

Advocate

UNIVERSITY OF SAN DIEGO SCHOOL OF LAW

Looking Back at the Road

Ahead:

Alumni
Hindsight
for New
Graduates

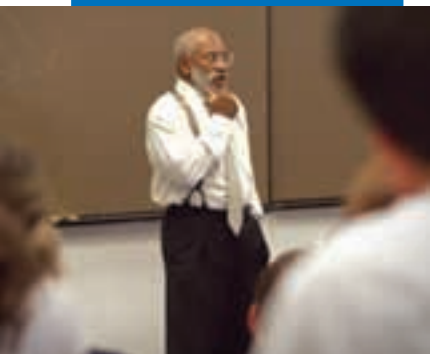


CAI ARGUES IN NINTH CIRCUIT | GRADUATION '10 | LEGAL CLINICS: 40 YEARS IN THE MAKING

26:2 SPRING 2011

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features

16 LOOKING BACK AT THE ROAD AHEAD
Karen Gross talks to USD law alumni about building lasting careers in the law. At graduation, they never imagined the road ahead. Looking back, they wouldn't change a thing.

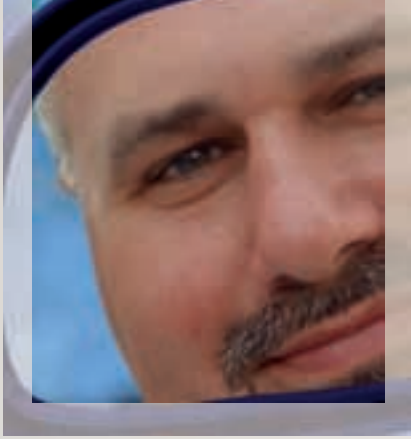
20 FLYING WITHOUT A SAFETY NET
Leonard Armato, '78, chief marketing officer of Skechers and president of the company's fitness group, inspires USD law graduates to spread their wings and take flight.

24 FORTY YEARS IN THE MAKING
USD's Legal Clinics celebrate 40 years of service to the community as one of the nation's best practical training programs for aspiring lawyers.

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DEPARTMENTS

- 3 DEAN'S MESSAGE**
USD instrumental in developing legal careers of tomorrow
- 4 DISCOVERY**
Notable law school achievements and announcements
- 6 CALENDAR**
Save the date for upcoming alumni events
- 7 CAMPUS BRIEFS**
Review of recent public lectures and symposia
- 29 FACULTY FOOTNOTES**
News about faculty members' publications, presentations and special activities
- 39 FACULTY COLLOQUIA**
The past year's faculty colloquia presentations at USD
- 41 CLASS ACTION**
Catch up with the personal and professional lives of alumni
- 48 SCENE OF THE CRIME**
Were you there? Candid photos from recent alumni events



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This is the last “Letter from the Dean” in the *Advocate* that will be written by *this* dean. Last summer, I announced that this would be my last academic year as dean, to give the school time to conduct a thorough search for my successor and to permit a smooth transition from one dean to the next. Many of you will have already heard through other sources that our search has been successful.

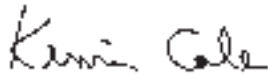
These “farewell” letters have an unseemly tendency toward self congratulation that I hope to avoid. But I must point out what everyone will agree to be a signal accomplishment. After six years as dean, I now know which dean I was.

When I was appointed, the *Advocate* headline proclaimed, “Kevin Cole Named 11th Dean of the University of San Diego School of Law.” A question arises as to whether “interim” deans should be included in the count, or whether it should be limited to “permanent” deans. (All deans are really “interim” in an important sense; it’s just that some of us recognize that fact in our title.) But regardless of how one answers that question, our number was wrong. I was the school’s ninth “permanent” dean; if you include our three other interim deans, I was number 12; if Grant Morris is counted three times rather than once (in recognition of his three stints as interim dean in three separate decades), then I was number 14; if my service as interim dean before being named dean in 2005-06 is counted separately, then I was deans 14 and 15.

Using the most conventional way of counting, and casting no aspersions on those of us who served the school in an acknowledged interim role, I am glad to welcome Stephen Ferruolo as the 10th dean of the University of San Diego School of Law. He is wonderfully equipped to build on our strengths and to create new ones. That he becomes only our 10th permanent dean is a reminder of how far our school has come in a relatively short time.

Law faculty are blessed in many ways—privileged to work closely with students as they struggle to acquire the vocabulary and skills of their new profession, and to focus intently on challenging questions of law and law reform. Those attractions are too strong for me to resist any longer. But deaning has had its attractions too. Among the best aspects of the job has been the chance to interact with so many alumni and other supporters of the school. Their obvious enthusiasm for the school inspired me during my deanship and will remain with me as I return to full-time teaching.

Alumni also underscored just how important a law school is in its students’ development. Alumni from 30 and 40 years ago have regaled me with stories of the faculty whose dedication made a difference in their students’ lives. My focus in the last six years has been to improve the student experience at USD Law. If we have achieved some success along those lines, then I will return to the classroom as a very happy former dean.



Kevin Cole

Dean and Professor of Law



USD Welcomes New Law School Dean

USD School of Law has named Stephen C. Ferruolo as its next dean. He assumes his duties at USD on August 1.



Ferruolo is the founding partner and chair of the San Diego office of the international law firm, Goodwin Procter LLP. Before graduating with honors from Stanford Law School in 1990, Ferruolo was a Rhodes Scholar at Oxford University, earned his PhD in history from Princeton University, and served on the faculties at Bennington College and Stanford University. Earlier this year, he was elected vice chairman of BIOCUM/San Diego, the largest regional life sciences association in the world.

“I strongly believe that legal education must combine academic rigor and critical thinking along with practical professional training,” said Ferruolo. “Our goal has to be to produce lawyers who understand the law in its most complete sense, who are inspired to use that legal understanding to serve the public interest, broadly defined and in whatever role best suits them, and who will have successful and satisfying careers as lawyers.”



PARTNOY ASKS FOR FEDERAL AIG INQUIRY

USD Professor of Law Frank Partnoy, United States Representative Steve Israel (D–N.Y.), and former Governor Eliot Spitzer (D–N.Y.) announced the introduction of new legislation to get to the bottom of the AIG collapse with an open source investigation. In February 2010, Rep. Israel introduced the Financial Crisis Public Disclosure Act of 2010, which directs the Treasury Secretary to put online

the e-mails of high-level employees of AIG and other firms that receive money from the Troubled Asset Relief Program (TARP). By putting these e-mails online, the government can harness the power of the Internet and create an opportunity for an “open source investigation” of the company’s collapse and subsequent government bailout. So far, more than 250,000 documents have been given to the government about this scandal. Early reports indicate that AIG and even some government regulators sought to keep the details of this bailout secret, while the TARP Inspector General Report found that little effort was made to force even a minimal loss upon the banks.



USD PUBLISHES FIRST STUDENT-RUN CLIMATE & ENERGY JOURNAL

USD School of Law released the first issue of the San Diego Journal of Climate & Energy Law (JCEL) in January 2010. The nation’s first student-run climate and energy law journal, the academic publication includes articles from its inaugural Climate & Energy Law Symposium, held February 20, 2009. The event titled, “Federal Preemption or State Prerogative: California in the Face of National Climate Policy,” was co-hosted by USD’s Energy Policy Initiatives Center and presented with financial support from Sempra Energy. Chairman of the California Air Resources Board and recent participant in the United Nations Summit on Climate Change in Copenhagen, Mary D. Nichols, was the keynote speaker for the event.

RECENT SURVEY RANKS USD AMONG TOP THREE PRIVATE CALIFORNIA LAW SCHOOLS

USD School of Law is among the top three private California law school faculties in a study of scholarly productivity published in February 2010 by researchers at Roger Williams University School of Law. USD ranked first among all law schools included in the study for per capita productivity of articles in top journals from 1993 to 2009. This puts USD School of Law ahead of every private California law school except Stanford and USC, which were not included because of the scope of the study. The study also ranked all New England law schools using the same methodology. If USD were included in that list, it would have ranked third—behind Harvard and Yale, but ahead of well-known schools such as Boston University and Boston College.

EPIC RELEASES ANALYSIS OF CALIFORNIA PROP. 23

USD’s Energy Policy Initiatives Center (EPIC) released a report in September 2010 that evaluated the potential effects of Proposition 23 on California’s current efforts to reduce statewide greenhouse gas emissions. Proposition 23 sought to suspend California Global Warming Solutions Act (AB 32) until unemployment dropped to a specified level. The analysis answered two important questions: Which greenhouse gas (GHG) reduction measures included in California’s plan to reduce emissions to 1990 levels by 2020 could be suspended under Proposition 23 and how long could they be suspended. The report helped defeat the measure and keep California on a greener path. Go to EPIC’s website at sandiego.edu/epic to read the full report.

FELLMETH PERSUADES U.S. NINTH CIRCUIT

Arguing that the lower court erred when it dismissed a suit on the grounds that the California Travel and Tourism Commission (CTTC) is shielded by antitrust immunity, Professor Robert Fellmeth appeared before a special hearing of the U.S. Ninth Circuit Court of Appeals held at the University of San Diego in March 2010. The case presented special challenges because an earlier Ninth Circuit panel had affirmed the lower court ruling. When a new hearing was granted, that decision was withdrawn and Fellmeth succeeded in convincing the Court of Appeals that the consumer law suit should be allowed to go forward. The November opinion allowed the CTTC to be sued on the grounds that it improperly colluded with rental car companies to price-fix and pass tourism fees on to customers. Robert Fellmeth is the Price Professor of Public Interest Law and the director of the Center for Public Interest Law at USD. Fellmeth's experience in antitrust and consumer law dates to the 1970s when, as one of the original Nader's Raiders, he participated in the preparation of a landmark report on the Federal Trade Commission.



USD AND CONNECT LAUNCH UNIQUE NEW LAW CLINIC FOR TECHNOLOGY START-UPS

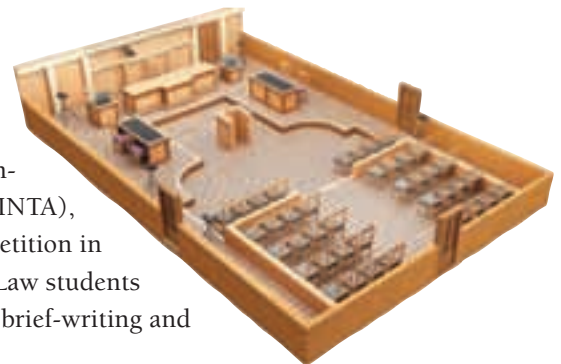
CONNECT, regarded as the world's most successful regional program linking inventors and entrepreneurs with the resources they need for success, and USD School of Law launched the new Technology Entrepreneurship Law Clinic in April 2010. The clinic, led by Assistant Professor Ted Sichelman, provides USD law students with mentoring from practicing attorneys along with real-world experience assisting start-ups in CONNECT's internationally recognized Springboard mentoring program with corporate, intellectual property and employment legal needs. A select group of students is admitted to the new clinical program each semester. CONNECT Springboard companies CortiCare, Yolia Health, CPO Portal, Ever-dry Hearing Aid and mywijit have already signed up to receive legal assistance. Actual legal services became available in September 2010.

USD STUDENT ARGUES CASE AT NINTH CIRCUIT

A law student from USD's Appellate Clinic represented a political refugee in a case before the U.S. Ninth Circuit Court of Appeals on April 9, 2010. An immigration court had denied the client's application for protected status as a political refugee. The Guatemalan applied for refugee status in the United States because she feared for her and her family's safety in her own country. The Board of Immigration Appeals judge denied the petition for refugee status on the grounds that the past persecution was not significant enough to meet the standard for asylum. Under the supervision of USD Professors Katherine Mangan and Michael Devitt, third-year law student Colin Davis presented the appeal to the three-judge panel. After hearing the argument, the presiding judge thanked the clinic for taking the case and remarked, "Mr. Davis, it's hard to believe you're a law student."

USD NAMED BEST ORAL ARGUMENT TEAM AT INTERNATIONAL TRADEMARK MOOT COMPETITION

The moot court team of Sean Flaherty, '10, and Chris Rhoads, '10, won Best Oral Argument Team in the Western Regional Competition at the 19th Annual Saul Lefkowitz Moot Court Competition in May 2010. An annual competition organized by the International Trademark Association (INTA), the Saul Lefkowitz Moot Court Competition is the only moot court competition in the United States with a focus on trademark and unfair competition law. Law students who participate in the competition have the opportunity to develop their brief-writing and oral advocacy skills in a mock courtroom experience.



MAY

MAY 10

Leveraging LinkedIn for Job Search
and Business Development
All USD Alumni Event
7:30 – 9:30 a.m.
Mintz Levin
Register online: law.sandiego.edu/leveragelinkedin

MAY 11

Boston USD Alumni Reception
All USD Alumni Event
6:00 – 8:00 p.m.
Stoddard's
Register online: law.sandiego.edu/alumni/boston

MAY 13

2011 Graduation Mass
2:30 p.m.
Founder's Chapel
Contact Jamie Simmons at
simmonsj@sandiego.edu or (619) 260-4651

MAY 14

2011 Law School Commencement
9:00 a.m.
Jenny Craig Pavilion
Contact Jamie Simmons at
simmonsj@sandiego.edu or (619) 260-4651

MAY 18

Legal Research in the Real World
8:00 a.m. – 1:00 p.m.
Warren Hall
Register online: law.sandiego.edu/realworld

MAY 19

Orange County Alumni
Business Leadership Forum
All USD Alumni Event
7:30 – 9:30 a.m.
Shady Canyon Golf Club
Register online: law.sandiego.edu/ocleadership

MAY 24

New York USD Law Alumni Reception
7:00 – 9:00 p.m.
Bobby Flay's Bar Americain
Register online: law.sandiego.edu/alumni/ny

MAY 25

Washington D.C. USD Law Alumni
Reception Honoring Rep. Dave Camp '78
6:00 – 8:00 p.m.
Sonoma Restaurant and Wine Bar
Register online: law.sandiego.edu/alumni/dc

JUNE

JUNE 1

California Bar Swearing-In Breakfast
and Ceremony
8:30 – 10:00 a.m.
Sheraton San Diego Hotel & Marina
Register online: law.sandiego.edu/swearing-in

JUNE 4

2011 USD Alumni Honors
Virginia C. Nelson '79, Hughes Career
Achievement Recipient
6:00 p.m.
Shiley Theatre and Camino/Founders Patio
Register online: sandiego.edu/alumni/honors/

JUNE 23

USD Law Alumni Board Appreciation Dinner
La Gran Terraza
Contact the office of development and
alumni relations at lawalum@sandiego.edu
or (619) 260-4692

JULY

JULY 9

Orange County Alumni Pageant of the
Masters and Pre-Performance Reception
4:00 p.m.
Register online: law.sandiego.edu/ocpageant

