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SCU Law Falls in 'Best' Rankings

Hieu Tran



While many of us are checking our fantasy football scores, there's another ranking that we're not paying much attention to. SCU took a dramatic drop in its standing on the U.S. News & World Report's annual "Best Law Schools" list, falling from its no. 85 spot in 2009 to no. 97 in 2010.

How did this happen?, you ask. Well, the better question is how does US News determine the "best law schools" in the nation? Looking at 188 law schools fully accredited by the American Bar Association, US News bases its ranking on a weighted average of 12 measures of quality. Measures of quality include median

LSAT scores, college GPAs, acceptance rate, Bar passage rate, and graduate employment, which are reported by the school. Also considered are library resources, student-to-faculty ratio, and dollars spent per student. Lastly, peer assessments are thrown in the mix. These are evaluations from judges, lawyers, hiring partners, law school deans, and tenured faculty forced to rate schools in various areas on a scale from marginal to outstanding.

The problem with these measures of greatness is subjectivity. For example, the employment after graduation criteria hinges on what a person considers to be "employed." A recent graduate studying for the Bar may consider themselves unemployed and report accordingly. That same graduate could alternatively report that they are employed, reasonably believing

that studying for the Bar and maybe working part time is "employment." Another area of great subjectivity is the peer assessment. Lawyers, judges, and law professors in another region or state could be sent a survey about SCU Law, and must answer a survey on what they know, heard, or read about our school. A school's grade is reached by averaging the scores of each assessor. Subjectivity abounds, which shows how easily a school's ranking could increase or decrease slightly from year to year.

So what does this mean for us? In an economy where jobs are scarce, getting an LL.M. or some extra degree looks more and more appealing, and our debt becomes more daunting, the rank of the institution our J.D. comes from matters more than we may think.



At SCU, "the law school takes this ranking seriously," says Dean Polden. In response to the slip in rankings, Dean Polden has assembled a seven-person committee, comprised of

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My Client's Last Minutes on Death Row

Jessica Jackson

It's pretty horrible when you think about it. Just standing outside of a prison, waiting, sweating, glaring at the clock that will soon turn to seven – knowing that is the time that a man, sitting just a dirt path and a few walls away from you, will begin to die.

It was hot and dusty outside when we pulled up to Jackson prison. A guard wearing a bullet-proof vest awkwardly approached my vehicle to ask why I was there. While my first instinct was to respond "to protest this barbaric practice you call justice" I quickly decided "for the vigil, sir" was probably the best answer. After he checked my license and tied a green band around my wrist like the other anti-death penalty folks, I proceeded down a dirt path to park on the grass. As I exited my vehicle, two more guards in bullet proof vests brought over narcotic and explosive sniffing dogs who promptly circled my car without so much as a growl.

The gnats were out in full force compelling me to rapidly blink and, despite the blaring sun, I was thankful to have worn long pants and sleeves. The area for the vigil was roped off and there were several guards around watching the modest crowd that began to assemble. I found myself trying to rationalize the anger I felt towards them. Even though they aren't the executioners, they are part of the system after all. But, having heard the Texas Tie Down team cd in Kreitzberg's Understanding Capital Punishment class,



BY: BRITTANY THOMAS

I knew that this experience was not necessarily easy for them either.

As the media arrived we all grabbed signs and stood in a line shoulder to shoulder. There were witty signs, such as "Those without the CAPITAL receive the PUNISHMENT," but I chose the one that said "Two wrongs don't equal a right." One of the investigators from my office walked over and began telling me about her visit with Mr. Ford that day. His family had been there as well and apparently he'd been in pretty good spirits. My eyes burned with tears as I thought about how it must feel to say goodbye to your father or worse yet to your son. How unfair it is for these people, people who have not done any harm, to feel such pain and have so little support.

At approximately seven we formed a circle and listened to Mr. Ford's appellate lawyers speak, not about the crime Mr. Ford had committed, but about his sense of humor and the peace he had made with this fate. After a brief prayer, several members of the circle began to sing Amazing Grace. Not knowing the words, I closed my eyes and tried to send peaceful thoughts over the hard cement walls to Mr. Ford. Visions of the gurney, of the needle, and the hateful faces staring at him wishing for his last breath filled my mind and forced me to reopen my eyes.

As the circle broke, a strange silence came over the crowd. We all turned to face the dirt road where the white van carrying the witnesses would soon appear. A man in an

eighteen-wheeler hollered out the window as he passed "Burn him up!" I clutched my sign and wondered how the execution was going. What a strange thought that is, since there is no real reply. It would be ironic to say it went well since that means a man died. To say it went poorly means he died painfully.

The first car appeared at seven thirty and I suddenly felt nauseous as I realized that the execution was over. Next, the white van returned and I watched as the two media witnesses hurried across the grass over to us. A young redheaded reporter from the associated press was visibly shook up as he explained how the lethal drugs had begun at 7:17 and Mr. Ford had been pronounced dead at 7:27. He stumbled over his words muttering that out of the six executions he had witnessed, this had gone pretty smoothly. He informed us that Mr. Ford's last words had been "I want to thank my friends and family for support." He explained that he had not seen any signs of struggle. I asked if he had seen the doctors who were paid \$18,000 by the state to administer the drugs, and he explained that the doctors were behind a wall when the curtains were pulled back like a theater to reveal Mr. Ford strapped to the gurney slightly tilted so that the crowd could see his face. They were cowards, I thought, to hide behind a wall while killing a man from another room. But perhaps they were not comfortable violating

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State, Nation and World Report

INTERNATIONAL Reactions Intensify Over World Economy Decline

The U.S. economy is not the only one suffering. Countries across the world are feeling the strain of failing economies, and citizens' reactions are becoming more intense. Doves of European union members, representing the interests of trade unions in 36 European countries, came out last week in Belgium to tell the governments to put its people first, according to cnn.com. Demonstrating for the preservation of workers' rights, the atmosphere was carnival-like. This demonstration coincided with protests around the world, including worker strikes in Spain. Unions remain optimistic about the impact of their strikes.

US Missile Error

An American drone rocket allegedly killed German troops in North Waziristan, Pakistan on Monday.

NATIONAL 'Naked Cowboy' Announces His Bid for 2012 Presidential Race

The Naked Cowboy, New York City's renowned Times Square icon, has announced his bid for the 2012 presidency, according to his website and ccn.com reports. The son of a supposed "career politician," Naked Cowboy says he'll "balance the budget," "defeat...the Taliban," "secure the borders...by building all necessary barriers," and "make English the universal tongue of the people," among other things. The Naked Cowboy also previously announced a run for New York City Mayor

in 2009.

Conan O'Brien Promotes His New Show

It will premiere on TBS on November 8th at 11PM.

Google TV Launched

Google TV launches products today with Logitech. The products and services seek to integrate your TV, DVR and Web effectively, and add Apps just like smartphones. It will also allow your phone to be the remote control.

