

# Berkeley Law



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How we're  
fighting  
for our  
rights and  
working to  
advance  
justice,  
freedom,  
and equality  
at home  
and around  
the world.

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“There is strong agreement that it is our role — as faculty, as students, and as an institution — to advance justice.”

## Advancing Rights

**Basic human rights are in danger in the United States and across the world.** On June 24, the U.S. Supreme Court, in *Dobbs v. Jackson Women’s Health Organization*, overruled *Roe v. Wade* and held that the Constitution no longer protects a right of women to choose whether to terminate their pregnancies. This is one of the few instances in American history where the Supreme Court has taken away a constitutional right.

Across the world, there has been a rise in authoritarian governments, which are taking away fundamental rights to freedom of speech, due process, and reproductive choice. Thirty years ago, after the fall of the Soviet Union, democracies were emerging in many countries. Now it is frightening to see the turn towards authoritarian regimes.

As a law school, Berkeley Law is deeply committed to advancing the rule of law and to advancing freedom and equality. Although, of course, there are disagreements among our faculty and students about what this should mean and how to achieve it, there is strong agreement that it is our role — as faculty, as students, and as an institution — to advance justice.

The cover feature spread in this issue of *Transcript* focuses on some of the many efforts occurring at Berkeley Law to protect rights, in the United States and across the world. It describes the work of our students and faculty and clinics and centers on a number of important issues, ranging from reproductive justice to evidentiary fairness in criminal trials to privacy to international human rights.

Of all the statistics about Berkeley Law that I am proud of, and there are many, none is a source of greater satisfaction than that almost 95% of our first-year law students engage in pro bono work. Almost every student participates in one of our many efforts — our Pro Bono Program, our clinics, our centers — to protect people’s rights and enhance freedom and equality. Our public mission truly is a part of all we do.

At a time when many people are frightened and discouraged by what is happening, our response must be to fight harder and better than ever before to advance rights and equality. I am so proud of what we are doing at Berkeley Law in this regard, and I hope you enjoy reading about it in this issue of *Transcript*.

Warmly,

**Erwin Chemerinsky**

Dean, Jesse H. Choper Distinguished Professor of Law



# A Transformative Award

## The keystones of Berkeley Law’s No. 1-ranked

environmental law program will soon open even more new doors, thanks to a \$5 million *cy pres* award.

The distribution stems from class actions filed after 2015’s “dieselgate” exposed how Volkswagen installed illegal “defeat devices” in roughly 11 million vehicles to cheat emissions tests. The company and three of its subsidiaries reached a settlement in May, capping one of the costliest corporate scandals in history.

The devices enabled Volkswagen’s cars — certified as conforming to European Union and U.S. pollution standards — to emit up to 40 times the legally allowed amount of nitrogen dioxide, which has been linked to respiratory diseases and premature death.

Environmental Law Clinic Director Claudia Polsky ’96

and former Center for Law, Energy & the Environment (CLEE) Director Jordan Diamond ’08 submitted a joint proposal to plaintiff-side firm Lieff Cabraser for a distribution from the *cy pres* fund generated in one of the class actions. In May, a U.S. district court approved the proposal in full.

“This will be a tremendous boost for our work,” says Professor Daniel Farber, CLEE’s faculty director.

“There’s a \$1 million project to expand electric vehicle access to the disadvantaged, which will address a major equity issue. It will also serve as a model for building issues of social justice into our work.”

The funds will help initiate other new projects and strengthen existing ones, build staffing in areas that serve racial justice, and bolster administrative support

for the school’s overall environmental law program. Also, \$500,000 will help support community-based organizations that collaborate with the clinic and center or retain the clinic to assist with costly litigation involving expert witnesses, depositions, and travel.

Some funded areas are tightly linked to the class actions’ subject matter, namely projects aimed at reducing vehicular emissions of conventional pollutants and greenhouse gases.

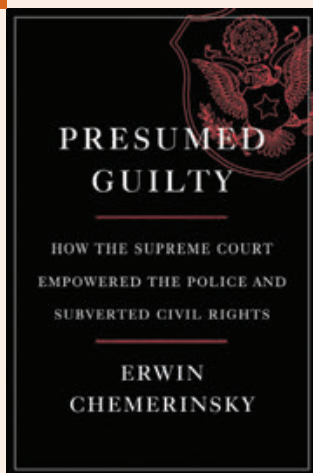
“Around this nucleus, we built otherwise difficult-to-fund proposal elements with a more attenuated connection to the litigation that are designed to increase capacity ... and to share the wealth with our community-based partners,” Polsky says.

— Andrew Cohen

**CELEBRATING:**  
Environmental Law Clinic  
Director Claudia Polsky ’96  
(center) with Samantha  
Murray ’21 (left) and Shona  
Armstrong ’97 at *Ecology  
Law Quarterly’s* 50th  
anniversary gala in April.

JIM BLOCK





## Book of the Year

### Dean Erwin Chemerinsky's

2021 book, *Presumed Guilty: How the Supreme Court Empowered the Police and Subverted Civil Rights*, won the best book award from the American Society of Legal Writers/Scribes. The organization has annually honored the top legal scholarship work since 1961.

*Presumed Guilty* argues that the Supreme Court's rulings over the last half-century have enabled racist policing and sanctioned law enforcement excesses. The book presents a groundbreaking history of judicial failure fueled by an elaborate body of doctrines that allow the police and the courts to believe that people — especially people of color — are guilty before being charged.

America's most-cited constitutional law scholar, Chemerinsky has litigated cases dealing with police misconduct for decades. Examining seminal Supreme Court cases and justices, he demonstrates how the Court has repeatedly declined to impose constitutional checks on police while deliberately gutting remedies to challenge police misconduct.

## International Alliance

### Thanks to a new international partnership, 100 practicing lawyers

from Ukraine are taking Berkeley Law's Corporate Finance Fundamentals course for free. With Russia's invasion creating major instability, participants welcomed the opportunity.

"This will ultimately assist the soonest recovery of our economy," says mergers and acquisitions lawyer Vitalii Mainarovych. "The course contributes to the overall understanding of how corporate finance works in a very user-friendly way, and such corporate finance will increase the flow of capital and foreign investments into Ukraine."

Providing an online certificate program and knowledge platform for lawyers and other non-financial professionals, the Executive Education course normally costs \$1,000. Delivered through online lectures and interviews, it conveys how to apply financial information analysis and corporate valuation in business settings and throughout legal practice. There are roughly 20 hours of content and a 10-week recommended schedule, but participants have up to a year to complete the requirements and earn the certificate.

Berkeley Law Professor Robert Bartlett heard from a colleague that some Ukrainian lawyers had asked about online options while their country and careers were suffering from the Russian invasion. He brought the idea to Berkeley Law Assistant Dean for Executive Education and Revenue Generation Adam Sterling '13, who then connected with Oleksandr Akymenko at Ukrainian Global University and Artem Shaipov, a lawyer and development professional with close ties to the Ukrainian Bar Association.

"As a public university, access to education is a key priority," Sterling says. "The work of these 100 Ukrainian attorneys has been disrupted by the war. This is a small gesture, but one we're grateful to be able to make."

Course participant Oleksandr Lysenko, who works as a corporate governance consultant, says, "Ukraine's fight is also for the civilized world. In this regard, worldwide consolidation and international partnerships like this are absolutely crucial." — *Andrew Cohen*

#### ADDING VALUE:

Ukrainian lawyer Oleksandr Lysenko calls the course "well-designed" and says it provides "important practical tools."





# Sensational Summers

Over the summer, Berkeley Law's standout students did intriguing work across the legal landscape. Here are just a few examples:

Yuhan Wu '24 externed with the U.S. District Court for the Central District of California's Patent Program. She is active with the school's Women in Tech Law group (co-president), *Berkeley Technology Law Journal* (articles editor), *Berkeley Business Law Journal* (senior publishing editor), and Food Justice Project (co-director of client services).

"I gained substantial understanding of the patent system and what litigation work is like, which helps me narrow down the practice areas I want to pursue," Wu says.

George Abunaw '24 worked as an associate doing sports immigration work at Maiorova Law. A former Boston University soccer team captain, he works with UC Berkeley's Graduate Assembly (law school representative), the *Berkeley Journal of Entertainment and Sports Law* (social media editor), and Law Students of African Descent (public relations chair).

"As a lover of sports and a former collegiate athlete who is now a law student, it has been incredible to experience sports from a legal perspective," Abunaw says.

Billy Bradley '24 worked with Legal Services Alabama as a Rural Summer Legal Corps intern. A first-generation professional student, he holds leadership positions at five Berkeley Law organizations or journals.

"I've been able to research several substantive topics across the civil law sphere," says Bradley, who grew up near the Florida-Alabama border. "I'm grateful for the opportunity to help others in the same difficult situations I saw growing up."

Paloma Palmer '24 was a legal intern at the United Nations International Residual Mechanism for Criminal Tribunals in The Hague, Netherlands. A former U.S. Department of Defense Boren Scholar, she is the *Berkeley Journal of International Law's* associate editor and a research assistant to Professor David Oppenheimer.

"My assignments were phenomenal opportunities to learn more about the Yugoslav conflict, international criminal justice, and how to 'think like a prosecutor,'" Palmer says. — *Andrew Cohen*



**FOUR SCORE:** (from top) 2Ls Yuhan Wu, George Abunaw, Billy Bradley, and Paloma Palmer.



## Combating Cyber War Crimes

In March, Our Human Rights Center made a submission to the Prosecutor of the International Criminal Court (ICC) on the potential for charging Russian cyberattacks against Ukraine's critical infrastructure as war crimes. If accepted, it would mark the first cyber war crimes charge filed at the court.

The submission focused on attacks against Ukraine's power grid in 2015 and 2016 — which caused blackouts that impacted hundreds of thousands of people — and took place in the context of fighting in Crimea and Eastern Ukraine since 2014. Since then, the center has continued to document and investigate hostilities in the cyber domain between Russia and Ukraine.

The center seeks to broaden the court's investigation "to include the cyber domain in addition to traditional domains of warfare — land, air, maritime, and space — given the Russian Federation's history of hostile cyber activities in Ukraine." It asserts that an ICC investigation into cyber war crimes would not only deter states from targeting civilian critical infrastructure, but could set important legal precedent for the application of international law in cyberspace.

The submission further notes that "State-sponsored cyber attacks have escalated in the shadows," with no mechanisms for accountability. — *Andrew Cohen*





**HER MENTOR:**  
Professor Melissa Murray congratulates Herma Hill Kay, who died in 2017, at a reception for Kay's 2015 AALS Lifetime Achievement Award.

## Fortifying the Scholarly Community

**Even amid the challenges of the lingering COVID-19** pandemic, Berkeley Law remains a busy hub for thought-provoking lectures and symposia. Some highlights from the 2021-22 academic year:

**Stefan A. Riesenfeld '37 Symposium**, "Big Money, Big Enforcement: New Frontiers in Global Antitrust Regulation." Keynote speaker and Riesenfeld Award winner: Margrethe Vestager, European Commissioner for Competition and executive vice president of the European Commission for a Europe Fit for the Digital Age.

**Herma Hill Kay Memorial Lecture**, "Race-ing *Roe*: Reproductive Justice, Racial Justice, and the Battle for *Roe v. Wade*." Speaker: Melissa Murray, New York University law professor and faculty director of its Birnbaum Women's Leadership Network.

**Robert A. Kagan Lecture in Law and Regulation**, "Confronting Deep Uncertainty in Regulatory Science: Contaminated Lettuce and the Elusive Quest for Food Safety." Speaker: Timothy Lytton, Georgia State University law professor and associate dean for research and faculty development. Discussants: Edward Rubin, Vanderbilt

University law and political science professor; David Vogel, UC Berkeley Haas School of Business and Political Science Department professor emeritus.

**Irving Tragen Lecture on Comparative Law**, "Metacanons: Comparative Textualism at SCOTUS and in Islamic Law." Speaker: Intisar Rabb, Harvard University professor of law and history and director of the school's Program in Islamic Law.

**Thomas M. Jorde Symposium**, "The Third Founding: The Rise of Multiracial Democracy and the Authoritarian Reaction Against It." Speaker: Steven Levitsky, Harvard University professor of Latin American Studies and Government and director of its David Rockefeller Center for Latin American Studies. Discussants: University of Texas Law School Professor Richard Albert; University of Wisconsin Law School Professor Miriam Seifter; University of Chicago Law Professor Tom Ginsburg.

Keep up with Berkeley Law's robust intellectual life from anywhere in the world at our new web hub: [law.berkeley.edu/intellectuallife](http://law.berkeley.edu/intellectuallife) or on our YouTube channel: <https://www.youtube.com/berkeleylaw>

## Now Deer This

**You never know what you'll find at Berkeley Law.**

One night in June, LL.M. student Felix Aguetant came across this unexpected visitor (see right).

We posted the photo on Instagram, held a caption contest, selected four entries for people to choose from, and now the buck stops here. The winning caption — with an impressive 40% of the vote — came from 3L

Colton Walker: "Vair Deer."

The other witty finalists: "Berkeley Law Is Where to Go for the Bucks", "What? Like It's Hard?", and "SCOTUS Term in Review: What the Buck."

Thanks to Felix for capturing the moment, to everyone who voted, and to our deer friend for providing a great photo-op.

# In the SCOTUS Fab Four

**Anya Ku '20 was one of four people selected to the prestigious U.S. Supreme Court Fellows Program for the 2022-23 term in Washington, D.C.**

The program enables mid-career professionals, recent law school graduates, and doctoral degree holders from law and political science fields to broaden their understanding of the judicial system through exposure to federal court administration. Ku is assigned to the Administrative Office of the United States Courts, the judicial branch's main support entity.

Beyond their primary responsibilities, fellows learn about upcoming cases at a Supreme Court preview conference, get gallery seating at oral argument and non-argument sessions, and attend luncheon seminars featuring high-level speakers, meetings with jurists and senior judicial administrators, and Supreme Court Historical Society events.

Fellows produce a work of scholarship on a topic relevant to their agency placement. They present their partial draft at a winter research workshop at the

Supreme Court, and later present their paper to a group of federal judges.

"I would not be here without the support of Berkeley Law's Career Development Office, professors, and alumni who supported me through the application process," says Ku, who recently clerked for U.S. Magistrate Judge Nathanael Cousins in the Northern District of California. "I look forward to developing the skills and passions I learned at Berkeley Law in my work with the Administrative Office."

Co-president of her 3L class and La Alianza Law Students Association, Ku received the school's Francine Diaz Memorial Award for her commitment to social justice for women of color. Co-chair of the San Francisco Bay Area's Minority Bar Coalition, she is also an accomplished photographer who had an exhibit at Berkeley Law (the Womxn of Color Collective Portrait Project) and co-authored a narrative cookbook called *Flavors of Oakland*.

— Andrew Cohen



**PLUM POSITION:** Anya Ku '20 parlayed leadership roles at Berkeley Law and a judicial clerkship into a coveted fellowship with the U.S. Supreme Court.



## Tech Help for Defendants

**Recent alumna Dana Yeo '21 has**

launched PDQuery, a 501(c)(3) nonprofit which connects lawyers representing indigent criminal defendants with civic-minded graduate students and young professionals in STEM. The purpose of the organization is to improve math and science literacy in the courtroom while also making the criminal justice system more accessible to non-lawyers.

"Overworked public defenders are asked to evaluate the credibility of evidence beyond their legal expertise," Yeo says. "We provide them with more than generalized training in DNA or cell phone evidence. We match them with actual people who can help answer specific questions which are critical to their legal strategy. We help attorneys understand what the evidence presented against their client says, and — perhaps more importantly — what that evidence *does not* say."

PDQuery's current slate of volunteers includes medical students, computer scientists, and software engineers scattered across Silicon Valley. These volunteers review medical records, conduct statistical analyses, and provide academic citations to lawyers in need of technical support.

The organization is supported by two Berkeley Law professors: Andrea Roth, who sits on the board of directors, and Rebecca Wexler, who serves as an advisor.

For her day job, Yeo works as a corporate associate in Cooley's San Francisco office. She can be contacted at [dana@pdquery.org](mailto:dana@pdquery.org) — Andrew Cohen





## Much to Celebrate

On October 14, Berkeley Law's Death Penalty Clinic will hold a reception for its alumni at the Women's Faculty Club. The event celebrates the 20th anniversary of the clinic — one of several notable recent anniversaries within the law school community (see page 19).

Dean Erwin Chemerinsky will give remarks, and the clinic will herald some of its foundational donors. The next day, there will be a picnic in Tilden Regional Park for clinic alums and their families.

Our next *Transcript* issue will highlight the celebration, explore the clinic's major impact within Berkeley Law and nationally, and profile some of its former students who are now engaged in pathbreaking work.

Through individual representation and impact litigation, clinic faculty and students have advocated on behalf of death-sentenced clients in 10 states. A companion seminar engages students in substantive capital punishment law, investigation skills, and death penalty litigation fundamentals.

The clinic has filed several *amicus curiae* briefs in both U.S. and California Supreme Court cases involving challenges to discriminatory jury selection, race discrimination in the administration of the death penalty, and execution methods.

It also recently produced reports on racial bias in the exercise of peremptory challenges in jury selection in California (helping to propel legislative reform) and Kansas.



**LEADING ROLES:** Roxanna Altholz '99 and Ty Alper now co-direct the Clinical Program.

## Full Steam Ahead

After shepherding Berkeley Law's Clinical Program through two years of a global pandemic, International Human Rights Law Clinic Co-Director Laurel E. Fletcher has handed the baton to fellow Co-Director Roxanna Altholz '99 and Death Penalty Clinic Co-Director Ty Alper.

The surging program — which currently houses six in-house and eight community-based clinics — plans to add three more in-house clinics and four professors over the next five years.

"Clinics used to be something law students would discover," Altholz says. "Now, they're the reason why many students come to law school. There's no better place to learn lawyering skills."

Alper, who joined Berkeley Law with Altholz in 2005, sees clinics especially appealing to students in today's political climate.

"They're questioning whether the institutions they believed in can actually work to protect democracy and justice," he says. "We offer an opportunity for students to see that this conservative institution of the law can actually be used in radical ways to disrupt entrenched patterns of oppression and racism."

When Fletcher took over in the summer of 2020, in the midst of COVID-19 and nationwide protests following George Floyd's murder, she worried that students would lack the time and energy to enroll in the rigorous program, which was entirely remote. Instead, she found demand only increased.

