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Protests Rage Across Middle East

B.P. Broadmeadow



I began this article with the intention of chronicling the turmoil in Egypt that ultimately resulted in the resignation/deposition of President Hosni Mubarak, weaving in several first hand impressions from friends who were in Cairo during the beginning of Egypt's revolt. Mubarak ruled Egypt in a manner many are calling now a dictator-like fashion for over thirty years. His reign ended just over two weeks ago after citizens of Cairo rose up in social protests and demonstrations.

But as I started writing, refreshing news sources over the past week, I watched in silent awe as news stories brought in new reports of protests erupting all over the Middle East. Tunisia and Egypt were simply the start. Algeria, Iran, Jordan, Yemen, Bahrain, Libya, Morocco; some of the most prominent countries of the Arab world are now witnessing democratic uprisings that have started shaking the

foundations of the Middle East.

This all began in Tunisia, where unemployment runs rampant and where thousands of young Tunisians scared for their futures took to the streets. In mid-December 2010, hundreds of young protestors filed into the streets in Tunis in response to the actions and suicide attempt of Mohamed Bouzazi. Bouzazi had lit himself on fire after being denied audience with regional government officials over incident in which police confiscated his vending cart and humiliated him.

The youth population of Tunisia quickly identified Bouzazi, a young man forced from a proper education in order to support his family. All clichés aside, Bouzazi's act of self-immolation sparked a revolution in Tunisia where President Zine al-Abidine Ben Ali has ruled since 1987. The Tunisian protests resulted in the overthrowing of Ali's government by mid-January of 2011.

Enter Egypt. Unlike Tunisia, Egypt sits in an interesting juxtaposition between the Middle Eastern and

Western worlds. It is largely seen as a moderate state, an ally to Western powers such as the United States and



cratic state. Its government's framework based around central authority figures spread throughout North Africa and the Middle East. Bouzazi's martyr-like act and the resulting protests created a crack in that framework. It would seem the protests in Egypt have blown open those floodgates.

Courtesy of Sierragoddess

Great Britain. Yet in its modern history, extending back to the Second World War, Egypt also has acted as the leader of the Arab world. When the Yom Kippur war ended in 1976, pan-Arabism faded, but Egypt still provided the model for an autocratic-Arab state. The West sees Egypt as a stable ally in an unstable region, where the Middle East views Egypt as the successful standard for an auto-

The revolution in Egypt began towards the end of January. Like Tunisia, much of the Egyptian population faced unemployment and squalid economic conditions. Because of the autocratic state, the government controlled the economy and a corrupt police force.

Like Tunisia, the protests started when a man attempted to set himself on fire in front of Egypt's parliament

SEE MIDDLE EAST, PAGE 11

SCU's Harshes Policy Gets Relief

Jessica Jackson



Over the years Santa Clara Law School's grading policy, which required professors to adhere to a grade distribution curve, has been the subject of many complaints. However, recent events coupled with the addition of several new faculty members put changing this policy on the faculty's agenda at their meeting last week.

Last December Professor Han sent an email to her students that began with an explanation; "I have never written to my class about grades before but I felt compelled to this year". However, her next words would fan the flames of student outrage at SCU Law to unprecedented levels.

"I have posted the final grades and by the rules of the school, I handed out X C-'s, the lowest number mandated under the curve requirements. I wanted to let the students know that I thought your performance on the exam actually showed a command of the material and if I had the discretion, you would have received C's. I am, therefore, offering the following support. Should you need to explain this grade to an employer, you may have them call me and I will discuss this with them with

your permission."

Complaints about the harsh academic curve at Santa Clara are nothing new to the administration. First year students, whose grades are subjected to the most unforgiving curve, are often surprised to arrive on campus and learn that their stellar undergraduate GPA's will not be maintained. However, as a first year student, one is consumed with work and unsure of the law school grievance processes and therefore their complaints are seldom vocalized in a public forum. As a second year student you are able to take more electives which are not curved and thereby improve your GPA. The curve in your upper division courses seems forgiving compared to the last year. But on a whole, how is this curve affecting the Santa Clara students in the job market?

According to Dean Polden "Legal employers are desperate for good



Courtesy of Jessica Jackson

information about potential hires". In the Dean's opinion, the "vagaries of grade inflation and local grading practices disappear when the employer knows the quality of the program and knows how the applicant compares in his or her performance to the other students in the class." While the Dean does believe that grades matter to prospective employers, he also pointed out that "many other aspects also become important in the employment calculation, including, how the applicant's performance in law school compares to his/her peers, experiences in law school such as internships and judicial externships, honors achieved in law school, and educational achievements prior to law school."

While many employers do request student's entire transcripts and resumes, several continue to focus on the GPA as the main criteria for hiring employees. Although Santa Clara does have a reputation for having harsh grading policies, the curve policy may disadvantage SCU students by causing employers to remove students from the hiring pool for having lower GPA's than candidates from other schools.

Both Stanford and Berkeley have abolished traditional grades and set up much more lenient pass/ no pass and honors merit systems. Hastings Law School divides their courses into GPA and non-GPA courses and offer many of the upper division courses for credit/no credit that Santa Clara students take for a grade. Most recently Golden Gate Law School changed their grading system to loosen the curve and raise students' overall GPAs. So how does Santa Clara compare?

According to the student handbook, a first year substantive course teacher (Torts, Contracts, Property, Criminal Law, Civil Procedure, and Constitutional Law) can award 8-12 percent A's or A-'s, 45-55 percent A-B-'s (this includes all A's and A-'s), and must award 8-12 percent C-'s and below.

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State, Nation and World Report

STATE & LOCAL

SAN JOSE - Bay Area residents and SCU students look forward to the potential of a snow day. Meteorologists predict a 50 percent chance of snow on the valley floor by Saturday.

BAY AREA - As fiscal woes force Caltrain to contemplate changes, Sam Trans, VTA and SFMTA consider altering support for the ailing commuter rail. Sam Trans will debate cutting funding for Caltrain. Meanwhile, Caltrain battles to keep the Santa Clara station open.

SACRAMENTO - Following the actions of Wisconsin, California lawmakers also consider the elimination of collective bargaining for pensions of state public workers. Governor Jerry Brown braces for a head-to-head with state unions. Brown says he intends to address the problem following the closure

of California's \$26.6 billion dollar budget deficit.

NATIONAL

CHICAGO - Rahm Emanuel wins mayoral race with 55 percent of the vote, replacing Richard M. Daley who held the position for 22 years. Former Chief of Staff Emanuel resigned last year to run for this position.

MADISON - Protestors continue to gather in the Wisconsin capitol. Roughly 25,000 people are still gathered in protest of recent state budget cuts. Democratic lawmakers remain absent. A world-wide outpouring of solidarity arrived in the form of pizzas for the protestors.

NEW YORK - Blockbuster filed for bankruptcy in September and is now looking for interested buyers. Cobalt Video Holdco, LLC, offered a meager \$290 million for the purchase of the former video

giant.

INTERNATIONAL

LIBYA - Protests heighten as Qaddafi calls for military air strikes against citizens. UN Security Council condemns actions as Libyan diplomats around the world step down.

CHRISTCHURCH - A 6.3 magnitude earthquake struck New Zealand on Feb 21, leaving over 75 deaths. U.S. search and rescue teams have been deployed.

OMAN - Somali pirates shot four American hostages while traversing the Indian Ocean. U.S. Forces moved in after hearing the shots. One couple was from South San Francisco. The other couple was from Seattle.

PURE ENTERTAINMENT

LOS ANGELES - The Academy refuses to allow

Banksy, legendary street artist and now-documentary filmmaker, to accept a potential Oscar for his film, *Exit Through the Gift Shop*. The ban stems in part from his still-hidden identity and notoriety as a prankster.

NEW JERSEY - It's official. We've got a situation here. The cast of *Jersey Shore* embarks to Italy for next season's filming. Fresh of the boat, the crew starts filming in April. How do you say GTL in Italian?

LOS ANGELES - Justin Bieber cuts his hair.

OAKLAND - Prince adds a new surprise show to his Bay Area tour. Prince revisits the Bay after a four-year absence.

SEATTLE - Amazon offers free streaming to Prime members. SCU students are eligible for a free year of Prime with an "edu" email address.

Voluntary LSAT: Logical Reasoning or a Losing Game?

Robyn Morris



Remember the LSAT? You know, that pesky little test that single-handedly decided our fate as future lawyers of America? Well, if proposed changes to accreditation standards come to fruition, future law students may never know the joy of logic games.

Current accreditation rules require that law school applicants take a "valid and reliable admission test" to be considered for admission. An ABA committee, which includes our very own Dean Polden, is reviewing a proposal to allow schools to make the LSAT optional rather than mandatory. In a statement to Karen Sloan of the National Law Journal, Polden indicates that a large portion of the committee is in favor of the change.

