013 was the Section 215 U.S. Telephone Metadata program, which is applicable to threats pertinent to the U.S. and involves a large amount of information. NSA stated that metadata information targets a person or entity that is a hiding terrorist and is communicating with other terrorists or supporters.

Intelligence agencies must make efforts to target and collect specific information that best tailors and serves its purpose instead of making a mass collection. NSA ensures that if you are not part of the valid intelligence target activities, then you won't get your information collected. NSA's target activities are primarily terrorism and cyber threats.

In 2013, privacy organizations petitioned to the Supreme Court to end the 215 Program. The President Review Team and Privacy and Civil Liberties Oversight Group found that the program is ineffective and exceeded legal authority, therefore it must expire. In 2014, President Obama set a date to end the NSA surveillance program that collects U.S. phone records data.

Additionally, Snowden revealed the Boundless informant program, which provides tools to track global surveillance data and vast communication intercepted in the U.S. and other targeted countries, which intentionally mislead corporate partners by entering in their systems with the excuse to enhance their security as a standard practices when the real intention is to undermine their internet and server security. It seems a tool of spying through the back doors by creating an unsafe Internet access, vulnerable to cyber attack from anybody.

Legality of NSA programs

NSA prioritized defense operation over offense. For instance, if X country accessed U.S. bank account online, then our secrets are at risk. Americans want to make sure that X country doesn't access their secrets. The U.S. is at risk because the intellectual property is fundamental for the economy in the world.

When the first open Federal Court reviewed the NSA programs case, the conclusion was that those programs were unconstitutional. Later, an independent panel considered that all those requests have not stopped an imminent terrorist attack as evidenced by reports provided.

The world is divided over Snowden's actions. Some countries have said Snowden acted heroically in favor of fundamental rights of privacy, but other countries believe he acted recklessly by putting in high risk the capabilities and U.S. security measures. The NSA has argued that they protect privacy by applying minimization procedures approved by Attorney General to trace out information that is not relevant until identify the specific target.

The revelation of Prism and the apparent collaboration of tech companies has increased data protection in the European Parliament by passing EU-US harbor framework, a full review rules for American companies operating in Europe. For instance, U.S. companies will check with EU authorities before complying with U.S. authorities' demands. Also, Brazil planed to rule Internet traffic around the U.S. by imposing tech companies to storage Brazilian's personal data in servers located within Brazil. This move could be costly for giant Internet companies.

Even though NSA programs were legitimate because all government branches authorized it, it seems that many congressmen and public reacted shocked about those programs existence and purposes. The public revelations of NSA programs caused hesitancy in citizens and the judiciary system. It indicates that for many years authorities based in trust have authorized those programs as a traditional way in order to safeguard America's fundamental rights but without fully awareness about those programs entitled in the privacy sphere.

The Federal Trade Commission

The FTC considered that the privacy and security breaches often occurred due to the poor privacy and security practices of the companies.

For instance, in the ChoicePoint case, where thieves obtained consumers' social securities from many consumers due to the poor privacy practices. FTC brought a lawsuit against this company for millions of dollars including high penalties or in Google's case when collected data through Street View other program including consumer's emails and other information without consent. FTC also has assessed penalties to tech companies in 2006 against Facebook per violation of unfair and deceptive practices. Nonetheless, FTC settled many of their cases with undersized financial settlement and tribal concessions but there are still companies that broke laws and violated our social expectations. Giant tech companies have changed their practices and adopted stronger securities measures and privacy polices.

The companies understand that privacy provides a competitive and high edge business, so nowadays they are constantly enhancing their policies and tools to protect their consumers.

Proposals

Lastly, Snowden has spoken at a few events in the form of a videoconference and video chat. He encouraged tech companies to make SSL encryption as a default for browsing the web, and proposed the creation of a Magna Carta of the internet that includes its principles and values.

