



# Honoring the Fallen

*For a family that has given so much to the Santa Clara Law community, we pay our respects to their son who gave all.*

**Editorial**  
2012-2013 Editorial Board

Approximately two weeks ago, the Santa Clara Law community was shocked and saddened to hear of the death of the Manoukians' son, Captain Matthew Manoukian.

Associate Justice Patricia Bamattre-Manoukian and Judge Socrates Pete Manoukian have long-standing connections with the SCU Law community.

Captain Manoukian, a Marine serving in Afghanistan's Helmand Province, was killed in a "Green on Blue" incident. "Green on Blue" refers to attacks by Afghan security personnel upon NATO members. He, along with two other Marines, was invited by an Afghan policeman to a pre-dawn Ramadan breakfast in a Taliban stronghold to discuss security issues. After sharing the meal, the Afghan policeman gunned down and killed the Marines, including Captain Manoukian.

We never met Captain Manoukian, but to know that he was a Marine speaks volumes of his character. Commissioned in 2006 as a Marine Corps officer, Captain Manoukian deployed four times within a span of five years; twice to Iraq,

and twice to Afghanistan. As a Marine in the Marine Special Operations Command (MARSOC), he was one of the Corps' most highly trained and skilled Marines. Few are cut out to be Marines. Even fewer reach MARSOC. Captain Manoukian was one of those exemplary individuals.

In 2007, when he deployed to Iraq for this first time, a roadside IED exploded, injuring him and his men. Even with his own injuries, he tended to his Marines first. According to his family, when at the hospital, he "insisted that he be returned to his men as soon as he was cleared for duty." Despite the danger already faced, he wanted to get back to the fight and back to his men.

Over the next five years, and with each subsequent deployment, Captain Manoukian stressed the importance of establishing the rule of law within Iraq and Afghanistan. For him, building schools and strengthening local police forces was as important as engaging the enemy. Reinforcement of the rule of law and the safety and security for Iraqi and Afghan villages became his mission.

After returning home from his third deployment in April 2011, Captain Ma-



Courtesy of the Manoukian Family  
Judge Pete Manoukian with his son at Matthew's graduation from the Marine Corps Basic School. From the age of ten years, Captain Manoukian wanted to be a Marine. When asked why, he would respond, "Because the Marines are the first ones in."

noukian decided to extend his contract, continue his training with MARSOC, and deploy for the fourth time. He did not want to leave his work in the Helmand province, one of Afghanistan's most volatile areas, unfinished. His willingness to risk it all for a higher purpose demonstrated the depths of his honor and sense of duty. He sacrificed his safety, well-being, and, ultimately, his life for the betterment of others, for people he would never meet.

"Matt wanted to go back over as a team leader," said Judge Pete Manoukian. "The Marine Corps wanted him to be a battalion executive officer (XO), but he wanted to go back."

As result, in between deployments, he helped his fellow Marine, Captain Lambert, a double amputee above the knee, rehabilitate and get back to fighting shape with prosthetic legs. Captain Lambert became the XO, and Captain Manoukian deployed once more.

Sometimes lost in the political debate and in the media are the reasons why men and women like Captain Manoukian fight on. These are not necessarily the reasons why we go to war, but they are the reasons why a man like Captain Manoukian was willing to put his life on the line and why he ascribed to such principles as the rule of law and law of war. Call them bad, evil, or cowards,

but there are men in this world who would invite honest Marines to a meal of religious significance under peaceful pretenses, and then strike them down. Captain Manoukian sought to make the world safer; not just for Americans, but for Iraqis, Afghans, and anyone else who leaved in fear of evil men.

Santa Clara Law educates its students in principles of International Law such as law of war and rule of law, but Captain Manoukian lived them, fought for them, and died for them.

His efforts stand in direct opposition to the enemy's. He sought to instill rule of law; the enemy did everything they could to undermine it. He walked among local populations to gain their favor and trust; the enemy hid behind them and used them as human shields. He abided by the law of war and rules of engagement because that was the right and just path; the enemy abused and violated those laws. The way Captain Manoukian lived his life is more telling than any classroom lesson.

