



THE ADVOCATE

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Steinman Faces First-Year Ban



COURTESY OF SCU

Dominic Dutra

On March 12, Professor Ed Steinman confirmed the rumors that were leaking around campus that Dean Donald Polden and Assistant Dean Cynthia Mertens informed Steinman, that after 37 years, he would no longer be allowed to teach mandatory first year courses. When questioned about the decision Dean Polden

stated only that Prof. Steinman "remains a full time member of the law faculty and will continue to teach courses such as Criminal Procedure and Law and Education." When asked what other classes Steinman would be teaching in order to remain a full-time faculty member, Polden declined comment.

Several of Steinman's students were approached to discuss why they believe the administration may have taken this measure, but none of these students were comfortable going on the record. Likewise, Dean Polden was unwilling to comment on the administration's reasoning, citing privacy and personnel issues.

Malia Vella, a 2L, described Prof. Steinman as one of the few professors who still uses the Socratic

method and that for many students this can be frustrating. However, she clarified, "Ed pushes them (students) intellectually. His method of teaching, both in class and for moot court, is what I expected all of my law school classes to be like - engaging, challenging, demanding, yet fair."

Steinman is renowned for a confrontational, and sometimes controversial teaching style that challenges the brightest students and refuses to dodge taboo subject matter. This unavoidably has also had the effect of alienating some students. "A lot of students see Prof. Steinman as a right of passage at Santa Clara," says 3L Daniel Zazueta. Yet, he explains, "I don't regret never taking one of his classes, especially because of the issues people have had with his

teaching style. I've had a few female friends who confessed that they felt uncomfortable in his class and asked to be moved."

As of press time, Steinman and Polden are still negotiating possibilities that would allow Steinman to remain a full-time faculty member, and possibly still teach first year courses next year. Vella thinks that giving Steinman smaller sections and having administrators occasionally monitor lectures could be a viable solution. "Ed is one of only a handful of professors who is personable and willing to help his students in any and every way possible. Prohibiting him from sharing his vast knowledge of Constitutional and Criminal Law, two subjects that he has real world experience in, would be a tragedy."

All About Carr in District Attorney Debate

Alexander Nowinski

The candidates for Santa Clara County District Attorney met March 23 in an on-campus debate moderated by Professor Uelmen. Incumbent Dolores Carr and her challenger, Deputy District Attorney Jeff Rosen, gave opening statements followed by short rebuttals then responded to written questions collected from the audience and posed by Professor Uelmen.

Ms. Carr identified gang violence and white collar crime as top priorities and said her plans for the next term include working closely with gang prevention task forces and translating office materials into Vietnamese as part of an equal justice campaign. Mr. Rosen, on the other hand, told the audience he is running "to restore ethics and

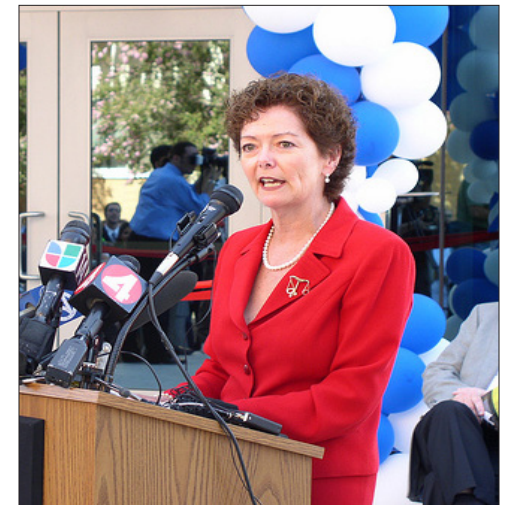
integrity" to the office in a not-so-veiled reference to controversies that have plagued Ms. Carr's term.

Last year, Ms. Carr came under fire for failing to recognize a conflict of interest when it was found that her husband was paid \$14,000 for work as a security consultant by an attorney representing the family of a murder victim in a case Ms. Carr's office was prosecuting. The attorney was also a Carr campaign contributor. In effect, Ms. Carr received income from an advocate for a victim's family as her office prosecuted the alleged perpetrator and deliberated whether to seek the death penalty. Ms. Carr eventually recused herself after the victim's widow, a layperson, voiced concern over the potential conflict.

This January, Ms. Carr in-

structed her deputies to stop bringing criminal cases before Superior Court Judge Andrea Bryan. Though the highly unusual move came after Ms. Carr was angered by the judge's finding that a deputy district attorney committed numerous acts of misconduct, including perjury, she insists her decision was based on a pattern of questionable evidentiary rulings. Ms. Carr did not outline or describe those rulings.

More recently, Ms. Carr placed a call intervening to reduce charges in response to a request from a defense attorney who had contributed to her campaign. This issue proved a contentious one in last Tuesday's debate, with the candidates returning to the subject at least twice after questioning had moved on.



