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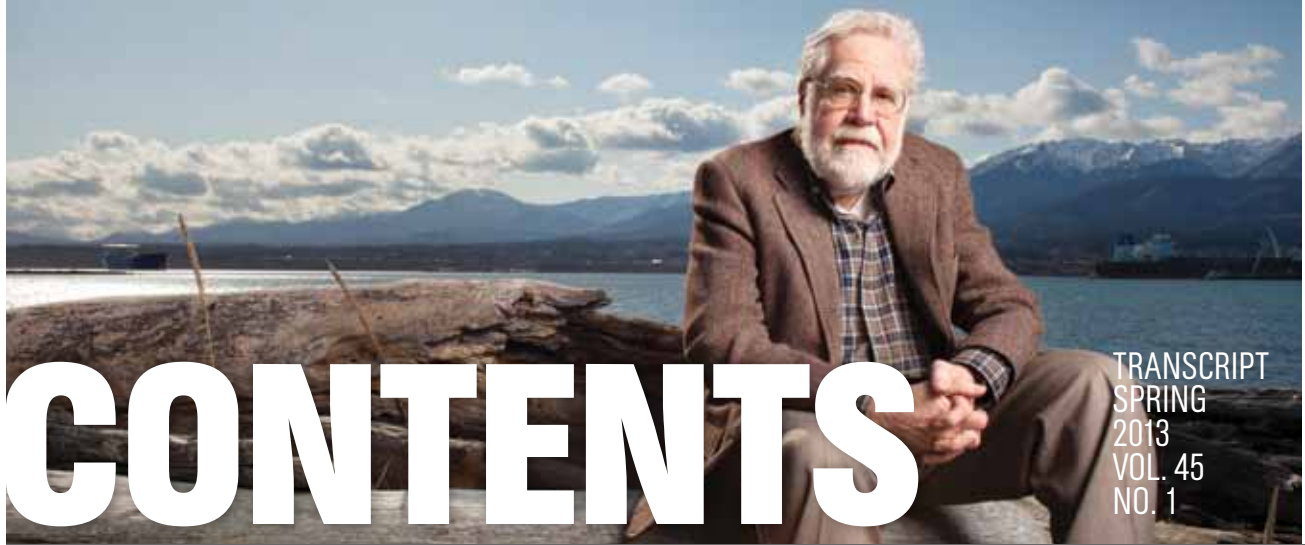
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All in the Boalt Family

JIM BLOOM (EBCLC, CHARNAS), RICK DAHMS (JACKSON)



FROM THE DEAN



“Boalt is in perpetual motion because greatness never stands still.”

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

Naturally, we’re over-the-moon excited whenever Boalt establishes a new curricular program, research center, or international partnership. But the real satisfaction comes from the lasting impact these initiatives have on our students and our school.

Last fall, we closed out our first century with an inspiring Centennial celebration that included a star-studded political roundtable (page 52) and an elegant gala (page 48). Now, as we push to complete our \$125 million Campaign for Boalt Hall, I’m extremely grateful for all that our alumni and friends have enabled us to achieve.

Thanks to you, we’re better equipped to meet the needs of both our students and their future employers. Two of many examples: Alexa Koenig, our Human Rights Center’s new executive director, is positioning students at the forefront of major research initiatives (page 12), while Boalt’s fast-growing Professional Skills Program puts them in the best position to succeed after graduating (facing page).

Of course, many don’t wait that long. Our students have helped deliver solutions to copyright issues in Brazil (page 4) and justice to long-suffering Guatemalans (page 9). They have exposed the staggering cost of wrongful convictions in California (page 14) and the need for those convicted to benefit from better representation at parole hearings (page 44). The lone UC student regent among all 10 campuses? Boalt’s Jonathan Stein (page 42). The winner of the prestigious American Intellectual Property Law Association student writing award? Boalt’s Samantak Ghosh (page 43).

Our students aren’t the only ones striving to make an enduring imprint. Boalt has embarked on a visionary online education program focused on graduates and LL.M. students. It will keep us a step ahead of our competition (page 7). We’ve also launched two unique research centers—the California Constitution Center, a vital resource for lawyers and judges (page 11); and the Center on Reproductive Rights and Justice, the only one of its kind among U.S. law schools (page 18).

At Boalt, as our cover story wonderfully illustrates, there is no one path to law-practice success (page 26). “Big firm or bust” is a notion both antiquated and, when held against the myriad interests and talents of our phenomenal student body, inadequate. Thanks largely to our vigilant Career Development Office, Boalt’s large-firm employment statistics remain strong, despite the economic downturn. But to learn about Matt McDermott, Janelle Orsi, Mae O’Malley, and Harry Jackson is to savor the knowledge that our alums are fearless trailblazers on all kinds of terrain.

Like them, Boalt is in perpetual motion because greatness never stands still.

IN BRIEF

Sharpening Skills for a Changing Profession

Since he was named director of Boalt's Professional Skills Program four years ago, David Oppenheimer has been fearless in his job satisfaction forecast.

"If I'd been asked to design my dream job, my answer would have been: I want to help revitalize the skills program at Boalt," Oppenheimer said in 2009. "This is the culmination of everything I've done in legal education."

Is his outlook still rosy? "It has surpassed my expectations," he reports. "I was unprepared for the level of commitment from faculty, alumni, and students for this endeavor."

It's hard to argue with the results. Oppenheimer and Associate Director Kristen Holmquist have led a major expansion of simulation courses that grow practical skills in advocacy and

litigation, research and writing, social justice, business transactions, and more. The program has grown rapidly to keep pace with a shifting landscape.

"Legal education is responding to changes within the profession," Oppenheimer explains. "We're focusing more on teaching skills, both to make students more practice-ready and as an approach to teaching legal problem-solving."

The program also enables Boalt students to collaborate with students in business, public policy, and other fields, where relationships between lawyers and clients are increasingly critical.

The ramped-up emphasis on professional skills has also been

PROFESSIONAL SKILLS PROGRAM AT A GLANCE

2009: Professional Skills Program established

1,749: Total J.D. and LL.M. student skills course enrollments in 2011-2012

15%: Portion of total upper-division course units provided

2: Number of course titles in the first-year skills program, with 24 sections taught by 7 lecturers-in-residence

35: Upper-division course titles, with 63 sections led by 4 professors, 6 lecturers-in-residence, and 50 adjunct lecturers



SKILL DRILL: Benjamin Yood '14 gets a taste of the courtroom in his Civil Trial Practice course with the help of lecturer Charles Denton, an attorney with the Alameda County Public Defender's office.

IN BRIEF

a powerful force in alumni engagement. “We’re pleased to bring graduates back into the life of the school as part-time faculty,” says Oppenheimer. “They’ve achieved much and offer great expertise.”

While expectations about 21st-century law practice continue to evolve, Boalt is looking forward. As Oppenheimer says, “We’re in a position, once again, to lead at a critical time in legal education.” —*Ben Peterson*



FAIR-USE FOUR: (Left to right) Lila Bailey '05, clinic teaching fellow; Libby Hadzima '14, clinic student; Alexandra Wood '14, clinic student; professor Jennifer Urban '00, clinic co-director, in Rio de Janeiro.

Samuelson Clinic Students “Play Fair” for Libraries

When Samuelson Law, Technology & Public Policy Clinic students and longtime library lovers Alexandra Wood '14 and Libby Hadzima '14 boarded a plane to Rio de Janeiro in December, their mission was clear: helping international library

and civil society groups support libraries worldwide. It capped a semester’s work on behalf of their nonprofit library clients.

Working under the supervision of Samuelson Clinic Co-Director Jennifer Urban '00 and teaching fellow Lila Bailey '05, Wood and Hadzima presented a detailed white paper explaining flexibility in copyright law, focusing on the United States’ doctrine, that benefits libraries and their patrons. Their audience, international attendees at the Second Global Congress on Intellectual Property and the Public Interest, were able to take findings back to their home countries to support flexibility for libraries.

“U.S. copyright law’s fair-use doctrine operates in a case-specific and flexible manner,” Urban explains. “As new tools emerge, from search engines to preservation and educational tools, there’s latitude to decide what libraries can do to fulfill their missions.”

But U.S.-style fair use is unusual worldwide, says Wood, and libraries in other countries can use the U.S. experience in advocating for flexibility in their own laws. Says Hadzima, “Our clients, nonprofits that work with both research and local public libraries, wanted us to present the benefits of fair use to a global audience.”

How Libraries (and Their Patrons) Benefit from Flexibility and Fair Use

Consider two stories with very different endings:

When Hurricane Katrina hit New Orleans, 90 percent of Tulane University’s 500,000-volume

Howard-Tilton Memorial Library collection was destroyed.

In contrast, the University of Michigan will likely never face that kind of loss. Under fair use, Michigan preempt-

tively digitized 3.5 million books, protecting them from natural and human disasters that destroy physical copies.

Fair use can enable libraries to:

■ Digitize collections to

protect them from deterioration or natural disasters.

■ Develop indexing and text-mining systems [to facilitate new fields of research].

■ Make digital materials

accessible to people with disabilities.

■ Share content for distance learning.

To learn more, go to: law.berkeley.edu/15007.htm.

For Hadzima, interested in how legal frameworks stimulate economic and social development, the project emphasized balance. “As I gained exposure to intellectual property and technology law, I saw the importance of protecting inventors and creators, to incentivize research and innovation, while allowing for the free exchange of information and ideas, equally essential for innovation.”

Wood found the timing of the project critical because ongoing international intellectual property negotiations can both benefit and damage libraries’ missions. “Libby and I came to appreciate how important it is for libraries to have advocacy strategies and materials [in place] that highlight how we all benefit from flexible limitations in copyright law,” she says. —*Linda Peterson*

Kadish’s Legacy Program Still Turning the Law Inside Out

At the ceremony dedicating Boalt’s Jurisprudence and Social Policy (JSP) library in his name, former Dean Sanford Kadish described his gratitude as “massive.” The same could be said for his impact on the school.

In 1978, Kadish and fellow professor Philip Selznick launched the JSP Program—a unique Ph.D. initiative that examines legal ideas and institutions through the lens of disciplines such as economics, sociology, and history. The first and only law school Ph.D. program until the last decade, the JSP Program now trains students in several cutting-edge empirical methodologies.

“The essential premise was that the program would emphasize viewing the law from the outside rather than just from the inside,” says Kadish, who joined Boalt’s faculty in 1964 and served as dean from 1975 to 1982.

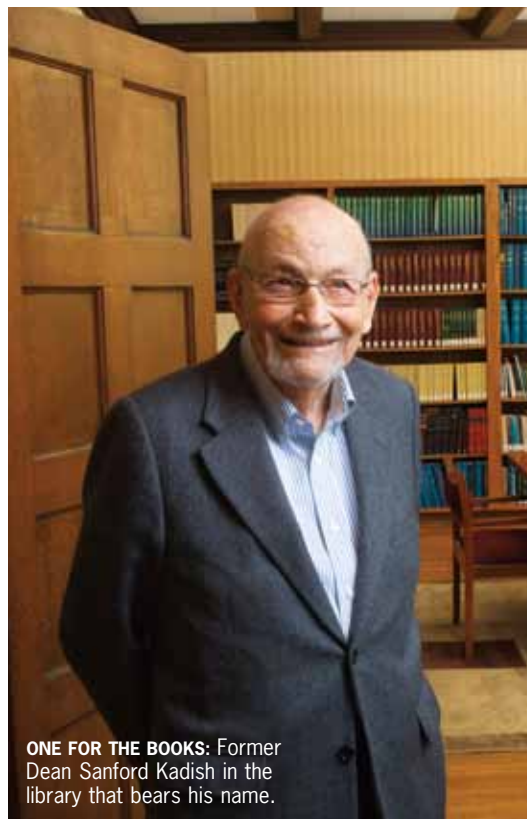
JSP candidates have won the Law and Society Association’s national prize for best graduate student paper in five of the past seven years, and regularly secure top research awards from leading foundations and academic associations.

Kadish was also instrumental in fortifying the school’s Center for the Study of Law & Society, which works closely with the JSP Program. “Sandy’s contribution to our renown as the world’s premier law and society research center is immeasurable,” says Executive Director Rosann Greenspan.

His impact is also manifested through Boalt’s

Kadish Center for Morality, Law, & Public Affairs, which he and his late wife, June, endowed in 2000. The center promotes research and reflection on moral philosophical issues in law and public life.

“I’ve invested a good deal of my life in the law school,” Kadish said following the library dedication. “It’s heartwarming to be recognized this way.” —*Andrew Cohen*



ONE FOR THE BOOKS: Former Dean Sanford Kadish in the library that bears his name.

THE KADISH FILE

1964:
Joins Boalt faculty

1975:
Becomes Boalt’s dean for seven years

1991:
Wins Berkeley Citation for extraordinary service to the university

1999:
Receives ABA annual Research Award

2000:
Funds Boalt’s Kadish Center for Morality, Law & Public Affairs



GO-TO GUY: Independent film maven Michael Donaldson '67

Boalt Paving Hollywood with Its Own Walk of Fame

Boalt students who want to make the *Variety* list someday can now gain experience at the *Berkeley Journal for Entertainment & Sports Law*, which launched last year. In October 2012, the journal hosted a panel on “Intellectual Property and Sports: How to Break Into the Industry,” with four prominent sports law attorneys.

When *Variety* released its 2012 list of America’s most influential entertainment lawyers, Dave Feldman ’90 loved what he saw: “A strong Boalt presence,” he says.

Feldman joined Michael Donaldson ’67, Kevin Marks ’82, and Michael Rosner ’93 among the 50 attorneys whose “recent deals and court battles have changed the shape of entertainment,” according to the daily entertainment newspaper.

Last year, Feldman spearheaded a groundbreaking contract for a YouTube original-content channel and led the renegotiations for three cast members of *Jersey Shore*—making them among reality TV’s top-paid stars. His

clients also include movie director Bryan Singer, actress Krysten Ritter, and national sports talk show host Jim Rome.

Donaldson, former president of the International Documentary Association, has become the go-to legal advocate for independent filmmakers. His knowledge of fair use—which allows limited use of copyrighted material without permission from rights holders—has enabled many directors to make independent films without fear of harsh penalties.

Author of the industry-standard reference *Clearance and Copyright*, used in more than 50 film schools, Donaldson recently advised the producers of *This Film Is Not Yet Rated*—which included 134 clips under fair use.

“Clients tell us routinely that they couldn’t make their movies without our help in navigating the fair-use waters,” says Donaldson, who had 16 projects at this year’s Sundance Film Festival. “Otherwise, it would not be economically feasible.”

Marks executed several deals involving the James Bond movie *Skyfall*, secured writing contracts for the next two Bond installments, and negotiated David O. Russell’s contract to direct *Silver Linings Playbook*. Rosner was a pivotal player in a multi-pronged, syndicated deal to generate \$350 million for Relativity Media’s planned expansion and future film projects.

“This business is constantly changing and full of surprises,” says Feldman, whose job once involved overseeing client Lindsay Lohan’s *Playboy* shoot. “No matter what the day may bring, it’s never boring.” —Andrew Cohen

Busy Boalt Bench



IT’S A WRAP: William Fletcher after his keynote address at the Henderson Center’s Indian Law symposium.

Whether they were making history or dissecting it, several judges with ties to Boalt Hall enjoyed newsworthy moments recently.

In November 2012, some 10 months after being appointed to Washington state’s Supreme Court to fill a vacancy, Steven Gonzalez ’91 won a statewide

election to a six-year term. The first justice of Mexican heritage to sit on the court since its formation in 1889, Gonzalez also won a 2012 Difference Makers Award from the American Bar Association (ABA).

Classmates Jon Tigar ’89 and Fernando Olguin ’89 were confirmed to the California District Court bench, Tigar in the Northern District and

Olguin in the Central District. Tigar had been an Alameda County Superior Court judge since 2002. Olguin, a U.S. Magistrate Judge in the Central District since 2001, was the first in his family to attend and graduate from college.

The ABA announced that federal district court judge Thelton Henderson ’62 would receive its prestigious

Online Education: Full Steam Ahead

When faculty members discuss online education, “They often start out saying, ‘I’m very skeptical,’” notes Patricia Donnelly, Boalt’s chief information officer and director of information systems and technology. But when they learn the details of the high-touch, high-end plan that Dean Christopher Edley, Jr. envisions for 2014 and beyond: “They say, ‘I want to be part of this.’”

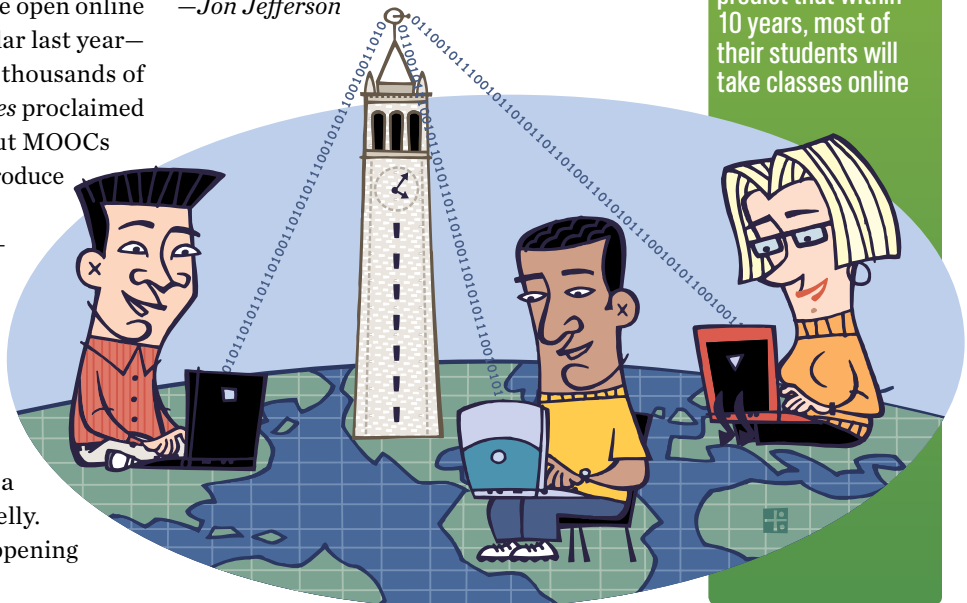
In an era when 2.5 billion people use the Internet, online education’s potential seems patently obvious. Indeed, massive open online courses (MOOCs) grew so popular last year—millions of students enrolled in thousands of courses—that *The New York Times* proclaimed 2012 “the year of the MOOC.” But MOOCs are free, noncredit courses that produce neither degrees nor revenues.

Not surprisingly, law schools—whose rankings and reputations depend on high-quality degrees and high-quality graduates—have been cautious about leaping onto the online-ed bandwagon. “All of my Top 10 counterparts seem to be in a wait-and-see mode,” says Donnelly. “Some of them ask me what’s happening at Boalt.”

What is happening? For starters, Donnelly’s team of top designers is working with distinguished faculty to create engaging, multimedia-rich, revenue-producing courses focused on graduates and LL.M. students

“As a leading public institution, Boalt can no longer ignore the expanded access and opportunities afforded by online education,” says Amelia Miazad ’02, the law school’s executive director of International and Advanced Degree Programs. “We’re perfectly positioned to change the face of legal education.”

—Jon Jefferson



ONLINE ED TAKES OFF

30% of U.S. undergrads—6 million—took at least one online course in fall 2011

18% of U.S. undergrads will receive 80% of their education online in 2013

50% of college presidents in a recent survey predict that within 10 years, most of their students will take classes online

JIM BLOCK (FLETCHER); ILLUSTRATION BY TERRY COLON



Thurgood Marshall Award, which recognizes long-term contributions by legal professionals to the advancement of civil rights, civil liberties, and human rights in the United States.

In the *California Law Review*’s December 2012 issue, an essay by 9th U.S. Circuit Court of Appeals Judge Marsha Berzon ’73 examined the consequences of separate writings by judges on multi-judge appellate panels—and their impact on courts’ decision-making processes.

Berzon’s 9th Circuit colleague, William Fletcher, delivered the keynote address at the Henderson Center for Social Justice’s fall symposium on Indian Law and the pressing criminal, environmental, and human rights concerns facing Native Americans. Fletcher, whose lecture focused on Indian religious practice and the First Amendment, also continued teaching his popular Federal Courts course at Boalt.

—Andrew Cohen

Women of Color Collective Engages Members Across Generations

During her first year at Boalt, it didn't take long for Camille Pannu '11 and her classmates to see that women of color were hard to find. Together with 14 other students, she helped launch the law school's Women of Color Collective (WOCC).

"The need was clear," says Pannu, who works for Oakland's Sustainable Economies Law Center. "Women of color had a hard time finding others with the same experiences. Our purpose in creating a group was to complement diversity efforts already under way at Cal. We knew social and emotional support could make

our law school experience more successful."

Their goals were straightforward: recruiting and retaining students, supporting faculty recruitment, and providing a close-at-hand support system. By March 2009, the group was official. At the end of its first year, membership reached 50. Today, the group numbers nearly 200.

The next frontier? Abony Alexander '10, Danielle McMillian '10, Dyanna Quizon '10, and Shalini Swaroop '09 wanted to engage WOCC alumnae to "go beyond Boalt to create a community in the profession," Pannu explains. "Once women left Boalt, they missed what

WOCC offered. We're looking to address key issues, such as low retention in the profession, through mentorship and professional development."

While there are many different bar associations, Pannu notes that few cover both multiracial and gender issues. From a newly launched newsletter to happy hours to professional events, the alumnae group is gaining momentum. "We're using technology to overcome geography," Pannu says.

The group is already multigenerational, ranging from newly minted J.D.s to members celebrating their 40th and 50th reunions.

—Linda Peterson

IN EXCELLENT COMPANY

Distinguished alumnae populate Boalt Hall's Women of Color Collective. Among their ranks:

Paula Boggs '84
Former Starbucks general counsel

Holly Fujie '78
Los Angeles Superior Court judge and first Asian-American president of the California State Bar

Sonia Gonzales '07
executive director, California Bar Foundation

Margarita Padilla '81
U.S. deputy attorney general (Environmental Section)



COLLECTIVE WISDOM: (Left to right) Danielle McMillian '10, Dyanna Quizon '10, Abony Alexander '10, and Shalini Swaroop '09 are putting their heads together to help women of color both during and after their time at Boalt.

JIM BLOCK



FISCAL THERAPIST: Boalt professor Alan Auerbach

To Spend or Not to Spend

When the American Recovery and Reinvestment Act was passed in 2009, Boalt professor Alan Auerbach discussed the controversial “stimulus”—and its potential impact—with UC Berkeley colleague Yuriy Gorodnichenko. But something was missing. “We didn’t have a way to analyze the possible success of the stimulus package based on exist-

ing research,” says Auerbach.

The main blind spot they identified? Measuring fiscal multipliers, which calculate how changes in spending or taxes affect economic activity. Auerbach’s example: “If government increases spending by \$1 and the GDP increases by \$2, the fiscal multiplier is two.”

With little available data on how multipliers may differ based on existing economic conditions, Auerbach and Gorodnichenko set about changing that in an innovative paper titled *Fiscal Multipliers in Recession and Expansion*. “Past research didn’t look at whether the economy was in recession, for example,” explains Auerbach, who directs Boalt’s Robert D. Burch Center for Tax Policy and Public Finance. “Our research tried to allow for those conditions.”

The scholars revealed that multipliers tended to be much larger during economic downturns. “Our findings haven’t stopped people from arguing about whether the stimulus should have been enacted,” Auerbach says. “But our conclusions suggest that in times of recession, fiscal expansion through stimulus is probably a good idea.”

Touted by *The New York Times*, their research received helpful input from UC Berkeley colleagues. “There are so many people here with expertise in various issues that relate to our work—law, politics, institutions, how government programs function,” Auerbach says. “This is a great place to be.” —Ben Peterson

ABOUT DEFENSE SPENDING:

“*Fiscal Multipliers in Recession and Expansion* found that the economic benefits from nonmilitary spending were at least 50 percent larger than those from defense spending during periods of normal growth.”

—Binyamin Appelbaum, *The New York Times*



Justice Delayed, but Not Denied

As the lead counsel for family members of 28 Guatemalans who were “forcibly disappeared” by the country’s military, Roxanna Altholz ’99 understood the stakes. “Our clients had been fighting a tidal wave of injustice for more than 30 years,” she says.

