

# UCLA LAW

THE MAGAZINE OF UCLA SCHOOL OF LAW



## BEYOND THE BRINK

Envisioning the economic future

# UCLA LAW

The Magazine of UCLA School of Law

Fall 2009 | Vol. 32 | No. 1

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# UCLA LAW

THE MAGAZINE OF UCLA SCHOOL OF LAW



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Professor Kal Raustiala discusses his new book.



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Gift from Ken '65 and Ellen Ziffren to support highest priority needs of UCLA Law.



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### FEATURE:

## BEYOND THE BRINK

Envisioning the economic future

*UCLA Law faculty discuss the current economic condition.*



It would be quite an understatement for me to write that a lot has happened in the past year. Our country is in the midst of the deepest recession in several generations. The state of California is experiencing a severe budget crisis. And, like all schools in the University of California system, UCLA School of Law will receive a substantial reduction in state funds this year and has been forced to cut the salaries of its faculty and staff. Fees have also gone up again to more than \$35,000 for residents this year.

In these times of uncertainty, it is important to examine what led to our current situation, as well as to focus on what we must do to move forward and prosper in the future. With this issue of *UCLA Law Magazine*, we do both.

Our faculty members, who are some of the most talented legal scholars and teachers in the nation, reflect on the current economic crisis in a series of feature magazine articles. Each faculty member offers his or her perspective, from the vantage point of their expertise. You will read about the effects on the financial, environmental, health care and real estate industries, among others, as well as the international impact. Through their deep examination of the situation, briefly highlighted in this feature, we can make sense of how we got into this crisis.



DEAN MICHAEL H. SCHILL

a growing International Human Rights Program, a new Empirical Legal Scholars Program and a unique joint effort with the Anderson School of Management to establish a start-up company incubator.

There are other curricular innovations in the works, which you will read about in future magazine issues.

As private philanthropy has become crucial to the future of our school, I am happy to report that donations to the law school remain strong. In April 2008, we launched our groundbreaking \$100 million endowment campaign. We are more than 65% of the way toward our fundraising goal—a testament to the pride and

commitment of our accomplished alumni and friends.

In both the good times and in the bad, we will uphold our mission as a great public law school.

Despite the current difficulties, I am extremely optimistic about both our school and our nation. I am confident that when this crisis is over UCLA School of Law will remain one of the nation's greatest law schools and a beacon for the rest of the nation.

A handwritten signature in black ink that reads "Michael H. Schill". The signature is fluid and cursive.

**MICHAEL H. SCHILL**  
Dean and Professor of Law

In these times of uncertainty, it is important to examine what led to our current situation, as well as to focus on what we must do to move forward and prosper in the future. With this issue of *UCLA Law Magazine*, we do both.

As we look forward, it is clear that it will take talented leaders to meet our nation's future challenges. Now is the time to invest in our students. They are the leaders of tomorrow. Now, more than ever, it is critical to increase access to high quality legal education for all gifted students regardless of their economic backgrounds. Toward this end, we have redoubled our efforts to help our students afford law school by expanding our loan forgiveness program and bolstering financial aid. We are also making new investments in placement and career services to help our current students, and our alumni, find the types of jobs that will provide them with fulfilling careers.

As you will read about in this magazine, we continue to not only maintain our excellence, but to innovate and flourish even in this difficult economic time. We have expanded our programs and curriculum to include a new externship program in Washington, D.C.,

## Visiting Professors



LEONARD BURMAN

**LEONARD BURMAN**  
*Visiting Professor of Law*

Leonard Burman is an institute fellow at the Urban Institute and director of the Tax Policy Center. Dr. Burman is also a visiting professor at Georgetown University's Public Policy Institute, and has previously taught at George Washington University, Bates College and the University of Minnesota. He has held high-level positions in both the executive and legislative branches, serving as deputy assistant secretary for tax analysis at the Treasury from 1998 to 2000, and as senior analyst at the Congressional Budget Office. Dr. Burman and several colleagues at the Urban Institute and the Brookings Institution founded the Tax Policy Center (TPC) in April 2002.

He is an expert in public finance and modeling the effects of government policies on individuals' and firms' decisions. Dr. Burman is the author of *The Labyrinth of Capital Gains Tax Policy: A Guide for the Perplexed*, and numerous articles, studies and reports.

Dr. Burman's current research is focused on the changing role of taxation in social policy, pension and retirement policy, estate taxation, the alternative minimum tax and tax policy.



DANIEL FOOTE

**DANIEL H. FOOTE**  
*Visiting Professor of Law*

Daniel H. Foote is professor of law at the University of Tokyo, where he holds the chair in Sociology of Law. Prior to moving to the University of Tokyo in 2000, he taught for 12 years at the University of Washington School of Law in Seattle. An expert on Japanese law and on legal education, Professor Foote has been heavily involved in the legal education reform process in Japan. In addition to serving on various internal law school planning and

implementation committees at the University of Tokyo, he has served on advisory committees attached to the Headquarters for Promotion of Justice System Reform (Cabinet-level), the Ministry of Education, the Japanese Association of Law Schools and one of the major law school accreditation bodies.

Professor Foote is the editor of a monograph entitled *Law in Japan: A Turning Point*, a collection of more than 25 essays by leading scholars on major fields of Japanese law, which was published in 2008.



ROBERT FREILICH

**ROBERT H. FREILICH**  
*Visiting Professor of Law*

Robert H. Freilich is a partner at the Los Angeles, California law firm of Freilich & Popowitz, LLP. During his distinguished career, Professor Freilich has represented the public and private sector and has developed and implemented land use plans and systems for more than 250 cities, counties and states from San Diego to Boston, and Monterey to the Florida Keys. He has specialized in obtaining government approval of complex development projects for the public and private sector. Professor Freilich has appeared as an expert witness in more than 30 cases for public and private clients nationwide and was appointed as special master by the U.S. District Court in the Western District of Missouri in *U.S. v. Conservation Chemical Co.*, the most complex superfund case in the nation.

Professor Freilich is the national editor of *The Urban Lawyer*, the national quarterly journal on state and local government of the American Bar Association; director of the Annual Planning and Zoning Institute of the American Center For National and International Law; past-chair of the Planning and Law Division of the American Planning Association; serves on the advisory boards of the *Land Use and Environmental Law Review* and the Rocky Mountain Land Use Institute; and is a member of the American Institute of Certified Planners, the Urban Land Institute and the Congress of New Urbanism.

He is co-author of the leading casebook in the field, *Cases and Materials on Land Use*, Thomson-West (5th Ed. June 2008); co-author of the "21st Century Land Development Code," American Planning Association, May 2008 and has recently written *From Sprawl To Sustainable Growth*, 2nd Ed. to be published by the American Bar Association in August 2009.

Professor Freilich received his B.A. degree from the University of Chicago, holds a Juris Doctor from Yale Law School and M.I.A., LL.M. and Doctor of the Science of Law degrees from Columbia University. In 1968, he became Hulen Professor in Urban Affairs and Planning at the University of Missouri. He has served as visiting professor of law at Harvard Law School (1984-1985), the London School of Economics (1974-1975) and the University of Miami School of Law (1996-1997).

**NAN D. HUNTER**  
*Visiting Professor of Law*

Nan Hunter is visiting from Georgetown Law Center, from which she also received her law degree. After graduating, Professor Hunter was a litigator and project director with the ACLU's national legal staff



**NAN HUNTER**

for nine years. She began her teaching career at Brooklyn Law School in 1990, and has been a visiting professor at Harvard Law School and the University of Miami School of Law. From 1993 to 1996, she was deputy general counsel for the U.S. Department of Health and Human Services, and later served as a member of the President’s Advisory Commission on Consumer Protection and Quality in the Health Care Industry. Professor Hunter is a fellow of the New York Academy of Medicine.

Professor Hunter teaches and writes in three areas: health law; state regulation of sexuality and gender; and procedure. Her most recent health law scholarship focuses on the intersection of that field with democratic theory and mechanisms of new governance. Professor Hunter’s work in the area of sexuality and gender law has been published in many law journals, including the *Michigan Law Review*, the *Harvard Civil Rights-Civil Liberties Law Review*, the *Virginia Law Review* and the *Georgetown Law Journal*; and several of her articles have been selected for reprinting in anthologies. With William Eskridge, she wrote the first casebook to conceptualize the field as embodying a dynamic relationship between state regulation, sexual practices and gender norms. In the field of procedure, Professor Hunter is the author of *The Power of Procedure*, which has been widely adopted for law school use throughout the United States.



**SUNG HUI KIM**

**SUNG HUI KIM**  
*Visiting Professor of Law*

An experienced practitioner with an international background, Sung Hui Kim was appointed associate professor of law at Southwestern Law School in 2005 after several years of providing counsel to a fast-rising, global corporation. She brings an insider’s knowledge of the modern business world to her courses on Business Associations, Securities Regulation, Legal Profession and Contracts. As visiting professor of law at UCLA for

the 2009-2010 academic year, she will be teaching all of these courses except Contracts.

Professor Kim earned her bachelor’s (*summa cum laude*) and master’s degrees from Emory University. In pursuing her master’s degree in History, she published an article in *The Proceedings of the American Philosophical Society*, which settled the identity of the author of Federalist No. 58 and remains the definitive history of supermajority provisions in the U.S. Constitution. After her graduation from Emory, she spent a year in Seoul, South Korea as a Henry Luce Scholar prior to attending Harvard Law School where she graduated *cum laude*. A fluent speaker of German, she spent the following year in Germany, on a fellowship supported by the German Robert Bosch Foundation, where she worked in the German Foreign

Office (Auswärtiges Amt) and Berlin Cabinet of Ministers (Berlin Senatskanzlei).

Professor Kim returned to the U.S. to begin her law practice in Washington, D.C. as a transactional lawyer focusing on mergers and acquisitions, private placements and public offerings for middle market corporations. In 1995, she relocated her practice to Los Angeles, California to join her husband, Jerry Kang, UCLA Professor of Law.

In 1995, Professor Kim began providing legal advice to the North American subsidiary of Austrian-based Red Bull, whose energy drink was then being introduced in the U.S. (Red Bull North America is currently the seventh largest beverage company in the U.S.) Three years later, she joined the company as general counsel. As Red Bull’s popularity surged and the company began marketing other beverages, including the Carpe Diem line of beverages and LunAqua, she supervised the company’s legal matters, including marketing and advertising, distribution, general corporate law, licensing, antitrust, intellectual property, immigration, employment law, litigation, FDA and FTC matters.

In her current legal scholarship, Professor Kim focuses on professional responsibility issues facing transactional lawyers working in-house and in law firms and explores how these lawyers can be leveraged not only to improve the efficiency of the capital markets but also to improve the state of corporate governance.



**ASSAF LIKHOVSKI**

**ASSAF LIKHOVSKI**  
*Visiting Professor of Law*

Assaf Likhovski is the director of the Cegla Center for Interdisciplinary Research of the Law, the editor-in-chief of *Theoretical Inquiries in Law* and an associate professor at Tel Aviv University Faculty of Law. He has published articles and books on legal history, comparative law, taxation and the sociology of law. His book *Law and Identity in Mandate Palestine* was published in 2006 by the University of North Carolina Press. The book was the co-winner of the 2006

Shapiro book award for best book in Israel Studies (awarded by the Association for Israel Studies in June 2007).

Professor Likhovski’s research interests include legal history, taxation, comparative law and jurisprudence.

**ADAM LIPTAK**  
*Visiting Professor of Law*

Adam Liptak is the Supreme Court correspondent of *The New York Times*. He also writes the “Sidebar” column, inaugurated in January of 2007, which covers and considers developments in the law. He previously served as the paper’s national legal correspondent.



ADAM LIPTAK

Since joining *The Times* news staff in 2002, he has contributed reporting and analysis on legal matters. He covered the Supreme Court nominations of John Roberts and Samuel Alito; the investigation into the disclosure of the identity of Valerie Wilson, an undercover C.I.A. operative; the trial of Lee Malvo, one of the Washington-area snipers; judicial ethics; and various aspects of the criminal justice system, notably capital punishment.

Before Professor Liptak was a reporter, he was a lawyer for the paper, spending a decade advising *The Times* and the company's other newspapers, television stations and new media properties on defamation, privacy, newsgathering and related issues, and he frequently litigated media and commercial cases. He was previously a litigation associate at Cahill Gordon & Reindel, specializing in First Amendment matters.

While working as a lawyer, Professor Liptak wrote occasional book reviews for *The New York Times* and *The New York Observer* and contributed to other sections of *The New York Times*. His work has also appeared in *The New Yorker*, *Vanity Fair*, *Rolling Stone*, *Business Week* and *The American Lawyer*. He has written several law review articles as well, generally on First Amendment topics.

Professor Liptak has served as the chairman of the New York City Bar Association's communications and media law committee, was a member of the board of the Media Law Resource Center and has taught media law at the Columbia University School of Journalism. He received a J.D. degree from Yale Law School and a B.A. degree, *cum laude*, in English literature from Yale University, where he was an editor of *The Yale Daily News Magazine*.

**EDWARD A. PARSON**  
*Visiting Professor of Law*



EDWARD PARSON

Ted Parson is Joseph L. Sax Collegiate Professor of Law at the University of Michigan Law School. He joined the law school in fall 2003 in a joint appointment with the School of Natural Resources and Environment. His interests include environmental policy, particularly its international dimensions; the political economy of regulation; the role of science and technology in policy and regulation; and the analysis of negotiations, collective decisions

and conflicts. His recent research has included projects on scientific and technical assessment in international policymaking; the policy implications of carbon-cycle management; the design of international market-based policy instruments; and development of policy exercises, simulation-gaming and related novel methods for assessment and policy analysis.

His recent articles have appeared in *Science*, *Climatic Change*, *Policy*

*Sciences*, *Issues in Science and Technology*, the *Annual Review of Energy and the Environment* and *Scientific American*. He served as leader of the "Environmental Trends" Project for the Government of Canada and as editor of the resulting book, *Governing the Environment: Persistent Challenges, Uncertain Innovations* (2001). His book, *Protecting the Ozone Layer: Science and Strategy*, won the 2004 Harold and Margaret Sprout Award of The International Studies Association. His next book, *The Science and Politics of Global Climate Change*, co-authored with University of Maryland Professor Andrew Dessler, will be available later this year.

Professor Parson has served on the Committee on Human Dimensions of Global Change of the National Academy of Sciences and on the Synthesis Team for the U.S. National Assessment of Impacts of Climate Change. He has worked and consulted for the International Institute for Applied Systems Analysis (IIASA), the United Nations Environment Program (UNEP), the Office of Technology Assessment of the U.S. Congress (OTA), the Privy Council Office of the Government of Canada and the White House Office of Science and Technology Policy (OSTP). Parson holds degrees in physics from the University of Toronto and in management science from the University of British Columbia, and a Ph.D. in public policy from Harvard. He was formerly a professional classical musician and an organizer of grass-roots environmental groups.

**ANGELA R. RILEY**  
*Visiting Professor of Law*



ANGELA RILEY

Angela R. Riley is a professor of law at Southwestern Law School in Los Angeles. She received her undergraduate degree at the University of Oklahoma and her law degree from Harvard Law School. After clerking for Chief Judge T. Kern of the Northern District of Oklahoma, she worked as a litigator at Quinn Emanuel in Los Angeles, specializing in intellectual property litigation. Professor Riley entered the legal academy in 2002 and

joined Southwestern Law School in 2003. That same year she was selected to serve on her tribe's Supreme Court, becoming the first woman and youngest Justice of the Supreme Court of the Citizen Potawatomi Nation of Oklahoma. She is also an evidentiary hearing officer for the Morongo Band of Mission Indians.

Professor Riley writes extensively in the area of indigenous peoples' rights, with a particular emphasis on cultural property rights and Native governance. Her work has been published in the *Yale Law Journal*, *Columbia Law Review*, *California Law Review*, *Washington Law Review* and others. The students of Southwestern voted her Professor of the Year in 2007, and she was named the Rosenberg Professor of Law in 2007-08. As a visiting professor of law at UCLA Law, Professor Riley will teach Property and American Indian Law, as well as Indigenous Peoples' Cultural Resources in UCLA's American Indian Studies Program.



LAURA ROSENbury

**LAURA ROSENbury**  
*Visiting Professor of Law*

Laura Rosenbury’s research and teaching focuses on the law of everyday life: work, family, sex and death. She is particularly interested in how the law may influence seemingly private relationships and conduct. Her article “Between Home and School,” 155 U. Pa. L. Rev. 833 (2007), examines these issues in the context of childrearing. That article was selected for presentation at the 2006 Stanford/Yale Junior Faculty Forum as the best paper in the family law category. Her recent article entitled “Friends with Benefits?,” 106 Mich. L. Rev. 189 (2007), explores the law’s role in maintaining the divide between friends and family.

Professor Rosenbury joined the Washington University Law faculty in the fall of 2002. In 2006, she was named Professor of the Year. Before joining the faculty, she served as an associate in the litigation department at Davis Polk & Wardwell in New York and as an adjunct professor at Fordham University School of Law.

She graduated from Harvard-Radcliffe College with an A.B. in Women’s Studies and received her J.D. from Harvard Law School, where she was primary editor of the *Harvard Law Review*. She clerked for Judge Carol Bagley Amon, United States District Court, Eastern District of New York, from 1997-1998, and for Judge Dennis Jacobs, United States Court of Appeals, Second Circuit, from 1999-2000.

In addition to her research and teaching interests, Professor Rosenbury has practiced in the areas of criminal, antitrust, securities and consumer law. She serves on the board of Children’s Healthcare Is a Legal Duty (CHILD, Inc.), a national nonprofit organization that seeks to protect children from abusive religious and cultural practices, especially religion-based medical neglect.



GUY SCOFFONI

**GUY SCOFFONI**  
*Visiting Professor of Law*

Guy Scoffoni, a renowned expert in comparative constitutional law, received his education in France, studying law at the University of Marseille and completing his doctorate at the University of Paris. Presently, he is professor of law at the University of Aix-en-Provence. He served as acting dean of the law faculty at the University of Avignon from 1994 to 1995. He is a review analyst and on the editorial board of the *Revue Francaise de Droit*

*Constitutionnel* (*French Constitutional Law Review*), a member of the Organization of European Programs and he serves on the national and local selection committees for the Civil Service.

Professor Scoffoni has visited and taught at many international institutions of higher learning, including Brighton University (England), University of Oslo (Norway), University of Hong Kong, University of Bologna (Italy) and University of Chuo, Tokyo. His teaching background includes Constitutional Law, European Law, Comparative European Legal Systems, Fundamental Rights and Environmental Law.



LEO STRINE

**LEO E. STRINE**  
*Visiting Professor of Law*

Since 1998, Leo E. Strine has served as the vice chancellor on Delaware’s Court of Chancery by providing legal counsel to the Governor and assuming responsibility for overall policy coordination. He is a former Henry Crown Fellow at the Aspen Institute and the recipient of Delaware’s Order of the First State and the University of Delaware’s Presidential Citation for Outstanding Achievement.

Vice Chancellor Strine has become the leading voice in the foremost corporate law court in the country and played leading roles in developing the legal strategy for litigating the New Castle County desegregation case unitary status motion, crafting the \$200 million *Delaware v. New York* settlement and drafting the welfare reform plan “A Better Chance.”

In addition, Vice Chancellor Strine speaks frequently on the subject of corporation law, at diverse forums such as the New York University Center for Law and Business; the University of Pennsylvania’s Corporate Law Conference; the Tulane Corporate Law Institute; Director’s Colleges at Stanford Law School, Duke University and the University of Pennsylvania’s Wharton School of Business; the San Diego Securities Law Institute, sponsored by Northwestern University School of Law; and the Center for Corporate Governance at the University of Delaware.

He has also authored several articles on business law topics in publications including *The Business Lawyer*, *University of Chicago Law Review*, *Cornell Law Review*, *Delaware Journal of Corporation Law*, *Duke Law Journal*, *Harvard Law Review*, *Northwestern University Law Review*, *University of Pennsylvania Law Review*, *University of Southern California Law Review*, *Stanford Law Review* and *University of Toronto Law Journal*.

Prior to his role as counsel to Governor Carper, Vice Chancellor Strine was a corporate litigator at the firm Skadden, Arps, Slate, Meagher & Flom. In 2005 and 2006, Vice Chancellor Strine was named as one of the nation’s top lawyers and judges by *Law Dragon* magazine.



Professor Devon Carbado

## Professor Devon Carbado Named Vice Dean for Faculty and Research

**PROFESSOR DEVON CARBADO** was recently appointed to serve as vice dean for faculty and research. He will work alongside Professor Steven Bank, vice dean for curriculum and intellectual life, in his new position.

“Devon Carbado is a respected and valued faculty member and a top-notch legal scholar,” Dean Michael H. Schill said. “He will oversee matters of faculty development in his new role, a position that is essential to the intellectual life of our school. I have no doubt that our faculty will flourish under Devon’s leadership.”

Professor Carbado has been a member of the UCLA School of Law faculty since 1997, and he teaches and writes in the areas of constitutional criminal procedure, constitutional law, critical race theory and criminal adjudication. He was elected Professor of the Year by the UCLA School of Law Classes of 2000 and 2006. Professor Carbado is the 2003 recipient of the Rutter Award for Excellence in Teaching and was recently awarded the University’s Distinguished Teaching Award (The Eby Award for the Art of Teaching). In 2005, he was the

recipient of the Fletcher Foundation Fellowship to further his work in race relations and American law. Modeled after the Guggenheim Fellowships, the Fletcher Fellowship was designed to mark the 50th anniversary of the landmark 1954 Supreme Court decision Brown v. Board of Education, and is awarded to scholars whose work furthers the goals of Brown v. Board of Education.

Professor Carbado is editor of *Race Law Stories* (Foundation Press) (with Rachel Moran) and is working on a book on employment discrimination tentatively titled “Acting White” (Oxford University Press) (with Mitu Gulati). He is a former director of the Critical Race Studies Program at UCLA Law, a faculty associate of the Ralph J. Bunche Center for African American Studies, a board member of the African American Policy Forum and a James Town Fellow.

He graduated from Harvard Law School in 1994, where he was editor-in-chief of *The Harvard Black Letter Law Journal*, a member of the Board of Student Advisors and winner of the Northeast Frederick Douglass Moot Court Competition. After receiving his law degree, Professor Carbado joined Latham & Watkins in Los Angeles as an associate before his appointment as a faculty fellow and visiting associate professor of law at the University of Iowa College of Law.



Professor Kirk Stark

## Professor Stark Honored with Rutter Award for Excellence in Teaching

**PROFESSOR KIRK STARK WAS HONORED** with the 2009 Rutter Award for Excellence in Teaching, which is presented annually to a professor who has demonstrated an outstanding commitment to teaching. He was presented with the award during a ceremony and reception—the 30th annual Rutter Award Presentation—held at the law school in March.

After the award presentation by William Rutter, who established the award, Professor Stark gave a heartfelt speech and presented his philosophy of teaching tax law. Sharing five key insights on what “tax is,” he compared tax law to a Ken Burns documentary, an episode of the “Daily Show,” a spelunking adventure, a Marcel Proust novel and a driver’s education class with Jack Stark (his father).

Professor Stark said that he tries to emulate his father’s approach to driving instruction—keeping students calm, comfortable and focused—and that it is important to create an environment where

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## Professors Russell Robinson and Noah Zatz Receive Tenure



Professor Russell Robinson

**PROFESSORS RUSSELL ROBINSON AND NOAH ZATZ**, who both joined the UCLA School of Law faculty in 2004, have received tenure and been named professors of law.

Professor Robinson's current scholarly and teaching interests include antidiscrimination law, law and psychology, race and sexuality and media and entertainment law. He clerked for Judge Dorothy Nelson of the Ninth Circuit Court of Appeals and for Justice Stephen Breyer of the U.S. Supreme Court. Professor Robinson also

worked for the U.S. Department of Justice, Office of Legal Counsel, and the firm of Akin, Gump, Strauss, Hauer and Feld in Los Angeles, practicing entertainment law.

"Since joining the UCLA Law faculty, Russell Robinson has been an integral part of our groundbreaking Critical Race Studies Program. He is a thoughtful scholar and an inspired teacher whose work serves to deepen our understanding of race, gender and sexual orientation discrimination," Dean Michael H. Schill said.

Professor Robinson's recent publications include: "Racing the Closet," 61 *STANFORD L. REV.* 1463 (2009); "Perceptual Segregation," 108 *COLUM. L. REV.* 1093 (2008); "Structural Dimensions of Romantic Preferences," 76 *FORDHAM L. REV.* 2787-2819 (2008); "Casting and Caste-ing: Reconciling Artistic Freedom and Antidiscrimination Norms," 95 *CAL L. REV.* 1 (2007); and "Uncovering Covering," 101 *NW. U. L. REV.* 1809 (2007).

Professor Robinson graduated with honors from Harvard Law School in 1998, after receiving his B.A. *summa cum laude* from Hampton University. He was a visiting professor at Fordham Law School in 2003-04.



Professor Noah Zatz

Professor Zatz's main scholarly interests are in employment and labor law, welfare and poverty law, work/family policy and feminist legal theory. As a teacher, he is particularly committed to training public interest lawyers and to engaging students with law's possibilities both as an instrument of injustice and as a contributor to emancipatory social change. He actively participates in the UCLA Law David J. Epstein Program in Public Interest Law and Policy and the Critical Race Studies Program.

"Not only is Noah Zatz an impressive legal scholar with a deep knowledge of labor and employment law, but he also truly embodies the spirit of UCLA Law—a commitment to excellence and to the greater good. His dedication to motivating and training the next generation of public interest lawyers is as impressive as it is important," Dean Michael H. Schill said.

Before entering law teaching, Professor Zatz was awarded a Skadden Fellowship to work at the National Employment Law Project (NELP) in New York City. As a NELP staff attorney, he represented low-income individuals and community organizations in matters at the interface between the low-wage workplace and the welfare system. After law school, he clerked for Judge Kimba M. Wood of the U.S. District Court for the Southern District of New York and for Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit. Professor Zatz has also been a visiting fellow at the University of New Mexico School of Law and a visiting professor at the University of Chicago Law School. He received his A.B. *summa cum laude* from Cornell University in 1994, his M.A. from Cornell University in 1996 and his J.D. from Yale Law School in 1999.

Rutter Award, continued from page 7

learning can happen. "You must be adaptable," he told the audience, adding that so much of teaching is intuitive. Professor Stark also thanked his family, including his parents, both teachers, who were in the audience.

Professor Stark, a leading tax expert, joined the UCLA School of Law faculty in 1996. He was elected Professor of the Year by the law school graduating classes of 1999 and 2002. In 2003, he received the University Distinguished Teaching Award, the highest honor for teaching awarded by UCLA.

## Rutter Award for Excellence in Teaching



William A. (Bill) Rutter is a creative entrepreneur. He is the father of *Gilbert's Outlines*, conceiving and writing all of the original summaries. He is also the father of alumnus and Board of Advisors member Paul Rutter '78. Bill created and managed for many years the leading bar-review course in the state. He formed the highly successful Rutter Group, which he sold to West Publishing Co. and which provides high-quality educational materials and seminars for practicing lawyers.

Bill created the Rutter Award for Excellence in Teaching with the belief that universities must reward excellent teaching as they do critical research. Established in 1979, the award recognizes and rewards outstanding commitment to teaching at four law schools—his alma mater USC, UC Berkeley, UC Davis and UCLA. The award has become not only a symbol of recognition, but also an opportunity to celebrate our success as one of the greatest teaching faculties in legal education.

## Recent Faculty Scholarship and Activities



**NORMAN ABRAMS**



**IMAN ANABTAWI**



**PETER ARENELLA**



**MICHAEL ASIMOW**



**STEPHEN BAINBRIDGE**

**NORMAN ABRAMS**

*Professor of Law Emeritus and Acting Chancellor Emeritus*

Norman Abrams spoke at an Anti-Defamation League (ADL) conference in March 2009 on “Legal Issues in Enforcement Against Domestic Terrorism” and in May 2009 to the ADL Legal Advisory Committee on “Protests, Harassment and Terrorism on Behalf of Animals: Legal and Policy Issues.” He also gave the introduction at the first Herbert Morris Lecture in Law and Philosophy at UCLA School of Law, delivered by Professor Ronald Dworkin. The Rosenfield-Abrams Graduate Fellowship at UCLA has been named for him, as well as the Norman Abrams Endowed Chair at the law school.

**Publications**

Contribution to a festschrift in honor of Professor Margaret Berger: “Confrontation, Hearsay and Compulsory Process Issues in Post-Gitmo Terrorism Prosecutions in Federal Court,” (to be published in the *Brooklyn Law Review*).

*Supplement to Anti-terrorism and Criminal Enforcement*. West Publishing (2009).

*Federal Criminal Law and Its Enforcement* (with Sara Sun Beale and Susan Klein). 5th ed. West Publishing (2009).

*2009 Supplement to Evidence-Cases and Materials* (with Jack B. Weinstein,

John Mansfield, Margaret Berger). Foundation Press (2009).

**IMAN ANABTAWI**

*Professor of Law*

Iman Anabtawi’s article “Fiduciary Duties for Activist Shareholders” (with Lynn Stout), *60 Stanford Law Review* 1255 (2008), was selected by the Corporate Practice Commentator’s annual poll as one of the top 10 best corporate and securities law articles of 2008.

**PETER ARENELLA**

*Professor of Law*

Peter Arenella was named the Harry Cross Distinguished Scholar in residence at the University of Washington Law School in Seattle, Washington for their winter and spring 2009 quarters. He gave the Cross Lecture in March and used his forthcoming Oxford University Press essay on moral agency as the basis for the lecture. Arenella was also the first visitor at their law school to be nominated for the school’s “Teacher of the Year” award.

**MICHAEL ASIMOW**

*Professor of Law Emeritus*

Michael Asimow presented a paper on legal television at the 2009 Annual Meeting of the Law and Society

Association, held in Denver, Colorado in May.

**Publications**

*Lawyers in Your Living Room! Law on Television* (edited by Michael R. Asimow). ABA Press (2009).

*State and Federal Administrative Law* (with Ronald M. Levin). 3rd ed. West Publishing (forthcoming, 2009).

“When the Lawyer Knows the Client is Guilty: Client Confessions in Legal Ethics, Popular Culture, and Literature,” (with Richard Weisberg), *18 Southern California Interdisciplinary Law Journal* (forthcoming, 2009).

“The Many Faces of Administrative Adjudication in the European Union,” (with Lisl Dunlop), *Administrative Law Review* (forthcoming, 2009).

**STEPHEN BAINBRIDGE**

*William D. Warren Professor of Law*

**Publications**

*Corporate Law*. 2nd ed. Foundation Press Concepts & Insights Series (2009).

*Mergers and Acquisitions*. 2nd ed. Foundation Press Concepts & Insights Series (2009).

*Business Associations: Cases and Materials on Agency, Partnerships, and Corporations* (with William A. Klein and J. Mark Ramseyer). 7th ed. Foundation Press (2009).



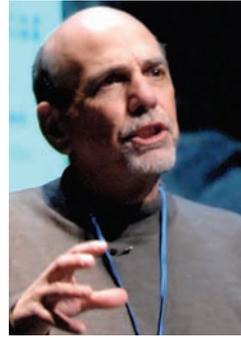
ASLI BÂLI



STEVEN BANK



STUART BANNER



PAUL BERGMAN

Transcript, “The Federalist Society-Corporations Practice Group: Panel on the SEC and the Financial Services Crisis of 2008,” 28 *Review of Banking & Financial Law* 237 (2008).

“There Is No Affirmative Action for Minorities, Shareholder and Otherwise, in Corporate Law,” 118 *Yale Law Journal Pocket Part* 71 (2008).

“Reflections on Twenty Years of Law Teaching,” 56 *UCLA Law Review Discourse* 1 (2008).

**ASLI BÂLI**

*Acting Professor of Law*

Asli Bâli presented “The Obama Administration and the War on Terror” in April at the UCLA American Constitution Society Colloquium. She presented “Turkish State Formation and Its Pathologies” at the European University Institute in Florence, Italy in March, and in February she presented “Legal Status of Muslim-Americans” at the Princeton Institute for International and Regional Studies, Muslim Political Integration Workshop. She also presented “Cultural Revolution as Nation-Building” at the Yale Middle East Legal Studies Seminar in Abu Dhabi, UAE in January.

**Publications**

“From Subjects to Citizens?: The Shifting Paradigm of Electoral Authoritarianism in Egypt,” *Journal of Middle East Law and Governance* 38-89 (2009).

“At the Nuclear Precipice: Iran,” in *At the Nuclear Precipice: Catastrophe or Transformation?* (edited by Richard Falk and David Krieger). Palgrave Macmillan (2008).

**STEVEN BANK**

*Vice Dean and Professor of Law*

In February and March, Steven Bank presented “The Lost Moment in Corporate Tax Reform,” a chapter from his forthcoming book *From Sword to Shield: The Transformation of the Corporate Income Tax, 1861 – Present* on the history of corporate income taxation, as part of tax policy colloquiums held at Indiana University Maurer School of Law and Northwestern Law. Along with Professor Kirk Stark, he presented excerpts from their co-authored book, *War and Taxes*, as part of a tax policy colloquium held at Loyola Law School in November 2008.

**Publications**

“Dividends and Politics,” (with Brian Cheffins and Marc Goergen), 25 *European Journal of Political Economy* 208-224 (2009).

**STUART BANNER**

*Professor of Law*

Stuart Banner spoke about his books *Possessing the Pacific: Land, Settlers, and Indigenous People from Australia to Alaska* and *How the Indians Lost*

*Their Land: Law and Power on the Frontier* at the Michigan State University College of Law in March. In December, he presented “Sovereignty in the Air: The Invention of Flight and the Question of National Power, 1901-1914” at the 27th Australian and New Zealand Law and History Society Conference in Adelaide, Australia. Banner also received a fellowship from the National Endowment for the Humanities to write a book about the history of property in the United States.

**Publications**

“21st Century Fox: *Pierson v. Post*, Then and Now,” 27 *Law and History Review* 185-88 (2009).

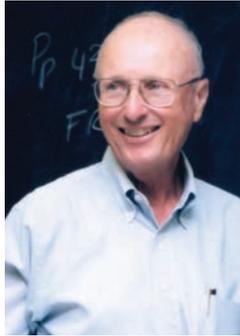
**PAUL BERGMAN**

*Professor of Law Emeritus*

Paul Bergman presented on the classic British TV show “Rumpole of the Bailey” at the 2009 Annual Meeting of the Law and Society Association, held in Denver, Colorado in May. In April, he showed and discussed “Young Mr. Lincoln” at the Santa Monica Public Library and he recorded a two hour lecture on the California Evidence Code for a new online bar review course. He also gave a talk on trial ethics and tactics, based on clips from films he discusses in the book *Reel Justice: The Courtroom Goes to the Movies*, at the annual American Board of Trial Advocacy (ABOTA) meeting in San Francisco. In March, Bergman



STUART BIEGEL



DAVID BINDER



TAIMIE BRYANT



DANIEL BUSSEL



DEVON CARBADO

used clips from lawyer movies as the basis of a talk he gave to the UCLA Faculty Women's Club.

*Publications*

*The Criminal Law Handbook* (with Sara Berman-Barrett). 11th ed. Nolo Press (forthcoming, 2009).

"Rumpole and the Bowl of Comfort Food," in *Lawyers in Your Living Room! Law on Television* (edited by Michael R. Asimow). ABA Press (2009).

**STUART BIEGEL**

*Lecturer in Law*

Stuart Biegel moderated a panel on education quality issues in higher education for the National Conference of Student Regents and Trustees, hosted by Student Regent D'Artagnan Scorza at UCLA in April 2009. He was the featured speaker at a community roundtable on the achievement gap and related issues in the K-12 schools, convened by the Lawyer's Committee for Civil Rights of the San Francisco Bay Area in November.

*Publications*

*Education and the Law*. 2nd ed. West Publishing, American Casebook Series (2009).

"Legal Foundations of Education," (with Kevin Welner and Darrell Jackson), in *Handbook of Research in the Social Foundations of Education* (edited by Bernado P. Gallegos

and Annette M. Henry). Routledge (forthcoming, 2009).

**DAVID BINDER**

*Professor of Law*

David Binder, along with Jason Light, led a three-day training session in Savannah, Georgia on advanced interviewing techniques for an audience of crime investigators. The training was based on concepts from his book *Deposition Questioning Strategies and Techniques* (with Paul B. Bergman and Albert J. Moore).

*Publications*

*Demystifying The First Year of Law School* (with Albert J. Moore). Aspen Publishers (forthcoming, 2009).

**TAIMIE BRYANT**

*Professor of Law*

*Publications*

"Transgenic Bioart, Animals and the Law," in *Leonardo's Choice: Genetic Technologies and Animals* (edited by Carol Gigliotti). Springer (forthcoming, 2009).

"Sacrificing the Sacrifice of Animals: Legal Personhood for Animals, the Status of Animals as Property, and the Presumed Primacy of Humans," 39 *Rutgers Law Journal* 247-330 (2008).

