Santa Clara University School of Law

From the SelectedWorks of Jodi Benassi

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Patent Case Filings: Trends In the USPTO Since The America Invents Act

jodi benassi
Niner's Legend Ronnie Lott Visits SCU

By William Falor
Editor-in-Chief

Ronnie Lott is a larger than life figure in California sports history. At the University of Southern California, Lott helped the Trojans to a share of the national title in 1978 and was a unanimous All-American in 1980. He spent most of his professional career with the San Francisco 49ers, where he won 8 Division Titles and 4 Super Bowls and was elected to the NFL Hall of Fame in 2000. Lott's post-football career has been equally impressive: he co-founded a capital fund and owns several auto dealerships and a restaurant. Recently, Lott joined the advisory board of Santa Clara Women's Soccer Coach Jerry Smith's Coaching for Life Academy. This past weekend, he sat down with Smith as part of Santa Clara's President's Lecture Series.

Smith first asked Ronnie who some of his heroes in his life are. Lott led with his dad, a retired Air Force sergeant, who has and continues to teach him that giving and having respect to and for others is one of life's most essential lessons. Lott also mentioned coaches like the legendary Bill Walsh and Lott's wife, Karen, as inspirations to him on and off the field.

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By Kyle Glass
Copy Editor

Last year, after almost thirty-five years of teaching, Professor Nancy Wright retired. In over thirty years at Santa Clara School of Law Professor Wright taught LARAW and public interest clinics, but she is best known for teaching 1L torts. Professor Wright was a favorite among her 1L students. Her warm and open nature gave her lectures an animated feel and her love for teaching was always apparent. She would help her students reenact famous cases and always encouraged lively discussions. Professor Wright regularly shared detailed anecdotes of the more intense torts cases, and, “as a treat”, even sang for her students on occasion. Professor Wright’s decision to leave teaching was clearly a tough one.

Fortunately, teaching law is just one of her many passions. Professor Wright has an insatiable interest for world culture and has been an avid traveler for many years. Since her marriage to fellow SCU law professor, Eric Wright, the two have been to over seventy countries on every continent but Antarctica. Her future trips include places such as Puerto Rico, Borneo, and likely many more. All of this traveling has given Professor Wright an opportunity to focus on her creative side, through the lens of her camera. Professor Wright’s decision to leave teaching was clearly a tough one.

Photo Credit: Charles Barry

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BACKPAGE: Roger Goodell: The Scum Also Rises, SCU Law Rolls Out Emery
By Hannah Yang
Business Editor

Let’s try to be honest with ourselves here. What is the likelihood that of Facebook’s 829 million DAUs (Daily Active Users), and 1.319 billion MAUs (Monthly Active Users) worldwide, everyone is adhering to the artfully crafted terms outlined in its terms of use? And beware, because if a user dares to violate the terms of use and the profile is then flagged, the administrative nightmare that ensues trying to re-instate your profile is an uphill battle.

Prohibition of graphic content, hate speech, bullying and harassment, nudity, intellectual property rights of others, etc. – bases covered, right? The Facebook Community Standards (which I’m sure all of the 829 million DAUs have reviewed and faithfully abide by) are ideal, but who is the enforcer? Are users policing each other by flagging things that the individual finds offensive? Is there a Facebook police? A team of employees checking users’ profiles and postings for compliance?

Whatever the methods are (if any), it is a futile effort. The recent fall-out with the drag queen community regarding the “real name” policy is a great example. First, the reference to “real name” in the Statement of Rights and Responsibilities does not give a definition for “real.” So examples of what “fake names” are would be helpful. Second, thank you Mr. Cox for your heartfelt apology for the hardships and trouble caused by the name policy addressed to those affected. Unfortunately, the policy remains in place almost unchanged. Users are still required to use their “real names” and “authentic identities.”

What is most troubling about this situation is that the policy itself was the vehicle through which a person, or group of people, expressed a form of harassment and hate by specifically flagging the profiles of drag queens as people who try to fit in with the team and help in their role rather than try to stand out and act alone.

