University of San Diego School of Law

advocate

Success STORIES

USD School of Law celebrates its 60th anniversary and the achievements of its more than 13,000 graduates

Plus: Highlights From Commencement 2014
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Advocate is published by the University of San Diego School of Law Department of External Relations

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Features

60 YEARS OF SUCCESS
The exemplary achievements of USD’s more than 13,000 alumni are the hallmark of the law school’s success. Here’s a glimpse, spanning the decades, of the accomplishments of just an emblematic few.

COMMENCEMENT 2014
Shelley Berkley, ’76 (JD), former U.S. representative for Nevada’s First District, inspired new graduates at the law school’s 57th Conferral of Law Degrees, declaring they are now members of the “single most fundamental part of our great nation.”
This issue of the Advocate highlights some of the notable achievements of our alumni, students and faculty as we celebrate the 60th anniversary of the founding of our law school. While many of the articles cover events and achievements from the past academic year, the feature article looks back across the law school’s 60-year history by telling the story of alumni from each decade. Few law schools have achieved the prominence that USD has in so short a time, and few have the pioneers who built the reputation of the law school still around to recount their life stories. The story of Thomas Sharkey, who graduated with our second class in 1959 and started his litigation practice working alongside one of the school’s first deans, Howard Dattan (1955–60), takes us back nearly to the beginning.

USD School of Law opened as a part-time evening school with 55 students in 1954 and graduated its first class of seven men in 1958. There were six male graduates, including Tom Sharkey, at our second commencement in 1959 along with our first female graduate, Mary Eleanor Harvey. In fall 1959, the law school added a full-time day program; it was only then, four years after Mary Harvey entered law school, that the second woman matriculated, Betty Evans Boone, ’64 (JD). As we see in the stories of Ambassador Nancy Ely-Raphel, ’68 (JD), and the Honorable Lynn Schenk, ’70 (JD), women quickly began to distinguish themselves, but their numbers remained low. In 1970, Lynn Schenk was only one of seven women in her graduating class of 100.

Until after its accreditation in 1961, the law school remained a largely local institution, with a large part-time program, which attracted mostly male students who lived and worked nearby. The relatively few students who came to the law school from outside of the area were often military officers or veterans whom the Navy had brought to San Diego.

Jumping ahead to the current century, our entering class each year includes students from most of the 50 states and at least several foreign countries; and, typically, each class is divided evenly between men and women. Thanks to our alumni, the reach and recognition of our law school have also grown to become far and wide. Our nearly 14,000 alumni live and work in more than 300 cities in all 50 states, and in at least 58 foreign countries. Our alumni dominate the legal community in San Diego to an extent unsurpassed by any other law school in any of the major cities in the United States, with a strong and notable presence in nearly every field. For example, USD alumni include nearly a third of the judges on the San Diego Superior Court and a quarter of the intellectual property lawyers practicing in this major center of technology and innovation. The stories, class notes and memorials in this issue of the Advocate also give examples of the impact our alumni have made, and are making every day, in other cities throughout the U.S. and in many parts of the world.

One of those impressive alumni, former U.S. Representative Shelley Berkley, ’76 (JD), gave an inspirational speech at our 2014 Commencement that was full of warmth and wisdom. Shelley Berkley, who came to San Diego from Las Vegas, recounts an experience that resonates with many of our graduates. She left our law school with not only an excellent legal education that has served her throughout her distinguished career, which included serving Nevada’s First Congressional District from 1999 to 2013 and nearly winning the open U.S. Senate seat in 2012 but also with
lifelong friendships and, also not uncommon in our history, a spouse—in her case her first husband, Frederic I. Berkley, ’75 (JD), the father of her two sons. “My decision to go to law school at USD was one of the smartest decisions I ever made,” Shelley Berkley told our graduates.

Often when I meet with alumni, I am told wonderful and moving stories about faculty members, past and present, and am reminded that the impact that great law professors have on the law results often as much (if not more) from what their students have done with the skills these professors taught them, as from the professors’ own scholarship and service, however distinguished. This record of impactful teaching goes back to the earliest days when the law school relied largely on a part-time adjunct faculty consisting of practicing attorneys often, as Tom Sharkey recounts, “not much older than the students themselves.” The Honorable Thomas Whelan, ’65 (JD), tells of the early professors who prepared their students well, like the legendary constitutional law professor George Hickman, who joined the faculty after retiring as adjutant general of the U.S. Army. “They taught what they did for a living,” recounts Judge Whelan.

In many respects, our faculty resources are so much richer now. The backbone of our faculty consists of our 48 tenured or tenure-track professors who teach full-time and who are also leading scholars in their legal fields. Each year, we also typically employ an equivalent number of visiting scholars and leading practitioners or jurists as part-time adjunct faculty to teach specialized and practice-oriented courses, or to supervise our varied clinics and externship programs. What binds this large and varied faculty together, and to our past, is our entire faculty’s enduring commitment to teaching the skills—doctrinal, analytical, practical and ethical—needed for the successful practice of law. How our alumni use the skills they learned from our faculty to do good, as well as to do well, is exemplified by our featured alumni and the stories of the impact they each have on law and on society. “I am always looking for a new twist on legal theory,” says Ted Boutrous, ’87 (JD), about his success in litigating landmark cases like Vergara v. California and Wal-Mart v. Dukes. Who says that legal education is too theoretical?

The notable achievements chronicled here put the recent challenges confronting legal education in perspective. They remind us that, in its 60-year history, the law school has had to overcome many other challenges. The fact that USD has not only survived these challenges, but has been able to thrive and grow in recognition and reputation to surpass many law schools with longer histories and greater resources is a great legacy, one that joins us together, across the decades, in sharing the sentiments of Tom Sharkey, who says, “I feel proud of USD and very fortunate to have attended.”

Stephen C. Ferruolo
Dean, USD School of Law
Surprise Gift Just in Time for Landmark Anniversary of San Diego Law Review

Charles C. Renshaw, ’64 (JD), has made the 50th anniversary of the San Diego Law Review even sweeter with a recent gift. In February 2014, Renshaw donated his first-volume law review, replete with signatures from the inaugural editorial board and interim dean at the time. This special volume will be displayed throughout the 2014–15 academic year at the Pardee Legal Research Center.
Justice Sotomayor to Visit USD School of Law in October

United States Supreme Court Associate Justice Sonia Sotomayor will visit USD School of Law on Saturday, October 18, 2014, for a special luncheon event. Justice Sotomayor visits San Diego in October as the keynote speaker at the 36th Annual Conference of the National Association of Women Judges, October 15–19, which will be held in downtown San Diego.

At the USD event, Judge M. Margaret McKeown, United States Court of Appeals for the Ninth Circuit and USD School of Law jurist-in-residence, will interview Justice Sotomayor in front of an audience of students, alumni, faculty, and members of the San Diego legal and business communities about her “Path to the Bench.” The event is by invitation only.
McLennon Honors Moot Court Competition

PROVIDES STUDENTS OPPORTUNITY TO ARGUE BEFORE SITTING FEDERAL JUDGES

The annual Paul A. McLennon, Sr., Honors Moot Court Competition provides USD law students an opportunity to develop brief-writing and oral advocacy skills by testing them in rigorous competition.

Second-year law students Laura Brown and Curtis Abram earned the rare opportunity to argue a case before three sitting federal judges. Judge Bruce M. Selya, senior circuit judge, United States Court of Appeals, First Circuit; Judge M. Margaret McKeown, circuit judge, United States Court of Appeals, Ninth Circuit; and Judge Dana M. Sabraw, district judge, United States District Court, Southern District of California, presided over this year’s final round. In the fictitious case, U.S. Department of Health and Human Services v. Body & Sole, Inc., respondent Body and Sole, Inc. (BSI) brought suit against the federal government. BSI alleged that the contraceptive mandate of the Patient Protection and Affordable Care Act (PPACA), which mandates that a corporation must provide birth control and related preventative health services to its female employees, violated BSI’s rights under the First Amendment and the Religious Freedom Restoration Act (RFRA). BSI claimed that the contraceptive mandate forced it to pay for or facilitate the use of contraception, which conflicts with its religious beliefs. The federal government claims that the mandate is enforceable because corporations do not have religious rights under the First Amendment or under RFRA, and even if corporations possess such rights, providing birth control and contraceptive coverage to women serves a compelling government interest.

The court addressed three timely questions: (1) Are for-profit, secular corporations protected under the Free Exercise Clause of the First Amendment and/or RFRA? (2) Does the contraceptive mandate of the PPACA substantially burden the corporation’s free exercise of religion under the First Amendment and/or RFRA? (3) If so, do the government’s claimed interests in public health and gender equality constitute compelling interests to enforce the contraceptive mandate?

Laura Brown won the 2014 tournament.
USD Students Awarded Prestigious Earl B. Gilliam Bar Association Scholarships

Students from USD School of Law brought home three of five scholarships from the Earl B. Gilliam Bar Association’s 37th Annual Awards and Scholarship Dinner. Bradley Muldoe received the 2013 Kathy Payne Scholarship ($2,500), LaShanta Racquel Raymond received the 2013 Earl B. Gilliam Bar Association Scholarship Award ($2,500), and Vernon Evans received a 2013 Judicial Scholarship ($1,000). The financial scholarships were awarded to law students who have attained academic excellence and demonstrated a commitment to community and public service.

