



The H1N1 flu arrives at Santa Clara Law

Nick Peterson

Administrators suspect H1N1 flu has arrived on campus, and they are now seeking to minimize proliferation of the highly contagious virus.

Three law students have reported flu-like symptoms indicative of H1N1 as of Sept. 23. The flu strain has been mild thus far, but public health officials are pushing measures to prevent its spread in case the virus mutates to become more pernicious.

“People should be concerned,” said Joy Alexiou, Public Information Officer for the Santa Clara County Public Health Department. “I don’t think people need to overreact, but they should be concerned.”

The county has seen 136 hospitalizations and 8 deaths as of Sept. 23 thought to be a result of the virus. Alexiou said she suspected the deaths occurred in cases involving underlying health conditions.

A vaccine is in production and initial delivery is expected in mid-October, Alexiou said. The first batch will be available only to health care workers and other high-risk groups. More people will gain access as shipments continue. Until then, Alexiou recommended getting a vaccine for the seasonal flu and stressed measures to

stop the spread of disease.

Should conditions worsen, Alexiou said they will evaluate the need to close public gathering places, like schools, on a case-by-case basis.

“It really depends on how far and how quickly it spreads and what the severity is,” Alexiou said.

Santa Clara is taking cues from the

county as to whether they should stay open, said Assistant Dean for Student Services Susan Erwin. The school has been working on an information campaign stressing preventive measures.

Experts encourage students with flu symptoms to isolate themselves until they haven’t had a fever for 24 hours. Furthermore, they recommend seeing a doctor only if symptoms become severe.

“Our hope is that if we remind you enough times to be careful and do all of these preventive measures, maybe we can limit it a little bit,” Erwin said.

Student need only notify Law Student Services by e-mail if they must miss class because of the flu, and the office will then notify the students’ professors. Erwin said the provost has encouraged faculty to be lenient in their attendance standards and to consider making course materials more available on the Web.

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Lannie Nguyen contemplates beer pong and its bacterial dangers.

FLY-ing above the rest

Lyndsey Eadler

If anyone needs confirmation that SCU Law students are involved in their community, they need not look any further than the 45 Santa Clara Law students who volunteer with the Fresh Lifelines for Youth (FLY) program. Our fellow students, along with the many other volunteers and staff, will serve over 3,000 youth across Santa Clara and San Mateo Counties this year. FLY is a nonprofit organization serving the most marginalized and underserved youth in our community. Its mission is to prevent juvenile crime and incarceration through legal education, mentoring, and leadership training.

FLY is unique in its approach to solving the problems that juveniles face. This uniqueness is rooted in a three-faceted program. First, the cur-

riculum in the law-related education classes focuses on California criminal law that affects youth. Secondly, FLY reaches outside of the classroom setting to connect youth and their families with the social services they need, as well as provide direct mentoring services to the youth. Finally, FLY is particularly attuned to the input of the youth it serves. Indeed, FLY was created directly based on the suggestions of incarcerated youth. In 1997, Stanford law student, Christa Gannon, started volunteering at the Santa Clara County Juvenile Hall where she taught incarcerated teens about the law. One afternoon, she asked the youth to create a program that would prevent juvenile crime. From this exercise, Christa developed the FLY program, and in June 2000, FLY became a nonprofit organization. The success of FLY has been recog-



The FLY program in action

nized by parents, prosecutors, judges, school officials, and probation officers. FLY has also received local and national recognition, including the first Human Rights Award from the City of San Jose Human Rights Commission.

Even more importantly, 89 percent of the youth involved in the program report that after being a part of FLY, they now plan ahead, make better choices, and are less likely to break

the law. In addition, 98 percent of the youth indicate that FLY provided them with positive role models, while 90 percent of youth with mentors reduced drug and alcohol use. FLY’s astounding success is the result of its efforts to develop youth competency skills as well as the life skills and character needed to exit or avoid the criminal justice system, with the ultimate goal of transforming the youth

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

Contact Dominic Dutra
ddutra@scu.edu

Autumnal Ick-quinox Immigrant health-care excluded but not forgotten

Dominic Dutra, Editor in Chief

In this lovely season of runny noses, hacking coughs, and other IPBMs (inter-personal bacterial missiles), *The Advocate* is attacking the pandemic head-on by printing this issue on Purell-fortified paper.

All joking aside, the onslaught of health center emails, flu kits in classrooms and germ-warning flyers are paralleling one of the biggest domestic debates in ages. Public healthcare, or not to public healthcare, that is the question. As the right and left bludgeon each other with “public option” and ‘no option’ plans, students battle their colds in classrooms, as we increasingly value our legal education, over our health (and just about everything else). Those of us that have been here a while know that struggle well, and have, over time, learned to find a relative balance. But for all of those fresh new faces in Bannan, heed the examples of your forebearers and work on finding that balance.

1Ls, be weary of the first-semester burnout. It is true that the first year is a bit of a race, but keep in mind that it’s more like a marathon, and less like a sprint. When that burnout starts to creep up on you, put down your books. Go hit the gym, watch some trashy television, drop some loan money on fall’s latest fashions, but don’t become a slave to your J.D. Minimizing stress will keep up your spirits and your health, and will keep some fuel in the tank for that post-Thanksgiving showdown.