Altholz, the associate director of Boalt’s International Human Rights Law Clinic, worked with Guatemala’s Myrna Mack Foundation to pursue justice in the Inter-American Court of Human Rights. In December 2012, the

court condemned Guatemala for its actions against the 28 individuals—among 40,000 who disappeared during a 36-year civil war that ended in 1996.

The government was ordered to prosecute and punish those responsible, recover victims’ remains, build a national park in their memory, and pay \$8 million in damages. In a three-decade investigation, Guatemalan prosecutors and judges failed to identify or punish a single suspect, as the Ministry of Defense concealed documents about security forces’ criminal actions.



GONE BUT NOT FORGOTTEN: Relatives of “disappeared” Guatemalans hold photos of their loved ones.

“This ruling doesn’t just monetize our clients’ suffering,” Altholz says. “It orders Guatemala to dignify their struggle and the memory of their loved ones.”

The court found that Guatemalan military leaders conspired with politicians and police to “disappear” people due to their political and social views, and that victims were abducted, tortured, and secretly executed.

Nearly 30 Boalt students have worked on the case since 2006—conducting research and interviews, reviewing evidence, drafting legal submissions, and participating in hearings.

“Without their dedication, it would have been impossible to litigate 28 cases at once and provide our clients with the quality legal representation they deserved,” says Altholz, who returned to Guatemala in February and met with clients and state officials to ensure prompt compliance with the court’s orders.

“This case sets a key precedent for Latin America,” says Krystel Abi Habib ’11. “Many countries there have endured similar atrocities, and victims and their families are still denied the right to truth and justice.”

—Nancy Bronstein and Andrew Cohen

New Faculty See Boalt as Legal Mecca

Andrew Bratt, Rachel Stern, and Amanda Tyler had similar reactions to the stressors of moving across the country. For Boalt Hall’s new faculty trio, arriving in Berkeley was a potent panacea.

“If you want to be on the cutting edge of legal issues, Boalt is a mecca,” Bratt says. “The faculty is extremely engaged and diverse in their expertise, and there’s so much important work going on here in so many areas.”

Bratt, a former lecturer at Harvard Law School, taught Civil Procedure and Remedies this year. Stern, an expert on China who was a junior fellow at Harvard, taught Legal Institutions and Judicial Politics in Non-Democracies. Tyler, a law professor at George Washington for eight years, taught Civil Procedure and Federal Courts.

“For someone interested in the intersection of law, politics, and society, I don’t think there’s anywhere better in the world,” says Stern, who teaches in Boalt’s Jurisprudence and Social Policy Program.

Like Bratt and Stern, Tyler also has a close connection to Harvard. As a student, she was treasurer of *Harvard Law Review* and excelled in moot court. Tyler later clerked for Supreme Court Justice Ruth Bader Ginsburg.

All three educators cite Boalt’s students as powerful attractions for moving west.

“They’re incredibly energetic and invested in their school,” Tyler says. “I’ve found them to be enormously impressive.” —Andrew Cohen



Andrew Bratt, assistant professor of law

- **Specialization:** Civil procedure, conflict of laws, remedies
- **Experience:** Climenko Fellow and Lecturer at Harvard Law School, two judicial clerkships, litigation attorney at Jones Day and Ropes & Gray
- **Did you know:** Received Harvard Law’s Joseph H. Beale Prize for Conflict of Laws



Rachel Stern, assistant professor of law and political science

- **Specialization:** China; the relationship between law, power, social change, and globalization
- **Experience:** Junior Fellow at Harvard University Society of Fellows
- **Did you know:** First book, *Environmental Litigation in China: A Study in Political Ambivalence*, was published in 2013



Amanda Tyler, professor of law

- **Specialization:** Federal courts, constitutional law, civil procedure, statutory interpretation
- **Experience:** Professor at George Washington University Law School, two judicial clerkships, appellate attorney at Sidley Austin
- **Did you know:** Named Best Oralist in Harvard Law’s James Barr Ames Moot Court Competition

FOREFRONT

New Resource for State Constitutional Issues

California Constitution Center serves attorneys and judges

For David A. Carrillo, launching Boalt Hall's new California Constitution Center was a simple matter of supply and demand.

"I keep getting grateful feedback like, 'We've been hoping someone would do this,'" says Carrillo, the center's founder and executive director. "There's no comprehensive body of legal scholarship on the vital state constitutional issues facing our courts, which makes it gratifying to provide a valuable service to attorneys and judges."

The center has kicked off its programming ambitiously, with a moot court for lawyers whose cases are pending before the California Supreme Court. While the lawyers get a venue to hone their arguments, Boalt students—as part of a three-unit seminar that quickly became oversubscribed—prepare bench memoranda and act as law clerks to mock jurists on selected cases.

"The California Constitution Center is another example of Boalt using its outstanding scholarly resources to make a meaningful impact beyond the school," says Goodwin Liu, a California Supreme Court justice and former Boalt pro-

fessor. "Lawyers who appear before the court, judges, and Boalt students all stand to benefit greatly from this endeavor."

The center offers several academic programs, including seminars on California constitutional law, regular publication of articles on substantive issues related to the state's constitution and Supreme Court, and research fellowships for J.D. and post-J.D. students. This fall, the center plans to hold a conference on the



STATING HIS CASE: David A. Carrillo founded a new center for scholarship and research on the California state constitution.

California Supreme Court, paired with a special argument session the court will hold at Boalt.

“This gives law students and practitioners alike a means to better understand legal trends that constantly and often uniquely emerge from the nation’s most populous, diverse, and innovative state,” says San Francisco City Attorney Dennis Herrera.

Carrillo, who earned J.D. ’95, LL.M. ’07, and J.S.D. ’11 degrees at Boalt, tapped many campus and professional colleagues to empower the center’s efforts. His idea for the center first sprouted when he was preparing his J.S.D. dissertation and “encountered a California constitutional law issue I wanted to research, but couldn’t find much of anything about it. So I thought someone should study this area, and that person could be me.”

Active in trial and appellate practice for 16 years, Carrillo has been a deputy attorney general with the California Department of Justice, a deputy city attorney in San Francisco, and a deputy district attorney in Contra Costa County. He also worked as a litigation associate in private practice.

“Unquestionably, there’s a resurgence of interest in the state constitution.”

—Joseph Grodin ’51

In February, the center co-hosted a one-day symposium with the Municipal Law Institute, titled “Local Governments Navigating the California Constitution,” before a capacity crowd of government officials, attorneys, academics, and law students. The event tackled constitutional questions involving privacy rights, free speech and religious liberty, water access, state finance and revenue, and the trend of states limiting cities’ powers, as well as tensions between local and state control.

Panelists included Boalt professor emeritus Joseph Sax—considered the father of environmental law—and Joseph Grodin ’51, retired associate justice of the California Supreme Court.

“Unquestionably, there’s a resurgence of interest in the state constitution,” said Grodin, who pointed to the California Supreme Court’s ruling on same-sex marriage and recent ballot measures on how budgets are created and taxes are raised and distributed.

“Be it the state budget, redistricting, or same-sex marriage, the state constitution has a dramatic impact on our daily lives,” Carrillo said. “It’s important to understand how its provisions affect us.” —*Andrew Cohen*



SHE FIGHTS FOR RIGHTS: Alexa Koenig leads the Human Rights Center’s work on behalf of victims in conflict zones.

Karma and Commitment

HRC Executive Director Alexa Koenig does the rights thing

Call it coincidence; call it karma; call it just deserts—or just dessert: Alexa Koenig, the new executive director of Boalt’s Human Rights Center (HRC), almost skipped a career-shaping, life-altering dinner. Almost, but not quite.

In the spring of 2008, Koenig was a first-year Ph.D. student in Boalt’s Jurisprudence and Social Policy (JSP) Program. She was also teaching night classes at the University of San Francisco School of Law and caring for her newborn daughter. “I was pretty exhausted,” she recalls.

JIM BLOCK

Understandable, then, that she might not want to spend an evening helping to welcome a new crop of JSP students. “As much as I wanted to meet them, I *really* wanted to skip the dinner,” she says. But Koenig’s husband encouraged her to go. “He said it could be important to do something outside of my formal classes.”

He was right. At the dinner, Koenig met Laurel Fletcher, director of Boalt’s International Human Rights Law Clinic. Fletcher described an ambitious research project that she and HRC Faculty Director Eric Stover were launching, and also told Koenig they had an unexpected opening for a researcher—which they urgently needed to fill.

The research—interviewing former Guantanamo detainees about their detention and subsequent struggles—appealed strongly to Koenig, whose prior work had focused on civil and human rights. “I submitted my resume at 11 o’clock that night,” she recalls. “By the next morning, they’d hired me.” Koenig spent almost a year on the project, which involved interviewing more than 60 former detainees, and helped write a book-length report on the research: *Guantanamo and Its Aftermath*, which was later published by the University of California Press as *The Guantanamo Effect*.

After the Gitmo project, she continued working with Fletcher and Stover to research the human rights consequences of the U.S. war on terror. And when HRC’s executive director position became open in 2012, Koenig, whose prior experience included nonprofit management and fundraising, was tapped to run the center, initially on an interim basis. Following an international search, she was confirmed as executive director in December.

In announcing her appointment, Stover said, “All of us at the Human Rights Center are delighted to have her on board,” praising Koenig’s management experience, as well as her success in combining law and research “to fight for the rights of vulnerable groups in the United States and abroad.”

She’ll have ample opportunity to continue that fight through the center’s three main projects:

- Researching sexual violence in global conflict zones to understand its prevalence—and to develop ways to protect vulnerable populations.

- Using DNA profiling to locate and identify children who were abducted during El Salvador’s civil war, and to reunite them with their biological families.

- Working with the International Criminal Court and domestic courts worldwide to bring war criminals to justice.

“I want to find a balance between administration and research,” says Koenig, who just completed her JSP studies. Given her track record as a researcher, teacher, manager, and human-rights champion, she should manage the balancing act just fine. —*Jon Jefferson*

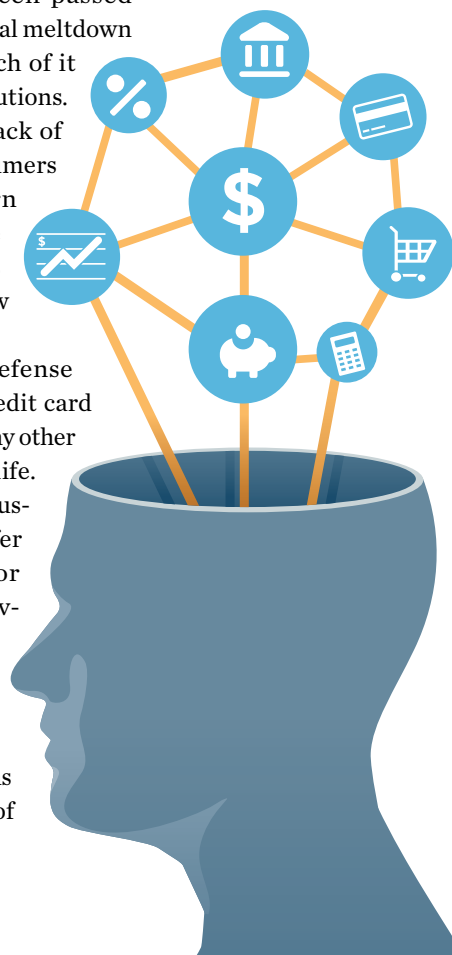
Common Sense for Consumers

BCLBE to help educators improve training in complex personal finance and budgeting

Plenty of blame has been passed around since the financial meltdown of 2007 and 2008, much of it aimed at financial institutions. Yet many experts agree that a lack of financial knowledge among consumers also played a role. And concern remains that ongoing naiveté about personal finance increases the risk of yet another, similar blow to the economy.

Education is often the best defense against the hazards lurking in credit card and mortgage contracts, and in many other complex agreements of modern life. Recognizing that the financial industry will continue to evolve and offer new, unfamiliar instruments for consumers to navigate, many government agencies and public advocacy groups have greatly expanded their financial literacy training programs.

“These well-intentioned programs unfortunately fail to attract many of



the people who need them most and don't have a lasting impact on those who do participate," says Ken Taymor, executive director of the Berkeley Center for Law, Business and the Economy (BCLBE).

That's why BCLBE is pursuing funding for a new initiative called the Financial Literacy and Research Institute (FLER). FLER would build on the Boalt faculty's strengths in economic decision-making, financial institution regulation, and social psychology—as well as its close affiliation with the East Bay Community Law Center. FLER's experts would examine the social, psychological, and economic factors that have historically hampered conventional solutions for improving consumer financial literacy.

Those conventional solutions—more disclosure, information, training, and self-help materials—go only so far in a world in which everyone's attention is fragmented and the financial services industry is constantly changing. Research shows that to be more effective, training must address the complex ways in which consumers are motivated to acquire information about their financial condition, as well as how they process and make informed decisions about what they have learned.

To address those challenges, Taymor says FLER would be ideally suited to develop educational and training strategies, materials, and course modules specifically designed to motivate individuals to learn more about their finances. The programs could, in turn, serve as a laboratory for researching the most efficient delivery methods for their content, while the findings could be shared with organizations that provide or fund financial literacy training, regulators, academics, financial institutions, and others.

"How to design effective programs and attract broad public participation is a substantial and complex challenge that requires skills from multiple disciplines, including law and regulation, economics, decision-making theory, and social psychology," Taymor says. "We're fortunate to have several faculty members at Boalt who are experts in these fields and who want to collaborate to address the challenge."

Taymor, who would like FLER up and running this year, believes that "effective improvements in basic financial literacy among retail investors and consumers could go a long way toward building a public—and an economy—less vulnerable to financial meltdown."

—Bob Rucker



SMART MONEY: BCLBE Executive Director Ken Taymor thinks a new approach to consumer financial literacy could help prevent another financial meltdown.

Working to Right Wrongful Convictions

Warren Institute reveals staggering costs to California

Wrongful convictions usually grab headlines for the injustice inflicted on individual defendants. But it's their cumulative damage that caught Rebecca Silbert's eye.

A senior legal policy associate at Boalt's Chief Justice Earl Warren Institute on Law and Social Policy, Silbert spearheads the California Wrongful Convictions Project. Working with Hollway Advisory Services, a criminal justice research firm, the institute has found that at least 200 convictions have been thrown out in

California since 1989—costing those accused more than 1,300 years of freedom and taxpayers \$129 million.

That figure rises to \$144 million when adjusted for inflation, and does not include the costs of legal representation and court proceedings needed to overturn the convictions. As researchers continue to review court records and reach out to lawyers across the state, Silbert expects the list of wrongful convictions to lengthen substantially.

"This research is the first precise analysis of



TRIAL TRAVESTY: Javier Ovando, right, was awarded \$6.5 million after his conviction for a 1996 shooting—which left him paralyzed—was overturned due to police misconduct.

the financial impact in California,” she says. “It will reveal the time, money, and resources wasted on all convictions that were overturned and dismissed due to misconduct and legal errors, including those where innocent people were wrongfully charged.”

The findings show that from 1989 through 2011, California led the nation with 214 exonerations. The vast majority of those wrongfully convicted served time in prison before their convictions were thrown out. About 40 percent of individuals in the Warren Institute’s dataset were initially sentenced to 20 years or more—including many who received life, life without parole, or death sentences before their convictions were overturned.

A detailed report to be released early next year will reveal the costs related to confirmed misconduct by prosecutors, government investigators, or police, and will track the reasons why convictions are overturned.

Boalt students have played a key role in reviewing case files and building a central database. “This project offers a great opportunity to compile research that has an immediate impact on public policy and debate,” says Megan Sallomi ’14. “California needs to counteract unfair criminal justice practices that harm defendants and victims along with their communities and families.”

Giselle Olmedo ’13, who worked at Juvenile Hall and the district attorney’s office in San

Francisco before coming to Boalt, is one member of the team collecting data from California’s six appellate districts. After completing that phase of their work, Olmedo and other researchers will visit courthouses and review case files to determine the economic impact of each case.

“In 2011, California shifted the responsibility of housing nonviolent and nonserious offenders from the state to counties,” Olmedo says. “Some counties have responded by providing alternatives to jail and looking at ways to deal with increased costs. The Wrongful Convictions Project can provide useful data to show where the criminal justice system is making mistakes and how to fix them.”

Eventually, the data will be compared county by county. Categories include judicial error, prosecutorial misconduct, eyewitness identification problems, recanting witnesses, incorrect suppression rulings, invalid confessions, incorrect jury instructions, DNA proof, and ineffective assistance of counsel.

“Do they have a public defender’s office?” Silbert says. “Are the judges elected or not? What we find in these and other areas will help identify the costs of the errors and enable us to craft targeted, policy-based solutions.”

—Andrew Cohen

At least 200 convictions have been thrown out in California since 1989—costing those accused more than 1,300 years of freedom and taxpayers \$129 million.



POPULAR BELIEVER: Lord Jonathan Sacks speaks with UC Berkeley students before his Robbins Collection lecture.

A Plea for Dignity

British rabbi's Robbins Collection lecture electrifies overflow audience at Boalt

The pressure was decidedly on when Lord Jonathan Sacks, chief rabbi of England's United Hebrew Congregations, took the Booth Auditorium stage November 26. While introducing him just moments earlier, UC Berkeley Executive Vice Chancellor and Provost George Breslauer said a colleague told him Sacks was “the most electrifying speaker he'd ever seen.”

Four standing ovations later, the world-renowned scholar had met those expectations during the Robbins Collection Annual Lecture on Jewish Law and Thought. About 500 people—some watching on video in a nearby overflow room—heard Sacks' compelling presentation on “The Future of Judaism.” Earlier in the day he met with undergraduates at Hillel, a Jewish student organization, and with various campus deans, faculty members, and community leaders at Boalt.

A prolific author knighted by Queen Elizabeth II in 2005, Sacks discussed the “Jewish voice” in Western civilization. He contrasted Greek civilization's belief in both tragedy and fate—a future determined by the past—with Judaism's contrary orientation that embraces free will and the notion that the future can be altered.

Sacks stressed that legacy in critiquing scientific atheism, which he said undermines the notions of free will and hope. Saying the Hebrew Bible represents a “principled defeat of tragedy

in the name of hope,” he called it a plea to “not take freedom for granted” and to respect the dignity of others. “We have been a people for 4,000 years, and the three times we went into exile were caused by the inability of brothers and sisters to live together,” he said. “Too many factions were too busy fighting each other.”

Sacks thanked two UC Berkeley faculty members for their “tremendous influence” on his work: Robert Alter, professor of Hebrew and Comparative Literature, who retired last year; and the late biblical law scholar David Daube, who taught at Boalt from 1970 to 1993. Sacks also hailed Boalt's Robbins Collection and

the Berkeley Institute for Jewish Law and Israeli Law, Economy and Society, frequent collaborators and co-sponsors of the lecture.

The Robbins Collection, among the world's best research libraries in religious and civil law, is a center for comparative legal and historical studies that attracts top students and scholars from around the world. During the 2012-13 school year, it sponsored three post-doctoral fellows studying legal traditions in Jewish Law, Islamic Law, and Canon Law.

The Berkeley Institute, launched in April 2011, seeks to broaden Jewish and Israeli studies offerings at UC Berkeley. It supported eight courses this past school year and ran a monthly colloquium for faculty, graduate students, and outside scholars to present their work.

On March 14, the institute hosted a public lecture by novelist and journalist Sayed Kashua, who developed the first sitcom centered on a Palestinian-Israeli family, *Arab Labor*—winner of five Israeli Academy of Film and Television awards this year.

“There's a lot of interest in this type of scholarship, as evidenced by the turnout for our events, courses, and other programming,” says Boalt professor Kenneth Bamberger, the institute's faculty director. “Our 16-member faculty board spans many campus departments, which has helped us expand existing offerings and develop new opportunities.” —*Andrew Cohen*

“We have been a people for 4,000 years, and the three times we went into exile were caused by the inability of brothers and sisters to live together.”

—Lord Jonathan Sacks

New Wheeler Institute at CLEE Dives into Fracking

Center leaders make their case to stakeholders for more oversight and transparency

Energy and environmental quality occupy a growing mindshare among Californians as they confront daily news about climate change and the promise of renewable energy.

Boalt Hall's Center for Law, Energy & the Environment (CLEE) is keeping that awareness front and center in Sacramento. On March 7, CLEE co-hosted a presentation at Boalt about pressing policy issues for a diverse group of state legislators, brought together through a team led by Assemblywoman and CLEE advisory board member Nancy Skinner.

For most attendees, the daylong session was a productive introduction to CLEE. "Their feedback was overwhelmingly positive," says Executive Director Jayni Foley Hein '08. "They took away an understanding of the valuable research we do—that we're not just an academic think tank, but an action-oriented resource for environmental policymakers."

The session was also a timely opportunity to introduce CLEE's Wheeler Institute for Water Law & Policy. The institute was launched last year, thanks to generous private funding, just as debate over the impact of hydraulic fracturing ("fracking") on water quality was heating up in California.

Fracking uses high-pressure injections of water, chemicals, and sand to break up shale formations, so hydrocarbons flow more easily to oil and gas wells. Many environmental experts believe the process risks polluting fresh water; chemical ingredients in injected fluids could potentially contaminate groundwater as one side effect of the process. Spills, poor storage, and dumping also pose risks on the surface, and fracking is suspected of contributing to earthquakes and disrupting ecosystems.

Use of the technique has exploded. Although

a small percentage of the 500,000 U.S. fracking wells are in California, technology upgrades may soon change that.

Hein gave legislators a preview of a white paper on fracking, authored with Wheeler Institute Associate Director Michael Kiparsky, that they would deliver in April at a public panel of regulators, stakeholders, and Boalt alums in Los Angeles. The paper also addresses an early draft of regulations proposed by the California Department of Conservation's Division of Oil, Gas and Geothermal Resources (DOGGR).

"We agree on the need for more study, oversight, transparency, innovation, and enforcement of the industry," says Kiparsky. "Yet, we also believe DOGGR's proposals don't go far enough." Hein adds, "California should avoid repeating mistakes made in other states where fracking has been more widespread, and set a higher bar for environmental stewardship."

The paper urges greater accountability by owners and operators through monitoring activity across the lifespan of every site, improved systems for notifying the public of planned fracking, more inclusive inventorying and databases of chemicals used, and new technologies to track and recycle wastewater.

Such a proactive stance is justified, because "fracking cannot be undone," Kiparsky says. "Mismanaged wells and wastewater could leave the state with a legacy of environmental harm that may be impossible to reverse."

—Bob Rucker



WATER WORRIES: Michael Kiparsky, associate director of CLEE's Wheeler Institute, co-authored a proactive white paper on fracking in California.

A Reproductive Rights Center Is Born

First-of-a-kind research hub forges collaborations with legal scholars, social scientists, advocates, and activists



NO IVORY TOWER: Boalt's new center focuses on "R&D" for reproductive rights and justice.

Boalt professor Kristin Luker long ago established herself as a star scholar—winning several awards during her 37-year teaching career and authoring five books, including the Pulitzer Prize-nominated *Abortion and the Politics of Motherhood*. While hardly needing to augment those credentials, she felt inspired to launch the law school's new Center on Reproductive Rights and Justice (CRRJ) to bolster the promising "intellectual R&D" emerging in her field.

"I wanted to build a hub for legal scholars, social scientists, advocates, and activists who are working to advance a wide range of reproductive justice issues, and this endeavor has completely re-energized me," Luker says.

Luker recruited Executive Director Jill Adams '06 to help her lead the nation's first research center to study the laws, institutions, and social conventions that influence the reproductive experiences of individuals, families, and communities. Adams had spent the previous six years as executive director of Law Students for Reproductive Justice, steering it from a fledgling outfit to an influential organization.

Their academic-advocate partnership exemplifies the center's silo-busting strategy. "We won't operate in an ivory tower," Luker says. "We're aligning with people who work on these issues every day to identify areas ripe for scholarly inquiry, conduct research that uncovers reliable answers, and help policymakers determine if they're asking the right questions."

In October, CRRJ will co-host a symposium with the country's leading reproductive rights litigation group to investigate the effects of abortion restrictions and explore innovative approaches to legal advocacy. It is also working with Boalt professor Melissa Murray and Luker to develop the first legal textbook on U.S. reproductive rights—scheduled for national distribution by Foundation Press in 2014.