"When the need is greatest the students rise to the occasion — that's the Berkeley brand," says Fletcher, a faculty member since 1998. "Some of the best work I've seen from students came during the pandemic."

— Sarah Weld



# Fighting Fast Fashion

Berkeley Law 3L Hoda Katebi was featured in a lengthy *New York Times* Q&A about her efforts to dismantle the global garment industry and its fast-fashion sweatshops. An activist, writer, and speaker, Katebi in 2019 launched Blue Tin Production, a Chicago clothing cooperative run by working-class women of color.

“Growing up in Oklahoma, wearing the hijab, I had to come to terms with being visibly Muslim,” Katebi, an Iranian American, told the *Times*. “People would call me a terrorist, or pretend to run me over.”

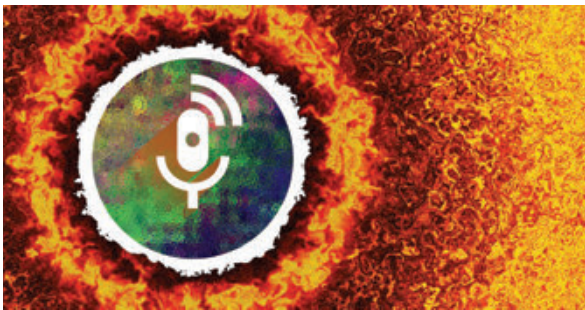
While some activists strive to increase garment workers’ wages, Katebi said she wants to end the system “that puts workers in these positions to begin with.” She described how the fast fashion system “requires violence in order to function,” asserting that “assaults on workers by managers are common, on top of the general subjugation and enforced poverty that give people little choice but to do this work.”

Featured in major media outlets such as *Vogue* and the BBC, Katebi also noted in the Q&A how the fashion industry fuels climate change, contributing more greenhouse gases than all maritime shipping and air travel combined.

“One in six people in the world works in the fashion industry,” she said. “No one knows this because the majority of them are working-class women of color. In Chicago, Los Angeles, New York, factories will intentionally hire undocumented workers and then not pay them for months. When the workers get upset, management calls ICE and has a self-reported raid of their own factory. Some of our former Blue Tin members have gone through that process.” — *Andrew Cohen*



**CLOTHING CAUSE:** Hoda Katebi '23 has become a leading voice in the movement against fashion industry exploitation.



## Listen In

**Our robust stable of podcasts** continues to thrive, bringing the expertise and insights of Berkeley Law faculty and students to the world. Here are some highlights of recent episodes:

Dean Erwin Chemerinsky’s “More Just” podcast wrapped up its first season with timely episodes on Critical Race Theory, the future of abortion rights in

the post-Roe v. Wade era, and free speech on campus. In a bonus episode, Chemerinsky

breaks down the U.S. Supreme Court’s sweeping term with veteran journalist Joan Biskupic.

On “The *California Law Review* Podcast,” Professor Khiara M. Bridges discusses her recent article, “The Dysgenic State: Environmental Injustice and Disability-Selective Abortion Bans,” which chronicles how communities of color are exposed to environmental toxins that harm fetal health while being forced to give birth to health-impaired fetuses.

“Borderlines,” hosted by Professor Katerina Linos, continues to explore international law and human rights, including an episode with Tom Ginsburg of the University of Chicago discussing his recent book, *Democracies and International Law*.

“Do You Even Have a Tech Degree?” from the *Berkeley Technology Law Journal* looks at the most pressing issues in technology. Recent episodes include Professor Molly Van Houweling on intellectual property in the Metaverse and an up-close look at the California Privacy Protection Agency featuring its first chair: Professor Jennifer Urban '00. — *Gwyneth K. Shaw*



**LOOKING AHEAD:** Louise Bedsworth (left) and Christina Chung are new executive directors of the Center for Law, Energy & the Environment and the Center for Law and Work, respectively.

## Center Stage

**Two of our powerhouse research** centers ushered in new executive directors this spring, both with blockbuster credentials and a long history of public interest work in California.

Louise Bedsworth leads the Center for Law, Energy & the Environment (CLEE) after joining last year as director of its Land Use Program and senior advisor to its California-China Climate Institute. Bedsworth spent almost a decade working for the state, as executive director of the Strategic Growth Council and deputy director of the

Office of Planning and Research under then-Gov. Jerry Brown.

“We had other very strong candidates,” says Professor Daniel Farber, CLEE’s faculty director, “but Louise stood out for the range of the strengths that she’ll bring to the job.”

As the climate crisis grows more urgent, Bedsworth is thrilled to lead the center.

“CLEE has built a tremendous reputation as a source for thoughtful and practical solutions for complex environmental challenges,” she says. “I’m excited to build on this strong foundation.”

Christina Chung, an advocate for low-wage workers for more than

20 years, joined the Center for Law and Work as its founding executive director. The center was launched by Professors Catherine Fisk ’86, Catherine Albiston ’93, and Lauren Edelman ’86 in late 2020.

“She knows an extraordinary amount about the wide range of California labor laws and the state’s legislative and administrative process,” Fisk says. “And she knows a huge number and array of lawyers and community activists in California and nationally.”

A seasoned lawyer appointed to state positions by Brown and Gov. Gavin Newsom, Chung was a top aide to the state’s labor secretary and labor commissioner. She shepherded the creation of the SEED program, which has granted about \$30 million to help build worker cooperatives and socially responsible small businesses in undocumented and limited English proficient communities.

“What we do in this state has such a tremendous impact nationally,” Chung says. “I’m really excited to examine what we’ve accomplished here and what we’ve failed to do or haven’t conceived of yet, and to use this as a springboard to develop model economic justice policies.” — *Gwyneth K. Shaw*



**COURTING CHANGE:** Samuelson Clinic Supervising Attorney Megan Graham (left) and student Jennifer Sun ’23 in Minneapolis.

## North Star

**Law students rarely get to argue in federal court.**

But after months of careful preparation, that’s where Samuelson Law, Technology & Public Policy Clinic student Jennifer Sun ’23 found herself last spring.

On behalf of the Reporters Committee for Freedom of the Press, Sun and clinic Supervising Attorney Megan Graham argued in the U.S. District Court of Minnesota that the public has the right to access government requests for electronic surveillance records and court orders resulting from those requests.

“An incredible learning experience,” says Sun, whose prep work included simulations with Dean Erwin

BRITTANY HOSEA-SMALL (BEDSWORTH); ISABELLA SAOVIACO NASCIMENTO (NORTH STAR)





**UNDAUNTED:** Nahlee Lin '22 played a pivotal role in constructing the Structural Racism Remedies Repository.

## Addressing Racism, Advancing Equity

### Problems stemming from institutionalized racism

often seem multi-layered, far-reaching, and hard to contextualize — let alone mitigate. But the Structural Racism Remedies Repository, a collaborative effort steered by UC Berkeley's Othering & Belonging Institute, provides a new set of policy-based recommendations for advancing racial equity.

The project reviewed 25 scholarly books, 27 reports, several web-based organizational policy platforms, and virtually the entire range of material connected to racial equity from the 2020 presidential campaigns. Nahlee Lin '22 — a recent research assistant with Institute Director and Berkeley Law

Professor John A. Powell — played a key role in pushing the project forward.

“She tracked down numerous recommendations contained in books, journal articles, and other sources,” says Stephen Menendian, the institute's director of research. “Nahlee did a phenomenal job helping review the source materials and inputting the recommendations.”

The repository, which will be continually updated, focuses on eight main areas: police reform and the use of force, homeownership subsidies, rental assistance, baby bonds and other wealth-building tools, strengthening community-based and Black-owned financial institutions, universal pre-K, ending zero-tolerance school disciplinary policies, and forgiving student debt.

Additional policy areas discussed include reparations, vocational job training and community college, measures to strengthen voting rights, and bail reform.

Lin and other researchers identified major reform challenges to addressing structural racism, such as limited budgets, ideological and political opposition, legal and constitutional limitations on explicitly including race in policymaking, and resistance to policy implementation.

“I believed this repository could be a useful resource for a wide range of groups ... who are working towards racial justice,” Lin says. “It consolidates expert policy recommendations in a way that's accessible and that can minimize ‘reinventing the wheel.’”

— *Andrew Cohen*

Chemerinsky and Professor Orin Kerr. “A court hearing is live and active. You're anticipating and trying to shape the argument as it's proceeding.”

The clinic filed suit in December 2020, asking the court to change its sealing practices for certain types of search warrant materials and surveillance orders — and arguing that the First Amendment and common law require public access to them.

Currently, the government can compel third parties like Google and Facebook to disclose the contents of or information about users' communications, such as emails, phone records, and location data. But documents related to government requests for court orders and warrants are often hidden from public view.

“We're incredibly grateful for the top-notch legal representation that the clinic, and Megan and Jen in particular, have provided in this important case,” says Reporters Committee Legal Director Katie Townsend.

The Samuelson Clinic offers oral advocacy opportunities as frequently as possible to students, who have testified before the Copyright Office and advocated before the Oakland City Council.

“The heart of Berkeley's emphasis on experiential education is putting students into the role of a lawyer,” says clinic Director Catherine Crump, co-counsel in the case. “There is nothing quite like having students stand up and advocate before decision-makers.”

— *Sarah Weld*



# Fresh Faces

**The latest crop of new professors continues a strong hiring trend**

**Berkeley Law's outstanding faculty has an infusion of fresh new talent:** Six full-time professors whose expertise covers a wide spectrum.

"Maintaining and enhancing our excellence requires continuing to recruit truly top faculty," Dean Erwin Chemerinsky says. "We had an extraordinary year in hiring."

The new crop — two senior scholars, three junior faculty, and a clinical professor — study a broad range of topics. But all say they're delighted to put down roots at the law school, which has made 28 faculty hires since 2017.

**Assistant Professor Andrew Baker**

Baker, who holds a Ph.D. and J.D. from Stanford, joins a top-ranked and already exceptional business and corporate law group. He's excited to work with faculty members who have been friends and mentors for years.

"There's not a better place to study corporate

BRITTANY HOSEA-SMALL



law right now than at Berkeley,” he says. “What’s uniquely great for me is that Berkeley is filled with scholars who have expertise both in substantive law and institutional details, as well as empirical methodology and the application of economic principles to the law. I won’t have to walk far to find someone who can help me with any research question I’ll have.”

### Assistant Clinical Professor Stephanie Campos-Bui ’14

Campos-Bui’s appointment is the latest in a long line of accomplishments. She worked for the East Bay Community Law Center (EBCLC) and the Policy Advocacy Clinic (PAC) in law school, then was a Berkeley Law Public Interest Fellow at EBCLC right after graduating.

She worked her way up from teaching fellow to supervising attorney to deputy director of PAC, and now to clinical professor. This year, she won a UC Berkeley Chancellor’s Award for Community-Engaged Teaching for her extensive work on the harmful effects of juvenile and criminal legal system fees and fines, a cornerstone of PAC’s work in recent years.

“I didn’t know any lawyers growing up and law school felt foreign and overwhelming at times,” Campos-Bui says. “So the fact that someone like me can become an assistant professor gives me a lot of hope for the future of legal education.”

### Professor Hanoch Dagan

Dagan, who will start in July 2023, says Berkeley Law’s faculty is “inspiring and generative” and that the school’s students — and its dedication to the public interest — are an equally strong draw.

“I’m thrilled to be joining a community of scholars and students working at the cutting edge of academic debate and social justice change,” he says. “The school is positioned at the crossroads of the most interesting and important conversations in law today.”

Dagan, who has taught at Tel Aviv University for almost three decades, focuses on private law theory: analysis of the legal arenas that most profoundly affect our social and economic life, including property, contracts, and torts.

### Assistant Professor David Hausman

Hausman, who earned his J.D. and Ph.D. at Stanford, calls himself “a recovering political scientist.”

“But one thing I’m trying not to recover from is the habit of thinking hard about cause and effect,” he says. “Lots of the questions that courts want answers to are actually empirical questions, and the statistical methods that I learned in my political science Ph.D. program sometimes point the way to answers — or at least to more questions.”

Teaching Civil Procedure this fall, Hausman spent three years working with the American Civil Liberties Union (ACLU) Immigrants’ Rights Project as a Skadden Fellow, and his scholarly agenda reflects that work. He says he’s most interested in who gets deported from the United States, and why — from both a legal and practical perspective.

### Professor Sharon Jacobs

“Berkeley Law embodies the best of this place,” says Jacobs, a Berkeley native whose work examines the intersection of energy, environmental, and administrative law. “The students are unafraid to pursue change in the law and in the world more broadly. Our faculty are supportive and collegial while producing cutting-edge scholarship. And of course, there’s no better place to work on the energy transition than California, which leads the nation in innovative policy.”

Jacobs, who comes to Berkeley after eight years at the University of Colorado Law School, will work closely with the school’s Center for Law, Energy & the Environment, a leader in combating climate change. She focuses on the role law and regulatory policy play in navigating “one of the greatest upheavals in energy production and use that the world has ever seen,” and the nature of the legal institutions that make and implement energy policy.

### Assistant Professor Emily Rong Zhang

Zhang, who like Hausman also has a J.D. and Ph.D. from Stanford, is a former voting rights attorney whose scholarly focus is racial justice and voting. She too won a prestigious Skadden Fellowship, and worked with the ACLU’s Voting Rights Project.

“Our democracy is dealing with so many ongoing problems and facing so many imminent threats, and my research is motivated by that reality,” she says. “In particular, minority voting rights and access to the ballot box are two issues that scholars in my field have long struggled with — and that have gotten more urgent in recent years.” — *Gwyneth K. Shaw*



**ON STANDBY:**  
Tel Aviv University  
Professor Hanoch Dagan  
will begin teaching at  
Berkeley Law next year.

**NEWLY BOOKED:** Incoming faculty members Andrew Baker, Stephanie Campos-Bui ’14, Sharon Jacobs, David Hausman, and Emily Rong Zhang join a wave of recent hires that has greatly bolstered Berkeley Law’s teaching ranks.



# Power Platform

## Our Berkeley Center for Law & Technology expands access and builds community

**For more than a quarter-century, tech law scholars** and practitioners have turned to the Berkeley Center for Law & Technology to learn what’s happening in a constantly evolving and expanding field. Now, the center’s trajectory is heading even higher.

Just since the start of the year, BCLT held its 10th Privacy Law Forum, its first Advanced Life Sciences Institute, a packed symposium on the push to force companies to make their products serviceable by consumers rather than only technicians or engineers, and its annual Berkeley-Tsinghua Conference on Transnational Intellectual Property Litigation.

Also, the David E. Nelson ’59 Memorial Lecture featured center co-founder and renowned Berkeley Law Professor Robert Merges. He discussed IP’s impact on research and development and the economics of licensing transactions, after which a job fair helped students connect with practitioners.

Crowning this sizzling spring was a new major event, Berkeley IP & Tech Month — which offered 30 virtual sessions led by experts from Berkeley Law and Silicon Valley’s top firms — with each course eligible for Continuing Legal Education credit. Free to anyone for the first month and free to any UC graduate after that, the sessions are among the many offerings bundled

onto a new online platform so practitioners can access them and snag their credits anytime.

“As part of our mission as a public university, we’re focusing on making this available at no charge to companies and attorneys that normally don’t have access to high-end education materials,” BCLT Executive Director Wayne Stacy says.

The sessions reached nearly 4,000 participants live and ran the spectrum from traditional IP law to myriad specialties, including artificial intelligence, music copyright issues, and even plant patents.

Berkeley Law Professor and BCLT co-founder Peter Menell says the sessions and their on-demand avail-

ability break new ground in the center’s longstanding commitment to educate judges, policymakers, practitioners, and students.

“This model harnesses the unparalleled excellence, breadth, and depth of the BCLT community and helps to level the educational playing field — key parts of BCLT’s and Berkeley Law’s mission,” he says.

*U.S. News & World Report’s* No. 1-ranked law school in IP for 19 years, Berkeley Law recently added life science to the center’s longtime pillars of patents, copyrights, and trade regulation; privacy and cyber; technology and societal impact; and information technology.

Striving to build a community among sector practitioners, Life Sciences Project leader Allison Schmitt ’15 says the inaugural Advanced Life Sciences Institute focused on IP and licensing, offered free virtual prep sessions, and provided ample time for networking.

For Stacy, these collective offerings help the center further cement its position as the industry’s go-to resource.

“BCLT has always created incredible, cutting-edge material ... that impacts the development of law and policy in the tech and life science world,” he says. “We want to be the hub that helps expand that network of knowledge.” — *Gwyneth K. Shaw*



# Changing the Clerkship Narrative

## Berkeley Law sends a diverse group of alums into judicial chambers nationwide

**Before enrolling at Berkeley Law, Devin Oliver '22** had no idea what judicial clerks did. “I honestly thought they were more like court administrators or stenographers, which now sounds ridiculous,” he says.

Soon after finding out, he also learned that Black people held just 4% of federal clerkships among 2019 law school graduates, while whites held 79%. In this 2022-23 term, of Berkeley Law’s 87 clerks working across 30 states and territories, roughly a quarter are people of color and over half are women.

“We’re proud of that diversity,” says Director of Judicial Clerkships Anna Han. “Representation in the legal profession — and especially in the judiciary and among judicial staff — is critical to eliminating bias and improving access to justice.”

Oliver just began a two-year federal clerkship for Chief Judge Miranda Du '94 at the U.S. District Court for the District of Nevada, and will then clerk for Nevada Supreme Court Justice Lidia Stiglich.

Now a resource for other underrepresented law students pursuing clerkships, Oliver says that while many judges still use rigid hiring standards that don’t necessarily predict one’s ability to succeed as a clerk, a growing number are adopting a more holistic process.

“They’re seeing many students like me — diverse, non-traditional, and not in the top 5%, 10%, or even 20% of their class — are able to thrive,” he says. “Work experience, quality of professional relationships, public service, and lived experiences are more telling of one’s ability in that role than timed exams on an artificially forced curve. I decided to grow my legal skills through internships grounded in active litigation.”

Oliver came to Berkeley to become an environmental justice lawyer. But as his interests and goals evolved during his 2L year, he fell in love with litigation, particularly legal research and writing. He now wants to become an appellate attorney and then eventually teach as a law professor.

“Learning to research effectively, write well, and write efficiently — all key skills that are developed as a judicial

law clerk — would allow me to hit the ground running as a practicing attorney,” he says. “What better way to learn how to litigate than seeing firsthand how the litigation ‘sausage’ is made and learning what judges consider strong advocacy?”

