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clinical faculty chair

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Erwin Chemerinsky extends heartfelt appreciation to everyone who enabled Berkeley Law to flourish under stressful, unprecedented circumstances.

Berkeley Law

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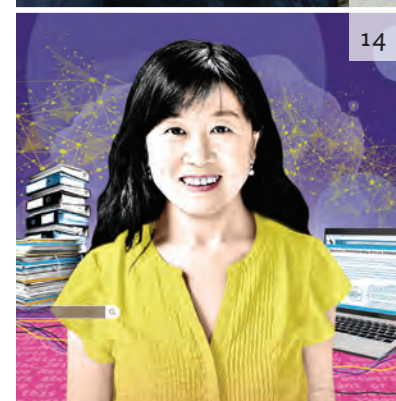
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“I am filled with admiration for all who allowed us to succeed and indeed thrive under unprecedented circumstances.”

Grateful, Inspired, Steadfast

As I write this in late July, we are planning a full return to in-person classes with the beginning of the fall semester on August 16. As I reflect on our last 16 months, I am filled with admiration for all who allowed us to succeed and indeed thrive under unprecedented circumstances.

The faculty did a masterful job of adapting to a new form of teaching. The median score for student evaluations in the spring semester was notably higher than it had been in recent years. This, of course, does not mean that online teaching is the same as or better than in-person teaching. Rather, it reflects the enormous patience and understanding of our students in adapting to online education.

Berkeley Law continued to advance its public mission in countless ways. Our students did prodigious amounts of pro bono work. Our clinics provided effective representation, including to those adversely affected by the COVID-19 pandemic. Despite all of the difficulties, our faculty continued to produce important scholarship in their books, articles, and essays [see page 46].

All of this was facilitated, as always, by a terrific staff. They are one of the Law School's greatest strengths.

Our alumni supported Berkeley Law in so many ways. In a very difficult year financially, they provided essential monetary support. A record number of alumni participated in helping to recruit students and to mentor the students in all of our programs [see page 52].

I confess I never imagined myself as the dean of an online law school and I am so excited to return to the classroom and to the building. But I know that we are better prepared than ever before to deal with whatever arises. The last 16-plus months have demonstrated a remarkable strength and resiliency to our Law School.

We begin the new school year with special excitement about being together in person. It is hard to believe that other than our 3Ls, none of our students have ever been in the building. I am excited, too, to welcome our new faculty colleagues. Jennifer Chacón, Jonathan Glater, and Osagie K. Obasogie join us after distinguished careers at other law schools and in practice [see page 12].

There is much to look forward to in the coming academic year!

Warmly,

Erwin Chemerinsky

Dean, Jesse H. Choper Distinguished Professor of Law

A Degree in Resilience

Political turmoil revealing the fragility of

American democracy, complete with a riot at the United States Capitol. Repeated incidents exposing racial injustice. Persistent area fires sparking dangerous air quality and a run on N-95 masks. A global pandemic turning law school education — and life itself — completely upside down.

While many Berkeley Law classes have dealt with daunting challenges, it's hard to imagine any facing more simultaneous stressors than the Class of 2021.

Even so, this year's graduates displayed remarkable tenacity, resilience, and compassion while pursuing their degree, advocating for clients and causes, supporting their classmates, and overcoming obstacles.

When the pandemic forced them to shelter in place and take classes online, they forged a sense of strong

community in creative ways, from virtual cooking and craft circles to trivia nights and talent shows. And while it's not the law school experience they envisioned, they still created foundational friendships, gained lifelong lessons, and inspired faculty and staff.

Amid the turbulence, graduates such as former Student Association at Berkeley Law Co-President Linda Blair found strength in their classmates.

"The community building at Berkeley Law is unmatched; there really is a place for everyone because Berkeley attracts people who care about one another and are willing to go above and beyond to be supportive," she says. "This community has made me more open and inviting of people from all walks of life, and it has been the most meaningful part of my experience here." —*Andrew Cohen*

FIRMLY ROOTED:

Linda Blair '21 says the challenges her class faced brought it closer together.





Entertainment Law Hub

The Hollywood Reporter rated

Berkeley Law the fourth-best school for entertainment law in its 2021 rankings.

The publication pointed out that the school “provides entertainment-relevant courses covering things like social justice issues in the industry, sports contracts, trademarks — and now even offers a class on social media law. The school also boasts the *Berkeley Journal of Entertainment & Sports Law* and held its (virtual) sixth annual Sports & Entertainment Conference.”

In addition, seven graduates were named to *The Hollywood Reporter’s* annual top 100 power lawyer list. The dynamic deal-makers, high-stakes litigators, and big-merger facilitators include Scott Edelman ’84, Bruce Gellman ’91, Cliff Gilbert-Lurie ’79, David Maltof ’92, Michael Schenkman ’90, Douglas Stone ’86, and Matthew Syrkin ’03. —*Andrew Cohen*

Extending a Legacy

The endowing donors of the Samuelson Law, Technology & Public Policy Clinic have again stepped forward, this time to fund Berkeley Law’s first clinical faculty chair.

Berkeley Law Professor Pamela Samuelson and her husband, Robert Glushko of the UC Berkeley Cognitive Science Program, pledged \$1 million to create the Robert Glushko Clinical Professor of Practice in Technology Law. Two decades earlier, they donated \$2 million to help establish the Samuelson Clinic — the first of its kind — to advance the public interest in tech and intellectual property law.

Samuelson says the gift was motivated in part “to express the pride we both feel about the work the technology clinic faculty and students have done in the past 21 years.”

Just a few examples of the clinic’s recent work include pushing the Federal Bureau of Prisons and Justice Department to disclose records about their monitoring of confidential attorney-client emails, advocating for the removal of copyright restrictions on California’s jury instructions, and producing reports on electronic monitoring in the juvenile justice system and surveillance laws in cities.

Samuelson, a faculty co-director of the Berkeley Center for Law & Technology, is a renowned trailblazer in digital copyright law, intellectual property law, cyberlaw, and information policy. Glushko, a successful digital publishing and electronic commerce entrepreneur, co-founded Veo Systems, which pioneered Extensible Markup Language (XML) for web services and business applications.

Noting how they’ve helped cement tech law’s place among clinical offerings at U.S. law schools, Samuelson Clinic Director Catherine Crump says, “At this point, their idea has become so mainstream that people are more likely to ask why a school doesn’t have a tech law clinic than to question why one does.” —*Gwyneth K. Shaw*



TECH TEAM: UC Berkeley Adjunct Professor Robert Glushko, School of Information Professor Deirdre Mulligan, Samuelson Clinic Director Catherine Crump, and Berkeley Law Professor Pamela Samuelson at the clinic’s 15th anniversary celebration in 2016.



Restoring the Promise of PACE

A financing mechanism designed to help homeowners afford solar assets and other energy improvements has instead left thousands of low-income Californians facing steep property tax debt — and for some, potential foreclosure, according to a recent report from Berkeley Law’s Environmental Law Clinic.

Now, its recommendations are shaping a reform battle in Sacramento with nationwide ripple effects.

Property Assessed Clean Energy (PACE) lets homeowners pay for energy improvements without a bank loan or a down payment. Instead, the projects are financed by bonds, and repaid through a lien that appears on the owner’s property tax bill. The California Legislature created PACE to make energy upgrades easier, serving the state’s goal of fighting climate change.

