

# UCLA LAW MAGAZINE

The Magazine of the UCLA School of Law  
Vol. 23 ▲ No. 2 ▲ Spring/Summer 2000

## UCLA Law Magazine

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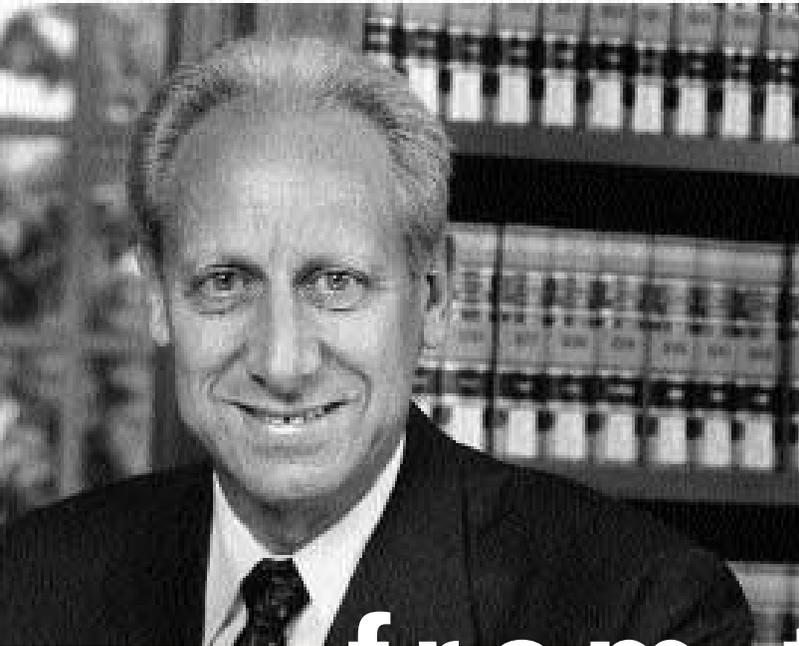
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# message from the dean

**The UCLA Law Class of 2000 represents the largest, most broadly educated group of students in the history of the school.** Among our 356 graduates, twenty-four represent the pioneer class of the Public Interest Law and Policy Program and thirty-five completed the Business Law Concentration; both programs are highlighted in this edition of *UCLA Law Magazine*. In addition to our program students, seven joint degrees were conferred, including four JD/Masters of Business Administration, one JD/Masters of Urban Planning, one JD/Masters of Social Work and one JD/Masters of Public Policy. Twelve foreign students (who hold Juris Doctorates from their own countries) earned their Masters of Laws degree. Women comprised 49% of the class and 26% of the students identified themselves as underrepresented minorities.

Our 50-year legacy of innovative teaching has been enhanced by the combination of technology, faculty and students intercollaboration, and now, the completion and occupancy of our world-class library. Our students enjoy a fully operational and comfortable academic home. Our faculty has expanded the breadth of its teaching, scholarship, academic governance and devotion to law reform as never before.

We look forward to seeing the class again at the Bar Swearing-In Ceremony in December, as they launch their careers. Many graduates have secured prestigious clerkships, fellowships and business and law firm positions. Several are consulting with our Office of Career Services, (another benefit-for-life of UCLA Alumni) while they consider their options. To our newest alumni: We wish you well, dedicate this magazine to you and invite you to maintain the relationships you have established over the past three years with your fellow alumni, your professors and your law school.

There is a new beginning of sorts for the law school as well. I am delighted to announce the receipt of gifts from the Evan Frankel Foundation and from Frank Wells' widow, Luanne, that constitute an important step toward our eventual goal of fully establishing a world renowned UCLA Center for Environmental Law here at your law school. Their generous donations not only will enable us to establish the new interdisciplinary Evan Frankel Environmental Law & Policy Program and to expand the scope of the Frank G. Wells Environmental Law Clinic, but Ms. Wells' gift also will endow a chair of Environmental Law. We also will expand

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our course offerings in this field. More on this exciting development follows on the next page of this magazine.

We are most proud that not one, but two, of our teachers have received the campus-wide Distinguished Teaching Award this spring, and several of our other faculty have earned national recognition for the excellence of their professional contributions and their devotion to public service. Our students and alumni similarly have been honored. The Editor-in-Chief of the *UCLA Law Review* won the campus-wide Outstanding Graduate Student of the Year Award, and our beloved former Dean, Susan Westerberg Prager '71, was named the UCLA Edward A. Dickson Alumnus of the Year. You can read and see more about our honorees starting at page 34.

Distinguished faculty scholarship and teaching are highly prized at UCLA School of Law, and we exercise every communications avenue to promote this excellence. Many of you have signed up for Alumni for Life e-mail and visit [www.law.ucla.edu](http://www.law.ucla.edu) regularly. The *UCLA Law Magazine*, long a newsletter to bring you up to date on our program and activities of the law school, is now also a voice for our faculty and for you. Members of our faculty wrote a full one third of the articles featured in this edition of *UCLA Law Magazine*, illustrating their collective and individual scholarship, teaching style and intellectual interests. Alumni also have contributed and we hope to increase the number of contributions from more of you in the future. Our students have written articles about their contributions to symposia, student organizations and outside interests.

Several wonderful events that have occurred since the last edition of this magazine are profiled in this edition. Many of you were here to join us in celebrating the 50th anniversary of the School of Law and the dedication of our beautiful new Hugh and Hazel Darling Law Library. I also was pleased to see familiar faces at the Melville B. Nimmer lecture delivered by Professor Robert C. Post of Boalt Hall. Our community attended two moot court competitions, a town hall meeting co-sponsored by the U.S. Department of Housing and Urban Development, and several symposia and debates. On the light side, we enjoyed a delightful law school musical, an elegant Barristers' Ball, and a wet (at least, for me and other professors who spent time in the dunk tank) APILSA Carnival, which raised \$1,500 for scholarships.

We also highlight some interesting alumni: alumni of the year Barbara Boyle '60 and Judge Gary Taylor '63, and CPA Martin Auerbach '73. Louise Lillard '85 recounts how law school became a family affair for her daughter, son-in-law, niece and herself. And there is more.

Although the fall magazine is usually when we introduce new faculty, this edition does introduce some administrative news, particularly in the leadership of Development and Alumni Relations. You may be interested, too, in how we have shifted some responsibilities among staff to make the school run more efficiently while increasing our creativity. We remind you to register for Alumni for Life and avail yourself of other benefits offered through Career Services for Life.

Finally, we hope you enjoy sharing the graduation ceremonies through pictures and reflections of the Class of 2000.

A handwritten signature in blue ink that reads "Jonathan D. Varat".

Jonathan D. Varat

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# UCLA Center for Environmental Law

**This spring, the Law School took a significant step forward toward its goal of establishing a comprehensive, multi-disciplinary Center for Environmental Law.** Dean Jonathan Varat accepted two major gifts from the Evan M. Frankel Foundation and Luanne Wells, widow of Frank G. Wells, the late President and Chief Operating Officer of the Walt Disney Company. To enable the law school to launch the Center officially, Dean Varat now needs to secure a matching grant of one million dollars by an April 2001 deadline.

The Center will be home to the highly regarded and thriving Frank G. Wells Environmental Law Clinic, the newly established Evan Frankel Environmental Law & Policy Program and an expanded concentration of environmental course offerings. The work of these programs will be supported by an Executive Director who is presently being recruited by the law school.

The lead gifts from the Evan Frankel Foundation and Luanne Wells will enable the School of Law to build upon the strong foundation of its environmental clinical work and fine faculty resources. Among our nationally prominent environmental law professors are Ann Carlson and Timothy Malloy who jointly direct the Wells Clinic; Jody Freeman, who specializes in designing flexible regulatory alternatives to traditional environmental laws; Jonathan Zasloff, a land-use specialist; and Kal Raustiala, who shares an appointment with the law school and the UCLA Institute of the Environment. Our Dean of Students, Elizabeth Cheadle '81, is chair of the Santa Monica Mountains Conservancy and also teaches Public Resources Law.

Through the Center the law school will bring interdisciplinary expertise to bear on the study of environmental laws, regulations and policies, diversify the environmental law course offerings and add a policy dimension to the law school's environmental mission. "These gifts, from Luanne Wells, in memory of her late husband, Frank G. Wells, and from the Evan Frankel Foundation, allow UCLA to operate a multi-disciplinary scholarly center that will make a positive impact on nearly every aspect of environmental law and policy here and far beyond our region," said Dean Jonathan Varat.

Since its inception in 1994, UCLA's Frank G. Wells Environmental Clinic has come to stand among the nation's most innovative environmental law programs. Led by Professors Ann Carlson and Timothy Malloy, the Clinic offers twelve to fourteen students each semester unparalleled lawyering opportunities to work under faculty direction on significant cases jointly with non-profit environmental groups as co-counsel. Clinic students have provided legal services on behalf of the Santa Monica BayKeeper, the Santa Monica Mountains Conservancy, and various community-based groups, frequently as co-counsel with the Natural Resources Defense Council (NRDC). The clinic was named for avid environmentalist Frank Wells, who was killed in a helicopter crash in April 1994. Among his many public service interests, he established a foundation, Environment Now, to fund worthy environmental causes.

The new Frankel Program will bring an interdisciplinary, policy oriented dimension to the Center that will enable the School of Law to develop relationships with environmental partners at UCLA, other UC campuses, and throughout the region in areas such as environmental sciences and engineering, public health, marine biology, occupational health, biology, urban planning and economics. The Program will bring expert advisors to assist the work of the Wells



Clinic and will integrate graduate students from other disciplines in clinic projects. It will also sponsor community outreach, and fund scholarly symposia at the law school, helping to make the UCLA School of Law a regional and national center for the study of environmental issues, international law and policy.

*Professor Ann Carlson and students in the Environmental Law Clinic survey pollution in Santa Monica Bay near the home of a few sea lions*

The Evan Frankel Foundation, founded in 1991, honors the late Evan Frankel, a businessman who grew up on New York City's Lower East Side, made deft real estate investments on Long Island, and became a leading protector of the environment and purveyor of multiculturalism in the Hamptons area of the island. The foundation's primary emphasis is in higher education, arts and humanities, human services, medical research and the environment.

In discussing the gift, Ernie Frankel commented, "The Frankel Foundation's gifts to UCLA reflect the two passions in my uncle's life. The first, establishing a Chair in the English Department, underscores his lifelong devotion to the Humanities. The grant to the Law School memorializes his passionate commitment to preserving and protecting the Environment. In a sense, these awards validate his life, linking his name forever with that of one of the world's great academic institutions, honoring his reverence for education, his respect for intellect, his pursuit of excellence, his belief that the purpose of life is to matter, to count, to stand for something, to have it make some difference that we lived at all."

In making her gift, Luanne Wells graciously explained, "It brings my family ongoing pleasure to know the wonderful accomplishments of the Frank G. Wells Environmental Law Clinic. We are honored to be able to participate, in some small way, by providing funds to establish the Professorship that will insure that the works of the Clinic and my husband's desire to support environmental activism will continue in perpetuity. To date the accomplishments of the Clinic have been significant and we are grateful for the opportunity to secure the Clinic's future."

## BUSINESS LAW PROGRAM

# lets students focus legal education on business practice

BY STEPHEN M. BAINBRIDGE



As the regulatory state has expanded, and legal systems become ever larger and more complex, demand for specialized legal expertise has increased significantly. At the same time, however, the evolving nature of the legal profession has meant that the apprenticeship of young lawyers has become ever shorter. In response to these developments and the resulting changes in the job market for young lawyers, the UCLA School of Law several years ago undertook a comprehensive revision and rationalization of the business law curriculum. Out of that project emerged a formal Business Law Concentration giving our students a unique opportunity to focus their legal education on specific aspects of business practice.

Any student in good standing may apply at the end of his/her first-year of law school for admission into the program.

Students who complete the program graduate with a special transcript/diploma certification. Completing the entire program generally requires students to take seven or eight courses chosen from the relevant field of specialization, which typically represents 21 to 25 credit hours out of the 90 required for graduation. The faculty believes this intensive specialization offers students the kind of sophisticated perspective on particular practice areas usually gained only after years of practice, because: (1) students concentrate on a particular area of interest; (2) courses in each area of specialization build upon each other; and (3) all students must complete a transactional course that offers some form of “hands-on” experience in counseling clients, structuring, negotiating and drafting documents in connection with sophisticated business transactions.

All students in the program must complete (or waive out of) four foundational courses: Federal Taxation; Business Associations; Accounting for Lawyers; and Financial Analysis and Legal Practice. In addition, the student must select a “core” in which to specialize. At present, five distinct cores are offered:

**Corporate Practice**, which focuses on corporate governance, corporate finance, and securities transactions. Courses available in this core include such longtime standards as Business Associations and Securities Regulation, but also include advanced courses in Corporate Finance, Mergers & Acquisitions, and Banking Law. This core is especially suitable

for students preparing for a transactionally-oriented corporate practice in law firms or in-house corporate counsel offices.

**Commercial Law and Financing**, which emphasizes commercial and bankruptcy law. Among the courses included in this core are: Secured Transactions, Bankruptcy, Payment & Credits, and Banking Law. This course is especially suitable for students intending to specialize in transactionally-oriented commercial lending, bankruptcy and real estate practices .

**Tax**, whose name is surely self-explanatory. Students enrolling in this core will take a variety of advanced tax classes, including Corporate Tax and Taxation of Partnerships. Both the transactional planning and litigation sides of tax practice are addressed by this core, as are the many regulatory policy issues raised by tax law.

**International Business**, our newest core, which may also be our most diverse core. Depending on the specific electives chosen by a student enrolled in this core, it could prepare one to work on such varied matters as international trade, private international dispute resolution, or taxation of international transactions. Students may also choose regional specializations including Asia, Europe, or the Islamic countries.

**General Business**, which is a residual curricular option for students who find that the other curricular cores do not meet their needs. It allows students to take a greater number of basic survey courses and, accordingly, fewer advanced specialized courses than permitted by the other cores.

Each core has one or more mandatory courses, plus one or more electives. The capstone of each core, however, is an intensive transactional course. These advanced courses offer skills development so as to prepare students to handle sophisticated business transactions ethically and competently.

Simulations and clinical exercises are a natural vehicle for integrating advanced instruction with training in lawyering skills. Hence, for example, an advanced seminar in mergers and acquisitions law might involve simulations that force students to integrate corporate law, taxation, securities law, and antitrust law in the course of structuring, negotiating, and drafting the documents necessary for the merger of two firms. Or an advanced securities law seminar might demand that the students structure, negotiate, and draft documents pertaining to an initial public offering or private placement, integrating securities law, corporation law, taxation, and commercial law with skills development. To facilitate the skills training process, these classes have very limited enrollments, which permit the instructors to provide close supervision. We are

fortunate to have both distinguished full-time faculty members with extensive practical experience in transactional law practices developing this clinical component to UCLA's business law curriculum, as well as a number of experienced and highly capable practitioners bringing their expertise to the law school by teaching such classes on an adjunct basis.

Despite the strong practical emphasis of the Business Law Concentration, the program does not neglect the theoretical foundations—especially economic principles—on which modern business transactions rest. In his well-known critique of modern legal scholarship, Judge Harry Edwards remarked: “Theory wholly divorced from cases has been of no use to me in practice.” Our business law faculty tends to agree with that criticism, but only so long as we put strong emphasis on the phrase “wholly divorced.” Theory brought to bear on specific legal issues often can be quite illuminating, as most of our courses seek to illustrate.

Although individual faculty approaches vary, it is fair to say that our business law faculty increasingly are bringing the insights of economic analysis to bear on the legal problems addressed both in their scholarship and classroom discourse. Indeed, law and economics remains the most successful example of intellectual arbitrage in the history of corporate jurisprudence. It is virtually impossible today to find serious business law scholarship that is not informed by economic analysis. Even those scholars who reject economic analysis spend much of their time responding to those who practice it. Perhaps the most telling evidence of the success of law and economics in business fields, however, is that leading judicial opinions are increasingly filled with its jargon. One could not argue a bankruptcy, corporate, or tax case before such economically sophisticated judges as Richard Posner or Frank Easterbrook without possessing a fair bit of economic sophistication oneself.

I hasten to reassure the potentially worried reader that nobody on the UCLA faculty regards the business law classroom as an appropriate forum for the sort of recreational mathematics that has become fashionable in some avant-garde scholarly circles. We teach law students—not graduate finance or economics students. Economic analysis (or any other sort of theoretical analysis, for that matter) is done solely qualitatively—no mathematical models or formal game theory—and kept as intuitive as possible. Even more important, economic analysis is never done for its own sake—it is brought into play gradually and only in instances where it adds significant value.

# Connected Contracts

SUMMARY OF AN ARTICLE

BY G. MITU GULATI,

WILLIAM A. KLEIN

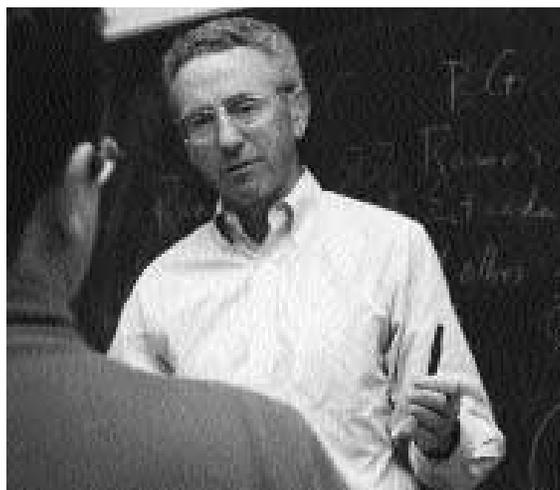
AND ERIC M. ZOLT

THAT APPEARED IN

UCLA LAW REVIEW,

VOL. 47, NO. 4,

APRIL 2000, PP. 887-948



William Klein, Maxwell Professor of Law Emeritus, teaches and writes in the fields of federal income taxation and business organizations. Professor Klein recently co-authored *Cases and Materials on Business Associations: Agency, Partnerships, and Corporations* (4th ed., Foundation Press, 2000), with Stephen Bainbridge and J. Mark Ramseyer; *Cases and Materials on Federal Income Taxation* (12th ed. Aspen Law & Business 2000), with Joseph Bankman and Daniel Shaviro; and *Business Organization and Finance: Legal and Economic Principles* (7th ed. Foundation Press 2000), with John C. Coffee, Jr. His recent articles include Investment Alternatives and Tax Vehicles: Accumulations and Payouts Compared, 78 *Tax Notes* 1707-12 (1998), and High-yield ("Junk") Bonds as Investments and as Financial Tools, 19 *Cardozo Law Review* 505-10 (1997).

**S**tudy of the organization of economic activity by legal scholars has focused largely on shareholders, directors, managers, and corporations. For decades, the central problem of what is called "corporate governance" has been the separation of ownership and control and the conflict of interest between owners and managers—the problem more recently referred to by the phrase "agency costs." The traditional model is essentially hierarchical, with managers owing fiduciary obligations to shareholders, and with managers in turn handing down directions to workers within large firms that integrate many activities. That model is consistent with Alfred Chandler's once dominant view of the economic organization of large, centralized, hierarchical firms. It is also consistent with reification of the corporation and with simplistic notions of ownership, concepts that have proved extremely useful in developing legal doctrine but that now may prove to yield, at least at the margins, results that are not satisfactory.

The traditional mode of thinking is also compatible with the reality of the organization of law school curriculums: the need to divide the study of law into manageable segments, with insufficient opportunity to relate subjects to one another and to take a broad view of the organization of economic activity. Courses often focus largely on state corporation codes, paying little attention to privately drafted documents and to economic relationships, or to the impact of other legal regimes such as employment law or bankruptcy law. Moreover, in the traditional model, ultimate control is assigned to shareholders and their elected representatives, and whether or not they have a more sophisticated model in mind, judges often seem to treat the shareholders' legal entitlement to control as uncontroversial, except perhaps at the margins of insolvency.

Meanwhile, among economists, the finance experts have focused on problems of management, with managers hiring capital from contributors of equity, debt, and hybrids. Economists in the field of industrial organization have been concerned with efficiency and with the seemingly abstract issue of why economic activity is sometimes organized within firms and sometimes across markets, a dichotomy whose utility has become increasingly questionable over time. Neither group of economists, however, has paid much attention to the details of the system of laws, contracts, and quasicontractual and noncontractual relationships that are the guts of economic activity, at least for practicing lawyers.

Recent years have witnessed the arrival of a freshening metaphor, nexus of contract, which may now be the dominant perspective among legal scholars. We view this as progress, but because of the relatively narrow conception this metaphor has come to represent, and the implicit notion of a core or centralizing entity, we go a step further with a connected contracts model. In this model there is no primacy, no core, no hierarchy, no prominent participant, no firm, no fiduciary duty. Instead, there is a set of interrelated agreements or relationships among all participants in an economic activity—equity holders, debt holders, managers, workers, suppliers, and customers.



Eric Zolt's research and teaching interests are in individual, corporate and international taxation and the tax systems of transitional economies. Beginning in July, 2000, he will take a two-year leave from UCLA School of Law to become the Director of the International Tax Program at Harvard Law School.



Gaurang Mitu Gulati teaches in the areas of business associations and securities regulation. Professor Gulati's recent articles include: *Working Identity* (with Devon Carbado), *Cornell Law Review* (forthcoming, 2000), *When Corporate Managers Fear a Good Thing is Coming to an End: The Case of Interim Nondisclosure*, 46 *UCLA Law Review* 675-756 (1999), and *On Not Making Law* (with Catherine McCauliff), *Journal of Law & Contemporary Problems* 157-227 (1998).

The model encourages attention to documents as well as codes, to relationships as well as laws.

This conceptualization might be better understood when applied to a real-world example. Consider a start-up Internet company that seeks to build web sites that will attract a community of followers and then to expose that community to enough advertising and to sell them enough products so that the company will rake in hefty profits. The founders serve as officers and as members of the board of directors and hold substantial stock ownership, both in shares and in options. Venture capital funds hold common and preferred stock and warrants and have board representation. A major Internet service provider is responsible for a significant percentage of the company's Internet traffic. It also has substantial stock ownership, holds convertible debt and a seat on the board, and has a substantial equity investment in a major rival of the company. A major content provider also has a significant stock ownership position and board representation. The company generates a substantial percentage of its revenue through barter arrangements whereby it exchanges advertising space on its web site for advertising space on another web site.

We contend that traditional hierarchical models of the firm or the nexus of contracts variations will fail to capture the complex relationships between and among the participants in this Internet venture and that legal rules based on simple models of the firm may provide results that are not satisfactory. In many modern ventures with dispersed claims and control it becomes futile to try to map out the boundaries of the firm or to apply traditional corporate law labels or concepts. Whether any particular firm is closer to the Internet company or to the traditional, large hierarchical corporate structure is, of course, simply a question of fact. It is worth noting, however, that even General Motors and Ford Motor Company, which are often thought of as paradigms of the traditional hierarchical structure, have nontraditional equity structures and have restructured operations in such a way that the boundaries of the firms are no longer clearly demarcated. At an extreme, these boundaryless structures are often referred to as "virtual."

Connected contracts can also be useful in thinking about more traditionally organized economic activities and might open new possibilities for legal rules. For example, consider the rules for piercing the corporate veil and, more broadly, for derivative or vicarious liability. To date, not only the narrow legal rules but also the policy arguments have focused almost exclusively on the possibility of shareholder liability or on the possibility of subordinating the claims of voluntary creditors to those of tort creditors. From the connected contracts perspective, this focus is far too narrow. The idea of holding shareholders liable seems to be derived in large part from traditional notions of shareholders as owners. Part of the general thinking associated with connected contracts is a challenge to the utility, and even the meaningfulness, of "ownership" as applied to complex, or even not so complex, economic activity.

An important element of any business relationship is the allocation of control. Control is related to and affected by risk, return, and duration, but for present purposes a focus on control as such effectively illustrates and applies the broader connected contracts approach. We narrow the focus of allocation of control even further by examining “variance control”—the power or right to alter the variance of expected outcomes of the common endeavor.

That analysis forms the basis for a broader inquiry into allocation of control and into conclusions that may be inconsistent with traditional thinking and that, to that extent, may offer new insights and new testable propositions.

The value of the connected contracts mode of thinking, like any other model or metaphor, should be judged by reference to some set of criteria. Because we are not aware of any canonical list, we devised our own, though tentatively and with considerable diffidence. Connected contracts is certainly not the only way of thinking about the organization of economic activity. It may not be the best way. One of the ironies of the use of models is that, because they are used to identify and help to solve problems, if they are successful they outlive their usefulness. The old problems get solved, and the new problems often require new models. Moreover, the usefulness of a model changes with changes in the reality that it seeks to portray. It is entirely appropriate that there be a competition among models and that the gold medal pass from one to another over time. But the role of models and the need for competition among them deserves conscious recognition.



*Professor Eric Zolt hosted Miles Gilburne (right), Senior Vice President of AOL.COM, to lecture to the students enrolled in the joint JD/MBA program. The class was held at UCLA's Anderson School of Management.*

# Textualism's Failures in Statutory Interpretation

BY DANIEL J. BUSSEL

Daniel Bussel's primary research and teaching interests are in bankruptcy, contracts and commercial law. He has also taught copyright law. Professor Bussel is co-author, with Arthur Rosett, of *Contract Law and Its Application*, 6th ed. (Foundation Press, 1999), and co-author, with William Warren, of *Bankruptcy*, 5th ed. (Foundation Press, 1999). His recent articles and chapters include Textualism's Failures: A Study of Overruled Bankruptcy Decisions, 53 *Vanderbilt Law Review* 887 (2000); Current Developments in Postpetition Interest and Bidding Procedures, in *21st Annual Current Developments in Bankruptcy and Reorganization 1999*, Volume 2, pp. 7-26, New York: PLI (1999); Seminole Tribe: Year Three Damage Assessment, *Los Angeles County Bar Association, Commercial Law Bankruptcy Section Newsletter* (Apr. 1999); Current Developments in American Bankruptcy Law: Reforming Consumer Bankruptcy, 25 *Journal of Japanese Institute of International Business Law* [Kokusai Shoji Homu] pt 1, 926-34, pt. 2 1073-81 (1997); and Coalition Building Through Bankruptcy Creditors' Committees, 43 *UCLA Law Review* 1547-633 (1996).

**b**usiness lawyers are in the business of interpreting statutes. Effective representation of business clients requires lawyers to ascertain the meaning of an enormous array of complex tax, regulatory and commercial legislation, often despite an absence, in the memorable words of Vice-President Gore, of "controlling legal authority." Over the last 10-15 years there have been strong pressures from the Supreme Court, other appellate courts, and some academic quarters to adopt "textualist" or "plain meaning" approaches to problems of statutory construction rather than traditional contextual or pragmatic approaches that give substantial weight to legislative purpose and an assessment of the policy implications of competing interpretations. The "new textualists" reject pragmatic interpretation on grounds of a lack of judicial competence to assess legislative purposes and policy implications and a lack of legitimacy in deviating from the "plain meaning" of statutes.

In "Textualism's Failures," 53 *Vanderbilt Law Review* 887 (2000), I study the comparative efficacy of textualist and pragmatic statutory interpretation techniques. Analysis of the 58 United States Bankruptcy Code decisions subsequently overruled by statute in the last twenty years demonstrates to an unusually high degree of statistical certainty ( $p < .001$ ) that textualist, rather than pragmatic, decisions are the ones that Congresses overrule by statute. Moreover, the study shows that correcting interpretive errors by amending the Bankruptcy Code is costly, time-consuming, inefficient and often ineffective or counterproductive in part or in whole. To the extent that the goal of statutory interpretation is the rational and efficient development and administration of complex statutory schemes in a manner consistent with democratically selected policy goals, the evidence from this study of bankruptcy cases strongly bolsters the case for adopting traditional pragmatic interpretive techniques. Textualists, it appears, have greatly overrated the institutional competencies of legislatures and underrated those of courts.



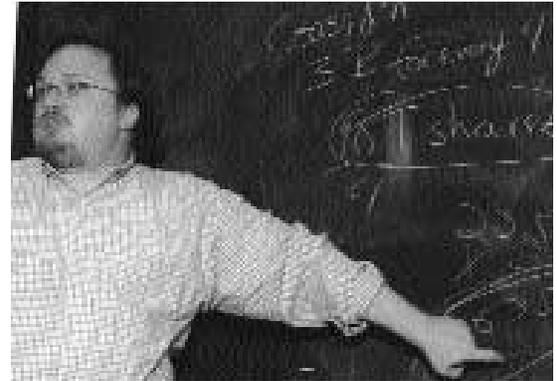
# Mandatory Disclosure: A Behavioral Analysis

BY STEPHEN M. BAINBRIDGE

Stephen Bainbridge teaches Business Associations, Corporate Finance, Securities Regulation, Mergers and Acquisitions, and Corporate Governance. Professor Bainbridge's writings focus on the law and economics of public corporations. His recently published texts include: *Securities Law-Insider Trading* (Foundation Press, 1999), *Cases and Materials on Business Associations: Agency, Partnerships, and Corporations* (Foundation Press, 4th ed. 2000), which he co-edited with William A. Klein and J. Mark Ramseyer, and *Business Associations: Agency, Partnerships, and Corporations: Statutes and Rules* (Foundation Press, 2000), also co-edited with Klein and Ramseyer. His most recent law review articles include: *Insider Trading Regulation: The Path Dependent Choice between Property Rights and Securities Fraud*, 52 *SMU Law Review* 1589 (1999), *Corporate Decisionmaking and the Moral Rights of Employees: Participatory Management and Natural Law*, 43 *Villanova Law Review* 741 (1998), which he gave as Villanova's Gianella Memorial Lecture, and *Privately Ordered Participatory Management: An Organizational Failures Analysis*, 23 *Delaware Journal of Corporation Law* 979 (1998).

My scholarship includes books and articles on a variety of issues, but my first love remains the law and economics of public corporations. At the core of my scholarly agenda thus is economic analysis of issues in corporate governance and securities regulation. In a recent article, *Mandatory Disclosure: A Behavioral Analysis*, which is forthcoming in a symposium issue of the *University of Cincinnati Law Review*, I extend my usual neoclassical economic approach to include new insights from cognitive psychology and experimental economics. Having thus expanded the array of tools available, I apply them to a central problem in the regulation of corporations; namely, the issue of mandatory disclosure.

Mandatory disclosure is a—maybe the—defining characteristic of U.S. securities regulation. Issuers selling securities in a public offering must file a registration statement with the SEC containing detailed disclosures and thereafter comply with the periodic disclosure regime. Although the New Deal-era Congresses that adopted the securities laws thought mandated disclosure was an essential element of securities reform, the mandatory disclosure regime has proven highly controversial among legal academics—especially among law and economics-minded scholars. Some



scholars argue market forces will produce optimal levels of disclosure in a regime of voluntary disclosure, while others argue that various market failures necessitate mandatory disclosure. Both sides in this debate assume that market actors rationally pursue wealth maximization goals. In contrast, this paper draws on the emergent behavioral economics literature to ask whether systematic departures from rationality might result in a capital market failure necessitating government regulation.

As with any model claiming predictive power, law and economics rests on a theory of human behavior. Specifically, neoclassical economics is premised on rational choice theory, which posits decisionmakers who are autonomous individuals who make rational choices that maximize their satisfactions. Critics of the law and economics school have long complained that rational choice is, at best, an incomplete account of human behavior.

The traditional law and economics response is that rationality is simply an abstraction developed as a useful model of predicting the behavior of large numbers of people and, as such, does not purport to describe real people embedded in a real social order. A theory is properly judged by its predictive power with respect to the phenomena it purports to explain, not by whether it is a valid description of an objective reality. Indeed, important and significant hypotheses often have assumptions that are wildly inaccurate descriptive representations of reality. Accordingly, the relevant question to ask about the assumptions of a theory is not whether they are descriptively realistic, for they never are, but whether they are sufficiently good approximations for

the purpose in hand. Until quite recently, empirical research tended to confirm that the rational choice model of human behavior is a good first approximation of how large numbers of people are likely to behave in exchange transactions.

Over the last 10-15 years, however, a new school of economic analysis has emerged that challenges the rational choice model precisely on its predictive power. Empirical and laboratory work by cognitive psychologists and experimental economists has identified a growing number of anomalies in which behavior appears to depart systematically from that predicted by rational choice. Some of the more important examples of these decisionmaking biases include:

Herd behavior: Why do lemmings leap off that cliff in Norway? What explains fads like Beanie Babies and Pokémon? Herd behavior occurs when a decisionmaker imitates the actions of others, while ignoring his own information and judgment with regard to the merits of the underlying decision.

The status quo bias: All else being equal, decisionmakers favor maintaining the status quo rather than switching to some alternative state. The status quo bias can lead to market failure where decisionmakers' preference for the status quo perpetuates suboptimal practices.