Oliver targeted Nevada for its unique docket, which includes many environmental, public lands, and natural resources disputes. He was also drawn to Du’s sterling reputation and the fact that former clerks he talked with enjoyed working with her. “And on a more personal

### ON HIS WAY:

Devin Oliver '22, who landed two clerkships for judges in Nevada, celebrates graduating from Berkeley Law.





**NEW ADVENTURE:** Felix Mendez-Burgos '21 is clerking for Judge Maria Cenzon on the Guam Superior Court.

an “art form” he wanted to improve and thought, “What could beat being in chambers seeing how judges think and how the courthouse operates?”

Born in Colombia and raised in Tampa, Mendez-Burgos studied abroad in Italy and the United Kingdom. He also worked in Spain, spent the summer after 1L year in Tokyo as an associate at Japan’s largest law firm, and worked in Geneva as a student legal advisor at the United Nations Human Rights Council. So as the idea of clerking gained momentum, so did the hope of adding another exciting location.

“Guam came calling and it was perfect,” Mendez-Burgos says. “Fortunately, I’ve loved clerking and plan to do one more clerkship in the continental U.S. before settling down in Florida and growing my practice.”

He and Oliver both credit Han and her Career Development Office colleagues for demystifying clerkships and deftly navigating students through the application process.

“When I first got the itch to try my hand at clerking, Anna and I created an action plan. She was extremely helpful, especially when drafting cover letters,” Mendez-Burgos says. “The overall support that I received was just incredible.” — *Andrew Cohen*

level, she stood out as a powerful role model: a first-generation woman of color and Berkeley Law alum who has excelled as both a lawyer and federal judge,” he says.

Felix Mendez-Burgos '21, clerking for Judge Maria Cenzon on the Guam Superior Court, became interested after a good friend clerked for her.

“He’d constantly text me about how it was the most amazing experience,” Mendez-Burgos says. “It was hard to shut him up about the scuba diving he was doing on the weekends, the hike adventures, the friends he was making, and the lasting relationships he was building at the courthouse with judges and other law clerks.”

While a litigation associate in Florida, Mendez-Burgos began viewing persuasive writing and oral advocacy as

# Breaking New Ground

JIM BLOCK (ESP/UND)

**Innovative symposium at SFMOMA explores the nexus of art, law, and finance**

**The art world is no stranger to the concept of** reinvention — whether it’s style, medium, technique, or origin, the only constant is change. Art is also inherently a commodity, be it as a draw for museumgoers or an item to be bought at a gallery or auction.

The recent inaugural Berkeley Art, Finance, and Law Symposium explored the frontiers of the high-end art world — where NFTs of cartoon apes fetch a \$2 million price tag and a boom in bidders from around the globe pushed the spring art auction season into the stratosphere.

Hosted at SFMOMA by the Berkeley Center for Law and Business (BCLB), the unique event brought together lawyers, art dealers, academics, business leaders, critics, and movers and shakers from the tech world into the museum’s bright and high-ceilinged galleries.

“This subject pulls in a lot of people from a lot of different backgrounds,” says BCLB Associate Director





Delia Violante, who's passionate about art law and art markets and proposed and organized the symposium. "Law ties together issues related to art such as intellectual property, financial regulation, fraud and authentication, and the preservation of cultural heritage."

Violante spent years polishing the concept for the symposium, building on the connection between art and law and discovering along the way that others shared her passion. BCLB Executive Director Adam Sterling '13, Professor and BCLB Faculty Co-Director Frank Partnoy, and others supported her efforts, which she hopes will one day lead to the creation of a law and art institute at Berkeley Law.

"Art can influence the way we think, view the world, and embrace the many voices and perspectives around us. Art gives a sense of belonging and purpose," Violante says. "There's so much to think and talk about, and Berkeley Law should own this space."

Guests heard from speakers such as SFMOMA General Counsel Adine Varah, blockchain platform Dragonchain CEO Joe Roets, and Covington LLP copyright and trademark practice group co-chair Simon Frankel.

While art and finance regularly outpace the law, much of what's being wrestled with now — from how to value art-based NFTs to whether images generated by artificial intelligence can be copyrighted — isn't new.

Varah pointed to Marcel Duchamp's provocative

"Fountain" from 1917 as another example. It's a signed urinal the artist submitted to needle the newly formed Society of Independent Artists, which had pledged to exhibit every submission.

"Many of the fundamental questions of what is art, what is sold on the market, and how it's being valued are questions that artists featured in our collection and on our walls have been raising for years," Varah said. "It will be interesting to see 100 years from now what we think of NFTs — or if we think of them at all."

Regarding artificial intelligence (AI), the U.S. Copyright Office won't grant copyright to something created solely by a machine. But if well-trained algorithms can create a painting based on written directions, what should happen?

Frankel offered an example: If one of his children opened his iPhone camera and altered the settings, and then snapped a photo of the conference, the resulting image would be copyrightable — even though, in his opinion, the photo took no creativity, which is supposed to be what copyright protects. And the AI painting would be ineligible.

Partnoy conducted a riveting conversation with New York art world titan Ann Freedman, featured in a recent film and podcast, and fellow Berkeley Law Professor Sonia Katyal discussed whether a new reliance on "smart" contracts between buyers and sellers might create new legal conflicts.

"If you speak to artists, or you speak to collectors or investors, there are very different views about what the function of art is," Katyal said. "I think that's the world we're confronted with. The increasing commodification of art has really changed the stakes in answering that question."

Partnoy called the symposium "pathbreaking," adding that, "Like so many UC Berkeley events, it was an example of how our convening power and multidisciplinary approach can bring together people who might not otherwise talk and learn from each other."

— Gwyneth K. Shaw



**ART EXPERTISE:**  
(Left) *Wall Street Journal* art critic Lance Esplund speaks about "The Art of Looking." (Above) SFMOMA General Counsel Adine Varah with Claude Monet's "Femme au Chapeau."

JIM BLOCK (VARAH)







**MAKING CHANGE:** Dean of Admissions and Financial Aid Kristin Theis-Alvarez is helping the law school recruit and support more Native Americans.

# Door Opener

## New program helps cover tuition and service fees for in-state Native American students

**When Dean of Admissions and Financial Aid Kristin Theis-Alvarez** heard about the UC system's plan to cover tuition and student service fees for California residents enrolled in federally recognized Native American, American Indian, and Alaska Native tribes, she was elated: Creating a pathway to Berkeley Law for Native American students has been a passion-driven project of hers for years.

But she also knew the school needed to do more, because the Professional Degree Supplemental Tuition (PDST) makes up the bulk of law students' costs: \$21,334 per semester for in-state residents, on top of the \$5,721 tuition per semester. All UC professional school students pay PDST, which is set by the UC Regents.

"We agreed that it's important to make this education accessible, but also immediately recognized that PDST would remain a significant impediment," Theis-Alvarez says. "We felt the only way to honor the intention was for Berkeley Law to also offset PDST."

She gained approval from Dean Erwin Chemerinsky to cover those fees for qualifying students, using existing financial aid dollars. New students and continuing students who meet the criteria began receiving the gift aid this semester.

"Native Americans are very underrepresented in law schools and the legal profession. It is very important for Berkeley Law to provide opportunities for Native American students," Chemerinsky says. "This also is part of our important, larger effort to create a top

program in Indian Law.”

Professor and Indian Law scholar Seth Davis says the new program signals deepening engagement with Native students. Students revived the Native American Law Student Association (NALSA) chapter in 2018, hosted the National NALSA Moot Court Competition in 2020, are increasingly involved with the school’s Native American Legal Assistance Project, and support tribal people through the Environmental Law Clinic.

Davis calls Theis-Alvarez’s efforts to build on the UC commitment “transformative for our ability to recruit even more Native students — to show them that they are not only welcome, but will be supported materially as well as socially by our community.”

Berkeley NALSA member Asunción Hampson-Medina ’23 foresees the new aid enabling more Native students to attend law school, and to afford to work in their communities after graduating.

“So many barriers to political and economic power have been put up against Indigenous people for centuries,” Hampson-Medina says. “This is just one way to make up for that injustice and support Indigenous students who want to succeed in the legal field.”

Theis-Alvarez hopes Berkeley Law can raise more money and offer the same deal to enrolled members of federally recognized tribes who aren’t California residents. She’s also exploring partnerships with outside groups to ensure access for in-state members of tribes not recognized by the federal government.

“To make Berkeley Law a destination law school for Native American students, we have to take the next steps,” she says.

— Gwyneth K. Shaw

## Pioneering Anniversaries

### Throughout Berkeley Law, students

have access to trailblazing organizations with a meaningful history and a lasting impact. Here are four that recently celebrated milestone birthdays:

### Center for the Study of Law & Society (60th)

- First center of its kind that has had more than 300 visiting scholars from across the world working on criminal justice and law and society issues
- Supports empirical research on vital issues at the intersection of law and society in contemporary and historical contexts
- Challenges conventional legal and policy wisdom and seeks to reframe legal decision-making and discourse
- Called “without a doubt the premier law and society research center in the world” and “a magnet for scholars all over the world whose international influence is incalculable” by past Law and Society Association presidents Howard Erlanger and Lawrence Friedman

### Ecology Law Quarterly (50th)

- One of the nation’s oldest and most-cited journals in the field
- Focuses on groundbreaking environmental law topics, including renewable energy, environmental justice, and international environmental law
- Publishes four print issues a year and maintains an online companion publication called *Currents*
- Awards students public interest summer fellowships, writing prizes, and a diversity scholarship, holds weekly office hours, and coordinates biannual outdoor trips



### First Generation Professionals (10th)

- Supports students from working-class backgrounds who are the first in their families to attend graduate school
- The only group of its kind among major law schools when it was established helps members transition to and navigate law school
- The organization’s Private Sector Institute offers 2Ls and 3Ls advice, support, and networking with area law firm partners, in-house counsel, judges, and clients
- Provides programs on pursuing judicial clerkships, connecting with minority bar associations, building a professional network, and pursuing mentorship opportunities

### California Constitution Center (10th)

- The first and only center at any law school dedicated exclusively to studying California’s Constitution and highest court
- Publishes *SCOCAblog*, which covers the Supreme Court of California and analyzes its justices, cases, and issues before the court, with the *Hastings Law Journal*
- Offers courses taught by center faculty and research fellows on the California Constitution, the Supreme Court of California, and the state government
- Hosts conferences, webinars, and other events on timely topics such as redistricting and gerrymandering, the recall process, and diversity in the legal profession





## Over just a few days this summer, the United States

Supreme Court handed down a string of decisions that shook decades of constitutional jurisprudence to the core.

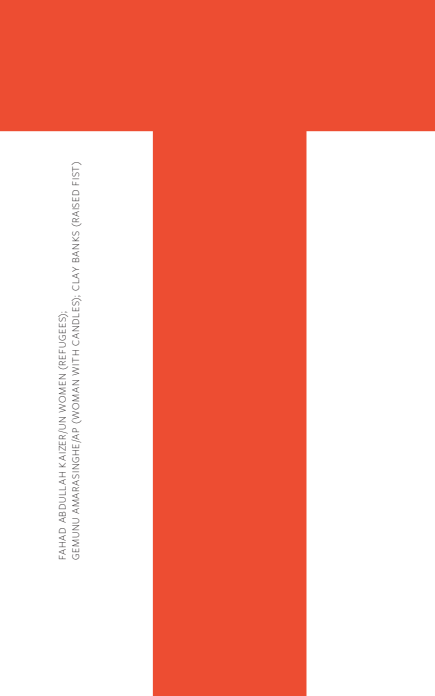
The right to abortion established in 1973's *Roe v. Wade*? Gone. The modern definition of the Establishment Clause? Narrowed sharply by two decisions, one involving prayer in school and the other public funding for religious schools. The six-justice majority's reading of the Second Amendment also torpedoed a New York gun law and jeopardized similar rules in several other states.

The justices' busy June capped a tumultuous run of history-making events, at home and abroad: Continuing fallout from the 2020 presidential election, including the investigation into the January 6, 2021, assault on the U.S. Capitol and the flurry of laws passed in numerous statehouses adding hurdles



# How we're fighting for our rights and working to advance justice, freedom, and equality at home and around the world.

BY GWYNETH K. SHAW



FAMAD, ABDULLAH KALZER/IN WOMEN (REFUGEES);  
GEMUNU AMARASINGHE/AP (WOMAN WITH CANDLES); CLAY BANKS (RAISED FIST)



for voters and, in some cases, increasing the power of state officials to overturn results.

Efforts to whitewash material taught in public schools, from slavery to gender identity and sexuality, and a parallel rise in fearmongering rhetoric against the LGBTQ+ community. The rise of authoritarian leaders in countries across the globe and Russia's ongoing invasion of Ukraine, provocations that have stymied global coalitions.

At such a moment, the rule of law — and the role of the law — has rarely felt so important. And Berkeley Law's faculty and students are answering the call.

"Basic rights are endangered in the United States and across the world," Dean Erwin Chemerinsky says. "Law professors, with their expertise and influence, have a special role to play in fighting for liberty and equality. Berkeley Law, because of its terrific faculty, its clinics, its centers, and more generally its public mission, is well-positioned to make a real difference."

America's most-cited constitutional law scholar, Chemerinsky is working tirelessly to try and stem the tide, writing amicus briefs, scholarly articles, books, and op-eds. As president of the Association of American Law Schools, he has prioritized how law schools can help solve the problems of the day. As dean, he's

nurturing a culture of action from scholars and students alike.

"I went to law school because I believed that law was the most powerful tool for social change. I continue to believe that, though we are at a very discouraging time," Chemerinsky says. "I hope that through my opinion writing, my scholarship, and my work as a lawyer that I can help to be part of using law to protect people's rights and make a positive difference."

## Stepping forward

Professor Khiara M. Bridges has been steeped in the debate over reproductive rights since before she started law school. She compares the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, which overturned *Roe* and 1992's *Planned Parenthood v. Casey*, to "the longest, slowest train wreck."

Everyone saw it coming, from the moment then-Senate Majority Leader Mitch McConnell refused to consider Merrick Garland's nomination to the Supreme Court to when Justice Ruth Bader Ginsburg died just weeks before the 2020 election, giving President Donald Trump his third nomination to the highest court.

"The last 20 years of my life have been prepping me for this



# WHO BEARS RESPONSIBILITY FOR REFUGEES?

**E**ven before the United States' withdrawal from Afghanistan in August 2021 and Russia's invasion of Ukraine earlier this year, the international community was struggling with how to work with refugees from a multitude of conflicts, stretching from Syria to Venezuela.

According to the office of the United Nations High Commissioner for Refugees, there were more than 27 million refugees at the end of 2021, with nearly 5 million others seeking asylum abroad.

In 2018, the U.N. General Assembly affirmed the Global Compact on Refugees, which laid out a key principle: Responsibility for refugees should be shared to ease the burden on the small number of developing nations that host the vast majority.

But are world powers shouldering

**VITAL STEPS:** Professors Seth Davis and Katerina Linos organized a symposium on how nations can better work together to alleviate the global refugee crisis.

**PATHFINDER:** Professor Khiara M. Bridges' work focuses largely on race, class, reproductive rights, and the intersection of the three.

moment,” says Bridges, the faculty director of Berkeley Law’s Center on Reproductive Rights and Justice. “Right now is this opportunity for me to share this expertise I’ve aggregated over the past two decades and try to make it as accessible to as many audiences as possible. I think it’s really important for people to understand what’s at stake with the reversal of *Roe*.”

Now that the impact is here, Bridges says, it still hurts. And she is clear-eyed about what is likely to come next. A number of other major decisions that involve substantive due process — including *Obergefell v. Hodges*, which in 2015 legalized same-sex marriage — could be next up for reconsideration by the court.

“I think it’s a failure of our imaginations to conceptualize the reversal of *Roe* as just discrete, as having no relationship to, for example, the attack on transgender and non-binary people that’s happening now,” Bridges says.

“Even though we read the *Dobbs* decision before it was actually released, when it was released, I was shocked. And I will be shocked when they reverse *Grutter v. Bollinger* next term and prohibit affirmative action and race-conscious admissions. I will be shocked as they continue to create a ‘super right’ out of the Second Amendment’s right to bear arms. I’ll be just as shocked as they dismantle the administrative state and make it



that burden — and how should they do it? Berkeley Law Professors Katerina Linos and Seth Davis organized a spring 2021 symposium tackling the problem, and the scholarship from it was published as a special *California Law Review* issue in June.

“The rights of refugees are central to international human rights efforts, because the actors normally responsible for protecting human rights — the refugees’ home states — are by definition unable or unwilling to do so, and so they’ve left their home country to seek protection elsewhere,” says Linos, co-director of the school’s Miller Institute for Global Challenges and the Law. “Refugee law is an unusual body of law, in that we protect refugees not only for their benefit, but also for our own national security reasons.”

The symposium brought together scholars from around the nation,

including Yale, UCLA, and Columbia.

In their paper, Linos and Miller Institute Fellow Elena Chachko classify various responsibility-sharing arrangements as either “progressive” or “regressive” based on four factors: hosting commitments, monetary or equivalent contributions, multilateralism, and legally binding agreements.

Davis explores the disparities within countries that host refugees. In Turkey, for example, where nearly 4 million Syrian refugees live, the burden is far more concentrated than across the U.S., although some refugee populations cluster in states or regions in America.

“Responsibility sharing within borders needs more attention, not least because disparities within countries can fuel xenophobic backlash against refugees,” Davis says. “The irony is that wealthy countries that have failed to

take their fair share of international responsibility for refugees have taken greater care to ensure responsibility sharing within their borders. That’s true of the U.S. and some European countries as well.”

In between the symposium and the *California Law Review* issue’s release, both the Afghanistan withdrawal and the invasion of Ukraine prompted additional waves of refugees — and elevated the crisis in U.S. and European Union policy debates.

“As we move towards a world where we once more sharpen distinctions between democracies and authoritarian regimes, welcoming refugees once more becomes part of our humanitarian, but also strategic and economic calculus,” Linos says. “The Europeans are seeing this firsthand with Ukraine. We are realizing this too.”

— *Gwyneth K. Shaw*



# ARTISTIC FREEDOM UNDER ATTACK

**S**tudent initiative — as well as indignation — are helping to expose the growing suppression of artistic freedom in Eastern Europe.

Annabelle Wilmott '22, who helped launch Berkeley Law's first student-led project serving the artistic community (Arts and Innovation Representation), learned about the issue working for the Artistic Freedom Initiative before law school. Eager to connect her new school and former employer, which strives to protect artists from persecution and censorship, she saw that effort crystallize with a recent jarring report, *Systematic Suppression: Hungary's Arts & Culture in Crisis*.