To everyone: save your classmates and sleep off your sickness at home. Think about your privilege to have healthcare, and hope that for the rest of us it may become a right.

Stay well, and go Niners.

Camille Alfaro-Martell

While not everyone agrees about the immigration issue, this does not mean these people should automatically be categorized as second-class human beings. They are still people and have the same concerns that everyone else does: work, children, rent/mortgages, and survival. We must consider the conditions they were living in before. These people chose a more demanding life here over their home country. I consider myself lucky to be a U.S. citizen, but it was not something that I had any hand in.

President Obama has drafted a summary of the health care plan, which does not specifically address illegal immigrants or the plan’s effect on them.

ABC News’ Senior White House Correspondent analyzed the Aug. 26th Congressional Research Service report entitled “Treatment of Non-Citizens in H.R. 3200.” According to this report, some illegal immigrants who meet the substantial presence test might be required to purchase health care coverage. Also, there are no restrictions on who can participate (purchase) health care exchange. And, finally, the guarantee that subsidies do not go to illegal immigrants relies entirely on the Health Commissioner’s ability to establish a proper procedure to establish immigration status.

Perhaps President Obama is right and this health care reform does not specifically apply to illegal immigrants. But, at the same time, will a hospital turn people away based on citizenship? I highly doubt it. And if the government can earn more

income by taxing those who would like to purchase health care (even if they are here illegally), will we say no? Probably not. Will this affect me directly? Sure! I do not want to pay higher hospital fees. Does it mean I would encourage turning people away based on their citizenship status? Hell no.

At the end of the day, there is no way to find all 12 million illegal immigrants and send them “home.” Americans need not go out of their way and offer free services, but maybe we should accept the situation and resolve the issue before us. There are more important issues in the world occurring everyday – and that is where I would rather focus my money.

WhyClicker?

Recently, classes have been requiring students to purchase iClickers to bring to class. Unfortunately, these \$40 harmonica-like devices are not only expensive, but hardly useful. With books that can cost a student nearly \$1,000, the last thing most people need is to be forced to treat law school like a hard question in “Who Wants To Be a Millionaire.” While they may add value to the classroom experience, it is likely outweighed by the insanely large amount of money they waste. I would hope that a school that knows the cost of textbooks and tuition very well, would understand that forcing somebody to buy a device they will use sparingly doesn’t make very much sense.

- Henry Schober

We Encourage Letters to the Editor. If you have a strong opinion on anything you have read, don’t hesitate to submit one. Letters should not exceed 250 words, and no anonymous submissions will be accepted.

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Canadian example for U.S. Healthcare?

Adam Chastinger

President Obama's proposed healthcare changes seem radical and groundbreaking to most Americans. Jillian Allen, a candidate for an LLM in Intellectual Property, seems remarkably less surprised at the idea. Allen hails from rural Nova Scotia, and received her J.D. from a law school in the capital of that Canadian province: Halifax.

Canada has had healthcare subsidized by the federal government since the 1960s. Tommy Douglas started the program in Saskatchewan. It was so successful in the provincial setting that the entire country opted to adopt the idea of government-sponsored healthcare.

Canadian healthcare is funded by the national government through both income and tobacco taxes. Allen stated that buying a pack of cigarettes in Canada could cost around \$14. The justification for such a price, naturally, is that the government pays for any adverse health-related effects of the cigarettes. Canadian income taxes aren't all that different from the income taxes we Americans pay—they run about the same proportions as ours.

Obama has made the assertion that his healthcare plan would not lead to any more taxes on Americans in lower income brackets. He stated in his recent speech to Congress that he wants to find money inside of the existing budget to pay for services.

When Allen came to California this year, she was uninsured. She found that paying out of pocket for a visit to the doctor was much less expensive than she had anticipated, and was pleasantly surprised that she was able to schedule an appointment within

a couple days, not a couple months. She mentioned that in Canada patients often must wait several months to see their family physician, that there is a 3 month wait for major non-emergency surgeries, and that it takes even longer to see a specialist. Prescriptions only cost \$5 apiece, though, and in Canada she wouldn't have to pay a dime out of pocket for any of those visits to the doctor or hospital.

Obama's plan wouldn't be as expansive as the Canadian system. The current objective, the much-maligned "public option," would create a government-run healthcare plan that individuals and small businesses would be able to pay for. There would be possible tax deductions for those not able to afford it. Whoever chose to do so would be able to keep their current coverage whether it came through their employer or not.

Canadians, Allen said, have begun to embrace private insurance. Having a private insurance company allows Canadians to skip past the long waits previously mentioned, and also covers vision and dental care. Much like Obama emphasized in his speech to Congress, preventative care is both funded and encouraged.

