

TRANSCRIPT

Charting New Territory

As Boalt powers into its second century, a vision emerges for tackling the changes and challenges ahead. **PAGE 28**

PLUS:

CLASS/ACTION

Oil-spill victims find a tireless champion in star litigator Elizabeth Cabraser '78. **22**

**Q&A: PRIVATE LIVES,
PUBLIC POLICY**

Boalt's Jason Schultz '00 explains why lawmakers struggle to keep pace with omniscient technology. **34**

PAY FOR PLAY

Buzz-generating research by two students could lead to compensation for college athletes. **42**

TRANSCRIPT

EDITOR & 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 starnø

CONTRIBUTORS

Diane Fraser
Jon Jefferson
Ben Peterson
Ken Peterson
Linda Peterson
Samorn Selim '09

CONTRIBUTING ARTISTS

Jim Block
Kenn Brown, mondoart.net
Michael Layefsky
Fred Mertz
Lloyd Miller
James Yang

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.

© 2012 Regents of the University of California.
All rights reserved.



CONTENTS

TRANSCRIPT
SPRING
2012
VOL. 44
NO. 1

SPECIAL: CAMPAIGN FORGES AHEAD

Four-part Harmony 20

By strengthening financial aid, adding new faculty, fueling research centers, and transforming physical space, Boalt caps its first 100 years with a flourish. *By Andrew Cohen*



FEATURES

ALUMNI

Trouble on Oiled Waters 22

Elizabeth Cabraser '78 started her legal career as a \$5-an-hour researcher. Today, she's a powerful voice for plaintiffs who challenge multibillion-dollar corporations. *By Jon Jefferson*

COVER STORY

Great Expectations 28

On the cusp of its second century, Boalt looks boldly—and strategically—toward the future, and to redefine the meaning of the “Great Public Law School.” *By Jon Jefferson*



Q&A

Privacy, Policy, and the Public Interest 34

In an era of roaming cameras, automated data capture, and social networking, Boalt tech-law expert Jason Schultz '00 tracks the law's role and limits in protecting privacy. *By Andrew Cohen*

COLUMNS

From the Dean 2

Insight 45

Demystifying Boutique, Small, and Mid-size Firms
By Samorn Selim '09

SECTIONS

In Brief 3

Military Vets Get Comfortable on Campus; With Highest Honors: John Doar '49; Hollywood, Olson Take 8 to the Bar; A Vision for Egypt's Law Schools; Still Current After All These Years; Trading Tradition for Tech Ventures; Journal Finds Audience for Sports, Entertainment Law; Students' Life-or-Death Fight for Fairness Continues; Seeking Justice, Against All Odds; Stanley Lubman and the 150 Raincoats

Forefront 11

Finding the Right Fit for Retrofits; Meet Power's Next Generation; Forensic Files; Reflecting on a Legacy of Leadership; From High Tech to Holy Text; Soft Spot in a Real Hard World; Safe Haven for Solutions; New Faculty Find Boalt a Good Fit

Creative Works 40

Notable Contributions from the Boalt Community

Fast Forward 42

Boalt Student Action Figures

Advancement 46

News and Notes from the Alumni Center

Class Notes 54

All in the Boalt Family

JIM BLOOM (SCHULTZ, CABRASER)



FROM THE DEAN



“While we have much to be proud of as we look back over the past 100 years, accomplishments are to build on—not to rest on.”

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

Birthdays are a natural time for introspection, as is the final leg of a historic capital campaign. Many of us here on campus have been reflecting on goals accomplished and the unfinished work ahead. As we take a deep breath to blow out 100 candles during this Centennial year, we are honored and humbled by association with the accomplishments of Boalt Hall’s family. For tomorrow, everyone reading this expects us to heap glory upon glory—which is precisely our intent.

Birthday or not, we’d be asking ourselves tough questions about our mission going forward. The legal marketplace is evolving, and demand is exploding worldwide for those who can think like lawyers. Fortunately for us, we can also think outside the box. Boalt was the first law school to grant tenure to a woman and an Asian-American; award M.A. and Ph.D. degrees in Jurisprudence and Social Policy; house a law and technology clinic, which has helped make us the national leader on privacy (see page 34) and other IP and tech issues; offer a summer LL.M. program to international lawyers—and on and on.

The next generation’s great American law school will embrace three main goals: building a curriculum that prepares students for careers both inside and outside traditional, licensed law practice, especially as leaders in business and government; training cross-disciplinary problem-solvers in private and public settings; and contributing to an emerging global legal culture that will promote prosperity, security, and human dignity.

As the best public law school in the solar system, we have an obligation to confront the most vital problems in our research, and to position our students to do likewise in their careers. That means leveraging every possible benefit from Boalt’s key position within the world’s finest research university. From countless collaborations with other UC Berkeley departments to a fast-growing number of global partnerships, we’re constantly pushing to identify challenges, create alliances, and focus great research and teaching on solutions.

I love that we’re a tough school to label, as the pages ahead powerfully demonstrate. Boalt is becoming a go-to destination for military veterans. John Doar ’49 and Theodore Olson ’65 are both Republican icons and civil rights heroes. In the wake of a revolution, Boalt lecturer Stephen Rosenbaum ’80 helped launch Egypt’s first environmental justice clinic and national moot court competition. More and more alums are blazing trails in the Bay Area’s fertile tech terrain. And that’s all before you reach page 8.

While we have much to be proud of as we look back over the past 100 years, accomplishments are to build on—not to rest on. State funding of higher education is at an all-time low; tuition is at an all-time high. But as this *Transcript* issue illustrates, we’re entering our second century with ambition and passion aplenty. Tomorrow, more than ever before, your law school will be leading in a rapidly changing legal world.



IN BRIEF

NEWS FROM THE BOALT COMMUNITY

Military Vets Get Comfortable on Campus

G.I. JOBS CRITERIA FOR VET-FRIENDLY SCHOOLS

Discounted tuition for military and dependents

Generous transfer credit policies

Yellow Ribbon program schools

In-state tuition waivers

Dedicated veteran counselors, staff

Special policies for deployments

Accreditation

Student veteran groups

Flexible attendance and scheduling options

Understanding that not all students are young and single

For the second year in a row, UC Berkeley has been voted one of the best schools for military veterans by *G.I. Jobs* magazine. What makes a school “military-friendly”? Resources for veterans, and an environment that welcomes conversations about different points of view.

There are three veterans’ organizations on campus, including the Boalt Association of Military Veterans. That group has been led by Dena Acevedo ’12, a former Army translator and interrogator with service in Iraq, and Chad Dorr ’12, a 21-year Navy helicopter pilot.

Says Boalt Dean of Admissions Edward Tom, “Recently, we’ve been receiving more applications from veterans and we’ve admitted many, including those returning from Iraq and Afghanistan.” According to Tom, the law school values these candidates because “they’ve had training and experiences that make them

qualitatively different. They’re more mature and they have a bigger world view.”

Boalt participates in the Yellow Ribbon program, enabling the U.S. Department of Veterans Affairs to match funds that UC Berkeley awards veterans. These funds support financial aid and provide extra help for re-entry and academic support, as needed.

Professor David Caron ’83, a former U.S. Coast Guard officer, is the faculty sponsor of the Boalt veterans’ group. He says that before it was formed, vets would just “... come find me, because there weren’t that many veterans on the faculty.”



BOOTS TO BOALT: Veterans Dena Acevedo and Chad Dorr have led the Boalt Association of Military Veterans.

One of my very first research assistants on campus was a former Navy SEAL.”

Much of the group’s work helps fellow members navigate the new version of the Post-Sept. 11 GI Bill, which includes the Yellow Ribbon program. Says Dorr, “We’ve moved from a social group to an advocacy and mentoring organization.”

Acevedo, who is married to a fellow vet, says that Boalt faculty and students “are very able to separate the soldier from the war. Last year, we co-sponsored a forum against torture, and brought people together from the far left and right. We all contributed something to the program.” —*Linda Peterson*

With Highest Honors: John Doar '49

“No one in the country was more trusted by the leaders of the civil rights movement than John Doar, and no one is more deserving of this honor.”

— Judge Thelton E. Henderson '62

When John Doar '49 learned he would receive the Presidential Medal of Freedom—America’s highest honor given to civilians—the normally eloquent esquire went blank. “Speechless is an understatement,” says Doar, whose 12 fellow honorees include John Glenn, Bob Dylan, and Madeline Albright. “To be included with the group being recognized—it’s an honor that will stay with me always.”

As U.S. Assistant Attorney General from 1960-1967, Doar led the federal effort to protect civil rights in the South. He relentlessly pushed to enforce the constitutional ban on racial discrimination in voter registration, filing lawsuits in every county of Mississippi, Alabama, and Louisiana.

Eight Boalt graduates worked under Doar, including 1962 classmates Thelton Henderson,

now a U.S. District Court judge; Kathryn Mickle Werdegar, a California Supreme Court judge; and Brian Landsberg, a University of the Pacific law professor. “John provided extraordinary leadership in the Civil Rights Division of the Justice Department at a most critical time in its history,” Werdegar says.

Doar’s approach to dismantling the South’s racial caste system required meticulous case development. “John taught us to immerse ourselves in both the paper records and human stories,” Landsberg says. “He expected much from his staff, and he led by example. Weekends were for interviewing potential witnesses; nights were for writing up one’s notes.”

In 1962, Doar escorted James Meredith when he registered as the University of Mississippi’s first black student. In 1963, Doar defused a potential riot in Jackson after the funeral for slain civil rights



HEAVY MEDAL: Presidential Medal of Freedom winner John Doar played a central role in the civil rights movement.

JOHN WOIKE, THE HARTFORD COURANT

leader Medgar Evers—as police stood guard to prevent a march downtown.

“I can see the black marchers, full of grief and anger, and the line of white policemen just 20 yards away,” Henderson recalls. “Some marchers began to shout and throw bottles as the angry police captain yelled increasingly dire warnings. The situation was escalating toward certain massacre when John stepped between the groups and prevented what would otherwise have been a slaughter. He had the courage to stand in the line of fire, where no one else would dare to tread. Only God knows how many lives were saved.”



In 1964, Doar prosecuted the *Mississippi Burning* killings of three civil rights workers, leading to the conviction of seven Ku Klux Klan members. His work was also widely credited for helping push through the Voting Rights Act of 1965.

“In 1960, the United States lived under a dishonest system of self-government,” says Doar, who lives in New York City and still spends time at Doar Rieck Kaley & Mack. “In several southern states, citizens, because of their race, could not even vote. The problem had existed for almost 100 years. With the Voting Rights Act, the problem was solved.” —*Andrew Cohen*

Hollywood, Olson Take 8 to the Bar

It's a visual few could have foreseen during the first 45 years of his legal career: Conservative icon Theodore Olson '65, U.S. Solicitor General under George W. Bush, at the heart of a star-studded play about protecting gay marriage rights.

On March 3 in Los Angeles, the show *8* presented a dramatized look at *Perry v. Schwarzenegger*—the 2010 case that overturned Proposition 8, which had banned same-sex marriage in California two years earlier. Martin Sheen played Olson, the plaintiffs' lead counsel; Brad Pitt played Boalt adjunct professor Vaughn Walker, the district court judge whose opinion invalidated Prop. 8 as unconstitutional.

George Clooney played David Boies—Olson's co-counsel and former adversary in *Bush v. Gore*, the 2000 case that secured Bush's election victory. Directed by Rob Reiner, *8* also included Hollywood A-listers John C. Reilly, Kevin Bacon, Jamie Lee Curtis, and Jane Lynch. The performance drew a booming ovation when Sheen delivered Olson's closing statement.

Written by Oscar-winner Dustin Lance Black, *8* was inspired by the 9th U.S. Circuit Court of Appeals' decision not to release tapes of the district court case. The event raised funds for the American Foundation for Equal Rights.



In February, after the circuit court upheld Walker's ruling, Olson appeared on MSNBC's *Rachel Maddow Show*, where he called marriage “a conservative value.” He said his clients “aren't asking for anything special, just the right to be treated with decency, respect, and dignity and afforded the same rights we afford other citizens in this country.”

According to Olson, the 9th Circuit articulated that “no rational basis existed to single out gay and lesbian individuals and take away or deny their rights,” describing the principles behind the ruling as “quite broad and very compelling.” Olson hopes that will push *Perry* to the U.S. Supreme Court—where he has argued 58 cases and won more than 75 percent of them.

“The Supreme Court 40-some years ago struck down a similar measure in 16 states that prohibited people of different races from getting married,” Olson said. “This decision is very much like that one.” —*Andrew Cohen*

COURTROOM DRAMA: Actors George Clooney, Martin Sheen, Brad Pitt, John C. Reilly, and Kevin Bacon onstage during rehearsals for *8* in Los Angeles.

A Vision for Egypt's Law Schools

How often does someone have an opportunity to help a society in the midst of a revolution transform its legal education system?

Boalt lecturer Stephen Rosenbaum '80 was able to do just that. In July 2011, Rosenbaum traveled to Egypt as an adviser to the Rule of Law Initiative, an American Bar Association effort that implements legal reform programs in more than 40 countries. His packed agenda included playing a key role in launching Egypt's first environmental justice clinic, first national moot court competition, and first legal writing contest in Arabic.

Creating a national moot court competition posed one of the biggest challenges. "Law students in Egypt have almost no background in research and analysis," Rosenbaum says. "Many have never spoken before an audience, let alone made an argument before a mock court, so it's a pretty steep learning curve for them."

But with the aid of Candace Neal '12, who spent fall semester working for a human rights group in Cairo, Rosenbaum helped organize four regional moot court tournaments. The national finals were held in April.

Neal compiled documents that students used to make their legal arguments, and wrote a bench memo for judges. The competition's theme—

government regulation of the internet and licensure of websites and blogs—was timely, given the role that social media such as Facebook and Twitter played in Egypt's 2011 revolution.

Launching the Environmental Law & Justice Clinic at Egypt's Helwan University was equally challenging. The school had no professional skills program and no faculty with legal practice experience. Just two other fledgling law-school clinics exist in the country, where law classes are mostly large lectures that involve minimal student interaction.

"This meant working to help grow Egypt's legal education culture, from faculty to students to administrators," Rosenbaum says. "Still, we had to adapt to the local traditions and legal system."

While overseas, Rosenbaum also spent time in Qatar advising a colleague on courses for a new women and family legislative advocacy clinic at Qatar University College of Law. The school, with classes segregated by gender and no women on the regular faculty, will play a leading part in drafting Qatar's domestic violence law.

—Andrew Cohen



EVOLUTIONARY IDEAS: Top: Students prepare to take part in Egypt's first national moot court competition. Bottom: Stephen Rosenbaum '80 (left) receives a token of appreciation from Helwan University Professor Hossam El Saghir for helping to create the school's Environmental Law & Justice Clinic.

Still Current After All These Years

"The Problem of the Law School" is the article's gadfly title, and the opening line is equally provocative: "The law schools of this country have never faced their problems." The piece jabs on, "Like most institutions coming down from generation to generation, they have been slow to inquire into

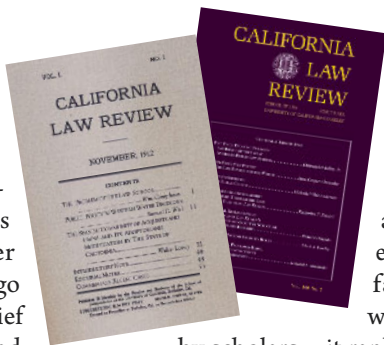
the original justification of their plans and programs, or to seek to learn whether what was once justified still retained its reason for being. The dissatisfaction that exists with reference to the making, the practice, and the administration of law will cause criticism to turn on the law school, also, as one of the offenders."

Hard-hitting indictment of legal ed's struggle to remain relevant in today's tumultuous, recession-rocked law market? Hardly. That was the opening salvo of the very first *California Law Review* (CLR), which—like Boalt itself—turns 100 this year. The essay, by the new school's dean, William Carey Jones, reprinted the speech Jones

gave at the dedication ceremony for the brand-new Boalt Memorial Hall of Law.

One hundred years after it published Jones' challenge, *CLR* prints a modest number of copies per issue—just 854—most of which go to law libraries, says Editor-in-Chief Philip Tassin '12. But its online readership and influence are broad.

Tassin points to a Washington and Lee



University study ranking the journal tenth in the nation among general law journals in 2011, and sixth among student-edited general law journals. In “currency factor”—the speed with which its articles were cited

by scholars—it ranked No. 2.

So in its second century, *CLR* has room—barely—for improvement. —*Jon Jefferson*



RAVE REVIEWS: Now entering its second century, Boalt's *California Law Review* has been ranked among the nation's Top 10 journals.

Trading Tradition for Tech Ventures

Jason Lemkin '96 and Matthew Wise '07 have both found challenges and success in the Bay Area's startup culture.

Wise says he “jumped out of the legal career funnel” early. While in law school, he also took courses at UC Berkeley's Haas School of Business and School of Information. “I used my time at Berkeley to acquire as many intellectual and social assets as I could,” he recalls.

He is leveraging those assets as a co-founder of FounderLY (<http://www.founderly.com>), a media startup that showcases stories of the tech visionaries behind what could be the next Apple or Google. “So much of the law is about analyzing things retrospectively. FounderLY focuses on capturing ‘thought experiments’ in their infancy.”

Wise's newest endeavor, Tableslice, is still in development. It will apply social networking principles to connect users through food experiences—in real life. “Food is the perfect medium for meeting people. We are creating a community of trust among the millions who love to cook and eat,” he explains. “How great would it be to fly into any city and know you can enjoy a home-cooked meal with someone you met on Tableslice?”

Lemkin describes his two years as an associate at the Venture Law Group—a law firm that focused exclusively on corporate startup work—as “the best education possible for an entrepreneur. You see the startup life cycle up close and, most important, you learn how the ‘people side’ of business works.”

Lemkin put those lessons to use at startups Babycenter.com and NeoPhotonics, and in 2002 he co-founded NanoGram Devices Corp. Three years later, he co-founded and was named CEO of EchoSign, Inc., which fast became the internet's leading electronic signature tool, used by companies like Facebook, Google, Groupon, and LivingSocial.

Adobe bought EchoSign in July 2011, and Lemkin is now a vice president there, focusing on strategy. Although he doubts another startup is in him, he'll always “remember the journey and the people who shared it with me.”

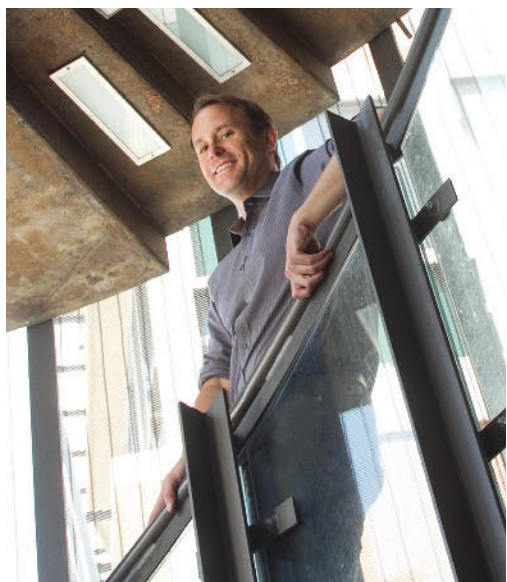
—*Diane Fraser*



DIPLOMA TO SOMA: Matthew Wise '07 is one of a growing number of Boalt grads blazing trails in the tech world.

“How great would it be to fly into any city and know you can enjoy a home-cooked meal with someone you met on Tableslice?”

—Matthew Wise '07



NET IMPACT: Jason Lemkin '96 was involved with three internet startups and is now a Silicon Valley executive.

JIM BLOCK (JASON LEMKIN AND MATTHEW WISE)

Journal Finds Audience for Sports, Entertainment Law

“...the fast-changing nature of entertainment and sports law makes our publication well-suited for an online format.”

—Marcus Allen '12

You won't see Persistent Pioneers next to their names on the masthead, but Marcus Allen '12 and Cameron Mabrie '12 have earned that label as leaders of the *Berkeley Journal of Entertainment and Sports Law* (BJESL).

“About 10 first-year students started pursuing this toward the end of 2009,” says Allen, the journal's first editor-in-chief. “We shared a common interest and wanted to build something together.”

The exclusively online journal published its debut issue in April, exploring sports-law anti-trust, contract, and labor concerns, as well as copyright and trademark, piracy, and other legal developments in the music and movie industries.

BJESL features scholarly articles about 30 pages long—notably shorter than the 50-page length found in most journals. It also includes op-ed-style submissions from practitioners and a steady diet of topical news, cases, article comments, and relevant campus events.

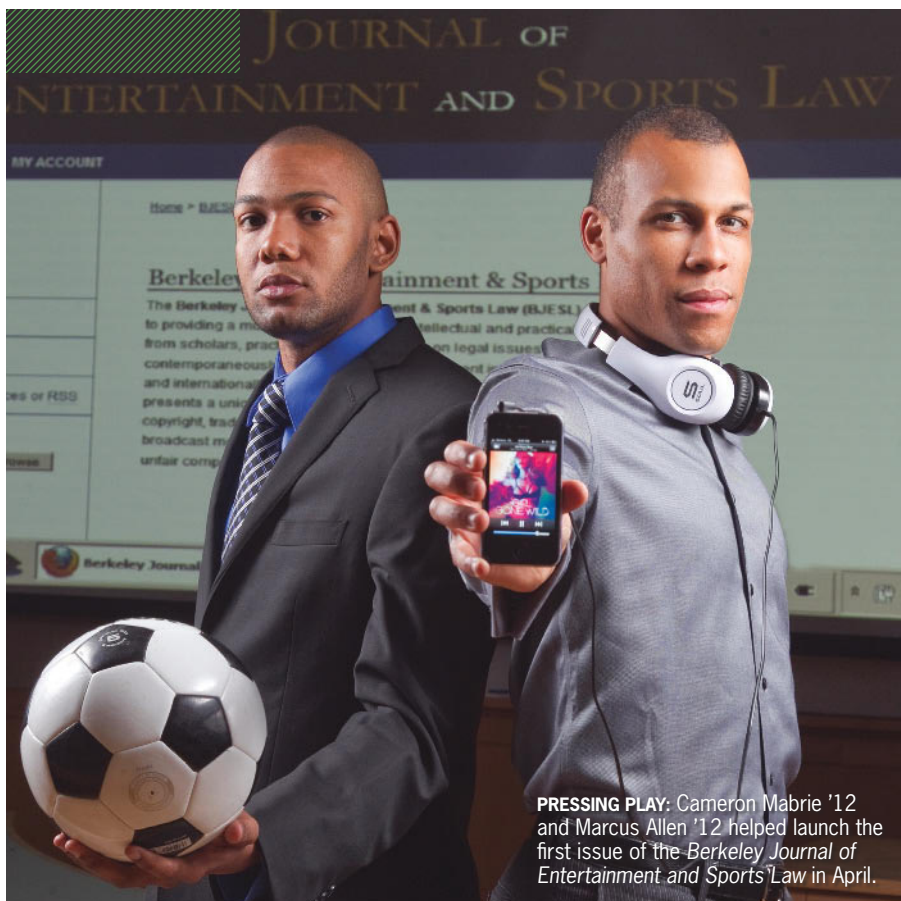
“We wanted to let practitioners write shorter pieces and to offer a comments section where students weigh in,” says Mabrie, BJESL's senior external relations editor. “In some ways, the journal will be a model for how Boalt will transition its publications from print to online.”

Back in 2009, when BJESL's founders asked the administration about creating a journal, Boalt lacked a formal process for reviewing such requests. In response, the administration formed the Law Journal Committee, which established concrete criteria for creating new journals.

Professor Peter Menell is the faculty adviser for BJESL, which will be re-evaluated in 2014. The Law Journal Committee will determine whether it still has an actively involved faculty adviser, is publishing regularly on its established schedule, has sufficient student membership to sustain the journal's work, and is financially stable. With no printing or mailing costs, and with revenue from its own fundraising events and the Boalt Hall Student Association, BJESL offers its content free.

“Journals are moving to keep pace with the times and stay viable,” Allen says. “Plus, the fast-changing nature of entertainment and sports law makes our publication well-suited for an online format.”

You can learn more about the *Berkeley Journal of Entertainment and Sports Law* at www.bjesl.org, and read it at <http://scholarship.law.berkeley.edu/bjesl/>. —Andrew Cohen



PRESSING PLAY: Cameron Mabrie '12 and Marcus Allen '12 helped launch the first issue of the *Berkeley Journal of Entertainment and Sports Law* in April.



LIFE PRESERVERS: Jolene Forman '12 and Nicki Gutierrez '13 helped conduct extensive field investigations in separate capital cases.

Students' Life-or-Death Fight for Fairness Continues

Throughout the past school year, students in Boalt's Death Penalty Clinic busily upheld its longstanding fight for fair proceedings in capital cases—a fitting tribute for the clinic's 10th anniversary celebration in April.

In February 2012, clinic Director Elisabeth Semel conducted an oral argument in the California Supreme Court on behalf of a clinic client. "Several classes of clinic students wrote the appellate briefs in this case," says Professor Semel. "A student helped prepare the case for oral argument, and students worked throughout

the year on post-conviction litigation to ensure that the prosecution turns over critical documents to which our client is entitled."

The clinic also persuaded Alabama's Supreme Court to hear a case that challenges a common practice: state judges signing, verbatim, orders

drafted by the Office of the Attorney General that deny relief for death row inmates. Under the supervision of Associate Director Ty Alper, one clinic student drafted the certiorari petition that persuaded the Court to take the case, as well as the subsequent briefing.