STATE & LOCAL Gubernatorial Race Intensifies Amidst Alleged Immigration Violations

Meg Whitman, a leading candidate in California's upcoming governor's race, is facing new allegations surrounding her former housekeeper, Nicandra Diaz Santillan, according to The

Mercury News. Lawyers for Diaz are claiming that Whitman knew that her housekeeper of several years was an illegal immigrant, and that Whitman fired her before embarking on the governor's race. The Whitman camp dismissed the allegations as political ploys by celebrity Democrat lawyer Gloria Allred.

San Francisco Toy Ban

San Francisco moves forward with a toy ban in Happy Meals. Supervisor board approval moves the debate forward, while questions arise as to whether the ban will help stave rising obesity levels.

High-Speed Rail Suit

Palo Alto, Menlo Park and Atherton, and other organizations have filed suit against the already inevitably delayed California high speed railway plans

International Student Tuitions at a Premium in State Schools

Yan Li



Increasing school budgets without requiring students to pay more tuition is a problem that has plagued our higher education schools for many years. While politicians and economists are scratching their heads, some schools have found a solution—inviting more international students to their campuses. Why? Because

international students bring money to these schools without affecting the state budget. While the government has to cover a portion of its residents' tuition from its budget, it does not do

so for international students.

For example, international students at Boalt Hall (Berkeley law school) are charged over \$12,000 more per year than resident students. This isn't because the school is charging more, but rather because the government is not spending its residents' tax money to cover their tuition. The disparity in tuition costs between international students and resident students becomes even greater in community colleges. At City College of San Francisco, the tuition for California residents is \$26 per class unit, while it's \$209 per unit for international students. That's 8 times higher. Because international students are paying full tuition costs out of their own pocket, and because they are not receiving any federal

funding (this includes all types of financial aid), international students reduce the burden of monies issued to each school out of the state budget. These students also significantly contribute to the U.S. economy in general. NAFSA (now called the Association of International Educators) estimated around \$13.29 billion was contributed to the U.S. economy by international students during the 2004-05 academic year. Over \$2 billion of that was spent in the state of California.



Schools also welcome international students because they bring good academic values to the school. "They help educate U.S. students . . . and add diversity on campus,"

says Parinaz Zartoshty, the Coordinator/DSO of the International Student Services (ISS) office at SCU. Indeed, international students are benefiting this country both economically and academically. The number of international students in the states reflects this. Although the numbers dropped some after the 9/11 terrorist attacks, the number of international students admitted to the U.S. has been steadily rising in recent years.

Despite these positive aspects, there are concerns about potential negative effects of admitting too many international students into the U.S. One such effect is the immigration status of international students who remain in the U.S. after graduating, and the effects this has on the economy.

While the U.S. government restricts the number of immigrants it admits each year, international students fall under a "non-immigrant" category, and these admissions are not limited. One concern this creates is that after finishing their U.S. education, these students will find ways to remain in the U.S. Many of them do indeed do this. The most common way to remain in the U.S. is through employment, which leads people to worry whether international students will take Ameri-

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Rankings

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faculty and deans, to address the concerns raised by the school's drop. The committee will also identify areas for improvement, continuing to serve the students interests first. This translates to spending as many tuition dollars as possible directly on students through programming, faculty, and scholarships.

As far as the job market effects, according to Law Career Services Center (LCS), employers have yet to raise concerns about SCU's current ranking. Dean Huebner says that, "the Bay Area and legal community recognize SCU as an outstanding legal institution." Facing a question about ranking in an employment interview situation might be tough, but focusing on the positives of our school, as well as your individual contributions to that legal community, are the things that will stick out in the interviewer's mind. So for now, deflect and refocus any rankings questions. In the future, the subjectivity of the rankings may work in our favor, and SCU will once again regain a more coveted position on the list.

Plagiarism Swells, Students Unprepared

Lyndsey Eadler



Plagiarism is on the rise on higher education campuses across the nation. Yet, studies indicate that students remain in the dark about what constitutes plagiarism and how to avoid plagiarizing in their papers. So who's to blame? Some say technology. In the digital age, where a multitude of information is at the tip of our fingers, we're seeing the proliferation of plagiarism.

It's not all intentional laziness though. Many students are genuinely confused about what information, especially information pulled off the internet, needs to be cited in their papers. Yet, with new software such

as Turnitin and SafeAssign which allow educators to run student papers through a plagiarism checker, students better figure it out soon, or risk the potentially severe consequences that flow from plagiarism occurrences, even seemingly accidental ones. Such incidents can require re-writing the paper properly, grade lowering, a black mark in one's student file, and in serious cases, reporting to the Bar.

SCU is no exception to the plagiarism problem. Given the school-wide email sent last week, SCU students are probably well aware of the plagiarism issues at SCU Law. However, Dean Erwin says "In most of the cases that I have investigated, our students are shocked that they actually broke a rule. They are completely mortified to find that their professors may have

interpreted their sloppy writing to be intentional misrepresentations and unethical behavior. I can't stress enough how important it is to take upon yourself the responsibility of ensuring that you are complying with the Academic Integrity Policy!"



Studies have shown that students who are schooled on what counts as plagiarism and how to prevent it, are more likely to avoid plagiarizing themselves. This information was translated to students through an on-line tutorial in one study, and showed that students who took the tutorial and concluding quiz were less likely to plagiarize. Dean Erwin suggests SCU students do the same.

Erwin also points out that there are lots of resources for students at SCU to utilize when it

Law Schools See Surge In Apps

Nikki Corliss



Despite economic doldrums, the nations' law schools experienced a drastic increase in law school applications for this year's entering class. Law school applications increased 7 percent nationwide, according to the Law School Admissions Council. Last October, the number of people taking the Law School Admission test (LSAT) rose 20 percent, according to a January New York Times article.

Most notably, the University of San Francisco School of Law and University of Iowa's College of Law saw a 35 percent and 39 percent increase in law school applicants respectively. Application numbers are up at Santa Clara, too.

"We received almost 5,000 applications for the entering class of 2013," says Jeanette Leach, Assistant Dean

of Admissions for Santa Clara. "This was an increase of 16 percent [from last year] at one point, and closer to 8 or 9 percent at the end."

Leach explains that the number of applications is independent of the number of applicants accepted.

"The average GPA and LSAT scores have stayed relatively steady," Leach explains.

These statistics contrast the otherwise grim job market. Many believe interest in law school is a result of the current recession. Assistant Dean Leach believes the recession is a factor, but also jokes that law school applications increase in relation to popular legal television shows.

"When 'LA Law' was on TV, everyone saw themselves working a big law firm in Los Angeles," Leach says. "'Law and Order' is big now. People get fired up and imagine themselves in the courtroom."

Still, despite the decrease in legal jobs, Assistant Dean Leach is hopeful.

"It's a hard call because you don't know what the market is going to look like in the next few years," she says. "Some markets are still thriving."

Death Row

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the Hippocratic oath they had sworn to abide by in front of a crowd.

