



# THE ADVOCATE

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## Tea Party Threatens GOP Votes

**Martin Behn**

While the (Tax and Estate Planning Society) was handing out ice-cream sandwiches on tax-day 2010, the Tea-Party was busy at work, organizing across the country to have their voices heard. And what a busy day it was. Most of the local media outlets however, were still struggling with the basic questions: who are these people and why do they matter?

The big Bay Area event was headlined in Pleasanton this year, news cameras got shots of around 7,000 people at the Alameda fairgrounds. The Silicon Valley chapter reported around a 3,000 person turn out. The main talking points were health care reform and taxes. These seem inline with the Tea Party main tenants: the constitution, fiscal responsibility, and limited government.

Two journalism students, Chase Whiteside and Erick Stoll at Wright State University made the trek out to Washington D.C. to interview participants in this years tax day event. Their website, newleftmedia.com, which itself sounds like it has a political slant, has all of their footage. Most of the films have people pulling out their constitutions and proclaiming that acts the government were engaging in were not to be found in the constitution.

What the videos and other media outlets reveal are that the attendees of these events are mildly diverse, and willing to splinter off into their own party. Third parties are nothing new in America: the Green Party, and the Libertarian Party are among the largest. These

splinter parties suffer accusations of vote stealing and detrimentally determining the outcome of elections. Ralph Nader, for example, was the victim of pretty harsh treatment after the 2000 election.

Eventually these parties all get subsumed into the larger two-party, adversarial system. Ross Perot felt this brunt when his turnout-successful 1992 platform was subsumed by both of the major parties in 1996. What is interesting about the Tea Party is that their basic goals are identical to those of the

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## As Legality of Unpaid Internships Probed, Students Say They Have Little Choice

**Janavi Nayak**

With paid positions scarce during the economic downturn, many students are turning to unpaid internships for work experience, but the trend has regulators across the nation worried that employers are illegally exploiting students for free labor.

California, Oregon and other states have recently launched investigations to determine whether employers have violated minimum wage laws by using unpaid interns. Federal labor officials have also increased enforcement and education efforts to ensure interns are paid when the law requires, which regulators say is more often than not.

"If you're a for-profit employer or you want to pursue an internship with a for-profit employer,



The turnout for the TEPS ice cream was better than the San Francisco Tea Party.

there aren't going to be many circumstances where you can have an internship and not be paid and still be in compliance with the law," Nancy J. Leppink, the acting director of the U.S. Department of Labor's wage and hour division, told The New York Times.

For students looking for experience to land a good job after graduating, the situation can be more complicated. "It's a buyer's market right now for law firms," said Rohan Hate [3L, full-time]. "If they are able to get law students to work for free then as a law student that's what I have to do if I want to make it."

Other Santa Clara Law students, like Veepee De Vera [2L, full-time], pointed out that they had received academic credit for their work although they had not been paid. "I've been receiving credit

for working at the D.A.'s office. However, that will change this summer as I have taken the maximum number of units for credit."

California and some other states allow unpaid internships in exchange for academic credit. But federal regulators say that is not enough to relieve employers of their obligation to pay. Still other students said they did not even expect to be paid.

"I never anticipated being paid as an intern in a government job, so maybe it does not come as a big deal to me," said Norah Alyami [2L, full-time], who accepted an unpaid internship with the public defender's office in Santa Clara this summer.

The U.S. Department of Labor has listed six criteria an internship

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# A Friend Request from the FBI?

**Nikki Corliss**

Friends and relatives may view your facebook profile, but according to a recently filed lawsuit, so might the FBI. On Dec. 1, 2009, the Electronic Frontier Foundation (EFF) along with UC Berkeley Law School's Public Policy clinic (the Samuelson Clinic), filed suit against a half-dozen government agencies. Using the Freedom of Information Act, the Samuelson Clinic demanded information regarding the government's policies on social networking sites.

Nearly a month ago two agencies, the Internal Revenue Service and the Department of Justice's Criminal Division released their social networking policies. The IRS provided comprehensive training to employees that specifically prohibited users from creating fake profiles to derive information. IRS employees were limited to publicly

available information. The DOJ, on the contrary, released a comprehensive packet of information on obtaining and using information from social networking sites.

Of a greater concern to the Samuelson clinic is the lack of response from the Bureau of Alcohol, Tobacco, Firearms and Explosives.

"Neither organization found any documents on social networking sites in response to EFF's request suggesting they do not have written policies or restrictions upon the use of these websites," says the EFF.

Shane Witnov, a UC Berkeley law student and Samuelson Clinic participant, says that the Clinic wants to encourage a public dialogue about this issue.

"We generally want to inform the public and create a broader public debate about whether it's OK to use this information," Witnov says.

Witnov and Clinic participants are also concerned about the First Amendment implications of social network surveillance. "Social media is rapidly becoming a place for political discussion. It's part of our democracy, but we don't want discrimination based on viewpoints," explains Witnov.

Santa Clara Law Professor Margaret Russell likened the surveillance to searching personal effects. She explains that though we are dealing with an updated version of this today, people still have an expectation of privacy, even if it is somewhat diminished. Russell also advocates for an updated version of the Privacy Act, which currently only covers emails. "We need an amendment to the Privacy Act," she says, "to specify what kind of online information can be collected and what the government can do with it."

# Unpaid Students Seeing Red

CONTINUED FROM PAGE 1

must meet to be unpaid. It must be:

- (1) akin to educational training;
- (2) for the benefit of the intern, not the employer;
- (3) not displace existing employees;
- (4) provide no immediate benefit to the employer;
- (5) not necessarily guarantee a job after the internship;
- (6) additionally, both the intern and the employee understand the internship is unpaid.

