



# THE ADVOCATE

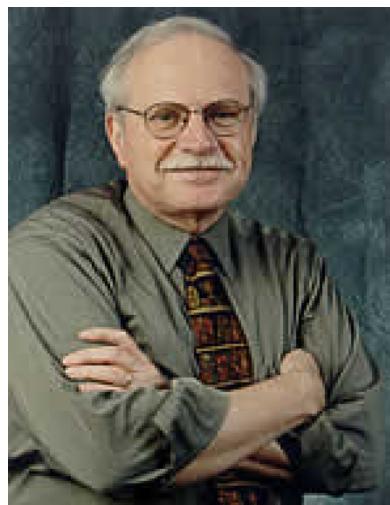
SANTA CLARA UNIVERSITY SCHOOL OF LAW

School of Law Newspaper Since 1970

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## Professor Moots on Marijuana



COURTESY OF SANTA CLARA UNIVERSITY

**Lyndsey K. Eadler**

Practice makes perfect—right? Well, Professor Jerry Uelmen definitely agrees as he continues to practice his way into perfection, even after over forty years of experience. In preparation for his upcoming appearance in front of the California Supreme Court, Professor Uelmen, and the Heafey Center for Trial and Appellate Advocacy, hosted a moot, where he practiced his oral argument in front

of students, fellow professors, and guests.

The case—*People v. Kelly*—involves the constitutionality of statutory limits on the quantity of marijuana that a qualified patient may possess under California's Compassionate Use Act. While addressing the specific question of whether the quantitative limits amend the California Constitution, Professor Uelmen will urge the Court to write an opinion which clarifies the terms of the Act.

Professor Ed Steinman, Professor and Academic and Professional Development Dean Marina Hsieh, and senior attorney at the ACLU's Drug Law Reform Project, Allen Hopper served on the mock bench. Professor Uelmen chose this bench in an effort to simulate the court he will soon face.

"I'm a jerk...like the judges,"

Professor Steinman joked. Uelmen certainly simulated the worst bench he could face. Professor Hsieh, is "an expert in appellate advocacy" with three California Supreme Court arguments under her belt. And Allen Hopper is extremely knowledgeable on the issue.

One of the difficult tasks Professor Uelmen will face during this special, televised oral argument is convincing the Court to make a definitive decision at this level rather than sending the case back to the lower court, or sending a hint to the legislature to fix the Act.

Throughout the flood of questions, including some tough questions from Professor Steinman, Professor Uelmen modeled the advocacy skills that SCU Law students, as future lawyers, hope to emulate one day—continuous

SEE UELMEN, PAGE 2

## Petition Pushes Pot

**Dominic Dutra**

Recent California Assembly Bill 390 proposes to remove marijuana from existing statutes defining and regulating it as a controlled substance. The bill, put forth by Assemblyman Tom Ammiano of San Francisco in February, is in the process of gathering enough signatures to qualify for the general election in 2010. Its proponents believe they will have the necessary signatures before the end of the year, based on enthusiasm that garnered over 200,000 signatures in its first three weeks of petitioning.

The bill has picked up steam in recent weeks, following the announcement by Attorney General Eric H. Holder Jr. implementing the Obama administration's new directives. These instructed prosecutors to focus only on cases involving drug offenses going beyond the state law protections in the 14 States where medicinal marijuana is legal. However, the

bill still faces substantial opposition, as Governor Schwarzenegger does not favor it.

Despite this, governor has stated that he would be open to a "robust debate" on the issue.

SEE CALIFORNIA, PAGE 3

## Students March for Immigration Reform

**Christina Fialho**

The debate over illegal immigration circumvents the broader question for our country's future: What kind of immigration policy and system would enhance the benefits of immigration to create a stronger and more humane U.S. in the 21st century?

On Oct. 14th—just a day after thousands of immigrant advocates rallied for comprehensive immigration reform on Capitol Hill—Santa Clara Law students joined the movement. In a panel discussion sponsored by La Raza and AILA-SCU, law students asked what they could do in this critical civil rights

movement.

Panelist Richard Hobbs, Associate Director of the San Jose-based nonprofit SIREN, urged Santa Clara Law students to educate others on the benefits of immigration for the U.S. economy.

One-quarter of Silicon Valley start-ups were established in part by immigrants, including Intel and Google. Additionally, the number of Hispanic-owned businesses has grown at three times the national average, according to the U.S. Census Bureau. The



BY: ADEL OLVERA

countless immigrant-owned businesses nationwide create jobs, revitalize communities, and help

SEE IMMIGRATION, PAGE 3

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# Initiative to Ban Divorce

**Peter Felton**

In late October, the California Secretary of State Debra Bowen allowed John Marcotte, the backer of an initiative to legalize divorce in California, to begin collecting signatures.

The Attorney General's official title and summary for this measure is as follows:

"ELIMINATES THE LAW ALLOWING MARRIED COUPLES

TO DIVORCE. INITIATIVE CONSTITUTIONAL AMENDMENT. Changes the California Constitution to eliminate the ability of married couples to get divorced in California. Preserves the ability of married couples to seek an annulment. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Savings to the state of up to hundreds

of millions of dollars annually for support of the court system due to the elimination of divorce proceedings." (09-0026.)

Many supporters of gay marriage advocate for the passage of this initiative. They reportedly support this measure in reaction to proponents of Proposition 8 who argued that gay marriage would ruin the sanctity of marriage and the family unit.

Marcotte must gain signatures of 694,354 California registered voters. That figure equals 8 percent of the total votes cast in the 2006 election for governor. Marcotte has until March 22, 2010 to collect the necessary signatures, and put the measure on the 2010 ballot.

