



SCU Law Alumni Honor Community Achievement

By Nikki Webster
Senior Editor

Although the dictionary defines 'achieve' as "to bring to a successful end," Father Paul Goda, Santa Clara Law professor emeritus, proposed an alternative definition in his invocation of this year's Santa Clara Alumni Celebration of Achievement ceremony. The Santa Clara Law community continuously achieves in its devotion to positively impacting the legal profession and the broader community at large.

On Saturday, March 14th, the Fairmont Hotel Regency Ballroom buzzed with nearly 350 members of the Santa Clara Law community. Law students, local practitioners, alumni, professors, and award recipients' families gathered to honor this year's esteemed individuals for embodying "conscience, competence, and compassion." Second year law student Sasha Demienne commented that even in the context of such a large, accomplished group, the eve felt surprisingly intimate.



The Honorable Socrates P. Manoukian receives the Amicus Award.

Photo Credit: Nancy Martin

Even more notable than the vibrant atmosphere was the powerful theme that emerged over the course of the evening. Kevin Albanese, a 2015 honoree, succinctly stated, "It's the people you touch that define life's journeys." The people of Santa Clara Law achieve through giving.

Professor Gerald Uelmen, our dean from 1986 to 1994, explained to me that people stay with our law school because it is like a family, because people treat each other with love. Retired Judge Robert Yonts, who now serves as a JAMS arbitrator, echoed that the alumni have a desire to help people. Art Plank, retired litigation shareholder from Hopkins & Carley, told me, "Giving back to the community is what you ought to do as a lawyer."

This year's award recipients epitomize the spirit of our community. Notably, the recipients comprise a range of professional types, including private practitioner, professor, judge, and CEO. More importantly, each has made significant beneficial contributions to their respective communities.

In recognition of their remarkable achievements, the 2014 honorees presented this year's four Alumni Awards:

Paul 'Chip' Lion, III, J.D. '82, *magna cum laude*, received the Alumni Special Achievement Award. Currently a partner in Morrison & Foerster's

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HTLI Hosts Fifth Annual Internet Law Works-in-Progress Conference

By Hannah Yang
Business Editor

On Saturday, March 7th, while law school students were drinking up the final hours of spring break, the High Tech Law Institute hosted the Internet Law Works-In-Progress conference. The conference is sponsored by Santa Clara University School of Law and the Institute for Information Law and Policy at the New York Law School. Now celebrating its fifth year, over fifty attendees (representing seventeen states, Washington D.C., and seven other countries on five continents) spent the day on campus, engaging in presentations on topics such as "Cybersecurity," "Patents," and "Analog to Digital." This year's participants included speakers from educational institutions, such as our own Santa Clara University School of Law, Stanford Law School, Georgetown Law, and National Chengchi University (Taiwan), as well as law firms such as Cooley, Jones Day, and Field Fisher Waterhouse.

Professor Eric Goldman, Co-Director of the High Tech Law Institute, stated, "The event has two main purposes. First, the event creates a space for scholars to get peer input on their draft papers that will help improve the final version. Second, the event builds and strengthens the community of Internet Law Scholars." These purposes aid and affect each other:



Fifth Annual Internet Law Works-in-Progress Conference Attendees – Photo: Eric Goldman

the environment of the free exchange of ideas and the opportunity for direct, immediate feedback from respected colleagues provides the basis upon which lasting relationships are built. Both new and established scholars alike are able to engage in stimulating academic conversation, while enjoying the company of those with shared interests.

In achieving these goals, the Internet Law Works-In-Progress conference was a one-day, jam-packed event. In addition to the myriad presentations and discussions, the attendees were also treated to a sunny campus tour around the university. Keeping true to the "Truckin' Down the Information Superhighway" theme, attendees enjoyed dinner from Santa Clara University's own Pony Express food truck featuring a

of popular games such as Cards Against Humanity and Settlers of Catan.

Planning the Internet Law Works-In-Progress Conference took a full year, and the planning for next year's conference, scheduled for March 5, 2016 at the New York Law School in Manhattan, has already begun. This year's event could not have been achieved without the efforts and expertise of Professor Goldman, Joy Peacock, and Dorice Kunis of the High Tech Law Institute. Professor Goldman would also like to thank the student timekeepers who did a great job. The success of this event and events similar to this are a continued source of vitality for the Santa Clara Law community and beyond.

Star Wars inspired menu (because who doesn't love Star Wars – and also because a truck-themed menu is harder to come up with than you'd think). Finally, to cap off the day's events, the attendees were treated to a game night. This was not just your average game night, but a game night on a game truck. Professor Goldman noted, "The conference's real highlight is game night. As the maxim might go, scholars who play together, stay together." The game truck featured both contemporary and vintage video games, with something to satisfy all video game tastes. Additionally, attendees themselves hosted rounds

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SCU Law Alumni Awards Continued...



Professor Cynthia Mertens poses after receiving the Lawyer of the Year Award. Photo: Nancy Martin

Corporate Finance Group, Lion is a lead innovator in corporate governance and nationally recognized for his work with LLCs. Prior SCU Law adjunct lecturer, Lion is currently chair of the ABA Business Law Section.

Professor Cynthia Mertens received the Edwin J. Owens Lawyer of the Year Award. She has dedicated four decades to Santa Clara Law, as professor and twice as Associate Dean of Academic Affairs. Mertens has also contributed countless hours as Executive Director of the Katherine & George Alexander Law Center and leader of social justice immersion trips to El Salvador.

Honorable Socrates P. Manoukian received the Santa Clara Law Amicus

Award. Judge Manoukian presides in Santa Clara County Superior Court, where he has trained over 200 student externs during his 22 years on the bench. Additionally, Judge Manoukian teaches California Civil Procedure at Santa Clara Law, where he enjoys our law students' collaborative spirit.

Kevin Albanese, J.D. '08, received the Young Alumni Rising Star Award. *Magna cum laude* graduate of SCU Law's part-time program, Albanese is now President and CEO of Joseph J. Albanese, Inc., a commercial concrete and general engineering contractor. Albanese also serves as Trustee for the Operating Engineers Local 3 Trust Funds and is on the Contractors State License Board.

For full coverage of the 2015 honorees'

laudable achievements, visit <http://law.scu.edu/alumni/celebration-of-achievement-past-award-winners/> and <http://law.scu.edu/alumni/alumni-awards/> for Alumni Award information.

Several [generous sponsors](#) supported the 2015 Celebration of Achievement ceremony. Morrison Foerster, Joseph J. Albanese, Inc., and Womble Carlyle provided the most significant contributions, followed by Devcon Construction, Inc., McCurdy Fuller Ruetters LLP, Heritage Bank, Littler, and Hopkins & Carley. Thank you, sponsors, honorees, and SCU Law community members who achieve through service to others.

Rumor Mill with Dean Erwin

By Susan Erwin

Senior Assistant Dean

As I write this, the ABA Site Inspection Team is here visiting classes and stopping folks in the hallway to ask about SCU. I don't know what the final report will say, but I can tell you that the team is really impressed by you all right now! A couple members of the team have reported that our community is just so nice and collegial and supportive of each other. They said that every student they talked to has had nothing but positive comments about the law school. The students really like their professors and the professors really like their students. It's been really nice to hear all of these comments that validate my opinions of our community!