But PACE hasn’t lived up to its promise due to fundamental flaws in the program’s setup, says clinic Director Claudia Polsky ’96. There’s no requirement for contractors to ensure that a recommended upgrade would actually be cost-effective for the homeowner, and no mandate that the completed work be inspected before the contractor is paid and the tax lien added to the property.

Those flaws, according to the report, have left some low-income homeowners with expensive improvements they didn’t really need, shoddily installed products, unfinished projects — or all three. Lawmakers, including State Sen. Dave Min and Assembly Member Sharon Quirk-Silva, are moving to make the report’s suggested changes.

“It’s not that the concept is wrong, it’s that the implementation — which has been largely by for-profit companies — was almost wholly unregulated,” Polsky says. “The consequences have been catastrophic, and the ultimate consequence can be homelessness.” —*Gwyneth K. Shaw*

ARLINE MEYER (PACE); TRAELOD RODGERS COURTESY OF THE NAACP

Standout Civil Rights Scholar

First-year student **Traelon Rodgers ’24** was selected to the NAACP Legal Defense Fund’s new Marshall-Motley Scholars Program, which gives full law school scholarships, training, and post-graduate fellowships to students who commit to working for at least eight years on civil rights in the South after getting their J.D.s. The 10 recipients, each born or raised in the South, were picked from more than 400 applicants.

Co-valedictorian of his Dillard University class and a two-term president of the school’s Student Government Association, Rodgers is the youngest person (then 21) to be elected as an NAACP national officer. His many leadership roles have included serving as NAACP National Youth Work Committee chair, Dallas NAACP Youth Council president, and City of Dallas Youth Commission vice chair.



WHEEL OF JUSTICE: As a college student, Traelon Rodgers created task forces addressing equal treatment issues that impacted NAACP youth members nationwide.

Enduring Impact

Over nearly 50 years at Berkeley Law, Professor

Stephen Sugarman has left his indelible mark in many ways — from court fights over school funding to maintaining an essential East Bay eatery guide.

Last spring, the *California Law Review* published a special “festschrift” issue commemorating his career, which includes more than a dozen books and countless articles. On April 29, colleagues, family, friends, and students gathered virtually for a salute.

Sugarman arrived in 1972, just after he and Professor Emeritus John Coons helped litigate the *Serrano v. Priest* school financing case. Dean Erwin Chemerinsky, who read their 1970 book *Private Wealth in Public Education* in college, said, “No one is more influential in the field of education law over the last half-century than Steve Sugarman, and he is truly a wonderful colleague.”

Others noted Sugarman’s impact in torts, including health law and insurance and personal injury policy. They also lauded his efforts building community within the school and upholding its mission through two stints as associate dean and tireless committee work.

Raja Krishna ’21, among his small group of students as a 1L who affectionately called themselves “Sugarmod,” was in a potential jury pool the next year. When the plaintiff’s attorney asked him about current tort law, Krishna described Sugarman’s ideas on no-fault insurance, strict product liability, and intentional torts.

“Needless to say, I was promptly dismissed ... but not without a lengthy comment from the judge praising Professor Sugarman’s scholarship and the wide-ranging influence of his ideas,” Krishna recalled.

Capping the event, an obviously touched Sugarman saluted colleagues and his wife of “50 splendid years,” Karen Carlson.

“We law professors at Berkeley Law have the best job I can think of,” he said. “It’s beyond what I could have imagined when I came here.” —*Gwyneth K. Shaw*

STANDING TALL: Professor Stephen Sugarman receiving Berkeley Law’s 2017 Faculty Lifetime Achievement Award.



A Full Race and Law Plate

Students often ask faculty

members Molly Van Houweling and Savala Nolan ’11 for information and input on courses. Over the past year, their queries about classes focused on race and law have increased significantly.

“Student interest in this topic certainly isn’t new, just as its importance to every field of law isn’t new,” says Van Houweling, Berkeley Law’s associate dean of J.D. curriculum and teaching. “But our current students have been particularly engaged in discussions about how to innovate and improve our offerings.”

A whopping 17 options are available this semester that count toward the school’s race and law certificate — launched in 2018 with a course, experiential education, writing, and program activity requirement. They cover everything from environmental justice to civil rights to entertainment and media law, and Introduction to Critical Race Theory for 1Ls will be offered in the spring semester.

Berkeley Law has also done more outreach to faculty to identify classes, such as Family Law, with a substantial focus on race or racial inequality

MENU MAKER: Professor Molly Van Houweling, associate dean of J.D. curriculum and teaching, sees growing student interest in race and law classes.



that may not be obvious from the course title.

Nolan, executive director of the school’s Thelton E. Henderson Center for Social Justice, says the most effective legal advocates will bring sophistication and fluency to issues of race.

“A lawyer who isn’t conversant on race — its ontology, uses, and impacts — simply won’t be as powerful a force for system-changing, long-term progress,” she says. “It’s therefore crucial that we at Berkeley Law, the best public law school in the country, make every effort to educate our students about race and racial hierarchy and how both interact with the law.”

—*Andrew Cohen*

Back Where It Began

Natalie Winters '18 relished trial competitions during her student days at Berkeley Law. Little did she know how quickly they would pay dividends.

“When I entered the courtroom as a public defender in Colorado, I immediately noticed how those experiences made me a better advocate on day one,” she says.

That passion never waned. In January, Winters returned to Berkeley Law as its director of advocacy competitions. She oversees the school’s four internal competitions, and teaches two sections of Advanced Legal Writing with a criminal law emphasis.

Able to host each internal competition last school year using virtual platforms like Zoom, Winters says, “We look forward to hopefully resuming these events in person this year.”

She has also worked with various students to coordinate an event aimed at demystifying the tryout process for those interested in advocacy competitions, and with Director of Equity & Inclusion Emily Bruce to hold an



implicit bias training for recently elected student group leaders.

Berkeley Law has enjoyed great success in recent competitions, and continues to grow its number of student participants and volunteer coaches — many of whom are alumni.

“I’m excited about the chance to work with students inside and outside the classroom as they develop their voices as advocates,” Winters says. —*Andrew Cohen*

FULL CIRCLE: Natalie Winters '18 returned to Berkeley Law to oversee its advocacy competitions.

Debt Collection Expertise

Professor Prasad Krishnamurthy was appointed to the California Department of Financial Protection and Innovation’s new debt collection advisory committee. The only academic on the seven-member committee, he will provide vital feedback to help the department oversee debt collectors and protect consumers.

The committee was formed on the heels of a 2020 state law expanding the department’s authority to deny or revoke debt collector licenses for fraudulent, deceitful, or dishonest acts. In addition to shielding consumers from spurious activity, the new

committee will promote responsible innovation, reduce regulatory uncertainty for emerging financial products, and increase education and outreach to vulnerable groups.

ON ALERT: Professor Prasad Krishnamurthy will help protect California consumers.



A CLEE(N) Idea

A proposal from Berkeley Law’s Center for Law, Energy & the Environment (CLEE) that the U.S. adopt and support an international methane protocol has been selected as one of The CLEEN Project’s top three ideas for partnerships to accelerate pathways to global decarbonization. The protocol provides a framework for tracking, managing, and reducing methane emissions from oil and gas facilities, which generate a quarter of total methane emissions.

BRITTANY HOSEA-SMALL (WINTERS); JIM BLOCK (KRISHNAMURTHY)



VICTORY ROW: (From left) Coach Lee Van Pelt '93, Emily Roberts '22, Karnik Hajjar '22, Rachel Wilson '22, and Coach Michael Schallop.

application and 20 a week preparing for oral arguments, and met virtually two dozen times with coaches Lee Van Pelt '93 and Michael Schallop (both Berkeley Law lecturers and partners at Van Pelt, Yi & James).

