



# 2013 Summer of Sorrow For SCU Law

*Santa Clara Law grieves for two professors who gave so much, student who left too early*

## Luciana Manriquez (1983-2013)

On June 25, 2013, we lost an incredible friend and one of the best people I will ever know, Luci Manriquez. Even now, two months later, I still have to remind myself that my best friend is no longer here, at least not in perfect form. The task of writing about someone like Luci, of attempting to encompass her infinite spirit, and of conveying the enormity of her loss to those who were never fortunate enough to know her, is an impossible one. No one, and certainly not I, can do proper justice to Luci's tremendous life with mere words.

And I fear that my attempt to do so would result in a somber, overly general commemoration, which is not the way I intend to use this sacred and delicate opportunity of celebrating such a unique life. If it's true that the sincerest form of

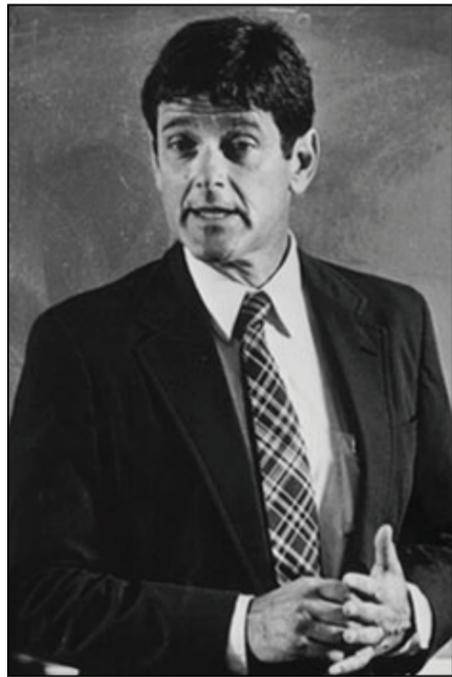
flattery is imitation, the way I choose to honor our lovely Luce is through a conscious adjustment in my behavior and outlook.

At Luci's candlelight vigil, which was held in the Mission Church on the evening after her passing, my good friend Melissa Wheeler Hoff and the mother of my friend Patrick O'Neil were two of the eighteen people who spoke about her at the open mic. Although each individual speech was incredibly personal and honest, these two in particular contained messages that really struck me. Melissa made everyone laugh by saying she wanted to make bracelets saying "What would Luci do?," and Mrs. O'Neil said that the best way to remember our friend is to "Pay Luci forward." I strive to do exactly that

by remembering the way Luci lived her life so that I may live a better one by her extraordinary example.

The first thing that drew me to Luci was her ability to recognize what is truly important. Law school has a way of shaking one's confidence, and the curve system in particular tends to generate a competitive atmosphere. Even the best of us have, at some point, transformed into psychotic stress cases, often isolating ourselves and losing our sense of perspective. Luci is the one person I can think of

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## Howard Anawalt (1938-2013)

Howard Anawalt is considered by many to be the father of the nationally recognized intellectual property program at Santa Clara Law. He joined the School of Law in 1967, and specialized in constitutional law, torts, and intellectual property law. "Howard Anawalt was a great teacher and scholar at Santa Clara University's law school and he was instrumental in forming and advancing the Law School's highly acclaimed intellectual property law program," says Professor Donald Polden, who served as dean from 2003-2013. "He exemplified the great teacher-scholars in legal education and he will be missed by his many friends from Santa Clara University."

In a letter to the University community, President Michael Engh, S.J. wrote, "With his expertise in intellectual property law, he was one of the first faculty members to address in his teaching the legal questions arising out of the high tech industry... Howard held a passion for teaching and a commitment to his profession which resonated with generations of students in his decades of service to the law school and the University community."

Anawalt earned his A.B. from Stanford University and his J.D. from Boalt Hall School of Law, U.C. Berkeley. He was admitted to practice in the states of California and Washington and

in the Supreme Court. He served as a legislative intern and legal adviser, then deputy attorney general to the California Assembly Judiciary Committee. His law practice experience included criminal jury trials, Vietnam War draft and court-martial cases, labor injunction litigation, sex and race discrimination lawsuits, and involvement in high-technology litigation and transaction practice.

At Santa Clara Law he was a very involved member of the faculty and served in many leadership and advisory roles until his retirement in 2003. He was the inaugural

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## George Alexander (1931-2013)

George J. Alexander served as Dean of Santa Clara Law from 1970-85, a period during which the school expanded greatly in terms of enrollment, diversity, and key academic programs. Alexander's firm vision for a global future, coupled with his passion for social justice and his commitment to adding female and minority students, led the law school through a time of great change.

"As professor, dean and friend of Santa Clara, George embodied the University's mission and values by combining a high regard for academic rigor with a personal commitment to making the world a better place. While we mourn George's death, we also thank

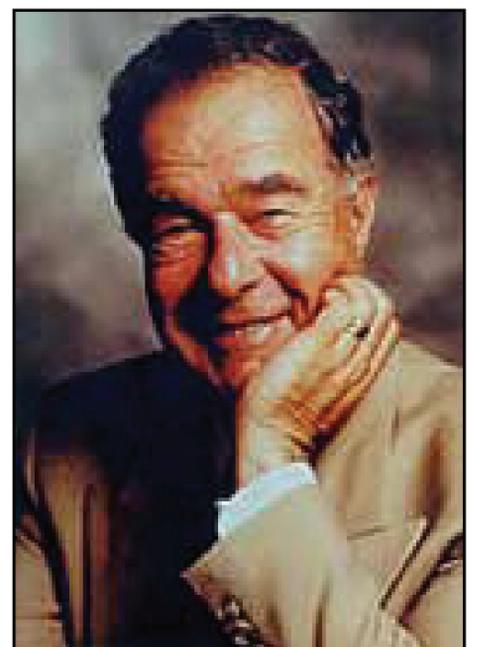
God for the gift of his life. The University community will miss his leadership, wisdom, and friendship," said SCU President Michael Engh, S.J.

Alexander earned his undergraduate degree from the University of Pennsylvania, and his LL.B. from Pennsylvania Law School in 1959, and LL.M. and J.S.D. from Yale University Law School. Prior to joining Santa Clara Law in 1970, Alexander taught and served as assistant dean at Syracuse Law School in New York and also served as Director of Regulations in Space, a Syracuse project. He was vice chairman of the board of the New York Civil Liberties Union, and served as a

consultant to the U.S. Commission on Civil Rights from 1962-63. With a background in technology and civil liberties, Alexander was particularly equipped to lead the law school through the social changes of the 1970s and into the high tech 1980s.