The extent to which behavioral economics calls into question more traditional modes of economic analysis remains sharply contested. At the very least, however, it seems clear that attention must be paid to the possibility that behavioral analysis sheds light on policy issues.

As noted, my article was motivated by the possibility that a behavioral analysis might tell us whether government ought to mandate disclosure. The inquiry focuses on a thought experiment: Suppose we lived in a world in which the government did not mandate disclosure; instead, issuers can decide between voluntarily providing disclosure or following the rule of caveat emptor. Standard economic analysis predicts that issuers will voluntarily provide optimal levels of disclosure. Because investors value disclosure, and are willing to pay more for the securities of firms that provide such disclosure, issuers who provide it benefit from a lower cost of capital. My article asks whether well-established behavioral phenomena might cause sub-optimal disclosure practices to prove more "sticky" than conventional rational choice theory predicts.

In the interests of brevity, I focus here on only one of several candidate phenomena identified in my article; namely, the status quo bias. The existence of such a bias is well-documented in the experimental economic and psychological literature. Many empirical demonstrations of this decisionmaking bias have focused on the so-called endowment effect. Subjects commonly place a higher monetary value on items they own than on those that they do not own, even if the two items have the same market value. Accordingly, subjects must be paid more to give up something than they would be willing to pay to acquire the same object.

The classic demonstration of the endowment effect variant of the status quo bias was a laboratory experiment in which students were initially endowed either with a coffee mug or six dollars cash. Mug holders were asked to identify the minimum



"Few law schools can match the faculty talent that UCLA enjoys in the Business Law field. And we have attracted a number of outstanding additions in very recent years.

Among the nationally recognized scholars in this area who have joined our faculty recently are: Stephen Bainbridge (Corporate Law), Kenneth Klee (Bankruptcy), and Lynn LoPucki (Commercial Law and Bankruptcy).

Rising young stars are: Khaled Abou El Fadl (Islamic Law), Mitu Gulati (Corporate Law), Randall Peerenboom (Chinese Law), Kirk Stark (Taxation), and Richard Steinberg (International Trade).

The future of Business Law teaching and scholarship at UCLA is very bright."

*Former Dean and Professor  
William Warren*

*Professor Warren is the  
Richard C. Maxwell  
Professor of Law, Emeritus*

amount they would accept to sell the mug, while cash holders were asked to specify the maximum amount they would be willing to pay to purchase a mug. Subjects were told that a market-clearing price would be determined and trades executed between mug holders willing to accept that amount and cash holders willing to pay that price. It turned out that the price demanded by mug holders was about twice that cash holders were willing to pay, so that very few trades took place.

Tests of the endowment effect demonstrate that the status quo bias is somewhat sticky. In the classic coffee mug experiment, subjects participated in several trading rounds, an experimental design intended to permit learning to take place over successive trials. The substantial difference between mug holders' willingness to accept price and cash holders' willingness to pay price nevertheless persisted. In my thought experiment, it thus seems plausible that a status quo of suboptimal disclosure might likewise prove persistent (sticky).

Various explanations have been proffered for the status quo bias, the most commonly accepted of which is loss aversion. People evaluate the utility of a decision by comparison to some neutral reference point. Changes framed in a way that makes things worse (losses) loom larger in the decisionmaking process than changes framed as making things better (gains)—even if the expected value of the two decisions is the same. Hence, a loss averse person (as are most people) is more perturbed by the prospect of losing \$100 than pleased by that of gaining \$100. A bias towards the status quo is a natural result of loss aversion, because decisionmakers give the disadvantages of change greater weight than any potential advantages.

If loss aversion is the principal explanation for the status quo bias, however, that bias assumes less importance in my thought experiment than might otherwise be the case. First, the decision to disclose or not disclose firm financial information to investors is a rather different one than the decision to give up a tangible asset with which one has been endowed. What loss is suffered by a corporate manager who decides to buck the nondisclosure status quo? Losses resulting from a shift to expansive disclosure will be felt, at least in the first instance, by the firm and not the managers who decided to disclose.

Second, if loss aversion were endemic, capital markets could not exist. Loss aversion primarily affects owners of goods bought for consumption rather than investment. In an investment transaction, such as the disclosure and investment decisions at issue in our thought experiment, the seller does not experience a loss when trading. Similarly, buyers do not perceive the money spent on such purchases as a loss. Accordingly, the status quo bias should not prevent firms from shifting from a status quo of nondisclosure to a new regime that provides optimal levels of disclosure.

Finally, loss aversion does not imply that decisionmakers will never accept the risk of losses, but only that they will demand a premium for bearing that risk. The status quo bias likely has effects only at the margin. Hence, if investors value disclosure but managers' loss aversion perpetuates a nondisclosure status quo, investors should be able to overcome managerial inertia by paying a premium for securities of corporations that provide optimal disclosure. As such, the status quo bias is not inconsistent

with the standard economic model's claim that a regime of voluntary disclosure will lead to full disclosure. At most, the status quo bias simply implies that the premium investors must pay for disclosure will be higher than the rational choice-based model predicts. In other words, if there is a market failure here, it is a relatively low magnitude one. In turn, this implies the need for (at most) a very limited form of legal intervention designed to shift the status quo from one of nondisclosure to disclosure. Once the status quo has shifted, the premium will disappear, and the new disclosure-oriented status quo would become self-perpetuating. At that point, which may describe the current U.S. situation, the justification for continued legal intervention would dissipate.

There appears to be little evidence that the status quo bias is a serious problem in U.S. capital markets. To the contrary, the experimental evidence arguably implies that the endowment effect does not result in capital market failure. Recall that the endowment effect is well-documented in the laboratory experiments involving students trading coffee mugs. Instructively for the capital market, however, the endowment effect appears to vanish when people do not physically possess the commodity in question. Subjects trading tokens or vouchers demonstrate only a weak endowment effect. Because securities transactions more closely resemble the token or vouchers context than experiments involving physical possession of a tangible commodity, these results call into question the extent to which the status quo bias results in capital market failure.

Does this sort of theoretical analysis have practical implications? (Does it have to?) Theory brought to bear on specific legal issues often can be quite illuminating, as I hope my article demonstrates. In particular, the analysis sheds light on several currently important regulatory issues. The SEC is currently considering proposed disclosure reforms that would somewhat reduce the regulatory burden imposed by the mandatory disclosure regime. By showing that issuers can be expected to provide optimal levels of disclosure voluntarily, my research strongly supports such reforms. The analysis suggests the SEC can deregulate disclosure without substantially harming the interests of either issuers or investors.

# Transactional Class Turns Recruits Into Negotiators

BY KENNETH KLEE

Kenneth Klee is an expert on bankruptcy law. Professor Klee co-authored *Business Reorganizations in Bankruptcy: Cases and Materials, 2nd ed.* with Mark Scarberry, et al (West, 1996). He co-edited *Fundamentals of Bankruptcy, 4th ed.* with George Treister et al (ALI-ABA, 1996), and co-edited *Norton Bankruptcy Law and Practice, 2nd ed.* (Clark Boardman Callaghan, 1993). His recent articles and chapters include *State Defiance of Bankruptcy Law* (with James O. Johnson and Eric Winston), 52 *Vanderbilt Law Review* 1527-95 (1999); *The Effect of Bankruptcy on Intellectual Property Rights* (with Isaac Pachulski, David Fidler and Eric Watson), *ALI-ABA Course of Study 69* (1998); *Dealing with the Government: Sovereign Immunity, Eleventh Amendment, and Bureaucratic Impunity* (also with James O. Johnston and Eric Winston), *ALI-ABA Course of Study 159* (1998); *Recent Developments in Valuation of Secured Claims for Cram Down Under §1129(B)* (with Mareta C. Hamre), *ALI-ABA Course of Study 139* (1998); *Barbarians at the Trough: Riposte in Defense of the Warren Carve-Out Proposal*, 82 *Cornell Law Review* 1466-82 (1997); and *Restructuring Individual Debts*, 71 *American Bankruptcy Law Journal* 431-51 (1997).

Creating Value Through Renegotiating Business Agreements, a six-unit simulated clinical course I taught this spring, has been called “Deals Boot Camp.” Students work hard, but those who graduate and pursue a transactional, corporate, or real estate practice, report that the skills they learned through the rigorous exercises of this class catapult them ahead of their colleagues by at least a year or two. Students may begin the semester raw and naïve, but 15 weeks later, they emerge as talented negotiators. They not only have a better understanding of how to do deals and the components of successful negotiations, but their experience lands them better assignments as beginning associates.

The course, developed in 1997, is largely self-selecting due to the demands I make of the students. It carefully blends negotiation theory and practice, and is based on my 25 years of experience as a transactional lawyer. Students learn by reading and by doing. They acquire problem-solving skills that grow and are fine-tuned as they move

from commercial lease negotiations to credit agreement negotiations to a concluding three-way exchange offer/indenture negotiation. In between, students learn valuation techniques and legal skills that give them the tools to cut deals. They also focus on nonverbal gestures and verbal leaks, ethical prob-



lems, gender, ethnicity and culture, and agency problems that inhere in negotiations. Each simulated negotiation involves student representation of outside professionals who role-play “clients.” The clients differ in personality and have preprogrammed characteristics that create unanticipated ethical dilemmas for the students. Students usually work in teams of two. Toward the conclusion of the course, class sessions focus on the ethical and agency problems that students have lived through during this course.

Students prepare strategy memoranda in advance of the negotiations and post-mortem memoranda or questionnaires at the conclusion of their negotiations. They learn which techniques transfer from one medium to another and which are deal-specific. At the end of the course, students reflect on over sixty paradigms they have learned to create value and solve problems.

After they graduate, I continue to keep in contact with many of my students. I am thrilled each time I hear from my former students, and honored that this course has made a positive impact on their professional lives.

# Environmental Law



BY TIMOTHY MALLOY

Timothy Malloy teaches environmental law and, with Professor Ann Carlson, co-directs the Law School's Frank G. Wells Environmental Law Clinic. Professor Malloy is the author of *Once More Unto the Breach: The Regulation of Hazardous Waste Recycling*, 7 *Villanova Environmental Law Journal* 1-50 (1996).

ask a law student to describe the practice of environmental law, and you are likely to hear references to cost recovery litigation under Superfund or citizen suits under the Clean Water Act. These examples are clearly important parts of environmental law, yet they represent just one part of the complex and sometimes elegant mix of public policy issues, legal concepts and technical regulations comprising modern environmental practice. Although the rapid growth of environment law through the 1970's and 1980's has slowed somewhat, environmental practice has become a recognized and often critical aspect of "mainstream" business law, taking its place along with tax, securities law, real estate finance, bankruptcy and other practice areas.

Recognizing the importance of environmental issues in many types of business transactions, we recently added a new clinical course at the Law School: Environmental Aspects of Business Transactions. The course is one of several "transactional" courses offered as part of the Business Law Curriculum, and just one of many offerings in the environmental law area.

In teaching the course, I center on the simulated sale of an actual natural gas processing plant, which raises a host of environmental issues to be resolved and integrated into the larger transaction. For example, all parties to the transaction (buyer, seller, and lender alike) are concerned about known and unknown liabilities resulting from on-site and off-site contamination. Likewise, issues often arise concerning the past, current and even future compliance by the facility with regulatory programs aimed at air and water pollution, and hazardous waste management. The transaction thus provides an excellent context in which students can learn some of the substantive knowledge and practical skills needed by lawyers practicing in the fields of business, real estate and environmental law.

I begin the course by exploring the role of the transactional attorney. Next, the students are broken into "buyer" and "seller" teams. The students handle all the environmental aspects of the transaction, including evaluation of due diligence results and negotiation of the environmental agreement. We focus on the identification, evaluation, allocation and management of risks and opportunities in the transactional setting. Using environmental law as the context, students explore various techniques for reducing and managing risk, such as cost-sharing provisions, indemnifications, and third-party insurance. As "transaction cost engineers," students reduce information and decision costs that might otherwise slow down or block consummation of the transaction.

This course, and in large part the clinical program more generally, are built upon two principles: that most legal skills are transferable across practice areas and that such skills are best learned through repetition in increasingly more complex settings. Accordingly, the course provides students with basic paradigms for dealing with risk and for drafting and negotiating agreements. Students then apply those paradigms to various parts of the transaction, with successive parts becoming more and more complicated. Along the way, students receive feedback from their respective "clients," forcing them to adapt to sometimes shifting client goals and direction and to respond to issues of professional responsibility. By blending substantive law, drafting skills and negotiation skills in one "transaction," the course offers each student the opportunity to develop as a lawyer holistically.

# Islamic Law at the UCLA School of Law

BY KHALED ABOU EL FADL



Khaled Abou El-Fadl is the Omar & Azmeralda Alfi Distinguished Fellow in Islamic Law. In addition to Islamic law, Professor Abou El Fadl also teaches immigration law, and is preparing to teach a course on law and terrorism, which will be focused on the civil rights and human rights implications of international and domestic responses to terrorism. He is the author of *The Authoritative and Authoritarian in Islamic Discourses*, 2nd ed. Revised and Expanded. (Dar Taiba, 1997). His most recent articles and chapters are: *The Rules of Killing at War: An Inquiry into Classical Sources*, LXXXIX *The Muslim World* 144-57 (1999); *Striking the Balance: Islamic Legal Discourses on Muslim Minorities in Muslims on the Americanization Path?* (Scholars Press, 1998); *Political Crime in Islamic Jurisprudence and Western Legal History*, 4 *UC Davis Journal of International Law & Policy* 1-28 (1998); and *Muslims and Accessible Jurisprudence in Liberal Democracies: A Response to Edward B. Foley's Jurisprudence and Theology*, 66 *Fordham Law Review* 1227-31 (1998).

Islamic law, my main scholarly focus, exercises a powerful influence on one-third of the world's nation-states. Although the genesis of Islamic law is in a religious creed, Islamic law has developed a sophisticated system of legal doctrines that continue to affect the legal systems of most Muslim countries. Islamic law does not only deal with ritual and worship but addresses criminal, civil and commercial laws. Most students interested in the Islamic legal system will elect to take one course in the field. However, students who wish to pursue a concentration in the field will undertake a systematic course of study in the rules and methodology of Islamic law.

At the level of positive rules, students will take a course on investment in the Muslim world. This course tends to focus on the Arabic speaking countries but it also addresses non-Arab countries such as Pakistan and Iran. This course examines legal issues that arise in the context of doing business in the Muslim world. We cover issues related to banking and finance, joint ventures, agency, remedies and enforcement of foreign judgments. The course examines the practice of Islamic banking and other Islamic investment institutions. We also spend a considerable amount of time on arbitration and dispute resolution methods. Finally, we study issues related to labor law and employment discrimination. Students who complete this course and wish to pursue further study in the field will undertake independent research with me in which they will analyze and draft legal documents. Many students elect to do advanced research on arbitration, banking or joint ventures.

At the level of methodology, students will take the introductory course on Islamic law. This course focuses on the jurisprudential theories of Islamic law, and the process by which these theories influence Islamic legal doctrine and the formation of rules. Students develop a competence in understanding the impact of the various jurisprudential schools of thought upon the nature of Islamic law in the contemporary age. Students also may take a course on Islamic and Jewish law, co-taught with Professor Arthur Rosett, or a course on Islamic law and human rights. Both these courses are heavily oriented towards understanding the impact of jurisprudential methodology upon legal interpretation and the production of rules. The most important lesson taught to students in these courses is to apply the analytical skills which they acquire in the course of their studies at law school to unfamiliar legal doctrines. The fact that the Islamic legal system is unfamiliar to most does not mean that a student should suspend his or her analytical skills in approaching a foreign or alien subject.

Islamic law is one of the main legal systems in the world today. It is to the credit of UCLA School of Law that it has recognized this fact and facilitated the opportunity for law students to gain knowledge and competence in the field. Furthermore, there are a considerable number of American and British law firms doing business in Muslim countries. The next step is to attract these law firms to hire from our talented pool of students in the field.

# Seek Truth from Facts: Empirical Legal Research in the PRC

BY RANDALL PEERENBOOM



Randall Peerenboom is an expert in Chinese law. Professor Peerenboom's recent writings include: *The Limits of Irony: Rorty and the China Challenge*, 50 *Philosophy East & West* (forthcoming, 2000); *Beyond Apologia: Respecting Legitimate Differences of Opinion While Not Toadying to Dictators* (responding to comments from Richard Rorty), 50 *Philosophy East & West* (forthcoming, 2000); *A Missed Opportunity? China's New Contract Law Fails to Address Foreign Technology Providers' Concerns*, 13 *China Law & Practice* 83-87 (1999) [expanded version reprinted in *East Asian Executive Reports* (1999), and in *An Insider's Guide to the PRC Contract Law* (Asia Law & Practice, forthcoming, 2000)]; *The Legal Profession*, in *Doing Business In China* (Juris Publishing, 1999); *Wholly Foreign-owned Enterprises*, in *Doing Business In China* (Juris Publishing, 1999); and *Ruling the Country in Accordance with Law: Reflections on the Rule and Role of Law in China*, 11 *Cultural Dynamics* 315-51 (1999). He is also the author of *Lawyers in China: Obstacles to Independence and the Defense of Rights* (Lawyers' Committee on Human Rights, 1998).

Since 1993, the People's Republic of China has been the second most favored destination for foreign capital after the United States. China trade accounts for more than 50,000 jobs in California alone. Yet foreign investors are often forced to make momentous decisions based on limited information about key commercial and legal risks.

For instance, nothing frustrates parties more than to discover after prevailing at a hard fought and costly arbitration that the arbitral award cannot be enforced. Parties want money, not a piece of paper. The enforceability of an award will influence an investor's decision whether to settle, arbitrate or litigate, where to arbitrate and perhaps in some cases whether to invest at all. Unfortunately, foreign parties doing business in the PRC have had to make such important commercial decisions based on very little reliable evidence about the enforceability of awards in China.

Even the available anecdotal evidence has been surprisingly scanty. Many of the most extreme claims about the hazards of enforcing arbitral awards in China have been based largely on a single widely reported case. Despite the lack of a firm empirical foundation, this case led disgruntled investors and news reporters to sound a general alarm.

As a practicing attorney in Beijing, I regularly was put in the uncomfortable position of having to advise clients about enforcement risks. Accordingly, I decided in 1996 to do an empirical survey of the enforcement of arbitral awards in China. Beyond the obvious commercial significance, the project promised to shed light on a number of other important issues, such as China's progress toward the rule of law, the likelihood that China will be able to comply with its obligations under World Trade Organization provisions, the relationship between law and economic development, and in particular, the importance of enforceable property rights to investors.

Although the meaning of the rule of law is contested, at minimum it entails a system of laws that are fairly implemented, with institutions capable of enforcing the law and withstanding pressure from government officials or Party cadres. To what extent are the difficulties encountered in enforcing arbitral awards attributable to shortcomings in the system of laws itself? Are the problems more institutional in nature? Do the courts lack sufficient authority to enforce the award over the objections of local government officials or Party members? What is the role of the Party with respect to enforcement of arbitral awards? How often do Party members become involved in specific cases? When they become involved, do they help or hinder enforcement? Further, the rule of law assumes that awards will be enforced or refused enforcement in accordance with law rather than on the basis of extralegal factors such as *guanxi* (personal relationships) with the judges or key government or Party officials or through outright bribery and other forms of corruption. What role do *guanxi* and corruption play in enforcement cases?

I was also hoping to gain some insights into one aspect of a seeming paradox. Advocates of rule of law and orthodox neo-classical economists alike have argued that sustainable economic development requires the rule of law and in particular clear and

enforceable property rights. But China seems to have had tremendous economic growth without either.

One theory maintains that rule of law and enforceable property rights are not as important as generally believed because there are substitutes that provide the certainty required by investors. Specifically, investors in China are able to rely on a “rule of relationships” rather than the rule of law. But do relationship-based substitutes really provide an adequate alternative to ensure arbitral award enforcement? Or do they hinder enforcement?

The experiences of other Asian countries that enjoy some degree of rule of relationships tend to suggest that exclusive reliance on a rule of relationships will not be sufficient to sustain long-term growth. Indeed, of the Asian countries that have experienced sustained growth, most have enjoyed legal systems that comply with minimal rule of law standards. Although the political regimes may not have been democratic and the legal system may not have provided much protection for civil and political rights in some cases, the Asian countries that experienced economic growth generally scored high with respect to the legal protection of economic interests.

Is China somehow an exception to the general rule? Foreign investment has been a significant factor in China’s growth in recent years. But why would investors continue to pour money into China, and to enter with PRC entities into contracts calling for arbitration, if the likelihood of enforcement were as low as many of the more alarmist media reports alleged? I hoped to find out.

A few months into the project, it suddenly dawned on me why there were so few systematic studies not only of arbitral award enforcement in the PRC but of how Chinese law operates more generally: doing empirical research in China is extremely difficult.

I had begun the project by working with a senior member of the China International Economic and Trade Arbitration Commission (CIETAC) and a judge from the Supreme People’s Court. The original design of the project had involved two stages. First, we would obtain basic information about enforcement cases by surveying lower level courts. We would then follow up with in-depth interviews of the parties, lawyers and the judges handling the case to ensure that we obtained the “real story,” as it were.

Having already obtained outside funding for the project, however, we ran head-first into two stumbling blocks. Much to our surprise and dismay, the responses from the lower level courts left much to be desired. We then decided to obtain the information directly from the lawyers. Having sent out the survey instrument, we were dealt a second blow. The Chinese Communist Party along with the National Statistics Bureau issued an internal notice restricting collaborative research between foreign scholars and PRC individuals or entities. While it may have been possible to obtain permission to continue the project, my collaborators decided to withdraw from it out of an abundance of caution.

Too embarrassed to return the money to the granting agency, I decided to plunge ahead. I quickly came to regret my stubbornness. Having sent survey questionnaires in Chinese and English to over one hundred foreign law firms with China practices and more than three hundred and fifty PRC firms all around China, I received replies from less than ten PRC firms and only a handful of foreign firms. I and/or my research assistants then followed up with phone calls. Again, the results were less than spectacular. Lawyers were often out of the office, in meetings or on vacation. In some cases, the lawyer who had worked on the file had left the firm. In other instances, the lawyer had worked on the case some time before, and no longer remembered the details. Foreign lawyers in particular were concerned about confidentiality. Some PRC lawyers were worried about the recent regulation on survey research by foreigners. Many simply saw no benefit in providing such information. But most of all, lawyers are notoriously busy. Getting already-overworked lawyers to take the time to fill out a survey or to be interviewed requires considerable persistence and cajoling (okay, begging).

Although I explored a number of other channels, ultimately I was forced to rely to a large extent on personal connections with foreign and PRC lawyers and scholars that I had developed over the years. Oftentimes, these individuals would forward the survey or introduce me to other lawyers who had handled enforcement cases. In relationship-dominated China, such connections are necessary. Over the course of two years, I was able to obtain detailed information on more than eighty cases.

My main finding was that rule of law and enforcement of property rights is not as hopeless as foreign investors and reporters are wont to suggest, although not as unproblematic as official and semi-official sources would have us believe. Almost half of all foreign and CIETAC awards were enforced in the sense that the party recovered at least some amount. Clearly, deficiencies in the regulatory framework do partially contribute to enforcement difficulties. But I found that by far the biggest obstacle to enforcement in the cases I studied was the insolvency of the respondent, accounting for almost half of all non-enforcement cases. The other main obstacles are institutional in nature—in particular, weak courts.

I also found that the rule of relationships is overemphasized in outsiders' descriptions of the PRC. In fact, consistent with the view that the Party is retreating from day-to-day governance, only rarely did Party members intervene in specific cases, and usually then only on the basis of a personal relationship with one of the parties or lawyers. Nor was the purpose or effect of Party intervention necessarily to obstruct enforcement. On balance, Party members played a positive role in promoting enforcement in the few specific cases where they did get involved. (However, extensive Party intervention would likely have a negative effect on the development of rule of law.)

# Latin America Infrastructure Development

BY PATRICK DEL DUCA



The developing world has long faced critical infrastructure needs. The recent novelty in Latin America is the combination of ability and willingness to pay for infrastructure such as modern power plants, telecommunications systems, transportation infrastructure, and water and waste water treatment systems. Latin America's continued economic and social development demands new infrastructure, and U.S. lawyers, representing participants in the relevant investment and financing transactions, play a significant role. The transactions are cross-border, multi-party, and often cutting edge. They open new markets to competition and provide opportunities for individuals and groups previously marginalized.

This spring's seminar on Latin America Infrastructure Development Transactions started with the focus of project finance on the project revenue stream, e.g. revenues from a long term power sales contract, tolls collected from highway users, or cell phone user charges. The project revenue stream is the flow of money which allows contractors to be paid for building and running the project. It attracts the investors and lenders whose capital provides the financing to turn a potential future revenue stream into a tangible project. Assessing, minimizing and appropriately allocating risks relative to realization of the project revenue stream occur through a dynamic interchange among project participants. More plainly, there is a negotiation free-for-all. Within constraints of government rules and the economics of project viability, each party seeks its own advantage. A no-project result means no revenue from which to recoup the significant costs of the attempted project launch.

Legally, a successful project launch typically produces a drawer full of papers which includes governmental concessions and permits, contracts for goods and services for construction and operation, and financing documents. A failed project often yields some sort of litigation.

The seminar's goal was to offer students three benefits: (1) understanding of how to work within a Latin American legal system; (2) knowledge of the business law elements required to accomplish a cross-border project financing; and (3) legal skills sufficient to structure, negotiate and draft the essential arrangements for a Latin America project financing.

Latin American law reflects indigenous cultures, continental European administrative, civil and constitutional law, and US commercial and constitutional law. The seminar focused on Mexico to explore characteristics of Mexican administrative and constitutional law relevant to the electric power sector and to obtaining the necessary entitlements for an independent power project. A further focus was to appreciate how Mexican law treats issues associated with the making and performance of various relevant contracts and their enforcement. Although Spanish or Portuguese was not a requirement, each of the 10 second and third year law students enrolled had some fluency in one or both, and a majority read and researched Spanish language legal materials.

An international project finance lawyer needs grounding in contract and administrative law to deal with issues relative to the project itself, and in secured lending and



Patrick Del Duca has taught classes at UCLA School of Law as an adjunct professor in the areas of European Community law, private international law, and Latin America infrastructure development. His law practice with Kelley Drye & Warren LLP concerns the development and financing of energy, Internet, natural resource, telecommunications and transportation infrastructure domestically and abroad. His recent publications include: with Duccio Mortillaro (UCLA LLM '86) "The Maturation of Italy's Response to European Community Law: Electric and Telecommunication Sector Institutional Innovations," 23 *Fordham International Law Journal* 536-605 (March 2000); translator, *European Community Law: From the Treaty of Rome to the Treaty of Amsterdam* by Paolo Mengozzi (Kluwer Law International, 1999); and, with Louis Del Duca, "Practice under the Convention on International Sale of Goods (CISG): A Primer for Attorneys and International Traders (Part I)," 27 *Uniform Commercial Code Law Journal* 331 (1995) and "Internationalization of Sales Law - Practice Under the New Convention on International Sale of Goods - A Primer for Attorneys and International Traders (Part II)," 29 *Uniform Commercial Code Law Journal* 99 (1996).

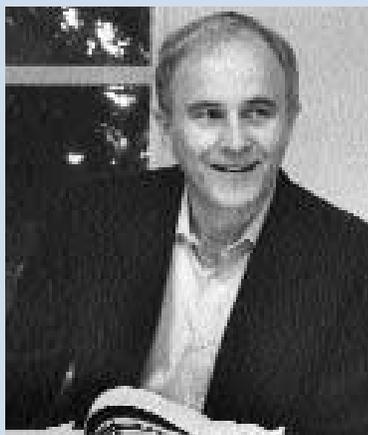
capital markets to handle the financing, all combined with understanding of public and private international law. Knowledge of the industry, the country concerned, and that country's legal system also matters. The seminar addressed turnkey contracting and risk allocation, choice of law and forum for dispute resolution under multiple contracts, international arbitration, corruption and ethical concerns, cross-border secured lending and security arrangements, intercreditor issues, capital markets financing, and corporate structuring in light of tax concerns.

Each student represented a project participant in a semester-long simulation of an infrastructure development project, specifically an independent power plant in Mexico. Roles included the Mexican state utility, a Mexican union, project developer, U.S. and Mexican construction contractors, a U.S. gas supplier, a third country equipment vendor and associated export credit agency (both Japanese), commercial banks, and a multilateral financial institution. Each student undertook original research on a topic of particular interest to the project participant represented by the student. Selected participants negotiated issues with each other and drafted accordingly.

The seminar nature of the class allowed each student to submit substantial written work product. Each student led a class. Before the class, the student's written work was posted on the class web page for review. After the class, the student had the ability to rewrite and resubmit with the benefit of feedback from me as the professor and from the class as a whole. The process of rewriting, together with involvement in critiquing the work of peers, was meant to focus students on the analytic and presentational skills essential to successful practice.

Towards the end of the seminar, we had three distinguished visitors. Antonio Bernardini, UCLA LLM '95 now acting as general counsel to a multimedia communication company based in Italy, shared experiences relative to obtaining cross border investment and financing. Roberto Peralta, UCLA LLM '95, who from Chile has served as counsel to a group investing throughout Latin America, discussed working relationships with local counsel. Robert Lovelace, who follows Mexico for the Capital Group, an investment fund company, discussed his first hand experiences with foreign investment in Mexico. Further, he responded to a pitch from the seminar members to finance the project which they had elaborated through the semester-long simulation. As the semester proceeded, Yoshitaka Shiraishi, on leave from the legal department of a Japanese industrial company, attended class and served as a consultant to the students representing the Japanese equipment vendor and the Japanese export credit agency involved in the provision of turbines to the power plant contemplated in the simulation. His contribution included sharing his direct experiences with the relevant Japanese entities and with his company's Latin America investments.

Throughout the semester, we all got up early enough to be present for an 8:35 class starting time. I appreciated the enthusiasm and thoughtfulness displayed by seminar participants. Students from prior classes that I have taught at the law school stay in touch from time to time, and I hope that the members of this seminar do so as well. I look forward to first hand news of how their careers progress.



Professor Lynn LoPucki holds the Security Pacific Bank Endowed Chair.

"Professor LoPucki's knowledge and experience in bankruptcy is unparalleled, and he is incredibly effective at imparting his wisdom upon the class."

ANONYMOUS STUDENT REVIEW COMMENT



Professor Jerry Kang welcomed David Bohnett, founder of GeoCities, principal of Baroda Ventures and a Regent's Lecturer for the UCLA School of Law to discuss "Revolution: The Business and Finance of the Internet." Mr. Bohnett also participated in a seminar with Professor Stephen Bainbridge. Professor Kang has expertise in a variety of areas, including cyberlaw.

## BUSINESS LAW COURSE OFFERINGS

Accounting for Lawyers  
 Ancillary Distribution of Theatrical Motion Pictures  
 Antitrust  
 Banking Law  
 Bankruptcy  
 Bankruptcy Policy - Seminar  
 Bankruptcy Reorganization Seminar  
 Business Associations  
 Commercial Information Systems  
 Commercial Law I: Secured Transactions  
 Commercial Law II: Credits and Payments  
 Commercial Law Seminar  
 Commercial Lending  
 Comparative Regulation of International Business  
 Corporate Finance  
 Corporate Governance Seminar  
 Corporate Limited Liability - Seminar  
 Corporate Reorganization - Seminar  
 Corporate Tax  
 Creating Value through Renegotiating  
     Business Contracts  
 Doing Business in China  
 Employment Law  
 Entertainment Transactions  
 Environmental Aspects of Business Transactions  
 Estate and Gift Taxation  
 European Union Law  
 Federal Income Tax I  
 Financial Analysis and the Law  
 From Plan to Market: Economic Change  
     in Central and Eastern Europe - Seminar  
 International Business Litigation  
 International Business Transactions  
 International Commercial Law - Seminar  
 International Finance  
 International Investment & Finance  
 International Trade Law  
 Investment in the Arab World  
 Investment in the Arab World - Seminar  
 IOU: The Lending Transaction  
 Latin-American Infrastructure  
     Development Transactions  
 Law and Economics  
 Mergers and Acquisitions  
 Mergers and Corporate Governance - Seminar  
 Partnership Tax  
 Public International Trade Law  
 Public Offerings  
 Real Estate Finance  
 Securities Law: Advanced Topics in  
     Regulation of Financial Markets - Seminar  
 Securities Regulation  
 State and Local Tax  
 Tax and Corporate Aspects of Business Acquisitions  
 Tax Policy - Seminar  
 Taxation of International Transactions  
 Transition to a Market Economy - Seminar  
 U.S. Taxation of International Transactions

## THE BUSINESS LAW FACULTY

The distinguished faculty in the Business Law Program includes leading text and treatise authors in Corporate Law, Taxation, Commercial Law, Bankruptcy, and Real Estate Finance. This same excellent faculty includes drafters of current versions of the Uniform Commercial Code, the U.S. Bankruptcy Code, and the Restatement of Mortgages. Completing the faculty in domestic law are a nationally prominent empirical bankruptcy scholar, a bankruptcy practitioner, and a leading tax adviser to both the U.S. and governments in developing nations throughout Eastern Europe and Asia. The very distinguished international law faculty includes experts in international trade law as well as specialists in regional studies, all of whom have doctorates. The Business Law group also includes adjunct faculty who are leading attorneys in the field.

