THE ADVOCATE

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Congressman Mike Honda Engages SCU Law Students

By E.J. Schloss
Staff Writer

On Wednesday, February 19th, the Santa Clara School of Law hosted Congressman Michael Honda. Honda, a Democrat representing California's 17th congressional district, spoke and answered questions amongst faculty and students. The event, focusing on immigration reform, was co-sponsored by university chapters of La Raza and the American Constitution Society.

A self-described "progressive", Honda spoke on the need for sensible and comprehensive immigration reform. Law Professor Pratheepan Gulasekrum provided opening remarks and an introduction to the congressman.

Following pleasantries, Congressman Honda set forth his agenda by noting that the "immigration system is a legalized system of discrimination". Honda quickly pointed out that immigration reform, with respect to California, has historical underpinnings tracing back to the federal Chinese

Congressman Mike Honda discusses immigration reform with SCU Law Students.
Source: Office of Congressman Mike Honda

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The Electronic Frontier Foundation Sits Down for an Interview with The Advocate

By Brent Tuttle
Staff Writer

The Internet is the world's largest ungoverned space. This digital frontier serves as an enclave for exploration, empowerment, and innovation, but much remains to be established regarding this rapidly evolving realm. The framework supporting our newfound cyber-world is still developing, and at a much faster pace than our legal system or our policymakers can keep up with.

At the forefront of this expedition is the Electronic Frontier Foundation, also referred to by their initials: EFF. They are essentially the ACLU of the Internet, dealing not only with privacy and free speech online, but also with copyright and patent reform.

One of their Activists, April Glaser, was kind enough to sit down with me on a Friday afternoon and divulge a bit about what she and the organization do to protect and enhance the development of our digital world.

Tell us about the EFF, the Electronic Frontier Foundation. What do you stand for, and what do you do?

I'm April. I'm a Staff Activist at EFF. We're based in San Francisco. We basically just make sure that your rights go with you when you go online. We've been doing this since 1990. We're a digital civil liberties group. We're lawyers, activists, policy analysts, technologists. What we do is we defend privacy and free speech online, we fight censorship, we push for innovation, we work to fix our broken patent system, we push for reform policy, copyright rules that don't stifle innovation and creativity, but instead foster creativity. We also work to protect the right to be anonymous. We build, and actually support the building, of freedom enhancing tools like HTTPS Everywhere and we are very much in support of the Tor Project.

The Day We Fight back was February 11th, and it was my understanding your organization took a big part in that event. Can you tell us a little bit about that?

We decided to hold a national day of action, it's one of many and we're going to continue to have escalated actions until we get the policy outcomes that we want to see. We are campaigning for change, but the idea was to have an internet banner drop. What happened was over six-thousand websites hung our banner. What that banner did was it drove people to make phone calls or to send an email to their Representative, or if they're international to sign on to our international principles, which then can be in our use to leverage policy change around the world. Also, or very much used as a framework and an inspiration for a lot of the discussions that happened at the UN in December, in which the UN General Assembly unanimously reaffirmed the international human right to privacy with the act of the Right to Privacy in the Digital Age that was opposed by [German Chancellor Angela] Merkel and by Brazil. So people could either take action in the U.S. or internationally. We had over 89,000 completed phone calls to 535 Congressional offices. We kept them very busy that day.

The idea was, we're seeing action on all three fronts of the Federal Government. The Obama Administration's two independent review groups – one was the Presidential Review Group and one was the PCLOB, the Privacy and Civil Liberties Oversight Board – both came out with strong condemnation against NSA spying, particularly domestic spying, really resonating a lot of our concerns. They didn't address everything we said because we obviously want to see even more, but they said that massive reforms need to happen.

So the Executive Branch is coming out against it, we see Congress coming out against it with the USA Freedom Act and that's what we're pushing for support of. We've also seen a federal judge come out against it in December. With all three branches of the federal government essentially coming out against NSA spying, we saw this as a time when we really have to press for some major change. We wanted to be demonstrative of what public opinion is. Yes, the polls are on our side, but the polls aren't enough. We wanted people to go beyond election day, and to go beyond voting, and to pick up the phone and tell their Representatives, "You work for me and you're representing me, and right now my Constitutional rights are being violated."

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Townhall Meeting: Smaller Total Enrollment Here to Stay

Dean Kloppenberg discusses student's priorities and concerns, but also reveals plans for smaller law school.

By Michael Branson
Editor-In-Chief

At two Townhall Meetings last month, Dean Kloppenberg spoke with interested students about SCU Law's planning and budget process, and revealed plans to recalibrate the law school to reduced enrollment. The meeting was focused on summarizing student's responses to the Law School Strategic and Budget Planning Survey as well as addressing any comments and concerns raised by students at the meetings. But Dean Kloppenberg also spent a considerable amount of time discussing a range of difficult decisions being made about the school's future. Specifically, Dean Kloppenberg discussed plans to stabilize total enrollment at seven hundred students, down from around one thousand. Making this size financially feasible necessitates several short-term and long-term adjustments, including the extension of retirement packages offers to tenured professors to be accepted by the end of the month.

One hundred and seventy two students responded to the Law School Strategic and Budget Planning Survey. The results of the survey show that SCU law students prioritize similar goals as faculty and staff. The paramount goal far and away was to "enhance our commitment to produce practice ready lawyers." Other priorities on the top five were "to better align our curriculum with the challenging demands of the legal profession;" "to produce graduates who are competent in legal analysis and communication;" "to facilitate the faculty's production of top-rate scholarship;" and "to substantially improve our facilities." As to the question about allocation of resources, students emphasized employment initiatives, bar pass efforts, and experiential learning.

After discussing the results of survey, Dean Kloppenberg turned to discussing the planning decisions currently being made to address the national law school admissions crisis. Law schools nationwide, SCU Law included, have seen declining law school applicant and application numbers over the past three years. Recent LSAC data indicate that this trend is continuing this year. Many schools are facing difficult planning and budget decisions as a result. Typically, schools have to decide whether to lower admissions standard to maintain enrollment, or to maintain standards but

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John Cruden '74 Nominated to Assistant Attorney General Environment and Natural Resource Division at DOJ

By Michael Branson
Editor-In-Chief

On February 25, SCU alumnus John Cruden appeared before the Senate Judiciary Committee to answer questions regarding his nomination to Assistant Attorney General for the Environment and Natural Resource Division at the U.S. Department of Justice. President Obama nominated Cruden, who currently is president of the Environmental Law Institute, in December of 2013. Mr. Cruden could be confirmed at any moment.

John Cruden attended Santa Clara Law in (J.D. 1974) during a break from active duty in Vietnam. After graduation, Cruden returned to the Army and used his degree to serve as a military criminal prosecutor, head of civil litigation in Europe, and chief legislative counsel for the Army. In these positions, he gained a specialization in environmental law and used the experience to later become chief of the Department of Justice environmental enforcement section. During his years at the DOJ, Cruden helped litigate landmark enforcement actions related to the Exxon Valdez spill and the Love Canal case.

Source: Environmental Law Institute

In 2005, Cruden became president of the D.C. bar and was the first government attorney to hold the position. In 2011, Cruden shortly left government practice and acted as president of the Environmental Law Institute. But with President Obama's nomination, his time away from the Department of Justice is bound to be short.

The Environmental and Natural Resource Division was previously headed by Ignacia Moreno, serving since 2009. Moreno announced her plans to depart in May 2013. In an interview with Main Justice, Moreno said she refers to Cruden as "Mr. Enforcement."