## Rajaratnam Scuttles the Galleon Group

**Mark Jansen**

In the enduring words of Gordon Gekko "greed is good" and it appears Wall Street's wealthiest have taken Gekko's words to heart. Raj Rajaratnam, the 52-year-old founder of Galleon Management, is the latest high-profile Wall Street executive arrested in a series of shocking scandals rocking the financial world. Just months ago Bernard Madoff was convicted of swindling an estimated \$50 billion dollars in a complex Ponzi scheme. Similarly, Texas financier, Allen Stanford is on trial for allegedly defrauding investors of \$7 billion. Even celebrities are not immune to the trend. Lifestyle guru Martha Stewart served time for perjury in regard to trades made with insider information in 2003.

In light of these events it is no surprise that yet another insider trading incident was recently unveiled. Rajaratnam's hedge fund dealt primarily with technology corporations. His wide ranging network of tipsters held positions at some of the biggest companies in Silicon Valley, including Google, IBM and Intel. Rajaratnam and five others were arrested on Oct. 16th. Since then, the scope of the investigation has been widened to include fourteen individuals, three of them attorneys, who provided inside information.

In the meantime, Rajaratnam



PHOTO COURTESY OF COMPLIANCE BUILDING  
*Rajaratnam under arrest.*

remains free on \$100 million dollar bail and has pleaded innocent. A letter distributed to Galleon clients after Rajaratnam's arrest indicated that the fund would shut down as it was in the best interest of "investors and employees to conduct an orderly wind down of Galleon's funds." Approximately \$1.3 billion in redemption requests have been filed with Galleon since news of Rajaratnam's arrest broke. Shareholders will have the option of submitting requests for withdrawal of their investments before Nov. 15th. However, they are currently prohibited from withdrawing their funds.

Taking into consideration the current financial crisis and the considerable number of analogous cases plaguing Wall Street, Prosecutors will likely pursue the case aggressively to send a message to the financial world; securities fraud will not be tolerated.

## Prof. Uelmen

CONTINUED FROM PAGE 1

eye contact, an appropriate amount of gesturing, slow speaking and a clear voice, direct answers to the bench's questions, and most importantly, having an engaging and convincing conversation with the bench.

After the moot, Professor Uelmen welcomed comments and constructive criticism.

"I've never had a case where I completely agreed with the opposing side," Professor Uelmen said.

Although both sides are more similarly positioned in this case than usual, Professor Hsieh commented that there are some distinct differences the court will have to sort through, and that those distinctions will be very important for Professor Uelmen to highlight, especially after the state gets the first thirty minutes in front of the court.

Even after years of experience, over 150 legal publications, and an O.J. trial, Professor Uelmen still finds great importance in practicing before every argument. These moots, he said, are "very helpful for my comfort level and for preparing responses to questions. [They] expose my weaknesses." This philosophy has served his successful legal career well.

# Obama Vows to Right the Tribes

Jillian Allen

Nov. 5, 2009 marks an important day in Native American history: The first ever White House Tribal Nations Conference. Over 385 tribal leaders gathered for a day-long conference in Washington to meet with the President and his Cabinet to discuss various issues that plague Native Americans, culturally and geographically. The conference focused on broken treaties, housing and health care as it relates to native peoples. President Obama told tribal leaders, "You deserve to have a voice, you will

not be forgotten as long as I'm in this White House."

During his campaign, Obama assured Native Americans that if elected he would have at least one Native American representative in his Cabinet to act as a liaison. Though this promise remains unfulfilled, he reassured the conference that it is in the works. So far, Obama has signed a memorandum directing federal agencies to submit recommendations within 90 days on how best to improve tribal participation in important government policy decisions.

President Obama cited several statistics that illustrate the need for an increased awareness of issues that face Native Americans, such as:

- 80 percent jobless rate on some reservations
- 25 percent of Native Americans live in poverty
- 14 percent live in homes with no electricity
- 12 percent have no access to a clean water supply
- Inadequate housing - some of the homes on reservations are inhabited by more than 20

people

Addressing the conference, Obama noted the government's shameful history with Native Americans as "a history marked by violence and disease and deprivation. Treaties were violated. Promises were broken. You were told your lands, your religion, your cultures, your languages were not yours to keep."

Moving forward, Obama promised that his administration will take into account the needs of the tribes in regard to education, health care and economic development.

## California Putting Pot on Ballot

CONTINUED FROM PAGE 1

Given California's economic woes, many proponents have pointed to the possible tax revenues that pot could generate if legalized and taxed like alcohol or cigarettes. The Board of Equalization estimates that marijuana sales could generate nearly \$1.4 billion in tax revenue annually. However, they have also conceded that this figure is not backed by hard data.

The bill faces fairly staunch opposition from law enforcement officials who argue that whatever tax revenue the bill generates will be offset by its inherent costs on society. These include costs generated by increased accident rates resulting from drivers under the influence, a decrease in worker productivity, and potential adverse effects in education.

The final major hurdle for the bill will be its possible conflict with federal law, which still criminalizes marijuana cultivation, use, and sale. The Supreme Court may revisit its holding in *Gonzales v. Raich* to either extend federal enforcement over state laws permitting recreational and medicinal use, or to overrule their previous judgment.

## Immigration Reformers Rally

CONTINUED FROM PAGE 1

the U.S. economy adapt to changing global market conditions.

Yet, current U.S. immigration laws make it difficult for individuals and families to immigrate. Our current immigration system is fraught with burdensome application costs and arbitrary limits on the number of visas per country. Perhaps more worrisome is the immigration system's internal corruption and lack of due process.

Take U.S. immigration detention centers for example. By the end of 2009, the U.S. government will hold over 440,000 people in a disjointed mix of privately run prisons and county jails where medical neglect and mistreatment are widely documented by the Detention Watch Network (DWN). About half of all immigrants held in detention have no criminal record outside their illegal status. Yet, unlike criminal defendants, the government can hold these detainees without legal representation and transfer them from state to state without notice. Torture survivors and victims of human trafficking are among the many vulnerable groups that the government detains for months or even years without access to representation.

