

Advocate

UNIVERSITY OF SAN DIEGO SCHOOL OF LAW

Scott Anders'
EPIC
Opportunity



DUI: DOCTORS UNDER THE INFLUENCE | '07 GRADUATION | JACK MINAN'S GOLF BOOK

24:2 SPRING 2008



MESSAGE from the dean

Group Endeavors

Academic work, in cliché, is solitary: a ruffled scholar hunched over a desk, coffee cups and books and papers strewn about, perhaps updated for modern times to include a computer in the picture. And in many respects, as is often the case, the cliché has roots in reality.

This issue of the *Advocate* includes much information about the law school, but four of the articles in particular highlight a less solitary aspect of the academy. Academic work is often, and increasingly, the product of collaborative effort. Much of that effort finds its home in organizations within the law school—our various centers and institutes. Four of those organizations are highlighted in this issue.

The Center for Public Interest Law is the oldest of the four, featured here for its work relating to doctors whose addictions imperil patients. The Institute on Law and Philosophy, featured for its recent roundtable on the conditions of just warfare, brings leading scholars from around the world to campus for discussions on a variety of significant contemporary issues. The Center for the Study of Constitutional Originalism, sponsor of a conference on the historical understanding of the right to property, helps to flesh out and evaluate those theories of constitutional interpretation that look to the understanding at the time of the Constitution's enactment to interpret that document today. And the Energy Policy Initiatives Center, or EPIC, does research on and exposes students to the important energy issues affecting the region and the nation.

These organizations, and others like them at the law school, let us highlight several of the school's strengths, and help the school to amplify its impact on the pressing issues of the day.

Kevin Cole
Dean and Professor of Law

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SPRING 2008

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save the DATE

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

April

APRIL 15

Brunch with the Bench
Opportunity for law students to meet the Honorable M. Margaret McKeown, Circuit Judge, United States Court of Appeals, Ninth Circuit, for an informal lunch to discuss law, life, the courts and careers.
Contact the Dean's Office
(619) 260-6848 or
usdlawevent@sandiego.edu

APRIL 17

San Diego-Area Alumni Reception
School of Leadership and Education Sciences (SOLES)
Contact the Office of Development and Alumni Relations
(619) 260-4692

APRIL 26

USD Alumni Honors
Hon. Thomas J. Whelan, '61 (B.B.A.) '65 (J.D.)
Receives Author E. Hughes Career Achievement Award
Jenny Craig Pavilion
Contact the Office of Development and Alumni Relations
(619) 260-4692

May

MAY 1-2

USD School of Law –
Procopio International Tax Institute
2008 International Update:
U.S.-Mexico-Canada
Cross-Border Tax Issues
Joan B. Kroc Institute for Peace and Justice
Contact Francisco Sanchez Losada
(619) 515-3225 or fsl@procopio.com

MAY 7

Law Alumni Association
Board Meeting
Contact the Office of Development and Alumni Relations
(619) 260-4692

MAY 16

Graduation Mass
2:30 p.m.
Founders Chapel

Graduation Awards Ceremony
4:00 p.m.
Shiley Theatre

MAY 17

School of Law Commencement
9:00 a.m.
Jenny Craig Pavillion

June

Law Alumni Association
Board Appreciation Dinner
Contact the Office of Development and Alumni Relations
(619) 260-4692

July/August

Recent Alumni Gathering
Contact the Office of Development and Alumni Relations
(619) 260-4692

Law Alumni Weekend

October 3-5, 2008

Join fellow USD law alumni for a weekend to remember.

The graduating classes of 1963, 1968, 1973, 1978, 1983, 1988, 1993, 1998 and 2003 will celebrate their reunions as part of the weekend activities.

Update your contact information at www.sandiego.edu/usdlaw/alumni/update to receive reunion news. To participate on a reunion committee or for more information, contact (619) 260-4692 or lawalum@sandiego.edu.

Please visit www.law.sandiego.edu/alumni/weekend for updated information.



Retired Supreme Court Justice Sandra Day O' Connor Speaks of Judicial Independence, Judicial Diversity and the Need to Educate Our Youth

By Laura Vogltanz



In August 2007, the University of San Diego School of Law welcomed retired U.S. Supreme Court Justice Sandra Day O'Connor as keynote speaker at the first-ever southwest regional conference for the National Association of Women Judges.

Hosted by the School of Law at USD's Joan B. Kroc Institute for Peace & Justice, the three-day event focused on judicial education and judicial independence—the cornerstones of Justice O'Connor's sold out keynote luncheon address.

Justice O'Connor cited a recent survey by the National Constitution Center in Pennsylvania that revealed

American teenagers could easily identify the Three Stooges, but were often stumped when asked to name the three branches of government.

"I enjoy Larry, Moe and Curly," said Justice O'Connor, "but this poll shows an absence of even the most basic knowledge about our national and state governmental structure. The need to educate our youth about our government and how it works is really crucial to our future."

According to the survey, civics and government courses are no longer a requirement for high school graduation in many school districts across the country.

O'Connor proposed that civics education should be a requirement and taught in more interactive, interesting ways. She stated that students should be encouraged to explore issues like separation of powers and federalism by engaging in debates, mock trials and student government activities.

Emphasizing the need to capitalize on the computer proficiency of younger generations, Justice O'Connor, with the participation of Arizona State University and Georgetown University, is actively engaged in developing a computer-based course about the United States judicial system. The curriculum is being developed for seventh, eighth and ninth-graders.

"I think the result may be fabulous," stated O'Connor, "because if it will do what we are envisioning, I think we have some hope of reaching out in a different way to the young people in this country who, at the end of the day, are going to have to help maintain our notions of an independent judiciary."

In her retirement, Justice O'Connor has also taken on a new mission that evolved from the current negative climate surrounding the country's judicial system. In particular, she is focused on the potential breakdown of judicial independence.

Judicial independence "embodies the notion that judges have to decide issues fairly and impartially based on the laws and on the Constitution without fear of retaliation by the executive or legislative branches for doing just that," explained O'Connor.

The primary check the judiciary has on the other branches of govern-

ment is the power to declare a statute or executive act unconstitutional. A judge may also rule that a regulation or executive act is not authorized by a statute.



"It is important to educate both young and old—who tend to forget—what judges do and how that matters to the average citizen."

—Retired U.S. Supreme Court Justice Sandra Day O'Connor

"Whatever we do as judges, we have the power to make the president or congress or a governor or a legislature really, really angry," said Justice O'Connor. "And, in fact, if judges don't make them mad some of the time, they are probably not doing their jobs."

O'Connor went on to say that a judge's effectiveness depends upon the knowledge that he or she won't be subject to retaliation for his or her judicial acts. She stressed to the audience that "if you believe as I do, that

the courts are important guardians of constitutionally guaranteed freedoms in our common law system, you know that the system breaks down without judicial independence."

Justice O'Connor used former Chief Justice William Rehnquist's analogy, comparing the role of the judge to that of a referee in a basketball game. The referee is obliged to call a foul against a member of the home team at a critical moment in the game.

"He will be soundly booed," she said, "but he is nonetheless obliged to call it as he saw it, not as the home crowd wants him to decide it."

Judicial independence is influenced by many factors, but none more important than the process of judicial selection itself. From merit-based selection to partisan elections, there is substantial diversity throughout the country as to how state judges are selected.

"If I could wave a magic wand to do something to benefit the judicial system, I would try to encourage states with these wildly partisan election schemes to go to some kind of a merit selection," said Justice O'Connor, "and that if states insist on elections, make them retention-elections so that voters can rid themselves of a judge who has shown not to have qualities that we appreciate."

Justice O'Connor closed her speech by encouraging efforts to promote the acceptance of an independent judiciary by improving civics education for our youth and by continuing that education into adulthood.

She stated, "It is important to educate both young and old—who tend to forget—what judges do and how that matters to the average citizen."

Just Warfare Conference Provides Forum for Renowned Scholars

By Jeremiah Newcomb



Is justice a high and lofty ideal with which one can dispense during war? Or is justice somehow more elemental, something that is present even in the muddiest of trenches?

Is there such a thing as a justified war? How can justice be pursued during the war itself? What targets are legitimate? To what extent is an individual soldier blameworthy when fighting an unjust war?

On September 28 and 29, 2007, the USD Institute for Law and Philosophy convened a group of internationally renowned scholars to speculate on the nature and limits of justice in warfare. In their collaboration, the participants were focused on refining their own views and perhaps acquiring new viewpoints as well.

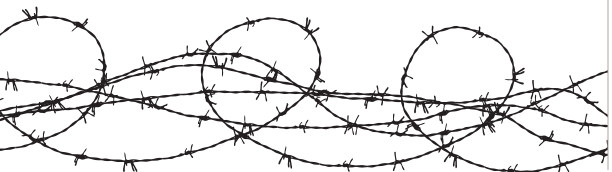
For the purposes of the roundtable, just war theory was broken down into three sections: justice in

deciding about war (*jus ad bellum*), justice in carrying out the war (*jus in bello*) and justice after the war (*jus post bellum*).

The thread of debate between the legal realists and legal positivists was most prevalent throughout the conference, but other legal philosophies such as consequentialism and deontology also provided positions from which to argue specific points. The discussion focused on the nuances of the different normative theories of morality that one might adopt—the theories that define “should” and “ought.”

Interestingly, what the theorists at this meeting seemed most concerned about were not morally degenerate regimes using tactics like a terror bombing, but rather the “good guys” taking up the tactics of the “bad guys.” They cited the Dresden bombing as an example, where the Allies adopted the tactic of the German bombings of London to inspire fear in the population. Dresden was said to have military targets such as barracks, train tracks and even factories, but the bombers aimed at the city and not the targets within it.

The issue of proximate causation in war was also discussed at some length. Perhaps it is legitimate to target someone who has substan-



tially contributed to the war, someone such as a nuclear engineer, or to target a munitions factory. But is it legitimate to target the civilian who merely has a victory garden? In terms of actual causation, most people in a given society at war have played some part. But in terms of proximate causation, one has to make a determination of where to draw the line. The question then becomes, “Who is considered a proximate cause and who is not?”

The participants opened the discussion to where and how often justice applies before, during and after a war. Justice may look different in each situation. Is justice a high and lofty ideal with which one can dispense during war? Or is justice somehow more elemental, something that is present even in the muddiest of trenches? And what about a supreme emergency, can

you throw justice aside to save the day, perhaps even to achieve a just result?

What about the opposite? Are combatants on the other side justified if they use just means to achieve the unjust ends for which they are fighting?

Robert E. Lee, for instance, commanded his army to make war only upon armed men and restricted the destruction of private property as his army marched through Union territory—unlike General William Tecumseh Sherman’s infamous march to the sea that destroyed private property as a war tactic. German field marshal Erwin Rommel was famous for refusing to kill prisoners in the North African desert during World War II.

With regards to the poignant example of General Sherman’s war tactics, the participants discussed

the destruction of private property for the purpose of lowering the enemy’s moral. Is this an act of terrorism? Does it matter if the force committing the act is an official government army or an insurgency when deciding whether a course of actions constitutes terrorism?

Very few solid conclusions resulted from the Just War and Terrorism Roundtable. However, there were some general principles agreed upon such as the virtue of not targeting the innocent, the just cause to go to war, and the idea that justice after the war must be attended to and enacted. Paramount to the meeting was the decision that a theoretical roadmap to having justice in and about war can be defined. Following that framework may be difficult, but justice can be achieved if one seeks it.



USD School of Law Welcomes Back U.S. Supreme Court Justice Antonin Scalia as its Inaugural Bruce S. Jenkins Jurist-in-Residence

United States Supreme Court Justice Antonin Scalia visited the USD School of Law in September 2007 as the inaugural Bruce S. Jenkins Jurist-in-Residence. Established in 2007 by USD Professor of Law Michael Devitt to honor United States Senior District Judge Bruce S. Jenkins, the program brings top judiciary to the law school to teach courses about important contemporary judicial issues.

Justice Scalia team-taught a separation of powers course with USD Professor of Law Michael D. Ramsey. The course explored the provisions of the U.S. Constitution that keep governmental power in check—as they were understood by its framers and interpreted by the U.S. Supreme Court.

Edwin Meese Discusses “The Constitution in Peace and War”

Bowes-Madison Distinguished Speaker Series Brings Former U.S. Attorney General Edwin Meese to Discuss the Role of the United States Constitution in Relation to the Patriot Act and the Iraq War

By Lindsey Biggs '10 and Patrick Riedling



There is a documented history of power struggle between the legislative and executive branches to control the country's military during hostile actions.

The interpretation of the United States Constitution with regards to war powers vested to the executive and legislative branches of government is always controversial and becomes even more so during times of war. The age-old debate, which has resurfaced since the War on Terror began in late 2001, received the spotlight at the 2007 Bowes-Madison Distinguished Speaker Series on November 27, 2007. Special guest and keynote speaker, former United States Attorney General Edwin Meese, discussed the outcome of the Commission on Iraq as well as the U.S. Constitution in relation to the Iraq War, the Patriot Act and the powers afforded the three branches of government during wartime.

There is a documented history of power struggle between the legislative and executive branches to control the country's military during hostile actions. Meese began his lecture examining the controversy as to where the power to declare, conduct and end war lies within the text of the U.S. Constitution.

“Congress always has the power to grant or withhold funds for war,” claimed Meese, “and without the resources of Congress, the executive branch has nothing to command.



Congress has virtually demanded the sole power to formally declare war, but the executive branch has yet to acknowledge the power lies elsewhere.” He went further to imply the two sides are battling an issue that cannot be decided or even discussed within the current political climate of Washington, but Meese hinted at a possible “next step” that he proposed at the conclusion of his lecture.

Meese then turned his attention to another sore topic in Washington, the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism” Act, also known as the USA Patriot Act. He stated the act changes the law of the land in four notable ways. First, it applies investigative techniques, which have long been used in criminal cases, to terrorism. Second, it updates the electronic surveillance laws implemented in the 1960s and 1970s to include new technologies such as cell phones and the Internet. Third, it enables the sharing of information between law enforcement officials and intelligence agencies. And finally, it names a limited number of new terrorist-related crimes, such as attacks on mass transit, which were not specified as crimes before the passage of the act on October 26, 2001.

Meese defended the widely condemned Patriot Act, explaining that although it provides only minor changes to the law, those minor changes have had a tremendous effect on preventing terrorist attacks. He cited nineteen planned attacks that were successfully averted as a result of implementing the legislation. In response to claims that the act violates civil rights, he contends that the act has been carefully executed thus far and if necessary, affords monetary damages against the federal government for guaranteed civil rights that are abused.

As damaging critiques of the Bush administration's handling of the Iraq War hit an all-time high, Meese found himself one of 10 former government officials appointed on March 15, 2006, to the Iraq Study Group. As a direct result of this bipartisan effort, the highly esteemed members provided 79 recommendations, 80 percent of which were adopted and implemented by the United States government.

The group's members, who had served in government but had no current political ambitions, possessed a variety of experience with backgrounds representing defense and national security, as well as the diplomatic, legal, business and political world. "Most importantly," Meese stated, "the success of the group stemmed from its mission to look forward into the future for solutions rather than to evaluate past conduct or to assess blame."

The 79 recommendations were divided into three groups. The first focused on providing the U.S. military the means to intensify and enhance training of the Iraqi security forces so that they could take over the security of their own country as rapidly as possible. The second illustrated ways to encourage and develop the skills of the al-Maliki




government in order to increase its competence level. This would enable the Iraqis to meet milestones toward reconciliation that they themselves had set. And the third group of recommendations defined a new diplomatic offensive that would bring more countries into the support of Iraq—particularly the countries of the Gulf States. These recommendations also suggested opening up communication lines to the governments of Iran and Syria through their neighbors and allies.

Meese closed with his proposal that perhaps a similar bipartisan and altruistic approach could work as a mechanism for cooperation and consultation between the branches of government to provide a solution to the current Constitutional controversy. He noted similar bipartisan

groups being formed to address the issue, mentioning by name the National War Powers Commission being convened at the University of Virginia's Miller Center. It is Meese's hope that this form of bipartisan activity will finally help settle the matter of war powers once and for all.

Edwin Meese served as the 75th Attorney General of the United States and counselor to President Ronald Regan. While in Washington, he was a key member of Regan's cabinet and of the National Security Council. Meese currently holds the Ronald Regan Chair in public policy at the Heritage Foundation. A retired colonel in the United States Army Reserve, Meese now lives with his

wife in McLean, Va. He lectures, writes and consults throughout the United States on a variety of subjects. To watch the Edwin Meese lecture in its entirety, go to www.law.sandiego.edu/webcasts. 



Longtime La Jolla resident and civic activist, Joan E. Bowes, continued her family's passion for learning by

establishing the Joan E. Bowes-James Madison Distinguished Speaker Series through the University of San Diego School of Law. Established in 2004, the series is designed to inspire law students and other members of the San Diego community and to promote the open exchange of ideas.

Richard Epstein Delivers Keynote Address at Bernard Siegan Memorial Conference

By Jeremiah Newcomb and Patrick Riedling



Professor Richard Epstein

On November 16, 2007, Professor Richard Epstein of the University of Chicago Law School delivered the keynote address at the Bernard Siegan Memorial Conference on Economic Liberties, Property Rights and the Original Meaning of the Constitution. Hosted by the University of San Diego School of Law's Center for the Study of Constitutional Originalism (CSCO), the conference brought together an interdisciplinary group of foremost scholars to analyze and discuss the original intent of the United States Constitution with regards to property rights and economic liberties.

Richard Epstein is the director of the John M. Olin Program in Law and Economics at the University of

Chicago Law School. Since 1972, he has taught, among other courses, torts, civil procedure, land use planning, and property, real estate and finance law. Epstein is the author of more than 10 books and numerous articles on a wide range of legal and interdisciplinary subjects.

Epstein's address, titled "A Perfect Storm," framed the conference of six scholastic papers by explaining the issues that alone would not pose a threat, but combined would create the circumstances for the tremendous problem we see today.

Describing the perfect storm, Epstein started with governmental process. "On the procedural side," he said, "essentially the modern view has two places: If it's a private party wanting to come forward, there is no procedure that is too slow. We can always find a way to make it a bit longer than it's been before. On the other hand, when it is the government that wants to put forward its own project, there is no procedure that is too hasty."