One of the main downfalls of the Canadian system seems to be the lack of doctors in rural areas. Some provinces have taken to paying tuition for medical students who will agree to work in areas with a need for doctors. That is a problem that doesn't seem likely with the current healthcare reform plans in the U.S., though. Doctors will still be able to profit from business the way they do now, instead of receiving a fixed amount per patient from the government as in Canada.

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She said a potential for abuse of the forgiving attendance policy exists, but noted that it would be ultimately disadvantageous to do so.

"At the end of the year when we're counseling students with really low GPAs, most of those students have had serious attendance issues," Erwin said. "Attending class really does matter for how well you do in law school."

Nationally, over 21,000 cases of suspected H1NI have been reported to the American College Health Association for the week ending Sept. 18 among the colleges and universities they've been monitoring. The highest activity has been in the state of Washington.



James Turner, president of the American College Health Association, said schools have had difficulty encouraging students to self-isolate when they show symptoms.



Hijacked Russian Vessel Shrouded in Mystery

Peter Felton

The Arctic Sea, a merchant vessel cargo ship flying under the Maltese flag, set sail on July 22nd, 2009. It went missing between July 30th and August 14th. The Arctic Sea was traveling from Finland to Algeria, manned by a Russian crew. It was allegedly captured off the coast of Sweden by hijackers posing as Swedish police on July 24th. On August 14th the lost ship reappeared near Cape Verde off the western coast of Africa, and was seized by the Russian navy on August 17th.

The real mystery lies with the missing cargo of the Arctic Sea. The ship contained \$1.8 million worth of timber, but some believe it also carried a much more precious cargo: missiles intended for sale to Iran. Some believe the Russian government is trying to cover up the plan going awry by creating a false account of hijacking. Rumors have surfaced implicating Mossad, the Israeli national intelligence agency. Mossad may have

discovered that the Arctic Sea contained missiles headed for Iran and intercepted the vessel before it could reach its destination.

Suspicious are fueled by the fact that the Russian navy sent all of its vessels in the Atlantic to investigate, including three carriers, a frigate, and two submarines. This seems like a lot of manpower for the Russian navy to use to find a boat that only contained timber. Additionally, Israeli President Shimon Peres paid an unplanned visit to Russia a day after the Arctic Sea's rescue. Curiously, the Russian navy waited three weeks to send a search party. Mikhail Voitenko, who has covered numerous maritime incidents and currently edits the Russian maritime journal *Sovfrakht*, believes that there is something unusual about the hijacking, and that it was not a regular incident of piracy.

Many suspicious facts remain surrounding the hijacking of the Arctic Sea, and those mysteries may never be answered by the Russian government.



Changing the South Bay's car culture one party at a time

"San Jose is the largest city in Northern California, but we are hidden in the suburban sprawl. It's time to enjoy the South Bay, ride the streets, and make this place the active and exciting city we want it to be."

-San Jose Bike Party Mission Statement

Nikki Corliss

San Jose Bike Party (Bike Party) reflects an antithesis to the South Bay's multi-highwayed, big-box store, chain-restaurant culture. Every third Friday of the month, thousands of bikers amass to ride the streets of the South Bay, yelling "Bike Party!" filling intersections, and stopping periodically for parking lot dance parties.

"We want to promote cycling as a lifestyle," says Sarah Stillman, a Bike Party volunteer organizer. This goal seems like a Herculean challenge in a city with four different freeways running through its epicenter.

On the way to Bike Party one is filled with fluttering anticipation as rogue riders whiz past like blinking red phantoms. The masses head

to the local meeting place chosen monthly by Bike Party volunteers. And then, the congregation: A crowd of over 2,000 riders, adorned in flashing LED lights, street lamps shimmering upon their helmet tops. For this ride, many are participating in the August theme of "Gender Bender" (complete with mustachioed women in hot pants and heavy, bearded men in Sunday dresses and gardening hats).

An air horn pierces the night air and whips up the bipedal hoard into a frenzy. Members of the unruly herd declare "Bike Party!" as the cycling caravan commences onto Mission College Boulevard.

At first the crowd moves slowly. Attempting to funnel 2,000 riders out of a large parking structure is not easy.

"When [Bike Party] was 100

people, you'd be past an area in 10 minutes," says Stillman. "Now it takes the group 40 minutes or an hour to pass an area."

The Bike Party humbly began two years ago this October when a group of fewer than 40 people crudely assembled with the help of Craigslist and word of mouth.

"It used to be just a couple of kids planning out a ride. Now it's huge," says Stillman.

Since the December 2008 ride, the numbers began doubling every ride. And with larger size, comes greater challenges. Trash, meeting points, noise levels and rowdy cyclists are just some of the recent issues the 2,000-plus Bike Party faces.

"Luckily, we know all these concerns," assures Stillman. "We listen to them when they are brought up, and spend hours discussing these issues at organizational meetings"

"It started as kind of an anarchistic activity," laughs Stillman. "We didn't want any leaders, or roles. Now that is changing. We are learning how to respond to the media, and to the community."

Still, it's hard not to feel like a wild hooligan howling "Bike Party!" into the warm night air.

