Close but No Cigar: Telecommunications in Cuba

jodi benassi

Available at: https://works.bepress.com/jodi_benassi/6/
Legal Eagles Soar High in HMCI

By Kyle Glass
Copy Editor

On Thursday, April 2nd, Santa Clara Law’s Honors Moot Court Internal conducted its final round in the Music Recital Hall. The final hearing consisted of Kevin McManus and Tamarah Prevost as counsel for the petitioner. Spenser Nob and Peter Tran were counsel for the respondent. A three judge panel presided over the hearing and included Judge Paul Grewal and Judge Ronald Whyte from California’s Northern District. The Chief Justice was Cathay Sakumura who is the Family Law Director and Supervising Attorney for the National Center for Lesbian Rights. Although both teams of advocates did an excellent job proceeding through their arguments and fielding the panel’s questions, Kevin and Tamarah were selected as the Best Team and were also awarded Second Place Brief. Quarterfinalists Mike Morey and Kat Aranaz were awarded with the Competition’s Best Brief.

This year’s competition focused on the State of Atlanticia’s felony disenfranchisement law and whether it violates Section 2 of the Voting Rights Act and the Equal Protection Clause of the United States Constitution. Atlanticia’s felony disenfranchisement law was initially enacted in 1960 with the obvious goal of discriminating against Hispanics. Over 30 years later, Atlanticia reenacted the statute, this time with a legislative record free from any discriminatory intent. Despite the law’s reenactment, the law still had a disparate racial effect, disenfranchising minority groups at significantly higher rates than white people. In the fact pattern presented by HMCI, respondent Maria Lopez was arrested in 1998 for drug related crimes, pleaded no contest and was sentenced to 5 years in prison with fines. After being released early for good behavior, Miss Lopez was unable to pay off her fines, and under Atlanticia’s felony disenfranchisement law was prohibited from voting. In 2011, she challenged the law in United States District Court but the court granted the State of Atlanticia’s motion for summary judgement. On appeal, the Fourteenth Circuit overturned the district court’s ruling finding that the law acted as a voting qualification with a discriminatory effect violating the Voting Rights Act. In addition, the Court found that the law was enacted with a discriminatory purpose which, coupled with the law’s discriminatory effect, violated the Constitution’s Equal Protection Clause. Atlanticia then petitioned the Supreme Court for Writ of Certiorari which was granted.

In their briefs for the Supreme Court, Honors Moot Court Internal Contestants dealt with a variety of complex legal issues stemming from an extensive record created by the HMCI board. Advocates created arguments regarding statutory interpretation and tried to discern the intent behind a law through its legislative history. In addition, competitors had to argue whether empirical results implied a causal connection which, for those of us who have taken Con Law II, is always a difficult task. The road to the HMCI finals began way back in the Fall semester, with everybody’s favorite class: Appellate Advocacy. Students interested in competing submitted applications and were selected based on the quality of their coursework in advocacy. Sixteen teams were selected. In addition to their normal course loads, they wrote and submitted briefs, and participated in practice oral arguments in the weeks leading up to the competition. When asked to reflect on the process, winners Kevin and Tamarah had this to say: “HMCI was a great challenge. We learned and grew so much throughout the course of the competition. Professor Flynn, Director Kyle Cakebread, and the rest of the executive board did an outstanding job preparing the record, coordinating the tournament, and pushing the competitors to improve every single round. We feel blessed to have had this opportunity. Kudos to all of the extraordinary advocates that participated!”

Those interested in participating in next year’s competition should use Advocacy to sharpen their skills and keep their eyes peeled for HMCI announcements.

By Nikki Webster
Managing Editor

Lawyers are human – they make mistakes. So what should be done when mistakes are made? What can be done to prevent them in the first instance?

Last Thursday, April 9th, Santa Clara’s Law and Business Society hosted the event “Ethics in Law,” presented by distinguished alumnus, Paul “Chip” Lion, III, and SCU law professor, William Woodward, 2015 recipient of the Alumni Special Achievement Award, Lion is the head of the American Bar Association’s Business Law Section. Professor Woodward, in addition to teaching contracts at Santa Clara, is also Chair of the Pro Bono Committee of the ABA Business Law Section. Together, Lion and Woodward presented various hypotheticals that represent common ethical issues that arise in the legal profession. A noteworthy hypo is the one in which a lawyer does not file suit within the statute of limitations for his client’s claim. Though the lawyer would be in a position to simply tell the client that the case was lost, the ethical answer would require the truth and conversations with the lawyer’s partners or general counsel, malpractice carrier, and the client herself.

As professionals without much oversight, lawyers often have only themselves to turn to with regard to making ethical decisions. Lawyers should behave ethically not just because it is the right thing to do, but also because the consequences of unethical action could be far worse than making the right choice in the first instance. Knowledge of the law places lawyers in a superior position to clients such that lawyers could easily abuse their power without their clients realizing. Jack McCormack, Co-President of the Law and Business Society, told me his main takeaway from the event “Ethics in Law,” is also Chair of the Pro Bono Committee of the ABA’s Business Law Section.