Karen Wynholds, a Santa Clara Law student, believes that current immigration law needs reform: "Immigration laws need to provide



BY: ADEL OLVERA

Family" and "Immigration Policies Destroy Families," the rally grew as cars began to pull over and more families joined the march. As the activists reached Lafayette Street, just behind Mayer Theatre, community members were arriving to hear Secretary Napolitano speak.

While Secretary Napolitano's speech did not

justice to those who have willfully broken the law as well as to those who are simply trying to provide a better life for their families."

Calling on the Department of Homeland Security (DHS) to take enforcement actions against real threats and keep hard-working families together, a small group of Santa Clara Law students joined forces with close to 1,000 immigrant-rights advocates and religious leaders on Oct. 15th to hold a rally and procession around SCU's campus. The action was aimed directly at DHS Secretary Janet Napolitano who returned to her alma mater to speak about DHS's role in our networked world.

The rally began that evening with a gathering at Marsalli Park, four blocks north of Santa Clara Law. Demonstrators began to march around campus. Holding candles and waving signs, which read "Don't Deport My Parish

focus on immigration reform, she said that "immigration laws do not match the needs of America in the 21st Century" and "the law needs reform." She highlighted DHS's recent proposal to clean up the immigration detention system, but as DWN Committee Chair Michele Garnett McKenzie warns, "DHS must do more than improve the existing detention system, it must fundamentally reexamine its reliance on detention as a cornerstone of immigration enforcement."

Building an immigration system that secures our borders, while promoting the fundamental values of our society is merely the beginning. With a high unemployment rate, a danger exists that fear for one's livelihood will digress into xenophobia, creating both pressure to seal the border and hostility toward immigrants. It is in these difficult economic times that society's fundamental values are tested.

# Turn Me On, Turn Your Lights Off

**Daniel Zazueta**

Fresh air, mood lighting, and girls who care about the environment turn me on. Air pollution, garbage cans filled with paper and plastic, and empty classrooms with all their lights on turn me off.

After my evening classes I often go into empty classrooms and shut off the lights. The best word I can come up with for leaving lights on in an empty room is "irresponsible." (I cannot print the worst words). Unfortunately, I cannot go around the city turning off lights.

The debate over climate change is dead. Energy-related carbon dioxide emissions represent eighty-two percent of the total greenhouse gas emissions in the United States. If we carry on with business as usual, we will certainly seal our doom faster than expected. Within our lifetime we will see the end of fossil fuels and think back about how primitive this age was in comparison. Why not start now?

My uncle hesitantly acknowledges the facts surrounding the so-called climate crisis. "Ok, but what can I do? I am just one person." Although this view is the dominant view most of us hold, we can start addressing climate change by cutting down on waste. Conserving electricity and water seem like obvious solutions to address the crisis. A quarter of the energy in California is used to treat and transport water. We rely on fossil fuels to treat, heat, and move water, the resulting carbon emissions exacerbate global warming, the changing climate will decimate our water supply, and before we know it we will be living in a straight jacket of resource regulation. For this reason, passing empty rooms with lights on, air conditioning blasting, and projectors humming are not only irresponsible, but an open invitation to do something positive. Turn those lights off.

In the heart of Silicon Valley,

one would think we would be going to school in the most progressive and "green" of institutions. Our facilities may be getting better, but I am continually amazed at the waste I see every day on campus. As students and aspiring lawyers, we need to lead the way. We are in a position to know the facts and develop the solutions for a cleaner, healthier future. Just as my tuition dollars pay for the lights to stay on all day and night, they should pay for 21st century recycling stations and clean energy. Our classrooms and bathrooms should have light

sensors. Our remodeling projects should incorporate LEED (Leadership in Energy and Environmental Design) certified guidelines. Recycling bins do not need a can-shaped hole. Do you think the cleaning crew recycles pizza boxes and sandwich trays?

We live in a time when "going green" is becoming an essential business model and those who do not get with the program will just come across as uneducated in the end. Do your part and change your habits now. Be a turn on and turn those lights off.

## High-profile Lawyer Bestows Knowledge, Advice on Students

**Martin Behn**

M. Gerald Schwartzbach's lecture entitled "Myths about the Criminal Justice System" on October 19th, in acceptance of his distinguished advocate award imparted a rich background of his history and the ethics driving him.

After his first year of law school at George Washington University he became disenchanted with law school. But, the clinical inner city program set up through his school, providing legal aid to the disadvantaged within the system, helped him refocus. He began to dedicate his career to criminal defense after this experience.

Schwartzbach is the 27th such distinguished advocate, in a long line of others, who give presentations, exposing SCU law students and faculty to superior advocacy. With over 40 years of experience as a criminal defense trial lawyer, coupled with his dedication to helping the underprivileged in the justice system, Schwartzbach certainly exceeds the qualifications for a distinguished advocate.

The award, presented by the Heafey Center for Trial and Appel-



PHOTO COURTESY OF PRIMESUSPECT210

late Advocacy, accompanied a full day at SCU. Schwartzbach attended classes, gave a lunch-time speech, and also had a mixer before the big presentation.

His acceptance speech covered what he perceived to be myths about the criminal justice system. Schwartzbach presented his first myth: "Civil litigation is more civil than criminal litigation."

Schwartzbach recalled a tort suit

09/12/2008

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U.S. Department of Health and Human Services

# Community and Law Join Forces in One Class

**Marie Sobieski**

Law students interested in a hands-on experience, but not inclined to practice criminal law should consider participating in the KGACLC. The long and rather unwieldy acronym stands for the Katherine and George Alexander Community Law Center, a school-run clinic that 2- and 3Ls register for like a regular class but attend more like an internship. The Center allows students to gain hands-on experience meeting with clients and solving real-life legal problems.