Cruden is largely expected to see a smooth confirmation process. Before the Senate Judiciary Committee, Cruden was commended by several senators for his years of service and his ability to address concerns of state attorneys general. "This is John's hallmark – pulling people together to get things done," said Senator Tom Udall (D-NM), who had worked with Cruden when Udall was the Attorney General of New Mexico.

Students Express Priorities at Town Forum with Dean K

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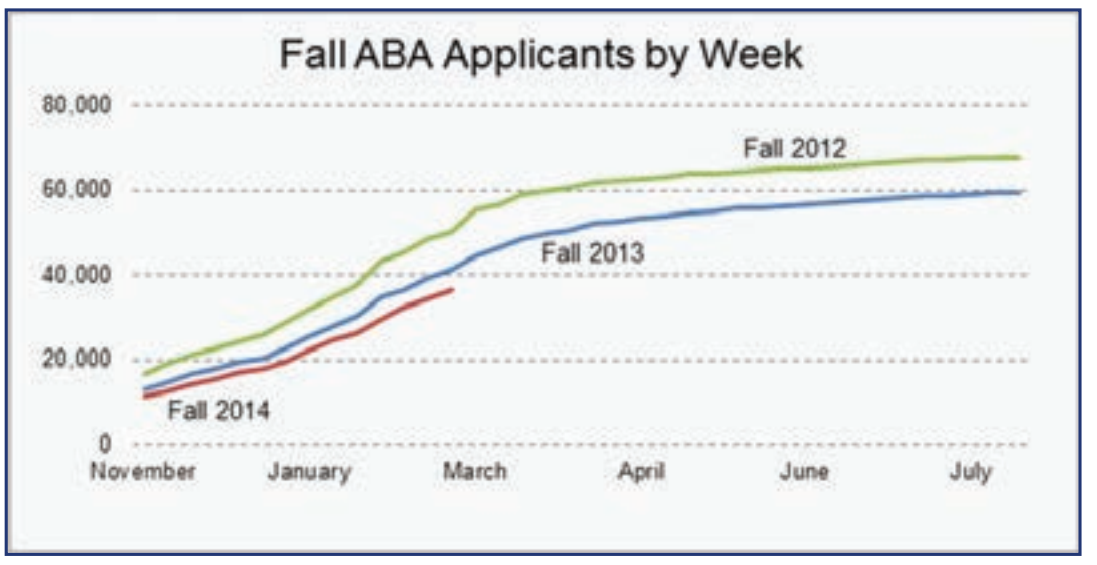
expect reduced enrollment. The former risks a drop in law school rankings while the latter places substantial strain on law school budgets. The planning surveys sent to faculty, staff, and students were meant to aid Dean Kloppenberg and her colleagues in making tough decisions necessary to balance SCU Law's financial solvency and academic integrity.

Dean Kloppenberg made clear at the Townhall Meetings that SCU has decided to take the lean approach: adjust to a total enrollment of seven hundred and attempt to maintain mean LSAT and GPA of incoming students. Over the past several decades, total attendance at SCU has hovered around one thousand students, but now all future decisions will be based on a total enrollment closer to seven hundred students. This substantial decrease challenges every facet of the law program, including faculty hiring, class sizes, future facilities, LSO funding, and HMCE offerings. Although SCU law has not had fewer than seven hundred students for, according to Dean Yaffee, at least thirty years, Dean Kloppenberg expressed her optimism about the future of the school serving a smaller student base. The dean felt that the smaller size would fit well with the school's identity as a private Jesuit learning environment.

While student numbers are quickly reaching the target—perhaps as soon as next year—expenses are much more challenging to reduce at the same pace. This is particularly true regarding salaries owed to tenured faculty. In an effort to adjust more quickly, Dean Kloppenberg announced that the school has offered buy-out packages and retirement plans to many tenured faculty, as well as similarly situated librarians. Dean Kloppenberg would not disclose the number of offers made or the names of faculty, but she did say that the recipients had until the end of March to accept the offers. If an insufficient number of buy-outs are accepted, the school would have to lay off staff as necessary. Additionally, most visiting professors, if not all, will be absent next year. Funding for adjunct professors may also be short.



LSAC data show national applicant numbers continuing to fall for the fourth year.
Source: http://www.lsac.org/lsacresources/data/three-year-volume

Also affected by the goal of seven hundred students is the plans for improved facilities. Dean Kloppenberg was happy to report that upgrading the law school is currently one of the top four priorities of the University as a whole, and has a "capital campaign" separate from the law school funds. To fit with the smaller class sizes, the facility—likely to be located along Palm Drive next to the business school—would be designed for a student capacity of seven hundred. The new facility would contain lecture halls, faculty offices, and the library under one roof.

While the lunchtime Townhall Meeting was very poorly attended, more than twenty-five students attended the meeting the following evening. Some students came solely for the purpose of listening to our still-new dean, but most came armed with questions, concerns, pleas, and recommendations. Among the recommendations shared by students were: ensuring opportunities for experiential learning; strengthening the connection between students and alumni; providing opportunities for LLM students to develop writing skills; and cautioning against replacing too many experienced lecturers with practitioners.

While no single comment reflected the concerns of the entire student body, a theme did seem to develop about the ability of groups, journals, and other programs to successfully organize events. One student expressed concern about Law Career Service's financial ability to host events while another felt further efforts should be made to increase attendance at symposiums. There were sharply contrasting views about funding for Law Student Organizations and whether the school should play a role in reducing the number of LSOs on campus. One idea that Dean Kloppenberg seemed to immediately take under submission was raising the cap for externship units.

Rumor Mill with Dean Erwin

By Susan Erwin
Senior Assistant Dean

This month's column will be dedicated to the Strategic and Budget Planning Survey that many of you took last month. Over 170 students responded with very thoughtful comments and suggestions that were extremely helpful to the Dean and her advisory groups. It was also very helpful to know that your priorities and goals for the school largely matched those of the faculty and staff. Great minds think alike :)

As I was reading through the responses to the survey, I couldn't help but notice the number of recurring rumors that showed up and some comments that I think we should talk about:

BAR PASS. "If we can increase our bar passage rate into the 85% range, our ranking will increase substantially. It has fallen for several consecutive years and is now becoming concerningly low."

Since 2010, SCU's July pass rate has ranged from 70 - 76% with a pass rate of 74% in July 2013. We consistently perform within 5 points of the California ABA accredited schools. That said, an increase in the bar pass rate would likely have a positive impact on the ranking and, more importantly, it is critical for the well-being and employability of our graduates. It is definitely a top priority for the school.

FIRST YEAR SECTIONS: "It is no secret SCU groups together the "smart" kids in one section or two sections to weed out the conditional scholarships by the end of the first year." "These rumors typically include a combination of putting all the scholarship individuals in one class so that some of the individuals will not get their scholarships renewed and restricting the scholarship range of the class. All in all, after I graduate, at this time I would have serious contentions on donating money to the law school based on the unscrupulous scholarship practices at the law school."

I can say that this is 100%, categorically, completely untrue. We do not put all of the "smart kids" in one section (you are all smart kids, btw) and we do not put all of the "scholarship individuals" in one section. We absolutely do not do this. We line you up by your admission index number (LSAT and Ugrad GPA) and then count you off (section 1, section 2, section 3 . . .) Our thinking is that this is the best way to balance all of the sections and create a better learning environment for everyone – no schemes or conspiracies.

GRADES: "Also, getting grades out sooner needs to be imposed on professors. Students need to apply for jobs and most ask for transcripts. Not having grades is prohibiting students from applying to jobs with gpa requirements. It is ridiculous that the semester has started and students are waiting for most of their grades."