Our thoughts and prayers are with the Manoukian family. The Marine Corps' motto is "Semper Fidelis" – "Always Faithful." Captain Manoukian was just that: a man dedicated and faithful to the end.

We are thankful for men and women like him. Semper Fi, Marine.



Courtesy of the Manoukian Family

This picture was taken on Christmas Day during Captain Manoukian's 2008 tour to Iraq. The sign in the Humvees' window denotes that he fought for "Pax Americana," a peace for the 21st century. He was embedded among Iraqi and Afghan populations to build up their infrastructures, so that they could walk among the streets freely and without fear.

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**CONGRATULATIONS!**

For the second year in a row, *The Advocate* was recognized by the ABA Law Student Division as the nation's best law school newspaper. We would like to offer our utmost congratulations to last year's staff and Editorial Board for their achievement. We aim to make it three years running.

Lastly, a special thanks to our readers. We put this paper out for you. Thank you for reading it.

# New Silicon Valley Patent Office Good News For SCU Community

By Joy Peacock  
Assistant Director, High Tech Law  
Institute

SANTA CLARA, Calif., On July 2, 2012 the Department of Commerce announced the selection of San Jose as one of four satellite patent offices, three of which were required under the America Invents Act. The other cities selected were Denver, Colorado, Dallas/Ft. Worth, Texas. Detroit, Michigan was previously selected as a site, and opened this month.

The USPTO is moving quickly to open the Silicon Valley satellite office. Shortly after the announcement of San Jose's selection, Acting Commerce Secretary Rebecca Blank visited San Jose to meet with city officials to start working out the details. Secretary Blank stated that USPTO is prioritizing the opening of a metro San Jose office, and hopes it will be ready in twelve to eighteen months, even though they have until 2014 under the legislation to open the office. In addition, the patent office asked the Silicon Valley Leadership Group to assemble two round tables to solicit feedback from high tech companies, universities and patent law firms as to how to best utilize the satellite offices and improve the patent process. The satellite office is expected to employ 125 patent examiners, administrative law judges and others as part of "the biggest modernization of the patent office we've ever seen", said Blank.

Santa Clara University officials were part of the dedicated consortium that lobbied for the USPTO to come to the Bay Area. University President Michael Engh, S.J., as a member of the Silicon Valley Leadership Group, helped rally



The Department of Commerce has selected San Jose as one of four sites for a new satellite patent office, which will likely be located in City Hall.

the support of other local law schools, high-tech businesses and patent law firms for San Jose's bid. The High Tech Law Institute also supported that effort. Separately, SCU intellectual-property law professor Colleen Chien worked with Lt. Gov. Gavin Newsom's office to spell out the advantages of a Silicon Valley patent office from a practitioner standpoint.

"In my work advocating for a more sensible patent system, it has become obvious that having a patent office in Silicon Valley--the top patent-producing area in the world--was just vital," said Prof. Chien.

Santa Clara University anticipates building a strong working relationship with the USPTO by providing qualified law and engineering candidates for USPTO jobs. SCU would also like to

develop student internship programs with the USPTO, which could help the USPTO reach its goal of shorter training times for new patent examiners, as well as providing help for their heavy caseload.

"We will continue to work closely with the USPTO and the Silicon Valley Leadership Group to create solutions and offer support to the patent office throughout the process of opening the office, and once it is up and running" said Professor Eric Goldman, Director of the High Tech Law Institute. "We see the opening of the office in metro San Jose as a huge win for Santa Clara Law students, and yet another way we can leverage our Silicon Valley location to better prepare our students as patent lawyers."

~

## State, Nation and World Report

**LOCAL**

**SANTA CLARA** - Santa Clara County Valley Water District has thrice attempted to submit a ballot measure to raise revenue for water works. The District first submitted a proposal summary two words over the legal limit. Then, while rushing to fix the error, the District held an emergency meeting, but failed to give legally-required notice of the meeting. The third time, the District made a clerical error, causing an ambiguity as to how long the tax would run. Good job Santa County Valley Water District. Good job.

**STATE**

**CALIFORNIA**- UC President Mark Yudof has said the University of California will refuse to follow an Assembly

resolution which says public universities should ban anti-Semitic demonstrations from taking place on campuses. Yudof, a constitutional law expert, has said following the resolution would infringe on student's First Amendment rights.