Led by staff attorney Kate Weisburd, the clinic was co-counsel on a team of lawyers representing an indigent Georgia woman accused of setting a hotel fire that resulted in five deaths. Six students played a key role in the prosecution's decision to drop the death penalty—the fourth time Weisburd and her students have helped convince prosecutors to dismiss capital charges.

In December, a student group including Jolene Forman '12 participated in the murder trial. "The range of our work was astounding," Forman says. "Investigations before and during trial, extensive legal research and writing, expert witness preparation, lay witness interviews, and a crash course in fire science."

Also in Georgia, the clinic took on representation of two clients recently sentenced to death. During the year, 10 students worked up every aspect of these cases: investigating juror misconduct, filing a motion for new trial, consulting with forensic mental health experts, and drafting appellate briefs.

On behalf of a Texas death row inmate facing a capital retrial, three students working under Semel's supervision conducted an extensive field investigation—interviewing witnesses and gathering records—and drafted a motion to dismiss the death penalty, based on destruction of evidence.

"Sometimes you get a door shut in your face and sometimes you find a crucial witness," says Nicki Gutierrez '13, who made trips to Texas and Minnesota. "To see your work product put toward saving someone's life, what more rewarding experience could you ask for as a law student?" —*Andrew Cohen*

Seeking Justice, Against All Odds

War crimes committed almost four decades ago. Aged, infirm defendants. Thousands of elderly witnesses. And venues with neither history nor precedents upon which to rely. Finding justice under such circumstances was no small challenge, but International Human Rights Law Clinic Director Laurel Fletcher and

her team of students stepped up to the task.

Former leaders of Cambodia's Khmer Rouge regime are on trial before the Extraordinary Chambers in the Courts of Cambodia (ECCC) for crimes that claimed an estimated 2 million lives from 1975 to 1979. Their second trial is under way, following a first proceeding widely



FRONT AND CENTER: Noun Chea (middle), No. 2 leader of Cambodia's brutal Khmer Rouge regime, in court at the U.N.-backed war crimes tribunal in December 2011.

IN BRIEF

Students tread fine lines of law and politics in seeking accountability for Khmer Rouge crimes.

criticized for not providing meaningful reparations to the “civil parties” whose suffering formed the basis of the initial prosecution.

“The court rejected virtually all remedies sought,” says Fletcher. “In response, we arranged to work with the Centre for Justice & Accountability and Access to Justice Asia, and co-authored a report.”

That report, titled “Victims’ Right to Remedy: Awarding Meaningful Reparations at the ECCC,” urges the court to adopt a more flexible view of reparations—including new cultural institutions to preserve survivors’ stories, along with medical and educational assistance for survivors. During spring break, Fletcher returned to Cambodia with Saira Hussain ’13, Nick Schrank ’13, and Arusha Gordon ’13 to monitor the second trial and meet with victims to update them on the proceedings.

Meanwhile, in Bangladesh, a trial is under way seeking redress for thousands who perished or

suffered during the 1971 War of Liberation from Pakistan. Since Bangladesh has no jurisdiction over Pakistanis, these proceedings focus on Bangladeshi collaborators. Unlike Cambodia’s, the Bangladesh tribunal is entirely domestic, with no international presence.

In their work for this case, clinic students Briana Abrams ’12, Sophie Kaiser ’13, and Maya Karwande ’13 confronted difficult questions, such as how to resolve tensions between domestic and international law in a highly politicized climate. Karwande explains, “We co-wrote a brief about non-retroactivity and the International Crimes Tribunal of Bangladesh, and presented it to members of civil society, tribunal staff, and legal scholars in Bangladesh.”

In January, Abrams, Kaiser, and Karwande traveled with Fletcher to Bangladesh on behalf of the Liberation War Museum. Says Fletcher, “These students are making real-time legal history.” —Ken Peterson

Stanley Lubman and the 150 Raincoats

CLOAK AND BLOGGER: A chance encounter in Vienna led Stanley Lubman to a career specializing in China as a scholar, attorney, and *Wall Street Journal* columnist.

If you want to understand the career of one of the world’s leading experts on China and the law, you’ve got to start with France. When Stanley Lubman was a student at Columbia, his interest in comparative law led him to study French law in Paris. “I came to realize that the underlying assumptions beneath the two traditions weren’t very different at all.”

During that period, he visited Vienna and happened across the first Communist youth festival held outside the Eastern Bloc—of deep interest to him because he had also studied the Soviet legal system during law school.

“I saw 150 Chinese marching toward me, all wearing the same raincoats,” Lubman says. “Their identical attire sparked my interest in studying a society and legal institutions that were very different from the ones I had been compar-

ing.” That interest translated into intensive training in Chinese, and research funded by Columbia Law School and foundations.

Lubman taught at Boalt from 1967 to 1974, returned in 2002, and is now a senior fellow at the

school’s Miller Institute for Global Challenges and the Law. For almost 50 years, he has specialized in China as a scholar and a practicing attorney. His column, on *The Wall Street Journal*’s “China Real Time Report” website, provides an insider’s view of emerging issues in law, business, and culture.

Berkeley is a good perch for China-watching. Lubman highlights Dean Christopher Edley, Jr.’s trip to China for the first Sino-U.S. Deans Summit and an infusion of new faculty talent—including Alex Wang, former senior attorney for the Natural Resources Defense Council in Beijing, and Rachel Stern, returning from Harvard to work for Boalt’s Jurisprudence and Social Policy Program. “They’re joining other first-rate China experts on campus,” he says.

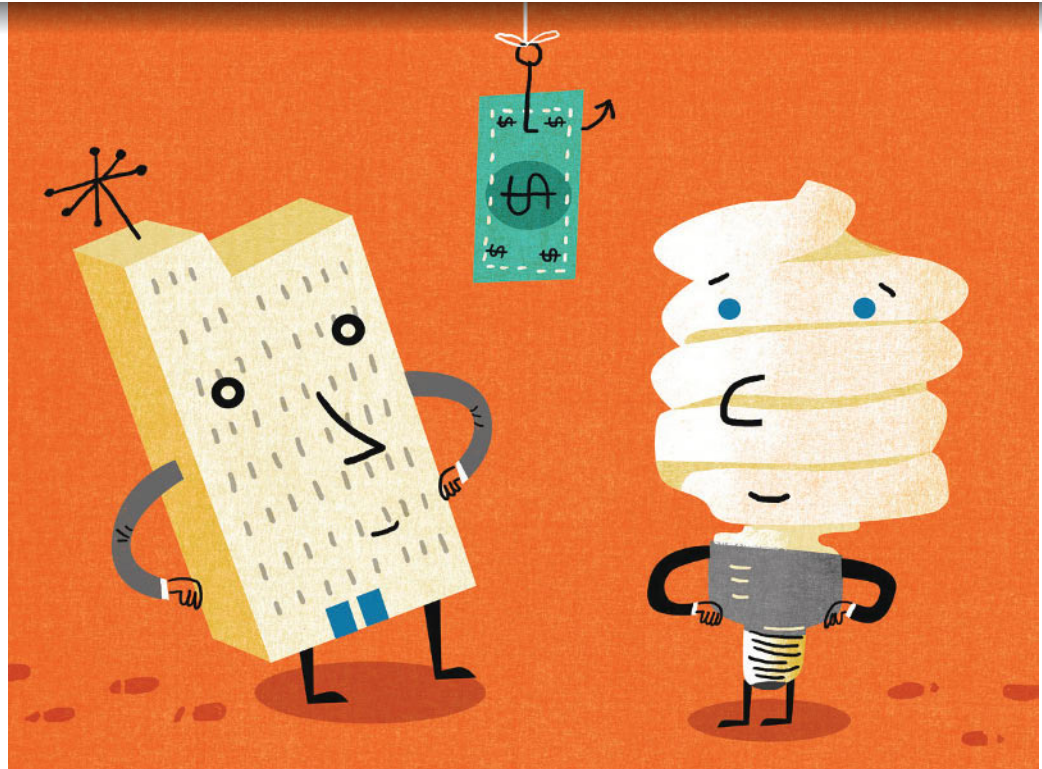
It’s been 12 years since Lubman published the book *Bird in a Cage: Legal Reform in China After Mao*. How has the landscape changed? “I’ve been in China every year but one since 1972,” he says, “and I marvel at the pace of change. Today, it’s a capitalist economy, but it’s state-led, and legal institutions are enveloped by a political system. There have been some advances, particularly in the competence of the Chinese judiciary and progress in Chinese administrative law, but there remains a long way to go.” —Linda Peterson





FOREFRONT

AT THE
LEADING
EDGE OF
RESEARCH
AND SERVICE



Finding the Right Fit for Retrofits

Berkeley Center for Law, Business and the Economy sizes up the risks and rewards of financing upgrades

Boalt Hall's Berkeley Center for Law, Business and the Economy (BCLBE) is on a mission to promote energy efficiency in commercial and residential real estate, using the muscle of financial incentives.

Working with the Fisher Center for Real Estate and Urban Economics at UC Berkeley's Haas

School of Business, BCLBE has been researching ways to create such incentives. The two centers are developing criteria for evaluating the costs of energy use—and various alternative efficiency measures—that might influence owners' decisions to reduce both their carbon footprint and their energy expenses.

FOREFRONT

“The Fisher Center brings great technical skill for risk evaluation in the real estate market, unparalleled expertise in real estate financing and loan securitization, and tremendous contacts within the finance, business, and real estate communities,” says BCLBE Executive Director Ken Taymor. With expertise supplied by the law firm Manatt, Phelps & Phillips, BCLBE addresses the legal and policymaking elements involved in weighing incentives for achieving efficiency.

“To effectively capture the many factors involved, our interdisciplinary approach is an absolute must,” Taymor explains. “Choosing whether to pursue energy efficiency retrofits is not a purely energy market-driven financial decision. Raising capital, mortgage agreements, and structure of loan documents are all issues that need consideration.”

Next steps include raising awareness of their findings, demonstrating their relevance to current energy efficiency retrofit programs, and looking for ways to apply the new information to commercial mortgage underwriting and financing markets.

With support from the Philomathia Foundation, the two centers will host a symposium

in San Francisco on Sept. 28 to share their findings and obtain feedback from the real estate industry. The event will draw together building owners and managers, commercial lenders, realtors, labor market specialists, government officials, energy efficiency retrofit installers, and others. Participants will discuss underwriting tools, financing mechanisms, efficiency analytics, and public policies that could expand mortgage-lending opportunities for efficiency retrofits. Data collection and outreach meetings will be held before and after the symposium; model mortgage, lease, and other legal documents are being prepared as well.

One tricky challenge: encouraging banks, tenants, and owners to think longer-term. “Lenders and tenants should know that a building with apparently competitive rent and operating cost projections may leave them exposed to future energy cost shocks that a more efficient building would help protect against,” says Taymor. “We expect a step-by-step change, not an overnight transformation.” —Ben Peterson

More on this collaboration will be available on BCLBE's website starting this summer: www.law.berkeley.edu/bclbe.htm.

“Choosing whether to pursue energy efficiency retrofits is not a purely energy market-driven financial decision.”

—Ken Taymor



SUNNY-SIDE UP: Public buildings like San Francisco's Moscone Center offer large surfaces for solar generation close to end users.

Meet Power's Next Generation

A Boalt research center answers the call to spark renewable energy policy

Produce responsibly. Consume locally. Think green. Sound like a formula for organic gardening? Actually, it's the genesis of a new energy policy for California.

During his 2010 campaign, Governor Jerry Brown pledged to meet one-third of the state's power generation needs from renewable resources by 2020. That goal includes 12,000 megawatts of locally generated renewable energy. Here's some context: A megawatt is 1 million

watts—enough to illuminate 10,000 100-watt incandescent bulbs. California's commercial nuclear power plants, Diablo Canyon and San Onofre, generate about 2,200 megawatts each. In the short term, the state seeks to create power equal to five Diablo Canyons with local renewables.

Rather than depending upon new power plants and miles of transmission lines, the "next generation" of power will come from a mosaic of renewable sources located close to electricity users. Some of these, such as rooftop solar panels and wind turbines, are familiar; others, such as bioenergy generators at landfills and sewage treatment plants, are still evolving. Existing and newly constructed public buildings may also play a major role by providing large surfaces for solar panels.

There's plenty of potential upside. Locally generated power can reduce the environmental impact, shorten power transmission lines, enhance system security, and reduce the use of carbon-based fossil fuels. But, like most new and creative solutions, there are challenges as well.

That's where Boalt brings its own brand of energy to the game. For assistance in defining and implementing these new policies, Brown turned to the Center for Law, Energy & the Environment (CLEE). Says CLEE Energy Program Director Steve Weissman, "Reaching these goals requires direct action by utilities, as well as local and state officials. Utilities must anticipate where developers will want to connect local renewables to the grid and encourage installations in places where they provide the greatest help to other customers."

According to Weissman, city and county officials must provide timely and reasonably priced construction permits, and the state has to offer appropriate financial incentives. "All public entities need to look for ways to deploy local renewables on their own facilities," he says. "And with the introduction of new technologies come new challenges for firefighters and other public safety officials, so adequate protections for them must apply."

In July 2011, CLEE collaborated with the governor to convene a conference addressing statewide renewable energy needs. UCLA's Luskin Center for Innovation hosted the event, with sponsorship by Bank of America. More than 270 stakeholders took part, including state, county, and municipal energy officials; energy operators; researchers; and environmental group representatives.

CLEE oversaw the creation of preconference discussion papers and trained facilitators, taking steps to maximize the potential for a creative

conversation among participants. Weissman closed the conference with a summary and a call to action: "What California seeks to do is unique because it will result in the largest creation of clean, local renewable energy resources in the United States, and will likely serve as a model going forward."

In late February, CLEE produced a draft report called *California's Transition to Local Renewable Energy: 12,000 Megawatts by 2020*. Expected to be finalized midyear, it provides the big picture of the issues—from grid planning, integration, interconnection, and reliability to financing, procurement, permitting, and public buildings. Each chapter proposes detailed, specific solutions for policymakers to consider.

—Ken Peterson



Forensic Files

Human Rights Center seeks answers for adoptees separated from families decades ago

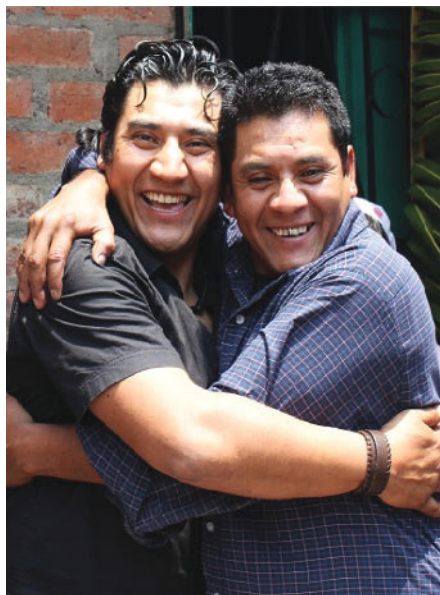
Not so long ago, daily life in El Salvador was dangerous and chaotic. During the armed conflict from 1980 to 1992, families were torn apart, children kidnapped or sent away to escape danger. Those separated from their parents were often funneled to corrupt adoption agencies seeking profit from placing children in homes, sometimes thousands of miles away. Fortunately, Boalt's Human Rights Center (HRC) is part of an effort to demand answers and accountability through the use of forensic science.

The center's DNA Reunification Project has

GENE POOL: Eduardo Gaii Checco, center rear, is greeted by his extended family after a 30-year separation ended with the help of HRC's DNA Reunification Project.

found compelling evidence that the Salvadoran government was responsible for abducting children from villages during the conflict. The same evidence is aiding transnational adoptees in their quest to establish kinship with family members in El Salvador.

“It’s rewarding to apply science to an important social matter,” says Cristián Orrego, who joined HRC as Director of Forensic Projects in



FEELS SO GOOD: Eduardo Gaii Checco, left, was reunited with his brother after separation from his family of origin in 1982.

November 2011 and is a founding member of the volunteer organization, Alliance of Forensic Scientists for Human Rights and Humanitarian Investigations. “Bringing science to documentation of human rights violations yields evidence that can be very persuasive in court.”

HRC works closely with the Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos (Association for the Search for Disappeared Children), a San Salvador nonprofit created to find the children—now young adults—who

were forcibly separated from their families or given up under duress during the civil war. An enormous challenge in the process is completing the DNA database of those families who lost children, launched in 2006 under the leadership of Father Jon Cortina, founder of Pro-Búsqueda, and HRC Faculty Director Eric Stover.

“Many family members are difficult to reach or have since passed away,” explains Orrego. “Since Pro-Búsqueda was established in 1994,

we have documentation of 898 families separated. So far, 373 of those cases have been found or resolved. There are still 525 left. We need every resource, every technological tool available, to continue this effort.”

Political obstacles have prevented Pro-Búsqueda from examining all of the adoption records. “There is a lot of evidence,” says Orrego. “But those records are going to be embarrassing. There were networks of fly-by-night adoption agencies shut down at the time of the 1992 Chapultepec Peace Accords because they weren’t operating properly. Judges and lawyers who should have been looking at those proceedings more carefully don’t want that information revealed.”

HRC is working to help Pro-Búsqueda develop its ability to use the DNA database to reach more transnational adoptees. “Cristián is Chilean by birth, and he has a close understanding of the turmoil in Latin America,” says HRC Executive Director Camille Crittenden. “Eric has experience examining mass crimes. They bring rigorous scientific methods and great dedication to investigating these crimes.”

The end result, as Orrego knows well, warrants the effort. “There was a young man adopted by a family in Italy,” he says. “He took the initiative to contact Pro-Búsqueda, but they couldn’t pinpoint his biological family. Then, through a hit in the DNA database, a link was made. Last year, the young man and his family of origin were reunited.”

Sometimes, such happy endings are possible. Using science, leadership, and commitment, HRC hopes for many more. —Ben Peterson

For further information, visit www.law.berkeley.edu/HRCweb/el_salvador.html.

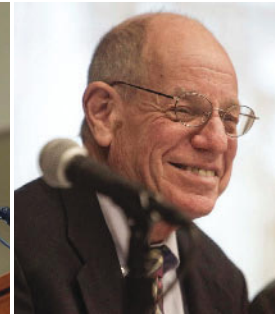
Reflecting on a Legacy of Leadership

After 50 years, CSLS remains a trailblazer in its field

As Boalt’s Center for the Study of Law and Society (CSLS) prepared to celebrate its 50th anniversary with a major conference last fall, two former Law and Society Association presidents

reflected on its legacy.

“CSLS is without a doubt the world’s premier research center in our field and has been since its inception,” said Howard Erlanger, a professor at the University of Wisconsin. “No one else has



had such a consistent parade of outstanding scholars as affiliates and visitors, or been responsible for as much research on socio-legal studies.” Stanford professor Lawrence Friedman called CSLS “an enormous asset to Berkeley” and “a magnet for scholars all over the world. Its international influence has been incalculable.”

Held in November 2011, the conference drew hundreds of socio-legal experts. Panel discussions explored where the empirical study of law is headed and law’s role in areas such as culture and inequality, global governance, social change, and higher education.

All six CSLS directors who succeeded the center’s founding director and longtime Boalt professor, the late Philip Selznick, attended the conference: Jerome Skolnick, Malcolm Feeley, Robert Kagan, Harry Scheiber, Lauren Edelman ’86, and current Director Calvin Morrill. Collectively, they have overseen projects that have advanced fields such as regulatory studies, criminal justice, and sociology of law by challenging conventional legal and policy wisdom.

“We’ve been fortunate to build a critical mass of top scholars who have done groundbreaking work,” Morrill says. “The conference provided an optimal forum to reflect on the breadth and depth of that work and to help identify the next major issues in our field.”

CSLS uses a collaborative approach to conduct empirical research and theoretical analysis, as faculty and graduate students from many UC Berkeley departments interact with one another and visiting scholars from around the world.

That method has yielded new subfields of research and policymaking in several areas. Skolnick’s landmark 1970 book *The Politics of*

Protest: Violent Aspects of Protest & Confrontation helped change how the public perceives and how law enforcement responds to protests. Kagan’s 2003 book *Adversarial Legalism: The American Way of Law* has become a touchstone for important research on administrative regulation and the courts.

“The New Penology,” a 1992 article by Feeley and fellow Boalt professor Jonathan Simon ’87, noted an emerging trend in American criminal justice—away from punishing the individual and toward group risk assessment. Morrill credits the article, cited more than 1,000 times, for changing the way researchers and lawmakers look at criminal justice policy, particularly incarceration.

More recently, Edelman—with former Boalt professor Linda Krieger, Professor Catherine Albiston ’93, and Virginia Mellema ’06—penned the definitive article on how judicial decision-making bends to corporate influence. It received the 2012 Law and Society Association Article Prize.

And just this past year, the American Sociological Association recognized Morrill and Edelman’s “Legal Mobilization in Schools: The Paradoxes of Rights and Race among Youth” with its Outstanding Article in the Sociology of Law Award for work published between 2008 and 2010.

“CSLS has really changed the way our society looks at the law,” Morrill says. “From the beginning, we started viewing law as a social institution: not something apart from society, but something in society.” —Andrew Cohen

HIGH SOCIETY: (Clockwise from left) CSLS Director Calvin Morrill, Boalt professor Leti Volpp, Boalt professors and former center directors Robert Kagan and Malcolm Feeley.

“We’ve been fortunate to build a critical mass of top scholars who have done groundbreaking work.”

—Calvin Morrill



DIGITAL SEARCH: Lena Salaymeh points to a line in a manuscript, with Noah Greenfield, in the Robbins Collection's reading room.

From High Tech to Holy Text

Conferences explore influence of law on business, religion

Unfazed by the scope of its challenge, the Berkeley Institute for Jewish Law and Israeli Law, Economy and Society spanned 1,700 years of legal analysis in two spring semester conferences.

In February, "Israel Through the High-Tech Lens" tackled modern-day topics such as challenges for Israeli entrepreneurs, cross-border collaboration in the Middle East, and clean-tech growth. In April, "Legal Heterodoxy in Islamic and Jewish History" started with the 4th century to explore how religious communities have tolerated—or not tolerated—dissimilar legal opinions.

The first conference, which was co-sponsored by the Berkeley Center for Law & Technology, drew about 350 corporate leaders, entrepreneurs, scholars, students, and policymakers from Israel and the United States. "We addressed a critical issue for the Bay Area tech community: the future of Israel's high-tech sector and its deep collaboration with Silicon Valley," institute Faculty Director Kenneth Bamberger said.

One panel discussed expanding opportunities for Israeli Arabs—who now comprise 0.5 percent of Israel's high-tech professionals. The hurdles they face include minimal networking opportunities, limited access to capital, and simple geography. "Most Arabs live in the north,

two to three hours from Tel Aviv, Israel's business center," noted Kheir Abdel Razek, deputy CEO of a nonprofit that promotes employment opportunities for Arab university graduates.

Cisco Systems' Zika Abzuk described a current national initiative that encourages high-tech companies to recruit Israeli Arabs. According to Jimmy Levy, who manages Israel's first fund to invest in Arab companies, "Few have experience managing research and development, sales, and budgets. That makes it hard to raise capital even if they have a great idea."

Another panel weighed strategic considerations for Israeli tech companies, including decisions involving where to incorporate. Case in point: Incorporating in Delaware brings an advanced system of corporate law and a direct mergers and acquisition process; incorporating in Israel yields a lower corporate tax rate and better investment incentives.

Innovators also need to decide whether it would be in their long-term interest to seek funding from Israel's Office of the Chief Scientist. To keep promising companies within Israel, the office issues grants covering up to half of a firm's technology program in return for royalty payments of 3 percent of revenues.

"The catch is that the company must go through a very complicated buyout system if it wants to move its technology and know-how out of Israel," said Israeli high-tech lawyer Ayal Shenhav. Corporate executive Sharon Segev added, "If we can't share the know-how among our subsidiary companies in different countries, that's a problem."

The Legal Heterodoxy symposium was principally funded and planned by Boalt's Robbins Collection, an international center for comparative legal and historical studies. Additional sponsors included the institute's Jewish Law Program and UC Berkeley's Initiative on Muslim-Jewish Relations, Townsend Center, Jewish Studies Program, and Magnes Collection of Jewish Art and Life.

Noah Greenfield, a graduate fellow in Jewish law at the institute, and Lena Salaymeh, a Robbins Collection Islamic Law postdoctoral fellow in 2012–2013, played key roles in organizing the event. "In both Jewish and Islamic legal studies, sectarian and minority legal opinions remain relatively underexplored," Greenfield said.

Scholars analyzed how monotheistic communities reconcile the notion of divine law with

"In both Jewish and Islamic legal studies, sectarian and minority legal opinions remain relatively underexplored."

—Noah Greenfield

the reality of multiple juristic opinions, and how jurists rationalize and defend the diversity of legal opinions in their communities.

Each panel featured an Islamic law speaker, a Jewish law speaker, and a nonlegal expert involved in comparative research on Islam and Judaism. Boalt professor and Robbins Collection director Laurent Mayali chaired a panel on ortho-

doxy and heresy, and Bamberger chaired another on minority and dissenting opinions.

“Modern scholars of Jewish and Islamic law tend to work in isolation from each other,” Greenfield said. “We wanted to remedy this oversight and change future scholarship by showing just how productive and crucial such comparative work can be.” —Andrew Cohen

Soft Spot in a Real Hard World

Warren Institute report finds funding gaps impede state-supported victim/witness centers

It has been nearly 20 years since California funded a network of centers to serve the rights of witnesses and victims of violent crime. In May, the Chief Justice Earl Warren Institute on Law and Social Policy released the first comprehensive report on the effectiveness of those 59 Victim/Witness Assistance Centers (VWACs)—one in each county, one in the City of Los Angeles—addressing the needs of women harmed by sexual assault, domestic violence, and stalking.