President Obama has pointed out that there are security intelligence services in the world engaged in similar surveillance activities but the U.S. has in oversized range. He promised to review his intelligence gathering mechanisms so we can properly balance legitimate security and privacy concerns in the new era of big data.

Lastly, NSA confirmed working in a transparency report to be reported to the public in the same way that Internet companies report to their users. Privacy and Liberty organizations and government agencies are working together to build a consensus about legitimate response to privacy, governance, and restrictions of information. Internet companies must continue enhancing policies and advocating the rights and interests of users. However is up to us to preserve the respect of our fundamental rights and help government and organizations to make changes if it is needed and to keep the Internet safe.

Any amendments to the law must preserve the NSA surveillance abilities to target without affecting the America's rights particularly of privacy and association. For instance, the 4th and 5th Amendment must add clear restrictions in court orders in relation to acquisition of communications as well as searches and seizures.

Any democratic country has the right to trade and communicate freely in the Internet without their acts being misinterpreted by the government. The NSA's actions are justifiable to protect our nation against threats as long as the warrant or authorization is lawful, transparent and do not exceed the privacy of not targeted citizens. Otherwise NSA will be violating not only the right of privacy but also the freedom of association.

I considered that social privacy expectations are not met due to many circumstances like misinterpretation of laws, lack of regulation as well as inaction to social response. However, the backside truth is that governments and corporations have benefited from those circumstances by downloading and gathering information (relevant or not) to tailor their purposes. For example, monetize through ads or collect data for surveillance.

Today, technology is used instinctively as breathing air, so users pressed phone's keyboards to accept terms of users without previously reading them. This situation is feeding the uncertainty and privacy abuses. A judicial response must be clear to dilute uncertainty and misinterpretation. People with privacy expertise must help the judiciary members in the creation of new effective rules.

In developing countries, the active citizen participation became important when constitutional matters arise. Government and organizations must work together in promoting transparency, civil rights acknowledgement, and online education.

The Internet is a natural and intangible act that people will not truly appreciate it until they lost it. People must not giving up or trust their rights to anybody including government until they truly understand the value of them today and for future generations. Then education and open debate are the best choice.

Therefore, LLM Student Association (LLMSA) is pleased to announce the Second Cyber Surveillance Public Forum organized and funded by Internet Society, San Francisco- Bay Area Chapter on Friday, May 9th, 2014 at the SCU- Mayer Theatre (located behind the Mission Church). This event will bring experts in cyber surveillance and public policy from ACLU, CDT, media journalists, and business leaders such as Cisco, Facebook, and Google that will speak about new revelations and the impact in Silicon Valley businesses. Prof. Dorothy Glancy and other SCU Professors will be in the speaker panel. Do not miss out!

HMCE TEAMS COMPETE FAR AND NEAR!

California Bar Environmental Law Section Student Negotiations Competition

HMCE congratulates our SCU team who competed in the 15th Annual Environmental Law Student Negotiation Competition. The team of **Will McAdoo** and **Victoria Loomis** negotiated remediation and land use issues in a complex commercial transaction between two competing mining companies and the city involved.

Will and Tory placed 4th out of 20 teams at the competition, a new best for Santa Clara! The competition was held at UCLA Law on March 21, 2014. The team was sponsored by the SCU Student Bar Association. The team was coached by SCU Alum Akshay Verma, Esq. of Axiom Legal, and SCU Prof. Kenneth Manaster. The HMCE Competition Managers were Brian Kimball and Charlie Lane.

AIPLA Giles Sutherland Rich Patent Law Competition

Special congratulations to our two Patent Law teams, who both did a great job representing Santa Clara Law at the western regional rounds of the 41st Annual AIPLA Patent Law competition. The rounds were held on March 21-23, 2014 at the offices of Morrison & Foerster LLP in Palo Alto, CA. Our teams were **Cale Tolbert** and **K. Cameron**, and **Kendall Gourley-Paterson** and **Rebecca Horton**. From a competitive field of 16 teams, the team of Cale and K. advanced to the quarter-finals and won best Appellee Brief, and the team of Kendall and Becky advanced to the semi-finals.

