



# THE ADVOCATE

SANTA CLARA UNIVERSITY SCHOOL OF LAW

School of Law Newspaper Since 1970

THURSDAY, MARCH 22

Volume 42 Issue 4

## Prof. Van Schaack Named to State Dept. Post

*Professor Beth Van Schaack is appointed deputy to U.S. Ambassador at large for War Crimes Issues*

By Gregory Williams

On March 12th, Santa Clara School of Law formally announced on its web site something that had quietly been known by some for months:

Prof. Beth Van Schaack is taking an extended leave of absence in order to serve as Deputy to U.S. Ambassador-At-Large for War Crimes Issues, Stephen Rapp. This position, which operates out of the State Department's Office of Global Criminal Justice, may last up to two years.

In her role with the State Department, Prof. Van Schaack will work with international tribunals, non-governmental organizations and foreign governments to ensure that those that commit international crimes

are held accountable according to international human rights law. In addition to these duties, she will aid Ambassador Rapp in formulating policy involving transitional justice, which will aid nations scourged by human rights abuses in obtaining restorative justice through the use of truth commissions and commissions of inquiry.

During her farewell reception, Prof. Van Schaack mingled with many professors and students who were sorry to see her go.

Despite all of sadness that comes with parting ways with ones students, friends and colleagues, Prof. Van Shaack is upbeat about the adventure that perusing human



PHOTO COURTESY: ADVOCATE STAFF

Professor Van Schaack enjoys time with students, faculty, at her going-away party on Monday, March 19 2012.

rights and international justice with the United States State Department and the prospect of living in our nationals capital.

Van Schaack's resume is impressive. She has been a presecutorial advisor for crimes in Uganda and Cambodia. She also served as an executive director at the international human-rights law group Center for Justice and Accountability. In 2002 she served as defense counsel for John Walker Lindh, an American ultimately convicted of joining the Taliban. As an observer for a non-governmental organization delegate, she has attended sessions of the Human Rights Council in Geneva, Switzerland, and other various U.N. governing bodies.

While there is no doubt that her strong resume pursuing international justice will serve her well in her new post, there is also no doubt that she will be sorely missed here at Santa Clara.

*Santa Clara Law external communications contributed to this article.*

## A Local Lin-derella Story

By Amanda Demetrus

With the NBA lock-out casting a shadow over the 2012 season, the league owners were desperately searching for a way to make up for the loss of Basketball Related Income from two months of missed playing time. Their prayers may have been answered in the form of a 24 year old, 6 feet 10 inches tall Asian-American player out of Harvard. Jeremy Lin's style had kept him off the radar of many scouts and analysts but in true American underdog fashion, Lin has skyrocketed into the NBA spotlight. Lin represents every high school basketball player's dream, he is a pioneer in the field of Asian-American basketball stars, and his story of tribulations plays out like the beginning of every great sports movie.

Jeremy Lin grew up in the Bay Area and played basketball for Palo Alto High School, where he led the Paly Vikings to win the 2006 California State Championship. Lin dreamed of playing college ball for UCLA or Berkeley but both schools only offered him the chance for a walk on position. Instead, Lin chose to attend Harvard where he was guaranteed a position to play ball for the Crimson. Lin fit the Harvard bill, graduating Paly with an impressive 4.2 academic GPA. He played well during his time at Harvard becoming the first player in Ivy League history to record 1,450 points, 450 rebounds, 400 assists and 200 steals.

Despite his impressive college play, Lin remained undrafted by the NBA. The New York Times reported scouts saw "a smart passer with a flawed jump shot and a thin

frame, who might not have the strength and athleticism to defend, create his own show or finish at the rim in the NBA." Lin continued to play in summer leagues and was ultimately offered a contract in 2010 with his home team, the Golden State Warriors. Lin's rookie season was mediocre, and left fans questioning his future. Lin was later traded to the Houston Rockets where he played for a total of seven game minutes before being traded to the New York Knicks.

When he joined the team, Lin was fourth in line for the starting point guard position. The Knicks season had thus far been abysmal. They played an embarrassing game against the Celtics, which exemplified the team's unimpressive 8 and 15 record. With power players Carmello Anthony injured and Amare Stoudemire absent, Coach Mike D'Antoni to took a chance on Lin. While the team still lost, Lin played the second half and stunned audiences.

The following game, Lin started as point guard and was welcomed by overwhelming fan support. Lin out-played All-Star guard Deron Williams with 25 points, five rebounds and seven assists securing a victory over the New Jersey Nets. At that point, Lin-sanity was born. The hype continued as the Knicks went 9 and 1 after Lin started as the primary guard. Here are some of the ways Linsanity has swept the nation:

- Lin dominated in a 92-85 win over the legendary Kobe Bryant and the esteemed Los Angeles Lakers. (Note: Author is a Laker's fan and impresses upon the reader the remarkable nature of the situation)

- Lin has already graced the cover of Sports Illustrated and his name has been



## California's Sixth District Court of Appeal at SCU Law



PHOTO COURTESY: ADVOCATE STAFF

The Sixth District Court of Appeal heard arguments on March 20 in the Panelli court room. The justices heard oral arguments in *Zarate v. Morgan*, *Blessing-Moore v. Reyes, et al.*, and *People v. Grant*. The Advocate's former Editor Emeritus Allonn Levy argued in one of the cases as well. All students were invited to join, and ask questions afterwards. Students joined the justices for lunch afterwards. From Left to Right: Justice Brian Walsh, Molly Sundstrom 3L, Lou Limon 3L, Christian Cornejo 3L, Adam Rust 2L, Justice Patricia Bamattre-Manoukian, Sherrett Walker 3L, Natalie Korthamar 3L, Ralph Robles 3L, Justice Nathan D. Mihara, Dean Donald Polden.

Continued on Backpage  
See "A LIN-DERELLA STORY"

**STAFF**

**Editor-in-Chief**  
Martin Behn

**Managing Editor**  
Amy Askin

**News Editor**  
B.P. Broadmeadow

**Feature/ Entertainment Editor**  
Matthew Dedon

**Opinion Editor**  
Gregory Williams

**Photo Editor**  
Matt Izzi

**Staff Writers**  
Michael Branson  
Amanda Demetrus  
Colin Glassey  
Jake McGowan

**Guest Writers**  
Tom Skinner  
Clayton Cheney  
Jeremiah Johnson

**Editor Emeritus**  
Dominic Dutra

*The Advocate* is the student news and literary publication of Santa Clara University School of Law, and has a circulation of 1,000. The Features, Opinion, & Entertainment sections of *The Advocate* are articles that reflect the viewpoint of the authors, and not the opinion of Santa Clara University, *The Advocate* or its editors. *The Advocate* is staffed by law students. Printing is contracted to Fricke-Parks Press of Union City, California.

Article submissions to *The Advocate* are encouraged and welcomed from all law students, faculty, alumni, and administrators. Please contact the Editor-in-Chief about format requirements and submission dates. Letters to the Editor are encouraged. Letters should not exceed 250 words. All submissions are published at the sole discretion of *The Advocate* and may be edited for length, grammar and clarity.

If interested in placing an advertisement with *The Advocate*, please contact the Editor-in-Chief by e-mail for advertising rates. *The Advocate* reserves the right not to accept an advertisement for any reason.

Santa Clara University  
School of Law  
500 El Camino Real  
Santa Clara, CA 95053-0426

Contact *The Advocate* at  
[SCUAdvocate@gmail.com](mailto:SCUAdvocate@gmail.com)

Copyright 2012.

# School, State, Nation and World

## SCHOOL NEWS

**WHITE PLAINS, NY** - *Jamie Ormand 3L, Jeremy Treanor 2L* and *Diana Fazely 3L* won oralist awards in two of their three rounds on February 23-25.

**DAVIS, CA** - Emily Ellison, *Sarah Sanders 3L, Camille Perrine 3L*, and *Doug Dionneas 2L* competed in the ABA Client Counseling with the topic of Education Law on February 18. The team narrowly missed advancing to the final four.

**PHILADELPHIA, PA** - *John Dombrowski 3L* and *Rachel Fischbein 3L* competed in the First IP Law Transactional Lawyering Meet on February 23-24.

**LOS ANGELES, CA** - *Peter John Veysey 2L* and *Lisa Morrish 2L* competed in the 9th Annual National Animal Law Competition on February 24-26. *Kristi Kattera Martin*

*3L* competed for the SCU team for Legislative Drafting. Veysey garnered many votes for best oral advocate, and awarded a rare perfect score. Martin finished third place overall.

**PORTLAND, OR** - *Amy Askin 2L, Yan Li 2L*, and *Shikha Mittal 2L* and *Jacob Minne 2L*, competed in the 53 Annual Philip C. Jessup International Law Moot court Competition on March 1-4.

