

20 Take Five

Rachel Terrell-Perica '21, Tyler Takemoto '22, Lauren Strauss '21, Allan E. Holder '21, and Angeli Patel '20 describe their formative niches within Berkeley Law.

30 Capitol Gains

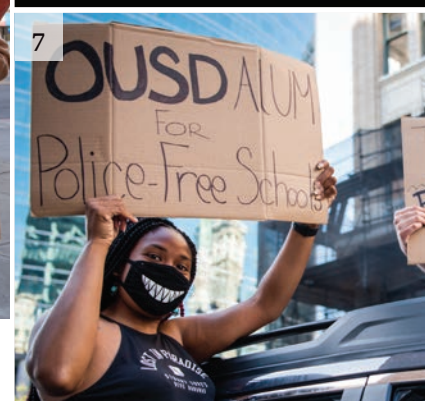
Rewing up their already high-octane policy efforts, clinic and center leaders steer seven newly signed bills to protect Californians' civil, financial, and environmental rights.



Column

2 From the Dean

Amid jarring public health and racial justice crises, Erwin Chemerinsky discusses the role — and the obligation — that law schools have in proactively addressing them.





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“The guardrails of democracy worked. It happened because courageous people — including especially lawyers and judges — stood up to efforts at intimidation and followed the law.”

Meeting the Challenges

Berkeley Law, and all educational institutions, are inevitably affected by societal events. We are in the midst of the worst public health crisis in over a century. There is a long overdue reckoning with racist and anti-Black sentiments that have existed throughout American history. The effort to overturn the 2020 presidential election result, and the events in Washington on Jan. 6, were the most serious threats to American democracy since its founding.

As a law school, we have a special role to play in all of this. Above all, our obligation is to provide a superb legal education to our students. I believe we have continued to do so, despite being entirely online since March 16, 2020. I tremendously admire the efforts of our faculty and students to make classes such a success. I recently read the fall semester teaching evaluations and there was effusive praise from so many students for so many instructors.

I realize many in our community are struggling with this form of education and with the pandemic’s effects. I am hopeful that the public health situation will allow us to return to a semblance of normalcy for the fall semester.

At the same time, we — like all in society — must focus on race and racism. We have significantly increased our classes on topics related to race and the law, and presented a series of programs this year on these issues. We also created a hub on our website focused on Berkeley Law’s wide-ranging racial justice work. Of course, there is much more to be done to combat racism; in every way, this is a work in progress.

Amid all of this, we saw an unprecedented challenge to the rule of law when the U.S. Capitol was overrun by a violent mob incited by President Trump. But ultimately the rule of law triumphed. The guardrails of democracy worked. It happened because courageous people — including especially lawyers and judges — stood up to efforts at intimidation and followed the law.

Many flaws in our electoral system were exposed and need to be addressed. We all saw that democracy is fragile and cannot be taken for granted. But to me, above all, these events demonstrate why the law and what we do as lawyers and as a law school matter so much.

This *Transcript* issue reflects our commitment to the law, and to our public mission. One of many examples in these pages, our cover story describes how Berkeley Law faculty and students fought relentlessly for marginalized Californians — before and during the pandemic — spearheading seven bills recently signed into law to protect civil, financial, and environmental rights.

Thank you for reading. I wish you and your loved ones good health and safety at this continuing difficult time.

Warmly,

Erwin Chemerinsky

Dean, Jesse H. Choper Distinguished Professor of Law

CENTER STAGE: Nitzan Lederman of a Jerusalem-based dance troupe performs during a conference on Israeli art and society.

A Transformative Gift

In February, a \$10 million endowment gift from the Helen Diller Foundation to the Berkeley Institute for Jewish Law and Israel Studies launched the institute's 10th anniversary celebration.

Now named the Helen Diller Institute for Jewish Law and Israel Studies, an academic hub with campus-wide scope housed at Berkeley Law, it will expand engagement with students, faculty, and the broader community.

"It's a pleasure to see the Israel and Jewish Studies academic landscape flourish here, and become a model for programs around the country," says UC Berkeley Chancellor Carol Christ.

Established in 2011, the institute examines Judaism and Israel through a rigorous academic lens, brings

renowned visiting educators to campus, and provides "diverse programming and viewpoints that probe Israel's complexities, challenges, and criticism," says advisory board member and Berkeley Law graduate Olivia Wittels '19.

Offerings include wide-ranging courses, conferences, lectures, and panels, an undergraduate fellows program, a global internship program, and opportunities to collaborate with other law schools, Jewish law centers, and Israeli legal institutions.

Faculty Director and Berkeley Law Professor Kenneth Bamberger says the gift will help grow the institute's number and diversity of students, faculty, learning opportunities, and experiential programs.

The 10th anniversary events include a presentation by renowned Israeli author Etgar Keret, a two-part symposium on combating anti-Semitism and hate online, a Robbins Collection Lecture on Jewish law for the digital age, and an event honoring the institute's naming with former Israeli Supreme Court Chief Justice Dorit Beinisch, Christ, and Berkeley Law Dean Erwin Chemerinsky.

Student Emile Katz '21 calls the institute "invaluable" to his law school experience and "a special organization that other law schools don't have, and therefore sets Berkeley Law apart." —Andrew Cohen

AT THE HELM: Professor Kenneth Bamberger, the institute's faculty director, talks with a group of students.



New Plateau for Flourishing Fellows

Berkeley Law has long enjoyed lofty success with the annual Skadden Fellowship, which funds exceptional young attorneys for two years of public interest work. But this year's results — five students and graduates received the coveted fellowship, second most among all law schools — soared to an even higher plateau.

Berkeley Law's selections among the 29 overall fellows are Sarah Chen '18, Theresa Cheng '14 (see inside

back cover), Isaac Flegel-Mishlove '21, Molly Lao '21, and Candice Youngblood '19. Only three other law schools had multiple selections.

Since the program launched in 1988, more than 90% of its fellows remain in public service and almost all are working on the same issues from their initial projects.

"I'm so grateful to have attended law school where students, professors, and staff are so devoted to public interest work and to building a positive community

wherever they go," Chen says. "I'm also so inspired by the other Skadden Fellowship recipients and their projects."

Chen (Texas Civil Rights Project) will fight proposed redistricting that would dilute the voting power of racial minorities.

Cheng (Bay Area Legal Aid) will provide civil legal services to homeless survivors of intimate partner violence.

Flegel-Mishlove (Centro Legal de la Raza) will partner with school districts to expand removal defense representation for low-income immigrants.

Lao (Legal Aid at Work) will establish a medical-legal-social services partnership to help formerly incarcerated individuals with disabilities.

Youngblood (Earthjustice) will advance equitable transportation planning centered on low-income communities of color.

—Andrew Cohen

"I'm so inspired by the other Skadden Fellowship recipients and their projects."

—Sarah Chen '18

Adding Another Shining Climate Star

As climate change and U.S.-China relations rapidly climb the national political agenda, Berkeley Law's California-China Climate Institute continues to elevate its expertise with the addition of Mary Nichols as vice chair.

A longtime global climate leader

and the former head of the California Air Resources Board, Nichols will work closely with the institute's chair — former California Gov. Jerry Brown — on projects that address various climate solutions.

Citing her stellar work on zero

emission vehicles, power plant emissions, subnational cooperation, and the Clean Air Act, Brown calls Nichols "a real asset to the institute as we push for greater climate ambition and action here, and in China."

Launched in September 2019, the UC Berkeley institute is housed jointly at Berkeley Law's Center for Law, Energy & the Environment and the Rausser College of Natural Resources. Brown chairs the insti-



Small Business Boosters

FIRST AID: The California Rebuilding Fund uses government-backed capital to support small businesses.

Our Berkeley Center for Law and Business (BCLB) and UC

Berkeley's Haas School of Business co-developed a State of California fund to help small businesses ravaged by the COVID-19 pandemic.

Created by a public-private task force and announced by the Governors' Office of Business and Economic Development, the California Rebuilding Fund especially aims to target the smallest businesses from historically disenfranchised communities.

It offers flexible, affordable loans to businesses with 50 or fewer employees through participating community lenders, a free resource guide (also available in Spanish) with county-by-county guidance on reopening, and free virtual office hours staffed weekly by expert lawyers.

A *New York Times* article about the efficacy of Paycheck Protection Program loans to small businesses referenced research done by BCLB Faculty Co-Director Robert Bartlett and Faculty Fellow Adair Morse, recently appointed deputy assistant secretary of capital access in the U.S. Treasury Department's Office of Domestic Finance.

tute in partnership with China Special Envoy on Climate Change Xie Zhenhua and the Institute of Climate Change and Sustainable Development at Tsinghua University, one of China's top research institutions.

"Our climate emergency demands that we continue to push for collective solutions backed by thoughtful, actionable research and analysis," Nichols says. "I look forward to helping lead this effort."



LEADERSHIP TEAM: Mary Nichols and Jerry Brown guide Berkeley Law's California-China Climate Institute.

Reaching High Ground

Dean Erwin Chemerinsky

began 2021 with major honors from the Association of American Law Schools (AALS), becoming the organization's president-elect and winning its Deborah L. Rhode Award for exemplary pro bono service.

Twice named the most influential person in U.S. legal education by *National Jurist*, Chemerinsky has served in numerous AALS capacities. He will serve as president-elect this year and become president in 2022 — the fifth Berkeley Law dean (after Orrin McMurray, William Prosser, Sanford Kadish, and Herma Hill Kay) to occupy that position.

"This is a crucial time for legal education as we deal with the pandemic, online education, structural racism, rising costs, and so much more," Chemerinsky says. "The AALS plays a unique and vital role and I am excited to serve at this important time."

During the online Rhode Award ceremony, Berkeley Law Professor Seth Davis said Chemerinsky "has strengthened and significantly expanded the school's long-standing commitment to public interest."

That effort includes increasing student funding for summer work at public interest and public service positions, and for similar post-graduate opportunities, and bolstering resources and staffing for Berkeley Law's Pro Bono Program. —Andrew Cohen



TOP TIER: Joan Donoghue '81 is the International Court of Justice's new president.

International Ascent

Berkeley Law's global influence

jumped another notch in February, when alumna Joan Donoghue '81 was elected president of the International Court of Justice. A member of the court since 2010 and its first American female judge, Donoghue will serve a three-year term.

Established in 1945, the 15-judge court is the United Nations' main judicial arm and presides in The Hague (Netherlands). The court settles legal disputes between U.N. member nations and issues advisory legal opinions on matters referred by U.N. units and specialized agencies.

"The cases are novel and complicated," Donoghue said when interviewed for a previous *Transcript* article. "They require a lot of expertise, and they're never repetitive."

Formerly the U.S. State Department's principal deputy legal adviser and the U.S. Treasury Department's associate general counsel, Donoghue has received numerous honors. They include Berkeley Law's 2015 Stefan A. Riesenfeld Memorial Award, given annually to a distinguished scholar or practitioner who has made outstanding contributions to international law. —*Andrew Cohen*

Long-Distance Dedication

In any other year, Berkeley Law's 1Ls would have spent the fall getting to know each other all over school — chatting after class, huddling in the library, gathering over lattes at Café Zeb.

This year, however, they've had to acclimate to law school largely online. Many did not move to the Bay Area with UC Berkeley's campus shuttered, and those who are local face restrictions on gathering aimed at slowing the spread of COVID-19.

While the students lament "missing out on an indescribable atmosphere of law school," says Blaine Schmidt '23, they've found new ways to build community — from giggle-inducing GroupMe chat strings to Zoom high-fives after a salient in-class comment.

Accessible professors, a slate of new small 1L mini courses, virtual scavenger hunts, marathon sessions of the online game "Among Us," and trivia nights have also forged close interactions.

Ximena Velazquez-Arenas, a 1L class representative to the Student Association at Berkeley Law, is living with her family in Mexico City. Relishing "the level of support and warmth that's still palpable with us being so far apart," she says "a lot of the bonding comes from the shared experience of solitude, which is beautiful and dark and complicated."

Fellow 1L class rep Yara Slaton, who shares a house in Boise, Idaho, with her mother and 17-year-old daughter, agrees. When her computer melted down, classmates leaped to share notes and anything else she needed.

"It's like the opposite of competition. It's just community," Slaton says. "I'm floored by how people are still able to connect on a human level despite these physical barriers." —*Gwyneth K. Shaw*



A DIFFERENT PERSPECTIVE: 1Ls Elissa Gray, Blaine Schmidt '23, Candice Johnson, and Chantel Johnson have adjusted to a new normal during their acclimation to law school.

JIM BLOCK (DONOGHUE), BLAINE SCHMIDT '23 (LONG-DISTANCE DEDICATION)



Cutting Ties With School Police

Last June, Oakland’s school board voted to disband its \$6 million school police force, believed to be the country’s first district to do so.

The district committed to redirecting the money to trained staff like counselors and mentors to better support all students, but especially Black students, who studies show are much more likely to be arrested and disciplined by police of all kinds.

Eliminating school police in Oakland — Alameda County’s only district with its own force — culminates a 10-year effort by Oakland’s Black Organizing Project, made up of parents, students, and community members across the Bay Area.

Behind the scenes, the Education Advocacy Clinic at Berkeley Law’s East Bay Community Law Center provided crucial legal counsel for everything from public

records requests to legal talking points. Known as movement lawyering, this approach focuses on taking direction from community members and offering legal guidance where needed.

“The clinic has really been a strategic partner,” says Jasmine Williams, the project’s communications director. “They don’t come in as the experts, they come in honoring the expertise of members. It matters how you come into a community organization, especially a Black organization, and they understand that.”

“Yes, litigation is something we can use, but we also have other tools that are often more effective,” says Oscar Lopez, the clinic’s interim director. “We look at all the tools available and make sure the voices of the people who are directly impacted are the ones being heard.” —Sarah Weld

SIGNS OF CHANGE: Protesters call for removing the Oakland Unified School District’s police force.

“We look at every tool available and make sure the voices of the people who are directly impacted are the ones being heard.”

—Oscar Lopez



LEGAL PIONEER:

A book by the late Herma Hill Kay, who taught at Berkeley Law for 57 years, highlights America's first female law professors.

A Legacy Comes to Life at Last

When Herma Hill Kay died in 2017, she left behind a project she'd spent decades working on: A book about the 14 women law professors who preceded her in the legal academy. Now, that magnum opus has finally been published.

Paving the Way: The First American Women Law Professors features a foreword from the late Supreme Court Justice Ruth Bader Ginsburg — Kay's close friend — and an afterword by New York University law professor and former colleague Melissa Murray.

Beginning with Berkeley Law's own Barbara Nachtrieb Armstrong, the first woman appointed to the faculty of an accredited law school in 1919, Kay unspools the personal tales of these trailblazing women. She herself was the second woman on

Berkeley Law's faculty, its first female dean, and the Association of American Law Schools' third female president.

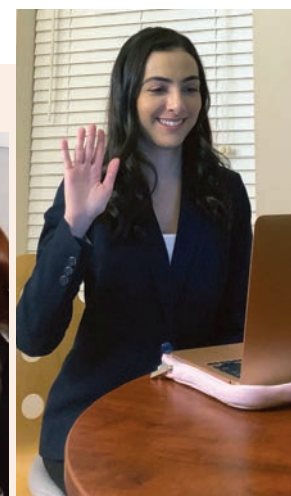
"These are our foremothers," says Santa Clara University law professor Patricia Cain, the book's editor. "It's good for the current generation to have some sense of what it was like. It's really important to understand what early women in the law went through."

"Retrieving this history was a huge undertaking, one of inestimable value," Ginsburg said when she visited Berkeley Law in 2019 to give the inaugural Herma Hill Kay Memorial Lecture. "Without Herma's prodigious effort, we would scarcely comprehend how women altered legal education and the law itself."

—Gwyneth K. Shaw

Zooming to Their Next Chapter

With living rooms and laptops replacing the traditional auditorium gathering and champagne toast, more than 150 Berkeley Law alumni were sworn in to the California State Bar and U.S. District Court bar for the Northern District of California Jan. 27.



Programmed for Practice

For nearly 15 years, Professor Chris Hoofnagle has helped Berkeley Law keep pace with rapid-fire technology advancements. Now, he's offering students an increasingly vital skill set with Computer Programming for Lawyers, one of eight new courses the school offered this semester.