**DANIEL BUSSEL**

*Professor of Law*

Daniel Bussel was inducted as a fellow of the American College of Bankruptcy during a ceremony in Washington, D.C. in March.

*Publications*

*Bankruptcy* (with William D. Warren). 8th ed. Foundation Press (2009).

**DEVON CARBADO**

*Vice Dean and Professor of Law*

Devon Carbado presented "How Law Disciplines Race" at the Center for Advanced Studies, Stanford University, in June, and lectured on "Performance and Comparative Racial Analyses: U.S. Implications for India and Brazil" at the 2009 Global Affirmative Action Praxis Project Transnational Seminar, held at UCLA School of Law. In May, he presented "The New Racial Preferences" and was the keynote speaker at the Critical Race Studies in Education Conference at the University of Arizona. Carbado was the keynote speaker at the Racial Formations in the 21st Century symposium at the University of Oregon, where he presented "After Obama: Three Post Racial Challenges" in April. He was also a panelist at "Revisiting the Id, the Ego and Equal Protection 20 Years Later," presented at "CRT at 20: Honoring Our Past, Charting Our Future," held at the



**ANN CARLSON**



**KIMBERLÉ CRENSHAW**

University of Iowa College of Law. In January, he presented on “Dred Scott was Undocumented” at the *University of San Francisco Law Review* symposium “The Evolving Definition of the Immigrant Worker: The Intersection Between Employment, Labor, and Human Rights Law”; gave the Distinguished Lecture in honor of Ken Broun at UNC School of Law on “What Exactly is Discrimination on the Basis of Race?”; presented “Scrutinizing Strict Scrutiny,” at the UNC School of Law faculty colloquium; and attended a book signing and discussion of *Race Law Stories*, hosted by UCLA School of Law. In November, the *California Law Review* held a special one-day symposium on “The New Racial Preferences,” where Carbadó lectured, along with Professor Cheryl Harris. In October, Carbadó was a panelist at “The Race Card: Thinking About Civil Rights in the New Millennium,” held at Stanford Law School.

**Publications**

*Race Law Stories* (edited with Rachel Moran). Foundation Press (2008).

“The New Racial Preferences,” (with Cheryl Harris), 96 *California Law Review* 1139 (2008).

**ANN CARLSON**

*Professor of Law;*  
*Faculty Director, Emmett Center on Climate Change and the Environment*

Ann Carlson was appointed as a member of a National Academy of Science panel on limiting climate change, which is part of a program called America’s Climate Choices, designed to inform and guide the nation’s response to climate change. She will travel to meetings in Washington, D.C.; Golden, Colorado; Woods Hole, Massachusetts; and Irvine, California throughout 2009 as part of the program. In June, Carlson gave a keynote address at the international conference “Handling Global Challenges Managing Biosafety and Biodiversity in a Global World: EU, U.S., California and Comparative Perspectives” at the Royal Flemish Academy of Belgium for Science and the Arts in Brussels, Belgium. She was a panelist at the First Annual Climate & Energy Law symposium, “Federal Preemption or State Perogative: California in the Face of National Policy,” at the University of San Diego Law School in February, and she spoke on “Iterative Federalism and Climate Change” at a climate change seminar at the Georgetown Law Center in October. In September 2008, Carlson was a panelist at The Environmental Agenda for the Next Administration, held at the University of Michigan Law School.

**Publications**

*Cases and Material on Environmental Law* (with Daniel Farber and Jody Freeman). 8th ed. West Publishing (forthcoming, 2009).

“California Motor Vehicle Standards and Federalism: Lessons for the European Union,” in *California and EU Environmental Cooperation* (edited by David Vogel) (forthcoming 2009 or 2010).

“Iterative Federalism,” 103 *Northwestern Law Review* (forthcoming, 2009).

**KIMBERLÉ CRENSHAW**

*Professor of Law*

Kimberlé Crenshaw organized the Global Affirmative Action Praxis Project Transnational Seminar “Critical Race Theory and the Struggle for Equality in Brazil, India and the U.S.,” which was held at UCLA School of Law in June. She was also an organizer for the Advanced Study in the Behavioral Sciences summer workshop “Colorblind Disciplining of Race Conscious Work: Critical Interventions Across the Academy,” at Stanford University in June. In April, Crenshaw was the keynote speaker at the University of Iowa College of Law conference “CRT 20: Honoring Our Past, Charting Our Future,” for the 20th anniversary of Critical Race Theory. In January, she celebrated the inauguration of President Barack



SCOTT CUMMINGS



SHARON DOLOVICH

Obama at the Inaugural Peace Ball in Washington, D.C., where she delivered a speech to commemorate the inauguration as well as the legacy of Martin Luther King, Jr. She was also a keynote speaker at “Celebrating Intersectionality? Debates on a Multi-Faceted Concept of Gender Studies” at the J.W. Goethe-University Frankfurt. In September 2008, she was a keynote speaker at the “Second National Convention of Fulfilling the Dream Fund,” held in Denver, Colorado.

**SCOTT CUMMINGS**

*Professor of Law*

Scott Cummings presented “A Pragmatic Approach to Law and Organizing: A Comment on the ‘Story of South Ardmore’” at the *John Marshall Law Review* symposium, “Organizing and Law in the Obama Era: Commemorating the 100th Anniversary of Saul Alinsky’s Birth,” held in Chicago, Illinois in April. He also presented “Hemmed In: Law in the Anti-Sweatshop Movement” at the Employment Law Colloquium at Northwestern Law School, and was a panelist at the *National Law Journal* and AALS Panel on the Future of Pro Bono in the Downturn, “Pro Bono and the Economic Crisis: The Impact on Education and Practice,” at the Building a Better Legal Profession National Conference of Student Leaders, held at Stanford Law School. In March, Cummings

was a participant at the Stanford Center on the Legal Profession, Second Forum of the Roadmap to Justice Project. He also presented “Public Interest Litigation: Lessons from Theory and Practice” at the *Fordham Urban Law Journal* symposium, “The Future of Public Rights Litigation,” held at Fordham Law School in New York. In February, Cummings presented “Hemmed In: Law in the Anti-Sweatshop Movement” at the Civil Justice Program and *Loyola Law Review* symposium, “Access to Justice: It’s Not for Everyone,” at Loyola Law School in Los Angeles. Cummings presented “Raising the Bar: Legal Strategies to Reform Low-Wage Work in Los Angeles” at The University of Chicago Legal Forum symposium, “Civil Rights Law and the Low-Wage Worker,” in Chicago, Illinois in November, and he was a plenary speaker on “Community Economic Development” at the Community Lawyering Clinic Workshop at Harvard Law School. In October, Cummings was the moderator for “Private Lawyers and Public Service: What Counts as Pro Bono?” and “The Future of Pro Bono” at “Rethinking Pro Bono: Private Lawyers and Public Service in the 21st Century,” held at UCLA School of Law.

**Publications**

“Hemmed In: Law in the Anti-Sweatshop Movement,” 30 *Berkeley Journal of Employment and Labor Law* (forthcoming, 2009).

“Between Principle and Profit: The Private Public Interest Law Firm,” (with Ann Southworth), in *Private Lawyers and the Public Interest: The Evolving Role of Pro Bono in the Legal Profession* (edited by Robert Granfield and Lynn Mather). Oxford University Press (forthcoming, 2009).

“Globalizing Public Interest Law,” (with Louise G. Trubek), 13 *UCLA Journal of International Law & Foreign Affairs* 1 (2008).

“The Internationalization of Public Interest Law,” 57 *Duke Law Journal* 891 (2008).

**SHARON DOLOVICH**

*Professor of Law*

Sharon Dolovich commented on “Dreaming of Psychiatric Citizenship: A Case Study of Supermax Confinement,” by Lorna Rhodes, at a University of Chicago Criminal Justice Roundtable in May. She presented “Preventing Prison Rape: Lessons from the L.A. County Jail” at the *UCLA Women’s Law Journal* symposium “Gender Injustice: The U.S. Prison System As a Form of Gender Violence” in April. In March and April, she presented “Cruelty, Prison Conditions, and the Eighth Amendment” at faculty workshops at Harvard Law School, the Georgetown Law Center, UCLA School of Law and at a criminal punishment workshop at the University of Chicago Law



**STEPHEN GARDBAUM**



**DAVID GINSBURG**



**CAROLE GOLDBERG**

School. In March, Dolovich also presented “Prison Conditions and the Constitution: An Aspirational View” at an event at UCLA School of Law sponsored by the UCLA chapter of the American Constitution Society. Dolovich presented “The State’s Carceral Burden” at a UCLA School of Law Legal Theory Workshop in February.

**Publications**

“Cruelty, Prison Conditions, and the Eighth Amendment,” 84 *NYU Law Review* (forthcoming, 2009).

“How Privatization Thinks: The Case of Prisons,” in *Government by Contract: Outsourcing and American Democracy* (edited by Jody Freeman and Martha Minow). Harvard University Press (2009).

**STEPHEN GARDBAUM**

*Professor of Law*

Stephen Gardbaum was a participant at the Fourth Annual Constitutional Theory Conference at the USC Gould School of Law in April. In March, he was a participant at the Comparative Constitutional Law Roundtable at George Washington University School of Law. Gardbaum presented “A Democratic Defense of Constitutional Balancing” at the International Symposium on Rights, Balancing & Proportionality in Tel Aviv, Israel in January. In September

2008, he presented “The Myth and the Reality of American Constitutional Exceptionalism” to the faculty seminar at Queen’s University Faculty of Law in Kingston, Ontario, Canada.

**Publications**

“The Myth and the Reality of American Constitutional Exceptionalism,” 107 *Michigan Law Review* 391 (2008).

“Human Rights as International Constitutional Rights,” 19 *European Journal of International Law* 749 (2008).

**DAVID GINSBURG**

*Lecturer in Law; Executive Director, Entertainment and Media Law and Policy Program*

David Ginsburg presented a paper on CBS’s 1961-65 series “The Defenders” and its impact on the cultural perception of lawyers, and he moderated a panel on foreign lawyer television programming and its local cultural perception at the 2009 Annual Meeting of the Law and Society Association, held in Denver, Colorado in May. Ginsburg moderated a panel comparing the development, creative approach and production of the Israeli TV series “Be-Tipul” and HBO’s “In Treatment” at a UCLA conference in April. In March, he gave the introductory remarks as emeritus board member at the 33rd UCLA Entertainment Symposium.

Ginsburg was a panelist on “How Will Labor Discord Change Hollywood?” at the Zócalo Public Square Series in February. In October, Ginsburg addressed the Los Angeles Copyright Society on “Similar Realities: Copyright, Substantial Similarity, and Reality TV” in Beverly Hills.

**Publications**

“The Defenders’: TV Lawyers and Controversy in the New Frontier,” in *Lawyers in Your Living Room! Law on Television* (edited by Michael R. Asimow). ABA Press (2009).

**CAROLE GOLDBERG**

*Professor of Law*

In June, Carole Goldberg presented ongoing research on “The Administration of Criminal Justice in Indian Country,” for the National Institute of Justice, at the mid-year meeting of the National Congress of American Indians (NCAI) as part of its annual “Tribal Leaders/Scholars Forum,” sponsored by the NCAI Policy Research Institute. She also presented this research in December at the 11th National Indian Nations Victims of Crime Conference, sponsored by the U.S. Department of Justice, Office of Victims of Crime. In March, Goldberg gave a series of lectures for the program on “Establishing Institutions of Good Governance,” sponsored by the Banff Centre on Aboriginal



JOEL HANDLER



CHERYL HARRIS

Leadership and Governance in Banff, Canada. She also gave a presentation on “Morton v. Mancari” for a conference co-sponsored by UCLA Law’s Native Nations Law & Policy Center. In February, Goldberg participated in filming a training video for California police officers on “Policing Indian Country,” for the California POST Academy, which certifies all peace officers for the state. Goldberg gave presentations on “Is Tribal Sovereignty Consistent with American Democratic Values?” at the Western Regional Conference of the Federalist Society in January and at USC Gould School of Law in April. She presented “Returning Ancestral Indian Lands: Too Rich for Just Desserts?” at the conference “Red Cents in Indian Country: Native Claims to Things,” sponsored by the Department of Anthropology at UC Irvine in November. In October, she spoke on “American Indians in the 2008 Election” at a UCLA School of Law Critical Race Studies Program event, and she gave a presentation on “Law Enforcement and Criminal Justice Under Public Law 280” at the annual meeting of NCAI. She also presented “The Ninth Circuit’s Indian Law Decisions in Review” to the annual meeting of the California Indian Law Association.

**Publications**

2009 Supplement to *Felix S. Cohen’s Handbook of Federal Indian Law* (edited by Carole Goldberg et al.). LexisNexis (2009).

**JOEL HANDLER**

*Richard C. Maxwell Professor of Law; Professor of Policy Studies, School of Public Policy and Social Research*

Joel Handler presented “The Rise and Spread of Workfare, Activation, Devolution, and Privatization, and the Changing Status of Citizenship” at the Social Policy Association annual conference at the University of Edinburgh in June. He participated in The University of Chicago-School of Social Service Administration Centennial “Welfare States in Transition: Social Policy Transformation in Organizational Practice” in May, and presented “The Rise and Spread of Workfare, Activation, Devolution, and Privatization, and the Changing Status of Citizenship” at the 2009 Annual Meeting of the Law and Society Association in Denver, Colorado. In November, Handler participated in the Thirtieth Annual APPAM Research Conference “The Next Decade – What Are the Big Policy Challenges?” held in Los Angeles.

**Publications**

“Welfare, Workfare, and Citizenship in the Developed World,” *5 Annual Review of Law & Social Science* (forthcoming, 2009).  
 “Poverty,” (with Casey MacGregor) in *The Oxford International Encyclopedia of Legal History* (edited by Stanley Katz). Oxford University Press (2009).

“Welfare,” (with Amanda Sheely) in *The Oxford International Encyclopedia of Legal History* (edited by Stanley Katz). Oxford University Press (2009).

“The Rise and Spread of Workfare, Activation, Devolution, and Privatization, and the Changing Status of Citizenship,” in *SIRN Poverty, Income Distribution & Income Assistance* (edited by Peter Edelman and Timothy Smeeding) APS Vol. 5, No. 5 (2008).

“Rising Wealth Inequality: Why We Should Care,” *15 Georgetown Journal on Poverty Law & Policy* 450-54 (2008).

**CHERYL HARRIS**

*Professor of Law*

Cheryl Harris presented “Racial Myths and Social Science” at a Center for Advanced Studies in the Behavioral Sciences workshop on colorblindness in June in Palo Alto, California. She also presented “The Unitary Presidency and Civil Rights” at the American Constitution Society. In April, Harris presented “Addressing Race Relations in America Through a Truth and Reconciliation Model” at the ABA Annual Meeting, Section on Alternative Dispute Resolution, in New York. She lectured on “The New Racial Preferences” at the University of Nevada Las Vegas Law School in February, and also gave a keynote presentation on “Tracing Race in Colorblind Spaces” at



**SEAN HECHT**



**JERRY KANG**

Macalester College’s American Studies Conference. In January, she presented “The New Racial Preferences” at a “Hot Topics Plenary Session” during the AALS Annual Meeting in San Diego. In November, Harris presented “The New (and Old) Racial Preferences” with Professor Devon Carbado at the University of California, Berkeley School of Law. She gave a keynote presentation on “Law, Identity and Politics” with Professor Devon Carbado at “Making History: Race, Gender and the Media in the 2008 Elections,” held at St. John’s University School of Law in September 2008.

**Publications**

“An Affirmative Act?: Barack Obama and the Past, Present and Future of Race Conscious Remedies,” (forthcoming book chapter).

“The New Racial Preferences,” (with Devon Carbado), 96 *California Law Review* 1139 (2008).

**SEAN HECHT**

*Lecturer in Law; Executive Director, Environmental Law Center*

In June, Sean Hecht was appointed to the transition team for newly-elected Los Angeles City Attorney Carmen Trutanich, assisting the city attorney with setting priorities for the office’s environmental law work. In April, he was the closing speaker and a moderator at the 2009

Working Conference on Nanotech Regulatory Policy, held at UCLA School of Law and the California NanoSystems Institute. Hecht spoke on “Consumers as Regulatory Targets: The Power of Consumer Behavior and Choice” at the *Hofstra Law Review* symposium “Energy and the Environment: Empowering Consumers” in Hempstead, New York in March. In January, he presented “Insurance and Climate Adaptation in the Southwest: Economic Impacts and Policy Implications” at “Adaptation to Climate Change in the Desert Southwest: Impacts and Opportunities,” held at the University of Arizona James E. Rogers College of Law in Tucson, Arizona. In November, Hecht spoke on “Climate Change and the Future of Environmental Law” as a featured speaker at UCLA Extension’s “Beyond the Headlines” Speaking Series. He also presented “Climate Change and Collective Action in the Insurance and Finance Sectors” at the *North Carolina Journal of International Law and Commercial Regulations* symposium “The Greenhouse Gas Marketplace: Commercial Regulation of Climate Change Solutions” in Chapel Hill, North Carolina. In October, Hecht spoke on “Recent Environmental Law Developments in the U.S. Supreme Court, Ninth Circuit Court of Appeals, and California Supreme Court” at the Environmental Law Conference at Yosemite in Fish Camp, California.

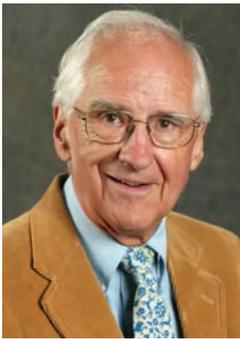
**Publications**

“Climate Change and the Transformation of Risk: Insurance Matters,” 55 *UCLA Law Review* 1559 (2008).

**JERRY KANG**

*Professor of Law*

Throughout 2008 and 2009, Jerry Kang has been conducting research on implicit bias, working on a national training team on implicit bias for the National Center for State Courts and lecturing on the topic to law firms and judges. He gave a keynote presentation to the Connecticut Judges Institute in Middletown, Connecticut in June; lectured at Sonnenschein Nath & Rosenthal in Los Angeles in March; at Latham & Watkins in Los Angeles in January; at The Rutter Group in Los Angeles in November; and at Irell & Manella in Los Angeles in November. He presented “Future History of Implicit Bias and the Law” at a University of Colorado School of Law Faculty Colloquium in Boulder, Colorado in April; at an Emory Law School Legal Theory Workshop in Atlanta, Georgia; and at a work seminar at Yale Law School in New Haven, Connecticut in March. In June, Kang presented “Judicial Lessons from the Internment” at the Connecticut Judges Institute in Middletown, Connecticut and



KENNETH KARST



DAVID KAYE



KENNETH KLEE

presented “Self-Analytic Privacy” at the Privacy Law Scholars Conference at UC Berkeley Law. Kang also has been lecturing in South Korea about American communications law, and has started research on comparative projects regarding the regulation of harmful Internet speech. In May, he presented “A ‘Balance of Power’ Model for Controlling Harmful Internet Speech” at Seoul National University, Center for Law and Technology in Seoul, Korea; “U.S. Communications Law: 2009 Update” to KT (Korea Telecom) and SKT (South Korea Telecom) in Seoul, Korea; and “American Media Consolidation and Cross-ownership Rules” to KISDI (Ministry of Communication think tank) in Seoul, Korea. In October, Kang moderated “Identity Politics and Political Identities: Race to the White House 2008” at UCLA School of Law; presented “Implicit Social Cognition and the Law: A Future History” at Southwestern Law School in Los Angeles; and “Asian Americans Engaging Online” for Leadership Education for Asian Pacifics in Los Angeles.

**Publications**

*Communications Law and Policy: Cases and Materials*. 3rd ed. with Teacher’s Manual (2009) and annual supplements. Foundation Press (2009).

“Engaging Online,” in *The State of Asian America: Trajectory of Civic and*

*Political Engagement* (edited by Paul Ong). Leadership Education for Asian Pacifics (2008).

“Dodging Responsibility: The Story of *Hirabayashi v. United States*,” in *Race Stories* (edited by Devon Carbado and Rachel Moran). Foundation Press (2008).

“Out of the Woods: Urban Sensing,” (with Dana Cuff and Mark Hansen) (peer reviewed), 51 *Communications of the Association for Computing Machinery* 24-33 (2008).

**KENNETH KARST**

*David G. Price and Dallas P. Price Professor of Law Emeritus*

In April, Kenneth Karst spoke at a symposium honoring Justice Ruth Bader Ginsburg at Ohio State University’s Moritz College of Law. His talk analyzed two of Justice Ginsburg’s recent opinions for the Supreme Court, both holding that the Constitution required states to give financial aid to indigents who were appealing from lower court decisions.

**DAVID KAYE**

*Executive Director, International Human Rights Program*

**Publications**

“Complexity in the Law of War,” in *Progress in International Law*

(edited by Russell Miller and Rebecca Bratspies). Martinus Nijhoff (2008).

Review: “David Kennedy’s *Of War and Law*,” 102 *American Journal of International Law* 400 (2008).

**KENNETH KLEE**

*Professor of Law*

Kenneth Klee presented “Supreme Court Bankruptcy History & Precedents” at The Federal Judicial Center, National Workshop for Bankruptcy Judges, in Chicago, Illinois in July. He served as international adviser to the Joint Project of The American Law Institute’s and International Insolvency Institute’s “Transnational Insolvency: Principles of Cooperation” in New York in June. In May, Klee served as planning chair for the following ALI-ABA advanced courses of study, held in Boston, Massachusetts: “Chapter 11: Business Reorganizations,” “Recent Cases and Legislative Developments,” “Claims Trading Issues, Including Rule 2019,” “Solicitation, Lock-Up Agreements, and Disclosure Statements” and “Developments in Bankruptcy-Related Litigation.” In March, Klee presented “Bankruptcy and the Supreme Court” at the American College of Bankruptcy Annual Meeting in Washington, D.C. and he moderated “Directors’ Duties in Financially Troubled Times” at the UCLA School of Law Business Law Breakfast Series.



**RUSSELL KOROBKIN**



**NAOMI LAMOREAUX**



**MÁXIMO LANGER**

Klee presented “Elimination of Bias in Negotiations: Consideration of Gender, Ethnicity, and Culture,” at the Financial Lawyers Conference in Los Angeles in December. In November, he participated on the panel “Skating on Thin Ice: The Risks of Insuring Failing Businesses” at the 21st Annual PLUS International Conference in San Francisco. He was also selected for inclusion in *The International Bar’s Who’s Who Legal: California 2008* and was named by *Law Dragon* in 2008 as one of the 500 leading lawyers in America.

**Publications**

*Bankruptcy and the Supreme Court.* LexisNexis (2009).

**RUSSELL KOROBKIN**

*Professor of Law*

Russell Korobkin presented “Buying Eggs for Stem Cell Research and In Vitro Fertilization” at the University of Minnesota Law School Conference on Artificial Reproduction Technology in Minneapolis, Minnesota in April. He presented “Against Integrative Bargaining” at the Northern California ADR Teacher’s Workshop in San Francisco in February. Korobkin presented “Hedonics and the New Legal Realism” at the AALS Annual Meeting in San Diego in January. In November, Korobkin presented “Recent Developments

in the Stem Cell Century” at the Association of Public Policy Analysis and Management (APPAM) Annual Research Conference in Los Angeles. Korobkin presented “Against Integrative Bargaining” at the AALS Dispute Resolution Section Works-in-Progress Conference, held at Arizona State University in Tempe, Arizona in October. He also presented “Libertarian Welfarism” at the University of Illinois Law and Economics Workshop in April and the UCLA Law, Economics, and Organization Workshop in January.

**Publications**

“Recent Developments in the ‘Stem Cell Century’: Implications for Embryo Research, Egg Donor Compensation, and Stem Cell Patents,” 49 *Jurimetrics Journal* 51 (2008).

“Reprogrammed Stem Cells and Federal Funding of Embryo Research,” 45 *Willamette Law Review* 31 (2008) (symposium on the law of the body).

**NAOMI LAMOREAUX**

*Professor of Law;*

*Professor of Economics and History*

Naomi Lamoreaux was chosen as president-elect of the Economic History Association. This academic year, she presented papers at UC Berkeley, McGill University, New York University Law School, New York University Stern School of Business

and Yale University, as well as at the Annual Meeting of the Economic History Association and a conference on “Understanding Long-Run Economic Growth: A Conference Honoring the Contributions of Kenneth Sokoloff,” held at UCLA. She also commented on a paper at a Brigham Young University Law School symposium on “Evaluating Legal Origins Theory.”

**Publications**

*The Challenge of Remaining Innovative: Lessons from Twentieth Century American Business* (edited by Sally H. Clarke, Naomi R. Lamoreaux and Steven Usselman). Stanford University Press (2009).

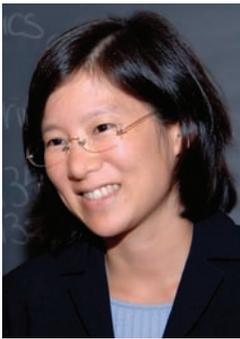
“The Rise and Decline of the Independent Inventor: A Schumpeterian Story?” (with Kenneth Sokoloff) in *The Challenge of Remaining Innovative: Lessons from Twentieth Century American Business* (edited by Sally H. Clarke, Naomi R. Lamoreaux and Steven Usselman). Stanford University Press (2009).

“Scylla or Charybdis? Some Historical Reflections on the Two Basic Problems of Corporate Governance,” 83 *Business History Review* 9-34 (2009).

**MÁXIMO LANGER**

*Professor of Law*

Máximo Langer served as director of the UCLA Center for Argentina,



GIA LEE



DOUGLAS LICHTMAN



LYNN LOPUCKI

Chile and the Southern Cone from July 2008 through June 2009. He presented “The False Promise of Managerial Judging: An Empirical Assessment of the Expediency Reforms to ICTY Procedure” at the 2009 *UCLA Journal of International Law and Foreign Affairs* symposium on “Trends and Tensions in International Criminal Procedure” in February. Langer presented “A Sisyphean Task? An Empirical Assessment of the Managerial Judging Reforms to Expedite ICTY’s Criminal Process” at a faculty colloquium at the University of Texas School of Law in February and at the Annual Meeting of the American Society of International Law, held at Hastings College of Law in San Francisco in October.

**Publications**

*Crime, Procedure and Evidence in a Comparative and International Context* (edited by John Jackson, Máximo Langer and Peter Tillers). Hart Publishing (2009).

*Introduction*, in *Crime, Procedure and Evidence in a Comparative and International Context* (edited by John Jackson, Máximo Langer and Peter Tillers). Hart Publishing (2009).

“Revolución en el Proceso Penal en América Latina: Difusión de Ideas Legales desde la Periferia,” *Centro de Estudios de Justicia de las Américas (CEJA)*, Santiago, Chile (2008).

**GIA LEE**

*Acting Professor of Law*

Gia Lee presented “Bargaining in the Shadow of the Website: Disclosure’s Impact on Litigant Behavior” at the 2008 Conference on Empirical Legal Studies, held at Cornell Law School in Ithaca, New York in September 2008.

**Publications**

“First Amendment Enforcement in Government Institutions and Programs,” 56 *UCLA Law Review* (forthcoming, 2009).

“Secrecy, Settlements & Medical Malpractice Litigation,” (with Eric Helland) in *Transparency in the Civil Justice System* (edited by Robert Reville and Joseph Doherty). RAND Corporation (forthcoming, 2009).

**DOUGLAS LICHTMAN**

*Professor of Law*

Douglas Lichtman spoke on “Internet Law and Policy” at the California Institute of Technology in May. He presented “Reforming Copyright: Process, Policy and Politics” at Southwestern Law School in March, and was also a panelist on “Copyright Infringement and the Internet” at the USC Gould School of Law 2009 Intellectual Property Institute. Lichtman served as an expert witness in GateHouse Media v. The New York Times Company and he is the

director of the Intellectual Property Colloquium, [www.ipcolloquium.com](http://www.ipcolloquium.com), a monthly audio magazine launched in October that features free CLE discussions of timely patent and copyright topics.

**Publications**

“Copyright as Innovation Policy: Google Book Search from a Law and Economics Perspective,” in *Innovation Policy and the Economy*, Volume 9 (National Bureau of Economic Research Book Series) (edited by Josh Lerner and Scott Stern). University of Chicago Press (2009).

**LYNN LOPUCKI**

*Security Pacific Bank Professor of Law*

Lynn LoPucki was the Bruce W. Nichols Visiting Professor of Law at Harvard Law School during the fall semester of 2008, teaching Secured Transactions and Empirical Analysis of Law.

**Publications**

“Routine Illegality in Big-Case Bankruptcy Court Fee Practices,” (with Joseph Doherty), 83 *American Bankruptcy Law* (forthcoming, 2009).

“The Future of Court System Transparency,” in *Transparency in the Civil Justice System* (edited by Robert Reville and Joseph Doherty). RAND Corporation (forthcoming, 2009).

“Court System Transparency,” 94 *Iowa Law Review* 481 (2009).



DANIEL LOWENSTEIN



TIMOTHY MALLOY



JON MICHAELS



JENNIFER MNOOKIN

“Professional Overcharging in Large Bankruptcy Reorganization Cases,” (with Joseph Doherty), 5 *Journal of Empirical Legal Studies* 983 (2008).

“Rise of the Financial Advisors: An Empirical Study of the Division of Professional Fees in Large Bankruptcies,” (with Joseph Doherty) 82 *American Bankruptcy Law Journal* 141 (2008).

**DANIEL LOWENSTEIN**

*Professor of Law*

As of July 1, Daniel Lowenstein will serve as the director of a new UCLA center, the Center for the Liberal Arts and Free Institutions (CLAFI), in the Division of Humanities.

**Publications**

“Presidential Nomination Reform: Legal Restraints and Procedural Possibilities,” in *Reforming the Presidential Nomination Process* (edited by Steven Smith and Melanie Springer). Brookings Institution Press (forthcoming, 2009).

“Law and Mercy in ‘The Merchant of Venice’” in *Law and Language: Theory and Society* (edited by Frances Olsen, Dieter Stein and Alexander Lorz). Düsseldorf University Press (2008).

**TIMOTHY MALLOY**

*Professor of Law*

Timothy Malloy has been selected by Cal/EPA’s Department of Toxic Substances Control (DTSC) to serve on the state’s new Green Ribbon Science Panel, which was created for California’s Green Chemistry program, an innovative approach to removing or reducing toxic chemicals in products sold in California.

**Publications**

“Of Natmats, Terrorists, and Toxics: Regulatory Adaptation in a Changing World,” 26 *UCLA Journal of Environmental Law & Policy* 93-127 (2008).

**JON MICHAELS**

*Acting Professor of Law*

Jon Michaels presented “Privatization’s Workarounds” at the Southern California Junior Law Faculty Workshop in January. He discussed military privatization in Iraq and Afghanistan and presented “Battlefield Contracting: Legal and Political Costs and Concerns” at the National Contract Management Association’s 2009 “World Congress” in Long Beach, California in April.

**Publications**

“All the President’s Spies: Private-Public Intelligence Partnerships in

the War on Terror,” 96 *California Law Review* 901 (2008).

**JENNIFER MNOOKIN**

*Professor of Law*

Jennifer Mnookin gave the Ira M. Belfer Lecture on “The Future of Forensic Science” at Brooklyn Law School in April. She was a panelist on “Legal Rules for Forensic Science Evidence” at “Forensic Science for the 21st Century: The National Academy of Sciences Report and Beyond,” sponsored by the Arizona State University Sandra Day O’Connor College of Law in Tempe, Arizona in April. She also gave a presentation on the “National Academy of Sciences’ Report on Forensic Science” to the California Association of Crime Laboratory Directors. Mnookin led a panel discussion at “Guilt by Association: Searching for Suspects Through Familial Forensic DNA,” the seventh annual public symposium presented by the UCLA Center for Society and Genetics in January. In November, she spoke on “Atomism, Holism, Experts and Forensics” at a festschrift for Mirjan Damaska held at Yale Law School. She spoke on “Seeing the Truth: X-rays and the History of Expert Evidence” at a legal history workshop at the University of Minnesota Law School in October.



ALBERT MOORE



FORREST MOSTEN



HIROSHI MOTOMURA

*Publications*

“Ira M. Belfer Lecture: The Future of Forensic Science,” *Brooklyn Law Review* (forthcoming, 2009).

“The Use of Technology in Human Expert Domains: Challenges and Risks Arising From the Use of Automated Fingerprint Identification Systems in Forensics,” (with Itiel Dror), *Law, Probability & Risk*, under review, expected publication 2009.

“Excerpt from Transcript of Proceedings: Experts and Forensic Evidence,” 37 *Southwestern Law Review* 1009 (2008).

“Of Black Boxes, Machines, and Experts: Problems in the Assessment of Legal and Scientific Validity,” 5 *Episteme* (2008).

**ALBERT MOORE**

*Professor of Law*

*Publications*

*Demystifying The First Year of Law School* (with David Binder). Aspen Publishers (forthcoming, 2009).

**FORREST MOSTEN**

*Adjunct Professor of Law*

Forrest Mosten presented “Mediator as Designer and Manager of the Negotiation Process” as a visiting lecturer at Munich University in June and he was a keynote presenter at

the Swiss Bar Association’s “Training for Conflict Resolution Trainers” in Zurich, Switzerland. In May, Mosten was a keynote presenter at the Ohio Mediation Association and in April he was the Frank Sander Lecturer and spoke on “Innovative Lawyering: A Consumer and Peacemaking Approach” at the Opening Plenary Session of the ABA Dispute Resolution Section’s annual meeting in New York. In March, Mosten discussed “Advanced Negotiation Strategies” as a visiting lecturer at Tulane Law School and was a keynote presenter at the Mediators Beyond Borders Congress in New Orleans. He was a keynote presenter at the Oregon Family Law Conference in November, as well as at the Arkansas Mediation Association and the Missouri Mediation Association Conference in October.

*Publications*

*Collaborative Divorce Handbook: Effectively Helping Divorcing Families Without Going to Court*. Jossey-Bass (forthcoming, 2009).

“Collaborative Lawyers’ Duties to Screen the Appropriateness of Collaborative Law and Obtain Clients’ Informed Consent to Use Collaborative Law,” (with John Lander), 25 *Ohio State Journal on Dispute Resolution* (forthcoming, 2010).

“Mediation Clinical Course: A Law School Model,” in *Clinical Legal*

*Education* (by N.R. Maadhava Menon). (forthcoming, 2009).

“Lawyer as Peacemaker: Ethical and Innovative Practice Roles,” *Family Law Quarterly* (forthcoming, 2009).

Introduction, in “Marketing Our Practices,” Spring 2009 *ACResolution* 3-5.

“Collaborative Law Practice: An Unbundled Approach to Informed Client Decision Making,” 2008(1) *Journal of Dispute Resolution* 163-194 (2008).

**HIROSHI MOTOMURA**

*Professor of Law*

Hiroshi Motomura spoke on various immigration and citizenship topics in the past year, including at the Law and Society Association Annual Meeting in Denver, Colorado in May, at the Japanese American Citizens League, the University of La Verne College of Law, and on campus as part of the UCLA Migration Study Group and the UCLA Israel Studies Program. Motomura participated in the Migration Policy Institute Symposium on Citizenship in Washington, D.C. in May. He presented “Immigration Outside the Law” at Western Washington University’s Center for Law, Diversity & Justice World Issues Forum in Bellingham, Washington in April. He also participated in “Constitutional Rights of Non-Citizens: Claims, Developments and Prospects” at UC Irvine. In November, Motomura



**STEPHEN MUNZER**



**JYOTI NANDA**



**NEIL NETANEL**

presented “Immigration Outside the Law” at the SMU Dedman School of Law Colloquium on Law and Citizenship. In September 2008, he was a panelist at “Immigrants’ Rights: From Global to Local” at Loyola Law School, and presented “Immigration Outside the Law” at the University of Southern California Center for Law, History and Culture.

Motomura’s book, *Americans in Waiting: The Lost Story of Immigration and Citizenship in the United States*, was reviewed in several journals including the *Harvard Law Review*, the *Michigan Law Review*, the *Law and History Review*, the *Journal of American History* and *American Historical Review*, and he is currently at work on a book titled “Immigration Outside the Law.” He also served as an outside advisor to the Obama-Biden Transition Team’s Working Group on Immigration Policy.

**Publications**

“Immigration Outside the Law,” 108 *Columbia Law Review* 2037 (2008).

**STEPHEN MUNZER**

*Professor of Law*

Stephen Munzer presented “A Corrective Justice Argument for Intellectual Property Rights in Traditional Knowledge” at the Philosophy and Intellectual Property Conference, sponsored by the Institute

of Philosophy and the London School of Economics and Political Science, in London in May.

**Publications**

“Territory, Plants, and Land-Use Rights Among the San of Southern Africa: A Case Study in Regional Biodiversity, Traditional Knowledge, and Intellectual Property,” (with Phyllis Chen Simon), 17 *William & Mary Bill of Rights Journal* 831-94 (2009).

“The Uneasy Case for Intellectual Property Rights in Traditional Knowledge,” (with Kal Raustiala), 27 *Cardozo Arts & Entertainment Law Journal* 37-97 (2009).