“They were absolutely indispensable,” Hajjar says. “They helped us narrow relevant pieces of prior art that we found, looked over just about every patent application draft, and told us about tools used in the trade that could help polish our patent.”

Using information from a hypothetical client regarding a

crash avoidance system invention for personal recreation vehicles, the teams probed what parts of the invention were novel by researching relevant patents, patent applications, scholarship, websites, and articles.

They then drafted an application and later presented oral arguments in five regional rounds. Regional winners received additional prior art and could amend their application and claims before nationals — similar to actual practice.

“As an aspiring patent prosecutor, the competition was the highlight of my 2L experience,” Roberts says. —*Andrew Cohen*

National Patent Champs

In person, virtually, whatever the forum, Berkeley

Law keeps reaffirming its No. 1 ranking in intellectual property law. Another recent example: winning the 2021 National Patent Application Drafting Competition.

“I knew we were coming from a strong position, with the foundation of Berkeley Law’s IP curriculum and the support of excellent coaches,” says team member Rachel Wilson '22.

Wilson, Karnik Hajjar '22, and Emily Roberts '22 bested more than 50 other teams in the annual U.S. Patent and Trademark Office competition. Roberts says the team spent about 30 hours a week on its patent

Sensational Summer

It’s been quite a ride for Savala

Nolan '11, executive director of Berkeley Law’s Thelton E. Henderson Center for Social Justice.

In June, a podcast she worked on won a prestigious Peabody Award, which each year honors the 30 most powerful and enlightening stories in television,

radio, and online media. Nolan was an advisor on race issues to the host and producer of *The Promise*. Produced by Nashville Public Radio, the podcast probes the challenges of an almost all Black and all poor elementary school and how the city’s education system creates and fuels systemic inequality.

In July, Nolan’s book *Don’t Let It Get You Down: Essays on Race, Gender, and the Body* was published by Simon & Schuster. It’s been called “a standout collection” as well as a

“beautiful, brutally rendered narrative” by Tressie McMillan Cottom in *The New York Times*, and “an eloquently provocative memoir” by *Kirkus Reviews*.

The book offers poignant reflections on living between charged, politicized, and polar spaces — Black and white, thin and fat, rich and poor.

HIGH IMPACT: The work of faculty member Savala Nolan '11 has earned rave reviews on multiple platforms.



ANDRIA LO (NOLAN)



Global Navigation

Berkeley Law’s international law program got another boost when four students — Kelsey Peden ’21, Najia Humayun ’22, Christine Hulsizer ’21, and Simone Lieban Levine ’21 — were selected as Salzburg Cutler Fellows.

Coordinated through the Lloyd N. Cutler Center for the Rule of Law, the program accepts standout students from the nation’s top 14 law schools who present their work and engage with international law leaders, professionals, and public servants.

Participating online due to the pandemic — which meant the program spanned six sessions rather than a single weekend in Washington, D.C., as in previous years — fellows submitted paper topics, and later a full draft or executive summary for works in progress. They were then divided into feedback discussion groups under the supervision of two faculty directors.

The fellows also discussed personal ambitions and potential international law career routes with mentors from prominent organizations and agencies.

Levine’s paper explored whether international abortion rights could help combat U.S. abortion bans and



restrictions; Peden’s focused on reforming U.S. sanctions to provide reparations for Rohingya victims in Myanmar; Humayun’s probed the Islamic position on capital punishment, which ties in theories of restorative justice, international law, and prison abolition; and Hulsizer’s discussed U.S. states incorporating international human rights norms.

“The international law community at Berkeley is tight-knit, hardworking, and absolutely wonderful,” Levine says. “It was an incredible experience to meet, learn from, and network with students and professors from similar communities at law schools across the country.” —Andrew Cohen

IBRIAN MOLLANEDA '21 (LE/INE), ANYA KU '20 (M/LSIZED), MADELINE MALAN PHOTOGRAPHY (PEDEN), CHLOE BELANGIA (HUMAYUN)



INTERNATIONAL LENS: Berkeley Law Salzburg Cutler Fellows (clockwise from top left) Simone Lieban Levine ’21, Christine Hulsizer ’21, Kelsey Peden ’21, and Najia Humayun ’22.



Generation Next

Megan Raymond '21 and Francesco

Arreaga '21 were selected by the American Constitution Society for its Next Generation Leaders program. The initiative identifies law students who have demonstrated stellar leadership in their work with the society's student chapters, and cultivates that talent through special programs and opportunities.

A former political media consultant who worked with electoral and advocacy campaigns across the country, Raymond was active with Berkeley Law's Political & Election Empowerment Project and held leadership positions at *Ecology Law Quarterly* and on the Berkeley Energy & Resources Collaborative board. This fall, she began working as an associate at Davis Wright Tremaine in Seattle.

Arreaga was co-president of the law school's Berkeley Immigration Group, managing a San Francisco Immigration Court observation project and conducting know your rights trainings in Spanish there. An editor at the *Berkeley Journal of International Law* and an advocate at the East Bay Community Law Center's Consumer Rights Workshop, Arreaga is now working as an American Constitution Society fellow.

STAR TURNS: Megan Raymond '21 (top) and Francesco Arreaga '21 were co-presidents of Berkeley Law's American Constitution Society chapter.



Hushed History

For decades, Eric Stover has investigated war crimes and atrocities

in foreign countries. But co-producing a documentary about the 1921 Tulsa Race Massacre hit home for the longtime faculty director of Berkeley Law's Human Rights Center.

"Tulsa: The Fire and the Forgotten" premiered May 31 on PBS. It commemorates the centennial of a white mob's three-day rampage in a thriving area known as Black Wall Street that burned down nearly 40 blocks of businesses and homes, left over 8,000 people homeless, and killed at least 100.

Local police helped arm the mob and deputized some members. Many Black residents were held in internment camps and could leave only if their white employer came to release them. The dead were buried in unmarked graves. No white person was ever implicated.

"For the privileged whites, it was simply, 'We need to keep this quiet because we're a prosperous oil capital,'" Stover says. "In the Black community, many feared talking about it and passing on the pain to their children. So a hushed history descended."

In 2018, director Jonathan Silvers — who had worked with Stover before — called about a documentary. They approached *Washington Post* reporter DeNeen Brown, whose front-page story described the massacre and efforts to submerge it, prompting Tulsa's mayor to reopen the investigation and create the 1921 Race Massacre Burial Sites Oversight Committee.

Stover interviewed activists, anthropologists, and others in Oklahoma who are striving to find mass graves and publicize what happened. Supervised by Human Rights Center Associate Director Andrea Lampros, students in the center's Investigations Lab fact-checked the film at PBS's request.

TRUTH TELLER: Eric Stover at Tulsa's Oaklawn Cemetery, where a mass grave of Black residents was found.

"The main theme we're trying to bring out in the documentary is that you have to live with history, face it, and understand that violence is passed down from generation to generation," Stover says. —*Andrew Cohen*



DRIVEN AWAY: During the Tulsa Race Massacre, over 6,000 Black people were interned for as long as eight days.



MCFARLAN LIBRARY, UNIVERSITY OF TULSA (TOP); SAYBROOK PRODUCTIONS (STOVER)



“The motivation comes from our ability to help the legal community adapt to changing technologies and changing laws.”