"Programming instincts will pay off in practice, from conducting depositions with engineers to conceptualizing remedies for technology harms," says Hoofnagle, a leading privacy expert and a staple of Berkeley Law's top-ranked intellectual property law program. "The most closely related legal tasks are investigations and eDiscovery."

His course recognizes that clients want lawyers to understand their products and services on a technical level; regulators must understand how their rules will be implemented in code; and attorneys need tools to automate the process of collecting, organizing, and clarifying massive troves of information.

Students are learning Python (a high-level programming language), coding process fundamentals, and the importance of data storage. In the process, they explore how computing might disrupt legal practice and even governance.

"Computer programming is quite similar to legal

methods — identifying problems, decomposing them into smaller problems, solving those smaller problems, and rolling their results into a conclusion," Hoofnagle says. "Of course there's a big difference between what is computable and the richness of human understanding. The risk we face as a profession is a future where we discount that richness in favor of 'good enough' results from a computer." —Andrew Cohen



Other new spring semester courses include Public Health Law; Consumer Financial Regulation; Introduction to Negotiations; Human Rights and Social Justice Writing Workshop; People, Prisons and the Pandemic; The Future of Asylum: The Case of the U.S.-Mexico Border; and Mediation Practicum.

KEVIN KU



SWORN IN (L TO R):
Jonathan Pai LL.M. '20,
Blake Mollberg '19,
Paymaneh Parhami '20,
Taylor Magnuson '20,
Alycia Tulloch '19,
Jaidev Kalra LL.M. '19



Movie Stars

Acclaimed documentary filmmakers

brought two Berkeley Law legends to the big screen in January.

“My Name Is Pauli Murray,” directed by the Oscar-nominated duo who made “RBG” (Betsy West and Julie Cohen), premiered at the Sundance Film Festival. Chronicling the pivotal life of Pauli Murray LL.M. '45, the movie shows how Murray — orphaned at age 3 and non-binary — became California’s first Black deputy attorney general, the Episcopal Church’s first Black non-male priest, and a huge influence on leading jurists.

Harry Pregerson '50 is the subject of “9th Circuit Cowboy,” directed by two-time Academy Award winner Terry Sanders and available on Vimeo and Amazon. It unfurls the inspiring story of Pregerson, wounded as a Marine in World War II, who later became a longtime U.S. 9th Circuit Court of Appeals judge and a champion for veterans, the homeless, and the poor. —*Andrew Cohen*

INCREDIBLE LIVES: Alumni Pauli Murray LL.M. '45 (top) and Harry Pregerson '50 are the subjects of two new documentaries released in late January.



Consumer Protectors

REUNITED: Jarad Brown '13, Career Development Office Deputy Director Eric Stern, Robin Wetherill '18, and Dan Dwyer '12.

With America’s rancorous partisan divide on perpetual display in

Washington, D.C., six Berkeley Law graduates are enjoying a rare Beltway feat — working on issues supported by both sides of the aisle — at the Federal Trade Commission.

Robin Wetherill '18, Dan Dwyer '12, Brady Williams '19, Jarad Brown '13, Christina Shackelford '14, and Vanessa Ing '18 strive to protect consumers from unfair, deceptive, or anti-competitive business practices and transactions without stifling legitimate commercial activity. Wetherill, who focuses mostly on privacy and data security matters, recently won the FTC’s annual Stephen Nye Award, which honors an agency lawyer whose work far exceeds expectations for a relatively new practitioner.

The alums credit Berkeley Law’s public mission and expanding consumer justice landscape as key ingredients in their career recipe. Wetherill took Consumer Law with Ted Mermin '96 (now executive director of the school’s Berkeley Center for Consumer Law & Economic Justice) and spent three semesters working with the East Bay Community Law Center’s Consumer Justice Clinic.

“Those were the real turning points in my career,” she says. “The class offered a broad vision of what consumer law could be and the clinic work provided an opportunity to see how it plays out in the lives of real people — and also that legal advocacy in this area could make a real difference.”

—*Andrew Cohen*

“We ramped up our consumer education work to help people avoid the types of frauds that often accompany significant emergencies and financial downturns.”

—*Dan Dwyer '12 on the FTC’s COVID-19 pandemic response*

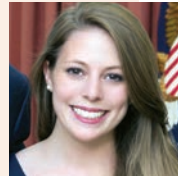
Power Outlet

At least five experts with Berkeley Law ties have joined the administration of new President Joe Biden:

Nasrina Bargzie '05, associate counsel to Vice President Kamala Harris



Caroline McKay '20, chief of staff to White House Counsel Dana Remus, deputy associate counsel



Funmi Olorunnipa Badejo '07, associate counsel in the Office of White House Counsel



Jayni Foley Hein '08, White House Council on Environmental Quality member



Narayan Subramanian (former research fellow), Department of Energy legal advisor



Crisis Contribution

A \$250,000 pledge to the Environmental Law Clinic from Orrick and the family of its chair Mitch Zuklie '96 — which also unlocked an anonymous \$1 million gift made on a 4-to-1 matching basis — will support what Zuklie calls a “deafening” call to action.

“We’re in the midst of multiple global crises: a pandemic, an economic crisis, a racial equity and justice crisis, and a climate crisis,” says Zuklie, noting the intersectionality of these dilemmas. “When it comes to addressing the climate crisis, it would be hard to identify a better partner than the Berkeley Environmental Law Clinic.”

The clinic trains 30 to 40 students a year in administrative agency practice, litigation, legislation, and policy-making, serving nonprofits, victims of environmental exposures, activists, and public agencies.

The gift will help fund the clinic’s attorney teaching staff, elevating its ability to help clients on matters that include challenging the ongoing extraction, transportation, and combustion of fossil fuels and speeding the transition to clean renewable energy.

“It will also help us address pollution and the vast array of under-regulated toxic chemicals ... that account for so much needless environmental illness, from asthma to cancer,” says Director Claudia Polsky '96. “We are so grateful for this vote of confidence in the clinic and in Berkeley Law, and aspire to making the donors proud.”

—Sarah Weld

STEPPING UP:
Orrick Chair and Environmental Law Clinic supporter Mitch Zuklie '96.



Diamond Life

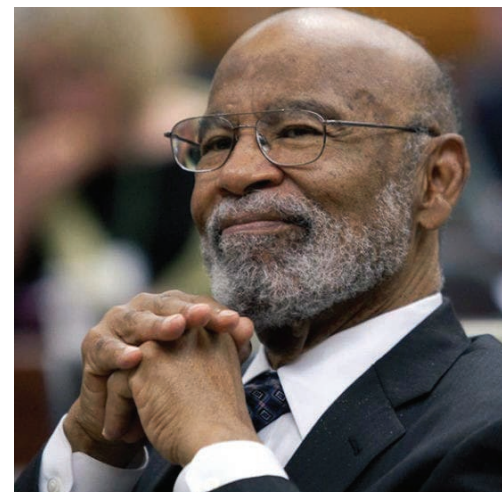
BIG HITTER: Iconic judge and former Cal baseball star Thelton Henderson '62.

Visiting professor, revered alumnus, and Berkeley Law institution Thelton Henderson '62 added another prize to his crowded mantle: The College Baseball Hall of Fame’s George H.W. Bush Award, which honors former collegiate players who achieved greatness off the field.

Henderson’s Cal athletics career started in football, which he lettered in twice before injuring his knee as a sophomore. He then transitioned to baseball and was a key hitter, outfielder, and third baseman under legendary coach Clint Evans.

The U.S. Justice Department Civil Rights Division’s first Black lawyer, Henderson prosecuted voting rights cases in the Deep South. He later served as assistant dean at Stanford Law School, practiced law in the private sector, spent 30-plus years as a U.S. District Court judge, and served on numerous civic-oriented commissions.

Henderson now helps teach various courses and mentors students at Berkeley Law, whose social justice center is in his name. —Andrew Cohen



Labor Force

At a critical juncture, Berkeley Law launches a new center focused on workers' rights

Employment and labor law enjoys fertile ground at Berkeley Law, with prominent faculty specializing in the field, close connections to influential advocacy organizations, and a student-led journal and clinical group.

Now, the school has a hub pulling all those strands together. The Center for Law and Work (CLAW), led by Professors Catherine Albiston '93, Lauren Edelman '86, and Catherine Fisk '86. They say the timing — as the COVID-19 pandemic continues to crush workers, especially at the lower-wage end of the spectrum — couldn't be better.

"This area of law is desperately in need of attention," Edelman says. "It's particularly important when so many

people are out of work or underemployed in jobs that pay far less than what they earned before the pandemic."

Tackling work issues from a theoretical and a policy perspective, the center fosters cross-disciplinary scholarship and professional development among students and alumni — nearly 10% of whom practice in the field. CLAW is forging ties with law school and campus organizations, including the *Berkeley Journal of Employment and Labor Law* and the Institute for Research on Labor and Employment.

Rey Fuentes '19, former journal co-editor-in-chief and leader of the student-run Workers' Rights Clinic, sees



CLAW letting students, practitioners, and academics access all the work happening in the field at Berkeley Law.

“Having permanent faculty representation to help guide, shape, and synthesize that work will help institutionalize employment and labor law advocacy,” he says. “This gives students a complete view of what their path would look like if they go in this direction. It opens up so many opportunities.”

The center’s first event, a symposium on how to reform policing through changing labor relations, took place Jan. 29. Eminent voices on all sides of the debate addressed the challenge of achieving meaningful reform while police unions wield great influence over law enforcement agencies and the politicians who oversee them.

CLAW’s faculty leaders are leading scholars who inhabit different spheres of employment and labor law. Edelman examines how organizations are influenced by their legal environments; Fisk focuses on unions, workers’ rights movements, and the First Amendment; and Albiston examines gender, discrimination, and family and medical leave laws.

“We want our students, faculty, and campus to be at the forefront of drafting these new policies and understanding the intricacies of the new labor market,” Albiston says. “And we especially want to be sure we’re taking into account the needs of all workers.”

Fisk says workers’ rights draws many students to Berkeley Law, and that the school offers some of the best empirical and policy-oriented research in California and the nation.

“Berkeley is poised to be a thought leader on the law and policy solutions to these problems,” she says. “We needed an organized way to harness the scholarly resources that are already here, to connect to the huge alumni network in this area, and to incubate ideas.” —*Gwyneth K. Shaw*



Ready, Tech, Action

Eyeing solutions, students push to make technology law an engine for anti-racism work

As the police killings of Breonna Taylor, George Floyd, Jacob Blake, and other Black people pushed America’s long-simmering relationship with racial justice to a boil last summer, student leaders of the *Berkeley Technology Law Journal* saw an overdue area for advancing social change.

The result — “Technology Law as a Vehicle for Anti-Racism,” a two-day virtual symposium in November — aimed higher than just igniting a conversation. Co-hosted by the Berkeley Center for Law & Technology (BCLT) and open to all, the event sought to stoke flames of action.

The many ways tech-based tools can adversely affect people of color is an emerging hot topic, from concerns about the biases of pretrial algorithms to reports that the software used to administer remote bar exams failed to recognize a dark-skinned face.

“It’s a great time to address how technology, which has taken over so many aspects of our lives, intersects with very special considerations of race and how racial minorities are affected by new technologies in distinct ways,” says Allan E. Holder ’21 (see page 26), chief symposium organizer and the journal’s senior online content editor.

BRITTANY HOSEA/SMALL

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“You read study after study about the impacts technology makes,” says symposium co-lead organizer and the journal’s senior executive editor Harrison Geron ’21. “But there aren’t many people, especially in the active practice of technology law, talking about how we can push institutions to really do something.”

The students planned the symposium at lightning speed and attracted big names, from the keynote speakers — former Federal Communications Commissioner Mignon Clyburn and U.S. Rep. Ro Khanna of California — to prominent academics. Hundreds of online attendees nationwide saw panels on algorithmic bias; net neutrality and minority populations; evidence, expert testimony, and race; and privacy as a civil right.

“This symposium represents so much for us here at the journal and I believe, based on the overwhelming, positive responses we received afterwards, the technology law community at large,” says Editor-in-Chief Emma Lee ’21.

Symposium leaders hope to see similar discussions at other law schools, and to see race and technology brought into their curriculums.

“Many students in law schools across the country don’t get a lot of opportunities to examine the intersection of technology, law, and minority identities,” Holder says. “We want to foreground this conversation, make it more prevalent, and incorporate it into mainstream conversations about how technology law impacts people.”

BCLT Executive Director James Dempsey relished seeing students seize the moment.

“I’m so proud of them,” he says. “They took their anger and anguish over police violence and systematic racism in America and channeled it to examine the positive ways in which law can promote a more just application of technology throughout our society. That’s the finest form of lawyering in the Berkeley tradition: taking your passion for justice and applying it to produce objective analysis and concrete proposals for reform.” —*Gwyneth K. Shaw*

A Homegrown Global Guide

Center creates first roadmap for using social media as evidence in international cases

At the Nuremberg trials, harrowing footage of Nazi concentration camps comprised the first use of film as evidence in an international criminal prosecution. Seventy-five years later, the Berkeley Protocol on Digital Open Source Investigations aims to extend Nuremberg’s legacy.

A three-year effort by Berkeley Law’s Human Rights Center (HRC) and the United Nations Human Rights Office, the Protocol marks the first global guidelines for using publicly available information online — including photos, videos, and other content posted to social media sites — as evidence in international criminal and

U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION



human rights cases.

“There were no clear definitions of relevant terms or broad understanding of the heightened requirements for using this material in international legal practice,” says HRC Executive Director Alexa Koenig Ph.D. ’13.

“Lawyers, journalists, researchers, and advocates need to know how to handle this information ethically and effectively to help strengthen war crimes investigations.”

Launched during a December virtual event broadcast from Nuremberg, Geneva, and Berkeley, the Protocol is based on extensive research, six workshops, and consultations with 150-plus experts.

The explosion of information posted on YouTube, Twitter, Facebook, and similar platforms has revealed human rights abuses. Set for publication in all languages of the United Nations, the Protocol is already being implemented by U.N. fact-finding commissions and other organizations worldwide.

“This is especially important given the turn towards filing international criminal cases in national courts under the principle of universal jurisdiction,” Koenig says.

The Protocol outlines minimum standards for identi-

fying, collecting, preserving, verifying, and analyzing social media and other digital open source content. The surge in smartphone use, reliance on remote research, and online misinformation all fueled the project’s urgency.

“Technology can help us see the distant, the obscured, and the unimaginable,” says U.N. Human Rights Office Commissioner and former president of Chile Michelle Bachelet. “This new tool is, ultimately, about protecting human rights and advancing justice.”

Koenig, HRC Faculty Director Eric Stover, and Director of Law and Policy Lindsay Freeman formed the Protocol’s coordinating committee, with support from HRC Investigations Lab Director Stephanie Croft and Berkeley Law alums Andrea Trewinnard ’19 and Elise Baker ’20, both former Lab students.

A global leader in this area, the Lab has more than 75 students who collectively speak 30 languages providing verified information on human rights violations to international NGOs, news organizations, and legal partners. HRC’s training program on the Protocol’s standards has guided civil society organizations from several nations,

and last year Koenig and two co-authors published *Digital Witness*, the first textbook on open source investigation methods.

The Berkeley Protocol is the third document of its kind, building on the Minnesota and Istanbul Protocols, which created common standards for investigating incidents of torture and extrajudicial killings.

Stover says it introduces “new tools and methods that the international community can leverage to maximize the value of visual imagery in court to achieve justice for human rights atrocities.”

—Andrew Cohen



MAKING HISTORY:

The Berkeley Protocol came 75 years after the Nuremberg trials, where video was first used as evidence in an international criminal prosecution.



DIGGING IN: GrizzlyCorps fellow Delphine Griffith fills a water tank for an irrigation project.

Roaring in to Help

New GrizzlyCorps program builds forest and fire resilience to fight climate change in California

California's increasingly severe climate impacts sparked another pioneering initiative from Berkeley Law's top-ranked environmental law program, with the timely launch of GrizzlyCorps.

Developed by Project Climate, which operates within the school's Center for Law, Energy & the Environment, GrizzlyCorps sends recent college graduates to work in farm and forest communities across California. Every year, 20 selected fellows will engage in 11-month placements that build forest, fire, and overall community resilience in response to climate change.

Coordinated in partnership with AmeriCorps, GrizzlyCorps facilitates projects that include promoting regenerative agriculture, forest and fire protections, and carbon sequestration. The inaugural cohort began their placements in September, and after this pilot year the program hopes to expand its scope and

reach statewide.

