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THE ADVOCATE

SANTA CLARA UNIVERSITY SCHOOL OF LAW

School of Law Newspaper Since 1970 | WEDNESDAY, FEBRUARY 17 | Volume 40 Issue 23

A Proud Nation...

COURTESY OF REUTERS

...Laid to Rubble

Daniel Zazueta and Caitlin Robinett chronicle their experiences in Haiti just a short time prior to the 7.0 earthquake, and pay homage to the spirit of a people who refuse to quit on their country. PLEASE READ FURTHER AT PAGES 6 & 7.

District Attorney's Boycott Draws Criticism

Nikki Corliss

In an unusual move, Santa Clara District Attorney Dolores A. Carr directed her staff to avoid bringing criminal cases before Superior Court Judge Andrea Bryan on Jan. 22, 2010. That boycott still remains in effect today despite widespread local criticism.

The boycott arises partially out of prosecutors' claims that Bryan made improper decisions regarding the admission of evidence. Specifically, Bryan angered prosecutors when she found a trial prosecutor guilty of misconduct for testifying falsely and weaving what she called "a tangled web of deceit."

The ban means that any time a case is brought before Bryan, the prosecutors are encouraged to invoke a peremptory challenge. California statute permits a party or his attorney in a criminal case to utilize a one-time, unconditional challenge of a judge.

Carr emphasized that the boycott was not based on any one action by Bryan, but rather was the product of "careful deliberation."

"Over the last several years, a number of rulings in this particular courtroom have seriously undermined our confidence," Carr's press release explained. "We must safeguard the ability to prosecute our cases and do not believe we can fulfill our responsibility to the public if lawyers from this office continue to appear before Judge Bryan."

Still, several members of the legal community disagree with Carr's called-for boycott. In a recent article for the San Jose Mercury News, Public Defender Mary Greenwood said that Carr's boycott threatens the effectiveness of local criminal courts.

"This action by the district attorney is very serious," Greenwood said in an interview with the Mercury News. "Effectively, it forces the judge out of the criminal court because she has not ruled in a way the district attorney favors."

Judge and Santa Clara Law Professor James Ware emphasized the importance of a decision on the merits. "The system ultimately yields fair results. It's not a political issue, but a systemic issue."

In 1974, the California Supreme Court disapproved of blanket affidavits in a case involving a San Bernardino County judge. The court held that a good-faith belief in the judge's prejudice must be proven in each particular case.

Yet, last week Carr appeared to reduce her ban, explaining that she intended the boycott to cover felonies and not misdemeanors.

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Tweet Stirs e-Libel Case

Janavi Nayak

It is hard to believe that complaining about the moldy conditions of one's apartment to a friend could result in a $50,000 lawsuit, but that is just what happened to one young Chicago renter last June.

Last month, Cook County, Illinois Circuit Court Judge Diane Larsen dismissed the lawsuit brought by a realty-management group against 25-year-old Amanda Bonnen after she posted a comment on Twitter. Twitter is a social networking and micro-blogging service that allows users to post messages up to 140 characters long known as "tweets."

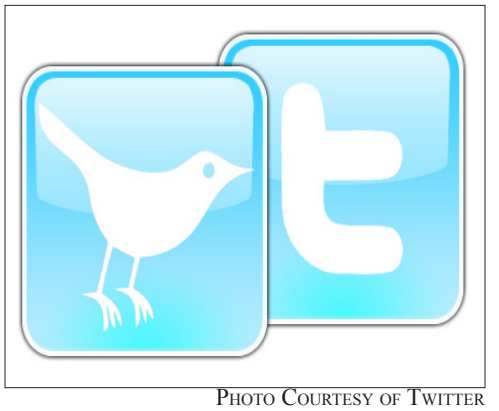

PHOTO COURTESY OF TWITTER

Horizon Group Management, LLC brought a defamation suit against their former renter after she posted the following tweet to her friend on May 12: "@JessB123 You should just come anyway. Who said sleeping in a moldy apartment was bad for you? Horizon realty [sic] thinks it's ok."

Ms. Bonnen's offending tweet was posted after Horizon's contractor caused a roof leak that affected several of the units in her apartment building.

A representative of Horizon reportedly told the Chicago Sun-Times, "We're a sue first, ask questions later kind of an organization," though he later asked that his statement be disregarded.

At the time Horizon brought the suit, Ms. Bonnen only had 20 Twitter followers. However because her profile was "public" it was possible for anyone with a Twitter account to read her tweets.

According to Constitutional Law Professor Gulasekaram, a claim based on defamation can only succeed if the plaintiff proves

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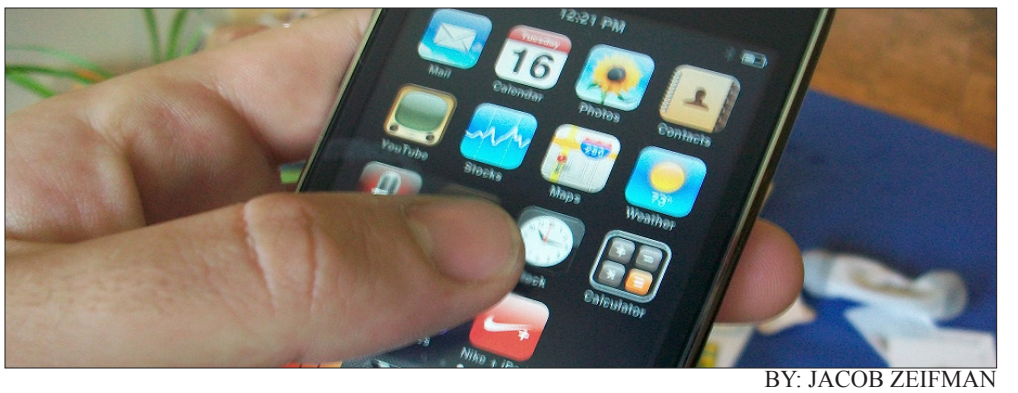
Apple, AT&T: Tied too Close?

Martin Behn

Among the many rumors of what was to debut at Apple's latest developer conference, many people thought the iPhone would be opened up to carriers other than AT&T. Of course, the rumor mill was wrong again, and we ended up with just one larger version of the iPhone, the iPad.

AT&T is somewhat notorious for poor or reduced reception, there was even a 'boycott AT&T' banner posted in Benson student center the other week proclaiming SCU campus to be a 'dead-spot'. Yet still, after more than two years, the iPhone is still locked to a single carrier, without competition for contract pricing or phone pricing.

Last year Orange and Apple lost an anti-competitive suit, because their exclusive deal was alleged to restrict consumer choice. Now Orange, SFR and Bouygues Telecom all offer the iPhone on their network at competitive rates, and usually even eat up the cost of the phone with a long-term contract. If the French can open up the iPhone legitimately to other carriers, why does the U.S. somehow still lag behind?



BY: JACOB ZEIFMAN

The iPhone and Droid advertisements make it seem as though consumers chose the phone. More realistically, consumers shop around for the service, and then are restricted to the choices of phones they provide. Tethering phones to service providers is not new to the United States. With all the money pumped into advertisements, phone companies have deceived consumers. There are legal rumblings going on in this area though.

Professor Allen Hammond has shed light on the seminal case in the area, Comcast Corp. v. FCC. He says the case is essentially about how the FCC exerts power to regulate media and information providers. The initial stance was for net-neutrality with regards to information providers. Comcast seems to have overstepped this boundary, by attaching limits and caps on the peer-to-peer networking bandwidth of their clients.

This is where things get complicated. Professor Hammond says, that the FCC, being a rulemaking body, issues inquiries and if successful after public commentary, proposed rules, open for public comment. Professor Hammond's Broadband Regulatory Clinic is delving deeper into the topic, and writing a comment to the FCC, as a part of the rulemaking process, which asks the public for feedback.

