

TRANSCRIPT

Home Makeover

New classrooms, an inviting student center, and now the remarkable new library and South Addition. Three years of renovations pay off. **PAGE 28**



Q&A: INTERNATIONAL INTELLIGENCE

Boalt professor David Caron '83 tackles the state of international law with a big-picture perspective and an eye for detail. **36**

DARING DIPLOMACY

From Venezuela to Chile, Washington to Panama, Irving Tragen '45 is truly a man of the Americas. **22**

COVERING THE TRACKS

Is privacy even possible in an online world? A Boalt research center explores the issues around "Do Not Track" legislation. **14**

TRANSCRIPT

**EDITOR & EXECUTIVE DIRECTOR,
COMMUNICATIONS**

Michael Bazeley

**MANAGING EDITOR & SENIOR WRITER,
COMMUNICATIONS**

Andrew Cohen

**CONTRIBUTING EDITOR &
PROJECT MANAGER**

Bob Rucker

ASSISTANT EDITOR

Nikita Koraddi

**DESIGN &
CREATIVE DIRECTION**

Arno Ghelfi, l'atelier starno

CONTRIBUTORS

Ann Appert
William Benemann
Jon Jefferson
Jon Michaelson '78
Ben Peterson
Linda Peterson
Megan Smith

CONTRIBUTING ARTISTS

Jim Block
Francesco Bongiorno
Terry Colon
Zach Cordner
Lou Dematteis
Ethan Kaplan
Fred Mertz
Lloyd Miller
Stephen Voss

UPDATE YOUR ADDRESS

Email: updates@law.berkeley.edu
Web: www.law.berkeley.edu/alumni/updates
Phone: 510.642.1832

U.S. Mail:
University of California, Berkeley
School of Law
2850 Telegraph Avenue, Suite 500
Berkeley, CA 94705-7220

VISIT WWW.LAW.BERKELEY.EDU

Transcript is published by the University
of California, Berkeley, School of Law,
Communications Department.



CONTENTS

TRANSCRIPT
 SPRING
 2011
 VOL. 43
 NO. 1

SPECIAL: CAMPAIGN FOCUS ON FINANCIAL AID

Investing in Boalt Lawyers **20**

Thanks to a strategically expanded approach to its financial aid program, Boalt is flooding the legal world with talented young lawyers, such as intellectual property associate Monique Liburd '08.

By Linda Peterson

FEATURES

Our Man in Latin America **22**

For half a century, diplomat Irving Tragen '45 witnessed and influenced history in Chile, Mexico, El Salvador, Peru, Venezuela, Bolivia, and Panama. By Jon Jefferson

COVER STORY

Boalt Never Looked Better **28**

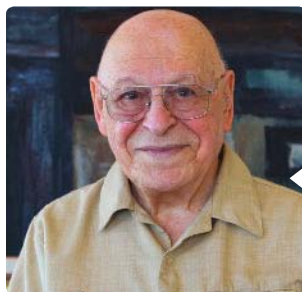
With the unveiling of the stylish South Addition, Boalt now provides transformative space for a bigger and better law school. By Andrew Cohen

Nine New Professors **34**

A surge of talented new faculty enables the law school to conduct a more ambitious research and service agenda. By Andrew Cohen

A World of Good **36**

A Q&A with Professor David Caron '83 discusses the state of international law, four other faculty experts tackle hot topics in the field, and four Boalt grads take the world stage. By Andrew Cohen (interview), Jon Jefferson (faculty), and Ben Peterson (alumni).



COLUMNS

From the Dean **2**

Insight **51**

Are Lawyers Recession-Proof?
 By Jon Michaelson '78

DEPARTMENTS

In Brief **3**

Students Bring Their Case to Justice; EBCLC Builds a Greenhouse for Green Entrepreneurs; Alumni State Their Positions; A Remarkable Life: Jess Jackson '55; What Makes Ricky Run; Lifeline for Capital Cases; Due Date Not Debatable; Winning Ways; Fighting Rape on Two Fronts; Fellowship Extends Coblentz Legacy

Forefront **11**

Seeding Scholarly Inquiry; Capital Ideas; All the World [Wide Web]'s a Stage; Making Accountability Count; Energy Storage Gets Cooler; Dynamic Convergence; Liable to Change

Creative Works **46**

Notable Contributions from the Boalt Community

Fast Forward **48**

Boalt Student Action Figures

Past Present **52**

Making History, Informing the Future

Advancement **54**

News and Notes from the Alumni Center

Class Notes **61**

All in the Boalt Family

STEPHEN YOSS (CARON), ZACH CORDNER (TRAGEN)



FROM THE DEAN



“It’s inspiring to look back, but the real exhilaration comes from imagining the greatness that lies ahead.”

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

I write in the afterglow of a graduation I will long remember because we were able to hold the traditional post-ceremony reception in and around the new South Addition. We had a special party for graduating 3Ls and LL.M.s on April 29—coincidentally 100 years to the day since the ribbon cutting for the original Boalt Hall. While that party was limited to the new roof garden, for the graduation reception we had pretty much the entire new building plus flanking courtyards. Several hundred freshly minted alumni, friends, family, and faculty had a sensational time in every respect. Berkeley has never looked better, and Boalt’s future has rarely seemed so bright.

That may seem strange, given budget crises, tuition increases, and changes sweeping the profession. Here, however, the ripples of anxiety the campus community feels are more than matched by our pride and confidence. The recession has made fundraising difficult and the state an even less reliable financial partner. While there is no end in sight for the state’s troubles, we are gearing up for the sprint to the finish of the Campaign for Boalt Hall. I hope our dramatic physical transformation—with new classrooms and the South Addition, plus the exciting renewal of our faculty and curriculum, *plus* our ever-more critical needs to fund financial aid (see page 20)—will carry us through to complete the Campaign and, at the same time, emerge from the Great Recession on track and stronger than before.

Boalt has hired 44 new faculty members since I arrived in 2004. Every year I’m pleasantly overwhelmed by the talent we add. This year we outdid ourselves, with nine professors who just finished their first tour of duty (see page 34). Every year is bittersweet, too, with retirements. This year the list includes Martin Shapiro (who at graduation was surprised to be awarded the Berkeley Citation, the campus’ highest award for faculty achievement). Dick Buxbaum formally retired after 50 years of teaching at Boalt. Dan Rubinfeld and Bob Kagan, both giants in their fields, also decided to downshift. All four, however, will still be involved and do occasional teaching.

Our collaborative research centers continue to flourish. The latest to bloom is the Berkeley Institute for Jewish Law and Israeli Law, Economy and Society, which launched April 6 with a wonderful campuswide event (see page 11). At the same time, we concluded that three of our centers could be stronger if they pooled their resources. So we consolidated them—a bit of spring cleaning, if you will—into the newly reconfigured Chief Justice Earl Warren Institute on Law and Social Policy (see page 18).

This fall, we’ll begin a yearlong Centennial Celebration, and reflect on our enduring excellence and remarkable progress as a law school over the past century. It’s inspiring to look back, but the real exhilaration comes from imagining the greatness that lies ahead.



IN BRIEF

NEWS FROM THE BOALT COMMUNITY

Students Bring Their Case to Justice

MCBAINE MOOT COURT COMPETITION NUMBERS

More than **2,000 spectators** witnessed this year's final round at Zellerbach Hall.

Finalists have **30 minutes** each to present their oral arguments before a panel of **3 judges**.

A **\$125,000 endowment** from Crowell & Moring created the event's new Best Brief Award.

The 2010-11 competition featured **35 second- and third-year Boalt students**.

Students receive **2 units** for participating in the competition, 1 in fall and 1 in spring.

With more than 2,000 spectators listening intently, U.S. Supreme Court Justice Sonia Sotomayor leaned forward to address Thomas Frampton '12 and Edward Piper '12, this year's James Patterson McBaine Honors Moot Court Competition finalists.

"I do moot courts because, every once in a while, I need an injection of hope," Sotomayor said after the students' hour-long oral argument. "When I see performances like the ones you gave, I have so much hope for our profession."

Open to Boalt 2Ls and 3Ls, the McBaine

Competition is modeled after U.S. Supreme Court practice. Frampton and Piper argued *Busch v. Marple Newtown School District*, in which a kindergarten student's mother was barred from reading a Bible passage during a show-and-tell exercise. Piper represented the mother, Frampton the school district.

The Supreme Court Justice presided over the final round with U.S. Ninth Circuit Court of Appeals Judge and Boalt lecturer William Fletcher and California Supreme Court Justice Carol Corrigan. Although Sotomayor's presence spiked ticket demand and prompted Boalt to



FULL-COURT PRESS: This year's James Patterson McBaine Honors Moot Court Competition was moved to Zellerbach Hall to accommodate ticketholders eager to see U.S. Supreme Court Justice Sonia Sotomayor. Above left: Sotomayor (center) presides over the competition's final round with California Supreme Court justice Carol Corrigan and U.S. Ninth Circuit Court of Appeals Judge and Boalt lecturer William Fletcher.

IN BRIEF

move the event to Zellerbach Hall, Frampton and Piper remained poised throughout the judges' pointed, challenging questions.

Frampton prevailed by a "thin, thin slice," according to Sotomayor, who said moot court is "nerve-wracking and scary, and preparation is what helps you get through it."

Before the final verdict, Boalt Director of Professional Skills David Oppenheimer announced the new Crowell & Moring Best Brief Award. Presented annually to two students who

author the McBaine Competition's top briefs, it was created by a \$125,000 endowment built on donations from Boalt alumni at the firm.

Crowell & Moring partner Gregory Call '85 presented this year's award to Micah Sucherman '11 and Colin Hector '11. "Boalt is home to some of the brightest law students in the country," Call said. "This competition gives students an incredible learning opportunity as they prepare to serve our community and lead the profession."

— Andrew Cohen

GROWING GREEN: Sushil Jacob '11 and EBCLC plan to offer low-income entrepreneurs help with starting green-collar ventures.



GC3 AT A GLANCE

GC3 will support ventures involved in:

- Rooftop solar-panel installation
- Home weatherization
- Sustainable, organic landscaping
- Non-toxic cleaning services

Potential GC3 services:

- Choosing a new business entity
- Drafting articles of incorporation and business plans
- Securing financing
- Industry-specific green-technology consulting
- Monthly green-collar business training and workshops

EBCLC Builds Greenhouse for Green Entrepreneurs

Leading forecasters and politicians say green jobs are essential to a cleaner, healthier economy. Yet the majority of jobs created by these environmental initiatives may just mean a paycheck, rather than a real sense of ownership for workers.

Sushil Jacob '11, working closely with the East Bay Community Law Center (EBCLC), is determined to unlock the potential of environmental job opportunities in disenfranchised communi-

ties. Rewarded with a Skadden Fellowship for his efforts, Jacob will launch the Green Collar Communities Clinic (GC3) project this fall.

"It's exciting to see how low-income earners or unemployed workers can benefit from cooperative ownership models," says EBCLC Executive Director Tirien Steinbach '99. "This project involves cutting-edge financing and encourages workers to truly be invested in their own communities."

Jacob first approached EBCLC after finding inspiration in a class on community development. After he and classmate Jalle Dafa met with experts connected to UC Berkeley's Haas School of Business, local sustainability leaders, investors, and people closely tied to the growth of cooperatives, the students had enough information to put together the GC3 proposal.

"We met with a wide range of stakeholders," Jacob says.

"Their input helped us determine how to move forward and make the most of multiple levels of services. We developed this idea from an academic exercise into a clear vision with actionable steps."

The clinic offers free services to help low-income entrepreneurs get started with green-collar ventures.

GC3 gathers UC Berkeley faculty and graduate students from law, business, and other disciplines to offer the free legal and business consulting services that low-income entrepreneurs need to get started with green-collar ventures. Home weatherization, solar panel installation, and sustainable landscaping are just a few examples of the work GC3 expects to support.

"This is an ambitious plan," Steinbach says. "Sushil

is the reason I have so much confidence in it. He's an extremely hard-working, visionary lawyer who believes in this project."

—Ben Peterson

Alumni State Their Positions

Boalt graduates are not taking over the legal world one state at a time—but it could seem that way now that Bill Hebert '89, Paul Chan '84, and Louise Ing '78 have been elected presidents of their respective state bar associations in California, Colorado, and Hawaii.

Hebert, a partner at Calvo Fisher & Jacob LLP's San Francisco office, is the third Boalt graduate in four years to lead the California Bar. He follows Buchalter Nemer partner Holly Fujie '78 (2008–09) and U.S. Ambassador to Australia Jeff Bleich '89 (2007–08). A business litigator, Hebert is also a U.S. District Court panel mediator and was a contributing author to the 2010 treatise *California Antitrust and Unfair Competition Law*.

Chan, general counsel for the University of Denver, is the Colorado Bar Association's first Asian Pacific American leader in its 113 years. Before joining the University of Denver in 1997, he worked at the Colorado Attorney General's Office. Chan is also a past president of the Denver Bar Association, National Asian Pacific American Bar Association, and Colorado Asian



Pacific American Bar Association.

Ing, a director at Alston Hunt Floyd & Ing, helps businesses, nonprofits, and individuals resolve disputes and prevent future conflicts. Her practice covers contracts, commercial transactions, leases, employment, real estate, creditors' rights, and bankruptcy law. A past and present board member of several Hawaii nonprofits and companies, she has appeared in *Best Lawyers in America* in its Commercial and Bet-the-Company Litigation sections.

"State bar associations enhance public protection by setting the rules governing attorney conduct and educating the public about what we do," Hebert says. "They also promote pro bono, push for access to justice, and raise and distribute funds to support legal services to the poor."

—Andrew Cohen

RAISING THE BAR: Boalt alums Louise Ing '78, Bill Hebert '89, and Paul Chan '84 are presidents of the state bar associations in Hawaii, California, and Colorado, respectively.

A Remarkable Life: Boalt Graduate Jess Jackson '55

One morning during his second year at Boalt Hall, Jess Jackson '55 did the unthinkable: He walked in late to class—with his pants covered in blood. The professor promptly sent him to see Dean William Prosser, America's leading expert on Torts and an intimidating disciplinarian. Jackson worked nights as a reserve officer in the Berkeley Police Department, he told Prosser, and got his clothes bloody subduing a melee near the end of his shift.

"He was a mess but wanted to be on time because the dean would raise hell if he wasn't," classmate Jay MacMahon recalls. "Jess said that when he came in, Dean Prosser bellowed, 'Mr. Jackson, do you think this is a butcher shop? It's a school of law!' Students were strongly discouraged from working during law school, but when Jess explained his situation, that he had to work to put himself through Boalt, he earned the

dean's respect."

That became a common theme during Jackson's remarkable life, which ended April 21, at age 81, due to complications from cancer. Be it his three decades as a topflight real estate lawyer, his colossal success in the wine industry, or his stellar record as an owner of thoroughbred racehorses, Jackson was known as a straight shooter.

"Everyone liked Jess," MacMahon says. "He was down to earth and remained very accessible throughout his life, even with all of his tremendous achievements."

After graduating from Boalt, Jackson worked in the California Attorney General's Office and for the California Department of Public Works. He started his own law firm in San Francisco, argued several cases before the U.S. Supreme Court, and became one of the area's most sought-after land-use attorneys.

PICTURE PERFECT: In 2005, Jackson hosted his Boalt class' 50th reunion party at his Redwood Estate near Geyserville, California.



When MacMahon's business partner lost much of his property after a severe mudslide in 1983, Jackson litigated the case in federal court. Asserting that the city's negligence in building protective barriers had triggered the damage, Jackson negotiated a favorable settlement.

In epic style, Jackson hosted his Boalt class' 40th and 50th reunion parties. MacMahon recalls the 50th reunion bash in 2005, at Jackson's Redwood Estate near Geyserville, California, as "the party to end all parties." MacMahon and his wife, Gloria, were one of two couples that won a raffle—and with it a ride in Jackson's private Blue and Gold helicopter over Napa and Sonoma counties. "That was a wonderful experience and an extraordinary reunion," he says. "Jess was the ultimate host."

In 1974, Jackson bought an 80-acre pear and walnut orchard in Lake County, California, as a weekend getaway from city life. He soon converted it into a vineyard and developed the Kendall-Jackson brand, which marketed premium wines to the public and became America's best-selling Chardonnay for over two decades. In 1983, his Vintner's Reserve Chardonnay won the American Wine Competition's first double platinum medal.

Highly skilled at buying properties below their market price, Jackson acquired 14,000 acres of wine grapes and operated 35 wineries that produced more than 5 million cases a year. He also became a leader in the wine industry's sustainable farming movement, implementing several environmentally friendly innovations throughout his vineyards.

Jackson sought to make flavorful wines by blending the same variety of grape grown in different regions. That approach contrasted sharply with the industry standard for quality wines—on which labels showed a single geographic source—and proved wildly successful.

"Our goal is to broaden the consuming public, to bring neophyte people to wine," Jackson told *The New York Times*. "I'm making wine for the consumer, not the wine writers." After being inducted into the Vintners Hall of Fame in 2009, he said, "Wine celebrates friends, family, and love—all of the best things in life."

Recently, Jackson owned the U.S. Horse of the Year for three straight years: Curlin in 2007 and 2008, and Rachel Alexandra in 2009. Curlin, who won the 2007 Preakness Stakes and



Breeders' Cup and the 2008 Dubai World Cup, was the first North American-based horse to amass \$10 million in purses. In 2009, Rachel Alexandra became the first filly to win the Preakness in 85 years. That same year, Jackson had her skip the Breeders' Cup because he deemed the track's synthetic surface too dangerous.

A few years earlier, Jackson pushed for a Kentucky law requiring agents representing both sides of a horse transaction to disclose their dual representation to the buyer and seller. It passed in 2006.

"Horse racing is a damn interesting industry and a lot of fun," Jackson told *Transcript* in 2008. "But some of the biggest names in the industry are the biggest crooks."

As a wine mogul, Jackson criticized special distribution laws in various states that increased consumer prices by requiring wine to pass through distributors. "The idea that Jess would

want to correct wrongs in the horse racing or wine business doesn't surprise me," MacMahon says. "That was his bent, to do right even if it cost him."

Jackson was a generous philanthropist who donated millions of dollars with his second wife, Barbara Banke, in support of several charities. He is survived by Banke, his children Jennifer Hartford, Laura Giron, Katie Jackson, Julia Jackson, and Christopher Jackson, and grandchildren Hailey Hartford and MacLean Hartford. —*Andrew Cohen*

LOOKING AHEAD: Known as a visionary who was unafraid to take chances, Jackson achieved enormous success in law, wine-making, and horse racing.

"Everyone liked Jess. He was down to earth and remained very accessible throughout his life, even with all of his tremendous achievements."

—Jay MacMahon '55



What Makes Ricky Run

Ricky Gill '12 felt it was time to consider running for Congress, and his résumé seemed to agree: high school valedictorian, Phi Beta Kappa at Princeton, Greater Lodi Area Youth Commission co-chair, California State Board of Education member, California Secretary of Education adviser, and other leadership roles. So in May—at age 24—Gill announced his candidacy for California's 11th Congressional District, which includes his native San Joaquin County.

With the local unemployment rate nearly twice the national average, Gill says, "We've got to develop and retain human capital in San Joaquin County." He hopes to revitalize the area's agriculture industry and to "foster ties with innovators in Silicon Valley."

The son of immigrant parents from India, Gill was appointed to the California State Board of Education at 17. As its youngest member, he spoke on educational equity at California's 2005 Republican convention.

Gill later worked for then-Senate Majority Leader Bill Frist (R-Tenn.) and the Committee on Health, Education, Labor & Pensions. "Public service," he says, "is a noble calling." —*Andrew Cohen*

Lifeline for Capital Cases

For defense attorneys, success in a capital case is not always synonymous with acquittal. In many cases, convincing a prosecutor to forgo the death penalty for a negotiated plea counts as a solid victory. However, the pervasive lack of funding for the defense, especially in Southern states, all too often precludes the vigorous investigations that would give prosecutors reasons to take death off the table.

That's where Boalt's Death Penalty Clinic comes in. Since 2008, students involved with the clinic's Southern Capital Assistance Project (SCAP) have aided defense attorneys in capital cases in Texas, Virginia, Georgia, and Alabama with hundreds of hours of research, motion writing, witness interviews, and other help. In the process, they've seen firsthand the challenges of defending indigent criminal clients in a region well known for inequalities in imposing the death penalty.

Two recent cases illustrate the project's effectiveness in averting death sentences.

In Virginia last year, three students and the Death Penalty Clinic's staff attorney Kate Weisburd, who heads up SCAP, scoured the state to interview friends and family of a man charged with double murder, to document his mental illness. "Their thorough research, legal memoranda, and witness interviews were crucial in helping local defense attorneys secure a life sentence with the possibility of parole," Weisburd says.

In a second case, a SCAP

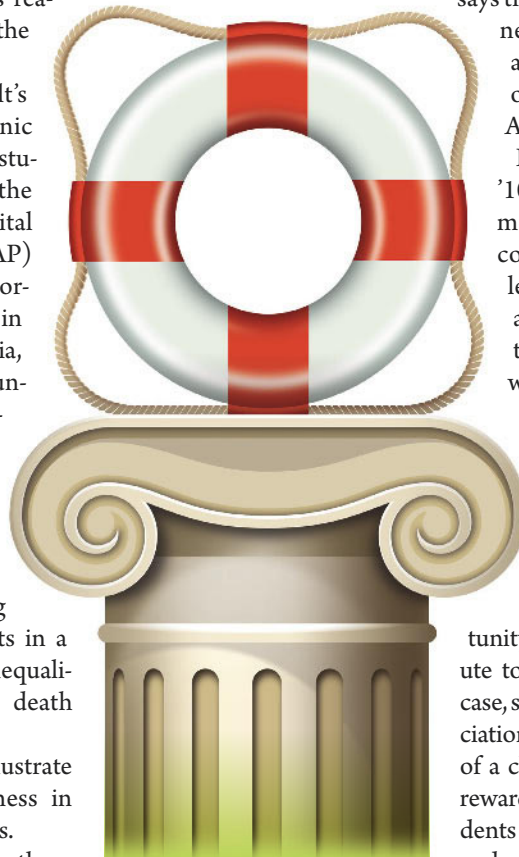
team supported an Alabama defense attorney by reviewing thousands of documents and conducting legal research on mental health issues to better understand the defendant's history of profound mental illness. In the end, the defendant pled guilty to murder in exchange for a life sentence. "The students produced some of the most useful reports that we had in the case,"

says the grateful Alabama attorney, "including substantial and very helpful research on some key points of Alabama law."

For Tess Hand-Bender '10, who admits she is "far more comfortable behind a computer screen doing legal research," working on a capital trial investigation in the Deep South was a revelation. "Nothing could have been better for building my confidence and honing my skills as an advocate," she says.

SCAP selects cases that offer the best opportunity for students to contribute to the defense of a capital case, says Weisburd, whose association with the project grew out of a clinic fellowship. "It's very rewarding to watch as the students come to truly understand and appreciate the death penalty's impact on our clients, their families, and their communities." More than 60 percent of Death Penalty Clinic alums are currently working in public-interest positions.

SCAP is funded entirely by gifts from alumni and other sources. More about the Death Penalty Clinic, including news stories, cases, and information about its graduates, can be found on Boalt's website and at deathpenaltyclinic.org. —*Bob Rucker*



DEATH PENALTY DATA

The Southern Capital Assistance Project has worked on cases in **Texas, Virginia, Alabama, and Georgia**, four of seven states with the most executions since 1976.

More than half of Alabama's death row inmates were represented at trial by lawyers whose compensation for out-of-court preparation was **capped at \$1,000**.

Of the men and women on death row, **53%** are people of color and **99.5%** are indigent.

Due Date Not Debatable



Those who attended the American Universities Debating Tournament at the Grand Palais in Paris in December saw firsthand that Kerstin Carlson '01 is not one to make excuses.

Weeks after being named best speaker in the tournament's quarterfinal round, Carlson was again named best speaker in the suspense-filled final round. And that's when the real drama began.

"I was pregnant, and my water broke during the audience question-and-answer session following the debate," Carlson recalls. "That was around 10:30 p.m."

After a security team escorted her on a frenzied dash to meet the ambulance—and some maddening confusion about the hospital's exact location—she arrived at 11:05. Nine minutes later, her daughter, Noémie, was born. "She definitely knew how to make an entrance," Carlson says.

An hour before Noémie's arrival, Carlson and her three UC Berkeley alumni teammates, including 2001 Boalt graduate Charles Newcombe, took the tournament's silver medal.

Carlson, working toward a Ph.D. from Boalt's Jurisprudence and Social Policy Program, practices international arbitration at Cleary Gottlieb in Paris and is widely published in the area of public international law.

"I debated for a year in college, but that was 20 years ago," she says. "I didn't respond to the

alumni club's call for debaters until the third email request. I warned them I was pregnant, but my due date was after the final round. I didn't expect to make it to the finals."

Another jaw-dropping effort came from teammate Olivier Jeannel—who is deaf and used lip-reading, hearing aids, and live captioning throughout the competition. Jeannel was named best speaker in the semifinals, as Boalt defeated an alumni team from Stanford.

Tournament judges included Judith Baroody, Minister Counselor of Public Affairs at the U.S. Embassy; Declan McCavana, president of the French Debating Association; and Alessandra Galloni, Europe editor-in-chief of the *Wall Street Journal*.

—Andrew Cohen

BANTAMWEIGHT DEBATER: Baby Noémie was 35 minutes late for her first debate tournament. Her excuse: Wasn't born yet.



Winning Ways

As Boalt continues to put more emphasis on professional skills development, its mock trial teams continue to put more hardware in the school's trophy case.

In October, team members Suzanne Jaffe '12, Inna Buschell '13, Keydon Levy '11, and Joe Goldstein-Breyer '11 defeated groups from 19 other schools to win the San Diego Defense Lawyers Trial Competition. In

November, James Perry '11, Eric Neff '12, Rachel Johnson '12, and Vassiliadis '13 took the regional championship at the American Bar Association Labor & Employment Trial Advocacy Competition. And in January, Mellori Lumpkin '12, Keydon Levy '11, Allina Hightower '13, and Jerome Price '11 went undefeated to win the western region championship of the Thurgood Marshall Mock

Trial Competition.

"These successes belong to the students," says lecturer-in-residence Bill Fernholz '93, who has guided Boalt's competition teams for a decade. "But what's also exciting is how the law school community has come together to support these teams. It's a real partnership among alumni, faculty, and current students."

Bruce Budner, who coached the San Diego team, saw improved performances in each trial, thanks to "an emphasis

on getting better, rather than on winning." Budner was also pleased to receive compliments from opponents about his team's "professionalism and ethical conduct."

The growing number of Boalt's competing—and winning—teams in recent years reflects its heightened emphasis on the mock trial experience.

"These competitions help students gain a skill that is fundamental to being a lawyer," Fernholz says. "The longer students go without exercising that skill, the harder it becomes to use. We're proud to be turning out students who aren't afraid of stepping into the courtroom." —Ben Peterson

"We're proud to be turning out students who aren't afraid of stepping into the courtroom."

—Bill Fernholz '93

IN BRIEF



Fighting Rape on Two Fronts

Jonathan Baum '11 lived a dual life while performing HIV/AIDS field-placement work in South Africa this semester.

Three days a week at the Treatment Action Campaign (TAC) he drafted legislative proposals to fund new rape crisis centers, increase penalties for sexual offenses, and guarantee rape victims court access. Two days a week, in the slum of Khayelitsha, he helped sexual assault victims prepare case testimony.

"TAC has a modern office in downtown Cape Town," Baum says. "But, in Khayelitsha, a few dozen clients crowd into a single room, the internet is down half the time, and loud music constantly filters in from the street."

Baum's work highlighted gender-based violence as a catalyst of South Africa's HIV epidemic. "Prosecutors don't take rape seriously enough," he says, "and aren't prepared to handle complex cases that involve forensic evidence."

Baum worked with them to improve how they preserve evidence, and lobbied judges to lower South Africa's rate of granting early bail to rape suspects.

