

ALSO:

A determined
fight against
toxic chemicals

Page 12

Star hires bring
new faculty total
to 19 since 2017

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Cooking a tasty
foodtech niche
for startups

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Meeting the Moment

With urgency and resolve, Berkeley Law responds to legal issues arising from the COVID-19 pandemic and the surging racial justice movement. *Pages 20-39*

ESSENTIAL WORKERS:
Zoë Polk, Executive Director,
East Bay Community Law Center.

Features

20 COVID and Community

When COVID-19 suddenly put lives and livelihoods in peril, Berkeley Law students and faculty dove in to help those who are most vulnerable to the pandemic's impact.

30 Racing Forward

From decades-old advocacy to new efforts sparked by the killing of George Floyd, people throughout the law school are involved in numerous projects that aim to bolster racial justice.



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Column

2 From the Dean

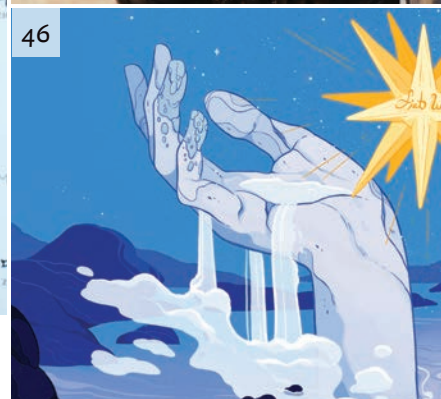
While disappointed that the school community cannot gather in person, Erwin Chemerinsky draws inspiration and energy from the indomitable spirit shown throughout Berkeley Law.



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Berkeley Law

Transcript Magazine
Fall 2020, Volume 55

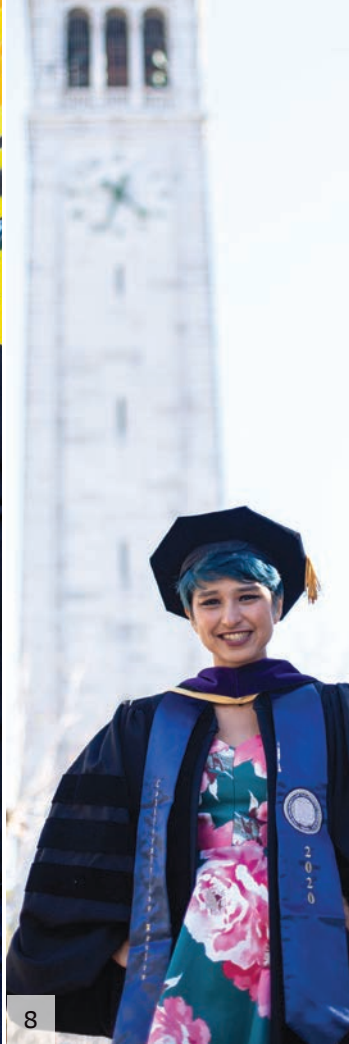
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“It has been wonderful to watch our community come together and help each other in these difficult times.”

Navigating a New Normal

I write this as the new semester is beginning. I know that it will be unlike any other, as the continuing COVID-19 pandemic has forced us to have online classes and events. Being online will change many things, but it will not and must not alter the quality of the education we provide, our commitment to public service, and our intellectually vibrant, warm community.

Our faculty and students did an amazing job of quickly transitioning to remote education in March. There has been intensive work over the summer to do even better with online classes in the new semester. Also, we want to do all we can to make this a great experience for all of our students. We have created new one-unit classes for our 1Ls and our LL.M. students, each with no more than 10 students, as well as new upper-level courses. We also are looking for ways to build community, such as Zoom hallways and study halls and social events.

I am so proud of the enormous pro bono work done by our faculty and students to deal with the legal issues arising from COVID-19. Some of that work is described in these pages.

Also, we must be part of our nation's long-overdue reckoning with issues of anti-Blackness and racism, and some of that work is also described in the pages ahead. This must take many forms. We have created a series of programs on race and the law. Programs have focused on race and policing, race and public health, race and elections, race and the criminal justice system, race and the environment, and race and legal education. Future programs will look at law student activism against racism, race and K-12 education, race and housing, and much more.

We are looking to create additional courses that focus on issues of race and racial justice. I also strongly encourage every professor to do more in his or her classes to look at these issues. There is no area of law unaffected by racism. I am asking our Equity and Inclusion Committee to look carefully at Berkeley Law and what we can do better.

Most of all, Berkeley Law is a wonderful, warm community — of students, staff, faculty, and alumni. Never has this been more evident than over the past difficult months. This, too, is reflected in these pages. It has been wonderful to watch our community come together and help each other in these difficult times.

I wish everyone, and all of your loved ones, good health and safety. I am very excited for the new school year, though it will be very different from anything we have experienced before.

Warm regards,

Erwin Chemerinsky

Dean, Jesse H. Choper Distinguished Professor of Law

Transition Team

On March 12, just three days after Berkeley Law announced all classes would be taught online because of COVID-19, Nomi Conway '20 sat anxiously at her kitchen table with classmate Paul von Autenried. Students in Tejas Narechania's Colloquium on the Court and Judicial Process, they now had to give their workshop presentation — to classmates, scholars, and judges — on Zoom.

"Given the course's intimate nature, I was skeptical when I learned we'd have to transition everything online," Conway concedes. "But Paul and I were shocked by how well it went. The adjustment went smoothly because of the focus on community that Berkeley fosters so well."

Narechania helped navigate Zoom's breakout room feature to facilitate small-group discussions, and students participated eagerly. "They did a great job adapting and remained committed to the class," he says.

Narechania's other spring-semester course, Regulated Digital Industries, was a fitting Zoom forum given its focus on telecommunications regulations.

"I still called on students and expected them to engage. But instead of saying 'turn to page 455,' I'd put that page on the screen and highlight the relevant text, or draw network diagrams in the Zoom whiteboard," he says. "That's not to say it wasn't tough for some students. I saw it as part of my job to not only be understanding

of that, but also helpful. It takes time and energy, but that's why we're professors."

Faculty member and Experiential Education Director Kristen Holmquist was relieved to have her doubts allayed.

"What I love about teaching is the human interaction, those moments of connection," she says. "But classroom discussion still felt lively and I was able to take advantage of some Zoom functions to get the students to interact with one another even more than they usually would." —Andrew Cohen



QUICK PIVOT: Nomi Conway '20 had to recalibrate on the fly.

"The adjustment went smoothly because of the focus on community that Berkeley fosters so well."

—Nomi Conway '20





One-Credit Wonders Offered to 1Ls

The new 1L class faces an unprecedented challenge

in starting the vaunted first-year law school curriculum virtually. But these students are getting something special from the faculty: a compelling slate of small, one-credit courses.

“With our first-year classes being online in the fall semester, I want to create other ways to build community and provide our 1Ls a wonderful educational experience,” says Dean Erwin Chemerinsky.

He proposed these courses to the faculty so participating students — about 10 in each class — can get to know one another and the professor.

“I want to create other ways to build community and provide our 1Ls a wonderful educational experience.”

—Dean Erwin Chemerinsky

The three dozen courses cover myriad subjects. Students are digging into originalism with Professor Orin Kerr and discovering how Roman law influenced our own system (no Latin required) with Professor David Singh Grewal.

Many faculty members chose topics that reflect the times, including the ongoing COVID-19 pandemic, the movement toward racial and social justice, and climate change. Chemerinsky is teaching Civil Liberties in a Pandemic, and other topics include environmental justice, dismantling the carceral state, and an insider’s look at social movement lawyering.

Still others aim to help 1Ls better navigate their black-letter courses via Zoom. Professor Seth Davis is breaking down how to read a case; Professor Abbye Atkinson has students reading scholarly works by faculty who are teaching first-year students; and Experiential Education Director Kristen Holmquist is offering strategies for being happy in law school.

“I was thrilled at the enthusiastic response from our faculty, and I’m delighted at the rich array of topics and classes for the 1Ls to choose from,” Chemerinsky says.

—Gwyneth K. Shaw

A Global View of #MeToo

The #MeToo movement is a worldwide phenomenon, and the Berkeley Center on Comparative Equality and Anti-Discrimination Law has worked furiously to track its global implications.

Led by Berkeley Law Professor David Oppenheimer, the center recently published *The Global #MeToo Movement* with Full Court Press. The book details how women are using social media to confront one of the oldest barriers to equality: the threat of violence, including sexual harassment, as a tool of male supremacy.

Featured at a major conference on the topic, the book provides updates and insights of 48 authors from every continent except Antarctica, including leading university professors, NGO activists, and government officials. Among them: iconic feminist legal scholar Catharine MacKinnon, an Israeli Supreme Court justice, a member of the Irish Senate, and Berkeley Law faculty members Catherine Fisk '86, Lauren Edelman '86, Amelia Miazad '02, and Oppenheimer.

In addition to reports from 28 countries, the book explains how factors such as class, caste, disability, race, gender, and sexual orientation intersect with issues of harassment and affect the agency of victims to speak out. It also highlights various techniques to help women combat harassment.

"Each chapter documents the #MeToo narrative from a different global perspective, and brings new insights to the fight against discrimination and harassment," Oppenheimer says.

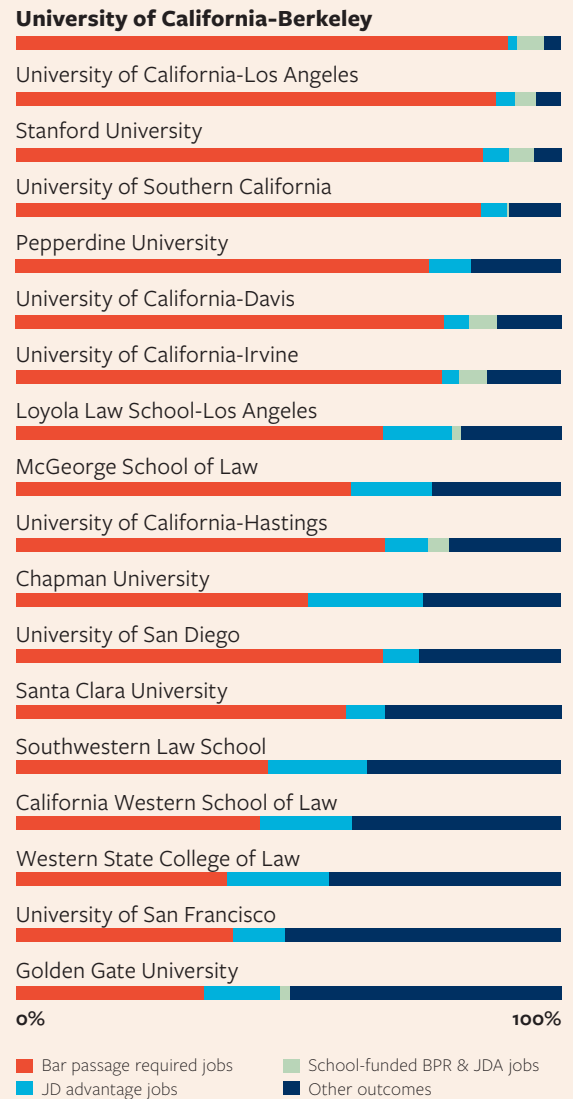
At www.globalmetooobook.com, the book is available in paperback for \$16 but can be downloaded for free, with a suggested \$5 contribution to the center. —Andrew Cohen



ON THE JOB: Award-winning professor and employment law expert Lauren Edelman '86 is one of the book's co-authors.

JIM BLOCK

Ten-Month California Law School Employment Outcomes for the Class of 2019



Acing the Career Development Test

A study of full-time and long-term jobs — for which a J.D. and bar passage are necessary or advantageous — ranks Berkeley Law first in California and fifth among the nation's elite "T-14" law schools.

Conducted by Pepperdine University Caruso School of Law Professor Derek Muller, the study shows that 97 percent of Berkeley Law's 2019 graduates occupy such positions. His list does not include part-time or short-term jobs, and it excludes graduates who are pursuing a Ph.D. as well as those who are doing other types of professional work that do not require a J.D.

JSP Juggernaut

Berkeley Law's Jurisprudence and Social Policy

Program did it again. For the second consecutive year, a JSP student won the prestigious American Bar Foundation Graduate Student Paper Competition, which is presented by the international journal *Law & Social Inquiry*.

Cristina Violante earned this year's award for *Liquidity: Water and Investment in Mandate Palestine*, which will be published early next year. Last year, Tobias Smith '15 was honored for *Body Count Politics: Quantification, Secrecy and the Death Penalty in China*.

The JSP Program leads to Ph.D. degrees for those seeking an interdisciplinary study of legal ideas and institutions, policy analysis and applied research on law-related issues in various fields, and preparation for teaching legal studies and law. Violante — who has presented her paper at conferences — notes that studying water law requires an approach that is simultaneously historical, philosophical, and sociological.

“Legal scholarship has the ability to lead to real and profound change,” she says. “But without interdisciplinarity, conversations tend to become siloed and the potential to ask the right kinds of questions is greatly diminished.” —*Andrew Cohen*



BACK TO BACK: Cristina Violante is the Jurisprudence and Social Policy Program's second consecutive winner of a top national writing competition.



Capitalism Arrives at a Crossroads

As COVID-19 lays bare the depth of income inequality

and renewed calls for racial and social justice ring out worldwide, companies are scrambling to send the right message to their customers and employees. But will sentiments expressed on social media translate into lasting change?

A leader in exploring how environmental, social, and governance (ESG) questions are and should be integrated into corporate strategy, Berkeley Law's Business in Society Institute recently launched a new executive education course, taking the topic to laptops worldwide.

Founding director Amelia Miazad '02, who developed and teaches the school's growing suite of courses bridging corporate law and social and environmental justice, says Sustainable Capitalism and ESG Online hopes “to move beyond the ‘why’ to the ‘how.’”

“We're drawing from the experience of almost 50 investors and practitioners who are on the front lines of advocating for a new articulation of capitalism every day,” says Miazad, who conducted the interview series.

Designed for legal and business professionals, the self-paced course sold out in July before launching in August. It provides about 35 hours of content over 10 modules and offers a certificate upon completion.

Participants hear from heavy hitters such as Airbnb Chief Ethics Officer Rob Chestnut, Patagonia General Counsel Hilary Dessouky, and former Delaware Supreme Court Chief Justice Leo Strine Jr. Miazad also hosts live weekly office hours to discuss emerging issues.

“Berkeley Law has a unique advantage to help lead the way at this crucial juncture for capitalism,” she says. “We have a very strong business law program, but we also have an unparalleled commitment to social and environmental justice.” —*Gwyneth K. Shaw*

Georgia on Their Mind

In a 5-4 decision, the U.S. Supreme Court ruled last spring that Georgia cannot claim copyright protection for its annotated legal code — and gave the Samuelson Law, Technology & Public Policy Clinic a reason to celebrate.

The clinic had filed an amicus brief on behalf of four library associations, arguing that the government edicts doctrine (that the law is in the public domain) is crucial to libraries' mission. Drafted by students Emma Lee '21, Erin Moore '21, and Aislinn Smalling '20, with help from clinic professors Erik Stallman '03 and Jennifer Urban '00, the brief asked the court to reject Georgia's claim.

After the state created various roadblocks to people trying to read its updated state laws, the clinic worked to ensure that Georgians can easily use their libraries to consult those laws on legal issues like traffic tickets and child custody. Its brief noted the implications of making the code's annotations available only to those who can afford them.

"For the government to function, particularly in a democracy, citizens must have access to the law," Urban says. "It's the government's duty to publish the law. We pay for that as taxpayers."

—Sarah Weld

COPYRIGHT CREW: Samuelson Clinic students Erin Moore '21 (left), Aislinn Smalling '20 (center), and Emma Lee '21 outside the U.S. Supreme Court.



ANTHONY REUNGÈRE (BOTTOM), ERIK STALLMAN '03 (TOP)

Berlin Bound

Professors Saira Mohamed and Bertrall Ross are among 21 winners of the annual Berlin Prize, coveted semester-long residential fellowships given to U.S.-based scholars, writers, composers, and artists who represent the highest standards of excellence in their fields. Chosen by an independent selection committee, fellows receive a monthly stipend, partial board, and accommodations at the American Academy in Berlin's lakeside Hans Arnhold Center.

During their stay, fellows engage audiences through public lectures, readings, and performances, which form the core of the academy's public program. Mohamed will explore the military obligation to disobey illegal orders, and Ross will probe competing conceptions of self-government that culminated in the U.S. Constitution's 15th Amendment.





TOWERING PRESENCE: Kiki Tapiero '20 met often with faculty and staff to help expand opportunities for public interest-focused students.

Pro Bono Power

Berkeley Law's 2020 graduates contributed more than 22,600 hours of pro bono work, well above the still-impressive school norm of 19,000. To stand out in such a crowd requires extraordinary tenacity and leadership — traits Pro Bono Champion recipients Kiki Tapiero '20 and Alex Copper '20 showcased in abundance.

As a 2L, while most classmates crammed for final exams, Tapiero coordinated a winter break pro bono trip to Tijuana, Mexico. There, they and nine other students spent a week helping migrants and refugees hoping to gain asylum into the United States.

Tapiero also co-directed the Berkeley Immigration Group, which enjoyed a dramatic membership increase during their tenure, and was active in the East Bay Community Law Center's Immigration Clinic and the La Raza Workers' and Tenants' Rights Clinic.

"Berkeley Law's pro bono culture is very much informed by its students' passion," says Tapiero, now working for the Bronx Defenders Immigration Practice.

Copper and Sydney Royer '20 spent 2½ years helping a San Quentin prisoner through the school's Post-Conviction Advocacy Project, resulting in an exhilarating parole grant.

Copper also provided much-needed legal assistance on Berkeley Law Alternative Service Trips to Kentucky and Mississippi and was the program's executive director. Former managing editor of the *California Law Review* and active in the Policy Advocacy Clinic and the Election Law Practicum, she is now a fellow focused on election law and voting rights issues with the Campaign Legal Center in Washington, D.C.