Among other findings, the report, *A Complex and Compassionate Response: The Role of Victim/Witness Assistance Centers in Responding to Violence Against Women in California*, identified a lack of adequate financial support to deliver even minimal rights and services mandated by law.

“We heard repeatedly that funding has plateaued or diminished, while costs and the need for services have skyrocketed,” says report author Heather Warnken ’09, a legal policy associate at the Warren Institute. “Many advocates reported they had to ‘triage’ at the expense of quality case assessment, face-to-face contact, and continuity of care.”

The report relied on online surveys, site visits, focus groups, and interviews with service providers and experts to identify victims’ needs and gather data. “In doing so, we outlined several best practices for government-based victims’ services in responding to violence against women and in facilitating both the prosecution and prevention of these crimes,” Warnken adds.

She describes VWAC advocates as “the vital link between the hard edges of the criminal jus-

tice system and the compassionate and complex response needed by victims.” Without this link, she says, many victims feel invalidated or mistreated by the criminal justice system—often prompting them to disengage from the protections offered by both the criminal and civil legal systems.

The report also found that stories and statistics are equally important. “We need more data-driven research to support evidence-based practices for state-supported victim services in the criminal justice system,” says Warnken. “But we also must be informed by the victims themselves. We need to ensure that VWACs remain—as one manager described her center—the soft spot in a real hard world.”

Developed for the California Crime Victims Assistance Association and the California District Attorneys Association (CDAA), the report was funded with a grant from the California Emergency Management Agency. It intersects with another Warren Institute-CDAA project: creating a standardized, statewide training curriculum for victim-witness advocates.

“We bring to this project a wealth of expertise, from the VWAC report to research on Marsy’s Law [Victims’ Bill of Rights Act of 2008] and the realignment of inmates from the state to counties,” says Andrea Russi, the institute’s managing director and director of criminal justice. “This work epitomizes our role as a bridge between academia and legal practice, and uses research to influence policy.” —Diane Fraser



Read *A Complex and Compassionate Response: The Role of Victim/Witness Assistance Centers in Responding to Violence Against Women in California* at www.law.berkeley.edu/ewi.htm.

Safe Haven for Solutions

Symposium combats violence against African-American women

While the anecdotes are harrowing, it's the data that compelled Boalt's Thelton E. Henderson Center for Social Justice to confront rising violence against African-American girls and women. According to a recent study, 60 percent have been sexually assaulted by age 18, and they are 35 percent more likely to be victimized than white women.

On March 8-9, participants at the center's annual symposium shared research insights to better understand all aspects of the problem. Scholars, attorneys, health care professionals, social service leaders, and others gathered to identify key issues and offer potential solutions.

In organizing the symposium, Henderson Center Executive Director Wilda White '83 recognized "a disturbing correlation between sexual victimization and incarceration of black girls and young women." Along with the rise in assaults against them, they are the fastest-growing population imprisoned and suspended and expelled from school, says White. "There's silence around this issue, which is why we want to bring attention to it."

Renowned political activist and author Angela Davis delivered the symposium's keynote address. Davis, founder of Critical Resistance, an organization working to reverse expansion of the U.S. prison inmate population and the privatization of correctional facilities, cautioned

the audience not to view incidents against African-American women as standalone events. She said such an approach diverts attention from another dimension of the problem: institutionalized violence by police and staff in prisons, juvenile detention centers, and foster homes.

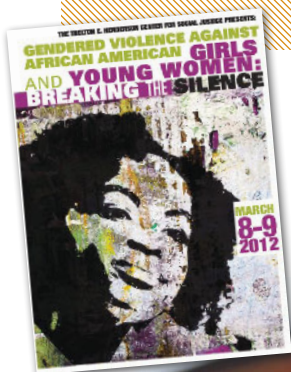
Police misconduct attorney Andrea Ritchie echoed that concern while describing a "troubling cycle" of aggressive policing. She said she often receives reports of African-American girls being touched inappropriately as they pass through high-school metal detectors; incurring harsher penalties than white peers for identical infractions; and receiving dismissive treatment when reporting assaults.

Scripps College assistant professor Damien Schnyder described how African-American girls are discouraged by peers from "snitching" on male classmates who make unwanted advances, and how those who do report offenders are often ostracized. Such an environment discourages African-American women from saying no, according to Mills College Ethnic Studies Chair Julia Oparah: "Even if they do report an incident of sexual violence, police routinely minimize what happened or blame these women for allowing themselves to be victimized."

Priscilla Ocen, a Critical Race Studies Law Fellow at UCLA, gave a presentation focused on incidents of harassment against African-American women in Section 8 housing in Antioch, California. When the housing market crash created a surge in the number of Antioch's Section 8 homes—mostly occupied by African-American women—Ocen said, "... many white residents became part of a surveillance group that extended beyond the police." In the name of community policing, they reportedly confronted Section 8 tenants and solicited complaints from neighbors in an attempt to have them evicted.

"When Section 8 tenants complained to police, either about this type of harassment or about violence in the home, the officers would often look for unauthorized tenants in their units—a violation of the housing terms that could push them out—rather than deal with the complaints themselves," Ocen said. In October 2011, Antioch's City Council approved a \$360,000 settlement for five residents who claimed they had been victimized by a pattern of harassment.

BREAKING THE SILENCE: Henderson Center Executive Director Wilda White '83 addresses the center's March symposium, which focused on rising violence against African-American girls and women.



Oparah urged all communities to develop accountability strategies outside of law enforcement and to address the roots of violence against

African-American women: racism, poverty, homelessness, and lack of access to education.
—Andrew Cohen

New Faculty Find Boalt a Good Fit

Karen Tani, Andrea Roth, and Alex Wang all wowed by their students' passion and talent



While Karen Tani, Andrea Roth, and Alex Wang hail from varied geographic and professional backgrounds, Boalt's newest faculty members share a common motivation for teaching there. "The students are extraordinary and tremendously invested in their school," Tani says.

The three educators recently finished their first school year at Boalt, which has made 44 faculty hires since Dean Christopher Edley, Jr.'s arrival in 2004.

Tani, the first graduate of the University of Pennsylvania's J.D./Ph.D. program in American Legal History, taught Torts during spring semester. "I was struck by how many students were excited about their work," she says. "And as a young woman of color, it was great that many felt they could benefit from my mentorship."

A teaching fellow at Stanford Law School for three years and a former public defender who has lectured nationwide on forensic science issues, Roth taught Criminal Law and Evidence this year. She finds Boalt students to be "passionate, energetic, and risk taking," and says it is "great to be part of this amazing junior faculty, which is larger than at any other top-tier school."

Wang was a senior attorney for the Natural Resources Defense Council in Beijing and ran its China Environmental Law & Governance Project for six years. "Boalt's strong focus on the environment and China makes this a great place for me," says Wang, who taught Chinese Law and Legal Institutions and Comparative Environmental Enforcement and Compliance. "The students' level of commitment and engagement really is striking." —Andrew Cohen

TEACHING TRIO: Alex Wang, Karen Tani, and Andrea Roth—Boalt's newest faculty members—have diverse backgrounds and promising futures.

Karen Tani

- EDUCATION: Ph.D., University of Pennsylvania (2011); J.D., University of Pennsylvania (2007); B.A., Dartmouth College (2002).
- TEACHING AND RESEARCH FOCUS: Torts, U.S. legal history, social welfare law.
- FYI: Member of the American Society for Legal History and the Organization of American Historians, regular blogger for the Legal History Blog, clerked for Judge Guido Calabresi of the U.S. Court of Appeals for the 2nd Circuit.

Andrea Roth

- EDUCATION: J.D., Yale Law School (1998); B.S./B.A., University of New Mexico (1995).
- TEACHING AND RESEARCH FOCUS: Criminal law, evidence, use of forensic science in trials.
- FYI: Founding member of the District of Columbia Public Defender Service's Forensic Practice Group, clerked for Justice Dana Fabe of the Alaska Supreme Court, won Yale Law School's 1998 John Currier Gallagher Prize for best mock trial presentation.

Alex Wang

- EDUCATION: J.D., New York University (2000); B.S., Duke University (1993).
- TEACHING AND RESEARCH FOCUS: Environmental law, China law, comparative law.
- FYI: Fellow at the National Committee on U.S.-China Relations (2008-11), member of the Advisory Board to the Asia Society's Center on U.S.-China Relations, worked at Simpson Thacher & Bartlett in New York City, Fulbright Fellow to China (2004-05).

“Four-part Harmony” Helps Offset Funding Cuts

When Dean Christopher Edley, Jr. launched the ambitious Campaign for Boalt Hall in 2005, he had four steps in mind for elevating the law school: bolster financial aid, grow the faculty ranks, fuel the research centers, and transform the physical space. Seven years later, those steps have enabled Boalt to stand tall.

Even in the face of discordant economic times, the \$125-million Campaign—which passed \$100 million at the end of 2011—has achieved successful four-part harmony. During this year’s Centennial celebrations, faculty, staff, alumni, and friends will see firsthand how the Campaign empowered Boalt to complete its first century with a flourish.

FORTIFYING FINANCIAL AID

With continual cuts in state funding and the average student loan debt for 2011 graduates higher than \$100,000, the dean has made financial aid his highest priority. Over the course of the Campaign, Boalt has reconfigured the way it calculates need-based scholarships—nearly tripling the size of maximum individual grants. Financial aid expenditures topped \$11.75 mil-

lion in fiscal 2012, an increase of \$6 million since fiscal 2005.

Boalt has also established one of the nation’s strongest loan forgiveness programs, erasing graduates’ student-loan obligation if they accept a public-interest law job at a salary of less than \$65,000, and stick with it for 10 years. No other premier law school tops that \$65,000 threshold for 100 percent debt relief. Graduates earning up to \$100,000 in qualifying jobs, and those who work in public interest for less than 10 years, receive partial relief.

Meanwhile, Boalt’s summer fellowship program has positively exploded. After awarding \$175,500 in funding to 41 recipients in 2004, the program paid more than \$850,000 to 227 students last year. These grants—\$4,000 to first-time recipients and \$2,000 thereafter—allow students to work in unpaid summer internships in public interest, nonprofit, or government-sector work.

FACULTY IN BLOOM

A school is only as strong as its educators. Boalt has hired 44 faculty members since Dean Edley’s arrival in 2004, greatly expanding course offerings while slashing its student-faculty ratio. This surge has also extended the school’s research capabilities, and its influence on public policy.

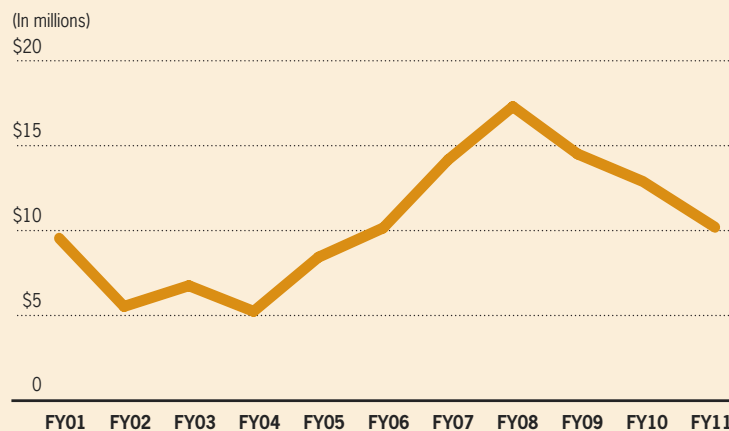
Despite substantially fortifying its roster of extraordinary scholars during the Campaign, Boalt faces a major challenge maintaining it. It has the smallest endowment of the nation’s Top 10 law schools, and resides in a high cost of living area. Funding endowed faculty chairs remains vital to fend off recruiting efforts by well-heeled, top-tier competitors.

RAMPED-UP RESEARCH

Boalt’s forward-thinking research centers work to define issues

PHILANTHROPY TRAJECTORY

Fiscal 2001 to fiscal 2011



370%

Increase in California resident tuition since 2000

\$22,538

Estimated 2012-13 school year living expenses in addition to tuition

\$104K

Average student loan debt for Class of 2011 graduates

ONE FOR THE BOOKS: The new South Addition, opened last year, houses Boalt's library and much more.

and shape policy in fields such as international affairs, social justice, environmental policy, criminal justice, technology, and business. In doing so, they collaborate with research partners across all sectors of society to generate new knowledge, shape legislation, educate judges, and advise government officials.

Boalt has added eight new centers since 2004, and has seen their influence grow with industry leaders and policymakers. These issue-specific think tanks offer a steady stream of conferences, seminars, and lectures while addressing juvenile justice reform, immigration, and strategies to curb home foreclosures, among other areas. They also act as intellectual incubators for students, allowing them to conduct advanced research with top scholars and practitioners.

BUILDING A LEGACY

In spring 2011, Boalt unveiled the 55,000-square-foot South Addition—the gleaming centerpiece of its remarkable physical transformation during the Campaign. Constructed two stories below ground and one story above, the South Addition houses the law library's renowned collection and features a state-of-the-art classroom, café, large commons area, and two outdoor courtyards.


Boalt constructed or upgraded every classroom over a dizzying three-year period, adding modern seminar rooms, renovating lecture halls, and updating audio- and visual-support technology. An inviting student center now houses the school's student journals and features three group study rooms, a kitchen, and a comfortable lounge. Outside, the attractive Heyman Terrace, named in honor of former professor and UC Chancellor I. Michael Heyman, has become a go-to gathering place for students and faculty. — *Andrew Cohen*



**THE CAMPAIGN FOR
BOALT HALL**

FEATURE

TROUBLE OILED WA



ELIZABETH CABRASER '78 LEVELS THE PLAYING FIELD FOR PLAINTIFFS IN BATTLES WITH CORPORATE GIANTS.

BY JON JEFFERSON

ON TERS

BENCH STRENGTH: Elizabeth Cabraser credits her successful legal career to her parents, Boalt Hall, and an index card listing a \$5-an-hour research job.

PHOTOGRAPHY BY JIM BLOCK

Were this a legal thriller, it might open like this: A federal judge watches grimly as his courtroom clock shows 8:29 a.m., one minute before the filing deadline in an \$8-billion class-action suit against one of the world's richest corporations. The judge can't believe

that Elizabeth Cabraser—dependable champion of grassroots underdogs—is nowhere to be seen. Across the aisle from her empty seat, pinstripe-clad defense lawyers exchange smug glances as the judge raises his gavel to dismiss the whole suit. Suddenly the courtroom doors burst open, and Cabraser—disheveled and breathless—races to the bench and triumphantly hands over the motion.

The reality is considerably less dramatic, though equally momentous. Gathered in New Orleans on the morning of April 18, 2012, Cabraser and her fellow plaintiffs' attorneys huddled around computers, frantically uploading electronic documents. The documents specified final details of a settlement motion in a massive class-action suit against BP, whose Macondo well spewed 200 million gallons of oil into the Gulf of Mexico in 2010.

Cabraser is one of 19 attorneys appointed by U.S. District Judge Carl Barbier to the Plaintiffs Steering Committee, which spent four months hammering out a settlement agreement with BP attorneys.

The printed version of the motion—actually two motions, one for property claims and the other for medical claims—filled a banker's box, specifying in detail how claims would be filed, damages calculated, and payments made. Despite the complexity, the bottom line was simple: BP agreed to cover all eligible claims by individuals and companies harmed by the spill. The cost of the settlement is estimated at \$7.8 billion, though that amount could rise, because the settlement motion sets no specific cap.

Although no blood was shed in the run-up to the 8:30 a.m. settlement-motion filing that Wednesday, there was sweat aplenty, and probably tears, too, Cabraser reckons. "We worked through the night on Tuesday," she says. "In fact, we worked through the night for several nights to get this done. Most people looked outside sometime the prior Thursday and then noticed the world again on Wednesday morning around nine, a half-hour after the filing deadline set by Judge Barbier."

Barbier must still review the immense motion, which was six months in the making. He could schedule a fairness hearing before accepting or rejecting it, but Cabraser expects him to act swiftly. “He’s pressed attorneys on both sides to stay on schedule,” she says.

That’s no small feat—“an organized gallop,” Cabraser calls the pace the judge has set—in a case involving some 400 depositions, countless pages of discovery documents, and 200 million gallons of oil—the largest marine oil spill in history.

The Seeds of Disaster

Late morning, April 20, 2010: About 50 miles beyond the alluvial fan of the Mississippi Delta, a crew of Schlumberger technicians and BP officials boarded a helicopter on a floating oil-drilling platform. A mile beneath them, the Macondo well—an exploratory well punched through 13,000 feet of oil-bearing, gas-pocketed seabed in the Mississippi Canyon—had been temporarily capped and sealed with cement so the platform, the *Deepwater Horizon*, could be towed to another site. The operation had been plagued by gas leaks and “kicks,” and by the time the well was sealed, the project was six weeks behind schedule and \$21 million over budget. At 11 a.m., the Schlumberger crew flew away without performing a mandatory test of the cement plug. Skipping the cement-bond log test—as ordered by BP officials—saved 9 to 12 hours and shaved about \$118,000 off the well’s \$100-million price tag.

The skipped test wasn’t the first shortcut. Ten months earlier, engineers warned that the single metal casing with which BP planned to line the well might collapse under pressure. That warning was ignored. Call it bad judgment. Call it a portent. Call it a nail, for want of which a shoe was lost, followed by later, cascading losses: horse, rider, battle...

Eleven hours after the skipped cement-bond test, the *Deepwater Horizon* shuddered violently. Moments later a geyser of oil, gas, and concrete exploded through the structure. The fiery blast killed 11 men; 17 were injured. The platform burned for a day and a half, then listed and sank.

Over the next three months, crude oil gushed out of the well’s broken riser pipe into the Gulf. At the height of the spill, that 7-inch pipe spewed nearly half as much oil into the Gulf each day as the entire nation was importing from overseas. Millions watched the oil jet, in fascination and horror, via real-time, 24/7 video from a submerged camera.

Throughout the summer, biologists, oceanographers, and meteorologists plotted and tensely predicted the movements of the mammoth, meandering oil slick, which continually threatened coastal wetlands. Hundreds of hastily hired ships and boats were deployed with skimmers, booms, and dispersants to collect and break up the oil. Tar balls washed ashore, some as far away as Pensacola Beach, 200 miles east. The Coast Guard banned fishing in 80,000 square miles of the Gulf. Commercial fishermen lost an entire season. As tourism revenues plummeted in Louisiana, Mississippi, Alabama, and Florida, hotels and restaurants bellied up like a fish kill. For a region whose economy hadn’t yet recovered from Hurricane Katrina, the impact was devastating.

Disaster Déjà Vu

Elizabeth Cabraser’s first glimpse of the BP spill came from the evening news on April 20. In the course of many trips to New Orleans since 1994, she had developed a deep affection for the Gulf Coast. She grieved as the massive assault on the region’s ecosystem and economy unfolded.

Cabraser couldn’t help but observe the damage through a

WIN SOME, LOSE SOME

It’s not always enough to have right on your side. When politics and human rights collide, timing and foreign policy are crucial, too.

Losing Case in Point: Talisman Energy

In 2006, Lief Cabraser lost a case it had filed against Talisman Energy, a large Canadian oil company, on behalf of Sudanese people who lived in the wrong place at the wrong time. “Their villages were inconveniently in the way of oilfield development,” Cabraser explains, “so they were strafed and bombed by the Sudanese military.” The suit—initiated by the Presbyterian Church of Sudan—charged that Talisman did more than just benefit from the government’s brutality; rather, the company

actively, knowingly assisted Sudan in genocide and crimes against humanity.

Why sue a Canadian company in U.S. District Court in New York for actions in Sudan? Because Talisman had U.S. holdings, Cabraser explains, and because an early U.S. statute—the Alien Claims Tort Act of 1789, originally passed to allow prosecution of pirates—offers a tool for seeking damages for crimes committed at sea, or overseas. A federal judge dismissed the case on summary judgment because, Cabraser says, “Basically, we ran afoul of the U.S. State Department and the Bush

administration, which favored oilfield development. To succeed, human rights litigation has to be timed to coincide with the political will of a particular administration.”

Winning Case in Point: Compensation for Holocaust Victims

Before and during World War II, thousands of Jews, Roma, and other Nazi-persecuted minorities deposited money in Swiss banks, hoping to protect their assets from seizure. After the war, when those who had survived—or their heirs—tried to reclaim their money, many were unsuccessful. By some estimates, billions of dollars went unclaimed or were diverted by the banks in the post-war years. Other assets—seized by the Nazis and also deposited in Switzerland—helped fund the German war effort.

More than half a century later, Swiss banks finally recognized the claims of those whose money was lost, seized, or diverted.

litigator's lens. In a career spanning three decades, she has served as court-appointed lead, co-lead, or class counsel in more than 80 federal multidistrict and state-coordinated proceedings involving damages from—among other things—tobacco; silicone breast implants; cardiac defibrillators; the prescription drugs Fen-Phen, Bextra, and Celebrex; and the Holocaust.

But what focused Cabraser's view of the BP spill to laser-like intensity was a case that harked back more than two decades. On March 23, 1989, the *Exxon Valdez*—a 1,000-foot-long supertanker—cast off from Port Valdez, Alaska, loaded with 53 million gallons of North Slope crude. Shortly after midnight, as the captain slept in his cabin, the ship's third mate ran the vessel onto the rocks of Bligh Reef, spilling 11 million gallons of oil into the frigid, fragile ecosystem of Prince William Sound.

Cabraser emerged as one of the class counsel in the Exxon Valdez class-action suit, helping win a \$5-billion jury award on behalf of Native American communities and other plaintiffs harmed by the spill. During appeals that reached the U.S. Supreme Court, the jury award was eventually reduced to \$1.5 billion. Through it all, more than 20 years, Cabraser has remained committed and engaged. In the course of the case—whose final claims have yet to be fully paid—she learned much about the myriad ways in which environmental disasters become human disasters as well. “My sense,” she says, “is that although there has been a long-term impact on the Alaskan environment”—indeed, satellite photos of Prince William Sound's shoreline still show stark black edges—“in some ways the environment itself has been more resilient than the humans.

“These events produce severe human trauma,” she explains.

“It's usually invisible. People aren't physically injured, but they're traumatized and depressed. Divorce and suicide rates rise, communities unravel; people lose focus and direction. I think we have a much deeper relationship to our physical environment, even if it's not our source of livelihood, than we acknowledge. We all may think we're above and beyond that—that we're not rooted in some way, or dependent on our environment. But we are.”

Twenty-one years after the fouling of Prince William Sound—as oil gushed into the Gulf environment—Cabraser's phone began ringing. Besieged by clients whose jobs, businesses, and lives were being devastated by the spill, Gulf Coast attorneys were calling for help.

Long before they started calling, Cabraser had begun preparing to answer. Her career as a giant-toppling plaintiffs' attorney was many years in the making.

Many years and one index card.

Local Girl Makes Good. Really Good.

Cabraser is perched on the top rung of her chosen professional ladder. *The National Law Journal* has named her one of the “100 Most Influential Lawyers in America” three times. In 2010, the American Bar Association awarded her its highest honor for female attorneys, the Margaret Brent Women Lawyers of Achievement award. And in 2011, *U.S. News/Best Lawyers* named her San Francisco “Lawyer of the Year.”

During her career, she's played a key role in landmark cases, helping her firm rack up awards and settlements totaling more than \$42 billion, including 16 of \$1 billion or more. Not surprisingly, she has prospered—enough to bestow \$5 million on Boalt Hall, making her the school's largest single donor.

And yet; and yet. She prefers jeans, T-shirts, and Chuck

The banks created a \$1.25-billion fund to settle a massive class-action suit filed by Lief Cabraser and other law firms in 1996. The firm was also active in litigation against German and Austrian corporations that used slave labor during the war, including Volkswagen, Daimler-Benz, BMW, and Siemens. And Lief Cabraser participated in multinational negotiations that led to another \$5 billion in compensation for survivors and victims of Nazi persecution.

“Our litigation succeeded,” Cabraser says, “because it coincided with the Clinton administration, which was highly committed, and helped persuade the Swiss and German governments to support compensation.”

Lief Cabraser earned \$1.5 million in attorneys' fees in the Swiss banks case; the firm donated the entire amount to Columbia University Law School (Robert Lief's alma mater) to endow a law-clinic chair in human rights.

In accepting the slave-labor settlement,



PAPER TRAIL: At a 1997 news conference, a Holocaust survivor looks through papers connecting her to dormant Swiss bank accounts opened by her family during World War II. As a lawyer for the plaintiffs in a class-action suit, Elizabeth Cabraser helped negotiate compensation from Swiss banks for survivors of Nazi persecution.

U.S. District Court Judge William G. Bassler said, “Up until this litigation, ... the claims of slave and forced labor fell on deaf ears. ... What has been accomplished here with the efforts of the plaintiffs' attorneys and defense counsel is quite incredible.”

One plaintiff who came to court for the

slave-labor settlement was an elderly Roma man. He was suspicious of courts, but over the course of the suit had come to trust Lief Cabraser's attorneys. When the settlement was approved, Cabraser recalls, “He said, ‘The Roma are always forgotten. This time, you didn't forget us.’ That's when I really felt like we'd succeeded.”



“THE OLD DAYS OF THE SOLITARY PLAINTIFFS’ TRIAL LAWYER AS DAVID TAKING ON GOLIATH ARE GONE FROM MAJOR LITIGATION.”