The criteria were included in guidelines issued by the U.S. Labor Department in April 2010 that stated, "If the interns are engaged in the operations of the employer or are performing productive work (for example, filing, performing other clerical work, or assisting customers), then the fact that they may be receiving some benefits in the form of a new skill or improved work habits will not exclude them from the Fair Labor Standards Act's minimum wage and overtime requirements because the employer benefits from the interns' work." The criteria are not as strict for

non-profit groups, which are allowed to use volunteers.

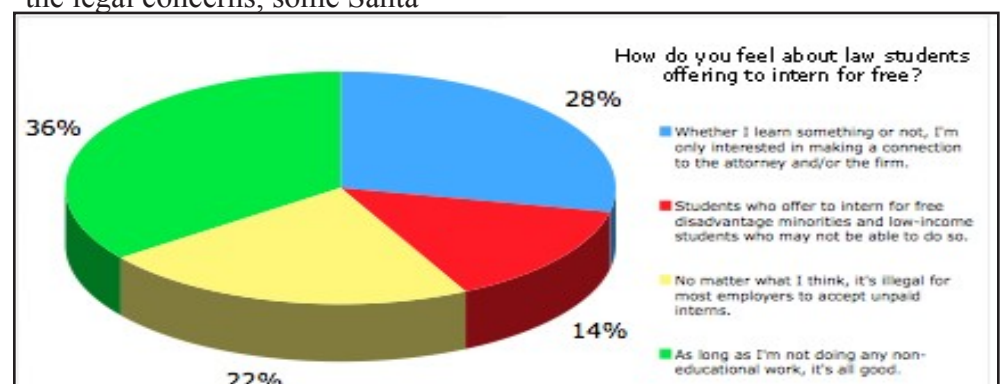
California labor officials have interpreted the guidelines more loosely to favor employers. California's Division of Labor Standards Enforcement recently allowed employers not to pay interns even if they do some of the same work performed by regular employees and thus provide an immediate benefit to the employer, according to *The New York Times*.

The agency said to make up for that benefit, the employer had to provide close supervision and pay for any training services provided. It also stressed that an unpaid internship has to remain primarily for the benefit the intern and be an educational experience. Beyond the legal concerns, some Santa

Clara Law students say taking an unpaid internship is not fair to fellow students.

"For people who have responsibilities, families, homes, they cannot afford to work for free," said Sharan Dhanoa [1L, full-time]. "It affects older students as well, since they have been in the working world and in many ways working for free can feel demeaning. And [they] usually have a higher cost of living, which makes working for free difficult."

Still, Dhanoa said there was not much students can do. "It is a sign of the times...with a potential long term consequence of widening the wealth gap even further," she said. The employee understand the internship is unpaid.



**LEGAL NEWS IN REVIEW**

Justice John Paul Stevens announced his retirement from the U.S. Supreme Court on April 9, effective mid-summer. Appointed to the Seventh Circuit by Nixon in 1970, Stevens was unanimously confirmed by the Senate upon nomination to the Supreme Court by President Ford in 1975. The World War II veteran and Bronze Star winner is 90 years old and currently the 4th longest serving justice in the Court's history. By the end of the term, he will have served longer than all but William O. Douglas. He will also be the second oldest justice in age after Civil War veteran Oliver Wendell Holmes, who was nearly 91 when he retired in 1932. Stevens was present at Wrigley Field during the famous 1932 World Series game and saw Babe Ruth call his shot, according to an interview he gave *The New Yorker*.



Possible nominees for Stevens' seat include current Solicitor General and former dean of Harvard Law, Elena Kagan; Diane Wood of the Seventh Circuit; Merrick Garland of the D.C. Circuit; Deval Patrick, Massachusetts governor, Obama friend, and Clinton DOJ official; and Homeland Secretary and Santa Clara undergrad Janet Napolitano. David Levi, former chief judge of California's Eastern District and current dean of Duke Law, merits the president's consideration. The White House has said that Hilary Clinton will remain at the head of the State Department. A growing chorus calls for a nominee from outside the federal circuit bench. It was only with the appointment of Harry Blackmun in 1971 that the Supreme Court for the first time had a majority of justices with experience on the lower federal courts. All nine current justices were once circuit judges.

The U.S. Supreme Court granted review in *Schwarzenegger v. Entertainment Merchants*

Association to decide whether California may ban the sale of violent video games to minors. Judge Ron Whyte of the Northern District struck the 2005 law under a strict scrutiny standard and the Ninth Circuit affirmed on a finding that the state had not established a causal connection between violent games and the harm the state sought to prevent.

Last week in *United States v. Stevens*, the Court struck as overbroad a federal law criminalizing the sale or possession of depictions of animal cruelty. Certiorari has also been granted in the case of *Snyder v. Phelps* on the issue of whether the First Amendment protects offensive protests at military funerals.

A Latin cross displayed on once public land as a memorial to Great War dead may stand. The cross atop Sunrise Rock in a remote section of the state's Mojave Desert was held an unconstitutional stand-alone display by the Ninth Circuit despite Congress' move to transfer the land on which the cross stands to the private group Veterans of Foreign Wars, removing it from government land and government control. Wednesday, the Supreme Court handed down a 5-4 ruling in *Salazar v. Buono* reversing the Ninth. According to Justice Kennedy, the cross is not just an affirmation of Christian beliefs. "It is a symbol often used to honor and respect those whose heroic acts, notable contributions and patient striving help secure an honored place in history for this nation and the people."