**NATION**

**FLORIDA** - Unsurprisingly, Mitt Romney secured the Grand Old Party's (aka GOP, aka the Republican Party) nomination for president. Ron Paul, refusing to go quietly into the night, made a strong push for delegates, but sadly came up short.

**WORLD**

**FRANCE**- Yasser Arafat has come one step closer to being exhumed after French

prosecutors opened a murder inquiry to determine whether Arafat died from being poisoned with polonium-210. Alexander Litvinenko may lose his title as victim of the strangest polonium poisoning conspiracy.

**OUT OF THIS WORLD**

**MARS**- Black Eye Peas frontman will.i.am. beams his music to the Mars rover Curiosity to play over the Martian landscape. He expects to have a bigger audience on Mars than he does here. Because who doesn't love will.i.am's solo work?

**IN A GALAXY NOT SO FAR AWAY**- Scientists have found a planet, Kepler-47, that revolves around two suns, much like Tatooine in Star

Wars. Jedis rejoice.

**TECHNOLOGY**

**SONY**- Sony has created an 84 inch flat screen television. That is seven feet of television. That is a television taller than about 95% of the world's population. When watching, things will literally seem "larger-than-life."

**ENTERTAINMENT**

**TV**- The child actors from the TV show *Modern Family* have agreed to contracts that would give them \$70k per episode. It is more than triple the amount than they were previously making. In one episode, they make more than the average household income of \$50k. Maybe they can use the extra to buy a 7-foot television.

# Austerity Anguish in Europe

## *The global implications of the pain felt in the Eurozone*

By Tom Skinner  
Staff Writer

*"I used to think that if there was reincarnation, I wanted to come back as the president or the pope or as a .400 baseball hitter. But now I would like to come back as the bond market. You can intimidate everybody."*

– James Carville

Let's talk about the European bond market.

For economists, this topic has been intimidating for well over a year. Last spring, Greece received a second bailout and defaulted on its sovereign debt. With generous government social programs and widespread tax evasion, it was unable to pay the interest on its bonds. Greece is a tiny economy, comprising roughly 3% of the entire EU economy. The size of its second bailout was less than half of the market capitalization of Apple, but it sure caused a lot of market gyrations.

Fears of contagion - that the risk of insolvency would spread to other EU countries - largely fueled the turmoil. Most notably, these fears pushed up bond yields in two large and indebted economies: Spain and Italy. Whereas Greece is a relatively tiny economy, Spain's GDP is over four times that of Greece's, and Italy's is about 50% larger than Spain's.

EU leaders have been closely monitoring bond yields because of their importance in the economy at large. The European Central Bank has lent money to European banks, which in turn have

bought sovereign bonds. When bond yields rise, the overall value of the bond falls; when the bond value falls, the banks' balance sheets weaken. As we learned in 2008, the banks take the economy at large with them.

The European solution thus far has been to calm the bond market by sending signals to the market that national governments can pay interest on their debt. To inspire confidence that interest can be paid, the idea is that budgets must be cut and taxes must be raised: austerity.

Spain suffered from a massive housing market bubble that has brought its banks and regional governments to the brink of insolvency. In exchange for a bailout of its banking sector last July, Spain agreed to implement austerity measures. The Spanish government reduced unemployment benefits, slashed subsidies to particular industries (like the coal industry), cut pay for public sector employees, and increased consumption taxes.

Spain already has an unemployment rate of about 25% (including 50% of young workers). Many economists predict that austerity measures will backfire because cutting government spending will decrease growth, which will increase unemployment, which will decrease tax revenues, which will cause bond investors to worry that the debt can't be serviced (and will thus raise yields, causing a new round of this downward cycle as the government must spend more money to pay debt interest).

Austerity has already backfired in

Portugal. In May of 2011, Portugal agreed to cut its budget in exchange for

a default in a larger market is certain to cause market distress on a scale greater than the collapse of Lehman Brothers in 2008.

Conventional wisdom holds that bond yields on Spanish and Italian bonds must stay below 7%.

