Passing the Bar:  
As 3L’s prep for the Bar Exam, are the any alternatives to the CA Bar? 

By Martin Behn

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

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

It really makes one wonder whether the percentage drop in California is due to having three days of examination, instead of two, like New York and other states. The answer: maybe. Louisiana and Palau also have three days of examination, and the passage rates there are not much better – 66% and 23% respectively.

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

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

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

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

Continued on Back Page

See "Bar Passage Rates"

Celebrating the Year’s End

Students Groups host events through ‘Banquet Season’

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

SCU Law Professor on ‘Obamacare’

By Colin Glassy

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

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

The Supreme Court granted certiorari to resolve the split in the circuits and, very unusually, allocated three days for oral argument (March 26 to March 29). Like most law schools, the hearings caused a degree of excitement at Santa Clara. Here there was perhaps more than the normal interest because of Professor Joondeph’s long engagement with the legal battle over the law. Starting on July of 2010, Professor Joondeph began updating a blog about “ObamaCare”. The blog (still running) is called the “ACA Litigation Blog” and from its commencement until the present, the blog has served as a comprehensive information web site for legal news and briefs and rulings related to the health care bill. Few people in the United States know more about its legal twists and turns than Professor Joondeph.

Professor Joondeph, a former clerk at the Supreme Court for Justice Sandra Day O’Conner, has been the leading Constitutional Law professor here at Santa Clara for years, and has been awarded the Galloway Prize for excellence in teaching five times since 2001.

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

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

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

See "OBAMACARE"
People on the Street:

“How do you handle stress?”

“I do nothing, I let the stress distress me.”
- Cooper Green, 3L

“Poorly.”
- Professor Tyler Ochoa, Professor

“Wedding Planning. The way I distress is planning other people’s weddings. The weekend before finals start, I have a wedding at the W in SF. It’s happy!”
- Joanne Lee, 2L

“Exercise!”
- Ryan Mullane, 1L

By Sheri Azim

By Grant Atkinson

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

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

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

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

Last week, the SAC took on it’s first issue regarding the grade distribution charts. After hearing widespread student concern about a Faculty Board proposal to take grade distribution charts offline, the SAC met to address the issue and took two courses of action. First, we wrote to students and encouraged everyone to chat with their professors one-on-one to constructively express their opinion about the proposal. Second, the SAC developed a petition and collected 260 signatures from students to demonstrate the high level of student support surrounding the issue.

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

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

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

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

The Advocate

April, 2012

School, State, Nation, and World

By Grant Atkinson

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Rumor Mill with Dean Erwin: Graduation 2012 Edition

By Susan Erwin

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

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

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

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

From the Commencement Web Page: http://law.scu.edu/resources/commencement.html

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

3. Are the diplomas mailed to us, or do we actually get them on stage? When you walk across the stage, we are assuming that you will be a graduate. (.) You won’t get your final grades for another month. As soon as all of your grades are in, Meher will post your JD. You can pull a transcript that will show your JD awarded pretty darn quickly! The pretty diploma that you hang on the wall won’t be available for another 6 to 9 months and is sent to you from the University Registrars Office.

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

The bookstore has many frame choices. The book store has ways of being creative. You might want to find something that others this link as a hint: http://scu.buycollege.com/webapp/wcs/stores/servlet/ProductSearchCommand?storeId=1653&catalogId=10001&langId=-1&extSearchEnabled=false&G+&displayImage=Y&search=diploma+frames

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

Speaker will be Paul van Zyl, who serves as CEO of PeaceVentures. He is known for pioneering new approaches to human rights protection and has advised countries around the world on how to facilitate transitions to peace and democracy following periods of mass atrocity and human rights abuse. The length of the ceremony will depend on how long the speeches are. We start at 9:30 and are usually done by 11:30ish.

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

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

Yes! We were going to order one when we noticed the problem during Academic Advising Week BUT your SAWR audit and make sure you finish your SAWR paper and if you took a Pass/No Pass in a bar course . . . study!!

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

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

9. What happens if I am credit short? Do I not get to graduate?

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

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Good Luck on Finals!
Employment Statistics: How Transparent Are They?

