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FROM THE DEAN



“Recruiting and retaining top-notch teachers and scholars requires having the resources not just for competitive salaries, but also for funds that will enable them to do ambitious work.”

—Christopher Edley, Jr.
William H. Orrick, Jr.
Distinguished Chair and Dean

As I’m sure you appreciate, the real foundation of a great law school is not the bricks and mortar—it’s the faculty. When I came on board six years ago, my highest priority for strengthening Boalt was increasing the size of the faculty by about 40 percent, a goal we achieved this month. In the best hiring environment that I have experienced as dean, this academic year we selected and recruited nine truly amazing new colleagues.

The challenge is that when you have such exciting, accomplished faculty, you have to beat off all the other schools trying to steal them. It’s a nice problem to have, but it is also vexing and incessant: Currently, we have one faculty member with an offer from Harvard, and two with offers from Columbia and NYU. Four of our stars will be visiting at Yale Law School next year, and—trust me—our rich Eastern seaboard cousin will try to tempt them away. Additionally, Harvard is rumored to be eyeing as many as four others who visited there recently. We succeeded this year in repelling assaults from Chicago, Vanderbilt, and Yale. The competition, however, just won’t let up.

Recruiting and retaining top-notch teachers and scholars requires that we have the resources not only for competitive salaries, but also for funds that will enable them to do ambitious work.

Also, I can’t overemphasize the importance of endowed chairs as essential faculty retention tools. We’ve recently granted such prestigious positions to five of the best legal scholars in the nation (page 5). To attract and keep the very best, we urgently need the help of alumni and friends.

You may have heard that UC Berkeley’s Human Rights Center has joined the growing ranks of our research centers. Our cover story (page 24) about HRC’s ground-breaking field work in the Central African Republic is an excellent example of why we are so proud to formalize and expand our already long and fruitful collaboration with Faculty Director Eric Stover and his staff. In combination with our Human Rights Clinic and a large team of faculty and researchers, there really is no better law school on the planet toiling in this realm. Another source of well-earned pride.



IN BRIEF

NEWS FROM THE BOALT COMMUNITY

Borderline Disorder

ASSEMBLY-LINE JUSTICE NUMBERS

Cases in federal courts along U.S.-Mexico border

Petty immigration-related prosecutions	
2002	12,411
2008	53,697

Drug-related prosecutions	
2002	6,430
2008	4,966

Drug-related murders in Mexico	
2007	2,700
2008	6,200

U.S. Border Patrol agents	
2000	9,821
2009	19,700

Decrease in U.S. prosecutions, 2004-09	
Drug	20%
Organized crime	20%
Weapons	19%
White-collar	18%
Public corruption	14%

Joanna Lydgate '10 sees an unfortunate irony in the name the government has given its immigration enforcement program along the U.S.-Mexico border: "They call it 'Operation Streamline,' but that's a misnomer. This program is creating chaos in our federal courts without effectively reducing undocumented immigration or violent crime."

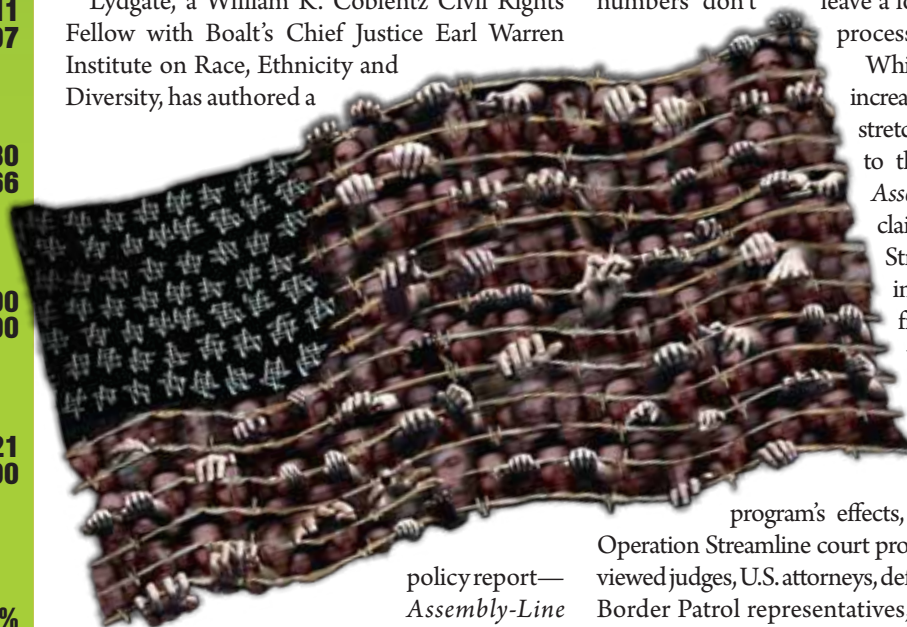
Lydgate, a William K. Coblentz Civil Rights Fellow with Boalt's Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity, has authored a

crossers—has created an unprecedented logjam of caseloads in federal district courts along the border. "Their immigration cases have more than quadrupled in recent years, which has forced judges to conduct mass hearings," Lydgate says. "I visited one courtroom where as many as 80 defendants plead guilty at a time, sometimes represented by just one defense attorney. Those numbers don't leave a lot of room for due process."

While the precipitous increase in prosecutions is stretching court capacity to the breaking point, *Assembly-Line Justice* claims that Operation Streamline is diverting scarce resources from fighting drug trafficking and alien smuggling—the major roots of border violence.

To examine the program's effects, Lydgate observed Operation Streamline court proceedings and interviewed judges, U.S. attorneys, defense attorneys, U.S. Border Patrol representatives, and immigration lawyers in border cities in Texas, New Mexico, and Arizona.

Drug-related murders more than doubled in Mexico between 2007 and 2008, rising from 2,700 to 6,200 deaths. Noting that spike, Aarti Kohli—the Warren Institute's director of immigration



policy report—*Assembly-Line Justice*—that denounces the border patrol program for straining judicial resources and for violating defendants' civil rights.

Launched by the Department of Homeland Security (DHS), Operation Streamline—which mandates the prosecution of all unlawful border

IN BRIEF



RIGHTS WATCHER:
Joanna Lydgate '10,
a William K. Coblentz
Civil Rights Fellow

policy—laments the fact that Operation Streamline “channels law enforcement funding and attention toward the arrest and prosecution of low-level offenders, rather than focusing on the dangerous criminals involved in border violence.”

Assembly-Line Justice offers two main recommendations: First, revert to the longstanding practice of channeling first-time border crossers through the civil immigration system. “That frees up the resources of the federal courts to focus on more serious cases,” Lydgate says. Second, restore U.S. attorneys’ discretion to initiate prosecutions as they see fit to combat crime along the border.

In February, Lydgate and Kohli traveled to Washington, D.C., and discussed their findings with congressional staffers and officials from

DHS, the Department of Justice, and President Obama’s Domestic Policy Council. *Assembly-Line Justice* has been featured in the *Christian Science Monitor* and the *National Law Journal*, and Lydgate has received calls from several other major national news outlets. In April, the *California Law Review* published an extended version of her research.

Lydgate was one of six Boalt students selected last fall for the Coblentz Fellowship, which supports research and activities relating to racial and ethnic justice in California and the nation. Coblentz fellows take part in research efforts at one of four Boalt research centers—the Warren Institute, Berkeley Center for Criminal Justice, Center for the Study of Law and Society, or Thelton E. Henderson Center for Social Justice. —Andrew Cohen

Getting Privacy Right

In 1986, T.R. Reid of the *Washington Post* wrote that William Prosser “was to torts what Dr. Spock is to child care.” It’s been a half-century since Prosser—Boalt’s dean from 1948–1961—wrote “Privacy,” one of the most cited articles in law review history. Published in the August 1960 issue of the *California Law Review*, the 41-page exposition laid the foundation for modern privacy law.

At “Prosser’s Privacy at 50,”—a January Boalt symposium marking the 50th anniversary of the landmark piece—Associate Dean and Professor Stephen Sugarman hailed Prosser’s “great genius to disaggregate privacy into very different types of interests that tort law would protect,” namely intrusion, public disclosure of private facts, false light, and appropriation. Sugarman says that paradigm “has dominated thinking about the privacy right in torts cases for the past 50 years.”

Prosser gained recognition for original scholarship long before “Privacy.” His 1941 treatise on torts was praised for promoting strict products liability, liberalizing laws concerning joint tortfeasors, and creating a new tort: intentional infliction of emotional distress. —A.C.



Big Boalt Book Bash

Boalt's 13th annual "Authors' Prandium," hosted by Professor Robert Berring at the Bancroft Hotel, showcased the prodigious output of Boalt scholars in 2009.

Everyone's a winner at a Berring-hosted event: Professor Jesse Choper's new edition of *Leading Cases in Constitutional Law: A Compact Casebook for a Short Course*—first published in 1964—won the "Larry King Award for Longevity." (Co-authored by Richard H. Fallon, Jr., Yale Kamisar, and Steven Shiffrin.) Co-authors Laurel Fletcher and Eric Stover snagged "Best Blurb": reviewer Adam Hochschild called *The Guantanamo Effect: Exposing*

the Consequences of U.S. Detention and Interrogation Practices "comprehensive and careful, poignant and devastating."

Professors and longtime collaborators David Caron '83 and Harry Scheiber were bestowed the "Charles Darwin Award for Slow and Stately Progress" for *The Oceans in the Nuclear Age: Legacies and Risks*, which mutated from a 2004 workshop into a 2006 conference, and finally evolved into a 2009 book. And the "Frank Zimring Award" for most books? Claimed yet again by Zimring himself, who published four works on criminal justice. —A.C.



PREMIUM SEATING

Since July 1, 2009, five Boalt faculty members have been appointed to endowed chairs.



JONATHAN SIMON '87
Adrian A. Kragen
Professor of Law



ERIC TALLEY
Rosalinde and Arthur
Gilbert Professor of Law



DAVID SKLANSKY
Yosef Osheawich
Professor of Law



CHARLES WEISSELBERG
Shannon C. Turner
Professor of Law



IAN HANEY LOPEZ
John H. Boalt Professor
of Law

OTHER 2009 BOALT HALL FACULTY BOOKS:

Daniel Farber. *Cases and Materials on Environmental Law*, co-authors Jody Freeman and Ann E. Carlson.

Antoinette Hetzler. *Delaktighet Under Hot: Den Nya Förvaltningen?* (Participation by Threat: The New Public Management?).

Stephen Maurer. *WMD Terrorism: Science and Policy Choices.*

Peter Menell. *Patent Case Management Judicial Guide*, co-authors Lynn H. Pasahow, James Pooley, and Matthew D. Powers.

Michael Musheno. *Deployed: How Reservists Bear the Burden of Iraq*, co-author Susan M. Ross.

Ann O'Leary '05. *The Shriver Report: A Woman's Nation Changes Everything*, co-author Heather Boushey.

James Rule. *Global Privacy Protection: The First Generation*, co-author Graham Greenleaf.

Justin Sweet. *An Anthology of Construction Law Writings.*

Eric Talley. *Experimental Law and Economics*, co-author Jennifer H. Alren.

John Yoo. *Crisis and Command.*

Brainy Boot Camp



International Approach

In March, Professor

David Caron '83 was named president of the American Society of International Law (ASIL), a nonprofit organization with 4,000 members from nearly 100 countries.

ASIL fosters the study of international law and promotes law- and justice-based international relations. Its programs focus on judicial education, skills training for practitioners, career development, and public information.

Caron says the U.S. has a complex and often conflicted relationship with international law, and that while “something isn’t necessarily desirable simply by being international, it’s also not necessarily misguided. International law often combines our most deeply-held values and reflects a principle our nation has played a tremendous role in shaping.”

The co-director of Boalt Hall’s Law of the Sea Institute and faculty co-director of its Miller Institute for Global Challenges and the Law, Caron is ASIL’s first president from a non-eastern seaboard school. During his two-year term, he plans to push the organization to achieve “a greater presence around the country rather than a solely Washington focus.” —A.C.

Already well known as a fertile training ground for law professors, Boalt Hall is expanding its efforts to help alumni and students interested in pursuing academic careers.

“Boalt is the kind of elite law school that other schools want to tap for professors,” says Melissa Murray, who co-chairs the Academic Careers Committee with fellow assistant professor David Gamage. The popular *Legal Theory Blog*, which tabulates entry-level hiring at law schools each year, routinely places Boalt in the top 10. Last year, the school tied for third place.

While the economic downturn has prompted many Boalt graduates to broaden their career options, Murray says the school has actively promoted its academic training program. For alumni, that effort centers on the annual Boalt Boot Camp, held in late summer, which demystifies and democratizes the sometimes-arcane process of applying for a law professorship.

The highlight is a mock interview replicating the 30-minute format of the Association of American Law Schools’ annual Faculty Recruitment Conference—commonly known as the meat market. “It’s not like a job interview for a law firm or a public interest organization,” Murray says of the speed dating–like format. “Interviewers are more concerned with a candidate’s scholarship and communication abilities than with personality.”

The boot camp—and, in particular, the mock interview—was an eye-opener to Stephen Lee '05, an assistant professor at UC Irvine School of Law. Lee attended the 2007 boot camp as an observer and mock-interviewed at the 2008 camp. “That was an invaluable experience,” he says.

“Interviewers are more concerned with a candidate’s scholarship and communication skills than with personality.”

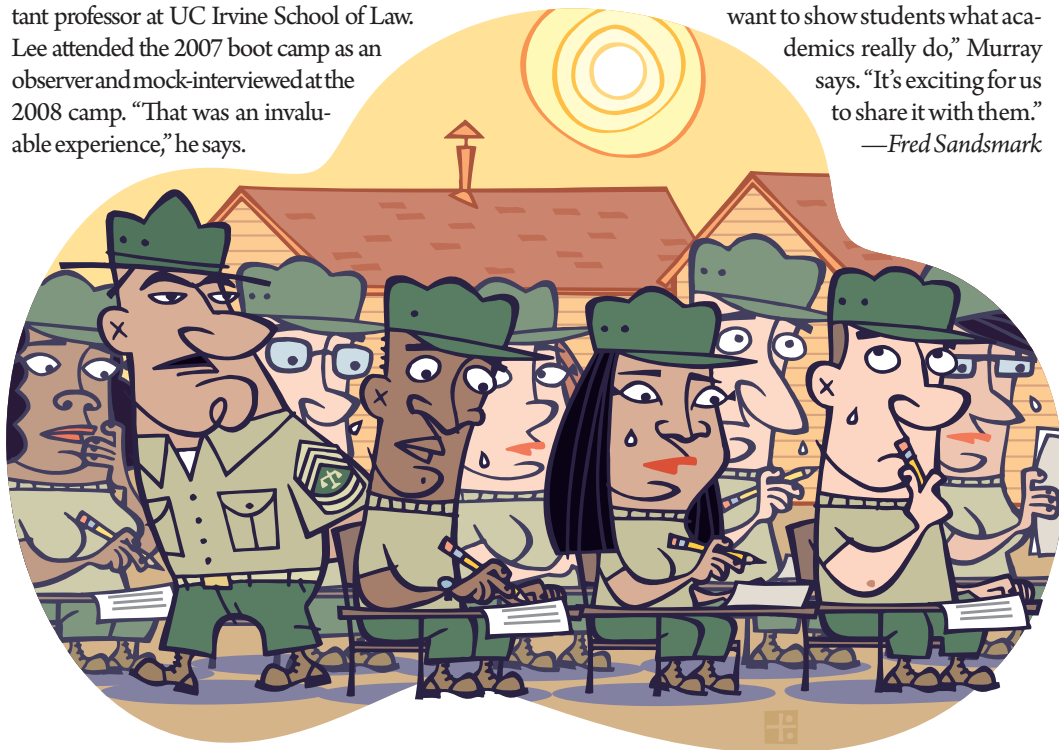
—Melissa Murray

“You have a short period of time to convey all the relevant information to a roomful of professors. Without actually doing the experience, you can’t do it well.”

Lee interviewed with 20 law schools at the 2008 meat market, and found the experience “relatively easy going.” Some useful boot camp lessons were simple logistics: “Everyone else was frantically going up and down stairwells,” Lee recalls, but he knew to avoid back-to-back interviews. Lee received callbacks from 12 law schools and job offers from six.

Boalt is also increasing offerings to current students interested in teaching careers. Several panel events have been oversubscribed, and a full-year course for aspiring law professors launches this fall. The students will explore various schools of legal scholarship, then develop and collaborate on original legal research projects with professor-mentors.

Students are also invited to sit in when prospective teachers—those who’ve passed the meat market hurdle—present their research on campus. “We want to show students what academics really do,” Murray says. “It’s exciting for us to share it with them.” —Fred Sandsmark



Answering the Call

For Budd MacKenzie '70, the ongoing plight of Afghanistan's civilian population is literally his wake-up call. "That's what motivates me every morning," he says.

The alarm first sounded when MacKenzie read *Charlie Wilson's War* and began learning about U.S. military operations in Afghanistan. "We had funds to help wage a war against communism there for years," he says, "but somehow lacked funds for reconstruction." Noting the loss of one million Afghan lives, five million Afghan refugees, and U.S. withdrawal of all humanitarian aid from Afghanistan in 1992, MacKenzie says that in this current conflict Americans "can't abandon these people again. I've seen the conditions first-hand, and it's simply wrong to walk away from the devastation we've helped create."

MacKenzie began by raising funds for Greg Mortensen (*Three Cups of Tea* fame) to build a school in Lalander, a village south of Kabul. Soon after visiting when the school opened in 2005, he launched a grassroots nonprofit, Trust in Education (TIE), which now supports 35 teachers

who educate more than 1,000 children.

MacKenzie has made 11 trips to Afghanistan since founding TIE. His group provides education, food, clothing, and both economic and reconstruction aid to several villages, and recently raised funds to build a school for 300 girls that will open in 2011. When meeting with villagers,



MacKenzie tells them he's not from the military or government: "I simply represent thousands of Americans who care."

TIE has three full-time Afghan program directors in Kabul and works with other American groups who want to help. "It's difficult to find somebody in Afghanistan who can execute," says MacKenzie. "Once you

prove yourself as trustworthy and able to deliver, others rally around." More information about TIE is available at www.trustineducation.org.

MacKenzie maintains his private law practice in Lafayette, California, but admits that when forced to choose between pushing legal paperwork and pushing TIE forward, there's no contest. "My billable hours are abysmal," he says. "Fortunately, I work for myself, so I can't get fired."—F.S.

Flourishing Faculty

The faculty recruiting season has yielded a bountiful harvest for Boalt Hall in the form of nine new hires for the coming academic year. As a result, the law school has added 41 core faculty members since 2004—reaching Dean Edley's goal of 40-percent faculty growth by summer's end.

The new faculty's research interests include private-equity financial transactions, social conflict and urban change, trends in judicial interpretation of statutes, international business transactions, health law and bioethics, international public law enforcement in the face of climate change, human rights and terrorism, political

methodology and competition in multiparty democracies, and the tension between intellectual property law and rapidly changing technology.

Professor from Practice Wayne Brazil '75, who spent 25 years as a U.S. District Court magistrate judge in California after teaching at three law schools, is among the crop of new hires.

"The number of world-class scholars who have chosen to teach here affirms Boalt's status as a premier law school," says Dean Edley. "Besides providing a richer educational experience for our students, a larger, more diverse faculty enables the school to conduct a far more ambitious research and service agenda."—A.C.

New Program Expands International Reach

Boalt Hall's new

International Executive Legal Education (IELE) program, which launched in January, aims to be a leader in innovation among U.S. law schools. Helene Kim, IELE's executive director, says the program is "unique in offering customized executive legal training both in-country and on-campus for global audiences."

IELE seeks to expand the international reach of Boalt's curriculum through accelerated certificate legal training programs on diverse, cutting-edge subjects. It also customizes one-to-three-week training sessions for overseas ministries, universities, corporations, and other executive audiences.

Previously, Kim worked as an international lawyer for Fortune 500 clients and as a management consultant for McKinsey & Co. specializing in globalization initiatives and cross-border alliances focused on Asian markets.

Professor Andrew Guzman, associate dean of Boalt's Advanced Law Degree Programs, refers to her as IELE's "most critical player" in designing and marketing programs, managing their enrollment and execution, and forging professional relationships.

More IELE information is available at <http://law.berkeley.edu/IELE.htm>. —A.C.

Proposition 8 on Trial



For three weeks spanning January and February, the nation turned its attention to the U.S. District Court in San Francisco, the venue of *Perry v. Schwarzenegger*. The plaintiffs hope to invalidate an amendment to the California State Constitution that prohibits same-sex marriages performed after November 4, 2008—the date state voters approved Proposition 8. The case will most likely be decided by the U.S. Supreme Court. The following stories feature two Boalt connections to the trial.—Editor

The news that Theodore Olson '65 agreed to represent the plaintiffs in *Perry v. Schwarzenegger* brought a lot of shock and not a little awe.