Enough about sovereign bond yields. These numbers are relevant for the social harm that we are beginning to see in Europe.

The unemployment figures have been bad enough. In Spain, there are over a million households without a single wage earner. Now, the mal-

aise is turning violent. Over the summer, the coal miners rioted in Spain and were fired at with rubber bullets. There have also been violent riots in Greece as well as gruesome suicides in public. Just as austerity causes a downward fiscal cycle, the riots and violence may cause something similar: riots will cause tourism to decrease, which will increase unemployment, and so on.

One of the lessons of the 2008 financial crisis is how interconnected we are, and thus how real the risk of contagion is. If securitized subprime mortgages in the American housing market have the potential to bring the Icelandic banking sector to its knees, imagine what a sovereign debt crisis in Europe could do to the American economy.

Yes, law school can be intimidating, especially since the New York Times and the Wall Street Journal have printed many reports over the last year about a lack of legal jobs. But keep an eye on bond yields. They are much more intimidating.

To share your thoughts on the European bond market, contact Tom Skinner through [scuadvocate@gmail.com](mailto:scuadvocate@gmail.com).



a bailout. Since then, Portugal's debt-to-GDP has actually worsened: if the debt stays constant while the GDP contracts due to budget cuts, the size of the debt relative to the economy increases. The famed American economist Irving Fisher described this phenomenon in 1933 as "debt deflation." As the debtor country makes cuts to pay interest, "the more the debtors pay, the more they owe." As the debtor country makes cuts to pay interest, the economy weakens, and it becomes harder to generate revenue to continue paying interest: "the more the debtors pay, the more they owe."

The possible solutions to this sovereign debt crisis do not inspire optimism. It would obviously be best for Europe's economies to grow their way out of debt, but this is unlikely. Another remedy is to inflate their way out of debt, but this isn't possible because an EU country like Spain can't unilaterally decide to print more Euros.

Default is always on the table, but whereas Greece's bond default was orderly and well planned (in which private creditors took "haircuts" but not public ones, like the European Central Bank),

## SPOT THE DIFFERENCE? Neither could the jury.

*In a landmark case, the jury for the "Apple v. Samsung" trial found Samsung infringed upon Apple's patents and awarded Apple \$1.05 billion in damages. The Honorable Judge Lucy Koh, United States District Court for the Northern District of California, presided over the case. The decision came down last Friday, August 24. While the decision in Apple's favor did not necessarily overhaul the patent system, the shockwaves will still be felt as Samsung and other Google Android devices find new ways not to be Apple. An appeal is expected.*



## SANTA CLARA LAW ABROAD:

CONGRATULATIONS TO  
HMCI TEAMMATES ZAC  
DILLON, NIK WARRIOR

*On July 23, 2012, 3Ls Zac Dillon and Nik Warrior won the Gray's Inn Moot in London, England, marking back-to-back victories for SCU in this competition.*

*Zac and Nik won the 2012 Honors Moot Court Internal Competition in April, and were selected to compete against English barristers. A special thanks to Professors Anna Han and Bob Peterson for their support.*

*From General Update by Professor Flynn, Faculty Advisor, HMCI.*



# 1L Study Materials That Fit Your Study Style

By Michael Branson  
Managing Editor

There will never be a consensus on how best to study for 1L classes. Some students will swear by briefing all their cases with six highlighters while others will insist on always having two Red Bulls on hand. Rather than attempt to answer subjective questions like which library is most conducive to studying, or what study materials are the best for each class, this article simply seeks to show what options are available.

Before spending the balance of your student loans on study materials, head over to the APD Resource Room. Located in Bannan 230-H, this room is full of hornbooks, commercial outlines, examples & explanations, flashcards, and other study aids, most of which were donated by students. If you are not sure what works best for you, the vast majority of the material can be checked out for three-day periods. You can also come to the room during its hours of operation and use the resources on site as much as you would like. Beyond material for 1L classes, the Resource Room also houses study material for several upper-division classes as well as Bar preparation information. The APD Resource Room is open Monday through Friday 8-10 a.m., 12-1 p.m., and 4-6 p.m.