“Commons, Anticommons, and Community in Biotechnological Assets,” 10 *Theoretical Inquiries in Law* 271-98 (2009).

“Plants, Torts, and Intellectual Property,” in *Tortious Liability: Emerging Trends* (edited by M.N. Bhavani). Amicus Books/Icfa University Press (2008).

**JYOTI NANDA**

*Lecturer in Law*

Jyoti Nanda participated in and helped to organize “Preventing Falling Through the Cracks: Roundtable on Special Education Challenges & Racial Disparities in the Los Angeles Juvenile Justice System,” which was held at UCLA School of Law in February and

also marked the launch of the Juvenile Justice Project. Nanda participated in a two-day national think tank meeting about launching a National Center on Wrongful Convictions of Youth, held at the Blum Legal Clinic at Northwestern Law School in Chicago, Illinois in February. She has also joined the national advisory board for this center.

**NEIL NETANEL**

*Professor of Law*

Neil Netanel presented “From Maimonides to Microsoft” at the University of Texas Law School faculty colloquium in May. In March, he spoke on “Copyright’s Paradox” at the Grafstein Lecture in Communications at the University of Toronto Faculty of Law, and gave a keynote address at the Duke Law School conference “No Law: Intellectual Property in the Image of an Absolute First Amendment.” In November, Netanel presented: “Copyright’s Paradox - Exploring the Tensions between Copyright Law and Free Speech” at the New York University School of Law Information Law Institute; and at the Columbia Law School Kernochan Center for Law, Media and the Arts; and “Copyright’s Paradox” at Fordham Law School. Netanel presented “*Maharam of Padua v. Giustiniani*” at the Midwest Jewish Studies Association, Spertus Institute for Jewish Studies in October. He



FRANCES OLSEN



KAL RAUSTIALA

also presented “From Maimonides to Microsoft: The Jewish Law of Copyright Since the Birth of Print,” the Niro Lecture, at the DePaul College of Law Center for Jewish Law and Judaic Studies and Midwest Jewish Studies Association, Spertus Institute for Jewish Studies.

**Publications**

*The Development Agenda: Global Intellectual Property and Developing Countries* (edited by Neil Weinstock Netanel). Oxford University Press (2008).

“Shimush Hogen Yisraeli Me-Nikudat Mabat Amerikanit” [“Israeli Fair Use from an American Perspective”], in *Yotzrim Zkhuyot: Kriyot be-khok Zkhut Yotzrim [Creating Rights: Readings in Copyright Law]*. Nevo Press (2009) [in Hebrew].

“The WIPO Development Agenda and Its Development Policy Context,” in *The Development Agenda: Global Intellectual Property and Developing Countries* (edited by Neil Weinstock Netanel). Oxford University Press (2008).

“New Media in Old Bottles? Barron’s Contextual First Amendment and Copyright in the Digital Age,” 75 *George Washington Law Review* 952 (2008).

**FRANCES OLSEN**

*Professor of Law*

Frances Olsen gave a keynote address at the “International Seminar on Gender Equality in a Multicultural Society: Gender Diversity and Conviviality of the Age of Globalization,” presented by the Global COE (Center of Excellence) Program of Tohoku University in Sendai, Japan in August. In September 2008, she presented “The Women’s Movement and Feminist Legal Theory in the U.S.” at an international symposium celebrating the 30th year of the International Society for Gender Studies, and she made a presentation at the University of Tokyo to the Clinic for Sexual Harassment.

**Publications**

*Translation Issues in Language and Law* (edited by Frances Olsen, Dieter Stein and Alexander Lorz). Palgrave Macmillan (2009).

*Law and Language: Theory and Society* (edited by Frances Olsen, Dieter Stein and Alexander Lorz). Düsseldorf University Press (2008).

“The Shifting Discourse of Domestic Violence,” in *Law and Language: Theory and Society* (edited by Frances Olsen, Dieter Stein and Alexander Lorz). Düsseldorf University Press (2008).

**KAL RAUSTIALA**

*Professor, UCLA School of Law and UCLA International Institute; Director, UCLA Ronald W. Burkle Center for International Relations*

Kal Raustiala spoke on “Toward a Post-Kyoto Climate Architecture” at the UCLA Institute of the Environment Colloquium in December. He presented “Toward a Post-Kyoto Climate Architecture” at the RIGS Colloquium at UC Irvine and at the Hauser Globalization Colloquium at New York University School of Law in November, and UC Berkeley Law in September 2008. In November, Raustiala presented “Transnational Networks: Past and Present” at the Conference on Transnational Networks at the SMU Dedman School of Law in Dallas, Texas. In October, he presented “Asia and International Institutions” at the U.S.-Japan Leadership Network Program in Tokyo, Japan. He was a panelist at “The Next World: How Should America Respond to Rising Powers?,” organized by the Center for American Progress, Stanley Foundation and New America Foundation in Santa Monica, California in September 2008.

**Publications**

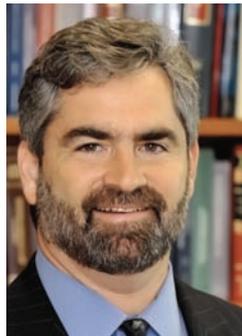
*Does the Constitution Follow The Flag? The Evolution of Territoriality in American Law*. Oxford University Press (2009).



RUSSELL ROBINSON



KIRK STARK



RICHARD STEINBERG

“The Piracy Paradox Revisited,” (with Chris Sprigman), 61 *Stanford Law Review* 1201 (2009).

“The Uneasy Case for Intellectual Property Rights in Traditional Knowledge,” (with Stephen Munzer), 27 *Cardozo Arts & Entertainment Law Journal* 37-97 (2009).

**RUSSELL ROBINSON**

*Professor of Law*

Russell Robinson presented “Racing the Closet” at UC Berkeley Law, Seattle University School of Law and the Benjamin N. Cardozo School of Law in the past year.

**Publications**

“Racing the Closet,” 61 *Stanford Law Review* 1463 (2009).

**SEANA SHIFFRIN**

*Professor of Law; Professor of Philosophy*

Seana Shiffirin was a Dewey Lecturer at Harvard Law School in April and a Distinguished Visitor at the USC Gould School of Law in February. She presented “Justice, Equality and Incentives” at the University of Oxford conference “Rescuing Justice and Equality: Celebrating the Career of G.A. Cohen” in January.

**Publications**

“Reparations for U.S. Slavery and Justice Over Time,” in *Harming Future Persons: Ethics, Genetics and the Nonidentity Problem* (edited by David Wasserman and Melinda Roberts). Springer (forthcoming, 2009).

“Could Breach of Contract be Immoral?” 107 *Michigan Law Review* 1551-68 (2009).

“The Incentives Argument for Intellectual Property Protection,” in *Intellectual Property and Theories of Justice* (edited by Axel Gosseries, Alain Marciano and Alain Strowel). Palgrave Macmillan (2008).

**KIRK STARK**

*Professor of Law*

Kirk Stark, along with Professor Steven Bank, presented excerpts from their co-authored book, *War and Taxes*, as part of a tax policy colloquium held at Loyola Law School in November 2008.

**Publications**

*Federal Income Taxation* (with William Klein, Joseph Bankman and Daniel Shaviro). Aspen Publishers (forthcoming, 2009).

*State and Local Taxation* (with Walter Hellerstein, John Swain and Joan Youngman). West Publishing (forthcoming, 2009).

“Proposition 13 as Fiscal Federalism Reform,” in *Proposition 13 at 30: The*

*Political and Fiscal Impacts* (edited by Jack Citrin and Isaac Martin). Berkeley Public Policy Press, Institute of Governmental Studies, University of California, Berkeley (2009).

**RICHARD STEINBERG**

*Professor of Law;*

*Director, UCLA School of Law*

*Sanela Diana Jenkins International Human Rights Project*

Richard Steinberg was named director of the UCLA School of Law Sanela Diana Jenkins International Human Rights Project. In that capacity, he is overseeing the law school’s new Human Rights Law and Technology Clinic, organizing colloquia and conferences and directing a research program on human rights. In May, he traveled to France, where he delivered lectures at Institut d’Etudes Politiques (Sciences Po) on “The Demise of Global Trade Negotiations” and “Unfinished Business: International Legal Intervention in Bosnia.” In January, he traveled to Sarajevo with UCLA Law students enrolled in the Sanela Diana Jenkins International Justice Clinic to participate in work with prosecutors and others at the War Crimes Chamber of the State Court of Bosnia and Herzegovina. He continues to serve on the editorial board of the *American Journal of International Law*.



KATHERINE STONE



LYNN STOUT

*Publications*

*International Institutions* (edited by Richard Steinberg and Judith Goldstein). SAGE (forthcoming, 2009).

“Regulatory Shift: The Rise of Judicial Liberalization at the WTO,” (with Judith Goldstein) in *The Politics of Global Regulation* (edited by Walter Mattli and Ngaire Woods). Princeton University Press (2009).

**KATHERINE STONE**

*Professor of Law*

This year Katherine Stone, a 2009 Guggenheim Fellowship recipient, has been a visiting fellow at the Russell Sage Foundation in New York City. She has given lectures at Yale Law School, Emory Law School, Benjamin N. Cardozo School of Law and Cornell Law School on her current book project *Globalization and Flexibilization: The Remaking of Employment Relations for the 21st Century*. She also organized an international conference at the Russell Sage Foundation entitled “The Globalization of Labor and the Changing Nature of Work: Challenges for Regulatory Design.” In early September, Professor Stone spoke at the International Society for Labour and Social Security Law’s XIX World Congress in Sydney on “Labor Participation in Corporate Governance.” While in Sydney, she also gave a one-day workshop at

the University of Sydney Law School on “Labor and the Global Economy.” In June, Stone spoke at the AALS Mid-Year Meeting on Work Law on the subject “Labor Law in the 21st Century.” In July, she presented “Re-Inventing Employment Regulation in the Face of Globalization and Flexibilization of Production” at the Conference on Regulating Decent Work of the International Labor Organization in Geneva. She also spoke on “Theories of Convergence and Hybridization of Regulatory Regimes: Labor Law Reforms in Japan and Australia” at the Annual Meeting of the Society for the Advancement of Socio-Economics in Paris, and participated in a research project at Pompeu Fabra University in Barcelona on the topic of “International Labor Standards in Domestic Courts.” In April, Stone presented “The Evolution of Work in a Knowledge Economy” at a conference at Osgoode Hall Law School entitled Knowledge in Labor, Work & Action: Revisiting Hannah Arendt’s “Human Condition.”

Stone also continues to produce her Web-based bibliographic database and monthly newsletter, *Globalization and Labor Standards* ([www.laborstandards.org](http://www.laborstandards.org)).

*Publications*

*Globalization and Flexibilization: The Remaking of Employment Relations for*

*the 21st Century*. Yale University Press (forthcoming, 2009).

*Arbitration Law*. 2nd ed. Foundation Press (forthcoming, 2009).

“John R. Commons and the Origins of Legal Realism; or, the Other Tragedy of the Commons,” in *Transformations in American Legal History* (edited by D. Hamilton and A. Brophy). Harvard University Press (forthcoming, 2009).

“Labor Law for a Digital Era,” in *Encyclopedia of Law and Economics, Labor and Employment Law* (edited by Ken Dau-Schmidt, et. al.). Elgar Publishers (forthcoming, 2009).

“Labor Law for a Digital Era,” Volume 21, Number 2 *Employee Responsibilities and Rights Journal* 145-161 (2009).

“In the Shadow of Globalization: Changing Firm-Level and Shifting Employment Risks in the United States,” in *The Impact of Globalization on the United States* [Three Volumes] (edited by Beverly Crawford, Michelle Bertho and Edward Fogarty). Praeger (2008).

**LYNN STOUT**

*Paul Hastings Professor of Corporate and Securities Law*

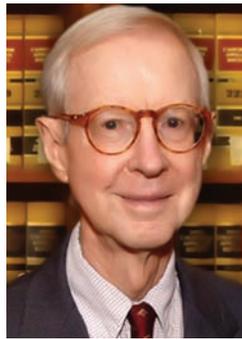
In June, Lynn Stout testified before the U.S. Senate Committee on Agriculture, Forestry and Nutrition on the need to re-regulate financial derivatives. Her article “Fiduciary Duties for Activist Shareholders,”



**JONATHAN VARAT**



**EUGENE VOLOKH**



**WILLIAM WARREN**

(with Iman Anabtawi), 60 *Stanford Law Review* 1255 (2008), was selected by the Corporate Practice Commentator’s annual poll as one of the top 10 best corporate and securities law articles of 2008.

Stout presented “Cultivating Conscience” at the Gruter Institute Annual Conference in Squaw Valley, California in May. She was a panel discussant on “Today’s Most Compelling Governance Issues” and “The Relationship Between Shareholders and the Board” at the American Bar Association Section of Business Law Spring Meeting in Vancouver, British Columbia in April. She also presented “My Brother’s Keeper—The Role of Unselfishness in Tort Law” at the University of Southern California, Center in Law, Economics, and Organization Workshop. In March, Stout was a panel discussant on “Topics in Corporate Governance” at the Harvard Law School-Sloan Foundation Conference on Corporate Governance Research in Cambridge, Massachusetts. Stout presented “Fiduciary Duties for Activist Shareholders” at the London School of Economics, Financial Markets Group, Research Debates on Corporate Governance in November, and she was a panel discussant on “The Credit Crisis: Avoiding the Next Great Depression” at UCLA School of Law. In October, she was

a guest speaker on “Life After Law School: Career Choices for Business Lawyers” at UCLA School of Law. Stout presented “The Corporation As A Nexus of Specific Investments” at the Conference on Governance, Intangibles, and Corporate Social Responsibility at the University of Siena in Siena, Italy in September 2008. She also presented “Fiduciary Duties for Activist Shareholders” at the University of Western Ontario School of Law in London, Ontario, and was a guest speaker on “Does ‘Shareholder Democracy’ Hurt Shareholders?” at the Society of Corporate Secretaries and Governance Professionals, 2008 Western Region Fall Conference in San Francisco.

**JONATHAN VARAT**

*Professor of Law*

**Publications**

*Constitutional Law: Cases and Materials* (Jonathan Varat, William Cohen and Vikram Amar). 13th ed. Foundation Press (2009).

**EUGENE VOLOKH**

*Gary T. Schwartz Professor of Law*

Eugene Volokh testified before the House Financial Services Committee at the Capital Markets, Insurance, and Government Subcommittee hearing

on “Approaches to Improving Credit Rating Agency Regulation” in May. In January, he spoke on implementing the Second Amendment at the *UCLA Law Review* symposium “The Second Amendment and the Right to Bear Arms After *D.C. v. Heller*.” In November, Volokh gave the Leary Lecture on “Implementing Originalism in the Supreme Court’s Second Amendment Case” at the University of Utah School of Law.

**Publications**

“Implementing the Right To Keep and Bear Arms for Self-Defense: An Analytical Framework and a Research Agenda,” 56 *UCLA Law Review* 1443 (2009).

“Symbolic Expression and the Original Meaning of the First Amendment,” 97 *Georgetown Law Journal* 1057 (2009).

“Correcting Students’ Usage Errors Without Making Errors of Our Own,” 58 *Journal of Legal Education* 533 (2009).

**WILLIAM WARREN**

*Michael J. Connell Professor of Law Emeritus*

**Publications**

*Bankruptcy* (with Daniel Bussel). 8th ed. Foundation Press (2009).



ADAM WINKLER



STEPHEN YEAZELL



JONATHAN ZASLOFF

**ADAM WINKLER**

*Professor of Law*

Adam Winkler was a panelist at “The Fate of the Second Amendment and Gun Control After the Supreme Court’s Decision in *District of Columbia v. Heller*,” the Atlanta Chapter of the Federal Bar Association’s Robert S. Vance Forum on the Bill of Rights in February. In January, he spoke on *D.C. v. Heller* at the *UCLA Law Review* symposium “The Second Amendment and the Right to Bear Arms After *D.C. v. Heller*.” Winkler was a panelist on “Civil Rights: The *Heller* Case” at the 2008 National Lawyers Convention of the Federalist Society in Washington, D.C. in November.

**Publications**

*One Nation Under Guns: The Battle Over the Right to Bear Arms in America*. W.W. Norton & Company (forthcoming, 2010).

“Heller’s Catch-22,” 56 *UCLA Law Review* 1551 (2009).

Book Review, “Running on the Constitution,” 8 *Election Law Journal* 151 (2009).

**STEPHEN YEAZELL**

*David G. Price and Dallas P. Price Professor of Law*

Stephen Yeazell spoke at “Third Party Litigation Funding and Claim Transfer: Trends and Implications for the Civil Justice System,” sponsored by the UCLA-RAND Center for Law and Public Policy in June. He is also serving on the planning committee for an American Association of Law Schools Conference on Civil Procedure, to be held in June 2010.

**Publications**

“When and How to Cite Foreign Law,” *Constitutional Commentary* (forthcoming, 2009).

**JONATHAN ZASLOFF**

*Professor of Law*

Jonathan Zasloff presented “Enhancing Sustainable Economic Development with Policy Entrepreneurship” at the RAND-ISB International Conference on Entrepreneurship, held at the Indian School of Business in Hyderabad, India in June. He also presented “A New Strategy for Engaging India on Climate Change” at the Jindal Global Law School Conference on Climate Change in New Delhi, India. Zasloff spoke on “Transforming the International Climate Regime

Through Border Tax Adjustments” at the 103rd Annual Meeting of the American Society of International Law in Washington, D.C. in April.

**Publications**

“Dean’s List: Power, Institutions, and Achesonian Diplomacy,” 103 *American Journal of International Law* (forthcoming, 2009) (review essay).

“Cities, Land Use, and the Global Commons: Genesis and the Urban Politics of Climate Change” (with Katherine A. Trisolini), in *Adjudicating Climate Change: Sub-national, National, and Supra-national Approaches* (edited by William Burns and Hari Osofsky). Cambridge University Press (forthcoming, 2009).

“Choose the Best Answer: Organizing American International Climate Change Diplomacy in the Obama Administration,” 103 *Northwestern University Law Review Colloquy* 330-343 (2009).

“The Judicial Carbon Tax: Reconstructing Public Nuisance and Climate Change,” 55 *UCLA Law Review* 1827 (2008).

“International Decision: *Massachusetts v. E.P.A.*,” 102 *American Journal of International Law* 134 (2008).



NOAH ZATZ

**NOAH ZATZ**

*Professor of Law*

Noah Zatz was a fellow in the Program in Law and Public Affairs at Princeton University in 2008-09. He presented “Managing the Macaw: Third-Party Harassers, Accommodation, and the Disaggregation of Discriminatory Intent” at Stanford Law School, as well as at the Workplace Theory & Policy Seminar at Yale Law School in April. He presented “Accounting for Care in the Age of Work” at a Princeton University Program in Law and Public Affairs seminar in April and at the Emerging Family Law Scholars Conference at the University of Colorado Law School in May. In March, Zatz was a panelist on “Caring Labor in International Perspective” at Princeton University. He presented “Defending the Minimum Wage as an Accommodation Mandate” at the *University of Chicago Legal Forum* symposium “Civil Rights Law and the Low Wage Worker” in November and at the “Third Annual Colloquium on Current Scholarship in Labor and Employment Law” at Thomas Jefferson School of Law in San Diego in October.

**Publications**

“Managing the Macaw: Third-Party Harassers, Accommodation, and the Disaggregation of Discriminatory

Intent,” *Columbia Law Review* (forthcoming, 2009).

“Defending the Minimum Wage as an Accommodation Mandate,” 2009 *University of Chicago Legal Forum* (forthcoming, 2009).

“Revisiting the Class Parity Analysis of Welfare Work Requirements,” *Social Service Review* (forthcoming, 2009).

“Prison Labor and the Paradox of Paid Nonmarket Work,” in *Economic Sociology Of Work* (edited by Nina Bandelj). Emerald Press (2009). [Vol. 19 of *Research in the Sociology of Work*.]

“Working Beyond the Reach or Grasp of Employment Law,” in *The Gloves-Off Economy: Problems and Possibilities at the Bottom of America’s Labor Market* (edited by Annette Bernhardt, Heather Boushey, Laura Dresser and Chris Tilly). Cornell University Press (2008).

# Global M&A Commentary

## Global M&A Activity



Source: Thomson Financial and Robert W. Baird & Co. Incorporated M&A Market Analysis.  
 Note: Middle-market transactions defined as those with a disclosed transaction value of less than \$1 billion.

M&A Market Analysis April 20  
<http://www.rwbaird.com/Share>

# Beyond the Brink

## Envisioning the economic future

These are extraordinary times. Unprecedented economic change has confronted our nation with countless challenges—and the effects of the worst recession in decades continue to reverberate worldwide. Finding solutions will require the close collaboration of scholars and practitioners across disciplines, coming together to chart a course to greater financial security and renewed confidence in our government and institutions.

Critical to establishing a way forward through the current crisis is a comprehensive understanding of what's passed: identifying and analyzing its root causes. And in this endeavor, the study of law and the legal profession play an instrumental role. As policymakers and business leaders grapple with rebuilding (and, indeed, re-imagining) vital social and economic systems, they will need to rely on the best and brightest legal minds, whose knowledge, skill and experience make them indispensable partners in creating a just and sustainable future.

In this arena, as in so many others, UCLA School of Law leads the way. Our exceptional faculty bring an unequaled combination of scholarly insight and real-world expertise that informs their contributions to the current conversation. Their perspectives on the crisis—and their prescriptions for its eventual resolution—are fueled by a remarkable depth of research and a commitment to advancing the common good, and shed important new light on securing the global economy for generations to come.



The Treasury made a mistake when it invested in banks rather than buying toxic assets to help banks clean up their balance sheets and start lending.

# How We Got To Where We Are Today

*By Professor Kenneth N. Klee*

**W**e have suffered through a business downturn of historic proportions. Not since the 1930s have Americans experienced financial difficulty of this magnitude. People are asking how we got to where we are today. The answer is somewhat complex. Although this downturn has similarities to other downturns, there are important differences. Understanding those differences is a key to implementing steps to emerge from this crisis.

Business cycles are inevitable. Historically, downturns have been caused by overleveraged investments, leading to rampant speculation; financial failures and fraud; and lack of liquidity (a credit crunch). Unquestionably, these elements are present in the current downturn.

Deregulation and diversification of our financial institutions coupled with euphoric investing by hedge fund and pension fund managers pushed markets to unsustainable speculative excesses. When the air was let out of the balloon, Americans experienced a massive contraction of real wealth. And the resulting deleveraging of investment banks that occurred when they became regulated bank holding companies caused a permanent reduction of liquidity in our financial system. The lack of credit led to business downsizing (job loss) and a general constriction in capital expenditures and growth.

In addition to these legitimate losses, the massive frauds of Enron, Adelphia, WorldCom and Madoff, among others, led to

illegitimate losses of a significant magnitude. Regulatory failures to identify and staunch these losses abounded as in previous times in our history.

Yet there are aspects of this downturn that differ from those witnessed before. Derivatives, mark-to-market accounting, unwillingness of banks to lend and other differences stemming from the federal government's lending to and involvement in businesses make this downturn unique and far more difficult to turn around.

The advent of derivatives was premised on the notion that borrowing costs could be reduced by slicing and dicing financial instruments into component parts with different layers of

At the end of the day ... job losses will lead to a drop in consumer spending and a prolonged recession. The only practical way out is to pump money into the economy, and the government is doing so at record levels.

risk. Lawyers, accountants, commercial banks and investment banks designed and peddled instruments such as collateralized mortgage obligations, interest rate derivatives, total return swaps, equity derivatives, foreign currency derivatives, master netting agreements and the like. The notional amount of these obligations at mid-year 2008 is astounding: Interest rate derivatives of \$464.7 trillion; credit default swaps of \$54.6 trillion; and equity derivatives of \$11.9 trillion. According to the Office of the Comptroller of the Currency Administrator of National Banks, in the third quarter of 2008 the notional amount of derivatives held by U.S. commercial banks was \$175.8 trillion. This compares to United States wealth of about \$60 trillion.

The failure of Lehman Brothers shows the vulnerability of the United States and world economies to unwinding these derivative contracts in a fire sale. After Lehman Brothers was forced to file for relief under chapter 11, parties immediately closed out somewhere between 900,000 and 1.1 million derivatives contracts. Bryan Marsal, Lehman's highly-respected chief restructuring officer, estimated derivatives losses cost Lehman Brothers between \$50 and \$75 billion in value. Although the notional amount of Lehman's derivatives was \$738 billion, its 2007 financial statements estimated its risk exposure at \$36.8 billion. Mr. Marsal thinks the actual losses were far above this amount.

The International Swaps and Derivatives Association, Inc. (ISDA), which standardizes forms for many derivatives contracts, estimates that Lehman Brothers only lost between \$5 and \$6 billion, or about 1% of its \$400 billion in notional amount of credit default swaps. ISDA defends credit default swaps as providing legitimate hedging functions in the credit markets.

Nevertheless, with global credit default swaps of \$67 trillion and only \$15 trillion in outstanding bonded indebtedness, it is apparent that much of the action in credit default swaps is speculative rather than legitimate hedging. Unregulated speculation of this magnitude exposes the world economy to an unacceptable level of systemic risk. The failure of AIG, which guaranteed many derivatives contracts around the globe, likely would have triggered a world financial meltdown as millions of derivatives contracts would have defaulted and been subject to immediate unwinding in forced liquidations. The United States government had little choice to intervene to prevent this catastrophic possibility.

Another source of the recent financial downturn is fair value accounting, which implements mark-to-market accounting. Mark-to-market accounting required public financial institutions to mark

their financial assets, derivatives, equities and mortgage-backed securities to market on a regular basis. When assets, such as home mortgages, were caught in a downward price spiral, public financial institutions were required to mark their assets down, even if their assets were performing loans. Since the fourth quarter of 2007, banks wrote down more than \$815 billion in asset values. The deterioration in the balance sheets of public financial institutions led to covenant defaults in their credit lines and exacerbated the financial crisis leading to more downward pressure. Despite this development, there is sharp disagreement about whether the benefits of mark-to-market accounting, such as transparency and better investment decision making, outweighs the detriments, such as volatility in thin markets and difficulty in identifying comparable assets.

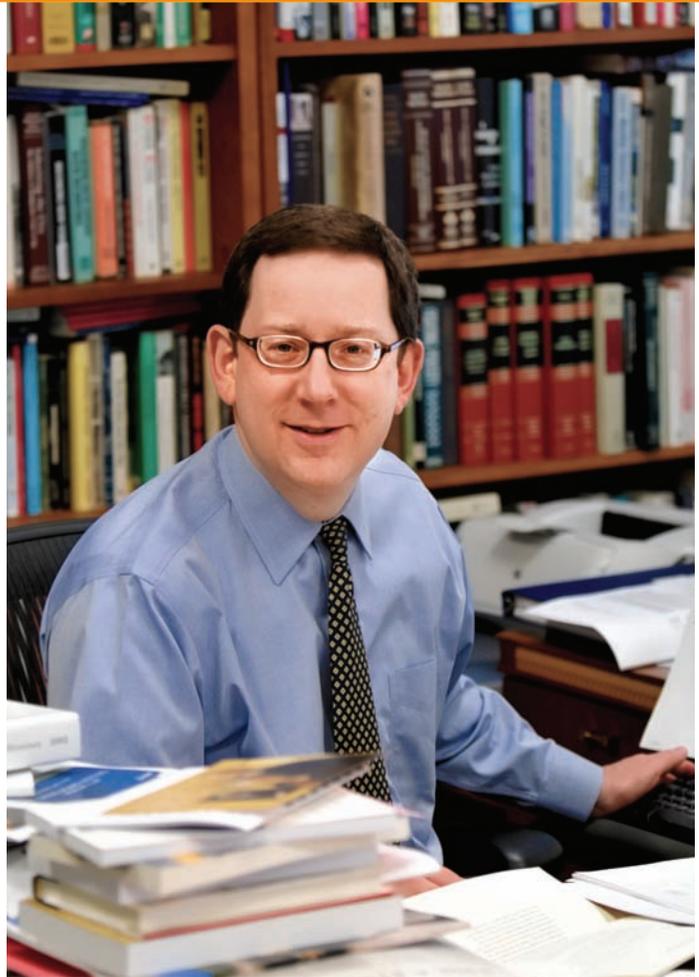
Perhaps the most critical element of the financial downturn is the unwillingness of banks to lend, particularly those banks that received TARP funds and were subject to enhanced government scrutiny. In the fourth quarter of 2008, according to the FDIC, bank lending declined by more than \$100 billion. The TARP program led many highly leveraged investment banks to become bank holding companies. This resulted in a permanent contraction of liquidity in the financial markets. The Treasury made a mistake when it invested in banks rather than buying toxic assets to help banks clean up their balance sheets and start lending. Instead, cautious banks sat on much of the money infused by the government and prolonged market paralysis.

Moreover, the unwillingness of banks to lend, coupled with a tightening of consumer credit, led to business failures and job losses. Job losses continue to mount both in the private sector and at an alarming rate in the public sector. The deteriorated financial condition and insolvency of cities and states has resulted in layoffs that have impeded the effectiveness of the federal stimulus package. And commercial real estate is poised to take the next fall as businesses close, vacancies rise and rents fall.

At the end of the day, these job losses will lead to a drop in consumer spending and a prolonged recession. The only practical way out is to pump money into the economy, and the government is doing so at record levels. Whether there can be recovery without significant inflation remains to be seen.

# The Bursting Housing Bubble and Mortgage Meltdown

By Dean Michael H. Schill



Recently, I recalled a discussion I had with an old college friend on January 1, 2008, several months before the nation seemed poised to go off the cliff of the most severe economic dislocation since 1929. We had spent most of our careers either working in the housing industry (my friend) or studying housing (me). As we celebrated the New Year, we got into a heated debate about whether the government should “bail out” borrowers who found themselves drowning in mortgage debt.

That discussion seems like it took place a lifetime ago. Since then, housing prices have tumbled an additional 24%; the number of homes in foreclosure has doubled; and once rock solid financial institutions such as Merrill Lynch, Bear Stearns, Lehman Brothers, Wachovia and Washington Mutual have ceased to exist. Fannie Mae and Freddie Mac have become fully public agencies. And once venerable and successful companies such as AIG, General Motors and Citibank have gone hat-in-hand to the government for emergency

operating funds. Bailouts have become as American as apple pie. Yet, interestingly, the people about whom my friend and I were discussing—homeowners who have gotten in over their heads—have been among the last to benefit.

Whether the recession that began in winter 2007 was caused by the “mortgage meltdown” will be hotly debated for years. What is clear is that the bursting of the real estate bubble, which began in 2006, and the resulting crisis of subprime loans certainly exacerbated the nation’s economic difficulties. The housing side of this story is important to bear in mind as we seek to avoid similar problems in the future.

From 2000 to 2006, housing prices in the United States shot up a remarkable 88%. In some metropolitan areas such as Los Angeles and Miami, the increases were double that rate. While some economists warned the price rises were unsustainable—they bore little

relationship to rents or incomes—Americans merrily took advantage of historically low interest rates (courtesy of the Federal Reserve) and turned home buying into a spectator sport. Books with titles such as *Why the Real Estate Boom Will Not Bust* and *Housing Lust* rang up blockbuster sales and entire cable stations were devoted to reality shows about realty.

Housing has always been a good that combined elements of consumption and investment. For most Americans, the home is their single biggest asset. During the past couple of decades, homeownership has been encouraged under both Republican and Democratic administrations. Indeed, owning a home is subsidized by the federal government through mortgage interest and property tax deductions and a failure to tax imputed rental income. Federal policy also encourages lending to home buyers in under-served communities. Right before the bubble burst our homeownership rate had reached an all-time record of 69.2%.

With no “skin in the game,” borrowers had little to lose by getting in over their heads. Clearly, the answer for the future is to return to more conservative underwriting standards. If homeownership is a goal to be promoted (and I think it is) we should do it responsibly.

Homeownership provides families with an opportunity to build assets, allows control over one’s living environment and is associated with a number of positive social outcomes, but it’s not for everyone. Some families just can’t afford to maintain their homes and minor interruptions of income can lead to disaster.

In addition to promoting homeownership, the federal government promoted many of the conditions that led to the current housing disaster. For example, in 1986 Congress enacted a revised tax code. Under the previous law, all personal interest payments for credit card debt, student loans and home mortgage loans were deductible. Under the new law, only home mortgage debt maintained its deductibility, creating an enormous industry of lenders seeking to promote home equity second mortgage loans. Within a short time, homeowners became used to using their homes as piggy banks. The most valuable asset in a family’s portfolio was also the one mortgaged to the hilt.

Shortly thereafter came the explosive growth of the secondary mortgage market, securitization and risk-based lending. The world in which a home buyer got his or her mortgage from a local savings and loan that held it to maturity was gone forever. In its place, mortgages were originated through a broker, sold to a secondary mortgage market agency, sliced and diced into mortgage backed securities and ultimately treated like any financial instrument. Securitization brought huge advantages to borrowers through lower interest rates. Along with technological changes, it also promoted risk-based lending and the growth of the subprime market. Borrowers who did not have stellar credit histories could still buy homes; they just had to pay a lot more in interest. The once ubiquitous 20% down fixed rate mortgage gave way to piggyback loans, option arms, 2/28’s and an endless assortment of loans with complicated features. Borrowers were qualified for loans based upon teaser rates with the assumption that they would refinance in two years on the ever-rising value of their homes. However, when the economy slowed and house prices stalled, the bubble burst, borrowers went underwater and ultimately the entire economy tanked. Today more than one in eighty-four Americans face losing their homes and bad debt weighs down our economy.

So what are the lessons of the mortgage meltdown? Although many attribute the real estate debacle to complicated subprime mortgage structures, it turns out the main culprit was bad underwriting. In too many cases, lenders provided loans to borrowers who simply didn’t have the money to pay their debts. This problem was exacerbated by the practice of making loans for 100% or more of a property’s value. With no “skin in the game,” borrowers had little to lose by getting

in over their heads. Clearly, the answer for the future is to return to more conservative underwriting standards. If homeownership is a goal to be promoted (and I think it is) we should do it responsibly.

There will be tremendous temptation to regulate the mortgage industry and its products. I would encourage states and the federal government to approach regulation with care. Clearly, some regulation is necessary, particularly in the area of predatory practices. But we cannot forget that we operate in a private market system. Whatever we do should not create strong disincentives to making capital available to the housing sector in the future. Rather than outlawing particular types of mortgage instruments or mandating strict underwriting standards, I would prefer to rely upon enhanced disclosure and credit counseling. Many borrowers bought homes without understanding the features that would ultimately crush them. It is something that could have been avoided and can be rectified in the future.

I would prefer that we focus on learning why the market for mortgage debt did not work and seek to fix those failures. In particular, why did sophisticated financial institutions invest in mortgage securities that were so risky? Why would they purchase debt from people who could not afford to make payments? Why did the ultimate investors in mortgages feel shielded from the unrealistic price appreciation that occurred for much of the past decade? Regulation and institutional change should be focused at these questions.

Finally, returning to my New Years Day conversation, what do we do with the borrowers who are currently underwater? Should we allow them to sink and chalk it up to individual responsibility? I think not for two reasons. First, a sizable number of people did not get into their current predicaments intentionally. Instead, they either didn’t understand the terms of their loans and/or were subject to predatory practices by high pressure mortgage brokers. The second reason is based on the economic concept of externalities. Even if we think that defaulting borrowers are morally blameworthy we might nevertheless want to help them avoid foreclosure because it would harm others. Foreclosure sales are less than optimal methods for selling real property and the prices obtained could depress the value of neighboring properties and perhaps generate additional defaults and foreclosures. In addition, because foreclosure proceedings typically take time to complete, properties are likely to physically deteriorate, impacting entire neighborhoods. Thus, although public programs to modify mortgages may indeed help morally questionable borrowers, they ultimately may bail us all out.



It's as if Congress said to itself, "let's see what happens if we suddenly remove centuries of law!"

# How Deregulating Derivatives Caused Today's Crisis

By Professor Lynn A. Stout

*Paul Hastings Professor of Corporate and Securities Law*

In fall 2008, the banking system was teetering on the brink of an abyss. Insurance giant AIG had just announced massive losses from trading in credit default swaps (CDS), a kind of derivative. Because AIG was part of an enormous web of derivatives deals among the world's largest banks, investment funds and insurance companies, if AIG went bust they too might soon be bankrupt. Only a \$180 billion government-funded bailout prevented the entire system from imploding.

Why did AIG fail? Because Congress deregulated financial derivatives.

Understanding derivatives regulation requires understanding derivatives.

Although Wall Street traders like to surround derivatives with confusing jargon, the basic idea behind any derivative contract is simple: a derivative is *a bet on the future*. Just as you might bet on which horse you expect to win a race and call your ticket your "derivative contract," you can bet on interest rates by entering interest rate swap contracts, or bet on whether bond issuers will default by entering credit default swap contracts.

Commercial wagers of this sort are neither new nor particularly innovative. (The Babylonians used derivatives to bet on the fates of trading caravans.) But until recently, most derivatives were bets on the future prices of agricultural commodities, like the corn and wheat futures traded on

the Chicago Mercantile Exchange ("Merc"). To use derivatives traders' jargon, the "underlying"—the thing being bet upon—was the future price of wheat or corn.