The ABA says, "Law schools should adopt and maintain policies for timely grading of law school examinations. It is urged that such policies provide for completion of the grading and notification of results to the students not later than 30 days following the last examination of the term." Our faculty has adopted these guidelines. From time to time, I check in with my counterparts at other schools and they, too, generally stick to the 30 day guideline. Many faculty members, noting that students are anxiously waiting for their grades, turn in grades early.

GRADE CURVE: "SCU is known for having one of the hardest grading curves in the Bay Area." "Getting our curve to match that of other schools in the area. It hurts our GPAs thus makes us less competitive in job interviews against students from Stanford, Berkeley and Hastings."

The curve is governed by the law school faculty, who usually end up discussing it every year. A few years ago, the student advisor to the Academic Affairs Committee compared curves and noted that ours was not the harshest. My office just took another look around the bay area and found the following (very broadly stated):

-Stanford doesn't really have grades, so no curve. They have honors, pass, credit and fail.

-Berkeley has high honors, honors, pass, conditional pass and no credit.

-Davis has a curve in 1L: max 20% A's, 60% B's, 20% C's and below.

-Hastings has a curve for classes with 30+ students: max 25% A's, 12% B- or below.

-USF's 1L curve is max 22% A's, 70% B's, 20% C, 12% C-, 5% D.

-McGeorge's 1L curve is max 19% A's, 85% B's, 30% C's and below.

We do seem to be a bit tighter on the A's, but we are also tighter of the low grades - with more room in the middle for everyone. (I have more detailed info, pulled from school webpages, if anyone is interested.)

LCS: "One website that strikes me as not as helpful as other law school's websites is the career services page. For example, when I want to find information on how to approach an interview, our LCS website is cluttered and has generic information. I often look to McGeorge School of Law's website and also to Yale's for information on careers. I feel like we can do better in preparing our candidates for employment in that regard."

Career Services agrees. They have been working hard on a redesign of their webpage and hope to take it live very soon. They will probably be asking for input from students on the new design. Stay tuned.

PART TIME: "There is not much in the way of extra-curricular activities offered for part-time students; all of the clubs and events take place during the day when we are at work or early in the evening when we are in class. Why not on a Saturday or alternate to 7:30 or 9 pm so evening students can participate as well." "Change the career counseling hours and student services hours instead of 9-5, why not 10-6 so part time students can get a chance to talk to somebody?"

In my many years here, we have tried many different scenarios for evening programming. We tried Saturdays a few times and found that no one came to anything (because they were spending what little time they had with their families or catching up on reading). We also tried programming at night after classes and found that not many people were interested in spending even more time at the law school on a weekday. We've tried 5 to 6. I even jokingly offered to stand in the hall and shout out information from 7:15 – 7:30 when students were changing classes. If you all will show up, so will we! Look for another survey soon. Student Services and Career Services are always open until 6 pm on Mondays and Thursdays (and unofficially, we are usually here most other days until late.)

PROF EVALUATIONS: "Students' evaluation forms are due before the students have had a chance to take their final exams, which in most cases constitute 95%-100% of any given class' graded material. This robs the students of any real chance to evaluate the classes or professors, and sends a clear message that class evaluations mean nothing, and are a formality." "Pay attention to professor evaluations."

This is another topic that faculty discuss almost every year. The evaluations are reviewed by the professors, by the dean and by the associate dean. Most find them very useful. (They will be even more useful once we figure out a way to get more of you to fill them out.) The decision was made long ago to distribute evals prior to final exams. The thought was that if we wait until after the exam we would get even fewer responses and students' opinions might be clouded by how easy or hard they found the final to be.

And the saddest one of all: "Our complaints are unheard or nobody cares."

There are a lot of us that care deeply for our students and work hard to do our best for you. We are very interested in what you have to say and are listening. If you want to discuss any of these topics further talk to Colby Lavelle (student rep for Academic Affairs) or Travis Cook or Madhavi Chopra (student reps for Student Affairs) or Prof Kreitzberg (chair of Academic Affairs) or Prof Jean Love (chair of Student Affairs) or Prof Joondeph (Associate Dean for Academics) or send me an email or stop by.

Congressman Honda Speaks With SCU Law Students During Lunch Event

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Exclusion Act of 1882. Speaking with historical hindsight, the congressman acknowledged that Silicon Valley's modern success is in part due to the ethnic minorities that the state and federal government once sought to exclude.

Moving to modern reform, Honda singled out the necessity for approaching problems involving families. Honda noted that green card holders and naturalized citizens often face heavy burdens to reunite with family members. Approaching this issue, the congressman claimed, would require members of Congress to simplify their approach to defining a family. Honda added that this simplified definition of family would need to provide for same gender bi-national couples as well.

While the congressman initially spoke in general terms, he progressed to discuss the practicalities of reforming immigration. Noting his role on the Committee on Appropriations, Honda referenced how he uses this power to generate change. Honda noted that the appropriations committee could influence existing law by tweaking specific expenditures.

Honda did acknowledge the limits of his personal role. Honda contended that the key to comprehensive immigration reform lies with the leadership of Congress. In particular, Honda claimed, "the key is in the Speaker", referring to House Speaker John Boehner. The representative didn't doubt that Republicans knew something had to be done; rather, he expressed that it was a question of when and how much reform would become a reality.

After his speech, Honda opened to floor to questions. Perhaps the most telling of these came from a student who expressed doubt in the "all or nothing" approach it appeared that Congress was taking on immigration reform. The student asked whether Honda believed a piece-meal approach would be a viable alternative. Honda expressed doubt in a piece-meal approach, noting that such an approach was limited in that it would generally cater to further special interests.

Congressman Honda is currently running for re-election in the 17th District, which encompasses Santa Clara, Cupertino, Fremont, Newark, Milipitas, and a portion of North San Jose. He is set to face off in a June 3rd primary against fellow-democrat contender, Ro Khanna. Currently, Honda serves as Chair of the Congressional Asian Pacific American Caucus, as well as the Chair of the Immigration Task Force of that caucus.

Electronic Frontier Foundation: Defending Your Rights in the Digital World

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We were asking people specifically to tell their Representatives to support the USA Freedom Act, which is a good bill that was written by Representative Sensenbrenner as well as Senator Leahy, so it was introduced in the House and the Senate. And Representative Sensenbrenner is interesting because he's actually the gentleman who wrote the Patriot Act, but now feels that the Patriot Act has been broadly misinterpreted and misused, and is outside of the bounds of the Constitution now because it's actually been interpreted in secret courts, and I can get to that later.

So we were calling on people to support that bill. We think that bill is a floor, not a ceiling, because that bill is not as strong as the comments we received from the Presidential Review Group. Particularly, the Privacy and Civil Liberties Oversight Board, as well as some of the recommendations from the independent review group, both had stronger recommendations than what the USA Freedom Act has. So although we think it's a great starting point, it's going to introduce a lot of needed change and a whole new level of transparency, particularly when it comes to domestic spying, we don't see the rights of foreigners protected enough, and we think it's great, we would love to see it pass, but again it's a floor not a ceiling. It's a starting point.

On that note, the legal framework of the internet and internet privacy is in its infancy. How do you see that actually changing in the coming years? Not just campaign rhetoric, but actually changes in policy?

Well we're seeing recommendations that are the same in different branches, and those are the ones that seem to resonate people. Things like seeing a public advocate be assigned to the FISA [United States Foreign Intelligence Surveillance] Court. We know that there is going to be some sort of legislation that is passed having to do with NSA sometime soon. That's unquestionable. Whether or not it's going to be the good legislation is up in the air, and that's why we need to make sure that the public speaks out now.