**IMMIGRATION**

The Arizona state legislature passed a bill—signed into law by a Republican governor facing a stiff primary challenge—requiring state police to demand documentation of anyone reasonably suspected of being in the country illegally. The U.S. Department of Justice has been asked to

examine the constitutionality of the law.



The SEC brought civil fraud charges against Goldman Sachs, alleging the bank deceived investors in a synthetic collateralized debt obligation by failing to disclose that Paulson, a hedge fund that had some say in choosing which securities went into the product, would profit if the CDO performed poorly. Meanwhile, Goldman announced a \$3.5 billion quarterly profit. Staff compensation rose to \$5.5 billion.

**LOCAL APPOINTMENTS**

On Senator Boxer's recommendation, President Obama nominated Melinda Haag, a partner in the white collar division of Orrick's San Francisco office, as the new U.S. Attorney for the Northern District of California. She will replace Bush appointee Joe Russoniello.



President Obama nominated U.S. Magistrate Judge Kim Mueller to a vacant district judgeship in Sacramento. When confirmed, Judge Mueller will become the first female district judge to sit on the Eastern District bench. Also questioned at her April 16 confirmation hearing was controversial Boalt professor Goodwin Liu, whose nomination to the Ninth Circuit the president announced in March.



The pace of federal judicial appointments continues to plod. As of April 27 there were 16 circuit court vacancies and 87

vacancies on the district courts, with only 41 total nominations pending.

**INTERNATIONAL NEWS IN REVIEW**

The leader of the third party Liberal Democrats, Nick Clegg, performed strongly in Britain's first televised election debate between candidates for prime minister. The Lib Dems have traditionally garnered 18-20% in the polls, but surveys show them poised to overtake Labor at around 30% in what may signal a major shift in British politics. The Lib Dems threaten to gain enough seats to spoil Conservative David Cameron's bid to oust incumbent Labor prime minister Gordon Brown in the May 6th elections. Labor was not helped by a recent gaffe when Brown, unaware of a live microphone, referred to a Labor voter who had voiced concern over connections between immigration and job loss as "bigoted."

Former Panamanian dictator Manuel Noriega was extradited to France and immediately ordered jailed pending trial on money laundering charges. The notorious drug trafficker was deposed by the U.S. in 1989 and served a 20-year federal sentence in a Miami prison.



About 40 sailors were killed and 58 rescued from the sea after an explosion sank a South Korean Navy ship off the North Korean coast May 26. Although attention first focused on Korean War era mines, claims of a North Korean torpedo attack seem strengthened after South Korea raised the hulk on April 23.



Russian researchers created a new element, currently known as unuseptium. Made by smashing calcium ions into berkelium atoms, it has 117 protons in its nucleus and is the 26th artificial element heavier than uranium to be added to the periodic table.

Dozens of Poland's political, church, and military elite, including President Lech Kaczynski and his wife, were killed when a Polish Air Force Tu-154 jet clipped a fir tree and crashed while attempting a foul weather landing in Smolensk, Russia. The Poles were traveling to commemorate the 70th anniversary of the 1940 Katyn Forest massacre of over 20,000 Polish POWs—most intelligentsia and army officers—denied by the Soviet government until 1990.



Comedy Central kowtowed to online threats from a Revolution Muslim webmaster and heavily censored a recent *South Park* episode intended to mock such intolerance and double standards. The blue pencil was wielded against the wishes of the show's creators and the subjects of the threats, Matt Stone and Trey Parker, and even the name "Muhammad" itself was censored. According to the Anti-Defamation League, "Revolution Muslim is a fringe anti-Semitic Muslim organization that justifies terrorist attacks and other forms of violence against non-Muslims and seeks 'the dismantlement of western, secular dominance across the world.'"



San Mateo police served a search warrant on Gizmodo blogger Jason Chen's home in connection with Gizmodo's scoop on Apple's new iPhone after a prototype was allegedly left at a Redwood City beer garden by Apple employee Gray Powell. It is unclear whether Apple will take further legal action in connection with the security breach.



By Alexander Nowinski

# Arizona Bill: Permissive Profiling?

**Christina Fialho**

On April 23, 2010, Arizona Governor Jan Brewer signed into law the “Support Our Law Enforcement and Safe Neighborhoods Act.”

The law makes it a misdemeanor for a non-U.S. citizen, including a lawful permanent resident, to fail to carry proper immigration documentation. Thus, immigrants unable to produce documents showing lawful status can be arrested, jailed for up to six months, and fined \$2,500 dollars. The law also requires law enforcement to question individuals about their immigration status during everyday police encounters “if reasonable suspicion exists that the person is an alien.” It also imposes affirmative duties and criminal liability on employers for failing to verify the status of their employees.



In her official statement, Governor Brewer stated, “Decades of federal inaction and misguided policy have created a dangerous and unacceptable situation.”

However, opponents disavow the bill as a license to racially profile. “By signing this bill into law,” said Alessandra Soler Meetze, Executive Director of the ACLU of Arizona in an April 23 press release,

“she has just given every police agency in Arizona a mandate to harass anyone who looks or sounds foreign, while doing nothing to address the real problems we’re facing.”

Opponents plan to file lawsuits intended to stop the law from taking effect in 90 days, and calls for a boycott of Arizona have gone out from numerous sources. Locally, Bay Area pro-immigrant groups

held a vigil and protest on Monday, April 26.

Arizona’s action also had monumental aftershocks in Washington, D.C., where Senate Majority Leader Harry Reid (D-Nev.) changed course and indicated that the Senate would tackle immigration reform immediately after financial reform.