When Smith asked him about football’s issues with concussions, Lott stated that football players need to learn how to learn and to get better by being better. Ronnie stated that if he were playing today, he would learn how to mold his game to match the demands of the league, not the other way around. Lott drew laughs from the crowd when he stated that he would do so partly for his safety but also because his mother would not let him lose $50K in fines for breaking the rules.

One of Smith’s last questions to Ronnie was why he chose Santa Clara University as a place for him to get involved in higher education. Lott’s answer was at first simple: “It’s SC!” But Lott then expounded on how during his youth he would visit the campus and see incredible athletes participating in their sports and feel inspired. Most importantly to Lott, he would see the character of these athletes, qualities these people presented that went beyond the x’s and o’s of a game. It’s important, Lott said, for an athlete to not only present themselves as a competitive participant but also as someone who participates in the personal development of themselves and others. He sees that happening here at Santa Clara, and wants to get involved and serve.

Another illuminating question posed by Smith regarded what football has taught Lott about life. In his answer, Lott focused on service, how football has taught him to get along with other people and to serve others. To Lott, great teammates are people who care, and great teammates are focused on service, how football has taught him to get along with other people and to serve others. Great teammates are people who care, and great teammates are those who participate in the personal development of themselves and others. He sees that happening here at Santa Clara, and wants to get involved and serve.

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The Advocate is the student news publication of Santa Clara University School of Law. The various sections of The Advocate are articles that reflect the viewpoint of the authors, and not the opinion of Santa Clara University, The Advocate or its editors. The Advocate is staffed by law students. Printing is contracted to Fricke-Parks Press of Union City, California.
Tailing Your Coursework to Your Job Search

By Lindsey Kearney

Associate Editor

It’s that time of year again. Fall is in the air, Halloween is fast approaching, and that light at the end of the tunnel looks suspiciously like law finals (or maybe it’s a freight train, sometimes the difference is subtle). October 20-24 is recognition week for upper-division students’ Spring 2015 classes, even though to many it feels like fall semester is just getting started. Students all know to take bar classes and those that satisfy graduation requirements, but what are employers really looking for? What types of courses will add to your skill set and make you a valuable asset to a particular firm, company, or office?

One rule of thumb that I keep in mind while networking, going on informational interviews, and meeting attorneys for lunch is, that it’s always best to pose this question to attorneys who practice in areas that I am interested in, or at firms that I would potentially join. I have found that the answers are sometimes surprising but always tremendously helpful. Here are some of those answers:

1. Clinics Offer Valuable Experience
My first informational interview happened to be with a Partner at my dream firm. I posed my newly acquired secret-weapon networking question, to which he responded that his firm, a large top-100 global powerhouse, values experience and capability, something even more than picture-perfect law school grades. As a hiring partner, he told me that one of the most important questions he asks himself with regard to any applicant is whether the person will require “hand-holding and babysitting” or whether they could jump right in, communicate with clients, write memos and briefs, conduct discovery, and the like. He deeded to me that of the handful of recent first-year associates hired at that firm, almost all of them had volunteered or externed at a clinic during their law school years.

Clinics, such as those at the Katharine and George Alexander Community Law Center (KALWC) on SCU’s campus, or the Justice Clinic, and the Northern California Innocence Project, provide students with the opportunity to interact directly with clients and solve real-world legal problems through the use of legal research, writing, and client counseling methods, under the supervision of a seasoned attorney. To employers, this means that the student comes with a unique set of knowledge that is generally unavailable in a traditional classroom setting; learning by doing. It is one thing to have great grades and have mastered the law school exam setting, but it’s another to have worked directly with clients and solved problems in a real-world setting.

2. Take Electives with Practical Applicability
My most recent supervisor absolutely swore by Federal Income Tax (Law 270), and our practice group had almost nothing to do with tax, or even finance in general. He told me that he used information from the course in his personal financial planning, and to add to his basic business acumen, which in turn led to a greater understanding of the significant goals his clients set. Many of the attorneys in the office said the same thing. They have benefited from this serious, thoughtful, and in many instances more difficult for the applicant to pass – it is no one’s secret-weapon networking question, and can take up to 291 days to clear. Of the total received, about 7% are referred to the CBE for further investigations related to the committee usually have felony convictions, drug issues, DUls, patterns of substance abuse, fraud accusations that were sustained, professional discipline or malpractice, law school honor code violations, breaches of fiduciary duty and bankruptcies with instructions on what must be done to start the process. The application will lead to a greater understanding of the significant goals his clients set. Many of the attorneys in the office said the same thing. They have benefited from this serious, thoughtful, and in many instances more difficult for the applicant to pass – it is no one’s secret-weapon networking question, and can take up to 291 days to clear. Of the total received, about 7% are referred to the CBE for further investigations related to the committee usually have felony convictions, drug issues, DUls, patterns of substance abuse, fraud accusations that were sustained, professional discipline or malpractice, law school honor code violations, breaches of fiduciary duty and bankruptcies.