The teams were sponsored by the SCU Law High Tech Law Institute. The coach of both teams was Fabio Marino,

Esq. of McDermott Will & Emery, and the HMCE Competition Manager was Michelle Ton.

International Law Teams Compete!

Thanks to the sponsorship of the Center for Global Law and Policy, these three teams recently represented Santa Clara at premier international law competitions:

Santa Clara recently sent a team to the Pacific Region rounds of the 55th Annual Jessup International Law Competition,



John Fox, Diego Aviles, and Carlin Lozinsky pose upon their arrival in Lisbon.

which was hosted by Lewis & Clark Law School in Portland, Oregon. Santa Clara was well-represented by **Ralitza Dineva**, **Giovanni Avelar**, **Heather Maslowski**, and **Nicole Deterding**, who battled 18 other teams in the rigorous oral competition, held February 27-March 2, 2014. The team was coached by SCU Alum, and former HMCE competitor, Michael Wiesner, Esq., of Royse Law Group. Their HMCE Competition Managers were Sophia Areias and Melissa Hoff.

Over Spring Break, **John Fox**, **Diego Aviles**, and **Carlin Lozinsky** represented SCU at the 26th Edition of

the Pictet International Humanitarian Law Competition in Lisbon, Portugal. Our team narrowly missed making the semi-final rounds! In this role-playing competition, teams must demonstrate their command of international humanitarian law and principles of international human rights by advising or advocating in a series of simulations. Only 24 teams out of the 48 applying were selected to compete each year, and we are proud that Santa Clara was one of them. The team was coached by Claudia Josi, SCU LLM and former Pictete. The team's HMCE Competition Managers were Sophia Areias and Joe Tursi.

From March 12-15, 2014, **Max Laettner**, **Kambrie Keith**, and **Aihui Su** represented SCU at the Clara Barton International Humanitarian Law Competition in Washington, DC. This was the first year for the competition, sponsored by the American Red Cross, and is modeled on the Pictet competition as a role-playing simulation dealing with the law of war and international humanitarian law principles. Only 16 teams were selected to attend, and Santa Clara is proud to be one of the inaugural teams competing. Our team was coached by Claudia Josi, SCU LLM. The team's HMCE Competition Managers were Sophia Areias and Joe Tursi.

More recent news!

Asylum Team Congratulations to the Asylum and Refugee Law Moot Court team that competed the weekend of March 15-16, 2014 at UC Davis School of Law at the 7th Annual National Competition! The team of Leila Seed and David Cello was led by their fearless leader, Professor

Evangeline Abriel. The team performed excellently throughout the competition. This is an extremely difficult competition and we are proud of our competitors for making Santa Clara School of Law shine! Their HMCE Competition Manager was Karla De La Torre.

HMCE Announces Incoming Executive Board for 2014-2015

Please join us in congratulating the incoming 2014-2015 Santa Clara Law School HMCE Board!

Director: William McAdoo
Competition Chair: Nellie Amjadi
Competition Managers:

Diana Lorenz
Diego Aviles
Giovanni Avelar
Megan Gritsch
Michael Manoukian
Rebecca Horton
Rebecca Sullivan
Steve Chao

The 2013-2014 HMCE Board thanks the entire law school for another successful year for Honors Moot Court External! The team competitors, coaches, and board members could not have accomplished what we did this year without the support and commitment of our fellow students, the law faculty, and the administration. Thank you for a great year! At this writing, only one more team is left to compete!

