



THE ADVOCATE

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Passing the Bar:

As 3Ls prep for the Bar Exam, are there any alternatives to the CA Bar?

By Martin Behn



All throughout law school, we hear that California and New York are the hardest bars. The passage rates prove it.

The total passage rate for California in 2011, both July and February, was 51%. New York's total fared a bit better, with 70% of all candidates passing in the two times the exam was given. So can we all just take the Arizona or Nevada bar and opt into California? No, it is not that easy.

It really makes one wonder whether the percentage drop in California is due to it having three days of examination, instead of two, like New York and other states. The answer: maybe. Louisiana and Palau also have three days of examination, and the passage rates there are not much better – 66% and 25% respectively.

The highest and lowest passage rates in 2011, excluding the territories but including D.C., goes to South Dakota (94%) and Washington D.C. (48%). California, at our abysmal 51% passage rate, is not much further back, and a far cry from most other states for passage rate.

All these numbers could launch an inquiry as to why California is so low with respect to say, Massachusetts (80%), but that seems ridiculous. It might be because we have more people, it might be because more people want to pass the CA Bar, because we have a myriad of unaccredited law schools, or maybe there are just attorneys who take the bar on a whim from other states. For whatever the reason, California is a tough bar to crack. Which gets me to wondering, what does passing the bar get you (other than a license to practice law)?

What about reciprocity: can we take our results elsewhere easily? Astute law students will be familiar with the National Conference of Bar Examiners (NCBE), or maybe not - it is just another organization we end up coughing up dough over to during our three-plus years. Apparently, many states use them for the Multi-State Bar Exam (MBE), Multi-State Professional Responsibility Examination (MPRE), Multi-State Essay Examination (MEE), Multi-State Performance Test MPT, or Uniform Bar Examination (UBE).

Are you not familiar with all these terms? Neither was I. Some of the information about the practice of law is hard to find, or

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Celebrating the Year's End

Students Groups host events through 'Banquet Season'



Students at the APALSA Banquet with Dean Hsieh and Dean Erwin (pictured right).

PHOTO COURTESY: DEVAL DESAI

Before the final push before final exams, student groups such as APALSA, SALS/MELSA, and Women & Law hosted end-of-the-year banquets, capping off the year in grand fashion. Each of the evenings celebrated their respective group's accomplishments in style. For more pictures, see pages 4 and 6.

SCU Law Professor on 'Obamacare'

By Colin Glassey

Few laws passed by Congress have proved to be as controversial as the Patient Protection and Affordable Care Act (commonly known as 'Obamacare').

The law was passed over a three month period (December 2009 to March of 2010) without a single Republican member of the House or Senate voting for it. Subsequent to its passage, a majority of states filed suit to block its implementation, and in the four of the cases that reached the Federal Courts of Appeal, there was a significant split. Two circuits ruled the act was constitutional, and the other two held that parts (or all) of the act were unconstitutional.



The Supreme Court granted certiorari to resolve the split in the circuits and, very unusually, allocated three days for oral argument (March 26 to March 29). Like most law schools, the hearings caused a degree of excitement at Santa Clara. Here there was perhaps more than the normal interest because of Professor Joondeph's long engagement with the legal battle over the law.

Starting in July of 2010, Professor Joondeph began updating a blog about "ObamaCare". The blog (still running) is called the "ACA Litigation Blog" and from its commencement until the present, the blog has served as a comprehensive information web site for legal news and briefs and rulings related to the health care bill. Few people in the United States know more about its legal twists and turns than Professor Joondeph.

Professor Joondeph, a former clerk at the Supreme Court for Justice Sandra Day O'Connor, has been the leading Constitutional Law professor here at Santa Clara for

years, and has been awarded the Galloway Prize for excellence in teaching five times since 2001.

At the end of the Supreme Court oral arguments, CNN published a short essay by Professor Joondeph in which he expressed the hope that the Court would not invalidate the entire act because that would place the Supreme Court "in a political maelstrom, the intensity of which the justices are unlikely to appreciate".

On April 19, he spent an hour talking about his impressions of the legal debate at a highly attended lunchtime talk here at Bannan.

Professor Joondeph is almost certainly correct that for the Supreme Court to overturn the PPACA would cause intense political debate (there have already been calls for the impeachment of any Justice who votes to overturn it).

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School, State, Nation and World

SCHOOL NEWS

TALENT SHOW-

SBA hosted the second annual Law School Talent Show on March 30, 2012. Jake McGowan, 1L, took first place with his acoustic rendition of "Jolene." Soraya Davari, 1L, came in second place with her original piano composition "Ferved Heart." Kyle Smith, 2L, hosted the event, offering his comedic stand-up in between acts. The event was judged by Christian Cornejo, 3L, Molly Sundstrom, 3L, and Professor Kyle Graham.

COFFEE -

All throughout finals, the SBA will providing free coffee in the lounge.

PUPPIES -

Today, April 24th, puppies will be on campus as a part of dog therapy, to help students destress during finals. If you are a fan of dogs, destressing,

STATE

SAN FRANCISCO, CA - A new poll from Public Policy Polling shows 48 percent of national respondents view The City favorably, while 29 percent had a negative impression. Seattle ranked most popular with a 57 percent favorability, while Detroit came in last with only 22 percent showing their support.

SAN JOSE, CA - the old San Jose Fire Station No. 1 has been designated as a city historic landmark. Located on North Market Street, the 1951 building was nominated four years ago after extensive lobbying. A nonprofit group hopes refurbish the firehouse into a museum.

SAN JOSE, CA - Santa Clara County Deputy District Attorney Lisa Rogers was fired for alleged abuse of power by pressuring police to arrest her husband's ex-wife. After a 13-

year career with the District Attorney's Office, Rogers received a termination letter after pressing Contra Costa County to charge the ex-wife for second-degree felony robbery.

WORLD

EGYPT - Egypt has cut off shipment of natural gas to Israel. Egyptian officials have stated that the move was not born out of any political maneuvering. They hope to renegotiate an energy contract.

FRANCE - The French are engaged in elections this week for their next president. For the first time in nearly seven-teen years, a candidate from the Socialist party may win.

TECHNOLOGY

MENLO PARK, CA - Ahead of its initial public offering, Facebook purchased Instagram, the public photo-sharing application, for \$1 billion

dollars. Instagram, which has no revenue and thirteen employees, was co-founded by Mike Krieger and Kevin Systrom in October 2010. Systrom, 28, received \$400 million from the deal.

SAN FRANCISCO, CA - Oracle's lawsuit against Google ended its first week on April 20. The trial is projected to last for another seven to nine weeks, mainly because Judge William Alsup and the jurors do not understand enough about the technical aspects of the case to hear arguments. Oracle is charging Google with stealing off-limits parts of its Java software suite to create its Android mobile operating system. Judge Alsup will need to be knowledgeable about application programming interfaces, Android operating system development, and the open source community.

PEOPLE ON THE STREET:

HOW DO YOU HANDLE STRESS?

By Sheri Azim



"I do nothing. I let the stress destress me."

- Cooper Green, 3L

"Poorly."

- Professor Tyler Ochoa, Professor



"I watch E!-News at 1:30 each night."

- Azita Shokrpour, 1L



"Exercise!"

- Ryan Mullane, 1L



"Wedding Planning. The way I destress is planning other people's weddings. The weekend before finals start, I have a wedding at the W in SF. It's happy!"