Comcast is not happy with the rulemaking though, and they challenged the FCC's authority to exert the rulemaking power. One of the major questions on challenge is whether the FCC is adjudicating or rulemaking, and whether they can

SEE IPHONE, PAGE 3

Immigration Officials Jail Citizen

Christina Fialho

Rennison Castillo, a U.S. Army veteran, is a U.S. Citizen. Yet in September 2005, immigration officials mistook him for an illegal immigrant and locked him in detention—for nearly 8 months. Castillo's case is not an isolated incident. Immigration lawyers maintain that hundreds of U.S. citizens have been detained and, in some cases, physically deported from the U.S. San Francisco Chronicle Staff Writer Tyche Hendricks reported in "Suits for Wrongful Deportation by ICE Rise" that many of these citizens are seeking restitution and suing the U.S. government.

This past December, Federal District Judge Benjamin Settle denied the government's motion to dismiss the lawsuit Castillo filed against U.S. Immigration and Customs Enforcement (ICE) and several of its agents. The case has proceeded under a limited discovery order.

Held initially in Pierce County Jail in Washington, Castillo was transferred in November 2005 to the Northwest Detention Center, a federal detention center in Tacoma, Washington.

At any given time, ICE has over 32,000 detention beds spread out over approximately 350 different facilities designed for penal, not civil, detention. No domestic statutory law governs detention conditions. While there are National Detention Standards, they operate merely as an unbinding guide. Even in Santa Clara County—one of the most immigrant-friendly counties in the U.S.—the Warden of Santa Clara County's Jail told Amnesty International (AI) that it does not allow ICE's suggested "Know Your Rights" presentations, further preventing immigration detainees from acquiring the tools they need to argue their case in court.

Like many of the more than 440,000 detainees faced with deportation annually, Castillo was unaware of his right to make free calls to pro bono legal service providers. According to AI, 84 percent of immigration detainees do not obtain proper legal assistance. As Castillo could not afford to hire a private attorney, he represented himself before an immigration judge in December 2005 and January 2006.
He repeatedly explained that he was a naturalized U.S. citizen and had served in the U.S. Army at Fort Lewis and in Korea from 1996 until 2003. Despite Castillo's testimony and pleas to allow him the chance to obtain evidence, Immigration Judge Kenneth Josephson ordered Mr. Castillo deported to his country of birth, Belize.

Northwest Immigrant Rights Project (NWIRP), the nonprofit that eventually took on Castillo's case, reported that ICE's only evidence offered to support its claim against him was that it had "checked the database" and that there was nothing to indicate Castillo had ever filed to become a U.S. citizen.
NWIRP appealed Castillo's case

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Symposium Scrutinizes SCOTUS

Daniel Zazueta

On Wednesday, January 27, the William A. Ingram Inn, the local chapter of the American Inns of Court (AIC), hosted Hon. Shirley S. Abrahamson, Chief Justice of the Wisconsin Supreme Court, and Hon. Ming W. Chin, Associate Justice of the California Supreme Court. The AIC are an amalgam of judges, lawyers, law professors, and law students who convene once a month to break bread and to hold programs and discussions on matters of ethics, skills, and professionalism.

Each year our local AIC chapter holds the Ingram Memorial Symposium. This year the Symposium title was "Campaigns for Judicial Office: the Impact of *Caperton v. Massey Coal Co*." *Massey Coal*, a 5-4 decision issued by the Supreme Court in 2009, reignited the debate over judicial elections, campaign contributions, and the speech rights of judicial candidates.

The issue before the Court involved the failure of West Virginia Supreme Court of Appeals Justice Brent Benjamin to recuse himself from hearing the Massey Coal case. Benjamin received $3 million from Massey Chief Executive Don Blankenship to help him get elected to the bench. Benjamin subsequently ruled in favor of Massey Coal in a contentious $50 million lawsuit.

Writing for the Court's majority, Justice Anthony Kennedy found that "in all the circumstances of this case, due process requires recusal." The usual suspects sided with big business: Roberts, Scalia, Thomas, and Alito. The four Justices did not find the risk of bias serious enough to require recusal in Benjamin's case.

In West Virginia, Justices of the Supreme Court of Appeals are elected to 12-year terms by staggered, state-wide, partisan elections. Thirty-nine states hold partisan elections for at least some of their judges. Although the standards vary on when a judge should be recused, most states, like West Virginia, let the individual judge decide.

Justice Chin, Prof. Uelmen, Zazueta and Justice Abrahamson BY:DAN ZAZUETA

One of the panelists for the Ingram Memorial Symposium this year, Chief Justice of the Wisconsin Supreme Court Shirley Abrahamson, fielded questions on judicial ethics from Symposium Moderator and Santa Clara Law Professor, Gerald Uelmen. Wisconsin holds statewide elections for contested

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iPhone Fail

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do either in the area of net neutrality. The FCC asserts they have the power to do both. And Comcast reasserts that the FCC only has valid legal claims for proceeding by adjudication. It is up for the D.C. Court of Appeals to decide now.

The Comcast case is significant, because it is the assertion of FCC power to regulate the information providers and their business practices. If there is a retreat of FCC regulatory ability, any break-up of seemingly anti-competitive practices, such as tethering phones to specific services, seems dim.

Even if the FCC does prevail in this case, there has been little sign that they are nudging towards asserting that phone-service tethering is an anti-competitive practice. The closest action they have taken is 'investigatory' steps regarding the iPhone's exclusivity with AT&T. This means we still be 'provider' shopping, instead of phone shopping, when current phone contracts expire.

Jasmine Fine Thai: A Love Affair

Alexander Nowinski

As I stepped outside the Claran a few Thursdays ago, I sensed something amiss. Suddenly the wind picked up. Leaves rustled. A shadow came over the land. Somewhere a baby cried. Sniffing the air, I surveyed my surroundings—Dwight Schrute-style. For one horrific instant, a flash of lightning lit the sky, and suddenly it hit me like a barrel of flour falling from a second-story window. Thai Pepper was gone.

Some context may be in order here. After immigrating to the San Jose area from Thailand in 1990, owner Jantana Hendricks ("Tik" to her customers) opened the original Thai Pepper in the Franklin Mall just west of campus in 1996.

BY: JACOB ZEIFMAN

Replete with bamboo, wood paneling, elephant motif and an outdoor patio, the quintessential Thai restaurant was a big hit. Soon Tik was joined by her sister Benyapa Kitkhong ("Benny"), and the original location eventually became known as Pepper One when the successful business expanded to its extant locations in Sunnyvale (2001) and Campbell (2002). But in 2008, Tik and Benny took over the vacated Chinese restaurant and adjacent flower shop a few doors down from Pepper One and opened the larger and more modern Jasmine Fine Thai. Local Thai aficionados raised a collective eyebrow. True, Pepper One often had a line out the door, but two Thai restaurants under the same ownership, within 100 yards of one another? No one quite knew what to make of it, but those two ladies are savvy businesswomen, and now it all makes perfect sense.

Although Jasmine boasts the same owners and recipes, the same friendly service and even much of the same staff (including the cook), it's not all the same. The decor is modern and elegant, and the menu's more extensive than you'll find at the remaining Thai Peppers, including exclusives like hor mok chicken (wrapped in banana leaf with coconut and steamed; $9.95) and fancy skewers (marinated beef, grape tomato, onion and bell pepper with house special sauce).

Go between 11 a.m.-3 p.m. and in addition to the full menu there are 20 lunch specials—all the classic favorites—available for $6.95 each. The special includes a soup and side salad as well as rice and the entree. The generous portions are easily enough for another full meal later on. Two filling meals for seven bucks is such a good deal I rationalize going at least once or twice a week by telling myself I can't afford not to go.