Director: Steve Otero
Assistant Director: John Belisle
Competition Chairs: Amanda Donson and Huma Ellahie
Competition Managers: Allison Fung, Brian Kimball, Gam Galindo, Charlie Lane, Joe Tursi, Karla De La Torre, Huma Ellahie, Melissa Hoff, Michelle Ton, Natalie Kirkish, Sophia Areias;
Board member-at-large: Frits Van Der Hoek.
Prof. Karin Carter, Adviser

MY REFLECTIONS ON THE TRIP TO EL SALVADOR

By **Hazella Bowmani**
Staff Writer

My conscience drives me to be honest about my experience in El Salvador, even if it means my words may never make it into promotional material for the school.

It is difficult to put my experience into words (it took several tries to get this piece complete). I found it one of the most conflicting and challenging experiences for me, although not in the way that it probably is for most people who participate.

As a non-violent vegan in a carnist world, I have had to learn how to cope with society's indifference to casual violence and death in our food systems, entertainment, and politics. Yet hearing our speakers talk of the brutality, bloodlust, and vengeance of El Salvador's civil war in made me feel frustrated. At moments, this frustration grew into helplessness as I sat listening to youth talk about their fear of attending school because of gang violence, or watched as we drove past building after building bound in barbed

wire and guarded by armed men.

I admire the people who risked and lost their lives for justice in El Salvador, yet wonder how they would feel if they could see the violence and impunity that continues today. Even the most decent of people, those who survived and continue



The rose garden grown where the Jesuit priests were found murdered.

to fight for peace and human rights—even they perpetuate systemic violence against the most vulnerable and helpless. Machismo means men can beat their wives as they see fit. Intergenerational trauma means parents beat their kids

for discipline. And carnism, the eating of other animals for pleasure, means that entire societies are formed around the torture and death of other sentient creatures. These contradictions, which no one else seemed to notice, unnerved me the entire time I was in El Salvador.

Throughout this trip, I thought to myself: why should I dedicate my life to social justice when people are so callous? What makes humanity worth the trouble?

Our travel group was no better, whether it was delighting in experiences of eating what they called "gross foods" (animal fetuses and body parts that are uncommon to American cuisine), crushing insects that were inconvenient, or coming back to the retreat center to a familiar meal of cow, chicken, or some other appropriately exploitable being. Perhaps it was the extremeness of violence, the seeming disregard for life that we were steeped in that allowed us to ignore the connection between killing for power in the context of war and killing for pleasure in our everyday lives.

The trip was not billed as a mission

trip. We had no real agenda or motive to push—We simply came to "walk in solidarity" with the Salvadorans. But what does that mean? Does "solidarity" mean that we may listen to gripping tales of mass rape, disappearances, torture, and killings, and then sit comfortably to a dinner of roasted flesh? Does "solidarity" mean we should stop at Walmart to purchase toys and chocolate made by slaves in China and West Africa to give to children of the poor community collective in Tocluca? Does "solidarity" mean that we can go to El Salvador, listen, nod, and close each session with mucho gusto, then fly back to the United States, back to the privileges we enjoy without questioning them or altering our behavior? We never properly reflected upon why we came, or what good it did for a bunch of Americans to listen to how our government financed a war of terror in this Central American nation. My trip to El Salvador would have benefitted from such a discussion, and perhaps I may have found the answer to my question: why should I do social justice? For now, I will let my personal feelings guide me—that it is the right thing to do and it keeps my heart at peace—until I find a satisfying answer.

Back From the Dead

NBA Announces Plan to Adopt BCS to Determine Basketball Champion

By Michael Bedolla
Sports Editor

Yesterday, the NBA announced a sweeping overhaul of its playoff system and its method to determine its champion, abandoning the traditional playoff bracket in favor of a system similar to college football's Bowl Championship Series (BCS). Beginning this season, the NBA champion will be determined by an incomprehensible system of computer equations and polls to select the two teams that will compete against each other in the NBA Finals. The computers that calculated the BCS standings for the NCAA for the past 16 years are to be immediately transferred to NBA headquarters in New York where they will assume their new role in determining a national basketball champion.