Dolores Carr

BY: DANIEL GARZA

Although Ms. Carr implied the modification in charges was minor and called it "the right outcome for an eighteen year old kid who made a stupid mistake," Mr. Rosen noted that the charges affected the immigration status of a wealthy foreign

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ChatRoulette Gambles

Martin Behn

My friend in Germany recently sent me a screenshot of his escapades on ChatRoulette, he found three Bundeswehr soldiers in Afghanistan on the Internet, looking for, well, you know.

ChatRoulette, invented by a Russian minor, Andrey Ternovskiy, is an ultimate success story of how the Internet can spread new communication venues like wildfire. He created it at the end of the year and has had multiple million dollar offers for his website since January, even John Stewart has done a piece on it.

ChatRoulette is a game with few rules: be "16+", stay clothed, and press "Report (F2)" if you don't like what you see. Other than that, it is a free webcam service that randomly connects peers on the website. Pretty simple, except for the fact that people consistently violate the first two rules. And it is exactly these violations that create privacy and child pornography concerns.

A relevant United States Code is Title 18 U.S.C. §1466A, which criminalizes the knowledgeable production, distribution, receipt or possession of any type

of obscene or sexually explicit conduct involving a minor. Read broadly, this could mean that anybody who has seen an underage person on ChatRoulette, could be culpable under this criminal code.

Stepping back to the requirements of the website, there is not explicit age-consent requirement, or separation of the casual encounters on the website between adult and minor, or obscene and non-obscene material.

Professor Eric Goldman, keenly picked up on this obvious flaw. In response whether or not the self-policing policy is sufficient, he said no. He further voiced his concern; "... my main objection is that ChatRoulette has created an environment that may miscommunicate to underage teens that it is OK to create pornography of themselves, even though such pornography is both illegal to create and view."

The question remains as to whether ChatRoulette could even remedy this problem. Most online material, like alcohol related content, and other websites where the material may be questionable, like Craigslist.org, ask the user to verify their birth date, or whether they are 18 years old. ChatRou-

lette does neither of these, and simply has rules posted on the website, with the enticing "New Game" prominently at the top.

Even if ChatRoulette did implement these changes, it may not be enough. Prof. Goldman explained, "simply creating the zone isn't enough; there needs to be an effective policing mechanism to prevent zoning violations." Whereas Craigslist.org is mostly relegated to obscene advertisements, ChatRoulette goes a step further and connects people at random to unknown other people through video. Exposure is instantaneous and not reviewable by each user, and in an age where anybody can get onto a computer, stronger limitations may be called for.



BY NIKKI CORLISS

Pink Floyd Beats EMI In Court

Jillian Allen

Pink Floyd recently won its court battle against EMI with a ruling that prevents the record company from selling single downloads on the Internet from the group's concept albums.

At issue in this case was the contract provision EMI claimed allowed them to sell Pink Floyd's individual tracks via iTunes. EMI claimed that although the contract "expressly prohibited" the unbundling of the tracks – selling them individually; the provision applied only to the physical product and therefore didn't apply in the online context.

Although Pink Floyd has been with EMI for over forty years, their most recent contract was signed

with EMI just over ten years ago - before the iTunes and digital download boom. Pink Floyd's counsel, Mr. Howe disputed EMI's interpretation of the contract provision, claiming that it "makes no commercial sense". Why would Pink Floyd want to expressly prohibit the physical unbundling of individual tracks, yet allow it online? They wouldn't! And the judge in the case, Andrew Morrit agreed. Judge Morrit said the purpose of the clause in the contract was to "preserve the artistic integrity of the albums." Although the actual amount of the royalties remain unclear because that part of the judgment remains secret due to a request by EMI, who successfully applied for a news blackout

for reasons of "commercial confidentiality."

The portion of the judgment that is publicly available is the order against EMI to pay Pink Floyd's costs in the case, estimated at £60,000, or \$90,000 U.S., the judgment also denied EMI permission to appeal.

Perhaps Pink Floyd says it best in "Money" from "The Dark Side of the Moon":

Money, it's a crime.

Share it fairly but don't take a slice of my pie.

Money, so they say

Is the root of all evil today.

But if you ask for a rise it's no surprise that they're giving none away.

Take that EMI!

Gaga's Act Artistically Apalling



Robyn Morris

From the moment she stepped onto the scene, Lady Gaga has either been adored or reviled. Her sugary pop sound has been revered

as undoubtedly catchy, and at the same time considered mindless and unoriginal. Her “avant-garde” fashions have been regarded as strokes of genius as well as desperate cries for attention. Despite the varying opinions of Lady Gaga, she remains a staple on the top 100 charts week after week. Her music videos make her the talk of the industry for their often controversial imagery. The latest video for “Telephone” is no exception.

I must admit, I am on the Anti-Gaga team. The video for Telephone is the culmination of everything I dislike about her persona. I am not one to be easily offended, especially by displays of

human sexuality. But coming from Gaga, it feels insincere, more like an attempt to draw attention to herself than to enlighten society. The video begins with a scene of her in another ridiculous costume, being escorted to a prison cell in a (questionably) all women prison. After being thrown into the small, concrete room, the guards rip off her clothing and she is shown clinging to the cell bars naked. Didn't this happen in the Bad Romance video, too? I'm sure she is trying to send some kind of message here, but I'm starting to wonder if she really doesn't know how to remove her own clothes. Oh and please, someone give the girl a sandwich.