—Wayne Stacy

Taking the Reins

If Wayne Stacy feels any pressure leading the center that drives the nation’s top-ranked intellectual property law program, you’d never know.

“Maintaining rankings and stature aren’t the motivation,” says Stacy, the Berkeley Center for Law & Technology’s new executive director. “The motivation comes from our ability to help the legal community adapt to changing technologies and changing laws. I recognize the impact BCLT has had over the past 25 years. By doing our job well, we will remain No. 1.”

Stacy, who started in May, had been a U.S. Patent and Trademark Office regional director and a partner at Baker Botts (chairing its intellectual property department) and Cooley LLP while teaching at four law schools, including Berkeley.

“As a law firm attorney, I had the opportunity to be part of several BCLT events and was always impressed,” says Stacy, now building the center’s new Project on Law and Innovation in the Life

RUNNING START: Wayne Stacy is the new executive director of the school’s Berkeley Center for Law & Technology.

Sciences and inviting more mid-level attorneys to work with BCLT. “This position provides the opportunity to be on the front lines of identifying and solving the emerging legal issues facing tech companies.”

Stacy replaces James Dempsey, who expanded Berkeley Law’s Asia IP & Technology Law Project and tech-law curriculum during his 6½ years. Dempsey will continue teaching cybersecurity law in the LLM. Program and his new book, *Cybersecurity Law Fundamentals*, was published during the summer.

“Berkeley really does have the nation’s best law and technology program,” Dempsey says. “BCLT’s 17 faculty directors represent an unmatched depth. My last and possibly greatest achievement is handing BCLT over to Wayne Stacy. He has so many ideas and so much energy for preserving our successful model while expanding it on multiple vectors.” —Andrew Cohen

Corporate Law Star

Shao Zhao ’23 is this year’s Minority Corporate Counsel Association Robert Half Legal Scholar, receiving a \$10,000 award for tuition. The program supports diverse student leaders who are interested in corporate law and diversity and inclusion issues, and offers helpful career guidance

through connections to peers and mentors.

Zhao also recently received the National Asian Pacific American Bar Association’s Sharon and Ivan Fong Leadership Scholarship, given each year to four rising 2Ls with outstanding professional promise and leadership



EARLY PATH:

Shao Zhao became interested in a legal career at age 10, when she picked up the book *You and the Law* at a domestic violence shelter where she was staying with her mother.

potential. Her numerous activities have included staffing a homeless shelter, tutoring immigrants, and mentoring young adults.

Talented Trio

Jennifer Chacón, Jonathan Glater, and Osagie K. Obasogie extend streak of star faculty hires

For new professors Jennifer Chacón, Jonathan Glater, and Osagie K. Obasogie, the appeal of joining Berkeley Law's exceptional faculty was undeniable.

Chacón says she relishes the chance to collaborate with many new colleagues who are leaders in her main fields of interest (constitutional law, immigration law, and criminal law and procedure). She looks forward to working with the school's Thelton E. Henderson Center

for Social Justice, where she has been a visiting scholar, its Center for the Study of Law and Society (CSLS), and the university's Berkeley Interdisciplinary Migration Initiative.

"I love this job because it is an opportunity to learn every day, from people from all walks of life, through research, teaching, and conversations — both on and off campus," she says. "I am excited to begin the next



chapter of my academic career ... and to keep those conversations going.”

A former U.S. Ninth Circuit judicial clerk and law firm associate in New York, Chacón began her law teaching career at UC Davis. She and Glater, who are married and Yale Law graduates, come to Berkeley from UCLA Law and previously taught at UC Irvine Law.

Glater, who focuses on access to education and the effects of student debt, says many Berkeley Law faculty members “care about the same issues that interest me, around inequality in general and equity in educational opportunity in particular. There is also the expanding focus on consumer law, which is implicated in student lending.”

He will work with CSLS, the Berkeley Center for Consumer Law & Economic Justice, and others researching the connections between debt, regulation, and inequality. Previously a private practice lawyer in Argentina and New York, Glater was a *New York Times* reporter for almost a decade and prioritizes writing — both with his students and in his own scholarship.

“Often the concepts and the problems addressed by legal scholarship are complex and arcane, so explaining them well takes a considerable effort,” Glater says.

Obasogie, the only faculty member appointed at both Berkeley Law and UC Berkeley’s School of Public Health, aims to build bridges between students and faculty in both places and bring critical conversations around medicine, science, and technology to the law school.

A new educator in Berkeley Law’s interdisciplinary Ph.D.-granting Jurisprudence and Social Policy Program, Obasogie is a Columbia Law graduate who taught at UC Hastings College of Law before being recruited to Berkeley’s School of Public Health in 2016 as part of its Joint Medical Program with UCSF.

Amid the ongoing COVID-19 pandemic and growing awareness of how police use of force can threaten public health, he says, “Law can be an important tool to combat these challenges. But in order for this to happen, we have to think creatively and try to create synergies between law, medicine, and public health.”

This year, Chacón will teach Constitutional Law, Glater Criminal Law, and Osagie Critical Theory and Social Science Method. They join a faculty that has added nearly two dozen top scholars since 2017.

—Gwyneth K. Shaw

UP THE COAST: Professors Jonathan Glater and Jennifer Chacón join Berkeley Law’s faculty from UCLA School of Law.

SYNERGY SEEKER: Professor Osagie K. Obasogie wants to build strong connections between the law school and UC Berkeley’s School of Public Health.





Natural Home for Artificial Intelligence

Berkeley Law students help lawyers streamline contract review

Like all merger and acquisition lawyers, Wei Chen spent years on due diligence patrol — mining thousands of contract pages to find the few clauses needed for legal analysis.

“The process hasn’t evolved since I started practicing more than 20 years ago: It’s time-consuming, mind-numbing, and prone to errors,” she laments.

With the success of artificial intelligence (AI), she asked herself: “If my iPhone can find cat pictures from my photo albums, why can’t AI find the most favored nation or exclusivity clauses in my piles of contracts?”

Chen, a senior vice president and associate general

TRANSFORMER: Wei Chen, founder of The Atticus Project, enlisted Berkeley Law’s help to make legal document review more efficient.

counsel at Salesforce, wondered how to get lawyers to tag contracts and make them publicly available for free. She brainstormed with Adam Sterling ’13, executive director of the Berkeley Center for Law and Business, where she serves on the advisory board.

Sterling promptly connected her with a dozen eager Berkeley Law students in summer 2020, fueling an experimental pilot program that launched The Atticus Project — a nonprofit that harnesses AI’s power to accelerate accurate and efficient contract review.

Under attorney supervision, the students released a beta dataset of 200 commercial contracts last October. Sterling then introduced Chen to two UC Berkeley AI researchers, leading to a March dataset with over 13,000 clauses across 510 commercial contracts corresponding to 40 clause types.

“We hope this dataset will be a catalyst for legal AI innovations and move the industry forward for all,” Chen says.

Berkeley Law is helping The Atticus Project launch two programs. The first enables experienced lawyers to design a project to solve data-related legal challenges, create training programs, teach at participating law schools, and mentor law students. The second helps law students and non-legal professionals to learn vital legal clauses and find them in legal documents.

The Atticus Project has trained over 60 law students and 15 high school students on contract review skills and AI knowledge. With learning reinforced by self-graded quizzes, a 200-plus page handbook, and work product review, students identify key concepts in contracts and tag them using an online tool.

“I had previously only heard ‘artificial intelligence’ and ‘machine learning’ as buzzworthy terms used to describe a dystopian future of work,” says Chris Gronseth ’22. “I was excited to get hands-on experience in learning more about what AI really entails and how it might be a positive and useful tool in legal work.”