Over the past several seasons, the NBA playoffs have deteriorated into a mundane and pointless two-month long affair. Because the top seeds in the NBA almost always triumph, league executives felt having a four-round, 16-team playoff scheme admitted too many mediocre teams and only risked upsets and unexpected injuries to the superstars on those elite teams for whom the NBA championship is reserved. Miami Heat superstar LeBron James admitted as much, saying, "the last thing anyone wants to see in the playoffs is the unexpected."

The mechanics of the NBA's revamped system would be analogous to the BCS, ranking all 32 NBA teams through a series of subjective polls, and then pairing off teams in a largely nonsensical and arbitrary pattern until four 2-team playoff series are established. The NBA has expressed optimism that the league could benefit from the BCS's established legacy of myriad obnoxious debates amongst sports commentators, petty bickering about poll rankings, and tedious discussions

of statistics inputted into computer equations. Senior VP of Marketing, Melissa Brenner, said that the new system "will not only give players months to rest and recuperate in nightclubs around the country before the championship series, but we can keep the locations away from backwater sites like Indianapolis or Oakland, and the league will profit by selling naming rights and sponsorships for the [non-championship] series."

The NBA emphatically believes that the BCS is a superior method to determine a champion for the league. "Everybody knows that the Heat will make it out of the East, and either the [Oklahoma City] Thunder

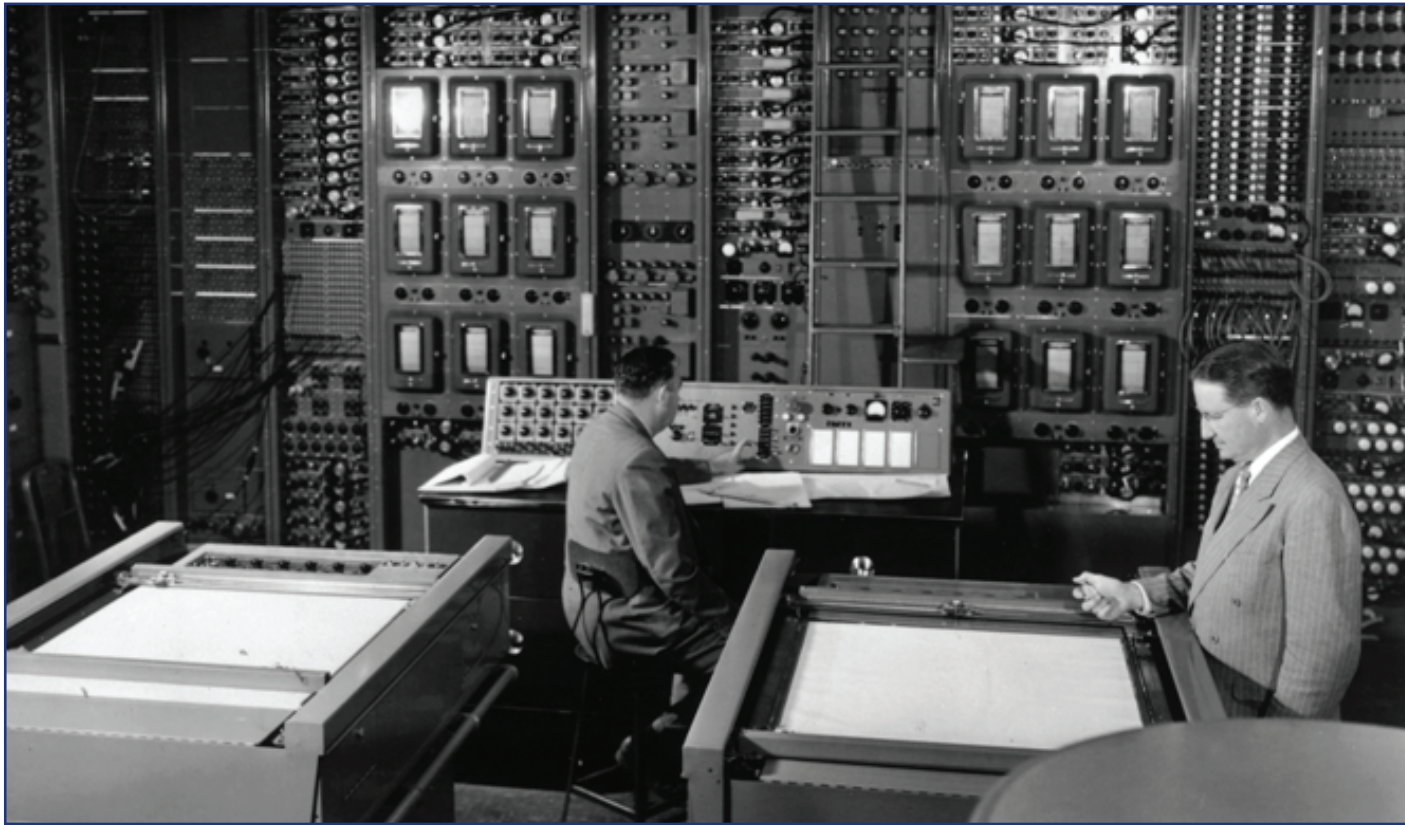
regular fans of both teams will be kept safely away while corporate executives and celebrities fill the stands. When asked why the Heat leapfrogged the Indiana Pacers, despite the latter's superior record in both overall wins-and-losses and head-to-head victories, Heat head coach Eric Spoelstra said his team had a stronger strength of schedule, and that the highlight reel dunks of James, Dwayne Wade, and Chris Bosh gave his team the "style points" needed to overcome those statistical deficiencies.