The video drags on for another 9 minutes, with each passing minute I want to p-p-poke my eyes out more and more. I suppose she needed all that time to fit in those product placements for Virgin Mobile and her personal-

ized Beats headphones. Again, I'm sure there is some kind of message about consumerism here, but it is so poorly executed and slapdash that it defeats the purpose. Insert some making out with a transsexual, painfully awkward acting from Gaga and Beyonce, and Quentin Tarantino shout outs and you have yourself another stock Gaga video. Nothing thought provoking, and certainly nothing original. By the way, Gaga, the chola look has already been done by the likes of Fergie and Gwen Stefani, and better, I must add.

Following the release of any of her videos, I love to read the reviews and interpretations online. They make valid points and add interesting insight, but they give Gaga way too much credit. These ideas are coming from the reviewers, not her. In fact, in a recent radio interview with Ryan Seacrest

SEE GAGA, PAGE 6

Nothing to Like About U.C. Tuition Hikes

Martin Behn

Tuition at UC Hastings will be rising next year to levels just below that of SCU Law. Over the next couple of years the UC system expects even more rate hikes for their J.D. programs. Hastings, coupled with the higher price of living in San Francisco, could end up being more expensive next year than SCU.

This may not mean a lot to students or teachers here on campus, after all, we will not be the ones paying more for our education, but it may raise interesting issues about the balancing of private and public options for J.D. programs. In the end much of that decision has many factors other than the bottom line price of the school.

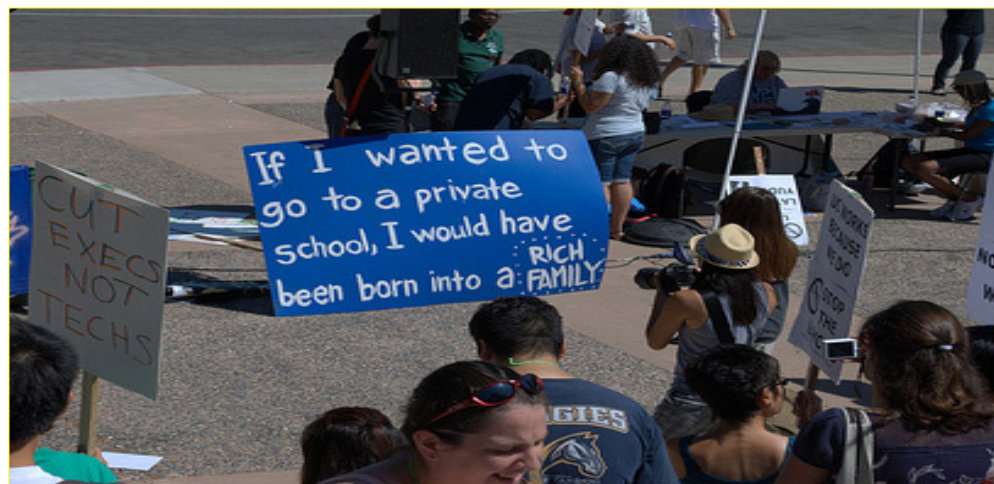
The reasons for the price hikes have been covered extensively in the past year. With lower budgets to work with the state has to make cuts and raise revenues wherever possible. A lot of blame has been put on the prison system, maybe not unduly so. Yet the implications

of the price hikes are much more exciting.

Putting the schools on a level playing field of tuition is interesting for two reasons. First, students hopefully will not have to worry about the price of schools as much, and can look more towards the other palpable opportunities each school has to offer. Second, the high tuition rates are indicating a perfect storm in the legal education and job markets.

The job market for recent graduates has been tough, and even affecting students looking for summer employment. It impacts every aspect of the job market, from the big firms to the governmental positions, even the clinics at SCU. The recent history of Biotech IPOs is a great indicator: there were precious few last year, and they have not significantly picked up since. Pay from the big firms is going down, and now tuition is going up. None of this is secret, it's all at the forefront of the discussion.

Other than it just being tougher



BY: EVEN LEE

to get a job, and the implications of not getting one being more severe, what does this mean? It probably means there is a big change coming soon. Employers don't want to have to train as much, because clients do not want to pay for it. The big firms are restructuring. It is probably time to see the schools restructure too. The question remains: in what direction will they go?

It seems unlikely to see the top schools reduce their rates. There are salaries to pay, and professor retention is a strong argument for any university. Schools are ratchet-

ing up their emphasis on practical experience. SCU is definitely doing this, upping the limit of externship credits to the maximum allowed by the American Bar Association. Giving students more opportunities for practical experience is probably the best route for any school. But since most schools are doing this, maybe the focus should not be on the opportunity for more practical skills, but rather ensuring these skills are developed through mandatory participation.