- Joanne Lue, 2L



Student Action Committee to Address Concerns, Needs

By Grant Atkinson

We have an exciting year ahead of us. This past month, we elected a strong and energetic new SBA Executive Board, committed to expanding the reach of our Student Bar Association. Next year, as always, the SBA will work with the student body to advance the missions of student organizations and bring our community together for social events.

However, we are now pleased to introduce a powerful new branch of the SBA: The Student Action Committee.

The Student Action Committee ("SAC") is an SBA Committee dedicated to maximizing student influence at SCU Law. It serves as an open forum for students to raise issues, ideas, and concerns and acts to implement solutions to bring positive change



to our law school.

Here's how the SAC will work: First, the SAC will "input" information from the student body. This will take place in a variety of fashions including town hall meetings, student surveys, Facebook, and face to face contact. Second, SAC Officers will investigate the issues raised by students, develop strategies, and work with the faculty, administration, and student body to execute solutions. Utilizing organized communication, persistence, and the powerful voice of the Student Bar Association, we will work to bring meaningful change to our law school.

Last week, the SAC took on its first issue regarding the grade distribution charts. After hearing widespread student concern about a Faculty Board proposal to take grade distribution charts offline, the SAC met to address the issue and took two courses of action. First, we wrote to students and encouraged everyone to chat with their professors one-on-one to constructively express their

opinion about the proposal. Second, the SAC developed a petition and collected 260 signatures from students to demonstrate the high level of student support surrounding the issue.

Ultimately, with the help of our faculty friends, the Faculty Board voted in our favor to keep the grade distribution charts online. Afterward, I was told that the personal student communication with the faculty and the petition were both very persuasive factors in their decision.

This illustrates that with focused collaborative team work, our student body truly can be a powerful political force on campus, and I believe the SAC will serve to facilitate that power.

We've got a great year ahead of us and I look forward to working with you as we open a new chapter of our Student Bar Association.

Grant Atkinson in the newly-elected Student Bar Association President.

Rumor Mill with Dean Erwin: Graduation 2012 Edition

By Susan Erwin

1. **Half of my first year class has stopped coming to class and they are all signing in for each other. I am so angry! Do you ever catch people doing this?**



We do. Unfortunately, because they are falsifying law school documents, this becomes a moral character issue that we then have to report to the state bar association. As you can imagine, it's not easy to catch students doing this. We aren't in the classroom and most of you understandably don't want to report on your fellow classmates. In second year, you won't have to worry about attendance sheets.

TO THOSE STUDENTS WHO SIGNED IN FOR EACH OTHER AND DIDN'T GET CAUGHT: You signed a Memorandum of Understanding at orientation that clearly explained that signing in for another student was a violation of our honor code. And then – before you even finished the first year of your new life in the legal profession – you broke that code. We might not know who you are and your professor might not know (. . . or they might), but more importantly your classmates know who you are. And they are angry. They know that you made the choice to be dishonest and they will remember that. (Don't believe me? Ask a third year if they remember attendance-roster-cheaters in their first year class, they all know the names.) This is a small community and you will probably run into these folks again in the world of work and their first instinct is going to be to not trust you. You have done some serious damage to your reputation. I really hope that you reflect on

this and that you spend the next couple of years trying to repair what reputation you have left – you are going to need it someday. A pledge or a signature means something in the legal community. Please remember that.

2. **Where do I get a cap and gown? Are these provided for us, or do we have to pay for it ourselves? Do we need to wear a cap and gown?**

From the Commencement Web Page: <http://law.scu.edu/resources/ceremony-info.cfm>
A cap and gown are required to be worn by each graduate participating in the Law Commencement ceremony. Attire may be rented at the Campus Bookstore. The cost to rent attire is \$97.95 plus tax. The rental includes tam, gown, hood and tassel. You will get to keep the tam, hood and tassel, but need to return the gown. Attire must be returned to the campus bookstore immediately following the commencement ceremony. Attire return will take place in front of the bookstore. Failure to return the attire will warrant the placing of a hold on your student account. You will be billed \$350.00 to replace the attire. When picking up your attire remember to pick-up your name card. (Name card will be included in attire order). Bring this name card with you to the commencement ceremony; your name will be read from this name card as you receive your diploma cover. Attire rentals will begin on Monday, May 7th.

3. **Are the diplomas mailed to us, or do we actually get them on stage?**

When you walk across the stage, we are assuming that you will be a graduate. :) You won't get your final grades for another month. As soon as all of your grades are in, Meher will post your JD. You can pull a

transcript that will show your JD awarded pretty darn quickly! The pretty diploma that you hang on the wall won't be available for another 6 to 9 months and is sent to you from the University Registrars Office.

4. **Where can we buy frames for diplomas? Will they say school of law?**

The bookstore has many frame choices, some say School of Law. You might want to send your significant others this link as a hint: <http://scu.bncollege.com/webapp/wcs/stores/servlet/ProductSearchCommand?storeId=16553&catalogId=10001&langId=-1&extSearchEnabled=G+&displayImage=Y+&search=diploma+frames>

5. **Who is going to be speaking at graduation? How long is it going to take, and will we be in the sun the whole time?**

Speaker will be Paul van Zyl, who serves as CEO of PeaceVentures. He is known for pioneering new approaches to human rights protection and has advised countries around the world on how to facilitate transitions to peace and democracy following periods of mass atrocity and human rights abuse.

The length of the ceremony will depend on how long the speeches are. We start at 9:30 and are usually done by 11:30ish. After the ceremony, we have a champagne reception for you and your family in the mission gardens! If you are making reservations somewhere, I would make them for about 2ish. That way you are covered if the speakers are long winded and if the speeches are short, you can just relax and have some champagne until lunch time. :)
You will be in the sun. There is one palm tree that provides a little shade, but it keeps moving all morning. Dress lightly underneath your robe and use sunscreen. We will

provide bottles of water under your seats. (note: alcohol and sun don't mix well . . . think about it).

6. **What happens if I am 1 credit short? Do I not get to graduate?**

We have reviewed your transcripts and those of you that were short of units or missing some sort of requirement have been notified. That's not to say that you can't still do something to end up short. If that happens, we will notify you immediately. You still get to walk across stage at graduation, but you don't get your JD posted and you can't take the July bar and you will probably have to come back in fall to finish your requirements. Paranoid now? Check your degree audit and make sure you finish your SAWR paper and if you took a Pass/No Pass in a bar course . . . study!!

7. **Why is it always cold on the top floor of Bannan? Is there something we can do to raise the temperature just a little bit?**

Bannan is an old building. Facilities is here quite often working on our HVAC system and we have found that keeping all three floors at optimal temperature is difficult. Feel free to shoot an email to Faculty Support to report issues if your fingers start going numb but my advice to you would be to dress in layers.

8. **One of the microwaves in Bannan broke, can we get a new one?**

Yes! We were going to order one when we noticed the problem during Academic Advising Week BUT your SBA stepped up and said that they would buy 2 new high-power microwaves. They should be showing up soon.

Good Luck on Finals!

