



## SANTA CLARA LAW WINS SECOND PLACE AT INTERNATIONAL HUMANITARIAN LAW COMPETITION

By Anna Saber

For *The Advocate*

Over spring break, Santa Clara students traveled to Washington D.C. to compete in the 5th Annual Clara Barton International Humanitarian Law Competition. At the competition, Santa Clara Law was represented by Jessica Szychowski (2L), Joey Eisenberg (2L), Michelle Devereaux (3L), and Anna Saber (3L). The competition included teams from Georgetown Law Center, American University Washington College of Law, reigning champions University of Minnesota Law School, the United States Air Force Academy, Westpoint, and the United States Naval Academy, amongst others.

The Clara Barton Competition is a simulation-based competition where teams assume various roles as they grapple with the nuances of



SCU Law Students at Georgetown University Law Center. Left to right: Jessica Szychowski, Michelle Devereaux, Anna Saber, Joey Eisenberg

International Humanitarian Law (IHL), which is the set of international laws and customs that govern conduct during armed conflicts. At the competition, teams were judged on their knowledge of IHL, application of IHL to the facts, and ability to remain in-character during the rounds. Each round presented the teams with a

new role and situation, requiring them to digest a new set of facts within the hour of preparation time. This quick-paced environment replicates the circumstances under which real-world actors—like the military, foreign leaders, and NGOs—must make life or death decisions under the wire. The hour of prep before each round was a high-stress scramble to absorb the new factual scenarios and adopt the new roles, but this pressurized environment is what made the competition both a challenge and a thrill.

Throughout the rounds, Santa Clara's team: advised the Defense and Foreign Minister on the relationship between a foreign state and domestic insurgency, played the role of the International Committee of Red Cross (ICRC) tasked

with confronting generals and advocating for humane treatment of prisoners of war, debated doctrines of targeting versus capture as JAG officers, and advocated on behalf of refugee women through their role as a human rights organization. For the team, the most exciting

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## ADVANCED MEDIATION: SCU LAW'S LATEST COURSE

By Kevin Lee

SBA Vice-President of Part-Time Students

For *The Advocate*

So what is the new law school elective, Advanced Mediation? First, the title "Advanced Mediation" is somewhat of a misnomer, because the course involves more than just mediation. Instead, the course includes a bit of negotiation and other life skills training. It is a unique course that places law students in the role of teachers. Over a six-week period, a different law student presents a different topic in the hopes of instilling in high schoolers something they can use for the rest of their lives. As I took on the role of a high school instructor this semester, the class brought some rewarding challenges but also some life lessons.

When I signed up for this course, I had some doubts about my ability to teach high schoolers. Having been out of high school for more than ten years, I was concerned that I wouldn't be able to keep up with today's high school lingo and drama. However, those concerns were misplaced. The high schoolers were not only respectful and



SCU Law Students and Faculty with the highschool students they taught in Advanced Mediation

courteous, they genuinely seemed interested in what the law students had to say.

The real challenge was coming up with content for the students. The high schoolers were quite knowledgeable and also had real life experiences. In addition, these students had come voluntarily to learn on their own time, and I could not just sit and lecture. So finding that middle ground was a challenge. However, unlike most law school courses, there was nearly no limit in terms of what you can and cannot teach. Because of this freedom, I could be more creative. For example, I used my filmmaking knowledge

and abilities to educate the students. This ability to freely make decisions made the challenges rewarding, as opposed to mentally burdensome.

While most of the class time is spent teaching, law students also have the opportunity to be rewarded with guest speakers who came to talk to the high schoolers. The guests included Santa Clara Law alums, Santa Clara Law professors, and a federal judge. Every guest had their own unique story, but what they all had in common was that they went through some form of adversity growing up. Hearing these stories from lawyers was inspiring.

My biggest rewards from this class were the life lessons I learned from the high school students. These high schoolers proved to me that regardless of age, we as people face many similar struggles in life. For example, many students talked and wrote about similar conflicts to the kinds I face with friends to this day. The chance to learn life lessons from each other made the class feel less like a class, and more like an open discussion.

If I had a second opportunity to take this class again, I would. I don't know where the administration will take this course in the future, but for students who want to conduct community outreach while earning class credit, Advanced Mediation is a class worth taking.