Financial derivatives first became common in the 1800s, in the form of stock options. But the 1990s saw an explosion in other types of financial derivatives, including bets on interest paid on cash deposits (interest rate swaps), bond credit ratings (credit default swaps) and even weather derivatives. By 2008, the notional value of the derivatives market—that is, the size of the outstanding bets as measured by the value of the financial instruments being bet upon—was nearly \$600 trillion, according to a *Newsweek* report. This amounts to

## Although Wall Street traders like to surround derivatives with confusing jargon, the basic idea behind any derivative contract is simple: a derivative is *a bet on the future*.

nearly \$100,000 in derivative bets for every man, woman and child on the planet.

Commodities derivatives trading on organized futures exchanges like the Merc has long been subject to federal oversight. But well before the Commodities Futures Trading Commission (CFTC) was a gleam in Congress' eye, derivatives of all types were regulated through a common-law rule known as the rule against "difference contracts" (derivatives). This rule allowed people to wager on anything they liked. But—if a winning gambler wanted to go to court to make a losing gambler pay up, the winner had to demonstrate that at least one party to the wager actually possessed, or expected to possess, the underlying asset the parties were betting on. One of the parties had to be using the wager to *hedge against a risk*.

Wagers can be useful for hedging risk. If you own a bond, for example, and you're worried the issuer might default, you can use a CDS contract to "bet" against the issuer's creditworthiness. Similarly, if you own a \$500,000 home, you can hedge the risk your home will burn down by "betting" with an insurance company to pay you \$500,000 if the home does burn. (Laymen call these wagers "homeowner's insurance," but a Wall Street trader might label them "home value swaps.") A version of the rule against difference contracts persists in insurance law, which only allows people to purchase insurance on homes they actually own or have an "insurable interest" in.

Hedging is socially beneficial because it allows parties to reduce risk. This is why the common law enforced derivatives deals where at least one party had a hedging purpose. But courts also recognized derivatives are ideally suited for *speculation*: attempting to profit not from producing something, or even from providing funds to someone else who is producing something, but simply from predicting the future. Unlike hedging, speculation increases risk, much the same way gambling increases risk. (AIG provides an ideal example.)

The common law thus viewed purely speculative derivatives contracts as socially harmful wagers that did not deserve public enforcement. This didn't mean derivatives couldn't be used to speculate. But it did force speculators to think about how to make their fellow gamblers pay their bets.

The answer was for speculators to set up private exchanges with membership requirements, margin requirements, netting requirements and a host of other rules designed to make sure that, despite the legal invalidity of speculative derivatives contracts, speculators would make good on their bets. In the process, the exchanges kept derivatives speculation in check and under controlled conditions. Eventually, control was increased when government

regulators like the CFTC and Securities Exchange Commission (SEC) were empowered to oversee trading on particular exchanges. But off the exchanges, the rule against difference contracts continued to discourage "over the counter" (OTC) speculation in derivatives.

This kept derivatives speculation in check until the 1990s, when regulators eager to allow Wall Street banks to develop new financial "products" created ad hoc regulatory exemptions for OTC trading in particular types of financial derivatives, especially interest rate swaps. Legalizing OTC interest rate swaps quickly led to speculative disasters at Barings Bank, Orange County and Long Term Capital Management. Nevertheless, Congress soon opted for wholesale legalization of financial derivatives through the Commodity Futures Modernization Act of 2000 (CFMA).

The CFMA declared financial derivatives exempt from CFTC or SEC oversight. But it also declared all financial derivatives, including OTC derivatives, legally enforceable. The CFMA thus eliminated legal constraints on derivatives speculation that dated back not just decades but centuries. It's as if Congress said to itself, "let's see what happens if we suddenly remove centuries of law!"

The experiment has not turned out well. Shortly after Congress blessed OTC trading, the OTC market succumbed to massive speculation. For example, in 2008 the notional value of the CDS market reached \$67 trillion, according to the Bank for International Settlements. Meanwhile the total market value of all the underlying bonds issued by U.S. companies was only \$15 trillion. Although derivatives traders like to say they're hedging and not speculating, when a derivatives market is more than four times larger than the market for the underlying, it is a mathematical certainty that most derivatives trading is speculation and not hedging.

Speculation creates the risk big speculators will go bust. Now that we know unchecked derivatives speculation adds intolerable risk to our financial system, it is time to go back to what worked before. The old common law rule against difference contracts was a simple, elegant legal sieve that separated socially useful hedging contracts from speculative wagers, protecting the first and declining to enforce the second. This no-cost, hands-off system of "regulation" (there is no cheaper form of government intervention than refusing to intervene at all, even to enforce a deal) did not stop speculators from using derivatives. But it did require them to develop private, organized exchanges that ensured derivatives speculators were well-capitalized and knew who was trading what, with whom, when. This approach protected valuable hedging transactions, while keeping speculation from adding intolerable risk to the financial system. And it didn't cost a penny of taxpayer money.

# Labor Law and the Economic Crisis

By Professor Katherine V.W. Stone



Although much has been said about the underlying causes of the current recession and the financial crisis, one factor has not received enough attention: the dramatic disparity in income distribution that developed during the past two decades. By now, most of us have seen the data showing a rise in the incomes of the highest earners in the U.S. and the stagnation of wages for most ordinary workers. The share of total income for the highest 1% of the earning population increased 228% between 1979 and 2005 while the incomes of the bottom half barely rose. In 2006, the top 1% earned a staggering 23% of all the income in the country. To put it more graphically, in 1980, American CEOs earned 42 times as much as the average American worker. By 2000, they earned 531 times the average worker's pay.

The extreme wage inequality has meant too much money at the top and too little in the middle and bottom tiers. As a result, the rich had too much money to invest,

leading to more risky investments such as bundled subprime mortgages, credit default swaps and the like. Concomitantly, as wages fell behind inflation, consumer debt rose dramatically. Since 2000, consumer debt rose far faster than household income, with much of the debt incurred to pay for life's necessities, such as health care, transportation and even food.

For legal scholars and policymakers, it is important to understand why income distribution has become so unequal. Some economists have blamed the trend on skill-biased technological change and others attribute it to trade liberalization. However, neither factor accounts for the extent, pattern or timing of the growing wage inequality. I contend that one missing factor is the deterioration and dismantlement of labor law. Unions have been marginalized, labor protective laws have been diluted and labor law enforcement has been decimated.

Labor laws in the United States have been undermined through judicial re-interpretations of existing laws and through underfunding the agencies responsible for protecting workers' rights. During the Bush administration, numerous rulings by the National Labor Relations Board and courts restricted the ability of unions to organize and weakened their ability to represent their members effectively. In addition, decisions by the Supreme Court and the Labor Board narrowed the definition of employee, thereby depriving temporary workers and low-level employees with minimal supervisory authority of labor law protections. At the same time, labor standards have been compromised by weak enforcement and Congress' failure to adjust the minimum wage to inflation. Other labor agencies have also abdicated their role as protectors of workers. For example, in 2007 the Equal Employment Opportunity Commission issued an interpretation to the Age Discrimination Act to permit firms

While the economic crisis makes labor law reforms imperative, the types of reforms that are required are expensive. Yet the corporate bailouts of the past year demonstrate that the federal government is willing to step into the private sector when it deems intervention necessary to save the economy from collapse.

to reduce or terminate health benefits for retirees when they reach age 65.

The relationship between the erosion of labor laws and the economic crisis gives particular urgency to the issue of labor law reform. We now see that strong labor laws not only protect workers—they protect the economy. For this reason, it is time for serious efforts to improve labor laws and the safety net for working people.

The new reforms have to be tailored to the problems confronting workers today. The basic U.S. labor laws were enacted during the 1930s, a time when employment was concentrated in large manufacturing firms that organized their workforces into internal labor markets, comprised of well-defined job ladders, narrow job definitions and mechanisms to encourage long-term attachment between the employee and the firm.

The 20th century model of long-term employment no longer predominates. Firms today want the freedom to redefine jobs and reshuffle workers when technology or market conditions change. Firms do not seek long-term relationships with their workers and workers do not expect a career-long job. Further, workers no longer can count on receiving the training they need to succeed from their firm, but instead have to periodically upgrade their skills in order to stay current in the labor market. Thus workers today commonly change jobs periodically and move between employment, unemployment, training and independent entrepreneurship. Because workers now change jobs frequently, they need different types of legal protections than the labor laws provided in the past. Some of the protections that need to be addressed are:

First, *portable benefits*. Workers need health insurance that does not impose waiting periods or exclusions for pre-existing conditions, and pensions that do not penalize workers who change jobs.

Second, *mechanisms that provide employability in the external labor market*. This means effective opportunities for training, retraining and lifetime learning that can be accessed throughout one's working life.

Third, *transition assistance* for workers who are between jobs. This means an adequate level of temporary income replacement, assistance in getting training, child care while in training, career development counseling and relocation assistance when necessary.

Fourth, *a mechanism to guarantee fair treatment on the job* regarding wage decisions, job assignments, raises and other personnel practices, and even dismissals.

Fifth, *a mechanism to provide representation and voice* not only in the workplace but also in the political process. Our current labor laws are designed to facilitate bargaining between unions and individual employers. Most workers' contractual rights do not follow them when they move between firms, even if they remain within a single geographic region. We need to broaden our labor laws to facilitate cross-employer and cross-industry bargaining, possibly on a regional basis.

Sixth, *meaningful labor standards* that ensure a living wage and portable, adequate social insurance.

And finally, *we need to expand the coverage of our labor laws* to include new types of workers such as temporary workers, low-level supervisors, dependent independent contractors and other "quasi-workers."

Some industrialized countries are experimenting with labor law policies to address some of these new concerns. For example, the Denmark system of "flexicurity" provides 80% income replacement for unemployed workers for up to four years, but also requires them to participate in retraining programs that upgrade their skills. The government places participants in new jobs once they are trained. As a result, Denmark has the lowest unemployment rate and the highest labor force participation rate in Europe.

While the economic crisis makes labor law reforms imperative, the types of reforms that are required are expensive. Yet the corporate bailouts of the past year demonstrate that the federal government is willing to step into the private sector when it deems intervention necessary to save the economy from collapse. Hopefully, the same decision-makers will understand that reforms to bolster workers' bargaining power and shrink our gaping income disparities are essential for a healthy economy.



President Obama is pushing hard for enactment of a trillion-dollar health care reform bill this year notwithstanding the worst economic downturn since the 1930s. Why the change?

# Health Care Reform in the Great Recession

*By Professor Russell Korobkin*

During the first presidential debate last fall, then-candidate Barack Obama said that he would not compromise his domestic policy agenda as a result of the economic crisis and looming bailout of the financial industry, but that he did realize the financial collapse might force him to delay some of his objectives, one of which, of course, was comprehensive health care reform.

That was then. Now-President Obama is pushing hard for enactment of a trillion-dollar health care reform bill this year notwithstanding the worst economic downturn since the 1930s. Why the change?

In making his debate remarks at the very outset of the financial crisis, Obama no doubt predicted that bailouts and stimulus funding necessary to keep the economy afloat would make Congress and the American people extremely sensitive to further deficit spending. This sensitivity cuts against the likelihood of enacting health care reform legislation that seeks to provide coverage for most of the 47 million uninsured Americans, in part by providing government subsidies to the poor and even much of the lower-middle class.

But the financial crisis and subsequent “Great Recession” also created two factors that favor enactment of health care legislation this year, which Obama clearly appreciates now, even

if he did not at the time of the debate. The first was a backlash against the Republican party at the polls so severe that it provided the Democrats with the 60 seats in the U.S. Senate necessary to stop a filibuster and pass legislation without a single Republican vote. Were it not for last autumn’s economic collapse, it is unlikely that the Democrats would hold more than 56 or 57 votes in the Senate today. Norm Coleman, who lost to Al Franken by 312 votes, almost certainly would have held his Minnesota seat, and very slim Democratic victories in Alaska and Oregon would likely have gone the other way. Without the sizable shrinking of the Republican party in Pennsylvania, Arlen Specter probably would not have decided that

## The upshot is that for health reform legislation to achieve revenue neutrality, the expansion of coverage to the uninsured must be funded by revenue sources from outside the health care system.

the next Republican primary there was unwinnable for him, which caused him to switch his party affiliation even though it meant sacrificing committee seniority.

The second factor that favors health reform legislation is that, with nearly 10% of the workforce unemployed and more than half of the rest reporting to pollsters that they believe their jobs (and the employer-sponsored health insurance that usually comes with them) are at risk, more Americans than ever have reason to be more frightened of the status quo than of change. Surveys routinely show that, although critical of our health care system generally, most Americans are happy with the health care that they receive. This perception usually makes systemic reform difficult to sell. But the almost complete lack of a health care safety net is more salient than usual in today's environment.

With these unintended by-products of recession providing a tailwind for legislation, Obama decided to expend substantial political capital pushing for health care reform this year. To neutralize the extreme sensitivity to deficit spending, the President has demanded legislation that is revenue neutral. The problem is, despite his stated belief that near-universal care can be completely or at least mostly paid for with cost-savings that result from efficiency enhancements, Obama and his Congressional supporters have not been able to convince the Congressional Budget Office (CBO), the official referee of claims about the revenue impact of proposed legislation.

There *is* a way to pay for universal coverage without new revenue: allow the government-sponsored "public plan" that is likely to be offered as an insurance option in the new regime, and Medicare, to exclude from coverage costly treatments that provide relatively small benefits—think new drugs that work only slightly better than older generics, expensive chemotherapy that will extend life only for a few months or prostate cancer surgery for men in their 80s. Not only would cost/benefit analysis shrink the government's health care bill, it would reduce costs system-wide, as many private insurers would match the government's exclusions in order to stay competitive on price, and many employers and individual consumers would choose one of these less luxurious plans in order to save money in premiums.

The current proposals in Congress unfortunately include neither this nor any other provision that might suggest the dreaded "R" word (rationing). Instead, draft legislation includes items like pilot programs to test paying doctors based on quality rather than quantity, funding for comparative effectiveness research, support

for electronic medical records and the appointment of a Medicare commission to make recommendations that would become effective unless Congress disapproves. These are all good ideas that can create the basis for long-term cost control, but only if they eventually lead to a reduction in the amount of care provided, which none of them guarantee. The director of the CBO is no fool.

The upshot is that for health reform legislation to achieve revenue neutrality, the expansion of coverage to the uninsured must be funded by revenue sources from outside the health care system. This reality has caused the President to run head-long into another by-product of the Great Recession: heightened sensitivity among Democrats, as well as Republicans, to any tax increases that might be used to pay for a new entitlement, especially those that might stunt job creation by small businesses at a time of high unemployment.

The House of Representatives' initial proposal would raise marginal tax rates on individuals earning more than \$250,000 and couples earning more than \$350,000, but this approach would almost certainly fail to win the votes of all 60 necessary Democrats in the Senate. Conservative Democrats have proposed raising money by taxing employer-provided health care benefits. This would destabilize the market for employer-sponsored insurance if all such benefits were taxed, but it would probably not have such an adverse effect if taxes were levied only on the marginal costs of so-called "gold-plated" benefits packages.

This is where matters stand as of this writing, in early August. President Obama is hoping that two by-products of recession (a filibuster-proof Senate majority and middle-American anxiety about the potential loss of health insurance) will help him to push health care reform legislation across the finish line. Standing in the way are two countervailing by-products of recession (heightened sensitivity to deficit spending and tax increases) coupled with a long-standing obstacle to meaningful health care reform: the unwillingness of Americans to accept that some form of rationing is inevitable if health care costs are to be constrained. The consequent odds of passing a comprehensive health care reform bill in the midst of the Great Recession: 50/50.

# Tax Policy After the Financial Crisis

By Professor Eric M. Zolt



The current financial crisis presents interesting challenges for tax reform in the United States. In the short run, despite President Obama's rhetorical challenges to curb international tax evasion by U.S. businesses, it will be difficult to increase taxes in this current economic climate. Soon, however, the costs of the federal bailout, swelling Medicare and social security costs, and potential health care reform will require increased tax revenues to fund government programs and to service and pay down the incremental debt incurred during this financial crisis.

The financial crisis provides an opportunity for real changes in our tax system. Whether we can take advantage of this opportunity may require us to rethink our view of taxes and expenditures. In short, we need to consider less progressive taxes and more progressive spending programs.

The old view was reflected in the 2008 presidential campaign and has continued

resonance in the current health care reform debates. With some notable exceptions, the Democrats call for increased taxes on the wealthy to fund existing and new government programs. Most Republicans call for low taxes and, with different levels of conviction, small government. The parties have different views on whether the rich are paying their fair share of taxes.

I do not know what constitutes a fair share. The wealthy in the U.S. likely pay a greater share of funding government operations than any other country. The top 10% pay more than 70% of total federal income taxes and about 55% of total federal taxes. The numbers for the uber-rich are also striking: the top 1% pays about 39% of total federal

income taxes and 28% of total federal taxes. But the rich also have the lion's share of the nation's income and wealth. The U.S. has more income inequality than any developed country. The gap between the rich and the poor, and the gap between the merely rich and the airplane rich, continues to grow.

In contrast, the poor pay relatively little in federal taxes. The bottom 50% pays about 6% of total federal taxes, mostly payroll taxes. Focusing on just federal income taxes, the bottom 50% as a group contributes little or no federal income tax revenue, as refunds under the earned income tax credit roughly equal the income taxes paid by those in the bottom half.

So long as we continue to frame the debate as increased taxes on the wealthy for additional expenditures for public social programs, we will not get anywhere.

## The financial crisis provides an opportunity for real changes in our tax system. Whether we can take advantage of this opportunity may require us to rethink our view of taxes and expenditures. In short, we need to consider less progressive taxes and more progressive spending programs.

But the U.S. lags badly behind other developed countries on many important social welfare indicators. Particularly troubling are the high child poverty rates (about 22%, increasing to about 50% in single-parent households) and the poverty rates of the elderly (about 25%). Things are no better on the health side. We have lower life expectancies and higher infant mortality rates (about 7 per 1,000) than any other developed country. While many factors other than government spending contribute to bad health outcomes in the U.S., the level of medical care strongly correlates with level of income.

The U.S. spends about 15% of GDP on public social expenditures (only Ireland, among developed countries, spends less). In contrast, Nordic and Western European countries average around 25-30%. While money alone cannot solve difficult social problems, it has to be part of the solution.

Much of our spending for social programs takes the form of tax subsidies. Both parties have pushed for increased tax benefits in the form of exclusions, deductions and credits for expenditures related to education, health and retirement. The costs are staggering. For years 2006-2010, the Treasury Department estimates that these tax benefits cost the U.S. government about \$900 billion for tax preferences related to health, more than \$600 billion for tax preferences for retirement savings and about \$80 billion for tax preferences for education. Because tax preferences have more value to those with tax liability, these subsidies accrue primarily to the top half of our society. They also result in cross-subsidies between and among middle and upper-class individuals that are hard to rationalize.

So long as we continue to frame the debate as increased taxes on the wealthy for additional expenditures for public social programs, we will not get anywhere. For whatever reason (or perhaps, more accurately, for a variety of different reasons), this has not proven to be a politically helpful formula.

We need a new mindset for thinking about taxes and expenditures. Here are some insights. First, tax systems are blunt instruments, not particularly effective for redistributing income or wealth. Second, well-designed and administered programs on education, health and income support have greater promise to reduce disparities between the rich and the poor and to reduce poverty than the current tax system. Third, we need to move from thinking about increasing the

tax burden on the rich as the primary way to increase spending on the poor.

Paradoxically then, we may need less progressive taxes to achieve more progressive spending programs. Outside the U.S., this is hardly a new insight. The Nordic and Western European welfare states have known this since the early 1990s. They are careful not to over-tax the rich for fear of losing both tax revenue and political support for social programs. They support progressive spending programs with taxes that are more regressive than those in the U.S.

So what does this mean in terms of tax policy after the financial crisis? Let's move on from redistribution via taxation and from running substantial social programs through the tax system, where the top half receives most of the benefits. Instead, we need a relatively low-rate, broad-based consumption tax (a value-added tax (VAT)), to become a significant source of revenue. Not to replace income and payroll taxes, but to supplement them and to reduce substantially the revenue required to be raised from those taxes. VAT revenue would allow for increased funding for social programs and significant rate reductions (and simplification) in individual and corporate income taxes. It is a nice combination—a tax and expenditure system that really is more progressive and more growth-facilitating than the current system.

While one can question decisions as to the scale and scope of the government bailout, it is clear that the revenue costs are substantial. Tax policy after the financial crisis requires a different view as to tax and spending decisions.



The stimulus money also won't solve the problem of global warming, but it's a big and important step in the right direction.

# Clean Energy Investment in the Face of Economic Crisis

*By Professor Ann Carlson*

Until last year, investments in clean energy technology and renewable energy had skyrocketed. New investment more than quadrupled between 2003 and 2007. 2008 produced another large round of investments, though slightly smaller than 2007. Even T. Boone Pickens, the legendary Texas oil man, announced he was investing in wind energy. Then the economy soured. And like most economic sectors, clean energy has suffered as well. Some economists estimate that clean energy investments will sink by as much as 40% in 2009. The blow to the clean energy economy has, however, been softened significantly by the President's economic stimulus package, which directs a large amount of investment into alternative energy

and energy efficiency. This investment is good news not just for the economy, but for the environment.

First, some environmental background. Conventional sources of energy supply—chiefly coal and natural gas—produce greenhouse gas emissions that are warming the planet. Coal-fired power plants are especially large contributors to global warming. (Conventional power plants also produce large amounts of air pollutants like sulfur dioxide and nitrous oxides, but my focus here will be on greenhouse gas emissions.)

We have three basic ways of reducing greenhouse gas emissions from the energy

sector. We can reduce demand. We can change the source of supply away from coal and natural gas to clean technologies like wind, geothermal and solar. Or, we can reduce or eliminate the emissions from conventional energy sources like coal. In order to cut greenhouse gas emissions dramatically—as will be necessary to stabilize temperatures—we will need to do each of these.

Investments in clean technology are aimed at all three. For example, the development of new roofing materials can dramatically lower energy usage by keeping buildings warmer in the winter and cooler in the summer. The development of new clean supplies of

## As the U.S. government gets closer to regulating greenhouse gas emissions ... many observers think the long-term outlook for clean energy investment is strong.

energy can almost entirely eliminate greenhouse gas emissions since those supplies do not rely on energy sources that are carbon based. And the development of pollution reduction technology that, for example, separates carbon dioxide (the most prevalent greenhouse gas) from other emissions and sequesters it below ground (known as carbon capture and sequestration (CCS)) can significantly reduce the energy sector's contributions to global warming.

The government's role in stimulating investment in all three strategies is critical, although prior to the crash private investors were playing an important role in increasing the supply of alternative energy and in encouraging energy efficiency. But some investments in clean energy technology are not likely to occur without government involvement largely unrelated to the current economic crisis. For example, existing coal and natural gas fired power plants are unlikely to reduce their greenhouse gas emissions dramatically without the government requiring them to do so. As a result, private sector investment in greenhouse gas emission reduction technology like CCS has not occurred in large amounts even prior to the recession.

Even renewable energy investment, which may be self-sustaining under certain market conditions, benefits from the enduring market signals that government can create. The large boom in clean energy investment in renewable energy sources like wind and solar that occurred between 2003 and 2008 was driven in significant part by the right convergence of economic conditions and government policies. A rise in oil prices got us close to what is known as the "Hostelling switch point," named after the economist who described the point at which rising conventional energy prices meet falling nonconventional (and renewable) energy prices, causing a switch from carbon-based energy to clean energy. Suddenly, solar, wind and geothermal energy were looking like cost-effective alternatives to coal and natural gas. The price signals were magnified by the fact that a majority of states have adopted renewable portfolio standards that require utilities to purchase a percentage of their energy supplies from alternative sources. Higher energy prices also meant that investments in energy efficiency—insulating houses, purchasing more energy efficient appliances, building new green buildings—were better than ever (though many energy efficient investments have long been cost-effective).

Then the economy began to sink and along with it sank oil prices. A barrel of crude oil peaked at close to \$150 in January of 2008 and sank to under \$50 by March of 2009. Though high energy prices can cause a host of economic difficulties, when energy prices

declined, so did private investment in renewable energy projects. The tight credit market also caused delays in the financing of many projects—particularly large, capital intensive ones like wind and solar farms.

This illustrates the important role government can play in spurring cleantech investment. As the U.S. government gets closer to regulating greenhouse gas emissions, either through legislation like the American Clean Energy and Security Act of 2009 (Waxman, D-CA, class of '64) or through regulation through the Clean Air Act, many observers think the long-term outlook for clean energy investment is strong. In addition, many other countries, including China and countries of the European Union, are increasing spending on clean energy technology. Finally, the economic stimulus bill (the American Recovery and Reinvestment Act of 2009) contains a massive amount of spending on direct expenditures and tax incentives to promote energy efficiency, renewable energy and improvements to the transmission of energy.

The stimulus bill contains almost \$17 billion in direct spending to promote renewable energy and energy efficiency and \$11 billion to improve the country's electric grid and make it accessible to renewable power sources. Several loan guarantee programs totaling almost \$8 billion for the financing of renewable power are also included in the bill and numerous tax incentive programs should spur additional renewable energy investment.

The stimulus money probably won't be enough to return clean energy investment to 2007 levels. But it will likely save some projects that might have been lost to the credit crisis, spur additional new ones and has an impressive ancillary benefit. Economists at the University of Massachusetts estimate that stimulus spending on the clean economy will create two million new jobs, many of them well-paying and many for lower income workers likely to be particularly hard hit in this recession. The stimulus money also won't solve the problem of global warming, but it's a big and important step in the right direction.

# Board of Director Liability for enterprise risk management

By Professor Stephen M. Bainbridge  
William D. Warren Professor of Law



Enterprise risk management is the process by which a business organization anticipates, prevents and responds to uncertainties associated with the organization's strategic objectives. It is well accepted that systemic risk management failures by major corporations, especially but not limited to financial institutions, were a root cause of the financial crisis of 2008. Boards of directors and corporate managers failed adequately to identify, prevent, prepare for and respond to the numerous risks that faced the financial system in the years prior to the crisis.

Given that the stock market lost \$6.9 trillion in 2008, shareholder losses attributable to absent or poorly implemented risk management programs likely are enormous. Will shareholders be able to recoup some of those losses by suing boards of directors of companies with lax risk management programs? In my article, "[Caremark and Enterprise Risk Management](#)," 34 J. Corp.

L. 967 (2009), I argued that the business judgment rule generally should insulate directors from such claims.

The risks corporations face can be broadly categorized as operational, market and credit. Operational risk encompasses such concerns as inadequate internal controls, faulty accounting systems, management failure, fraud and human error. Market risks are those associated with potential changes in firm valuation linked to asset performance. Credit risk is defined as the possibility that a change in the credit quality

of a counterparty will affect the firm's value. All three types of risk played important parts in the financial crisis.

To be sure, some argue that even top risk managers could not have anticipated the financial crisis that struck in 2008. Risks fall into three broad categories: known problems, known unknowns and unknown unknowns. As the argument goes, the financial crisis was an unknown unknown, which by definition was unpredictable and therefore could not be managed.

It is well accepted that systemic risk management failures by major corporations, especially but not limited to financial institutions, were a root cause of the financial crisis of 2008.

Admittedly, evaluating extremely low probability but very high magnitude risks is challenging because the outcomes associated with such risks do not follow a normal distribution. As a result, quantifying the probability and magnitude of such risks poses an extreme problem for risk managers.

In fact, however, there were warning signs of an approaching crisis in the housing market, including rapidly accelerating home prices that had characteristics of a classic asset bubble, which was fueled in large part by easy mortgage terms combined with lax credit standards. It should not have taken a savant to foresee the risks the housing bubble posed for the financial services industry and then the economy as a whole.

Admittedly, evaluating extremely low probability but very high magnitude risks is challenging because the outcomes associated with such risks do not follow a normal distribution. As a result, quantifying the probability and magnitude of such risks poses an extreme problem for risk managers. Yet, as the financial crisis proved, it is simply unacceptable for firms to dismiss such risks as being unmanageable. We must learn how to do better. Having said that, however, I hasten to add that liability to shareholders is an inappropriate tool for incentivizing directors to do better. Just because a firm has the ability to reduce risk does not mean that it should exercise that option. As the firm's residual claimants, shareholders do not get a return on their investment until all other claims on the corporation have been satisfied. All else equal, shareholders therefore prefer high return projects. Because risk and return are directly proportional, however, implementing that preference necessarily entails choosing risky projects.

Even though conventional finance theory assumes shareholders are risk averse, rational shareholders still will have a high tolerance for risky corporate projects. This is so because the basic corporate law principle of limited liability substantially insulates shareholders from the downside risks of corporate activity. The limited liability doctrine, of course, states that shareholders of a corporation may not be held personally liable for debts incurred or torts committed by the firm. Because shareholders thus do not put their personal assets at jeopardy, other than the amount initially invested, they effectively externalize some portion of the business' total risk exposure to creditors.

Accordingly, as Chancellor Allen explained in Gagliardi v. Trifoods Int'l, Inc., 683 A.2d 1049 (Del. Ch. 1996), shareholders will want managers and directors to take risk:

Shareholders can diversify the risks of their corporate investments. Thus, it is in their economic interest for the

corporation to accept in rank order all positive net present value investment projects available to the corporation, starting with the highest risk adjusted rate of return first. Shareholders don't want (or shouldn't rationally want) directors to be risk averse. Shareholders' investment interests, across the full range of their diversifiable equity investments, will be maximized if corporate directors and managers honestly assess risk and reward and accept for the corporation the highest risk adjusted returns available that are above the firm's cost of capital.

In turn, the business judgment rule encourages directors to take appropriate risks by insulating them from the danger of being held liable if such a decision turns out badly. Put simply, it eliminates the possibility that hindsight bias will color judicial review of board decisions.

Shareholder litigation alleging that a board failed adequately to manage risk raises precisely the same concerns as shareholder litigation challenging the riskiness of a board decision. Risk management necessarily overlaps with risk taking because the former entails making choices about how to select the optimal level of risk to maximize firm value. In general, firms have four tools for managing risk: (1) transferring risk to third parties through hedging and insurance, (2) avoiding risk by choosing to refrain from certain business activities, (3) mitigating operational risk through preventive and responsive control measures, and (4) accepting that certain risks are necessary to generate the appropriate level of return. All of these overlap with risk taking. Operational risk management, for example, frequently entails making decisions about whether to engage in risky lines of business and, more generally, determining whether specific risks can be justified on a cost-benefit analysis basis. As a result, it is becoming increasingly difficult to draw a meaningful distinction between the ordinary corporate governance decisions protected by the business judgment rule and risk management. The business judgment rule therefore should protect the latter, just as it does the former.



# Chrysler, General Motors and the Future of Bankruptcy Reorganization

By Professor Lynn LoPucki

*Security Pacific Bank Professor of Law*

Based on a report from its consultants, GM told the government in February of 2009 that there was no such thing as a quick, non-consensual bankruptcy in the United States. “The vast majority of . . . cases [take] one year or more, with one-third taking two years or more.”

A month later, GM’s and the government’s view had changed. President Obama opined that the bankruptcy would be “quick,” and a GM adviser said the company could be out in “30 days or less.” That is exactly what happened.

In the interim, someone had come up with a new—and some might say diabolical—idea. In separate transactions, GM and Chrysler would sell their businesses and trademarks to new, government-created and government-controlled, corporations.

Sales of companies during bankruptcy are not unusual, particularly when the business is no longer capable of continuing to operate on its own. Section 363 of the bankruptcy code provides that “the [debtor], after notice and a hearing, may . . . sell . . . other than in the ordinary course of business, property of the estate.” Appellate courts had already held that the property sold could be the debtor’s entire business. Such sales are referred to as “363 sales.”

What was new about the 363 sales that GM and Chrysler proposed was the lack of arms-length buyers. GM owed the government about \$20 billion—arguably more than the entire value of GM’s assets. The “sale”

was a transfer of GM’s assets in satisfaction of its debt—essentially a foreclosure. The government loaned additional money that would, among other things, pay off \$6 billion of GM’s secured debt. As part of the deal, the government gave one portion of the ownership interest it acquired to the GM retirees’ health care trust (the VEBA) and another portion to the company formerly known as GM.

Chrysler’s planned sale was essentially the same. The principal difference was that Fiat received control of the company and 35% ownership. But Fiat was hardly a traditional, arms-length buyer. Fiat did not pay a dime of the purchase price.

If the New York court won’t approve these future sales, some other court will. All it takes is one.

## The diabolical aspect of these sales was in the mastermind’s realization that the bankruptcy court would approve them despite their illegality. Astonishingly, big bankrupts like Chrysler and GM are legally entitled to choose their bankruptcy courts from any in the United States.

The law permits approval of 363 sales on short notice. As soon as the sale is approved and closed, the debtor’s assets are no longer property of the bankruptcy estate. They belong to the buyer. The bankruptcy court no longer has jurisdiction over them. The businesses sold—for all practical purposes, Chrysler and GM—were out of bankruptcy about 30 days after they went in. The sellers—essentially the empty shells of Chrysler and GM—will remain in bankruptcy and wrestle with their creditors for years.

Likely, no one thought of this idea sooner because it is illegal. Section 363 sales are supposed to be real sales with real buyers. Handing the company’s assets over to the company’s creditors is a transaction that can be put in the form of a sale. But that doesn’t make it a sale. That makes it an illegal “*sub rosa* plan” of reorganization. *Sub rosa* plans are illegal because they end-run the creditor-protection requirements of Chapter 11. Chapter 11 debtors must propose written plans, make extensive financial disclosures, solicit a vote from the creditors and then prove compliance with a long list of requirements at a plan confirmation hearing. None of that happens in time to matter if the business is sold in a 363 sale.

The diabolical aspect of these sales was in the mastermind’s realization that the bankruptcy court would approve them despite their illegality. Astonishingly, big bankrupts like Chrysler and GM are legally entitled to choose their bankruptcy courts from any in the United States. Thus, if only one of the approximately 200 bankruptcy courts in the United States had been willing to approve Chrysler’s 363 sale, Chrysler could have chosen that court and obtained its approval.

It gets worse. In the 1990s, big bankrupts’ abilities to choose their courts triggered a competition among bankruptcy courts to attract their cases. Big cases are high profile, career enhancing work for the judges. They generate billions of dollars a year in professional fees for the local legal communities. Some judges refuse to compete for them, but that makes little difference. The cases go to the judges who do compete. Disappointed professionals revile the former judges as “so bad they drive cases away,” and sometimes even block those judge’s reappointments.

One way to attract big cases is with a past pattern of rulings in favor of those who file them—the debtors’ managements and their allies. The mastermind realized that to attract future cases, a competing bankruptcy court would give Chrysler and GM what they wanted in these cases—quick sale approval.

A willing court was not hard to find. Together, the Delaware and New York bankruptcy courts attract 70% of all large, public company bankruptcies filed in the United States. Although Chrysler and GM are both clearly Detroit companies, both filed in New York. Predictably, the New York court approved their sales.

Bankruptcy law makes appeal from a 363 sale order virtually impossible. Chrysler’s creditors appealed, but the appeals went nowhere. GM’s creditors didn’t even bother.

The Chrysler and GM cases are likely to revolutionize big-case bankruptcy. Nearly every company that goes into bankruptcy would like to be out in 30 days. It should be obvious that a 363 sale can now accomplish that—even without a buyer. Any future debtor can form a new corporation and sell its business to that new corporation in return for all of the new corporation’s stock. The debtor will then be out of bankruptcy, leaving creditors to fight over the stock.

If the New York court won’t approve these future sales, some other court will. All it takes is one. The cases will go there. If it is only one, that court will become the nation’s leading court for big bankruptcies.

If Congress does nothing, I expect that within a decade nearly all big bankruptcies will be 363 sales. Companies routinely will be out in 30 to 60 days, and the pro-management, anti-creditor bias of the bankruptcy courts will become even more extreme. Managers and their allies will be the winners. Other creditors—whose rights will be determined without adequate disclosure, opportunity to vote or time to prepare their cases—will be the losers.



# Global Liberalism in the Great Recession

*By Professor Richard H. Steinberg*

Recall the catastrophic effect of the Great Depression on global trade policy: the notorious Smoot-Hawley tariff, intended to create jobs at home through protectionism, set off a chain reaction of market closure globally, which deepened and lengthened the Great Depression.

The global trading system established in its wake, anchored by the General Agreement on Tariffs and Trade (GATT) and then by the World Trade Organization (WTO), was to guard against repetition of that protectionism and ratchet global liberalization. Embedded in that system was permission for regulation of international trade, particularly in times of political stress on the largely liberal trading system, and for national measures that could advance competing objectives.

The current Great Recession is putting the GATT/WTO system to the test. Increasingly, unemployment is driving political reaction. Every country in the

world is suffering a rise in unemployment—even China and India, whose economies slowed but never stopped growing. Moreover, unemployment will not soon decline: most economists predict an L-shaped recovery, instead of a U-shape, and employment lags behind growth. The political reaction has been a rediscovery of the embedded right to regulate trade, efforts to re-regulate global trade and finance, and a decline of American influence. How far will it go?