We are also in the middle of Academic Advising Week. Reports so far indicate that other than the mandatory event, the rest of the events have had low turnouts. We have spent many years fine tuning Academic Advising Week and I think we have it packed full of really helpful information for you all. If you have any thoughts about how we can make it better (at least good enough to make you want to attend), please let me know. The goal here is to be helpful –

Dear Rumor Mill – Any comment about the US News Rankings?

Per Dean Kloppenberg:

U.S. News has released its annual rankings of U.S. law schools, and I'm pleased to let you know that Santa Clara Law was ranked 94th, an

improvement of 13 spots from last year's ranking of 107th. In addition, our specialty ranking for Intellectual Property Law was 4th, behind only Berkeley, Stanford, and NYU; our ranking for law student diversity was 14th; and our ranking among part-time programs was 35th.

We continue to build upon the Santa Clara Law tradition with a renewed focus on skills, competencies and experiential learning – as well as our new building project – that will produce outstanding graduates and further enhance our reputation as the Law School of Silicon Valley.

Dear Rumor Mill – Do we have a number nine?

NO! Yay! We made it through another Barristers Ball without an incident! It really was impressive watching everyone look out for each other all night. Congratulations to the SBA for a job very well done!

I was at Barristers and everything was fine! Why do you waste so much time on all of this number nine stuff? What we do on our own time is our business!

You are right. What you do is up to you. If your behavior now makes it difficult or even impossible for you to be a lawyer later, and we could have prevented it, then I think it becomes our business. We will risk being slightly annoying now if it prevents big problems for you later.

Keep in mind that your behavior right now has long term effects on your reputation. Picture this: You are an attorney working in a big law

firm 10 years from now and in walks one of your classmates from good old SCU Law looking for a job. You haven't seen him in 10 years. What do you do? You start thinking about law school and about this person's behavior in law school and make a judgement about his trustworthiness. Be honest, would you trust the person who walked around barristers picking up all of the half-consumed wine bottles and hiding them in his jacket? How about the girl who asked you to share your answers on the take home? Or the guy that was always, always at the hut? Or the walking encyclopedia of inappropriate jokes? Would you hire any of these people? What you do on your own time *is your* business. And someday it will matter *to your* business. Listen to us now, believe us later . . .

Dear Rumor Mill – why are there only 2 Advocacy classes this summer?

We have a smaller 1L class. And enrollments have been down the last couple of summers. Therefore, we are guessing that we will need 2 or 3 advocacy classes this summer. We will start with 2 and if we have wait lists, will start looking for another prof.

Heard any rumors lately? If so, send me an email – serwin@scu.edu

Santa Clara Law Ranked #94 by U.S. News & World Report

By Lindsey Kearney
Associate Editor

The ubiquitous U.S. News & World Reports law school rankings for the academic year 2016 were published in early March. SCU Law has regained its footing in the top 100, celebrating a 13-spot climb to #94 from its previously-ranked position at #107. Santa Clara Law also cemented its status for intellectual property law, ranking 4th in the nation behind only Berkeley, Stanford, and NYU. Furthermore, SCU Law ranked 14th for student diversity, and 35 for its part-time program.

The top-ranked schools remained fairly intact, with Yale, Harvard, and Stanford continuing to occupy the top three positions, Berkeley and Duke each climbing a spot within the top ten, and Michigan and Georgetown each sliding a spot down. In fact, the top seven ranked law schools are exactly the same as last year's—except that Harvard and Stanford are now tied at #2, rather than being second and third, respectively.

Ties:

Curiously, this year's rankings were ridden with ties to an even greater extent than is normal for USNWR rankings. Popular legal industry commentary website Above the Law described the rankings as "A gigantic rankings orgy, with nothing but ties, ties, and more ties." In fact, SCU shares its position at #94 with seven other schools in an

astounding eight-way tie.

Change in Methodology:

The rankings are (and have been) based on a weighted average of twelve measures of quality, including peer assessment by law school deans and faculty chairs, assessment by lawyers and judges, selectivity, job placement success, and bar passage rate.

In the USNWR ranking methodology, job placement success is an important factor, making up 18% of a school's overall ranking. According to Robert Morse, commentator on rankings



methodology for U.S. News, the job placement success metric is determined by calculating employment rates for graduates at graduation, which count for 4% of the overall ranking, and at nine months after graduation, which count for 14%.

Starting with this year's rankings, however, U.S. News has changed its methodology so that law schools receive less credit for employing their own graduates. The new methodology discounts the value of post-law school jobs in cases where the job was funded by the law school or the university.

Previously, these types of jobs had been afforded full weight in the rankings assessment, in the same way that a job at a law firm or in government would be.

What the Rankings Mean for SCU Law Students:

It is, of course, nice to be back in the top 100; receiving positive recognition is a pleasantry that humans have long reveled in. At the same time, while it is not per se valid to write the USNWR rankings off as arbitrary, the rankings do not mean what many people interpret

them to mean for our futures, job prospects, and overall career success. Explains Kyle McEntee of Law School Transparency, "Only a handful of schools have a truly national reach in job placement. The rest have a regional, in-state, or even just local reach."

Outside of the top 10, maybe top 20 elite law schools, the rankings probably don't actually reflect much useful information about the quality of an individual law school. For example, the University of Arkansas School of Law is ranked considerably higher than SCU Law. However, if two candidates

apply for a job at a large or medium Palo Alto or San Francisco law firm, both with functionally equal credentials, one from Arkansas Law and one from SCU Law, the bets on the table would almost certainly reflect the SCU lawyer as the favorite. Why? Because of the importance of a local network: hiring partners at a Bay Area firm are likely to have many friends, neighbors, colleagues, opposing counselors, bar association contacts, etc. who are SCU alumni. No hiring partner is going to look at two applications and opt for the Arkansas student simply because their school is ranked in the mid-seventies, which is twenty positions higher than SCU.

The bottom line about rankings seems to remain consistent among analysts, columnists, attorneys, judges, and those in the legal field. The rankings of the top ten law schools matter. If a law school is unranked, or "ranked alphabetically" (#150 and lower), that might matter. For the remainder of law schools resting comfortably in the middle? Not so much. Congrats to SCU for making it back into the top 100, but ultimately we are doing alright in our Bay Area job market, and will almost certainly remain so whether our ranking is #107, #67, or #94.

Seismic Shift Coming to SCU Law's Library

By Whitney Alexander & Prano Amjadi
Co-Directors of Heafey Law Library

These are turbulent times. As change is sweeping through legal education, libraries are also experiencing tremendous reorganization brought on by many factors including digitization. Combine both these change agents, and you will find the makings of a very different law library.

A seismic shift is occurring that moves the focus from gathering large collections of books to offering a broad range of services. The concept of 'library' is undergoing a transition to an array of patron services rather than a physical place. In law libraries, this was first evident in the firm environment, as large showcase libraries were reduced to smaller, utilitarian operations. In recent years, academic law libraries have given up space and removed thousands of volumes from their collections to make way for this new library of the 21st Century.

Heafey Law Library is no different; change is happening. For the first time in more than 40 years, the library has a new leadership team. Whitney Alexander and Prano Amjadi, the library's new co-directors, have hit the floor running with changes in services, physical structure, staffing, and the collection.