Throughout his career, Olson has been the conservatives' conservative. He served in the Reagan and second Bush administrations, is a member of the Board of Visitors at the Federalist Society (and attended its first meeting in 1982), and led the victorious litigation team in the Supreme Court case that put George W. Bush in the White House.

His involvement in the case has “generated a certain degree of consternation among conservatives,” Olson says, in what sounds like ironic understatement. But he believes that same-sex marriage promotes the values of stability and community that conservatives prize, and that denying the right to marry to one group betrays the 14th Amendment’s Equal Protection Clause. “People thought that their rights were being violated,” Olson says, “and I thought I might be able

to help them.”

There’s little doubt that he might be of service, particularly in a case almost certain to end up in the U.S. Supreme Court: Olson has prevailed in more than 75 percent of the 56 cases he has argued before the high court.

“I was disappointed that the citizens of California passed Proposition 8. I think it does great damage.”

—Theodore Olson '65

A partner at Gibson Dunn in Washington, D.C., Olson was raised in California and—between stints in Republican presidential administrations—worked in the firm’s Southern California offices. “I was disappointed that the citizens of California passed Proposition 8,” he says. “I think it does great damage. It’s discriminatory, and serves no useful purpose.”

Another fascinating twist in the case is that Olson teamed up with David Boies—his adversary in *Bush v. Gore*. “If a case was to be brought, it would be best if it was by well-prepared lawyers who understood well how to handle a case that might go to the United States Supreme Court,” says Olson, who calls the plaintiffs’ evidence “overwhelming.” Chief Judge Vaughn R. Walker heard the case without a jury, and at our press



FRENEMIES: Former adversaries in *Bush v. Gore*, Theodore Olson '65 and David Boies announced a federal lawsuit challenging California's same-sex marriage ban on May 27, 2009.

time is reviewing arguments and ruling on a variety of motions. Olson and Boies hope to be back in San Francisco later in 2010 to present closing arguments.

Although a last-minute Supreme Court decision banned television cameras in the courtroom, the trial was reenacted on YouTube videos. Olson hasn't seen them, but approves. "I'm in favor of any

way that the American people can learn about the evidence in a case of such vital importance," he says.

Olson believes that his team is "representing real people who felt that their constitutional rights were being violated. It's very difficult to refuse to help someone being deprived of their constitutional rights. That would be inconsistent with what I was taught at Boalt Hall." —F.S.

Courtroom Comments

BLOGGERS:
Amanda Beck '11 (top),
Sarah Ruby '10

Combine two journalists-turned-law students, a high-profile trial, and a hot-topic blog, and you get "the greatest learning experience of law school," says Sarah Ruby '10.

Ruby and Amanda Beck '11 got ringside seats to *Perry v. Schwarzenegger*, broke it down on a Boalt-hosted blog called "Prop 8 on Trial," and savored the refreshing departure from their past traditional journalism work. "We could take our time and include more analysis than we ever could before," says Beck.

Boalt lecturer in residence Joan Hollinger reviewed most of the students' posts, which described legal tactics, witness testimony, and other courtroom dynamics. Beck and Ruby created the blog together, but

posted entries independently to provide varied perspectives on the trial.

Cited by the *San Francisco Chronicle* and *New York Times*, the blog attracted up to 4,000 readers a day. Pleasantly stunned by the feedback, Ruby says "people had really good ideas about where we could go with our coverage, and we took them to heart."

A highlight for Beck was the strategic coordination of plaintiffs' co-counsel Ted Olson '65 (see previous page) and David Boies. "Boies often adopted a pitbull role," she says, contrasting it with Olson's more placid demeanor. —F.S.

<http://prop8.berkeleylawblogs.org>.



A Judge of Good Character

On February 24, President Barack Obama appointed Boalt Hall professor and associate dean Goodwin Liu to the U.S. Court of Appeals for the Ninth Circuit. Headquartered in San Francisco, the Ninth Circuit is the largest of 13 federal courts of appeals, with jurisdiction over California and eight other Western states.

If confirmed by the Senate, Liu—who joined Boalt's faculty in 2003 and was promoted to associate dean in 2008—would become the Ninth Circuit's only active Asian American judge. The son of Taiwanese immigrants and the first lawyer in his family, Liu is an award-winning teacher and scholar and a leading expert on constitutional law and education law and policy.

Dean Edley describes Liu as "one of the most capable colleagues I've had in my three decades in academia," and says that "his ability to analyze, communicate, and inspire will make him a favorite among litigants and a leader among judges." —A.C.



NOTHING BUT THE TRUTH: Boalt Professor Goodwin Liu being sworn in at his confirmation hearing to become a judge on the U.S. Court of Appeals for the Ninth Circuit.



FOREFRONT

AT THE
LEADING
EDGE OF
RESEARCH
AND SERVICE



FULL TRANSPARENCY: Assistant Professor Robert Bartlett thinks data-driven disclosure will help investors make better decisions.

Getting Closure on Disclosure

A Boalt researcher rethinks the power of financial transparency

Assistant Professor of Law Robert Bartlett, who joined Boalt's faculty in fall of 2009, believes in the power of markets and free-flowing information. So to better understand the financial crisis, he decided to explore how disclosure and transparency in the market for collateralized debt obligations (CDOs)—mortgages, often subprime,

bundled as securities—might have affected the way the financial system behaved. He says he was “puzzled” to find that some information that investors needed to make better decisions was readily available, but they didn't appear to use it. “The epicenter of the financial crisis was these CDOs—in particular, financial institutions' exposure to CDOs, for which there was really no disclosure,” Bartlett says, explaining his research. Calling failed insurance giant AIG the “poster child” for companies with undisclosed CDO exposure, he says, “It's pretty amazing that

publicly-traded companies with significant reporting obligations could build up huge positions with virtually no disclosure.”

Monoline thinking

Bartlett went looking for empirical evidence of how disclosure might have affected CDO markets. He found that evidence in the financial guarantee industry—sometimes called the monoline insurance industry because the insurers originally provided insurance only on municipal bonds but have since expanded to insure bonds issued by structured finance vehicles.

Like AIG, the monoline insurers—the largest are Ambac Financial Group and MBIA—had derivative exposure to CDOs by insuring them. But there was one big difference: “They did exactly what AIG did, but as financial guarantee companies they were subject to statutory accounting,” Bartlett explains. “This means they had to disclose all of their largest structured finance positions. So in 2007 and 2008, you had some of the biggest insurers in the CDO market doing what AIG was doing, but disclosing their individual positions.” One position Ambac held was a \$2.4 billion insurance contract on a CDO called Kleros Preferred Funding VI, or Kleros VI.

In the heat of the subprime mortgage collapse, on March 14, 2008, Kleros VI was downgraded 16 notches, from AAA to CCC+. “If you were an investor in Ambac, you should have thought, ‘Geez, this company is toast,’” Bartlett says. But Ambac investors didn’t react to the news. “If investors were paying attention to these disclosures that are supposed to be doing so much work, there should have been a decline in the stock price of Ambac,” Bartlett says. “I found nothing.”

Ambac’s stock price did finally plummet on April 23, 2008, when the company announced a record loss in its quarterly earnings—weeks after the Kleros VI downgrade that contributed to the earnings loss. Bartlett conducted six different event studies on market reactions to large downgrades that should have affected the monolines, and found no abnormal stock-price reactions.

Skeptical of his own findings, Bartlett checked the short sales and credit default swaps markets for Ambac, where people could have profited from the company’s losses. Again, nothing. “Even in the most sophisticated corners of the market, you don’t see people paying attention to these downgrades,” he says. For comparison, he also looked at Ambac’s stock price when California utility PG&E declared bankruptcy in 2001; although Ambac’s exposure to PG&E was much smaller than it was to Kleros VI, its stock price hit was actually greater when PG&E’s debt was first downgraded.

“This is cause for less optimism that disclosure by itself is really going to fix anything,” Bartlett concludes. “You’ve got all these highly incented investors who are searching for information on which to make a buck, and yet here’s critical information that was seemingly overlooked, but which even a lowly academic was able to discover.” He has some ideas why disclosure didn’t work in this case and how it could be improved.

Technology and psychology

“We should be attentive to the very real logistical challenges,” he says. “That means encouraging or requiring disclosures in a fashion that is more data-driven.” Bartlett thinks that Extensible Business Reporting Language (XBRL), an open-standard interactive reporting format, can help by requiring financial disclosures to be presented in a consistent digital format. XBRL can potentially increase the speed and usability of financial disclosures, Bartlett thinks, by minimizing transcription costs (disclosures sometimes have to be re-entered into analysis systems) and making real-time evaluation of periodic filings more feasible.

And investors may occasionally need help focusing on certain types of information. He thinks the market may not have been able to perceive the import of Ambac’s CDO downgrades because of extraneous buzz surrounding the collapse of the subprime market. The low salience of the CDOs—and not their analytic complexity—may have played a role in investors’ failure to respond, Bartlett thinks, and adjusting the way disclosures are presented could help. “This is the intersection between law and psychology,” he says. “Understanding the psychological process that occurs with information processing can lead to increased salience.”

None of the fixes is simple, Bartlett admits, but he would like to see his ideas reflected in regulatory changes that will emerge from the financial crisis. To that end he will be publishing his paper later this year in the *Journal of Corporation Law* and presented his research at the annual meeting of the American Law and Economics Association in May 2010.

And he’s continuing to work through the problem. “I started this project believing in the power of markets, and thought it was going to be evidence of the power of disclosure,” Bartlett says. “But these are the results, and I’m still trying to figure out where to go from here.” —Fred Sandmark

“I started this process believing in the power of markets, and thought it was going to be evidence of the power of disclosure.” — Robert Bartlett

Cloudy Forecasts

A conference hosted by BCLT explores the legal challenges of cloud computing



You may not be familiar with the much-hyped term *cloud computing*, but if you're on Facebook or using Gmail, you're doing it. Longtime techies argue about whether or not this technology—in which a user's data, and the applications used to process it, reside on servers maintained by third parties and accessible via the Internet—actually represents something truly new, but few would disagree that it's reached the perfect-storm stage.

"It's become ubiquitous, particularly because of the growth in mobile devices," says Berkeley Center for Law & Technology (BCLT) Executive Director Robert Barr. Google Apps' suite of Gmail, Google

Docs, and other systems is among the most widely known cloud computing ventures, but the space also includes virtualized software development and deployment environments that heavy hitters like Amazon and

Microsoft offer to corporations and startups. Current legal and regulatory policies—based on a more terrestrial model in which data flows are clearly mapped and the liability for and responsibility associated with such data are unambiguously assigned to their owners—are increasingly outmoded. Barr, his colleagues at BCLT, and the UC Berkeley School of Information decided it was high time to scrutinize the novel privacy, consumer protection, IP, and regulatory issues raised by the cloud. In what Barr believes to have been the first-ever such event, the two groups hosted an all-day symposium, "Emerging Law & Policy Issues in Cloud Computing," on March 12 at the International House. Participants included speakers from cloud-tech giants such as IBM, Microsoft, Sun, and Intuit—many of them Boalt grads; scholars from leading universities; FTC officials; and lawyers well-versed in cloud computing's benefits and risks.

Cloudy ideas

Brian W. Carver, an assistant professor at UC Berkeley's School of Information, kicked off the conference with a pithy primer on cloud computing which drew heavily on an influential February 2009 paper on the subject produced by UC Berkeley's Reliable Adaptive Distributed Systems Laboratory. The nuances of software as a service versus infrastructure as a service aside, all definitions of cloud computing agree that it processes data that is not local to you, and that can be stored

"It's become ubiquitous, particularly because of the growth in mobile devices."

— Robert Barr

Microsoft offer to corporations and startups.

Current legal and regulatory policies—based on a more terrestrial model in which data flows are clearly mapped and the liability for and responsibility

and accessed from anywhere in the world.

“Data and what happens to it once it’s no longer stored on your computer were the themes of the day,” says Barr. Five panels covered the spectrum from legal forms of access to cloud data (the requirements for data retention, privacy disclosures, multi-jurisdictional law-enforcement requests) to the illegal or legally murky forms (whether cloud data needs to be safeguarded not only from hackers and disgruntled employees but also from foreign governments).

“Data used to flow through a fixed pipeline,” says Paul M. Schwartz, BCLT researcher and an expert on information privacy and information law who sat on the conference’s Privacy & Security panel. “You’d put a tape in a box and send it via FedEx or DHL. Cloud computing is a much more dynamic environment where the data is not only stored but also processed in the cloud. All kinds of variables, like the time of day and traffic flow, will determine if your information goes through servers in Costa Rica, India, or Germany.”

The panelists touched on other salient

issues such as data portability—users are getting “locked in” to cloud services such as Google Docs and Facebook that make it very inconvenient, if not impossible, to move their data elsewhere. In the last panel of the day, Boalt Professor Pamela Samuelson addressed Google’s Books project. Comprising digital copies of 12 million scanned books, it is the subject of a class-action suit that—if the predicted settlement is reached—will effectively create a new “consumer purchase model” and give Google a monopoly on mostly out-of-print or copyright-orphaned books. “That’s a publishers’ dream—Google can sell you a book which you cannot effectively take possession of,” says Samuelson.

Should the government intervene on this or other such issues? The panelists did not agree on any definitive answers. “The fun of a conference like this is to begin the debate and sharpen the questions so that people will move toward answers,” says Barr. “We had a great dialogue, and that’s a start.”—Bonnie Powell



TRUTH SQUAD: Noah Smith '10; Roxanna Altholz '99, associate director of IHRLC; Gretchen Gordon '11

Locking Up the Truth

A report from Boalt’s human rights clinic criticizes U.S. extradition of Colombian criminals

Few Americans are aware that 28 Colombian warlords and foot soldiers responsible for the deaths of thousands of innocent civilians in that country are currently sitting in U.S. prisons, awaiting or serving sentences on narcotics-trafficking charges—

some of them as short as four years. An explosive new report—*Truth Behind Bars: Colombian Paramilitary Leaders in U.S. Custody*—from Boalt’s International Human Rights Law Clinic (IHRLC) is getting the word out.

Until recently, the number incarcerated had

PHOTO: JIM BLOCK

been 30—Hector Ignacio Rodríguez Acevedo, aka “Nacho Rodríguez,” a Santa Marta ex-councilman who became a drugs-for-arms dealer for Colombia’s largest paramilitary group, has already been released following a 50-month service. Rodríguez is closely allied to Hernán Giraldo Serna, aka El Patrón, the commander of several paramilitary units and one of Colombia’s biggest cocaine traffickers, who is also in U.S. custody. Before he was extradited, according to IHRLC’s report, Giraldo confessed under a Colombian demobilization program to murdering several public officials; he has also been linked to hundreds of murders, the disappearance of four government investigators, and the rape of 19 women, including 12-year-old girls. Neither Giraldo’s whereabouts nor the status of his U.S. case is publicly available.

For Boalt lecturer in residence Roxana Altholz ’99, associate director of IHRLC and co-editor of

“Drug eradication and supporting human rights victims are not exclusive goals.”

—Gretchen Gordon ’11

the report, this is cause for outrage. “We have individuals in U.S. custody who’ve killed more people than Pinochet, who’ve committed the worst crimes known to humanity, and it appears that our

government is negotiating with them without incentivizing them to provide information about the atrocities they orchestrated in Colombia.” She has worked on Colombian paramilitary issues for 12 years. “The report asks, ‘What is the U.S. policy here? Does the U.S. government have an interest in holding these men accountable not only for their drug crimes, but for the violence they perpetrated in Colombia?’”

Truth Behind Bars makes a persuasive case that the answer to the latter question is yes. “The report attempts to show that the U.S. is missing an opportunity here, that drug eradication and supporting human rights victims are not mutually exclusive goals,” says Gretchen Gordon ’11, who co-wrote the report with Noah Smith ’10 under Altholz’s supervision.

From August 2009 until January of this year, the students conducted exhaustive research, which included consulting U.S. and Colombian court records as well as material compiled by civil society groups in Colombia. In February, Altholz, Smith, and Gordon went to Washington, D.C. to present the report to members of Congress. The reception was warm, according to Smith, partly because “we really tried to tie the report back to U.S. policy goals—to show policymakers and NGOs that by not holding these people responsible for the heinous acts they committed along-

side the drug crimes, we are actually undermining the drug war.”

The report grew out of IHRLC’s work with the family members of Colombian victims of the *Autodefensas Unidas de Colombia* (United Self-Defense Forces of Colombia, or AUC), a national network of independent militias first created by Colombian landowners in the 1980s to wrest territory from left-wing guerilla groups. AUC soon controlled large portions of the country’s drug trade and, allied with the Colombian military and often officials, “forcibly displaced, disappeared, tortured, and killed thousands of campesinos, Afro-Colombians, indigenous persons, trade unionists, human rights advocates, religious leaders, and other civilians,” recounts the report. Paramilitary violence peaked in 2002, and when the U.S. began indicting AUC members for drug crimes that year, the group declared a ceasefire.

In 2005, Colombia’s congress passed the Justice and Peace Law, which offered legal leniency (sentences of five to eight years) and public benefits to paramilitary members willing to disarm, forfeit assets, and—most importantly—admit to their human rights abuses. By June 2009, almost 4,000 had applied for clemency under the program. All 30 of the extradited paramilitary commanders were participating, or were eligible to do so, when they were transferred to the U.S.

But, once in custody, their cooperation with the Colombian authorities more or less ceased. The U.S. Department of Justice has also been unresponsive to Colombian courts’ requests to continue deposing the individuals, and as a result, Colombia’s Supreme Court has halted further extraditions of AUC members.

The report urges the U.S. government to recognize that supporting Colombia’s human rights investigations is necessary for dismantling paramilitary networks, and advocates a carrot-and-stick approach—by, for example, offering visas to the defendants’ family members and threatening to prosecute them in U.S. courts for their human rights crimes in Colombia. IHRLC is planning to request a hearing before the Inter-American Commission on Human Rights in the fall. This would ideally clarify the U.S. responsibility to cooperate with the Justice and Peace processes not only in Colombia—the U.S. has spent billions in aid to the country, after all, hoping to decrease corruption and rights abuses—but also domestically.

Ultimately, the report’s creators hope this policy will allow “the AUC’s victims to have access to the truth to what happened to them and their loved ones,” says Gordon. “The extraditions have frustrated that search for justice.”

—Bonnie Powell

Depo Man

In Henry Hecht's unique class, Boalt alumni share their expertise



WELL DEPOSED: Adam C. Dawson '88 (third from left) observes a mock deposition. Next to him, Lecturer in Residence Henry Hecht takes notes.

During the last couple of semesters, Jeffrey Homrig '01 has come back to Boalt. He is one of the many ace litigators—several Boalt alumni among them—invited by Henry Hecht to share their expertise in his depositions class. Hecht's offering is one of the few devoted to depositions in the nation.

Homrig—an associate at Weil Gotshal & Manges who took Pre-Trial Civil Practice and Negotiations with Hecht while at Boalt—says that Hecht's training was key to his own development. "Skills-training is so important," he says. "Clients don't want to pay new associates to learn how to be lawyers. The more practical instruction schools provide, the better they serve students and their future employers."

Hecht—a Boalt lecturer in residence since 1983—is co-founder of the Hecht Training Group, a team of attorneys who have been teaching lawyering skills for more than 20 years. Hecht has presented workshops on depositions, negotiation, motion practice, and trial tactics to more than 65 law firms, corporate law offices, government agencies, and bar associations. "I believe in learning by doing, and it's valuable to have experienced lawyers observe and critique role-play sessions," he says.

Guests bearing gifts

Each visiting expert brings unique insights and approaches. Homrig likes to select a few examples from the students' mock depositions and examine them closely in order to identify "the upside and downside to what was asked or what objections were made, and then to offer a different approach for the student to consider." He finds the students to be "very receptive to our comments, and they often start implementing them right away."

Other alumni visitors have included Homrig's co-workers Paul Ehrlich '03 and Sonal Mehta '02 (a former Hecht student in both Client Interviewing and Depositions), Mike Baker '73 of Howard Rice, Nan Joesten '97 and Adam Dawson '88 of Farella Braun + Martel, Keith Slenkovich '87 of WilmerHale, Julie Holloway '98 of Wilson Sonsini Goodrich & Rosati, Jackie Nakamura '90 of Howrey, and Wayne Brazil '75, a professor from practice at Boalt and former federal magistrate judge.

Throughout the semester, students use a mock case file that Hecht authored, *Scoops v. Business-Aide, Inc.*, which is also used by lawyers throughout the country during Hecht's in-house training programs. Divided into three groups of six, the students alternate in the role of witness preparer, deposition taker, and defender. Each student receives constructive feedback from observers.

Undergraduate Legal Studies majors act as witnesses in the class, which Hecht says "creates a more realistic setting because our students are interviewing someone they don't know well." In the fall, the law students deposed financial damages expert Matthew Lynde, a vice president of the attorney consulting firm Cornerstone Research, who received both his Ph.D. and B.A. from UC Berkeley.