Other programming includes a writing workshop to foster new peer-reviewed scholarship; a virtual bibliography in law and the social sciences; and a working group comprised of faculty, students, and community members. Next year, Luker and Adams will co-teach an interdisciplinary reproductive rights and justice seminar.

"We're interested in how reproductive rights and restrictions appear in court opinions, legislation, and regulations, but we're also concerned with how these laws play out in people's everyday lives, and whether they have the necessary enabling conditions to make meaningful choices about whether and how to be a parent," Adams says.

The center is ideally situated to promote a robust vision of reproductive justice—on the pioneering UC Berkeley campus and next door to Oakland, which Adams calls a "hotbed of advocacy and organizing." CRRJ is also in a state with some of the country's strongest reproductive rights protections, where advocates can pursue proactive strategies rather than merely defend against mounting restrictions.

The center is publishing a white paper and hosting a panel in support of efforts to repeal California's welfare family cap. It is also

"We're interested in how ... these laws play out in people's everyday lives."

—Jill Adams '06

supporting additional bills that would improve access to abortion care in California by expanding the types of health care professionals allowed to provide it, protect the confidentiality of patients' sensitive health information, and enable licensed midwives to accept Medi-

Cal payments for out-of-hospital births.

"There's no multidisciplinary, multidimensional center like this at any other law school," Luker says. "It's new terrain, and we take that trailblazing responsibility very seriously."

—Andrew Cohen

Back to the Future?

BCLT symposium explores a return to copyright formalities in the YouTube era

A meaty subject was devoured at an April conference titled "Reform(aliz)ing Copyright for the Internet Age," hosted by the Berkeley Center for Law & Technology. The forum assembled top minds from the public and private sectors for two days of panel presentations and an eye-opening dialogue on what reforms are needed to U.S. copyright law—and the shape such reforms might take.

One big stressor on today's system is that too many creative works—blogs, emails, photos, homemade videos—are automatically in copyright. For nearly 200 years, U.S. authors wanting to copyright their works had to opt in by registering claims of copyright and placing notices on the works—often called "formalities."

When Congress changed the rules in the late 1970s and 1980s by allowing all works to be protected without registration or notices, however, they didn't anticipate the Internet. Today, it is simply too difficult to distinguish between those works that need copyright and those that don't.

The problem is that 99 percent of today's digital ephemera—the "dark matter of copyright" as one panelist called it—is of little or no commercial value, and thus essentially orphaned at birth from a legal perspective. Even if content owners wanted to preserve its cultural significance or profit from it, there is no clearinghouse with the bandwidth to register and track rights-holders.

"The system we have is unsustainable," said keynote speaker Maria Pallante, the U.S. Register of Copyrights. Her address was a forum highlight, with participants as eager to hear firsthand

the agency's thinking as they were to share their own. "Copyright law is overstressed, does not meet the needs of society, and is not flexible enough to sustain the current and projected realities of technology," she said.

Who cares? Most people who post their kids' piano recitals on Facebook don't expect legal protection or royalties. But for the 1 percent of creators who do care: writers, artists, academics, activists, musicians—established and aspiring (think "Gangnam Style")—an effective and publicly respected system to register their creations is vital.

How to craft the 21st-century solution to that 21st-century problem? Perhaps by looking to the past. "Returning to formalities is one way to bring order to a confusing system," Pallante said.

Should Congress reinstitute registration and notice requirements? While the international Berne Convention treaty, which effectively prohibits formalities, might constrain their reintroduction, some see room in the treaty for flexibility.

And a solution may lie in the technology that created the problem, said Boalt professor and BCLT Faculty Co-Director Pamela Samuelson. "The Internet has made it possible to establish scalable global registries and other information resources that would make compliance with carefully defined formalities inexpensive and easy. That would go a long way to addressing the existence of too many copyrights that last for too many years." —Bob Rucker



TANGLED WEB: U.S. Register of Copyrights Maria Pallante (top) kicked off a two-day exploration of copyright protection complexities in the Internet age.

FEATURE



JAZZED ON LIFE

Maverick

Charles

Charnas '84

defies


expectations

and odds

Again

By Jon Jefferson

Photography by Jim Block



“There are no second acts in American lives,” wrote F. Scott Fitzgerald. Clearly Charles Charnas '84—now well into Act 3—didn't get the memo. After a quarter-century as a high-powered Silicon Valley attorney, Charnas suddenly reinvented himself, turning Music Man: serious, full-time student of jazz guitar and vocals.

Then, in the blink of an eye—in a swift bloom of crimson in his prodigious brain—life reinvented Charnas again, laying him low as a grave.

Carpe diem, folks, because you never know when your own personal asteroid might hit. Also: Never give in—never. Look how Charles Charnas has come back—clawed and crawled and walked and danced and sung his way back—from the edge of the dark abyss, and beyond.

ACT 1: THE LEGAL EAGLE

Actually, before Act 1, there was a prologue that could be subtitled “The Charmed Life”: Boy meets girl; boy gets girl; boy gets first-rate legal education; boy gets editorship of *California Law Review*; boy gets hired by two top law firms—Pillsbury in San Francisco, then Cooley Godward in Palo Alto—working with A-list corporate clients.

But Charnas wanted to be on the inside—working.

In 1989, just five years out of Boalt, he got a shot. Ann Baskins, a mergers and acquisitions (M&A) attorney at Hewlett-Packard, was swamped. Tech companies were growing like crazy, and M&A was the growth mechanism of choice. “I used to say that I was ‘running the corporate M&A group’ at HP,” says Baskins, “but essentially I was the corporate M&A group. We needed to hire another lawyer, and Charles was one of the people we interviewed. Clearly he was very smart, and he had an interesting background.”

But other HP attorneys weren’t as wowed by the candidate, Baskins recalls. “They said, ‘This guy’s too serious; he’s got no sense of humor.’ But I knew that when he was an undergrad at Stanford, he worked at the student radio station, KZSU—‘the Zoo,’ we called it. I said, ‘Anybody who worked at the Zoo has to have a sense of humor.’ And I was right.” Case in point? The golf pants—“*incredibly* loud golf

pants”—which Charnas sported at Halloween. That wasn’t the only whimsical fashion statement. “There was the enduring mystery of the baseball cap, too,” says Baskins. “Most guys in the Valley didn’t wear ties, but Charles would show up for meetings in a tie and a baseball cap.”

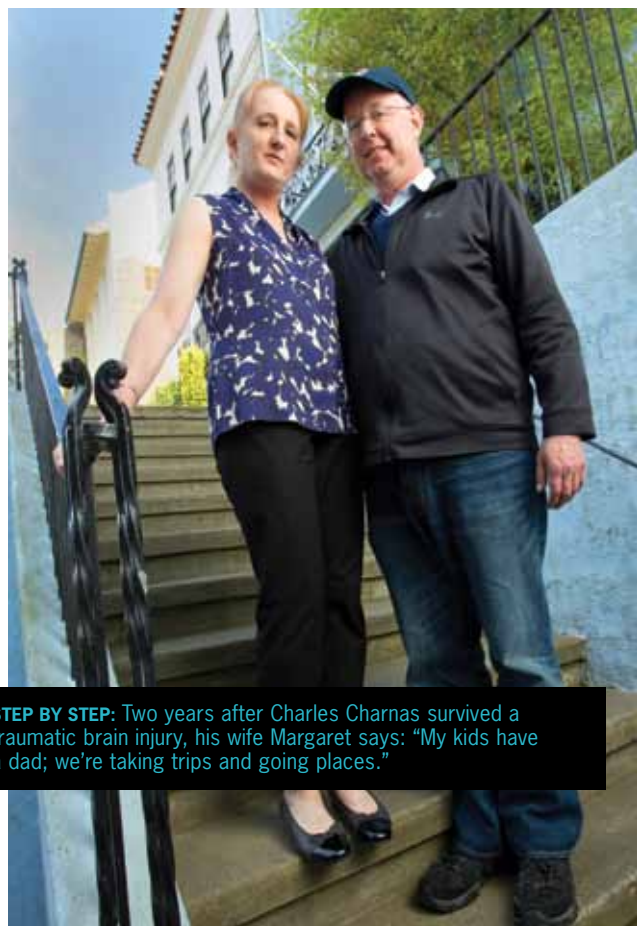
Beneath the cap was a detail-driven mind and a herculean work ethic. In 18 years at HP, Charnas rode herd over dozens of M&A deals. “Holy cow, that man used to work a ton of hours,” says Paul Porrini, who joined Charnas’ team when HP acquired his employer, Bluestone Software, in 2001. Now general counsel at digital-advertising giant YuMe, Porrini marvels, “I used to see Charles leaving HP every night with his laptop and two satchels of work for the evening. He was very driven, very focused on his career, yes—but he also had an easy style with people reporting to him. I found working with him fun, and I learned a lot.”

The biggest and thorniest deal Charnas worked was HP’s merger with rival computer-maker Compaq. The \$25 billion deal, roughed out in September 2001, was meant to make HP the world’s largest manufacturer of personal computers. HP’s management—especially CEO Carly Fiorina—was bullish on the merger, but members of both the Hewlett and Packard families fought it.

In September 2006, Charnas’ boss—Ann Baskins, who’d risen to general counsel—left HP, a casualty of the “pretexting” scandal: the revelation that the firm had hired investigators to spy on its own board of directors in search of information leaks, obtaining phone records under the pretext of being the directors themselves. When Baskins left, Charnas was named HP’s acting general counsel. “Scandals are not necessarily great for companies,” notes Porrini, “but they can be great times for lawyers to shine. Charles had natural leadership and a calm demeanor, which is very helpful when everyone else is panicking. He also had the technical skills—the legal smarts and the solid judgment—to figure out the way forward.”

Charnas had hoped to be confirmed as permanent general counsel. In early 2007, though, the job went to Michael Holston, a corporate litigator and former prosecutor who had defended HP during the pretexting scandal. Holston lasted only a few years before departing, but by then Charnas was gone; he left in early 2008. His exit was well-timed, turns out. The past five years have been a rocky ride for HP, most of it steeply downhill: The company is on its fifth CEO since Fiorina; it paid \$14.5 million to settle the pretexting lawsuit filed by the California attorney general; and HP stock tanked in 2012, prompting the layoff of 27,000 workers.

Charnas, by contrast, seemed to have landed in high-tech heaven: His new job was heading the Corporate Law Department at Apple Inc., which Steve Jobs—another guy who didn’t get the “no second acts” memo—had resurrected with a string of chic, consumer-friendly hits, including the iPod, iTunes, and the iPhone. Apple’s corporate law post had been vacant for eight years, so there was plenty of



STEP BY STEP: Two years after Charles Charnas survived a traumatic brain injury, his wife Margaret says: “My kids have a dad; we’re taking trips and going places.”

catching up to do. Charnas jumped into overseeing acquisitions, as well as streamlining the number of outside law firms on Apple's new "preferred provider" list.

But Apple turned out to be radically different from HP. At HP, the hours were long and the work was intense, but the culture was highly collegial. Not so at Apple. "I spent many hours with Steve Jobs," Charnas says. "I got along fine with Steve—he was an interesting guy, and I enjoyed working for him. But Apple was not an easy place to work."

His wife, Margaret, puts it more bluntly. "It was a brutal, mean-spirited place," she says. "Charles really wanted to work at Apple, but the culture there was horrific."

It was time for Act 2.

ACT 2: THE JAZZ SINGER

To appreciate Charnas' second act, it's helpful to recall a watershed moment in television advertising. Almost three decades after it debuted, Apple Computer's "1984" commercial, promoting the new Macintosh, still ranks as one of the most powerful ads of all time. It aired only once: on January 22, 1984, to an audience of 77 million Super Bowl viewers. The ad opens with an army of grim, gray figures marching lockstep into a gray auditorium, as a gray-faced Big Brother figure spews Orwellian ideology at them from a mammoth screen. Suddenly, amid the gray, a splash of color and motion: A lithe, strong woman—vivid in red shorts, white singlet, tanned limbs, platinum hair—sprints into the auditorium, pursued by helmeted, baton-wielding riot police. She carries something in both hands—a sledgehammer, we see—and when she nears the Big Brother screen, she whirls once, twice, three times and hurls the hammer, shattering the screen in a brilliant explosion.

Now fast-forward to 2010, and to Charnas. Twenty months after signing on to head Apple's Corporate Law Department, Charnas hit Send on a brief email message: "Today is my last day at Apple."

His early, abrupt exit baffled legal observers in Silicon Valley. "It's not clear where Charnas might be headed," puzzled *The Recorder's* online site. "Neither he nor Apple returned phone calls and emails seeking comment. The email obtained by *The Recorder* did not include details about future plans."

But plans there were. It wasn't a sledgehammer Charnas flung, figuratively, at Apple's screens. It was a guitar. He walked away—turned his back on one of the juiciest legal gigs in the world—to make music.

It wasn't as overnight a decision as it might seem. He'd been an avid guitarist since youth. During college at Stanford—when Margaret, his girlfriend at the time, spent a semester in Italy—Charles spent the same semester in France, studying guitar at a school in Villefranche sur Mer, the first town east of Nice. There wasn't too much time for guitar during his years of frenzied M&A work. But the end of his Apple gig was the start of a sabbatical, as he saw it: a

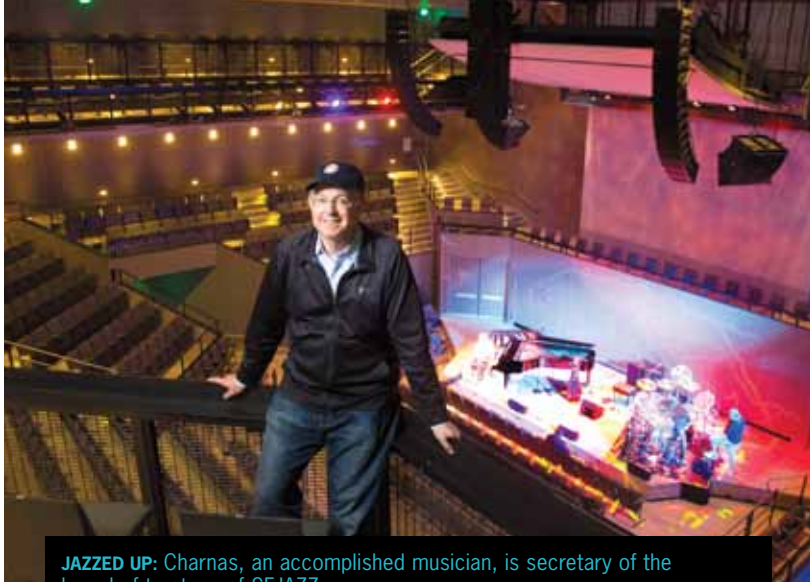
THE WORST OF TIMES, THE BEST OF COLLEAGUES

The year after her ouster, Carly Fiorina—Hewlett-Packard's former CEO—published a memoir, Tough Choices (Portfolio, 2006), chronicling her career and struggles at HP. One passage describes her feelings the day she learned that the Packard Family Foundation opposed the HP-Compaq merger:

As I sat alone in my office late that Friday evening, after all the meetings were over, I felt numb. ... It was Charles Charnas who gave me the push I needed. He was one of the old-timers, a lawyer with a wicked sense of humor during off-hours who was usually pretty quiet in the office. I didn't know him very well then, although I knew he was a consummate professional and good at his job. Now he stuck his head in the office. "Carly, I know you're disappointed. We all are. I want you to know that I believe in you, and I believe in this deal and I know you will prevail." I tried to express my gratitude, but I'm not sure he really knew how important his gesture was.

chance to take a serious shot at music while he still could. "I figured maybe I could do it at 52," he says, "but probably not at 70. So I thought, 'why not?'"

Charnas enrolled at the Jazzschool Institute, a Berkeley conservatory geared to preparing musicians for professional careers. He also took private guitar lessons from Institute faculty member Danny Caron, a Grammy Award-winning Bay Area guitarist. After nine months of lessons—which Charnas tackled with characteristic intensity—Caron posed a surprising question: "Why don't you record a CD?" Caron had played with big-name musicians, including Charles Brown, Clifton Chenier, Van Morrison, Dr. John, Bonnie Raitt, and John Lee Hooker. So why this amateur? "Charles had learned a lot about music in a very short time," Caron says. "He was doing improvisation and theory. He'd



JAZZED UP: Charnas, an accomplished musician, is secretary of the board of trustees of SFJAZZ.

begun writing tunes. He'd gotten very excited and very serious about learning to play guitar and sing." Charnas hesitated, initially daunted, then decided to go for it.

In May 2011, Charnas and Caron booked a Berkeley sound studio. With backing from A-list studio musicians, they quickly laid down the tracks for a dozen songs: half jazz standards, half of them tunes by Charnas. "Charles ran the sessions really well," says Caron. "We finished the tracking in two six- or seven-hour days. It was a good gig, everybody liked Charles, and the music was good." Charnas played some guitar and sang all of the scratch vocals—unpolished, but something for the instrumentalists to follow. They booked the studio again for the following week, when Charles would record the final vocals. Meanwhile, over the weekend—Memorial Day weekend—Charles hoped to get last-minute vocal inspiration from one of the all-time greats: iconic crooner Tony Bennett, performing for SFJAZZ at Davies Symphony Hall in San Francisco. Charnas bid the band a good weekend and said he'd see them in a few days.

Life had other plans in mind for him. Life had Act 3 in mind.

ACT 3: THE COMEBACK KID

They dined—Charles, Margaret, and two old friends—at a restaurant near Davies Hall, then walked a few blocks and settled into their seats. "But Charlie's back was stiff," Margaret recalls, "so he said he'd go stand in the back." At the end of the concert, they looked for him there, but didn't find him.

They didn't find him in the lobby, or out front, so they walked back to the restaurant, thinking maybe he'd returned for some reason. No sign of him there, either.

They hurried back to the symphony hall; the building was closing, and the car was still in valet parking. By now Margaret knew something was seriously wrong. "I found a security guard," she says. "He told me that a guy had fallen in the bathroom and fractured his skull." Margaret and her friends jumped in the car and raced to San Francisco General Hospital, where the ambulance had gone.

"General's a pretty rough hospital," says Margaret. "We

walk into the ER in our dress clothes, and we see people cuffed to gurneys, with police watching them." Margaret said she was looking for Charles Charnas. "In a minute, a social worker comes out with a clipboard," she says. "I knew we were in real trouble."

The trouble was just beginning. The social worker took her to Charles, who was "really out of it," Margaret says. "He didn't even know me, and then he started having a seizure, and his vitals started cutting out." He was whisked away for a scan; soon, a neurosurgeon came out and told Margaret that Charles had a massive subdural hema-

toma—a brain bleed—resulting from a deadly combination: the blow to his head and Coumadin, a blood-thinning medication he had been taking for a few years. "The neurosurgeon said, 'If we don't operate now and remove a major part of the skull, and find the bleed and cauterize it and irrigate it, he'll be dead within an hour. Please sign this paper.' I signed the paper." By 2 a.m., he was in surgery.

"Charles was at the right place at the right time," says Dr. Geoff Manley, SF General's chief of neurosurgery. Indeed. In 2011, SF General became the nation's first hospital certified for a traumatic brain injury program; Manley is an internationally recognized authority on neurotrauma. In many hospitals, he says, brain-trauma care lags cancer treatment and cardiac care by 50 years. "The medical community is very nihilistic about outcomes for patients like this, but that can be a self-fulfilling prophecy. Traumatic brain injury in a patient who's on blood thinners? Most places would say, 'Why even bother?' But we have a lot of experience here. We've been real pioneers in research and treatment and we have many people surviving traumas that, when I was a graduate student, we didn't even try to treat."

Charnas' only hope, says Manley, was a decompressive craniectomy: temporarily removing a "bone flap," a large portion of the skull, to give the injured, swelling brain room to expand. In recent years, craniectomy—a high-tech, reversible version of trepanation (used to treat seizures as long ago as 6500 B.C.)—has been helping save the lives of U.S. soldiers suffering head wounds in Iraq and Afghanistan. By relieving intracranial pressure, the procedure buys time, allowing the wounded to be taken to advanced trauma centers. If Charnas hadn't had the craniectomy, Manley says, the inexorable swelling and pressure would have crushed his brain stem and killed him.

But even after surgery, Charnas faced long odds. To stop the brain bleed, the trauma team gave him medication to counteract the Coumadin. But that step triggered a blood clot. "The question then," Margaret relates, "became, 'Do we put him back on blood thinner? Which way do we want him to die—from bleeding, or from clotting?'"

Fortunately, he avoided both fates. After a week in intensive care, he was transferred to three different Kaiser facilities for 2½ months before returning home, where Margaret and their two college-age children, Nate and Juliet, took primary care of him. That's when the real work began. "We got an amazing team of nurses," says Margaret, "and he had lots and lots of therapies—everything we could possibly throw at him. He still walks stiffly, and he's got a dent in his head, but look—two years later, here we are, having a life. My kids have a dad; we're taking trips and going places; he's upbeat and making dinner, and that's wonderful—wonderful—considering how everything had been taken away."

The real work continues. "I go to speech therapy three times a week," Charnas says, "and I spend an hour a day doing Luminosity, online crosswords, and other brain exercises." Also online, he's finished earning a master's certificate through Boston's famed Berklee College of Music, a program he'd started before his injury.

One day last year, guitarist Caron's phone rang. "It was Charles," Caron says, "and he said, 'Hey, weren't we making a CD?'" Caron was pleasantly surprised. "I'd gone to visit four or five months after his accident," he says, "and he barely remembered me; barely remembered playing guitar. Six months later, he's wanting to finish the CD." And so they did, editing and mastering the 12 tracks, tweaking the mix, and releasing his CD, *Tall Drink of Water*, in January 2013.

Charnas has been ramping up on other fronts besides music. Now secretary of the board of trustees of SFJAZZ, he helped raise the money to build SFJAZZ Center, which *JazzTimes* calls a "breathtaking" new facility. He's also joined the board of directors at San Francisco General Hospital Foundation. One of his foundation colleagues is Dr. Manley, who calls Charnas "an outstanding example" of swift, successful treatment. With Charnas' persuasive, power-of-example help, Manley hopes to raise millions to create "the neuro ICU of the future."

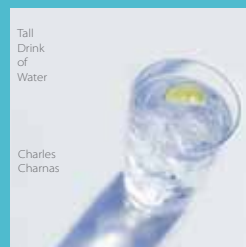
That's not all. This past spring, Charnas dipped a toe into the legal pool, back at Boalt, an invited guest in professor Eric Talley's Mergers & Acquisitions class. It's only a first step—after all, he could have taught this course three years ago—but an important, hopeful step. "I'm starting to think about practicing law again," he says. "I love corporate law; I just love it."

Margaret concurs. "Except for his family, he loves the law more than anything in life. Before his accident, when he was studying music and working on the CD, he was already starting to talk to people about another law job. We'll have to see what happens. But he loved being back on campus this spring, loved being back in the mix."

The mix: It matters, in music and in life. Charnas' own life—three acts and counting—looks a lot like jazz at this point. Underneath, there's theory and structure and order. But jazz requires a lot of improvisation, too. And it's in the

LISTEN UP. DRINK UP.

Tall Drink of Water, Charles Charnas' debut CD, contains a dozen mellow tunes—half of them jazz standards, the other half songs of his own writing—all sung in Charnas' heartfelt, unpretentious tenor. One of them, "When I Wake Up," sounds written with the benefit of post-trauma hindsight. In fact, says Danny Caron, the CD's lead guitarist and co-producer, the song—which he calls "pre-scient"—was penned months before the close brush with death.



The opening lines of "When I Wake Up" are:

There's a little thing I say to myself, all my own

A watchword I repeat that's just for me

When I wake up with the dawn and I greet the morning sun

When I wake up and begin a brand new day

I look into the mirror, I look right at myself

And I promise that today will be okay

Two other lines in the song also seem preternaturally apt: "No, I can't foretell the future and the past is now long gone," goes one. The other: "Predictable it's not, and that's the beauty of the road."

Tall Drink of Water—Charnas' love song to jazz and to life—is available on Amazon.com and iTunes.

improvisation—nimble, virtuosic, even startling improvisation—that the art and the genius really shine. ■

Freelancer Jon Jefferson is a New York Times bestselling novelist. Collaborating with renowned forensic anthropologist William Bass as "Jefferson Bass," he's written seven crime novels, as well as two nonfiction books.