**STATE**  
**SAN FRANCISCO, CA** - The 49er's sign Alex Smith to three years at 24 million dollars. The Stadium slated for Santa Clara was given the final okay just days before, and is projected to cost 1.2 billion. The stadium will be next to Great America.

**OAKLAND, CA** - Occupy Oakland protesters will face hate crime charges after altercations at a rally. The presid-

ing *Judge Paul Attilio Delucchi* is an alumni from Santa Clara Law.

**SAN JOSE, CA** - San Jose's Garden City Casino is being revamped into a \$50 million dollar gaming retreat near SJC airport. San Jose currently brings in \$8 million in gambling revenue. There may be a very pricy hotel in the works as well.

**TECHNOLOGY**  
**SAN JOSE, CA** - Paypal introduces a device to battle square. The device will allow users and stores to "Get paid anywhere". The card reader will be free, but there will likely be charges attached.

**CUPERTINO, CA** - Apple proposes a new nano-SIM. The proposal is a push in Europe for new standards. Motorola, Nokia and RIM are all giving push-back to the proposal.

**WASHINGTON, D.C.** - The court struck down *Mayo v. Prometheus*. The case was about a patent method for administering drugs. Justice Breyer went into detail about how the patent failed under 101 considerations. The decision was unanimous amongst all the justices.

**PALO ALTO, CA** - Hewlett-Packard has announced a merger with Image and Printing Group, and Personal Systems Group. It is another display of the discord between the three CEOs and their competing visions over the past couple of years.

**ENTERTAINMENT**  
**LOS GATOS, CA** - The local streaming company Netflix announced it will create new content to be delivered through its service. "Hemlock Grove" will premiere in 2013 under the direction of Eli Roth.

## New Benches and Statue Unveiled, Dedicated to Family



*The new statue on campus celebrating family dedicated February, 2012 in honor of Louis and Dorina Brutocao. The Brutocao Family Foundation commissioned the work. The statue has various quotes reproduced below the piece about family from famous people. The foundation awards a prize for curriculum innovation to faculty members each year. In 2006 University of Notre Dame also dedicated a sculpture in honor of the Brutocao family, also in celebration of family.*

*The quotes below the statue reproduced:*

"As the family goes, so goes the nation and so goes the whole world in which we live"  
- **Pope John Paul II**

"In every conceivable manner, the family is link to our past, and bridge to our future."

- **Alex Haley**

"The family is one of nature's masterpieces."

- **George Santayana**

"There is no doubt that it is around the family and the home that all the greatest virtues - the most dominating virtues of human society - are created, strengthened, and maintained."

- **Winston Churchill**

"It is quite easy for me to think of a God of Love - mainly because I grew up in a family where love was central and where lovely relationships were ever present."

- **Martin Luther King, Jr.**

"A happy family is but an earlier heaven"

- **George Bernard Shaw**

## Santa Clara Law Fluctuates in 2013 Rankings

By **Martin Behn**

Santa Clara University placed 96th in this year's (2013) U.S. News World Report for law school rankings. Love them or hate them, the rankings have been around for a long time, and are generally what people talk about when they refer to a school's ranking.

In the 2012 rankings, Santa Clara came in at 89. The year before that Santa Clara ranked 95. In response to that slide in rankings, Santa Clara assembled a seven-person committee setup by Dean Donald Polden to investigate the issue.

In 2010 Santa Clara tied for 85. And in 2009 Santa Clara ranked 79. Given these statistics, it appears that Santa Clara has done nothing but go down in the rankings.

However, for comparison in year 2013 Stanford is ranked number two. In previous years Stanford ranked third.



U.C. Davis was ranked 28 previously, and dropped to 29 in 2013. But, the ranking of 28 came after they rose seven points in the rankings.

U.C. Berkeley stayed at seventh for each year.

U.C. Hastings was tied for 42, and dropped to 44 in 2013.

University of San Francisco ranked at 106 for 2013. In 2012, USF ranked closer to Santa Clara, at 98, and held that position for three years prior. Pacific-McGeorge moved up from a third tier in years prior, a previously unranked position, to come in at 98.

The up and down nature of the rankings is not singular to Santa Clara in the Bay Area. As previously mentioned, Jesuit school USF has had a similar journey as Santa Clara, starting as a tier three law school in 2009.

Putting this into perspective, Santa Clara was not even ranked in 2002. That means our school was at a third ranked tier (according to U.S. News) until that point.

U.S. News makes their rankings and determinations looking at quantitative measurements. This includes LSAT scores, college GPAs, Acceptance Rate, Bar passage rate, post-graduate employment. Library re-

sources, student-to-faculty ratios, and dollars spent per student are also considered.

For a qualitative review, judges, lawyers, hiring partners, deans and tenured faculty rate schools in various areas on sliding scales.

U.S. News has published rankings nearly annually since 1987 (1988-1989 went unranked). Yale has always been number one since the ranking system started. Harvard, Columbia and Stanford have always been in the top five.

The top fourteen rankings have been traded by only fourteen schools since the rankings started (essentially, no big shifts).

The report includes specializations. Santa Clara fares better on those. For intellectual property, Santa Clara tied for sixth, along with Columbia University. In the part-time program, Santa Clara came in at 48.

U.S. News is not the only ranking agency though. Alternative systems include the Hylton, Leiter, and Vault rankings. However, the Leiter rankings are based on idiosyncratic groupings. And Vault only releases the top 25 peer reviewed law schools.

Whether prospective or current students or faculty agree or disagree with the rankings, they are a force in popular opinion.

# Dean's Rumor Mill

*Questions about Bloomberg, budget, and ASTRA*

By Susan Erwin

Hi Gang,  
Thanks to all of those that showed up at the Townhall Meeting last month, sponsored by the SBA and the Dean. There were some lively discussions around budgets, buildings and future plans. We didn't have time to answer all of the questions and will put together some answers and publish those soon. In the meantime, here are answers to your most recent set of questions:



**(1) What is the timeline for the new law school building, and will students be able to stay actively involved in any planning or input processes?**

Per Dean Wender, who is leading our Building Planning Team: The planning and construction of the new law school building depends on successful fundraising. At this early date, we are hoping that the first phase, the construction of the new building, will begin in several years, followed by the renovation of Bannan Hall to complete the project. Planning efforts are now underway to develop the basic elements of the overall project, including which elements will be in the new building and which in Bannan. The highest priorities are to provide suitable classroom and library facilities. Once we are closer to considering the details of individual areas, such as space for student organizations and the student lounge, we look forward to including students in the planning process.

**(2) What is this new Bloomberg Law subscription the library gave us?**

Per Reference Librarian David Holt: The library is pleased to announce that all students now have access to Bloomberg Law. Students should have already received their user name and temporary password in an email that went out last week. Bloomberg Law is a competitor to Westlaw and Lexis. It contains primary sources including California and Federal statutes, case law, and regulations. A huge benefit to Bloomberg Law is

that they have given law schools free access to PACER. PACER is the electronic filing system for the federal courts. Students will now be able to access federal court dockets and download associated documents including briefs, exhibits, orders, opinions, and memorandum. Previously, the library had to pay for access to these materials at a cost of \$.08 for each page acquired via PACER. Another advantage right now for Bloomberg Law is that access will continue during the summer and students are free to use this service while interning.

Right now, Bloomberg Law has a very limited collection of secondary legal materials. You will not find secondary sources such as Witkins, AmJur, CJS, ALR, or CalJur. Bloomberg Law also lacks practice guides such as those published by CEB or Rutter Group. In fact, the secondary sources available via Bloomberg Law is largely limited to law reviews and journals. Consequently, the library does not recommend you use Bloomberg Law exclusively. You will still need Westlaw and Lexis to access most electronic secondary legal materials. This may change slightly this coming April as Bloomberg will be adding sources from BNA, a company they recently acquired. BNA has a number of treatises and other secondary materials with a strong focus on taxation, employment/labor law, health law, bankruptcy, and intellectual property.

If you have any questions about Bloomberg Law, or any other library service, please come speak with the law librarians at the reference desk.

**(3) Will the new ASTRA calendar be open to all students, or just those with club officer positions?**

Per Dean Wender, whose office handles building issues: Once the bugs are out of the new ASTRA calendar, we will look at the most efficient method for students to reserve rooms. That might not necessarily be direct access to ASTRA, depending on how time-consuming (and reliable) that process becomes. In the meantime, students remain welcome to contact Laura McGeehon to request a law school room.