USD Student Lands Children’s Rights Fellowship

Second-year USD law student Maryam Rastegar was awarded a 2014 Bergstrom Child Welfare Law Fellowship by the University of Michigan School of Law in recognition of her commitment to the field of children’s law, past experiences related to children and family, and performance indicative of likely future success in the field. After a three-day training session at Michigan Law, Rastegar spent 10 weeks working for the Alliance for Children’s Rights in Los Angeles. Her work included client intakes, analyzing and assessing clients’ needs, and preparing legal materials.
In January 2014, USD’s Veterans Legal Clinic expanded services for veterans living in California. The clinic now offers free legal services to those needing assistance with discharge upgrades and Veterans Administration (VA) disability claims appeals.

“Assistance navigating VA disability claims appeals and discharge upgrades are two of the least offered services for San Diego’s veteran community today,” said Robert Muth, Veterans Legal Clinic supervising attorney. “USD’s Veterans Legal Clinic expanded its services to fill an important and growing need for pro bono legal assistance for these deserving veterans.”

Media reports over the past year have highlighted a high volume of backlogged veterans’
“USD’s Veterans Legal Clinic expanded its services to fill an important and growing need for pro bono legal assistance for these deserving veterans.”

—Robert Muth, Veterans Legal Clinic supervising attorney

disability claims. As recently as September 2013, more than 751,000 veteran disability claims were pending before the VA nationwide. Approximately 457,000 of those claims had been pending for over 125 days, the VA’s benchmark for timeliness. While the VA has made recent strides in bringing down these numbers, this may have come at a cost.

“As the VA required staff to work overtime to address the backlog, their error rate likely went up due to the directive to churn through the caseload,” said Muth. "Overworked employees are more likely to make mistakes or prematurely determine outcomes due to time constraints. Appeals will rise, and veterans will need help navigating the complex appeals process. That’s where we come in."

In addition to the anticipated surge in veterans’ disability claims, there is another issue on the rise. As America’s longest wars wind down, there are currently more than 100,000 veterans who have received less-than-honorable discharges from the military.

A high number of those discharged under less-than-honorable conditions suffered from undiagnosed—and untreated—post-traumatic stress syndrome, traumatic brain injuries or other combat-related challenges. Such discharges strip veterans of important benefits, preclude them from finding gainful employment and significantly hinder their ability to make a successful transition to civilian life.

Often these veterans have no one to turn to for assistance. The Veterans Legal Clinic’s expansion of services allows these veterans to apply for a correct characterization of their military service and receive the benefits, the respect and the honor they deserve.
On November 19, 2013, USD School of Law welcomed Catharine A. MacKinnon for the 30th Nathaniel L. Nathanson Memorial Lecture, presented in association with the USD College of Arts and Sciences Knapp Chair of Liberal Arts. MacKinnon is the Elizabeth A. Long Professor of Law at the University of Michigan and the James Barr Ames Visiting Professor of Law at Harvard Law School. A scholar, lawyer, teacher and activist, MacKinnon pioneered the legal claim for sexual harassment as a form of sexual discrimination and, with Andrea Dworkin, created ordinances recognizing pornography as a civil rights violation.

MacKinnon’s lecture, “Trafficking, Prostitution and Inequality,” focused on the distinction between two viewpoints on prostitution: sex work versus sexual exploitation. The former viewpoint focuses on legitimizing prostitution by removing all criminal sanctions, intended to give control to the prostituted person. The latter viewpoint is best exemplified by the Swedish model for abolishing prostitution, which MacKinnon helped formulate. The Swedish model criminalizes the buyers and third-party profiteers, and decriminalizes the prostituted person.

In arguing against legalization, which she labeled a failed experiment, MacKinnon proffered that the very purpose of human rights and labor laws is to “limit the intimacy and intrusiveness of the demands that can be made on a person.”

In contrast, the Swedish model for abolishing prostitution, which also promotes job training for prostituted persons, raises the status of the prostituted person by decriminalizing his or her behavior while lowering the status of the buyers and profiteers by holding them accountable. Shifting the stigma away from the prostituted person has vastly reduced prostitution in Sweden and virtually eliminated trafficking.

Framing the prostitution debate as one of sexual inequality and using the examples of age, race, caste and poverty, MacKinnon discredited the traditional moral distinctions used to justify legalized prostitution as largely illusory. “Recognizing prostitution’s harms is a strategic retreat to allowing its intrinsic harms to happen.”

Visit law.sandiego.edu/nathanson to see Catharine MacKinnon’s full lecture.
New White Paper From USD and Oxford Identifies Challenges and Opportunities for Practitioners and Policymakers

Democratization of online information, always-on media and the proliferation of audiences creates distorting effects that are not well understood, according to a new white paper published by the law school’s Center for Corporate and Securities Law (CCSL) and the Oxford University Centre for Corporate Reputation at Said Business School.

“How Reputations Are Won and Lost in Modern Information Markets” seeks to identify the key challenges and opportunities for businesses and policymakers in dealing with online information networks. Among the topics explored by the white paper are why information networks breed extreme positive and negative views, the social potential of networks, who owns your reputation and what influences them, and how even “honest” online ratings can “lie.”

Produced after a conference co-hosted by the two institutions at USD in January 2014, with contributions from leading academics, business executives and journalists, the report also suggests initiatives to counter some of the “biases” fostered by information networks and to create a more productive environment for the exchange of information among business, government and their audiences. The report also provides policymakers with resources on how they can use reputation as a mechanism to hold organizations and institutions accountable.

The white paper summarizes and explains the convergent themes of the conference by grouping the information into three areas:

1. **Technology**—the effects of the speed at which information is disseminated.
2. **Stakeholder plurality**—the challenges of addressing ever broader stakeholder audiences with conflicting agendas.
3. **Polarization**—why the information market encourages extreme viewpoints.

The subject matter covered, based both on academic research and practitioner experience, ranges from the growing distrust between business and media and its wider implications; the positive “herding” effects of ratings websites; the reputational challenge of dealing with consumer data across different territories; maintaining long-term business goals in the face of short-term information cycles; and the survival of traditional publishing in a digital age.

The white paper makes recommendations that seek to redefine the way information networks are understood and engaged. To view report: visit law.sandiego.edu/reputations.
USD School of Law Reaches Goal in First Year of Multiyear Fundraising Campaign

On August 29, 2013, USD School of Law reached its first-year fundraising milestone for the Dean’s Scholarship Initiative. A total of $515,496 was donated by 744 law school alumni and friends. The initiative is a three-year effort to raise at least $500,000 each year to increase overall funding for scholarships.

Providing leadership to meet the goal were Jack McGrory, ’81 (JD); Michael Kaplan, ’72 (JD); John Henkel, ’77 (JD); and the Linden Root Dickinson Foundation.

The Dean’s Scholarship Initiative funds: (1) Alumni Honor Scholarships to recruit first-year students who demonstrate exceptional promise, support those with the greatest financial need and increase diversity; (2) Alumni Leadership Scholarships to retain high-performing students and reward those who show potential for leadership after the first year; and (3) Alumni Summer Legal Work Grants to subsidize students taking non-paying summer jobs in the legal field.

“Alumni Honor Scholarships have already proven effective in our recruitment efforts,” said Jorge García, USD’s assistant dean of admissions, diversity initiatives and financial aid. “Competition was fierce this year. We’re grateful to the alumni and friends who, through these gifts, have given USD an effective tool to recruit a stronger and more diverse entering class to USD.”

“With financial assistance from Alumni Leadership Scholarships combined with other faculty efforts, we have been successful in retaining a larger number of our top-performing rising 2L students,” said Emily Scivoltto, USD’s assistant dean for law student affairs. “Financial assistance is crucial to helping our students succeed.”

This summer, funds from Alumni Summer Legal Work Grants helped 32 students gain important legal experience that will increase their chances of successful job placement after graduation. “These grants allow students to gain valuable, hands-on legal experience working for public interest organizations in San Diego, across the country and around the world,” said Lizzette Herrera Castellanos, USD’s associate director for public service and diversity. “Students would not be able to take on such exceptional opportunities if it were not for the financial assistance and generosity of alumni who recognize the importance of public service in the legal profession.”

Fundraising for the Dean’s Scholarship Initiative continues over the next two years. For more information, contact Brian Daugherty at (619) 260-4692.
The Big Give Goes Supersize

The USD School of Law exceeded the goal for The Big Give, its inaugural 36-hour online fundraising campaign held May 6-7, 2014. A total of $152,797 was donated by 233 law school alumni and friends, benefiting 20 areas of the law school.

“The success of The Big Give is due, in great part, to the generosity of Jerry McMahon ’64, (JD); Tom Fetter ’67 (JD); and the law firm of Casey Gerry,” said Dean Stephen C. Ferruolo. “Their combined challenge gift of $25,000 got The Big Give off to a great start. I am thankful to them for their leadership.”

The Big Give significantly impacted the Dean’s Scholarship Initiative by raising $152,797 toward the $500,000 goal for the second year of the campaign.

USD School of Law VICAM Teams Stand Out in Hong Kong and Vienna

Law students from USD’s Vis International Commercial Arbitration Moot (VICAM) Team competed in the prestigious Willem C. Vis International Commercial Arbitration Moot Competitions (Vis Moots) in Hong Kong and Vienna in 2014. The Hong Kong Vis Moot, held April 1-6, attracted nearly 100 universities from around the world. In Vienna, USD students competed with students from nearly 300 universities from April 12-17.