President Obama remarked at a naturalization ceremony the morning Governor Brewer signed the bill into law, “Our failure to act responsibly at the federal level will only open the door to irresponsibility by others.† And that includes, for example, the recent efforts in Arizona, which threaten to undermine basic notions of fairness that we cherish as Americans, as well as the trust between police and their communities that is so crucial to keeping us safe.”

## Good Bye USF, Hello Santa Clara

**Robyn Morris**

I began my law school career at the University of San Francisco. I bonded with my classmates, admired my knowledgeable professors, and was able to explore the exciting city of San Francisco in my (scarce) free time. And then I left.

My decision to transfer schools was far from an easy one. I had grown comfortable at USF and thrived in its diverse and intellectually charged environment. However, my desire to keep my school loans at a minimum made the decision to move back in with my parents in San Jose rent-free a no brainer. I applied to transfer shortly after finals and soon enough it was “peace out USF, hello SCU!”

Applying was the easy part. Once accepted, I started to really think about my future at Santa Clara. How will I make friends? First year is undoubtedly crucial in finding your place amongst the crowd, and once cliques are

formed, they can be hard to penetrate. Will I be able to compete? While not by much, Santa Clara is ranked higher than USF and thoughts of straight F’s on my transcript became a daily concern. Add these to the fear of job pros-



pects looking down upon a part time transfer student and I was ready to ditch the idea altogether. Nine months later, however, I’m glad I followed through.

Over the school year, I learned that transferring was the best decision for me. Living at home, I have

saved thousands in loan money living free of rent and utility bills (the home cooked meals didn’t hurt either). I have discovered that law schools of varying rank, especially when only separated by a few spots, are not much differ-

ent. My academic performance has not suffered since coming to SCU, with my grades on par with my accomplishments at USF. In addition, I had little difficulty in securing a part time law clerk position. When asked why I transferred, my employer was actually impressed with

my honest answer and as a former law student, he completely understood.

As a part time student, I did find it difficult to be on campus enough to meet many of my fellow students. Luckily, I knew a few current students from my past life as a paralegal and their guidance has helped immensely. As for the others that I have met along the way, whether in class or working for the Advocate, I can say that they have been nothing less than kind and I am continually impressed by the level of intelligence and drive of the law school student body as a whole. When my father passed away in February, the outpouring of support and sympathy from the dean and my professors proved to me that I was in a place that really does care about its students beyond their academic success.

I look forward to the rest of my time at Santa Clara and wish all graduating 3Ls and 4Ls the best of luck.

# Local Trails Ease Study Crunch



**Lyndsey Eadler**

BY: LYNDSLEY EADLER

If studying has got you down, get outside! If you're anything like me, you're thinking, "Yeah right! I don't have enough time to study, let alone go outside." Even though your study load may seem overwhelming, getting some fresh air and exercising is proven to improve your mood, boost your energy levels, and increase mental focus—and just 30 minutes is all you need to gain these benefits. Getting outside for a quick walk, run, or hike may be just what you need to rejuvenate your study session! Local trails offer a great alternative to the usual route, or boring walk around the block. Trails offer lots of natural beauty, and enjoying Mother Nature for a bit seems to ease the burden of studying. Here are a few trails I suggest you check out to kick off your study crunch-time:

## St. Joseph's Hill

If you want a tough workout, this trail is for you! This is actually one of my personal favorites, it is a challenging walk, run, or hike, but it is so rewarding once you reach the top of the 1,250 foot hill, and can enjoy the impressive panoramic views of Santa Clara Valley, the cities below, and all the surrounding natural beauty. The hike to the top is an interesting, winding trail through various terrains, which

never leave you bored. There is over four miles of trails, and several trail options to make your way to the top, so you can go back several times and never go the same route twice. St. Joseph's can be accessed from the Los Gatos Creek Trail, as well as several other city trail systems. I suggest parking on Jones Road in Los Gatos, walking through Novitiate Park, and then hopping on Jones Trail to start your hike.

## Campbell Park

This park connects to the Los Gatos Creek Trail, and has much to offer. There is a play area for

kids, outdoor basketball courts, and lots of cafÈs and coffee shops close by. I like to park in the small parking lot at the park or on a side street, grab a coffee from one of the several coffee shops on Campbell Avenue, only a few blocks from the park, and then head back towards the trail. I love to bring my dog and walk the 1 \_ miles to the dog park just on the other side of the freeway overpass. There is a special side of the park for little dogs and a side just for bigger dogs. There's nothing better than watching a bunch of dogs roughhousing to lighten your spirits after all that studying.

## Vasona County Park

Another portion of the Los Gatos Creek Trail system, this park is located in the Town of Los Gatos. This 150 acre park boasts lakeside trails with loads of beautiful foliage, and even some wildlife (ducks and geese). You can get to Vasona County Park from Highway 17, take the Lark Avenue exit, turn right on Los Gatos Boulevard, and a final right on Blossom Hill Road. There's a parking lot as well as plenty of parking on the streets.

## Rancho San Antonio

This park has 23 miles of trails, with varying lengths and difficulties. This park is great not only because of the various terrains it offers, but also because of the Hidden Villa Ranch, an environmental education center, with a working farm attached. It is such a nice surprise when you happen upon the little farm and get to take a break watching the goats, sheep, pigs, chickens, and even a cow. Take I-280 to the Foothill Boulevard exit and then turn right on Cristo Rey Drive, taking that until you hit the park entrance.



## Tea Party Subverts GOP

CONTINUED FROM PAGE 1

Libertarian Party. So the Tea Party starts to look like an even smaller splinter of a third party (which is not uncommon, looking to all the subsets of socialist parties in the United States).