How will an optional LSAT affect law school admissions? Some fear that not requiring the test will open the floodgates for applicants to further saturate the legal market. More law students means more competition for fewer jobs. Proponents of the LSAT also argue that the test provides an objective way of evaluating potential admittees. With applicants coming from a variety of backgrounds and majors, the LSAT places everyone on equal footing.

However, others who don't test well embrace the idea of abolishing the test requirement. Poor test takers opine that they are shafted in the admissions process, urging that the test fails to evaluate them as a whole person with other significant qualifica-

tions. A student with a stellar GPA, evidence of an excellent work ethic, may be overlooked because of a less than impressive LSAT score. Another complaint is that the test only serves as another economic barrier to higher education. Applying to law schools is not cheap by any means, and the LSAT only further lines the pockets of the good 'ol Law School Admission Council.

Whether you believe in the LSAT or not, or don't really care because you already made it into law school (go us!), it appears an LSAT free world is far from confirmed. The committee still has to make its final report,

and the reigns will be passed on to the Council of the Section of Legal Education and Admissions to the Bar for a final determination regarding the possible accreditation change. A decision by the ABA won't be made until 2012 or later. Even then, schools may

Courtesy of S.C. Asher



individually continue to require applicants to endure the LSAT gauntlet.

Grading Policy Changes

CONTINUED FROM FRONT PAGE

Although it is not listed, this leaves 33 to 37 percent of the class with a C. The upper division curve is slightly more lenient allowing professors to award 10-15 percent of the class with an A or A-, 50-60 percent of the class with an A-B-, and requiring professors to give 8-12 percent of the students a C- or below. Again, although not listed, this leaves 32-38 percent of the class with a C.

Just last Friday the Faculty discussed the matter and voted to make several changes to the grade curve policy for upper division students.

According to Dean Erwin the new policy states "In upper division bar and required courses, grades of C- or below must be assigned to all students who perform below the range of professional competence. If fewer than 8 percent of the students in a class perform below this level of competence then the professor may assign fewer grades in the C- or below range." Based on the language of the new policy, upper division and bar course professors, such as Professor Han, will no longer be forced to assign C-'s to students whose performance indicate a higher command of the material.

NCIP Attorneys and Students Working to Free Innocent Man

Lyndsey Eadler



For more than 20 years, Maurice Caldwell waited and hoped for the message he received on December 16, 2010. From the confines of the prison, Caldwell called Paige Kaneb, an attorney for the Northern California Innocence Project (NCIP). Caldwell finally heard the words he had waiting so long to hear—San Francisco Superior Court Judge Charles Haines had reversed his murder conviction.

“All the things I dreamed about when I was young, I can now bring to life,” Caldwell said. Only four days later, his happiness vanished when the district attorney announced his decision to retry the case.

Caldwell was convicted of the 1990 murder of a San Francisco man, based on the testimony of a single eyewitness, Mary Cobbs. Cobbs

initially told police that Caldwell was not involved in the shooting, but two weeks later, she picked Caldwell out of a photo line-up. Yet, in 2008, NCIP obtained a signed declaration from a man who confessed to the murder and swore that Caldwell was not involved. This man is now in a Nevada prison for a subsequent murder. Two other witnesses found by NCIP confirmed his version of the events, exonerating Caldwell.

Despite the overwhelming evidence demonstrating Caldwell’s innocence, the San Francisco district attorney has decided to take the case to trial...again. Another trial isn’t what Caldwell wanted,

but he has a lot of people in his corner fighting for him. Along with the San Francisco Public Defender’s Office,

NCIP attorneys and students are working hard to prove his innocence.

Santa Clara Law’s Emily Mahoney and Missy Reinhardt, both 3Ls, know the efforts that have gone into Caldwell’s defense better than anyone. Mahoney and Reinhardt are the most recent additions to a long line of students who have worked on Caldwell’s case. A few of these many students included Courtney Smith, who gradu-

both 3Ls. All of them have, at some point in the life of this case, worked hard to assist NCIP’s attorneys, doing research on motions in limine, conducting witness interviews, and compiling evidence for the upcoming trial.

“This is hands-on work; something you don’t get to do anywhere else,” says Reinhardt.

Mahoney agrees. “This is an incredible opportunity for us, as students, to experience what happens after a conviction is overturned. We’re seeing what it really takes to put on a murder trial.”

Their work has also played a valuable role in their academic experience. Reinhardt, who wants to be a Public Defender, says “this is a rare opportunity for students to be intimately involved in trial work.”

“This is a once-in-a-lifetime opportunity,” says Mahoney. “It’s also a really rewarding experience because we know he’s innocent.”



Courtesy of Santa Clara University

ated last year from SCU Law, as well as Eden Schwartz and Tanisha Shafer,

Lethal Sodium Thiopental and Public Sentiment

Marc Wiesner



In 1977, Oklahoma became the first state to legislatively approve a method of chemical execution. Five years later, Texas became the first state to perform the new form of capital punishment. The procedure took place at 12:09 A.M. on December 7, 1982. At 12:16, Charles Brooks Jr. was pronounced dead.

The Nature of the Three Drug Sequence

Administratively, three drugs were chosen. Until recently, these three drugs were still used in most states for capital punishment. While any alone is deadly, the combination was decided to be more effective. Washington State’s Department of Corrections Policy on Capital Punishment (DOC 490.200) is illustrative. Three grams of the barbiturate sodium thiopental first anesthetizes the prisoner. One-hundred milligrams of pancuronium bromide then works as a paralytic. Finally, cardiac arrest is instigated by eighteen grams of potassium chloride. The procedure, suggested by an Oklahoma forensic pathologist, was quickly adopted by most states performing capital punishment.



Courtesy of BlatantNews.com

Another reason adopting a three-drug method of execution stemmed from what the alternative would imply: Animal euthanasia uses one drug. States were, and largely continue to be, concerned that public outcry would lash out against a method of capital punishment that resembles

animal euthanasia. Within the method of punishment chosen by legislatures, the administratively adopted means respond to public sentiment.

Sodium Thiopental and Globalization

Last year, supplies of sodium thiopental began to dwindle. In late-2009, Hospira, the drug’s sole United States manufacturer, attributed its production shortage to raw material supply problems. Hospira, also the only producer with FDA for manufacturing sodium thiopental, promised regular production would resume in early 2011 from a more modern facility in Italy. Existing stocks of Hospira-made sodium thiopental would expire by 2011. The states couldn’t wait for production to resume.

In September 2010, the FDA began working with states to identify alternative suppliers of sodium thiopental based outside the United States. In October, several states disclosed sodium thiopental stocks expiring in 2012. The origin of the new supply was kept secret; officials only said it came from “a reputable place” in Great Britain. However, because the drug did not come from Hospira, it lacked FDA approval. This formed the basis of a legal challenge by Arizona death row inmate Jeffrey Landrigan whose sentence was to be carried out on October 26.

On October 25, 2010, Arizona district court Judge Roslyn Silver reasoned FDA approval carried a presumption of effectiveness that Arizona’s mystery supply lacked. Without assurance the drug would be effective, performance was a matter of speculation. Judge Silver granted a temporary restraining order enjoining Arizona’s use of the drug. The next day, the Ninth Circuit affirmed

Judge Silver’s ruling. Just hours afterward, the United States Supreme Court vacated the restraining order. In a 5-4 decision, Chief Justice Roberts expressed the Court’s succinct opinion that speculation did not substitute for evidence that the drug was unsafe. Arizona performed Landrigan’s execution without further complication.

The lethal chemical of mysterious origin spread as Arizona shared its source’s identity with other states. Exercising what it later called “enforcement discretion,” the FDA rushed the drug through customs without reviewing its efficiency. FDA spokesman Christopher Kelly justified the agency’s cooperation by explaining inspection of drugs earmarked for lethal injection “clearly falls outside of FDA’s explicit public health role.” Hundreds of heavily redacted pages obtained by the ACLU reflect an elaborate procedure by state Departments of Corrections, the Food and Drug Administration, Customs and Border Protection, and the Drug Enforcement Agency to hurry these drugs from source to destination. In November, California revealed it possessed a supply of drugs with a 2014 expiration date. The implication was clear: The states’ new supplier was not merely selling a stockpile. Through secrecy which California State Senator Mark Leno described as “shameful,”

that source would remain veiled until January.

Alternative Drugs

Oklahoma, revisiting its 1977 role as the first state to allow lethal injection, received a judicial ruling allowing the substitution of pentobarbital for scarce sodium thiopental to perform the execution of John David Duty. Duty’s attorneys opposed the substitution. They argued the drug, commonly used to euthanize animals, had not been adequately tested on humans. Duty’s Eighth Amendment challenge lost on November 22, 2010 in *Pavatt v. Jones* when Judge Froit of Oklahoma’s Western District Court found “[t]he likelihood that the inmate ... will experience any pain or suffering [is] effectively nil.” On December 16, 6:18 P.M., Duty was pronounced dead.