USD’s Vienna team, composed of fourth-year student Charlynne Rejaiian, third-year students Samuel Song and Alexandria Gojny, and second-year student Bob Schultz, defeated the London School of Economics team to advance to the top 16 of 297 universities. Song, president of the VICAM team, won the prestigious Martin Domke Award for the Best Individual Oralist during the Vienna general rounds. Gojny was awarded an Honorable Mention for Best Oralist in the general rounds.

Competing in the Hong Kong Vis Moot were third-year student Kathleen Mara and second-year students Patrick Stormes-Swan, Kelli Killion, and Valerie Phan, who earned an Honorable Mention for Best Claimant’s Brief. Phan was also awarded an Honorable Mention for Best Oralist during the Hong Kong general rounds.

Vis Moots were created with the help of the United Nations Commission on International Trade Law to educate students in the practice of international commercial arbitration.
Daniel Hannan Presents
at Annual Joan E. Bowes–James Madison Distinguished Speaker Series


Using historical examples, Hannan laid out the English lineage of literacy. He identified the principles of American exceptionalism, positing that those principles were inherited from England. Key among those espoused principles are religious pluralism, geographical isolation (the lack of armed coercion) and common law.

“Common law and the mentality it fostered proved our greatest defense against tyranny,” said Hannan. He recognized America’s bottom-up rather than top-down approach to law as a great strength. Hannan described how America’s empirical application of its common law as a means of redress to its citizens, rather than a method of state control, distinguishes the United States from other countries.

Hannan, a self-described British Jeffersonian, warned the audience that the United States appears to be making the same mistakes as its predecessors in shifting toward centralized power and away from state power. Per Hannan, the abandonment of the self-standing individual in favor of a central government will cause America to become less prosperous and free. To see Daniel Hannan’s full lecture, visit law.sandiego.edu/bowes-madison.
CCSL Presents Post–Citizens United: Does “Dark Money” Buy Elections?

On Wednesday, October 30, 2013, USD School of Law’s Center for Corporate and Securities Law (CCSL) presented an expert panel discussing “Post–Citizens United: Does ‘Dark Money’ Buy Elections?” The panel featured Trevor Potter, Caplin & Drysdale’s political law practice leader; Bruce Freed, president and founder of the Center for Political Accountability; and Kathleen Carney, senior legal counsel and chief compliance officer of Relational Investors, a San Diego asset management firm.

The panelists discussed the ramifications of the 2010 Citizens United ruling, in which the United States Supreme Court held that the First Amendment prohibits restriction of political expenditures by corporations, associations and unions. Prior to Citizens United, these groups could not spend money on federal political advertisements. Currently, these groups are not required to disclose this political spending to the public. According to the panelists, these so-called “dark money” groups spent more than $400 million in the 2012 elections.

Potter, one of the country’s most experienced election and campaign lawyers, and popularly known for his representation of Stephen Colbert’s Super PAC and appearances on “The Colbert Report,” provided a historical overview of election spending and disclosure requirements, and described the sharper political divide on this issue following Citizens United. Potter noted that businesses and chambers of commerce are concerned about potential legislation to require disclosure of political spending.

Freed, with 30 years of experience in politics, strategic public affairs and journalism, argued that disclosure should be recognized as good corporate governance, noting that some companies are embracing disclosure and praising law firms that play a part in promoting political disclosure.

Carney said that investors have mixed views on disclosure but asserted that there’s a consensus among investors on the monitoring role a company’s board of directors should adopt.

CCSL hosts academic and public conferences, publishes papers and discussions from those conferences, provides point-of-contact for popular and business media on issues of broad public interest, supports faculty and student research, and sponsors public lectures.
Founded in 1954, USD School of Law began as a four-year, unaccredited night school. It is now a nationally ranked law school with a world-class faculty that attracts JD and advanced students from around the world. On the following pages are success stories of alumni—spanning the decades of USD’s history. These men and women have used their education to advance justice and the rule of law. They, like many of the law school’s 13,000 graduates, are leaders in the legal profession and in their communities.
Thomas E. Sharkey ’59 (JD)

Thomas Sharkey was the leader of his firm and still an active litigator when he began his career as an alternative dispute resolution (ADR) neutral in 1989, in the field’s early days of development.

Why the switch from the courtroom to neutral ground? “I had a great career as a trial lawyer, including membership as an advocate in the American Board of Trial Lawyers and as a fellow in the American College of Trial Attorneys, and I was looking for a new challenge,” says Sharkey. “Growth in the ADR field was inevitable. Courts are overburdened, and the process is very expensive. Mediation cases and arbitration cases can be handled much more expeditiously and economically. People can put serious litigation behind them and can get on with their lives. As neutrals, we make a real contribution.”

Since 1999, Sharkey has concentrated his efforts solely on ADR and is widely known in the legal community for his professional yet easygoing manner and outstanding skills. He is a distinguished fellow in the International Academy of Mediators. His extensive ADR experience focuses on complex, multiparty mediations as well as arbitrations, including insurance coverage, medical malpractice and product liability cases, and disputes stemming from financial and commercial transactions. He also does a fair number of aviation cases, in which he brings to bear personal experience. He’s been flying since high school and is still at it at age 83.

Before leaving trial law, Sharkey litigated thousands of cases throughout Southern California in state and federal courts. He launched his legal career after graduating from USD, practicing alongside Howard Dattan, then USD’s dean. He continued his courtroom work at McInnis, Fitzgerald, Rees, Sharkey & McIntyre, where he practiced for more than 30 years.

With the benefits and insights of a career that spans more than a half-century and diverse aspects of law, Sharkey readily acknowledges the positive impact of his training at USD, which was just in its second semester of existence when he enrolled. His professors at the time were mostly practicing attorneys no older than the students themselves. “Our professors provided us not only with an excellent legal education,” he says, “but they were real-life role models who were true professionals and taught us how lawyers were expected to conduct themselves. I feel proud of USD and very fortunate to have attended.”
WORKING full-time at General Dynamics during the day to put himself through law school at night was a grueling experience for Thomas J. Whelan. But he says the training he received at University of San Diego School of Law was great preparation for the career he’s spent largely in the courtroom, first as a deputy district attorney, next as a Superior Court judge and now as senior judge of the U.S. District Court for the Southern District of California.

“Our night school instructors weren’t your typical professors. They taught what they did for a living,” recalls Judge Whelan. “My constitutional law professor, for example, was Gen. George Hickman, retired adjutant general of the U.S. Army. He was fresh off his post during the 1957 Little Rock schools integration crisis, when federal troops were called in to quell violence and unrest in the wake of Brown v. Board of Education.”

Judge Whelan, who earned both his BBA and JD degrees from the University of San Diego, was the first in his family to attend college and law school. Because he “wanted to go to court and try cases,” he took “a pretty good pay cut” and left his first legal job as a General Dynamics contracts administrator to become a deputy district attorney for San Diego, where he served from 1969 to 1989. In 1990, he was appointed a San Diego County Superior Court judge by Governor George Deukmejian and was re-elected in 1990 and 1996 (unopposed). He was elected presiding judge in 1998 and assumed senior status in 2010.

The U.S. Senate confirmed President Bill Clinton’s nomination of Whelan to the federal bench in 1998. During the judge’s distinguished tenure there, he has adjudicated a wide range of cases, including nationwide Ponzi schemes and other investment frauds, alien and drug smuggling, and copyright and patent infringements.

Judge Whelan currently serves on the Ninth Circuit Jury Instruction Committee, which writes and updates all criminal and civil jury instructions used by federal courts in its jurisdiction. He also continues to find great satisfaction in hearing cases. “I have always been comfortable in the courtroom,” he says. “Being a judge is the highlight of anyone’s legal career.”
INTERNATIONAL DIPLOMAT

Nancy Ely–Raphel ’68 (JD)

An international law class at USD School of Law sparked Nancy Ely-Raphel’s passion for world affairs, an interest that inspired an extraordinary career that took her across the globe—laying the groundwork for democracy in southwestern Africa, promoting peace in war-torn regions of Eastern Europe, working to ensure the well-being of children in more than 100 countries. “I was truly intrigued by this area of the law,” she says, “but didn’t imagine my life would take the turns it did.”

Ely-Raphel joined the U.S. Department of State in 1975. As assistant legal adviser of African affairs, she wrote a document that served as the basis for the constitution of the Republic of Namibia’s first democratically elected government. She also helped develop a legal assistance program for political detainees in South Africa, in an era when that country’s future president, Nelson Mandela, was still imprisoned.

As Balkan coordinator from 1995 to 1998, Ely-Raphel assisted in implementing the 1995 Dayton Peace Accords, an agreement that ended the Bosnian war. President Bill Clinton appointed her in 1998 as the third U.S. ambassador to Slovenia, where she furthered that nation’s efforts to join NATO and the European Union. Later, she served as senior adviser to Secretary of State Colin Powell. Ely-Raphel stays active in her field, including holding membership on the Council on Foreign Relations.

Beyond her endeavors in global political affairs, Ely-Raphel has held a variety of other positions over the course of her career—the last, as the vice president and managing director of development of Save the Children. Among her jobs in the early days of her professional life, she was a San Diego deputy city attorney (one of its first female lawyers), assistant U.S. attorney in California’s Southern District and an associate dean of Boston University School of Law.