—Andrew Cohen



Fellowship Extends Coblenz Legacy

Soon after the law firm partners at Coblenz, Patch, Duffy & Bass contributed \$500,000 for Boalt student and faculty research related to racial and ethnic justice, Joanna Lydgate '10 received a William K. Coblenz Civil Rights Fellowship.

Lydgate had written a law review article about a federal immigration enforcement program along the U.S.-Mexico border called Operation Streamline, which replaced prosecutorial discretion with a mandate to jail and prosecute anyone who illegally crossed the border. As a Coblenz

combat apartheid in South Africa and supported the right of Communist philosopher Angela Davis to teach at UCLA.

Lydgate met Coblenz last year at UC Berkeley's Scholarship Luncheon, an annual gathering of donors and scholarship recipients. "He was warm, kind, and shared wonderful stories about his career," she says. "After my speech, he came over to thank me. Here's a man whose generosity had enabled my research, and he's thanking me. From all I'd heard about him, it was fitting." —Andrew Cohen

HAIL-FELLOW-WELL-MET: Boalt's Civil Rights Fellowship is named after longtime UC Regent William K. Coblenz, who died last September.

Fellow, Lydgate—who observed court proceedings in four border cities—worked with Boalt's Warren Institute to craft a policy report that was sent to lawmakers, advocacy organizations, and the media.

"In three months," Lydgate says, "I turned from a law student into a lobbyist, sitting across the table from high-level officials in Washington, D.C., informing them that Operation Streamline violates defendants' civil rights and diverts vital resources from combating drug smuggling and human trafficking. This wouldn't have been possible without the Coblenz Fund."

Coblenz, who died in September 2010, regularly appeared in *Best Lawyers in America* during 55 years at his law firm. He helped guide major San Francisco building projects—such as Yerba Buena Gardens, AT&T Park, and Levi's Plaza—and represented Patricia Hearst and the Grateful Dead, among several high-profile clients.

As a UC Regent from 1964 to 1980, Coblenz prodded the university to



FOREFRONT

AT THE
LEADING
EDGE OF
RESEARCH
AND SERVICE



SPEAKING OF JUSTICE: Former Israeli Supreme Court Justice Dalia Dornier was keynote speaker at the April 6 launch event for the Berkeley Institute for Jewish Law and Israeli Law, Economy and Society.

Seeding Scholarly Inquiry

Institute expands resources for study of Jewish and Israeli law

Boalt Hall has launched a new institute that will expand Jewish and Israeli studies on the UC Berkeley campus. The Berkeley Institute for Jewish Law and Israeli Law, Economy and Society reflects both a flourishing of Jewish legal studies in U.S. law schools and a national surge in the academic study of Israel.

Funded by a \$750,000 seed gift from The

Rosalinde and Arthur Gilbert Foundation, the institute is guided by 15 campus faculty members from a diversity of disciplines, including economics, business, political science, history, sociology, and Jewish studies.

UC Berkeley Chancellor Robert J. Birgeneau says the institute “creates important opportunities for new research, programming, colloquia, and course development,” and will make “a mea-

surable contribution to scholarly inquiry and discourse across our campus.”

The institute will run two distinct programs—one on Jewish Law, the other on Israeli Law, Economy and Society.

The Jewish Law program will broaden the resources available for Jewish legal study through initiatives, research, coursework, and hosting major program-related campus events.

The Israeli Law, Economy and Society program will work with other campus units and professors to foster faculty and student research, expand curriculum offerings, host speakers and symposia, and expand collaborations with universities and academicians in Israel.

Scope and scholarship

“We’re working to support broader discourse on campus around Jewish and Israel-related scholarship,” says institute faculty director Kenneth A. Bamberger, a constitutional and administrative law scholar who teaches Jewish law and ethics. “We want to better serve UC students

interested in studying these topics in-depth. Our programming will be truly interdisciplinary in scope and scholarship.”

Boalt Dean Christopher Edley, Jr. says the Gilbert Foundation’s gift allows the law school “to bolster substantially the existing Jewish and Israeli programming on campus, especially by adding a legal perspective. Indeed, Ken Bamberger’s leadership puts us at the center of what a great university is about: deep understanding and thoughtful engagement of complex and important matters, in this case the relationships between religions and other social and political structures.” He adds that the institute also builds on Boalt’s “historic strengths in religious law,” including its Robbins Religious Law Collection and the *Berkeley Journal of Middle Eastern & Islamic Law*.

Both the law school and its Center for the Study of Law & Society (CSLS) have consistently attracted Israeli scholars.

Daniella Beinisch, the institute’s executive director and a former CSLS fellow, says Boalt’s faculty “has long been an important resource for individuals doing academic work on Israel.”

The institute’s faculty advisory board includes several other law faculty, including Professor Malcolm Feeley, who formerly led UC’s Israel Center in Jerusalem; Professor Laurent Mayali, director of Boalt’s Comparative Legal Studies Program and its Robbins Religious and Civil Law Collection; and former law school Dean Jesse Choper, a scholar of law and religion.

Fostering synergy

Bamberger notes that the institute further complements existing strengths of the university: its prestigious Jewish studies faculty, who have trained generations of scholars now in top departments across the United States; and its national leadership in “area studies—the interdisciplinary study of specific countries or regions.”

UC Berkeley’s celebrated merger last fall with the Magnes Collection of Jewish Art and Life, and the construction of the Magnes’ state-of-the-art center in downtown Berkeley, will further foster synergies between academic units across campus, Bamberger says.

The institute’s activities began during spring semester. Its Israel program hosted visiting political science Professor Menachem Hofnung of Hebrew University to teach undergraduates, and it launched a monthly faculty colloquium on Israeli Law, Economy and Society. In February, the Jewish Law program hosted Yeshiva University Professor Suzanne Stone, who delivered the Robbins Collection Lecture; it also

LAUNCH DAY: Institute Faculty Director Kenneth A. Bamberger (top left), UC Berkeley Chancellor Robert J. Birgeneau (top right), Gilbert Foundation CEO Martin H. Blank, Jr. '66 (bottom center), and others celebrate the launch of the Berkeley Institute for Jewish Law and Israeli Law, Economy and Society with former Israeli Supreme Court Justice Dalia Dorner.



inaugurated a new course in Jewish law and ethics. Both programs have launched graduate student scholarship working groups.

“We are extremely excited by the success the institute has already achieved in supporting faculty and students,” says Martin H. Blank, Jr. ’66, the Gilbert Foundation’s director and chief operating officer. “We look forward to attracting partners in enabling the institute to build on these accomplishments in the future.”

In coming semesters, the institute’s faculty will introduce additional courses in Israeli history and constitutional law, expand Jewish law offerings to undergraduates, and host its first annual campuswide conference, on Israel as a high-tech nation.

A formal launch event, co-hosted by Birgeneau and Edley and featuring former Israeli Supreme Court Justice Dalia Dorner as the keynote speaker, took place April 6. —*Andrew Cohen*

Capital Ideas

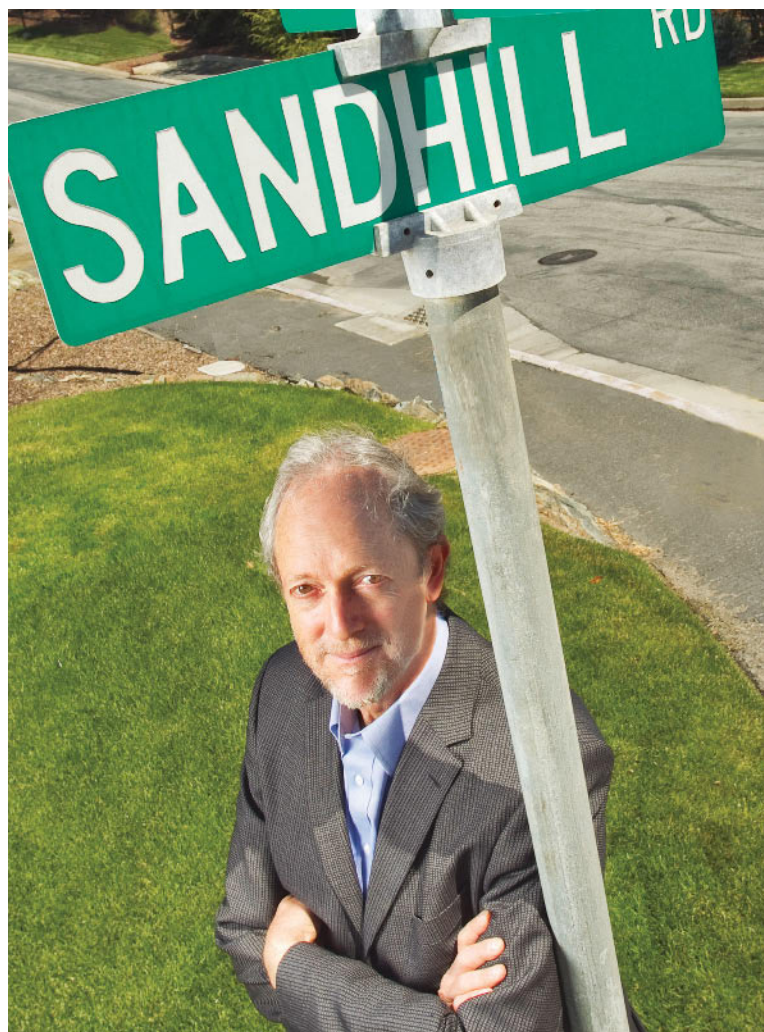
BCLBE shaping financial reform as Dodd-Frank takes effect

Last July, President Obama signed the Dodd-Frank Wall Street Reform and Consumer Protection Act, written to address some root causes of the credit crisis that led to the global economic meltdown in 2008. Dodd-Frank takes effect in stages, requiring regulators to study and adopt rules to implement the law’s provisions.

A period of intense rulemaking has ensued, during which legal counsel for banks, private equity firms, and hedge funds, as well as industry and public-interest advocacy groups, are devoting substantial resources to shaping proposed regulations and providing comment to the 11 regulatory agencies responsible for various provisions. The Berkeley Center for Law, Business and the Economy (BCLBE) has been active in the dialogue, highlighting proposed regulations that might threaten economic growth without improving the system’s stability.

The venture capital question

One particular concern of BCLBE researchers has been the potential negative impact of certain Dodd-Frank provisions on venture capital (VC) funds. VC is a major California industry and the foundation of innovation and entrepreneurship, one of BCLBE’s three areas of focus. “Venture capital is vital to the state’s and the nation’s economy and, given our location at the heart of the



VENTURE FORTH: BCLBE has been highlighting provisions of the Dodd-Frank Wall Street Reform Act that could unfairly impact venture capital funds. Above: BCLBE Executive Director Ken Taymor at Sand Hill Road in Menlo Park, California, venture capital’s version of Wall Street.

industry, it is a natural focus,” says BCLBE Executive Director Ken Taymor. “Our work on VC issues provides students the opportunity to be involved in the professional world, where many will be making a career.”

Dodd-Frank’s authors recognized that VC funds had not contributed to the financial crisis,

and excluded them from among the hedge funds and private equity funds now required to register with the Securities and Exchange Commission (SEC). Nevertheless, provisions in the proposed implementing regulations failed to completely carve VC funds out of that group. Also, even those VC funds defined as

exempt from full registration would be subject to significant reporting mandates. As a result, funds may incur substantial administrative and legal costs, offsetting the benefit of the registration exemption.

“Regulators say their biggest difficulty is getting informed opinions that do not come from interested advocacy groups.”

—Ken Taymor

Independent analysis

“Regulators say their biggest difficulty is getting informed opinions that do not come from interested advocacy groups,” Taymor says. In keeping with BCLBE’s mission to provide regulators with such independent analysis, Taymor and Eric Finseth, a BCLBE fellow in securities regu-

lation and corporate governance, launched research that culminated in a Comment Letter to the SEC, submitted in February. The letter focused on how the regulations might be revised or interpreted more flexibly when applied by the SEC, to achieve what BCLBE sees as the purpose of the Dodd-Frank legislation.

The Comment Letter is only one product of BCLBE’s work on these issues. BCLBE recently organized a symposium on the topic, Financial Regulatory Reform: Dodd-Frank and Beyond, co-sponsored by the *Berkeley Business Law Journal*. The journal will publish proceedings of the symposium in a special issue this summer, and BCLBE’s website already offers related materials, including video recordings.

The SEC is due to publish its final regulations shortly. But history has shown that conversation will continue as the regulations are interpreted, debated, and challenged. “It’s not as simple as saying they read our letter and this or that changed in the regulation,” Taymor says. “Our goal is to continue to provide unbiased information and analysis to help inform regulators as they move through the process.” —Ann Appert

All the World [Wide Web]’s a Stage

BCLT leads search for internet privacy protection

Not long ago, an electronic invasion of privacy was best defined by annoying telemarketing calls. Today, consumers’ privacy is compromised every time they surf the web. Unlike someone roused from dinner for an unwanted call, however, the average web surfer has no idea that companies are quietly gathering threads of personal information left behind every Google search, Amazon purchase, or Facebook visit, and weaving behavior-based profiles on each and every one of us. Their goal: send us better targeted on-screen advertising and develop new products.



Sound innocent? That's what more than 100 techies, lawyers, regulators, entrepreneurs, students, and others gathered to discuss February 9 at a Berkeley Center for Law & Technology (BCLT) Browser Privacy Mechanisms Roundtable.

While most evidence about online browsing is recorded anonymously, trackers are getting better at linking an IP address (the number string unique to each computer) to an unsuspecting consumer's name, address, phone number—even financial history. All of this information is aggregated, marketed, and repackaged in a largely unregulated setting. The result: “The modern ‘permanent record’ that our mothers and school-teachers warned us about,” says BCLT Executive Director Robert Barr.

Creating safeguards

One big concern is once-private information leaching out of private commercial databases into places where it could be put to more nefarious uses than ascertaining product preferences, Barr says. Web surfers may come to fear even researching health information if they have no idea into whose hands it might fall.

Delivering a keynote address on possible solutions was Julie Brill, head of the U.S. Federal Trade Commission (FTC). Brill's agency recently finalized a framework for consumer online privacy, recommending the creation of a “Do Not Track” mechanism similar to the FTC's National Do Not Call Registry—which allowed consumers to opt out of those dinnertime interruptions beginning in 2003.

Members of one panel explored what technological developments might be needed to support a policy that creates and monitors such a safeguard. Because retrofitting the internet with privacy protections is very difficult, the solution will likely involve designing features into web browsers and other applications, called “privacy by design.” How that might happen was another hot topic: a browser-based “Do Not Track” button—which recently debuted on Firefox and Internet Explorer—or perhaps a similar tool embedded in all computers' operating systems.

Participants agreed that without a policy and enforcement mechanism, such tools would rely on the integrity of countless trackers—a measure of self-regulation unlikely to generate much traction these days.

Low cost, high reward

Working in favor of policy reform: New privacy laws are relatively low-cost, high-reward opportunities for legislators eager to back popular, budget-neutral legislation. Exhibit A: The Do Not Call

Registry was one of the most popular personal privacy protections ever implemented.

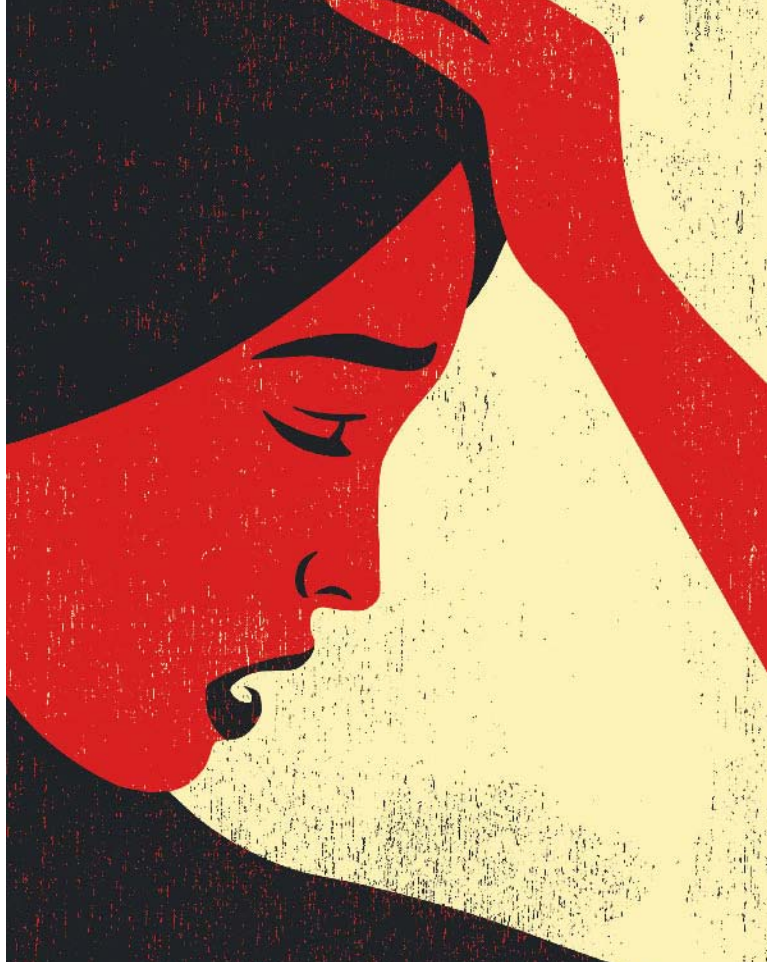
Another panel that focused on enforcement relayed more good news: Efforts to keep trackers in line need not be 100 percent foolproof. “The very nature of tracking demands a critical mass of ubiquity to generate data with any value,” Barr says. “That means those few willing to break the law would leave traces of their misdeeds all over the internet.”

In the end, one participant speculated, the same folks who created the problem—tech entrepreneurs—may come to the rescue, with new ways to identify violators—and sell their findings to class-action lawyers. —*Bob Rucker*

To learn more:
law.berkeley.edu/10590.htm



CONFIDENTIALLY SPEAKING: Federal Trade Commission head Julie Brill, Berkeley Center for Law & Technology Executive Director Robert Barr, and other leaders in the online privacy debate gathered in February for the center's Browser Privacy Mechanisms Roundtable.



Making Accountability Count

Removing barriers to enforcing Kenya's sexual-violence law

Kim Thuy Seelinger isn't one to back down from a challenge—a good thing, given her current objective at Boalt Hall's Human Rights Center (HRC).

As director of the HRC Sexual Violence & Accountability Project, Seelinger is spearheading the center's push to help address violence against women more effectively—especially sexual violence related to conflict or political unrest. That effort has begun in Kenya, where HRC convened a three-day workshop in May to strengthen investigations, prosecutions, medical services, and psychological support—and to help those sectors interact more efficiently in implementing

Kenya's 2006 Sexual Offenses Act.

"Currently, it's a very long and difficult route for a victim to obtain justice," Seelinger says. "We designed our workshop to bring together all the authorities in charge of responding to sexual violence. Because Kenya has a robust civil society infrastructure, it's a good baseline for us in learning how to work effectively in other, less-developed countries."

Post-election fallout

In June 2010, HRC Executive Director Camille Crittenden and a graduate researcher visited Kenya to gauge fallout from the country's post-election violence in late 2007 and early 2008. Seelinger—a former staff attorney and clinical teaching fellow at UC Hastings College of the Law's Center for Gender and Refugee Studies—has made four subsequent trips.

"Kenya's Sexual Offenses Act is on the books but hasn't been implemented at all," she says. Forensic evidence is vital in prosecutions under the Act, and recent regulations mandate taking two forensic samples from any survivor who comes in for post-rape services and examination—one for clinical care and one for police. "That's just not happening," Seelinger laments, "even in Nairobi's main government hospital, let alone in more remote provinces."

For victims of sexual violence in Kenya, obstacles exist at every turn. Many health care providers aren't trained to administer a rape-kit exam, and the results of exams that are administered often don't reach police on time. When results do reach police, officers are rarely trained to properly handle specimens, interview, or investigate. And when a DNA specimen does actually get to a government chemist? Sometimes poor handling has destroyed the evidence or a government chemist lacks the resources to analyze it properly.

Violence accountability

Directed study groups—staffed with students from Boalt and UC Berkeley's School of Public Health—have provided valuable research throughout HRC's preliminary site visits, May workshop, and subsequent analysis. HRC students also prepared a series of in-depth background papers on aspects of accountability for sexual violence, and their papers were reviewed by international experts and presented at the May workshop.

"They've given us terrific insight into Kenya's jurisprudence, investigation and prosecution, witness protection, access to psychosocial support, and community approaches," Crittenden says.

After contributing to Kenya's capacity-building dialogue about sexual-violence accountability, HRC will next examine the response to sexual vio-

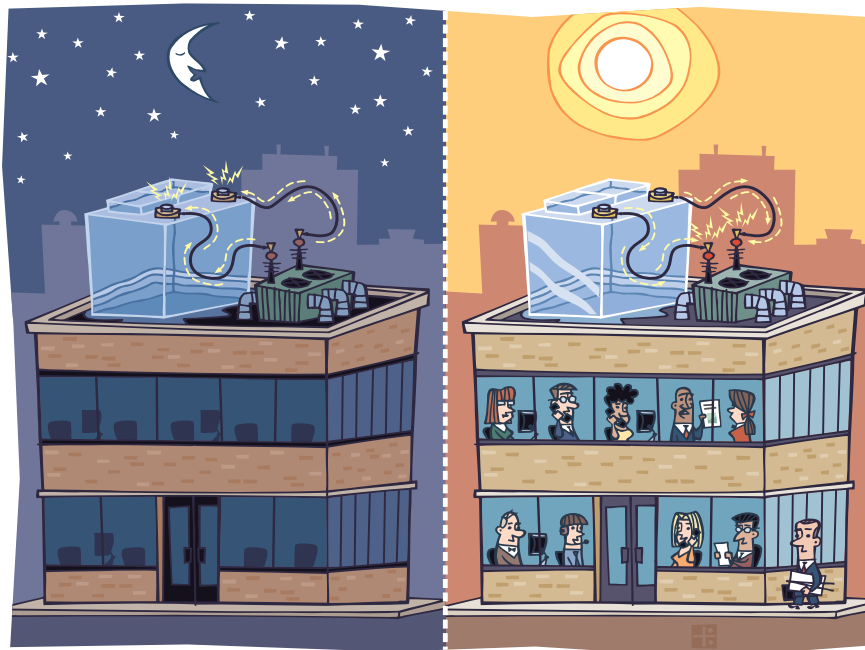
lence in Nepal, with another two to four countries to follow. After that, it will conduct a comparative analysis to see which accountability and protection strategies may be transferable to other coun-

tries and which may be unique to a given nation. “A lot of this comes down to political will,” Seelinger says, “and building the right relationships.” —*Andrew Cohen*



Energy Storage Gets Cooler

Boalt helps smooth the way to California’s renewable power future



It’s noon on an August scorcher, and L.A.’s temperature is already nearing 100. Air conditioners labor; demand for electricity soars, outstripping the grid’s baseload generating capacity. Now “peakers”—auxiliary power plants used solely to meet peak loads—fire up to meet the demand. Most burn fossil fuels, and they’re less efficient than baseload plants, so they spew greenhouse gases and other pollutants into the air.

But a growing number of SoCal buildings are keeping their cool in the heat—without running air-conditioner compressors at peak times. These energy-savvy buildings are equipped with Ice Bear Energy Storage Systems. Yoked to commercial-sized air conditioners, Ice Bears use cleaner, cheaper off-peak power to turn 450 gallons of water per unit into ice overnight; then, as the afternoon heats up, the ice helps the buildings chill out. Ice Bears are the creation of Ice Energy, a Colorado-based firm headed by Boalt alum Frank Ramirez ’79. Ice Energy has contracted with the Southern California Public Power Authority to install more than 7,000 Ice Bears on commercial buildings by 2013.

Making ice with off-peak power is just one method of storing energy and lowering peak loads, says Ethan Elkind of Boalt’s Center for Law, Energy & the Environment (CLEE). Other

methods include chemical storage batteries; fast-spinning flywheels; caverns filled with pressurized air, which can spin generators when it’s released; and pumped-hydro storage installations, which pump water uphill by night, then funnel it through turbines by day. Although the methods differ, the goal is the same: Flatten demand peaks by storing cleaner, cheaper off-peak power, whether that off-peak power comes from hydroelectric dams, clean coal, nuclear reactors, or—ideally, and increasingly—renewable sources, chiefly solar and wind.

Breaking barriers

If it all sounds slightly piecemeal and patchwork, that’s because it is, for now. But Elkind and CLEE are working to dismantle barriers to energy storage, in order to move from patchwork to “combine and conquer.”

Elkind is a policy research fellow at both Boalt and the UCLA School of Law, with a focus on the intersections of law, energy, and climate change. Over the past two years at CLEE, with funding from Bank of America, he has organized seminars and published white papers on topics that combine those disciplines. Among them: creating walkable, climate-friendly neighborhoods; reducing greenhouse-gas emissions from farming; siting solar farms atop big buildings;

TERRY COLLON

To learn more:
law.berkeley.edu/6332.htm

and, most recently, encouraging the renewables-plus-storage combo.

California regulations call for 33 percent of the state's power to come from renewables by 2020, and that goal is a stretch. "We were supposed to be at 20 percent last year," Elkind frets, "and we were only at about 15 percent. We're not on pace." Getting on

pace matters; it's good for California's environment, and it blazes a trail for the rest of the nation.

"California has led the nation with clean-air standards, residential and appliance energy efficiency, and renewable energy," he points out. "We can now lead the way in energy storage, too."

—Jon Jefferson

Dynamic Convergence

Merged centers will focus on urgent social and legal issues

Will internal consolidation enhance external collaboration? That's the question behind Boalt's recent decision to merge three of its research centers that collaborate with law and policy experts across and beyond UC Berkeley to analyze society's most vexing problems and build consensus for effective solutions.

Earlier this year, the three centers—the Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity; Berkeley Center for Criminal Justice (BCCJ); and Berkeley Center on Health, Economic & Family Security (Berkeley CHEFS)—merged into an expanded Warren Institute on Law and Social Policy.

The reconfigured institute will focus on six core areas: education reform, health care, family economic security, immigration, voting rights, and criminal and juvenile justice.

"These three centers have been very productive and successful on their own," Dean Christopher Edley, Jr. says. "But the consolidation will improve our nimbleness in assigning research and inviting

scholars to study urgent social and legal issues."

Multidisciplinary research

From the moment he arrived in Berkeley in 2004, Edley—who created the original Warren Institute and was its director—has long emphasized multidisciplinary law and social policy work. He says the law school's research centers "have become an indispensable component of how Boalt connects with the rest of this great university."

Dr. Barry Krisberg, the Warren Institute's research and policy director, is a lecturer in residence at the law school and a former distinguished senior fellow at BCCJ. Before coming to Boalt, he led the prestigious National Council on Crime and Delinquency for 30 years.

"The main idea in consolidating the centers was to broaden and deepen their intellectual and policy contributions," Krisberg says. "Merging allows our researchers to work together in new and creative ways, draw upon this expanded expertise across all of our units, and capitalize on research opportunities that benefit one another."

Krisberg easily names issues he expects will benefit from the newly consolidated configuration, including education reform and voting rights. "Our education researchers can tap the knowledge of experts on juvenile justice and immigration, issues that are tightly woven into education," he says. "Meanwhile, our voting rights work is better positioned to incorporate key criminal justice components, such as whether parolees should be allowed to vote."

In addition to Krisberg, the institute's program leadership includes Managing Director Andrea Russi, who also directs the Criminal Justice Program; Director of the Healthcare Reform and the Family Economic Security Programs Ann O'Leary '05; Director of Immigration Aarti Kohli; Director of Voting Rights Ana Henderson; Acting Director of Education Tia

URGE TO MERGE: Dr. Barry Krisberg heads the Warren Institute on Law and Social Policy—the result of combining three Boalt research centers.



Martinez; and Distinguished Senior Fellows Maria Echaveste '80 and Jeanne Woodford, former warden of San Quentin State Prison.