'Banquet Season' Offers Merriment, Reflection at Year's End



PHOTO COURTESY: ALAN PARKE

Top Left: Judge Erica Yew speaks on diversity in the legal profession. Bottom Left: The outgoing Women & Law Board. Bottom Right: Susie Dent and Amy Nguyen receive the We&L Scholarship. Top Right: Lovely ladies at the SALSA/MELSA Banquet



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PHOTO COURTESY: STACEY TAM



PHOTO COURTESY: STACEY TAM

Honors Moot Court Internal: A Semester in Review



Adam Rust, deemed HMCI's Best Oralist for the 2011-2012 Academic Year, addresses a panel of judges at the HMCI Final Round.

PHOTO COURTESY: HMCI BOARD

By Matthew Dedon

After half a year of numbing research and preparation, followed by three months of grueling competition, the Internal Honors Moot Court at Santa Clara University of Law came down to a very tense hour-long session in front of four very accomplished judges- who walked away quite impressed with the competitors.



"I thought they were excellent, just excellent." Said the Honorable Stephen Reinhardt, "They show such a promising future for the legal profession."

Judge Reinhardt was joined by fellow Ninth Circuit Judge A. Wallace Tashima, as well as the County Counsel Miguel Márquez, and Santa Clara University's own Professor Kyle Graham.

Over one-hundred applications were submitted to this year's honors moot court internal program. Of those hopefuls, forty-eight were chosen to compete and paired off. The twenty-four teams attacked a particularly wicked problem – a Fourth Amendment analysis regarding compulsive DNA collection and a First Amendment analysis of illegal head coverings by way of the Religious Freedom Restoration Act (RFRA). The problem itself took half a year to create.

"It was a group effort," said Ben Rosenstein, the Problem

Committee Chair. "Our committee meshed together really well, and even though it meant a lot of work over winter break I'm very happy with the result."

The judges agree, all four praised the quality of the problem and its complexity.

"It takes an enormous amount of effort and organization to create a problem with pitfalls and advantages for either side. But they have done just that." Said Professor Graham.

The problem was constructed by five team members, including this author, who wrote countless drafts before being satisfied with the end product. In January the problem was presented to the competitors, who came up with some incredibly compelling arguments. One small hiccup occurred in February when the Ninth Circuit decided *Haskell v. Harris*, all but eliminating the circuit split that had suited the moot court problem so well. Not to be deterred, the winning teams incorporated the new decision into their briefs and oral arguments.

"It's been such a privilege to watch the competitors grow," said Professor Michael Flynn, the faculty advisor for the moot court, "I couldn't be happier with how the competition turned out."

"The competitor's have been very passionate with their arguments." Agreed Emily Meyer, the Internal Moot Court Board Director, "Every one of them is doing their best and having a great time."

Competition in the early rounds was fierce, the winning teams were sometimes separated by only a tenth of a point. Out of the twenty-four teams, eight moved on to the quarter-finals, and then four moved on to the semi-final rounds where competition was especially fierce. Ultimately, four competitors emerged victorious and advanced to the final round in front of two ninth circuit judges- Sepideh Mousakhani and Adam Rust representing the petitioner, and Zac Dillon and Nik Warrior for the respondent.

"The students did such a great job," remarked Professor Graham, "it was next to impossible to choose a winner."

The judges certainly did not pull any punches. The two Ninth Circuit judges were firmly ensconced in the case law surrounding the subject, and picked apart the competitors arguments, going to extremes in some questions, such as inquiries into the separation of powers.

But the competitors stood firm in the face of adversity, and the judges eventually made their difficult choice to award the competition to the respondent.

"All of the competitors put such time and effort and heart in to this competition," Said Rachel Brown, the Assistant Director of the Board, "They all put on a fantastic display of oral arguments."

"Serving on this board and running this competition has easily been in my top three experiences of law school." Said Meyer, "I can't wait to hear about what they do next year."

Employment Statistics: How Transparent Are They?

By Vicki Huebner

Recently, the National Jurist Insider published an article regarding the employment information law schools provided on their websites.



Elizabeth Ewing, the article's author, relied upon a review of each school's website by Law School Transparency. It appears that she did not conduct her own individual review of the sites. Although Law School Transparency did not rank, rate or grade the websites, the National Law Journal did and then assigned each school a letter grade.

Last year the Law Career Services staff spent a substantial amount of time interacting with 2010 graduates to collect employment statistics. After compiling the data and providing it to NALP and the ABA, we received back our Summary Report from NALP summarizing the employment outcomes for our school.

As we were waiting for the return of this information, we reviewed the websites of other law schools and revised our own site to provide current students, prospective students and alumni the most accurate snapshot of employment for the Class of 2010. Therefore, I was disappointed to find that Santa Clara had been given such a low grade

by National Jurist Insider.

The topic of employment statistics and transparency has generated much conversation in the past few years. At the time I drafted this article I was at NALP's Annual Education Conference. The session regarding an update from the ABA regarding pending changes to Standard 509 (the Standard concerning the disclosure of consumer information) was very well attended. To make "consumers" of legal education, or potential law students informed about employment outcomes at Santa Clara Law, the site

provides a mixture of text and charts. It provides the definitions used by both NALP and the ABA of what constitutes employment and provides information about the percentage of graduates in the employment categories used by both of these organizations. The charts mirror the categories found on the NALP Summary Report and all information listed on the charts come directly from that document.

Three areas which have received the most scrutiny are whether 1) law schools report the nature of the employment (full-time vs.

part-time), 2) the relation of the employment to the legal sector (JD required or other) and 3) the number of graduates reporting salaries.

The current Santa Clara Law website provides information about each three of these categories. Additionally, the site lists the number of graduates reporting their status in each of these categories directly to LCS. Therefore, the reader has information to reach more informed conclusions about the likelihood of employment outcomes.

In March 2012, LCS completed collecting and reporting employment information for the Class of 2011 to NALP and the ABA. We are in the process of revising and updating our website once again. The ABA has provided guidance to schools and has developed a chart so that schools uniformly report employment information on their websites. Schools may also include supplemental information to educate students about employment information.

LCS has and will continue to comply with all ABA Standards and will be reformatting its site this spring to comply with the pending, but anticipated changes to Standard 509.

Vicki Huebner is the Assistant Dean, Law Career Services.

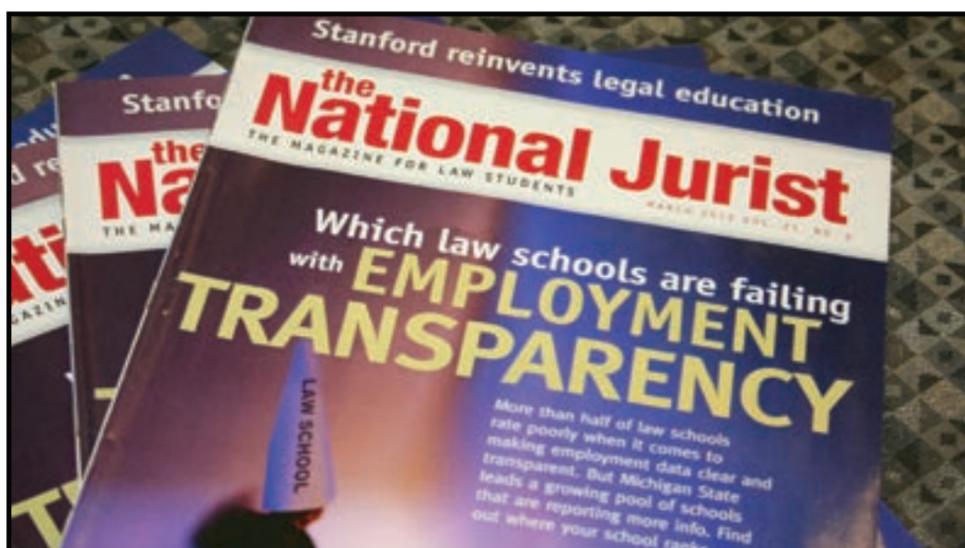


PHOTO: ADVOCATE STAFF

Getting Out of Law School What You Put Into It

By Martin Behn



A tried tradition of The Advocate is to have the outgoing Editor-in-Chief write a farewell, usually with one pressing piece of advice on their mind. This year is no different. And hopefully my message will be championed through next year by incoming SBA president Grant Atkinson (2L).