Yet the disproportionate amount of attention they receive in media outlets is unique to the Party. All this coverage appears to lend credence to their electoral claims. Success is doubtful though. Third parties simply do not have the amount of power necessary to garner votes – 7,000 people may be enough for state elections, but not

the national level. Beyond that, republican candidates, like Carly Fiorina veting for incumbent Barbara Boxer's seat, are showing up to Tea Party events..

Tax day seems to be the Tea Party's big event of the year. Their issues got blown up on national and local television. But in the end, most people were probably more worried about filing their returns, or about the free ice-cream handout in Bannan Hall. The Tea Party will probably be another "Know Nothing" Party in a few years, likely with even less electoral success.



# Embracing Progress, Not Fear

Caitlin Robinett

I went to the opera for the first time last year with my Dad and saw Carmen. Before the show, the director answered questions from the audience and gave us a little history lesson. He talked about the importance of encouraging new musicians and cultivating artistic development both in and outside of the school setting. Apparently operettas like Carmen were considered disgusting and blasphemous when they first hit the scene. But had they not allowed progression at that time, then we wouldn't have what we consider the "classics" today.

I read the article slamming Lady Gaga in the last issue of The Advocate and am compelled to disagree. Although I don't like how artistic development for women today seems to be about blatant sexuality, that's what the critics thought of Carmen as well. And while I hope some day my hypothetical daughters have more completely clothed female heroes, I also hope they appreciate the creativity of someone who writes their own music and lyrics like Gaga, rather than manufactured pop stars like Britney Spears. Yet what concerns me more than anything is the trend today to stop progression, even if it's as subtle as the kind of artistic progression that Lady Gaga stands

for.

I'm not that into pop music, but I appreciate Gaga's declared mission to give misfit kids a safe place to let their freak flag fly. And despite her obvious affinity for bizarre fashion, she's bright. Take for instance "Bad Romance." The song is pretty obviously over-the-top commentary on the Hollywood narcissist lifestyle. But throughout it, she folds in references to celebrity icons. Like this multi-dimensional shout-out to Alfred Hitchcock, "I want your psycho/ Your vertigo stick/ Want you in my rear window/Baby you're sick/ I want your love, love, love, love/ I want your love."

We're not doing enough to cultivate creativity in our society. Even if I don't like the output, it's how we know we're moving forward. We're going to miss the next Mozart, Eric Clapton, or Lady Gaga if we cut music and drama programs from our high schools. That's the bigger picture. We become obsessed with our celebrity icons instead of paying enough attention to things that matter: like making sure we have adequate education so we can develop artists we're proud of; like moving forward instead of moving back.

Just look at the textbook manufacturers in Texas, who are trying to rewrite history to promote a con-

servative political agenda. Instead of moving forward, they are asking the state board of education to approve changes to textbooks to justify policies that halt progression. Though it's happening in Texas, these textbooks are distributed all over the country. According to *The Gilroy Dispatch*, the changes include, "challenging Thomas Jefferson and other founding fathers' desire for... 'separation of church and state,' playing up conservative heroes Phyllis Schlafly and Ronald Reagan; softening Sen. Joseph McCarthy's Red Scare tactics during the 1950s, and sympathetically promoting the impact of the Heritage Foundation, [and] the Moral

Majority."

This is the kind of thing we should be focusing our energy on. Lady Gaga is an artist, and that's what she calls herself. She's pushing the envelope and her critics, just like an artist is supposed to. Educators are supposed to teach kids to do the same thing. We're supposed to want to challenge the world we live in and want to make it a better place. We're supposed to push to try new things and come up with new ideas. We're not supposed to take steps backward to justify our fear of change.

So let Gaga do her thing, while we focus on the world around her and make it a better place.