THE ASSAILANT

SANTA CLARA SCHOOL OF HARD KNOCKS

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THURSDAY, APRIL 1, 2010

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Area Law Student Makes Plans to Visit Heafey Strictly for Television

Martin Behn

SANTA CLARA – Law Student Douglas “Doug” Dowell admitted Friday evening that, despite having a TV and Tivo at home, he regularly visits Heafey Law Library just to catch up on “How I Met Your Mother” and “The Office.”

Dowell, a 3L from southern California admits that it is a new practice for him. “I never did this in undergrad. I would just watch shows as they came on new, or Tivo them. At the very least I would stay home and watch them in bed.”

He further stated that in his 1L year, he would rarely watch TV in the library. “I was just too embarrassed to be looking like I was slacking off.” Occasionally he would sneak off into a corner cubby, and watch his favorite flicks though.

Campus News

Daniel Zazueta

Big Firms to Hire SCU Grads

Mofo, Jones Day, and Orrick announced yesterday that they are committed to hiring recent Santa Clara Law grads after the recent uptick in the economy sent the firms scrambling to fill positions they failed to fill last year. Recruiters will be on campus next week for interviews. In a whirlwind of activity students signed up for interviews with the three big firms. One 3L told the Advocate, “It’s amazing! They’re hiring just about anyone now. We’re saved!”



BY: NIKKI CORLISS

The practice seems to be widespread. A recent survey suggests that 76 percent of all law students who frequent the library watch their

favorite shows online. Of that percentage, 60 percent came solely from home in order to watch their

shows.

Administrators are baffled by the occurrence. One Vice Deputy Assistant Dean, who wished to remain anonymous because they did not want their answers to be construed as official comments from the school said, “I didn’t even know the internet had television.”

With the prevalence of Hulu.com, Sidereel.com, and all of the major networks providing their primetime shows online for free, the practice seems to be growing. And with a fast wireless network, SCU has become a proven hotspot for television viewing. The phenomena, it appears, is not just limited to the Law School.

Dowell explained: “Sometimes I go to the undergraduate library. Since they renovated, they have those huge new Macs. I just pop in my headphones and laugh as loud as I want. The undergraduates don’t care. Heck, they do it all the time!”

SCU Law to Lower Tuition 50%

This week, the Deans announced that they are lowering tuition because of recent complaints from students. The tuition decrease will go into effect for the new entering class. One of the Deans admitted, “It just isn’t fair to charge so much for law school during these hard economic times. Starting next year we will only charge the class of 2013 half tuition.”

When asked why they don’t apply the tuition cut to current students, one of the Deans laughed “That’s just tough \$#!%.”

Students Surprised to Find Speakers at Food Event

At an ACS event this week,

students were amazed to find distinguished members of the legal community speaking on constitutional matters above a flurry of sandwiches. 2L Donny Douche said, “Yeah, it’s weird. Last week I went to a Pizza Meeting and heard a great talk on privacy rights.”

Many students hope that organizations keep having speakers come to their food events. “It’s really nice to have something to listen to while you scarf down your lunch” said 3L Jenny Jrunky.

Jeff Rosen Accused of Murder

At Santa Clara University last week, Jeff Rosen murdered Dolores Carr in a debate. The two are running for Santa Clara County

District Attorney. In a heated exchange of words, Rosen took the metaphorical knife out of his back and shoved it down the current D.A.’s throat. “It was gruesomely awesome” exclaimed 3L Malice Waters. In closing, Rosen stood atop the corpse of Carr’s career and planted a flag of justice.

Committee Proposes Sybian Device for New Lounge

The new lounge in Bannan Hall may have a new exciting addition. After a brainstorming session, Lounge Committee members decided that Sybian machines might do the trick to ease stress among law students.

ChatRoulette: The Usual Suspects

Nikki Corliss

Over Eager Foreigner

He is typically from Poland or Czech Republic. He inquires about getting a job in electrical engineering in the United States.

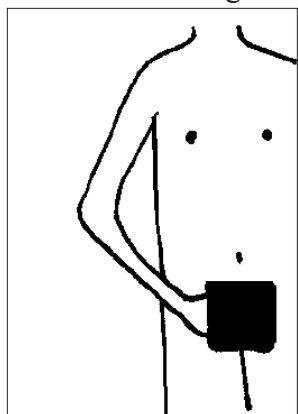


“My cousin Yuri went to Everest College and work as X-Ray technician. Good pay,” he explains. “It only took 3 years! He work in White Plains, NY! What you do?”

NEXT

The Exhibitionist

Never showing his or her (usually his) face, The Exhibitionist angles his camera strictly below the equator.



“Like what you see?”
Slap, slap!

NEXT! NEXT!

“Chat Roulette Me is the Real Me” Guy

Often wearing a mask or costume. He never verbalizes, but instead prefers to pantomime or dance for the unfortunate viewer.

“Chat Roulette lets the world see the true me! I am a whimsical bunny on the inside,” he says. “Chat Roulette is the only forum where I can feel secure that people will accept me for who I truly am: A bunny trapped in a divorced, dumpy, 46-year-old male body.”