Library Services

The most evident change is the move to one service desk. Information Services, formerly known as Circulation, is the place to go for assistance with any library services. The hardworking staff in Information Services will help

you directly, or refer you to Research Services librarians if needed. The Research Services department no longer has a service desk. The doors are open, and you can walk in to speak directly with a librarian during most hours that the library is open. You can also schedule an appointment with a specific librarian, or chat and email online. Next fall, the library will institute a Personal Librarian program which will assign a librarian to support each incoming student to support their research and educational needs.

The library is bringing more and more services to your fingertips so they are available when you need them. Interlibrary loan and Link+ requests are self service; and most journal and chapter requests are delivered electronically. A myriad of legal databases can be accessed anywhere you have an internet connection. Research guides and tutorials can walk you through research steps on your own. The library is also devoting more time and staffing to develop the institutional repository, Santa Clara Law Digital Commons. The repository houses the three student journals, faculty scholarship, student theses, and law school historical and archival information.

Librarians as Teachers

With ABA standards requiring more hours of skills courses, the librarians are ready to offer more Advanced Legal Research courses in the future. Nearly 56% of first-year associates report their firm expected strong research skills but did not provide formal legal research

training. This summer the first online Advanced Legal Research course will be offered. No matter where you are this summer you can take this skills course to help you in your summer internship or job. Aside from the general Advanced Legal Research course, there will also be regular offerings for Intellectual Property and Foreign, Comparative and International Law research training as well.

Physical Changes

This past summer the library undertook several construction projects:

- The Toso computer lab was relocated to the second floor to make way for a new library administrative suite.

- The new lab upstairs now has four docking stations that allow you to hook up your laptop to a monitor and keyboard.

- The state materials on the second floor were assessed and largely recycled, and the shelving was removed to expand the area for more study space.

- The study carrels in the main reading room were relocated to allow for casual soft seating in the main reading room, to allow this area used for more collaborative projects and small group meetings.

Staffing

The library was definitely affected by the law school restructuring last spring. It was very fortunate that the reduction occurred through attrition, but the library has eliminated almost one quarter of its staff and reduced student worker hours by nearly one half. This necessitated a minor reduction in library hours, but overall, all services have been

maintained. Other staff positions were reconfigured to reflect the reduction in book ordering and processing and increased emphasis on digital imaging and metadata management.

Collection

Last summer the collection of materials for other states was recycled; now, with the exception of California, all state materials are available only online. As materials are cleared out of the remote storage location, many of the law journals that are available online will also be eliminated. The reasons for the reduction of the collection are two-pronged: first, the need to reduce expenses, so we're not paying for duplication of materials, and second, to prepare for the smaller space the library will have in the new building.

Your Thoughts?

What has not changed is the Library staff's dedication to seeing you succeed in law school and law practice. The goal is to make the center of the library more inviting for gentle conversation, collaboration, and teaching, with the outlying areas remaining quiet study space. The library is soliciting student ideas for changes that would make the library feel more like 'your' library. As the library confronts more changes over the next few years, the library staff would like to partner with you to ensure that the library is providing services and resources that are relevant to your educational and research needs.

IAPP PRIVACY SUMMIT BRINGS PERSPECTIVE TO SAFE HARBOR

By Sona Makker
Privacy Editor

Last week, I had the opportunity to attend the [International Association of Privacy Professionals](#)' largest event of the year—the Global Privacy Summit in Washington D.C. Starting with Glenn Greenwald's (the Guardian reporter who broke the Snowden/NSA story) [keynote speech](#) and continuing into the workshop sessions, one of the reoccurring themes at the conference focused on one question in particular: how can companies tackle the challenges that will arise as more countries around the world adopt data protection and data residency laws?

According to [Fieldfisher](#), in 2011, 76 countries had data protection laws, and by September 2013, that number rose to 101 countries, with at least 20 more countries with data protection bills on the books. "The trend is clear – the adoption of data privacy laws is accelerating worldwide; and, with that, so too will the adoption of data residency rules," says Phil Lee, a Partner in the Fieldfisher's Information Privacy Group who presented on the topic at the conference. "Data residency" refers to data protection laws that prohibit companies from transferring personal data outside of their country or region unless certain legal standards are met. These types of policies are generally directed at specific types of data, such as government data or personal



FTC Chairwoman Edith Ramirez speaks w/ Marc Groman at the IAPP Privacy Summit

data, but some target all domestic data. Several countries, including Canada and Indonesia, have adopted data localization laws for national security-related data. In Australia, data localization prohibits the storage of digital health records of Australian citizens from being stored abroad. Another example is the Personal Information Protection Act in South Korea, which requires companies to obtain consent from the individuals associated with particular datasets ("the data subject") prior to any export of any kind of personal data. The most well known example of a data residency law is the EU's Data Protection Directive,

which prohibits the transfer of personal data to recipients outside of the EU unless they ensure an "adequate" level of protection for the personal data. But wait, you're thinking, what's all the fuss, isn't that what Safe Harbor is for?

Under the Safe Harbor agreement, EU citizens' data can be transferred to U.S. companies if they voluntarily self-certify to uphold certain data protection obligations. This is legally binding and enforced by the Federal Trade Commission in the U.S. When it was implemented in 2000, it was considered a practical, cost-effective solution for companies involved in the collection of personal data of European

Union residents, but today, Safe Harbor is under attack. The Snowden revelations stirred up a lot of concern in the EU about government surveillance and has led to a general disposition of distrust toward Silicon Valley technology companies, and thus, sharp critique of the adequacy of the Safe Harbor framework. And in case you've been following the Max Schrems case, the Austrian law student who began Europe-v-Facebook (who also did a short stint here at SCU!), you'll know that the fate of Safe Harbor could now lie in the hands of European Court of Justice who agreed to hear Schrem's case. The issue in that case is whether the U.S. intelligence programs, revealed by Edward Snowden, that involve sharing of EU citizen data with organizations such as the NSA, violate the fundamental rights EU citizens. If the answer to that is yes, then Safe Harbor could be invalidated.

It's become clear that the issues of cross border data flow and data residency are no longer just privacy issues, but are deeply political ones too. What's an aspiring privacy lawyer to do in the face of all of this political and legal uncertainty? Keep up with the debates, my friend. The outcome of the Max Schrems decision could lead to varying interpretations of the validity of Safe Harbor which means it's time to start looking into other solutions, as countries around the globe continue to adopt data privacy and residency laws.

RUSSIA'S NEW DATA LOCALIZATION LAW BYTES

By Brent Tuttle
Managing Editor

From March 3rd-5th, privacy professionals from around the world flocked to Washington D.C. for the [IAPP's Global Privacy Summit](#). While the Summit's three day schedule was jam-packed with seminars, workshops, and keynote presentations, one meeting in particular drew a larger than normal audience: "Managing Privacy: The Tension between Global Systems and Local Law."

The panel consisted of four speakers, but the bulk of the discussion centered around Russia's new data localization law. Vera Shaftan, a Senior Associate with Norton Rose Fulbright's Moscow office was there to present on this topic and take questions.

In sum, the kind folk of the Kremlin have decided that due to "national security" concerns, all Internet and other companies collecting personal information on Russian citizens will be required to store that data locally within the borders of Russia.

Titled Federal Law No. 242-FZ, the law was originally slated to take effect September 1, 2016, but recent developments in the State Duma, the lower chamber of the Russian parliament, have accelerated the implementation date to September 1, 2015.