"I love yelling 'bike party' and then having some kids nearby on mountain bikes, or fixies, or cruisers, or a recumbent, yell it back," says Stillman.

It's the camaraderie more than anything that has allowed SJBP to thrive and grow exponentially. Stillman: "The main objective of bike party is building a community through bike riding."

To that we say, "Bravo!"

The real world: Advice from SCU Law graduates

Mark Andrus

Whether studying law or entering the legal profession, Santa Clara Law alumni know that, like the law, we must learn to adapt. With the commencement of another year, Santa Clara Law students anticipate the day they will begin their legal careers. Many of us now pursue a career path blazed by those who came before us. And just as those who came before wondered, we also inquire: "What awaits us after all the time, money, and sacrifice of law school?" To de-

termine where we will go, we must first determine where we can go. To illuminate the vast corridors of possibilities before us, I contacted three Santa Clara Law alumni to provide insight on their roads less traveled.

Vince Cogan ('05) currently works as in-house counsel for Silicon Valley Bank Financial Group. Prior to his current position, Vince was an Intellectual Property staff attorney at ESRI. And as a student, he singles out his participation in the Northern California Innocence Project (NCIP)

as a noteworthy accomplishment.

Advocate: Although you have pursued a career in IP law and now in-house counsel, how did your participation in the NCIP better prepare you for your legal career in general?

VC: Part of being an attorney is being an active participant in the community and in society. The NCIP helped me build perspective in my professional life that I bring back to

FLY-ing above the rest

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into positive community leaders.

In addition to its focus on the youth, FLY also provides law students with the unique opportunity to embrace their skills as lawyers-in-training. Law students of all levels are given the chance to teach youth about the law during one of the 13-week programs.

Volunteer Jenni MacArthur, 2LE, says "I love working with the youth. It brightens my day to connect with the youth each Thursday, and to teach them topics that directly affect their lives."

New volunteer, Sage Kaveny, a 2L transfer student, says "Even though I'm new to SCU, after hearing about FLY, I knew I had to be a part of it. I want to go into juvenile law and thought this would be a unique opportunity to apply my knowledge of the law while engaging the youth in our community." Students can also participate in the Mentoring program, where they are matched with an individual youth in need of a positive adult role model.

SCU Law students have been volunteering with this outstanding program since its formative days. Some students even stuck around to dedicate their lives to FLY and its mission, such as Santa Clara Law graduate Aila Malik, and now Associate Director of FLY.

"I was lucky to find my calling as a 1L at SCU. . . I started volunteering for FLY and learned that my law school education supplemented my 'real learning' from youth with a lot of life experience who had much to teach me," says Aila. "I started working for FLY during Law School, during my 2L year, and have never left! We attorneys become ambassadors of the legal system and we should never overlook the fact that at our core, our purpose is to empower others with knowledge and help those in need."

If you're interested in volunteering with FLY, it's not too late! Contact Skye DeLano at skye@flyprogram.org for more information about becoming a volunteer, or talk to your fellow law students about their experiences with the program.

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Lawyers Leading

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my community. Cookie, Linda, and other Santa Clara professors rightly emphasize the importance of being involved in our communities; my work with the NCIP reminds me that it is important that we, as lawyers, give back to my community and those less fortunate through volunteerism and charity.

Advocate: What advice would you offer current law students interested in pursuing corporate IP careers?

VC: Be a business-focused IP attorney – know your business and learn how to support business endeavors. This takes more than understanding the products of your business, it's understanding the entire business and your clients. Also, most importantly, get to know and work with everyone from the CEO to the folks in the mailroom – they will all help you along the way.

Wayne Chi ('08) currently heads his own practice Wayne J. Chi, Attorney at Law. While a student, Wayne was Lead Symposium Editor of our Law

Review and served as a law clerk at the Katharine and George Alexander Community Law Center.

Advocate: How did participating on the SCU Law Review better prepare you for the actual practice of law?

WC: I gained greater technical legal research and writing experience, which I used and still use in all of my legal work experience. It also expanded my professional network and refined my communication skills with colleagues—skills I still use in dealing with opposing counsel.

Advocate: What suggestions do you have for current students debating whether or not to start up their own practice?

WC: Think very very carefully about it. Critically analyze your assets (i.e., network, skill sets, capital, etc.) and what you want as far as short-term and long-term goals. Carefully consider your work experience and your academic background. It's a very difficult decision to make because the repercussions are serious. Once you decide to go for it, commit and dedicate yourself 110%.

Adam Birnbaum ('09) is currently an intern at the International Criminal Court (ICC) in The Hague, Netherlands, and was a member of the Santa Clara Law International Moot Court Team that took first place at the Pace University School of Law's International Criminal Court Moot Competition earlier this year.

Advocate: What are some of your duties with the ICC?

AB: The ICC is divided into 3 chambers (pre-trial, trial-chamber, and an appeals chamber), and I am working with a judge in the appeals chamber. It's very similar to a judicial clerk back home. It requires a lot of research, and rather than working with one state, you're working with several countries. It's hard work, but very rewarding.

Advocate: What advice would you give current students pursuing international law?