## Miguel Marquez Speaks on County Leadership

Daniel Zazueta

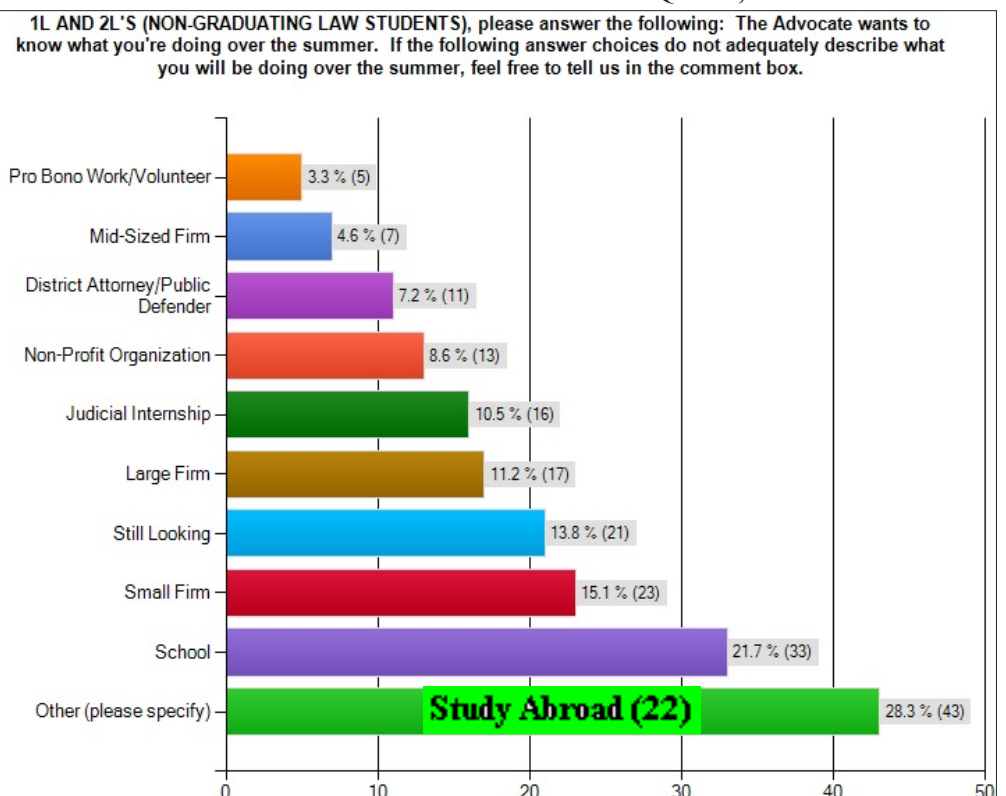
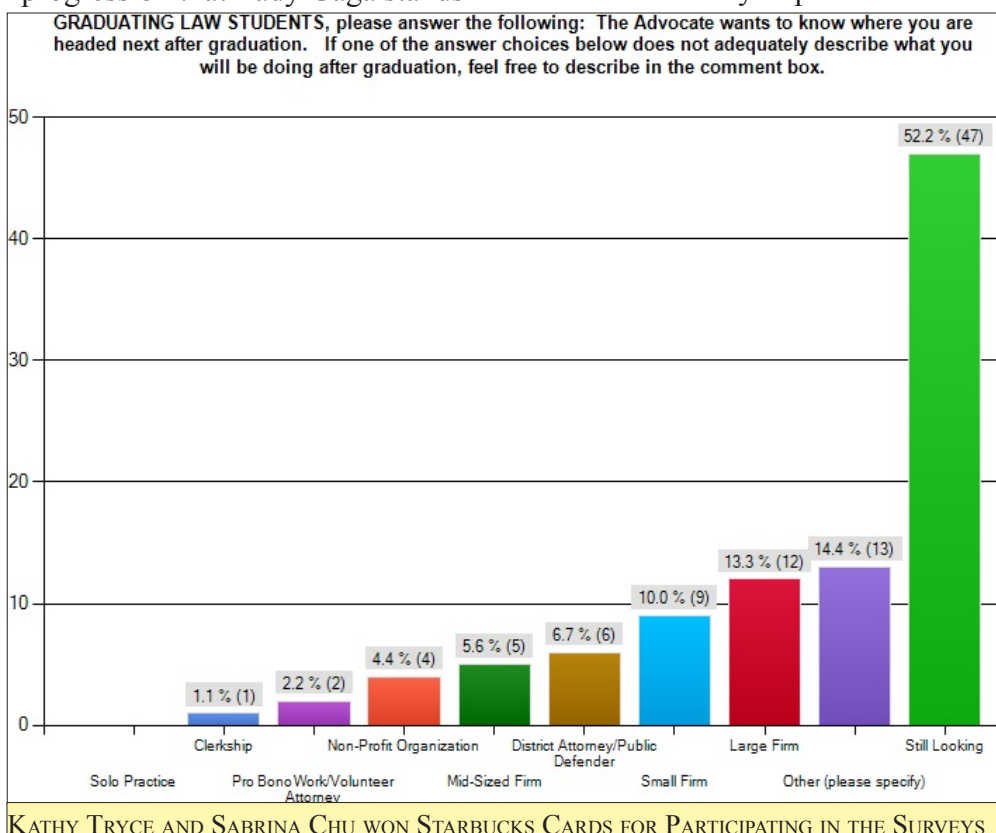
The County Counsel is the legal advisor to the county. Miguel Marquez is the Acting County Counsel for Santa Clara County, making him the chief legal advisor to the Board of Supervisors for civil matters. He is responsible for a team of over sixty lawyers, covering nine practice areas.

As Acting County Counsel, Miguel is awaiting a vote by the Board to appoint a new county counsel. Ann Ravel left the position after eleven years last summer

to head the Tort Division of the Office of Consumer Affairs in the U.S. Department of Justice. According to Assistant County Counsel Lori Pegg, the whole office is behind Miguel's appointment.

Recently, two classmates and I interviewed Miguel in his corner office above the bustling City of San Jose. We interviewed him in connection to a final paper in our Leadership for Lawyers class. He was kind enough to sit down with us and share some of his ideas on

SEE MARQUEZ, PAGE 7



# The Rumor Mill - *Bannan Lounge*



**Susan Erwin, Dean of Student Services**

*Dear Rumor Mill, I keep hearing rumors about the student lounge in bannan. Are*

*they remodeling? Why is there a student lounge facebook page? When will this be done? I heard they are putting in a swimming pool and a cocktail lounge . . .*  
- Bannan Lounge Dwellers

Dear Bannan Dwellers,

The rumors are true! We just received the formal approval from the University to begin the renovations this summer! Jacqueline Wender, our Senior Assistant Dean for Administration, is the project manager for the Law School. At her request, we created the Student Lounge Committee, to provide feedback, to make recommendations to the Dean, and to assist the architects in planning our new amazing lounge. If you have comments, let us know! The committee is yours truly, Alisa Guglielmo, Professor Gulasekaram, Jen McAllister, Caitlin Robinett, Professor Sandoval, Malia Vella, Dean Wender, and Daniel Zazueta. Our architects are MKThink, the same folks that designed the renovation work on the 2nd and 3rd floors.