"GrizzlyCorps brings together many elements of key importance," says Director Ken Alex, who also leads Project Climate. "These include action on climate change, community resilience and outreach, service in underserved communities, focus on rural California, promotion of forest and farm issues, and opportunities for recent grads."

Contributions from the Central Valley Community Foundation, Pacific Gas & Electronic Co., and the Erin Ziegler Fund, and a planning grant through California Volunteers (directed by Berkeley Law graduate Josh Fryday '09), helped bring GrizzlyCorps to fruition.

California's forest communities face enormous and growing fire and climate threats, which also threaten watershed and soil health. Alex notes that in farm communities, climate change affects the state's water supply,

crop yields, and cattle health.

GrizzlyCorps fellows receive training, field experience with direct supervision, a monthly stipend, \$10,000 towards further education upon completing the full placement, and opportunities to develop professional contacts and mentors.

Fellows work in conjunction with agricultural community entities and resource conservation districts to broaden the use of regenerative techniques. In forest communities, they coordinate with local, state, and federal agencies, forest and industry groups, and NGOs to expand ways to reduce fire risk and enhance watershed and soil conditions.

“GrizzlyCorps piqued my interest because I wanted to work with environmental nonprofits and programs,” says fellow Jenna Waite, now helping The McConnell Foundation in Redding on projects involving sustainable agriculture and research, rehabilitating hundreds of acres of rangeland overtaken by weeds, and community outreach. “I couldn’t let this opportunity go.”

Fellow 2020 UC Berkeley graduate Rose Joseph is working with the Tehama County Resource Conservation District. Her projects include replanting fish habitats along the Sacramento River, creating defensible space around the homes of vulnerable populations to reduce the potential for wildfire damage, and establishing carbon farm plans.

“I wanted to do more to address the significant challenges in how my home state manages its land and food systems, especially in the context of a changing climate,” Joseph says. “I’m beyond excited for this year of service.”

—Andrew Cohen

Big Score

Sports and music icons Leigh Steinberg ’73 and Jeff Harleston ’88 lead all-star event

Berkeley Law’s annual Sports and

Entertainment Conference scored a lineup of big hitters, with renowned sports agent Leigh Steinberg ’73 and music industry giant Jeff Harleston ’88 highlighting the student-led virtual event.

Steinberg, the inspiration for the 1996 hit movie *Jerry Maguire*, described how pro and college sports offer a timely platform for racial harmony.

“Sports is the biggest laboratory to model good race relations we could have because most Americans don’t spend a lot of time with people of other races,” he said. “In sports, people of different races spend a ton of time together and really get to know each other while working toward a common goal.”



FIRED UP: Leigh Steinberg ’73 (right) celebrates with client Patrick Mahomes after the star quarterback was picked in the 2017 National Football League draft.

Steinberg represented Warren Moon, quarterback at the University of Washington in the late 1970s. Despite Moon's stellar college career, he played six seasons in Canada before the National Football League finally signed him — to the league's largest contract ever at the time.

Moon eventually became the first Black quarterback in the Pro Football Hall of Fame, where Steinberg gave his induction speech. Today, 10 of the league's starting quarterbacks are Black — including Steinberg client Patrick Mahomes, the 2018 regular season and 2020 Super Bowl Most Valuable Player.

"At (Moon's) time, a generalized perception in NFL scouting offices was that Black quarterbacks didn't have the intellectual capacity to play that position, nor would they be great spokesmen for their owner's brand. It's an evolution that needed to take place," said Steinberg, whose keynote with Damion Thomas (sports curator at the Smithsonian National Museum of African American History and Culture) was moderated by Jami Floyd '89, New York Public Radio's senior editor for race and justice.

Harleston capped the conference, organized by the *Berkeley Journal of Entertainment & Sports Law*. Winner of Billboard's 2018 Lawyer of the Year Award and annually listed among the music industry's most powerful executives, he oversees business transactions, contracts, and litigation for Universal Music Group, as well as its government relations, trade, and anti-piracy activities.

He described how the internet and online file-sharing forced the music industry to revamp its business model, and the pros and cons that generated.

"It commoditized music," said Harleston, who worked with technology and business innovators to help create a new template for downloads and streaming platforms that sustained the industry. "Every song was sold at 99 cents no matter how good or not good it was, and not all songs are created equal. But it was a bargain worth taking to plug the hole in the boat."

Other conference panels addressed women on the rise in sports, the business of esports, the year in review for amateur and pro sports, best practices for getting stories made and streamed, the evolution of corporate citizenship, and establishing a Major League Soccer team during a pandemic. —*Andrew Cohen*

Geneva Convention

Field placement students help under-resourced nations advance human rights at unique program

Working tenaciously to level the playing field — in their own community and across the world — is a hallmark of Berkeley Law students.

Thanks to the school's Field Placement Program, four of them are currently helping under-resourced countries assess United Nations Human Rights Council resolutions that form a key basis of international standards. Working for the UNHR Program in Geneva this semester, Allaa Mageid '21 (Sudan), Ian Good '22 (Bahamas), Rachel Terrell-Perica '21 (Marshall Islands), and Marta Rocha '21 (Afghanistan) are serving as legal advisors while living abroad.

"The program presented a unique opportunity to practice international law skills I've been cultivating throughout law school in a really practical way," Mageid says.

Mageid, Good, and Terrell-Perica arrived in Geneva in January after Switzerland allowed their entry under long-term stay visas. For Rocha, a citizen of Poland, pandemic-related restrictions made it more feasible to work remotely there.

The students also take a weekly seminar with UNHR President Eric Richardson that teaches how to draft interventions, conduct legal research on U.N. documents, negotiate and comment on U.N. resolution texts, and other pragmatic skills.

As deputy on the U.S. delegation to the U.N. Human Rights Council from 2013 to 2016, Richardson saw how various countries often had little or no legal support — preventing them from fully dissecting Council resolutions.

"I felt like this made a mockery of the U.N.'s one

ON LOCATION:
Ian Good '22 at the U.N.
Nations Gate to the
Palais des Nations in
Geneva after a meeting
there on Jan. 26.

country-one vote ideal,” Richardson says. “I wanted to help build the capacity of these countries, whose interest in human rights is no less than those of larger developed states.”

He launched the UNHR Program in 2018, and Berkeley Law joined in 2019.

“I want to work at the intersection of technology, international law, and human rights law, so UNHR seemed like a great fit,” Rocha says.

Terrell-Perica previously worked with a U.N. program in Papua New Guinea on a women-only bus system to protect women from violence. Born in New Caledonia and raised in Hawaii, she calls her UNHR experience “incredible” and hopes to “continue supporting human rights efforts in the Pacific Islands through pro bono work and other avenues.”

Working closely with Bahamian Ambassador Keva Bain, part of the five-member elected body overseeing the U.N. Human Rights Council, Good has addressed death penalty and climate change issues that intersect with international law.

“The Bahamas is committed to meeting its human rights obligations both at home and abroad,” he says. “I’m thrilled to be working with a nation so determined to make this world a better place.”

Mageid was drawn to Sudan’s human rights progress since its 2018-19 revolution. She notes that last year, Sudan criminalized female genital mutilation, abolished the death penalty for children, amended male guardianship laws, and discarded its apostasy law.

Mageid says Sudan’s 12 delegation members “engage in multilateral diplomacy efforts” with several international organizations, and that she is “continually impressed and inspired by what they accomplish.”

—Andrew Cohen



Photo Essay

Law School Life
Through the Lens

Take Five

Personal portraits
of different Berkeley Law
student worlds



Advocacy Competitions

Women are often told that they're too aggressive or assertive, and people from underrepresented backgrounds might be told they don't ask questions in a direct enough way. Being mixed, I often struggled with feeling like I belonged in different spaces.

Berkeley Law uses diversity to win competitions by creating a structure where you can be yourself. You're able to bring your aggressive or more passive style into the negotiation space to optimize the outcome. Being on a competition team here has not only instilled confidence, but it has also given me this ability to walk into a room, to own the room, and to not have to make any apologies along the way.

— **RACHEL TERRELL-PERICA '21**

CO-DIRECTOR, NEGOTIATIONS AND MEDIATIONS TEAM

FIELD PLACEMENT STUDENT, UNHR PROGRAM, GENEVA (SEE PAGE 18)

STUDENT FELLOW, MILLER INSTITUTE FOR GLOBAL CHALLENGES AND THE LAW



Student Journals

We're all invested in making sure that our journals are a welcoming space for all students. My mother's family immigrated here from South Korea and my father's family was interned during the Japanese-American internment in World War II.

Law journals are unique in that they enable students to engage on an equal footing as professors when it comes to determining what legal scholarship to publish. The California Law Review has been cited over 200 times by the U.S. Supreme Court. It's a privilege to be able to contribute to an effort that's having a very tangible impact on the legal landscape for everyone, literally around the world.

— **TYLER TAKEMOTO '22**

INCOMING EDITOR-IN-CHIEF, CALIFORNIA LAW REVIEW
(2021-22 SCHOOL YEAR)

SENIOR EXECUTIVE EDITOR, BERKELEY JOURNAL OF
INTERNATIONAL LAW

LAW STUDENT ADVOCATE, INTERNATIONAL REFUGEE
ASSISTANCE PROJECT

Startup Collaboration

Berkeley has a really great startup law program. What's so unique about it is that it allows 1Ls to start working with startup founders immediately to provide pro bono incorporation services to diverse founders and founders with a socially progressive agenda.

I grew up poor. I experienced homelessness. I really saw how powerless people could be in the face of the legal system. Being a first-generation college student, I didn't really understand business structures or corporate America. Now I want to be an M&A attorney. When you overcome adversity as a first-generation student, it gives you a lot of strength and makes you a fighter.

— **LAUREN STRAUSS '21**

PAST PRESIDENT, STARTUP LAW INITIATIVE

SENIOR EDITOR, THE NETWORK (*BERKELEY BUSINESS LAW JOURNAL*)

LEGAL AND COMPLIANCE INTERN, KKR & CO.





Technology Law

As a child, my favorite cartoon was “The Jetsons.” Ever since I was little I’ve loved tech, gadgets, and futuristic things, things that make lives easier as if by magic. Working at tech companies, I realized that in-house counsel and lawyers have a big impact on the technologies that are put out, and that’s when I started looking into law school.

There are going to be big decisions made about the future of tech and how to regulate it, and those decisions will likely be made in part by lawyers trained at Berkeley Law. With the foundation we get, our student community is so well positioned to approach the intersection of tech, law, and social justice. I hope working in tech law allows me to help technology companies bring their inventions to life in a way that benefits everyone.

— **ALLAN E. HOLDER ’21**

CHIEF ORGANIZER, “TECHNOLOGY LAW AS A VEHICLE FOR ANTI-RACISM” SYMPOSIUM (SEE PAGE 13)

SENIOR ONLINE CONTENT EDITOR, *BERKELEY TECHNOLOGY LAW JOURNAL*

LAW STUDENT ADVOCATE, SAMUELSON LAW, TECHNOLOGY & PUBLIC POLICY CLINIC

Corporate Sustainability

My motivation for going to law school was deeply personal. Nobody in my family went to college, so for us growing up in poverty it was really important for me to go to law school.

I was passionate about corporate sustainability. I told the Field Placement Office that I wanted to go to Australia and work on climate change and they made it happen. Because the U.N. Global Compact Office there was small, I was given a lot of autonomy and planned an entire anti-bribery and corruption conference. The opportunity helped me build a level of expertise in an area that I was passionate about but just hadn't had the chance to step into.

— **ANGELI PATEL '20**

ASSOCIATE, JONES DAY, SILICON VALLEY OFFICE

NEWS AND POLITICS CONTRIBUTOR, *BROWN GIRL*
MAGAZINE

FORMER ASSOCIATE, U.N. GLOBAL COMPACT NETWORK,
AUSTRALIA





JIM BLOCK (POLSKY, SEMEL, SOTO, SELVIN, MERMAN)



Golden State Policy Warriors

Clinic and center leaders spearhead the push for seven newly signed bills that will help vulnerable Californians.

BY SARAH WELD

CATALYST CREW: (bottom row) Policy Advocacy Clinic Supervising Attorney Stephanie Campos-Bui '14, Environmental Law Clinic Director Claudia Polsky '96, East Bay Community Law Center (EBCLC) Education Advocacy Clinic Interim Director Oscar Lopez, Death Penalty Clinic Director Elisabeth Semel; (middle row) EBCLC Consumer Justice Clinic Supervisor Miguel Soto, Policy Advocacy Clinic Director Jeffrey Selbin, Berkeley Center for Consumer Law & Economic Justice Executive Director Ted Mermin '96; (top row) EBCLC Clean Slate Clinic Supervising Attorney Asher Waite-Jones '16



Berkeley Law has made a policy splash in California before. Last fall, however, it created major waves when Gov. Gavin Newsom signed into law a whopping seven bills led by school clinics and centers that focus on protecting residents' civil, financial, and environmental rights.

A consistently strong presence in pushing for legislative reform in California, Berkeley Law recently marshaled a powerful confluence of fervent efforts by faculty and students.

Part of the law school's faculty since 1998, Clinical Program Director Laurel E. Fletcher says the clinics have "always worked to advance justice and regularly advocated on behalf of clients for statewide policy change." But more than ever, she adds, "the clinics are rising to meet the moment."

Fletcher calls this increased focus on legislative action "a key opportunity to leverage our intellectual assets to achieve real progress toward social justice in our state," noting that the Berkeley Clinical Program "is a model for law schools around the country."

The new bills aim to significantly reduce racial discrimination in jury selection, require companies to list toxic chemicals in beauty products, eliminate punitive adult and juvenile criminal legal system fees, keep youth out of the juvenile justice system, stop people from losing their homes over unsecured debts, and protect consumers from predatory finance companies.

"Our clinics are continually working with clients and partners to translate the everyday racial, economic, and environmental injustices experienced by millions of Californians into

demands for meaningful change. I've never seen this breadth and depth of policy engagement at the law school, much less the staggering success during a very challenging legislative session," says Jeffrey Selbin, director of the Policy Advocacy Clinic, which regularly represents community groups in Sacramento and around the country.

Several clinics and centers have already introduced or are exploring new state legislation for 2021. Senate Bill 586 would stop collecting over 60 administrative fees for things like record sealing and drug testing, following a 2020 bill that eliminated 23 adult criminal system fees. Senate Bill 476 would crack down on home contractors taking advantage of low-income households through predatory financing for solar panels and other energy-efficient changes. Other efforts include advancing a clean energy bill, economic justice policies, and a new slate of criminal justice reform bills.

Also last fall, Death Penalty Clinic Director Elisabeth Semel and clinic students Catherine Harris '21 and Marissa Lilly '21 joined forces to help Newsom and his legal office write an amicus brief to the California Supreme Court focused on racial bias in jury deliberation and sentencing in capital cases.

Here's a look at the seven Berkeley Law-driven bills recently passed and their expected impact:

DIVERSIFYING THE JURY BOX

Assembly Bill 3070 will dramatically alter the selection of California criminal trial juries. In doing so, advocates foresee Black and Latinx defendants having their cases tried by juries that look more



The People's Jury Instructions

In recent years, state and local governments have introduced copyright restrictions that make it harder for people to access and understand the very laws that affect their lives — even though the public's right to those laws is firmly rooted in cases dating back to the 1800s.

OPEN BOOK: 2Ls Jennifer Hewitt and Blaine Valencia are helping the Samuelson Law, Technology & Public Policy Clinic push for easier access to California's civil and criminal jury instructions.

like them and more accurately reflect California's demographics.

Drafted by a team that included Death Penalty Clinic faculty and students, the bill was supported by an influential clinic report titled *Whitewashing the Jury Box: How California Perpetuates the Discriminatory Exclusion of Black and Latinx Jurors*. The exhaustive study, which generated widespread media coverage, investigates the history, legacy, and ongoing practice of excluding people of color — especially Black Americans — from state juries through prosecutors' peremptory challenges.

Among its obligations, the bill eliminates requiring that the objecting party prove intentional discrimination, includes a list of presumptively invalid reasons for peremptory challenges, and requires courts to consider implicit bias.

"AB 3070 upends the process by which our courts have been deciding for over 40 years whether a party discriminated in the exercise of a peremptory challenge," Semel says. "The current standard has been a failure: California courts did not apply it rigorously and the procedure itself tolerates discrimination. The statute requires lawyers — particularly prosecutors who disproportionately strike Black and Latinx jurors — to stop relying on stereotypes and racial proxies when they exercise a peremptory challenge."