Atkinson's article details the SBA action committee, and how the grade distribution chart will not be taken down. Reading between the lines, the committee is more than fighting for rights of law students – it is about involvement. Ultimately, your career and first job rest on you. Getting your foot in the door means knowing the person behind it.

In this same vein, one of the pressing points last year's Editor-in-Chief, Dominic Dutra, cautioned against the seemingly apathetic Santa Clara Law students, who have causes or ideals they feel strongly about. When it comes time to voice their opinion, students are just too worried potential employers or networking opportunities will be turned off by their viewpoint.

Indeed, as EIC this year, I have notice there are so many students with great ideas and opinions, but when it comes time to putting their name and face by their idea, they just do not follow through.

Everybody in law school is worried about a job. Because law school is a professional school, this is an admirable concern. Especially, since all throughout law school, we hear that California is the hardest bar. The passage rates prove it. The total passage rate for California in 2011, both July and February, was 51%. Coupled with a hard bar, and a tough employer market, students seem wary to get their names on the radar for anything other than accolades.

As I wrote this article, I started to cite statistics – like the highest passage rate for any bar was in South Dakota (94%). I researched how one could gain reciprocity in California, like practicing in another jurisdiction and taking a truncated bar. But that seems ridiculous. There is no easy way to practice law in California.

There is also no easy way to get a job. We cannot rely on Law Career Services to spoon-feed us. Even B.T. Collins, who

headed up the Santa Clara Law Placement Office after graduating knew this. Speaking of law students with other placement directors in the bay area (in 1975) he said, "They all agreed with me that all the law students are a bunch of spoiled brats and need a lot of handholding." Truer words have never been spoken.

Collins went on to talk about how it is the student's job to exert the effort, show initiative, and hustle to meet people. This is what I wished I had learned in law school from day one. This last year, I have devoted nearly as much time to trying to meet practitioners and alumni as I have to my studies.

I cannot say it has paid off yet, as I do not have a job. But then again, most of the people in law school cannot say that. Most practitioners I meet with remind me that what matters now is passing the bar, not the grades, not the job. However, cognizant of this, I also realize that going to law school is not just about getting the good grades, being on the right journals, or fitting into a particular mold.

Law school is a place to develop professionally. A huge chunk of that is getting to

know your peers, and getting a feel for what the professional life will be like. This is not learned within the confines of the classroom. This is learned by going on the Internet, searching up alumni in the field you want to practice, and sending them an email, asking if you can meet up with them. They will meet up with you. They will tell you what their job is like. No, they will not give you a job, but you will learn more about yourself and your future career now if you do this.

Ask any recent grad or somebody who recently took the bar. Chances are, they will say they wish they had done the same in law school. Most people who land their first job will simply tell you they were in the right place at the right time. You cannot get to that right place without knowing who is going to be there.

At the risk of belaboring a point, I will paraphrase what Professor Kyle Graham told us at the graduation lunch. We are all in sales. Lawyers, judges and professors are all selling themselves, and their point of view for clients, legitimacy, or ideology.

Once you realize this, and understand this, you will enjoy the law a lot better. You will not be afraid to share your opinions with anybody who will listen. And you will not be afraid to reach out to alumni, meet up for coffee, and get your name out. If there is one pressing piece of advice I give to fellow students, is to get out and meet lawyers.

"Collins went on to talk about how it is the student's job to exert the effort, show initiative, and hustle to meet people."

Tech Companies' Transitioning Identities

Or How I Learned to Love Microsoft as a Technology Underdog

By Benjamin Broadmeadow



Apple released their new iPad in March. It was not the iPad 3 or iPad HD; just the iPad. The biggest upgrade over the iPad 2 is the highly touted retina display. There are 3.1 million pixels in the new iPad. Images are more crisp than ever. But other than a great new display, the new iPad, well, it is just not that revolutionary. Another year, another new, slightly upgraded Apple product.

March also saw Microsoft release the Consumer Preview of their upcoming operating system, Windows 8. Windows 8 is a significant departure from the traditional Windows Operating System (OS). Utilizing the Metro User Interface, Microsoft is betting on Windows 8 becoming the flagship OS for tablets, laptops, and desktop computers alike. By combining touch screen sensibilities, stream-lined interfaces, and the standard desktop (comparable to Windows 7), Microsoft wants to serve both the consumer and producers of the tech world. Windows 8 is still rough, as any "preview" release would be, but the innovative OS has potential.

These tech giants having seemingly reversed their roles. Microsoft was long seen as the conservative, unchanging company, whose Windows OS and Office software defined the PC age. Apple, on the other, was once synonymous with innovation. They were the underdog, whose product quality and niche OS defined the Apple brand. But now?

Apple releases a slightly better product every year. The iPhone 3 became the iPhone 3GS. The jump to the iPhone 4 was noticeable because of the design change and the additional front-facing camera. The iPhone 4S gave the world "Siri," but for all of Apple's proclamations, voice-command software had been around for some time. "Siri," though, had the advantage of the Apple logo. Mac OS 10.7 "Mountain Lion" will provide better iCloud support between all Apple devices, but most major tech service and product providers have cloud support. Beyond the

iCloud, the coming Mac OS update looks eerily similar to its predecessor, Snow Leopard.

And, now, with the new iPad giving us a better display, and not much else (*), Apple's reign as the tech industry's greatest innovator is coming to a close. When Apple can convince the world to buy a new iPad or iPhone every year, that's only slightly better than its predecessor, that's not innovation. It just proves they are the world's greatest marketing machine.

**Yes, the new iPad has new features beyond the retina display, including Bluetooth 4.0. But beyond the highly pixelated display (Apple shoppers are having trouble distinguishing the new iPad from the iPad 2), the new features are par for the course.*

Microsoft is breaking out of its comfort zones. Windows 8 is a prime example. With the growing fascination of tablets, the iPad, Microsoft has to adapt to the changing market. The main knock against tablets is they are merely consumption devices. Tablets are great for viewing videos, reading e-books, or playing Angry Birds or Draw Something, but in terms of producing content, tablets are still lag far behind the personal computer. Windows 8 intends to change that.

The Metro UI tiles are apps with the touch interface in mind, such as browsing the internet or mobile gaming. But



The Metro interface of Windows 8 has some exciting possibilities, breaking away from the traditional desktop. The questions remains as to whether consumers will be on board.

PHOTO: ADVOCATE STAFF

the "desktop app" launches the traditional Windows interface, where MS Word, Excel, and other work-product programs can run. The biggest knock against Windows 8 is that transitioning between these two interfaces isn't seamless yet. But it is not an identity crisis; it's Microsoft pushing the envelope and working out the kinks along the way.