### Full-time Faculty:

#### Commercial and Financing Core

Dan Bussel  
 Kenneth Klee  
 Lynn LoPucki  
 Grant Nelson  
 William Warren

#### Corporate Practice Core

Stephen Bainbridge  
 Mitu Gulati  
 William Klein

#### International Business Core

Khaled Abou el Fadl  
 Taimie Bryant  
 Stephen Garbbaum  
 Randall Peerenboom  
 Kal Raustiala  
 Arthur Rosett  
 Richard Steinberg  
 Phillip Trimble

#### Tax Core

Michael Asimov  
 Kirk Stark  
 Eric Zolt

### New Faculty:

Iman Anabtawi  
 Carolyn Gentile



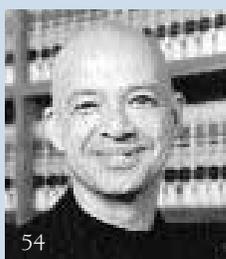
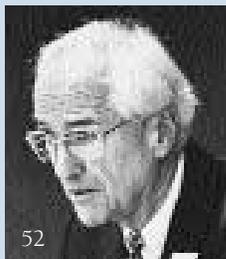
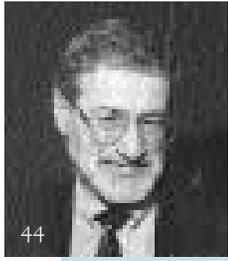
# Faculty 1999-2000



- |                      |                            |                        |
|----------------------|----------------------------|------------------------|
| 1 Richard Abel       | 15 Robert Goldstein        | 30 David Dolinko       |
| 2 Timothy Malloy     | 16 Devon Carbado           | 31 Paul Bergman        |
| 3 Ann Carlson        | 17 Arthur Rosett           | 32 David Binder        |
| 4 Stephen Bainbridge | 18 Albert Moore            | 33 Alison Anderson     |
| 5 Grant Nelson       | 19 Daniel Bussel           | 34 Eric Zolt           |
| 6 Carole Goldberg    | 20 William Rubenstein      | 35 Gaurang Mitu Gulati |
| 7 Stephen Yeazell    | 21 Richard Sander          | 36 Taimie L. Bryant    |
| 8 Gillian Lester     | 22 Peter Arenella          | 37 William Warren      |
| 9 Gary Blasi         | 23 Willian Klein           | 38 Jonathan Varat      |
| 10 Gary Schwartz     | 24 Sue Gillig              | 39 Jerry Kang          |
| 11 Kal Raustiala     | 25 Kenneth Graham          | 40 Khaled Abou El Fadl |
| 12 Lynn LoPucki      | 26 Kirk Stark              | 41 Kenneth Klee        |
| 13 Jonathan Zasloff  | 27 David Sklansky          | 42 Joel Handler        |
| 14 Eugene Volokh     | 28 John Shepard Wiley, Jr. | 43 Stephen Gardbaum    |
|                      | 29 Stephen Munzer          |                        |

faculty scholarship

# Faculty 1999-2000 *not pictured on previous page*



- 44 Norm Abrams
- 45 Michael Asimow
- 46 Grace Blumberg
- 47 Kimberlé Crenshaw
- 48 Jody Freeman
- 49 Susan French
- 50 Laura Gómez
- 51 Cheryl Harris
- 52 Kenneth Karst
- 53 Christine Littleton
- 54 Gerald López
- 55 Daniel Lowenstein
- 56 Frances Olsen
- 57 Cruz Reynoso
- 58 Myra Saunders
- 59 Clyde Spillenger
- 60 Richard Steinberg
- 61 Phillip Trimble

*Professors Emeriti  
not pictured*

- Benjamin Aaron
- John Bauman
- Jesse Dukeminier
- Harold Horowitz
- Edgar Jones
- Leon Letwin
- Wesley Liebeler
- William McGovern
- Herbert Morris
- Murray Schwartz
- James Sumner



# The Justices are Listening

## U.S. Supreme Court Strikes Down Part of the Federal Violence Against Women Act

The U.S. Supreme Court, in *United States v. Morrison*, struck down the provision of the federal Violence Against Women Act that imposed civil liability on violators, holding that it is unauthorized under either the Commerce Clause or Section 5 of the Fourteenth Amendment. Prominently cited in the dissenting opinion of Justice Breyer is **Professor Stephen Gardbaum's** article, "Rethinking Constitutional Federalism," 74 *Texas Law Review* 795, 812-28, 830-32 (1996). Also, although it is inexplicably omitted from the majority's opinion, **Professor Grant Nelson's** recently co-authored article with Bob Pushaw, "Rethinking the Commerce Clause: Applying First Principles to Uphold Federal Commercial Regulations but Preserve State Control Over Social Issues," 85 *Iowa Law Review* 1, 132-36 (1999), trenchantly anticipated the Court's decision in the case.

What's new is the majority's rejection of numerous congressional findings regarding the impact of gender-motivated violence on interstate commerce, and its clear adherence to an end-of-Reconstruction era precedent on the scope of the Section 5 power.



Stephen Gardbaum

## Supreme Court Bans Racial Slur at Workplace

Justice Clarence Thomas' dissent from denial of certiorari in *Avis v. Aguilar* cited **Professor Eugene Volokh's** *UCLA Law Review* comment (written when he was a student) on free speech and workplace harassment law. In *Avis*, the Supreme Court refused to reconsider a California Supreme Court decision upholding an injunction banning racial slurs in the workplace. Justice Thomas disagreed, and argued that the Court should have taken the case: The First Amendment, Justice Thomas wrote, prevents the government from engaging in this sort of prior restraint on speech. Professor Volokh has argued that much racially offensive speech, though abhorrent and evil, is nonetheless constitutionally protected; Justice Thomas cited Professor Volokh's article as support for his similar position.

The Supreme Court generally hears fewer than 2% of the cases that it's asked to consider and often waits until there are several lower court cases on an issue before agreeing to hear it. This case involved the only high-level appellate decision confronting this very question, so the issue may well return to the Court in the next few years.



Eugene Volokh

Thanks to **Professor Clyde Spillenger** for his contribution to this piece.



# Kids

## UCLA Helps ACLU Help Kids



Top row:  
Hillary Slevin '00, Katie Murphy '00,  
Ann Wexler '00, Gary Blasi

Middle row:  
Syd Whalley '01, Johnny Lai '01,  
Vanessa Alvarado '01

Bottom row:  
Thuy Nguyen '00, Alison Yager '01,  
Sonya Schwartz '00

Not pictured:  
Lisa Siebel '01, Olga Fuentes '01

BY GARY BLASI

**NEVER underestimate the potential impact of eleven UCLAW students.** This is one of the many things I have learned from my students since joining the faculty in 1991. In my spring clinical seminar in Public Policy Advocacy, students and I investigated the conditions in public schools across California. This was an immensely talented and diverse group of students with rich experiences in teaching, nursing, educational administration, and public policy analysis. Some were parents active in their own kids' public schools. Others had been legislative aides. Together, we interviewed scores of people, including students, parents, teachers, and school administrators. We obtained information from more than 100 school nurses from around the state. We pored over thousands of pages of public records and research studies. We traveled around the state, from Orange County to Bakersfield to Oakland. What we found should disturb any resident of California: schools with terrible slum conditions, kids with no textbooks and a succession of substitute teachers with no training at all. We also researched the applicable law and regulations — to the extent any exist — and whether and how they are enforced.

On May 17 — the 46th anniversary of *Brown v. Board of Education* — we released our report. Much of our work had also been shared with an extraordinary team of civil rights and pro bono lawyers, who on the same day filed a statewide class action lawsuit against state officials. Stories ran that evening on the national network news. The next day there were front-page stories in papers across California. Press and legislative interest remains high. The *60 Minutes* television program is sending a team.

What does this have to do with a law school? The Public Policy Advocacy course combines two areas in which UCLAW is already a national leader: clinical legal education and the training of future public interest lawyers. Students in the course learn that law is not merely about words in books or concepts in Socratic dialogue, but a

dynamically changing political result that means something — if anything at all — on the ground and in the lives of real people. And, just as our Trial Advocacy courses teach future lawyers the skills they need in a courtroom, in the Public Policy Advocacy course students learn some of the things they need to be advocates in the broader arenas in which both public policy and law are made. I judge the ultimate success of the course by whether students learn analytic and advocacy skills they can transfer to future public policy advocacy work, in whatever substantive area and from whatever perspective they choose.

Along the way, we also try to contribute constructively to the development of the law and of public policy. It is, of course, far too early to forecast the consequences of our work in the semester just ended. At the very least, we have helped to stimulate a much-needed public dialogue.

If the result is more than that, it will not be the first time that the intellects and hard work of UCLAW students have had an effect well beyond the law building. The reports prepared by the 1997 Public Policy Advocacy class for a Citizen's Blue Ribbon Committee on Slum Housing resulted in a complete overhaul of the housing code enforcement system in the City of Los Angeles. Today the work of those students is quietly making a difference in neighborhoods all over Los Angeles. Whether or not something similar happens this time with regard to California public schools, I cannot say. I can say that eleven future lawyers (and I) have learned some useful things about lawyering in the arenas of public policy.

Gary Blasi teaches clinical courses. His research interests and publications include work not only on public interest lawyering, but also on how lawyers acquire expertise and demonstrate creativity. Professor Blasi's recent writings include: *Creating a Program in Public Interest Law and Policy at a Public Law School: The UCLA Experiment*, in *Educating for Justice: Social Values and Legal Education*, edited by Jeremy Cooper and Louise Trubek (Dartmouth Press, 1997); *Teaching Lawyering as an Intellectual Project*, 14 *Journal of Professional Legal Education* 65-75 (1997); and *What Lawyers Know: Lawyering Expertise, Cognitive Science, and the Functions of Theory*, 45 *Journal of Legal Education* 313-97 (1995).



## *INTELLECTUAL PROPERTY RIGHTS INVOLVED*



BY STEPHEN MUNZER

Stephen Munzer teaches contracts, property and topics in legal philosophy. His current research projects include poverty, organ transplantation policy, intellectual property rights in DNA sequences, and the philosophy of property. Other works published by Professor Munzer within the last year include "The Special Case of Property Rights in Umbilical Cord Blood for Transplantation," 51 *Rutgers Law Review* 493 (1999), and, reflecting his philosophical bent, "Poverty, Virtue, and Ideal," 76 *Angelicum* 411 (1999), and "Beggars of God: The Christian Ideal of Mendicancy," 27 *Journal of Religious Ethics* 305 (1999).

By the time that this issue of the UCLAW Magazine reaches you, in all probability either the private Celera Genomics or its public rival, the Human Genome Project, will have announced that it has sequenced the human genome. This remarkable development in the history of molecular biology has not been lost on the Law School.

Nearly two years ago Molly A. Holman '99 and I began work on an article in this area. Our article has just appeared in the *Iowa Law Review*. Molly earned a Ph.D. in Physiology before entering law school and worked for some years as a scientist at various institutions. She also became a registered patent agent several years before deciding to go to law school. She is now an associate at Christie, Parker & Hale LLP in Pasadena. I have long taken an interest in legal and philosophical issues pertaining to the human body—especially the use of umbilical cord blood for stem cell therapy and the ethics of selling organs for transplantation.

An outgrowth of the Human Genome Project has been rapid advances in DNA sequencing techniques. Chief among these is Celera's use of short DNA sequences—obtained by so-called “shotgun sequencing”—which are typically only 300 to 400 bases long. Almost all genes are far longer than this, and Celera uses supercomputers and mathematical algorithms to arrange these DNA fragments into full-length genes and then into the human genome as a whole.

Although genes are patentable under U.S. law, much dispute rages over whether there should be patents on these shorter DNA fragments, which are called

## *IN SEQUENCING THE HUMAN GENOME*

expressed sequence tags (ESTs). In our article, Molly and I argue that it would be legally questionable and economically inefficient to issue patents on any but a very few (highly unusual) ESTs. We part company, therefore, with proponents of patents on ESTs (including the guarded issuance of several such patents by the PTO). We also disagree with legal scholars who claim that there should be no intellectual property rights (beyond trade secrets) whatever in ESTs. Instead, we propose a carefully worked out registration system for ESTs that gives limited intellectual property rights in ESTs, and thus supports innovation, without resulting in the legal difficulties, economic inefficiencies, and philosophical problems of issuing patents on ESTs.

Our article is “Intellectual Property Rights in Genes and Gene Fragments,” 85 *Iowa Law Review* 735 (2000).





# Lawyers *in the movies*

BY MICHAEL ASIMOW

WE ARE  
INFLUENCED MORE  
THAN WE REALIZE  
BY FICTITIOUS  
STORIES IN FILM  
OR TELEVISION.

Seen any lawyer movies recently? Chances are, most of the lawyers in these films were bad. They were unpleasant or unhappy human beings you wouldn't want as friends. And they were bad professionals you wouldn't admire or want as your lawyer. Since 1980, about two-thirds of the lawyers in film have been bad.

In *The Firm*, a respected tax law firm turns out to be a front for the mob. In *The Devil's Advocate* the managing partner of a sleazy New York firm is the Devil himself. And there are many, many others.

It wasn't always this way. Until the early 1970's, the vast majority of lawyers in film were decent human beings and ethical professionals. Just think of such films as *To Kill a Mockingbird* or *Anatomy of a Murder*.

Around 1980, the public prestige of the legal profession took a nosedive. Many public opinion polls document the precipitous fall in the public's opinion of our profession. Nobody knows why this happened, but there are many plausible explanations. Perhaps it was the rising number of lawyers, the increase in litigation, the loss of civility, or the sharply rising income of lawyers. Perhaps the boom in TV advertising was a factor, or the rising crime and divorce rates. Maybe it was Watergate or notorious trials like O. J. Simpson.

Whatever the reason for the decline in lawyer prestige, it was accurately reflected in film. And this should be no surprise. Popular culture always mirrors the public's attitudes. Filmmakers want their products to resonate with the public, so they make films about bad lawyers rather than bad algebra teachers, rabbis, or grandmothers.

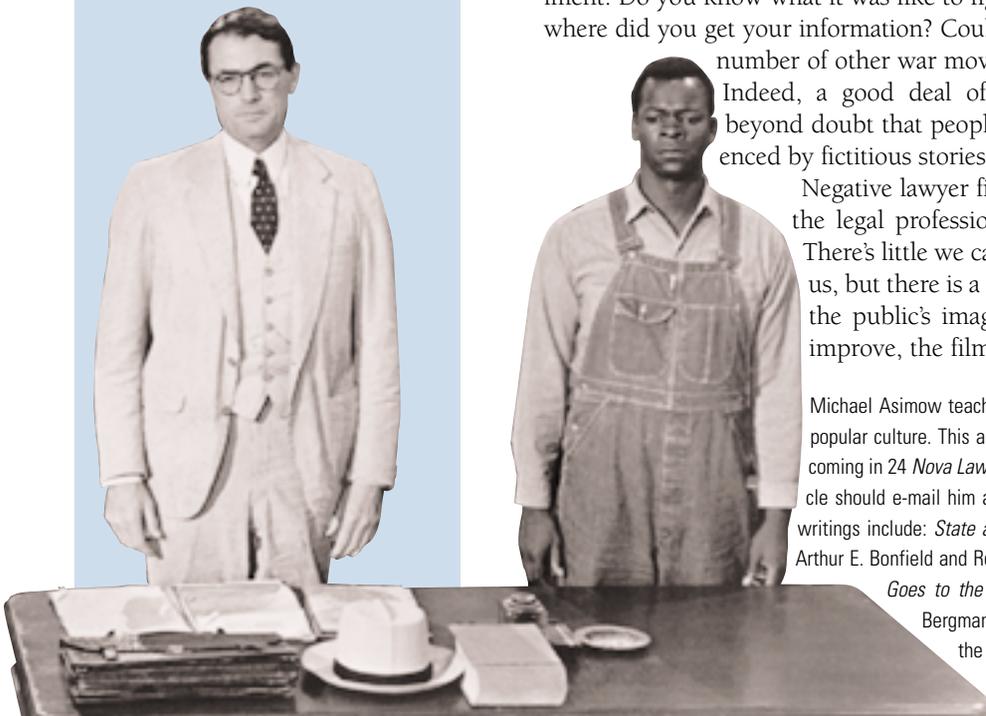
Could the huge number of negative lawyer films since the mid-1970's have been one of the causes of the decline in the image of the profession? I think so. We are influenced more than we realize by fictitious stories in film or television. A thought experiment: Do you know what it was like to fight in World War II? Of course you do. But where did you get your information? Could it be from *Saving Private Ryan* or the vast number of other war movies you've seen over the years?

Indeed, a good deal of research in cognitive psychology shows beyond doubt that people's attitudes and opinions are heavily influenced by fictitious stories they've seen on television or in the movies.

Negative lawyer films both reflect the public's bad opinion of the legal profession and intensify and deepen that opinion. There's little we can do to change the way filmmakers portray us, but there is a great deal we can and should do to improve the public's image of our profession. When that begins to improve, the films will follow.

Michael Asimow teaches contracts, income tax, administrative law and law and popular culture. This article is adapted from "Bad Lawyers in the Movies," forthcoming in *24 Nova Law Review* 533 (2000). Readers who want a reprint of the article should e-mail him at [asimow@law.ucla.edu](mailto:asimow@law.ucla.edu). Professor Asimow's other recent writings include: *State and Federal Administrative Law*, 2nd ed., co-authored with Arthur E. Bonfield and Ronald Levin (West, 1998); and *Reel Justice: The Courtroom Goes to the Movies*, co-authored with Professor Paul B.

Bergman, (Andrews and McMeel, 1996). He wrote the tax chapter in *California Practice Guide: Family Law* (Rutter Group, 1995).



# Light Up the Law School!

BY DANIEL LOWENSTEIN

Like many good things, the series of dramatic readings at the law school began serendipitously. I had decided that in the spring 1999 semester, I would study Ibsen's play, *Rosmersholm*, with my students in the "Law and Literature" seminar. I happened to mention the play to Susan Hull, a member of the Interact Theater Company.

Sue read the play and liked it so much that she decided to select it for a "Monday night reading." Each Monday night, Interact holds a public reading of a play picked by a member of the company. I asked Sue if she would consider holding the reading at the law school instead of Interact's regular theater in North Hollywood. She agreed and the rest, as they say, was history.

The opportunity for my students to see actors bring *Rosmersholm* to life the night before we discussed it in seminar was a tremendous benefit. The event was successful enough that we tried it again in the fall semester, when Interact performed Sophocles' *Antigone* the night before we discussed it in my seminar. About 45 people attended, including the chair of the UCLA classics department, as well as other UCLA students and faculty and members of the public.

After these successful events, Law School Dean Jonathan Varat authorized a regular series of readings, generally to be held one each semester. The plays will contain themes relating to law, justice, or government. The third reading, held in February, was Herman Wouk's *The Caine Mutiny Court-Martial*.

Dean Varat said that the readings contribute to the intellectual life of the law school and enhance the school's visibility and reputation on campus and in the broader community. He expressed a particular hope that law school alumni will attend.

Dean Varat also mentioned that the law school is always looking for ways to draw on the particular resources and opportunities offered by our location in Los Angeles. One of those resources is the abundance of highly talented and committed actors and directors who live and work here.

We are fortunate that these readings are being performed by the Interact company, which in only a few years has received 47 awards and 90 nominations for outstanding or distinguished achievement and has been recognized by the *Los Angeles Times* and many others as one of the best theater companies in the region.

Interact was started in 1990 by thirty transplanted New York actors who were supporting themselves in television and the movies but who hungered to continue practicing the craft of stage acting with equally talented and dedicated peers. They began by conducting readings for their own benefit and in 1992 put on their first public production.

Interact's critically acclaimed productions have included Anton Chekhov's *The Cherry Orchard*, Elmer Rice's *Counsellor-at-Law*, Sean O'Casey's *Juno and the Paycock*, Gertrude Stein's *Yes Is For a Very Young Man*, and Stephen Sondheim's *Into the Woods*. The company is currently moving into a new building at Bakman and Magnolia Streets, in the hub of North Hollywood's rapidly growing theater district.

Stacy Ray, the president of Interact, played the title role in *Antigone* last fall. She made this comment on the readings at UCLA:

"We all joined Interact to be able to work with excellent actors in excellent plays before engaged audiences. The law school series of readings satisfies all these goals. I had always hoped to play



Susan Hull

*Antigone*, and I greatly appreciated the opportunity to do so before faculty and students from the law school and the classics department, many of whom had studied the play carefully. I hope this series continues for a long, long time."

Professor Daniel Lowenstein is an expert in election law and the author of *Election Law: Cases and Materials* (Carolina Academic Press). Other publications include: *You Don't Have to be Liberal to Hate the Racial Gerrymandering Cases*, 50 *Stanford Law Review* 779 (1998); *Are Congressional Term Limits Constitutional?* 18 *Harvard Journal of Law & Public Policy* 1 (1994); and *Associational Rights of Major Political Parties: A Skeptical Inquiry*, 71 *Texas Law Review* 1741 (1993). He also teaches a seminar in Law and Literature and is a volunteer member of the Board of Trustees of Interact. Anyone wishing to receive information on future readings at the Law School should contact him at 310-825-5148 or [lowenste@mail.law.ucla.edu](mailto:lowenste@mail.law.ucla.edu).





*Susan Westerberg Prager '71 Wins*

# Edward A. Dickson Alumnus of the Year Award



*Above left: Chancellor Albert Carnesale congratulates Susan Westerberg Prager '71, former Dean of UCLA Law and now Provost of Dartmouth College. Above right: The Varats celebrate with "our Susan."*



*Three Deans and a Provost: Dean of Students Elizabeth Cheadle '81, Alumnus of the Year Susan Westerberg Prager '71, Law Librarian and Associate Dean Myra Saunders and Associate Dean Barbara Varat*

# University Distinguished Teaching Awards

The UCLA School of Law was honored to have two professors receive UCLA's highly coveted University Distinguished Teaching Award this year: Professor

David Sklansky and Professor Thomas Holm, Director of the Lawyering Skills Program. A full story on both professors will be a feature in the Fall/Winter issue of *UCLA Law Magazine*.



David Sklansky



Thomas Holm



(l-r) Mark Sklansky (David's brother), Lauren Ina (Mark's fiancée), Deborah Lambe (David's wife), David Sklansky, Elizabeth Lambe (David's sister-in-law), Joan Lambe (David's mother-in-law) and Steve Hommel (David's brother-in-law, Elizabeth's husband).

## DISTINGUISHED TEACHING AWARD RECIPIENTS

- 1975-76 Jesse Dukeminier
- 1976-77 Richard Maxwell
- 1978-79 Steve Yeazell
- 1979-80 Kenneth Karst
- 1980-81 Gerald López
- 1983-84 Stanley Siegel
- 1984-85 William Warren
- 1986-87 Ken Graham
- 1987-88 Alison Anderson
- 1988-89 Eric Zolt
- 1989-90 John Wiley
- 1990-91 Michael Asimow
- 1991-92 Paul Bergman
- 1993-94 David Binder
- 1993-94 Steve Derian  
(in the  
Lecturer category)
- 1994-95 Kris Knaplund  
(in the  
Lecturer category)
- 1998-99 Grace Blumberg
- 1999-00 David Sklansky
- 1999-00 Thomas Holm  
(in the  
Lecturer category)

# The Rutter Award for Excellence in Teaching



Professor Nelson literally wrote the book in his three main subjects, having co-authored casebooks in Remedies, Real Estate Finance, and Property. Of course he is also well known, and highly regarded, for the work he has done for the American Law Institute as a Reporter for the Restatement of the Law of Mortgages. So I suppose it is not surprising to discover that his students accurately recognize his complete mastery of these subjects. As one student, who obviously has internalized the LSAT's approach to questions testing reasoning by analogy, commented, "He's to Real Estate Law what Dukeminier and Klee are to Property and Bankruptcy, respectively." And, adding to the pantheon of pedagogic deities that apparently inhabit the UCLA School of Law, Professor Nelson has also been described as "real estate god."

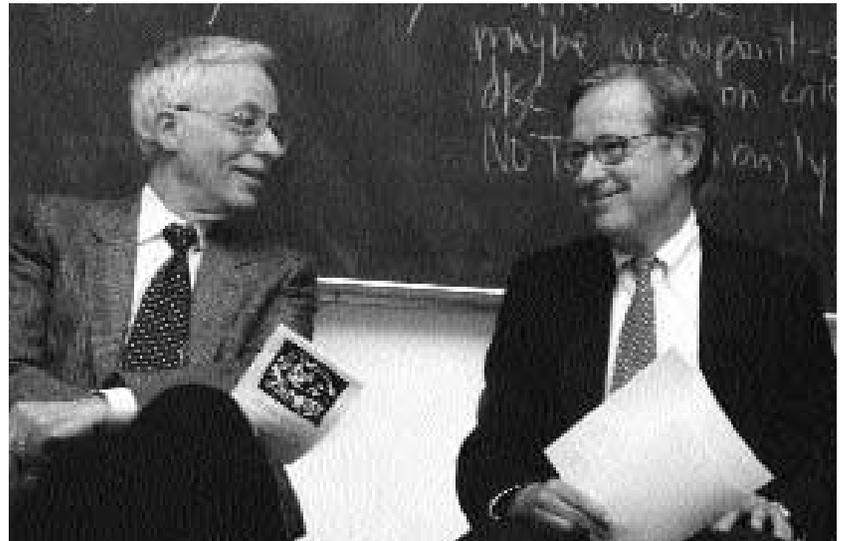
He teaches large numbers of students to critical acclaim in subject areas that are not usually that popular. Whether it is Remedies, Real Estate Finance, Property, or Land Use, Grant Nelson reaches his students with his energy (some say it is aided by his "daily cans of coke"), his enthusiasm, his mastery of the subject matter, his capacity for clear and concise articulation, and his dry wit.

Just before Professor Nelson returned to Missouri to visit for two years before coming back here permanently, alarmed students began to write in their evaluations of him such sentiments as "Don't let him stay in Missouri" and that his area of greatest weakness was "going back to Missouri" and "the fact that he is leaving next year." Of course, we got the point, as did he, I hope and suspect.

Let me close by quoting from two more student evaluations that seem to capture a great deal of what makes Grant Nelson a special teacher and a special person. The first said succinctly: "academic prowess of the old school, conscientiousness of the new school—a true renaissance man of the law." The other, in a leap of faith that makes Indiana Jones seem timid by comparison, exclaimed, "I would take 'Chalk and the Law' if Nelson was teaching it."



*Excerpts from Dean Varat's remarks on Professor Grant Nelson's receipt of the Rutter Award on April 18, 2000*



*William Rutter and Grant Nelson*

## RECIPIENTS OF THE RUTTER AWARD

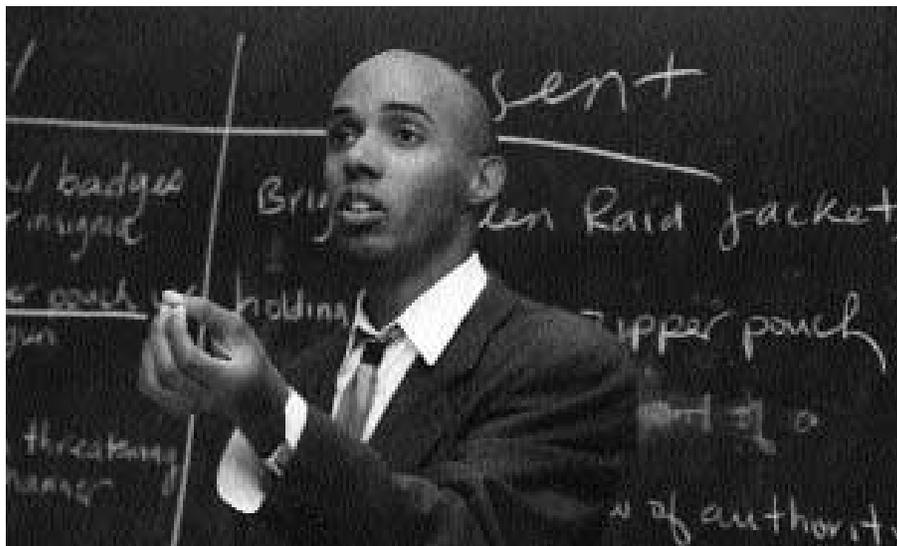
- 1979 Stephen Yeazell
- 1980 David Binder
- 1981 Gerald López
- 1982 Jesse Dukeminier
- 1983 Leon Letwin
- 1984 William Warren
- 1985 Michael Asimow
- 1986 Murray Schwartz
- 1987 Gary Schwartz
- 1988 Julian Eule
- 1989 Grace Blumberg
- 1990 Jonathan Varat
- 1991 Kris Knaplund
- 1992 Carrie Menkel-Meadow
- 1993 John Bauman
- 1994 Ken Karst
- 1995 Steve Derian
- 1996 Alison Anderson
- 1997 Eric Zolt
- 1998 David Dolinko
- 1999 Peter Arenella
- 2000 Grant Nelson

# Professor of the Year

## PROFESSORS OF THE YEAR

1965	William Warren
1966	Murray Schwartz
1967	Jesse Dukeminier
1968	William Warren
1969	Harold Marsh
1970	Ken Graham
1971	William Warren
1972	David Binder
1973	Michael Asimow
1974	Ken Karst
1975	Leon Letwin
1976	Richard Maxwell
1977	Alison Anderson
1978	Ken Karst
1979	Ken Graham
1980	Steve Shiffrin
1981	Michael Asimow
1982	William Warren
1983	Gerald López
1984	William Warren
1985	Stanley Siegel
1986	William Warren
1987	Eric Zolt
1988	Julian Eule
1989	Eric Zolt
1990	Julian Eule
1991	Kim Crenshaw, William Warren
1992	Jesse Dukeminier, Julian Eule
1993	Sam Thompson
1994	Kim Crenshaw
1995	Cruz Reynoso
1996	David Sklansky
1997	Kristine Knaplund
1998	Jerry Kang
1999	Kirk Stark
2000	Devon Carbado

Excerpts from Professor Devon Carbado's commencement address, May 21, 2000



The Class of 2000 elected Devon Carbado Professor of the Year

Lawyers make choices about not only which cases to litigate but also about whose stories to represent in the litigation—about whose stories are “in” and whose stories are “out.” The choices that lawyers make in this respect become, and shape how we think about, history. One question that emerges from this is a question about you: What story will be reflected in your relationship to UCLA as alumni?

I ask you to think about the movie *Fight Club*. (This may be the only time that *Fight Club* is invoked in the context of a graduation speech.) At any rate, there is this particular moment in the film (or so I am told), where Brad Pitt announces the rules of Fight Club. His dialogue goes something like: “The first rule of Fight Club is, *You don't talk about Fight Club.*” And then he moves on to the second rule: “The second rule about Fight Club is, *You don't talk about Fight Club.*” And this second rule is articulated with passion and commitment—and as though it were substantively different from the first rule.

Well, with respect to your status as alumni: The first rule about that status is, *You do talk to the law school about the state of the law school (with respect to, among other issues, racial diversity).* The second rule about alumni status is, *You do talk to the law school about the state of the law school (with respect to, among other things, racial diversity).*

So I ask that you go out and celebrate your graduation from UCLA Law School. This is an impressive accomplishment—this is an important moment in your lives. Tap your fellow classmate on her back. To borrow from another not-so-romantic film, *The Gladiator*, “We who have still to grade your exams salute you.” But I also ask that, when the celebratory dust has settled, that you, as alumni, help us make UCLA all that she can be. Help us create a “Now,” a contemporary reality about UCLA Law, that will later become good history.

# Carnegie Award



Alison Grey Anderson was selected as a Carnegie Scholar in the Pew National Fellowship Program, a part of the Carnegie Academy for the Scholarship of Teaching and Learning (CASTL). The program brings together outstanding faculty committed to investigating and documenting significant issues and challenges in the teaching of their fields. CASTL, a major initiative of the Carnegie Foundation for the Advancement of Teaching, is interested in work that explores not only the teacher's practice but also the character and depth of student learning that results from that practice. The project pays a \$6,000 stipend to the scholar and covers on-site costs of a summer residence with the Carnegie Foundation and interim meetings.