—ELIZABETH CABRASER '78

FORD ACCORD: Cabraser helped win a settlement to compensate 8 million Ford Explorer owners whose vehicles lost value because of a perceived rollover danger.

Taylor sneakers to Dior suits and Manolo Blahnik power pumps. She answers her own emails. In New Orleans, she bivouacs in a tiny studio apartment. She chauffeurs herself to and from the settlement conferences in a rented subcompact.

“Spiritually and politically, I’m one of the 99 percent,” she offers. “I’m from a blue-collar background in Oakland. Both of my parents were born and raised in Oakland. My dad was a self-taught industrial photographer, who did not graduate from college. He was a union organizer in his workplace. He was labor—and he was dignity.”

Cabraser began earning her own way in high school, harvesting lettuce and other produce on a friend’s family farm—grueling work that gave her a deep appreciation for the labors of field hands. She also began scoring paychecks as a drummer in local bands. “I made a pretty good living playing music when I was in high school and college,” she recalls. During her six-year undergraduate stint at UC Berkeley, she often took time off from her studies to perform and tour. Up until the advent of disco, she even considered making a career of music. Today she still plays occasional weekend music gigs; she’s also vice president of Craviotto Drum Company, a maker of high-end wooden drums, each crafted from a single piece of wood.

Law school? Almost an afterthought. “There were no lawyers in my family,” she says. “I still can’t say why I applied. I took the test, I got in, and I went. But I was very equivocal about the law all through law school.” Fortunately, at Boalt, she was allowed to be equivocal. “It was, at the time—and I think it still is—a place where you weren’t pushed along a certain path,” she says. “The law seemed to have infinite possibilities, to be infinitely capacious, and I realized I didn’t need to worry if there wasn’t a bolt from the blue”—no pun intended—“saying ‘tax law’ or ‘estates and trusts.’”

What finally set her on a certain path—an unequivocal and steeply upward path—was not a flash in the heavens, but a card on a corkboard. A lowly but life-changing index card.

It was the fall of 1977, and she was a 3L clerking for a sole practitioner in Sonoma County. The county law library became her regular study hangout. “One day I saw an index

card on the bulletin board,” she recalls. “It said ‘legal research needed; \$5/hour.’ Work-study was paying \$3.50 at the time, so that sounded pretty good.” She called the number and spoke with a local sole practitioner named Robert Lief. Lief was closing his practice—he’d planted a vineyard and wanted to devote himself to grapes and winemaking—but he had a few loose ends to tie up. One was a brief for a widow’s life insurance claim, which he needed researched and written the next day. “It was my first all-nighter,” Cabraser says. “I wrote it; he filed it; we won. And I liked it. That was my first real click, I think, putting together everything I’d learned to fix a problem for someone.”

That first all-nighter was followed by many more. “Inflation was very high in the late ’70s,” she says. “Retired people came into Bob’s office, ostensibly to change their wills. But when we’d interview them, we’d find out that they’d lost all their money by investing with some nice young man who promised them 20 percent interest, took their money, and left town.”

Cabraser’s salt-of-the-earth background inclined her toward underdogs, her legal training armed her to fight for them. “Bob and I filed financial fraud cases against people who were hoodwinking elderly investors,” she says. “This is where legal creativity came in. The SEC wasn’t going to investigate, so we used RICO statutes, and filed in federal court in San Francisco—a better place for these cases than county court in Sonoma.”

The rest is history—history, hard work, a burgeoning practice, and an astonishing tally of high-profile cases and big wins. Lief made Cabraser his law partner in 1981. As their reputation and caseload grew, so did the firm; today, Lief Cabraser Heimann & Bernstein has 65 lawyers and a total staff of 250, with offices in San Francisco, New York, and Nashville. *U.S. News/Best Lawyers* rates Lief Cabraser the national “Law Firm of the Year” for 2011-2012 in the category of Mass Torts Litigation/Class Actions – Plaintiffs.

Not bad, considering it all began with a three-by-five-inch card. Cabraser could easily have overlooked it, but she didn’t. “That’s had terrible consequences for Bob Lief,” she says. “He’d retired, and I unretired him.” She shakes her head; smiles. Yeah, right. Pity poor Bob Lief.

Reshaping Class-action Litigation

The “organized gallop” in the BP class action—two years from the start of the spill to the filing of the settlement motion—reflects a seachange in the way complex class-action suits are handled. And Cabraser has been on its leading edge.

“The old days of the solitary plaintiffs’ trial lawyer as David taking on Goliath are gone from major litigation,” she says. She pegs the turning point as 1994, when the first tobacco class action—*Castano v. American Tobacco*—was filed in federal court in New Orleans, with Lieff Cabraser in a key role. Plaintiffs’ lawyers had learned from their battles in prior complex cases, including asbestos litigation, breast-implant litigation, and *Exxon Valdez*. “Plaintiffs’ lawyers are competitors,” Cabraser adds. “And individualists. We’re sometimes called entrepreneurs, but that’s a euphemism for ‘unorganized and under-capitalized.’ We’d learned the hard way that when a case demanded a lot of resources—continuity, the ability to retain experts, the ability to do discovery amid millions of documents—we needed to emulate the defense: very large, highly organized litigation firms.”

These days, as in the BP case, judges generally impose organization and structure on large classes of plaintiffs, appointing steering committees of qualified litigators. But in *Castano*, the plaintiffs’ lawyers had to organize themselves. “There were 100 plaintiffs’ law firms involved,” Cabraser says. “We pledged a million dollars apiece toward costs, and we created a governing structure to oversee everything.”

It worked. The team—a *de facto* or virtual big firm—won the first class-action settlement ever from Big Tobacco, paving the way for dozens of tobacco suits nationwide. *Castano* is an important case study in litigation history—one that Cabraser herself covered in her 2012 spring-semester course at Boalt, “Tobacco Litigation: Legal Theories and Procedural Approaches.” Teaching the weekly course kept Cabraser away from BP settlement negotiations at times. But her colleagues—and adversaries—in New Orleans accommodated her teaching commitment.

“In a way, the most complex litigation is the most anachronistic,” Cabraser says. “It’s like 18th-century barrister practice, the Inns of Court. People who know each other well and work together all the time share a commitment to the success of the enterprise, even when they’re on opposing sides. In complex litigation, we tend to have a highly developed sense of responsibility and professional courtesy, because we’ll all be back in the same courtroom, facing the same judge, next week.”

That’s not to say that Cabraser’s years in complex litigation have been genteel and easy. Far from it. “Plaintiffs’ lawyers are the last cowboys,” she says. “It’s a very macho profession, hugely demanding in time and effort, and there’s a lot of collateral damage to family and to personal life.” Women have a particularly high casualty rate. “In the profession—certainly on my side of it—women have not made nearly the progress they should have,” she frets. “It’s still virtually the same as it

was 30 years ago.” She pauses, looking away, or perhaps inward. “If I had it to do again, I’d spend more time—way more time—with my kids. I owed my kids a lot more than I gave them. Fortunately, they’re now grown and well adjusted, and they forgive me, and we’re friends. And I have a partner of 31 years, Marguerite Longtin, whose tolerance allowed my career to happen, and whom I’m trying not to shortchange. But I did not do as I should have done in terms of balancing my life.” She gives a slight shrug. “Unfortunately, we haven’t been able to reform the legal profession so that there is a balance. And it’s gotten worse with these”—she points to her smart phone—“because you’re always working. It’s crazy.”

Crazy or not, she does a good impersonation of a 21st-century cowboy, galloping between the Gulf Coast and California, dividing her time and attention between the BP settlement and another high-profile case: the accelerator-malfunction class action against Toyota. In that case—another complex dispute likely to involve billions—she’s one of only five co-lead plaintiffs’ attorneys. “Fortunately, I have 24 hours in my day,” she shrugs. “And some days, I spend 24 hours on those two cases. Also fortunately, I have great partners and great associates, and I don’t have to do it alone.”

She’s accompanied by the spirit of her mother, whose “slightly off-kilter sense of humor” she regards as “the best antidote to jerkhood.” And she’s inspired by the can-do, grass-roots ghost of her father. “My dad could make anything, fix anything, do anything,” she says. “He was most happy when he was designing something, building something, fixing something.” Cabraser herself, back in high school and college, repaired her own drums to save money; she still draws on those skills in suggesting improvements at Craviotto Drum Company. Clearly she is her father’s daughter, an apple that did not fall far from the tinkerer’s tree. “He’s why I approach the law as a craft—a tool to fix things,” she says.

There’s a fancier gloss on her Lieff Cabraser profile page. “Justice is a bone-deep urge toward fairness in things large and small,” she writes. “It’s the human journey toward a better world.”

And so, at around 9 a.m. on April 18, 2012—two days shy of the BP spill’s two-year anniversary—a bleary-eyed Cabraser looked out a window, noticing the outside world again for the first time in days. She made the rounds of the rented offices and computer stations from which the various pieces of the settlement motion had been filed, shaking hands with colleagues and opposing counsel. Then she hurried out, hopped into her rental car, and dashed to catch the first flight home, toward her Boalt litigation class, and toward the Toyota case—way points all, in her own human journey toward justice and a better world. ■

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

Editor’s note: On May 2, U.S. District Judge Carl Barbier granted preliminary approval to the proposed medical and economic settlement agreements in the class-action suit against BP. A final approval hearing is scheduled for Nov. 8. The trial against the remaining defendants—Transocean and Halliburton—is scheduled to begin in January 2013. Says Cabraser, “The gallop continues apace.”

GREAT EXP

AT 100, CAN BOALT REDEFINE THE G



ECTATIONS

REAT LAW SCHOOL? BY JON JEFFERSON

PHOTOGRAPHY BY MICHAEL LAYEFSKY



In the foreground of the photo, a makeshift wooden shack huddles against the high stone wall of a half-finished building. The building dwarfs the shack; in fact, it could just about slip through the building's doorway. The first story is finished; the second story is barely begun: A flat, open platform, it's framed by massive uprights and topped by skeletal rafters and beams.



It's February 8, 1910, and the building taking shape in the photo is Boalt Memorial Hall of Law—the original Boalt Hall—funded by Elizabeth Josselyn Boalt as a tribute to her late husband, Oakland attorney and judge John Henry Boalt.

Through a retrospective filter, tinted by the passage of a century since Boalt Hall's creation in 1912—that simple, work-in-progress photo is symbolic: One stage of the law school is finished, but the second is just beginning—outlined; not yet set in stone.

What better moment to ask: Where do we stand now? And what will—what *should*—that second stage, the second century of Boalt Hall, look like? Boalt's leaders have already begun to seize hold of these questions, broadening the curriculum, gradually expanding the school's international reach, and increasing its professional skills training. But these are mere baby steps, according to Dean Christopher Edley, Jr.

"The past century has witnessed much change in this and other great law schools," Edley wrote in a recent article for the *California Law Review*, "but very much less change than we must be prepared to make in the hundred years to come."

Turbulent Times

The questions about Boalt's future come at a time when the legal profession and legal education are, by some reckonings, in rough seas. At large firms, more than one-third of new associates leave by the end of their third year and 55 percent of their overall lawyers expect to change jobs within the next two years.

But at least there's the consolation of compensation, right? The certainty that earning a law degree and passing the bar will ensure a prosperous career? Not a given these days. A 2009 report from a commission of the American Bar Association cautioned, "The combination of the rising cost

of a legal education and the realities of the legal job market mean that going to law school may not pay off for a large number of law students."

Nationwide and at Boalt, law-school applications have dropped in recent years. Nationally, they fell 10 percent last year. At Boalt, the drop has been smaller but still significant, says Dean of Admissions Ed Tom. Tom attributes the decline to a "double whammy": the recession plus the rising cost of tuition, which the state of California no longer subsidizes as it once did. "When the recession first hit, there was initially a spike," Tom says of applications. "That's something we've seen before—when the economy goes down, people look to graduate school as an investment for the future. But the longer a recession goes on, the more nervous potential students get about taking on the cost." This year, Boalt had 7,013 applicants—a five-year low.

Mind you, those 7,013 people are applying for just 260 to 280 slots, and with an acceptance rate of less than 10 percent, Boalt remains one of the nation's most selective law schools. But like other top-tier law schools, Boalt is also experiencing what Tom calls "a decline at the top of the pool—declining LSAT scores and declining grade-point averages."

The result? Intense competition to reel in the best applicants. "It's not just how many applications you get or how many students you accept," Tom explains. "It's how many admitted students you end up with, and their caliber and credentials. There's a 'yield war' going on, and it's fierce."

One favored weapon in the yield war? Money. "If we admit a student and three other schools do too," Tom says, "we'll

get a call saying, 'school X has offered me Y dollars; can you match that?' Often we can't. We're competing with top schools that will spend any amount of money to maintain not only the size but also the quality of their classes. Fortunately, we have this wonderful school, in a wonderful place, with wonderful weather and a wonderful culture. But sometimes, in the end, money is king."

Rankings, Rankings, Rankings

Money may be king, but rankings are the power behind the throne. The influence of rankings—of schools and applicants—is hard to overstate.

Law-school applicants are ranked by an index that combines LSAT scores and undergraduate GPAs. Other factors—interviews, essays, extracurricular activities—play only a secondary part: The primary sort is numerical. According to Professor Emeritus Marjorie Shultz, who taught at Boalt from 1976 to 2008, that numerical sort—the differentiation on which admissions choices can hinge—gives more and more weight to digits that are less and less meaningful.

Shultz's interest in law-school admissions began in 1996, when California voters approved Proposition 209, an initiative that effectively ended affirmative-action programs at state universities. "When Prop. 209 passed," she recalls, "Boalt's number of underrepresented minority admits dropped way down. In fact, the year after it passed, we had no African-American admits. I began to wonder if we were going to end up re-segregating law schools. I started thinking about how we admit students, and how we define merit. Merit for *what*? If we were interested in merit for entering the legal profession, were we capturing it?"

Shultz teamed with UC Berkeley professor Sheldon Zedeck, an industrial psychologist whose interests include employee hiring. "We quickly concluded that merit was rather poorly defined by the LSAT," Shultz says. "We found that the LSAT measures only three things: analysis, logic, and reading. And while those things are quite important to lawyers, they form a very narrow band of competencies, and they're certainly not everything that matters."

They eventually developed an alternative way to gauge merit, one developed to answer Shultz's "merit for what?" question. "The LSAT asks, 'Who will be a successful first-year law student?'" Shultz explains. "We asked, 'Who will be a successful *lawyer*?'" Through interviews, focus groups, and surveys with more than 2,000 attorneys, Shultz and Zedeck identified 26 "effectiveness factors" that measure traits and skills crucial to success in law practice. Among them: creativity and innovation, problem-solving, building relationships with clients, listening, negotiation skills, networking, community involvement and service, integrity and honesty, stress management, and passion and engagement.

In their 2008 final report on the project, Shultz and Zedeck noted, "Today, it is harder to get into law school than to pass the bar; thus admissions decisions choose the nation's lawyers." Judging by the interest shown at an April 2012 conference on the 26 effectiveness factors, that "final report" may be merely the first chapter in the project's contribution to reshaping legal education.

Gold Standard or Golden Shackles?

The national employment rate for law-school graduates is at its lowest point in nearly 20 years—a fact probably not lost on every job-hunting 2L, every exhausted 1L, even every prospective student who has done a speck of research on the job market. Overall, 85.6 percent of the class of 2011 was employed nine months after graduation, according to the National Association for Law Placement. The picture is brighter at Boalt, though. Graduates in 2011 had a 94.2 percent employment rate. They've had "to be more flexible about the kinds of jobs they've taken," says Terry Galligan, director of Boalt's Career Development Office. But the effect has been "not as profound as at a lot of other schools."

One likely reason? Pedigree. In a bear market, graduates of elite law schools have an especially keen edge, and Boalt is an indisputably elite school. In the latest *U.S. News & World Report* rankings, Boalt placed seventh among U.S. law schools—and No. 1 among public law schools.

Granted, such lofty status can be a double-edged sword, argues William Henderson, director of the University of Indiana's Center on the Global Legal Profession. "If you look at any industry or sector, the elites find it harder to innovate," he says. "That's why for years Microsoft bought its competitors rather than innovating. You can go a long time in law with an elite brand, but at some point, if the substance doesn't line up with the brand, you're going to suffer." The biggest risk, he says, is complacency: "If you read history, that's what causes giants to topple."

Henderson's prescription for avoiding complacency? "The 26 Berkeley effectiveness factors," he says without hesitation. "Embrace those factors. Prioritize them. Say, 'we're going to deal with *these* in the first year, *those* in the second year, and leave the remaining few for the early years of law practice.'"

The changing legal job market, the rising costs and debt burden on students, and shifts in thinking about how a law degree can be used have not gone unnoticed by Boalt administrators and faculty. The school is investing more in financial aid, putting more resources into career-development services, and ratcheting up study in areas such as business law. As tuition rises and affordability recedes as a selling point to prospective students, Edley says the school needs to emphasize how it is distinct from other top law schools.

"Our mission and value must be reflected in things other than a price tag," he says. "And that can't just be rhetoric. We should be able to point to things in the careers of our graduates, the content of our curriculum, the focus of our research, and the composition of our student body, that distinguish us from elite private schools."

Boalt has already been influenced by the Shultz/Zedeck findings, according to David Oppenheimer, who was hired three years ago to fill a newly created position as the school's director of Professional Skills. "The full-time professional-skills faculty have discussed how we can use the Shultz/Zedeck research in our teaching and assessment. We've also held a training session for about half of our 50 adjunct lecturers to discuss how to incorporate it in their teaching. And we've written and distributed a guide to drafting a syllabus and planning a skills course in which we use the 26 effective-

ness factors as a checklist for skills that we should be teaching.”

The Dean's List

Greatness can't be imposed by fiat, but it also can't thrive in a leadership vacuum. In his April 2012 *California Law Review* essay, Edley explores the notion of “the Great Law School,” and lists actions that he believes are required to achieve greatness.

He begins by revisiting the transcript of a speech by the

school's founding dean, William Carey Jones, at the dedication of the original Boalt Hall. Jones' speech—“The Problem of the Law School”—began provocatively: “The law schools of this country have never faced their problems. Like most institutions coming down from generation to generation, they have been slow to inquire into the original justification of their plans and programs, or to seek to learn whether what was once justified still retained its reason for being.” Jones' prescription: “The law school that is the more scholarly in character,” he declared, “is on the whole the more practical.”

And so began a century-long pursuit of scholarly excellence—one that some observers, including Shultz, believe succeeded too well. “I've always thought it important to integrate theory and practice,” she says. Boalt was slow to embrace clinics, for example, Shultz says. But “the current environment has changed, largely thanks to Chris Edley. Today, we have top-rated clinics that provide valuable experience for students. And the dean's vision involves creating research centers around policy clusters, centers that incorporate both theory and practice and are focused on research that leads in the areas of real-world policy.”

That trend will accelerate in Boalt's second century, if Edley succeeds in implementing his three-part vision of the Great Law School of the future: (1) Train all types of lawyers. (2) Train lawyers and non-lawyers to collaborate on important and difficult problems of society. (3) Think globally.

Lawyers of Every Type

The wording is simple, but the implications are profound. Training “all types of lawyers” includes training lawyers who don't actually practice law. “We must embrace a curriculum,” Edley writes, “designed to prepare students for legal careers outside the traditional practice of law.” More critically, he notes, “We prepare students quite well for a career in the law, but less comprehensively for careers *with* the law.” He aims to change that, broadening the application of a legal education to fields such as business, technology, health care, and public policy.

The law school has taken some strides in that direction, notes Gillian Lester, associate dean for J.D. Program and Curriculum Planning. “Some of our business law courses are being

Boalt capped its first century by expanding three key programming areas: professional skills, interdisciplinary collaborations, and global outreach.

Skill-Building



In 2009, Boalt's decision to hire David Oppenheimer as its first director of Professional Skills signaled a growing emphasis on practical training. Since 2010, all students have been required to take a professional skills course, live-client clinic, or field placement, in their second or third year. Many skills courses are taught by experienced practitioners, and most are kept small to maximize pragmatic learning.

Boalt now offers 25 skills courses, from Depositions and Mediation to Drafting Documents for New Businesses and

Pretrial Civil Litigation. Most incorporate actual or simulated client representation through role-playing exercises, demonstrations, and discussion.

The required First-Year Skills Program includes Legal Research and Writing and Written and Oral Advocacy. Boalt also sponsors internal events, and has achieved huge success in major advocacy competitions. In three national tournaments this year, Boalt student teams placed second out of 191 entries, second out of 112, and third out of 224.

Campus Collaborations



What helps set Boalt apart from other top law schools is its connection to dozens of UC Berkeley schools and research programs. The university boasts the nation's highest number of graduate programs ranked among the Top 10 in their fields—and highest number of top-ranked doctoral programs.

Boalt has ramped up its efforts to share ideas, courses, faculty, and students with these programs. Numerous law professors hold joint appointments with other depart-

ments, and the law school offers students a range of concurrent degree options.

Among the many collaborations: joint research with the Haas School of Business, and College of Engineering; interdisciplinary courses with the Departments of Sociology and Economics; concurrent degree programs with the Goldman School of Public Policy and Graduate School of Journalism; and co-sponsored events with the Berkeley Energy & Resources Collaborative and Center for Latin American Studies.

Going Global



Boalt's globalization efforts are nascent, but growing. Its academic-year and summer professional LL.M. programs—which serve primarily international students—enroll about 200 students at any given time.

The school also recently launched its International and Executive Legal Education program, designed for lawyers, general counsel, corporate executives, government officials, and other profession-

als from around the world who want an in-depth understanding of trends and best practices in areas such as intellectual property law, antitrust regulation and enforcement, corporate finance, and securities regulation. The program has also signed partnerships with schools in China and South Korea, and hosted speakers from those countries, as well as from Thailand.

—Andrew Cohen and Michael Bazeley

taught increasingly—almost exclusively—through an interdisciplinary approach,” Lester says. “You can’t do a deal, for instance, unless you understand the economics behind it. These [cross-trained] graduates are going to leave law school very well positioned to be either lawyers or CEOs. That’s a natural result of the evolving content of the courses.”

Another form of cross-pollination originates with students, according to Lester. “We have law students taking courses in environmental science,” she points out by way of example, “and environmental-science students taking courses in law.” Such boundary blurring continues after graduation as well, she says. “I know former students who are working for patent-troll busters, biotech startups, even companies like Facebook. Most of them are working as lawyers, but some are doing more outside-the-box work”— not just *in* the law, but *with* the law, just as Edley envisions.

The benefits aren’t just theoretical; they’re societal, Edley argues. The Great Law School—especially the Great *Public* Law School, he says—has a responsibility to tackle the world’s greatest challenges.

In addition to nurturing Boalt’s existing research centers, Edley says the school should continue to forge strong alliances with other professions and disciplines at the university, begin providing “service courses” to non-law students, and appoint law faculty who have expertise in non-law areas.

“It’s obvious that everything from stability on Wall Street to sustainability in our environment demands the attention of the best our profession has to offer,” he says. “The more complicated the problem, the more important it is to have the best lawyers the problem allows. That’s precisely who we’re trying to produce at Boalt. Over the next few years, we will add more fields in which Boalt is acknowledged to have the best program around,” he adds. “Not just intellectual property and technology, but we’re within striking distance, I believe, on business law (especially finance); international law; environmental law; China; and more.”

Globalizing Greatness

To achieve true, capital-G Greatness, though, the law school must be more than just interdisciplinary; it must be international, asserts Edley—truly global—in perspective, composition, and reach. “We must take seriously the Great Law School’s international role,” he writes, “and its duty to shape a global legal culture that will promote prosperity, security, and human dignity.”

Edley considers the American legal system to be one of the nation’s greatest exports, and he contends that exportation should be pursued both at home and abroad. “The Great Law School should not be satisfied to teach its domestic students about the laws of the United States or even the laws of the world,” he argues. “Instead, it must contribute to a new global legal culture and seek participation by foreign partners.” Edley envisions a future “in which perhaps half of the students are citizens of other nations, and the student experience is structured to exploit that diversity.” Such a shift in student demographics could yield profound consequences worldwide within a decade or two, he predicts.

The dean is setting his sights, and Boalt’s, on building a

WE SHOULD BE ABLE TO POINT TO THINGS IN THE CAREERS OF OUR GRADUATES, THE CONTENT OF OUR CURRICULUM, THE FOCUS OF OUR RESEARCH, AND THE COMPOSITION OF OUR STUDENT BODY, THAT DISTINGUISH US FROM ELITE PRIVATE SCHOOLS.”

—DEAN CHRISTOPHER EDLEY, JR.

global legal culture. “As life grows in complexity, the ubiquity and centrality of law increases even faster,” he says. “China is a great example. The explosion of market capitalism there has triggered exponential growth in demand for law and legal institutions, and created a voracious appetite for understanding Western legal systems. Especially ours.” To satisfy that appetite, Edley has forged multiple collaborations and projects for faculty and students in China.

At the end of his *California Law Review* essay, Edley frames his vision of the global legal culture in historical context:

We have created communities in the sciences and technology for which the bold lines on political maps are all but invisible. What is true in those domains can also be true, in major respects, in a global community of the law. That is the story of public interest law and the fall of apartheid in South Africa, and of American lawyers involved in drafting national constitutions when the Soviet Union dissolved. It is the story of growing awareness in China of the importance of intellectual property protections, and of the introduction of a jury system in Japan. It is the story of protests for freedom of speech and against government corruption. It is the story of trade treaties, human rights conventions, cooperative multilateral crime fighting, and trustworthy international capital markets. And it must become the story of climate change, access to essential medicines and potable water, hazardous waste disposal, and the prevention of genocide.