CROSSED THAT BRIDGE: After launching his career at Cravath, Swaine & Moore in New York, Matt McDermott '03 decided to return to his home state, Iowa, where he soon made partner at a 35-person firm in Des Moines.

Thinking Outside The (Big Law) Box

Boalt alums find happiness on the road less traveled

By Jon Jefferson

Big Law: As career paths go, it's the high road—high salaries, high prestige—and for law school graduates with the mindset and the skills, it's the road most traveled. Or at least it used to be, before the economic downturn began transforming it into a limited-access highway. Of 2011 law school graduates reporting their job-search outcome to the National Association for Law Placement, just 12 percent were hired by firms of more than 100 attorneys; 20 percent, by contrast, joined firms of two to 10 attorneys or went solo.

The picture is different—and far rosier—for Boalt alums, who weren't hit nearly as hard by the downturn. For them, the doors of Big Law remain wide open, according to stats from Assistant Dean Terry Galligan of the school's Career Development Office: Of the class of 2012, 54 percent took jobs at firms of more than 100 attorneys, while only 3 percent went to firms of two to 10 attorneys, and none into solo practice. But even for Boalt students, options have narrowed, notes Galligan, with fewer offers to choose from than before the recession. Galligan attributes the tightening to “structural changes” in the legal marketplace, including technology advances and the rise of outsourcing. “Those changes are here to stay,” he predicts.

Alternative paths can be harder to find and tougher to navigate. But they can also offer unique rewards, more interesting journeys. These four Boalt alums—all of whom have ventured off the beaten track of Big Law—are living, lawyerly proof.

IOWA T-SHIRT, ITALIAN SHOES

Matt McDermott '03 thought he'd shaken the Iowa dirt off his shoes. Turns out he thought wrong.

An archetypal small-town boy with smarts and ambition, McDermott grew up in Carroll, population 10,000. His father sold seed to farmers. Des Moines was a hundred miles and another world away. “It was the big city,” he recalls. “The place we'd go every year before school started, to get our new shoes.”

As a senior at the University of Iowa, McDermott landed a summer internship in Washington, D.C. “That was the first time I'd spent much time outside of Iowa,” he says, “and it was a great experience. So when I came back that fall and started applying to law schools, I applied everywhere but the Midwest. I had this George Bailey-*It's a Wonderful Life* thing going, you know? I just wanted to get out of where I was from.”

Berkeley was a glittering new world. “I remember walking into the library and just being blown away,” he says. “Boalt was this impressive place in this

impressive city in this impressive region, and there was so much going on—so much energy. I wanted to be part of that.”

As a 2L, he interviewed for summer internships in New York. “It was early October of 2001,” he recalls, “and the ruins of the World Trade Center were still smoldering. New York at that time was unlike any place I’d ever been.” McDermott felt drawn to the city; also to Cravath, Swaine & Moore, where he’d landed an interview, and then an offer. That next summer, McDermott—whose good shoes had always come from Des Moines—walked into Saks Fifth Avenue and walked out with a pair of black Salvatore Ferragamos. “Awesome shoes,” he says. “They cost, I don’t know, 450 bucks or something. Suddenly it hit me: ‘When did you start caring about Italian dress shoes?’ It unnerved me a bit—though not enough to not buy the shoes; I still have them.” But the question was a seed, germinating in a crevice of McDermott’s mind that fall after he returned to Berkeley.

Also germinating was another seed, planted two years before. One day in Café Zeb, McDermott had struck up a conversation with a 2L—Des Moines native Nate Barber ’02—who’d noticed McDermott’s University of Iowa T-shirt. “Nate said, ‘Have you thought about going back to Iowa to practice?’ I said, ‘No way, man. I’m done with Iowa. That’s why I’m here.’ Nate said, ‘Well, if you change your mind, I know a firm in Des Moines...’” The fall of his third year, McDermott *did* change his mind. “A lot of people at Berkeley were surprised when I said no to Cravath so I could head back to this flyover state to practice at a 35-person firm,” he says. “But I’d done a lot of thinking after I came back from New York about what I wanted to do—about who I wanted to *be*”—and he’d decided that being a small cog in a big machine wasn’t it. Even McDermott’s Italian shoes, turned out, had picked up a tenacious dusting of Iowa soil.

Eight years later, McDermott is firmly rooted in Des Moines and firmly rooted—already a partner—at Belin McCormick, where he specializes in civil and criminal trials and appeals, along with commercial litigation and agricultural law. It is Iowa, after all. Married and the father of two, with a third on the way, he’s also deeply involved in his kids’ schools and his community. At age 29—drawing on his Berkeley experience at the East Bay Community Law Center—McDermott became board president of Iowa’s largest shelter for homeless people. “One of the great things about Des Moines,” he says, “is that if you’re willing to work hard and show initiative, you can quickly take on meaningful leadership roles.”

The same holds true, he notes, of practicing in a mid-size firm. “I’m sure I’ve gotten to handle more types of cases, and have more client involvement, much sooner at Belin McCormick than I would have at Cravath. I *liked* Cravath, and I’m grateful for the opportunity they offered. But here? I’ve got what I want in a career *and* what I want in my life.”

If McDermott evokes George Bailey, he also evokes another archetypal film character: Dorothy, the restless

dreamer who travels over the rainbow to a challenging, dazzling city, then chooses to return home—bringing back wisdom, gratitude, and a great new pair of shoes.

SHARE AND SHARE ALIKE

When it comes to sharing with others, Janelle Orsi ’07 practices what she preaches. When it comes to balancing work with other things, not so much.

Orsi, an Oakland solo practitioner, specializes in a new niche: “sharing law.” She even wrote the book on it: *Practicing Law in the Sharing Economy* (ABA Books, 2012).

Orsi became fascinated with the concepts of sharing and community during law school, when she lived in “casual cohousing”: a house and two condos, bought by a group of friends who pooled their money. The group also shared a car, a vacuum cleaner, a garden, meals. Orsi liked living in community, and decided to launch a law practice to help others do so, too.

Going solo straight out of law school was a bold, unorthodox move. But Orsi—homeschooled from age 10 and enrolled in community college at 14—was accustomed to marching to a different drummer. “I felt that it was OK to do something completely different,” she says, “and that I could make it work.”

Her navigation has been good—she’s right on course—but her timing’s way off, in a positive way: Orsi is running several years *ahead* of the sensible pace she’d envisioned. “Like anybody trying to start up a law practice,” she recalls, “I got out and met a lot of people, went to a lot of events, told lots of people, ‘Hey, I’m a new lawyer in town, and I focus on sharing—sharing housing, cars, child care, gardens.’ At the time, most people had never heard of sharing law, but they seemed to think it was pretty cool.” Orsi’s website summarizes her practice like this: “She works with social enterprises, nonprofits, cooperatives, community gardens, cohousing communities, ecovillages, and others doing innovative work to change the world.”


Six months out, Orsi gave her sharing spiel yet again—this time to Nolo Press editor Emily Doskow—who suggested a book on sharing. “I’d dreamed of doing a book,” says Orsi, “but I’d thought it would be after years of practicing, not six months!” Orsi and Doskow co-authored *The Sharing Solution* (Nolo, 2008), and Orsi gave dozens of talks and interviews when it came out. Good reviews and wide exposure put her practice on the fast track. That’s not to say it was easy, or lucrative. “I didn’t make much money my first two years,” she concedes, “but I kept my cost of living and my overhead low, and I made it work.”

Two years after starting her practice, Orsi and another community-minded attorney, Jenny Kassin, co-founded a national nonprofit organization, the Sustainable Economies Law Center. There, lawyers and apprentices help individuals and groups overcome financial, legal, regulatory, and other barriers to unconventional ventures, particularly

gers & Acquisitions?} (Sharing & Sustainable



FAIR SHARER: Janelle Orsi '07 divides her time between running her practice, offering legal advice through a community nonprofit she co-founded, writing books, and cartooning—a hobby that helps her illustrate points at the Resilient Communities Legal Café—yet another endeavor focused on “sharing law.”

A woman with long dark hair, wearing a black polo shirt, is flexing her right bicep. She is smiling and looking towards the camera. The background is a bright, sunny outdoor setting with green foliage and a blurred building. A blue geometric shape in the top right corner contains white text.

FLEX TIME: Most of the 50 attorneys at Paragon Legal Group, including founder Mae Tai O'Malley '98, enjoy the firm's flexible work hours and predictable schedule—part of a competitive employment package particularly appealing to women.

socially or environmentally progressive ones. This endeavor, which Orsi directs, has also grown faster than she expected. “The organization recently launched a new Bay Area project,” she says, “the Resilient Communities Legal Café. One day a week, we offer legal advice and resources at a local café or some other casual setting. It’s sort of one-third legal advice clinic, one-third living classroom for lawyers and law students, and one-third community-building salon.”

Third by third, half by half: It’s not just a shared life Orsi leads; it’s also a busy, fractionated life. “The Sustainable Economies Law Center and the café are now taking about 30 hours in a week,” she says. “So between that and my law practice, I work”—she pauses, tallying—“probably 60 hours a week.” Orsi laughs. “This is bad!” A fraction of a second later, she adds, “But it’s a much happier way to live when you have a support community.”

PARAGON OF CONTRACTUAL VIRTUE

Most CEOs would kill for a business model like Mae Tai O’Malley’s ’98. Her overhead is practically nil; with 50 employees on the payroll, she rents office space for just four. She doesn’t advertise, yet her revenues have grown by double digits every year since 2006 and clients beat a path to her door, as do aspiring employees. Oh, and the business—Paragon Legal Group—appears recession-proof, or “cycle-proof,” in O’Malley’s words.

Clearly the result of a brilliant strategic-planning effort, right?

Actually, no. It was more a matter of O’Malley figuring out a life/work balance that worked for her, and then finding that it worked—really, *really* worked—for lots of others, too: not just other attorneys, but clients as well.

O’Malley’s story began, like most good stories, somewhere other than where it’s led: Her out-of-the-box tale started squarely inside the box—at the San Francisco mothership of Morrison & Foerster. Two years later, O’Malley went in-house, at a client firm. “The timing seemed really good,” she recalls, “because the company was about to go public.”

The year was 2001, and the economy was booming—but not for long, it turned out. “It was right at the tail end of the market boom,” says O’Malley. “Right before the bust. I went in-house, the company went public, and then the company went bankrupt.” O’Malley was laid off, though rehired as a contractor.

For the next few years, she worked a patchwork of contract legal jobs, including a part-time gig at a startup company. That’s when a game-changing opportunity arose: a request for legal help—as many hours as O’Malley could provide—from a good friend who worked in-house at Google. O’Malley said “yes” to the Google project. “But I wanted to hedge my bets,” she says, “so I hired someone to do the startup company’s work until the Google project was done.” Instead, the Google project mushroomed, and O’Malley hired more attorneys for more contract work.

Like her, most were women with young children. When O’Malley started Paragon in 2006, she had just given birth to her third child. A set number of hours and a predictable schedule soon became part of the company model, and seven years later, O’Malley says about 85 percent of Paragon’s 50 attorneys are working mothers. The high percentage isn’t by design; in fact, O’Malley has tried to lower it. “But we’re a very flat organization,” she says. “Everybody’s paid exactly the same rate, and we don’t have a hierarchy or a partnership track. Maybe that’s one reason we don’t

Changing Times, Changing CDO

To help Boalt students adapt to the job market’s changes and new realities, the Career Development Office (CDO) has made changes, too, says Terry Galligan. It now has three staffers who focus on helping students find alternatives to the Big Law career path. Melanie Rowen and Alex Lee, both of whom have experience in nonprofit organizations, work to assist students interested in public-interest and public-sector careers.

“As a public institution, Boalt has a culture that strongly supports those career choices,” Galligan notes. “Also, the dean has recently made further improvements to our LRAP—the Loan Repayment Assistance Program, which covers up to \$100,000 in law-school debt for graduates

in qualifying public-interest jobs. “We have probably the best loan-forgiveness program of any public law school now,” says Galligan, “and it’s helping a lot of our alums who are interested in taking that path.”

A recent addition to the CDO staff is Samorn Selim ’09, who helps connect students to small, mid-size, and boutique firms, which generally lack the recruiting resources of large firms. Selim—who specifically sought (and successfully found) a job at a mid-size firm after graduating—explains that the search process is different, and at times daunting. “It takes more initiative,” she says. “Unlike Big Law, there’s no comprehensive list such as Vault or the *National Law Journal* that lists all boutique, small, and mid-size firms in one

place, so it takes more work to figure out what’s out there.”

Not every law school grad fits the needs of a small or mid-size firm, Selim says. “These firms are looking for particular strengths. They want people with initiative, entrepreneurship, and business development skills—the ability to come in and help grow the business.”

By the same token, the work in small and mid-size law firms doesn’t necessarily fit the needs of every student. “If you want more structure, training, and supervision, it might not be for you,” Selim concedes. “But if you’re like me—if you want to hit the ground running, and if you want to be writing motions and managing your own cases within a couple of years—it can be a great fit.”

attract many men,” she shrugs verbally. “We built the house, and who comes, comes.”

Paragon’s attorneys work anywhere from 10 to 40 hours per week, with the average around 30. They receive what O’Malley calls very competitive pay and benefits. Paragon’s approach—embedding senior-level attorneys onsite within client companies, on a project basis and an agreed-to schedule—works as well for O’Malley’s clients as it does for her employees. So far, it’s also worked in good times and bad. “When the economy is robust, client need increases,” she explains, “and when things are lean and they’re laying people off or unable to hire, we’re a great interim solution.”

The *ABA Journal* named O’Malley a “legal rebel” in 2009, titling her profile “Mogul Mom.” Paragon’s Google gig is over, but plenty of other big clients have signed on, including Netflix, Autodesk, Salesforce.com, SanDisk, and LinkedIn. Asked whether she plans to take the company nationwide, O’Malley hedges. “I want to be very careful with quality control,” she says.

About that strategic plan? “I don’t have a 5-, 10-, or 20-year plan,” she concedes. “I probably should.” Or maybe not, she decides after a moment. “When you’re not locked into a plan, you’re more able to change and to flex. We’re very lean, very nimble.”

Flexible, but predictable. Just the way she likes it.

SWIMMING ACROSS THE CURRENT

Halfway across the Golden Gate—not the bridge, but the strait itself—a 37-year-old lawyer stops in mid-stroke and treads water. The man, like the span overhead, is suspended: poised 250 feet below the hanging roadway, 372 feet above the sea-channel’s floor, steady amid currents of water and air. “Swimming underneath that bridge, looking up at it from below, is just amazing,” says Harry Jackson ’56. “One of the most exciting experiences I’ve ever had.”

Jackson—a serious swimmer for decades—swam the Golden Gate only that once, in 1969. But the feat seems emblematic of his 57-year legal career: He likes open water, unmarked lanes, uncrowded territory.

It took some time for Jackson’s nonconformist colors to show. His first dozen years in practice were conventional—possibly because of parental influences: the values instilled by his mother and father, and the financial pressures posed by his early, prolific procreation. “I grew up during the Depression,” Jackson says, “and the work ethic—‘get a job and earn your pay’—was drilled into me early.” During law school, he juggled three jobs: two part-time campus gigs during the week, plus weekend shifts in an envelope factory.

After Boalt, he clerked in federal district court in San Francisco and then took an associate’s job doing transactions and litigation at Chickering & Gregory, a firm whose three dozen lawyers made it fairly large, by 1958 standards. “We represented big companies,” Jackson says, “Caterpillar,

Cargill, Merck, banks, also lots of wealthy estates.” The pay was good, and it needed to be: By the time he’d finished law school, Jackson had one child in diapers and another on the way; two more followed in swift succession. “There were a lot of bills to pay,” he laughs.

But underneath the tightly cinched collar, Jackson was starting to chafe. After eight years at Chickering & Gregory, he jumped ship, becoming secretary and counsel at one of the firm’s clients. He spent five years there, then leapt again—into solo practice—representing a large land developer and a trade association. But San Francisco felt confining and in 1980, Jackson—his children grown and his marriage over—headed north, to Napa Valley. “I bought 10 acres in Calistoga back when things were still cheap, hung out a shingle, and became a storefront lawyer,” he says, “a general civil and trial practitioner.” This time he stayed put for a decade, a record for him, before moving on.

Jackson grew up in Seattle, and he’d always imagined returning to the Northwest. In 1990, he made the move, to Port Angeles, a waterfront town of 19,000 on the Olympic Peninsula. “I found a place right on the Strait of San Juan de Fuca,” he says: open water once again; a storefront law practice once more, along with teaching at the local community college. He also teamed up with a few other mavericks to form a volunteer legal-aid clinic, Clallam County Pro Bono Lawyers.

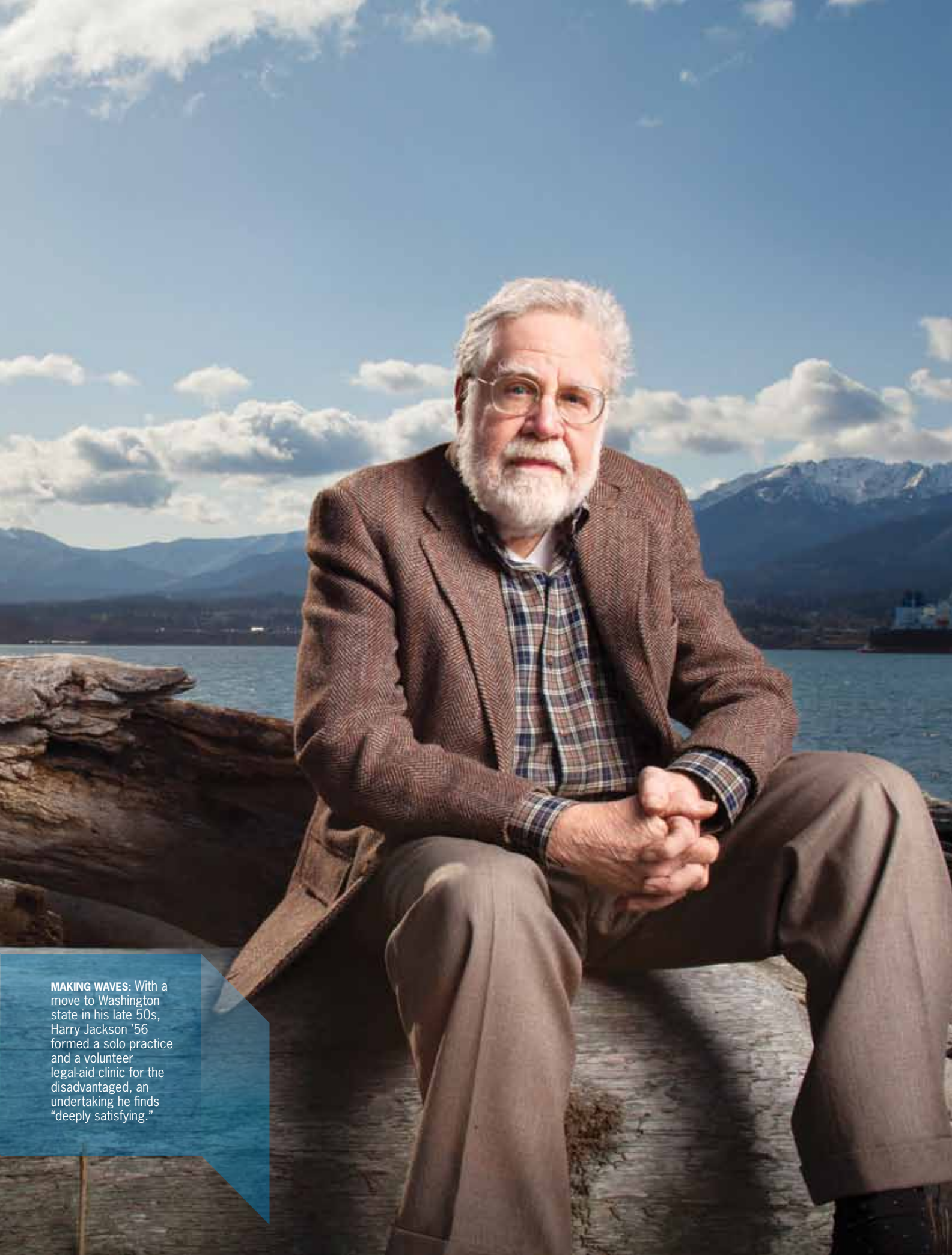
Now 81, Jackson still works one day a week in the clinic, often on collections and tenancy disputes. He also serves as a court-appointed attorney, usually representing juveniles and parents in delinquency and custody cases. He finds the work—the clientele—deeply satisfying. “Even back in law school,” he says, “it struck me that there’s a fundamental disparity between those who can afford legal representation and those who can’t. But justice is for everybody—or should be. The bullying that goes on, by those with wealth against those without it—it’s disgraceful.” He pauses, treading water. “I represented the rich and powerful for 30 years. Now I’m representing the underdogs. Goodbye, cognitive dissonance.”

During Jackson’s San Francisco Bay swimming days, he once swam from Alcatraz to Fisherman’s Wharf. “I got caught in an ebb current,” he says, “and it took me way off course. That was over 40 years ago.”

Here’s the thing about an ebb current: It’s too powerful to outswim; too strong to oppose directly. A swimmer’s only hope is to angle across it; change course; embrace a new heading, a different direction.

That way lies survival. Adventure and fulfillment, too, judging by Jackson, O’Malley, Orsi, and McDermott. ■

Freelancer Jon Jefferson is a New York Times bestselling novelist. Collaborating with renowned forensic anthropologist William Bass as “Jefferson Bass,” he’s written seven crime novels, as well as two nonfiction books.



MAKING WAVES: With a move to Washington state in his late 50s, Harry Jackson '56 formed a solo practice and a volunteer legal-aid clinic for the disadvantaged, an undertaking he finds "deeply satisfying."

25 Years and Counting ... on EBCLC

Tirien Steinbach '99 and Jeff Selbin consider the East Bay Community Law Center's rise from three staffers sharing a typewriter to its role as a major legal resource

Interviewed by Andrew Cohen

Tirien Steinbach '99 and Jeff Selbin talk about the East Bay Community Law Center (EBCLC) the way proud parents talk about their children. Which makes sense, given the time and care both have invested in guiding the center's development.

The growth of EBCLC, which celebrates its 25th anniversary this year, was as unlikely as it is inspiring. Founded by a group

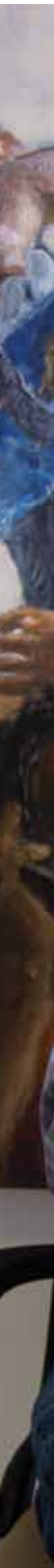
of persistent Boalt students and launched with a skeleton staff and donated supplies, it has blossomed into a local institution—and Alameda County's largest provider of legal services to low-income residents.

With 30 full-time employees, EBCLC now assists several thousand clients and many community groups each year with legal matters directly affecting their income, shelter,

and health care. As federal and state budget cuts to myriad services threaten the stability and security of disadvantaged families, EBCLC has carefully expanded its programming while giving Boalt students invaluable clinical experience.

Steinbach, an EBCLC staffer for 12 years and executive director since 2007, has won numerous fellowships

and awards for her tireless work on behalf of the disenfranchised. Selbin, EBCLC's faculty director and a leading figure in clinical education and anti-poverty law, founded the center's HIV/AIDS Law Project in 1990 and preceded Steinbach as executive director from 2002 to 2006. Together, they co-teach "Community Law Practice at EBCLC," a companion seminar for the roughly 80 Boalt students who work





TWO FOR ALL: Jeff Selbin and Tirien Steinbach '99 have built the East Bay Community Law Center into Alameda County's largest provider of legal services to low-income residents.

there each year—some of whom return after graduating to launch or lead center initiatives.

Recently, Steinbach and Selbin spoke about EBCLC's remarkable rise with Senior Communications Writer and *Transcript* Managing Editor Andrew Cohen.

Andrew Cohen: How did EBCLC grow from such a humble beginning to its current position serving thousands of marginalized clients each year?

Jeff Selbin: I'd start with the vision and choices of the founding students. They diagnosed two pressing needs—clinical training opportunities for law students and legal services for low-income clients—and hard-wired them into EBCLC's mission. Next, they hired a dynamic executive director, Bernida Reagan, who inspired staff, students, and community stakeholders to maximize EBCLC's impact in both dimensions. They also persuaded the law school to support the center while maintaining its independence. Many staff members, students, clients, board members, and donors have been instrumental to our success, but these core ingredients—a clear mission, inspiring work, and a foundational partnership with the law school—have allowed EBCLC to grow and thrive.