Another great resource for

study material is Heafey Library. The Stauffer Reserve Collection, located behind the circulation desk near the newspapers, is full of treatises, hornbooks, restatements, nutshells, and research aids. You can also find some professor's practice exams that are not available online through Claranet. Beyond the shelves of the Stauffer room, the Library itself is full of material that can be useful for 1L classes. OSCAR can be used either to search by subject to lead you to the general area of library, or to search "hornbook series" or "nutshell series" to see the full availability. Go to Claranet and search for "Research Guides" to access a ton of useful information compiled by the dedicated Heafey Staff, including "Study Resources for 1Ls."

Then, there is the endless amount of material online. A great place to start is at cali.org. CALI provides lessons on a variety of topics, and extensively covers 1L courses. It breaks the subject into pertinent sections, so you can focus on exactly the topic you want. To get access, you will need to pick up the Student Authorization



The APD Resource Room has shelves full of Glannon Guides, Emanuel Outlines, and Examples & Explanations available for three-day rentals.

Code from the library. Currently, there are several CDs on the white board just before the optical turnstiles.

Once you have put down a small deposit with BARBRI, you can access their 1L resources online as well. The website has outlines, "minireviews," practice tests, and series of lectures by well-established professors that quickly cover important topics. And do not be hesitant to put down the deposit with BARBRI. If you later decide to go with Kaplan, Kaplan will deduct the price by the amount of any deposit. Or alternatively, you can use the 1L resources available

on the Kaplan Bar Review website after putting a deposit down with them instead.

If you really want to reach gunner status, you can always check out Oyez.com, which has recordings of oral arguments from the Supreme Court going back several decades. This can be helpful to gain a better understanding of some of the trickier cases from Constitutional Law and Civil Procedure. Plus, the oral arguments are often much more entertaining than the cases themselves.

If you have additional resources to share, contact Michael Branson through [scuadvocate@gmail.com](mailto:scuadvocate@gmail.com).

## SCU Law Network Expands with Bay Area Law Student Association

By Grant Atkinson  
President, Student Bar Association

This summer, the Student Bar Association worked to help expand our Santa Clara Law network by reaching out to the Bay Area law student community. After some searching, the SBA was able to get in touch with student leaders from all the Bay Area law schools, and together we organized a meeting in San Francisco. We had representatives there from Stanford, Berkeley, USF, Golden Gate, UC Davis, and Hastings.

The meeting was a great success and we are all very enthusiastic about collaborating together this year to strengthen the bond between our law schools. The basic idea is to form an ongoing "Bay Area Law Student Association" (BALSA).

Here are some highlights of the ideas we have for this year:

### 1. Joint Bay Area Law Student Events

First, we all think it would be great to host joint events open to law students in the Bay Area community. We are currently looking into organizing one or two large Bay Area law school events and also plan to open the lines of communication so students can include one another in smaller gatherings through-

out the year.

### 2. Help Law Student Organizations (LSOs) Get in Touch with Co-Chapters

Second, BALSA sees a lot of value in putting Law Student Organizations in touch with their co-chapters at other schools. To facilitate this process, we are currently in the process of compiling a centralized database of contact information for all the LSO leaders from each of our respective schools. We hope this will help clubs plan joint events with other law schools and work together to better advance the missions of their respective organizations.

### 3. Intramural Sports Leagues and Tournaments

Finally, we are very excited about the possibility of organizing intramural sports leagues and tournaments within the Bay Area law school community. We are currently working to put our various sports team organizers in touch with one another so they can coordinate.

I believe the Bay Area Law Student Association will provide a fantastic opportunity for us to make friends, expand our professional networks, advance our LSOs, and elevate Santa Clara Law. I very much look forward to hearing your comments and ideas about BALSA and I look forward to working closely with

## WRITE FOR THE ADVOCATE

This is an open call for submissions.

This is your paper.

This is your voice.

Whether you have an event, issue, or opinion, The Advocate is your platform. We accept articles from everyone within the Santa Clara Law community: students, faculty, and the administration.

The Advocate seeks to cover topics important to the entire SCU Law community. Please do not hesitate to contact us with stories that are important to you.

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

- The 2012-2013 Advocate Editorial Board