The institute is pushing to be a policy adviser to the legislature and community foundations. If a

foundation expresses interest in a topic, Krisberg believes his colleagues are “well positioned to develop policy briefs, organize information on best practices, and help shape long-term research strategy.” —*Andrew Cohen*



Liable to Change

Restorative justice program guides teens toward responsibility

For Mary Louise Frampton, faculty director of Boalt's Thelton E. Henderson Center for Social Justice, restorative justice is far more rational than radical.

“When you're teaching young people to respect themselves and others, you don't lock them in the closet when they act out,” she says. “Yet in schools, for some reason, our culture seems to tolerate punishment as a way to change disruptive behavior—though everything in social science and psychology shows that doesn't work.”

Social scientists point to the positive effects of restorative justice, for both the victim and perpetrator, be it in the street or in the classroom. Restorative justice programs encourage perpetrators to take responsibility for their actions, repair harm done to victims, and improve relationships. In schools where restorative justice is practiced, teachers and students come together, often in a circle, to discuss both the behavior at issue and the importance of acquiring empathy, showing respect, and tolerating compromise.

Recently, the Henderson Center oversaw a successful one-year restorative justice pilot program at Oakland's Cole Middle School. Suspensions there dropped by 87 percent from the previous year, while expulsions dropped to zero. In a survey of teachers, students, and parents, 83 percent said the program was helping students and reducing fighting, and 91 percent said it was improving relationships with other students.

“Zero-tolerance policies typically lead to suspensions and expulsions for adolescent behavior like smoking, fighting, and cursing,” Frampton says. “The research shows that removing youth from school increases the risk that they will fall behind, lose faith in themselves, drop out, and wind up in juvenile hall or jail.”

Research-based approach

The center's work combined quantitative research—examining suspension and expulsion rates—with qualitative research such as on-site

observations, interviews, and focus groups. Center research manager Michael Sumner coordinated the effort, and Atteeyah Hollie '10 spent at least two days a week observing classrooms and interviewing students and staff.

“I lived near Cole during law school and experienced the trauma of almost daily exposure to violence and poverty,” Hollie says. “Seeing firsthand the power of restorative principles has changed my view of education. Cole fought to demonstrate that inner-city children are not lost causes.”

The center's final report received considerable media coverage—and helped prompt the Oakland Unified School District to adopt a resolution to implement restorative justice systemwide. Because restorative justice is adapted to each environment, teachers and administrators can weave its general principles, values, and practices into the culture of a given school.

Much of the center's work focuses on race and poverty, and Frampton says restorative justice fits within that framework because “it can effectively dismantle our current school-to-prison pipeline.”

The Cole program marked one of the nation's first restorative justice initiatives at a school with a diverse student body located in a poor, high-crime neighborhood. For Sumner, the results illustrate the advantage of dialogue over retribution. “Restorative justice creates a new way for schools to deal with discipline,” he says, “as well as a more productive learning environment.”

“Everyone is better served by helping students recognize and acknowledge their mistakes,” Frampton says. “That's what helps them change their behavior.” —*Andrew Cohen*



POWER OF PRINCIPLES: Boalt's Thelton E. Henderson Center for Social Justice, led by Mary Louise Frampton, oversaw a pilot program in restorative justice at an Oakland middle school.



A CAMPAIGN PRIORITY: FINANCIAL AID

Investing in Boalt Lawyers with Financial Aid Today

To measure the return on investment in Boalt Hall students, look no further than the latest headlines...

That's where alumni like Monique Liburd '08—an intellectual property associate at Morgan, Lewis & Bockius in Washington, D.C.—are using their Boalt advantage to make an impact. Thanks to a strategically expanded approach to financial aid, supported by the Campaign for Boalt Hall, there will be even more Boalt talent behind front-page legal news for years to come.

Liburd came to Boalt after an undergraduate education at Cal State Northridge that pitted learning against earning. “Because I worked full time, I missed out on many opportunities on campus,” she recalls. But at Boalt, a generous need-based financial aid package—including the Gerald Marcus Scholarship sponsored by law firm Hanson Bridgett—freed Liburd to immerse herself in both legal education and Boalt culture. Involvement with student organizations, the East Bay Community Law Center, and board positions on the *California Law Review* and the *Berkeley Journal of African American Law & Policy* added practical and leadership experience to Liburd's résumé that made her a good investment after graduation.

Today, working in trademark and copyright law, Liburd finds herself at the center of the action—facilitating big-name brand acquisitions in fashion and retail; negotiating international transactions in the food and beverage, financial services, and software industries; and maintaining an active pro bono practice with nonprofit clients. “My very generous financial aid package made it possible for me to seize every opportunity Boalt had to offer,” she says.

In 2004, Dean Christopher Edley, Jr. set in motion a strategy to address retreating state support for the law school without shortchanging students like Liburd. Tuition rose incrementally to fund investments, but stayed below the market average for peer schools. At the

same time, financial aid

options expanded

through an initiative that enables all admitted students, regardless of income, to choose Boalt.

Meanwhile, the law school dramatically beefed up its Loan



Repayment Assistance Program (LRAP) to help graduates pursue public-service and public-interest careers unburdened by debt.

LRAP got a recent boost from Ellyn '84 and William Lindsay '85. "Bill and I feel very grateful to Boalt for providing the steppingstone to our careers, and we wanted to give something back in a meaningful way," Ellyn says. "It's especially important not only that worthy people are able to attend Boalt regardless of their ability to pay, but also that those who wish to pursue careers that benefit the public be able to do so without being overwhelmed by law school debt."

Since the recent economic downturn, financial aid has become even more critical to Boalt's ability to maintain its mission of access. Today, 87 percent of Boalt students receive some form of financial aid, with applications for need-based scholarships increasing 63 percent in the past two years. The Campaign for Boalt Hall has engaged supporters in meeting the challenge, with the dean making it his top fundraising goal. Financial aid expenditures have nearly doubled since 2005, much of that

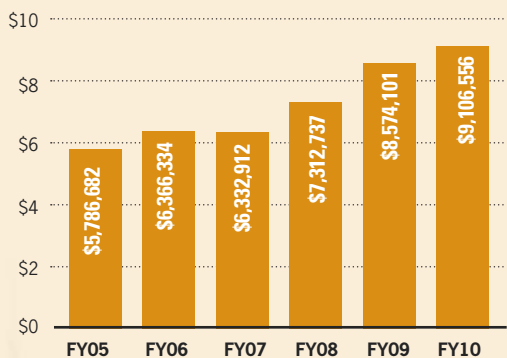
aid funded through private philanthropy.

Campaign funds have added a robust combination of options to the financial aid menu. Extra funds for summer fellowships guarantee stipends for students who take unpaid internships in public or nonprofit settings. Twelve new Bridge Fellowships provide up to four months of financial assistance to students pursuing public-interest careers who have not found jobs by graduation. Graduates facing extraordinary financial hardships are able to apply for short-term emergency loans. New graduates whose private-sector job offers have deferred start dates have access to health insurance coverage. And, for the second time in three years, LRAP has been expanded—critical to fulfilling Boalt's mission as a public law school.

For students following a path similar to Liburd's—advancing the legal profession while doing important work in the world—visionary financial aid provides a bridge to the future. Campaign gifts make that passage possible, and help reinforce that whatever the circumstances, Boalt's commitment to access and excellence will remain secure. —Linda Peterson

FINANCIAL AID EXPENDITURES

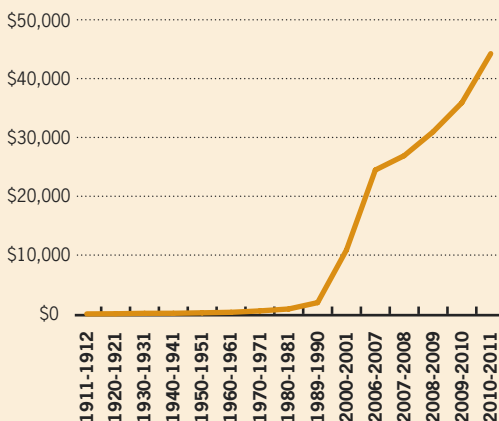
In Millions of Dollars



Figures include scholarships, grants, fellowships, and loan repayment assistance. The majority of the aid is funded through student fees and private philanthropy.

In 2004, Boalt solidified its commitment to ensuring access for all admitted students and freedom of career choice for service-minded graduates. Today, the school returns 24 percent of total tuition to students through financial aid.

TUITION TRAJECTORY



Boalt's 2004 decision to increase tuition incrementally has enabled it to excel, but only with significant costs to students. Now approaching its \$5,000 below-market target, Boalt will need to compensate with new revenue streams upon reaching that plateau.

THE CAMPAIGN FOR
THE BOALT HALL



MAN OF TASTE: During his time in South America, Irving Tragen developed a taste for an ancient drink of health and friendship called *maté*, usually served in a small gourd with a filtered straw.



Our Man in

Caracas, La Paz, Valparaiso, San Salvador...

For half a century, diplomat and 2010 Citation Award winner **Irving Tragen '45** witnessed—and influenced—history throughout Latin America. By Jon Jefferson

Fifty years before WikiLeaks sent embarrassed diplomats running for cover, U.S. State Department Attaché Irving Tragen '45 found himself on the international hot seat, and in a big way: Tragen landed in the figurative crosshairs of Communist revolutionary Che Guevara, Fidel Castro's right-hand man. Guevara had acquired classified comments Tragen had written about gov-

ernment corruption in Venezuela ... and broadcast them by radio throughout Latin America.

Tragen faced more than embarrassment after Guevara took aim at him. He and his wife, Eleanor, received threatening phone calls, and Eleanor—"Ele"—narrowly escaped a kidnapping.

The year was 1961, and Tragen—a specialist in economic development and Latin American labor laws—had come to Caracas a year before as labor attaché. He'd prepared a classified background paper to help the newly appointed U.S. ambassador to Venezuela understand the challenges ahead. The paper included "some pretty frank comments" about corruption and graft in Venezuela's government, Tragen says.

The ambassador tucked the background paper in his briefcase and drove to a meeting at the University of Venezuela. During the meeting, leftist students broke into his car, stole his briefcase, and set fire to the vehicle. The paper made its way from Caracas to Cuba, where anti-American sentiment was running high. "On the night the Alliance for Progress was created," Tragen recalls, referring to President Kennedy's initiative to promote cooperation and economic development throughout the Americas, "Che Guevara read that paper on Cuban radio."

The leak itself was bad enough, but the timing—just as

Kennedy's secretary of state (and Boalt alumnus), Dean Rusk '40, arrived in Uruguay to launch the initiative—was terrible. Tragen's blunt comments sparked outrage in Venezuela, including demands that he be banished. Death threats followed.

The threats were hard for Tragen to hear. Literally.

An Unlikely Target

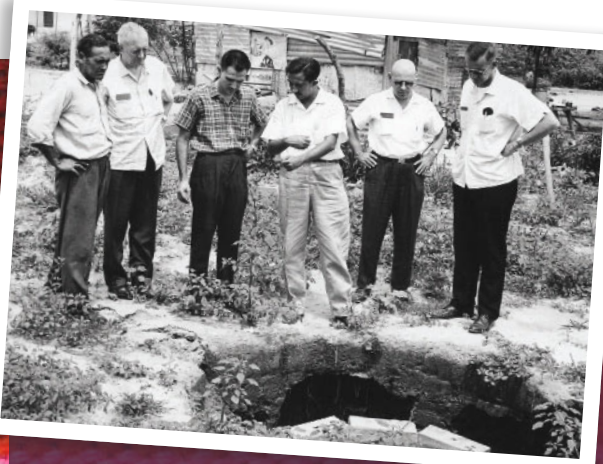
In his youth, the notion that Irv Tragen would one day be at the center of an international incident might have

seemed both far-fetched and poignant. He was born in San Francisco, to parents of modest means. At age four, he contracted scarlet fever, which damaged his hearing. By adolescence, he was almost totally deaf.

Hearing aids were cumbersome—"headphones, big batteries, and a microphone that hung down in front of your chest," he explains, "all tied together by a complex set of wires"—and only marginally effective. But Tragen learned to augment the device with lip-reading, and by the time he'd graduated from high school was confident enough to head to Berkeley, first as an undergraduate, then a law student.

Tragen recalls law school as both "very difficult" and "very stimulating." At the time, during World War II, the program was compressed into two years. "We had only 13 in our class, if I remember correctly," he says, "so you had to be ready to be called on every day, and you *were* called on every day. One day during my first year—in Criminal Law, with the great Captain Kidd [Alexander Marsden Kidd]—I gave a stupid answer, and he pulled his trademark green visor down over his eyes and said, 'You are a menace to your clients!'"

Tragen must not have been too menacing, because in his final year, Dean Edwin Dickinson encouraged him to apply for a "traveling fellowship" to study comparative law in Chile. "He said, 'Look, you can either go into the back room of a law



SCENE OF A CRIME: Tragen, second from right, examines an illegal drug production site with officials in Peru in 1990.



A MAN OF HIS TIME: Bolivian President René Barrientos Ortuño presents Tragen with an Order of the Condor of the Andes award for exceptional civil or military merit shown by a foreigner, in the 1960s.

firm, or you can develop a specialty in your own way.’”

The dean’s advice proved both prophetic and transformative. In Chile, Tragen set about mastering a new legal system and the challenges of speaking, reading—and lip-reading—a new language. “It’s much easier to lip-read in Spanish than in English,” he says modestly. “There are only five vowel sounds in Spanish, and in English there are 16 or 17.”

Tragen had expected Chilean business executives and attorneys would want to trade notes on international corporate law, but he’d guessed wrong. Plenty of Chilean attorneys were already well versed in the field. What they weren’t versed in—and were therefore keenly interested in—were labor laws. With Chile’s economy in transition, industrial relations and labor law were hot, and Tragen quickly warmed to the specialty. What he learned in Chile, working with newly minted industrialists and labor leaders in a rapidly developing economy, would open a succession of high-level doors throughout Latin America over the next five decades.

After his year in Chile, he spent three years in Mexico City studying Mexican labor law and working on a U.S.-Mexico commission to eliminate foot-and-mouth disease, which threatened to decimate cattle herds on both sides of the border. That experience led to a three-year stint in Washington, D.C., with the Latin American branch of the World Health Organization.

But public health—though a worthy cause—was a detour for Tragen. After five years, he returned to his abiding interests: labor law, labor relations, and economic development. A series of State Department postings took him back to Latin America for the U.S. Agency for International Development (USAID). Between 1953 and 1960, he served as a USAID labor officer in El Salvador, Chile, and Peru.

Then, in mid-1960, he earned a prestigious promotion and a fateful posting: labor attaché at the U.S. embassy in Venezuela.

A Near Miss

The early 1960s were turbulent years in the Caribbean. Venezuelan president Rómulo Betancourt’s fierce denunciations of the Dominican Republic’s military dictator, Rafael Trujillo, led Trujillo to support various plots to assassinate the democratically elected Betancourt. On June 24, 1960, Trujillo’s agents set off an incendiary bomb in a parked car just as the president drove past, and Betancourt was seriously injured. “We arrived in Venezuela and met the president shortly after that,” Tragen says. “His hands had been badly burned in the explosion, and Ele, who came from stern Scottish stock and wasn’t disposed to cry easily, was terribly moved.”

Betancourt’s wounds healed, and Tragen settled into his new post with enthusiasm. “I gave my first party in Venezuela in January 1961,” he reminisces, “on FDR’s birthday. We persuaded Eleanor Roosevelt to send a message to trade-union leaders, which meant a lot to them. We put on a square dance, and I asked the presidents of several U.S. corporations to dance with the wives of Venezuelan labor-union leaders. At that point, a number of union leaders left, and I worried that I’d offended them. A few minutes later, they returned with their own instruments and began to play. The dance lasted for hours; it was a wonderful experience in opening doors

Moving Closer to Cuba—One Step at a Time

On January 14, 2011, President Barack Obama eased restrictions on travel from the United States to Cuba. But don’t pack for Havana just yet . . . unless you’re going as part of an academic, religious, or cultural group. The relaxed rules apply only to “purposeful” visits by such groups, not to sightseeing by footloose tourists.

According to the White House, the change is meant to encourage contact between citizens of the two countries and foster “a Cuba that respects the basic rights of all its citizens.” But the half-century-long U.S. trade embargo still stands, at least for now.

Irving Tragen ’45, who has spent 65 years observing, implementing, and influencing U.S. foreign policy in Latin America, sees the recent changes as a sign that America is moving—“inching,” he puts it—toward normal relations with Cuba. He predicts normalization within the decade and thinks it’s high time. “We have to develop a much more mature relationship with Cuba,” he says, “one that recognizes Cuba as a legitimate nation.” The bottom line, in Tragen’s view? “If you can recognize Red China, you can recognize Cuba.” —Jon Jefferson

between two cultures.”

Tragen’s honeymoon with Venezuela ended six months later, when the pilfered briefing paper and Che Guevara’s broadcast triggered a backlash against the U.S. labor attaché. “We’d get phone calls at three in the morning. They never threatened me,” he says, his voice still edged with anger. “They threatened Ele.”

The threats proved quite real. “One day, a woman and her daughter who lived in the apartment above us were kidnapped,” he says. “Their white Plymouth was parked directly beside ours. When the kidnapers found out who they’d taken, they released our neighbors on the outskirts of Caracas. It was clear who they were really after.”

Following that near miss, the Tragens were advised to lie low for a while. “We spent four or five months scuttling around,” he recalls, “visiting every oil camp in the country, staying outside the capital as much as we could. Things settled down, but the fear was still there; it was always in the back of our minds.”

Tragen’s reputation in Washington remained strong throughout the turmoil. In April of 1962, Kennedy tapped Tragen’s boss, the ambassador, to head the Alliance for Progress—and tapped Tragen to serve as its labor and social advisor. With no small relief, the Tragens returned to the safety and stability of the State Department in Washington, D.C.

But not for long.

From Serfs to Free People

In 1965, Tragen was selected for what he calls “my single most exciting assignment”: heading the USAID program in Bolivia.

At the time—more than a decade after a revolutionary popular uprising—Bolivia remained in the midst of its most radical change since conquistadors plundered its mountains of silver and gold. “When I arrived, the country was still transitioning from medieval society to modernity,” Tragen recalls. “Prior to 1952, if you bought property in Bolivia, you bought an acreage, buildings, animals—and families. The people were indentured, and could leave only with their landlord’s permission. It was like something out of the Ancien Régime.” After the coup, the vast, tenured landholdings were dissolved, and small farmers were allowed to claim the land their families had worked for generations.

In addition to transforming land ownership, the new government—with USAID’s help—began to build roads and bridges “across a topography that defies engineering.” More important than roads and other construction projects, Tragen says, were the steps to create a national education system, a central banking system, building-and-loan institutions, and local agricultural cooperatives. “You can build roads and power projects, but the key to development is helping people take care of themselves.”

Case in point: “One of the first things I did when I got to Bolivia was review their imports and exports,” he says. “I was surprised to find that they imported almost all of the wool for their textile mills. I thought, ‘With 6 million sheep in Bolivia, why on earth are they importing wool?’” Two reasons, it turned out: First, until the 1952 revolution, Bolivia’s native people were prohibited from owning cattle and sheep—only alpacas, llamas, and other indigenous animals. So they had little experience marketing their wool. Second, electric shears—an industry standard by the 1960s—were useless in the unelectrified Altiplano (western Bolivia’s high plain).

Tragen sent out a team of American and Bolivian development specialists with low-tech, manual shears. The team set up a shearing station at an Altiplano market fair and waited. And waited. Eventually, a local woman grew curious and started asking questions. “They explained that they’d pay five pesos for the highest grade wool, four pesos for good wool, and so on,” Tragen recounts. “She thought about it, and then she brought over her flock of 25 sheep.” After all 25 had been sheared, the team offered the woman her money, the equivalent of \$75: a whole year’s income. “She panicked,” Tragen says, “and ran and got her husband.” The man was furious, sure his wife had fallen for a scam; the team explained the deal, patiently and repeatedly. “Finally, the husband said, ‘So the money is mine?’ Yes. ‘And the sheep are mine?’ Yes. ‘And all you want is this wool?’ Yes. Well, that did it. The team spent the next three days shearing sheep.” And by the time Tragen left Bolivia, in 1968, the textile mills were no longer importing wool.

“The transition from serfs to free people is a fascinating process,” Tragen reflects. “I found that very, very exciting.”

Waging War on Drugs

Fast-forward to 1982, (it takes a lot of fast-forwarding to cover Tragen’s career), when he retired from the State Department and took a temporary job at the Organization of American States (OAS). “The position was supposed to last six months,” he chuckles. “I was there for 15 years.”

That’s because he ended up taking on a complex new challenge: combating international drug trafficking. As drug use soared in the United States and Europe during the 1970s, trafficking skyrocketed throughout Latin America. One major supplier was Tragen’s beloved Bolivia, where mountains offer

Making Partner

Chance Meetings and the Art of Love

He was a nearly deaf, totally shy law student; she a social butterfly. They got together, Irving Tragen and Eleanor May Dodson, thanks to a friend who’d overbooked his evening. “He told me he’d made two dates by mistake,” Tragen recalls, “and asked if I’d take the date with Ele. I thought, ‘My God, she’s not going to go out with me,’ but she did.” Ele had been dating an Army Air Force pilot, but after a night of dancing at the International House, she fell for the bookish law student.

Three years later, they married, just in time for Irv’s assignment in Mexico City. Ele

drove most of the trip south from Berkeley. “I’m a terrible driver,” Tragen admits. “I’m scared that I won’t hear or see something. Five miles an hour is a reasonable speed for me. It didn’t take us long to figure out that she should do the driving.” They took lodgings in a pension that cost \$7 a day. “My income was \$150 a month,” Tragen recalls. “Do the math. That didn’t compute in our favor.”

But Ele soon landed a job, and her income helped make ends meet. It also funded her newfound passion: Latin American folk art. “Our first day in Mexico City, we went to the big open-air market, La Merced,” Tragen says.

“Among the fruits, vegetables, and meats were booths with beautiful kitchenware, pottery, little paintings. I said, ‘You know, a lot of these indigenous handicrafts are going to disappear as Japanese plastic invades Latin America.’ We didn’t have much money, but we’d spend a little on things we liked.” During half a century of travels throughout Central and South America, they bought thousands of dishes, utensils, figurines, paintings, rugs, clothes, and jewelry.

In 1999, as Ele’s health was failing (she died in 2005), they donated most of her collection to the Museo de las Americas, a small Latin American museum in Denver with a cross-cultural outreach that impressed them. They also began giving away other assets they’d accumulated during their long partnership. “We have no children,” Tragen explains. “We decided to give a third of what we had to



“It’s never been a priority with our government, but Lord knows, as long as there’s a demand, there’s going to be a supply. We have to get past ideology and make some compromises.”

—Irving Tragen ’45 on the need for better drug treatment programs

ideal growing conditions for coca plants. As rivers of cocaine began to flow from Bolivia, rumors began circulating that drug traffickers had infiltrated the country’s government. Bolivia’s president, Hernán Siles Zuazo, asked OAS to find out if the rumors were true. The investigation, which Tragen headed, found “reasonable grounds for concern,” he says, “which is about the most diplomatic way to say ‘yes.’” Zuazo then asked OAS to set up a program to deal with drug trafficking. OAS’s secretary general asked Tragen to head it.

Between 1984 and 1986, Tragen crafted the framework for a new international organization, the Inter-American Drug Abuse Control Commission, composed of the ministers of justice from OAS member nations. Anna Chisman, an OAS staffer enlisted by Tragen, marvels at the speed with which he brought the commission’s members into agreement. “When you can get the attorneys general of the United States and Nicaragua to agree—remember, this was not long after the Sandinistas had overthrown the U.S.-backed government—you’ve really achieved something,” she says. “Irv had worked throughout the region and had amazing contacts in Latin

America. He also worked harder than anyone I’ve ever known.”

Drug trafficking proved to be a hydra-headed monster. “It’s a vertically integrated industrial operation,” Tragen explains. “It starts with producing the raw material—coca leaf or opium poppy or cannabis—and then moves to processing that into a drug, trafficking the drug across borders, marketing it within the country where it’s being consumed, and laundering the proceeds.” Each stage in the process offers an opportunity to intervene, but poses complex challenges. It’s one thing to control the chemicals needed to extract cocaine from coca leaves; it’s quite another to detect and stop money laundering in an economy that processes up to 20,000 wire transfers per hour.

One weak link in the war on drug trafficking, Tragen asserts, is the lack of an effective effort to suppress U.S. demand by treating addiction. “It’s never been a priority with our government,” he says, “but Lord knows, as long as there’s a demand, there’s going to be a supply.” He favors pragmatic policies toward drug use and treatment, rather than simplistic moral disapproval and harsh penalties. “We have to get past ideology and make some compromises.”

As Tragen gives a mini-briefing on the complexities of drug trafficking and the challenges of foreign policy, he sounds as if he might be anticipating his next assignment, packing for his next posting. It’s hard to believe the man is nearly 90. “Eighty-nine in May,” he says, sounding a bit surprised himself. “It’s been an interesting career; not exactly ‘Lawsuits I Have Seen.’” He doesn’t skip a beat. “I’m still absolutely captivated by the process of development.”

He pauses, but—typically—not for long. “I’ve had a good time, and I had a wonderful wife. Life’s been good.”

Freelancer Jon Jefferson is a writer and documentary producer. He has written eight books—six crime novels and two nonfiction books—in collaboration with renowned forensic anthropologist William Bass.



RIBBON CUTTING: Eleanor Tragen with Bolivian President René Barrientos Ortuño inaugurating a rural school in Bolivia named in honor of Irving Tragen, 1966.



GOOD FOLK: Eleanor Tragen in the Tragens’ home in Panama, surrounded by pieces of folk art from their Latin American collection.

the museum, a third to health and medical causes, and a third to Boalt.”

At the law school—which honored Irving Tragen with its 2010 Citation Award—their

donation endowed a faculty chair in comparative law: the specialty that first launched Irving and Ele on their peregrinations six and a half decades ago. —Jon Jefferson





Boalt Never Looked Better

By enhancing the old and embracing the new, Boalt finally has a physical complex worthy of its talented inhabitants—and their ambitious research and scholarship.

By Andrew Cohen

BerkeleyLaw
UNIVERSITY OF CALIFORNIA



TOP OF THE WORLD: Boalt's new roof-deck garden, with benches made of sustainably harvested wood, facing the law library.

ETHAN KAPLAN (OUTDOOR 2X)

“I’m not very touchy-feely, but designing the spaces, deploying technology, getting the aesthetics right—these shape a sense of community that helps folks thrive both socially and intellectually.” —Dean Christopher Edley, Jr.



IN WITH THE NEW: The stylish South Addition, constructed two stories below ground and one story above, provides the law school with 55,000 square feet of new space.

Over the past three years, the law school has grown its faculty ranks significantly and launched several new research centers. Meanwhile, its number of student journals and organizations is at an all-time high. Now, with extensive upgrades to existing facilities—and the recent opening of the stylish South Addition—the school has never looked better.

“This is a virtual renaissance for a 60-year-old structure that felt nothing like a world-class law school, and could not support our teaching today and our ambitions for tomorrow,” Dean Christopher Edley, Jr. says. “The improvements will also transform student life, with fabulous spaces for study, activities, and just plain hanging out.”

The South Addition

The South Addition, which opened in time to hold the graduation reception on May 13, is the centerpiece of Boalt’s master plan. Constructed one level above ground and two below, the building adds 55,000 square feet of new space. The two lower levels house the law library’s renowned collection in efficient, compact shelving, creating space for student research in four, glass-enclosed reading rooms that are bathed in natural light.

The ground floor, which connects to the existing law building, includes a 72-person state-of-the-art classroom, a café, and a large commons area that opens onto an outdoor courtyard, both of which can be used for studying and socializing. Above is an elegant roof garden with bench and table seating and a footbridge to both Steinhart Courtyard and the library’s main reading room.

Meanwhile, a landscaped entryway gives the law school its first distinctive point of entry—plus two attractive plazas—creating a green and vibrant transition from the school’s physical complex to Bancroft Way.