What is the biggest challenge to EBCLC's mission?

Tirien Steinbach: The biggest challenge is the general trend of “trickle-down justice.” Government support for legal assistance for those who can't afford private attorneys has been on a fairly steady decline since the 1980s, when President Reagan zero-funded the Legal Services Corporation in his budget, although three-quarters of that was restored by Congress. EBCLC does not accept this funding because of its restrictions on service provisions, but we're still impacted by the downward trend in support for legal access and investment in law as a tool to combat poverty's causes and conditions.

How gratifying is it that EBCLC alums return to lead major initiatives and how vital is that to the center's growth?

JS: It's incredibly gratifying. Fourteen of our current lawyers and fellows are Boalt graduates, and most of the non-Boalties interned at EBCLC during one of their law school summers. We never planned for EBCLC to play that role, but it's been a huge bonus. The attorneys are loyal to the school and absolutely devoted to the center. Students benefit from that passion and connection. In recent years, we've become more intentional in our postgraduate training. In fact, postgraduate fellowships are a central piece of EBCLC's 25th anniversary campaign.

EBCLC assists clients with consultations, referrals, full representation, negotiation, and case management. Is one component most critical?

TS: Good lawyers are problem-solvers. Jeff and I both often

use the toolbox metaphor. Our goal is to help students assemble a wide range of tools to identify and resolve clients' legal issues. To quote Jeff: “If you only have a hammer, everything looks like a nail.” Clients come to EBCLC with different needs, capacities, competencies, and options. No one mode of lawyering is more important than another; it's about what works to move clients beyond the crisis or concern that brought them in the door to a place of greater stability and opportunity.

The center has been consistently popular among Boalt students. What is it about EBCLC's approach that successfully leverages their talents year after year?

JS: I think the center appeals to them at several levels. First, most students come to law school because they want to make the world a better place. We're an obvious outlet for their justice aspirations. Second, most students plan to practice law, and we provide them with a hands-on experience that's hard to come by in many schools. Finally, I think we have an exceptional office culture. We expect a lot from the students, but we also treat them, each other, and the clients with tremendous respect. So it's a win-win for the students and a huge benefit to the community.

It seems EBCLC students also forge quite a track record of success after graduating.

TS: I'm so proud of our alums, who go on to work in every legal field and many professions beyond law. They're judges, law firm partners, public interest attorneys, government lawyers, filmmakers, teachers, parents, and politicians. Whenever I talk with alums, I'm always awed and touched by how much they tell me they gained from their experience at EBCLC. They often remember their former clients in vivid detail. More important, they recount the lessons they learned from both their failures and successes. I remind them that the learning and growth is reciprocal; that EBCLC, the community, and clients have benefited as much or more from the energy and effort they put into their time here.

How impactful is it for law students to be exposed to the daily struggles your clients face?

JS: It speaks to one of EBCLC's signature contributions. Some of our students grew up in poverty, but most did not. And regardless of their backgrounds, relatively few of them will spend a career working in a community-based setting like EBCLC. But all of them will leave the clinic having seen some of the pain and hardship of poverty. And all of them will learn something about the capacity and limits of the law and lawyers to make a difference for people living in poverty. We know from national research that clinics sustain students' civic commitments beyond law school, and we know from our own course evaluations and alumni surveys that the clinic experience is transformative for many students.

As the legal needs of low-income citizens evolve, how do you decide where to allocate resources?

TS: Over the years, we've developed a process to help decide if, how, and when to expand programs and allocate resources. We start with EBCLC's core mission of training students and providing client services, and review proposed projects in the context of our five broad program areas: housing, health and welfare, economic security, immigration, and youth and education. We ask: Does this fit with expressed learning goals for students? Does it substantively or strategically expand experiential opportunities? Would a new or expanded program broaden students' options for training and practice? Does a new program better serve existing or potential clients? Is there a significant or new need or gap in services in the community that EBCLC's unique model can fill?

Are there ever conflicts within EBCLC about priorities?

TS: There are inherent tensions and trade-offs whenever resources are allocated in one place or another. But a thoughtful and reflective process for decision-making yields results that mitigate the conflicts and maximize long-term success. We try to map the legal landscape to see both the

service needs and assets in the community we intend to serve. We reach out to stakeholders—legal and nonlegal service providers, government agencies, organizers, clients or potential clients, professors and researchers—and collect feedback on priorities. Finally, we think about sustainability and ask: Do we have the staffing and expertise necessary for success, and can we build that staffing over time? Can we secure long-term resources to launch, grow, and sustain a program? How will we evaluate success and respond to challenges? How do we ensure that this new program will still be here tomorrow, providing relevant and impactful training and services?

EBCLC engages first-year students through its Community Legal Outreach (CLO) Program. How important is that to developing a strong infrastructure within the center?

JS: CLO has existed in one form or another since EBCLC's earliest days. It's another testament to our founders' vision and to the seemingly boundless capacity of Boalt students to do good. CLO allows 1Ls to get a taste of lawyering and the clinic before they enroll for academic credit in their second and third years. It also allows us to reach even more clients in need. In addition to CLO, for almost



Determined to Make a Difference

The arduous journey to establish EBCLC was fueled by equal parts desperation and inspiration

In the early 1980s, major budget cuts to social service programs created a glaring need for legal services. When the Alameda County Legal Aid Society had to slash its attorney roster from 54 to 13—and close its Berkeley office—a group of indignant Boalt students sprang into action.

"Homelessness was rampant," says Kathi Pugh '90, then an elected official on the City of Berkeley's Rent Stabilization Board. "We went to law school because we wanted to help people, but in 1988, there weren't any clinics. We wanted a hands-on experience that we weren't getting in the classroom, and we felt like the law school had an obligation to give back to the community."

The determined Boalt students spent two years raising more than \$200,000 in

donations from law firms, foundations, and corporations to form the Berkeley Community Law Center. At the center's September 1988 opening, Berkeley's then-Mayor Loni Hancock thanked the students and said their program would "fulfill a tremendous need."

The center's original three-person staff included Brad Adams '88, who had led the students' efforts.

"Launching the center took a lot of work and a little luck," says Adams, who remains thankful that Robert Raven '52—then president of the American Bar Association—attended the opening. "To have someone of his stature there, speaking so supportively, that really boosted our credibility and fundraising."

A quarter-century later, the center—since renamed EBCLC—is the East Bay's largest provider of legal services to low-income residents. Now armed with 30 full-time staffers, the center has trained more than 1,200 Boalt students.

"In my 25-year career, I'm the most proud of my involvement with EBCLC," says Pugh, Morrison & Foerster's firm-wide pro bono counsel. "So many student-led efforts die when their original student leaders graduate, but almost everyone who comes to EBCLC seems committed to making it even stronger."

Whether with housing, health care, or immigration, EBCLC has always been busy helping people. With its data showing one lawyer for every 200 middle- and upper-income Californians compared with one for every 20,000 low-income residents, that pace will surely continue.

"The diminishing size of legal aid budgets has made EBCLC even more important than we'd imagined," says Adams, now executive director of Human Rights Watch's Asia Division. "Every once in a while I'll meet someone, even overseas, who also worked at EBCLC. It reminds me how many dedicated people have been there over the years, and how grateful I am to be part of this legacy." —Andrew Cohen

Center's New Clinic Takes Aim at Public Policy

It didn't take long for the newest arrow in EBCLC's quiver to strike

Launched last fall, the Policy Advocacy Clinic (PAC) took aim at Berkeley's "sit-lie" ballot measure that would have banned homeless people from sitting in commercial districts during business hours. After researching dozens of municipalities with similar ordinances—interviewing city officials, consulting with a criminologist and an economist, and crunching retail sales data—the clinic produced a report titled "Does Sit-Lie Work?"

Released before the November election, the report garnered some local media coverage. It took no official position, but urged voters to consider the evidence—or lack thereof—that the ordinance would improve homeless services and increase economic activity. Berkeley voters rejected the measure by a small margin.

"Our research seemed to indicate that sit-lie laws actually create costs for cities, and that these laws are ineffective at encouraging homeless people to seek services," says PAC student Emily Soli '14.

"Further research, especially on the costs associated with criminalizing homelessness, will help shape this policy area."

The new clinic is led by EBCLC Faculty Director Jeff Selbin. Among its policy methods are data collection, research and analysis, legislative drafting, negotiation and lobbying, participation in administrative rulemaking, amicus briefs, and coalition building. The clinic also includes a seminar that explores law-related policy methods and partnerships.

Early projects have been drawn from pressing issues facing EBCLC's individual clients. Students drafted a pathbreaking Homeless Persons' Bill of Rights, now pending before the California legislature; created a first-ever advocate's guide to helping gay and transgender immigrant victims of hate crimes; and are writing a timely policy brief on how to ensure that implementation of the Patient Protection and Affordable Care Act strengthens the public safety net and works to improve health,

reduce poverty, and grow California's economy.

"Last summer, a student of mine interviewed EBCLC's clinic directors to identify policy needs and opportunities," Selbin says. "Within two weeks, we had 32 possible projects! There will always be more work than we can do—and we hope to expand over time—but the potential to involve our students in making a difference in the world seems limitless."

EBCLC has always pushed to change state laws, city ordinances, and adjudicative practices. But constraints on those efforts—including pressing client demands for legal assistance related to life necessities, such as income, shelter, and health care—fueled the creation of a more comprehensive policy clinic.

"It's been tough balancing policy advocacy with direct service work because individual clients with emergencies take priority," Selbin says. "By launching this project, we can focus on systemic issues without having to make that trade-off, and students can receive training and a sustained experience in this important dimension of lawyering." —Andrew Cohen



STRATEGY SESSION: Students in EBCLC's Policy Advocacy Clinic combine research and legal skills to guide public policy toward more equitable treatment of the poor.



20 years, EBCLC has hosted the weekly Workers' Rights Clinic involving dozens more 1Ls. 1Ls are engaged in inspiring work every night of the week through various CLO projects, and many of them return as clinic students.

In what areas has EBCLC achieved its greatest success?

TS: I'm fortunate to witness and celebrate the daily successes with staff and students: When we win \$20,000 in back benefits that were wrongfully denied to a client; when

a client comes back years later to say, "Thank you. Your lawyers saved my life by getting me on disability benefits and off the street"; when a client is granted legal residency or citizenship because of EBCLC's work; when a law is changed to better protect tenants from discrimination and abuse because of EBCLC's advocacy; when a family stays in its home because of EBCLC's successful intervention; or when a client simply says, "I'm grateful someone listened to me and stood up for my rights," those are some of the greatest successes.

How vital are your collaborations with other area organizations?

TS: Few things are more vital to our success. Symbiotic collaboration is at EBCLC's core, as manifested in our partnership with the law school. In each program area, our lawyers and students also work with other legal agencies like Centro Legal, Bay Area Legal Aid, Lawyer's Committee for Civil Rights, International Institute of the Bay Area, and Homeless Action Center; social service providers like Building Opportunities for Self-Sufficiency and Alameda County Public Health; organizers like All of Us or None and Causa Justa; institutional stakeholders like the courts, the public defender's office, and the city attorney's office; and policy advocacy groups like Public Counsel, the ACLU, and the Western Center on Law & Poverty. At EBCLC, we believe that success is always a shared enterprise.

What's the most rewarding part of running EBCLC?

JS: For me, it's both immediate and deferred. Watching students grow right before your eyes—in their confidence, competence, and commitments—is really rewarding. At the same time, it's amazing to hear from our graduates 5, 10, 15 years out, who now play prominent roles in the public and private sectors. They speak so fondly about the formative impact of EBCLC and Boalt in their professional development. It sounds corny, but I think of them as the many ripples of justice emanating from EBCLC.

What's the hardest part?

TS: That a part of me wants to work in every program and every clinic that EBCLC runs. When a law student tells me about arguing in court that morning or a lawyer describes a great case outcome or I see a thank-you card from a client to one of our intake specialists, I get a little pang of longing for when I directly supervised students and represented clients. However, the pride and joy—and also tears and struggles—that I have the privilege of sharing with our staff, students, clients, and colleagues every day far outweigh the longing I feel to practice law directly.

Where do you see EBCLC 10 years from now?

JS: If you asked me this at any point since I arrived at EBCLC in 1990, I'm pretty sure I would have underesti-

Funding a Future

Two-year, \$1 million campaign will support both innovation and evolution at EBCLC

EBCLC recently launched a two-year, \$1 million campaign—the “Fund for the Future”—to establish a permanent in-house postgraduate fellowship and to bolster client services.

Sixty percent of fund contributions will go toward the fellowship to support a recent Boalt graduate's development of a new clinical project to expand existing programs at EBCLC. Forty percent will go toward high-tech upgrades that include mobile technology for more efficient client intake and counseling; flexible satellite sites closer to clients, courts, and community services; and a mobile law office that delivers legal information, counseling, and advocacy where needed.

“This campaign will enhance EBCLC's service and teaching missions,” Executive Director Tirien Steinbach '99 says. “It will also continue our tradition of innovation and evolution to meet the growing needs of our clients and students.”

EBCLC has become the East Bay's largest provider of free legal services by developing high-impact programs in housing, health, welfare, immigration, prisoner re-entry, consumer law, homeless rights, community economic development, policy advocacy, and youth education.

“As a law intern and even as an alum, I assumed EBCLC was fully funded by Boalt,” says Nery Castillo-McIntyre '10, the center's pro bono and communications coordinator. “Only after becoming a staff member did I learn that EBCLC raises 75 percent of its funds from individual donors, foundations, firms, and other supporters.”

Boalt supporters can earmark contributions to EBCLC at givetocal.berkeley.edu. To learn more about the fund, visit fundforthefuture.ebclc.org.
—Andrew Cohen

ated the next 10 years. All I can say is that EBCLC's mission—preparing law students for practice and serving the legal needs of low-income clients and communities—is more important now than at any time in its history. Sometime soon, I believe the best law schools will require a clinical rotation for students and the most humane communities will narrow the justice gap for poor people. I'm confident that EBCLC will be at the center of both efforts.

As part of its 25th anniversary celebration, the center will hold regional parties for EBCLC alums in New York, Washington, D.C., and Los Angeles. What are your hopes for those events?

TS: To bring alums together to celebrate a quarter-century of work, to preview our plans for the next 25 years, and to inspire them to invest in EBCLC. When alums support the center, with donations or through pro bono service, it's a clear demonstration that they valued EBCLC as part of their legal education, that they understand it exists because many people and institutions come together to fund justice, and that they want to be part, however small or large, of ensuring EBCLC is here for years to come. ■



CREATIVE WORKS

MUSIC: SHERI SHOWALTER, BOALT HUMAN RESOURCES DIRECTOR

Tribute Band Is in the Pink

Sheri Showalter—Boalt Human Resources Director by day, singing sensation by night—has experienced many surreal moments in music. But none top last September’s tour of India with House of Floyd, her “tribute” band that pays homage to the iconic rock group Pink Floyd.

Concerts in soccer stadiums before thousands of people. Multiple press conferences and photo shoots in each city. Meals with various dignitaries. Even VIP entrance to the Taj Mahal.

“People started recognizing us in airports and would rush over for autographs and photos,” Showalter says. “There were building-sized billboards promoting our band. On one flight, the pilot came out of the cockpit to ask where our next gig was.”

Surreal—much like Showalter’s entire ride with House of Floyd, which her husband, Mark, formed in 2005. An accomplished singer who had performed cover songs for many

years, she was a natural choice for the new band. The only snag? “I didn’t really like Pink Floyd.”

That gradually changed as she listened closely to live recordings of songs like “Great Gig in the Sky,” which Showalter now belts out to standing ovations. After she signed on as one of two background singers, House of Floyd lined up Bay Area gigs and eventually toured the Northwest, Midwest, and now India.

“The songs are the easy part,” Showalter says. “The tough part is trying to replicate the visual aspects of Pink Floyd shows, which are very elaborate.”

The same could be said for the music itself—layered, often haunting songs, typified by Pink Floyd’s *The Dark Side of the Moon*, *Wish You*



Were Here, and *The Wall* albums. “Their songs mix jazz, rhythm and blues, classical, you name it,” Showalter says. “Many of them are also long, which can make choosing our set lists quite challenging.”

Showalter has slain many challenges in her professional life. After managing food services for a San Francisco financial firm, she began working at UC Berkeley and eventually was named director of business services at Cal Performances. She later got recruited to become Boalt’s first human resources director, and now manages a 10-person staff.

“I suppose I bring some conflict-management skills to both worlds,” Showalter says with a laugh. “At work or with the band, I think about what I can do to help defuse tense situations and move things forward.”

—Andrew Cohen



TOUR DE FORCE: Sheri Showalter

To learn more about the band, visit www.houseoffloyd.com



HE LOVES LUCY:
Gregg Oppenheimer '77

RADIO PLAY/AUDIOBOOK: GREGG OPPENHEIMER '77

Loving Lucy Runs in the Family

At age 4, Gregg Oppenheimer '77 told his very first joke to a very tough audience. His father, *I Love Lucy* creator Jess Oppenheimer, had just introduced young Gregg to Lucille Ball, who asked, "Where did you get those big brown eyes?" Gregg's deadpan response: "They came with the face." Lucy cracked up.

That moment helped fuel his eclectic and creative career. Although Gregg enjoyed his brushes with show business on the *I Love Lucy* set and as a rehearsal cameraman on *The Debbie Reynolds Show*, his father encouraged him to pursue something more secure. A degree in art and design from MIT followed, then law school at Boalt. In 1986, he became a partner at O'Melveny & Myers.

After Jess Oppenheimer's death in 1988, Gregg used his research and writing skills to complete his father's memoirs. *Laughs, Luck ... and Lucy: How I Came to Create the Most Popular Sitcom of All Time* went through seven hardcover printings before its paperback release. Adaptations and radio play versions followed, and soon Gregg became a go-to steward for all things Lucy. He even produced the award-winning

I Love Lucy DVDs, tackling everything from designing DVD menus to editing video bonus material.

This year, Gregg's *I Love Lucy: The Untold Story* debuted as an audiobook on the 60th anniversary of TV's most widely viewed event: the birth of Little Ricky, Lucy's son.

How much did America love Lucy? "That episode was watched by 44 million viewers, 15 million more than would tune in to President Eisenhower's inauguration the next day on all networks," Gregg says. The episode's astonishing 98.6 percent Nielsen share is still unmatched.

What's more, Lucille Ball was the first visibly pregnant actress to appear on network TV—and the first to have her pregnancy written into a script. The audiobook describes behind-the-scenes negotiations with sponsors and the network censors, among other details.

Gregg has retired from practicing law to write full time. What delights him most is something he learned at age 4: "I love to make people laugh."
—Linda Peterson

Editor's note: Gregg's *I Love Lucy: The Untold Story* audiobook is available from audible.com, Amazon.com, and iTunes. Sale proceeds benefit the Motion Picture & Television Fund.

BOOK: JESS BRAVIN '97

Terror, Torture, and Kafkaesque Trials

It sounds like a dark, 21st-century retelling of Franz Kafka's novel *The Trial*: people abducted and whisked away to a forbidding prison, where they're brutalized and held for years in legal limbo—ineligible for trial, because there's no admissible evidence, but deemed too dangerous to release.

This surreal-but-real tale—suspected al-Qaeda terrorists, captured and sent to

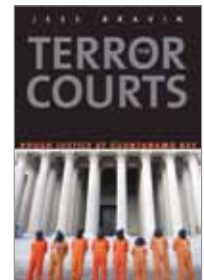
Guantanamo Bay for military trials as "enemy combatants"—is told by Jess Bravin '97 in *The Terror Courts*, which *Kirkus Reviews* calls a "damning, brave book." Bravin,

Supreme Court correspondent for *The Wall Street Journal*, has spent more than a decade covering the military commissions created by the Bush administration.

The book's unlikely hero is Lt. Col. Stuart Couch, a U.S. Marine Corps prosecutor itching to bring terrorists to justice. But as Couch—who had lost a friend in the 9/11 attacks—began preparing for trials, he discovered that much of the evidence was tainted by torture. Risking his career, Couch refused to prosecute tortured suspects.

The commissions were intended to impose swift, stern justice on terrorists through streamlined trials. Instead, Bravin says they have become "an ad hoc experiment without a clear rule book," marked by underqualified judges and administrators; agencies rife with confusion and conflict; and maneuverings to conceal abuses.

Created in 2001, the military commission experiment has yielded only seven verdicts. "It just drifts along in this kind of stasis," Bravin marvels. Kafka might be less surprised. —Jon Jefferson



The Terror Courts

By Jess Bravin '97

Published by Yale University Press, 2013

FAST FORWARD

A Seat at the Table

Try pursuing a J.D. and a master's in public policy, all while serving as the only student regent for the entire University of California system. Jonathan Stein '13 is proof that it's possible, though not without some serious sleep deprivation.

"The student regent job requires 40 to 50 hours per week," he estimates. "I travel the state hosting forums and town halls on all 10 UC campuses to hear student perspectives and concerns, and also to educate my student constituents."

Thanks to remarkable internal drive and faculty members sympathetic to his go-go schedule, Stein says, "it's been the most challenging and insane 18 months of my life, and the most rewarding."

Stein relished the opportunity to influence state and UC policy and advocate for his fellow students. "It's a great way to be a policymaker and professional-level student organizer while still in school," he says. But the seeds of his involvement were planted decades earlier.

Growing up in India in the 1950s and 1960s, Stein's mother, Vishakha, faced daunting obstacles: a low-income family, a poor public school



LONE VOICE: University of California student regent Jonathan Stein '13

system, and few avenues to a better life. Prospects improved markedly when her older brother earned a scholarship to attend college in America. Once employed, he brought the family to the United States, where a world of possibilities opened for Vishakha, and later for her son.

"I saw what a difference one young man getting a scholarship could make for an entire family," says Stein. "As the UC student regent, I can fight to open similar opportunities for other people."

And fight he has, drawing on his education and work experience. As a former campaign correspondent and blogger for *Mother Jones*, Stein made complex subjects accessible to the very people they affect. That skill has served him well with fellow students.

"Sometimes I need to take extensive research on online education or potential reforms to the UC financial aid system and present that information on a single PowerPoint slide," he says. "When students view something complicated in a straightforward way, they understand it more clearly and are better positioned to take action."

Stein helped lead a voter drive that registered 52,000 UC students before the 2012 election. He also rallied young Californians to help pass Proposition 30—the temporary sales and income tax increase that, in part, prevents major cuts to education.

"It could have been the beginning of the end for the UC system," he says. "Thankfully, the voters showed that they value public higher educa-

tion in California.”

Two big tasks remain on Stein’s agenda. “I’m the only student on the search committee to select the new

UC president,” he says. “And I’m rewriting UC’s governance policy for professional schools, including Boalt. I hope to see that completed later

this summer.”

Maybe then Stein can finally catch some well-earned Z’s.

—Ben Peterson

Star Student: Supreme Court on Wrong Side of the (Natural) Law

Samantak Ghosh ’13 believes the legal framework for patents covering natural processes will be critical in shaping our future society. He certainly convinced the American Intellectual Property Law Association, which gave him its annual award for the nation’s top student paper of 2012.

Ghosh’s winning entry dissects the policy ramifications of the U.S. Supreme Court’s recent opinion in *Mayo v. Prometheus*. The verdict rejected a drug-related patent claim for failing to extend sufficiently beyond merely identifying a natural law.

“The court got the science wrong,” asserts Ghosh, whose work synthesizing artificial variations of DNA helped lead him to a Ph.D. in chemistry from Stanford. By ruling that a method of administering medication to a patient was not patent-eligible, the court, he says, “recalibrated the natural phenomenon doctrine, which had been untouched for 30 years,” adding that the case “was a poor vehicle for doing so.”

Although the doctrine of excluding natural phenomena from patent eligibility has existed for more than 150 years, case law is far from consistent, as courts have struggled to delineate natural products from their derivatives. Over the past 60 years, purified Vitamin K1, adrenaline, and Vitamin B12 have been ruled patentable, while purified

Vitamin C, glucoside, and extracts containing chlorophyll have been ruled ineligible.

Ghosh’s paper questions the court’s new standard of how the natural phenomenon doctrine will be administered—and forecasts a troubling effect on the biotech and personalized medicine industries.