Microsoft is also taking a stab at the iPhone and Apple's dominance over the smartphone market. Windows Phone is far from the most popular mobile OS. It remains distantly behind in a race dominated by Apple's iOS (which is purely tied to the iPhone) and Android OS (which is on pretty much every phone not called the iPhone). Windows Phone, however, is making strides. Unlike Google and the Android OS, Microsoft is being selective in which phones can use Windows Phone, requiring quality standards. But these Windows Phones are impressive, drawing comparisons to the iPhone's overall quality.

The Nokia Lumia series, launched in late 2011, and the HTC Titan series, make full use of a mobile operating system that is intuitive and easy to use. Windows Phone 7.5 employs live tiles, similar to the Metro UI, and provides support for MS Office and Xbox Live. It connects all of your Microsoft and Windows products through seamless integration... not unlike what Apple has done with their products.

The difference is Apple now seems complacent. They know people will buy their latest product out of loyalty and shell out \$600 for a better mousetrap simply because of the logo. Microsoft, however, is now hungry for a share of the mobile market, from tablets to phone to ultrabooks. They're gambling on an unproven OS and pioneering hardware.

Apple is no longer the company that gave the world the ground-breaking iPhone and iPad. Microsoft is no longer resting on its laurels. I like a good underdog story. In this case, I'm rooting for Microsoft.

'Banquet Season' cont'd....

Each of the banquets served as a reminder that law school is so much more than Heafey. SCU Law has an invested community.



PHOTO COURTESY: DEVAL DESAI

Above: The SALS Board at the Menara restaurant at the MELSA/SALSA banquet. Left: At the Women & Law Banquet, Reanne Pasantino, of the Alameda County Family Justice Center, spoke on the importance of law students entering into family law to work against domestic violence. Below: APALSA Co-President Isabella Shin and Co-External Vice President Aaron Yu pose with Judge Yew.



PHOTO COURTESY: STACEY TAM



PHOTO COURTESY: ALAN PARKE

Human Rights Clinic Arriving in Fall

New Clinic Will Provide SCU Law Students with Hands-On Work in the Field of Human Rights

By Amy Askin

Gaining practical legal experience during law school is not an easy task. Students interested in international human rights law have an especially difficult time gaining access to this experience while in Silicon Valley. Luckily for Santa Clara Law students, the newly created International Human Rights Clinic will provide a rare opportunity to gain hands-on experience while working on international human rights advocacy and litigation.

Santa Clara is fortunate to have Professor Francisco Rivera Juaristi to serve as the Director and Supervising Attorney of the clinic. I contacted Professor Rivera to learn about his background and career in international human rights law, his visions for the new clinic and a little about himself.

Professor Rivera has taught Public International Law, International Courts, and International Human Rights Law in his hometown in Puerto Rico. Along with his teaching credentials, Professor Rivera worked for six years in Costa Rica as a Senior Attorney and Internship Program Director at the Inter-American Court of Human Rights of the Organization of American States. Professor Rivera is also a drummer and percussionist.

Discussing some exciting moments in his career in human rights, Professor Rivera stated, "I've been fortunate to work on many cases before the Inter-American Human Rights System draft judgments involving such crucial issues as the death penalty,



massacres by paramilitary groups, torture and extrajudicial executions of political dissidents and human rights defenders, forced disappearances, the use of child soldiers, deplorable conditions in detention centers, the right to freedom of thought and expression, labor and pension rights, and tribal and indigenous land rights."

While in law school at American University's Washington College of Law, Professor Rivera participated in the Human Rights Impact Litigation Clinic and worked on several cases involving human rights violations during the Pinochet dictatorship. On a fact-finding mission to Chile, Professor Rivera interviewed several victims of human rights violations and family members of victims who had been tortured or disappeared.

Recounting the experience, Professor Rivera remarked, "These were real people who suffered real human rights violations and they were counting on us to help them obtain justice. I remember feeling great satisfaction from knowing that our work there, even as law students, helped provide some measure of hope for these victims. I want SCU law students to have similar experiences at our new International Human Rights Clinic."

Professor Rivera envisions the focus of the clinic will be in the Inter-American Human Rights System, but complemented with other cases and projects before local courts, the United Nations and other regional human rights tribunals and international criminal courts.

Professor Rivera expressed students' workload may include drafting petitions in contentious cases, submitting *amicus curiae*



Professor Rivera will be joining our faculty as the director and supervising attorney of the clinic.

briefs and shadow reports, and writing research memos for judges, international tribunals and other leading human rights experts and institutions. He also anticipates the possibility of student travel for fact-finding missions, interviewing clients, and participating in public and private hearings at international venues.

With the addition of the clinic headed by Professor Rivera, students can look forward to the opportunity to learn how to become human rights advocates and to make a difference in assisting victims of human rights abuses.

Raising the Bar for HMCE

By Patrick Hensleigh

This school year marked a notably successful run for Santa Clara's external moot court program. Santa Clara



Law students successfully ventured to competitions locally, domestically, and internationally, returning with honors, accolades, and trophies. As one of the main avenues through which students represent Santa Clara to the world beyond our campus, HMCE in no small way shapes the legal community's perception of Santa Clara Law. Santa Clara is a great school and after a HMCE's successful year, the legal world's perception of Santa Clara Law surely agrees.

Santa Clara students competed from Northern California to Brooklyn, San Diego to D.C. and across the Pacific in Hong Kong. Teams represented well. In November, at the USD Criminal Procedure Competition Jenna Johannson and Shannon Lenihant placed second amongst an extremely competitive field of forty-four.

In late March, Annie Laurie Abriel and Benjamin Broadmeadow competed in the Sutherland Cup Moot Court Competition in Washington D.C., claiming fourth place. In the process, the team claimed second best brief and Annie earned second best oralist.

At the Pace Law School International Criminal Law Competition held in February, the Santa Clara team of Samuel Forbes-Roberts, Cooper Green, Eric Ruehe, and Bernadette Valdellon narrowly (we're talking one point narrow) missed first place and took second overall. In the process, Sam claimed the second place brief for the government, while Eric placed second for his brief for the defense and second place overall oralist.

In mid-February, Christopher Creech and Jacob Vigil won the Western Regional Round of the Saul Lefkowitz Moot Court Competition. Before heading to Washington D.C. for the final rounds, the team sent out an email, hoping for a few onlookers for their public moot in the Panelli Moot Court room. They got a crowd. The Trademarks team asked Professor Ochoa to judge their final mock argument and Professor Goldman came as well. Truly, the Santa Clara community got behind its moot court teams.

Santa Clara students showcased their written and oral advocacy skills to the legal community at their respective competitions. In early February, at the UC Davis National Competition for Asylum and Refugee Law, Liya Arushanyan impressed enough to earn the best oralist award out of a field of roughly 50 competitors. The team didn't stop there, Liya's team, including Jennifer Bregante and Scott Idiart won the second place brief award.

In Hong Kong, facing a field of nine hundred competitors, Amanda Richey received honorable mention for best oralist. At the AIPLA Giles Sutherland Rich Patent Law competition in mid-March, Johanna Jacob and Andre Krammer received the best oralist team award and the best appellee brief.

HMCE provides students with a competitive outlet and practical experience not to mention the respect Santa Clara gains with each successful competition. Apart from assisting students in refining brief writing and oral advocacy skills, HMCE connects students with alumni, professors, and local community leaders.