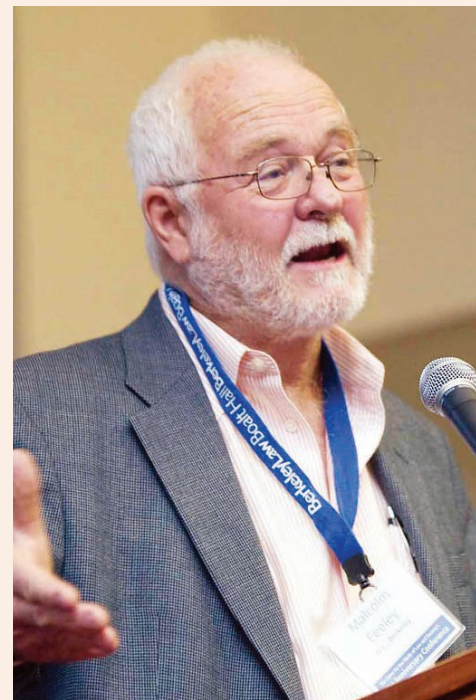
"At Berkeley Law, pro bono work and legal service are an assumption, not an exception," Copper says. "It's a place where you're constantly surrounded by brilliant, kind people doing inspiring work to help others." —*Andrew Cohen*

CELEBRATION:

Alex Copper '20, who spent 2 1/2 years working to help Larry Histon gain parole, rejoices in his release from San Quentin.



NATIONAL HONOR: Chalk up another major distinction for Professor Emeritus Malcolm Feeley.



Accomplished American

Professor Emeritus Malcolm

Feeley, a pioneer of the law and society field, was elected to the American Academy of Arts and Sciences. The prestigious 240-year-old organization honors the most accomplished artists, scholars, scientists, and leaders in the country.

Berkeley Law held a conference to honor Feeley's seminal work in 2015. Last year, Cambridge University Press published the book *Legal Process and the Promise of Justice*, in which prominent scholars analyze Feeley's research on such areas as criminal courts, legal professionalism, and prison reform — and assess the legacy of his theoretical innovations.

ANYA KU '20 (TAPIERO); JUSTIN BENCH (COPPER); JIM BLOCK (FEELEY)

Parental Guidance

When COVID-19 shuttered schools and daycare centers, Berkeley Law students with young children were suddenly transformed into full-time students, caregivers, homeschool teachers, and play partners.

“It was exhausting and stressful,” Sarah Graham ’22 says. “Most working parents we know were in the same boat, trying to stay on top of things and feeling like we’re not doing any of it well.”

Graham and her spouse split daily childcare so she could attend Zoom classes and study. They also had to brainstorm outings and activities for their 2-year-old son, Sasha, with many area parks and beaches closed and friend interaction off limits.

Graham found welcome relief in Berkeley Law’s Student Parents Group and its productive meetings with Dean Erwin Chemerinsky, Dean of Students Annik Hirshen, and Student Services staff. “They were all incredibly helpful,” Graham says. “It remains an uncertain time, but it’s great to know that the law school is sensitive to how parenting impacts its students.”

Pallavi Kondapalli ’20 was extorning full-time at the Electronic Frontier Foundation when her well-planned semester got turned upside down — especially with her husband gone four days a week as an essential worker at his software company.

“I had to be a full-time caregiver for my two sons, Advaita (8) and Vedanta (5),” Kondapalli says. “I worked for six hours every alternate night, but it still wasn’t possible to clock 40 hours a week. All student parents appreciated the initiative taken by the school to invest time and resources in problems we faced, particularly with respect to accommodations and help with housing.” —Andrew Cohen

“It remains an uncertain time, but it’s great to know that the law school is sensitive to how parenting impacts its students.”

—Sarah Graham ’22



FAMILY FIRST:
Pallavi Kondapalli '20 (right) and Sarah Graham '22 (below) say Berkeley Law provides vital support for student parents.



Highlight Reel

Professor Frank Partnoy raised eyebrows and heartbeats with an article in *The Atlantic* (July/August issue) on how the U.S. banking system is replicating risky blunders from 2008's financial crisis — this time through collateralized loan obligations — and why the result could be even worse.

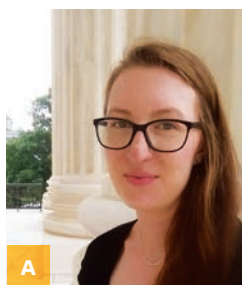
Keker, Van Nest & Peters awarded \$75,000 in scholarship funding to four Diversity Scholar recipients — three of them Berkeley Law students. **Susana Herrera '22**, **Erica Peña '22**, and **Yongbin Chang '22** were chosen for their “incredible promise in the legal field” and interest in complex litigation.

More than 350 people attended the **Berkeley Center for Law and Business's annual financial fraud symposium** (virtually) June 23-25. The event received broad media coverage, with panelists from academia, law, government, industry, and the press probing trends and possible solutions.

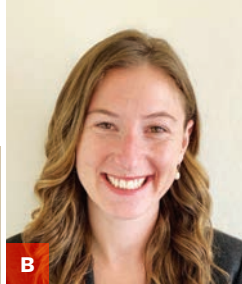
Human Rights Center Executive Director **Alexa Koenig '13 Ph.D.** was honored as a “Woman Inspiring Change” by Harvard Law School. Fellow recipients included Supreme Court of Canada Justice Rosalie Silberman Abella, former U.S. Senator Claire McCaskill, and 2018 Nobel Prize winner Nadia Murad.

The Center for Law, Energy & the Environment issued two recent reports with proposed solutions to manage California's electrical grid (vital to the state's renewable energy goals but also a source of community vulnerability) and to ensure battery supply chain sustainability for electric vehicles.

Salzburg Cutler Fellow in International Law and award-winning poet **Henry Leung '21** was one of three “provocateurs” during “Has Democracy Become A Spectator Sport?”, a July webinar featuring former Georgia House Minority Leader Stacey Abrams and *Journal of Democracy* Co-Editor Will Dobson.



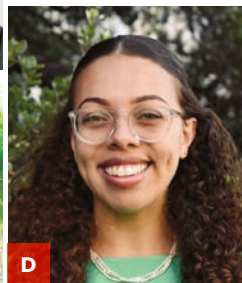
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D

A: Gabrielle Daley. **B:** Juliana DeVries. **C:** Kelly Woolfolk. **D:** Rachel Wallace. **E:** Anavictoria Avila. **F:** Maiya Zwerling. **G:** Astha Sharma Pokharel.



E



F



G

Clinical Reinforcements

Berkeley Law's flourishing in-house clinics recently welcomed six new teaching fellows and a supervising attorney. Their arrival will expand the program's outreach to marginalized communities and individuals and help provide students with more valuable hands-on training.

Gabrielle Daley

Teaching Fellow, Samuelson Law, Technology & Public Policy Clinic

Previously: Associate at Kissinger & Fellman, P.C.

“I had the great privilege of being a student attorney in the Samuelson-Glushko Technology Law & Policy Clinic at the University of Colorado Law School. It's an honor to be joining the sister clinic here at Berkeley.”

Juliana DeVries '17

Teaching Fellow, Samuelson Law, Technology & Public Policy Clinic

Previously: Assistant federal public defender, Northern District of California

“The Samuelson Clinic consistently takes on fascinating and important cases. I'm particularly excited about

its expanding civil liberties and criminal justice work and about the talented faculty I'll get to learn from.”

Kelly Woolfolk

Supervising Attorney, New Business Community Law Clinic

Previously: Counsel for Harvest Studios LLC, a television production company

“Experiential education is a high-caliber resource which can make the difference in whether burgeoning careers thrive or sputter. I'm honored to join the NBCLC to support and inspire students in service to local communities.”

Rachel Wallace

Teaching Fellow, Policy Advocacy Clinic

Previously: Master's degree, UC

Berkeley Goldman School of Public Policy

"The clinic's work aligns with my commitment to eradicating racialized wealth extraction through the imposition of monetary sanctions. Working in a space where the projects reflect my values is incredibly important to me."

Anavictoria Avila

Teaching Fellow, Policy Advocacy Clinic

Previously: Education advocate and clinical instructor, East Bay Community Law Center

"Mentorship is very important to me. I look forward to working with teams of law and public policy students to address systemic racial, economic, and social injustice through innovative and solution-oriented strategies."

Maiya Zwerling

Teaching Fellow, Policy Advocacy Clinic

Previously: Master's degree, UC Berkeley Goldman School of Public Policy

"I am thrilled to bring my passion for front-loading strategic planning to support the development of a national campaign to abolish fines and fees that target young people and trap black and brown communities in poverty."

Astha Sharma Pokharel

Teaching Fellow, International Human Rights Law Clinic

Previously: Bertha Justice Fellow at the Center for Constitutional Rights

"I look forward to thinking critically about how to do transformative and anticolonial transnational justice work. I really appreciate the clinic's focus on exposing U.S. actors' responsibility for human rights violations."

Thanks to everyone who submitted entries to Berkeley

Law's caption contest when the cartoon below was posted on the school's social media channels after Commencement. And thanks to all of you who voted on the three finalists. The votes have been tallied, and the winning caption is:

"Could you do that again? I think your video is off."

—Professor Chris Hoofnagle



A Deep Dive on Toxins



The Environmental Law Clinic fights toxic chemicals in federal court and at the State House

Just after the 2010 Deepwater Horizon oil spill, Louisiana fisher

Kindra Arnesen saw gobs “like a brassy-looking peanut butter” in the water near her Louisiana home. “It smelled like a mixture of petroleum products and death,” she wrote in a declaration submitted as part of a federal lawsuit.

The goo came from Corexit, a widely used chemical sprayed to disperse oil after a spill — and broadly suspected of being dangerous to people and wildlife. Arnesen’s family has since been plagued with health problems, and she worries about cancer and other longer-term effects.

Dispersants aren’t affecting just the oil-rich Gulf Coast. In her own declaration, Native Alaskan health worker and tribal organizer Rosemary Ahtuanguaruak describes the impact the chemicals — which were used to clean up the 1989 Exxon Valdez spill, among others — have had on the North Slope and surrounding areas. Native Alaskans eat a meat-heavy diet, she explained, and she’s concerned the healthy oils in that meat and fish might be compromised by the dispersants.

“The Arctic is like a totem pole for contaminants,” she wrote in her declaration. “Contaminants from all over the world end up in the Arctic because of the wind, the ocean currents, and the animal migrations.”

Both women are plaintiffs in a federal lawsuit filed by Berkeley Law’s

Environmental Law Clinic against the U.S. Environmental Protection Agency (EPA). The clinic sued in January to compel the EPA to update the National Oil and Hazardous Substances Pollution Contingency Plan, which was last revised in 1994. The plan grants open-ended permission to use chemical dispersants for spills, and it does not sufficiently reflect abundant scientific research that shows dispersants can be toxic to people and marine life.

In June, U.S. District Judge William Orrick of the Northern District of California handed the plaintiffs what clinic Director Claudia Polsky '96 called a “game-changing” win. Orrick ruled that the Clean Water Act does require the EPA to revise the plan, using current science as a guide.

Polsky expects the EPA to appeal the ruling but says “we won a big piece of the case already.” The case has been the subject of dozens of media stories nationwide.

The clinic is also pursuing a different kind of breakthrough: a California right-to-know bill forcing cosmetic manufacturers to spell out the fragrance and flavor ingredients that appear on various lists of known-toxic or known-allergenic chemicals.

The bill — co-conceived by the clinic and client Breast Cancer Prevention Partners — targets ingredients such as synthetic musks, which can disrupt hormone systems; the carcinogen styrene; and phthalates, which have been linked to asthma and early puberty.

“This is a chance for California to model sound environmental health policy and wait for Congress to catch up,” Polsky says.
—Gwyneth K. Shaw

Scattered But Not Distant

A constant flow of online events keeps Berkeley Law's community informed and connected

While COVID-19 brought in-person events to a screeching halt, Berkeley Law's intellectual life has continued at full speed through a steady stream of timely online offerings.

Other than brief pauses for spring break and final exams, the event schedule bustled throughout the spring and summer. Many gatherings, including those open to the public, addressed the crises gripping American society: the ongoing pandemic and the reckoning over racial justice fueled by George Floyd's killing and nationwide protests.

“From the moment we went to all online classes, I realized that we would need a concerted effort to find



ways to create community,” Dean Erwin Chemerinsky says.

In June, Chemerinsky and Professors Khiara M. Bridges and Roxanna Altholz '99 joined a panel on race and policing, and a new webinar series centered on civil legal issues and COVID-19 (hosted by the school's Civil Justice Research Initiative) debuted with a discussion on remedies for police brutality.

Another new lecture series on how the pandemic affects different areas of law featured faculty members Robert Bartlett, William Kell, and Amelia Miazad '02 on small businesses; Jennifer Urban '00 on contact tracing and surveillance; Andrea Roth on the challenges posed to criminal cases; and Laurel E. Fletcher and Katerina Linos on international law, among others.

The Berkeley Judicial Institute offers events on how courts are coping with pandemic-related shutdowns. Federal and state judges, including Michigan Chief Justice Bridget Mary McCormack, describe the opportunities for change presented by virtual court proceedings.

A revamped Elizabeth J. Cabraser Summer Speaker Series, named for Lief Cabraser founding partner Elizabeth Cabraser '78, covered employment law amid COVID-19, racial justice in a crisis, voting rights, government lawyering, the criminalization of immigration, and a U.S. Supreme Court review from Chemerinsky.

“I worried that students would sit in front of their computers for eight hours a day without the space to step back, see the bigger picture, and hear from leaders in the public interest/public sector communities,” says Field Placement Program Director Sue Schechter, who helped launch the series.

The Berkeley Center for Law and Business quickly converted its monthly Berkeley Boosts program into daily short webinars that ran for two months. They featured Berkeley Law faculty, journalists, lawyers, and others covering topics such as coronavirus testing and the impact of the pandemic-fueled financial crisis on insurance, regulations, and mergers and acquisitions.

“The condensed, conversational nature of the new series really allowed us to connect with our

audience,” says Adam Sterling '13, the center's executive director. “And the daily cadence created a sense of community.”

That spirit extended to more lighthearted events, including virtual craft circles, trivia nights, and even work-at-home companion pets taking the Zoom stage.

“Our faculty, staff, students, and centers have been really terrific in putting these together and participating,” Chemerinsky says.

—Gwyneth K. Shaw

Academic Freedom

Tech-Law maven Chris Hoofnagle and race scholar Asad Rahim fortify the faculty

Berkeley Law's two newest professors are hardly fresh faces at the school. Chris Hoofnagle has strengthened its top-ranked intellectual property law program since 2006, and Asad Rahim earned his Ph.D. last year in its Jurisprudence and Social Policy Program.

Both relish the unique, boundary-free learning environment at Berkeley Law, which has added 19 faculty members since 2017.

“It's a visionary institution,” says Hoofnagle, a faculty co-director of the school's renowned Berkeley Center for Law & Technology. “In my years here, I have only found encouragement to do new things.”

Rahim, a race scholar and recent Chancellor's Postdoctoral Fellow at UCLA Law, says the JSP Program carved out important space.

“The academy is generally marked by disciplinary boundaries: You're either a historian or a sociologist or an economist ... but being a good race scholar requires you to look across disciplines for insights,” he says. “The JSP Program gave me a range of tools to study the questions I found most interesting without forcing me



HOMECOMING: Race scholar Asad Rahim earned his Ph.D. at Berkeley Law’s Jurisprudence and Social Policy Program.

to adhere to set boundaries.”

A former American Bar Foundation Law and Inequality Doctoral Fellow and associate editor of the journal *Law & Social Inquiry*, Rahim writes on constitutional law, critical race theory, and employment discrimination. His current research explores racism in the adult film industry. He will teach *Anti-Blackness and the Law* and *Race and the Law* this year, and later *Contracts* and undergraduate legal studies classes.

Raised in a working class Chicago community and named the most outstanding student of his Babson College class, Rahim moved to Hong Kong after graduating to work at JPMorgan Chase as an equity derivatives specialist. He had made it — just not to where he truly wanted to be.

“Whenever I had downtime at my desk, I’d pull up articles about race and gender discrimination because those were the topics I was actually interested in,” he says.

UCLA Law Professor Devon Carbado credits Rahim’s “distinctive and bold scholarly voice” and calls him “precisely the kind of legal scholar the moment demands — a person who mobilizes interdisciplinarity to engage pressing matters of public concern.”

Hoofnagle’s appointment to the faculty with security of employment brings a renewed focus on teaching. This year, his courses include *Cybersecurity in Context* with Professor Jennifer Urban ’00, *Torts*, and a new class to help students better grasp software and computer decision-making.

“An understanding of information and software will be relevant to all practice areas,” he says, in particular “how the transition from a world of information scarcity to one of information glut affects decision-making processes.”

Author of the 2016 book *Federal Trade Commission Privacy Law and Policy*, Hoofnagle is writing a new book on quantum technologies with computer scientist Simson Garfinkel. His research on platform transaction costs has notable implications for consumer and anti-trust law.

“Chris is a privacy rock star,” says Boston University law professor Danielle Citron. “He has made an indelible mark on our thinking, legislating, and law enforcement about information privacy.”

In March, when COVID-19 forced all Berkeley Law classes to be taught online, Hoofnagle’s tech savvy helped smooth the transition for his students. He breaks down lesson plans into small modules and uses Zoom tools such as polls, small discussion groups, and chat to spark engagement and interaction.

“Teaching online has made me realize how much wisdom is just beneath the surface of the class conversation and to recognize the need to draw it out in welcoming ways,” he says. —*Andrew Cohen*

TECH TITAN: Privacy law expert Chris Hoofnagle moves into an expanded teaching role.





Feeding Frenzy

A Berkeley Law center cooks up a tasty startup niche for foodtech entrepreneurs

In exposing vulnerable areas of American food

distribution, COVID-19 has elevated the profile — and the promise — of the foodtech movement.

UC Berkeley is a hotbed for incubating innovative food companies, and the law school's Berkeley Center for Law and Business offers a satisfying menu for entrepreneurs through its FORM+FUND and Venture Capital Deal Camp programs. Alumni (see Kristin Bresnahan '12 profile, page 63) are also driving food-industry change.

"Our training focuses on the legal, financial, and operational aspects of starting and scaling a business," says Adam Sterling '13, the center's executive director. "It's exciting to help these Berkeley foodtech companies bring their products to market."

Public awareness of traditional meat production's waste levels and environmental impact is rising — with a correlating demand for plant-based regenerative animal alternatives.