“Both industries apply natural processes to provide personalized interventions and have relied on these kinds of patents for decades,” he says. “To make matters worse, the court merely described some general principles, leaving it to the lower courts to figure out how to apply them. The law not only lags behind science, it’s hopelessly unclear. That leaves a lot of uncertainty for patents in this area.”

Ghosh drafted his award-winning paper in Advanced Legal Scholarship, a Boalt course co-taught by professors Robert Merges and Kathryn Abrams.

“It’s fantastic that Samantak is getting recognition on such a grand stage, and his work surely deserves it,” Merges says. “His understanding of natural genes, their chemical



NATURAL LAWYER:
Samantak Ghosh '13

structure as well as function, was instrumental to his approach. This is the sort of informed, nuanced, and carefully reasoned analysis that courts are looking for in this delicate policy area.”

Multiple studies show that most drugs prescribed in the United States are effective in fewer than 60 percent of treated patients—an inefficiency estimated to cost \$170 billion annually. Ghosh believes personalized medicine can greatly improve health care quality—and reduce costs—by using diagnostic tests to obtain information and then provide

patient-specific treatment. Unless misguided patent law gets in the way.

Although concerned about how the court's ruling will affect the personalized medicine industry, Ghosh

cautions against abandoning the natural phenomenon doctrine. "The doctrine allows tools of future innovation to emerge," says Ghosh, who will join Wilmer Hale's patent litiga-

tion group this fall. "If it is to be rejected, that should be based on its merits rather than on the occasional mistakes of courts applying it."

—Andrew Cohen



HEARING AIDES:
Ioana Tchoukleva '14 and
Katherine Katcher '13

An Appealing Program for Potential Parolees

For most of society, prisoners are literally out of sight and out of mind. Not so for Ioana Tchoukleva '14 and Katherine Katcher '13, who help protect one of the few rights prisoners retain—to be considered for parole.

California "lifers" have a statutory right to counsel in parole hearings, yet most are represented by parole board-appointed lawyers who, for various reasons, often fail to provide competent representation. "Many of them meet their attorneys literally minutes before their parole hearings," says Tchoukleva.

Enter Boalt's new Post-Conviction Advocacy Project (P-CAP)—led by Tchoukleva and Katcher—which helps inmates navigate the parole process and assists them with

appeals if they were denied parole.

"It's a real injustice to keep people in prison who are truly rehabilitated, prepared to reintegrate into society, and no longer threaten public safety," Katcher says.

P-CAP is one of the law school's 20 Student-Initiated Legal Services Projects. It is supervised by Oakland attorney Keith Wattlely, who has overseen similar programs at UCLA and Stanford, and has worked on prisoner and parole cases for 15 years. Students devote 30 or more hours per semester to P-CAP.

Katcher says the zealous counsel of Boalt students "vastly increases lifers' chances of receiving a fair parole hearing." In doing so, the students "strengthen their skills in client counseling and interviewing,

legal research and writing, and oral argument."

In addition to co-leading P-CAP, Katcher has worked at the Prison Law Office in Berkeley, which offers free legal services to California inmates through class action and other impact litigation, and at Legal Services for Prisoners with Children in San Francisco. She also volunteered for Wattlely's nonprofit Uncommon Law, which guides prisoners facing parole and their families.

Tchoukleva spent many Thursday nights last year hashing out restorative justice issues with inmates at San Quentin State Prison. "Some of them had great insight into the factors that influenced their crimes, took full responsibility for what they did, and contributed to peace and security inside the prison," she says. "Yet, even though they had spent decades behind bars and posed no threat to society, many were repeatedly denied parole."

Tchoukleva and Katcher are heartened by recent trends, though. Eager to reduce its overcrowded prison population, California is approving more parole hearings and grants. The passage of Proposition 36 also means that about 3,000 convicted felons serving life terms under the Three Strikes law will become eligible to petition for reduced sentences.

"We wanted to tap into our students' passion and talent and offer them a way to hone valuable legal skills," Tchoukleva says. "To do that while addressing mass incarceration, which impacts so many people, is extremely gratifying." —Andrew Cohen

ADVANCEMENT

Our Spirited Campaign



“We thank all of you who have supported Boalt, and encourage those who have not to consider making a gift within your budget.”

April 1 marked my fourth anniversary at Boalt Hall. It’s been a rewarding ride, as I’ve come to better know people throughout our special community.

Our alums are supportive, generous, and often instructively inquisitive about Boalt’s future. Our revered faculty readily share their time and expertise. Our research centers shape policy on tough issues facing California and the nation. And our students amaze me with their remarkable achievements and how deeply they care about Boalt.

Our Centennial celebrations continue through June with faculty panels and presentations nationwide. We encourage you to attend these dynamic events, catch up with fellow grads, and learn about Boalt’s exciting new programs. If you’re in our neighborhood, come tour the gleaming South Addition and see our vastly upgraded facilities, including the new donor walls honoring those who have helped make Boalt the world’s best public law school.

Dean Edley is tirelessly exploring revenue options to help Boalt maintain its Top 10 standing and to offset our students’ financial burdens. We’re developing an innovative online education program that includes courses with strong revenue potential. Our summer LL.M. program has expanded, we are broadening our executive education initiatives, and the dean is discussing a J.D. program for foreign students.

We’re approaching the finish line of the

Campaign for Boalt Hall—with \$10.1 million to go as of May 1. As we prepare for the difficult challenges of the next few years, we remain mindful that state support won’t increase—and will likely diminish even more as California grapples with its budget woes. This year’s graduates will carry an average loan debt of more than \$140,000 well into their careers. The best way Boalt can combat these challenges is by increasing the percentage of alums who support their school.

Our goal this past fiscal year was to double the participation rate from 19 percent to 38 percent. Although friends and alumni have increased their individual contributions this year, giving participation is down. We thank all of you who have supported Boalt, and encourage those who have not to consider making a gift within your budget. Many alumni are close to joining our Centennial Society Honor Roll, and the Centennial Society Wall still has space if your name isn’t on it already.

I’ll close by thanking you for all you do on our school’s behalf and for helping us finish the Campaign for Boalt Hall. Please join us for Alumni Weekend, September 27 to 29, and see how Boalt has grown and glimmered over the past 100 years. We all have a stake in this great institution, and we should take pride in what it has accomplished—and will continue to accomplish—for years to come.

Centennial regards,

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

The Social Network, Old School



“...the best way to get more alumni involved at Boalt is face to face.”

—Lynn Pasahow '72

It's hardly a surprise that a leading Silicon Valley intellectual property attorney would place social networking atop his agenda as the Boalt Hall Alumni Association's incoming president. The real surprise may be in what social networking means to Lynn Pasahow '72.

"I'm old-fashioned," says Pasahow, whose complex patent litigation work has included enforcing Amazon.com's 1-Click® patent against its rivals. It's not that Pasahow discounts online alumni outreach and fundraising. "I just think the best way to get more alumni involved at Boalt is face to face."

That's why he fully supports the ongoing expansion of the board's BoaltNet alumni events nationwide (page 50), to bring together alums to learn, share information and ideas, and reconnect in a relaxed social setting. But Pasahow also sees them as a chance for board members to communicate with alumni about the current transition in the school's financial circumstances.

"State funding for Boalt Hall is at an all-time low; tuition is at an all-time high," Pasahow says. "I was lucky to belong to a generation that could go to Boalt virtually tuition-free. We obtained a top-flight education that put us on a path for successful

careers. Now I feel a duty to help lead the school, and its students, through this challenging period."

Pasahow is a partner in the litigation group at Fenwick & West LLP in Mountain View, focusing on software, the Internet, hardware, and the life science industries. In addition to representing Amazon.com and other leading innovators, he has worked with universities and their faculty-inventors—including many from UC Berkeley—on their most important patent-protection suits. He led a team that established the validity of biotech pioneer Cetus' patents on its Nobel Prize-winning polymerase chain-reaction invention.

Also active with the law school's Berkeley Center for Law & Technology, Pasahow is the co-author (with professor Peter Menell and other center affiliates) of *Patent Case Management Judicial Guide*, a best practices manual for the bench.

"This is a time of transition for our school," Pasahow says. "Dean Edley has done a terrific job of encouraging us to stop thinking of Boalt as a state-supported institution and realize that, as with many other law schools, alumni are going to have to step forward and welcome more responsibility for the school's future." —Bob Rucker

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You Can Count on Me

Centennial Society donors go the distance

Full was in the air and celebration was in the room, as more than 100 members of the Centennial Society gathered on November 9 for a donor wall dedication outside Booth Auditorium. Dean Christopher Edley, Jr. wielded some larger-than-life golden shears for the ribbon cutting, and applause followed.

There was plenty to cheer. The Centennial Society honors the very spirit of loyalty and perseverance, recognizing Boalt donors who have made lifetime gifts of \$100,000 or more to the law school.

Says Dean Edley, “It was an inspiring moment to see so many of the school’s closest alumni and friends come together to celebrate the tradition of giving. The sense of pride and community was palpable, and I was touched by the outpouring of support.”

The Centennial Society was created to honor Boalt’s 100th anniversary and the Campaign for Boalt Hall, chaired by Elizabeth Cabraser ’78, Leo Pircher ’57, and professor Pamela Samuelson. “I came from a working-class family in Berkeley and was the first in my family to graduate from high school, let alone college,” Pircher says. “Through good fortune, I happened to live in the city that was home to one of the world’s great universities and law schools. Whatever success I’ve had, I owe in no small part to the education I received at Berkeley, and in particular, from the great professors at Boalt. It has been my great privilege to be able to give something back to the law school that has meant so much to me.”

“Giving back has never been more important,” adds Edley. “Dwindling public funding and rising tuition costs mean that philanthropy will be critical to the school’s continued success in years to come.”

As for the future, Pircher says, “The most exciting thing to me about the evening was the confidence of our participants that Boalt’s greatest years lie ahead, and their dedication to the task of making that come true.”

For those who share that confidence, it’s good to know there’s still an opportunity to be included on that elegant donor wall. Boalt plans to rededicate the Centennial Society in early 2014, and celebrate both new members of this special group and existing members who make additional gifts or pledges through December 31, 2013. Both the indoor and outdoor walls were designed by San Francisco-based Debra Nichols Design, and carving on the outdoor wall was completed by a master carver, one of only a few such craftsmen in the country. —Linda Peterson

For more information or to make a gift, please contact the Alumni Center at 510.642.2590 or alumni@law.berkeley.edu.



CENTENNIAL SOCIETY FAST FACTS

Current number of Centennial Society members 304

LEVELS OF RECOGNITION:

\$100,000 to \$249,999	Partners
\$250,000 to \$499,999	Patrons
\$500,000 to \$999,999	Benefactors
\$1,000,000 and up	Builders of Boalt

To be included in the rededication or to reach a different level, make a gift by December 31, 2013.

A: Carol Rumpf and Steve Arent '67



B: Boalt Dean Christopher Edley, Jr. and his wife, faculty member Maria Echaveste '80



C: Clockwise from front right: Professor Pamela Samuelson, Elizabeth Cabraser '78, Nina Pircher, Stephanie Deaner, and Leo Pircher '57



D: Luke Ellis '75, Karen Fluegge, and Robert Fluegge



E: Professor Dick Buxbaum '53 enjoying the festivities



F: Juliana Marques '12, Amir Hassanabadi '12, Kim Tran, Marko Blagojevic, Sarah Axtell '12, and Kelly Yang '12



Centennial Gala: A Sparkling Celebration

Boalt Hall rang in its 100th birthday in style November 9 with a glittering gala celebration at the Pauley Ballroom. The elegant festivities included cocktails, hors d'oeuvres, a lavish dinner, dancing to the famed Dick Bright Orchestra, an a cappella group performance, amusing antics from Oski the Bear, and a stirring Centennial video presentation.



G H



G: Alumni and friends tear it up on the dance floor.

H: Valerie Cox and her husband, Evan Cox '87

I: Lise Pearlman '74 and her husband, Peter Benvenuti '74

J: The Dick Bright Orchestra fills the air with music.



K



I



J



L



M

K: California Supreme Court Justice and former Boalt professor Goodwin Liu with his wife, Boalt lecturer Ann O'Leary '05, and Washington, D.C., Bar President Tom Williamson '74

L: Noel Nellis '66 with his wife, Penelope Nellis, Art Shartsis '71, and Robert Sproul

M: Larry Sonsini '66 with his wife, Barbara Sonsini, and Mark Bertelsen '69



HAPPY HOUR: Boalt alums are all smiles at a February BoaltNet event in Washington, D.C. Clockwise from top left: Catherine Meza '05 and Jamie Crook '06; Giselle Bourns '09 and Mike Sawyer '10; Jeewon Kim '04 and Jonathan Singer '10; Megan Snyder '08, Hector Huezco '08, and C'Reda Weeden '07.

Network News

BoaltNet building strong alumni bonds nationwide

When Sarah Weiss '10 graduated from Boalt and moved back to her hometown of Chicago, fellow alumnae and Chicago resident Jennifer Kobayashi '01 approached her about galvanizing an alumni community there.

“As a new attorney from an out-of-state school, I really felt the need for an alumni network in Chicago,” recalls Weiss, a litigation associate at Jenner & Block. “Jen and I worked together to build the group from the ground up, starting with a list of 10 local alums that’s now up to almost 200.”

Such efforts helped inspire the newly launched BoaltNet, a network of volunteer-led affinity groups that will meet quarterly or semi-annually. These groups can be organized around class year, geographic region, practice area, or other criteria. Boalt’s Alumni Center supports volunteer leaders by emailing invitations to graduates in the targeted group and managing RSVPs.

Recent BoaltNet gatherings have included a Class of '71 Bay Area happy hour in Oakland, all-classes get-togethers in Los Angeles, Washington, D.C., and San Diego, and a dinner in Chicago. Outdoor activities, videoconferences with Boalt faculty, and sports outings are some other ways alumni groups can congregate.

For Evan Cox '87, outgoing president of the Boalt Hall Alumni Association, BoaltNet

is a powerful vehicle to build a sense of unity among the law school’s far-flung graduates.

“The genesis for this approach came from realizing that there was an unsatisfied appetite among the alumni community to get together with each other more often than at the occasional five-year reunion,”

Cox says. “By drawing on our growing ranks of BoaltNet alumni volunteers, we greatly magnify the

capacity of Alumni Center staff to support more events, especially outside of the San Francisco and Los Angeles areas. For volunteers, it’s a great way to network with fellow alums in the lead-up to the events themselves.”

BoaltNet, which seeks volunteer leaders in various geographic areas, has a strong advocate in Weiss. The Chicago group started with regular happy hours and brunches, each event drawing a few more new people. Last summer, the group hosted Dean Christopher Edley, Jr. for a well-attended Centennial celebration.

“Our alumni community in Chicago provides an opportunity to preserve the feeling that we’re still connected to Boalt,” Weiss says. “Chicago feels far away from Berkeley, especially during the snowy, cold winters. The community is very small compared to Boalt alumni groups in other major cities and other peer law school alumni groups in Chicago, so BoaltNet is a great way for alums to stay connected and network for potential jobs or business. It’s also really fun to hear stories about some of our favorite professors from other alums and to meet current Boalt students who are working in Chicago for the summer.”

Graduates interested in spearheading a new BoaltNet chapter can contact the Alumni Center’s Rachel Barley at 510.642.9045 or rbarley@law.berkeley.edu. —*Andrew Cohen*

Firm Support

Bay Area law firms find common ground in funding Boalt's mission at the highest levels

Perhaps it's natural that Bay Area law firms are among Boalt's biggest supporters. Many were founded by alumni and their work often deals with areas where Boalt is a national leader—intellectual property, environmental and international law, civil rights, social justice, and a commitment to public interest work. And, of course, their geographic proximity makes them likely employers for recent graduates.

"It's impossible for us to calculate the benefits that have come from our long and ongoing relationship with Boalt," says Craig Martin, managing partner at Morrison & Foerster. His firm, known by the shorthand "MoFo," is one of nearly 50 supporters honored on the school's Centennial Society donor wall as Builders of Boalt—those whose cumulative philanthropy to the law school has exceeded \$1 million.

"MoFo shares with Boalt an interest in finding and nurturing talent," Martin says. "That mutual goal not only helps us better serve our clients, it also betters the legal system, the courts, businesses, legal aid societies, and the communities we serve."

In 1994, Morrison & Foerster established the Robert D. and Leslie-Kay Raven Chair at Boalt in honor of one of its revered partners. "Bob Raven opened the door to women and minorities at our firm and was a huge champion of pro bono work," Martin says. Raven's influence spread across the profession as he accepted leadership roles with the bar associations of San Francisco and California and as president of the American Bar Association. The Raven Chair was long occupied by professor Rachel Moran, now dean at UCLA School of Law.

"It was a tremendous honor for our firm to have been associated with Dean Moran's remarkable career, her academic work, and her advocacy for bilingual education and civil rights," Martin says. "Her success in resurrecting the image of the citizen lawyer would have made Bob Raven very proud." Professor

Leti Volpp, a leading scholar on citizenship, immigration, and identity, is the most recent appointment to the Raven Chair.

Wilson Sonsini Goodrich & Rosati—another firm with deep ties to the law school for most of its 50-plus years—was the presenting sponsor of the school's Centennial Gala in November 2012. In 1997, the firm established the Wilson Sonsini Goodrich & Rosati Chair to support a legal scholar in the area of law and technology.

"We wanted our contribution to advance thinking in intellectual property, where the pace of technology often outstrips the law," says Mark Bertelsen '69, a partner in the firm. "We wanted to support the work of outstanding academics in an area where the United States competes most effectively on the world stage."

The chair is held by professor Robert Merges, a leading authority on the economics of intellectual property, and a co-founder and director of the Berkeley Center for Law & Technology—the driving force behind Boalt's No. 1 ranking among all U.S. law schools in intellectual property law.

Wilson Sonsini is also a Builder of Boalt and, like Morrison & Foerster, has a long history of employing Boalt grads—including founders and many partners. That fact figures strongly in its support.

"Many of us went through the UC system, including Boalt, and received a world-class education at a very reasonable cost, graduating with little or no debt," Bertelsen says. "Great public universities are in challenging times, especially in California. It's increasingly important for law firms to support Boalt. If we don't, we risk losing the potential of the diversity of talent that comes from the qualified and deserving students that Boalt develops and nurtures." —*Bob Rucker*



PARTNERS IN PROGRESS: Craig Martin (top) of Morrison & Foerster and Mark Bertelsen '69 of Wilson Sonsini Goodrich & Rosati have helped cultivate top legal talent by sustaining their firms' staunch support of Boalt.

A Right and Left Brain Function

Roundtable politicians' pre-election joust draws huge Centennial crowd

Four political heavyweights and a contentious election just six weeks away made for a rousing kickoff to Boalt's Centennial celebration last fall.

Before a full house at San Francisco's Herbst Theatre, former Michigan Governor Jennifer Granholm, former U.S. Labor Secretary Robert Reich, political strategist Dan Schnur, and former U.S. Senator and California Governor Pete Wilson '62 exchanged viewpoints and salvos on President Obama's first term. Moderated by Boalt Dean Christopher Edley, Jr., the political roundtable was the first in a series of high-profile events celebrating the law school's 100th anniversary.

Fittingly, Granholm and Reich sat on the left side of the stage; Wilson and Schnur sat on the right. Granholm, a UC Berkeley

Distinguished Practitioner of Law and Public Policy, said Obama's domestic agenda was routinely thwarted by House Republicans who "have signed pledges not to cooperate with him." Asserting that too many Republican congressmen "are ideologues, not legislators," Reich said Obama would help protect a middle class that "has lost its purchasing power because of how much money is concentrated at the top."

Wilson disagreed, noting that Obama had a Democratic-majority House and Senate during his first two years in office. When Republicans regained control of the House in 2010, Wilson said some members felt justifiably slighted after Obama "jammed through" his 2009 economic stimulus bill.

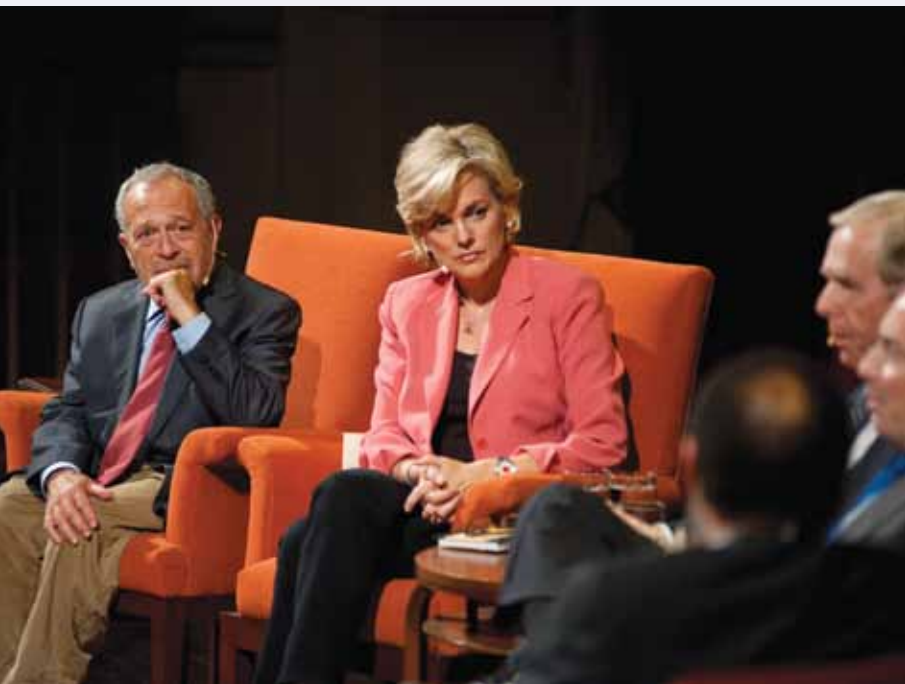
Granholm praised Obama's support of same-sex marriage and women's right to choose, "particularly in the face of 26 states adopting 90 pieces of legislation that would restrict that right." When Wilson asked why Obama did not openly support same-sex marriage until 2012, Granholm asked if he was cynical about the president's "evolving" views. "Cynical? No, skeptical," Wilson replied.

Granholm and Reich, who were members of Obama's 2008 presidential transition team, hailed his foreign policy record. Granholm said, "Our country's position in the world has improved," while Reich praised Obama's handling of the Arab Spring.

Unmoved by those assessments, Wilson lamented Obama's "policy of disen-

RIGHT MINDS: Former U.S. Senator and California Governor Pete Wilson '62 (left) and Republican political strategist Dan Schnur discuss President Obama's first term with Dean Christopher Edley, Jr.





gagement” marked by “timidity and indecisiveness.” He called the unnamed deadline for departing Afghanistan “very dangerous,” and said Obama should have done more to oust Syrian President Bashar al-Assad.

Schnur, national director of communications for John McCain’s 2000 presidential bid, credited Obama as “the first Democratic president since JFK whose foreign policy would be a net plus.” But he did voice concerns about Obama’s decision not to meet with Israeli Prime Minister Benjamin Netanyahu, and its impact on Iran’s nuclear intentions.

Now director of the University of Southern California’s Unruh Institute of Politics and an adjunct instructor at UC Berkeley’s Institute of Governmental Studies, Schnur received booming applause for his assessment of today’s political climate. He called Washington “more nasty and bitter” than ever and decried the “alarming trend” of people choosing media outlets that simply affirm their beliefs.

“I tell my right-leaning students to watch Rachel Maddow and my left-leaning students to read David Brooks and George Will,” Schnur said. “It’s important to listen to people who don’t agree with everything you say.”
—Andrew Cohen



LIBERAL THINKERS: Democratic Party icons Robert Reich and Jennifer Granholm defended Obama’s record in a spirited event that helped mark Boalt’s 100th anniversary.

“I tell my right-leaning students to watch Rachel Maddow and my left-leaning students to read David Brooks and George Will.”

—Dan Schnur

Happy Anniversary, IHRLC!

**SATURDAY,
SEPTEMBER 28, 2013**

Boalt’s International Human Rights Law Clinic (IHRLC) will kick off its 15th anniversary celebration during Alumni Weekend. The clinic—which has trained more than 200 students—is organizing a panel on human rights accountability for the afternoon of Saturday, September 28. That night, IHRLC will host a dinner for its alumni and friends, as well as former faculty and staff. IHRLC has also launched an anniversary fundraising campaign with a goal of 100 percent participation from clinic alumni.