Is that the path to future greatness? Check back in another hundred years. But first, take a last look at that old photo of the original, half-built Boalt Hall, and consider this possibility: That the image is not just a snapshot from history, but a metaphor for the future. That the world keeps changing and the profession keeps changing, and that any school preparing students to become great lawyers—or great leaders who work with the law to solve society’s toughest problems—must change as well. That the Great Public Law School is still under construction.

Forever under construction. ■

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



LINES OF CONVERGENCE: Jason Schultz '00 sees Boalt as a pivotal player in both the history and the future of privacy protection.

Privacy, Policy, and the Public Interest

Jason Schultz '00 describes the challenges of privacy law in the internet age and Boalt's role as a leader in the field.

Interviewed by Andrew Cohen

What's it like trying to capture a typical day for privacy expert Jason Schultz, the multitasking co-director of Boalt's Samuelson Law, Technology & Public Policy Clinic? A little like trying to capture an eel—one-handed.

While lawmakers struggle to keep up with the blink-and-you-missed-it changes in technology, Schultz embraces the frenzied pace. He teaches the clinic's seminar, guides its working partnerships with top tech organizations, oversees student projects, cranks out research articles, and presents regularly at legal and academic conferences. His both-ends candle burning also includes submitting testimony on privacy issues in Washington, D.C., filing amicus briefs, and lending his insight to news reports in major media outlets such as *The New York Times*, *The Wall Street Journal*, Fox News, and National Public Radio.

"It's an exciting time to be involved in this area because so much is happening," Schultz says. "And doing this kind of work at Boalt, there's a sense of responsibility that comes with being part of the school's strong tradition in intellectual property, privacy, and working for the public interest."

That privacy tradition dates back to 1960, when a landmark *California Law Review* article by Dean William Prosser essen-

tially established the four privacy causes of action recognized by most states today. While much has changed since then, Schultz believes that "threats to undermine privacy continue to pose significant challenges to the public interest, especially for those with fewer resources or less access to power."

Influential privacy work has played a major role in Boalt being ranked No. 1 among U.S. law schools in intellectual property in 14 of the past 15 years. Paul Schwartz (see page 38), one of the nation's first privacy law scholars, is now one of its foremost authorities. So, too, is Chris Hoofnagle (see page 37), who chairs the annual Privacy Law Scholars Conference.

Boalt's privacy dream team also includes Berkeley Center for Law & Technology Faculty Director Pamela Samuelson—whose \$2-million contribution launched the Samuelson Clinic in 2001—and fellow professors Kenneth Bamberger, Jennifer Urban '00, and Deirdre Mulligan. The nation's first of its kind, the Samuelson Clinic has spawned similar clinics at roughly a dozen other law schools.

"Our expertise in privacy relates strongly to Boalt's mission as a public institution," says Schultz, who co-directs the clinic with Urban. "We're here to serve the needs of the broader public and to help train advocates who can work on their behalf. It's incumbent upon us as faculty, students, and alumni to ensure that privacy laws and policies reflect this commitment."

Recently, Schultz spoke with Senior Communications Writer and *Transcript* Managing Editor Andrew Cohen about privacy's growing impact on our daily lives.

Andrew Cohen: Is it fair to say that in today's world, privacy law affects more Americans than any other area of law?

Jason Schultz: Probably so. Like many other areas of technology law, privacy is part of everything we do online now. So as each area of law becomes more present online or in the tech world—tax, contract, strict liability—privacy is implicated in two main ways. The first is that people know much more about you and may use that information in various ways. The second is how privacy information is being pulled into litigation, allowing parties to discover things about you from your supposedly private activity.

It's often reported that most consumers don't understand how their private information is used. How have policymakers failed to grasp the impact of this?

The big challenge for policymakers is addressing a constantly changing knowledge gap at every level. There's a gap between the notice companies give about what data is being collected and how it is being used and what consumers know or believe of those practices. And there's a gap between what our current understanding of data collection and exploitation might be and what is actually happening inside the computers. With so much innovation and expansion in this field, it's hard to keep up with all the latest developments and practices, even if you're engaged on the issues at an expert level. Today's briefing may become outmoded by tomorrow's upgrade.

There is growing recognition that laws can't solve every privacy concern. What policy area is most crucial for the law to address?

Mobile privacy is a policy priority. The way we give off our data as we roam—our location, our habits, who we associate with, how we spend our money—has yet to be addressed comprehensively from a policy perspective.

Will the lag between technology and public policy only get worse as the speed of technological change continues to accelerate?

Yes, and to address that we need to move away from segmented or technology-specific data legislation to a more mosaic approach that sees the big picture. Think about who you're trying to protect and from what. There are vulnerable populations in society who are more likely to be harmed and have fewer resources to help themselves. We've seen the Federal Trade Commission [FTC] do some good work in this area, developing rules and approaches that aren't tech-specific but are enforced with regard to using technologies in specific ways.

Can some of these problems be solved more proactively?

No question. There needs to be more privacy by design. Rather than legislating in reaction to new technologies, we should raise the privacy implications for each technology early on. People can then create and implement that technology in an ethical way by factoring in privacy protection mechanisms. That way, it's not up to policymakers to pick them off one by one.

Will we see a privacy 'bill of rights' from the Obama administration?

They have proposed one as part of their "We Can't Wait" initiative. Congress is unlikely to lead on this issue, so I think the administration has taken the helm. However, the White House can only lead as a bully pulpit, and promote a vision and process for building support from consumers, academia, and industry. Whether Congress will act is another question.

What are effective deterrents to inappropriate data collection and misuse by corporations?

Class-action suits and ramped-up FTC enforcement have been effective on two fronts: for deception-based privacy policy violations—where a company says it will use your data for X but uses it for Y—and for breach of data caused by a security weakness. What's harder is to counteract the business model that exploits consumers who have quickly scrolled through a long, convoluted set of terms—including permission to collect personal data—and clicked "agree" without understanding the broader implications.

COMPLAINTS AND COMPLIANCE: Chris Hoofnagle (right) and Jason Schultz helped create an online service for registering privacy concerns about websites and social networks.



Monitoring the Monitors

When some of his friends grumbled about how a website monitored their online activity, Chris Hoofnagle kept hearing the same complaint: "Where do I complain?"

"There has been serious confusion about that," says Hoofnagle, who directs information privacy programs at the Berkeley Center for Law & Technology. For years, such complaints were mostly filed with industry-run, self-regulatory bodies that often mischaracterized them and rarely referred them to authorities, he says.

Wanting to change that landscape, Hoofnagle and fellow Boalt privacy expert Jason Schultz '00 spent two years working toward a solution with the nonprofit Privacy Rights Clearinghouse (PRC). In 2012, PRC launched a go-to online service for airing privacy grievances about websites and social networks. Users can log anonymous criticisms or share their identity and problem with journalists or government enforcement and consumer protection agencies.

"This accessible, centralized venue for lodging privacy concerns is long overdue," Hoofnagle says.

Hoofnagle, also a senior staff attorney at the Samuelson Law, Technology & Public Policy Clinic, was an adviser to a student-run research study on how people protested online privacy violations in 2009. The study—which sparked Boalt's collaboration with PRC—found that although consumers are largely unaware of how sites track their browsing and search activity, they nevertheless want more control over their personal information.

"Unless there's an easy way to register and measure perceived privacy violations, policymakers won't have the right metrics to help solve the problems," Schultz says. "Our hope is that this tool provides much-needed data to improve and protect privacy online."

Hoofnagle and Schultz encountered several challenges in constructing PRC's service: converting old databases into more efficient models, figuring out how to best steer individuals within the system, and reaching consensus on the most practical layout.

Clearing those hurdles helped PRC launch a simple, browser-based system that organizes objections into smaller subcategories. If users have a complaint similar to one already logged, they can note that with one click rather than enter a new grievance. PRC—which fielded privacy concerns by email and phone for almost 20 years—responds within two business days.

"The challenge now is getting consumers to find this tool and explaining to them why it's different and more effective," Hoofnagle says. One big advantage? "Privacy Rights Clearinghouse is well placed in Google and easy to find."
—Andrew Cohen

Facing the PII Problem: A Defining Moment in the Online Age

A recent article by Boalt Professor Paul Schwartz is resonating strongly with policymakers and practitioners.



I.D. AND IDEALS: Paul Schwartz has a plan for improving controls on the use of personally identifiable information.

“The PII Problem: Privacy and a New Concept of Personally Identifiable Information,” co-authored by Schwartz and George Washington law professor Daniel Solove, was published in Vol. 86, No. 6 of the *New York University Law Review*. As a growing number of online users know, private companies are gathering and reusing information linked to individuals without their permission. The premise of most privacy laws is that no harm occurs if personally identifiable information (PII) is not involved. At the same time, the law lacks a uniform definition of PII. The Schwartz-Solove article develops a new approach: PII 2.0.

“Right now, PII is based on a black and white rule: either there is PII and all of privacy law applies, or there is no PII and no legal protection,” Schwartz says. Because of the malleable nature of what constitutes PII, he thinks the definition of this key term should be based on a ‘risk of identification’ concept.

“Instead of the law’s current on/off switch for regulation, we call for an analysis along a continuum of graduated legal protections,” Schwartz adds. “That would give regulators and companies greater flexibility to protect information more carefully where greater potential for harm to the individual exists. Moreover, the computer science exists to make this workable.”

PII 2.0 would establish distinct guidelines for using information,

depending on whether it can be tied to “identified” or “identifiable” individuals. Sometimes apparent non-PII can be linked to individuals—and “de-identified” data can later be re-identified. To illustrate this situation, the article describes problems with current approaches to behavioral marketing and how PII 2.0 would fix them.

Schwartz, one of the world’s leading privacy scholars and an expert on this subject for over two decades, explains that U.S. privacy law has developed one statute at a time, with “no systematic thought about how they fit together.”

The article on “The PII Problem” is getting significant attention. Schwartz and Solove have delivered the keynote address at a major privacy conference in British Columbia, spoken at a Microsoft policy gathering in Washington, D.C., and presented their paper to the annual conference of the International Association of Privacy Professionals. Their article has been downloaded more than 1,000 times, and has drawn rave reviews from computer scientists and industry insiders.

“We hope to use our momentum to get Congress and other standard-setting bodies interested in adopting our idea,” Schwartz says. “Europe is revising its data protection directive, so there’s a huge policy opportunity here. This work also is just one example of how Boalt is doing transformative research into real-world problems.” —Andrew Cohen

The FTC is advocating Do Not Track, an opt-out for consumers who don’t want their online browsing activities made available to third parties. How feasible is this?

We’ll see it for sure in some technologies, but Do Not Track is the beginning of an effort, not an end. If people think of it as a one-time fix, they won’t be happy. It’s built on the Do Not Call model, but telephone technology is relatively static. Tracking is constantly changing amid an evolving marketplace and uses hundreds, if not thousands, of different tech-

nologies. I like it as a first step, but not as a panacea.

How would you evaluate the Children’s Online Privacy Protection Act (COPPA)?

The amount of data that companies can collect about kids and use in myriad ways is potentially dangerous for all children’s entire lifetimes. COPPA has been successful in monitoring some of these companies and bringing attention to the issue. However, in response to COPPA, certain sites such

as Facebook attempt to ban kids under 13 (the COPPA cut-off for data collection). But this often results in kids lying about their ages to gain access, and then they lose protection under COPPA. So it's having some unintended consequences. Also, COPPA was passed in 1998. We need to rethink how to approach these questions of privacy. We don't have the internet of 1998: single companies with single websites, where in a contained environment you could ask how old a user was and ask for parental consent. Now, we have social networking and mobile technology layers that require a more complex approach.

What improvements can be made to COPPA?

Because many adults are as unsure as kids are of privacy rules and dangers, the measure of one's ability to engage in consent is not a good metric. Rather, we should focus on privacy protections for all. Kids are vulnerable in different ways than adults, and we may want to provide them extra protections through enhanced remedies—though I would prefer we all be protected equally.

The Supreme Court recently ordered the FBI to turn over 3,000 GPS devices used to track criminal suspects. What are the implications of that ruling?

United States v. Jones was probably the biggest Fourth Amendment case in the past 20 or 30 years, if not longer, in that all nine justices agreed that this use of GPS devices was a violation of constitutional rights. That said, it will be interesting to see how things play out, because there was a split of judicial theories. Some justices focused on the physical trespass of placing the GPS on a suspect's car. Others focused on a more general sense of invading the privacy of your location. Which rule controls will depend on the next case they take.

Cloud computing enhances the ability to collect, store, and share consumer data. Should the government continue to rely on industry self-regulation in this area, or issue comprehensive rules?

The thing to worry about with cloud computing is security—how well-protected are these cloud-computing facilities? All it takes is one person to break in and decode the data, and then all the privacy is gone, because they're going to sell it to whoever wants it. So encryption and other security practices are key. So far, most businesses are investing in decent security, but I'm worried they'll stop at some point, and we'll all become vulnerable. Privacy protection in this arena is partly an economic issue: How much will companies pay to keep security at a top level? That's a dangerous thing for market forces to influence, because some companies will compromise data security to offer a lower price for that service.

Why has the U.S. privacy model been a mixture of laws and self-regulation, rather than a single, comprehensive federal data protection law?

Part of it is cultural. Europe has a more regulatory model. When we in the United States discuss privacy harms, we focus on harms that have happened to specific people, and we've passed laws trying to prevent the same harms from

happening again. Other countries are more proactive in trying to prevent harm. The European Union model is predominant, and substantively it's among the most comprehensive.

As privacy laws internationally trend toward this EU model, what are the main challenges for U.S. companies?

One is compliance. They'll have to deal with global governments and harmonization between them. Second—and cloud computing is a good example here—they'll have to rely on people around the world to be part of a network for protecting privacy, and that will make them liable for others' mistakes or negligence. It's a big challenge to understand what's going on with the data they're collecting and using and where it is stored, and to ensure that the chain of custody and protection is strong and that they have a globally compliant system that's carefully monitored.

What has been the biggest impact of Sept. 11 on privacy law and policy?

It's impossible to provide a complete overview, but one of the key impacts has been a dramatic increase in the assertion of power by the executive branch to authorize domestic spying and wiretapping. The checks and balances we'd had in place since the Hoover era have been severely weakened. Without more oversight, we'll know less and less when our government reads our email, watches us with our own devices, and listens in on our conversations without meeting requirements such as probable cause. Accountability begins with oversight, so this is a big concern.

What are the main keys that have helped the Samuelson Clinic build strong relationships with so many top privacy organizations?

The interaction between academia and activism on an issue like privacy is critical. As part of an academic department, the clinic strives to produce research to help inform privacy discussions, as well as to act as a neutral convener for important conversations. As a set of lawyers and law students who represent individuals and organizations that favor the public interest, we also serve as advocates for voices that wouldn't otherwise be heard in the debate. Through these roles, privacy organizations are able to draw directly on our academic work and advocacy.

You graduated from Boalt in 2000. How much easier is it now for students to gain meaningful technology-law experience?

Through our commitments to teaching in the classroom, representing clients, hosting conferences and events, and publishing research and scholarship, we offer numerous opportunities for students to be at the heart of various technology debates and to have an immediate impact on how they're decided. Many of our graduates have gone on to be major players in technology lawmaking, rulemaking, and policymaking in government, as well as in the private sector, and we expect more will follow. We had some of these opportunities when I was a student, but nowhere near the breadth and depth of those today. ■



CREATIVE WORKS

NOTABLE CONTRIBUTIONS FROM THE BOALT COMMUNITY

MUSIC: RACHEL BERKNES '14

Singer's New Gig: Law School

Sitting in Property class, trying to absorb a nuance of the mind-numbing Rule Against Perpetuities, Rachel Berkness '14 would sometimes flash back to summer 2011: onstage at the Minnesota State Fair, in full costume, belting out a song with Jonah and the Whales while thousands of fans roared their approval.

"An incredible experience," she recalls. "Jonah and the Whales started up in 1981 and built a huge following in Minnesota. Former members have played with Prince and other stars. Being their lead singer for two and a half years gave me a lot of confidence."

Enough confidence to leave the limelight for Boalt, where she is focusing on consumer protection law. Berkness often gets asked why she gave up the rush of touring, dressing up, crowd-surfing, and singing infectious cover songs to frenzied crowds.

"I love music, but I also love a good argument," she says. "I was a debater in high school and really enjoyed attacking a problem and strategizing the best solution. Law school was a natural path."

As was singing. Berkness started performing in karaoke contests and talent shows at age 10, and won awards as a member of her high school choir. Toward the end of high school, she says, she "had this horrible job at a bowling alley and realized something had to change."

Berkness saw an online ad for female singers, auditioned for the band Shelby's Voyage, and suddenly was performing as many as five gigs a week. In 2009, her sophomore year at Metropolitan State College in St. Paul, she heard from a



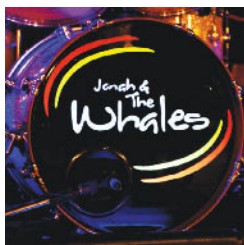
COLORFUL CROONER:
Rachel Berkness '14

friend that Jonah and the Whales needed a lead singer. One phone call and two auditions later, the band picked Berkness.

Last year, Jonah and the Whales released a live CD, *Blubber Soled*, which it sells online and during shows. Mostly contemporary and dance-friendly—Pink, Lady Gaga, Black Eyed Peas—the CD also channels the '80s with tracks covering Billy Idol and Cyndi Lauper songs.

While performing memorable hits by everyone from Ozzy Osbourne and Blink 182 to Michael Jackson and Adele, Berkness regularly donned colorful costumes she helped create. Although law school is her top priority, a familiar itch recently resurfaced.

"I'm starting to miss performing," Berkness says. "When you find yourself dressing up in the old costumes and jumping around while singing in your apartment, it may be time to find a new side gig." —Andrew Cohen



Blubber Soled (2011)
By Jonah and the Whales
www.jonahandthewhales.com

The Huey Newton Trial in Context

Many cases have been dubbed “trial of the century”—from Scopes to the Lindbergh baby to Rodney King. But when scholars debate the 20th-century titleholder, one contender is often conspicuously absent.

“A 1999 NBC TV poll narrowed the choice to O.J. Simpson or the Clinton impeachment trial,” says Lise Pearlman '74. “Experts championed other contenders, but none ever mentioned the 1968 Huey Newton case. It surprised me, since I remember how significant that trial was at the time.”

Pearlman, a retired judge, made history herself as the first female managing partner of an established California law firm: Stark, Stewart, Wells & Robinson, then the second-largest firm in Oakland. She devoted seven years to researching and writing about Fay Stender, the attorney who sat second chair at Newton's trial, assumed lead counsel on appeal, and helped organize the “Free Huey” movement. Then, when she realized how the Newton trial was being overlooked, she expanded her book's focus, using other major trials as a prism through which to view history. The result is *The Sky's the Limit: People v. Newton, the Real Trial of the 20th Century?*

“It was a challenge to condense the other ‘trials of the century’ to a single chapter each,” says Pearlman, who returned to Boalt in February to deliver a guest lecture about her book. “I had to include enough detail and flavor to establish context. Only by doing so could I let readers fairly compare them to the Newton trial.”

By late summer in 1968, America was

a political and social tinderbox. Race riots had rocked urban centers a year earlier and erupted with renewed vigor following the April 1968 assassination of Martin Luther King, Jr. Tensions increased further with the assassination of Robert F. Kennedy in June and clashes between protestors and police at the Democratic National Convention in August. In September, a perfect storm gathered around an Oakland court-

house in advance of a pivotal jury verdict.

Huey Newton, minister of defense for the Black Panthers, was on trial for the fatal shooting of Oakland police officer John Frey. “The *Oakland Tribune* considered it an open-and-shut case,” Pearlman says. “Practically everyone expected that Newton would be convicted of first-

degree murder, and many predicted riots in major cities across the country.”

In *The Sky's the Limit*, Pearlman skillfully maps out what the repercussions might have been if the jury hadn't returned its decision of voluntary manslaughter. Among the theories she posits: We likely wouldn't have a biracial president today.

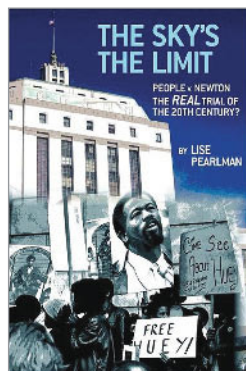
She's delighted that the book is resonating with a broad range of audiences, from the legal community to the general public. One of her daughters, after reading her comparisons of these big-headline legal events, asked her, “Why don't they teach history this way?”

One could argue that Pearlman is doing just that. —Ben Peterson

The Sky's the Limit: People v. Newton, the Real Trial of the 20th Century?

By Lise Pearlman

Published by Regent Press, 2012



Untangling a Knotty Problem

Boalt Professor Robert Cooter sees the intersection of law and economics as a place where one can “move readily from the concrete to abstract theories.” Launching Berkeley Electronic Press in 1999—a legally intensive process he says is typical for U.S. startups—made him wonder if legal barriers to innovation were hampering growth in developing countries.

That curiosity led to *Solomon's Knot: How Law Can End the Poverty of Nations*. Co-authored with Hans-Bernd Schäfer, pioneer of the German law and economics movement, the book describes how insecure property, unenforceable contracts, and other legal roadblocks stifle business ventures and sustain poverty. It also offers solutions.

The title refers to a common sailor's knot. “Just as a Solomon's knot securely joins two rings on a ship, business ventures join a new idea and capital to create economic growth,” explains Cooter, a co-director of Boalt's Law and Economics Program.

One legal barrier to innovation in developing countries is the “double-trust dilemma of development.” To launch a business venture, Cooter says, “the innovator must trust the financier with his idea and the financier must trust the innovator with capital.”

Developing countries often lack solid legal structures in property, contract, and business law to protect both parties. Such uncertain circumstances can make well-heeled potential investors uneasy, limiting innovators' funding options. Cooter says: “Legal institutions must allow venture profits to remain in the hands of the innovators and their financiers.” —Diane Fraser

Solomon's Knot

How Law Can End the Poverty of Nations



Robert D. Cooter & Hans-Bernd Schäfer

Solomon's Knot: How Law Can End the Poverty of Nations

By Robert D. Cooter and Hans-Bernd Schäfer

Published by Princeton University Press, 2011



FAST FORWARD

BOALT
STUDENT
ACTION
FIGURES



GAME CHANGERS:
Thomas Frampton '12
and Nicholas Fram '12

College Athletes: Players or Workers?

Law review content is penned almost exclusively for scholars, attorneys, and judges. But a new article from Nicholas Fram '12 and Thomas Frampton '12—to be published in August by the *Buffalo Law Review*—has created buzz beyond academia and the legal world.

“A Union of Amateurs: A Legal Blueprint to Reshape Big-Time College Athletics” explains how state labor laws could enable college athletes to unionize—and be compensated for the benefits they bring to their schools and the National

Collegiate Athletic Association (NCAA).

In February, *Chicago Sun-Times* columnist Rick Telander wrote that the paper is “fascinating and—dare we say it?—revolutionary.” He calls it “quite simply an analysis that could blow the NCAA’s big-business model into the ether.” In April, Fram and Frampton published an op-ed in the *San Francisco Chronicle*, which *Forbes’* website picked up, and appeared on Comcast SportsNet Bay Area.

An increasingly contentious debate has spread throughout major college athletics as Division 1 universities

rake in millions from their football and basketball programs. Virtually all Division 1 football and basketball athletes receive full scholarships but are not otherwise paid.

Fram and Frampton see these powerful institutions as withholding funds that are not rightfully theirs. The injustice is exacerbated, they say, when the NCAA suspends college athletes for trading their bowl-game rings or tournament medals for shoes, tattoos, and other items.

“These players should be treated as university employees,” Fram says. “Our research shows that state labor laws would allow them to unionize and to legally negotiate with universities over the terms and conditions of their service.”

Classmates and good friends, Fram and Frampton began exploring the “pay-for-play” issue last summer. They discovered that past legal research on the issue had focused on federal labor law, and that no one had closely examined whether state laws could enable college athletes to receive compensation.

“We wanted to shift the debate to ask ‘What does it mean to work?’” Frampton says. “What would it take for our legal system to recognize ‘amateur’ sports as a form of labor?”

The deeper the students dug, the more surprises they unearthed. Although their findings and the large number of Division 1 schools in Michigan, Florida, California, and Nebraska prompted them to focus on those states, they also address 10 other states that yield solid legal arguments for classifying college athletes as employees.

“Not every state has a labor law

regime that would allow public sector employees to unionize,” Fram says. “But we were stunned at the number of states where it would be feasible.”

Michigan’s state labor board has recognized a union of hundreds of undergraduate resident assistants. Florida’s constitution plainly grants state employees the right to organize.

Examples in other states are described throughout the article, which Fram hopes can provide “new ammunition for supporters of pay-for-play who want to create a legal framework to achieve actual change.”

The issue does seem to be gaining traction. The National Collegiate Players Association has lobbied the

NCAA for improved workplace conditions, as well as health and safety benefits for college athletes—hundreds of whom have joined their organization.

“This debate won’t be settled in the pages of law review articles,” Frampton says. “But if those pages help level the playing field, that will be very satisfying.” —*Andrew Cohen*

Debt Where (But Only Where) Debt Is Due

Rachel Baum ’13 wasn’t supposed to join the East Bay Community Law Center (EBCLC) until spring semester. But an urgent project—convincing the California State Senate to pass the Fair Debt Buyers Practices Act—prompted her to jump in early.

“I spent winter break preparing fact sheets for senators, staffers, and journalists,” Baum says. “They were under a big time crunch, and I knew from my Consumer Protection Law class how egregious some debt collection tactics can be.”