So the public knows the basic tenants of good legislation against the NSA?

Yes, and again we would like to see it stronger than it is now, but this is the USA Freedom Act I'm talking about. The bad bill that we're trying to stop is Senator Feinstein's FISA Improvements Act, which actually seeks to codify some of the worst aspects of NSA surveillance. The USA Freedom Act would do a lot of good things. It would appoint a public advocate to the FISA court, an ex-parte secret court. It would put in some serious restrictions on the types of gag orders that are issued with national security letters, which are broad letters that the FBI issues to telecom companies to give over user data on an ongoing, daily basis of calls going into or from the United States. That's a direct quote from the Verizon order that was leaked from Snowden. It would put new levels of transparency on things, as well as restrictions on domestic spying and collection, and we certainly welcome that. But it's not enough. It's a great starting point. We need to see protections for non-U.S. persons as well. Privacy is a human right. It's fantastic that were protecting our Constitutional Rights, but as the United States we need to be norm setting in this space as well. We're clearly setting the wrong norms here. We are on the wrong side of the right argument.

So going back to your mention of the Representative and Senators above, it seems like most of those in Congress and the Senate don't fundamentally understand the internet, or if they do they would like to use it for purposes which serve the government as opposed to the people. Do you think most politicians and policy makers are a help or a hindrance to the reforms that the EFF would like to see?

It's true that often Senators and Congress members are asked to legislate about topics they know nothing about, particularly in the technology space. What happens when that type of dynamic is in play is that we see a failure of the public interest because the people who have access to legislatures, that go to the Congressional Offices in D.C., and have passes and see them regularly, are lobbyists. The people that can afford lobbyists are large companies, or security contractors, or the NSA, right? The people that don't go and knock on their Congressperson's door and talk about their interests in all of this is the public. So when a Congress member is asked to make a law they know nothing about, they seek information. The information that they seek is what's available, and what's available are lobbyists, not the public. That's why we did The Day We Fight Back. We wanted the public interest to be demonstrated and brought to Congress loud and clear.

This is very much a post-partisan issue I'll say. All of our work has been bipartisan actually. Again, Feinstein is a Democrat, Leahy is a Democrat, Sensenbrenner is a Republican. And we're not with Feinstein on this. We think that she is advocating– well, we know that she is advocating for Constitutional violations to be codified into law. So it's a mixed bag.

We definitely have convincing to do, and part of that convincing includes teaching. One thing that I'll flag is that in the Presidential Review Group report, they mentioned this thing called the OTA. That's the Office of Technology Assessment. The OTA were a group of experts in Congress that were shared between Congress members despite party lines on technology issues. They were experts in Congress that informed. And that office was terminated due to the austerity that kicked in in the mid-Nineties under Gingrich.

Congress is incredibly understaffed right now. There is 800 times more information coming in to Congress than there was ten years ago, and they're operating at sixty percent staff because of different cost cutting measures that have occurred. So, I think as advocates, where we're trying to convince Congress to do something, we're in a playing field where we are very much playing educator. That's what happens when you are advocating for media justice or technology justice. The environment is a difficult one, it's not impossible. Legislatures are having to come up to speed just like everyone else in America. These are revelations, you know? The people that knew about this were on the intelligence committee, and they weren't allowed to talk about it, and they didn't even know the full extent. Hearing after hearing, we see more propulsion on our side, more things going forward with people seeming to understand that, yes, we are in a grave violation of our basic rights, which also happen to be human rights as well.

> "There is 800 times more information coming in to Congress than there was ten years ago, and they're operating at sixty percent staff."

What current legal issues is the EFF working on in terms of surveillance?

Well, we're working on a lot of cases. Some stuff is going to the Supreme Court this session. We're very excited, but that has to do with our patent work and our copyright work. But our NSA work is different.

We have two NSA cases right now that are active. One of them we've been involved in since 2006. To be clear, our cases against the NSA are not new. 2013 added to or substantiated our claims with the evidence that Snowden has brought forth. This is not new to us. But we were very happy to get more information.

The first case that I'll talk about is *First Unitarian Church of Los Angeles v. NSA*. But we're actually representing twenty-two very diverse organizations that are membership based that claim that after revelations of NSA spying hit the media, they saw large effects in their membership.

Part of the First Amendment is of course the freedom of association and what these groups are claiming is that the NSA is violating their First Amendment right of association. This part of our case really gets to Section 215 of the Patriot Act.

What I always do when I explain this case is, I go back to this 1958 Supreme Court Case, which was *NAACP vs. the State of Alabama*, which was a civil rights case. It was before civil rights law passed in the Sixties and there were still racist laws on the books in Alabama, and Alabama was demanding the membership lists of the NAACP in the State.

The NAACP didn't want to give over the membership list because they thought that anything could have happened to their members. Their members could have been arrested. There were laws on the books that they thought put their members in jeopardy, and there was also a culture happening at the time that they thought that, had that list been made public, their members wouldn't have been safe.

So this went up to the Supreme Court, and the Supreme Court held that in this case, the NAACP had the Constitutional right not to disclose their membership because they have the freedom to associate. Part of the freedom to associate is not being afraid to associate because of what could happen from that. We need the ability to organize politically, we need the ability to discuss things, to leverage and to push for change before that change exists, before there's even an enabling environment for that change to exist.

So when we talk about the freedom of association, that's what we're talking about here. A lot of the groups we represent, everything from a gun rights advocacy to immigrant advocacy groups to people that are dealing with torture victims to people that deal with migrant farm workers in an informal economy, they work with people that either came from a repressive place or are in a state now where they don't now want to be publicly affiliated with trying to create policy change, or even personal change in their lives.

What's happening is the chilling effects of a First Amendment violation. Because the First Amendment isn't just being able to say whatever you want, it's being able to say whatever you want without being afraid to do that. And when you know that someone is listening to everything that you say, and when you know that all of your associations and everything

you do and where you go and all of your conversations or anything, are being mapped or there's a broad window into those associations from the Government's perspective, then you're not going to say what you would say otherwise. You're not going to say what you would say if someone is listening to what you're saying and that's what the chilling effect is of a First Amendment violation. That's what all of these twenty-two organizations, some agree with each other politically, a lot of them disagree politically, but what they agree on are these fundamental tenants of democracy, which is the First Amendment, freedom of speech, freedom to associate and organize without being afraid to do so.

These groups saw drops in their membership. Once it turned out that the Government was spying on them, refugees didn't want to go to the meeting anymore, migrant farm workers didn't want to go to the meetings anymore.

How did they know about the NSA spying?

It was in the news. When this hit the news, they said it had an effect on their membership and we believe in the right to free assembly. Therefore, we're defending these groups. What the NSA is using to defend their domestic spying is Section 215 of the Patriot Act. What they're using is actually an interpretation of Section 215 that was made secretly in the FISA Court. So what we're dealing with here is a secret court making secret interpretations of laws that then apply to all of us. We have to live with these laws everyday. We have to live with the fact that our data is being scooped up and put on a shelf for potential query, or to be used against us in the future. We don't even know exactly the extent of all of it. What we do know is that it's being collected and it's being justified by a secret interpretation of the law.

Our other case deals a bit more with the Fourth Amendment issues, but of course the First Amendment comes into play as well. This case has to do with a whistleblower that came to our office back when our office used to be in the Mission in San Francisco.

And let me say, before I get into this next case, something about metadata. That's something that we've heard a lot, right? The question often comes, well what is the NSA collecting? And Obama says "Don't worry, it's only metadata." But what we have to realize is that metadata, which are those details about where you are when you called, who you called, for how long, can actually be more revealing than a poorly recorded, muddled phone conversation.