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## Santa Clara Wins Second Place at IHL Competition

round was when it played the role of army JAG officers. “Being in ‘uniform’ made debating about targeting military insurgents versus capturing civilian dissidents much more real,” says Jessica. The outfits were not unique to Santa Clara, though, as the competition encourages teams to bring costumes and props to more realistically portray their roles.

After four rounds of competition, Santa Clara was one of four teams that advanced to a semi-final round. In the semi-finals, Santa Clara competed against the UCLA Law team in a simulated proceeding before the International Court of Justice, where the teams were tasked with presenting oral arguments on the international laws of sea and naval warfare. Santa Clara defeated UCLA and advanced to the finals, where they competed against cadets from the Air Force Academy. The final round required the remaining two teams to engage in an academic round table discussion that covered cyber warfare, the future of autonomous weapons, and the obligations private companies have in 21st century warfare. Ultimately, Santa Clara took second place in the competition, improving upon Santa Clara’s semi-final finish from the 2017 competition.

Throughout the competition, Santa Clara had the opportunity to bond with students from across the country over their shared interests in international law and IHL. During the rounds, the competitors were judged by preeminent practitioners in the IHL field—including individuals who work at the ICRC, the American Red Cross, former and current members of JAG, as well as published academics like Gary Solis (the author of the book Santa Clara used to prepare for the



SCU Law students in simulation playing the role of army JAG officers

competition). “In the final round, I had the Law of Armed Conflict book [written by Solis] on the table, and quoted Solis to Solis, who was one of the judges. I think our team got a wink from him,” recounts Joey.

The team had an incredible time at the competition and described the experience as one of the most inspiring moments of law school. As the team describes, “the [Clara Barton] competition made us feel like real lawyers. We were thrown into roles where the facts on the ground are constantly evolving, and had to make decisions in time-pressured situations. We didn’t have time to second guess our decision-making, and had to rely on instinct and our months of practicing to give a definitive ‘yes’ or ‘no’ response” to the judges. The team is grateful for the opportunity to participate in such an exciting experience, and is particularly thankful to their coach Professor Claudia Josi, and for the guidance of Tessa Stephenson (3L) and Miguel Flores (class of 2017), who competed last year.

## #MeToo IS A MOVEMENT, BUT IS IT MORE?

By Evelyn Minaise

For *The Advocate*

Social movements come and go; some are viewed simply as fads, while others are destined to create social change. The #MeToo movement seems to be the latter. [Scholar Catherine A. MacKinnon](#) defines #MeToo as a “mass mobilization against sexual abuse, through an unprecedented wave of speaking out in conventional and social media . . . eroding the two biggest barriers to ending sexual harassment in law: the disbelief and trivializing dehumanization of its victims.” Women from all professional industries are finally speaking out against sexual harassers and abusers, bringing light to a topic that has often been brushed to the dark. More importantly, the movement is an opportunity for social change, to stop such behavior from ever happening again.

But why couldn’t the law right this wrong before now, and how will this movement change the law moving forward?

MacKinnon cites sexual harassment law as “the first law to conceive sexual violation in inequality terms”—definitely a step towards drawing the line between right and wrong. But MacKinnon elaborates that one flaw of the law is that it often takes countless claims, and years of abuse before a perpetrator



finally faces consequences. Mackinnon estimated that three to four women testify before this is the case, which makes “a woman, for credibility purposes, one-fourth of a person.”

We cannot point fingers exclusively at the law as the culprit behind this slow realization. The social climate up until now has largely propelled victim-blaming, as well as a traditional view of a woman’s role in the world. Sometimes the law can be the first push to instigate change when the world isn’t ready. But it is often a social movement like #MeToo that sheds light on the issue altogether. Take the civil rights movement: it took countless sit-ins, boycotts, and the like before voices were heard—and yet, even after *Brown v. Board*, there was still a lot to be done. That said, the same applies: #MeToo is the push we need to encourage change in the law, and later to social norms.

The #MeToo movement is changing the landscape already. In 2003, the EEOC reported that 75% of employees who spoke out against mistreatment in their workplace were subject to retaliation. This led to only 30% of victims of sexual harassment reporting the crime. #MeToo draws its power from the volume of people who share their experiences—hopefully the reporting numbers rise in the wake of the movement.