The new system would see the other four division winners - the Los Angeles Clippers, the Toronto Raptors, the Thunder, and the Pacers - each guaranteed a postseason series, and the league would then select two non-division winners as "at-large" bids - currently projected to be the Houston Rockets and Portland Trailblazers. The two at-large teams, the Rockets and Trailblazers, would play first in the Walmart Series at Dallas' American Airlines Center. The American Express Series would begin next, with the Clippers challenges the Thunder in Chicago's United Center, followed by the Raptors and Pacers battling for the Microsoft Trophy at the Staples Center in Los Angeles.

"We still have some kinks to work out," said

head of Basketball Operations Rod Thorn. "For one thing, when we were doing our calculations for the championship, the computers kept having the Heat always playing some team from the SEC."

The NBA believes that fans will respond positively to the elimination of the playoff system. Commissioner Silver concluded the press conference by observing that "if people want to see back-and-forth struggles, thrilling non-stop gameplay, and underdogs vanquishing superpowers, they can just watch that over in the NHL. This is the NBA: our fans only care about watching the two teams they expected playing to a largely preordained outcome."



BCS computers and technicians are now hard at work selecting the participants for this year's NBA Championship Series

or the [San Antonio] Spurs out of the West, so why not just arrange to have those two teams play each other and be done with it," asked new NBA Commissioner Adam Silver. And while the BCS system had its detractors, both the NCAA and the NBA tout the system's success in allowing a monopolistic sports power to declare one team a champion without the interference of actual gameplay to contradict the wishes of high-level executives.

Under the new system, the Heat would play the Spurs in the NBA Championship Series. The entire best-of-seven series will be played at New York's Madison Square Garden, ensuring that, much like the Super Bowl, most

HMCI Final Round

All students and faculty are invited to watch!



Semi Finalists: AJ Bastida & Marisela Sandoval
Lisa Greenburg & Lara Awad
Lucy Gaines & Heather Rosen
Jennifer Scharre & Bobby Khalajestani

Judges: Honorable Paul Grewal (N.D. Cal)
Dean Lisa A. Kloppenberg
Associate Dean Bradley Joondeph

When: Thursday, April 3, at 6:00 p.m.

Where: Music Recital Hall