## **Toward Contained Protectionism**

Thus far, the balance has shifted toward greater protectionism. But the GATT/WTO system, established to avoid a repeat of Depression-era protectionism, is holding.

The news media has appropriately focused attention on the fiscal and monetary stimulus programs advanced by governments around the world, as well as subsidization on a scale not seen since the end of the Second World War. Hundreds of billions of dollars

have been poured into banking and finance. The auto sector has been subsidized with tens of billions of dollars on each side of the Pond—as well as in Argentina, Australia, Brazil, China, India, Korea and Russia.

But countries are also employing “trade remedy” regulations on a scale not seen for decades and this promises to accelerate. Import-competing producers and labor unions are seeking whatever regulatory tools may be available to save jobs and production. The obvious trade remedies—permitted by GATT/WTO rules, within legal constraints—are antidumping duties (aimed at low priced imports), countervailing duties (aimed at subsidized imports) and safeguard measures (aimed at import surges that injure domestic producers). These remedies have long been considered political “safety valves,” allowing political steam to blow off in times of economic downturn, instead of blowing up the entire system. In all three areas of trade remedy law, in every one of the more

It is not certain that the GATT/WTO law will successfully channel and contain the politics of the Great Recession. The rules and institutions governing trade have never been tested by a recession this deep.

than 60 countries that permit them, petitions seeking relief are up this year. There are nearly double the number of trade remedy investigations underway now than at the same time in 2007.

Three legal factors are limiting the surge of trade remedy measures. First, petitioners must show that imports have caused material injury to domestic producers of like products. That showing is easier in antidumping and countervailing duty cases (which require only that imports are a causal factor) than in safeguards cases (which require that imports are the most important factor). But in all cases respondents will argue that material injury has been caused by recession-dampened demand, not imports. Second, while countervailing duties could in principle aim at the current subsidization frenzy, the law was written with goods in mind, not services, so it is not easy to see how to countervail financial services subsidies. Moreover, in subsidized goods sectors, which country will cast the first stone? Third, if the dam breaks and countries start imposing lots of trade remedies, we will likely see appeals to the WTO dispute settlement system, which has long taken a jaundiced view of these remedies.

In addition to these standard trade remedies, governments are acting creatively to protect their markets—but are acting largely within the confines of WTO rules. For example, some territories are engaged in competition policy reviews of subsidized banks, searching for a way to offset the subsidized competition—but the appropriate application of competition law is permitted under WTO rules. Earlier this year, the United States enacted a comprehensive “Buy American” law; while the GATT excepts government procurement from the cornerstone national treatment principle, the WTO Agreement on Government Procurement restores application of the principle to certain procurements—so President Obama insisted on amending U.S. legislation at the last minute to make it consistent with that agreement. Similarly, many governments are eliminating the “overhang” between bound and applied tariffs: the GATT binds tariffs so they do not exceed specified rates, but countries are free to apply lower rates that increase trade; most countries are now eliminating that “overhang,” raising applied tariffs to their bound rates—but not exceeding them.

It is not certain that the GATT/WTO law will successfully channel and contain the politics of the Great Recession. The rules and institutions governing trade have never been tested by a recession this deep. But thus far, WTO members are playing mostly by the rules.

#### Shifts in International Negotiations

In international negotiations, the Great Recession is accelerating a shift away from continued liberalization. International economic negotiations focus less on aid and liberalization of trade, more on re-regulation of money and finance. Europe and China seek global regulation of financial markets; while the United States is less keen, even Wall Street acknowledges that some international cooperation may be in order. Global trade negotiations and U.S. bilaterals are on hold, as trade ministers focus more on damage control than further liberalization.

More significantly, however, structural shifts—hastened by the recession—are underway. Before the financial collapse, China’s share of global GDP was on track to exceed 10% by 2025, with India close behind. And the yuan had long been artificially undervalued. With the Great Recession and the associated ballooning U.S. budget deficits (financed crucially by China), China’s influence has grown more quickly. Most believe that the U.S. interest and savings rates will soon rise and U.S. consumption will fall: we can’t endlessly consume, using foreign borrowed money. As this happens, foreign countries will depend less on the U.S. consumer for export-led growth strategies. Add to this, in the recessionary climate, reduced U.S. foreign aid to the developing world. All these developments diminish U.S. influence in global economic negotiations. Secretary of State Clinton’s first trip to Beijing, hat-in-hand, seeking continued purchase of U.S. bonds, is emblematic of the shift.

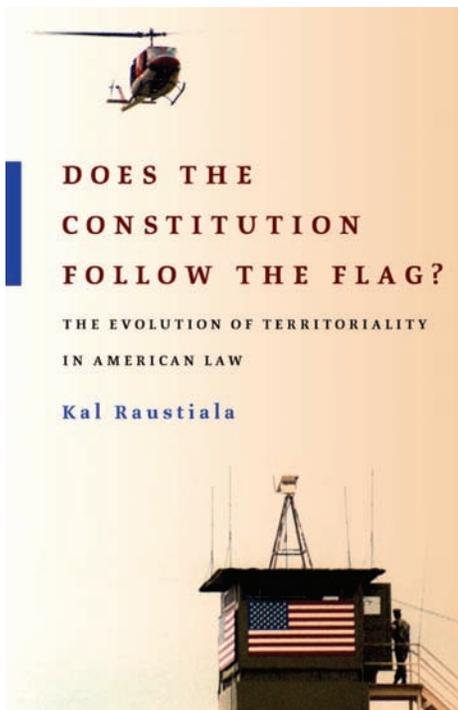
To compound the matter, the United States has lost—at least for now—ideological control of the agenda in international economic negotiations. For a half century, the United States was *the* champion of global liberalization, freer movement of goods and capital, minimal regulation and laissez-faire capitalism. The Washington Consensus was, after all, the *Washington* consensus. In global discussions of banking and financial services regulations, U.S. participants long bragged that we had it right—which is why we were the center of global finance. Woops. And now we are buying American and backing off from global and bilateral trade negotiations, while our unions and private sector prepare antidumping, countervailing duty and safeguard petitions.

In short, the United States, the world’s long-time champion of liberalism, is losing influence over international economic law, a loss accelerated by the Great Recession. That loss of influence is a loss for global liberalization.



# Does the Constitution Follow the Flag?

## Q & A with Professor Kal Raustiala



Professor Kal Raustiala, who writes and teaches in the areas of international law and international relations, recently published *Does the Constitution Follow the Flag? The Evolution of Territoriality in American Law* (Oxford University Press, June 2009). His new book addresses the way geography shapes legal rules, and how territorial principles embedded in the law alter, and are also altered by, American foreign policy.

“Kal Raustiala’s *Does the Constitution Follow the Flag?* turns some of the crucial debates of the Bush years into a guide to a new era in law and foreign policy. He examines the old fashioned notions of borders and boundaries in the context of a changed and changing world, and asks all the right questions about what they will mean in the future.”

— Jeffrey Toobin, author of *The Nine*

Professor Raustiala holds a joint appointment between UCLA School of Law and the UCLA International Institute, where he teaches in the Program on Global Studies. He is also director of the UCLA Ronald W. Burkle Center for International Relations, which is UCLA’s primary academic unit that fosters interdisciplinary research and policy-oriented teaching on the role of the United States in global cooperation and conflict, and military, political, social and economic affairs.



**Do the laws of the United States operate differently beyond American territory? If so, how does geography affect what legal rules apply?**

American law has always operated differently beyond American territory. At times it even operates differently within American territory, such as within U.S. colonies like Puerto Rico, federal territories or “Indian country.” My book canvasses our history to examine how the governing legal rules have evolved and why.

Perhaps the easiest way to understand this issue today is to think about Guantánamo. The controversy over whether Guantánamo is a “legal black hole” is a controversy over whether U.S. (as well as international) law applies extraterritorially—that is, outside American borders. One of the main reasons Guantánamo has been used as a detention site—by several presidents—is that it has long been deemed offshore and therefore outside the scope of many crucial legal rights. More prosaically, our extensive foreign law enforcement efforts operate under a different set of rules than do conventional domestic policing. When the U.S. Drug Enforcement Agency searches the Mexican home of a drug kingpin, for example, the Fourth Amendment, and the exclusionary rule, do not necessarily apply.

**Where do rules about territorial legal limits come from?**

The fundamental organizing principle of the international system is sovereignty. The world is made up of some 200 sovereign states, each of whom is, as a formal matter, legally supreme within their territorial

domains. Sovereignty has been extensively studied by lawyers, philosophers and others. What my book does is look at the flip-side of sovereignty, which is territoriality—the idea that law and state power are defined with regard to a particular territory. In other words, all sovereign states are sovereign over a defined territory.

I study territoriality through the lens of the evolution of American law. Throughout our history leading thinkers such as Joseph Story have looked to international law to shape our understandings of legal concepts such as jurisdiction. For the most part, we have defined territorial limits against the backdrop of international legal rules. The notion that not all constitutional rights applied in the American-controlled Philippines, for instance, grew out of the international law of conquest and occupation.

**How have the rules governing extraterritoriality changed over time?**

It has been a complex evolution. Many people believe—with some justification—that extraterritoriality is more common today. For example, we routinely assert jurisdiction in civil suits over foreign firms with very limited contact with the U.S. We also routinely regulate actors overseas who influence American markets, such as through price-fixing. That wasn’t true a century ago. However, the story is more complex. A century ago, for example, Congress created the U.S. District Court for China, which sat in Shanghai and adjudicated thousands of cases involving Americans living in China. The court answered to the 9th Circuit and was a regular federal court.

This form of extraterritoriality was common in the pre-World War II period, but it doesn’t exist today. Few contemporary lawyers even know about it. The important point is that while the specific forms of extraterritoriality have changed over the course of history, extraterritoriality has been an enduring feature, largely because it is an effective way to manage the legal differences that are inherent in a system of sovereign states.

**What are the effects of the changes?**

There are many. But an important one is that American extraterritoriality has caused significant friction with other nations. As I argue in *Does the Constitution Follow the Flag?*, the U.S. has tended to assert jurisdiction more broadly as its power has grown. In the 19th century we argued vociferously against

British assertions of jurisdiction within our borders. By the 1950s the shoe was on the other foot, and the British were complaining about our extraterritorial claims. Importantly, these changes have also impacted our self-conception as a nation. The title of the book comes from the debate over whether constitutional rights applied to the colonies we acquired after the Spanish-American War. This was a huge issue in U.S. law and a key part of the presidential election of 1900. The belief that constitutional protections did not fully follow the flag enabled what historians call “the imperial moment” in U.S. history.

**What will the geography of American law look like in the future?**

If we take the long view, as far as the Constitution is concerned, the push has been to extend the Bill of Rights outward. For most of our history the Bill of Rights did not apply outside the U.S., even in a U.S. court sitting abroad—for example, the U.S. District Court for China. That only changed with the cold war case of *Reid v. Covert*, in which the Supreme Court, in adjudicating a case involving the military trial of an overseas American civilian, held that “we reject the idea that, when the United States acts against citizens abroad, it can do so free of the Bill of Rights.”

Last term the Supreme Court extended this basic principle to foreign nationals when it held that the constitutional right of habeas corpus applied to detainees held at Guantánamo. That was a landmark decision, but already the courts are facing cases about whether the same is true of Bagram Air Base in Afghanistan. Most people don’t realize that Bagram actually holds three times as many detainees as Guantánamo. The Obama administration is not talking about shutting Bagram, and indeed they are espousing the exact position the Bush administration did—that no constitutional rights apply to foreigners held in American prisons there. It is hard to say how this will turn out. Nonetheless, I think we are likely to see the slow advance of an important and powerful idea: that wherever the U.S. exercises power, and asserts its legal jurisdiction, the basic limits placed on that power and jurisdiction by our fundamental law will also follow.

## Campaign for UCLA School of Law Reaches 65% of Goal to Date

**THANKS TO THE LEADERSHIP, COMMITMENT AND GENEROSITY OF OUR ALUMNI AND FRIENDS**, the Campaign for UCLA School of Law is going strong and we have reached 65% of our goal to date. During UCLA School of Law's proud 60-year history we have built a tradition of excellence, high achievement and innovation, and, in April 2008, formally launched the groundbreaking Campaign for UCLA School of Law, chaired by Ken Ziffren '65, to secure the law school's future. Meeting the campaign goal—to raise \$100 million to further academic excellence, support our stellar faculty, help our students afford law school and expand our programs and centers—is crucial.

In the face of continued state budget cuts, we will redouble our efforts to sustain our momentum and secure our future. Private financial support, and the continued support of our alumni community, is more important now than it has ever been before.

To support the campaign and invest in the future of UCLA Law, or for more information, please contact Laurel Zeno in External Affairs at 310-206-1061.

## EXPANDED LL.M. PROGRAM TO HELP STUDENTS “TRANSITION TO PRACTICE”

**IN APRIL, UCLA SCHOOL OF LAW** announced a new addition to the LL.M. program, the Transition to Practice program, which will focus on enhancing the practical skills and development of the new lawyer. The program will replicate significant parts of the learning that comes in the first year of practice, but in a controlled educational environment.

“UCLA School of Law has always been committed to training the next generation of lawyers and providing them with practical skills that will serve them in their legal careers,” Dean Michael H. Schill said. “Through the new Transition to Practice program, which will focus on experiential learning and skills, law school graduates will be able to expand on their legal education and develop additional legal skills during their transition from law school to practice.”

A core component of the Transition to Practice program will be capstone courses drawing heavily on practice-oriented projects in addition to substantial research and written work. Capstone courses will include part-time externships within corporate legal departments, as well as clinical simulations, where students work with real legal problems in a controlled environment that permits reflection and generalization of lessons learned. The Transition to Practice program



*“Northrop Grumman is pleased to work with this innovative program...”*

Stephen D. Yslas '72

will also include a required workshop series designed to introduce students to the practical issues that confront new lawyers, ranging from how to define a work-product to understanding a client's

business and goals, and handling practical problems of ethics and confidentiality. Capstone classes will be taught both by the core faculty of the law school and prominent practicing lawyers.

The law school expects to develop curriculum in conjunction with leading law firms and corporate legal departments and to draw on the expertise of the Los Angeles legal community. According to Stephen D. Yslas '72, corporate vice president and general counsel of Northrop Grumman Corporation, “Northrop Grumman is pleased to work with this innovative program and looks forward to a mutually beneficial relationship with an extern from the new UCLA Law specialization. Our business provides valuable learning opportunities for a new lawyer seeking direct client experience.”



*“UCLA School of Law’s Transition to Practice program is an outstanding option for recent law school graduates...”*

James D. C. Barrall '75

“UCLA School of Law’s Transition to Practice program is an outstanding option for recent law school graduates, deferred hires and employers,” James D. C. Barrall '75, head of the Latham & Watkins Global Benefits Compensation Group, said. “This unique training will replicate much of the experience of a new associate, which will allow recent graduates to hit the ground running when they start their jobs. Employers also gain new lawyers with practical legal training under their belt.”



## KIRSTEN GILLIBRAND '91 Appointed U.S. Senator for New York

**UCLA SCHOOL OF LAW ALUMNA KIRSTEN GILLIBRAND '91** was appointed U.S. Senator for New York in January by New York Governor David A. Paterson, filling the United States Senate seat vacated by Secretary of State Hillary Rodham Clinton. Prior to her appointment, Senator Gillibrand had been serving her second term as U.S. Representative from New York's 20th congressional district, representing counties across upstate New York. During President Clinton's administration, Senator Gillibrand served as special counsel to former U.S. Secretary of Housing and Urban Development, Andrew Cuomo. She later joined the law firm Boies, Schiller & Flexner LLP, where in addition to her responsibilities at the firm she maintained an extensive pro bono practice.

## UCLA SCHOOL OF LAW CLINICAL PROGRAM STUDENTS SECURE VICTORY ON BEHALF OF TACO TRUCKS

**UCLA SCHOOL OF LAW'S CLINICAL PROGRAM STUDENTS**, working together with Sanjukta M. Paul, a civil rights attorney with the firm Rothner, Segall, Greenstone & Leheny, secured a victory for catering food truck operators in a case challenging the constitutionality of a city ordinance that has been aggressively implemented against these vendors in Los Angeles since the beginning of 2008. The ordinance required the vendors, often known as "lunch trucks," "taco trucks" or "loncheros," to move every 30 or 60 minutes to a distant location and not vend for 30 to 60 minutes, or face steep fines.

On behalf of Mr. Francisco Gonzalez, who has operated a commercial vending vehicle in East Los Angeles for more than 12 years, UCLA School of Law students Angélica Ochoa '09 and Sarah Day '09 argued that the California legislature has made clear that municipalities may only regulate, not prohibit, the legal operation of such vehicles for the purpose of the public safety. They challenged the city regulation at issue—Los Angeles Municipal Code Section 80.73(b)(2)(F)—on the grounds that the ordinance itself is invalid under the California preemption doctrine, which holds that local ordinances that conflict with the state law are void.

Los Angeles Superior Court Commissioner Barry D. Kohn ruled on appeal that the ordinance is not rationally related to public safety or public health and is preempted by the California Vehicle Code.

"The opportunity to help our client fight a law that was threatening his business, and secure a victory on behalf of catering food truck operators in Los Angeles, was the highlight of my law school experience," Angélica Ochoa said. "My partner Sarah and I were honored to work, as part of the Criminal Defense Clinic, on a case that directly impacts businesses that are an integral part of the Los Angeles community."

The law school's Criminal Defense Clinic, launched in 2009, offers a unique opportunity for students to provide pro bono representation under close supervision, and in cooperation with local firms and defender organizations. Ingrid Eagly, who teaches the Criminal Defense Clinic, supervised the students working on the case, along with Ms. Paul.

Many catering food truck operators attended the June hearing, including members of the Asociación de Loncheros, a community group that has organized around issues affecting catering food truck operators in Los Angeles. Thanks to the work of another group of UCLA Law students, participants in the Community Economic Development Clinic who worked in conjunction with Public Counsel and the UCLA Labor Center, the Asociación de Loncheros was able to obtain 501(c)(6) nonprofit trade association status, creating the first nonprofit trade organization for the catering food truck community in Los Angeles.



Angélica Ochoa '09, Francisco Gonzalez and Sarah Day '09

## Book Signing and Discussion with Speaker of the House Nancy Pelosi

**UCLA SCHOOL OF LAW AND THE WILLIAMS INSTITUTE** on Sexual Orientation Law and Public Policy hosted a dynamic discussion in April with Congresswoman and Speaker of the House Nancy Pelosi. House Speaker Pelosi, the highest ranking elected woman in U.S. history, and the first female speaker of the House, shared her experiences as a woman in this position and discussed her recent book, *Know Your Power: A Message to America's Daughters*. She graciously signed copies of her book following her talk.



House Speaker Pelosi signs books for UCLA Law students

## Gift from Ken '65 and Ellen Ziffren Supports Highest Priority Needs of UCLA Law

**A GIFT OF AT LEAST \$1 MILLION FROM KEN '65 AND ELLEN ZIFFREN** as part of the law school's \$100 million Campaign for UCLA School of Law, will support the highest priority needs of the school.

Ken Ziffren, chairman of the \$100 million endowment campaign and co-chairman of the school's Board of Advisors, has been instrumental in the campaign's efforts to increase student scholarships, attract and retain faculty and support centers and institutes that inform law and public policy. This gift put the campaign, scheduled to close in 2013, at close to \$65 million.

"Ken Ziffren has been a driving force in leading our school and establishing an energetic philanthropic spirit. His dedication and generosity will allow us to continue supporting our faculty, expanding our programs and centers and shaping the best and brightest legal minds," Dean Michael H. Schill said.

"I want to do my part to ensure that future generations of UCLA School of Law students have the same or better access to quality legal education, and hope to encourage others to join in this effort," Ziffren stated.

Ziffren is a founding partner of Ziffren Brittenham, one of the nation's leading entertainment and media law firms. He has represented noted stars ranging from Steve McQueen to Jay Leno. He served as a neutral mediator in resolving the Writer's Guild strike in 1988, acted on behalf of Starz in establishing a premium pay television service in 1994; represented DirecTV in inaugurating pay-per-view services domestically, in Latin America and Japan and served as the special outside counsel to the NFL in negotiating contracts with the networks



Ken Ziffren '65

as part of an extensive transactional practice in the entertainment and media industries.

A frequent lecturer and writer on entertainment law, Ziffren is an adjunct professor at UCLA School of Law, where he teaches a seminar course in motion picture distribution. Ziffren helped to found the law school's Entertainment and Media Law and Policy Program and was the school's Alumnus of the Year in 1995.

During law school, Ziffren was editor-in-chief of the *UCLA Law Review*. After graduation, he clerked for Chief Justice Earl Warren during the 1965-66 Term of the U.S. Supreme Court. He was a partner of Ziffren & Ziffren before founding Ziffren Brittenham in 1979. Among other family members to attend UCLA School of Law is his uncle Lester Ziffren '52, a member of the law school's first class.

## UCLA Law Appellate Advocacy Clinic NINTH CIRCUIT COURT OF APPEALS WIN

**UCLA SCHOOL OF LAW STUDENT CAROL IGOE '09**, a participant in the law school's Appellate Advocacy Clinic, along with Grant Gelberg, an associate with O'Melveny & Myers, won a Ninth Circuit Court of Appeals immigration case in April on behalf of Maria Ramirez, a 44-year-old mother of three who emigrated from the Philippines in 1995, became a lawful permanent resident in 1999 and went on to serve four years in the U.S. Navy.

The government sought to remove Ramirez, who had been held in immigration detention for more than two years, from the country based on a criminal conviction in California. Igoe and Gelberg argued that immigration officials erred in their attempt to deport her. The Ninth Circuit ruled that her conviction didn't constitute a deportable offense under federal law and rejected the government's effort to return the case for further administrative hearings.

Igoe is one of six students who participated in the clinic, which launched in the fall as a joint effort between the law school and O'Melveny & Myers to represent pro bono clients at the federal appellate level. The lawyers and students collaborate on challenging issues of importance including immigration, criminal procedure and criminal law. This case is one of three the clinic argued before the Ninth Circuit during its inaugural year.

## Screening of *Our Disappeared* with Argentine Director Juan Mandelbaum



Juan Mandelbaum and Ines Kuperschmit '02

### IN APRIL, UCLA SCHOOL OF LAW

hosted a screening of the documentary *Our Disappeared* (*Nuestros Desaparecidos*) followed by a discussion with director Juan Mandelbaum and UCLA Law alumna Ines Kuperschmit '02, who appears in the film.

*Our Disappeared* chronicles director Juan Mandelbaum's search to find out what happened to friends he knew who were "disappeared" by the military in Argentina during the 1976-1983 dictatorship. The film shares the dramatic stories told by parents, siblings, friends and children of those who were kidnapped, tortured and then disappeared. Ines Kuperschmit, the director of litigation and advocacy for the Learning Rights Law Center, is one of the children interviewed for the film. Her mother, who was a friend of director Juan Mandelbaum's, was one of the "disappeared." The event was sponsored by UCLA School of Law's International Human Rights Program, the UCLA Center for Argentina, Chile and the Southern Cone and the UCLA International Institute.

## Inaugural Herbert Morris Lecture in Law and Philosophy

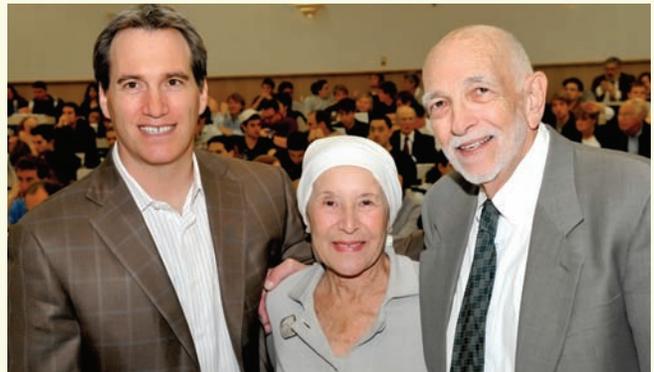


Professor Ronald Dworkin

**A HUGE CROWD FILLED A LAW SCHOOL LECTURE HALL**, and an additional overflow room, to celebrate Professor Herbert Morris, an eminent emeritus member of both the law school and the philosophy department, at the inaugural Herbert Morris Lecture in Law and Philosophy. The lecture, held at the law school in March, was established in honor of Professor Morris for his contributions to moral and legal philosophy, as

well as his many contributions to the UCLA campus. It was hosted by the Program in Law and Philosophy and generously funded in part by a gift from Dov Seidman, a former student of Professor Morris' and founder of LRN.

Ronald Dworkin, Professor of Philosophy and Frank Henry Sommer Professor of Law at New York University, delivered the lecture entitled "Law, Morals, Constitution: A Second Look." Professor Dworkin is widely regarded as one of the world's leading philosophers of law and has made extremely important contributions to political and moral philosophy. After an introduction by Dean Michael H. Schill, who called the selection of Professor Dworkin "a superb and inspired choice," he spoke about what he called the oldest issue in legal philosophy—the relationship between law and morality.



Dov Seidman, Mrs. Morris and Herbert Morris

## UCLA-RAND Conference Analyzes Third Party Litigation Funding



Lord Daniel Brennan QC

**THE UCLA-RAND CENTER FOR LAW AND PUBLIC POLICY** hosted a conference—the first conference in the United States focused specifically on the litigation funding industry—to evaluate an array of actual and potential claim financing methods, particularly third party litigation funding. Participants traveled from as far as Karachi, Pakistan to participate in “Third Party Litigation Funding and Claim Transfer: Trends and Implications for the Civil Justice System,” held in June.

Third party litigation funding is emerging as one of the most influential trends in civil justice and is shaping how litigation/arbitration is funded in the United States and abroad. While the practice is gaining prominence in Europe, Canada and Australia, the industry is new to the U.S.

With the huge demand for financing, especially in the current economic climate, the conference brought together stakeholders to discuss the risks and opportunities associated with the confluence of law and finance, as well as to debate the role of third party litigation funding, if any, in the American civil justice system. Lord Daniel Brennan QC, a member of Matrix Chambers specializing in commercial law, international business issues, public and private international law and international arbitration, delivered the conference keynote address.

## Empirical Legal Scholars Program

**THE UCLA-RAND CENTER FOR LAW AND PUBLIC POLICY** has established the new Empirical Legal Scholars Program for students who are interested in careers in academia or policy analysis. The goal of this unique program is to produce a small group of law school graduates who are capable of critically assessing existing research and creating original scholarship of their own. It will foster empirical research by combining coursework and research infrastructure at UCLA Law and RAND, and it includes the hallmarks of a graduate program: formal instruction, faculty mentorship and practical experience.

Formal instruction includes a second-year fall course in research methods, statistics and data analysis, followed by a spring seminar in which students conduct and draft an original research paper. Each student will be paired with a faculty mentor by area of interest in order to deepen his or her substantive understanding of that particular field. All students will gain practical experience of the day-to-day conduct of empirical research by working on projects at both UCLA Law and RAND.



## Professors Launch New Blog on Environment and Climate Change

**ENVIRONMENTAL FACULTY MEMBERS AT UCLA SCHOOL OF LAW** have teamed up with faculty members at UC Berkeley Law to launch Legal Planet, a new blog that provides insight and analysis on climate change, energy and environmental law and policy. Legal Planet fills an important niche by bridging the worlds of law and policy as well as translating the latest developments in a way that's understandable to a mass audience.

The “global challenge of climate change” is the driving force behind the blog, said Professor Ann Carlson, co-creator of the blog, with Berkeley Law Professor Dan Farber. Contributors write about Supreme Court decisions, new policy developments, major regulatory actions and state and national legislation that affect water resource management, toxic waste disposal, renewable energy, air quality, land use and more. The blog also links to new policy ideas generated by the law schools' environmental, energy and climate change think tanks.

In addition to Professor Carlson, UCLA Law contributors include: Sean Hecht, executive director of the UCLA Environmental Law Center; Cara Horowitz, Andrew Sabin Family Foundation executive director of the Emmett Center on Climate Change and the Environment; Professor Timothy Malloy; Professor Jonathan M. Zasloff; and Ethan Elkind '06, a joint fellow at both law schools.

To read Legal Planet, go to: <http://legalplanet.wordpress.com/>.

## 33RD ANNUAL UCLA ENTERTAINMENT SYMPOSIUM “Hollyworld - The Challenges and Opportunities of Globalization”

**UCLA SCHOOL OF LAW HOSTED THE 33RD ANNUAL UCLA ENTERTAINMENT SYMPOSIUM**, the flagship event for the entertainment industry, in March. The two-day symposium, “Hollyworld - The Challenges and Opportunities of Globalization,” featured candid discussions and lively exchanges by leading legal and entertainment industry executives who examined the globalization of the entertainment industry.

A highlight of the symposium was the keynote presentation by Harry E. Sloan, the chairman and chief executive officer of Metro-Goldwyn-Mayer Studios Inc. (MGM). Mr. Sloan participated in an animated Q&A discussion with Peter Bart, then editor-in-chief of *Variety*, and he answered questions about the globalization of film and television and the impact new technologies will have on the industries.

As always, the success of the conference would not have been possible without the leadership of the UCLA Entertainment Symposium Advisory Board, which is composed of top attorneys from all areas of the industry, and the tireless efforts of its co-chairs Matthew C. Thompson of Strook & Strook & Lavan, David Boyle of Radar Pictures and P. John Burke of Akin Gump Strauss Hauer & Feld.



Peter Bart and Harry Sloan

## Entertainment Speakers Series

### UCLA SCHOOL OF LAW'S ENTERTAINMENT AND MEDIA LAW AND POLICY PROGRAM

sponsors Entertainment Roundtables and a Lunchtime Speakers Series, which bring a wide variety of industry professionals to the law school. During informal discussions, the guests share their views on the present and future of the entertainment business. The 2008-09 speakers included:

**Marco Cordova**, Director of Business Development, Entertainment Partners

**Roger Donaldson**, Film Director

**Susan Essex**, Senior Vice President, Business and Legal Affairs, Warner Bros. Pictures

**Donald Etra**, Criminal Counsel, Law Offices of Donald Etra

**Ken Freundlich '85**, Entertainment Lawyer, Freundlich Law Firm

**Jacqueline Hayes**, Senior Vice President, Business and Legal Affairs, Warner Bros. Digital Distribution

**David Kaplan**, Senior Vice President and Intellectual Property Counsel, Worldwide Anti-Piracy Operations, Warner Bros. Entertainment

**Margery Simkin**, Casting Director

**Jeremy Williams**, Senior Vice President and Deputy General Counsel, Warner Bros. Entertainment



Andrew Sabin

## Andrew Sabin Family Foundation Gift Supports the Emmett Center on Climate Change and the Environment

**A \$1.5 MILLION GIFT FROM THE ANDREW SABIN FAMILY FOUNDATION**, to be matched by Dan and Rae Emmett, will create a \$3 million Andrew Sabin Family Foundation Endowed Fund to support the Emmett Center on Climate Change and the Environment. The gift is part of UCLA Law's \$100 million endowment campaign.

In recognition and appreciation of the gift, the position of executive director of the Emmett Center will be named the Andrew Sabin Family Foundation Executive Director. Cara Horowitz '01, a former attorney with the Natural Resources Defense Council, is currently serving as the first Andrew Sabin Family Foundation Executive Director.

“We are extremely grateful for the support of Andrew Sabin, a dedicated environmental advocate, and his contribution to UCLA Law's research and teaching on the environment,” Dean Michael H. Schill said. “Through his generosity, and under the leadership of Cara Horowitz, the Emmett Center will lead the way in developing innovative legal solutions to help protect our environment and create a more sustainable future.”

## The Honorable Louise Arbour Speaks on Politics of Human Rights

**THE HONORABLE LOUISE ARBOUR**, who recently completed her term of office as United Nations High Commissioner for Human Rights, gave a lecture entitled “The Politics of Human Rights in the United Nations” during a visit to the law school in March. Mrs. Arbour described her experiences during her term, including some of the disappointments, such as the feeling that she could offer little comfort to the people she met during a visit to Sderot, Israel in 2006, right after a rocket attack.

Mrs. Arbour is a former justice of the Supreme Court of Canada and a former Chief Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda. She began her new position as president and CEO of the International Crisis Group in July.



The Honorable Louise Arbour

## Panel Addresses Education Challenges and Racial Disparities in Juvenile Justice System



Professor Jyoti Nanda

**THE JUVENILE JUSTICE PROJECT**, a partnership between UCLA School of Law and the Learning Rights Law Center, held a panel discussion in February to address the educational challenges and racial disparities in the Los Angeles juvenile justice system. Janeen

Steel '99, executive director of the Learning Rights Law Center, joined Professor Jyoti Nanda in welcoming the participants, who discussed what the community can do to address the unprecedented need for educational access. The event was sponsored by the UCLA Center for Community Partnerships, UCLA School of Law's David J. Epstein Program in Public Interest Law and Policy and Critical Race Studies Program and Advocates for Children & Teens.

The Juvenile Justice Project was launched in September 2008 with the goal of helping to prevent youth from entering the juvenile justice system. The project will also train and motivate law students to become better youth advocates.



Bernard '58 and Lenore Greenberg

## Bernard '58 and Lenore Greenberg Create Law Fellows Endowment

**A GIFT FROM BERNARD '58 AND LENORE GREENBERG** will establish the Bernard A. and Lenore S. Greenberg Law Review Fellow Endowed Fund, which will be used to support *UCLA Law Review* alumni who return to the law school to teach and do research. The Greenberg Fellow will serve for one or two years, and will divide his or her time between teaching, research and writing in preparation for the academic job market. Bernard A. Greenberg, who serves as a member of the UCLA School of Law Board of Advisors, was the editor-in-chief of Volume 5 of the *UCLA Law Review* and was a teaching fellow at Harvard.

# Law Firm Challenge Results Break All Past Records

**THE UCLA LAW FIRM CHALLENGE** continues to break records. Now, in its seventh year, 82 firms have joined to support the school through friendly competition and rivalry. Of the more than 1,300 alumni participating, 77% made a gift to their alma mater. An impressive 35 firms reached the 100% mark. Founding Chair James D. C. Barrall '75 has worked tirelessly to promote this initiative to bring UCLA School of Law to the practicing legal world. The good will, cooperation and palpable benefits to both firms and UCLA Law have made the Law Firm Challenge an exemplar to law schools nationwide.

The commitment of the 82 firms involved is vital to the future of UCLA Law—especially in these hard economic times. Expansion of the program will begin this year as the Law Firm Challenge aims to increase participation rates among lawyers working in other sectors. To learn more about the Law Firm Challenge please visit [www.law.ucla.edu/LFC](http://www.law.ucla.edu/LFC). To enroll your organization in the Challenge—and no firm is too small—please contact Rebecca Melville at (310) 206-1170 or via e-mail at [Melville@law.ucla.edu](mailto:Melville@law.ucla.edu).



James D. C. Barrall '75



Justice Hassan Bubacar Jallow

## Chief Prosecutor of Rwandan Genocide Reflects on Criminal Tribunal's Success

**JUSTICE HASSAN BUBACAR JALLOW**, who was appointed as chief prosecutor of the UN International Criminal Tribunal for Rwanda (ICTR) in 2003, met with students and gave a special public lecture, "The Rwanda Genocide and the Development and Accomplishments of the Criminal Tribunal," at the law school in April. As Rwanda marks the 15th anniversary of the 1994

genocide, Justice Jallow described the violence in Rwanda—the killing of civilians because of their ethnic group. He gave a brief history of the creation of the tribunal, which was established in November 1994 by the United Nations Security Council in order to prosecute people responsible for genocide, and other serious violations of international humanitarian law, committed in the territory of Rwanda between January 1, 1994 and December 31, 1994. Now, as the tribunal is about to close (trials must be completed by the end of the year), he reflected on its successes and also its shortcomings.

Calling the tribunal a "novel experiment," Justice Jallow said that establishing the court was challenging, but it has proved to be

quite successful. Acknowledging that they are not able to prosecute everyone who committed crimes during this period, he said that without the court Rwanda probably would not have been able to find and prosecute as many people as they have.

Justice Jallow enjoyed a remarkable legal career even before his appointment as chief prosecutor of the ICTR. Among his many accomplishments, he served as Gambia's Attorney-General and Minister of Justice from 1984 to 1994 and subsequently as a Judge on the Gambia's Supreme Court from 1998 - 2002. He also has served as a legal expert for the Organisation of African Unity and worked on the drafting and conclusion of the African Charter on Human and People's Rights, adopted in 1981. Justice Jallow also served as a Judge of the Appeals Chamber of the Special Court for Sierra Leone.



Justice Jallow with students

The lecture was co-sponsored by the International Human Rights Program, the International Human Rights Law Students Association, the *Journal of International Law and Foreign Affairs*, the David J. Epstein Program in Public Interest Law and Policy and the UCLA African Studies Center.