It has also been asserted that the phrase will have legal implications. Writing for Lexology, David Garcia from Ogletree Deakins states that “me too” evidence carries weight in employment harassment and discrimination cases. In these situations, it’s often difficult to get ideal testimony or evidence. Indirect evidence, however, from different employees can prove that the same employer has a consistent practice of mistreating employees.

Moving forward, it is important to keep reporting and supporting. The movement marks a trend towards listening to those ready to speak. As long as the people want this change, the laws will accommodate. Supreme Court Justice Ruth Bader Ginsburg said it best: “The laws are there and the laws are in place; it takes people to step forward and use them.”

# 7 Habits of an Effective and Meaningful Life at Santa Clara Law

By Jojo Choi

For *The Advocate*

During my first semester, the beauty of the law left me in awe. The thoughtfulness of the legal structure. The verbal manifestation of the social contract. The limits and grants of state power. The nuanced distinguishing of minutia. Since that time, my experiences at Santa Clara Law — the coursework, student organizations, journals, moot court, pro bono volunteering, externships, internships, fellowships, clinics, professional organizations — have only deepened my reverence for our vocation. So, as I near the end of my law school career, I've been asked to share some tips. To that end, I offer 7 habits of an effective and meaningful law school life at Santa Clara Law.

## 1. Show up and engage.

In my prior life as a forensic accountant, just showing up and engaging propelled my career; this same habit has had a similar effect in law school. Only 22-years-old, I arrived at my old accounting firm. From the start, they encouraged me to develop business and “network,” so I started showing up at meetings hosted by professional industry organizations. I became a regular at the San Francisco Marine Claims Association (think boats, transportation of goods, and admiralty law). In showing up, engaging, and listening to the monthly speaker, I interacted face-to-face with people who took an interest in my life and vice versa — less networking and more developing genuine relationships. They interpreted my showing up at their meetings as dedication to the profession. Within a couple years, I presented (as the featured speaker) on how to calculate damages for inventory losses. Over time, my book of business grew from similar experiences of just showing up and engaging.

As a side note I'm also a firm believer in Eureka moments — finding inspiration not only by looking within, but also by exposing yourself to many ideas and concepts to spark creativity.

In law school, I've met many of you because I simply showed up and took a genuine interest in what's going on. Showing up has also led to many professional opportunities. My 2L Spring semester externship with the Honorable Haywood Gilliam at the Northern California District Court resulted from showing up at the Katherine and George Alexander Community Law Center's Annual Celebration. Seated at Judge Gilliam's table, I engaged him in a two-hour long conversation about the law. He consequently invited me to apply to work in his chambers. Going to KGACLC's Annual dinner also arose from showing up and volunteering to provide know your rights workshops. Through providing these workshops and re-writing the tenant rights presentation, I met the lawyer who eventually hired me for my 2L Summer law firm internship. Just showing up and engaging has truly been a foundational piece to my success during law school.

## 2. Revisit your why.

Law school can be disorientating. Prior to matriculating, we wrote admissions essays explaining why we wanted to attend law school. However, beginning with orientation,

law school sweeps us up into the rhythm of the Socratic method, briefing cases, and IRAC-ing, leaving our whys far, far, far, behind.

Revisiting my why has kept me motivated and grounded. I've twice participated in the Silent Retreat for members of the legal profession held at the Jesuit Retreat Center in the Los Altos hills. Each time, that weekend of silent reflection gave me a respite to sort through the chaos going through my mind. With pen and paper, I filled up pages revisiting why I came to law school. I contemplated the why behind my post-law school career choices and considered what readjustments to make. Find a practice that helps you explore your why. Take the time to revisit your why.

## 3. Learn the law by thinking about how you would use the law for your client.

The law is huge and can feel overwhelming. In my studies and during ASP sessions, I always come back to two things. First, I love asking “where in the law are we?” Second, I try to figure out how to use the law as a tool to help a hypothetical client achieve their goal.

In a recent ASP session, we spent the entire time on Federal Rules of Civil Procedure Rule 12(b). In answering “where in the law are we,” we started with the overall structure of Rule 12, then looked at the FRCP's Table of Contents to analyze where Rule 12 fit within Title III Pleadings and Motions, and finally explored how a lawyer/client would use Rule 12(b). We discussed how Rule 12(b) offered defenses to get out of court and where a client would raise these defenses. We also mapped the 12(b) defenses onto the component parts of a court with proper jurisdiction. With this approach, the study of law becomes humanized and an exercise in how to practice the law.