Chen sees a huge divide between AI’s performance in law and medicine, where skilled labor is scarce, versus areas where training datasets are abundant or cheap to obtain, like image recognition or Wikipedia.

She says, “Unless the legal industry catches up quickly, it will continue to live in the Stone Age while other areas take off.” —*Andrew Cohen*

ILLUSTRATION BY RYAN OLBRYSH

Picked to Pioneer

Faculty member Jennifer Urban '00 leads new California Privacy Protection Agency

Jennifer Urban '00 says creating the California Privacy Protection Agency “demonstrates national and international leadership.” Her Berkeley Law colleagues say choosing Urban to chair it demonstrates keen judgment.

“Jennifer’s expertise in data privacy and her personal integrity make her the ideal choice,” explains Catherine Crump, director of the school’s Samuelson Law, Technology & Public Policy Clinic, where Urban is the director of policy initiatives.

Clinic Associate Director Erik Stallman '03 calls Urban “a perfect fit,” noting that she is “frequently among the first to identify and study privacy, security, and intellectual property issues raised by emerging technologies.”

Urban and four other experts in privacy, technology, and consumer rights form the board of the new state agency that is charged with protecting consumers’

privacy rights over their personal information. A key part of the California Privacy Rights Act, the agency’s administrative power over privacy and data protection is unprecedented in the United States.

With explicit protections in its state constitution, innovative laws, and guidance from the attorney general’s office, Urban says California has long been a privacy leader. But with data mining and the COVID-19 pandemic expanding the public’s already massive reliance on the internet, protecting people’s digital identities and private information has become increasingly vital.

“As the world grows ever more data-driven, a dedicated body to protect consumer privacy rights, provide guidance to businesses, and enforce the law is necessary,” Urban asserts.

In 2018, California became the first state to equip consumers with new privacy tools and rights under the California Consumer Privacy Act. State voters broadened those protections by approving Proposition 24 in November, creating the agency.

With the authority and jurisdiction to implement and enforce California’s consumer privacy and privacy rights acts, the agency can bring enforcement actions related to either before an administrative law judge.

“Californians deserve control over their personal information, protection from privacy-invasive practices, and the ability to trust that their data is secure,” Urban says. “Businesses need clear rules and a level playing field that allows them to build privacy-protective products and services.”

A co-director of the Berkeley Center for Law & Technology, Urban collaborates with technologists and academics to understand how new technologies and their regulatory structures interact with civil liberties, innovation, and creative expression.

She and her clinic students represent clients in information policy cases, addressing areas such as copyright and free expression, artists’ rights, government surveillance, biometrics, and defensive patent licensing.

“This is why so many of her students go on to become trusted leaders in their respective legal fields,” Stallman says.

Professor Chris Hoofnagle, who teaches interdisciplinary courses in cybersecurity with Urban, says her “appointment to this historically significant new institution will make Berkeley Law’s spirit — its values, and substantive and procedural expertise — a parent of the California Privacy Protection Agency.” —*Andrew Cohen*

PRIVACY PERCH:

Jennifer Urban '00 brings a wealth of experience and insight to her new role.

BRITTANY HOSEA-SMALL



Combating Antisemitism

A collaborative project developed at Berkeley finds traction on campuses nationwide

An education program aiming to stamp out antisemitism at UC Berkeley is finding a national audience, with help from a grant and a video that puts a complex history into simpler terms.

“UC Berkeley is rightly celebrated for its history of free expression and for being an inclusive community,” says Berkeley Law Professor Steven Davidoff Solomon, who started the Antisemitism Education Initiative in 2019 with History Professor Ethan Katz and Berkeley Hillel Executive Director Adam Naftalin-Kelman. “I really wanted to make sure that when we consider questions of racial justice, antisemitism is a part of that discussion.”

The program is coordinated by the UC Berkeley Chancellor’s Committee on Jewish Life and Campus Climate, the Center for

Jewish Studies, the Helen Diller Institute for Jewish Law and Israel Studies, Berkeley Hillel, and the Magnes Collection of Jewish Art & Life. The initial goal, Solomon says, was to educate students and other school community members about antisemitism’s history and modern examples of anti-Jewish bias.

Last fall, the initiative received a \$25,000 grant from the Academic Engagement Network, a nonprofit that promotes free expression on campus, supports research and education about Israel at universities, and opposes efforts to delegitimize Israel.

The initiative has already hosted events, developed a presentation



AT THE HELM: Berkeley Law Professor Steven Davidoff Solomon (top) heads the Antisemitism Education Initiative with History Professor Ethan Katz (center) and Hillel Executive Director Adam Naftalin-Kelman.

TEACHING TOOL: Initiative leaders developed an 11-minute video highlighting antisemitism’s history and enduring presence.



Name Removed, History Remembered

for new student orientations, run workshops for faculty and staff, and offered consultations to educators nationwide. Solomon, Katz, and Naftalin-Kelman also worked with Oakland filmmaker Sarah Lefton to write and produce “Antisemitism in Our Midst: Past and Present,” an 11-minute video.

It explains antisemitism’s roots and persistence, and the ways American Jews fall outside the nation’s tendency to define race as white or Black (benefiting from white privilege while also suffering from discrimination because of this “other” category that can prompt bias).

Regarding the Israel-Palestine conflict, the video says criticizing an Israeli policy isn’t antisemitic but that using traditionally antisemitic stereotypes to do so, or denying the Jewish people the right to a state while defending other nations’ right of autonomy, is.

The video script took over four months of work. Solomon, Katz, and Naftalin-Kelman pored over every sentence, considering how it would speak to different audiences and looking for misunderstandings. They then showed a rough cut to groups of students from diverse backgrounds, leading to further tweaks.

“It was immensely challenging to try to develop something that would be at once clear and unambiguous on key issues, and sensitive to nuance and the range of experiences of those in a student body so diverse as Berkeley’s,” Katz says. “We’re proud of the product and we’ve received overwhelmingly positive feedback from a range of perspectives.”

With the national spike in antisemitic incidents, Solomon says the video and broader initiative are important “to ensure that people are educated and aware and have the tools to fight antisemitism. I’m proud that Berkeley is a leader in this movement.”

—Gwyneth K. Shaw

Unnaming Boalt Hall highlights the value of process and community

In January 2020, UC Berkeley unnamed Boalt Hall due to the racist views of 19th century Oakland attorney and building namesake John Henry Boalt. It marks just one step of several the law school is taking to examine, not simply erase, Boalt’s legacy at Berkeley Law — and to further a sense of belonging for its increasingly diverse community.

Boalt’s virulent anti-Asian racism fueled existing national prejudice against Chinese immigrants. He also made isolated racist remarks about Africans brought to the United States as slaves and about Native Americans.

A new hallway display in Berkeley Law’s North Addition contextualizes how the Boalt name’s role

HISTORY LESSON: LLM student Alan Gao views a new display documenting how the Boalt name evolved at the law school and why it was removed.



on campus has evolved over time. The installation includes timeline information, photos of and quotes from those helping to create change at Berkeley, and QR codes viewers can scan to access documents related to the unaming.

“Especially as we’re moving from virtual classes to learning in place, this idea of a sense of place becomes so much more obvious,” says Berkeley Law staffer Gar Russell, a member of the 2018 committee Dean Erwin Chemerinsky assembled to research Boalt’s writings and beliefs and to recommend a response. “The environment in which we exist matters. When we return to these halls, there’s an opportunity to create community.”