If you're not sure what to try, Tik recommends the roasted duck curry (boneless roast duck in red coconut milk curry with pineapple, cherry tomatoes, bell peppers and basil), the crab fried rice (jasmine rice pan fried with a special crab meat, egg, green peas, carrots and green onions), or the crispy garlic prawns (marinated in garlic sauce,

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Family-style Italian Restaurant Boasts Good Eats, Service

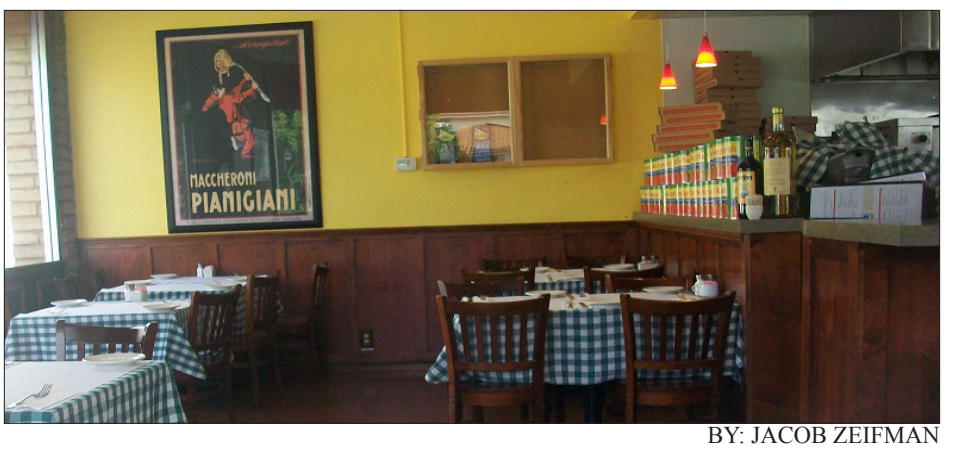
Hieu Tran

Let's face it: the dining options near campus are very limited. Unfortunately, I don't always have time to drive to San Francisco or Palo Alto for a good meal, nor do I always have the patience to deal with the designer denim and one-size-too-big blazer crowd that descends upon Santana Row every night. Thus, I recently began my search for a local restaurant that offers comfort food at a great price.

I started to keep my eyes open for places while running around Santa Clara. There was this one place in Franklin Square that I often ran by at night and the restaurant was packed with families and young groups of college students, and smells of olive oil, roasted tomatoes, and garlic filled the air. Could there be a decent neighborhood restaurant in Santa Clara after all? I just had to find out.

Walking up to Mio Vicino, the familiar smells of Italian food hit my nose before I even set foot in the doorway. A friendly waitress greeted my guest and I at the door, and at eight o'clock on a Tuesday evening, I was surprised to find that there were just two empty tables in the entire restaurant. To my delight, this gave me a great chance to eyeball what other diners were having.

Once we got settled, our waitress brought us rustic bread and a handful of heavenly oven-roasted garlic cloves. The garlic cloves were so tender and creamy that within minutes, we begged our waitress to bring us another plateful. By the time the garlic had disappeared, our antipasto platter arrived. For $11.95, this colorful starter offers feta, provolone, mozzarella, mortadella, salami, pepperoni, sun dried tomatoes, fresh tomatoes, garlic sauteed green beans, broccoli, mushrooms, eggplant and olives, with a drizzle of fresh pesto over the top. Although



BY: JACOB ZEIFMAN

big enough to feed a family of four, we both thoroughly enjoyed this hearty appetizer.

For dinner, my date and I ordered from the pasta menu. My baked penne with Italian sausage had a wonderful tomato cream sauce, which was not overwhelmingly rich, and was complemented by the spicy Italian sausage. The linguine with clams was much lighter and derived its rich flavor from the clam broth. As an added bonus, both portions were so huge that we ended up taking home half of each dish for lunch the following day! Although dessert (tiramisu) was unimpressive, overall I was very satisfied with our meals.

The service was attentive and prompt and made this family run restaurant a new local favorite of mine. The simple decor and soft upbeat music in the background made this a great place and left me wishing I had ordered a good glass of wine with dinner, instead of a soda. Mio Vicino is a friendly neighborhood restaurant ideal for some Italian comfort food.

As Economy Slows, JAG Reports Applicant Surge

Sage Kaveny

Law firms may not be hiring right now, but Uncle Sam is still looking for a few good men - and law students may want to take note. Major law firms have laid off thousands of attorneys over the past two years, and some solo practitioners are having a hard time keeping the lights on. Many recent law school graduates have been struggling to find employment or have had their offers revoked.

Founded in 1774 by General George Washington, the Army JAG Corps is the nation's oldest law firm. With more than 1,500 Judge Advocates serving on active duty, and more than 2,600 serving in the Army Reserve and National Guard, the Army JAG Corps is also the nation's second largest law firm. While the army doesn't offer the salaries that many of the big law firms do, it does offer diverse practices and diverse locations. The prospect of early courtroom experience, something young lawyers don't typically get in the law firm environment, is also particularly alluring to some recruits.

As the economy continues its downward spiral, JAG officers can count on their salaries and their benefits. The military doesn't lay people off.

Judge Advocates provide full-service legal support to more than one million soldiers and their families in the U.S. and overseas. They prosecute and defend military personnel before courts-martial and advise military leaders on the rules of engagement, the Geneva Conventions, and other operational issues. Judge advocates have been active in Iraq and Afghanistan, helping commanders plan military strikes with care to avoid civilian casualties, and ensuring adherence to the laws governing armed conflict.

Judge advocates, who are officers, make the same base salaries as non-JAG Corps officers in their branch. Starting base pay for Army judge advocates is about $40,000 a year, but the various allowances add about $14,400 to that total. Starting compensation, including allowances, for Marine Corps judge advocates is between $42,000 and $52,000, while total Navy compensation starts at between $53,000 and $60,000. The military traditionally has not offered law school loan repayment help, but the Army recently announced that it would begin offering loan repayments of $65,000 for judge advocates.

Once selected, applicants who accept a direct commission in the JAG Corps serve a four-year tour of duty. Judge advocates must be admitted to a state bar – which state doesn't matter – before beginning military legal training. New judge advocates report to Fort Lee, Virginia, for a twelve-day military orientation course, followed by a ten-week academic course at the JAG School in Charlottesville, VA. The training continues with four weeks of the Direct Commissioned Officer Course, and ends with 6 weeks of officer leadership and Soldier skills training at Basic Officer Leadership Course.

Snagging a position as a military attorney is more competitive than ever because there are so many more applicants. Beefed up recruiting efforts and an interest in public service among law students are contributing to the flood of applicants. The selection committee looks for well-rounded candidates with leadership potential. Each service branch reported a surge in applicants for JAG Corps jobs in recent years.

Externship Exposure

Lyndsey K. Eadler

Have you ever walked out of one of your classes and felt like you know absolutely nothing about the law or about being a lawyer? Do you ever get tired of case books and hypotheticals? Well, you're not the only one, and in fact, many excellent lawyers and judges would tell you they felt the same way when they were in our shoes. But there is something you can do to ease these fears and shed the humdrum of typical law school days. Do an externship!

Some students participate in the Externship Program because they have plans to open their own solo practice upon graduation, and they use the externship opportunity to meet future colleagues, see the practice from an inside perspective, and figure out what steps they need to take to open their own successful practice after graduating. This is true of 3L, Michelle Petlow.

"This semester I have the opportunity to work side by side with the Honorable Brian Walsh at the Superior Court of Santa Clara, Family Division. This has been an invaluable experience for me because I plan to open a family law firm upon graduation with my classmate and friend, Jessica Bacosa," says Petlow.