Attorneys who serve as guest observers receive CLE credit, and so far every visiting lawyer has agreed to return—reinforcing Hecht's view that the class structure is mutually beneficial. "This course gives law firms a chance to help out and increase their visibility," he says, "and it gives our alums a great way to give back to the school."
—Andrew Cohen

A CAMPAIGN PRIORITY

The I. Michael Heyman Project

Boalt Hall's I. Michael Heyman Project was launched to honor Heyman's long and distinguished record of service to the University of California, the San Francisco Bay Area, and the nation.

The initiative's goal is twofold: to raise the funds needed to establish the I. Michael Heyman Chair; to support the work of a distinguished scholar, preferably in environmental law, and to name the school's new patio the I. Michael Heyman Terrace.

The promise of endowed chairs helps attract and retain top faculty members. Philanthropic funding supports chair holders' teaching and research activities, and may be used for research assistants, visiting faculty, conferences, off-scale salary compensation, sabbatical supplement, and travel.

The West Terrace—a prominent part of Boalt's ongoing physical expansion and upgrades—provides a welcoming face to the southeast corner of the campus. A sunny gathering place for students and faculty and a natural location for Boalt receptions and events, the West Terrace is a particularly fitting tribute to Heyman—who has given a half-century of service to the law school and larger campus community.

A Half-Century of Service



Professor emeritus I. Michael Heyman joined Boalt Hall's faculty in 1959 after graduating from Yale Law School and clerking for U.S. Supreme Court Chief Justice Earl Warren '14. In 1966, he joined UC Berkeley's Department of City and Regional Planning.

Appointed vice chancellor of UC Berkeley in 1974, Heyman became chancellor in 1980. He served for 10 years—the longest term of any chancellor in school history—and transformed the university on many fronts.

Heyman led a "biological revolution" by forming alliances within and outside the campus, reconstituting 11 traditional departments into three new ones, encouraging research in newly emerging biotechnology fields, and completing or beginning four biosciences buildings. Today, all of UC Berkeley's biological sciences departments rank in the top 10 nationally.

Heyman also spearheaded a dramatic increase in students of color—from 21 percent of the student body in 1980 to 57 percent in 1990. He also directed a program that ensured on-campus hous-

ing for all interested freshmen, and led a fundraising push that tripled private giving during his administration and increased the number of endowed chairs from 36 to 118.

Beyond campus, Heyman served California and the United States in myriad ways, including stints as an officer in the Korean War and Marine Corps Reserve from 1951 to 1958.

Heyman was instrumental in developing land management plans for treasured places in California, Hawaii, and the U.S. Virgin Islands. His work led to a methodology for land-use planning in fragile ecosystems that has been widely replicated.

As counselor to the deputy assistant secretary for policy at the U.S. Department of the Interior, Heyman played a key role in establishing the Presidio Trust—which created a mission, governing structure, and business plan for San Francisco's Presidio after the U.S. Navy vacated it in 1994.

From 1994 to 1999, Heyman was secretary of the Smithsonian Institution—which includes 16 public museums and galleries, the National Zoo, and numerous research facilities. A relentlessly engaged citizen, he has served on the governing or advisory boards of 10 organizations—focusing mainly on his strong interests in civil rights, the environment, and higher education.



THE WEST TERRACE: With your help the sparkling new patio will be named to honor Michael Heyman.

A MENTOR TO MENTORS

The co-chairs of Boalt's I. Michael Heyman Project universally view Heyman as a mentor who has guided them on their own paths toward becoming honored contributors to both UC Berkeley and the State of California.

William & Jean Coblentz

William and Jean Coblentz will play key roles in the project. William, chairman of UC Berkeley's Board of Regents when Heyman was chancellor, says "Mike was always on the correct side of the key issues, and I have enormous respect for him. It's rewarding to be part of an effort to show how much he's been appreciated."

In 2008, Coblentz, Patch, Duffy & Bass contributed Boalt's largest gift from a law firm to honor William's 50-year record of service to the legal profession, the business community, and California.

The \$500,000 donation launched The William K. Coblentz Civil Rights Endowment Fund, which supports student and faculty research related to racial and ethnic justice in California and the nation.

Roy Eisenhardt '65 & Betsy Eisenhardt '76

Roy and his wife Betsy are also leading the effort. Roy first met Heyman as a Dartmouth senior. A guest speaker at his alma mater, Heyman was there to describe his experience clerking on the U.S. Supreme Court. "Little did I know," says Roy, "that

he would end up having the single most influence of any one person on how I think and how I view life experiences."

Roy, who like Heyman served in the Marine Corps, encountered him again on his first day at Boalt—teaching his Property class.

After practicing law for 12 years in San Francisco and teaching at Boalt himself, Roy went on to become president of the Oakland Athletics and executive director for the California Academy of Sciences. He credits Heyman for influencing him "in several career choices" and "setting an example in every responsibility I've undertaken."

Roderic & Cathy Park

Rod and his wife Cathy are integral figures in the campaign. Rod served as vice chancellor under Heyman from 1980 to 1990. That experience helped him land a three-year term as interim chancellor at the University of Colorado, and to play a prominent role in the startup of UC Merced—where he was the school's first acting chancellor and now serves as senior associate to the chancellor.

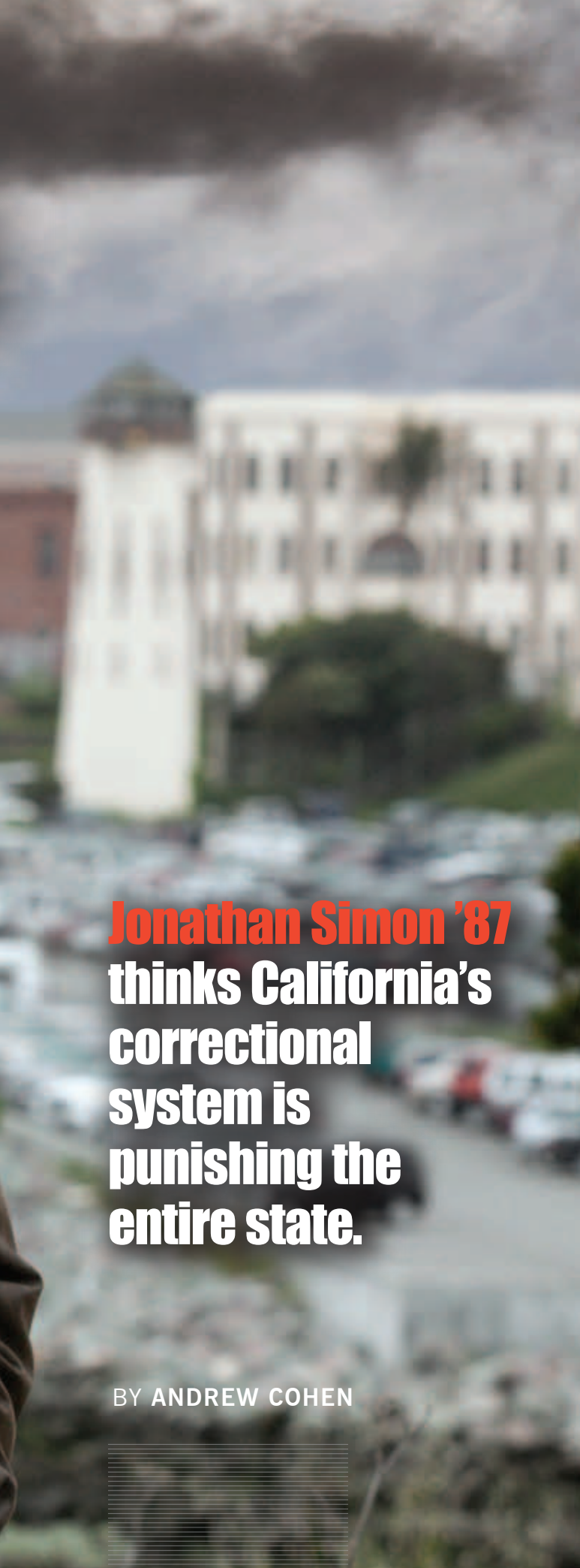
"Our strengths complemented each other very well," says Rod. "We both continue to share a deep respect for Cal and enjoy celebrating this admiration with others."—*Andrew Cohen*

W **CAMPAIGN** **FOR**
F **BOALT HALL**

California

LOCKDOWN





Jonathan Simon '87
thinks California's
correctional
system is
punishing the
entire state.

BY ANDREW COHEN

Boalt law professor Jonathan Simon '87 believes that the widespread resistance to prison reform in California is largely based on a comforting but wholly false narrative. “The underlying lie,” he says, “is that the status quo is making us safer. Unless we confront this myth that has been sold so effectively to Californians over the last three decades, we’ll remain stuck with a massive penal system that’s starving us fiscally when there is so much else we need to fund.”

The former associate dean of Boalt Hall’s Jurisprudence and Social Policy program and faculty associate of the Berkeley Center for Criminal Justice, Simon is a prominent expert on the role of criminal justice and punishment in modern societies. Anyone wishing to debate him about the need for prison reform had better be armed with explanations for the disturbing wealth of statistics that he wields to make his case. For example: “We have about 30,000 inmates serving life sentences in California state prisons,” says Simon. “Every year about 50 of them come out and about 1,000 go in. You do the math.”

Simon notes that California spends more than \$8.5 billion annually on its adult correctional system, and yet its state prisons operate at a staggering 170 percent capacity rate. The exponential growth of these figures has alarmed Simon and many of his criminology colleagues for a long time. But it has taken a budget deficit of epic

proportions and the intervention of federal courts to make prison expenditures and overcrowding the objects of wide public attention.

Simon teaches courses on criminal law, criminal justice, risk and the law, and socio-legal studies. His two books, *Poor Discipline* and *Governing Through Crime*, each won a distinguished book award from the American Sociological Association, and his popular blog—also called *Governing Through Crime*—features probing and often scathing takes on the state's correctional policies.

Recently, Simon sat down with senior communications writer Andrew Cohen for a wide-ranging conversation on the many pernicious problems of the California prison system and potential solutions for reform. —A.C. & Editor

What are your major concerns about California's correctional system?

It's simply too big to be functionally governed and needs to be shrunk. On one end, we send too many people to prison for very short sentences. Much of this flows from technical parole violations, because under law these people can't be sent back for more than 12 months. They almost certainly don't need to be in prison and could be managed effectively in other ways. On the other end, we keep way too many people in prison for way too long, thanks partly to California's three strikes law. Most of these people needed

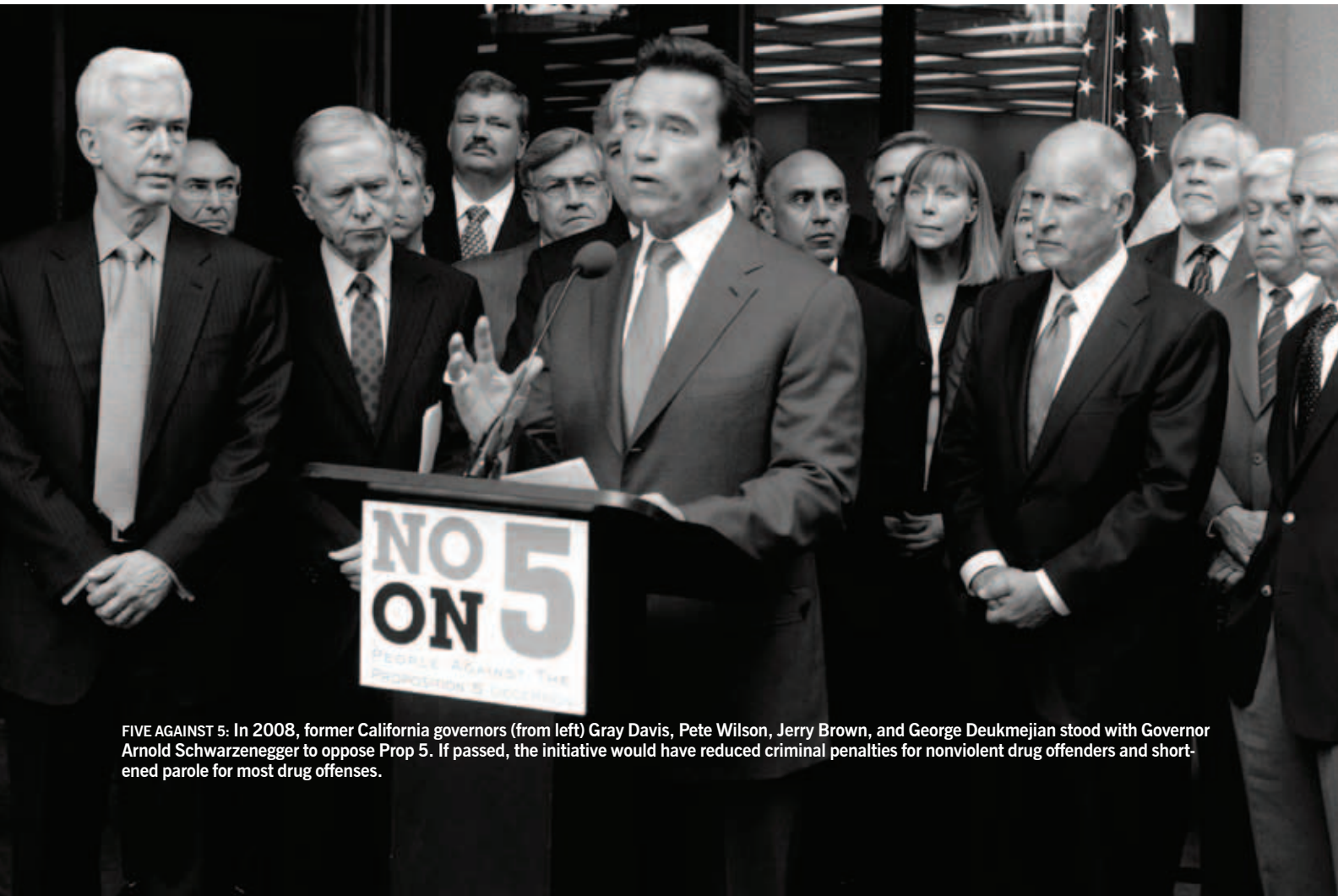
to be in prison for some time, but we don't have an effective release mechanism and that's an issue no one wants to get near because it activates public fears.

Can you expand on how the three strikes law has affected the prison system?

Third strikers have clearly added to the overpopulation problem, but also second strikers. If you committed a serious, violent felony in California and then commit a second felony, you're already facing a much enhanced sentence. Third strikers are a smaller group, but at 25 years-to-life based on that final felony they're imprisoned much longer. Two problems here: First, these inmates are taking up space and only after 25 years can administrators begin to address their situation. For many inmates that's way too long, for them and for us. Second, they're demoralized and very hard to motivate to reform in any way.

What are the prospects for repealing or ameliorating the three strikes law?

It'll take a substantial effort by members of the state's leadership, which isn't likely. It polled very well when first presented to voters, but in the last six weeks before the election 100 percent of the state leadership lined up on a podium in support of the law. When I give PowerPoint



FIVE AGAINST 5: In 2008, former California governors (from left) Gray Davis, Pete Wilson, Jerry Brown, and George Deukmejian stood with Governor Arnold Schwarzenegger to oppose Prop 5. If passed, the initiative would have reduced criminal penalties for nonviolent drug offenders and shortened parole for most drug offenses.

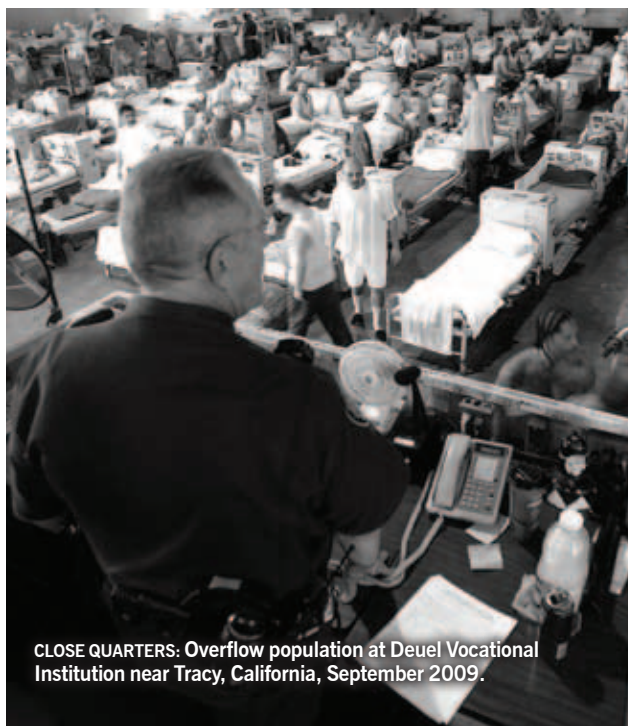
presentations, I use a shot of their press conference and it's amazing to see how this issue crosses party lines. A lot of people think mass imprisonment in California is a partisan issue, but you don't see Pete Wilson, Jerry Brown, Arnold Schwarzenegger, and George Deukmejian gathered together on a podium very often.

What's your main criticism of the state's current parole system?

California releases at least 95 percent of its offenders from prison after they've served a determinate sentence, meaning there's no discretionary decision over when someone is ready to come out on parole. But unlike many other states that also eliminated early release through parole, California continued to require parole supervision in the community for all released prisoners. That's a big part of what's broken. It's neither justified nor effective to add up to three years of parole supervision for every ex-offender without distinguishing between those whose criminal record or psychological profile suggest they'll commit a crime that harms the community, and those who pose no such threat.

About 70 percent of California's released prisoners return to prison—more than half for "technical" parole violations and only 15 percent for committing a new crime. Why is this?

Criminologists are uncertain about how much of this activity constitutes real crime that should cause concern. Missing an appointment with parole staff can result in re-imprisonment, and everyone agrees that thousands of these cases amount to not showing up for one of those appointments. It happens in part because many parolees are homeless or unemployed; they don't have a watch, a day-planner, or a structured lifestyle of any kind. They really need a life coach, but



“We keep way too many people in prison for way too long, thanks partly to California's three strikes law.”

In 1988, California voters passed a ballot initiative that requires the governor to personally approve the parole decision for each “lifer” inmate. How has that played out?

I'd love to get a student to write an honors thesis on that. It's a terrible policy. California and Alabama are the only states with this law, which creates a system where parole boards are extremely reluctant to grant parole and when they do governors are prone to deny it. Governors are in a terrible position of having little personal expertise to evaluate parole decisions, which have already been vetted by the Board of Prison Terms, and the greatest exposure imaginable to political fallout if the prisoner commits a violent crime after being released. As it is, governors already appoint overly cautious parole boards; inmates who would've gotten out in 16 or 17 years for second-degree murders are now serving 30.

a parole agent doesn't serve that role.

What can be done about this problem?

We ought to have sanctions that fall outside prison. First, I'd dramatically cut the number of people who are ever put on parole. The actual point when we release someone in California doesn't bear any real resemblance to his or her risk. If we did risk-assess them, we could take some and say they don't need to be on parole at all. Second, I'd eliminate parole at the state level altogether and put those resources we have to help and manage released prisoners into oversight of county probation. That would put more resources into agencies closer to the real crime problems of our communities and leave the people best qualified to decide which new crimes by the formerly incarcerated warrant prison time, i.e., prosecutors who can charge them with felonies.

Are there other models that actively guard against the influence of political concerns?

The European Court of Human Rights has held that once a person has served the minimum sentence on a life term, the decision when that prisoner is safe enough to release back into the community must be made by a court or court-like body with insulation from the political process. In short, our parole release system would be considered a form of “cruel, inhumane, and degrading punishment” if we were in Europe.

Where do you stand on indeterminate sentencing, which would give prison administrators broad discretion for when to release a prisoner?

It would seem that if prison sentences have been too rigid or too lenient, indeterminate sentencing could be a solution to both of those problems. That’s why it was so popular at the beginning of the 20th century. But given our current context these decisions are highly politicized. As we’ve seen parole is hard enough with just lifers. If we had to make a parole decision on every prisoner, we’d actually have a worse situation than we have now administratively.

“California combines the Texas mentality for how many people should be locked up with the New York-Illinois mentality for what it should cost.”

What changes would you propose?

I’d prefer a model that takes our current system of good-behavior credits—say where prisoners get about one day off for every three days of good behavior—and further incentivizes that to make it more lucrative—say one day for one day—where prisoners are in programming that is proven to reduce recidivism. If prisoners received credits for taking part of training programs and the like, it would help to motivate them.

How does California’s correctional spending correlate to its education spending?