In addition to the “excellent legal education” she received, Ely-Raphel says her fondest law school memories revolve around its people. She still gets together with her study group and is particularly close to the one other woman in her class. She is also proud to say that her son, Robert Ely, ’87, an insurance defense lawyer in New York, holds a USD School of Law degree. As she puts it, “I believe we’re the first mother-son pair of graduates.”
Lynn Schenk didn’t plan on a career in public service. But when she suspected she was being passed over for law firm jobs because she was a woman—one of just seven in her law school class of 100—she opted for a position with the state Attorney General’s Office.

On weekends and evenings, she began helping women access credit and jobs they’d been denied solely because of their sex. “I became very focused on bringing about change for women and opening access to areas that had been closed off before,” says Schenk, who says she “saw how power can be used for good.”

Schenk went on to become the San Diego area’s first female congresswoman (1992–1994); the state of California’s first female secretary of business, transportation and housing (1978–1983); the first female chief of staff to a California governor (Gray Davis); and a “founding mother” of California Women Lawyers and the Lawyers Club, among other accomplishments. The Lawyers Club, a specialty bar association that now boasts more than 1,000 members, originally pushed for passage of the Equal Rights Amendment and aimed to open doors to women as judges, firefighters, police officers and other vocations that were then barred to them. “We were trying to change things for ourselves and for the women lawyers we knew would come after us,” she once recalled in a Lawyers Club publication.

Schenk credits her USD law school education with honing the deft negotiation skills she has used throughout her career. Today, she taps those talents as a corporate attorney, an active civic volunteer (she’s been a Board of Visitors member since its inception) and board member of the California High-Speed Rail Authority. She remains a staunch advocate of the potential benefits of the $68 billion line that will zip passengers between Los Angeles and San Francisco, and isn’t overly concerned about critics’ complaints regarding its cost.

“It wouldn’t be California or the United States if we didn’t oppose every major project,” Schenk observes wryly, recalling the people who fought construction of the Golden Gate Bridge, BART and other public transit projects in California. “We oppose until we say, how did we live without this?”
HISTORY-MAKING APPELLATE ATTORNEY

Theodore J. Boutrous ’87 (JD)

Successfully litigating landmark cases is precisely how Theodore Boutrous, partner at Gibson, Dunn & Crutcher, LLP, has made his mark in his chosen profession. Consider just a few recent examples:

In Vergara v. California, Boutrous served as co-lead attorney in winning the blockbuster June 2014 Los Angeles Superior Court ruling, which declared that California’s teacher tenure laws leave bad teachers on the job, depriving students of their right to an equal education, as guaranteed under the state’s constitution. According to court observers, the case is expected to spark similar efforts to roll back teacher tenure across the country.

In 2013, Boutrous was one of the lead attorneys in Hollingsworth v. Perry, the seminal U.S. Supreme Court case that ultimately enabled same-sex marriage to resume in California. Boutrous represented two same-sex couples who sought to invalidate Proposition 8, a state constitutional amendment that barred same-sex marriages in California. The same day as the Hollingsworth ruling, the high court also struck down a key part of the 1996 Defense of Marriage Act (DOMA), declaring that legally married gay couples must receive the same federal benefits as heterosexual couples. “Together, the two decisions have paved the way for marriage equality in this country,” says Boutrous, pointing to more than 25 subsequent rulings that have followed suit.

In Wal-Mart v. Dukes, female employees claimed in a class action lawsuit they’d been victims of gender discrimination. With the benefit of Boutrous’ deft arguments before the U.S. Supreme Court, Wal-Mart prevailed. In the 2011 ruling, the high court reversed what is, to date, the largest employment class action in history.

Boutrous says he knew in law school that appellate work would be his career focus, and he says he delights in the entire appellate process, “coming up with the theory I think will win the case, and then implementing it by writing the brief, and then arguing the case. I’m always looking for a new twist on legal theory. That’s the hallmark of our practice.”
One of the initial cases Derek Aberle worked on, in his early days practicing law while working at Pillsbury Madison and Sutro, was a design infringement suit involving Qualcomm’s and the industry’s first digital flip phone. As it turned out, his efforts would become part of remarkable beginnings in a steep upward climb of success—for the industry, the company and his own career.

“At that juncture, IP law was a new frontier for me—learn as you go—but I really enjoyed the pace that technology was advancing, especially in the cellphone space,” he says. “The Internet bubble was also still going strong. It was the hot place to be.”

Aberle went on to represent Qualcomm for several years, as outside counsel—first at Pillsbury Madison and Sutro, later at Heller Ehrman. In 2000, he joined Qualcomm, where he held various group posts at Qualcomm’s technology licensing division, including general manager, senior vice president and president. In March 2014, Aberle was named president of Qualcomm Incorporated, whose annual revenue in 2013 was $24.87 billion and where he has oversight for all business divisions across the entire organization, as well as the company’s global market development and marketing groups.

From his vantage point as a groundbreaking leader in current and next-generation wireless technologies, Aberle sees challenges and opportunities ahead, including in the ever-changing arena of patent rights and protections afforded under IP law. “The regulatory landscape is evolving, and where the law is less developed, there’s a higher risk of government intervention,” he says. “It makes it more difficult to figure how to run a business when you expect one set of rules, and different ones spring up.

“The flip side,” he adds, “is there’s never a dull moment in the mobile business. It always challenges you, pushes you. I really enjoy working in an environment where cool technology is invented, virtually every day. We have such a large platform—our chip serves close to 800 million devices a year—and we can bring new ideas to market very quickly.”
“Climate change is the biggest environmental challenge facing my generation. I would be happy and honored to become the captain of the new and important biochar industry.”

Thomas Del Monte ’09 (JD)

“I was absolutely excited” is how Thomas Del Monte, president and chief technology officer of Interra Energy, describes the “eureka moment” during his second year at USD School of Law that changed the course of his life and, he hopes, of climate change.

He was doing research for the law school’s Energy Policy Initiative Center (EPIC) and stumbled on an Internet article about a process that creates a renewable fuel gas and a charcoal-like substance, called biochar. Both products are made from discarded plant material that’s transformed under high heat. The fuel gas can be upgraded to transportation-grade natural gas or used to produce renewable electricity. Biochar has many potential uses; the most interesting to Del Monte involved returning it to the ground to boost soil’s fertility—something pre-Columbian Amazonians are thought to have done and a promising alternative to today’s carbon-intensive farming practices. The process replaces fossil-fuel energy sources and also ends up storing carbon in the ground, leading to a carbon-negative and climate-saving cycle.

A whirlwind of events followed Del Monte’s “discovery” of biochar and his decision to start a company that makes it (Interra Energy). In his third year of law school, he began an evening MBA program at UC San Diego and started shaping Interra’s business model. He intensified his research in the field, building on his strong background in chemistry and the sciences, even as he and a group of other USD students founded the San Diego Journal of Climate & Energy Law at USD, the first publication of its kind in a U.S. law school. Once out of school, Del Monte kept the dream alive with, among other fortuitous advice and support, funds from family and friends, a grant from the California Energy Commission, and lawyering he did on the side.

At the present time, Del Monte is putting all of his energy into the upcoming debut of Interra’s prototype unit for producing biochar/electricity: He’s the main inventor and engineer. If it is successful, Interra plans to build regional clusters across the country and around the globe. “Climate change is the biggest environmental challenge facing my generation,” says Del Monte. “I would be happy and honored to become a captain of the new and important biochar industry.”
As you do well, I hope you do good.

With this challenge to graduates and words of optimism, remembrance, and congratulations, Shelley Berkley, ’76 (JD), at right, addressed USD School of Law’s 2014 commencement. The former Nevada congresswoman is the first in her family to attend college and graduate from law school.
USD

School of Law alumna and former U.S. Representative for Nevada’s First District Shelley Berkley, ’76 (JD), addressed graduates at the 57th Conferral of Law Degrees on Saturday, May 17, 2014, at USD’s Jenny Craig Pavilion.

Berkley, who is now chief executive officer and senior provost of the Western Division of Touro College and University System, is the granddaughter of immigrants who came to the United States with few skills, a language barrier, and a dream that their children and children’s children would have better lives. She was the first in her family to attend college. When she graduated from law school, she realized she was the embodiment of her grandparents’ American dream.

“Whether you are like me—the first in your family to go to college and graduate law school—or you come from a long line of distinguished jurists, or are embarking on a second career, when you leave this arena, your lives will never be the same,” she said. “You are now members of our single most fundamental part of our great nation.”

According to Berkley, by virtue of the candidates’ training, knowledge, interests and experiences at USD, they will help make, interpret, dispense, enforce, and protect the law, thereby protecting the very democracy upon which our nation is founded.

(3) Amanda Wiesner, ’14 (JD); Michelle Fonseca, ’14 (JD); and Arianna Spratley, ’14 (JD).
(4) Dean Stephen C. Ferruolo; Shelley Berkley, ’76 (JD); and San Diego Superior Court Judge Ronald F. Frazier, ’82 (JD).
“The principles of freedom and liberty, equality for all will be your job—the job you have chosen,” she said. “Your job is to protect and defend to the best of your ability.”