Switching his attention to zoning laws, Epstein next pointed out that there is an enormous presumption

in favor of the validity of any restrictions that are imposed with respect to private development. In other words, we have been made to believe that private revitalization projects are bad in their very nature.

“This creates the not-in-my-backyard syndrome,” he said, “and time and time again what happens is sensible projects of modest scale are defeated because of this core presumption and willingness to assemble to fight a project.”

In cities like Chicago, where there is not a history of assembly, small projects on a quarter of an acre eventually coalesce into a critical mass, which transforms a neighborhood into a more livable community. On the other hand in cities like New York, “where community resistance is an art form,” said Epstein, it is more difficult to move the smaller projects through.

“What you begin to see is a systematic stagnation taking place as the immediate neighbors prevent any form of revitalization,” he explained. “Over the course of time, the depreciation of the tax base becomes a genuine problem, and people start to become desperate about what it is that they can do to jumpstart their own communities.”

Desperate times lead to desperate measures. Eventually, the government steps in to “fix” a problem that could have been avoided in the first place. But things change “when the government wants to put one of these processes together. No objections matter in the slightest even with respect to people who will be thrown out of their homes and required to

go somewhere else,” extolled Epstein. The railroading of property rights reinforces that revitalization is a bad thing where individuals lose out to big developers.

And then there’s the question of the subsidies that are required to make redevelopment attractive to private developers. “There is no way

“I have always been somebody who thought that distributions of wealth from the government ought to be subject to some degree of constitutional scrutiny.”


—Professor Richard Epstein

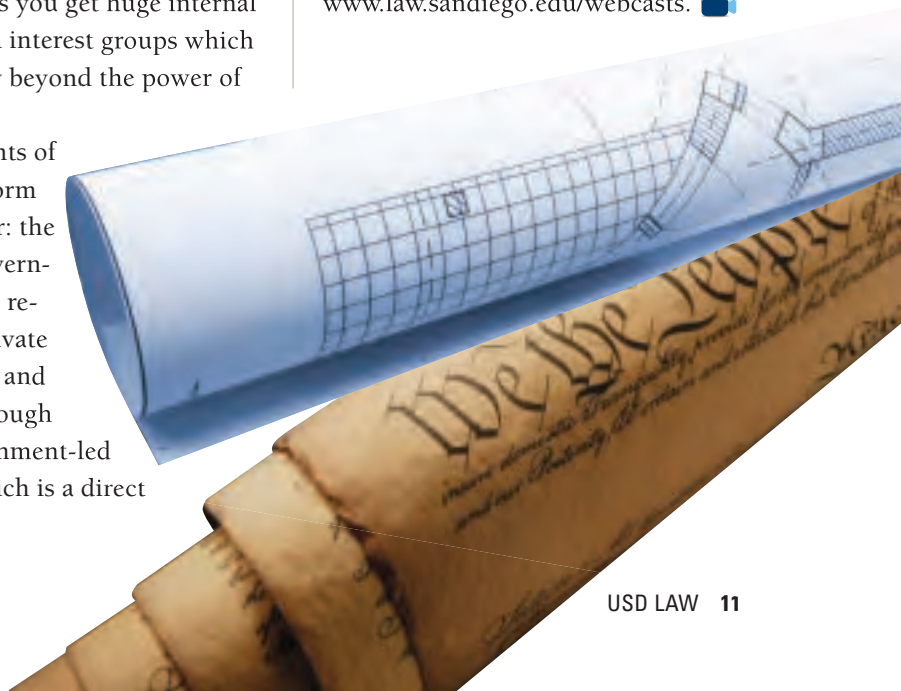
to control the use of subsidies with respect to the way government activities are undertaken,” said Epstein. “I have always been somebody who thought that distributions of wealth from the government ought to be subject to some degree of constitutional scrutiny. Because otherwise what you do is you get huge internal transfers from interest groups which are essentially beyond the power of the state.”

The elements of the perfect storm come together: the process of government, the real resistance to private development, and the run-it-through style of government-led projects—which is a direct

response to the former—combined with the ideas that zoning kills everything, that something dramatic needs to happen to jumpstart a community, and that no private developer will step forward to help unless an iron ticket is given. “The only way we’re going to give them the iron ticket is to essentially knock down all of our processes of resistance,” said Epstein, which he contends begins the whole cycle again.

To exemplify his theory, Epstein continued his lecture referencing two important federal cases: the U.S. Supreme Court’s landmark 2005 *Kelo v. City of New London* decision, which refused to limit the government’s eminent domain power with respect to allowing private property to be handed over to a private developer, and the ongoing *Goldstein v. Pataki* case, in which 13 residents and business owners stand in opposition to a massive \$4 billion redevelopment project in Brooklyn, N.Y.

To watch the Bernard Siegan Memorial Conference keynote address in its entirety, go to www.law.sandiego.edu/webcasts. 



Brunch with the Bench

Students Given Opportunity to Interact with Ninth Circuit Judge

By Jeremiah Newcomb

The Honorable M. Margaret McKeown, Circuit Judge of the United States Court of Appeals for the Ninth Circuit, met informally with students for brunch on November 12 and 26, 2007, to discuss law, careers and life. In her role as the 2007-08 USD School of Law Jurist-in-Residence, Judge McKeown offers a judicial viewpoint to the students and faculty, bringing her unique perspective not only directly to law students but also to the law school's academic programs and faculty colloquia.

Judge McKeown was appointed to the United States Court of Appeals for the Ninth Circuit by President Bill Clinton and was confirmed by the United States Senate in 1998. She serves on the Judicial Conference of the United States Codes of Conduct Committee, the board of the Federal Judges Association, and the ABA Committee on Federal Judicial Improvements. Before her appointment to the bench, she served as a White House Fellow and was a partner in the Seattle and Washington, D.C., offices of the Perkins Coie law firm. Her practice focused on complex litigation, intellectual property, antitrust and trade regulation. She is a Phi Beta Kappa graduate from the University of Wyoming and earned her Juris Doctorate from the Georgetown University Law Center. She also holds an honorary doctorate from Georgetown University.



The Honorable M. Margaret McKeown

During the brunches, Judge McKeown shared with students the personal and professional experiences that led her to a successful career in law. Of particular influence to the judge was a three-year stint during her undergraduate studies when she worked for U.S. Senator Cliff Hansen's (R-Wyo.) office in Laramie, Wyo. She gained an appreciation for the legislative process from the inside.

Once out of law school, the judge worked for California Rural Legal Assistance helping the rural poor and eventually began working for the Seattle-based law firm of Perkins Coie.

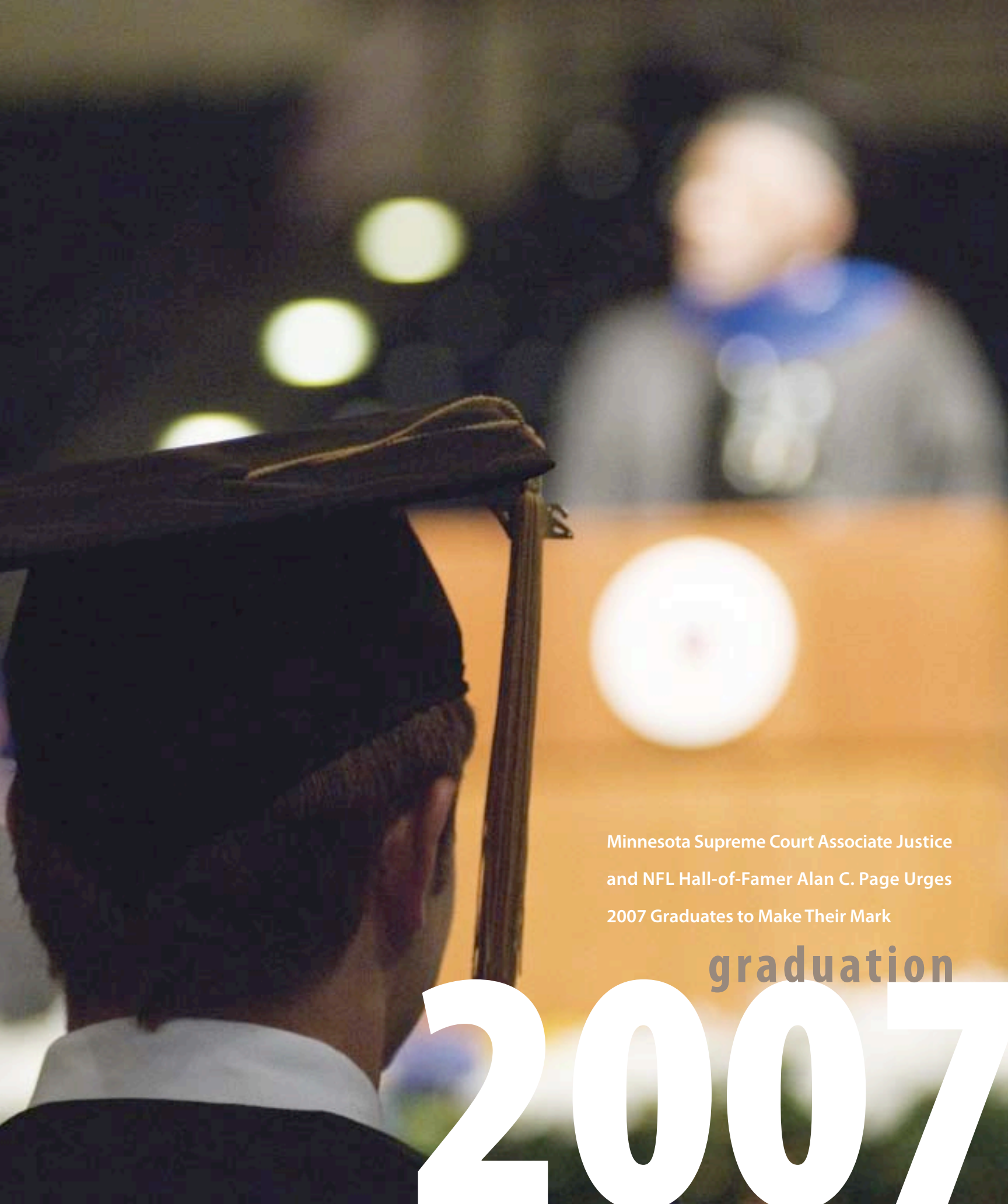
McKeown was granted a leave of absence from Perkins Coie to accept a prestigious White House Fellowship under then President Jimmy Carter and worked as a special assis-

tant to the secretary of the interior. While there, she made many of the important contacts that eventually helped secure her current position as a circuit judge. During her tenure at the Department of the Interior, McKeown helped push through Congress the Alaska Lands Act in 1980.

When the circuit judge position at the Ninth Circuit Court of Appeals was announced, McKeown wasn't sure she could obtain it. A friend encouraged her to try for the position and provided guidance on calls to make and steps to take, which the judge wrote down on a small napkin as they were having lunch. Apprehensive about possibly failing, she found the inspiration to apply for the position from a small decorative tile the judge had at home which said, "When you're out on a limb the world is at your feet."

The Ninth Circuit Court of Appeals hears cases in Seattle, San Francisco and Pasadena, Calif. Constantly on the go, Judge McKeown is usually busy reading cases and briefs and writing opinions. She has four clerks and two externs to assist her. She also manages to fit into her schedule teaching the Constitution and the Internet at USD School of Law.

Judge McKeown will again meet with students for the spring semester's installment of Brunch with the Bench in February and April of 2008.



Minnesota Supreme Court Associate Justice
and NFL Hall-of-Famer Alan C. Page Urges
2007 Graduates to Make Their Mark

graduation

2007



Minnesota Supreme Court Associate Justice and former NFL Hall-of-Famer Alan C. Page addressed the class of 2007.

“Although I graduated from law school 29 years ago, I can still appreciate the conflicting emotions that I suspect today’s graduates are feeling,” began Minnesota Supreme Court Associate Justice and National Football League (NFL) Hall-of-Famer Alan C. Page in his address at the commencement of the University of San Diego School of Law’s class of 2007 on May 26, 2007. “From the relief of having no more classes, no more finals and most importantly, no more tuition to the sense of accomplishment and pride that we all share this morning, to the anticipation coupled with the fear that comes with new beginnings.”

A 1978 graduate of the University of Minnesota Law School, Justice Page reached the pinnacle of success in two completely different careers: professional football and jurisprudence. He earned his Juris Doctorate while playing professional football full-time as a leading defensive lineman in the NFL. Known to many as a member of the “Purple People Eaters,” Page played for the Minnesota Vikings from 1967 to 1978. He also played for the Chicago Bears from 1978 until 1981.

After serving in private practice and as an assistant attorney general for the State of Minnesota, Page was elected an associate justice of the Minnesota Supreme Court in 1992 and was re-elected in 1998 and 2004. He holds the record as the biggest vote-getter in Minnesota history.

When asked in an interview prior to the commencement ceremony which career he enjoys more, the Hall of Fame NFL lineman or the Minnesota Supreme Court justice, he is unwavering in his response:

“My time in professional football was fun and entertaining,” said Page. “But there’s no comparison. ... I enjoy this so much more. There’s lasting value. For the work I do now, I go back through 100 years of cases to figure out why the law is what it is today. One hundred years from now, maybe they’ll be looking back at what I did today. You never know, but hopefully it will stand the test of time.”

Speaking to the audience of more than 1,500, Justice Page gave graduates one last lesson as well as offered timely,



**Class of 2007 Valedictorian
Katherine Elizabeth Payerle.**



2007

meaningful words of advice to men and women entering the legal profession. He noted that the 2007 graduating class will be challenged like no other class before it, both professionally and personally, and remarked that individuals of the class will be thrust into a world that will test their judgment, their beliefs and their moral fiber time and time again.

“Although law school teaches you to think like a lawyer,” Page pointed out, “it is out in the real world where you will learn to behave like a lawyer; and along the way, you will be faced with many ethical challenges.”

Page asked students not to ignore large and small ethical issues while practicing law. He challenged them to pay attention and to take action to fix professional problems throughout their legal careers.

As an example, Page brought the current issue of judicial independence and the problems inherent in the election, rather than the appointment, of judges. He remarked upon the difficult challenges ahead and emphasized that it is his duty and the duty of other legal practitioners to address and resolve the conflicts of interest for the sake of contemporary and future generations.

Justice Page implored students to consider how the slightest of actions, good or bad, speaks volumes to the character of the individual and to the profession as a whole.

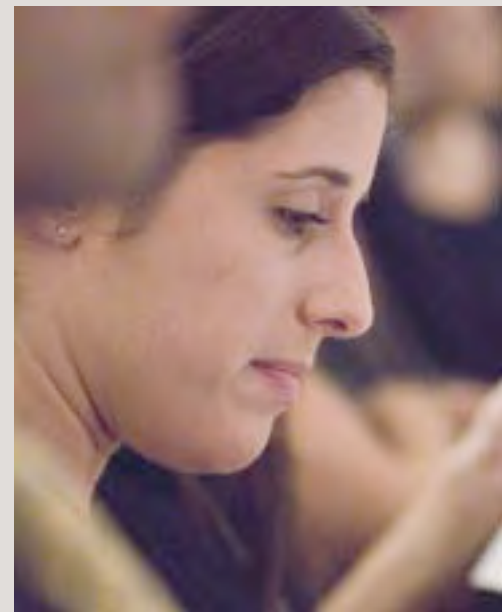
“What can you, today’s graduates, today’s aspiring future lawyers do?” asked Page. “I believe the steps we take individually can be significant. Ultimately, the problems we face as a society are people problems, and they will be solved by people like me and people like you.”

Justice Page urged graduates to make their own positive mark on the world. He noted that law school graduates are among the privileged few, and as such, Page believes there is an obligation to use that privilege to do good.

“You have the power to change the future,” said Page, “and our destiny is inextricably linked with your willingness to give of yourselves. As Dr. Seuss said in *The Lorax*, ‘Unless someone like you cares a whole awful lot, nothing is going to get better. It’s not!’”



2007 awards



FACULTY AWARDS:

2006-2007 Thorsnes Prize for Excellence
in Teaching: Professor Steven Hartwell

2006-2007 Award to a Visitor for
Excellence in Teaching: Visiting
Professor Jane Henning

2006-2007 Thorsnes Prize for
Outstanding Legal Scholarship:
Professor Michael Ramsey

GRADUATION AWARDS:

Leadership and Service Awards

San Diego Law Review, Editor-in-Chief:
Aimée E. Axelrod

San Diego International Law Journal,
Editor-in-Chief: Shanish M. Aloor
Motions, Editor-in-Chief:

Jared D. Ackley
Appellate Moot Court, Chair:
Mark G. Rackers

Student Bar Association, President:
Angeline N. Anastasopoulos

Law Alumni Association

Service Award

For outstanding service to the law
school: Angeline N. Anastasopoulos

Dean's Distinguished Service Awards

For voluminous contributions to the
life of the law school: Rose M.
Carrión and Kirsten L. Widner

Owen Stark Heriot Award

For the outstanding student who is a
veteran or current member of the
Armed Forces: John A. Tierney

Alec L. Cory Pro Bono Award

For contributions to pro bono
causes during law school:
Kimberly R. Etchepare

Clinic Awards

Outstanding Civil Clinic Intern:

Jennifer L. Hammond

Outstanding Criminal Clinic Intern:

Christopher M. Busch (Defense) and
Kimberly R. Etchepare (Prosecution)

Outstanding Entrepreneurship Clinic
Intern: Katie Jo Parris

Outstanding Environmental Clinic
Intern, the Professor Robert &
Dolores Simmons Award:

Laura M. Lorber

Outstanding Immigration Clinic
Intern: Julie C. Contreras

Outstanding Land Use Clinic Intern:
Renata S. Ortiz

Outstanding Mental Health Clinic
Intern: Edward Tsang

Outstanding Small Claims Clinic
Intern: Sondra R. Levine

Outstanding Special Education Clinic
Intern: Maryam Mojgani

Outstanding Tax Clinic Intern:
Bert R. Willert

Public Interest Law Awards

Outstanding Contributor to the
California Regulatory Law Reporter:
Bradley B. Johnson and Crystal
F. Muhlenkamp

Outstanding Public Interest Advocate
Award: Bradley B. Johnson,
Crystal F. Muhlenkamp and Sarah
Dodge Speed

James A. D'Angelo Outstanding Child Advocate Award

Jenna H. Leyton, Erin L. Palacios,
Edward Tsang and Kirsten
L. Widner

Community Defenders, Inc. Award

For demonstrated commitment to
indigent criminal defense:
Jacob M. Evans



International Academy of Trial Lawyers Award

For excellence in advocacy courses and as an advocate in actual trials:
Sondra R. Levine

American Board of Trial Advocates Award

For the outstanding team competing in an intramural or national trial competition: Samantha S. Campbell, Kristie L. Nikoletich, Sandra M. Peña and Christine H. Yung

Michael T. Thorsnes Trial Advocacy Award

For the outstanding National Mock Trial team member:
Samantha S. Campbell

Rosen Saba, LLP Award

Award Donor: Ryan D. Saba, '97
For outstanding contributions to and support of the Mock Trial Team and its members: Hannah J. Cole

Order of Barristers

For demonstrated excellence in appellate and/or trial advocacy:
Laura E. Beatty, Samantha S. Campbell, Rory J. Diamond, Michael J. Etchepare, Vanessa C. Maync, Kristie L. Nikoletich, Katherine E. Payerle, Sandra M.