In the late 1970s, we spent around 3 percent on our corrections system and 15 percent on education. Recently, it’s looked more like 10 percent on corrections and 12 percent on education. This is seized upon as an easy point to make and it’s great rhetoric, but just cutting prison spending isn’t the answer because those cuts are often made to rehab and training programs. I think a better plan is to identify four or five of the worst prisons and just mothball them. Close them up. We’ll end up paying much less over time than we now do, and the

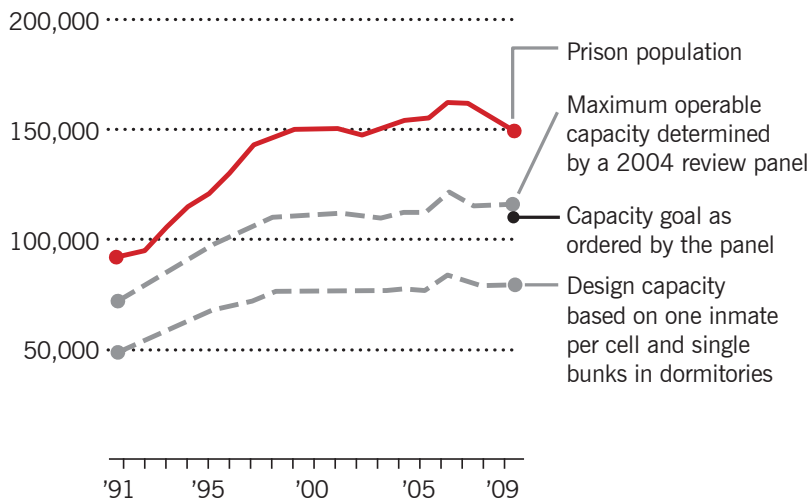
money freed up from those prisons should go to counties to do a better job with public safety.

Is the current state budget crisis our best hope for igniting prison reform?

We needed the fiscal crisis to make the magnitude of the problem fully visible, but I’m not sure it can do the job alone. It has grabbed people’s attention, which is good. But a lot of politicians defend the current system, even though it’s increasingly dubious to say investing more in prisons is the answer. I’m cautiously optimistic. We’ve had high

200,000’s a Crowd

A three-judge panel has ordered California officials to reduce the State’s prison population by about 40,000 inmates over two years.



SOURCES: California Department of Corrections and Rehabilitation; United States District Court, Northern District of California

incarceration levels somewhat masked by the fact that we weren't building more prisons, but now news of the overcrowded conditions and costs to the state has sparked a push for reform.

What's your take on last year's ruling by the federal three-judge panel that ordered California to reduce overcrowding by 40,000 inmates over the next two years?

Given the magnitude of the problem, the court did a great job developing and explaining the major issues, and I think the steps they recommended are good ones. Keep in mind that under the Prison Litigation Reform Act, the court could have ducked this and found no sufficient 8th Amendment problem. In the long run, if we want a system that isn't reliant on courts to solve these issues, this isn't enough. A capacity cap is certainly necessary to get anything done, but the court set 137 percent as the cutoff point for maintaining constitutional conditions and there's a question as to whether that's low enough.

Some people worry that a court-imposed population cap will create a wide release of violent offenders that endangers public safety. Are those concerns well founded?

I'm not worried about a wide release of violent offenders. If anything, they're not going to release enough of them. If someone shoots up a gas station at age 25, do we need to have the same concerns about them when they're 45, or 65? At some point we need to say wait a minute, yes we needed to have that person locked up for a good stretch, but what risk do they really pose now?

Are you optimistic that the California system can be reformed by state leaders, or will the federal authorities have to step in and if so under what circumstances?

The federal courts have already taken a huge step in. They're doing just about all the constitution permits them to and it still may not be enough to trigger a concerted reform effort. I think it will take a grassroots movement, comparable to the anti-tax movement that created Proposition 13. Here in California, leaders are generally followers.

To what extent is the recent drop in crime simply attributable to the huge number of Californians currently incarcerated?

Criminologists who have taken a careful look like my colleague, Boalt criminologist Frank Zimring, believe that it is accounting for a modest reduction in burglaries and robberies that might otherwise be expected, but the reduction

is probably small and we know the costs are very high. We can expect even that modest success to decline as the prison population ages beyond the years of regular criminal activity.

The governor has suggested outsourcing California inmates to Mexico. Do you see this as a serious possibility, and what issues does this raise?

I think it's a key issue because the governor has put it on table, even though in the short or immediate term it's not going to happen. But this is the wrong kind of long-term solution because we need to reduce our reliance on incarceration rather than just reduce the cost of incarceration. The problem is that California combines the Texas mentality for how many people should be locked up with the New York-Illinois mentality for what it should cost. That has made prisons expensive and overpopulated.



FULL COURT PRESSURE: Mule Creek State Prison in Lone, California, has repurposed its gymnasium into living quarters. In 2009, the facility was 225 percent over capacity.

Mapping Human Rights

By Jon Jefferson

A respected presence at UC Berkeley for 15 years, the Human Rights Center has found a new home at Boalt Hall. Led since 1996 by Faculty Director Eric Stover, HRC gathers and analyzes data to protect and expand core human rights around the globe.

The addition of HRC will make the law school “home to one of the nation’s most comprehensive, globally active, and student-oriented human rights programs,” says Dean Edley.

The following story exemplifies HRC’s innovative, courageous, and compassionate work.



For Patrick Vinck and Phuong Pham, it was another bumpy day of field work—literally bumpy, and literally a field—as their crew-cab pickup jounced past acres of cassava in the northern region of the Central African Republic. CAR—pronounced like the shorthand word for automobile—is aptly named: stick a pin smack in the middle of a satellite photo of Africa, and you’ve probably nailed this dirt-poor nation, which ranks 179th out of 182 countries on the United Nations’ “human development index,” a number combining health, education, and income.

In November 2009, Vinck and Pham began a two-month survey in CAR, interviewing almost 2,000 of its inhabitants about their physical and mental health, their education, their exposure to violence and death, and their hopes for their notoriously unstable government, where corruption and coups have been steady fare for decades. The results of their research will shape human-rights recommendations to CAR’s government, as well as guiding the efforts of humanitarian and development organizations working there to make life safer, healthier, and more prosperous.

Vinck and Pham are researchers with the UC Berkeley Human Rights Center. Pham, an epidemiologist, is the HRC’s director of research; Vinck, an agricultural scientist whose focus has shifted from mapping crops to mapping human-rights abuses, heads the center’s Initiative for Vulnerable Populations. They met in Rwanda in 2000, while Vinck was working on rural development and Pham was participating in a Tulane public-health project. Now both hold dual faculty appointments, in Berkeley’s Human Rights Center and at Tulane University.

During the past decade, Vinck and Pham have documented war crimes in Uganda, Iraq, Rwanda, and the Democratic Republic of the Congo; they’ve assessed the collapse of the health-care system in Burma; they’ve investigated the exploitation of illegal immigrants



in the United States; with the help of three Berkeley Law students, they’ve explored what Cambodians think should be done to hold Khmer Rouge killers accountable.

Along the way, they’ve battled malaria, witnessed the devastation wrought by hurricanes in Burma and New Orleans, and narrowly missed being caught in an attack on a U.S. convoy in Iraq. They’ve worried for one another’s safety and have comforted each other in the face of grueling conditions and heart-rending misery. Pham and Vinck aren’t just colleagues; they’re life partners as well.

The couple’s complementary skills and unwavering commitment make for pioneering and productive research, says Eric Stover, faculty director of the Human Rights Center (see *The Rights Stuff*, p. 27). “Patrick’s background makes him very good at mapping and showing quantitative data,” Stover notes. “And Phuong’s very good at designing the research. Together, they can go into a country like CAR, which is absolutely the

toughest situation to be in—safety and even food for the team can be a big problem—and they know how to organize and get things done.”

Dueling Narratives

Vinck and Pham don’t so much spin a story as volley with it, batting the narrative back and forth like a badminton birdie. Here’s how they describe their first visit to Bangui, the capital:

He: We arrived in Bangui in May 2009. We flew to Bangui from ...

She: From Paris.

He: From Paris? Or from Amsterdam?

She: Oh, right, Amsterdam.

He: We arrived at eleven at night; it was very dark. The person who was supposed to meet us wasn’t there. There was no one we trusted or even knew there. There was nothing that was obviously a taxi there.

She: There were 300 people in a room not much bigger than our office. It took about two hours to get our luggage.

He: So after we found our luggage, we went to a hotel, supposedly the nicest hotel in the capital. The carpet had probably not been changed since the 1970s.

She: Or the 1960s.

The he-said, she-said dialogue also characterizes their intellectual collaboration. When designing and planning a study, they continually fire questions, problems, and solutions at one another.

Getting things done in CAR required solving immense logistical problems. Aside from a spider web of bad roads radiating outward from Bangui, CAR has virtually no infrastructure, utilities, communications, or other services outside the capital. Even gas stations are rare. “To



OLD, NEW, AND NEWER: In Bangui, tradition mixes with modernity. At right, a villager trained by Patrick Vinck records interview responses on a specially designed smart-phone device.

travel in most areas,” says Vinck, “we had to bring in all the gas we needed. We rented twin-cab pickup trucks; we had the driver and a supervisor in the front seat, four surveyors in the back seat, and a 50-gallon drum of gasoline in the bed of the truck.” They also carried tents, water, water-purification tablets, and one or two days’ worth of food. “But we’d stay out in the field for five or six days,” adds Vinck, “so we’d end up eating whatever the villagers brought us.”

Pham’s face brightens at the mention of food. “Oh, there’s a fish dish I really love,” she says, “this baby fish that they fry. There’s another, a fish they wrap in banana leaves and throw in the fire.” She beams as if the words somehow conjure up the tastes.

PHOTOS: PATRICK VINCK, PEG SKORPINSKI

The Rights Stuff

HRC’s Eric Stover Fights for Rights on a Global Scale

During nearly 30 years of human rights work, Eric Stover—faculty director of the UC Berkeley Human Rights Center—has covered a lot of ground, much of it war-torn and bleak. He’s studied the carnage wrought by land mines in Cambodia, inventoried mass graves in Rwanda and the Balkans, and witnessed the rise of rape as a weapon of war.

Stover has had a long and productive relationship with Boalt Hall, HRC’s new institutional home. An adjunct faculty member since 2007, he has collaborated with faculty and students on several large-scale projects, including a recent study of former Guantanamo detainees undertaken with Laurel Fletcher, the director of Boalt’s International Human Rights Law Clinic. The study is “a perfect example” of HRC’s cross-disciplinary approach, according to Stover. “We brought in law students to deal with the legal questions and social sciences students to design the questionnaire,” he says.

Thanks to funding from the MacArthur Foundation, the HRC is planning to study sexual violence and accountability in times of armed conflict and political unrest. Sexual violence is “a way of harming and terrorizing both individuals and communities,” says Stover, with soldiers and militia members engaging in systematic rapes, and even deliberately infecting women with HIV. No protocols exist for prosecuting sex crimes in international courts, but Stover hopes HRC can help fill that void.

“The MacArthur funding runs for three years, but I hope to dedicate 10 years to the project,” he says. “Together with Laurel Fletcher and David Cohen, who directs the War Crimes Center, I’d like to create a cadre of students around it.” Stover says that the project may begin this spring in Kenya. Later, he plans to bring in sex-crimes investigators, physicians, and social workers who have provided psychosocial services to victims, and prosecutors and judges experienced in international court proceedings.

It wouldn’t be the first time Stover has helped set standards for prosecuting war crimes. In the early 1980s he led forensic investigations of mass graves in Argentina, Brazil, Guatemala, and Iraqi Kurdistan—work that helped lay the foundations for the UN’s prosecution of war crimes in the Balkans. Stover notes that when prosecuting sex crimes, the needs of victims can differ from those of prosecutors. “It’s important to ensure that what you are doing is in their best interests—not just legally, but also with respect to their emotional and psychological well being.”—J.J.



FOUR FOR RIGHTS: (From left) Phuong Pham and Patrick Vinck with HRC Faculty Director Eric Stover and Executive Director Camille Crittenden.



Speed-Dial Research

HRC's innovative cellphone plan offers roaming chargers

Solange, a young woman from the Central African Republic, listened as a woman in a northern village described her abduction and rape by rebels from a nearby area. Peering down, Solange recorded the woman's answers on a palm-sized gadget. An hour later, the interview—her final one of the day—was done. She returned to the hut where the survey team was based and handed the smart phone to Patrick Vinck, who synched it to a laptop computer. In seconds, the information from the rape victim's interview—along with data from three interviews earlier in the day—was safely encrypted and stored in Vinck's laptop.

Although field conditions in CAR are primitive, the survey technology is a model of gee-whiz innovation. With the help of Neil Hendrick, a Chicago-based mobile-technology specialist who works full-time for the HRC, Vinck and Phuong Pham programmed Google Androids to collect survey data in remote African villages.

"We chose the Android because it's the only cellphone platform that's totally open source," says Vinck. "That allows us to customize the applications, and we get to work with all these young, vibrant developers."

They equipped their 20 local surveyors with Androids and solar chargers—essential, since the wilds of CAR offer no place to plug in—and taught them how to record the interview answers. Every evening, the field researchers would upload the day's data to laptop computers. "Data entry used to take us a couple of months," says Vinck. "This is so much faster. We did our field research in CAR in November and December, and we were already submitting articles in February."

Digital data is more accurate than paper-based, too, he says—and it's less vulnerable to damage from, say, hurricanes. "We had about 30 boxes of paper surveys from Uganda stored in the garage in New Orleans in 2005," recalls Pham. When Hurricane Katrina hit, the garage flooded—"Patrick's car was totally submerged," she laughs—and the surveys were ruined. Fortunately, the hard-won content in the soggy stacks of paper had already been computerized.

The mobile technology is a step forward for the locally hired field workers, too. "Most of these people have never seen a computer before," says Pham, "so this fascinates them. In Uganda, one of our field researchers was a woman who was a victim of violence—one of her hands had been cut off with a machete—and we were able to find a way for her to hold the PDA and enter data with one hand. It was so empowering for her. And it's great to see our surveyors excited about their work. The PDA adds another dimension to technology transfer, potentially enabling war-torn countries to leapfrog several decades of development."—J.J.

"We've eaten monkeys, snakes, wild hogs, and all sorts of insects and caterpillars," Vinck says. "What I like is the peanut sauces. They cultivate the peanut there, and they make all these great sauces."

The local food isn't just cuisine; it's also connection—banana-leaf diplomacy. "The first thing we try to do when we arrive in a village is go see the chief," explains Vinck. "A lot of people come to see what's going on, and some of them bring food. It's not exactly a ceremony, but it's an important way to start connecting. In every village we try to meet with the chiefs, priests, sometimes the military—people who know the situation and who can get us permission to work in the area."

Hiring local surveyors is crucial to their success—and even their survival. Besides winning trust and boosting participation, the local surveyors help keep the researchers out of harm's way. "If an interviewer tells us, 'no, we cannot work there,' we believe them," says Vinck. "If they say, 'OK, now it's safe to travel on this road,' we listen."

During two months of field research in CAR, Vinck and Pham, along with colleague Neil Hendrick, led a team of 20 locally hired interviewers—10 men and 10 women—and trained them to use specially programmed smart phones to record and log the survey data. (see *Speed-Dial Research*, left) The teams visited 117 villages and conducted 1,879 face-to-face interviews, each one averaging an hour in length. As sample sizes go, it was no big deal for Vinck and Pham, nor for HRC. "We're known for these huge population-based surveys," says Stover. "I think the words 'without fear or favor' should be inscribed over our doorway, because we go and find out from people what they're really thinking—which is not necessarily what the humanitarian groups think they're thinking."

Stover cites an unexpected finding that emerged several years ago from HRC surveys in northern Uganda, where ethnic violence has raged for nearly a quarter-century. Guerrillas with the Lord's Resistance Army have killed, mutilated, and enslaved tens of thousands of northern Ugandans; the strife displaced an estimated 1.6 million people, forcing them to live for years in squalid refugee camps. "In Uganda," Stover says, "we learned that people do want justice, but even more than they want justice, they want peace."

The situation in CAR is bad, but it's different from Uganda, says Vinck. "In CAR the violence is widespread and nationwide," he explains, "but it's about political power, not ethnic differences. It's not so much atrocities as theft, kidnapping, banditry. For example, anytime people try to go anywhere, they get stopped at a checkpoint and forced to give up half of what they have."

"A lot of villages formed self-defense groups," adds Pham, "but then as those grew, they became rebel forces and militias, and in the end, all the groups prey on the population."

Calculated Risks

Working in areas plagued by violence, Pham and Vinck risk becoming victims themselves, but they're stoic about the dangers. "I think we worry more for one another than for ourselves," says Pham. "When I left the Congo in 2007, there was fighting about 80 kilometers from where Patrick was working. I called colleagues from Rwanda and asked them to go evacuate him."

But Vinck remained—he worked in the Congo for half a year, during the peak of violence—and wrapped up his project. He worried more about the Congolese than about himself. "The first question we ask ourselves before we go anywhere is whether we're putting the respondents at risk," he says. "Our second concern is the security of the interviewers. But the reality is, in most of these places, they don't target foreigners. In CAR, we had to work in rebel-controlled areas, so in one village I had to negotiate with the rebel leader to get permission to work in the northern part of the country. They have an interest in negotiating peace, so they agreed."

"That's one of the things Patrick does that I do not like," says Pham. "He takes the most dangerous sites."

He shrugs. "I can't send teams to places that I wouldn't go." In CAR, Vinck led the teams in the northern areas, where rebels—from CAR itself or from across the border of Chad—tend to range; Pham's main role was planning and coordinating arrangements in the capital; Neil Hendrick led teams in the south, which is relatively free of rebel activity.

They've run the CAR data—the results of the 1,879 interviews—through multiple analyses, but they're keeping a lid on their findings until they are published in the scientific literature.

But while they're not ready to discuss specifics, they can talk in general terms, and they do so with evident sadness. Of all the countries they've worked in, they say, CAR is the bleakest. "It's the worst in terms of the poverty and the lack of infrastructure," says

Pham. "There are lawless lands; there are no services. Basically there's no state outside the capital; it's a phantom state."

"It's hard to compare places," Vinck adds, "but in CAR, there's something different about the desperation of the people. Things in the Congo are bad, for instance, but in general the Congolese people are very optimistic; they think things are going to get better. In CAR, people don't think that."

Yet paradoxically, he describes CAR as "one of our best research experiences. Bangui seems small and provincial," he adds, "and people told me it would be very difficult to find educated people to work with. But by the end, I felt like we had the most talented team of any we've ever worked with."

Vinck and Pham have a gift for finding the sheen beneath the world's cruel layer of tarnish; for savoring the tender fish and tangy sauce in the bare hut. Despite a decade immersed in poverty, suffering, and danger, they manage to radiate energy and hope. That's not to say they're insensitive or callused; they're clearly not. "When

“We find out from people what they're really thinking—which is not necessarily what the humanitarian groups think they're thinking.”

—Eric Stover, Faculty Director, Human Rights Center

"I'm in the field, it makes sense," says Vinck, "but when I come back home and think nobody cares about these problems, it's hard."

"For me," says Pham, "it's harder when I'm in the field. In Uganda, in 2005, I would see children walk 10 kilometers into the center of town every night for protection from abduction, then walk back to their camps for school in the morning. They call those children 'night commuters.' It was tragic. And we're so lucky."

"We are," says Vinck. "We always have the choice to come home. Sometimes I feel like I can't take it anymore," he reflects. "But two weeks after I get here, I think 'I have to go back.'"

Freelancer Jon Jefferson is a writer and documentary producer. He has coauthored five books on forensic anthropology.