While the reporters were talking to us I saw a black van coming up the dirt drive. As the pollen covered vehicle drew near, my heart sank. CORONER was lettered across the side. I bowed my head in respect to Mr. Ford as he left the prison for the first time in over twenty years. Unfortunately, this trip was made in a body bag. Overwhelmed by reality, I turned to leave, hugging the investigator as I left. I walked over to my car and saw a man and woman huddled by a red truck with a faded OBAMA sticker plastered across the back. Their faces were red and wet, their shirts covered in tears. They were Mr. Ford's other appellate attorneys, the ones who had witnessed his murder. I turned my gaze away not wanting to intrude on their pain and unsure of what to say. There really are no words to fully express a moment like that- watching your client, whose life you have fought for tirelessly for two decades, die on a table just feet away.

As I began to drive up the dirt path a second white van appeared. I slowed and came to a stop as I watched a group of men and women climbing out of the van. These were the victim's family members. I studied their faces, their movements, and their voices expecting to see triumphant smiles or hear them pronounce that justice had been served. Yet they were somber and hushed as they stood near their cars. A grey sedan pulled up behind me forcing me to resume my exit. As I put my foot on the gas, I noticed a blonde woman in the victim's family crowd crying. As she wiped away her tears, I realized that neither of us had seen justice today.

comes to plagiarism concerns. LARAW regularly hosts presentations addressing plagiarism and writing skills. In fact, one is coming up in October. Students are also encouraged to speak directly to their professors or LARAW faculty—that's what they are there for! But if consulting with professors isn't your cup of tea, go online. SCU has a host of resources accessible through its website, and help abounds just by doing a simple internet search for plagiarism. When in doubt, check yourself! Get help, and avoid the serious, embarrassing, and potentially career-altering consequences that flow from plagiarism.

International Tuition Boon

CONTINUED FROM PAGE 2

cans' jobs. As the U.S. is in the midst of a bad economy, losing jobs to foreigners is the last thing Americans want. ICE (Immigration and Customs Enforcement) has taken action to protect against these concerns, and to discourage international students from entering the U.S. These protections come in the form of fee spikes for international students.

Thus hosting international students in U.S. schools becomes a question of which of these competing interests will prevail. Embrace international students as friends, allowing them to enter the country, study in our schools, pay increased tuitions, and potentially boost our higher education budgets? Or deny them access through fee hikes and insurmountable tuition costs, and label them foe to the economic success of the U.S. and its states' residential students? For the sake of educational quality, hopefully we can keep recruiting international students to add values to our diversity and academic excellence. And for the sake of the economy, hopefully our capitalistic market will take international students' entry to the job markets as stimulating good competition rather than reducing the number of jobs available.

SUDOKU CHALLENGE

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Anchor Babies, Citizen Birthright?

Robyn Morris



Arizona lawmakers continue their offensive strike against illegal immigrants within their state. In the wake of SB 1070, a law that requires suspected illegal immigrants to produce citizenship paperwork upon request, Arizona state senator Russell Pearce plans to spearhead another immigration bill that will essentially deny birth certificates to children born in Arizona to illegal immigrant parents. The law would be a direct challenge to the 14th Amendment's citizenship clause that grants citizenship to all persons born inside the United States.

Supporters of the bill view it as a step towards curbing the problem of illegal immigration. Parents will no longer have an incentive to cross the borders illegally to give birth to what has been dubbed an "Anchor Baby." Advocates for the bill hope that by

removing the claim to remain in the country because of citizen ("anchor") children, immigrants will think twice before entering the states and using American resources illegally.

Opponents to such a bill believe, besides obvious federalism issues, that it is an affront to the 14th Amendment citizenship clause. That clause reads: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." Since being ratified in 1868, the Amendment has been repeatedly held to confer automatic citizenship to anyone born on U.S. soil. The only way to achieve the law's purpose is to amend the Constitution, a difficult and rarely successful task. Opponents also fear that the bill stems from racial prejudice, and merely treats the symptoms instead of addressing the overall need for immigration reform.

A minority interprets the 14th Amendment as already denying

citizenship to "anchor babies." They construe the phrase "subject to the jurisdiction thereof" to mean that children born to parents of deficient immigration status are not subject to the jurisdiction of the United States. Therefore, their children do not fall under the protection of the Amendment. This interpretation has been criticized, however, in light of the 1898 case of *United States v. Wong Kim Ark*. Pratheepan Gulasekaram, a constitutional and immigration law professor at SCU, says the Court in *Wong Kim Ark* interpreted the phrase "subject to the jurisdiction thereof" in light of English common law. The phrase is meant to "exclude only certain classes: children born to

foreign diplomats and children born to enemy forces," explains Professor Gulasekaram. "However, the case was decided at a time when our borders were open so it may not be entirely applicable."

"The issue gives rise to a number of constitutional principles, one being that of individual liberty," Gulasekaram says. For example, are kids being punished for the wrongs of their parents? He also inquires, "To what extent is this empirically a problem?" Gulasekaram believes the claim that immigrants using the citizenship of their children as a means of chain migration is far-fetched. A child must wait 21 years before trying to bring most relatives into the country. Until then, their parents remain illegal immigrants, subject to deportation.

Senator Pearce plans to formally introduce the Bill when the legislature reconvenes in January. Both sides of the debate can agree on one thing: the issue will most likely end up before the United States Supreme Court.



Oxford's Mirfield on Constitutional Merits

Rohit K. Pothukuchi

Professor Peter Mirfield, a visiting professor from Oxford University, has been teaching for nearly 35 years. He will be at Santa Clara for the rest of the semester, teaching courses in evidence as well as comparative criminal law. Professor Mirfield agreed to speak about the differences between the legal systems and teaching styles of the U.S. and Britain.



How important is a constitution? Does it really matter if a nation has one or not? How is this question relevant to Britain?

A- "My view is that constitutions are things you end up having whether you like it or not. What you mean by 'do you have a constitution' is, 'do you have a written constitution?' In Britain, a complication is created by the fact that Scotland has a legal system that is independent from the rest of the UK. Putting that aside, what people don't realize is that we have quite a few constitutional documents in the UK." Professor Mirfield explained that the Magna Carta, the Bill of Rights, as well as the Parliament Acts are all constitutional documents. "So we have a set of documents, but they are not all set together."

"More recently we have taken on-board something called the European Convention on Human Rights, and

that is somewhat similar to the Bill of Rights portion of the U.S. Constitution. The difference is the European convention on Human Rights is not like the Bill of Rights in a constitutional structure, an overriding document. The European Convention on Human Rights can be waived by statute, so Parliament remains sovereign."

Is the British constitution different from the U.S. Constitution; if so how?

"The major difference is that, in the UK, Parliament is sovereign. It can make any law whatsoever. As the great constitutional lawyer Albert Venn Dicey said 'it can do anything but make a man a woman and a woman a man'. Even that is not quite true. Technically if it were to be legislated that a man was a woman, a man would be a woman. It wouldn't make a difference any other way, but legally that would make a difference. So there are no liberties, no rights that parliament can't get rid of by passing a statute. That's obviously fundamentally different from the U.S. Constitution, which is superior to all other law in the US."