Professor Anderson, a graduate of Radcliffe College and Boalt Hall (UC Berkeley) joined the UCLA law faculty in 1972. As a student at Boalt Hall, she was articles editor of the *California Law Review*. She clerked for Judge Simon Sobeloff, U.S. Court of Appeals for the Fourth Circuit, in 1968-69, before entering private practice with Covington and Burling, where she practiced from 1969 to 1972. Professor Anderson currently teaches contracts, torts, community property, and the first-year workshop for the Program in Public Interest Law and Policy, for which she also serves as faculty coordinator. She has received UCLA's Distinguished Teaching Award, as well as the Eby Award for the Art of Teaching. She received the Rutter Award for Excellence in Teaching in 1995-96. Professor Anderson has devoted much of her teaching career to curricular reform and the improvement of teaching.

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*Caption by Frank Menetrez '00, UCLA Law Review Editor-in-Chief and UCLA Graduate Student of the Year:*

*From left to right, the lovely people are: Stefanie Gluckman, who is a member of the UCLA Law class of 2000, a graduate of the Public Interest Law and Policy Program, and one of the coolest people I know; Stefanie's husband Jeroen vanMeijgaard; myself; and my wife Amy Kind, who is an assistant professor of philosophy at Claremont McKenna College (I can't pass up opportunities to brag about her).*



# Emory Award

Kenneth Klee was selected by the Emory Bankruptcy Developments Journal to receive its second annual Distinguished Service Award. The award, presented in Atlanta on March 23, 2000, was created in 1998 to be awarded annually to an individual who has made a significant impact on the field of bankruptcy law. The first recipient of the Distinguished Service Award, in 1999, was Judge William L. Norton, Jr.

Professor Klee, a graduate of Stanford University and Harvard Law School, joined the UCLA law faculty full-time in July 1997 after teaching bankruptcy and reorganization law as a visiting lecturer since 1979. He taught at Harvard Law School during 1995-96 as the Robert Braucher Visiting Professor from Practice. A nationally recognized expert in corporate reorganization, insolvency and bankruptcy law, he was associate counsel to the Committee on the Judiciary, U.S. House of Representatives, where he was one of the principal draftsmen of the 1978 Bankruptcy Code. He served as a consultant on bankruptcy legislation to the United States Department of Justice in 1983 and 1984, and as a lawyer delegate to the Ninth Circuit Judicial Conference from 1988 to 1990. He also chaired the American Bar Association subcommittee on bankruptcy legislation.

Klee currently serves on the executive committee of the National Bankruptcy Conference, the Advisory Committee on Bankruptcy Rules to the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, and the Board of Governors Financial Lawyers Conference (of which he is past president). He recently completed service as an adviser to the American Law Institute's Transnational Insolvency Project. Klee authored or co-authored fourteen scholarly articles on bankruptcy law, co-authored two books on the subject and is called on to consult in current bankruptcy law reform matters. He has had a distinguished career in private practice for some twenty-five years.

# State Bar Award

*Professor Bill Warren Takes Top Honors at State Bar of California Business Law Section*

The State Bar of California's Business Law Section awarded Professor William D. Warren its "Outstanding Achievement Award" at the First Annual Business Law Spring Meeting June 2-4 in Monterey. The tribute recognizes lifetime contributions of excellence in Business Law scholarship or practice. It has been given twice previously, once to the late Harold Marsh, who had collaborated with Professor Warren on work on the Uniform Commercial Code some 40 years ago, while both served on the faculty of UCLA School of Law.

Currently two UCLA Law Alumni, Rhonda Nelson '84 and Barbara Hawkins '81, serve on the Executive Committee of the Business Law Section. The immediate Past President, John Power, recently served as an adjunct professor at UCLA School of Law.



*Above: William Warren with Roland E. Brandel, a member of the Business Law Section Executive Committee. Brandel is a partner at Morrison & Foerster LLP in San Francisco. He presented the award on behalf of the business law section.*



*Left: Professor Warren with Ann Yvonne Walker, Chair of the Business Law Section and a partner at Wilson, Sonsini, Goodrich & Rosati, P.C., sponsors of the luncheon.*

## Criminal Law Class Inspires Student's Movie Pitch

BY MARK WINTNER '00

The most interesting class that I took in my first year of law school was Professor David Dolinko's Criminal Law class. I spent many hours contemplating hypothetical examples and possible exam questions.

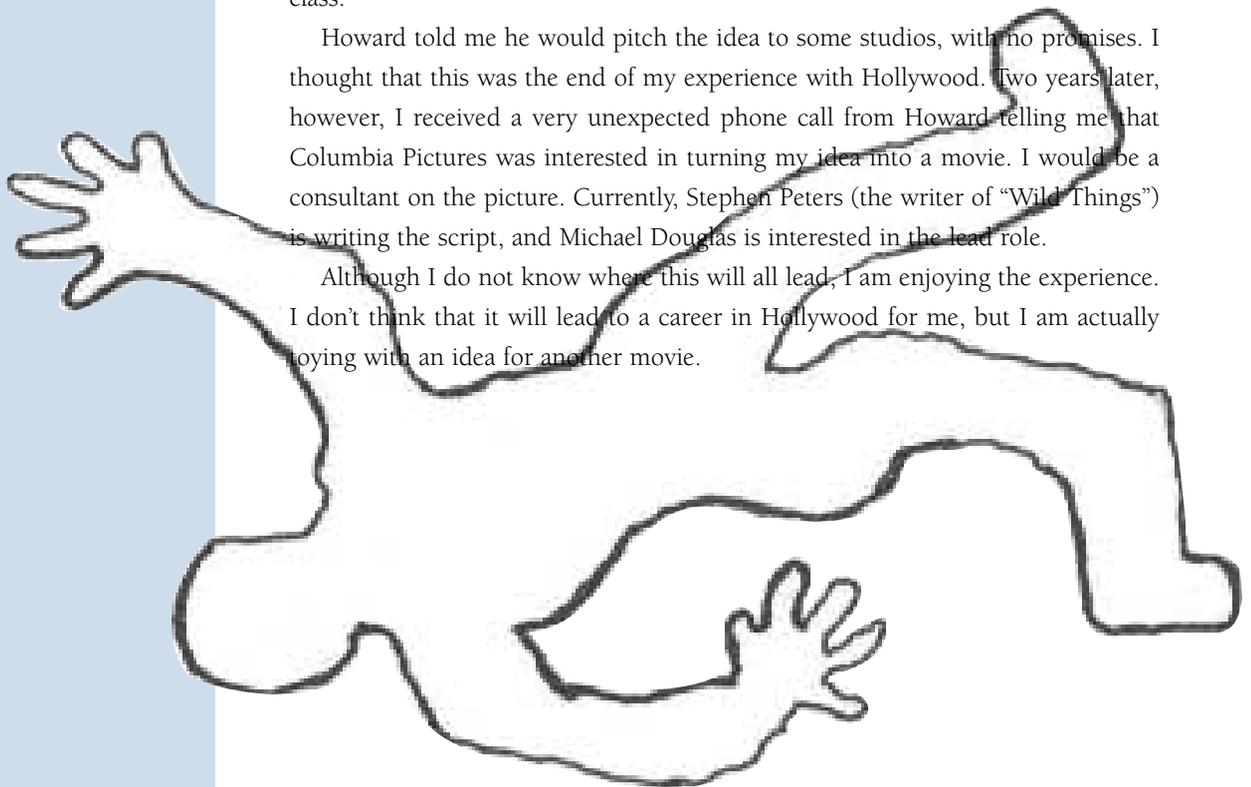
One day, sitting in class, I asked myself, "What if there was a crime that was perfect and could not be prosecuted?" I thought it would make a great story.

The next week, at a family dinner, I was introduced to Howard Rosenman, a movie producer who has produced such movies as "Father of the Bride" and "Buffy the Vampire Slayer." Not expecting anything to come of it, I decided to share my idea with Howard just to see what he would think. To my surprise, Howard responded with great enthusiasm and wanted to hear more about the idea. He asked me to develop it and meet with him and his partner, Carol Baum, the following week for dinner.

We did meet, and we proceeded to discuss my idea about a seasoned professor who presents his first year law students with a hypothetical murder case to be used for a mock trial in the classroom. When the defendant in the case is found innocent, all parties realize they've come upon an airtight way to commit murder. The actual case precedent is then exercised as an actual murder by someone in the class.

Howard told me he would pitch the idea to some studios, with no promises. I thought that this was the end of my experience with Hollywood. Two years later, however, I received a very unexpected phone call from Howard telling me that Columbia Pictures was interested in turning my idea into a movie. I would be a consultant on the picture. Currently, Stephen Peters (the writer of "Wild Things") is writing the script, and Michael Douglas is interested in the lead role.

Although I do not know where this will all lead, I am enjoying the experience. I don't think that it will lead to a career in Hollywood for me, but I am actually toying with an idea for another movie.



# OWLS

## Older and Wiser Law Students

BY STEVE CADEMARTORI '00, *FOUNDING CHAIR, OWLS*

During our second year, a small group of students working on our second (and third) careers realized we were all experiencing many of the same difficulties: relearning study habits long forgotten and dealing with the rigorous demands of law school while balancing a mortgage, a family, and a job. We also did not “fit in” with the twenty-somethings.

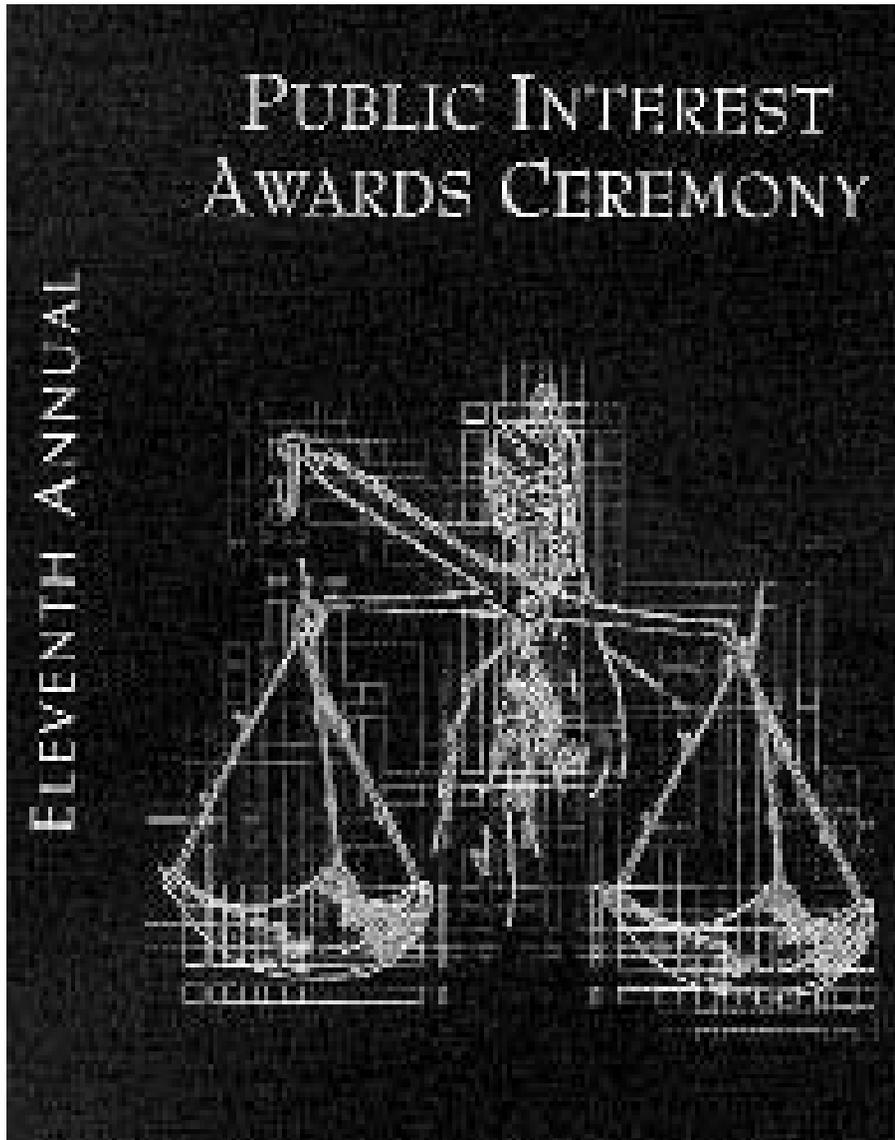
“It seemed like all the social activities at the law school were geared to younger students, including study groups, after hour bull sessions, beer and pizza,” related Larry Savage '00, founding and current Vice-Chair. So we marshaled our forces and founded the UCLA OWLS, or Older, Wiser Law Student Society.

The OWLS found an immediate following among the “older” law students and now boasts close to 40 members participating in the group’s activities. Current Chairperson Star Bobatoon '01, who entered law school after working as a legal secretary, paralegal, and a photographer, says OWLS provides its members with a social outlet and a support group that heretofore was not available to older students. “We have someone to talk to about problems with children or spouses and how to hold relationships together while in law school.”

To date, OWL activities have included a “bring the family” barbecue, seminars on learning techniques for older students presented by law Professor Kristine Knaplund, and a talk by Susan Bakota of UCLA Student Psychological Services on how to cope with law school life.



## Answering the Highest Calling of Our Profession



BY CATHERINE MAYORKAS

The School of Law answers the call to service through its Program in Public Interest Law and Policy and an array of activities, speakers, symposia, and other events.

May 21, 2000 was graduation day for the Program in Public Interest Law and Policy's inaugural Class of 2000. The celebration began with a party for Program students and their families. Professor Alison Anderson, the Program's faculty coordinator, recalled the early days of the Program and the inevitable challenges confronted by its inaugural class, and Professor Gary Blasi challenged the soon-to-be graduates to continue to pave the way for their classmates. The Class of 2000 announced their class gift to the Program and the School: the establishment of the *Professor Alison Grey Anderson Summer Public Interest Fellowship*. And so, the Program's first graduating class accepted the mantle of

*UCLA School of Law student Neelum Arya '02 (right) speaks to an organization representative at the 15th Annual Southern California Public Interest Career Day.*





Presenters and recipients at the 11th Annual Public Interest Awards Ceremony (left to right): Nancy Mintie '79, Antonia Hernandez '74, David Lash '80, Professor Kenneth Klee, Christopher Taylor '00, Alison Yager '01, Joseph Hairston Duff '71, Marcela Siderman '00, and Dean Jonathan Varat

ongoing membership in the School of Law's public interest community.

The Program, with its growing national reputation, is the hallmark of the School's thriving public interest life. Yet, it is by no means the sole province of that life. An extensive and eclectic slate of activities and events this past year, many of which are described in the pages of this magazine, are testament to the School's recognition of its civic responsibility. From the variety of speakers, colloquia, and symposia, and the Public Interest Law Foundation's annual auction and other fundraising activities, which this year raised more than

\$40,000 to support summer grants, to the 15th Annual Southern California Public Interest Career Day, attended by more than 600 people, and the Open Society Institute-sponsored two-day *Conference on Law and Organizing*, which drew faculty and students from Harvard, Tennessee and Yale law schools, the School of Law reached beyond its halls into its broader, national community.

This year's Eleventh Annual Public Interest Awards Ceremony marked the culmination of a dynamic and rewarding year. Alumni Joseph Hairston Duff, Senior Staff Counsel of the Department of Fair Employment & Housing,

Antonia Hernandez, Executive Director of the Mexican American Legal Defense and Educational Fund, Nancy J. Mintie, founder and former Executive Director of the Inner City Law Center, and Jennifer Koss of Morrison & Foerster, which underwrote the Ceremony, joined Dean Jonathan Varat to celebrate the public service efforts and commitment of students, faculty and alumni. This year's more than twenty-page Ceremony booklet reflects the vibrancy of the School of Law's commitment to its mission of public service.



Antonia Hernandez '74, Executive Director of the Mexican American Legal Defense and Educational Fund, presents the alumni public interest award to David Lash '80, Executive Director of Bet Tzedek Legal Services.



Christopher Taylor '00 receives the Nancy J. Mintie Public Interest Award from Nancy Mintie '79, founder of the Inner City Law Center.



Alison Yager '01 accepts the Joseph Hairston Duff Public Interest Award.

*"It is clear that what these students are doing answers the highest calling of our profession."*

In 1996, David Epstein '64 wanted to ensure that the best and brightest students were able to participate in the School of Law's then-new Program in Public Interest Law and Policy. Recognizing the critical importance of supporting students who choose to pursue a public interest career path, Mr. Epstein pledged \$50,000 to help fund summer fellowships for the Program's inaugural class. Sustained by that significant gift, the Class of 2000 students embarked on their chosen career paths. His generosity proved prescient, as Program students have remained resolute in their commitment to public service. "Now that I have had the chance to spend some time with Program participants, it has confirmed my greatest hopes for the School of Law's public interest program," Mr. Epstein said. His continued commitment to the Program in Public Interest Law and Policy and its students was further evidenced earlier this year when he offered the School of Law an additional \$35,000 challenge grant. Mr. Epstein, who has spent many years in public service and encourages other attorneys to combine their private interests with the public good, hopes his challenge will encourage alumni and others to support the Program and its students.



Professor Kenneth Klee, recipient of the Fredric P. Sutherland Public Interest Award, extols the virtues of public service.



Marcela Siderman, third-year student and co-recipient of the Nancy J. Mintie Public Interest Award, challenges young alumni to mentor students interested in pursuing public interest work.



Professor Ann Carlson describes Professor Ken Klee's many significant contributions in the bankruptcy arena.

*Program in Public Interest Law and Policy's  
Inaugural Class of 2000*



FIRST ROW (FRONT L-R):

Sonya Schwartz, Shiu-Ming Cheer, Lauren Teukolsky, William DiCamillo,  
Stefanie Gluckman, Ariana Mohit, Nicole Deddens

SECOND ROW (MIDDLE L-R):

Nicole Reyes, Hillary Slevin, Heather Menard, Amy Levin\*, Alex Bruno,  
Jocelyn Sperling, Francisco Silva

THIRD ROW (TOP L-R):

Eric Burton, Katie Murphy, Long Do, Greg Grossman, David Holtzman,  
Rob Castro, BJ Watrous, Jr.

NOT PICTURED:

J. Cacia Kim, Thuy Thi Nguyen, Sharon Steinberg

\*Joint Degree - Graduates 2001

## Development & Alumni Relations



BY JON PARRO, ASSISTANT DEAN  
FOR DEVELOPMENT & ALUMNI RELATIONS

*Simply put*, our goal is to raise money for the law school through gifts from you, our alumni, friends, foundations, and private firms. Our success is important, even critical, to the future of the school.

The UCLA School of Law has flourished during its relatively short history, ranking as the youngest top tier law school in the country. As with the practice of law itself, however, past achievement can provide only the foundation for future success, not success itself. Just as employers compete heavily for our graduates, we must compete for faculty and students to uphold and to build upon the outstanding legacy of our first fifty years—and to make this a law school of

### JON PARRO

which you can be even more proud. Competing effectively requires resources, and that is why your support and the support of others is so important. Our relative youth means that we have not yet had the time to establish endowment proportionate to our mission—though thanks to many of you we are making significant strides—and we no longer receive the kind of support from the state that made it possible for you to receive a first rate legal education with a relatively small investment from you. To those of you now making an investment through your gifts to the school, thank you; for our other alumni, I ask that you consider giving back some of what you received from the school through a gift to our Annual Fund.

Raising money, though, is only part of the picture. We have a paramount interest in building the relationship between you and the school. We want to keep you involved in the life of the school, and we want you to consider the school as a resource in your life. The alumni activities about which Kristine Werlinich writes here represent some of our efforts to accomplish this. We want to do more, much more, to have alumni be part of the fabric of this place. I have had the pleasure of meeting many alumni already, and I look forward to meeting many more of you to learn about the school and the ways in which you would like to be involved here. I invite you to contact me if you have thoughts or ideas about alumni activities, the annual fund, or other issues related to your involvement with the school. I look forward to hearing from you, and seeing you on campus.

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Jon (pronounced "Yon") Parro joined the School of Law in March as Assistant Dean for Development and Alumni Relations. He brings to the job a wealth of development experience, most recently at UCLA as Assistant Dean for External Affairs and Development at the Graduate School of Education and Information Studies (GSE&IS). Before his work at GSE&IS, Jon was Associate Director of Development for Corporate Relations at the USC School of Medicine. Jon holds masters' and doctorate degrees in education from Harvard University, where he pursued an interest in philanthropic support of higher education as well as a master's degree in education from the Claremont Graduate School. He received his undergraduate degree from Pitzer College in Claremont, California.

Jon was raised in Eugene, Oregon, has been in Southern California for the past 20 years, and now lives in Los Angeles with his wife and two children. He is enjoying learning about the law school community, and he looks forward to meeting as many law alumni as possible. Jon can be reached at 310-825-3025, or [parro@law.ucla.edu](mailto:parro@law.ucla.edu).

# Alumni Association: *Where do we go from here?*

BY KRISTINE WERLINICH, *DIRECTOR OF ALUMNI RELATIONS*

*Shortly after* accepting Dean Jonathan Varat's offer to direct your Alumni Association this past December, I had the honor and the pleasure of attending the Bar Swearing-In Ceremony for alumni who had recently passed the California Bar Exam. Presiding over the swearing-in were three distinguished judges, two of whom are alumni, the Honorable Steven Perren '67 and the Honorable Audrey Brodie Collins '77. Both spoke of integrity and both encouraged the newly minted lawyers to seek scrupulous mentors.

I was particularly touched that both judges still, after a combined 50 years away from their law school graduation, were closer than ever to UCLA, and readily recalled warm and funny anecdotes. Both illustrated specific examples of the camaraderie and support they receive, even today, well into their judicial careers, from our faculty and fellow alumni. Judge Brodie Collins publicly thanked Professor John Wiley for his expertise on the judicial system and told the audience that she occasionally taps his knowledge and the expertise of other faculty members.

The third judge, the Honorable Robert Boochever, attended law school before ours existed. He reflected, from the perspective of an "outsider," on how truly inclusive UCLA is, and reminded the young lawyers that the swearing-in ceremony, held here on campus, is unique, and indicates the commitment the school has to its alumni. Donna Black, then president of the Alumni Association and Dean Jonathan D. Varat gave inspiring addresses focusing on the expectations, responsibilities and rewards of launching a legal career from the UCLA School of Law. Both invited alumni to call on them, the school and one another, for support.

As I have come to know my colleagues at the law school I have been astounded at the range of services focused on creating a pleasant environment for students, as well as the determination to provide first rate life-long services to alumni. The Dean meets regularly with alumni at alumni association board meetings and other forums. Dean of Students Liz Cheadle '81 puts the students' interest first. Assistant Dean and Admissions Co-Director Andrea Sossin-Bergman swears by the support she gets from alumni during recruiting season, especially as we reach out to prospective under-represented minority students. Cathy Mayorkas, the Director of Public Interest Programs, is a "home away from home" for students and regularly calls upon alumni to connect with current students for public interest law opportunities. Charles Cannon, our Director of Special Events and Electronic Presentation of the Law School, relies on his alumni committee members for significant symposia and events, such as the Entertainment Law Symposium, the biggest, most academic and successful symposia of its kind. Regina McConahay provides students and faculty with tools and avenues to promote scholarship, symposia, and news to our community and beyond.

Space restrictions do not allow me to articulate the range of communications, mentoring, panel participation, and event opportunities extended to our alumni. But one department will illustrate my point. Career Services tracks every student and provides career counseling, law firm and corporate "get to know you" receptions, practice panels, the mentor program, and placement assistance. And Career Services provides this guidance to every graduate for life. The Alumni Association and Career Services have formed an alliance, because Assistant Dean Amy Berenson Mallow reg-



## KRISTINE WERLINICH

The School of Law has a new Director of Alumni Relations. Kristine Werlinich joined us in December. Ms. Werlinich holds a Masters Degree in Public Management. Her undergraduate studies were completed at the Indiana University of Pennsylvania with a B.A. in Journalism. Kristine is experienced in alumni relations programming, reunion planning, alumni networking and fundraising. Before joining the School of Law, she was Director of Development for the School of Natural and Social Sciences at California State University of Los Angeles. She began her career as Development Assistant for the College of Fine Arts at Carnegie Mellon University. Kristine enjoys working with alumni and in an academic setting. She already has met many alumni and looks forward to getting to know many more. Kristine can be reached at (310) 206-1121 and [alumni@law.ucla.edu](mailto:alumni@law.ucla.edu).

# Leadership

ularly calls upon our alumni to meet and talk about their work with students and to attend receptions and network with students and one another. Amy believes that gaining insight into the inner workings of each practice, as well as developing the skills of networking in a professional setting, are life skills that students can best learn through successful practitioners and mentors. That would be you, the alums. Amy's feature is in the Alumni section of this issue of *UCLA Law Magazine*.

The Alumni Association strives to be the nexus for your lifetime involvement with the School of Law. We want to create a vibrant center for you to connect to current students, our Dean, faculty, administration and to one another. Call on us as your reference. We operate the Alumni for Life e-mail and Web Alumni for Life programs, the reunions and the class correspondent programs, and coordinate with nearly every law school department.

This spring, we celebrated the reunions of the classes of 1959, 1964, 1969, 1974 and 1989. You'll see photos of these events in this magazine. The classes of 1955, 1960, 1965, 1970, 1975, 1980, 1985 and 1990 will be celebrating reunions in the fall. Please call me so I can connect you with your planning committee.

Another of our more traditional functions is the accumulation of Class Notes for publication in this magazine. To enhance our newsgathering, we are establishing a class correspondents' program, designating as class correspondents members of each class who have indicated willingness to help the Law School collect information from fellow classmates on such occasions as weddings, births, or job promotions and changes. If you would like to volunteer to be a class correspondent, please contact the alumni relations' office.

We also have been busy establishing new technology-based tools that should assist alumni to keep in touch with one another, as well as to enhance networking opportunities for job referrals and case referrals. Chief among these is the secure online alumni directory, and the Alumni E-mail for Life program. With the online alumni directory, you can contact fellow classmates and other alumni directly. We are sensitive to privacy issues: Each alum controls the information about himself or herself that is included in the database, and no personal data is entered until the alum gives my office permission via e-mail to [alumni@law.ucla.edu](mailto:alumni@law.ucla.edu).

The Alumni E-mail for Life program provides every School of Law student and alum an assigned e-mail address formatted to include the alum's first and last name and year of graduation. A typical address would read "marydoe2000@law.ucla.edu." The e-mail program is designed to function primarily as a forwarding service that will forward all e-mail received at the UCLA address to the primary e-mail account that the alum consults regularly.

We hope that the Alumni E-mail for Life program also will increase alumni involvement in the life of the law school. Those of you who already signed up for Alumni E-mail for Life received e-mail announcing Law School events in April. Response and attendance at announced events were very encouraging. We hope you were able to attend some of these events, several of which also offered MCLE credits for professional development. We will continue to send e-mail notification of events. (You can also visit the law school web page, at [www.law.ucla.edu](http://www.law.ucla.edu), and check out the calendar section to stay up-to-date on upcoming happenings.) Please know that these notifications are really invitations—we hope you will feel welcome to attend not only events designed specifically for alumni, but *all* law school lectures, symposia and colloquia of interest to you.

The School of Law is a richer place because of your participation in our mentoring programs, reunions and events. Please take advantage of these and other opportunities to engage, connect and exercise the fellowship that is the perquisite of your matriculation from our school. I look forward to meeting you at our upcoming events.

# Office of Events & Electronic Presentation



BY CHARLES CANNON, *DIRECTOR,*  
*OFFICE OF EVENTS & ELECTRONIC PRESENTATION*

*Established one year ago*, as the school began preparations for the celebration of its fiftieth anniversary and the dedication of the Hugh & Hazel Darling Law Library, our fledgling department now strives to expand and polish the presentation of the law school's academic program in its many manifestations: lectures, symposia, conferences, fund raising events, outreach, and the World Wide Web.

My staff is flexible and energetic. We coordinate fluidly with the Office of the Dean, Development and Alumni Relations, Admissions, Career Services, Information Systems, and the new Communications Center. Francisco "Frank" Lopez, our graphics coordinator, worked closely

## CHARLES CANNON

with Law Librarian Myra K. Saunders and me throughout the duration of the library building project, responding creatively to both aesthetic and technological problems. Frank designed most of the publicity materials used to launch the new library and the contemporaneous 50th anniversary celebration. (Frank's recent work is featured throughout this magazine. He is responsible for this magazine's cover art and all the events posters shown.) Our events coordinator, Leigh Iwanaga, has had primary responsibility for food service at more than 100 events thus far, staging meals as simple as boxed lunches and as elaborate as the international buffets served on all levels of the library at its January dedication. Our department produces many publications in-house: invitations, brochures, programs, stationary, large format posters, and even bookbinding. We coordinate with all departments of the school and constantly explore new talent. For example, Ellis Green, who directs the word processing pool, designs the financial aid brochures and has redesigned the new masthead that you see on this publication.

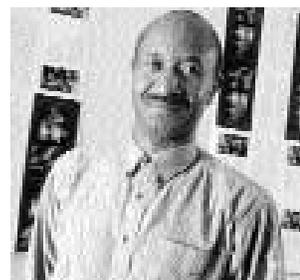
We hope that the entire law school community will benefit from this coordinated, efficient effort to provide professional, polished and imaginative services. Plans call for a substantive expansion of the academic events schedule, assisting alumni in organizing class year and professional expertise groupings, and fuller utilization of Internet based applications, not only to improve the effectiveness of event publicity and reporting but also to build more productive relationships with alumni, to open new avenues of involvement with civic organizations, to provide new tools for student recruitment, and to establish richer affiliations with peer institutions.

Shortly after leaving the medical services industry in 1989, Charles Cannon joined Professor and Law Librarian Myra K. Saunders (now Associate Dean) in the initial planning and design phases of the recently dedicated Hugh and Hazel Darling Law Library. Throughout the construction period, Charles acted as liaison between building contractors, campus officials, and law school administrators, specifically charged with tracking the wide variety of project details which ultimately determined both the beauty and functionality of the new law school addition.

The experience Charles gained from the eight year long building project, by its nature complex and collaborative, serves him now at the new Office of Events & Electronic Presentation, of which he is the Director. The Office is charged with meeting the varied challenges of event staging, and with developing a vigorous law school presence on the World Wide Web. (It was this office that produced the many events and publications that contributed to the successful celebration of the school's 50th anniversary.) Charles, who holds a B.A. in Philosophy from UCLA, says that he is excited at the opportunities for synergy with the alumni relations and communications offices.



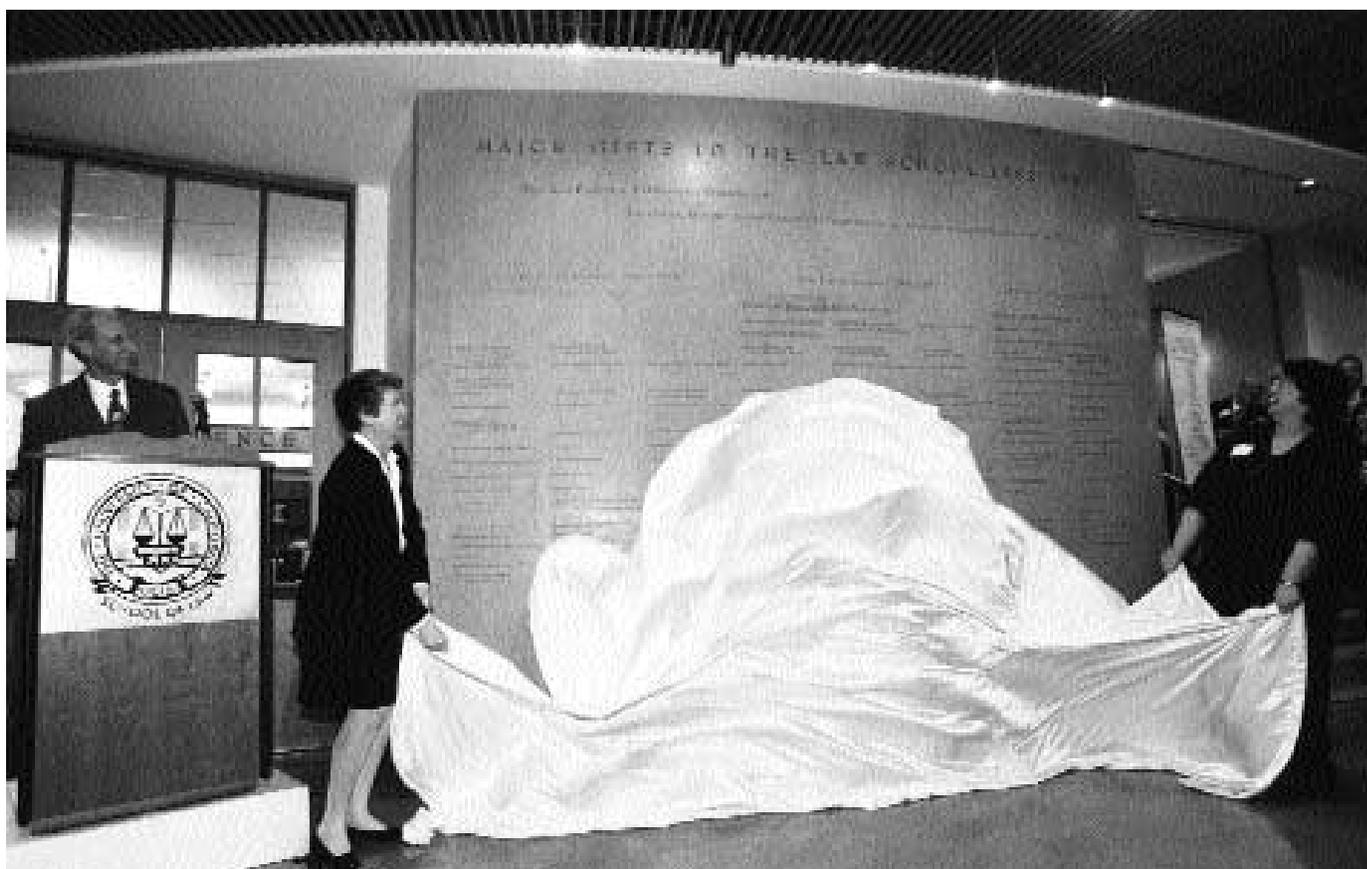
Frank Lopez is responsible for in-house graphic art and coordinates the new law school web page. Visit us at [www.law.ucla.edu](http://www.law.ucla.edu).