Rights Timing

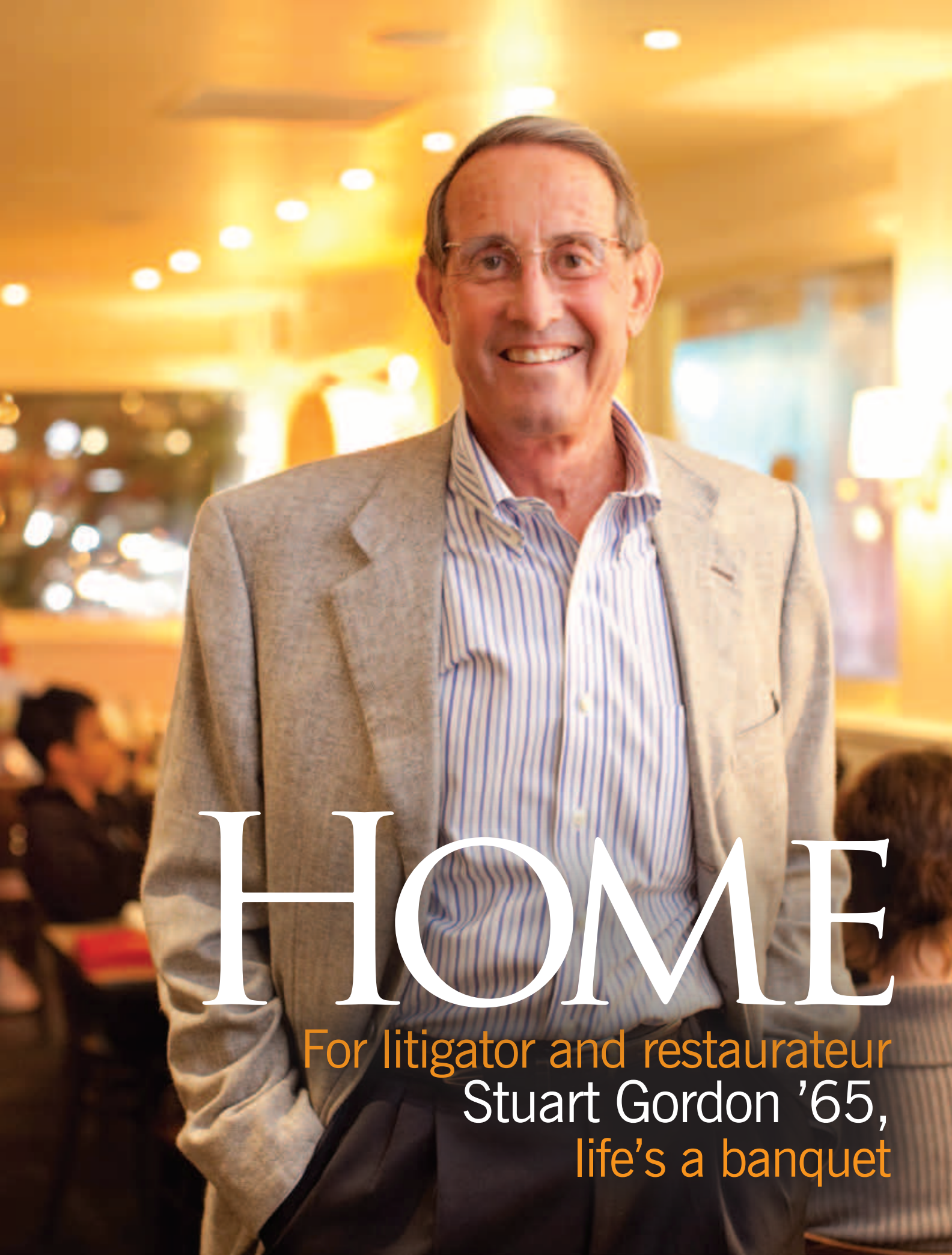
In 2006, former Human Rights Center (HRC) advisory board member Nadine Tang introduced Greg and Liz Lutz to Eric Stover, the center's faculty director. Liz joined the advisory board the following year, and since then she and Greg have been closely involved and strongly supportive of HRC's work.

They have been generous donors to

Boalt's International Human Rights Law Clinic (IHRLC) since 2001. Last year, Greg served on the selection committee for the Mobile Challenge, a competition that HRC held for innovative uses of mobile technology in human rights research and advocacy.

The Lutzes recently made a substantial gift to the university that will benefit the center, the clinic, and Cal Performances, where Liz has served as a trustee.

—Andrew Cohen



HOME

For litigator and restaurateur
Stuart Gordon '65,
life's a banquet

Seated at a linen-draped four-top on a chilly Wednesday night, Stu Gordon studies the menu intently, his gaze bouncing from the left-hand page, Classics (down-home comfort food: pot roast, flatiron steak, mac and cheese), to the right-hand page, Seasonal (garlic mussels, roasted asparagus, dungeness crab salad). His eyes ping-pong left and right as if there were a lot riding on his choice. In fact, Gordon has chosen every item on the menu: He is the hands-on major owner of Home, an upscale diner in San Francisco's lively Castro district.

PLATES

BY JON JEFFERSON

The object of his careful scrutiny is a brand new revision that Gordon hopes will walk the hard-to-define line between dependability and novelty. “We have a lot of repeat customers,” he explains, seated beside one of them—his wife, Florianne, who dines with him at Home once or twice a week. “Our regulars like to see their favorites on the menu. But if we don’t offer new things from time to time, they might get bored and decide they need to try someplace else.” The menu’s new Classics/Seasonal division—Gordon’s idea—is Home’s way of saying that it’s dependable, but not asleep at the stove.

Gordon—a top-tier attorney and a founding partner of Gordon & Rees, one of California’s leading commercial litigation firms—is also a dead-serious restaurateur. He fires off restaurant stats with machine-gun rapidity. “The average stay is one hour,” he says, surveying the crowd at the surrounding tables. “Tonight we’ll do 250; tomorrow night, 325; the weekend nights, 375.” He frowns briefly. “Last Sunday was an off night,” he concedes. “We were down by a hundred, because everybody was home watching the Academy Awards. So next year we’ll have an Oscar party, and give prizes for the three best costumes.” He says it with the air of a man who’s already sent the Oscar-party memo to the restaurant’s staff.

Gordon’s gradual transformation into a world-class foodie and owner of high-end eateries was unlikely, and he still

seems a bit surprised by it. “When I was a kid,” he recalls, “we never went out to eat more than once or twice a year. And my father had high blood pressure, so our food at home was unsalted.” Half a century later, the recollected blandness still causes Gordon chagrin. “And when I was in college, the fraternity food was terrible. I was seriously flavor-deprived.”

The scales fell from his palate during his third year at Boalt. “I moved to San Francisco that year,” he says—he’d taken a job at a law firm in the city—“and I started eating out almost every night.” It didn’t take long for him to notice what he’d been missing all those years and to begin making up for lost time. “It was probably the beef bourguignon that did it,” he laughs. “That and the red wine at La Bourgogne. They changed my life.”

At first, he was content to be an up-and-coming epicure. Then, in 1981, some of Gordon’s friends invited him to join a new Napa Valley restaurant, Auberge du Soleil. Helmed by a Swiss-trained Japanese chef, Masataka Kobayashi (“Chef Masa”), Auberge du Soleil rocketed to fame among Napa Valley’s fine-dining venues. Two years later, Masa decided to open a San Francisco restaurant, and Gordon agreed to back that one—Masa’s—as well. The restaurant’s French-Japanese fusion cuisine made it a swift success among San Francisco’s fussy food fanatics.

During his nearly three decades of restaurant investing, Gordon’s portfolio has encompassed dozens of upscale

FIVE-STAR SERVICE

In 2009, Gordon received the Boalt Hall Alumni Association’s Citation Award, the highest honor bestowed on Boalt alumni, for his dedication to public service, his contributions to the legal profession, and his support of Boalt Hall. The citation’s text:

“Over the course of his career, Gordon has helped build the robust law firm of Gordon & Rees and received numerous awards for his successful trial record, including California Litigation Attorney of the Year (*California Lawyer*), five successive years as a Northern California Super Lawyer (*Law & Politics*), and inclusion in the International and California editions of *Who’s Who Legal* for product liability defense. Gordon is actively involved in a wide range of community affairs, serving as past president and director of The Guardsmen, chairman of the Juvenile Justice Commission for the City and County of San Francisco, and board member of the Legal Aid Society of San Francisco, San Francisco General Hospital, and the San Francisco Boys and Girls Clubs. Gordon is a member of the Boalt Hall Campaign Cabinet and past president of its Alumni Association. He is also co-founder of UC Berkeley’s Bear Backers, an organization which raises over \$8.3 million a year to support athletic programs at the University, and he serves on the advisory board for the Cal athletic director.”



PHOTO: JIM BLOK

California eateries, including Restaurant Gary Danko (“the finest restaurant in San Francisco,” Gordon says) and The French Laundry, which is considered one of the best restaurants in the entire nation. But Home is where Gordon’s heart is. “We have a special relationship with Home,” he says, as a server delivers fanned-out slices of ripe avocado for Florianne’s salad. “I’ve put a lot of money into it, and we spend a lot of time here.”

From League to Legal

Gordon would never have tasted that life-changing beef bourguignon were it not for a curve ball life threw him after his junior year at UC Berkeley. A serious jock back then, he was a starting pitcher for the Cal baseball team, and the 1961 season began brilliantly for him. “I was 7 and 0,” he says, “with an earned-run average well under two.”

Then, batting during a summer practice game, he laid down a bunt and sprinted for first base. “The ball, the first baseman, and I got there at the same time,” he recalls. The ill-fated collision tore a ligament in Gordon’s pitching shoulder, and the shoulder—like Gordon’s fastball—was never the same again.

Though he played again his senior year, his hopes for a career in professional baseball were gone.

With baseball off the table, a legal career was a natural choice: The courthouse was nearly as familiar to him as the baseball diamond. His father, Jack, served for many years as the master calendar clerk for the Los Angeles County Courts. During high school, Gordon had a part-time job as a runner at the L.A. County Courthouse, picking up and delivering the plaintiffs’ jury books.

Boalt Hall was a natural choice, too, and not just because Gordon earned his undergrad degree from Cal. “The dean of the law school, Frank Newman, was a big baseball fan,” he chuckles, “so he made it easy for me to get in.” No doubt Newman also recognized Gordon’s smarts and drive to excel: Gordon was elected president of Boalt’s class of 1965, and was the class’s top grade earner as well.

“I got my first job at age seven,” he says, “when I took over



DINERS CLUB: Stu Gordon and his wife, Florianne, dine together at Home restaurant once or twice a week.

Gordon’s gradual transformation into a world-class foodie and owner of high-end eateries was unlikely, and he still seems a bit surprised by it.

my brother’s newspaper route. I’ve been working ever since. From the time I was seven, I’ve never taken more than two consecutive weeks off work.” Besides delivering newspapers and running jury books, Gordon has hawked popcorn and souvenirs at Hollywood Stars baseball games, entered flight information in United Airlines’ computer system, and done gumshoe work during a summertime college stint at a private-investigation agency. And during his third year of law school, he worked 30 hours a week at Walkup Downing Wallach & Sterns.

Gordon attributes his work ethic to the same source as his love of baseball and his penchant for treating everybody—from clients to bus boys—with courtesy and encouragement: his dad. “My father left home for work every morning at six-thirty,” he says, “but he always made time to come to my baseball games.” And watched with an expert eye: He played semipro baseball as a young man and passed his knowledge and skills on to Gordon.

Medicine Man

In the early years of his legal career, Gordon discovered and cultivated a talent for

medicine-related litigation. In 1974, he and Donald Rees—a Stanford law grad with whom he worked when both were young associates at Walkup Downing Wallach & Sterns—partnered to form their own firm, Gordon & Rees.

The firm is now a litigation powerhouse with 17 offices in 11 states and a stable of more than 400 attorneys. Uncharacteristically, the exact number eludes Gordon. “It’s hard to keep track,” he says, “because we’re always hiring. We’re more insulated from the recession than many firms because we do a lot of litigation.” Being top dog at an enormously successful enterprise hasn’t dulled Gordon’s prodigious appetite for work. “It’s important to me to be a major contributor at my firm,” Gordon says. “I’m often the first one there in the morning and the last one to leave at night.”

Gordon quickly carved out a reputation for skillfully defending medical malpractice cases. Over the years, though, he’s found himself drawn more to pharmaceutical and medical-device litigation. “You deal with a really interesting array of

people in these cases— medical directors, the people who watch for increased claims, the folks involved in regulatory oversight. It's fascinating to get a case involving a product you know nothing about—a product that's taken years to develop and bring to the market—and then delve into it and find out as much as you can."

One product he's become an expert on during the past two years is fen-phen, the two-drug anti-obesity combination that became wildly popular in the early and mid-1990s, only to be abruptly withdrawn from the market later in the decade after being implicated in serious heart and lung problems. In 2008, Gordon and Florianne planned to take a two-week African safari—a rare vacation—but pharmaceutical giant Wyeth, which was confronting billions of dollars worth of fen-phen liability claims, tapped Gordon to be its national counsel. Two years later, in late March of this year, the couple finally took off to Africa.

Fast Company

Not surprisingly, Gordon plays as hard as he works. He's completed 54 marathons, logging tens of thousands of miles on training runs and in races. "In 2003, Florianne threw a 50,000-mile party for me," he says. "She invited everybody I'd run at least a thousand miles with. There were probably ten of those people, including several I'd run 10,000 miles with."

"I'm on my Blackberry every day from six in the morning until at least eleven at night."

—Stu Gordon

Though no longer running marathons, Gordon still works out an hour a day, usually in a spin class or on an elliptical machine. He's got the heart and lungs of a man half his age and, judging from his cell-phone regimen, an Olympic-class pair of thumbs. "I'm on my Blackberry every day from six in the morning until at least eleven at night," he says, a claim to which Florianne nods eye-rolling assent. "My rule is, I don't go to bed if there are unanswered messages."

Multitasking seems to be part of Gordon's DNA. "My mind goes off in so many different directions," he says, "it's hard for me to stay focused on one thing." Indeed, during an initial 15-minute telephone interview for this article, Gordon used his Blackberry to finalize the new menu and wine list for Home, review the financial performance of The French Laundry, line up tickets for a Cal-Arizona State basketball game, and review the agenda for an upcoming meeting of the Cal athletic director's advisory board.

Florianne—a competitive runner since the 1970s—has run thousands of miles with him; they met at the 1982 New York City Marathon. "I ran it in 3:33," Gordon recalls. "Florianne ran a 2:52." She outpaced Gordon by more than 90 seconds a mile. "She was the fastest woman in Northern California," he brags. A week after they met, he and Florianne ran the Golden Gate Marathon; Gordon struggled through the first half with her, then hit the wall.



FRENCH BLISS: Stu Gordon's first restaurant investment was Auberge du Soleil, a French eatery in Napa Valley. Nearly 30 years later, it still ranks as one of Northern California's finest dining establishments.

PHOTO: AUBERGE RESORTS

Home Run

Having hit the ball out of the park, professionally and financially, it would be understandable if Gordon—now an astonishingly youthful 69—chose to take an easy jog around the bases from here on out. Instead, he still hustles as if he were stealing second in the ninth inning of a tie game. He's generally up by six every day, and his day starts with Home. "First thing every morning, I look at all the financials from the night before," he says. "They send them every night around 12:30, and I see them at 6:30." So far the latest financials suggest that the restaurant's new menu is striking the right balance with customers, although you can bet Gordon will be tracking them closely to make sure.

An hour after sitting down at the table, Gordon's polishing off a roasted pork chop, one of the new Seasonal offerings. True to Home's bounteous tradition, the chop measures nearly two inches thick and comes with generous sides of bourbon-glazed sweet potatoes and sautéed chard. Gordon polishes off the chop and the potatoes, but he leaves some of the chard behind. "It's a little bitter for me," he shrugs. "I don't want anything bitter in my life."

"Don't bring me bad news," Florianne chimes in, quoting what seems to be one of Gordon's mantras.

He nods. "No bad news, and no bitterness."

There's no hint of either in the congenial hustle and bustle of Gordon's pride and joy. Surrounded by the clatter of plates, the clinking of wineglasses and silverware, and the chatter of half a hundred other conversations, Stu Gordon looks content and, if only for the moment, relaxed.

Home, sweet Home.



MOVEABLE FEAST



STU GORDON has done his due diligence when it comes to comparison dining. His work requires a lot of globe-trotting, and by his reckoning—which tends to be meticulously accurate—he has dined at more than 3,000 restaurants around the world.

He's brought tasting notes back Home, of course, but also to three dozen other restaurants in which he has invested, including 23 currently.



When he's not tucking into a Home-cooked meal in the Castro, he might be found frequenting one of these other favorites from his portfolio:

Auberge du Soleil | Rutherford (Napa Valley)
Cuisine: French

Epic Roasthouse | San Francisco
Cuisine: Traditional and contemporary steakhouse

The French Laundry | Yountville (Napa Valley)
Cuisine: Country French and American

Gary Danko | San Francisco
Cuisine: New American

Masa's | San Francisco
Cuisine: Contemporary French





ON THE MOVE

BOALT
STUDENT
ACTION
FIGURES

A Real Dream Team

Since they met in 2002 at Miami-Dade Community College, married couple Emilio J. Rodriguez '11 and Franchesca Marrero-Rodriguez '11—both high-school dropouts turned academic all-stars—have been there for each other. It's one of the secrets to their astonishing success.

Each made premature departures from Miami high schools—Emilio from predominantly Hispanic Miami Coral Park. He was then, he says, a “straight-F student.” His father, Emilio Rodriguez Sr., issued an ultimatum—get back to school or get out of the trailer they shared. The defiant son left home and was soon moving with a neighborhood gang.

Unlike high school, the experience awoke him to his intelligence and leadership ability. Both green recruits and

senior members alike respected him and sought his advice.

Emilio realized that lifetime membership in the gang—enforced by the threat of retribution for quitters—was a bad career choice. During a period of relative calm on the group's turf, Emilio—and this bodes well for his legal career—convinced his fellow members to disband.

He enrolled in an opportunity school—Miami MacArthur South—with a modest goal: one grade above an F. He managed a couple of encouraging D's, but after seeing a boy snatch honor after honor at an awards ceremony, he made a vow: “Next year, I'm going to be that kid.” The following year he aced every class, and became, he confesses, “addicted to A's.”

Emilio and Franchesca met in 2002 at Miami-Dade Community College.

Love at first sight? “By all means,” says Emilio. “We were drawn together immediately by our similar backgrounds as high school dropouts and our ambition to put that behind us.”

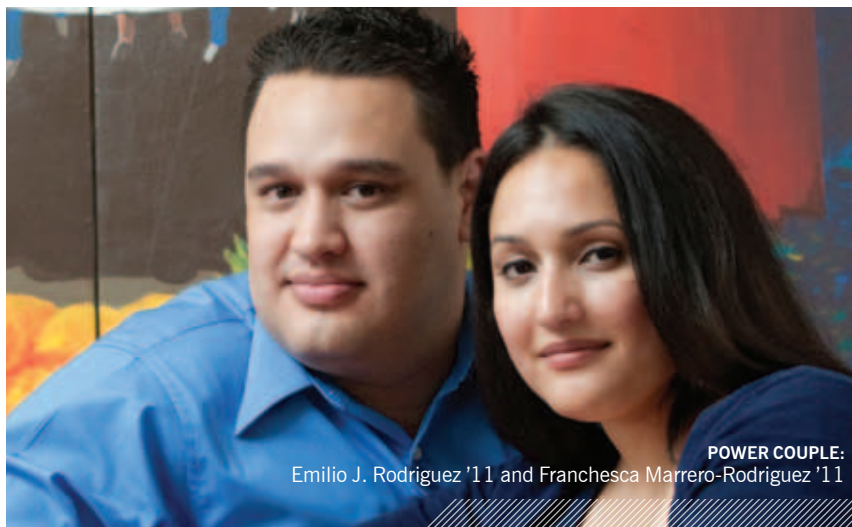
After Franchesca had dropped out of Flanagan High School, her mother, Ida Marrero, begged her to return. Franchesca relented and entered Hallandale Adult Community Center, an alternative high school. There, displaying the grit and persistence she shares with Emilio, she fought and won a successful battle to enter a dual-enrollment program with the community college and eventually was accepted into the school's honors program. To catch up with Emilio, she completed two years of academic work in one.

In February 2003, they were married, and by fall they were enrolled at top schools: Emilio at Columbia and Franchesca at NYU. He graduated with a joint major in economics and political science, and she with a double major in economics and math.

Aside from two of Emilio's half-sisters, the couple are the first college graduates in their respective families. They credit each other and their parents. Franchesca says, “No matter what my circumstances, my mother always told me that I could do great things. I think that was key.”

Other law schools took a keen interest in them, but only Boalt offered to fund a visit up front. “It made a big difference,” says Franchesca, “that Boalt cared enough to make sure that we came here to meet them.”

— Emily Bruce and Jared Simpson



POWER COUPLE:
Emilio J. Rodriguez '11 and Franchesca Marrero-Rodriguez '11

PHOTOS: JIM BLOCK

One of the New Breed

Thanks to a \$10,000 Stem Cell Law and Economics Fellowship from the Berkeley Center for Law, Business and the Economy, Asher Hodes '12, will spend this year exploring the brave new world of IP law engendered by advances in stem-cell research.

Stem cells are the shape shifters of the molecular world, with the potential to be coaxed into growing into virtually any cell type, including the body's own disease-fighting superheroes. Stem-cell research promises medical miracles but also a host of legal headaches. Treatments derived from reprogrammed stem cells will only work if the starting ingredients match the immune system of the individual patient—or the small subset of patients with very close immunotypes. They thus constitute a novel, “personalized” medicine that will require creative law-making and regulations

to protect not only public safety, but companies' investments.

Hodes will be looking into how the FDA and the patent office might address the fact that smaller, fragmented markets mean lower profits for stem-cell therapy companies, and thus potentially a disincentive to develop new treatments. “How to deal with lower profits was the big question of my proposal,” he says.

Currently Hodes is focusing on somatic cell nuclear transfer: taking donor cells from one individual and reprogramming them into new stem cells. “From an IP angle, it's the same—you're not patenting one single thing, instead you've got a family of related things,” says Hodes—but they still aren't identical. If the FDA were to require separate regulatory approval for each, that could have a chilling effect on development.