Opening the South Addition also clears the way for Boalt to remodel former library space with an eye toward creating more room for legal clinics and student services staff. Alumni support will play a key role in determining the scope and pace of that reconfiguration.

“Construction of the South Addition required a lot of flexibility from our faculty, staff, and students,” says Kathleen Vanden Heuvel, associate dean for capital projects. “While we made a concerted effort to mitigate the impact of con-



PEDESTRIAN PATH: A footbridge linking the new roof-deck and Steinhart Courtyard extends over the new Zeb Café.

struction on them, there were certainly times they had to deal with noise, detours, and other inconveniences. Throughout the process, they were all really fabulous.”

Classrooms

Because new teaching methods have emerged since the law school was built in 1951, revisions emphasize smaller seminar rooms. By adding modern seminar rooms, renovated lecture halls, and updating audio- and visual-support technology in several classrooms, Boalt has been able to expand course offerings and events.

“We’ve upgraded every single classroom to some extent,” Vanden Heuvel says. “They’re not over-the-top luxurious, but are well thought out. We’re really proud of that, because it’s a vital component of improving our students’ experience.”

Library

Boalt’s library stacks were badly overcrowded at 170 percent of suggested capacity, and its location in the center of the building created pedestrian traffic jams. Architects solved that conundrum by relocating the library collection to the South Addition’s two underground levels, housing it in efficient, compact shelving, and adding two new reading rooms which feature limestone walls and 100-year-old study tables from the original Boalt Hall.

Student Center

The Student Center provides a flexible, contiguous space for all kinds of activity. Boalt’s 12 student journals now call the Student Center home, and it has an inviting lounge, a



ROOM TO GROW: The Student Center, which opened in 2009, offers versatile space for research and scholarship, as well as informal socializing.

TIM GRIFFITH (STUDENT CENTER), ETHAN KAPLAN (OUTDOOR)



ROOF WITH A VIEW: From the roof-deck garden, students, faculty, staff, and visitors can see the Golden Gate Bridge on a clear day.



NEW AND IMPROVED: A modern group study room inside the Student Center.

kitchen, four different kinds of seating, and three new group study rooms. “We tried to design a student space that emphasized the professional nature of the law journals’ activities, while still giving students a comfortable space in which to meet and relax,” says Vanden Heuvel.

Heyman Terrace

At an alumni weekend ceremony last October, Boalt Hall’s West Terrace was renamed the Heyman Terrace in honor of former Boalt Professor and UC Berkeley Chancellor I. Michael Heyman. Now a prime gathering place for students and faculty, it is a welcoming face to the campus. —*Andrew Cohen*



CLASS ACT: Every Boalt classroom has either been built or upgraded over the past three years.

South Addition Subplots

- Ratcliff Architecture, Hargreaves Associates, and Hunt Construction Group were the key players in Boalt’s dramatic makeover.
- Six skylights illuminate the new library’s corridor and staff area, and 36 glass walking planks filter light into enclosed offices.
- Cork flooring, more quiet and durable than carpet, was installed in classrooms and reading rooms. It contains natural inhibitors that resist bacteria, fungus, and mold.
- Workers installed 5,000 square feet of radiant heating and cooling systems in the floors of the café and student lounge, creating a huge energy and cost savings.
- Chosen for its elegant appearance and acoustic properties, the ceiling of the café and student lounge is a wood product that absorbs footsteps, voices, and other sounds.
- The heavily trafficked lobby, stairway, and café areas are floored in a rugged granite that is slip resistant in wet weather.

Nine New Professors Add Heft to Faculty

Immediately upon taking the helm at Boalt Hall in 2004, Dean Christopher Edley, Jr. announced that recruiting and retaining world-class faculty would be one of his top priorities. With nine new professors coming aboard in the just-completed school year, Boalt has added 44 new faculty members under Edley's tenure.

Over the past seven years, this surge has enabled the law school to enrich its course offerings, improve its faculty-to-student ratio, strengthen its clinics and multidisciplinary research centers, and expand options for custom-tailored degrees. More recently, new faculty have also helped launch

the Summer LL.M. and International and Executive Legal Education programs, establish specialized certificates in International Law, Business Law, and Clean Tech, and add a full-time professional skills director.

"Besides providing a richer educational experience for our students," says Edley, "a larger faculty, diverse in so many dimensions, produces far more ambitious teaching, research, and service agendas. It's just a more interesting place."

Here's a look at Boalt's newest faculty members.
—Andrew Cohen

TY ALPER: Assistant Clinical Professor of Law; Associate Director, Death Penalty Clinic; B.A., Brown (1995); J.D., NYU (1998); LL.M., Georgetown (2004)

Before joining Boalt's Death Penalty Clinic in 2004, Alper was an attorney at the Southern Center for Human Rights. There, he represented death row inmates in post-conviction proceedings and hundreds of Alabama prisoners in class-action litigation concerning unconstitutional conditions.

The Federation of State Medical Boards awarded Alper its 2010 Casterline Award for Excellence in Writing for his comprehensive analysis of state laws regulating the participation of doctors in executions.

"I'm endlessly inspired by our students' commitment to providing the highest quality representation to those whom our society has condemned to die. Teaching and working alongside them on real, high-stakes cases couldn't be more rewarding."



ROXANNA ALTHOLZ '99: Assistant Clinical Professor of Law; Associate Director, International Human Rights Law Clinic (IHRLC); J.D., UC Berkeley (1999); B.A., Brown (1995)

Altholz has developed and directed IHRLC initiatives that addressed the impact of a U.S.-financed hydroelectric project on indigenous communities in Mexico, documented Hurricane Katrina's effect on immigrant communities, and exposed human rights violations against immigrants in California's Central Valley.

She has represented hundreds of victims in human rights litigation, obtaining groundbreaking judgments that held governments accountable for paramilitary activity, state-sanctioned murder, torture and arbitrary detention, and discriminatory policies.

"IHRLC students give freely of their hearts and minds to further the global struggle for human rights. They are intellectually rigorous and passionate advocates unafraid of long hours and uphill battles."



STAVROS GADINIS: Assistant Professor of Law; S.J.D., Harvard (2010); LL.M., Cambridge, England (2000); J.D., Aristotle Univ., Greece (1997)

Gadinis examines securities regulation and international business transactions. Domestically, he focuses on the financial industry's relationship with government regulators. Internationally, he analyzes how power imbalances and diverse institutional structures affect regulatory outcomes.

While practicing corporate law for four years in Europe, Gadinis handled a wide spectrum of equity and debt transactions and worked on transactions that involved the laws of many European countries.

"Emerging nations created new opportunities and challenges for businesses globally. International Business Transactions helps students understand how lawyers can help address the unique problems U.S. businesses face when dealing with foreign counterparties."



PRASAD KRISHNAMURTHY: Assistant Professor of Law; Ph.D., UC Berkeley (2011); J.D., Yale (2004); B.A./M.A., University of Chicago (1999)

Krishnamurthy's research interests include financial regulation, antitrust and competition policy, law and development, and distributive justice. He uses empirical methods to analyze legal rules and institutions, exploring the implications of such research techniques on law and policy.



Krishnamurthy, editor-in-chief of the *Indian Journal of Law and Economics*, taught high school math in Compton, California, before attending law school.

"I came to Boalt because of UC's great strength across many areas of study, the openness of the faculty and students to ideas, and the law school's tradition of producing public-minded citizens and lawyers. The weather and food aren't bad, either."

KATERINA LINOS: Assistant Professor of Law; Ph.D., Harvard (2007); J.D., Harvard (2006); Diploma, European University Institute (2002); B.A., Harvard (2000)

Linus focuses her research and teaching on international law, comparative law, employment law, and health care law. She has also explored the many obstacles encountered by the European Union (EU) in trying to harmonize the laws of its member states.



Linus' current research project examines why soft international law and transnational norms often trigger major national legal reforms, despite the strong constraints that domestic constituencies impose on leaders of democratic states.

"The EU is America's most important economic and political partner. European regulation directly shapes what U.S. firms can and can't do across diverse fields, and learning about the successes and failures of European laws can help guide reforms."

SAIRA MOHAMED: Assistant Professor of Law; Master of International Affairs, Columbia (2005); J.D., Columbia (2005); B.A., Yale (2000)

Mohamed examines international law, human rights, and international criminal law. Her research looks at international law's function in situations of violent conflict or atrocity.



A former attorney-adviser for human rights and refugees in the U.S. State Department's Office of the Legal Adviser, Mohamed received the department's Superior Honor Award for her role in drafting a U.N. resolution condemning rape as an instrument to achieve political objectives.

"My State Department experiences prompt me to consider how policy goals may be reconciled with and informed by practical realities. I urge students to think about how real-world dynamics at the international and domestic levels influence the law."

VICTORIA PLAUT: Assistant Professor of Law and Social Science; Ph.D., Stanford (2003); M.Sc., London School of Economics and Political Science (1997); B.A., Harvard (1996)

A social and cultural psychologist, Plaut focuses her research on diversity, culture, and inclusion, and the challenges and opportunities of working, living, and learning in diverse environments.



At Boalt, her teaching and scholarship incorporate empirical psychological research related to issues of diversity and culture into the design of legal institutions and organizations. Plaut has consulted on diversity issues for school districts, universities, corporations, and health care groups.

"We're seeing an increasingly complicated set of diversity issues. They're fueled by changing demographics, group inequality, polarized views on race-related events and policies, and a sentiment shared by many that America has transcended issues of race."

BERTRALL ROSS: Assistant Professor of Law; J.D., Yale (2006); Masters in Public Affairs, Princeton (2003); M.Sc., London School of Economics (2001); B.A., Colorado (1998)

Ross researches how courts should address the problem of interpreting statutes in contexts not foreseen by the enacting legislature. In election law, he is exploring the constitutional implications of how the poor are marginalized in American politics.



Ross' methodological approach integrates political theory and empirical social science into discussions of legal doctrine, the institutional role of courts, and democratic design.

"Boalt has long stood out as a special place because of its dynamic leadership and an extraordinary and supportive faculty. But it was the students who sealed the deal for me. They made me feel welcome and loved from the beginning."

FRED SMITH, JR.: Assistant Professor of Law; J.D., Stanford (2007); B.A., Harvard (2004)

A judiciary and constitutional law scholar, Smith is researching various aspects of sovereignty within the U.S. political system.



Previously, Smith held two judicial clerkships and was a fellow at Bondurant, Mixson & Elmore in Atlanta. One of his two published articles in the *Stanford Law Review* explores whether male judges and female judges rule differently on gay rights questions. The article has been cited in a leading Gender and the Law course textbook.

"If the states are all sovereign, what does that mean for how they interact? If the federal government is sovereign, how does that impact its power in relation to the states? This is why I focus on sovereignty. It's both everywhere and nowhere, an irresistible paradox."

A World *of* GOOD

**Reflections on the state of international law by Boalt Hall
Professor David Caron '83 and other faculty experts.
Interview by Andrew Cohen**

When it comes to international law, Boalt Hall Professor David Caron '83 is a renowned expert with a long track record of influence and achievement. In the words of his research assistant Emily Holland '12, "the guy is an international law samurai."

Currently serving a two-year term as president of the American Society of International Law (ASIL), Caron is well versed—and fully immersed—in the field's myriad challenges. Although the United States has a complicated relationship with international law and organizations, Caron believes it has often been a strong champion of both.

"Granted, there's a current within American politics that views international law with suspicion, even when a particular question may be in America's interests," he says. "Something isn't necessarily desirable simply because it's international, but neither is it necessarily misguided. International law often

reflects our nation's most deeply held values."

ASIL's 4,000-plus members hail from nearly 100 countries and include attorneys, academics, corporate counsel, judges, government and NGO representatives, civil servants, and students. Its programs focus on research, education and training, career development, and public education on interna-



FLAG BEARER: As leader of the nation's largest international law society, David Caron '83 often works around the clock—and around the world.

tional law's connection to global developments and life in the United States.

With Professor Harry Scheiber, Caron co-directs Boalt's Law of the Sea Institute—an international consortium of scholars that has shaped the study of ocean law since the 1970s—and is faculty co-director of the Miller Institute for Global Challenges and the Law. The former Fulbright Scholar and U.S. Coast Guard navigator and salvage diver teaches public international law, ocean law and policy, resolution of private international disputes, and an advanced international law writing workshop.

Mark Drumbl, director of Washington and Lee's Transnational Law Institute, calls Caron's published works "many in number, stunning in quality, and greatly influential." Caron has chaired the Association of American Law Schools' International Law Section and the Institute for Transnational Arbitration in Dallas, directed studies and research at The Hague Academy of International Law, and spent 15 years on

the *American Journal of International Law's* board of editors. He also served the U.N. Compensation Commission for claims arising out of the Gulf War, and was counsel for Ethiopia before the Eritrea-Ethiopia Claims Commission.

Recently, Caron spoke with senior communications writer and *Transcript* managing editor Andrew Cohen about international law's trends and tribulations:

Andrew Cohen: What's different or unique in international law today?

David Caron: That question requires transcending the perspective of one's nation. Because our nation is exceptional in many ways, it can be difficult to see international law as other nations do. For most countries, it's not a serious option to stand outside of international law; their future depends on the cooperation that system offers. As far as what's different and unique today, the answer is "almost everything." There are four main dimensions to global affairs: a system of sover-

BOALT FACULTY EXPERT: DICK BUXBAUM '53

God Is in the Principles; Devil's in the Enforcement

Today, starting on the coast of the Caspian Sea in Azerbaijan, a million barrels of crude oil—42 million gallons—will begin a remarkable journey.

Funneled into the 42-inch-diameter Baku-Tbilisi-Ceyhan Oil Pipeline (BTC), the oil will ooze westward at 4.4 miles per hour. Ten days and 1,099 miles from now—after crossing thousands of roads and rail lines, 1,500 rivers and streams, mountain ranges as high as 9,300 feet, and at least one geological fault line—that oil will reach Ceyhan, Turkey, and fill the holds of a tanker ship.

The BTC—built by an international consortium—is a prime example of both the promise and the problem of the Equator Principles, says Dick Buxbaum '53, Boalt's Jackson H. Ralston Professor of International Law. The Equator Principles, named for their global span, are environmental and societal protection standards created and monitored by banks that finance huge development projects, such as oil and gas pipelines.

Based on the World Bank's environmental standards and the social policies of the International Finance Corporation (IFC), the Equator Principles are voluntary—sort of.

"The Equator Principles have teeth, because the lending organizations aren't supposed to fund projects that aren't in compliance," says Buxbaum, a Boalt faculty member since 1961. "Bankers can be the world's private-sector policemen, since they provide the funding for these big, transnational projects. So the Equator Principles can hit developers where it hurts most: in the pocketbook."

Banks subscribing to the Equator Principles include Citigroup, Barclays, the Dutch bank ABN Amro, and the Royal Bank of Scotland. These banks, along with the IFC, funded much of the BTC's \$3.9 billion cost. Does that mean the BTC gets high environmental and social-protection marks? Not exactly. The pipeline was dogged by controversy and problems throughout its construction and beyond. There were allegations that the project glossed over

environmental concerns, that contractors falsified reports about interactions with villagers along the construction route, that they knowingly used pipe that was vulnerable to corrosion and leaks, and that the big banks ignored these and other violations.

The ideal—a set of international standards for protecting people and ecosystems around the world—is lofty, and the realities often fall short. "It's a soup that's cooked hotter than it's eaten," Buxbaum concedes. "You can set up a nice norm, but it's tough to do anything if you don't have the sanctions or the framework. Sometimes, even if you do."

—Jon Jefferson

Dick Buxbaum retired after the 2010-11 school year—his 50th on the Boalt Hall faculty. Fellow alumni and scholars are invited to help establish the Richard Buxbaum International Student Fellowship, which will support recipients from all over the world in their studies and research at Boalt.

JIM BLOCK

eign states with inherent security questions; an increasingly aware populace that demands dignity; an increasingly compromised ecological environment; and an interconnected global market that demonstrates periodic fragility. Each presents unique challenges. Fortunately, we also have greater knowledge than ever before.

In what ways has that knowledge been manifested?

The United Nations and regional organizations have transformed the way nations and peoples view the use of force. The explosive growth in all dimensions of human rights—law, discourse, and institutions—is astounding. Our knowledge of the limits of our shared environment increases all the time, although we’ve clearly struggled to reorder our affairs in the face of such limits. Mitigating climate change, for example, boils down mostly to changes in how each of us orders our lives. And while the growth in economic integration has been tremendous in encouraging development, it hasn’t

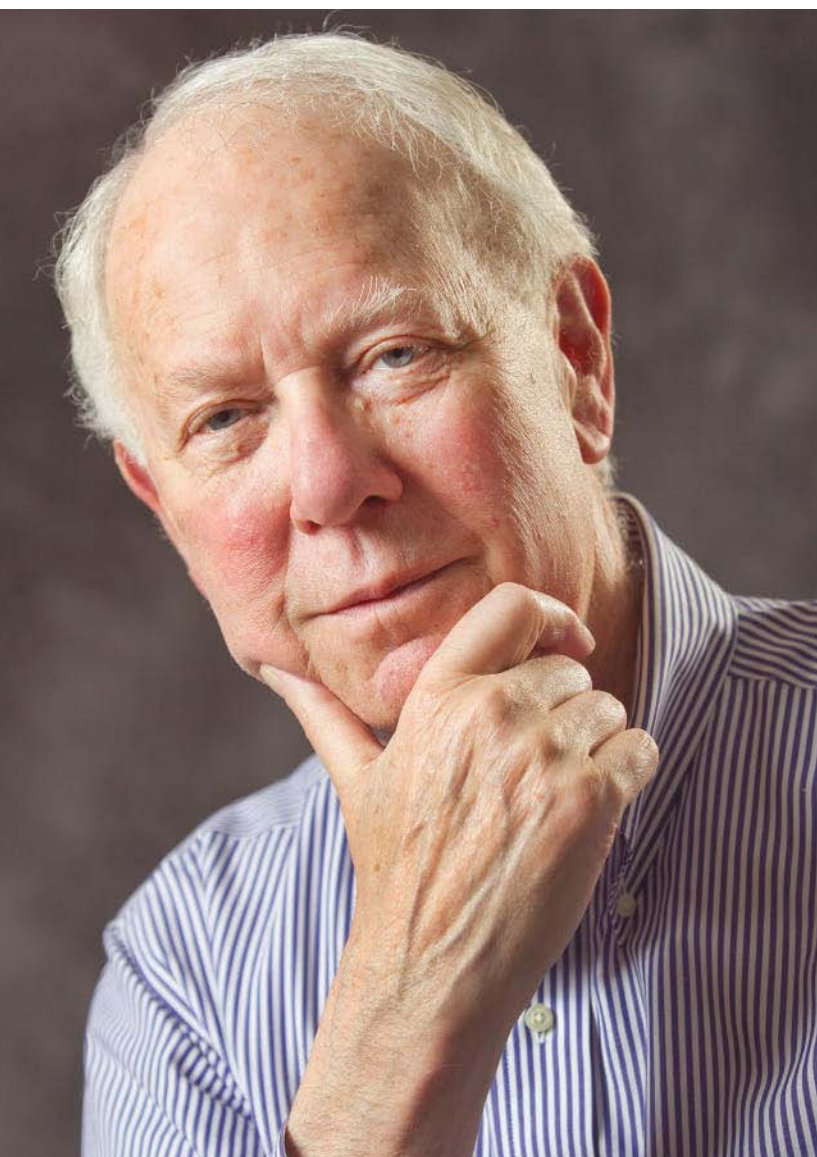
come without some painful consequences.

What aspects of international law will never change?

I never say “never,” but two areas strike me as relatively constant. First, despite rumors of its withering, the sovereign nation state remains the foundational political unit of global affairs. As the world globalizes and international law adjusts, it’s often said that the state’s sovereign power is fragmented and challenged by forces beyond its control. But states remain strong, and international law ultimately relies on them as the fundamental instrument of governance. The second constant is migration. If states seek to preserve any part of their traditional prerogative, it’s the power to bar entry, control the right of citizenship, and deport individuals.

Is the notion of “eastern” and “western” international perspectives still relevant today, or have those delineations vanished?

While the Cold War supported the notion and reality of “east”



“The Equator Principles can hit developers where it hurts most: in the pocket-book.”

—Dick Buxbaum '53



BOALT FACULTY EXPERT: KATERINA LINOS

Surfing the Wave of Revolution

The anti-government protests gained momentum far faster than anyone could have imagined.

Within days, the nation's autocratic leader was losing his grip on power and was soon forced to step down; during the weeks that followed, protests and calls for reform spread to neighboring countries throughout the region.

Egypt and the Middle East a few months ago, right?

Wrong. France and Western Europe in early 1848—the Spring of Nations—when revolutions swept Italy, France, Denmark,

Hungary, Switzerland, the Habsburg Empire, and the German states, among others.

It's tempting, in the wake of the dramatic events in Cairo's Tahrir Square, to assume that Facebook and Twitter will be the engines of change henceforth; tempting to wonder if non-governmental organizations (NGOs) or even traditional channels of international diplomacy have been rendered obsolete in the fight for democratic reforms.

Don't yield to temptation, urges Boalt Hall Assistant Professor Katerina Linos, whose research and teaching interests include international law, comparative law, and European

Union Law. Diplomats and NGOs do still matter; in fact, in volatile times like these, a strong and consistent message from those traditional channels might be more important than ever. But timing is crucial. "Cairo was a huge surprise to the NGOs and the U.S. government," Linos says. "It's disappointing that there was no clear positioning of the international community or the United Nations on what the transition should look like."

Libya, by contrast, showed "a more prepared international community," Linos notes. "Severe sanctions on Libya were adopted quickly and with very broad support. This unity is critical, so that the sanctions are not perceived as an anti-Arab project."

And with unrest simmering in other Middle Eastern nations, including Iran and Saudi Arabia, the region's longstanding volatility could swiftly turn explosive.

"We have no idea what will happen," Linos says. Her hope is that the uprisings will follow the lead of reforms that once swept across Europe: not the 1848 Spring of Nations (which mostly withered), but the 1980s, the Berlin Wall's dismantling, and the democratic reforms that transformed the former Soviet Bloc.

East and Central European countries have made "radical and successful economic and political transitions in the last two decades," she adds, "largely because of the promises EU membership carried. EU membership represented political stability and economic growth through labor mobility, capital mobility, and trade. While the EU and the international community can't offer benefits of this size to North Africa and the Middle East, they can aim to sustain long-term commitments there."—*Jon Jefferson*

and "west" communities, the fall of the Soviet Union triggered renewed complexity in international relations. In that the Soviet Union was a consequence of World War I, one can view the past 90-plus years as a long extension of the upheaval of that war. The post-Cold War world is one with more major players and more complex local issues. It has allowed the re-emergence of local differences that the Cold War kept below the surface.

With the United States stretched thin internationally and economically, are you concerned about its continued ability to

monitor global affairs?

Although criticisms are voiced, the United States has been absolutely central to maintaining peace and security through its presence around the world, and to assisting with humanitarian crises, such as those in Haiti last year and in Japan this spring. We'll continue in this role, but the limits of our resources to maintain global peace are more and more evident. What's troubling is that it's not clear that new major players, particularly China, are willing to join in the costly efforts to maintain international peace and security. A recent

Deepwater, Deep Trouble: One Year Later

A year after BP's Deepwater Horizon drilling rig exploded, spewing 200 million gallons of oil into the Gulf of Mexico, Boalt Hall Professor Harry Scheiber sees progress ... and reason for continuing concern. Scheiber, an ocean-law scholar who directs Boalt's Institute for Legal Research and co-directs the Law of the Sea Institute, views the event and its aftermath through multiple legal lenses. "There are two separate issues here," he explains: "offshore drilling in American-controlled waters, and drilling out on the open sea in international waters."

Peering through his U.S. lens, Scheiber sees important changes. "The Obama administration has already moved to reorganize the federal agencies that license and regulate offshore drilling," he says, "so one hopes for greater safety measures if this move eliminates the corruption and administrative dysfunctionality that prevailed in the Bush years."

But he worries that inspection and oversight remain inadequate. In the Gulf of Mexico, just 55 inspectors oversee 90 drilling rigs and 3,500 oil-production platforms. "We need inspectors on these rigs, and we need a lot of them," Scheiber says. "Ironically, on fishing boats that are an infinitesimal fraction of the size and complexity of the Deepwater Horizon, we put inspectors to make sure that endangered species aren't being harmed. We really need to ramp up the level of on-site supervision, inspection, and accountability on these rigs."

Through his international lens, Scheiber ponders the grim possibility of a mega-spill in the future. "When oil washes ashore from international waters," he says, "the question is,

what's the responsibility of the company for remediation—and as we've seen, it can cost billions of dollars—and what's the responsibility of the nation that chartered that company?"

In February 2011, the International Tribunal for the Law of the Sea weighed in on those very questions. "It's an especially important opinion," Scheiber says. "It finds that companies have very big responsibilities and liabilities. It also says that companies must take reasonable precautions, and can't go forward with a project until they've done so. All the scholars I've talked with say that this precautionary barrier is very important."

If an oil company goes bankrupt after a

massive disaster and can't meet its obligations, can the company's home country be held liable? Perhaps not. The tribunal's opinion states, "the sponsoring state is absolved from liability if it has taken 'all necessary and appropriate measures to secure effective compliance' by the sponsored contractor with its obligations." That finding is a big loophole, at least to some stakeholders in the issue.

"The environmental organizations are very keen to ensure that high standards for determining liability are set," Scheiber notes. "I think they were disappointed that the standards for nations are so much weaker than for the companies." —Jon Jefferson



**"We need
inspectors on
rigs, and we need
a lot of them."**

—Harry Scheiber

Chicago Council on Global Affairs poll of American attitudes toward U.S. foreign policy shows that Americans, by a wide margin, wish to see continued U.S. engagement internationally, but also want others to play a larger role.

What recent global changes necessitate a stronger international legal framework and enforcement capability?

Terrorism; transnational crime, including human trafficking and the drug trade; a variety of shared environmental and resource threats; and financial stability. Almost all current

efforts rely on states to enforce the frameworks we have already, but many states don't have the internal governance capacity or the established rule of law to self-govern well, let alone to implement governing structures of international interest.

What are international law's biggest successes and failures?

The successes and failures of international law should be ascribed to our communities, not to the law itself. The most important successful development in international law over the past century has been the emerging sense that nations must govern responsibly. As for failures, the world constantly provides examples. Millions of people are still subject to disease and starvation. International law can help mitigate the suffering that accompanies disaster, but disaster assistance is only temporary, and economic development takes much longer and has been particularly slow to take hold in parts of Africa.

What solutions exist to better support international law?

The main one is what all U.S. administrations have been attempting for several decades: to build worldwide greater state governance and rule of law capacity while marginalizing and seeking political change in complicit states. This is a long-term and difficult task because the challenges do not wait. There can be global coordination and organization, but ultimately governance will be local, and the success of international efforts will rely on the effectiveness of that governance.

How well are our international institutions adapting to meet current and future challenges?

International organizations (IOs) have made tremendous contributions over the past century and continue to do so. The United Nations, day in and day out, makes a difference in the lives of people around the world. But IOs as a whole don't adapt well. In part, it's because granting hard-law power to an

BOALT FACULTY EXPERT: ANDREW GUZMAN

Soft Law and Hard Knocks on the Global Playground

Nations and corporations are like kids on a playground, to hear Andrew Guzman tell it: The big and strong generally get their way, says Guzman, Boalt's associate dean for international and executive education, while the small and weak take it on the chin. To triumph, the underdog needs a strong case, a powerful constituency, or bargaining chips. Consider apartheid, HIV/AIDS, and cotton.

Guzman calls the dismantling of apartheid in the early 1990s "one of the great international law stories"—a vox pop victory where global public opinion created both political and economic pressure on South Africa to abolish state-sanctioned racism. "The issue had political salience in the U.S.," Guzman recalls, "and the business community went along with economic sanctions against South Africa, even though sanctions weren't in the community's financial interest."