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By Susan Erwin
Senior Assistant Dean

The summer and fall schedules hardly have any classes listed. How am I supposed to finish my certificate if you aren’t offering any of the classes that I need?

It’s true that the summer offerings are much reduced from previous years. Summer registration numbers have been going down for the last couple years. I like to think that it’s because you all are getting jobs and internships and going abroad and spending time with your families in summer. We also have a much smaller study body, which will also keep enrollments low. We are being cautious and trying to plan wisely. Initial registration is about over and it looks like we have a couple of summer lists that will probably clear on their own. It doesn’t look like we have enough of a waiting list to add another Advocacy section. There are seats open in the day section of Advocacy, for those of you who can take a day class. The campaign to add a Legal Profession class was very successful and there are seats open in the day section of Advocacy, for those who wish to pursue the certificate if you aren’t offering any of the classes that I need.

The advocates 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.

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April 2015

ETHICS IN LAW EVENT CONTINUED...

The grades that you earn in summer courses will count toward your cumulative law school GPA once summer grades are posted in August. The GPA that we use to calculate your ranking and to make determinations about Directed Study and academic disqualification is the cumulative GPA that you have after spring semester each year. So, yes your summer grades count, but no, they don’t count in determining directed study.

Law students should consider attending the Spring Meeting for three reasons. First, the Business Law Section will be covering a plethora of interesting topics on the cutting edge of law; where both lawyers and law students can learn and provide input that may impact the profession. Second, the event is a prime networking opportunity where law students can engage their potential employers and converse with leading practitioners in the field. Finally, did I mention law students can attend for FREE! The only requirement is on-site registration -- click “register” on the linked page for registration hours: http://www.americanbar.org/groups/business_law/events/spring_2015/students.html. The ABA Business Law Section has over 50 substantive law committees, including mergers and acquisitions, Uniform Commercial Code, private equity, banking, bankruptcy, venture capital, and more. The Spring Meeting is an excellent time to tap into the resources the Business Law Section has to offer. More importantly, engaging with current practitioners is an expedient and efficient way to gain experience without personally dealing with all of the legal and ethical situations those professionals have encountered. Attending Spring Meeting could be more than just a fun and interesting weekend of free hors d’oeuvres, drink, and stimulating conversation; it could enable you to prevent future mistakes in practice by growing your legal foundation with experiential wisdom.

What’s with the slides about how depressed law students are? This is not a good time to be telling us that we have problems!

March 27th has been designated by the ABA as Mental Health Day and the week of April 13th is the Law School’s Wellness Week. We put these things near the exam period for a reason. As you gear up for exams and papers and studying, it is a good thing to be reminded that you need to take care of yourself. Think Balance. Eat. Sleep. Find healthy strategies to deal with your stress, avoid unhealthy ways.

Almost 70 of you took the free online mental health screening. About half of the responders reported feeling anxiety. About a third reported feelings of depression. The site – MentalHealthScreening.org offers suggestions on how to deal with these issues. Our Counseling and Psychological Services Office is here to help. I am here to help. Many of us are here for you. Check in with us or check out the tools available to you on the Current Students webpage - http://www.americanbar.org/groups/business_law/events/spring_2015/students.html.

Hear any rumors lately? If so, send me an email – serwin@scu.edu

The Advocate

THE ADVOCATE
17TH ANNUAL TRINA GRILLO RETREAT INSPIRES SOCIAL JUSTICE

By Nnennaya Amuchie
Social Justice Editor

On Friday, March 20th and Saturday, March 21st, many law students took time out to attend the infamous 17th Annual Trina Grillo Retreat hosted by the Center for Social Justice and Public Service, along with Consortium Law Schools.

The Trina Grillo Retreat provides a unique opportunity for public interest and social justice law students, faculty and practitioners to forge an alliance by exchanging viewpoints, exploring career opportunities, and formulating strategies for social justice. Co-sponsored by Santa Clara Law School and the Society of American Law Teachers (SALT), with other west coast law schools, this retreat honors the memory of Professor Trina Grillo, 1948-96, who was a source of inspiration to many.

Trina Grillo was a champion of intersectionality and anti-essentialism. She once said, "Anti-essentialism and intersectionality are checks on us; they help us make sure that we do not speak for those we cannot speak for or ask others to share our agenda while they patiently wait for their own." Trina believed that it is important for us to listen to one another and believe each other's experiences. We become a more compassionate and open society when we are willing to reach out to others.

The Trina Grillo Retreat was well attended with over 80 participants. In addition, the retreat received positive feedback from attendees with six Santa Clara Law alumni participating as panelists or moderators.

To kick off the weekend, students participated in community service events all throughout the South Bay which included providing lunch to the homeless, working with elementary school students in their gardening class, making handmade blankets for children, crafting handmade bracelets for U.S. Service members, and inspiring young children to attend college and pursue careers in the legal field.

Ernest Estes, who volunteered to visit an elementary school, told me, "The event was great! As busy law students, we sometimes need a reminder that we have a role outside of the legal community. For children this young, just being visible and accessible makes a difference. We each represent different and often unfamiliar routes to success. Although dodgeball was amazing, in the end we hope the children could see themselves in us, as much as they could see younger versions of themselves in us. After all, we'll need them to solve the problems that our generation created."