Ellis Green designed the new UCLA Law Magazine masthead.

# events





# Dedication of the Hugh and Hazel Darling Law Library

**EXCERPTED REMARKS OF DEAN JONATHAN VARAT AT THE DARLING LAW LIBRARY DEDICATION AND 50TH ANNIVERSARY COMMEMORATION CEREMONIES IN DODD HALL ON JANUARY 22, 2000**

Welcome to this happy event that commemorates—and chronicles a bit—the first fifty years of the UCLA School of Law and simultaneously—and fittingly—celebrates its most recent and most glorious building addition, the Hugh and Hazel Darling Law Library.

In December 1789, sitting Supreme Court Justice James Wilson—an immigrant from Scotland who signed both the Declaration of Independence and the Constitution in whose formulation and ratification he played a vital role—delivered his inaugural lecture as the first law professor at a new law school at the College of Philadelphia, to another distinguished audience, one that included President George Washington. The lecture, entitled “The Study of Law in the United States,” argued, from the perspective of “the decent but firm freedom which befits an independent citizen and a professor in independent states,” that the elements of a law education in America should not be drawn entirely from England, but “that the foundation . . . of a separate, an unbiased, and an independent law education should be laid in the United States.” Of the fundamentality of a law education in a republican government, Wilson said:

*“Of no class of citizens can the education be of more public consequence than that of those who are destined to take an active part in public affairs. Those who have had the advantage of a law education are very frequently destined to take this active part. This deduction clearly shows that, in a free government, the principles of a law education are matters of the greatest public consequence.”*

*Top: Dean Jonathan D. Varat watches former Dean Susan Westerberg Prager and Librarian Myra Saunders unveil the french limestone donor wall*

*Opposite page: The new UCLA Law School seal is unveiled by projecting the image on the Clinical Wing January 22, 2000*

Richard Stack, Trustee of the Hugh and Hazel Darling Foundation, Rebekah Heiser '00, student representative, former Dean Susan Westerberg Prager '71, Professor Stephen Yeazell and Dean Jonathan D. Varat



Indeed, asked Wilson, expressing a broader sentiment deeply felt among UCLA law faculty over the last 50 years, "What intrinsically can be more dignified than to assist in preparing tender and ingenious minds for all the great purposes for which they are intended?"

More than a century and a half after Wilson's address, in September 1951, the famed former dean of the Harvard Law School, Roscoe Pound, by then a member of the original faculty of the newly established UCLA School of Law, ventured a prophecy to a gathering of the fledgling UCLA Law Association, whose more than 400 members—given that there were as yet no graduates—consisted of lawyers and judges whose undergraduate work had been at UCLA. Dean Pound said:

*"In the history of American law we have seen a few great centers of legal learning and teaching which have had a wide influence. ... Such a center, I venture to predict, will be the Law School of the University of California at Los Angeles.... Here is the real America of the future, believing in itself, not feeling itself a part of Europe and spreading European culture. ... [T]he work ... is to establish a center for law in the world of tomorrow to stand along with, and lay out even better the paths of justice in an age of American leadership."*

Though the times and the contexts in which those statements were made differed dramatically from each other and from the world we now inhabit, the UCLA School of Law has acted upon and continuously strives to share the spirit of independence and innovation, the devotion to preparing "tender and ingenious minds" for service in the law, and the belief in the importance of law education and its relation to fortifying the paths of justice—notably, in a much more inclusive fashion than was extant at either of those periods—of which Wilson and Pound separately spoke. Our gathering today, designed both to celebrate the remarkable achievements of a half century since the law school's birth and to dedicate the Hugh and Hazel Darling Law Library, is also intended to challenge us to build exponentially upon what we have accomplished thus far to fulfill Dean Pound's vision of a great center of legal learning and teaching that will have a wide influence.

What are the elements of our half-century of distinction that instill such pride?

- The sheer rapidity of our ascent to the top ranks of law schools nationwide.
- An original building and three additions that, piece by piece, provide altogether the varied classroom spaces, advanced clinical facilities, and now a majestic library to permit a comprehensive, broad-reaching program of legal education for the 21st century.
- A law faculty that boasted distinguished members from the start and that has grown in size and accomplishment.
- Most compellingly, the students it has been our privilege to teach. Our graduates include leaders of the bar (for example, two Presidents of the California State Bar, including one this year); alumni who are leaders in business and industry; more than 150 state and federal judges; legislators in Congress, the California legislature and local representatives; federal, state and local executive branch officials; founders, leaders and toilers in the vineyard of public interest law firms and organizations; writers, agents and producers; and academics in law and other fields, among others.
- Mutually beneficial interaction with the many other disciplines of distinction on the comprehensive UCLA campus. Our academic program includes outstanding innovation in clinical legal education, a commitment to diversifying the legal profession, and recent programmatic specializations, such as the Program in Public Interest Law and Policy, the Business Law Concentration, the Frank Wells Environmental Law Clinic, and International and Comparative Law courses that range across many of the legal systems that govern literally hundreds of millions of people around the world.
- We are also proud to have a collegial community that is the envy of American legal education.

To accomplish so much in so relatively short a time required most centrally the combined efforts of faculty, students and staff who were devoted to the enterprise of legal education, and

alumni and friends who shared our dreams. But leadership was also required, and the labors of my predecessors, and of Chancellor Emeritus Charles E. Young supplied that leadership in a remarkably committed and effective way. Chancellor Young's steadfast commitment over nearly three decades to the development and salience of the law school in a great university—a commitment that I am happy to say Chancellor Carnesale appears to share—aided the law school through good times and bad.

Closer to our law building home, I have had the good fortune of knowing all but the first dean of the UCLA School of Law. William Warren and Susan Westerberg Prager were the two deans who led the law school during my time on the faculty. And Richard Maxwell—the dean who presided over the formative years of the law school's expansion in faculty, student body, building and library holdings—and Murray Schwartz—the dean who presided over the law school's substantial inaugural investments in clinical legal education and the original efforts to diversify the student body—remained faculty colleagues to me.

And now, some brief words are in order to begin the dedication of the Hugh and Hazel Darling Law Library. As with the law school as a whole, the true dedication of the library is not the ceremony we rightly hold to mark its magnificent physical transformation, but the use that will be made of it by generations of students, many yet unborn, for pervasive inquiry, discovery, private contemplation and group discussion. The way it permits hours of intensive study and research in surroundings that nourish the spirit as well as the intellect is most worthy of dedication.

Fifty years ago, the law library began with a rudimentary collection of 20 to 30,000 volumes. As of 1957, an Educational Policy and Program Report prepared by the law faculty flatly stated: "No law school can become truly great without a great library. We have had no master plan for its development." Major improvements in the collection did occur under the deanship of Dick Maxwell, but the steady growth of the collection was not matched by improvements in the physical space to house it, and the study space was crowded, inadequate and less than inviting. The rise in the reputation of the law library was not as rapid as that of the law school's general reputation, and recognition of the need to make the library facility match the great national law school of which it is a vital part can be found in many contemporaneous assessments.

Fortunately, the truly collective efforts of so many of the good people in this room—alumni, friends, faculty, staff, architects, campus leaders—together with the unceasing efforts of Chancellor Emeritus Charles E. Young and the indefatigable leadership of Susan Prager, overcame all of the seemingly formidable obstacles, knitted together public and private funding in available fits and starts, and produced an exquisite temple of study and research that we dedicate and will visit today.

Transformation is the only word adequate to capture the change. Now there is room for the collection to grow. Now there are comfortable and varied seating options for more than two-thirds of the student body at any one time. Now there is beauty and light, effective climate controls, adaptive technologies for disabled students, computer labs and a 24-hour reading room. Now there are desirable group study rooms, magnificent main reading rooms and smaller reading areas. Now each seat is equipped for electricity and access to the law school's computer network and other online resources. Most importantly, now there is an inviting climate conducive to lengthy visits to the law library, an environment that builds and supports our intellectual and human community, and a palpably supportive atmosphere to strengthen the needed resolve to undertake most successfully the rigors of legal research and learning.

Today we hold fast to the values of accessibility, excellence, professionalism, collegiality, innovation, ambition and community that have characterized our maturation and will guide our future. We do so, as always, in a changing world, this time anticipating changes brought by the globalization of business and other relationships, by scientific advances in electronic and biological technology, by modifications in the structure of the legal profession, and by demographic developments that so often are beyond our ken. Adaptation and innovation will be essential, but the enduring value of a rigorous law education will persist, I believe, just as it has in so many other generations. What I know is that The UCLA School of Law, now home to the world-class Hugh and Hazel Darling Law Library, will march ahead boldly and with confidence, because of you and what has been contributed and fashioned over the last half century to bring us to this expectant day.



*“I believe that we have all been called upon to be great stewards of that of which has been invested in us . . . I see that UCLA, its students, its administrators and certainly its faculty and supporters are charged today with a great responsibility, to make productive use of this completed library. This great facility and the importance of our legal system demand that the highest and most honorable standards be tolerated and taught in this institution.”*

*“What the Darlings did was important, but it was only part of the puzzle. How can you have a great University without a great law school? How can you have a great law school without a great library?”*

*“I congratulate UCLA and ask God’s blessing on all of you in this place.”*

*Richard Stack, Trustee of the Hugh and Hazel Darling Foundation*



*Richard L. Stack, Trustee of the Hugh and Hazel Darling Foundation and a Bruin Dad, speaks at the official dedication of the Hugh and Hazel Darling Memorial Law Library January 22, 2000 (comments on the left).*

*The interview took place on the anniversary of Mr. Darling’s passing, June 2000.*

#### IMPACT LEADERSHIP

The assets of the Hugh and Hazel Darling Foundation may be modest compared to many other charitable trusts, but the Darling Foundation’s influence on legal education in California has been significant, due in part to the philosophy of its Trustee, Richard L. Stack.

“I want to see the Darling Foundation make an impact in education and in the lives of students.” said Mr. Stack. Under Mr. Stack’s leadership, the Darling Foundation on a number of occasions has made a “lead” gift in support of a program or project. This included the lead gift in the campaign to build a new law library at UCLA. “I have learned that often a good project will be slow to get off the ground until an initial leadership gift is made. Someone needs to believe in the importance of a project and make a commitment; then others will follow. I have seen this repeatedly and I am always gratified to learn that a grant by the Darling Foundation has given other donors confidence to commit to a project as well.”

The Darling Foundation is housed in the classic Biltmore Hotel in downtown Los Angeles next to the Pacific Mutual Building where Hugh Darling practiced law for over half a century. Hazel, the scion of a family that built the Berry Petroleum Company, and Hugh, a successful aviation attorney who invested wisely in real estate and the stock market, amassed a sizable fortune over the course of their marriage. He was active in bar and civic organizations including service as Los Angeles County Bar President and as the Mayor of Beverly Hills. An impressive man in many ways, Hugh Darling was respected by most everyone with whom he came in contact. “Here we are, fourteen years after the passing of Mr. Darling, and I am amazed at how often lawyers I meet want to tell me ‘Hugh Darling stories’ about encounters they had with him many years ago,” said Trustee Stack.

Hugh Darling was devoted to his wife, and she to him. “They were a childless couple, very close, very dedicated to each other.” Mr. Stack reminisced about his late law partner. Because of his long association with Mr. Darling and his background in trusts and estates law, Richard Stack was called on to assist in their planning. “After Mr. Darling passed away, I sat with Mrs. Darling to discuss various options available to her and I remember her eyes lighting up when I suggested she could honor the memory of her husband by establishing a foundation in their names for the support of education.” Ever since, Mr. Stack has been a man on a mission. For more than a dozen years he has devoted a large portion of his professional life to executing the wishes of the late Hazel Darling.

The Hugh and Hazel Darling Law Library at the UCLA School of Law is a tribute to the devotion of Hugh and Hazel Darling to one another and reflects their commitment to education. There are many ways to support education. For Richard Stack and the Darling Foundation, the approach at UCLA has been to help rebuild the law school library and thereby make state-of-the-art facilities available for students to enhance their learning experience and provide comfortable and attractive surroundings. “I studied in the UCLA Law Library years ago and I know that it is a far better place for students today. It took more than 10 years to complete, but it was well worth the wait.”



*A portrait in oils of Hugh and Hazel Darling, courtesy of the Law Library of Loyola Law School*



# 50th Anniversary of the UCLA School of Law

EXCERPTS FROM A SPEECH BY WILLIAM WARREN, JANUARY 22, 2000

I have been asked to speak very briefly about the faculty of the School. I'm sure many of you have heard of the fabled opening day of our School in September 1949. The faculty then consisted of only six men. It was orientation, and the small student body was assembled in a Quonset hut, which served as the Law Building for the first two years of the school. The principal speaker was Roscoe Pound, who was without question the leading figure in American legal education in the first half of the century. The long time dean of the Harvard Law School—then in his 80's—had accepted an invitation to join the faculty of this new school. He gave the keynote speech that day—in Latin. I've sometimes wondered whether this wasn't perhaps the first and last time anyone ever gave a formal address in Latin in a Quonset hut.

That tiny group has grown into a faculty of over 60 tenure-track professors, with a host of lecturers and adjuncts. I believe I can say that our present faculty has become one of the most distinguished in the nation today, and I wish to tell you a little about them. Faculty members teach, do research, and, at least in the UC System, they help the Chancellor run the University. It's called "shared governance."

*Above: Dean Jonathan D. Varat, former Dean Susan Westerberg Prager '71, Chancellor Albert Carnesale, keynote speaker (and Dad-grad of Chris '97) Leon Panetta and former Dean William Warren at the gala celebration*



*Ralph Shapiro '58 shares a wonderful evening with donors, professors and friends*

## RESEARCH

Doing legal writing and research is a lonely, almost monastic, occupation. It entails, for the most part, sitting in front of a computer, trying to give birth to original ideas, and keeping this up for 35 to 40 years. Does the picture of Sisyphus pushing a large stone come to mind? Or is it Charlie Brown and a football? The number of men and women who can excel at the rigorous task of doing good research, and gaining national or even international recognition in their field, is very, very small, and they are the gems of the academic world, coveted by every university in the land. Let me say just a few words about some of our jewels.

Among the holders of our endowed chairs is **Richard Abel**, regarded by many as the leading American scholar in the field of sociology of the law. Rick has written the standard works about the legal profession in both America and Britain, and is currently engaged in his seventh book in this area. He's done much, much more that I haven't time to describe. His reputation in Britain is as high as it is in this country. Rick is current holder of the **Connell Chair** at the Law School.

**Joel Handler** left two endowed professorships at the University of Wisconsin to join our faculty in 1985. It is safe to say that Joel is the outstanding American

authority in the field that has come to be called welfare law. He has authored 12 books and dozens of influential articles. He has written extensively on the delivery of legal services to the poor. In more recent years he has written on one of the central questions in our society—bureaucracy, and how it affects clients. But, according to Joel, all his academic honors and achievements rank below the greatest experience of his life—that, as a youthful clothing store clerk, he sold some gift neckties to his idol, Joe DiMaggio. Joel is the current holder of the **Richard C. Maxwell Chair**.

**Kenneth Karst** has been a member of our faculty since 1965. Out of over 1,630 people listed in the Directory of Law Teachers as teaching constitutional law, Ken has joined that tiny handful of highly influential scholars who lead this important field of inquiry. Ken has written many important books and articles. Ken holds the



*Professor John Wiley and his bridge partner, Ethel Balter, a beloved friend of the law school*



*Shelley Resnik (center) introduces her daughter, Jenny, to Leon Panetta*

**David and Dallas Price Chair**, is a member of the prestigious American Academy of Arts and Sciences, and is one of only two members of our faculty invited to give the Annual Faculty Research Lecture.

Another esteemed endowed chair holder is **Gary Schwartz**, who has risen to become recognized as one of the nation's leading scholars in the vast field of tort law. Gary is currently serving as Co-Reporter of the Restatement of Torts: General Principles. Gary holds the **William D. Warren Chair**.

**Jesse Dukeminier**, a gifted teacher, now **Richard Maxwell Professor Emeritus**, is famed for his work on the Rule Against Perpetuities and other fascinating property law subjects. Jesse's casebooks on property and wills and trusts have educated an entire generation of American law students.

**William Klein** is another **Maxwell Professor Emeritus**. His eclectic but influential work in taxation and business associations merited, on his retirement, a program at Lake Arrowhead of admiring scholars in appreciation of his accomplishments—a festschrift, no less.

There are at least 20 other scholars who should be mentioned, but I will only name a few:

**Stephen Yeazell**, for his work on the history of procedure. His best selling civil procedure book is used at the top schools throughout the country.

**Grant Nelson**, for his treatise on real property finance, which has been the dominant reference book for lawyers, judges and law students for more than a decade.

**Ken Graham**, for his multi-volume treatise on the federal law of evidence. He's done six volumes and hasn't finished yet.

**Kimberlé Crenshaw**, for her work as one of the founders of the critical race theory field.

**Christine Littleton** and **Frances Olsen** who, in different ways, were pioneers in feminist legal theory. Fran has been invited to lecture all over the world and her work has been translated into many languages.

**Carole Goldberg**, for her articles and books that are leaders in the developing field of Indian law.

**Stephen Munzer**, for his prize-winning work on the philosophy of property.

**John Wiley**, for his highly regarded work in the anti-trust field.

I could go on and on.

With some of our best scholars now retired, you may ask if we are filling the pipeline. The answer is yes. I am not going



Marion and Bob Wilson stand before the Wilson Alcove



*The front desk of the library takes on a new look*

to speak at all about the great group of young scholars that the School has recruited in the past five years. Their time for recognition will come. But I will note three mature and enormously prolific scholars who left good law schools to join our ranks in very recent years.

**Stephen Bainbridge**, who spews out impressive books and articles on business associations, joined us from Illinois, where he was revered for his teaching as well as his scholarship.

**Stephen Gardbaum**, who left Northwestern to join us. Stephen has published as many articles in prestigious law reviews in the past 10 or 12 years as anyone in the nation. He works in constitutional law and political philosophy.

Finally, **Lynn LoPucki** left an endowed chair at the Cornell Law School to join

us last year. Lynn is without doubt the most prolific and provocative scholar in the commercial law and bankruptcy fields in America today. Lynn is the first holder of the **Security Pacific Bank Chair**.

These three men combine to publish more good work each year than many entire law faculties, and we are delighted that they have joined us.

## LAW REFORM

Another form of scholarly activity in which our faculty has always excelled is law reform. From **Harold Marsh's** work on the California Corporation Law and bankruptcy reform, through **Michael Asimow's** extended work with the Law Revision Commission on Administrative Law, many on this faculty have spent large portions of their careers on making laws better.

As many of you know, the American Law Institute invites scholars at the top of their fields to be Reporters (drafters) of their authoritative Restatements of Law.

Currently, **Susan French** is completing more than ten year's work as the Reporter on the Restatement of Property: Servitudes.

**Grant Nelson** completed his work as Co-Reporter on the Restatement of Property: Real Estate Finance.

**Gary Schwartz** is working as Co-Reporter on a new version of the Restatement of Torts: General Principles.

**Grace Blumberg** is one of the Co-Reporters on the ambitious Principles of Family Dissolution: Analysis and Recommendations.

**Kenneth Klee** is generally regarded as one of the most influential persons in bankruptcy reform today.



*Former Dean Murray L. Schwartz and Dr. Audrey Schwartz*

Under the auspices of the Commissioners on Uniform State Laws, roughly one quarter of the current version of the Uniform Commercial Code was written at UCLA during the late 1980s, largely owing to the analytical brilliance of **Robert Jordan**, now retired.

It's difficult to think of any law school, west of the Charles River, that has played a greater role in national law reform than has UCLA.

## TEACHING

UCLA prides itself on emphasizing teaching. We cherish good teachers, and we have had so many of them over the years. Many of you remember giants like **Jim Chadbourne**, **Dick Maxwell**, **Harold Marsh**, and **Murray Schwartz**.

Law teaching has changed radically since many of you attended law school, and UCLA has been a leader in this change. When I was in law school, the first class of the first day of school and the last class on the last day of school, three years later, were the same. Students were called upon to recite the facts and holding of a case, and the teacher — à la Professor Kingsfield in “The Paper Chase”— then subjected the hapless student to a series of questions designed to show how little the student knew. This process of public humiliation was described recently as resembling a boxing match between Muhammad Ali and Woody Allen. I used to wonder what use we were supposed to make of what we were learning. Isn't the function of lawyers to help clients? I never heard the word “client” used in my legal education.

UCLA has been a leader in building a clinical program that puts the interests of clients into legal education. Over the past 30 years, UCLA has developed a pioneering clinical program that is regarded as one of the best in the nation, and has received international acclaim. Let me just give you the names of the courses this School offers this year that require students to perform lawyers' roles:



*Professor Stephen Yeazell and former dean Susan Westerberg Prager '71*



*Justice Steven Perren '67, Judge Richard Fybel '71, Alumni Association Immediate Past President Donna Black '75, Alumni Board Treasurer Beth Cranston '86 and friends at the dedication*

The basic Trial Advocacy courses, both Civil and Criminal (in which student performances are videotaped and critiqued); Counseling, Interviewing and Negotiation; Depositions and Discovery; Environmental Clinic; Environmental Business Transactions; Mergers and Acquisitions Transactions (taught by members of a Los Angeles firm); Public Offerings (also taught by an L.A. firm); Renegotiating Business Agreements (**Ken Klee**, one of the leading bankruptcy lawyers in the nation, joined our faculty and is teaching this); Public Policy Advocacy; Indian Law Legislation; and Doing Business in China.

In addition to our clinical courses, we have other courses with law practice aspects. **Ken Ziffren** '65, one of the leading entertainment lawyers in the country, offers Motion Picture Distribution, and members of a Los Angeles law firm offer a course in Commercial Lending.

As proof of the law school's commitment to good teaching, no less than 17 law faculty members have been winners of the coveted campus-wide Distinguished Teaching Award. They are Professors **Jesse Dukeminier**, **Richard Maxwell**, **Stephen Yeazell**, **Kenneth Karst**, **Jerry Lopez**, **Stanley Siegel**, **Kenneth Graham**, **Alison Anderson**, **Eric Zolt**, **John Wiley**, **Michael Asimow**, **Paul Bergman**, **David Binder**, **Steven Derian**, **Kris Knaplund**, and in the past year, **Grace Blumberg**. [Editor's note: Most recently, **David Sklansky** and **Tom Holm** were awarded the 2000 Distinguished Teacher Award, June 4, 2000.]

I cannot talk about the UCLA law faculty without thinking of some of our great colleagues who are no longer with us. Arguably, the two most influential books written by our law faculty members are **Melville B. Nimmer's** treatise on copyright law, the



Dena and David Ginsburg '76



Professor David Dolinko '80 and wife Feris M. Greenberger '80

ultimate authority in the burgeoning field of copyright, and **David Mellinkoff's** *The Language of the Law*, which launched the Plain English movement that has been so popular in recent years. Mel was taken from us a few years ago at the peak of his career, but it is comforting to know that his and Gloria's son, David, has taken over the treatise, and that it is as influential as ever. **David Mellinkoff**, after a full and productive life, passed away only last month at 85. We shall not see the likes of these two great men again.

But there is another great human being whose recent passing must be noted. **Julian Eule**, always a fabulously successful teacher, was well into what we all know would have been a great scholarly career. We miss him greatly.

Finally, I must note with regret that **Ken Karst** retired at the end of 1999. His contribution to this school as a scholar, teacher and colleague has been immeasurable. When UCLA recently made a list of the 20 outstanding faculty members out of the thousands who taught here in the past century, Ken's name was properly on the list.

Ken, I know that I speak for this group in wishing you a happy retirement, but one that allows you to continue your ties with the law school. Congratulations, Ken on making the top 20!



Former Dean Susan Westerberg Prager '71 and Wilma Williams Pinder '76



# The Nimmer Lecture

**The Melville B. Nimmer Lecture** is a tribute to an extraordinarily popular professor who, from 1962 until his death in 1985, dedicated his life to distinguished teaching at the UCLA School of Law. Through the generous contributions of his family, friends, colleagues and former students, the Melville B. Nimmer Memorial Lecture annually brings to our UCLA Law community outstanding legal practitioners, scholars and theorists for an evening of professional exchange and fellowship.

On March 9, our keynote speaker was Robert C. Post, the Alexander F. and May T. Morrison Professor of Law at Boalt Hall. A constitutional law scholar, Post's particular expertise lies in the jurisprudence of the First Amendment.

Professor Post graduated Summa Cum Laude from Harvard in 1969. He was Note Editor of the Yale Law Journal, where he earned his J.D., and returned to Harvard to earn a Ph.D. in the History of American Civilization. His dissertation title was: *Studies in the Origin and Practice of the American Romance: Social Structure, Moral Reality and Aesthetic Form*.

After clerking for Chief Judge David L. Bazelon of the U.S. Court of Appeals for the D.C. Circuit and for Justice William J. Brennan, Jr. of the U.S. Supreme Court, Professor Post practiced with the Washington, D.C. law firm of Williams and Connolly as a litigator. He joined the Boalt faculty in 1983.

A specialist in the area of First Amendment theory and constitutional jurisprudence, Professor Post is the author of *Constitutional Domains* (1995), co-editor of *Human Rights in Political Transitions: Gettysburg to Bosnia* (1999) and *Race and Representation: Affirmative Action* (1998), and editor of *Censorship and Silencing: Practices of Cultural Regulation* (1998) and *Law and Order of Culture* (1991). Recent articles include "Prejudicial Appearances: The Logic of American Antidiscrimination Law," in the *California Law Review* (2000); "Defending the Lifeworld: Substantive Due Process in the Taft Court Era" in the *Boston University Law Review* (1998); "Judicial Management and Judicial Disinterest: The Achievements and Perils of Chief Justice William Howard Taft" in the *Journal of Supreme Court History*; "Equality and Autonomy in First Amendment Jurisprudence," in the *Michigan Law Review* (1997); and "Subsidized Speech," in the *Yale Law Journal* (1996).

Professor Post is on the Board of Editors of *Representations*, and during 1993-1997 was chair of the Board of Governors of the UC Humanities Research Institute at Irvine. In 1990 he received fellowships from the Guggenheim Foundation and the American Council of Learned Societies. He is a fellow of the American Academy of Arts and Sciences. During 1992 to 1994, Professor Post was General Counsel of the American Association of University Professors, and in 1994 he chaired the Section on Constitutional Law of the Association of American Law Schools.

Gloria Nimmer surrounded by her family:  
First row: Melissa Doyle, Milton Thomas, David Nimmer,  
behind David is Avi; Second row: Laurence Nimmer, Steven,  
Gloria Nimmer, Jacob Nimmer and Marcia Nimmer

## The Constitutional Status of Commercial Speech

EXCERPTS FROM THE ADDRESS OF ROBERT C. POST

Although the Court has persistently adjudged commercial speech to be "subordinate," it has never offered an account of why this might be true. In fact the doctrine has developed without jurisprudential foundations of any kind, which is no doubt why the Court has veered wildly between divergent and inconsistent attitudes toward the regulation of commercial speech. A 1986 decision by the Court was so solicitous of government regulation as to suggest to commentators that commercial speech doctrine was "left for dead," whereas a recent 1996 decision is so protective as to render it "unclear why 'commercial speech' should continue to be treated as a separate category of speech isolated from general First Amendment principles."

The Court has proved susceptible to such wide swings of perspective because its "common-sense" approach to commercial speech has systematically obscured two questions. These were succinctly stated, appropriately enough, by William Van Alstyne in his 1995 Nimmer Memorial Lecture: "What is 'commercial' speech, and, as to all that is concededly included within merely commercial speech, what residual constitutional *difference* does it make? ... [H]ow, if at all, may commercial speech be treated *differently*, or less favorably, than other speech ...?"

In this Nimmer Memorial Lecture, the first of the 21st century, I should like to take up the questions posed by Van Alstyne. I shall argue that the definition of commercial speech flows from the constitutional values we understand to be at stake in its regulation. These values not only delineate a particular category of communication, but they also instruct us as to the kinds of constitutional safeguards that ought to be extended to commercial speech.

My hypothesis is that the Court's cases and doctrine are most plausibly interpreted to define commercial speech as a form of communication about commercial matters that is publicly distributed and that contains information necessary for public decisionmaking, but that does not itself form part of public dis-



course. Many of the provisions of commercial speech doctrine that are said to mark the “subordinate” constitutional status of commercial speech actually express the fact that commercial speech is valued primarily for its information. Public discourse, which receives different and greater constitutional protections, is by contrast valued because it represents a form of participation in processes of democratic self-governance.

If we ... seek to define commercial speech by its content, rather than by the attributes of its speakers, we confront the paradox that a given communication can be deemed commercial speech when uttered by one speaker, but fully protected when published by another. A pharmacist who publishes drug prices is said to engage in commercial speech, but information about these same prices distributed by *Consumer Reports* as part of a comparative study of the pharmaceutical market would likely merit full First Amendment protection. Certainly the pamphlet describing venereal disease and condoms, which the Court deemed commercial speech when distributed by a manufacturer of condoms, would receive full First Amendment protection if published by an AIDS prevention group.

The impossibility of uniquely specifying the attributes of commercial speech has been much noted. In 1976 Justice Blackmun asserted that the very obscurity of the boundaries of commercial speech meant that it could not be entirely without First Amendment protection. More recently, however, commentators have urged that this obscurity implies that commercial speech can not be systematically relegated to a subordinate First Amendment position.

Although the Court is clear that speakers of commercial speech are not engaged in public deliberation, it is also clear that commercial speech should be protected because of the need to safeguard the circulation of information. The Court thus focuses constitutional analysis on the needs of an audience, rather than on the rights of speakers ...

This focus on information introduces an important point of difference from the “ordinary” First Amendment protections that apply to public discourse. Public discourse consists of the communicative process through which persons deliberate about their common fate and form a public opinion empowered to direct the actions of the state. It is a necessary (although not sufficient) condition for democratic legitimacy that citizens have free access to public discourse, because censoring a citizen’s ability to contribute to public opinion is to render the government, with respect to that citizen, “heteronomous and nondemocratic.” First Amendment safeguards of public discourse are there-



fore speaker-oriented. Commercial speech doctrine, by contrast, is audience-centered. The censorship of commercial speech does not threaten the process of democratic legitimacy. Instead it endangers the circulation of information relevant to “the voting of wise decisions.”

We may thus construct a rough and incomplete definition of commercial speech as the set of communicative acts about commercial subjects that conveys information of relevance to democratic decisionmaking but that does not itself form part of public discourse.

Commercial speech doctrine is now almost a quarter of a century old. Yet in all that time it has never systematically queried its own justifications and implications. By settling quickly and easily into a test whose bland provisions were indifferent to a disciplined account of the constitutional purpose and meaning of commercial speech, the doctrine has allowed fundamental differences of perspective to fester and increase.

These differences now threaten to explode the doctrine entirely. It is time, therefore, to pause and take stock, to assess what defensible foundations, if any, the doctrine has established, and to think through the legal rules entailed by these foundations.



## Roscoe Pound California Moot Court Competition

The Roscoe Pound Tournament is the culmination of the UCLA Moot Court Honors Program's intramural competition for second and third-year students. This year, approximately one hundred thirty students wrote appellate briefs and then argued before local members of the bench and bar. Based upon evaluation from these judges, the top twelve second year students were named Distinguished Advocates. Further, the top three advocates from each issue and side, twelve advocates in total, were chosen to argue before the entire Moot Court Board Executive Board, which then selects the best oral advocate from each issue and side. These four go on to compete in the Roscoe Pound Tournament. Each year, three of the nation's most distinguished jurists preside at the Roscoe Pound Tournament. The gavels were assumed by UCLA School of Law Alumni, The Honorables Joan Dempsey Klein '54 and Gary L. Taylor '63 and a distinguished professor (and former California Supreme Court Justice) Cruz Reynoso.