Alexander recruited across the country with a focus on increasing enrollment of women and minorities—he sent personal letters to minority students who had taken the LSAT encouraging them to apply. In addition, he recognized the increasing need for

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# State, Nation, and World

## STATE

*San Francisco* - The Rimstone Fire, more than 150 miles away from San Francisco, has led the Governor to declare a state of emergency for the city. Despite not seeing its effects, the out-of-control fire has forced the San Francisco Public Utilities Commission to close two of the three hydroelectric powerhouses in the Hetch Hetchy Valley. Water from the Hetch Hetchy Reservoir serves more than 2.6 million people in the San Francisco Bay Area. Closer to the fire, more than 5,500 homes are threatened as the flames remain out of control.

*San Diego* - Mayor Bob Filner has finally decided to submit his resignation, and San Diego City Council quickly accepted. Filner has been accused by eighteen women of sexual harassment. Despite the numerous accusations, Filner remains defiant, insisting that the "hysteria of the lynch mob" forced him to step down. The California Attorney General has confirmed that a criminal investigation is underway.

*Sacramento* - As the prison hunger strike enters its eighth week, prison officials have been granted authority to force-feed inmates. Last Monday, U.S. District Judge Thelton Henderson of San Francisco approved the request from California to force-feed inmates, including those that have signed do-not-

resuscitate requests. California prison policy is normally to allow inmates to starve to death if they have signed DNR requests. When the strike began, over 30,000 inmates participated. Currently, 130 prisoners are refusing meals.

## NATION

*Washington, D.C.* - Thousands gathered near the Martin Luther King Jr. and Lincoln Memorials in remembrance of the 50th Anniversary of the 1963 March on Washington. Major themes in speeches were stand-your-ground laws that led to the lawful killing of Trayvon Martin as well as the Supreme Court decision that struck down Section 5 of the Voting Rights Act. Representative John Lewis (D-Ga.), who was twenty-three when he spoke at the 1963 rally and was viciously beaten by police in Selma spoke passionately about strengthening the right to vote.

*Washington, D.C.* - Justice Ginsburg has no plans to leave the bench anytime soon. In an interview with the New York Times, Ginsburg indicated that she feels no pressure to resign in time for President Obama to appoint a liberal justice, "There will be a president after this one, and I'm hopeful that that president will be a fine president." Ginsburg also mentioned that she hopes many of her recent dissents will one day be adopted as majority opinions, calling the Court "one of the most activist

courts in history."

*Fort Meade, Md.* - Shortly after being sentenced to thirty-five years in prison on various charges relating to sending classified materials to WikiLeaks, Bradley Manning announced that she is a transgender female. Manning signed the announcement using the name "Chelsea E. Manning." News outlets have been bungling pronouns ever since.

## WORLD

*Damascus, Syria* - In the latest sign of an increasingly hostile tone, the White House has stated there is "very little doubt" that Syria has used chemical weapons against its citizens. At the same time, international aid group Médecins Sans Frontières says it has treated patients in Syria suffering from "neurotoxic symptoms." U.N. inspectors are set to be allowed to investigate alleged chemical attack sets this week.

*Jinan, China* - Bo Xilai, Former Communist Party chief in Chongqing, is in the midst of a colorful trial after being charged for abuse of his office by covering up that his wife murdered UK businessman Neil Heywood. Despite many analysts concluding that the trial's verdict is all but decided, Mr. Bo has not been sitting quietly. He has accused key witness testimony as "full of lies and fraud." Bo has also been accused of bribery and corruption.

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We can be reached at [scuadvocate@gmail.com](mailto:scuadvocate@gmail.com).

## 2013 American Bar Association Annual Meeting

By Lila C. Milford  
President, Student Bar Association



This year at the Annual ABA meeting I represented SCU Law at the Law Student Division Assembly where I, SBA Presidents, and Head ABA Representatives from law schools across the nation voted for our leaders of the division and on the recommendations and proposals brought forth from the ABA's official divisions.

The Proposal that was most hotly contested was the Young Lawyers Division 1YL that "resolved to undertake a careful review of the ABA accreditation standards in order to remove any barriers to innovation in legal education, including for example, limits on the maximum number of out-of-class learning hours."

As a delegate at the assembly, I took the stage and opposed this proposal on three key points: (1) reducing required course hours is contrary to the development of the skills necessary to fulfill our civic duty - which is different than that of a medical professional; (2) J.D. degrees will be cheapened, more akin to a technical degree; and (3) there will be a diversion of law school resources that are more apt at fostering a rounded legal education.

I personally do not agree with the proposal that education institutions should be responsible for teaching the *practice* of law. Our legal institutions should be able to focus their resources on strong core curriculum *supplemented* by practical experience that enriches and fleshes out the

core doctrine and discourse developed in the classroom. More and more costs continue to shift to law students, whereas employers are far more suited to provide relevant and accurate training in the practice of law - they are the ones practicing. Employers continue to try to shift the cost of investment in their employees to the employees themselves, in this case law students. At the same time, employers are not paying students higher rates immediately upon graduation.

A legal education is not a technical degree. A legal education is not the sum of menial (or daily) tasks assigned in the first year out upon graduation - our foundation in legal heritage, policy and public discourse should not be so discounted. A well-educated society is a public good and the cost should not be borne by the brave citizen willing to step up to the plate alone. The federal government should not be making a profit of \$174 billion on graduate loans through 2023 and employers should not expect the sole responsibility for practice-training and apprenticeship to fall on the shoulders of educational institutions. Law schools are unlikely to be the best and most efficient provider of practice training in the first place.

# What Would Luci Do?

## *A tribute to our beloved friend and nugget, Luciana Manriquez*

"MANRIQUEZ"  
From Front Page

who seemed completely immune to this epidemic. She always had a smile on her face and a joke to tell, never avoided eye contact in a rush, and refused to take herself too seriously. Luci had a unique talent for breaking tension and anxiety in a classroom full of sleep-deprived, inward-facing, caffeine-sustained zombies with inappropriate humor and her incredibly distinct and infectious laugh. I dare anyone who knew her to just try not to smile when hearing her classic "Manriquezisms," such as "Fool, get on my level" and "Oh I am SO sure!" She reinstated our confidence in basic human decency by her willingness to help others understand something or catch up, even on the night before a final. Luci seemed to realize, long before the rest of us did, that you don't have to compromise your social life, health, or happiness for success in law school. This attitude made her unique and beloved by everyone who knew her.