Berkley reminded candidates that USD School of Law graduates defend the indefensible, redress unimaginable grievances, and ensure that every citizen is treated equally in the eyes of the law, that the law is color blind and gender blind, and that it looks beyond religion and national origin.

“Whether your client is guilty as sin, purer than driven snow, poorer than dirt, or wealthier than the sultan of Brunei, it will be your task, your responsibility, your duty to provide the best representation humanly possible.”

As a member of the U.S. Congress, Berkley visited many countries in many parts of the world. She noted that what makes America unique is its legal system, system of justice, sense of responsibility to the law and its belief in justice for all.

“As I look out at all of you on this monumental occasion in your lives, I see our nation’s future. There are no back benchers here.”

She called on the next generation of public defenders, DAs, private counselors, corporate attorneys, small-town attorneys, judges, businessmen and businesswomen, and public servants to accept their positions as leaders of local communities, states, and the nation, reminding graduates that good governance and good government are not accidents and not just good luck.

“It takes work and sacrifice and dedication by people like you,” she said. “You are no longer ordinary citizens. Your country, our country, needs you now more than ever.”

Berkley harkened back to the immortal words of JFK’s inaugural address, “Ask not what your country can do for you. Ask what you can do for your country,” saying the president was calling upon a new generation of Americans to step up and make our country an even better place to live, to make a difference.
“You are now a part of something so much bigger than your individual selves. You are a part of the majesty of our remarkable legal system. The graduates here today, you, are a new generation of our nation’s leaders. I hope you will embrace that and become it.”

Berkley represented Nevada’s First Congressional District from 1999 to 2013 in the United States House of Representatives. She was the first woman to serve the district and held the position for seven terms. During her 14 years in Congress, she served on the Transportation Committee, Small Business Committee, Veterans Affairs Committee, Foreign Affairs Committee, and the Ways and Means Committee.

Before her time in Washington, D.C., Berkley served in the Nevada State Legislature, working to strengthen consumer protection laws and to crack down on drunken driving. She created the Senior Law Project and wrote the Nevada Lemon Law, which protects new car owners from defective vehicles. Both programs continue to this day.

In her closing, Berkley brought to mind the reflections of a career politician now embarking on a new career challenge. She recounted her days at USD School of Law, where she made lifelong friendships and met Frederic I. Berkley, ’75 (JD), who would become her first husband and the father of her two sons.

“My decision to go to law school at USD was one of the smartest decisions I ever made. Graduation, although I didn’t know it at the time, was the beginning of my life as I have known it and as I have lived it. What a great run it has been. I wish the same joy and satisfaction for you. And I wish each and every one of you, my fellow USD alums, the best of luck and great success as you embark on your chosen career.

“As you go out to the world, I sincerely hope that you do well, but as you do well, I hope you do good. On this day, it is my hope that all of your dreams have come true. Congratulations, class of 2014.”
From publishing scholarly articles and books to organizing conferences on important legal issues, the USD School of Law faculty is committed to advancing the study and practice of law. In these pages, learn how our professors are impacting law at national and global levels.

**Larry Alexander**


Alexander attended conferences and delivered presentations, including “Is Religion Outdated (as a Constitutional Category)?” at an Institute for Law and Religion conference, University of San Diego School of Law, San Diego (February 2014); Originalism Works-in-Progress Conference, University of San Diego School of Law, San Diego (February 2014); Stanley Fish and the Meaning of Academic Freedom, Miami (January 2014); workshop on Deontological Principles and the

**Jordan Barry**


**Abraham Bell**


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**Professor David McGowan Inducted Into Prestigious American Law Institute**

**USD’s** David McGowan was inducted into the American Law Institute (ALI) in April 2014. McGowan, the Lyle L. Jones Professor of Competition and Innovation Law and director of the Center for Intellectual Property & Markets at USD, is among 61 newly inducted outstanding judges, lawyers and law professors hailing from 26 states, the District of Columbia, the U.S. Virgin Islands, Australia, and Singapore.

ALI is the leading independent organization in the United States producing scholarly work to clarify, modernize and improve the law. The organization drafts, discusses, revises and publishes “Restatements of the Law,” model statutes, and principles of law that are enormously influential in the courts and legislatures, as well as in legal scholarship and education.

McGowan joins six other distinguished USD professors who are ALI members: Roy L. Brooks, Stephen C. Ferruolo (ex officio), Herbert I. Lazerow, Orly Lobel, Richard C. Pugh and Mary Jo Wiggins.
Laura Berend

Laura Berend presented “Criminal Justice: The People and the Process” (February 2014) and “Life as a Suspect, Arrestee, Defendant and Convicted Person” (December 2013) at the University of California, San Diego, Osher Institute, San Diego.

Roy L. Brooks


Lynne L. Dallas

Lynne Dallas presented “Going Beyond SRI as Presently Understood” at It’s Time: The Temporal Dimensions of Responsible Investing, University of British Columbia, Vancouver, Canada (June 2013), and “Short-Termism and Time-Phased Voting and Narcissism and Fraudulent Behavior” at the Law and Society annual meeting, Boston (June 2013).

Margaret Dalton


Dalton presented “Judicial and Practitioner Perspectives on the Special Education Litigation Process” at the Elizabeth Birr Center for Autism Law and Advocacy, Solana Beach, Calif. (October 2013), and “The Role of Pediatricians in
Special Education” at the University of California, San Diego, San Diego (June 2013).

Michael Devitt


Donald Dripps


Miranda Fleischer


Fleischer presented “Charity, Poverty, and Duty” at Tax Reform in a Time of Crisis, Pepperdine Law School, Malibu, Calif. (February 2014); “Charity, Poverty, and Duty” at Duties and the Income Tax, University of Washington

In the News:
On May 14, 2014, The New York Times published an article by Professor Victor Fleischer that discusses how hedge fund managers go beyond carried interest to shelter enormous incomes. Congress closed tax loopholes over the years and is now debating ways to close the carried interest loophole. Fleischer’s article lays out the steps hedge fund managers have taken to find creative ways to continue to shelter income and pay less in taxes.
School of Law, Seattle (October 2013); and “Libertarianism and the Charitable Tax Subsidies” at Columbia Tax Scholars’ conference, Columbia Law School, New York (June 2013).

Victor Fleischer


Fleischer presented “Tax Extenders” at the Annual NYU–UCLA Tax Policy Conference, Los Angeles (October 2013); “The Inferiority of Pigouvian Taxes” at the Midwestern Law and Economics Association meeting, University of Illinois, Champaign, Ill. (October 2013); and “The Inferiority of Pigouvian Taxes” at a faculty colloquium, Loyola Law School, Los Angeles (September 2013).

Ralph Folsom


Dov Fox


Karl Gruben


Walter Heiser


Gail Heriot


Adam Hirsch


Michael Kelly

Michael Kelly published *Remedies: Cases, Practical Problems and
Exercises, 3rd Ed. (with Cardi, Partlett and Weaver) (West 3D, 2013).

William Lawrence


Bert Lazerow


Orly Lobel


New Edition of Professor Jack Minan’s Popular Golf Law Book

Professor Jack Minan’s second edition of his popular book The Little Book of Golf Law (American Bar Association, 2013) was released in December 2013. The update of ABA Publishing’s 2007 best-seller discusses how violating “the law” of golf—as opposed to the rules that govern the game—can have serious consequences.

In 10 parts covering legal areas from torts to intellectual property to environmental law, this revised and expanded edition of the classic Little Book explores 39 cases in which the rules of golf spilled over into the rules of law. Each chapter examines a different set of facts and involves an actual case. The book explores a wide array of legal issues, from personal injury claims for negligence to products liability, contract disputes and more.

San Diego Union Tribune sportswriter Tod Leonard states that baseball ranks first and golf second among sports most litigated in courtrooms across the U.S., and notes that Minan got a lot of fanfare with his first edition.

Minan said he believes the second edition is better organized and more reader friendly for laypeople. Each case is divided into the facts, the law and a conclusion.
David McGowan


John Minan


New Co-Authored Book by Professor Michael Rappaport Defends Originalism

In their book, Originalism and the Good Constitution (Harvard University Press, 2013), John McGinnis and Professor Michael Rappaport maintain that the Supreme Court should adhere to the text of the Constitution because it was enacted by supermajorities—both its original enactment under Article VII and subsequent amendments under Article V. A text approved by supermajorities has special value in a democracy because it has unusually wide support and thus tends to maximize the welfare of the greatest number.

Rappaport and McGinnis recognize and respond to many possible objections to the theory. How can following the original meaning be justified, given that African-Americans and women were excluded from the enactment of the Constitution in 1787 and many of its subsequent amendments? What is originalism’s place in the interpretation of the Constitution, when after 200 years there is so much nonoriginalist precedent?

Frank Partnoy


Partnoy presented “How Reputations Are Won and Lost in Modern Information Markets” at Media and Markets, University of San Diego, San Diego (January 2014), “Images of a Shareholder” at Vanderbilt Law School, Nashville, Tenn. (September 2013); “The Value of Values” at the GMI Annual Conference, Newport Beach, Calif. (September 2013); and “Six
Shades of Grey: A Legal Perspective on Reputation” at Oxford University, Oxford, United Kingdom (September 2013).