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1. What was your favorite course from college or law school?

There are two courses that stand out for me. The first was in anthropology where we studied immigrant assimilation in New York City in the 20th century and the obstacles to assimilation for people of color in the same period. The second was a seminar, Monday through Friday and as a waitress, Saturday and Sunday. I didn’t know anyone who went to college, who had a “professor” to aspire to. I just knew I didn’t want to work like my mother did.

2. What historical event do you find most interesting and why?

I’m not a student of history but if I had to pick, I’d say the civil rights movement in the U.S. Right after that was the AIDS epidemic.

3. What is your favorite guilty pleasure?

To love and read and enjoy gardening although I often feel like I have no idea what I’m doing there. I have a little garden where I do a lot of drawing and painting on and off over the years. 5. What is your favorite source, (news/journal/legal blog/other) for keeping current with the law?

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9. What do you consider to be the most important development in your field over the last 5 years?

As you can tell from the volume of news coverage on wrongful conviction, this is an exciting area of practice with new developments every day. One important recent development is the release of the National Academy of Science’s comprehensive report on forensic science calling for a complete overhaul of forensic science practices in the U.S. The study found that with the exception of DNA analysis, not a single forensic methodology is established in prosecutions today has a proven record of reliability. This report has had a profound effect on the criminal justice system.

10. What piece of advice would you today have given yourself in law school?

No one grades your outline and I recommend that students read the BNA newsletters as they are a excellent source for important developments in your field over the last 5 years.

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In addition to photographing children, Professor Wright also enjoys taking pictures of baby animals. She has captured images of all sorts of baby animals in the wild. She has pictures of baby gorillas and their mothers, baby elephants playing in the water, and countless other adorable pictures. She has even sold some of these pictures as decorations for children’s rooms and her pictures are very popular gifts among expecting parents.

With her increased availability now, Professor Wright has started a professional commercial website to showcase her many photographs. Nancy Wright Photo Galleries is located at http://nancywrightphotogalleries.smugmug.com and displays the hundreds of interesting photos Professor Wright has taken throughout her travels. On her website, she has albums dedicated to her baby animals, exotic birds, picturesque locations on every continent (except Antarctica), and “people of every culture,” both young and old. Through her website, Professor Wright hopes she can pursue a “second career” as a professional photographer, which already has a promising start. In addition to the amazing collection she has developed, Professor Wright’s photographs have already been recognized in competitions such as the Picture Our World Photo Contest, sponsored by the San Jose Mercury News, where her picture of New Guinea tribesmen placed in the top five out of over 5,000 submitted photographs.

Domestic Violence and The Media

By Niinamya Anuchie
Social Justice Editor

Did you know that:

-1 in 4 women will experience domestic violence during her lifetime.

-Women experience more than 4 million physical assaults and rapes because of their partners, and men are victims of nearly 3 million physical assaults.

-Women are more likely to be killed by an intimate partner than men.

-Women ages 20 to 24 are at greatest risk of becoming victims of domestic violence.

-Every year, 1 in 3 women who is a victim of homicide is murdered by her current or former partner.

According to the World Health Organization, “Violence against women is any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

And this month we remember the victims of this violence and continue to fight for them with Domestic Violence Awareness Month. Coincidentally, there has been massive media attention surrounding the “Ray Rice and Janay Rice” situation and the role of the NFL in disciplinary action. Online feminist activists and those interested in the eradication of domestic violence generated this attention.