Peña, Mark G. Rackers and Kirsten L. Widner
Statue of Justice: Mark G. Rackers
Irvin J. Kahn Award

For the outstanding student in real property courses:
Jonathan P. McSherry

Ralph Gano Miller '58 Tax Award

For the outstanding student in taxation law courses: Benjamin S. Green and Brandon A. Ketterman

Virginia C. Nelson Graduation Prize in Advanced Advocacy

For the outstanding student in advanced advocacy courses:
Leslie Flint

Randolph A. Read Law and Psychiatry Award

For the outstanding student contribution to Law and Psychiatry:
Edward Tsang

James R. Webb Environmental Law Award

For the outstanding student in environmental law courses:
Mekaela Mahoney

Masters of Laws: Paul, Plevin, Sullivan & Connaughton Award

For the highest cumulative grade point average in the general Master of

Laws, Master of Laws in Business & Corporate Law, or Master of Laws in International Law programs:
Johnny M. Nilsen

Masters of Laws: David Froman & Sandra M. Wagner Comparative Law Award

For the highest cumulative grade point Average in the Master of Laws in Comparative Law program:
Sonia Gabriele

Masters of Laws: Dean's Tax Scholar Award

For the highest cumulative grade point average in the Master of Laws in Taxation program: DeEtte L. Loeffler

Judge Gerald Brown

Progress Award

For the student with the greatest increase in grade point average, first to third year: Chrysta L. Elliot

Scholarship Awards for the Highest Cumulative Grade Point Average

Evening Division: Karen M. Harkins Slocomb

Day Division: Katherine E. Payerle

Valedictorian Award

Katherine E. Payerle



STUDENT SERVICES RECOGNITION

Appellate Moot Court Board

Chair: Mark G. Rackers

Members: Tessie Abraham, Aileen M.

Banellis, Laura E. Beatty, Lauren F. Byerts, Ryan C. Caplan, Rory J. Diamond, Katherine L. Dwyer, Lindsay J. Foster, Haley L. Frasca, A. Chandelle Konstanzer, Vanessa C. Maync, Alaina L. McDonald, Christopher M. Moffitt, Kristie L. Nikoletich, Alanna J. Pearl, Mark G. Rackers, Marvin L. Roeder, Sara N. Vokshori, Brian S. Weisel, Kirsten L. Widner, Ana M. Yeager

Mock Trial Team

Members: Samantha S. Campbell, Hannah J. Cole, Michael J. Etchepare, Leslie A. Flint, Trevor M. Flynn, Byron R. Holz, Conor J. Hulburt, Kristie L. Nikoletich, Sean C. Oswill, Katherine E. Payerle, Sandra M. Peña, Alexa K. Treichel, Anne L. Warner, Susan B. Winkelman, Christine H. Yung

Negotiations Team

Members: Angeline N. Anastasopoulos, Brian M. Katusian, Chad L. Schroedl, Jonathan F. Siladi

Vis Moot Arbitration Team

Members: Dustin R. Jones, Sondra R. Levine, Maria E. Mahecha, Peter A. Rosel

Journal of Contemporary Legal Issues

Editors: Jared D. Ackley, Brian S. Fong, Rebekah E. Goshorn, Joshua A. Zatkin-Steres

Motions, Law Student Newspaper

Editor-in-Chief: Jared D. Ackley
Editors: Jared D. Ackley, Edward Tsang

San Diego International Law Journal

Editor-in-Chief: Shanish M. Aloor
Editors: Matthew J. Bresnahan, Mary Hess Eliason, David E. Fuchs, Joanna M. Gesikowski, Adrienne E. Johns, David P. Kaiser, Brandon A. Ketterman, Patrick F. Lavery, Vanessa C. Maync, Charles T. Meyer, Marguerite E. Middaugh, Kristie L. Nikoletich, Lukas I. Pick

Members: Christopher M. Busch, Aurel deHollan, Chrysta L. Elliott, Michael D. Heller, Christopher R. McCallister (posthumous), Edward J. O'Connor, Sabrina D. Poulos, Delinda R. Tamagni

San Diego Law Review

Editor-in-Chief: Aimée E. Axelrod
Editors: Patricia L. Aguila, Aileen M.

Banellis, Elizabeth M. Nolan Carter, Jeffrey T. Cours, Buck B. Endemann, Brian S. Fong, Karen M. Harkens Slocomb, Mai Oanh Ho, Byron R. Holz, Mikael P. Johnson, Maureen E. Mueller, Jason T. Pequignot, Greta A. Proctor, Danielle M. Refkin, Nathaniel R. Smith, Kristine S. Watson-Tremble, Michael Weitz, Kirsten L. Widner, Christine H. Yung, Joshua A. Zatkin-Steres

Members: Sandra L. Ahinga, Lester J. Anderson, Aileen M. Banellis, Samuel Bluck, Ryan T. Deihl, Rory J. Diamond, Amanda M. Frame, Michael S. Gower, Ryan Z. Keller, Carrie Kreifels, Stacey L. Lang, Catherine E. Learned, Erin E. Maysent, Chris Pinzon, Jason C. Ross, Scott A. Siler, Jed N. Stahl, Christopher R. Sillari, Jonquil L. Urdaz

STUDENT ORGANIZATIONS RECOGNITION

American Association for Justice (formerly Association of Trial Lawyers of America)

Jonathan L. Gerber, Kimberly R. Etchepare, Elizabeth J. Kingsbury, P. Michael Purcurian



Asian Pacific American Law Students Association

Jackson T. Chang, Edward Tsang,
Esther S. Won, Justin K. Yin

Black Law Students Association

Rose M. Carrión, Maya L. Holloway,
Maria E. Mahecha

Business Law Society

Jared D. Ackley, Aimée E. Axelrod,
Theresa E. Johnson

Christian Legal Society

Joshua L. Cornthwaite, Corrie J.
Klekowski, Alanna J. Pearl

Environmental Law Society

Laura M. Lorber

Federalist Society

Michael Bardeen, Dustin M. Monroe,
Sabrina D. Poulos

Intellectual Property Law Association

Mark L. Blake, Jeffrey T. Cours,
Mary Hess Eliason, Byron R. Holz,
Jonquil L. Urdaz

International Law Society

Corina N. Maccarin

Intramural Sports

Charles T. Meyer

J. Reuben Clark Law Society

Mark L. Blake, Matthew S. McNair

La Raza Law Students Association

Rose M. Carrión, Jessica E. Klarer,
Charles A. May, Sandra M. Peña,
Adriana R. Sanchez

Law and Diplomacy Club

Angeline N. Anastasopoulos, Buck B.
Endemann, Michael D. Heller

National Lawyers Guild

Erin L. Palacios, Troy A. Pickard

Negotiations Club

Angeline N. Anastasopoulos, Brian M.
Katusian, Chad L. Schroedl,
Jonathan F. Siladi

Persian-American Law Students Association

Leila L. Daftary, Maryam Mojgani,
P. Michael Purqurian

Phi Alpha Delta National Legal Fraternity

Jessica E. Klarer, Sondra R. Levine,
Maria E. Mahecha

Phi Delta Phi International Legal Fraternity

Sandra L. Ahinga, Jenna H. Leyton

Pro Bono Legal Advocates

Kimberly R. Etchepare, Dawn R. Kim,
Stephanie S. Malme, Corina N.
Maccarin, Marissa M. Nebenzahl,
Erin L. Palacios, Edward Tsang

Public Interest Law Foundation

Rose M. Carrión, Matthew MacRiogh
King, Erin L. Palacios, Brian P.
Weisel, Kirsten L. Widner

Republican Law Students Association

Michael Bardeen, Kendra I. Carney

South Asian Law Students Association

Shanish M. Aloor

Sports and Entertainment Law Society

Theresa E. Johnson

Student Animal Legal Defense Fund

Jalila Aissi, Paul W. Feldman, Sarah
Dodge Speed, Richard C. Stephan

Tax Law Society

Jesse S. Blanco, Nicholas M. Ginger,
Angie S. Lee, Matthew S. McNair,
Elizabeth M. Sales

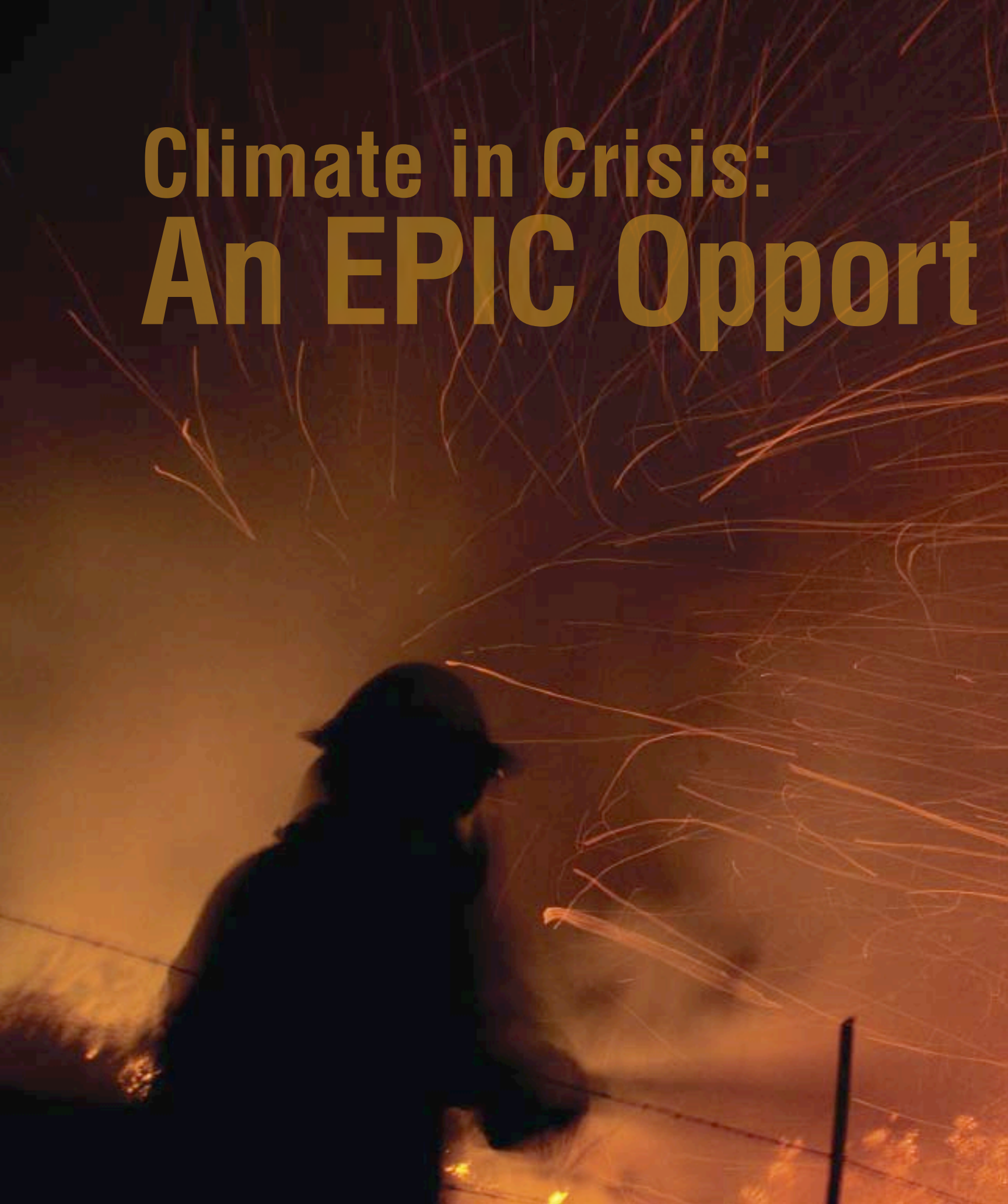
USD Law Young Democrats

Matthew MacRiogh King

Women's Law Caucus

Laura E. Beatty, Samantha S. Campbell,
Erin Drenning, Sondra R. Levine,
Jenna H. Leyton, Nicki N.
Roknifard, Laura A. Slezinger,
Allison L. Snell, Ana M. Yeager,
Alexa S. Zanolli

Climate in Crisis: An EPIC Opport



unity

In October 2007, a series of wildfires blazed through Southern California destroying at least 1,500 homes and more than 500,000 acres of land from Santa Barbara to the Mexican border. Hundreds of thousands of people were evacuated from their homes as 85 mph Santa Ana winds swept fires across the drought-ridden area.

By Ashley Wood and Andrew Adams

From Katrina to the most recent Southern California wildfires, these events may also be changing the way state and federal lawmakers see climate change.

The catastrophic fires were partly attributed to irregular weather conditions created by the planet's changing climate, according to Ronald Neilson, a professor at Oregon State University and bioclimatologist with the USDA Forest Service. "Greenhouse gases" such as carbon dioxide emissions from the burning of fossil fuels for energy have been directly linked to the earth's rising temperature.

"Think globally, act locally" is no longer just a bumper sticker. It's a mantra that reminds us energy usage and climate change are increasingly becoming a part of our everyday lives.

Scott Anders, director of the USD School of Law's Energy Policy Initiatives Center (EPIC), knows all too well that the quest to reverse the global warming trend is more urgent than ever.

"In October 2003, our house burned to the ground when the Cedar fire swept through Lakeside," explained Anders. "Environmental disasters like these are changing the way the San Diego region thinks about climate change."

From Katrina to the most recent Southern California wildfires, these events may also be changing the way state and federal lawmakers see climate change.

"We have seen significant activity at both the state and federal levels regarding climate change policies," Anders said. "No one knows how this area of law and policy will develop, but there is no question that there will be controversy and litigation."

An EPIC Journey

Anders and the EPIC team monitor regulatory and legislative activity of energy policy issues affecting the San Diego region and California. EPIC also conducts research and analysis on energy related policy and legal issues and offers coursework in energy law and policy. The team serves as a source of legal and policy expertise, providing information in the development of sustainable solutions that will meet future energy needs.

Because energy use creates most of California's greenhouse gases, EPIC also focuses a significant portion of its work on the topic of climate change and the regulatory barriers to alternative energy sources. In October 2006, the center released a first-of-its-kind study that found implementing "smart" communication and control technologies on the electric grid in the San Diego region could provide a cost-effective solution that actually improves reliability.

Then in August 2007, EPIC unveiled a study that explored the regulatory barriers to producing bio-gas from agricultural waste. Manure from California's 1.7 million dairy cows is a major source of methane, a particu-





larly potent greenhouse gas emission with a global warming potential 23 times higher than carbon dioxide. By processing the manure using anaerobic digestion, methane can be captured and used in place of natural gas rather than escaping into the atmosphere. The study provides detailed analysis and recommendations to improve the regulatory processes related to capturing and using methane from cow manure and other organic wastes.

EPIC is also conducting an interdisciplinary project in cooperation with a USD chemistry professor and his students to develop the first greenhouse gas inventory for the entire San Diego region. By providing detailed information about emissions from the electricity, transportation, waste and agricultural sectors, the inventory will help local and regional policy makers develop strategies to reduce the region's carbon footprint. EPIC intends

to update the inventory annually to show trends in regional emissions.

Climate Change Lecture Series

In early November 2007, EPIC and the USD School of Law's Environmental Law Society launched the Climate Change Lecture Series to provide an open forum for discussion about California's climate change and global warming policies. The first speakers in the series included Ken Alex, supervising deputy attorney general in the environmental section of the California Attorney General's office, who discussed his office's efforts to address global warming through legal action, and California Energy Commissioner John Geesman, who discussed the energy policy challenges that California will face as it implements Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006. The

“No one knows how this area of law and policy will develop, but there is no question that there will be controversy and litigation.”

—Scott Anders,
director of EPIC



California has taken the lead amongst states in setting carbon dioxide (CO₂) emission standards for vehicles. Since the adoption of these standards, which have yet to take effect, 15 other states have adopted the tailpipe CO₂ standards.

bill, which was passed in August 2006, requires California to reduce greenhouse gas emissions to 1990 levels by 2020.

In his November 1, 2007, lecture titled, “Global Warming and the Courts: Should the Judicial Branch Weigh in on Global Warming?” Ken Alex stated that the current political climate around climate change has shifted drastically in the last several years.

“In the past, I used to spend 10-20 minutes in each lecture explaining and showcasing the effects of climate change,” said Alex, but he no longer finds the explanation necessary. “People understand what’s going on.” Alex finds it easier to get into the intricate details of the forming debate.

“The question is whether the American legal system is a fair and appropriate place to deal with the issue.” He stated that the answer is both yes and no. “Yes, because states and courts are stepping into the void left by the federal government’s inaction. No, because government is notoriously slow and the matter too complex.”

Either way, individual states and organizations have brought the dispute to the courts, which have ruled that

greenhouse gas emissions are causing global warming and that they can be regulated by federal agencies.

“While there is currently not a single carbon emissions regulation in effect, lawyers must be ready for the upcoming alterations that will become legally enforceable in the next 10 to 15 years.”

Alex stated, “Between now and 2020, we [California] need to reduce our greenhouse gas emissions by one gigaton, which is quite daunting. Litigation is not the answer; however it is an essential part of the solution.”