Advocates and Justices, (above, clockwise from left): Enrico Alis, The Honorable Joan Dempsey Klein '55, The Honorable Gary L. Taylor '63, Professor Cruz Reynoso, Shalon Zeferjahn, Melissa Reeves, Amy Gaylord

The Moot Court Executive Board members (left: first row (l-r) Chief Justice Robert Jenkins '00, David Silberman '00, Ilana Spector '00, Gene Williams '00, Jessica Bennett '00; Second row (l-r) Brooke Blau '00, Brian England '00, Phillip Gisi '00, Gene Whitney '00, Jamie Chou '00

## Roger Traynor California Moot Court Competition



Top row: Justice John Arguelles '54, Justice Armand Arabian, Justice Mildred Lillie; Front row: Lauren Teukolsky '00, Pepperdine's Carmen Cole, Pepperdine's Jeannette Alder, and Brian England '00

The UCLA School of Law hosted the 2000 Roger J. Traynor California Moot Court Competition, the privilege of winning the championship in 1999. All California schools are invited to participate in this annual competition, sponsored by the Witkin Legal Institute. The competition consists of two elements, the written brief and the oral argument. The briefs, written and researched by each of the participating teams, are evaluated independently of the oral arguments.

The problem is based on a real case and involves the validity of a routine traffic arrest that resulted in the discovery of illegal drugs. The issues on appeal are:

1. Was defendant legally arrested when he was handcuffed and placed in the back seat of a police car. This issue involves whether the police actions constituted a de facto arrest without probable cause or whether these acts were permissible within the scope's of defendant's detention.

2. Should statements made by defendant following the discovery of the drugs have been suppressed. This issue involves whether defendant's responses to questions asked by a police officer were admissible in the absence of a Miranda warning.

Roger J. Traynor (1900-1983) served as an Associate Justice of the California Supreme Court from 1940 until 1964, and as the Chief Justice of California from 1964 until his retirement in 1970. During 1974-1975, Justice Traynor lectured on legal science and ethics at the Universities of Birmingham and Cambridge in England. He also served as a member of the faculty at Boalt and Hastings. Traynor was described by Time magazine, January 21, 1966, as a "law professor's judge."

Hastings, Empire and Pepperdine law schools won top honors in this year's competition.

# Entertainment Law Symposium



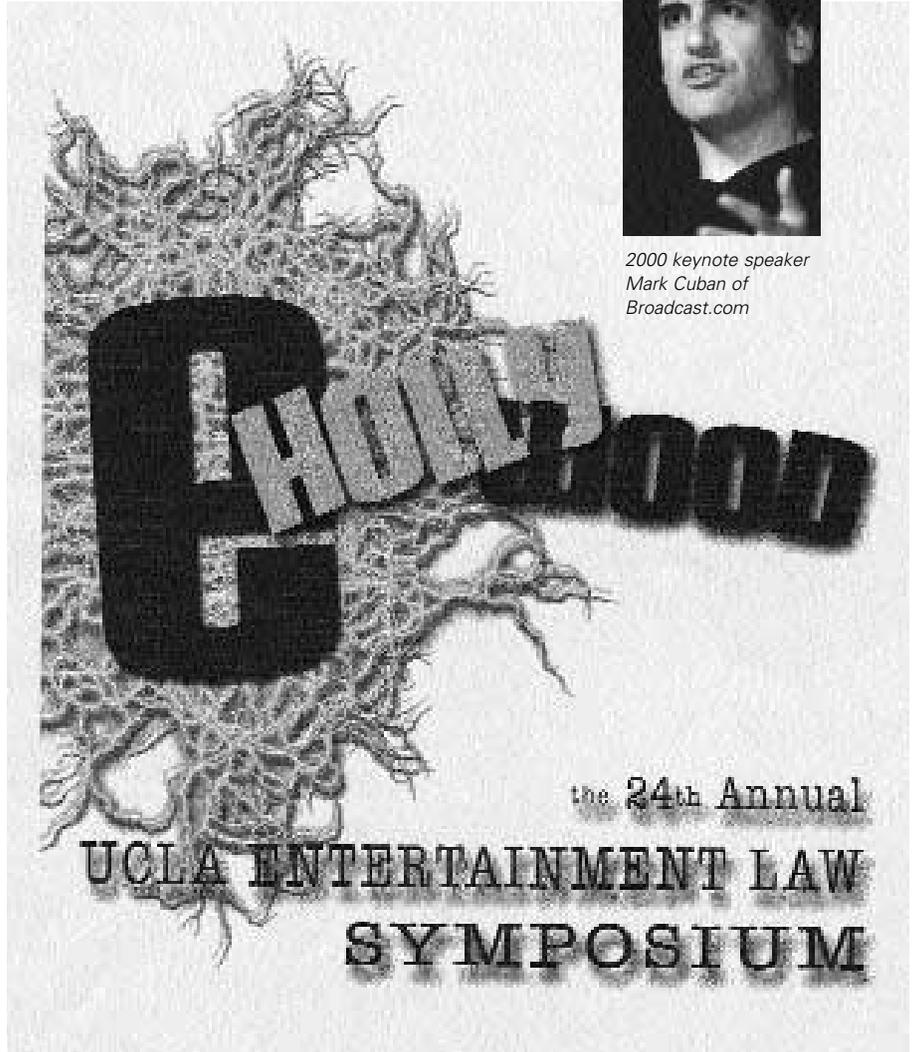
Associate Dean Barbara Varat and Dean Jonathan D. Varat welcome David Dizenfeld '74 to the symposium



Bertram Fields (right) was the 1999 keynote speaker



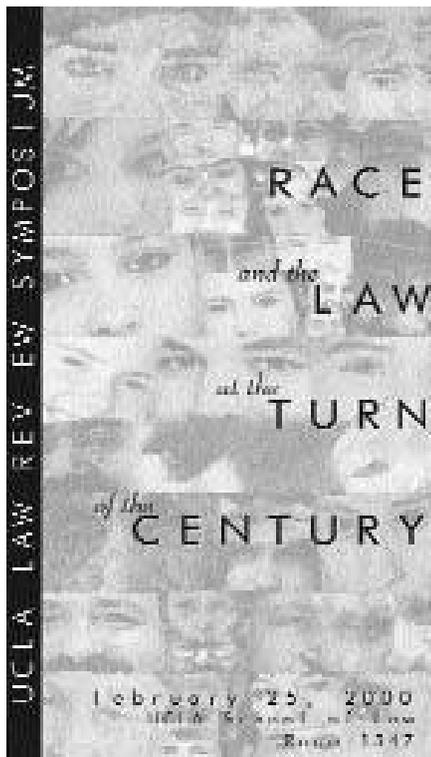
Alumnus of the Year Barbara Boyle '60 (right) shares a moment with a colleague



2000 keynote speaker Mark Cuban of Broadcast.com



Carter Rubin, The Honorable Larry Rubin '71, Nancy Rubin, Assistant Dean Elizabeth Cheadle '81 and Dean Jonathan D. Varat salute Larry's father, Ed Rubin, one of the founders of the Entertainment Law Symposium



## *UCLA Law Review Presents Symposium on Race and the Law*

BY MARCELA SIDERMAN '00 AND FRANK MENETREZ '00

The *UCLA Law Review* is a student-run journal of legal scholarship, publishing the work of leading scholars in all areas of the law. Volume 47 (1999–2000) features articles on topics ranging from intellectual property to environmental law to the use of Navajo Peacemaking in domestic violence cases, as well as a special issue (May 2000) in honor of Professor Kenneth L. Karst of UCLA School of Law.

Each year the *UCLA Law Review* presents a symposium on an important legal issue. This year's symposium, "Race and the Law at the Turn of the Century," brought together top scholars from around the country to explore topics such as remediation for past and present racial sins as a basis for affirmative action, race and identity in the workplace, the concept of equality, treaty rights, comparative racialization, skin tone discrimination, race and identity neutrality, reformation of civil rights, and the "culture of race." The papers presented at the symposium will be published in the August 2000 issue.

In her introductory remarks at the symposium, Kimberle Crenshaw of UCLA School of Law remarked on the declining number of minority admits to the law school and compared the law school to an orchestra with certain sections missing, commenting that such a depleted ensemble can "forget about playing anything that sounds good." She concluded her remarks by emphasizing the need for immediate action in solving racial problems.

The first panel, "The Racial Past that Refuses to Go Away," included Devon Carbado of UCLA School of Law, Richard Delgado and Jean Stefancic of the University of Colorado, and Rebecca Tsosie '90 of Arizona State University College of Law. Katherine Franke of Fordham University School of Law commented on the presentations, and Kenneth Karst of the UCLA School of Law moderated the panel.

The second panel, "Comparative Racialization," included Taunya Banks of University of Maryland Law School, Neil Gotanda of Western State University College of Law, and Elizabeth Iglesias and Francisco Valdes of the University of Miami Law School. Carole Goldberg of the UCLA School of Law moderated the second panel.

The third panel, "A New Civil Rights Discourse," included Jerome Culp of Duke University School of Law, Richard Ford of Stanford Law School, Sharon Hom of City University of New York School of Law at Queens, and Eric Yamamoto of the University of Hawaii. Leti Volpp of American University commented, and David Sklansky of UCLA School of Law moderated the panel.

In closing, Cheryl Harris of UCLA School of Law thanked all of the participants for helping to "deepen our understanding, change our focus from our intentions to our actions, change our concerns from our individual feelings to our concern about a stronger sense of collective justice, re-imagine our community and concretize a narrative that will reconnect our aspirations to a different and better reality."

The event was organized by UCLA Law Professor Devon Carbado, *UCLA Law Review* Symposium Editors Brooke Lorman '00 and Marcela Siderman '00, Editor Chris Norton '01, Editor-in-Chief Frank Menetrez '00, and Editorial Assistant Pei Pei Tan '96.

To order the issue in which the papers delivered at the symposium will be published, call the *UCLA Law Review* office at (310) 825-4929. The cost of the issue is \$10.50. The cost for a subscription to the *UCLA Law Review* (October-August) is \$35 domestic, or \$40 foreign.

## Women's Law Journal Hosts Provocative Symposium

By EMILY MAH, '01

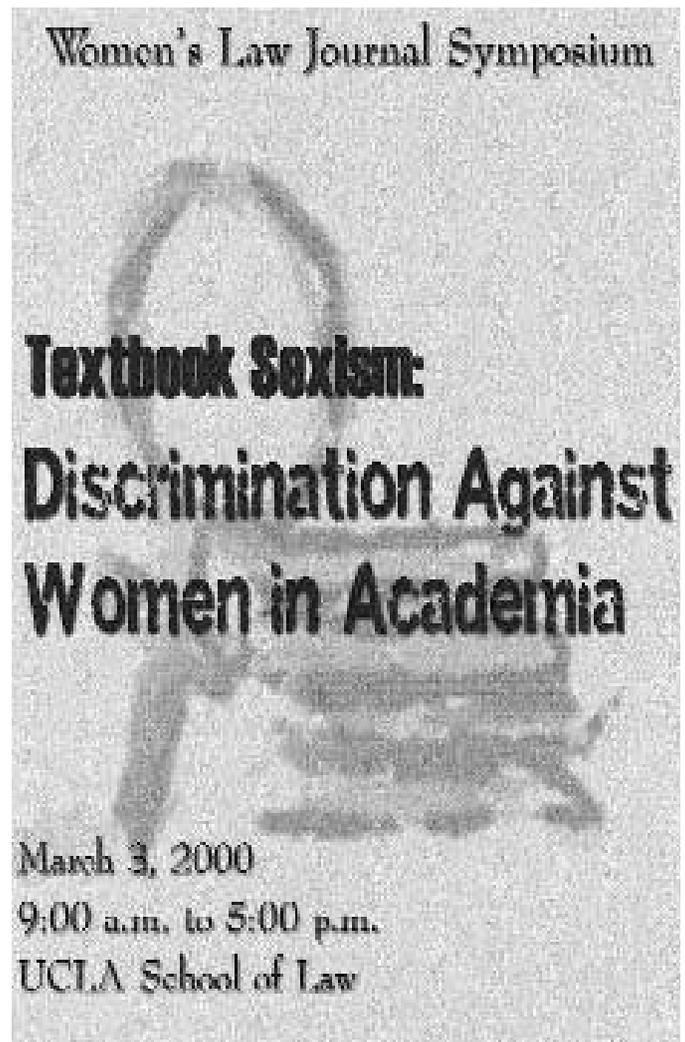
On March 3, the UCLA School of Law *Women's Law Journal* hosted a symposium entitled "Textbook Sexism: Discrimination Against Women in Academia." The symposium was designed to address the issues that women face when they choose to enter the traditionally male world of academia. Speakers ranged from new professors just starting in the field to professors who have been teaching for more than thirty years. The discussion was structured via four panels intended to move the discussion from introducing the issues to searching for practical solutions.

Two of the main speakers for the day were Professor Mary Daly of Boston College and her attorney, Gretchen Van Ness. Last year, Boston College omitted Daly from its course catalogues and faculty lists because she refused to teach inter-gender classes. Daly has been a professor at Boston College for more than thirty years and has barred men from her Introduction to Feminist Ethics class for more than twenty years because she believes men hurt women's learning experience. One male student refused to take the class in private tutorials, rather than with the all-female class. He threatened to sue Boston College under Title IX. Daly filed suit against the college for breach of contract. The case is still pending.

Other speakers included Melissa Cole, a first-year professor at St. Louis University School of Law who spoke of the special challenges that women still face even today when they choose to enter the teaching profession. Professor Annalise Acorn of the University of Alberta School of Law gave a theoretical overview of the challenges of being a modern day feminist, covering such topics as how to manage anger, and the role of eroticism. Professor Martha West of the University of California at Davis School of Law, who was instrumental in arranging for a pay equity study at UC Davis, also spoke.

In addition to out-of-town guests, many well-respected UCLA faculty participated in the event. Professor Frances Olsen gave opening comments and presented a paper later in the conference. Other speakers and moderators from the UCLA faculty were Professors Gillian Lester, Christine Littleton, Devon Carbado, Stuart Biegel and Cheryl Harris.

Participants found it a wonderful day on a very enlightening topic. Through the day's events we realized that although we have come a long way from the women's movement of the 1970's, we still do have a long way to go in order to be truly equal.



## Hate Crimes and Chicano-Latino Law Review

BY ROBERT CASTRO '00 AND MARCELA SIDERMAN '00

When it was first published in 1972, the *Chicano-Latino Law Review* (CLLR) was the first Latino centered law review of its kind. Our journal continues to serve as an important source of scholarship on behalf of Latino and underrepresented communities everywhere.

On March 16-17, CLLR hosted Hate Crimes 2000: A Symposium and Community Forum on Hate in America at UCLA School of Law. On the first day of the symposium, high school youths were invited to attend an educational evening on Hate Crimes. We watched "Journey to a Hate Free Millennium," met with the film maker, and then broke off into small groups to talk about hate and hate crimes with trained facilitators.

The following day, lawyers, legislators, community activists and scholars gathered to discuss hate crimes legislation, community responses to hate crimes and a critique of the hate crimes model. Participants included Michael Gennaco, Chief of Civil Rights, Department of Justice; Sheila Kuehl, Assembly Member, 41st Assembly; Carla Arranaga, Deputy in Charge - Hate Crimes Suppression Unit, LA County District Attorney's Office; Sue Stengel, Western States Counsel, Anti-Defamation League; Samuel Paz, Civil Rights Attorney; and Greg Apt and Robin Chew, Deputy Alternate Public Defenders. Also participating were representatives from the Women's Law Center, the Asian Law Caucus, Public Counsel, and Lambda Legal Defense and Education Fund. Community activists and students also joined UCLA Law Professors Laura Gómez, Cruz Reynoso, David Sklansky, and Christine Littleton in leading and facilitating discussion. The 1999-2000 Board of Editors elected to dedicate Volume 21 of CLLR to the Hate Crimes Symposium. Interested in keeping this special issue accessible as a community based resource, we are departing from the traditional law review format and publishing personal narratives, comments, editorials, and testimonials. It is our hope that by providing educational outreach, organizing the conference on hate crimes and publishing a volume providing innovative scholarship, we can address this timely and vital topic constructively.



Professor Cruz Reynoso and student model Frank Lopez t-shirt design to raise funds for the symposium

## Ending Drug Prohibition: Yes, No, or Maybe?



On Monday, April 10, Judge Jim Gray, Superior Court, Orange County; Mark Kleiman, Professor, UCLA School of Public Policy; and James Q. Wilson, Professor, UCLA Anderson School of Management debated decriminalization of drugs. The debate was moderated by *Time* magazine legal correspondent Jim Willwerth. The event was organized by Professor Eugene Volokh and co-sponsored by the UCLA Program in Public Interest Law and Policy and the UCLA Law Federalist Society.

UCLA School of Law

# Ending Drug Prohibition: YES, NO, OR MAYBE?

Monday, April 10, 2000  
4:00 p.m.  
Moot Court Room  
UCLA School of Law

Participants:  
Judge Jim Gray, Superior Court, Orange County  
Mark Kleiman, Professor, UCLA School of Public Policy  
James Q. Wilson, Professor, UCLA Anderson School of Management

Moderated by:  
Jim Willwerth, Legal Correspondent, *Time Magazine*

Organized by:  
Eugene Volokh, Professor, UCLA School of Law

Co-sponsored by:  
UCLA Program in Public Interest Law and Policy, the Federalist Society, UCLA School of Law and Public Information

www.law.ucla.edu

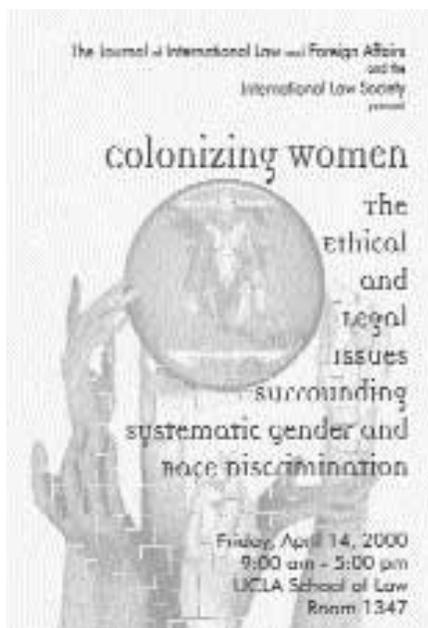
Cost:  
Free

Reservations for the event are subject to the availability of seats.  
For questions,  
contact us at [elvolokh@ucla.edu](mailto:elvolokh@ucla.edu)  
May 18, 2000



## Journal of International Law and Foreign Affairs Hosts Symposium on Race and Gender Discrimination

BY MAYA GOLDEN '01, JOHANNA SCHIAVONI '02, AND UR JADDOU '01



On Friday, April 14, 2000 the School of Law hosted scholars and practitioners from across America for a symposium exploring the international community's disparate reactions to race and gender. The symposium's goal was to create a dialogue on the international community's response to gender discrimination, and compare this response to the same community's seemingly more responsive reaction to race discrimination. Guests qualified for five hours of MCLE credit.

Entitled *Colonizing Women: Ethical and Legal Issues of Systematic Gender and Race Discrimination*, the symposium was presented by UCLA's *Journal of International Law and Foreign Affairs* (JILFA), and the International Law Society, and co-sponsored by the University of California Institute on Global Conflict and Cooperation, UCLA International Studies and Overseas Programs, and UCLA Center for Student Programming. Visiting speakers

included Ann Mayer, Professor, Wharton and University of Pennsylvania Law School; Ebrahim Moosa, Visiting Professor, Stanford University Department of Religious Studies; and Nancy Gallagher, Professor, UC Santa Barbara History Department. Speakers from UCLA included Khaled Abou El Fadl, Professor, UCLA School of Law; Afaf Marsout, Professor, UCLA History Department; Frances Olsen, Professor, UCLA School of Law; Arthur Rosett, Professor, UCLA School of Law; and Mark Sawyer, Professor, UCLA Political Science Department and the Center for African American Studies.

The symposium explored three main topics. The first one was broad, to begin the dialogue: Does race discrimination elicit different issues, hence different responses from gender discrimination? For example, is there such a category as "gender apartheid" as opposed to racial apartheid? The second topic asked whether the extent of the systematic formality of the discrimination currently

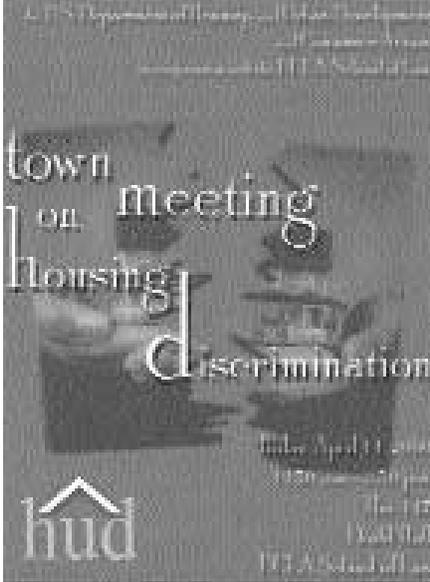
affects the international community's reaction to it, and whether the formality of the discrimination should affect the way the international community responds. This analysis involved exploring the interplay of gender and race identity to different societal structures, such as the national political structure, culture, and especially religion. The third topic was the most specific: case studies. Here, the symposium addressed a variety of areas from diverse contexts, such as women in Afghanistan, and race and gender in Cuba.

JILFA is an interdisciplinary journal dedicated to promoting scholarship in international studies. It is run by students in both the UCLA School of Law and the UCLA Department of Political Science, and it is the first student journal to bridge the historical divide between International Relations and International Law. It publishes articles from prominent professors from around the world on international topics, and always welcomes new submissions.



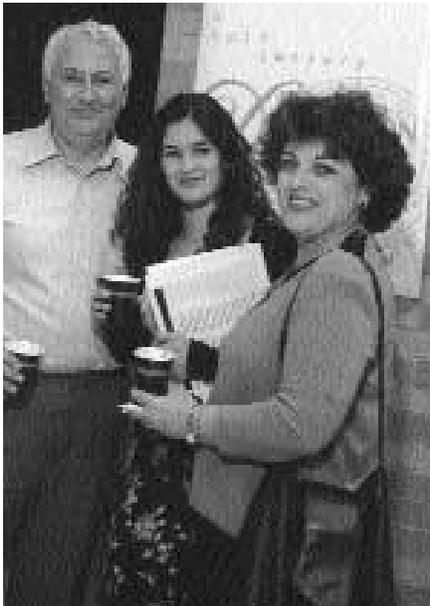
Professor Frances Olsen meets with attendees after the conference

## HUD Town Meeting on Housing Discrimination



Edward James Olmos, National Spokesperson for the U.S. Department of Housing and Urban Development; Eva Plaza, Assistant Secretary for Fair Housing and Equal Opportunity; Art Agnos, Secretary's Representative, Pacific/Hawaii, HUD; Rick Sander, UCLA Professor of Law and President of L.A. Fair Housing; and Dean Jonathan D. Varat

## Admissions Day 2000



## Law Fellows Early Academic Outreach Program Helps Disadvantaged Students Prepare for Law School

BY LEO TRUJILLO-COX '97,  
DIRECTOR OF OUTREACH AND INSTRUCTOR, LAW FELLOWS PROGRAM

The Law Fellows Early Academic Outreach Program, now in its third year, is an ambitious initiative designed to help ensure diversity in the university environment as well as the legal profession. Law Fellows, who are chosen from seven local college campuses, come from socio-economically disadvantaged backgrounds, have had limited exposure to mentoring and social support systems, and have demonstrated leadership experience in disadvantaged communities. The Program is a multi-year, comprehensive curriculum designed to encourage students to consider and prepare for a career in law and to increase their academic competitiveness for admission to law school. Law School faculty and staff provide intensive early academic enrichment in conjunction with extensive mentoring and counseling, career development activities, academic service seminars, and significant financial assistance including law school scholarships. In addition to the initial year of intensive Saturday Academies, every Fellow is tracked until she or he matriculates to law school and is provided with continuous academic and career counseling and full LSAT test preparation scholarships.

While the Program is, at its heart, a long-term endeavor, there is every indication that we are making a significant impact on individual student outcomes. For example, our data shows that participants demonstrate a significant increase in their GPA after joining the Program. Last year the Program had its first four Law Fellows apply to law schools. Each was accepted widely, with scholarship offers. One Fellow is currently attending George Washington University Law School and another Fellow is attending USC on a full three-year scholarship. The other two Fellows were awarded the prestigious and highly competitive Graduate Opportunity Fellowship and just finished the 1L year here at UCLA. These Fellows tell us that they believe that their success in the admissions process is due in no small part to their participation in the Law Fellows Program.

There are 16 Law Fellows applying in this year's admissions cycle. Four have been admitted at this point in the admissions process, and three have signed statements of intent to register for the Fall 2001 entering class. Each of these Fellows has received significant scholarship offers. With 108 Fellows currently in some stage of the Program, we optimistically anticipate that the number of Fellows applying and being admitted to law school, and those choosing to attend UCLA, will only increase in the years to come.

Newly acquired state university, and private funds support a variety of new Outreach initiatives and have provided for my own appointment as full-time Director of Outreach. I am in the process of recruiting an Assistant to the Director of Outreach. This individual will be charged with developing and implementing a wide variety of Outreach initiatives designed to attract, prepare and enroll participants from under-represented community groups in law school.

Inquiries about alumni and faculty opportunities for Outreach involvement, or about the new Assistant to the Director position should be directed to me. You can reach me by phone at (310) 794-5720, or by e-mail at [trujillo@law.ucla.edu](mailto:trujillo@law.ucla.edu).



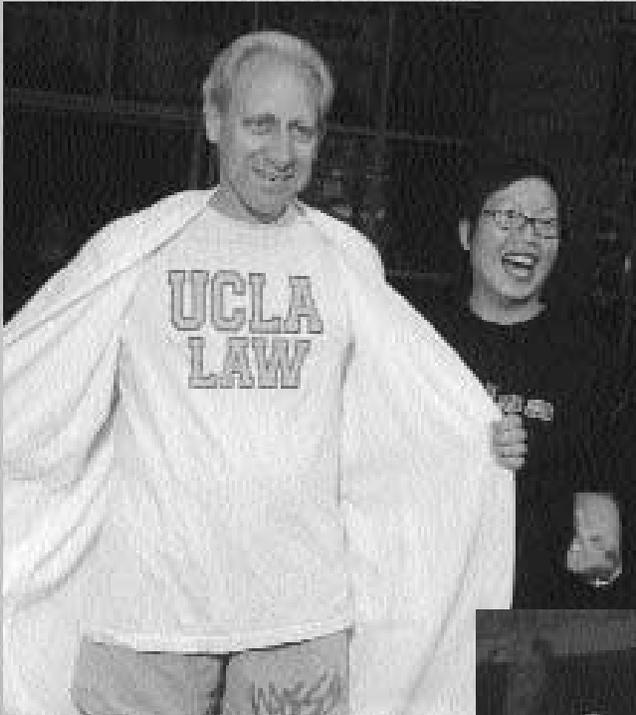
Leo Trujillo-Cox '97



Professor Devon Carbado speaking with Law Fellows (l-r) Queen Udofia, Frank Wiely, and Patricia Calle at May 6, 2000 Saturday Academy, a component of the Law Fellows Early Academic Outreach Program



Law Fellows enjoy a meal in the Ralph and Shirley Shapiro Courtyard

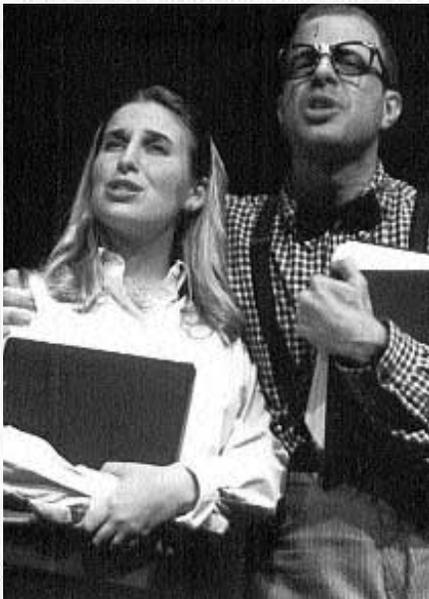


### APILSA Carnival

Asian Pacific Islander Law Student Association dunks the dean and many favorite professors for a fundraiser that raised \$1,500 for scholarships



### Kernal Knowledge



*Karen Agam Macarah ('01) plays the sweet, innocent law student looking for a room and Marc Angelucci ('00) plays her "nerdy roommate" in the 2000 edition of the law school musical "Kernal Knowledge."*





# The Barristers' Ball

at the



# Queen Mary

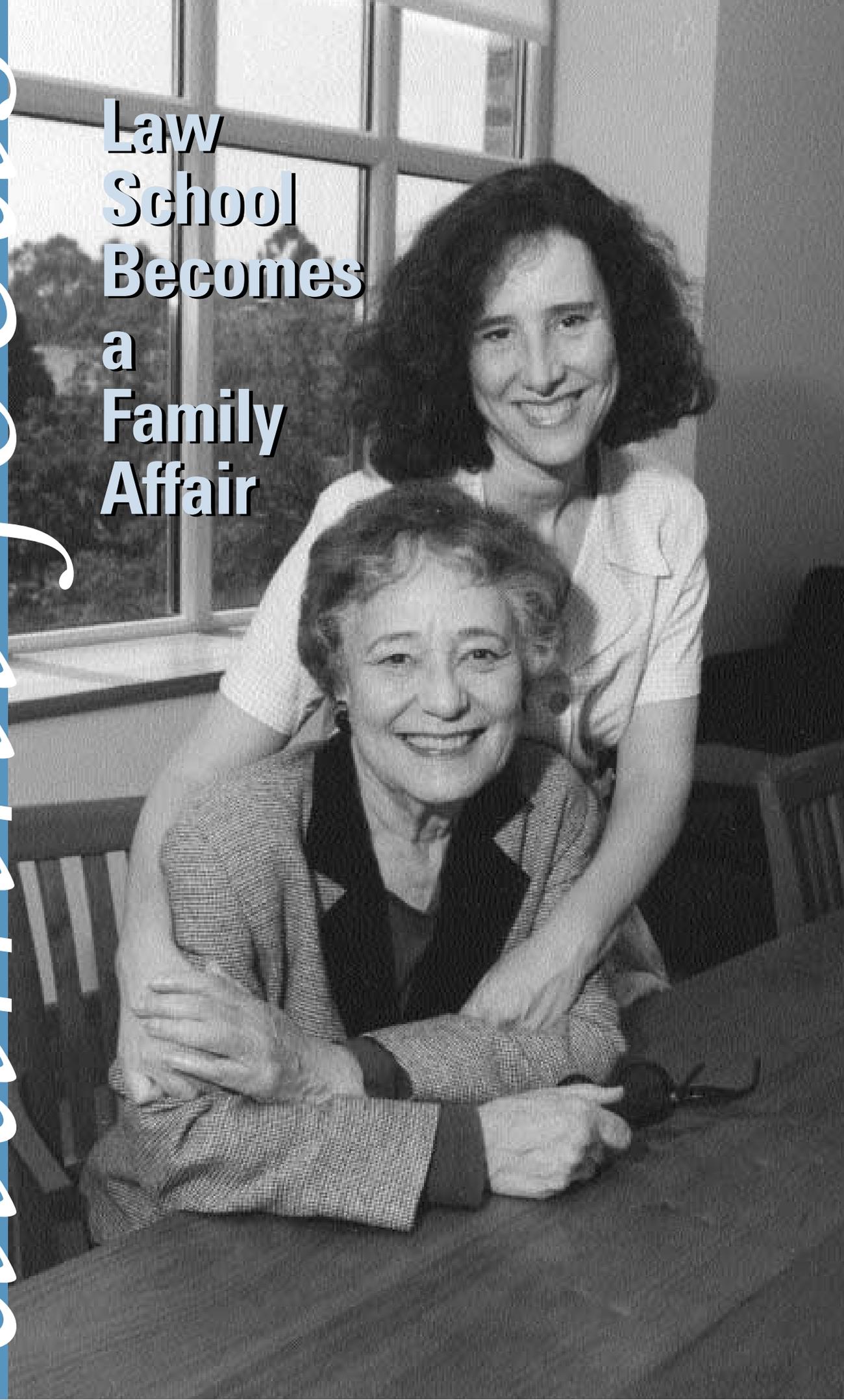


# February 26, 2000



alumni focus

**Law  
School  
Becomes  
a  
Family  
Affair**



BY LOUISE LILLARD '85

It's a frequent question. To answer, I have to go back to June 1941—41 years before I entered UCLA Law School.