The Center exists with a dual purpose - first, to provide pro bono legal advice and representation to the low-income populace of the Bay Area; second, to train Santa Clara law students how to handle real cases and to prepare them to be practicing attorneys.

It was started in 1993 as the East San Jose Community Law Center by La Raza students who wanted to assist day laborers in collecting their

lawful wages. The volunteer effort steadily grew in popularity and began receiving grant funding in 1994.

In 1995 it further expanded to cover not only employment law, but immigration and consumer rights law as well. The name was changed in 2004, when George Alexander, a former professor and dean of Santa Clara School of Law, made a substantial donation to the Center's endowment. The Center is currently housed in its own building on the Alameda, only a short drive from campus, and has a permanent staff of nearly a dozen.

Currently the KGACLC offers two types of classes: Interviewing and Advising and Clinical Skills I and II. Interviewing and Advising is an ungraded two-unit course which has students staff the Center's regular community legal advice clinics. Individuals come to the Center seeking advice and answers to their legal problems. The students, working un-

der supervision of the Center's attorneys, meet with these individuals to discuss their problems, recommend possible actions, and ensure they understand their legal rights. While most legal questions are answered on an "out-patient" basis, some may be considered for full representation by the clinic. This is where the Clinical Skills students take over.

When the Center takes on a client, the case is assigned to a Clinical Skills I student to handle from start to finish. On top of two hours of class per week, the student holds office hours and is responsible for the necessary casework, such as preparing court filings, writing demand letters, speaking with opposing counsel, deposing witnesses, attending settlement conferences - the list goes on, taking its form from the needs and desires of the client. Clinical Skills I is a graded three-unit class that may be expanded to include up to three more ungraded units. Clinical Skills I students wishing to continue their work at the Center may enroll in Clinical Skills II, which meets for an hour each week and involves two graded units and an two more optional ungraded units. They take on similar responsibilities as the Clinical Skills I students, often continuing with the cases they began in their previous time with the Center. Students who are currently enrolled in or have finished their Evidence requirement may also become ABA Certified Law Students, which allows them to appear before the Court to defend the Center's clients. This may take the form of anything from mundane Case Management Conferences to full-blown trials.

Those interested in taking part should review the KGACLC course offerings to determine which aspect of the program would fit best, and to speak to the staff and students who have already taken part.



## Distinguished Advocate Shares Years of Experience

CONTINUED FROM PAGE 4

filed after his successful criminal defense of transplant surgeon Dr. Hootan Roozrokh. A lawyer filed suit on behalf of the mother, but included allegations of statements that the mother never said.

Schwartzbach also responded to the media hype surrounding his high-profile cases, like the successful defense of actor Robert Blake. He said that even legal reporters cannot know what is transpiring internally in a case. Only those on the inside of a case truly know the inner workings.

When questioned as to how he handles his high-profile cases, he responded that every case is the same. He puts just as much diligence in the handling of each case, and does not scale the importance of cases because of higher or lower media attention.

Schwartzbach closed with some of his own wisdom: "Law is an honorable profession, not a business," and as his grandfather told him, "Be a lawyer people can trust."

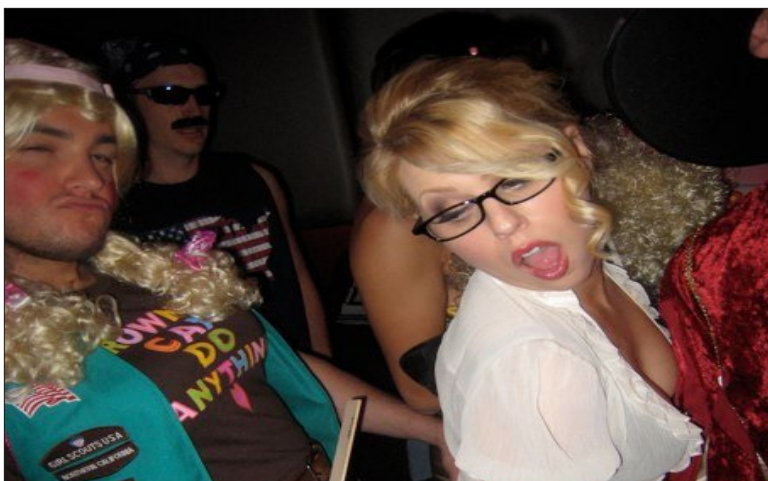
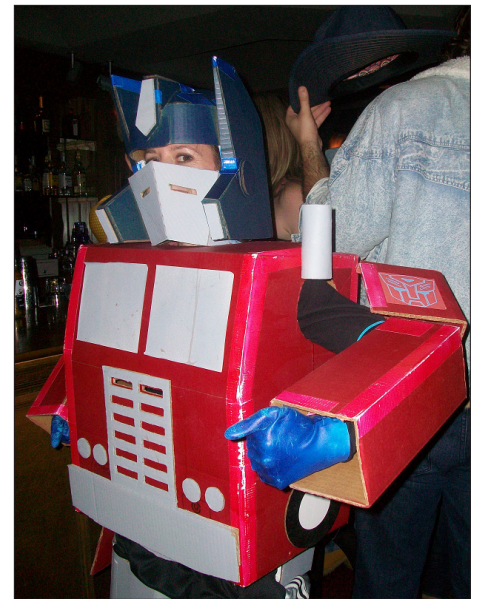


*Katherine and George Alexander*

PHOTO COURTESY OF SANTA CLARA UNIVERSITY

# WORKING HARD AND

Santa Clara Law Students dress up for Bar Review, held at the Vault night



ALL PHOTOS COURTESY OF MADDY DOUGLAS, NIKKI CORLISS AND DANIEL ZAZUETA

# AND PLAYING HARDER

and let loose at the annual Halloween club in downtown San Jose this year.