In recent years, a cottage industry has emerged to purchase uncollected debts in high volume from commercial creditors. Because the debt buyers usually have limited information about the person they’re pursuing, Baum says, they often file misdirected lawsuits—against innocent people with the same name or address as a debtor, or against people who have already paid their debt.

If approved, the bill (SB 890) would require debt buyers to provide evidence proving that their collection efforts are aimed at the right person. The bill passed the Senate on Jan. 31 and is now in the Assembly.

Baum’s class was taught by adjunct

professor Ted Mermin ’96, an EBCLC adviser and executive director of the Public Good Law Center in Berkeley. About half of the clients in EBCLC’s Neighborhood Justice Clinic had been sued by collection agencies, prompting Mermin to confront the problem from a policy angle.

“There are hundreds of thousands of these cases every year in California,” Baum says. “Debt buyers are using the courts to gain default judgments because most defendants don’t respond to these lawsuits. In addi-

tion to the wrong person being targeted or the debt having already been paid off, many defendants don’t recognize the collection agency’s name because it bought the debt from a prior creditor.”

Sponsored by the California Attorney General’s Office, the bill had a strong ally in state Senator Lou Correa. Mistakenly sued last year for a \$4,000 debt owed by someone with the same last name, Correa learned of the suit only after his Senate wages were garnished.

After preparing the persuasive fact sheets, Baum scoured various versions of the bill that emerged during negotiations in the Senate—marking changes that lobbyists for the debt-buying industry “tried to slip in quietly,” and relaying them to Mermin.

Other EBCLC students also played key roles in advancing the legislation: Rachel Terp ’12 researched how other states handle the problem and drafted a debt collection reform bill for



**COLLECTOR
CORRECTOR:**
Rachel Baum '13

FAST FORWARD

Mermin's class; Dan Dwyer '12 created an informative website; Anne Hilby '14 co-authored a *Daily Journal* op-ed; and Charles Carriere '12 contributed valuable research.

"Before coming to Boalt, I talked to students working at EBCLC, and pretty much all of them said EBCLC was the best thing they'd done at law school," Baum recalls. "It didn't take

long to realize why they felt that way. To jump right in and help on a bill that would benefit so many California consumers—that's really gratifying."
—Andrew Cohen



Field Placement a Critical Career Pivot Point

Augustin Trezeguet '12 knew Boalt's Field Placement Program would give him a healthy dose of experiential learning to complement his academic courses, but he didn't expect to spend half of his law school career in three externships. Each one, he says, taught him something different and important.

Trezeguet's first placement, with the U.S. Federal Trade Commission in San Francisco, enabled him to apply what he was learning in his Antitrust class. "The class provided a 'big-

picture' introduction to antitrust," he says. "In my externship, I explored rifts in current law and the subtleties of legal practice, such as how attorneys interact with opposing counsel and organize their time."

His next assignment, with the FBI's San Francisco office, extended his antitrust experience into the criminal law arena. It also marked a critical career-plan transition toward criminal law and led to his third placement, with the criminal division of the U.S. Attorney's Office. There, Trezeguet learned "the balance needed to work in what can be a much more emotional field of law, where the work is intense and the pace is quick." Researching an issue for a motion, he says, "is like taking a final exam every two weeks."

While at the U.S. Attorney's Office, he participated in case development, from strategy meetings to watching his research and writing become part of the record. That, Trezeguet says, "is the ultimate goal for a clerk: to see one's work make a difference, to see it used in court."

The Field Placement Program offers

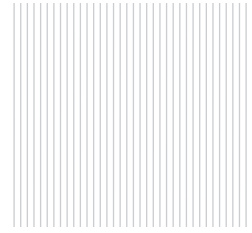
second- and third-year students academic credit for part- and full-time legal work in general, criminal, and environmental law at nonprofits and government agencies. "Students develop professional and problem-solving skills and gain experience that they can't get in a classroom," says program director Sue Schechter.

During the 2012 spring semester, nearly 80 students worked at a diverse range of organizations, including the U.S. Department of Justice, the Legal Aid Society Employment Law Center, and the Center for Food Safety—as well as in the California and federal judicial systems and in Washington, D.C.

Bay Area field placement students also participated in a required seminar that focused on professional responsibility. Trezeguet says that the seminar's discussions, role-playing exercises, and journal writing helped him reflect on "the gray areas that lawyers encounter related to issues like prosecutorial discretion and litigation tactics." He took note as students tried to "draw the line between aggressive advocacy and unethical conduct."

At every step, Trezeguet benefited from the mentoring of his supervising attorneys. "They took their jobs very seriously," he says, "not just critiquing my work product, but taking a real interest in my career plans and making sure I was doing work I enjoyed."

Trezeguet first pursued the Field Placement Program "to figure out which area of the law would keep me motivated throughout my career." A big part of that, he says, was being able to observe attorneys connect with their work and with each other. "My externships were no doubt the best part of law school." —Diane Fraser



INSIGHT:

Demystifying Boutique, Small, and Mid-size Firms

BY SAMORN SELIM '09

The market for boutique, small, and mid-size legal firms is rapidly expanding. Despite this growth, however, finding opportunities at these firms remains elusive to most law students and graduates.

At Boalt's Career Development Office (CDO), where I provide one-on-one counseling to students, present career-oriented programs, and lead outreach efforts to small and mid-size firms, we're hearing more and more questions about how best to approach these firms.

How do I learn about job opportunities?

My conversations with alumni who work at such firms revealed that most found their current positions through personal or professional contacts. James McManis '67, founder of McManis Faulkner in San Jose, suggests proactively reaching out to a firm's attorneys. If the candidate makes a good impression and a business need exists, McManis says a position could be created. McManis Faulkner associate Jennifer Murakami '10 found her current position when a former supervisor introduced her to a partner at the firm.

Other ways to learn about potential opportunities include joining bar associations to meet practitioners and finding reputable recruiters connected to small and mid-size firms. You can also search Martindale.com to locate alumni, and review job postings on online forums such as b-Line (the CDO's job database). With b-Line, you can search the job database, review employer profiles, and set up searches according to your chosen criteria to run automatically at selected intervals.

What do these firms look for in candidates?

Partners and associates give varying answers, but they share a common thread: "fit." What

that means, of course, is often unique to each firm. To Don Tamaki '76, co-founder of Minami & Tamaki in San Francisco, good character and trustworthiness are vital traits. To Karen Stambaugh '06, co-founder of mod4 LLP in Berkeley, a candidate must be committed to helping the firm grow. Joshua Benson '08, an associate at Taylor & Company Law Offices in San Francisco, says producing "A+ work" is required.

The resources mentioned above can also shed valuable light on a firm's culture, to help you figure out what "fits" a particular firm and whether the firm "fits" you.

What are the rewards and challenges of working at smaller firms?

Minami & Tamaki co-founder Dale Minami '71 cites working with people he likes and respects as the greatest reward—and balancing economic survival with personal, community, and political commitments as the greatest challenge. For John Tsai '09, an associate at Bridges & Mavrakakis in Palo Alto, offering personalized advice directly to clients is tremendously satisfying, while assisting in the administration of the firm poses a sobering responsibility.

Sarah London '09, an associate at Lieff Cabraser in San Francisco, appreciates being able to build strong relationships with clients while both helping them and advancing the law. On the flip side, she says the biggest challenge is taking on large assignments with serious responsibilities in her cases relatively quickly.

For more information, visit our website at <http://www.law.berkeley.edu/careers.htm>. You can also contact me at sselim@law.berkeley.edu, or Robert White, Director of Alumni Career Services, at rwhite@law.berkeley.edu.



"My conversations with alumni who work at small and mid-size firms revealed that most found their current positions through personal or professional contacts."

Samorn Selim '09 is Director of Employer Outreach at Boalt's Career Development Office. She previously worked as a litigation associate for Manatt, Phelps & Phillips in San Francisco, where she was active in the firm's recruiting efforts.



ADVANCEMENT

Join Us in Celebrating Boalt Hall's 100th Anniversary



"We can't begin to thank loyal alumni, friends, foundations, and corporations enough for sharing our vision and supporting our mission."

There has never been a better time to be part of the Boalt community. For starters, it's our Centennial, which—by my calculations—will only happen once in our lifetimes.

Since his arrival in 2004, Dean Edley has improved the school in several strategic ways. Annual financial aid expenditures have more than doubled. Our first-rate faculty has been bolstered with 44 new hires. We've launched eight research centers. Major renovations, capped by the inspiring South Addition, have vastly upgraded Boalt's physical complex.

Fueling this progress is our \$125-million Campaign for Boalt Hall. We passed \$100 million at the end of 2011, leaving a goal of raising \$25 million in 2012 and 2013. We can't begin to thank loyal alumni, friends, foundations, and corporations enough for sharing our vision and supporting our mission.

As we enter the Campaign's final mile, our goals are two-fold: To cross the \$125-million finish line, so our students receive the best possible legal education; and to double our participation rate. Currently, 19 percent of our alums are carrying the burden of supporting the law school. Our aim this year is to double that participation rate to 38 percent—the median level for U.S. public law schools. We feel that this is an achievable goal, and our alumni, students, and faculty are stepping up to help us attain it.

This is a great law school—"the best public law school in the solar system," as our dean often reminds us. We need your support to

remain the solar system's best public law school. This year, we will unveil a Centennial Donors Wall. Many loyal alums are already represented on this wall, and we'll be meeting with a lot of you to discuss giving at Centennial Society levels, so you can share a piece of our history.

We'll kick off All-Alumni Weekend with a political roundtable focusing on President Obama's first term, Sept. 21 at the Herbst Theatre. Panelists include Boalt lecturer and former Michigan Governor Jennifer Granholm, former U.S. Secretary of Labor Robert Reich, former California Governor Pete Wilson '62, and former Communications Director of John McCain's 2000 presidential campaign, Dan Schnur. A second political roundtable, in Southern California, will be scheduled for this fall. Our Centennial festivities culminate Nov. 9 with a surprise-filled Centennial Gala Celebration at the Pauley Ballroom. We also have dinners and teleconference receptions planned nationwide with Dean Edley and his wife, Maria Echaveste '80, to honor our esteemed faculty and loyal alumni.

We hope to see you at some of these special Centennial events. I'll finish by reiterating how thankful I am for all you do to support your law school and for helping us complete the Campaign for Boalt Hall.

Centennial Regards,
Robert G. Sproul, *Assistant Dean
for Development and Alumni Relations*

Incoming: An Outgoing Leader

It wasn't that Evan Cox '87 romanticized Boalt Hall when his practice took him to the Washington, D.C., and London offices of Covington & Burling. But absence did seem to make the heart grow fonder.

"I was away from the Bay Area for quite a while," says Cox, who helped open Covington's San Francisco office in 1999. "When I moved back, I joined the Boalt Hall Alumni Association [BHAA] board because I'm a big believer in the school. Every time I come to Boalt or catch up with my classmates, I'm reminded of the amazing quality of the people it sends into the world."

Cox will soon ramp up his alumni association involvement by taking over as president on July 1. Already chair of the Boalt Hall Fund, he aims to increase awareness of the need for higher alumni giving participation rates in the face of dwindling state funding.

"I think there was a long period when people graduated and assumed they didn't need to support Boalt," Cox says. "Alumni involvement and giving back wasn't part of the tradition the way it is at other top schools, where that culture is ingrained early."

Giving back is nothing new for Cox, however. He has done significant pro bono work for the Nature Conservancy and the ACLU. At Boalt, in addition to helping the alumni association and Boalt Hall Fund, he is a board

member of the Berkeley Center for Law & Technology and the Center for Youth Development through Law (CYDL). The latter provides paid summer internships, law-oriented courses, and life-skills workshops for at-risk students from East Bay high schools.

"When I was asked to get involved by classmate Neil Popovic ['87], and saw that professors like Jesse Choper and Eleanor Swift were on the board, and that Thelton Henderson ['62] was involved, I knew [CYDL] would be worthwhile," Cox says. "These kids aren't on track to attend college when they enter the program, yet more than 90 percent end up doing so."

An intellectual property and antitrust expert, Cox represents information technology and life sciences companies in negotiating patent- and copyright-driven licensing, distribution, and joint-venture relationships. He also counsels clients on U.S. antitrust and European Union competition law matters and has worked extensively with standard-setting groups and issues.

As BHAA president, Cox will cultivate strategies to increase alumni networking and boost giving participation rates. He believes that is imperative if Boalt is to "achieve the dual challenge of securing the resources to stay on par with its peer group of top law schools and preserve access for students from all backgrounds." —*Andrew Cohen*



"Every time I come to Boalt or catch up with my classmates, I'm reminded of the amazing quality of the people it sends into the world."

—Evan Cox '87

BOALT HALL ALUMNI ASSOCIATION BOARD OF DIRECTORS

Executive Committee

Charles Breyer '66
President

Holly Fujie '78
Past President

Evan Cox '87
President-Elect
Boalt Hall Fund Chair

Christopher Edley, Jr.
Dean

Steve Arent '67
Vice President, Reunion
Class Campaign Co-chair

Kenton King '87
Vice President, Reunion
Class Campaign Co-chair
(Ex-officio)

Matt Sonsini '92
Vice President, Reunion
Class Campaign Co-chair
(Ex-officio)

James McManis '67
VP, UC Berkeley
Foundation
Representative

Directors

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
Gillian Brown '99
Benson Cohen '04
Nancy Fineman '86
Lindsee Granfield '85
Ellyn Lindsay '84
Michael Martinez '78
Terry O'Reilly '69
Lynn Pasahow '72
Kathi Pugh '90
Steven Walther '68

Terms expiring in 2014

Mario Barnes '95
Charles Breyer '66
David Carrillo '95
Evan Cox '87
Robert Evans '71
Daniel Floyd '85
Tyler Gerking '02
Lawrence Hobel '76
Yury Kapgan '01
Heather Mewes '99
Alisa Nave '04
Art Shartsis '71
Darren Trattner '94

Representatives

Student
Monica Briseno '12
W. Hamilton Jordan '13
Elizabeth Kim '13

Faculty
Jesse Choper
Eleanor Swift

Staff
Robert Sproul

UC Berkeley Foundation
Noel Nellis '66 (Ex-officio)

International Association of Boalt Alumni
Aime Mandel '73 (Ex-officio)

Centennial Committee Co-chairs
Art Shartsis '71
Noel Nellis '66

Boalt Alums Honored at Citation Award Event

Boalt's Centennial isn't the only major anniversary the law school celebrated over the past school year. On Sept. 30, 2011, hundreds of alumni, faculty, students, and friends filed into the Palace Hotel in San Francisco for the 50th Citation Award dinner.

The Boalt Hall Alumni Association

(BHAA) honored Jess Jackson '55 and Pat Herron '64 with the Citation Award, the law school's highest honor; Kathleen Vanden Heuvel '86 received the Faculty Lifetime Achievement Award; and Mitchell Zuklie '96 received the Young Alumnus Award. Richard Buxbaum '53 was also given a special honor for his 50 years of teaching at Boalt.

STELLAR CITATIONS: Mitchell Zuklie '96 and Kathleen Vanden Heuvel '86 were honored at the Citation Award dinner, along with Pat Herron '64, Jess Jackson '55 (posthumously), and Richard Buxbaum '53.



Sustaining Success

Citation Award winner Jess Jackson '55 and his widow, Barbara Banke, shared much in common, including a memorable professor who helped pave their path in the wine business—both financially and environmentally.

"Jess had Professor Stefan Riesenfeld at Boalt, and later, I had him at Hastings," Banke says. "He taught Property and inspired both of us to practice land-use law. When purchasing property, we understood how to navigate the permit maze and shared the same goals for treating the land."

At Boalt's Citation Award dinner, Banke accepted the award for Jackson, who died five months earlier. Since then, she has more than maintained momentum for Jackson Family Wines—well known for its sustainable farming and energy efficiency practices.

A massive solar energy cogeneration system was recently installed atop Kendall-Jackson's main winery, which uses mirrors and a sun-tracking system to col-

lect sunlight. Banke plans to add similar installations at two more wineries, which will make Jackson Family Wines the nation's largest user of solar cogeneration.

"We're trying to get to a zero-waste platform," she says. "We're not there yet, but we keep pushing to innovate and improve as we go along."

In November 2011, the wineries were certified under the Sustainability in Practice program, which recognizes vineyards' commitment to environmental stewardship, equitable treatment of employees, and economic stability. Jackson Family Wines also received the EPA-sponsored Green Power Leadership Award—one of just 18 companies selected from nearly 1,300 entries.

"We use a lot of water to wash barrels and tanks, and we have to heat it," Banke says. "For us, it's a win-win because we can use solar power to heat the water and don't have to get power from the grid. We live on a vineyard, and our kids want to stay in the business at this point, so it's natural for us to pursue sustainability initiatives."

One such initiative is called WholeVine Products. To generate revenue for children's charities, it creates products from as many parts of the vine as possible.

Jackson died April 21, 2011. His wife, Barbara Banke, accepted the Citation Award in his memory. A hugely successful lawyer, winemaker, and businessman, he was also an outspoken reformer and generous philanthropist. After putting himself through Boalt by working nights for the Berkeley Police Department, Jackson spent two decades building his land-use law practice.

In 1974, he bought an 80-acre orchard, converted it into a vineyard, and started the Kendall-Jackson winery—which produced America’s best-selling Chardonnay for more than two decades. He later took the horseracing field by storm and owned the American Horse of the Year for three straight years: Curlin in 2007 and 2008, and Rachel Alexandra in 2009. Jackson and Banke (see story below) long championed sustainable farming practices and quietly donated millions of dollars to charitable organizations.

Like Jackson, Herron also channeled a strong love of wine and farming into her role as co-owner of Barricia Vineyards in Sonoma County since 1978. She had already enjoyed a fruitful career—including time as an assistant dean at three universities—before coming to Boalt in 1961 at age 35.

“During my third year as a law student, in-state tuition was \$87 per semester,” she

recalls. “Back then, California’s political leaders realized the importance of an affordable public education, which helped make the state strong, economically and otherwise.”

Herron became the founding managing partner of Knox, Herron and Pierce in Point Richmond in 1964. In 1977, Governor Jerry Brown appointed her as the first woman on the Contra Costa County Superior Court, where she was elected presiding judge and served for 10 years. A private judge with Judicial Arbitration and Mediation Services for 15 years after retiring from the court, Herron has been a longtime Boalt supporter while serving on BHAA and reunion committees.

“During my third year as a law student, in-state tuition was \$87 per semester.”

— Pat Herron '64

Banke and Peggy Furth, her friend and fellow winery owner, hatched the idea while running an annual charity auction.

“When the economy went down in 2008, we were doing the same amount of work but getting half the results, so we did some brainstorming,” Banke says. “Research showed many uses for grape pomace, and we started developing ideas.”

WholeVine Products seek to turn seeds, skins, leaves, and other vine parts into high-end products such as culinary oils, gluten-free flours, and cosmetics. Banke notes that grape-seed and grape-skin products “provide several health benefits” and that the seeds are “loaded with nutrients.” The project is buoyed by a new 17,000-square-foot production facility that will sort, dry, and prepare 200,000 pounds of seeds this year.

At the Citation Award dinner, Banke got to catch up with old friends and reminisce with Jackson’s classmates about their 50-year reunion party in 2005, which Jackson and Banke hosted at their Geyersville estate.

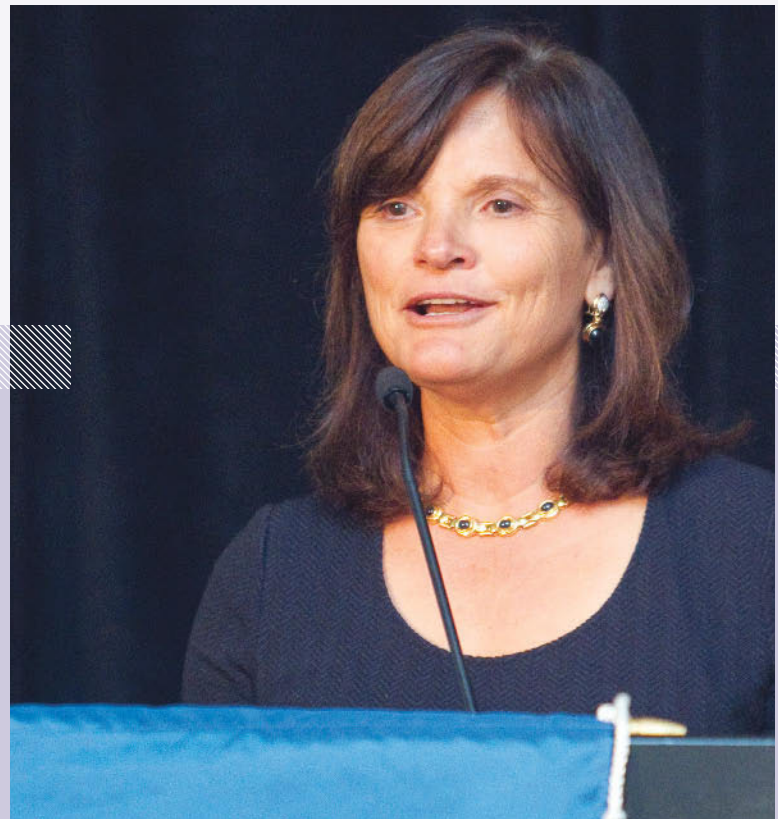
“It was a great night, and it was really nice of the law school to honor Jess,” she says. “It’s always fun to see what classmates have done with their lives, and Boalt graduates are a very inspiring bunch. I know the school

inspired Jess in many ways.”

Like her husband, Banke was a successful litigator who argued before the U.S. Supreme Court. She also took on his love of horseracing; two former U.S. horses of the year that Jackson owned were recently paired and had a colt—already a Triple Crown threat for 2015.

“I’m extremely active because in horseracing you’re either active or you lose your shirt,” Banke says. “When Jess first went into it I wasn’t really interested, but he got me hooked, so now I’m forging ahead.”

—Andrew Cohen



ENERGETIC APPROACH: Barbara Banke, widow of Citation Award winner Jess Jackson '55, has Jackson Family Wines on track to become the nation’s largest user of solar cogeneration.



Vanden Heuvel, the law school's Associate Dean of Capital Projects and library director, came to Boalt in 1981, "when the law building and I were both 30 years old." After two years working in the library and in the admissions, registrar's, and career development offices, she became a law student and then a librarian, faculty member, and administrator.

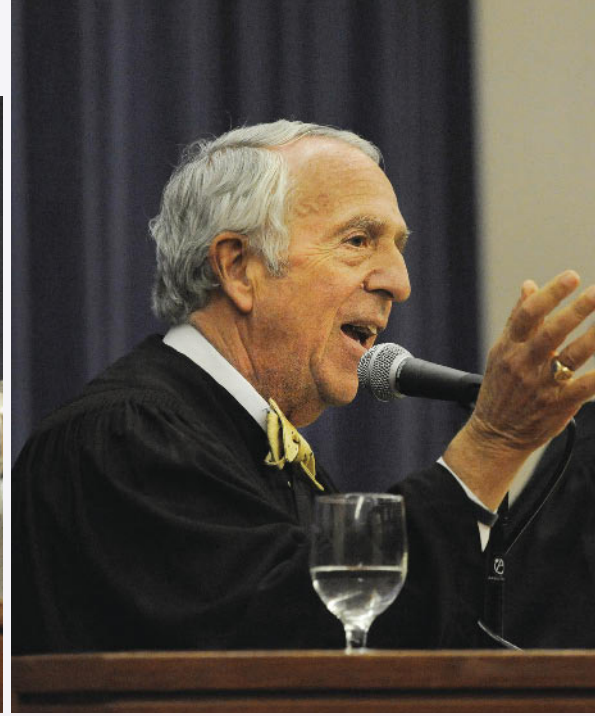
"When I graduated in 1986, the building was an incoherent mess," Vanden Heuvel says. "It seemed old, cranky, and unresponsive to changes in legal education, even then. We took pride in our ability to overcome the building's physical deficiencies, but I always hoped someday it would be better."

Vanden Heuvel had no idea that she would oversee that transformation. In 2008, under her guidance, Boalt launched a three-year series of renovations and construction—capped by last year's completion of the 55,000-square-foot South Addition, which encompasses the new law library and academic building. "I was excited and honored to have a chance to improve the physical space," she says.

Zuklie is the managing partner of Orrick, Herrington & Sutcliffe's 600-lawyer Transactional Group. Focusing on the formation, financing, and corporate counseling of technology businesses, he has completed several hundred venture capital financings and numerous public offerings, mergers, acquisitions, and technology licensing transactions.

Named one of California's Top 25 cleantech lawyers by the *Daily Journal* and one of "America's Leading Lawyers for Business" by *Chambers USA*, Zuklie was also a Silicon Valley "Top 40 Under 40" business leader selection by the *Silicon Valley/San Jose Business Journal*. He and his wife, Holly, established the Holly and Mitchell Zuklie Law Student Excellence Award at Boalt. Mitchell is now co-chairing his class reunion committee.

Buxbaum—widely published in corporation, comparative, and international economic law—played a key role in drafting state and national corporate and securities legislation. He was editor-in-chief of the *American Journal of Comparative Law*, dean of UC Berkeley's International and Area Studies Department, and the first director of Boalt's Warren Institute. —*Andrew Cohen*



Students Make Their Cases in Moot Court

The 36 students who participated in Boalt's 2012 James Patterson McBaine Honors Moot Court Competition briefed and argued *ACORN v. United States*, a case raising complex Bill of Attainder issues related to the federal government's defunding of the plaintiff community organization. On March 21, three Boalt alumni—Judge Marsha Berzon '73 of the 9th U.S. Circuit Court of Appeals and Judges

FRED MERTZ (MOOT COURT)

Faculty Step Up for Financial Aid

While the faces may change from year to year, students remain the inspirational engine that drives Jesse Choper and Eleanor Swift—professors at Boalt since 1965 and 1979, respectively. A desire to sustain the remarkable talent and diversity of Boalt’s student body is why Choper and Swift co-chair the Faculty Centennial Scholarship Fund.