## Removing Roadblocks to Sustainable Housing in California

**IN MARCH, THE LAW SCHOOL HOSTED** California Attorney General Jerry Brown and a roomful of the state's most progressive real estate developers, builders and architects for a daylong workshop called "Building Smart and Green: A New Direction for Climate-Friendly Growth and Sustainability in California." These leaders in the field discussed barriers to creating new environmentally sustainable housing in California and ways to overcome those barriers.



California Attorney General Jerry Brown and Dean Michael H. Schill

All agreed that greener, more sustainable building patterns would not only help California achieve its climate change goals, but would also benefit communities in many other ways compared with traditional sprawl. Regional, transit-based development will result in lower energy costs, shorter commutes, fewer greenhouse gas emissions, less traffic, healthier air and more green space. Recent changes in the law, such as California's

new "anti-sprawl" law, SB 375, give home builders and other developers business opportunities to improve California's neighborhoods and help the environment.

The workshop was the first of four this year, all funded by the Bank of America Foundation and sponsored by UCLA Law's Emmett Center on Climate Change and the Environment and Environmental Law Center, together with UC Berkeley Law and the California Attorney General's office. The series is focused on helping sectors of California's business community prosper in an era of climate change regulation.

Each workshop will result in a set of concrete policy recommendations for lawmakers, regulators, business leaders and the public on ways to encourage, and profit from, more sustainable business practices. Recommendations from the March workshop were scheduled for publication in August and included calls for reforms to help level the playing field for sustainable real estate development. UCLA Law alumnus Ethan Elkind '06 has been hired to coordinate the workshops and is the primary author of the first set of policy recommendations.

"This is a terrific opportunity to partner with California's business leaders to find solutions that work for the environment and the bottom line," Cara Horowitz, Andrew Sabin Family Foundation executive director of the Emmett Center on Climate Change and the Environment, said. "It's always exciting to be able to plug our expertise and energy into overcoming real world challenges."

The law school's Emmett Center on Climate Change and the Environment was founded in 2008 as the nation's first law school center focused on climate law questions. It works hand in hand with the UCLA Environmental Law Center, led by Sean Hecht, which houses interdisciplinary and wide-ranging work relating to environmental law and policy.

## Conference and New Program Address Nanotechnology Regulation



Assemblymember Mike Feuer

**IN APRIL, AN INTERDISCIPLINARY GROUP** of scholars and researchers, policymakers, nongovernmental organizations and businesses attended the 2009 Working Conference on Nanotech Regulatory Policy, which featured action-oriented workshop panels on the science and policy of nanotechnology. The goal of the daylong conference was to critically evaluate several specific policy proposals for responding to the potential public health and environmental impacts of nanotechnology. Assemblymember Mike Feuer, who has sponsored important legislation on chemical policy in California, was the featured lunchtime speaker.

The event was the result of a collaboration of various UCLA departments, and marks the launch of the new UCLA Law and Environmental Health Sustainable Technology Policy Program. The new program brings together researchers from UCLA School of Law, UCLA School of Public Health and others across the UCLA campus in a unique initiative to respond to growing concerns regarding the pervasive use of chemicals in California, and the explosive growth in the development and commercialization of nanomaterials—engineered particles having a size of 100 nanometers or less. The program's interdisciplinary projects will include providing scientific, policy and legal support to community-based environmental health organizations, policymakers and other stakeholders regarding green chemistry and nanotechnology issues.

## Fighting Sexual Assault in the Military

**ARMY SERGEANT ANGELA PEACOCK**, who was raped by a fellow soldier while deployed in South Korea and was encouraged by her command not to tell, spoke out in public for the first time during a visit to the law school in January. Following a screening of the documentary that tells her story, *In Their Boots*,



Angela Peacock

she was joined by a panel of speakers who discussed the issue of sexual assault in the military, including current military policies and legislative proposals to address the problem. The program was hosted by the David J. Epstein Program in Public Interest Law and Policy, and was co-sponsored by the National Women's Law Student Organization, American Constitution Society, Brave New Foundation and *In Their Boots*.

## Israeli Ambassador to the United Nations Speaks at UCLA Law



Ambassador Gabriela Shalev

**IN NOVEMBER, UCLA LAW CO-SPONSORED** a discussion with Gabriela Shalev, Israeli Ambassador to the United Nations and the first woman ever appointed Israel's permanent representative to the United Nations. During her lecture, "Israel and the World: A View from the United Nations," before an audience of students, faculty, staff and the public she spoke about the changes she intends to bring to the U.N. She said that the U.N. does not have a good history in Israel, but that she hopes her ambassadorship will alter both the role of Israel in the U.N. as well as the way the U.N. is perceived within Israel. Ambassador Shalev said that Israel wants to participate in more United Nations initiatives in order to improve the country's perception in the world, as well as to promote the rule of law and human rights.

## Epstein Program Conference Spotlights Impact of Pro Bono System

**THE DAVID J. EPSTEIN PROGRAM IN PUBLIC INTEREST LAW AND POLICY**, along with *The Los Angeles Daily Journal*, presented "Rethinking Pro Bono: Private Lawyers and Public Service in the 21st Century" in October. The conference brought together leading academics and lawyers to examine the promise and pitfalls of the contemporary pro bono system. Participants focused on



*Los Angeles Daily Journal's* Martin Berg, Dean Michael H. Schill and David J. Epstein '64

rethinking the definition of pro bono, exploring innovative pro bono collaborations and identifying methods of improving the scale and impact of pro bono services.

The goal of the conference was to both highlight what works and to identify what more can be done in building a stronger pro bono system.

## Law Review Symposium Tackles Landmark Gun Control Case



Professor Eugene Volokh



Professor Adam Winkler

**THE ANNUAL UCLA LAW REVIEW SYMPOSIUM**, which was held in January, featured a spirited discussion of the constitutional implications of the landmark right-to-bear-arms case, *District of Columbia v. Heller*. Bringing together leading constitutional law experts with experts in right-to-bear-arms scholarship and criminal justice policy, the symposium participants critically examined the decision and assessed the impact on the future of firearms regulation, as well as constitutional theory more broadly.

UCLA Law Professors Eugene Volokh and Adam Winkler, who have differing views on the subject, were active conference participants. Professor Volokh spoke about the decision and focused not on whether the decision is right or wrong, but on what we are going to do going forward. "Because it is the law for now," he said.

Professor Winkler gave an analysis of the decision through the framework of another Heller—Joseph Heller, author of *Catch-22*. He said that the Second Amendment is beginning to look a lot like a *Catch-22*—a limit on government that doesn't actually impose many limits on government. "In short, the meaning of the Second Amendment has changed a lot, but its practical impact on gun control has not changed much at all," he said. "Joseph Heller somewhere is smiling."

## Does International Justice Work?

**IN OCTOBER, JUDGE THEODOR MERON** of the International Criminal Tribunal for the former Yugoslavia and retired U.S. General Wesley K. Clark joined forces for an insightful discussion on the state of international criminal justice. In his lecture, "International Justice: Does it Work," Judge Meron acknowledged that international justice faces many obstacles ranging from the slow pace of its multi-year trials to the small number of suspects tried. General Clark followed with an incisive discussion of the politics, practicalities and consequences of embedding justice in international affairs. The event was co-sponsored by the International Human Rights Program, UCLA's Burkle Center for International Relations and the American Society of International Law.



Judge Theodor Meron (top); General Wesley Clark (bottom)

## Third Annual CRS Symposium RACE IN COLORBLIND SPACES



Professor Jerry Kang speaks at CRS symposium

**THE CRITICAL RACE STUDIES PROGRAM** (CRS) hosted the third annual CRS symposium, “Race in Colorblind Spaces,” in March. The two-day symposium convened leading social scientists and legal scholars for an interdisciplinary examination of how race functions in environments that are formally colorblind, a timely topic raised by suggestions that we live in a largely colorblind society and that we have entered a post-racial moment in the United States. The symposium focused on four domains where colorblind norms have legal and social significance: higher education, employment, policing and governance.

Panelists also explored new research findings about the psychology, sociology and legal construction of race. CRS faculty members participated, including Professors Cheryl Harris and Jerry Kang, who served as the faculty lead organizers. Professor Kimberlé Crenshaw gave a stirring address regarding the 20th anniversary of the Critical Race Theory Workshop, which was convened in Madison, Wisconsin in 1989 by a group of law students, graduates and professors. As one of its central organizers, Professor Crenshaw provided a retrospective account of the workshop’s role in generating key Critical Race Theory concepts.

Launched in 2007, the CRS symposium is an annual event that brings together academics, practitioners, students and community members to examine leading research on racial justice in an interdisciplinary and intellectually rigorous forum. The symposium is also the site of the annual reunion of friends and alumni of CRS.



## Free Online CLE: Intellectual Property Colloquium

### PROFESSOR DOUGLAS LICHTMAN

launched the Intellectual Property Colloquium, a free online CLE series devoted to intellectual property topics. The programs, which are posted at <http://www.ipcolloquium.com>, each last one hour and feature interviews with high-profile guests drawn from academia, the entertainment community and the judiciary. Lawyers who listen to the shows can earn free CLE credit in New York, California, Texas, Illinois and Washington, and there are plans to add more states later this year. New audios are posted each month and can be streamed online or downloaded.

## Events Offer Perspectives on Environmental Challenges



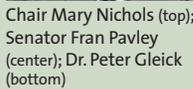
**UCLA SCHOOL OF LAW ENVIRONMENTAL FACULTY** members Ann Carlson, Sean Hecht and Cara Horowitz participated in a daylong symposium at UCLA in March, which addressed the implementation of AB32, the California Global Warming Solutions Act.



The California Air Resources Board recently adopted a plan for implementing AB32, and conference participants focused on the response of government, industry and communities in the Los Angeles region to the new plan and coming climate change regulations. Participants laid the groundwork for future collaborative initiatives and research that will help all of us in Los Angeles reduce our carbon footprint. Mary Nichols, chair of the California Air Resources Board and UCLA Law professor-in-residence, and State Senator Fran Pavley, the author of AB32, gave keynote conference addresses.



In October, the Emmett Center on Climate Change and the Environment, the Evan Frankel Environmental Law and Policy Program and the Environmental Law Society hosted a talk by State Senator Fran Pavley, who gave a behind-the-scenes look at the politics of California’s landmark global warming laws.



Chair Mary Nichols (top);  
Senator Fran Pavley  
(center); Dr. Peter Gleick  
(bottom)

The law school also hosted an enlightening program in September on transboundary environmental management, which featured environmental experts from Israel, Jordan and the Palestinian Authority. They discussed the model of the groundbreaking Arava Institute for Environmental Studies, an environmental teaching and research program in the Middle East that encourages environmental cooperation. Keynote speaker Dr. Peter Gleick, co-founder and president of the Pacific Institute for Studies in Development, Environment and Security, spoke about the relevance of the Arava Institute model to addressing water management challenges in Southern California.

# UCLA School of Law Applications Hit New Record

**THE VOLUME OF APPLICATIONS TO UCLA LAW** continues to grow and hit a new record—more than 8,250 applicants for 300 spots—surpassing last year’s record high. The fall 2008 entering class also had the highest median LSAT (168) and highest median GPA (3.74) in the law school’s history.

## Nancy Abell '79 and Lowell Milken '73 Celebrated as 2009 Alumni of the Year



Nancy Abell '79

**NANCY L. ABELL '79 AND LOWELL MILKEN '73** were honored as the 2009 UCLA School of Law Alumni of the Year at a reception held at the California Club in May.

“We are honored to pay tribute to Nancy Abell and Lowell Milken, two outstanding and accomplished alumni,” Dean Michael H. Schill said. “Nancy is a much sought after employment litigator—one of the most prominent in the nation—who is continually recognized for her work representing clients in all aspects of employment law. Lowell, a pioneer in education reform, is dedicated to improving the education system to best serve all of its students and he has worked tirelessly as an advocate for them. Nancy and Lowell have given so much back to the community and the law school, and they truly embody the spirit of our school.”

Abell, a leading attorney who specializes in employment law as a partner in the Los Angeles office of Paul Hastings Janofsky & Walker LLP, was honored for Professional Achievement. Milken, a businessman/philanthropist known as an education reform leader, and the chairman and co-founder of the Milken Family Foundation, was celebrated for Public and Community Service.



Lowell Milken '73

## Dean’s Roundtables

**EACH YEAR, DEAN MICHAEL H. SCHILL** invites distinguished guests to participate in an informal, roundtable lunch with students. Guests discuss legal issues, careers and legal education, and answer students’ questions. This year’s guest included:

### Roger Cossack '66

Cossack is an *ESPN* legal analyst. A former *CNN* legal correspondent and anchor, he was co-host of the award-winning legal issues program “Burden of Proof with Greta Van Susteren.”



### Ari Engelberg '99

Engelberg is the chief executive officer of Bright Star Schools, a nonprofit organization that operates high-performing public charter schools within the boundaries of the Los Angeles Unified School District.

While attending UCLA Law, he co-founded Stamps.com in 1996, which is now the Internet postage leader.

### Eric Kurtzman '96

Kurtzman is the co-founder and chief executive officer of Kurtzman Carson Consultants LLC, a leading claims and noticing agent. He was formerly a corporate restructuring attorney.



### Nelson Rising '67

Rising is the director, president and chief executive officer of Maguire Properties, Incorporated, a full-service real estate company. Prior to joining Maguire Properties, he was

chairman and chief executive officer of Rising Realty Partners, LLC.

## Regional Events Reconnect Alumni

### ALUMNI EVENTS ARE HELD AROUND THE COUNTRY

throughout the year. In the spring, alumni in New York, Washington, D.C. and San Francisco attended receptions for the law school’s newly admitted students, where they did a great job in assisting the law school in recruiting another impressive class.

In January, more than 50 alumni representing a range of classes from 1958 to 2008, gathered for an event at Fleming’s Prime Steakhouse and Wine Bar in downtown San Diego.



Neil Peretz '06 and Lisa Hone '92 at Chef Geoff’s in Washington, D.C.



San Diego alumni at Fleming’s

Commencement speaker Kamala D. Harris, district attorney of the city and county of San Francisco, gave an inspiring speech encouraging the graduates to see the opportunity in their current situation, despite the economic difficulties our country is facing: “Don’t get blown over. Ride the wind and see the opportunity. Our country needs you.”





## Bosnian President Stresses Need for Change



President Haris Silajdzic

**HIS EXCELLENCY DR. HARIS SILAJDZIC**, member of the presidency of Bosnia and Herzegovina, made his first visit to UCLA School of Law in February and delivered the lecture titled “Fulfilling the Promise: Bosnia and Herzegovina and the Dayton Agreement.” To a packed audience with students even filling the overflow room to hear him speak,

President Silajdzic said that his nation continues to suffer from the failure to implement some of the most important provisions of the 1995 Dayton Peace Accords, which ended the nation’s conflict.

President Silajdzic noted that decision making in Bosnia and Herzegovina is an “ethno-territorial arrangement” in which the blocking of proposed laws is the norm. “Bosnia and Herzegovina is a complex country, and those vital ethnic interests must be protected. But no country, Bosnia and Herzegovina included, can function as a viable state if every decision can be blocked,” he said.

He said that the only stable solution is a single state of Bosnia and Herzegovina, rather than one carved up by ethnic areas. For this to happen, President Silajdzic said two things need to be done: Bosnia and Herzegovina must be able to carry out its stated responsibilities through a fully democratic process that protects the interest of each ethnic group; and that the country’s leadership must be elected from the entire territory of Bosnia and Herzegovina.

## International Human Rights Summit Convened at UCLA Law

### THE INTERNATIONAL HUMAN RIGHTS PROGRAM

sponsored the Los Angeles Human Rights Leadership Summit in September, which brought together nearly 50 human rights activists, academics, philanthropists, educators and others for a conversation about building the local human rights community. Participants spoke about how local advocates can affect national and international human rights developments, as well as about how UCLA Law can make contributions to the international human rights community.

The event included a conversation with Shirin Ebadi, the 2003 Nobel Laureate and path-breaking Iranian human rights lawyer. In her keynote address, she spoke about the importance of integrating human rights norms into domestic advocacy and the role the United States should play in fostering human rights worldwide.



Nobel Laureate Shirin Ebadi

## Author Adam Freedman Delivers 2009 David Mellinkoff Memorial Lecture

### ADAM FREEDMAN, AN ACCOMPLISHED JOURNALIST AND FICTION WRITER,

and a lawyer by training, delivered the 2009 David Mellinkoff Memorial Lecture in February on “Founding Phrases: Legal Language at the Birth of the Republic.” Freedman is a leading commentator on legal language whose book, *The Party of the First Part*, offers a lighthearted explanation of legalese. The annual lecture is a tribute to the brilliant, witty and erudite UCLA School of Law professor, lawyer and writer who was known for launching the movement for simplicity and clarity in legal writing.



Adam Freedman

## Michael H. Schill Endowed Chair in Law Established by Ralph '58 and Shirley Shapiro

**A \$1.5 MILLION COMMITMENT** from The Shapiro Family Charitable Foundation established the Michael H. Schill Endowed Chair in Law in honor of the law school’s current dean. The gift is part of UCLA Law’s \$100 million endowment campaign.

“Shirley and I are pleased to be able to support UCLA School of Law and understand that endowed chairs are necessary to recruit and retain a stellar faculty,” Ralph Shapiro ’58 said. “Dean Schill works tirelessly and highly effectively on behalf of our great school. We are proud to be able to honor him and his accomplishments in this way.”

“I am deeply honored by the generosity of Ralph and Shirley Shapiro,” Dean Michael H. Schill said. “Ralph and Shirley are two of UCLA Law’s most dedicated, generous and enduring supporters. Among their many contributions to the law school and to the university, they have led the way in the creation of new endowed chairs, which are critical in recognizing and recruiting talented faculty members. I am privileged to know the Shapiro family, and I am enormously thankful for their devotion to our school.”



Shirley and Ralph '58 Shapiro

## Presidential Election Issues and Aftermath

**THE RECENT HISTORIC PRESIDENTIAL ELECTION OF 2008** was the focus of a variety of events held at the law school this fall. Prior to the election, Professor Cheryl Harris moderated “Practicing Democracy: Reflections on Voter Protection and Political Participation Since 1968,” a panel discussion of the Voting Rights Act at the 40th anniversary of the Act’s passage. The program was sponsored by the Critical Race Studies Program, the David J. Epstein Program in Public Interest Law and Policy and the American Constitution Society.



Professor Jerry Kang at “Identity Politics and Political Identities”

One week before the election, Critical Race Studies Program faculty members participated in “Identity Politics and Political Identities: Race to the White House 2008,” a public forum and panel discussion about the role of race, gender and other social identity categories in the 2008 presidential election.

Following the election, Professor Russell Robinson moderated “The Aftermath of Prop 8: Is Gay Really the New Black?” a roundtable discussion on the repercussions of the passage of Proposition 8 and the racial discourse surrounding its passage. Panelists included political activists, community organizers, professors and students of diverse racial and sexual identities. The event was co-sponsored by the Williams Institute and the African American Policy Forum. The Williams Institute also presented “Election 2008: A New Administration, the LGBT Vote, & Proposition 8,” where a panel of experts discussed the outcome of the election and the implications for gay rights legislation.

## Former Williams Institute Law Fellows on the Move



Doug NeJaime

Doug NeJaime, 2009 Sears Law Teaching Fellow, began his position as associate professor at Loyola Law School in Los Angeles in July 2009.



Dean Spade

Dean Spade, the 2008 Law Teaching Fellow, was recently awarded the Haywood Burns Chair at CUNY School of Law where he will be in residence during the 2010 spring semester. Dean is currently a law professor at the Seattle University of Law.



Holning Lau

Holning Lau, 2007 Harvey S. Shipley Miller Law Teaching Fellow, is now an associate professor at the University of North Carolina Law School, following his position as an associate professor of law at Hofstra University.



Zachary Kramer

Zachary Kramer, 2004 Charles R. Williams Inaugural Law Teaching Fellow, joined Penn State University’s Dickinson School of Law as an assistant professor in June 2008, following his position as an assistant professor at the University of Little Rock Law School.

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The Williams Institute Law Teaching Fellowship program is designed to support new scholars interested in teaching and researching sexual orientation and gender identity law issues. During the two year fellowship, fellows have an opportunity to write a law review article, teach courses on sexual orientation law and work closely with Williams Institute faculty and staff. For more information on the Law Teaching Fellowship, visit the Williams Institute

Web site at <http://www.law.ucla.edu/williamsinstitute/home.html>.



Congressman Xavier Becerra

## Congressman Xavier Becerra Delivers Keynote Address at Tax Policy Conference

**IN JANUARY, UCLA SCHOOL OF LAW AND THE TAX POLICY CENTER** hosted “Tax Policy in the Obama Era,” a conference that brought together legal, economic and public policy experts to analyze the tax and stimulus plans proposed by President Obama, and the implications of his proposed tax changes. Participants included UCLA Law tax policy experts Professors Steven Bank, Kirk Stark and Eric Zolt. Representative Xavier Becerra, who serves as vice chair of the House Democratic Caucus and is a long-standing member of the Committee on Ways and Means, delivered the event’s lunchtime keynote address during which he spoke about the nation’s current economic crisis.

## Discussion of New Anti-Sprawl Law Attracts Standing Room Only Crowd



Mike Woo, Los Angeles Planning Commission

**THE EMMETT CENTER ON CLIMATE CHANGE AND THE ENVIRONMENT**, in conjunction with the Richard S. Ziman Center for Real Estate at UCLA, hosted a panel discussion to examine SB 375, California's new anti-sprawl law. SB 375 alters decades of practice in land use planning, transportation funding and CEQA law, and panelists addressed its crucial implementation questions. Reflecting the intense interest that SB 375 has generated, the January event attracted a standing room only crowd.

Panelists included bill sponsor Tom Adams of the California League of Conservation Voters, Hasan Ikhtrata of the Southern California Association of Governments, Kevin Ratner of Forest City Residential West and Mike Woo of the Los Angeles Planning Commission. They discussed questions of how the bill will work in practice, and what the new requirements will mean for local governments, developers, community groups, housing advocates, environmentalists and commuters. While calling the bill significant, they said it is a work in progress and that Southern California, because of its size and diversity, will likely have the most difficulty implementing it.

## Law Students Meet with Political and Human Rights Officials in Bosnia

**TWELVE UCLA LAW STUDENTS SPENT A WEEK IN BOSNIA** in January meeting with political, legal and human rights officials and activists, including His Excellency Dr. Haris Silajdzic, member of the Presidency of Bosnia and Herzegovina, and Judge Milorad Novkovic, the president of the High Judicial and Prosecutorial Council. The students, led by Professors David Kaye and Richard Steinberg, are members of the Sanela Diana Jenkins International Justice Clinic, and are working on various projects to help implement a national war crimes prosecution strategy and support justice policy in the Balkans.

One group of students is preparing research for the national strategy, while another group is working on a project related to the apprehension of Ratko Mladic, the Bosnian Serb military leader alleged to be responsible for the 1995 massacre of more than 8,000 Muslims at Srebrenica. An additional group of students is working with filmmaker Edward Nachtrieb on a documentary about the legacy of the 1992 to 1995 siege of Sarajevo.



## Conference Examines Critically Acclaimed Shows “In Treatment” and “Be-Tipul”



Consul General Jacob Dayan

**UCLA SCHOOL OF LAW'S ENTERTAINMENT** and Media Law and Policy Program, along with the UCLA Israel Studies Program, UCLA School of Theater, Film and Television and in cooperation with *HBO*, held a full-day conference in April on “In Treatment,” the award-winning *HBO* television drama about a psychotherapist and his patients, and “Be-Tipul,” the critically acclaimed Israeli show on which “In Treatment” is based.



Blair Underwood

Participants discussed “Be-Tipul” and its meaning for Israeli television and society, as well as the depiction of psychotherapy in popular culture. They explored the challenges of marketing Israeli television programs in Hollywood, and of adapting “Be-Tipul” into “In Treatment” for an American audience. Among the panelists were writers, directors and producers from the shows, actor Blair Underwood, who appears in “In Treatment,” cultural scholars and professors of psychiatry, as well as Jacob Dayan, the consul general of Israel.

# UCLA Law Students Awarded Prestigious Fellowships and Scholarships

## AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES

**Stephanie Enyart '09**, a founding member and president of the National Association of Law Students with Disabilities, was awarded the prestigious 2009 Paul G. Hearne Leadership Award by the American Association of People with Disabilities (AAPD). The award is given to emerging leaders within the national cross-disability community.

## AMERICAN BOARD OF TRIAL ADVOCATES

**Devin Coyle '09**, **Sarah Day '09**, **Derrick Lowe '09** and **Patrick Nolan '09** were selected for the American Board of Trial Advocates (ABOTA) fellowship program, which pairs recent law school graduates with two ABOTA members, one on the defense side and one on the plaintiff's side, as well as with a judge who is a former ABOTA member.

## BEVERLY HILLS BAR FOUNDATION

**Tia Frances Koonse '10** and **Katherine Ojeda Stewart '10** were awarded Beverly Hills Bar Foundation scholarships, which are provided to economically disadvantaged, academically qualified law students.

## CALIFORNIA BAR FOUNDATION

Eight UCLA School of Law Students received scholarships from the California Bar Foundation, which are awarded to exceptional California law students who demonstrate a commitment to public service, academic excellence and financial need.

Five UCLA Law students received awards from the foundation's flagship Public Interest Scholarship Program, including:

**Moises R. Ceja '09**; **Jessica Langley '09**, Jim Pfeiffer Scholar; **Jenny Macht '09**, Dreier Stein Kahan Browne Woods George LLP Scholar; **Sarah Paule '09**; and **Debra Weinberg '09**.

Three students were awarded scholarships under the foundation's new Diversity Scholarship Program, including:

**Kenia Acevedo '11**, Paul, Hastings, Janofsky & Walker LLP Scholar; **Lisa M. Alarcon '11**, Buchalter Nemer Scholar; and **Robert Montano '11**.

## EQUAL JUSTICE WORKS

Five UCLA School of Law students received Equal Justice Works Fellowships for 2009, the most fellowship recipients from one law school in the country. The fellows are given the opportunity to design their "dream jobs" working with nonprofit organizations for a two-year term. The Equal Justice Works Fellowship recipients are:

**Kathryn Brown '09**, who will work with Public Counsel on education issues; **Abigail Coursolle '09**, who will work with the Western Center on Law & Poverty on public benefits/welfare reform and health care topics; **Nina Farnia '09**, who will work with The Impact Fund on civil rights issues; **Aparna Garg '09**, who will work with the Asian American Legal Defense & Education Fund and focus on immigrant populations; and **Vivek Mittal '09**, who will work with the National Immigration Law Center on workers' rights issues.

## LOS ANGELES COUNTY BAR ASSOCIATION: COMMERCIAL LAW AND BANKRUPTCY SECTION

The Commercial Law and Bankruptcy Section of the Los Angeles County Bar Association awarded **Amir Gamliel '09** the Outstanding Bankruptcy Law Student Award and **Michael Titera '09** the Jeffrey S. Turner Outstanding Commercial Law Student Award. The awards are presented to the best students in commercial law and bankruptcy, as selected by their secured transactions and bankruptcy law school professors.

## ROBERT & PATRICIA SWITZER FOUNDATION

**Alexa Engleman '10** and **Glenn Yeck '10** have been selected as Switzer Environmental Fellows by the Robert & Patricia Switzer Foundation. The fellowships are awarded to emerging environmental leaders who are pursuing graduate degrees and are dedicated to positive environmental change in their careers.



## Spring Carnival

Students gathered in the Shapiro Courtyard for the annual spring carnival, held in April, which featured cotton candy, sumo wrestling and contests between the 1Ls, 2Ls and 3Ls.

## Another Successful PILF Auction

**THE 16TH ANNUAL PUBLIC INTEREST LAW FUND (PILF) AUCTION**, held in March, was a great success thanks to the donors, sponsors, volunteers and bidders. Each year PILF, a student-run organization, raises funds to provide summer grants to first- and second-year students who intend to pursue unpaid public service work during the summer.

Professors Jonathan Zasloff and Pavel Wonsowicz, along with Jeff Cohen '05, served as auctioneers for the live auction portion of the event, where vacations, rounds of golf and outings with UCLA Law faculty members, among other prizes, were auctioned off. Under the guidance of Cathy Mayorkas, the program director, and with the combined efforts of student board members and volunteers, the generosity of faculty, alumni and members of the community, the event's success continues to grow.

With money raised from the auction, the law school was able to fund upwards of 175 students working in nonprofit and government organizations throughout the country and abroad this past summer.



## ADVICE FROM THE BENCH HOW TO GET A CLERKSHIP

### A DISTINGUISHED PANEL OF FEDERAL AND STATE COURT

**JUDGES** revealed what they look for in a judicial clerkship candidate, and offered application and interviewing tips at an event held at the law school in March. The panelists included Judge Sandra S. Ikuta, U.S. Court of Appeals for the Ninth Circuit, Judges David O. Carter and Alicia G. Rosenberg, both of the U.S. District Court, Central District of California and Judge John L. Segal of the Los Angeles Superior Court.



Judges from left to right: John Segal, Sandra Ikuta, Alicia Rosenberg and David Carter

## Annual Roscoe Pound Moot Court Competition



Sylvie Levine '10

**UCLA SCHOOL OF LAW STUDENTS** argue moot court cases each year before three of the nation's most distinguished jurists during the annual Roscoe Pound Tournament, the final internal competition in the UCLA Law Moot Court Program. This year's oral advocates, Sylvie Levine '10, Alona Metz '10, Mary Prendergast '10 and Ann Strimov '10, presented their cases before the Honorable Karen Nelson Moore, United States Court of Appeals for the Sixth Circuit, the Honorable Diana Gribbon Motz, United States Court of Appeals for the Fourth Circuit and the Honorable Pamela Ann Rymer, United States Court of Appeals for the Ninth Circuit. The judges heard oral arguments on the Fourth Amendment and freedom from unreasonable search and seizure, as well as on the Sixth Amendment and impeachment evidence. A Moot Court Awards Ceremony followed the competition.

## Terrorism Authority Brian Jenkins Discusses *Will Terrorist Go Nuclear*



Brian Jenkins

**IN FEBRUARY, THE UCLA BURKLE CENTER** for International Relations and the UCLA-RAND Center for Law and Public Policy sponsored a lunchtime lecture by Brian Jenkins, a senior advisor at the RAND Corporation and an authority on terrorism. In his recent book, *Will Terrorists Go Nuclear*, Jenkins makes the case about why Americans

should revisit how we think and act in response to the security challenges facing our country. His discussion was followed by a Q&A session with members of the UCLA community.

## Women's Law Journal Symposium Addresses Gender and the U.S. Prison System

**THE WOMEN'S LAW JOURNAL** hosted "Gender Injustice: The U.S. Prison System as a Form of Gender Violence" in April. The symposium featured a series of panel discussions on issues related to gender and sexuality and the U.S. prison system. Among the topics panelists addressed were the constructions of masculinity and male sexual identity in the U.S. prison context and systemic responses to gendered violence in the criminal justice system.



From left to right: Professors Susan French, Frances Olsen and Lara Stemple

## Breakfast Series Addresses Current Issues in Business Law



Professor Stephen Bainbridge

**THE BUSINESS LAW AND POLICY PROGRAM** sponsored two breakfast discussions on timely issues in business law. In October, Professor Stephen Bainbridge led a panel discussion, “New Directions in Corporate Governance,” that focused on developments in the management of the U.S.

corporation. In March, Professor Kenneth Klee led “Directors’ Duties in Financially Troubled Times,” focusing on the shifting duties of corporate directors when the corporation is insolvent.

## “Civility from the Trench to the Bench: Does it Really Matter?”



Michael Josephson '67

**A PANEL OF DYNAMIC LAWYERS AND JUDGES** discussed the issues and challenges of civility in the courtroom during “Civility from the Trench to the Bench: Does it Really Matter?” held at the law school in March. The discussion was moderated by Michael Josephson '67, and also featured among panelists alumni Steven Glickman '82, the Honorable Joe Hilberman '73 and Winston Kevin McKesson '82.

## Events Examine Future of Guantánamo Bay



Aasif Mandvi in *The Response*

**THROUGHOUT FEBRUARY, THE INTERNATIONAL HUMAN RIGHTS PROGRAM**, joined by the International Human Rights Law Students Association and the David J. Epstein Program in Public Interest Law and Policy, hosted a series of events to increase the understanding of what might—and what should—follow the closure of the detention facility at Guantánamo Bay, Cuba.

The first event featured a special screening and panel discussion of *The Response*, a courtroom drama based on the actual transcripts of the Guantánamo Bay military tribunals. Panelists included Adam Rodgers, director of film, Pierre-Richard Prosper, former U.S. war crimes ambassador, UCLA Law Professor Jack Beard and Loyola Law School Professor David Glazier.

The second event was a presentation by Professor Laurel Fletcher, director of Berkeley Law’s International Human Rights Law Clinic and co-author of Berkeley’s recent report, “Guantánamo and its Aftermath: U.S. Detention and Interrogation Practices and Their Impact on Former Detainees.” Last in the series was “Justice After Bush: A Conversation with Scott Horton,” where Scott Horton, an attorney and author of the *Harper’s Magazine* blog “No Comment,” discussed his proposal for how the U.S. government might deal with allegations of criminal activity by Bush administration officials.

## UCLA Law Review Reunion



## Williams Institute Research Informs Debate on Marriage for Same-Sex Couples

**THIS PAST YEAR, RESEARCH BY UCLA LAW'S WILLIAMS INSTITUTE**, a think tank on sexual orientation and gender identity law and public policy, helped shape the debate on marriage for same-sex couples in California and nationally.

### WILLIAMS INSTITUTE RESEARCH SHOWS:

- 18,000 same-sex couples married in California last year.
- 30% of same-sex couples in California are raising children.
- Proposition 8 will cost the California state budget tens of millions of dollars each year.
- The Massachusetts economy experienced a boost of more than \$100 million during the first four years it extended marriage to same-sex couples.
- 93% of gay and lesbian couples married in Massachusetts did so to express their love and commitment to one another.

this estimate there would be no count of the number of couples who married because the revised marriage license forms did not include any indication of the sex of either spouse. The Williams Institute estimate was cited extensively in the news media and public debates about Proposition 8.

The 18,000 number also appeared in the California Supreme Court's May 2009 opinion upholding Proposition 8. For that litigation, the Williams Institute provided research support for an amicus brief filed on behalf of Levi Straus, Google and the San Francisco Chamber of Commerce. The brief summarized Williams Institute research showing why businesses in California would benefit if the court overturned Proposition 8 and the potential negative business impact of invalidating the 18,000 same-sex marriages.

Williams Institute research also informed the marriage debate outside of California. In May 2009, on the fifth year anniversary of Massachusetts legalizing same-sex marriage, a new Williams Institute study showed that Massachusetts attracted highly-skilled workers and experienced an economic boost of more than \$100 million by extending marriage to gay and lesbian couples. A survey of those couples, the largest ever conducted, found that 93% married to express their commitment and love and 85% married to gain legal rights and benefits. More than 30% of those surveyed had obtained health insurance for one of the spouses as a result of marriage.

Last spring, researchers at the Williams Institute submitted an amicus brief to the California Supreme Court summarizing their research. As a result, both in oral argument and in the Court's majority opinion, Chief Justice Ronald George cited Williams Institute research that 30% of same-sex couples in California are raising children to refute arguments that marriage should be denied to gay and lesbian couples because they are not parents.

In the summer of 2008, the California Legislative Analyst's Office consulted with Williams Institute scholars to help draft the fiscal impact statement for Proposition 8. Based on those conversations, the ballot in the November 2008 election stated that if passed, the proposition prohibiting same-sex couples from marrying would cost California tens of millions of dollars each year.

In the months between the Supreme Court ruling and Election Day, researchers at the Institute surveyed California counties and found that approximately 18,000 same-sex couples married in the state. Without

## Global Arc of Justice Conference Brings Hundreds to UCLA Law from Around the World

**IN MARCH, THE WILLIAMS INSTITUTE** held its Eighth Annual Update, The Global Arc of Justice: Sexual Orientation Law Around the World, a four-day international conference featuring 120 speakers from more than 40 countries. The conference, which focused on recent developments in Latin America, included 27 panels and two expert working groups, focused on strategies for advancing the rights of same-sex couples and the implementation of the Yogyakarta Principles, a universal document outlining international human rights laws for lesbian, gay, bisexual and transgender (LGBT) people. The conference was co-sponsored by the International Gay and Lesbian Law Association and the City of West Hollywood.



Speakers at the opening plenary session in West Hollywood (L to R: Jorge Saavedra, Mexico's former AIDS Czar; Brad Sears, Williams Institute Executive Director; Javier Corrales, Associate Professor of Political Science at Amherst College; Karen Atala Riffo, a Chilean Judge; and German Rincon Perfetti, human rights advocate from Colombia.)

More than 250 people attended the opening plenary session entitled "LGBT Rights in Latin America" at the Pacific Design Center in West Hollywood. The panel included prominent LGBT lawyers and human rights leaders from Ecuador, Colombia, Chile and Mexico. The program concluded with an Achievement Award, sponsored by the UCLA AIDS Institute and Bienestar Human Services, presented to Jorge Saavedra, former director of CENSIDA, Mexico's national AIDS program and currently the chief of global affairs at AIDS Healthcare Foundation.