Working to keep laws free and available to the public, the Samuelson Law, Technology & Public Policy Clinic is pushing back. Last year, after filing an amicus brief on behalf of four library associations arguing that the law belongs to the public domain, the clinic celebrated a Supreme Court ruling that Georgia cannot claim copyright over its annotated legal code.

Now, the clinic wants California's courts to remove all copyright restrictions from official jury instructions. Working with Director of Policy Initiatives Jennifer Urban '00 and Teaching Fellow Juliana DeVries '17, 2Ls Jennifer Hewitt and Blaine Valencia researched and wrote a proposal in 14 weeks while leading meetings, consulting with experts, and recruiting supporters.

"I came into this whole clinic experience thinking of it as task-oriented. Instead, we

got to take full charge and craft our project in the way we wanted to," Valencia says. "This was absolutely a thrill."

The proposal to the Judicial Council, which controls California's courts, argues that jury instructions don't merit copyright protection because they are not original enough and law is not copyrightable. Nearly 500 law student organizations, students, professors, librarians, and legal practitioners have signed on in support.

"We really got to flex some different lawyerly muscles," Hewitt says. "It required a lot of creativity in crafting the various arguments."

The COVID-19 pandemic has made obtaining legal materials tougher than usual with limited to no public access to courts and law libraries.

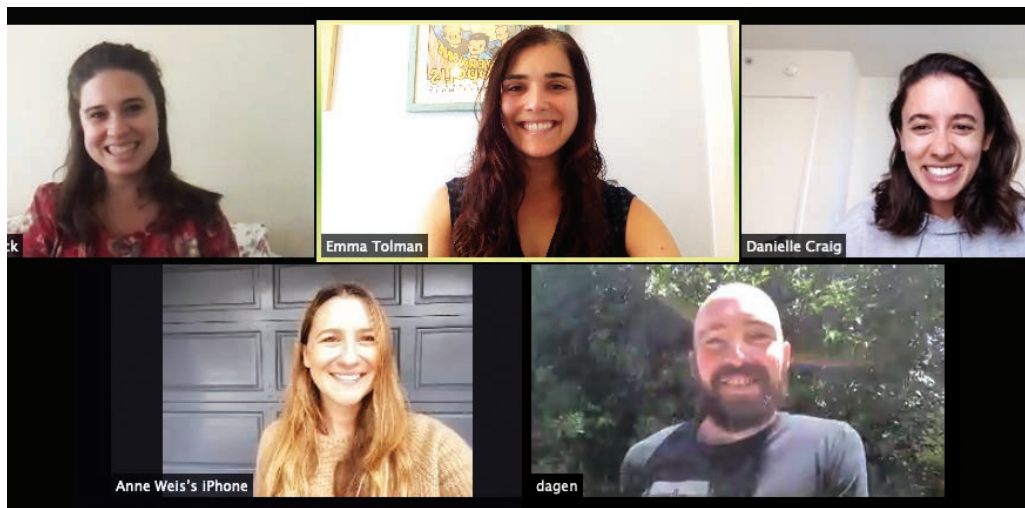
DeVries says jury instructions directly

affect every aspect of civil and criminal trials, particularly appeal strategies, and that access restrictions are "especially troubling" for people representing themselves in a post-conviction case.

As Urban explains, incarcerated people don't have internet access to download the instructions "and having to buy a \$300 book is likely going to be completely out of reach."

Partnering with Public.Resource.Org as it did on the Georgia case, the Samuelson Clinic keeps earning rave reviews.

"I was blown away by the work Blaine and Jennifer did and the support they got from their clinic faculty," says Public.Resource.Org founder Carl Malamud. "This is one of the best pieces of work we've seen from a clinic program." —Sarah Weld



SPARK PLUGS: Recent Death Penalty Clinic students Chelsea Hanlock '20 (top left), Emma Tolman '20, Danielle Craig '20, Anne Weis '20, and Dagen Downard '20 co-authored a major report with Director Elisabeth Semel on the history and ongoing exclusion of people of color from California juries through prosecutors' peremptory challenges.

DETOXIFYING COSMETICS

California consumers will soon be able to consult a state database to determine if toxic chemicals were used to add fragrance or flavor to products like shampoo, moisturizer, lipstick, and sunscreen.

The Environmental Law Clinic worked with client Breast Cancer Prevention Partners to conceive and draft Senate Bill 312, which forces cosmetic and personal care manufacturers to spell out the fragrances and flavor ingredients that appear on various lists of known-toxic or known-allergenic chemicals. The bill targets ingredients such as synthetic musks, which can



disrupt hormone systems; styrene, a carcinogen; and phthalates, which have been linked to asthma and early puberty.

Fragrance is included in numerous kinds of personal care products, including 96% of shampoos and 97% of hair styling products. It's also found in 91% of antiperspirants, 95% of shaving products, and 83% of moisturizers, according to U.S. studies cited in the bill.

"This bill will help consumers protect themselves from unwanted exposures to toxic chemicals and allergens in their everyday products. And it will pressure manufacturers to remove those ingredients from the marketplace," says clinic Director Claudia Polsky '96. She adds that the bill "takes California well beyond federal disclosure requirements and will ultimately help spur tighter federal regulation."

OUTLAWING COLLECTION OF JUVENILE FEES

Tens of thousands of California families no longer have to pay outstanding fees for their children's involvement in the juvenile justice system. The Policy Advocacy Clinic's extensive research on how such fees destabilize families and perpetuate racial inequity provided vital support for Senate Bill 1290, which discharges all remaining juvenile fees.

The legislation is a bipartisan juvenile justice reform effort that requires counties to end the collection of fees that disproportionately extract wealth from low-income, Black, and Latinx families. Supported by more than 60 groups across the state, the bill furthers the progress made by Senate Bill 190, which abolished the assessment of new juvenile fees in 2018.

The clinic's research across the country shows how these fees — for everything from electronic monitoring to drug testing — especially harm poor families and families of color, and that

STRATEGY SESSION: Members of Breast Cancer Prevention Partners, an Environmental Law Clinic client, and Senate Bill 312 co-sponsor Black Women for Wellness discuss legislative persuasion tactics at a lobby day in Sacramento.

collecting them is not cost-effective.

"SB 1290 finally ends decades of racialized wealth extraction from some of California's most vulnerable families," says Supervising Attorney Stephanie Campos-Bui '14, who has led the clinic's California effort since 2015. "Including the fees discharged under the new law and voluntary actions taken by counties prior to its passage, families will be relieved of more than \$360 million of these regressive taxes. It couldn't come at a better time as many of these families are struggling because of COVID-19."

REPEALING UNJUST CRIMINAL FEES

In the first reform of its kind nationwide, the Policy Advocacy Clinic represented the Debt Free Justice California coalition, which persuaded the Legislature to pass Assembly Bill 1869. A budget bill that eliminates 23 draconian, racially discriminatory fees within the adult criminal system going forward, AB 1869 also requires counties to write off an estimated \$15.9 billion in outstanding fees.

This historic reform will reduce the harm caused by court-imposed debt and strengthen the economic security of low-income communities of color. The bill culminates more than two years of research, organizing, and advocacy by the clinic, Berkeley Law's East Bay Community Law Center (EBCLC), and other members of Debt Free Justice California.

"The fees being eliminated, including county probation fees and public defender fees, represent some of the most

Electing to Uphold Voter Integrity

In addition to the Clinical Program's many policy reform projects, Berkeley Law's 38 current Student-Initiated Legal Services Projects — led by 2Ls and 3Ls and available to all students — also pursue change in myriad ways. Here is just one example:

The hard-fought 2020 election pushed many Berkeley Law students to advocate for campaigns, organizations, and causes. For those in the student-led Political and Election Empowerment Project (PEEP), a new partner is stretching their work into the critical 2021 redistricting year.

Members of PEEP reached out to the San Francisco-based Asian Americans Advancing Justice – Asian Law Caucus because they wanted to work with a local organization. They spent the fall scrutinizing data from around the country and identifying areas where districts might be drawn including a majority of Asian Americans, or a combination of minority groups.

PEEP students pored over U.S. Census data and other sources, then drafted memos to help the Asian Law Caucus protect voters as redistricting moves forward later this year.

“It was incredibly exciting to play a key role in the electoral process,” says Aaron Esparza '22. “Since redistricting only occurs once every 10 years, this is a rare moment to take part in. Hopefully our research sheds light so that politicians ensure that all voters are given an equal voice.”

Redistricting challenges vary nationwide. In California, fires, a common misconception that the census excludes immigrants, and the COVID-19 pandemic created obstacles to a full count of residents.

This spring, PEEP is switching gears and focusing on language

access for voters, researching relevant laws outside California and drafting model legislation.

Many group members also volunteered during election season, doing poll monitoring and other direct work, which brought them even closer to the difficulties voters can face.

Sara Clark '23 came to Berkeley Law determined to use her legal training to promote equal and easy voting access. As a 1L working with PEEP, she gained demographic research experience and spent her fall Saturdays manning an election protection hotline, helping people navigate different attempts at voter

suppression and various pandemic-related complications.

On Election Day, she was a poll monitor in Contra Costa County and witnessed first-hand the strengths and weaknesses of a community polling place.

“This combination of opportunities only strengthened my motivation to be a lifelong advocate for voting rights,” Clark says. “I aim to combat restrictive and expand beneficial electoral policies, using the strength of the law to elevate voices that would not otherwise be heard at the ballot box.” —Gwyneth K. Shaw



ON PATROL: Sara Clark, a 1L member of Berkeley Law's Political and Election Empowerment Project, worked as a poll monitor in Contra Costa County on Election Day.



FEE FIGHTERS: Protesters in Los Angeles decry regressive state criminal justice fees that disproportionately harmed individuals and families of color, an issue that gained traction largely from research findings by the Policy Advocacy Clinic.

costly and impactful criminal legal fees in California,” says Asher Waite-Jones ’16, supervising attorney of EBCLC’s Clean Slate Clinic. “Their abolition will result in billions of dollars of financial freedom for our communities, but our fight is far from over. We will not stop until we have achieved a total divestment from criminal legal fees, and a total investment in Black and Brown individuals, families, and communities.”

Campos-Bui, a key driver of the bill, says, “We hope that the work in California can be a source of hope for organizers and advocates in other states who may feel as if fee abolition is out of reach. It is indeed possible and we’re just getting started.”

PROTECTING CONSUMERS FROM FINANCIAL PREDATORS

Californians will be better protected from predatory consumer finance companies thanks to Assembly Bill 1864. The bill significantly revamps the state’s Department of Business Oversight, giving it more power to oversee payday lenders, debt collectors, financial technology companies, and other service providers not currently regulated by the agency.

Modeled after the federal Consumer Financial Protection Bureau, the state’s Department of Financial Protection and Innovation will have increased authority and resources to go after businesses engaged in unfair, deceptive, or abusive business practices. Newsom recently appointed Berkeley Law lecturer and alumna Suzanne Martindale ’10 to lead the department’s new Division of Consumer Financial Protection established by the bill.

The proposal for a reconstructed state agency was put

forward three years ago by Martindale, California Policy Lab Executive Director Evan White ’12, and Ted Mermin ’96, executive director of the law school’s Berkeley Center for Consumer Law & Economic Justice.

“This bill adds much needed oversight to the financial services marketplace at a critical time,” Mermin says. “So many families are near the edge of a financial cliff. With enhanced resources and personnel, the department can prevent harm from unscrupulous lenders and purveyors of ‘debt relief,’ and restore money to those who have been defrauded. And going forward, the new department will be able to respond more nimbly to financial innovations and to serve vulnerable populations like older Americans, students, veterans, and immigrants.”

KEEPING PEOPLE IN THEIR HOMES

Assembly Bill 2463, which prevents foreclosures for consumer debts unrelated to the home, will ensure that people are no longer at risk of losing their homes because of small debts. Based on findings from EBCLC’s report *Unsecured Debts: Insecure Communities*, the bill bars debt collectors from abusing existing law to seize a family’s home to satisfy an unpaid medical or phone bill, grandchild’s student loan, or other non-mortgage consumer debt. Many homeowners targeted by this practice are people of color, seniors, and low-income residents.

“Millions of Californians are running up debts as a result of the financial crisis and they need to be able to stay in their homes,” says Mermin, director of the California Low-Income Consumer Coalition, which includes EBCLC.

After seeing many clients in danger of losing their homes because of the previous law, EBCLC Consumer Justice Clinic Supervisor Miguel Soto set out to change it, working with students to produce the report and help write the bill.

“We have fielded too many desperate calls from low-income Californians fearful that they will be out on the streets after a debt buyer tries to force the sale of their home,” Soto says. “Unscrupulous debt buyers have been going after homeowners of color, forcing them to live under the constant threat of homelessness due to small unpaid consumer debts. We are restoring our clients’ housing security, safeguarding their savings, and defending their health.”

VALUING COMMUNITY PROGRAMS OVER PROBATION

Assembly Bill 901 ensures that California youth having trouble at school or at home are sent to community-based programs instead of probation and the juvenile justice system. EBCLC lawyers and other advocates contend that young people who have not been accused of a crime should not have to sign away their privacy rights or be subject to surprise searches, unannounced home visits, restrictions on who they can speak to, and interrogations.

Clinics Step Up

Berkeley Law's surging Clinical Program continues to expand its impact on the school's student community and in the world. Driving California legislation that will erase billions in criminal justice system

debt. Guiding small businesses threatened by the COVID-19 pandemic. Exposing racial discrimination, abuse, corruption, and impunity in various law enforcement practices at home and abroad. Bringing more transpar-

ency and democratic control to local government use of surveillance technology. And those are just a few examples. Here are some figures that help illustrate the program's growing reach.



328

Students who participated in clinics during the 2020-21 school year



220

Students who worked at in-house clinics, Berkeley Law's largest cohort ever



5,250+

Hours of collective student clinic work each week (16 to 22 per student)



9

The Clinical Program's national ranking by U.S. News & World Report



7 to 1

Largest ratio of students to faculty



\$360m+

Amount of regressive juvenile system fees California families were relieved of in a recent bill spearheaded by the Policy Advocacy Clinic



2,285

Families protected from eviction and displacement by the East Bay Community Law Center last year



72

IP scholar signatories on a Samuelson Law, Technology & Public Policy Clinic amicus brief in the Google v. Oracle case



50+

Startups that receive individualized legal assistance or workshop training each semester from the New Business Community Law Clinic



20

Countries visited by International Human Rights Law Clinic students



6

States where Death Penalty Clinic students and faculty help defend clients



6

California Public Utilities Commission proceedings where the Environmental Law Clinic achieved key progress for clean energy and climate justice

According to a recent lawsuit filed by the American Civil Liberties Union and the National Center for Youth Law, more than 3,000 young people in Riverside County alone were placed on probation between 2005 and 2016 for behavior like having poor school attendance, arriving late to class, and being "easily persuaded by peers." Black and Latinx students were disproportionately referred to probation for such common adolescent behavior.

Oscar Lopez, interim director of EBCLC's Education

Advocacy Clinic, and Whitney Rubenstein '14, supervising attorney for the center's Education Defense & Justice for Youth program, worked with partners to get the bill written and signed.

"This bill is another important step towards changing the punitive nature in which many students of color and students with disabilities are treated in schools," Lopez says. "We're extremely thankful for the young people who shared their experiences and the organizers and advocates who made this victory possible."

Tiara Brown '22

Turning Affinity Into Action

When Tiara Brown arrived at Berkeley Law in 2019 fresh out of Towson University, she admits she had a bad case of “imposter syndrome” — the nagging sense that she wasn’t good enough to cut it at a top law school.

“The first semester I remember being really hard. I had a lot to learn — there was so much that I didn’t know about law, and so much that others did,” she says. “I felt super out of place.”

Through two of the school’s affinity groups, Law Students of African Descent (LSAD) and the Native American Law Students Association (NALSA), Brown found others who were having some of the same feelings, making some of her closest friends.

Still, she felt like she was struggling. When the COVID-19 pandemic hit and she returned home to Columbia, Maryland, things started to shift. By the end of the spring 2020 term, Brown had been designated co-president of the Student Association at Berkeley Law (SABL) for the 2020-2021 academic year.

It was unexpected, she says, but fantastic.

“The turning point for me really was

SABL, because it felt like I was getting back to what I was best at, advocating for others. It made me feel like I was valued and capable of doing things again,” she says. “The difference from last spring to this spring is a 180-degree turnaround.