"With my internship, I am able to observe attorneys hard at work as well as self-represented litigants in an area of law that is charged with raw emotions and high conflict. This opportunity allows me to understand the other side of the equation, the judicial aspect, in order to help round out my legal education. This is a priceless position to be in as a law student because you have the chance to equip yourself with a knowledge base that cannot be taught in the classroom."

In the midst of a grueling course load, an externship gives law students a feeling of accomplishment and legal savvy. Second-year law student Ross Dwyer, who is externing with Judge Monahan at the Santa Clara County Superior Court, couldn't agree more.

"Externing with Judge Monahan has been a very rewarding experience," says Dwyer. "It's great to get the opportunity to work on actual cases and to begin to learn how things are resolved in the real world. I've learned just how important the large world of discovery is to the modern case and am starting to understand the many strategies used by attorneys to either get or prevent access to information before trial. Most importantly, being able to work with a judge has proven invaluable to my legal development. I've learned so many things and am confident this experience will be extremely helpful in allowing me to perform well during my next legal job."

Haiti's History of Hope and Despair

Daniel Zazueta

On August 14, 1791, dark ominous clouds blew in from the sea and lightning lit up the sky over the ceremonial flames of a vodou ceremony in the woods at Bois Caiman on the northern coast of Saint-Domingue (present-day Haiti). Thunder clapped and drums drove a beat into the night. Among the shadows cast on the trees and dancing bodies, Boukman Dutty, a houngan (vodou priest) and leader of a large group of maroons (escaped slaves), performed a ceremony with an African-born priestess to conjure the mighty spirit of their ancestors to cast off the shackles of slavery.

Boukman drew on the embedded religious ceremonies that endured the intolerable human suffering of the Middle Passage within their African hosts. The enduring Iwa (vodou spirit) created an unspoken oath and a bond among the maroons, serving as a catalyst for revolt where enslaved Africans rose up to set plantations ablaze and overthrow their French oppressors.

Legend has it Boukman said: "The god who created the sun which gives us light, who rouses the waves and rules the storm, though hidden in the clouds, he watches us. He sees all that the white man does. The god of the white man inspires him with crime, but our god calls upon us to do good works. Our god who is good to us orders us to revenge our wrongs. He will direct our arms and aid us. Throw away the symbol of the god of the whites who has so often caused us to weep, and listen to the voice of liberty, which speaks to the hearts of us all."

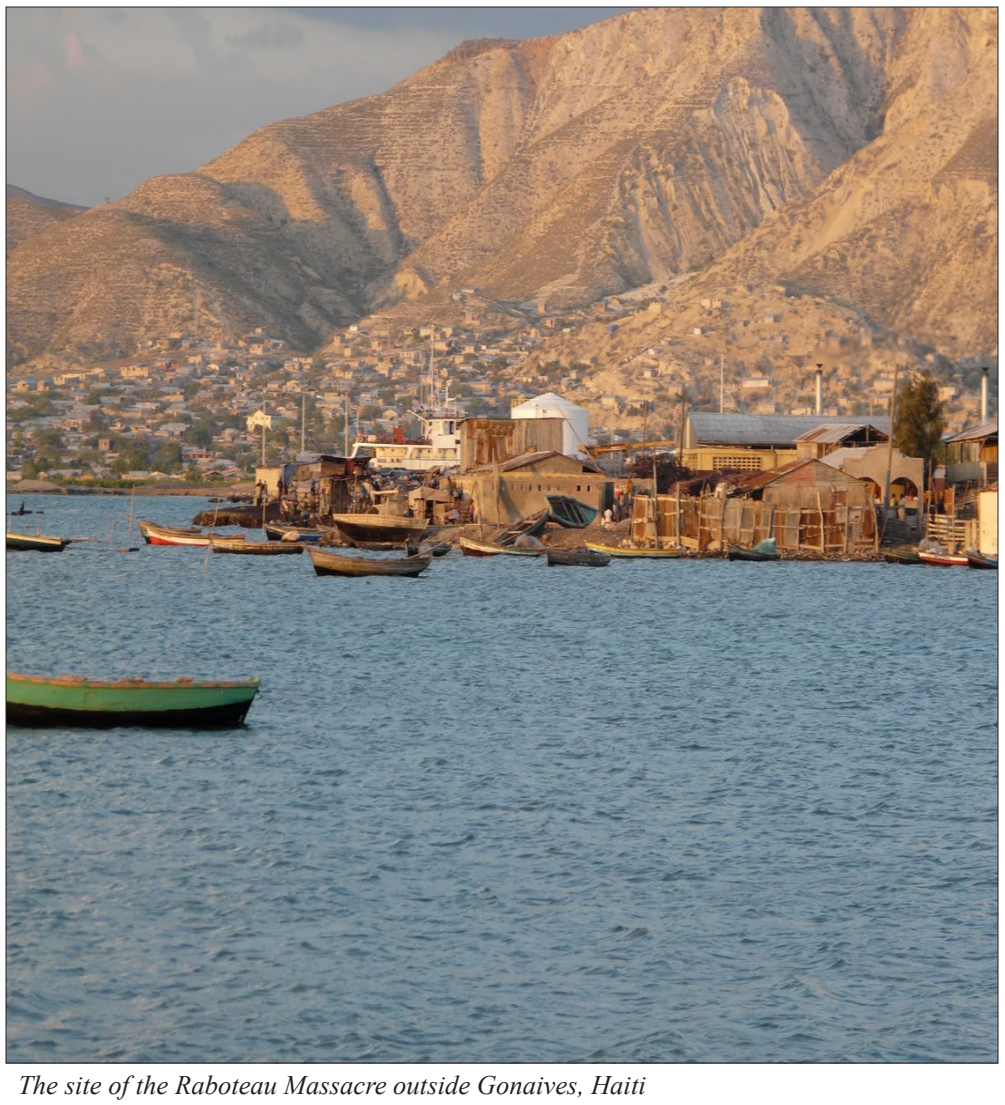
Toussaint L'Ouverture was in attendance at the Bois Caiman ceremony. It was under L'Ouverture's military leadership that set the wheels of liberty in motion. On New Year's Day, 1804, Jean-Jacques Dessalines declared independence for Saint-Domingue after defeating French forces at the Battle of Vertiere—the world's first black republic was born.

Dessalines is credited for renaming the newly independent nation "Haiti" after its indigenous Taino name and creating the Haitian flag by symbolically tearing off the white stripe of the French flag.

The fledgling new republic was economically isolated because the Europeans and the United States refused to recognize a former slave colony. In 1825, France entered a treaty with Haiti to open trade and demanded 150 million francs as repayment for losses French colonists incurred from the revolt.

The deal bankrupted the country and led to further environmental degradation as the republic struggled to meet the demand of the foreign debt through coffee, cacao, and tropical hardwood production. In 1862, the United States finally recognized Haiti during its Civil War because it sought to resettle former slaves in the republic.

Fast forward to 2010. After 32 coups, a constant parade of unstable governments, dictatorships, foreign occupation, sweatshops, increasing debt, sweeping poverty, mass illiteracy, deforestation, hurricanes, tropical storms, and a unique language that virtually isolates Haiti from the information superhighway—it's no wonder Haiti was hanging by a thread when a 7.0 magnitude earthquake struck on January 12.



The site of the Raboteau Massacre outside Gonaives, Haiti

Caitlin Robinett, a fellow SCU law student, and I returned from Haiti on January 8. We went to Haiti to interview victims, witnesses, and lawyers who were involved in the Raboteau Massacre and subsequent human rights trials.† We received a grant to write a law journal article about transitional justice, the rule of law, and the role of community in the Haitian legal system. In our research, we discovered a culture full of relentless hope, infused with strength, tied to a beautiful African heritage, and yet crippled by circumstances beyond the control of the Haitian people.