Featured by National Public Radio, it describes how Hungarian Prime Minister Viktor Orbán has implemented constitutional, legislative, and administrative changes to exert increasing control over the arts — and how Hungary's previously independent arts and culture sector “has been refashioned as a mechanism for advancing a singular ethno-nationalist narrative.”

Wilmott and Jonathan Abrams '22, who co-led the student group, coordinated Berkeley Law's research effort. Ensuuing co-leaders Lainey Meiri '23

**REVEALING RESEARCH:** Jonathan Abrams '22 co-led a student project that exposed several ways artistic freedom is being increasingly suppressed in Hungary.

and Megan Taing '22 worked with Vanessa Azad '21 LL.M., Simone Lieban Levine '21, AFI staff, and Columbia University's Harriman Institute on the report, which incorporates interviews with Hungarian artists and offers policies to bolster protections.

“Projects like this allow students to strengthen their research and writing skills, learn about international law and artistic freedom, and advocate for artists at risk,” says Wilmott, a former U.S. State Department Fulbright Fellow.

The students examined Hungary's constitution, relevant international law treaties, state mechanisms of suppression, third-party intimidation tactics, misuse of laws to stifle creative expression, and how Orbán's party (Fidesz) fuels self-censorship among Hungarian artists.

One example came in 2018, when the hit musical *Billy Elliot* was staged in Budapest. Scathing reviews by pro-Orbán media outlets (one called it “pointed and unrestrained gay propaganda”) prompted

the theater to cancel the last 15 performances.

“Media conglomerates owned by pro-Fidesz investors have sought to turn the Hungarian public against dissident artists,” Abrams says. “We're also seeing the use of criminal defamation laws to prosecute prominent satirists for criticizing the Hungarian state.”

Students also researched the situation in Poland and Russia. While neither has built state control of the arts into national legislation like Hungary, both are showing ominous signs.

“They have likewise engaged in an alarming pattern of art censorship for offending traditional national morality,” Abrams says. “Museum directors have been removed for curating controversial exhibits, artists jailed for displaying works that offend religious feeling, and defamation laws weaponized to target artists critical of the state.” — *Andrew Cohen*



impossible for the government to govern.”

Bridges sees a dual role for herself as a professor: Someone who imparts information and thoroughly teaches her students, and also as a sounding board and a resource for what she calls their “rebellious energy.”

“Part of the value that I give students in a classroom is to demonstrate that none of this is inevitable ... to show the arc of justice and to remind them that this moment was created — and that they can create a different moment in the future,” she says. “My job is to empower critical thinkers, people who think

creatively, people who don't have a sense of inevitability, people who are not overly cynical. And maybe give them a sense of history, so they know the present isn't inescapable."

## Protecting the ballot box

The *Dobbs* decision throws the abortion question back to the states, where this fall's midterm elections will be the first test of various new election laws — many of which have been criticized as making it more difficult to vote.

"Polarization characterizes the retail experience of voting in America. In some states, it has never been easier to vote and register to vote; in others, it has gotten much, much harder than it has been in a long time," says Professor Emily Rong Zhang, a former voting rights attorney whose research has delved into issues including voter ID laws and efforts to make redistricting less partisan. "The latter is due to aggressive restrictive voting laws passed by states and a Supreme Court that has shackled much of the federal courts' and federal legislation's ability to ensure some minimum standards of access to the ballot."

It's unclear exactly what impact these new laws will have on the outcomes of the November elections at the state, local, and federal level. Nevertheless, Zhang says there are plenty of things lawyers — and law students — can do, from volunteering with the Lawyer's Committee for Civil Rights' election protection hotline to poll monitoring and pitching in during post-election litigation.

"There is so much work to be done to rebuild our legal and democratic institutions," Zhang says. "I'm excited to be teaching the many wonderful lawyers who will go on to do that important work."

A group of Berkeley Law students found another way to tackle the issue this spring: The student-led Election Law @ Berkeley Law teamed up with the Democracy Project at Berkeley, run by students at the university's Goldman School of Public Policy, for Democracy Summit 2022, which they hope will be an annual event. Election Law @ Berkeley Law's Co-President Sara Clark '23 highlighted two goals for the inaugural summit: Empowering students to advocate for democracy as citizens, candidates, or activists, and building a cross-campus collaboration with the Goldman group.

"We wanted to give students the tools and inspiration to continue fighting for a more just and equal American political system, even in difficult times," she says. "Doing the event in tandem allowed us to draw on the resources, expertise, and knowledge of our friends in the policy space and have an event as interdisciplinary as democracy-saving work needs to be."



**IN FAIRNESS:** (from left) Max Endicott '22, Aysha Spencer '22, and Maddy Pilgrim '22 helped produce a Death Penalty Clinic report showing that Kansas courts have not addressed prosecutors' racial discrimination in jury selection.

## Standing up for privacy

The post-*Roe* terrain also raises questions about the use of digital surveillance to follow women seeking abortions, including apps that can track women's menstrual cycles. Clinical Professor Catherine Crump, director of the Samuelson Law, Technology & Public Policy Clinic, has been studying the inexorable march of digital surveillance for years.

"The biggest challenge to freedom from constant surveillance is how ubiquitous surveillance technologies have become, both online and offline," Crump says.

Technology has spilled across the legal landscape as comprehensively as it has society as a whole. Other Berkeley Law scholars, including Professors Andrea Roth and Rebecca Wexler, look at technology's impact on criminal cases, from algorithms that can be accessed by prosecutors but not defendants to how wide-ranging DNA databases raise profound privacy issues.

With cell phone evidence already routinely cropping up in criminal prosecutions — from high-profile ones like those against January 6 insurrectionists to everyday retail theft cases — it's not much of a jump to imagine similar surveillance of women, particularly in states like Texas, which have incentivized citizens to snoop, Crump says.

"It's just very hard to go anywhere or do anything these days without leaving a trail of digital breadcrumbs," she says. "From using search engines to look for abortion services to using a cell phone to navigate to a clinic, this sort of evidence could well be used by a prosecutor enforcing a criminal prohibition on abortion."





**STRATEGY SESSION:** International Human Rights Law Clinic Co-Director Roxanna Altholz '99 (top left) collaborates with colleagues at the Fundación Para la Justicia in Mexico.

The Samuelson Clinic has pushed for broad change and California is making strides, Crump says — including with the California Privacy Protection Agency — which is led by Professor Jennifer Urban '00, the clinic's director of policy initiatives. A federal law to broaden safeguards for consumers is taking shape, too.

Clinics are a critical bridge between scholars and policymakers, Crump explains, pulling together the wide variety of areas in which digital surveillance is at issue.

“At the end of the day, weaving digital technologies into everyday life is just plain useful. We all like using our smartphones for driving directions and being able to look things up on Google,” she says. “For the most part, our policy goal should be to figure out how to take advantage of these technologies while minimizing downstream consequences.”

## Defending the vulnerable

The threat of surveillance is even more pronounced abroad. Human rights advocate Ana Lorena Delgadillo, who has been a pivotal defender of those without the tools and resources to stand up to injustice in Mexico, turned to Berkeley Law's International Human Rights Law Clinic for help when she and her organization, Fundación Para la Justicia (Foundation for Justice), discovered they were being spied upon as part of the same organized crime probe they were litigating.

“This is a global issue. Governments and private companies increasingly use surveillance technology against rights defenders,” clinic Co-Director Roxanna Altholz '99 says of the type of spying done to Delgadillo. “The Mexican government would

like to present the cartel as the problem, but the reality is that it is no longer possible to distinguish between the cartels and the government. State agents are collaborating with cartel members in pursuit of economic interests.

“And the state is targeting rights defenders and journalists who are exposing state kleptocracy.”

Altholz, clinic Co-Director Laurel E. Fletcher, and students working with the clinic helped Delgadillo file a criminal complaint against the Mexican attorney general's office for illegal surveillance. They also developed a key international human rights argument: that the government violated not only the rights of the investigation's targets, but also those of the victims, since resources were diverted from finding the truth about the massacres Delgadillo and her staff were trying to uncover.

“This organization, and others, are coming under increasing pressure from the government — and are really in the cross-hairs of a government with some truly authoritarian tendencies,” Altholz says.

## Diversifying the jury box

Professors and students in the Death Penalty Clinic have spent years fighting to reduce racial bias in jury selection and fulfill the promise of a fair and impartial jury. The clinic's pathbreaking 2020 *Whitewashing the Jury Box* report, which found rampant racial discrimination by California prosecutors in jury selection, led directly to a new law that same year dramatically altering how criminal trial juries are chosen in the state.

This year, the clinic released a study examining jury selection in Kansas, which found many of the same entrenched practices unearthed in California. Despite the 1986 Supreme Court ruling in *Batson v. Kentucky* that established a procedure for enforcing the Constitution's prohibition against peremptory challenges based on race, the clinic's report found that Kansas prosecutors removed at least half of the jurors of color in more than half of the cases — and struck all of them in at least one-third of the cases.

Their challenges were often based on racial stereotypes, such as the jurors' demeanor or appearance, a negative experience with law enforcement, the nature of their employment, or where they live.

Clinical Professor and Death Penalty Clinic Co-Director Elisabeth Semel, who has been litigating *Batson*-related cases for many years, sees an opportunity for sweeping change. So do the clinic's students.

“It felt so impactful to be a part of something that would be tangible, lasting, and could be looked to in the future for policy

# TEACHING THE MOMENT

**B**y their first day of class, students in Professor Kristen Holmquist's spring Constitutional Law course were already well-versed in the arguments about substantive due process. After all, the fall was packed with speculation about the future of *Roe v. Wade*, from the Supreme Court's decision to let Texas' S.B. 8 take effect to the December oral arguments in *Dobbs v. Jackson Women's Health Organization*.

The bombshell leak of Justice Samuel Alito's draft opinion in *Dobbs* — later revealed as the bulk of the final opinion — came on the same day students took Holmquist's exam. It rippled through her post-semester discussions with them and, she says, will deeply impact her approach to teaching the course again.

"My students want to believe there's a there there — that even on the big, political issues, precedent matters," she says. "I have of course always recognized that Supreme Court justices were in some sense political actors. But I think I genuinely, maybe naively, believed that even in the big cases, they really were doing something different than legislating.

"And after this last term, I just don't believe it anymore. Maybe there are still guardrails, but they're not

what I thought they were."

Dean Erwin Chemerinsky, who explored how the court's change in trajectory may impact legal education in the first episode of his "More Just" podcast, says the sweeping nature of the last term will consume many class discussions.

"I often have said to my students that constitutional law affects people in the most important and intimate aspects of their lives. We saw that in the Supreme Court decisions this term," he says. "They raise profound questions about the role of the Supreme Court, how the Constitution should be interpreted, and how to protect rights in light of these decisions."

Holmquist plans to focus more on lower federal and state courts and how they're interpreting this new guidance from the justices. She always tries to give her students opportunities to make arguments based on current case law. The examples may shift, she says, but the exercise is the same.

"We'll talk about how to take originalist arguments seriously, and if you want to make a progressive originalist



**SHIFTING GEARS:** Professor Kristen Holmquist sees a changing paradigm for teaching constitutional law.

argument, how to do that," Holmquist says. "I don't mean to imply our students are all on the same page politically, but they all need to learn to engage historical arguments regardless of their politics now."

After a semester that spanned the historic appointment of Justice Ketanji Brown Jackson and the upending of several precedents that at least felt settled, Holmquist wants to be realistic, but also optimistic.

"The students are still more hopeful than I am that there are nuggets in these cases — that the doctrines can shift in ways they'd like to see," she says. "And maybe it's important to encourage that hope so that in 20 years, when they're on the bench, they'll remember that we talked about how much it matters who's sitting in those chairs." — *Gwyneth K. Shaw*

changes," says Maddy Pilgrim '22, one of the students who did data analysis and legal research for the project. "I thought we were setting out to set Kansas apart, but really we were documenting that Kansas was just like every state across the U.S."

## Tenacity and urgency

That same optimism — accepting the long nature of the game but staying confident in its ultimate outcome — is part of what keeps Bridges in the fight. At one point in her career, she

questioned whether she was built for the experience of stepping into the public arena and speaking up. But the moment is too important to stay silent, she concluded.

"I feel like that's my duty. I can't just sit in the tower and watch while Rome burns, or tell my students, 'You go out and do something,'" Bridges says. "I feel as if my contribution to the struggle is to put myself out there.

"We're all unclear about the path forward. But it's imperative that we do whatever we can."



# Photo Essay

Law School Life  
Through the Lens

# Connection & Camaraderie

*What does it mean to be part of Berkeley Law?*

*It means learning in a place where legal education giants like Jesse Choper and Melvin Eisenberg (right) have helped train generations of new lawyers. Sharing in the jubilation of milestone achievements — those of classmates and close friends as well as your own (pages 30-31). Drawing purpose from meaningful relationships and working together to change things for the better (pages 32-35). Challenging yourself on a big stage (page 36) and collaborating for a cause (page 37).*

*It means championing excellence, community, and public mission.*



## WALL OF FAME

Eisenberg reflects on his remarkably prolific career — his latest book, *Legal Reasoning*, comes out at the end of September — shortly before moving out of his office. Eisenberg joined Berkeley Law's faculty in 1966 and became one of the nation's foremost experts on corporate law and contract law, writing seminal textbooks in each field. He was elected to the prestigious American Academy of Arts and Sciences in 1984.

BRITTANY HOSEA-SMALL



#### REMINISCING

Sharing some memories with Choper (left), Eisenberg recalled one of his special class “mod” sections of about 30 students: “I had a very close relationship with this section. In fact, one year, we all went to a park and they made up T-shirts with my picture and the words ‘Mel’s Angels.’ A Hell’s Angels member there approached one of them and said, ‘What’s going on?’”





**FASHION PATROL**

Policy Advocacy Clinic Director Jeff Selbin (right) passes out clinic scarves at commencement, including one to Jennifer Sherman '22.

**INSTANT CLIENTS**

Family and friends of Indi Garcia '22 wear their sentiments about her budding profession.



RACHEL DELETTO (GARCIA); LAURIE FRASIER (SELBIN); BRITTANY HOSEA-SMALL (TOP)



# Commencement at Long Last

*Making up for lost time was a true labor of love for Berkeley Law. On May 13, the Class of 2022 had its commencement at the Greek Theatre. Eight days later, we held a makeup commencement for the previous two graduating classes that had their in-person ceremonies postponed due to the COVID-19 pandemic.*



### PRIZED MOMENT

Tiara Brown '22 reacts to being named the winner of this year's Student Service Award.

### HANDS HELD HIGH

Rachel Wilson '22 (left) and Joanna Leung '22 put their feelings on display as classmate James Tenrai looks on.

### CLOSE TO THEIR HEARTS

Diego Ortega Chávarri LL.M. '20 (right) and his father, Carlos Ortega, with a photo of Diego's mother, María Luz Chávarri. "Unfortunately, she passed away before my LL.M. program started," Diego says. "But all my accomplishments are dedicated to her."



LAURIE FRASIER (WILSON); BRITTANY HOSEA SMALL (BROWN, ORTEGA)

# Reconnected

*The unbridled joy of returning to in-person classes and programs this year was abundantly clear. From clinics and journals to affinity groups and informal gatherings, ear-to-ear smiles from reuniting were everywhere.*

## OPEN ARMS

Policy Advocacy Clinic  
Associate Director  
Stephanie Campos-Bui '14  
and Deputy Director Devan  
Shea at a celebration  
marking the end of the  
school year.



DARIUS RILEY





**A FESTIVE WELCOME**

First-year student Robin Martinez shares a laugh with Berkeley Law staff during a reception at orientation.



**FOOD FOR THE SOUL**

3Ls Arielle Rodriguez and Jasmin Shaw at a Public Interest Working Group lunch event.



**DINOMITE OUTING**

(from left) 1Ls Caiti Hall, Kate Im, and Mack Parlatore join other students from one of Professor Chris Hoofnagle's mods on a boba-fueled visit to a dinosaur exhibit on campus.

DARIUS RILEY (3X)





**FIELD WORK**

Members of the Environmental Law Clinic stroll during a research trip in nearby Richmond.

**TAPPING IN**

Hannah Mangen '24 takes a break for lunch shortly before the start of her 2L year.



BRITTANY HOSEA-SMALL (TOP); DARIUS RILEY (MANGEN)





**RETURN TO CAMPUS**

Students takes notes in Professor Andrew Bradt's Civil Procedure course.



**NEW ARRIVALS**

Dean Erwin Chemerinsky welcomes the incoming class of LL.M. students.



DARIUS RILEY (TOP CLASSROOM); RACHEL DELETTO (CHEMERINSKY)

# May It Please the Court

*Participants, judges, and staff involved in Berkeley Law's annual James Patterson McBaine Honors Moot Court Competition — now in its sixth decade — relished the return to a spirited in-person event.*



#### TO THE POINT

U.S. Fifth Circuit Court of Appeals Judge Stephen A. Higginson asks a question.



#### SHAKEN, NOT STIRRED

Champion Robert Fairbanks '22 (left) and runner-up Sean Kolkey '22 congratulate one another after their final-round argument.

JIM BLOCK (2)





## Navigating New Terrain

*Berkeley Law student groups focused on reproductive rights are exploring new legal strategies and various state policy efforts on the heels of the U.S. Supreme Court's recent decision to strike down Roe v. Wade.*

### STANDING FIRM

(from left) Florence Van Dyke LL.M. '22 and Reproductive Justice Project members Jade Williams '24, Jacqueline Berkenstadt LL.M. '22, and Camille Tabari '24.



# Finding The Voice



***Driven leadership, dedicated alumni coaches, and talented students fuel major momentum for Berkeley Law’s Trial Team.***

BY ANDREW COHEN

**S** pencer Pahlke '07 vividly remembers his exuberance colliding head-on with reality. “Back in law school I was very interested in mock trial, but there were limited opportunities,” he says. “We had maybe 10 students on teams, one or two coaches. We went to a couple competitions, and there were no internal competitions. Our program wasn’t designed to be a player on the national stage.”

The semester after Pahlke graduated, two Berkeley Law students participating in a local tournament asked if he could help out — both prior coaches had left the program.

“I said yes, we had a ton of fun, and we won the competition,” Pahlke recalls. “That made me realize that even though I’d just graduated, I could play a role in building this. I’m so glad they asked me to coach. It really changed the course of my life.”