What are the major merits and de-merits of the two systems?

"The obvious de-merit of the British system is also its greatest merit. Its greatest de-merit is that if you have elected a majority government of a particular persuasion, you can pass laws which are fundamentally destructive of the whole structure of the country, and there is nothing to stop it, majority votes win. And we have had governments which have commanded substantial majorities in the House of Commons."

"I think that's also its fundamental merit. Parliament is after all democratically elected. Parliament, being sovereign, can do that."

"We turn to the US position. I don't know how many people realize that, *Marbury v. Madison*, at the beginning

of the 19th century, was a grabbing of constitutional power of a quite overwhelmingly commanding kind by the Supreme Court, by Justice Marshall. Because it claimed that it was for the court to decide in the end what could be done and what could not be done. As far as I can tell there is absolutely no warrant for that anywhere in the Constitution. It was perfectly sensibly argued by some, well 'why shouldn't Congress decide what the Constitution requires, why is it judges that do so?'"

"Again the merits, if I may say so, of the system here are the same as its de-merits. Its merits are that sometimes the democratic will is tyrannous. John Stuart Mill coined the phrase 'tyranny of the majority'. So the rights of minorities can be taken away democratically. A Supreme Court can insist upon those rights and say, 'no you cannot take them away, those are fundamental, they are not biddable.'"

"Its weakness again I say is the same. The court consists of people of a certain age, with very similar inclinations, and almost entirely similar education. Therefore they will tend to be of a kind, and, though they may disagree about things, they remain fundamentally the same type of people." I should add that the same is true of the highest court in the UK, now also known as the Supreme Court, but it does not wield such great constitutional power.

As a visiting professor, do you feel that teaching methodologies in Santa Clara are different from those at Oxford? If so, how?

"That's something I should be cautious about commenting on, because with the exception of the odd occasion when I have attended another American professor's classes I don't really know what goes on in classes carried out by American professors. I know there is some commitment to what is called the "Socratic method", a notion that you call upon people in the

class to answer questions, and they get to the answer by being provoked to get to the answer. That seems to me to have many merits, a possible weakness being that it is to get to the answer that the professor wants, and that's what Socrates was doing I think. But it does depend upon the engagement of the students."

"In the U.K. and in England, the vast majority of universities rely upon essentially the lecture system. The professor gets on his hind legs and talks for an hour. There isn't really any question and answer session, there isn't really any discussion. Most universities depend upon the lecture system, they may also have seminars which are more interactive as they would say, but that would be in smaller numbers. They may still have tutorials. A tutorial in a university other than Oxford or Cambridge would be 6 or 8 people."

"My experience for almost the last 30 years has been in the University of Oxford, at Jesus College. We offer the tutorial system. The idea of a tutorial is somewhat like the class system on a micro basis, the two people there are meant to discover for themselves what the problems are and what the answer is with the tutor. It's a very individualized system. In my view, it works absolutely brilliantly at times. When it's good, it's brilliant. When it's bad, it's dreadful. If the tutor is bored and the students haven't done the work, it's a complete and utter disaster. Fortunately, Oxford students very rarely behave like that. And that may also be true of their tutors."

"The other difference is that the college picks its own students. So Jesus College takes 8 lawyers per year, and my colleague and I pick those 8 out of the applicants that apply to the college. We are, in a sense, personally committed to our choices, and in the other sense, our choices are person-

Hardly, Strictly Bluegrass Festival

Amy Askin, Martin Behn and Michelle Petlow

Every year the Hardly Strictly Bluegrass Festival brings together the regular crowd of Golden Gate Park residents and San Francisco hipsters with dedicated bluegrass fans to create a memorable weekend experience. Warren Hellman, venture capitalist and philanthropist, started the festival ten years ago and continues to be the sole funder of this incredible, free-admission music event.

In just two years from its start, the festival grew from one stage and one day to four stages and three days, peaking this year with reported crowds exceeding half a million attendees. The concert added "Hardly" to the title in response to the expanding musical genres beyond 'strictly' bluegrass. Blues, jazz, and rap musicians now also headline at the festival.

For the third year in a row M.C. Hammer staged a program, including dancing and inspirational messages. Oakland's nineties rap superstar put on a community-based show, with elementary students brought in to enjoy his performance. Hammer's backup dance crew taught the children how to glide and pop to his music, and though backup recordings now accompany "2 Legit 2 Quit", "Hammer-time" is still sung entirely by

the rap giant himself.

Friday's morning program turned quickly to mainstays, including Blue Highway and Ralph Stanley & The Clinch Mountain Boys. Blue Highway's Jason Burleson picks the banjo so quickly the notes are discernable between Rob Icke's Dobro playing. Stanley is a banjo superstar, pioneering an offshoot of the Scruggs-style. The 83-year-old cannot keep the banjo playing up the entire time, but he still silences crowds with his a cappella songs. His grandson Stanley II also took the reigns when necessary to keep the tempo up and maintained a good steady stream of music.

The performers on Sunday displayed an impressive range between classical bluegrass legends and up and coming stars. Elvis Costello and the Sugarcanes, Peter Rowan, Umphrey's Magee, The Avett Brothers, The Indigo Girls, Sharon Jones & The Dap-Kings, Randy Newman, Patti Smith, Doc Watson, and the great Emmylou Harris.

Peter Himmelman, son-in-law of the one-and-only Bob Dylan, played a soulful set early Sunday

afternoon on the Rooster Stage. Although his music was unfamiliar, he won the crowd over with his personality. Before his first song, in an attempt to raise the energy and introduce his sarcastic humor, Himmelman instructed the crowd to start screaming when he played the first note like it was their favorite song. "Do it for the initial thrill, that's all life is anyways," and the crowd certainly agreed.



By Michelle Petlow

With the star-studded musical line-up and gorgeous scenery of Golden Gate Park, surprisingly another stand out feature at Hardly Strictly are the endless food options. The event is marked as one of the best concert-food venues. A huge paella caterer marks the entrance with four 5-foot pans chock-full of shrimp, fish, chicken, rice, garbanzo beans and aromatic spices. Although the Italian-style gelato was a miss during the weekend weather in San Francisco after the heat wave ended Friday, there were ample bean pies, sweet yams,

and "magic" rice crispy treats to take its place.

The festival is quite a feat when you consider that the show is completely free and drew an expansive and eclectic crowd. Although the city of San Francisco sanctions the festival, Hellman's crew makes sure to take care of all the details. Volunteers wander around the beautiful park handing out maps, answering questions, and giving directions. Paid workers handle the sale of merchandise (all merchandise is connected to the festival, no outside corporate sponsors are allowed).