For instance, if you're standing on the Golden Gate Bridge and you call a suicide help line, they might know what you're talking about. They might know that perhaps you were not a stable character at that time. If you call a phone sex service and you talk for eighteen minutes at 2:30 in the morning, we might not know exactly what you said, but we probably have a pretty good idea about what you were talking about. This also goes for if you were outside of a convenience store during a robbery making a phone call. Maybe you had nothing to do with it, but you were there, right? You were associated with that instance. Whether you were standing outside an abortion clinic or a gay club, different states and different laws, who knows how this could play out. Conversations or discussions that go towards "it's only metadata" we really have to flag because metadata provides a broad window into our daily lives. So that's Section 215 of the Patriot Act.

The other piece of law that is being interpreted, or misinterpreted, is Section 702 of the FISA Amendments Act, which is the part the NSA says allows them to collect information on people outside of the US as long as they're 51% accurate that those people are outside of the US. Pretty broad, right? And our *Jewel v. NSA*, which is our second case, gets at that a little more. We're actually representing four AT&T customers in the case. These customers want AT&T to stop the ongoing and illegal and unconstitutional Dragnet collection of their call records.

> "WE HAVE TO LIVE WITH THE FACT THAT OUR DATA IS BEING SCOOPED UP AND PUT ON A SHELF FOR POTENTIAL QUERY, OR TO BE USED AGAINST US IN THE FUTURE."

What happened was in 2005, a whistleblower came to our offices, this guy Mark Klein. He had been working at AT&T for twenty-two years, and in 2002, right before he was going to retire, he realized that there was a room in the AT&T facility on Folsom Street, just a few blocks from us now, that was run by the NSA. This is a secret room, room 641A, and this room has no door handle, it's bolted shut. No one is allowed in there. In order for someone to go in when there was a leak coming in through the walls, it took three days for them to get the proper security clearance.

NSA has a room at the AT&T facility, and what he brought to us were blueprints and just indisputable evidence that this was going on. What he also brought to us was information about what is inside that room. At first he just started collecting information, and what he realized is that the entire internet was going through that room.

What was in that room, and this is a data center, this isn't just another AT&T building, but what was inside this room was a series of fiber optic splitters. What a fiber optic splitter does, is that information travels on beam of light and a fiber optic splitter makes an exact copy of that. So one copy is going to the NSA from that room, and the other is just going out amongst regular internet traffic.

What they're not doing is collecting little bits because you can't. This isn't the way the technology works. When you have a fiber optic splitter, they take a complete copy. They don't take little bits of warranted, necessary, proportionate amount of information. What they do is they take the whole thing. What this data center is, is one of a few that are kind of internet hubs. There are places in the U.S. that act as exchange points for different ISPs around the world, and it will allow for people to talk to each other online. No matter what internet provider you're using, you can connect to someone using a different provider, and globally this occurs. So this is a major internet data hub.

Most of the world's internet traffic comes into and out of the United States at some point because we have great companies and server space, and doing your spying in the United States is much more effective than going anywhere else because you can get almost everything from being located in the United States because of the way that the architecture of the global internet works.

So, he came to us with this undeniable evidence of this secret room at the AT&T facility. Three other whistleblowers came out from the NSA and agreed on this evidence and added to the case. So we have whistleblowers from industry and from NSA in this case. So we've been suing the NSA since 2006 for unconstitutionally collecting our data. What they do is they compel companies to do this.

And the companies have been quiet on this until recently, correct?

No. So, they have come out against NSA spying strongly, they've admitted that they are compelled to by Government orders. And the reason why they were silent before was the way in which they were ordered to do this and participate. Everything was cloaked in gag orders which didn't allow the companies to disclose this information.

Would the companies have disclosed it had they not been gagged? I don't know. I know that they were legally compelled in order to do this by a court that doesn't select the companies responsibility here. For instance, we've seen in the case with Lavabit, which was the email provider that Snowden had used when he was compelled by the NSA to comb over user data, he shut his company down. Google and Yahoo didn't shut down, they gave it over. But we learned that they did scrutinize each request, and things like that. And more transparency reporting has occurred as a result of this.

So, to say that the companies were silent is not exactly true because they were in a position where they had to be.

What's really at play here is the idea that the Director of National Intelligence has gotten into James Clapper, who is stepping down. He has this concept of holding, or acquiring, and not collecting. Apparently they can acquire information, and they're not collecting it. Essentially he says, "Think of it as a huge library. To me collection would mean taking the books off the shelf."

To us, if you have books on the shelf, then they've been collected. Really what's important here is the concept of probable cause, having to get a warrant. Warrants are used to make arrests if it relates to an investigation, and basically what the Government has to do if they want your communication records, according to us and other people that believe in civil liberties and the Constitution, would say you have to go to the a judge, you have to demonstrate that there's a reason to believe that this information can lead to evidence about a crime, and then you get a warrant to obtain the necessary, proportionate amount of information needed to build that case.

What you don't do, is collect everything and search through it when it's convenient. That's not the way it works, and that is a Constitutional violation. They're not allowed to keep a database of the most intimate details of our lives and put them on shelf in case our name ever comes up in relation to a case. It's just like the government wants to search your house, they can't have your keys on the wall to take and open the door whenever they please. They have to get a warrant.

On that note, when your house is ransacked, when your drawers have been turned over and your mail has been read through, you feel a deep sense of violation. Whereas, when someone collects and goes through your digital communications, it virtually goes unnoticed. Do you think there is a different public sentiment or feeling towards this issue because we often aren't aware our privacy is being directly infringed upon?

No, the difference in public sentiment towards this issue has to do with the fact that consumer data has been collected by companies for a long time. So people are very much used to things like contextual advertising, things that are being tailored to them, and they know their data is being collected. The leap that people are having a hard time making is why it's OK for companies to do it and not OK for the government to do it. Whether, it's OK for companies to do it or not is really not something were talking about, but what we do know is that there's certain things that the government can and cannot do. Yes, I think that there needs to be some reforms with consumer privacy and it's definitely something to come up, but before we can even begin to talk about those, we need to make sure that our government isn't in violation of its own laws.

I think that leap is more difficult to make, and understandably. But the truth is that what companies can't do is arrest you wrongfully. What companies can't do is scare you from voting in some way, or from taking classes on campus. Say you want to work for the government. You shouldn't be afraid to take a class on Marx because you want to one day work for the NSA. You're freedom isn't infringed upon in the same way.

But, basically our claim is that what the NSA has installed at AT&T is unconstitutional, and the NSA says it's Constitutional as long as they are collecting records on targets that are at least 51% likely out of the United States. So if you're an immigrant or a refugee, then you are likely to be under U.S. surveillance. If you talk to anyone abroad, there's a strong likelihood you're under surveillance. We're all under surveillance in this scheme.

You have to understand that the Verizon order, which we were talking about before, was all calls on a daily basis going into or from the United States. All calls. It's insane. And they only have to be 51% accurate about being outside of the United States, but people abroad have privacy rights too. We must respect those privacy rights. Just because you're not an American doesn't mean that you are subject to being spied upon.

About the international aspect, I think it's very important to mention our Thirteen International Principles on the Application of Human Rights to Communication Surveillance. That is a campaign that we've launched with organizations all over the world to get a global petition going that people around the world can use to leverage policy change. The UN Resolution that was passed in December is huge, it's called the

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Murphy's Law and the Interview Process

By Nikki Webster
For The Advocate

It's that time of year, time to interview for summer legal positions. With only eleven weeks remaining until finals are through, it's time to look to the future and send in the applications.