NEXT

Dorm Room Full of Giggling Girls

Numbered in twos or threes, this gaggle of girls takes on the safety in numbers mentality to protect themselves from the busy work of the Exhibitionist. The viewer will encounter many shrieks, squeals, and “Oh my Gods!” from this squirrelly group.

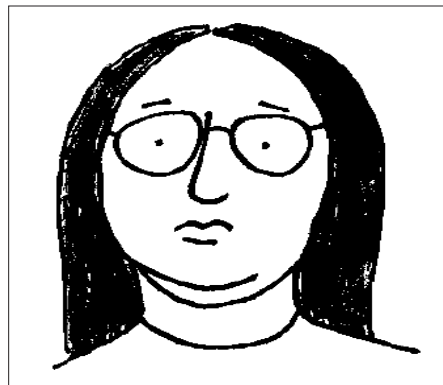
“Oh my God! Chat Roulette is so perverted, but I’m like kinda addicted. People are always trying to get us to kiss each other.



Have some class, gentlemen! You haven’t even ordered us our long island iced teas yet. Even the boys at Kappa Sig know that...”

NEXT

Listless Law Student



She has a poised, yet bored expression and a wandering awareness. Will she find love during Professor Cain’s lecture on prescriptive easements? Will she find a new friend from the other side of the world perhaps? Maybe she will be distracted for five minutes during a fellow student’s poorly phrased question?

“Let’s see what’s new in the

world of Chat Roulette,” she thinks. “Bored-looking guy. Masturbator. Masturbator. Nancy Wright grading papers. Bored-looking guy. Gentleman in an Obama mask. Masturbator.”

She sighs and returns to traditional, yet safe, gchat.

NEXT

Massive Bong Rip Dude

It’s 12:45 p.m. on a Tuesday afternoon. Sitting in his parent’s basement in Harrisburg, PA, Massive Bong Rip Dude has been steadily toking since 4 a.m. as he displays his God-given ability to get really, really high to the maximum number of time zones.

Gurgle, gurgle, gurgle. The two-foot bong rests in his left hand, while his right hand attempts to alleviate

the painful hacking and coughing.

“I want to share my gift with the world,” he explains. “This may be the only thing I’m good at (take that, Dad!). So far, I’ve gotten high with the people of 94 different countries,” he boasts. “Next week when my check from disability comes in I’m gonna buy a 4-foot glass on glass shaped like a dragon.”



Federal Income Gift and Estate Taxation Vol. 3A Eagerly Awaiting First Check Out



Are We “One Nation Under God”?

Lyndsey K. Eadler

The Ninth Circuit seems a little confused, but as of its most recent decision in *Newdow v. Rio Linda Union School District*, this nation is still one “under God.” The Ninth Circuit has been here before, having made a contrary holding only eight years prior. The constitutional challenge was the second brought by Michael Newdow, a Sacramento atheist who claimed that the reference to God in the Pledge of Allegiance violated his religious beliefs. Newdow brought the suit because his daughter was required to recite the pledge in her second grade public school classroom. He argued this interfered with his right to raise his child as an atheist and amounted to a government endorsement of religion in violation of the Establishment Clause. After the Ninth Circuit found that the pledge phrase “under God” was unconstitutional, the case eventually made its way to the Supreme Court. However, the majority never



reached the constitutional question, but rather reversed the appellate court on procedural grounds, finding that Newdow lacked standing because he was not the custodial parent of his child.

This wasn't the end though. To cure the standing problem, Newdow reframed the suit as one brought by and on behalf of other parents and children, rather than on behalf of his own child. To his likely surprise, Newdow got a completely contrary holding. So what changed between the Ninth Circuit's 2002 ruling and now?

How could the court go from finding “unconstitutional” to “constitutional” on the same core issue in a matter of eight years?

Before this controversy, most of us probably never thought twice about the phrasing of the pledge. It's just something we learn at a young age and grow up repeating without considering the meaning and possible interpretations of the words that compose it. Maybe this is my Catholic background talking, but I just don't see what the big deal is. Even as a religious person, nothing about the phrase “under God” when recited as part of the total pledge in a neutral, religious-free setting makes me think that I'm singing praises to the Man upstairs. The phrase and pledge have survived this long—why now do we have a problem with it? Why now, after more than 50 years of reciting “under God,” is the pledge

infringing on religious rights? Obviously, our nation and citizens have become much more “rights conscious” over the decades. And don't get me wrong, I'm all for Newdow bringing this suit and speaking up for the atheists of the nation. That's what makes America great. But I have to say, I found myself asking, “huh?”