AB: The biggest problem a law student faces when they want to learn about international law is that we only learn the common law system. Many attorneys don't realize common law is not the dominant legal system in the world. Familiarize yourself with the main civil law systems in the world so you can at least discuss them casually. Take a comparative law seminar. Also, don't be shy about submitting applications for international internships. Santa Clara Law School has a good name in international public law. Few law schools in America that are known internationally, but many international lawyers are familiar with SCU.

Meet Santa Clara Law's new professors

Student Martin Behn gets to know SCU Law's new professors beyond the classroom

Kyle Graham started this fall semester as a new Assistant Professor at SCU Law. He teaches American Legal History, Criminal Procedure, and Torts.

During his undergraduate career at Stanford University, he interned for a Caribbean travel magazine and Dateline NBC, working on the scathing expose into Hooked on Phonics and investigations into 1-800 numbers.

After graduating from Stanford, Graham worked as a National Park Service ranger in Jewel Cave National Monument, South Dakota. To add to his outdoor credentials, Graham is an avid hiker and backpacker. He also enjoys baseball and photography, which will become apparent if you visit his office.

Graham is a graduate of Yale Law School, where he started a student newspaper on campus. The paper's mainstay was a spicy gossip column, which was quickly disliked by administrators. Unfortunately, the paper quickly folded after he graduated.

After law school, Graham went on to work as a staff attorney for Associate Justice Carlos Moreno of the California Supreme Court, as an associate with the law firm of Gibson, Dunn & Crutcher LLP, and as a law clerk for United States District Court Judge William Alsup.

Graham spent three years as Deputy District Attorney in Mono County, California prior to coming to Santa Clara.

In the classroom, props, film references, role-playing, and the occasional stuffed animal popularly aid Graham's teaching style. He says that a large part of learning the law involves simple recall, and these simple props aid in recalling the in-



Professor Graham

formation.

David Ball is another new Assistant Professor at SCU Law who started this fall. He teaches the following courses: The Prison System, Islamic Law, and Criminal Law. His main scholarly interests are sentencing, corrections, and the intersection of mental illness and criminal justice. He is no stranger to SCU Law, however, having taught courses entitled California Prison System and Introduction to Islamic Law as a Social Justice Teaching Fellow during the 2007-2008 academic year.

Ball was a Morehead Scholar at the University of North Carolina-Chapel Hill, where he earned an undergraduate degree in 1992, and then a Rhodes Scholar at Trinity College, Oxford. At Oxford, he studied

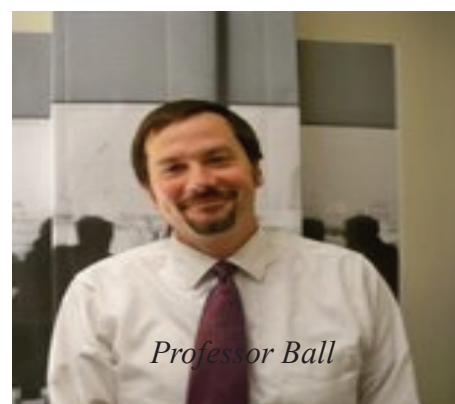
Philosophy, Politics, and Economics. Ball is a graduate of Stanford Law School and a former clerk of the Honorable John T. Noonan, Jr. of the U.S. Court of Appeals for the Ninth Circuit.

Prior to entering the legal profession, Ball was a comedian and actor in New York City. He worked with The Pollyannas Improv Comedians in the East Village and acted in a couple films. He wrote and directed the first movie to be distributed under the creative commons license, "Honey."

On a more serious note, Ball started an interfaith organization in the New York Muslim community following the terrorist attacks on September 11, 2001. He focused on organizing strategies within the Muslim community to address intolerance toward Islam.

Currently married with children, Ball says that raising two children, teaching, conducting research, and coaching his son's T-Ball team, gives him a very full life.

He describes his teaching style as "animated with jokes," but he also looks to challenge students the way his law professors challenged him.



Professor Ball

A Legacy of Dirty Laundry

Tara Kathleen King

What do President Bill Clinton, Mark Foley, Larry Craig, John Edwards, and now Michael Duvall all have in common? A legacy of dirty laundry. Not only were all of these men at one time well-known public officials, but they were also all implicated in sordid sex scandals.

Years from now, no one may remember that President Bill Clinton was responsible for signing the Family Medical Leave Act of 1993 that allowed employees to take unpaid leave from work for pregnancy or serious medical conditions. No one may remember him for saying the famous words: "There is nothing wrong with America that cannot be cured by what is right with America." However, you can be sure that in the distant future someone will snicker over his now infamous extramarital affair with White House intern, Monica Lewinsky.

Mark Foley and Larry Craig have also left behind a tainted legacy. Foley, a Representative from Florida,

served in the House of Representatives for 11 years before he was implicated in 2006 for a scandal involving minor-age boys. Foley was accused of sending emails and instant messages soliciting former Congressional male pages for sex. Larry Craig, a senator from Idaho, served in the Congress for 18 years. In 2007 he was arrested for lewd conduct in a men's restroom at the Minneapolis-St. Paul International Airport. Both Foley and Craig retired soon after the scandals.