Former U.S. Ambassador to Romania Michael E. Guest

During the plenary panel, “National Leaders: What National Governments Are Doing to Advance LGBT Rights,” international dignitaries from Brazil, Argentina and the Netherlands discussed ways in which national governments can take a proactive role in combating discrimination against LGBT people through educational campaigns and national conferences. Former U.S. Ambassador to Romania Michael E. Guest spoke about similar efforts that would be possible under the Obama administration.



Plenary session on supreme court perspectives on LGBT rights (L to R: Retired Justice Michael Donald Kirby of Australia; Justice Bala Ram K.C. of Nepal; and Justice Raul Zaffaroni of Argentina.)

Conference attendees also enjoyed a unique and rare opportunity to hear from members of three national supreme courts about LGBT rights. Justice Bala Ram K.C. of the Supreme Court of Nepal spoke about the court’s recent decision that guaranteed equal treatment and protection under the constitution for Nepal’s LGBT community. Justice Raul Zaffaroni of the Supreme Court of Argentina and Retired Justice Michael Donald Kirby of the High Court of Australia each spoke on recent developments in LGBT rights in their respective countries.



Supreme Court Justices and moot court competition winners. (Front Row, L to R: Justice Virginia L. Linder, Supreme Court of Oregon; Presiding Justice Carol W. Hunstein, Supreme Court of Georgia; Justice Patricio M. Serna, Supreme Court of New Mexico. Back Row: Florida Coastal School of Law.)

The conference program also included the final round of the Fifth Annual Williams Institute Moot Court Competition, presided by New Mexico Supreme Court Justice Patricio Serna, Oregon Supreme Court Justice Virginia Linder and Supreme Court of Georgia Presiding Justice Carol Hunstein. In February, 26 teams competed in the preliminary competition at UCLA Law. Of those, two teams from New York University and Florida Coastal School of Law advanced to the final round. The only competition of its kind in the country, both teams presented a case on the constitutionality of Don’t Ask, Don’t Tell and the use of foreign precedent by U.S. Courts.



Conference attendees from Colombia, Brazil and the United States (L to R: Germán Humberto Rincón Perfetti, Lucas Paoli Itabothany, Alejandra Azurero, Andrés Duque, Mauricio Albarracín, Marcela Sánchez, José Fernando Serrano Amaya.)



Williams Institute founder Chuck Williams (right) and Reid Rasmussen, Former Secretary/Treasurer, Institute for the Study of Human Resources



Williams Institute Founders Council Member Mike Gleason (left) and Jim Hooker

At the Williams Institute’s Annual Gala Reception, 250 guests honored the Institute for the Study of Human Resources for their \$1 million endowment gift to create the Dorr Legg and Jim Kepner Public Policy Fellowship at the Williams Institute. The fellowship will provide a recent graduate degree recipient the opportunity to conduct independent public policy research and write on sexual orientation issues.

For more information on the Williams Institute or to join the mailing list, visit [www.law.ucla.edu/williamsinstitute](http://www.law.ucla.edu/williamsinstitute).









## Class Notes

# 1950s

UCLA School of Law is happy to report that **Gerald A. Margolis '54** is alive and well! Gerald was incorrectly listed as deceased in our last newsletter. We are very sorry to have reported this incorrect information.

where he practices complex litigation and is chair of the firm's pro bono committee.

Former Chief Deputy District Attorney **Curt Livesay '65** was named chief deputy to Los Angeles City Attorney Carmen Trutanich. Curt was previously of counsel to Trutanich's Long Beach firm of Trutanich Michel LLP and served as District Attorney Steve Cooley's chief deputy from 2001 to 2006.

# 1960s

The Los Angeles County Bar Association announced that **Don Mike Anthony '63** of Hahn & Hahn will take over as president for the 2009 term, effective July 1st.

**E. Eugene Twitchell '66** worked for 20 years in Michigan before he retired and relocated to Alabama, followed by Utah. He is currently a volunteer tutor for the 3rd grade at a local school and is also an associate with Pre-Paid Legal Services, Inc.

**Jay Foonberg '63** will teach two courses: "Client Relations 101" and "Ethics and Professionalism 101" for Solo Practice University, a Web-based educational and professional networking community for lawyers and law students. Jay has served in the ABA House of Delegates; he is on the Advisory Council for the ABA Commission on Evaluation of the Rules of Professional Conduct; and he was a founder of the ABA Law Practice Management Section. His book, *How To Start and Build a Law Practice*, is in its fifth edition.



MARC CHARNEY

The Ventura County Economic Development Association honored attorney **Marc L. Charney '67** with the Carl Lowthorp Golden Eagle Award. Charney, a partner at Nordman Cormany Hair & Compton, has received the award two other times. Charney was presented with the award at Spanish Hills Country Club in Camarillo during the 12th Annual Meeting of the Economic Development Collaborative-Ventura

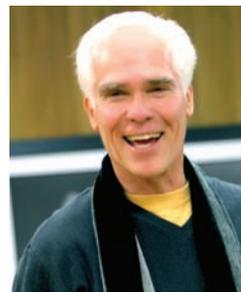
County and 60th Annual Installation of Ventura County Economic Development Association Officers. Charney practices real estate, land use and development, public agency and environmental law.



HENRY WAXMAN

Congressman **Henry Waxman '64** published a memoir (with collaborator Joshua Green) in July entitled *The Waxman Report: How Congress Really Works*.

**Stan Levy '65** was featured in *The Los Angeles Daily Journal*, listing tips for starting a pro bono operation. Stan attributes his career path in part to a securities law professor who urged his class to think about not just making a living, but what they could give back. Stan helped establish three of Los Angeles's biggest nonprofit legal organizations and currently is a senior attorney at Manatt, Phelps & Phillips in Los Angeles,



GIL GARCETTI

**Gil Garcetti '67** was invited to speak at Marywood University in February. Sponsored by the Cultural Affairs Committee, Gil discussed his photographs, which were at the time being shown as part of the exhibit Frozen Music: Frank Gehry and the Walt Disney Concert Hall in the Mahady Gallery. A frequent lecturer, Gil has appeared on several national news programs to discuss both legal issues and his photographic interests. He is also a consulting producer on "The Closer" on TNT.

**John Paul Bernardi '68** retired after 40 years in the Los Angeles District Attorney's office where he served on District Attorney Steve Cooley's Bureau of Prosecution Support Operations.

Ex-City Attorney **John Cook '68** participated in the Indian Wells Arts Festival in April, held at the Indian Wells Tennis Garden. John created a special series of oil paintings for the festival that reflect the stunning beauty of the desert in bloom. The desert bloom series also includes beautiful scenes in La Quinta, Deep Canyon and the Anza Borrego desert.

The Honorable **Kirkland Nyby '69** has retired from his position as Los Angeles Superior Court Commissioner. He became commissioner in 2000 through unification and was elected a Los Angeles Municipal Court commissioner in 1992. This is Nyby's second retirement from the courts, as he took an early retirement from his position as commissioner with Santa Anita Municipal Court in 1991 after more than a decade of service as a full-time commissioner, and after having spent two years as a part-time commissioner with the Santa Anita and Culver City municipal courts. In addition to his years as commissioner, Nyby entered private practice in 1974 and sailed around the world with his wife on a catamaran. He worked at a variety of jobs at ports of call including a yearlong stint as a contract attorney for the Attorney General's office in American Samoa.

investment bankers, private equity firms, REITs and foreign investors.

**Joel Marcus '72** was selected by the San Diego Science Festival as one of the highly prestigious Nifty Fifty of San Diego. Joel was recognized for his dedication to the overall success of the life science and biotechnology industry in the United States and abroad. He is the chairman, CEO and co-founder of Alexandria Real Estate Equities, Inc., which provides world-class laboratory space to internationally known scientists.



STEPHEN YSLAS

**Stephen D. Yslas '72** was elected to succeed W. Burks Terry as corporate vice president and general counsel of Northrop Grumman. During his 33 years with the company, Steve has contributed significantly to Northrop Grumman's growth and success through his leadership in the law department, his role as chief counsel for the company's aircraft, electronics and other businesses, and his focus on regulatory efforts.

**Ralph W. Boroff '73** married DeAnne M. Alvermaz on February 14th at Tunnels Beach, Hanalei, Kauai. The couple, who spent two weeks in Kauai for their honeymoon, makes their home in Santa Cruz.



GEORGE KIEFFER

**George Kieffer '73**, a prominent Los Angeles attorney and partner at Manatt, Phelps & Phillips, was appointed by Governor Arnold Schwarzenegger to the University of California Board of Regents, the panel that governs the 10-campus system. George previously served as an alumni representative on the board and as president of the California Community Colleges Board of Governors.

## 1970s

The Honorable **Stewart L. Bell (Ret.) '70** joined JAMS, The Resolution Experts, the nation's largest private provider of mediation and arbitration services. Based in the JAMS Las Vegas Resolution Center, Judge Bell will resolve disputes in a variety of areas, including business/commercial, employment, personal injury, product liability, professional liability and real property.

**Jan Chatten-Brown '71**, founder of Chatten-Brown & Carstens, was recently named one of the "Top 100 Women Litigators" in California by *The Los Angeles Daily Journal*.



ROGER HOWARD

Glaser, Weil, Fink, Jacobs & Shapiro, LLP announced the elevation of real estate and business partner **Roger H. Howard '71** to name partner in the law firm. The firm is now known as Glaser, Weil, Fink, Jacobs, Howard and Shapiro, LLP. Specializing in business and transactional real estate law, Howard has represented numerous national and local developers, title insurers, financial institutions,

County Superior Court Judge **Kathryne A. Stoltz '73** retired from the Van Nuys Courthouse in December after 23 years on the bench. Stoltz jump-started her retirement plans with the hopes of traveling, relaxing and enjoying life. First on her itinerary was a Caribbean cruise with her husband in January. Earlier this year, the Criminal Courts Bar Association in Los Angeles honored Judge Stoltz with the 2009 President's Award.

The Honorable **Michael Abzug '74** was appointed to the Los Angeles Superior Court bench by Governor Arnold Schwarzenegger, effective December 5, 2008.

Governor Arnold Schwarzenegger appointed **Peter Lopez '74** to the California Exposition and State Fair Board of Directors and reappointed him to the State Athletic Commission. Lopez, of Encino, is a partner with the law firm Kleinberg, Lopez, Lange, Cuddy and Klein, where he specializes in entertainment law.

**Robert Kunstadt '75** published an article in the May 4th *National Law Journal*, "Too Big to Infringe?", critical of the proposed settlement in the Google Book Project class action for rewarding Google for scanning copyrighted books without authors' permission. Mr. Kunstadt, now managing attorney of an IP firm in New York, studied copyright and entertainment law under the late Professor Mel Nimmer at UCLA.



MOSES LEBOVITS WITH WIFE AND DAUGHTER ON MOUNT KILIMANJARO

**Moses Lebovits '75** was elected and is now serving as the president of the Los Angeles chapter of American Board of Trial Advocates (ABOTA). ABOTA is comprised of judges, and plaintiff and defense counsel, and Moses is greatly honored to have been elected by his peers from the bench and both sides of the aisle. In addition to his involvement with the ABOTA, his practice areas include Product Liability, Professional Negligence, Aviation Litigation and Insurance Bodily Injury.



MARGARET LEVY

**Margaret Levy '75**, a partner in the Los Angeles office of Manatt, Phelps & Phillips, was recently named one of the "Top 100 Women Litigators" in California by *The Los Angeles Daily Journal*.

**John Beers '76**, a partner in the San Francisco office of Fisher & Phillips LLP, was recently named a "2009 Northern California Super Lawyer" by *Law & Politics*.

Corporate attorney **Fredric I. Bernstein '76** has left Proskauer Rose to join the 18-person Los Angeles office of Wildman, Harrold, Allen & Dixon as a partner. Bernstein focuses his practice in entertainment and media transactions, a specialty that makes use of his 15 years of experience working with motion picture studios, including a tenure as president of the Columbia TriStar Motion Picture Companies. His transactional work focuses on the financing of TV, Internet and film productions. He also focuses on deals between online content producers, licensors and advertisers and aids in transactions for brand marketers working to integrate a brand in film, TV and other media outlets. In addition to his practice, Bernstein is an adjunct professor at the University of Southern California's School of Cinematic Arts.



DAVID GINSBURG

**David R. Ginsburg '76**, executive director of UCLA School of Law's Entertainment and Media Law and Policy Program, joined Wildman, Harrold, Allen & Dixon's media and entertainment practice in Los Angeles as of counsel. Ginsburg, a Golden Globe winner and Emmy nominee, co-founded and produced more than 50 films at Citadel Entertainment. Prior to

becoming a production executive, Ginsburg practiced law for 10 years and was a founding partner of the entertainment department of Sidley Austin. At UCLA, Ginsburg administers a specialized curriculum and teaches the main survey course in entertainment law as well as a seminar on entertainment law research and writing.

**Gordon M. Park '76** is a senior partner in the Fresno-based litigation firm of McCormick Barstow. Gordon practices insurance defense law in both California and Nevada. For each of the last three years, Gordon has been selected as one of Northern California's "SuperLawyers" in civil litigation and insurance by *San Francisco Magazine*. In 2007, *California Lawyer* magazine gave him an "angel award" for his extensive pro bono work defending women who are victims of domestic violence.

The Board of Trustees of the J. Paul Getty Trust announced it has elected **Maria Hummer-Tuttle '76** as a member of the board. Maria practiced law for 20 years and was a partner and chair of the management committee of Manatt, Phelps & Phillips in Los Angeles. She has served on a number of business and charitable boards including The Music Center of

Los Angeles County, The Armand Hammer Museum of Art and Cultural Center, Los Angeles World Affairs Council, Children's Institute Inc., Pitzer College, Mount St. Mary's College and Scripps College. She recently co-authored the book *Winfield House*, published by Thames & Hudson, and serves on the board of the Foundation for Art and Preservation in Embassies.



MARILYN BARRETT

Friends of the Saban Free Clinic presented the 2008 Lenny Somberg Award to **Marilyn Barrett '77**, a tax partner at Jeffer, Mangels, Butler & Marmaro. Barrett was given the award during the clinic's annual dinner gala held at the Beverly Hilton Hotel. Barrett has held numerous posts at the clinic, including board president, chair of the audit committee and member of the clinic's board of directors.

**Mark T. Johnson '77** joined the San Francisco-based firm Schneider Wallace Cottrell Brayton Konecky as of counsel. He previously was at the Sturdevant Law Firm in San Francisco. Johnson represents plaintiffs in the areas of consumer protection, employment and disability discrimination and class action litigation. The firm recruited Johnson as part of an effort to strengthen its expertise in class actions involving banking, insurance and consumer credit issues.

**Daniel H. Slate '77** from Hughes Hubbard & Reed joined Buchalter Nemer's insolvency and financial solutions practice group as shareholder in their Los Angeles office. Slate's practice includes corporate reorganizations, insolvency and creditors' rights. He has also been editor of the *California Bankruptcy Journal* since 2000.

**Linda J. Smith '77**, a partner in the Century City office of O'Melveny & Myers LLP, was recently named one of the "Top 100 Women Litigators" in California by *The Los Angeles Daily Journal*.



RICHARD WYDE

**Richard S. Wyde '77** has joined Nelson Mullins Riley & Scarborough LLP as a partner in its Atlanta office and will assist clients ranging from local and state governments and vendors to financial institutions and health care organizations. Richard previously practiced in Seattle and has extensive experience in assisting clients in computer and technology systems for their information management matters.

## UCLA LAW SUPER LAWYERS

### CONGRATULATIONS TO THE UCLA SCHOOL OF LAW ALUMNI NAMED "2009 SOUTHERN CALIFORNIA SUPER LAWYERS" BY LAW & POLITICS

- |                         |                            |
|-------------------------|----------------------------|
| Michael J. Abbot '72    | Fredric Bernstein '76      |
| George W. Abele '90     | Terry W. Bird '70          |
| Nancy L. Abell '79      | Richard M. Birnholz '90    |
| Steven Abram '79        | William M. Bitting '65     |
| Nabil L. Abu-Assal '88  | Alan P. Block '89          |
| Sara Adler '69          | Todd W. Bonder '84         |
| David J. Aleshire '75   | Lloyd A. Bookman '79       |
| Peter J. Anderson '79   | John G. Branca '75         |
| James R. Andrews '62    | Harland W. Braun '67       |
| Frank P. Angel '82      | Robert E. Braun '81        |
| Ronald W. Anteau '65    | Martin J. Brill '72        |
| Don Mike Anthony '63    | Roy M. Brisbois '72        |
| Brian J. Appel '85      | Harry M. Brittenham '70    |
| Alan D. Aronson '87     | Clare Bronowski '83        |
| Michael H. Artan '80    | Steven Brower '80          |
| Lane J. Ashley '76      | James R. Brueggemann '75   |
| James R. Asperger '78   | Bradley W. Brunon '68      |
| Terry D. Avchen '77     | Richard J. Brudge, Jr. '79 |
| Wesley H. Avery '91     | Robert A. Bush '75         |
| David B. Babbe '81      | Patrick J. Cain '82        |
| Lourdes G. Baird '76    | Andrew W. Caine '83        |
| Charles F. Barker '76   | Kevin K. Callahan '84      |
| Craig S. Barnes '85     | Mario Camara '73           |
| Willie R. Barnes '59    | Scott H. Campbell '87      |
| James D. C. Barrall '75 | A. Barry Cappello '65      |
| Jeffrey S. Barrow '75   | Laura J. Carroll '84       |
| Paul L. Basile, Jr. '71 | Douglas P. Carstens '97    |
| John S. Battenfeld '85  | Allan E. Ceran '79         |
| Michael C. Baum '75     | Jan Chatten-Brown '71      |
| Mark D. Baute '86       | Arthur R. Chenen '70       |
| Diane L. Becker '73     | Frank Christine, III '81   |
| Gerald C. Benezra '61   | Anthony Ciasulli '82       |
| Alan G. Benjamin '77    | Stephen E. Claman '59      |
| Fred G. Bennett '73     | Gary A. Clark '75          |
| Frederick B. Benson '75 | William D. Claster '76     |
| Donald I. Berger '82    | Bruce A. Clemens '74       |
| Robert Berke '73        | Timothy T. Coates '83      |
| Jeffrey A. Berman '71   | Walter Cochran-Bond '74    |
| Laurence M. Berman '80  | Brett J. Cohen '85         |

The Federal Trade Commission Chairman announced the appointment of **Judith Bailey '78** as deputy director of the Office of Congressional Relations. Judy returns to the FTC after serving as consumer protection counsel for the House Energy and Commerce Committee's Commerce, Trade and Consumer Protection Subcommittee.

Since May 2007, **Inese Birzniece '78** has been working in Tbilisi, Georgia as a consultant to a European Union-financed project supporting reforms at the Parliament of Georgia. Prior to this, she worked in Brussels from 2003-2006 as a diplomatic representative of the Latvian Ministry of Justice to the European Union. There she worked on justice and home affairs issues prior to and after Latvia's May 2004 accession to the EU. She was elected to the Latvian Saeima (Parliament) as a member of Parliament for three terms (1993-2002), and chaired the Human Rights Commission from 1993-1995.

**Barbara Brown '78** was featured on mediate.com as a private mediator in Los Angeles with her own firm, Brown Mediation, focusing on business, commercial, real estate and employment matters.

**Douglas H. Collom '78** assumed a new leadership role with the University of Pennsylvania as executive director of Wharton West. This position was created for the purpose of enhancing Wharton's brand on the West Coast, as well as providing a higher degree of coordination among Wharton departments in planning activities and programs for the benefit of students and alumni. Douglas has direct oversight for the MBA for Executives West Program, West Coast operations for external affairs, corporate relationships on the West Coast and West Coast operations of Wharton Entrepreneurial Programs. Douglas has served as an adjunct professor at Wharton since 2002.



KATHLEEN DUNHAM

**Kathleen Dunham '78** was recently named one of the "Top 100 Women Litigators" in California by *The Los Angeles Daily Journal*. She is a senior litigator with Callahan & Blaine, and was co-counsel in *Gonzalez v. Freedom Communications*, a class action that resulted in a \$42 million settlement after two months of trial.

**Robert Grossman '78** has finally made it to the beach! Robert relocated his practice to Santa Monica in May 2009 and now enjoys working adjacent to the Santa Monica Pier and Promenade and within walking distance of home.



RANDY KATZ

**Randy Katz '78**, formerly a partner at Bryan Cave in Irvine, jumped to Baker Hostetler as a partner in the Costa Mesa office. Katz, a specialist in corporate finance and mergers and acquisitions, has represented AMDL, Inc., a U.S.-based pharmaceutical company with domestic and Chinese operations and Rackwise, Inc., a national green data center management company.



JULIA STRICKLAND

**Julia B. Strickland '78**, a partner in the Los Angeles office of Stroock & Stroock & Lavan LLP, was recently named one of the "Top 100 Women Litigators" in California by *The Los Angeles Daily Journal*.



NANCY ABELL

**Nancy L. Abell '79**, partner in the Los Angeles office of Paul, Hastings, Janofsky & Walker LLP and chair of the firm's Employment Law Department, was recently named one of the "Top 100 Women Litigators" in California by *The Los Angeles Daily Journal*.

The Los Angeles County Bar Association announced that **Richard J. Burdge, Jr. '79** of Howrey LLP will be vice president for the 2009 term, effective July 1st.

Hanmi Financial Corporation announced that **Charles C. Kwak '79** has been appointed to Hanmi Financial Corporation's Board of Directors and to the Board of Directors of Hanmi Bank. Kwak began his career in 1968 with the Korea Exchange Bank, first in Seoul, and later, from 1972 to 1976, in Los Angeles. After attending UCLA Law, he established a private law practice in Los Angeles with an emphasis on banking, real estate, bankruptcy and small business. In 2007, Kwak returned to South Korea, where until his retirement he was a professor of law at Handong Global University in Pohang.

**Roger E. Lautzenhiser, Jr. '79**, a partner in the Cincinnati office of Vorys, Sater, Seymour and Pease LLP, was named a "2009 Ohio Super Lawyer" by *Law & Politics*.

**Gail E. Lees '79**, a partner in the Los Angeles office of Gibson, Dunn & Crutcher LLP, was recently named one of the "Top 100 Women Litigators" in California by *The Los Angeles Daily Journal*.

Hoffman, Sabban & Watenmaker recently added partner **Geraldine Wyle '79**, the former head of Luce Forward's family wealth services group in Los Angeles.

# 1980s

**Kevin M. Colton '80** was elected to the partnership of Baker & Hostetler LLP in the Costa Mesa office.

**Dennis Diaz '80**, a partner in Davis Wright Tremaine LLP's Los Angeles office, has been named as one of the country's "12 Outstanding Hospital Lawyers" by *Nightingale Healthcare News*. Dennis specializes in health care regulatory and compliance matters.

The Honorable **Peter Espinoza '80** became the supervising judge of the Criminal Department after serving as assistant supervising judge for the past two years. Espinoza is now responsible for the seamless operation of all criminal cases in Los Angeles County, where he has served as a bench officer since 1990 when he was selected as a Los Angeles Superior Court commissioner.

**Michael Bonner '81** and **Mark Ferrario '81** have joined Greenberg Traurig's Las Vegas office as partners and will be part of a new group focusing on business law, corporate and securities, gaming, litigation and real estate.



JAMES HAM

**James Ham '81** has become a partner of Pansky Markle Ham LLP in South Pasadena. The firm advises the legal community regarding legal ethics compliance, State Bar disciplinary issues and litigation. Jim is also a lecturer on legal ethics at USC's Gould School of Law and was appointed in December to serve on the Board of Trustees of California Indian Legal Services.

- Bruce M. Cohen '78
- David M. Cohen '92
- Gary J. Cohen '71
- Jeffrey H. Cohen '88
- Leslie A. Cohen '80
- Philip Cohen '72
- Rick Cohen '77
- Curtis A. Cole '71
- Melanie Cook '78
- Philip E. Cook '90
- Allan B. Cooper '74
- Bruce E. Cooperman '77
- Jeffrey W. Cowan '91
- Shirley E. Curfman '79
- Richard A. Curnutt '64
- Allan B. Cutrow '71
- Milford W. Dahl, Jr. '65
- Michael A.K. Dan '69
- Jeffrey D. Davine '85
- Richard F. Davis '70
- William F. Delvac '84
- Patrick W. Dennis '82
- V. James DeSimone '85
- Lawrence A. Diamant '66
- Richard K. Diamond '76
- Roger Jon Diamond '67
- Kirk D. Dillman '83
- Bruce E. Dizenfeld '78
- Steven Drapkin '76
- Lee A. Dresie '82
- Kathleen H. Drummy '77
- David J. Duchrow '82
- Thomas P. Dunlap '74
- Aaron S. Dyer '92
- John D. Early '93
- Dennis M. Elber '76
- William H. Emer '72
- Marc Epstein '74
- Richard W. Esterkin '76
- Peter Q. Ezzell '72
- Stephen B. Fainsbert '66
- Gregory C. Fant '76
- Gregg A. Farley '84
- James R. Felton '88
- Henry Fenton '69
- Edwin F. Feo '77
- Donald C. Fesler '73
- Craig M. Fields '81
- William Finestone '69
- Robert W. Fischer, Jr. '73
- Samuel N. Fischer '82
- Mary-Lynne Fisher '76
- Robert Louis Fisher '72
- Ruth E. Fisher '80
- John T. Frankenheimer '73
- Bradley D. Frazier '81
- Jeffrey C. Freedman '69
- Manley Freid '62
- Gary N. Frischling '87
- Alex H. Fukui '91
- David R. Gabor '89
- Barbara R. Gadbois '85
- George J. Gajdos '75
- Jon J. Gallo '67
- Robert G. Garrett '75
- Dolly M. Gee '84
- Edward P. George, Jr. '59
- Kenneth C. Gibbs '74
- J. Paul Gignac '86
- Gary L. Gilbert '71
- Andrew M. Gilford '89
- David I. Gindler '84
- Bruce S. Glickfeld '72
- Steven Glickman '82
- Frida P. Glucoft '78
- Mark A. Gochman '86
- Robert S. Goldberg '63
- Donald A. Goldman '72
- James L. Goldman '73
- Irwin D. Goldring '56
- John B. Golper '75
- Marlene D. Goodfried '79
- Richard C. Goodman '70
- Eric B. Gordon '90
- Joseph G. Gorman, Jr. '66
- Richard J. Grabowski '86
- Cindy Joy Weinstein Graff '79
- Bruce J. Graham '83
- Norman H. Green '79
- Arthur N. Greenberg '52
- Bruce R. Greene '76
- Irving H. Greines '66
- Brian Grossman '93
- Joel M. Grossman '79
- Rodrigo A. Guerra, Jr. '82
- Richard E. Guilford '64
- Timi A. Hallem '72
- Leonard A. Hampel, Jr. '64

**Lee Dresie '82** has been named head of the litigation department at Greenberg Glusker. Dresie has been at the firm since law school, and is also on the management committee.

**Donnell Rubay '82** has published her second book and first novel, *Liberty's Call: A Story of the American Revolution*. Based on an 1899 bestseller, *Liberty's Call* is the story of a young woman juggling suitors and struggling to survive while a sweeping war transforms America. Donnell's first book, *Stickeen: John Muir and the Brave Little Dog*, was a Scholastic Book Fair selection and has sold more than 185,000 copies.

**Tom Agoston '83**, external communications manager at IBM, was elected to the board of directors of the Stamford chapter of the World Affairs Forum. He is president of the Fulbright Association's Connecticut chapter and an adjunct professor at New York University, where he teaches courses on telecommunications regulation and technology.

The California Judges Association elected Los Angeles Superior Court Judge **Kevin Brazile '83** as vice president for the 2009/2010 term. Brazile is in his first year on the CJA Executive Board. He recently chaired the 2008 Midyear Conference Planning Committee, and has served on the Compensation & Benefits Oversight Committee. Brazile was appointed to the Superior Court in 2002, and is currently assigned to a general civil calendar. Prior to becoming a judge, Brazile worked for 18 years at the Los Angeles County Counsel's Office, and in 1994 was awarded the Los Angeles County Sheriff's Department's Civil Attorney of the Year Award.

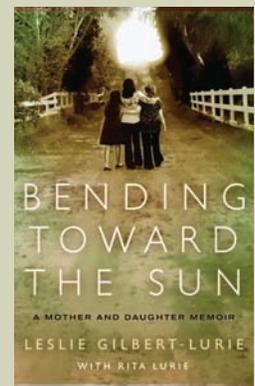
**William F. Delvac '84**, formerly a partner at Latham & Watkins, recently joined Armbruster Goldsmith & Delvac. Delvac has worked on major land use projects in Los Angeles including the Staples Center, L.A. Live and the Autry Museum expansion. Prior to joining Latham, Delvac helped found the Historic Resources Group, a national consulting group on historic preservation.



LESLIE GILBERT-LURIE

**Leslie Gilbert-Lurie '84** has authored a beautiful and haunting dual memoir with the help of her mother Rita Lurie, a Holocaust survivor. Their book *BENDING TOWARD THE SUN* will be published in September 2009 and weaves a riveting and rare first-hand account of how the Holocaust experience has a profound psychological impact on survivors and also extends into the lives of their descendants. *BENDING TOWARD THE SUN* links mother, daughter

and granddaughter, and shows how the resilient human heart survives to help heal future generations. A writer, lawyer and former executive at *NBC*, Leslie Gilbert-Lurie is the president of the Los Angeles County Board of Education and a teacher of Holocaust studies. A founding member and past president of the nonprofit Alliance for Children's Rights, she was recently appointed by the mayor of Los Angeles to a panel to devise a new cultural plan for the city of Los Angeles. She has been a recipient of the American Jewish Congress's Tzedek Award for Outstanding Commitment to Civil Rights, Civil Liberties and Justice, and the Alliance for Children's Rights Child Advocate of the Year Award. She lives in Los Angeles with her husband, two children and stepson.



**Miriam Aroni Krinsky '84** was appointed by California Chief Justice Ronald M. George to a three-year term on the California Judicial Council, the policymaking body of the state court and also to a continued three-year term on the California Blue Ribbon Commission on Foster Care. Former federal prosecutor (and chief of the Appellate and General Crimes Sections in the Los Angeles U.S. Attorney's Office) and former executive director of the Children's Law Center of Los Angeles from 2002 to 2007, Krinsky teaches at UCLA School of Public Policy and Loyola Law School.



HARRIET POSNER

**Harriet Posner '84**, a partner in the Los Angeles office of Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates, was recently named one of the "Top 100 Women Litigators" in California by *The Los Angeles Daily Journal*.

## SAVE THE DATE!

Reunion 2010  
May 15, 2010

For Classes '55, '60, '65, '70, '75, '80,  
'85, '90, '95, '00 and '05

[www.law.ucla.edu/alumniweekend](http://www.law.ucla.edu/alumniweekend)

Assistant U.S. Attorney **Alka Sagar '84** was presented with the Public Interest Foundation's Trailblazer Award at the 6th annual banquet of the South Asian Bar Association of Southern California (SABA-SC). The 300-plus audience comprised an elite group of attorneys, federal and state judges and lawyers representing every conceivable branch of the law. The function was held in the ballroom of Union Station in Los Angeles in March. In her acceptance address, Sagar attributed her successes as a person and in her profession to her cultural heritage and to her education.

**Naoki Shimazaki '84** recently joined the partnership of Silicon Valley-based GCA Law Partners. Shimazaki, whose resume includes stints at Morrison & Foerster and Pillsbury Winthrop Shaw Pittman, will join the corporate and securities group. Fluent in Japanese, Shimazaki also advises Japanese companies on their U.S. operations.

Oakland-based Meyers Nave Riback Silver & Wilson brought on **Camille Hamilton Pating '85** as of counsel in labor and employment. Pating was previously a deputy city attorney at the San Francisco City Attorney's Office.



**MAGGIE AND ROLAND HERNANDEZ**

**Maggie Hernandez '85** and her husband Roland took time out this past summer to run the oldest trail race course in the U.S. - the Dipsea in Northern California. They then spent several more days in Northern California running

an average 10 - 13 miles a day. The spectacular scenery and interesting wildlife along the way made it a memorable trip and a rewarding accomplishment.

**Gigi Birchfield '86** was recently appointed office managing partner at Major, Lindsey & Africa in Los Angeles.

**Craig Horowitz '86** recently published *Row 47: A Two Decade Journey with UCLA Football*, which describes the two decade personal journey of three UCLA football season ticket holders as well as the team's performance throughout those years. Horowitz, who started going to football games while attending UCLA Law, had a book signing on August 29 at Seidman Gallery in Santa Monica.

Munger Tolles & Olson has named **Sandra Seville-Jones '86** as the firm's co-managing partner. Seville-Jones, a 22-year

- Jan L. Handzlik '70
- Les Glenn Hardie '70
- Suzanne Harris '77
- Wilmer J. Harris '90
- Richard W. Havel '71
- Susan J. Hazard '78
- Yakub Hazzard '90
- Steven A. Heimberg '83
- Gregory D. Helmer '90
- Kenneth Hertz '84
- Darrel J. Hieber '80
- Lynard C. Hinojosa '67
- Franklin D. Hobbs, III '77
- Paul Gordon Hoffman '76
- Michael T. Hornak '78
- Susan T. House '75
- Roger H. Howard '71
- Jeffrey S. Hurst '88
- Andrei Iancu '96
- Samuel D. Ingham, III '75
- Mark Israel '86
- Mark A. Ivener '67
- Bruce G. Iwasaki '76
- Lawrence H. Jacobson '67
- Daniel J. Jaffe '62
- John M. Jameson '85
- H. Gilbert Jones '56
- Carolyn C. Jordan '86
- Michael P. Judge '68
- Jules L. Kabat '74
- Ronald M. Kabrins '63
- Jonathan S. Kagan '93
- Robert L. Kahan '69
- Hayward J. Kaiser '75
- John C. Kappos '94
- Gail Diane Kass '75
- Marc S. Katz '81
- Ronald O. Kaye '89
- Peter C. Kelley '86
- Barry D. Kellman '95
- Pamela B. Kelly '86
- Ira D. Kharasch '82
- George David Kieffer '73
- Christopher Kim '78
- Seong H. Kim '93
- Diane L. Kimberlin '76
- George Kingsley '65
- Dale F. Kinsella '74
- Steven Kirby '73
- Thomas A. Kirschbaum '77
- Gerald A. Klein '82
- Howard S. Klein '61
- Kenneth A. Kleinberg '67
- Howard M. Knee '72
- Howard Kollitz '73
- Ronald R. Kollitz '74
- Glen E. Kraemer '87
- Jeffrey C. Krause '80
- Richard M. Kreisler '74
- Thomas R. Kreller '92
- Howard D. Krepack '72
- Joel D. Kuperberg '79
- Mette H. Kurth '96
- Stewart Kwoh '74
- Thomas P. Lambert '71
- Edward A. Landry '64
- Dudley M. Lang '62
- Timothy Lappen '75
- David C. Larsen '74
- David A. Lash '80
- John A. Lawrence '76
- Alan H. Lazar '69
- Moses Lebovits '75
- Brian C. Leck '70
- Gail E. Lees '79
- Howard N. Lehman '56
- Cary B. Lerman '72
- Marci R. Levine '71
- Robert A. Levinson '78
- Sidney P. Levinson '88
- Margaret Levy '75
- Stanley W. Levy '65
- Edwin A. Lewis '81
- Robert F. Lewis '61
- Jonathan Fraser Light '81
- Ethan Lipsig '74
- Barrett S. Litt '69
- Margaret G. Lodise '88
- Elwood G. Lui '69
- Robert W. Lundy, Jr. '75
- Robert A. Lurie '91
- Philip S. Magaram '61
- Ralph D. Malmquist '64
- S. Jerome Mandel '71
- Michael D. Marcus '67
- Robert F. Marshall '73
- Hall R. Marston '77
- Jeffrey R. Matsen '67

Los Angeles Munger Tolles veteran, will serve in her new role through 2011. Seville-Jones is a corporate lawyer who concentrates on mergers and acquisitions and serves on the firm's policy committee. She represents clients including Oaktree Capital Management, Cannery Casino Resorts, The Yucaipa Companies and Universal Music Group.

**Chris Castle '87** served on a panel of music industry experts who explored the fair use of copyrighted music and digital rights management at a symposium at Southern Illinois University Carbondale in February. Chris is a managing partner with the law firm Christian L. Castle Attorneys, whose firm represents artists, producers, songwriters, record labels, music publishers, film studios and technology companies. He is also a managing member of the Digital Media Policy Group, a private consulting company. Prior to law school, Chris worked with artists including Long John Baldry and Yvonne Elliman as a professional musician.

**Robert Dugoni '87**, a *New York Times* best-selling author, just released his latest book, *Wrongful Death*. For more information about the book, please visit [www.robertdugoni.com](http://www.robertdugoni.com).