# Dean Polden on Rank

*In response to The Advocate and numerous other inquiries about the recent drop in US News ranking*

By Donald Polden

Like most of us at the law school, I am disappointed in the most recent survey results for US News regarding our law school's place on the list. While I am very pleased that we tied with Columbia University Law School for #6 "best IP law program", I don't think that the magazine has properly evaluated the quality of our program and I don't believe that the magazine's methodology is set up to properly evaluate our program. Notwithstanding my disagreement with the magazine's methodology, I assure you that we take this annual survey very seriously. We have an excellent group of faculty and staff who meet to analyze the survey, the survey's annual treatment of Santa Clara Law and discuss ways of honestly improving our ranking. For example, in recent years we have focused on several elements in the survey methodology (including the allocation of overhead to direct expenditure per full time student, student faculty ratio, and the selectivity of admission into the entering class). This year's ranking results show that Santa Clara made improvements in all three of those areas. However, it also shows that our graduates bar pass results and graduate placement rates were down over the prior year's ranking results and are likely the areas of the survey that caused us to slip this year. We have been and will continue to attempt to improve in those areas of our school's academic performance but not just because of the magazine rating – we want all our graduates to pass the bar examination on the first attempt and to secure professional employment in a timely manner!

Our working group will perform an in depth evaluation of all the elements of this year's survey results and attempt to improve our program in areas where we need

improvement and to find ways to ethically improve our stature within the confines of the magazine's methodology. As a law school that strives to educate our students for ethical engagement in the practice of law, we have an obligation to honestly respond to the magazine's questions and we will continue to do so.

Another question that was posed to the Rumor Mill is, "What would I tell entering law students about this year's ranking results?"

I would tell them what I attempt to tell our students – work hard in law school to become a competent, ethical and well informed lawyer and don't take one survey too seriously. Trust your instincts and your analysis of Santa Clara Law as the best place for you to study law and prepare for your careers. While the magazine survey places weights on several factors relevant to quality of law school programs (such as entering LSAT/GPA, bar pass results, difficulty in gaining admission, etc.), it is fundamentally and inherently flawed. One relevant fact: 40% of the ranking results are based on two surveys of institutional quality – one goes to lawyers and judges in America and the other goes to approximately 800 deans and faculty members at all accredited law schools. Two years ago, US News finally admitted the numbers of responses that it received and that constituted 40% of overall ratings at all 200 law schools – approximately 120 from lawyers and judges and approximately 300 from law schools. So, out of more than 800,000 lawyers and judges, they received approximately 120 responses and only 300 law school deans and faculty responded, which is what the 40% is based upon. As I say, cull the useful materials from the survey but do not place too much credibility on its integrity or its mirage of mathematical certainty.

Finally, over the years I have occasionally received helpful suggestions about how the law school can manage the rankings process and I would welcome suggestions or ideas. Our group will meet soon on this year's survey results so please send to me at dpolden@scu.edu.

## SCU Law Students Participate in Moot Court Competitions Around the Country



ALL PHOTOS COURTESY: KARIN CARTER AND HMCE

Pictures Clockwise from top left: **Jacob Vigil 2L**, **Jerimiah Armstrong** coach from McDermott Will & Emery and **Chris Creech 2L** went to the national competitions for the 2012 Saul Lefkowitz Trademark Moot Court Competition after winning the Western Regionals in February; **Peter "John" Veysey 2L**, **Kristi Kattera Martin 3L** and **Lisa Morrish 2L** compete at UCLA School of Law for the 9th Annual National Animal Law Competition -- Veysey and Morrish were oralists, while Martin competed in the Legislative Drafting portion of the competition; **Emily Ellison 2L**, **Doug Dionneas 2L** and **Sarah Sanders 3L** competed at UC Davis for the ABA Client Counseling competition, Ellison and Sanders only narrowly missed advancing to the next round for SCU Law.

# Google's Privacy Policy Revamped with Success

By Jake McGowan

**"CALIFORNIA LAW FIRM Specializing In Defective Products For 33 Years W/ 98.6% Success Rate!" "WALDEN UNIVERSITY ONLINE Achieve A Higher Level Of Success. Enroll Today. Learn More Now!"**



Apparently this is what pops up in the ad bar on the right side of my Gmail account. I say "apparently" because I think this is the first time in history that the ad bar caught my attention. Even as the juggernaut of all internet juggernauts, this is how Google makes its money: targeted advertising.

But there is nothing new under the sun; businesses share customer information all the time. If you have a Safeway club card you know the drill: you want the discount prices, so they give you a form and you sign on the dotted line. The form likely has fine print saying you agree to allow Safeway to share your purchasing habits with advertisers. The

advertisers pay Safeway, get their customer profiles, and use that data for marketing purposes. We have gotten used to this concept over time, but it seems to draw special ire online. And now that Google has overhauled its privacy policy, the ire begins anew.

The main thrust of this policy change is to consolidate and simplify, and it works by knocking down the artificial walls that separate the way you interact with Google. As we all know, Google is no longer just a search engine they now own YouTube, lead the development for the Android mobile operating system, and have their hands in just about everything else as well. This rapid expansion led to over 60 different privacy policies. Now, there is one.

Now your multiple Google personalities are combined, and it affects the way you get targeted advertising. If a business wanted to advertise on YouTube before the change, they only had the information gleaned from a customer's YouTube habits. Now each Google app works together, so your ads in YouTube may be based on information keyed

to your Gmail account.

Think of it like the Articles of Confederation giving way to the Constitution. The same action in New York may have had different repercussions in Georgia, but it was hard to know unless you knew the laws of both New York and Georgia. Here, clicks or searches on Gmail may have had different privacy implications than on YouTube. Now there is one supreme policy for all Google web territory, upon which all other site-specific policies are based.

The most refreshing thing about this policy change is the way Google rolled it out. In response to criticism over user privacy, Google started a campaign called "Good to Know", which "aims to help people stay safe on the Internet and manage the information they share online." The campaign's site explains how Google uses the information they mine from user interaction, and defines technical jargon in layman's terms.

If you value your online privacy more than the average person, Google also lists certain "Privacy Tools" which can help you

minimize your footprint, either by encrypting your searches or opting out of online advertising. As many teenagers know, web browsers also have "incognito" modes which do not track search or browser history.

You might think this sounds too pro-Google - that I'm drinking the proverbial Kool-Aid. But I just think it's commendable that a company is taking strides to be honest with its customers about data sharing. We all know they could have made worse changes under the radar and the world would continue to turn. Besides, if you knew me like Google, you'd know I prefer Hawaiian Punch.

To see the policy itself, visit: <http://www.google.com/intl/en/policies/privacy/>

To learn more about the Good to Know campaign, visit: <http://www.google.com/goodtoknow/>

To learn how to delete your Google Web History, visit: [http://www.pcworld.com/article/250452/googles\\_new\\_privacy\\_policy\\_how\\_to\\_stay\\_off\\_the\\_grid.html#tk\\_mod\\_stln](http://www.pcworld.com/article/250452/googles_new_privacy_policy_how_to_stay_off_the_grid.html#tk_mod_stln)

## Brief History: Curious Past of SCU and Mission

By Colin Glassey

There are a number of odd circumstances which led to the founding of Santa Clara University, the oldest university in the state of California (it dates from 1853). For example, it is a fact



that the first Spanish expedition to California, under the command of Juan Rodriguez Cabrillo, failed to discover San Francisco Bay. Instead, they concluded that there were no good deep water ports north of San Diego. This was in the year 1542. Over the next 200 years, Spanish ships routinely sailed up the coast of California and then sailed west across the Pacific to the Philippines, and never once discovered the spectacular port of San Francisco Bay (they also failed to discover the island chain of Hawaii).

227 years later, the overland expedition of Gaspar de Portola, under orders to reach Monterey Bay, failed to recognize Monterey Bay from the shore, and instead marched right past it and ended up discovering San Francisco Bay in November of 1769. One has to wonder, how differently history have turned out if the Spanish had known about this perfect port 200 years earlier? Would the Bay Area have become a major Spanish colonial city on the Pacific, like Lima, Peru?

Instead of serving as a hub for the trans-Pacific trade, the Spanish built missions along the coast of California. Santa Clara was the eighth mission built, founded in 1777. El Camino Real, "The Royal Highway," is the trail which connected the missions, stretching from San Francisco (Mission Dolores) down to the first California mission in San Diego.

The initial plan was for the missions to become self-sufficient within 10 years of

their founding and for the missions to serve as a base for future economic development. This hope proved to be widely optimistic. The native California Indians were essentially a stone-age people, hunters and gatherers who had nothing which the Spanish valued

Agustín de Iturbide switched sides and forced the Spanish to give Mexico independence. The new Mexican government failed to stabilize and a series of revolts and coups wrecked the finances of the young state. By 1830, the government of Mexico announced

it would cease supporting the missions.

With their financial support gone, the missions were uneconomical and soon abandoned. The abandoned missions (stripped of all their valuables by the departing Dominican priests) were then taken apart, their roof tiles and wooden beams looted by local land owners. Only a few of the missions, such as Santa Clara, Santa Barbara, and San Juan Bautista continued to operate as churches. The mission land holdings, which were once massive, were reduced to nearly nothing by government acts and extra-legal expropriation.