Intellectual property rights and corporate financial interests clashed with public health needs in the 1990s as HIV/AIDS ravaged

developing nations. In affluent countries, new antiretroviral drugs cut the death rate by 84 percent. But in poor countries, the cost of patented brand-name drugs—over \$10,000 per year—put treatment out of reach for many millions of people, Guzman says.

Then international NGOs and HIV/AIDS activists began pressuring drug companies and governments to make low-cost generics available. The World Trade Organization (WTO) agreed to gradually phase in drug patent protections, in view of the crisis and countries' financial constraints. And the Clinton administration pledged not to interfere with African countries that violated U.S. patent law to obtain cheap antiretrovirals. By 2001, an Indian manufacturer was selling generic antiretrovirals for \$350 per patient per year, and Big Pharma swiftly followed suit. The upshot? The number of patients in sub-Saharan Africa receiving antiretroviral drugs grew from 8,000 to some 3 million. "Political pressure brought about compromise," Guzman says.

But a compelling cause and soft law—or even binding trade agreements—don't always

win, as African cotton farmers learned the hard way. U.S. subsidies allow American farmers to sell cotton for far less than it costs to produce. The subsidies have funded a huge increase in U.S. production, glutting the world market—and driving down prices by 40 percent. The cotton subsidies, which benefit 25,000 U.S. farmers, hurt millions of African farmers. "It's life or death for a lot of them," Guzman says, yet the pleas from Africa fall on deaf U.S. ears. "All that African cotton farmers ask for is open, fair access to U.S. markets. But their countries have nothing to offer the U.S. in return, so nothing has happened."

Well, almost nothing. Ironically, Brazil, another big kid on the global playground, cried foul, too. Yet while the WTO has ruled repeatedly that cotton subsidies constitute marketplace bullying, Brazil is one of the only beneficiaries. Now, besides subsidies to its own farmers, the U.S. pays almost \$150 million a year in tariff penalties ... to Brazilian agribusiness. As Guzman observes, "There are some real justice problems in the system."
—Jon Jefferson

JIM BLOCK

IO results in a brittle organization. If you're negotiating a charter that creates a body like the U.N. Security Council, with real hard-law power, your fundamental objective is to lock in the deal as to how that power may be used. And in order to lock in the deal, the negotiator makes it hard for the IO to change.

What skills and knowledge bases will be most valuable to international law practitioners in coming years?

More and more lawyers are finding some aspect of their practice to be international. Family law, estates and trusts, and criminal law can all have international and foreign aspects. A practitioner, at minimum, needs a grasp of the global lay of the land. This means a mature sense of the range of legal systems in the world and of the shape of the treaty regimes that link them. This is a challenge for lawyers, and even more fundamentally a challenge to legal education.

How do you see Boalt's role in that training?

Boalt has been and will be at the lead. Virtually all of our faculty members have an international or foreign aspect to their work. We have numerous lecturers who bring tremendous expertise and diversity to the classroom, and Boalt recently added three new international law experts. I have no doubt that we'll develop the courses, and elements of existing courses, that prepare our students for the many interconnected jurisdictions already here and those just around the corner. But that curriculum requires another interview.

What was the highlight of your past year in Washington, D.C.?

Reconnecting with so many Boalt graduates at all levels of international practice. From the class of 2010, in international arbitration alone, there's the talented group of Kate Apostolova at Cleary Gottlieb, Rebecca Callaway at Freshfields, Sonia Farber at Debevoise & Plimpton, Tim Hughes at Crowell &



“All that African cotton farmers ask for is open, fair access to U.S. markets.”

— Andrew Guzman

Moring, and Ben Jones at O'Melveny & Myers. And in almost every case, there's a Boalt graduate down the hall mentoring them. In Washington, our alumni are everywhere, from the State Department to Senate committees on foreign relations and intelligence, from the Treasury to the World Bank to the EPA. Over the past year, I've participated in 50 events in nine countries and in nine U.S. states, and I always found Boalt graduates there. They're an astoundingly talented group.

What's your biggest challenge as president of the American Society of International Law?

To promote international relations on the basis of law, our organization needs to engage not only with the policy communities

in Washington, but also with communities nationwide. Those communities set the boundaries within which policy should be shaped and administered. My central effort as president has been to emphasize building an organization that's present in the nation generally rather than solely in Washington. In part, this initiative also seeks to contribute to the larger challenge of re-establishing dialogue and civility in a nation that has become increasingly divided by strongly held opinions.

What does that mean in practical terms?

While it's important that ASIL's spring annual meeting of some 1,350 people from 80 nations remains in Washington, where our Executive Council's traditional fall leadership

Boalt Hall Alumni with a World View

Look at any "Who's Who" of international law leaders and you'll find many whose careers began at Boalt Hall. Here's a snapshot of four alumni who perform on the world stage. —By Ben Peterson

Joan Donoghue '81

Justice Donoghue's career with the U.S. Department of State began in 1984 and culminated in the post of Principal Deputy Legal Adviser from 2007 to 2010. Over the years, she also engaged and inspired the next generation of international lawyers by teaching at Georgetown University, George Washington University, and, in 1992, at Boalt Hall. Today, she serves as a judge on the International Court of Justice, a position she has held since



September 2010.

Donoghue says a particularly exciting aspect of her job is the chance "to benefit from the ways in which each member of the international court approaches particular legal issues, in light of his or her training and prior professional experience." She notes that the judges form a diverse group, "not only in terms of our nationalities, but also with respect to the ways we engaged with international law prior to joining the court. I've found it extremely enriching to share differing perspectives among colleagues and deliberate with them."

Donoghue notes the challenges of addressing aspects of terrorism in the courts. "Some of the most complex and pressing issues relate to the use of force against non-state actors, including the law that governs detention of suspected terrorists," she says. "An added challenge is the fact that national courts in the United States, the United Kingdom, and elsewhere increasingly confront these international law questions in the context of proceedings brought by current or

former detainees. This means that a broader range of national institutions contributes to the shaping of this important body of law."

She points to an elective class in her first year at Boalt as the spark for her interest in international law. "I was extremely lucky to have been taught by Professor Stefan Riesenfeld," Donoghue says. "While we law students clutched our coffee cups and struggled to get to early morning classes, this rather elderly scholar had such a passion for his field that he commuted on weekly red-eye flights to Washington, D.C., where he was serving as Counselor on International Law in the State Department's Office of the Legal Adviser. His enthusiasm was infectious and inspiring."

Daniel Magraw '76

In December 2010, Daniel Magraw was recognized with the United Nations Association National Capital Area's Louis B.

Sohn Award for Human Rights, adding to recent awards from the American Bar Association, District of Columbia Bar, and Elizabeth Haub Foundation. For decades, Magraw has been at the forefront of law and policy stretching beyond U.S. borders, most recently as president of the Center for International Environmental Law. Though he now has "emeritus" at the end of his title, he's hardly taking it easy.



meeting is held is another matter. Last fall, I moved it from Washington to Miami and expanded the program to include a public conference, a meeting of judges to comment on a draft of ASIL's "Benchbook on International Law" project, and a mentoring fair for about 100 students from five law schools. This year's fall meeting will be in Los Angeles. I'd welcome ASIL member dinners twice a year in different cities because American attitudes toward international law and organizations flow from communities all across the nation. One of our tasks is to better engage them.

Rumor has it Boalt was well represented at the ASIL annual meeting.

It was gratifying to see so many of our faculty and alumni. Boalt Professor Kate Jastram '86 was elected to the executive committee of ASIL's Lieber Society, our hub for studying the law of armed conflict and other public international law related to military operations. David Bowker '98 kindly hosted a Boalt table at the annual dinner. After my opening remarks, Michael Posner '75 (Assistant Secretary of State for Democracy, Human Rights, and Labor) presented a major human rights policy statement on behalf of the Obama administration. Then NYU Law Professor Phillip Alston (LL.M. '77, J.S.D. '80) took the podium and began by noting that three Boalt people had opened the meeting. That was a proud moment. ■

"I'm in a position to make a difference, so it's hard to take a break," Magraw says. "It's important to continue work that has a real impact, like increasing transparency, public participation, and accountability in international dispute settlement."

He manages to spread his focus across a wide range of goals, including launching a museum of international law and eliminating fishing subsidies. What keeps him going? A sense of urgency about the environment and social justice.

"The price of a healthy planet is eternal vigilance," Magraw says. "We can't stop being aware of potential threats, such as nanotechnologies, electronic waste, climate change, loss of biodiversity, nuclear proliferation, and the general demand on resources. With all of these issues and more, there's no place for complacency."

James McManis '67

A founding member of leading Northern California trial firm McManis Faulkner, James McManis has been a member of the International Academy of Trial Lawyers (IATL) since 2001. In 2010, he was elected Secretary of International Relations and now serves on the IATL executive board. His duties will include expanding the organization's international roster of fellows.



McManis also assumes leadership of the IATL China Program after many years as vice-chair. The program, now in its 17th year, is on a mission to strengthen the bond between lawyers in China and the United States.

"Each year, we bring 10 government lawyers from China to the United States to introduce them to the American legal system," McManis says. "They live with IATL fellows and their families across the country, so they may see how a trial lawyer lives and practices law. Our purpose is to promote the rule of law in China."

McManis believes the program has addressed a critical need in the past, and now faces a once-in-a-longtime opportunity. "It's been said that this will be the Chinese century," he says. "And now, the very delegates we've hosted through the China Program are rising to cabinet-level positions and influencing the rule of law in that country."

McManis says it's the program's approach that has made the U.S.-Chinese friendships so strong: "We don't preach or lecture. We simply say, 'This is the way we do it. It may work for you or it may not.' We have an attitude of respect that our Chinese colleagues appreciate."

Dinah Shelton '70

Dinah Shelton, a professor of international law at George Washington University, was elected in 2009 to serve a four-year term as a member



of the Inter-American Commission on Human Rights. Her new assignment began in January 2010, and she's been pleasantly surprised by what she discovered in her first year.

"We're not a judicial body and, therefore, can't issue binding judgments," she says. "We simply issue findings on whether a country has violated human rights, make recommendations, and hold hearings. I wasn't expecting such a willingness of governments to respond and work with us. The people I've encountered, for the most part, are primarily concerned with how to respect human rights."

In the past year, Shelton and her fellow commission members have faced a variety of tough subjects, including critical human rights issues in the wake of the earthquake in Haiti and the coup in Honduras. But on a day-to-day basis, many of her cases involve sorting out legal claims to land. "We see a very large number of cases from indigenous communities under threat from nonindigenous people moving in," she says. "Though some of these cases had already gone to court, we were able to determine that indigenous people, in countries like Paraguay, Surinam, and Nicaragua, did in fact have the right to those lands."

Shelton sees many challenges ahead in international law. "I think topics will continue to be internationalized," she says. "There are issues typically dealt with at a national level that have transnational dimensions, whether we're talking about bioethics, climate change, or evolving communications and technology. It's going to require a multidisciplinary approach to find the right solutions."



CREATIVE WORKS

NOTABLE CONTRIBUTIONS FROM THE BOALT COMMUNITY

DOCUMENTARY: CÁITRÍN MCKIERNAN '11

Student Shares King's Dream in China

In *Bringing King to China*, a feature-length documentary about Cáitrín McKiernan '11 and her quest to stage a groundbreaking play in China about Martin Luther King, director Kevin McKiernan—Cáitrín's father—interviews a venerable Chinese scholar. "There are so many obstacles here," the scholar says. "The only way your daughter succeeded is she didn't know how tall the mountain was."

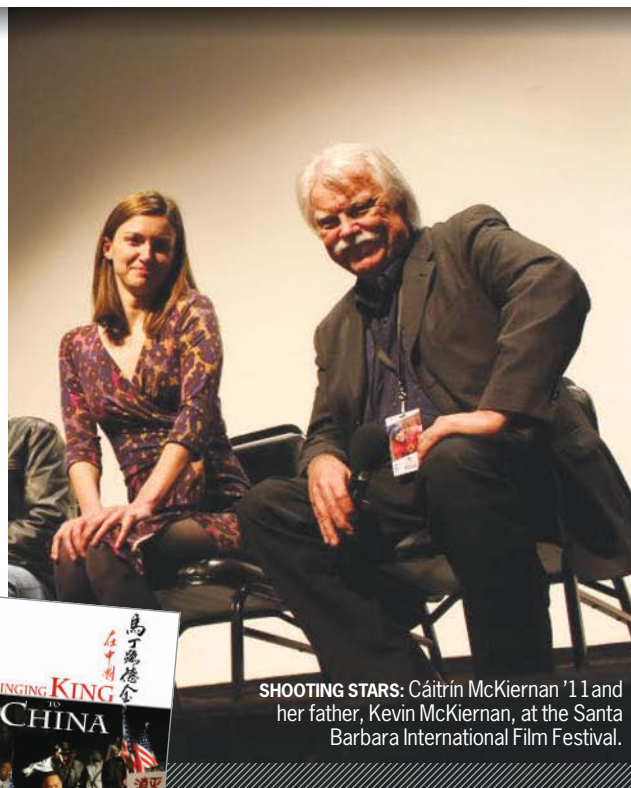
Few would accuse Cáitrín, a bilingual graduate of Stanford and Boalt and a Fulbright recipient, of ignorance. But youthful naiveté? "Guilty!" she admits.

Bringing King to China premiered January 30 at the Santa Barbara International Film Festival. Oscar-winning cinematographer Haskell Wexler worked on the film with Kevin, a network news photojournalist who has made feature-length films for PBS and whose photos have appeared in *TIME*, *Newsweek*, and *The New York Times*.

Cáitrín first went to China for a study-abroad program as a 16-year-old student from Santa Barbara. At Stanford, she worked with King scholar Clay Carson, majored in Chinese history—then got a Fulbright to gather oral histories in China.

"Clay had written a compelling play about Dr. King's life and philosophy that I wanted to adapt for audiences in China," Cáitrín says. "I thought it could help open dialogue both within China and between Americans and the Chinese."

Bringing King to China chronicles her two-year struggle to adapt the script for a Chinese audience and stage the play. Challenges included persuading the National Theatre of China to accept the production, recruiting professional actors and production staff, and countless hours of nearly futile fundraising. During those two years, Cáitrín led discus-



SHOOTING STARS: Cáitrín McKiernan '11 and her father, Kevin McKiernan, at the Santa Barbara International Film Festival.



sions, among American and Chinese students and scholars, about the relevance of King's beliefs in the 21st century.

The play, *Passages of Martin Luther King*, finally opened in 2007, when the National Theatre presented five performances in Beijing. Five American gospel singers were recruited to join the all-Chinese cast, which Cáitrín says marked the first time in the history of modern Chinese theater that African-American and Chinese actors shared a stage. Tickets were distributed to government officials, embassy staffers, country migrants, and students.

"Visuals help people speak across borders," Cáitrín says, "especially when you're dealing with themes like King's non-violent resistance and anti-war platforms."

At age nine, Cáitrín joined Kevin as he covered the 1990 Nicaraguan elections. "She saw poverty, war, and refugee camps—a lot that most kids don't see," Kevin recalls. "Ever since, she's had a passion for human rights and bringing cultures together." —Andrew Cohen

Learn more at www.bringingkingtochina.com.

Rethinking Reform

Like many Californians, former Assemblyman and UC Regent William Bagley '52 longs for a time when Sacramento was more collegial—and more effective. Those traits go hand in hand, Bagley maintains in his book, *California's Golden Years: When Government Worked and Why*, published by UC's Institute of Governmental Studies, which receives all proceeds of its sale.

Today, with the state fighting a deficit headwind and strong ideological resistance, *California's Golden Years* offers a refreshing reminder of a time when sailing was smoother, and an insider's view of why. Informative and witty, it's both memoir and cautionary tale.

The biggest contributors to California's long-term problems? Bagley points to voter "reform" initiatives—specifically term limits and Proposition 9, the Political Reform Act, which restricts lobbyists' spending and event-hosting activities.

"When I represented Sonoma and Marin counties from 1960 to 1974, you built trusting relationships with *all* of your colleagues, over many years," says Bagley, a longtime moderate Republican who supported Barack Obama in 2008 and Jerry Brown in 2010. "Today, with term limits in the Assembly, a freshman becomes speaker and by the time you've been in the Assembly for four years, two-thirds of your original colleagues are gone and a whole new class has come in." The cost: gridlock, as representatives forsake compromise for extreme positions, keeping an eye on the next primary or the seat of a senator who's about to term out.

Equally progress-crippling, Bagley

says, are Prop. 9 spending limits, which prevent so much as a free bagel over coffee. Bagley argues for more reasonable gift limits that allow productive social interaction at truly bipartisan lobbyist-sponsored events. "People who play together, stay together," Bagley says. To his mind, term limits and Prop. 9 essentially created the now all-partisan, \$4,000-a-plate daily fundraisers that have replaced the bipartisan confabs of old.

Bagley thinks California's new open primaries will invite more moderates into the process. But he'd also like to return to those open-door lunches, dinners, and ballgames, where face-to-face contact defused ideological prejudices and encouraged compromise.

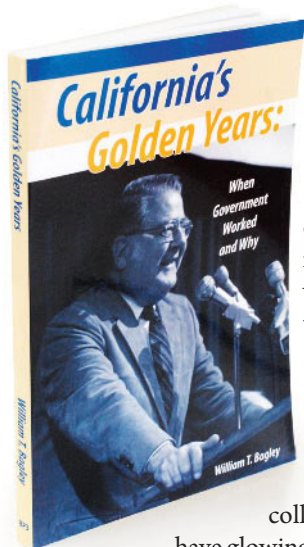
Now mostly retired from law practice, Bagley keeps in touch with old colleagues—two of whom

have glowing words for his book. Fittingly, the praise comes from both sides of the proverbial aisle: Republican former Governor George Deukmejian ("... a must-read") and now-CIA Director Leon Panetta, a Democrat, who calls Bagley "the symbol of the kind of bipartisanship that made California great."

One more thing to know about this information- and opinion-rich figure who cut his teeth in politics after Boalt Hall: He accidentally cut his fingers in high school, hence cut typing class, and never learned the keyboard. "I wrote the whole book," he says, "by hand and Dictaphone." —*Bob Rucker*

California's Golden Years: When Government Worked and Why
By William Bagley

Published by UC Berkeley's Institute of Governmental Studies Press, 2009



A Haunting Chronicle of Child Soldiers

In *And Still Peace Did Not Come*, the recollections of former Liberian child soldiers—and their victims—offer a haunting, intensely personal narrative. Emily Holland '12, a former television producer and a humanitarian journalist, co-authored the book with Agnes Umunna.

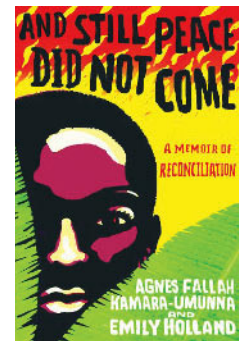
From 1989 to 1996 and 1999 to 2003, Liberia's civil war killed more than 200,000 people and displaced a million more. A native Liberian now living in New York, Umunna fled the violence to Sierra Leone. She later returned to Liberia and hosted a radio program in which she interviewed victims, warlords, and government officials—and canvassed ghettos and slums to find former child soldiers.

"Agnes convinced many of them to share their stories on the radio," says Holland, who recently documented four years of work by the International Rescue Committee in Africa. "She wanted to help them and their country move forward. The book weaves their memories together with her own incredible life story."

While developing other book projects on human rights issues, Holland hopes to effect lasting change with her law degree. "As a journalist, I could chronicle the workings of a truth commission," she says. "But I couldn't mitigate a humanitarian crisis or exact restitution for victims. That's why I'm at Boalt." —*Andrew Cohen*

And Still Peace Did Not Come
By Agnes Fallah Kamara-Umunna and Emily Holland

Published by Hyperion, 2011





FAST FORWARD

BOALT
STUDENT
ACTION
FIGURES

A Dam Site Better

Construction of Mexico's Cerro de Oro Dam, from 1973 to 1989, displaced about 26,000 area residents and polluted the surrounding environment. Years later, when Brian Cochran '12 and Andrew Villacastin '12 learned that a new project could create further damage and relocations, they sprang into action.

Working within Boalt's International Human Rights Law Clinic (IHRLC), the student duo played an important role in helping area villagers file a complaint against a U.S.-backed hydroelectric program within the dam. The program—which would add generating capacity to produce energy for private companies—is financed by the U.S. government's Overseas Private Investment Corporation (OPIC).

"When the project began in 2009, the villagers weren't consulted or informed of its potential to contaminate local drinking water and fishing areas," Villacastin says. "We discovered that developers had largely excluded local communities from the decision-making. The more we researched, the more we realized how important it was to empower villagers to voice their concerns."

Cochran and Villacastin helped research and draft a complaint with OPIC's Office of Accountability. The complaint sought OPIC's intervention to assist in resolving community concerns about the project due to the

U.S. role in financing it, and to hold OPIC responsible for failing to follow its own policies and procedures.

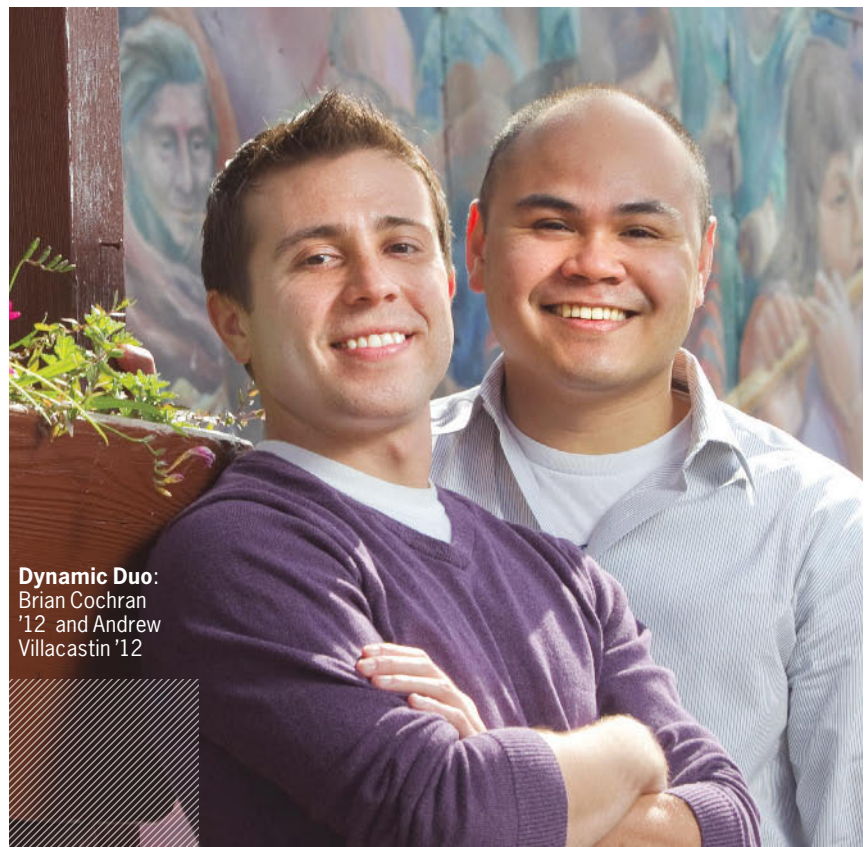
The students noted that cement has leaked into villagers' drinking water, blasts from excavation work have damaged their homes, and land acquisition practices have disrupted local leadership and culture.

"Adding hydroelectric capacity to the reservoir will require dramatic alterations to the natural environment," says Cochran, who cites the dredging and rerouting of a natural stream that is central to the villagers' health and livelihood. "Construction has already con-

taminated soil and water resources and disrupted wildlife habitats. Meanwhile, the project's primary beneficiaries are factory owners who don't reside in the immediate area."

Conduit Capital Partners (CCP), a U.S.-based investor, received \$60 million from OPIC for this and other hydroelectric developments in Latin America. The complaint sparked investigations by Mexico's top environmental agency and OPIC, and a wave of media coverage. The Oaxacan State Congress came forward to support community demands for suspending work—which CCP's owner agreed to do in February.

"That was very gratifying," Cochran says. "The case isn't over by any means, but it's exciting to see how our complaint made an impact."



Dynamic Duo:
Brian Cochran '12 and Andrew Villacastin '12

Villacastin and Cochran worked under the supervision of IHRLC Acting Director and Assistant Clinical Professor Roxanna Altholz '99. They coordinated strategy with villagers and their representatives at the San Francisco-based Accountability Counsel, as well as other gov-

ernment and community organizations in the U.S. and Mexico.

That outreach, Villacastin says, "was imperative to produce a compelling argument for intervention in the project area."

Villacastin, co-chair of Boalt's Pilipino American Law Society, plans

to practice international law after graduating next year. Cochran, co-editor of *The Publicist*, which supplements the *Berkeley Journal of International Law* with concise essays and editorials by leading experts, will specialize in corporate governance. —Andrew Cohen



Power of One:
Heather Patterson '12

When Being Smart and Being Safe Collide

How would you feel if marketers, insurers, and even criminals knew what time you turn on your coffee-maker in the morning? Or when you entertain guests? Or take a vacation?

With the installation of "smart meters" in California, precise measurements of energy usage can indicate when you are home, when you are using certain appliances, and if you change your daily routine. Collectively, the meters make up a smart grid that communicates measurements to the utility on a frequent basis. While the smart grid may be useful in energy management, it can put consumers at risk if that information gets into the wrong hands.

Enter cognitive neuroscientist-turned-law-student Heather Patterson '12, part of the team at Boalt's

Samuelson Law, Technology & Public Policy Clinic. Patterson has a unique point of view and is putting it to work to safeguard privacy issues through Boalt's Smart Grid project.

"I researched information flow for my neuroscience work," she says. "Particularly, what neural processes underlie our abilities to understand and produce language, to distinguish familiar faces from the faces of strangers, and to recognize familiar objects. As a law student, I now have the opportunity to look at the flow of information through a broader lens—to explore how we, as a society, both

create knowledge and restrict its access.

"For me, neuroethics served as a bridge between cognitive neuroscience and law. As a discipline, neuroethics is about the ethical, legal, and social implications of neuroscience."

Patterson joined the Samuelson Clinic in August 2010 and worked on the Smart Grid project with fellow student Evan White '12 and clinic co-director Jennifer Urban '00. The clinic's role was representing the Center for Democracy & Technology, a nonprofit that aims to enhance free expression and privacy in communications technologies. Patterson helped submit a formal letter to the California Public Utilities Commission (CPUC) in a Smart Grid metrics proceeding, and two substantive comments—including a formal privacy rule—in a Smart Grid privacy proceeding.

"We recommended that utilities and third parties come forward and describe to CPUC what home energy usage data they intend to collect, use, store, and disseminate; what policies and procedures they will put in place to ensure its security; and how they plan

"The Smart Grid presents privacy risks because it enables collection and transmission of detailed energy data."

to handle requests from law enforcement," Patterson says. "Most significantly, we were given the opportunity to write a privacy rule that translated the concepts underlying the Fair Information Practice principles into regulatory language that could be adopted by CPUC to safeguard the privacy of California energy customers."