I've been beginning the process myself. Submitting applications is like an exercise in humility because once I have pressed "send," I must acknowledge that I will only be selected if I am actually a good fit for the position, and that my application is now out of my control.

When I was asked to interview for a position in Los Angeles last week, I accepted, and proceeded to do a happy dance. Then, it hit me: the ball was back in my court. It was time for The Interview. Here's how it went.

I wake up with a start. I try to get my eyes to focus on the clock's blurry arms and my brain registers that I've overslept the alarm by two hours: it is 7:00 a.m. I leap out of bed and trip over my dress shoes as I lunge out of bed for the bathroom to put in my contacts. My interview is at 11:00 a.m. and the drive to Los Angeles from San Luis Obispo is three hours without traffic.

Panicked, adrenaline rushes through my veins as I snap open the ironing board and fumble to line up my slacks as I plug in the iron at the same time. I run to wash my face and pin my wild hair into some semblance of conformity while the iron heats up. I return to the slacks and put them on as soon as they're finished.

Then I put the only dress shirt that looks good under my suit jacket on the board and begin flattening the collar. As I begin on the bodice, the fabric suddenly splits open in a zillion places under the iron, and I am without coverage for my left breast. Without time to wonder why it happened, I fight the feeling of anxiety and finish ironing the rest of the shirt, put it on, and add the suit jacket and button it closed. The gaping fabric is covered, but I essentially cannot move my torso without exposing undergarments. The jacket will have to stay on all day.

I grab the keys, my bag, and copies of my resume, which thankfully I had printed the day before. Running out the front door, I glance at my wristwatch: it is 7:30 a.m. There's no time to buy a shirt on the way down, and it's likely I'll be late if there's traffic.

I copy the interview location address from an email on my phone and put it into Google maps. The phone barks at me to get on the freeway when I suddenly remember to check the gas meter; I am at empty. I pull over at the nearest gas station and ferociously chew a piece of gum while the tank fills because I didn't have time to brush my teeth.

I get back on the road and decide to take a back road instead of the freeway to try to avoid 8:00 a.m. traffic. The road is clear, so I take advantage, driving about 25 miles per hour over the speed limit. Half an hour flies by, and I may be recovering some lost time when I see flashing red and blue lights in my rearview.

The cop pulls me over; I admit to my speed and receive an outrageously expensive speeding ticket and a lecture for my honesty. I resume my trip at a snail's pace. The cop paces me for about 45 minutes before finally losing interest.

It is now 9:25 a.m. and my phone estimates my arrival time to be 11:15 a.m. I hit heavy traffic through Santa Barbara, and decide to make the best of the situation by researching the interviewers on my phone. There are three, and because I'm trying to drive and research at the same time, I am unable to discover much more than where they went to law school and their bar passage dates. The Lexis Litigation Profile search indicates they have each won in several published opinions, but I can't read the cases because the highway clears once I'm through Santa Barbara and I have to step on the gas.

By some miracle (likely my inclination to drive like I'm in an Autocross despite the ticket), I reach Los Angeles at 10:50 a.m. and my phone reports that I am at my destination. The only problem is, there is no parking to be found. The garage under the building that the legal assistant had told me to park in is completely full, with cars double- and triple-parked. I back out of the garage into the busy street and park half a mile away at gas station. I get out of the car with my resumes in a folder, and start running in my suit and high heels.

I reach the elevators at precisely 11:00 a.m. and try to control my breathing as I straighten my suit jacket over the hole in my blouse. My heart is beating like African drums and I can only hope that I look presentable enough and will be able to talk without panting. The doors ding open and I walk into the lobby to introduce myself to the secretary. "They're waiting for you," she says.

The interview actually went really well. I had a really nice conversation about the law and my work experience with the three interviewers for about an hour. Despite all of the extraordinary bad luck, I still pulled it off. Want to know my secret? I prepared ahead of time.

I researched the company and my interviewers a couple of days before. I also called and emailed my contacts, asking for their advice regarding the company and the interview. I printed my resumes on nice paper the day before. I ironed my clothes the night before, and so had time to shop for a new blouse when mine split open under the iron. I made it to Los Angeles the night before the interview, and was able to sleep and get ready in plenty of time. I left for the office an hour before the interview and found parking close by. When I arrived at 10:45 a.m., the secretary greeted me and I smiled graciously as the interviewers welcomed me to their office, grateful that preparation had helped me beat Murphy's Law.

Teacher's Semi-Racy Facebook Photo Doesn't Justify Firing

By Jake McGowan
Managing Editor

At what point does a teacher's Facebook photo cross the line from humorous to inappropriate? Last December, an Idaho panel considered whether a teacher's semi-racy photo justified the school district terminating her employment.

Cite: In re: Laraine Cook, Docket No. 14-03 (Pocatello School District Grievance Panel)

Laraine Cook was a substitute teacher in the Pocatello School District ("PSD") and the head coach of the Pocatello High School Girls Basketball team. While attending a family reunion in July 2013, she took the photo in controversy with her then-boyfriend—a teacher/football coach also working in the Pocatello school district:

". . . Ms. Cook and the male who accompanied her posed for a photo in their bathing suits while standing in front of a lake. They each had one arm around the other's waist and the male had his other hand touching Ms. Cook's breast. There was a third person in the photograph who appears to be 'photobombing' the picture."

Cook posted the photo to her Facebook page as part of an album, which was accessible to the public and to the various Pocatello High School students with which she was "friends." Within 48 hours, Cook removed the photo after getting word from her athletic director that it "was not a good idea to post such a photo."

Unfortunately for Ms. Cook, the damage was already done.

In October 2013, the school district caught wind of the photo and fired her soon after. The district then reported Cook to the Idaho State Department of Education Professional Standards Commission for "posting a picture of a sexual nature on a social media website."

In response, Cook filed a grievance with the Pocatello School District Grievance Panel. The panel considered whether the decision to fire Cook was "unfair treatment" or otherwise violated the district's policy.

PSD claimed to terminate Cook's employment for violating a PSD Policy provision prohibiting "immoral" and "indecent" acts. The panel noted that those specific words overstated the conduct, but nonetheless found some catch-all language within the policy that covered Cook's actions:

"PSD Policy 7121 (in relevant part): Any person who fails to continually maintain appropriate conduct, or who acts in a manner contrary to the best interest of the district, may subject himself/herself to corrective disciplinary action, suspension or revocation of a certificate, or termination of employment."

But while it found Cook to deserve discipline, the panel ultimately disapproved of PSD's decision to terminate her employment:

"While it was certainly an error in judgment, Ms. Cook removed the photograph when the problem was brought to her attention. She has subsequently acknowledged that her decision was a mistake and even PSD personnel recognize a sincere regret on Ms. Cook's part. There is no evidence in the record that Ms. Cook has ever had any prior discipline or performance issues."

In the end, the grievance panel found that the school district should rescind the termination letter and reinstate Ms. Cook to her prior positions as a substitute teacher and head coach of the girls basketball team.

The panel's decision did not make clear how much of a distraction this incident actually created for PSD's students. But absent some major uproar, it is hard to understand how this escalated the way it did.

Admittedly, the boyfriend does have his hand on Ms. Cook's breast. But as a whole, the photo seems more lighthearted than it does sexual. Judging by posture and facial expression, neither Ms. Cook nor her boyfriend seem to be overly inebriated. They are also clearly posing for the camera–not caught in the act of lusting after each other. In a family slideshow context, one can imagine the photo receiving a chuckle rather than a gasp.