“I just needed a second to adjust and find not just what I went to law school for, but the things that made me happy.”

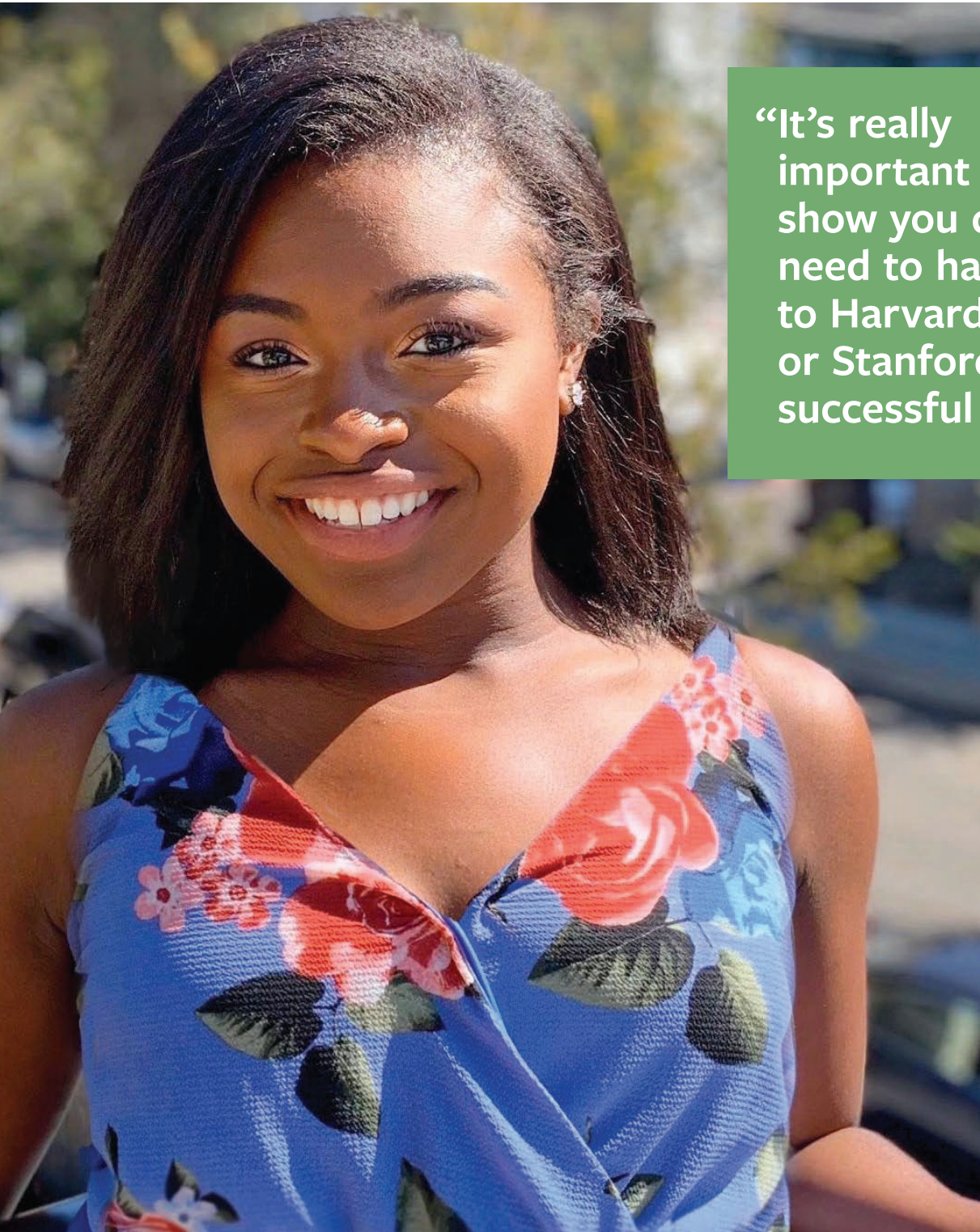
Brown is also the recruitment chair for LSAD, the external representative for NALSA, and on the expedited submission team of the *Berkeley Business Law Journal*. And she continues to work with the student-led Prisoner Advocacy Network, which provides non-litigation assistance to incarcerated people who are experiencing discrimination, retaliation, medical needs, and civil rights violations.

With SABL, part of what she and Co-President Ray Durham '22 have to tackle is keeping the community connected, even with classes now virtual and many students living outside the Bay Area.

Brown says that having two Black co-presidents has been important during this time, especially after the anger and despair over George Floyd’s death in May 2020 prompted massive protests.

“On the one hand, it seems like it’s all being pushed to the fore, but at the same time there’s a lot being swept under the rug,” she says.





“It’s really important to show you don’t need to have gone to Harvard or Yale or Stanford to be successful here.”

LEADING ROLE:

Tiara Brown is relishing her time as co-president of Berkeley Law’s student government organization.

They are advocating for every student, she says, but especially those disparately impacted by the pandemic — many of them students of color.

“Imposter syndrome will take over your entire being if you let it, and I think

it’s especially true now for 1Ls, who aren’t able to see one another in person,” Brown says. “It’s really important to show you don’t need to have gone to Harvard or Yale or Stanford to be successful here.” —*Gwyneth K. Shaw*



Kevin Frazier '22

Closing the Digital Divide

For Kevin Frazier, “the internet is the new electricity — without it, you’re in the dark.”

That mindset drove him to launch No One Left Offline (NOLO), which provides financial assistance to individuals and families struggling to pay their broadband bills. The organization is also creating “NOLO Zones” at San Francisco businesses, creating spaces with free WiFi for all.

More than 42 million Americans lack broadband. The COVID-19 pandemic has exacerbated the problem with schools forced to teach students online,

people with health problems increasingly reliant on video medical appointments, and older adults needing online access to connect with loved ones.

“Being able to use the internet is more important than ever,” Frazier says. “But it’s something too many people have to trade off with other essentials.”

Before law school, he saw this firsthand while leading Passport Oregon, a nonprofit that connected families in “under-natured” communities with the



“Being able to use the internet is more important than ever.”

IN THE ZONE:
Kevin Frazier's nonprofit partners with area businesses to establish spaces with free WiFi for all.

state's outdoors.

“During our trips, kids and their parents were constantly weighing when they should turn their phones off, how many texts they could send, and whether they had enough data left that month to do a quick Google search,” he recalls. “Data caps and other barriers were leaving these families in the digital dark.”

Eager to help, Frazier studied the political and legal barriers to internet

access at the Harvard Kennedy School and now Berkeley Law. When the pandemic hit, he quickly began contacting community service organizations already working on the issue.

“They had identified those in need of devices, internet, and digital literacy,” Frazier says. “They simply needed someone to help guide them in meeting those needs.”

NOLO has since formed a coalition of more than 20 organizations with deep

connections to communities lacking broadband in the Bay Area and Portland, Frazier's hometown.

An example of that outreach is Señor Sisig, a restaurant in San Francisco's Mission District. NOLO donated a hotspot there, equipped with a year of internet, which Señor Sisig leaves open for community members to use for quick searches, downloads, and scheduling needs.

Soon after, NOLO procured 10 hotspots for Opportunity Junction, led by Berkeley Law grad Alissa Friedman '87, which helps Contra Costa County residents find careers and achieve financial security. Eighty hotspots are also being sent to Every Child Oregon, which will distribute them to families with foster youth across that state.

Frazier, who works with the hotspot providers to limit potential security and privacy concerns, credits Berkeley Law's community for donating to the cause, helping identify other coalition partners, and honing pivotal skills.

“I've grown much more comfortable reading contracts, writing MOUs, and weighing the risks of various potential partnerships,” he says. “Though people in the private and public sectors have good intentions about remedying this discordance, there's still a lot to be done. I'm eager to continue working at the nexus of technology and good governance.” —*Andrew Cohen*

Abha Kashyap LL.M. '21 & Arohi Kashyap LL.M. '21

Family Matters, from New Delhi to Berkeley

Growing up in India, Arohi Kashyap wanted to become a doctor — until high school, when her mother Abha started law school and gushed about it.

“She’d talk to me about the cases, the material, the professors,” Arohi recalls. “One day, she took me with her — I learned about my right to freedom of speech, how to differentiate between direct and circumstantial evidence ... I saw the passion my mother had and started to feel it myself.”

Mother and daughter now work together at Kashyap Partners and Associates LLP in New Delhi — and in January they began another shared legal experience as students in Berkeley Law’s LL.M. Program. While pursuing different curriculum paths (Abha is focused on intellectual property law, Arohi on business law), they strike a common chord describing their new adventure.

“I was apprehensive about taking classes on Zoom, but the experience has been incredible so far,” Abha says. “The professors are extraordinary — truly the top in their field but so down to earth, approachable, and dedicated to make this a fulfilling experience.”

For Arohi, “no other program had a chance — Berkeley was it.” Citing the school’s “incredible courses, professors, LL.M. Program staff members, pro bono opportunities, and journals,” she says, “I’ve learned more in this short time than I could have ever expected.”

Now her firm’s managing partner, Abha — a UC Riverside graduate with business degrees from the University of Massachusetts and Harvard — sees the irony of not taking an optional computer class back in high school.

“I thought I.T. was a fad which would pass. Why waste my time on it?” she says. “Now, over 35 years later, I’m working online, and studying for my Berkeley Law LL.M. online, on a computer, to learn more about technology and IP law. Who knew?”

These days, her firm helps expand client corporations through cross-border mergers and acquisitions between India and the U.S. During the pandemic, more clients have wanted to establish online pharmacies, add online functionality to existing pharmaceutical operations, and branch into telemedicine.

“Providing medical services or pharmaceuticals over the internet is a nascent legal area in India that involves several overlapping statutes and regulations,” Abha explains. “We must keep updating ourselves regularly with the multitude of e-commerce, e-pharma, and telemedicine legislations.”

Arohi also enjoys the international nature of her firm’s work — and of her new LL.M. experience. Taking classes with students from all over the world, she says, “expands your thought process and the way you approach problems, and also makes you understand the impact of every global action.”

Any mother-daughter competition along this academic journey together?

“Our competitive behavior is mostly reserved for who drinks the most coffee in a day,” Arohi says. “I am proud to say, I’m losing by an excess of about seven large cappuccinos.” —*Andrew Cohen*



CELEBRATION:

New LL.M. students Abha Kashyap (left) and her daughter Arohi Kashyap at a recent family wedding in New Delhi, India.

“No other program had a chance ... I’ve learned more in this short time than I could have ever expected.”

Prolific, Poignant, Provocative

Each year, the law school community gathers to recognize and discuss recent books by faculty members. This year’s virtual gathering retained the typically festive spirit — and its intellectual heft, including comments and compliments from colleagues.

“There are moments when I am just struck by what an amazingly terrific faculty we have,” Dean Erwin Chemerinsky said at the Feb. 25 celebration as he surveyed the cornucopia of new tomes. “Books are special, to the reader and the scholarly community.”

Here’s a look at a dozen recent faculty books, including a few slated for release later this year.



Amanda L. Tyler (with Ruth Bader Ginsburg)

Justice, Justice Thou Shalt Pursue: A Life’s Work Fighting for a More Perfect Union (2021)

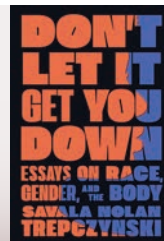
Curates the late Supreme Court Justice Ruth Bader Ginsburg’s legacy, including her tireless work for gender equality, through collaboration with Tyler (her former law clerk) during which the justice told her life story and identified materials — many previously unpublished — that shed light on her life and career.



Leti Volpp (co-editor with Marianne Constable & Bryan Wagner, chapters by Kathryn Abrams, Christopher Tomlins, Sarah Song, & Volpp)

Looking for Law in All the Wrong Places (2019)

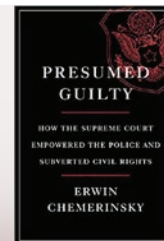
Provides essays by leading scholars in literature, political science, anthropology, history, cultural studies, law, religion, race and ethnic studies, and rhetoric that look at law from a humanities standpoint and demonstrate how law is itself interwoven with language, text, image, and culture.



Savala Treczynski

Don't Let It Get You Down: Essays on Race, Gender, and the Body (2021)

Offers a powerful and heartfelt collection of 12 essays with poignant reflections on living between society’s most charged, politicized, and intractably polar spaces — between Black and white, rich and poor, thin and fat — from a mixed-race author who knows firsthand what it means to live in the in-between.



Erwin Chemerinsky

Presumed Guilty: How the Supreme Court Empowered the Police and Subverted Civil Rights (2021)

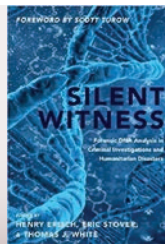
Argues that throughout U.S. history the Supreme Court has failed to enforce constitutional limits on the police and instead has empowered them, which has led to racist policing — police are nine times more likely to kill Black men than other Americans — and urges major reforms in regulating the police.



Robert Merges (with Fang Liu)

Intellectual Property Strategy for Business (2020)

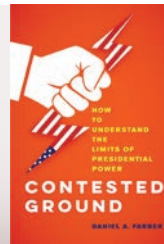
Teaches corporate lawyers the tools and tactics behind sound intellectual property strategies and how to use methods such as portfolio building, licensing, and patent challenges to serve business goals, emphasizing technology (patents) and brands (trademarks) with opposing pages written in English and Chinese.



Eric Stover (co-editor with Henry Erlich & Thomas J. White)

Silent Witness: Forensic DNA Analysis in Criminal Investigations and Humanitarian Disasters (2020)

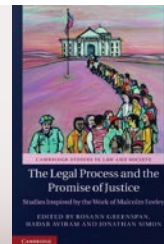
Tracks the development of modern DNA forensics and its use in courtroom and humanitarian settings, noting that while DNA analysis has transformed the forensic sciences, its application is sometimes controversial and many scientific, legal, societal, and ethical concepts that underpin it remain poorly understood.



Daniel Farber

Contested Ground: How to Understand the Limits of Presidential Power (2021)

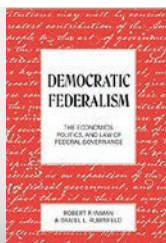
Describes how constitutional law both supports and limits American presidential power and analyzes the difficulty of striking the right balance between limiting abuse of that power and authorizing its exercise when needed, ultimately proposing a pragmatic approach rooted in history and Supreme Court rulings.



Rosann Greenspan & Jonathan Simon (co-editors with Hadar Aviram)

The Legal Process and the Promise of Justice: Studies Inspired by the Work of Malcolm Feeley (2019)

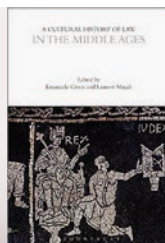
Gathers top law and society scholars who offer original analyses of the pioneering work of Berkeley Law Professor Emeritus Malcolm Feeley, a founding giant of the field, assessing and extending his seminal works on topics such as criminal courts, prison reform, the legal profession, and legal professionalism.



Daniel L. Rubinfeld (with Robert P. Inman)

Democratic Federalism: The Economics, Politics, and Law of Federal Governance (2020)

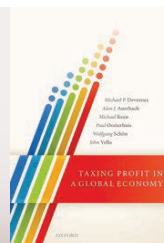
Draws on the latest work from economics, political science, and law to assess different models of federalism (and how well they promote economic efficiency, encourage citizen participation, and protect individual liberties) as well as its principles, applications, and potential to enhance democratic governance.



Laurent Mayali (co-editor with Emanuele Conte)

A Cultural History of Law in the Middle Ages (2019)

Explores the major demographic, farming, and economic changes that radically changed legal practices and systems across Western Europe, and varied encounters between Christianity and Roman legal thought which shaped the period, assessing how medieval law promoted new forms of individual and social representation.



Alan J. Auerbach (with Michael P. Devereux, Michael Keen, Paul Oosterhuis, Wolfgang Schön, & John Vella)

Taxing Profit in a Global Economy (2020)

Undertakes a fundamental review of the existing international system of taxing business profit, probing how we should judge such a tax (and whether there is any good rationale for it in the first place), evaluating the existing system and various proposed alternatives, and asserting a need for radical reform.