Online Feminism is a pivotal tool in today’s social justice movement. Social networks like Twitter, Blogger, Tumblr, Facebook, and Instagram have created a safe space for people from different backgrounds with similar experiences to build communities and talk about important issues. Twitter is probably one of the biggest tools being used to mobilize and highlight important issues.

Recently, we have seen the feminist community’s ability to mobilize, using Twitter, and put pressure on the National Football League to handle their issues with domestic violence. Often times the media downplays rape cases and domestic violence cases by creating this idea that they are isolated cases. However, online feminism has utilized its reach and tools to debunk these myths surrounding domestic violence. Additionally, online feminism has worked to hold organizations that have historically ignored issues involving domestic violence accountable.

The same activism that promotes corporate accountability can be applied to educational institutions. Often times we absolve our personal responsibilities by relying on the legal system or the government to act. Just as lawyers are encouraged to settle disputes outside of court, we need to create tools and resources to also resolve issues before it gets to the legal system. Unfortunately, many institutions have not internalized this responsibility to prevent and resolve issues of domestic violence.

We watched on national television how the NFL and the legal system failed Janay Rice. Many universities have failed victims of domestic violence and sexual assault by rarely punishing the perpetrators. The NFL community along with every institution has a duty to mitigate the harm for victims. They have the duty to carry out justice and advocate on behalf of the victims because violence against women has a unique tradition in our culture and legal system.

When Stephen A Smith from “First Take” spoke about the Ray Rice and Janay Rice situation, he noted that women sometimes “provoke” men and as a result men abuse them. Feminists on Twitter immediately addressed Stephen Smith comments and attempted to educate him on the problems with “victim blaming.” As a result, Stephen A Smith apologized and was suspended for a number of days.

We have seen this pattern of institutions holding their employees accountable for offensive comments and actions due to social media. This type of activism simply notes the responsibility of corporations and institutions to the public. It highlights the relationship between violence against women and the proactive and reactive responses by organizations such as the NFL. We all have an obligation and we must acknowledge this obligation.

In order to prevent victim blaming, institutions need to understand the root of the problem. Institutions need to understand that abusers make a conscious choice to select and inflict physical, emotional, and sexual on a particular victim. Human beings are rational beings. Unfortunately, we try to rationalize irrational behavior. We try to critically and objectively view behavior in hopes of understanding it. But it is important to understand that although abuse follows a general pattern, victims experience abuse subjectively. Thus, institutions must believe victims when they come forward and present their stories.

Online feminism has created ad campaigns and multimedia to display the cycles and causes of feminism to help those in the institutions understand the root of the problem.

It is important for institutions to equip themselves with knowledge about violence against women to combat these issues. Institutions must have an open and inclusive space that allows victims to come forward and report. They must also have procedures and protocols that ensure justice is carried out on behalf of the victim. Universities must take a no-tolerance stance against violence against women.

Institutions should also be more involved in social media so they can be aware of what the community’s needs are and get feedback on how other organizations are handling similar issues. Social media activism and interaction are powerful tools and have not yet reached its full optimization.

Visit http://nancywrightphotogalleries.smugmug.com/
In the past couple of weeks Ello has attracted tens of thousands of users to its ad-free social network. But just because it’s ad-free, does that mean that it’s “more private”? As of date, everything posted on the site is public. There are no controls to adjust the audience of your posts—“Ello is a platform built for posting and sharing public content. You should assume that anything you post on Ello other than private messages will be accessed by others. Search engines will be able to see the content you post. Content you post may be copied, shared, or re-posted on Ello and on other parts of the internet in ways that you and we cannot control,” reads its Terms of Service. Further, Ello does not have any features to block or report individuals or offer any way to consent to being followed.

Lee and her team are exploiting all available resources, both in industry as well as the public, to their fullest potential. The PTO has expanded its examiner training program to invite “industry experts” from outside corporations to provide training on specific technology areas. Moreover, it is engaging the public to help find prior art, allowing them to provide valuable references during the prosecution. All of this is to ensure that the PTO issues the best possible patents and reduces litigation by non-practicing entities.

Will this help improve quality?
Cassandra Spyrou, PTO Quality Assurance Specialist, certainly thinks so, “the way examiners search and the way they look for prior art and interpret claims are not affected by the AIA, what’s affected is what references are available and which are the strongest. The PTO is training the examiners to determine which are the strongest.” Members of the U.S. Senate agree that one of the best mechanisms to proactively address legal actions that stem from overly broad assertions of low-quality patents is to ensure patents are of the highest quality from the start.