Plant biology Ph.D. Siwen Deng and undergrad Jessica Schwabach met in the university's Alternative Meats Lab and incorporated Sundial Foods last year after taking a second FORM+FUND class.

While passionate about the science behind their concept, "as we continued to learn more about starting a company, we quickly realized that we were in over our heads in many matters," Deng says.

Sundial recently finished a five-month accelerator program in Switzerland and will soon launch in the United States. Schwabach says FORM+FUND provided pivotal insights and a valuable network "from lecturers to attorneys to investors."

Prime Roots, which grows and uses a Koji super protein (used in Japan to make soy sauce and sake) in its alternative meat and seafood items, did a small bacon product launch in February.



IN GOOD TASTE: Prime Roots offers alternative bacon (top) and chicken among its various food products.

ON THE MIC:
Professor Orin Kerr's frenetic schedule includes his new podcast, called "The Legal Academy."



CEO and co-founder Kimberlie Le, who designed and taught a UC Berkeley course on environmental sustainability, says animal agriculture creates about 20 percent of greenhouse gas emissions. She wanted to make protein and meat from sustainable technologies rather than animals — and to avoid new-venture pitfalls.

“FORM+FUND illuminated the legal side of running a startup and taught us things to look out for,” Le says. “It was really useful since there aren’t classes for many of these things.”

Renske Lynde spent two decades working toward food-industry change in the nonprofit sector. Inspired by entrepreneurial colleagues, she joined an angel investing bootcamp and later co-founded Food System 6 — which supports entrepreneurs aiming to transform the food system.

A general partner at the venture fund 1st Course Capital, Lynde attended Venture Capital Deal Camp — Berkeley Law’s four-day program that teaches investors to define, negotiate, and execute early-stage investments — to help structure the fund. That knowledge helped guide Food System 6 initiatives in packaging, regenerative agriculture, and processing infrastructure.

“As we work to rebuild an entire system, we need as many tools in the proverbial toolbox as possible,” Lynde says. “Deal Camp was incredibly challenging but also rewarding as I was able to work through my questions in a supportive, collegial environment.”
—Andrew Cohen

Popular Punch

Professor Orin Kerr brings a scholar’s perspective to social media and his new podcast

A few weeks into the academic isolation forced by the coronavirus pandemic, Berkeley Law Professor Orin Kerr realized he missed talking to his colleagues. So Kerr — already a prolific scholar, popular teacher, well-known blogger, and ardent Twitter user — decided to add another title: podcaster.

“I missed the interaction, those off-hand conversations in the hallways,” says Kerr, who has been home with his family since in-person classes ended in March.

The result of his upstart project, “The Legal Academy,” launched in late May. It’s a no-frills affair:

Kerr simply records the Zoom sessions he uses to interview his guests, including Yale's Akhil Amar, Columbia's Jamal Greene, and Stanford's Pam Karlan.

The hour-long conversations are honest and free-wheeling, the kind of thing one might overhear in a faculty lounge. Kerr's goal is to demystify the role of the law professor, giving law students, aspiring academics, and the public a peek behind the curtain of the ivory tower.

"A lot of the law professor world is hidden knowledge: How to write scholarship, how to think about hiring, how to think about teaching service obligations, being a dean. All these things are what professors will talk about one-on-one, but you can't really find that out in public," Kerr says. "I thought, let's democratize that."

"The Legal Academy" further raises Kerr's profile on social media and other non-academic outlets, which he's twinned with his prominent scholarly work for much of his career. His research articles have been cited more than 3,000 times in other academic papers and more than 350 times in court opinions, ranking him fifth on HeinOnline's list of the most-cited legal scholars.

Much of Kerr's research focuses on computer crime, particularly the intersection of the Fourth Amendment and modern technology. But his article on how to read a legal opinion, aimed at new law students, has been downloaded more than 50,000 times from the SSRN repository, and his tongue-in-cheek piece "A Theory of Law" has worked its way into judicial opinions too.

Kerr, who joined the Berkeley Law faculty last year after appointments at George Washington and Southern California, began blogging in 2002 at the libertarian-leaning blog *The Volokh Conspiracy*. Blogging, then in its heyday, was a great way to reach an audience of non-academics who could actually use his research for policy discussions.

Then, people stopped reading blogs and started reading Twitter. So Kerr made the move, too, in 2013. He now has more than 80,000 followers.

"A lot of the work I do is public law: It's about what the courts are doing, what Congress is doing, that ongoing evolution in the law," he says. "That makes having a role in what's happening right now an important part of my scholarly work."

—Gwyneth K. Shaw

Global Intrigue

LL.M. students adjust to a new paradigm and hail their school's nimble response to the pandemic

On March 10, when COVID-19 forced Berkeley Law to halt in-person classes and shift to online instruction, Sagun Poudyal felt skeptical. Like many LL.M. traditional track students — who saw all academic, professional, and social events transferred to the virtual space — he worried about the impact on his education.

"Thankfully, the learning experience was barely compromised," Poudyal says. "Professors were accessible, quick to adapt, and kept students engaged despite the challenges. The administration played a crucial role by sharing constant guidance, relaxing attendance requirements, providing classroom recordings — that went a long way in easing our burden."

Berkeley Law's 86 summer LL.M. students formed an impressive group. Just three examples: A Pakistani CEO of two companies who ran in the Olympics, a United Nations Development Programme human rights expert who advised Armenia's government and created legal technology tools, and the legal head of a Brazilian chatbot social media platform.

Poudyal, a corporate lawyer who worked for Deutsche Bank in India and recently joined Kirkland & Ellis's New York office, missed the school's constant buzz of human activity. But he also embraced some unanticipated perks.

"An odd upside was getting live presentations from professors, renowned practitioners in the field, on the pandemic's impact as it played out," Poudyal says. "Webinars, remote networking events, advising and



RAVE REVIEW:
2020 LL.M. graduate
Kweku Egin says the
shift to remote classes
“surpassed expectations.”



UNITED NATION:
Angelina Sgier is part
of a WhatsApp group
that brings together
LL.M. students and
alumni in Switzerland
for social events.

mentoring sessions ... the school went to great lengths to ensure that students never felt alone during the disruption. It all added great value to my LL.M. experience.”

For returning professional track students, who earn their degree over two consecutive summers at the school, COVID-19 meant taking classes from all over the world rather than reconvening in Berkeley.

“It surpassed expectations and removed initial reservations about studying remotely,” says Kweku Egin, global lead for HSBC Global Banking and Markets Regulatory Compliance in the United Kingdom. “There’s also the added benefit of recorded transcripts in case you’re behind in your lecture notes or have gaps to fill.”

As for new professional track students anticipating their first summer in Berkeley, the initial blow gave way to enthusiastic participation.

“My online classes really went well,” says Angelina Sgier, a litigator in Switzerland. “The biggest surprise

was that so many students from all around the world joined live classes, even though the times were often in the middle of the night for many of us. That helped sustain a sense of community.”

Sgier reports that a new WhatsApp group has brought Switzerland-based Berkeley Law LL.M. students and alumni together for drinks, a barbecue, and swimming as COVID-19 constraints have eased there.

“Now that a lot of restrictions in connection with the pandemic aren’t in force anymore in Switzerland and elsewhere in Europe, I hope we can meet more often and maybe also include other Europeans at some point,” she says. —*Andrew Cohen*

COVID



COMMUNITY

When the pandemic rained havoc on every sector of society, Berkeley Law's

ESSENTIAL WORKERS:

The East Bay Community Law Center advocates for those most vulnerable to the pandemic. From left: Supervisor Cancion Sotorosen, Anya Ku '20, Executive Director Zoë Polk, Josh Nomkin '21, Olivia Gee '20, and Program Director Oscar Lopez.

AND



UNITY

students and faculty immediately jumped in to help. *By Gwyneth K. Shaw*

Fvangeline McKilligan was close to opening her dream business — a bespoke bakery in Richmond — when the COVID-19 pandemic upended her plans. Almost overnight,

the critical help she'd been getting from Berkeley Law's New Business Community Law Clinic became a lifeline.

"The clinic has just been amazing," says McKilligan, who was in her fourth month of selling pies, cookies, and breads through her business, The BakerE, and looking for a brick-and-mortar storefront when she was forced to change direction.

With the clinic's help, The BakerE has survived and pivoted, sticking with takeout and delivery from the cottage food operation kitchen at McKilligan's home. Her quest for a physical shop continues, but at a smaller scale and with an eye on the wholesale market.

"Having the clinic's help, and advice as a sounding board, was very important," she says. "Being a small business just starting out, having it be free was huge to me."

The pandemic created endless challenges across a broad swath of society. Health care systems strained, the economy staggered, and the legal system labored to keep pace amid widespread closures. Berkeley Law's students and faculty — already faced with the difficulty of shifting to remote learning and teaching — immediately leaped in to help with countless hours of pro bono work.

As the weeks have stretched into months, those efforts have only intensified.

"One of the things that most makes Berkeley Law special is its public mission and its strong pro bono culture, with virtually every student doing pro bono work throughout law school," Dean Erwin Chemerinsky says. "I have been thrilled and very proud to see so many of our students and faculty doing this work to help those who have legal issues because of COVID-19.

"This is truly Berkeley Law at its best."

Survival guide

William Kell, director of the New Business Community Law Clinic, immediately recognized that businesses it serves would need a special kind of help. Clinical staff and students have been giving advice and assistance on such things as interpreting California's guidance for which businesses can legally be open and how to wisely unwind a company that can't survive the pandemic.

"There was a significant portion of small businesses that were just stunned and didn't know what to do," Kell says.

Early help focused on navigating the initial crisis and applying for assistance through the federal CARES Act, which



STUDENT SLEUTHS TARGET COVID-19 CON ARTISTS

Where there's money, scams are sure to follow — and the coronavirus pandemic is no exception. From price-gouging on essentials to outright theft,

included the \$350 billion Paycheck Protection Plan, offering low-interest, partially forgivable loans to help small businesses keep employees on their payrolls.

The Berkeley Center for Law and Business also jumped in to

“There was work to be done protecting already vulnerable people from further harm. Who would be better to do that work than Berkeley Law’s remarkably able and committed consumer law students?”

—Ted Mermin ’96

students in Berkeley Law’s Consumer Advocacy and Protection Society (CAPS) are uncovering fraud and swindles all over the country, and they’re fighting back.

Working with Ted Mermin ’96, director of the school’s Berkeley Center for Consumer Law & Economic Justice, students have rooted out about 100 instances of shady dealings, including sketchy cures and efforts to snatch government stimulus checks.

Through searching the internet, asking friends and family to pass along suspicious emails, and tracking down common threads from previous enforcement actions, “we’ve identified a lot of dishonest advertising around COVID-19 treatments like colloidal silver, herbal regimens, and ozone treatments,” says CAPS Co-Chair Reed Shaw ’22.

Shaw and fellow co-chair Nabila Abdallah ’22 took their posts shortly before in-person classes ended in March and students were scattered around the



SCAMHUNTERS: Reed Shaw '22 (left) and Nabila Abdallah '22 co-chair Berkeley Law's Consumer Advocacy and Protection Society.



country. Mermin, who was in touch with various enforcement agencies, suggested that the students look into coronavirus-related scams.

“There was work to be done protecting already vulnerable people from further harm,” he says. “Who would be better to do that work than Berkeley Law’s remarkably able and committed consumer law students?”

The Scamhunters Project was born. CAPS students started digging, spotted red flags, and held weekly Zoom meetings to trade tips and discuss how best to report their findings. More than 25 students are involved, and they hope to expand the effort to other law schools.

Their work has been well-received. The Federal Trade Commission sent warning letters to some targets they identified, and Shaw says student leads have aided enforcement actions by the California Attorney General’s office.

Mermin’s center has crafted consumer protection guides on such topics

as tenants’ rights and auto insurance for those financially affected by virus-related shutdowns. Center research fellow Eliza Duggan ’16 has been writing the guides and helping students connect with regulators.

“I’m really excited about the work we’ve been doing,” she says. “It’s fun to dive in on really timely projects.”

For the students, Scamhunters has been a welcome outlet amid a most unexpected stretch of law school.

“Even in hectic circumstances, these student volunteers have the passion and willingness to put their talents towards pursuing justice for consumers,” Shaw says. —Gwyneth K. Shaw

assist entrepreneurs in navigating the aid program. Professor Robert Bartlett, a center faculty co-director who once represented startup companies, posted videos and a written breakdown of what every small-business owner should know.

Students in his Corporate Finance class wanted to get involved, too, so the center began matching students and volunteer lawyers to small businesses seeking help with federal and local stimulus programs. By midsummer, the initiative had



BON APPÉTIT: Evangeline McKilligan presents her latest creations to Mariana Acevedo Nuevo LL.M. '20 (left), Alyssa Crooke '21, and Vishan Patel '20 of the New Business Community Law Clinic, which McKilligan says “has just been amazing” in charting a path for her bakery.

worked with nearly 400 businesses and recruited 63 lawyers.

“Helping companies solve cash-flow challenges is at the heart of corporate finance,” Bartlett says. “So it’s a great opportunity for students to learn while helping small businesses weather the storm.”

Powerful pivot

When the pandemic shuttered Berkeley Law in March, Pro Bono Program Director Deborah Schlosberg immediately reached out to the school’s community partners to see how students could be of service. She then helped connect students with pro bono needs through a listserv for interested students, staff, and faculty that reaches more than 600 members of the school community.

For students involved in the Workers’ Rights Clinic, one of the Pro Bono Program’s three dozen Student-Initiated Legal Services Projects, the pandemic dramatically increased their workload. Jasjit Mundh ’21, one of the project’s directors, says the group held multiple sessions via Zoom each week under the supervision of Legal Aid at Work, a San Francisco-based nonprofit.

The project, which advises Legal Aid at Work’s low-income clients, has served more than 750 people since COVID-19 hit,



Mundh says. The pandemic puts tremendous pressure on low-wage workers, many of whom are employed in health care and other sectors deemed “essential” to respond to the crisis.

“One thing COVID has shown is that frontline workers, often those who are underpaid and exploited for the hard work they do, are the foundation of society. And the majority of these folks are people of color,” she says. “We’ve been able to help provide much-needed legal advice about navigating work safety and other issues, including privacy and health violations and race discrimination at work.”

For those suddenly out of a job, the Workers’ Rights Clinic helped with access to unemployment benefits, particularly for undocumented workers.

“Our work has not fundamentally changed, but the volume of clients needing assistance has definitely increased,” says Drea Núñez ’20. “As a native Spanish speaker, I really felt like



“The legal world is too often inaccessible for so many people, leaving their rights and interests in a vulnerable position.”

—Vishan Patel '20

I could not take any weeks off because there are so few Spanish speakers in the legal profession, but so many monolingual Spanish speakers that need help.”

Núñez says her advocacy work was a powerful reminder of what she wants to be as a lawyer, giving her a highlight

amid heightened anxiety about finishing law school and studying for the bar exam.

Mundh says her work with the clinic “means everything.”

“I was raised in a low-income, single-parent household and often witnessed my mother and community members be at the mercy of their employers. I came to law school to help play some role in leveling the playing field between those who have power and those who will someday obtain it,” she says. “By volunteering during a time of worldwide uncertainty, I feel like I’ve been able to use my degree to simplify complex systems and help the most vulnerable — which is exactly why I wanted to go to law school in the first place.”

New problem, new advocacy

The Pro Bono Program matched other students with the ACLU of Northern California and the San Francisco Public Defender’s

Office in an effort to free undocumented immigrants from detention by U.S. Immigration and Customs Enforcement (ICE) while the spread of COVID-19 remains a threat. Among the lawyers the students worked with are public defender Genna Beier ’14 and ACLU attorney Angélica Salceda ’13.

So far, more than 100 detainees have been released under an order from U.S. District Court Judge Vince Chhabria ’98 to enable social distancing inside two California detention centers, and their population has been reduced by more than 50%.

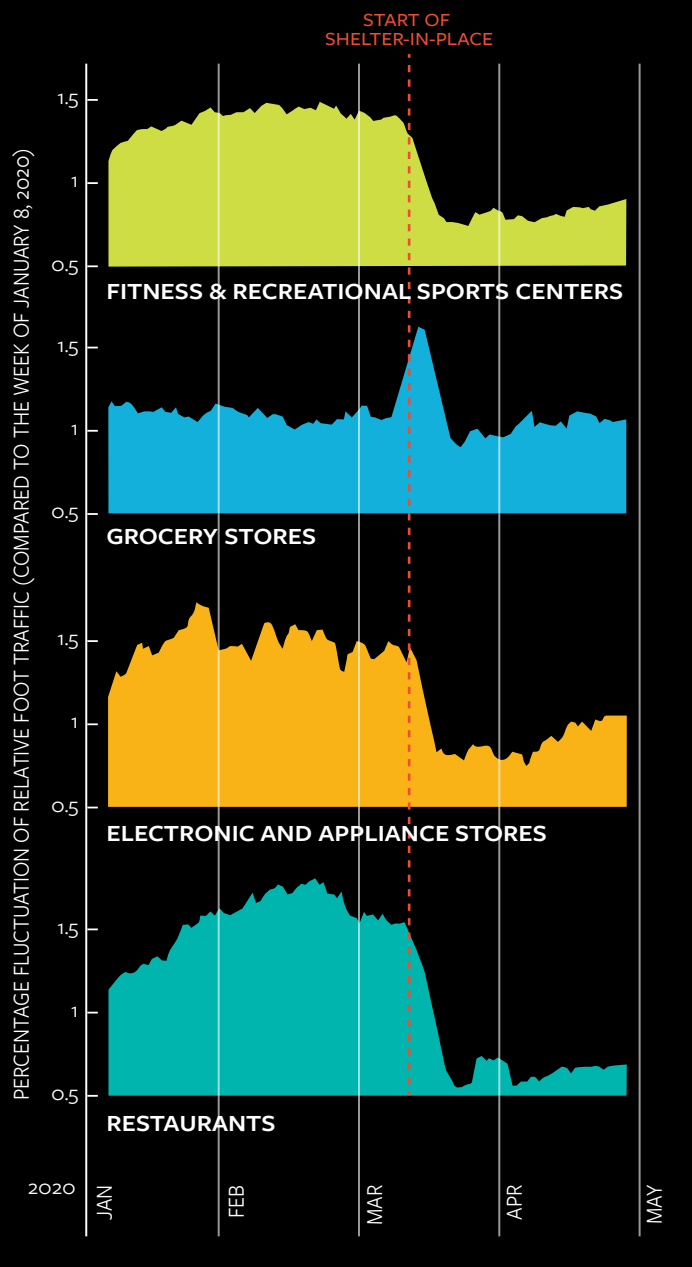
“I’m proud to see the students’ commitment to fighting for justice,” Beier says.