Peter S. Menell (co-editor with Ben Depoorter & David Schwartz)

Research Handbook on the Economics of Intellectual Property Law (2019)

Presents a field-defining, two-volume handbook that features the leading legal, empirical, and law and economics scholars studying intellectual property rights who provide wide-ranging and in-depth analysis of the economic and other theories underpinning intellectual property law and the use of analytical methods to study it.

The faculty's influential scholarship confronts all aspects of the law — and often breaks new ground. Here is just a sampling of our professors' recent work.

THE IMPLICATIONS & IMPACT OF RACIAL GAPS

Black Maternal Mortality

Khiara M. Bridges examines what she calls the “racial irony” that while pregnancy and childbirth are much more dangerous for American Black women than their white counterparts, the Preventing Maternal Deaths Act passed by Congress in 2018 — which funds maternal mortality review commissions to investigate the problem — never mentions race.



In her *New York University Law Review* paper, Bridges questions whether the “impoverished discourse” on the topic is creating similarly impoverished solutions. Unresponsive to the actual, material needs of Black women, she writes “the Act may take up the political, legal, and cultural space for more effective, responsive interventions — leaving Black women in a worse position than they were before.”

Violence & Representation

Abhay Aneja, exploring whether minority representation can improve the social welfare of historically disenfranchised minority populations, worked with a co-author to study whether political voice in government can help reduce the levels of violence suffered by India's Scheduled Caste groups.

Using data on crime rates and state elections spanning 20 years, their forthcoming *Journal of Law, Economics, and Organization* paper finds that increasing legislative representation significantly reduces the minority murder rate. The analysis suggests that politicians respond to minority constituents by increasing police effort in their communities and improving minorities' attitudes toward law enforcement — both of which serve to deter future offenders.



CONFRONTING CORPORATE LAW CONCEPTIONS

Bankruptcy Process for Sale

Kenneth Ayotte and a co-author assert that lenders who fund Chapter 11 reorganizations exert huge influence over the bankruptcy process through contracts associated with the debtor-in-possession (DIP) loan. Their *Yale Journal on Regulation* article studies a large sample of DIP loan contracts and documents a three-decade trend of lenders steadily increasing their contractual control of Chapter 11.



The article shows how DIP loan agreements routinely go so far as dictating the very outcome of the restructuring process. Highlighting two main situations where process sales raise bankruptcy policy concerns, the authors say both scenarios can lead to bankruptcy outcomes that fail to maximize the firm's value for creditors as a whole.

The Negative Activism Issue

Frank Partnoy sees the growing study of shareholder activism focusing on “positive activism,” where people seek to profit from increased share prices of targeted firms. He and two co-authors deliver the first comprehensive study of positive activism’s mirror image — “negative activism” — where people take short positions to profit from decreasing share prices.

The *Washington University Law Review* paper contrasts informational negative activism (aiming to uncover and reveal the truth about companies whose shares activists think are overvalued) with operational negative activism (dismantling companies’ sources of value). They explore the policy and regulatory implications of ignoring negative activism’s effects and offer new approaches to address them.



LAW SCHOOLS’ ROLE IN TOUTING SOCIAL JUSTICE

Paintings & Public Memory

Laurel E. Fletcher puts the controversy over Berkeley Law’s decision to install paintings by Fernando Botero depicting United States soldiers torturing prisoners at the Abu Ghraib prison into a broader context. In her recent *Berkeley Journal of International Law* article, she explores what the Boteros have come to mean to the law school community.



The artist created the paintings, which hang outside the dean’s office suite, as a permanent rebuke of the government’s behavior in the war against terrorism after 9/11. “The potential removal of these paintings raises questions of memory heuristics: why are the paintings there at all, what do they communicate about the past, and is this past worthy of commemoration?” Fletcher writes.

Fueling Public Interest Law

Catherine Albiston and two co-authors explore the role that lawyers and law schools can play in movements for social transformation in a *Georgetown Journal of Legal Ethics* article. They argue that law schools tend to focus on placing students in prestigious private law firms, elevating a neoliberal conception of legal education “that seeks to maximize return on investment, rather than promoting the professional role of lawyers in democratic society.”

The authors provide the first systematic empirical evidence about how law schools can better foster long-term public interest careers. In doing so, they amplify concrete ways for law schools to equip students with the tools needed to navigate the public interest job market and pursue social justice in their careers.



LEARNING LESSONS FROM LEGAL HISTORY

Decryption Data Via Aaron Burr

Orin Kerr applies timely lessons from the 1807 treason trial of Aaron Burr to today's efforts to decrypt electronic devices in a *Harvard Law Review* paper. When the government asked Burr's private secretary if he knew the cipher to an encrypted letter Burr sent to a co-conspirator, the secretary invoked the Fifth Amendment privilege against self-incrimination. That prompted a debate on the privilege's meaning and an opinion from Chief Justice John Marshall.



With the Supreme Court likely to weigh in soon on how the privilege applies to compelled decryption of a digital device, “The Burr dispute presents a remarkable opportunity to unearth the original understanding of the Fifth Amendment and its application to surprisingly modern facts,” Kerr writes.

Black Churches & Civil Rights

Dylan Penningroth seeks to revise civil rights history by examining a strand of Black people's long engagement with legal rules, ideas, and institutions: the private law of religion. After the Civil War, millions of Black Americans began exercising civil rights of property, standing, and contract — which Penningroth says scholars have downplayed or dismissed.

His *Journal of American History* paper explains how the question of whether Black people had such rights in church, that a court could protect, showed an enduring tension between two 19th-century theories of rights. The argument about whether and how to pursue civil rights through Black churches grew out of debate about what rights Christians held in their churches.



ASSESSING THE LEGACY OF SUPREME COURT JUSTICES

Kennedy's White Nationalism

Russell Robinson argues that former U.S. Supreme Court Justice Anthony Kennedy prioritized a social hierarchy that valued the interests of white heterosexual Christians and harmed a wide swath of sexual, racial, and religious minorities. His *UC Davis Law Review* essay asserts that the “empathy and dignity” of Kennedy's frequently celebrated sexual orientation decisions “failed to trickle down to reach the minorities in immigration and national security cases.”



Using doctrinal intersectionality to provide a broader view of Kennedy's decisions, Robinson says, “offers a cautionary tale for the LGBTQ rights movement, which should now understand that the security of LGBTQ rights is interconnected with that of other marginalized populations.”

Gauging Powell in *Bakke*

Asad Rahim reflects on the origins of today's affirmative action debate by examining the figure most influential in framing it, Justice Lewis Powell Jr. In the 1978 Supreme Court *Bakke* case, Powell wrote that pursuing a “robust exchange of ideas” on college campuses was affirmative action's only constitutionally sound justification. Until recently, most scholars thought Powell's opinion was fueled by a desire to promote racial equality.

In a *California Law Review* article, Rahim uncovers new archival documents that challenge this understanding. He says a fear of college student radicalization — by Communists and Black power activists — informed Powell's views on the importance of having intellectual diversity on college campuses.



EQUITY IN BOARDROOMS & COURTROOMS

Gender & Governance

Amelia Miazad, director of Berkeley Law’s Business in Society Institute, examines how the #MeToo movement is helping spur governance reform across corporate America combating longstanding gender power imbalances. Her *UC Davis Law Review* paper, “Sex, Power, & Corporate Governance,” probes their root causes and offers the first comprehensive account of how they are starting to be upended.



Miazad outlines how key stakeholders (especially investors) are shifting their focus from compliance to corporate culture. As corporate boards become more gender diverse, companies are starting to address pay inequity, bypassing mandatory arbitration and non-disclosure agreements and holding CEOs to account for sexual harassment and misconduct.

Making Privacy More Equitable

Rebecca Wexler was one of two winners of the 2020 Reidenberg-Kerr Award, which honors exceptional privacy law papers by a pre-tenure scholar, for “Privacy as Privilege” (*Harvard Law Review*). It exposes how criminal defendants are barred from subpoenaing online communication content, even when it could exonerate them.

Assessing the Stored Communications Act through evidence law, Wexler says courts wrongly preserve this inequity by protecting tech companies that use data privacy as a guise for non-disclosure. She finds such decisions wrong as a matter of binding Supreme Court doctrine and just policy, and says correcting misguided case law will increase both accuracy and fairness in the criminal justice system with minimal cost to privacy.



DATA-DRIVEN INSIGHTS & PROJECTIONS

The Real Scoop on Class Actions

Sean Farhang, seeing a lack of data-driven research on modern class actions, worked with a colleague to create a robust data set of class certification decisions in the U.S. Courts of Appeals. Their *Law and Contemporary Problems* (Duke) paper consists of all precedential panel decisions on whether a class should be certified from 1966 to 2017, and nonprecedential panel decisions from 2002 to 2017.



The findings demonstrate, contrary to conventional wisdom, that class action plaintiffs are winning certification appeals more often than they used to — and that this shift has occurred on both Democratic- and Republican-majority panels. Interlocutory appeals have also elicited more ideological voting behavior by judges, leading to greater polarization.

Conservation’s Cost Allocations

Holly Doremus and an interdisciplinary group of co-authors, writing for *Conservation Science and Practice*, take on the problem of funding wildlife protection in U.S. parks. Their article describes how effective conservation often requires costly management actions beyond the boundaries of protected areas, and can impose “spillover costs” on surrounding lands.

The authors suggest that it may be both fair and politically pragmatic to impose a share of those costs on park visitors, through targeted entry fees or lodging and sales taxes. Using a case study of the Greater Yellowstone Ecosystem, they explore the various legal, political, and governance challenges — including equity consequences — of visitor-borne conservation funding.





BRIDGE BUILDER: Mary Brie Matheron is increasing alumni engagement with Berkeley Law and its students.

Forging Connection and Community

When Assistant Dean for Development and Alumni Relations Mary Brie Matheron joined Berkeley Law in 2018 after successful stints at Yale and Georgetown, she had no delusions about its financial obstacles compared to other top law schools.

Smaller endowment. Declining state support (now under 7% of the school's operating budget). A much newer philanthropy culture.

Matheron has since helped Dean Erwin Chemerinsky elevate Berkeley Law's financial footing — and its alumni involvement — creating the Regional Engagement Alumni Chapters program (REACH), Berkeley Alumni-in-Residence program (BAIR), and other initiatives that foster meaningful connections.

She recently spoke with *Transcript* Managing Editor Andrew Cohen about her team's efforts and the road ahead.

Q: What are the most challenging and rewarding aspects of your work at Berkeley Law?

Matheron: First, there is working with Erwin. He's a quiet leader who cares deeply about people, the rule of law, legal education, and the legal profession. And he's the consummate role model, someone who exhibits personal integrity and uses his deep knowledge of constitutional law, in an unpretentious way, to constructively inform debates about difficult issues.

Second, like its leader, Berkeley Law is different too. There is a sense of the possible; a collaborative "can-do" environment.

On the challenges side, the COVID-19 pandemic has changed everything. We've adapted our work to a virtual world. Many more alumni, from all over, can participate in our events. We also created a new website so those who can't attend an event can watch it on video after.

What were your main goals when you started?

To create a program that fully engages alumni in the Berkeley Law community while meeting their needs for professional and individual growth. We should be the place alumni come to for lifelong learning, networking, and professional development. We also want to provide opportunities for graduates to rekindle their school friendships and to leverage their knowledge, networks, and generosity to help us educate the next generation of Berkeley lawyers. Looking at our alumni community, we know that investing in our law students will bring long-term value to their employers, their communities, and the legal profession.

How do the REACH and BAIR programs connect alumni with the school?

Our alumni strategic plan focuses on two objectives: taking Berkeley Law to our alumni and bringing graduates back to the school, particularly to engage with our students.

With the help of alumni volunteers, we piloted REACH in Los Angeles, then expanded it to San Francisco, Silicon Valley, and Washington, D.C. The feedback from participants has been very positive, and we're planning to organize chapters in New York and Chicago next year.

BAIR is based on the premise that students, including admitted students, are Berkeley alumni in training. We focus on building student engagement with our office, and hope that the bonds formed now will endure long after graduation.

What about mentoring programs?

Last year, we launched initiatives that connect alumni and students: the Admitted Students Program, the Alumni Guide Program for 1Ls and transfer students (see page 52), and the Winter Interview Program for 2Ls interviewing with firms during Early Interview Week (see page 55). We hope to create a similar mentoring program for students interested in public interest careers starting in the fall.

To more efficiently create alumni-student connections, we just launched an alumni volunteer platform called Berkeley Connect. Alumni can fill out a profile and opt into as many volunteer programs as they wish.

How do Berkeley Law's alumni and development programs compare with its peer law schools?

REACH is modeled after Yale's alumni chapters program that has been in place for decades. I'm very pleased with our progress, particularly given the COVID disruption, and I know there is still significant growth ahead of us.

As far as I can tell, BAIR is unique. Many peer schools offer one-off activities like exam breakfasts, but our program aims to be comprehensive. I want to be the pacesetter and let everyone else try to catch up.

One area where we fall short of our peers is alumni giving. Our J.D. alumni giving participation rate is about 20%. The University of Virginia's is typically over 50%. Our revenue levers are static; philanthropy is really the only one with growth potential to continue our robust scholarship program, fund our clinics, and maintain an exceptional faculty. Giving is a conscious decision, and a community of donors can drive change. With our graduates' help, we can remain true to our public mission, educate the most promising future lawyers, and generate scholarship that will inform solutions to the greatest issues of our day.



HALFTIME HIJINKS: Former Student Association of Berkeley Law co-presidents Justin Brooks '21 (left) and Linda Blair '21 (right) with Director of Alumni Relations Erin Dineen at last year's 2L Half Lawyer Party, an annual Berkeley Alumni-in-Residence program event celebrating J.D. students reaching the midpoint of their legal studies.



TABLE FOR TWO: 1L Imani Martinez (left) and Elizabeth Toledo '16 both appreciate their Alumni Guide Program bond.

Guiding Lights

Imani Martinez '23 freely admits that joining Berkeley Law's Alumni Guide Program didn't exactly rank high on her to-do list.

"I signed up for a mentor because a bunch of my friends had, and I thought it couldn't hurt," she says. "I didn't expect much, which made finding the perfect mentor (Elizabeth Toledo '16) so much better."

Launched last fall to help build community amid the COVID-19 pandemic, the program matches alumni volunteers with entering first-year and transfer students to answer questions and help ease the transition to law school.

More than 150 pairs Zoom-met during orientation in August, then again in September. Many continue to communicate about courses, careers, and life itself.

While Toledo has helped with cover letters, networking, and interview preparation, Martinez most appreciates her authenticity and perspective.

"My favorite part of speaking to Liz hasn't been about law school," she says. "It's talking about our families, joking about the election, things like that. It's also nice talking with someone removed from my class because they aren't freaking out over

finals or journals. There's a space of calm where you can step outside the tornado that is 1L year."

The Alumni Guide Program aims to fuel the warmth and humanity that pervade Berkeley Law's community. Having benefited "tremendously" from mentorship programs as a law student, Toledo also signed on because of the pandemic's unique circumstances.

"I thought connecting with a Berkeley Law student, and in particular a woman of color, would create an important bridge in what are such isolating times," she says. "It's important for 1Ls to forge alumni connections early for many networking and

career-building reasons. But as a woman of color, I also found these connections were a critical reminder that people who look like me can make it through law school in one piece and begin to build the career they dream of."

Indeed, Martinez says she chose Berkeley Law largely because many alumni spoke glowingly about its Law Students of African Descent and La Alianza (formerly La Raza) chapters. She is currently active with both student groups, the La Alianza Workers' and Tenants' Rights Clinic, and the *Berkeley La Raza Law Journal*.

For Toledo, giving back as an alumni guide has been rewarding — and inspiring.

"Imani is full of positivity and ambition, which is contagious," she says. "I've loved hearing about her family, her background, and her path to Berkeley Law. She's also very receptive to suggestions on how to challenge herself. I've enjoyed seeing how she has grown in law school and I'm very confident that she's going to be incredibly successful." —Andrew Cohen



BRITTANY HOSEA-SMALL (3X)

International Aid Brigade

Berkeley Law's LL.M. Program draws students from all over the globe, but even during pre-pandemic times, in-person recruiting was a challenge.

Enter the school's network of LL.M. alumni, who are some of the program's best — and most enthusiastic — ambassadors. One example is in Tokyo, where for two years, Ken Inoue '16 has organized information sessions with two other graduates from his class, Sakka Kobayashi and Hideaki Saito.

"After I started working, I noticed that some of the other law schools held sessions in Tokyo for prospective students. I thought Berkeley Law deserved to have one of its own, so that potential applicants could know more about the school and the wonderful experience it has to offer," Inoue says.