More importantly, Luci was unwaveringly compassionate and non-judgmental. Last semester, she worked

for the Northern California Innocence Project, and ultimately wanted to dedicate herself to protecting the rights of women prisoners. In her eyes, no person was beyond redemption, and everyone had inherent value. Luci also refused to jump on social bandwagons or compartmentalize others. If you ranted about someone, she would listen patiently but always offer the other perspective. You could open up to her about anything and be able to trust in her genuine non-judgment and honorable discretion. But she was also a straight shooter, and wouldn't hesitate to respectfully yet firmly call people out on their nonsense. In short, Luci never changed herself to adapt to different social situations; she could transcend any social or cultural mold to reach human beings across the spectrum.

The quality that shines the brightest when I remember my friend is her tremendous resilience. When I think about how selfish we all could act at times - when we were stressed out, inwardly-focused, thinking we didn't have time for each other - I feel ashamed that Luci could transcend all of that, even when she was going through the

most difficult time of her life. When we began our first year of law school, Luci's father was fighting the final stages of cancer. But one would never have guessed from her incredible positivity and cheerfulness that she was losing her dad and struggling with the distance at such a critical time. Luci's dad passed away a few weeks after first year ended. Even though she had more reason than any of us to feel sorry for herself, Luci never did. She showed up, faced down her responsibilities and challenges with fierce fortitude, and dedicated her time and energy to being a great friend to all of us.

At Luci's funeral, her brother Joseph made a beautiful speech that reminded us of the principle in physics that nothing that is created can ever be destroyed, and that Luci's energy is still with us even if she is not in perfect form. We could all learn something from her energy, her genuineness, compassion, non-judgment, resilience, and ability to keep a firm grip on perspective. She achieved a great balance in her life; Luci was simultaneously wild and spontaneous, yet responsible. She was tough, yet kind. She could recognize and

respect the gravity of serious matters, yet never took anything too seriously. Although my best friend was too young to leave this world, she lived a fuller life than most who live to be 100 because Luci never deprived herself of an opportunity. And although she was taken before any of us were ready to let her go, she has given me enough laughs to endure the rest of my lifetime.

So anytime I am faced with a difficult choice, or feel myself jumping to anger or judgment, or just want to party if I haven't in a while, I will stop and ask myself, "What would Luci do?" (In case you're wondering, Luci would say party). Luci wrote the following quote on the day her dad passed, and if there is only one thing I could say to her now, I cannot possibly think of anything more fitting: "I would say rest in peace, but my dad wouldn't be down with something so boring. Let's just say may the afterlife be as crazy as your time here on earth."

*The Advocate would like to thank deeply Clare Mc Kay for contributing this article.*

## *Howard Anawalt: Pioneer of Santa Clara Law's IP Program*

"ANAWALT"  
From Front Page

director of Santa Clara Law's International Institute, now called the Center for Global Law and Policy, and he served as the first director of the Santa Clara University School of Law High Tech Advisory Board, first convened in 1990. He directed Santa Clara's client counseling and national trial competitions, advised the Santa Clara Law Review, administered the Tokyo summer program, and served as adviser to the Santa Clara Law Computer and High Technology Law Journal.

Among his many publications, two stand out as the most significant: *Idea Rights: A Guide to Intellectual Property* (Carolina Press,) and *IP Strategies: Complete Intellectual Property Planning, Access and Protection* (West Publication).

Howard's fellow faculty members remembered him with fondness and respect. "Former students often comment on Howard's pleasant and compassionate classroom demeanor, but also his rigorous attention to details of cases and the importance of policy in the development of laws," said Professor Polden. "He remained a dedicated and accomplished scholar after his retirement, including a recent publication of a book on legal protection of ideas."

"Howard's academic interests covered a broad

span, from constitutional law to high technology," said Professor Bradley Joondeph. "In many ways, he foresaw the direction that law would be headed, many years before most lawyers had any inkling."

"Howard will be remembered as a kind and generous person, who never hesitated to offer assistance to his students and colleagues," said Professor Ken Manaster, who joined Santa Clara Law in 1972. "He had an exceptionally inquisitive mind. He seemed often to be delving into a new topic in law or into a new angle within a field he already had mastered, such as tort law, intellectual property, or constitutional law. His friendliness toward colleagues, and his active give-and-take in discussions of the law and of the law school's responsibilities to the profession, even after he retired, will be missed."

Anawalt leaves his wife, Sue, his son Brad and daughter-in-law Kirsten, his son Paul and daughter-in-law Valeria, his grandchildren Kathryn, Juliet, Gwyneth, Kevin, and Dillon, and his many students and colleagues.

A memorial service will be held on October 5, 2013 at 6:00 p.m. in the Mission Church, with reception to follow at 7:00 p.m. at the Adobe Lodge.

*This article was reprinted from the Santa Clara Law website with the permission of Dean Julia Yaffee.*

## *George Alexander Led SCU Law as Dean for 15 Years*

"ALEXANDER"  
From Front Page

lawyers to be trained for a global understanding, and in 1974, the Law School launched its first summer abroad program, which has blossomed into the largest program of its kind in the nation.

While dean, Alexander taught at least two courses a year, and one year he taught four. After his deanship, he was awarded the title Elizabeth H. and John A. Sutro Professor of Law, also known as the Sutro chair, which was the first endowed chair in the school's history.

Alexander also sowed the first seeds of the law school's high tech program by adding intellectual property to the curriculum, a move that turned out to be essential to the school's future in the heart of what would become Silicon Valley.

In 2004, Alexander and his wife, Katherine, made a generous donation to what was then called the East San Jose Community Law Center at Santa Clara Law. In recognition of their gesture, the ESJCLC was officially renamed the Katharine & George Alexander Community Law Center. Today, the Alexander Community Law Center focuses on consumer law, immigration law, workers' rights and tax matters, and serves about 1,000 clients on-site per year. It also reaches out to about 1,200 individuals through its mobile workshops on Consumer Rights, Workers' Rights and Tenant-Landlord Rights, given throughout the community. (For more information, see [law.scu.edu/KGACLC](http://law.scu.edu/KGACLC).)