The law has many Internet companies and multinational corporations raising their eyebrows for a variety of reasons. While the legislation is still a working draft, it is full of ambiguous wording and lack of proper explanations from

the Russian data protection authority, Roskomnadzor. Furthermore, it's clear that the motive behind the law stems back to geopolitical tension with the West; Russia is using this legislation as an opportunity to try and gain some leverage against the U.S. and the tech behemoths that it houses.

Federal Law No. 242-FZ is

service with no physical presence in the country? It isn't clear at this point, which is leaving many companies very nervous.

Another talking point that is the source of many headaches relates to cross border data flows and parallel storage. The law allegedly does not prohibit the free flow of Russian citizen data to other regions, but at the same

How the Russian authorities think this law is technically feasible, I have no idea. If Russian data is permitted to transfer outside of the country, it will be at least temporarily stored elsewhere, leaving the practicable elements of the law's free flowing data transfers but prohibited parallel storage a mystery. What's not a mystery is the fact the implementation of this law as it stands now will be a nightmare for many companies.

From a policy perspective, this legislation represents the balkanization of the Internet. Russia is already a very difficult business climate to navigate. Poorly thought out laws like this will put substantial burdens on many companies through increased costs and very, very complex (if not impossible) compliance systems. In addition, the enforceability of this law is going to be equally as troublesome as its implementation.

Presently the Russian data protection authority Roskomnadzor has the power to issue fairly weak fines (\$250). However, several commentators have suggested that these fines will likely increase as the law looms on the horizon. Most importantly though, this new law opens the door for the Russian authorities to blacklist websites they deem to be out of compliance. Along those lines, some believe that this legislation will be used as a tool for censorship. It could create a quasi-legal basis to shut down sites like Facebook, Twitter, and YouTube, which are seen by some Russians as crucial platforms for dissent. At this point it's too early to say anything, but comrade, it don't look good.

**FROM
RUSSIA
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premiered on the collection and processing of personal data to ensure that any recording, systematization, accumulation, rectification, and extraction of Russian citizens data takes place in Russia, but it isn't exactly clear who the law actually applies to. If your company has a physical presence in Russia, then the law applies. But what about a U.S. or other foreign web

time it appears to prohibit parallel storage, meaning that an airline or a company like Facebook would not be allowed to store Russian citizen data in both the United States and Russia. Furthermore, imagine an HR department for a global multinational corporation. Are they now only allowed to store their Russian employees' data within the country? We don't know.

OFFICE HOURS UNWOUND



David G. Yosifon
Associate Professor of Law

Areas of Specialization:
Business Law, Legal Ethics,
Legal Theory

Education:
-J.D., Harvard Law School
-M.A., Carnegie Mellon
University
-B.A., Rutgers University

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

I wanted to be a politician. But I turned out to be more introverted than I had anticipated.

2. What was your favorite course from law school and why?

Torts. It was in my first semester Torts class that I met my mentor, co-author, and great friend, Professor Jon Hanson. In that class Hanson introduced me to law and economics, social psychology in law, humor in law, morality, energy, enthusiasm and hard work in law. My career would not have happened without that course.

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

I note that this question does not ask about writers or filmmakers, but characters. Right now I am relating to Yossarian in *Catch-22*, by Joseph Heller, which I'm almost finished reading. His sensitivity to the absurdity of his situation is challenging to my (very human) tendency to find coherence and normalcy in the world around me. In film, Luke Skywalker, of course. The will for the journey, the openness to the Force, the loyalty to his friends and the principles of the Old Republic.

4. What is your favorite source, (news / journal / legal blog / other) for keeping current with the law?

[Professor Bainbridge's blog](#) is essential for corporate law and theory. The Legal Ethics Forum is imperative for developments in legal ethics. I try to resist too much pressure to "keep current." There is a tension between keeping current and going deep. Both are crucial.

5. What is your favorite guilty pleasure?

Chocolate chip cookies. And bourbon.

6. What was your favorite job (externship/ clerkship/ fellowship/ associate position) that you had while in law school and why?

I started out as a research assistant for Professor Hanson, who was serving as an expert witness for the plaintiffs in a major tobacco litigation. I studied discovery produced from the tobacco firms and flew all over the country with Hanson developing his opinion. Our later theoretical work together would grow out of the study we undertook for that case.

7. In light of the upcoming MPRE test that many SCU law students are taking, what is the most common or significant ethical issue you have encountered in the legal profession; and why is it so common or significant?

As a legal ethics professor, the ethical issue that I most commonly encounter is students coming to me to discuss a concern they have in

connection with their "moral character" application to the bar. It is a stressful aspect of bar admission for many students, largely because the bar has not been transparent about what kind of conduct will disqualify an applicant on "moral character" grounds. To some extent this is inevitable, because "moral character" is an inevitably imprecise quality, and yet despite its imprecision it may still be a quality that we require of lawyers. But I think the process, as presently constituted, is unfair and unduly stressful for applicants. There is also the question of confidentiality and privilege when I have these conversations with students. I voluntarily accept a confidentiality obligation when talking with students about moral character concerns, but I also make clear that we are not in an attorney-client relationship, and thus the conversation is not privileged. I think that the bar should consider allowing communications between law professors and students about professionalism issues to be privileged.

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

Citizens United has posed an enormous challenge to conventional corporate theory. Academics will be grappling with the implications of that opinion, or any reforms that are achieved to deal with the opinion, for many years to come.

9. What do you consider your greatest professional success?

The best is yet to come! I think that my scholarship insisting that *Citizens United* poses fundamental challenges to canonical justifications for the legitimacy of prevailing corporate governance law has had some small influence on some important thinkers in the field, including, perhaps, some jurists in Delaware. I'm thrilled about that and looking forward to building on that work.

10. What was the most valuable thing law school taught you about life?

In law school I learned that if I want to perform at a high level, I need to both sharpen my skills and work very hard. Some people can do one or the other and succeed. Others can do neither, and they still seem to make it. Others, maybe, struggle even when they do both. In law school I learned that I can achieve the goals I have set out for myself, but only if I am committed both to improving my abilities and to working hard. In law school I also learned that achievement is not the same thing as well-being. Performing at a high level will not make you happy, at least for me, it is a necessary but not a sufficient condition to a good life. The law was made for humankind, not humankind for the law!

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

When I was very young, five or six years old, I wanted to be an astronaut.

2. What was your favorite course from law school and why?

I liked a lot of my law school courses. I took a huge number of constitutional law courses (Multiculturalism & the Constitution; Law & Religion; The First Amendment; The Bill of Rights & Criminal Procedure; and on and on). I would not recommend this as a plan for a good legal education, but it was all very interesting. Then there were the courses that I was not crazy about in terms of subject matter, but I took them because they seemed useful, and I enjoyed them very much because the professors were fantastic. Those were Trusts & Estates with John Langbein and Business Organizations with Roberta Romano. If I have to pick one favorite course, however, I'll go with Federal Jurisdiction.

Why? It was largely another Con Law course. I enjoyed thinking about the philosophy underlying why the federal judiciary is set up the way it is, its powers, its relationship to other federal branches of government, and its relationship to the states. It was also useful in that I was going to clerk in federal district court after law school.

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

Edna Mode from *The Incredibles*.
Vinny and Lisa from *My Cousin Vinny*.