After training via Zoom, the students worked two-hour shifts taking calls from detainees, collecting personal information and documenting the conditions inside the centers.

Francesco Arreaga ’21 recalls talking with detainees who reported appalling conditions, especially considering how easily the coronavirus can spread: No soap. Dirty food trays. Little to no enforcement of social distancing and mask mandates. Failure to isolate new detainees as they were brought in.

“Every time people called, they described the harrowing conditions they were living in during the pandemic and expressed how grateful they were to know that there are people working to help them,” Arreaga says. “Each time I ended a

Impact of Shelter-in-Place Order on Select Alameda County Businesses



call I felt sad, because it reminded me of how rigged our immigration system is and how so many people are suffering as a result.

“It fortified my determination to work for systemic change in our country so that we can live in a society that respects human rights.”

The bulk of the volunteer effort happened around final exams in early May. Even so, Danielle Elliott ’22 says she felt it was too urgent and too important to skip.

“The work to dismantle ICE is far from over. But this creative approach of using COVID as a means to highlight the hazardous, illegal conditions inside detention centers and as a legal reason to release detainees is exactly the type of legal

ingenuity I hoped to gain at Berkeley Law,” she says. “I’m proud to have worked on this case.”

Helping keep businesses afloat

The economic fallout from the pandemic remains extreme. In a new working paper, Bartlett and Adair Morse of the UC Berkeley Haas School of Business illustrate how foot traffic into Alameda County businesses, including grocery stores and restaurants, cratered when the shelter-in-place orders hit. Even with some reopening, those sectors haven’t recovered, they show (see graphic, left).

Using survey data from Oakland businesses, they also find that “microbusinesses” with five or fewer employees had a better chance to survive because of the government loan program and more generous unemployment benefits, but that boost was less useful for larger businesses. The paper fits into a growing body of scholarship on the economics of the pandemic and the implications for policymakers who are trying to mitigate long-term damage.

Over late spring and into summer, as businesses began to get permission from the state to reopen, Kell realized small companies needed guidance on how to do so safely more than they needed straight legal advice.

So he hooked up with an immunologist at UC Merced who could help explain how a restaurant, gym, or hair salon might plan to protect workers, customers, and the business itself. Kell hopes to expand the partnership with scientists to other campuses, including UC Berkeley and Fresno State, and is also working separately with volunteer Haas MBA students.

“If we want small businesses to survive, we’ve got to figure a way to get that know-how to them,” Kell says. “And the universities are where the know-how is being cooked.”

The experience has been transformative for the new business clinic’s students too.

Mariana Acevedo Nuevo LL.M. ’20 came to Berkeley with a corporate law background in antitrust issues.

“Watching the impact of the law on people rather than on companies certainly changed my perspective,” she says. “Working in the clinic during my time in Berkeley made me realize the importance of helping people understand the law and how it affects them.”

Continued commitment

Acevedo Nuevo’s work with the clinic spurred her to volunteer with the Alameda County Bar Association’s Lawyer Referral Service while she studies for the bar exam.

Vishan Patel ’20 joined the clinic in his last semester of law school for an introduction to what it will be like to practice in the real world. He got that and a lot more, he says.

“More than anything, the clinic taught me about the importance of pro bono work,” Patel says. “The legal world is too



PUSHING TO PROTECT VULNERABLE PRISONERS

In March, as people began adjusting to online classes, working remotely, and social distancing, Berkeley Law’s alumni and student prisoner rights advocates knew their clients lacked the same ability to protect themselves from COVID-19.

Before long, National Center for Youth Law attorneys Neha Desai ’06, Melissa Adamson ’17, and Matthew Bedrick ’19 played key roles in gaining emergency relief for children in federal immigration detention facilities. After weeks of litiga-

tion, a federal judge ordered the release of detained minors or (for those without vetted family members or sponsors) their transfer to a setting that satisfies COVID-19 safety guidelines.

“Soon after we filed our temporary restraining order, staff members and children in multiple facilities throughout the country tested positive,” says Desai, the center’s immigration director. “One medical professional described not removing detained youth as ‘leaving

them in a burning house.’”

Desai, Adamson, and Bedrick all visited detained immigrant children before COVID-19 appeared. Their team and two partner organizations sought to enforce a settlement agreement that sets national standards for the detention, treatment, and release of minors in federal custody.

“Detaining children interferes with healthy development, exposes them to abuse, undermines educational attainment, exacerbates pre-existing mental health conditions, and puts children at greater risk of self-harm,” Adamson says.

Berkeley Law students with the Prisoner Advocacy Network also sprung into action, helping develop a litigation guide that informs state prisoners how to seek release through a petition for writ of habeas corpus related to COVID-19.

Supervised by attorneys Caitlin Henry and Taeva Shefler, chapter co-directors Ben Holston ’21 and Melissa Barbee ’21 and seven other students collaborated with law students from Harvard, Penn, and NYU. They also helped write a guide for administrative appeals inside California prisons and an overview of other routes to release.

“We all recognized the urgency,” Holston says. “It has been inspiring to see so many students doing what they can to help.”

Excerpts from the guides were published in *Prison Focus* (which has a 2,500-plus circulation), and a webinar by Tiara Brown ’22 has more than 4,200 views.

California prisoners are often housed in close quarters, and ongoing lawsuits claim that constitutionally adequate medical care is not provided — which would increase the number of prisoners who develop medical conditions and make COVID-19 more threatening.

“A temporary sentence should not turn into a death sentence just because a prison fails to take care of its incarcerated population,” Barbee says.

—Andrew Cohen

CHILD CARE: Neha Desai ’06 (left), Melissa Adamson ’17 (center), and Matthew Bedrick ’19 of the National Center for Youth Law.





STEPPING UP IN A CRISIS

A longtime lifeline for low-income people who need critical legal services, the East Bay Community Law Center quickly found new advocacy angles when COVID-19 gripped the region.

Though forced to close its office, EBCLC took on new clients and brought new proposals to state and local governments. Within weeks, the center pushed for eviction mor-

atoriums and better safety measures for the unhoused; assisted students impacted by widespread school closures; helped small businesses access federal aid; and worked to protect public benefits.

EBCLC also made urgent requests to government leaders to stop towing cars, ticketing people for failing to appear in court, and garnishing wages.

As the pandemic illuminates how low-

income residents are mistreated, center leaders are prodding public officials to rethink ideas that had been politically untenable. While Executive Director Zoë Polk laments COVID-19's "breathtaking devastation," she sees an opportunity to reform how existing systems have failed EBCLC's clients.

"We're a systems-change organization, and right now we're asking ourselves what it will take to change the systems that have purposefully disenfranchised people of color — making the impacts of the pandemic and the recession all the more acute for those client communities," she says. "Prosecuting hundreds of evictions a day wasn't healthy before this health crisis, and we want to send the message that we won't go back to that system



EQUALIZER: Oscar Lopez leads EBCLC's efforts to close education system gaps that the pandemic has exacerbated.

often inaccessible for so many people, leaving their rights and interests in a vulnerable position. Through the clinic, I've gained a new appreciation for how much effective legal representation can protect a client's interests."

For these students and faculty, service work provided a way to retain their sense of connection to Berkeley Law and its public mission — the famous "pro bono culture" that drew so many of them to the school — even as the physical community was scattered.

Devin Bergstein '21 answered Schlosberg's call on the list-serve for Spanish speakers to help with the ICE detainees project. He has worked with the law school's International Refugee Assistance Project and its International Human Rights Law Clinic, and felt it was critical for him to use his experience and language skills to help the detainees.

"It made me feel truly useful for the first time in months," he says.

Núñez, who assisted the school's Workers' Rights Clinic throughout her Berkeley Law career, plans to volunteer as a supervising attorney for the group once she gets her law license.

"I am so grateful to be able to do this work at this moment," she says. "The world is so full of despair right now, and I feel lucky to be in a position to help some of the more vulnerable members of our community." ■

once the courts reopen. Our collective health is bound up in our seizing this moment for change."

Each year, more than 100 Berkeley Law students help EBCLC provide assistance in eight areas, including immigration and education advocacy — both of which were affected by COVID-19.

Court closures canceled hearings, created problems for immigrants with juvenile visa eligibility, and complicated access to state and federal relief. When

schools shut down, students of color were disproportionately affected by the lack of technology, instruction, and communication from teachers and principals.

The center asked Gov. Gavin Newsom for a moratorium on expulsions, which continued even as the closures forced school districts to stop offering other services. EBCLC students dug through local districts' distance-learning plans to examine their policies for supporting vulnerable students.

EBCLC Education Advocacy Clinic Interim Director Oscar Lopez says it's vital to give Black and brown students and their families a voice amid looming budget cuts and the stress of reopening schools.

"What this situation has really made clear is that unfortunately there are still a lot of gaps in our education system, and right now they're on full display," he says.
—Gwyneth K. Shaw

“We’re a systems-change organization, and right now we’re asking ourselves what it will take to change the systems that have purposefully disenfranchised people of color.” — Zoë Polk

RACING FORWARD

From students and faculty to alumni and staff, Berkeley Law's wide-ranging work on racial justice issues accelerated after the killing of George Floyd and the national reckoning it ignited.

Here are some snapshots of that work.





Whitewashing the Jury Box

To work at Berkeley Law's Death Penalty Clinic is to check your naiveté at the door. In case after case where clients' lives hang in the balance, faculty and students confront race-based inequities that present sobering hurdles for the capital defendants they represent.

So while the findings from their exhaustive research on California's racial discrimination in jury selection weren't shocking, they were plenty motivating.

The clinic's June report provided a detailed study of the history, legacy, and ongoing practice of excluding people of color — especially African Americans — from California juries through prosecutors' peremptory challenges. Its findings triggered a wave of state and national media attention, including coverage on NBC Nightly News.

Students and faculty evaluated 683 California Courts of Appeal cases involving objections to these challenges, used by attorneys to excuse potential jurors without providing a reason, from 2006 to 2018. Prosecutors used their strikes to remove African American jurors in nearly 75% of these cases, Latinx jurors in about 28%, and white jurors in only three cases (0.4%).

Even so, the appellate courts found error in just 2.6% of those decisions. Over the past 30 years, the California Supreme Court has reviewed 142 cases involving such claims and found a violation only three times.

"There simply is no effective judicial impediment to prosecutors who routinely remove Black and Latinx citizens for purportedly race-neutral reasons that are plainly related to racial stereotypes," says Professor Elisabeth Semel, the Death Penalty Clinic's founding director.

Reasons for jury strikes included having dreadlocks, wearing a short skirt or large

DAVIDE BONAZZI

Henderson Center Student Fellows Roll Up Their Sleeves

Growing up in an undocumented immigrant household, Oscar Sarabia Roman '21 took painstaking precautions to avoid getting caught — including not getting a driver's license. Even so, U.S. Immigration and Customs Enforcement agents arrived at his family's Sacramento home in 2008, handcuffed Roman and his mother, and deported them to Mexico.

Because his father was a permanent U.S. resident, Roman applied to re-enter as his unmarried son. Four years, three rounds of interviews and medical testing, and more than 600 pages of application paperwork later, he was allowed to return.

In 2018, Roman won BARBRI's One Lawyer Can Change the World Scholarship — chosen from more than 1,200 entries. In his essay, he vowed that receiving the scholarship would fuel his determined advocacy for undocumented people across the U.S.

True to his word, he has been a fierce proponent of immigrant rights during law school. This summer, Roman was one of three Berkeley Law students who worked as racial justice fellows from the school's Thelton E. Henderson Center for Social Justice, along with Emma Nicholls '21 and Gaby Bermudez '22.

Launched last year, the fellowship honors iconic alumnus, jurist, and civil rights advocate Thelton Henderson '62. It is awarded annually to Berkeley Law students who have demonstrated a commitment to social justice and who engage in racial justice work during law school.

Interning with the American Civil Liberties Union Immigrants' Rights Project, Roman drafted memoranda, conducted legal research, and reviewed legal claims to help bring impact litigation cases aimed at changing draconian statutes and discriminatory rules.

Working remotely in Berkeley rather than in San Francisco amid the pandemic,

Roman says, "Immigration policy and laws in the United States have been mostly rooted in racism ... The fight for immigrant justice and racial justice entails combating structural racism that prevents true justice and dignity for communities of color — both documented and undocumented."

Versatility from afar

Nicholls spent her 2019 summer interning at East Bay Family Defenders, "where I saw firsthand how the child 'protection' system frequently targets, surveils, and punishes poor families and families of color."

This summer, she worked with the Bronx Defenders' Family Defense Practice and supported her supervising attorneys as they represented parents (mostly people of color, who are separated from their children at a far higher rate than white parents) accused of child neglect or abuse.

Nicholls worked remotely from San Antonio, where her partner is in medical school, rather than the Bronx. While she conferred with clients over the phone instead of in person, her workload remained high — and highly meaningful.

"I analyzed discovery, drafted motions, met with clients, and attended virtual court

earrings, conveying distrust of law enforcement, having family members who are incarcerated, and expressing a belief that the criminal legal system treats people differently based on their race.

Powering a new bill

Semel authored the report with recent clinic students Dagen Downard '20, Emma Tolman '20, Anne Weis '20, Danielle Craig '20, and Chelsea Hanlock '20. Their work has fueled momentum for Assembly Bill 3070, which would implement various measures to reduce discriminatory strikes and increase diverse jury representation.

The bill is modeled on a 2018 rule enacted in Washington, which propelled Semel to launch the study. The Washington rule upended a 40-year-old procedure that she says failed to reduce, much less eliminate, the disproportionate exclusion of prospective African American and Latinx jurors.

"I was encouraged by the court's leadership to believe that a careful and thorough investigation of the issue in California could produce meaningful reform," Semel explains.

The State Assembly approved the bill (sponsored by California Attorneys for Criminal Justice, which the clinic represents in advocating for passage) 50-11 in June. The State Senate was to vote on it just after *Transcript* went to press.

Hanlock calls the legislation "essential to providing criminal defendants fair trials by a representative cross section of the community, and essential in giving people of color access to civil society in ways long overdue."

Downard, who played a major role in drafting the bill, is collaborating with Semel, other students, and a team of lawyers involved in moving it forward. He describes AB 3070 as a "necessary step in eliminating racial discrimination in one part of the criminal justice machine."

From promise to pretense

Unlike jury challenges for cause, each trial party may ordinarily excuse a set number of jurors without a stated reason or court approval. In 1978, the California Supreme Court became the first state court to adopt a procedure to reduce the discriminatory use of peremptory challenges.

hearings,” says Nicholls. She calls racial justice a “central part” of the mission at Bronx Defenders, which has launched a workshop series on anti-Blackness and a 24-hour hotline for race-oriented transgressions.

While media outlets focus on other racially charged areas, Nicholls says the child welfare system is “also prejudicial and often causes lasting trauma to poor families and families of color.” She views family defense work as “essential to the racial justice and Black Lives Matter movements.”

Indigent defense in D.C.

Leveling the legal playing field has long been a priority for Bermudez. As a UC Berkeley undergrad, she volunteered at Berkeley Law’s Death Penalty Clinic and East Bay Community Law Center, advocating for low-income, homeless, and incarcerated clients.

After graduating, she spent four-plus years at the Eastern District of California’s Office of the Federal Public Defender. This summer, Bermudez returned to indigent defense at the Public Defender Service for the District of Columbia, working with the trial unit and an attorney who handles serious felony cases.

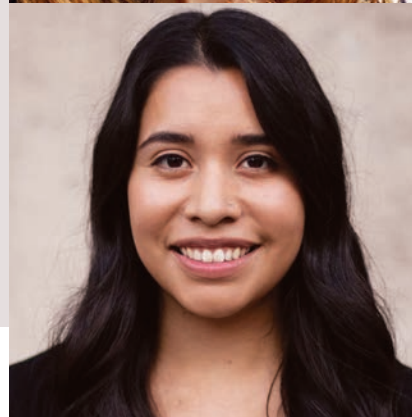
Drawn to the organization’s “unique and nationally recognized approach to public defense,” she says “the team prides itself on ensuring that nobody is denied high-quality legal representation for simply lacking the means to pay.”

Bermudez worked remotely from San Diego but still felt closely connected to her cases. Helping the Public Defender Service fight “tooth and nail to get clients out of jails and prisons, where COVID-19 is running rampant, before it’s too late,” she drafted compassionate-release motions, letters urging transfers to home confinement, and motions requesting that pre-trial clients be released from custody.

“I think it’s important to have an anti-racist framework in public defender offices,” Bermudez says. “Doing so helps call out the individual and systemic racism folks experience as they’re dragged through the criminal legal system.”

All three student fellows say they strongly support the Black Lives Matter movement and that dismantling structural racism is pivotal to effect substantial and enduring change. —*Andrew Cohen*

COMBATING INEQUITIES: Henderson Center Racial Justice Summer Fellows Oscar Sarabia Roman '21 (top), Emma Nicholls '21 (center), and Gaby Bermudez '22.



In 1986, the United States Supreme Court approved a similar approach in *Batson v. Kentucky*. That procedure, however, provides only a remedy for intentional discrimination — which requires clearing a difficult three-step hurdle. An objection to a peremptory challenge on the ground that it was based on race, ethnicity, or another impermissible reason is known as a *Batson* motion.

“The California Supreme Court went from a judiciary that championed the eradication of race-based strikes to a court majority that resists even the U.S. Supreme Court’s limited efforts to enforce *Batson*,” Semel says. “Our report examines the shift in the state supreme court’s approach.”

Craig wrote the section on implicit bias and highlighted how it perpetuates discriminatory jury strikes, courts’ approval of those strikes, and how *Batson*’s requirement of proving intentional discrimination allows such biases to go unchecked.

Weis researched the different views that African Americans and whites hold about the criminal legal system and why these differences persist, examining social science studies

conducted over the past 30-plus years.