By Vicki Huebner
Recently, the National Jurist Insider published an article regarding the employment information law schools provided on their websites. Elizabeth Ewing, the article’s author, relied upon a review of each school’s website by Law School Transparency. It appears that she did not conduct her own individual review of the sites. Although Law School Transparency did not rank, rate, or grade the websites, the National Law Journal did and then assigned each school a letter grade.

Last year the Law Career Services staff spent a substantial amount of time interacting with 2011 graduates to collect employment statistics. After compiling the data and providing it to NALP and the ABA, we received back our Summary Report from NALP summarizing the employment outcomes for our school.

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

The topic of employment statistics and transparency has generated much conversation in the past few years. At the time I drafted this article I was at NALP’s Annual Education Conference. The session regarding an update from the ABA regarding pending changes to Standard 509 (the Standard concerning the disclosure of consumer information) was very well attended. To make “consumers” of legal education, or potential law students informed about employment outcomes at Santa Clara Law, the site provides a mixture of text and charts. It provides the definitions used by both NALP and the ABA of what constitutes employment and provides information about the percentage of graduates in the employment categories used by both of these organizations. The charts mirror the categories found on the NALP Summary Report and all information listed on the charts come directly from that document.

Three areas which have received the most scrutiny are whether 1) law schools report the nature of the employment (full-time vs. part-time), 2) the relation of the employment to the legal sector (JD required or other) and 3) the number of graduates reporting salaries.

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

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

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

Vicki Huebner is the Assistant Dean, Law Career Services.
Tech Companies’ Transitioning Identities Of How I Learned to Love Microsoft as a Technology Underdog

By Benjamin Broadmoad

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

March also saw Microsoft release the Consumer Preview of their upcoming operating system, Windows 8. Windows 8 is a significant departure from the traditional Windows Operating System (OS). Utilizing the Metro User Interface, Microsoft is betting on Windows 8 becoming the flagship OS for tablets, laptops, and smartphones. The addition of the Metro UI means knowing the person behind it.

The Nokia Lumia series, launched in late 2011, and the HTC Titan series, make up the big two in the Android OS market. Unlike Google and the Android OS, Microsoft is making strides. Windows Phone, however, is making strides. It redefines smartphone and working out the kinks along the way.

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

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The biggest knock against Windows 8 is that it requires learning a new interface. Windows 8 update looks eerily similar to its predecessor, Windows 7. But that seems ridiculous. There is no easy way to practice law in California. There is also no easy way to get a job. We cannot rely on Law Career Services to spoon-feed us. Even B.T. Collins, who headed up the Santa Clara Law Placement Office after graduating knew this. Speaking of law students with other placement directors in the bay area (in 1975) he said, “They all agreed with me that all the law students are a bunch of spoiled brats and need a lot of hand-holding.” True words have never been spoken.

Apple releases a slightly better product each year. The iPhone 3 became the iPhone 4S. The jump to the iPhone 4 was noticeable because of the design change and the additional front-facing camera. The iPhone 4S gave the world “Siri,” but for all of Apple’s proclamation, voice-control software had been around for some time. “Siri,” though, had the advantage of the Apple logo. Mac OS 10.7 “Mountain Lion” will provide better iCloud support between all Apple devices, but most major tech service and product providers have cloud support. Beyond the iCloud, the coming Mac OS update looks eerily similar to its predecessor, Snow Leopard. And, now, with the new iPad giving us a better display, and not much else (?), Apple’s reign as the tech industry’s greatest innovator is coming to a close. When Apple convinces the world to buy a new iPad every year, that’s only slightly better than its predecessor, that’s not innovation. It just proves they are the world’s greatest marketing machine.

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

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

The Metro UI tiles are apples with the touch interface in mind, such as browsing the internet or mobile gaming. But the “desktop app” launches the traditional Windows interface, where MS Word, Excel, email, and other work-product programs can run. The biggest knock against Windows 8 is that transitioning between these two interfaces isn’t seamless yet. But it is not an identity crisis, it’s Microsoft pushing the envelope and working out the kinks along the way.