Many students were inspired and renewed their vision for social justice and public interest. Following the community service events, there was a series of speakers and panelists.

This year’s panelists and speakers included representatives such as DeputY Chief of Staff & Public Safety Director, City of San Francisco, Santa Clara Law, Southwestern Law School, Bay Area Legal Aid, Tiersen Steinbach, East Bay Community Law Center, Golden Gate University School of Law, Red Light Legal, Pro Bono Project of Silicon Valley, ACLU of Northern CA, LawGives, Stanford Center for Computers and Law, and deans from the participating law schools.

Many innovative topics were discussed including "Social Justice Entrepreneurialism" which explored innovative trends in social justice entrepreneurship. Additionally, law school graduates are developing innovative methods to provide legal services in new ways, to new populations, in new areas of law. These panelists gave the audience advice on finding a passion and creating sustainable models to launch your own practices that reflect your passion. Another interesting topic was "Using Technology and Social Media to Change the World."

Santa Clara alum, Zsea Beaumonis, told me, "It was inspiring to see so many law students in attendance at the Grillo Retreat, as they are already heeding the call to serve neglected, underserved communities so early in their legal careers. I appreciated hearing about the way practitioners serve the public interest through their entrepreneurial endeavors, and how they incorporate new technologies to broaden their impact. I hope the Consortium members continue to support this important institution and incorporate the goals of social justice throughout their entire legal curriculum, beyond the silo of Public Interest Law."

The Center for Social Justice and Public Service invites you to attend next year and keep Trina Grillo's legacy alive! For more information, visit http://law.scu.edu/socialjustice/trina-grillo/.

Panetta Institute Offers Students Invaluable Insight

By Torti Anthony
For The Advocate

In this frustrating time of gridlock in Washington D.C., the question on the minds of many is, "How can we actually get something done?" Santa Clara Law provides the chance for students to answer this question by becoming fellows at The Panetta Institute for Public Policy.

Fellows are given the chance to conduct research and develop an in-depth knowledge on issues of international, national, state and local concern. The Institute creates an inspiring atmosphere that motivates everyone who steps within its doors to consider a life of public service and become a leader in the community.

The Panetta Institute was founded in 1997 by Secretary Leon Panetta and Sylvia Panetta. Secretary Panetta served as the CIA director, the Secretary of Defense, White House Chief of Staff, and as a member of the U.S. House of Representatives. Secretary Panetta is also a Santa Clara University alumnus receiving his B.A. degree and J.D. degree from Santa Clara. In 2006, Santa Clara Law and the Panetta Institute jointly created the Panetta Institute Fellows program in which Santa Clara Law upper division students are chosen each fall and spring semester.

The Panetta Institute Fellows acquire knowledge on the most pressing and pressing policy subjects through extensive research. Currently, the fellows are preparing for the Leon Panetta Lecture Series, which focuses on the areas of energy, race relations, the economy, and cyber security. In the fall semester fellows provide support for the Jefferson-Lincoln Awards: An Evening to Honor Lives of Public Service. Fellows help with any research and writing needs of the Institute, building a greater understanding of the workings of the American political system.

An invaluable aspect of the program is when elected officials, experts, and other prominent academics come to speak directly to the fellows. This Spring semester, fellows have met with Secretary Panetta, as well as other experts, including State Senator Bill Monning; Drew Liebert, Chief Counsel, California Assembly Judiciary Committee; Ryan Coonerty, Santa Cruz County supervisor; Steve Isenberg, former publisher of New York Newsday, a university professor and former chief of staff to New York City Mayor John Lindsay; John Laird, California Secretary for Natural Resources; and Fred Keeley, former state Asseymblman. The speakers tell their story, often explaining how their law degree has led them to their careers and the current policy issues facing public officials. All of the speakers are experts in their fields and are genuinely interested in talking with the fellows and providing guidance for future career paths.

Fellows also attend a weekly seminar and discussion, where they are introduced to the scholarly work of leading academics and writers that are discussed in the Institute's master's level courses: Money, Media and Politics; Legislative and Executive Politics and Policymaking; and Budget Policy. Lastly, the fellows write policy papers on topics of their choosing. After extensive research, fellows boil down the key elements of a policy problem and propose a solution to the current policy issue. Individual feedback is given to help improve upon writing skills.

The Panetta Fellowship gives students the rare opportunity to understand how to develop a solution to major policy issues, and to learn the qualities and principles needed to be a successful leader in any area.

Applications are currently being accepted for the Spring 2016 Fellowship. For further information contact Dean Magliozzi at smagliozzi@scu.edu or visit http://law.scu.edu/apd/panetta-fellowship/.
1. What is your favorite summer memory to date?