Whether other states follow suit would depend on Hospira resuming

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SUDOKU CHALLENGE

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Hon. Hyman: System Needs Change

Rohit K. Pothukuchi

What are the major changes you have seen over the past 20 years as a Superior Court Judge?



I think the law has become more punitive. Judges have less discretion in terms of sentencing, primarily because of the three strikes legislation. The sentences are longer and harsher in many instances. Even nonviolent crimes, like criminal threats, could have serious implications in the future. Also, a number of crimes over the years that were hybrids, meaning they could be misdemeanors or felonies, are now straight felonies, and can't be reduced by a judge to a misdemeanor. Residential burglary, for example, could be reduced to a misdemeanor when I was an attorney. It was extremely rare, but it could. Now more and more crimes are strikes and have serious consequences.

I don't think probation, based on my 20 years of experience is rehabilitating the way that it used to. I think we expect people to rehabilitate without spending time or without programs or by sending a person into custody as opposed to reforming them. I probably thought that way too when I was a police officer, but it doesn't help them, it makes them worse.

The other thing I realize now from having sat in every division in the

court, with the exception of abuse and neglect, is that everything we do in criminal [court] affects children. Children need to have two parents, they need to be supported, and if their fathers and mothers are unavailable to them, psychologically and economically, then it becomes a problem.

There have also been changes with respect to judges. I think today's judges are more open to thinking out of the box and trying to be quasi-social workers. When I first came on the superior court, most judges didn't want to play additional roles. They wanted to call balls and strikes. I think most of the people who appear in front of us, people with substance abuse issues, children issues, like in drug court, they can be helped. But it takes a special person to be a judge in that situation. You are there to provide emotional assistance, you tell them they can do it, and they can do it. I mean most of these people have never had a nice thing said to them. These people are broken. Many can be fixed, some can't.

What are some of the interesting issues you had to deal with?

I call them crossover issues. Something happening in one court affects things happening in other courts. In an ideal world you would have one judge dealing with all the cases of a family, where he would have information about all the cases in all the divisions and their statuses. For example, one

person may have a child in delinquency court and have a case in probate court with regard to guardianship. Judges don't know what's going on in all the divisions. You don't have a coordinated response, in the sense that my probation conditions that I give a person are not incorporated in the family court orders, for example.

Another change needed is with records. Records adversely affect women more than men. The reason is that women are disproportionately caregivers. For example, if there is an issue with regard to substance abuse convictions, you may not be eligible for subsidized housing. If you plead guilty to certain drug charges you lose benefits for aid to families with dependent children. All these things are set up with the belief that, with all these consequences, people are going to stop using drugs. But that's not the reality. Instead, the mother can't support the children. The children wind up under bridges with mom or wind up in foster care. It would make a lot more sense to have mandatory substance abuse treatment. The average parent, when they are faced with losing their child forever, has the incentive to do well in these programs.

Do you feel there have been any major mistakes that occurred during your time at the Superior Court?

The problem is with legislation. Now, you have the possibility of juvenile strikes. That was done by initiative, so there's no possibility of a pardon from the Governor. Usually, juvenile

records are sealed until you're 18. However, you would carry this strike for the rest of your life. You could be 80 years old and that strike could be pled against you. There needs to be more evidence-based rehabilitation.

Let me give you a hypothetical of a juvenile case: Bob buys some marijuana from Fred. Bob says this was bad, I want my money back. So the buyer (Bob) punches the seller (Fred), and takes his money. That's robbery. The seller, Fred, gets arrested for sales. A sale is not a strike and his record will be sealed. Bob's won't. What's worse?

Looking forward what are the changes we need to see to promote justice?

We need, in conjunction with rehab, education of victims. If everything is explained to the victim, the victim may say I don't want to charge him with everything. I'm not saying the choice should be left to them, because public safety is important. But should a kid's life be over at the age of 18 because he commits 1st degree burglary? So many options end there.

We also have to make sure kids get high school educations. If you can't read, there's a high chance you will go to prison.

What's was your favorite part of being at the Superior Court?

My favorite was definitely juvenile court; I was there for 5 years. It's impossible to rehabilitate everyone, but for me it was very rewarding because I think you can turn kids around.

Sandoval Candid about New Appointment

Colin Glassey

Professor Catherine Sandoval, law professor here at Santa Clara, was recently nominated, to be one of five governing members of the California Public Utilities Commission by Governor Jerry Brown.



Q: Some commentators who have looked at the state of the U.S. power grid - in light of possible terrorist attacks - have pointed out the small number of interconnections between California and the other states, does the lack of interconnections concern the CPUC?

A: I don't think so. The consensus is that because of the design of the Eastern power grid it is actually more vulnerable to blackout problems due to interconnection issues, witness the huge blackout cascade in 2003. California and the western portion of the grid are viewed as less vulnerable to the catastrophic blackouts that plagued the East Coast in 2003. On a related note, there is a huge movement to promote distributed power generation. Historically, electricity, like Telecom, has been provided by a monopoly provider. In the old structure, an energy monopolist controlled everything from electricity production, to transmission, to distribution. In telecom, AT&T used to control what could be connected to the network and what types of traffic could be carried on the network. That structure has been changing—first in Telecommunications and is now

starting to change in energy. One way to bring more competition and more renewable energy sources into our energy matrix is through distributed power generation.

Q: The Mercury News has been investigating the San Bruno gas pipeline explosion and has reported evidence that PG&E made numerous unreported welds to the pipe as well as ran the pipeline (and several others pipelines in the area) at greater than allowed pressure. If these allegations prove

did, and to determine whether other actions are needed to make sure that no explosion like this ever happens again. I think that was a good step and I'm glad that Commissioner Peevey, the president of the CPUC, put this forward. My question is: Why did it take so long to start that proceeding? The explosion happened in September and the CPUC opened an investigation in January. Apparently, the CPUC traditionally has investigated first and then opened up a proceeding later

but I think the CPUC should have been looking in September through a formal CPUC proceeding both at what PG&E did or did not do and what did the CPUC do, or did not do, that allowed this to happen. I will ask whether we need to make changes in CPUC regulations so as to make sure that this sort of thing never happens again?

Q: What can the PUC legally enforce against a private company like PG&E?

A: The CPUC can fine them very substantially if merited. If the CPUC finds that the company was not operating in accordance with the rules it can fine them and order them to fix the problem, using a combination of injunctive relief (an order) and monetary damages (appropriate fines). The CPUC should also look at its own regulations and oversight procedures. PG&E has been ordered to look into their own records and one thing that has been reported is that their records are a mess. We are talking about pipelines that were laid 59 years ago, many of the records are handwritten and the records were never digitized. This has certainly brought to light the importance of record keeping. Also, part of the problem is that in certain cases, the records do not match what was in the pipeline. Why did these faulty welds happen? This is hard to pin down, especially if it occurred 59 years ago. Was there a break-down in supervision? Was there a breakdown in standards? Was there



Courtesy of Santa Clara University

true, what can or should the CPUC do to force PG&E to comply with the law?

A: The CPUC, at my first meeting last week, opened up a proceeding where they will look into this issue to determine whether any enforcement action is needed against PG&E for what it

which seems backwards. In this case, the National Transportation and Safety Board (a Federal Agency) stepped in immediately, and started its analysis so the CPUC was following the NTSB lead. I think it is wonderful to have the expertise of the NTSB involved

SEE SANDOVAL, PAGE 5

Escapee Recounts Horrors of North Korean Prison Camp to SCU Law

Amy Askin

Shin Dong-hyuk began his life in North Korean Political Prison Camp No. 14, a total control zone where prisoners are not released. The camp where he was forced to watch guards execute his mother and brother, was located in Kaechon, 60 miles away from the capital city of Pyongyang—a fact he learned after his escape using Google maps. Until his escape in 2005, he had no idea who Kim Jong Il was, or that the rest of North Korean society lived under a codified constitution and civil codes. The nation's laws had no application inside the camp and prisoners born there did not exist in North Korean society. Those sent there vanished without a trace.

On Feb. 14, 2011, through the efforts of Amnesty International, KALSA, JRCLS, and ILSA, Shin came to speak to the Santa Clara Law community. The South Korean government has estimated that there are currently 150,000 political prisoners in 5 or 6 different camps in North Korea. To date, Shin is the only known person to escape.

Shin has a remarkably warm smile and sweet disposition. Shin is troubled by many of the issues that



the camp (ex. “No more than three people could assemble”) were harshly punished by the instructors. Instructors used food as a weapon of fear and cut rations for any mistake. Other forms of punishment were also instituted – Shin’s middle finger was cut off at the first knuckle for accidentally dropped a sewing machine.

The idea of having a friend was alien to Shin because inside camp they were all inmates. Shin remarked that

prisoners lived by the mantras “even your own back, which you cannot see, you have to be careful of” and “anything that you say during the day, the birds will hear and anything you say at night the mice can hear.” These mantras served as a constant reminder to trust no one. While living in the camp, Shin did not feel that he was treated unfairly. Whatever the instructors said was the law, and it was the only life he knew. However, the idea

that he would be in prison until his death weighed heavily on his heart. Since no one escaped from the camp, he knew his only out was to die of old age, public execution held twice per year, or a work accident. Despite the hopelessness of his situation, his primary concern was to work hard so he could get the chance to be married.