Lisa Ramsey


Ramsey presented “Reconciling Trademark Rights and Free Speech Locally and Globally” at the 13th Intellectual Property Scholars Conference, Benjamin N. Cardoza School of Law, New York (August 2013); “Reconciling Trademark Rights and Free Speech Locally and Globally” at the 32nd Annual Congress of the International Association for the Advancement of Teaching and Research in Intellectual Property, University of Oxford, Oxford, United Kingdom (June 2013).

Michael Ramsey


Ramsey presented “Presidential Eligibility and the Original Meaning of ‘Natural Born’ ” at Georgetown Law Center Constitutional Law colloquium, Washington, D.C. (November 2013); and “International Human Rights Litigation in the United States after Kiobel v. Royal Dutch Petroleum” at the University of Copenhagen Centre for Enterprise Liability, Copenhagen, Denmark (June 2013).

Michael Rappaport


Maimon Schwarzschild


Schwarzschild’s forthcoming publications include “The Role of the U.S. Supreme Court in the Protection of Religious Liberty” in the Culture of Judicial Independence (Brill | Nijhoff, forthcoming 2014).

Ted Sichelman

In the News:
On February 26, 2014, Assistant Professor Dov Fox commented in a Boston Globe report on a study showing how a new, simple DNA blood test is superior to standard methods for detecting chromosomal abnormalities in a fetus. The new test would reduce invasive tests such as amniocentesis, which carry a small risk of miscarriage, and can increase detection of abnormal fetuses at an early stage of pregnancy. Fox says the test has potential but may further complicate how parents decide what is acceptable health for their unborn children.


Steven D. Smith

Smith attended conferences as a presenter and participant, including Dimensions of Politics and English Jurisprudence roundtable, at the University of Notre Dame, Notre Dame, Ind. (October 2013); “Hot Topics in Religion Clause Jurisprudence” at the 2013 Tenth Circuit Bench and Bar Conference, Colorado Springs, Colo. (August 2013); “Why Religion is (Still) Constitutionally Special” at the Annual Law and Religion Roundtable, Stanford Law School, Palo Alto, Calif. (June 2013); and Religion in Foreign Relations conference, Council on Foreign Relations, New York (June 2013).

Mila Sohoni

Horacio Spector

Spector’s forthcoming publications include “Philosophy and Law and

Spector presented at the XXVI World Conference of Philosophy of Law and Social Philosophy, Belo Horizonte, Brazil (July 2013).

Edward Ursin


Jorge Vargas


Mary Jo Wiggins

Mary Jo Wiggins’ forthcoming publications include Questions and Answers: Bankruptcy, 2nd Ed. (with Markell) (LexisNexis, forthcoming 2014) and the following book chapters: “Restrictions on Debt Relief Agencies,” “Disclosures, Requirements for Debt Relief Agencies,” “Assisted Person; Bankruptcy Assistance,” “Debt Relief Agency” in Collier on Bankruptcy, 17th Ed. (LexisNexis, forthcoming 2014).

Dean Wiggins continued her service as vice dean for the law school. She also served as faculty adviser and coach for the law school’s Duberstein Bankruptcy Moot Court Team for the 10th consecutive year.

Professor Steven D. Smith Examines History of U.S. Religious Freedom

In his new book, The Rise and Decline of American Religious Freedom (Harvard University Press, 2014), Professor Steven D. Smith refutes familiar accounts of U.S. religious freedom that depict visionary founders breaking from centuries-old patterns of Christendom to establish a political arrangement committed to a secular and religiously neutral government, as supposedly embodied in the First Amendment’s religious clauses. Instead, he maintains, America’s distinctive contribution to religious freedom was its commitment to open contestation between secularist and providentialist understandings of the nation that evolved over the 19th century.

In subsequent years, the Supreme Court effectively repudiated this commitment by imposing secular neutrality, which ill serves the goal of religious liberty, Smith argues. The negative consequences are apparent today in the incoherence of religion clause jurisprudence and the intense culture wars in American politics.
Visit the alumni calendar for a current listing of events and registration: law.sandiego.edu/alumni-events.

Regional alumni events are regularly held in San Diego/North County, Los Angeles, Orange County, San Francisco, Silicon Valley, Sacramento, Riverside/San Bernardino, Washington, D.C., New York, Phoenix, Las Vegas, Salt Lake City, Portland, Denver, Dallas, Austin, Houston, Boston, Chicago and Seattle.

**AUGUST 2014**

- **August 14**
  - Silicon Valley Alumni Happy Hour
  - 6 p.m.
  - Palo Alto

- **August 21**
  - Student Orientation Luncheon With Law Alumni
  - 12 p.m.
  - Hahn University Center

**SEPTEMBER 2014**

- **September 9**
  - Law Alumni Board Meeting #1
  - 5:30 p.m.
  - Warren Hall

- **September 11**
  - Seattle Alumni Happy Hour
  - 6 p.m.
  - Eastlake Bar and Grill

- **September 19**
  - USD in the Bay Luncheon
  - 12 p.m.
  - Hotel Nikko (San Francisco)

**OCTOBER 2014**

- **October 2**
  - Phoenix Alumni Panel & Reception
  - 6 p.m.
  - Location TBA

- **October 6**
  - Red Mass and Reception
  - 6 p.m.
  - Founders Chapel

- **October 10**
  - Portland Alumni Happy Hour
  - 6 p.m.
  - Location TBA

- **October 16**
  - Pasadena Alumni Happy Hour
  - 6 p.m.
  - Location TBA

- **October 23**
  - Boston Law Alumni Event
  - Location and time TBA

- **October 24**
  - 7 p.m.
  - Warren Hall and O’Toole’s

- **November 6**
  - Joan E. Bowes–James Madison Distinguished Speaker Series
  - 6 p.m.
  - Joan B. Kroc Institute for Peace and Justice

**NOVEMBER 2014**

- **November 6–7**
  - 6th Annual Climate and Energy Law Symposium
  - Mother Rosalie Hill Hall

- **November 8**
  - USD Law Alumni Milestone Reunion Class of 1964
  - 6 p.m.
  - Dean Ferruolo’s residence

- **November 14**
  - Board of Visitors Fall Meeting
  - 8 a.m.
  - Joan B. Kroc Institute for Peace and Justice

- **November 21**
  - Distinguished Alumni Awards Luncheon
  - 11:30 a.m.
  - Westin Gaslamp Quarter

**DECEMBER 2014**

- **December 1**
  - Law Alumni Board Meeting #2
  - 5:30 p.m.
  - Degheri Alumni Center

- **December 9**
  - San Diego Law Alumni Holiday Happy Hour
  - 5:30 p.m.
  - O’Toole’s

- **December 10**
  - Las Vegas Alumni Reception
  - 6 p.m.
  - Location TBA

- **December 13**
  - USD Alumni Mass
  - 5 p.m.
  - Location TBA

**JANUARY 2015**

- **January 5**
  - Washington, D.C. Law Alumni Event
  - Location and time TBA
January 6
New York Law Alumni Event
Location and time TBA

January 7
Boston Law Alumni Event
Location and time TBA

January 21
Community Defenders Annual MCLE Seminar
8:30 a.m.
Warren Hall

January 31
Salt Lake City Sundance Film Festival Alumni Event
Park City, Utah

FEBRUARY 2015
February 5
School of Law Judicial Reception
5:30 p.m.
Warren Hall

February 19
31st Nathaniel L. Nathanson Memorial Lecture
6 p.m.
Joan B. Kroc Institute for Peace and Justice

February 20–21
Hugh & Hazel Darling Foundation Originalism Works-in-Progress Conference
Joan B. Kroc Institute for Peace and Justice

Week of February 23 (date TBA)
Careers in the Law
5:30 p.m.
Warren Hall

MARCH 2015
March 4
Riverside Law Alumni Luncheon
12 p.m.
Mission Inn

March 4
Orange County Law Alumni Reception
6 p.m.
Location TBA

March 20
Campus Visit Day Luncheon with Law Alumni
12 p.m.
Hahn University Center

March 27
Campus Visit Day Luncheon with Law Alumni
12 p.m.
Hahn University Center

March TBA
Intellectual Property Law Careers Event
6 p.m.
Warren Hall

March TBA
Tax LLM Student and Attorney Mixer
6 p.m.
Procopio, Cory, Hargreaves & Savitch LLP, 525 B Street

APRIL 2015
April 16
San Diego Law Alumni Reception
6 p.m.
La Gran Terraza

April 20
Campus Visit Day Luncheon with Law Alumni
12 p.m.
Hahn University Center

April 21
Sacramento Alumni Reception
6 p.m.
Location TBA

April 22
San Francisco Law Alumni Reception
6 p.m.
Location TBA

April 23
Silicon Valley Law Alumni Luncheon
12 p.m.
Location TBA

April TBA
Mexico City Alumni Reunion
Location and time TBA

MAY 2015
May 5
Law Alumni Board Meeting #4
5:30 p.m.
Warren Hall

May 15
Graduation Mass
4 p.m.
Founders Chapel

May 16
School of Law Commencement
9 a.m.
Jenny Craig Pavilion

May 18
Denver Alumni Reception
6 p.m.
Location TBA

May 18
Chicago Alumni Reception
6 p.m.
Location TBA

JUNE 2015
June TBA
State of California Bar Swearing-In Ceremony and Luncheon
Time and location TBA

June 8–12
15th International Conference on Artificial Intelligence & Law
Joan B. Kroc Institute for Peace and Justice

June 12
Law Alumni Board Retreat
1 p.m.
Bartell Hotels Property TBA
Joan B. Kroc Institute for Peace and Justice
Class Action compiles personal and professional news about USD School of Law alumni from independent update submissions and international media resources. Tell us what’s new with you. Submit your news online at law.sandiego.edu/keepintouch, or email your update and photo (jpg or tif format, 300 dpi) to lawpub@sandiego.edu.