# Pioneering Local Santa Clara Fare

Marie Sobieskie

Marie Sobieskie took a brief tour of Santa Clara's local restaurants, rating them based on service, food, style and location.

Deedee's

341 Lafayette St. #101  
Santa Clara, CA 95050  
(408) 261-0568

Don't let Deedee's strip-mall location or somewhat unkempt decor fool you. While the ambience may not visually stimulate your salivary glands, don't be deterred, as there are palatable pleasures to be discovered at a student-friendly price. Deedee's offers a variety of vegan Indian dishes and appetizers made to order or from their lunch buffet. Their combo lunch specials include rice, dal and up to two curries and are priced to sell at under \$5 dollars. Though some of the dishes tend on the blander side, Deedee's curries can carry the meal with their robust flavor and perfect level of spice, and combine well with their jeera rice. Deedee's is a home-style restaurant with gracious hosts, and while it would benefit from an upgrade in location and furnishings, there is clearly talent in the kitchen.



Pictured from right to left: Wonton House, Cramer's Bagels, and Chalateco.

Chalateco

2323 The Alameda  
Santa Clara, CA 95054  
(408) 243-1357

If you are looking for more variety in your Mexican cuisine than what meat to get in your burrito, Chalateco is your best bet. While it's actually Salvadorean, it offers many of the staples of south-of-the-boarder restaurants as well. A quick walk from campus and a true cheap eat, where even the hungriest library-crazed law student can leave satisfied. The quality of the ingredients will help you overcome the perhaps garish exterior, and they even have a range of vegetarian friendly options. If you're extra hungry or just channeling your inner frat boy, make sure to try the megaquesadilla.



Cramer's Bagels

495 El Camino Real  
Santa Clara, CA 95050  
(408) 246-7580

Delicious, delicious bagels. You can order yours plain, or just a toasted with cream cheese, but why would you when there are so many other options? On a cold morning there is nothing quite as warming as an egg and cheese "sandwich" bagel paired with a cup of strong coffee. If you forgot to bring lunch or can't find any meetings to crash, try a croissant with roast beef or one of the other deli-style offerings. Eat there or take away, Cramer's is a stone's throw from campus, right by Starbucks, and they even take Flex. The main downside here is service, as it can be hard to hear the ladies behind the counter and they expect you to order almost immediately. A good option for a fast lunch.



BY: NIKKI CORLISS

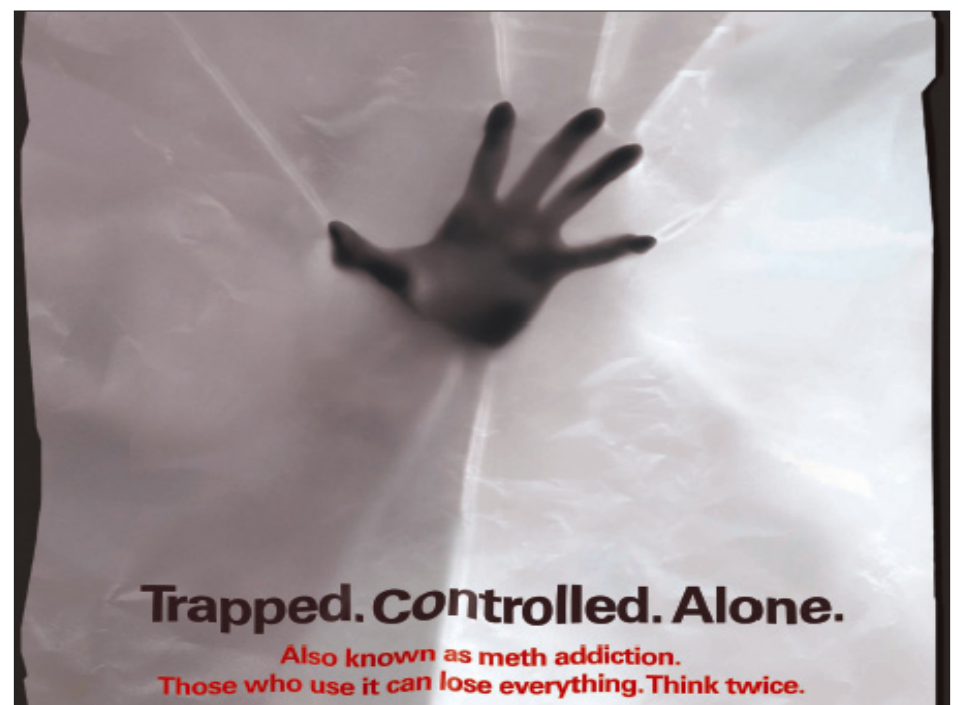
Wonton House

1205 El Camino Real  
Santa Clara, CA 95051  
(408) 984-8668

Wonton House is a great option if you're looking for fast, tasty Chinese, especially if dining with a group. While the interior is bland and they're a bit too far from campus to walk, it is still a quick drive and you are almost guaranteed to be seated immediately. The lunch specials offer both the usual office-worker fare - beef with broccoli, kung pao chicken - the clay pots are a more traditional and equally filling option. Everything is well-prepared and a good value for your dollar. The dinner menu items can be a bit more pricey, but stay in a reasonable range. Not the sort of place for a date, but a great between-class dining option, especially for late-night study sessions.

## SUDOKU

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# Applauding Obama's Nod to States' Rights

**Nikki Corliss**

*Cheech and Chong, Ali G, Snoop Dogg, athletes Michael Phelps and Tim Lincecum, and any character that Seth Rogen plays. What do they all have in common? They are all federal criminals.*

On Mon., Oct. 19th, President Obama directed federal attorneys not to prosecute patients relying on medicinal marijuana, nor the dispensaries licensed by the state to sell cannabis. This historic decision—at least temporarily—ends over four years of legal confusion. Since the decision in *Gonzales v. Raich* (2005) (establishing that Congress maintained the right to ban cannabis under the commerce clause even in states where it remains legal medicine) state's rights in this field have remained tenuous at best. With this statement, the Obama administration demonstrates the importance of states' ability to manage local issues not delegated to the federal government.