Patterson believes the Smart Grid

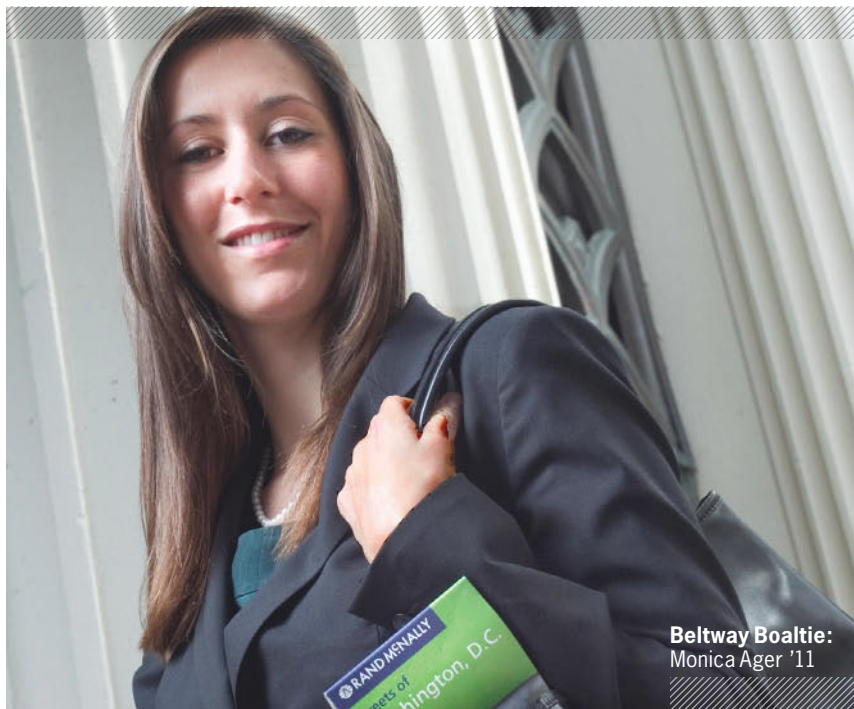
FAST FORWARD

project, if managed properly and ethically, could be extremely valuable. “On one hand, the Smart Grid rollout may be of great benefit to consumers and to the environment,” she says. “It could lower energy costs, increase our use of environmentally friendly power sources, and increase security against power outages and attacks. On the

other hand, the Smart Grid presents serious privacy risks because it enables the collection and transmission of very detailed energy consumption data that reveal an enormous amount about the intimate details of our lives.”

Patterson calls her time with the Samuelson Clinic “incredibly enriching,” thanks in large part to the quality

of supervision and training from the faculty. She was also inspired by the ways in which students can engage with meaningful and relevant issues. “My colleagues are brilliant, warm, and funny,” she says. “I’m continually impressed by their dedication and willingness to give each other great feedback and support.” —*Ben Peterson*



Beltway Boaltie:
Monica Ager '11

UCDC Mixes It Up

Take one full-time job with the appellate staff of the U.S. Department of Justice’s Civil Division. Toss in a seminar course and some 20-page papers. Add the responsibility of being co-editor-in-chief of the *Berkeley Journal of International Law (BJIL)* from 3,000 miles away.

Sound like a recipe for exhaustion? Nope, just the fall of 2010, if you’re Monica Ager ’11 in the UCDC Law Program in Washington, D.C. Launched by Boalt and UCLA School of Law, the program combines a weekly seminar course with field placements that give students an in-

the-trenches look at federal statutes, regulations, and policies.

“At times, it was certainly challenging to balance responsibilities,” Ager says. “But the UCDC program offers such a huge advantage, even over what’s available to the students at D.C.-area schools. Most of those programs are only part-time or don’t offer much academic credit. The UCDC program meant I was there long enough to be treated as if I were an attorney and to make connections that wouldn’t have been possible with an internship.”

During Ager’s time with the Civil Division, many big headline cases

passed through the office. She wasn’t sure how the appellate staff would approach hot topics like Guantanamo and Don’t Ask, Don’t Tell.

“Before this assignment, I assumed that the Department of Justice was a political creature,” she says. “As it turns out, political leanings and affiliations don’t play a part in how cases are handled. Many of the people I worked with have made the Justice Department a career-long commitment, so there’s great camaraderie. These people really enjoy their work, even though they sometimes take on cases that aren’t aligned with their personal beliefs.”

Ager wrote full drafts of briefs and acclimated to the challenge of working with a case as it had been built in district court. “The world of the case has already been created,” she says. “You have to live within that world. It was great practice.”

While sharpening her brief-writing skills, Ager also relied heavily on technology to manage her *BJIL* editing duties. “The three-hour time difference was the biggest challenge,” she says. “I took on most of the work that could be done over email and Skype, while my co-editor-in-chief, Marie Jonas, handled the day-to-day details. I think my practice writing briefs really enhanced my writing and editing skills for the journal.”

Ager also appreciated an immersive “field trip” that enriched her law school education. “It was a welcome break and I came back with a fuller perspective on what it means to be an attorney,” she says. “It invigorated my love of the law.” —*Ben Peterson*



INSIGHT: Are Lawyers Recession-Proof?

BY JON MICHAELSON '78

I've experienced five economic downturns since graduating from Boalt in 1978. While each dip has had a wide impact, lawyers and law firms have been generally insulated from the worst consequences—at least until the “Great Recession.”

Since the latest financial crisis began, employment of attorneys in the U.S. private sector fell for the first time in memory. A disturbingly large number of firms collapsed. Even top law schools scrambled to place graduates. The economy has stabilized, but have the basics changed for us and our organizations?

Yes. The Great Recession has amplified several trends that are materially altering present and future prospects for attorneys.

First, governments worldwide have grown and will keep expanding. Many factors contribute to this, including demographic shifts, the nature and pace of technological change, internationalization of enterprise, and the rise of emerging economies. The economic crisis catapulted governments to unprecedented involvement in citizens' lives and deeper intervention in financial markets.

New laws and regulations—along with compliance and enforcement activities—will likely translate into an increased need for public- and private-sector attorneys. Lawyers are inevitably involved when statutes are drawn, regulations crafted, and violations investigated and addressed.

Second, any buffer between law firms and market forces has evaporated. Consolidation—driven by globalization and intense competition for work—reached warp speed as our industry contracted. Talk of running a legal organization “like a business” no longer has meaning—either a firm functions as a profit-making enterprise or it fails. Further, the market has driven compensation for some lawyers to rock-star levels, stretching traditional notions of partnership. Like it or not, the debate over law as a profession versus law

as a business may have been resolved.

At the same time, shrinking corporate legal budgets mean fewer private-sector jobs for lawyers. Coupled with other changes in demand—disaggregation of engagements, outsourcing, and declining litigation—cost consciousness has reduced entry-level opportunities at law firms and within legal departments. Progression within firms and in-house has become harder as well.

Third, the attorney population is also changing fast. Although Anglo-American concepts dominate jurisprudence around the world, a growing proportion of lawyers are not Brits or Yanks. In my own firm, more than 90 percent of attorneys in our 12 offices in Europe and Asia attended non-U.S. law schools (though many also hold LL.M. degrees from institutions here). My office colleagues include native speakers of at least seven languages. Indigenous firms in China and other rapidly developing countries have vaulted beyond the 500-attorney mark and are opening offices far beyond their home shores. The practice of law is not just more global and more competitive, but also characterized increasingly by a multinational work force.

So what are the broader implications of the Great Recession and its impact on the legal landscape? Most of all, there are no safe harbors. In every venue is a heightened imperative to handle assignments with even greater rigor and effectiveness. For those established in practice, it's essential to be flexible and to learn better approaches to our work. Young practitioners face the greatest tests of all. Familiar career patterns in all sectors are fading. New paths are just beginning to emerge.

These are energizing times for anyone who enjoys a challenge.



“The Great Recession has amplified several trends that are materially altering present and future prospects for attorneys.”

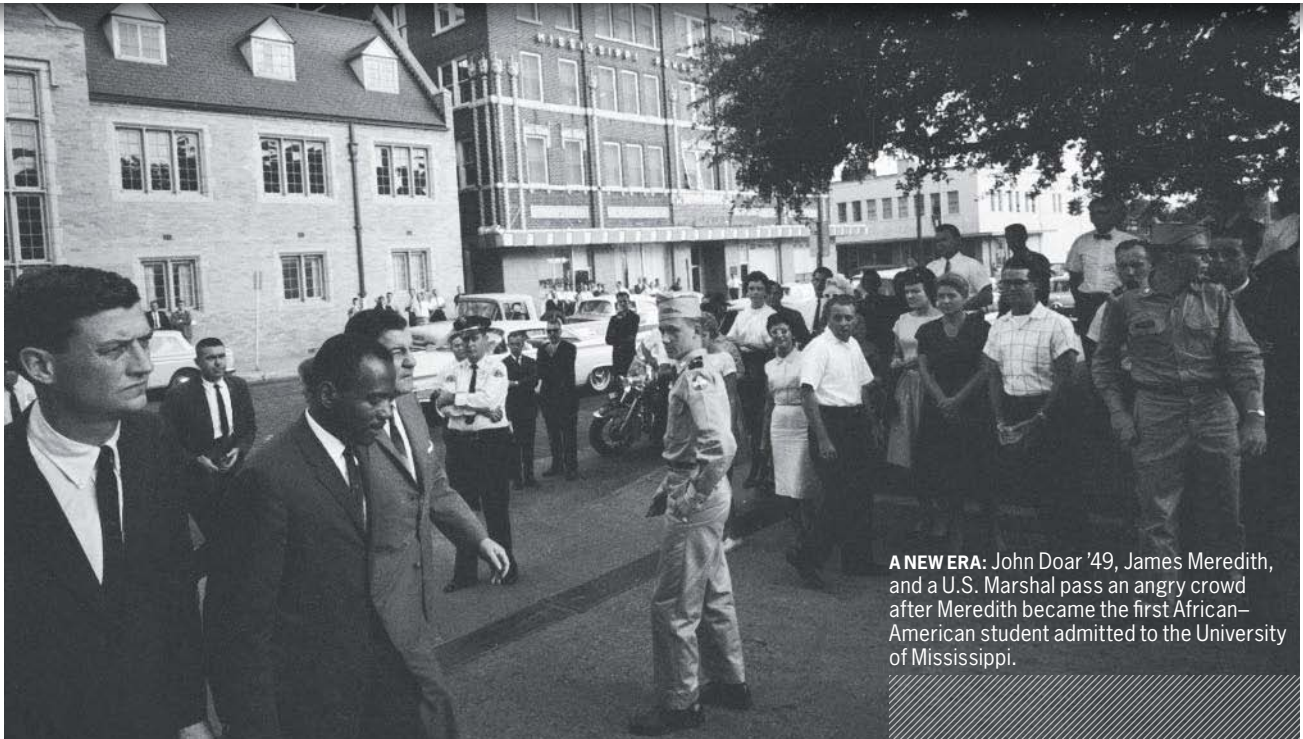


Jon Michaelson '78 is the administrative partner of K&L Gates' Palo Alto office. He advises business clients on a wide range of high-risk, high-priority disputes.



PAST PRESENT

MAKING
HISTORY,
INFORMING
THE FUTURE



A NEW ERA: John Doar '49, James Meredith, and a U.S. Marshal pass an angry crowd after Meredith became the first African-American student admitted to the University of Mississippi.

The Content of Their Character

A team of Boalt graduates played a crucial role in America's civil rights journey. By William Benemann

A folded piece of blue paper with one's name on it pinned to the student message board usually meant trouble. Boalt Hall law student Thelton Henderson '62 took a deep breath, removed the stickpin, and opened the note. The message, from prickly Dean of the Law School William Prosser, was blunt: "Mr.

Henderson, come see me."

When Henderson appeared in the dean's office that day in 1962, Prosser explained that a Boalt alumnus, John Doar '49, the First Assistant of the Civil Rights Division at the U.S. Department of Justice (DOJ), was looking for young lawyers to join him in fighting racial discrimination in the most segregated states of the

American South: Mississippi, Alabama, and Louisiana.

Henderson accepted Doar's challenge and joined a phalanx of attorneys that, in time, would include seven other Boalt graduates: St. John Barrett '48; David Norman '56 (who had been working for the Civil Rights Division since its formation in 1957); Burton Danziger '62; Peter Koricon '62; Brian Landsberg '62; Kathryn Mickle Werdegar '62; and Stuart Herman '67. Doar's team of idealistic litigators would confront corruption, intimidation, violence, and murder. Landsberg, who joined the group in 1963, remembers his colleagues as "vigorous, pragmatic idealists, trained to turn square corners." No shortcuts. No grandstanding. Eyes on the prize.

Doar set a high standard for his team of lawyers. However egregious, how-

ever gut-wrenching the situations they uncovered, histrionic responses were prohibited. “If you play for Green Bay,” Doar explained, invoking legendary Packers coach Vince Lombardi, “you only block one way; if you litigate in this division, you only prepare one way.” Doar’s way meant well-crafted strategies backed by thorough, methodical research.

U.S. Attorney General Robert F. Kennedy focused the DOJ’s efforts on

enforcing the 15th Amendment’s ban on racial discrimination in voter registration. Although disenfranchisement was just one of many forms of discrimination facing “Negroes” at the time, Kennedy reasoned that the power to elect sheriffs, judges, and other local officials would help African-Americans chip away at the other forms of discrimination, including unequal access to public facilities.

At Kennedy’s urging, the division filed suits in every county of Mississippi, Alabama, and Louisiana. At the same time, Norman initiated a series of broader statewide lawsuits.

The division’s lawsuits challenged numerous local registration procedures on grounds that their standards did not apply equally to white and black voters. The State of Mississippi responded by serving the division with interrogatories covering each allegation in each complaint, hoping to swamp the team with paperwork. In a cheap motel room in the Mississippi Delta, Doar and colleague Robert Owen mopped their brows and plotted their response. “We decided to answer them in monumental detail,” he remembers, “with information from most of Mississippi’s 82 counties.” The result was seven volumes of damning evidence showing decades of registration irregularities in Mississippi alone.

Having met that challenge, Doar pressed for a speedy trial date.

Boalt Hall alumni encountered almost continuous intimidation, hatred, and violence in their fight for civil rights.

Mississippi Judge Harold Cox could barely contain his contempt. Cox called Doar “impudent” and “stupid” and warned, “I do not intend to be hurried or harassed by you or any of your underlings in this or any court where I sit and the sooner you get that through your head the better you will get along with me. ...” Cox eventually dismissed the complaint without trial—despite the volumes of evidence.

As the escalating campaign for civil rights spread through the Deep South in the early 1960s, Boalt Hall alumni were in the forefront of the DOJ’s response. Doar prosecuted the murderers of civil rights workers James Chaney, Andrew Goodman, and Michael Schwerner, as well as the Ku Klux Klan members who shot Viola Liuzzo. Barrett represented Fannie Lou Hamer and Annette Ponder, who had been jailed and savagely beaten after civil rights workers sat at a whites-only café counter in Winona, Mississippi. Both Doar and Barrett accompanied James Meredith as he sought to attend classes at Ole Miss. Barrett prosecuted Lester Maddox, who allegedly excluded African-Americans from his Atlanta restaurant by threatening them with a pick handle.

The attorneys would long remember the war stories of their youth. Barrett recalls how his career was nearly derailed by an insinuating memo from FBI Director J. Edgar Hoover, who believed the Justice Department investigations unnecessarily disturbed relations his agents had established with the “good ol’ boys” of local law enforcement. Following phone interviews with blacks in rural Alabama about their experiences with white voter registrars, Landsberg discovered that the telephone operator—the local sheriff’s wife—had been eavesdrop-

ping on the conversations. Henderson became acquainted with Dr. Martin Luther King, Jr. and his associates while staying in the same segregated motels, and still bears a scar from the billy club of a southern sheriff.

It was in these rural regions of the segregated South that Boalt alumni joined a team of attorneys struggling against seemingly insuperable odds, grounded by a belief that the rule of law could change a dark and violent world. “This kind of hope,” Doar explains, “is not the same as optimism. It is the ability to work hard for something because it makes sense, not because it stands a chance to succeed.”

In a word, these people possessed that elusive trait ... *character*.



David Norman: A Visionary

David Norman '56 was among the most extraordinary members of John Doar’s DOJ team. A Nebraska native, he had severely damaged his eyes by looking directly at a partial solar eclipse as a boy. He attended the Nebraska School for the Blind, and was employed during World War II by Lockheed Aircraft in California. Someone from the state’s Department of Vocational Rehabilitation recognized Norman’s sharp intellect and arranged financial assistance so he could attend UC Berkeley. He graduated Phi Beta Kappa and third in his class at Boalt Hall. Legally blind, Norman could read only with the help of a device that allowed him to view a small portion of text at a time.



ADVANCEMENT

Greetings, Alumni, Students, Faculty, and Friends



“We can’t thank you enough for all that you do and all that you’ll continue to contribute to help us finish the Campaign for Boalt Hall.”

This section of *Transcript* is called “Advancement,” and in that spirit, I’d like to start by looking ahead rather than reviewing the many worthy accomplishments of the past year. When Dean Edley enlisted me to head up development efforts for Boalt Hall, it was both an honor and a challenge. Our dean led us far towards achieving the goals he set shortly after arriving, adding 44 new faculty members, establishing several high-impact research centers, maintaining financial aid for 87 percent of our students, creating and sustaining one of the most generous loan forgiveness programs in the country for public-interest and public-service careers, and renewing and expanding our building. One of the major goals that remains: finishing off the final phase of our \$125 million Campaign for Boalt Hall.

Through March, thanks mainly to our loyal alumni’s generosity, we’ve raised a remarkable \$87.2 million. This has been achieved despite enduring the worst financial crisis since the Great Depression and draconian cuts in state support over the past five years and for the foreseeable future. Dean Edley has gone to great lengths to ensure that Boalt’s tuition remains less than other Top 10 law schools, yet most alums are surprised to learn that in-state tuition will exceed \$49,000 in 2011-12. This makes student aid even more crucial as we look to the future: And it is the dean’s highest fundraising priority.

Over the past year we’ve seen a stunning new law school building emerge out of what

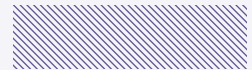
was a gigantic crater in the ground when I came to Boalt two years ago. All Alumni Weekend, September 30–October 1, will feature a ribbon-cutting ceremony for the new South Addition, and the launch of our Centennial Celebration. We hope you will join us for this historic event and elect to become part of Boalt’s history by joining our Centennial Society.

I’m consistently encouraged by the optimism, generosity, and shared vision shown by our loyal alumni. They don’t have to be reminded that we live in challenging times. Despite having to make personal sacrifices, most have kept the law school as one of their most, if not the most, important philanthropies. What we’re calling “The Final Mile” in our campaign will not be easy, but we know we can count on the Boalt community to get us to the finish line. As Dean Edley has said, “Not a single person in Boalt’s campus community will settle for being less than the best, but we can’t succeed unless our alumni feel the same passion for this great institution, and for the importance of training great lawyers.”

I look forward to meeting many of you in the months ahead. We can’t thank you enough for all that you do and all that you’ll continue to contribute to help us finish the Campaign for Boalt Hall.

Warmest regards,
Robert G. Sproul
*Assistant Dean for Development and
Alumni Relations*

Judge Charles Breyer '66: Banging the Boalt Gavel



Although he's not envious by nature, U.S. District Court Judge Charles Breyer '66 admits to some jealousy pangs when listening to his son, recent Boalt graduate Joe Goldstein-Breyer '11, talk about life at Boalt Hall.

"The law school has changed a great deal and all for the better," Breyer says. "When I was at Boalt, there were no clinics and very few courses oriented toward the everyday practice of law. I think the changes have been remarkable, and that Boalt is turning out more better-prepared law students than ever."

Sustaining that is a major reason why—despite his busy schedule on the Northern District of California bench—Breyer has agreed to serve as president of the Boalt Hall Alumni Association. His term starts on July 1, 2011.

"I feel a strong debt of gratitude for receiving such a great legal education at public expense," he says. "But these days, Boalt must overcome the myth that because it's a state-supported school, it's financially secure. And beyond supporting the school, our graduates should contribute in some way to what's being taught and to helping students secure employment during these challenging times."

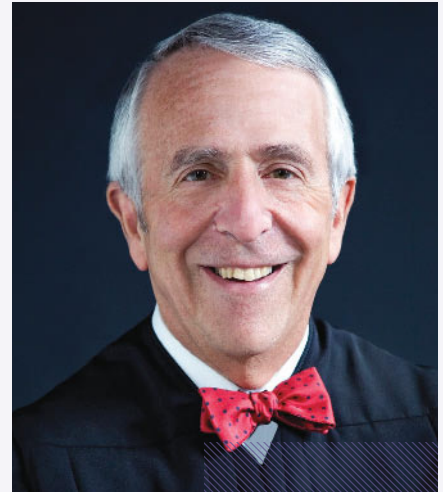
After graduating from Harvard and then Boalt, Breyer clerked for Judge Oliver Carter—on the court where he now sits—from 1966 to 1967. A counsel at the Legal Aid Society of San Francisco

in 1967, Breyer then became an assistant district attorney for the City and County of San Francisco from 1967 to 1973.

He served as assistant special prosecutor on the Watergate Special Prosecution Task Force from 1973 to 1974, then worked in private practice from 1974 to 1997—interrupted by a brief stint as San Francisco's chief assistant district attorney in 1979. In 1997, President Clinton appointed him to a district court seat in the Northern District of California.

"During my time on the bench, I've found that subjects I thought I had very little interest in often are quite fascinating," says Breyer, the brother of U.S. Supreme Court Justice Stephen Breyer. "It's a good reminder of the value in expanding one's horizons."

His hope is that graduating students who have trouble finding employment in the current legal marketplace will use the opportunity to pursue interests that connect to the law but also broaden their experience. "My sense," he says, "is that at the end of one's legal career, no one declares that if he had only practiced for 38 years instead of 37, he'd have been a happier person." —*Andrew Cohen*



"I feel a strong debt of gratitude for receiving such a great legal education at public expense."

BOALT HALL ALUMNI ASSOCIATION BOARD OF DIRECTORS

Executive Committee

Holly Fujie '78
President

James McManis '67
Past President

Charles Breyer '66
President Elect

Evan Cox '87
*Vice President,
Boalt Hall Fund Chair*

Noel Nellis '66
*Vice President,
Reunion Class Campaign
Co-chair (Ex-officio)*

Art Shartsis '71
*Vice President,
Reunion Class Campaign
Co-chair (Ex-officio)*

Christopher Edley, Jr.
Dean

Directors

**Terms
expiring in 2011**
Evan Cox '87
Susan Hori '79
Yury Kappan '01
Mark LeHocky '79
Otis McGee, Jr. '76
Heather Mewes '99
Amelia Miazad '02
Alisa Nave '04
Joel Sanders '82
Arthur Shartsis '71
Charles Stevens '82

**Terms
expiring in 2012**
Greg Broome '90
Chris Chavez '97
Gail Dolton '86
Holly Fujie '78
Hector Huevo '08
Paul Konopka '01
John Kuo '88
Mark Lubin '77
James McManis '67
Jay Shafran '63
Gail Title '70
Peter Urwantschky '81
Diane Yu '77
Mitchell Zuklie '96

**Terms
expiring in 2013**
Stephen Arent '67
Karen Boyd '96
Charles Breyer '66
Gillian Brown '99
Benson Cohen '04
Nancy Fineman '86
Lindsee Granfield '85
Ellyn Lindsay '84
Michael L. Martinez '78
Terry O'Reilly '69
Lynn Pasahow '72
Kathi Pugh '90
Steven Walther '68

Representatives

Student
Monica Briseno '12
Simona Grossi LL.M. '09,
JSD '12
Peter Halpern '11

Staff
Megan Smith
Bob Sproul

UC Berkeley Foundation
Noel Nellis '66 (Ex-officio)
**International Association
of Boalt Alumni**
Aime Mandel '73 (Ex-officio)

Faculty
Jesse Choper
Eleanor Swift

Citing a Standout Trio

Boalt honors Irving Tragen '45, Edward Halbach, and Nan Joesten '97

Though they have traveled diverse geographical and professional paths, the trio honored at Boalt Hall's annual Citation Award Dinner in October—Irving Tragen '45, Edward Halbach, and Nan Joesten '97—are uniformly high on achievement and low on ego.

Before a packed audience inside the Ritz-Carlton hotel in San Francisco, Tragen accepted the Citation Award—the highest honor bestowed by the Boalt Hall Alumni Association (BHAA). Halbach received the Faculty Lifetime Achievement Award and Joesten the Young Alumni Award.

Tragen (see page 22) was a well traveled and well accomplished diplomat for 55 years. One of Boalt's most generous donors, he and his late wife, Eleanor, endowed a faculty chair in Comparative Constitutional and Public Administrative Law in 2002. Boalt, one of three beneficiaries of their family trust, is where Tragen crystallized his problem-solving approach.

"The important thing I learned in law school is you start by getting the facts," he said. "Throughout my entire career, that became the principle on which I worked."

Halbach was named Boalt's dean in 1966, seven years after joining the law school faculty. At age 34, he was the youngest law school dean in the nation. A leading estates and trusts scholar, Halbach served nine years as dean and later spent 11 years on the BHAA board.

Inducted into the National Estate Planning Hall of Fame last year, Halbach has held many leadership positions: president of the International Academy of Estate and Trust Law; chair of the American Bar Association (ABA) Section of Real Property, Probate and Trust Law; and division director of that section's Probate and Trust Division.

In recalling why he was drawn to Boalt, Halbach said, "It wasn't the beautiful climate and the beautiful scenery. It was the chance to join such a gifted group of professors and to teach such remarkable students."

Joesten, a partner at Farella Braun + Martel, has been a BHAA board member for the past five years, serving two terms as president. She also co-chaired her class reunion campaign in 2005 and Boalt's law firm giving campaign in 2006, and received the UC Berkeley Foundation's 2007 Trustees Citation Award for outstanding service to the law school.

Celebrating Community, One Event at a Time

Throughout the year, Boalt Hall hosts several marquee events that celebrate its generous contributors and the success of its graduates and current students. These gatherings support the law school's programming, strengthen its community, and foster productive relationships among alumni, faculty, and students.

To the right is a brief snapshot—three of them, actually—of memorable events from the past school year.



STANDING TALL: Recent graduates came flooding back to Boalt Hall in December for the law school's annual California State Bar Swearing-In Ceremony. More than 200 alumni, along with their families and friends, returned to be sworn in to the California State Bar.



THREE'S COMPANY: Former dean Edward Halbach, Nan Joesten '97, and Irving Tragen '45 were recognized at the Citation Award Dinner.

“Our society needs what Boalt has to offer,” said Joesten, the only member of her Indiana high school graduating class of 120 to attend college out-of-state. “That’s why I’ve gotten involved.”

Joesten was the 2008–09 co-chair of the Woman Advocate Committee of the ABA Litigation Section, and is co-chair of the 2012 ABA Annual Meeting. This past winter, she finished an adventurous, year-long trek throughout the United States in a 40-foot motor home with her husband, Hank, and their three pets.

The Citation Award Dinner received sponsorship support at the Benefactors Level (\$5,000) from Fenwick & West; Lieff Cabraser Heimann & Bernstein; and Skadden, Arps,

Slate, Meagher & Flom. Supporters at the Patrons Level (\$2,500) included Bartko, Zankel, Tarrant & Miller; Farella Braun + Martel; Gibson, Dunn & Crutcher; McGrane Greenfield; McManis Faulkner; Orrick, Herrington & Sutcliffe; Paul, Hastings, Janofsky & Walker; PG&E; and Stevens, O’Connell & Jacobs.

This year’s 50th annual Citation Award Dinner takes place Friday, September 30, in San Francisco. Alumni and friends can nominate individuals for all three BHAA awards by filling out a nomination form at <http://www.law.berkeley.edu/3824.htm> and submitting it online or faxing it to the Alumni Center at 510.643.2919. —*Andrew Cohen*



GIVING AND RECEIVING: Student scholarship recipients had an opportunity to thank their donors in person at Boalt’s annual Scholarship Luncheon in February. Dean Christopher Edley, Jr., Professor Herma Hill Kay, Zoe Savitsky ’11, and Mike Halloran ’65 spoke on the importance of financial aid.



TALKING SHOP: Student competitors, faculty, jurists, and Boalt supporters gathered in February at the home of UC Berkeley Chancellor Robert J. Birgeneau and his wife, Mary Catherine Birgeneau, for a special dinner with U.S. Supreme Court Justice Sonia Sotomayor, who presided over the McBaine Moot Court Competition’s final round (see page 3). Here, Sotomayor (left) shares a light moment with Chancellor Birgeneau and Professor and Campaign for Boalt Hall Co-Chair Pamela Samuelson.

Partners in Leadership Program Gains Steam

Established in 2003, the initiative now includes more than 70 law firms and organizations with nearly 1,500 alumni

T Tyler Gerking '02 didn't have a single reason to become chair of Boalt Hall's Partners in Leadership program. He had several.

"I first got involved in the program at my firm more than five years ago and quickly discovered how vital it is to Boalt," says Gerking, a partner at Farella Braun + Martel's San Francisco office. "It's a great opportunity to help the school that has opened doors for so many of us, and it enables graduates to connect with fellow alumni, current students, and Boalt staff."