Even so, Cook still should have known that the photo was borderline and not posted it in the first place–especially knowing that she had students that were also Facebook friends. In the wake of this episode, she most likely second-guessed the wisdom of friending current students in the first place. A large number of teachers/professors refuse to do so because it invites the potential for controversies like this.

Another interesting aspect of this story is how differently the school district treated the male teacher touching Ms. Cook's breast in the photograph. The boyfriend in the picture is Tom Harrison, who is the football coach at Pocatello High School and also a teacher. But unlike Cook, Harrison was merely "reprimanded" for the photograph. Of course, Cook was the one who posted it to Facebook in the first place, so the disparity in punishment makes sense in that context at least. Regardless, the controversy has ignited several discussions about heightened societal sensitivity to the female body and whether it speaks to some underlying sexism.

All things considered, it was clear that the school district was utterly unprepared to handle the social media slip-up. A common refrain throughout the opinion was the panel's frustration that the school district did not have a social media policy:

"PSD does not have a policy governing the use of social media by its employees. This is unfortunate because had such a policy been in place this matter may have been avoided."

The panel also made it a priority for the district as part of the resolution:

"A fair resolution of this matter at this point is [for PSD] to . . . adopt a social media policy to avoid confusion about standards of conduct and instruct PSD employees about the standard to make sure it is understood."

Lastly, as Professor Goldman noted on Twitter, this is probably the first time we've seen the word "photobombing" in a legal opinion. Nice.

Change of Venue: IOC Awards Olympic Games Without Consideration of Human Rights or Acts of Aggression

By Michael Bedolla
Sports Editor

The 2014 Winter Olympic Games were supposed to signal Russia's return to global prominence. With the political collapse of the Soviet Union and the economic turmoil that followed in the 1990s, Russia had seen its international profile and stature drastically reduced. Under Vladimir Putin's tenure, Russia has seen a dramatic reversal in its fortunes that, while controversial abroad, have been more readily accepted at home. And while the Games themselves suffered from some embarrassing gaffes (most notably with the closed fifth-ring during the opening ceremonies) and certain facilities appeared unfinished, Putin appeared to have secured his goal: the world succumbed to Sochi's charms and Russian hospitality, and the Russian delegation stood atop the international medal table.

Apparently, Putin's vision of Russian global prominence also means the return of human rights violations at home and bullying its neighbors into compliance with Moscow's wishes. The prologue of the Sochi Games was of international condemnation of Russia's laws concerning the rights of the LGBT community. More disturbingly, the day after the closing ceremonies in Sochi, Russian forces seized the Crimean peninsula, ostensibly in support of Crimea's ethnic Russian population, evoking parallels with Hitler's "protection" of ethnic Germans in the Sudetenland in 1937.

This is not the first time that Russia has tarnished the image of the Olympic Games. In 1980, the United States led 64 other nations in a boycott of the Summer Olympic Games held in Moscow, to protest the Soviet Union's invasion of Afghanistan. The Soviets, for their part, led a counter-boycott of the 1984 Olympic Games in Los Angeles, allegedly to protect communist athletes from the security dangers of Ronald Reagan's America. And while the world was celebrating the opening ceremonies of the 2008 Summer Olympics in Beijing, Russian forces were marching into the South Ossetia and Abkhazia regions of neighboring Georgia, again to support a pro-Russian breakaway attempt from a former Soviet republic.

The reason that Russia was awarded the 2014 Games, in spite of their contentious Olympic history, is that the International Olympic Committee's calculus for awarding the Games does not technically include any penalty for military invasions or human rights violations. In evaluating host cities, the IOC weighs the general infrastructure, accommodations, and sport venues highest. Financing, security, transportation, the Olympic Village, and the overall project legacy are weighed next. Finally, the environmental impact and government support are weighed last, with "legal issues" only considered in light of the larger government program and public opinion.

The IOC has shied away from taking ideological stands against powerful member nations. The protests surrounding Russia's LGBT laws only echo the outrage directed against China in the run-up to the 2008 Games; both times, the protests quietly faded into the background as the world's attention focused on events and medals. Delegations that tour cities in anticipation of a city's Olympic bid are more concerned with the environmental footprint of the Games than whether the workers that build those venues are paid fairly or the families displaced by construction are properly compensated, as has become apparent with Rio de Janeiro's construction ahead of the 2016 Games there. The Olympic Truce only calls for nations to respect the peace while participating in the Games themselves; before the torch is lit and once the cauldron is extinguished, all bets are off.

The IOC has always strove to keep the Olympics away from political controversies, with limited success – Photo: Getty Images

This impotence is not a fundamental component of the IOC. Originally, the IOC had no trouble excluding defeated nations from participation in post-War Games stemming from lingering bitterness over both the First and Second World Wars. More significantly, the IOC took a stand against apartheid practices in South Africa, banning that nation from every Olympics beginning in 1960 and continuing until 1992, by which time the machinery of apartheid had already begun to be dismantled. The IOC requires certain guarantees from host cities that all Olympic personnel – from the athletes themselves to journalists and sponsors – are granted privileges (such as unrestricted and unfiltered internet access) that may be beyond what a nation typically affords its own citizenry.

While the IOC maintains that its purpose is to remain separate and apart from any political controversies or undertones, it stridently works to prevent itself from becoming a pawn in internal or international politics. The IOC still recoils from how the Olympics were manhandled by Hitler in 1936, who hoped to use the grandeur of the Games as a propaganda coup and prove Aryan supremacy before the world. The Olympics became a stage for the Civil Rights Era with the Black Power Salute during the 1968 Games in Mexico City, and more tragically for the Israeli-Palestinian conflict with the Munich Massacre in 1972. In each instance, the IOC took aggressive action to distance itself from the underlying controversy through strict discipline against offending athletes or delegations and emphatic denials against the agendas of external forces.

If the IOC can be so vigilant in protecting its own image from events that occur during the Games, it can surely be just as proactive in preventing that harm through the selection of proper hosts at the very least. While the IOC's latest mission has been to see that the Games move beyond the comfortable borders of Europe and North America - into locales and even continents that have yet to host an Olympics, they cannot ignore the fact that awarding the Games to the capital city of a despot gives tacit if not outright approval to that despot's government. The IOC is not merely an apolitical sports authority, but an international organization that can – and must – use its power to advance human rights.

You Have to Earn Your Allowance

By Jordan Barbeau
Staff Writer

As law school enrollment and class size drop across the country, budgets are, necessarily, being trimmed across the board. Adjunct professors, support staff, extracurricular programs including moot courts, and law student organization funding – nothing is exempt from scrutiny. At recent town halls, much of the attending students have pled for the projects that are closest to their hearts, but less often did we hear offers of sacrifice. We have to come to terms with the coming budget cuts, because however vehemently we deny them, they are inevitable. What we must do is find a way to manage them without entirely destroying any portion of the law school. One significant window for funding flexibility is law student organizations and the Student Bar Association.

As a student organization President and former member of the SBA executive board, I can speak from experience when I say that we, the student body divided into many factions, are not the best stewards of the money allotted to clubs. We are not conservative in our spending, we do not endeavor to co-sponsor events and share costs, we are jealous in the budget distribution process. Chart it up to the tragedy of the commons, if you want a metaphor. We end up pushing against each other instead of working together. Let's face it, most of our organizations want to host a number of similar events. Professor panels on job searches and clerkships, regional practitioners on networking, political names and industry professionals, registration and course preparation, etc. So why are we so resistant to sharing credit and resources? Why have three different events that could have been one combined audience of thrice the size? I believe that an unfortunate by-product of the budget division structure is that it pits us against each other as competitors. Additionally, the allocation of club budgets at the beginning of the year allows us to feel as if the money is already ours and our only deliberation is how to spend it, not whether to spend it.

