

Issue 1 - Ninth Circuit Survey Preface

I am pleased to introduce Volume 35 of the Ninth Circuit Survey issue of the *Golden Gate University Law Review*. Throughout the past years, the Ninth Circuit U.S. Court of Appeals has produced controversial opinions that have changed the legal, social and political landscape which we find ourselves in today. The current opinions of the Ninth Circuit prove no different in stirring up reaction in the legal community. Residing in San Francisco, California, we find ourselves surrounded by these controversial opinions and, because of this, Golden Gate has taken it upon themselves to be the only Law Review in the country with a publication dedicated solely to addressing cases decided by the Ninth Circuit. The writers of this issue have analyzed and evaluated significant cases decided by the Ninth Circuit Court of Appeals, applying their unique insight to issues presented in each case.

Ian Wood reviews the Ninth Circuit's decision in *Demery v. Arpaio*, in which the Court held that a Sheriff's use of webcams to stream live images of pretrial detainees over the Internet amounted to unconstitutional punishment. While the Court's decision centered on the Due Process rights of detainees under the Fourteenth Amendment, Ian contends that the decision also impacts detainee privacy rights under the Fourth Amendment.

Claire Hulse addresses the Ninth Circuit's decision in *United States v. Kincade*, where an *en banc* court held that federal DNA testing of certain persons on parole is not an unreasonable search and seizure under the Fourth Amendment. In reaching this conclusion the court employed a balancing test, weighing a reduced expectation of privacy against the government's interests in preventing and solving crimes. Claire argues, however, that this balancing test sets dangerous precedent that could lead to expansive DNA testing under the guise of expanding government interests.

Katie York reviews the Ninth Circuit decision in *Parents Involved in Community Schools v. Seattle School District Number 1*, in which the Court concluded that the School District's use of a racial tiebreaker to place students into oversubscribed schools was a violation of the Equal Protection Clause. Katie analyzes the Parents Involved cases in relation to the most recent Supreme Court decisions concerning affirmative action in education. She explores the differences surrounding race-conscious admissions policies for universities and public high schools.

Finally, Karen Minor reviews the Ninth Circuit decision in *Gillet-Netting v. Barnhart*, in which the court concluded that a 'surviving' child born years after their parent dies, as a result of a pregnancy using frozen sperm or embryos, is entitled to survivor benefits under the Social Security Act. Traditionally, when a parent dies, their children were usually entitled to such survivor benefits even if that child wasn't born until several months after the parent's death. Karen states that neither the Social Security Act nor the majority of state laws have adjusted to this new reality. Her note explores the difficulties that occur when changes in reproductive technology outpace the law.

The writers of the Ninth Circuit Survey are a vibrant group of individuals, each showing considerable dedication and enthusiasm in the perfection of their articles. A considerable amount of time and energy went into making this a wonderfully insightful issue. I am very proud of the work these students have produced and it has been a pleasure working with all of them.

I wish to thank the Law Review Board and Associate Editors for their unending editorial guidance and unparalleled devotion to the production of this journal. Without them this journal would never have come into being with such strength and veracity. I am proud to have had the opportunity to work with each individual and I wish them the best in their future endeavors. I would also like to thank the Law Review Faculty Advisory Committee, specifically, Margaret Arnold, Maryanne Gerber, Marc Greenberg, and Myron Moskovitz. Your guidance and support throughout the past year was genuinely appreciated. I would also like to thank Michael Daw, Endora King-Shey, and Ed Baskauskas for their editorial expertise and support for the Law Review. Finally, my sincerest thanks to our Managing Editor, Patrick Williams - I honestly could not have done this without you. Without further ado, it is with great pleasure that I present this scholarly issue to the legal community.

Joshua Watts
Editor-in-Chief