Perhaps the most intriguing judicial language on this point states “[t]he Pledge of Allegiance serves to unite our vast nation through the proud recitation of some of the ideals upon which our Republic was founded and for which we continue to strive.” This Creator ideal is pervasive throughout the writings of our Founding Fathers, but it is evident that there was no intention to impose particular religious beliefs on the people. Rather, these words were used to describe the inalienable rights that all persons are born with and that this nation seeks to uphold. And the Supreme Court has said before that every mention of God or religion by the Government does not violate the Establishment Clause. Yet, the “this phrase is part of our history” argument, presents an interesting paradox because many early settlers journeyed to this land to escape the religious persecution of

SEE PLEDGE, PAGE 7

Carr, Rosen Debate

CONTINUED FROM PAGE 1

Stanford student, and while the policy of the office is not to take immigration consequences into consideration in determining charges, Ms. Carr seems to have made an exception for a campaign contributor.

A moment of levity in an otherwise stiff debate came when the candidates were asked to describe an admirable quality or accomplishment of their opponent. Mr. Rosen, in rather back-handed fashion, noted a few of Ms. Carr's policies with approval and said he respects Ms. Carr's desire to serve in public office, but then insisted she lacks the “moral compass” for the job. Ms. Carr, in reference to recent media criticism of her relatively expensive county car, said she “respect[s] the fact that Mr. Rosen drives a very modest car.” Mr. Rosen retorted that he wished his wife appreciated the fact as much as Ms. Carr. After a pause in which it became apparent

Ms. Carr had no other accolade to offer, Mr. Rosen drew laughs by asking, “That's it?”

Regardless of the merits of the accusations against her, one thing is clear: Ms. Carr has become a distraction. The debate was too frequently one over her character and judgment. When discussion did turn to problems facing the office, the courts and the county, it was too often about Ms. Carr's role in those problems.

Mr. Rosen may have hit on a fundamental difference when he responded to a question on Ms. Carr's highly-criticized handling of the public announcement that her office would not bring charges in the 2007 De Anaza rape case. He quoted Ms. Carr as responding to criticism by telling reporters, “I'm at peace with my decision.”

“I would never have said that,” said Mr. Rosen. “It's not about me.”

Gaga, Adored or Reviled

CONTINUED FROM PAGE 3

she even admitted these videos are not planned products of her “genius” imagination:

“I really believe in the power of visuals... visions come to me and I just know I have to do them. It kind of doesn't really matter what – if it makes sense or it doesn't make sense... It kind of all came together... by the end of the video it became so much more as we explored each scene... it became about transsexual women at the beginning of the video, it became about making fun of American hallmarks like with soda cans and cigarettes and mayonnaise...”

I want to like Lady Gaga. I really do. If I never had to watch one of her music videos or see her in an interview, I probably would. However, Lady Gaga makes me roll my eyes so much that I fear they will one day fall out of my head. Pseudo-intellectuals are my pet peeve. The more she defends her music and fashion as “works of art” and expressions of her individuality, the more I am reminded of one of my favorite quotes by Margaret Thatcher: “Being powerful is like being a lady. If you have to tell people you are, you aren't.” I feel the same goes for being a true, talented artist. Sorry, Gaga.

The Rumor Mill: C's Do Not Please



Susan Erwin, Dean of Student Services

Dear Rumor Mill,

I am writing to appeal to the Law School faculty to more closely re-

view the School's grading policies and statistics. I do this as I have recently heard two of my professors proclaim that a "C" was a good grade. I beg to differ; a 2.33 GPA or a "C" average is the cutoff to remain academically eligible, so a "C" is not a good grade, it is barely adequate. Additionally, according to the School's most recent class ranking grid, a "C" average would put a student in the lower 10% of the class. It would take a "B-" average for a student to be ranked in the top 50%, so even a "C+" is hardly a good grade. Though it might more easily allow a student to place in the top 50%.

With this in mind, I appeal to the faculty to use their discretion whether assigning grades under the mandatory curve or otherwise, and utilize the half-a-grade participation points that most of them provide for in their syllabus. It might not seem like much but a "C+" or even a "B-" rather than a "C" can make a big difference in a student's academic career and is much closer to an actual good grade. Please keep all this in mind, when assigning grades in the future.

- Anon Y. Mouse

Dear Anon,

Grades are such a difficult topic for everyone! Very few students are ever happy with their grades. Professors certainly don't look forward to the parade of disgruntled students coming to complain each semester. Administration doesn't look forward to the complaints about the mandatory curve and the grading policies, and this columnist is running out of ways to explain that the curve is mandatory until voted out by faculty.

But, at the same time, we do

realize that grades are important, probably the MOST important thing to many of you.

If it makes you feel any better, our faculty – who are our governing body – continue to discuss and debate the best methods for grading. (I have minutes going back 50 years chronicling these discussions.) I think we all agree, as an institution, on the definitions of our grades. From our web page: "The A range denotes outstanding scholarship; the B range indicates above-average work; the C and C+ indicate work demonstrating professional competence; C- and D describe work that is below the range of professional competence but sufficient for residency credit. F is failing work, unsatisfactory for unit credit." A C- (and even a D-) are passing grades. Most faculty view a C as an acceptable grade.

I think our ranking grid reflects the fact that you all are brilliant people who work hard and earn good grades. This has the effect of making a C look like a bad grade – but it isn't. Also note that there is a difference between an individual grade and a cumulative GPA. Faculty can really only be concerned with the grade that they assign for their class.