In 2019, the session was in person, with Anya Grossmann of the Advanced Degree Programs Office joining via Zoom. In 2020, the event was all virtual. Grossmann took the first half for her presentation, while Inoue, Kobayashi, and Saito ran the second half of the two-hour Saturday morning gathering. Each meeting drew about 50 people.

The alumni talked about everything from Test of English as a Foreign Language scores to extracurricular activities, including Berkeley Law's Student-Initiated Legal



TOAST TIME: LL.M. alums including Sakka Kobayashi '16 (second from right) and Ken Inoue '16 (fourth from right) with newly admitted students and Berkeley Law's Anya Grossmann (third from right) at a 2019 Tokyo gathering.

Services Projects, and took questions about the school and the Bay Area. They also held a new year's dinner with prospective students in 2020.

"It's a great opportunity to spread the charm of Berkeley Law," Saito says. "For prospective students, there are not many opportunities to know the real life at Berkeley. Since we all had such a wonderful time there, I thought knowing more about the experience might be informative for new students."

Inoue says he's received hugely positive feedback from prospective students, and that several have applied and enrolled.

"My experience with this has been wonderful, just as my experience at Berkeley Law has been," he says. "It was extremely meaningful for me personally, because I had a chance to share this with a larger audience."

Alumni in other countries have pitched in with recruiting, too. In Santiago, Chile, for example, a group regularly hosts dinners for anyone interested in the LL.M. Program, paying the costs themselves.

That same group helped Grossmann pivot to a virtual event in 2019, when protests prompted a citywide curfew that made an in-person meeting impossible.

It's a huge boon for Berkeley Law — especially once the COVID-19 pandemic effectively stopped any possible travel.

"These energized alumni make a big difference," Grossmann says.

—Gwyneth K. Shaw

SLIDE SHOW:

LL.M. graduates helped prepare a Berkeley Law presentation to prospective students in Japan.

UNIVERSITY OF CALIFORNIA, BERKELEY
カリフォルニア大学バークレー校

- 現在10あるカリフォルニア大学の分校のうち、最初に設立された旗艦校。愛称はCaliforniaを縮めた"Cal"
- バークレーはサンフランシスコから湾を隔てた対岸にある人口約12万人の学園都市。
- カリフォルニア大学バークレー校ロースクール (UC Berkeley School of Law 略称 Berkeley Law) は、1894年設立。各種ランキングで常に全米トップ層に位置。
- J.D. (3年課程)、LL.M (1年課程)、その他の学位を授与している。
- Advanced Degree Program (ADP) Office がLLMを担当。



GIVING BACK:
Cynthia Lee '89 speaks at the Association of American Law Schools' New Law Teachers Workshop in June 2019.

A Gratitude-Fueled Bequest

Cynthia Lee '89 loves replaying her greatest hits as a Berkeley Law student.

Taking Contracts with iconic professor Marjorie Shultz inspired her to become a law professor. Making connections through the school's Asian Pacific American Law Students Association forged close lifetime friendships. Being an associate editor on the *California Law Review* propelled her to a federal judicial clerkship, practice at a private law firm in San Francisco, and then academia.

Even though she lives 3,000 miles away and teaches at another law school, Lee's devotion to her alma mater is unwavering — as evidenced by her recent bequest to the Death Penalty Clinic Fellowship Fund.

"I really appreciate the quality of my legal education," she says. "I also appreciate not paying as much tuition as I would have if I had gone to a private institution. I want to ensure that Berkeley Law continues to rank as one of the top 10 law schools in the country, which is why I donate every year and gave a bequest."

Prompted by a legacy challenge at George Washington University, where she has taught since 2001, Lee decided to revisit her overall estate planning. She

made one bequest to help fund GW law students who become public defenders, and another to Berkeley Law.

The school's Death Penalty Clinic Fellowship "aligns with my commitment to indigent criminal defense work," Lee says. While teaching at the University of San Diego School of Law in the 1990s, she met clinic Director Elisabeth Semel, then a prominent criminal defense attorney in the area, through the private criminal defense bar group.

"I was just a junior law professor and not actually practicing criminal law, but Lis was very kind to me during my time in San Diego," Lee recalls. "It felt good to return the favor in this small way."

A criminal law scholar, Lee has published numerous law review articles, authored and edited several books, and chaired the Association of American Law Schools' Criminal Justice Section. Her research on reforming the law on police use of deadly force was used as the basis for recent legislation in Washington, D.C., Virginia, and Connecticut.

While Lee warmly recalls her time at Berkeley Law, she admits to envying the wealth of clinical opportunities its students now enjoy.

"Clinical experience is super important as it provides hands-on experience working with clients and doing the things that lawyers do," she says. "It's better to get one's feet wet as a law student, when mistakes are expected — and are more easily rectified — than to make those same mistakes as an attorney." —*Andrew Cohen*



Interviews Switch Settings — and Seasons

Early Interview Week is a staple of the 2L year, an August milestone offering students the chance to talk with recruiters and secure a job for the following summer.

But like so many other things, the COVID-19 pandemic upended the process. This year's interviews weren't just virtual, they shifted to January, shoehorned into the week before spring courses began.

As usual, Berkeley Law alumni volunteered to mentor students and help them prepare for both the bidding process (which happened in November) and interviews.

"There was a general sense of anxiety with respect to the economy and job prospects," says Smita

Rajmohan '14, mentorship chair for the Berkeley Law Alumni Association. "While this has been a very uncertain time to interview and make major job and life decisions, it did turn out that most big law firms were busier than ever, so recruiting was largely unaffected."

Rachel Wilson '22 says the disruption was difficult, but that Berkeley Law's Career Development and Development & Alumni Relations offices helped smooth the way. She was matched with Josh Furman '14, and says he was a great fit.

They met once — virtually, of course — to get to know one another, and then did a mock interview. Furman checked in again after Wilson's round of interviews.

"He really helped me fine-tune my strategy," she says. "I didn't want to overpractice because I didn't want to sound scripted, but he helped me think strategically about a couple of potentially challenging questions, and that ended up being very useful."

The interviews themselves were just as intense as she expected, and the virtual format posed some challenges.

"Especially being on camera and the pressure of seeing myself and the interviewer at the same time was really exhausting," Wilson says.

Still, there were some benefits, including getting to wear comfortable shoes and have an interviewer's bio on screen for a quick refresher just before starting a conversation.

Rajmohan says the pandemic-induced informality of virtual professional interactions — with dogs and babies wandering in and out and glimpses of someone's home hovering just over their shoulder — also helped students get to know their interviewers better, and see how lawyers juggle work and home life.

Even once the pandemic is over, these matches will continue through the Berkeley Alumni-in-Residence Program, which works to engage students with the alumni office before they graduate.

"I'm hugely thankful to all our fantastic alumni who stepped up," Rajmohan says. "From all accounts, they provided some much needed guidance and moral support when students needed them the most." —*Gwyneth K. Shaw*

NEW HORIZON:

Rachel Wilson and other 2Ls received valuable alumni guidance on law-firm recruiting and interviews.

BRITTANY HOSEA/SMALL



Class Notes

All in the Alumni Family

Your Classmates Want to Hear From You!

Contact Us

By Email

classnotes@law.berkeley.edu

By Mail

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

1955

J. Clifford Wallace completed 50 years as a federal judge in October. He has been at the U.S. Ninth Circuit Court of Appeals since 1972, serving as chief judge from 1991 to 1996.

1962

Gary Gwilliam of Gwilliam Ivary Chiosso Cavalli & Brewer in Oakland was a finalist for the 2020 Consumer Attorneys of California Trial Lawyer of the Year Award.

Philip Kaplan, who spent 27 years as a U.S. Foreign Service diplomat, published his first novel, *Night in Tehran*. Based on historic events, it's a thriller about an American diplomat's year of living dangerously in Tehran leading up to the Iranian Revolution.

1967

Stephen Cornwell of Cornwell & Sample and Freedman Law received a Lawyer of the Year award for 2021 from *U.S. News - Best Lawyers in America*. He also, with René Turner Sample,

recently acquired Freedman Law, a top personal injury law firm in Central California.

James McManis, founder and partner at McManis Faulkner in San Jose, was named a California Trailblazer by *The Recorder* and received a *National Law Journal* Elite Boutique Trailblazer award for the second time.

1968

Bob Rhodes published "Florida Growth Management Odyssey: Revolution, Evolution, Devolution, Resolution" in the *Journal of Comparative Urban Law and Policy* as part of a tribute to his friend Dr. Julian Juergensmeyer, who is retiring from the University of Florida and Georgia State College of Law.

Leroy Wilson Jr. received the National Bar Association's Ronald Harmon Brown Award of International Distinction.

1973

John Burris was honored as the California Lawyers Association's

2020 Trial Lawyer Hall of Fame recipient. A renowned civil rights attorney, he was also featured on the cover of the October/November 2020 *ABA Journal*.

1974

Linda Greene was named inaugural dean of the Michigan State University College of Law. A University of Wisconsin Law School professor since 1989, she also spent five years as the inaugural vice-chancellor of equity, diversity, and inclusion at UC San Diego.

Lise Pearlman was named an American Book Fest 2020 True Crime/Nonfiction Best Book Awards finalist for *The Lindbergh Kidnapping Suspect No. 1: The Man Who Got Away*. Her October podcast interview on Most Notorious was also one of the month's top-rated podcasts.

1980

Luis Céspedes was appointed California's judicial appointments secretary. Gov. Gavin Newsom said Céspedes "has championed

Class of 1970

Looking Back to Process Today's Turmoil

Berkeley Law's Class of 1970 endured tumultuous times, nationally and on campus. The assassinations of Martin Luther King Jr. and Robert F. Kennedy. The bombing of Cambodia and the killing of four student protesters at Kent State University. Protests and clashes with local police during Stop the Draft Week in 1967 and at People's Park two years later.

"We at the law school were consumed by the Vietnam War and the disruptions," says class member Len Unger. "Legal education took a back seat to what really concerned the students."

He sees clear parallels between their experience and today's students navigating the COVID-19 pandemic — particularly the uncertainty, both in the moment and about the future.

"Every person lives in a pivotal moment for that person, but Berkeley in the '60s certainly was more pivotal for more people than most," says classmate George Forman. "There was little opportunity for frivolous escapades."

He remembers the distinct uptick in anxiety when male graduate students lost their deferment for military service, and that Professor Mike Smith — who had been a conscientious objector — was a resource for students considering their options to avoid the draft. Unger thinks as many as 10 percent of his classmates quit school and joined the military reserves.

Students were heavily involved in the activism that defined the campus and the city during that time. They joined demon-



strations, of course, but also defended protesters before the campus Student Conduct Committee, served as legal observers during protests, and created a community assistance program that provided volunteers to Berkeley Neighborhood Legal Services.

Forman and Unger, who attended their 50th reunion via Zoom in October, also recall a very different law school. Forman says there were few students or faculty of color, and just 27 women, including 17 in their class.

The numerical grading system switched to a "TML" system: T for the top 10%, M for the middle 80%, and L for the lowest 10%.

Forman, who has spent his career representing Native Americans, returned to campus in February 2020 to judge the Native American Law Students Association National Moot Court Competition.

"It was heartening to see how diverse the student body is today, and how young, bright, and enthusiastic everyone seemed," he says.

Unger's advice for current students grappling with the disruption caused by the pandemic: make the most of your opportunity, despite the adversity.

"Through it all, we did manage to learn to think and reason as lawyers. We learned to be supportive of our classmates as opposed to being competitive," Unger says. "My time at law school instilled a sense of confidence in my abilities and many intangibles that I internalized without even knowing that I was doing so." —Gwyneth K. Shaw

TOTAL RECALL: (Above) Police assemble in Berkeley during Stop the Draft Week in October 1967; (below) Berkeley Law Class of 1970 members, including George Forman (top left corner) and Len Unger (underneath him), reminisce during their 50th virtual reunion in October.





LEGAL LIONS: Kathleen Tuttle (below) tells the stories of vital L.A. attorneys, including Berkeley Law alumni such as Mildred Lillie '38 (left) and Herman Selvin '27.

Kathleen Tuttle '78

Bringing L.A.'s Lawyers to Life

Fictitious Los Angeles lawyers have long been a Hollywood gold mine. “Perry Mason” was one of television’s most successful shows. “L.A. Law” became a ratings bonanza for NBC. On the big screen, “The Lincoln Lawyer” earned 12 Oscar nominations.

But for Kathleen Tuttle, the city’s real-life lawyers are at least as compelling. Part of that group herself, her new book *Lawyers of Los Angeles: 1950 to 2020* spotlights L.A.’s practitioners and their far-reaching impact.

Tuttle spent five years developing the book, chronicling how city lawyers strongly shaped civil rights battles, high-profile trials, and L.A.’s rise as a major metropolis, and advised its Hollywood moguls and stars. In that chapter, a lawyer in 1985 asks, “After all, what would you most want to work on, the next Spielberg project or the next Conoco deal with DuPont?”

“I was born and raised in L.A. County and well remember some of the issues I discuss in the book,” Tuttle says.

One section reveals how the L.A. Bar eliminated its “unwritten color line” and admitted lawyers of color in 1950 — after two failed attempts — thanks largely to former Bar President and Berkeley Law grad Herman Selvin '27.

Before 1950, “red hots” — left-leaning lawyers, some of whom were suspected of

being Communist — led the charge to admit Black lawyers. “Given the temper of the times in those days,” Selvin is quoted in the book, “it was enough to put the kiss of death on any proposition, whatever its intrinsic merit.”

Convinced that most L.A. Bar members opposed discrimination, he insisted that the Bar officers sponsor the proposal, and that the vote occur immediately. The measure passed decisively.

Tuttle has been a private and public sector lawyer in Washington, D.C., and L.A. She was counsel to the U.S. House Democratic Caucus, minority chief counsel to the U.S. Senate Governmental Affairs Committee, and deputy-in-charge of the L.A. County District Attorney’s Office Antitrust Section.

Around 40 Berkeley Law grads are discussed in the book,

Tuttle’s third, which is available for purchase at lacba.org/bookstore. It also features iconic archival images and a foreword by former California Supreme Court Chief Justice Ronald George.

“I interviewed close to 100 lawyers and judges and dug deep for information,” Tuttle says. “Back issues of the *L.A. Times*, a dozen oral histories, 96 years of the L.A. County Bar Association’s monthly *Bar Bulletin* ... I ‘curated’ the best of these and prepared a chronology of events that came to 239 pages — before writing one word. I like to say there was a book before the book.” —Andrew Cohen



the cause of civil rights, equal justice, diversity, and inclusion throughout his storied legal career.”

Jerry Ruiz was chosen by the *Los Angeles Business Journal* in its Minority Leaders of Influence series. He co-chairs the real estate practice at AlvaradoSmith, is active in community and economic development initiatives across Southern California, and helps underserved young people navigate a path to college.

Lydia Villarreal will retire effective April 28 after 20 years as a Monterey County Superior Court judge. She served as presiding judge in 2018 and 2019 and as supervising judge of the Monterey Division in 2020.

1984

Paula Boggs was elected Recording Academy (The Grammys) Pacific Northwest Chapter governor and named to Fender Musical Instruments’ board of directors.

Neil Wertlieb, who retired as a corporate partner at Milbank LLP, is now an adjunct faculty member at Berkeley Law. He has

begun teaching transactional law skills in the course Venture Capital Deal Bootcamp: From Startup to Sale.

1985

Lee Bogdanoff was appointed to serve as a Los Angeles County Superior Court judge. He joins classmate **Mark Epstein**, who was appointed in 2016.

Kevin Muck joined WilmerHale’s San Francisco office as a partner in its securities litigation and enforcement practice.

Mark Sharf was appointed as a bankruptcy trustee to serve in cases under the Small Business Reorganization Act of 2019 (the new subchapter V of Chapter 11) in California’s northern and central districts.

1986

Fernando Aenlle-Rocha was confirmed as a U.S. District Court judge in the Central District of California. Previously, he was a Los Angeles County Superior Court judge, partner at White & Case, federal and state prosecutor, and president of the Mexican American Bar Foundation.