In August 2008, former Democratic Vice-President nominee, Senator John Edwards, admitted to having an extramarital affair with a former campaign worker, Rielle Hunter. Edwards has denied being the father of her child. All the while during the affair, Edwards' wife was campaigning for his Vice-Presidency while struggling with breast cancer.

It seems like every time I turn on the news another politician is involved in a new public disgrace. One thing that disturbs me the most about



Monica and Bill had some seriously dirty laundry

this, is that so many of these corrupt politicians are considered "champions" of family values. The irony of catching these men with their pants around their ankles is inescapable.

Michael Duvall is a classic example. Just recently Duvall accidentally revealed the intimate details of his extramarital activities. Duvall was talking to a fellow committee member about two of his affairs while his microphone was live. Duvall's behavior is not only distasteful because

he is married with children, but he was also considered a crusader for "family values." Obviously Duvall could use his own lesson in family values. In addition, the controversy raises questions about his fitness for public service. Duvall is a member of California's Utility and Commerce committee. According to reports, he was having an affair with Heidi De-Jong Barsuglia, a lobbyist for an energy company.

The increasing immorality and corruption in politics is disturbing on many levels. First, these sex scandals decrease public confidence in the political system. Politicians granting lobbyists paramours special favors hardly seems like a democratic way of making decisions. In addition, I am horrified by the idea that politicians with such skewed moral compasses are running the show in relation to health care, education, and national affairs. In addition, it makes me wonder how many times these politicians have put the public's need below their own.

I am tired of being let down by our public "servants." Every new sex or corruption scandal brings me closer to losing my faith in the democratic system. Although I know that I alone may not be able to change the fate of this nation, I do believe in the words of Margaret Mead who said: "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has." Each one of us is responsible for the fate of our country. Each one of us has a duty to make this world a better, more compassionate place. All I can say is that I will do my part. And, I hope, you will do yours.

Washington Monthly to Create New School Ranking System

Nikki Corliss

Every year, US News and World Report ranks the top American universities, graduate schools, and even high schools. If you are curious, Santa Clara University School of Law occupies position 85 on the charts (but eighth for IP law). Exactly what do these ratings really measure?

Last June two prominent universities were caught doctoring their ratings to gain a higher spot on US News' yearly ranking system. Newspaper investigations revealed that Clemson University and the University of Florida scored themselves alongside the Ivies, through a reputational survey that provided the basis for some of the ratings.

Perhaps a new ranking system is in order.

This Fall, the Washington Monthly introduced exactly that - a new method of scoring the nation's universities. "We just need rankings that create incentives for presidents to actually improve their institutions, rather than pretend to," the periodical said in a September article introduc-

ing the new ratings system.

The new system aims to show not just what colleges can do for you, but what colleges are doing for your community. In doing so, the Washington Monthly compiled data on three major categories: social mobility, research, and service. And, while the Monthly didn't rate law schools, this type of rating system seems incredibly important for a profession that purports to serve the public good.

Deborah Moss-West, the Assistant Director at the Center for Social Justice and Public Service hopes the Monthly's new ranking system will make it to the graduate level one day. Santa Clara Law's social justice program is ranked highly compared to other schools.

"The Center tries to instill a sense of social justice and public service in all activities of the law school," Moss-West says. Every Thursday, the Center brings in speakers from around the area to meet with groups and individuals. "That way," Moss-West notes, "social justice comes alive for students beyond just reading about it."

In addition to the Center, Professors are also contributing to the Santa Clara legal community. "Sixty-five to seventy percent of law professors are engaged in public interest, social justice work through classroom research, pro bono activities, and the like," says Moss-West.

So, with Santa Clara University School of Law's rich program in social justice, a new rating system based on serving the community seems promising. But, even this proposed ranking method only provides a quick snapshot of a law school.

Professor of Law, and Director of the Center for Social Justice and Public Service, Stephanie Wildman, warns about the incomplete snapshot that ranking systems provide: "But then I find rankings very misleading.† Even the E-guide [Newsweek's law school ranking approach], which seeks to emphasize public service in law schools, contains a number of search questions that lead to misleading impressions.† I would advise anyone seeking a school to think about their own educational goals and how the school matches up."

THE RUMOR MILL

Susan Erwin, Dean of Student Services



Dear Rumor Mill,

As I sit here in my 10 pm Law of Sidewalk Repair class, I can't help but wonder why I keep getting such terrible registration appointments. Did I somehow offend the system manager? Maybe I cut her off one day while driving on campus? Do you accept bribes? Chocolates??

- Last Appointment Leslie

Dear Leslie,

Appointments are randomized by the computer and you, apparently, have been unlucky. Students register according to their year in law school and their division (we let part timers register first because they have a harder time scheduling around work commitments). We have been trying for many years to implement other procedures to assist you unlucky ones. We had hoped to be able to institute a dual-appointment system in the spring to allow you all to get at least a couple of classes that you wanted. Unfortunately, the program to assign the dual appointments in PeopleSoft still isn't working and the university isn't going to be able to make it work for spring registration. Maybe for the fall . . .