I think summers when I was a kid were amazing and some of the best memories. I lived in a town where in the summers kids just rode bikes and played in yards and playgrounds all day. There were no scheduled activities or structured teams. There was a 6:00 whistle that you could hear all over town and all the kids knew they had 10 minutes scheduled activities or structured teams. There was a 6:00 whistle that you could hear all over town and all the kids knew they had 10 minutes

2. What was your favorite course from law school and why?

The most memorable graduate school course was taught by investment banker Michael Milken. Milken earned $550M in 1987, so my peers and I aspired to be just like him—until he went to jail. After Milken was released from prison, in Fall 1993 I taught a UCLA Business School course called “Corporate Finance, Financial Institutions and Investments.” The course sparked nationwide controversy (see, e.g., http://articles.latimes.com/1994-02-18/local/me-45318), and it was repeatedly lampooned in the Doonesbury comic strip (start with http://www.gocomics.com/doonesbury/1993/11/15). The class had kickoff and closing dinners just like investment bankers do when they are working on important deals. At the closing dinner, all of the students got commemorative Lucite plaques reprinting 12 pearls of wisdom that Milken wanted us to remember. For example, Concept #6 says: “The 1980s was a time of giving.”

3. Which character(s) from literature and/or film do you most identify with?

I’ve always aspired to be the “Joe Cool” version of Snoopy, but I’m actually more like Woodstock. I also identify with Mr. Spock from Star Trek TOS: Ear of Course, I’ve never been a vegetarian, and I’ve never been on a mobile phone. I’ve been known to ask my colleagues to set timers on their phones so that when they hear the beep they know it’s time to go. I’ve also noted the changing demands of legal employers, who used to prize smart generalists who lacked well-defined career plans but now prefer hyper-focused specialists.

4. What is your favorite source, (news / journal / legal blog / other)

For legal news, I rely heavily on TMZ and The Onion. I also read The Advocate and my own blog. http://blog.ericgoldman.org

5. What would you do with a time machine?

I would patent it! But I’m not sure I would actually use it. In the movies, time machines always seem dangerously finicky.

6. What was your favorite summer job that you had while in law school and how did you get it?

During my 1L summer (1991), the legal market was in a recession—no as severe as now, but still bad. I applied to over 100 firms in the major metro areas throughout the western United States and generated a giant stack of rejection letters.

7. What is your favorite concert you have been to?

I would love to sit down with the Notorious RBG—Ruth Bader Ginsburg. She is an amazing intellect while still compassionate for the individual. She has seen a lot, done a lot, and would have much to say about this. At a recent Supreme Court argument, I believe she would not hold back. Any Supreme Court Justice who admits to being a little tipsy at the state of the union message would be fun as well as interesting.

8. If you could sit down for dinner with any Supreme Court Justice, dead or alive, who would it be and why?

If I had a time machine per Q5, I would definitely not be limited to just one! But if I did have to pick one only, I would enjoy having dinner with Justice Ehrwin O’Connor and the Alamo wearing a suit of interesting opinions (although I’m not sure because I can’t read Albanian).

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

The collapse of student demand for legal education is pretty significant. I’ll also note the changing demands of legal employers, who used to prize smart generalists who lacked well-defined career plans but now prefer hyper-focused specialists.

10. How do you unwind?

My family situation doesn’t leave me with much downtime any more. However, in my limited free time, I try to think about ways to make my final exams harder for my students. I find my stress level reduces as I come up with innovative ways to ratchet up the stress for students. It’s like a principle of stress conservation.

Ellen S. Kreitzberg
Professor of Law

Areas of Specialization:
Criminal Law, Death Penalty, Evidence, Trial Advocacy

Education:
-J.D., George Washington University Law School
-B.A., University of Pennsylvania

April 2015

THE ADVOCATE

Office Hours Unwound

As summer drew nearer, I needed to change search strategies. I tried to find markets where I could be more competitive—such as markets where the work was not so much about finding deaths. In retrospect, the solution was obvious: smart students don’t want to spend their summers in the desert, where it’s hotter than hell.

According to this insight, I outlined my new resume to law firms in Palm Springs. I immediately got three interviews.

I got hired at a small tax and litigation firm in Palm Springs. I got paid for doing a lot more than just legal work to law school. The temperature usually repeated topped 120. I lived 1/3 of a mile from the office, but I still arrived at the office sweaty and gross. I didn’t really love the legal work.

On the plus side, eventually I married the boss’s daughter, so the job turned out great.

Eric Goldman
Co-Director of the High Tech Law Institute & Professor of Law

Areas of Specialization:
Internet Law, Intellectual Property, Advertising & Marketing, Shrinky Dinks

Education:
- J.D., UCLA
- M.B.A., UCLA
- B.A., UCLA
How Ellen Pao’s Loss is Really a Victory

By Hannah Yang
Business Editor

The dust has settled somewhat since the jury in the Ellen Pao case found for her former employer, Kleiner Perkins, on all four counts. But, as Ms. Pao has suggested in post-trial interviews, the conversations should not end here. While the facts of the case focused on the venture capital world, Ms. Pao’s story could have easily been transmuted into any field. There is an unfortunate familiarity.