## 4. Take responsibility for your education, your career, and your life.

In taking responsibility for your education, career, and life, you gain power. Law school unconsciously creates pressure to follow conventional patterns — a specific way to study, a particular career trajectory. If the conventional way of learning the law is not working for you, then become self-aware and empowered to make a change. For example, in contracts, I created frameworks/charts that followed the life cycle of a contract. I separated the laws between procedural and substantive laws and walked through how I would use the laws to either get out of a contract or make a contract enforceable. Nobody told me how, instead I took responsibility for my education because I know I learn differently. By taking responsibility, you become empowered.

## 5. Work with others and leverage institutions.

As a troublemaker my whole time here, I've found joy in working with others to re-start ACS and the Social Justice Coalition, as well as organize the Community Building Retreat, Talent Show, and Olympics — all things that started as ideas. I could not have done these things by myself. I needed to work with others and required the support of institutions. There's power in naming an idea and working

with others to accomplish those goals.

You can also use student organizations as your platform. Through organizing site visits for the High Technology Law Journal, I've connected with lawyers at Airbnb, Slack, Twitter, and Uber. Through putting on a judges panel with ACS, I've started to build relationships with six judges.

I've also learned how to use an institution's process to accomplish goals. Dean Joondeph told me that as lawyers we'll learn about process. Little did he know that he'd inspire me to utilize process to address the way the GPA is calculated and the minimum GPA requirement. Through the SBA, we used process to hold a town hall, approve a memorandum presented to the Academic Affairs Committee, and engage voting members of the faculty. We like to think we leveraged the school's process to help make student lives better.

## 6. Protect, fight for, and nurture our community.

Our community here at Santa Clara Law is unique to law school environments. This supportive community doesn't just happen. Instead, it's built through small interactions with one another. It's the moments you notice a friend isn't in class and just sending them your class notes. It's the times in the hallway catching up with a classmate you haven't seen for a while. It's the dialogues with people with opposing views where you seek to understand their perspective. It's noticing when you've screwed up, apologizing, and incorporating criticisms to improve. We need to work together to protect, fight for, and nurture our community.

## 7. Try to gain something from Santa Clara Law's Mission and Jesuit Values.

Santa Clara University tries to produce people of competence, conscience, and compassion according to the Jesuit tradition. I've attempted to adopt these goals while here at Santa Clara Law. I want to be a competent lawyer, learning the skills that will help me find the law, interpret the law, and apply the law. I've tried to develop my conscience, exploring my sense of what's right and wrong. I put effort into becoming more compassionate, visiting prisoners, volunteering at citizenship workshops, and participating in the Northern California Innocence Project. In doing so, I hope that I'm helping to contribute to a more just, humane, and sustainable world.

While I'm neither Catholic nor Christian, I've found richness in Jesuit Values. We started the Jesuit Values in Legal Education Series with a curiosity about Jesuit values. I've learned about Cura Personalis, Magis, Women and Men for and with Others, Contemplatives in Action, Ad Majorem Dei Gloriam, as well as Unity of Heart, Mind, and Soul. These values have insights on how to live a better life and have helped inform my own values.

I hope these 7 habits will help lead you to an effective and meaningful law school life and to find beauty in the law and our profession.

# OFFICE HOURS UNWOUND



## Byron Toma

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### Education:

LL.M., Environmental  
Law, Golden Gate  
University

J.D., Santa Clara  
University School of Law

B.A., Political Science  
and Government, Stanford  
University

### Currently Teaching:

Externship Seminar

## 1. What is your top source (news / journal / legal blog / other) for keeping current with the law?

I'm old fashioned. I generally read the *San Francisco Banner Daily Journal* (in print) and the advance sheets (also in print) regarding the latest appellate court rulings.

## 2. What do you consider to be the most important development in your field or the legal profession in general over the last 5 years?

As a career government attorney, I think the most significant change in the law in the past five years was the adoption of the Public Employees' Pension Reform Act (PEPRA) in 2013. It has significantly reduced the incentives associated with pursuing a legal career working for California state agencies and local governments. It will likely have a profound impact on who enters public legal service (as public defenders, district attorneys, city attorneys, judges, etc.) and how long they want to work on behalf of governmental entities.