So, my registration advice is:

- a. Register right at your appointment date and time (don't wait),*
- b. Get the best schedule you can (be prepared with plan A, and B, and C),*
- c. Put yourself on waitlists for everything else*
- d. And . . . if your schedule is absolutely horrible come see me.*

We do a really good job of clearing waitlists and will work with you to try to create a schedule that works for you.

Dear Rumor Mill,

Some students in my Torts class were talking about a special one week first year class. I never got the email! Your email system sucks! What gives???

- Grumpy G-Mail Guy

Dear Grumpy,

We send official notices to your SCU email account. Once sent, you are officially notified. If you choose not to read your GroupWise email, or forward your email to your g-mail account, or are one of those who stand in the lounge and proclaim loudly "I delete everything that I get from the Law School" . . . you do so at your own risk. Information will be coming soon on how to register for this one-week class which will be offered the week before Spring starts. Stay tuned to your SCU email . . .

Dear Rumor Mill,

I think I overheard my LARAW professor telling another prof that she got all the smart student this year. Now I'm terrified!! Please don't tell me that you put me in a section with all the brilliant kids! I'm doomed!! I'm gonna flunk out!!! HELP!

- 151 LSAT

Dear 151,

First let me say that we don't have ANY students at this school that aren't brilliant, capable and amazing! This rumor flies every year. Either you are mistakenly put in the smart group or the slow group or the left-handed group or the brown-haired group . . . LSS takes the list of incoming students, ranks it by index score (combination of LSAT and GPA), and then we start at the top and count you off (section 1, section 2, section 3 . . .) and

we keep going until we get to the bottom of the list. Index is the only criteria that we use.

Heard a good rumor lately? Email me – serwin@scu.edu.

Letter to Congressman Joe Wilson

After I heard Congressman Joe Wilson (R-South Carolina) yell out "you lie!" during President Obama's speech to a joint session of Congress a few weeks ago, I wanted to open up a dialogue with the University of South Carolina School of Law, Wilson's alma mater, to discuss the decline in civility and decorum in the legal profession. I sent the following letter to the school's Dean Walter Pratt. at University of South Carolina School of Law. Of course, I do not blame USC School of Law for Congressman Wilson's conduct. However, I just thought it would be appropriate to reach out to USC School of Law to talk about what we can do as students, professors, and lawyers to maintain civility in our courtrooms and legislatures. To date, we have received no answer to this letter; however, The Advocate looks forward to printing any response from Dean Pratt.

Dear Dean Pratt,

My name is Daniel Zazueta, and I am a third-year law student at Santa Clara University School of Law in California. I am writing this letter in response to Congressman Joe Wilson's ('72) outburst during President Barack Obama's address to a joint session of Congress on Sept. 9th, 2009. Please understand I write this letter as an independent law student and not as a representative of my law school. Further, I am certain University of South Carolina School of Law does not condone Wilson's conduct, nor does it deserve to be held responsible for his outburst.

In recent years, the level of civility in the courtroom has suffered an immeasurable decline. See e.g., John Freeman, Ethics Watch: Uncivil Equals Unethical, 15 S. Carolina Lawyer 9 (2004). "The health of a profession is reflected in the quality of its learned discourse, including its consideration about its own mission and ethics." William J. Wernz, Does Professionalism Literature Idealize the Past and Over-rate Civility? Is Zeal a Vice or a Cardinal Virtue?, 13 ABA Prof. Law. 1 (2001) (analyzing an article by Allen K. Harris and published by USC School of Law – 53 S.C. L. Rev. 549 (2002)). The competitive nature of the profession combined with a lack of proper training fosters an atmosphere of resentment and disrespect among lawyers. I look forward to practicing law in a year's time. I refuse, however, to treat opposing counsel, an adversary, or anyone with whom I disagree with any less respect than I would hope to be given in return. What can we do as students, professors, and lawyers to ensure that practitioners treat one another with civility while pursuing zealous advocacy for a client?

Joe Wilson's outburst was not only disrespectful and unparliamentary, it was also a sign of the times. Although it occurred during a joint session of Congress, it speaks to a deterioration of the legal profession and a disregard for proper debate. If we do not expect members of Congress (who also happen to be officers of the court) to abide by simple rules of decorum, how do we expect to maintain professionalism in the practice of law? Of course, we all make mistakes. Even though Wilson apologized for his remark, we can all learn from his mistake. I hope University of South Carolina School of Law takes this opportunity to use the behavior of its alumnus as a teaching point.; I know I will encourage my school to do the same. Being a lawyer is an honorable career, and it is one I am proud to pursue. It is my sincere hope that this letter will not be offensive and that we (as students, professors, and lawyers) may be able to work together to preserve our noble and principled profession.

*Very Truly Yours,
Daniel Zazueta*

The legal limit: balancing booze and bookwork

Maddy Douglass

“I just turned in my advocacy brief.”
“I don’t have class tomorrow.”
“It’s Thursday night. We always go out on Thursdays.”