I will forward your note to our Academic Affairs Committee for their information.

Dear Rumor Mill,

What's up with the class schedule? Why do so many classes conflict with each other? How could you make Animal Law and ERISA conflict with Patent Litigation??? Obviously everyone wants to take both of those classes! How am I supposed to take Toman and Friedman, when they conflict??? Are you throwing darts to decide the schedule?

Sincerely,

Wants to Take Friedman!

Dear WTF,

You are right. I've been an idiot. Of course all of the many,

many of you patent-reading-cat-loving-human-resources litigators need to take your classes!! From now on – NO class will conflict with any other class!!

Dear Rumor Mill,

I just heard that the class I want to take will now be offered on Tuesday/Thursday instead of a Monday/Wednesday schedule. Who authorized this???? I didn't see a note in the grapevine calling a meeting to discuss this! For as much as we pay in tuition, we should at the very least be consulted on days of the week!

Sincerely,

Significantly Outraged Learner

Dear SOL,

We sincerely apologize for the oversight. Our Junior Assistant Dean of Surveys has created the following tear-out survey to track your opinions on what matters:

1. Do you prefer that Law for Sports Guys be taught on Mon/Wed or Tues/Thurs.?
2. Is it okay if half of the staff in Faculty Support go to lunch at 11:30 and the other half at 12:30?
3. When remodeling the bathrooms, should the stall doors open to the left or the right?

U.S. Pledge of Allegiance

CONTINUED FROM PAGE 6

the English monarchs. Does "under God" renew the pious bullying of long ago? Newdow thinks so. But as the court points out, recitation of the pledge is not compelled. Rather, it is voluntary recitation by others that Newdow sought to prevent. To this, I say if you don't want to embrace or celebrate these ideals, then don't participate. But preventing someone else from engaging in this celebration and recognition of our country because it offends you is absolutely ridiculous.

If the court were to hold the pledge unconstitutional, what would be next? Surely such a decision would spawn additional challenges to every use of the word

4. Is it okay for librarians to have a day off at Christmas?

5. Beeswax or paraffin for the candles in the Mission Church?

6. Should the dean wear his red tie or blue tie tomorrow?

Please drop off the completed questionnaires by next week and we will pass on your decisions to the powers that be.

Dear Rumor Mill,

Why is it sooooooold in the classrooms?

Sincerely,

Practically in the Arctic

Dear PIA,

We conducted a few studies on this topic. We found that a few degrees warmer and you all got too comfortable and started nodding off. A few degrees colder caused teeth chattering which interfered with the acoustics in the classroom. At the current temperature settings, we found that your fingers would get just frozen and stiff enough to make instant messaging painful. Through the magic of classroom climate control, we are doing our small part in the war against Facebook and ESPN in the classrooms!

Happy April Fools Day!

"God" in any government setting.

Would the witness oath be next and a constitutional challenge spell the end of "so help you God?" The Ninth Circuit addressed one such similar challenge in a separate ruling only days apart from Newdow, upholding the phrase "In God We Trust" inscribed on coins and currency as ceremonial and patriotic, not religious.

The Ninth Circuit finally got it right. Mr. Newdow, if you don't want to recite the pledge, then don't. If you don't want to hear others recite the pledge, plug your ears. If you don't want your child to be exposed to the pledge, then home-school her. If none of these solutions satisfies you, then leave.

Spring Training On Spring Break

Greg Williams

On spring break with baseball on our minds we followed the asphalt on highway 8 past the glowing lights of San Diego, the mountain passes dotted with freakishly large wind generators and the glitzy marquees of the local Indian casinos. We descended from higher ground to see the entire Sonoran Dessert stretched out before us, unremarkable save for the smattering of border patrol check points and folksy road side attractions like the "Space Age Motel," a 1960s relic that boasts rooms in a faux flying saucer and a salad bar.

After the six hours in the car, we arrived at our first stadium in our weekend long trek through the Cactus League, a brand new stadium in Goodyear, AZ that houses both the Cleveland Indians and the Cincinnati Reds. These two teams of the Buckeye State share a facility in which each team maintains separate but equal practice fields and locker rooms.

The stadium itself was quite a bit of fun. The most remarkable part of it, besides the abundance of good beer, was the concession stand that sold "hotdogs from around the country." Here one could get hotdogs ranging from the bacon laden "Cincy Style" dog to a standard, condiment laden, Chicago style dog.

The game itself was perfect for a night game. The reds belted three home runs on their way to a comfortable 6-2 win over the Seattle Mariners. My right field seats were in a perfect location to see the great Ichiro do his trademark in game stretching routines. Also, as the team clubhouses are located in the outfield, I got to be within earshot of various players as they left the field. I will freely admit that I did my best to provoke a reaction from a departing Milton Bradley.

The next game we attended was at one of the oldest parks in the Cactus League, Hohokam Park in Mesa, AZ. This park has been the spring training home of the Chicago Cubs for quite some time. The

stadium has the exact dimensions of Wrigley Field in Chicago, lacking only the trademark ivy, which would surely wither and die in the hot Arizona sun.