## 3. If you could go back in time, what advice would you give to yourself in law school?

One of my professors warned us in a class that if we didn't like law school, we wouldn't like the practice of law. That statement terrified me. If I could go back in time, I would tell myself that the practice of law is nothing like law school — so don't worry!

I would also tell myself to "Expect miracles." When my best friend in law school (Lou Losorelli) and I were awaiting our final set of exams in our third year of law school, we ended our studies one evening at around midnight. Back in our day, Bergin Hall was always left open even past midnight, so we headed off next door to the old student lounge (where the Moot Court presently sits). Back at that time, there were a couple of candy machines in that lounge and a coffee machine. When we went into the Bergin student lounge, we both looked into the candy machine, but we didn't have any coins to buy a candy bar. So Lou laid down on an old green sofa in the corner, and pulled his coat over his chest and closed his eyes. He muttered softly "... I wish I had a candy bar." Then we both heard a loud "clunk". It came from the candy machine. We went over to find out what happened. I know this will be impossible to believe, but a Hershey's candy bar (with almonds) had dropped down into the tray. We rejoiced! Miracles do happen. We called this "the Miracle of Bergin Hall."

Back in those sad days of law school, we were both quite gloomy about our future prospects. Even today, I find it hard to believe that we've become very

successful both professionally and personally. No professor at Santa Clara Law School would have envisioned much of a future for us — but we've both done quite well. To this day, I send my friend Lou Losorelli candy around this time of the year (Spring finals) to commemorate that special day and how far we've both come. Expect miracles!

## 4. Who is someone you admire, and why?

My first boss, Bill Curran, was always someone I looked to. It was really for more than just being a fine lawyer. It was for being an exceptional human being who cared about his staff and the people under his charge. Throughout my career I've tried to be as close to his example as I could as a mentor and as a supervisor.

## 5. Do you have any book recommendations?

I actually enjoy reading classic science fiction authors like H.G. Wells. My favorite book of his is *The Time Machine*.

## 6. What was a memorable experience in your legal career?

I wrote a pair of law review articles in the 1990s, and both were cited by the Supreme Court of California in their ruling on a seminal case involving ambulance franchising. The majority cited to one article and the dissent cited to the other.

## 7. What is your favorite restaurant in the bay area?

I like the Asena Restaurant on Santa Clara Avenue on the island of Alameda.

## 8. What do you enjoy most about being a law school professor?

I like talking to and getting to know law students. Not that much has changed over the decades. Law students still worry about the bar, paying off their loans and getting a good job. Hopefully I can make them feel a bit more at ease in a very stressful time in their lives.

## 9. What is a subject (legal or non-legal) you would like to learn more about?

I've always enjoyed the sciences, and it would be fun to learn more about the newest discoveries that physicists have made about our universe.

## 10. How do you unwind?

I like watching science documentaries.

## 1. What is your top source (news / journal / legal blog / other) for keeping current with the law?

I scan local newspapers and google news, and I subscribe to the New York Times and the New Yorker for more in-depth reporting. I also subscribe to the dispute resolution blog Indisputably (<http://www.indisputably.org/>), written by several of our leading academicians. It does a terrific job of alerting our community to developments in the field including high profile news events, new books, relevant law journal articles, significant journalistic analyses and commentary, conferences, and resources and innovations in dispute resolution curriculum.

## 2. What do you consider to be the most important development in your field or the legal profession in general over the last 5 years?

Probably the on-going disruptive effects of advances in the tech sector, emanating from right here in Silicon Valley and, increasingly, outside the Valley. These are changing, directly and indirectly, what we dispute about, but also how we dispute and resolve our conflicts.

## 3. If you could go back in time, what advice would you give to yourself in law school?

Keep moving fearlessly towards the things that excite and engage you, that make you happy, and bring you joy. Let go of or avoid the things (or people) that do not. Remember that you never do it all by yourself, and to express your gratitude every day for the things and the people who are helping you.

## 4. Who is someone you admire, and why?

Arthur Ashe is one of my heroes. He was an exemplary person in so many ways. He transcended boundaries thought inviolable, displaying a resolutely firm but quiet and thoughtful determination, leavened with equal measures of humility and audacity, and was beloved by all who knew him.