In 1951, when the school moved from its first home (in what today is Durant Hall) to a new facility, the UC Regents renamed it UC Berkeley School of Law; “Boalt Hall” was given to the main classroom wing. But for decades, many incorrectly referred to the entire building complex, and often the law school itself, as Boalt Hall. Graduates were routinely called “Boalties.”

Attorney and Berkeley Law lecturer Charles Reichmann discovered Boalt’s views in 2017 at a campus library while researching the Asian experience in California, prompting Chemerinsky to launch an investigation. The resulting December 2018 report was reviewed by UC Berkeley Chancellor Carol Christ’s Building Name Review Committee, which voted unanimously in fall 2019 to unname Boalt Hall. Christ and UC President Michael Drake agreed.

The new display notes that Boalt’s wife, Elizabeth, contributed to the first law school building in memory of her husband. Her portrait hangs in Berkeley Law’s Charles A. Miller lobby.

Professor Leti Volpp was the committee’s faculty representative and lead drafter of its final report.

“All of these changes endeavor toward a more inclusive environment for marginalized or underrepresented students,” says student representative Cheyenne Overall ’19.

Building Name Review Committee Chair Paul Fine hopes to see more projects reckon with racist legacies at three other campus sites that have recently been unnamed.

“Simply taking a name from a building is only an important first step, and the university needs to follow through with more substantive actions,” he says. “I am glad Berkeley Law is doing this, and I hope that there will soon be other actions taken for the other buildings.”

—*Edited from a Berkeley News article by Gretchen Kell*



Democracy Defenders

Two alumnae help convene notable bipartisan team to lead new center’s work protecting election integrity

Fully enjoying her job as chief deputy in the

Massachusetts Attorney General’s Office, Joanna Lydgate ’10 wasn’t looking for a new challenge. But when alarming internal threats to American democracy escalated last year, she knew she had a unique perspective on how state leaders were positioned to confront them.

Now, as co-founder and CEO of the States United Democracy Center in Washington, D.C., Lydgate guides its work to advance free, fair, and secure elections. The nonpartisan center helps connect state officials, law enforcement leaders, and pro-democracy partners across America with tools and expertise to protect the vote, hold democracy violators accountable, and prevent political violence.



CAPITOL CHAOS: Election protesters try to remove a guard rail during the U.S. Capitol riot on January 6.

our democracy.” They assess vulnerable areas, what legal, policy, and communication strategies are most effective, and what states can learn from each other to protect voting freedom nationwide.

Leading up to the Electoral College certification, the organization published a report rebutting claims that Vice President Mike Pence could overturn the election results. The report also shared guidance on how to prepare for and manage potentially violent demonstrations.

“We’re fighting against misinformation campaigns and voter suppression efforts in state houses across the country,” says Fogel-Bublick, noting that “democracy violators have doubled down” since the U.S. Capitol insurrection on January 6.

Calling democracy an American responsibility rather than a partisan issue, Lydgate admits to “a lot of late nights and lost weekends, and more screen time for my kids than I’d like to admit.” Nevertheless, her commitment hasn’t wavered.

“We’re working every day to fight disinformation, amplify bipartisan voices defending our democracy, and help the public and policy makers understand what’s at stake,” she says. —Andrew Cohen

A CALL TO ACT: Co-founder and CEO Joanna Lydgate '10 (left) and COO Jenn Fogel-Bublick '98 play vital leadership roles at the States United Democracy Center.

Lydgate says that amid calls by former President Trump to postpone the November 2020 election and mounting election-related lies, she recalled Berkeley Law mentors “who encouraged me to take risks, think creatively, and understand the power of the law to effect change.”

Working with former U.S. Ambassador to the Czech Republic and Obama White House “Ethics Czar” Norman Eisen and former New Jersey Governor Christine Todd Whitman, they established the Voter Protection Program — which eventually became States United.

Another Berkeley Law alum, Jenn Fogel-Bublick '98, was hired as COO. “We were building an organization amid a global pandemic and a democracy crisis. Recruiting Jenn and having inherent trust in her as a fellow Berkeley grad was a game changer,” Lydgate says.

The advisory board features former governors, state attorneys general, secretaries of state, law enforcement leaders, and federal officials who served in both Democratic and Republican administrations. It includes Berkeley Law grad and past Alaska Attorney General Jahna Lindemuth '97 and recent UC President Janet Napolitano, former Secretary of Homeland Security who also served as Arizona’s governor and attorney general.

Their goal, Lydgate says, is to “build a nonpartisan firewall against those who are trying to undermine



SUZANNAH MARCH (LYDGATE), IAN WAGRECH PHOTOGRAPHY (FOGEL-BUBBLICK)

Photo Essay

Law School Life
Through the Lens



Side by Side

On August 10, Student Association at Berkeley Law Co-Presidents **Ximena Velázquez-Arenas** (left) and Yara Slaton prepared to meet for the very first time in person to discuss their goals and vision for the school year ahead. They had talked many times as SABL 1L representatives over Zoom last year, when Velázquez-Arenas lived in Mexico City and Slaton in Boise, Idaho, during their surreal experience of attending law school remotely.





After spending the previous year with her mother and 18-year-old daughter, **Yara Slaton** eases into a new life of in-person law school and a new living situation at her Berkeley apartment.

Slaton and **Velázquez-Arenas** see each other for the first time near campus and share a heartfelt embrace. “Look at you,” Slaton says. “Your eyes are real!”





Clockwise from top left: 1L **Kevin Kallet** settles in at Cafe Zeb; Professor **Daniel Farber** (middle) holds court with J.S.D. students (from left) **Nicolas Lezaca, Natsuda Rattamane, Betul Ayranci, and Youngmin Seo; Deepika Raikwar**, a student speaker at this year's virtual commencement ceremony, basks in the moment after receiving her LL.M. degree.



William Bassett '23 (left) and **Chris Gronseth '22** share a laugh in front of the law building.







Above: 3Ls **Susana Herrera** (left) and **Elizabeth Heckmann** enjoy catching up.

Left: One day before dispersing across the world, a group of LL.M. students who took Fundamentals of U.S. Law with faculty member **Bill Fernholz** '93 (blue sportcoat) meet him in person for the first time and strike some poses.

Right: New Berkeley Law 1Ls and roommates (from left) **Adriana Hardwicke**, **Livia Jaramillo**, and **Graciela Castrejon** arrive early for the first day of class on August 16.





Marissa Hernandez celebrates her graduation from Berkeley Law in May. While the COVID-19 pandemic prevented an in-person ceremony, students still found many ways to commemorate their major milestone.





LL.M. students **Rio Fafen Ciptaswara, Rita Powolot, Wang Zhang, Anais Jansen-Fernandez, and Anyelle Ribeiro da Rocha Pereira** take a break in the sun.

Dean **Erwin Chemerinsky** gets things started in his first Federal Courts class of the fall semester.



HOLDING CELL



Bending the Arc of Justice

How Berkeley Law's faculty and students are fighting for fairness throughout the criminal legal system, from police reform to invasive technology.

BY GWYNETH K. SHAW



POWER
TO THE
PEOPLE

NO JUSTICE
NO PEACE

SAY
HER
NAME

Stretching back decades, Berkeley Law has been a leading academic driver of multi-faceted efforts to make the American criminal justice system more fair.

With public and political interest seemingly at a high water mark, the school's faculty and students are seizing the opportunity — with pathbreaking scholarship, policy advocacy, and hands-on work.