*This article was reprinted from the Santa Clara Law website with the permission of Dean Julia Yaffee.*

# DEAN LISA KLOPPENBERG'S TOP PRIORITY: TO LISTEN

Santa Clara Law's New Dean Sat Down With The Advocate Editor-In-Chief Michael Branson to Discuss the Law School's Direction Forward



*Q: So I guess we will start with your background and your time at – Well, let's start at the beginning. So, are you a Southern California native?*

*A: I am—born and raised in L.A., and then in Goleta which is near Santa Barbara. I lived in Southern California for undergrad and law school, spent a year in England doing some studies, and then met my husband who is from the East Bay. We actually met during our junior year abroad in Canterbury, England. We might not have ever met at USC because it's so big and we were in different majors and had different interests and everything. We've lived all over: D.C., Eugene, Oregon, the Mid-West with Dayton. It's great for both of us to be back here.*

*Q: And then after law school you were working for Judge Dorothy Wright Nelson in -- was it in Pasadena?*

*A: Yes, it was. It was for the U.S. Court of Appeals for the Ninth Circuit—I think it's one of the most beautiful courthouse buildings in the country down in Pasadena. I worked half the year in Downtown LA, and then we moved into the courthouse in Pasadena, up near the Rose Bowl. It's just gorgeous – like a Mission Style. It's a lot like this campus, roses and – just beautiful.*

*Judge Nelson was a great mentor during law school. I took a class with her that was really different from all the other law classes, and I got very intrigued with that whole area of the administration of the justice system and ADR.*

*Q: Did she play a role in drawing you into that field?*

*A: She was pivotal. I mean we learned a little bit about it in our first-year civil procedure class, but it was really taking this class as a second year, which was called Judicial Administration and ADR. She was one of the first people to write a book in the ADR area.*

*Q: ADR was a relatively new at that time, correct?*

*A: It really was. You kind of had the 1960s community peace centers, but in the law, for established lawyers, it was relatively new. International arbitration has a great history; that was well established. But most people in general civil litigation didn't do it.*

*And what she taught us in that class – we went down to the jail, we went down to the courts, and talked to the judges and lawyers. We saw there was so much pressure on the civil system because of the criminal load and the right to a speedy trial*

*and things like that. So the civil cases were being very slowly processed, and the demand for other options was growing. It was a great course, I think in part because of the area, but in part because it got us out and meeting with people who were actually in the field. We got a better sense of how the law works.*

*I think we came back to the class more excited because we had some context; we had some understanding of the business of law, the work of the courts, and all of that.*

*So it was a really pivotal course for me, and she has stayed a lifelong mentor. She has been really helpful to me and I'm writing her official biography.*

*Q: Wow! Is that in progress right now?*

*A: Yes it is. It is in progress right now, and I worry about how I'm going to keep making progress [Laughing]. I try to get to it on the weekend mornings. I've done a lot of research and now I just have to get the writing finished. I have some wonderful interviews with her colleagues on the Ninth Circuit, and her family, so it will be great.*

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*Q: Tell me about your time at Dayton. I've read a lot about some of the real curricular changes that you put in place there. I'm sure you're proud of a lot of them.*

*A: Thank you. Dayton is a really creative place. The faculty had for a long time been doing things to help try to help the students get some practical skills. Obviously you have to have the foundation for the first year, so we didn't change the first year very much.*

*But we started to make sure that by the time students are in their second and third year they were getting the kinds of writing assignments you might get at a law firm or a corporation. They were getting exposed to different areas of law. We made sure that every student had a chance for an externship and a capstone course, which is really different because schools can have great programs, but most students can't get into them. We really wanted to make sure that everybody throughout the class had some opportunities.*

*Q: So did you go in with a goal of totally looking at the whole program from first-year, second-year third-year?*

*A: Not so much that. I think that the goal was kind of, "This is a great place. How do we*

*strengthen it?" So it was a lot of strategic planning work: getting input from our alumni, employers, students, faculty, and staff -- all of the different constituencies. Where does it make sense for us to specialize and emphasize?*

*And for Dayton, it made a lot of sense to do that emphasis on practical skills. We kind of did that before the Carnegie Report came out, before everybody started doing that.*

*A lot of it was that we had a very strong research and writing program, and we had a lot of professors who were experimenting, like taking an old seminar where you write a law review paper and trying to let students experiment with smaller things, like SEC registration documents, environmental compliance mediation agreement, or something like that -- all across the board trying to introduce them to aspects of practice and shorter, more relevant things than a law review article. Law review research is very important in some areas, but most of our students won't go out and be law professors, so we were trying to make sure to give students something they can take on the job market. And that did help students because they could say, "I know what that is. I've had a little experience with this. I got to interview a medical witness in a mock deposition." And then they would get the chance to maybe do that trial, or do that experience earlier because they had some knowledge of it. So they weren't coming out as experts, but they were at least more familiar with how general areas of law operate and practice.*

*Q: I assume you are a pretty big proponent of the moot court program that's at Santa Clara?*

*A: Yea, I think moot court is a great opportunity for people as well as all the other competitions, whether it's mediation or client counseling. A lot of that is what lawyers do. Very few lawyers do the appellate arguments, although that is still great in terms of honing your persuasive argumentation skills. But I would say a broad range of the service programs that people can do here will get students out meeting people. It will get you exposure to real world skills, and I think those things are really important.*

*Q: Unfortunately, all schools are on budget constraints and a lot of people feel like that is the first area that's going to get cut. How do we avoid cutting those programs that a lot of the professional world thinks are the most important parts of our program?*

A: Right, right, exactly. I think these are really challenging times in all legal education. Most schools are reducing the size of their classes, and almost all of us are tuition driven, which means you have to have those resources to do what you're doing.

So I think we have to look at everything; we need to have everything on the table. And we need to hear from students and alumni: What were your most valuable experiences? What really helped you connect with the job? What helped prepare you for practice? Because it might be things you don't even realize now, but it was a particular class or an exercise that showed you how this operated and you were able to talk about it on a job interview or connect with an adjunct professor who helped you with an internship opportunity.

So there are a lot of different ways people find value in what we offer. For some, it is moot court, for others, it is different opportunities: journals, and clubs. So I think we've got to take a look at everything and then make educated decisions. If you had one hundred students, and now you have twenty percent fewer, you don't need quite as many spaces in offering whatever it is. So that's going to be part of the discussions we need to have. And I really do want to hear from the students and alumni in terms of what they really value here, what they think we are doing well, what they think we could be doing in the future. What are we not doing that we should be doing? So it's a chance to prioritize.