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

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

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

Professor Rivera has taught Public International Law, International Courts, and International Human Rights Law in his home town in Puerto Rico. Along with his teaching credentials, Professor Rivera worked for six years in Costa Rica as a Senior Attorney and Internship Program Director at the Inter-American Court of Human Rights of the Organization of American States. Professor Rivera is also a drummer and percussionist. Discussing some exciting moments in his career in human rights, Professor Rivera stated, “I’ve been fortunate to work on many cases before the Inter-American Human Rights System draft judgments involving such crucial issues as the death penalty, massacres by paramilitary groups, torture and extrajudicial executions of political dissidents and human rights defenders, forced disappearances, the use of child soldiers, deplorable conditions in detention centers, the right to freedom of thought and expression, labor and pension rights, and tribal and indigenous land rights.”

While in law school at American University’s Washington College of Law, Professor Rivera participated in the Human Rights Impact Litigation Clinic and worked on several cases involving human rights violations during the Pinochet dictatorship. On a fact-finding mission to Chile, Professor Rivera interviewed several victims of human rights violations and family members of victims who had been tortured or disappeared. Recounting the experience, Professor Rivera remarked, “These were real people who suffered real human rights violations and they were counting on us to help them obtain justice. I remember feeling great satisfaction from knowing that our work there, even as law students, helped provide some measure of hope for these victims.”

I want SCU law students to have similar experiences at our new International Human Rights Clinic.”

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

Professor Rivera expressed students’ workload may include drafting petitions in contentious cases, submitting amicus curiae briefs and shadow reports, and writing research memos for judges, international tribunals and other leading human rights experts and institutions. He also anticipates the possibility of student travel for fact-finding missions, interviewing clients, and participating in public and private hearings at international venues.

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

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

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Professor Rivera has taught Public International Law, International Courts, and International Human Rights Law in his home town in Puerto Rico. Along with his teaching credentials, Professor Rivera worked for six years in Costa Rica as a Senior Attorney and Internship Program Director at the Inter-American Court of Human Rights of the Organization of American States. Professor Rivera is also a drummer and percussionist. Discussing some exciting moments in his career in human rights, Professor Rivera stated, “I’ve been fortunate to work on many cases before the Inter-American Human Rights System draft judgments involving such crucial issues as the death penalty, massacres by paramilitary groups, torture and extrajudicial executions of political dissidents and human rights defenders, forced disappearances, the use of child soldiers, deplorable conditions in detention centers, the right to freedom of thought and expression, labor and pension rights, and tribal and indigenous land rights.”

While in law school at American University’s Washington College of Law, Professor Rivera participated in the Human Rights Impact Litigation Clinic and worked on several cases involving human rights violations during the Pinochet dictatorship. On a fact-finding mission to Chile, Professor Rivera interviewed several victims of human rights violations and family members of victims who had been tortured or disappeared. Recounting the experience, Professor Rivera remarked, “These were real people who suffered real human rights violations and they were counting on us to help them obtain justice. I remember feeling great satisfaction from knowing that our work there, even as law students, helped provide some measure of hope for these victims.”

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Dining Disparities

By Patrick Wallen

There seems to be a great dispari-
ty between the Adobe Lodge and other food locations on campus. Offering food prices at substan-
tial discounts, when compared to the facili-
ties available to students. Compare the Adobe Lodge’s $4.10 fresh, made-from-scratch barbeque sauce on to the other, begging the question, is this the most efficient use of labor and costs? He also suggests student workers trans-
ition from student to worker care because of various difficulties, but seemingly he cannot reconcile why my experience at Adobe Lodge was especially pleasant. Lubecky also pointed out, and rightly so, that students using their access card, and who are willing to lock-up a certain amount of capital, can take advantage of different tax law strategies for saving on sales tax, though the price comparisons in this article are not exact.

Nonetheless, Bob Lubecky and Laura Lubecky, Assistant Vice President, Auxiliary Ser-
tices, stated that the graduate market has not been captured, and they empha-
size with their dilemma, which is why they took my concerns to the Dining Advisory Board, which met on April 12th.

In response to their credit, “The Dining Advisory Board is looking into ways to attract and better serve the off-campus and graduate population.”

The school currently offers a Rewards Card Program, providing a discount of $5 per $40 spent, and is now considering additional incentives like a coupons and a loyalty program. For example, deposit $100 and get $15 in buying power on your card. The board has also discussed various efforts of bringing law students into the fold during orientation.