Daniel Zazueta & Caitlin Robinett (center) interview

If there is one thing that is indestructible, it is the Haitian culture. Many of the forces that have laid Haiti in ruins came at the hands of foreign forces, not a pact with the devil or some preposterous form of racial inferiority.

Caitlin and I are headed back to Haiti during our spring break to deliver supplies to Matthew 25 House, a local charity in Port-au-Prince. The outpouring of support from students at Santa Clara Law has been remarkable. We hope to deliver a little relief during our brief visit, but plan on helping Haiti recover from the earthquake for years to come. We urge you to do the same.

The best way we can help is to enable Haiti to help itself. We urge you to get involved with the Lawyers Earthquake Response Network. Visit the Institute for Justice & Democracy in Haiti at www.ijdh.org.

Nou Avons Ayiti ("We Are Haiti")

ed victims of the Raboteau Massacre

Caitlin E. Robinett

I never really made a decision to go to Haiti. In some ways, it feels like Haiti found me. There was an idea to go, a desire to go, and then a confirmation email affirming plane flights had been booked.

Last March, Cynthia Mertens sent an email to all of her students who traveled with her to El Salvador encouraging us to meet Mario Joseph, winner of the Alexander Prize. I saw Daniel while walking over to hear Mario speak and asked him to come along. He agreed and that moment changed both of our lives.

Mario told us the story of Marie Jean Jeanne and her community of Raboteau, situated on the west coast of Haiti. Approximately forty people were murdered in an attempt by the paramilitary group FRAPH (Front for the Advancement and Progress of Haiti) to suppress pro-Aristide demonstrations in the small town of Raboteau. The demonstrations called for the return of Jean Bertrand Aristide, Haiti's first democratically elected president. Aristide won the election by a landslide in 1990. Within seven months of his presidency, a military coup removed him from power.

On April 22, 1994, at around 3:00 a.m., Marie was home with her husband and young children when the paramilitary men began pulling people out of their homes in Raboteau and beating them in the street. Marie's husband ran out joining dozens trying to escape the violence by swimming out to sea toward fishing boats. But the men in the boats weren't fishermen, they were paramilitary who were waiting with guns. They shot into the water. Marie's husband was found in a fishing net three days later.

After an internationally acclaimed trial in Haiti in 2000, where many of the military officers responsible for the massacre were tried and convicted, Marie Jeanne served as the lead plaintiff in a subsequent lawsuit filed in the United States against one of the officers, Colonel Carl Dorelien.

Dorelien fled to the United States in 1997 to escape prosecution and subsequently won $3 million in the Florida state lottery. The Center of Justice and Accountability, an international human rights organization, filed suit against Dorelien. A Florida court ultimately awarded Marie Jeanne with $430,000, and Marie Jeanne graciously disbursed the settlement award among the victims in her community.

Dan and I won a grant to fund an investigatory trip to Haiti. There wasn't a lot of time for preparation. There was only a small chapter in a Lonely Planet guide, a basic Haitian Creole language CD, and some printed Law Review articles. And then, there was Haiti. The idea was to go to Haiti to tell a story of community. We wanted to find a story of justice and the success of "the rule of law," but what we found was different and bigger than we could have ever imagined.

Children of Raboteau

This is the part where I wish I were a poet. Haiti is too big, too much to even describe. Haiti is intensely poor, yet intensely proud. Haiti has a rich history and enduring spirit. Haiti is music, and art, and a dance that is so slow that it looks like breathing. Haiti is so broken, yet so beautiful. Haiti is pollution and trash, but the bluest water you've ever seen. Haiti is unlikely friendships and sacrifice. Haiti is humanity.

We didn't find a story of justice waiting for us in Raboteau. There was only the aftermath of devastating hurricanes. There is no translation for "the rule of law" in Creole. There is only survival. We left Haiti wondering how we could get people to pay attention to the exigent need permeating the country, and, unfortunately, our answer came in the form of a devastating earthquake.

Four days after our return, I stood in the rain after hearing the news. I was waiting for Daniel to come tell me what to do. I remember thinking about how dark it must have been. There were already so few streetlights in Port Au Prince and the earthquake hit not much more than an hour before dark. I thought about all the friends we had made. Images and sounds were still so fresh in my mind. I felt unworthy of the love I experienced from a place that had nothing else to give, and now there's a piece of myself stuck back there.

Daniel and I go back to Haiti in March. There's still so much left to learn, and now there's still so much left to give. We all owe it to the neighbor strong enough to be the first to escape the chains of slavery and fight for independence.

I never really made a decision to go to Haiti, but if you ever do, a piece of you will never be able to leave.

All Photos Courtesy of Daniel Zazueta and Caitlin Robinett

Tenant's Twitter Post Under Fire

Continued from Page 2

the defendant made a false statement of fact that is understood as being of and concerning the plaintiff and causing damage to the plaintiff. A requisite level of intent must be met depending on whether the defendant is a private or public figure.

Judge Larsen dismissed the suit with prejudice stating that, "the court finds the tweet nonactionable as a matter of law." In a later hearing the judge added that Ms. Bonnen's tweet was "really too vague" and "lacks any context" to rise to the level of being a false statement of fact.

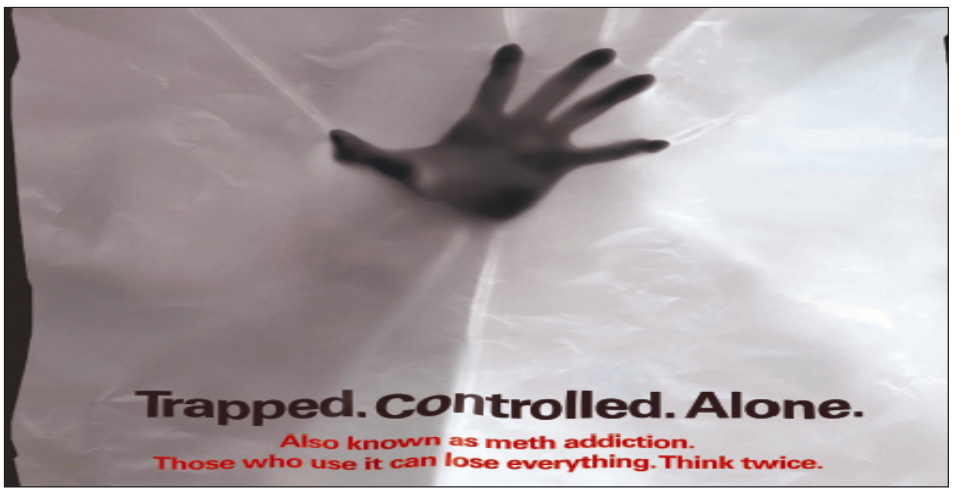
However Julie Hilden, a First Amendment lawyer and writer for Findlaw.com believed the suit against Ms. Bonnen should have proceeded forward. Ms. Hilden said, "If you asked a hundred people on the street whether the person who wrote this tweet was claiming that, in fact, she lived in a moldy apartment, I think virtually all of them would say that yes, she was making such a claim. In other words, the post is sarcastic, but it's not all that cryptic. The meaning was clear enough, in my view, to satisfy the 'statement' requirement."

However, based on the fact that Ms. Bonnen was tweeting and opined, "Horizon realty [sic] thinks it's ok," Professor Gulasekaram said, "It's hard to punish someone for their opinion."

Regardless of whether the suit should have moved forward, it now seems that tweeting is no longer considered a harmless pastime or a way to keep in touch with friends. Aaron Flemate a 3L in the part-time program said, "Any prudent person would think twice about what they are writing before posting something on the Internet for the entire public to see. I tend to think, 'Would I say this out loud in a crowded room?' Companies like Twitter and Facebook have created an entirely new avenue for libel and defamation law."