Q: I presume some of these budget decisions are being made right now or already have been made. On Monday, we're having the Conference of Leaders meeting and I believe different student groups are being told what their new budgets are going to be for this year. I know Law Review is particularly concerned, that Moot Courts are particularly concerned about cuts. I think both of those are discretionary to you, to the dean, is that correct?

A: That's right.

Q: What kind of changes should those organizations expect this year?

A: I think money is going to be tight all over. We tried to look at the overall student count and what we need to do, and preserve without damaging things now so we can have a discussion going forward in.

We have to do some long-range planning in terms of sustainability. But we've also got to run a balanced budget. We can't survive if we are running millions of dollars in the hole every year. So part of the decision is, too, when you think about -- the applicant pool has dropped substantially in recent years, about thirty-five percent over the last -- so it -- we can't lower admission standards or else that's going to take away from the value of an SCU degree. So it's a tradeoff between short term and long term as well: what we have now, and how we want the SCU Law degree to be valued. So we have to be careful.

As I understand, the reputation of Santa Clara Law alumni out there is very positive. We want to make sure we are not losing the core values of what we have, but also running a sustainable operation. I definitely don't want to come in here and cut faculty funds, cut student funds, but all I can tell you is that everyone is taking a hit, trying to spread the pain and make sure everybody feels it, but that it doesn't eliminate any operation.

Q: I think that's really important, that you get to know what's going on here before you start making decisions that are going to affect for law school for ten years or however long down the line.

A: Right, so whatever decisions are made are

based on good knowledge. Then you can put together a collaborative process. Because, whatever decision you make, you want there to be buy-in from the group.

It's not like I can implement everything. It's going to be the professors. It's going to be the staff. It's going to be our future students and alumni supporting what we are doing.

And current students are really critical. What students say about the school makes a big difference as we try to recruit more students. And your experiences here make a big difference as we try to raise money in the future, you know, hire adjuncts and involve people in the future.

We don't want to single out any one group for worse treatment and we want to make sure that people have some buy-in to the process so they all can really support the eventual decisions. Even if we don't all agree with the decisions made, we can all agree it was a fair process for deciding and we can all collectively say this is what we're going to do. These are tough times. Nobody wants to be in these times. But we're going to make it through in a fair way and with compassion for all aspects of the law school family.

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Q: I was talking to Dean

Erwin and I asked her about how the class numbers are looking this year, and I was actually surprised. It sounds like it's higher than what was expected. The figure I heard was about 250.

A: Yea, it's about 250 J.D., 32 part-time I think last time I heard. As you know, the numbers are always a little bit in flux the first week. But the safe thinking is about 220 full-time, 30 part-time and about 35 LL.M.s. So we're looking at 285. Whereas maybe a few years ago we were looking at classes coming in over 300.

Q: Yes, but that's relatively -- it's a hit, but it's healthier than some other schools are facing.

A: I've heard of schools that are down to 100, 115 this year, so yea. I am grateful for the strength of Santa Clara and the location of the program. Hopefully we can not only survive this, but come out of this more strongly than other schools.

Q: Do you know if those numbers were reached without lowering the GPA and LSAT standards?

A: Yes. That was the goal. You never know from whom you offer whether they are they going to come. But a big part of the goal was to maintain standards.

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Q: So, we've talked about cost issues and how to cut costs, but what about raising additional revenues? What are options there?

A: Yes, that's a big part of my job as dean. A lot of what I've been doing the last six weeks is going out and meeting people -- existing donors and others who can be supportive to the program -- learning about the people and the program and then trying to talk them up and connect with people who value them. So, I think we're going to be trying to make a lot of connections in the business world and beyond. Our alumni are critical, they are our biggest supporters. But, beyond that, we want to expand our network to include others, too.

And it's a whole range of things when I talk about support. It might be internships for students, it might be jobs in universities and corporate settings, in non-traditional settings, because

our students who have gotten some of those J.D. advantage jobs—it's not a bad starting salary. It is actually a good career path for some people.

Q: And I think a lot of people don't even know how to go about finding those alternative careers.

A: Right, so I'll be working with career services to try to make sure we are meeting a number of people in the university and outside who have these kinds of connections to these places, meeting with those who have what we would call non-traditional lawyers jobs. A lot of lawyers have those non-traditional jobs and this is a great place for that. For people who want to stay in Silicon Valley, there's a host of things we will be developing to get those students connected to those opportunities.

Q: Every school is different. But it also seems like Dayton was ahead of its time on the ideas it implemented and those are ideas that are really getting talked about today, such as five-semester programs, or even something like for Santa Clara undergraduate students having some type of connected program.

A: Right, a three-plus-three program. All those things are great ideas and if students are interested in them, we would love to hear that.

Q: And these different ideas that I'm throwing out here, is there a committee that is going through these ideas?

A: There is going to be. We really are just starting on this. The Jesuit tradition is to listen for the first one hundred days. I am very much a person of action, but I am trying to listen. I'm going around interviewing individual faculty members. I'm hearing from alumni -- judges and lawyers and others. What do they value and what do our students need in terms of training? And where are the opportunities out there for our students?

So I'm asking a lot of questions and listening, and then we're going to do an Elected Dean's Faculty Advisory Committee where people will have a venue. We'll set up a Strategic Planning Process. A lot of this will unfold over the year. Through these, we will have a forum where we can hear from students, alumni and other interested constituencies about, "What are we missing?" "What else do we need to be thinking about?" It won't work if I just come up with these ideas myself or impose the ideas from Dayton. That

served Dayton, and suited that time in legal education, but we've got to make sure that it fits with the strengths here and the people here.

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Q: It sounds like you are really taking in all the information, listening to different ideas. Are there certain areas where things are moving forward right

now that you have taken on from Dean Polden, or big projects that we already know are going forward?

A: I'm really trying not to make big changes to the status quo now because this school already has a strategic plan.

Q: During Dean Polden's tenure there was a lot of talk about new facilities and I'm sure that's something that's on your table.

A: Yes, I think facilities are a big need -- a huge need. And a number of donors have given gifts. We have a number of gifts committed toward a new facility. Now exactly when that will happen and the shape that will take is part of our planning discussions.