JEFFREY ROSE

**Jeffrey W. Rose '87** recently married Dr. d Adams of Augusta, Georgia and honeymooned in Singapore, Thailand and Bali. Jeffrey is a sole practitioner in Newport Beach focusing on intellectual property licensing in the interactive entertainment, extreme sports and new media industries.

**Mark K. Slater '87** has rejoined Sheppard, Mullin, Richter & Hampton LLP as a partner in the Business Trial practice group, based in the firm's San Francisco office. Slater most recently served as senior vice president, North American Legal Services at Ingram Micro, Inc.

**David Tennant '87**, partner in the international law firm Nixon Peabody LLP, was selected to lead the New York State Bar Association Commercial and Federal Litigation Section. Tennant practices in the fields of Indian law litigation and appeals, other complex commercial litigation, products liability and insurance. As a founding member of the firm's cross-office/cross-practice group, the Appellate Litigation Team, he has argued appeals in the New York Court of Appeals, all four Appellate Division Departments in New York and in the United States Court of Appeals for the Third Circuit and Ninth Circuit. His appellate work includes trial consulting in high-exposure cases.

**Clarissa Weirick '87** was nominated in the technology and new media category for the 4th Annual AMEC Counsel of the Year Awards. The Counsel of the Year Awards were created in 2004 to honor excellence among in-house counsel and business affairs executives at major media and entertainment companies.

After serving as partner at a large regional law firm, **David Feit '88** now happily runs his own commercial real estate transactions boutique law firm in New York City. He has a broad national practice representing institutional clients and entrepreneurs in conveyancing, leasing and financing. David lives in New Jersey with his wife and four daughters, and really misses the warm weather of Southern California.

**Barak Lurie '88** and **Daniel Park '94** established Lurie & Park in Brentwood, in January 2009. Lurie was formerly general counsel to Donald Sterling and the Los Angeles Clippers. Park was most recently the founding partner of Miller Barondess. The two attorneys once practiced together at the firm formerly named Christensen, Glaser, Fink, Jacobs, Weil & Shapiro. Their new firm has five lawyers and will focus on business litigation, real estate matters, intellectual property disputes and corporate transactions.

**Mark J. Price '88** joined the Naples, Florida office of Roetzel & Andress as partner-in-charge. Price focuses his practice on complex commercial and high-end residential real estate matters. His clients include individual and institutional real estate investors, developers, brokers, buyers, sellers and lenders. He also has extensive experience in commercial leasing and business law, as well as in title insurance.



ERICH ANDERSEN

**Erich Andersen '89** recently moved back to the Seattle area from Paris, France to take on the role of vice president and deputy general counsel at Microsoft Corporation with responsibility for the legal affairs related to the Windows business. Andersen has been with Microsoft for 13 years and most recently served as Microsoft lead for Europe, the Middle East and Africa. He has been married to a Michigan Law alum for more than 18 years (both love shades of the color blue) and they have three children.

**Cedric T. Chou '89** joined Greenberg Traurig's Los Angeles office as a shareholder in the Corporate and Securities Practice. Chou was previously a principal and general counsel with NewCap Partners in the investment banking firm's Shanghai office.

**Anna McLean '89** joined the San Francisco office of Sheppard, Mullin, Richter & Hampton LLP as partner. Anna's litigation practice emphasizes the defense of complex class actions alleging unfair business practices and products liability claims.

**C. John M. Melissinos '89** left Los Angeles firm Andrews Kurth LLP to join Rutter Hobbs & Davidoff as partner in their Century City office. Melissinos' previous experience as partner with Andrews Kurth LLP included representation of debtors, creditors, trustees, asset purchasers and committees before bankruptcy courts in California and across the country. He is a member of the Los Angeles County Bar Association, Los Angeles Bankruptcy Forum, Financial Lawyers Conference, American Bankruptcy Institute and American Bar Association.



C. JOHN MELISSINOS

**David Portnoy '89**, an educator and leader in independent schools, was chosen as the new head of school at The Emery/Weiner School in Houston for the 2009-10 school year. David has served as associate head of school and head of upper school at Beth Tfiloh, an independent Jewish community school in Baltimore, Maryland, for the past 10 years. Previously, he also served on the faculty and counseling staff of the Gilman School in Baltimore and taught middle and high school at the Harvard-Westlake School in Los Angeles.

Davis Wright Tremaine added **Kerry Shea '89**, a former partner with Thelen, LLP, to their national energy practice in San Francisco. Shea works with facilities that use geothermal, wind, biomass, landfill gas and solar renewable energy sources.

**Farzad Barkhordari '90** is CEO and founder of Click 4 Compliance, an online compliance training company serving global corporations trying to reduce their compliance risks. Courses include Anti-Corruption and FCPA, Export Compliance, Privacy and Data Protection to name a few, and are available in multiple languages. Click 4 Compliance has offices in Washington, D.C. and Beijing.

**Anthony Barron '90** was admitted to the partnership of international law firm Nixon Peabody LLP. He was previously a partner at Thelen, LLP.

Lawrence E. May '72  
 Daniel M. Mayeda '82  
 Patricia V. Mayer '86  
 Michael A. McAndrews '71  
 John D. McConaghy '71  
 Melissa R. McCormick '95  
 Alexander C. McGilvray, Jr. '74  
 Winston K. McKesson '82  
 Susan Fowler McNally '81  
 V. Thomas Meador, III '78  
 Everett F. Meiners '64  
 C. John M. Melissinos '89  
 Scott M. Mendler '82  
 Mitchell B. Menzer '84  
 Frank E. Merideth, Jr. '69  
 Valerie J. Merritt '76  
 David G. Meyer '84  
 Gary A. Meyer '79  
 Paul S. Meyer '71  
 Allen L. Michel '75  
 Gary Q. Michel '75  
 Philip Michels '73  
 Alan M. Mirman '75  
 Robert Jay Moore '77  
 Schuyler M. Moore '81  
 Michael A. Morris '79  
 John M. Moscarino '85  
 Eugene Moscovitch '73  
 Forrest S. Mosten '72  
 Kent Y. Mouton '78  
 Jon R. Mower '76  
 Craig A. Moyer '80  
 Mark A. Neubauer '76  
 Martin A. Neumann '81  
 David Wheeler Newman '77  
 Phillip G. Nichols '74  
 Terence S. Nunan '74  
 Royal F. Oakes '77  
 James G. O'Callahan '86  
 Michael J. O'Connor '79  
 Joel R. Ohlgren '68  
 David J. O'Keefe '64  
 Marshall A. Oldman '76  
 Cris K. O'Neill '86  
 Robert E. Opera '81  
 Andrea S. Ordín '65  
 Robert B. Orgel '81  
 Ben D. Orlanski '95  
 Kurt V. Osenbaugh '82  
 David A. Ossentjuk '87  
 Patricia M. O'Toole '80  
 Stephen T. Owens '78  
 Ann I. Park '87  
 Anna Y. Park '92  
 David B. Parker '76  
 Brian Pass '91  
 Peter T. Paterno '76  
 Marilyn S. Pecsok '83  
 Dennis L. Perez '82  
 Richard T. Peters '71  
 Kathleen G. Peterson '86  
 Louis P. Petrich '65  
 David R. Pettit '75  
 Kathy B. Phelps '91  
 Mark J. Phillips '79  
 Gary Pholson '75  
 Harriet S. Posner '84  
 Marc J. Poster '70  
 Scott T. Pratt '75  
 Anthony L. Press '86  
 William C. Price '73  
 Douglas C. Purdy '69  
 Lisa Quateman '78  
 John N. Quisenberry '80  
 Jerry A. Ramsey '64  
 Barbara W. Ravitz '78  
 Charles Read '75  
 Todd R. Reinstein '62  
 Bernard M. Resser '79  
 Kent L. Richland '71  
 Daniel E. Robbins '91  
 Lynette Berg Robe '85  
 Daniel Rodriguez '80  
 Marc E. Rohatiner '78  
 James C. Romo '76  
 David E. Rosen '97  
 Martin E. Rosen '82  
 Gary Rosenbaum '87  
 Melvyn Jay Ross '64  
 Glenn Rothner '75  
 Glen A. Rothstein '95  
 Robert H. Rotstein '76  
 Dennis S. Roy '81  
 Sharon F. Rubalcava '75  
 Richard S. Rube '75  
 Steven A. Ruben '86

## 1990s

**Brandon Chabner '90** was selected as a new member of The Cardiac Network's advisory board for his expertise and industry leadership in key areas of business development, strategic growth, regulatory complaints and entrepreneurial leadership.

Entertainment litigator **Yakub Hazzard '90** joined Robins, Kaplan, Miller & Ciresi as partner. Hazzard will launch and co-chair a new entertainment and media practice focusing on the music industry and intellectual property matters.

**Ari Kahan '90**, formerly general counsel at United Microelectronics Corporation and Prophet Financial Systems, joined Virtual Law Partners LLP as partner in their Palo Alto office. Kahan brings to VLP almost 20 years of legal experience representing publicly traded semiconductor companies and Internet startups. Prior to going in-house, Kahan litigated technology cases at Wilson Sonsini Goodrich & Rosati in Palo Alto, and before that, represented The Walt Disney Company and Porsche Cars of North America in intellectual property matters at LeBoeuf, Lamb, Leiby & MacRae in Los Angeles.

**Tom Kielty '90** was honored in March with the trial attorney of the year award by the Criminal Courts Bar Association for his efforts in the Juan Alvarez Metrolink case. Tom represented Juan Alvarez last year in the notorious Metrolink death penalty jury trial, which received media attention. Tom has committed his practice to the defense of the criminally accused.



JOHN KIRKLAND

Luce, Forward, Hamilton & Scripps has hired **John C. Kirkland '90** as a partner in the Los Angeles office. Kirkland joins the corporate practice and will focus on public securities. He has experience on transactions in several industries, including media and entertainment, technology and life sciences. He will represent companies throughout the Pacific Rim, including Asian corporations seeking listing on U.S. stock exchanges. Prior to joining Luce Forward, Kirkland was a partner at Dreier Stein Kahan Browne Woods George.



MICHAEL PLUMLEIGH

**Michael Plumleigh '90** and his wife Staci created Plumleigh Law, which specializes in intellectual property licensing and commercial and technology transactions. The firm's office is in the Redwood Shores area of Silicon Valley. Michael left his position as vice president and general counsel of Critical Path Inc., a mobile message provider, to start

the firm. He previously co-lead the technology transactions practices in the San Francisco offices of Cooley Godward Kronish and of the now defunct Brobeck, Phleger & Harrison.



**Karen Tse '90** traveled to Geneva, Switzerland in January on behalf of International Bridges to Justice (IBJ), and reached an agreement with the Mansfield Center at The University of Montana to assist in developing criminal defense clinics in law schools in China. Karen is the CEO and founder of IBJ, a former public defender and the 2008 recipient of the ABA's International Human Rights Award.

**Richard P. Fajardo '91** has joined Supervisor Mark Ridley-Thomas's staff as senior deputy for justice and public safety issues. Richard has spent more than a quarter century in civil litigation, and will advise the supervisor on matters relating to the Sheriff's Department, District Attorney's Office and Public Defender's Office.

**Michael Fedrick '91**, an attorney from Pasadena-based Sheldon Mak Rose & Anderson, was named president of the San Gabriel Valley Bar Association for 2009. Fedrick, who handles patent, trademark and other intellectual property matters, will represent the association at the Conference of Delegates of California Bar Associations at the State Bar annual meeting. He will also lead "Law Day," an annual event created to inform students about the legal system.

**Frieda Taylor '91** has joined the Automobile Club of Southern California as corporate counsel. Frieda started her career at O'Melveny & Myers and most recently practiced at Dreier Stein Kahan Browne Woods George.

**Randee Barak '92**, a lead appellate court attorney at the California Court of Appeal, Second District, in Los Angeles, was named 2008 Public Sector Attorney of the Year by the Constitutional Rights Foundation. She is a co-chair of the foundation's Appellate Court Experience (ACE) program.



MATTHEW FAWCETT

**Matthew Fawcett '92** joined the advisory board of UnitedLex, the global leader in legal consulting, technology and outsourcing. Fawcett joins an elite group of legal and business executives that provide strategic guidance to UnitedLex as the company continues to grow as a global leader within the legal process outsourcing industry. He is also an advisory board member of IPVision, Inc., the intellectual property research and analytics firm formed at MIT.



CRAIG JOHNSON

**Craig N. Johnson '92** joined Fairfield and Woods, P.C., bringing 17 years of experience in complex litigation focusing in the areas of commercial litigation, intellectual property litigation, business torts, employment and insurance coverage issues. When not practicing law, Craig is an avid fly fisherman and enjoys hiking, cross-country skiing and traveling. He is a member of the Colorado Judicial

Institute, and past president of the Colorado State University Alumni Association.



SARA WILSON

**Sara Hansen Wilson '92** left DLA Piper U.S. LLP to join the national real estate practice at Drinker Biddle & Reath LLP's growing San Francisco office. Wilson focuses her practice almost exclusively on real estate transactions and retail leasing, representing landlords and tenants in regional shopping centers, a variety of clients in the purchase and sale of property and borrowers and lenders in loan transactions that are

secured by real estate.

**Dan Young '92** has joined The Goodyear Tire & Rubber Company's Law Department in Akron, Ohio, where he is the senior attorney for Goodyear's securities and finance matters.

**Jonathan C. Drimmer '93** was named recipient of a prestigious Human Rights Law Enforcement Award from the Criminal Division of the U.S. Department of Justice. Jonathan is a partner at Steptoe & Johnson LLP in the Washington, D.C. office, where he focuses on the extraterritorial application of U.S. laws and assists clients in developing preventative strategies, navigating discrete questions and problems and defending them in litigation. A recognized authority on the Alien Tort Claims Act (ATCA), he advises and represents clients in matters related to

Melvyn D. Sacks '64  
 Robert N. Sacks '86  
 Thomas C. Sadler '82  
 Eric E. Sagerman '91  
 David C. Sampson '85  
 Mark A. Samuels '82  
 Robert M. Sanger '73  
 Deborah C. Saxe '78  
 David P. Schack '82  
 John R. Schilling '67  
 David J. Schindler '87  
 Laurence H. Schnabel '67  
 Lawrence Schwartz '66  
 Jonathan Sears '89  
 Brad W. Seiling '89  
 Marc M. Seltzer '72  
 Peter S. Selvin '80  
 Michael D. Seplow '90  
 Thomas R. Sestanovich '88  
 Michael T. Shannon '69  
 Robert Shannon '68  
 Leslie E. Shear '76  
 Jon A. Shoenberger '67  
 Carl M. Shusterman '73  
 Leonard Siegel '74  
 Lee I. Silver '68  
 Susan Silver '83  
 Ronald I. Silverman '66  
 Stephanie C. Silvers '77  
 David Simantob '91  
 Brette S. Simon '94  
 Roland G. Simpson '75  
 Keith A. Sipprelle '89  
 Ronald Slates '68  
 Joel M. Smith '71  
 Linda Smith '77  
 Steven Smith '67  
 Wayne W. Smith '72  
 Jonathan C. Solish '75  
 Gail D. Solo '75  
 Stephen Warren Solomon '64  
 Bruce H. Spector '67  
 Sherman L. Stacey '74  
 Harold J. Stanton '65  
 Martin Stein '65  
 Jonathan H. Steinberg '80  
 Jonathan B. Stiener '70  
 Gary S. Stiffelman '79  
 Steven B. Stokdyk '91  
 Robert M. Stone '99  
 Robert E. Strauss '90  
 Julia B. Strickland '78  
 Bruce C. Stuart '76  
 M. Kenneth Suddleson '68  
 William F. Sullivan '77  
 Mary-Christine Sungaila '91  
 Joseph R. Taylor '87  
 Lawrence Taylor '69  
 Lawrence Teplin '64  
 Jocelyn D. Thompson '82  
 Karen R. Thorland '94  
 Marcy J.K. Tiffany '77  
 Paul D. Tripodi, II '92  
 William B. Tully '82  
 Randolph C. Visser '74  
 Clayton J. Vreeland '83  
 William P. Wade '72  
 Duke F. Wahlquist '82  
 Bonnie Y. Wai '87  
 Harold T. Watson '92  
 Harvey E. Weinrieb '72  
 Robert C. Weiss '71  
 Eric Weissman '54  
 Robert C. Welsh '87  
 Leslie M. Werlin '75  
 Cranston J. Williams '92  
 Daniel H. Willick '73  
 William L. Winslow '74  
 Marc J. Winthrop '74  
 Dorothy Wolpert '76  
 David E. Wood '81  
 Edward A. Woods '72  
 Roland Gregory Wrinkle '76  
 Geraldine A. Wyle '79  
 Scott N. Yamaguchi '91  
 Mia Frances Yamamoto '71  
 Kenneth M. Young '64  
 Edward W. Zaelke '83  
 Kenneth Ziffren '65  
 Kurt F. Zimmerman '90  
 Stuart D. Zimring '71  
 Daniel Y. Zohar '93  
 Alan Zuckerman '84

the ATCA, the Foreign Corrupt Practices Act, human rights, corporate social responsibility initiatives, financial reporting and securities laws, cross-border U.S. government enforcement efforts, business and personal tort liability and other areas.

**Joseph A. Salazar '93** was brought on as a new managing partner in Lewis Brisbois Bisgaard & Smith's Sacramento office. Salazar represents public and private sector entities in environmental, employment and business litigation.

Los Angeles Deputy Public Defender **Kenneth H. Taylor '93** was elected Superior Court commissioner as of March 2009.

**Jerald Dotson '94** and **Angela Edwards Dotson '95** recently relocated to Atlanta, Georgia with their two children.

**Donald Fishman '94** and his wife **Sonya Schwartz '00** announced the birth of their second son, Harry Alexander, in January 2009.



SHAI HALBE

**Shai N. Halbe '94** joined Brownstein Hyatt Farber Schreck as a shareholder in the firm's Los Angeles office. Previously head of Heller Ehrman's real estate practice in Los Angeles, Shai advises clients on corporate and real estate matters, including complex acquisitions, dispositions, management arrangements, joint ventures, financings and restructurings.

**Michael L. Meeks '94**, formerly of Pepper Hamilton, joined Buchalter Nemer's Orange County office. His practice includes commercial litigation, intellectual property litigation and financial institutions litigation.

**Daniel Park '94** and **Barak Lurie '88** established Lurie & Park in Brentwood, in January 2009. Lurie was formerly general counsel to Donald Sterling and the Los Angeles Clippers. Park was most recently the founding partner of Miller Barondess. The two attorneys once practiced together at the firm formerly named Christensen, Glaser, Fink, Jacobs, Weil & Shapiro. Their new firm has five lawyers and will focus on business litigation, real estate matters, intellectual property disputes and corporate transactions.

**Dmitry Gorin '95** retired as senior trial prosecutor in 2005 after 10 years with the Los Angeles County District Attorney's Office. He is now a senior partner at Kestenbaum Eisner &

Gorin LLP, a nationally recognized criminal-defense boutique firm specializing in major criminal cases in state and federal courts. He continues to lecture as an adjunct professor at Pepperdine Law School, and provides legal commentary on high-profile cases to the *Los Angeles Times*, *Court TV* and *Fox News*.



LINDA SANCHEZ

Congresswoman **Linda T. Sanchez '95** and her husband, Jim Sullivan, announced the birth of their son Joaquin Sanchez Sullivan on May 13, 2009. A long-awaited addition to their family, Joaquin was born healthy and happy, weighing 7 pounds, 14.6 ounces and measuring 20.6 inches.



JASON AXE

**Jason Axe '96** was one of nine individuals recently honored as Outstanding Young Californians for 2009 by the California Jaycee Foundation and the Junior Chamber International. The award cites Jason for helping to maintain El Centro Legal and for founding and serving as an officer of Reading to Kids, a reading program that sends volunteers to downtown Los Angeles schools. Jason is an assistant U.S. attorney in the central district.



METTE KURTH

**Mette Kurth '96** has joined Arent Fox as partner in the firm's Los Angeles office. Kurth, formerly of Sheppard, Mullin, Richter & Hampton, will practice in bankruptcy and restructuring.



SEAN MORRIS

**Sean Morris '96** was recognized in *The Los Angeles Daily Journal* as one of the top "20 under 40" for his career at Arnold & Porter. As a partner specializing in business litigation, he has been making his mark in some of California's most cutting edge legal issues involving class action litigation. In addition

to his legal work, Morris formed a nonprofit group called Reading to Kids, which organizes volunteers to read to children from Los Angeles Unified School District schools on weekends.



BRADLEY PAULEY

**Bradley S. Pauley '96** was elevated to partner at Encino-based Horvitz & Levy. Pauley specializes in class action jurisprudence and has been involved in class action-related appellate matters.

**Tessa Schwartz '96** was recognized in *The Los Angeles Daily Journal* as one of the top "20 under 40," highlighting her current position as co-chair of Morrison & Foerster's cleantech practice. Her background as a transactional attorney with a focus on intellectual property allows her to advise renewable energy, energy efficiency, carbon software and other cleantech clients on issues ranging from patent licensing and technology procurement agreements to joint venture and distribution deals.

**Daniel Zimmermann '96** is the latest addition to Sonnenschein Nath & Rosenthal's growing Palo Alto office. As part of the firm's venture technology group, Zimmermann will advise U.S.-based technology companies on U.S. venture backing and international business, and foreign issuers with U.S. business.



DAVID BRIGHTMAN

**David Brightman '97** has joined Yahoo! Inc. as senior legal director - IP litigation and conflict management.

**Diane J. Klein '97** was granted tenure and promoted to professor at the University of La Verne College of Law in Ontario, California. She will be a visiting professor at the Golden Gate University School of Law in 2009-2010, teaching property, gender and the law and wills and trusts.

**Jennifer Barbarita Nagel '97** married Robert Nagel in 1999 and has two beautiful children: Nicholas, age 7, and Ann Marie, age 5. Jennifer is a private practice attorney in Flagstaff, Arizona where she has lived for the past six years. She is a licensed attorney in Arizona, California and Nevada, and her primary areas of practice are family law, estate planning and immigration law. Jennifer is also a judge with the Flagstaff Justice and Flagstaff Municipal Courts.



THOMAS DONO

**Thomas M. Dono, Jr. '98** is the senior vice president, legal affairs and general counsel of Key Safety Systems, Inc., a global leader in the design, development and manufacturing of automotive safety-critical components and systems.



LYNDA KIM

**Lynda Kim '98** was elevated to the partnership at Lewis Brisbois Bisgaard & Smith in Los Angeles.

**Armen Martin '98**, formerly of DLA Piper, recently joined Buchalter Nemer's business practices group as shareholder in their Los Angeles office. Martin's work includes venture capital, mergers and acquisitions, public offerings and representation of public companies.

**Dr. Michael H. Meissner '98** joined Dechert LLP in Frankfurt, Germany as a partner in January 2009. Meissner joins a global corporate and securities group that has been top ranked for acquisition finance and bank lending.

**David C. Zeiden '98** and his wife Phanjira welcomed a new son, Jonah, on January 14, 2009. They also have a four-year-old son, Samuel. In 2007, David joined Och-Ziff Capital Management Group as general counsel-Asia and continues to be based in Hong Kong.

McDermott Will & Emery promoted **George Colindres '99** to partner in the firm's San Diego office. Colindres represents emerging high technology and life sciences companies in financing, licensing and M&A matters.

**Michael P. Heuga '99** was elevated to partner at Pillsbury Winthrop Shaw Pittman's San Francisco office. Heuga is a member of the firm's corporate and securities practice group.

# 2000s

**Robert E. Jenkins '00** has formed the law firm of Jenkins | Babb, LLP in Dallas, Texas. His practice focuses on business and commercial litigation for clients such as Wells Fargo Bank.



BEVERLY LU

**Beverly Lu '00** left Sheppard Mullin Richter & Hampton to establish a new Century City law firm called Reeder, Lu & Green. Beverly practiced with the other two name partners of the firm (Christopher Reeder and Gabriel Green) at both Sheppard Mullin and Locke Lord Bissell & Liddell. The new firm plans to focus on broad based, complex commercial litigation.

**Chris Manderson '00** has launched a new, independent corporate practice after several years at Paul Hastings. His goal is to provide clients with exceptional value by delivering large firm service and expertise with very low overhead. Practice areas will cover all types of transactions, including public and private securities transactions, mergers and acquisitions, general counsel services, venture capital, real estate transactions, licensing and general business law.

**Michael Ouimette '00** was elevated to partner at Pillsbury Winthrop Shaw Pittman's San Francisco office. Ouimette is a member of the firm's corporate and securities practice group.

**Munesh Patel '00** was elected partner at the firm Harris Beach in Pittsford, New York. Patel practices in the Harris Beach public finance and economic development practice group.

**Kevin Rising '00** was promoted to the partnership at Akin Gump Strauss Hauer & Feld LLP. Based in Century City, he is a member of the firm's litigation practice, and focuses on

complex civil litigation, wage and hour class action defense, consumer class action defense, product liability, toxic torts and securities.

**Sonya Schwartz '00** and her husband **Donald Fishman '94** announced the birth of their second son, Harry Alexander, in January 2009.

**Jeanne C. Shih '00** joined Archer Norris in the Walnut Creek office as a lateral associate in the firm's thriving asbestos and toxic torts practice. Shih has significant experience in defending products manufacturers and suppliers, contractors and premises owners. Shih has effectively managed numerous cases from the initial stages through trial preparation. Her practice also includes general litigation and insurance defense.

**Justin Barnes '01** was named principal in the dispute resolution group at Fish & Richardson's San Diego office. Fish & Richardson is a global law firm practicing in the areas of intellectual property, litigation and corporate law.

**Ur Mendoza Jaddou '01** received the "Top Lawyers Under 40 Award" from the The Hispanic National Bar Association (HNBA) and was recognized as one of seven accomplished HNBA members who have distinguished themselves as young Hispanic lawyers in the upper echelon of the legal profession nationally. Jaddou serves as chief counsel of the House of Representatives Judiciary Committee's Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law in Washington, D.C.



N. CHRISTOPHER NORTON WITH SYD WHALLEY '01

**N. Christopher Norton '01** was promoted to partner in Arent Fox LLP's intellectual property group. His practice focuses on domestic and global brand development and protection. He prepares and prosecutes trademark applications, represents clients before the U.S. Patent and Trademark Office in trademark opposition and cancellation proceedings, prepares

brand availability opinions and license agreements, counsels clients on trademark disputes and enforcement, trains in-house brand management teams and works with Arent Fox's intellectual property litigators at all stages of litigation and dispute resolution. Chris helped develop the Arent Fox BrandArmada® service, which is an innovative and cost-effective team-based approach for managing and protecting large international trademark portfolios.



KEITH ORSO

**Keith A. Orso '01** was promoted to the partnership in the Los Angeles office of Irell & Manella LLP. Orso focuses on patent infringement disputes for a wide range of clients including semiconductor manufacturers, semiconductor testing and packaging companies, medical device manufacturers and pharmaceutical companies.

**Stacy Tolchin '01** of Van Der Hout, Brigagliano & Nightingale LLP was honored at the 15th Annual Law Luncheon of the American Civil Liberties Union (ACLU). Stacy is a graduate of UCLA Law's David J. Epstein Program in Public Interest Law and Policy and was presented with the Equal Justice Advocacy Award at the ACLU luncheon.

**Chris Bailey-Gates '02** has joined the staff at Norton Rose's new office in Abu Dhabi. He previously was at Norton Rose's London office.

**Lisa Detig '02** joined Eurus Energy America Corporation in San Diego, California.

McDermott Will & Emery promoted **Robert M. Pryor '02** to partner in the firm's Los Angeles office. Pryor practices in general litigation matters.



**Mari Metcalf '03** and her husband Jeff Koehler announced the arrival of baby Emmett Adam Koehler. Emmett was born on January 29, 2009 at 1:28 a.m., weighing in at 7 pounds, 13 ounces and 18 1/2 inches.

Commercial Litigator **Jenifer Niedenthal '03** has joined Womble Carlyle Sandridge & Rice's Atlanta office. Jenifer defends clients at trial in breach of contract, fraud and commercial arbitration

cases. She has also led efforts to develop and implement best practices related to e-discovery and the use of online tools in litigation support.



TODD PIRO

**Todd Piro '03** left the practice of law in April 2008 to take an anchor/reporter position at *KPSP Local 2 News* in Palm Springs. It is quite a different career path, but he is having a blast! Todd invites you to check out their Web site: [www.kpspslocal2.com](http://www.kpspslocal2.com).



JASON ROBERTS

**Jason C. Roberts '04** has joined Reish Luftman Reicher & Cohen, a regulatory and corporate law firm, as partner in the employee benefits practice group. Jason's practice focuses primarily on counseling and defending broker-dealers, registered investment advisors and plan sponsors in securities and ERISA-related matters.

**Paul Wall '04** has moved to the downtown Los Angeles firm Taylor Blessey LLP.

**Juan Rocha '06** appeared on the number one talk show on Arizona's *Radio Campesina* to discuss the interplay between criminal and immigration law. Juan specifically discussed how a defendant's decision in a state criminal court will have adverse sentencing consequences in federal court.



CORIE ROSEN

A short story by **Corie Rosen '06**, director of the academic support program at Arizona State University's Sandra Day O'Connor College of Law, was recently published in *Powwow: Charting the Fault Lines in the American Experience - Short Fiction from Then to Now*. The book includes Corie's short story "The Funeral." Corie's work has been featured on *National Public Radio* and has appeared in a variety of publications.

**Chad Gunderson '07** was featured in *The New York Times* for the unique and fun way that he has stayed connected to his father over the years. Chad and his father are attempting to



CHAD GUNDERSON

be the first father/son duo to watch the Yankees not only play, but win, in the ballparks of all 30 Major League Baseball teams. Chad's adventures can be traced on their Web site: [www.chasetheyanks.com](http://www.chasetheyanks.com).

**Jennifer Keh '07** joined the new law firm Reeder, Lu & Green as an associate in their Century City office.



TOREN MUSHOVIC

**Toren Mushovic '07** has been deployed in Iraq and is serving on Task Force-134 for the remainder of 2009. The task force is charged with either getting detainees through the Iraqi judicial process or determining which ones to free. The task force is assisting the Iraqis with creating a federal-like Iraqi criminal judicial system, and Toren is hoping to work with Iraqi judges in facilitating the prosecution of detainees. He looks forward to hearing from classmates and can be reached at [tmushovic@hotmail.com](mailto:tmushovic@hotmail.com).

**Dan F. Oakes '07** has joined California Eminent Domain Law Group, APC. Dan joins a team of experienced attorneys who handle eminent domain law exclusively.

Hughes Pffifner Gorski Seedorf & Odsen in Anchorage recently hired **Mark Skolnick '07** as an associate. Before joining the firm, Skolnick served as law clerk to Superior Court Judges Mark Wood and Robert Downes. His expertise includes aviation accident investigation, organizational development, safety audits and pilot training.

**Kori Avelino '08** and **Logan Elliott '09** were married on October 4, 2008 at St. Martin of Tours Catholic Church in Los Angeles. The reception at Mountain Gate Country Club brought together 200 friends and family members from 12 states and Canada.



**Kevin Deenihan '08**, **Brett W. Kaplan '08** and **Liatte Platt '08** have joined Pircher, Nichols & Meeks as associates in the real estate department. Based in the Los Angeles office, Deenihan, Kaplan and Platt will specialize in various aspects of property transactions such as acquisitions, sales and financing.

**Sierus P. Erdelyi '08** joined Baker & Hostetler's Los Angeles office.

**Jodie M. Grotins '08** joined the Los Angeles office of McGuireWoods as an associate in the firm's restructuring and insolvency department. Grotins will focus on financial restructuring and bankruptcy with an emphasis on representing creditors in bankruptcy, workouts, creditors' rights litigation and bankruptcy alternatives. The firm frequently serves as Chapter 11 debtor's counsel for public and private companies and as counsel for official committees and trustees.

IN MEMORIAM

- James Michael Barnett '71
- Kenneth W. Downey '58
- Jessica Flores Foster '97
- Mervin Norman Glow '56
- Iris Johnson-Bright '79
- Jared Laskin '87
- William Bernard Odencrantz '73
- Marcus Grant Whittle '91

Bruins Hiring Bruins

In these difficult economic times, it is important for the Bruin family to look out for one another. Please remember there are talented UCLA School of Law students and graduates seeking positions. The Office of Career Services provides employers an opportunity to post job listings, free of charge, for UCLA Law students and alumni.

Jobs may be posted directly to the UCLA Law Career Services site at [www.law.ucla.edu](http://www.law.ucla.edu). For additional information, please contact Beth Moeller, assistant dean of career services, at (310) 206-1117 or [careers@law.ucla.edu](mailto:careers@law.ucla.edu).



## LAW FIRM CHALLENGE 2009

The worldwide community of UCLA School of Law alumni has rallied to provide its alma mater with unprecedented philanthropic support during the fiscal year that ended June 30. An astonishing 77% of alumni participating in the 2009 Law Firm Challenge made gifts to the school, with the firms listed here – 35 of the 82 Challenge firms – achieving 100% participation in giving.

### 100% Firms and Representatives

#### Group I (30+ UCLA Law Alumni)

Participation: 92%

**Cox Castle & Nicholson LLP** - 32 alumni  
Tamar C. Stein '77 and Douglas Snyder '81

**Latham & Watkins LLP** - 94 alumni  
James D. C. Barrall '75 and Allen Chiu '05

**Paul, Hastings, Janofsky & Walker LLP**  
- 34 alumni  
Nancy L. Abell '79 and Heather A. Morgan '94

**Gibson, Dunn & Crutcher LLP** - 60 alumni  
Ruth E. Fisher '80, Wayne W. Smith '72 and David S. Egdal '03

**Manatt, Phelps & Phillips LLP** - 35 alumni  
Margaret Levy '75 and Nancy Whang '00

**Skadden, Arps, Slate, Meagher & Flom LLP**  
- 36 alumni  
Harriet S. Posner '84, Jeffrey Cohen '88, David Eisman '93 and Nathaniel Jackson '05

#### Group II (11-29 UCLA Law Alumni)

Participation: 66%

**DLA Piper** - 19 alumni  
Jay W. Jeffcoat '70 and William Donovan '91

**Howrey LLP** - 11 alumni  
Richard J. Burdge '79

**Pircher, Nichols & Meeks** - 17 alumni  
Ariel Robinson '07 and Kaycee B. Wabbel '07

**Glaser, Weil, Fink, Jacobs, Howard & Shapiro, LLP**  
- 17 alumni  
Brett J. Cohen '85

**Loeb & Loeb LLP** - 18 alumni  
Karen R. Thorland '94

**Quinn, Emanuel, Urquhart, Oliver & Hedges LLP**  
- 12 alumni  
Robert Becher '97

**Greenberg Glusker LLP** - 18 alumni  
Robert F. Marshall '73

**Milbank, Tweed, Hadley & McCloy LLP**  
- 19 alumni  
David A. Lamb '79 and Aluyah Imoisili '06

#### Group III (Up to 10 UCLA Law Alumni)

Participation: 80%

**Arnold & Porter LLP** - 8 alumni  
Amy B. Levin '01 and Sean O. Morris '96

**De Castro West Chodorow Glickfeld & Nass, Inc.**  
- 6 alumni  
Hugo de Castro '60

**Pachulski Stang Ziehl Young Jones & Weintraub LLP** - 9 alumni  
Ira D. Kharasch '82

**Ballard Rosenberg Golper & Savitt LLP**  
- 2 alumni  
John B. Golper '75

**Hewitt & O'Neil LLP** - 4 alumni  
Jay Palchikoff '82

**Reeder, Lu & Green LLP** - 2 alumni  
Beverly Lu '00

**Bird, Marella, Boxer, Wolpert, Nessim, Dooks & Lincenberg, APC** - 5 alumni  
Dorothy Wolpert '76

**Horgan, Rosen, Beckham & Coren, LLP**  
- 4 alumni  
Mel Aranoff '75

**Russ August & Kabat** - 5 alumni  
Marc A. Fenster '95

**Bonne Bridges Mueller O'Keefe & Nichols LLP**  
- 2 alumni  
David J. O'Keefe '64

**Jaffe and Clemens** - 3 alumni  
Daniel Jaffe '62

**Snell & Wilmer LLP** - 10 alumni  
Josette Mollica '01

**Caldwell Leslie & Proctor, PC** - 2 alumni  
Arwen Johnson '06

**Levene, Neale, Bender, Rankin & Brill LLP**  
- 2 alumni  
Juliet Oh '00

**Sonnenschein Nath & Rosenthal LLP**  
- 9 alumni  
Arthur Levine '66

**Christie, Parker & Hale, LLP** - 5 alumni  
Robert A. Green '75 and Jason C. Martone '07

**Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor LLP** - 7 alumni  
Joseph Taylor '87

**Stutman Treister & Glatt** - 4 alumni  
H. Alexander Fisch '02

**Daniels, Fine, Israel, Schonbuch & Lebovits, LLP**  
- 3 alumni  
Mark Israel '86

**Osborn Maledon, P.A.** - 2 alumni  
Geoffrey M. T. Sturr '90

**Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP**  
- 2 alumni  
Michael Wolf '76