In the wake of trial lies the foundation of this story. One that includes practices that are far too common, but which have since emboldened those who have been similarly situated to speak out against inappropriate practices in the work environment. The men-only ski trips, and dinner parties. Dropped invitations to conferences and events. Inappropriate sexual comments in the office. Lack of support from supervisors and alienation from male colleagues. Through all this morass, Pao attempted to voice her reasonable complaints to her supervisors, but without any luck or change. Some suggested she develop a tough skin. Others suggested she fire the bullet, and make herself more amenable to the unwanted advances. Pao’s options became more limited, until finally, she filed suit, and subsequently was terminated.

Pao’s supporters praised her for her courage in standing up for herself in an area where many women feel that they don’t have a voice. On the other hand, critics suggest Pao is just an unlikely person, and that based on her own background and history, she may have had ulterior motives in pursuing these claims. Anyway, at trial both sides had all their dirty laundry aired out, and while the outcome is attainable, so long as there is continued recognition and work toward progress.

High Tech Law Journal Finishes Volume 31 Strong

By Erica Riel-Carden & Brent Tuttle
Editor-in-Chief, HTLJ & Editor-in-Chief, The Advocate

Journals are considered a co-curricular activity where students further develop their Bluebooking, legal research, and leadership skills. The High Technology Law Journal (HTLJ), ranked 5th in the Nation for Intellectual Property by Washington & Lee Journal, focuses on all aspects of IP and high-tech law. This year, Volume 31 sought to preserve its place in the community through publication of its articles and other programs.

Santa Clara’s HTLJ is a leading forum for multidisciplinary discourse on emerging issues at the juncture of technology, the law, and public policy. The Journal publishes four issues per volume. This year, Volume 31 procured 16 articles from legal scholars and law students across the country. Below is a summary that touches on the wide range of subject matter.

Issue 1 was devoted to our 2014 Symposium on “Open Source in the Legal Field” where approximately 80 attorneys attended to discuss the legal implications for open source software. In February, a group of HTLJ’s student Editors and Associates visited the Google campus and met with five Google in-house attorneys.

When asked about the general, incoming Editor-in-Chief Brian Wood had this to say, “Volume 32 aims to carry on the distinction of past volumes by further developing our network within the high tech community, enhancing the online edition, and procuring cutting edge scholarship for our growing base of subscribers. Our new editorial board is currently focusing on recruiting a strong associate class and reviewing article submissions by some of the foremost academics and practitioners. Moving forward, we expect that Santa Clara law students on the HTLJ will continue to influence judicial decision-making and advance the legal profession.”
Close but No Cigar: Telecommunications in Cuba

By Jodi Benassi
IP Editor

Not too long ago I travelled to Cuba with the Cuban Legal Immersion group to research the history and current state of Cuba’s telecommunications infrastructure. In Havana, I observed a culture virtually void of the compulsive relationship to mobile phones. Having traversed through most of Latin America, I found Cuba to be an anomaly in the region; here access to the Internet is far more controlled and censored than in any other country.

Currently, Cubans find access to telecommunication services in their country extremely limited for three main reasons: the impact United States sanctions have had on communication construction given the extraterritorial jurisdiction the United States maintains over multinational telecom corporations; the Cuban economy; and the Cuban government’s fear of freedom of information.

Unbeknownst to many, Cuba is a country rich with a history of developing advanced communications. The first discovery of the electrical transmission of speech was made by the Italian scientist, Antonio Meucci in Havana in 1849, pre-dating Alexander Graham Bell by 27 years. It wouldn’t be until 1877 for the first telephone conversation to actually take place in Havana at a cost of $22.35 for a three minute conversation to San Francisco.

The Castro led Cuban revolution unquestionably imposed on its people a number of events which changed how Cuba society understood its resources for technological innovation. “To prevent covert action by the United States government, as well as to eliminate internal dissent, Castro immediately and continuously to present day maintains complete control over all forms of media outlets. Lack of access is the primary blocking tool used by the government to restrict technology to the population.

By the early 1990s, following decades of U.S. sanctions, hurricanes, and a significant fire, the Cuban telecommunication infrastructure had become a hodgepodge of antiquated analog equipment that was rapidly deteriorating. Faced with the necessity of modernizing its telephone service, Cuba was forced to compromise on its socialist principles and become more open to private enterprise and foreign investment through partnerships with Spain, Italy, Mexico, and Venezuela. These relationships enabled Cuba to begin a massive overbuild of cable, fiber, and wireless telecommunications that connected government offices, businesses, military installations, and key resorts.

Today, all national and international telecommunication services, radio, and TV within Cuba are owned by six Cuban state entities. In 2007, Cuba and Venezuela laid a 995 mile underwater fiber cable to connect the island to the global Internet. Even before the cable was fully connected, the Cuban government made it clear that the Cuban people should not expect a digital revolution. There are currently only two ISPs in Cuba: Genisa and Eibet. The estimated Internet penetration rate is less than three percent, one of the lowest in the world.

In 2013, ETECSA (the national phone company), opened 118 Internet salons around the island, only twelve of which are in Havana proper.