4. What is your favorite source, (news / journal / legal blog / other) for keeping current with the law?

For substantive law I mostly follow general news sources, and these often point me to various more-specialized legal sources. For keeping up with legal writing and legal education generally, my main source is the Legal Writing Institute listserv.

5. What is your favorite guilty pleasure?

Looking at celebrity "news." That and watching HGTV. I don't have time to do either of those very much, though.

6. What was your favorite job (externship/ clerkship/ fellowship/ associate position) that you had while in law school and why?

My favorite job during law school was as a teaching assistant for Prof. Harold Koh's first-year Civil Procedure course. I enjoyed working with the first-year students, just like I do now. I also liked that the writing assignments (a memo and an appellate brief) used a real case being heard that term at the Supreme Court, *Matsushita v. Epstein*. Using real cases was easier to do at the time, before the briefs were as easily available as they are now. Using a Supreme Court case was so enjoyable because we were able to have one of the attorneys in for a moot before a panel of professors, and then—the highlight of

the course—we took the class to the Court to watch the arguments. Watching arguments is a lot of fun when you know the case very well, which the class did by then. And even now I use that case in my teaching.

7. In light of the upcoming MPRE test that many SCU law students are taking, what is the most common or significant ethical issue you have encountered in the legal profession; and why is it so common or significant?

I don't recall personally encountering an egregious ethical violation during the time that I was practicing law, the sort of violation one reads about in the Attorney Discipline section of the California Bar Journal. What I witnessed regularly was the death-by-a-thousand-cuts type of attorney behavior that involves misrepresenting legal authority, distorting facts, and abusing the discovery process. I can only speculate that it's common because some attorneys see their duty of zealous advocacy as a duty to try to push the limits as far as they can get away with; there are rarely meaningful consequences; and the other side often has avenues to try counter the behavior (even if they shouldn't have to).

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

The concept of the "flipped classroom" has taken off in the last few years. The idea is to have the students listen to lectures and/or look at slides or other materials outside of class, and use class time for what would've been homework in the past. I think this is a much better approach for legal research and writing. It's more engaging for the students, the hands-on work and immediate feedback do more for student learning, and it makes better use of the instructor's expertise. Of course, not all the homework can be done in class when the assignments require extensive research and writing, but a lot can be done.

9. What do you consider your greatest professional success?

I don't know that I exactly have a "professional success." The most satisfying thing I've done was getting asylum for clients who needed it, and reuniting them with children they had not seen for years. I'll add one more thing: At the beginning of my first year of law school, we were asked to write down where we saw ourselves in ten years. We put these slips of paper in envelopes, and they were returned to us at the end of law school. I wrote that I saw myself "on a university campus someplace sunny and warm." So there's that.

10. What was the most valuable thing law school taught you about life?

The most valuable things I learned about life, I learned after law school.



Adriana Duffy-Horling
Associate Clinical Professor of
Law

Affiliations and Honors:
Named one of the Ten Most
Distinguished Women of Puerto
Rico, 1990

Education:
-J.D., Yale Law School
-B.A., Stanford

THE OPEN INTERNET: A VICTORY FOR EVERYONE

By Jodi Benassi
IP Editor

On February 26, 2015- the Federal Communications Commission voted 3-2, along partisan lines, to prohibit broadband providers from selectively blocking or slowing Web traffic; the decision also restricts them from offering paid traffic prioritization services on both wireline and mobile broadband networks. The meeting started with Sir Tim Berners-Lee, the inventor of the World Wide Web, pronouncing via video stream that the vote “preserves the ethos of permissionless innovation that’s always been at the heart of the Internet.” He said that access to the Internet should be regarded as a basic human right, someone else should not be deciding how we access, when we access, or what we access on the Internet. According to Tim, the basic design principle of the Web is the idea that network owners may charge individuals to access their networks as well as for data use, but, once individuals are on the network, the network must treat all data equally.

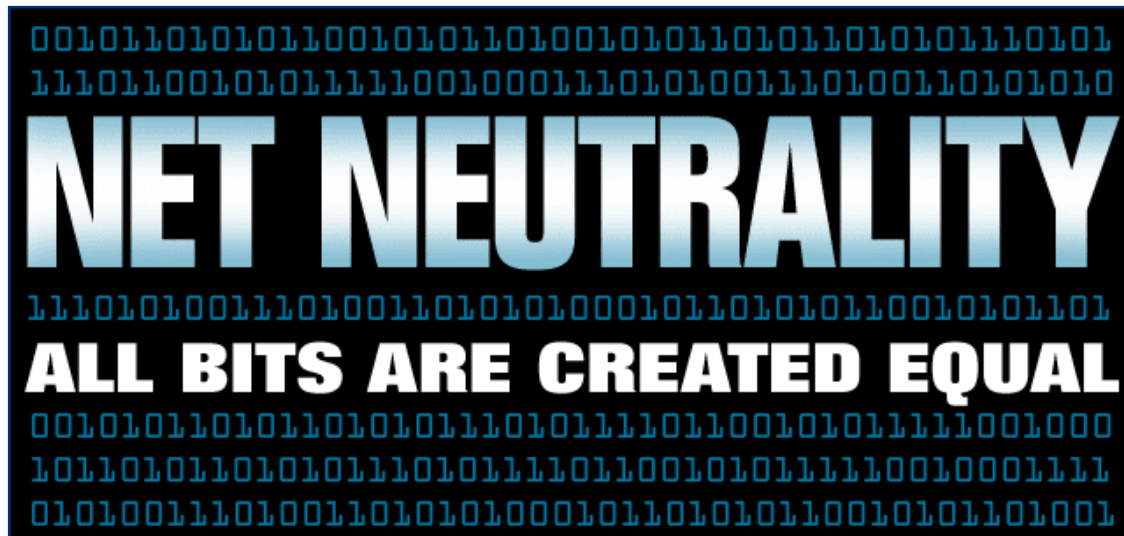
The Internet is a forum for democracy that enables free speech, free assembly, free expression, free information, and free competition. It’s a place for civil discourse that brings people together, allows them to organize, build communities, share ideas and foster innovation. Most notably, it allows people to have a direct conversation with their government. In this case, an unprecedented 4 million people sent comments to the FCC. People

clogged the Commission’s email and phone lines, protested, camped out in front of the FCC, and some even “occupied” Chairman Wheeler’s driveway. Additionally, more than 100 technology companies wrote letters to

regulation as “light touch framework” meaning that it is not swathed with “utility style” provisions, heavy with tariffs and rate regulation. The new rules reclassify broadband as a telecommunication service allowing the FCC to regulate the

Act of 1934, where the Preamble states the goal, “to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunication consumers.” Under Title II and Section 706 of the Telecommunications Act of 1996, the FCC has the strongest possible legal foundation to adopt and enforce the Open Internet rules. The reclassification was laid out by the U.S. Court of Appeals for the District of Columbia last year in *Verizon v. FCC*. The Court observed that broadband providers have economic incentives that represent a threat to Internet openness and could act in ways that would ultimately inhibit the speed and extent of future broadband deployment.