The student organizations have significant untapped resources at our disposal. Many of us are chapters of larger regional or national organizations that can provide grant funding for events and conference travel expenses. Law Career Services, the Center for Social Justice and Public Service, and the Alumni Relations Office all but beg us to bring our membership to their programming. They have dozens of events that most of our organizations would happily throw ourselves if we could call them our own. And frankly, all of us should have some experience in direct fundraising through bake sales, raffles, membership dues, and covers. I know nobody in law school has an overabundance of expendable income, but really, none of us did in undergrad either, and yet I don't remember the same resistance to chipping in ten dollars to an organization when we believed in it. Perhaps it's okay that not every student is counted as a "member" of every organization just by signing up for emails. It is dishonest to pretend that we as students suffer the many emails and events of LSOs simply out of obligation, and that we do not benefit from the informational programming and networking opportunities. Perhaps we should have dues, even if only a few dollars. It would, of course, be up to every club, but maybe if student organizations weren't so readily ballasted by the school funding, students would have to seriously commit themselves to club involvement and strengthen them in the process.

I do not recommend taking away all Student Bar Association funding. But it not prudent to distribute it among the LSOs at the start of the year when, nine months later, more than a few will not have followed up on their grandiose expectations and the money will have gone unused, and dozens will ratchet up unnecessary spending in the final stretch of the spring semester just to use up the funds as if they were expiring benefits. Clubs should be expected to fundraise on their own first, whether through direct appeals to membership, alliances with offices like Law Career Services, and coordination with our umbrella organizations and regional groups. In this period of campus-wide rollbacks, we cannot expect that the not-so-frugal twenty-something's of the student body should be the last group asked to check their spending process. We should not, in good conscience, rely on the SBA funds as anything other than a fallback. I would propose that the SBA should continue to have funding for its own board (also reduced, to be sure) for bar reviews and circuit conferences, and a decreased LSO

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See "**LSO Funding**"

LL.M. Students Establish New Student Organization

By Paola Aguiar
LLMSA Secretary

This semester marks a new beginning for the LL.M. student community as we are honored to announce the creation of the LL.M. Student Association (LLMSA) here at SCU Law. Created to assist the students' needs, interests, and objectives of Santa Clara Law's LL.M. students, the LLMSA is committed to promote the benefits of a higher legal education by recognizing the importance and strength of each individual's legal interest, experience, and diversity.

The Mission Statement of the LLMSA is as follows:

1. Provide a forum for communication amongst LL.M. and J.D. students within the School of Law faculty;
2. Provide an informational forum for current LL.M. students and prospective LL.M students interested in the domestic and international programs;
3. Engage with professionals, recruiters, LL.M. alumni, and others to give advice to current students;
4. Educate students and staff about LL.M. career opportunities; and
5. Conduct events, programs, and workshops to professionally and academically contribute in the student development.

The 2013-2014 Founding Board members are: Archana Gudeketi (President), Sahar N. Amin, Paola Aguiar (Secretary), Sarojh Nagaraj, and Ali Aliyev.

In our first event, on Jan 31, 2014, we welcomed Professor Laura Norris, Director of Santa Clara Law's Entrepreneur Law Clinic, as a special Guest Speaker. She spoke about her experiences as a business lawyer in Silicon Valley, relating her roles both as in-house counsel and as a solo-practitioner. Sharing with the participants her valuable experience and knowledge about the field, this talk was useful to attendees because it had contributed enormously to redirect the career's path in the business field.

In the future, we are planning a series of activities such as mentorship programs, career explorations, workshops, and social mixers. If you have any questions or suggestions, please contact us at paguiar@scu.edu or agudekoti@scu.edu.

Join us on Facebook at https://www.facebook.com/groups/450469015076118/.

RE: 2014 Class Gift Letter

Dear Class of 2014,

Each of us has cause to think with deep gratitude of those who have lighted the flame within us. – Albert Schweitzer

Congratulations on the near-completion of your journey through law school! Looking back it is impossible for me to deny that these last few years have dramatically shaped my mind, built strength of character and kindled a spark of interest into a hearth of intellectual curiosity. I feel privileged to have attended Santa Clara University School of Law and am humbled by the great people I have met and the community that I am now a part of. I plan to maintain my connection with the SCU Law community and hope that you plan to do the same.

I am writing to you now on behalf of the 2014 Class Gift Committee to share the goals we have set for our graduating class and to encourage you to participate. Early this year we set the following goals for our class' contributions – (1) we want to surpass the Class of 2013's participation rate of 31% or have 100 students participate, and (2) we want to increase the Dean's Circle Associates from 68 for the Class of 2013 to 96 for the Class of 2014 (approximately 1/3 of the class). Students who contribute a minimum of $20.14 will be recognized as Dean Circle Associates and invited back to campus next fall for a reception with Dean Kloppenberg and other Dean's Circle donors.

In giving back to our SCU Law community we have the chance show our gratitude for the growth and opportunities we have experienced and the pride we take in laying the foundation of part of our professional identity at SCU Law. A gift of whatever size to your soon-to-be alma mater is an affirmation of the goals that you have & will achieve and obstacles you have & will overcome by leveraging the tools you developed while here.

I hope that you participate in this year's class gift, both for the SCU Law community and for yourself!

Sincerely,

Lila C. Milford

P.S. Watch for tabling in the Bannan Lounge!

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Right to Privacy in the Digital Age. With this resolution, activists and lawyers can look to the government and say "You're violating UN international human rights law."

One last question, how can law students, and students in general, get involved with making an impact on privacy in the digital age?

There are a lot of ways. I think right now the best thing that you can do, and that I would like to see every campus community do, is write a letter about the effects of mass surveillance in your life, in your community, in campus life, in academic life. If you've seen students making different choices because they fear things, if you see people not talking about things, or writing about the chilling effects of conversation on campus. Get a broad amount of signatures from across the University and across departments and send that to us. We'll send it to your representatives and we'll also put it on our website.

Right now is the time to demonstrate. There are a lot of campaigns we have that people can plug in to, but what we really want is for these issues to become natural. Right now they're very new and people don't have opinions formed on them yet. What law students, or anyone can do, is start helping helping others to form those opinions. Write stories for your local paper, hold events on campus, invite speakers.

Make this a problem because if we don't, then we're complicit. We need right now, the Nation, to flip the switch and say "Wait, this is wrong!" Not be like "Well, I'm not doing anything wrong, so why should I be afraid?" It's not about that. It's building vision. A lot of people can't imagine how this could be used against them. With this we're talking about abuse that could happen, and it's protecting things before they happen and often before we know that they have happened.

For more information on the Electronic Frontier Foundation or their work, visit www.eff.org.

"LSO Funding"
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pool. From this pool, LSOs should apply for event funding in advance. Do away with the yearly SOBA form that most organizations conjure out of a complex algebra of wishful thinking and inflated expectations. Instead, an organization must apply individually, advocating for the value of the event. Ideally, they should have to identify a co-sponsoring club. They should have to attest, under penalty of caning in the lounge, that they sought out all other reasonable sources of funding.

Law schools across the country are facing massive draw downs in funding. We will be facing cuts to staff, faculty, facilities, and extracurricular programs. It is inane to pretend we should exempt student groups from cuts. And what effectiveness can we expect of simply reducing the numbers in their present allotted form? If every club still got individual discretionary funds, but only $300 a year, how is that going to serve our programming and networking needs? What we need is a thoroughly new structure that reduces the impact of the few irresponsible groups, and compels real attention to alternative funding opportunities.