“Today is perhaps the most exciting era ever for rethinking criminal law and our punitive state at Berkeley Law,” says Professor Jonathan Simon — also an alumnus — who trained under early reform advocates Sanford Kadish, Caleb Foote, and Jerome Skolnick while in law school and as a Ph.D. student in the school's Jurisprudence and Social Policy (JSP) Program.

“The last time American society was questioning our punitive state as radically as is happening today was in 1968,” he says. “Then, as now, there were calls to reinvent policing to eliminate racism and dramatically reduce reliance on incarceration in favor of greater efforts to reintegrate people caught up in criminal conduct. Within five years, however, the reform movement was largely crushed and the country on a path toward

mass incarceration.

“The odds are better now that we will end up with reforms, and possibly profound ones.”

Innovative thinking across decades

The JSP Program, the nation's first law school Ph.D. offering, was founded after UC Berkeley disbanded its criminology department in the 1970s. It established a prime hub for research and policy work on reform that remains strong today.

Professor Franklin Zimring, a Berkeley Law faculty member for almost 40 years, was one of the first scholars to sound the alarm on mass incarceration in his 1991 book *The Scale of Imprisonment*. Zimring, who won the 2020 Stockholm Prize in Criminology — the field's top honor — has continued to study this issue, as well as gun violence and police killings, including in his acclaimed 2020 book *The Insidious Momentum of American Mass Incarceration*.

Work by Simon and Professor Emeritus Malcolm Feeley helped identify a key feature of crowded prisons: How the legal system's targeting of groups is often justified in risk management terms, which has also helped frame the contemporary debate about algorithms in criminal justice reform.



Winning Playbook for Abolishing Harmful Juvenile Fees

Youth and families in five states will no longer be crushed by debt from the juvenile legal system, thanks to the expertise and initiative of Berkeley Law's Policy Advocacy Clinic (PAC).

Driving the movement to abolish fees

ON THE DOTTED LINE: After two years of work, Policy Advocacy Clinic alumni Marcos Mocine-McQueen '21 (holding son) and Emma Atuire '21 (in yellow) stand behind Colorado Gov. Jared Polis, who signs a law on July 6 eliminating juvenile system fees in his state.

DANNY MCCARTHY

“The last time American society was questioning our punitive state as radically as is happening today was in 1968.”

— PROFESSOR JONATHAN SIMON

LOOKING AHEAD: Jonathan Simon '87 has written extensively about the perils of mass incarceration and the need for reform.



charged to children and their parents for myriad administrative costs, PAC led the policy charge to eliminate such fees in California — the first state to do so, in 2017. Next came Nevada, where two clinic students initiated a successful push to eliminate fees in 2019.

This year, clinic staff and students supported successful abolition campaigns in five more states — Colorado, Louisiana, New Mexico, Oregon, and Texas — that will no longer charge fees to youth in the juvenile system or their families. PAC has been directly involved in seven of the 10 states that reduced or eliminated juvenile fees since 2017.

“To make this kind of progress on such a deeply rooted problem has been tremendously gratifying, especially during these challenging times,” says Deputy Director Stephanie Campos-Bui '14.

Juvenile courts often charge youth and families thousands of dollars for detention, supervision, electronic monitoring, drug testing, and “free” public defenders. PAC’s extensive research

shows that the fees disproportionately harm low-income families and families of color — pushing them into debt and deeper into the juvenile system — and that local governments often spend more money chasing families to pay than they collect.

“Juvenile fees are a modern-day form of racialized wealth extraction with origins in the Black Codes and convict leasing,” says clinic Director Jeffrey Selbin.

The clinic’s winning playbook for abolishing fees focuses on partnering with local youth justice organizations; researching and analyzing state laws, practices, and impacts; consulting with probation officers, public defenders, and judges; and testifying before state legislatures.

Faculty supervise dozens of Berkeley law and public policy students in this effort. In addition to working on implementation in states that just passed bills, these students will support fee repeal initiatives in 15 states as PAC prepares to

co-launch a national Campaign for Debt Free Justice this fall.

“This spate of historic reforms over just the last few months brings us a big step closer to the tipping point after which states that still authorize these harmful practices will be the exception and not the norm,” says Deputy Director Devan Shea.

PAC has also made an impact in the adult system, supporting a coalition that successfully advocated for a bill to repeal 23 fees in California and end the collection of \$15.9 billion in outstanding debt — the first of its kind nationwide. The clinic is working to eradicate the remaining 63 adult fees and discharge billions of dollars more.

Selbin says, “It’s been a privilege to contribute to the larger movement to dismantle systems of racial and economic oppression while making a tangible difference in the lives of so many youth and families.”

—Sarah Weld

Professor Ian Haney López added another front in the debate, making the case that structural racism was not just an effect of mass incarceration but a cause of it. Professor Avani Mehta Sood brings a psychologist's lens to questions about how the legal system uses procedures and formats that conflict with what we know about how people actually respond. Professor Christopher Kutz, trained as a philosopher, explores criminal law through that frame.

One of the faculty's newest members, Professor Osagie K. Obasogie, uses the social sciences to study how law and medicine can intersect to mask police violence and hinder attempts at holding officers accountable when this force becomes excessive. In a forthcoming article, he examines "excited delirium," an increasingly popular term used by forensic pathologists to suggest that in-custody deaths can occur as a result of victims' poor mental health, which is thought to create extreme agitation that leads to spontaneous death. As proponents of excited

delirium tell it, police use of force often has little to do with these deaths.

Yet, Obasogie's research suggests otherwise. His findings show that when excited delirium is used to describe why a person died in police custody, there is often striking evidence of excessive force used by law enforcement, such as broken bones and indications of other forms of

trauma such as asphyxiation. Nevertheless, excited delirium continues to be used to describe the cause of death in several cases where police officers have killed community members, which can limit officers' exposure to criminal charges and civil liability.

"This highlights how law and medicine can come together to obscure police violence to make in-custody deaths seem like unpredictable and blameless tragedies rather than a foreseeable part of the routine use of force by police," Obasogie says. "It allows police violence to persist with little accountability, which is why it's important to think across domains to understand how medicine is part of the problem and needs to be part of the solution."

No stone unturned

Berkeley Law scholars are also examining the role police unions, prosecutors, and public defenders play in reform efforts. The school's new Center for Law and Work held its debut symposium in January, which focused on using labor agreements as a tool for reshaping policing — something Co-Leader and Professor Catherine Fisk '86 and retired U.S. District Judge Thelton E. Henderson '62 have written about.

And in his new book *Presumed Guilty: How the Supreme Court Empowered the Police and Subverted Civil Rights*, Dean Erwin

“For poor, young, uneducated Black men in particular, a year or more in prison is now excruciatingly common.”

— PROFESSOR IAN HANEY LÓPEZ

Reshaping the Classroom Narrative on Domestic Violence

When Nancy Lemon attended Berkeley Law from 1977 to 1980, there was no course on domestic violence. No casebook. No pro bono or clinical work.

"There was no discussion of domestic violence — no student groups, no guest speakers, nothing. It just didn't exist on our radar at all," she says. "So when I got a job working in the field, everything was totally new. I was learning on the job."

At the Legal Aid Society of Alameda County, Lemon found powerful mentors, including Eva Paterson '75 and Pauline Gee. It was still a relatively new idea that police and prosecutors had a role in punishing abusers and protecting victims from further harm, and the process of representing survivors included help navigating the system.