Since 1996, 13 states have legalized marijuana for medicinal uses. Yet, most of these ballot

measures merely removed state penalties for the possession and cultivation of marijuana. Frequently, medically ill patients are prosecuted at the federal level, despite complying with state and local laws. These arrests can result in large fines, sanctions, and often jail time.

Currently, the federal government regulates marijuana as a Schedule I drug, meaning that the government considers it highly addictive and having no medici-

nal qualities. Yet, clinical studies emerge by the hundreds disputing this fact. Doctors increasingly recognize marijuana's success in reducing natural pain associated with cancer, increasing appetites for chemotherapy and AIDS patients, and decreasing intraocular pressure in patients with glaucoma, according to the *New York State Journal, Pharmacology, Biochemistry and Behavior, and Ophthalmology*. To make things more confusing, cocaine and methamphetamine are

listed as Schedule II drugs. This begs the question: Whose doctor has ever recommended medicinal crystal meth?

Finally, the federal government's "war on weed" seems hard to reconcile with the wealth of more dangerous, legal drugs available: alcohol, cigarettes, etc. Whereas the consumption of alcohol often prompts driving accidents, domestic violence, addiction and numerous other social ills, smoking marijuana may result in eating too many Cheetos and watching syndications of "Alf."

All joking aside, the federal government needs to balance the therapy and comfort that so many ill patients receive from medical marijuana with the government's interest in regulating this drug. And while the nation as a whole may not agree on the proper place for cannabis in U.S. society, certain states' voters *have* agreed. The Obama administration took a powerful and admirable step last month in recognizing these citizens' right to access a crucial medical resource.



*Stoners everywhere are crossing their fingers for Assembly Bill 390 to pass*

## Legal Marijuana is a Gambler's Solution

**Dominic Dutra**

Legalizing marijuana is neither a viable nor an intelligent idea for the state of California. Assembly Bill 390 is nothing but a well-timed attempt by the cannabis supporters to take their (admittedly) growing constituency and boost it by preying on the desperation of the State's economic crisis and multi-billion dollar debt.

The bill's supporters are making familiar arguments: that marijuana is safer than both tobacco and alcohol, and that it has already been successfully decriminalized in a number of other countries. They now couple these arguments with Assemblyman Tom Ammiano's new scheme to legalize and then heavily tax growers and distributors. He believes this would help raise state funds to the tune of \$1.4 billion, a 'jackpot' figure that has

even blinded our conservative-limelight-loving Governor. However, like scratching numbers on the ticket at the store, the risks of failure far outpace the likelihood of reward.

The assumption that legalization will curb crime is, at best, overly optimistic. The bill virtually guarantees to perpetuate the black market. It suggests expensive licenses for the right to grow and sell pot commercially, while simultaneously regulating the potency of the marijuana entering commerce. Such measures will not be effective deterrents to industry in line to expand into the marijuana market, and creates virtually no incentive for smaller, private growers and dealers to cease their operations.

Unlike cigarettes and alcohol, pot requires virtually no packaging and is a viable good in very small quantities. It is thus ideal for back-

yard cultivation, and the \$5000 cost for a commercial license will not entice dealers to change their ways. This is certainly true considering the requirement for less potent pot. Pot-smokers will not pay higher store prices for a less effective product when they can get a better, cheaper product off a local street corner. Such sales will continue to fuel the underground drug trades that legalization asserts will be brought to an end.

Marijuana's intoxication already poses problems for law enforcement and will create a greater burden if the substance is legalized. There are currently no effective street-side drug tests available, and no way to measure the level of driver intoxication or even prove intoxication quickly and non-invasively. This not only increases complications for law enforcement, but also spreads the problem to

public transit operators and other public-safety occupations, when drivers whose intoxication-level cannot be properly tested.

Finally, despite the possible tax revenue, the \$1.4 billion figure has not been substantiated with any hard data and does not account for increased costs created by the bill. For instance, cultivation of pot in large quantities may be environmentally devastating, may cause an increase in use among children, harming their quality of education, and finally, may cause a substantial loss in worker productivity.

Legalization of marijuana is simply premature and has not been contemplated for the far-reaching effects it could conceivably have on society. Though support for the bill will surely grow and create a narrow contest next year, this is simply a desperate measure which the state cannot allow to pass.

# Fashioning a Plus-Sized Problem

Robyn Morris

Despite efforts made by the fashion industry to overhaul its reputation for promoting unrealistic ideals of the female form, one look in magazines on the stands reveals that there are still miles to go in the quest to celebrate women of all shapes and sizes. We are inundated with mixed messages. One magazine page encourages women to love themselves, and the next displays an advertisement with an impossibly thin model photoshopped within an inch of her life.

A recent ad campaign by Ralph Lauren in Australia illustrates this kind of overzealous editing. Model Filippa Hamilton, actually a size four, stands freakishly tall with her hands on her computer-enhanced, miniscule waist that is painfully disproportionate to the size of her head. The image does not invoke thoughts of beauty and sophistication. Rather, it evokes images reminiscent of beloved bobble-head figurines. As it turns out, the model claims she had been fired earlier in the year by Ralph Lauren for being



*Skinny chic or alien awkward?*

“too fat.” Ralph Lauren denies her allegations, of course, stating she was fired for not meeting her contractual obligations with the company. The company also insists that the use of the overly photoshopped picture was a “mistake.” Really? Are the Ralph Lauren people so delusional that they did not notice this picture was ridiculously out of touch with reality? It is difficult to believe the company’s denials,

especially in light of another photo used in a Ralph Lauren store display. Once again, a model is shown whittled away to inhuman proportions, and she looks more like an extra from *The Fourth Kind* than a fashion model.