In-House Clinics Receive Transformational Gift

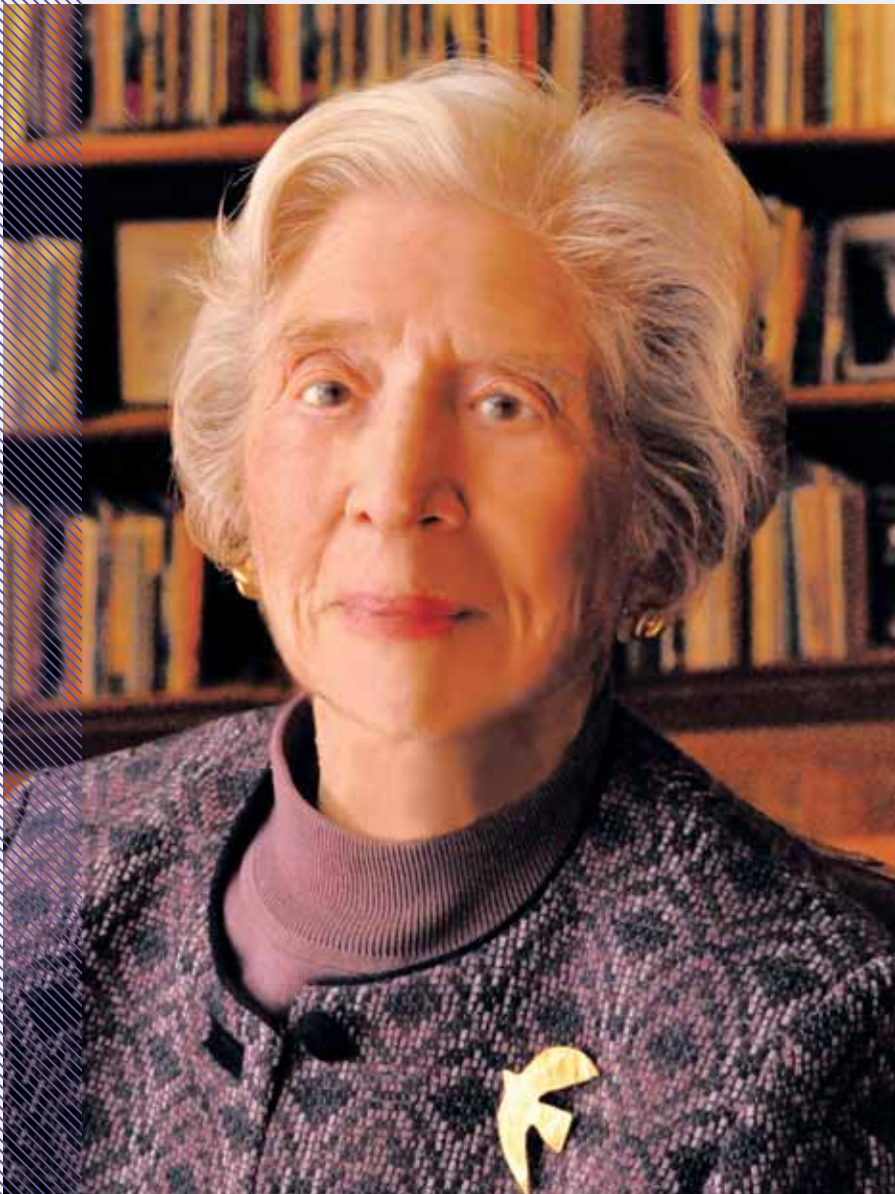
When Alba Witkin pondered the best way to honor one of Boalt Hall's most influential graduates, her late husband, Bernard Witkin '28, she quickly homed in on the school's clinical program. After all, Bernard was a fierce advocate of pragmatic legal training, and helping students gain hands-on experience is a priority of the Campaign for Boalt Hall.

Thanks to a recent \$300,000 gift from the Bernard E. and Alba Witkin Charitable Foundation, Boalt's clinics will soon get a long overdue upgrade to their work environments. The renovation of the professional office space on the law school's third floor is set to begin by year's end. It includes funds for technological enhancements such as teleconferencing equipment, interactive whiteboards, and large-screen projectors to enable Skype and video screening.

"This generous gift will allow students to better experience the collaboration that is fundamental to real-life legal practice," says clinical professor Laurel Fletcher, who directs the International Human Rights Law Clinic. "For the first time, all in-house clinic students will be able to work side by side in the same space. This space will include individual meeting rooms to foster student team collaborations and use of state-of-the-art, multimedia technology for teaching and practice."

Boalt's in-house clinics currently work in three adjacent rooms designed to accommodate six to eight students each. With approximately 50 to 60 students in the three clinics each semester, the rooms are badly overcrowded.

IN HIS HONOR: Boalt's clinics will get an office-space upgrade thanks to a generous gift from the Bernard E. and Alba Witkin Charitable Foundation, headed by Alba Witkin, widow of influential legal thinker Bernard Witkin '28.



18-24

Students that the clinics' current space was designed to accommodate

50-60

Students who actually work in that space each semester

\$623,200

Cumulative giving to Boalt by the Witkin Charitable Foundation

Assistant clinical professor Jennifer Urban '00, co-director of the Samuelson Law, Technology & Public Policy Clinic, says that when the work is finished "this newly renovated space will more faithfully mirror the architecture of legal practice, where lawyers work together across substantive areas."

Created in 1982, the Witkin Charitable Foundation has long supported Boalt's clinical program, a practical legal training hub for 15 years.

Under the close supervision and guidance of nationally recognized faculty, students deliver pro bono legal services in three clinics within the law school: the Death Penalty Clinic, International Human Rights Law Clinic, and the Samuelson Clinic. A fourth clinic, the East Bay Community Law Center, which serves low-income clients in various clinical practice areas, is housed off-campus in south Berkeley (see page 34).

"I'm pleased to provide this funding in memory of my late husband," Alba says. "He felt passionately that clinical law experience was of critical importance in preparing students for successful practice."

Bernard is best remembered for his definitive treatises on California law, an invaluable resource to scores of judges. As the state Supreme Court's clerk and California Reporter of Decisions, he regularized the rules of appellate practice, wrote the *California Style Manual*, and grew his "Summary of California Law" into four treatises. A prolific writer and lecturer, teacher to experienced judges and aspiring members of the bar, and advocate for legal reform, his

treatises have been cited by the California Supreme Court and Courts of Appeal more than 20,000 times.

At a memorial service following his death in 1995, Boalt professor Herma Hill Kay said Bernard "almost single-handedly raised the

intellectual standards of the California Bar and judiciary until the legal profession in this state became an example to the nation" and that "his legacy is immense."

"Everyone involved will benefit tremendously from this gift," says clinical professor Ty Alper, associate director of the law school's Death Penalty Clinic. "It will allow us to work more productively to better serve our clients."

"I've seen how functional, beautiful space elevates the spirit of our students and the excitement within our school."

—Nikki Davenport '13

Having seen the impact of Boalt's recent school-wide renovations, Death Penalty Clinic student Nikki Davenport '13 predicts the Witkin Charitable Foundation gift will be "transformational." She likens the project to the new Student Center, which houses legal journal staff and advocacy groups in the same area—enabling them to work together.

"I've seen how functional, beautiful space elevates the spirit of our students and the excitement within our school," Davenport says. "Clinic students are passionate about their work. It's important to feel proud of the space where this critical work is done."

—Andrew Cohen





INSIGHT:

Value of a Boalt Degree Going Up, Not Down



BY TYLER GERKING '02

It seems a growing number of people are saying it's not worth going to law school now. Tuition is up, job prospects are down. There's no shortage of screams from the bandwagon warning aspiring lawyers to stick with their current jobs, and forgo law school, or else find themselves three years later back in the same job with loads of debt.

This generalization does not apply to prospective Boalt Hall students. No doubt, Boalt graduates in the last few years faced a far more challenging job market than those before them. But in several key respects, Boalt offers determined students the opportunities to pursue fulfilling and impactful law careers that many other law schools do not.

Employers are demanding that law schools better equip their students with the practical skills to hit the ground running after passing the bar exam. Boalt is responding. The school is expanding its skills-based course offerings, which already include classes on depositions, negotiations, interviewing and counseling, and trial practice, among others.

Boalt also encourages students to get hands-on experience representing real clients, where lawyering skills and judgment are truly developed. Boalt students have many clinical options, and they can also do real legal work through semester-long field placements with nonprofits and government agencies. Employers want students who take the initiative to get such real-world lawyering experience, and Boalt continues to broaden these opportunities.

Boalt students also participate in cutting-edge research and problem-solving in the law school's research centers. These centers help develop policy solutions to problems in

governance, health care, business law, intellectual property law, and the environment. I've heard our dean, Christopher Edley, Jr., proclaim that the world needs talented new lawyers, for they will have the tools necessary to creatively meet our most difficult challenges. He's right. Private and public sector demand is not diminishing for lawyers with practical problem-solving skills honed by these efforts—it is growing rapidly.

Therein lies Boalt's strength. Its students, professors, instructors, and alumni are leaders in thriving and growing job markets, many of which extend far beyond the traditional U.S. law firm context, where demand for new graduates has slowed. Many Boalties work where the law intersects with business, policy, and social justice—in government, venture capital firms, Bay Area startups, and nongovernmental organizations. In other words, Boalt graduates enter a community with an expansive horizon that urgently needs the skills our school fosters.

Crucially, the entire horizon—not just the high-paying portion of it—is within graduates' financial reach. Boalt has one of the most generous loan-forgiveness programs of any law school in the country. With the debt relief it provides, Boalt graduates gain the freedom to choose perhaps lower-paying, but highly rewarding, jobs critical to the public interest.

Simply put, the decision to attend Boalt Hall is the right one for determined, aspiring lawyers who want to make a real-world impact.

Tyler Gerking '02 is a partner in the San Francisco office of Farella Braun + Martel. His commercial litigation practice mainly involves insurance coverage issues.

“Boalt graduates enter a community with an expansive horizon that urgently needs the skills our school fosters.”

CLASS NOTES

Your
Classmates
Want to
Hear from
You!

CONTACT US

ONLINE:
www.law.berkeley.edu/alumnetwork

BY EMAIL:
alumni@law.berkeley.edu

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



1963

Michael Antin writes, “After rave reviews and production runs in Hollywood and New York, my third musical comedy, *Sophia*, has been selected for this summer’s Manhattan International Music Festival. Following the festival, it will finish an extended run in New York.” *Renewal*, Michael’s musical comedy about finding the strength and perseverance to start anew after tragedy, will open this fall in New York and then run in Hollywood.

1967

Michael Donaldson, one of the fiercest advocates for documentary filmmakers

and an expert on fair-use law, has worked with scholars to create a 180-degree turnaround in the culture surrounding fair use. Michael was an integral part of the recent Lee Storey *Smile 'Til It Hurts: The Up with People Story* case, in which the documentary film community claimed victory against the IRS. He filed a Friend-of-the-Court brief in the case on a pro bono basis, which noted, “A judicial pronouncement that documentary filmmakers are not engaged in a profit-making activity would have a chilling effect on the documentary filmmaking industry, as documentarians would no longer be able to claim deductions for their business expenses.” Post-victory, Michael said, “Even if it takes six years, the making of a documentary, in spite of educational and public good, is also a business. The win is particularly important because the issue has rarely been addressed by a court in such a direct fashion.”

1968

A. Lou Benassi and his wife, Patricia Benassi '69, were honored to again be selected as Leading Lawyers and Super Lawyers for the state of Illinois for 2013.



Frank Schreck was named a “Star Individual” by *Chambers & Partners* in its 2013 global rankings. He was honored for his strong, successful record in both Internet- and land-based gaming. The ranking recognizes the breadth of his expertise and stated that Frank is the primary point of contact for several high-profile clients and peers seeking advice on Nevada gaming laws. He was also recognized as a “Star

WILLIAM EDLUND '53

Taking Aim at Gun Violence

Four decades after graduating from Boalt, litigator William Edlund '53 embarked on an additional career: crusader.

On July 1, 1993, a man walked into the offices of Pettit & Martin, a downtown San Francisco law firm. He was holding a grudge—an incoherent but powerful grievance against lawyers—as well as 700 bullets and three pistols, two of them fitted with Hellfire trigger systems capable of spraying up to 500 bullets per minute. He opened fire, killing eight people and wounding six more before taking his own life.

Like many Bay Area attorneys, Edlund was shocked by the shooting. Unlike most, though, he was also spurred to act. He and a few other lawyers—many from Pettit & Martin; some, like Edlund, from other firms—formed the Legal Community Against Violence (LCAV) to take what they thought would be swift action. “Here’s how naïve I was,” Edlund recalls. “At one of our first meetings, I said, ‘Let’s do something simple that no one will oppose—let’s get assault weapons banned nationwide.’ It took us a year, and then Congress allowed the ban to expire in 2004, unfortunately.”

Today LCAV, now known as the Law Center to Prevent Gun Violence, is a national clearinghouse for information about firearms law and Second Amendment litigation. It’s also the only organization exclusively dedicated to providing pro bono legal services to legislators proposing “smart gun laws” that restrict the size of ammunition magazines, require background checks and waiting periods, and limit the carrying of concealed weapons. The center’s work is frequently cited in the media and judicial opinions, and Edlund—now its president—speaks and writes often about gun violence.

Edlund had already built a distinguished career by the time he tackled this issue. Admitted to the bar in 1953, he served a two-year hitch in the U.S. Army and then became Boalt’s first Ford Foundation fellow, studying at the London School of Economics. Next he joined Pillsbury Madison & Sutro, where he practiced for 43 years, chairing the firm’s litigation group and serving on its executive committee. He has also held many leadership positions in local, state, and national



bar organizations, as well as heading alumni and fundraising activities at Boalt.

Most people his age—he’s 83—have long since retired, but Edlund’s not interested. Now at Bartko Zankel Bunzel & Miller, where he’s been for 10 years, he represents corporations and individuals in major antitrust, securities, defamation, malpractice, and general commercial litigation. “I’m still practicing full time,” he says. “Still trying cases.” Indeed, in a recent trial where Edlund served as lead lawyer, the arbitrator praised his skills as “materially higher than those displayed by other counsel with similar expertise and experience.”

But curbing gun violence is his cause. Despite high-profile heartbreaks like the December 2012 massacre at an elementary school in Newtown, Connecticut, Edlund harbors hope, pointing to California’s progress since the shooting that galvanized him. “There were 4,955 gun deaths in California in 1991,” he notes. “In 2011, there were 2,972—nearly 2,000 fewer.” The message he draws from his center’s crusade, California’s laws, and the state’s drop in deaths? “Smart gun laws save lives.” —Jon Jefferson

Individual” in the *Chambers & Partners 2012 USA Guide*. A shareholder at Brownstein Hyatt Farber Schreck, Frank chairs the firm’s gaming law group and is a member of the corporate and busi-

ness group. His nearly 40 years of experience includes personally representing premier public and private gaming companies on licensing matters and all other aspects of regulatory compliance.

In addition to representing his clients’ gaming interests in Nevada, he participates in international gaming-related matters in Japan, Macau, Puerto Rico, Spain, and Great Britain.

1969

Patricia Benassi, in addition to being honored as a Leading Lawyer and Super Lawyer in Illinois for 2013, was selected as one
(Continued on page 61)

JERRY BRADY '62

50 Years Where the Accion Is

"I was just a kid from Idaho Falls who happened to write a letter to *The Wall Street Journal*." So says Jerry Brady '62, looking back on what led him to co-found Accion, a grassroots organization that became a pioneering force in global microlending.

Brady's fateful letter rebuked an editorial criticizing President John F. Kennedy's creation of the Peace Corps in 1961. Brady had just returned from a tour of Africa between graduating from Notre Dame and starting at Boalt, and his passion for addressing injustice ran high.

"This was a time of great idealism, and many of my classmates were deeply involved in the civil rights movement," he says. "The Peace Corps was exactly what I had in mind. The fact that anyone would oppose it did not sit well."

Fellow Boaltie Joseph Blatchford '61 happened to read Brady's five-paragraph letter to the editor. Although they'd never met, he recognized a kindred spirit. Blatchford was living in a garage off Telegraph Avenue, rounding up money and volunteers for Accion—a goodwill organization of his own. In Brady's journalism experience with his family's newspaper business, Blatchford saw a gifted communicator who could make important contacts for fundraising and news coverage.

The two enlisted a third Boaltie, Gary Glenn '64, to help recruit volunteers, and Accion took off. Within a few months, 30 volunteers departed for the barrios of Venezuela to dig sanitation ditches and build schools.

Over time, the organization evolved. Brady moved on to other interests, but never lost touch. Then in 2011—after a career that included the directorship of a congressional committee, a private law practice, two runs for Idaho governor, and many years managing his family's media interests—Brady attended Accion's 50th anniversary party in New York.

In five decades, local volunteers had mostly replaced Americans, and Accion had embraced microlending: issuing very small loans to impoverished borrowers who lack traditional means of satisfying conventional lenders.

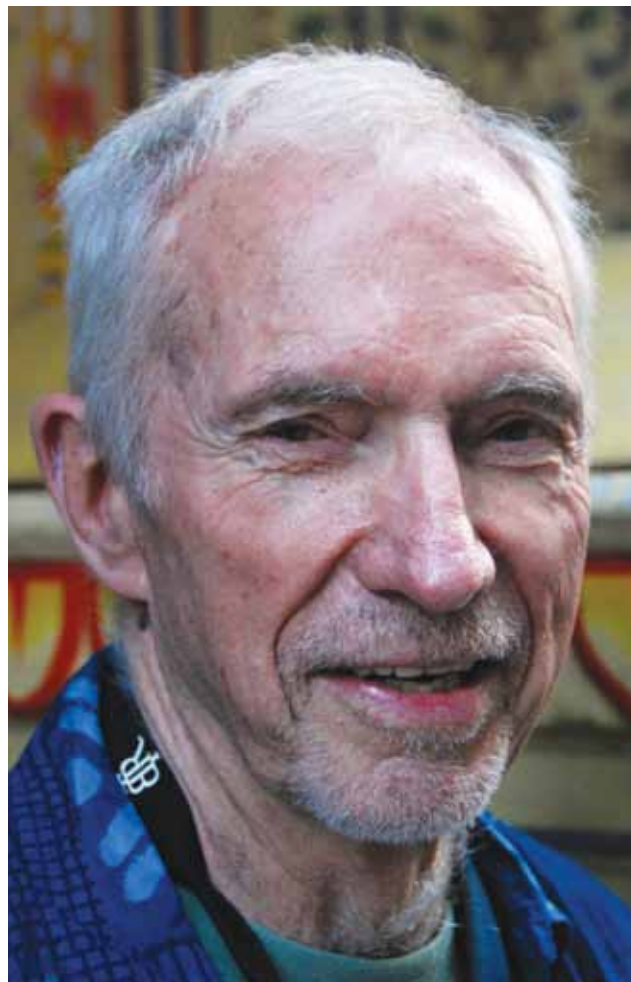
"At that party, I heard inspiring stories from many of Accion's new and wonderful colleagues," says Brady, now 76. "I began to wonder whether they might consider a request from one of its founders to join their international volunteer program, as an Accion Ambassador."

He applied. Accion accepted. The result was a three-month mission to India last fall, chronicled at jerrybrady.blogspot.com. Brady worked alongside local partners and met many entrepreneurs,

whose access to microloans energized businesses from hauling bananas to renting chairs for weddings.

One such interaction occurred in the back room of a tiny grocery. "I was surrounded by bananas," he says. "Ten women in pink and orange saris came together, as they had every month for years, to make payments on their small loans." This was nothing unusual—Brady says 98 percent of the microloans issued to women in India are repaid in a similar way.

"It was significant for me," he recalls, marveling at the opportunities made possible by a three-man organization he helped start in a Berkeley garage. "I thought, 'How fortunate can I be to witness this!'"
—Bob Rucker



RICK SHERMAN '74

True Love, True Lies

Creative philanthropy, the desire to surprise and honor a spouse, and a web of little white lies began a tale that ends very happily indeed. In 2003, Rick Sherman '74 traveled to San Francisco with his wife, Heidi, to attend a black-tie event at Tiffany's. Or so he was told.

"We flew from Southern California the night before the event and had dinner at our hotel," Rick recalls. "The next morning, I suggested going out to walk around Union Square, but Heidi had scheduled a massage for us in the room and had sent all of my clothes to the cleaners. I should have figured out something was up, but I was clueless."

So, what was up? There was no Tiffany event. Instead, Heidi had spent months arranging a surprise dinner at Fleur de Lys with Rick's friends, family, and colleagues to announce a distinguished Boalt professorship that she established in his name. All the guests were tucked away within a four-block radius of the Four Seasons, where Heidi and Rick were staying. "She was worried that if I even went out for some fresh air, someone might see me and spill the beans," he says.

That night, Rick came to the lobby in formal wear and was stunned to find his entire family waiting for him. He was delighted, but an explanation for their presence would have to wait until dinner. All was revealed at Fleur de Lys that night, where 150 friends from Boalt and his professional life greeted and congratulated him. "When I first arrived, I still didn't know about the professorship right away," he says. "I couldn't figure out why they were congratulating me."

Over dinner, Rick was toasted by many in attendance, including his children, Carol '99 and Michael, and the mastermind behind the cloak-and-dagger affair, Heidi. "The whole thing was so elaborate," Rick says of Heidi's meticulous planning. "To put the funding together, to bring in that many people and keep it all a surprise was very impressive. It was a tremendous gift of love."

Of course, that dinner was just the beginning of the story. "The Boalt administration asked me what I wanted to do with the fund, and it was very important to me that the resources go toward something rele-

vant to the practice of law in the 21st century," he says. Thus, the Richard M. Sherman Distinguished Professorship of Law and Information was born. It is currently held by Pamela Samuelson, who holds a joint appointment at Boalt and the School of Information, and is faculty co-director of the Berkeley Center for Law & Technology.

Rick, a partner emeritus at Irell & Manella, continues to support the professorship out of gratitude for his experience at Boalt. "It was always an intellectual place, but as students we were given a lot of freedom," he says. "The faculty not only taught us the skills of analyzing the law, but they also taught us how to think. That became very important in my career, certainly as a young lawyer."

—Ben Peterson



BRENDA HARBIN-FORTE '79

A “Somebody for Others”

Brenda Harbin-Forte '79 was the first African-American woman to serve as class president at Boalt Hall, president of the Alameda County Bar Association, and dean of California's B.E. Witkin Judicial College. Blazing new trails? Old hat.

But when she became a judge 21 years ago, her excitement was dampened by a jarring dearth of minority colleagues.

“California is almost 60 percent ethnic minorities,” says Harbin-Forte, who spent seven years as a municipal court judge in Oakland before becoming an Alameda County Superior Court judge in 1999 through court unification. “I thought our judiciary would be greatly enriched by reflecting that diversity.”

In 2005, Harbin-Forte was appointed to a State Bar task force charged with finding ways to increase diversity throughout the legal profession. At the time, there was no easy way to obtain data about the gender, racial identity, or ethnic background of California's judges.

At Harbin-Forte's urging, the State Bar convened a judicial diversity summit in 2006, where she presented the findings of a working group she chaired that had canvassed California courts. Those findings compared the percentage of minority judges with that of residents in various counties.

“People couldn't believe our bar graphs and pie charts,” Harbin-Forte says. “We had counties without a single minority judge.” Soon after, California passed SB-56, which requires the collection and annual public reporting of demographic data about California judges. “We're still not where we want to be, but we are making progress.”

In December 2012, Harbin-Forte received the Hall of Fame Award from the Charles Houston Bar Association, which represents the



interests of African-American lawyers, judges, and law students.

“With intelligence, compassion, and unabashed determination, Brenda almost single-handedly helped the judicial branch and State Bar leaders see that a diverse judiciary positively impacts the public's trust and confidence in our court system,” says Donna Clay-Conti '80, a senior attorney at the Administrative Office of the Courts.

One of 12 children, Harbin-Forte grew up on public assistance in Mississippi. Her son, Ken, was born before her junior year of high school, and she moved with her family to Oakland just two weeks later. Despite those trying circumstances, Harbin-Forte finished sixth in her high school class, received financial aid to attend UC Berkeley and then Boalt, and delivered commencement addresses at her high school, college, and law school graduations.