Even the numerous First Aid tents are manned by volunteer firefighters, doctors, nurses, and paramedics. These volunteers work with the organization Rock Medicine, an affiliate of the Haight Ashbury Free Clinic in the city. Back in 1973, Bill Graham planned to bring Led Zeppelin and The Grateful Dead to San Francisco and he wanted to make sure that there were on-sight first aid volunteers based on the negative way the community treated his ticket-buyers in the past. All it took was a talk between Graham and Haight Ashbury Free Clinic to get a small contingency of volunteers together, and thus Rock Medicine began.

When the evening chill and ocean fog finally rolled into Golden Gate Park late Sunday afternoon, the setting sun marked the end of the festival. To signal the conclusion of a remarkable weekend, Emmylou Harris, as she has done for a decade, closed out the show. Her voice conveyed the true soul of the festival, and it is of no wonder that the mayor of San Francisco designated October 3rd to be "Emmylou Harris Day."

HyperCube Succeeds in Turbulent Market

Matthew Dedon

The current economy is no market for new faces. Tell that to HyperCube Games, however. Currently composed of its two founding members, Patrick Petersen and Luke Armstrong, the company has recently released a simple game called Corsair, its first app for the iPhone, iPod, and iPad. Corsair evokes images of such classic arcade games as Galaga and Gradius, with the small twist of setting you up against other people.

"The reaction has been overwhelmingly positive," Petersen says, with a hint of surprise in his voice.

The company itself is barely a year old. The project, however, has been in the works for years. "It's something I thought up a while ago, when I wanted to make something exciting. With robots."

The game itself is over two years old. Originally thought up when Petersen was working on art design and development for a Facebook app company, he found that he was not happy with the direction the company was heading. "I really felt that I wasn't being creatively challenged. So I asked around and they told me to make something that I like and pitch it," Petersen explains. And that's just what he did.

On the Facebook app market, however, scrolling shoot-em-ups just aren't in vogue. The company determined the game wouldn't sell, and the

project was shelved while the company headed in a different direction.

Petersen decided that direction was not for him, and left his former position just as the economy was taking a downturn. But, with Armstrong acting as lead programmer and Petersen as lead artist and designer, the old project was resurrected and they began pitching it to companies.

The initial response was less than enthusiastic. "It felt like we were rejected hundreds of times," Petersen says. In the beginning it appeared Corsair would disappear for good. "But then one time, it stuck."

"We found a company that was looking for the social game formula for the smartphone," Petersen says, "With us, they liked the action angle and wanted to give it a try." Corsair sailed a few months later.

The project is now in an unofficial open beta. The game is free and quickly spreading largely by word of mouth, with the audience participating in shaping what may eventually become the next social game phenomenon.

When asked what advice he has for others taking aim at the gaming market, Petersen replies: "Start sooner rather than bigger. I could have sent a portfolio of my work to Blizzard (a giant in the video game industry) every week for 20 years and they'd say no every time. But by starting with a low-budget, independent game, I

can see myself getting there in maybe five to ten. With platforms as open as the internet or iPhone, there is literally nothing stopping you from making a game that millions can play. You just can't be afraid to do what you love."

Mirfield on Socratic Method

CONTINUED FROM PAGE 4

ally committed to us. I sometimes say it's as if we had shook hands. If the student says 'I didn't realize I had to work,' I look them in the eyes and ask 'what possibly gave you the impression that you didn't have to work here?' If we have made a mistake, and have chosen someone who is not good enough to study in a very high pressure, hard working, intellectually challenging university, then our job is to make sure they do as well as they possibly can."

What is your favorite aspect of teaching and living at Santa Clara?

"I guess I'll start with the living, as I'm looking out the window the sun is shining; it always seems to shine here. I think my wife said that there were three spots of rain in August that fell on her. The climate is very different from England, I think it might be difficult returning to England. In fact we spend the time after Christmas in the University of Cambridge, which is

notoriously cold."

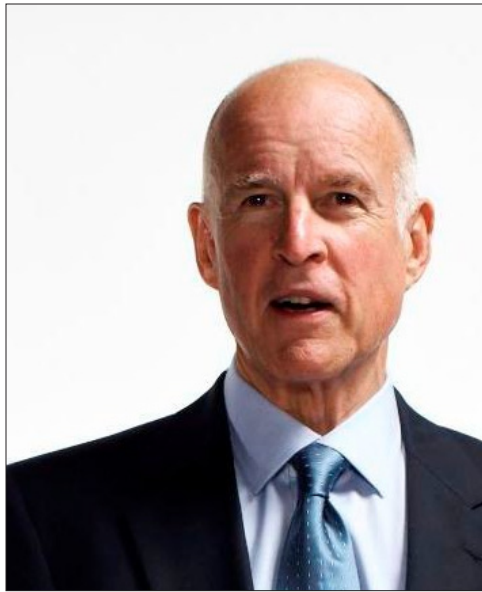
"But to turn to the serious bit, the intellectual bit. I do like teaching a different group of people. Law students in England are just like other undergraduate students in England, they arrive at the age of 18. In this country, it's always a graduate degree. The good thing is that everyone is committed to law. But the bad thing is perhaps the same thing, that they are committed to the practice of law. It's good to teach older people because they are willing to have their say, while 18 year olds tend to be very quiet. Mature students of various ages seem to have a different view of things. So for me it's different, and it's good to teach in a different way, to find different ways of teaching people. So my evidence course is a constant source of surprise to me, but I enjoy it. I enjoy the challenge. I am also taking the opportunity to give a few tutorials, one to one. It's refreshing."

The Old Man and the Rich Lady

Greg Williams

Clearly, I have lost my mind. It is almost 1 a.m. on a Friday night (or Saturday morning) and here I sit, desperately trying to remember why I volunteered to write an editorial about the California Gubernatorial race. After all, what about this race could possibly be interesting? As someone who has been lucky enough to tune out the frighteningly partisan hackery going on around me with the likes of soothing episodes of the apolitically banal "Jersey Shore," it seems of little consequence to me that democrats seem increasingly gutless and republicans seem increasingly, well, insane (though I am sure the 87,000 people at Glenn Beck's million tea partier march would beg to differ).

Let's be honest, the way our society has dutifully fallen into place along party lines makes this whole voting thing a whole lot easier. There are republican nominees and there are democratic nominees and as members of one of those two parties, we must all vote for those wearing our party colors. Sure, one might be running under the banner of companionate fascism, but what the hell, he's my guy!



Courtesy of Jerry Brown

Yet there is trouble a'brewing when it comes to this rank and file political system and no, it is not from a class of "independent voters" that seems to be disappearing faster than the middle class. The trouble is that some people are not sure what color they want to wear anymore. There are republicans that look around to their far right and see a party headed by Sir Thomas Lipton and democrats that are really tired of paying taxes and being told they hate America. There is a race for the

hearts and minds of those who looked up and have no idea how they got to where they are.

Enter Jerry Brown and Meg Whitman. Looking at their campaign ads, there seems to be only two narratives that will define what we want in our next governor: Meg Whitman is insanely wealthy, and Jerry Brown is old. But what does this "substance" boil down to?