And the trajectory of the Trial Team — one of three branches

BRITTANY HOSEA SMALL

**ALL RISE:** Advocacy Competitions Program Director Natalie Winters '18 and Trial Team Coach Spencer Pahlke '07 have been pivotal in helping Berkeley Law become a leading school on the national stage.



in Berkeley Law's red-hot Advocacy Competitions Program, which also gives students abundant opportunities to practice lawyering skills in appellate/moot court and alternative dispute resolution/negotiations. They compete against other law school teams at a slew of regional, national, and international events, and internally against other Berkeley Law students.

Despite his hectic schedule as a young associate at Walkup, Melodia, Kelly & Schoenberger in San Francisco, Pahlke poured himself into building the Trial Team and is now its head coach. The program is barely recognizable from his student days with 30 students, who take part in 8 to 10 external and two internal competitions a year, guided by roughly 20 coaches.

Berkeley Law is a fixture at the annual Top Gun National Mock Trial Competition, which invites each of the nation's 16 best trial advocacy schools to select a student to represent it. Jenna Forster '22 placed second at last year's event, and Collin Tierney '14 won it in 2013. Unlike other competitions, participants don't receive the case file until they arrive — just 24 hours before the first round begins.

The school has also excelled at the prestigious National Trial Competition and Tournament of Champions. Earlier this year, both student teams at the NTC regionals (coached by Aaron Laycook '10, Derin Kiykioglu '17, Brandon Hughes '19, and Amanda Sadra '20) went undefeated.

Meanwhile, Berkeley Law's success extends throughout its Advocacy Competitions Program. Just in 2022, it has won two major negotiation competitions (see page 40) — including a 50-team international tournament among top law and business schools worldwide — and dominated the Roger J. Traynor California Appellate Advocacy Moot Court Competition (see page 43).

"Many programs will have a few years of success here and there as talented students come and go," says Trial Team volunteer coach Dustin Vandenberg '18, now a deputy district attorney in Santa Clara County. "But it takes an immense







amount of work to build the kind of powerhouse program that we have.”

### Alumni energy

Like Pahlke, Natalie Winters '18 relished trial competitions as a Berkeley Law student and saw them pay instant dividends as a public defender in Colorado. In January 2021, she returned to the school as director of the Advocacy Competitions Program.

Winters now oversees all external competition teams as well as six internal competitions that give students — judged and trained by fellow students, practitioners, and judges — valuable training to compete and ultimately practice law after graduation.

Striving to demystify the tryout process, she also partners with the school's equity and inclusion leaders to expand outreach to students traditionally underrepresented in advocacy competitions

**STATING HER CASE:** Jenna Forster '22 makes a point at the prestigious Top Gun National Mock Trial Competition.

## Negotiation Sensations Vault Berkeley Law to Celestial Heights

**T**hese days, the law school negotiation stars seem to shine brightest in Berkeley. Last semester, two student trios from Berkeley Law's Alternative Dispute Resolution Team won major negotiation competitions — one national and one international.

Brandon Dailey '24 and Kavya Dasari '23 planned to visit Athens with a teammate for The Negotiation Challenge, a prestigious annual competition among top law and business schools worldwide. When COVID-19 quashed that plan, they used the setback as motivational fuel and won the 50-team competition on Zoom.

“I hoped to learn and get exposed to different kinds of negotiation styles, and the competition did not disappoint,” Dasari says.

Over six rounds against schools from Australia, China, Canada, and India, Berkeley Law's team threaded the needle — gaining key concessions for their clients while compromising and negotiating tactfully.

Among the team's various tasks: representing industrialized countries in creating an agenda to address climate change, and helping an Egyptian merchant trade her goods.

Noting how people are all influenced by the communities they come from

and the pedagogy of the materials they spend time learning, the students say it was quite refreshing to negotiate with those who approached the same issues differently.

Students also learned about fostering a professional dynamic. “Winning the biggest package in terms of finances can come at a huge cost if you don't maintain a strong relationship with the other side,” Dailey explains.

Also in the spring, Nilam Faqhir '23, Miles Jasper '23, and Andrea Zachrich '22 won the Tulane Professional Basketball Negotiation Competition. They bested 43 other teams at the annual event in New Orleans — a simulated free agency

and cultivate a supportive environment for all participants (see page 42).

“These competitions offer students who may never have envisioned themselves standing in a courtroom or seated at a negotiating table a chance to discover and develop their potential,” Winters says.

Alumni involvement has fueled the program’s ascent, with an ever-expanding coaching roster providing pragmatic advice and a collegial culture that Vandenberg describes as “competitive kindness.” That has helped forge a robust pipeline of alumni who competed as students and now want to give back and stay connected, which he says “creates the kind of success we’ve been seeing.”

While Berkeley Law cracked the top 10 in trial advocacy for the first time in this year’s *U.S. News & World Report* speciality rankings, Pahlke takes most pride in knowing that students can network with hundreds of advocacy competition alums across the country who help them land dream jobs and advance their careers.

“My philosophy is that we do better when everyone feels ownership in the program, from new team members to long-time coaches,” Pahlke says. “When we each own the program, we tend to it and desperately want to make it better every year. And we have a lot of fun doing that.”

Alumni assist the Trial Competitions class, coach in competitions, judge team scrimmages, and participate in panel discussions. The approach seems to resonate strongly with students,

both in their performance and their gratitude.

“It’s impossible to overemphasize the benefit of learning from so many astounding advocates,” says recent Trial Team standout Cheyenne Smith ’22. “We also have alumni working in nearly every legal field imaginable ... and connect students with attorneys in their intended field for advice and mentorship.”

## Immediate dividends

Vandenberg, who advanced to the NTC nationals three times as a student, recalls being taught far more than just how to conduct a direct examination or give a closing argument.

“It’s about learning how to weave persuasion into every aspect of your trial,” he says. “It’s a skill set that’s almost impossible to pick up without the kind of one-on-one feedback and training that you get through our program.”

Now as a prosecutor, Vandenberg leans on trial techniques he honed during mock trial tournaments, including demonstrative exhibits that clarify complex testimony. At a recent jury trial, he marked up a detailed map during a cross-examination, showing how the evidence did not corroborate the defendant’s account of what transpired.

“My training at Berkeley Law is what helped turn a tedious cross-examination about side streets and stop signs into a compelling argument,” Vandenberg says.

Olivia Sideman ’17 similarly parlayed her student advocacy experience at the internal Bales Trial Competition into an early professional advantage. “That was the most formative

negotiation of real NBA players — and Jasper was named best advocate.

“Winning best oral advocate was great, but I loved sharing the moment of a team win more with Andy and Nilam,” says Jasper, a former intern with the NBA’s Phoenix Suns.

Participants were judged by experts from 14 teams and the league office — as well as agents, writers, and representatives from the National Basketball Players’ Association — and also got to network with them.

“After each round, our judges provided us with helpful suggestions,” Faqhir says. “We incorporated their feedback into our next rounds and noticed a drastic improvement.”

The team pitched a rookie player’s contract extension, acted as general manager for Golden State Warriors guard Jordan Poole, then negotiated a different

player’s contract and alternated between representing the player or his team. At every turn, the students researched different aspects of the given contract and the NBA’s Collective Bargaining Agreement.

“It was so rewarding to showcase how much we learned,” Zachrich says. “This competition required a lot of specialized knowledge, and we put in a lot of work to succeed.”

The Alternative Dispute Resolution Team competes each year in tournaments involving diverse areas of law, including intellectual property, business, entertainment, environmental, and sports. — *Andrew Cohen*

**SLAM DUNK:** Nilam Faqhir ’23, Miles Jasper ’23, and Andrea Zachrich ’22 won this year’s Tulane Professional Basketball Negotiation Competition in New Orleans.





## Creating a Supportive Space

The Advocacy Competitions Program at Berkeley Law is taking several concrete steps aimed at cultivating a fully inclusive and anti-racist environment for students, coaches, and judges, including:

- Started mandatory implicit bias training for all student leaders
- Launched an annual workshop led by the school's Coalition for Diversity and Board of Advocates to demystify the tryout process
- Revised internal competition scoring rubrics to minimize opportunities for bias
- Began providing implicit bias instruction to all judges before internal competitions
- Facilitated a First Generation Professionals-Board of Advocates Q&A event during tryout season
- Developing training to educate coaches on how to create and support an inclusive learning environment through the competition experience
- Creating post-competition surveys to be more proactive in soliciting student feedback
- Inviting a diverse panel of trial advocacy alumni to address identity in the courtroom and legal practice and to share their experiences
- Giving students frameworks through which to analyze how their work affects power, belonging, and justice, and often affirms dominant culture
- Providing students with readings that expand on their in-class discussions about power, belonging, and justice



**FLASHBACK:** Roxana Guidero '16, one of Berkeley Law's many volunteer Trial Team coaches, was named best advocate at the National Board of Trial Advocacy's 2014 Tournament of Champions.

experience of my 1L year and gave me hard skills directly applicable to my chosen career," she says.

Just two months into her job at the Alameda County Public Defender's Office, Sideman had her first trial.

"I felt confident going into it that I knew how to deliver an opening, cross-examine the witnesses, and close with confidence and passion," she says. "I knew how to develop a theme and theory of the case, how to loop when asking questions, and how to use visuals to help guide the jury. This allowed me to focus on the substance of the trial rather than the performance. The jury was very surprised to hear that it was my first trial and, most importantly, I succeeded in getting a not guilty verdict for my happy client."

### Coaching commitment

Roxana Guidero '16, who co-coached Berkeley Law's 2022 Tournament of Champions national runner-up team with Jerome Price '11, was a star member of the school's victorious team at the same event in 2014.

"We often do trainings on how to be a trial lawyer at my firm, and time after time the skills taught are skills I already learned on the trial team," says Guidero, now counsel at O'Melveny & Myers in Los Angeles.

"If you know how to ask a good cross-examination question, you'll be able to transfer that skill from the mock trial world to the real world," she adds. "If you understand the importance of simplifying your narrative for a jury in a mock trial case, you'll understand it's even more important in a more complicated matter where jurors are not other lawyers, but people who may have never been exposed to the legal system before."

Berkeley Law's coaches provide vital been-there-done-that insights, but also give students autonomy to develop their arguments, refine their advocacy styles, and even help run the program. As Trial Team student co-directors the previous

## First Time's the Charm: Appellate Newcomers Dominate Their Debut

**O**n a good day, you meet expectations. On a great day, you exceed them. On a spectacular day, you turn them into a faint speck in your rear-view mirror.

For Berkeley Law's team at this year's Roger J. Traynor California Appellate Advocacy Moot Court Competition — Julia Bennett '23, Elle Mahdavi '23, and Fatima Ladha '23 — dazzling final results validated diligent preparation.

First place for best oral argument in the final round? Check. The Excellence in Appellate Advocacy Award for highest combined oral argument scores in the first two rounds? Check. The Gisnet Mandell Award for best brief? Check. The Geoffrey Hall Wright Award for Bennett as best oralist? Checkmate.

Alums Brittney Harris '13 and Jonathan Chacon '22 — who was the Berkeley Law External Moot Court Program's co-student director with classmates Benjamin Malings, Elizabeth Heckmann, and NoahLani Litwinsella — helped coach the team.

"Winning reflects how much we all put into the competition over the semester," Bennett says. "It was an incredibly positive and rewarding experience."

The fact pattern involved a police officer dispatched to a commercial parking lot who discovered "Peter Prescott" reclined in a vehicle. The officer detained him and found drugs and a firearm. Prescott's subsequent suppression motion was denied and he pled guilty, preserving his right to appeal.

At issue: Was Prescott legally detained? If not, does discovery of a parole or probation search condition remove the taint of an illegal detention under the attenuation doctrine? What constitutes purposeful and flagrant police misconduct under that doctrine?

The students divvied up the brief based on the legal issues and their own interests. Because Traynor Competition participants argue both sides of the case, they also closely reviewed each others' sections while gaining key insights from Harris and Chacon.

"During the actual competition and especially during the final round, I felt so empowered because we had strong arguments and were really familiar with

the relevant case law," Ladha says.

The team started preparing a few months before the competition, which Mahdavi — who received an individual merit award in her first moot court event — credits for making it "a lot less stressful."

Bennett, who also had no prior competition experience, now co-leads the External Moot Court Program.

"I was inspired to run because Jonathan was such an amazing coach," she says. "He made the process really fun and provided a true opportunity to learn and grow."

— Andrew Cohen



**QUITE A START:** Julia Bennett '22 won the best advocate award at her very first event, the Roger J. Traynor California Appellate Advocacy Moot Court Competition.

two years, Smith and Forster oversaw tryouts, assigned teams for competitions, coordinated daily logistics, and were teaching assistants in Pahlke's Trial Competitions class.

"It's a lot of work, but I think having students involved in leading the trial program is one of its great strengths," Forster says. "Because we're actively competing while doing that, we know what it takes to prepare teams for competition, and we can make sure that all our teams are set up for success."

The class features mini "flash trials," where students try a

case after only 30 minutes of prep time and get ample opportunities to argue in front of the class. That adrenaline-fueled ride reinforces the need for agile thinking and not being wedded to a single strategy.

Berkeley Law hosted the inaugural National Flash Trial Competition Sept. 8-11 in San Francisco (soon after *Transcript* went to press), with eight top trial advocacy schools each bringing two students. Pahlke thought of teaching flash trials from a colleague who got "elevator cases" at the district attorney's office





**LEARNING CURVE:** Bales Trial Competition winner Nazeerah Ali '23 says mock trials have provided valuable preparation for both her classes and summer legal work.

Ali channeled her Bales success into a spot on the national Tournament of Champions runner-up team. She also joined an NTC team that went undefeated at regionals — one of two Berkeley Law teams to achieve that impressive feat.

“The best part has been gaining tangible and transferable skills,” says Ali, who used them over the summer at East Bay Children’s Law Offices, helping staff attorneys represent Oakland youth in dependency court. “Mock trial prepares me for my law school classes and my future career as a litigator. I feel much more confident in courses like Evidence, Trial Advocacy, and Civil/Criminal Procedure.”

Intra-team scrimmages, extensive writing and editing feedback, and vigilant case theory review are all part of the Trial Team’s preparation. Members say their victories are driven by their coaches’ savvy insights and dedication to student development.

In particular, they say they rely heavily on the coaches’ feedback throughout the process. One aspect they point to in making the Trial Team formidable is adjusting a case to the evidence opponents are emphasizing — being able to present a slightly different angle each round to

— his supervisor would give him a file to review while in the elevator heading to the courtroom.

“Flash trials are a longtime tradition at Berkeley Law,” Pahlke says. “Many district attorney and public defender offices also use similar drills as part of their interview process, and our students have benefited greatly from them. They’re anxious about it on the front end, but always say it’s their favorite part of class when they’re done.”

## Inside and out

Berkeley’s Law’s six internal competitions stoke student confidence and external competition success.

Nazeerah Ali '23 competed in undergraduate mock trial tournaments at Howard University, but she was unsure about continuing in law school until participating in the Bales Trial Competition — where she was named best advocate.

“Competing alongside my classmates and friends made me realize how much I missed and enjoyed mock trial,” she says. “So I joined the Trial Team during my second semester of 1L year and I’ve been incredibly pleased with my experience so far.”

ensure the team is being responsive, as opposed to putting on a rigid case.

Forster — named both best prosecution and best defense advocate during this year’s NTC regionals — calls the coaches’ commitment “a big reason why being a member of the Trial Team was my favorite part of law school, hands down.”

Fifteen years after stepping in to fill a coaching void, Pahlke shows no signs of letting up. His relentless efforts continue to increase the number of Berkeley Law’s student participants, coaches, competitions, and triumphs, and he launched the podcast “Unscripted Direct” last year with Justin Bernstein, his counterpart at UCLA Law.

Pahlke hopes the podcast will help strengthen the national trial advocacy community and bring it closer together — much like his track record at Berkeley Law. In keeping with that culture, he and his fellow Trial Team coaches relish how the education process travels both ways.

“I’ve already implemented tips from the students in my career,” Guidero says. “I love coaching in this program because I learn as much as I teach.”

# In House

Berkeley Law offers six internal competitions each year, giving students prime opportunities to compete in three broad areas: appellate advocacy/moot court, transactional negotiations, and trial advocacy. They are judged and trained by fellow students, practitioners, and judges, gaining vital experience for the external competition teams and their eventual careers.

## Appellate Advocacy/ Moot Court

### McBaine Honors Moot Court Competition

- Students prepare an appellate brief and deliver at least two oral arguments in a competition modeled after U.S. Supreme Court practice
- Open to all J.D. 2Ls and 3Ls, as well as LL.M. students
- Judges, Berkeley Law faculty, and practitioners evaluate briefs and oral arguments
- Final-round judges have included Supreme Court Justices Stephen Breyer and Sonia Sotomayor

## Transactional Negotiations

### Halloum Negotiation Competition

- Develops real-world negotiation and business transaction skills
- Open only to first-year students
- Enables students to experience being corporate lawyers — making business deals and working cooperatively with people alongside and across the negotiation table
- Teams of two students represent a side in a complex business deal

## Halloum Business Competition

- Joint venture between Berkeley Law and UC Berkeley's Haas School of Business
- Open to all J.D. 2Ls and 3Ls, as well as LL.M. students
- Students compete by negotiating various elements of a complex transaction in a limited timeframe
- Judges include practicing lawyers, business professionals, and professors who rank teams based on their preparation, teamwork, and outcome

## Pircher, Nichols & Meeks Joint Venture Challenge

- Students from Berkeley Law, Haas, and the College of Environmental Design negotiate a simulated real estate deal prepared by the law firm Pircher, Nichols & Meeks
- No prior experience in joint venture structuring, real estate finance, or similar activities is necessary
- Teams receive a real estate deal fact pattern and a list of key legal and business issues
- Students attend a presentation on real estate joint ventures and a coaching session with a lawyer, and negotiate the issues before judges with joint venture experience

## Trial Advocacy

### Bales Trial Competition

- Teams of two students each, divided between prosecutors and defense attorneys, try a fictional criminal law case
- Open to all J.D. 1Ls except those on the Board of Advocates Trial Team
- Students receive training on effective direct examination, cross examination, and opening and closing statements
- Board of Advocates Trial Team members coach the teams and judge the preliminary rounds with local practitioners; experienced trial attorneys judge the final round

## Pahlke Internal Trial Competition

- Exclusively for Trial Team members, who compete against each other for additional practice and experience
- Founded and sponsored by Spencer Pahlke '07, head coach of the External Trial Competition Program
- Students review legal documents, witness statements, and physical evidence
- In competition they argue motions, deliver opening statements, conduct direct and cross examinations, and make closing arguments



**SUPREME EXPERIENCE:** U.S. Supreme Court Justice Sonia Sotomayor, flanked by California Supreme Court Justice Carol Corrigan and U.S. Ninth Circuit Court of Appeals Judge William Fletcher, asks a question to Edward Piper '12 at the 2011 McBaine Honors Moot Court Competition.