Contrary to what is published by news sources, my research discovered that the “Internet Cafes” are limited to the Cuban “Intranet” only. The Intranet is tightly controlled by the government and consists of a national email system, a Cuban encyclopedia, educational material, Cuban websites, and foreign websites that are supportive of the Cuban government. As of March 6, 2014, the average rate for Intranet use was $1.36 CUC per hour, a rate of approximately 6% of an average monthly salary, unquestionably more than a typical Cuban can afford.

From a legal perspective, the framework in Cuba provides for certain rights and freedoms; however the Constitution of Cuba narrows the scope of these freedoms by prohibiting private ownership of media outlets and allowing “free speech” only when it conforms to the aims of Cuban socialist society. Soon after the Internet emerged in Cuba, the Cuban government issued Decree Law 209, also known as, “Access from the Republic of Cuba to the Global Computer Network” which mandates that the Internet cannot be used “in violation of Cuban socialist moral principles or the country’s laws”, and must not “endanger national security.” The following year, Resolution 127, a network security measure, banned the use of satellite communication networks for the spreading of information that was against the “social interest, norms of good behavior and security of the people, or national security”.

Cuban law requires service providers to install controls to allow them to detect and prevent the proscribed activities and report them to the authorities. Ultimate access is determined by the designated authorities who may request that the national Intranet and “Informed” website should suffice for a given portion of the population. Through limiting the ability of the average Cuban to access the World Wide Web, Cuba in turn limits potential dissidents. The reasons for preventing Cubans from having access to the Internet are inadequately explained.

Ultimately, Cuba needs to overcome the dictator’s dilemma, the perceived political and cultural threat of access to the World Wide Web versus its value in improving lives and the economy. Governmental control policy can change, as seen during the ten year depressed economic period of the 1990s, commonly known as the “special period”, when the Cuban government relaxed its policies toward foreign investment.

In the words of Jose Marti y Perez, “It is always better to be free than to be relaxed in slavery. “The only thing Cuba needs to figure out how it can keep its values while at the same time providing economic and intellectual opportunities for its people.

All in all, Schneier offers a deep but accessible look at surveillance from a practitioner’s perspective and provides a new class of “information fiduciaries” to guard against commercial exploitation of data. He emphasizes that such information is the most important tool of modern society’s power, and the essential thought of being in charge of your own personhood. Privacy is not about something to hide, but rather, a fundamental human need.

The crux of the problem is that data is interconnected, however. There is thus a dire need for protection in the data chain of collection, use, storage, transfer (or selling), and ultimately, deletion. Such protection will alleviate the threat of major data breaches, as exemplified with Target Corporation, Home Depot or Anthem Health, where data is stored by a third party and stolen by criminals.

How can people protect their privacy?

Much of the data collected is metadata and is collected by the systems we use. As such, using privacy enhancing technologies, or PETS, can help with blocking surveillance. Examples of PETS that block sites tracking your data as you wander the Internet are: Lightbeam, Privacy Badger, Disconnect Ghostery, Flashblock and others. Being careful what is said on Facebook, use private search engines such as DuckDuckGo programs to secure email and chats, as well as privacy enhancing technologies will all steps in this direction. Schneier ultimately suggests it important to be mindful of the data collection and surveillance and to engage in dialogue in that could spark legal change.

By Angela Habibi
Staff Writer

According to security technologist and New York Times best selling author Bruce Schneier, “data is the pollution problem of the information age.” Schneier analogizes the informational age with the early Industrial Revolution in stating: “Data is the pollution problem of the information age.”

In fact, host websites that provide books in digital form online (to that read on the computer, iPad, or Kindle) know what is being read, how quickly it is being read, and what type of customer you are and what the company believes is your income level, what type of customer you are and ultimately, deletion. Such protection will

For example, last year the ride-sharing service company Uber used the data collected of customer routes to determine one-night stands through rides happening in the evening to a place and rides happening the next morning away from that very same place. Because Uber receipts include a map of the route taken, the company...
Building Resilience: Embracing Stress to Optimize Your Performance

By Jonathan Joannides
For The Advocate

As a Marine Officer, I designed strategies to prepare Marines for combat situations by stress inoculation techniques. The building of resilience in stressful situations is to be aware of your own abilities that would maximize their performance. More importantly, it was to teach the coping mechanisms to recover from stressful experiences, making them resilient to future stressful situations. This ability to perform in more stressful environments is an essential skill in the military and other fields of work.

Stress and the body's response to it
Stress is your physical and emotional reaction to an external or internal event called a stressor. Such an example of an external stressor would be a test, a reading assignment, or even going on a date. An internal stressor may be an illness or a headache. What's important is that a stressor is something you cannot control. What creates stress is how you perceive the stressor. In other words, you create your own stress by framing the event as threatening. If you remain “activated” to view the accompanying images, you will get stuck above the bar and unable to come out of that frozen state. If you don't recover with the parasympathetic system, the parasympathetic component. This is the component that slows down your body constantly remains activated, such as if you are trying find and build your stress, but make sure you are striving towards recovery actions each day in midst of your law school for singing a song, on their own time, in a privately rented bus, simply because the government didn’t like the content of their song.