Putting it into the spin machine, it can be seen two ways. First, Whitman clearly must be a genius, turning eBay into a company that makes money. No pets.com for her! She will run this state like she did eBay, and make us profitable again. On the other hand, do we really want someone who would donate over 119 million dollars to their own campaign? That's more than the GDP of the Falkland islands. Smells a lot like buying the governor's mansion.

Then there is Jerry Brown, who has already served two terms as governor. Should he win, he would return to Sacramento a staggering 28 years since he last left his capital office. Him being old can be spun two ways: one, its good, he knows his way around a very political town, two, its bad, because he is one of the people that got our state into this mess.

But, just for fun, why don't we take a look at what the difference between the candidates really are, at least in the big ticket items that might make you want to change your vote:

Proposition 8: Brown is for its demise. He is a firm believer in the right of California's gays to marry, which is why he, as our current AG, never defended the law in federal court (enjoy finding standing Prop 8 supporters at the 9th circuit, btw). Meg Whitman, on the other hand, supports prop 8, but probably in a move to win over the

right as in reality she favors the right of gays to adopt and enter civil unions, as well as allowing all of the marriages that were allowed to remain valid.

Jobs: Here the differences are partisan. Brown wants to spend to create, where as Whitman wants to cut taxes to create.

Abortion: Jerry Brown supports all abortion rights where as Whitman supports the proposition 4 parental consent law. Still, Whitman supports the right to an abortion, though not for late terms.

Clearly I summarized hot button issues in shamefully curt ways, but you get the point. There are some really big, and really tiny differences between our two candidates, but it will be shocking to me if one will ever find any of them out from their tv ads or any of the press following the campaign. Since they won't help you, please read up and don't listen to the TV because I guarantee you that you will learn more from "The Situation" on MTV, then you will from Jerry and Meg's campaign ads, CNN or Fox News.



Courtesy of Meg Whitman

The Death of Our Opinions

Dominic Dutra

Last year this paper broke a controversial story involving changes in the assignment of first-year classes



among members of the law school faculty. The issue clearly struck a chord with many of the students who were either directly involved or had first hand knowledge of the events. In an effort to cover that story, we solicited the opinions of several students and campus organizations. It quickly became clear to us that most students stood squarely on one side of the issue or the other and felt strongly about the matter. Yet, despite persistent requests for comment, the refrain was refusal to comment on the story unless their opinions were published anonymously.

In the years that I've been with The Advocate this issue has arisen time and again. We receive letters, complaints about issues on campus, opinions about our stories, most of them valid and very interesting. Yet with few exceptions, these students were unwilling to attach their names to their opinions. The Advocate actively solicits letters to the editors and encourages students to submit their opinions on subjects of concern. But despite the murmurs that occasionally accompany sensitive administrative decisions or similar divisive issues, few are willing to associate their names with their opinions. It seems clear to me that many, if not most of the students at Santa Clara Law are letting their opinions die at the altar of the legal profession.

In many ways I am not surprised at this development. Despite the vast number of bright, articulate and highly opinionated individuals at our school, the realities of employment in our pro-

fession have rendered even our most adamant contrarians publicly mute. Nobody wants to see their name in print, attached to an opinion that a peer, or, God-forbid, a prospective employer might take issue with. In a civic culture that purports to hold freedom of speech and expression sacrosanct, future attorneys, the very people responsible for upholding these rights and empowering these freedoms, are themselves afraid to exercise them.

It may be that law students have no other choice. Few are willing to take chances when the economy has left the legal profession reeling and the Wall Street Journal and New York Times have effectively called legal education poor investments. We cannot afford to have our financial and professional lives hindered any more than they already are. If that means working for employers who value their political or social principles so highly they are unwilling to hire those of us who see the world differently, that is a sacrifice we apparently must make. Thus we all sequester our opinions in a lockbox and throw away the key...or at least hide it until we make partner and can force the next wave of junior associates to agree with our dormant ideals.

Fortunately, some will buck this trend and uphold the integrity of our First Amendment liberties through robust discourse. They will not cower in fear of narrow-minded employers who for whatever reason are unwilling to hire on merit alone. And while they may not land ourselves plush non-controversial jobs with employers who appreciate muted minds like their fellow opinion-chameleons, they will ultimately find themselves happier, respected for their commitment to principle and willingness to express their beliefs without worrying about ruffling a few feathers.

TRIVIA NIGHT: WHERE BEER AND ACADEMICS FINALLY MEET

Pub	Day	Time
Trials Pub San Jose, CA	Monday	8:00 – 11:00 p.m.
Britannia Arms (Almaden) San Jose, CA	Tuesday	7:30 – 10:00 p.m.
Rose and Crown Palo Alto, CA	Tuesday	8:00 – 10:00 p.m.
Lookout (Drag Queen Trivia) San Francisco, CA	Tuesday	7:30 – 10:30 p.m.
The Sports Page Mountain View, CA	Thursday	6:30 – 10:00 p.m.

IF YOU WOULD LIKE TO RESPOND TO ANY ARTICLES OR OPINIONS PRESENTED IN THIS ISSUE, PLEASE WRITE US A LETTER TO THE EDITOR, AND WE WOULD BE HAPPY TO PUBLISH YOUR RESPONSE.

NO ANONYMOUS LETTERS WILL BE PUBLISHED, AND PLEASE LIMIT THEM TO 250 WORDS OR LESS.

The Rumor Mill - *Renovation Update*



Susan Erwin, Dean of Student Services

1. *Why has the furniture for the new lounge been delayed for six weeks and are we ever going to get a*

window in there?

If you have ever been involved in a remodeling project, I'm sure you understand the challenge that scheduling can be. We had the usual issues with permits, with unavailable components, and with transforming a design plan into an actual space. The contractors were great and worked really hard to stay out of the way of our students and to bring the project in on time. Some of these delays, though, pushed back the timeline for selecting furniture to fit the new space. AND...

If you have ever special-ordered furniture, I'm sure you can also relate to the long time it takes to get the style and fabric and everything else correct and then how long it takes to actually get the furniture. We didn't just order one couch – we ordered a couple of

couches, some comfy chairs, some bar tables and bar stools, some task tables and about 50 chairs. AND . . . we absolutely didn't want to order chairs that were uncomfortable (we've all seen how unhappy law students can be in uncomfortable chairs!) . . . so we brought in some samples and had those of you unlucky enough to be in the area sit in them and give us your feedback.

The University just recently approved the proposal for putting windows into the lounge! YAY! We are now costing out the project and then will know if we can make this work or not. The idea is to put them on the same wall as the elevator, high on the wall.

Furniture should be here soon. Then we will have a party to celebrate the completion of the lounge.

2. *What is the process for getting building/construction/renovation type work done for the law school, and is there any plan to upgrade/renovate Heafey in the near future?*

From the facilities department

website:

"In order to have a new project on campus, there are many steps in which the projects must go through before it becomes live.

The projects must first be submitted to the provost using the Project Request Form. The provost then looks at the project and decides whether or not the project is the most beneficial thing for the entirety of the campus. The provost must take many things into consideration, including other project requests, the need of the facility, funding, etc. when making these potential campus changing decisions.