## 5. Do you have any book recommendations?

*Thinking Fast and Slow*, by Nobel Prize winner Daniel Kahneman, is a brilliant and highly readable summary of his decades of work with the late Amos Tversky, who would have shared that prize had he been alive. Together, they helped illuminate the mysterious and quirky nature of human cognition and decision making and stood the entire field of economics on its head. Must read for lawyers, conflict professionals, and human beings. My favorite book to gift to others, and one I frequently assign in my negotiation courses, is *Difficult Conversations*, by Stone, Patton, and Heen. Also recommended for the same audience.

## 6. What was a memorable experience in your legal career?

Soon after passing the bar I was working on a case with a senior partner. I was researching and writing portions of a brief opposing an emergency request for an extraordinary writ. There was an unfavorable tentative ruling issued the day before the scheduled hearing before the trial judge. I accompanied the senior partner to the hearing the next day, and, after oral arguments, the judge affirmed the tentative ruling. This was a relatively small county and also legal community, and trial judge had many years before been one of the founding partners of my firm before being appointed to the bench, and also knew my family. After the hearing he invited me to join him in his chambers, knowing this was my first court appearance. After jokingly saying, "Sorry I had to rule against you, but I'll give you the next one, ok?" he offered, in a comically serious voice, some very good advice: "Jeff, don't ever let your legal career get in the way of your tennis!" I never forgot that advice, even if I didn't always follow it, and I have tried to honor him by passing his admonition along to aspiring or new attorneys I encounter.

## 7. What is your favorite restaurant in the bay area?

So many! Wow...ok: Torpedo Sushi in Oakland - try the Bay Rock'n Roll. Sol Food in San Rafael (pick up a bottle of their hot sauce to go!). Slanted Door at the Embarcadero (for out of town guests). Tartine Manufactory in the Mission (right next to the fabulous Heath Ceramics factory!!!). And, for date nights, Orchard City Kitchen (OCK) in Campbell.

## 8. What do you enjoy most about being a law school professor?

Watching my students learning important professional and life skills...how cool is that?

## 9. What is a subject (legal or non-legal) you would like to learn more about?

Mythology, philosophy, religion, literature...the technologies of human wisdom.

## 10. How do you unwind?

Tennis. I've played since I was six years old, and still compete at a national level. I work out on court about 5 days a week, and travel to play tournaments when I can. Besides that, it's family/friends time: meals, Netflix, adventures of various kinds with the ones I love.



## Jeff Goldfien

HealthCare Ombudsman/  
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### Education:

LL.M., University of  
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## RUMOR MILL: EXAM TIPS AND INSTALLING EXAMPLIFY

By Susan Erwin

Senior Assistant Dean

Dear Rumor Mill,

Hard to believe that Spring 2018 is almost over! As we head toward final exams, I am highlighting your exam questions and including some of the questions from the past. Knowing this information could make exams a bit easier on you!

*Why did the law school decide to change our exam software? I heard the new one doesn't work very well. I read online that other schools have been complaining about it for months. Why are we using it?*

Great question. It seems like a dumb decision on our part, unless you have all the facts. First, we didn't choose to move to Examplify. The Examsoft company has stopped supporting Softtest and now only supports Examplify. We had a choice last fall and chose to keep using Softtest. This spring, we had no choice. Secondly, the California Bar uses Examplify for the bar exam. We don't think it would be a good idea to start you on a different product knowing that you would have to switch to Examplify at the last minute to take the bar. It's better for you all to be familiar with the program. That being said . . . we are all crossing our fingers that everything works well.

*I took a midterm and my computer was running really slow. I think it impacted my grade. The proctor would not give me extra time and told me to take my computer to tech support after the exam. They said that my computer is just too old*

*and will continue to cause problems. How is the school going to fix this?*

Using your computer for exams is a privilege, not a right. Students can always hand write their exams. Students may not *want* to hand write (and really who can blame them), but they can hand write. The default for a computer that goes belly up will always be hand writing. It will never be more time, a free or loaner computer or an exam re-do. If you are worried about your computer, take it to tech support and let them check it and listen to them when they give you advice - they have been working exams since most of you were in high school!

*Last semester I took my Evidence exam even though I was sick. I couldn't reschedule because I had plane tickets for the next day, so I toughed it out. I ended up getting a really low grade, which I was told could not be changed! This seems really unfair.*

I'm so sorry that this happened to you. Please don't "tough it out". The flu may be temporary but your grade is permanent. If you feel sick, don't take the exam! You can email [lawstudentservices@scu.edu](mailto:lawstudentservices@scu.edu) and let us know you are too sick to take the exam. You will need to go to the doctor that day and get a note confirming that you were ill. We will wait until you are better and work with you to reschedule the test. If you are sitting in the exam room feeling sick, don't look at your test! Get up and walk out to the head proctor table and let us know. We are here to help you.