‘72

John Heisner partnered with Olga Álvarez to open Heisner Álvarez, a law firm focused exclusively on trusts, estates and business law in San Diego.

‘73

Paul Robinson of Hecht Solberg Robinson Goldberg and Bagley LLP was named San Diego Lawyer of the Year in the area of land use and zoning law by The Best Lawyers in America 2014.

‘74

Kathleen Strickland, partner with Ropers Majeski Kohn & Bentley, PC, was named to BTI Consulting Group, Inc.’s “Client Service All-Stars” list.

‘76

Gordon L. Gerson, managing principal of Gerson Law Firm APC, was honored among The Best Lawyers in America 2014 in the practice area of real estate law.

‘77

Stephen Legomsky recently completed a two-year term as chief counsel of U.S. citizenship and immigration services in the Department of Homeland Security.

‘78

Mark Litwak has joined University of Southern California Gould School of Law as an adjunct professor.

‘81

Janice F. Mulligan, ‘81 (JD), ‘78 (BA), was appointed to the State Bar of California’s Judicial Nominees Evaluation Commission.

Jeffrey Thoma was appointed visiting professor at the University of Hawaii School of Law.

‘84

Barbara E. Kristal, a family law attorney, was named a top lawyer by Palm Springs Life magazine in the Coachella Valley.
Susan Daly of Hecht Solberg Robinson Goldberg and Bagley LLP was honored among The Best Lawyers in America 2014 in real estate law.


Frances Fragos Townsend was named to the board of directors of Freeport-McMoRan Copper & Gold Inc.

Jennifer Treese Wilson, ’86 (JD), ’83 (BA), was appointed corporate counsel for the Gemological Institute of America in San Diego.

Gwen Rutar Mullins of Howard & Howard Attorneys PLLC was honored among The Best Lawyers in America 2014.

Paul Klockenbrink, partner at Gentry Locke Rakes & Moore, LLP, was named to U.S. News & World Report’s and Best Lawyers’ 2014 lists of Best Lawyers in America.

Lance L. Shea joined BakerHostetler as a partner in Washington, D.C.

Mary Lehman was appointed to the California State Athletic Commission by California Governor Jerry Brown Jr.

Adam Levin, a partner in the Los Angeles office of Mitchell Silberberg & Knupp was named to The Hollywood Reporter’s 2014 Power Lawyers list.

Kurt Campbell was honored in the 2013 San Diego Super Lawyers publication for his work in construction litigation.

Dawn R. Eisenberg (LLM) was named director of San Diego State University’s Corky McMillin Center for Real Estate.

David Hollander has joined DeWitt & Dunn, LLC, as a retirement income planning adviser, part of AnnuityWatchUSA.com.

USD SCHOOL OF LAW   |   41
AWARDS GALA CELEBRATES JEFFREY T. THOMAS ‘82 (JD)
Jeffrey T. Thomas, ’82 (JD), was honored with the Author E. Hughes Career Achievement Award at the 2014 USD Alumni Awards gala on April 26, 2014. Originated in 1995, the award is named in honor of President Emeritus Author E. Hughes and is presented annually to one alumnus/alumna from each of the five schools of the university who embodies commitment to excellence and the outstanding achievements of Hughes’ 24 years as president.

Thomas is a partner in the Orange County office of Gibson, Dunn & Crutcher LLP. He joined the firm in 1983, after serving as a law clerk to the Honorable Gerald Brown, presiding justice of the California Court of Appeal, Fourth District. He is a co-chair of the firm’s litigation practice group and a member of the firm’s intellectual property and antitrust practice groups.

Thomas has successfully litigated significant intellectual property and complex business cases. He recently served as lead trial counsel for Hewlett-Packard (HP) in a significant matter against Oracle in which HP achieved a complete victory after trial.
Rising Stars

TESSIE ABRAHAM ‘07 (JD) AND BIBIANNE “BIBI” FELL ‘04 (JD) HONORED FOR LEGAL ACHIEVEMENTS

**Tessie Abraham**, ‘07 (JD), legislative counsel for U.S. Sen. Pat Toomey (R-Pa.), and **Bibianne “Bibi” Fell**, ‘04 (JD), a senior trial attorney at Gomez Trial Attorneys, were honored with the law school’s 2013 Rising Star Recent Alumni Award. The award is presented to alumni who have graduated within the past 10 years and have made significant achievements in the legal profession, or chosen field, and demonstrated a high level of community involvement.

Abraham advises Sen. Toomey on health care policy and intellectual property issues. Before joining Toomey’s staff, she worked for Rep. Lee Terry (R-Neb.) from 2008 to 2011, advising on health policy, taxes, the judiciary, and budget issues. Active in the profession, Abraham is the co-founder and president of the Women’s Congressional Staff Association, a bipartisan, bicameral staff organization composed of more than 800 women focused on professional development and mentoring.

Fell practices in the areas of complex business litigation, employment litigation and class actions. She has tried cases to verdict before judges and juries and argued before the California Court of Appeal and the U.S. Ninth Circuit Court of Appeals. Prior to joining Gomez Trial Attorneys, she was a shareholder with Fleming & Fell, PC, and an associate at Baker & McKenzie LLP, where she received the firm’s pro bono award.

**Frank Tobin** joined Ogletree, Deakins, Nash, Smoak & Stewart, PC, as a shareholder in San Diego.

**Brenden James Griffin**, ‘94 (JD), ‘91 (BA), was appointed to the Pima County Superior Court by Arizona Governor Jan Brewer.

**Julia Houston** has joined the public finance practice of Andrews Kurth, LLP, as counsel in Austin, Texas.

**Andrew B. Serwin** has joined the law firm Morrison & Foerster as partner.

**Capt. Gary Sharp**, JAGC, U.S. Navy, is serving as commanding officer for the Region Legal Service Office Southeast, in Jacksonville, Fla.

**Monica Zent** has founded Foxwordy, a private social network for lawyers.

**Chad Fuller** has joined Troutman Sanders LLP as a partner in San Diego.

**Wade Gochnour**, with Howard & Howard Attorneys PLLC, was honored in the 2013 Mountain States Super Lawyers publication for his work in construction litigation.
**Matt Reback** was promoted to vice president of marketing of Konami Gaming, Inc.

**Christian Waage** was appointed senior vice president and general counsel of Receptos, Inc. in San Diego.

**‘98**

**Timothy L. Skelton** has joined Arent Fox LLP as a litigation and intellectual property partner in Los Angeles.

**‘99**

**Jeff Thurrell**, partner with Fisher & Phillips, LLP, in Irvine, Calif., was named to BTI Consulting Group, Inc.’s “Client Service All-Stars” list.

**‘00**

**Allison Goddard** was named a top attorney for IP Litigation by the San Diego Daily Transcript and was appointed to the State Bar Committee on Federal Courts.

**Jason M. Ohta**, a former assistant U.S. attorney, joined Duane Morris, LLP, as special counsel in San Diego.

**Amber Spataro** was elevated to shareholder at Littler’s Newark, N.J., office.

**‘02**

**Olga Álvarez** partnered with John Heisner to open Heisner Álvarez, a law firm focused exclusively on trusts, estates and business law in San Diego.

**Anthony Bejarano** was named assistant general counsel for the Los Angeles Unified School District in the labor and employment services division.

**Joshua A. Jessen** was named partner with Gibson, Dunn & Crutcher working out of California offices in Irvine and Palo Alto.

**Ellis Wasson (JD)(LLM)** joined the corporate, securities and tax section of Rutan & Tucker LLP in the Orange County, Calif., office.

**‘03**

**Paul Betzer** joined Snell & Wilmer as counsel in Denver.

**TOP HONORS TO THE HON. LORNA ALKSNE ’92 (JD) AND PATRICK W. MARTIN ’92 (JD)**

San Diego Superior Court Judge Lorna A. Alksne, ’92 (JD), and Procopio, Cory, Hargreaves & Savitch LLP partner Patrick W. Martin, ’92 (JD), were honored with the law school’s 2013 Distinguished Alumni Award. The law school's highest honor is presented to alumni who have distinguished themselves in their chosen profession at an exemplary level and who embody the high ethical standards and commitment to community service USD School of Law seeks to instill in its graduates.

Judge Alksne was appointed to San Diego County Superior Court in 2005 and served as the supervising family law judge from 2007 to 2012. She is currently assigned to a trial department and hears criminal, civil, juvenile and family law matters. Recognized statewide as an expert in family law issues, Judge Alksne received the Distinguished Jurist Award from the Academy of Matrimonial Lawyers in 2009 and a lifetime achievement award from the San Diego County Bar Family Law Section in 2011.

Martin leads Procopio’s tax team and specializes in international tax planning, compliance and tax controversy, and related international law matters. Sought out for his expertise, Martin is frequently invited to speak at conferences throughout the world and to a multitude of groups, such as the ABA Taxation Section, California State Bar, CPA organizations, foreign banking associations and various government agencies, among others. He received the V. Judson Klein Award from the Taxation Section of the California State Bar.
Patrick Morris was promoted to partner with law firm Perkins Coie in the San Francisco office.