Awareness and building resilience
This awareness of your own stress is critical. How to define and articulate this is beyond the scope of this article, but is an area of self-study. However, you can assess stress in several ways. One is to determine if you are preparing for finals or while you are trying find and build your legal resume, such as through job searching and internships. This is the “fight” mechanism that you choose to activate. Therefore, in order to develop resilience and keep yourself from freezing or performing at a degraded pace, you must strive towards deactivating your sympathetic nervous system when you are trying to come out of that frozen state.

Resilience is a by-product of both good stress and hard times. In order to achieve this, you must be healthy and happy in the little things. You must accept that both are part of the deal. I used to tell my Marines to “embrace the friction” [in their training] because it isn't going anywhere. Therefore, remember that you are never quite out of the activation phase; it is something you tolerate. You can’t hide from your finals or your job search. Your goal is to keep from freezing — the choice you cannot control — and do this day after day.

One way easterners can be thought of in this context is a sliding scale of activities such as to break from the grind of the stressful activation that you perceive. Call these the comfortable, if you will, and restful ones, the least healthy to the least: (1) practicing meditation/ mindfulness exercises, (2) sleeping for stress/ exercise/healthy eating food, and hydration, (3) talking to friends/confidants, (4) sitting quietly or walking in nature, (5) reading a book or magazine, (6) listening to music, (7) habitual exercise, (8) watching movies/video games/surfing the web, (9) using excessive tobacco/alcohol, and (10) drinking or partying/adolescent smoking behavior. Note the elephant in the room on number ten with respect to the stereotype of the lawyer. The sociedad on number ten is that you are addicted as bad, but to eliciting an awareness of them. What is important is to grasp the development of resilience, not how to escape from stress. Escaping is otherwise known as Beinig, which is not an option for lawyers given their duties to their clients. These behaviors should serve a purpose towards building resilience that enables you to “fight” at a heightened performance. Healthy interactions with friends (number three) through strong social ties to work collaboratively together are the single greatest thing you can do for each other. In the right context, having drinks with your fellow colleagues can be healthy, but recognize where the benefit comes from social interactions.

Therefore, be there for each other, talk about the stress, but make sure you are striving towards recovery actions each day in midst of your law school day. The best mindfulness exercise for a break is to visualize yourself smelling some fragrant rose while physically breathing through your nose. The best mindfulness exercise for a break is to visualize yourself smelling some fragrant rose while physically breathing through your nose. The best mindfulness exercise for a break is to visualize yourself smelling some fragrant rose while physically breathing through your nose.

Embrace the stress and focus on your recovery actions constantly! Challenge yourself to develop the resilience here in law school before you hit the real world. This mindset to be a stronger and more resilient person will give you the most difficult challenges. Use your finals as the vehicle to begin developing the proper mental habits to develop resilience!
Additive Manufacturing: a Case Study on Disruptive Technology

By Campbell Yore

Staff Writer

Soon we will live in a world of ubiquitous electronics. With Samsung, Apple, Microsoft and Google already committing millions to this technology, not even the privacy doomsayers can prevent the unstoppable march of integrated circuitry and computing-whether it be in your microwave, your tire monitoring system, or the hundreds of millions of computing devices currently thrust upon the general public.

Additive manufacturing (AM) or 3D printing is one of many technologies necessary to enable IoT. Apleh (Objects, Formlabs, Voxel8), and other manufacturers of personal 3D printers envision consumers printing microelectromechanical systems (MEMS) or ordinary objects to bring them online. The promise of desktop 3D printers has introduced a new market for AM devices, disrupting the industry and igniting a battle between established firms and startups for personal 3D printer revenues.

Although new to consumer electronics, 3D printers have been around for decades. The first AM patent covered a method of using lasers to build objects layer by layer and dates back to 1951. Currently, a myriad of different application specific methods of AM exist, but the basic methodology is consistent. An object is first drawn in computer assisted design (CAD). Software then slices the drawing into very thin layers and generates a series of “paths” for the printer head to follow in manufacturing. From this data, the printer assembles objects by building them up one layer at a time. The additive nature of the method of manufacturing has several advantages over traditional subtractive machining techniques like powder metallurgy or casting. The most prominent include superior design flexibility, reduced tooling, shorter design to manufacturing cycle time, instant local production, and material, energy, and cost efficiency. These advantages are not just theoretical with the aerospace, automotive, medical, architectural, and food industries all incorporating AM techniques into their manufacturing operations.

Historically, a small contingent of companies have dominated 3D printer market share. 3D Systems (NYSE: DDD; Rock Hill, SC) specializes in laser based (stereolithographic) printers, Stratasys (Nasdaq: SSYS; Eden Prairie, MN) manufactures objects by fused deposition (melting together layers of semi liquid material) and Optomec (Albuquerque, NM) focuses on direct metal deposition printing. Each of these firms is backed by hundreds of millions in product and technology development and generates revenue from selling room size AM devices with six to eight figure price tags. Only recently, upon pressure from startups and the market, these behemoths pursued desktop 3D printers.