Similar to many of the prison-

SEE SHIN, PAGE 8

International Negotiating in S. Korea

Mikelis Munters

In Korean folklore, the magpie, or *kkachi*, in Korean, is an auspicious omen. As the custom goes, If one sees a *kkachi* at the beginning of a journey, then the trip will result in many friendships and good fortune. What chance that upon arriving in Seoul for the final negotiation of our International Business Negotiations course we had the luck to glimpse these clever, talkative birds all about Seoul. As fortune would appropriately have it, *kkachi* is the mascot of our negotiation partners’ alma mater, Seoul National University.

This adventure took place last semester, when a handful of students including myself had an incredible opportunity to truly broaden our legal educations beyond the narrow confines of purely academic concerns. A common resounding complaint about the state of legal education is that it fails to truly prepare lawyers for the workplace. Both students and employers often lament that the first years of a new lawyer’s practice are spent in recovery from academic speculations, and being gently nudged up to speed in real life practice. What Santa Clara offered us last year was a better way out, and as far as I am aware, no other law school has really established such an exciting, engaging, and truly educational opportunity.

Keenly aware of students’ interest in real-life, hands-on experience, and the need for international networking for future success in the global legal economy, Professor Jimenez set out to develop a class that would really address the needs of today’s law students. International Business Negotiations is the result.

The class has been offered before, but in a slightly different format, as it was still a sort of pilot in its earlier instances. The premise is teams of students from two global universities take on the roles of two sides of a potential international business deal, and proceed to engage in negotiations to work out the details of an agreement.

This time, a group of about twenty students enrolled from Santa Clara. All of the students had taken some combination of international law, business law, and negotiations courses, and a demonstrated interest in the convergence of these topics was prereq-

uisite. We played the part of a Silicon Valley nanotechnology startup looking to license our valuable patents.

On the other side of the negotiations table were students from the prestigious Seoul National University law school. They played the part of a large Korean manufacturing concern, with an interest in expanding into the green battery market. Save for our final in-person negotiation in Seoul, our interactions took place from Santa Clara to Seoul via life teleconference.

Of course, learning about the technical side of international licensing agreements was intellectually edifying. But, as anyone can guess, the real excitement began when we arrived in snowy Seoul for our final negotiation. Like most things in life, the individuals you meet mean much more than the facts you know, and this trip was a unique opportunity to acquaint ourselves face to face with both current, and up and coming players in the Korean legal market.

Sandoval Appointment to PUC

CONTINUED FROM PAGE 4

inadequate emphasis on safety? But the big question is: what about the rest of the pipeline? Are they able to show enough proof that everything else was done properly? Or, do they have to go ahead and do other types of testing? For example, there is a water-based test where you can put water into certain segments of the pipeline to test it and find out if there are leaks or other pressure problems. That requires shutting down the pipelines and it is very expensive. But the risk is so huge. This testing is something that we need to seriously consider to prevent the loss of life and limb.

Q: On a general question of teaching law here. Many law professors teach a generalized form of law which is shared by most of the States in the U.S., as opposed to teaching California specific law, would you like to comment on why this is true, as opposed to teaching law courses that are more focused on teaching California law, and regulations.

A: I think this depends upon the course. However, I think the goal in law school is to teach people principles, not just what is the law but how to think about legal analysis. The analytical technique is not specific to any one state. Often Federal jurisdiction can be very important so knowledge

of Federal law is important. Knowing that Texas has “this rule” and Ohio has “that rule” and California has “a different rule” is very useful. I try to be sensitive in my Contracts class when California has taken a strong position in an area of law, to note that. Students will get a more California based approach when they study for the bar and I believe there are some other classes that are more California focused.

Q: You have worked in the government before, can you comment on the benefits of working for the government?

A: I worked for the Federal Communications Commission for six years, and I directed a department there. I was the Undersecretary and Staff Director for the Business, Transportation, and Health Agency for the State of California. I have worked in the Federal Government, the State Government, as an associate at a law firm. I think working in the government helps you think about the policy objectives you are trying to achieve through the law. I think legal training is very helpful to government work to keep you grounded in the law as you are analyzing policy proposals. It really helps you to think about the nexus between law and policy.



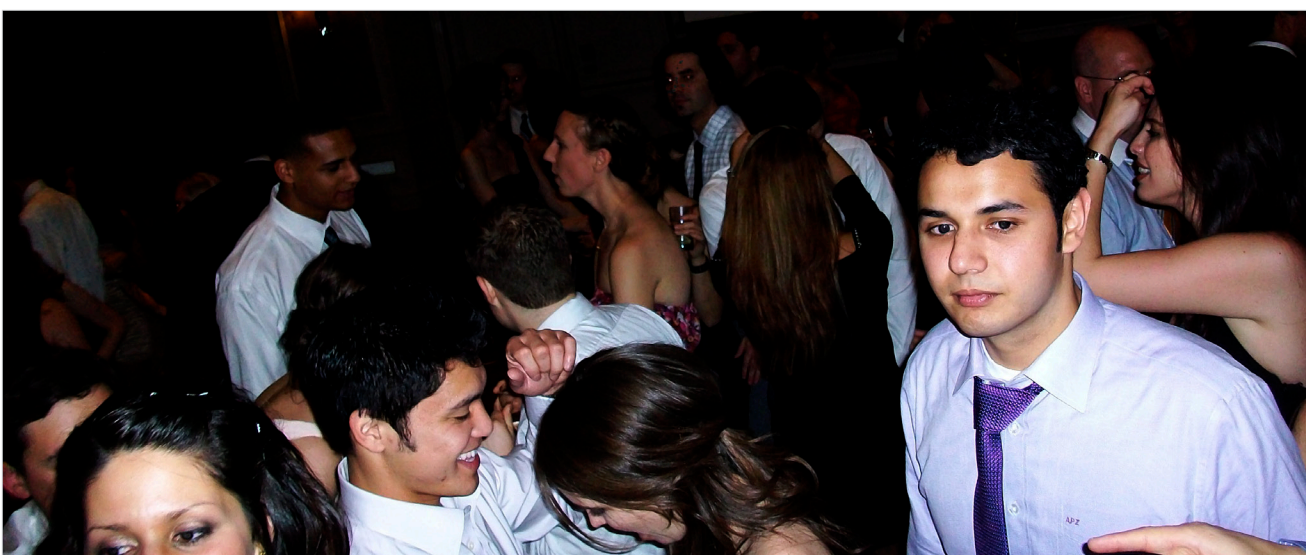
Courtesy of Facebook

face any 28 year old – the challenging world of dating, relationships, and making an income. However, Shin’s foundational conception of family and friends was fostered by his “instructors” that ensured that life was void of love and trust. Shin’s parents were assigned to each other by the camp instructors. Marriages were a privilege – a reward for hard work. Shin was allowed to live with his mother until he was 12, and then was taken away to work with other children. Shin called his parents mother and father out of habit but basically viewed his blood relatives as any other inmate.

The camp was organized into labor units. Tasks delegated to the prisoners included tending to pigs, collecting firewood, tanning leather, or working in a garment factory located behind the camp’s electrical fence. Each night after a day of grueling labor, the instructors assembled the prisoners around 7 or 8 p.m. for a “review.” In these sessions, prisoners were forced to “criticize” themselves for their personal mistakes and expose other prisoners who failed to fulfill their daily production quotas. Those who failed to meet the quotas or broke one of the camp’s ten rules that governed

BARRISTER

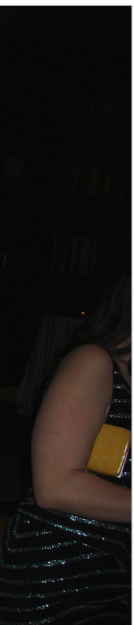
Santa Clara Law dines and dances at the School's Centennial and present awards at



ALL PHOTOS COURTESY

BARRISTER'S BALL

The annual Barrister's Ball, to celebrate the... at the Fairmont Hotel, Downtown San Jose.



International Moot Court Competition

Greg Williams

Snow flurries fell gently to the ground outside Elements, a bar located in a strip of bars in the downtown area of beautiful White Plains, New York. We were huddled at a table next to the door. The room was filled with all of the teams that had participated in the first round of the ICC Moot Court competition, as well as the organizers that had gathered us there to hear the results. The music stopped, the room quieted down and the results were read. We were shocked.

The journey to White Plains was no where near as simple as the flight to JFK and the quick one hour journey on the Metro North rail implied. Clay Cheney, Lauren Emry, Sam Forbes-Roberts, Peter Felton and I are members of Santa Clara's ICC Moot Court team. We tried out in September to appear in front of a fictional international criminal court bench and compete in a trial competition that placed us in three roles: prosecutor,



defense and victims' advocate. After the team was assembled, we met with our coach, the incomparable Professor Beth Van Schaack, and set forth on becoming experts in international criminal law.