And, you know, I feel like the building, or just the update and upgrade of the facilities, is really important, and it has to be on the table with everything else that we're looking at. But we have

## “WE HAVE TO DO SOME LONG-RANGE PLANNING IN TERMS OF SUSTAINABILITY. BUT WE’VE ALSO GOT TO RUN A BALANCED BUDGET.”

## “I THINK WE HAVE TO LOOK AT EVERYTHING; WE NEED TO HAVE EVERYTHING ON THE TABLE.”

to consider what size are we going to be moving forward, what are our strengths going to be. What size and what kind of a facility do we need in relation to those decisions? So nothing is stopped, but I'm really assessing everything.

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*Q: Clearly, IP is very important to the school. It's huge a part of students' interest, a huge part of our location. How do we continue to grow the IP program and strengthen that, but also not become solely an IP school and leave behind other important programs?*

A: No, I think that's exactly right. It has got to be our strength, and yet it can't be our only strength at the school. High tech law is a really important area of law. Going forward, as we look at the profession, as we look at the business world, it's going to be important, so that's wonderful. It's not something likely to fade away. So that's really wonderful about it. And it's such a great fit with the location.

The other thing is it's a really good fit with is some of the strengths of the university, so as the school looks at STEM programs, with business, engineering, and law all working together, there's some real opportunities to do things here. So definitely that's a priority.

But I totally agree that it can't be the only thing. I just saw Professor Wildman walk by, and that's an amazing array of programs we have with our social justice and public interest programs. We've been a long-time leader in that, and that's always a role lawyers have played and will continue to play. You know, Janet Napolitano, the SCU undergrad, went to Virginia, is going to be President of the whole UC system, so lawyers have long had jobs in the government and played roles in nonprofits and public interest organizations, so that's really important. Environmental law is also emerging.

So that will be part of the whole discussion. Within law schools, that kind of development of programs often moves slowly because it's got to be related to the faculty hiring, and their scholarship and their interests. So I'm really pleased that the three areas we have now make a lot of sense with the university, with the Silicon Valley, and with the mission of this school.

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*Q: If we have incoming classes that are of this size for the next three years, will that result in reduction in the number of classes offered? Will it result in hiring freezes depending on classes being offered?*

A: I don't know yet how it will impact the curriculum and that will have to be part of the discussion. Obviously, if you have a torts section or a contracts section, the size of the class might affect how many sections you have in the first year.

And you know, thank God for our adjuncts. They are paid very little; they always devote their time. I met with them last night, and they offer courses on a wide range of things, from mediation and those kind of lawyering skills all the way to areas of expertise within specialized fields of law. They are amazing and we are so fortunate to have them. So it's not like you save a lot of money if you cut a class taught by an adjunct.

*Q: How do you go about establishing relationships with adjuncts? Is that something you just reach out on?*

A: Yes. Just last night we invited them and Dean Joondeph, the new Assistant Dean for Academic Affairs, to come and talk with them about the students, the school's policies, making sure that everybody is clear and gives notice on exams,

that kind of thing. And then he also kind of gave them his advice on teaching. He's an outstanding teacher.

*Q: You've talked a little bit about Jesuit philosophy, and how that's important to you. If I'm correct, Dayton also had a lot of Jesuit influence.*

A: It wasn't Jesuit, it was Catholic and Marianist. The Marianists are a smaller order but they do a lot of education and there are a lot of similarities.

*Q: So, what do you think that provides to a law school?*

A: A couple of things are really key. The Jesuits, like the Marianists, believe in educating the whole person. The way I would describe it is where we care about you as a whole person as a student. That is, we teach you the doctrinal stuff, like in the first year and the bar courses, so that you have the analytical foundation, how to think like a lawyer, how to know the foundational subjects.

But we're also concerned about lawyering skills

– I think of it as head, hands, and heart. So we're getting to your head through the first year and all those bar courses. We're giving you lawyering skills through negotiation courses, some practical experiences in the clinics and externships, and the opportunities to really get a sense for the practice of law.

And then we don't want to forget the development of your judgment so a lot of what you do as a lawyer in whatever area you're in – criminal, transactional, administrative

-- you counsel people. You counsel your client. So, it's their decision at the end of the day what they want to do, but you give them a lot of guidance. You don't just say, "The law allows you to do X." You say, "The law allows you to do these three options. Let's talk about what this means for you, the client." Really broaden it in terms of what it means for the shareholder price, public relations, the impact on your family if you're going to litigate a divorce to the helms, that kind of stuff. So really, you're going to be wise counselors for people, and I think that first part is the Jesuits really care about that whole person approach, exactly what lawyers need. You can't be one-dimensional.

And secondly, we can talk openly about ethics and values. We don't all have to have exactly the same religion, or any religion at all, to be able to care about issues of ethics, and judgment, and professionalism. And every time you talk to alumni – judges and lawyers – they say reputation matters so much and you start making your reputation on day one of law school. So it's a place where you can emphasize things like that.

And the third thing I'll say about this is, in Catholic social teaching, there's a preferential option for the poor, and that means basically those that are less powerful in our world, those with less of a voice, we've all got a duty to help, however you do it, whether you do it through pro bono work, whether you do it through your faith activities, whatever it is. And lawyers have a real gift there because there's so much of our society that can't afford a lawyer. Even middle class people can't afford a lawyer, right? There's something wrong about that!

So, we may work for a corporation and give back in other ways. I'm really grateful that there's a well-developed program here where students can begin to experience pro bono. Just a couple of things about pro bono work: it gives you practical skills, helps you meet people, and really gives you that sense of fulfillment that you're helping other people.

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*Q: So, I have to ask the rankings question. Right now, Santa Clara has been sitting down there, in an uncomfortable position. We don't want to fall out of the top 100 –*

A: -- that's right –

*Q: -- so, two part question. How do we sustain or raise that ranking? And, two, how important is that ranking to the success of the students and the success of the program?*

A: Well, let me answer the second part of the question first. I think it is important. I don't like the rankings, but incoming students look at it. As we're trying to get the best faculty here, they look at it. Your donors and alumni look at it. The employers look at it.

It's not a complete ranking. It does not do enough to measure the quality of the legal education offered. But on the other hand, we've got to pay attention to it. I do think it's important.

And, in terms of us, that's part of what we're doing here, really trying to hold the quality this year. It's important to the long term reputation of this school, trying to make sure that faculty have opportunities to go out there, get their scholarship noticed. Because that's a big part of how the other academics view you.