Used for need-based financial aid, the fund generates contributions from Boalt faculty and staff. Dean Edley, or his designee, identifies, screens, and selects prospective recipients.

“The need for scholarships is stronger than ever because of rising tuition costs,” Choper says. “Eleanor and I are encouraging other faculty members to help support exceptional students who want to be and deserve to be at Boalt.”

Choper’s contribution established the endowed fund under the Chancellor’s Challenge program. Under the program, UC Berkeley provides a dollar-for-dollar match to designated gifts from faculty and staff—including active, retired, or emeriti faculty, and surviving spouses or partners of faculty and staff—as well as students. The Chancellor’s Challenge will match these individual gifts up to \$250,000 until June 30, 2012.

Swift and Choper have long worked to help Boalt beyond their own classrooms. They are currently the two faculty representatives on the Boalt Hall Alumni Association Board of Directors. Swift also serves on the Financial Aid Committee.

“Law school faculty members have as great a stake in the future of our graduates as our alumni do,” Swift says. “If we ask alums to contribute to support student scholarships, we should also contribute ourselves.”

With state funding and tuition costs headed in opposite directions, Choper understands why financial aid is increasingly important. “The landscape now is a lot different from when I was dean,” he says. Choper was dean from 1982 to 1992.

For Swift, the fund allows faculty members to influence the quality of Boalt’s students—and to convey support for their mounting economic challenges.

“Tuition increases have supported the expansion of the Boalt faculty,” she says. “I think that building the Faculty Centennial Scholarship Fund acknowledges both our appreciation for the benefits we receive and our understanding that increasing financial aid to our students should be a top priority.” — *Andrew Cohen*



Eleanor Swift



Jesse Choper



GOOD JUDGMENT: (Clockwise from top left) U.S. Circuit Court Judge Marsha Berzon '73, U.S. District Court Judge Charles Breyer '66, winning oralist David Rosen '13, U.S. District Court Judge Edward Chen '79, best brief winners Danielle Serbin '12 and Nicole Schwartzberg '12, runner-up oralist Jordan Thompson '13.

Charles Breyer '66 and Edward Chen '79 of the U.S. District Court for the Northern District of California—presided over the competition’s final round. David Rosen '13 and Jordan Thompson '13 advanced to the final argument, with Rosen prevailing. Danielle Serbin '12 and Nicole Schwartzberg '12 received the Crowell & Moring Best Brief Awards, created last year by a \$125,000 endowment built on donations from Boalt alumni at the firm.

Cause for Celebration

Centennial Year Reunion Campaign co-chairs pledge greater alumni engagement and awareness of Boalt's needs

To hear Matt Sonsini '92 explain why he volunteers for Boalt Hall is to understand why his role as national co-chair of the Centennial Year Reunion Campaign is a natural fit: "My main goal is to help increase our alumni's level of engagement with the school and enhance that feeling of connectedness."

Sonsini has kept that objective squarely in mind while helping to coordinate reunion celebrations and raise funds for class gifts with fellow co-chairs Steve Arent '67 and Kenton King '87. Sonsini is chief investment officer of the Sobrato Organization in Cupertino, California; Arent is a shareholder at Fischer, Sweetbaum & Levin in Denver; and King is the partner in charge of Skadden, Arps, Slate, Meagher & Flom's Palo Alto office.

Class reunion dinners in the Bay Area are planned during All-Alumni Weekend, Sept. 21–22, 2012. Gifts and pledges made from Jan. 1 through Dec. 31, 2012, will be credited toward class gift goals and will help complete the final stages of the \$125-million Campaign for Boalt Hall.

"Many of us attended Boalt at a time when the state provided the bulk of the funding required for operating the school," Arent says.

"Consequently, tuition at one of the nation's elite law schools was remarkably modest. Many Boalt graduates from my era aren't aware that the school now needs to raise at least 80 percent of its fiscal requirements from tuition and philanthropy."

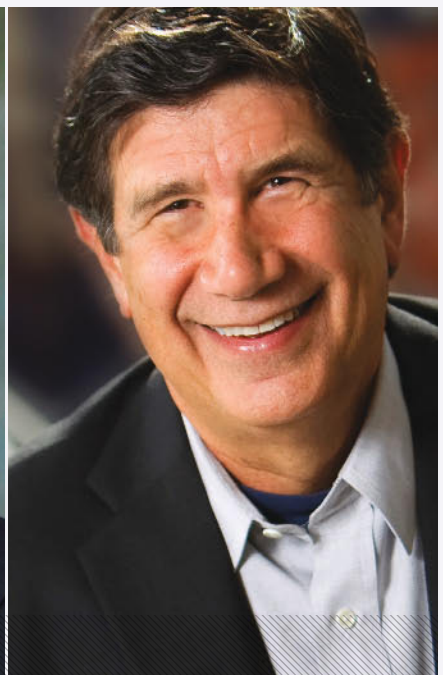
Sonsini has remained closely connected to Boalt since he graduated, serving the school as a guest lecturer, alumni board member, and fundraiser. The husband of Lisa Sobrato Sonsini '91 and son of Larry Sonsini '66, he currently focuses on non-real estate investments, governance, and strategic planning for the Sobrato Organization.

As reunion campaign co-chair, he wants to help promote "a re-education about the school's financial needs and funding sources, and an increased awareness of the roles that alumni can and, in my opinion, should play in promoting its mission." Sonsini believes this will "strengthen the Boalt community, enrich the lives of alumni, and increase financial support of the school along the way."

For King, reunion events offer a "great way for alumni to have fun and reconnect with the school, each other, and the broader community, of which each of us is a part."

—Andrew Cohen

NEW CENTURIONS:
Centennial Year Reunion Campaign co-chairs Kenton King '87, Matt Sonsini '92, and Steve Arent '67.



Back for More

Dedicated duo picked to chair Boalt's Centennial Committee

Some choices about leadership positions can be fraught with conflict, doubt, and anxiety. Others, like tapping Art Shartsis '71 and Noel Nellis '66 to co-chair Boalt's Centennial Committee, are stress-free no-brainers.

That's because last year, the same duo achieved notable success co-chairing the law school's reunion campaign: Class members' financial participation increased by nearly 50 percent from 2010; overall giving doubled; and the reunion events drew rave reviews.

"We wanted to bring our direct approach to the Centennial, which reminds alumni that there is much to be proud of as graduates of one of the elite law schools in the country," Shartsis says.

The committee has helped organize a series of events for alumni in cities nationwide, in addition to the festivities for the Boalt community on campus. Centennial activities will play a prominent role during All-Alumni Weekend, Sept. 21-22, and culminate in a gala celebration on Nov. 9.

"The 100th anniversary of the founding of Boalt Hall is a once-in-a-lifetime opportunity to come together as a community

and celebrate our school's remarkable achievements," Nellis says. "It's also a chance to educate alumni about the new realities of law school funding and help them realize that if we want to have a lifetime association with an elite school, we must generously support it."

Shartsis is a founding partner of Shartsis Friese, a top litigation firm in San Francisco. Nellis is senior counsel in the San Francisco office of Orrick, Herrington & Sutcliffe. Both have played key roles on the Boalt Hall Alumni Association's board of directors—Nellis is a past president, and Shartsis is currently serving (his term expires in 2014).

This year, they want to honor Boalt's first century by giving it a secure foundation for the second. "At present, our 19 percent alumni giving rate lags far behind that of other elite law schools," Shartsis says. "Our No. 1 goal this year is to double our alumni participation."

The co-chairs see that as key to ensuring Boalt's long-term vitality, particularly with state support dropping to less than 10 percent of the school's overall budget, and tuition now comparable to that of the top private law schools. —Andrew Cohen

"...if we want to have a lifetime association with an elite school, we must generously support it."

—Noel Nellis '66

Mark Your Calendars Now! Two Extraordinary Events

Political Roundtable

FRIDAY, SEPT. 21, 2012
7:30 P.M., HERBST THEATRE

Join Boalt alumni and faculty for an engaging discussion about President Obama's first four years in office. Offering different political viewpoints, our four panelists, Jennifer Granholm, Robert Reich, Dan Schnur, and Pete Wilson '62, will review and grade the president's performance with a "report card." Dean Christopher Edley, Jr. will moderate this compelling conversation as our country prepares to vote in the next presidential election. Don't miss this enlightening, educational, and entertaining evening. A second Roundtable will be held in Los Angeles after the election. General admission tickets are \$50 each and are now on sale by visiting our website (see below).

100th Anniversary Gala

FRIDAY NOV. 9, 2012
7 P.M., UC BERKELEY CAMPUS

Hold the date for a splendid black-tie evening of festivities to celebrate Boalt's 100th anniversary. Join us for a memorable night featuring cocktails and hors d'oeuvres and a lavish dinner catered by McCall and Associates. The gala will present Boalt memories from the past and dancing to The Dick Bright Orchestra, one of San Francisco's premier society bands. And, of course, no birthday is complete without cake! Table sponsorships and tickets are now available on our Centennial website. For more information about purchasing a table for this once-in-a-lifetime celebration, call 510.643.9277.

BE SURE TO CHECK THE CENTENNIAL WEBSITE FOR FURTHER UPDATES:
LAW.BERKELEY.EDU/CENTENNIAL.HTM



CLASS NOTES

ALL
IN
THE
BOALT
FAMILY



1961

Tom Klitgaard received the Magnolia Silver Award, the highest honor Shanghai’s government bestows upon foreigners, during a formal ceremony at the Xi Jiao State Guest House in Shanghai on Sept. 9, 2011. The only lawyer to win the annual award, which was given to 46 people from 19 countries, Tom was honored for his “valuable support to Shanghai’s development and outstanding contributions to our friendly cooperation.” Other recipients included

the heads of Dell China, General Motors Shanghai, Walt Disney China, and Volkswagen China. A partner at Dillingham & Murphy in San Francisco and an international arbitrator and mediator, Tom was a guest professor at Shanghai Economic College and led a business management training program for specially selected up-and-coming Chinese managers. He says he is “deeply humbled by the award and its significance.”

1967

Rosalyn Chapman writes that since her retirement from the federal bench, she has begun a new career as an international jurist. Recently, she was elected by the United Nations General Assembly to the UN’s Appeals Tribunal (UNAT), for a term starting July 1, 2012. Comprised of seven international jurists, UNAT reviews appeals from decisions of the Dispute Tribunal, which hears employment-related cases affecting UN employees. Rosalyn says she is honored to be part of UNAT, which hears appeals in New York City, Geneva, and Nairobi.

1970

Marilyn (Epstein) Berger produced, directed, and wrote her second non-profit documentary, *Out of the Ashes: 9/11*. She is a Professor of Law and Director of the Films for Justice Institute at Seattle University School of Law. Eleven days after the Sept. 11 terrorist attack, the federal government enacted the largest public entitlement program ever—the 9/11 Victim’s Compensation Fund. The film is about seven families who explore the legal, moral, and ethical ramifications of the fund and its impact on the civil justice system. It was screened by the Yale Law School Visual Persuasion Project, Boston College Law School, the New York County Lawyers’ Association, and the ABA-ADR section meeting in April 2011. The film was selected for the 2011 Politics on Film Festival. Last fall, Marilyn screened the film at various locations on the east and west coasts. For more information about the film, to see the trailer, or to purchase a copy, visit www.outoftheashes911.com/main.

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



America Alliance, Inc., co-chair of the Hispanic Leadership Council of the Democratic National Committee, and Chair of the National Financial Services Consortium, LLC. He was also elected to the Board of Directors of the United States Hispanic Chamber of Commerce in April 2012, and chair of the National Immigration Reform Advocates in March 2012.

1971

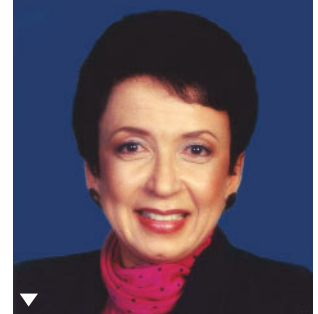
Tony Quintero was given the Leadership Award for Professional Achievement by *Latino Leaders Magazine*, July 27, 2011, in San Francisco, for his contributions as Vice Chairman and Board Diversity Committee Chair of New



1973

Russell Atkinson writes, “My first novel, *Held for Ransom*, based on kidnapping cases I worked during my 25-year FBI career, was published in October 2011 as an eBook. It’s available for Kindle (at Amazon) or Nook (at Barnes &

Noble) and other formats at Smashwords.com.”



1976

Beverly Baker-Kelly, J.D., Ph.D., Ed.D., and her husband are the first African-American couple to both

SCOTT CAREY '61

Agent for Change

When commercial real estate expert Scott Carey '61 first came to Boalt, he had “three kids and no money.” To make ends meet, he sandwiched law school between a morning paper route and an evening job selling life insurance. Not the easiest schedule, but one that ultimately delivered premiums for Carey.

“I can’t say it was always fun,” he says, laughing. “But that Boalt degree has been extremely helpful in my real estate career. When lawyers try to negotiate the economics of a deal with me, I’ll often say, ‘Let’s change places: I’ll play lawyer and you play broker.’ The ability to see all sides of a transaction has been crucial.”

That omnidirectional perspective is also useful as he helps forge connections between Boalt and UC Berkeley’s Haas School of Business, in his role on the advisory board of the Berkeley Center for Law, Business and the Economy. “I wanted the law school and business school to interact more,” Carey says. “My work largely involves helping lawyers and business people to better understand each other.”

Since 1968, Carey has held leadership positions at Cornish & Carey Commercial Newmark Knight Frank—one of the world’s largest independent real estate service firms. Now chairman and general counsel, he served as president and CEO of the firm’s residential and commercial units, accruing vast experience negotiating with government agencies for titles to undeveloped land. Some of his major projects have

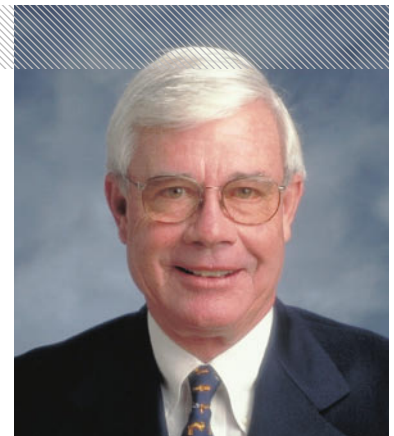
included a 100-acre residential subdivision in Lafayette and a redevelopment project for Sun Microsystems.

“When I started out, a lot of business was done on the back of a postcard,” Carey says. “We didn’t have the internet or other advanced research tools, and the transactions were much simpler. Our business was pretty much done by walking around and looking at buildings.”

Once jealously guarded proprietary information is now available in minutes, through his company’s databank and other systems. “Commercial real estate agents have become much more sophisticated, as have their clients,” he says.

Carey, a former mayor and city councilman of Palo Alto, teamed with classmate Tom Klitgaard '61 last year to spearhead the Boalt Class of '61 Reunion Campaign—which raised more than \$310,000 for financial aid. The payout will be matched by UC’s Graduate Division, thus doubling the amount available to Boalt students.

“Our class raised the second-highest amount of funds among the 10 classes celebrating their reunions in 2011,” Carey says. “We also had the greatest class participation rate, at 33 percent, which was very gratifying.” —Andrew Cohen



KEN KOFMAN '62

Full Court Press for Social Justice

Ken Kofman '62 claims to have been a temp employee throughout his working life. After passing the California Bar Exam, he filled in as a cub reporter, covering San Leandro City Hall for one of several newspapers owned by his family. That assignment led to a 30-year career involving everything from production room management to reporting and editorial work for the *San Leandro Morning News*, *Alameda Times-Star*, and *Fremont News Register*.

"The closest I came to anything 'legal' at the newspapers was labor negotiations, and that was more strategic maneuvering than applying the letter of the law," he says.

It was the spirit of the law—in particular the nascent fields of civil rights and social justice—that Kofman took to heart during his years at Boalt. "This was before the Civil Rights Act of 1964. We had a class called Equity in which we examined the patchwork of state civil rights laws and attempts at legislation at the federal level," Kofman recalls.

Even while working full-time, he pursued his interest in social justice through a series of appointed and elected positions with East Bay boards and commissions. During his term as vice chair of the City of Alameda's Housing Authority in the early 1970s, Kofman focused on the need to relocate low-income people living in dilapidated temporary housing built for workers during World War II.

Later, as a member of the Alameda County Social Services Board, Kofman spearheaded the formation of the county's Commission on the Status of Women—and was the first man to serve on it. "One commissioner felt very strongly that all the members should be women. That kind of discrimination didn't make sense to me," he says.

Nor did an illegal homeowners association restriction barring non-Caucasians from living in Kofman's Alameda neighborhood. "When the covenants came up for renewal, my rabbi—who also lived there—and I had to urge our neighbors to vote 'no' before the association's attorney would agree to drop the restriction," he says. "Of course, it didn't hurt that I had assigned a reporter to write about the restriction."

In 1968, Kofman chaired the Alameda Regional Criminal Justice Planning Board, made up of community members and county officials, including then-District Attorney D. Lowell Jensen '49. His proudest accomplishment there was improving the way the county's Probation Department handled juvenile offenders.

Throughout his long years of civic involvement, Kofman claims his mantra was, "I don't do meetings. I do assignments." Now, as a resident of Santa Monica, he volunteers twice a week at SOVA, a food bank run by Jewish Family Service of Los Angeles.

"There is still so much inequity in the world," Kofman says. "If all college graduates could go to a school like Boalt and have their eyes opened to what it takes to form a just society, it would change the world. It certainly changed mine." —*Diane Fraser*



1976 (cont.)

receive Fulbright Awards. Beverly was awarded a 2010-2011 Fulbright Scholar grant to lecture on law and business and to do research in Muscat, Oman. She can be reached at bbakerkelly@yahoo.com. Her husband, A. Paul Kelly, M.D., has also been awarded a Fulbright Middle East and North Africa Regional Research grant at Sultan Qaboos University & Hospital in Muscat, Oman, as well as in the United Arab Emirates. He is doing research on the epidemiology and genetics of keloids. The core Fulbright Scholar Program sends 800 U.S. faculty and professionals abroad each year. Beverly encourages Boalt alumni interested in applying for a Fulbright to consult www.cies.org/us_scholars. The deadline is Aug. 1 of each year.

Steve Nissen is currently Vice President for Legal & Government Affairs at NBCUniversal, overseeing state and local government issues for the media company around the country. Last year, he was given the in-house Pro Bono Counsel of the Year award by the Association of Corporate Counsel in Los Angeles before a sold-out audience of 1,400. Steve was honored for his years at the helm of the Public Counsel Law Center, which he built into the largest pro bono law office in the nation; his stewardship of the State Bar Legal Services Trust Fund; and his continuing commitment to pro bono representation.

1978

Constance de la Vega writes, “On March 8, 2012, I participated on a panel before the United Nations Human Rights Council. I spoke on extreme sentencing for children, which includes the death penalty, life without parole, and corporal punishment. Other panelists included the UN High Commissioner Navi Pillay, representatives of other UN agencies, professors from Europe and Africa, and a former child offender. I cannot help but think about Professor Frank Newman, who opened the doors to the UN for me while I was at Boalt.”

1980

Kelvin Filer says that long before he became a judge and author, he had “always been an inquisitive soul, even as a little tyke” and that at a young age, he exhibited leadership abilities that still reside in him today. Follow his eventful life in *Race Ipsa Loquitur: A Poetic Diary of My Journey from Compton to the Los Angeles Superior Court Bench*. It begins a few years before Kelvin left for college at UC Santa Cruz. Writing was a pleasant hobby at that time in his life, and later became more focused and a form of self-encouragement and therapy. As readers browse through *Race Ipsa Loquitur*, they will know the events that happened during his adolescence and college matriculation, his thoughts during law school, and the pain he felt during the difficult times in his life. They

JOEL SANDERS '82

Busy but Big on Boalt

Busy as he is—with four international and six domestic business trips by mid-April this year alone—Joel Sanders '82 still finds time to acknowledge notable anniversaries. In 2012, those include the centennials of Boalt Hall and the *California Law Review*, his former journal. And it's been 30 years since Sanders earned his law degree.

“The school has dramatically improved its course offerings and taken big strides in making them more relevant to practicing lawyers,” he says. “The faculty was always strong, but to my mind it has gotten much better. Going forward, the biggest challenge will be to maintain that quality.”

One of Boalt's most loyal and generous donors, Sanders has always backed such words with actions. He served on the Boalt Hall Alumni Association's board of directors for several years and is now a board member of the East Bay Community Law Center (EBCLC) and the Berkeley Center for Law, Business and Economy (BCLBE).

“EBCLC provides valuable hands-on clinical training for Boalt students and offers a badly needed service in my community,” says Sanders, a partner at Gibson Dunn and a prominent antitrust expert in its San Francisco office. “BCLBE strengthens research and classroom offerings in areas that interest me professionally and that I think are important to Boalt.”

Sanders has been at Gibson Dunn for 25 years. His antitrust work involves class-action and commercial litigation, antitrust counseling, and government proceedings, in a broad range of industries such as high technology, agriculture, shipping, retail, telecommunications, and defense.

His work has also become increasingly international—involving more countries, more sets of laws, and more enforcement agencies—as the economy has globalized. “More complex, more challenging, and more interesting,” he says, albeit it with “too much time on United Airlines.”

Even with so much complexity, Sanders insists that aspiring antitrust lawyers “don't need to come into it with a specialized legal background.” His recipe for success: “A willingness to work hard and listen well, to understand and relate to your client's problems, and to find creative solutions.”

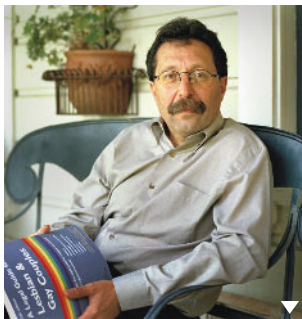
Sanders should know. He has been named an Antitrust MVP by Law 360; identified as a star for antitrust by *Institutional Investor's Benchmark Litigation Guide*; included in *The Best Lawyers in America* in antitrust law; and listed in *The International Who's Who of Competition Lawyers*.

In three decades since leaving Boalt, Sanders has never forgotten the school's role in his achievements. “I like to invest where I'll get the most bang for my buck,” he says. “Boalt has terrific resources, a great faculty, and an inspiring tradition, and it's well positioned to do important, meaningful things that have a major impact in areas that matter to me. When I look around at the many places deserving of time and money, Boalt rises to the top of my list.” —Andrew Cohen



CLASS NOTES

will track his path as it winds toward the gratifying peak of his journey, when Kelvin is appointed a superior court judge.



1981

Frederick Hertz writes, "I'm currently an attorney and mediator in Oakland, specializing in the law of unmarried couples, both gay and straight. My most recent book for Nolo Press is *Making It Legal: A Guide to Same-Sex Marriage, Domestic Partnerships & Civil Unions*. I'm also the author of the forthcoming American Bar Association book, *Counseling Unmarried Partners: A Guide to Effective Representation*. I'll be on 'sabbatical' from my law and mediation practice for the first half of 2012, teaching a course on gay couples' law at a law school in Tel Aviv, Israel."

1982

Gary Malone has been appointed Deputy Mayor of Ardsley, the Westchester County, New York, village where he has lived since 1996. He has been on the Village Board of Trustees since 2004, and plans to run for re-election in November.

Gary continues to work in Manhattan as a partner at Constantine Cannon, where he specializes in commercial litigation and antitrust. *Super Lawyers* magazine has named him a New York Super Lawyer for the past two years. Gary and his wife, Kathleen, are now empty nesters with both children, Thomas and Caitlin, attending SUNY Binghamton, though Thomas is currently spending his junior year in Japan.



1983

Ronald Turovsky was named one of the Top 100 Lawyers in California by the *Daily Journal* for 2011. He is a partner with Manatt, Phelps & Phillips in its Los Angeles office.

1989

Donna Ziegler was appointed by the Alameda County Board of Supervisors to head its County Counsel's Office, the legal agency that advises county officials. Donna, who was approved by a unanimous vote, joined the office in 2000. County Administrator Susan Muranishi said, "With her broad experience and

knowledge of the county, Donna will be an excellent addition to our executive leadership team."

Donna joined the office as Deputy County Counsel, was promoted to the position of Assistant County Counsel, and later became Chief Assistant County Counsel. Prior to working for the county, she was a member of the Oakland law firm Crosby, Heafey, Roach & May. Donna says she is "honored and excited to be appointed" and realizes that "the county is facing tremendous challenges. I am committed to working with the board, the county administrator, and the county's executive leadership team to serve our residents and communities."

1991

Robert O'Brien received Boalt Hall's 2011 Stefan A. Riesenfeld Memorial Award in recognition of his outstanding contributions to the field of international law and his service as co-chair of the U.S. Department of State Public-Private Partnership for Justice Reform in Afghanistan. The award is Boalt's highest recognition of service and accomplishment in the field of international law and relations. Robert received the award at the law school's Stefan A. Riesenfeld Symposium, at which he was the keynote speaker. To read more, go to <http://bit.ly/hRwXZv>.