My own HMCE experience, with the Juvenile Law Team, was overwhelmingly

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See "HMCE"

Dining Disparities

By Patrick Wallen

There seems to be a great disparity between the Adobe Lodge, offering food prices at substantial discounts, when compared to the facilities available to students. Compare the Adobe Lodge's \$4.10



the other, begging the question, is this the most efficient use of labor and costs?

He also suggests student workers transitioning from smaller to larger facilities have various difficulties, but seemingly he cannot reconcile why my experience at Adobe Lodge was especially pleasant. Lubecky also pointed out, and rightly so, that students using their access card, and who are willing to lock-up a certain amount of capital, can take advantage of current tax law and save on sales tax, though the price comparisons

in this article are pre-tax.

Nonetheless, Bob Lubecky and Jane Berrantes, Assistant Vice President, Auxiliary Services, recognize that the graduate market has not been captured, and they empathize with our dilemma, which is why they took my concerns to the Dining Advisory Board on April 12th.

In response

to growing concerns, the board claims to be adding "one or more" options from my "under \$6" recommendation to be available in the fall term. It's not enough. Lubecky points to a handful of inexpensive items currently on the menu, such as the Pony Burger, though these are not necessarily substantial meals.

The school currently offers a Rewards Card Program, providing a discount of \$5 per \$40 spent, and is now considering additional incentives like a coupons and a loyalty program. For example, deposit \$100 and get \$115 of buying power on your card. The board has also discussed various efforts of bringing law students into the fold during orientation.

To their credit, "[the Dining Advisory Board is] looking into ways to attract and better serve the off campus and graduate population."

The school should not make a profit on our food purchases. They should cut even like the Adobe Lodge, an exclusive dining facility for paid employees of the school to purchase a meal at \$5 and \$6 everyday, before returning to teach their students. The dining facilities on campus should be a service. Everyday a student should be able to walk into the dining facilities and order a full meal for under \$6.

For a school that has operated for over 150 years, I question the prudence of even hiring a third party, Bon Appetit. I encourage you all to voice your concerns to Jane Berrantes at the new feedback page: www.scu.edu/auxiliaryservices/feedback.cfm.

Entitlements on the Brink: Social Security, Medicare's Future

By Tom Skinner

The Republican primary has finally come to an end, with Mitt Romney securing the nomination after a process many found unpredictable, unstable, and entertaining.

Both Obama and Romney are technocratic moderates at heart despite their political rhetoric. This country needs a technocrat to tackle the most serious present and looming problem facing the federal government: entitlement reform.

Social Security consumed \$731 billion in 2011, representing about twenty percent of federal spending. The second largest entitlement program is Medicare at \$431 billion.

The reason why we have Social Security is because the elderly were especially affected by the Great Depression. In 1934, it is estimated that over half of the elderly lacked sufficient income to be self-supporting.

Today, Social Security isn't in terrible shape. According to the Urban Institute, an average couple retiring in 2011 who earned an average salary (\$43,500 in 2011) paid \$299,000 in Social Security taxes and will have received \$448,000 in lifetime benefits. By 2030, the average couple with average salaries are projected to pay \$398,000 and receive \$561,000 in benefits. In contrast, a couple of one average earner and one high earner (defined as \$69,600 in 2011 dollars), retiring in 2011 paid \$766,000 in Social Security taxes and will receive \$666,000 in lifetime benefits. This coupled combination of high and average workers, retiring in 2030, will also receive less in lifetime benefits than they will have paid out.

Social Security was originally intended to be a safety net and to that end it has succeeded. The elderly today are better off than before and better off relative to other age groups. Only 10% of elderly are below the poverty rate, down from 35% in 1959.

Importantly, the program's success is sustainable. Under current policy, benefit payments won't run out until 2037. By increasing the eligibility age added with a little means-testing (reducing payouts to wealthy retirees), long-term viability of the system can be ensured. It exemplifies that government programs are not always incompetent.

Medicare is another matter. It's a disaster and only getting worse. Whereas Social Security needs to be trimmed with nail-clippers, Medicare is due for significant pruning.

The Urban Institute calculates that a couple with low (\$19,500 in 2011) to average wages retiring in 2010 paid roughly \$84,000 in lifetime Medicare taxes and will receive \$351,000 in lifetime benefits. A couple with average to high wages paid \$149,000 and will receive the same lifetime benefit of \$351,000.

Medicare has been increasing at a greater rate than GDP growth by an average of 2.6% per year for the past four decades, and the Congressional Budget Office projects that governmental healthcare spending will rise 60% over the next decade. Society is aging and becoming more obese and medical treatments are increasingly more expensive.

A large part of the problem is that treatments are inexplicably costlier in the U.S. than in other countries. In the United States, an angiogram costs \$798; in Canada, it costs just \$35. Also, Medicare is legally forbidden from taking cost into account when evaluating treatments. Provenge, a prostate cancer treatment that increases lifespan a mere four months at a cost of \$93,000 is fully covered by Medicare.

Republican Paul Ryan recently introduced a Republican budget that has no chance of getting passed. It's overly regressive and

claims it will close tax loopholes but won't specify which ones, but at least he puts forth a serious Medicare reform. He advocates "premium support" where the government would give seniors vouchers to buy private insurance.

Both parties fear-monger elderly voters over Medicare. Romney alleges that Obama "went after Medicare." For their part, Democrats hit Ryan's "premium support" plan (an idea once embraced by President Clinton's bipartisan Medicare commission) as if it were a political pinata. According to Joe Biden, "There's a fundamental difference between us and the Republicans: We believe in strengthening Medicare. They don't." Nancy Pelosi thinks Democrats can win in November as long as they stay on message: "Medicare, Medicare, Medicare."

It's a contest to see who's best at scaring seniors about a program that is, by any calculation, grotesquely unsustainable.

The politicking is exacerbated by the fact that a large chunk of the electorate is confused about how entitlement spending really works. According to Cornell University's Suzanne Mettler, 40% of Medicare recipients and 44% of Social Security recipients say that they "have not used a government program." Indeed, recent polls from Harris Interactive, the Pew Research Center, and the Washington Post, show that large majorities (above 60%) of Americans oppose making cuts to Social Security and Medicare. In a recent New York Times poll, only 12% of Americans think they will "get more benefits" than they pay in taxes over their lifetime. In contrast, polls also show that Americans favor reduced government spending in general.

Making sense of these polls reminds me of one of my favorite but now defunct cable news programs: In The Arena with Eliot Spitzer. After Republicans won the 2010 midterm elections on a platform of smaller government, Spitzer interviewed/interrogated them about which programs they wanted to cut specifically. Prominent names like Rand Paul and Rick Perry repeated over and over that they wanted to cut spending but would never name a significant program. Spitzer aggressively, relentlessly, even obnoxiously continued to repeat the question. It could be said that the politicians Spitzer grilled epitomize the American public in that they support the idea of reduced spending until getting down to the details.

Unfortunately, we've lost sight of why entitlement programs exist- to provide a safety net for the poor. Over time, the programs have evolved into redistributive programs where wealth is transferred from current workers to the retired. In 2009, the net worth of households headed by adults over age 65 was 47 times that of households headed by adults under the age of 35. That wealth gap doubled since 2005. Furthermore, in 1979, households in the bottom income quintile received 54% of entitlement payments. In 2007, they received just 36%.