JULY 24

USD Wine Classic
All USD Alumni Event
2:00 – 5:00 p.m.
Joan B. Kroc Institute for Peace & Justice
Garden of the Sea
Register online: usdwineclassic.com

JULY 29

USD Law Alumni Board Retreat
Degheri Alumni Center
Contact the office of development and
alumni relations at lawalum@sandiego.edu
or (619) 260-4692

AUGUST

AUGUST 7

San Francisco Giants/Philadelphia Phillies
Baseball Game & Alumni Happy Hour
All USD Alumni Event
Pre-Game Alumni Happy Hour
11:00 a.m.
Gordon Biersch
Baseball Game
1:05 p.m.
AT&T Park
Register online: law.sandiego.edu/sfgiants

AUGUST 10

USD Law Alumni Recent Alumni Wine Tasting
6:00 – 8:00 p.m.
La Gran Terraza
Register online: law.sandiego.edu/winetaste

SEPTEMBER

SEPTEMBER 8

USD Law Alumni Association Board
of Directors Meeting
Warren Hall

SEPTEMBER 15

USD Law Alumni Reception at the State Bar of
California Annual Meeting
6:00 – 8:00 p.m.
Westin Long Beach
Register online: law.sandiego.edu/calbar

OCTOBER

OCTOBER 3

Red Mass
Annual liturgy held to mark the opening of
the judicial year
Register online: law.sandiego.edu/redmass

OCTOBER 15

Law Alumni Reunions
Classes of 1971, 1981, 1986, 1991 & 2001
Register online: law.sandiego.edu/reunions

NOVEMBER

NOVEMBER 4

Distinguished Alumni Awards Luncheon
11:30 a.m.
Westin Gaslamp Quarter
Register online: law.sandiego.edu/daa

DECEMBER

DECEMBER 2

California Bar Swearing-In Breakfast
and Ceremony
8:00 – 10:00 a.m.
Sheraton San Diego Hotel & Marina
Register online: law.sandiego.edu/swearing-in

DECEMBER 8

USD Law Alumni Association Board
of Directors Meeting
Warren Hall

JANUARY

JANUARY 5 (2012)

Washington D.C. USD Law Alumni Reception
7:00 – 9:00 p.m.
Register online: law.sandiego.edu/alumni/dc

FEBRUARY

FEBRUARY 8 (2012)

Careers in the Law
5:15 – 7:00 p.m.
Register online: law.sandiego.edu/careersinthelaw

For the most up-to-date event information, go to law.sandiego.edu/alumni/events.



USD School of Law's Frank Partnoy

The Feds Finally See the Light

by Owen Praskievicz

It took 12 years, three books and the worst economic downturn since the Great Depression to do it, but USD Professor of Law Frank Partnoy finally saw his proposal for the federal government to shift away from its dependence on credit ratings signed into legislation in July when Congress passed the first major financial reform bill in decades.

Partnoy's proposal to eliminate reliance on credit ratings in federal statutes is one of several recommendations the professor has expertly explained on television, in print and in lecture halls throughout the country and vindicates his years of advocacy for more consequential financial regulations. The adopted proposal is a response to one of the key factors that led to the 2008 recession.

"It was tough to get legislators to listen, especially when lobbyists for the credit rating agencies were spending millions of dollars opposing new rules," Partnoy said. "But fortunately there were some smart congressional staffers, on the left and the right, who understood the damage these agencies had caused. It didn't hurt that we had just been through a major financial crisis, and voters were holding their representatives' feet to the fire."

Navigating the arena of politics, finance and law lends itself to endless obstacles, but Partnoy's legal expertise, along with his experience on Wall Street and his presence in the media, make him well-positioned for the role.

Together with a litany of suggestions that targeted weak areas of financial regulation, flaws that have since been labeled as the catalysts for the 2008 recession, Partnoy first questioned statutory reliance on credit ratings in 1998. It was this reliance, experts say, that created a false confidence in risky assets. Subsequent defaults left industry giants with bloated books and worthless assets.

To wean the industry off of the credit rating system, Partnoy has suggested using credit default swap spreads—bilateral contracts of protection between the buyers and sellers of protection—which reflect information more promptly than changes in credit ratings, even during a period of intense market discord.

This proposal has not yet been adopted, but Partnoy's message of more clarity on balance sheets has received praise in lectures given across the U.S.

"This is an issue that's not currently part of the debate. It hasn't been discussed much," Partnoy said during a March presentation he gave in New York. "It needs to be on the table."

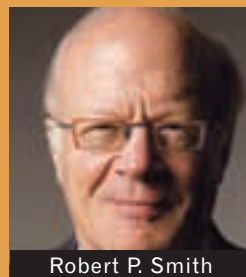
In addition to the quality and foresight of his work, Partnoy's style and humor have helped raise his already established credibility, landing him appearances on numerous broadcasts such as *The Daily Show with Jon Stewart*, *The Diane Rehm Show* and *Fresh Air* on NPR, and *60 Minutes*, in addition to the lengthy column space his byline receives in national print.



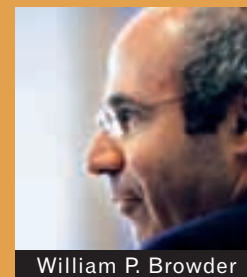
In October, USD Professor of Law Frank Partnoy made his cinematic debut in the Academy Award-winning movie *Inside Job*, a film narrated by Matt Damon that presents a series of interviews.

Tales of Corporate Corruption

by Owen Praskievicz



Robert P. Smith



William P. Browder



Two global investment titans visited USD in October, pressing the dangers of emerging market ventures and the potential for international legal battles to a near-capacity crowd at the Kroc Institute for Peace & Justice.

Robert P. Smith, founder and managing director of Boston-based Turan Corporation, joined William P. Browder, founder of London-based Hermitage Capital, as part of the School of Law's Center for Corporate and Securities Law program, "Tales of Fraud and Corruption: Governance in Emerging Markets."

While the speakers hail from widely different backgrounds in emerging markets—Smith is a leader in trading sovereign debt; Browder invests heavily in public equity—both delivered war stories that spoke to the highs and lows that emerging markets hold for investors.

Headlining the discussion was Russia, a country that presents an enticing enigma to foreign investment. In Russia, both speakers met with traumatic experiences that highlighted the vast potential for growth in emerging markets and the heavy risks associated with investment there.

"The world would never let Russia default. It's too big to fail," Smith said, reciting his last words prior to Russia's devaluing of the ruble, costing Smith some \$15 million and costing investors

around the world unprecedented losses. "Today, everyone wants to invest in Russia again... My advice? Never press for a deal. Wait for something to happen."

While Smith's account of financial loss stirred the audience, Browder's story caused audible moans.

Browder, the grandson of a former president of the American Communist Party, painted a fantastic story of his rise to prominence in the Russian financial world in the mid 1990s, where he took a fund from \$25 million to \$125 million in just one year before starting his own firm that experienced a similarly spectacular rise.

"I was in my early thirties. I had the best performing fund in the world. It was the biggest sell sign," Browder said. "Things were too good."

When Russia defaulted, Browder's fund suffered a 90 percent drop, leading to what he called "public humiliation."

His story did not stop there. When Browder again found gold after battling the Russian oligarchy, becoming the leading foreign investor in Russia, his success unfolded into a drama of stripped visas, office raids, accusations of tax evasion and tortured lawyers.

"We should know who Russia is, what they're doing," Browder said, calling the country a "house of cards."

2010 Bowes-Madison Distinguished Lecture Series: Why War Won't Go Away



Victor Davis Hanson, a prolific author and educator on subjects ranging from war history to contemporary politics, delivered his theories on the pervasive, unchanging elements of war and humanity to a packed audience at the 2010 Bowes-Madison Distinguished Lecture Series.

Hanson, a senior fellow-in-residence in classics and military history at the Hoover Institution at Stanford University and a professor of classics emeritus at California State University, Fresno, framed his speech on the parallels between ancient warfare and modern conflicts at the Joan B. Kroc Institute for Peace & Justice Theatre on November 1, 2010.

“War is like rust or moss,” said Hanson, who has written or edited 16 books, including *A War Like No Other: How the Athenians and Spartans Fought the Peloponnesian War* and *The Father of Us All: War and History, Ancient and Modern*. “War, whatever it is, is pretty innate to the human species. It appears with great frequency... Plato would say peace is a parenthesis.”

Hanson, recipient of the 2007 National Humanities Medal from President George W. Bush, weighed two modern theories on human nature: the tragic view, which defines human nature as unchanging, “we are who we are,” and the therapeutic view, which states that man is different, that nature has changed and that modern sociological science can lead humanity to a more evolved state.

As a subscriber to the tragic view, Hanson believes history will teach people who they are and that war is the best stage for that lesson because it strips off the veneer of civilization.

“This is what the Greeks were trying to teach us,” Hanson said. “A minority of nations think there is more to gain by starting war. Why do people think they have to go to war? It is more often predicated on a sense of honor, fear and perceived self-interest.”

Hanson referred often to historical conflicts, like the Peloponnesian War, noting that even sophisticated and dominant civilizations like the Greeks were at war three out of every four years. To Hanson, not much has changed.

“Who have not we fought since WWII?” he asked, pointing to the numerous U.S. engagements over the past 60 years. Moreover, Hanson prophesized that the perceived transition away from conventional warfare toward conflicts with non-state entities will not last, proposing that some countries, like Turkey or North Korea, are on the cusp of fighting their neighbors on any given day.

To Hanson, the only end to war is victory or defeat.

“You may not like it or accept it, but it’s there,” he said. “Victory is defined as forcing your opponent to accept your political ideology. To the degree we ensure that, we win; to the degree we don’t, we lose.”

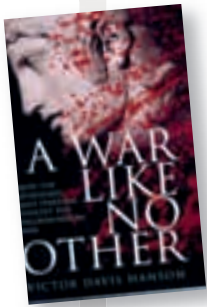
In defense of the therapeutic view, and challenging Hanson’s dismissal of mediation as an absolute means to deterring or ending war, Necla Tschirgi, a professor at USD’s Joan B. Kroc School of Peace Studies and a Turkish national, argued that the complexities that give rise to conflicts can be addressed through diplomacy and broader peace strategies than the limited solutions offered by Hanson.

Tschirgi also disputed Hanson’s probabilities of an impending Turkish-Greek war.

“The likelihood of such a war is very, very low,” Tschirgi said. “And it is because of the institutions, rule of law and the international organizations that have been put in place.”

Hanson was not entirely pessimistic about humanity’s fate, suggesting that military deterrence and a preponderance of constitutional systems, which are less likely to fight other democracies, have been effective strategies. Nor was he entirely convinced that his views were depressing.

“What’s depressing are people who don’t read history, who think they are so well educated or sophisticated that they have rewritten the history of the last 2,500 years,” Hanson said. “Nature of man has not changed... man is saved by family, civilization, religion, community... and there are proven mechanisms, not to eliminate war or bad people, but to deter them to the degree that war will not impair, damage or destroy their civilization.”



The Children's Advocacy Institute

by **Ian Friedman**



Foster parents in California could soon receive additional per-child funding as the result of a ruling by the Ninth Circuit U.S. Court of Appeals. The court affirmed a District Court judgment establishing that the state of California is not providing sufficient reimbursement to foster parents under the Federal Child Welfare Act.

Robert Fellmeth, Price Professor of Public Interest Law and executive director of the University of San Diego School of Law's Children's Advocacy Institute



Robert Fellmeth, Price Professor of Public Interest Law and Executive Director of USD's Children's Advocacy Institute

For more information about the Children's Advocacy Institute visit: www.caichildlaw.org,

(CAI), said the legislation was necessary because the state has failed to properly assess the cost of supporting a foster child and is currently forcing foster parents to pay the difference on their own.

"The reason why there has been a huge decline (in the number of foster parents), and also a decline in adoptions, is because people are being compensated below cost," Fellmeth said. "If you are going to be a family foster care provider, you have to be prepared to sacrifice any college fund for your own biological kids, your retirement fund, and lower your standard of living appreciatively or you can't manage it. That is not fair, and that is not right."

The Child Welfare Act allocates federal funds to match the state contributions that are designed to cover foster children's necessities such as food, clothing, shelter, daily supervision, school supplies and personal incidentals, among other things. Fellmeth said state officials simply never decided to look into how much those things actually cost.

Under the current system, foster parents receive a per-child average

of about \$530 per month. He said during the last eight years, these low funding levels have caused the number of California foster parents to decline from 16,000 to just 5,000.

The decrease in the number of foster parents has forced the state to place more children in group homes, which costs \$5,000 per child, per month, Fellmeth said. The pending increase in foster parent reimbursement will raise per-child funding levels to anywhere from \$800 to \$1,000 per month, a relative bargain when compared to the cost of a group home.

"Foster kids have been removed from their homes based on abuse and neglect, and there are some 70,000 of them in this state. They are the children of the state," Fellmeth said. "As an advocate of this group, we want optimum outcomes for them and we know that the optimum outcome, for a kid whose parents are unfit, is to be adopted by a new set of parents."

Fellmeth said he hopes the

Age of Child	Basic Foster Family Home Monthly Rates (stagnant since 2001)	Basic Foster Family Home Monthly Rates if Annual CNU Increases Had Occurred Since 2001
0-4	\$ 425	\$ 531
5-8	\$ 462	\$ 577
9-11	\$ 494	\$ 617
12-14	\$ 546	\$ 682
15-20	\$ 597	\$ 745

Master of Science in Legal Studies

by Owen Praskievicz

increase in funding will persuade more people to become foster parents, which should lead to more adoptions.

“We want to lessen the group home population and increase the family foster care population because that increases adoption,” he said. “Nothing beats a caring parent who is there for you and just you.”

When children in foster homes are adopted, the state is no longer their parent and the new parent will assume the costs associated with raising the child. After it comes into compliance, CAI plans to do a study to show the ruling’s economic impact, Fellmeth said. Expectations are that the state should begin to save money within 15 to 18 months of compliance.

It will now be up to the state to maintain compliance with the Child Welfare Act, but Fellmeth said CAI will not hesitate to file another lawsuit should the state fall out.

“[Right now] you are only giving people who are rich the opportunity to love,” Fellmeth said. “It is necessary to increase compensation to allow the middle class to be able to support being in a child’s life.”

This ruling stems from *California State Foster Parents Association v. Wagner*, which was brought before the court by CAI and co-counsel Morrison & Foerster LLP on behalf of most of the major foster parent organizations in the state.

After two decades of work as a contract negotiator and in need of a career boost, Karin Shrader found herself searching for a local master’s program in law. If timing wasn’t everything, Shrader might not have found herself walking through Warren Hall this past year as the first candidate for USD’s Master of Science in Legal Studies program.

USD joined a short list of institutions to offer specialized legal education for non-attorneys in 2010, debuting its MS in Legal Studies program, the first of its kind in San Diego. The degree, approved by the USD Board of Trustees in 2009, is designed for graduate students and professionals who do not aspire to be attorneys but would benefit from further study of the legal system.