As a landlord, Professor Nancy Wright expressed the hope that her tenants would come to her first with any problems. "If we didn't fix a problem after a reasonable period of time, then a student might try to 'shame' us into doing it by 'tweeting' or posting something on Facebook about the problem. †If a student posted something about a problem without telling us about it first, we would probably be slightly annoyed. †However, we would never 'monitor' what our student-tenants say on their Facebook [pages] nor would we try to stop them from exercising their free speech rights."

Even if tenants or customers use social networking sites such as Twitter or Facebook to review business practices or poor service, Charice Fischer a 2L in the part-time program suggested, "Perhaps educating users to be more mindful of their statements in open forums would be a good first step to protecting all parties."



Justice for Detainees

Continued from Page 3

after obtaining his citizenship documents, military records, and social security number from public records. Despite this evidence, ICE continued to pursue Castillo's deportation. Fortunately, the Board of Immigration Appeals determined that the evidence merited a new hearing. After nearly eight months in detention, ICE released Castillo.

Castillo's experience underscores the issues all detainees face. "Even if an individual has a valid claim to remain in the United States legally, being placed in detention makes it much more difficult to obtain legal representation or to secure the documentation to validate one's case," said Jorge L. Barun, Executive Director of NWIRP in a press release.

According to the Department of Homeland Security's FY2009 Congressional Justification, the average cost of detaining an immigrant is $99 per person/per day in the U.S. Alternatives to detention are effective and cheaper, with some programs costing as little as $12 dollars per day yet still yielding an estimated 93 to 96 percent appearance rate before immigration courts, according to the Detention Watch Network.

Assistant Secretary of Homeland Security for ICE John Morton revealed this January that the Executive Office for Immigration Review is conducting a pilot program for alternatives to detention, and that after testing is complete there could be 16,000 to 17,000 slots available for immigrants to be placed in these programs.

While immigration advocates welcome Assistant Secretary Morton's goals, Castillo's story calls into question the government's ability to effectively implement these reforms.

WORD FIND

N	R	E	Z	I	J	S	J	H	S	N	N	S	D	L
A	O	Q	C	A	N	C	S	S	X	O	L	E	S	A
T	P	I	Y	N	A	J	A	E	I	Y	F	G	E	I
C	L	A	T	A	E	P	U	T	R	E	I	A	T	T
I	E	Z	T	C	S	G	A	N	N	U	R	M	T	N
D	A	F	Y	E	I	R	I	D	C	I	D	A	L	E
E	D	P	R	P	A	D	A	L	F	T	F	D	E	D
L	I	T	M	L	Z	N	S	E	I	D	I	I	M	I
E	N	V	C	H	T	K	B	I	H	D	E	O	E	F
P	G	E	M	A	G	I	S	T	R	A	T	E	N	N
P	D	A	D	V	O	C	A	T	E	U	T	X	T	O
O	F	F	I	T	N	I	A	L	P	U	J	O	U	C
T	G	N	I	D	N	A	T	S	W	R	I	T	R	Q
S	R	I	U	W	P	X	H	O	L	D	I	N	G	T
E	C	I	T	S	U	J	F	O	R	K	U	C	W	T

WORD BANK

ADVOCATE	HOLDING
DECLARATION	JUSTICE
DILIGENCE	PLEADING
HEARSAY	TORT
JURISDICTION	DAMAGES
PLAINTIFF	DICTA
STANDING	ESTOPPEL
WRIT	INJUNCTION
CONFIDENTIAL	MAGISTRATE
DEFENDANT	SETTLEMENT
DURESS	TRESPASS

Students Continue Service in the Big Easy

Rachel Leff-Kich, Camille Alfaro-Martell, Michelle Petlow

Despite the passage of time and an unprecedented Super Bowl win, there is still a need for volunteers in New Orleans and many low-income people are still feeling the devastating effects of Hurricane Katrina. Students who participated in the trip last spring were dismayed to find that the Lower Ninth Ward, the area of New Orleans hit worst by the disaster, is still in shambles. While the city has not lost its wonderful personality, it has not returned to the city it once was. The effects of Katrina on the city of New Orleans should not be forgotten.

Santa Clara's Student Bar Association has showed continued support to the city by establishing an Alternative Spring Break Trip to New Orleans. The trip began in 2007, and this marks the fourth year students will return to provide pro bono legal aid. Our participants are lucky enough to meet attorneys, workers, and individuals who are willing to share their stories and personal experiences. The invaluable experience volunteering in New Orleans is unique and meaningful for everyone who has gone on the trip. Seeing such raw destruction that remains untouched even a few years after Katrina and working with people to rebuild their lives that have been torn apart raises an awareness about social and economic inequity that is essential for progressive lawyering. For many 1L's, the trip is the first opportunity to use the legal skills taught at SCU.

The trip unites law students who share a commitment to working for social change. In addition, the participants of the SCU NOLA trip last year recognized that Hurricane Katrina exposed systemic racism and widespread corruption in the area. Our students' work to help people pull their lives together despite these and other problems resulting from a broken legal system and lack of social programs. The service provided on this trip by Santa Clara law students is directly in line with the values we learn at SCU.

Nola Volunteers in the Ninth Ward BY: MICHELLE PETLOW

Last year twenty SCU law students volunteered for the NOLA trip. Eight students dedicated their week doing manual labor in the Lower Ninth Ward with the Sierra Club. The remaining twelve students harnessed their legal skills from school and worked with various agencies and community organizations to provide legal services to the sect of the New Orleans community that are severely economically disadvantaged and politically underrepresented. This year all twenty participants will be working at NOLAC (Southwest Louisiana Legal Services, formerly known as New Orleans Legal Aid Corporation, which still goes by

SEE NOLA, PAGE 11

Symposium: *Caperton v. Massey Coal Co.*

CONTINUED FROM PAGE 3

seats on the bench. The governor has the power to appoint a judge in the event of a vacancy, but the judge must then stand for election.

Justice Abrahamson noted thatshe enjoyed Wisconsin's judicial election process. She added that electing judges works well for Wisconsin. Justice Abrahamson conceded, however, that not every judge makes a good politician, and requiring judges to wear the politician hat has the potential of discouraging some qualified candidates.

Justice Chin of the California Supreme Court, the other distinguished panelist, is a strong advocate of California's judicial appointment process and vehemently against judicial elections. In California, the governor appoints candidates to the judiciary. The Commission on Judicial Appointments however, must confirm the appointees. The Commission on Judicial Nominees Evaluation, which does not have authority to appoint or confirm judges, thoroughly evaluates all candidates who are under consideration for a judicial appointment.

The independence of state court systems across the country has come under attack in recent years. An increase in politicization of judicial election campaigns and an escalation of campaign spending, spurned Chief Justice Ronald George of the California Supreme Court to create the Commission for Impartial Courts in 2007.

Justice Chin chairs the 88-member commission, whose aim is to (1) promote ethical and professional conduct by judicial candidates; (2) better regulate campaign finance practices; (3) expand public information and education about the judiciary, both during judicial election campaigns and otherwise; and (4) improve procedures for selecting and retaining judges.

"The manner in which judges are selected, retained, and removed from office can have a serious impact on the independence of the judiciary," Chief Justice George said in 2007. "It is essential that we make every effort to avoid politicizing the judiciary so that public confidence in the quality, impartiality, and accountability of judges is protected and maintained."

The panelists also discussed Republican Party of Minnesota v. White. The White decision gave way to a First Amendment issue where Minnesota's announce clause prohibited candidates for judicial election from announcing their views on disputed political and legal issues. Justice Chin quoted retired Supreme Court Justice Sandra Day O'Connor on her concurrence in White—that in hindsight, it was "the only decision that gave me pause."