*How are we going to have finals in Charney?*

*There are no outlets in any of the classrooms!*

For Spring 18, we have scheduled all of the exams in Bannan. It's safer to stick with what we are used to and what you all are comfortable with. (For example, you all KNOW now that it's going to be Antarctica in the rooms, so you come prepared.) Summer classes and exams will be held in Charney. By then, we will have figured out which rooms will work best (and have enough outlets).

Other advice about exams:

- Read all of the emails from Nicole Maxwell, our head proctor, and do what she says
- Download Examplify
- Double check your exam days and times; you don't want to actually live through the nightmare of missing a final! At least one of you does it every year!
- Download Examplify
- Be aware that a ton of you get sick this time of year and then infect everyone else. Don't cough on people, wash your hands, eat right and sleep!
- Download Examplify
- Please remember that we are here for you. If you start feeling overwhelmed, please come see me. If you have an emergency, come see me. If you get sick, come see me.
- Download Examplify.

And as a final note, please remember to download Examplify.

## CARS ARE STILL NOT FLYING, BUT THEY ARE DRIVING THEMSELVES

By Christina Faliero

Senior Editor

Living in Silicon Valley affords us the privilege of standing at the forefront of innovation. Inventors and idealists are driving the future here and are utilizing technology to propel us forward. However, many people seem to be psychologically resistant to change, whether it is due to the belief that we fundamentally stay the same throughout time, or because we hold on to the innate comfort that comes with consistency. [NPR has discussed](#) these notions, citing [recent studies](#) that found that people "generally fail to appreciate how much their personality and values will change in the years ahead—even though they recognize that they have changed in the past." Perhaps it is this natural hesitation that keeps revolutionary ideas from being implemented quicker than desired. Although, it seems that some complex technologies would be more effective with rapid adaptation, such as autonomous vehicles.

On February 26, 2018, the California Office of Administrative Law [approved amendments](#) to the Motor Vehicle Title of California's Code of Regulations, allowing the testing and deployment of fully autonomous vehicles on public roads to become effective on April 2, 2018. This approval comes in the wake of two fatal accidents involving autonomous vehicles ([an Uber-SUV in Tempe, Arizona](#) and a [Tesla in Mountain View, CA](#)) with human operators inside. Still, the [regulations](#) appear to be strict in scope, requiring stringent monitoring of persons who are testing autonomous vehicles, and of the use of the vehicles themselves.

In response to the emerging technology, the National Highway and Transportation Safety Administration (NHTSA) released a set of national [safety guidelines](#) to help guide and ease the implementation of autonomous vehicle technology across the States. In fact, in 2017, 33 U.S. states



Fleet of Uber autonomous vehicles. Image [Via Wired](#).

introduced legislation related to autonomous vehicles, which included 13 more states than in 2016. The National Conference of State Legislatures (NCSL) has published a [legislation tracker](#) and [database](#) on its website to provide real-time information about new legislation on autonomous vehicles to help keep data consolidated and provide the public with easy access to information.

It appears that the central issue concerning autonomous vehicles is safety. The United States Department of Transportation (DOT) is currently conducting extensive automation research to ensure safe and efficient operations, and has published its role, vision, program goals, organization, and updated general findings on its [public website](#). Further, proponents of expanding the use of autonomous vehicles in the U.S. emphasize that 94% of serious car crashes occur due to human error. Distracted driving alone, which includes crashes due to cell phone use while driving, contributed to 3,477 deaths in 2015, notwithstanding those distracted driving accidents that went unreported. Thus, removing human error from the roads would hypothetically save thousands of lives. Relatedly, a study by the National Highway Traffic Safety Administration (NHTSA) found that in 2010, motor vehicle

crashes cost \$242 billion in economic activity, which includes lost workplace productivity, loss of life, or decreased quality of life due to injuries. The study also mentioned that efficiency, convenience, and mobility are benefits of autonomous vehicle technology. ([See NHTSA infographic site page](#).) It is inevitable that roads flowing with autonomous vehicles would decrease crash numbers and economic losses. But such a theory nods to the proposition at the start of this article: we need rapid expansion of autonomous vehicles for the benefits to outweigh the risks. The more autonomous vehicles that are on the road, the more nodes of communication that the cars will have with one another, and the less humans there will be to make errors.