MS in Legal Studies
Student Karin Shrader

“USD designed this program to fill a previously vacant role in the community,” program director Skip Horne said. “There are thousands of working professionals, especially in the San Diego area, who could benefit from law classes but who do not necessarily have the time, desire or resources to commit to a JD program.”

Shrader, the program’s first candidate, fits that mold. With 22 years of experience in international logistics and sales contracts, she sees the degree as a critical tool to evolve her skills.

“It will not only provide me with a broader view as to rights and remedies for sales contracts but also courage, enthusiasm and confidence to continue negotiating with attorneys, contracts and purchasing representatives,” she said. “The exposure I am receiving and will continue to receive just enhances and improves all those [work] relationships.”

USD is one of approximately 20 American Bar Association-accredited law schools to offer such a program to non-attorneys, Horne said, and one of even fewer to allow its candidates to concentrate in an area of their choice.

“It is such a good opportunity to be able to go back to school and to pick classes that relate to my day-to-day,” Shrader said. “I love this.”

While the program continues to receive interest, Horne intends to keep the size of the program small and selective to maintain a high level of quality among the candidates.

“The ideal candidate is an ever-changing archetype. As more applicants express their interest in enrolling in the program, we are constantly updating our admission criteria,” Horne said. “Each application informs us of new potential areas in which our community may benefit from cross-trained individuals who have a solid grasp of the legal system.”

Annual Climate & Energy Law Symposium

by Andrew Adams



Harvard Professor Jody Freeman

On Friday, April 9, the Energy Policy Initiatives Center (EPIC) and the *San Diego Journal for Climate & Energy Law* hosted their second annual symposium on campus, bringing together practitioners, professors and regulators to discuss the regulatory instruments created to address climate change. The question, as keynote speaker and Harvard Law professor Jody Freeman said, was “what instruments, and how best to approach [the problem of climate change as we] restart the energy system and develop a clean energy economy.”

Professor Freeman kicked off three panels that focused on the comparative merits of using a cap-and-trade system or simple carbon tax to decrease U.S. greenhouse gas emissions. USD professors shared the stage with some of the country’s premier private practitioners and government regulators, in an event that allowed the school to show off its esteemed faculty in both the environment/energy and tax fields.

These seemingly incongruous specialties were on full display as the panels worked through the pros and cons of cap-and-trade versus a carbon tax. It has been understood in the climate change law field that the likely regulatory scheme would be cap-and-trade; however, USD Professor of Law Lesley McAllister pointed out that

the current recession and delay in passing a federal program has led legislators to re-evaluate whether a tax system, or a hybrid regulatory/tax system might prove more productive.

This federal vacillation has created problems for California, as the state attempts to implement its cap-and-trade system while preparing for the as-of-yet undefined federal regulatory scheme. At the same time, the state is trying to implement climate laws alongside traditional environmental laws, but momentum on all is slowed by the financial crisis.

“California’s environmental laws have been reset to a new magnetic North,” remarked EPIC director Scott Anders. California regulators and siting attorneys now have to deal with potentially conflicting state and regulatory systems, as well as balancing the need to limit greenhouse gases against the traditional environmental concerns—water usage and land-use controls in particular.

The day before, a pre-symposium workshop highlighted energy project siting in California and the particular problems that attorneys face in helping energy projects reach compliance. Former California Energy Commission Commissioner John Geesman gave the keynote speech, focusing on what he believed private companies could do to navigate through

the morass of regulation in power plant siting. He noted that the renewable percentage statewide had remained flat for more than eight years, mostly because of uncertainty regarding the requirements to develop new megawatts.

The first step to fixing this broken process, Geesman said, would be to end the “Just In Time” system of permitting sites, and put them on a 10-year timeframe so both producers and municipalities can effectively plan for their future needs. This would require standardized tax, regulatory and administrative standards—foreign concepts to today’s energy siting world.

Symposium attendees on Friday concentrated on the large-scale political and legal concerns of a federal climate law. Professor Freeman, who had just left a White House climate change post, set the foundation. Following her, speakers addressed the cap-and-trade option, then the tax option.

The final panel defined their own expectations and desires for such a system. Two professors joined the president of the Environmental Law Institute and a partner from Latham and Watkins to discuss the possibilities and the relative value of each regulatory system. Professor Holly Doremus from Boalt Hall seemed to summarize the panel’s thoughts when she called for a federal program

that was like “a windswept pine.”

Unlike the hardened oak that rigidly withstands winds until a strong enough storm destroys it, or the willow tree that bends with each small gust, Professor Doremus remarked that the federal system had to have hard and well-defined rules, but also adapt to the conditions that foster it. The system cannot ignore political or scientific developments around it, but like the most effective environmental laws in the past, climate regulation must set boundaries that are both strong and flexible—and reflect the times. Just as the pine on a windy ridgeline adapts to its surroundings and learns to lean with the wind, a federal climate regulatory system has to simultaneously reflect and shape its surroundings.

This was the symposium’s second year, and it again was generously sponsored by Sempra Energy and NRG Energy. For more information on the symposium, go to law.sandiego.edu/celsymposium.

Professor Freeman kicked off three panels that focused on the comparative merits of using a cap-and-trade system or simple carbon tax to decrease U.S. greenhouse gas emissions.



Fundamental Questions about the Religion Clauses: Reflections on Some Critiques

In April 2010, Columbia University Law Professor Kent Greenawalt answered fundamental questions about religion clauses of the First Amendment at the 26th installment of the Nathaniel L. Nathanson Memorial Lecture Series. Greenawalt discussed the nature of reasoning behind basic moral, political and constitutional issues, and the relevance of relying on religious perspectives while addressing the religion clauses.

The religion clauses of the First Amendment to the U.S. Constitution are a combination of two statements. The first is the establishment clause, which prohibits the establishment of a national religion. The second is the free exercise clause, which bars Congress from making laws “prohibiting the free exercise” of religion.

As a leading authority on the role of religion in law and politics, Greenawalt addressed the challenge courts face in striking a balance between respect for religious conviction and the values of a democratic state. With peers and critics in the audience, Greenawalt proposed that in controversial religious clause cases an approach that accounts for the competing demands of fairness, liberty and constitutional validity is the best way to reach a desirable conclusion.

“A religious clause mandates an exception, but not one enforceable by the courts,” Greenawalt said, proposing that judges should move away from a reliance on constitutional language and singular formulas to a practical test that accounts for

the totality of circumstances in any given case.

Importantly, the government and courts must not act on the basis of theological judgments. In postulating how courts should tackle religion clauses from a neutral perspective, distinct from religious truths, Greenawalt takes a stance that troubled many of his critics.

“If courts would announce religious truths as sound, it would reject other religions...it would promote institutions over one another,” Greenawalt said, suggesting that if, for example, the government formerly announced that Jesus is the son of God, an inequality would be created even if no particular denominations were favored.

Some of the major critiques of Greenawalt’s approach come from the University of San Diego Professor Steven D. Smith. While a long-time admirer of Greenawalt’s scholarship on law and religion, the two academics differ on the theoretical underpinnings for establishing the proper relationship between government and religion. Smith challenged Greenawalt’s interpretive ideas as “disconcertedly complacent” and characterized some of his comments as “bold, highly conclusory announcements” lacking a sound theoretical base.

Professor Larry Alexander, in his Constitutional Commentary titled *Kent Greenawalt and the Difficulty (Impossibility?) of Religion Clause Theory*, provided a fair description of the complexity in the question Greenawalt attempts to answer.



Columbia University Law Professor Kent Greenawalt

“[Greenawalt] argues that, for officials at least, there should be a distinction drawn between the ultimate grounds for their judgments—which might well be religious grounds—and the arguments they present publicly to justify those judgments. This is the root problem of the religion clauses,” Alexander wrote. “I don’t believe he has answered it. But I also don’t believe it can be answered.”

In the end, Greenawalt summed up his comprehensive approach to interpreting the religion clauses by stating, “There is ample room for a belief that religion deserves special treatment that doesn’t rely on religious truths or on religious justification of religious clauses.”

During his time at Columbia, Greenawalt has taught in the fields of Legal Philosophy, Constitutional Law, Criminal Law, International Law, and Legal Methods. In the past decade he has concentrated on issues of religious freedom and disestablishment of religion.



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LOOKING BACK AT THE ROAD



BY KAREN GROSS

Driving a cab was the last thing Jeff Mazur expected to do when he graduated from USD School of Law in May 1992. Like the rest of his classmates, he was hoping to work as a lawyer, preferably in criminal prosecution. But with the country mired in a recession spawned by the savings and loan crisis and prolonged by the Gulf War, Mazur found himself behind the wheel of a taxi, instead of pleading cases before a judge.

“I personally had hoped to get into prosecution,” he recalls. But the San Diego District Attorney’s office was flooded with applications and had only a couple of openings. So while Mazur studied for the bar, he drove a cab at night to pay the bills. During the day, he looked for work as a lawyer, and volunteered with a mock trial group at a local high school. That eventually led to his first job at a small firm in San Diego.

Almost twenty years later, Mazur has a high-level position with the U.S. State Department in Trinidad and Tobago as chief of the political and economic section at the U.S. Embassy. It was the last place he expected to be when he left law school, but as he looks back on the route he followed, Mazur concludes he’s in the right place.

“Everything for me was a very solid progression to get to where I am [now], and any piece of that missing would have prevented me from getting to where I am today,” he says.

AHEAD

After practicing briefly in San Diego, and fruitlessly seeking work as a prosecutor across California, he left the state and went back home to Wisconsin. He took a job with a trade association, advising on legal issues and environmental regulations. A local congressman took him on as a staff lawyer, where he worked on justice and national security issues.

Eventually Mazur landed in Washington, D.C., and that's where he finally discovered his true calling. He decided to pursue a career in foreign affairs. So he moved to the State Department, and he's been there ever since.

"Think broadly," he advises young lawyers trying to figure out their own futures. "Think of your education not as just training to be a lawyer, but training to problem-solve. That can be applicable to other careers, other industries."

It's a piece of advice that current law students and recent graduates may want to consider as they enter the legal job market during a very tough time. A bright spot in an otherwise discouraging picture is that the overall decline in the legal job market is substantially smaller than it was in 2009 when the top 250 firms alone shed more than 5,000 lawyers. As dismal as the outlook may appear, it's far from hopeless according to two other successful USD law alumni who faced similar challenges when they graduated in the midst of past economic downturns.



JEFF MAZUR

BOOKINGS



TOM FEHER

Tom Feher, '90, enrolled in law school with high expectations. Back then, he says, young people were inspired by the glitzy hit TV show "L.A. Law," which painted a sexy portrait of life in a big law firm. Class sizes boomed, even as the economy shriveled. Feher thought he'd done everything right. He was a member of USD's national trial team, and clerked with a local law firm that all but promised him a job at graduation.

"I hadn't submitted resumes because I thought that was where I was going to work," he says. "They tell you they need you and say if everything goes well they'll offer you a job for the upcoming year. And unfortunately, they didn't."

Instead of hiring clerks, the firm decided to go with paralegals to save money. At the last minute, Feher found himself hustling to find a job, during a period when many of his classmates were hustling as well. He found opportunity where he least expected it: Bakersfield, in California's Central Valley. A mid-sized firm invited him to interview.

"I never would have envisioned being in Bakersfield or the Central Valley," he says. "That's an opportunity I never would have thought of or considered when I was in law school." Much to his surprise, Feher found a lot of things that he liked at the firm, Lebeau Thelen LLP. The partners were welcoming and supportive. They listened to him and seemed genuinely interested in accommodating him. And they wasted no time.

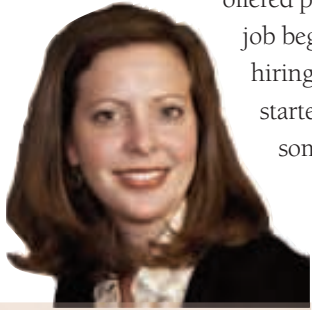
"The next day I get a phone call saying "hi, we'd like to make you an offer," he remembers.

He accepted, figuring he would be there five years and then move on. Two decades later, Feher is a partner and considers himself very fortunate to have landed in such an unexpected place. He has what he calls an eclectic practice, focusing on business litigation and employment law, among other things. Feher's own experience drives the advice he now gives to new graduates.

"Broaden your horizons and look beyond what you think you want," he urges. "If you keep your mind open there are firms that are hiring. There are new opportunities for people who look enthusiastic and are willing to work."

BACK

That's a lesson **Samantha Feld** learned too, but under very different circumstances. The lean years of the early 1990s were long over when she earned her JD from USD School of Law in 2002. Feld had done a summer internship with the powerhouse firm, Brobeck, Phleger and Harrison, and remembers it as a very lavish experience. Nothing was spared, she says, typical of big firms at the time. Feld and three other clerks were offered positions upon graduation. But even before her job began, two of her classmates were told that their hiring would be delayed. And although Feld got started as scheduled, she quickly concluded that something was very wrong.



SAMANTHA FELD

"I was in the real estate transaction group, and it was very apparent that there was no work for me," she remembers. "I didn't know why. I sensed there were some troubles, but everything was kept very secret.

Lots of closed-door meetings."

Feld and the other young associates had heard that the firm was planning a merger. Instead, they were called to a meeting where they were told that Brobeck would be closing its doors. The blue-chip firm's strategy of betting on technology clients during the hi-tech frenzy had burst along with the dot-com bubble. Like almost everyone else at Brobeck, she found herself unexpectedly scrambling for another job.

"I was certainly nervous," she says. "I had financed my entire undergrad and law school education by myself, and so that debt was obviously concerning to me." But during all those idle hours at Brobeck, Feld had begun to volunteer with the Orange County Bar Association. She put her time to good use building a network of contacts, and her personal networking paid off.

Feld got a position at another firm that needed a young litigation associate in its product liability department. Although she'd had no experience in that area, she took the job because she needed one, and wound up working there for eight years. Feld is now general counsel and director of corporate risk management at College Health Enterprises, a privately held healthcare management company that operates facilities in Los Angeles and Orange counties.

"I truly believe it's all about who you know who can help you," she says, when asked what she considers to be among the most important tools in the quest for a good job. "Expand your network of people as broadly as you possibly can."

In today's difficult market, a solid network of contacts could well draw the line between those who land career-track jobs and those who don't. A survey by the *American Lawyer* reveals the nature of the field has changed with downsized firms now adjusting to a new reality. More firms are using paralegals and staff lawyers to perform routine tasks and turning to contract lawyers when they have extra work that needs to be done. The survey suggests that first-year associate classes are set to remain smaller and will likely stay that way over the longer term. Faced with such a daunting economic landscape, who can hope to succeed?