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

Chad-Broiled Burger Med, to the equivalent of $6.69 Boncobo Burger. Compare the Adobe Lodge’s Chicken Sandwich at $4.95, and the “Bruschetta” open-faced sandwich at $7.88. Unlike other food locations on campus, the “bubbling” discussion over the difference of the over $1 million in student loan debt, a student that champions the Jewish ethic of “give” versus the ever-present efforts to reduce our liabilities, not losing sight of our daily expenses against the backdrop of some of the school’s grand schemes, like the current working of what appears to be several, expensive buildings. Graduate stu-
dents, including law school students, cannot afford to eat on campus nor can afford to eat the “specials” dining inwards of $14.

The Adobe Lodge offers an up-scale dining experience, comparable to that of a restaurant. Under our recent orientation tour of campus, Adobe Lodge does not contribute capital to the school; they cut even. With more student workers than other locations on campus, which also means no labor price, they pay less for every student. Lubecky pointed out that if it were a service current-
ly on the menu, such as the Pony Burger, these are not necessary substantial meals.

Today, Social Security isn’t in terrible shape. According to the Urban Institute, an average couple retiring in 2015 who will earn an average salary ($43,500 in 2011) will pay $299,000 in Social Security taxes and will have received $448,000 in lifetime benefits. Half of all Social Security beneficiaries will pay more in Social Security taxes and will receive $566,000 in lifetime benefits. This coupled combina-
tion of high and average workers, retiring in 2030, will also receive less in lifetime benefits than the elderly today are better off than they will have paid out. /T_he elderly today are better off than they will have paid out.

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Social Security was originally intended to be a safety net and to that end it has suc-
cceeded. The elderly today are better off than before and better off relative to other age groups. Only 10% of elderly are below the poverty rate, down from 35% in 1959. It is also true that the government’s success is sustainable. Under current policy, benefit payments won’t run out until 2037. By in-
corporating eligibility cuts that are estimated to save $700 billion, the program’s commitment to benefit payments will not be averted. The pending system changes and entitlement program needs to be trimmed with nail-clips, Medicare is due for significant pruning. The Urban Institute calculates that a couple with low ($13,800 in 2011) to average wages retiring in 2010 paid roughly $44,000 in lifetime Medicare taxes and will receive $53,100 in lifetime benefits. A couple with average to high wages paid $149,000 and will receive the same lifetime benefit of $531,000. Medicare has been increasing at a greater rate than GDP growth by an average of 2.6% per year for the past four decades, and the Congressional Budget Office projects that government health care spending will increase 60% over the next decade. Society is aging and becoming more obese and medical treat-
ments are increasingly more expensive. The cost of the part of the people that age-
enments are inexplicably costlier in the U.S. than in other countries. In the United States, the average program costs $798 in Canada, it costs only just $35. Also, Medicare is legally forbidden from taking cost into account when evaluat-
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ing treatments. Proven, a prostate cancer treatment that increases lifespan a mere four months at a cost of $93,000 is fully covered by Medicare. Congress?
That's All Folks: Sharks Lose in Game 5 to St. Louis

By Michael Bedolla

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

For those of you unfamiliar with the NHL and the Stanley Cup Playoffs, here's a quick primer. Unlike the NCAA basketball's March Madness or the NFL playoffs, where one upset can propel an unknown or unheralded team into a championship, the NHL playoffs require 16 victories - four per round - to hoist Lord Stanley's Cup. The 16 NHL playoff teams are determined by the NHL final four winners throughout the regular season and advanced to the Western Conference Finals, the NHL's final four. Both the Detroit Red Wings and the Chicago Blackhawks were outclassed, outmatched, or outplayed by their opposition, promptly sent back to San Jose with promises of 'maybe next year.'

This year, however, Sisyphus never seemed to start pushing that boulder at all. Despite retaining their core players and adding additional elite talent, the Sharks never found themselves in a groove. They would win two games against the NHL's best teams, then lose two games to the bottomfeeders. Key players would seemingly disappear from the scoreboard for a month, then explode for several goals or assists within a week. Such performance made any accurate assessment of the Sharks during the season difficult: one could never tell if the Sharks were finally turning a corner, ready to resume their anticipated dominance, or if they were just mired in a cycle of mediocrity.