More important than the stadium though, is the fact that Hohokam is one of the few places west of the Mississippi where one can get Old Style brand beer. For anyone that has spent time in Chicago, Old style is as important as water to Cubs fans. At Hohokam, it can easily be obtained from roving vendors, which is perhaps why the circumstances surrounding the Cubs 4-0 shutout of the Kansas City Royals are not abundantly clear to me.

Next up was the Dodgers' facility, another new stadium that is shared by two teams, in this case the Dodgers and Chicago White Sox, in the Camel Back Ranch section of Phoenix. The most positive thing I can find about this park is that the Dodgers strive to give their players and fans a true Dodger Stadium experience. The parking and traffic situation is such that fans arrive in the 4th inning and leave in

the 7th. The beer and concessions are expensive and there is quite a bit of acrimony in the stands between the Dodgers and their rivals, whether the rival fans wish it or not.

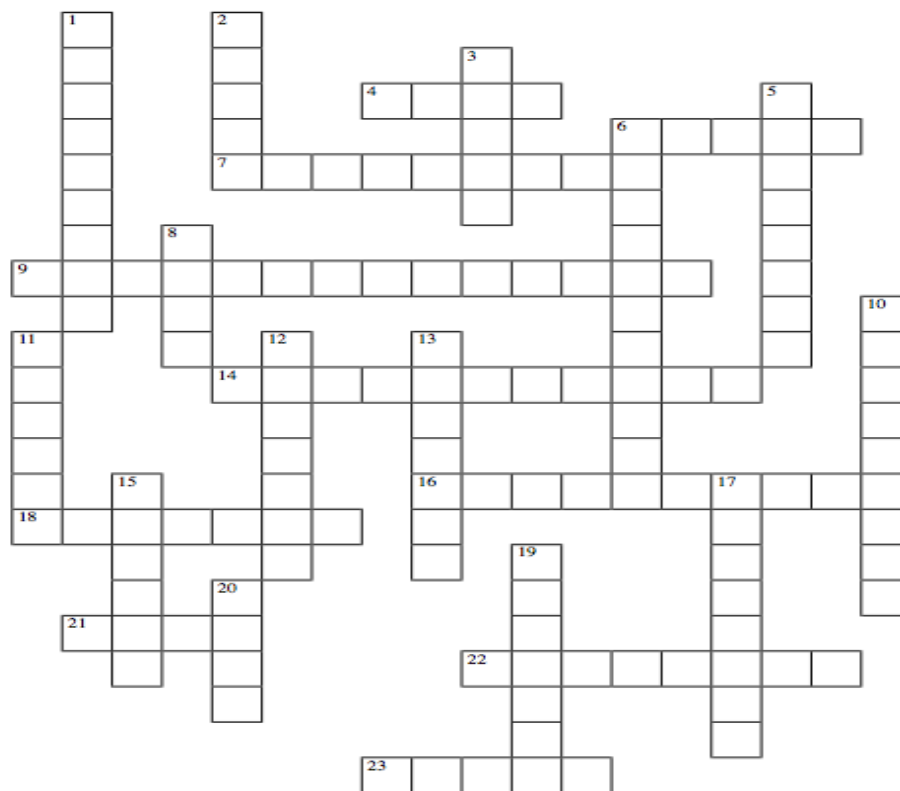
The game, pitting the Dodgers against my San Diego Padres ended in a victory for the Friars. Sweet justice. And with the Friars victory, the weekend was through and we were back in the car, racing

the setting sun across the desert. Past Gilla Bend and the Space Age Motel, the fields of Imperial Valley, the Golden Arcorn Casino at the outskirts of San Diego county, onto the plane for San Jose, and back to reality. Back to being a law student, but one who has heard the sound of a ball hitting a bat, knowing that summer is just around the corner.



BY GREG WILLIAMS

Crossword



ACROSS

- 4 ____ of mandamus, or replevin for example
6 Plural, meaning opinion formally announced
7 Specialized language of the legal profession
9 Famous for sending the Jews into exile, or a daylily.
14 Does not follow from anything previously said (without the space)
16 From the Latin *injungere*
18 Rumor has it this justice may be retiring
21 From the Latin *zephyrum*, denoting absence
22 Namesake for the coffee vending machine
23 Famous varieties include Austrian Sacher, or Linzer, homophone with a wrongful act.

DOWN

- 1 Lawyers before the court, distinction not observed in the U.S.
2 Fourth in line originally the second, introduced by Gregory XIII in 1582
3 Student organization for IP law
5 Remaining upright, or right to initiate a suit
6 Formal statement by plaintiff specifying facts and circumstances.
8 Plural of *jus*, meaning a right, or authority
10 Famous for his codification of Roman leges
11 Constraint by threat
12 Land rented or leased, or a ruling on a point of law
13 Finding of the jury
15 Former Dean, still current professor.
17 Transgression, to chattels or land
19 Old French for one that argues in support of or defends.
20 Also known as an airhead, or a windbag