The Broadband Institute of California, a public policy institute at Santa Clara University School of Law, is preparing to file a comment with the FCC. It believes that by recognizing access to the Internet as an essential service, the FCC has moved to protect an Internet that nourishes freedom of speech, supports innovation, and promotes democracy. Consumers in all regions of the Nation, including low income consumers, as well as those in rural, insular, and high cost areas, should have unimpeded access to the Internet, as an informed electorate is critical to the health of a functioning democracy. What we have today is an Internet that offers a forum for a true diversity of political discourse, unique opportunities for cultural development, and myriad avenues for intellectual activity, just as the people intended.



the FCC stating, “[The FCC must] take the necessary steps to ensure that the Internet remains an open platform for speech and commerce.”

The current Internet governance has the opportunity to tap the greatest political resource created by the digital revolution: public participation. It is well known that the FCC’s Open Internet docket has been the most commented upon rulemaking in the agency’s 80 year history. Overwhelmingly the comments were one-sided, 99% were for net neutrality and less than 1% clearly opposed. Simply put, the overall battle for net neutrality has been a public one, representing democracy in action.

Throughout the meeting the Commission highlighted the new

ISPs under Title II and treat them like “common carriers.” This classification provides the broad legal certainty required for the FCC to be able to insert itself as a “ref on the field” and ensure an equal playing field for everyone. [A recent article by Robert McMillan for Wired](#) captured it eloquently, “A year ago, Chairman Wheeler thought he could keep the courts happy with some regulatory jujutsu, but net neutrality lobbyists, the President, and millions of people told him otherwise.”

Reclassifying broadband Internet access as a telecommunication service provides the statutory protections that historically ensured the openness of the telephone networks. The provision dates back to the Communications

PROTECTING GENOMIC INFORMATION

By Angela Habibi
Staff Writer

In late 2014, Stanford’s Center for Law and Bioscience held a conference on how the law should regulate genetic testing. Similarly, the Intellectual Property Section of the Bar Association of San Francisco held an event on the rights one should have over their DNA. Genetic testing and screening has existed for decades, but finding a middle place of maximizing the good, rather than the harms, of such testing has been a challenge.

A human genome is extremely large and according to Doctor Atul Butte of Stanford, every human shares about 99% of their DNA with other humans. For much of the information discovered in the genomic data, there is still a wide gap in what it all really means. The cost of sequencing genomes has decreased exponentially however, and is dropping faster than anything in Silicon Valley—in fact, it has been opined to have dropped faster than *Moore’s law*.

DNA can be extracted and tested in a number of ways, such as cigarette butts, hair strands, chewed gum, sweaty hats and more. The question then becomes, *how can something so easily accessible be protected and regulated?*

At the federal level, on October 9, 2014, President Obama stated that personalized medicine, or “precision health care” is the way of the future and that “we’re going to have to change the way we regulate some of this stuff. We don’t want bad information to get out. We want to make sure there’s not

a lot of hucksterism in this whole process.” The President went on to say that he would like to encourage innovation in the area to allow “entrepreneurs the ability to essentially develop apps that work off this new information.” This means that technology companies have the ability to develop platforms to increase effectiveness of results,



to help interpret genetic sequences, or even to store sequences for low rates (such as through Google Genomics, which stores, processes, and explores DNA sequence reads). According to Butte, the genome gets the sequences of around six billion letters, but the connection to medical risk involves much interpretation, which is too much for manual people to do. Such interpretation is where the technology companies play a critical role.

Who are then the stakeholders in genetic information? According to Adam Sand, General Counsel at Ancestry.com,

many consumer-generated companies are interested in using genetic information for personalized products, such as personalized deodorant. Similarly, pharmaceuticals are trying to personalize medicine based on genomic information.

Thus, at issue is not the DNA itself, but the information obtained from it.

The traditional options of intellectual property protection are by attaining patents, copyrights, trade secrets, or trademark protection. There is much debate around how the intellectual property tools are used to protect genetic information, however, as such tools were not set up for such purpose. According to Tamara Frazier, Principal at Fish & Richardson, the challenges for protecting genomic information are that the United States Supreme Court has opined that natural laws (including genes) may not be eligible for patent protection. For copyrights, although software may be copyrighted,

databases may not be. Further, Frazier opined that “the problem with trade secrets is that the value of genetic information occurs because of its compilation of data, not because you have one genetic sequence.” In this way, a trade secret cannot explain how the data may help the public. Finally, for trademarks, it still works and there are options for protection in this arena.

Despite the above limitations, there are still ways to obtain patent protection around diagnostics rather than the genes themselves. Additionally, for software, where a company is able to connect such software with a process, there are still ways to obtain protection.

Lastly, one may then wonder, *when the information in your genes is publicly available, who is able to use it and do you have a right to restrict others’ use?* Some laws are already in place to protect misuse of genetic information. Through the Genetic Information Nondiscrimination Act of 2008 (GINA), “it shall be an unlawful employment practice for an employer [to discriminate] because of genetic information.” Additionally, when visiting a doctor, nurse, dentist or other medical professional, you may be asked to complete a form outlining your medical privacy rights under the Health Insurance Portability and Accountability Act (HIPAA). HIPAA protects your genetic information from being shared by such professionals without your permission. This Act has also been extended to business associates under the Health Information Technology for Economic and Clinical Health (HITECH).

SMALL BUSINESS INNOVATION RESEARCH GRANTS

By Kyle Glass & Campbell Yore
Copy Editor & Staff Writer

One of the most significant political questions in America is the role of federal spending in the country's economic growth. Generally, the debate centers on whether the government can effectively stimulate the economy, or whether the risk and reward aspects of the capitalist system make any government entanglement in the free market a detriment. This question has been one of the main catalysts for the current gridlock the nation's capital currently finds itself in. Despite this gridlock, the government has found ways to create programs and contribute to our country's development. One of these is the Small Business Innovation Research (SBIR) program.

The SBIR program was established under the 1982 Small Business Innovation Development Act, to incentivize small businesses to focus their efforts in technology and science industries.

In addition, the program served to supplement the growing research needs of the Department of Defense as well as several other agencies. Many proponents of the program also suggest that it effectively bridges the gap between commercialized research and federal spending.

In 2014, the federal government allocated close to \$2.5 billion for the program. Each participating agency is required to dedicate a small percentage of their budget to the SBIR program. The agencies are required to disperse these funds, as grants, to small businesses that apply and meet the requirements. In 2014, the DoD had the largest SBIR budget of over a billion dollars. The Department of Health and The National Institute of Health, which share funds, have the next largest budget of almost \$750 million. Since 1982, 15,000 firms have received grants totaling close to \$21 billion.

Grants are awarded in a two-phase process, each having its own criteria and grant size. Phase I grants are aimed at examining the feasibility of a particular type of research. These grants are capped at \$150,000 and businesses are expected to meet their proposed research targets within a year. Phase II grants are awarded based on a company's performance during the Phase I period. After the Phase II period, usually a year, the research is expected to produce a functional prototype that is near commercialization. Phase II grants are capped at \$1 million.

Phase I of the SBIR program is initiated when a respective government agency releases a topic solicitation. In the DoD's most recent topic solicitation, the Navy provided 80 topics ranging from exhaust systems for amphibious vehicles to developing methods for flexible psychology.