Congress has an approval record hovering around 10% these days, less than BP during the oil spill. It's easy to blame Congress given that many representatives are obstructionists and extremists who are unwilling or unable to govern like adults. Yet are Congressional members not duly elected? Are they not a reflection of the voting populace? A large portion of this country appears to be ignorant about entitlement spending. Is the root problem ourselves?

Whatever the root problem is, the cycle is reinforcing: a misinformed electorate is misled by politicians who win elections by speaking in hyperbolic slogans rather than engaging in honest, informative discourse. The politically effective slogans reinforce the public's misperceptions. A misinformed electorate disincentivizes politicians from pursuing entitlement reform.

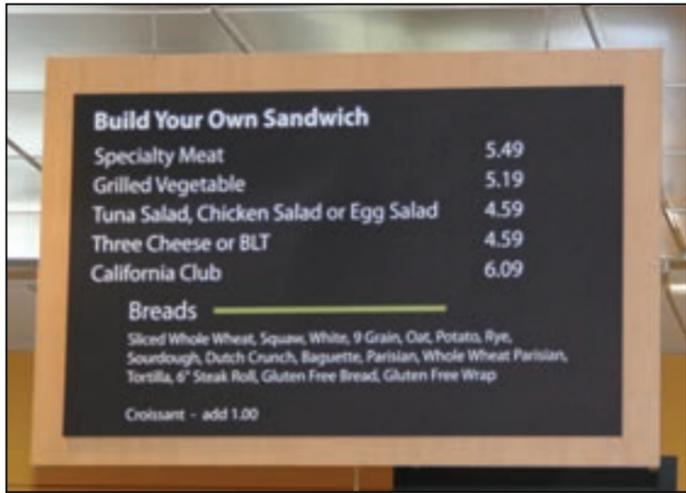


PHOTO: ADVOCATE STAFF

Are the prices charged by Bon Apeti an accurate reflection of the cost?

Char-Broiled Burger Meal, to the equivalent \$6.69 Bronco Burger. Compare the Adobe Lodge's Chicken Salad meal at \$4.95, and the Bronco's Chicken Caesar at \$7.88.

With the word "bubble" looming over the discussion of the over \$1 trillion in student loan debt, a school that champions the Jesuit ethic ought to take every reasonable effort to reduce our liabilities, not losing sight of our daily expenses against the backdrop of some of the school's grand schemes, like the current constructing of what appears to be several, expensive buildings. Graduate students, including law school students, cannot afford to eat on campus nor can afford to eat the "specials" dialing-in upwards of \$14.

The Adobe Lodge offers an up-scale dining experience, comparable to that of a restaurant. Unlike other food locations on campus, Adobe Lodge does not contribute capital to the school; they cut even. With more student workers than other locations on campus, which also means no labor premium accompanying Equal Wage mandates, any reasonable person is compelled to ask a few questions: Is this the true cost for food on campus? Why not hire the hundreds of undergraduate students on student-worker waitlists for the on-campus Bronco or the Deli, for example (which charges \$2.50 for additional meat on a sandwich)?

Despite popular belief, much of the food on campus is not certified organic. Instead, Bob Lubecky, General Manager of Dining Service, blames the price points on high labor costs on one hand, and boasts about fresh, made-from-scratch barbeque sauce on

HMCE's Successful Year

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positive. Sure, a passersby likely thought me a bit off as I walked from Heafey to Bannan muttering my roadmap to imaginary judges. Not since my childhood obsession with Calvin and Hobbes had I cared so deeply for a fictional child as I did Olivia, the center of the team's hypothetical world. A flood of local attorneys, professors, and HMCE board members indulged my teammate, Keith Bayley, and my temporary blur between real and imaginary, when they volunteered to fire questions at us. The experience and knowledge of our practice judges was humbling and that knowledge and experience found its

way, sometimes by force, into our arguments through long practice moots.

Though we ultimately did not advance, the sting of defeat faded quickly and Keith and I were left with a real sense of accomplishment. We had worked our tails off for three months, in the process honing our oral and written advocacy skills, not to mention learning a tremendous amount about juvenile law. I no longer speak with imaginary judges or children and only mutter to myself over looming finals or papers. And yet, I'm left with an entire community who came out to emphatically support our team and the HMCE program broadly.

Despite all the work, and in the words of Chris Creech, "it was a blast."

That's All Folks: Sharks Lose in Game 5 to St. Louis

By Michael Bedolla

The San Jose Sharks, for much of the past decade, have been the NHL's equivalent of Sisyphus. They continue to assemble a fine collection of elite hockey talent and compile an outstanding record during the regular season. Once the regular season ends, however, the Sharks can never seem to translate that regular season dominance into playoff success. The closer to the pinnacle the Sharks seem to roll that boulder, the more certain it seems that it will roll back down the mountain.

For those of you unfamiliar with the NHL and the Stanley Cup Playoffs, here's a quick primer. Unlike the NCAA basketball's March Madness or the NFL playoffs, where one upset can propel an unknown or unheralded team into a championship, the NHL playoffs requires 16 victories - four per round - to hoist Lord Stanley's Cup. The 16 best regular season teams (8 per conference) play a best-of-seven series, with the winner advancing until only one team remains. It is a trial by fire that lasts over two months, and



teams play a brutal schedule of three or four games per week during that span.

For each of the past two seasons, the Sharks were consistent winners throughout the regular season and won their division handily. Both years, they fought valiantly through the first two rounds of the playoffs and advanced to the Western Conference Finals, the NHL's Final Four. And both years, they were outclassed, outmatched, or outplayed by their opposition, promptly sent back to San Jose with promises of "maybe next year."

This year, however, Sisyphus never seemed to start pushing that boulder at all. Despite retaining their core players and adding additional elite talent, the Sharks never found themselves in a groove. They would win two games against the NHL's best teams, then lose two games to the bottom-feeders. Key players would seemingly disappear from the scoresheet for a month, then

explode for several goals or assists within a week. Such performance made any accurate assessment of the Sharks during the season difficult: one could never tell if the Sharks were finally turning a corner, ready to resume their anticipated dominance, or if they were just mired in a cycle of mediocrity.

When the Sharks won the four final games of the regular season against the Dallas Stars and Los Angeles Kings in order to qualify for the playoffs, many, including myself, thought that the Sharks had finally flipped the switch. That sense of urgency seemed to finally awaken the team. Their offense was scoring, their defense was stifling, and their goaltending was superb. The Sharks earned a playoff matchup with the St. Louis Blues, a young and inexperienced team that hadn't won a playoff game since 2004. Perhaps Sisyphus was saving his strength for the hardest part

of the hill, the playoffs, instead of wasting it all during the regular season.

But the boulder, predictably, came crashing back to earth. After the Sharks' Game One victory, they had a lead in only one other game, and then only for 10 minutes. The Blues continued to capitalize on the Sharks' mistakes throughout the series, and the Sharks could never fully reclaim their momentum. Frustratingly, there was no single element that the Sharks could isolate as the cause of their woes. With no answers to the Blues' attack, the Sharks lost the next four games and their season came to a quick and disappointing end.

Even though the Sharks will watch the rest of the playoffs from the sidelines, they will continue working behind the scenes to improve their team. Current players will be traded or allowed to leave via free agency and new players added. Head coach Todd McLellan or General Manager Doug Wilson may even be replaced with new leadership. Whatever adjustments are made, the Sharks are determined to make this latest setback resemble the labors of Hercules - trials to be endured en route to glory - rather than the familiar falling boulder of Sisyphus they have too long resembled.