We just finished step one, which was the Discovery phase. This was accomplished through the facebook page, reviews of the event calendars and a survey that went out to the students. Chloe Lauer, of MKThink, reported better than expected participation and prepared a report of some of the findings, which showed that:

“Today, a prototypical person coming to the lounge would be a student picking up her mail around lunch time. She would come alone and stay in the lounge for less than 5 minutes, 2-3 times per week. Thus, the lounge is currently primarily a utilitarian space.

In the future, the lounge will

be highly functional while also symbolic, providing the amenities student, staff, and faculty require while representing the unique history and legacy of Santa Clara Law.

Our findings are summarized in the following segments: survey results, and facebook page feedback. Survey Results:

#### 1. Completion Stats:

236 Law School community members completed the survey. Of those, 85% (200) were students, 8.5% (20) were staff, 6.4% (15) were faculty, and .42% (1) was a lecturer.

#### 2. Visiting Rate:

Most of those surveyed (94 people or 39.7%) visit the lounge 2-3 times per week.

The “Once a week,” “Once a day,” and “More than once a day” choices nearly tied for second place, with 17 – 19% of respondents choosing each answer.

#### 3. Time of Day:

Over 1/3 of respondents (83 or 35.2%) visit the lounge during lunchtime (11am – 2pm)

Afternoon (2- 6pm) and Evening (6pm – later) came in 2nd (26%) and 3rd (22%) with Morning (8am – 11am) a far 4th (15%)

#### 4 Length of Stay:

Approximately half (51.7% or 122) of respondents stay for less than 5 minutes

About 1/3 (28.8% or 68) stay for 5 – 15 minutes, and the remaining 19.5% (46) stay for 16 minutes or longer

#### 5. Purpose/Activities:

The top three purposes for coming to the lounge are:

to check mail or drop something off in someone else’s mail, to socialize/meet with friends, and to attend a “drop by” tabling event. Purposes ranking 4 – 10 are (in order): microwave food/eat; study; table/promote my organization; attend an official, scheduled event; attend a study advising event; get something from my organization’s storage cubby; and take a nap.

Write-ins include: to get to the

elevator, to see what’s going on, to update the bulletin boards, for a bake sale or other student club event, for proctoring exams, to watch TV, to check on the photocopy machine.

#### B. Facebook Page Feedback:

The top requests are:

Windows/natural light

Hot water dispenser (for tea)

Printer for student use (with photocopy capabilities, ideally)

Photos of alumni/historic photos of courthouses, mission style furniture

Plenty of access to power: plugs in the floor

Tables and a place to store them (to eliminate the need to reserve tables through SBA)

We really appreciate all the great ideas, even if we can’t necessarily do them all. (So don’t hold your breath for the pool tables or waiters . . .) MKThink is now working on initial plans and designs. The committee is scheduled to meet again soon. We will keep you posted!

## Marquez: County Leader

CONTINUED FROM PAGE 6

leadership.

Miguel came to Santa Clara County after being General Counsel for the San Francisco Unified School District. He expressed how overwhelming it was being the leading lawyer for the county after only being with the Office for less than two years. As an introvert, he found it challenging to step up to the role as the public face for the county. “Every judge and lawyer in town approaches me now and wants to say hi,” he said. He admitted, however, that it is his duty to make himself available to and be involved in the legal community and the community as a whole.

Throughout our interview, Miguel revealed to us that in his estimation the most powerful leadership quality is based on a leader-servant model. He views himself more as a servant to the county, replacing his own ego with the collective conscience of the county. He practices selfless leadership and places emphasis on collaboration with his employees and opposing counsel when confronting the myriad legal issues the county faces.

We discussed at length his devotion to diversity. At one point, Miguel drew on his experience working for a big corporate firm immediately after law school. He promised himself that if the firm did not seek to hire more minority attorneys in a year’s time, he

would quit. Ultimately, the lack of diversity at the firm contributed to his decision to move onto local government work. He feels strongly that representation of all members of our community within a legal institution, be it a firm or government agency, is necessary to adequately serve the community’s needs.



As a Latino, Miguel said he feels an even greater duty to embrace his public position because out of fifty-eight counties he is the only Latino county counsel in California; and he is the fourth Latino county counsel in the state’s history. Representing the Latino community in addition to being the county’s leading lawyer is an obligation Miguel takes very seriously. He cited various leaders he admires, like Cesar Chavez, Justice Cruz Reynoso, and Justice Carlos Moreno. “I feel like all those leaders share something that Justice Reynoso calls the ‘Justice Bone.’”

Miguel emphasized the impor-  
SEE MARQUEZ, PAGE 7

# Happy Belated 4/20 from California

Jillian Allen

How did YOU celebrate April 20th?

For those in-the-know, April 20th a.k.a. 4/20, has become somewhat of a national holiday, that some would say is celebrated world-wide.

This holiday is celebrated as “marijuana day,” “weed day,” or “pot day,” and for those who celebrate this holiday, they basically get together and get stoned on April 20th. Recently the day has also gained momentum as a forum to gather and bring attention to the movement to further decriminalize marijuana.

Kudos to California where the 4/20 holiday originated. According to legend - (and Wikipedia) in 1971, a group of teenagers in San Rafael, California, would meet after school at 4:20 p.m. to get stoned outside of their school. The legend has since been spread

beyond the U.S., to other countries, which now celebrate 4/20 as well.