“These studies consistently show that whites are more punitive than African Americans, believing that the criminal legal system operates in a race-neutral and generally fair manner,” she says. “On the other hand, based on history and lived experience, African Americans tend to be more distrustful of the system and perceive it to operate in a racially discriminatory manner.”

Students dig in

Craig notes that “African Americans suffer disproportionately higher arrests, higher likelihood of conviction on the same evidence than in cases against white defendants, and lengthier sentences than those imposed on white defendants under the same sentencing guidelines.” The use of peremptory challenges in selecting juries, she says, “is no exception to the racially discriminatory practices within the criminal legal system.”

Danger Zone: The Perils of Crowd-Control Weapons

Protests against racist police brutality erupted after George Floyd's killing. Now, with video images and photos continually showing the impact of crowd-control weapons and their use against protesters, that police practice is being increasingly scrutinized as well.

For years, Dr. Rohini Haar has studied

the health effects of these weapons and has treated people injured by them. A research fellow at Berkeley Law's Human Rights Center and a School of Public Health lecturer, she has written papers on rubber bullets, chemical irritants, and tear gas exposure. In 2016, she was the lead author of a Physicians for Human Rights report analyzing deaths, injuries, and per-

manent disability from crowd-control weapons used from 1990 to 2015.

Here is an edited version of a recent Berkeley News Q&A with Haar about the weapons' use, safety, impact, and human rights implications:

Q: Many people perceive that rubber bullets, tear gas, pepper spray, and other crowd-control weapons cause minimal, transient harm. What's the truth?

A: Rubber bullets can include compounds of rubber, polyvinyl chloride, hard plastics, foam, and even metal. Tear gas is also a catch-all term for a variety of chemical



Tolman reviewed hundreds of pages of PowerPoint slides, district attorney training manuals from 15 California counties, and related items to determine how prosecutors are trained to avoid losing *Batson* motions.

“The materials encourage prosecutors to select jurors who resemble the typical prosecutor, a population that is overwhelmingly white, professional, and at least middle-income,” she says. “Conversely, the materials also steer prosecutors away from selecting jurors who are low-income, had negative experiences with law enforcement, and are unemployed.”

Student research also demonstrated how training manuals instruct prosecutors to rely on their “gut instincts” in selecting jurors, which the study shows is most likely to trigger implicit racial and ethnic biases. And prosecutors are also trained to explain their strikes by referring to ready-made lists of reasons that courts have found to be “race-neutral.”

Tolman also wrote a report section on rulings in federal habeas *Batson* cases by the U.S. Ninth Circuit Court of Appeals. Between 1993 and 2019, the court was over 10 times more likely to find error than the California Supreme Court when reviewing *Batson* objections to jury strikes.

Changing the landscape

To avoid insulating prosecutors from judges inquiring about potentially discriminatory strikes, the clinic's report urges eliminating *Batson's* first step, which requires a prima facie (threshold) showing of intentional discrimination. That change, which California Supreme Court Justice and former Berkeley Law professor Goodwin Liu has proposed in dissents, would also expedite the process of ruling on objections to such strikes.

Consistent with the Washington rule and the proposed

irritants, including pepper spray and its synthetic, and traditional tear gas and its successors. These are all weapons. They are as dangerous as the person who fires them wants them to be. They can injure, maim, and kill.

Q: As an emergency room doctor, can you provide a few examples of harm caused to people in a crowd by these weapons?

A: At close range, the bullet leaves the weapon at speeds comparable to live bullets and can break bones. If they hit the head or face, they can fracture the skull or destroy the eye or neck structures. At longer ranges, their irregular shapes cause them to tumble and ricochet. They have unpredictable trajectories and can hit a bystander in the eye or a child in the head.

The vast majority of people exposed to tear gas will have transient symptoms and be in pain, but it will resolve. However, the excessive use and misuse of tear gas we're seeing is ripe to cause more injuries. When the canister is targeted, or hits someone's head, it can cause skull fractures and death. When tear gas is used excessively, or in enclosed spaces, or when people can't get away, they can suffer serious injuries — chemical burns, severe breathing problems, damage to the eyes ...

Q: Should these weapons be banned, or is the problem that those using them aren't properly trained to deploy them?

A: From the research, we are convinced that rubber bullets and other projectiles should be banned in the policing of demonstrations. There is no point at which they are safe, or that they de-escalate tensions or make the community safer. Tear gas and other crowd-control weapons, such as sound cannons, need better regulations about when they should be used.

Q: What impact does the weapons' use have on the freedom of assembly and expression, and on human rights?

A: It has a large impact. ... In the U.S. it is rare, in any large demonstration, that the majority of people are inciting violence. But when tear gas or rubber bullets enter the picture, these weapons are indiscriminate. They target everyone — the peaceful ones, the kids, the elderly, bystanders, and even law enforcement itself, along with those few who are being violent. When these weapons are used to disperse crowds, or even to intimidate people so they won't want to protest, basic human rights are frequently violated.

Q: With COVID-19 in our lives, what are the



HEALTH WATCH: Berkeley Law research fellow and emergency room doctor Rohini Haar.

extra dangers of these weapons during protests, and how can protest participants protect themselves?

A: There is so little understood about COVID-19, but it is a respiratory disease and chemical irritants are a respiratory irritant. ... It would certainly be a good idea for law enforcement to limit its use of these gases in the middle of this pandemic.

I'd suggest protesters wear masks, eye protection, and use social distancing where possible. The active component in tear gas can last on surfaces and stick to clothing, so it's important to wash your clothes, wipe down eyeglasses and shoes, and take a shower when you get home.

Putting its Mission in Motion

More than 100 Berkeley Law students work each year at the East Bay Community Law Center, helping to push forward myriad initiatives that serve disenfranchised people of color. Recent examples include:

- Working with community organizers to end police presence in the Oakland Unified School District and address the over-expulsion of Black children.
- Monitoring implementation of the newly in-force Assembly Bill 2138 (written by the center's Clean Slate team) to

end tacit racial discrimination of state occupational licensing boards.

- Hosting conversations on the center's legal and social work strategies to support African Americans and low-income communities of color amid COVID-19, economic unrest, and police violence.
- Addressing displacement and historic redlining through the Tenant Opportunity to Purchase Act and Local Preference Policy the center is developing with the City of Berkeley, to empower renters and increase access to affordable housing.

- Winning eviction moratoriums at the city and county level so low-income tenants of color and essential workers can stay housed during the pandemic.
- Partnering with community groups in Berkeley to remove police from traffic, infraction, and parking enforcement, in response to violence Black people frequently experience during traffic stops.
- Helping Trans clients update their ID documents, affirming their rights and curbing violence and discrimination especially often endured by Black Trans clients that can occur when their gender presentation or identity is read as not matching their documents.



MEDIA BUZZ: Berkeley Law Professor and Death Penalty Clinic Director Elisabeth Semel is interviewed on NBC Nightly News.

California bill, the report also suggests placing the burden of proof on the party exercising a jury challenge — and presuming that specified reasons historically associated with improper discrimination are invalid.

In addition, the report recommends that the trial court explain its ruling on the record and decide the question as an objective observer who understands the role implicit, unconscious, and institutional bias plays in peremptory strikes.

Despite seeing how California courts have long enabled prosecutors to keep people of color off juries, participants in the project describe it as deeply gratifying.

“The most rewarding part was working with and learning from brilliant people: our clinical supervisor, legislative advocates, public defenders, law students, a graphic designer, an editor, and clinical staff,” Downard says. “This was one of the highlights of my law school career.” —*Andrew Cohen*

Leading the Conversations

Experts from all over campus are sharing their knowledge in a livestreamed video series, created soon after the pandemic emerged, called “Berkeley Conversations.” Since June, Berkeley Law professors have been front and center in panel discussions (often moderated by Dean Erwin

Chemerinsky) on how race is strongly linked to law and policy in America — and to any meaningful reform.

Faculty guests have included John A. Powell on structural racism revealed by COVID-19; Khiara M. Bridges on racism in the health care system; Kathryn Abrams, Abhay Aneja, Taeku Lee, Ian Haney López, and Bertrall Ross on how race affects our electoral system; Elisabeth Semel and Jonathan Simon ’87 on racial inequities within the criminal justice system; and Powell and Claudia Polsky ’96 on why environmental harms disproportionately affect people of color.

On August 17, a discussion on race and legal education featured professors Abrams, López, Abbye Atkinson, and Russell Robinson, as well as Dean of

STUDENT ANGLE: Serena Nichols ’21 weighed in on race’s role within legal education.



ELECTION UNEASE: Professor Bertrall Ross discussed the pandemic’s impact on voting.

Admissions and Financial Aid Kristin Theis-Alvarez and students Ray Durham ’22 (Student Association of Berkeley Law co-president) and Serena Nichols ’21 (*Berkeley Journal of African-American Law & Policy* editor-in-chief).

The Race & Justice video series can be viewed at youtube.com/BerkeleyLaw.



TIME-Sharing Their Insights

Soon after the killing of George Floyd on May 25, Berkeley Law faculty members Savala Trepczynski '11 and Khiara M. Bridges conveyed their thoughts to a national audience with pointed essays in *TIME Magazine*.

Trepczynski, executive director of the school's Thelton E. Henderson Center for Social Justice, also had a second *TIME* essay and an article in *Vogue* on racial justice issues come out as *Transcript* was going to press. Here are some excerpts from her first piece in *TIME*:

How do you know you're white? I'm talking to a hundred law students ... They're committed to making racial equity a cornerstone of their work ... But not a single hand goes up to answer my question — and this matters.

I often start these talks by asking several volunteers to tell me what race they are. I then ask them how they know. Invariably, students of color say things like, "I know I'm Black because the world tells me every single day." Or, "I know I'm Latinx because my family is, it's my blood, it's my language."

But when I ask white students how they know they're white, the answer is almost always the same: silence ... I let the silence grow. It gets uncomfortable. Then I step in to suggest that

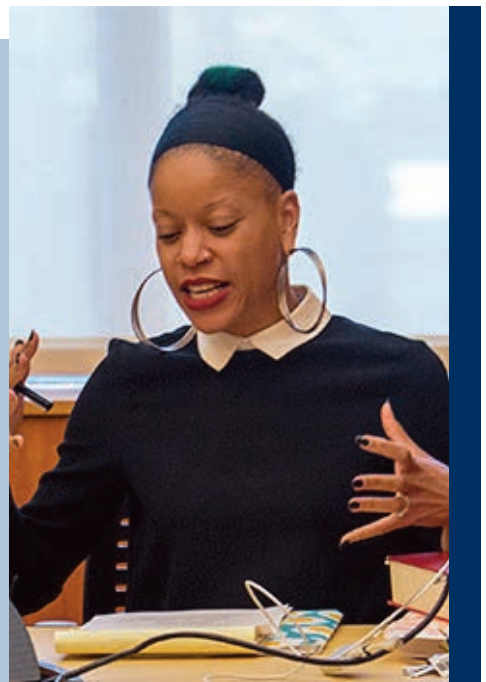
this phenomenon — not the individual student — is a significant part of America's problem with race ...

Until a critical mass of white people begin and continue the work of anti-racism with their own lives, then uprisings and protests will function more as expressions of black and brown pain than as inflection points in the culture. After all, black and brown people have been resisting, uprising, and protesting in this country for centuries. If that were enough, it would have worked already. The missing link is white people doing deep, honest, and ongoing inventories (and clean-up) of their own relationship to white supremacy.

Bridges is a professor who explores race, class, reproductive rights, and the intersection of the three. Here are some excerpts from her essay:

The novel coronavirus and the knee that Derek Chauvin casually placed on George Floyd's neck for close to nine minutes have shown the exact same thing: there is a racial hierarchy in the U.S., and people of color — particularly black people — are at the bottom of it ...

Black people's genes are not deadly. Rather, the way that we have organized society is deadly ... In truth, black people are sicker and die earlier than their white counterparts because they are



UNEQUAL AND UNFAIR: Professor Khiara M. Bridges decries how structural racism jeopardizes Black people's health in numerous ways.

more likely to encounter inaccessible or biased health care providers, inadequate schools and education systems, unemployment, hazardous jobs, unsafe housing, and violent, polluted communities ...

Moreover, black people are less able than their white counterparts to engage in the social distancing that makes it possible to avoid contracting COVID-19 in the first place ... Low-income people, who are disproportionately people of color, are the "essential workers" who are keeping our cities functioning and our country running ...

Their inability to avoid contracting the novel coronavirus — and the increased likelihood of contracting the virus with a body that has already been damaged by structural racism — reveals black people's vulnerability and marginalization.

George Floyd's death reveals the exact same thing ... Like COVID-19, the criminal justice system evidences the way a society that should care for and protect its people instead leaves black people susceptible to harm and with little control over their well-being.

VALUED VOICE:

Henderson Center for Social Justice Executive Director Savala Trepczynski '11 during her CBS News interview on white silence in social media.



RACHEL DELLETTO (BRIDGES)

Clinic's Tireless Work Helps Put a Freeze on Fines and Fees

Research and ongoing advocacy from the law school's Policy Advocacy Clinic — which reveals how fines and fees assessed within the juvenile justice system greatly harm low-income families and families of color — continue to drive major changes.

In the spring, the clinic helped persuade California to become the first state to stop intercepting tax refunds, garnishing wages, and levying bank accounts for unpaid debt (including juvenile fees) owed to state and local governments during the COVID-19 pandemic.

“Halting all this collection for everyone in California who has this kind of debt is huge,” says clinic supervising attorney Stephanie Campos-Bui '14. “When we started working years ago on abolishing juvenile fees, I never saw this coming.”

In recent months, Riverside County, San Diego County, and Orange County became the latest in California to stop collecting juvenile fees assessed prior to a recent state bill — which the clinic played a huge role in passing — that abolished the charging of such fees.

Campos-Bui says 43 of California's 58 counties have now relieved hundreds of thousands of families of approximately \$350 million in juvenile fees, “which our research has shown to be regressive, racially discriminatory, and harmful to youth well-being.”

Clinic leaders and students are now advocating for Senate Bill 1290, pending before the California Legislature, which would end all further collection and discharge all outstanding juvenile fees. —Sarah Weld



Pushing for a New and Improved Dynamic with Campus Police

With UC Berkeley examining the relationship between its campus police department and the school community, members of the Berkeley Law Staff Circle on Anti-Racism (SCAR) weighed in on recommendations sent to Chancellor Carol Christ.

The Independent Advisory Board — the result of years of advocacy by activists, particularly Black student organizations, from around the campus — explored how the university could reimagine its community safety efforts without relying heavily on armed offi-

cers. The SCAR response was sent as a comment on the report itself and as a letter directly to Christ.

“We urge that the recommendations in the report be paired with binding requirements, commitments, and deadlines that ensure rigorous, committed implementation if they are to succeed where so many other well-intentioned reform recommendations have previously failed,” more than 30 Berkeley Law staffers who belong to SCAR wrote.

SCAR began in 2015 with a small clutch of staff members wanting to create a space for conversation and anti-racism work. The group has grown over time,

especially during this tumultuous summer, and is planning trainings and other resources for the entire Berkeley Law community.

Its letter stated support for the board's recommendations, including eliminating military-grade weapons from the UCPD; ensuring transparent data on policing practices and outcomes; and holding periodic “know your rights” trainings for community members that aren't run by the police force.

The board also recommended ending the use of armed officers in wellness checks and mental health-related calls. SCAR members suggested that when an armed officer must respond, a trained mental health specialist should also be there to help de-escalate the situation.

“We also emphasize the need for robust oversight of mental-health focused public health and safety response, recognizing that systemic racism also pervades this country's systems of social services, health



CAPITAL GAIN:
Policy Advocacy Clinic
Supervising Attorney
Stephanie Campos-Bui '14
(center, holding file folder)
joins other Berkeley Law clinic
members and outside partners
in Sacramento to push for
eliminating administrative fees
imposed against people in the
criminal justice system.

care, and mental health care,” the group wrote.

They suggested additional actions around the use of force and accountability. Christ recently banned carotid holds — the type of tactic that police used to kill George Floyd — by UCPD officers. SCAR members argued for new structural protections to make sure officers abide by use-of-force rules, with serious consequences for those who don’t.

In addition, the letter called for transparency in negotiations with the officers’ union and a contract that promotes accountability; a wholesale examination of UCPD culture to address systemic racism and sexism; and the establishment of a permanent independent oversight body made up of university faculty, staff, and students.

“We wholeheartedly support this approach and look forward to further engagement and progress on these important actions,” the group wrote.

—Gwyneth K. Shaw

Variety Pack

Along with the research, advocacy, direct services, programs, and scholarship chronicled in the preceding pages, below is a brief sampling of other racial justice efforts undertaken by students, faculty, and alumni:

- An International Human Rights Law Clinic report showed that families of murder victims in Oakland often face poor treatment from police, and that over the past decade Oakland police made arrests in 40% of murder cases when the victim was Black compared to 80% when the victim was white.
- Alex Baptiste '18 and Yasmina Sourì '19 were featured in *Forbes* for the pro bono services they have provided to Black Lives Matter protesters in Los Angeles.
- The Human Rights Center’s Investigations Lab created a Rapid Response Team to help journalists and lawyers use open-source investigation skills to identify and verify human rights abuses related to racial injustice. The Lab also helped Amnesty International create an interactive map showing instances of police violence at protests across the U.S.
- DeCarol Davis '17 created a labor and employment law guide for Black workers with some of her Legal Aid at Work colleagues and the Los Angeles Black Worker Center.
- Several students were trained by the National Lawyers Guild to be legal observers at protests and to use best practices for interacting with protesters and law enforcement.
- Fanna Gamal '16 wrote a *California Law Review* article that provided a critical race examination of police militarization.
- Berkeley Law’s Womxn of Color Collective held its annual “Our Monologues” event. Pooja Shivaprasad '21 directed the production and was one of 13 students to speak.
- Antonio Ingram '14 penned an op-ed in the *San Jose Mercury News* about the devaluing of Black lives.

Samson Lim '21

Perseverance Personified

Samson Lim's glittering résumé seems to reflect a charmed life: Fulbright Scholar. *California Law Review* editor-in-chief. More than 30 local and national awards.

His personal reality, however, reveals a very different data set: Eleven surgeries. Six years in a wheelchair. Countless days of uncertainty.