In his December 8, 2007, speech titled, “Energy Policy Challenges California Will Face in Implementing the California Global Warming Solutions Act,” California Energy Commissioner John Geesman spoke about the technical and legal challenges the state will likely encounter as it seeks to significantly reduce greenhouse gas emissions.

California has taken the lead amongst states in setting carbon dioxide (CO₂) emission standards for vehicles. Since the adoption of these standards, which have yet to take effect, 15 other states have adopted the tailpipe CO₂ standards. Unfortunately, none of the states can enforce these standards until the EPA issues a waiver to each state classifying CO₂ as a pollutant.

In November 2007—the very day Ken Alex spoke at USD—California sued the EPA in hopes of a decision. In mid-December, the EPA denied California’s waiver request. However, even with the lawsuit, experts believe that a waiver will not be granted until a new presidential administration is in office.

“Surprisingly,” said Alex, “many energy producers are supportive of the

measure because it used mobile resources, mostly vehicles, in the targets of greenhouse gas source reductions.”

“But the problems of switching to renewable energy sources do not stop with gasoline,” said Geesman. “The biggest problem in promoting renewable forms of energy is that tax incentives only last one, two or three years. So corporations cannot count on the tax breaks to be there for their long-term plans.”

Geesman analogized by saying that currently, national and state energy decisions are made in the eighth and ninth innings. Governments create five-year plans and then adopt them with three years to go. This makes it impossible for companies to count on the subsidies.

“This is two years late and more than a dollar short,” said Geesman. “We need a stronger game plan that is set when the game begins.”

The California Energy Commission favors using coal as long as its CO₂ emissions are captured and stored and wants the state to take a more tech-friendly approach to examine this resource as a power source, possibly even a clean power source.

Commissioner Geesman also discussed nuclear energy. A new federal bill will provide loan guarantees up to 80 percent of a new nuclear power plant, but developers are unsure if they can even pay for the additional 20 percent without insurance. With all that said, Geesman believes that neither nuclear power nor clean coal will likely be in place in time to contribute to AB 32’s projected milestone of 2020.


Geesman’s closing comments summarized his statements by urging more public involvement. “If the public al-



lows the government to put off goals and to delay important measures, then it will continue to do so forever.”

Funds are currently being raised to help continue the popular lecture series by securing a line-up of nationally recognized speakers to address the many aspects of climate change law and policy.

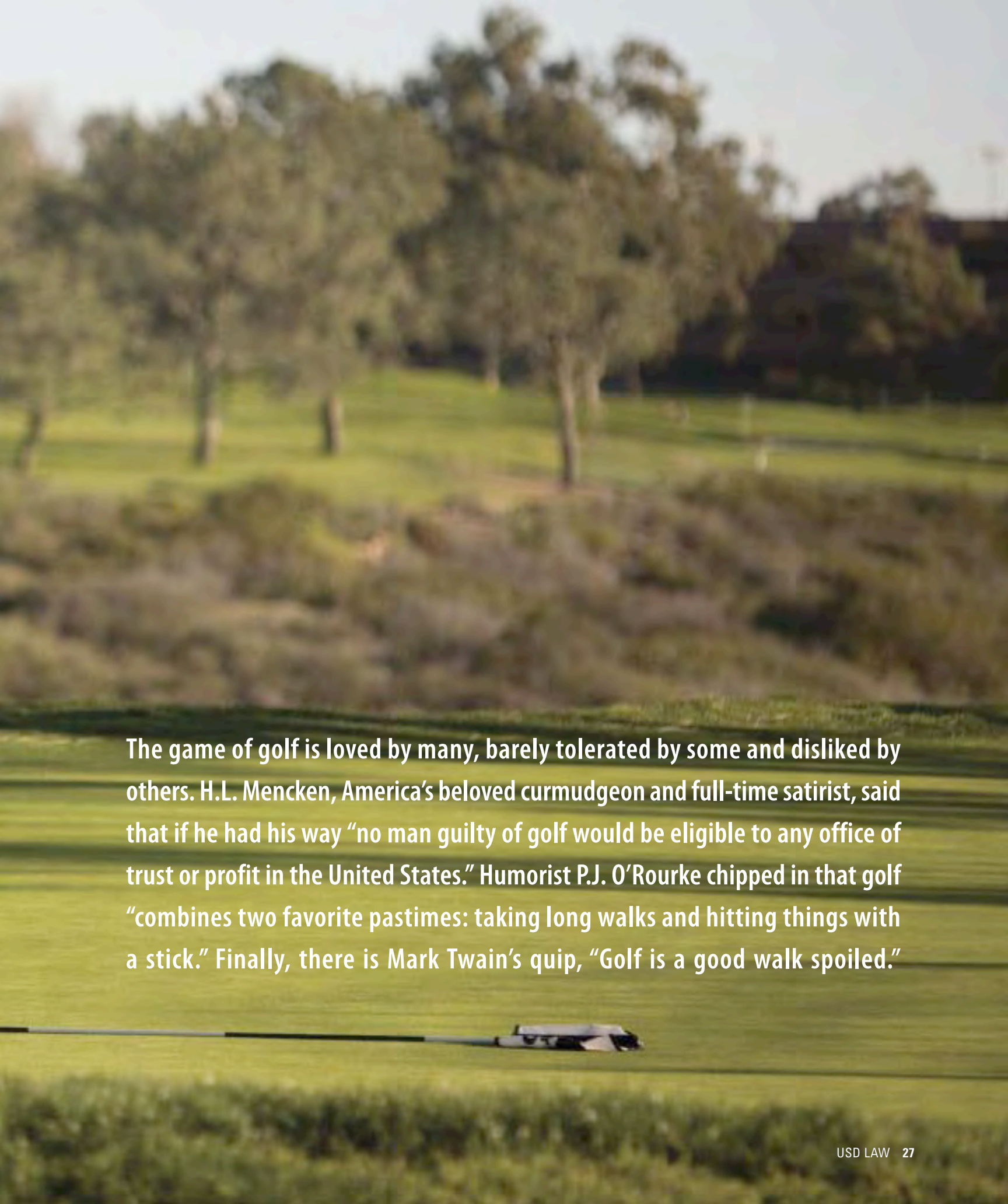
As for the EPIC journey ahead, Anders sees climate change as a long-term problem but one that will create opportunities for attorneys.

“This is an issue that is not going away anytime soon,” said Anders, “and attorneys will play a critical role in developing and complying with the laws and policies that emerge in the coming years. There is a unique opportunity for EPIC and USD School of Law to play a role by contributing to the legal and policy debate through research and analysis and by training the lawyers of the future in this area.” 

The California Energy Commission favors using coal as long as its CO₂ emissions are captured and stored and wants the state to take a more tech-friendly approach to examine this resource as a power source, possibly even a clean power source.

Minan Hits a Hole-in-One with
**The Little Green
Book of Golf Law**





The game of golf is loved by many, barely tolerated by some and disliked by others. H.L. Mencken, America's beloved curmudgeon and full-time satirist, said that if he had his way "no man guilty of golf would be eligible to any office of trust or profit in the United States." Humorist P.J. O'Rourke chipped in that golf "combines two favorite pastimes: taking long walks and hitting things with a stick." Finally, there is Mark Twain's quip, "Golf is a good walk spoiled."

The 1996 film classic *Tin Cup* shows how success can change one's attitude toward the game. During a practice session on the driving range, Dr. Molly Griswold, played by Rene Russo, tells Roy "Tin Cup" McAvoy, played by Kevin Costner, that golf "is, without a doubt, the stupidest, silliest, most idiotic grotesquery masquerading as a game that has ever been invented." Her instructor, "Tin Cup," encourages her to try it again. She then hits a great shot and smiles broadly at her success. She now gets it; golf can be fun.

The Little Green Book of Golf Law—The Real Rules of the Game of Golf was born from USD School of Law Professor John ("Jack") H. Minan's shameless love affair with the game of golf and the law. When he began collecting legal opinions on golf, he did not intend to write a book. But with the passage of time, the project took on a life of its own.

Minan states, "The law is so increasingly complex that no one can keep up with it, not even the most skilled and knowledgeable amongst us. What is needed to break down this impediment is a methodology to make the law more accessible as well as understandable."

Gary McCord, CBS sports analyst and professional golfer, has written the book's foreword. McCord notes that the game was banned by James II of Scotland in the Middle Ages because James thought it distracted the troops from practicing archery. Those who choose to play golf rather than tackle other duties, such as pending chores, understand the king's concern. McCord goes on to say that most golfers today, including himself, like to keep the law at arm's length on the golf course. This avoidance strategy is not always possible. Like it or not, judges and lawyers sometimes get involved.

While legal intervention is occasionally necessary, one does not have to be a lawyer or have legal training to enjoy pondering whether the cases Minan considers are examples of the legal system run amok or are reasonable outcomes to be cheered enthusiastically.

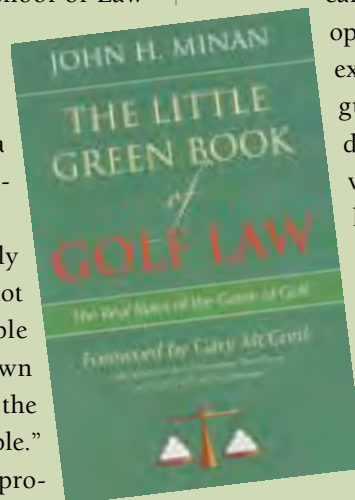
Golf is a sport that often exposes the best in a person or, occasionally, the worst. In no other sport are the players left to determine for themselves whether they are following the rules. An official is not usually around to help a player. Thus, it is not surprising that the game places a premium on knowing the rules and applying them.

Nineteen Golf Cases

Signifying the 18 holes typically played during a round of golf plus one for the visit to the clubhouse bar, the so-called 19th hole, Jack chose 19 published opinions involving golf as the methodology to examine certain legal rules, principles and arguments. His goal was to metaphorically drive down the legal fairway of these individual cases, which are strewn with legal hazards and other obstacles, without straying out of bounds (OB). Those readers with an interest in either golf or the law are invited along for the journey.

Metaphorically called "holes," each chapter explores different facts and legal issues. Because each hole is based on a different set of facts, the chapters are more like short stories than building blocks for a comprehensive legal theory. As a result, they stand alone and may be read in any order without diminishing the reader's enjoyment.

The book contains a broad collection of interesting cases. There are cases, of course, involving personal injuries and property damage that occur on and off the golf course. But there are also cases involving a contract dispute involving a hole-in-one contest, a product liability case for a defective golf club, a criminal prosecution under the endangered species act, a fight over the mandated use of reclaimed water on a golf course, a claim by Tiger Woods based on the right of publicity, and patent and trademark disagreements, just to name a few. There is also a case, *PGA Tour v. Martin*, decided by the Supreme Court of the United States.



The final case, *Dolan v. State Farm Fire & Casualty*, should be especially interesting to anyone who has hoisted a drink or two after finishing a round of golf. A squabble between a drunken player and a golf course employee ended with a physical altercation and a lawsuit. The post-round melee ultimately found its way to the Iowa Supreme Court. “The lesson is simple,” writes Minan. “Don’t get carried away at or from the 19th hole.”

Sprinkled throughout the book are asides intended to bring a smile to the reader’s face. For literature lovers there is the reference to “The Rime of the Ancient Mariner” in the case of the golfer who killed a Nene goose, Hawaii’s state bird and an endangered species. Cartoon characters also make timely appearances. The irascible Looney Tunes character Yosemite Sam counsels anger management, and Fred Flintstone and his Flint-mobile surface in the case involving a golf cart accident.

The observation by the humorist Will Rogers “that the income tax has made more liars out of the American people than golf” shows up in the case involving the dispute with the Internal Revenue Service (IRS) over tax deductions by a wanna-be professional golfer. The IRS liked the taxpayer so much it named the case after him, *Courville v. Commissioner*.

Movies, such as *Sideways* and *Cast Away*, also find their way into the case commentary. The dialogue in the film classic *Caddyshack* is intended to be prescient to the case dealing with acts of God and lightning striking a golfer on a golf course.

Bishop Bickering, played by Henry Wilcoxon, is depicted in the film as fervently hoping to finish his round of golf at Bushwood Country Club. After sinking an unbelievable putt in the middle of a torrential thunder and lightning storm, he asks his caddie Carl Spackler, played by comedian Bill Murray, “Well, what do you think?” Carl says, “I’d keep playing. I don’t think the heavy stuff is going to come down for quite a while.” The bishop confidently replies, “You’re right. Anyway, the good Lord would never disrupt the best game of my life. I’m infallible, young fella.” The good Lord delivers the final punch line in the scene when the bishop is struck by lightning.



The scene reminds readers that art often imitates life. When hit by lightning during the 1975 Western Open, professional golfer Lee Trevino famously thundered, “I should have held up a one-iron. Not even God could hit a one-iron.” But don’t bet on it, just ask Bishop Bickering.

In order to capture core ideas, the legal discussion has been simplified to minimize complexity. For example, the official case involving Tiger Woods’ right of publicity is more than forty pages of single-spaced text. In the book, it is only several pages in length. Consequently, the condensed chapters intentionally lack some of the legal detail available in the official version of the case.

Inside the Rules of Golf

At the end of each hole, there is a section called “Inside the Rules.” It explores certain aspects of the *Rules of Golf*, the official code governing how the game is played. The

United States Golf Association and the Royal and Ancient Golf Club of Saint Andrews interpret, write and revise the *Rules of Golf* every four years. *The Decisions on the Rules of Golf* is provided every two years as another authoritative source governing the game.

Many of the cases correlate to the “Rules” or the “Decisions” discussed within the “Inside the Rules” section of each chapter. In the case of *Hennessey v. Pyne*, for example, the plaintiff sued the defendant because the plaintiff was injured by a golf ball that was hit “out of bounds” (OB) by the defendant. The case provides Minan with the opportunity to review the OB rule of golf. Another example is *Zurla v. Hydel*, where three golfers were playing together as a group. Most people would describe the group as a “three-some.” But, as the reader discovers, the Rules define the term “threesome” differently than conventional usage.

In most instances, a significant difference exists between violating the law and not playing the game according to the rules. As most people appreciate, violating the law is apt to have far more serious consequences. The “Inside the Rules” section is designed to highlight certain aspects of how the game should be played.

“It has been fascinating to me to see the variety of legal issues connected to the game,” says Minan. But a word of caution is appropriate. The book is designed to entertain and educate. It is not a substitute for legal advice. As lawyers know, the law is dynamic. Its application is affected by the facts, as well as applicable statutes and judicial rulings. The law also may vary among states.

Finally, lawyers often disagree as to what a particular case

actually holds or means. These considerations suggest that actual legal problems involving golf should be referred to a lawyer.


Reviewer Howard L. Graham has this to say about the book: “A great read. I thoroughly enjoyed the book. It answers many of the questions I always wondered about the game of golf. The book is written for a general audi-

ence, not lawyers, but will provide invaluable stories to repeat at the 19th hole. Few golfers will ever walk onto a golf course again without being reminded of the legalities of the game if they read this book.

“The literary device the author uses to make this book so readable is a collection of nineteen actual legal court cases crafted into nineteen short stories presented in a style that O. Henry would have enjoyed. These cases track the 18 holes typically played in a ‘stipulated round’ of golf,

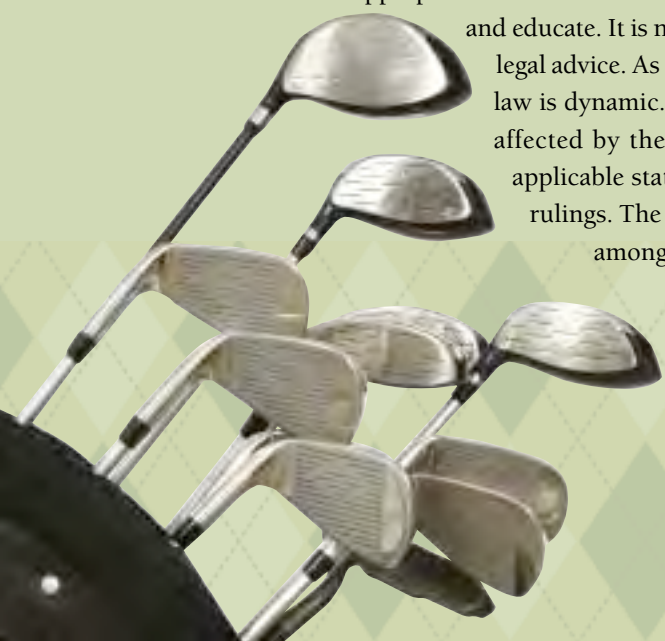
and a story for the favorite ‘hole 19’ of all golfers.”

Sports writer Tod Leonard reviewed the book for *San Diego Union-Tribune* and concludes: “Minan has done a fantastic job with this very original effort, giving us 19 horrible and humorous cases we love to read about and pray that they never happen to us.” Amen to that.

Two months after the book was published, it went into a second printing. In one survey compiled by the American Bar Association, it was ranked eleventh. Minan has been speaking to lawyers and corporate groups about the book. In early February 2008, for example, he was an invited guest to do book signings at the FBR (Phoenix) Open. 



The Little Green Book of Golf Law—The Real Rules of the Game of Golf is published by the American Bar Association Book Publishing and is available on its web bookstore (www.abanet.org/abastore/). The book is also available on Amazon.com and in bookstores such as Borders and Barnes and Noble.



DUI:



Doctors Under the Influence

By Sarah Severson



In the popular television show “House,” the main character is a brilliant but Vicodin-addicted doctor who continues to practice medicine while dealing—or not dealing—with his addiction. The unbelievable situation makes for good television drama, but we all know Dr. House is not real. He is a fictitious character, a theatrical device used to tell a story. We know this because in the real world, a known substance-abusing doctor wouldn’t be allowed to practice medicine. Not necessarily.

In California, a state-sanctioned program allows doctors with substance abuse issues to continue practicing while they participate in recovery programs.

Meet the Diversion Program of the Medical Board of California—the state physician licensing

agency charged with consumer protection as its highest priority. Created in 1980, the program was designed to encourage substance abusing physicians to seek treatment voluntarily or—in cases where substance abuse was reported by a hospital, physician’s spouse, staff or patient—the Medical Board could require mandatory participation as a disciplinary measure.