Businesses seeking SBIR grants must complete an application that addresses one of the solicited topics. For the DoD, the application is divided into four volumes. The first volume requires applicants to briefly state the technical nature of the proposed project and provide an explanation of the research's anticipated benefits and potential commercial application. The second and the longest volume is the technical description wherein the applicant presents the problem or opportunity the research is intended to address. An applicant should also provide the objectives for the culmination of the Phase I period and describe the expected process and strategy for the research. This description includes other work in the field and the applicant's relationship with other researching institutions. The third section requires an outlaying of the expenses the research intends to generate. This includes costs for facilities, personnel and inventories but may also include legal costs such as patent prosecution and other start-up costs. The final section is concerned with the commercial application of the proposed research. Here, the agency is interested

in growth of the company, how it expects to reach consumers and future forms of investment from the private sector. Each respective agency has very detailed online instructions which provide information on proposal lengths, structures, and more. Phase I grants are typically capped at 25 pages. Applicants are free to apply the same proposal at different agencies, but only one award is allowed for a particular research topic. Generally, from the date the solicitation topics are released, successful Phase I applicants can expect an award within nine months.

In addition to submitting a worthy proposal, small businesses seeking SBIR grants need to meet the statutory requirements of the program. Eligible companies must be organized as for-profit businesses located in the United States and have fewer than 500 employees. The individual submitting the grant must have their primary employment with the small business, and the business must be at least 51% owned

games designed to teach basic math concepts to grade school kids. In 2014, Techley collected an Apple Design award for Addimal Adventures and launched a similarly styled multiplication teaching app, Mt. Multiplis. The Department of Education's Institute of Education Sciences invested nearly \$1 million through two rounds of SBIR grants to fund research and development of both apps.

Lift Labs is one of many successful healthcare companies to grow from the National Institute of Health (NIH) \$750 million SBIR budget. Lift creates stabilizing devices to help people with tremors eat and perform other basic tasks. Initially founded as Lynx Design in 2010, Lift Labs broke ground with a \$160,000 phase I SBIR grant. A subsequent \$360,000 phase II award the following year funded the firm's adaptation of military weapons stabilizing technology to consumer handheld devices. With cases of Parkinson's Disease and Essential Tremor on the rise, the market for

stabilizing devices is projected to expand. With this in mind, GoogleX acquired the company as part of its life sciences wing in 2014. With its acquisition, Lift Labs joins Symantec on the list of successful tech startups that have used SBIR money as a fiscal bridge between initial technology development and capital contributions for market entry.

Not all SBIR funded firms, however, fast track to private support. Instead, some grant recipients like View Plus Technologies (VPT) develop long-term relationships with government research programs. Funded fourteen times since 2003 by the National Science Foundation and the NIH, VPT is perhaps the most prolific aggregator of SBIR funding. VPT uses this funding to develop adaptive technologies for the blind and learning disabled. Recent grants have funded new applications of VPT's proprietary IVEO tactile audio system. IVEO is a process of converting visual documents into a format one can touch or hear and has been integrated into a variety of software programs. In addition, VPT has secured corporate funding from Microsoft and HP, and has partnered with the American Physical Society to distribute blind

friendly publications.

SBIR grants provide an important public source of startup funding, but are a small part of current efforts to promote the useful art of entrepreneurial technology. Entrepreneurs more frequently rely on personal savings, loans from commercial banks, and generosity from friends and family for initial funding. Angel investors, venture capital firms, and corporations then step forward if the project begins to show promise. With venture capital investment totaling \$33 billion in 2013 and big corporations like Volkswagen and Google possessing annual R&D budgets in excess of \$10 billion, does the government play a necessary, impactful role in seeding startups? More importantly, does it need to?

Returning to the debate between free market government exclusionists and proponents of VC Uncle Sam, I believe the SBIR program is impactful. Moreover, with commentators becoming more dubious of intellectual property rights as an incentive to innovate, the SBIR program seems ripe for expansion. First, instead of relying on assumptions about inventors' motivations, SBIR grants promote the useful arts by putting resources directly toward innovative projects. Second, SBIR grants seed actual successful ventures, which contribute to the American economy and improve society. Finally, allocating more money to the SBIR program would result in greater entrepreneurial autonomy and a more competitive private equity market. These changes would enable more research of socially minded technologies while also equalizing leverage between entrepreneurs and institutional investors in capitalizing events.



Image: Ross Mayfield via Flickr

by individuals living in the United States.

The SBIR program is a unique government program that provides an accessible funding avenue for individuals who have ideas to contribute to the scientific market place. For businesses and individuals that do not have the resources to secure a loan and would like to limit the control lost to investors, the SBIR program is a particularly good fit. The following are examples of how some small businesses were able to effectively use the SBIR program to achieve technological and commercial success.

Symantec began in 1979 as Machine Intelligence Corporation (MIC). MIC initially secured more than \$240,000 in two rounds of government funding but eventually went bankrupt. From the ashes, MIC cofounder, Gary Hendrix started Symantec by directing MIC's software engineering resources to more marketable pc applications. The new firm achieved its first commercial success in the late 1980s when its word processing program, Q&A, caught on in Germany. Today, Symantec is a giant in cybersecurity and one of the largest corporations in Silicon Valley with a \$17.7 billion market cap. Hendrix acknowledges SBIR funding was an integral part of the company's success. It kept development of Q&A ongoing before private support arrived in the form of a merger with C&E in 1984.

Since Symantec, SBIR grants have continued to seed successful startups. Recent examples include Teachley Inc., and Lift Labs. Founded in 2012 by three former teachers with Ph.D.s in education from Columbia University, Teachley Inc. develops educational software. The firm's first product, an Ipad App called Addimal Adventures, is a series of

INTERNATIONAL BUSINESS NEGOTIATION SIMULATION PAYS OFF BIG

By Addam Kaufman
For *The Advocate*

Courses like the International Business Negotiation Simulation offer invaluable benefits for students who will find themselves increasingly working beyond our borders through commerce, globalization, the spread of democratic institutions, and immigration. The course teaches students the key aspects of international business agreements, and then puts the class up against a team of Korean students from their top law school in a mock negotiation that takes place via videoconferences.

The mock negotiation allows students to practice their skills in a truly international setting without the inconvenience of travelling abroad. And while books and lectures are able to explain the law and teach strategies, the course also gives students the ability to apply their education in a deeply motivated fashion. The competitive nature of the interschool, international, and adversarial setting creates a powerful motivating factor for students to master the nuts and bolts of an international license agreement and learn the drafting strategies necessary to come out with favorable terms.

The course also features an optional trip to Korea to meet the opposing team at the end of the semester.

It starts like any other class: you get one book and one professor with a lecture. Only, the professor is Jimenez and, for anyone who does not yet know Professor Jimenez, his experience spans decades and his connections cross continents. (Side note: He's also the most interesting man ever.) And the book is incredibly on-point and advantageous when it comes to international negotiation game time too. I found myself referring to it several times over the course of the negotiation.

If you've had Jimenez for Civ. Pro., get ready for a surprise – he does lecture, but he focuses more on highlighting the major arteries of an international license agreement in order to help your team brainstorm strategies to get your pretend client favorable terms. The course is worth taking even if you simply want to improve your redlining or want a crash course on business negotiations, [BATNA](#) and all.

However, the course shows real swag when you meet the opposing Korean team and start the mock negotiation. The negotiation itself works well using Skype-style videoconferences and each team is given



enough leeway to communicate as much as necessary to come to a final agreement.

The thing that surprised me the most was how much more there is to negotiations than you will ever find in a book (like how to deal with one really irritating opposing team member while keeping everyone else on track).