When Lim was in third grade, a sprained ankle led to a diagnosis of dystonia — a rare neurological movement disorder caused by a genetic mutation and triggered by limb trauma. Over the next few years, Lim's ability to walk, stand, or simply move became increasingly compromised.

ROAD TRIP: Lim, who spent six years in a wheelchair, during a 2005 family visit to see his sister at UC Berkeley.



"I needed crutches by fifth grade and a wheelchair by sixth," he says. "My father emphasized incremental progress and urged me to make a goal to walk at my high school graduation without a wheelchair, cane, or crutches."

That seemed implausible until Lim visited UCSF Medical Center after his junior year of high school. There, he underwent a nine-hour deep brain stimulation surgery, which places electrodes to ensure that proper movement-control signals transmit to muscles.

The results were life-changing. Lim needed intense physical therapy to relearn how to walk and still has a limp, but he made his father a prophet by walking across his high school graduation stage.

"Personally, that second chance has fueled much of my determination to lead a life serving others," Lim explains. "Professionally, I think I've become a better coworker, manager, and leader because I've learned how to be more empathetic about others' circumstances, more optimistic in the face of obstacles, and more patient when confronted with challenges."

Last school year, Lim co-chaired Berkeley Law's Consumer Advocacy and Protection Society (submitting public comments to federal agencies and advocating for student borrowers) and helped lead the Food Justice Project (providing direct services to students who were denied CalFresh benefits).

Before coming to law school, he was the national director of graduate and

STEPHANIE LIM



CLOUD NINE: Lim is editor-in-chief of the *California Law Review* and engaged to be married.

fellowship programs at a major foundation in New York City and the founding executive director of a Seattle-based nonprofit that connects scholarship candidates with mentors for application support.

Steering the *California Law Review*, Lim plans to bolster *CLR Online* so the journal can publish more timely responses to current affairs — such as COVID-19 and the growing racial justice movement — and create more outlets for scholars and practitioners to share their work.

“More than ever, I’m determined to help CLR live up to its legacy as a vehicle for reform,” he says.

Lim, who earned a master’s degree in education policy at Columbia, will return to New York City and work at Cleary Gottlieb Steen & Hamilton after graduating. For now, he’s savoring his final year of law school.

“Being in a community where there’s a strong spirit of service is my favorite part of Berkeley Law,” Lim says. “That commitment is what drew me here in the first place.” —*Andrew Cohen*

“Being in a community where there’s a strong spirit of service is my favorite part of Berkeley Law.”

“My desire to empower people who are neglected by society is what drove me to law school.”



Elly Leggatt '21

Finding, and Raising, Her Voice

In early March, Elly Leggatt was immersed in a major project for the East Bay Community Law Center's Clean Slate Clinic: Convincing the Berkeley City Council that it should reduce ticket penalties for minor offenses, such as having a tent on the sidewalk or drinking in public.

She spent time on the city's streets visiting unhoused people as she prepared to make a case that police should connect offenders with social services — to address the root of the problem — rather than issue tickets that result in jail time.

Then the pandemic hit, and the in-person visits stopped. But Leggatt kept working and got to watch an unintentional experiment happen in real time: Crime didn't spike even though police wrote far fewer tickets. That bodes well for success once the COVID-19 tide has ebbed, she says.

"This shows that when you stop or lessen the amount that you criminalize being very low-income, the crime rate doesn't soar," she says. "Hopefully, that 'radical idea' won't seem so frightening now."

Leggatt handed off that work once her EBCLC stint ended in May, but the London native is still fighting for justice:

She spent the summer in the felony unit of the San Francisco Public Defender's Office, and now works on voting-rights issues while interning with the American Civil Liberties Union's Democratic and Civic Engagement department.

Leggatt also found another way to hone her voice: moot court competitions. She was named Best Oralist at the National Environmental Moot Court Competition in February.

"Moot court gave me the chance to learn what my style is in oral argument and how I best prepare," she says. "I recently argued a bail motion in front of a state criminal court judge, and the way I approached it was informed by my experience in moot court. It was very satisfying to see my law school practice be helpful in a situation that had real consequences."

Leggatt fell in love with UC Berkeley during a year studying abroad, drawn to

its academic excellence and passion for social justice. Her Berkeley Law experience has also been exactly what she'd hoped for.

"My desire to empower people who are neglected by society is what drove me to law school," she says. "I saw Berkeley — with its emphasis on public interest law — as a place that would give me the training to do this work while allowing me to stay in the stimulating environment I loved so much as an undergrad."

Last school year, Leggatt co-led Berkeley Law's Homelessness Service Project, which provides legal assistance to homeless and low-income people in the East Bay. She also worked with the school's International Human Rights Law Clinic on a team that helped pass a resolution through the Berkeley City Council that calls for prioritizing human rights along the U.S. Mexico border and accountability for border patrol agents.

Her commitment to empower the disenfranchised, already strong when she enrolled in law school, has been turbo-charged during her time at Berkeley Law.

"There are so many who are rendered voiceless in our society by poverty and the criminal justice system," Leggatt says. "As a lawyer, I want to fight to change the systems that keep so many suffering in silence." —*Gwyneth K. Shaw*

INSPIRATION POINT: Leggatt at a Berkeley mural painted by EBCLC Clinical Supervisor Osha Neumann, her homeless rights mentor.

Fatemah Albader LL.M. '21

Captivated in Kuwait

Fatemah Albader

rarely shies away from a challenging task — or a controversial topic. In her scholarship, the junior law professor at Kuwait International Law School has already tackled honor killings and citizenship rights in the Middle East, the right to war in Islam, and human rights violations during the COVID-19 pandemic.



“I like being able to write about something a person might read and say, ‘I’m glad someone had the courage to shine a spotlight on that,’” Albader says. “And I love international human rights law because it’s where I feel I’m most able to effect positive change.”

As a law student at Emory University in Atlanta, Albader published her first article with the *Berkeley Journal of Middle Eastern & Islamic Law*.

She recently re-engaged with Berkeley Law, finishing her first of two summers as an LL.M. professional track student. Even though her classes were all taught online and recorded because of COVID-19, Albader attended many of them live

— sometimes between 2 and 4 a.m. Kuwait time.

“The staff at Berkeley Law make you feel like you’re there taking classes in person,” Albader says. “With all the activities you can attend online and all the ways in which the school community has come together, it shows perseverance and closeness during this time.”

Last year, Albader was invited by the Dutch Ministry of Foreign Affairs to speak at The Hague on women’s rights in the Persian Gulf region. On June 30, Kuwait’s justice ministry appointed the nation’s first eight women judges.

“Women in Kuwait live pretty freely, but it’s true that citizens are demanding



BOOKED UP: Albader's busy schedule reflects her fast-rising career as an international law scholar.

more in terms of equal rights for women,” says Albader, who worked with the U.N. Development Programme in Kuwait and focused on women’s empowerment, children’s and disabled rights, and drug use and trafficking. “I remain hopeful that we’ll see more advancements in the coming years.”

Albader co-chairs the American Bar Association’s Section of International Law Young Lawyers Interest Network and is vice chair of publications for its Section of International Law Middle East Committee. She is also associate editor of the organization’s *Middle East Review*.

Recently featured in *Washington Lawyer* magazine, Albader confronts

issues at the intersection of surveillance technology and human rights. A new paper, “The Digital War on Human Rights, Guilty Until Proven Innocent,” was published in the latest *Minnesota Journal of International Law*.

“There’s a tendency to view human rights and national security concerns as being mutually exclusive,” she says. “Instead of thinking of them on opposite sides of the spectrum, I look at them as complementary to one another. That framework would reduce the risk that national security concerns may trump human rights during moments of fleeting security guided by terrorist attacks.”

—Andrew Cohen

“There’s a tendency to view human rights and national security concerns as being mutually exclusive.”

Study Hall

Selected Faculty Scholarship





Berkeley Law’s prolific educators generate pathbreaking scholarship that is regularly honored across the legal landscape. Over the past few months alone, they have received the following honors:

Top 10 *Corporate Practice Commentator* corporate law and securities law articles in the past year

Adam Badawi

“Is There a First-Drafter Advantage in M&A?”

Steven Davidoff Solomon

“The New Titans of Wall Street: A Theoretical Framework for Passive Investors”

Thomson Reuters list of best intellectual property law scholarship in the past year

Sonia Katyal

“The Paradox of Source Code”

Mark Gergen

Pamela Samuelson

“The Disgorgement Remedy of Design Patent Law”

Privacy Law Scholars Conference annual Reidenberg-Kerr Award for pre-tenure scholars

Rebecca Wexler

“Privacy as Privilege”

Jerry S. Cohen Memorial Fund Writing Award for best antitrust article on exclusionary conduct in the past year

Aaron Edlin

“Hunting Unicorns? Experimental Evidence on Exclusionary Pricing Policies”

Berlin Prize from the American Academy in Berlin (see page 7)

Saira Mohamed

Bertrall Ross

Entire *Minnesota Law Review* issue (Vol. 104, #6) devoted to a faculty member’s book

Franklin Zimring

The Insidious Momentum of American Mass Incarceration

Current faculty in the top 50 of HeinOnline’s all-time list of the 250 most-cited legal scholars

Orin Kerr

Erwin Chemerinsky

Daniel Farber

Here are just some recent examples of stellar faculty scholarship



How Congress Really Works

Jonathan Gould made an instant splash on Berkeley Law's faculty, which he joined last year, when his article "Law Within Congress" won the 2020 Association of American Law Schools Scholarly Papers Competition. The article explores congressional procedure and its influence on various topics, including civil rights and health care policy.

Gould says parliamentary precedents "constitute a hidden system of law that has received little scholarly attention, despite being critical to shaping what goes on in Congress." He describes how this body of law takes shape in the shadow of politics: Congress's body of common law develops as it

does because of the relationships among majority parties, minority parties, and the House and Senate parliamentarians.

A Skeptical Eye on Credit

A rare shared conviction between progressives and conservatives is that credit should be a key financial right and a tool of social provision for low-income Americans. In a paper that rejects conventional thought on the subject, **Abbye Atkinson** calls that notion deeply flawed and decries an essential mismatch between the problem and the solution.

Noting how the working poor often struggle with increased financial instability



over time, she sees credit as regressive redistribution in which wealth flows out of already economically vulnerable communities. Atkinson writes that entrenched poverty, which leaves people consistently unable to afford basic necessities, "cannot be addressed by a device that requires future prosperity and economic growth."

The Road to Judicial Reform

The *California Law Review* published a special issue collecting the scholarship from the 2019 CLR/Berkeley Judicial Institute symposium on federal judiciary reform, which featured many leading scholars in the field. Institute Executive Director **Jeremy Fogel** (pictured below) penned an overview of the symposium and the steep hurdles to changing the system. "BJI hopes to use the rich interactions generated by the Symposium as a first step in taking on that challenge," he writes.

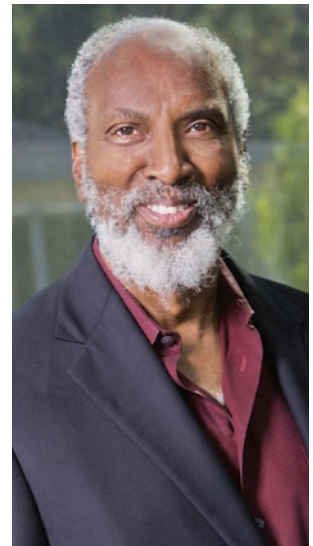
In the lead article, **Peter Menell** (pictured above) and a



co-author trace the history and political economy surrounding judiciary reform. They examine the data on caseloads and other measures of judicial performance, and explore the political, institutional, and human causes of the case logjam in assessing judiciary reform.

Exploring Plessy's Legacy

A forthcoming issue of *The Russell Sage Foundation Journal of the Social Sciences* co-edited by **john a. powell** examines the legacy of the



1896 *Plessy v. Ferguson* case and the deep impact of the “separate but equal” doctrine embraced by the U.S. Supreme Court. While the tenets of *Plessy* were reversed in *Brown v. Board of Education*, *Plessy* had a lasting effect on social and economic outcomes facing racial and ethnic minorities.

The issue collects papers submitted for a conference organized by Powell and two other scholars scheduled for next year on the policy implications of *Plessy* as the case nears its 125th anniversary. They touch on the potential connections between the court’s approval of state-imposed segregation and today’s racial disadvantages and inequities.

Probing Politics and Punishment

In a review of Rachel Barkow’s book *Prisoner of Politics*, which says electoral politics forms the root of America’s broken criminal justice system, **Rebecca Goldstein** argues that it can also fuel reform to end mass incarceration. While the book asserts that elected officials



tend to be punitive, Goldstein argues that “there is nothing inherent about electoral participation’s punitive influence.”

Suggesting that we may be on the cusp of electorally motivated criminal justice reform, Goldstein notes how such reform is increasingly embraced in both major parties, how grassroots efforts and subnational elections indicate potential gains through the electoral process, and how studies that show younger Americans are less punitive than their older counterparts.



A Fiduciary System for All

In this time of expanding global connections, fiduciary legal theory and transnational legal theory have yet to meet. A paper co-authored by **Seth Davis** advances a theory of the transnational legal ordering of fiduciary law.

To understand transnational fiduciary law’s potential, Davis and his co-author look to the extent of normative settlement across state boundaries. They assert that such analysis “is

critical for assessing the extent of concordance and divergence in the development and practice of fiduciary law.”

Transnational fiduciary law develops, they contend, in response to regulatory gaps and problems within nation-states and between them in various of areas of law, ranging from financial regulation to environmental preservation.

Finding the Man Behind the Myth

Christopher Tomlins digs deeply into the persona of the Virginia slave Nat Turner, and examines the legacy of the 1831 rebellion that he led, in a new book. *In the Matter of Nat Turner: A Speculative History* is a spiritual biography of Turner, a critical examination of his rebellion, and an analysis of the rebellion’s impact on antebellum Virginia, on the American South, and on the nation

Tomlins also turns a diagnostic eye on *The Confessions of Nat Turner* — both Thomas Ruffin Gray’s hastily compiled pamphlet issued a few days after Turner’s execution, and



William Styron’s 1967 novel which borrows its title and narrative outline from Gray’s pamphlet. The book deconstructs the mythology around Turner to which both contributed.



Transgender Parent Rights

While transgender rights are increasingly recognized in different kinds of law, **Sonia Katyal** sees one area that still lags behind: family law’s treatment of transgender parents. In a revealing paper, Katyal and a co-author describe numerous ways that the family court system alienates their rights and interests.

Finding evidence of persistent bias regarding the gender identity and expression of transgender parents, the authors call for a deeper interrogation of the ways in which family equality can be expanded to better protect these parents’ interests. In doing so, the authors propose a way to balance broad court discretion with the disproportionate risk that judicial bias will cause irreparable harm to the child and the parent.



An Affordable Housing Path?

California has long had laws on the books aimed at supporting multifamily housing — and still has one of the most dysfunctional markets in the country. But recent changes in state law may have opened the door to significant and perhaps even fundamental progress for affordable housing, **Eric Biber** and co-authors argue in a new paper.

They outline a framework for the state Department of Housing and Community Development to gain more leverage with local governments in successfully promoting multifamily housing. Using those advantages could produce meaningful increases in the amount of land on which dense multifamily housing is allowed, they write, as well as substantial reductions in the cost and time required to develop such housing.

Smart Standards for Statistics?

In a new article, **Jonah Gelbach** argues that many

courts use far too strict a standard for statistical estimation evidence in civil litigation. Gelbach proposes an alternative that marries legal standards and statistical concepts, replacing what he calls the “arbitrary and elevated standards” of conventional hypothesis testing with an approach that looks more like the applicable preponderance standard.

Gelbach’s analysis yields a fundamental default rule: Statistical evidence from a credibly designed and well-implemented study is presumptively admissible and legally sufficient if it supports the proffering party’s position. Typically, he writes, that means whenever the estimate of interest is statistically significant at levels below 50%.



Lessons from World War II

Comparing the legal and political treatment of detained citizens during World War II in Great Britain and the U.S., **Amanda Tyler** urges the Supreme Court to reassess its standard extensive deference



to the executive branch during wartime and on purported matters of national security.

While President Franklin Roosevelt rebuffed suggestions to close Japanese American incarceration camps until after the 1944 election, Winston Churchill came earlier to view detention policies directed at citizens as inconsistent with British constitutional tradition. Tyler notes that the American war experience revealed executive branch failings to engage with the facts on the ground and honor long-accepted constitutional traditions in forming wartime policies.

Helping Judges Help Congress

In 2007, the U.S. Courts’ Administrative Office fortified a program enabling federal appellate judges to send Congress opinions that describe possible technical problems in statutes. Assessing the program’s effectiveness, **Tejas Narechania** and a co-author say it has increased interbranch communication but has far greater potential as “the judiciary is



uniquely situated to identify problematic statutory text.”

Their paper proposes that judges send more opinions to Congress and institutionalize the processes that helped form this channel initially. The authors also urge judges to presumptively send to Congress any opinion that identifies judicial disagreement over the meaning of statutory text, be it from a concurrence, a dissent, or a circuit conflict.

Finding Bias in Donations

In new work with major implications for nongovernmental organizations, **Katerina Linos** and two political science Ph.D. students find a stark contrast in donations based on the ethnicity of the potential beneficiary. Through a text-to-give experiment embedded in a larger nationwide fundraising campaign in Greece, Linos and her co-authors saw that donations did not increase when the promoted beneficiary was part of an “in” group of Greek children.

But when the target of the fundraising was part of an

“out” group — a Roma child, one of the most stigmatized ethnic groups in Europe — donations dropped by 50%. An appeal to universal human rights, one way NGOs typically try to raise money for marginalized groups, had no effect on donations.