Student job placement is really important now with U.S. World News Report. I think it's always been important, but I'm glad that U.S. News is valuing that aspect more. Again, it doesn't do it all right. It doesn't count those J.D. advantage jobs the way it should. On the other hand, it's good that employment is a big factor there, so I think that's exactly why we need to take a hard look at what we're doing and make sure, to the extent that we can control these things that we don't slip in the rankings.

*Q: You stepped down from Dean and were teaching for, I think it was maybe a year, year and a half. What made you want to step back into the dean role?*

A: Yea, I really wasn't on the market. [Laughing] I was not looking. A friend who was a Santa Clara undergraduate -- we had been deans together -- said, "You really need to take a look at Santa Clara, Lisa. It's a really special place."

She didn't go here for law school, but she had been a dean of a law school, and I really valued her opinion and she felt like they were serious about mission at Santa Clara. Mission had been very important to me in Dayton. I kind of felt like who I was as a person was a really good fit with the identity of the school, and I feel that here too.

And then, the programs, I thought Santa Clara Law had been smart about choosing their specialties and actually having some concentration and ability for students to deepen in three broad areas of knowledge that make sense for the future of the profession. The location is really attractive, not just because it's home and family. That's really wonderful personally. But also I think the location is really strong in terms of future employment, and resources and opportunity for students. So if you're going to go anywhere in the country, it's a really good location for producing lawyers.

*Q: It sounds like it was not very hard for you to adapt to the Northern California life?*

A: No! Well, it was a little surprising to pick up and move in two months, but not hard at all to adjust.

*Q: Have you picked a local team yet to root for?*

A: Well, actually, we picked those before we arrived. My husband, since he grew up in the Bay Area, has had a heavy influence on me. We're huge 49ers fans. And also, my husband and daughter are big Giants fans. They went to the opening day a couple years ago after the Giants won the World Series. But we also love the As. It's easy to root for the As these days. [Laughter] But we really like the As.

# 4th Annual Sports Law and Ethics Symposium

*The all-day event will focus on the dangers of concussions in football, soccer, and youth sports*

By Paria F. Amini  
Associate Editor

If you have ever considered a career in sports law, or are open to the possibility, you'll want to attend Santa Clara Law's 4th Annual Sports Law and Ethics Symposium! Located at the Locatelli Center at Santa Clara University, the event will be held from **9:00 AM to 6:00 PM on Thursday, September 12, 2013**. Best of all, the event is **FREE** for students!

The topic for this year's symposium is "Sports Concussions: Problems and Proposed Solutions," featuring keynote speakers **Alan Schwarz**, New York Times reporter and author of numerous concussion-related articles, and **Jeff Miller**, National Football League Senior Vice President for Health and Safety Policy. Other speakers for the event will include retired San Francisco 49ers NFL Hall-of-Famer, **Ronnie Lott** and Three-time NFL All-Pro, **Brent Jones**.

Concussions have become a matter of great concern in both amateur and professional sports. As a result, thousands of lawsuits have been filed because of this injury, influencing the measures sports teams and organizations have taken to protect their players. By bringing together leaders in the fields of medicine, law, sports and ethics, this symposium will address an important matter crossing over into these various areas. The discussion will specifically discuss the influence of concussions in football, soccer, and youth sports, as well as the science of concussions and legal perspectives on the matter.

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Additionally, the special lunchtime presentation will highlight "What We Can Learn from What Happened at Rutgers," a talk conducted by **Jack Clark**, University of California, Berkeley Rugby Coach, and **Jim Thompson**, Positive Coaching Alliance. The Sports Law Symposium has been a great success in past years, previously addressing in its panel the proper role of sports in higher education and other sports law issues such as the use of player images, labor strife, and steroids.

Panel moderators for the 4th Annual Sports Law and Ethics Symposium include: **Dr. Robert Cantu**, Clinical Professor Department of Neurosurgery and Co-Director Center for the Study of Traumatic Encephalopathy, Boston University School of Medicine, Senior Advisor to the NFL Head, Neck and Spine Committee; **Ramogi Huma**, President, National College Players Association; **Brandi Chastain**, Women's Soccer Olympic and World Cup Champion, Broadcaster; **Tom Farrey**, ESPN Reporter and director of the Aspen Institute's Sports & Society Program; and **Ted Leland**, University of the Pacific Vice President of External Relations – Athletics.

The all-star panel for the symposium will include: Dr. Corey Goodman, Dr. Michael Lipton, Dr. Cindy Chang, Dr. Chris Giza, Dr. Alisa Gean, Isaiah Kacyvenski, retired NFL player; Patrick Larimore, former UCLA football team captain; Bryan Larimore, father of Patrick Larimore; Tim Fleiszer, retired Canadian Football League player, currently an agent; Jeff Skeen, CEO of Full 90 Sports; Professors Jack Sahl, Robert Rabin, Doug Abrams, and William Gould; Shawn Stuckey, retired NFL; and Rob Carey, attorney.

To **REGISTER** for the Sports Law and Ethics Symposium, please visit [law.scu.edu](http://law.scu.edu), where you can find a link with more information about the event and details to register. Attendance is limited to 250 guests, so be sure to register soon!

Additionally, the Institute of Sports Law and Ethics needs volunteers for the event, which can be a great networking opportunity. For more information about volunteering, or about the event generally, contact Aman Muhar at [amuhar@scu.edu](mailto:amuhar@scu.edu).

## Keynote Speakers at the Sports Symposium



### ALAN SCHWARZ

Alan Schwarz, prize-winning author and journalist for the New York Times, helped bring the connection between concussions and early-onset dementia to national attention with a series of articles starting in 2007. These articles have become an important part of the national discussion on this issue and have led to Congressional hearings and to policy changes by the National Football League. Mr. Schwarz has won numerous journalism awards, including two Associated Press awards for feature writing in sports, and a George Polk award for sports writing. Mr. Schwarz previously participated in SCU's first Sports Law and Ethics Symposium back in 2010.

### JEFF MILLER

Jeff Miller is the NFL's Senior Vice President for Health and Safety Policy. In addition to overseeing many of the NFL's health and safety initiatives, Jeff also manages the League's community relations programs and philanthropic work. Jeff previously served as head of the NFL's D.C. office where he was responsible for all state and federal legislative and regulatory initiatives.