Participating physicians are required to enter into a contractual agreement to abide by certain conditions. For its part, the Medical Board is charged with monitoring participants: making sure physicians are undergoing treatment, keeping tabs on their required attendance at group therapy meetings, conducting random drug tests and receiving progress reports from physicians’ worksite monitors and treatment providers. By agreeing to honor these contractual requirements, doctors can continue practicing medicine during recovery and are not required to inform patients they have an alcohol or substance abuse problem.

However, program critics claim that the diversion system is flawed. As a result, some patients became unwitting victims of medical errors committed by Diversion Program participants who

PHOTO CREDIT: JEREMY SYKES



The results of Tina Minasian's total body lift by Dr. Brian West.

were practicing medicine and abusing drugs or alcohol at the same time.

Botched Surgery?

Meet Tina Minasian, a young woman who sought the skills of plastic surgeon, Brian West, for a tummy tuck. She trusted West, who had been referred to her as “one of the best,” and he recommended a complex surgery—a total body lift. Minasian put her faith in his judgment and skill.

What she didn't know was that West had been arrested and convicted twice for drunken driving, in one instance when he was driving to the hospital to check on a patient. West entered the Diversion Program in 2001 after his second DUI conviction and was allowed to continue his practice while participating. He performed Minasian's surgery in December 2002.

West's surgery left her infected, disfigured and scarred for life. Minasian said specialists later told her she should never have been considered a candidate for this type of surgery.

“The body lift operation was a total abomination and mutilation of my body,” Minasian says. “He cut me around my entire waistline, like a tree trunk. The stitches were extremely, extremely tight; I could barely move.”

Four months after her surgery, Minasian was shocked to learn that West had closed his practice just outside Sacramento and filed for bankruptcy. She discovered that medical malpractice suits had been filed against him, and that West had secretly been battling alcohol abuse and supposedly participating in the Medical Board's Diversion Program.

West, in fact, had been participating in the Diversion Program. But the loosely designed pro-

gram included loopholes, one of which allowed West to secure approval of his own office manager as his worksite monitor and then direct her to falsify his attendance at required Alcoholics Anonymous meetings.

“If I had known West was a participant, I would not have had him do my surgery,” says Minasian.

Minasian filed suit against West and lost, appealed the case and lost again. She says it is astonishing to her that West can still practice

medicine after lawsuits, Medical Board disciplinary action and two convictions for driving under the influence.

Raising Public Awareness

To raise public awareness, Minasian created the Web site, medicalcomplaint.blogspot.com. It catalogs complaints by other former patients of West who have lingering problems

and grotesque scars. In many of the stories, individuals report they were suspicious when they smelled alcohol on the doctor's breath, but they trusted him because he is a licensed physician. The Web site's accompanying pictures are graphic and horrifying, vividly showing complications that seriously impaired patients' quality of life.

Minasian has received calls and e-mails from more than 100 patients who also had bad experiences at the hands of Dr. West, including more than a dozen people recently treated at his new location in Los Angeles. While it has never been proven that West made any or all of these serious errors while under the influence of alcohol, she believes that many of the cases occurred during his participation in the Diversion Program.

The good news is Minasian's wish to change the system is about to come true.

“If I had known [Dr.] West was a participant [in the Medical Board's Diversion Program], I would not have had him do my surgery.”

—Tina Minasian



One Doctor's Struggle with Alcohol

The following timeline was developed from the "factual findings" section of a decision filed in October 2005, by the Medical Board of California (MBC) and subsequent accusations formally against Dr. Brian West:

November 1987: West convicted of misdemeanor drunken driving for having a blood alcohol count of .137 while driving in Washoe County, Nev.

February 1989: MBC issues a physician's license to West.

July 2000: According to California Highway Patrol records, West involved in traffic accident on his way to his medical practice in Sacramento, Calif., and arrested. When tested for alcohol, he recorded a .19 (more than two times the legal limit) blood alcohol level.

June 2001: West pleads no contest and convicted for misdemeanor drunken driving for the July 2000 arrest. Instead of taking disciplinary action against his license, MBC investigative staff refers West to the Diversion Program. West signs an agreement to:

- Abstain from alcohol use
- Immediately report by telephone to the program all "slips" from total abstinence before confrontation or scientific evidence of use
- Provide observed biological fluid samples on request
- Remain in the program for a period of five years
- Restrict practice to two days per week, and upon completion of phase II treatment, three days per week
- Not change present place or manner of employment without prior approval of the program

January 2002 to October 2002: West directs his office manager (who is also his program-approved "worksite monitor") to under-report the actual number of hours he worked in his medical office in submissions to the Diversion Program manager.

October 2002 to March 2003: West continues to direct his office manager to under-report the actual numbers of hours worked, and also to falsify Alcohol Anonymous sign-in logs to reflect his attendance at meetings he had not attended.

April 2003: West sends letter to the Diversion Program stating that he had been clean and sober since April 2002 and revealed that he was seeking an appointment to the U.S. Air Force.

June 2003: West completes treatment at the Betty Ford Clinic.

2003: West meets with the Diversion Evaluation Committee (DEC) to discuss his desire to obtain a commission to the Air Force. DEC requires West to stay in contact with case manager until the request is reviewed.

August 2003: West is appointed an officer in the U.S. Air Force.

November 2003: West writes letter to Diversion Program restating his sobriety date as April 30, 2002, and requesting that the frequency of his urine tests and diversion group meetings be reduced.

December 2003: West tests positive for alcohol, acknowledges his positive tests and characterizes his ingestion as a "relapse."

March 6, 2004: West tests positive for alcohol.

March 15, 2004: West tests positive for alcohol.

April 4, 2004: West tests positive for alcohol.

April 15, 2004: Diversion Program manager notifies West that he must enter inpatient treatment by April 19, 2004. As an active duty member of the U.S. Air Force, West unable to secure the necessary leave to attend this program.

April 20, 2004: West terminated from the Diversion Program.

August 2004: MBC files accusation alleging that West is subject to discipline for repeated DUI convictions, non-compliance with the agreement he signed to enter the Diversion Program and various acts of dishonesty.

June 2005: West obtains leave from the U.S. Air Force and successfully completes a 28-day inpatient treatment program in St. Helena, Calif. West states that he regularly participates in Alcoholics Anonymous and a church group that focuses on the recovery of alcoholics.

October 17, 2005: Medical Board revokes West's license but stays the revocation, instead placing his license on probation for five years. West ordered to participate in the Air Force's diversion program while on active duty, sign a release authorizing the Air Force to share information on his program performance with MBC and re-enroll in MBC's diversion program immediately upon his discharge from active duty.

November 17, 2005: MBC's order placing West's license on probation through 2010 becomes effective.

February 2007: MBC files new accusation against West's license, alleging numerous patient inquiries due to gross negligence and incompetence, as well as unprofessional conduct for lying to MBC's investigator about the circumstances of the July 2000 traffic accident.

April 2008: MCB schedules hearing on new charges against West.



For the last 20 years, Julie D'Angelo Fellmeth has attended Medical Board of California meetings, growing increasingly concerned by the board's discussions of the Diversion Program.

Taking on the System

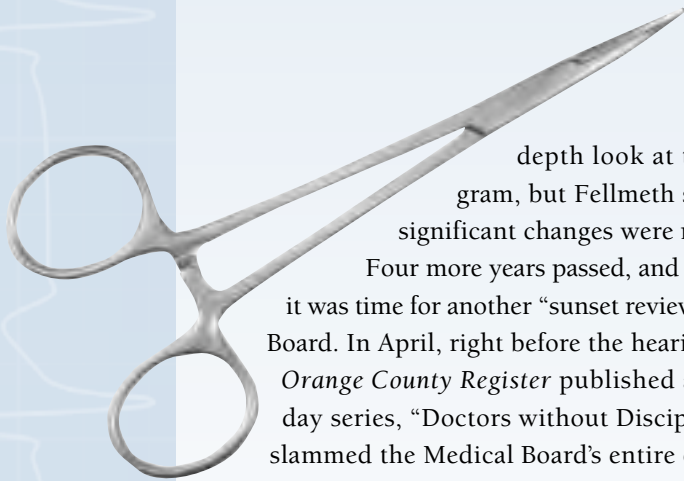
Meet Julie D'Angelo Fellmeth (USD B.A., 1976, J.D. 1983), the administrative director of USD School of Law's Center for Public Interest Law (CPIL), whose advocacy work is one of the main reasons the Diversion Program is scheduled to end in mid-2008.

Since 1986, Fellmeth has directed the clinical component of CPIL, in which student interns monitor California agencies that regulate business, professions and trades. Early on in her career, Fellmeth took a special interest in the Medical Board. For the last 20 years, she has attended California Medical Board meetings, growing increasingly concerned by the board's discussions of the Diversion Program. Fellmeth was dissatisfied with the program directors' vague reports.

"I raised a lot of questions at public board meetings and no one had answers," she says. "No one knew how this program really worked."

In 1993, Fellmeth heard some information that "alerted [her] antenna to mischief." The California Highway Patrol released an audit of the Medical Board's enforcement program. As part of its investigation, the report cited several allegations of misconduct and corruption within the Diversion Program, revealing conflicts of interest, possible corruption and mismanagement.

Four years after the audit, the program was due for a "sunset review" where the Medical Board had to justify the program's existence to the state legislature. Fellmeth submitted 35 pages of testimony that critiqued the Diversion Program—the first time the program had been questioned in a public setting outside of Medical Board meetings. She also wrote an article for CPIL's journal, *California Regulatory Law Reporter*, published in 1998, about the program's problems. The Medical Board created an internal task force to take an in-



depth look at the program, but Fellmeth says few significant changes were made.

Four more years passed, and in 2002, it was time for another “sunset review” of the Board. In April, right before the hearings, the *Orange County Register* published a multi-day series, “Doctors without Discipline.” It slammed the Medical Board’s entire enforcement program, leading the California legislature to create an “enforcement monitor” who would serve as an external auditor vested with significant investigative authority and charged with auditing the board’s enforcement and diversion programs. After a competitive bidding process, Fellmeth was selected because of her vast knowledge and understanding of the board and its practices. Throughout her two-year appointment, Fellmeth performed an extensive audit of the program and discovered some major problems.

Fellmeth found that the Diversion Program was chronically understaffed, making it difficult to adequately monitor participants. The program’s computer tracking system was riddled with errors, lapses and gaps in its recordkeeping and staff never double-checked results or files.

Drug tests were administered infrequently and often on days that could be easily anticipated by participating doctors. Sixty percent of drug tests were not done on computer-generated random dates. There were no standards or criteria for objective “worksite monitors,” many of whom were related to or worked for the doctor. There was no consistent policy to address doctors’ relapses and no follow-up or tracking of those who had successfully or unsuccessfully finished the program. The Board had no way of measuring whether the program was actually helping doctors recover from substance abuse.

“They were spending \$1.4 million on the program each year, but had no idea whether it was effective,” Fellmeth says.

Following Fellmeth’s final report in 2005, the California legislature imposed a two-year deadline for the Medical Board to make improvements to the Diversion Program. In 2007, the California state auditor evaluated the Diversion Program and reported on June 7 that the program had received another failing grade. This audit found many of the same problems identified in Fellmeth’s reports a few years back. One alarming finding was that the participants who tested positive for drugs were not always removed from practice. In fact, the audit found that out of a sample of 12 physicians who tested positive, only three were removed from medical practice.

In July 2007, the Medical Board met to discuss the audit’s findings. Fellmeth urged the board to abolish the program. She was joined by victims of physicians with substance abuse problems (including Minasian), many of whom came forward for the first time. On July 26, 2007, the board voted unanimously to abolish the current Diversion Program, effective June 30, 2008.

“The Medical Board’s decision to abolish this program has stunned the medical community across the country,” says Fellmeth. “Almost every state in the nation has a physician diversion program. But the diversion concept is flawed. How is it possible that state agencies charged with public protection as their highest priority could permit impaired physicians to practice medicine while shielding their identities from patients? Confidential diversion does not protect patients and is certainly not the role of the state. It is the antithesis of the purpose of the state, which is to protect patients.”

Postscript

The California Medical Association and other organized physician groups intend to petition the California legislature to create another physician diversion program. Fellmeth and CPIL will continue to be active advocates for patient protection and public safety. 





faculty ESSAYS

What a Police Training Manual Has to Say About Torture

By Yale Kamisar



In recent years, few issues have been debated more frequently and more vigorously than the use of torture—especially an interrogation technique known as waterboarding—to extract information from suspected terrorists. (Waterboarding occurs when a detainee is strapped to a board, his face is covered with a cloth and water is poured over the cloth to produce a feeling of imminent drowning.) But despite widespread discussion of this issue, uncertainty persists.

Last month, Steven G. Bradbury, the acting head of the Justice Department's Office of Legal Counsel, told a congressional committee that waterboarding is no longer one of the interrogation techniques authorized to be used on terrorism suspects. When questioned further, however, Bradbury conceded that the Justice Department had not yet decided whether waterboarding was still a lawful technique. A few weeks earlier, both Central Intelligence Agency (CIA) Director Michael Hayden and Attorney General Michael Mukasey also told Congress that the legality of waterboarding was an unresolved matter. However, Director of National Intelligence Michael McConnell did make a contribution to the debate—albeit a small one—when he told a reporter: “Whether it's torture by anybody else's definition, for me it would be torture.”

In a February 17, 2008, *New York Times* op-ed piece, Colonel Morris Davis, the chief prosecutor for the military commissions at Guantánamo Bay, Cuba, disclosed that his

policy was that “evidence derived through waterboarding was off limits.” But he quickly added that he had been “overruled on the question” and had then resigned his position “to call attention to the issue.” On two recent occasions, the legal adviser for the military commissions, Brigadier General Thomas Hartmann, has refused to rule out the use of evidence acquired through waterboarding.

At the moment, President Bush is considering whether to veto a bill that would prohibit the CIA from using waterboarding and other harsh interrogation methods. A number of commentators have added to the confusion by insisting that, even if the bill is vetoed, waterboarding and other cruel and degrading interrogation techniques are already banned by the Detainee Treatment Act of 2005.

Earlier torture by the police

This is not the first time Americans have debated the need for, and the desirability of, torture as an interrogation method. Richard Leo, both a law professor and a criminologist, discusses the history of police torture in the United States at considerable length in his illuminating new book, *Police Interrogation and American Justice* (2008). Leo states that in the first-third of the past century, the fact that police resorted to torture—in those days it was often called the “third degree”—was hotly disputed.

As Leo points out, when the Wickersham Commission Report was published in 1931—detailing the widespread use of harsh and often violent police interrogation methods—some police officials responded as follows: first, there wasn't

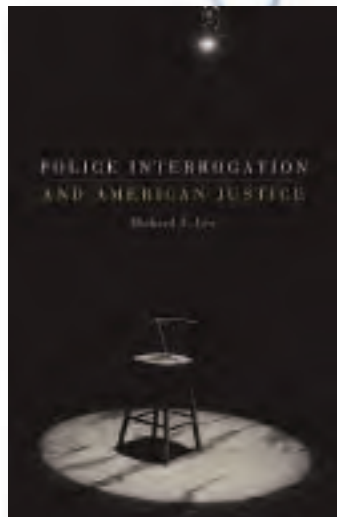
any third degree; second, the police couldn't do their work without it. (Sound familiar?)

It is noteworthy that a tactic the police used in the 1920s and 1930s closely resembled waterboarding. Called the "water cure," it involved holding a suspect's head in water until he almost drowned or putting a hose into his mouth or even down his throat. Sometimes the police forced a suspect to lie on his back and poured water into his nostrils.

As did the CIA after September 11, 2001 (at least for a while), during the era of the third degree, the police also staged mock executions. A suspect might hear screams or the thud of falling bodies coming from an adjacent room. The message was clear: the suspect would get the same treatment if he did not confess.

Most high-ranking law enforcement officials eventually came to realize that the third degree had become, as Leo puts it, "a black mark on the image of policing" and had to be abolished. Thus began the long struggle to replace the old ways with the techniques and strategies of psychological interrogation. In this regard, the police were aided by the publication of various interrogation manuals. By discussing which methods were appropriate and which were not and why they were not, these manuals contributed greatly to the culture of police interrogation.

When Leo made several references to a training manual I had not heard of before, one written by a California police lieutenant named W.R. Kidd, I soon obtained a copy. I found it so interesting that I read it from cover to cover in one sitting. Kidd treated torture and the old third degree interchangeably. He had quite a bit to say about each—and none of it was good. Tor-



“Under sufficient torture, a man will tell you anything you want to know. If you build your case on this ‘confession’ you may [later] find that the man could not possibly have committed the crime. . . . Public confidence in the police is shattered if knowledge of such methods is publicized.”


—W.R. Kidd

ture, noted Kidd, “may consist of beatings; of long grillings by relays of interrogators under blinding lights; or locking the prisoner up in a dungeon without food or water for long periods of time.” When should these techniques be used to extract a confession from a prisoner? According to Kidd, the answer is never. Why so?

“Because torture does not produce the truth,” stated Kidd. “Under sufficient torture, a man will tell you anything you want to know. If you build your case on this ‘confession’ you may [later] find that the man could not possibly have committed the crime. . . . Public confidence in the police is shattered if knowledge of such methods is publicized.”

Kidd summed up his position on torture by maintaining that if the police resort to that kind of interrogation technique, only three things can happen to their prisoner: “1. He will tell you anything desired. 2. He will go insane if the torture is severe enough. 3. He will die.”

The most remarkable thing about Kidd's little book—it could fit into a man's back pocket—is that it was written in 1940 and was the first police interrogation manual ever published in America.

How much progress have we made in the last two-thirds of a century? On March 8, 2008, President George W. Bush vetoed an intelligence bill saying he objected to provisions in it that prohibited the CIA from using harsh interrogation techniques such as waterboarding. 