Law & Politics: New Approach

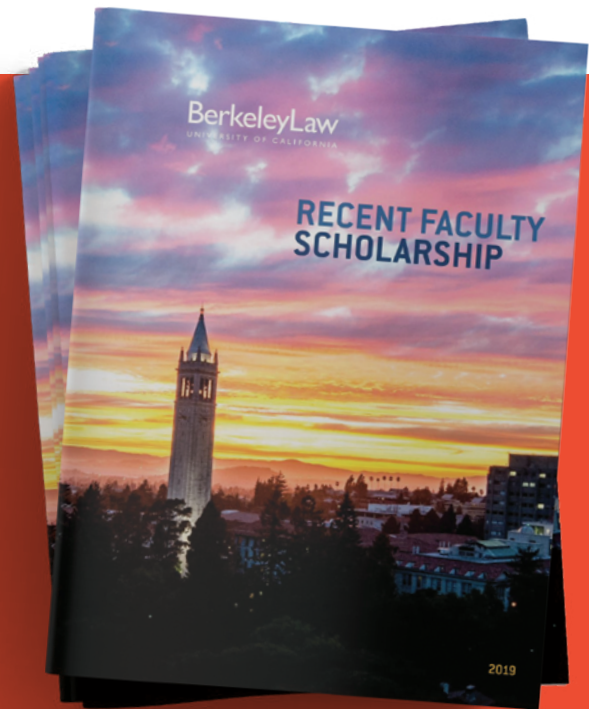
The upheavals of 2020 have further exposed major fault lines between the wealthiest citizens and the rest of society, and amplified the voices of some who have been advocating for change. **David Singh Grewal** has been one of those voices.

In a new article, he and his co-authors lay out a blueprint for putting themes of power, equality, and democracy at the center of legal scholarship, and bringing the problem of inequality back into the legal analysis of markets and market relations. Grewal says that “against the backdrop of increasing economic inequality — and what some political scientists now argue is an

‘oligarchic’ dimension to U.S. policy-making — we need a vigorous non-market conception of what robust citizenship is and why it is valuable.” He urges rethinking areas of constitutional law as well as legal fields long dominated by wealth-maximization approaches.



Read more about the work of our world-class professors in Berkeley Law’s annual *Recent Faculty Scholarship* publication.



Visit law.berkeley.edu/research to see their latest and greatest works, along with stories of real-world impact.

An A+ for Improvising

When COVID-19 forced the cancellation of Admitted Students Weekend, alumni answered the call

Adversity sometimes builds character and always reveals it.

When the COVID-19 pandemic threw life into disarray, Berkeley Law’s Admissions team found itself in the eye of the storm. Extensive planning goes into the school’s annual Admitted Students Weekend, which was scheduled for March 12-14 — just a few days after the school canceled all in-person events.

Forced to quickly adjust while still determined to create an outstanding experience

for admitted students, Dean of Admissions and Financial Aid Kristin Theis-Alvarez brainstormed with the Development and Alumni Relations team. They reached out to graduates across cities and practice areas and quickly assembled three virtual events with hugely successful and engaged alumni — a panel for all admitted students and two regional panels with alumni working in New York City and Washington, D.C.

These events were key parts of an eight-day virtual Admit Week Experience in April that highlighted the law school community, curriculum, research, and connection with public mission.

“One of the best things about the fast alumni response to this urgent need was that it affirmed we’ve been admitting the right people for decades — people who

SWEET RELIEF: Berkeley Law Dean of Admissions and Financial Aid Kristin Theis-Alvarez was thrilled with how alumni responded.



are smart, talented, driven, and interesting, but also generous, helpful, and kind,” Theis-Alvarez says. “Alumni were reaching out to us almost immediately, asking how they could help.”

Berkeley Law Alumni Association Vice President Cara Sandberg ’12 moderated a dynamic panel with Orrick, Herrington & Sutcliffe Partner Melinda Haag ’87; Universal Music Group General Counsel and Executive Vice President of Business & Legal Affairs Jeffrey Harleston ’88; PricewaterhouseCoopers Global Advisory Risk & Quality Leader Kim Thompson ’90; and San Francisco Public Defender Manohar Raju ’95.

Panelists discussed what keeps them engaged with the school, who there made an impact on them when they were students, how the alumni community supported their career trajectory, and what qualities they see in Berkeley Law students and graduates.

Sandberg also continued her longtime work with Admissions to enlist a growing number of Berkeley Law alumni in helping to reach and recruit more admitted students from historically underrepresented backgrounds.

“It was inspiring to see so many of our graduates step forward,” Sandberg says. “I led a group of nearly 100 alumni volunteers who made phone calls and sent emails to connect with and welcome students to the school community. We’ve heard from our incoming students that this outreach was crucial in their decision to commit to Berkeley Law.”

New admits have long wanted to know that Berkeley Law can get them where they want to be, including into positions in other parts of the country. In a non-virtual world, before the pandemic, the school could not have convened panelists from New York and Washington for Admitted Students Weekend.

“Our virtual program actually created opportunity,” says Theis-Alvarez. “The Development and Alumni Relations team really stepped up to lead the charge and create new panels to help admits get



answers to their questions.”

The Washington panel included Seward & Kissel D.C. Office Managing Partner Paul Clark ’80; Georgetown Law Professor Howard Shelanski ’92; Hogan Lovells Partner and Global Crisis Management Practice Head Lillian Hardy ’06; and U.S. Department of Justice Trial Attorney Samson Asiyambi ’08.

“Berkeley Law has played an incredibly important part in my life, so I wanted to be part of helping bring new students to the school and the amazing opportunities it provides,” says Shelanski, who taught here from 1997 to 2011. “What was interesting was how unique our respective experiences were, yet all of us felt equally strongly and positively about the school.”

The New York panel featured National Basketball Players Association Executive Director Michele Roberts ’80; WNYC News Host and Legal Editor Jami Floyd ’89; PepsiCo Corporate Law Senior Vice President Cynthia Nastanski ’95; Morgan Stanley Executive Director Lester Szeto ’00; and Sidley Austin Partner Benson Cohen ’04.

“Berkeley Law is a national school even with its deep California roots,” Shelanski says. “It will be stronger by maintaining a good pipeline to jobs on the East Coast and drawing the broadest student body it can.”

Assessing the impact alumni made on Berkeley Law’s newest students, Theis-Alvarez was unequivocal. “The result speaks for itself: An incredible 1L class, built by many hands, under the strangest and most challenging of circumstances.”

—Andrew Cohen

ALL IN: Howard Shelanski ’92 joined a panel of successful alumni in Washington, D.C., and Cara Sandberg ’12 moderated another panel of standout graduates to help make Admit Week Experience a resounding success.

“I led a group of nearly 100 alumni volunteers who made phone calls and sent emails to connect with and welcome students to the school community. We’ve heard from our incoming students that this outreach was crucial in their decision to commit to Berkeley Law.”

—Cara Sandberg ’12



SCHOOL PRIDE: Andrew Barron '21 relishes knowing “your classmates will always have your back.”

Caring in a Calamity

A new emergency fund helps Berkeley Law students navigate unforeseen financial setbacks

Andrew Barron '21 came to Berkeley Law nearly three decades after Julian Ong '92. Pursuing commercial litigation and mentoring first-generation law students, his path contrasts sharply with that of Ong, who earned a master's degree in electrical engineering before building a successful tech-law career.

Yet when it comes to supporting Berkeley Law students — especially during these turbulent times — their voices can be hard to distinguish. Both found similar motivations for contributing to the Student Emergency Fund, which the school created soon after the COVID-19 pandemic emerged.

“The fund is just one of many ways that Berkeley Law students have rushed to each other's aid,” Barron says. “The current crisis threw many of my classmates into unforeseen economic situations. I wanted to help in any way I could.”

Roughly 200 alumni have supported the

fund, which addresses financial emergencies regarding expenses for health care, food, or shelter. Ong is impressed — but not shocked — that students facing loan debt and an uncertain future are also contributing.

“Knowing the kinds of students attracted to Berkeley Law, and that are sought out by the school, I'm not at all surprised by such displays of compassion and generosity,” he says.

COVID-19 has affected students in various ways. Their summer jobs were regularly truncated and occasionally withdrawn



GOOD CAUSE: Julian Ong '92 is happy but hardly stunned to see alumni helping students in need.

altogether. Permanent positions for new graduates were removed or delayed.

“It would be a shame, and society would lose out, if deserving students could not complete their Berkeley Law education due to financial pressures from the pandemic,” Ong says. “The fund is a great way to get alumni to think about what their Berkeley Law experience has meant to them, and how they can help students seeking a similarly enriching experience at a time probably more challenging than when they attended the school.”

Berkeley Law also allocated an additional \$150,000 to its summer grant program to support rising 2Ls and 3Ls with no summer job or whose summer plans fell through. The grants helped students work in law school positions such as research assistants to professors and in clinics and centers.

When Berkeley Law had to cancel all in-person events starting March 10, students immediately took action to stay connected. Spreadsheets were posted on class Facebook pages asking if any immunocompromised students needed help with grocery shopping, student groups reached out to check on their members, and journals adjusted their deadlines.

Toward the end of Barron's first semester, when a student lost his backpack and with it his full set of class notes, several classmates immediately provided notes and outlines for the entire semester.

“No matter the situation, your classmates will always have your back,” Barron says. “I think it really highlights how our sense of community is unmatched.”

For Ong, the Student Emergency Fund helps to sustain it.

“I feel like now more than ever we should be educating thoughtful and compassionate leaders willing to work toward fairness, justice, and the rule of law for the betterment of humankind,” Ong says. “The school excels in this mission.”

—Andrew Cohen

An Unexpected Way to REACH More Alumni

Virtual offerings allow a law school program to connect with a broader set of graduates

When it comes to a reasoned, seasoned voice that can wax poetic about the UC Berkeley network's far-reaching benefits, Jonathan Simon '87 is a prime candidate.

He has three Berkeley degrees, including two from the law school. He has been a Berkeley Law faculty member since 2003. And he's the faculty representative on the Berkeley Law Alumni Association board. So when the COVID-19 pandemic forced the school's Regional Engagement Alumni Chapters (REACH) program to recalibrate its approach, Simon was ready to help.

"Ideally, the relationship between faculty and alumni should be lifelong," Simon says. "I've benefitted countless times, as have my students, by introducing alums who are leading professionals to my classes. Faculty talks at reunions and alumni meetings help grow that relationship, and in the Zoom era it's easier than ever."

As part of an ongoing REACH effort to expand alumni connections through virtual engagement, Simon will give a talk to members of the Los Angeles, San Francisco, and Silicon Valley chapters on October 21 titled "Beyond the Slogan 'Defund the Police': Race, Public Safety, and the Future of American Criminal Justice."

A prominent criminal justice scholar, Simon says the ongoing racial

justice movement has fueled an overdue reckoning with America's "anything but colorblind criminal legal system and a once-in-a-century chance to re-envision public safety for American cities and suburbs." He hopes to clarify the meaning of slogans like "defund" or "abolish" the police, and to explain why racism is inextricably linked to the criminal legal system.

Created in 2018, REACH offers faculty presentations, visits with Dean Erwin Chemerinsky, recent alumni gatherings, happy hours, and other events to increase networking opportunities, intellectual engagement, career development, and socializing.

Chemerinsky kicked off the new virtual REACH initiative with a Town Hall for alumni on June 11, and future events include Simon's talk and a Los Angeles chapter trivia night on September 17.

"Our goal is to hold events of interest for alumni, and provide a place for them to connect and re-remember their deep ties to the law school," says Noah Ickowitz '17. "For alumni, Berkeley Law should continue to be a shared space for learning, connecting, and social justice, even if remote."

A litigation associate at O'Melveny & Myers, Ickowitz helped create the Los Angeles chapter after seeing the need for alumni engagement on a local level.

"A lifelong connection to Berkeley Law and the ideals it represents starts with recent alumni," he says. "Together, we're a stronger community."

While Simon and Ickowitz hope to resume in-person meetings soon, both say they appreciate seeing how virtual events make Berkeley Law more accessible to graduates across the country and the world. —Andrew Cohen



CHAPTER ONE: Noah Ickowitz '17 helped establish the first REACH chapter in Los Angeles.

BRIDGE BUILDER:

Professor Jonathan Simon '87 aims to forge lasting bonds between faculty and alumni.



Turning Gratitude into Greater Engagement

New Berkeley Law Alumni Association board members are ready to get started

One of America’s top whistleblower

lawyers, Erika Kelton '87 tracks her career rise to the uplifting impact of Berkeley Law’s alumni network.

“When I graduated, there was no such thing as whistleblower law. Two alums set me on my professional path,” she says. “One was my mentor (Bob Montgomery '69) and the other (fellow Phillips & Cohen partner John Phillips '69) was the driving force behind the modern-day False Claims Act’s whistleblower provisions.”

One of three new Berkeley Law Alumni Association board members, along with Joanna Goldenstein '97 and Lillian Hardy '06 (see Hardy profile, page 62), Kelton has been selected by *Lawdragon* as one of the “500 Leading Lawyers in America” every

year since 2013.

“Berkeley Law challenged me to think creatively, especially about how a law career can have profound social impact,” says Kelton, who co-teaches a whistleblower course at the school.

Her alumni association priorities include building Berkeley Law’s East Coast network, engaging new graduates (particularly in her Washington, D.C., area), bolstering financial aid, and fortifying the Clinical Program.

“The school exhibits a level of creativity and engagement in the most important challenges of the day that’s unmatched by our peer schools,” Kelton says. “Given the disruptions of COVID-19 and students’ growing financial needs, this is an important moment in the life of Berkeley Law.”

Goldenstein, associate general counsel at KPMG (a global network of firms providing audit, tax, and advisory services), is also primed to cultivate the law school’s East Coast alumni community.

“Alumni engagement, particularly for those of us who are geographically removed, is very important in maintaining and enhancing Berkeley Law’s brand,” she says.

Goldenstein joined KPMG’s New York office in 2007 after nine years of litigating

CROSS COUNTRY: Erika Kelton '87 wants to help strengthen Berkeley Law’s East Coast network.

REVVED UP:

Joanna Goldenstein '97 is eager to increase alumni engagement.





NEW LEADER: Berkeley Law Alumni Association President Carly O'Halloran Alameda '06.

at major law firms. She provides pivotal guidance on legal risks arising out of the firm's business initiatives.

"Berkeley Law helped prepare me for this work with a great legal education, as well as a community of classmates whose achievements inspire me every day," she says.

Board President Carly O'Halloran Alameda '06 succeeds Karen Boyd '96, who remains on the board and now leads the Silicon Valley alumni chapter. Alameda acknowledges Boyd and outgoing members Benson Cohen '04, Nancy Fineman '86, and Sonia Gonzales '07 for exemplary service and looks forward to welcoming Kelton, Goldenstein, and Hardy.

"The board has made great strides in mobilizing alumni to support the school with fundraising, mentoring current students, recruiting admitted students, and coordinating alumni initiatives," Alameda says. "Karen did a great job leading those efforts, and I look forward to building on her tenure. Our board is a remarkable group of creative, smart, and dedicated people looking to represent our diverse alumni community and to give back to the school that gave us so much."

A litigation partner at Farella Braun + Martel in San Francisco, where she splits her practice between real property litigation and California appellate work, Alameda was listed in *Best Lawyers in America* for real estate law this year. Amid the hurdles presented by COVID-19, she sees the task of elevating Berkeley Law as formidable but also invigorating.

"The school faces enormous challenges adjusting to significant financial cuts while pivoting to provide a world-class education under new and evolving circumstances," Alameda says. "We have incredible leadership with Dean Chemerinsky and top-notch faculty, but we need alumni support now more than ever." —Andrew Cohen

Berkeley Law Alumni Association Board of Directors 2020-2021

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Contact Us

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classnotes@law.berkeley.edu

By Mail

University of California, Berkeley
School of Law
Development & Alumni Relations
224 Law Building
Berkeley, CA 94720-7200

1952

William “Bill”

Bagley, who practiced law for 62 years before “going inactive” in 2014, shared some fond law school memories.



He says he was his class’s youngest graduate at age 23. Most classmates were World War II veterans, and there were only three women. Bill adds that tuition did not exist and students paid

“incidental fees” of \$35 per semester — which included health

care — and \$35 was also his monthly apartment rent. There was only one legal journal, the *California Law Review*, where he served on the Board of Editors.

In earlier practice, Bill appeared in 20 California court-houses, with his last 34 years at Nossaman LLP. While there, he engaged in public policy, water, and transactional law, working out of the firm’s Sacramento, San Francisco, and D.C. offices. Bill says while selling a private water company for a non-lawyer client, he suggested a million-dollar gift from the proceeds, which created

Berkeley Law’s Wheeler Water Institute.

Bill spent 14 years in the then part-time State Assembly, served pro bono on the California Transportation Commission, and served 14 years on the UC Board of Regents. He held appointments at the California Public Utilities Commission and was the first chair of the federal Commodity Futures Trading Commission in Washington. UC Berkeley published his 2010 book, *California Golden Years, When Government Worked and Why*, about his years in the Legislature.

1962

Gary Gwilliam is still practicing civil litigation in Oakland as founder and senior partner at Gwilliam, Ivary, Chiosso, Cavalli and Brewer. “I feel fortunate to have my good health and most of my marbles,” says Gary, who periodically lectures lawyers on substance abuse and ethics through his lecture series “How to Get a Winning Verdict in Your Personal Life,” based on his autobiography of a similar name.

1963

Nicholas Yost penned an op-ed published in the *Santa Rosa Press Democrat* about upholding the National Environmental Policy Act. Former general counsel of the White House Council on Environmental Quality under President Carter, Nicholas calls the Act “an American success story, followed not only by half our states but also by more than 100 countries.”

1967

James McManis

was selected to the Northern California *Super Lawyers* 2020 list for business litigation. Named to the list for more than 15 consecutive years, James is a partner at the San Jose-based trial law firm McManis Faulkner.

1969

Henry Holmes

has worked with several directors and filmmakers who received Academy Awards and Golden Globe Awards and has represented more than a dozen world and Olympic boxing champions. Included in *Marquis Who’s Who*, Henry has had clients such as George Foreman, Billie Jean King, and Academy

Award-winning director Alfonso Cuarón.

Judge Martin

Gladstein, a commissioner with the Los Angeles Superior Court for 20 years, was recognized by the San Fernando Valley Bar Association with the Administration of Justice Award.

1970

George Forman was honored for his contributions to the development of Indian law in California at the 2019 California Indian Law Association annual gala and conference. He is the founding partner of Forman & Associates in San Rafael.

1973

Bill Capps of Jeffer Mangels Butler & Mitchell was named one of the 500 most influential people in the Los Angeles business community by the *Los Angeles Business Journal* for the second consecutive year.