Before joining the NFL, Jeff worked as the Staff Director and Chief Counsel for the Antitrust and Business Competition Subcommittee of the Senate Judiciary Committee and Senator Herb Kohl from 2003-2008. As staff director, Jeff was responsible for legislation on all issues before the Committee as well as investigations and hearings concerning a range of antitrust issues including mergers and anti-competitive business practices. He led investigations into mergers in the telecommunications, media, airline, and pharmaceutical industries, among others.



# Early Fall Tryouts Announced for HMCE Teams

By Natalie Kirkish  
For The Advocate

The Honors Moot Court External (HMCE) program has begun forming teams to represent Santa Clara Law in national and international competitions this year. HMCE is recruiting Santa Clara's top students who can command a court room or conference table, can think on their toes, and love problem solving. As a member of a HMCE team, students will have the opportunity to learn practical legal skills while networking with attorneys in their area of interest and traveling around the world.

The tryouts began last week and will continue throughout the semester. Students who are interested in trying out for a team can visit Claranet for the application forms and tryout information. The tryouts for the NYC National Team, IP Law Moot Court teams, International Law Moot Court teams, and Pace Environmental Law team will take place over the next few weeks.

The **NYC National Competition**, sponsored by the New York City Bar, is one of the longest-running moot court competitions in the country. This competition is an appellate advocacy competition with a topic covering a variety of areas of the law. The tryout will take place on Friday, August 27th and 29th.

The **Intellectual Property Moot Court** teams participate in AIPLA Patent, INTA Trademark, and Pepperdine Copyright competitions. The teams are sponsored by the High Tech Law institute and coached by practitioners from noted IP Law firms in Silicon Valley. The deadline to apply for these competitions is Thursday September 5th and the tryout will take place on Saturday, September 7th.



The Jessup International Law Moot Court Team pose with their team coach, Professor David Sloss.

The **International Law Moot Court** teams participate in the Jessup, Vis Commercial Arbitration, and Pictet Competitions. Jessup is a prestigious public international law competition sponsored by International Law Students Association and White & Case. This year the topic will cover a fictional dispute

before the International Court of Justice involving the topics of maritime development and conservation, criminal jurisdiction and maritime salvage right. The Vis Commercial Arbitration Moot takes place in Hong Kong. The Pictet Competition in International Humanitarian Law and the Law of war is a unique role-playing competition that is the way to make connection sin this area of law. The deadline to apply

for the International Law competitions is Monday September 9th and the tryouts will take place on Tuesday September 10th and Thursday September 12th.

The **Pace Environmental Law competition** is one of the most challenging competition where teams of three argue for environmental groups, government entities, and state agencies on multiple issues including Environmental Law, Administrative Law, and Constitutional Law. The deadline to apply is Monday, September 16th and tryouts take place on

Monday September 18th.

HMCE will announce more tryout dates in the coming weeks. Competition for a spot on a team is stiff, so it is recommended that students sign up to try out for more than one team.

## Stealing Home: City Files Lawsuit to Bring A's to San Jose

By Michael Bedolla  
Associate Editor

The Oakland A's have been, for the past two decades, the Bay Area's junior varsity baseball team, always in the shadow of the more favored San Francisco Giants. The Giants, after all, have the beautiful waterfront ballpark, the giant payroll with the marketable stars, and, of course, the two World Series titles in the past three years. The A's, however, stand ready to upset the Bay Area baseball balance of power, not simply stemming from their success on the field, but in the courtroom as well.

In late June, the City of San Jose filed a lawsuit in federal court against Major League Baseball, claiming that the Giants' territorial rights over Santa Clara County represent an unlawful restraint of trade, and therefore violate federal antitrust laws. The ultimate objective of the lawsuit is to compel the Giants or a majority of other MLB owners to permit the A's relocation to San Jose.

As inconceivable as it may seem now, it was the Giants that were poised to abandon the Bay Area completely. Toronto had almost snatched the Giants away in the 70s; in 1991, it was Tampa Bay that threatened to uproot the team to make the Giants the first MLB team in Florida. Then-owner of the A's, Wally Haas, stepped in and granted the Giants territorial rights to Santa Clara County in a move that, while not keeping the Giants in San Francisco, would hopefully keep them at least in the Bay Area.

Territorial rights grant an MLB team a local monopoly on baseball in a given market. Only one team may operate within that market, and these rights are a driving force in team revenues. While the other three two-team markets in

Silicon Valley as the answer for a new stadium and a large, affluent fan-base with which to fill it. This time around, however, the Giants steadfastly refuse to grant the A's so much as an inch of what is now the Giants exclusive

exhibitions and not "business" within the meaning of the commerce clause. This reasoning, however, has not aged well; baseball is an international, multi-billion dollar business and any suggestion to the contrary defies even the most cursory observation of the current sports landscape.



Artist's conception of the A's San Jose Stadium, Cisco Field. Source: Baseball San Jose.

baseball - New York, Los Angeles, and Chicago - all share territorial rights in those respective markets equally, the Bay Area market has been torn in half, with the Giants and A's operating local monopolies in their respective areas.

For the Oakland A's today, the altruism shown the Giants has been replaced by the sentiment that "no good deed goes unpunished." Much like the 1991 Giants who needed to replace the aging Candlestick Park for a modern baseball facility, the A's are looking to

territory. While the A's have explored other options, such as building on the Santa Clara County line in neighboring Fremont or relocating the team to Sacramento, it is San Jose that is still considered the A's Promised Land.

Despite legal precedent granting professional baseball an antitrust exemption, the lawsuit is a significant danger to MLB's status quo. In 1922, Oliver Wendel Holmes gave MLB its antitrust exemption, declaring professional baseball to be mere

A legal ruling on whether MLB is still exempt from antitrust laws could have wide reaching effects upon all pro sports leagues and significantly alter the sports landscape. Pro teams could be free to relocate to any city, not just to an unclaimed market. Local TV blackouts could disappear as well, threatening the billion-dollar TV revenue stream while simultaneously jeopardizing the very existence of the league's respective out-of-market cable packages like NFL's Sunday Ticket or MLB's Extra Innings.

Despite the Giants' obstinate refusal to relinquish their territorial rights, they may be forced to do just that, not only by the other MLB team owners, but the owners of every other pro sports franchise in North America. In the grand scheme, whether San Jose belongs to one Bay Area baseball team or the other does not warrant the potentially catastrophic financial earthquake a court ruling could bring. The Giants will be, in sports parlance, "taking one for the team."