Mexican control over California lasted less than 30 years (though it spawned a larger number of Zorro movies, all set in this time period). Alta California, as it was then called, was officially sold to the United States in 1848 for 18 million dollars, a figure soon dwarfed by the value of

the gold which would be discovered in the streams of California in the years following the sale. Rarely in the history of the world has a land sale (admittedly forced) paid off in such a spectacular fashion.

In 1850, the Dominican order sold Mission Santa Clara to the Jesuit order and



Santa Clara Mission and Gardens in the current day state.

(gold was apparently unknown to all the indigenous tribes). As a result, the missions needed constant financial support to survive.

By 1810, due to a civil war, and then a long war with Napoleon, Spain was nearly bankrupt. The chaos and financial problems caused by the war resulted in revolutions in nearly all the Spanish colonies in the new world. Three separate revolutions embroiled Mexico from 1810 till 1821 when General

Continued on Page 6  
See "BRIEF HISTORY"

## Late Night Jazz at Hotel De Anza Hits Right Tone

By Michael Branson

Downtown San Jose offers several places to listen to late night music, but the relaxed environment of the Hedley Club Lounge at the Hotel De Anza sets it apart.



When I listen to Jazz, the setting is important. The Hedley Club provides plenty of curiosities to attract the eye. The room is intimate, with only a dozen or so tables and a single bar in the back. But it also feels spacious, with a high-lofted ceiling ornate with wood workings as well as long windows with draping curtains. The room itself is filled with grand art deco styling. Above an enormous fireplace, a painted flapper in 1920s swim trunks dives the length of the wall. Mixed in with the Art Deco are Moorish influences. The room is filled with horseshoe arches and intricate patterns as well as four large paintings depicting palace courtyards and Moorish sultans.

The food is quite good as well. The bar menu is an abbreviated version of the full offerings of the hotel's restaurant, La Pastaia. It has several great salads, appetizers, and pizzas. More importantly, most of the desserts from the restaurant are available, including the "McManis": a lemon curd cheesecake surrounded by lemon zabaglione (which, like the French Sabayon, is a light, whipped custard). The story

Continued on Page 6  
See "HOTEL DE ANZA"

A creative law student has used his prowess as a wordsmith to create new law-school related lyrics to popular songs. He goes by the pen-name "Ray Sipsa." This one should be read to the tune "Regulators" by Warren G. LITIGATORS!!! MOUNT UP!

[G:]  
It was a clear cut case, in a state court room  
SMJ in the briefs, verdict comin soon  
some opposition filing, trying to take it fed  
just rollin that demur, litigator born and bred  
[Nate:]  
Just hit an appeal for a rule 60  
Beat my verdict, this cant be  
Seen a brief full of motions ain't no need to fret  
Cuase they aint seen my 11b yet  
[G:]  
So I hookem for failure to claim  
some suits trying to amend

I toldem they cant with rule 15 to blame  
But the court allows, and this case wont end!  
[Nate:]  
they were fearin sanctions and didn't say a word  
scared of a 37 malpractice, settle is all we heard  
next time come with some thing better then  
procedure tricks  
I see my homey trying to fight the JX  
[G:]  
I'm gettin trasfered, Its breakin my decorum  
I can't believe their changing my forum  
they rejected my 1441, they rejected by injunction  
I looked at the judge said "Damn, what's next?"  
[Nate:]  
They got my homey hemmed up but their law  
aint sound  
ain't none of them seeing their from the same  
town  
I gotta come up real quick before they change on  
1332

I best show no diversity and its something they  
cant do  
[G:]  
They got the verdict almost read  
I think I'm going down  
I can't believe this is going out of town  
If I had time I would file  
let me contemplate  
then my homey yelled no diversity before it was  
to late  
[Nate:]  
diversity in the slip and venue with the clerk  
its gonna stay in state, time to got to work  
the clients love me  
discoverys comin we cant wait  
me and my homey had to litigate  
I laid the law down  
I let my brief explode  
now I'm switching my mind back to trail mode  
if you want deps sit back and observe

I just request 26 and wait for the word  
[G:]  
Now in state with new Msj  
This time its gonna stay  
back up back up cause it's on  
FRCP and me  
the filing to the Plea  
[Nate:]  
Just like I thought  
they were in the same spot  
in need of real claim  
they were in need of something else  
one of them came over to settle  
I said "ooo I like your price."  
she said "my case is broke down and you seem  
real nice,  
would ya let me slide?"  
I got no mercy you might have heard it  
the next stop is the verdict

# Semester Away: Internship for UNHCR in Geneva

By Clayton Cheney

During the Fall semester of 2011, I was given the opportunity to work as an intern at the United Nations Office of the High Commissioner for Refugees (UNHCR) in Geneva, Switzerland. From July until December, I worked in the Division of International Protection within UNHCR. This experience proved invaluable to me and has sparked my interest to pursue a career in public international law. Participating in an international externship through Santa Clara University was an excellent

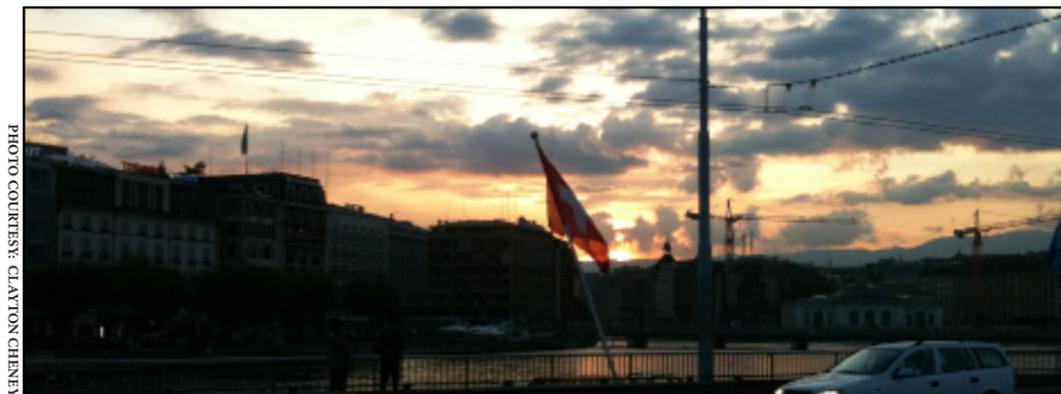


PHOTO COURTESY: CLAYTON CHENEY

way to gain real world work experience, while at the same time getting to spend time living abroad.

While working at UNHCR my job duties varied, but a large portion of the time I attended United Nations treaty body committee meetings or meetings of the Human Rights Council. These meetings focused on the human rights situation in specific countries and how the State could better protect the human rights of its citizens. Being able to view these meetings firsthand left a lasting impression on me and allowed me to gain an understanding of how various legal instruments and mechanisms work within the field of international law. Additionally, it provided

me with the unique opportunity to make connections with lawyers from around the world who worked at or with the United Nations. These connections have and will be extremely helpful to me in the future to further my legal career in the field of public international law.

The work experience I obtained during my time in Geneva is the main reason I look at the experience as a positive one. However, I also had a great time being able to travel, as Geneva is an ideal launching point for trips.



PHOTO COURTESY: CLAYTON CHENEY

During my six months in Europe I was able to travel to France, the Czech Republic, Italy, Spain, England and even Israel. Highlights from my trips included:

getting to attend a fútbol match in Barcelona, eating hummus in Akko, Israel and skiing in the French Alps. Needless to say, the times I spent travelling are not ones I will forget anytime soon and many of the people I was fortunate enough to meet will remain lifelong friends.

I consider myself fortunate to have received the opportunity to participate in an international externship at the UNHCR in Geneva. It is just one illustration of the dedication that the Center for Global Law and Policy here at Santa Clara University has towards students interested in international law.