When the Sharks won the four final games of the regular season against the Dallas Stars and Los Angeles Kings in order to qualify for the playoffs, many, including myself, thought they would make the most of their momentum. Frustratingly, there was no sign of that urgency seemed to finally awaken the team. Their offense was scoring, their defense was stifling, and their goaltending was superb. The Sharks earned a playoff matchup with the St. Louis Blues, a young and inexperienced team that hadn't won a playoff game since 2004. Perhaps Sisyphus was saving his strength for the hardest part of the hill, the playoffs, instead of wasting it all during the regular season.

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

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

Tupac Shakur Comes to Life at Coachella

By Amanda Demetris

Everyone has been talking about it: Tupac. Lives. At least, he lives in the form of a hologram. Dr. Dre and Snoop Dogg debuted a hologram of renowned deceased rapper Tupac Shakur at this year's Coachella Music Festival. Aside from paradizing a host of guest performers across the stage including Eminem, 50 Cent, The Notorious B.I.G., Mary J. Blige, and Wiz Khalifa, the legendary duo performed and interacted with Shakur as he yelled, "What the F--- is up, Coachella and "/f_Hall Mary" and "2 of Amerikaz Most Wanted" blasted from the speakers.

The hologram cost nearly half a million dollars to produce and has created ample buzz throughout social media and news sources. Fans are calling for an all-hologram festival next year starring Michael Jackson, Nirvana, The Beatles, and Mozart. One of the performers at the second weekend of Coachella, The Black Lips, interviewed onstage with a cardboard cutout of the Notorious B.I.G, poking fun at the notoriety of the hologram. However, it may come as a surprise to know that this is not the first time the world has seen this technology. Madonna used the same technique at the 2006 Grammys when she performed with the cartoon group, the Gorillaz.

The hologram is actually not a hologram at all. It is an optical illusion technique called "Pepper's Ghost" first described by an Italian scientist in the 16th century. The technique was named after John Pepper, a British chemist, who used it in his theater productions during the 19th century. The illusion has since been upgraded and combined with high quality computer rendering to create the Tupac that stunned audiences at the festival. The exact details surrounding its creation have not been released by AV Concepts, the San Diego based company responsible for the "Pac-ogram," but it is clear that we will see more of this type of technology in the future.

Some found the illusion eerie and are skeptical of future use. Wiz Khalifa stated that it "freaked him out" to see the image on stage. Even so, Dr. Dre, the visionary behind the illusion, told TMZ, "Hopefully, different artists are able to bring out their favorite artists. Hopefully, we can see Eminem and Marvin Gaye. Let's see what happens." There is no doubt Dr. Dre will get his wish.

SCU Law's Professor Joondeph leading healthcare discussion

Continued from Front Page "OBAMACARE"

However, the ObamaCare initiative has not fared well with the U.S. public, at least in opinion polls. According to a recent ABC poll, probably the Americans think all or part of the bill should be overturned by the Supreme Court, and a majority think the bill is unconstitutional. Critics have attacked the bill from all directions. Some have argued that it fails to simplify America's very complex and confusing healthcare system (in other words, it did not create a single payer system such as is found in most European nations).

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

For economists concerned about the massive level of existing spending of health care by Federal and State governments, the PPACA was money saving plan. However, the Washington Post (on April 9) reported on a study from George Mason University which estimated that health care law will actually increase the federal budget deficit by $340 billion, due to a somewhat surprising interaction between the PPACA and law controlling Medicare. It is safe to say that no matter how the Supreme Court rules, there will be vigorous debates about healthcare in the coming years. Even if it is ruled constitutional, the PPACA will be a central feature in the presidential campaign between President Obama and the presumed Republican nominee, Mitt Romney, who has promised to get rid of ObamaCare if he is elected.

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

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

Continued from Front Page "BAR PASSAGE RATES"

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

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

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

What about our neighbors? Oregon has reciprocity for Idaho and Washington lawyers, but only if they qualify for their rules. Nevada is a solid in the mud and has no reciprocity, and no leniency on the test (then again, they only have two-and-a-half days of testing). Arizona is likewise as strict, but they have been in the mud for a while. How can Californians maximize their number of bar memberships? Kentucky has 26. Alaska has reciprocity with 27 jurisdictions. New Mexico has 27. Arizona has 28. Illinois has reciprocity with 32 jurisdictions. Interestingly, many states, like first-year law school, we need to bang our head against the wall and take the test, otherwise move elsewhere if we want to practice law.