After the problem was released in October, we volunteered to take on different roles for oral advocacy and brief writing. Sam and Peter took the prosecution's side, Lauren and Clay the defense, leaving me to cover the victims. Van Schaack pushed us hard and we quickly found ourselves immersed deeply into international court decisions, treaties and issues of the UN charter. The issue involved the crime of aggression, a charge that is a newcomer on the international scene, but an important one that is at the threshold of all other crimes involving conflict.

It is hard to imagine another moot court team working as closely as we did. We split up research assignments and, when told that only three of us could argue, chose the oralists in a way that did not hurt anyone's feelings or bruise any egos. With speakers

chosen and the memorials submitted, we began to moot our case.

The initial moots were probably the most nerve wracking of all. It did not take long for our teammates, our coach and other faculty members to isolate our weaknesses. Each moot brought its own challenge but after two with faculty and another in front of Van Schaack's international criminal law class, we felt ready.

We arrived in White Plains and checked into our hotel. A few dozen well dressed law students from around North America surrounded us. A shuttle van took us to Pace Law School where we were greeted by a reception, keynote address and dinner. The rules were explained once again and we were whisked back to the hotel. After getting back, we gathered several of the lush lobby chairs into a circle and talked strategy for the next day. Sam at 9:00, Lauren at 1:30 and I would go at 3:30. The lineup was set.

We arrived back at the school the next day and each took our turn with the judges. After each round, we parleyed and refined our strategy.

The judges, from all walks of legal life, presented unique personalities and challenges. There were three per round and they ranged from utterly silent to so active on the bench that it was hard to get a word in edge wise. The questions were hard and the opponents talented. At the end of the day, however, we were proud of how we represented our school.

At the end of the first round, we ambled back to the shuttle bus to the hotel, mentally exhausted from the stress of the day. We ate dinner as a team, and despite the nerves of the upcoming results and the exhaustion from a hard fought day, we managed quite a few laughs over burgers bought with Santa Clara's per diem. After our feast, it was time to see how we stacked up against the other schools. Back to the aforementioned bar, Elements.

The results were read. As we were team one, we knew immediately that we had not advanced.

My father, an attorney practicing since 1974, has always made sure

SEE MOOT COURT, PAGE 11

The XOX Experience: Brunch Drunk Love in Fort Mason

Robyn Morris

I love orange juice. I love champagne. Combine the two and tell me there's an endless supply? I'm there.

Fort Mason in San Francisco provided the backdrop to a Valentine's Day themed event on February 12th titled "The XOX Experience: Brunch Drunk Love." The event, presented by the San Francisco promotion team EyeHeartSF, touted bottomless mimosas and brunch along with some music to set the mood. Unfortunately, I left feeling it would



Perhaps it was because I arrived a couple hours late, but food was almost nonexistent and apparently the mimosas did have a bottom. I had abstained from eating lunch thinking I would be able to score a nice warm meal at the event, but I was left with minimal options. The only viable choice was a breakfast slider: sausage, egg, and chipotle sauce sandwiched between a tiny bun. Looking back, I think my hunger definitely clouded my judgment because the slider somewhat resembled that questionable hot dog that's always left in the case at the movie theater. As it turns out, only those who sprung for the VIP tickets were provided with an adequate food selection.

The bar was plopped dead center of Fort Mason's Herbst Pavilion, a large space ideal for these kinds of events. However, the placement of the bar was a poor choice. Everyone was scrambling for the free mimosas (which at this point was purely champagne) and the center of the room evolved into a zoo of thirsty twenty-somethings. This made it difficult to get from one end of the room to the other without inadvertently becoming a little too familiar with those around you.

The event wasn't all bad. They did

showcase some interesting clothing lines of local designers, including my personal favorite, San FranPsycho, and the music rocked. A small group of party-goers gathered in front of the DJ booth, unashamed to get down with their bad selves, providing the rest of us some pure entertainment. I would be lying if I said I didn't get jiggy-wit-it as well. There were also games of Cornhole and Beer Pong taking place for those longing to relive

their undergrad days.

It was a warranted break from the stresses of school, and I wouldn't completely count out an EyeHeartSF event in the future. It never hurts to spend time with friends in the wonderful city of San Francisco. XOXO, SF. Future EyeHeartSF Events: <http://sfmardigras2011.eventbrite.com/> <http://steveaokiwarfield-fb.eventbrite.com/>

Shin Escapes Prison Camp

CONTINUED FROM PAGE 5

ers, Shin was not told why he was in the camp for much of his life. It was not until Shin was 14 that he was informed why he was in the camp. While being tortured for information about his mother's attempted escape, camp guards told him that members of his father's family collaborated with South Korea during the Korean War. His father was guilty because of his treasonous family, and Shin was guilty because he was his father's son. After Shin was tortured in an underground cell for seven months, he was forced to watch his mother be hanged in a public execution and his brother shot in the same day.

Shin first learned of the outside world from a new inmate who de-

scribed what meat tasted like. Shin said that because food is used as a tool to control the prisoner's minds, prisoners who were new to the camp ironically talked the most about food. The new inmate's stories about pork and chicken motivated Shin to try to escape from the camp. Shin did not go into detail about his escape but said he had pork the first night he reached China, and it was heavenly.

Shin was able to make it to South Korea and now splits his time between Seoul and the United States where he is learning English. Shin is now an author and a Senior Ambassador of LiNK, a grassroots organization dedicated to spreading awareness about the horrors of North Korean Political Camps.



Courtesy of Robyn Morris

have been more aptly titled "The XOX Experience: A Couple Snacks, Maybe a Little Buzzed, and Some Lukewarm Feelings."

DISAPPO*NTMENT
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DontBeAnAsterisk.com



Tips and Tricks for 3Ls on the Job Hunt

Carlos Rosario

By now, many have read the January 9th New York Times article by David Segal titled "Is Law School a Losing Game?" Segal discusses the debt problems facing recent law school graduates. His story covers a number of students who borrowed hundreds of thousands of dollars in student loans, and now cannot find a job that pays enough to cover their loans. As many Santa Clara upperclassmen now know, the jobs simply do not come to those who don't look for them.

The most successful in this recession have been those who cast the widest net. As budding lawyers, we must take responsibility for our job search and spend time learning how to effectively search for jobs.

Job Fairs

One resource 1Ls tend to overlook is job fairs. Every year I talk to at least a dozen students who didn't know how to register for legal job fairs until deadlines passed. Do not let this happen to you! Employers view the students at job fairs as more proactive, and in some cases more serious about the job. There are job fairs for international students, intellectual property students, minority students, government employers, public interest employers, trial attorneys, and so on.

Career fairs are similar to on-campus interviews. Spring semester students are provided a list of participating employers and submit their applications online. In early summer, students are told how many interviews they were offered and can then decide whether to fly out to the host city for the weekend.

To maximize your opportunities, apply your 1L year. Unfortunately, many of these job fairs limit the number of 2Ls that can apply. For instance, while 160 firms interview rising 2Ls at the Loyola Patent Law Interview Program, only 30 of those firms interview rising 3Ls. Therefore, it is imperative that students apply in early spring of their 1L year. Some job fairs have deadlines as soon as late February.

Interested in intellectual property? Registering for the Loyola Patent Law Interview Program and the San Francisco IP Law Association's Bay Area Job Fair is critical. Employers view the students at the Loyola fair as "serious" IP students, so register by March 7.

Networking

Everyone tells you to network, but no one tells you how to do it. It's like asking someone to explain how to prepare for law school, there is not one answer. You have to put yourself out there. Talk to anyone and everyone that you can, whether or not you are interested in a particular field because attorneys are always looking to help law students as much as possible. Get out there and take advantage of being a law student. There are bar associations in Santa Clara, San Mateo, and San Francisco counties filled with lawyers who love to take law students out to lunch. Get on Google and see what's out there. Talk to the 2Ls



and 3Ls. We are here to help. In my experience, the only thing stopping students from attending informational interviews, meetings, and events is the ever-present feeling of trepidation. In this economy, we can't afford to waste time doubting ourselves.

Externships

Use your externships as opportunities to network. Some of the best advice I received as a 1L was to string internships together. As of this semes-

ter I've had five internships, and the contacts I made at each job put me in touch with someone at the next internship. Some of the best networking can be done in the legal departments where you intern, so take advantage and meet as many of your coworkers as you can. Although this may lead to internships outside of the south bay, don't be afraid to widen your network.

This may seem like basic job info, but I think too many of us sell our-

Lethal Injections Under Fire

CONTINUED FROM PAGE 3

production and a sustained source of overseas suppliers. Both turn on public sentiment four-thousand miles away.