If the provost approves the project, it is passed onto the Planning and Projects department to begin the design process."

Major building projects – like building a new Heafey or maybe even a new Bergin – are planned out years in advance. The university has a 5 and 10 year master plan of major construction projects. The perhaps-new Heafey and the perhaps-new Bergin are on these lists. Actual planning and decisions have not been made yet. These projects will be very expensive and the university will expect the law

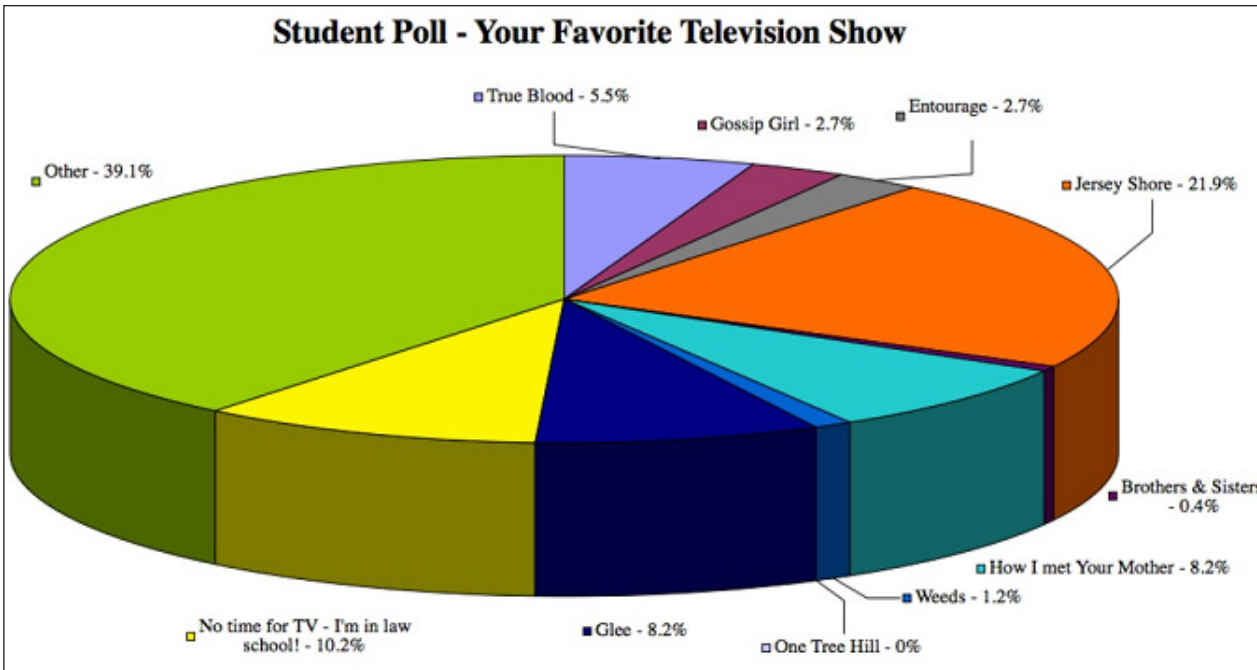
school to launch a capital campaign to fund them. Since we are about to celebrate a major birthday – 100 YEARS – it would probably not be unreasonable to hope for commitments from our alumni and supporters. (One more reason why we all need to show up to the convocation and show them what a great community we are!)

3. *Why did the cost of tuition go up \$100 per unit this year?*

Easy answer: it didn't. 2008/2009 tuition was \$1,225 per unit. 2009/2010 tuition was \$1,268 per unit, an increase of \$43. 2010/2011 tuition is \$1,312 per unit, an increase of \$44.

Tuition for the last 2 years has gone up by about 3.5% each year. Tuition is set by the University and approved by the Board of Trustees.

HAVE A QUESTION YOU'D LIKE US TO ASK DEAN ERWIN? EMAIL US AT SCUADVOCATE@GMAIL.COM



Top 5 "Other" Television Shows

- Modern Family
- Dexter
- Mad Men
- The Big Bang Theory
- The Good Wife

* One eager student entered "BJ and the Bear" over 300 times in the survey. While The Advocate agrees that the show featuring a freelance truck driver and his chimp companion was a praiseworthy show, these entries were ignored.

THE WINNERS OF THE STARBUCKS GIFT CARDS FOR THEIR PARTICIPATION IN OUR SURVEY ARE 2LS SHANNON REED AND DA ZHUANG



People on the Street

Last week was fall premiere week. The Advocate asked students to reveal their must-see television show and explain and why.



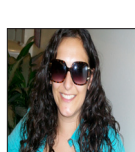
Maddy Douglass (3L)
'How I Met Your Mother' because NPH is a really convincing womanizer, and Jason Segel gives me hope for being a lawyer.



Tariq Mojaddidi (3L)
'Man vs. Wild.' Bear Grylls is hot.



Joe Flannery (4L)
"Boardwalk empire, even though there's only been one episodes. It's my first time with a TV in two years!"



Natalie Gomez (3L)
'The Defenders.' It just premiered last night and it adds a new twist to the law shows that are coming out.



Professor Kyle Graham
'30 Rock' because I've been watching NBC's Must-See Thursdays since 1982 and I have no plans of giving it up now.



Jeannie Tran (3L)
'Dexter.' *Spoiler alert* I am looking forward to seeing him deal with being a serial killer and a single father.



Linda Chen (2L)
'Glee.' I like the comedy. I'm looking forward to the Britney episode.



Mia Butera (1L)
'Glee!' I watched it already and it was awesome!"

CROSSWORD SOLUTION

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Chocolate Sushi's Tantalizing Tastes

Hieu Tran



When you think of classic food combinations, peanut butter and jelly, ham and cheese, and steak and potatoes often come to mind, but have you ever paired chocolate with sushi? Me neither. Intrigued by its namesake and way too hot to cook dinner for myself, I popped into Chocolate Sushi and Tofu House last Sunday for a late dinner.

As I was led to my table, I noticed that several people were digging into sizzling hot bowls of soft tofu, ramen and egg, a traditional Korean dish. In addition to numerous soft tofu dishes, the menu offers a wide variety of non-traditional sushi rolls (think deep-fried, with lots of unique sauces and fillings). I ordered three rolls, each one unique in its own way, and resumed watching Sunday Night Football on the flat screen TVs behind the sushi bar.

A spiky-haired waiter brought my rolls over, providing a description of



Photo Courtesy of Sushi Chocolate

each before placing them in front of me. My favorite, the "Oh Yes" roll, was filled with spicy tuna, salmon and avocado. After a quick trip to the deep fryer, the "Oh Yes" roll was finished with unagi sauce (similar to a sweet teriyaki) and spicy orange sauce. Fresh fish was the star in the "Pink Lady" roll, a good combination of spicy tuna inside a roll, with salmon sashimi on the outside. The "Honey Dragon" roll is perfect for the indecisive eater, complete with a selection of fish on the outside and topped with various tobiko (fish roe) and sweet unagi sauce.