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A catalog of the faculty's significant publications and presentations from July to December 2007.

faculty FOOTNOTES

ROY L. BROOKS
KAREN C. BURKE
NANCY CAROL CARTER
LAURENCE CLAUS
ROBERT C. FELLMETH
PAUL HORTON
ADAM KOLBER
WILLIAM H. LAWRENCE
ORLY LOBEL
LESLEY MCALLISTER
JOHN (JACK) MINAN
GRANT H. MORRIS
JEAN RAMIREZ
LISA P. RAMSEY
MICHAEL B. RAPPAPORT
MAIMON SCHWARZSCHILD
STEVEN D. SMITH
LESTER B. SNYDER
JORGE A. VARGAS
MARY JO WIGGINS
FRED ZACHARIAS



Roy L. Brooks published the 2007 supplement to *Civil Rights Litigation: Cases and Perspectives*, 3rd ed. (with Gilbert Paul Carrasco and Michael Selmi) (Carolina Academic Press, 2007); “The Constitutionality of Black Reparations,” in *Redress for Historical Injustices in the United States* (Duke University Press, 2007); “Sociology of Civil Court Procedures,” in 1 *Encyclopedia of Law & Society: American and Global Perspectives* 190 (ed. David S. Clark) (Sage Publications, 2007). His article, “In Defense of the Black/White Binary,” will be published by the *Journal of Law & Social Challenges* (with Kirsten Widner) (forthcoming, 2008). Professor Brooks was interviewed by *The National Standard* and has presented papers at the World Conference on Japanese Military Sexual Slavery at the University of California, Los Angeles Law School and at a conference on “Power and Privilege” at the International Peace & Justice Center at the University of San Diego. He is a reviewer for the *DuBois Review*, published by Harvard University, and is listed in the ReligionLink media guide for journalists writing on human rights issues.



Karen C. Burke recently published two articles on partnership taxation, “Taxing Hot Asset Sales,” in 8 *Florida Tax Review* 327 (2007), and “Origins and Evolution of Section 751(b),” 60 *Tax Lawyer* 247 (2007). Professor Burke also published *Federal Income Taxation of Corporations and Stockholders*, 6th ed. (West Group, 2007). Burke is currently working on *Federal Taxation of Partnerships* (Aspen Law & Business, forthcoming, 2009), which she is co-authoring with Professor George K. Yin of the University of Virginia School of Law.



Nancy Carol Carter's “American Indian Water Rights: Law and Research” has been accepted for publication in *Legal Reference Services Quarterly*. Carter continued presentations of a talk entitled “Indian Gaming in Perspective,” appearing at the Encinitas Coastal Rotary Club on July 23, 2007, Shelter Island Rotary Club on August 7, 2007, and the Rancho San Diego Rotary Club on August 17, 2007. In November

2007, Carter received the James S. Copley Award for the outstanding paper on San Diego in the American period by the San Diego Historical Society's annual Institute of History writing competition. She continues her work as a volunteer with the speaker's bureau of the San Diego Historical Society, at the society's archives, and with the Friends of the San Diego Public Library.



Laurence Claus recently published "The One Court that Congress Cannot Take Away: Singularity, Supremacy, and Article III," 96 *Georgetown Law Journal* 59 (2007) (presented at the Boston University Law School Faculty Colloquium) and "Methodology, Proportionality, Equality: Which Moral Question Does the Eighth Amendment Pose?" 31 *Harvard Journal of Law and Public Policy* (forthcoming, January 2008). Claus also presented "The One Court that Congress Cannot Take Away: Singularity, Supremacy, and Article III," at the Georgetown University Law Center Advanced Constitutional Law Colloquium in February of 2007. He sat on the Federalist Society National Student Symposium panel titled "Moral Choices and the Eighth Amendment," at Northwestern University School of Law, Chicago, February 2007. In addition, he sat on the American Constitution Society National Convention panel on detainee treatment under the Military Commissions Act in Washington, D.C., in July of 2007.



Robert C. Fellmeth published a brief review of USD School of Law Professor Orly Lobel's "The Paradox of Extra-legal Activism: Critical

Legal Consciousness and Transformative Politics," 120 *Harvard Law Review* 937 (2007). The article, titled "State-haters, State-lovers, and Orly Lobel," appeared in 120 *Harvard Law Review Forum* 36 (2007). He also wrote an amicus brief to the United States Supreme Court on behalf of the USD School of Law's Center for Public Interest Law (CPIL) and Children's Advocacy Institute (CAI) in the case of *Devin Daniels v. Phillip Morris*, No. 07-740, 12-29-07 (relating to the application of an unfair competition state law to limit tobacco industry targeting of minors) as well as opinion pieces for the *San Francisco Chronicle* and *San Diego Union Tribune* in November of 2007. Professor Fellmeth worked with CAI's Sacramento staff to secure enactment of SB 39 (Migden) opening child abuse deaths to enhanced public scrutiny. He also taught two training sessions for new counsel in dependency court statewide—one in October of 2007 in San Diego and the other in December in Sacramento. More than 130 new attorneys representing children, parents and the state were trained in sessions arranged by CAI where Professor Fellmeth presented on the leading applicable federal statutes and Supreme Court cases. Professor Fellmeth is lead counsel in U.S. District Court in the Northern District of California for *California State Foster Parent Association et al. v. John A. Wagner*—representing the state's family foster care providers, who contend that state compensation rates violate federal law, are set below the cost of care, and have impeded the supply of family foster care placements. Fellmeth is also lead counsel in U.S. District Court for the Southern District of California for *Shames v. Hertz*—a plaintiff class action alleging antitrust price fixing offenses by the seven rental car corporations operating out of California airports, and Bagley-Keene Open Meeting

Act violations by the California Travel and Tourism Commission.



Paul Horton has completed a fourth compilation of his students' work, a collection of short articles that appeared last fall as "Rights of Parents," in 16 *Journal of Contemporary Legal Issues* (2007). In addition to teaching courses on family law, trademarks and business torts, Horton continues to supervise the law school's judicial internship program, in which more than 60 USD law students participated during 2007.



Adam Kolber's article, "A Limited Defense of Clinical Placebo Deception," was published in 26 *Yale Law and Policy Review* 75 (2007). His article, "Pain Detection and the Privacy of Subjective Experience," was published in 33 *American Journal of Law & Medicine* 433 (2007). In addition, he responded to an article about his work on memory dampening drugs in *Clarifying the Debate Over Therapeutic Forgetting*, published in 7 *American Journal of Bioethics* 25 (2007). Professor Kolber delivered papers at Princeton University, the University of Pennsylvania, Arizona State University, Rutgers University, the Salk Institute, and Indiana University. In addition, he was made a member of the faculty of the National Judicial College when he lectured before a group of judges on the legal and ethical implications of emerging neuroscience technologies.



William H. Lawrence published two supplements: *The Law of Personal Property Leasing, 2007 Cumulative Supplement* (with John Minan)

(West Group, 2007) and *The Law of Sales Under the Uniform Commercial Code, 2007 Cumulative Supplement* (West Group, 2007). Professor Lawrence recently completed a book with University of Alabama School of Law Professor William Henning and University of Missouri at Columbia School of Law Professor Wilson Freyermuth titled, *Understanding Secured Transactions*, 4th ed. (LexisNexis/Matthew Bender & Co., 2007). This *Understanding* treatise provides students with an analysis of the underlying rationales of Article 9 of the Uniform Commercial Code, the federal Bankruptcy Code as it relates to Article 9, and other relevant state and federal legislation.



Orly Lobel's co-authored book, the *Elgar Encyclopedia of Employment Law and Economics* (with Kenneth Dau-Schmidt and Seth Harris) is forthcoming in 2008. Lobel's article "The Paradox of 'Extra-Legal' Activism: Critical Legal Consciousness and Transformative Politics" appeared in 120 *Harvard Law Review* 937 (2007). The 2007 *Harvard Law Review Forum* featured reactions to the article by professors Scott Cummings (University of California, Los Angeles, School of Law) and Robert Fellmeth (University of San Diego School of Law). The article was translated to Hebrew and will appear in the *Tel-Aviv Journal of Law and Social Change* (forthcoming, 2008) as well as serve as the basis for a book chapter titled "Is Law Dangerous?" in the book *Is Law Important?* (Menny Mautner ed.) (forthcoming, 2008). Other articles by Lobel recently published include "Form and Substance in Labour Market Policies" in *The Intersection of Rights and Regulation: New Directions in Sociolegal Scholarship* (Brownen Morgan, Ed., Ashgate Press 2007); "Big Boxes' Benefits: The Targeting

of Giants in a National Campaign to Raise Work Conditions," *Wal-Mart Matters Symposium*, 39 *Connecticut Law Review* 1685 (2007); "New Ways of Governing the Workplace," 11 *Employee Rights and Employment Policy Journal* 111 (2007). In December 2007, Lobel gave a workshop presentation on whistleblower protections at the University of Melbourne and was a speaker at the Conference on International Trade, Ethics and Corporate Accountability, co-sponsored by the Australian National University and the University of Melbourne. Also in the fall of 2007, she gave faculty presentations at the Tel-Aviv University Faculty of Law; Northwestern Law School and University of North Carolina Law School; University of Alabama Law School and at the Employment and Labor Law Junior Faculty Forum, Seton Hall University. Lobel is currently serving as a member of the Committee on Curricular Reform, Association of American Law Schools; the Student Article Prize Committee, Law and Society Association; Committee on Collaborative Governance, Administrative Law Secretary of the American Bar Association; and served in the fall of 2007 as a jurist for the Pace Faculty Law Scholarship Competition.



Lesley McAllister was appointed chair of the Environmental Law Committee of the American Bar Association's section of state and local government. She organized and moderated "Climate Change and Land Use: California Strategies" at the American Bar Association's annual meeting in San Francisco in August 2007. Professor McAllister presented a forthcoming article, "Revisiting a Promising Institution: Public Law Litigation in the Civil Law

World," at the Comparative Perspectives on Public Law Litigation and Enforcement conference hosted by Georgia State University College of Law in September. In October, she presented "Moving Toward Stringency in Emissions Trading," at the University of Oregon School of Law's conference, Combating Climate Change on the Regional Level and spoke on climate change law at the USD Annual Social Issues Conference. In November, she gave a lecture to the University of California, Berkeley, law school community titled, "Moving Toward Stringency in Emissions Trading: The Problem of Slack Caps," sponsored by the school's Institute for Legal Research.



John (Jack) Minan published *The Little Green Book of Golf Law* in October 2007. In September, Tod Leonard, sports columnist for *The San Diego Union Tribune*, favorably reviewed an advanced copy of the book for the newspaper. Minan also participated in a "Sports and the Law" panel hosted by the American Inns of Court. The following month, he was the dinner speaker on golf and the law for the World 100 Club at the Del Mar Country Club. In November, Fred Greene conducted a podcast interview with Minan about his book for golfsmarterpodcast.com. Throughout the month of December, Jack spoke about the book to several groups, including the Rotary and the Kiwanis clubs.



Grant H. Morris wrote an article titled "Preparing Law Students for Disappointing Exam Results: Lessons from 'Casey at the Bat'" that will be published in 45 *San Diego Law*

Review (forthcoming, 2008). Morris challenges law professors to prepare their students for the disappointing results—poor grades—that many are certain to receive on their first law school exams. Morris offers a strategy by which professors can acknowledge students' pre-examination anxiety and deal constructively with their potential impending disappointment. To encourage students to maintain their enthusiasm for law study regardless of their examination results, the article analyzes "Casey at the Bat," Ernest Lawrence Thayer's immortal poem about failure. Morris hypothesizes how Casey would respond to his failure to hit a game-winning home run and urges students to respond appropriately to their less than stellar examination results. Morris also authored a chapter in *International Handbook on Psychopathic Disorders and the Law* (Vol. 2, Ch. 1) (Alan Felthous, M.D. & Henning Sass, M.D., eds.) (John Wiley & Sons, 2008). The chapter introduces psychiatrists, psychologists and other non-law-trained readers to law and law-making in the United States using examples that demonstrate how various legal principles are applied to issues involving persons with psychopathic disorders.



Jean Ramirez has been serving as the president of the Board of Directors of Appellate Defenders and Federal Defenders of San Diego since spring 2006. Her current term ends in the spring of 2008. Ramirez recently secured a parole date for a pro bono client serving a life sentence for second degree murder.



Lisa P. Ramsey presented her article "Increasing First Amendment Scrutiny of Trademark Law" at the 2007 Works-in-Progress Intellectual Property Colloquium, sponsored by Washington College of Law at American University, and at the Trademark Dilution: Theoretical and Empirical Inquiries Symposium, sponsored by the High Tech Law Institute at Santa Clara School of Law.



Michael B. Rappaport published the following articles, "Originalism and Supermajoritarianism: Defending the Nexus," in 101 *Northwestern University Law Review* 1919 (2007) (with John McGinnis); "The Unconstitutionality of 'Signing and Not Enforcing,'" in 16 *William and Mary Bill of Rights Journal* 113 (2007) (symposium); "Majority and Supermajority Rule: Three Views of the Capitol," in 85 *Texas Law Review* 1115 (2007) (with John McGinnis); "Original Interpretative Principles as the Core of Originalism," in 24 *Constitutional Commentary* 371 (2007) (with John McGinnis); and "A Pragmatic Defense of Originalism," 101 *Northwestern University Law Review* 383 (2007) (with John McGinnis), which was also published in *Originalism: A Quarter Century of Debate* (Regnery Publishing, 2007). In December, he and Northwestern School of Law Professor John McGinnis wrote an opinion piece titled, "It's the Spending, Stupid," which was published on the *National Review's* Web site, www.nationalreview.com. Professor Rappaport's forthcoming article, "The Condorcet Case for Supermajority Rules," will be published in 16 *Supreme Court Economic Review* (forthcoming, 2008) (with John McGinnis).



Maimon Schwarzschild's article, "Keeping It Private," was published in 44 *San Diego Law Review* 677 (2007) and in 25 *University of Queensland Law Journal* 215 (2007), where it was part of a symposium on the role of public policy in private law. The article warns against politicizing "private law" (e.g. tort and contract) adjudication. In June 2007, Professor Schwarzschild presented a paper at a conference at the Hebrew University in Jerusalem on "Common Law, Private Law, and Judicial Independence." In September 2007, Professor Schwarzschild was a commentator at the University of San Diego's Institute for Law and Philosophy Roundtable on Just War Theory and Terrorism. He was also a commentator at the 2007 Bernard Siegan Memorial Conference on Economic Liberties, Property Rights and the Original Meaning of the Constitution, which was held at USD School of Law in November. Schwarzschild is currently the faculty editor-in-chief of volume 17 of the *Journal of Contemporary Legal Issues*, which will be on the "Ethics and Economics of Legal Education." He is book review editor of *Law and Philosophy: An International Journal for Jurisprudence and Legal Philosophy* and is a member of the California Advisory Committee of the United States Commission on Civil Rights.



In October, **Steven D. Smith** gave a lecture to the Continuing Education Center in Rancho Bernardo, Calif. on the original meaning of the First Amendment's establishment clause. Also in October, he discussed his work on freedom of religion at a meeting

of the San Diego chapter of the American Humanist Association, and in an event sponsored by the Federalist Society he debated Roger Pilon of the Cato Institute on the subject of substantive due process. In November, Smith presented a paper titled “De-Moralized: *Glucksberg* in the Malaise” at a conference at the University of Michigan examining the meaning and significance of the Supreme Court’s assisted suicide decisions on their tenth anniversary.



Lester B. Snyder published “Real Estate Investor vs. Stock Market Investor-Cherry Picking Theory Debunked” in the July 2007 issue of the American Institute of Certified Public Accountants’ Corporate Tax Insider E-Newsletter. The article discussed the outmoded and incongruous way in which the United States tax law restricts the treatment of “tax losses.” Snyder’s “Consumption Taxes and the President’s Advisory Panel on Federal Tax Reform” also appeared in the organization’s Wealth Management E-Newsletter in November 2007. He recently completed an article titled “Tax Deferral: Beyond the Time Value of Money” and has submitted it for publication. Professor Snyder was reappointed to the Advisory Board of the Theodore Tannenwald Foundation for Excellence in Tax Scholarship in September 2007.



Jorge A. Vargas published “Mexican Law and Personal Injury Cases: An Increasingly Prominent Area for U.S. Legal Practitioners and Judges” in 8 *San Diego International Law Journal* 475 (2007) and “The California Gray Whale: Its Legal Regime Under Mexican Law” in 12 *Ocean & Coastal Law Journal* 213 (2007). Forthcoming articles include “Rights and Obligations of Americans in Mexico in Immigration Law and Other Areas of Mexican Law,” which will appear in the *University of Richmond Law Review* (forthcoming, 2008). The article will be discussed in the Allen Chair Immigration Symposium at the University of Richmond School of Law in March 2008. His article, “Conflicts of Laws in Mexico under the Rules of the Federal Code of Civil Procedure,” will appear in the 2008 *Yearbook of Private International Law*, published by Sellier and edited by Dr. Paolo Romano of the Swiss Institute of Comparative Law, Professor Paul Volken of the University of Fribourg and Peter Sarcevic of the University of Zagreb.



Mary Jo Wiggins recently served as an expert consultant for two RAND Corporation studies, both of which examined the operation of the bankruptcy system. As a consultant, she advised the researchers on substantive aspects of bankruptcy law and made recommendations with respect to the design of the empirical research. Dean Wiggins published “Bankruptcy Practice after the Bankruptcy Act of 2005” in CMO48 *American Law Institute—American Bar Association Continuing Legal Education, ALI-ABA Course of Study* 85. The article focused on debt-relief agencies, assisted

persons, disclosure and advertisements under sections 526, 527 and 528 of the 2005 Bankruptcy Reform Act. Dean Wiggins served as chair of the California State Bar Insolvency Law Committee’s publication subcommittee and continued to serve as a member of the advisory board of the *American Bankruptcy Law Institute Law Review*. She continues her work on a bankruptcy book for Lexis-Nexis and on revisions to five chapters in *Collier on Bankruptcy*. Wiggins was named one of San Diego’s Top Attorneys for 2007 by *The San Diego Daily Transcript*.