Spread of Bans

Britain, responding to public outcry that its medicinal compounds were used for capital punishment in the United States, instituted a ban on the export of sodium thiopental in late November. The next month, Germany's health minister began urging German pharmaceutical companies to refrain from selling sodium thiopental to the United States. The states' overseas supply channels were closing up.

In December, the Italian parliament resolved to allow Hospira's export of sodium thiopental only if the manufacturer would guarantee the drug would not be used for capital punishment. Hospira and its distributors spent a month discussing their ability to satisfy the Italian re-

quirement before issuing an announcement on January 21 that production of sodium thiopental would not be resumed. The only American source of sodium thiopental, and the only source approved by the FDA, left the market.

The New Split in the States

States have gone two routes in responding to sodium thiopental shortages: purchasing from non-American distributors and switching to alternative barbiturates. Reprieve,

a London-based human rights group, published Georgia court documents in early January which finally identified the mysterious supplier whose drugs made their way to California, Arizona, Oklahoma, Kentucky and Ohio as West London's Dream Pharma. While the British ban forecloses the possibility Dream Pharma will be a viable future source, not all international distributors are under export bans. On January 7, Nebraska bought five-hundred grams of sodium thiopental from India. China and Pakistan also manufacture the drug.

Developments following Dream

Pharma's exposure illustrate the risks of buying from mysterious sources.

The West London company, which shares space with the Elgone Driving Academy, maintains it broke no laws. However, questions surrounding the company's legitimacy still formed the basis of several legal challenges. Attorneys for inmates describe Dream Pharma as a "ramshackle, one-man operation run

from the back of a driving school." Yet, Arkansas Department of Correction Assistant Director Dina Tyler asserts officials "feel very comfortable with [their] supply." With supplies capable of executing several hundred inmates lasting until 2014 the states who bought from Dream Pharma are fortunate to feel such comfort.

Oklahoma's choice of switching to alternative drugs such as pentobarbital, has also been subject to challenge.

In addition to facing arguments that the drug has not been adequately tested for human execution, states such as Oklahoma whose statutes specify an "ultrashort-acting barbiturate" may require legislative amendment to allow non-ultrashort-acting barbiturates. The Tenth Circuit, hearing *Pavatt v. Jones* on appeal, did not find this distinction compels the conclusion Oklahoma violated inmates' due process rights. Other circuits and the Supreme Court have yet to weigh-in. The week following Hospira's announcement that it would not restart production, Ohio announced its switch to pentobarbital. Tennessee and Kentucky are reported to be considering the change.

Final Considerations

For almost four decades, Eighth Amendment suits have been filed, citizens have protested, stays and pardons have peppered states' death rows. Now, domestic markets and international public sentiment have fractured state execution procedures without a change in law. Remarkably, the states' reactions to diminishing sodium thiopental supply has not relied upon popular input or representative action from within their borders. Even admonishments by congressmen and orders by Judges failed to bring administrative action fully within public view. As concerns regarding efficiency and public sentiment led states to adopt Oklahoma's means of lethal injection in the 70s, it remains to be seen whether international disapproval of capital punishment or domestic discomfort with single-drug methods will eventually return the states to a single method of execution.



Charles Brooks Jr., first American executed by lethal injection

Seoul Amazes Negotiation Team

CONTINUED FROM PAGE 5

English language skills required to discuss, negotiate, and close international business deals. Foreign trained lawyers are frequently hired as foreign legal consultants (FLCs) to perform legal translation, engage with foreign clients, and make sure all of the proper international documents are in good order, and good English. These FLCs are not only paid well, but enjoy a respectable position in society, and life in one of the world's most dynamic super Metropolises.

Prior to the trip, at times the teleconference negotiations leading up to our final negotiation were heated, and often plagued by sub-par sound quality, which certainly proved a stumbling block to progress. Thus everyone was a bit nervous before finally meeting

for the last negotiations because of these previous difficulties. However, once we met in person, the situation was a total turn around.

Our Korean counterparts were sincere and forthcoming. Past miscommunication was immediately cleared up, common ground was found, and both pairs of teams came to agreements that all sides were happy with. It is amazing how face to face communication can stimulate progress in negotiation. When you meet a person in the flesh, the element of commonality and trust is strongly enhanced. This essentials of Koren business culture were highlighted by our in person negotiations. The importance of trust and friendship is an inseparable element of their legal and business culture and meeting our counterparts in person drove the point home.

The experience through this course was phenomenal. Not only did all of the students really hone their professional legal, business, and negotiations skills, we also all had a chance to see much more of the world, broaden our horizons, and develop lasting friendships. The chance to learn about new and lucrative opportunities in a booming business environment, and the chance to make acquaintances that are not only a way into those opportunities, but also true friends was a fantastic eye opening experience. The significance of the *kkachi* birds we saw all over Seoul National University's campus exceeds just folklore. The students who participated in this exchange were truly blessed with good fortune and sincere new friendships on account of their journey.

Thaibodia: Hidden El Camino Gem

Lannie Nguyen

Mouth-watering Thai food less than 1.5 miles from campus? How did I miss this? Tucked away on an El Camino strip mall



is a gem of a restaurant sandwiched between Mr. Chau's and an Indian grocer. Perhaps the overbearing Mr. Chau's sign sent me looking the other direction. Thaibodia's exterior could use a facelift but the interior was a pleasant surprise- clean and modern décor accented with beautiful wood-carved elephants and wall lattices. Combined with dish presentations that were serious eye candy, Thaibodia makes for an intimate dining experience on a modest budget.

It was Valentine's Day weekend so the "Crispy Love" appetizer was a must. A ground shrimp and cuttlefish cake blanketed in eggroll wrapper, fried to crispy perfection. Served with sweet and spicy sauce, the balanced flavors and juxtaposed textures of this

plate lived up to its intriguing name.

If you are not a fan of fish sauce, skip the green papaya salad. A heavy hand of fish sauce overpowered what should be a light and refreshing "salad" with a spicy kick. The Tom Yum Soup, however, was a comforting spoon of spicy and sour spices. The staple Thai soup did not disappoint- served in a flaming hot pot and brimming with chunks of lemongrass and what I suspect was a ginger

substitute for galanga root (the ginger seemed to actually sweeten the broth). The kitchen's specialty, Rock Cod Hor Mok, was another winner. Hor mok is a red curry with fresh cod, sweet basil, egg, drizzled with coconut milk, and traditionally served wrapped in banana leaves. What arrived on my plate was a dish wrapped in an aluminum foil dome, slit with an "X" to release the fragrant aroma of spicy curry and

cooling coconut milk.

I could not bring myself to order Pad Thai considering the variety of unique dishes on Thaibodia's menu. Take, for example, the "Angry" dish, which alludes to their special spicy sauce. For those looking for less spice, order the Pad Khee Mow. You will get flat noodles pan-fried with chicken, bell peppers, tomatoes, and sweet basil. Delicious without the burn.

A Thai dinner is not complete without the fried banana dessert. Paired with mango ice cream, this was definitely a treat without too much grease (relatively speaking).

Overall, Thaibodia was a pleasant experience with big portions ranging from about \$7-\$12 for dinner. It is perfect for family-style dining. The restaurant also has a beautiful bar stocked with quality soju and the usual beers and wine. Did I mention that there are flat screen televisions there, locked on ESPN, in case you did not want to miss a game during dinner? I was left with only one question: "Where was the Cambodian food fusion?"



Courtesy of Lannie Nguyen

Students Divide in Wake of SCU-Grad-Events-Gate

Some laughed, some cried, some pounded their fists and cried "unsubscribe." Some tried to help, some made jokes, and some screamed "please stop this email list, folks!" Whatever your reaction, in the interest of your satisfaction, The Advocate prints the best of the transaction.

From: "Nikit"

Date: January 20, 2011 6:29:27 AM PST

To: "SCU Grad-Events" <scu-grad-events@lists.scu.edu> Subject: [SCU-Grad-Events] (no subject)
Hi, Please add me to the list..! Thanks

From: "Isabella"

Date: January 20, 2011 9:16:12 AM PST

Subject: Re: [SCU-Grad-Events] (no subject)
Unsubscribe please. I never signed up for this list.

From: "Gregory"

Date: January 20, 2011 11:43:13 AM PST

I was told there would be cake on this list.

From: "Chun"

Date: January 20, 2011 11:56 AM PST

Can the admin remove me from the emailing list and stop this email chain? This is getting extremely annoying and I feel like my email inbox is being abused. It's kind of unprofessional and inappropriate for the University to allow such email chain to annoy its students.

From: "Steven"

Date: January 20, 2011 12:04:00 PM PST
the cake is a lie!!

From: "Matthew"

Date: January 20, 2011 12:09:40 PM PST
Unsubscribe.

From: "Eric"

Date: January 20, 2011 12:26:34 PM PST

If you agree that this email chain is annoying, then why would you reply to the list knowing that everyone is going to receive your email? That seems selfish.