More than ever graduating with top grades from an upper-tier law school has become essential according to legal recruiter **Deborah Ben-Canaan**, managing director and head of the San Diego office for Major, Lindsey & Africa, but even that's no longer enough. She says employers are looking for lawyers with niche talents such as electrical engineers who want to practice intellectual property law.

"Overall, new graduates need to remember to be persistent," says Ben-Canaan. "Use connections to network, set up informational interviews and take advantage of the resources the Internet offers."

Ben-Canaan adds that new graduates need to be flexible, and ready to move to wherever there may be work. She says no matter what their initial plan might have been, they must be open-minded about their opportunities. Taking a job as in-house counsel or a position with the government could end up being the best thing that ever happened to them.

That open-minded approach during an earlier challenging era is what took Tom Feher to Bakersfield—to a job and life he never expected but has come to embrace. It's what helped Samantha Feld recover from a shocking career setback, landing her back on her feet when the bottom fell out. It also led Jeff Mazur, the former cab driver, down a path that may not have been the most lucrative financially but met his needs in other, incalculable ways.

"I struggled with debt for years, but I can't have any regrets," he muses, "because I met my wife on my tour in Lagos. Now we have two great kids, and I am in a good position within the department. I'm moving up the ranks, and it's all working out for me."

Perhaps most instructive, it's a future Mazur never would have anticipated, as he drove the late-night cab shift through the dark streets of San Diego. Back then, he could not imagine the life that lay ahead.



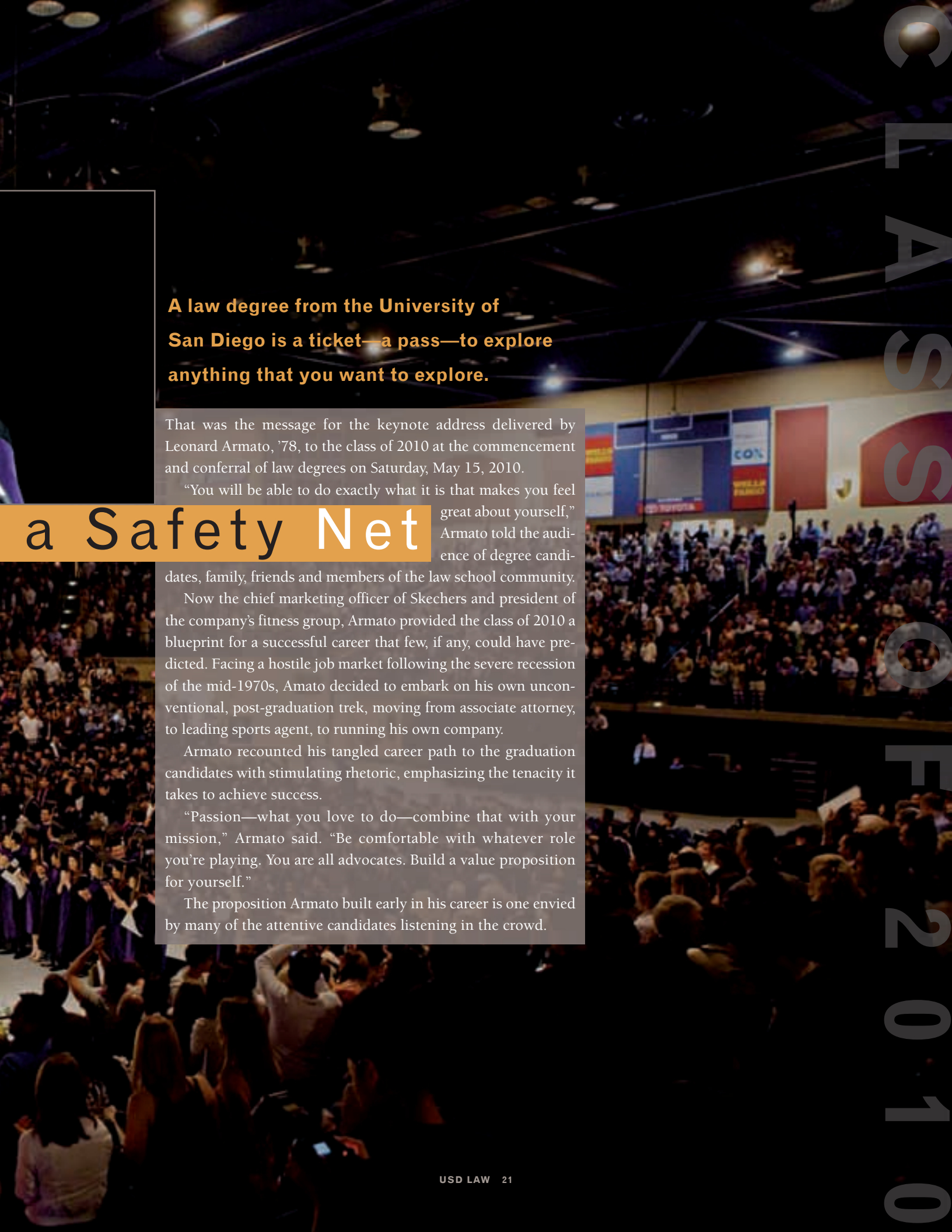
DEBORAH BEN-CANAAN

2010 Law Commencement Keynote Speaker
Leonard Armato '78



Flying Without

That's what greatness is all about.



A law degree from the University of San Diego is a ticket—a pass—to explore anything that you want to explore.

That was the message for the keynote address delivered by Leonard Armato, '78, to the class of 2010 at the commencement and conferral of law degrees on Saturday, May 15, 2010.

“You will be able to do exactly what it is that makes you feel great about yourself,”

a Safety Net

Armato told the audience of degree candi-

dates, family, friends and members of the law school community.

Now the chief marketing officer of Skechers and president of the company's fitness group, Armato provided the class of 2010 a blueprint for a successful career that few, if any, could have predicted. Facing a hostile job market following the severe recession of the mid-1970s, Amato decided to embark on his own unconventional, post-graduation trek, moving from associate attorney, to leading sports agent, to running his own company.

Armato recounted his tangled career path to the graduation candidates with stimulating rhetoric, emphasizing the tenacity it takes to achieve success.

“Passion—what you love to do—combine that with your mission,” Armato said. “Be comfortable with whatever role you're playing. You are all advocates. Build a value proposition for yourself.”

The proposition Armato built early in his career is one envied by many of the attentive candidates listening in the crowd.

Having no clients, no experience and no backing from a big firm, Armato leveraged what he did have—a law degree from USD School of Law and a former coach willing to get him an interview. With this, and a promise to dedicate himself entirely to his sole client, Armato convinced 10-time Pro Bowler and now Pro Football Hall of Famer Ronnie Lott to allow Armato to represent him.

After negotiating the highest contract out of any prospects in the 1981 draft for Lott, Armato spring-boarded his success into future deals with some of the premiere athletes of the 1980s and 1990s, including NBA greats Hakeem Olajuwon, Kareem Abdul-Jabbar and Shaquille O’Neal, as well as boxing champ Oscar De La Hoya.

His success as an agent allowed Armato to explore other avenues of his ambition, first becoming founder, chairman and chief executive officer of Management Plus Enterprises and later chief executive officer of the AVP Pro Beach Volleyball Tour from 2002 until 2009. Today, he is an executive at Skechers, the second largest footwear company in the United States and the fastest growing footwear company in the world.

Armato’s unorthodox career path provides hope for recent law graduates entering today’s legal job market.

“Flying without a safety net... that’s what greatness is all about,” Armato concluded. “Make every single day your masterpiece.”

*Right: Michelle Marie Miller, student speaker for 2010 Commencement.
Below: Alumnus Patrick Martin '92 (middle) with graduates Justin Mazer and Cara Christensen.*





*Above, top: Tonya Malek and Lindsey Biggs.
Above, bottom: A proud mother with her graduate, Lincoln Lee.*



40

LEGAL CLINICS
YEARS IN THE MAKING

BY OWEN PRASKIEVICZ

NEVER TO REJECT,
FOR ANY CONSIDERATION
PERSONAL TO HIMSELF
OR HERSELF,
THE CAUSE OF THE
DEFENSELESS OR
THE OPPRESSED.”

—California Business & Professions Code section 6068(h)

An often overlooked refuge from the daunting law school experience still chugs away in an unassuming office building just off Linda Vista Road. The University of San Diego School of Law’s Legal Clinics—which celebrates its fortieth anniversary in 2011—is an outlet that keeps students in touch with the most altruistic aims of a legal career, while never shying away from the demanding work such a career requires. >

Entering its fifth decade as one of San Diego's premiere legal clinics and one of the largest and most involved legal outreach centers of any law school in the country, the clinics continue to operate in a community of unrelenting demand, while giving students arguably the most hands-on work available to them before graduation.



THE USD LEGAL CLINICS PARTICIPATE IN COMMUNITY EVENTS THROUGHOUT SAN DIEGO COUNTY.

“It’s the best experience in law school because you come here and put [the education] into practice,” said Jesi Betancourt, supervising paralegal at the clinics. “We’re working with people who are dealing with some pretty tough challenges in the world... no other law firm can take a \$400 case. We’re training law students to be compassionate attorneys.”

Legal Clinics Administrative Director Margaret Dalton was even more emphatic on the clinics’ importance. “This type of experience is invaluable when our students compete in the job market,” she said. “Student interest has never been stronger, because we give them confidence and skills to become an effective legal advocate.”

Seeing it as a staple at the law school and in the community, those involved today balk at the thought of a USD School of Law without its legal clinics. Forty years ago, however, that was not the case.

The origins of the legal clinics were quite humble. When the federal government significantly reduced legal aid funds in 1970, disadvantaged parts of the San Diego community had nowhere to turn. That is, until a passionate group of unlikely heroes came to the rescue.

USD Professor of Law Richard Wharton, a third-year law student at the time, recalls that a small law student organization desperate to get out of the classroom and into the courtroom, fought to bring a legal clinic to USD, pouncing on new California legislation allowing students



LEGAL INTERNS WORK CLOSELY WITH FACULTY AND STAFF TO PROVIDE MUCH NEEDED LEGAL SERVICES. LEFT TO RIGHT: LEGAL INTERNS PATRICIA ALLEBORN; MICHAEL DALLO; LEGAL CLERK CHRISTINE ELLINGSEN WITH DALLO.

in good standing to be certified for court appearances. This group of students petitioned and won the approval of the USD faculty to form a clinical education program in October 1970.

“The students were very socially conscious,” all wanted to help and all “wanted to practice law and get certified,” said Professor Wharton, describing those unlikely students who formed the university’s first legal clinic. “That’s where this all came from.”

The University of San Diego Legal Clinics officially opened in 1971 when the Law Student Civil Rights Research Council joined with the USD Student Bar Association to bring legal services to the residents of Linda Vista. The Linda Vista Neighborhood Legal Service Center (as it was known back then) was located in the Family Service Center near Kearny High School off Linda Vista Road. Professor John Sherry was the first faculty advisor with Alex Landon, ’71, and Napoleon Jones, ’71, as the student coordinators.

Forty years later, that first incarnation of the USD Legal Clinics has matured into a collection of 13 legal clinics taking in roughly 200 students and resolving more than 700 cases per year, but it wasn’t always like this.

Operating on a \$1,000 budget from the Law Student Division of the American Bar Association and a matching grant from USD Student Bar Association funds, nearly 100 certified and eligible law students operated under the supervision of volunteer attorneys, doing legal work and community relations projects like preparing consumer’s rights guides.

Soon the clinics expanded to include the La Raza Legal Aid Center (Mexican-American Advisory Committee Clinic) in National City and the Crisis Center in Southeast San Diego. Professor Wharton was appointed as the student director of the Mexican-American Advisory Committee Clinic. Professor Charlie Lynch was hired as

the first clinic director, and the law school agreed to start funding the clinical program. A criminal clinic supervised by Professor Rod Jones was started in 1973.

A total of ten clinic field offices were operating by 1977 with the additions of the Grossmont College Clinic, Indian Clinic, Women’s Legal Center, Southeast Welfare Clinic, San Diego State Clinic, County Jail Legal Services Program, Art Law Clinic and Southeast Immigration Clinic.

In 1978, Professor Walter Heiser joined the clinics to help students take a more integrated approach to applying what they learned in the classroom to what they used in the field.

“By the time I got here, it was a fairly extensive program,” Heiser said. “But they were looking for a little more coordination between the field and what they were learning in lawyering skills.”

Heiser said that in those days there was a tendency for students to be put in externships with very little supervision by the faculty and that the clinic mechanism wasn’t set up to make sure students were learning skills.

“We wanted students to take responsibility for the cases. We wanted some structure for the students,” he said.

Heiser’s era ushered in the program’s use of classes to discuss what the students were doing in their particular clinics. The personal face time between professors and students was something Heiser deemed as a profound opportunity for students. It allowed him to really get to know the students, some of whom have gone on to become successful judges and attorneys.

“I remember when they were wild and crazy clinical students,” he said. “And now they are the backbone of society... it’s a great pleasure.”

Over the years, as the number of clinics expanded and adapted to the needs of the community, professors Theresa Player and Susan Quinn served as directors before the current director, Margaret Dalton, took charge



Today's clinics include both general criminal and civil clinics, as well as 11 boutique areas of law and practice, including environmental, immigration, entrepreneurship, land use, small claims, education and disability, and a renowned federal tax clinic, which was formed from a grant by the Internal Revenue Service.

There are two types of clinics. In placement clinics—like the criminal and land use clinics—students work with agencies in the field, making them more like in-house counsel. In client-based clinics—like the immigration and small claims clinics—students work directly with clients and law firms.

in 2004. But the aims of the clinics remain the same as those first days.

“While we serve all of San Diego County, we try to be particularly responsive to underserved populations of very low income and English-language learners,” Dalton said. “It’s easy for students to stay in the library studying. The Legal Clinics takes that academic information and asks students to apply it in real life.”

Supervising paralegal Betancourt, who came to the clinics 12 years ago, says the USD clinics provide students with an opportunity that many law firms and other law schools don’t. Other schools, she said, do more simulated clinics that are not as hands-on and don’t take on as many cases.

“Law firms need someone who comes out of law school who is economically viable,” she said. “Here, we provide an environment to skin their knees. In a regular law firm, it’s not as nurturing.”

One of the clinics’ recent students, John Chen, ’10, came to the program after having worked in a big law firm and as in-house intern.

“It’s like what they say: in big firms you don’t see the courtroom,” Chen stated, pointing to his ability at the clinics to argue motions and do things he didn’t have the opportunity to do elsewhere. “In a non-profit, they throw you in there because they don’t have resources. It puts law school and law in a different perspective.”

That perspective is one that speaks to the core of the altruistic foundations the clinics were built on.

“With the economic situation the way it is, there are definitely people who need it,” Betancourt said, invoking what that first group of students saw 40 years ago. “They saw injustice in the community and they wanted to make it better, and I don’t think that’s changed much.”