Fred Zacharias published “Are Evidence-Related Ethics Provisions Law?,” 76 *Fordham Law Review* 1315 (2007) and “The Pre-employment Ethical Role of Lawyers; Are Lawyers Really Fiduciaries?,” 49 *William and Mary Law Review* 569 (2007). The first article will be reprinted in an Indian anthology of professional responsibility articles. An earlier work, “The Images of Lawyers,” 20 *Georgetown Journal of Legal Ethics* 73 (2007), will be published in a Chinese anthology, after being translated. In September 2007, Professor Zacharias presented “On Lying to the Court,” the Robert P. Lawry Lecture on Professional Ethics at Case Western Reserve University Law School. In October, Professor Zacharias presented a keynote lecture titled, “Legal Ethics in Comparative Perspective,” as part of the USD Trans-Border Institute’s Tinker Foundation Lecture Series.

class ACTION

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 details on how to submit accompanying photographs, please see the perforated response card located in the back of this Advocate magazine.

'72



Ron Barrett ('69-'72) was named vice president, manager of Small Business Association loans at Bank of Alameda, where he will put his experience as a financial advisor and leader of a small business to work. Barrett is chief executive officer of Pride Electronics, which received the "U.S. Small Business Employer of the Year" award from the President of the United States.

Alan Steven Rabinowitz has retired from the United States Department of Homeland Security after four years. Prior to Homeland Security, Alan spent 30 years with the Department of Justice.

'75

Jack Allender was named a "Texas Super Lawyer" by *Texas Monthly* magazine. Jack is a partner at Fulbright & Jaworski L.L.P., where he heads the tax practice group and handles taxation and corporate matters.

'76

Albert V. De Leon has joined Zurich Financial Services' office of compliance as head of compliance advisory, monitoring and reporting. He also manages the compliance training and communications function out of the New York office.

Ed Snyder was appointed city attorney of Denton, Texas after serving more than five years as deputy city attorney. Snyder has been practicing municipal law for more than 20 years.

'78

Gary M. Bubis was appointed to the San Diego County Superior Court by Governor Schwarzenegger. He leaves his post as a referee for the San Diego County Superior Court, taking another position in an esteemed career that includes time as a partner with Menzies and Bubis, a deputy for the San Diego County Council and a deputy public defender in the San Diego County Public Defender's office.

'80



Robert Cheney was recognized as one of the top environmental law attorneys in New Hampshire by *Chambers USA*. Cheney has been a member of Sheehan

Phinney Bass + Green since 1992. Prior to that, he worked in the New Hampshire attorney general's office, serving as chief of the environmental bureau from 1984 to 1988.

'81

Maureen Hallahan was appointed to the San Diego County Superior Court by Governor Schwarzenegger. Previous to the appointment, she was a partner at Procopio, Cory, Hargreaves & Savitch LLP, and an associate and partner with Mulvaney, Kahan & Barry and Miller, Boyko & Bell.

Robert Harrison was elected Pacific regional director of DRI (Defense Research Institute), the nation's largest organization of civil defense attorneys. Harrison's practice at Koeller Nebeker Carlson focuses on professional liability, products liability, wrongful termination, employment law and business litigation.

'82

James F. Brashear was named partner in the Haynes and Boone, LLP corporate/securities practice. He has served for six years as corporate secretary for Sabre Holding Corporation where he led the company's Sarbanes-Oxley Act and securities law compliance.

Sharon Cheever was appointed Pacific Life's general counsel. After working as an associate at O'Melveny & Myers LLP, Cheever joined Pacific Life in 1986 and has been involved in acquisitions and dispositions, securities investments and workouts, strategic initiatives and investment product implementations.

'85

Garrison "Bud" Klueck was named a 2007 Top Attorney by the *San Diego Daily Transcript*. He currently serves as vice president of the San Diego County Bar Association. Klueck was executive editor of the *San Diego Law Review* while attending USD School of Law.

Bruce May is beginning his second year as interim dean for the College of Business Administration at the University of Wisconsin, La Crosse.



Frances (Fran) Fragos Townsend is stepping down after four years as the leading White House-based terrorism adviser where she gave public updates on threats to U.S. security. President Bush stated in a press release that Townsend "has ably guided the Homeland Security Council. She has played an integral role in the formation of the key strategies and policies my administration has used to combat terror and protect Americans."

Douglas M. Ventura was hired as the executive director of the Leukemia & Lymphoma Society's Southern Ohio chapter. The society is the world's largest voluntary health organization dedicated to funding blood cancer research, education and patient services. Doug leaves Reynolds and Reynolds, where he had worked for 10 years as assistant general counsel and vice president of corporate development.

'87

Andrew J. Liska formed a new firm, Abbene, Alcock & Liska APC, in downtown San Diego and continues to serve as a judge pro tempore for the San Diego Superior Court in traffic and small claims.

'88



Paul G. Klockenbrink has been named a 2007 Virginia Super Lawyer in the field of Employment & Labor Law. Paul is an attorney with Gentry Locke Rakes & Moore.

'91

Ted Wacker is a partner with the firm of Robinson, Calcagnie & Robinson specializing in consumer advocacy with an emphasis in pharmaceutical litigation and products liability. Recently, Wacker was part of the trial team that won a \$51 million judgment against Vioxx in federal court in New Orleans. Mr. Wacker's younger brother Douglas is in his second year at USD School of Law.

'92

Cara Hutson was named to a judgeship in the San Bernardino County Superior Court. Previous to her appointment, Judge Hutson served as a deputy district attorney for the San Bernardino County District Attorney's Office.

Joseph Parker has joined Ross, Dixon & Bell, LLP, as a partner in the San Diego office. He leaves Heller Ehrman LLP with extensive trial experience and alternative dispute resolution.

'93

Bryan W. Butler is now site counsel, intellectual property law for storage business at IBM in Tucson, Ariz. In addition, *Law Journal Press* recently published his treatise "Patent Infringement Compensation and Damages."

Michael Loesch was named deputy director of the Securities and Exchange Commission's (SEC) Office of Investor Education and Advocacy. He is leaving his position as chief of staff to Commodity Futures Trading Commission (CFTC) Chairman Lukken and counsel to SEC Chairman Cox. Prior to that, Loesch served as branch chief for the SEC's Division of Enforcement.

Vincent L. Rabago was named one of Tucson's top "40 under 40" business and community leaders by the *Tucson Citizen*. He is an assistant attorney general in the consumer protection and advocacy section of the Arizona Attorney General's office, where he investigates and prosecutes civil business fraud cases.

Thomas P. O'Brien, '93, Sworn in as the U.S. Attorney for the Central District of California



Thomas P. O'Brien, '93, was sworn in as the United States Attorney for the Central District of California. O'Brien, who for the past 27 months has run the district's criminal division, now leads the largest United States Attorney's Office outside of the District of Columbia. The office, which currently employs approximately 230 attorneys, serves more than 18 million residents in the counties of Los Angeles, Orange, Riverside, San Bernardino, Ventura, Santa Barbara and San Luis Obispo.

"I am extremely pleased to be leading one of the nation's premier public law firms," O'Brien said. "I look forward to maintaining this office's long tradition of prosecuting some of the most significant cases in the nation."

O'Brien was appointed to serve a four-year term by President George W. Bush and was unanimously confirmed by the United States Senate. He succeeds George S. Cardona, who served as the interim U.S. Attorney and Acting U.S. Attorney for nearly one year after U.S. Attorney Debra Wong Yang resigned to go into private practice. Prior to joining the U.S. Attorney's Office seven years ago, O'Brien was a prosecutor in the Hardcore Gang Division of the Los Angeles County District Attorney's Office. A 1981 graduate of the U.S. Naval Academy, he logged 2,000 flight hours as a radar intercept officer in F-14 "Tomcat" fighters.

'94

Margaret A. Dalton, USD School of Law's Legal Clinics director, was recognized as the "Pro Bono Attorney of the Year" by the San Diego Volunteer Lawyer Program.

'96

David C. Brayton has joined Bio-Rad Laboratories in Hercules, Calif., as assistant general counsel. Bio-Rad manufactures equipment for use in life science research and disease diagnosis.

Tracey Calver was appointed system senior vice president of governance for Provena Health, where she will provide system-wide oversight of governance and corporate responsibility. She previously worked as corporate counsel, then vice president and chief compliance officer for the St. Joseph Health System in Orange, Calif. Calver served as an editor of the *San Diego Law Review* while attending USD School of Law.

Andrew Serwin, '95, Authors Books on Internet Marketing and Information Security and Privacy



In 2003, while working on a case with an email component, Andrew Serwin, '95, saw a void in the marketplace—there were very limited resources available on Internet marketing and information security and privacy. Although he was working full time as a partner with Foley & Lardner LLP in February of 2005, he decided to use his knowledge and experience to fill the information gap. The fruit of his labor, *West Internet Marketing Law Handbook*, was published by Thomson-West in 2005.

The handbook covers topics such as privacy and security, commercial e-mail laws, spyware and unfair competition law.

In 2006, Serwin expanded one chapter of the handbook into a second book, *Information Security and Privacy: A Practical Guide to Federal, State and International Law*. Also published by Thomson-West, the 2,000-page treatise examines all aspects of privacy and security laws. The second edition of this book, expanded to 3,400 pages, is slated to be released in June 2008.

Information Security and Privacy: A Practical Guide to Federal, State and International Law is the only resource available that covers all of the relevant state laws—including 33 state laws regarding security breaches—and the state laws regarding Social Security number restrictions. The book also covers state laws addressing identity theft, Internet privacy, phishing and pharming. The laws of several European Union countries, including Spain, the Netherlands, Canada and Japan also are covered.

Serwin has also been named chair of Foley & Lardner's new privacy, security and information management practice group.

Craig Cherney was named director of west coast operations for Philadelphia-based American Land Fund (ALF), where he will oversee the due diligence, acquisition and entitlement efforts for vast residential land tracts throughout the Western United States. He comes to ALF from Pulte Homes Inc.'s land acquisition group and previously served as in-house counsel for Rhodes Homes.

'97

Dhaivat H. Shah joined O'Melveny & Myers LLP as a member of the securities litigation practice in the Silicon Valley office. He was formerly a member of the *San Diego Law Review*.

'98

Don Martin joined the law firm of Fennemore Craig as a shareholder in the Las Vegas office.



J. Matthew Wilcox has been named a shareholder of Gresham Savage Nolan & Tilden A.P.C. He serves as co-chair of the transactional department

in the San Bernardino office of the firm, specializing in complex commercial and residential real estate transactions, including due diligence analysis and contract negotiations.

'99

Erin Bosman became a partner at Morrison and Foerster LLP in the San Diego office, where she works as a products liability litigator.

Joe Chandler was elected a shareholder at Fennemore Craig, where he focuses on real estate transactions and assists clients with property management issues and matters regarding residential apartment or office building condominium conversions.

Donovan C. Collier has been named a shareholder of Gresham Savage Nolan & Tilden, APC. He serves as co-chair of the Natural Resources Department in the San Bernardino office of the firm, specializing in residential, commercial development and mining projects, with substantial experience in compliance work.

Robert J. Hicks has been named a shareholder of Gresham Savage Nolan & Tilden A.P.C. He serves as co-chair of the litigation department in the Riverside office of the firm, specializing in complex commercial litigation including real property disputes, business torts, unfair business practices and breach of contract litigation.



J. Patrick Loofbourrow has been made partner at Cooley Godward Kronish LLP, where he is a business attorney focusing on the representation of emerging technology and life sciences companies. He also does venture capital and investment work. At USD School of Law, he was elected to Order of the Coif and was an editor of the *San Diego Law Review*.

'00

Benny Goodman III has been made partner in the San Diego office of Coughlin Stoia Geller Rudman & Robbins LLP, where he handles securities fraud class actions and shareholder derivative litigation.

Bob Valera launched his own practice, primarily working on insurance coverage and bad faith cases. He is leaving his former job with Sedgwick, Detert, Moran & Arnold LLP.

Brent Weinstein launched 60Frames, an online video packaging company, where he is chief executive officer. Before 60Frames, Weinstein learned the entertainment business at United Talent Agency, where he worked in the digital media division.



In Memoriam

The University of San Diego School of Law community would like to extend its deepest sympathy to family and friends of the following alumni, students and administrators:

L. Lawrence Schultz passed away on December 5, 2007, in Palm Desert, California. He taught labor management at USD School of Law after moving to the area in the mid-1980s with the Federal Mediation and Conciliation Service. Mr. Schultz played and coached both college and pro football throughout his time in the Army during World War II and while he worked and attended law school.

Francis "Buck" Bennett, '62, passed away on September 6, 2007. He is survived by his wife of 51 years, Lucia Bennett, and their six children. Mr. Bennett began his career in the Navy in 1943 when he was drafted out of Marquette University. He served throughout the Pacific theater in WWII and remained in the Navy for nearly 20 years until he left to attend USD School of Law. After he obtained his law degree, he worked in private and public practice while completing more than 5,000 cases and serving as a San Diego Superior Court judge pro tempore. He also sat on the board and acted as chair for many San Diego Catholic charities.

Tim Short, '74, passed away on November 15, 2007, after a three year battle with multiple myeloma. Mr. Short practiced law for a summer after he graduated, but decided to return to his passion in life, working with youths as both a teacher and coach. Mr. Short taught government, economics and physical education at Kearny High, while coaching the basketball team for nearly 20 years.

Lawrence "Larry" Mahlum, '08, passed away on August 14, 2007, at the age of 37 in San Diego. Mr. Mahlum was about to start his third and final year at USD School of Law, after receiving his B.S. and M.S. from the University of Texas, Austin, and working throughout California in finance for both internet start-ups and the government. Larry enjoyed running and had participated in a number of marathons in the last five years. He is survived by his mother and father, Lynn and Dorothy Mahlum.

'01

Lindsey O'Neill was appointed director of legal content and business development at LawInfo.com. She will oversee LawInfo's legal content upgrade and will be in charge of content accuracy, usability and applicability.

'02

Gabriel Green joined Sheppard Mullin Richter & Hampton LLP's Los Angeles office as an associate in its business trial practice group, leaving his old position as associate at Lord, Bissell & Brook LLP.



Angela T. Mullins has accepted a position as litigation associate with Solomon Ward Seidenwurm & Smith, LLP. She is leaving her last position at Neil, Dymott, Frank,

McFall & Trexler, APLC where she practiced the defense of professional liability matters. Previous to that, she served on active duty in the Judge Advocate General's Corps in the United States Navy, and is currently a lieutenant in the Naval Reserves.

'03

Ariel R. Bedell joins Luce Forward Hamilton & Scripps' downtown San Diego office. She specializes in commercial real estate transactions including acquisition and disposition of apartment complexes, shopping centers, vacant land and office complexes.



Krishna G. Haney was appointed to the City of San Diego's Ethics Commission by Mayor Jerry Sanders, with unanimous approval from the City Council.

Krishna is an associate attorney at Gordon & Rees, LLP in the insurance coverage group.

Lucas Olts joined Bullivant Houser Bailey PC as a litigation associate. He leaves the Sacramento County District Attorney's office where he served as deputy district attorney conducting criminal trials, working in the domestic violence unit and working directly with law enforcement personnel.

Bill Reising Jr. & Alisa Ledbetter welcomed their first child, Henry, in May 2007.

'05

Alex Calero was appointed by Governor Schwarzenegger to the State Board of Psychology. Since 2005, Calero has served as staff counsel in the enforcement division for the California Department of Corporations.

Jennifer Cops (formerly Hall) married Andrew Cops on September 2, 2007, in Laguna Beach, Calif. She currently works in the Los Angeles District Attorney's office with fellow USD alumni Shawn Randolph, '92; Robert Song, '01; and June Miyagashima, '04.

Maggie Yang joined the San Bernardino District Attorney's office in Victorville, Calif. as a deputy district attorney after serving as a law clerk in the Los Angeles Superior Court and the U.S. District Court.

'06

Ryan P.C. Stack joined the Salt Lake City prosecutor's office as an associate city prosecutor. He and his wife live in Park City, Utah.

'07

Laura Beatty has returned to Marks, Golia and Finch, LLP as an associate.

Dustin Jones has returned to Marks, Golia and Finch, LLP as an associate.



Jessica E. Klarer was named an associate attorney at Casey Gerry Schenk Francavilla Blatt & Penfield, LLP. She will focus on products and premises liability, asbestos litigation and other serious personal injury cases. She previously worked as a clerk at Girardi and Keese.



Juan J. Ordaz Jr. was named an associate attorney at Casey Gerry Schenk Francavilla Blatt & Penfield, LLP. He will focus his practice on plaintiff's injuries, including auto collisions, wrongful death claims and federal tort claims. He previously worked for the firm as an investigator.

Christopher Sillari has returned to Marks, Golia and Finch, LLP as an associate.

academic year in review

school events

University of San Diego School of Law faculty and student groups host a variety of extracurricular events that enrich the intellectual life of the School of Law community. The following list includes highlights from July 2007–January 2008.

AUGUST

Retired U.S. Supreme Court Justice Sandra Day O'Connor served as keynote speaker for the National Association of Women Judges' first-ever Southwest Regional Conference: "A Focus on Judicial Independence and Judicial Diversity." The conference featured academic and judicial experts addressing the relationship of judicial diversity and judicial independence, August 24-26, 2007.

SEPTEMBER

U.S. Supreme Court Justice Antonin Scalia served as the inaugural Bruce S. Jenkins Jurist-In-Residence and team-taught Professor Michael D. Ramsey's separation of powers course, which explores the provisions of the U.S. Constitution that keep governmental power in check as understood by its framers and interpreted by the U.S. Supreme Court, September 4-7, 2007.

"Maximizing the Benefits of the Annual Gift Tax Exclusion: How it Works and How it Doesn't," with guest speaker Nancy G. Henderson, a founding partner and the head of the estates and trusts group of Henderson & Caverly LLP, presented by Young Tax Lawyers of the California State Bar Taxation Section, September 18, 2007.


"Just War Theory & Terrorism," a group of internationally esteemed legal scholars and philosophers engaged in roundtable discussions concerning terrorism, military intervention, justifiable targets, and uniformed and non-uniformed combatants. Presented by USD's Institute for Law & Philosophy, September 28-29, 2007.

OCTOBER

The Red Mass, traditionally celebrated on the first Monday in October, coinciding with the opening of the new session of the United States Supreme Court, co-sponsored by the Thomas More Society and USD School of Law, October 1, 2007.

NOVEMBER

Climate Change Lecture Series: "Global Warming and the Courts: Should the Judicial Branch Weigh in on Global Warming?" Ken Alex, supervising deputy attorney general in the environment section of the California attorney general's office, discussed the California attorney general's efforts to address global warming through legal action, presented by the Energy Policy Initiatives Center (EPIC) and the USD School of Law Environmental Law Society (ELS), sponsored by Douglass & Liddell,


November 1, 2007. Watch this presentation online at www.law.sandiego.edu/webcasts. 