*"Res Sipsa" wrote this one to Rebecca Black's smash hit "Friday"*  
7am,  
waking up in the morning  
Gotta be fresh,  
gotta go downstairs  
Gotta have my book, gotta have my supplement  
readin' everything,  
the time is goin'  
Tickin' on and on,  
everybody's rushin'  
Gotta get to class, Gotta sign that sheet, I see the  
my friends (my friends)  
Kickin' it in con law, Chillin' with the justices  
Gotta make my mind up, ACS or constructionist?  
It's con law, con law  
Gotta get down on con law  
Everybody's readin' powers, powers  
You know executive powers powers,  
Getting down on con law  
Everybody's lookin' to Jackson

readin' it , readin' it (Yeah) readin' it , readin' it  
(Yeah) Fun, fun, fun, fun Lookin' for the reason  
[Verse 2]  
7:45, we're readin' in the libes, Crushin' so fast, I  
want time to stop sad so sad, think about the sun,  
You know what it is Chemerinsky, you got it my  
outline by my right I got this, you got this Now  
you know it  
Kickin' it in con law, Chillin' with the justices  
Gotta make my mind up, ACS or constructionist?  
It's con law, con law  
Gotta get down on con law  
Everybody's readin' commerce commerce  
Learnin how it's dormant, dormant,  
Getting down on con law  
Everybody's lookin to dairy  
It's Tuesday, Tuesday Gotta get down on Tuesday  
Everybody's lookin' forward to that Thursday,  
Thursday before Friday, Friday  
Gettin' down on Tuesday Everybody's lookin'  
forward to that Thursday  
Readin' n studyin' (Yeah) readin' n outlinin'

(Yeah) Fun, fun, fun, fun Lookin' forward to that  
Thursday  
[Bridge]  
the other day was Tuesday, Tuesday Today i-is  
Thursday, Thursday (Partyin') We-we-we so excited  
We so excited We gonna have some con law  
Tomorrow is Friday And soon it will be Tuesday  
again ... I don't want this Thursday to end  
[Rap Verse]  
J-M, Justice Marshal, So chillin' in the chief seat  
(the chief seat) making opinions that you cant  
beat (you cant beat) hes written crushin' (Yeah,  
yeah) Fast words, switchin' verbs Wit' legalese  
that most of us aint never heard, Makes tick  
tock, tick tock, 1Ls scream Check my time, it's  
Thursday, it's con law We gonna have con law ,  
c'mon, c'mon, y'all  
It's con law, con law  
Gotta get down on con law  
Everybody's readin' cases for that  
Con law, con law,  
Getting down on con law

## Tofu House Dares You to Take Heat

By Matthew Dedon

It is 6 p.m. on a Friday; I'm sitting at a small wooden table and thinking about how I just dodged the huge line that is queuing up by the front door. I have to focus on this, because my



mouth is burning. Tears are forming up in my eyes and snot is slowly beginning to drip from my nose. And it is wonderful. I dip my spoon into my heavy bowl and use my chopsticks to pile up another helping of udon noodles, beef, and of course tofu. That is the specialty of this place, after all.

SGD Tofu House is located on El Camino, about three miles away from campus, just at the edge of the small Korean section that begins before Lawrence Expressway. Keep an eye on the left side of the road, because it can be easy to miss. There is parking out front, but it will be hard to find a spot right in front of the restaurant, especially on the weekend.

Whatever you do, get there before 7 p.m. A line will form up very quickly and start to stretch down the side of the building; weekdays provide little relief. Waiters and waitresses will often take your order while you are standing in line, so you can look forward to being pleasantly surprised when the food shows up only a few minutes after you manage to get a table.

And it is good food. And it can be very spicy. The Tofu House specializes in the tofu soup bowl (of course), but you've got a good selection of other ingredients in your bowl to keep your tofu company. If the soup is not your thing, there are also some wonderfully barbecued dishes to try, and the best bibimbap that I have ever had. The only dish that I would not recommend is the fried seafood pancake, which tastes like char and sits like a brick in your stomach. Every meal comes with the customary side dishes, and of these the kimchi is by far the best – as long as you do not come mid-week.

## KONY 2012: Future of Online Activism

By Amy Askin

By now, you hopefully know that Kony 2012 is not a slogan for a candidate in an upcoming election. Produced by the San Diego-based non-profit organization Invisible Children, Kony 2012 is the online video that has become an internet sensation as part of the group's 'Stop Kony' campaign, which targets alleged Ugandan war criminal Joseph Kony and highlights the atrocities committed by his rebel forces, the Lord's Resistance Army (LRA). Invisible Children launched this campaign to make Kony a household name, "not to celebrate him, but to raise support for his arrest and set a precedent for international justice." Invisible Children achieved their goal with the 30-minute video generating 100 million views on the web to date and nearly 5 million tweets in support after it went viral on March 5th.



As quickly as the viral sensation garnered support on social media sites, it also spawned a wave of criticism claiming that the video oversimplifies a decades-long complex geopolitical conflict. The video is accused of incorrectly focusing on Uganda, where Kony and the LRA are no longer active. The entire campaign is accused of being saturated in neo-colonialist ideals. Other questions arose about Invisible Children's allocation of funds for staff salaries and filmmaking rather than helping people on the

ground. Regardless of the criticism of Kony 2012 and Invisible Children as an organization, the unprecedented global success of the campaign implicates both positive and potentially troublesome consequences about the increasingly prevalent role of the phenomenon of online activism.

The highly visible social media campaign around Kony brought to the forefront of conversation who Kony is and why he needs to be stopped. The conversation also gave deserved attention to the International Criminal Court (ICC) as a key player in prosecuting criminals like Kony, who, in 2005, became the first person indicted by the ICC for multiple counts of crimes against humanity and war crimes committed against a civilian population.

Invisible Children's initial goal was to "make the world aware of the LRA." Spreading awareness is not only a societal good but an important first step. However, the method of using social media for this purpose implies that by clicking on a link, sharing, posting or tweeting, you have done your share. Jillian York, the director of International Freedom of Expression at the Electronic Frontier Foundation (EFF) notes that, "slacktivism," as it has been coined, "the idea that one can watch a video from far away from another country, and just watch that video and suddenly their awareness will make the situation change."

Platforms like Facebook and Twitter contribute to the false impression raising awareness by sharing a video or sending a tweet will solve an international conflict, especially one that has evaded resolution by the global community. This is not to suggest that online

activism is without merit. The success of the Arab Spring, particularly in Tunisia and Egypt, relied heavily on social media sites to mobilize protests. Domestically, a concerted online effort rallied against the Stop Online Piracy Act (SOPA). Similar online efforts pressured companies to end advertising on Rush Limbaugh's radio talk show after his lewd remarks about Sandra Fluke, a Georgetown law student who supported insurance-covered birth control. A distinction must be drawn, however, between catching a warlord at-large in a politically unstable region and influencing piracy legislation and advertisers.

Another potentially troublesome consequence is that a lot of people who watched the Kony 2012 video may assume that by sharing the video or donating to the charity, their contribution will enable the organization to put that money towards solving the problem. As some critics argue, there is far more underlying the Kony campaign in terms of calling for United States military intervention, which is not made readily apparent in the video. Supporters of the campaign may agree with the message that something must be done to stop Kony and bring him to justice, but the same supporters may not necessarily be in favor of the steps implemented by policymakers responding to the public's demand for action.

York suggests that an important lesson from the Kony 2012 campaign is that the public, as the consumer of these online campaigns and media, "needs to become a

Continued on Page 7  
See "KONY 2012"

Continued on Backpage  
See "SGD Tofu House"

# GOP Women's Social Policy Fails

By Michael Branson

In the past few months, as the national jobs numbers continue to show growth in the economy, the Republican Party has reverted to what they believe is their strength: social issues.



After reproductive rights became a hot topic following the Susan G. Komen for the Cure charity temporarily cutting off funding for Planned Parenthood and Obama's requirement for employers to cover contraception in their health insurance plan, the Republican candidates attempted to seize the opportunity to go on the attack and tout their social conservative platforms. Instead, they gave the President an enormous advantage in the campaign ahead.

Seemingly oblivious to public sentiment, Republicans continue to bury themselves in social policies that turn off not only independent voters, but also many Republicans. Those in the Republican Party attempted to frame the contraception issue as one of freedom of religion, but they quickly found themselves talking about, in Rush Limbaugh's words, women "having sex so frequently that she can't afford all the birth control pills that she needs."

The two leading Republican candidates have made outrageous statements about reproductive rights. First, Santorum made clear not only that abortion should be illegal nationwide, but use of contraception is just as morally corrupt: "One of the things I will talk about, that no president has talked about before, is, I think, the dangers of contraception in this country... Many of the Christian faith have said, well, that's okay, contraception is okay. It's not okay. It's a license to do things in a sexual realm that is counter to how things are supposed to be."

Just this week Romney, while listing federal programs to eliminate, said that he wants to "get rid of Planned Parenthood." This statement is clearly intended to do no more than ignite the Republican pro-life base by misleading conservatives in several ways. A president Romney would find it

challenging to "get rid of" Planned Parenthood because Planned Parenthood is not a government program. It is a private entity that provides a range of women's health services, including mammograms and cervical cancer screenings. Eight to nine percent of the services Planned Parenthood provides are abortive services. However, federal funds do not support these services. So in reality, what Romney means when he says he wants to get rid of Planned Parenthood is that he wants to reduce federal funding for preventive healthcare that less wealthy Americans could not otherwise afford.

While Santorum and Romney make outrageous statements, the rest of the party is taking further radical action. On February 16th, the House Oversight and Government Reform Committee held a hearing with the loaded title, "Lines Crossed: Separation of Church and State. Has the Obama Administration Trampled on Freedom of Religion and Freedom of Conscience?" At the panel, the Republicans invited five men to discuss whether women should be withheld access to birth control if their employer objected to it. Democrats were allowed one witness. After Democrats selected Georgetown law student, Sandra Fluke, the Republicans rejected her as "unqualified."