LARRY ALEXANDER
 JORDAN BARRY
 ABRAHAM BELL
 LAURA BEREND
 ROY BROOKS
 KAREN BURKE
 LAURENCE CLAUS
 LYNNE L. DALLAS
 DON DRIPPS
 ROBERT FELLMETH
 RALPH FOLSOM
 C. HUGH FRIEDMAN
 KARL T. GRUBEN
 WALTER HEISER
 GAIL HERIOT
 PAUL HORTON
 YALE KAMISAR
 WILLIAM LAWRENCE
 HERBERT LAZEROW
 ORLY LOBEL
 SHAUN P. MARTIN
 LESLEY MCALLISTER
 GRAYSON MCCOUCH
 DAVID MCGOWAN
 JOHN MINAN
 FRANK PARTNOY
 JEAN RAMIREZ
 LISA P. RAMSEY
 MICHAEL RAMSEY
 MICHAEL RAPPAPORT
 MAIMON SCHWARZSCHILD
 TED SICHELMAN
 STEVEN D. SMITH
 THOMAS A. SMITH
 ED URSIN
 JOSE A. VARGAS
 MARY JO WIGGINS
 CHRIS WONNELL

THOMAS PENFIELD

Lawrence Alexander



Lawrence Alexander's book *A Defense of Intentionalist Legal Interpretation* (with Prakash) (Cambridge University Press, forthcoming) has been accepted for publication. Alexander published numerous articles in 2010, including: "Plastic Trees and Gladiators: Liberalism and Aesthetic Regulation," in 16 *Legal Theory* 77 (2010); "Response to Critics" in 29 *Law & Philosophy* 483 (with Ferzan) (2010); "Criminal and Moral Responsibility and the Libet Experiments" in *Conscious Will and Responsibility* (W. Sinnott-Armstrong ed.) (2010); "Telepathic Law" in *Constitutional Commentary* (2010); "Constitutionalism" in *Encyclopedia of Jurisprudence* (D. Reidy ed.) (2010); "Freedom of Expression" in *Encyclopedia of Modern Political Thought* (G. Claeys & L.T. Sargent, eds.) (2010); "Freedom of Expression" in *Encyclopedia of Applied Ethics* (R. Chadwick, ed.) (2010); "Culpability" in *The Oxford Handbook on the Philosophy of Criminal Law* (J. Deigh and D. Dolinko, eds.) (2010); "Legal Objectivity and the Illusion of Legal Principles" in *Rights, Law, and Morality: Themes from the Legal Philosophy of Robert Alexy* (Oxford University Press, 2010); "What Are Constitutions, and What Should (and Can) They Do?" in *Social Philosophy & Policy* (2011); and "Waluchow's Living Tree Constitutionalism" in 29 *Law & Philosophy* 93 (2010). Going

forward, Alexander will publish "There Is No First Amendment Overbreadth (But There Are Vague First Amendment Doctrines), Prior Restraints Aren't 'Prior,' and 'As Applied' Challenges Seek Judicial Statutory Amendments" in *Constitutional Commentary* (forthcoming, 2011); "Duff on Attempts" in *Crime, Punishment, and Responsibility: The Jurisprudence of Antony Duff* (R. Cruft, M. Krause, and M. Reiff, eds.) (forthcoming, 2011); "Michael Moore and the Mysteries of Causation in the Law" in *Rutgers Law Journal* (forthcoming, 2011); "Simple-Minded Originalism" in *The Challenge of Originalism: Essays in Constitutional Theory* (G. Huscroft & B.W. Miller eds.) (forthcoming, 2011); and "Beyond the Special Part" in *Philosophical Foundations of Criminal Law* (A. Duff and S. Green, eds.) (forthcoming, 2011). Alexander was also a participant in the Roundtable on Freedom of Association in San Diego; in Colloquium on John Stuart Mill's *On Liberty*, La Jolla, Calif.; a presenter at the Conference on Seeking Security: Pre-empting the Commission of Criminal Harms at University College London; a presenter at the Symposium on Michael Moore's *Causation and Responsibility* at the Rutgers-Camden School of Law; a presenter and participant at the Conference on Natural Law, Natural Rights, and the American Republic in Princeton, N.J.; at the Conference on Freedom of Conscience: "Stranger in a Secular Land?" in San Diego; an organizer

and participant at the Analytic Legal Philosophy Conference in New York; at the Roundtable on Exploitation, Price-Gouging, and Blackmail in San Diego; and a presenter at the Association of American Law Schools Annual Meeting in New Orleans.

Jordan Barry



Jordan Barry's "On Regulatory Arbitrage" has been accepted for publication in *See Also*, the online companion to the *Texas Law Review*. Barry is also working on "Political Free Riding," "Takeover Defenses and Imperfect Information," "Twenty-Five Years of Actual Innocence," "Protecting the Regulatory Base," and "The Universal Appeal of a Universal Gain Recognition Election."

Abraham Bell



Abraham Bell published "The Hidden Function of Takings Compensation" in 96 *Virginia Law Review* 1673 (with Parchomovsky) (2010); "A Critique of the Goldstone Report and its Treatment of International Humanitarian Law" in 104 *American Society of International Law Proceedings*; and "The Mythical Post-2005 Israeli Occupation of the Gaza Strip" in 16 *Israeli Affairs* 268 (2010). Bell also delivered numerous speeches and presentations throughout 2010 at the Faculty of Law University of Jerusalem Minerva Center for Human Rights, University of Southern California Gould School of Law, the University of Oslo, the Annual

Conference of the International Association of Jewish Lawyers and Jurists in London, the University of New South Wales, Australian National University, Northwestern University School of Law, Princeton University, Notre Dame School of Law, the Annual Meeting of the American Society of International Law, and Bar-Ilan University in Israel.

Laura Berend



Laura Berend has a book contract with Carolina Press for a second edition of *Criminal Litigation in Action* (with Ramirez).

Roy Brooks



Roy Brooks completed his fourth casebook, *The Law of Discrimination*, which will be published (along with a teacher's manual) in the fall of 2011 by LexisNexis. The paperback edition of Professor Brooks' book *Racial Justice in the Age of Obama* will be published in 2011 by Princeton University Press. Brooks co-authored an article, "In Defense of the Black/White Binary" in 12 *Berkeley Journal of African-American Law & Policy* 107 (with Widner) (2010) and contributed an article, "The Crisis of the Black Politician in the Age of Obama," to the Sixth Annual Wiley A. Branton Symposium that was published in 53 *Howard Law Review* 699 (2010). Brooks also participated in a panel discussion on civil rights at the National Press Club in Washington, D.C. and presented a number of academic papers and speeches in recent months including: a paper

on civil rights theory at Yale University; a speech on racial justice at the Center for Law and Global Affairs at Arizona State University Sandra Day O'Connor College of Law in Tempe, Ariz.; and papers on human rights and civil procedure at Seton Hall University School of Law in Newark, N.J. The San Diego Chapter of the NAACP awarded Professor Brooks the prestigious lifetime achievement W.E.B. DuBois Award for Scholarship.

Karen Burke



Karen Burke published "Snookered Again: Castle Harbour Revisited" in 128 *Tax Notes* 1143 (with McCouch) (2010); "The Sound and Fury of Carried Interest Reform" in 1 *Columbia Journal of Tax Law* 1 (2010); and "Fuzzy Math and Carried Interests: Making Two and Twenty Equal" in 127 *Tax Notes* 885 (2010). Burke is currently working on *Federal Taxation of Business Enterprises* (with Yin) (Aspen Law & Business, 2011). She was a panelist at the USD-Procopio Institute on International Tax, a moderator at USD's Second Annual Climate and Energy Law Symposium, and presented at the Maurer School of Law at Indiana University.

Laurence Claus



Laurence Claus published "Constitutional Court as 'Positive Legislators'" in 58 *American Journal of Comparative Law* 479 (with Kay) (2010) and is working on a manuscript for *The Evolutionary Concept of Law* (Oxford University Press, 2011).

Lynne L. Dallas



Lynne L. Dallas is close to completing *Short-Termism, the Financial Crisis and Corporate Governance*, which she presented to a panel on evolutionary regulation at the 22nd SASE Annual Meeting on Governance Across Borders at Temple University. She was also a presenter on the corporate and securities law panel at the 2010 Law and Society Association Annual Meeting in Chicago.

Don Dripps



Don Dripps co-authored *Criminal Law and Procedure* and an accompanying teacher's manual (with Perkins and Bryce) (Foundation Press, 2010) and published "Rape, Law and American Society" in *Rethinking Rape Law: International and Comparative Perspectives* (McGlynn and Munro eds.) (Routledge, 2010); "The Fourth Amendment, the Exclusionary Rule, and the Roberts Court: Normative and Empirical Dimensions of the Over-Deterrence Hypothesis" in 85 *Chicago-Kent Law Review* 209 (2010); "Controlling the Damage Done by *Crawford v. Washington*: Three Consecutive Proposals" in 7 *Ohio State Journal of Criminal Law* 521 (2010); and "The 'New' Exclusionary Rule Debate: From 'Still Preoccupied with 1985' to 'Virtual Deterrence,'" in 37 *Fordham Urban Law Journal* 743 (2010). Dripps will have "The Substance-Procedure Relationship in Criminal Law" published in *Philosophical Foundations of*

Criminal Law 409 (Duff and Green eds.) (Oxford University Press, 2011). He also provided comment on "Alexander on Freedom of Association" at the USD Institute for Law and Philosophy's Freedom of Association Conference in November, 2010.

Robert Fellmeth



Robert Fellmeth published the treatise *California White Collar Crime* (3rd ed.) (with Papageorge) (Tower Publishing, 2010); co-authored "Foster Youth: Transitioning from Foster Care into Self-Sufficient Adulthood" in *Child Welfare Law and Practice* (2nd ed.) (with Delgado) (Duquette and Haralambrie eds.) (Bradford Publishing, 2010); and published "America's Child Welfare System: The Four Missing Priorities" in 9 *Whittier Law Journal of Child and Family Advocacy* 115 (2009). Fellmeth will soon have two more books published: *Child Rights and Remedies* (3rd ed.) (Clarity Press) and *Borrowing from our Grandchildren* (forthcoming, 2012). He also published a book review of *Only the Superrich Can Save Us* (by Nader) in the *Harvard Law Record* (Feb. 11, 2010) and a report titled "Proposition 63: Is the Mental Health Services Act Reaching California's Transition Age Foster Youth." He presented at the Voices for America's Children conference in Berkeley, Calif. and the National Association of Counsel for Children in Austin, Texas; and provided the keynote address at the Center on Policy Initiatives Conference in San Diego. Fellmeth filed an amicus

brief with the U.S. Supreme Court on *Camreta v. Green*, outlining the consequences of a U.S. Court of Appeals for the Ninth Circuit decision holding that social workers may only interview alleged victims of child molestation with parental consent or a probable cause warrant.

Ralph Folsom



Ralph Folsom published *Principles of the Law of International Business Transactions* (2nd ed.) (with Gordon and Spanogle) (2010). He will have numerous books published in 2011, including: *IBT Resources* (forthcoming), *European Union Law in a Nutshell* (3rd ed.) (forthcoming); and several more scheduled for 2012. Folsom wrote eight treatise supplements for 2010. He also presented "NAFTA and Free Trade in the Americas" at the John Marshall Law School Ninth Annual Folsom Lecture and "Technology Transfer Contracts," at the University of Montpellier Faculty of Law in France.

C. Hugh Friedman



C. Hugh Friedman published a comprehensive revision and update to his two-volume treatise *California Practice Guide: Corporations* (25th ed.) (Rutter Group, West Group, 2010) and presented his 25th "Annual Update on Developments in Business Law" to the San Diego County Bar Association business and corporate law sections.

Karl T. Gruben



Karl T. Gruben presented a report on the American Association of Law Libraries (AALL) to the American Bar Association's Section of Legal Education and Admissions to the Bar. The report was presented December 3, 2010 to the section's council members as part of an annual meeting of the council and their work on legal education and law school accreditation. The report highlighted the American Association of Law Libraries' work in the continuing education of its members, government interaction regarding authenticated legal materials in digital formats, and the research grants program of the association.

Walter Heiser



Walter Heiser published his 2010-11 edition of *California Civil Procedure Handbook: Rules, Selected Statutes and Cases, and Comparative Analyses* (LexisNexis, 2010) and his 2010 Cumulative Supplement to *California Civil Procedure* (LexisNexis, 2010). In addition to working on the 2011-12 editions of his handbook, he also began research for the third edition of his casebook *California Civil Procedure* (LexisNexis, 2012). Heiser also published "The Hague Convention on Choice of Court Agreements: The Impact on Forum Non Conveniens, Transfer of Venue, Removal and Recognition of Judgments in United States Courts" in 31 *University of Pennsylvania International Law Journal* 1013

(2010); "Due Process Limitations on Pre-Answer Security Requirements for Nonresident Unlicensed Insurers" in 88 *Nebraska Law Review* 201 (2010); and will publish "Can the Tolling of Statutes of Limitations Based on the Defendant's Absence for the State Ever Be Consistent with Commerce Clause?" in 76 *Missouri Law Review* (2011). Heiser is also working on "Using Anti-Suit Injunctions to Prevent Interdictory Actions and to Enforce Choice of Court Agreements."

Gail Heriot



Gail Heriot published "Want to be a Doctor? A Scientist? An Engineer? An Affirmative Action Leg Up May Hurt Your Chances" in 11 *Engage* (2010); "Congress Tries to Break Hawaii in Two" in the *Wall Street Journal* (with Kirsanow) (February 28, 2010); "Opinion: Does Affirmative Action Help College Students?" in *AOLNews* (December 24, 2010). Heriot also prepared commissioner statements in connection with reports of the U.S. Commission on Civil Rights in 2010: "The Impact of Illegal Immigration on the Wages and Employment Opportunities of Black Workers;" "Encouraging Minority Students to Pursue Science, Technology, Engineering and Math Careers;" "The Multiethnic Placement Act: Minorities in Foster Care and Adoption;" and "Race Neutral Enforcement of the Law?: The U.S. Department of Justice and the New Black Panther Party Litigation."

Heriot was a debate participant in The Matthew Shepard Hate Crimes Prevention Act for the Federalist Society at Yale University (with Eskridge) and a panel moderator and co-symposium organizer on the U.S. Commission on Civil Rights for the National Conference on Civil Rights at the National Press Club.

Paul Horton



Paul Horton's *Journal of Contemporary Legal Issues* (JCLI) symposium was published in 2010. He is currently editing the next JCLI symposium issue to be published in 2011.