1994

Andrew Lueder accepted

a position at Wells Fargo Bank in San Francisco as Senior Counsel in the bank's International Law Department. Andrew recently was employed at Standard Chartered Bank as head of its Credit Documentation Unit.

Molly Stump has been named City Attorney for the city of Palo Alto. Formerly the San Francisco Airport General Counsel, she succeeds retired attorney Gary Baum during a time when Palo Alto is preparing to take over operations of its own airport from Santa Clara County. To read more, go to <http://bit.ly/e28txd>.



1996

Darren Manibog recently obtained one of the largest settlements ever, \$5.65 million, against the Los Angeles Department of Water and Power (DWP) and the City of Los Angeles. The payout settled a three-year personal injury lawsuit that Manibog filed on behalf of the injured plaintiff. The case involved a young man who, while riding his motorcycle on Sunset Boulevard in 2007, nosedived into a large sinkhole that was hidden behind a blind curve. The sinkhole

LEO HELZEL '92

Accountant, Teacher, Lawyer, Entrepreneur

Leo Helzel '92 describes his LL.M. experience as “taking any course that interested me, plus several I didn’t get to take in law school. Boalt’s classrooms were filled with students younger than my grandchildren, and I tried to make myself obscure.”

Not an easy task. Helzel had already led four satisfying careers—as a certified public accountant, lawyer, teacher, and entrepreneur. He earned a Bachelor of Business Administration degree at City University of New York’s Baruch College, worked for an accounting firm, and flew as a navigator on U.S. Navy aircraft in World War II. Afterward, he taught tax and accounting at Golden Gate University. Helzel founded the Northern California accounting firm RINA in 1946, earned his J.D. at Golden Gate in 1951, and soon after, left accounting to practice law.

At the same time, an entrepreneurial spirit—fueled by a newly popular concept called venture capital—was driving innovation throughout the Bay Area. Helzel’s expertise in transactions, his reputation as a “tax man,” and what he calls his knack for putting deals together made the Law Offices of Helzel, Leighton, Brunn and Deal an invaluable resource for entrepreneurs. Over the years, Helzel helped clients launch and grow hundreds of businesses. He was personally involved in more than a dozen, including as co-founder and chairman of DYMO Industries, Inc., a Bay Area manufacturer of labels and embossed-label-making equipment.

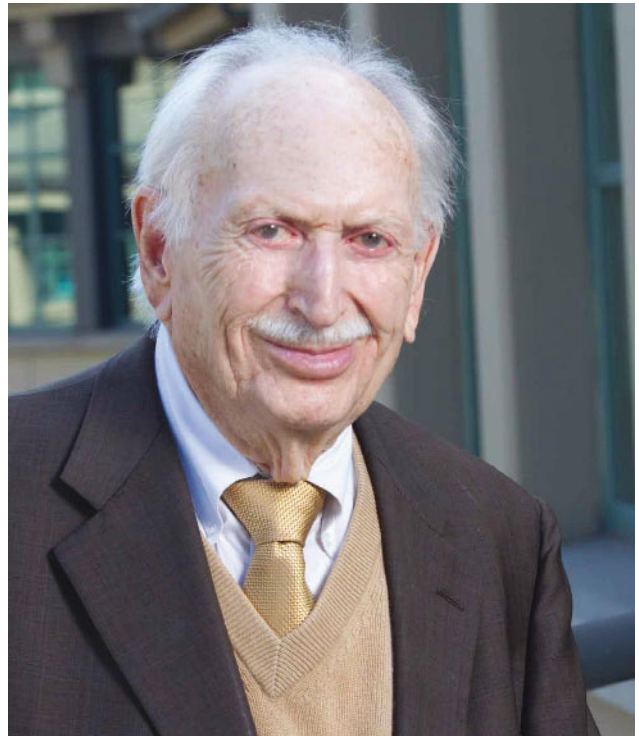
Helzel became a lecturer at UC Berkeley’s Haas School of Business in 1967 and earned his own M.B.A. while teaching there. In the early 1970s, Helzel and Dean Richard Holton developed and taught a course in entrepreneurship, one of the first in a U.S. graduate school of business. “We wanted to bring Silicon Valley to Berkeley. Fortunately, everyone I asked—from company founders and venture capitalists to staff—was eager to share real-world experiences,” he says. “Our case studies were presented in person, by the people who had to solve the problems.”

In 1996, Helzel and Noel Nellis '66 developed “Top Down Law,” a course that “teaches business law from the perspective of an entrepreneur who has to deal with legal problems in operating his business,” he says. “It was a departure from the traditional approach, which focused on legal definitions.”

Helzel sits on the Board of Advisors of the Berkeley Center for Law, Business and the Economy (BCLBE). He says, “It’s a privilege to be involved with such a forward-thinking group,” noting that “BCLBE gave impetus to Boalt’s Business Certificate Program, which offers students the background needed to be helpful to their future business clients.”

Adding author to his list of accomplishments, Helzel published *A Goal Is a Dream with a Deadline: Pearls of Wisdom for Entrepreneurs and Other Smart People* in 1995. The book offers advice both whimsical (“Never use a \$10 bill as a torch to find nickels in the snow”) and practical (“The driving principle of business is CFN: Cash Flow Now!”).

“So much of life is luck,” Helzel says. “For me, being involved with Berkeley is one of the most important things in my life.” —Diane Fraser

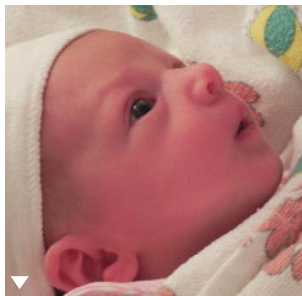


CLASS NOTES

formed when a broken DWP water main was left unrepaired for several days. The impact vaulted the plaintiff off the cycle headfirst into an oncoming vehicle. He received several life-threatening injuries, including brain bleeding, which required emergency surgery, and was ultimately diagnosed with a severe traumatic brain injury. In the lawsuit, Manibog argued that the sinkhole formed because DWP employees negligently repaired a water main that repeatedly failed in the weeks before the accident. He says he hopes the case “will motivate the DWP to address the dangerous threat posed by what appears to be a vast network of aging, corroding water lines coursing under the streets throughout Los Angeles, and to ensure that it has a dynamic system in place to rapidly respond to reports of broken water mains, so that something like this never happens again.”

Daniel Shanfield was presented by the Consulate General of Mexico with the 2011 Tequilo Prize for pro bono service to the Bay Area’s Mexican immigrant community. Through the Santa Clara Valley Chapter of the American Immigration Lawyers Association, Daniel has developed and coordinated the Consulate General’s pro bono immigration law clinic, which has provided legal assistance to more than 1,200 individuals and their families. He is the founder and managing attorney of Daniel Shanfield, Esq.

Immigration Defense, in San Jose.



1997

Jess Bravin and Anne Marie Chaker say they “can’t get over the awesomeness” of their daughter, Juliette Chaker Bravin, born on Feb. 24, 2011, in Rockville, Maryland, at 5 pounds, 15 ounces. The new parents are thrilled about everything with Juliette, except that the California Family Rights Act (<http://is.gd/BIOICV>) does not apply in the District of Columbia.

Tom Ginsburg (J.D. 1997, Ph.D. 1999) was appointed the Leo Spitz Professor of International Law at the University of Chicago. His co-authored book, *The Endurance of National Constitutions*, won an award from the American Political Science Association for best book on comparative democratization. He reports that he “misses California badly.”

1998

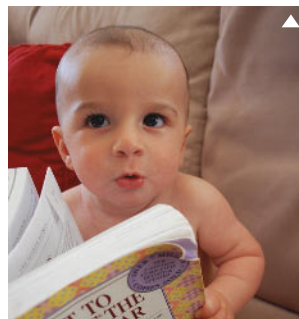
Christine (Soto) DeBerry has been named chief of staff of the San Francisco District Attorney’s Office. Her responsibilities will include developing policy and leg-

islation, interacting with other government agencies and community groups, and overseeing the communications and media unit. To read more, go to <http://bit.ly/f2qy2u>.



1999

Niloofar (Nejat-Bina) Shepherd recently accepted a position at Deluxe Entertainment Services Group, Inc., in Hollywood, California, as Vice President, Associate General Counsel - Labor & Litigation. She recently was employed at Ascent Media Group, Inc. as Vice President, Associate General Counsel. Niloofar and Richard Shepherd are also proud to announce the birth of a baby boy, Blake Tivon, on Nov. 28, 2010. Niloofar says, “The phrase ‘first year’ has taken on new meaning. Blake is a treasure, and gives us something to laugh about every day!”



Ann Tweedy accepted a position at Hamline University School of Law, in St. Paul, Minnesota, as an assistant professor. The position began in fall 2011. Ann had been employed at Michigan State University College of Law as a visiting assistant professor.



2000

Jenny Lin was employed at Ord & Norman as an associate and left her employer of 10 years to start her own practice in Walnut Creek, California, where she resides. Jenny recently appeared before the U.S. Supreme Court as co-counsel in the case of *Kawashima v. Holder*.

2001

Craig Compton last year accepted a position at UC Davis School of Law, as the new Assistant Dean of Career Services. Craig recently was employed at Fish & Richardson P.C. as a principal. After 10 years practicing patent litigation at Fish & Richardson, he says he is “excited to announce that I am returning to the University of California system. I am

LIAM GARLAND '01

Bringing Fair Housing Home to Stay



Although optimistic by nature, even Liam Garland '01 was pleasantly stunned by the results of his dogged endeavor to help ban sexual orientation- and gender-based discrimination in public and publicly assisted housing.

Garland had already achieved frequent success suing discriminatory landlords while director of litigation for the Housing Rights Center in Los Angeles. Looking to make a broader impact, in 2008 he began exploring ways to protect more lesbian, gay, bisexual, and transgender (LGBT) individuals.

"About 20 states, including California, prohibit LGBT discrimination in housing," Garland says. "But I thought it was pretty sad that this wasn't the case in most states."

Figuring that federal law offered the quickest remedy, Garland first set about amending the Fair Housing Act—which bans discrimination based on race, color, religion, gender, or national origin, but not sexual orientation. When it became clear that the new Obama administration had more pressing priorities, Garland and his colleagues made a strategic shift.

"First we focused on an executive order," he says, "and brought

together more than 50 nonprofits and interest groups for support." The roster included the Equal Justice Society, a national legal organization headed by Eva Paterson '75, and the San Francisco-based Transgender Law Center, formerly directed by Garland's classmate Chris Daley '01.

In early 2009, soon after a national study revealed that nearly 40 percent of homeless youth are LGBT, coalition leaders met with a White House official who oversaw LGBT issues. Although the administration was open to an executive order, White House lawyers were skeptical of the president's authority on this particular issue.

Soon afterward, Garland met with a receptive director at the Department of Housing and Urban Development (HUD). The director then collaborated with the White House to craft an agency rule: "Equal Access to Housing in HUD Programs—

Regardless of Sexual Orientation or Gender Identity."

"Some states offer housing protection for people who are gay or lesbian, but no protection based on gender identity," Garland says. "This new rule covers everything. And while an executive order could be reversed by a subsequent administration, changing the HUD rule would require a long and challenging administrative process."

The rule, which took effect in March, mandates that housing financed or insured by HUD be available without regard to sexual orientation, gender identity, or marital status. In addition, the definition of "family" in HUD rules now makes LGBT individuals and couples eligible beneficiaries of the agency's public housing and voucher programs, which collectively serve 5.5 million people.

Garland has returned to Berkeley as executive director of Education Pioneers, a nonprofit that identifies and trains education reform leaders for public schools. He says, "It's a tremendous feeling to help advance a better quality of life for people in low-income neighborhoods," adding, "I've always felt very fortunate to do this kind of work." —Andrew Cohen

CLASS NOTES

looking forward to serving my new clients—the students.”

2002

Roxanne Hoegger and Lisa Auer '07 are pleased to announce that they have formed a new partnership devoted exclusively to family law. Auer & Hoegger LLP represents individuals throughout the Bay Area on a wide range of family law matters, including divorce, domestic partnerships, child custody, child and spousal support, pre-marital and post-marital agreements, parentage actions, and domestic violence prevention. Roxanne and Lisa bring significant family law expertise to the practice. Lisa was previously a family law associate at Sideman & Bancroft LLP and Folger Levin & Kahn LLP, both in San Francisco. Roxanne is a certified family law spe-

cialist with the State Bar of California, and was previously an associate at Christy & Keith Family Law Group PC in San Mateo and a staff attorney at Bay Area Legal Aid in San Francisco. For more information about the practice, go to www.bayfamilylaw.com.



2003

Paul Marchegiani was promoted to Director of Business Affairs at NBCUniversal in Los Angeles. Previously, he was Senior Counsel, Legal

Affairs. In his new role, Paul negotiates talent and production deals for the Bravo, Oxygen, and Style television networks. “I work closely with studio and network executives to structure and close deals with talent and production companies, managing risk and maintaining industry relationships at every step.” As Senior Counsel, he drafted and negotiated television contracts for the NBC broadcast network and affiliated studios. He also taught a fall 2011 class at Boalt titled “Entertainment Law: TV & Film.”

Jonathan Petrus, a partner of Pluritas LLC, an intellectual property and intangible assets investment bank, played a key role in driving some of the largest M&A transactions in both healthy and distressed environments during 2011. Pluritas, under the leadership of

Jonathan and his colleagues, is about to unveil a new product to provide incentives to traditional lenders to deploy debt capital towards commercial finance transactions where the lender may feel reticent to ascribe real value to the borrower’s intellectual property portfolios.

2005

Alexandra (Manchik) Barnhill, a municipal and land-use attorney, is on the move. Alexandra practiced law for six years in Santa Barbara with Brownstein Hyatt Farber Schreck (formerly Hatch & Parent), representing local developers, cities, and special districts. Recently, she accepted an offer to join Burke Williams & Sorensen in its Oakland office. The Burke firm is one of the first firms in California to practice public law. Alexandra’s new position will allow her to focus on representation of municipal clients and live closer to her identical twin, Estie (Manchik) Kus '05. In her new position, Alexandra acts as the assistant city attorney for four Bay Area cities and also advises special districts.

Jonathan Neumann published his first novel, *Bar Code*, which follows the misadventures of four Boalt Hall classmates trying to untangle their twisted lives during the summer of the California Bar Exam. Further details regarding the novel can be found at <http://www.barcode-novel.com>.



In Memoriam

Merrill K. Albert '55
Robert W. Benson '68
Melvin E. Beverly '52
Jack W. Blumenstein '70
Daniel E. Boatright '59
James A. Bowen '76
Thomas P. Brown, Jr. '49
Robert C. Brunsell '59
Roger L. Carrick '80
Richard H. Castellanos '90
Crandall Condra '47
John S. Cooper '42
Barnet M. Cooperman '48
Bruce M. Cowan '58
Charles D. B. Curry '56
Stuart J. Cutler '70
John G. Davies '62
Keven J. Davis '82
Joseph P. DiCiuccio '73
Joseph W. Diehl '50

Franklin A. Dill '39
Vivian B. Distler '94
Philip E. Decker '72
Stephen A. Dombbrink '68
James E. Dremann '73
Jared Dreyfus '76
James E. Dunlap '84
Eugene P. Feit '72
Thomas V. Flaherty '65
John S. Fleming '49
Hubert D. Forsyth '50
J. Wesley Fry '59
Randolph W. Gaines '68
Frederick G. Girard '53
Milton H. Gordon '55
W. W. Gudmundson '48
Laurence P. Horan '55
Fred K. Howell, Jr. '51
Marjorie H. Kaufman '87
John P. Kelley '66
Dennis E. Kinnaird '64
John D. Lanam '63
Richard T. Lemmon '57

Carolyn K. W. Lim '91
John F. Lundberg '68
Christopher Ma '78
Hans H. Mahnke '57
George A. Malloch '59
Jeffrey P. Mansuy '73
Robert S. Marsel '71
Gerald P. Martin, Jr. '59
Kelly W. McCloud '80
Michael L. Mellor '50
Christopher G. Metzger '88
Lincoln N. Mintz '65
Brian O'Gorman '65
Donald A. Peters '55
Rudolph Petersdorf '53
George R. Poehner '68
Frederic A. Sawyer '51
Fidel Schmitz, Jr. '40
Esther Shandler '45
Raymond Shonholtz '68
C.M. “Bud” Sullivan '60
Paul M. Valle-Riestra '85
Boniface V. Yturbide '52

Purchasing information can be found at <http://www.amazon.com/dp/B0063N10ES>.

Stephanie Schmid is pleased to announce that she has been appointed to the United States Foreign Service as a Political Foreign Service Officer. Stephanie began her training in Washington, D.C., in May 2011. She says she

is thrilled to fulfill a lifelong personal and professional dream and would love to hear from any other Boalties in the Foreign Service or living abroad.

Mary-Lee (Kimber) Smith was honored with a *California Lawyer* Attorney of the Year (CLAY) Award in the disability law category

for securing a \$1.1-billion settlement from the California Department of Transportation (Caltrans). It is the largest single award of its kind in the nation, resulting from two class actions which alleged that Caltrans denied people with disabilities access to its approximately 2,500 miles of sidewalk across the state.

As a result of the litigation, Caltrans must now improve its sidewalks over the next 30 years and follow federal and state accessibility guidelines when undertaking new construction.

2006

Alicia Gámez has been selected by San Francisco

VIRGINIA ZAUNBRECHER '07

Navigating Legal Landscapes in the Developing World

When Virginia Zaunbrecher '07 needed to clarify an employment issue in South Sudan, she didn't bother with LexisNexis. The newly formed country didn't yet have an official labor law. Instead, her legal research included emailing the Yahoo! address listed as the official Ministry of Labor contact and trying to meet with Madame Helen, then the Minister of Labor. That level of creative problem-solving is one of the things Zaunbrecher likes best about her work as a senior program development officer with Relief International.

"As law students, we learn how to use creative arguments to push forward interpretation of the law," she says. "I use those skills every day, except I'm dealing with situations in developing countries, not courtrooms or corporate offices."

Her work at Relief International—a nonprofit that provides emergency relief, rehabilitation, and development assistance to vulnerable communities worldwide—takes Zaunbrecher back to a field she first explored at Boalt. "After my 1L year, I got involved with Universities Allied for Essential Medicines, a group working to improve the availability of medications in the developing world. That was my first encounter with the notion of law impacting people's access to the resources they need to exit poverty," she says.

A brief stay at a white-shoe law firm in New York convinced Zaunbrecher that she would not be satisfied working on corporate restructuring. When her apartment lease was up, she moved to Los



Angeles and looked for a job closer to the intersection of law and public health.

She found it at Relief International and credits Boalt's Loan Repayment Assistance Program (LRAP) for enabling her to take it. "It's a nice coincidence that my classmate Abe Gardner [07] led efforts to improve LRAP. Five years ago, I didn't imagine I would be a direct beneficiary."

Zaunbrecher, who recently had to add pages to her passport, typically travels one month out of four to countries like Bangladesh, Myanmar, and Sudan. She is now designing her second project in Bangladesh: to expand people's understanding of their legal rights and responsibilities; increase access to legal aid, especially in rural areas; and improve the judiciary's self-governance capabilities. Her first project in the country concerned violence against women. "We looked at everything from services for survivors to police practices in a region where these subjects are rarely discussed, much less addressed head-on," she says.

Although her work sometimes focuses on nonlegal issues, Zaunbrecher says, "Every topic we touch has legal implications. Our health programs have to follow local laws about using health data, for example. Law affects how the world works, and I'm learning more every day about how the absence of the rule of law affects people's lives." —Diane Fraser

CLASS NOTES

Mayor Ed Lee to serve on the city's Commission on the Status of Women. Alicia is one of seven commissioners. The Commission aims to ensure equitable treatment and foster the advancement of women and girls in San Francisco through policies, legislation, and programs, both public and private, that focus on populations in need. An attorney and member of the California State Bar, Alicia maintains her own practice at the Law Offices of Alicia Gámez and advises clients on tax, estate planning, and general business, including entity formation and business compliance for California corporations and multiple-member LLCs. She also serves on the Executive Committee of the Taxation Section of the Bar Association of San Francisco. Alicia is an active member of the Latino community and has been a San Francisco La Raza Lawyer Association board member since 2009.



Olga (Kotlyarevskaya) Mack and Kevin Mack '07 are proud to announce the birth of their second baby girl, Natalie Eliese Mack. Natalie

was born on May 22, 2011. Their two-year-old daughter, Katie Marie Mack, is a proud older sister.

Sarah (Houghland) Ward accepted a position at Microsoft Corp., in Redmond, Washington, as an attorney, in August 2011. She advises clients on intellectual property issues and assists with Windows OS and Server licensing transactions. She loves her new job, but is not fond of the weather in her home state.



2007

Ana de Alba and Francisco Medina are proud to announce the birth of a baby girl, Sofia Isabel Medina. She was born on Jan. 12, 2011, in Clovis Community Hospital, and weighed 6 pounds, 6 ounces. Ana and Francisco believe that they have hit the "baby jackpot" with Sofia. She is a joy to be around and didn't take long to sleep through the night.

On July 13, 2011, California Supreme Court Chief Justice Tani Cantil-Sakauye presented Ana with One Justice's "Opening Doors to Justice"

award for her work promoting pro bono in the Central Valley. Ana was honored for her extraordinary commitment to providing equal access to justice through private attorney involvement with Central California Legal Services. She has been an associate at Lang, Richert & Patch since 2007 and its pro bono coordinator since 2009. Ana works primarily in employment law and sits on various state bar committees related to the provision of pro bono services to the underserved.



Lisa Auer and Roxanne Hoegger '02 are pleased to announce that they have formed a new partnership devoted exclusively to family law. Auer & Hoegger LLP represents individuals throughout the Bay Area on a wide range of family law matters including divorce, domestic partnerships, child custody, child and spousal support, pre-marital and post-marital agreements, parentage actions, and domestic violence prevention. Roxanne and Lisa bring significant family law expertise to the practice. Lisa was previously a family law associate at Sideman & Bancroft LLP

and Folger Levin & Kahn LLP, both in San Francisco. Roxanne is a certified family law specialist with the State Bar of California, and was previously an associate at Christy & Keith Family Law Group PC in San Mateo and a staff attorney at Bay Area Legal Aid in San Francisco. For more information about the practice, please visit www.bayfamilylaw.com.

Kevin Mack and Olga (Kotlyarevskaya) Mack '06 are proud to announce the birth of their second baby girl, Natalie Eliese Mack. Natalie was born on May 22, 2011. Their two-year-old daughter, Katie Marie Mack, is a proud older sister.

2009

Boris Kogan and Christina Chandler '10 are happy to announce their marriage on Oct. 29, 2011, in San Francisco. They currently reside in Los Altos, California, and both work in Palo Alto law firms.

2010

Chengwei Liu recently transferred back to Global Law Office in Beijing as a partner. Chengwei recently was employed at Jones Day as an associate.

Christina Chandler and Boris Kogan '09 are happy to announce their marriage on Oct. 29, 2011, in San Francisco. They currently reside in Los Altos, California, and both work in Palo Alto law firms.

THE BOALT HALL FUND

KEEPS US ON THE FAST TRACK!

Boalt Hall scholars and students are on the fast track!

- » Two faculty members team up for a new course on mergers and acquisitions.
- » Researchers create a blueprint for how to increase renewable energy in California.
- » Three students help organize a symposium on water law.

High maintenance. It's costly to keep the fast track in prime condition: Recruiting faculty. Increasing financial aid. Updating our facilities. And, yes, keeping the lights on. Boalt Hall must rely on our alumni and friends to invest in its excellence.

Help us stay out in front. Recurring gifts feed steadily into Boalt's revenue stream. With electronic funds transfer, it's easy. Help us keep our scholars and students at the top of their game.

To learn more. Contact Susan Persson at 510.642.2590 or bhf@law.berkeley.edu.

To make a gift. Please use the attached remit form or visit give.law.berkeley.edu.

Fiat Flux
LET THERE BE CHANGE



BOALT'S CENTENNIAL ALL-ALUMNI WEEKEND 2012

**Be part of a once-in-a-century event—
Boalt's Centennial All-Alumni Weekend
celebration.**

Friday, Sept. 21

President Obama's First Term: A Report Card—Don't miss this enlightening and entertaining roundtable conversation with former California Governor Pete Wilson '62, former Michigan Governor Jennifer Granholm, former Secretary of Labor Robert Reich, and Dan Schnur, former director of communications for Senator John McCain's 2000 presidential campaign.

Tickets: www.law.berkeley.edu/centennial.htm

Saturday, Sept. 22

Back-to-Boalt Day—Return to your alma mater and join us in commemorating anniversary milestones of our top-rated centers and programs. Enjoy presentations (CLE credit given); the Jensen Award luncheon; socializing with friends, colleagues, and classmates; and more!

Class dinners—Come enjoy camaraderie, catching up, and celebratory dinners honoring all classes, and in particular, those with graduation years ending in 2 or 7.

**SAVE THE DATE: Nov. 9
Boalt's Centennial Gala**

One hundred years ago, UC Berkeley's School of Jurisprudence was founded with the goal of becoming one of the best law schools in the country. Today, Boalt is a top-tier law school, with a renowned faculty and accomplished alumni in all walks of life.

Be part of this splendid black-tie evening as we look back on 100 years of outstanding legal education and chart a course for our next century.

Join us for a memorable night of cocktails and hors d'oeuvres, a lavish dinner in the Pauley Ballroom here at Cal, and dancing to the music of one of San Francisco's premier society bands, the Dick Bright Orchestra.

For up-to-date information:

law.berkeley.edu/alumni | alumni@law.berkeley.edu | 510.642.2590