Of course, Sandra Fluke did eventually speak at a Democratic Steering Committee hearing, which led to Republican symbol Rush Limbaugh calling her a "slut" for wanting to "hav[e] so much sex that she can't afford more birth control pills" and asking for her to post videos of her having sex in return for federal funds being used to provide her birth control. Beyond the obvious fact that these statements are incredibly offensive, they are also dishonest and misleading. President Obama's policy does not allocate federal funds to provide contraceptives. Instead, health insurance programs must provide it as part of their insurance packages.

On a side note, Mr. Limbaugh also seems strangely misinformed about the uses of birth control. Though I thought it was common knowledge, I feel compelled to make clear that (1) birth control serves many health-related purposes beyond preventing pregnancies and (2) the amount of birth control a woman uses does not correlate to how much sex a woman has: typically it is one a day. I am glad we got that cleared up.

And what was Mitt Romney's response? He said it was "not the language he would have used."

Republicans have continually taken this attack nationwide. They continue to support "personhood amendments" that declare life begins at the point of fertilization. The proposed amendments failed last year in Mississippi. Conversely, the Virginia State Legislature passed a similar bill, which caused the Governor to likely lose his opportunity to be a contender for Vice-President after he supported a clause requiring women seeking abortions to first submit to vaginal probes. Last week, Arizona legislators advanced a bill that requires women using birth control to prove their use is strictly for medical reasons and also make it easier for employers to fire employees for using birth control against the employer's moral objection.

Then, we look at the Democrats' stance on women's rights. Obamacare requires all employees to provide insurance that covers birth control. No exceptions. President Obama is making a campaign theme of the first legislative act he signed, the Lilly Ledbetter Fair Pay Act, which ensures that the statute of limitations does not relate back to the first instance of discriminatory pay, but rather resets with each new discriminatory paycheck. Of course, before being passed, the bill was filibustered by the Republican Senators. Secretary of State Hillary Clinton has pushed for nations to fulfill their obligations under the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), even though the treaty has been stalled in the Senate for many years. Obama has asked for the Senate to ratify the treaty, but until then, the US remains one of seven countries not to ratify the bill, the others being Sudan, South Sudan, Somalia, Iran, Palau, and Tonga.

This election season could have had dialogue on many important issues. Though the economy is showing signs of improvement, Republicans still had the opportunity to give Americans an option about the role of government spending, the dangers of our national debt, and how to address our problems abroad. Instead, the party has ostracized independent voters, eliminating any motivation for substantive debate.

## Law school weekend, Thursday through Saturday, can be enjoyed at Hotel De Anza for Jazz

"HOTEL DE ANZA"  
Cont'd from Page 4

behind the name of the dessert is somewhat mysterious. According to hotel staff, James McManis of the trial firm McManis Faulkner frequents the restaurant and loves the dessert so much that he asked for the restaurant to put his name on it.

The lounge hosts jazz Thursday through Saturday every week, but the more interesting night to relax is on the first and third Wednesday of each month. On those nights, the room fills with San Jose local musicians showing up with their own instruments and joining the house band. It makes for a lot of fun because of the constant variety.

The night starts with a few numbers by the house band, which includes piano, drums, bass, guitar, trumpet, and saxophone. As they are playing, other musicians sign up on a list for the jazz equivalent of an open mic. The crowd becomes lively as locals recognize each other and shout out to the band. Soon, the band leader is inviting audience members up to switch places with the other band members. A lot of vocalists show up as well, and they come well prepared. One singer takes the stage with a song in mind, and passes it out to the mishmash of a band that has been formed from the sign-up sheet. She quickly relays a structure for the band to follow, and soon they are on their way. It always amazes me how fantastic a jazz group can sound with little to no experience together. Jazz always takes unexpected turns, but this seems to add even more imbalance to the madness.

Fridays and Saturdays see a range of different groups with most following jazz standards. Occasionally, a blues or soul group will be in as well. A calendar is available at the Hotel De Anza website. I would not recommend Thursdays, when the Russo-Alberts Trio performs. Last week, I was unsure that the three of them were going to make it through a piece without falling apart first.

The lounge has a full bar with the standards as well as some cocktails fitting into the 1920s theme. Beer and wine is also served.

After spending an entire afternoon studying in the library, the late night jazz and the Hotel De Anza is a great place to unwind. The relaxed, even cozy, atmosphere is a welcome change to some of the stiffer venues in San Jose, such as the Fairmont. The hotel lends itself well to the casual environment with its range of guests coming and going, stopping by for a drink before heading up for the night. It is certainly a stop I wish I could make more often.

### "BRIEF HISTORY"

Cont'd from Page 4

Father Nobili, a highly educated Italian man on assignment to the Oregon territory, was sent south to take over the mission and start a school. In 1851, with a budget of just \$150 dollars, he repaired one building and started teaching twelve young men. Two years later he named his school Santa Clara College. By

then he had more than 25 students living on the campus and taking classes such as English, Latin, Math, Physics, and Surveying.

One of the college's first legal actions came in 1853 and was an attempt to recover the old Mission Orchard, which had been appropriated by a Mr. Redman. After 5 years, the lawsuit succeeded, but by the time the orchard returned to its rightful owner Father Nobili had died, of tetanus, from stepping on

a rusted nail during construction of the new brick Chapel. But the college had been started in the right place at the right time and as California's population grew and with new towns appearing all around Santa Clara, the college survived earthquakes, fires, and fiscal emergencies to the present day.

## Letter to the Editor

Colin Glassey's review of Detlev Schlichter's Paper Money Collapse, while thought-provoking, contains unsound economic analysis. Consider these passages:

"Our world is one in which just about every currency is backed by empty treasuries."

Many developed economies such as Greece, Portugal, Ireland, Italy, and Japan have more debt than the size of their economy, but to call their treasuries "empty" implies that they're bankrupt. Some countries are approaching bankruptcy, like Greece and Portugal. Japan, however, has the highest debt-to-GDP ratio in the world but is fiscally strong since it has low bond yields. The United States, despite burgeoning national debt, is also enjoying the lowest bond yields in its history. Thus, purchasers of U.S. debt are not concerned about an "empty treasury" because the U.S. will, for the foreseeable future, pay the interest on

its debt. The treasury isn't empty so long as the debt is serviceable.

"The U.S. dollar is worth only what people think it is worth."

In a market economy, any asset- a loaf of bread, a ton of aluminum, a fiat currency- is "worth only what people think it is worth." Buyers buy assets they "think" is worth the price. If not, they don't buy, and the price drops. Schlichter, of the "Mises" Austrian school of economics, presumably favors a gold standard. Gold is also "worth only what people think it is worth."

The only alternative to a fiat currency is a commodity-based currency, such as gold. Much like how we are beholden to petrostates that are often hostile to our national interests, a gold based currency would put too much power in the hands of gold-producers. The world's largest gold producing country? China.

- Thomas Skinner, 1L

			7		4	
	7		8		5 3	
				6	9 8	
3			6			
	4 5		9		2 6	
				1		9
9 5		1				
6 8			9		2	
	2	7				

# US News Rankings: A Self Assessment

*Should we give US News rankings and numbers any meaning? This self-assessment will help you decide for yourself.*

By Gregory Williams

Undoubtedly you, our wonderful reader, are already aware of our school's latest fall in the US News law school rankings from 84th to 96th. That is a twelve spot free fall from last year. I know what you are thinking because a lot of people are also thinking it: what a disaster.



Or is it? What do these rankings really mean? On that note, what does it mean that in the three years I have attended this school and the one where I was applying to it, we have bounced from 85th to 93rd to 84th to 96th?

To help me with this (not literally of course, but through the magic of the "internet") is University of Chicago Law School Professor Brian Leiter, who publishes his own version of the law school rankings. He also has published on his web site the formula that US News uses to create its rankings. Using this, I will apply the various steps in the formula to our school on my own to see if we should be truly alarmed at the rankings. As you read this, please remember these two things: first, I do not take credit for any of Leiter's work, and second, I am applying these things based off my own editorial views, so your millage may vary. Ok? Good, let's start.

1. Academic Reputation (25%): According to Mr. Leiter, this part of the ranking is quantified by a survey sent out to law school deans and faculty (of which about 2/3 respond) where they are asked to rank a law school's academic reputation between 1 and 5. What this likely means is that while schools like Harvard and Yale are in a dead heat for collecting a number of 5's, schools that are not in the same academic league are left as after thoughts. For instance, we could have strong recognition in California and on the west coast, but how many votes will we get in the south or north east? Here, it is not so much that we are bad, it is just that many of those in law academia may treat ranking us much as us students do while ranking our professors on the last day of class: clicking a lot of 7s or 8s and getting the heck out. Can the school fix this? Probably not.