**Shenandoah Titus LL.M. '23**

## Blowing the Whistle on Workplace Harassment

**Shenandoah Titus wouldn't wish the circumstances on anyone.**

While working at the U.S. Department of Homeland Security (DHS) headquarters in Washington, D.C. — ironically as the program manager of its first anti-harassment unit — he describes senior officials pressuring him to lie to Congress about a sensitive issue.

“As a matter of honor, I refused to lie to Congress, which also is a federal crime,” Titus explains. “Consequently, I

experienced harassment, bullying, and retaliation from senior management because I did the right thing and actually provided the truth.”

He resigned and sued DHS — where he had won the agency's Award for Excellence — and received all of his demands for relief in a settlement.

“Many people underestimate the impact of workplace bullying, harassment, and retaliation,” Titus says. “This affects people in very serious ways,



including having a detrimental effect on one's health, finances, family relations, and more. In extreme cases, workplace abuse can lead to fatal workplace violence or suicide.”

He used his settlement award to establish the Whistleblower Anti-Bullying Resource Network (WARN), which provides complaint review, legal representation, and support systems for whistleblowers, survivors of workplace bullying and harassment, and people who have experienced police abuse.

“In addition to helping whistleblowers, WARN’s equally important objective is to confront police harassment and brutality issues in America,” says Titus, the organization’s chief counsel. “We plan to address racial profiling and promote professional, ethical policing.”

Titus worked in government leadership positions for 21 years. He was the human rights director of two cities in Massachusetts, served on the Attorney General’s Task Force on Hate Crimes there, and was the Massachusetts Bay Transportation Authority Police Department’s director of community policing and partnership programs.

He unpacks his jarring experience at DHS in his book — *The Whistleblower:*

*Defeating Bullies, Harassers & Management Gang Retaliation.* Available on Amazon, it has a five-star rating among dozens of reviews.

“It’s been wonderful knowing that my story and insights have helped people cope better with their experiences and become stronger and wiser in dealing with workplace bullies,” Titus says.

Having earned four degrees, mainly from Cornell and Harvard, his quest for learning continues in Berkeley Law’s executive track LL.M. Program.

“Most prestigious law schools are rather staid, conventional, and uninteresting,” he says. “In the social justice arena, Berkeley Law was always my top choice for an LL.M. degree due to its reputation for producing change agents.”

Now back in Washington, he sees “public ignorance and apathy” as the most daunting hurdles to creating positive reform within workplace culture and police mistreatment.

“At WARN, we hope to change these attitudes,” Titus says. “We view workplace abuse as well as police abuse as human rights violations. And we’re fully committed to bringing about needed change.” — *Andrew Cohen*

“In the social justice arena, Berkeley Law was always my top choice for an LL.M. degree due to its reputation for producing change agents.”

**TRUTH TELLER:** LL.M. student Shenandoah Titus turned a harrowing experience into a driven effort to help others find dignity and respect in the workplace.



Shelby Wayment '23

## A Fervor for Election Protection

### Passionate about politics and well

aware of its pitfalls for as long as she can remember, Shelby Wayment still assumed that the foundation itself — America's democracy — was solid. But as her understanding became more sophisticated, and our political system more fragile, a career focus quickly took shape.

"As a lawyer, I can help advocate and fight for a more representative democracy — where everyone's voice can be heard at the ballot box," Wayment says.

Having volunteered on campaigns in high school and at the University of Utah, she minored in campaign management and had two internships focused on campaign laws and voter protection. Last summer, Wayment worked with the voting rights practice group at Disability Rights California.

At Berkeley Law, she hit the ground sprinting and now co-leads two student-led initiatives. The Political and Election Empowerment Project researches campaign finance, ballot access, and other key democracy issues, and Election Law @ Berkeley Law builds community among students interested in democracy, equality, citizenship, voting rights, and representation.

At a time when everything political — and many things apolitical — seem thoroughly polarized, Wayment strives to promote election protection as a bipartisan issue.

"Elections affect voters of all political parties," she says. "I think that the polarization and partisan debates around elections and voting has, at least in part, contributed to the vast amount of misinformation and distrust in our electoral system."

To help combat that, Wayment brainstormed with fellow Election Law @ Berkeley Law co-leader Sara Clark '23

and their counterparts from the Goldman School of Public Policy's Democracy Project. The group coordinated a compelling three-part Democracy Summit last spring — each event available in person and on Zoom — to educate students about threats and concerns in our democracy.

"We wanted to give students a valuable chance to engage with these issues," Wayment says. "Every speaker we invited highlighted the different paths young activists can take."

"As a lawyer, I can help advocate and fight for a more representative democracy."

The Summit featured a keynote by actress and Screen Actors Guild Los Angeles Chapter First Vice President Sheryl Lee Ralph, a panel with alumni who have run for public office or are now serving, and veterans of the civil rights movement. It assessed the state of American democracy, highlighted work needed to make change, urged students to become advocates, and promoted campus partnerships to serve



democracy protection.

A former Peace Corps volunteer in Malawi, Wayment also tutors students in Berkeley Law's first-year Legal Research, Analysis, and Writing Program and is the programs director of the school's *Ecology Law Quarterly*.

"I'm struck by the genuine kindness

I've experienced at Berkeley Law," she says. "Even with the pandemic, the students managed to create a strong sense of community and the professors and administration have all been exceptionally understanding — particularly given the challenges of these past few years."

— *Andrew Cohen*

**DIGGING IN:** Shelby Wayment works to protect voting rights and election integrity as the co-leader of two student-driven initiatives. Photo by Darius Riley





Phillip Gomez '23

## Building a Non-Toxic Space for Latino Gun Owners

In August 2019, a gunman opened fire at a Walmart in El Paso, Texas, killing 23 people and injuring 23 more. Phillip Gomez, then a college student, was moved to action.

“Latinos had been the target of a horrific terrorist attack by a white nationalist and I knew that many Latinos were going to start exploring the prospect of armed self-defense,” he says. “My fear was that they would be walking into an environment that was hostile and would only make our communities less safe.”

Traditional gun culture — symbolized most prominently by the National Rifle Association — is toxic, Gomez says. Longing to create a better option for Latino gun owners, he founded the Latino Rifle Association in 2020.

“I wanted there to be a safe space

that had a more community-oriented, socially responsible view on self-defense,” he says.

Gomez, who’s from Sacramento, makes clear that his group is for people who don’t fit the conservative stereotype of gun owners. He and the group are unapologetically progressive and often, by his own description, “outright leftist.”

“This is not the NRA for brown people. We have zero tolerance for xenophobia disguised as ‘law and order,’” he says. “The rights of trans people are not up for debate in the LRA. There is a lot of ideological diversity on the left and we don’t gatekeep for a specific philosophy, but truthfully, we aren’t interested in integrating with mainstream gun culture — we want to be a complete alternative to it.”

You don’t have to be Latino to join the group, he says. It has several hundred members and Gomez hopes to one day see chapters all over the Southwest and beyond, teaching community defense and socially responsible gun ownership.

He’s already garnered national press attention, including from CBS News.

“I was able to offer a perspective that isn’t very common in the debate over guns: a politically progressive minority group that supports armed self-defense and is skeptical of gun control because of its racialized impact,” Gomez says.

He chose Berkeley Law because of its robust public interest program, and for what he felt was a notably less hyper-competitive environment than other top law schools.

Gomez is a member of La Alianza Law Students Association and has found fellowship there. He dips into Second Amendment discourse occasionally, but it’s not his career focus: He spent the summer in Hawaii, advocating for Indigenous rights, and is also interested in police misconduct and digital privacy.

“The sense of community at Berkeley Law has been really strong. Although Latinos are a pretty small minority here, it really feels like everyone participates in Alianza,” Gomez says. “The school really encourages a lot of student organizations and it seems like everyone can find a home.”

— Gwyneth K. Shaw

“We aren’t interested in integrating with mainstream gun culture — we want to be a complete alternative to it.”

**A NEW WAY:** Phillip Gomez established the Latino Rifle Association to provide an alternative outlet for self-defense.



# Award- Winning Excellence

**Faculty Honors:**  
From trailblazing  
scholarship and  
extraordinary  
teaching to  
visionary  
leadership and  
meaningful  
mentoring,  
Berkeley Law  
faculty members  
have been  
festooned with a  
bevy of prestigious  
national and  
campus-wide  
honors this year.



**LAUREN EDELMAN** '86 was elected to the American Academy of Arts and Sciences, a leading honorary society and independent research center for leaders from varied disciplines to address major challenges. A past Law and Society Association president and Guggenheim Fellowship recipient, Edelman confronts the revealing interplay between organizations and their legal environments.

**OSAGIE K. OBASOGIE** won a coveted Guggenheim Fellowship to further his groundbreaking scholarship probing the intersection of race, medicine, and the law. He plans to use the opportunity

to expand his work on “excited delirium,” a vague and controversial term often used by medical examiners as well as coroners to explain why community members die in police custody.

An expert on the psychological science of diversity, **VICTORIA PLAUT** was named UC Berkeley’s new vice provost for the faculty. On Aug. 15, she began oversight of building, supporting, and maintaining the faculty in close collaboration with deans, department chairs, and others. Plaut recently chaired the Academic Senate’s Budget and Interdepartmental Relations Committee.



**SELECTED SCHOLAR:** Professor Jennifer Urban '00, chair of the California Privacy Protection Agency, was chosen to give this year's Benjamin Ide Wheeler Society Lecture.

**ROBERT MERGES** received the PatCon Extraordinary Achievement Award for his leading scholarship about the patent system. The Patent Conference (PatCon) is the world's largest annual gathering for experts in the field to share their research and explore new developments. Merges is America's second-most cited intellectual property scholar, according to a recent study.

**CALVIN MORRILL** was one of two winners of the Law and Society Association's 2022 Stan Wheeler Mentorship Award. A long-time leader in graduate socio-legal studies, Morrill has served on 44 Ph.D. committees and chaired over half of them. Many of the people he supervised have co-authored publications with him and become leading researchers, scholars, and teachers.

Policy Advocacy Clinic  
Associate Director

**STEPHANIE CAMPOSBUI** '14 won the university's Chancellor Award for Community-Engaged Teaching, which honors those who lead students in community-based courses or research. Her work on abolishing fines and fees in California's juvenile and criminal legal systems helped accelerate a movement to eliminate them nationwide.

**JENNIFER URBAN** '00 gave UC Berkeley's annual Benjamin Ide Wheeler Society Lecture in July. Director of policy initiatives at the school's Samuelson Law, Technology & Public Policy Clinic, she discussed the public's growing privacy demands, how legislative efforts are responsive to those concerns, and the challenges of protecting privacy rights in a data-hungry age.

Civil procedure expert **ANDREW BRADT** won UC Berkeley's Distinguished Teaching Award, one of just five campus educators recognized this year. The award honors teaching that incites intellectual curiosity, engages students deeply in the enterprise of learning, makes them aware of key relationships between the academy and the world at large, and inspires colleagues.

shown scholarly excellence, the ability to imagine how society can be more just and more equal, and the determination to pursue that goal.

**ABBYE ATKINSON**, an authority on credit, debt, and inequality, is the first recipient of the American Constitution Society's Ruth Bader Ginsburg Scholar Award. The award honors a top scholar in the early stages of their career who has



**IN CHARGE:** Professor Victoria Plaut was recently named UC Berkeley's new vice provost for the faculty.



**Faculty Papers:**  
**Berkeley Law’s public mission demands scholarship that tackles pressing matters facing society, and its professors continue to meet that obligation head-on. Here are some examples of recent faculty papers that confront key issues within finance, privacy, refugee migration, corporate governance, artificial intelligence, and much more.**

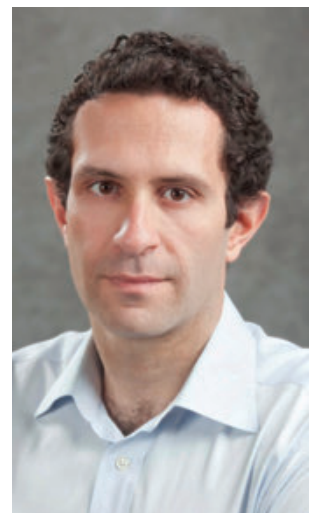


▲ **ANDREA ROTH**

**The Lost Right to Jury Trial in ‘All’ Criminal Prosecutions**

*Duke Law Journal*

Though the Constitution states that those accused of a crime are entitled to a jury trial, tens of thousands of federal defendants each year are denied a jury by the “petty-offense” exception born in the 19th century. Probing untapped historical and textual sources, Roth says the exception’s current rationales are untenable. She examines a jury right’s implications in federal petty cases, for state defendants, and for the Sixth Amendment right to counsel.



► **STAVROS GADINIS**  
WITH AMELIA MIAZAD ’02

**A Test of Stakeholder Governance**

*Journal of Corporation Law*

The authors allay concerns that the COVID-19 pandemic threatens the stakeholder governance movement, which prods companies to look beyond profit maximization and also serve societal concerns from workplace equity to climate change into their decisions. Their research of companies from industries that both fared well and not well during the pandemic finds that they turned to stakeholders with increasing frequency for input on issues central to their business.

◀ **PAUL SCHWARTZ**  
WITH DANIEL J. SOLOVE

**ALI Data Privacy: Overview and Black Letter Text**

*UCLA Law Review*

The reporters for the *American Law Institute Principles of Law, Data Privacy* describe their project and how it serves as a blueprint for policymakers to regulate privacy comprehensively and effectively. Saying the United States has “clung stubbornly to a fragmented, inconsistent patchwork of laws,” they propose principles for legislation consistent with key foundations in the U.S. approach to privacy that also better align the nation with the European Union.



▼ **ROBERT BARTLETT**  
WITH JUSTIN MCCRARY & MAUREEN O'HARA

## The Market Inside the Market: Odd-Lot Quotes

*Annual Conference on Financial Market Regulation*

Bartlett and his co-authors say current market practices relating to odd lot quotes (order amounts for a security that are less than the normal trading unit) result in a large “inside” market where for many stocks, better prices routinely exist relative to the National Best Bid or Offer. Using a learning prediction algorithm where odd lot data predicts future prices, the paper shows how traders with access to such data gain a simple and profitable strategy.



► **SEAN FARHANG**  
WITH STEPHEN B. BURBANK

## Politics, Identity, and Pleading Decisions on the U.S. Courts of Appeals

*University of Pennsylvania Law Review*

Reviewing an empirical study of appeals from rulings on motions



▲ **SARAH SONG**  
WITH IRENE BLOEMRAAD

## Immigrant Legalization: A Dilemma Between Justice and the Rule of Law

*Migration Studies*

Immigrant legalization policies pose a vexing ethical dilemma between justice and the rule of law. Clarifying each horn, Song and her co-author reappraise these policies by examining empirical evidence about their effects and reflecting on the value of the rule of law. Contending that legalization policies can help enhance the rule of law and mitigate this dilemma, they propose five rule of law arguments in support of legalization and discuss some policy implications of their analysis.

to dismiss for failure to state a viable claim, the authors find that judicial panels with women judges are far more likely to rule in favor of a plaintiff reaching discovery. The results contradict conventional wisdom that women judges’ preferences differ from men’s only in cases implicating discrimination, and show that gender has a notable impact on discovery rulings beyond civil rights cases.

► **REBECCA GOLDSTEIN**  
WITH DEVAH PAGER, HELEN HO, & BRUCE WESTERN

## Criminalizing Poverty: The Consequences of Court Fees in a Randomized Experiment

*American Sociological Review*

Court-related fines and fees are routinely levied on poor criminal defendants who have little capacity to pay. Goldstein and her co-authors show how that inability to meet the



financial burdens of the legal process may create a troubling criminalization of poverty. Testing that hypothesis with misdemeanor defendants in an Oklahoma county, the study found that such fines and fees put the defendants at heightened risk of ongoing court involvement through both new warrants and debt collection.

◀ **JONATHAN GLATER**  
WITH KATE ELENGOLD

## Qualified Sovereignty

*Washington Law Review*

Private federal contractors often exploit three “sovereign shield” defenses in cases against them — preemption, derivative sovereign immunity, and derivative intergovernmental immunity — in order to evade liability. Glater and his co-author propose three prisms to assess legal accountability: did the contractor act as the government’s agent, did it comply with government-established guidelines, and was it reasonable to believe its conduct would not violate rights protected by law.







◀ **ANDREW BRADT**  
WITH MAGGIE GARDNER,  
PAMELA K. BOOKMAN,  
ZACHARY D. CLOPTON, &  
D. THEODORE RAVE

## The False Promise of General Jurisdiction

*Alabama Law Review*

While the U.S. Supreme Court has stated that general jurisdiction provides a clear and certain forum to sue defendants, Bradt and his co-authors argue this is not so in cases involving foreign or multiple defendants. Warning against the impact of that assumption, they assert that the Court’s view of general jurisdiction creates incentives for states to favor local defendants and that overreliance on it also channels litigation to states that may not want it.



▲ **SONIA KATYAL**

## Democracy and Distrust in an Era of Artificial Intelligence

*Journal of the American Academy of Arts & Sciences*

Our legal system generally views that courts should defer to the legislature — except when it seems the political process has failed to recognize the rights or interests of minorities. Katyal details how the rise of decision making through



▶ **DAVID OPPENHEIMER**

## The South African Sources of the Diversity Justification for U.S. Affirmative Action

*California Law Review Online*

Oppenheimer says the “diversity justification” for affirmative action has roots from South Africa’s 1950s anti-apartheid movement, and that Supreme Court Justice Lewis Powell’s seminal 1978 *Bakke* opinion leaned on its rationale that a university’s right to select a racially diverse student body is vital to academic freedom. He argues that the opinion was more concerned with academic freedom than racial justice, and identified diversity as central to the mission of U.S. higher education.

◀ **ADAM BADAWI**

## How Informative Is the Text of Securities Complaints?

*Journal of Law, Economics & Organization*

Much of the research in law and finance reduces long, complex texts down to a few variables, prompting scholars to voice concerns that doing so loses important nuance and detail. Applying text analysis and machine learning to more than 5,000 complaints filed in private securities class actions that collectively contain over 90 million words, Badawi assesses this critique and shows why a hybrid model would provide more reliable predictions for case outcomes.