In addition, the course has the added benefit of giving students a natural networking opportunity in Korea and beyond. Since the course concludes with

an optional trip to Korea to meet the opposing team, students are given access to the connections Santa Clara Law has there. Take my advice: the trip is well worth it. For me, it seemed less like a post-game handshake session and more like a celebration of Santa Clara's reach and a "welcome to Korea" (and, more importantly, a "welcome to Korea's legal job market").

In Korea, we were treated very well. We were accommodated at Seoul National University, and being Korea's top law school, we were considered by locals as part of the legal elite by association. We were also the guests of Santa Clara alumni and Korea's biggest law firm, Kim & Chang, both of which gave us an insider's take on Korea's job market and the surrounding regions (including China). We even had lunch with the chairman of Korea's largest private TV station, MBC, and a former Korean Supreme Court Justice. Having lived and worked in Asia for over half a decade myself, I know that it takes years (perhaps even decades) to make such high-reaching connections there and that speaks volumes of Santa Clara Law's reach.

In short, the course offers a nuts-and-bolts look at international license agreements and the strategies it takes to get favorable terms. Students are also able to practice negotiating against future foreign attorneys. And, as an added bonus, students can walk away from the course with some solid connections in Korea (not to mention a trip to Korea, if you opt for it). In my opinion, this kind of course is the future of legal education generally, and specifically, the kind of thing that makes sense for Santa Clara Law, given our depth in IP, our access to the Valley, and our connections abroad.

The course is available in the fall semester under the official name [International Business Negotiation - Simulation](#). Enrollment is limited and you must get Prof. Jimenez's approval to join.

START-UP WEEKEND A SUCCESS AT SANTA CLARA

By Alexandra Louderback
For *The Advocate*

On Friday February 27th, budding entrepreneurs filled the floors of Lucas Hall to participate in a 54-hour event, dubbed Startup Weekend Santa Clara. The event was the masterpiece of Santa Clara Law 3L, Adam Brutocoa, who prepared for 9 months in order to successfully bring together students from Santa Clara's law, business and engineering schools, as well as members from the community, to join forces to create fresh new businesses.

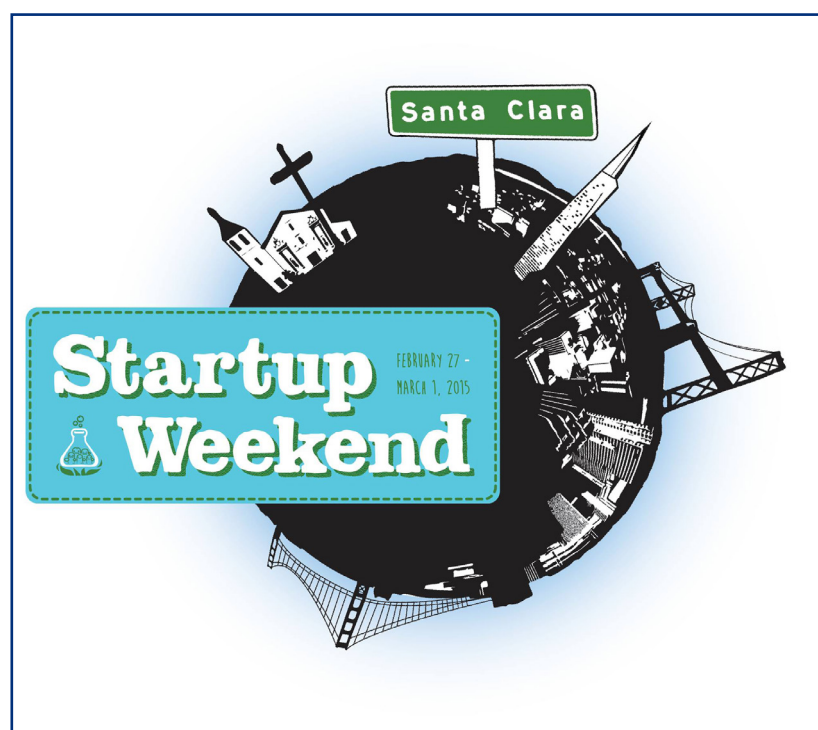
"The purpose of the weekend was to encourage creative thinking, innovation and entrepreneurship," said Adam Brutocoa.

The weekend kicked off with a keynote from Dean Lisa Kloppenberg, encouraging the audience to take full advantage of the resources from the weekend to follow their passions and to work together to fuel creativity. The event then shifted towards the audience with a proverbial open mic, where each of the participants had the opportunity to pitch their idea for a startup.

Due to the eclectic group in the audience, the ideas were just as unique. With the theme of the night tending to focus on app based companies, it was quickly clear that this event could not have been better placed than in the heart of Silicon Valley. Ideas ranged from a relationship management app to help those that never seem to get the right gift, to social apps that would connect people in similar geographical areas for recreational sporting events. After each participant had their own 2 minutes in the spotlight, the ideas were put to a vote, resulting in 13 winners. Those that did not have their ideas chosen were encouraged to stay for the weekend and join one of the teams that would be moving on.

Over the course of 54 hours, the 13 teams filled

with engineers, law students, and business-minded entrepreneurs worked together to develop their product or service and to prepare a comprehensive business plan for their new startup companies. The entrepreneurial nature of the participants resulted in the halls being filled until 2 am both Friday and



Saturday nights, with the rare sight of participants stopping work to eat something. With the winning team having a chance at \$25,000 in seed funding and an invitation to Plug and Play's "Startup Camp" Accelerator Program, it is no wonder the participants were working vigorously towards the chance of seeing their dreams become a reality.

On Sunday evening, in a format much like that of ABC's "Shark Tank," teams pitched their startup companies to a distinguished panel of judges from the Silicon Valley business community, including Jamie

Lerner (President, Cloud Systems and Solutions at Seagate Technology), Alireza Masrouf (Managing Partner, Plug and Play Ventures), and Santa Clara University's own Robert Eberheart (Professor of Entrepreneurship at Santa Clara University; former venture capitalist at Actium Ventures; and founder and former CEO of WineInStyle) for a chance at \$25,000 in funding and other prizes.

The judges were so impressed with the ideas, that they simply could not choose one. Stilt, a BIG-DATA company for international students without credit and Sales Genius, a relationship management platform that gathers relevant data from user emails, will move on to pitch their ideas again to Plug and Play Ventures. Colby Springer, from Lewis, Roca, Rothgerber, LLP, has volunteered 20+ hours of legal services to the winning teams to formalize their companies and Jim Horan, from The One Page Business Plan, will volunteer his time to help the teams polish their business plans in preparation for their next pitch and chance at the \$25,000 in seed funding with Plug and Play.

Brutocoa teamed up with law students, Nellie Amjadi, Steve Chao, Lexi Louderback, Becca Sullivan, Trevor Holt and Hossein Sajadi and business students, Noah Belkhous, Julian Novais, Peter Killory and Matt Rosendin. The organizers secured funding from an impressive list of sponsors, including: Google for Entrepreneurs, Coca-Cola, Amazon, Seagate, Plug and Play Ventures, Lewis Roca Rothgerber LLP, and more.

The Startup Weekend Santa Clara team would like to thank the Entrepreneurs Law Clinic, Law and Business Society, the High Tech Law Institute and the Santa Clara Law School for your help in making this event so successful, and representing Santa Clara in such a positive way to the community and the participants.

For more information, please visit: santaclara.startupweekend.org.