I was 22 years old. Pearl Harbor had not yet happened. The Depression lingered. I had an A.B. and a brand new M.A. from UCLA, with a major in French. Although I had long dreamed of a law career, I had to be realistic. UCLA had no Law School at that time. I couldn't afford a private law school. I had to start earning money as soon as possible. So I gratefully accepted my first job offer—to teach French at Beverly Hills High School, starting in September 1941. I retired from that job in June 1986, continuing only with my other part-time job—supervising students at Cal State Northridge.

During my 35 years of teaching French in the Beverly Hills Schools, many changes had taken place, both global and personal. World War II had come, devastated, and finally gone. I had married Richard, a professor and author. I had reared a daughter named Monique, who became an undergraduate at Stanford. UCLA Law School had opened and flourished.

A few years after my retirement, Monique decided to become a lawyer. Her cousin, my niece Lisa Case, was already a student at UCLA Law School when Monique began there in the fall of 1980. Monique's then-boyfriend, Duncan Palmatier, who was later to become my son-in-law, was also a law student, at Loyola. Law arguments were frequent around our dinner table. I loved listening to the three of them as they discussed their cases, their classes, their exams, their professors. At that time I was beginning to realize that I didn't want to spend the rest of my life with only a one-hour-a-week job at CSUN plus a lot of ladies' lunches. I needed stimulation. I missed academic life.

Sensing this, Monique and Duncan began encouraging me to consider going to law school. I protested: "I haven't ever studied law or anything related to law, and I'm too old to start now." They persisted: "You'd love our class discussions. There are a few older people in class. You wouldn't feel conspicuous. The kids would be nice to you." They were persuasive. They brought me home practice exams and application forms. They enrolled me in an LSAT course. They gave me extra tutoring for the (now defunct) LSAT section in math—a subject I'd forgotten about ever since high school geometry almost a half century earlier. Then weeks later, when my quite respectable LSAT scores arrived, they were determined: "Now you have to decide which law schools you want to apply to."

I was convinced no law school would want me because of my age and regardless of my 3.9 grade point average. After all, that GPA went back decades. But under pressure from Monique and Duncan, backed by my supportive husband Richard and by my niece Lisa, I finally agreed to apply to five L.A. law schools. Excited, Monique and Duncan brought me applications to UCLA, USC, Loyola, Southwestern and Whittier. Months later, they glowed triumphantly when all five schools—first of all UCLA—accepted me. Of course I chose UCLA. It was not only

## Whatever made you decide to go back to law school?

the most prestigious; it was also the closest to my home and my heart. After all I already had two UCLA degrees, why not a third?

It was an almost unreal feeling in the fall of 1982 to be a nervous, naïve 62-year-old first-year law student on the same campus with niece Lisa, who was finishing a post-JD semester, and with daughter Monique who was entering her final year. When I met them in the hall or the lounge usually what they wanted to know was not anything about law but rather if they could borrow my car keys or if I had a Kleenex. I was still the mom and the aunt more than a fellow student. And yet, they cheerfully passed on their backpacks and their case books and their outlines, their advice and their enthusiasm. My fellow first-year students were exemplary. If my age confounded them they gave no sign. They welcomed me to their study groups and their pizza parties. They helped me decipher the assignments, which were not always posted at an ideal height for my bifocals. When because of my mastectomy, I missed the final weeks of the second semester of the first year, they taped lectures for me and tutored me so that I could make up missed finals during the summer and not lose the semester. I made enduring friendships.

It wasn't an easy three years. I had to adjust to a new discipline quite different from the languages and literature that I had studied all of my life. At times I faltered under the heavy load, both literally and figuratively. I would never have made it without the unwavering support of my family, who led the cheering section when I finished on time and in the spring of 1985 received my JD degree. I was, I believe, the oldest person to ever graduate from UCLA Law School, perhaps from any law school.

My same support group then saw me through the next intensive weeks of bar review and held my hand through the three grueling days of the California bar exam, decorating the hotel room where I was staying with flowers and encouraging signs to keep up my morale. Monique told me months later that when I called to report the results, for a moment she couldn't speak. Tears of relief and joy ran down her face as she stood in the middle of the law library at Gibson, Dunn and Crutcher, where she was working at the time, and where a secretary had located her in response to my urgent call. At age 66, I had passed the California bar on my first (and what I had determined would be my only) try. I was a lawyer.

It is now 16 years later. At 81, I have reduced my part-time practice to occasional arbitration for the NASD. Monique has abandoned the big law firms and the big city and is teaching law at the University of Idaho College of Law. Son-in-law Duncan practices law in Los Angeles and in Idaho. Niece Lisa is in health law in Pasadena.

My UCLA Law School experience stands out as a major personal and professional milestone in my life. It was, to say the least, a challenge. In retrospect, it was also fun.



## Barbara Boyle '60 and Judge Gary Taylor '63 Win Alumni of the Year Awards



*(l-r): Former Dean and Professor William Warren, Vice Chancellor, Academic Personnel Norman Abrams, and Dean Jonathan D. Varat congratulate Barbara Boyle '60 on her professional achievement award. Barbara was a partner in Boyle-Taylor Productions, a company she formed with Michael Taylor in 1992 to produce feature-length motion pictures and television films. Among the films the company produced are Phenomenon and Instinct. Barbara is a founding member and past co-chairperson of the UCLA School of Law Entertainment Law Symposium Advisory Committee. She recently joined the firm of Gale Anne Hurd. Her record of professional achievement in the film industry is unparalleled, and she has been generous and gracious in sharing of her knowledge and involvement in the entertainment business.*



*The Honorable Richard Fybel '71 congratulates fellow Judge, The Honorable Gary Taylor '63, on his award for public/community achievement. Judge Taylor was appointed to the United States District Court for the Central District of California in 1990 following his nomination by President George Bush. While on the district court bench, Judge Taylor has handled a number of high profile cases. He has been very active in the Orange County Bar Association, serving in many executive positions. He was elected a fellow of the American College of Trial Lawyers in 1986. In 1998 Judge Taylor received the highest honor the Orange County Bar Association can bestow, the Franklin G. West Award. In his distinguished legal career, Judge Taylor has exemplified the very best qualities of balance, intelligence, decency and insight that mark distinguished public servants.*



*President of the Alumni Association, George Schiavelli '74 and President of the State Bar Andrew Guilford '75 check their Palm Pilots to schedule a luncheon*

## Law Guild of Beverly Hills

Established in 1967, the Law Guild of Beverly Hills (LGBH) is a volunteer organization that is active with community service and educational programs. Among its many accomplishments, the Law Guild implemented a court tour program for schoolchildren that has served as a model for similar programs started throughout the United States. Each year more than 8,000 students participate in the court tour program, which introduces them to the legal system and creates a greater understanding of the role and purpose of the law. Composed of women and men who are attorneys and judges, as well as their spouses, LGBH also has established prizes given annually to outstanding law students at the UCLA School of Law. The Eleanor Klein Merit Award is given to a third-year law student based upon merit and need. The Beatrice "Trix" Gendel Honor and Service Award, established on the Law Guild's thirtieth anniversary to honor Trix Gendel for her thirty years of continuous service to LGBH, is awarded to a student for academic achievement and public service.



Members of the Law Guild in the main reading room of the Hugh and Hazel Darling Law Library. This year two UCLA Law students, Bruce "BJ" Watrous, Jr. '00 and Alycia Degen '00 were awarded service awards from the Guild. Mr. Watrous received the Beatrice "Trix" Gendel Honor and Service Award and Ms. Degen received the 2000 Eleanor Klein Merit and Service Award.

## Boston Regional Alumni Reception



Dean Jonathan D. Varat and Jennifer Meier Kowal '96 discussed fond memories of Federal Courts class at the Boston regional alumni reception



Assistant Dean Amy Berenson Mallow and a newly admitted law student discuss the strengths of UCLA Law School

## Class of 1959 Reunion



Class of 1959

- |                  |                     |                   |                     |
|------------------|---------------------|-------------------|---------------------|
| 1 Robert Vidor   | 8 Stan Rogers       | 15 Ed George      | 22 Stephen Claman   |
| 2 Jim Dale       | 9 Pat Crowell       | 16 Charles Vogel  | 23 Irwin Schulman   |
| 3 Robert Stopher | 10 Jerry Brody      | 17 Ed Ross        | 24 Stan Weinstein   |
| 4 George Hall    | 11 Joe Rebeck       | 18 Stan Belland   | 25 Russ Schooling   |
| 5 Willie Barnes  | 12 Paul Wells       | 19 Michael Harris | 26 Earl Kavanau     |
| 6 John Roney     | 13 Robert McManigal | 20 John Schenck   | 27 Arthur Wahlstedt |
| 7 Joe Neeper     | 14 Sandy Bothman    | 21 Leonard Angus  | 28 Raymond Cardenas |
|                  |                     |                   | 29 Leon Farley      |

BY RAYMOND CARDENAS '59, CLASS REPORTER AND REUNION CHAIR

A wonderful evening was held by 29 class members and 32 wives and guests who attended the class of 1959's 40th reunion in February at the elegant Mountain Gate Country Club in West Los Angeles.

Professor Edgar A. Jones, with his ever-present colorful bow tie, regaled us with some pithy comments about the law and other things equally as important. Frances McQuade's charm and wonderful smile returned us to those early years at law school where her presence and help was greatly appreciated.

This class, relatively small in numbers, produced an impressive number of judges and others who hold or held high positions. They include: the Honorable John G. Davies, Federal District Judge; the Honorable Charles S. Vogel, California District Court of Appeals Justice; the Honorables Raymond Cardenas, Leslie W. Light, Roberta Ralph, Edward Ross, and Guy Marty Young, all Superior Court Judges; the Honorable Russell F. Schooling, a Municipal Court Judge; and the Honorables Ray C. Bennett and Joseph P. Rebeck, Judges of the

California State Worker's Compensation Board. Also, Willie Barnes served as Corporations Commissioner for the State of California, Josiah L. Neeper presently serves as Commissioner of the Public Utilities Commission of the State of California, and Herman Sillas served as Director of the Department of Motor Vehicles for the State of California.

The event was purposely unstructured and geared to enable all to renew and rejoice in old friendships over fine wine and food. It can be reported that a wonderful time was had by all in attendance. Individual and class photographs were taken and presented to those in attendance as a memento of the joyous occasion. A comparison of the original class photo and a most recent one leaves one to wonder how did we get so old so soon?

A special thanks for the success of the event is due to UCLA Law School staff and Reunion Committee members Stan Belland, James Dale, Richard Ellis, Marilyn Freytag, Edward M. George, Josiah Neeper, John H. Roney, Honorable Charles Vogel, and Arthur W. Wahlstedt.

Until we meet again, may you have good fortune and above all good health and time to enjoy it all.

## Class of 1964 Reunion

On Saturday, June 3, the Class of 1964 celebrated its 35th reunion. Martin Wehrli, reunion chair said “Everyone enjoyed sharing their experiences over the years and memories of their days spent studying and playing ‘pennies’. Ed Landry acted as Master of Ceremonies for the evening and reminisced. Then he

passed the baton around the room as others shared their memories. In celebrating the past, they remembered those who have passed on, and those who were unable to attend.” We hope next reunion more of our classmates and their loved ones will join us.



*Stephen Solomon '64, Ellen Solomon and Mel Sacks '64 and Barbara Varat discuss the law school now and then*



*Ed Landry '64, Martin Wehrli '64 and Sam Weir '64 reminisce about their days at UCLA Law*



*Class of 1964*

*Mel Ross, The Honorable Richard Wolfe, Joe Bryant, Ed Landry, Jerry Ramsey, Sam Weir, Byron Lalwer, Larry Teplin, Stephen Solomon, Mel Sacks, Martin Wehrli, Michael Miller*

## Class of 1969 Reunion



Keenan Behrle '69



Richard Caplan '69 and Kenneth Meyer '69



Michael Dan '69



John Weston '69



Keenan Behrle '69, Suzi Voght, Richard Caplan '69, Art Spence '69, Jim Vogt '69 and Andy Shutz '69.

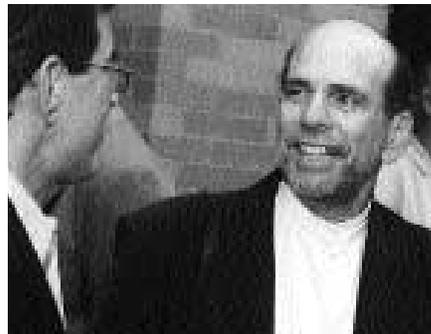
## Reunion Reception



Professor John Bauman, Jerry Friedman '69, The Honorable Ken Black '74, Art Spence '69, Toby Rothschild '69, Brandi Roth, Ph.D., and Bruce Clemens '74



Reunion Committee Chair Paul Beechen '74 and Andrea Roen



Professor Paul Bergman with Kenneth Meyer '69

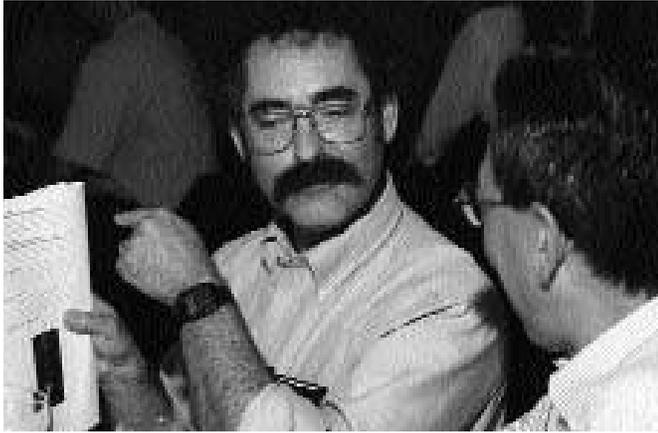


David Dizenfeld '74 relives his memory of getting the news of his draft deferment in this law school phone booth



Suzi Vogt, Connie Graham, Professor Ken Graham and Jim Vogt '69

## Class of 1974 Reunion



Class President Mike Siegel '74 and Richard Yang '74 share a laugh over the reunion books



Allan Cooper '74, The Honorable Charles Margines '74 and Buddy Epstein '74



Richard Yang '74 recalls a law school story



Randolph Visser '74 and Richard Yang '74



George Schiavelli '74 and Bill Winslow '74

## Class of 1989 Reunion

BY CAROLINE KELLY '89

The most commonly heard statement at UCLA's Class of 1989 Ten Year Reunion was "I can't believe ten years has gone by." Besides being a great party, the reunion was a fun way to catch up on the major life events of fellow classmates.

Of course there were no shortage of partners in leading firms, law professors and those who've started their own businesses. There were also professional surprises . . . the crowd included a journalist, an elementary school teacher and a dentist. Whether practicing law or not, the second most commonly heard statement was, "The three years I spent at law school and the people I met were pretty special."



Susan Stott Azad '89, Kerry A. Bresnahan '89, Janean Acevado Daniels '89, Leslie Hatter Ryland '89



Reggie Chun '89,  
Elizabeth Hong '89,  
Alan Hong



Leah Smith, Greg Smith '89, Bruce Kuyper '89



## 1960s

**Chuck Cohen '60** has departed from his longtime firm of Cohen, Alexander & Clayton to join the Los Angeles firm of Weston, Benshoof, Rochefort, Rubalcava, MacCuish. Mr. Cohen will help the firm to expand its development-related practice into Ventura County. "I'm not a sailor, I'm not a golfer, and I want to see if I can compete with the boys downtown," said Mr. Cohen, who served as a Thousand Oaks councilman from 1968 to 1972.

**The Honorable Carlos Rodriguez '65** is now retired from the Worker's Compensation bench. Mr. Rodriguez can sometimes be found consulting and appearing before the Workers Compensation Appeals Board on behalf of injured workers. However, his primary activity nowadays is golf.

**Jan C. Gabrielson '69** has joined the Beverly Hills family law firm of Jaffe and Clemens. The principals in the firm are Daniel J. Jaffe '62 and Bruce A. Clemens '74.

**Elwood Lui '69** received the 1999 Bernard E. Witkin Amicus Curae Award for the leadership and direction he contributed to the State Bar as Special Master of the State Bar Disciplinary Fund. In 1975 Justice Lui was appointed to the Municipal Court bench in Los Angeles, becoming the second Chinese-American judge to serve in Southern California. In 1980 he joined the Los Angeles Superior Court and in 1981 was elevated to the Court of Appeals,

Second Appellate District. He also served as a member of the Judicial Council from 1983 until his retirement in 1987. In 1998, the California Supreme Court appointed Justice Lui as Special Master to oversee the collection and disbursement of fees to the State Bar.

## 1970s

**Florence (Sinay) Phillips '74**, and her husband, Patrick Phillips, announce the arrival of their first child, Roddy James, born 1/6/96, from Sofia, Bulgaria. Mr. and Mrs. Phillips say, "This is our greatest accomplishment to date!"

**Robert Clive Jones '75** has been reappointed to the United States Bankruptcy Court for the District of Nevada for a fourteen-year term. He maintains his chambers in Las Vegas. He was associated with the Las Vegas firm of Jones and Holt at the time of his initial appointment as a bankruptcy judge in 1983. Judge Jones also served as a judge of the United States Bankruptcy Appellate Panel between 1986 and 1999.

**Glenn Rothner '75** was honored by the ACLU Foundation of Southern California at their Sixth Annual Law Luncheon at the Regal Biltmore Hotel on April 6. Mr. Rothner is a partner at Rothner, Segall & Greenstone, practicing in the field of labor and employment law.

**Richard H. Levin '76** became Chief Regulatory Counsel for Advanced TelCom Group Inc, a new integrated



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## *Certified Public Accountant Credits His Success to Tax Education at UCLA School of Law*

BY MARTIN E. AUERBACH '73

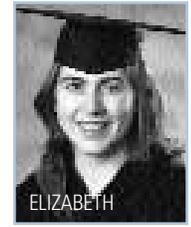
I am a 1973 graduate of UCLA Law School, and yet I have never practiced law, becoming a CPA instead. I have lived in Dallas, Texas ever since graduation and strongly believe that my law school experience prepared me for my career.

I believe that law school taught me how to think, to deal with lawyers and other clients in an organized manner and to get problems solved efficiently and effectively. While I am sorry I never got to spend time in a courtroom, I look back on my time in law school fondly and continue, as I have done for the past ten years, to support UCLA financially as a James H. Chadbourn Fellow.

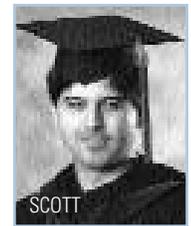
I took six tax classes during law school and knew that I wanted to work in the tax area. When my interviews with law firms did not lead to a job offer, one of my friends in the business school suggested I apply my understanding of tax law to accounting firms.

Coopers & Lybrand (C&L) offered me a position in their Dallas tax department at the same starting salary that Gibson Dunn & Crutcher and O'Melveny & Myers were offering their beginning lawyers. Since Texas has no state income tax and C&L would pay for my CPA classes at Southern Methodist University, I thought it was a no-lose situation. After two years, I had taken six night accounting classes at SMU, and passed the California and Texas bar exams and the CPA exam.

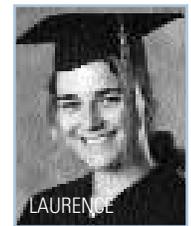
After I had worked with C&L for three years, I spent six months working directly for a client, followed by a fifteen-month stint with Peat Marwick Mitchell & Co., and five years with another national CPA firm. I then joined a small local CPA firm as its ninth employee, and spent ten years there. I became the firm's third partner in 1985. Two younger partners joined in 1987. We had grown the firm to a total of thirty people by 1993, when my younger partners and I started our own firm. Today, Auerbach Albert & Gold, LC has four partners and nine staff. We prepare over 2,000 tax returns and provide tax and accounting services for a wide variety of clients. Our practice includes estate and financial planning, management advisory services, auditing and accounting and tax return preparation and consulting for businesses and individuals.



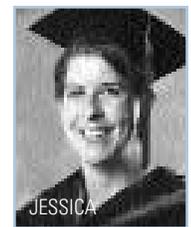
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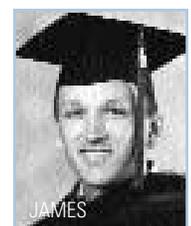
BURKE



BROWN



BROWN



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LAUREL  
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CARAVELLA



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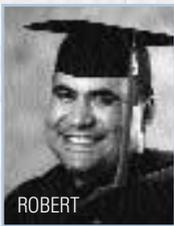
STEVEN L.  
CADEMATORI



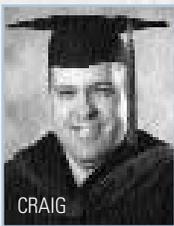
SUSANNE N.  
CABALLERO



BILL  
CARMANY



ROBERT  
CASTRO



CRAIG  
CAWLFIELD



BERNADETTE  
CHALA



RANIA  
CHAMOUN



SHUI-MING  
CHEER



PHILIP  
CHEN



EMMA  
CHEUNG



JIE-MING  
CHOU



CRISTOPHER  
CHWANG



JOSEPH MICHAEL  
COLLIER

communications provider in California. Before returning to California, Mr. Levin spent over twenty years practicing law in New Mexico.

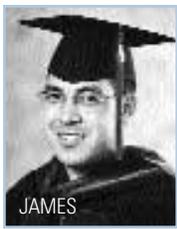
**Durham J. Monsma '77** has been named an Illinois Wesleyan University Trustee. Mr. Monsma is an executive with Jeppsen Sanderson, the world's leading supplier of flight information services and a subsidiary of the Times Mirror Co., of Los Angeles. He is a native of Ipswich, Australia. Mr. Monsma and his wife, Robbie, live in a Denver suburb.

**The Honorable Teresa Estrada-Mullaney '77** has been named San Luis Obispo County's first female judge. Before her appointment, she was a deputy district attorney in Orange County from 1979 to 1981 and in San Luis Obispo from 1981 until then-Gov. Pete Wilson appointed her to the San Luis Obispo County Municipal Court in 1992. San Luis Obispo County's first Hispanic judge in the twentieth century, Ms. Estrada-Mullaney served in the sexual assault division as a deputy district attorney before being named supervising attorney in the family support division. She is a co-author of the Justice Department publication *Using Dolls to*

*Interview Child Victims: Legal Concerns and Interview Procedures.*

**Mark C. Mazzarella '78** has just published his second book, *Put Your Best Foot Forward*. In 1978 he co-authored a book entitled *Reading People* that became a *New York Times* bestseller. A national and international speaker about impression formation and management for lawyers and other professionals, he continues to practice his first love, trial law, with his firm Mazzarella, Dunwoody & Caldarelli in San Diego.

**Nancy L. Abell '79** has been appointed Chair of the Employment Department at the firm of Paul, Hastings, Janofsky & Walker's Los Angeles office. Ms. Abell has also written about employment law, having published *An Employer's Guide to the Americans With Disabilities Act*. She was listed as one of California's top employment lawyers in a 1993 survey and one of Los Angeles' fifty most powerful women lawyers in 1998. Before studying law, Ms. Abell supervised the City of Los Angeles Affirmative Action Unit and was a member of Mayor Tom Bradley's Affirmative Action Task Force and an advisory panel on the status of women.



JAMES  
COLLISON



THOMAS PAUL  
CONDIE



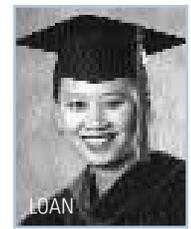
BETH  
CORRIEA



SHANNON  
COSTLEY



CHRISTOPHER  
CASAMASSIMA



LOAN  
DANG

## 1980s

**David A. Lash '80** was recently named one of California's ten most influential attorneys by the *Daily Journal*. Mr. Lash, Executive Director at Bet Tzedek Legal Services since 1994, has also been named by the LA County Council to the Expert Advisory Task Force on Senior Issues. He is also chair of the LA County Council Subcommittee on Elder Abuse. He recently was presented the Antonia Hernandez Public Interest Award at the School of Law's 11th Annual Public Interest Awards Ceremony.

**John Petrovich '80** has become Chief Operating Officer of NeTune Communications, Inc. a startup company providing high-bandwidth wireless communication services. Before joining NeTune he was a partner at the firm of Brown Raysman Millstein Felder & Steiner.

**James M. Ash '81** was named Chairman of the Corporate Department for the firm of Backwell, Sanders, Peper, Martin, in Kansas City, MO, in January. Backwell Sanders is an international firm of more than 340 attorneys with seven offices in four states as well as an overseas office in London, England.

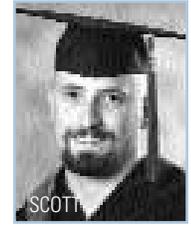
**Chuck Tremper '81** reports that after nineteen years on inactive status, he just became an active member of the California Bar. He will be doing some legal work for a startup Internet company he joined in January, as part of his responsibility for administration and operations. He notes, "We moved up to Santa Cruz at the end of the year and feel like we fit in well here."

**Wayne M. Bolio '82** has been named vice president of human resources at Consolidated Freeways. Before being appointed to this position, Mr. Bolio was CF's assistant general counsel and director of human resources. He joined Consolidated Freeways in 1997 after serving seven years at Southern Pacific Lines as assistant general counsel.

**Terri Batson Zaelke '83** and **Edward Zaelke '83** are relieved and happy to announce the arrival of their twins, Luke Thomas and Caroline Helene. Luke and Caroline join siblings Lauren and Austin in providing their parents with a full life at home. Mrs. Zaelke, an employment law attorney, is taking a break from her practice for a few years to raise the new babies. Mr. Zaelke is a partner with Arnold & Porter in Los Angeles, practicing in the area of devel-



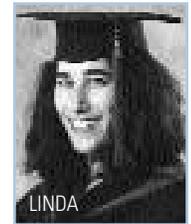
'82  
Wayne M. Bolio



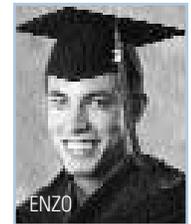
SCOTT  
DAVIS



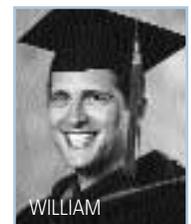
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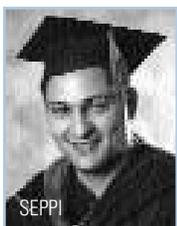
LINDA  
DEITCH



ENZO  
DER BOGHDISSIAN



WILLIAM  
DI CAMILLO



SEPPI  
ESFANDI



OSCAR  
ESCOBAR



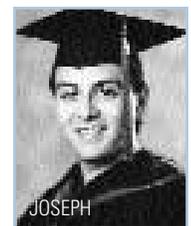
BRIAN  
ENGLAND



KELLI  
DUNAWAY



LONG X.  
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JOSEPH  
DIRENZO



INNA  
GLADKOVA



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LIHT  
GARIBYAN



SCOTT  
GALLAND



JORDAN  
FREEMAN



SANDRA  
FALCHETTI



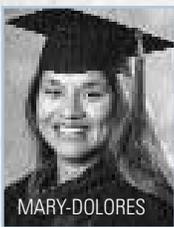
JONATHAN  
GOLUB



JAMES  
GOWLAND



WHITNEY  
GRAHAM-BEARD



MARY-DOLORES  
GUERRA



FREDERICK  
HAIST



KEVIN  
HANDS



MELANIE  
HANSON SARTORIS



MONICA  
HARTMAN



REBEKAH  
HEISER



MICHAEL  
HERRERA



MARIANNE  
HEYDT

opment and financing of wind and other alternative forms of energy.

**Laura Birkmeyer '84** is the new president of the 200-plus-member Federal Bar Association in San Diego. After graduation Ms. Birkmeyer clerked for former U.S. District Judge Lawrence Irving before joining the U.S. Attorney's Office, where she is the high-intensity drug trafficking coordinator, in 1986.

**Susan L. Formaker '84** became Vice President and Counsel with Washington Mutual Bank's legal department in February 1999 after ten years with Bank of America. Ms. Formaker continues to focus on banking litigation. She and her husband, **Daniel A. Olivas '84**, recently celebrated their thirteenth wedding anniversary. Their son Benjamin is currently a fourth grader at Kadima Hebrew Academy.

**Daniel A. Olivas '84** is a Deputy Attorney General practicing in the Land Law Section of the California Department of Justice and husband of **Susan L. Formaker '84**. He specializes in environmental enforcement and land use, and is one of three Deputies who represent the California Coastal Commission at its monthly public hearings. Mr.

Olivas reports that his fiction and poetry are appearing or forthcoming in over two dozen literary journals. One of his short stories will be included in an upcoming anthology from Bilingual Review/Press entitled *Fantasmas: Supernatural Stories by Mexican-American Writers*. Further, Lee & Low Books will feature Mr. Olivas' poetry in a children's collection of Latino writers honoring mothers and grandmothers, scheduled for publication in spring 2001.

**Andrius R. Kontrimas '85** has become the managing partner for the Houston Office of Jenkins & Gilchrist. Kontrimas is also head of the firm's International Practice Group. He and his wife Tamara have three daughters.

**Michael Loeffler '85** has joined the Chicago firm of Meckler Bulger & Tilsen as a partner in its insurance coverage and professional liability practices. Before joining Meckler, he was the chairman of the insurance coverage and professional liability practices departments at the Chicago firm of Querrey & Harrow, Ltd. Mr. Loeffler makes his home in Deerfield, Illinois.

**Mark Kenneth Slater '87** has joined the San Francisco firm of Sonnenschein



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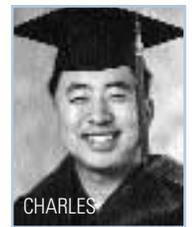
HOLMES



HOLTZMAN



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Nath & Rosenthal as a partner. Mr. Slater formerly practiced with Sheppard, Mullin, Richter & Hampton in San Francisco. He also served as a deputy district attorney for the Alameda County District Attorney's Office, and serves as Judge Pro Tem of Marin County Superior Court. His practice concentrates in complex commercial litigation, intellectual property and business disputes, including trademark/copyright claims, trade secret and unfair business practice claims, software development contract disputes and telecommunications contracts and licenses.

**Frank W. Chen '88** was installed as the new President of the Southern California Chinese Lawyers Association at the organization's 25th Anniversary Installation and Awards Banquet at the Westin Bonaventure Hotel on April 7. Approximately 930 people attended the event. Mr. Chen is a partner with the downtown Los Angeles law firm of Ku, Fong, & Chen, specializing in real estate, employment and business litigation matters for Chinese-speaking clients.

**Jill Fishbein '88** is practicing with the San Francisco firm of Steefel, Levitt & Weiss. Ms. Fishbein practices in the cor-

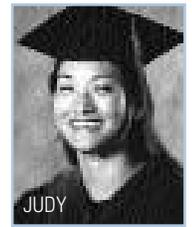
porate transactions, finance and securities, and intellectual property groups.

## 1990s

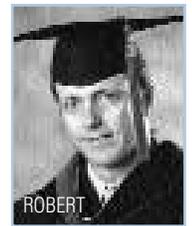
**Katie Traxler '90 and George Abele '90** had their third child and second daughter, Lucie Genner Abele, on October 9, 1999. Both parents continue to practice at Paul, Hastings, Janofsky & Walker LLP.

**Michael Plumleigh '90** has joined the firm of Cooley Godward as a partner. Mr. Plumleigh's transactional practice has focused on Internet, e-commerce, software and multimedia and network systems companies, including E\*Trade Group Inc., Cisco Systems Inc. and Eve.com. Before joining Brobeck Phleger & Harrison in 1994, Plumleigh was an associate at Blanc Williams Johnston & Kronstadt, an IP boutique in Los Angeles.