As a result of White, judicial candidates have a right to announce, and even more importantly, be questioned on their views. Both panelists expressed that they repeatedly refuse to answer any questions on how each might vote on an issue, however refusing to field a question does not always carry with it the absence of an answer.

In addition, Justice Chin and Chief Justice Abrahamson could not avoid discussing the recent Supreme Court decision in Citizens United. They both anticipated legislative action to address the 2010 decision, but after Massey Coal, the debate over how much corporations will be able to impact judicial elections is up in the air. At the end of the Symposium, one sentiment was certain: the success of the American judicial system depends on something the public knows little about—maintaining an independent judiciary.

Who's Afraid of the Corporate Boogeyman?

Alexander Nowinski

When Keith Olbermann and Rachel Maddow denounced the *Citizens United* decision the same day it was handed down—quick readers—they must have forgotten that their paychecks are signed by MSNBC, founded as a partnership between two of the best known corporations in the country, Microsoft and General Electric's NBC. If our democracy can withstand the taint of sound bite spewing corporate pundits like O'Reilly and Olbermann, Beck and Maddow, or the less simplistic but no less insidious daily influence of corporations like the Wall Street Journal and the New York Times, it can probably stand a few extra ads around election day.

When asked what exactly it is that will so overbear the average American voter, the decision's critics point to examples like the Swift Boat ads impugning John Kerry's Vietnam service during the 2004 general election. Funding for that smear campaign, however, has been attributed to three individuals: Sam Fox, a Dallas billionaire who later paid $2.9 million for ads linking Obama to Bill Ayers; Harold Simmons, a St. Louis businessman who Bush later nominated as ambassador to Belgium; and T. Boone Pickens, a Texas oilman with a net worth around $3 billion. I know of no instance where a corporation has so hijacked the national discourse as these three private citizens.

There's another reason not to overreact to the decision. Twenty-six states, including California, already allow the kind of corporate advertising sanction in *Citizens* without any of the apocalyptic consequences currently foretold. There's no evidence indication these states suffer more or less corporate corruption than others.

Furthermore, there are all types of corporations, ranging from the Red Cross to the NFL. They provide thousands of jobs and contribute to health insurance and pension plans. They pay millions in taxes every year and must comply with numerous regulations. They represent the interests of American industry and business and their success impacts the national economy, so I want to hear what they have to say about the candidates and issues. As Justice Kennedy put it, "informative voices should not have to circumvent onerous restrictions to exercise their First Amendment rights. . . . on certain topics corporations may possess valuable expertise, leaving them the best equipped to point out errors or fallacies [of] candidates and elected officials." I have yet to hear a concrete argument on how or why corporate voices will somehow be more detrimental or less distorting than those of Private Citizens Fox, Boone, and Pickens.

Many of the corporations previously banned from speaking are non-profit 501(c)(4)'s like Citizens United, formed as associations of like-minded people pooling resources in order to speak out loudly. Others are essential components of American business and as such deserve an undiminished voice in the national dialogue.

If we treat the electorate as too obtuse to detect advocates' biases and consider them, we will wind up with election results sculpted by laws that guide voters to choices based on what the government thinks is good for us, which begins to sound Orwellian.

We must overcome our irrational fear of "evil" corporations, recognize that the corporate form is efficient and indispensable to American industry and strength, and ask ourselves what it is we're really being protected from and whether it is healthy for the republic that we should be.

Is Today's Supreme Court Ready for Prop 8 Challenge?

Greg Williams

On Jan. 11th, The Northern District Court of San Francisco heard opening statements for *Perry v. Schwarzenegger*, the case brought to challenge the validity of California's Proposition 8. Hundreds of people protested outside the courthouse, hoping that their combined voices might tip the scale of justice in their favor.

Enacted as an amendment to the California Constitution, the proposition was upheld by the state Supreme Court in May, 2009. After the court handed down its ruling, the ACLU and other advocacy groups did not believe the time had come to make a federal issue out of California's gay marriage ban.

This view is not all together a cynical one. The conservative U.S. Supreme Court may be hostile to the plight of those Californians affected by Prop 8. Yet, three days before the California Supreme Court ruled on whether Prop 8 violated the Equal Protection Clause of the California Constitution, just such a federal case was brought by the previously unheard of group, "The American Foundation for Equal rights." David Boies and Theodore Olson were named as the attorneys taking the helm of the federal challenge.

David Boies has defended many causes near and dear to the hearts of liberals.

The real shock is seeing Ted Olson on the side opposing proposition 8. Olson, defended the conservative side in *Bush v. Gore*, and was George W. Bush's Solicitor General. Olson also argued countless times on behalf of conservative groups in front of the U.S. Supreme Court.

While this combination might seem to be a modern day legal version of Felix and Oscar, it is plainly evident that Olson is on this side without a trace of cynicism. He mentioned his intention to have this case see the inside of the Supreme Court within two years.

With *Perry* speeding its way towards Washington, it is necessary to consider whether the make-up of the Court will result in a ruling in favor of gay rights? One can look at the court and see where the votes will likely fall: Stevens (if he has not retired), Breyer, Sotomayor, and Ginsburg will likely be in the camp striking down Prop 8. Roberts, Alito, Scalia and Thomas will likely be in favor of keeping the ban. So, that leaves Justice Kennedy as the all-important swing.

So is now the time? The conservatives on the Court have made their presence known in recent rulings. They know and trust Ted Olson. He has appeared in front of the Court 55 times and has won 46 of these cases. Also, Justice Kennedy wrote the majority opinion in *Romer v. Evans*, which struck down an amendment to the Colorado Constitution that threatened gay rights.

Naturally, any speculation would be little more than reading the tealeaves. Courts can sometimes surprise even their closest observers.

Palate Seduction at Jasmine

Continued from Page 4

deep fried in a light batter and served over lettuce). At $12.95, these dishes are at the higher end of the Jasmine's spectrum but are still well worth the price.

Personally, I've always been more than satisfied with the spicy fried rice (jasmine rice fried with basil, bell peppers, yellow onions, garlic, chili and your choice of meat; $7.95), and the mussamun curry (peanut coconut milk curry, carrots, potatoes, ginger, peanuts and choice of meat; $8.95). Appetizer-wise, the chicken satay comes with a particularly savory peanut sauce and the spring rolls are nice and crispy. But please avoid the Miss Saigon Rolls.

The food's delicious, the service is excellent, and the lunch special is a better value than most.

Start your love affair today!

The Rumor Mill, *Barrister's Edition*

Susan Erwin, Dean of Student Services

Dear Rumor Mill,
We had to sign a MOU before we could buy our Barristers Ball tickets this year. Why? Aren't we all old enough to drink responsibly and take care of ourselves? Why does the law school feel the need to treat us like undergrads?
Signed,
Been There, Done That, Ain't Gonna Do It Again

Dear Been There,
Instead of answering your questions directly, let me tell you the Sad, Sad Story of Underwear Girl.

Once upon a time, there was a very enthusiastic first year student. She loved being involved in all the clubs and events. And she especially loved going out and partying with her friends. The thing that she was most enthusiastic about was going to Barristers Ball. Her friends were all going. The guy she had flirted with all semester had asked her to go with him. She had a new dress! It was going to be great!

Drinks at the bar were going to be too expensive and sneaking alcohol into the hotel was going to be tricky that year - so the students decided to out-smart them all! They all made arrangements to meet earlier in the day and start drinking early, so they would be "ready" for the festivities. They were sure that everyone would be doing the same thing. By the time they got to the venue, they were feeling no pain. Underwear Girl's Girl Friend Number One saw one of her cute young professors. She ran over to him and put her arm around him and repeatedly told him he was the best professor she ever had and she just looooved him. That professor spent the rest of the year trying to avoid eye contact with the student. When she asked for a letter of recommendation a couple of years later, he politely declined.