However, in the last year there has been a movement towards addressing this industry problem. Organizers of a Madrid fashion show imposed a ban on overly thin models in an attempt to promote healthier standards. The mayor of the fashion capital of the world, Milan, Italy, has also demanded models submit to a body mass index calculation before they could participate in the city’s fashion week.

On the U.S. front, *Glamour Magazine* has announced a new commitment to showing women of different body types in its Novem-

ber issue. This declaration was inspired by the response the magazine received regarding a photo of a woman in an earlier issue. The photo showed a gorgeous blonde woman posing nude. However, this woman wasn’t the usual double zero size we are used to seeing in the magazines. Her pose allowed for a small fold of skin to overlap on her belly, a common sight for many women when sitting in a similar position. *Glamour* titled its article “Oh. Wow. These Bodies are Beautiful,” and accompanied it with a photo of seven plus-sized models sans clothing.

While admirable in theory, reading such a proclamation made me uneasy. Do people really still need to be convinced that women beyond a size zero are beautiful? Or is the magazine still trying to convince itself and the public? I have a hard time reading the title to the article without emphasizing the word “are.” Oh wow, these bodies ARE beautiful. Shocking!

In my opinion, it makes a much more powerful statement to include images of women of varying weight and shapes without such announcements. Making a woman’s figure the central issue reveals that society still dictates the way a woman should feel about herself. Instead, allowing the pictures to speak for themselves shows a real commitment and belief that all women are indeed beautiful without needing justifications.

## Dear Celebrities...

Adam Chastagner

Dear Celebrities,

How are you? I’ve been pretty good lately, although the end of the semester is coming up and finals are rapidly approaching. Really, though, this letter isn’t about me. It’s about some concerns I’ve had in regards to your behavior.

You see, there are just some things I don’t understand. Why do you get DUIs? Why do you carry unlicensed guns? Why do you physically assault the paparazzi? Why do you insist on withdrawing obscene amounts of money from joint bank accounts during your very public divorce? Why do you get caught with weed in your car? How do you possibly spend more money than you make?

It seems to me that those would be problems all of us down here would have. You know, the poor people. The people who aren’t

always sure they’ll make rent. The people who only own one or two cars (none of which go faster than 150 miles per hour).

Maybe you just need some pointers. Perhaps no one has ever given you advice on how to handle your fame and ridiculous paychecks. Don’t worry, though, that’s what I’m here for. I would like to humbly suggest that you read the following advice, or at least that you lend half an ear while your agent reads it out loud. I know you superstars haven’t always have time for class. I’m talking about you, NCAA standardized test fakers!

In my opinion, the real key to being a successful celebrity is not running out of money. Money does make the world go ‘round. Having a lot of money strikes me as a great way to stay out of  
SEE CELEBRITY, PAGE 11



*Guns, Drugs, Booze and Anti-Semitism... when will they learn?*

# The Rumor Mill



**Susan Erwin, Dean of Student Services**

Hi Gang,

I pulled out my Rumor Mill article from last year and found that: a. most of these rumors are still flying around; b. most of the answers are the same; and c. that I was not quite as witty as I remembered myself being! I'm going to repeat some of the rumors from November of last year with some updated answers and some new rumors.

*Rumor Number One: The bottom 50% of the first year students, based on fall grades, will be forced to drop Con Law and be dragged to the Lawyering Skills class.*

Absolutely not true. Students who have a fall semester cumulative grade point average below a C (2.33) and students who have 2 grades below a C are offered a seat in Lawyering Skills. These students are allowed to drop Con Law or Crim (for evening students) and sign up for the Lawyering Skills class instead. The purpose of this course is not punishment. The class is offered by the Academic and Professional Development department (APD). They are not in the business of punishing you all, they are in the business of trying to help. The class is graded Credit/No Credit and is designed to refine your critical reading, synthesis, analysis and writing skills. It's a very helpful class and I hope that if you are offered a seat you will seriously consider taking it. Many students who took the class last year came back to apologize for being so grumpy about the class when first offered it!

*Rumor Number Two: If you need to reschedule your exam, you have to get the professors approval first.*

Absolutely not true. You are never to talk to your professors about exam reschedules! If a professor knows that you are rescheduling, they will then be able to deduce that the one late exam they receive is yours – not quite as anonymous as we would like it to be! If you have a conflict with your exams please fill out the exam reschedule request <http://www.law.scu.edu/student-services/exam-reschedule-form.cfm>.

*New Rumor!! If you get sick on the day of my exam, you should just tough it out and take it anyway.*

NO! If you are sick please contact Law Student Services at 408-554-4766 to let us know why you will not be taking the exam and fill out the exam reschedule form: <http://www.law.scu.edu/student-services/exam-reschedule-form.cfm> Even if you are sitting in the exam room waiting for the exam to begin, if you are sick go see the head proctor! We will require that you go to the health center or your doctor for a note, but we will reschedule. Once you see the exam . . . it's too late to reschedule and you will have to take it no matter how bad you feel!

*New Rumor!! I worked at the courts this summer and have already been fingerprinted so I don't need to be fingerprinted for my moral character.*

Not true. Agencies don't share information on background checks or prints, so you need to be re-fingerprinted every time you are asked to do it! For info on places to get it done, go to <http://ag.ca.gov/fingerprints/publications/contact.php>

*Dear Rumor Mill,*

*Is the Heafey Law Library blasting the air conditioning in November? It's been freezing in that building, especially in the evenings. The front desk said they have to put in a request for any changes to the building's thermostat, a request that would not be seen until the next day. There has to be a better way to deal with this.*

*Signed - Lannie Nguyen, Shivering in the Stacks*

Dear Shivering,

I checked with Tom DeGuzman, our Access Services Librarian. He confirms that it has been cold in the library off and on for the last two weeks or so. This was caused by a pump that malfunctioned. The University Facilities Department had to wait for a replacement pump. After it was installed, they continued to have problems with it. We have been told that the problem is fixed now. Please let me or Tom know if you are still freezing!