In our next article we’ll examine patent litigation from the perspective of a patent assertion entity (aka the “Patent Troll”).

As Consumers Realize, Ello On the Rise

By Jodi Benassi
IP Editor

The present-day PTO, once again, finds itself in an emerging field of the law. With these kinds of guidelines, companies could rely on statutes that authorize private rights of action. These statutes should focus on the use and misuse of data with externally inflicted damages to prevent companies on notice of the risks of non-compliance.

Although courts have been inconsistent in finding cognizable harm for purposes of Article Three standing, it is apparent that public opinion is concerned with companies using, sharing, or selling personal information. This type of public concern can be a motivating factor in legislation and could influence judicial action in creating a legal remedy for privacy complaints. In addition, agencies like the FTC could publicize enforcement actions on a “Privacy Wall of Shame” so that consumers and other companies know who has faced flack for their lax privacy practices. Privacy Scholar Dan Solove suggests that enforcement agencies could also develop guidelines for how to identify situations where there would be a presumption against bringing an enforcement action, even for a violation. With these kinds of guidelines, companies could better self-regulate and take corrective measures on their own.

I’m curious to see how Ello evolves but in the meantime I think that the conversations that are happening around privacy need to shift away from grandiose manifestos to practical discussions about new and creative models for regulation and enforcement in this emerging field of the law.
Yelp Gets a Spanking For “Violating” Children’s Privacy

By Brent Tittle
Managing Editor

On September 16th Yelp Inc. announced it was being sued by the Federal Trade Commission. The FTC busted Yelp for violating the Children’s Online Privacy Protection Act, a law prohibiting websites from collecting personal information on children under the age of thirteen without proper parental consent. In a complaint I wouldn’t even afford one star, the FTC stated that in 2009 when Yelp rolled out a new registration feature for its mobile application, users under the age of thirteen could sign up for an account in violation of COPPA. Prior to this mobile registration feature, users could only sign up on Yelp’s website, which properly prohibited users under the age of thirteen from obtaining an account. As a result, the Yelp app, which has been downloaded more than 25 million times since 2011, inadvertently collected data on those registrants under the age of thirteen. This information included names, emails, Mobile Device IDs, in addition to the precise GPS location of users phones who allowed Yelp access to their location. The complaint did not алкlege what Yelp did with this data or suggest in any way that Yelp had misused the information. Furthermore, in a situation oozing with irony, the FTC stated that in 2010 Yelp hired a third party to REVIEW their iOS application as part of a mobile certification process. The report erroneously concluded that the company had proper privacy procedures in place. (Makes you wonder if this wasn’t just karma coming back to bite Yelp for all the unfounded reviews businesses have suffered from their app.) Despite this report, the FTC stated that because Yelp collected data (by mistake) on users under the age of 13 via their mobile apps, they had actual notice that they were doing so. Yelp and the FTC settle for $450,000. The company issued a statement saying that the problem was a “bug” and that they had corrected the issue immediately, closing all impacted user accounts. Their press release further went on to say on only 0.2% Yelp accounts were in violation of COPPA and that Yelp had good reason to think that the vast majority of those who had registered under age were actually adults. In addition, Yelp made it clear that it “doesn’t promote itself as a place for children,” and they “certainly don’t expect or encourage them to write reviews about their plumbers, dentists, or latest gastronomic discoveries.” Professor Goldman had the following to say about the incident: “I’m positive that Yelp’s lawyers and managers knew COPPA requirements, and Yelp had properly implemented age-gating elsewhere on their network. Its failure to implement proper age-gating on its mobile apps was an avoidable mistake that Yelp surely was eager to voluntarily fix when it discovered the problem.” Yet, the FTC view made a federal case out of a minor product error. Hooray for bizarre exercises of prosecutorial discretion. The most ironic part is that Yelp is about the least pre-teen friendly online service around. Not many 12- and under kids are interested in writing consumer reviews about local businesses; and there’s a good reason to believe that many of the registrations with ages 12- and under were actually adults that lied to Yelp to avoid revealing their true age. So in terms of the FTC protecting kids from harm, this enforcement action did almost nothing beneficial at all.