Boy Friend Number Two wasn't feeling so well after eating his complimentary dinner roll. He ran to the bathroom and accidentally got sick all over the associate dean's shoes. For many years, the associate dean referred to him by his official nickname - "that idiot that threw up on my shoes".

Boy Friend Number Three got in a fight with Boy Friend Number Four over the attentions of Girl Friend Number Five. The police were called. Reports were written and the students were sent on their merry drunken way. Those reports eventually found their way to the Office of Student Life who then, per University policy, was required to open a judicial hearing. Boy Friends Three and Four were required to attend a few AA meetings, which they giggled their way through. One day they got a letter from the California Bar which said that the Bar would be conducting an investigation into the alcohol-related incident. The letter also told them that they should just sit back and wait for the results of the investigation. So, they waited and they waited and they waited some more. The process took so long that Boy Friend Number Three had his employment offer rescinded from his big law job because they were, frankly, suspicious about why it was taking so long. Boy Friend Number Four had to hire an attorney to argue with the California Bar that his client should be allowed to become an attorney. Last we heard, they were still waiting . . . .

But I digress, back to Barristers Ball . . . when last we checked in; Underwear Girl was having a great time drinking and getting a lot of attention! She was so excited by all the fun she was having that she jumped up on a table, and was dancing and singing and swishing her pretty little cocktail dress around!

The story of the drunken Underwear Girl dancing on the table flashing her underwear was the most popular story of all. By the end of the week, everyone - from the dean to the undergrad library assistants - knew who underwear girl was.

Underwear girl became a little less enthusiastic about going out in public. Not only was she embarrassed, but she had to go meet with the dean of students and attend the local AA meetings.

Many years later, during On-Campus Interviews, one of the big law recruiters stopped recruiting long enough to have lunch with a gaggle of deans. The recruiter was a SCU Law grad from way back. The deans and the recruiter had great fun recounting his great times in law school. The recruiter suddenly started laughing and asked the group, "Guess who I interviewed at the firm a couple of months ago? She was applying for a lateral position in my firm . . ."

"Who?" they asked in unison.

"Underwear Girl!" he answered.

"Did you hire her?" they asked hopefully.

"Hell No!" he answered and laughed and laughed and laughed . . .

Poor, poor underwear girl. The 299 lawyers that graduated her year and now worked in the same small legal community would never, ever take her seriously. She would forever be . . . . Underwear Girl.

DISCLAIMER: While I swear these events happened to various law students over various years, I won't swear that they happened exactly as listed above. Remember, you too can be an underwear girl - just get drunk and stupid and make an idiot of yourself in front of the deans and faculty and students. See you at Barristers!

NOLA Still in Need

Continued from Page 9

acronym NOLAC). NOLAC is a non-profit legal aid agency that provides legal services free of charge to low-income people in the greater Southwest Louisiana area. They have substantive legal units in housing, employment and public benefits, family, homeless advocacy, consumer, foreclosure prevention, tax, and successions/ title clearing. Student volunteers will assist in litigation, prepare research memorandums and briefs, take clients through intake, and a variety of other tasks.

As evidenced by our plethora of community service opportunities, some law students begin their legal careers knowing they want to pursue public interest work, but for many students the NOLA trip is the inspiration for what will become a lifetime dedication to pro bono and volunteer work. This awareness and dedication benefits the SCU community and the legal profession as a whole. We appreciate the student volunteers in continuing the SCU tradition of supporting those in need, with less privilege and in less powerful positions than ourselves.

NOLA ALTERNATIVE SPRING BREAK

All our participants are funding the trip themselves with fundraisers taking place throughout the Spring Semester. We welcome any tax-deductable donations and would like to invite you to attend one of our upcoming fundraisers. The Poor House Bistro in San Jose, a southern "Naw'Leans" style restaurant, has live music and great food, and has been our generous host and partner since the trip began in 2007. On Thursday and Friday February 25th and 26th, a percentage of lunch and dinner sales will be donated to our cause. Please join us and tell them you were sent by "Santa Clara Law School."

For more information about donating, please email: Camille.Alfaro.Martell@gmail.com

Jersey Shore Comes to Santa Clara

Daniel Zazueta

Last Friday night, a crew of 1Ls threw a Jersey Shore party. I went to the party to do some undercover work for the Advocate. It did this old 3L's heart good to see so many 1Ls bonding, beatin' up the beat, drinking freakin' Jager bombs, grinding their greasy fake-n-baked, Ed Hardy-clad bodies all up on each other. It was freakin' beautiful, bro.

At one point C-Note Cornejo lost his fresh-to-death edge and stepped out to do some laundry. D Funk was like "yo, where ya goin' kid?" Ashlove, C-Note's girl, turned to D Funk and was like "he's freakin' doin' some laundry . . . ya gotta freakin' prol'em wit dat?" Not having none of this, D Funk turned to push Ashlove outtadaway. Instead, he bumped into Mad Dawg Maddy Feldon, spilling her Jager bomb all over C-Sitch Brittain. C-Sitch tore off his shirt, flexing his front and back abs, and was like all up in D Funk's face "we have a situation." Mad Dawg backhanded D Funk and hit J-Sweetie Tsay by accident. J-Sweetie and Jessie J Montoya turned around and grabbed onto Mad Dawg's extensions. In the freakin' fracas, Shan Shan Lenihan broke a nail. A group of security guards rushed in and separated everyone.

In the morning, everybody helped make breakfast and apologized for talking so much trash and smacking each other around. J Woww Jacob turned to everybody and was like "forgetta'bout it." Then Kristie Cream Weber was like "wuddup, let's all get our GTL on! I love you guys! We're like family."

CALIFORNIA RULES OF FACEBOOK CONDUCT

As adopted by **Martin Behn** and **Greg Williams**.

Current rules as of January 1, 2010. The operative dates of select rule amendments are shown at the end of relevant rules.

CHAPTER 1. FACEBOOK IN GENERIAL

These rules shall be effectuated in response to changing, social-normative standards as evinced by recent Judicial Ethics Advisory Committee decisions.

Rule 1-100 In General: Rules of Friending Conduct

(A) Colleagues, associates, parterres shall be acceptable friends.
(B) It shall remain unacceptable to friend:
(a) Judges
(b) Underage clients, witnesses*, or jury members*
(*) 6 month rule after trial applies.
(c) A person simply because you think they are attractive.
(d) Another friend's mom.

Rule 1-120 In General: Rules of Status Conduct

(A) Generally, status updates shall not be abused and over-updated such as Twitter or Google Buzz;
(a) Illustrative examples of acceptable updates: "I am very excited to have Exxon as a client."
(b) Illustrative examples of unacceptable updates: "I Just found an Egg on my Farmville!" and generally any vague, sappy, love update to some unknown lover.
(B) Code words aimed at members of Masonic cults.

Rule 1-130 In General: Rules of Photo Conduct

(A) A 'detag' shall be made compulsory when:
(1) Said photo incriminates member of State Bar with people taking illicit drugs; except
(a) Members residing in Humboldt County
(b) Members residing in Santa Cruz County
(2) Member is in pictures with "Snookie"
(3) Member is poised in ironic, hipster self portrait that feigns being taken by an anonymous third party onlooker
(B) A 'detag' shall not be made compulsory, however recommended when:
(1) Member of State Bar is in photos with:
(a) Phallic buildings
(b) Dinosaurs
(c) Italian Prime Ministers
(d) Cast members of Jersey Shore
(e) Canadian fir trappers
(f) Roving waffle salesman

Rule 1-140 In General: Rules of Poke Conduct

(A) Generally unacceptable, see Rule 3-120 on Sexual Misconduct.