▼ **JONAH GELBACH**

## Free PACER

*Legal Tech and the Future of Civil Justice*

While litigants, lawyers, and the public can now pay to obtain federal court case information through electronic searches of the judiciary’s PACER system, Gelbach explains why misguided policy choices have made access “so much less than it could be and should be.” He argues that offering free federal litigation data to the public would help scholars and journalists improve our justice system and fuel the development of more accessible and affordable legal technology.





## Turning the Page

**QUANTUM LEAP:** Professor Chris Hoofnagle, the faculty director of UC Berkeley's Center for Long-Term Cybersecurity, with his latest book.

**T** rue to form, Berkeley Law's prolific faculty cranked out 39 compelling books last year that explore a wide swath of meaningful issues. At a spring celebration of those publications, colleagues shared their perspective on several of them — and why they resonate. Here are just three examples:

In *Law and Policy for the Quantum Age*, Professor Chris Hoofnagle and co-author Simson Garfinkel detail how the rise of quantum technologies will affect countries and their citizens. They describe the history of these technologies, how they work, how they may be used for future national defense, and how companies may (or may not) profit from them.

"Chris has been helping people understand law and tech for many years now," said Berkeley Law professor and privacy law expert Paul Schwartz, who praised his colleague's "witty, easy to read book that enables people from different disciplines to understand the interplay between them."

In *Contested Ground: How to Understand the Limits of Presidential Power*, Professor Daniel Farber synthesizes history, politics, and settled law while illuminating issues that stoke hotly

contested debates about the limits of and checks on presidential authority — and describing how crucial it is for the same rules to apply to all presidents.

"This book provides an explanation for people who care about their country, their democracy, and how the world works in concrete, clear, and meaningful prose," said fellow professor and constitutional law scholar Jennifer Chacón. "It's clear what a wonderful teacher Dan must be."

In *Justice, Justice Thou Shalt Pursue: A Life's Work Fighting for a More Perfect Union*, Professor Amanda Tyler — a former clerk and close friend of the late Supreme Court Justice Ruth Bader Ginsburg — offers a curation of her legacy. Divided into five parts, the book opens with an edited transcript of Tyler's 2019 interview with Ginsburg at UC Berkeley for the first Herma Hill Kay Memorial Lecture.

"I was struck by how well these different parts of the book fit together, the impact of Justice Ginsburg's amazing life and career, how well-edited this book was, how Justice Ginsburg was such a passionate voice for justice, and how much we miss her," Berkeley Law Dean Erwin Chemerinsky said. — *Andrew Cohen*



# New Leader Brings Experience, Enthusiasm, Expertise

She is officially Berkeley Law's new assistant dean for development and alumni relations, but Veronica Alexander is no rookie when it comes to, well, pretty much any aspect of the job.



**“The community of advancement professionals welcomes people from diverse backgrounds and unique lived experiences — attracting individuals with an entrepreneurial spirit.”**

— Veronica Alexander

Familiarity with UC Berkeley? She joined the law school from the university’s School of Social Welfare, where she served as assistant dean for development and external relations.

Familiarity with the legal education world? Alexander spent almost a decade as director of development at UC Irvine School of Law, and before that nearly 20 years at UCLA School of Law, where she was director of financial aid.

Familiarity with Berkeley Law’s senior administrative leadership? She worked closely with Dean Erwin Chemerinsky on major fundraising during his time as Irvine Law’s founding dean, and was hired at UCLA in 1989 with Charles Cannon, now Berkeley Law’s senior assistant dean and chief administrative officer.

Alexander assumed her new role in June. She recently discussed her vision for alumni engagement with Andrew Cohen, *Transcript’s* managing editor.

### **What sparked your interest in this position?**

I enjoy building relationships with individuals who are interested in higher education institutions. But all good intentions must be supported by an exceptional enterprise. Berkeley Law is outstanding in every way. I’ve watched the steady increase in BIPOC enrollment, the expansion of outward-facing centers, the impressive alumni lawmakers, and the clinics’ behind-the-scenes advocacy — it inspired me because I saw the law school

**MISSION DRIVEN:** Veronica Alexander brings a proven track record of success to her new position leading Berkeley Law’s Development and Alumni Relations team.

community’s teamwork in action.

When I saw a position with Berkeley Law to join the Development and Alumni Relations team, I knew I had to apply. I know my background in fundraising and alumni engagement, combined with a collaborative student-focused approach, has prepared me for this role. I look forward to becoming a valued contributor to this phenomenal law school.

### **Burnout can be a factor in demanding leadership roles, but it seems your enthusiasm hasn’t waned. What about this work invigorates you?**

The community of advancement professionals welcomes people from diverse backgrounds and unique lived experiences — attracting individuals with an entrepreneurial spirit. In short, the work is exciting and rewarding — we operate in real time, and there’s never a dull moment when you’re addressing relevant societal issues.

### **How much easier is your transition having already worked with Dean Chemerinsky, and why do you think it’s important to support his highest priorities?**

Working again with Dean Chemerinsky is genuinely a career highlight — he’s an extraordinary scholar, humanitarian, visionary, and dean! I’m looking toward a new horizon of excellence.

The transition has been easy because of the dean’s beautiful attributes permeating the Berkeley Law community. Simply put, Dean Chemerinsky attracts talent, and the people asked to join the law school community are remarkably

innovative risk-takers who perform at the highest levels within their role.

I believe it is important to support the dean’s highest priorities, recruiting and retaining talented faculty and increasing law student scholarship support, because Berkeley Law will provide our nation with critical thinkers and problem-solvers poised to examine complex issues during challenging times.

### **What do you value most about philanthropy and its impact?**

When was the last time you shared something of great value with people you’ve never met? Money has value, and its value can transform places, people, and principles. But it also provides hope for a better tomorrow. For me, the transformational power of philanthropy is one of the most memorable moments you can imagine. It’s magical to share that experience with a donor. I value the impact of generosity because it creates sustainability for essential work that advances our public mission.

### **Why is investment in research and professional school education crucial not just for the students involved, but for California and the world?**

Complex societies generate questions. Questions lead to research — monitored and conducted in an educational setting, challenging premises — which births excellence. Excellence is the perfect commodity you can give to any society. Excellence today will determine what the world can expect in the future. Research and professional school education is an investment in tomorrow’s complex society.



**SORELY MISSED:**

A faculty member for nearly 50 years, Stephen Sugarman was honored with a public interest fellowship in his name.

## Honoring the Legacy of a Beloved Professor

Stephen Sugarman was a Berkeley Law institution during his almost half a century on the faculty — a celebrated scholar, sought-after teacher, and treasured mentor.

When he died in December 2021 after a long struggle with kidney cancer, Karen Carlson, his wife of 50 years, wanted to help pass along a source of support he'd enjoyed: summer stipends. The new Stephen Sugarman Public Interest Endowed Fellowship is funded by family, friends, colleagues, and former students to support Berkeley Law's Summer Fellowship Program.

The larger program supports J.D. students who are completing a summer of

qualifying public interest or public sector work. The Sugarman fellowship is earmarked for students working on education equity issues, like Shane Gilbert '24, one of two inaugural recipients.

Gilbert taught high school history for five years in the New York City area before law school. He never met Sugarman, but knew his scholarship on school funding and disparities well.

"His work in education law was unparalleled," Gilbert says. "I am particularly

inspired by his legal work to advance funding equity in schools."

Gilbert spent his summer working at the Seattle office of the U.S. Department of Education's Office for Civil Rights. The office is a neutral fact-finder that evaluates complaints from students at federally funded schools alleging discrimination based on race, color, sex, disability, national origin, or age. He assisted lawyers conducting interviews with complainants and helped analyze claims and decide how the agency should respond.

While Sugarman was well known for his scholarship on torts, including health law and insurance and personal injury policy, education parity brought him his initial prominence — and a spot on the Berkeley Law faculty.

He and now-Professor Emeritus Jack Coons helped litigate the original, and seminal, *Serrano v. Priest* school financing case. After Coons joined the faculty in 1968, Sugarman followed four years later. Over the years, he became known as a true community builder: generous with colleagues and students and dedicated to the school's mission, serving two stints as associate dean and spending countless hours on committee work.

For decades, his crib sheet of the best places to eat in the East Bay was a must-read for new students and faculty.

At a festive spring 2021 event honoring Sugarman's stellar career, Dean Erwin Chemerinsky described reading Coons' and Sugarman's 1970 book *Private Wealth in Public Education* as a college student and called Sugarman "the institutional memory and the conscience of Berkeley Law."

Now, that legacy lives on, supporting the still-critical work of addressing inequity in education.

"I wish that I had the opportunity to know him," Gilbert says. "But I am very grateful to be an inaugural recipient of this fellowship." — *Gwyneth K. Shaw*

*Want to contribute to the Sugarman Fellowship? Call (510) 643-9789.*

# Our Community Constellations

Much has changed during the COVID-19 rollercoaster ride, but not the inspiring work of Berkeley Law’s alumni community and the generosity of its donors. While the pandemic canceled our festive annual event bestowing the school’s highest awards in 2020, the efforts fueling those awards never

wavered. In June, Dean Erwin Chemerinsky took delight in giving them to the 2020 and 2022 recipients.



**MEDAL WORTHY:** Cara Sandberg '12 has served Berkeley Law in numerous ways since graduating.

**2020 Young Alumni Award: Cara Sandberg '12.** Partner at Conrad Metlitzky Kane. Berkeley Law Alumni Association board president. Led alumni efforts to recruit exceptional and diverse students. Longtime mentor for students and young alumni.

*“There’s something truly special about the students and the alumni of this law school. At every turn in my academic and professional career, they took time and additional care to guide me and support my success.”*

**2020 Faculty Lifetime Achievement Award: Professor Christopher Edley Jr.** Interim dean of UC Berkeley’s School of Education. Renowned leader in advancing educational equity. Berkeley Law’s dean from 2004 to 2013.

*“Berkeley Law students care about their institution and its mission in a way that I had never experienced. It’s our duty to keep it being a place where students generation after generation can find challenge, fulfillment, optimism, and empowerment.”*

**2020 Judge Lowell and Barbara Jensen Public Service Award: Claudia Wilken '75.** Senior judge at the U.S. District Court for the Northern District of California. Consistent Berkeley Law supporter. Returns each December to swear in graduates who passed the California Bar Exam.

*“The greatest opportunity that I had to do public service in my career was as chief judge for the U.S. District Court for the Northern District of California ... I’m proud that our court has followed the example of Judge Jensen.”*

**2020 Citation Award: Art '71 and Mary Jo Shartsis '72.** Art was Shartsis Frieese’s managing partner, San Francisco Bay Area Rapid Transit president and director, and Berkeley Law Centennial co-chair. Mary Jo, who died in January 2021, was a prominent litigator who did prodigious pro bono work. Both

served on the Berkeley Law Alumni Association board, Mary Jo as president.

*Art said he has long admired “the law school’s dual mission to put people into the highest levels of public service and into the highest levels of private practice. I have been the beneficiary of both of those missions.”*

**2022 Young Alumni Award: Colin Allred '14.** Member of Congress from Texas (Dallas area). Co-president of his congressional freshman class. Played five seasons in the National Football League.

*“The work that this university does, that the alumni do, that faculty do, is more important now than ever. The arc of history bends towards justice, but it doesn’t bend on its own.”*

**2022 Faculty Lifetime Achievement Award: Professor Mark Gergen.** Tax law, contracts, and torts expert. Associate dean for faculty research and development (2016-2021). Chemerinsky said he’s never seen a faculty member more ready to do whatever it takes to help the school.

*“These special projects and extra teaching responsibilities have been some of the most rewarding things I’ve done in the last 15 years. Each day I walk into the law school, I’m a grateful member of this community.”*

**2022 Judge Lowell and Barbara Jensen Public Service Award: Marsha Berzon '73.** U.S. Ninth Circuit Court of Appeals judge. Was a private practice lawyer for 25 years with a top Supreme Court litigation practice.

*“Almost every aspect of my legal career ... derived from the interwoven threads that were my law school experience. I am profoundly grateful for the inspiration of those years.”*

**2022 Citation Award: Joel Sanders '82.** Retired partner at Gibson Dunn. Berkeley Law lecturer in antitrust. Board member of the school’s East Bay Community Law Center and Berkeley Center for Law and Business.

*“I feel I’ve been truly blessed ever since I entered as a 1L more than 40 years ago ... Berkeley Law gave me opportunities and opened doors. I’ll be forever grateful for that.” — Andrew Cohen*



# Challenge Accepted

Theresa Lee '03 knows full well that most Berkeley Law graduates dive into busy careers after graduating and pay little attention to the school's financial landscape. After all, she fell into that category herself.

But getting involved in the school's annual Alumni Workplace Challenge proved eye-opening. The campaign is led by alumni volunteer captains who update fellow Berkeley Law grads in their organizations about the school, and encourage them to support it.

"When I became a captain, I was surprised to learn that Berkeley Law only gets approximately 5% of its funding from the

state of California and relies on alumni support to help fill the gaps," says Lee, a counsel at Pillsbury Winthrop Shaw Pittman in San Francisco. "I've continued in this role because I really admire Dean (Erwin) Chemerinsky and the law school's growth under his leadership."

Formerly known as Partners in Leadership, the Challenge — which has raised about \$15 million for Berkeley Law since its inception — supports financial aid, faculty recruitment and retention, clinics and centers, and other core priorities. Earlier this year, Lee reached out to Pillsbury partner Rachel Horsch '99 to help as a co-captain.

"I've historically given during the campaign, mostly because I believe that it's important to maintain a high profile on campus for recruiting purposes and that a strong showing in the Challenge is an important aspect of that effort," Horsch says.

Both applaud how the Challenge brings alumni within organizations closer together — and freely admit that they enjoy the friendly competition. Berkeley Law maintains an online leaderboard with workplaces grouped according to their number of alumni, from Mod A (firms with 41-plus alums) down to Mod G (2-6). Lee and Horsch helped Pillsbury earn first place in Mod B (30-40 alums), narrowly holding off Fenwick & West.

"I became swept up in the exercise," Horsch says.

"We were very excited to win the No. 1 spot in Mod B, which is a first for us," Lee says. "I give a lot of credit to Rachel, who

## 2022 Alumni Workplace Challenge

- 61 workplaces participated
- 44% giving rate from 577 alumni donors
- \$890,875 raised
- 13 workplaces achieved 100% giving
- 100% of alumni volunteer captains made a gift

### Challenge champs:

- Mod A (41+ alumni): O'Melveny & Myers
- Mod B (30-40): Pillsbury Winthrop Shaw Pittman
- Mod C (20-29): Davis Wright Tremaine; Farella Braun + Martel
- Mod D (15-19): Cox Castle & Nicholson; Shute, Mihaly & Weinberger
- Mod E (10-14): Akin Gump Strauss Hauer & Feld; Jenner & Block; Vinson & Elkins
- Mod F (7-9): Baker Botts; Uber
- Mod G (2-6): Bartko Zankel Bunzel & Miller; Lane Powell; Walkup, Melodia, Kelly & Schoenberger; Polsinelli

was very effective with her one-to-one outreach, especially to the partners."

For Lee, dialing into the school's priorities and challenges reinforces gratitude for her own law school experience.

"I'm so thankful for the education I received at Berkeley Law and the friendships I made as a law student," she says. "I believe alumni support is important in furthering the school's mission to provide a world-class legal education, advance research, and support social justice initiatives. It helps to know that we're making a difference in supporting the next generation of lawyers."

If your organization is not yet involved in the Challenge or you'd like to learn more about becoming a captain, please contact Executive Director of Development Ingrid McKenney at [imckenney@law.berkeley.edu](mailto:imckenney@law.berkeley.edu). — *Andrew Cohen*



**BRIDGE BUILDERS:** Theresa Lee '03 and Rachel Horsch '99 led a winning effort connecting alumni at Pillsbury Winthrop Shaw Pittman with the law school.

# Expanding Knowledge and Opportunities

Donor generosity allows Berkeley Law to broaden its reach and become accessible to exceptional students from all backgrounds. Here are a few new funds that advance the school's public mission in myriad ways.

**PARTNERS:** The late Jane L. Scheiber and her husband, Professor Emeritus Harry N. Scheiber



## Wendy Rothstein Opportunity Scholarship Fund

- Supports students through the Berkeley Law Opportunity Scholarship program, a three-year, full-tuition scholarship for first-generation college students
- Funded by a major pledge over five years from Rothstein's husband James Rothstein '71, CEO of Lone Oak Fund LLC in Los Angeles
- Prospective recipients will be identified, screened, and selected by the dean or the dean's designee

## Harry and Jane Scheiber Lecture in Ocean Law and Policy Endowment

- Supports an annual lecture organized by the school's Law of the Sea Institute within the Center for Law, Energy & the Environment

- The lecture recognizes the influential scholarship of Professor Emeritus Harry N. Scheiber in ocean law history and policy, and his late wife Jane L. Scheiber's contributions to advancing the subject through the Institute's conferences and publications
- The Institute directors will consult with ocean law colleagues in selecting the lecturer each year

## Spencer Pahlke Trial Advocacy Scholarship

- Provides scholarships for J.D. students who show an interest in civil or criminal trial advocacy, with a preference to those who took part in activities such as mock trial in college or high school or who exhibit notable interest in law school trial competitions

- Established by Spencer Pahlke '07, head coach of Berkeley Law's Trial Team
- Prospective recipients will be identified, screened, and selected by the dean of admissions or a designee

## Library Funds

- The Thomas J. '40 and Martha H. MacBride Faculty Library Fund provides online access to federal court records and briefs, electronic resources for criminal justice research, and print and e-books focusing on criminal justice and criminal law
- The Charles J. McClain and Laurene Wu McClain Fund is an endowment supporting professional development for library staff

# Go Back to School With Berkeley Law Executive Education!

Did you know that Berkeley Law now offers certificate courses for attorneys and legal professionals? Subjects include leadership, ESG, artificial intelligence,

commercial contracts, and much more! Virtual and in-person options are available.

**Learn more at [law.berkeley.edu/executive](https://law.berkeley.edu/executive)**



# 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

### 1962

**Brian Landsberg** has authored a new book, *Revolution by Law: The Federal Government and the Desegregation of Alabama Schools*. Published by the University Press of Kansas, it is the third in a trilogy about the work of the U.S. Department of Justice's Civil Rights Division.