We cannot discount the tragedies that have occurred involving these emerging technologies. We should, however, strive to harness the numerous benefits that autonomous vehicles provide, and place the safety of individuals at the forefront of development to ensure that the risk of death or injury is minimized as much as possible. This is not the first time groundbreaking tech has faced controversy or lack of interest. At their outset, critics even claimed bicycles were terribly unsafe, impossible to improve, and impractical. Automobiles were introduced shortly after receiving even harsher critiques, especially regarding safety. And notwithstanding its absence of safety concerns, the New York Times [reported](#) in 1985 that laptops were a fading fad, scoffing at their lack-of-usefulness and expensive price-tags. Today, these inventions have revolutionized our existence.

Perhaps with a little bit of time, trust, patience, and impressive brainpower, autonomous vehicles will similarly be our new norm. P.S. Silicon Valley: we're still waiting for those flying cars, too.

## LESSONS FROM MARCH FOR OUR LIVES SAN JOSE

By Olivia Manning

For *The Advocate*

Growing up, I was raised to “be a leader, not a follower.” I have always felt motivated by this advice, and have found myself searching for ways to grow boldly and independently. However, the March for Our Lives movement got me thinking about this familiar phrase a bit differently. In that crowd, I understood the power of a communal movement and in the potentially greater power of boldly seeking collective growth. Perhaps the ultimate message is to be bold—be it as a leader or follower.

The March For Our Lives events on March 24 were attended by over one million people across the country. What is uniquely remarkable about this March is that the primary planners of the events were only 14-19 years old. This is amazing no matter how you slice it. These planners were moved to action by the activist survivors of the tragic Marjory Stoneman Douglas High School shooting on February 14 that killed 17 of their peers. I recently spoke with my 18-year-old sister Madeline, who attends high school in a predominantly pro-gun area, to get her thoughts on this movement. She did feel surprised at the success of this movement, albeit in a good way. She noted that prior to this movement, “a lot of students had been staying quiet about this, because they felt like they are kids and can’t do anything anyway.” Adding with hope, “but we are finally moving and the tides are changing. We’re not just going to sit and watch this happen anymore. People are dying.”

High schoolers today have made clear they are not going to age into an apathetic generation, but rather, that their generation



will be defined by historic efforts to effect positive change. That they will be leaders. And I am so with them. I wish I was that cool in high school.

But who are leaders without their followers? I was among those who attended my local event, March for Our Lives San Jose. This March was organized by Prospect High School students. They raised an impressive \$44,141 to fund the overhead expenses (permits, equipment, etc.), garnered the interest of over 4,400 Facebook users; and, they recruited a dozen notable speakers, including Congresswoman Anna Eshoo, Congresswoman Zoe Lofgren, and Colonel Dean Winslow (retired). Prospect High School’s mission read:

*Horrified by ongoing gun violence nationwide and heeding the call for action, we are local high school students working to bring attention to the need for more comprehensive gun laws, particularly for the purpose of school safety. After the shooting in Parkland, Florida, it is clear that tragedies like this could happen anywhere and that lawmakers need to act now. Making students feel safe in school is not, and never should be, a partisan issue.*

The March was hugely successful despite the rain. Marchers maintained high spirits, breaking into hopeful, unifying chants of “Not one more!” and “Enough is enough!” Their signs were colorful, clever, and poignant (worth a Google image search). The March concluded at Guadalupe Park, where speakers shared words of wisdom and personal stories with the crowd. The park was overflowing with supporters. I found Colonel Winslow’s perspective the most refreshing. He is a veteran pilot who finds guns a ton of fun (including assault style rifles), but believes in the life-saving power of oversight, regulation, certification, and bans from civilian homes. It was a good reminder that you can be a sharpshooter, gun-loving, responsible citizen, while still believing in gun control.

By the end of the March, I was overcome with a sense of empowerment, community, and a deep sense of urgency to do my part to encourage gun law reform. I drove home inspired to share my experience with hopes that my actions will inspire one more bold conversation, one more display of solidarity, or one more precious vote. Want to chat more? Email me—let’s talk!