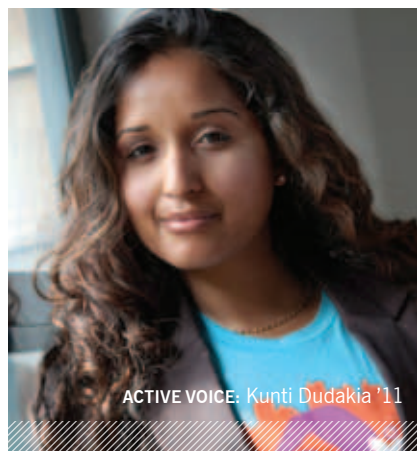
Hodes is one of a new and expanding breed of scholars: the scientist-

lawyer. Just 31, he holds a Ph.D. in Microbiology, Immunology and Molecular Genetics from UCLA ('08). His eight published scientific papers include a 2004 *Nature* co-author credit. Research he undertook in UCLA's microbiology lab led to a partnership with AvidBiotics Corporation to develop a patent that was granted this year. He has also made a point of getting outside the lab and the library for hands-on experience: Last summer he visited far-western Nepal, where he helped set up a diagnostic lab for a community hospital. —Bonnie Powell



DR. SCIENCE: Asher Hodes '12

An Active Scholar



ACTIVE VOICE: Kunti Dudakia '11

Kunti Dudakia '11, whose mother is Haitian and father Indian, recalls spending many hours in her teens straightening her hair to better fit in with her white classmates in Orange County, California. Arriving at UCLA, the year after Proposition 209 became effective,

she was dismayed to find few African-Americans there, either.

Dudakia—one of the first recipients of the William K. Coblentz Fellowship—has also witnessed her mother struggle with social and cultural barriers that have blocked her access to effective treatment for her bipolar disorder and schizophrenia. These early experiences led her to become both an activist and a scholar focused on the intersection of race and gender. At UCLA she interned at the California Women's Law Center and produced a documentary film, *Are You Black Enough?: The Politics of Black Female Identity*, which won a place at the 2009 UC Davis Feminist Film Festival.

Dudakia's Coblentz award landed her a fellowship at Boalt's Thelton E. Henderson Center for Social Justice where she played a leadership role

developing a symposium on African-American women, mental health, and the justice system.

Though her fellowship is now at an end, Dudakia continues to serve on the symposium's steering committee. She also devotes seemingly endless energy serving as the chair of the Student Liaison Committee on Faculty Appointments, a board member on the Women of Color Collective, an editor with the *Berkeley Journal of African-American Law and Policy*, and working with numerous other groups including the East Bay Community Law Center's Housing Clinic. “It sounds clichéd,” Dudakia says, “but I think if you really want to do something, you make time.”

Dudakia ultimately wants to help change the law's approach to gender and race. She is considering a career in impact litigation, but she also hopes to return to academia one day. “Working on the symposium, I came to appreciate and respect both worlds.” —E.B./J.S.



ON THE SHELVES

NEW AND
NOTABLE WORKS
FROM THE BOALT
COMMUNITY

PODCAST: DAVID ONEK

Talking Crime Online

The major challenge facing most newbie podcasters—building enough credibility to attract a large listenership—has not been a problem for Boalt Hall criminal justice expert David Onek.

Piloted in November and launched in February, his *Criminal Justice Conversations Podcast* quickly gained traction and traffic. White House drug czar Gil Kerlikowske appeared on the first episode, National Public Radio San Francisco affiliate KALW signed on to broadcast excerpts on the air and post full shows online, and Onek’s myriad contacts produced a VIP roster of guests.

The buzz doesn’t surprise former Los Angeles Police Chief and podcast guest Bill Bratton, who calls Onek “one of the most promising young criminal justice leaders in the country.”

Onek founded the Berkeley Center for Criminal Justice (BCCJ) in 2006 and was its executive director for more than three years. Now a BCCJ senior fellow as well as a San Francisco police commissioner, he previously worked as deputy director of San Francisco Mayor Gavin Newsom’s Office of Criminal Justice, and at the W. Haywood Burns Institute, Legal Services for Children, and National Council on Crime and Delinquency.

San Francisco District Attorney Kamala Harris, another podcast guest, says “David’s wide-ranging criminal justice experience in his remarkable career makes him the perfect person to educate both practitioners and the general public on how we can be smart on crime.”

The weekly podcast—a coproduction of BCCJ and the UC Berkeley School of Journalism—features in-depth, half-hour conversations with law enforcement officials, policymakers, advocates, service providers, academics, and others. In addition to Kerlikowske, Bratton, and Harris, Onek’s guests have



PODCASTING A WIDE NET: David Onek’s new criminal justice podcast has netted a VIP roster of guests.

included Omega Boys Club founder Joe Marshall, California Department of Corrections and Rehabilitation Secretary Matthew Cate, Delancey Street Foundation President Mimi Silbert, and California State Senator Mark Leno. The podcast lineup is already booked several months ahead.

“David is the rare criminal justice leader who is extremely well regarded by both the advocacy community and by law enforcement,” says NAACP President and CEO Benjamin Jealous, who is scheduled as an upcoming guest.

“Criminal justice issues are complex, but all we usually hear are brief sound bites and simplistic slogans,” Onek says. “The podcast digs deeper with detailed, nuanced conversations about criminal justice policy.”

With a firm grasp of the issues and strong relationships with his guests, Onek believes listeners can “feel like they’re eavesdropping on an interesting and candid conversation between two colleagues over a cup of coffee.” —Andrew Cohen

Playing It Right

Mike Antin '63 makes it sound easy: He sits down at a piano and in a few minutes he's written a song. The music just pours out—he's written three musical comedies since 2008.

Antin started studying piano as a child. At 13, he put aside his five instruments to attend a high school that didn't allow college-tracked freshmen into orchestra. He sang while at UCLA, but left music behind as law took over.

More than four decades later, Antin had a successful practice and a reputation as a go-to tax law specialist—but the muse kept whispering in his ear. He started playing piano again and was surprised to find he had a lot of music inside waiting to be let out. The flood of compositions led to his first musical, *Answer the Call*, recently performed at the Hollywood Court Theatre.

Answer is chockablock with wonderful songs and sly humor—but there's also depth with dark undertows. A reluctant 11-year-old boy (who sings a rock-inspired "School Sucks" like he

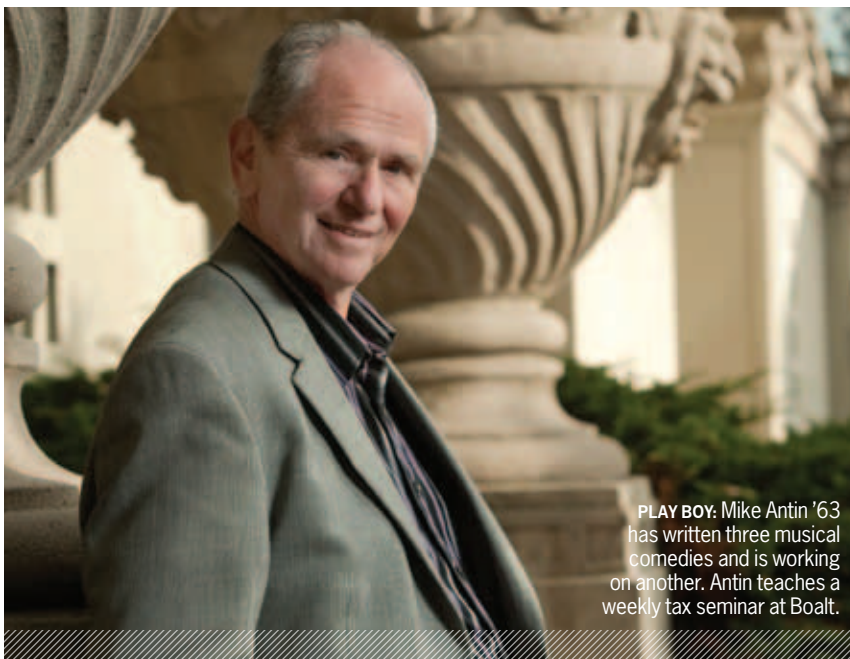
means it) interviews his grandfather for a school assignment. The old guy's answers form a musical odyssey from World War II France to Nashville to Los Angeles, and finally to the heart of a troubled but ultimately loving family.

Now retired from practice, Antin has taught law at Boalt since 2008—and also in Latvia, the Czech Republic, and Poland. Every Thursday he flies in from Burbank to teach an afternoon tax seminar at Boalt.

Recently, Antin eagerly accepted an offer from the production manager at Carnegie Hall to stage his most recent play, *Butterfly*, at an off-Broadway house. The musical—about a woman who finds love despite physical and verbal abuse from her father—will be performed in New York for two weeks this summer and later in Hollywood. If well received, both venues will likely run fall productions.

Says Antin: "Following one's passion, especially in the arts, is overwhelmingly satisfying—making retirement busy and certainly entertaining."

—Jared Simpson



PLAY BOY: Mike Antin '63 has written three musical comedies and is working on another. Antin teaches a weekly tax seminar at Boalt.

BOOK:
PAMELA SAMUELS YOUNG '90

Attorney-Reader Privilege

"Lawyers get a bad rap," begins the description of Waverly Sloan, the protagonist of *Buying Time* (2009, Goldman House), the latest thriller from Pamela Samuels Young '90.



"Strip away the arrogance, the greed, and the half-truths, and you'll find a decent human being underneath."

Sloan's own decency and humanity are well hidden. As the book opens, he's facing disbarment and bankruptcy, and he's got an edgy wife who's not going to take the bad news well. His troubles are just beginning, though. Just when Sloan thinks he's found a way out, he finds himself drawn into a murder plot—one that threatens to include his own death.

Buying Time is Samuels Young's fourth legal thriller, but Sloan is her first male protagonist. The three prior works star Vernetta Henderson, who sounds suspiciously like the author herself: a smart, snazzy employment-law attorney walking the wire between career and family.

Why the switch to a male protagonist? "I was really anxious to write a standalone book," she explains. "When I first started writing *Buying Time*, I really missed the recurring characters from my first three books. But in no time, the new characters felt like old friends." And good friends: *Buying Time* earned Samuels Young the 2010 fiction award from the Black Caucus of the American Library Association.

Her next novel—*Attorney-Client Privilege*—will bring back Vernetta Henderson. Confronted by a suspicious death and an unscrupulous corporate lawyer who'll stop at nothing to win, Vernetta's on a quest for justice and vengeance.

—Jon Jefferson

Buying Time
By Pamela Samuels Young

Published by Goldman House, 2009



INSIGHT: Betting on California



BY GREG CALL '85

“This is not the time to cash in our chips. This is the time things start to get interesting.”

Every March I fill out my office pool NCAA bracket. As usual, I bet heavily on California schools. But this year the competition was different. Instead of only California lawyers and staff, it included offices on the east coast and overseas. Late last year, our 28 Folger Levin & Kahn California litigators joined the international firm of Crowell & Moring, which laid down its own California bet by opening offices in San Francisco and Los Angeles.

In preparation, I pored over the preachings of bracketologists who claimed that the west coast—and California in particular—had no teams worthy of even a first-round bet. Meanwhile, media pundits are also writing off the state as yesterday’s news. The latest gold rush is over. They dismiss California as the land of broken government, home foreclosures, and high unemployment.

Attention-grabbing as the doomsday headlines may be, the pundits are hardly original. They’ve been writing off California for more than a century. In 1855, it was described as “lawless, penniless, and powerless.” That was before Levi Strauss, Bank of America, Disney, HP, Intel, and Gap. In 1977, we heard that “the peak came in 1974.” Since then we saw the rise of the internet and a new wave of successful California startups, including Apple, Yahoo!, Pixar, and Google.

Of course, there is reason to worry about California’s future. Like most of America today, it is weathering grave problems: empty houses, high unemployment, and government cutbacks. But even in these trials, California still has the characteristics that proved the pundits of 1855 and 1977 wrong. The backbone is still in place.

The people are diverse. Today there is no racial majority in California. People continue to come from all over the world, with new ideas and dreams.

Change is a core Californian value. Many cultural and economic trends originated here—from

tax cuts and the internet to California cuisine and theme parks. In a state where transformation is part of the culture, new ideas and opportunities have more fertile soil for growth. Today, California is on the cutting edge of the new green revolution. As the world considers the issues surrounding climate change, the Golden State is implementing ambitious measures to reduce carbon emissions. As a result, state businesses are springing up that explore new ways of making products and buildings, moving people, and providing electricity.

The state has the resources. While its public schools face many challenges, California remains home to some of the world’s great public and private universities that continue to produce new ideas and people with new dreams. California also has created institutions to fund the ideas and turn them into opportunities and jobs. Today a large percentage of venture capital money invested nationwide stays in California.

So where do lawyers fit in? California attorneys are uniquely positioned to help their clients address the problems and opportunities that change brings. In my own career, some of the most interesting matters have involved the interaction of transformational technologies and existing law or the impact of new laws on existing practices. History has proven this is not the time to cash in our chips. This is the time things start to get interesting.

California clients will always look to lawyers to help them solve the challenges that change brings, but the lawyers who succeed will provide their clients with ways to take advantage of it.

This came to mind as I bet on California in my NCAA pool. We should never fear optimism. My schools didn’t reach the Final Four, but my bet was driven by what I believe for the long term. And that’s not going to change just because of one season.



Greg Call '85 is a partner in and head of Crowell & Moring's San Francisco office. He represents both plaintiffs and defendants in complex commercial cases.



NEWS AND
NOTES
FROM THE
ALUMNI
CENTER

ADVANCEMENT



Dear Alumni and Friends,

Five years ago, Dean Edley set ambitious goals to bolster Boalt's financial aid program, expand and retain our world-class faculty, establish high-impact research centers, and make our campus state-of-the-art. I am proud to report that many of our goals have been realized. This year alone, we offered financial aid to more than 80 percent of our students. We added new faculty members (see page 7). Our research centers are involved in projects ranging from international human rights to copyright reform. And, we opened a new student center and created a beautiful West Terrace—soon, with your help, to be renamed the I. Michael Heyman Terrace (see page 16). Please come see them for yourself!

Since the last edition of *Transcript* we have seen thousands of alumni and friends at events around the globe—from Bangkok to Berkeley. On campus, Safra Catz, CEO of Oracle, provided students with an insider's look at the anatomy of a business deal. We held a luncheon for scholarship donors and recipients, and welcomed students, alumni, and friends to our annual McBaine Moot Court competition. We also honored California Supreme Court Justice Kathryn Werdegar for her distinguished public service and former Dean Herma Hill Kay for her 50 years of teaching (see page 43). Many more events are planned for the coming months and we hope to see you at one—or more!—of them. In particular, save October 1 and 2 for the Citation Award Dinner and Alumni Weekend.

We hope you are proud of these many accomplishments. Thanks to the loyal generosity of Boalt's alumni and friends, the Campaign for Boalt Hall has raised more than \$75 million toward our \$125-million goal.

There is still much to do and we need your leadership and support. As we move toward completing the Campaign for Boalt Hall, I look forward to working with you to guarantee Boalt's preeminence. Thank you for your continued interest and investment in Boalt Hall!

Best regards,

Anders Yang
Dean for Development and Alumni Relations

“Thanks to the loyal generosity of Boalt's alumni and friends, the Campaign for Boalt Hall has raised more than \$75 million toward our \$125-million goal.”



GO BEARS!

Boalt Hall alumni can purchase \$30 discounted tickets for the last 2010 Cal football season in the historic Memorial Stadium before renovation!

TICKETS ARE AVAILABLE BEGINNING JULY 21 FOR:

Saturday, Sept. 4
vs. UC Davis

Saturday, Sept. 11
vs. Colorado

Saturday, Oct. 9
vs. UCLA

Saturday, Oct. 23
vs. Arizona State

Saturday, Nov. 13
vs. Oregon

Saturday, Nov. 27
vs. Washington

To order, go to <http://www.CalBears.com/> code and enter BOALT.

FOR GROUPS OF 10 OR MORE, CALL 510.643.6673 or email alumni@law.berkeley.edu.

PHOTO: JIM BLOK

Holly Fujie '78: A Champion of Diversity

“Whatever success I have achieved in my career I owe to Boalt, and I know that I will never be able to repay that debt.”

—Holly Fujie '78

Holly Fujie '78 is a longtime advocate and ally of the Boalt Hall community. She is the current president of the Boalt Hall Alumni Association for 2010–2011. She has served as a member and co-chair of her reunion campaign class committee, co-chair of the Citation Award Dinner, and as captain for her firm in the Partners in Leadership program.

Fujie moved to Los Angeles after graduating from Boalt to begin what has become a landmark career. She initially joined a firm of 70 lawyers as a litigator, later became a partner in two succeeding firms, and is currently a shareholder at the business law firm Buchalter Nemer in Los Angeles.

In 2008, she was elected the 84th president of the State Bar of California, becoming only the third woman president since the organization was established in 1927. Her focus during her term was to improve circumstances and opportunities for women and minority lawyers in the legal profession, specifically through mentoring.

Holly's passion for her career is deep and infectious. Her vision of a truly diverse profession stems from a multicultural life filled with an array of experiences and accomplishments.

“Whatever success I have achieved in my career I owe to Boalt, and I know that I will never be

able to repay that debt,” says Fujie. “The best way I can think of to thank Boalt is to work towards ensuring that the school is able to continue to provide the best legal education in the country.”

—*Summer Staino*



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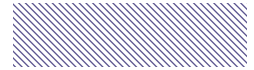
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A Celebration of WOMEN LEADERS



Honoring Professor Herma Hill Kay and Justice Kathryn Mickle Werdegar '62

On April 30, hundreds of alumni, faculty, students, and friends of the Boalt Hall community gathered at the Inter-Continental Hotel in San Francisco to pay tribute to two of its most accomplished women, Barbara Nachtrieb Armstrong Professor of Law and former Dean Herma Hill Kay and California Supreme Court Justice Kathryn Mickle Werdegar '62. Professor Kay was recognized for her 50th year of teaching at Boalt and Justice Werdegar was honored with the Judge D. Lowell and Barbara Jensen Public Service Award at the first-ever Boalt Hall Celebration of Women Leaders.

Justice Greg Hobbs '71 kicked off the evening by reciting a poem he wrote for Kay—*A Class Action* (see page 45). U.S. Supreme Court Justice Ruth Bader Ginsburg gave special video remarks highlighting her relationship with Kay over the years and admired Kay's "persistent effort over a half century's span... to make what was once extraordinary quite

commonplace—law faculties and student generations that reflect the full capacity, diversity, and talent of all of our nation's people." Elizabeth Cabraser '78 then introduced Kay, noting her impact as a teacher, mentor, and pioneer and paying tribute to her lifelong dedication to women's rights.

Kay has the longest tenure of any faculty member in Boalt Hall history. In 1998, the *National Law Journal* named her one of the 50 most influential female lawyers in the country and one of the eight most influential lawyers in Northern California.

Justice Werdegar received her B.A. from the University of California at Berkeley. Prior to her appointment to the California Supreme Court in 1994, Werdegar served on the First District Court of Appeal in San Francisco.

Before her appointment to the bench, Werdegar served in the U.S. Department of Justice in Washington, D.C., and directed the criminal law division of California Continuing Education



Elizabeth Cabraser '78 presents a plaque to Professor Herma Hill Kay commemorating her 50 years of teaching at Boalt.



California Supreme Court Justice Kathryn Mickle Werdegar '62 was awarded the Judge D. Lowell and Barbara Jensen Public Service Award.

of the Bar. She was also a senior staff attorney with the California Court of Appeal and the California Supreme Court, was professor and associate dean for Academic and Student Affairs at the University of San Francisco School of Law, and served as a board member on the Boalt Hall Alumni Association.

In addition to Choper and Cabraser—the latter the distinguished recipient of the ABA’s 2010 Margaret Brent Women Lawyers of Achievement Award and co-chair

of the Campaign for Boalt Hall—speakers included Holly Fujie ’78, president of the Boalt Hall Alumni Association Board and immediate former president of the California Bar Association, Dean Christopher Edley, Jr., and Colorado Supreme Court Justice Gregory Hobbs ’71.

Prior to the gala, Karen Skelton ’92, Maria Echaveste ’80, and Mary Ann Mason hosted a presentation on *The Shriver Report: A Woman’s Nation Changes Everything*. —*Summer Staino*

TOP LEFT: Dean Christopher Edley, Jr.

TOP MIDDLE: John Davies ’62

TOP RIGHT: A poetic tribute to Herma Hill Kay written by Justice Gregory Hobbs ’71



FENWICK & WEST SPONSORED TABLE FOR FACULTY AND STUDENTS FROM THE SAMUELSON LAW, TECHNOLOGY & PUBLIC POLICY CLINIC

FROM LEFT TO RIGHT: Michelle Anderson ’04
Noemi Parrotta ’10
Manuela Colombo ’10
Jennifer Lynch ’05
Jennifer Urban ’00
Juliana Marques ’11
Sharzad Radbod ’11
Morgan Hague ’11
Angelica Ornelas ’11



BOTTOM RIGHT: Gloria DeHart ’65 and Ann Fallon ’83

A CLASS ACTION

A class action in every way
smart, humble, kind
Herma Hill Kay

A new student of the law
could find no better lifetime
mentor, exemplar, guide

And when I lean into the heart
of an argument
I can hear her reasoning voice

Fiercely searching for the truth
of women, children, men
equal before the law

And when they are not treated so
to ask the only pertinent question:
What will you do about it?