Good Luck on exams and have a great break! Heard any good rumors lately? Tell me all about it – [serwin@scu.edu](mailto:serwin@scu.edu)



## Celebrity Stupidity

CONTINUED FROM PAGE 10  
trouble.

Have you considered taking a cab if you're too drunk to stand or repress your anti-Semitic thoughts? Seriously. It can't be that hard to call a cab. If you think cabs are dirty and may very well ruin your designer clothing, just hire some poor schmo to sit in your car and drive you places. Pay them \$1,000 to sit in your car and be bored while you party the night away. Then, when you're ready to go home and make a sex tape, have the sober person drive you and your enterprising lover home.

Are you a rapper? Do you have several multi-platinum records? Are you perhaps an NFL star? Do you carry an unlicensed handgun to feel safe? Do you maintain a stash

of illegal automatic weapons in order to feel safe? Boy do I have a great idea for you. Give everybody who is angry with you one million dollars. No matter how big your beefs are, I'm guessing a cool million would smooth things over. Maybe you could even throw in a Bentley.

What it really boils down to, Celebrities, is you have money. Use it. Even if you think I give terrible advice, maybe you could hire someone you know to follow you around and slap you when you decide to do something illegal. Go out and find the most boring person you know and add them to your entourage. Sure they'll be a wet blanket, but I think everyone would prefer a wet blanket to a warm cellmate.

# The 'Real' Santa Clara Law School



Real World Santa Clara Law?

ORIGINAL PHOTO COURTESY OF SANTA CLARA UNIVERSITY

## Maddy Douglass and Camille Alfaro-Martell

Rumors circulated recently of an impending reality show at Car-doza Law School. Presumably due to the ever watchful administrative eye, that show was scrapped. In an effort to bring more prestige to our highly regarded law school program, Advocate writers have come up with a new concept for the reality producers to consider. Let's observe.

*The scene opens at Heafey Law Library, Thursday morning. Squirrels abound, both inside and outside the library. Shy Shelly is having a major panic attack - she's on call for Steinman's class today and even reread the assignment three times before meeting with her "on call" group. But after that stunt he pulled on Tuesday, she is still terrified, remembering the past class' discussion "What if I came up and RAPED YOU?" As if crim law wasn't hard enough...*

*A squirrel runs overhead, trapped in the heating duct. Shelly can sympathize, about to be trapped in the pressure cooker of Steinman's line of questioning.*

*The camera cuts to the cubby adjacent to Shelly's, where Gary Gunner is reviewing some last minute notes for today's class. Taking reading notes two weeks in advance does have its disadvantages,*

*after all. He notices Shelly shaking and thinks she might actually start whimpering. "What's the big deal anyways," he mutters, "he's just an old man with a long beard. Whatever, get over it. Maybe she should've read in advance."*

*Next scene, Hairy Harry walks into Property class holding his cruelty-free coffee cup and schlepping his Timbuktu messenger bag. If he hears another "Hey, do you and Armstrong have the same hairstylist?" joke again, he's going to check out ALL of the property supplements from the library. Seriously they're dreads, it's not a big deal. Immediately after sitting, he checks his popular social networking site, bookface. Who cares about Reversion anyways? Apparently Armstrong does - she has started to rap. Harry's jaw drops as she continues on for three verses. The camera cuts to a shot of her Vans and fades out.*

*Scene: nighttime. The wide-angle shot shows ghosts and pumpkins decorating the two floors of the Vault nightclub. Halloween Bar Review is known for bringing the highest number of law students (and slutty costumes) all year. The camera pans the inside of the bar. Non law student "Pocahontas" and her date "John Smith" and two non law student "referees" order tequila shots. Where are all the law students, wonders Forty-year-old Frankie? He showed up*

*promptly at 8PM. Isn't this a law school event? Wait, here they come! He notices that some have obviously started drinking a while ago. Sexy Princess Leia! Sexy kitten! Sexy Hillary Clinton! Sexy, sexy, sexy everywhere. The camera moves to the line outside. Thirty law students outside begin complaining because all the girls are let in first (shock). The bouncers tell the patrons the bar is at capacity, and the line lets out a simultaneous groan.*

*The camera shows the group migrating directly across the street to another bar - they seem to have forgotten the momentary setback, as they are let in immediately to the new drinking location.*

*Back inside the Vault, an 80s couple canoodles in the corner. The camera cuts to a shot of the man making out with Cleopatra only fifteen minutes earlier - female 80s has no idea, because she wasn't allowed upstairs thanks to the "cool" ropes. At the side bar, a cowboy hands a (sexy) nurse a tequila shot and asks, Bachelor-style, if she will accept this final rose. "What?" she hollers through the din, and he downs the shot himself.*

*The camera pans back through the crowd and the scene closes on the noisy street, where the bouncer is sitting alone.*

*The next morning, the scene opens in a third floor Bannan room. A woman enters, writes on the white board for five minutes as the students shuffle in hungover, and then stands behind the podium.*

*"Good morning, my name is Rachel Smith, and this is LARAW I. We'll be going until about 10:15. The agenda's on the board. Let me give you a short office hours update... We have one visitor so far. One office hours visitor. I would like more, so that it is not just me, sitting in my office, alone, doing nothing. That would be much appreciated."*

*Students laugh and then proceed to slurp coffee or stare out the window as Professor Smith reviews revision methods for their final memo. The camera backs out of the classroom and travels past doorways and open offices. Finally, a faint reminder can be heard, that learning only happens facing forward in their chairs.*

*Fade out.*