1974

Lise Pearlman published a new book, *Suspect No. 1: The Man Who Got Away*, on September 1. Reviews describe it



as “myth-smashing,” “shocking,” and “powerfully argued.” The book presents photos and official documents never seen by the public in the death penalty trial of Bruno Richard Hauptmann, who was executed in 1936 for the kidnapping and murder of Charles Lindbergh Jr. in what was often described as the “crime of the century.”

1976

Alan Brayton is chair-elect for the Board of Trustees of the National Judicial College, the nation’s oldest and largest judicial education institution. A senior and founding partner at Brayton Purcell in Novato, he represents individuals and their families in personal injury, products liability, and mass tort litigation.

1978

Stuart Brotman has a new book, *Privacy’s Perfect Storm: Digital Policy for Post-Pandemic Times*. As COVID-19 expands the online work-at-home world to record levels, the book serves as a

helpful guide to achieving better digital privacy protection.

1979

Gregory Zaragoza worked for five years as an international tax lawyer at Skadden Arps in New York City, then transitioned into being an actor/lawyer. His most recent work is his proud Native American character Hollis Green on the ABC TV show *Stumptown*. He says a major highlight was working with his son Román, who plays his nephew in Episode 8.

1980

Judge Kelvin Filer alerted us to an apparent overstatement in the spring *Transcript* issue, which said last year’s 1L class enrolled the most African American students in school history (34). He reports that his class had 46 African American students who enrolled as 1Ls, 42 of whom graduated in 1980. The law school does not maintain detailed class demographic records from that time, and we thank Kelvin for letting us know.

1981

Richard Abramson published his first novel,

The Virtues of Scandal, which centers on English poet Lord Byron. He spent 20 years litigating intellectual property cases at Irell & Manella and at Heller Ehrman, a couple years at a start-up, and then worked 15 years as VP of Legal and Business Affairs at SRI International, a non-profit scientific research institute in Menlo Park. Since retiring in 2016, Richard has taught at Stanford’s Graduate School of Business.

1984

Paula Boggs was elected governor to the Recording Academy (“The Grammys”) Pacific Northwest Chapter. She was also appointed by American Bar Association President-Elect Patricia Refo to the ABA Commission on Sexual Orientation and Gender Identity.

1986

Harry Litman is the host of “Talking Feds Podcast,” which was ranked No. 2 on the *Marie Claire* Top 20 Political Podcasts. Often featured as a political opinion guest on CNN, Fox News, and MSNBC, Harry brings on well-known former prosecutors to discuss notable criminal cases and events.

1990

Janelle London is now co-executive director of Coltura, a non-profit working toward a gasoline-free America that recently published a *Michigan Journal of Environmental and Administrative Law* article identifying a legal path for states to design electric vehicle mandates to withstand federal preemption challenges. She had practiced law at O’Melveny & Myers and been on the corporate leadership team of a dialysis company.

1991

Konrad Moore, who worked as a civil litigator, prosecutor, and public defender, retired from his position as Kern County Public Defender. He is now nearing completion of his time as a part-time instructor at San Diego State University, where he teaches Law in Society.

1993

A.H. Kim’s debut novel, *A Good Family*, was published by Graydon House/Harper Collins in July. The book tackles immigration, Big Pharma, white privilege, and #MeToo in a beach-read format. In-house counsel for a major



Darren Trattner '94

Power Walking in L.A.

What does a showbiz lawyer do when the movie and TV shoots stop? He keeps talking — and, in Darren Trattner's case, walking.

With Los Angeles shut down for the pandemic, the merry-go-round of lunches, drinks, meetings, and events with clients stopped for Trattner, an entertainment lawyer who represents actors, directors, and writers. He now maintains his connections and locks down deals remotely, often while logging 10 or more miles on foot around his neighborhood.

COVID-19 has fundamentally changed the entertainment business, Trattner says, perhaps permanently. But it hasn't changed his workload much, since he represents a sizable stable of writers who have been busy inking deals during the pandemic.

"A lot of my business is about relationships and personal connection, and now there are no in-person meetings, no meals, drinks, or screenings. I do miss all that, and it's been very isolating," he says. "But it also highlights the fact that writers

can write from home, while directors and actors can't do their jobs."

Trattner, a named partner at Jackway Austen Tyerman Wertheimer Mandelbaum Morris Bernstein Trattner & Klein, started at Berkeley Law with a passion for constitutional law.

"Law school taught me how to challenge and question the status quo and traditional lines of thinking. Berkeley is an intense spot," he says. "It was such a formative period in my life — personally, intellectually, and socially."

Trattner left law school thinking he wanted to be an entertainment litigator. It turned out to be a bad fit, and he moved into film production work before settling on representing talent.

His advice for aspiring entertainment lawyers: Get a job somewhere in the industry, then put in the time and find your way to the area that suits you.

"I work 24/7, making deals all over the world, across time zones," Trattner says. "There are some elements that are really fun — like seeing something on the big screen that you worked really hard on or watching someone you've represented succeed — but it's like anything else, it's a lot of work and you really have to be dedicated to it to succeed."

As productions slowly begin to ramp back up, mostly outside the United States, Trattner thinks online meetings and business will persist, and that lawyers will have to change too. He's watching closely how Berkeley Law adapts to the new Zoom-friendly world.

"The pandemic has clearly altered all of our lives, and I think we will come out stronger," he says. "I certainly think Berkeley Law will come out stronger too." —Gwyneth K. Shaw

San Francisco-based company, A.H. says it "is loosely inspired by my personal experience supporting my brother and his children while his wife served time in Alderson Women's Prison (famously the temporary home of Martha Stewart) after pleading guilty to a white-collar crime."

1995

Eric Wang joined DLA Piper as co-chair of the firm's Northern California Corporate and Finance practice and as a member of its U.S. Executive Committee. A highly experienced litigator who represents clients across various industries within the U.S. and in international transactions, Eric also counsels clients on general business, corporate, and securities matters.

1997

Gloria Nevarez, the only Latinx conference commissioner in Division I college sports, led an initiative making the West Coast Conference the first to require all member schools to include a minority finalist for job openings in athletics. The new rule mandates that finalists for athletic director, senior admin-

istrator, head coach, or full-time assistant coach positions include a member of a “traditionally underrepresented community.”

2000

Joseph Alioto Jr. has been appointed to the California State Coastal Conservancy. A solo practitioner specializing in antitrust, whistleblower, and civil rights cases, he was a partner at Cotchett, Pitre & McCarthy, an Assistant U.S. Attorney in the Northern District of California and District of Arizona, and a lawyer at Alioto Law Firm.

2001

John Therien, an attorney at Smith Anderson, was recognized by Chambers USA, one of the leading rankings agencies for law firms and lawyers, as one of the top practitioners in North Carolina.

2002

Candy Lawson joined Comcast Corporation as senior vice president, chief compliance officer, and senior deputy general counsel. She is responsible for overseeing, developing, and implementing the company’s internal policies,

procedures, and compliance with laws, regulations, and domestic and international contracts.

2003

Matthew McDermott was appointed as a Justice on the Iowa Supreme Court. Previously an attorney at Belin McCormick, where he focused on civil and criminal trials and appeals, Matthew has 17 years of trial experience. He served as president of the Iowa Legal Aid Board, received a volunteer award from the United Way of Central Iowa — and appeared on the cover of the Spring 2013 *Transcript* issue.



2004

Mark Mao was recently promoted to regional managing partner at Boies Schiller Flexner. He works in the firm’s San Francisco office.

2005

Daniel Wolk was appointed to a judgeship at the Yolo County Superior Court. He had served as a deputy county counsel in the Office of the Solano County Counsel since 2009, and previously was an associate at McDonough, Holland & Allen and founding director of the Legal Clinic of Yolo County.

2007

Funmi Olorunnipa Badejo was named general counsel for the House Select Subcommittee on the Coronavirus Crisis. She previously was counsel for policy to the Assistant Attorney General in the U.S. Justice Department’s Civil Division, coordinating its response to congressional oversight, regulatory proposals, and policy proposals.

2008

Deana Sobel Lederman, a cartoonist and illustrator, published her debut picture books — three stories to help kids understand what they are experiencing during the COVID-19 pandemic. *Masks*, *The Sewing Lesson*, and *Noah Henry: A Rainbow Story* are published

In Memoriam

James K. Haynes '55
William L. Gordon '57
John Campbell Jr. '59
Stan Berliner '61
William R. DeWolfe '61
Malcolm A. Misuraca '62
James D. Schwefel Jr. '63
Robert B. Bell '64
Theodore M. Bell '64
Margaret G. Gill '65
James S. Scott '65
Robert R. Altenhof '66
William H. Carder '66
Joan C. Lavine '69
Marcus R. Peppard III '69
Jimmy D. Lofton III '71
David F. Boyle '73
Deborah J. Warren '75
Mark Rindner '78
Felipe R. Gutierrez '81
Manuel V. Cisneros '84

—
Diane T. Bagley
Dan Benatar
Norma Wong Chan
Norman M. Christensen
Michael J. Delaney
Leslie Stringfellow Haydel
Mary M. Isham
S. Allan Johnson
Niels Kjellund
Margaret Lin
Bertram Lubin
Mary Ann Mason
Jeanette S. Miller
William P. Oliver
Barbara A. Schwefel
Jeannette Y. Scott
Justin Sweet
Joyce Peterson Taylor
Kimmerly W. Webster
Oliver E. Williamson

Lillian Hardy '06

Long-Distance Dedication

Berkeley Law is three time zones and nearly 3,000 miles away from Lillian Hardy, but that's no match for her attachment to the school.

A new member of the Berkeley Law Alumni Association Board of Directors, Hardy says, "There is no distance that could keep me from my law school community. If anything, distance has made my heart grow fonder."

A partner at Hogan Lovells in Washington, D.C., she derives great satisfaction from meeting — and bringing together — fellow alumni with similar sentiments.

"Many others on the East Coast feel the same way, but just need additional opportunities and points of connection to stay engaged," she says. "I want to use my board role to help reclaim disconnected alums and increase Berkeley's profile in the D.C. metropolitan region in particular."

It's not the only new position Hardy accepted in July. She also became her firm's partner in charge of Collaboration & Client Engagement for the Americas (U.S. and Latin America), and she steers the delivery of legal services and external programs with clients through strategic partnerships and initiatives.

Named a *National Law Journal* D.C. Rising Star last year and included on the *Global Investigation Review* 40 under 40 list this year, Hardy is no stranger to demanding leadership roles. She heads Hogan Lovells' multidisciplinary global crisis management practice, and she has overseen incidents and investigations for clients on five continents.

Even before 2020 brought a pandemic and a renewed focus on race and equity issues, "companies and organizations were facing more crisis-level legal risk year after year, and I knew there was a greater need for specialized lawyering as a result," Hardy says. "So as any Berkeley alum might do, I innovated and

created a practice group aimed at answering that call."

Her team responds to crises involving high levels of legal and reputational risks. This year, it has assisted a company that hit a snag trying to get ventilators to market, and it is currently making a pro bono push to get dozens of medically vulnerable inmates out of coronavirus-ravaged prisons.

Hardy, who focuses her practice on Foreign Corrupt Practices Act investigations, cybersecurity and data privacy-related investigations, and consumer financial enforcement actions, joined Hogan Lovells and moved to Washington in 2008. While she figured she would "stay three years max" before returning to her Oakland roots, that plan changed with the exhilaration of practicing law in Washington and meeting her husband.

Even so, feeling close to her faraway law school has never been a problem.

"Berkeley Law grads care about things that matter, including the school and one another," Hardy says. "Connectedness across the community will keep our law school relevant and attractive." —*Andrew Cohen*



in multiple languages by TBR Books, the publishing arm of the nonprofit Center for the Advancement of Languages, Education, and Communities.

2009

Sarah Cone, founder and managing partner of Social Impact Capital, was profiled in a *Forbes* article about how her firm "is funding big ideas that make an even more significant impact" through a "unique approach that is paving the way for entrepreneurs to make real social change."

Sarah (DeKay)

Edwards has been promoted to County Counsel in Calaveras County, the county's top civil law position.

2011

William Most has built a small civil rights firm in New Orleans that is advocating on behalf of more than 2,000 Louisiana inmates per year who are held for months and sometimes years past their release dates. His firm's efforts helped lead to the resignations of two corrupt Louisiana police chiefs, exposed racism in law enforcement, and settled a \$52 million lawsuit against

Facebook about the treatment of content moderators.

2012

Scott Herrig was elected partner at Davis Polk & Wardwell. A member of the firm's corporate department in New York, Scott practices in its finance group.

Janice Reicher has been appointed co-chair of the white collar defense and internal corporate investigations group at Farella Braun + Martel. She is a senior associate in the firm's San Francisco office.

Cora Rose graduated from Pacific Lutheran Theological Seminary, where she received the Walter M. and Barbara J. Stuhr Award from the seminary faculty for outstanding work in ethics and church social justice activity. She is a staff attorney at Legal Services of Northern California.

2017

Jon Ancona, an associate at Weintraub Tobin, was named to *Super Lawyers'* 2020 Northern California Rising Stars list. The list consists of those who are 40 or younger or who have been practicing for 10 years or less.

Kristin Bresnahan '12

A Taste for Change

While Kristin Bresnahan applauds the growing concerns about America's food production, they've been on her plate for a long time.

"As a law-firm associate I was using vacation time to go to food conferences," she says. "The more I learned about what a huge problem our food system is, especially surrounding meat and dairy, the more I thought this is where innovation and change need to happen — and that I need to be part of it."

In February, Bresnahan became general counsel at Alpine Roads, a biotech company creating myriad substitutes for animal products. She is also a board member of AUM Films & Media, which makes documentaries about animal welfare, health, and environmental issues — including recent Netflix hits *What the Health* and *Cowspiracy: The Sustainability Secret*.

Bresnahan previously worked at Columbia Law School, directing the Ira M. Millstein Center for Global Markets and Corporate Ownership and co-directing the Reuben Mark Initiative for Organizational Character and Leadership.

"Many of our programs focused on the general counsel role and how GCs can help create businesses with a great culture," she says. "I'm trying to do that now, being the first and only lawyer so far at Alpine Roads."

Before attending law school, fellowships enabled Bresnahan to travel to 15 countries in two years as she conducted research on the role of legal institutions in society. After graduating, she clerked for a federal judge in New Jersey, spent five years in private practice at Cleary Gottlieb, then worked at Columbia.

While being general counsel of a fast-rising startup is plenty hectic — especially with a 2-year-old child — she savors being part of the foodtech movement and calling attention to the extensive carbon emissions and water waste caused by traditional animal agriculture.

"We've seen a huge sea change where companies like ours are becoming mainstream in coastal America," Bresnahan says. "Even when I go back to



St. Louis, where I grew up, I can get Impossible burgers in places where growing up there were no vegetarian options. I can only hope that during this COVID-19 pandemic, people look at the history of these viruses, how they mostly come from animals, and realize that the way we farm animals and suppress their immune system is incredibly dangerous."

Bresnahan recognizes that healthier alternatives have often been too costly for lower-income people and that the foodtech movement will only be as strong as its products' accessibility.

"It's very important that these new options can compete on price," she says. "It will take a little time to get there, but we must. It's hard to make the impact we're aiming for until we get the prices down." —Andrew Cohen

Apurva Srishti Imrie LL.M. says her Berkeley Law experience motivated her to return home to Bihar, India. The Bihar state government did not adopt India's 2017 Mental Health Care Act, and Apurva developed research-based policy proposals and successfully pushed for its implementation as a legal specialist at the Asian Development Research Institute's Centre for Health Policy.

2018

Linn Alfredsson LL.M. is the founder and project manager at

Tech Academy Nordic, which enhances tech literacy for law students in Scandinavia. A columnist for Sweden's largest law magazine online, *Dagens Juridik* (Legally Yours), she was also named to the American Bar Association's Women of Legal Tech 2020 list and nominated for a legal industry diversity prize in Sweden by *Justitiapriset*.

2019

Pearlé Nwaezeigwe LL.M. co-launched "Rated R," a website that provides tools

for digital resilience and self-care practices to help people navigate vicarious trauma while viewing a steady stream of disturbing content amid COVID-19, global uprisings, and sexual violence. She and two other former students created the site from their training at the Berkeley Law Human Rights Center Investigations Lab.

2020

Deborah Choi and **Amanda Miller** received two-year Equal Justice Works Fellowships. Deborah

will work at Muslim Advocates to disrupt the exclusion of communities of color from American citizenship by challenging denaturalization and related immigration policies. Amanda will work at Legal Services for Children, representing a rising number of immigrant youth in the dependency system.

Cassidy Clark received the first Joseph V. Kaplan Workers' Rights Fellowship at Bryan Schwartz Law (a plaintiff-side employment firm) in Oakland.

Schwartz, a 2000 Berkeley Law graduate, established the fellowship to honor Kaplan, a prominent employment lawyer who died in April from COVID-19.

Chelsea Muir was selected for the Equal Justice Works Immigration Summer Legal Corps Fellowship, one of 20 law students chosen from 375 applicants. She worked for the Florence Immigrant and Refugee Rights Project, helping its Border Action Team identify and serve members of at-risk immigrant populations.



—| BERKELEY LAW |—
**ALUMNI
REUNION**
VIRTUAL EDITION 2020
—| OCTOBER 2 |—

Join us online for Berkeley Law's Alumni
Reunion 2020 — Virtual Edition

Each year we celebrate our alumni at Reunion. This year, we mark special milestone anniversaries for our classes ending in '0s and '5s, though all alumni are encouraged to attend. While our celebration will be conducted virtually this year, we hope you will join in the festivities with classmates from all over the world. Our program has something for everyone, and opportunities to learn, reconnect, and reminisce together.

We hope to "see" you on Friday, October 2!

law.berkeley.edu/reunion2020

A young woman with long dark hair, wearing a white lace dress, is smiling and looking upwards. She has just thrown a black graduation cap into the air, which is captured mid-flight with its gold tassel. The background is a dense, out-of-focus wall of bright pink flowers. The scene is set outdoors, likely on a university campus.

Parting
Shot

While Berkeley Law's Class of 2020 did not get to experience an in-person commencement, graduates like Samantha Hamilton still found reason to celebrate.

Berkeley Law continues to bring community together through a constant stream of intellectually vibrant online events. Check out our robust set of timely offerings and join the conversation at

law.berkeley.edu/events