She later practiced complex civil litigation at a large Bay Area firm and was named partner at Thelen, Marrin, Johnson & Bridges before joining the judiciary.

“When I was a teen parent wondering if I could make something of my life, somebody came along to encourage me,” she says. “When I wanted to attend law school and then become a judge, somebody supported my efforts. When I needed a job, somebody, John Burris [’73] gave me an opportunity. Whenever I got discouraged in life, somebody was always there urging me to succeed. That's why I'm so grateful to be perceived as a ‘somebody’ for others.” —Andrew Cohen

(Continued from page 58)

of the Top Ten Women's Plaintiff's Employment Lawyers for downstate Illinois and one of the Top 100 Women's Plaintiff's Employment Lawyers for the state of Illinois. She was previously inducted

as a fellow into the ABA's College of Labor and Employment Lawyers.

Ronald Rubenstein recently completed a two-year term as president of the board of directors of the UC Santa Barbara Alumni Association. He

continues to serve as a member of the Alumni Association's board of directors and is also a trustee of the UC Santa Barbara Foundation. Ronald is now serving the University of California in two new capacities: as a member of the UC Board

of Regents, and as president of the university's Alumni Association.

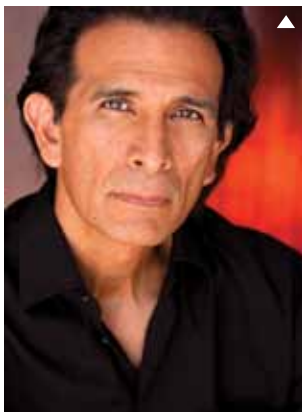
1971

William Bedsworth notes that in a desperate attempt to keep up with his daughter, Caitlin, who graduated

from Boalt in May, he has begun teaching Appellate Advocacy at the UC Irvine School of Law. “Early returns show Caitlin substantially ahead,” he writes. William also says that “classmates who don’t get enough laughs out of my opinions will be reassured to know my nationally syndicated column, ‘A Criminal Waste of Space,’ won its fourth California Newspapers Association award for excellence. Last year, it won one of George Mason University’s Green Bag awards. The other two winners in my category were Jeffrey Toobin and Nina Totenberg, company I seldom get mentioned in.”

1979

Gregory Zaragoza writes, “I hope you get a chance to watch one or more of the movies that I have recently completed. I have a role in *The Perfect Family*, with Kathleen Turner, and I am the lead actor in *Jordan*.” You can learn more about Gregory’s work on IMDB at imdb.com/name/nm0953340/?ref=fn_al_nm_1.



1980

Kelvin Filer reports that on September 14, 2012, he was honored with the Lifetime Member Achievement Award by the National Association for the Advancement of Colored People (NAACP). Kelvin says he “was one of the first members to take out a lifetime membership with the Compton Branch of the NAACP in 1985.”

1982

Lynne Urman writes, “After writing numerous law books as a ghostwriter and legal editor, I decided to write one under my own name: *Insights and Observations of Trial Court Research Attorneys*. The book is based on my experiences (and those of some colleagues) as a research attorney in the law and motion department of a California Superior Court. I am pleased to announce that my book has been published by Thomson Reuters/Aspatore (February 2013).” For more information, visit <http://legalsolutions.thomsonreuters.com/law-products>.

Ignacio Lazo recently left Cadden & Fuller LLP to accept a position at 4G Wireless, Inc. as its general counsel and vice president for corporate legal affairs. The company is a Verizon Wireless retailer with 120 stores in the

western United States, and is headquartered in Irvine, California. “I should have done this six years ago when I was first offered the position,” Ignacio writes. “I look forward to never preparing a timesheet again. I also enjoy getting home earlier by commuting with my wife, Denise, and taking the HOV lane together.”



1983

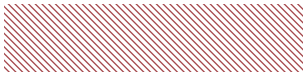
Patricia McCoy was appointed by Elizabeth Warren (now a U.S. senator, D-Mass.) in 2011 to head the mortgage markets section of the Consumer Financial Protection Bureau, where she oversaw all of the bureau’s mortgage initiatives. That same year, Oxford University Press published her new book, *The Subprime Virus*, co-authored with Kathleen Engel. In 2012, Patricia returned to her teaching post at the University of Connecticut School of Law as the Connecticut Mutual Professor of Law and director of the Insurance Law Center.

Roger Booth, a partner at Booth & Koskoff in Torrance, California, is co-author of *Personal Injury Handbook*, a practice guide recently published by James Publishing.

Bruce Shepherd, a partner in the finance department at Latham & Watkins, was recognized in *SD Metro Magazine* as one of San Diego’s “Best Attorneys in 2013.” Bruce, who has broad experience in real estate development, construction, and joint venture and finance transactions, has also been named one of California’s Top 20 real estate “deal makers” by the *Los Angeles Daily Journal*. He is a member of the San Diego Regional Economic Development Corporation and last year completed his third term as a publicly elected member of the Coronado School Board, serving as president in 2001, 2002, and 2009 through 2012.

1987

Sandra Levin was appointed executive director of the Los Angeles Law Library Board of Trustees in December and was also named one of California’s Top 25 municipal lawyers in 2012. She had served as the library’s general counsel, and has spent 25 years in the legal profession in a variety of roles. As a founder, owner, and co-manager of her law firm, Colantuono & Levin,



Sandra is responsible for approximately 20 employees. A former mayor and city council member of Culver City, California, Sandra had firsthand experience overseeing a budget of more than \$80 million, with hundreds of employees and diverse municipal operations. She has been a principal at Colantuono & Levin since 2001, and was previously a principal at Riordan & McKenzie.



1988

David Pimentel recently accepted a position at Ohio Northern University in Ada, Ohio, as a visiting associate professor, teaching in the school's Democratic Governance and Rule of Law LL.M. Program. David recently was employed at the Florida Coastal School of Law as an associate professor of law, but spent the 2010-11 school year at the University of Sarajevo on a Fulbright award. His forthcoming article on overprotective parenting and the "free-range kid" has

already generated more than 17,000 downloads from the Berkeley Electronic Press website: http://works.bepress.com/david_pimentel/.

1992

Nadira Clarke, the leader of Beveridge & Diamond's white-collar defense and environmental crimes practice group, was chosen by the Minority Corporate Counsel Association as one of 12 "Rising Stars" honored for their legal accomplishments and their commitment to diversity and inclusion in the legal profession. Nadira was featured on the cover of the March/April 2013 issue of *Diversity & the Bar*.



Howard Shelanski has been nominated by President Obama to direct the Office of Information and Regulatory Affairs, which oversees all federal regulations. Howard, who taught at Boalt from 1997 to 2009, is currently director of the Federal Trade Commission's Bureau of

In Memoriam

- Martin Pence '28
- William L. Blackenburg '39
- Frank Pestana '40
- Harley J. Spitler, Jr. '40
- Otis L. Frost '41
- Evelyn S. Holzman '47
- St. John Barrett '48
- Mary Ellen H. Etcheverry '48
- Bruce B. Bales '49
- Russell R. Kletzing '49
- Oliver J. Northup, Jr. '49
- Walter G. Olson '49
- John J. Golden '50
- Robert P. MacDonald '50
- Kenneth Nagel '50
- William F. Sharon '51
- Sheila S. Kato '52
- Jerome P. Solari '52
- Aaron M. Greenberg '53
- Paul C. Maier '54
- Robert I. Conn '56
- Donald M. Cahen '57
- Eugene Manthey '57
- John M. Thorpe '57
- James M. Gifford '58
- Richard W. Kessell '59
- Warren S. Levin '61
- Henry J. Faitz '63
- Richard Julien, Jr. '63
- Lawrence F. Hilton '64
- Sanford Svetcov '64
- Merritt S. Yoelin '65
- Patrick A. Randolph, Jr. '69
- Melanie L. Schodde '69
- Philip E. Decker '72
- Camille E. LeGrand '73
- Mark S. Branner '74
- Barbara A. Cushin '75
- Daniel E. McNulty '75
- M.T. Perry '75
- William F. Mack '78
- Christopher J. Hunt '79
- Mark E. Zatt '80
- Scott R. Rutherford '83
- Mary W. Filson '84
- Mark R. Sieke '84
- John C. Rayburn, Jr. '90
- Linda W. Verheecke '93
- Peter J. Wong '93
- Matthew K. Africa '00
- Jennifer K. Gendel '01
- Tedra E. Fox '02
- Rebecca C. Nichols '10

MATTHEW CLOSE '96

Details to the Defense

Everywhere he looks, Matthew Close '96 sees people taking shortcuts. Lawyers ignoring the fine print. Investors dismissing long-range strategies. Media pundits blaring knee-jerk accusations.

A third-generation lawyer, Close isn't wired that way. Attention to detail is what guides his securities litigation practice at O'Melveny & Myers, where he is a partner based in the Los Angeles office—and what makes it so successful. When the economy started unraveling in 2008, and blame-seeking missiles filled the airwaves, Close defended his clients by marshaling the details.

"Financial crises and business collapses are usually the last part of long, interconnected stories involving many participants and variables," he says. "They often get reduced to oversimplified storylines about who's to blame. My job is to understand the full story and present it in a straightforward way to judges and juries who haven't invested hundreds of hours mastering the subject matter."

Close's grandfather was a longtime law partner in Massachusetts with former U.S. Congressman Tom Lane, and his father still practices transactional law in Southern California. At O'Melveny & Myers, Close represents corporations and their directors and officers in securities fraud, derivative suits, and breach of duty litigation, with extensive experience handling complex issues for international clients involved in cross-border business. He also litigates commercial disputes as well as unfair competition and deceptive trade practice actions.

In 2010, Law360 named Close one of the United States' "Ten Rising Stars Under 40" in securities litigation. His articles on the subject have appeared in *Bloomberg Law Reports*, *Los Angeles Daily Journal*, and *International Financial Law Review*.

Close's submissions likely require little editing. Last year, he won a 2012 Distinguished Legal Writing Award from the Burton Awards for Legal Achievement—run through the Library of Congress—which annually recognizes the best legal writing from the nation's top 1,000 law firms.

"A big part of good legal writing is not taking it for granted or thinking that you can't improve," he says. "Every step of the way—high school, college, Boalt, clerkship, firm—I've been surrounded by people who put a priority on writing."

As an undergraduate majoring in economics at the University of Pennsylvania, Close pursued his interests in business and finance. Those interests grew stronger at Boalt and carried into his clerkship with federal district court judge Mariana Pfaelzer, whose docket included many high-end business disputes.

At O'Melveny & Myers, Close helped restructure a major corpo-

rate pension plan after it invested more than \$100 million with a firm accused of operating a Ponzi scheme. He also gained dismissals for Bank of America in several derivative and class-action suits against the company stemming from its 2008 acquisition of mortgage lender Countrywide Financial. Recently, he helped resurrect CenterStaging—a music production company forced into bankruptcy after an effort to expand into the online music industry failed.

"A good lawyer is a good problem-solver," Close says. "You're not just operating in the narrow prism of legal issues; you're trying to make life easier and more gratifying for your clients. People put a lot of faith and confidence in lawyers, and it's important to earn that respect." —Andrew Cohen



Economics and a law professor at Georgetown University. He previously served as chief economist at the Federal Communications Commission.

1993

Allison Claire was recently appointed as a U.S. magistrate judge in the U.S. District Court for the Eastern District of California in Sacramento. Prior to taking the bench, Allison enjoyed a 17-year career at the Federal Defender's Office, most recently as a supervising assistant federal defender in the Capital Habeas Unit.

1996

Benjamin Schwartzman has helped found Andersen Banducci PLLC, a high-stakes civil litigation practice in Boise, Idaho. In addition to Benjamin and several other rising legal stars, the firm boasts two of the Gem State's most noteworthy civil trial lawyers, Steven Andersen and Thomas Banducci. Andersen Banducci trial attorneys were lead counsel for verdicts and settlements in excess of \$400 million and have won landmark cases against some of the nation's largest law firms. "This is the firm you simply don't want to see on the other side of the case," says G. Steven Henry, general

counsel and executive director of the Litigation Council of America. A founding partner in the new firm, Benjamin has prosecuted securities and consumer fraud cases against some of the largest publicly traded U.S. companies and directed nationwide consumer protection suits. He received high honors at Boalt, and was Phi Beta Kappa and magna cum laude as an undergraduate at Duke University. Visit www.andersenbanducci.com for more information.



1997

Vadim Braslavsky has been named to the *California Super Lawyers* list as one of the top attorneys in California for 2013. No more than 5 percent of the lawyers in the state are selected by *Super Lawyers*.

Tom Ginsburg has been elected to the American Academy of Arts and Sciences (AAAS), one of the nation's most prestigious national honorary

societies and a leading center for policy research. Since its founding in 1780, AAAS has elected leading "thinkers and doers" from each generation. The current membership includes more than 250 Nobel laureates and more than 60 Pulitzer Prize winners. The new class will be inducted at a ceremony on October 12 in Cambridge, Massachusetts. Tom is currently Leo Spitz Professor of International Law, Ludwig and Hilde Wolf Research Scholar, and professor of political science at the University of Chicago Law School.

1999

Ricardo Ochoa and his law partner, Dovie Yoana King, both union-side labor attorneys at Ochoa Legal Group in San Diego, were acknowledged in the new *Labor and Employment Law Career Guide* for their panel presentation at the National Association of Law Placement's Public Service Section Conference in Washington, D.C., "Putting a Law Degree to Work for Workers: The New Landscape in Workers' Rights Careers." Richard's law practice is a full-service labor and employment firm dedicated to representing labor unions and their members. The firm has also established the inaugural Workers' Rights Scholarship for California law students interested in

careers in the labor movement. More information is available at Ochoa Legal Group's website, www.union-attorneys.org.



2001

Cinnamon Carlarne was promoted to associate professor by The Ohio State University Board of Trustees within the university's Michael E. Moritz College of Law. A leading expert in environmental law and climate change law and policy, her scholarship focuses on the evolution of domestic and international environmental governance and includes a book on comparative climate change law and policy with Oxford University Press. Cinnamon holds a B.C.L. and master's degree in environmental change and management from the University of Oxford. She is on the editorial board for the *Climate Law Journal* and the newly established *Transnational Environmental Law Journal*.

2002

Seth Shelden was granted a Fulbright award to teach U.S. Intellectual Property Law at the University of Latvia for the fall 2012 semester.

Lidia Maher and **Heather Tewksbury** were among the recipients of the U.S. Attorney General's Award for Meritorious Public Service on October 17, 2012. These awards were given to members of the team that successfully prosecuted AU Optronics, among others, for price-fixing. This case represented the first time that the Department of Justice's Antitrust Division litigated the issue of ill-gotten gain before a jury. "This year's award recipients have made significant contributions across, and far beyond, the Department of Justice and helped to protect the rights, safety, and best interests of the citizens we are privileged to serve," U.S. Attorney General Eric Holder said. "I am grateful for the dedication and passion that these extraordinary public servants bring to their work, and I am honored to count them as colleagues." Heather notes that the defendants "played a pivotal role in a global conspiracy that had an unprecedented impact on the pocketbooks of American consumers." Not only was AU Optronics and its U.S. subsidiary convicted, but

the jury found that Lidia and Heather's team proved an overcharge of at least \$500 million. As a result, the maximum fine now faced by each company has jumped from \$100 million to \$1 billion.



2003

Austin Ku writes, "After passing the California bar and working as an entertainment lawyer, I went back to graduate school for theater in 2007. I am now a professional actor based out of New York City, and am currently on the 2012-2013 international tour of the Broadway play *Chinglish*." The play had a run at Berkeley Repertory Theater from August 24 to October 21 last year, and at South Coast Repertory Theater in Costa Mesa, California, from January 25 to February 24. Visit www.Austin-Ku.com for more information.

Jodi Swick was named by *San Francisco Business Times* as one of the Bay Area's '40 Under 40' most interesting, interested, and innovative young profes-

sionals building the Bay Area's future. A partner at Carroll, Burdick & McDonough and the chair of its diversity committee, Jodi specializes in litigating class action, complex business, and insurance cases. She also served as first vice president and treasurer of California Women Lawyers.

2004

Winslow Taub has been promoted to partner within the San Francisco office of Covington & Burling LLP. He practices patent litigation and general commercial litigation. Winslow has worked on a variety of patent infringement matters, from pre-litigation counseling and negotiation through trial, with a particular focus on patents covering computer hardware and software. He clerked for Judge Marilyn Hall Patel of the U.S. District Court of the Northern District of California.

James Metz was elected partner at Latham & Watkins LLP in November. A tax lawyer, he is focused on executive compensation and employee benefits matters. James specializes in equity incentive plans, employee stock purchase plans, health and welfare plans, mergers and acquisitions, and federal and state securities laws. He is also involved in employment agreements and severance agreements for executives.

2005

Lauren (McBrayer) Miller writes, "I'm thrilled to announce that my debut novel, *Parallel*, came out from HarperTeen on May 14, and I'm hoping to be on campus at Berkeley in the fall for a signing." *Parallel* is available for pre-order at amazon.com.



Tamara Freeze writes, "In my first career appeal, I won a unanimous decision from the California Court of Appeal, 2nd District, convincing the court that big-law firm Bingham McCutchen LLP's arbitration agreement with a former associate was invalid." Tamara's firm filed a lawsuit on behalf of her former Boalt classmate **Hartwell Harris**, an ex-Bingham associate, in 2011. The suit alleged wrongful termination on the basis of Harris' disability. The trial court denied Bingham's motion to compel arbitration on the grounds that the provision was not enforceable under Massachusetts law (Bingham's choice of law provision). The Court of

ZOE SAVITSKY '11

Setting the Stage for Equal Education

While an undergrad at Harvard, Zoe Savitsky '11 took part in roughly 20 theater productions as an actor, costume designer, and producer, among other roles. Little did she know how well that training would serve her on a different kind of stage.

"Law and theater are surprisingly similar," Savitsky says. "In both, you use tools such as words, movement, stillness, and emotion to try to create a persuasive narrative."

Savitsky's success has persuaded the U.S. Department of Justice (DOJ) to give her major responsibilities early in her career—not to mention the John R. Dunne Award for achievements in advancing civil rights. She has taken the lead on major investigations to enforce federal civil rights statutes that ban discrimination in schools on the basis of race, color, national origin, sex, language status, religion, and disability. "It's intense and very challenging," Savitsky says, "but also exciting and exhilarating."

Her cases confront barriers to equal education for undocumented and English-language learner students, harsh disciplinary sanctions that often push students into the school-to-prison pipeline, and school-district segregation.

Soon after Alabama passed its controversial anti-illegal immigration law in 2011, Savitsky conducted interviews with affected students, parents, educators, and community members. She worked with state officials—both cooperatively and combatively—to resolve issues stemming from the law's impact on Hispanic and undocumented youth.

On February 26, Savitsky settled a huge case in Florida for the DOJ. As a result, Palm Beach County—the nation's 11th-largest school district—must enroll all area students regardless of background or immigration status, provide translation and interpretation services to students and families, and limit discriminatory discipline measures that remove students from classrooms. On March 22, Savitsky and her colleagues entered into a landmark settlement with the Meridian Public School District in Mississippi to prevent and address racial discrimination in student discipline, amending a long-standing desegregation decree in that district.

The goal, Savitsky says, is to ensure that schools are "places where safety and security derive from upholding, rather than denying, everyone's civil rights." Quoting Frederick Douglass, she adds: "It's easier to build strong children than to repair broken men."

Savitsky was introduced to youth causes while working on juvenile justice issues at the Southern Poverty Law Center in Montgomery, Alabama. At Boalt, she co-directed the Juvenile Hall Outreach program and Advocates for Youth Justice, worked on a journal of youth law and policy, and helped the Henderson Center for Social Justice complete a groundbreaking study on restorative justice practices. She also helped teach an undergraduate juvenile justice course and volunteered as a health counselor for homeless youth.

From racially disproportionate student discipline to the abusive treatment of incarcerated youth, Savitsky knows the obstacles are often daunting. Yet, she says, "Seemingly intractable problems can be addressed by the perseverant and creative work of dedicated attorneys tasked with defending the public good."

With each new case and each new stage, Savitsky is asked for an encore performance. "I put everything I have into this work," she says. "It's incredibly rewarding." —Andrew Cohen



Appeal affirmed 3-0, certified the decision for publication, and ordered Bingham to pay plaintiff costs on appeal.

2007

Azmina Noorallah Jasani and Faheem Karim Amin Madhani were married in February in San Juan, Puerto Rico. Soon after, they had a religious ceremony at Manhattan Ismaili Jamatkhana, the prayer center where they met in 2009. Azmina is an associate in the Manhattan office of the London law firm Withers Worldwide.

2008

Jennifer Gomez was recently appointed by New York Governor Andrew Cuomo to serve as special assistant at the New York State Office of Temporary and Disability Assistance in Albany. She is currently participating in the governor's inaugural Empire State Fellows Program. Jennifer was previously employed at the New York City Council as legislative counsel.

Flynn Coleman recently founded SAMYA Practice LLC, a social enterprise in New York that fosters positive change by designing yoga-centric programs for organizations and individuals seeking balance and transformation. It also gives back to local and

global communities. SAMYA specializes in creating programs for legal professionals. Visit www.samyapractice.com to learn more.

Hector Huezo and the Transportation and Transportation Security Law Section (TTSL) were recognized by the Federal Bar Association at its annual meeting last September. Hector, the TTSL Chair, received the 2012 Section Chair Award, which recognizes distinguished service to the Federal Bar Association and its sections or divisions. TTSL also received the Outstanding Newsletter Recognition Award for the stellar work of its newsletter, *TransLaw*, as a way to communicate with the membership and encourage participation.

2009

Kim Natividad was recently named Boalt's director of Student Services. She joined the office in 2012 as its Student Services adviser. Previously, Kim was an associate at Hughes Hubbard & Reed in New York City.

Rebecca Sosa received the 2013 Florida Bar Young Lawyers Division Pro Bono Service Award at a January 31 presentation at the Supreme Court of Florida. A litigation associ-

ate attorney at Hughes Hubbard & Reed's Miami office, Rebecca is a dedicated public interest advocate with a passion for assisting low-income women, children, and immigrants. Her practice focuses on complex product liability litigation in federal and state courts. In 2010, she contributed more than 1,000 pro bono hours, the highest number in her firm. Rebecca's pro bono work spans several different areas of substantive law, and includes direct services and appellate work. She was also recently featured in *Florida Trend* magazine as a "Pro Bono Star."



2011

Ming Hsu Chen and Stephen Chen announce the birth of their daughter, Maya Hsu Chen, on February 8, 2013. Maya was born on the eve of the Chinese New Year, in time to be considered Year of the Dragon. The new family resides in Boulder, Colorado, where Ming is an associate professor at

the University of Colorado Law School, specializing in race and immigration, and Stephen is a supervisory attorney with the U.S. Department of Education's Office for Civil Rights. Maya is fittingly named for civil rights pioneers Maya Angelou and Maya Lin.



Lauren Groth is the 2013 recipient of the Francis Lieber Prize for her article "Transforming Accountability: A Proposal for Reconsidering How Human Rights Obligations Are Applied to Private Military Security Firms" (*Hastings International and Comparative Law Review* 35:29, 2012). Bestowed annually by the American Society of International Law's Lieber Society on the Law of Armed Conflict, the award honors an author 35 years of age or younger for outstanding scholarship in the field of the law of armed conflict. Lauren is an associate attorney in the litigation department of Steptoe & Johnson LLP in Washington, D.C.

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FRIDAY, SEPTEMBER 27

The Net: Utopia or Dystopia? Join us for an enlightening and provocative evening as we explore the Internet's double-edged sword: its ability to spread knowledge and democracy *and* its potential risk to civil liberties and personal freedoms.

SATURDAY, SEPTEMBER 28

Back-to-Boalt Day—Return to your alma mater and join your classmates in taking a look at what lies ahead for Boalt's next 100 years! Enjoy catching up with friends, faculty, and fellow graduates, seeing what Boalt Hall looks like now, hearing informative and engaging presentations (CLE credit given), and much, much more.

Class Dinners—Food! Wine! Fun! Join your Boalt colleagues for celebratory dinners honoring those whose graduation years end in 3 or 8.

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SEPTEMBER 27-28

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