Yale Kamisar



Yale Kamisar published *Leading Cases in Constitutional Law* (with Choper, Fallon and Shiffrin) (West, 2010) and *Criminal Procedure and the Constitution: Leading Supreme Court Cases and Introductory Text* (with Israel and Lafave) (West, 2010); "How Much Does it Really Matter Whether Courts Work Within the 'Clearly Marked' Provisions of the Bill of Rights or with the 'Generalities' of the Fourteenth Amendment?" in 18 *Journal of Contemporary Legal Issues* 513 (2009); "Are the Distinctions Drawn in the Debate About End-of-Life Decision Making 'Principled'?" in 24 *Journal of Law, Medicine & Ethics* 2 (2009); "I Remember Professor Wechsler" in 7 *Ohio State Journal of Criminal Law* 1 (2009); "A Right to Forgo Treatment" in

the *National Law Journal* (March 2, 2009); and prepared “Some Thoughts about ‘Physician-Assisted Death’” as a background paper for a debate with Kathryn L. Tucker. In *The Oxford Guide to United States Supreme Court Decisions* (2nd ed.) (Oxford University Press, 2009), Kamisar contributed, “*Miranda v. United States*” 225-8; “*Massiah v. United States*” 208-10; “*Mallory v. United States*” 200-1; “*Florida v. Bostick*” 108; “*Escobedo v. Illinois*” 99; and “*California v. Acevedo*” 52-53.

William Lawrence



William Lawrence published *The Law of Sales Under the Uniform Commercial Code*, 2010 Cumulative Supplement (Westgroup, 2010). He is currently working on *Understanding Secure Transactions and Payment Systems* (2nd ed.) (LexisNexis, forthcoming) and *The Law of Sales Under the Uniform Commercial Code*, 2011 Cumulative Supplement (Westgroup, 2011).

Herbert Lazerow



Herbert Lazerow presented “The Future of Law Summer Programs Abroad” to the Association of American Law Schools in New Orleans, and the keynote speech “Three Problems of Art Law in Search of Solutions” for the Hofstra-Cardozo Law Conference at the Cornell Club in New York City. He is currently working on his book *Mastering Art and Museum Law* (forthcoming, 2012) and the article “Sourcing Income from Loan Guarantees” (forthcoming, 2011).

Orly Lobel



Orly Lobel was named a Herzog Endowed Scholar, University of San Diego for 2010-2011. In 2010, Lobel was a Searle-Kauffman Fellow for Law, Economics and Growth. She is a 2010-2011 recipient of the Robert Wood Johnson Foundation Grant for her study (with On Amir) “Healthy Choices,” researching risk perceptions, judgment and decision-making. She was also the recipient of a Southern California Innovation Project (SCIP) Grant 2009-2010. Her article “The Incentives Matrix: A Study of the Comparative Effectiveness of Monetary Rewards as Compliance Systems” (with Feldman), was the winner of the ABA Litigation Section Research Fund Grant, and published in 88 *Texas Law Review* 1151 (2010). The article was selected for the 2010 Yale-Stanford Junior Faculty Forum 2010 and for 2010 American Law and Economics Association at Princeton. In August 2010, Lobel was invited to speak on the plenary panel of the Intellectual Property (IP) Scholars Conference at Berkeley, where she presented her research on “Employment IP and Innovation: A Dynamic Model of Optimal Human Capital Flows.” Lobel was selected as one of two judges from around the world to adjudicate the law grant competition of the Portuguese Foundation for Science and Technology for the second year. Other invited workshops and conferences Lobel attended took

place at Cornell University, Haifa (Israel), Bar-Ilan University (Israel), Helsinki (Finland), University of Southern California, University of Florida, Temple University and the University of California, Los Angeles. She also attended the Annual American Bar Association meeting, Section on Employment Law. Lobel is currently working on a book about innovation and employment intellectual property: *Innovation's Edge: Human Capital and Intellectual Property Law at Work* (Yale University Press, forthcoming).

Shaun P. Martin



Shaun P. Martin published “Steroids and Legal Ethics Codes” in 85 *Notre Dame Law Review* 671 (2010) and “Patents as Options” as a book chapter in *Commercializing Innovation* (Mechpart, 2010). He is currently working on a new book, *Modern California Pretrial Litigation* (forthcoming). Martin also presented an oral argument to the U.S. Supreme Court in *Conkright v. Frommert* (Jan. 20, 2010); as well as a presentation of “Law and Business Regulation” for the Federalist Society Conference in Simi Valley, Calif. and the George Court for the San Francisco Bar Association in San Francisco. Martin publishes daily on his blog “California Appellate Report” (www.calapp.blogspot.com).

Lesley McAllister



Lesley McAllister published “The Enforcement Challenge of Cap-and-Trade Regulation” in 40 *Environmental Law* 1196 (2010); “Enforcing Cap-and-Trade: A Tale of Two Programs” in 2 *San Diego Journal of Climate & Energy Law* 1 (2010); “Dimensions of Enforcement Style: Factoring in Regulatory Capacity and Autonomy” in 32 *Law & Policy* 61 (2010); and “Reorienting Regulation: Pollution Enforcement in Industrializing Countries” in 32 *Law & Policy* 1 (2010). McAllister presented numerous papers in 2010, including: “Energy and Adaptation” at George Washington University Law School; “From Voluntary to Regulatory: Third-Party Verification in Environmental Law” at Vermont Law School; “Voluntary Regulation as Gap-Filler: The Case of the Mexican Environmental Audit Program” at the Law and Society Association Meeting in Chicago; and “The Enforcement Challenge of Cap-and-Trade Regulation” at Lewis & Clark Law School.

Grayson McCouch



Grayson McCouch published *Selected Statutes on Trusts and Estates* (with Ascher) (West, 2010) and “Snookered Again: Castle Harbour Revisited” in 128 *Tax Notes* 1143 (with Burke) (2010). McCouch is currently working on revising the 10th edition of *Federal Estate and Gift Taxation* (with Bittker and Clark)

(West, forthcoming) as well as a revised 7th edition of *Federal Estate and Gift Taxation* (with McNulty).

David McGowan



David McGowan published “Things Are Bad Enough Already” in 96 *Iowa Law Review Bulletin* 23 (2010) (responding to Litman’s *Real Copyright Reform*) and “Inequitable Conduct” in 43 *Loyola of Los Angeles Law Review* 23 (2010). McGowan had the case-book *Developing Judgment About Practicing Law* accepted for publication (West, 2011) as well as “The Tory Anarchism of F/OSS Licensing” in the *University of Chicago Law Review* (forthcoming, 2011) and “Big But Brittle: Economic Perspective on the Future of the Law Firm in the New Economy” in the *Columbia Business Law Review* (forthcoming, 2011).

John Minan



John Minan published *The Law of Personal Property Leasing* (with Lawrence) (West, 2010). He is working on an article on storm water regulation and unfunded mandates, and is continuing to collect materials for the planned second edition of his *Little Green Book of Golf Law*. Minan was a moderator at the Climate & Energy Law Symposium in April, 2010 and attended the 2010 American Bar Association Bar Leadership Institute in Chicago.

Frank Partnoy



Frank Partnoy published *Corporations: A Contemporary Approach* (with Palmiter) (Thomson, 2010) and *Business Organization and Finance, Legal and Economic Principles* (with Coffee and Klein) (Thomson, 2010). He published a chapter titled “Overdependence on Credit Ratings Was a Primary Cause in the Crisis” in *The Panic of 2008: Causes, Consequences, and Implications for Reform* (Mitchell and Willmart, eds.) (Edward Elgar Press, 2010). Partnoy also published “Credit Default Swap Spreads as Viable Substitutes for Credit Ratings” in 158 *University of Pennsylvania Law Review* 2085 (with Flannery and Houston) (2010); “Bring Transparency to Off-Balance Sheet Accounting” in *Roosevelt Institute White Paper* (with Turner) (2010); “Crash Tests” in *Financial Times* (Dec. 24, 2010); “Sunlight Shows Cracks in Crisis Rescue Story” in *Financial Times* (Dec. 3, 2010); “Friends in High Finance” in *Financial Times* (Nov. 20, 2010); “High Financier” in *Financial Times* (Jul. 3, 2010); “Downgrade the Rating Agencies” in *The New York Times* (Jun. 6, 2010); “Goldman is Wrong Target for Official Censure” in *Financial Times* (May 11, 2010); “Do CDOs Have Social Value?” in *The New York Times* (Apr. 27, 2010); “The Dodd Wall Street Charade” in *The Daily Beast* (Apr. 24, 2010); and “Wall Street Beware” in *Financial Times* (Apr. 18, 2010). Partnoy presented numerous papers, including: “How Financial Regulation Might Harness the

Power of Markets” at the Kauffman Foundation Conference in Laguna Niguel, Calif.; “It’s 1931 Again: Repeating History in Regulatory Reform” at the CFO Core Concerns Conference in Baltimore, Md.; “Markets for Financial Information” at the 2010 Financial Markets Conference at the Federal Reserve Bank of Atlanta; “Credit Default Swaps As Viable Substitutes for Credit Ratings” at the Institute for Law and Economic Policy in Turks & Caicos; “The Match King: Lessons from Financial History” at the Osher Institute in San Diego; “Where is Corporate and Securities Litigation Headed Post-Crisis” at the Center for Corporate and Securities Law in San Diego; “Off-Balance Sheet Transactions” at the Roosevelt Institute Conference on Make Markets Be Markets in New York; “How History Repeats: Scandals and the Economic Crisis” at the Association of Business Trial Lawyers in San Diego; “Credit Default Swaps as Viable Substitutes for Credit Ratings” in Cleveland; “Lessons from the Match King: Financial Crises and Parallels to the 1920s” in Cleveland; “What to Do about Credit Rating Agencies” at the Maurice R. Greenberg Center for Goeconomic Studies, Council on Foreign Relations, in New York; “The New Role of the State in the Financial Sector” at the Thrower Symposium in Atlanta; “What to Expect in Regulation and Litigation” in San Diego; and “The Financial Crisis and Commercial Real Estate” in San Diego.

Jean Ramirez



Jean Ramirez is working on the second edition of *Criminal Litigation in Action* (with Berend) (Carolina Academic Press, 2011).

Lisa P. Ramsey



Lisa P. Ramsey published two articles relating to the potential conflict between trademark and free speech rights. In “Free Speech and International Obligations to Protect Trademarks” 35 *Yale Journal of International Law* 405 (2010), Ramsey argues that nations can protect speech interests in their domestic trademark laws in various ways without violating their international obligations to protect trademark rights. Ramsey’s article “Brandjacking on Social Networks: Trademark Infringement by Impersonation of Markholders” was published in 58 *Buffalo Law Review* 851 (2010) as part of a symposium on “Advertising and the Law.” This article explores how current federal trademark infringement and free speech law applies to the unauthorized use of trademarked brand names on Facebook, Twitter and other social network sites. Ramsey presented the article to intellectual property professors from various Boston law schools at the Boston Intellectual Property Colloquium at Boston College Law School in April 2010. Ramsey also gave a lecture to European professors and attorneys on the topic of “Free Speech and Trademarks” at the University of Copenhagen’s

Conference on Fundamental Rights and Private Law. In fall 2010, the University of Melbourne in Australia invited Professor Ramsey to be a visiting scholar and conduct research on Australian trademark and free speech law in spring 2011.

Michael Ramsey



Michael Ramsey published “International Wrongs, State Laws, and Presidential Policies” in 32 *Loyola of Los Angeles International & Comparative Law Review* 19 (2010). He will soon publish *International Law in the U.S. Supreme Court: Continuity and Change* (Cambridge University Press, 2011). Ramsey presented “Foreign Official Immunity After *Samantar v. Yousuf*: Commentary on Papers by Curtis Bradley and Laurence Helfer, Beth Stephens and Ingrid Wuerth” for the American Society of International Law at the University of Virginia Law School; “Supremacy Clause Textualism” at New York University Law School’s Constitutional Law Colloquium; “Foreign Investors and Fundamental Rights: Jurisdiction Issues” at the University of Copenhagen in Denmark; “Copenhagen and the Challenge of Global Law” at Chapman University in Orange, Calif.; and “*Medillin v. Texas*, Non-Self-Execution and the Problem of Delegation to International Institutions” at University of Denver Law School in Denver. He is working on “The Constitutional Status of Customary International Law” in preparation for the

Association of American Law Schools' annual meeting (also as the basis for a forthcoming article).

Michael Rappaport



Michael Rappaport published "The National Convention Constitutional Amendment Method: Defects, Federalism Implications, and Reform" 96 *Virginia Law Review* 1509 (2010); "In Praise of Supreme Court Filibusters" 33 *Harvard Journal of Law and Public Policy* 39 (with McGinnis) (2010); "The Obama Administration, Fundamental Institutional Change, and the Constitutional Lawmaking System" in 26 *Constitutional Commentary* 215 (2010); and "Originalism and the Good Constitution" in the 98 *Georgetown Law Journal* 1695 (2010). Rappaport will also have "Originalism and Precedent" published in the *Harvard Journal of Law and Public Policy* (with McGinnis) (forthcoming, 2011). He is currently working on *Originalism and the Good Constitution* (book manuscript with McGinnis); "The Normative Basis for Originalism" (with Ramsey); and "Utility, Liberty, and Tradition: Towards a Fusionist Political Theory" (draft essay). Rappaport presented "Is Progressive Originalism Good for Originalism?" at the 25th Anniversary of the Great Debate on Originalism at the United States Supreme Court and "Originalism, Precedent, and Judicial Restraint" at the Federalist Society National Student Symposium in Philadelphia. He debated in "A Constitution Day Debate over Birthright

Citizenship" (with M. Ramsey) at the University of San Diego; "Supermajority Rules for Budget and Taxes in California" (with Leib) for the Western Federalist Society Conference at the Reagan Library; and "Original Methods Originalism and A Critique of Construction" (with Barnett) at the Federalist Society Faculty Conference in New Orleans.

Maimon Schwarzschild



Maimon Schwarzschild published "Constitutional Law and Equality" in Dennis Patterson's *Companion to Philosophy of Law and Legal Theory* (2nd ed.) (Wiley Blackwell, 2010); "How We Judge the Judges" in 8 *Conversations* 83 (2010); and "Was it Science, Not Religion?" in 47 *San Diego Law Review* 1135 (2010). Schwarzschild presented as the chair and commentator at "High Courts and Politics for Judicial Independence in Times of Crisis" at the University of Utah and as a moderator and commentator at the Originalism Works-in Progress Conference at the University of San Diego. He is currently working on "Judicial Independence Versus Judicial Independence" as an article in a volume titled *The Culture of Judicial Independence: Conceptual Foundations and Practical Challenges* (forthcoming, 2011) and "A Class Act? Social Class Affirmative Action" as a law review article (forthcoming, 2011).