—Justice Gregory Hobbs '71

AlumNetwork

CONNECT NOW!

AlumNetwork is Boalt's new online community, where you can:

- Search the online alumni directory for classmates and view and update your profile
- Keep up with job openings, Boalt community news and events
- Share your news and read class notes from fellow alumni
- Join Boalt communities on Facebook, LinkedIn, and Twitter

Visit <http://www.law.berkeley.edu/alumnetwork> to learn more. Encourage your fellow alumni to connect, and check back frequently. AlumNetwork will be constantly growing!

Upcoming events

SAVE THE DATE!

July 15

Happy Hour with Alumni and Students at Busboys & Poets in Washington, D.C.

July 29

Alumni and Student Reception at Stevens, O'Connell & Jacobs in Sacramento

August 6

Alumni and Student Reception with Dean Edley at the ABA Annual Meeting in San Francisco, location TBA

August 27-29

Class of 1965 Reunion in Napa Valley

September 25

Alumni Reception at the State Bar Annual Meeting in Monterey

October 1

Citation Award Dinner at the Palace Hotel in San Francisco

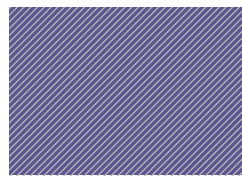
October 2

Alumni Weekend: CLEs and Reunion Celebration

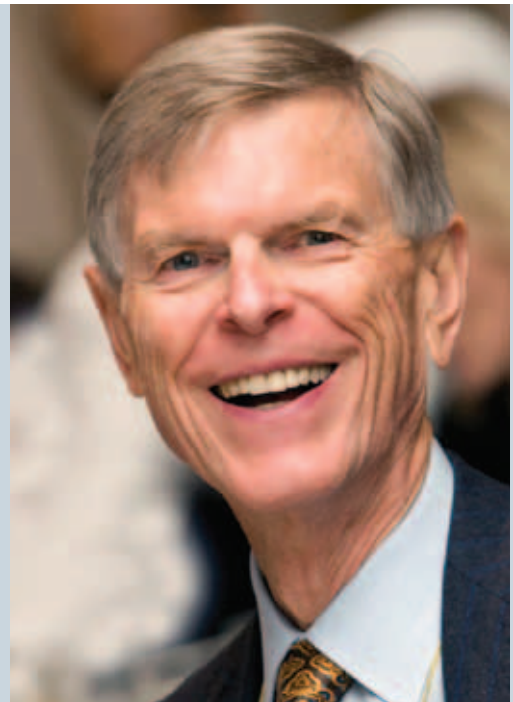
December 3

State Bar Swearing-In Ceremony and Reception
(See back cover for details)





PROFILES IN



“A planned gift allows us to maintain our money’s earning power, capitalize on tax advantages, and help Boalt Hall when we’re gone.”

—Joe Kiefer '71

Joe Kiefer '71

Joe Kiefer recently established a \$500,000 charitable remainder unitrust for the law school, which will create the Joseph T. and Gail L. Kiefer Scholarship and Loan Fund to provide financial assistance to Boalt students. Kiefer retired from practice in 2002 after a 10-year stint as general counsel at the Bank of Hawaii. Before that, he worked on commercial and consumer lending transactions in Honolulu, representing both borrowers and financial institutions. These days, Kiefer is a lecturer at the University of Hawaii’s Richardson School of Law, where he teaches Negotiable Instruments and Payment Systems. He is also a flight instructor.

“I think we should feel it’s both an obligation and a privilege to give back to Boalt.”

—Leo Pircher '57

Leo Pircher '57

Leo Pircher recently took on the role of California chair of the Campaign for Boalt Hall because he wants to make sure the school remains financially accessible to all qualified candidates. Few alumni support the law school as consistently as Pircher, who also serves on its advisory board. He is a founding member of Pircher, Nichols & Meeks, where his real estate work specializes in commercial joint ventures, development, acquisitions, and dispositions. Pircher helped pioneer the framework for legal and tax techniques used by the real estate industry since the 1970s for acquiring and financing large properties.

LEADERSHIP



“Having a great faculty attracts other great faculty as well as outstanding students.”

—Mark Bertelsen '69

“Alumni should be deeply concerned about how California’s budget woes will impact higher education.”

—Joel Sanders '82

Mark Bertelsen '69

His gratitude for the world-class education he received at Boalt Hall prompted Mark Bertelsen to funnel his recent leadership gift toward faculty recruitment and retention. Bertelsen credits Boalt's instructors for his rewarding career as a senior partner at Wilson Sonsini Goodrich & Rosati, where he works on matters relating to corporate governance, corporate finance and securities, mergers and acquisitions, strategic alliances, and international transactions. A member of Boalt's Campaign Cabinet, Bertelsen has been included in *Best Lawyers in America* every year since 2006.

Joel Sanders '82

Despite a heavy workload at Gibson, Dunn & Crutcher, partner Joel Sanders continually finds time for Boalt Hall. In addition to his generous gifts, Sanders has spent several years on the law school's alumni association board, and is a member of the East Bay Community Law Center's board of directors and the advisory board of the Berkeley Center for Law, Business and the Economy. Sanders, whose work focuses on antitrust, including international cartel matters, class actions, merger review, and counseling, is regularly included in *The Best Lawyers in America* in antitrust law.

MORE LEADERS: 2009 BOALT HALL ALUMNI ASSOCIATION HONOREES



STUART GORDON '65
The Citation Award



RICHARD BUXBAUM '53
The Faculty Lifetime
Achievement Award



LAURA PARSKY '95
The Young Alumni
Award

For information on the 2010 recipients and Citation Award Dinner, visit <http://www.law.berkeley.edu/alumni>



CLASS NOTES

ALL
IN
THE
BOALT
FAMILY

1961

Ronald Zumbun was one of 711 individuals selected last year for inclusion in the *Yale Biographical Dictionary of American Law* published by the Yale University Press. It is the first book to provide comprehensive biographical sketches of the leading figures in the history of American law from the year 1630 to the present. The book calls Ronald “a pioneer in public interest law.”



1963

Michael Antin is teaching the class “Nonprofit Organizations” as a visiting professor at Boalt Hall, and his musical comedy *Answer the Call* had its production run last fall in Hollywood. Michael also published an article last year in the *Los Angeles Daily Journal*

entitled “Righting the Bench.” (See page 39)

1965

45th Reunion—Join us October 1–2 for Alumni Weekend. The Class of 1965 will host a special celebration in August. Please contact reunion@law.berkeley.edu for details.

Mike Halloran has joined the Haynes and Boone law firm in its D.C. and Silicon Valley offices as a full equity partner in its corporate, securities, banking, and emerging companies group. He was recently counselor to the chairman and deputy chief of staff to the United States Securities and Exchange Commission, and served as general counsel and executive vice president of Bank of America. He will divide his time between D.C., serving public companies and financial institutions before regulatory agencies, and Silicon Valley, serving the developing stage company and venture capital community.

Richard Isham has published his first book, *The Court's Expert*. The plot, involving unique medical issues and challenging legal problems,

takes the reader on a journey through a contemporary litigation trial set in the Central San Joaquin Valley.

1967

James McManis, one of the name partners of McManis Faulkner, has been included in *Super Lawyers Corporate Counsel Edition 2010*. He is recognized in the area of business litigation. Head of 35-year-old McManis Faulkner, James was also named a 2009 Northern California Super Lawyer. He has represented many Silicon Valley companies with regard to commercial, trade secret, and intellectual property issues and also represents individuals in civil rights actions, employment disputes, and criminal defense.

Tracy Westen was awarded the Pomona College Blaisdell Distinguished Alumni Award for his accomplishments at the Center for Governmental Studies (CGS) and its more than 25 years of leadership in state and local governance reform. Tracy, the founder, vice-chair and chief executive officer of CGS, oversees existing CGS projects and

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Boalt Hall Alumni Center
University of California, Berkeley
School of Law
2850 Telegraph Avenue, Suite 500
Berkeley, CA 94705-7220

develops new programs to improve state governance and voter information.

1968

A. Lou Benassi has been selected by his peers as a Leading Lawyer in Illinois for 2010. He has been selected as a Leading Lawyer continuously since the peer review program began.

The Honorable **Reynato Puno**, former Chief Justice of the Supreme Court of the Philippines, is this year's Haas International Award winner. He was presented with the award at the 2010 Commencement Convocation on May 16 at the Greek Theatre.

1969

Patricia Benassi has been selected by her peers as a Leading Lawyer in Illinois for 2010. She has been selected as a Leading Lawyer continuously since the peer review program began.

John Phillips has been named chairman of the President's Commission on White House Fellowships. Phillips is a partner in the Washington, D.C., law firm of Phillips & Cohen. He has a long history of involvement in public interest law having founded the Center for Law in Public Interest in 1971 in Los Angeles, one of the first Ford Foundation funded public interest law firms. The White House Fellowship is America's most prestigious program for leadership and public service, providing young individuals with experience working at

the highest levels of the federal government. (See page: 57)



1972

Richard Liebman was named the 2010 Labor and Employment Lawyer of the Year in Portland, Oregon, by *Best Lawyers*. Rick noted, "Being honored with such high regard is extremely meaningful when the award is based on recognition from my peers and clients. I am very grateful." A founding partner at Barran Liebman, Rick has been representing employers in labor and employment law since 1972.

1974

Ginger Lew is a senior advisor to the White House National Economic Council and provides economic policy advice on a broad range of matters that impact small businesses. Prior to joining the administration, she was a venture capitalist with two venture funds and served as chairman of the board of an investment fund based in Europe. She has served on private and public corporate boards, and was co-chair and a member of the NASDAQ Listing and Hearings Review Council for ten years. She is co-founder and co-chair-

man of the Association of Asian American Investment Managers.

1978

Elizabeth Cabraser was selected by the American Bar Association Commission on Women in the Profession to receive a 2010 Margaret Brent Women Lawyers of Achievement Award. The award recognizes and celebrates the accomplishments of women lawyers who have excelled in their field and have paved the way to success for other women lawyers. "I invoke the gratitude of all of us for the women justices, judges, and law professors, such as Ruth Bader Ginsburg, Sandra Day O'Connor, Sonia Sotomayor, Mary Schroeder, Marilyn Patel, Herma Hill Kay, and so many others, who serve as role models for our profession and the women who strive to improve it," she said. "I hope in my own way to contribute to the development and success of a new generation of women lawyers."

1980

30th Reunion—Join us October 1–2 for Alumni Weekend.

The Honorable **Kelvin Filer** was recognized by the Compton Chamber of Commerce during Black History Month as being one of the first African-Americans from the City of Compton to be appointed to the position of L.A. Superior Court Judge.

Diana Powell has been named to the 2010 edition of *Colorado Super Lawyers*. Each

year, no more than 5 percent of lawyers in the state receive this honor. As vice president and shareholder in the law firm of Gutterman Griffiths PC, Diana's primary focus is on high-asset, high-conflict divorce representation. She also has experience as lead counsel to buyers and sellers in over 100 merger and acquisition transactions, ranging from \$1 million to \$150 million. She is a frequent speaker at seminars for lay and professional audiences on financial issues in divorce, business valuation, venture finance, sales of business, and corporate governance.



1983

Wayne Barsky was honored with the American Jewish Committee Los Angeles 30th Annual Learned Hand Award. This prestigious award is the highest honor the organization bestows upon members of the legal profession who have been voices of understanding and good will. Wayne is a partner in the Century City office of Gibson, Dunn & Crutcher and is national co-chairman of the firm's 125-lawyer Intellectual Property Practice Group. The award is named in memory of Judge Hand, Senior Judge of the United States

CLASS NOTES

Court of Appeals for the Second Circuit from 1925 to 1951.

1986

Veronica Gutierrez has been elected by the board of directors of Southern

California Edison (SCE) as vice president of Corporate Communications. Veronica assumes responsibility for all SCE internal and external communications and the community involvement functions in the department. Prior to this position, she

was director of Public Affairs for Edison International, SCE's parent company, responsible for advancing initiatives and outreach efforts on the company's behalf. She focused on the company's efforts to positively influence climate

change issues and to advance new infrastructure development.

Cate McClure (formerly Stevens) was recently appointed Senate Democratic Counsel for the Michigan State Senate. In

NANCY FINEMAN '86

Meetings with Madoff



“While some of our clients are corporations or public entities, my work is about trying to vindicate the rights of everyday people.”

Nancy Fineman '86 had spent more than 20 years building an impressive legal career filled with noteworthy triumphs. But after Fineman and fellow Cotchett, Pitre & McCarthy partner Joseph W. Cotchett became the first lawyers to interview Bernie Madoff in prison, her Q-rating shot off the charts. “I’m a lot more popular at cocktail parties now,” she says.

Representing victims of Madoff’s multi-billion dollar Ponzi scheme, Fineman has a front-row seat to the most jaw-dropping fraud case on record. While other firms filed derivative suits against Madoff’s associates, Fineman’s firm sued his wife and son—enabling her to meet with him behind bars.

The Madoff suits are far from resolution as attorneys and judges hash out jurisdictional issues, but Fineman sounds determined to see them through. Despite handling financial fraud cases her “whole adult life,” she says it was “jarring to sit across from the guy responsible for the worst of the worst. I saw how much he hurt our clients and how little remorse he showed. He said the words, but didn’t seem to feel them at all.”

As a business litigator from the plaintiff side, Fineman tackles securities cases that often cut across employment, antitrust, and intellectual property law. “While some of our clients are corporations or public entities, my work is about trying to vindicate the rights of everyday people,” she says.

A regular speaker to lawyers and paralegals on trial preparation and strategy, Fineman is a contributing author to several legal publications. Fineman is also a Superior Court Judge Pro Tem in San Mateo County, where she has been president or chair of numerous legal organizations. Fineman also remains active in community affairs, holding leadership positions with a Burlingame food bank and emergency referral facility, the Contra Costa Civic Theatre, and her children’s high school annual fund.

But wherever she goes, people ask about Madoff. “Our clients trusted this man,” Fineman says. “The hurt is not just financial, but a feeling of betrayal and investing trust in someone who didn’t honor that.”—Andrew Cohen

addition, she will continue to serve as policy analyst for the Senate Democratic Caucus covering the Judiciary, Elections and Campaign Oversight, and Government Operations & Reforms committees, and the Judiciary and Corrections appropriations subcommittees. She continues to live in Ann Arbor, Michigan, with **Doug McClure** '87 and their three sons, Joe (18), Tom (17), and John (12).

1987

Lee Storey, a partner in the litigation department in the Phoenix office of Ballard Spahr, has been named to the advisory board of the Center for Comparative Studies in Race and Ethnicity at Stanford University. The center's research institute sponsors fellowship programs, seminar series, conferences, and other activities focusing on race and ethnicity dynamics in human relations.

1988

Mark Albert opened his own boutique law firm—The Law Offices of Mark Anchor Albert—in January 2009, continuing his work as a complex business trial and appellate attorney. Before opening his own practice, Mark was counsel at Sidley Austin and later counsel at Hennigan Bennett & Dorman, in Los Angeles. He and his wife Ana have five children, two dogs, and two cats and live in the Hollywood Hills. Albert is still involved in the Bay Area community,

primarily through Roman Catholic relief organizations and the Order of Malta. He writes, "Best wishes to all old Boalt friends and colleagues."

1990

20th Reunion—Join us October 1–2 for Alumni Weekend.

David Kappos was confirmed by the U.S. Senate as the New Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office. Nominated by President Barack Obama, Kappos has held several posts at IBM, most recently as IBM's vice president and assistant general counsel for intellectual property, where he managed its patent and trademark portfolios and oversaw all facets of protecting and licensing its IP worldwide. David is a tentative featured panel member during Alumni Weekend.

Stephen Venable has recently become the president of the Midwest Minority Supplier Development Council, an independent nonprofit affiliate of the National Minority Supplier Development Council, which facilitates the development of symbiotic business relationships between the corporate community and minority suppliers. He has also recently been elected to the board of directors of The People's Center Medical Clinic at Cedar Riverside, a Minneapolis-based nonprofit community health center that offers high-quality, affordable health care

to all, including countless members of local underserved, disadvantaged socioeconomic communities.

1991

Jonathan Poisner launched Jonathan Poisner Strategic Consulting in late 2009. The business provides training and consulting to assist progressive nonprofit organizations with strategic planning, communications, fundraising, and other organizational challenges. From 1997–2009, Jonathan served as executive director of the Oregon League of Conservation Voters, the last two years of which he served on the board of directors. Jonathan lives with his wife Suzan in Vancouver, Washington.



1994

Marc Katz has joined Andrews Kurth as a partner in the labor and employment section in the Dallas office. Marc will focus on management side labor and employment litigation and counseling. His experience includes drafting, negotiating and litigating non-competition and confidentiality agreements, trade secret litigation, state and federal employment discrimination

cases, wage and hour issues, class action employment cases, wrongful discharge, and defamation litigation. Marc also advises corporate clients on mass layoffs and collective bargaining.

1995

15th Reunion—Join us October 1–2 for Alumni Weekend.

Valerie (Horwitz) Alexander returned to Boalt this spring as a visiting professor to teach the Legal Ethics and Professional Responsibility course, "Representation of Law in Film." She will be commuting to Berkeley once a week from her home in Los Angeles, where she continues to work full-time as a screenwriter.

Matthew Forsyth is vice president and assistant general counsel at Sapient, a global services company in technology, advertising, and marketing. Sapient Consulting provides business and IT consulting services, Sapient Interactive offers online marketing/media strategy and creative services, and SapientNitro is a full-service advertising and brand strategy group. Matthew is principal counsel to SapientNitro and Sapient Interactive and oversees Sapient's global legal approach in commercial and employment matters. Currently based in New York City, he has held a variety of positions at Sapient in both Boston and London, most recently as assistant general counsel for Europe and Asia.

Allison Woodall has been named managing counsel of

CLASS NOTES

the Labor, Employment and Benefits Group in the Office of the General Counsel at the University of California. She will manage the attorneys in the labor, employment and benefits group and provide advice and counsel to senior management on complex labor and employment matters. As a partner at Hanson Bridgett, Allison's practice focused on representing employers against a wide variety of claims in state and federal court and in traditional labor law matters, including union organizing campaigns, collective bargaining negotiations, and contract administration.



1998

Matthew Antonelli has been announced as counsel in the Houston office of Weil, Gotshal & Manges, where he will be a member of the firm's patent litigation practice. Matthew transfers to Houston from the firm's New York office, where his practice focused on high-stakes patent litigation matters. His experience includes cases involving semiconductor device technology, as well as a variety of manufacturing, electronics, and software issues. He

NATIONAL REUNION CO-CHAIRS FRED GREGORY '65 and DOUG WOLF '70

Class Acts

For Fred Gregory '65 and Doug Wolf '70, volunteering to serve as Boalt's national reunion co-chairs constitutes another in their long list of contributions to the school.

A principal at PCG Equity, an investment company that manages more than \$1 billion in assets, Wolf says giving back ties into his personal politics as a "free-market guy." His formula involves comparing the value of his education at the time he received it with what he paid for it.

"Before I consider other philanthropic giving," says Wolf, "I look at that discrepancy and the economic success Boalt made possible, and view it as a moral obligation to even up the score." Boalt's affordability during Wolf's time there "was a critical factor" in his ability to attend law school, and he feels "compelled to give back both financially and personally, so those same opportunities can remain available to today's students."

Boalt's reunion program reunites classmates through myriad activities, including the annual Alumni Weekend each fall. Graduates gather for their reunion every five years, giving them an opportunity to renew old friendships, celebrate classmates' successes, reminisce about their Boalt experiences, and attend various CLE programs and panel discussions.

Gregory, a past president of the Boalt Hall Alumni Association who will start a one-year term as vice president on July 1, sees reunions as a key component of connecting alumni. In addition to his role as national co-chair this year, Gregory was a reunion class campaign co-chair in 2005 and member in 2000.

"I'm particularly close to my classmates and have thoroughly enjoyed my class reunions," says Gregory, a former longtime partner at Gibson Dunn in Los Angeles. "It's important for classes to renew and celebrate those friendships, and it helps Boalt by strengthening its sense of community and identity beyond the facility itself."

In the face of California's harrowing budget crisis and waning support of higher education, Gregory believes reunions are vital in helping to bridge that widening gap. "Class gifts and reunion gifts help give Boalt the funding it needs to replace some of what's been taken by the state legislature for other needs," he says.



Fred Gregory



Doug Wolf

Alumni may participate in their reunions in numerous ways, from donating to the class campaign to joining their class committee. Questions about reunion activities can be directed to the Office of Alumni Relations at 510.643.6673 or rsvp@law.berkeley.edu.