From: "Garrett"

Date: January 20, 2011 12:42:15 PM PST

There has been a lot of talk about unsubscribe/subscribe, can someone please tell me the benefits of one over the other? I want to make an informed decision before taking any action.

From: "Lisa"

Date: January 20, 2011 1:08:38 PM PST

I second this very important question. Times are tough and as law students we need to consider the consequences of our actions as we 'gear up' for our careers. Someone please tell us how this will affect our workloads, job prospects, and personal lives. Also, will there be free

costco pizza provided at this informational meeting?

From: "Justin"

Date: January 20, 2011 2:06:09 PM PST

Pizza?!?

From: "Ryan"

Date: January 20, 2011 12:46:54 PM PST

Ok everyone needs to STOP replying to this email. I do not want to hear anymore ideas for the admin or jokes that are not funny about cake. Replying will not get you off the list it will only make more people mad. The best way to end this is to just stop replying. NO MORE EMAILS. NO more unsubscribing emails. Do NOT reply.
Sending an email asking to be removed is not helping. DO NOT WRITE THEM.

From: "Thomas"

Date: January 20, 2011 1:01:21 PM PST

Hello my esteemed persons,
I'm niGerian royalty, I've have large sum of money that I need to transfer out, I was wondering if anyone would like to help me with this problem, please subscribe....

From: "Angus"

Date: January 20, 2011 1:09:59 PM PST
TAKE ME OFF THIS DAMN LIST!!

From: "Aaron"

Date: January 20, 2011 1:22:43 PM PST

PLEASE DO NOT RAISE YOUR VOICE AT ME. cake.

From: "Jason"

Date: January 20, 2011 1:16:56 PM PST

Consider the fact that this list may be used for recruiting purposes. Or the fact that your future interviewer(s) may be reading this list. If you can't figure out how to use a mailing list, or how to conduct yourself on a mailing list, I doubt you'd get called in for any sort of interview.

From: "Matthew"

Date: January 20, 2011 2:07:35 PM PST

Is that supposed to be funny? If not, perhaps it is you who haven't figured out how to use this mailing list properly.

From: "Henry"

Date: January 20, 2011 1:26:19 PM PST

All I wanted to do was spend my Monday afternoon like I do every week: screening The Land Before Time II. I

have been interrupted countless times, so much so that I now consider requesting I be unsubscribed from this chain. It has been fun, but even rainbows have to end.

From: "Carl"

Date: January 20, 2011 3:23:22 PM PST

<http://www.youtube.com/watch?v=4R-7ZO411pI>

I heard a rumor there would be punch and pie.

From: "Benjamin"

Date: January 21, 2011 12:00:40 AM PST

"how to conduct yourself on a mailing list"..... classic. boner

From: "Amy"

Date: February 23, 2011 9:55:47 AM PST

To: "SCU Grad-Events"

Subject: [SCU-Grad-Events] unsubscribe

Can you please take me off this list? Thanks!

From: "Sean"

Date: February 23, 2011 11:07:55 AM PST

Can you also remove Darren Chamow from this distribution list? Thanks

From: "Christopher"

Date: February 23, 2011 11:26:06 AM PST

Please stop this chain. To unsubscribe go to <https://lists.scu.edu/mailman/listinfo/scu-grad-events> and fill out the bottom.

From: "Aaron"

Date: February 23, 2011 11:53:46 AM PST

Oh Lordy, so many super high strung humorless law students are going to be pissed you're starting this again. Good luck!

From: "Dominic"

Date: February 23, 2011 12:07:48 PM PST

But you're going to miss out on all the free cake!

From: "Joshua"

Date: February 23, 2011 12:03:57 PM PST

Oh gawd. This business again...

From: "SCU List Manager"

Date: February 23, 2011 2:29:32 PM PST

Subject: Re: + [SCU-Grad-Events]

Please don't contribute to the problem.

Thank you,
List Manager

Rumor Mill... Moral Character Check

Dean Erwin

Dear Rumor Mill,

I saw the recent email about "Underwear Girl" and saw all of the signs around the law school.



I don't understand the emphasis on monitoring our behavior when we aren't in school. What we do on our time off is our business, and really has nothing to do with the law school. What's the big deal?

*Signed,
I'll Party If I Want To*

Dear Party Guy,

You're right - it is your business.

Yet while it doesn't have anything to do with law school, it has EVERYTHING to do with your legal career, and that kind of makes it our business too because we hope to see all of you become successful lawyers who lead.

In your third year, you will fill out an application to the State Bar Association to pass a Moral Character Review. You cannot be an attorney unless you pass this review. You won't pass this review if your antics end up in some sort of a report (police, campus safety, complaint to the university, complaint to the law school), which the bar will get. The Bar assumes that law students are grown-ups and ANY proof to the contrary is cause for concern. Once concerned, they will pull your application and do a full investigation of your moral

character, which could take years. If your antics are in anyway related to drugs or alcohol, they will be twice as concerned and may make you attend years of substance abuse programming before even considering your application.

So . . . yes you are right, if you want to damage your legal career before it starts, it's your business.

Dear Rumor Mill,

I saw the Underwear Girl email. You seem to be spending a lot of time preaching to the small minority of law students who are still reliving their undergrad years. Most of us are adults and understand that our legal career has already started. If we aren't getting drunk every Thursday through Sunday, can we just ignore

your reminders?

*Signed,
I'm a Grown Up
Dear Grown Up,*

Thank you so much for asking and giving me the opportunity to talk about the other behavior-related issue - your reputation. As you said, your legal career has started. Please take a minute right now and picture yourself as an attorney working in the bay area 10 years from now. What would you honestly do if you came into contact with one of these old classmates:

- the guy who actually was drunk every Thursday - Sunday
- the girl that asked you to sign the attendance sheet for her when she was absent
- the guy who bragged that he was going to get an A in LARAW because his dad-the-attorney wrote his paper for him
- the girl that asked you to email her your answers on the take home exam
- the guy in the other section who never missed an opportunity to tell an off-color joke or make an inappropriate remark
- the girl who bragged about taking her Crim Law exam while wasted
- that guy who picked fights every time he was inebriated
- the girl that was always angry and incredibly rude to everyone
- the guy in your group who turned in only a quarter of his section of the group project, 2 days after it was due
- the girl who told the truth . . . most of the time
- or the guy who drew illustrations of other students on the attendance sheets

Would you hire any of them? Would you trust them? Would you want them representing your firm or your client? Would you want to have to work with them everyday? What would you say if someone asked you for a reference for this person? And most importantly . . . Are one of these people YOU? If so, you will be remembered.

Tunisia Inspires Middle East Protests

CONTINUED FROM FRONT PAGE

building on Jan. 17. Through the use of media and social networking sites, such as the Facebook group "We are All Khaled Said" (Said was a young Egyptian man alleged to have been beaten and killed by police forces in June of 2010), civic unrest grew. Demonstrations were scheduled for Jan. 25, Egypt's "National Police Day."

On Jan. 25, tens of thousands filed into the streets of Cairo. Three days later, massive protests and demonstrations occurred. The Egyptian government, fearful that the unrest would break down into violence, called in the military to reinforce police forces. It shut down access to the internet. On January 29, the government instituted a 10 p.m. curfew. They placed snipers on roofs throughout Cairo.

The beginning of February saw the protests break down into violence. On February 10, Mubarak addressed the crowds in Cairo, stating that he would resign the presidency, but stay on as the head of state. By Feb. 13, the Egyptian military (the Supreme Council of Egyptian Armed Forces) suspended the country's Constitution, deposing Mubarak and dissolving the parliament. The military has ensured they will only rule for six months or until the people can set up elections.

During the entire process, the media keyed in upon the social networking aspect of the protests, and how the internet played a vital role in transmitting the social upheaval as it took place (despite Mubarak's administration's efforts to shut any internet connections).

I watched the news of Egypt's revolution with an invested interest because a friend had been working in Cairo at the time the protests broke out. The news reports updated me with reports of how the country was faring, but for reports on how my friend was faring, I turned to Facebook. She provided status updates before losing internet connections, ranging from witnessing protestors get pelted with rubber bullets and tear gas grenades to seeing snipers crawl around rooftops once the curfew was instituted.

Once she lost her internet connec-

tion, I still checked her profile page as her mother relayed information from phone calls. After Mubarak was thrown out of office and the ban lifted, I watched her page fill with comments from her various colleagues, cheering their success. With a revolution that occurred worlds away, social networking and media sites empowered protestors with the ability to share their personal struggles with the rest of the world. Social media sites had become yet another tool in breaking the dam.

The revolution inertia did not stop with Egypt. Just a day after Mubarak lost control of his government, Yemen, Jordan, and Algeria all saw protestors rise up and challenge the incumbent government. People inspired by those in Egypt, demanded that their central dictators relinquish power or guarantee their basics.