2. Reputation Amongst Lawyers and Judges (15%): This is a joke for a couple of reasons. First, it is a survey of attorneys in big law and judges. This means that schools with a large and powerful alumni base do (un)surprisingly well. Second, this part of the survey has a terrible response rate at less than a third. That probably puts it in the same ballpark response wise as that survey at the bottom of your Denny's receipt (and with less pork related incentives)!

3. Median LSAT Score and GPA of Entering Class (12.5%, 10%): This is exactly what it looks like. Better LSATs and GPAs equal better rankings. The school could probably fix this by offering more scholarship money to promising students (and possibly admitting fewer rubes, like me). Want more

money? Yeah. Me too.

4. Employment Rate at Graduation and After 9 Months (6%, 12%): This is a tough one. The market is down and all schools self-report this data. While it may seem appealing to fudge the numbers a bit to help us out in rankings land, there is that rash of disgruntled and unemployed law students filing law suits about fudged numbers. Also, for the sake of full disclosure, I work at our Law Career Services office and can honestly tell you that everyone working there does everything possible to help students land work short of going into a big law offices with handguns to encourage OCI's the "Chicago Way."

5. Per Capita Expenditures on Instruction (9.75%): This category basically combines every dollar that the school spends on instruction and divides it by the amount of students in the school. To boost us here, we can either cut students or pump in more money. The problem with this category is figuring out how to address it. Want less students? Ok, well that means less tuition dollars. Want to find more money? That will mean another raise in tuition. I guarantee you that survey the 1Ls and they will likely all care slightly less about the rankings and more about how much debt they will be in after their next two years in school when presented the cost of a higher ranking.

6. Student to Teacher Ratio (3%): This factor also means what it says, but can be manipulated by how a school counts its teachers. Want to make all of the adjuncts full time faculty for the sake of these numbers? You just made a minor gain. Humble suggestion for the administration: make all of the unemployed graduating students adjunct faculty. See what I did there? I just solved two problems at once.

7. Acceptance rate (2.5%): To be ranked higher, we would have to admit fewer people of those that apply. I have an idea on how to achieve this. First, we flood the market with fee waivers so it will cost \$0 for almost anyone to apply. We then advertise like the University of Phoenix. Then we wait for the applications to come in droves and reject almost all of them. Problem solved.

8. Bar Passage Rate (2%): If you have made it this far, you have to know after reading this part that the US News rankings are an absolute joke. Bar passage rate represents 2 #@%@ percent of our score. Outstanding.

9. Non-Instruction Expenditures (1.5%): This includes the schools utility bill. Seriously. We could switch to PG&E and be 45th next year.

10. Library Volumes (0.75%): This proves that US News is like all those that hated Star Wars Episodes I-III, using all computers has no heart!

Hopefully, after reading this you have less respect for the shocking 96th number that we all woke up to a few days ago. There are things we can fix and things that we cannot. In the end, it really does not matter that much where we are ranked as it would be hard to believe that much weight is given to the differences between 66 and 96, especially if it comes down to electric bills and surveys with a lesser response rate than a pop up window.

# A Strong Argument for Consumption Tax

By Tom Skinner



The month of March has so many underappreciated dates. Not only is there St. Patty's Day, March 8 is International Women's Day and I'm always underwhelmed to find out how many people do not celebrate the Ides of March. This year, we Americans have extra reason to celebrate, in this case Sino-generosity, because March marks the one-year anniversary of China owning \$3 trillion of our national debt. That's enough to buy Apple, Google, all U.S. farms, all Manhattan real estate, and the fifty most valuable global sports franchises combined.

In 2011, the federal government collected \$2.3 trillion in taxes and spent \$3.6 trillion. Everyone agrees that we're going to have to make significant cuts to our federal budget... eventually. Prime targets include the Defense budget (do we really need four military bases in Italy?) and the three largest entitlement programs: Social Security, Medicare, and Medicaid. Medicare is particularly unsustainable, but when the leading Republican presidential candidate, Mitt Romney, criticizes Obamacare for cutting Medicare, it would seem that neither party has an appetite to cut anything that goes towards senior citizens. Seniors, after all, are diligent voters.

All sane, non-lunatics/extremists/obstructionists agree that it will also be necessary to increase revenue. Of course, it will be improbable- or impossible- to raise taxes as long as the extremists are beholden to Grover Norquist, but at least its reassuring to know that some of the smartest economists of all political stripes agree on how to raise these additional revenues: consumption taxes.

Consumption taxation discourages conspicuous, wasteful spending, thereby incentivizing saving and investment, key engines of long-term economic growth.

N. Gregory Mankiw, one of Romney's economic advisors, recently advocated such a consumption tax. Paraphrasing Thomas Hobbes, Mankiw reasons that "because consumption better reflects the benefits a person receives as a member of society, it is the proper basis of taxation." Robert Barro,

another conservative economist, is also in favor of a consumption tax in the form of a VAT (value-added tax). The difference between a VAT and a vanilla sales tax is that a sales tax is charged once- to the ultimate consumer- whereas a VAT applies to all products, regardless of whether the buyer is the end consumer.

Bruce Bartlett, a former aid to Republicans Ron Paul, Jack Kemp, and Ronald Reagan, has a brilliant new book *The Benefit and the Burden* where he also touts a VAT. Bartlett, a former Republican, has admirably maintained his convictions while the Republican party has over the past couple decades drifted ever more rightward (hopefully the drifting soon leads over a cliff). Bartlett notes that a VAT "is a type of consumption tax widely used in every major country except the United States. From the point of view of efficiency, it is generally considered the best tax ever invented."

The heavyweight in this debate is liberal economist Robert Frank. In his recent book *The Darwin Economy*, Frank gets creative and compares McMansions to elk antlers. Elk evolve to grow bigger and bigger antlers in order to kill their rivals, thereby winning the hearts of a posse of female elk. The larger antlers, however, reduce the male elk's lifespan because they are so heavy. Elk would benefit if their antler sizes collectively shrunk by 50%. It is the relative size of the antlers that matters: "As Darwin saw clearly, much of life is graded on a curve." Similarly, house sizes have increased in recent decades not out of utility but because of a "positional" mentality: the benefit Jones derives from a 3,000 square foot house is relative to Smith's 2,500 square foot house. When Mark Zuckerberg, flush with cash from the Facebook IPO in May, builds a 10,000 square foot house on their block, he is going to make them look and feel like paupers.

A consumption tax will not undo the fact of life that the "grass is always greener on the other side" but it will make the high-quality greenest grass relatively more expensive.

Milton Friedman, the most influential conservative economist of the 20th century and the father of SCU law professor David Friedman, endorsed Frank's consumption tax.

So, there's the strong policy answer to our budgetary woes: a consumption tax as seen in "socialistic" Europe that is supported by American economists on both the left and right.

Now we can just sit back, relax, and wait for it never to get enacted.

## "KONY 2012"

Cont'd from Page 5

lot more savvy in looking into and investigating charities for ourselves and understanding and learning more about a conflict or situation before we dive into activism or slacktivism."

The Kony 2012 campaign succeeded in showing how to communicate a concise message to motivate mass attention and awareness. The world should be talking about Joseph Kony, but the story does not end with him. The reality is that there are far more fugitives living with impunity for their crimes. Awareness is an important first step but it cannot be the last. It remains to be seen how online activists can use social media as a platform to affect serious government action, especially when it requires more

than influencing legislation or organizing protests. While the quest for bringing war criminals to justice may begin in the virtual world, it still must end in the real one.



# NCAA Creates Bracketology, Bracketologists

*March Madness from an outsider's perspective, and demystifying the Staff/Faculty Pool.*

By Martin Behn

One of the great things about law school is it brings together so many different people from various backgrounds. Each person has a story, skills, experiences, and an undergraduate school. Undoubtedly, many of those schools are represented in the 68 teams of march madness.



Unfortunately, there are many law students who have not figured out about this healthy distraction yet. Further, many are perplexed regarding how bracketology works. Here is a simple primer.

Like football, fantasy sports have re-invested fans into the sports and the games. NCAA Men's and Women's basketball is no different. Around 68 teams will participate in this playoff tournament, with one final winner.

Everybody has a form bracketology. This is the science of picking out which teams will advance in each respective round. In the fantasy leagues, each individual's picks are secret until the first game starts. This year the games started at 9:15AM PST on Thursday, March 15.

Just as sure as Professor Bradley Joondeph showing up in Jayhawks apparel, many students watched games in class instead of taking notes. This year, all the games could be purchased for a mere four dollars on any platform.