Ted Sichelman



Ted Sichelman published "Patenting by Entrepreneurs: An Empirical Study" in 17 *Michigan Telecommunications & Technology Law Review* 118 (with Graham) (2010), which was selected as a top patent law article in 2010 for publication in the *Patent Law Review* by Thomson-Reuters/Westlaw; "Myths of (Un)Certainty at the Federal Circuit" in 43 *Loyola of Los Angeles Law Review* 1161 (2010); and "Commercializing Patents" in 62 *Stanford Law Review* 341 (2010). Sichelman will have "Taking Commercialization Seriously" published in 33 *European Intellectual Property Review* (forthcoming, 2011); "Markets for Patent Scope" in 2 *IP Theory* (forthcoming, 2011); and "Life After Bilski" in 63 *Stanford Law Review* (with Lemley, Risch and Wagner) (forthcoming, 2011). Sichelman presented "Do Economic Downturns Dampen Patent Litigation?" at the USD School of Law, Northwestern Law School, Yale Law School, University of Virginia School of Law, University of Illinois School of Law, Drake University School of Law, and at the IP Counsel Forum in San Jose, Calif. He also presented numerous other papers and speeches, including: "Bilski & Patentable Subject Matter" at the University of Southern California Law School; "High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey" at Whittier Law School, Boston University School of Law; Bar-Ilan

Law School in Tel Aviv, Israel; “Fuzzy Taxes” at the University of Colorado School of Law; “Markets for Patent Scope” at the University of Indiana School of Law; “Probabilistic Patent Races” at the University of California, Berkeley, School of Law; “Do Entrepreneurs Read Patents?” at Boston University Law School; “Quantum Game Theory and Cooperation in Intellectual Property” at the University of Southern California Law School; “Patenting by Entrepreneurs: An Empirical Study” at Michigan State University School of Law; and “Commercializing Patentable Subject Matter” at Bar-Ilan Law School in Tel Aviv, Israel.

Steven D. Smith



Steven D. Smith helped organize the annual Originalism Works-in-Progress Conference for 2010 at the University of San Diego. Smith presented “Why is Government Speech Problematic?” in a conference on government speech in Denver, sponsored by the University of Denver and the University of Colorado; a paper at the annual conference of the Section on Law and Religion at Brooklyn Law School; and a paper titled “Religious Freedom and Its Enemies” at a conference at Cardozo Law School. Smith participated in a workshop at the University of Utah on a paper titled “Constitutional Divide: The Transformative Significance of the School Prayer Decisions.” He participated on a panel at the national conference of the J. Reuben Clark

Society discussing the case of *Sumnum v. Pleasant Grove City*. Smith gave a lecture at the University of South Carolina on civic discourse and religious freedom. He also presented one of the two keynote speeches at the annual conference on Religious Legal Theory, held this year at St. John’s University School of Law in New York. The talk was called “Nonestablishment, Standing, and the Soft Constitution.” In connection with USD School of Law’s Institute for Law and Philosophy, Smith helped to organize and participate in a roundtable on freedom of association in November 2010.

Thomas A. Smith



Thomas A. Smith published nearly 200 posts in his blog *The Right Coast*, which is one of the most read conservative/libertarian “lawprof” blogs in the U.S. with more than 500 visitors a day. He will have a review of Paul Rahe’s *Soft Despotism, Democracy’s Drift: Montesquieu, Rousseau, Tocqueville, and the Modern Prospect* published in *The American Oxonian* (Association of American Rhodes Scholars, 2011).

Ed Ursin



Ed Ursin published *The Politics of Protest* (with Skolnick and others) (New York University Press, 2010), which was previously published in 1969, selling more than 100,000 copies. Ursin is currently working on a manuscript for *How Great Judges Think*, which examines

what Justice Oliver Wendell Holmes and Judges Richard Posner, Henry Friendly, and Roger J. Traynor said about the lawmaking role of courts. Its thesis is that the views of these great judges are at odds with the leading jurisprudential movements of their respective eras. A substantially revised segment of the manuscript will be published in 2011, titled “The Missing Normative Dimension of Legal Realism: The (Tort) Legal Realism of Leon Green and Karl Llewellyn.”

Jorge A. Vargas



Jorge A. Vargas received his Doctor of Juridical Science from the University of Virginia in December 2010 after presenting and successfully passing the defense of his dissertation titled: *Mexico and the Law of the Sea: Contributions and Compromises*. Vargas also published *Mexican Civil Code Annotated* (West, 2009); *Mexican Commercial Code Annotated* (West, 2009); *Mexican Legal Dictionary* (West, 2010); *El Derecho de México y su Terminología Legal* (*Mexican Law and Its Legal Terminology*) (University Readers, 2009); and *Mexican Law for the American Lawyer* (Carolina Academic Press, 2009). Vargas also edited a Mexican Legal Dictionary application for the iPhone/iPod touch and iPad by Thomson Reuters. The app includes 2,300 legal terms from Vargas’ book, *Mexican Legal Dictionary*, providing a quick reference guide for judges, government agencies and legal professionals with Mexican business clients, as well as law students and

faculty studying Mexican law. The app also features English and Spanish audio pronunciations and convenient search functionality, which builds search results as terms are entered that match the dictionary's database of English to Spanish and Spanish to English terms.

Mary Jo Wiggins



Mary Jo Wiggins was named a Class of 1975 Endowed Professor for 2009-2010. This award recognizes meritorious teaching, leadership and academic accomplishments of a professor in the School of Law. Dean Wiggins wrote six chapters for *Collier on Bankruptcy*, co-authored *Questions and Answers: Bankruptcy* (LexisNexis, 2010) and was interviewed by national media outlets seeking her opinion on the implications of the Chrysler and GM bankruptcy filings. Wiggins was invited to comment to the Federal Advisory Committee on Bankruptcy Rules on a series of proposed changes to the Federal Rules of Bankruptcy Procedure, and was invited by the USD Women's Law Caucus to speak on the topic of gender and the legal profession at the 2009-10 kick-off event. She gave a presentation on legal ethics and professionalism to incoming first-year students and was the featured speaker at the Francis W. Parker Cum Laude Society's Annual Awards Dinner. Wiggins also served as coach and advisor to USD's Conrad Duberstein Bankruptcy Moot Court team for the fifth consecutive year.

Chris Wonnell



Chris Wonnell published his "Comment on Koppelman and Leiter" in 47 *San Diego Law Review* 987 (2010) and "Unjust Enrichment and Quasi Contract" in *Encyclopedia of Law and Economics* (2nd ed.) (Edward Elgar Publishing, 2010). He presented "Ex Ante Efficiency and Ex Post Equality" at the American Law and Economics Association meeting at Princeton University.

Adjuncts

Thomas D. Penfield—a partner with San Diego-based law firm Casey Gerry—was recently elected to the board of directors of the San Diego County Bar Association (SDCBA). Penfield is the immediate past-chair of the American Bar Association's Task Force on Plaintiff's Involvement of the Tort, Trial and Insurance Practice Section (TIPS) and was also tapped to join The Fellows of the American Bar Foundation (ABF), an honorary organization of attorneys, judges and law professors. Most recently, he was named vice-chair of the TIPS Trial Techniques Committee. In addition, Penfield is featured in the 2011 edition of *Best Lawyers in America*—an annual peer-ranking of the nation's top attorneys.

Ted Sichelman (University of San Diego): “The Mathematical Structure of Legal Rights,” January 15.

Michael Perlin (New York Law School): “The Pedagogical and Technological Aspects of Providing Online Courses for Students,” January 25.

Ellen Aprill (Loyola University, Los Angeles): “Responding to Tax Strategy Patents,” February 12.

Amy Cohen (Ohio State University, Moritz School of Law): “Governance Legalism: Hayek and Sabel on Reason and Rules, Organization & Law,” February 17.

Avi Bell (University of San Diego): “Zoning to Nuisance,” February 19.

Tanina Rostain (New York Law School): “Watson’s Choice,” February 26.

Estelle Derclaye (University of Nottingham, UK): “(Re)thinking the Overlaps: Which Rule(s) to Apply? The International Dimension,” March 4.

David Cruz (University of Southern California): “Sexual Judgments: Full Faith and Credit & the Relational Character of Legal Sex,” March 19.

Robin Kar (University of Illinois): “The Second-Person Standpoint and the Law,” March 26.

Brian Cheffins (University of Cambridge, UK): “Is Delaware Losing Its Cases?” April 12.

Brian Leiter (University of Chicago): “In Praise of Realism (and Against “Nonsense” Jurisprudence),” April 22.

Timothy Canova (Chapman University): “Financial Market Failure as a Crisis in the Rule of Law: From Market Fundamentalism to a New Keynesian Regulatory Model” and “Captured in Plain Sight: The Federal Reserve as Extra-Constitutional Delegation,” April 30.

Aifheli Tshivhase (University of Cape Town, South Africa): “Military Courts in a Democratic South Africa: An Assessment of their Independence,” May 7.

Orly Lobel (University of San Diego): “Innovation Motivation: Behavioral Effects of Employment Intellectual Property Restrictions,” August 23.

David McGowan (University of San Diego): “Big But Brittle: Economic Perspectives on the Future of Law Firms,” August 27.

Eyal Zamir (Hebrew University of Jerusalem, Israel): “Loss Aversion and the Law,” September 10.

Ken Levy (Louisiana State University): “Moral Responsibility, Excuses, and Situationism,” September 16.

Iddo Porat (Ramat Gan Law School, Israel): “The Double Effect of Rules and Standards: On Graham, Minimalism and Judicial Control,” October 1.

Evan Lee (University of California, Hastings) “Judicial Restraint in America: How the Ageless Wisdom of the Federal Courts Was Invented,” October 15.

George Mundstock (University of San Diego): “Sourcing the Sourceless,” October 27.

Amy Wax (University of Pennsylvania): “Driving Family Structure and ‘Rational’ Behavior: The Decline in Marriage as a Disorder of Choice,” October 29.

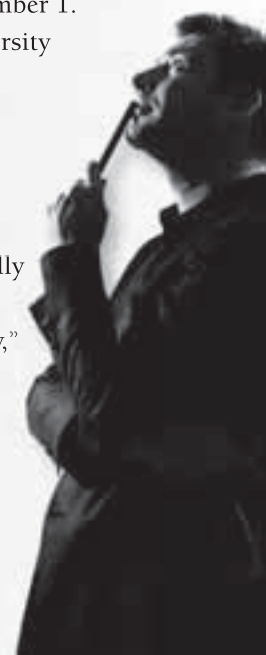
Frank Buckley (George Mason): “The Theory of Contract,” November 3.

Michael Perry (Emory): “Religious Worldviews, Secular Worldviews, and the Grounds of Human Rights,” November 5.

Larry Alexander (University of San Diego): “The Ontology of Consent” and “Disparate Impact: Fairness or Efficiency?” November 11.

Eugene Kontrovich (Northwestern): “The Constitutionality of International Courts: The Forgotten Precedent of Slave Trade Tribunals,” December 1.

Junichi Semitsu (University of San Diego) and **Jeff Bellin** (Southern Methodist University): “Widening Batson’s Net to Ensnare More than the Unapologetically Bigoted or Painfully Unimaginative Attorney,” December 3.



University of San Diego School of Law Congratulates the 2010

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JULIE D'ANGELO FELLMETH
'76 (BA) '83 (JD)
Administrative Director
Center for Public Interest Law
at USD School of Law



MICHAEL T. WILLAMS
'82 (JD)
Executive Vice President
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Sony Electronics Inc.

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The Class Action section is an update on the personal and professional news of your classmates and other alumni. To submit information either via mail or e-mail and for details on how to submit accompanying photographs, please see the perforated response card located on the following page.

'66

Vern Schooley was elected to a second term as president of the Los Angeles Intellectual Property Inn of Court and serves as counselor of the Joseph A. Ball-Clarence S. Hunt American Inn of Court.

'67

Hon. Michael Welch was recently honored with the Kaufman-Campbell Award from the San Bernardino County (Calif.) Bar Association.

'71

Hon. Stephen Sundvold joined Judicial Arbitration and Mediation Services (JAMS) as a mediator and arbitrator in the Orange County (Calif.) Resolution Center. Judge Sundvold, who previously served on the Orange County (Calif.) Superior Court bench, will focus on disputes in a variety of areas including business/commercial, class action, construction defect, employment and real property.

'72

Gary Gramling was appointed to the San Diego Housing Commission by Mayor Jerry Sanders. Gary is president of Gramling Construction Co. and Desert Development Co.

'74

Hon. John J. Scully was named an associate judge in Lake County, Ill. He previously served as a federal prosecutor, where he spent 25 years fighting organized crime.

Prior to that, Scully served as a U.S. Navy captain, including a term off the coast of Vietnam.

'77

David Harshman has been promoted to vice president and general counsel at Toshiba America Information Systems Inc.

Patrick J. Kusiak (LLM '83), Retired Navy CDR, has been elected to the Board of Directors for the Military Officers Association of America.

Gary Langhoff is retiring after serving 23 years as a Sheboygan County (Wis.) Circuit Court Judge.

Robert S. Marcus will continue to serve on the Pennsylvania Liquor Control Board following his confirmation of his four-year term by the Pennsylvania Senate.

'78

Frederick Schenk was elected to the American Board of Trial Advocates (ABOTA), a prestigious organization comprised of the country's leading judges and plaintiff and defense trial counsel. He is a partner at Casey Gerry Schenk Francavilla Blatt & Penfield, LLP in San Diego.

Christie Foster-Horn has joined the team at Prudential California Realty's Del Mar (Calif.) office.

'79

Edward H. Kubo, Jr. was nominated to serve as a First Circuit Court Judge in Oahu, Hawaii. He is a former U.S. Attorney. Kubo previously worked as a deputy prosecuting attorney in the City and County of Honolulu.

Abby Silverman Weiss opened a new practice to work exclusively on mediations and arbitrations, concentrating on employment and employment-related business disputes.

Hon. Kenneth J. Medel was appointed to the San Diego Superior Court by Governor Arnold Schwarzenegger.

'81

Hon. Jennifer Detjen was appointed to associate justice of California's Fifth Appellate District Court of Appeal.

'83

Thomas Montgomery, who joined San Diego County's legal team in 1984, has taken over as the county's top legal advisor.

'85

Kelly Salt was named partner at the San Diego office of Best Best and Krieger.

'86

Dennis Doucette has been named to co-chair the business/corporate practice group in the San Diego office of Luce, Forward, Hamilton & Scripps.

'87

Michael G. Kerbs was featured in The Press-Enterprise as president of the Riverside-based (Calif.) law firm of Reid & Hellyer.

'88

Adam K. Ratner (LLM '96) was elected to the San Diego County Bar Foundation board of directors.

Kate Diesfeld has joined Te Piringa Faculty of Law at the University of Waikato in New Zealand as Associate Professor of Social Justice.

'89

Kimberlee A. Lagotta was appointed to a judgeship in the San Diego County Superior Court by Governor Schwarzenegger.

'91

Bradley Kowalczyk (LLM) of Strategic Financial Services has been named president of New York's Upstate Cerebral Palsy Board of Directors.

'92

Hon. David Hirsch was selected as the Ventura County (Calif.) Superior Court's newest commissioner.

'93

William K. Browning has become a shareholder of Klinedinst PC and will be based out of the San Diego office.