"A reunion is a useful moment to reflect and reconnect with classmates you haven't seen in a long time," says Wolf, whose \$1 million contribution in 2007 helped support Boalt's physical renovations and upgrades. "It's also a chance to celebrate the institution that created those relationships."—*Andrew Cohen*

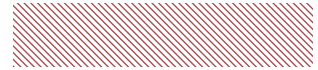
has litigated cases for clients such as Intel, Microsoft, and Panasonic. Most recently he has served as the development editor of the *Intellectual Property & Technology Law Journal*.

Quang Dang recently joined Public Health Law & Policy in Oakland, California as a senior staff attorney and the legal technical assistance director for the National Policy & Legal Analysis Network to Prevent Childhood Obesity.

Cynthia Tobisman started the new year as a partner

in Greines Martin Stein & Richland, a leading appellate firm based in Los Angeles. She joined the firm in 2001 after practicing as a litigator and transactional attorney for three years. Now a specialist in civil appeals, Cynthia has obtained significant results for her clients in a wide variety of matters including civil rights, artist royalties, employment discrimination, products liability, personal injury, real property, immigration, breach of contract, bankruptcy, and trade secrets misap-

propriation. Some of her victories include major reversals in big-ticket cases. Cynthia has written groundbreaking pro bono briefs and currently chairs the amicus briefs committees for the Beverly Hills Bar Association and the Women Lawyers of Los Angeles. She was asked to draft and file an amicus brief in the California Supreme Court supporting the parties challenging the legality of the laws—banning same-sex marriage. Portions of her brief were used in the court's initial ruling.



Cynthia Palmer and her husband, Michael Palmer, recently welcomed a daughter, Michaela Marie Palmer. She was born on November 15, 2009 in

JERRY FALK '65

An Appealing Record

Ever since finishing first in his Boalt Hall class, Jerry Falk '65 has achieved stratospheric success wherever he's channeled his energy. Fortunately for Boalt, much of it has focused on the law school.

Just three years after graduating, Falk returned to Boalt as an adjunct professor. He taught Constitutional Law every semester for nine years, until it became too burdensome to teach 8 a.m. classes several days a week "and then deal with client needs the rest of the day."

Those needs grew quickly—in step with Falk's meteoric rise as an appellate attorney. His litigation practice at Howard Rice spans roughly a dozen areas of law, and his VIP client list has included Genentech, Toshiba, Citicorp, the Oakland Raiders, Autodesk, and both the University and State of California. Even more impressive: Falk's clients have won 87 percent of cases in which the opposing party appealed, and 68 percent in which his clients appealed an unfavorable judgment.

Little surprise, then, that Falk has appeared in *The Best Lawyers in America* for over 25 years, was named 2010 San Francisco Appellate Lawyer of the Year by *Best Lawyers*, and a Top 100 Super Lawyer six years running. Falk has also received *California Law Review's* Alumnus of the Year Award, the Anti-Defamation League Distinguished Jurisprudence Award, the American Jewish Committee's Learned Hand Award, and Boalt Hall's Citation Award.

"I owe a real debt of gratitude to Boalt and UC Berkeley before that," says Falk, a frequent lecturer on continuing education programs. "They gave me an incredible foundation for a very happy and fulfilling career."

Falk continually demonstrates that gratitude through generous contributions and time commitments. He was President of the Bar Association of San Francisco in 1985, spent nine years on the Boalt Hall Alumni Association board—including one as president—and since 2005 has served on the Campaign for Boalt Hall's Cabinet and Steering Committee.

Noting that "taxpayers and generous alumni paid the bills for my first-rate legal education," Falk donated \$125,000 at the launch of the campaign and recently made another sizeable gift. "Now that taxpayers aren't footing much of the bill anymore," he says, "helping Boalt has become a big priority."

Falk still keeps an eye on constitutional law cases, and was thrilled to see classmate Theodore Olson take a lead role in this year's Proposition 8 trial regarding same-sex marriage rights (see p. 8). "I hope Ted's crystal ball and sense of where the Supreme Court might be willing to go is solid on this," Falk says, "because the claimed justifications for Proposition 8 are incredibly weak. It's truly a case of the emperor's new clothes."—A.C.



MARIA ECHAVESTE '80

A Productive Path Back to Boalt



Boalt Hall Lecturer in Residence Maria Echaveste '80 has enjoyed a diverse and dynamic career. She joined the law school after co-founding a strategic and policy consulting group, serving as a senior White House and U.S. Department of Labor official, and working as a community leader and corporate lawyer.

After graduating from Boalt, Echaveste specialized in corporate litigation at firms in Los Angeles and New York. As administrator of the U.S. Department of Labor's Wage and Hour Division from 1993–1997, the department's anti-sweatshop initiative received an Innovations in American Government award from Harvard's John F. Kennedy School of Government and the Ford Foundation.

Echaveste went on to serve in the White House as Assistant to the President and director of the Office of Public Liaison from 1997–1998, then as Deputy Chief of Staff to President Bill Clinton from July 1998 to January 2001. In this capacity, she managed domestic policy initiatives that focused on education, civil rights, immigration, and bankruptcy reform—developing legislative, communications, and public outreach strategies. Echaveste also coordinated relief efforts within the White House for foreign and domestic disasters, and specialized in international issues related to Latin America.

After leaving the White House, she founded the Nueva Vista Group (NVG), a Washington-based consulting firm that works with nonprofit organizations, associations, and corporations on immigration, health care, telecommunica-

tions, reproductive rights, education, labor, and financial services.

In addition to her work at Boalt and NVG, Echaveste is a senior fellow at the Center for American Progress and a member of the Democratic National Committee's executive committee. She also sits on the board of directors of the Mexican-American Legal Defense and Education Fund, Alliance for Excellent Education, National Campaign to Prevent Teenage Pregnancy, *American Prospect* magazine, and CARE, a humanitarian organization fighting global poverty.

A member of the Class of 1980 Reunion Campaign Committee, Echaveste admits that "the idea of a 30th reunion is a little scary. I still feel like I'm in my early 20's, notwithstanding the evidence staring at me from the mirror."

Echaveste is celebrating this year's reunion anniversary with 11 fellow Boalt colleagues: Professor from Practice **Wayne Brazil '75**, Lecturer **Robert Infelise '80**, Domestic Violence Law Practicum Director **Nancy Lemon '80**, Lecturer **Stephen Rosenbaum '80**, Samuelson Law, Technology & Public Policy Clinic Co-Directors **Jason Schultz '00** and **Jennifer Urban '00**, Lecturer in Residence **Sarah Laubach '05**, Berkeley Center on Health, Economic & Family Security Executive Director **Ann O'Leary '05**, Lecturer in Residence and Samuelson Clinic Fellow **Jennifer Lynch '05**, and East Bay Community Law Center Clean Slate Practice directors **Eliza Hersh '05** and **Jessie Warner '05**.

"Little did I know," says Echaveste, "that graduating from Boalt 30 years ago would help me achieve my goal of having an interesting and never boring professional career and making a difference in a myriad of ways, big and small. I just wish I had spent more time making money, so I could give more to Boalt."—*Summer Staino*

Chapel Hill, North Carolina. Cynthia is currently on maternity leave from her transactional practice at a small firm in Greensboro, which she has enjoyed since moving to North Carolina from California in 2006.

1999

Niloofer Shepherd (formerly Nijat-Bina) writes, "On August 9, 2009, I married the love of my life and my best friend, Richard Shepherd, in a scenic outdoors ceremony in Bel Air, California. We were grateful to share the joyous day with an intimate group of friends and family, many of whom had traveled internationally for the festivities."

2000

10th Reunion—Join us October 1–2 for Alumni Weekend.

Richard Welsh was selected by the *Daily Journal* as one of the top 20 lawyers under 40 years old in California and by the *Los Angeles Business Journal* as one of the top environmental lawyers in Southern California. He is currently a general litigation partner at the Los Angeles office of Akin Gump, and he is lead counsel for one of the world's largest energy companies in its global warming-related disputes. Richard is also serving on his 10th reunion class committee.

Frank Broccolo has been elevated to partnership in the Los Angeles office of Sidley Austin. He is a partner in the Complex Commercial

Litigation practice, where he has litigated commercial matters involving a variety of businesses, particularly in the areas of real estate, idea theft, defamation, privacy rights, and publicity matters. Sidley Austin is one of the world's largest full-service law firms, and every year since 2003 it has been named to *Legal Business'* Global Elite.

2001

Nadia Costa and **Joshua Safran** were honored with the 2010 Domestic Violence Pro Bono Law Award by the Domestic Violence Practicum at UC Berkeley School of Law, the California Coalition of Women Prisoners, and the California Habeas Project. They were accompanied at the awards ceremony by their newly free client, Deborah Peagler, who had been unlawfully incarcerated for 27 years. Joshua and Nadia spent six and a half years working to free Peagler. The award was given "for outstanding and tireless pro bono legal and investigative work in proving Deborah Peagler's case, freeing her from prison, and raising public awareness of domestic violence."

Laura Neish has been named partner at Zuckerman Spaeder in New York. She practices in the areas of complex civil litigation, securities litigation, and legal ethics and professional responsibility. Her clients have included individuals, corporations, and not-for-profit institutions. She has extensive experi-

ence in federal and state courts, administrative tribunals, arbitrations, and mediations.

2002

Nathan Dooley has joined the Cozen O'Connor Los Angeles office as an associate in the commercial litigation department. Nathan handles matters involving idea theft, copyright, patent licensing disputes, alleged securities violations, banking violations, and entertainment law. He also has worked on insurance coverage matters, cases implicating federal labor laws, and matters involving violations of constitutional rights. He clerked for Arthur L. Alarcón of the U.S. Court of Appeals for the Ninth Circuit, S. James Otero of the U.S. District Court for the Central District of California, and Carolyn B. Kuhl of the Los Angeles Superior Court.



Tyler Gerking has been elevated to partner at Farella Braun + Martel. Gerking represents individuals, private companies, and public corporations in commercial disputes relating to insurance coverage, bankruptcy, contracts, commercial real estate, and intellectual

In Memoriam

William D. Baker '60
William H. Brailsford '34
David M. Bridges '62
Dyke Brown '41
John P. Caudle '68
Richard H. Cory '47
David B. Crawford '97
C. King Crosno '52
David C. Degerman '82
John Demergasso '64
Lawrence E. Frankel '81
Richard K. Frisbie '42
Daniel J. Furniss '76
Westcott Griswold '52
Marvin M. Grove '59
Whitney R. Harris '36
Robert F. Henderson '52
Matthew L. Howard '93
Elbert A. Hugill, Jr. '33
Carey L. Lindenbaum '86
Kendall L. Manock '54
Edmund R. Manwell '67
Donald J. Morgan '60
Harold C. Norton '54
Alan P. O'Kelly '41
Elizabeth Partridge '44
Richard E. Rader '50
Michael G. Rafton '50
Ned B. Robinson '51
James S. Shepard '60
Willis S. Slusser '41
Jeffrey A. Tidus '79
Robert S. Webber '56
David G. T. Williams '58
Robert N. Wood '62
William E. Zisko '78

CLASS NOTES

property. He has assisted a wide range of insurance policyholders in securing coverage under commercial general liability, directors' and officers' liability, professional errors and omissions liability, and first-party property policies. In addition, Tyler has advised several clients, including a nationwide retailer, on insurance and insolvency issues arising from insurers' potential insolvency. In U.S. Bankruptcy Court, he has defended against claims for preferential and fraudulent transfers and civil contempt.

2004

Julia Nienhaus writes, "I have left my job with KfW in Frankfurt, Germany, and have taken a position as legal counsel for structured and project financing at the European Investment Bank in Luxembourg. I deeply enjoy working with this international institution and would love to meet up with fellow alumni who happen to stop by Luxembourg."

2005

5th Reunion—Join us October 1–2 for Alumni Weekend.

Mary-Lee Kimber, a staff attorney at Disability Rights Advocates, has spent the last four years litigating a class action case against the California Department of Transportation (Caltrans) for disability access to Caltrans sidewalks. The lawsuit settled in December 2009 with Caltrans committing an unprecedented \$1.1 billion to improve access to

its sidewalk system across the state of California over the next 30 years. She also got married three weeks after the trial (and during settlement negotiations).



Sky Stanfield was honored with *California Lawyer* magazine's Attorneys of the Year (CLAY) Award in the environmental category along with Farella Braun + Martel partner David Lazerwitz for their court victory to help protect California's desert from off-highway vehicle impacts. Acting as pro bono counsel, the pair secured a favorable summary judgment ruling in a long-running federal lawsuit against the U.S. Bureau of Land Management. The 2010 CLAY Awards recognize 44 attorneys across the state whose achievements have made a profound impact on the law—by changing the law, substantially influencing public policy or the profession, or achieving a remarkable result.

2007

Ana de Alba has been appointed to the California State Bar Standing Committee for the Delivery of Legal Services (SCDLS). SCDLS identifies, develops,

and supports improvement in the delivery of legal services to low- and moderate-income individuals in California; serves as a resource to the Board of Governors on legal services issues and relevant legislation; develops and presents educational programs and materials to improve the delivery of legal services; maintains liaison relationships with other State Bar entities; and works to encourage and increase pro bono participation in California. Ana's appointment began on September 13 and will expire on the close of the 2012 State Bar Annual Meeting.

Sonia Gonzales is the new managing director of the Lawyers' Committee for Civil Rights of the San Francisco Bay Area. Sonia joins the organization from her former position as assistant director of the ACLU of Northern California. Her legal experience includes positions at Morrison & Foerster, the National ACLU Immigrants Rights Project, and Pillsbury Winthrop Shaw Pittman. She has also served as a regional political director on the Edwards for President 2004 campaign, as a deputy regional political director at the Democratic National Committee during the 2000 presidential cycle, and as a legislative assistant and press secretary for a member of the Congressional Hispanic Caucus.

Christina Hioureas has joined the Public International Law Practice Group of Latham and Watkins in London. The group represents sovereign states, inter-

national organizations, and private entities in disputes and advisory transactional matters relating to every continent and region of the world. Christina is engaged in advising clients on overseas investments, land boundaries, and international human rights before tribunals including the International Court of Justice, the Permanent Court of Arbitration, and the European Court of Human Rights.



Ilham Hosseini and **Sajjad Matin '08** were married in the nation's capital on May 24, 2009. The two had spent the previous year planning the wedding on opposite ends of the country, with Sajjad working in the San Francisco office of the Kirkland & Ellis intellectual property group and Ilham clerking in Miami, Florida for the Honorable Adalberto Jordan. The civil ceremony was officiated by Judge Jordan, and the religious sermon was offered by UC Berkeley Professor Hatem Bazian. Sajjad and Ilham first met in Bazian's Islamic Law class at Boalt. Sajjad, of Pakistani descent, and Ilham, of Afghan descent, incorporated elements from both cultures in what they referred to as a Durand Line

JOHN PHILLIPS '69

A Top Fellow

When Barack Obama's transition team asked ardent supporter John Phillips '69 what role he'd like to play in the new administration, he didn't hesitate. "The White House Fellows program immediately came to mind," Phillips says. "I enjoyed working with it during my time in the Clinton administration, and I was interested in expanding its reach."

In June 2009, Obama tapped Phillips to chair the President's Commission on White House Fellowships. He is tasked with leading the 28 commissioners who select candidates for the nation's premier leadership development and public service program. Past fellows include former Secretary of State Colin Powell, retired Army General Wesley Clark, and author and presidential historian Doris Kearns Goodwin.

This class—chosen from more than 1,000 annual applications—includes a lieutenant colonel from the U.S. Air Force, the founder of a consulting firm that assists technology start-ups, the CEO of a human rights organization, and a planetary science researcher.

The class size range—12 to 19—hasn't changed since President Lyndon Johnson launched the program in 1965, but the composition has. "Looking back at the early class pictures, you see that for years it was 100 percent white male," Phillips says. "Now the classes reflect the changing face of Americans." Six of the 15 current fellows have parents who were born outside the U.S., and Phillips is "pushing hard to broaden our marketing efforts so that we draw exceptional applicants from all walks of life."

Fellows take part in weekly seminars with top private- and public-sector leaders—this year's guests have included President Obama, Vice President Joe Biden, and Supreme Court Justice Sonia Sotomayor. Supreme Court Justice Stephen Breyer arranged for the fellows to witness oral arguments in court and later discuss the proceedings with him.

In 1997, President Clinton named Phillips to the roster of commissioners. "Because I was in D.C.," Phillips says, "I spent more time on it than most commissioners and saw first-hand how impactful the program was."

Current commissioners include former NBC news anchor Tom Brokaw, eBay founder Pierre Omidyar, retired U.S. Army Lieutenant General Claudia Kennedy,

architect and conceptual artist Maya Lin and former Senate Majority Leader Tom Daschle.

In 1971, just two years after graduating from Boalt, Phillips founded the Center for Law in Public Interest in Los Angeles. In addition to litigating environmental, civil rights, consumer protection, and corporate responsibility cases, the center also runs the Visiting Public Interest Fellowship Program—which provides law school graduates an opportunity to work in public service.

In 1995, a *Wall Street Journal* article called Phillips "the nation's premier whistleblower attorney." At his firm, Phillips and Cohen, he has spearheaded fraud suits that helped return more than \$5 billion to the U.S. Treasury. He also founded Taxpayers Against Fraud, a nonprofit that promotes using the False Claims Act to combat fraudulent claims against the government. Every year over the past decade, Phillips has been named to the *National Law Journals'* annual "100 most influential lawyers in America" list. —A.C.



WORKING THE ROOM: Current White House Fellows greet John Phillips '69, chair of the President's Commission on White House Fellowships.

CLASS NOTES

wedding, after the official name of the porous border between Afghanistan and Pakistan. Following the ceremony, where the two donned Pakistani wedding attire, Sajjad and Ilham made a quick wardrobe change into typical Afghan wedding attire for the reception that followed. Both the ceremony and reception were held at the Ritz-Carlton in Washington, D.C. Following her clerkship, Ilham plans to join Sajjad in San Francisco and begin work in the Jones Day litigation group.



Nicole LeBlanc has joined Tucker Ellis & West as an associate in the firm's Los Angeles office, where she is a member of the Trial Department, focusing her practice on business litigation and medical and pharmaceutical liability. She is a member of the Los Angeles County Bar Association and the Beverly Hills Bar Association, and she serves as a volunteer for California Lawyers for the Arts. Tucker Ellis & West is a full service law firm with over 145 attorneys with offices in Denver, Los Angeles, San Francisco, and Cleveland and Columbus, Ohio. **Glenn Sulmasy**, a professor of

law and judge advocate at the U.S. Coast Guard Academy, authored *The National Security Court System*, published by Oxford University Press. In the book, Glenn proposes solutions to the Guantanamo Bay situation that include a separate, hybrid court system, overseen by civilians, with detention, trials, and hearings held on U.S. military bases. Sarah Sewall, a lecturer in public policy at Harvard's Kennedy School of Government, calls it "a must read for understanding how the American justice system detoured into GITMO and where it might go from here in addressing real threats without undermining American values."

Hafez Virjee is a trainee solicitor at the London office of Freshfields Bruckhaus. Hafez is also the co-founder and chair of the NUHA Foundation, an English charitable organization that focuses on education and development. The name NUHA combines the acronym for "Nurturing Human Activity" and the transliteration for the Arabic noun meaning mind and intellect.

2008

See 2007 notes for updates from **Sajjad Matin**.

2009

The board of directors of For People of Color, Inc. is proud to announce that it has selected **José Luis López** to become its newest member. During law school, he served as an extern to the Honorable Jeremy Fogel in the U.S. District Court

for the Northern District of California. Prior to law school, José taught in public schools as a New York City teaching fellow and earned a Master's degree in Education from Lehman College of the City University of New York. He also served on the City of Berkeley Housing Advisory Commission, and was a board member for Stiles Hall. José was the first person in his family to attend college. José was born and raised in San Jose, California. He will soon begin practicing law in New York City.



Megan Burke has joined McDonough Holland & Allen PC as an associate in the firm's Oakland office. She has been a summer associate with both McDonough and the Drug Policy Alliance in Berkeley, and she interned with the Domestic Violence Policy Clinic, performing legal and policy research. McDonough Holland & Allen PC is a multi-service law firm committed to providing a powerful combination of client service and legal expertise.

Hanson Bridgett welcomes **Elan Emanuel** and **Christopher Walters** as first-year associates. As a law student, Elan received the Moot Court's

Oralist Award and participated in the Board of Advocates for the National Moot Court Competition. Christopher volunteered at the East Bay Worker's Rights Clinic and wrote for the *Berkeley Journal of Employment and Labor Law*.

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OCTOBER 1 - 2

2010

BOALT HALL
ALUMNI WEEKEND
+ CITATION AWARD
DINNER



ALL RISE

YOU'VE BEEN SUMMONED TO **CELEBRATE**

The 49th Annual Citation Award Dinner will honor recipients of the Citation, Faculty Lifetime Achievement, and Young Alumni Awards on Friday, October 1, in San Francisco.

Alumni Weekend continues back at Boalt on October 2 with a day of MCLE presentations, lunch with former law school deans, and dedication of the West Terrace.

Reunions will be celebrated that evening for graduates from classes ending in 0s and 5s.