Sam Sherman opened Tencer Sherman law firm in San Diego.

Courtney L. Baird was promoted to partner with law firm Duane Morris LLP and is working out of the Las Vegas, Los Angeles and San Diego offices.

Bibianne Fell joined Gomez Trial Attorneys as a senior trial attorney in San Diego.

Kyle Rowen has joined the law firm Wesierski & Zurek LLP in Irvine, Calif.

Edward P. Yount joined Mike Lewis Attorneys as an associate attorney in Winston-Salem, N.C.

Tyler Andrews, litigator with Greenberg Traurig LLP, was elevated to partner in the Las Vegas office.

James C. Fessenden was promoted to partner with Fisher & Phillips LLP in San Diego.

Justine Phillips joins Sheppard Mullin Richter & Hampton LLP as special counsel in San Diego.

Dustin S. Dodgin was elected partner of Klein, DeNatale, Goldner, Cooper, Rosenlieb & Kimball, LLP, in Bakersfield, Calif.

Scott Martinez was sworn in as the Denver city attorney on January 8, 2014.

Joseph Sammartino started a law firm in San Diego named Sammartino Law Group, specializing in the representation of individuals and businesses in civil litigation.

Kate E. Payerle of Robinson Bradshaw & Hinson, PA, was named vice chair of Charlotte Chamber Young Professionals and a North Carolina Rising Star in business litigation by North Carolina Super Lawyers.
Joseph A. Brophy was elected partner in the Phoenix office of law firm Jennings, Haug & Cunningham, LLP.

Angela Gonzales joined the law firm Rimon as an associate working out of the new San Diego office.

Michael Hellbusch joined Tredway Lumsdaine & Doyle LLP as an associate in the firm’s Irvine, Calif., office.

Nicole Cusack was promoted to the position of associate attorney with CaseyGerry in San Diego.

Ashley Halberda has joined Carothers DiSante & Freudenberger LLP as an associate in the Orange County, Calif., office.

Christopher Hayes joins the Small Business Investor Alliance as legislative and regulatory counsel in Washington, D.C.

Nicholas Prola was named director of compliance and in-house counsel at the Professional Finance Company in Denver.

Gunjan Agarwal has joined the Pittsburgh office of Fox Rothschild LLP.

Eric A. Gerrard has joined Bartle & Geier Law Firm as an associate in Lincoln, Neb.

Jamie Ritterbeck has joined Klinedinst PC as an associate in San Diego.

Rachel Ehsan has joined business litigation law firm Webb & Bordson, APC, in San Diego.

Karin M. Gerstin was promoted to associate at Sughrue Law Firm in San Diego.

Governor Jerry Brown Jr. appointed USD law alumni Cindy D. Davis, ’93 (JD), Daniel G. Lamborn, ’82 (JD), and Daniel F. Link, ’00 (JD), to judgeships in San Diego County Superior Court and Dean Benjamini, ’92 (JD), and Christopher Harmon, ’00 (JD), to judgeships in Riverside County Superior Court.

Benjamini, Davis, Harmon, Lambor and Link named Superior Court Judges.

Judge Davis was a Superior Court commissioner at the San Diego County Superior Court since 2006. She fills the vacancy opened by retired Judge Steven R. Denton.

Judge Lamborn has been chief deputy district attorney at the San Diego County District Attorney’s Office since 2008. He fills the vacancy created by the resignation of Judge Lisa A. Foster.

Judge Link served as deputy district attorney at the San Diego County District Attorney’s Office since 2001. He fills the vacancy opened by retired Judge Richard E. Mills. Link and his father, Judge Frederic L. Link, ’68 (JD), are the first father and son to serve on San Diego Superior Court simultaneously.

Judge Benjamini was an assistant public defender at the Riverside County Law Offices of the Public Defender since 2013 and was a partner at Benjamini & Benjamini APC from 2005 to 2013. He fills a vacancy created by the conversion of a court commissioner position.

A sole practitioner since 2013, Judge Harmon previously served as executive director and trial attorney at Criminal Defense Lawyers from 2003–14. He fills the vacancy opened by retired Judge Jean Pfeiffer Leonard.
Alumni

‘62
Herbert Katz, 85, former chief judge (1972–1983), United States Bankruptcy Court, for the Southern District of California, passed away on February 4, 2014. In 1973, he was a recipient of the USD School of Law Distinguished Alumni Award.

‘63
Gerald “Jerry” Mitchell Dawson, 78, passed away on February 17, 2014. He practiced law for nearly 50 years, starting his career as clerk to Justices Griffin and Brown of the U.S. Court of Appeals for the Fourth District. He later practiced with Procopio, Cory, Hargreaves & Savitch LLP as a partner. He taught part time at University of San Diego School of Law, where he was named an assistant dean and assistant professor.

‘64
Robert H. Gallivan, 79, a retired Orange County Superior Court judge, died January 12, 2014. A 47-year veteran of the legal system, he worked for 21 years in private practice, focusing on general civil litigation and family law before his appointment to the judiciary by Governor Deukmejian.

‘66
Elbert James “Jim” Boone, 84, passed away on September 28, 2013, from complications due to lung cancer. Boone practiced law in San Diego for more than 25 years, handling criminal and civil cases.

‘73
Frank Joseph Pernicano, 76, passed away on January 13, 2014. He practiced general law in Michigan from 1975 to 1979. Returning to San Diego, he founded Woodcarver Pizza in Point Loma, which was open for 25 years.

‘75
Howard Joseph Barnhost, 66, passed away on April 30, 2014, after a five-year battle with prostate cancer. While attending law school, he was hired as a law clerk at Seltzer Caplan and stayed on as a lawyer after graduating. Barnhost struck out on his own in 1978 and enjoyed a distinguished legal career managing his own firm for 23 years.

Karen E. Chandler, 66, a well-known expert in international tax, passed away on July 15, 2013. After working for 10 years at the Federal Trade Commission on antitrust cases, she joined the Internal Revenue Service in 1988 and retired as an associate area counsel in international tax in 2007.

‘76
Linda Marie Cabulong, 63, passed away on September 28, 2013. In 1985, she was the first woman appointed traffic and small-claims commissioner of the San Diego Municipal Court. Cabulong was eventually named a Juvenile Court judge.

‘81
Mark Prothero, 57, a recognized expert on scientific evidence, forensic DNA and mental state defenses, passed away on April 19, 2014, after battling lung cancer. He began his 30-year legal career in criminal defense in 1983, working as a public defender for the Associated Counsel for the Accused.

‘00
Claudine Pilar Ruiz, 41, passed away on February 6, 2014, from complications relating to cancer. She worked as a deputy district attorney for the county of San Diego for 14 years. In 2012, the San Diego Deputy District Attorneys Association honored Ruiz with an outstanding achievement award.
THANK YOU TO THE SPONSORS OF THE 2013 DISTINGUISHED ALUMNI AWARDS AND RISING STAR RECENT ALUMNI AWARDS LUNCHEON

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Spotlighting members of the USD School of Law community at reunions, receptions and other special events

DISTINGUISHED ALUMNI AWARDS

1. Law Alumni Board member Hon. Carolyn M. Caietti, ’86 (JD), ’83 (BA); 2012 Distinguished Alumni Award honoree Hon. Robert J. Trentacosta, ’79 (JD); and 2013 Distinguished Alumni Award honoree Hon. Lorna A. Alksne, ’92 (JD).

2. Mark Rackers, ’07 (JD); Denise McQuire, ’76 (JD); and 2013 Rising Star Award honoree Tessie Abraham, ’07 (JD), at the 2013 Distinguished Alumni Awards event.

RIVERSIDE ALUMNI LUNCHEON

3. Darryl L. Exam, ’90 (JD); Dean and Professor of Law Stephen C. Ferruolo, Matthew R. Seifen, ’97 (JD); Hon. Richard T. Fields, ’87 (LLM); Commissioner Paulette J. Durand-Barkley, ’84 (JD); Nam A. Tran, ’03 (JD), ’99 (BA); and Nancy L. Smoke, ’77 (JD).

BAR SWEARING–IN

4. Samuel Ceballos, ’13 (JD); Lera Koblischke, ’13 (JD); Mihn Le, ’13 (JD); and Owen Praskievicz, ’13 (JD).

5. Gary Schons, ’76 (JD), welcomes new bar member Justin Manganiello, ’13 (JD), pictured with his girlfriend, Giselle E. Calix. (Photo bomb courtesy of Professor Larry Alexander).
2013 REUNIONS

11. Class of 2008 (fifth reunion).
USD School of Law
Milestone Alumni Reunions

Friday, October 24, 2014

1974 & 1984
Saturday, October 25

1964
Saturday, November 8

Reunion news will be sent by email, so please update your contact information:
law.sandiego.edu/alumniupdate.

For more information, contact the Office of Development and Alumni Relations at (619) 260-4692 or lawalum@sandiego.edu.

View updated reunion information:
law.sandiego.edu/reunions.

Distinguished Alumni Awards
Friday, November 21, 2014
Westin Gaslamp Quarter
11:30 a.m.

For more information and for sponsorship opportunities, call (619) 260-4692 or email lawalum@sandiego.edu.

Visit the Distinguished Alumni Awards website at law.sandiego.edu/daa.

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