I went out last night. There were innumerable reasons why. OK, maybe there were only three. And, clearly, they were well-founded in reason and maturity. Normally, this would not be a problem. It would not be an issue for students to go out, and dance, and debate karaoke options, and have a gin and tonic. Or two.

Except for the fourth, unspoken, debatably unmentionable reason: “Because it’s what we do.”

According to my highly reliable Internet sources, the national average for alcohol abuse is nine percent of the population. The number of attorneys who abuse alcohol in some fashion is about 30 percent of the lawyer population. The “work hard, play hard” adage seems pertinent here—but when did the “play” part become so seemingly self-imposed? Or more seriously, why does alcohol play such a prevalent role in the socializing and networking aspects of the legal profession?

At bars, once you pass the magic age of 21, your drink choices are broadcast to your peers. Drinks come in shiny glasses (booze) or clear plastic cups (diet coke). Realistically, it is easy to forget that there are people who choose not to drink. When people go to Chevy’s after a final, they

usually don’t order a gigantic virgin margarita. This is fine – we are responsible, we are adults. It is legal and it is a valid choice.

But bar review events are the most publicized school-wide events. Wine and cheese events are the typical networking shindig, and even the orientation mixer had a cash bar. While people may disregard the administration’s multiple emails during finals reminding us about responsible drinking, the fact that they had to send an email reminding us as a student body not to drink in Bannan, is somewhat questionable.

So where is the balance? Going to a bar and not drinking draws attention. But what about attending an event where drinking is not even an option? If there is not the promise of at least wine coolers, people are not as apt to show up. It seems that the majority of people reserve their free time for opportunities to “go big or go home.”

There is something I left out about my Thursday night: I had just turned in my advocacy paper, and in completing it, I had only gotten two hours of sleep. After I handed it over, what did I do? I went home. I ate nachos. I watched the premiere of MTV’s “The Ruins” (no, really, it is good). Then I went out. A friend asked me, “don’t you want to get some sleep?” Honestly? Not really. I wanted to go out and celebrate with my friends. And somehow, going to a movie wasn’t going to cut it.



Gray squirrel’s death prompts racial tensions

Dan Zazueta

Many of you have seen the emergence of a melanistic variety of the Gray Squirrel around campus. Some Gray Squirrels have been alarmed at the recent spike in the Black Squirrel population.

After a Gray Squirrel was found dead outside the Heafey Law Library last week, Gray Squirrels came together to form the Defense Bureau Association of Gray Squir-

rels (DBAGS). General Squirrel L. DeNutt, commander of the DBAGS, issued a notice of exclusion and removal to all Black Squirrels. The notice prohibits Black Squirrels from leaving the limits of Campus Area No. 1.

Fred Korematsquirrel (pictured left) decided to evade evacuation by migrating to an oak tree in Los Gatos. He even tried to lighten his fur by rolling in chalk dust. The disguise did not work. He was picked up in front of Stuff Pizza on Thursday after being recognized as a Black Squirrel. He vows to fight this injustice.

Mr. Korematsquirrel met with *The Advocate* to discuss his situation. He desperately needs representation and requested we run this article to appeal to Santa Clara Law students who may be able to help. More to come on this story as it develops.

Discovering the L.L.M.s

Jillian Allen

The question most often posed to myself as a current LL.M is: “What in the @\$#% is an LL.M.?” Ok, maybe not quite like that...but you get my point.

This year at SCU, there are 47 students enrolled in the LL.M. program, hence the need for an introduction. The breakdown of LL.M.s regarding their concentrations are as follows:

21 students are currently enrolled in the LL.M. IP program,

2 students in the LL.M. International and Comparative Law program, and

24 students in the LL.M. United States Law program.

More generally, LL.M.s fall into two groups, domestic and international, depending on where the student received their law degree. This distinction may not appear significant, yet there are some different requirements placed on international LL.M.s to meet the California Bar’s eligibility requirements.

Reasons for pursuing an LL.M vary from person to person. For some, an LL.M. is the first step along the path to academia, for example, those who want to be a law professor. For others, it’s a way of increas-

ing their marketability to law firms. Also, in this category are those who may have already been practicing law for a few years and decide that they want to change practice areas, for example, from a general practice to one specializing in IP.

The LL.M. program allows LL.M.s two years to complete the degree, however, many choose to complete it within one year. The possibility to complete it over two years is particularly attractive to those are currently working or have family obligations.

The LL.M.s here at Santa Clara also have their own program manager, Matthew Cox, who can often be found in his office on the third floor of Bannan Hall. Matthew has proven to be a valuable asset to the LL.M.s, not only through his punctual responses to questions, but also in his effort to promote the solidarity of the LL.M.s by organizing various field trips and socials and generally promoting the SCU community to the LL.M.s and vice versa.

LL.M. Naoko Kumada from Japan describes her experience: “I am very happy I came here, Santa Clara University takes good care of its students. Besides classes, the workshops are very helpful.”