So why did the FTC pursue it? The FTC views itself as the Internet’s leading cop. For example, the FTC has self-branded as the “nation’s preeminent consumer protection privacy agency.” The FTC has been looking for ways to put major Internet companies under consent agreements that last 20 years, which make it easier for the FTC crack down on any Internet company, even if the FTC has been fairly soft in its enforcement. The FTC has busted all of the following online services in the past 5 years: Google, Facebook, Apple, Amazon, Twitter, Snapchat, BitTorrent, MySpace and now Yelp. To me, it’s pretty clear that the FTC is eager to pounce on Internet companies for even the most minor violations.”

In the grand scheme of things for Yelp, this is small potatoes monetarily speaking. But think about this from the perspective of a smaller online service that doesn’t have the same resources. Could they survive a six figure FTC shutdown? Past FTC COPPA actions have at least targeted companies that were somewhat catering to children. Despite the absence of logic and horrible grammar employed by the FTC, the current legal system isn’t capable of effectively governing the internet. While in this case Yelp wasn’t necessarily a bad apple, they are out there. But when the self-appointed Sheriff gives a l적인 for something this slim, the Dude simply cannot abide.

International Human Rights Clinic Submits Report on Human Trafficking to the United Nations

By Brittany Rezaei & Alvin Yu
On Behalf of SCU’s International Human Rights Clinic

At the SCU International Human Rights Clinic, law students have the unique opportunity to work on important human rights projects affecting people and policy. Within the first month of the Fall 2014 semester, two students submitted a report to the United Nations on the issue of human trafficking in the United States.

On September 15th, the Clinic submitted a Stakeholder Report to the Universal Periodic Review (UPR) of the United Nations Human Rights Council (“the Council”) created the UPR to regularly review every country’s compliance with its human rights obligations and commitments. This is a unique process where UN member States have the opportunity to make recommendations to prove their commitment to their own human rights conditions in the state under review. The State can then accept or reject the recommendations. The U.S. is up for its second review in April, 2015.

The UPR allows civil society groups (i.e. NGOs, community organizations, non-profit, etc.) to contribute information to the UPR by submitting stakeholder reports before an interactive dialogue between States takes place. Stakeholder reports are fact-based documents, which report on specific aspects of the reviewed States’ compliance with international human rights norms for the Council’s consideration. The Council can use this information to formulate questions and recommendations for the State under review. The UPR allows a profound way for civil society to make sure that important issues do not get ignored.

Clinic’s Report Focuses on Gaps in the U.S. Response to Human Trafficking

As part of the Clinic’s ongoing focus on the issue of human trafficking in the U.S., the Clinic submitted a stakeholder report on this issue to the Universal Periodic Review. Over the past two years, the Clinic has investigated anti-trafficking efforts here in the Bay Area, primarily by interviewing federal, state, and local law enforcement officials, victim services providers, and legal aid providers to make sure that important issues do not get ignored.

The report recommends that the U.S. undertake immediate measures to ensure that the child welfare system has the necessary resources to adequately address child trafficking. Nearly 300,000 children are at risk of becoming victims of sex trafficking each year, and many 12-and-under kids are interested in writing reviews about their plumbers, dentists, or latest gastronomic discoveries. The U.S. response to human trafficking, specifically: U.S. failure to 1) adequately identify and investigate labor trafficking cases; 2) improve coordination and promote collaboration between the federal, state, and local government to combat human trafficking. Hence, the report is a brief summary of the main concerns covered in the report.

Part One focused on the United States’ failure to take sufficient measures to identify and investigate labor trafficking cases. The report provided information on the growing concern that, despite the fact that labor trafficking is a growing problem worldwide, the U.S. has made no meaningful progress to improve identification and investigation of labor trafficking cases.

Part Two addressed the inadequate response of the U.S. to the vulnerability of children in the child welfare system to human trafficking. Recent data demonstrates that child trafficking victims are very likely to have some interaction with the child welfare system, and yet the U.S. is not taking sufficient steps to address this connection. Nearly 300,000 children are at risk of becoming victims of sex trafficking each year, and many 12-and-under kids are especially vulnerable. Moreover, the child welfare system lacks resources to meet the needs of child trafficking survivors placed in the system, leaving these children vulnerable to re-trafficking.