Iran, which saw mass protest a year ago in effort to topple President Ahmadienjad in elections, once again witnessed demonstrations and riots expressing wide opposition to the country's dictator. Ahmadienjad, on the same day applauding the democratic protests in Egypt and Murabak's

overthrow, used police forces to lock away opposition leaders. Thousands, at the time of this writing, continue to march on Tehran, demanding Ahmadienjad's resignation.

Within the past week, demonstrations and protests exploded in Morocco, Libya, Bahrain, and Iraq. Multiple presidents from North African and Middle Eastern countries, including Iraq's Prime Minister al-Maliki have announced they will not seek reelection in order to promote democratic processes.

What began as an outburst of social discontent among poor vendors in Tunisia took hold as a radical notion that the will of the people could make demands of their governments, if not come to define them. For more than half a century, the Middle East and Arab world has been ruled by dictatorial regimes. While it will take some time before we truly understand what repercussions these widespread social uprisings will have, for the time being, democracy has found its way into the Middle East.

More than Advocacy at Moot Court

CONTINUED FROM PAGE 8

that I recognized one thing about law: Even when you think you are right, you may still lose. It just might not be your day.

We had worked incredibly hard on our memorials and our oral advocacy. We were shocked at first and maybe bitter for longer than we were entitled, but in the end it just wasn't our day. Each one of us was proud of our accomplishments and no matter what the result, it had no bearing on our experience.

In case we had reason to attend the

award ceremony, our flight home was schedule for the following Monday. Perhaps a bit of wishful thinking, in retrospect. Instead, we found ourselves with free time and returned to New York City to catch a morning flight. As our time together as a team faded into the cool NYC evening, we took a group picture in central park and vowing to convince Santa Clara to let us do this again.

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.

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

CROSSWORD SOLUTION

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Careless Behavior May Cost You a Career

Dominic Dutra



Every year, hundreds of law students around the country are denied admission to their state bar because of moral character issues. In California, students applying to the bar are required to submit an extensive application disclosing any significant behavioral issues. Yet despite the seriousness of this looming paperwork as the final key to acquiring the 'esquire' in their names, law students everywhere, including Santa Clara University, engage in behavior during law school sure to draw the attention of the bar subcommittee of moral character.

The sad truth is that at SCU, the stories about 'underwear girl,' drunken interactions with professors, throwing up on the Dean's shoes—all at school sponsored events—are told over and over again because they are true. Those shortsighted souls simply lacked the wherewithal to imbibe

less, instead reliving undergraduate debauchery in full form.

Granted, there are few among us who haven't partied a little too hard while in school.

However, partying a little too hard in the vicinity of professors, employers, and alas, your future colleagues (that's right, your classmates) is bound to make lasting irreparable impressions which may haunt you throughout your professional legal life—even if you do make it past the moral gatekeepers at the California Bar.

A majority of moral behavioral issues undoubtedly result from indiscriminate drinking and other substance abuse, yet it does not seem to occur to many students that staying (more) sober is not a definitive solution. Gossip, verbal harassment, outspoken rudeness and lewdness, and impermissible disclosure of personal information to third parties, are only a few of the host of substance-free immoral behaviors oft-ignored by students. Many of these behaviors won't get your application to the bar denied, however most if not all of them will build ill-will with your future colleagues and employers (CLASSMATES). Telling legitimate secrets about one classmate to another is not only immature and immoral; it breaches one of the most hallowed duties attorneys are required to uphold—confidentiality to their clients.

Now I am rarely one to stand on a moral soapbox and preach to the masses, but this is an issue that trumps hypocrisy. After hearing the ludicrous and embarrassing accusations, fabrications and (gulp) truths floating through gossip circles this year and having my own intimate personal information dropped in the ears of people I hardly

know, it became incredibly clear that many in our student body are clueless about the seriousness of these indiscretions.

I have been very fortunate to meet, befriend and know a great number of Santa Clara Law students whose character, integrity, and objectively good nature I really admire. At the same time however, I have unfortunately, especially recently, become acquainted with several fellow students whose cattiness, vindictiveness, and utter lack of character and integrity has been appalling. This latter category of people very quickly found their way into a group of classmates whom I would never consider hiring, nor recommend for hire in the legal marketplace.

Though that statement may not carry much weight coming from me personally, I beseech you, my fellow law students, to consider the impact that such opinions would have coming from even just 10 or 20 of your classmates, let alone more. Reputation is everything in the legal profession, and if you've somehow missed it,



realize how small Santa Clara is. Word travels rapidly to people you know, and even more rapidly to the people you don't know, whose opinions of you will be far less

patient than your friends'.

For anyone who still doubts how fragile our reputations are, and how vulnerable our moral character determinations are, I share the story of an SCU Law graduate who agreed to discuss his own plight. The student, whom I will call "John," graduated from SCU in 2009 after finishing the JD/MBA program. We agreed to grant John anonymity to protect from further harm to his reputation, and as a condition of his current employment.

In his final year at SCU, John was reported for smoking marijuana in his campus dorm room, and a personal conduct report was filed by the law school. John was subsequently required to disclose the incident on his moral character application when he sought admission to the bar.

"Before going to law school, you think 'hey look, all I have to do is do well, pass the bar, and then I'm good, that's it.' I didn't even realize there was this moral requirement that you have to meet, and it's serious. If there's any thing... especially if they're recent, you know they take that seriously."

After John disclosed the incident, he waited a very long time for determination of his moral character. "I submitted my application, completed, six months before it even mattered. I didn't get my license until like six to eight months after I passed the bar. It took a long, long time."

After inquiring repeatedly about the status of his application, he was finally told it had been 'escalated' to

a more 'senior' analyst [committee-member]. A while thereafter he finally received a letter for a hearing.

John chose to hire an attorney for the hearing; "I think it's one of those factors they [the committee] look positively upon, that you're taking it seriously... But the attorneys you hire run like \$3,000 to \$5,000, and they don't do anything. They just sit there... but it's money you have to spend, and it's money no one really has after you graduate." Finally, two to three months after the hearing, John finally received his license to practice law in California.



"The major learning experience from something like this, is everything you do, regardless of how innocent it may seem, how many people may deem it insignificant—and that's a pretty good example of something that most people don't find very repulsive in this state—you have a higher standard that you have to meet, so you really have to think before you do anything. Something like a DUI or anything like that, and you're risking your entire career or license for a \$10 cab ride."

Though John was fortunate enough to finally receive his license, it came

at a significant cost. John was in the top 10 percent of his class at SCU, and had a job at a major firm in the area who granted John a bar stipend. When the incident occurred, John had to go to the firm and inform them of the incident and the jeopardy his moral character determination was in.

Because he was forthright about it and took all the steps he could to remedy the situation, the firm kept him on, and still granted the bar stipend. However, John was forced to take a deferral until (presumably) he was admitted to the bar. Though the firm did pay him a 'subsidy' of around 30 percent during that year, John forfeited "about \$100,000" of salary by not being able to start working right away, in addition to his school-loan debt, and the legal costs incurred from this ordeal.

Students who doubt that their wanton actions in law school are serious, or underestimate their action's effects on reputation and professional standing, should contemplate what John's story really means.

For behavior treated as only an infraction with a fine of \$100 under California law, John jeopardized his legal career, and deprived his bank account of \$100,000 in earnings.

CROSSWORD PUZZLE

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- 10 Tempo
- 14 Decrease
- 15 Dwarf buffalo
- 16 Aquatic bird
- 17 Ohio city
- 19 Sharp
- 20 Bristle
- 21 Noblewoman
- 23 Fr. saint (Abbr.)
- 24 Merriment
- 25 Bowman
- 27 Singer Callas
- 31 Lightweight wood
- 33 Remediate
- 34 Witches
- 35 Mouth off
- 39 Fixes
- 40 Beer relative
- 41 Digress
- 42 Wager
- 43 Fastened
- 44 Badger
- 45 Iniquities
- 47 Rounded
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- 57 Tobacco holder
- 61 Redact
- 63 Building toy
- 65 Deceptive maneuver
- 66 Aspect
- 67 Mason's Street

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- 13 Go in _____
- 18 So. school inits.
- 22 Annums (Abbr.)
- 24 Crazes
- 26 Fmr. president
- 27 Parent
- 28 Prayer word
- 29 Lease
- 30 So _____
- 31 Bundles
- 32 Elderly
- 34 Applaud
- 36 Saddle horse
- 37 Flower holder
- 38 Saw _____
- 41 Pack _____
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- 46 Ex-serviceman
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- 49 Summate
- 50 Racket
- 51 Confronts (Abbr.)
- 52 Time zone
- 55 Solo
- 56 Make over
- 57 Homework
- 58 Cay _____
- 59 Hawaiian volcano goddess
- 60 Gr. letters
- 62 Turner or Williams
- 64 Lyric poem

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- 2 Double-reed instrument
- 3 Tense
- 4 Bunsen burner
- 5 Temp. (Abbr.)
- 6 Romance language
- 7 Organic compound
- 8 Hawkeye State
- 9 Shoes _____