### 1973

**William Capps**, a partner at Jeffer Mangels Butler & Mitchell, was again named one of the 500 most influential people in the Los Angeles business community by the *Los Angeles Business*

*Journal*. This is his fourth consecutive year on the list.

### 1976

**Alan Brayton** was elected as chair of the National Judicial College's Board of Trustees, the country's top education center for judges. A renowned personal injury attorney and founding member of Brayton Purcell in Novato, Calif., Alan has spent nearly 30 years as a lawyer. He also co-owns Thirty-Seven Wines in Sonoma with his wife Lisa Brayton.



### 1977

**Emily Vasquez** (second from right) retired from the Superior Court of California (Sacramento County) after 20-plus years on the bench. She writes, "It has been a most

rewarding career and journey — one that I could never have imagined as a child. I want to express my gratitude to Berkeley Law for the excellent education that it provided to me." This year she received the American Board of Trial Advocates' Judge of the Year Award and the Cruz Reynoso Bar Association's first Defensora de Justicia Award. Also, the Schwartz-Levi Inn of Court and UC Davis School of Law created the first Judge Emily E. Vasquez Community Service Award, honoring her accomplishments to the Inn of Court, judiciary, legal profession, and community.

### 1978

**Stuart Brotman** wrote a new book, *First Amendment Lives On: Conversations Commemorating Hugh M. Hefner's Legacy of Enduring Free Speech and Free Press Values*. A University of Tennessee law and journalism professor, Stuart presents enlightening interviews

with nominators, judges, and Hugh M. Hefner First Amendment Award recipients. Dean Erwin Chemerinsky calls the book a "wonderful collection of conversations with the top experts on the First Amendment" and a "terrific exploration of some of the hardest and most important legal issues of our day."

**Constance de la Vega** attended a UN Human Rights Council session in Geneva in March with six students from the Frank C. Newman International Human Rights Law Clinic at the University of San Francisco, where she is a law professor. Three students made oral interventions before the full council and several took part in resolution-drafting sessions.



**Cynthia Giles** has a new book, *Next Generation Compliance: Environmental*



### Regulation

#### for the Modern Era.

A senior advisor for the Environmental Protection Agency's Office of Air and Radiation and former head of its Office of Enforcement and Compliance Assistance, Cynthia dispels two myths: that compliance with environmental rules is good, and that enforcement is responsible for making compliance happen. She says that widespread violations of environmental regulations can cause myriad issues that affect human health and the planet, and land hardest on already overburdened communities. Her book outlines how to build better compliance into regulations and avoid the compliance calamities that plague many environmental rules today.

## 1979

**Michael Coffino** transitioned to a writing and editing career in 2016 and since has authored and co-authored eight published works, including his multiple-award winning debut novel *Truth Is in the House*. He is working on his next piece of fiction.

## Scott Edelman '84

# Entertaining a Different Approach

For better or worse — usually the latter — the common image of a successful entertainment lawyer sprang from Ari Gold, the arrogant, maniacal, bombastic agent from HBO's mega-hit show "Entourage."

Scott Edelman, one of just five people on *The Hollywood Reporter's* Legal Legends list this year, reached stratospheric heights with a markedly different approach.

"While you can and should fight as hard as you can, treat the other side with respect and always remember that they're not the devil and in fact are often very similar to you," Edelman says. "I started to realize this as a young lawyer when I'd see opposing counsel at our kids' soccer games, in synagogue, and on charitable boards."

When he joined Gibson Dunn, the firm did little entertainment work so he hunted for opportunities. Soon after being named partner in 1991, Edelman was tapped to co-chair the firm's entertainment practice.

"When I asked, 'Do we have one?' I was told, 'Not really, but you can build it,'" he recalls. "I started taking Gibson Dunn alumni who worked at the studios, networks, and record companies to lunch. Most were too junior to send me work ... but they introduced me to their bosses, they got more senior, and little by little it happened."

In 2004, his Q-rating soared in a fraud case against a music producer over fake movie budgets. When a key witness turned on him on the stand and began testifying for the other side, Edelman

had to trash his question outline and launch into a searing cross examination. He deftly showed how the witness had lied about what he planned to say, and won a \$120 million jury verdict.

Gibson Dunn's entertainment law profile has grown with Edelman's ever since. Now co-chair of the firm's robust media, entertainment, and technology practice group, his VIP client list includes Warner Bros., Sony Television, and ViacomCBS.

"We represented Sony Electronics in the Supreme Court when the legality of time-shifting to enable recording of television on VCRs was an open question," he says. "We also handled music industry litigation when the internet enabled peer-to-peer copyright violations."

Edelman helped create Gibson Dunn's international pro bono program, was inducted in the International Academy of Trial Lawyers and the American College of Trial Lawyers, and received the American Jewish Committee's Learned Hand Award. He also relishes seeing Berkeley Law thrive in entertainment law (ranked No. 4 nationally by *The Hollywood Reporter*) and having fellow alum Cliff Gilbert-Lurie '79 join him on this year's Legal Legends list.

And while entertainment technology continually changes, Edelman's approach does not.

"I really enjoy the close collaboration with clients and colleagues, and the teamwork involved in achieving the best possible result in the circumstances presented," he says. "I take great pride in those relationships." — *Andrew Cohen*





**Mark LeHocky**, who also teaches the course Being General Counsel at Berkeley Law, was recognized as 2022 Mediator of the Year for the San Francisco region by *The Best Lawyers in America*.

## 1982

**Kerry White** and his brother Terry White published *For The People: A True Story of the Los Angeles Criminal Justice System by Two African American Prosecutors*. The book recounts high-profile cases they came across over their 30-year careers, including the O.J. Simpson trial, the Rodney King beating, the UCLA body parts scandal, and other dramatic cases involving celebrities, human trafficking, drug mafias, and serial killers.

## 1985

**Laura Clayton McDonnell**, senior vice president of sales for the East, Canada, and Latin America regions at ServiceNow, Inc., gave commencement speeches in April to the full-time MBA program graduating classes of 2020 and 2021 at UC Berkeley's Haas School of Business. In January, she was appointed to the board of directors

at the public company Zuora, Inc., a software leader in the subscription economy.

## 1988

**Kenneth Wainstein** was confirmed by the U.S. Senate as Under Secretary for Intelligence and Analysis at the Department of Homeland Security. With decades of government experience in both Democratic and Republican administrations, he was a litigation partner in the Washington, D.C. office of Davis Polk & Wardwell, a law school adjunct professor for 12 years teaching national security laws, a commissioner on the Bipartisan Commission on Biodefense, and a member of several other national security organizations.

## 2000

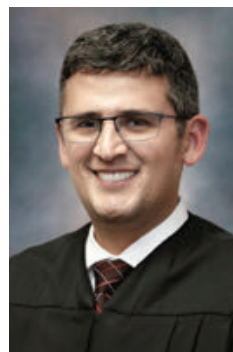
**Neha Sampat** was quoted in a *Harvard Business Review* article, "I'm Not an Imposter — So Why Do I Feel Like One?" The founder and CEO of BelongLab, an organization focused on creating a culture of belonging for all employees, Neha gives workshops and keynotes on imposter syndrome and describes it as a form of internalized bias for racialized people.

## 2001

**John Therien**, a partner at Smith Anderson in Raleigh, N.C., was named among North Carolina's top practitioners for intellectual property by Chambers USA, one of the legal profession's leading research, analytics, and rankings agencies. It provides rankings of firms and lawyers based on independent research from clients, peers, and business community members.

**Ana de Alba**, a new federal judge in the U.S. District Court for the Eastern District of California, was mistakenly described as the court's first Latinx judge in our last *Transcript* issue (she is the court's first Latina judge). We apologize for the error.

**Joshua Lerner** joined WilmerHale's San Francisco office as a partner. He often serves as lead counsel for top technology companies in trade secret, class action, and commercial litigation matters. Joshua has been named a Litigation Star by *Benchmark Litigation* in intellectual property, employment law, general commercial litigation, and products liability, and also a Star by *LMG Life Sciences* in general patent litigation.



## 2002

**Hernaldo Baltodano** was appointed by California Gov. Gavin Newsom as an associate justice in Division 6 of the state's Second District Court of Appeal, located in Ventura. He spent the past five years on the San Luis Obispo Superior Court, serving as the supervising criminal judge for nine months, and spearheaded efforts to create mental health diversion treatments and implement a misdemeanor diversion program. Before that, he was a founding partner and senior litigation partner at Baltodano & Baltodano (now The Baltodano Firm) in San Luis Obispo, which specializes in employment law for a diverse range of workers. The child of immigrants from Nicaragua, Hernaldo's family received American citizenship when he was 19.

## 2004

**Carolyn Boies** recently completed 12 years at the Seattle City Attorney's Office, where she supervised and handled political and constitutional litigation, including multiple matters against the Trump Administration. She is now an associate general counsel at the Art Institute of Chicago.

**Eric Broxmeyer** was named general counsel for the U.S. Senate Sergeant at Arms in August 2021. He was previously general counsel of the Privacy and Civil Liberties Oversight Board from 2015 to 2021, and also served as executive director from 2020 to 2021.

**Devaraju Nagarjun** (LL.M.) was elevated as judge of the Telangana High Court in India.

## 2005

**Gregory Novotny** was named co-chair of Fox Rothschild's taxation and wealth planning department. A partner in the firm's San Francisco office and a transactional attorney, his practice centers on sophisticated tax strategies and he advises on tax planning, entity formation and restructuring, succession planning, and mergers and acquisitions.

## 2006

**Grace Kim** was appointed a commissioner at the Los Angeles County Superior Court. She previously worked as a judicial law clerk with the U.S. District Court for the Central District of California, and as a U.S. Department of Labor trial attorney.

## 2007

**Jasmine Anderson** joined Fox Rothschild in San Francisco as a partner in the firm's labor and employment department. She defends businesses in employment matters and litigation involving discrimination, harassment, wage and hour, failure to accommodate, leave denial, and other claims.

**Lisa Cisneros** was selected as a federal magistrate judge in the Northern District of California. She started the LGBTQ+ program at California Rural Legal Assistance, and has been an active mentor to many aspiring public interest lawyers.

**Leah Granger** brought her *Ecology Law Quarterly* editorial and Berkeley Law Library experiences to her contributions on the recently published *Carbon Almanac*, a book of facts on climate change meant to spark action.

### Nikesh Patel '15

## Homegrown: Native Son Leads San Francisco's Office of Cannabis

For Nikesh Patel, versatility is more than a positive attribute — it's an occupational requirement. As the director of San Francisco's Office of Cannabis, he works with growers and licensing agencies, dispensary owners and police officers, nonprofit leaders and city administrators.

Raised in the city's Tenderloin District, Patel joined the office in 2019 and was named director in February. Striving to develop savvy policies while navigating an evolving legal landscape, he relishes helping lower-income residents.

"I lived in a single-room occupancy hotel with multiple generations of family at any given time," Patel says. "I know what it feels like to come from a neighborhood that can feel unseen at times and heavily scrutinized at others; to be from a community where the hope to make things better is palpable but the understanding of how isn't."

San Francisco's Social Equity Program prioritizes cannabis permit applicants who meet certain hardship thresholds, giving them a chance to enter the regulated commercial cannabis space and access to free legal and technical services. The program has also amassed \$6.6 million so far in grant funding to support applicants.

"Even better, 25 new equity-owned cannabis businesses that didn't exist several years ago have opened and are operating today," Patel says. "They represent hope being actualized and opportunity being grasped."

A Stanford graduate who received a master's degree from Oxford before attending Berkeley Law, Patel previously worked at the Santa Clara County and San Francisco District Attorney's Office. In San Francisco, he managed over 200 people through a trailblazing pre-booking diversion program called LEAD SF that worked to reduce the incarceration of low-level drug offenders.



Cannabis has been legal in San Francisco since 2017, and Patel wants his office to model open, transparent, and accessible government while balancing the breadth of industry interests.

"Maintaining strong lines of communication across stakeholders is vital," he says. "What may advance one person's social justice goals, for instance, may raise public health and safety concerns for someone else. As an example, some see permitting cannabis events as creating opportunities to regulate public cannabis consumption and to showcase local vendors and the equity community. For others, they view these same events as creating public safety and health concerns where the events are held."

Following targeted attacks against city dispensaries in summer 2020, Patel has convened police department-cannabis industry meetings to foster better understanding and practices between law enforcement and operators. Beyond being subject to enforcement across various government agencies, he points to widespread economic incentives for unregulated cannabis growers and distributors to become licensed.

"In San Francisco," Patel says, "the economic benefits of transitioning to a regulated space are baked into our office's programs and the code we enforce." — *Andrew Cohen*



## In Memoriam

Harry L. Fledderman '52	Salvador C. Ramirez '74
Lloyd A. Phillips Jr. '52	Adele A. Hendrickson '75
John C. Baldwin '53	Fraser A. Bonnell '77
James B. Davis '56	Charles H. Martin '77
Robert N. De John '56	Hillary Kelley Costin '78
Lee H. Cliff '58	Bruce D. Fong '80
Lewis K. Uhler '58	Janis Harris Bellinger '82
E. Robert (Bob) Wallach '58	Charles D'Awol '82
Stanley K. Dodson '59	Christopher O. Wright '86
Frederic G. Dunn '59	LeAnn G. Bischoff '92
David Booth Beers '60	Chen-Yuan Cheng '22
David B. Lynch '60	Richard C. Blum
Warren M. H. Grover '61	Stephen V. Bomse
David P. Jones '61	John E. Cakebread
John C. Renshaw '61	Martha M. Campbell
Reed H. Bement '62	Mary Clarke
Michal J. Camras '62	Jeffrey R. Demarest
Bruce A. Richardson '62	John F. Dunlap
Harvey N. Black Jr. '63	Barbara Neely
Edmund Burke III '63	Fledderman
Kenneth H. Cole '63	Sarah D. Galbraith
Burt Barnett '65	Robert Gnaizda
Michael P. Cole '65	Peter Goldberg
William R. Irwin '65	Steven M. Goldblatt
B. Clyde Hutchinson III '65	David M. Hartley
Carl B. Leverenz '65	Sarah A. Hazan Hesse
Charles R. Dodson '67	Grant M. Inman
Jay B. Gaskill '67	Jane K. Jackson
M. David McCloud Jr. '67	Geraldine Fitzgarrald
G. Wright Morton '68	Martin
H. James Wulfsberg '69	Laurie C. Morrison
John L. Langslet '72	David H. Osborne
Bud Smith III '72	Karl S. Pister
Allan J. Thompson '72	Jane L. Scheiber
Marcus S. Topel '72	Charles E. Simms
Johnnie S. Harrison Jr. '74	Billie J. Telford

**Lenin Lopez** was appointed as vice president, corporate securities attorney at Woodruff Sawyer, one of the largest independent insurance brokerages in the U.S. Working in San Diego, Lenin supports clients across Woodruff Sawyer's entire management

liability practice, lending his expertise in SEC reporting, corporate securities, and corporate governance.

**Doan Nguyen** was promoted to director of the Office of Access & Inclusion at the State Bar of California. Recently profiled by the American

Bar Association newsletter, she manages the distribution of upwards of \$140 million annually in funding to more than 100 legal aid nonprofit organizations.

### 2009

**Ruth Isaacson** joined Maslon LLP as an estate planning attorney. Her expertise is enhanced by her prior work as a family law litigator, where she represented high-net worth individuals in contentious legal disputes.

### 2011

**Flynn Coleman** wrote a piece in *Foreign Policy* titled "To Prosecute Putin for War Crimes, Safeguard the Digital Proof." An international human rights lawyer and the author of *A Human Algorithm*, Flynn is a fellow at Harvard University's Kennedy School of Government and Carr Center for Human Rights Policy and a visiting fellow at Yale Law School's Information Society Project.

### 2013

**Jacqueline Aguilar** was profiled in *Hispanic Executive* magazine regarding her legal journey from Berkeley Law to in-house counsel at Procter & Gamble,

where she was also recently promoted to director and assistant general counsel of global transactions.

**Jennifer Spencer** was promoted to partner at Shook, Hardy & Bacon in the firm's Houston office. She practices in product liability litigation, mainly defending pharmaceutical and medical device manufacturers.

### 2014

**Amanda Karl** was elevated to partner at Gibbs Law Group. She prosecutes a wide range of complex cases, including in the areas of employment law and consumer protection, and leads the firm's voting rights task force. Amanda has been named a Rising Star by *Northern California Super Lawyers* every year since 2018.

**Alex Li** published a space law-related article in the *Penn State Law Review*. Entitled "Opening Outer Space: Safety and Stability Through Open Standards and Open Source" (126 Penn St. L. Rev. 667 (2022)), the piece discusses how open standards and open source can make outer space safer and more accessible for all.

**Fang Liu** (LL.M.), a partner at Tiantai Law Firm, was named Corporate Law Lawyer of the Year in China by *Lawyer Monthly*. In charge of the firm's international business, Fang focuses her practice on corporate law, cross-border mergers and acquisitions, and international business transactions.

### 2017

**Ayodele Babalola**, who wrote Nigeria's first campaign finance law textbook, successfully advocated for the subject to become a course for the first time there as a third-year class in the faculty of law at Redeemer's University. "I believe that the course is too important to be ignored," Ayodele writes. "Its absence is the main reason why we do not have campaign finance lawyers in Nigeria, a situation I am trying to change starting from legal education."

### 2020

**Louie Brian Sze** (LL.M.) was appointed a regional trial court judge on the Supreme Court of the Philippines. He previously worked as a data privacy officer for GCash and as a state solicitor with the Philippines' Office of the Solicitor General.

“

Oftentimes, we take light for granted, but it's in the darkest places that we realize how indispensable it is. So now we have the chance to bring this knowledge out to the world — to our worlds — to illuminate the life of others, and most of all to use it wisely because we've learned that with knowledge comes not only light, but also power.”

— ANNA CAMOZZI, 2022 LL.M. GRADUATE  
AND COMMENCEMENT SPEAKER



## What would a more just world look like?

Introducing “More Just,” a podcast about how law schools can and must play a role in solving society’s most difficult problems. Hosted by Berkeley Law Dean Erwin Chemerinsky.

### Topics in Season 1 include:

Teaching About Constitutional Law and the Supreme Court; Why Critical Race Theory Matters; Free Speech on Campus; The Past, Present, and Future of Abortion Rights; Advancing Workers’ Rights; and Defending Human Rights.

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# MORE JUST