PHOTO FROM: [HTTP://WWW.BATTLEOFCALL.COM](http://www.battleofcall.com)

Tupac Shakur Comes to Life at Coachella

Two century old technique paired with modern technology brings rapper back for one more show at the music festival in the desert

By Amanda Demetrus

Everyone has been talking about it. Tupac lives. At least, he lives in the form of a hologram. Dr. Dre and Snoop Dogg debuted a hologram of renowned deceased rapper Tupac Shakur at this year's Coachella Music Festival. Aside from parading a host of guest performers across the stage including Eminem, 50 Cent, Kendrick Lamar, Warren G and Wiz Khalifa, the legendary duo performed and interacted with Shakur as he yelled, "What the f--- is up, Coachella?" and "Hail Mary" and "2 of Amerikaz Most Wanted" blasted from the speakers.

The hologram cost nearly half a million dollars to produce and has created ample buzz throughout social media and news sources. Fans are calling for an all hologram



festival next year starring Michael Jackson, Nirvana, The Beatles, and Mozart. One of the performers at the second weekend of Coachella, The Black Lips, performed alongside a cardboard cutout of the Notorious B.I.G., poking fun at the notoriety of the hologram. However, it may come as a surprise to know that this is not the first time the world has seen this technology. Madonna used the same technique at the 2006 Grammys when she performed with the cartoon group, the Gorillaz.

The hologram is actually not a hologram at all. It is an optical illusion technique called "Pepper's Ghost" first described by an Italian scientist in the 16th century. The technique was named after John Pepper, a British chemist, who used the technique in theater productions during the 19th century. The illusion has since been upgraded and combined with high quality computer rendering to create the Tupac that stunned audiences at the festival. The exact details surrounding

its creation have not been released by AV Concepts, the San Diego based company responsible for the "Pac-o-gram," but it is clear that we will see more of this type of technology in the future. Some found the illusion eerie and are skeptical of future use. Wiz Khalifa stated that it "freaked him out" to see the image on stage. Even so, Dr. Dre, the visionary behind the illusion, told TMZ, "Hopefully, different artists are able to bring out their favorite artists. Hopefully, we can see Jimi Hendrix and Marvin Gaye. Let's see what happens." There is no doubt Dr. Dre will get his wish.

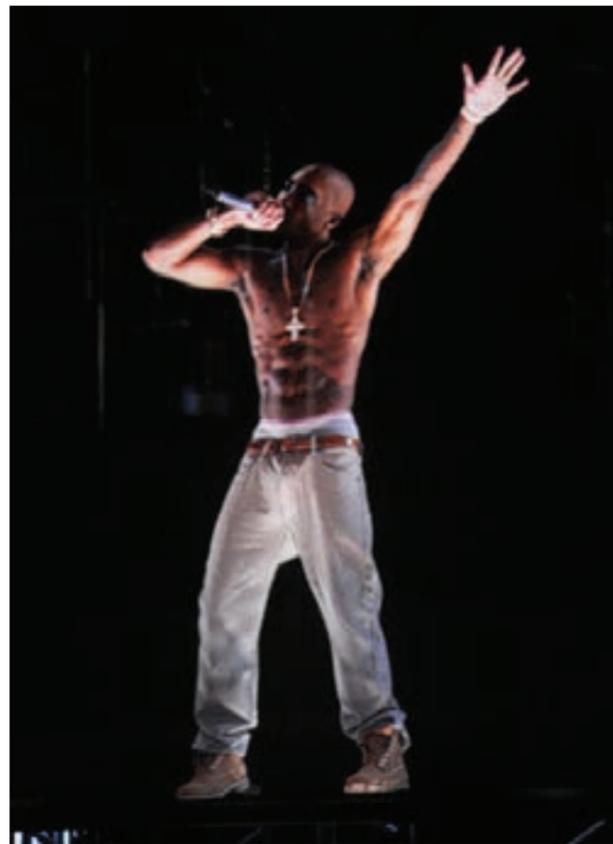


PHOTO FROM: [HTTP://WWW.MTV.COM](http://www.mtv.com), AV CONCEPTS

SCU Law's Professor Joondeph leading healthcare discussion

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However, the ObamaCare initiative has not fared well with the U.S. public, at least in opinion polls. According to a recent ABC poll, two thirds of all Americans think all or part of the bill should be overturned by the Supreme Court, and a majority think the bill is unconstitutional.

Critics have attacked the bill from all directions. Some have argued that it fails to simplify America's very complex and confusing health care system (in other words, it did not create a single payer system such as is found in most European nations).

Others have argued that it forces people to buy insurance from private insurance companies (an argument the President himself made when he was running against Senator Clinton in 2007). Some have complained that the law does not reform even those areas of Federal health care which are directly under the control of the Federal Government (namely the Veterans Administration health care system, and the active

duty military health care systems for the Army and the Navy).

For economists concerned about the massive level of existing spending of health care by Federal and State governments, the PPACA was sold as a "money saving plan". However, the Washington Post (on April 9) reported on a study from George Mason University that showed the health care law will actually increase the federal budget deficit by \$340 billion, due to a somewhat surprising interaction between the PPACA and the law controlling Medicare.

It is safe to say that no matter how the Supreme Court rules, there will be vigorous debates about healthcare in the coming years. Even if it is ruled constitutional, the PPACA will be a central feature in the presidential campaign between President Obama and the presumed Republican nominee, Mitt Romney, who has promised to get rid of ObamaCare if he is elected.

We can expect a decision from the Supreme Court at the end of this term, likely by mid-June of this year.

California remains one of the toughest bars to pass with few alternatives for those who want to practice in state

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"BAR PASSAGE RATES"

can take precious time to research. The only states not using the MBE are Washington and Louisiana. The MPRE, which most are familiar with before taking the bar, is administered in each state, again, except Washington and Louisiana.

The MEE, which 27 jurisdictions including neighbors Arizona and Oregon use, on the description seems eerily similar to California's essay portion. It is not much different from California's essays, other than it uses the Uniform Commercial Code. The MPT is used in 35 jurisdictions, including California's neighbors, Alaska, and Hawaii. Again, this test seems pretty similar to California's performance exam.

So can we take an exam in another state and practice in California? No. California does not have reciprocity, but allows for a shorter bar for lawyers who have been in good standing for at least four years in another state. Pretty tough standards.

What about our neighbors? Oregon has reciprocity for Idaho and Washington lawyers, but only if they qualify for their rules. Nevada is a stick in the mud and has no reciprocity, and no leniency on the test (then again, they only have two-and-a-half days of testing). Arizona is likewise as strict, but they have only two days of testing.

How can Californians maximize their number of bar memberships? Kentucky has 26. Alaska has reciprocity with 27 jurisdictions. New York has 27. North Carolina has 28. Illinois has reciprocity with 32 jurisdictions. Interestingly, many states, like Colorado, Missouri, Virginia, Wisconsin, and Wyoming allow reciprocity, as long as the other state allows reciprocity with their lawyers.

This does not leave much room for people who want to practice in California, and other jurisdictions. Like first-year law school, we need to bang our head against the wall and take the test, otherwise move elsewhere if we want to practice law.