As teams win, each correctly chosen outcome will be awarded points. The first bracket round (which this year is denoted as the second round because some teams needed playoffs to make the finalized bracket) will generally be awarded one point. The next will be two, and thereafter four, eight, and so on. No points are taken away if a team does not advance. However, if the unlucky bracketologist chose that team to go further, they will be giving up points they could have obtained.

The important things are the prizes though. In my own house bracket, the winner will be dining



PHOTO COURTESY: ADVOCATE STAFF

on Winner's trophy of the faculty/staff pool. homemade fried chicken and waffles.

The staff has their own pool as well, setup by Professor Kyle Graham. Along with his evidence class in Spring, one faculty member and one student will take home a trophy at the end of the games.

Speaking of the prior pools he has setup at the California Supreme Court, professor Kyle Graham said, "I thought a trophy would be a more appropriate [prize]." Those who know the professor are accustomed to his tactics of baiting students to study by offering candy as prizes for correct answers in class. The trophy appears no different.

The winner of his staff/faculty pool gets to hold onto the trophy for a year. Last year it was Professor Pratheepan Gulasekaram who held the honor.

So what is the best way to make picks? Some professors clamored for a breakdown of teams by colors. I will generally bracket-pick by who has the fiercest mascot, or the best record.

Of course, the person who setup the bracket may be accused of rigging things if they win. When asked if he partakes in a pool, Graham reflects on his 2006 victory when the Florida Gators won and said, "The gratification of winning one time has been enough for me."

Our house bracket may not be so lucky. The person who setup the bracket is playing, and if he wins, there is certain to be discord within the ranks.

## Local Palo Alto Asian-American basketball star rejected from local schools and teams finds place to flourish.

"A LIN-DERELLA STORY"

Cont'd from Frontpage

used in connection with several known stars. Most notable were discussions of a possible romantic relationship with Kim Kardashian.

•Lin's jersey remains the top seller online at NBAstore.com.

•Lin is one of only four Harvard basketball players ever drafted into the NBA.

•Lin's rookie card sold for \$21,850 on eBay according to the New York Times. An ungraded Michael Jordan rookie card, by contrast, usually sells for less than \$600.

•Even President Obama has jumped on the Lin-train. The President said to an ESPN-related reporter, "I knew about Jeremy before you did, or everybody else did."

•Lin's name and likeness has lent itself to dozens of puns including: "A 'Lin' spiring Story" "Lin-credible" "Lin-conceivable" "Amasian!" "To Linfinity and Beyond" "A

Good Linvestment" and "Lin Your Face".

•Lin became the first NBA player to score at least 20 points and have seven assists in each of his first five starts.

•A fellow past Palo Alto basketball player personally transported Lin's original Palo Alto High jersey across country, so that the Knick's biggest celebrity fan, Spike Lee, could don the green number 4 jersey for a Friday night Knick's home game.

•Global Language Monitor, a media analytics company that documents and analyzes cultural trends in language the world over, has declared that "Linsanity" has met its criteria to be considered and English-language word.

•After he retires, he wants to do social work and hopes to become a pastor. Lin has been vocal about his faith and it has been suggested that he is the Tim Tebow of the NBA.

•Lin and fellow teammate Landry Fields have received ample publicity surrounding their pre-game handshake ritual. This is a seven-step performance and the pair have released an instructional video on YouTube for those interested in emulating their sacrament.

•The Asian American community has been vocal of its support of Lin as the first American NBA player to be of Chinese or Taiwanese descent. Basketball legend Kobe Bryant's self assigned nickname "the black mamba" has been appropriated by the Asian-American community, nicknaming Lin, "the

yellow mamba."

Power players Anthony and Stoudemire have returned, and with coaching changes, the Knicks are on shaky ground. They are currently eighth in the Eastern Conference with a 21-24 record. Lin still leads the team in assists but managers, coaches, and fans, worry about the three star player's ability to play together cohesively. Although Linsanity is cooling down for the time being, Knick's coaching staff acknowledge Lin's potential and expect the Linsanity to continue, as Lin becomes a seasoned and experienced player.

"SGD TOFU HOUSE"

Cont'd from Page 5

When the server takes your order she will ask you a very important question, "how spicy?" Now you have got a choice to

make: do you play it safe and order the mild or medium, or do you kiss your taste buds goodbye and go right to the hot stuff. Be careful if you choose the latter, you can order your food hot, or you can order it "very hot." There is a difference.



PHOTO COURTESY: MATTHEW DEBON

be yanking their kids back into their seats, and all the time there is a general murmur of conversation. If you take a moment to look around the room and let your mouth cool, the décor is cute, if a bit uninspired. All of those kids that come with their parents are often busy coloring a picture that is handed to them by the server, and the walls are entirely plastered with these early efforts at art.

This art choice is reflection of the owner, you will spot him stopping to chat with those budding interior decorators and quickly shaping a balloon animal upon request.

And yes, he will make you one too if you ask nicely. At the end of the meal you will feel surprisingly full, and more than a little satisfied at the feeling that you could take the heat. Your clothes will smell like cooked meat until the next washing, but that is a small price to pay for some of the best Korean food in the South Bay. Give it a try.

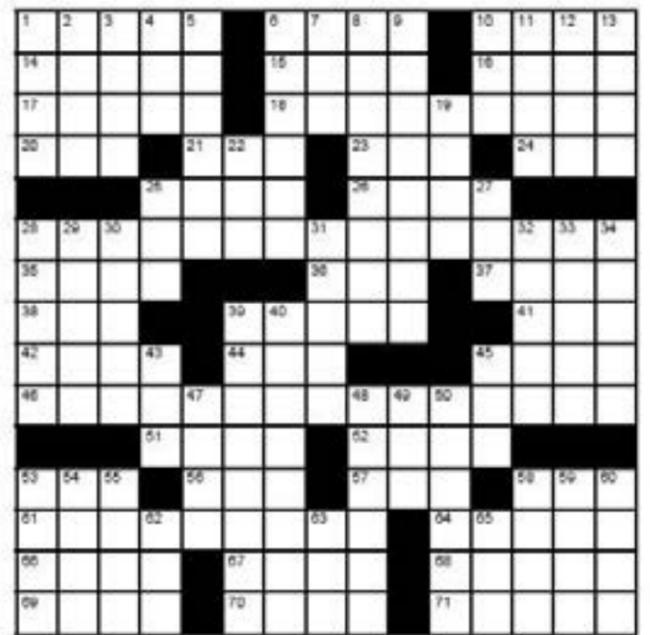
**SGD Tofu House**  
3450 El Camino Real, #105  
Santa Clara, CA 95051

They do not mess around if you act like you know what you are doing, so be prepared to be blown away if you decide you can handle it. As a reference point, I never go above medium. But if you can take the heat, the taste is worth it.

Everyone around you is going to be focused on the very important task of slurping down their food as fast as the heat will allow. Keep in mind that this is a family joint, so in between mouthfuls harried parents will

### Across

- 1 Bland
- 6 Blue-green
- 10 Awry
- 14 Incisive
- 15 Wife of Hercules
- 16 Aria
- 17 Cast
- 18 Formerly
- 20 Envision
- 21 Sick
- 23 Asphalt
- 24 Cheers character
- 25 Molecule
- 26 Downwind
- 28 Comma
- 35 Sioux
- 36 Lodge
- 37 Design
- 38 Title
- 39 Delete
- 41 Pay dirt
- 42 Tickle Me name
- 44 Negative
- 45 Titanness
- 46 Housing authority
- 51 Sicilian resort
- 52 Capital of Norway
- 53 Piece of cloth
- 56 Handgun, to Capone
- 57 School org.
- 58 Unrefined
- 61 Leisurely
- 64 Play
- 66 Abysmal
- 67 Monk parrot



Copyright ©2012 PuzzleJunction.com

- 68 Embark
- 69 Sheep
- 70 Hitch
- 71 Impertinent
- 12 Talipot palm leaf
- 13 Rhyme
- 19 Songbird
- 22 Costello, for one
- 25 Expert
- 27 Working person (Abbr.)
- 28 Tough question
- 29 Helpful
- 30 Camille actress Talmadge
- 31 Headdress
- 32 Hawaiian greeting
- 33 Less common
- 34 Work dough
- 39 Tangles
- 40 Orbital motion
- 43 Arena cheer
- 45 Likewise
- 47 Trainman, for short
- 48 Leader, to some
- 49 Time zone
- 50 Swords
- 53 Impolite
- 54 Over again
- 55 Drawn butter
- 58 Rodents
- 59 TV's Daniel Boone actor Ed
- 60 Suspicious
- 62 Increases
- 63 Time period
- 65 Genetic material (Abbr.)

### Down

- 1 Tubs
- 2 Pain
- 3 Unpolluted
- 4 Jap. admiral
- 5 A Clinton
- 6 Ritter or Todd
- 7 Always (Poet.)
- 8 Fasts
- 9 Not to mention
- 10 Residue
- 11 Superman character