Startups, on the other hand, have controlled the market for personal 3D printers since its inception by combining i4y league technology with millions in crowd and venture capital funding. Devices like the Form 1 and Voxel8 embody the mesmerizing effects of AM’s reduced tooling to deliver unprecedented at home manufacturing capability. In response to the growing demand for sleek, small yet powerful devices, AM’s first movers have aggressively entered the new consumer electronics market for 3D printers. Stratasys acquired MakerBot and its king desk top printer, MakerBot One. Currently, a myriad startups have risen (filing date 04/25/1994) and seven

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Step 1: BART trains; Step 2: South Bay; Step 3: Profit

Op-Ed by Lindsey Kearney

Associate Editor

Extending BART to the South Bay Area is astronomically smart growth when assessed on rider demographics, job market, and convenience metrics. Currently, BART lines run as far south as Fremont in the East Bay, and Millbrae on the Peninsula, stopping just short of the vibrant world-class Silicon Valley economy that occupies the South Bay Area region.

Santa Clara County’s Valley Transportation Authority (VTA) has teamed up with BART to develop a plan for expanding BART’s service to the South Bay. In 2000, 70% of voters passed Measure A, which provides a 30-year extension of a prior sales tax for the purpose of funding BART’s extension to Santa Clara. Again in 2008, a 2/3 majority of Santa Clara voters approved a 30-year 1/8-cent local sales tax dedicated solely to funding the operation and maintenance costs associated with VTA’s BART Silicon Valley Extension.

BART’s extension to Silicon Valley is scheduled in two phases: Phase I will include an additional BART station in south Fremont, and stations at Milpitas and Berryessa. This extension will bring commuters into the Silicon Valley with combined BART/VTA service to a list of employers including Cisco Systems, Adobe, and eBay. Phase II of the expansion will bring BART all the way into San Jose, including stations at Alum Rock, Downtown San Jose, Diridon, and Santa Clara. The addition of these stations will not only connect East Bay commuters with Caltrain, providing a viable public transit opportunity to the South Bay and the Peninsula, but they will finally unite the three major Bay Area metropolitan hubs with rapid, environmentally friendly, and cost-effective public transportation service. San Jose is the third largest city in California, with over 1 million residents in its city limits. The South Bay Area region at large contains over 4 million people, all of whom will now have access to the greater Bay Area via BART.

In late 2014 and early 2015, VTA and BART held a series of public town hall forums for residents to ask questions and voice their concerns about the project. Questions and concerns ranged from environmental impact, to changes in property values for those living near or adjacent to a proposed station. There was a contingent of audience members who were of the opinion that tunneling two miles to create a Santa Clara station would be redundant since Santa Clara is already served by Caltrain. BART representatives were quick to respond with a detailed plan regarding train storage: every station at the end of a line must have enough space to accommodate train parking, and Santa Clara is a logical location for this (it would be unreasonable, for example, to create a BART train parking lot in downtown San Jose). Furthermore, and of paramount importance for SCU students, the fact that Santa Clara is already served by Caltrain is not mutually exclusive to the fact that additional Santa Clara residents would benefit from BART service. Since Caltrain only serves the Peninsula and the SOMA district of SF, and BART serves the East Bay, wider SF, and the greater Bay Area, dual service in Santa Clara would not be redundant, but instead complimentary.

Caltrain is an effective way for a rider to get into San Francisco, if that rider is has a schedule handy (Caltrain serves Santa Clara with roughly one train every 30-60 minutes, depending on the time of day), and if that rider is going to an area of SF near AT&T park or elsewhere in the SOMA. However, if a rider is travelling to, say, an internship in Oakland, Berkeley, Pleasanton, or Walnut Creek, then the efficiency of Caltrain is greatly diminished; commuting in this way would require a rider to travel up the Peninusla, through the City, and under the Bay to reach Oakland, or else that same commuter would weather the drive up the 880 freeway to Fremont and board a BART train there. Since the BART parking lot at Fremont station often fills to capacity before 9:30 a.m., the weary commuter could choose to drive up to Union City and BART to the East Bay from there. All of these methods are time-consuming, expensive, and would be alleviated by BART service in the South Bay.

Oh, the places you’ll go, as a resident of the Bay Area, once the three major regional hubs are now connected—San Francisco, Oakland, and San Jose. On a macro level, extending BART to the Silicon Valley region has sweeping public policy implications that are overwhelmingly positive. The expansion will affect the job market, the housing market, and even public safety. Imagine being a business owner able to recruit labor from a larger pool, or as an employee being able to apply to a wider variety of jobs because your commute has become feasible. Imagine living in the East Bay and working in the South Bay with greater flexibility and ease. Increased BART ridership means fewer cars on the freeways, which in turn means better air quality and safer freeways.

Connecting the South Bay Area with the greater Bay Area by way of a BART expansion is smart growth that the region has needed for years and, by 2018 for Phase I and 2025 for Phase II, it will finally achieve. If the goal of a public transit system is to provide as many residents as possible with rapid, cost-effective and convenient service, then bringing BART to Santa Clara makes both dollars and sense.

Feel free to contact me with comments or questions at lkearney@scu.edu.