*The Daily Beast* recently compiled the top 40 pot smoking cities and surprisingly, well maybe not that surprisingly, six of the forty cities were located right here in California. The survey was conducted using statistical data as well as a subjective evaluation of each city’s “pro-cannabis atmosphere”. Here’s the breakdown of how the top 40 cities made the cut:

- 60% of the ranking was weighted on the Substance Abuse and Mental Health Services Administration’s survey, which includes estimates of the percentage of the U.S. population who used marijuana in the past month.
- 20% of the ranking comes from arrest data for marijuana possession and sale, according to the FBI’s Uniform Crime Reporting Program.
- 20% of the ranking comes from

subjective, local pot culture. And finally, according to *The Daily Beast*, of the top 40 pot smoking cities in the United States, there are six located right here in sunny California:

- 11.3% of the residents of Eureka, are regular pot users
- 11.3% of the residents of Chico, are regular pot users. This year, California State University of Chico will be holding “The Great Debate” which the University and municipality sponsors, discussing legalization of marijuana.
- 10.0% of San Franciscans are regular pot users, with an annual 4/20 celebration taking place on Hippie Hill.
- 9.3% of the residents of Sacramento are regular pot users
- 8.6% of the residents of Berkeley/Oakland are regular pot users. The birthplace of the Tax Cannabis movement, Oakland

is also home to Oaksterdam University, where since 2007, students have been learning to grow marijuana.

- 8.3% of the residents of Oxnard are regular pot users. On March 30th Oxnard’s City Council unanimously voted to permit medical marijuana dispensaries to operate within the city. Mayor Andrew Herrea has stated, “In Ventura County, we are proud to be ‘The City That Cares’. We care about those Oxnard residents who may be disabled or suffering from cancer. By allowing dispensaries to operate freely in Oxnard, they can have better access to their medical needs.” So for those who missed the annual 4/20 holiday this year, just sit back, and relax. You don’t even have to wait a whole year, just wait until the clock strikes 4:20 p.m.

## Class of 2010 Class Gift Fund

Daniel Zazueta

For the first time, the graduating class is being asked to donate to a class gift fund instead of pooling money together for a collective class gift. The idea for the fund came from the Administration who thought that it would be easier to have a fund to draw from for new projects instead of getting class consensus on what to donate. The project ultimately funded by the Class Gift Fund would then be labeled to recognize the class’ contribution.

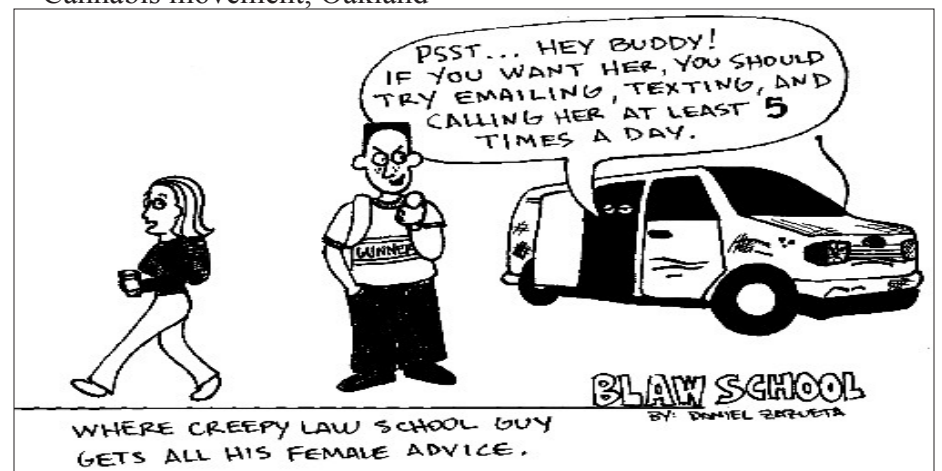
Some students voiced reservations about donating to the fund as most of them are in debt over \$100,000 dollars. One such student, who refused to be named, remarked, “It’s an insult that after taking over a hundred grand from us, they now want more! Forget it!”

Other students see it a more positive light. Bob Gambino, who took time out of his busy final semester to co-chair the Class Gift Committee with Sabrina Chu, stated simply, “We think noth-

ing of spending \$10 dollars on a movie, \$40 dollars at a bar, or \$60 dollars for dinner, but we cringe at giving a little something extra to our school to say thank you and preserve our legacy for years to come.”

The Class Gift Committee posted some statistics on its Facebook page. It revealed that the Class of 2009 had a 24 percent participation rate, while UC Hastings had 58 percent participation and UC Berkeley and USF had close to 100 percent. As an incentive to increase participation this year, Dean Donald Polden offered to match the first \$5000 dollars contributed to the Class of 2010 Class Gift Fund.

Students who wish to contribute to the Class Gift Fund can do so online or by completing the pledge card inserted in their student folders and mailing or delivering it to the Law Alumni Office on the second floor of Bannan. The deadline to participate ends June 30.



## Marquez on Leadership

CONTINUED FROM PAGE 7  
tance of having a sense of justice so deep it is a part of your body. He believes leadership is something that demands service to the community, and being a faithful servant to the county and the Latino community demands an understanding of all the issues occurring throughout the community as a whole. Miguel is therefore in a unique position to be able to fuse his service to the county with his service to the Latino community in a way that allows his leadership role to have a broader appeal to residents of Santa Clara County.

Miguel also shows leadership in the community is his use of

the county itself as a leader. For example, the Office of the County Counsel consistently develops environmentally-oriented ordinances, implements regulations to combat childhood obesity, and files affirmative lawsuits on the county’s behalf to protect public safety, health, and resources.

After our interview, it was clear that Miguel shows he has what it takes to not only run the Office of the County Counsel, but to lead it into new positive directions. We are lucky to have Miguel as the leading lawyer for the county. Now, we can only hope the Board of Supervisors comes to the same conclusion.