The report recommends the U.S. undertake immediate measures to ensure that the child welfare system has the mandate, resources, and training necessary to screen, identify, track, and provide appropriate services to protect children from trafficking.

Finally, Part Three raised the lack of adequate local, state, and federal coordination, funding, and training by the U.S. government. This failure to coordinate reduces the effectiveness of U.S. responses to domestic and international human trafficking. Lack of funding is also a major barrier to eradicating trafficking and serving victims. As of 2011, U.S. government funds grants for labor trafficking efforts worldwide, or less than one task force per state. The Clinic recommends that the U.S. address these problems as well as the need for standardized human trafficking training for all agencies that encounter potential trafficking victims.

What’s Next for the Clinic?

Now that we have submitted our report, the Clinic may travel to Geneva, Switzerland next semester during the UPR to address the issue of human trafficking with delegates who participate in the U.S. review. Based on our advocacy efforts, we hope the Council will push the U.S. to address these gaps in its response to human trafficking.

While this report was aimed at the UPR, it is just one piece of the work that the Clinic and the SCU community does to combat human trafficking. We would like to particularly thank our local human trafficking experts, Professors Lynette Parker and Ruth Silver-Taube from the Katherine and George Alexander Community Law Center, both of whom work constantly to serve human trafficking survivors here in the Bay area. Their expertise and insight on human trafficking assisted the Clinic to develop the various issues raised in the report.

The Clinic provides a great opportunity for law students to gain practical experience on being on the front lines of human rights advocacy while in law school. If you are interested in this or other human rights issues, consider signing up for the Clinic next semester (hrsc@scu.edu)!
SCULaw Unveils New Emery Technology

By Nikki Webster
Senior Editor

The season is changing, and so is technology at Santa Clara Law. In concert with the Autumn Equinox, Nic Bertino, our Director of Law Technology and Digital Media, sent information with the launch. In juxtaposition to the Equinox, this new website does not symbolize the welcoming of warmer weather and the end of summer, but rather the evolution of brighter, more functional online tools and technology.

The transformation began with the introduction of Camino, our learning management system, to replace the “rapidly aging repository” that is Claranet. The Camino system provides a tool-laden forum wherein professors and students may interact and exchange various file types in the context of specific courses, whereas Claranet was used for the storage and organization of documents. The perhaps most useful portion of the system is the Calendar. Camino and Emery increases the number of users in the database, but Dr. Bob Owen, our new President, predicts that SCU Internet will be ten times faster in the near future. Emery and Camino increase the number of SCU login at emery.scu.edu. Once logged in, the page opens to your Dashboard. Three columns first meet your eyes: Santa Clara Law News, Internal Announcements, and Links. The first column features links to current news relevant to our community, such as "Entrepreneurs’ Law Clinic Expands Capacity to Serve More Students and Entrepreneurs,” and “Governor Brown Signs Two NCPP Sponsored Bills into Law.” The second column links to announcements specific to institution-wide updates, such as the redesign of our Admissions webpage. The third column provides direct links to our most used pages, such as Ecampus, Camino, Gmail, and more.

The perhaps most useful portion of the Dashboard is the Calendar. The Calendar is our new centralized, customizable master calendar. Selections from the "Categories" and "Tags" menus provide for easy organization and searches by event type. The Categories dropdown groups events by students, faculty, staff, external events, and more. The Tags dropdown is much more specific, providing a wide range of tailored categories and tags your event belongs under so that users who tailor their calendar content through the dropdowns will not miss your event information. If you have scheduled an off-campus event, the option to subscribe for a feed is a great way to ensure you are notified of any changes to your event.

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As the season changes, students, faculty, and staff should look forward to even more digital growth at Santa Clara Law. We have already upgraded our Internet connection, but Dr. Bob Owen, our new Chief Information Officer, plans to audit and improve our Wi-Fi strength as well. Bertino predicts that SCU Internet will be ten times faster than it is now.