'94

Mary Parnow was appointed a federal administrative law judge in San Jose, Calif.

Stephen Oddo has joined Robbins Umeda as a partner in the San Diego office. Oddo will focus his practice on securities class actions involving corporate mergers and acquisitions.

'95

Robert Feigenbaum joined Nuix, a leading provider of corporate investigation and electronic discovery (eDiscovery) software as regional vice president of sales for the western United States.

Elizabeth Hull was named partner at the San Diego office of Best Best and Krieger.

Marie Burke Kenny will lead the labor and employment practice group at the San Diego office of Luce, Forward, Hamilton & Scripps.

David Krintzman was added to Morris, Yorn, Barnes, Levine, Krintzman, Rubenstein & Kohner's masthead. He was the firm's first associate in 1995.

'96

Dr. Jeffrey W. Winkelman was appointed vice president, oncology programs at BioSante Pharmaceuticals. He received his Ph.D. in Molecular Genetics from University of California, Irvine.

Dawn Saunders has joined the San Diego office of Mintz Levin Cohn Ferris Glovsky and Popeo PC and was selected as one of the 2010 "Women Who Mean Business" by the San Diego Business Journal.

DAVE CAMP, '78 ELECTED CHAIRMAN OF HOUSE'S WAYS AND MEAN COMMITTEE

On January 5, Congressman Dave Camp (R-Mich.), '78, was formally elected chairman of the United States House of Representatives' Ways and Means Committee for the 112th Congress.

"It is a great honor and even greater responsibility to be selected today by my colleagues to serve as chairman of the Ways and Means Committee for the 112th Congress," stated Congressman Camp upon the announcement of being selected by the Republican Conference to serve as the Ways and Means Committee chairman. "Our nation is at a crossroads—facing record debt and an unemployment rate stuck at nearly 10 percent. The decisions we make and the policies we put forward will determine whether or not we get this economy back on track and Americans back to work."

Camp reports that under his leadership, the Ways and Means Committee will focus on creating jobs and reducing federal spending. He states that the committee will directly engage and listen to the American people to ensure those impacted by the policies have a voice in the process.

The Committee on Ways and Means is the oldest committee of the U.S. Congress, and is the chief tax-writing committee in the House of Representatives. The committee exercises jurisdiction over revenue and related issues such as tariffs, reciprocal trade agreements and the bonded debt of the United States. Revenue-related aspects of the Social Security system, Medicare and social services programs also fall within the committee's purview.

The roster of committee members who have gone on to serve in higher office of the U.S. government is impressive. Eight presidents and eight vice presidents have served on Ways and Means, as have 21 Speakers of the House of Representatives, and four Justices of the U. S. Supreme Court.



Congressman Dave Camp represents the people of the 4th Congressional District of Michigan. As the head of Ways and Means, Camp is one of the most influential policymakers in Washington, DC, helping to set the nation's economic, health care and social welfare policies. His committee has sole jurisdiction over tax policy and oversees tariff and trade laws, Medicare, Social Security, and welfare and unemployment programs.

Camp's signature issues include making America more competitive by lowering and simplifying tax rates for individuals, families and employers; reforming health care to focus on wellness and prevention; expanding access to quality, affordable health care through tax-free savings accounts; protecting the welfare of our nation's children through family-focused foster care and adoption programs; and, promoting the production and use of alternative energy, which is a growing industry in Michigan and the 4th Congressional District.

KATHRYN VAUGHN, '84 NAMED CALIFORNIA'S VOLUNTEER OF THE YEAR

While all good deeds are commendable, rare is the person who suspends a successful career for five years to perform good deeds on a daily basis.

Kathryn Vaughn, '84, has been recognized as California's 2010 Volunteer of the Year for doing just that: helping create the only volunteer-driven organization in San Diego to provide "gap" services to foster youth as they enter adulthood.

Since vacating her duties as senior partner at a law firm to help young adults transition out of foster care, Vaughn is lauded by colleagues for her work as president and executive director of Just in Time for Foster Youth. As the name suggests, Just in Time steps in to help the more than 300 foster youths who "age out" of the system every year when they turn 18-years-old. Sometimes left with no support or shelter, forty percent of these young adults become homeless.

In May, California Gov. Arnold Schwarzenegger and First Lady Maria Shriver presented Vaughn with the Governor and First Lady's Medal of Service Award, celebrating her deeds at a ceremony in Sacramento.

"Let me put it this way: She's going to heaven," said Bob Fellmeth, director of the USD School of Law's Children's Advocacy Institute. "These youth usually have no home to go back to. No safety net that we all take for granted."

For Vaughn, it took only one phone call.

Jeanette Day, a child advocacy attorney, telephoned Vaughn one morning seeking help in setting up an apartment for two girls leaving the state's foster care program. Afterward, Vaughn said she experienced something she will never forget.

"It changed my life," she said, pointing to that day as the inspiration for the work that followed over the next few years. Vaughn put her law practice on hold to join the loosely organized, all-volunteer group Day had set up to help foster youths: the group that would



eventually become Just in Time.

In an article published by the *San Diego Union-Tribune*, Meredith Hall-Praniewicz, the program director at Just in Time and a foster child since age 4, praised Vaughn as the parent she never had.

"She was the mothering type who helped me through the worst times, the best times," Hall-Praniewicz said. "She has a real love and dedication to others."

Those who have been helped by or worked with Vaughn say she stepped in to provide that support they were lacking.

"She has created an organization that provides emergency housing help, information about community college opportunities, and other help for those who are in jeopardy of unemployment and homelessness," said Fellmeth, who attended Vaughn's award reception in May.

Vaughn helped the organization become a non-profit and has partnered with other agencies serving foster youth, expanding youth programs, securing grants and community donations, and getting businesses to donate beds and tech-equipment. In 2009 alone, Just in Time helped 1200 foster youths and distributed \$395,000. To date, the program has donated more than \$1 million in aid to foster youth in San Diego.

'98

John S. Kyle, Jr. made partner at Cooley Godward Kronish in the San Diego office, where he is a member of the intellectual property litigation group, focuses his practice on intellectual property litigation and business litigation.

Rudy Perrino has joined the Los Angeles office of Fullbright and Jaworski LLP as a partner.

'00

Todd Kinnear was named a partner at the San Diego office of Luce, Forward, Hamilton & Scripps, where he focuses on defending unfair competition claims, consumer class actions, business disputes and related actions.

Vitaly Kravchenko was appointed counsel at Sayenko Kharenko in Kiev, Ukraine.

George Lowe joins Brown Rudnick's Washington, D.C. office as a principal in the firm's government law and strategies group.

Timothy B. McGinity was named partner at the downtown Los Angeles office of Allen Matkins Leck Gamble Mallory and Natiss LLP.

'02

John Tsumura was named partner at Lewis Brisbois Bisgaard & Smith LLP, in the San Diego office, where he focuses on, among other things, professional negligence, elder abuse and unfair business practices.

Thomas Teschner was named partner at Lewis Brisbois Bisgaard & Smith LLP, in the San Diego

office, where he handles accounting malpractice, federal tax litigation, estate and gift tax controversy, and other tax matters.

Michael Burer (MBA '04) was named Executive Vice President of Operations for Pacific Office Properties Trust, Inc.

Claire Elizabeth Woloshyn has announced her marriage to Timothy Woloshyn and their plan to make their home in San Francisco.

David E. A. Jordan has been promoted to principal in the Washington, D.C. office of Fish and Richardson.

Jocelyn Hannah has joined the San Diego office of Wilson Turner Kosmo as a business litigation associate.

Martin Bader has joined Sheppard Mullin Richter & Hampton LLP as special counsel in the San Diego/Del Mar office.

'03

Erika Harrington and her husband, Tucker, welcomed their second son, Connor Alan, on May 5, 2009.

Emily Burns has joined the in-house legal team at Google Inc. as Trademark Counsel. She is also on the adjunct faculty of UC Hastings, teaching Trademark Prosecution and Counseling.

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1986

1991

2011

To participate on your class reunion planning or class gift committee, or for more information, contact the law school's office of development and alumni relations at (619) 260-4692 or lawalum@sandiego.edu

**KRISTEN WIDNER, '77 APPOINTED DIRECTOR
OF POLICY AND ADVOCACY AT THE
BARTON CHILD LAW AND POLICY CENTER**

2010 was quite a year for Kirsten Widner, '07, who was appointed director of policy and advocacy of the Emory Law Barton Child Law and Policy Center in January and received the 2010 Award of Achievement for Outstanding Service to the Georgia Young Lawyers Division, of which she is a co-chair.



The Barton Center provides representation to youth in juvenile courts and offers safety, well-being and permanency for abused and court-involved children. As the policy and advocacy director, Widner represents the Barton Center on collaborative initiatives on the local, state and national level while also supervising the Policy and Legislative Clinics at Emory University School of Law in Atlanta.

Widner joined the Barton Center under the prestigious Barton Fellowship in 2007 following a remarkable career as a law student at USD. In addition to serving as an editor of the San Diego Law Review and winning several national honors, including Best Oralist in Capital University's 2007 Adoption and Child Advocacy Competition as a member of the national moot court team, Widner graduated with honors and was awarded the Dean's Distinguished Service Award, the D'Angelo Outstanding Child Advocate Award and selected to the Order of the Barristers. Widner also worked for USD's Center for Public Interest Law and Child Advocacy Institute, where she left an impression on her professors.

"Kirsten Widner is why teaching is such a rewarding profession. You get to take credit for extraordinarily talented and dedicated people – of which she is a prime example – and happily claim that you are the crucial progenitor," said Robert Fellmeth, founder and executive director of USD's Center for Public Interest Law and its Children's Advocacy Institute. "She already has a national reputation as a child advocate."

'04

Kristen Dennis moved back to San Diego and took a post at the U.S. Attorney's Office.

Erik J. Greupner has joined the San Diego Padres as senior vice president and general counsel. Greupner represented Padres Vice Chairman and CEO Jeff Moorad's ownership group in connection with its acquisition of the Padres and other matters.

Christian Phanco was recently named to assistant vice president of tax counsel with Pacific Life Insurance Company.

'05

Justine T. Phillips has joined Baker & McKenzie as an associate in its San Diego office.

'06

Caryn Anderson has joined the San Diego office of Littler Mendelson as an associate.

Dustin D. Dodgin has been named a partner at the Bakersfield, Calif. office of Klein, DeNatale, Goldner, Cooper, Rosenlieb & Kimball LLP. Dodgin joined the firm in 2006, focusing on business litigation and business counseling.

'07

Adrienne Johns has joined Littler Mendelson as an associate.

Jessica Klarer Pride was elected secretary of the New Lawyers Division of the American Association for Justice.

Carrie Kreifels was featured in the New York Law Journal for her excellent pro bono work. Carrie is an associate at Mintz Levin.

James Mathew McAlpin and Melodie Ann Whitson announced their engagement and held their wedding ceremony in August 2010.

William Morrison has joined the San Diego office of Solomon Ward Seidenwurm & Smith as an associate.

'09

Kevin Cleveland joined The Arnold Law Firm, a prominent Sacramento personal injury firm representing clients in wrongful death, motor vehicle accident, workplace injury, brain and spine injury, nursing home neglect and medical malpractice claims.

Kristi Hamada recently joined the San Diego office of England Ponticello & St. Clair.

Thomas R. Del Monte recently attended the U.S. Biochar Initiative Conference as an attendee and presented on the topic of the value biochar soil amendments.

Hannah Schartiger has joined the law firm Best Best & Kreiger in its San Diego office. Schartiger, a civil engineer-turned-attorney, graduated from the USD School of Law. Before joining the firm, she worked for the Naval Facilities

Engineering Command in San Diego as a senior construction engineer.

'10

Rebecca Andrews has joined the law firm Best Best & Kreiger in its San Diego. Andrews, who received a master's degree in theology, graduated from the USD School of Law last May.

Correction

In the Class Action section of the Spring 2010 issue (25:2), an editor's error mistakenly named **Hon. Daniel A. Hathaway, '79**, as Hon. David Arthur Hathaway. Hon. Daniel A. Hathaway was elected to the Third Circuit Court of Wayne County, Mich.

IN MEMORIAM

'82

Dana Appling died of cancer in August at age 56. Since 2004, Appling led the Division of Ratepayer Advocates for the California Public Utility Commission, fighting for consumer rights. Prior to the DRA, she served as chief counsel for WebGen Systems. The California Senate adjourned in her honor on Monday, August 9th.

'00

Judge Barrett Foerster (LLM), of the Imperial County Superior Court since 2003, died of a coronary embolism in November at age 68. Foerster also served as a captain in the Army during the Vietnam War. He is survived by his wife, Susan, and two daughters.

'10

Ariane Djepe Ngnoguem, an LLM in Comparative Law candidate, passed away in December after a prolonged illness. Ngnoguem was to graduate in 2010.

LAW ALUMNI REUNION WEEKEND



The Class of 1975 celebrates their 35-year reunion at Humphreys.



The Class of 1980 celebrates their 30-year reunion at USD's Jenny Craig Pavilion Warren Hospitality Suite.



The Class of 1990 celebrates their 20-year reunion at The Olive at the Hilton San Diego Resort & Spa.



The Class of 2000's San Diego County Bar Association president Daniel F. Link, USD Law Alumni Board member Jay A. Jurata, Jim C. Schindler and Tina Schindler celebrate their 10-year reunion at The Wine Encounter.



BAR SWEARING-IN CEREMONY

DISTINGUISHED ALUMNI AWARDS



(Above) USD Law Alumni Board member Hon. Ronald F. Frazier '82, Michael R. Marrinan '76 (BA), '79 (JD), 2010 Distinguished Alumni Award honoree Julie D'Angelo Fellmeth '76 (BA), '83 (JD), Robert J. Bavasi '76 (BA), '81 (BS), and 1980 Distinguished Alumni Award recipient Hon. Susan P. Finlay '72, at the 2010 Distinguished Alumni Awards luncheon at the Westin Gaslamp Quarter.

(Right) Former USD Law Alumni Board president Jeffrey T. Thomas '82, USD Law Alumni Board member Marty B. Lorenzo '83 (BA), '96 (JD), 2010 Distinguished Alumni Award honoree Michael T. Williams '82 and attorneys from DLA Piper, gold sponsor at the 2010 Distinguished Alumni Awards luncheon at the Westin Gaslamp Quarter.





USD law alumni celebrate at the State of California Bar Swearing-In Breakfast and Ceremony at the Sheraton San Diego Hotel and Marina on Friday, December 3, 2010.

CAREERS IN THE LAW



Director of Development and Alumni Relations Brian Daugherty, USD Law Alumni Board members Hon. Ronald F. Frazier '82, and Jessica Wilson '02 BA, '06 JD.



USD Law Alumni Board member Chad R. Fuller '97, and Andrew B. Serwin '95.



J. Anthony Girolami '88 BA, '91 JD, and 2011 Careers in the Law panelist Mark A. Krasner '81.



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