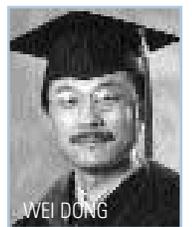
**Leonard Leichnetz '91** has been promoted to Vice President of Northern Region Legal Affairs of Kaufman Broad Home Corporation. In this new position, Mr. Leichnetz will be responsible for real estate transactions and general legal affairs. Previously, he was director



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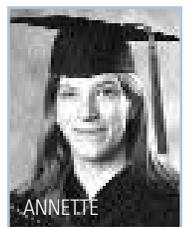
JENKINS



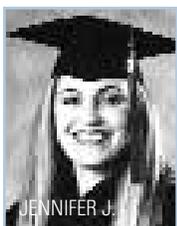
KANG



KASTNER



KAZMERSKI



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KODOGIANNIS



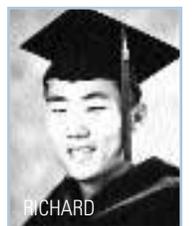
KNOLL



KLEIN



KIM



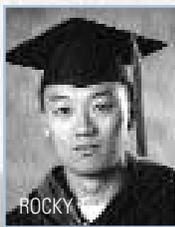
KIM



ALEXANDRA  
LIVERMORE



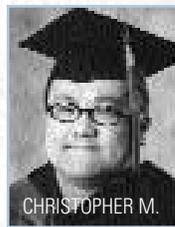
ANDREW  
LEWIS



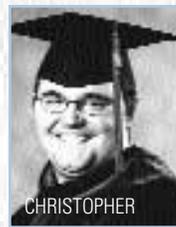
ROCKY  
LEE



TRACI  
LAWSON



CHRISTOPHER M.  
KWONK



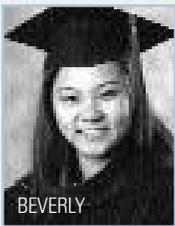
CHRISTOPHER  
KUNZ



GINA  
LO



BROOKE  
LORMAN



BEVERLY  
LU



TRACY  
LU



DANIEL  
LURIE



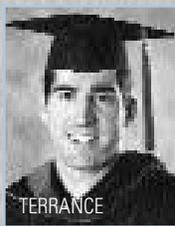
KATHRYN  
MAGSAYSAY HOFFMAN



MOJUAN  
MALEKZEFZALI



WILLIAM  
CHRISTOPHER  
MANDERSON



TERRANCE  
MANN



JASON  
MANOR



MEREDITH  
MASTER

of the corporation's Northern California Legal Affairs Division.

**Douglas M. Ramler '91** has been elected as a shareholder of Larkin Hoffman Daly & Lindgren Ltd of Bloomington, MN. Mr. Ramler is a member of the Larkin Hoffman Corporate Law Department focusing his practice on early-stage, high growth companies with securities law matters. In the early part of his career, he practiced in San Francisco, since 1994 he has been practicing in Minneapolis.

**Eric E. Sagerman '91**, has become a partner at the firm of Murphy Sheneman Julian & Rogers in their Los Angeles office. Mr. Sagerman specializes in business workouts and financing restructuring, and has related experience in commercial lending.

**Lauren Hoeflich '92** headed to Chicago, IL in July 1999 after spending seven years working in various aspects of the entertainment industry in Los Angeles. Since arriving in Chicago, Ms. Hoeflich has been working in the Strategy, Finance & Economics/Complex Claims Events Group at Arthur Andersen. She is happy to say

that she is loving the seasons and enjoying the snow again.

**David Korduner '92** and his wife, **Joan Krimston, UCLA '86**, welcomed the birth of their second son, Benjamin Michah, on 3/27/99. Their older son, Zachary, is four. Mr. Korduner, an Associate General Counsel at the Directors Guild of America, recently co-chaired the planning committee for the Tenth Annual Entertainment Industry Labor and Employment Law Conference.

**Cranston J. Williams '92** concentrates his practice at Baker & Hostetler, in Los Angeles, in general litigation, including commercial litigation, real estate litigation and product liability.

**Hector Gallegos '94** was honored by the ACLU Foundation of Southern California at their Sixth Annual Law Luncheon at the Regal Biltmore Hotel on April 6. Mr. Gallegos works as an associate attorney at the law offices of Morrison and Foester, where he specializes in intellectual property and patent law, as well as litigation and dispute resolution, international law, and the media/communications and computer/software industries.



GWYNETH

MC ALPINE



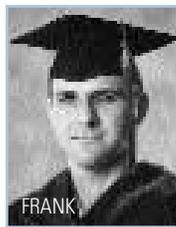
JENNIFER

MCGRATH



HEATHER

MENARD



FRANK

MENETREZ



ARAINA

MOHIT



JESSÉ

MOLINA

**Michael Chang '95** was appointed to the position of Legal Counsel for PSINet Asia Pacific, the regional operating division of Nasdaq-listed PSINet Inc. headquartered in Virginia, on March 1. Mr. Chang will be responsible for PSINet's legal affairs in the Asia Pacific region, covering countries Hong Kong, Taiwan, Singapore, the Philippines, and (soon) the P.R.C. He will focus on a variety of areas, including general commercial agreements, acquisitions, intellectual property matters and Internet deals, and legal issues such as web hosting and outsourcing.

**Markus Federle '96** has written a book titled *Der Schutz der Werkintegrität gegenüber dem vertraglich Nutzungsberechtigten im deutschen und US-amerikanischen Recht* [Protecting the integrity of the Workplace for Contractual Workers in German and American Law]. The book received a favorable review in the German *Archiv fuer Urheber- Film- Funk- und Theaterrecht* [Archive for Copyright, Film, Radio/TV and Theater Law], which noted, "Federle has accomplished an important comparative law work."

**Jonathan P. Hersey '96** has joined the San Francisco firm Sonnenschein Nath

& Rosenthal as intellectual property associate in San Francisco.

**Jennifer Meier Kowal '96** and **David Kowal '96** were married in Pacific Palisades on July 24, 1999, and now make their home in Boston, Massachusetts.

**Pei Pei Tan '96** and **Leon Fan '97** were married on April 15, 2000. They had a civil ceremony in Las Vegas. Ms. Tan is currently working as the UCLA Law Review Office Manager, and Mr. Fan is Vice President of Acquisitions and Programming at The Threshold.com, an entertainment-Internet company. They live at the base of Hollywood Hills with their dog Cindy and cat Roxi.

**Paul E. Ambrosio '97** has joined the firm of Ryan, Swanson & Cleveland, PLLC in Seattle, Washington as a staff attorney. As a member of the firm's Business Planning, Finance & Transactions Group, his areas of practice include taxation, business formation, and international transactions. Mr. Ambrosio is a member of the Filipino Community Center Building Committee and the Tax Subcommittee of the King Bar Association's Legislation Committee. Mr. Ambrosio, who is fluent in Tagalog,



'97

Paul E. Ambrosio



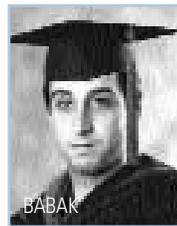
K. AMA

MURUGAN



THESHIA

NAIDOO



BABAK

NEHORAY



ANGELA

NELSON



EFFRAT RACHEL

NEUMAN



DANTE

PARADISO



VICTOR

PALOMAREZ



MIKE

OUIMETTE



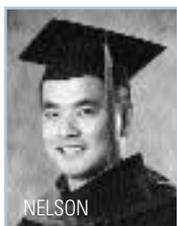
KARINA

NISEWANER



THUY

NGUYEN



NELSON

NG



COURTNEY  
POWERS



SCOTT  
PORTER



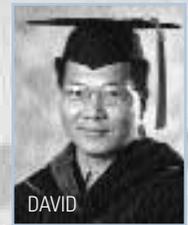
ROBERT  
PONTELLE



MELISSA  
PIERSON



HOLLY  
PARRISH



DAVID  
PARK



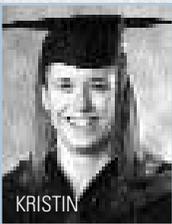
BITA  
RAHEBI



LINDA  
RAHIMZADEH



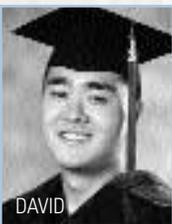
NICOLE  
REYES



KRISTIN  
RICHNER



TANYA  
RIDINO



DAVID  
RO



JANEL  
URENA



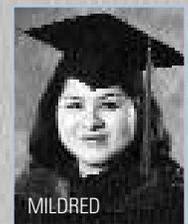
LARRY  
SAVAGE



BRANDEN  
SCHROEDER



SONYA  
SCHWARTZ



MILDRED  
SEGURA



'99

Anna S. Andrews

is licensed to practice law in California and Washington.

**Christopher Crosman '97** is an associate at Carroll, Burdick & McDonough. Mr. Crossman specializes in labor and employment law on behalf of management, intellectual property law and related litigation.

**Irving Gomez '97** has joined Morrison & Foerster at its San Francisco headquarters in the business/corporate department. While at UCLA Law, he was coordinating editor of the *Chicano Latino Law Review*. He was previously with Loeb & Loeb in Los Angeles.

**Arnaldo Barba '98** was honored by the ACLU Foundation of Southern California at their Sixth Annual Law Luncheon at the Regal Biltmore Hotel on April 6. Mr. Barba is an associate with the Los Angeles firm of Morrison & Foerster, where he specializes in litigation and dispute resolution.

**Anna S. Andrews '99** has joined the firm of Pircher, Nichols & Meeks as an associate in the firm's real estate transaction department. Ms. Andrews makes her home in West Los Angeles.

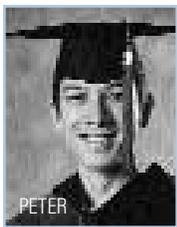
**Jennifer Koss '99** was honored by the ACLU Foundation of Southern California at their Sixth Annual Law Luncheon at the Regal Biltmore Hotel on April 6. Ms. Koss is an associate with the Los Angeles firm of Morrison & Foerster, where she specializes in litigation and dispute resolution.

#### CLASS CORRESPONDENTS

In touch with your colleagues from UCLAW? Would you like to be? Class Correspondents have fun gathering news from their classmates about the moments in their lives—such as weddings, births, promotions and other momentous events—that we all want to share. We will print the class correspondent's name and UCLA e-mail address in the classnotes section of this alumni magazine and ask classmates to email the class correspondent with updated information. To be a class correspondent please contact the alumni relations office at (310) 206-1121 or [alumni@law.ucla.edu](mailto:alumni@law.ucla.edu).

- 1953 Jerry Goldberg  
[Goldberg1953@alumni.law.ucla.edu](mailto:Goldberg1953@alumni.law.ucla.edu)
- 1991 Denise Diaz  
[Diazd1991@alumni.law.ucla.edu](mailto:Diazd1991@alumni.law.ucla.edu)
- 1992 Tom Monheim  
[Monheim1992@alumni.law.ucla.edu](mailto:Monheim1992@alumni.law.ucla.edu)
- 1994 Brette Simon  
[Simon1994@alumni.law.ucla.edu](mailto:Simon1994@alumni.law.ucla.edu)
- 1996 Jenny Meier-Kowal  
[Meier1996@alumni.law.ucla.edu](mailto:Meier1996@alumni.law.ucla.edu)





PETER

SELL



JAMES

SHANKLES



MARCELA

SIDERMAN



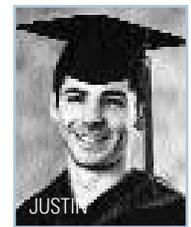
DAVID

SILBERMAN



FRANCISCO

SILVA



JUSTIN

SIMONS

THE OFFICE OF

# Career Services . . . *Here to Help You, for Life . . .*



Amy Berenson Mallow

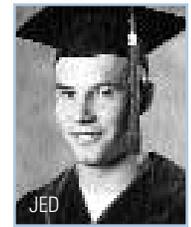
BY ASSISTANT DEAN AMY BERENSON MALLOW

As the legal market evolves, the Office of Career Services continues to provide a wide range of services to alumni in order to assist you in your career development. The Office is staffed with three professional counselors, all of whom are former legal practitioners. You may set up an individual appointment with any of the counselors for career advice. Moreover, you may use the comprehensive resource library, located in the Office, that includes job listings, legal newspapers and periodicals, and information on both private and public employers. A Lexis password is available to you so that you can perform career searches on the Lexis database. The Office posts all of its job listings on the Internet, with a restricted password for UCLA students and alumni, so that you can have immediate access to the Office's job listings from any location where Internet use is available. For those of you who do not have Internet access, you can have the Graduate Job Bulletin mailed to you at your request.

The Office of Career Services can also assist you with hiring. The Office will post, at no cost, listings for summer, academic year, entry level or lateral positions on the restricted Internet site and in job listing binders available in the Office. Moreover, the Office will collect and send to you resumes of candidates who fit your hiring criteria and will help arrange interviews on the campus or at your office. You can submit job listing requests to Career Services via e-mail at [careers@law.ucla.edu](mailto:careers@law.ucla.edu); through the Office's Internet site at [www.law.ucla.edu](http://www.law.ucla.edu) (click on Student Resources, then Career Services); or by fax to (310) 825-9450.

Since alumni can play a valuable role in the career development of students, the Office has designed a variety of programs and events to encourage student/alumni interaction and maximize alumni participation in career-related programs. This year the Office inaugurated its First Annual Alumni Mentor Program and matched 187 alumni with first year students. Other activities include a fall mock interview program in practitioners' offices, an annual government reception and information fair, an annual small/mid-size law firm reception, a weekly practice specialty brown bag lunch series, and many other informational programs throughout the year.

If you would like to participate in or receive more information on any of the programs or services offered by the Office of Career Services, please call (310) 206-1117 or e-mail the Office at [careers@law.ucla.edu](mailto:careers@law.ucla.edu).



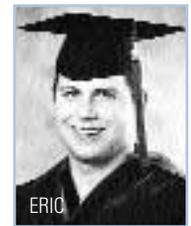
JED

SONNENSHEIN



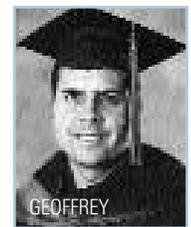
ILANA

SPECTOR



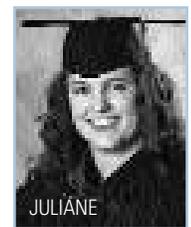
ERIC

STENBERG



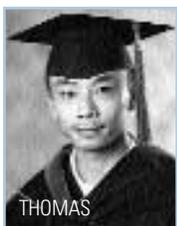
GEOFFREY

STOVER



JULIANNA

STREIB



THOMAS

VAN



LAUREN

TEUKOLSKY



JOY

TEITEL



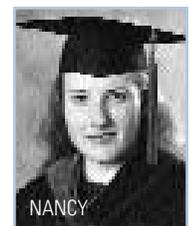
CHRISTOPHER

TAYLOR



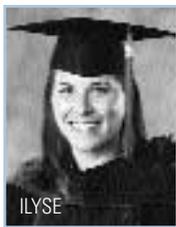
MIRANDA

SWIMMER



NANCY

SUTTON



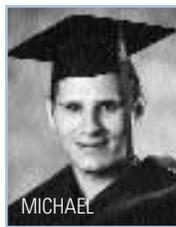
ILYSE

WINNICK



GENE

WILLIAMS



MICHAEL

WEIL



RICHARD

WATLING



BRUCE (B.J.)

WATROUS



JELENA

VERNY



ADINA

WITZLING



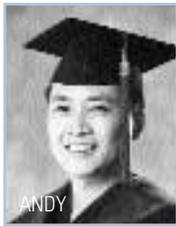
SOOK YUN

WON



AMANDA

WONG



ANDY

WONG



JODY L.

ZILS



MEGHEN

YAMANISHI



JEANNE CHIE

YAMAUCHI



JENNIFER

YU



EDWIN A.

ZAVALETA



AYMARA

ZIELINA



DIAGA

ZIVITINA

## Alumni for Life . . .

### *Web Access and E-mail Accounts are Benefits of Participation*

This spring alumni registered with the UCLA School of Law's new Alumni for Life program received an electronic letter from Dean Jonathan Varat, alerting and inviting them to upcoming law school events of interest and apprising them of recent law school developments and honors. The events included topical lectures, debates, receptions and a Town Hall Meeting, providing opportunities to network with other UCLA Law alumni, current students and faculty, and also, in several cases, a chance to earn MCLE credits. Most were offered at no charge to alumni.

If you did not receive Dean Varat's letter, you have not yet registered with the Alumni for Life e-mail program.

"Alumni for Life" is the umbrella name that represents the application of two electronic technologies, the alumni e-mail program and the alumni web site. This exciting new tool enables the law school to keep in touch with alumni and provides alumni a forum to network among yourselves. To be informed electronically of upcoming events, as well as to gain access to the secured alumni web site and other pertinent news from your colleagues and your law school, you need to register for this free electronic communications tool.

**Alumni E-mail for Life** is an e-mail address that is assigned to you. You may use this UCLA School of Law e-mail account as your main account or as a forwarding service. You may keep the same stable address forever, whether you change jobs, residences or your personal or professional e-mail accounts. The address will, in perpetuity, identify you as a UCLA Law graduate. Every time you change personal or professional mailboxes, you simply update us at [alumni@law.ucla.edu](mailto:alumni@law.ucla.edu) and your mail will be forwarded, without your alumni e-mail address changing.

Through **Alumni for Life Web Access**, you automatically will be given a login name and personal password that will enable you to gain access to secure areas, including the full interactive calendar and the secured alumni directory on the alumni web site. The Web's Alumni Directory, available only through the secure password, is a key tool in encouraging alumni to communicate and to refer business to one another.

Your name and class year will be posted automatically to the alumni directory. Please let us know what other contact information and other postings you wish us to include in the secure database, or if you do not wish your name to be posted. In that case, you still will be given a password to have access to the secured alumni web site, but the disadvantage to you is that your information will not be posted alongside that of your colleagues.

We urge you to contact the Alumni Relations office at (310) 206-1121, or e-mail [alumni@law.ucla.edu](mailto:alumni@law.ucla.edu), to sign up for the Alumni For Life program. You will then be assigned an e-mail address and password and be added to the alumni e-mail circulation list, and, with your permission, your contact information also will be used in the secure on-line e-mail directory.



## IN MEMORIAM

Bette Burriss Lorenz '52

Warren Sikora '52

David Dodd Mix '53

Rembert Thomas Brown '54

James Arthur Browning '57

James Jacob Dambach '57

Phyllis K. Fairbanks '57

Eugene Francis Katnik '59

Kenneth W. Nebel '59

Roger Alison Peters '61

Howard Michael Van Elgort '61

Mel Springer '62

John Francis Holzer '63

Dennis K. Hasty '64

Thomas Anthony Diamond '65

Randolph Kent Joyce '67

Thomas Robert Ulmer '69

John Patrick Meck '72

Sam Stevens '72

James Homer Griffith '74

Louis Henry Rosales '75

Sandra D. Churchill '76

Leo Anthony Guevara '78

Lawrence A. Cohen '92

*Marsha Kaye McLean-Utley '64*

Marsha McLean-Utley '64 died on February 16, 2000 at the age of 60. She was a long-time partner of Gibson, Dunn & Crutcher, and the firm's first female partner. Ms. McLean-Utley, a civil and probate litigator, was with that firm from 1964 to 1988. From 1993 on, she was a partner with Daar and Newman, the international law and business litigation firm. She was a member of the State Bar's Board of Governors from 1983 to 1986 and had been the president, vice president and secretary of the Association of Business Trial Lawyers. She was a delegate to the American Bar Association in 1987. She was a member of California Women Lawyers and the Women Lawyers Association of Los Angeles.

When she joined G, D & C, Ms. McLean-Utley was the only woman lawyer out of 67 lawyers, and for years she was the only woman lawyer there. In an October 1983 ABA Journal article profiling twelve successful women in the law (among them Janet Reno, Geraldine Ferraro, Susan Getzendanner, Marian Wright Edelman, Susan Westerberg Prager '71 and Herma Hill Kay), she commented, "As you advance in a major large firm, your responsibilities shift slightly from providing quality legal work to being able to generate client business into the firm. And that is somewhat difficult for a woman. I think that problem has yet to be fully understood. Most clients are governed by male executives and male general counsels. They are reluctant to deal with a woman." In the same article, she noted that she had worked "incredibly long hours" for years, and commented, "I believed all the things people told me that women have to do better in order to be treated better. A part of me still believes that."

Ms. McLean-Utley received her A.B. from UCLA in 1961, then graduated from the School of Law first in her class. She was a member of the Order of the Coif. The ABA Journal profile noted, "McLean-Utley likes to compete, and she usually comes out on top. Her friends used to tell her, 'All you ever do is take the opposite point of view.' So she decided to develop that talent through the law." She was law clerk to Chief Justice Roger Traynor and Justice Mathew Tobriner of the California Supreme Court before practicing law.

Ms. McLean-Utley married Robert C. Utley in 1973; he survives her. She is also survived by her mother, Mildred Brandt, her step-father, Elmer Brandt, and a sister, Ruby Davidson.

*Deputy District Attorney Jeffrey Ramseyer '87*

Deputy District Attorney Jeffrey Ramseyer '87 died on May 9 just after playing basketball at his church, the victim of an apparent heart attack. He was 39. Mr. Ramseyer had joined the district attorney's office in 1987 and tried high-profile cases in the major crimes division, successfully prosecuting, among others, the killers of a teenage drug informant and the owner of a silent movie theater. He had recently been named the assistant head deputy of the major narcotics and forfeiture division.

District Attorney Gil Garcetti '67 said Ramseyer was one of those lawyers who loved trying cases. "In addition to his professional accomplishments, Jeff was one of the nicest guys you could ever meet," Mr. Garcetti said. "We will all miss him."

Recently, the mother of a murder victim wrote the district attorney a letter about Mr. Ramseyer, who had won a conviction of the killer. "Except for my son, I have never met such a compassionate, sensitive, generous and honest person," the mother wrote. "But most of all, he listened. . . . In addition to preparing a great case, he was sensitive and compassionate to my needs, generous with his time and honest, both in and out of the courtroom."

Mr. Ramseyer is survived by his wife, Kathryn, and three children.

## Professor Emeritus David Mellinkoff Dies at 85

Professor Emeritus David Mellinkoff, whose longstanding interest in language and the law led him to leave a thriving Beverly Hills legal practice to devote his life to teaching and writing, died late New Year's Eve, 1999. He had been in poor health since suffering a severe heart attack in October.

Professor Mellinkoff is credited with initiating the movement toward improving legal communication by encouraging clear and precise language, brevity and the elimination of redundancy. He wrote five classic books, including *The Language of the Law*; *Legal Writing: Sense and Nonsense*; *The Conscience of a Lawyer*; and *Mellinkoff's Dictionary of American Legal Usage*. His first book, *The Language of the Law*, published in 1963, won the Scribes Award for the book best conveying the true spirit of the legal profession and sparked a "plain English" movement in both courts and legislatures. As the *Los Angeles Times* noted in his obituary, "With Mellinkoff fanning the flames, California named a Constitution Revision Commission to simplify the state's governing guide and established an Office of Administrative Law to review state regulations for clarity. The State Bar of California adopted a resolution urging members to hone their verbiage."

Renowned for his wit and scholarship, Professor Mellinkoff called the law "a profession of words" and took aim at what he called "contagious verbosity." He wrote, "The most effective way of shortening law language is for judges and lawyers to stop writing, a cruel and unusual expedient yet not without its advocates."

Dean Jonathan Varat expressed the feelings of many when he said, "We were fortunate to have David be part of our close-knit law school community for as long as he was. Although we will miss his vital and active participation in our lives . . . memories of his keen intellect, deep intellectual curiosity and puckish warmth will continue to enrich us for a long time to come."

Professor Mellinkoff recently donated his personal library of about 1,350 volumes to the School of Law's Hugh and Hazel Darling Law Library. In a prepared statement accompanying the donation, he wrote: "I think that these books which I am giving will be of continuing use and value to years of students at the Law School. And this gift is a small indication of my gratitude to the Law School and the people who run it. On September 29, 1999, I will be 85 years old, and I think the time has come to express my love for the Law School and its people." (The collection was described in the Fall-Winter 1999 issue of this magazine.)

Professor Mellinkoff was educated at Stanford and at Harvard Law School. He was admitted to the State Bar of California in 1939 and entered private practice in Beverly Hills. He spent many years in private practice, taking time out for Army service during World War II, before joining the UCLA Law faculty.

He is survived by Ruth, his wife of 50 years, and by his son Daniel, daughter-in-law, and two grandchildren.

We will miss this gracious, witty and intelligent friend, colleague and scholar.



January 30, 2000

David Mellinkoff,  
Professor of Law Emeritus  
UCLA School of Law  
405 Hilgard Avenue  
Los Angeles, CA 90024

Dear Professor Mellinkoff:

I doubt if you remember me. I graduated from UCLA School of Law in 1978. I had you the 1970s and another class, one relating to the language of the law. If you remember me at all, it might be because I was one of the very few students who insisted on attending your class during the "student strike" in 1978. I never forget your giving the lecture by writing it on the blackboard when there was too much noise to hear. I'm just writing to say hi and to say thank.

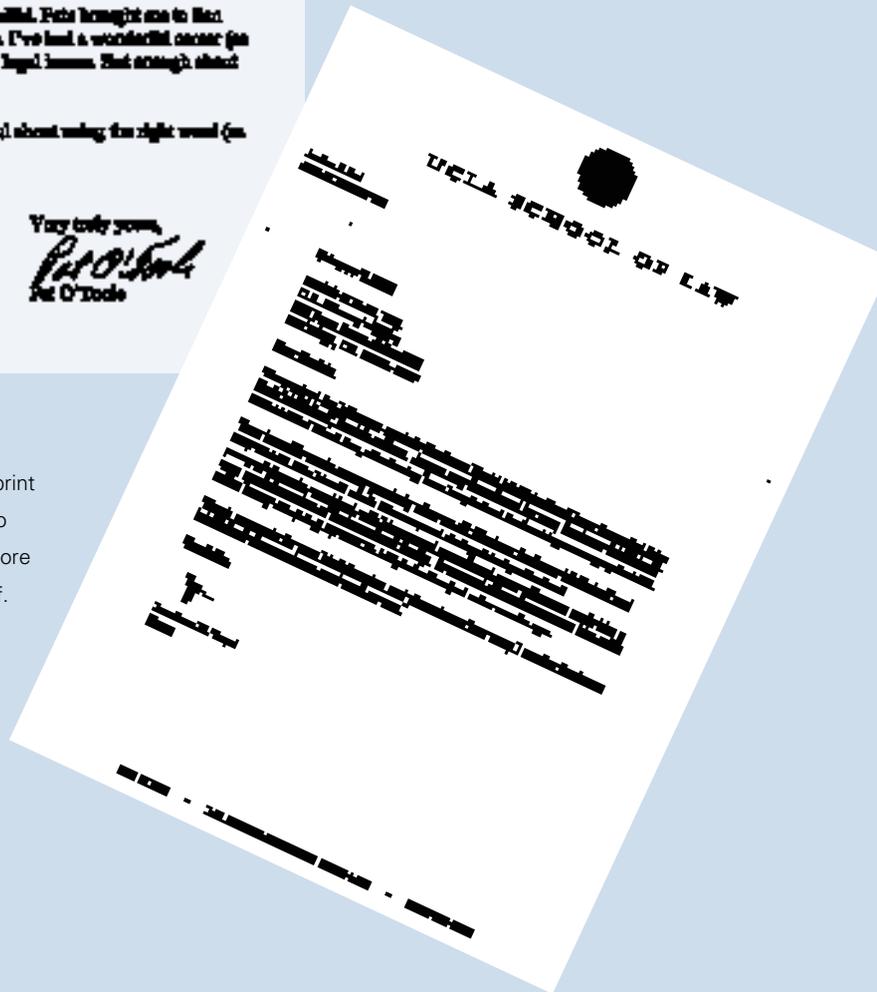
You were always one of my favorite professors. You were such a gentleman, and you had a historian's feel and flair, something otherwise lacking at the new and modern law school that was UCLA. But later during the "strike" (and offering no view on its merits, particularly after all these years), you demonstrated that physical due law like to do with principle and courage. I don't remember if I told you this before. Regardless, it seems appropriate (or being said in the first instance), particularly after I had the good fortune of reading the recent recent edition of UCLA Law and coming across the article on you.

When you are now 81 and find yourself reflecting on the school and its people, it's about time for at least this former student to do the same. I just wanted you to know that I enjoyed your classes very much, so much so that I later read (and paid for) Legal Writing: Issues and Methods on my own. It's cheap. I haven't thought about this before, but I would love to have you have the The Language of the Law and Legal Writing: Issues and Methods for me.

A bit about me. I am married with four children, both quite a beautiful. This brought me to San Diego in 1982, where I have been a federal prosecutor ever since. I've had a wonderful career (so far), one spent trying interesting cases and working on important legal issues. But enough about me.

Once again, thank you. By the way, I've always tried to be careful about using the right word (as well as using one word, if it will do, instead of two).

Very truly yours,  
*Patrick O'Toole*  
Pat O'Toole



Editor's Note:

Patrick O'Toole '78 was gracious enough to allow us to reprint a copy of his letter to Professor Mellinkoff as a reminder to communicate with people who have influenced them "before it's too late." His original was forwarded to Mrs. Mellinkoff.

# Commencement 2000



## Excerpts from the Commencement Address of Beth Nolan, Assistant and Counsel to the President of the United States

I want to say especially how appreciative I am to Dean Varat that he simply asked me to come speak rather than serving me with a subpoena. It's refreshing.

You're not just graduating from law school. You're graduating from UCLA.

Today, after years of schooling, after the many sacrifices you and your families have made to be here, today you come to your just reward: you now have the right to study all summer so you can take

the bar exam. To quote a friend of mine, it's as if you've just won a pie-eating contest and the prize is—more pie.

To succeed, you must be willing to fail. Failing must be part of your plan. And that's what I want to talk with you about today. Failing. Why it's important. How to succeed at it. . . . Failure is part of a successful life. You will not be using the full power of your law degree if you never fail.

By earning your law degree, you have shown that you can do great things. . . . We all know you can do great things. . . . The problem, of course, is that doing great things is not easy. It's plain hard; it's painful, scary, and exhausting. And it always involves the risk of failure. You fail by doing things that are hard to do, maybe—as it turns out—impossible. If you never fail, you aren't really trying.

A lawyer who defends a client accused of murder can lose, and his client may be executed. That's what happened to Abraham Lincoln. A lawyer who dares to be different from most other lawyers can have a door slammed in her face—that's what happened to Ruth Bader Ginsburg, when she graduated from law school tied for first in her class but couldn't get one single law firm to offer a woman a job. A lawyer who believes that simple justice requires desegregation of public education can lose again and again, and win, and then seem to lose again before desegregation becomes the enforced law of the land. That's what happened to Thurgood Marshall.

Each of those lawyers failed more than once. Each of them is surely thought of as a success. Indeed, more than mere successes, they are heroes. Icons. Their failures were not aberrations or something apart from their success. Their failures and success were simply two sides of the same coin. One did not exist without the other.

I'm not asking each of you to rock the world, though it's clear many of you could and some of you will. I'm asking that whatever you set out to do—in private practice, in public service, for a public interest organization, or for a dot com—or indeed as one of the many lawyers who use their law degrees in non-law jobs—try a little harder than you think you might have to. Aim high enough that failure is a possibility

There's an old saying: "Ships are safe in harbor, but that's not what ships are for." I love that saying. It's my screen saver at work, so I am reminded every day why I do what I do. So I'm reminded when it feels too hard to do. You could have been a pier, or maybe a buoy bobbing in the harbor, but you were willingly outfitted as a ship. Allow yourself to sail into open waters. Know that you'll hit some storms.

So, I wish you a life of challenges, knowing that you'll beat many of them and lose some of them. When failures come—which they will unless you take no risks at all, and then shame on you—you can remind yourself that they are as good a thing in your life as success. They won't feel good at the time, but don't be afraid of them. Sometimes, looking back, having weathered the adversity feels like the best part.

## Conferring of the Hoods

The Conferring of the Hoods ceremony is a highlight of the commencement celebration at the UCLA School of Law. The tradition of donning academic regalia to celebrate commencement traces its origins to the universities of medieval Europe, where scholars were often clerics, and dressed accordingly. In America, some 100 years ago, a code of standards for academic attire was determined in order to identify the institutions of learning and distinguish the mastery of each area of study, by color, cords, fabrics, stoles, and by the shapes and length of gowns and sleeves.

The UCLA School of Law Juris Doctorate and Master of Laws candidates have achieved the right and the privilege to wear hoods trimmed in purple velvet. The color purple represents mastery of the study of law. The graduates wear purple tassels on their mortarboards, again, to signify the study of law. Some graduates wear cords to identify their matriculation from a specific law program as well. Twenty three of the graduates of the Class of 2000 wear the newly established white and silver cord signifying that they are members of the first graduating class of the Program of Public Interest Law and Policy.

The silk lining of the graduation gown is blue and gold, representing the colors of our State and the University of California, a proud reminder that, along with being the youngest top tier law school in the country, we are also the only public law school in Southern California.

Commencement Day is nearly the only time that one can see American faculty dress in their academic attire. Although nearly all faculty wear purple velvet trim, signifying our study of law, the satin lining of the hoods or gowns will vary, reflecting the colors of the school from which each one graduated.

The Ceremony of the Conferring of the Hoods for the Degree of Master of Law and the Conferring of the Hoods for the Degree of Juris Doctor mean a great deal both to faculty and to graduating students. It is with this simple gesture that the faculty of UCLA School of Law formally and publicly admits our newest colleagues to the academy of law. We welcome you to our profession, salute you for your achievement; acknowledge your mastery of learning; and recognize your commitment to be the stewards of a just and noble calling. The conferring of hoods therefore, symbolizes our respect and affection for you, and our affiliation with you.