In Memoriam

Arno Reifenberg '49	Robert B. Wilcox Jr. '84
Hans Linde '50	Robert M. Klingon '87
Bruce M. Hall '52	Marion D. Miller '90
Grover R. Heyler '52	William J. Glenn '91
Claude H. Smart Jr. '53	—————
Werner F. Wolfen '53	Stephen H. Abel
George D. Basye '54	Anna B. Baca
Daniel J. Kirk '55	Barbara L. Brown-Jimenez
Elliot D. Pearl '56	Marcia Garbus Burnam
Jerry J. Phelan '56	Dolores E. Cakebread
Royce R. Lewellen '57	William A. Clemens
James R. Walton '57	Edna M. Combs
Arthur O. Armstrong Jr. '58	Roger C. Dunn
John J. Dutton '58	William C. Erskine
William R. Loveless '59	Barbara Perry Falconer
Ralph J. Moore Jr. '59	Nancy Ellis Falk
Joseph H. Blatchford '61	Vena P. Flint
Lloyd D. George '61	Ann G. Getty
Herbert Horstmann '62	Ruth B. Ginsburg
Charles M. Dresow '63	Marjorie Gunderson Glicksman
Stephen H. Schadlich '63	Jerry R. Greenwood
Philip A. Stohr '63	Elmer R. Grossman
Arthur J. Swerdloff '63	Lloyd D. Hanford Jr.
Lui J. Venator '63	George H. Hauck
Donald S. Walter '64	Marjorie Oliver Hayes
Burch H. Fitzpatrick Jr. '65	Caroline Heyler
Donald N. Stahl '65	Eleanor L. Hoffelt
Nyle G. Barnes '66	Harold A. Hyde
Selvyn Seidel '67	Robert E. Johnston
John G. Schwartz '68	Jill Hart Larsen
Brian O. Leary '71	Martha MacBride
Kent A. Russell '71	John K. McNulty
Tomas Olmos '72	Nickie K. O'Donnell
Mary Jo Christensen Shartsis '72	Bruce L. Smith
Brian J. Kahn '73	Joel Reims
David Mundstock '73	Irene S. Tekawa
Thomas A. Hulten '75	Joelle Johnson Triebusch
Joseph A. Myers '75	Judith M. Weintraub
Jack A. Palladino '75	Jeanne M. Wilcox
Michael O. Moran '76	Richard A. Zuniga
Stephen B. Sadowsky '79	
Marylina A. Manganiello '80	
Jeffrey V. Jensen '84	

Sean SeLegue '91

Setting a New Bar

Even in the best of times, leading the State Bar of California is a daunting task. With more than 270,000 members and varied concerns facing the state's legal profession, meaningful progress demands boundless energy and patience.

Becoming the organization's chair amid a raging pandemic — like Sean SeLegue '91 did in September — requires an even deeper commitment to the issues that affect California's prosecutors and public defenders, litigators and transactional attorneys, in-house counsel and solo practitioners.

SeLegue served many State Bar roles before assuming its top position. But COVID-19's jarring impact presented new challenges — including administering California's bar exam online for the first time and creating a provisional licensing system.

"Thanks to the hard work of Bar staff and board members, we've also maintained focus on other policy and reform initiatives during the pandemic, including working to close the justice gap and studying the effectiveness and fairness of California's bar exam and discipline system," SeLegue says. "We want to take a fresh look at these core State Bar functions."

A partner in Arnold & Porter's San Francisco office, SeLegue has carved out two highly successful practice areas.

As an appellate specialist, he handles appeals in areas such as real estate, partnership disputes, and securities law. As an attorney liability and ethics lawyer, he advises and represents lawyers and firms in matters such as disqualification motions and malpractice and malicious prosecution actions.

Eager to confront the stubbornly subpar diversity among California's lawyers, the State Bar under SeLegue's leadership is helping to gather data and to convene key participants each year at a diversity summit. The State Bar sponsored two such summits in 2020, one focused on private practice and the other on public interest law.

"It's important to listen to our colleagues, take to heart their experiences, and reconsider standard practices that can impede diversity in the profession," he says. "It's also critical to be intentional and focused on this issue, which will not solve itself."

The State Bar's second openly LGBTQ chair, joining fellow alumnus Michael Colantuono '88, SeLegue is a steadfast Berkeley Law supporter and actively engaged with the school — calling it "a special community that prizes excellence and public service." Having attended when tuition was dramatically lower thanks to significant state funding that has since eroded, he cites "a feeling of responsibility to support the institution."



As for the State Bar's prodigious to-do list, SeLegue remains unbowed.

"I've enjoyed the reform-minded focus of the board in the years I've served," he says. "Leading the organization provides further opportunity to effectuate positive change and maintain the integrity of the institution." —Andrew Cohen

Andres Rivero, a partner at Rivero Mestre in Miami, was named in the 2021 *Lawdragon 500 Global Litigators Guide*, which features top attorneys practicing in global litigation and arbitration. Chambers and Partners also named Rivero Mestre its 2020 Outstanding Firm for Furthering Diversity and Inclusion in the United States.

Trina Thompson, an Alameda County Superior Court judge, and classmate **Marvin Campbell** have taken up painting to help ease stress during the pandemic. They have playful West Coast vs. East Coast art contests, and Trina says Marvin has become very accomplished at painting, drawing, and woodworking.

1988

Lyndon Bittle, a partner at Carrington Coleman in Dallas, was included in the 2020 *Texas Super Lawyers* legal guide for his insurance coverage work.

1989

David Aladjem, a partner at Downey Brand, was named to *Sacramento Magazine's* Top Lawyers list in

energy and natural resources.

1991

Steven González was elected by his colleagues as chief justice of the Washington State Supreme Court for a four-year term. The court's first chief justice of color, he has served on its bench since 2012. Previously, he was a King County Superior Court judge, assistant U.S. attorney for the Western District of Washington, assistant city attorney for the City of Seattle, and business law attorney in private practice.

Susan Poser was appointed president of Hofstra University effective Aug. 1. The school's first female president, she is now provost and vice chancellor for academic affairs at the University of Illinois-Chicago, where her initiatives have supported faculty, enhanced diversity, and helped acquire the John Marshall Law School to create Chicago's only public law school. From 2010 to 2016 she was dean at the University of Nebraska College of Law, where she also was a profes-

sor and directed its Kutak Center for the Teaching and Study of Applied Ethics.



1992

Samir Goradia came out with a triple Christmas music release: the singles "Tender Me Love" and "Bourbon Dreams," and the EP "Gin and Tonic Love."

Ian Holloway LL.M. was reappointed to a third term as dean at the University of Calgary Faculty of Law, effective July 1, for a period of three years. He began his role as dean in 2011.

1993

Randall Strauss of Gwilliam Ivary Chiosso Cavalli & Brewer in Oakland was a finalist for the 2020 Consumer Attorneys of California Trial Lawyer of the Year Award.

Rhonda Trotter, a partner at Arnold & Porter, was named to the *Daily Journal's* 2020 Top 100 Lawyers list. Her litigation team won a six-week jury trial case for Planned Parenthood that resulted in more than \$2 million in compensatory and punitive damages.

1994

Julian Gross, one of the nation's principal experts on community benefits in land use development and public infrastructure, has joined Renne Public Law Group as a partner.

1996

Ellen Kaye Fleishhacker has been appointed to a two-year term as co-managing partner of Arnold & Porter. Based in San Francisco, she co-heads the firm's investment management practice and serves on its management and policy committees.

Linda Lye was appointed deputy secretary for law enforcement and general counsel at the California Environmental Protection Agency. She had served as a Contra Costa County Superior Court judge since 2018.

1997

Saralyn Ang-Olson has been appointed chief compliance officer at the California Department of Health Care Services. She had served in several positions at the California Department of Justice (Office of the Attorney General) from 2011 to 2020.

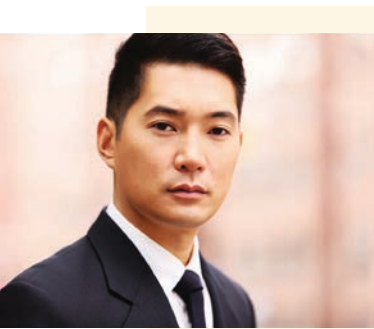
2000

Andrew Jurs was elected to the American Law Institute. He is the associate dean for academic affairs and a professor at Drake University Law School, where he teaches Expert Evidence, Evidence, Criminal Law, and Criminal Procedure.

Susan Moon O joined Kang Haggerty, a business litigation boutique firm with offices in Philadelphia and Marlton, New Jersey, as counsel.

2002

Michael Soejoto joined Mintz's real estate practice in Los Angeles. He works on commercial real estate joint ventures, other partnerships and strategic relationships, and property tax and transfer tax aspects of real estate transactions and real estate-related investment.



2003

Austin Ku was nominated for a 2021 Grammy Award, as a principal soloist on the original cast recording of the new musical “Soft Power,” in the Best Musical Theater Album category. In addition, his recent performance of “Someone in a Tree,” in the virtual concert “Take Me to the World: A Sondheim 90th Birthday Celebration,” was named as one of the *New York Times*’ Best Performances of 2020. Last winter, Austin took center stage as the lead role in the new musical “Shanghai Sonatas,” part of the University of Delaware Master Players Concert Series.

2004

Molly DiRago was named partner at Troutman Pepper in Chicago. She focuses

her practice on complex business and privacy litigation and compliance.

2007

Assad Rajani has been promoted to counsel at Arnold & Porter. Working in its Silicon Valley office, he is a member of the firm’s intellectual property & technology practice.

Bryant Yang was appointed to serve as a judge in the Los Angeles County Superior Court. Believed to be the first Burmese-American judge in the United States, he had been an assistant U.S. attorney in the Central District of California since 2016.

2008

Ben Heuer was recently elevated to shareholder at Buchalter, where he works on matters involving asset-based lending, factoring, corporate finance, and loan workouts and restructurings.

2009

Darius Graham was named a recipient of the Civil Society Fellowship, a partnership of the Anti-Defamation League and the Aspen Institute. He is the program director of the Harry and Jeanette Weinberg Foundation in Baltimore.

Emma Greenman was elected Minnesota state representative from District 63B, which includes South Minneapolis, with 73% of the vote.

Heather McGhee

created major buzz with her new book *The Sum of Us: What Racism Costs Everyone and How We Can Prosper Together*, which blends interviews, personal stories, and empirical research to show the toll of believing one group must advance at others’ expense. She was interviewed on “The Daily Show with Trevor Noah,” the *New York Times*’ “Ezra Klein Show,” and National Public Radio’s “Fresh Air.” Heather is past president and now distinguished senior fellow at Demos, a think tank geared toward fostering a just, inclusive, multiracial democracy.



2010

Suzanne Martindale was appointed senior deputy commissioner of consumer financial protection at the California Department of Financial Protection and Innovation. A Berkeley Law lecturer, she had been senior policy counsel and western states legislative manager at *Consumer Reports* since 2010.

2011

Lala Wu became the executive director of Sister District in March. She co-founded the national organization, which now has more than 55,000 members, after the 2016 election to help build progressive power in state legislatures.

2012

Joseph Petta joined the partnership of Shute, Mihaly & Weinberger in the firm’s San Francisco office. His practice emphasizes representation of citizen groups and public agencies in environmental and California land use law.

Ilana Herscovitz

Reid has joined the Financial Industry Regulatory Authority

in Washington, D.C. She is assistant general counsel in the Office of General Counsel’s Regulatory Practice and Policy Group, which oversees rulemaking and interpretive functions for the organization.

Arielle Singh has been promoted to counsel at Latham & Watkins in Silicon Valley. A member of the firm’s corporate department, she advises companies in the e-commerce, software, semiconductor, medical device, airline, and information technology industries.

2014

Alessia De Coppi LL.M. was elected partner at Latham & Watkins in Milan, Italy. She is a member of the firm’s finance department and works on a wide range of transactional matters.

Marisol León, deputy attorney general of the California Department of Justice’s Civil Rights Enforcement Section, received a 2021 Hispanic National Bar Association Top Lawyers Under 40 award. Her civil rights work involves immigrant rights, consumer protection, confinement conditions in jails

Fatima Abbas '11

Giving Native People a Voice

When Fatima Abbas found herself contemplating how to afford a London master's program in public health, her sister convinced her to apply to law school: "You like to argue and you can still do public health."

Lucky for Berkeley Law, she ended up enrolling, working on health law at the East Bay Community Law Center, and helping people seek asylum in the United States.

Now the vice president of government relations at the National Congress of American Indians, Abbas won a 2020 Outstanding Young Attorney award from the California Indian Law Association. The association recognized her "tireless advocacy for Indian Country at the state and national levels, especially during the Coronavirus pandemic," and called her a "rising legal warrior."

Her organization, founded in 1944, strives to be a voice in the federal government for more than 570 tribal nations. She supervises its policy team and works on legislative issues such as ensuring that tribes were included in the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

"Often native peoples are erased from the political landscape. The early data on COVID-19 infections didn't even collect statistics on native people being infected. That erasure of Indian people impacts their daily lives and their access to health," says Abbas, who helped advocate to Congress and assemble groups of tribal organizations to successfully push for over \$10 billion in aid for tribal governments.

Abbas's mother is Native American from North Carolina's Haliwa Saponi Tribe, and her father is Pakistani. Long passionate about social justice, she knew she wanted to work in civil rights, immigration, or tribal rights.

In addition to her relentless efforts on COVID-19 legislation, Abbas works closely with the U.S. Treasury Department, connects with conservation groups about federal land management, and educates the public about what tribes do. "It's the way we gain allies," she says.

Previously, she served as the Karuk Tribe's first in-house general counsel, where she supervised Berkeley Law's former Karuk-Berkeley Collaborative, a student-led pro bono project that helped the tribe preserve its natural and cultural resources in northern California's Humboldt and Siskiyou counties. Before that, she was deputy attorney general for the Colorado River Indian Tribes.

Abbas credits Berkeley Law with preparing her well for her current and past roles.

"A lot of federal Indian law is complicated and has no precedent," she says. "My ability to move in these different spaces, from law to policy, was based on the education I received at Berkeley. It prepared me to do anything, go anywhere, and answer questions that have never been answered."

—Sarah Weld



and immigration detention centers, police practices, and Title IX.

Danielle Pierre, a complex commercial litigation associate in Cooley's San Francisco office, was named to the National Black Lawyers Top 40 Under 40 list.

2016

Christina Fletes-Romo, an attorney at the American Civil Liberties Union of Northern California, recently received the Chicana Latina Foundation's Olga

Terrazas Trailblazer Award during the foundation's virtual annual awards dinner.

Evelyn Rangel-Medina joined the UC Hastings Center for Racial and Economic Justice as its inaugural visiting assistant professor. Over the past 15 years, she has developed an expertise in building and leading national racial, gender, and economic justice organizations.

Sloan Whiteside was named to *The Hollywood Reporter's* 35 Rising Executives

35 and Under list. She recently joined Del Shaw Moonves Tanaka Finkelstein & Lezcano in Los Angeles as an entertainment attorney.

2017

Ayodele Babalola LL.M. wrote Nigeria's first law textbook on campaign finance. *The Nigerian Campaign Finance Law* seeks to fill a void in the nation's legal jurisprudence; ensure that research, analysis, and practice on the issue become less cumbersome; and call attention to possible reforms.

Nicholaus Johnson, an associate at Downey Brand, was named to *Sacramento Magazine's* Top Lawyers list in business/corporate law.

2018

Lilith Siegel was appointed to the board of the National Disabled Law Students Association, where she will lead efforts to help disabled students gain access to judicial clerkships.

2020

Paul Balmer has joined Tonkon Torp in

Portland as a litigation associate.

Abigail Burman was selected as a Public Rights Project fellow to combat the increasing criminalization of self-managed abortion by developing an abortion sanctuary city policy.

Nina Lincoff won the American College of Environmental Lawyers' 2020 Herrmann Award for excellence in environmental law scholarship with her *California Law Review* article, "Looking to Hybrid Species for the Future of Coral Reefs."



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Parting
Shot

Los Angeles emergency room doctor **Theresa Cheng '14**, one of five Berkeley Law recipients of the prestigious Skadden Fellowship (see page 4), has seen COVID-19 reveal “the shortcomings of our healthcare system, our socioeconomic safety net, and an entrenched systemic racism.” She will soon provide civil legal services to homeless survivors of intimate partner violence in Alameda County.

Racial Justice

“We must confront and recognize the long history of racism in the United States, which permeates the law and legal institutions.”

— Dean Erwin Chemerinsky

Illustration by Ariel Sinha

What we’re doing:
law.berkeley.edu/racial-justice