The Partners in Leadership program challenges firms and organizations with four or more

Boalt alumni to help increase annual contributions, and to build community both among fellow graduates and with the law school. At press time, the program included 71 participating firms and organizations with more than 1,400 alumni, and raised more than \$1 million from the start of the fiscal year through March.

Volunteer captains within those organizations help inspire donations. Donor rolls often include many first-time supporters, helping to fortify Boalt's overall alumni participation rates and—most important—support of its students, faculty, programs, and resources.

The Boalt Hall Alumni Association Board of Directors established the program in 2003. It recognizes organizations that reach 100 percent participation at the school's "Spotlight on Leadership" reception, at networking events with students, in Boalt's *Annual Report of Philanthropy*, and on its website.

Gerking says Partners in Leadership "serves the essential role of getting more alumni involved in working to maintain and increase the school's excellence," especially as state support for the law school declines.

If you're interested in becoming a Partners in Leadership captain or want more information about the program, please visit <http://www.law.berkeley.edu/87.htm> or contact Susan Persson at 510.642.2590 or spersson@law.berkeley.edu.
—Andrew Cohen



RECRUITING PARTNER: Chair Tyler Gerking '02 says the program allows alumni to connect with fellow graduates, current students, and Boalt staff.



Year	Firms / orgs.	Groups at 100%	Alumni	Donors	Donors percentage	Total gifts	Annual change
FY 09-10	79	11	1,448	679	47%	\$1,522,694	38%
FY 08-09	69	23	1,414	744	53%	\$1,106,260	-22%
FY 07-08	59	27	1,104	817	74%	\$1,418,819	-36%
FY 06-07	58	33	1,014	766	76%	\$2,315,026	54%
FY 05-06	58	37	932	780	84%	\$1,564,430	104%
FY 04-05	34	22	687	566	82%	\$766,942	24%
FY 03-04	15	12	275	225	82%	\$614,140	

(program inaugurated)





PARTY STARTERS: Art Shartsis '71 (left) and Noel Nellis '66 chair Boalt's 2011 Reunion Campaign.

Reunion Campaigns Kick into High Gear

More than 50 volunteers have signed on to help plan reunion celebrations and raise funds for class gifts

Reunion campaigns for graduates in classes ending in 1 and 6 are officially under way, and will help complete the final stages of the law school's \$125 million Campaign for Boalt Hall.

More than 50 volunteers from classes spanning 1961 through 2006 have committed to helping plan reunion celebrations and raise funds for class gifts. Noel Nellis '66, a partner in Orrick, Herrington & Sutcliffe's San Francisco office, and Art Shartsis '71, a founding partner of Shartsis Friese, are chairing the overall effort.

"Reunion is a unique opportunity to socialize and network with classmates, reconnect

with favorite faculty members, and reflect on how your Boalt Hall education and experience made a difference in your life," Nellis says.

Class reunion events will be held during Alumni Weekend, September 30–October 1, in Berkeley and San Francisco.

Class reunion events will be held during Alumni Weekend, September 30–October 1, in Berkeley and San Francisco. All gifts and pledges made from January 1 through December 31 will count toward class anniversary gifts.

"Our reunion is also an opportunity," says Shartsis, "to return to the school and see the dramatic and transformative architectural changes that alumni contributions and future commitments helped make possible." —Megan Smith

Upcoming Events

Save the date!

JUNE 7
Alumni Reception with Newly Admitted Students, Los Angeles

JUNE 17-19
Annual Reunion of International Alumni, London

JULY 29
Post Bar Exam Happy Hour for Young Alumni and Admitted Students, San Francisco

SEPTEMBER 30
Citation Award Dinner, San Francisco

OCTOBER 1
Alumni Day, Berkeley

Class Reunion Dinners, Berkeley

DECEMBER 2
State Bar Admissions Ceremony, Berkeley

AlumNetwork

Connect now to Boalt's online community, where you can:

- Search the alumni directory for classmates and view and update your profile
- Keep up with job openings and Boalt community news and events
- Share your news and read class notes from fellow alumni
- Join our mentor directory to help Boalt students seeking career advice
- Join Boalt communities on Facebook, LinkedIn, and Twitter

Visit <http://www.law.berkeley.edu/alumnetwork> to learn more.

Sizing Up Cy Pres Awards

Class action funds help fuel student training opportunities

For many lawyers, “cy pres” jogs hazy recollections of an obscure term they needed to learn for the bar exam. But for Boalt Hall, cy pres awards have been a critical source of support for key programs and projects.

Cy pres awards are class action funds that, for whatever reason, cannot be claimed by class members or beneficiaries. Under the cy pres doctrine, courts can distribute these residual funds to causes that align with both the focus of the claims and the recipients of the settlement.

Throughout the U.S., courts have distributed cy pres awards ranging from thousands to millions of dollars to fund civil legal services. In addition to specific projects, these awards often fund operational costs for legal aid organizations, allowing them to provide needed services within their communities.

Since the start of the Campaign for Boalt Hall in 2005, law school programs have received more than \$5 million in cy pres awards. In 2006, the Berkeley Center for Law and Technology (BCLT) received the first such payout, from a major privacy rights class action settlement. Since then, Boalt’s Samuelson Law, Technology & Public Policy Clinic, Center for Law, Energy & the Environment, and Death Penalty Clinic have also received substantial awards from high-

profile class action settlements.

“We’ve been very fortunate to have cy pres support for research and events that help bring to light important privacy and consumer protection issues, especially those generated by new technologies,” says Samuelson Clinic co-director Jason Schultz ’00. “This aligns well with our mission both as an education institution and as a convener of key policy conversations.”

Over the past few years, courts have begun developing more structured procedures for submitting proposals to receive cy pres funds. These proposals can identify several consumer-related legal research areas for consideration, such as business, social justice, the environment and energy, consumer protection, privacy, health care, and the death penalty.

“Cy pres awards have been extremely beneficial to our ability to provide students with hands-on training,” says Jennifer Urban ’00, who co-directs the Samuelson Clinic with Schultz. “They’ve also strengthened our ability to partner with other groups to impact key policy issues.”

That’s why Urban and Schultz urge Boalt’s alumni and friends to be aware of and communicate potential cy pres opportunities they encounter, either while working on a class action case or simply hearing about one.

Boalt’s Alumni Center, which fields inquiries and helps direct leads about cy pres funding to appropriate faculty members or programs, can be reached at 510.642.0158.

“Boalt is doing all kinds of amazing things that might support a class’ interests in a given case,” Urban says. “Cy pres funds can be an excellent source of support for work that furthers those interests and that connects to the school’s research, teaching, and service missions.” —Andrew Cohen

MAKING IT COUNT:

The Samuelson Law, Technology & Public Policy Clinic, co-directed by Jason Schultz ’00 and Jennifer Urban ’00, has used cy pres awards to effectively influence policy on issues such as privacy and consumer protection.





CLASS NOTES

ALL
IN
THE
BOALT
FAMILY

1954

Robert Stone will serve as president of the American Board of Trial Advocates (ABOTA) next year.

ABOTA is a national organization of 6,700 trial lawyers and judges dedicated to preserving the right to civil jury trials as guaranteed by the Seventh Amendment.

1959

S.L. Scheff has published *The Cow in the Parking Lot: A Zen Approach to Overcoming Anger* with co-author Susan Edmiston. "It is the start of at least an avocation in my 50th year of practicing law," he says. The book is licensed for a Chinese and a German edition. S.L. says his publisher believes "it will be translated into perhaps 15 languages." For the past decade, S.L. has been giving a workshop to lawyers on ways to avoid burnout.

1962

Richard Hicks was recently selected Attorney of the Year by the San Diego Volunteer Lawyer Program for his 13 years of pro bono service in its domestic violence clinic in North San Diego County. His sixth novel, *Crossing Borders*, a murder mystery

set in San Diego, was published in July 2010.

1964

Penelope Cooper was inducted into the Trial Lawyer Hall of Fame by the Litigation Section of the California State Bar. The award was presented jointly to Penelope and her former law partner, Cristina Arguedas, who teaches Criminal Trial Practice at Boalt.

1965

Theodore Olson was appointed by President Obama to the Council of the Administrative Conference of the United States, which aims to improve the procedures by which federal agencies conduct regulatory programs and administer grants and benefits. The former U.S. Solicitor General also received a winning verdict for the plaintiffs in *Perry v. Schwarzenegger*, in which a federal judge ruled that Proposition 8—the California ballot measure prohibiting same-sex marriage—was unconstitutional.

Brian Van Camp was elected a director of the American College of Business Court

Judges. The national organization seeks to expand the number of jurisdictions with courts devoted to business cases, and to enhance the abilities of judges trying such cases. Brian sits on the Sacramento Superior Court, where he tries civil and complex civil cases. He was profiled in the January 25 and 26 editions of the *Daily Journal/Recorder* legal newspapers.



1966

Kenneth Miller was one of six homebuilding leaders inducted into the California Homebuilding Hall of Fame last year. His selection was based upon contributions to the long-term advancement of the homebuilding industry in California. Kenneth was the first attorney inducted in the Hall of Fame's 26-year history.

Your
Classmates
Want to
Hear from
You!

CONTACT US ONLINE:
www.law.berkeley.edu/alumnetwork

CONTACT US BY EMAIL:
alumni@law.berkeley.edu

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

REYNATO PUNO '68

A Justice for the Ages Leaves Lasting Legacy

Ironically, only the law could slow Reynato Puno's legal career. Puno '68 stepped down as chief justice of the Philippines Supreme Court on May 17, 2010: his 70th birthday.

"In my country, that's the mandatory retirement age for justices," Puno says. "In the United States, of course, it's a bit different."

Puno spent nearly 40 years in government service—the last 17 on the Supreme Court. While patterned after the U.S. model, the Supreme Court of the Philippines does feature a major difference: legislative powers to promulgate rules and regulations. That enabled Puno, in his three and a half years as chief justice, to enact writs protecting civil and political rights, create a small-claims court system, and strengthen environmental protections.

Although he now describes himself as a "plain citizen again," Puno remains a leading advocate for overhauling the Philippines' 1987 Constitution, to make it more responsive to the needs of the times. He asserts that his country's unitary form of government does not suit a nation with many dialects, islands, and multicultural components, and has pushed for creating a Constitutional Court, separate from the Supreme Court, to handle constitutional cases.

An outspoken champion of human rights, Puno drove an aggressive campaign to end the widespread killing of journalists and activists during his time as chief justice. He also tackled judicial corruption by creating a review process for monitoring impropriety throughout the court system. "Immediately after taking office, I issued an order that banned judges from hiring spouses in their offices," Puno says. "Then we administratively sanctioned many outlaw justices, and were able to suspend or dismiss quite a number of them."

Puno also designated special courts to handle environmental cases, and strengthened the court's role in protecting the nation's ecology. He calls environmental degradation "the No. 1 problem in the Philippines, if not in the majority of Asian countries."

Widely credited for bringing the judiciary branch closer to Filipino citizens, Puno insisted that his court be called the "People's Court" rather than the "Puno Court." Toward that end, he introduced mobile courtrooms that travel to rural areas and jails, where they provide prisoners legal and medical services.

"I like to think our Supreme Court did a lot to protect citizens' rights over those three and a half years," he says.

Last year, Puno returned to Berkeley to receive the university's Haas International Award. He holds fond memories of his LL.M. year at Boalt, during which he saw Martin Luther King and Robert Kennedy speak on campus.

"My experience in Berkeley solidified my belief and faith in democracy as the best form of government," Puno says, "and the best way to protect the people's rights."

—Andrew Cohen



1967

Rosalyn Chapman recently retired from the bench, where she was sitting as Magistrate Judge in the U.S. District Court for the Central District of California.

1968

A.L. Benassi and his wife, **Patricia Benassi '69**, were again honored to be selected as Leading Lawyers and Super Lawyers for the State of Illinois for the year 2011.

1970

William Vasconcellos writes, "After graduating from Boalt, I went to work as a law clerk for the Idaho Supreme Court in Boise. Following my clerkship, I practiced law with a Boise law firm before becoming an investment consultant in 1989 ... In 2001, I was designated a Certified Investment Management Analyst." Now with UBS in Boise, William focuses on advising successful individuals and providing access to "some of the world's most prestigious separate account managers, including muni bond managers ... In the winter, Jena and I generally spend two or three days a week skiing in Sun Valley. Classmate **Tom Salinger** came to ski with us the season before last. We recently had dinner with Tom and his wife, Lynda, in Southern California."

1971

Judith Kleinberg, an attorney and former Palo Alto

mayor who has led both a tech start-up and award-winning nonprofits, has joined the John S. and James L. Knight Foundation as program director for San Jose and Silicon Valley.

1973

Russell Atkinson was named to the 2010-11 Civil Grand Jury for Santa Clara County.



1974

Raymond Brown, chair of the White Collar Defense and Corporate Compliance Group at Greenbaum, Rowe, Smith & Davis, delivered remarks at a December U.N. conference on the participation of victims before the International Criminal Court (ICC) and the role of legal representation. Raymond has represented Darfur genocide victims before the ICC for several years. He also spoke at an Association of the Bar of the City of New York event entitled, "Reflection on the ICC Review Conference: Examining its Successes, Failures and Impact on Africa." Raymond hosts the Emmy Award-winning

New Jersey Network program "Due Process" and is a Fellow of the American College of Trial Lawyers and American Board of Criminal Lawyers.

Honorable Jamie Jacobs-May (Ret.) has joined Judicial Arbitration and Mediation Services, Inc. as a mediator, arbitrator, and discovery master. He brings more than 20 years of judicial experience and the title of 2010 Santa Clara County's "Outstanding Jurist of the Year."

Gary Cohen, Senior Corporate and Finance Partner at Sidley Austin in Los Angeles, has been named special business counsel to the Financial Crisis Inquiry Commission. Part of the Fraud Enforcement and Recovery Act, the commission is charged with examining the domestic and global causes of the current financial and economic crisis in the U.S., and reporting its findings to Congress, the president, and the American people.

1975

Nevenka Morris, although semi-retired, has been active as the successor trustee and executrix of a multimillion-dollar estate with foreign beneficiaries. Responsibilities have entailed managing, selling, terminating, or donating, as appropriate, real properties, financial accounts, a collection of cars, pensions in various countries, and, of course, distributing the net proceeds. She has found the project engaging because it

In Memoriam

George Aye, Jr. '41
Stephen R. Barnett
Melanie Bellah '72
Thomas F. Brewer '51
Russell J. Brubaker '86
Winfried Brugger '81
Paul E. Buechner III '54
John R. Burton '49
August F. Cetti '48
Charles A. Claesgens '71
William K. Coblentz
Alec L. Cory '39
Gordon E. Davis '55
Stuart R. Dole '49
Ronald F. Dominguez '93
Donald P. Falconer '47
Philip Frickey
Paul M. Geary '54
Doris Godinez-Phillips '82
Richard Goldman
William L. Gonser '59
John M. Hartenstein '91
Roland E. Iversen '55
Jess S. Jackson, Jr. '55
Richard B. Johnson '66
June Kadish
William H. Keiser '63
Harry Kevorkian '51
Lindsay K. Kinneberg '07
William H. Lally '48
Douglas M. Letts '64
Harold L. Levy '35
Ellen L. Lutz '85
Fred P. Lynch '55
Donald H. Maffly '61
George A. Malloy '58
Gerald D. Marcus '41
Jay R. Martin '52
Cheryl K. Nicholas '85
Charles O'Brien
Virgil P. O'Sullivan '47
David L. Perry '66
Nancy Rayburn '02
Daniel I. Reith '64
Patricia R. Roberts '70
Sharon D. Roseme '78
Joseph W. Ruff '66
Philip Selznick
David K. Smith '68
Michael E. Smith
Judith L. Soley '70
Lloyd E. Somogyi '42
Gail A. Strader '44
D. Larry Thorne '55

PAUL HALL '75

Investing in the UCs

When Paul Hall '75 looks at California's steadily declining support of higher education over the past four decades, he sees an entire state in peril.

Hall—who attended the University of California, Santa Cruz for little more than \$600 a year—regularly visits Sacramento to lobby on the UC's behalf. Urging legislators to view the UC “as an investment item, rather than a cost item,” he foresees an ominous future if they follow last year's \$500 million reduction in funding with another \$500 million cut in the current proposed budget.

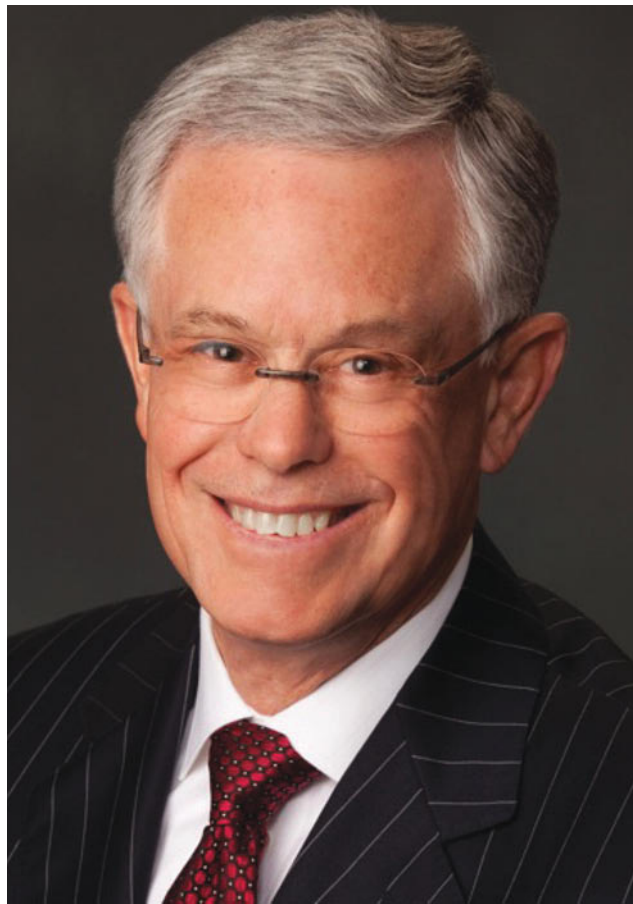
“The UC system is a tremendous force for innovation, economic prosperity, and social equality,” Hall says. “It's a major reason why the state has fared so well over the last 100 years, and it's absurd to disinvest in such a profitable enterprise. If we eat the seed corn today, what are we going to plant next year?”

With the United States shifting from manufacturing to a primarily knowledge-based economy, Hall argues that California's prosperity is driven by its residents' intellectual capital. “We're the eighth-largest economy in the world,” he says, “but that won't last if our universities continue to get short shrift.”

A partner at DLA Piper in San Francisco, Hall is no stranger to funding debates. As a UC Regent from 1991 to 1993, he saw firsthand the challenges of operating a “gigantic and complicated enterprise.” While he credits the system's commitment to financial aid, Hall laments that middle-class students are getting squeezed. “For an average-income family with three kids,” he says, “sending them all to a UC school has begun to look insurmountable.”

Hall's actions certainly underscore his words. Despite a heavy workload as a class-action defense lawyer, he has served the law school as Boalt Hall Alumni Association president, Partners in Leadership captain, and class reunion committee member. He is also a past president of the UC Santa Cruz Alumni Association, and has been a Trustee of the UC Santa Cruz Foundation for the past 20 years.

“I do it as a labor of love because I want to give back,” says Hall, who led Nixon Peabody's national financial institutions litigation team before joining DLA Piper last year. “I lived a dream that was enabled by strong state support, but my parents grew up very poor in the Depression and couldn't afford to go to college. I don't want to see that happen to a whole new generation.” —*Andrew Cohen*



draws on her education in law and languages, and her experience in real estate, finance, taxation, cross-cultures, problem-solving, and resourcefulness. Nevenka's *joie de vivre* interests include Argentine tango-dancing and periodic visits to Buenos Aires.

1977

Jonathan Bass's San Francisco law firm, Coblenz, Patch, Duffy & Bass, was recognized as the California State Bar President's 2010 Pro Bono Law Firm of the Year. The award, which annually honors a California law firm for extraordinary pro bono service, recognized Coblenz attorneys' contribution of more than 4,700 pro bono hours in 2009.

John Gilligan, a partner at Schottenstein Zox & Dunn in Columbus, Ohio, was included on the 2011 Ohio *Super Lawyers* list. He was designated among the Top 50 Lawyers in Columbus (joining just eight other business litigators) and among the Top 100 Lawyers in Ohio (joining just 23 other business litigators).

David Louie has been appointed Hawaii Attorney General by Governor Neil Abercrombie. Prior to being appointed, David was a partner at Roeca Louie & Hiraoka and has been a practicing trial lawyer for over 30 years. He is also a former president, vice-president, and director of the Hawaii State Bar Association.

1978

Janet Alexander is teaching federal courts, complex litigation, the civil jury, and terrorism and the courts at Stanford Law School. She writes, “Our older daughter, Katy, is in her last year at Boalt; the younger is a junior in college.”

Constance de la Vega writes, “The U.S. Supreme Court cited my law review article and an amicus curiae brief I submitted in *Graham v. Florida* on May 17, 2010. The Court held that life sentences without the possibility of parole for offenders under the age of 18 are unconstitutional when no homicide is committed.” The law review and brief filed on behalf of five NGOs and 10 bar associations from around the world urged the Court to follow international law, which prohibits all life sentences without parole for offenders under 18. The U.S. is the world’s only country where juveniles are serving such sentences. Human Rights Advocates, created at Boalt by a number of alumni and former dean Frank Newman, was an NGO represented in the brief.



Elizabeth Cabraser (center) was honored by the ABA with the 2010 Margaret

Brent Award. Established by the ABA Commission on Women in the Profession in 1991, 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.

Harris Kershner has been recognized in the 2011 edition of *The Best Lawyers in America* and is now one of a select group of attorneys who have been listed for 10 consecutive years. Harris’ recognition is based on his expertise in the field of labor and employment law. *The Best Lawyers in America* is an advertisement-free publication that reaches the largest and most targeted audience of any peer-review listing in the legal profession.

Edwin Lee was sworn in as the 43rd Mayor of the City and County of San Francisco in January. The former City Administrator is the first Asian-American mayor in San Francisco history. Edwin joined the City and County of San Francisco in 1989, and has since served as executive director of the Human Rights Commission, director of City Purchasing, and director of the Department of Public Works.

Holly Fujie, president of the Boalt Hall Alumni Association Board, met up with International Association of Boalt Alumni President **Aime Mandel ’73** on a recent trip to Paris. “We had dinner with Aime,

his Supreme Court Justice wife, Sylvie, and his lawyer-partner son, Oliver ... They could not have been more welcoming.”



1979

Michael Hartmann writes, “Hello! From the U.N. to USAID, and from Afghanistan to Indonesia. After nine years in Pakistan, Bosnia, and Kosovo, followed by five years in Afghanistan, mostly with the U.N., I’ve taken a post-conflict zone break by moving to Jakarta and joining the USAID C4J rule of law project as its Advisor to the Attorney General’s Office (AGO) of Indonesia.” Michael works with Indonesian counterparts to assist the AGO on reform, including ethics, bureaucratic organization and business processes, training management and development, and uniformity in investigation, charging, and sentencing. He hopes to design a research and writing project on rule of law, impunity, and peacekeeping lessons not learned, and to find a fellowship or teaching post upon returning to the U.S.

Clothilde Hewlett won the Excellence in Service Award from the Cal Alumni Association (CAA). The honor recognizes UC Berkeley alumni who have provided outstanding voluntary service to the CAA and/or the university. A partner at the San Francisco office of Nossaman LLP, Clothilde received the award at the university’s annual Charter Gala celebration on April 9.

1980

Kelvin Filer was “humbled, honored, and proud to be included in the initial class of inductees for the new Alumni Hall of Fame at my high school alma mater—Compton (Calif.) Senior High School.” Kelvin recently published his first book of poetry, *Race Ipsa Loquitur: A Poetic Diary of My Journey from Compton to the Los Angeles Superior Court Bench*. He describes it as “basically a poetic diary,” and notes that Chapter 2—the “The Scales of Just-Us”—deals exclusively with his experiences as a first-year Boalt student.

1981

Kathryn Duke accepted a position as director of Public Health Trust in Oakland. She writes, “As someone who pursued public health and law degrees at the same time, I have come full circle in my new position. This nonprofit offers public health grant-making and consultation for attorneys and judges involved in litigation settlements

relating to any aspect of public health protection and promotion. I enjoy helping bridge the gap between public health terminology and programs that are often unfamiliar to attorneys, and the legal language and processes that can be equally unfamiliar to people working in a range of public health programs.”

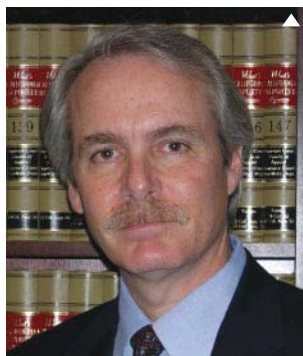
Joan Donoghue, the U.S. State Department’s Principal Deputy Legal Adviser, was nominated by the U.S. National Group to serve as a judge on the International Court of Justice. She was congratulated on her nomination by Secretary of State Hillary Clinton. (See more, page 44).

Elyce Santerre is the senior civilian attorney for the joint Elmendorf-Richardson military base in Anchorage. After 14 years as Chief of Civil Law for Fort Richardson, Alaska, she became legal advisor to a project team merging Anchorage’s two large military installations. Elyce says the joint base “has gone further in combining the Army and Air Force facilities and separate cultures into one integrated organization than any of the other joint bases” created under the Base Realignment and Closure Act.

Gail Hillebrand has joined the Council of the American Law Institute and manages the financial services campaign team. The 2004 winner of the National Consumer Law

Center’s Vern Countryman Consumer Law Award, Gail is a member of the American College of Financial Services Attorneys and a board member of the Oakland-based Public Interest Law Project. She has published articles on payments law, FCRA preemption, the revision of UCC Articles 2 and 9, and the cypres doctrine. Her work has been published in the Chicago-Kent, Loyola, Washington University, and Alabama law reviews. Gail and her husband, Hugh Barroll, have two grown sons and a daughter-in-law.

F. Daniel Leventhal lives and works in London, with a second office in San Francisco, and has been admitted as a solicitor in England and Wales. He is a partner in the Financial Transactions Practice Group for Morrison & Foerster and continues to specialize in banking and finance matters, with an emphasis on cross-border financings.



Russell Kussman writes, “After practicing with fellow 1981 Boalt Hall alumnus Michael Whitehill for over 25 years, litigating and trying medical malpractice

cases, I was appointed by Governor Schwarzenegger to the Los Angeles Superior Court in December 2010. I am presently sitting in Van Nuys and looking forward to a new career on the bench.”

1982

Virginia Phillips, a federal judge at the U.S. District Court for the Central District of California, declared unconstitutional the “Don’t Ask, Don’t Tell” law governing gay, lesbian, and bisexual members of the U.S. military. Her opinion described the law as a violation of First Amendment rights to freedom of speech and Fifth Amendment guarantees of substantive due process. Since 1993, “Don’t Ask, Don’t Tell” has restricted the military from efforts to discover closeted gay, lesbian, and bisexual service members or applicants—while barring openly gay, lesbian, or bisexual individuals from military service.

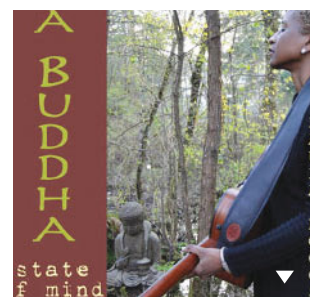
1983

Phillip Shinn, a partner in the San Francisco office of Fox Rothschild, was honored as the 2010 Alumnus of the Year by the Korean American Bar Association of Northern California at its annual Dinner Gala. Phillip has over 25 years of experience in all phases of complex civil litigation, including trial and appellate work. He is also a former president of two bar associations, former president of the Korean-American Chamber of Commerce, and

current co-vice president of the Overseas Board of the International Association of Korean Lawyers.