When the bill came, my waitress asked if I had ever tried any of the chocolate sushi offerings on the menu. Upon hearing that I had not, she said that the avocado and unagi with special chocolate house sauce, although unusual, was definitely worth trying the next time I stopped by. They've got a special 30 percent discount on everything. So head on over, don't just take my word for it.

Despite my original intention to sample the chocolate and sushi combinations, I was too stuffed to eat

Chocolate Sushi & Tofu House - Japanese & Korean Fusion Food
595 E El Camino Real, Sunnyvale, CA
94087 (408) 830-0628
www.sushichocolate.com/



The Pink Lady and Honey Dragon Rolls

BY HIEU TRAN

Lobby Lounge's Liquid Bliss

Martin Behn and Greg Williams

Passing through the automatic double doors of the Fairmont Hotel in Downtown San Jose, we were greeted with a



scene of marble-adorned grandeur that seems slightly out of place in a city living in the shadow of its culturally iconic neighbor, San Francisco. Continuing through a lobby filled with giant stone vases and what appear to be ancient artifacts, the Lobby Lounge comes into view, a sunken room decked out with some seriously comfortable looking chairs and sofas.

Silicon Valley's capital. All eyes were focused towards the bar where a jazz trio were keeping the lounge lizards entertained and the occasional couple on the dance floor. The music was loud but did not interfere with conversation and conjured up images of a forgotten time where such atmosphere would not be such an extravagance.

Our server returned with a tray featuring empty martini glasses and miniature cocktail shakers containing our drinks. We watched with anticipatory glee as the drinks were strained into our glasses with a cool, clear, alcoholic flair.

With the presentation over, we thanked our server and raised our glasses and took our first sip: ahh... how Don Draper must feel every morning with his first drink.

If you go... The prices are on par with the marbled surroundings and will set you back around eleven bucks per drink. Beer, wine, bar food and a full service sushi bar are also available.

After finding an open seat, our party picked up the cocktail menu from the table and browsed through enough pages to make a hornbook jealous. We settled on basics, nothing fancy for our group, just pure straight martinis, gin and vodka, served up with olives or a twist.

The server took our order with veteran aplomb and walked back to the bar. Looking around the rest of the room we were struck by the eclectic mix of the crowd: elderly couples, young couples and business travelers looking to unwind from their day in

The Lobby Lounge at the Fairmont Hotel

170 South Market Street, San Jose, California 95113 (408) 998-1900
<http://www.fairmont.com/sanjose>

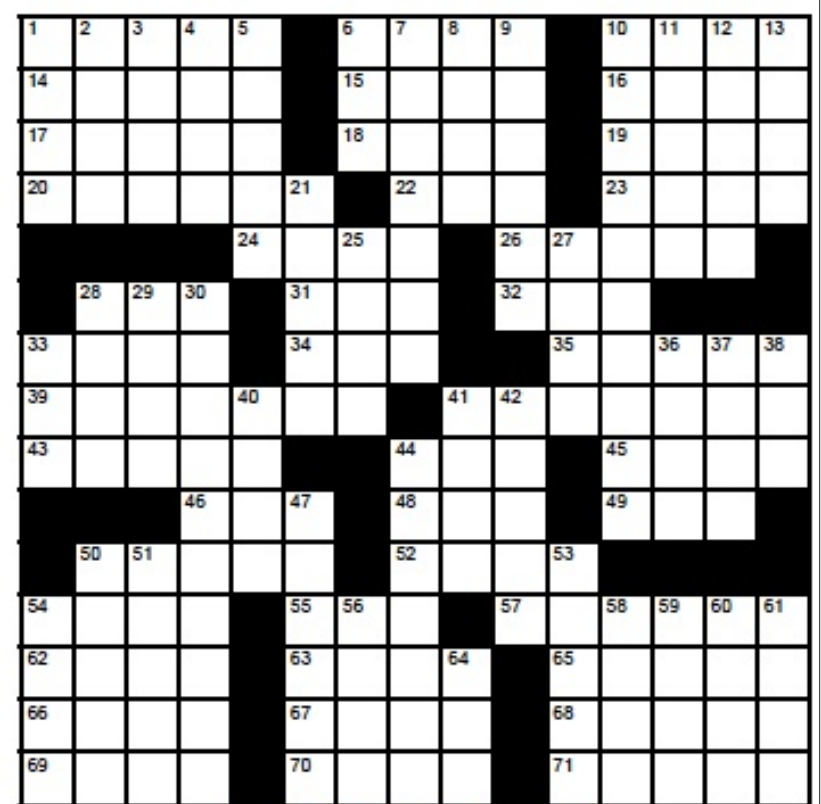


BY GREG WILLIAMS

CROSSWORD PUZZLE

Across

- 1 Lox buddy
- 6 Junky vehicle
- 10 Bib. word
- 14 Talk pompously
- 15 Women's magazine
- 16 Christmas time
- 17 Fr. river
- 18 Verne hero Capt. ___
- 19 Pull behind
- 20 US neighbor
- 22 Automobile
- 23 Jane Austen novel
- 24 Spline
- 26 Scintillas
- 28 Gov't. agency inits.
- 31 ___-de-France
- 32 Lincoln
- 33 Dry
- 34 Heel
- 35 Galled
- 39 Dedicates
- 41 On a horse
- 43 Ringo, for one
- 44 Gravestone inits.
- 45 And others (Lat.)
- 46 Snooze
- 48 Cuckoo
- 49 GOP rival
- 50 ___ fatale
- 52 Adherents (Suffixes)
- 54 Au naturel
- 55 Sunburned
- 57 Infant's garment



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- 62 Computer image
- 63 Sin City actress Jessica
- 65 Med. worker
- 66 Exam
- 67 Hang over
- 68 Nag
- 69 Fr. seasons
- 70 Darns
- 71 Artist's tripod
- 6 Biddy
- 7 Chosen by ballot
- 8 ___ mater
- 9 IL city
- 10 Resolute
- 11 Sally Field's ___ Rae
- 12 Squads
- 13 Olympian ___ Korbut
- 21 ___ B. Toklas
- 25 Regrettably
- 27 News item
- 28 Worry
- 29 Prima donna
- 30 Decorations
- 33 Circulars
- 36 Swallow-tailed hawk
- 37 Dutch cheese
- 38 E. state (Abbr.)
- 40 Streetcar
- 41 Slangy negative
- 42 Spotted
- 44 After a shower light show
- 47 Flower parts
- 50 Aspect
- 51 Toothed
- 53 From that time
- 54 Chomp
- 56 Health-giving plant
- 58 Halo
- 59 Those for
- 60 Galley slave
- 61 Type of dance
- 64 Some times (Abbr.)

Down

- 1 Pear type
- 2 Expanse
- 3 Benefit
- 4 Volcano or bunsen burner
- 5 City on the River Aire