Law Alumni Weekend, included events such as the alumni golf tournament, distinguished alumni awards luncheon, Mock Trial Team's 20th anniversary celebration, all law alumni reception and reunions for classes of 1962, 1967, 1972, 1977, 1982, 1987, 1992, 1997 and 2002, November 2-4, 2007.

"Seminar on Legal Ethics and Professional Responsibility: the Case of the United States," presented by the USD Trans-Border Institute with guest keynote speaker USD School of Law Herzog Research Professor Fred Zacharias. The program discussed the history and development of legal ethics in the United States and marked the final segment of the seminar series, November 5, 2007.


The Law and Social Justice Film Series: *An Unreasonable Man—Ralph Nader: How Do You Define a Legacy?* hosted by USD School of Law Professor Orly Lobel with guest speaker Professor of Law and Director of the Center for Public Interest Law (CPIL) at USD School of Law Bob Fellmeth, an original "Nader's Raider," November 6, 2007.

Climate Change Lecture Series, California Energy Commissioner John Geesman discussed the energy policy challenges California will face in implementing Assembly Bill 32 to reduce greenhouse gas emissions, presented by the Energy Policy Initiatives Center (EPIC) and the USD School

of Law Environmental Law Society (ELS), sponsored by Douglass & Liddell, November 8, 2007. Watch this presentation online at www.law.sandiego.edu/webcasts. 

Bernard Siegan Memorial Conference on Economic Liberties, Property Rights and the Original Meaning of the Constitution, with guest keynote speaker University of Chicago Professor of Law Richard Epstein, November 16-17, 2007. Watch Richard

Epstein's address online at www.law.sandiego.edu/webcasts.

Bowes-Madison Distinguished Speaker Series: "The Constitution in Peace and War," which looked at the role of the U.S. Constitution regarding the Patriot Act and the Iraq War with guest speaker former U.S. Attorney General Edwin Meese, November 27, 2007. 

DECEMBER

Bar Swearing-In Breakfast, USD School of Law alumni who passed the bar exam were invited to a special Bar Swearing-In Breakfast hosted by the Office of Development and Alumni Relations immediately prior to the bar swearing-in ceremony, December 7, 2007.

academic year in review

faculty colloquia

A listing of the faculty colloquia presented from July 2007–January 2008.

David McGowan, Adam Mossoff, Maimon Schwartzchild and Laurence P. Claus, professors of law, University of San Diego School of Law: "Supreme Court Roundup," September 7, 2007.

David Schkade, Jerome S. Katzin Endowed Chair and professor of management and strategy, University of California, San Diego: "How Judges Decide," September 13, 2007.

Darren Schreiber, professor of political science, University of California, San Diego: "Race and Norms: An fMRI Study," September 20, 2007.

Lawrence Friedman, Marion Rice Kirkwood Professor of Law, Stanford University School of Law: "Beyond the Grave: Toward a Social History of Wills and Trusts," October 5, 2007.

Mark Graber, professor of law and government, University of Maryland: "John

Brown, Abraham Lincoln, Dred Scott and the Problem of Constitutional Evil," October 12, 2007.

Alex Johnson, Jr., Perre Bowen Professor of Law, University of Virginia School of Law: "A Systematic Analysis of Affirmative Action Plans," October 19, 2007.

Lee Petherbridge, professor of law, Loyola School of Law: "The Federal Circuit and the Doctrine of Equivalents," November 9, 2007.

Adam Mossoff, visiting professor of law, University of San Diego School of Law: "Patents, Property and Property Theory," November 12, 2007.

Daniel Farber, Sho Sato Professor of Law, University of California, Berkeley: "Retained by the People: The 'Silent' Ninth Amendment and the Constitutional Rights Americans Don't Know They Have," November 30, 2007.

endowment campaign report

Law School Celebrates \$11 Million Endowment Campaign Goal with an Evening Recognizing its **Faces of Philanthropy**

When the University of San Diego School of Law embarked upon its first significant endowment campaign in 2004, the challenge of raising \$11 million—essentially doubling the school’s endowment—seemed a daunting task. But on January 26, 2008 at the *Faces of Philanthropy* endowment campaign celebration, Dean Kevin Cole cheerfully announced that the USD School of Law had not only reached, but exceeded its goal to raise \$11 million in endowment funds.



“We make a living by what we get, but we make a life by what we give.”

—Winston Churchill

Many of the donors endowed new scholarship funds, enabling the law school to continue to attract the best and the brightest students. Others chose to fund professorships and programs to attract accomplished faculty from across the nation. Alumni support of the campaign was unprecedented, accounting for more than

75 percent of the major gifts to the campaign.

Endowments funds grow in value over the years through sound investments, providing a major source of supplemental income for the law school. Instead of depending entirely on revenues generated from tuition to fund its annual budget, the funds from this

TIME



1954

The University of San Diego School of Law is born of the Most Rev. Charles F. Buddy's dream of a Notre Dame of the West. The law school opens as a part-time evening school.



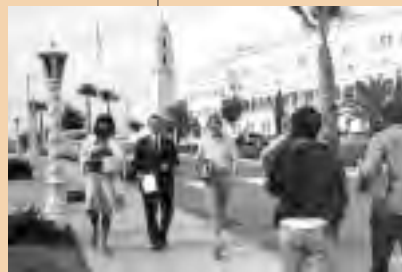
1976

The law library moves from the law school building to the newly remodeled Knights of Columbus Library.



1957

The law school moves to the newly constructed St. Thomas More Hall. Faculty members and students literally carry over all 10,000 volumes of its library to the law school's new location.



1961

The law school receives accreditation by the American Bar Association (ABA).



1989

The public phase of the university-wide Education for a New Age campaign begins under the leadership of Trustee Joanne C. Warren.

1988-1990

The law library building is expanded, renovated, refurbished and renamed the Pardee Legal Research Center after benefactors Katherine M. and George M. Pardee. Today, the state-of-the-art facility houses more than 530,000 volumes and volume equivalents.

1959
The first full-time day classes begin. Mary E. Harvey is the first female graduate. The law school is accredited by the State Bar of California.



1986

Michael B. Kaplan and his family are among the first donors to the Legal Research Center campaign.

campaign will allow the law school to make significant long-term investments in its faculty, student and academic programs. As Dean Cole aptly stated, “We are entering a new era of philanthropy here at the law school.”

To celebrate this momentous occasion, alumni and friends gathered on January 26, 2008, in Mother Rosalie

Hill Hall—home of the new School of Leadership and Education Sciences. The celebration honored both endowment campaign donors and members of the Maudsley Fellows Society. In addition to the announcement from Dean Cole that the law school had reached its \$11 million goal, USD President Mary E. Lyons, Ph.D. and

Tom Fetter, '67, chair of the law school campaign committee, provided comments and expressed their gratitude to all who supported the effort. The theme of the event, *Faces of Philanthropy*, reflected the important role that today’s donors are playing in the future of the law school.



1990

Sol and Helen Price fund the Price Chair in Public Interest Law, the first endowed faculty chair.



1991

Marilyn and James E. Spain, Jr., donate \$400,000 to provide scholarships for continuing evening students at the law school.



1991

More Hall is renamed Warren Hall for Joanne and Frank Warren, benefactors of the law school.



1993

The Herzog Endowed Scholar award is established through an estate gift from the Arthur A. Herzog Family Trust.



1995

Michael and Carole Thorsnes make a planned gift to the law school that will found the Thorsnes Center for Clinical Legal Education.

2000

The Class of 1975 establishes an endowed professorship as its 25-year reunion gift.

2001

The University of San Diego embarks on a \$200 million fundraising effort.



2007

The law school unveils a donor wall recognizing Maudsley Fellows Society members and members of the Dean’s Circle.



2008

Success! The law school exceeds its \$11 million endowment campaign goal.

LINE

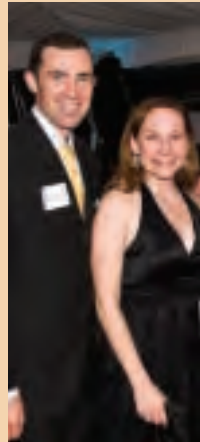
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“I’m not doing my philanthropic work out of any kind of guilt, or any need to create good public relations. I’m doing it because I can afford to do it, and I believe in it.”

—George Soros



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Honor Roll

School of Law Annual Giving



As the 2006–2007 University of San Diego School of Law Alumni Board President, I am pleased to present the law school’s Annual Report on Giving for the fiscal year from July 1, 2006 through June 30, 2007. We greatly appreciate the very generous support shown by our alumni, faculty, students, friends and the local community. Your generous commitment is essential in our efforts to provide a quality legal education and become a top-tier law school.

The USD School of Law received more than \$2,097,420 in cash gifts and \$96,205 in grants. These contributions have increased our endowment; provided funds in support of our legal clinics, academic programs and financial aid; helped fund the Center for Public Interest Law (CPIL), the Children’s Advocacy Institute (CAI) and the Energy Policy Initiatives Center (EPIC); and have allowed us to greatly improve our student services.

To all those listed on the following pages, thank you for your support. If you did not have an opportunity to give this past year, I invite you to join the thousands of alumni and friends whose contributions have helped build USD School of Law into one of the most prominent schools in the nation.

Dennis Doucette '86
2006-2007 Alumni Board President

Allocation of Gift Revenue

Fiscal Year 2006–2007:

CASH GIFTS FOR CURRENT OPERATIONS

Financial Aid	\$536,037
Annual Fund	\$363,411
Academic Programs	\$311,818
CAI/CPIL	\$160,250
Legal Clinics	\$44,788
Student Services	\$29,790
EPIC	\$12,508
	<hr/>
	\$1,458,602

CASH GIFTS TO ENDOWMENT

Scholarships	\$283,871
General Endowment	\$276,994
Academic Programs	\$77,953
	<hr/>
	\$638,818

GRANTS AND CONTRACTS FOR CURRENT OPERATIONS

Legal Clinics	\$7,150
CAI/CPIL	\$66,055
EPIC	\$23,000
	<hr/>
	\$96,205

Maudsley Fellows Society

The following giving levels recognize alumni, faculty, staff, students and friends who contributed \$100 or more to the USD School of Law during the 2006-2007 fiscal year (July 1, 2006–June 30, 2007). We wish to thank you all.

Maudsley Fellows Society	Gift Level
Dean's Senior Counsel	\$50,000 +
Dean's Counsel	\$20,000 - \$49,999
Senior Partners	\$10,000 - \$19,999
Partners	\$5,000 - \$9,999
Senior Associates	\$2,500 - \$4,999
Associates	\$1,000 - \$2,499
Maudsley Affiliates*	\$500 - \$999

*Alumni who graduated within the past seven years

School of Law Donors	Gift Level
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Barristers	\$250 - \$499
Advocates	\$100 - \$249

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Founded in November 1995, the Dean's Circle recognizes those individuals and organizations whose cumulative philanthropy, including gifts and pledges through June 30, 2007, to the USD School of Law total or exceed \$100,000. USD is most grateful to these members of the Dean's Circle.

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Lisa and David S. Casey, Jr., '74, Establish Scholarship Fund



Lisa and David S. Casey, Jr. recently donated \$250,000 to establish a Trial Advocacy Scholarship fund at the USD School of Law. Casey, a member of the USD Law School's class of 1974, is a senior partner with Casey Gerry Schenk Francavilla Blatt & Penfield, LLP and a past president of the Association of Trial Lawyers of America (ATLA), where he gained national recognition for his work to organize a moratorium on civil lawsuits related to the events of September 11.

The Casey's gift will help the School of Law establish the David S. Casey Trial Advocacy Scholarship, which will be awarded annually to one or more law students showing promise in trial advocacy activities and/or class work.

According to Casey, "we are very pleased to help support USD Law School, which has made an important impact on San Diego's legal profession and provides an outstanding and well rounded education to some of the area's top law students."

The scholarship, he says, is named after his late father David S. Casey, a pioneering San Diego litigator who founded what is now known as Casey Gerry in 1947. "My father tried hundreds of jury trials, and it would have given him enormous pleasure to know that this money will be used to support aspiring trial attorneys."

A third generation attorney, Casey Jr. has spent nearly 30 years practicing law in San Diego. Specializing in serious personal injury and wrongful death cases, he has long been recognized as a top lawyer in his field, and has obtained successful verdicts and settlements for dozens of high profile cases. He played a major role in the fight against the tobacco industry, representing the then-Lieutenant Governor Gray Davis in tobacco litigation on behalf of the people of California. During his ATLA tenure, Casey Jr. also helped establish Trial Lawyers Care—the largest pro bono legal program ever undertaken—which provided access to free legal services for eligible victims who applied for compensation under the federal September 11th Victim Compensation Fund.

In addition, David Casey Jr. is past president of both the Consumer Attorneys of San Diego and the Consumer Attorneys of California, has been inducted into the International Academy of Trial Lawyers and is a fellow of the International Academy of Barristers. He is the recipient of numerous awards, including an "Outstanding Trial Lawyer Award" from the Consumer Attorneys of San Diego, the Daniel T. Broderick III award from the San Diego legal community, the "Legal Professional of the Year" from the San Diego County Bar Association and USD's Author E. Hughes Career Achievement Award.

Steven J. Parsons, '75, creates the Kimberly D. and Steven J. Parsons Endowment Fund

Steve Parsons, a 1975 graduate from the USD School of Law, and his wife Kim recently pledged \$50,000 to the law school's endowment campaign, creating the Kimberly D. and Steven J. Parsons Endowment Fund.

Steve has a private law practice and is a former chief district attorney in Las Vegas. He served as his class representative during law school, was a member of the Law Alumni Board and a member of the Class of 1975 reunion committee for the 25th and 30th reunions.

"I thought it was important to create this endowment because I am very appreciative that the law school took a chance on me and I want to give back a modest gift for everything that the School of Law provided me," said Parsons. "I wouldn't be anywhere near where I am today without the trust and education that I received from USD."

Parsons remarked that he is humbled by the opportunities created by the USD School of Law and feels that he has a responsibility to be a role model for his children and future generations.



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Clayton Anderson, '76, Establishes Endowment Fund: La Mesa Attorney Joins USD Advisory and Support Group



Having earned his law degree from the University of San Diego School of Law School in 1976, Clayton Anderson has strong ties to the school where he earned his spurs. He recently established the Clayton M. Anderson Endowment Fund as a part of the law school's endowment campaign, pledging \$50,000.

Learning the school is currently engaged in a major fundraising campaign to build its endowment, Anderson responded, "The school is aiming for even greater achievement and stature. To continue to grow and become one of the best law schools in the country—in terms of creating new and innovative programs and also in terms of attracting the best students—the law school will need a substantial infusion of financial contributions. We want to do our part to attract the most highly qualified legal scholars, practitioners and students to USD."

Anderson also recently joined the law school's prestigious Board of Visitors after being invited by Dean Kevin Cole to serve a three-year term. Currently there are 57 members on the Board of Visitors, including distinguished legal professionals from around the country. The board provides counsel and feedback to the Dean on a range of issues including financial resources, student admissions and career placement, faculty development, alumni involvement and outreach to the legal community.

"I am looking forward to the opportunity to participate in discussions with Dean Cole and other board members," Anderson said. "I want to see the USD Law School continue on the path of excellence as a leading center of legal education."

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Shelley and Richard A. Bayer, '83, Establish Endowed Scholarship Fund

Board of Visitors member and School of Law graduate Richard A. Bayer, '83, along with his wife, Shelley, recently donated \$50,000 to establish the Richard A. Bayer Endowed Scholarship Fund, which will annually award a scholarship to the first-year, evening student who earns the highest grade in property law.

When Rick applied to USD, he was 29 and employed full-time, so he decided to enroll in the four-year evening program. Rick was initially concerned that the evening program would not measure up to the same high academic standards as the day program and that there would be fewer opportunities upon graduation. However, Rick noted, nothing could have been farther from the truth.

"Never in my wildest dreams did I imagine that after leaving USD, I would be able to spend 11 years at O'Melveny & Myers in Los Angeles," said Bayer, "and then become the chief legal officer of The Macerich Company, a \$15 billion New York Stock Exchange listed public company. I am making this donation to highlight the fact that the evening students at USD School of Law are just as smart and capable, and have the same opportunities and potential, as the full-time day students."



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2007 Law Alumni Weekend

USD law alumni from the Class of 1977 celebrate their 30th year reunion on the rooftop of Hotel Solamar's J6 bar during the 2007 Law Alumni Weekend.



Careers in the Law

Katherine Santon '09 and Lindsey Stevens '09 network with Stephen F. Halsey '78 and Chad R. Fuller '97, Law Alumni Association Board Members and Careers in the Law panelists in Warren Hall at the annual Careers in the Law program on February 6, 2008.



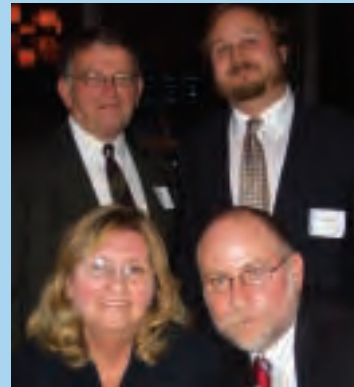
Bar Swearing In Ceremony

Some of our most recent law alumni from the class of 2007, Lindsay J. Foster, Jennifer Golovato, Ryan S. Kirby, Kira M. Rubel, Kristie Nickoletich and Natasha Dighe, reconnect at the California Bar Swearing In Ceremony breakfast hosted by the office of development at the Sheraton San Diego Hotel and Marina on December 7, 2007.



Distinguished Alumni Awards

James C. Krause, '75, chair, Board of Visitors and 2005 Distinguished Alumni Awards recipient, and Steven R. Hunsicker, '75 at the Distinguished Alumni Awards luncheon at the Westin San Diego on November 2, 2007.



Washington, D.C. Alumni Reception

Hon. Irwin L. Schroeder, Jr., '69; Christopher W. Brown, '98; Joyce Schroeder; and Thomas Sullivan, '98, at the Renaissance Washington, D.C. alumni reception on January 8, 2008.

November 2, 2007



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