1984

Victoria Nourse was nominated in July by President Obama to serve on the U.S. Seventh Circuit Court of Appeals. She is the Burrus-Bascom Professor of Law at the University of Wisconsin School of Law, where she joined the faculty in 1993. A prolific scholar, Victoria has written extensively on criminal law, legislation, constitutional history, and the separation of powers. She is also well known for her role in assisting then-Senator Joseph Biden in drafting the landmark Violence Against Women Act, part of the Biden-Hatch Violent Crime Control and Law Enforcement Act of 1994.



Paula Boggs has released her debut CD, *A Buddha State of Mind*, available on iTunes, Amazon, and CD Baby. She says the 12-track disc “takes the listener on a journey that explores a range of human emotion and is genre defying ... the listener meets songs reflecting imperfect love and stories of powerful, soulful, and sometimes funny

observation.” An internet radio fan said Paula has “an enigmatic, original voice with great feeling,” and

added, “This artist’s best work is ahead of her ... A female Leonard Cohen? I think so and I mean that as

a compliment.” Paula also became a Grammy Awards voting member in the vocalist, composer, and producer

categories.

.....
Joseph Hayes published the political thriller *When No*

NICOLE WONG '95

Keeping Policy on Pace with the Internet



Being first has become second nature to Nicole Wong '95, vice president and deputy general counsel for technology giant Google.

Among the first to obtain a dual law/journalism graduate degree from UC Berkeley, she was a founder of the *Asian Law Journal*, its first editor-in-chief, and Google's first lawyer to oversee the design of regulatory compliance into a product's features. Throughout, she has stayed a step ahead on internet law and policy.

“From my vantage point, the internet is the most democratized platform for free speech that we've ever had,” Wong says. “I wanted to be out front as this medium grew, because the principles underlying free expression and access to information are embedded into having a robust internet.”

After graduating from Boalt, Wong took a position at Steinhart and Falconer. By 1997, her traditional media clients began posting content online. Within a year, Wong was representing then-startups

Netscape and Yahoo!.

In 1999, she joined Perkins Coie and eventually led a team of attorneys specializing in internet law—including online content regulation, intellectual property, privacy, security, and eCommerce—while representing media clients such as the Hearst Corporation, Disney, General Electric, Microsoft, and Amazon.

Wong moved to Google in 2004 as senior compliance counsel. But her work soon expanded to include supporting Google's product teams from development through product launches, handling privacy, content regulation, trademark, copyright and consumer protection matters, and minimizing risk.

“We think about compliance as early as possible in the design of a product,” says Wong, who now oversees 31 lawyers and specialists in copy-

right, privacy, and law enforcement issues, as well as a large legal compliance team. “Does it need to collect data or not? Is it collecting snippets or full content? Thinking that through as your engineers code material is great fun.”

Wong serves on the First Amendment Coalition's board of directors and the UC Berkeley Graduate School of Journalism's advisory board. She has appeared before Congress several times on internet policy issues, and has taught media and internet law courses at UC Berkeley, Stanford, and the University of San Francisco.

“The law struggles to keep pace with all the rapid changes in technology,” Wong says. “The key is knowing what the law's underlying principles are and why they exist. If you know those well, you have a solid foundation for applying current law to internet matters. And sometimes you make up a new answer and hope it works.”

—Andrew Cohen

CLASS NOTES

One Is Watching, in which he questions what it means to be truly successful. The book follows two friends, Blair Van Howe, a brilliant and charismatic politician seemingly willing to sacrifice anything to advance his

career, and Danny Moran, a struggling alcoholic desperately trying to put his life back together after losing everything. Against the backdrop of rugged Chicago politics, ambition and corruption collide with ethics

and integrity to reveal the true meaning of success.

1985

Kirsten Spira has been elected partner at Steptoe & Johnson in Century

City. She practices general civil litigation at the trial and appellate levels. Her practice is diverse, with an emphasis on complex business, employment, environmental (including CERCLA), unfair com-

MARIO MARTINEZ '98

Field of Dreams

Some passions for social justice start early. Really early. Mario Martinez '98 was just seven when his beliefs began to take shape. The son of farm workers, he spent summers toiling in the fields with his parents and siblings, enduring heat and brutal working conditions.

"I saw a lot of injustice," Martinez says. "The way people were treated wasn't right. They were pressured to work all day without breaks. It wasn't uncommon for workers around me to suffer heat stroke or faint in the fields because they weren't given enough water. When you're just seven years old and you see someone pass out, it's scary. I knew workers deserved better."

Once Martinez learned that lawyers could act as advocates for farm workers, he set his sights on law school. Thanks to Boalt's Loan Repayment Assistance Program (LRAP), Martinez and others who are committed to working in public service can make career decisions guided by passion, rather than a paycheck. The LRAP program grants up to 10 years of full law school debt relief to Boalt graduates earning up to \$65,000 a year in public-interest or public-sector jobs, and partial support to those earning up to \$100,000.

"If law students graduate with a large amount of debt, it can be difficult to choose a public-interest career," Martinez says. "Those jobs typically pay less than other opportunities that might be out there. With the LRAP program taking care of a substantial portion of the monthly loan payment, graduates don't have to experience such a heavy debt burden."

After earning his JD at Boalt, Martinez started a two-year training project to help community leaders, organizers, and workers identify employment violations, and to represent those workers before state and federal agencies and courts. Today, he is fulfilling his childhood vision as he continues to represent individual farm workers and the United Farm Workers of America in cases involving such matters as gender discrimination, sexual harassment, union representation, and wage and hour violations. "It's very satisfying to be part of an effort that leads to a positive change in working conditions," Martinez says. "Farmworkers deserve to be treated humanely and fairly. They need a voice in their workplace."

Gifts to the LRAP program can be game changing for Boalt Hall graduates as they consider careers. Choosing work because it's fueled by passion gets easier when the economics are workable. And jobs fueled by passion, as Martinez makes clear, are the very best jobs of all. —Ben Peterson



petition, and shareholder disputes. Kirsten's experience includes lead counsel and secondary roles at trials (bench and jury), arbitrations, and governmental administrative hearings. She has been recognized by *Southern California Super Lawyers* for business litigation each year since 2006.

Barri Bonapart has joined San Rafael-based Resolution Remedies' alternative dispute resolution panel as a mediator and arbitrator. She joins the panel with over 25 years of law experience.

1986

Donna Garr recently accepted a position in Phoenix as Counsel at Matrix Medical Network, which provides high-risk member management services to health plans throughout the country. She lives with her family in nearby Scottsdale.

Laura Trejo was awarded the 2010 Damon Whitehead Community Charitable Volunteer Service Award from the U.S. Department of Transportation, Office of the General Counsel.

1987

Gayle Tiller is the author of *24 Hour Lottery Ticket*, a suspense novel about lawyer Dianne Canton, who has lost her apartment and car and lives in her run-down office in downtown San Jose. When Emma Watkins knocks on her door, Dianne thinks she's a bill collector. Emma turns

out to be a former judge who holds a \$73 million lottery ticket that expires in 24 hours. Years ago, the media destroyed Emma and her family in a bitter recall election. Emma wants to stop the media from publicizing her name as the lottery winner. If Dianne wins Emma's case, her money troubles will be over. If Dianne loses, Emma will lose \$73 million. For more information, visit <http://www.24hourlotteryticket.com>.



1988

Kevin Quinn was appointed president of the University of Scranton, and will assume his new duties in that role on July 1, 2011. Prior to the appointment, Reverend Quinn was a Jesuit professor of law specializing in health care ethics at Santa Clara University. He also taught law at Georgetown for 16 years.

Indira Talwani was named one of the 2010 Lawyers of the Year by *Massachusetts Lawyers Weekly*. The publication recognizes her ongoing case against Fidelity Investments, in which she is applying whistleblower protection to workers in

the mutual fund industry. Indira is currently a partner at Segal Roitman, where she specializes in federal and state court litigation.

1990

Juliet Davison is the founder and manager of Davison Law in Boston, where she specializes in employment law, probate litigation, and business litigation. She would love to hear from any classmates or Boalt graduates in the area.

1991

David Ball received the Outstanding Young Lawyer Award from the Nonprofit Organizations Committee of the ABA Section of Business Law. He was also nominated for the Outstanding Nonprofit Lawyer Award. The committee cited David's career-long nonprofit accomplishments, including his development of Interfaith Legal Services of Ohio, which provides pro bono legal representation to the needy through church- and synagogue-based attorneys.

1992

Stephen Raucher was sworn in as president of the Beverly Hills Bar Association on September 28, 2010. The keynote speaker at the Installation Dinner was Andre Birotte, Jr., U.S. Attorney for the Central District of California. The Beverly Hills Bar Association has over 3,500 members, serving the Westside of Los Angeles

and beyond. Steve practices business litigation at Reuben Raucher & Blum.

1993

Eric Steinert has rejoined Seyfarth Shaw as a partner practicing labor and employment law in its San Francisco office. He returns from a three-year stint as an employment lawyer in the financial-services industry, working for Wachovia and Wells Fargo. Prior to that, Eric worked in Seyfarth Shaw's Los Angeles office as a labor and employment partner and associate. He now lives in Orinda with his wife, Anna, daughter Summer, and border collie Coco.



Eugene Pak has joined Wendel, Rosen, Black & Dean as a partner in the firm's Intellectual Property Practice Group. Eugene joins the firm from DLA Piper in San Francisco with more than 15 years of IP and litigation experience.

1994

Scott Stratman has become the managing attorney for Valerian Patterson & Stratman, a 16-lawyer staff

CLASS NOTES

counsel office for Farmers Insurance. Scott is the eighth managing attorney since the firm's establishment in 1933.



1995

Valerie Alexander is launching Alexander Continuing Legal Education (www.alexanderclc.com) and its flagship class, "Legal Ethics in Popular Culture," based in part on the Legal Ethics and Professional Responsibility course she taught at Boalt this past spring. She describes the class as "a fun, relaxing way for lawyers to get 9.75 MCLE hours in one day, including all ethics and substance-abuse requirements." She and her team created, produced, and directed 38 videos about the meaning of marriage equality as a part of "The Wedding Matters," launched by the Courage Campaign Institute's Entertainment Industry Equality Team.

Steven Childress writes, "I am the Conrad Meyer III Professor of Law at Tulane. I started a publishing LLC, Quid Pro Books, specializing in ebooks in law, law and society, and legal history. We publish to Kindle,

iPad, Nook, and Sony, plus paperbacks. One project is to republish classic work in law and the social sciences, and one of the first works published in that series was Sanford Kadish's book, written with his brother, Mortimer, *Discretion to Disobey*." Over the next year, Steven will publish new manuscripts and classics from several Boalt professors and graduates, as well as professors at several other top law schools.



Stephanie Skaff, a partner at Farella Braun + Martel, was elected secretary of the Bar Association of San Francisco. Her service will begin what is traditionally a four-year tracked board commitment, during which she will be subsequently nominated for the officer roles of treasurer (2012), president-elect (2013), and president (2014). Stephanie will also serve as a lawyer representative for the U.S. District Court for the Northern District of California—one of only six attorneys elected to the three-year position that began in January. In that role, she liaises between the federal bench and members of the practicing bar, helps

plan the Northern District Judicial Conference, and will represent the district at the 9th Circuit Judicial Conference.

Joseph Jaramillo was recently promoted to partner at Goldstein, Demchak, Baller, Borgen & Dardarian in Oakland.

1996

William Grantham writes, "I've started a boutique entertainment and litigation firm in Beverly Hills with five other lawyers. It's a liberating feeling! We're Rufus-Isaacs, Acland & Grantham—I hope my old friends will be in touch."

Jonathan Eisenberg received one of the 2011 *California Lawyer* magazine Attorney of the Year awards. He was recognized for his work as a deputy attorney general in the Antitrust Law Section of the California Attorney General's Office for prosecuting two antitrust cases—one involving profit-pooling in the supermarket industry and the other vertical price-fixing in the cosmetics industry. Jonathan is now in his fourth year as deputy attorney general at the California Attorney General's Office, where he is accompanied by other fellow Boalties.

1997

Robert Lee, executive director of Legal Forest, co-authored a report on the legal process outsourcing (LPO) industry. While not-

ing that legal outsourcing has a place as one of many tools available to law firms and law departments, he is generally skeptical about the benefits of outsourcing. Robert's background includes experience in the LPO, biotech, and software industries.

Erik Silber taught criminal procedure for the first time last fall at the USC Gould School of Law. He still works for the U.S. Attorney's Office in Los Angeles, but has been on loan since April 2010 to the Executive Office of the President, Office of the U.S. Intellectual Property Enforcement Coordinator, in Washington, D.C.

1999

Priya Sridharan has been appointed assistant dean and dean of students at the USC Gould School of Law. Priya was formerly director of the law school's Office of Career Services and has been at USC since 2005.

Joren Lyons was appointed by U.S. Attorney General Eric Holder as an immigration judge in October 2010, after spending seven years as a staff immigration attorney at the nonprofit Asian Law Caucus. He is now serving on the San Francisco Immigration Court, which is part of the U.S. Department of Justice's Executive Office for Immigration Review.

2000

Heather Elliott and Stuart Rachels were married on October 24, 2009,

in Atlanta. They live in Tuscaloosa, Alabama, where both teach at the University of Alabama.

2001
Shannon Cogan recently accepted a position at the County of Santa Clara as

Deputy County Counsel. She had been employed at Berliner Cohen as an associate. "After almost nine years

in private practice as a civil litigator, I was ready for a change," she writes. "My current assignments with

WANG JUNFENG '00

Making Inroads into China's Legal Future

As the principal founding partner and management committee chair of China's largest law firm, Wang Junfeng—who received his LL.M. degree from Boalt in 2000—has had a front-row seat to a fast-changing legal culture.

In 1994, just one year after joining King & Wood, he became one of the first lawyers licensed to practice securities law in China. Ten years later, as one of the nation's most prominent attorneys, Wang served on the China Securities Regulatory Commission.

"China's economy has been scaling up for more than a decade, and the boom is continuing," he says. "Securities law in China is completely different compared to when we started. Now, it's pretty much matched with the Western system." Proposals to open an international stock exchange have been discussed for years, and Wang notes that foreign companies "may be allowed in the China Stock Exchange very soon."

Wang's quarter-century of legal practice has also focused on finance, mergers and acquisitions, international commerce, foreign investment, and international arbitration. He served on three of China's leading arbitration commissions and is legal counsel for the Beijing National People's Congress, a legislative body for which he provides input to help draft laws and regulations.

Wang is active in numerous civic endeavors and holds leadership positions for several of them. He believes contributing his knowledge and skills to community programs "is the basic requirement and responsibility of a legal practitioner."

After choosing Boalt over NYU and Harvard for his LL.M., Wang describes his year in Berkeley as "a very good memory." Now a visiting scholar both in the United States and Europe, he cites Berkeley and Harvard among his favorite stops.

Wang is also a member of Boalt's International Advisory Council (IAC), which seeks to increase visibility and regional ties among alumni overseas. Wang promotes Boalt initiatives such as the Inter-

national Executive Legal Education program, which is designed to extend the reach of Boalt's curriculum in other parts of the world.

"Our alumni in Beijing are quite active," says Wang, who has hosted IAC events and received visits from Boalt professors and leaders. "I do my best to help IAC in many ways.

It's good to strengthen the tie with Boalt Hall and to do whatever I can for my beloved school." —*Andrew Cohen*



CLASS NOTES

the county are to advise the Property Tax Assessment Appeals Board and represent the Public Guardian in conservatorship proceedings and financial elder-abuse litigation.”

Alicia Vaz has been named partner at Cox, Castle & Nicholson’s Los Angeles office. She started at the firm as a summer associate in 2000, and now represents clients in high-level litigation and appellate matters.

Tracy Reichmuth was one of 18 associates who were promoted by Crowell & Moring to the position of counsel. She was also one of three attorneys elected to the firm’s partnership effective January 1, 2011.

2002

David Barton has been promoted to counsel at Crowell & Moring’s San Francisco office, where he is a member of the firm’s Litigation Group. His practice focuses on commercial litigation and securities law.

John Ontiveros has been elected to partner at Jackson Lewis in the San Francisco office. He was among 19 Jackson Lewis attorneys across the country elected to partner. John has significant experience in labor law and litigation, including union negotiations, organizing campaigns, and unfair labor practice proceedings.

Hernaldo Baltodano recently opened Baltodano & Baltodano, a boutique employment law firm in

San Luis Obispo. He was recently employed at Robins Kaplan Miller & Ciresi and Sanchez & Amador as an associate. Hernaldo writes, “In February of this year, **Erica Flores Baltodano ’02** and I moved to San Luis Obispo with our two boys and opened up our own firm (www.bbemploymentlaw.com). We are settling in, enjoying our beautiful surroundings, and looking forward to an exciting 2011! Please keep in touch.”

Christopher Schafer and Ramona Mateiu ’03 welcomed the arrival of their first child, Marcus Alexander Schafer, on June 7, 2010. He weighed 9 pounds even and was 21½ inches long.

2003

Brandon Mark has been named shareholder in Parsons Behle & Latimer’s Litigation, Intellectual Property, and Real Estate departments. He has represented clients in state and federal trial courts around the country and before the Utah Supreme Court, Utah Court of Appeals, and U.S. 10th Circuit Court of Appeals. Brandon’s practice focuses on commercial disputes, mass torts, and the enforcement of intellectual property rights. In 2010, Brandon was recognized by *Mountain States Super Lawyers* as a rising star in the fields of class actions and mass torts.

Ramona Mateiu and Christopher Schafer ’02 welcomed the arrival of

their first child, Marcus Alexander Schafer, on June 7, 2010. He weighed 9 pounds even and was 21½ inches long.

2004

Daniel Olmos accepted a position in Washington, D.C., where he will contribute to President Obama’s Access to Justice Initiative. The initiative addresses the challenges faced in meeting low-income residents’ need for civil legal assistance. Daniel brings experience from his time as Deputy Public Defender in Contra Costa County and as a lawyer at Nolan, Armstrong & Barton.

Chandra Garry is joining Miller Nash’s Seattle office, where she will be a patent attorney in its intellectual property practice group. Chandra will counsel clients in all aspects of patent law, ranging from procurement and strategic business counseling to litigation.

Jeffrey Zinsmeister serves as the U.S. Vice Consul to the Republic of Cape Verde, where he plays a key role in deciding “who gets U.S. visas and who does not,” and in “helping Americans with both citizenship issues (like passport issuance and registering U.S. citizens born abroad) and emergencies (like arrests and deaths abroad).” Despite a population of only 500,000, Cape Verde is home to many dual citizens and immigrants. Jeffrey will leave in October for Washington, D.C., and five months of training for

his next assignment as a counter-narcotics officer in Mexico City.

2005

Michael Bracamontes opened a plaintiff’s side civil litigation law office in October 2008. Most recently, he and his business partner, Ryan Vlasak, were named 2010 Attorneys of the Year by the AIDS Legal Referral Panel.



Eran Bermudez (left), an associate at Best Best & Krieger in San Diego, has been elected president of the San Diego La Raza Lawyers Association for 2011. A board member since 2006, Eran was sworn in at the organization’s Scholarship Dinner last year.

2006

Philip Milestone, **Karen Stambaugh**, and **Joe Morris** started a new law firm, Mod4. Their vision is to give a different tone to how law is practiced, one that is more personable and cost-effective. The name, Mod4, comes from the module where they all met at Boalt. Mod4’s focus includes contract negotiation and

TIM LINDL '09

An Energetic Voice on Climate Change

Tim Lindl '09 was all set to work for Thelen LLP's San Francisco office after graduating from Boalt Hall—until the firm dissolved and left him scrambling for employment. Admittedly rattled, Lindl had two things on his side: substantial energy-law training at Boalt, and a timely treasure from his Renewable Energy Promise and Policy class.

"I found a service list attached to a California Public Utilities Commission proposed decision," Lindl recalls. "It had the name of every lawyer involved in the proceeding, and their full contact information." He spent winter break cold-calling the entire list, and received "an avalanche of rejections and a flurry of maybes."

One of those maybes, Alcantar & Kahl, hired him to tackle energy issues and—with just six lawyers at the firm—wasted little time testing his chops. "I was in a hearing room three days after I passed the bar," Lindl says. "It was exciting and terrifying at the same time."

With no energy-regulation or public-utility work experience and no technology or policy degree, Lindl leaned on a decision—made early in his second year at Boalt—to pursue energy-related work in his courses and at the school's Center for Law, Energy & the Environment (CLEE).

Today, the self-proclaimed "energy nerd" has a bustling practice. Lindl handles compliance issues with state utilities agencies, counsels clients on standards for electric generator operations and maintenance, monitors electric transmission policy at the Federal Energy Regulatory Commission, and advocates for fair treatment of cutting-edge generation technology for new electric resources.

"Steve Weissman set it all in motion," Lindl says of the lecturer in residence, CLEE's associate director, and the leader of Boalt's Energy and Cleantech Program. "He taught my first energy class. I loved the material, and Steve was the most student-focused professor I've had." Weissman's course taught Lindl that "you can really make a difference in climate-change law. You don't have to create a new technique to produce electricity; you can form the policy within which that technology will operate."

Inspired, Lindl took more energy classes and became well versed in state and federal utilities law, computing electricity capacity factors, and analyzing the chemical composition of coal-fired power plants. He also developed ideas with students from other campus departments at the Energy Resources Group and the Berkeley Energy Resources Collaborative.

In February, Lindl wrote a letter to Dean Edley emphasizing the



importance of Weissman's work, urging increased support of Boalt's Energy and Cleantech Program, and thanking CLEE for how the school's energy-law curriculum elevated his career trajectory. The letter's eloquence is no surprise: At Boalt, Lindl won the Energy and Climate Change Legal Writing Award, the American Jurisprudence Award in Renewable Energy, and the Prosser Prize in Energy Regulation and the Environment.

"Electricity's importance as a fuel and power source is escalating, and the result is an incredibly complex legal landscape," he says. "Boalt is well positioned to be a national leader in this arena, which is very exciting." —Andrew Cohen



drafting, debt counseling, and trademark and copy-right advice. Prior to starting Mod4, Joe worked for Winston & Strawn, Philip for Bingham McCutchen, and Karen for Herrington & Sutcliffe.

Lauri Owen has published her first novel, *Fallen Embers*, a paranormal romance novel set in an alternate, feudal Alaska—one ruled by a class of decadent *magics* who have enslaved the shape-changing, indigenous peoples. The first in a planned series, the book is influenced by Lauri's background as a civil rights lawyer and her passion for social justice. It's available at Amazon.com, BarnesandNoble.com, and pearlsong.com. Lauri lives in metro Alaska with her

elementary-school-aged son and is working on the series' second novel, *Blowing Embers*.

2007

Dawniell Zavala has joined Nossaman LLP, a firm based in Sacramento, as a litigation associate. Most recently, she worked at Sacramento-based Mastagni, Holstedt, Amick, Miller & Johnsen, where she focused on employment law. Her experience also includes an internship with the Legal Court Unit of the Contra Costa County Department of Child Support Services and the Contra Costa County Public Defender's Office.

Natalie Lents joined Schnader Attorneys at Law's Litigation Services

Department in San Francisco. Previously, Natalie served as a law clerk to the Honorable Leslie Tchaikovsky of the U.S. Bankruptcy Court for the Northern District of California. She has also served as an extern to the Honorable Dennis Montali of the same court.

Professor Glenn Sulmasy was appointed chairman of the Department of Humanities at the U. S. Coast Guard Academy in New London, Connecticut, this past summer. The Department houses various disciplines, including English, law, foreign languages, public policy, history, intelligence, ethics, and international relations. He will continue to coordinate and teach courses in International Law and Constitutional Law.

2008

Hector Huezo received the U.S. Department of Transportation Office of the General Counsel's Rising Star Award, the

General Counsel's Team Award, and the Secretary of Transportation's Partnering for Excellence Team Award.

Joshua Daniels was elected to the school board in Berkeley, where he plans to support effectiveness in the classroom and in intervention and enrichment programs, ensure efficient use of resources, and advocate for open and transparent decision-making.

2009

Josh Fryday joined the U.S. Navy as a JAG after graduating from Boalt. He has been stationed in Japan for about a year, about 40 miles south of Tokyo. Following the devastating earthquake and tsunami in March, Josh was called out to sea to join the USS Blue Ridge in coordinating American relief efforts for Japan. He is excited and honored to be assisting the Japanese during the nation's recent harrowing events.

2010

Andrew Dufresne joined Michael Best & Friedrich in its Madison, Wisconsin office. He is a member of its Intellectual Property Practice Group, where his practice focuses on biotechnology and pharmaceuticals.

Chengwei Liu has written a new book, *Chinese Capital Market Takeover and Restructuring Guide*, which was published by Kluwer Law International in December 2010.

Matching Gift Programs

MULTIPLY YOUR GIVING TO BOALT HALL with match-eligible \$10,000 to \$250,000 gifts.

- Check with your HR office to see if your employer matches your gift.
- Gifts made by **faculty**—including emeriti and current adjuncts/lecturers and their spouses—**staff**, and **students** to endowed scholarship funds will be matched 1:1 by the Chancellor's Challenge Fund. Faculty, staff, and students may also establish new financial aid endowments
- Gifts of more than \$50,000 that are made to establish new graduate **fellowship endowments** will have their annual payouts matched 1:1 by the Graduate Division.
- Ending July 1, 2013, gifts of \$1 million to \$1.5 million that establish endowed faculty chairs will be matched dollar-for-dollar by the William and Flora Hewlett Foundation.

THE BOALT HALL FUND



Gift planning:
Win. Win. Win.

Score a triple play with a planned gift to Boalt Hall.

» **Make a legacy gift** and gain tax benefits and, perhaps, lifetime income, depending on the vehicle.
Winner: You

» **Make a legacy gift through a charitable lead trust** and know that your heirs will pay less in gift and estate taxes.
Winner: Your family

» **Make a legacy gift in any form** and enable Boalt to benefit from the predictable income and contribution to the school's long-term stability.
Winner: Your school

Put the play in motion by contacting us to discuss mutually advantageous ways of planning your estate. Your heirs will thank you. Your family will thank you. And Boalties of the future will thank you.

To learn more, call 510.643.8170, email bhf@law.berkeley.edu, or visit give.law.berkeley.edu

[HTTP://GIVE.LAW.BERKELEY.EDU](http://GIVE.LAW.BERKELEY.EDU)

BOALT HALL ALUMNI WEEKEND 2011



ALLRISE

YOU'VE BEEN SUMMONED TO CELEBRATE

50th Annual Citation Award Dinner | SEPTEMBER 30

Celebrate the accomplishments of the Boalt Hall community with friends and faculty and honor the recipients of the Boalt Hall Alumni Association's Citation, Young Alumni, and Faculty Lifetime Achievement Awards.

Alumni Day | OCTOBER 1

Return to Boalt for a terrific program that includes:

- showcasing the new South Addition—the centerpiece of many recent upgrades that will enrich school life
- MCLE presentations from alumni and faculty
- socializing over lunch and a late afternoon wine-tasting reception

Reunion Dinner for 1s and 6s | OCTOBER 1

Reminisce with classmates and faculty. Alumni in classes 1961, 1966, 1971, 1976, 1981, 1986, 1991, 1996, 2001, and 2006 will celebrate their reunion milestones with an evening at the Claremont Hotel in Berkeley. The event includes a gala reception, individual dinners, and after-party music and dancing.

2011 Reunion Campaign

"As graduates of the classes of 1966 and 1971, we know the advantages of belonging to a thriving alumni community and the importance of giving back. Please join us in making plans to attend our Boalt Hall homecoming and contributing toward a class gift that will ensure the law school's preeminence—and Boalt's unique character and spirit—for future generations."

Noel Nellis '66 and Art Shartsis '71
2011 Reunion Campaign Chairs

For graduates in class years ending in 1 and 6, gifts and pledges made between January 1 and December 31, 2011, will count toward your reunion gift campaign.

For up-to-date information:

510.643.9277 | alumni@law.berkeley.edu | law.berkeley.edu/alumni