All of this technological development is a welcome progression toward efficient use of information accessibility and online tools for all those at Santa Clara Law. Hopefully the future holds more than just a new season, so that students, faculty, and staff may work with technology that reflects the innovation and online resources of Silicon Valley.

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ROGER GOODELL: THE SCUM ALSO RISES

By Jackson Morgus
Sports Editor

When Harvard Law graduate Rob Manfred seceded Bud Selig as MLB commissioner following the World Series, Roger Goodell will be the only major sports commissioner that is not a lawyer. It is not a coincidence that the business/PR trained Goodell is the only one who clearly deserves to lose his job. In the past few months, Goodell has badly mishandled the league, particularly with regards to the scandal surrounding Ray Rice. The mishandling displayed by Goodell highlight the problems caused by having a mediocre corporate lackey as he head of a major sports league, and serve as Exhibit A as to why a legal background is necessary for the commissioner of a professional league.

(A quick review: February, Ray Rice knocked out his fiancé. There was video of the aftermath, but Rice wasn't charged and was suspended two games. August, video of Rice knocking out his fiancé surfaced. Much stricter punishment is given, league claims they never saw the second video. Everyone else in the world thinks they did. The NFL continues to deny, and promises to 'revamp' domestic violence policy in light of public outrage.)

Depending on their specific field, lawyers do a wide variety of jobs, but at the core of the trade is a certain problem of solution solving. An issue is identified and assessed. The relevant legal framework is identified and analyzed, those rules are applied to the issue at hand, and an appropriate course of action is applied. The approach the issue is analyzed and solutions vary greatly, but the approach is a common one for lawyers.

Part of that process is using steps two and three to determine that you have a losing case. Sometimes the situation makes an ideal outcome impossible. When that's the situation a lawyer is put in, then their job becomes assessing the best way to get a case concluded under the rules and facts. In the case of Rice, Goodell skipped steps two and three. He saw an issue, and immediately moved to an outcome that he had in mind without appropriately considering the discipline process.

This shortcut has been a part of Goodell's narrative. “The process of finding an outcome in the context of specific courses, whereas Claranet was actually enrolled in. Now, Camino limits the range of files and related to those she was actually enrolled in. Camino system provides a tool-laden aging repository” that is Claranet. The website does not symbolize the welcoming of winter weather and the end of summer, but rather the evolution of brighter, more functional online tools and technology.

The Perhaps most useful portion of the system is the Calendar. Frequently it has gone the other way (the most relevant example being a yearlong suspension for Josh Gordon’s marijuana use). Goodell is the Czar of NFL discipline, and he rules without a method of fairness that would lead to reason behind his disciplinary decisions, and would satisfy the public. Goodell was married in the rules and facts in which Ray Rice wasn’t a big deal. He ignored the analysis that made this impossible.

This stems from Goodell acting not like a lawyer, but like a PR man. His concern is what gets to the public, with “controlling the narrative.” The process of finding an appropriate outcome was subjugated to the salability of the outcome. This may work to present an image of “Protecting the Shield” by suspending players for recreational drug use or arrests without any real framework, or by downplaying a violent crime, but it falls apart when that evidence comes out, and the arbitrary nature of the NFL's suspension policy becomes apparent.

With more space I would compare Goodell’s job with that done by Adam Silver in the aftermath of the Donald Sterling debacle. Instead, I would invite you to do so yourself, with an eye on how Silver’s legal training and experience clearly influenced the way the crisis was dealt with. Goodell relied upon PR concepts, in essence promising to fix the issue of domestic violence. This would have been like Adam Silver promising to end racism. It is a nice message to present from a PR standpoint, but it has next to nothing to do with the problem you are addressing, and is well beyond the scope of the league.

Defenders of Goodell (who are becoming fewer and fewer) will point to the commissioner’s record of strong TV deal, and the money that he has made the league’s owners. With the value of live sports on television skyrocketing and the popularity of football at an all-time high, the owners could have used Siri to broker a TV deal that would print money for the league and themselves.

Alas, this is not enough space to breakdown all of the shortcomings Roger has demonstrated in his tenure. The takeaway is that when things go sideways, businessmen call lawyers. Other leagues have lawyers in charge for such a situation. The NFL doesn’t, and it cost them.