In 1988, Lemon got a surprising call from her alma mater, asking her to teach its first domestic violence course. She agreed — and for more than 30 years has not just taught that course but also dramatically expanded Berkeley Law's offerings.

The lack of a casebook meant she had to write one. The dearth of hands-on opportunities prompted her to organize them. The Domestic Violence Practicum, which Lemon directs, now places students with more than two dozen organizations, including the San Francisco District Attorney's Office Domestic Violence Unit, the Family Violence Law Center in Oakland, and the East Bay Sanctuary Covenant.

Amy Reavis '22, who took Lemon's classes as a 2L, relished exploring and critiquing the anti-violence movement's

HER OWN TRAIL: A leading authority on domestic violence law for four decades, faculty member Nancy Lemon '80 has pioneered its study in law schools and authored the leading textbook on the subject.

history, meeting practitioners, and working directly with survivors.

“Professor Lemon is a founding mother of the field of domestic violence law. Her kindness, humanity, experience, and growth-mindset all make for a great classroom environment,” Reavis says. “Her connections and expertise in this field are unparalleled and create a great learning and networking experience.”

Lemon’s work with students even extended to founding a nonprofit organization (the Family Violence Appellate Project, where she is the legal director) with some of her pupils.

Plenty has changed since 1980, particularly the students’ familiarity with the topic.

“Now they’re asking much more sophisticated questions and writing much more sophisticated papers,” Lemon says. “And from what they’re telling me, other teachers have also started to include domestic violence discussions in their classes, including Constitutional Law and Torts.

“You could talk about this in almost any class, but that’s not the way it used to be.”

Lemon finds teaching enormously gratifying, especially when students say her class was their favorite in law school.

“Many tell me they didn’t think there was a place for them in the legal system before that,” she says. “And then they came away from it with a sense of meaning and belonging, a sense that this was what they wanted to do in the world.

“I’m really happy when people say ‘I’ve found my calling.’ That’s a key part of why I’m here.” —*Gwyneth K. Shaw*



Chemerinsky argues that the higher rate of police killings of Black men stems from a half-century of Supreme Court decisions that have effectively allowed police and courts to presume that suspects — especially people of color — are guilty before being charged.

All of this work is paying off, Simon says, even as reform debates have become bogged down in disputes over what “defund the police” really means and a rise in homicides nationally reignites concerns about crime.

“What’s driving this successful coalition in many large cities across the country is recognition that policing is outdated for dealing with the major public safety challenges of the early 21st century,” Simon asserts. “This includes persistent gun violence in pockets of our poorest communities, drug overdosing, and rampant mental health crises fed by an army of ill-housed people unable to self-care. Traditional cuffs and guns policing can do nothing about these problems and yet eats up half or more of the budget in many cities and counties — the latter including jails.”

What’s needed, he argues, are resources to promote healing and self-care, and funding for community organizations to provide needed services and jobs to the very networks that are suffering the brunt of the violence.

“That money need not come from policing,” Simon says. “But in the long run, it requires stable funding to be sustained and that has to come from tax revenues, not once and done federal stimulus funds.”

Matching the pace of tech change

With the legal system adopting new technology-based methods for identifying, prosecuting, and sentencing suspects, Berkeley Law’s scholars have dug in and identified both problems and solutions. They’re also scrutinizing the way everyday tools such as smartphones are reshaping evidence and other rules.

“Computers change the playing field of criminal law in so many ways,” says Professor Orin Kerr, a prominent expert in computer crime and Fourth Amendment law. “They can give the government new ways to gather information. They can also give people new ways to commit crimes, making some crimes harder to detect and investigate. It’s a complicated picture. It’s a new world.”

Proposition 69, which California voters passed in 2004, mandated taking DNA samples from people who have only been arrested for an offense, not convicted. It also enabled prosecutors to require giving a DNA sample as a condition of getting a plea offer or dismissal, even for minor offenses like walking a dog off-leash — a practice adopted in Orange County and known colloquially as “spit and acquit.”

Not surprisingly, that combination dramatically expanded the state’s DNA database to include many people who have never been convicted or who have been convicted of crimes that would otherwise not require a sample.

Professor Andrea Roth wrote a 2019 *California Law Review*

article that brought Orange County’s program into the public eye. She is carefully watching new advances in the DNA evidence sector, including faster analysis that will help clear backlogs but might not be fully accurate.

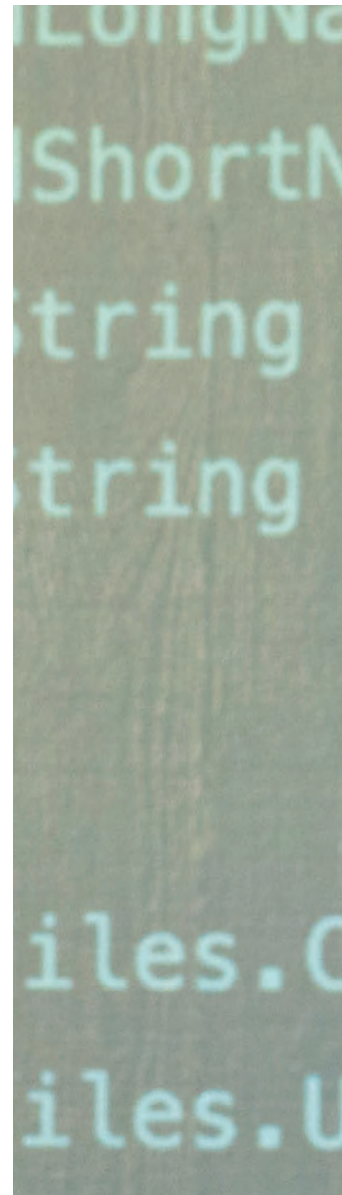
“We have algorithms that now claim to be able to tell with near certainty whether a person was a contributor to a complex DNA mixture, the author of a note, or at a particular location on a map,” Roth says. “If this new type of proof were proven to be reliable, there would still be legitimacy and dignity problems with the processes being so opaque. But most aren’t proven reliable.”

Some of these algorithms, like Google Earth, are relied on by millions of people in everyday life; some are created largely for forensic purposes. The current system of criminal procedure, discovery, and evidence law reflects the need for defendants to be able to scrutinize the state’s proof — but those rules are

“Those barriers to transparency and accountability are legal issues — they’re the responsibility of the law, and we at Berkeley Law can help to fix them.”

— PROFESSOR REBECCA WEXLER

UNEQUAL RIGHTS: Seminal research by Professors Andrea Roth (left) and Rebecca Wexler highlights how prosecutors consistently gain pivotal advantages over criminal defense lawyers in various facets of their cases.



built for human witnesses, not machines and algorithms.

“The inability to better scrutinize these processes — through independent stress testing of the software, analysis of the source code if necessary, unfettered and free defense access to the software, access to the software license for independent academic researchers to conduct validation studies, and the like — is a serious fairness and accuracy problem,” Roth says.

A skewed tool can mean the difference between an innocent and guilty verdict, or probation and a long prison sentence. And, as Professor Rebecca Wexler has shown in her research, defendants are often at a disadvantage because their lawyers can’t access the underpinnings of what’s being used against them.

“Unfortunately, a variety of legal secrecy doctrines are obstructing transparency and scrutiny of these tools, including insufficient reporting and disclosure mandates, intellectual

property, evidentiary privileges, and contract law,” she says. “Those barriers to transparency and accountability are legal issues — they’re the responsibility of the law, and we at Berkeley Law can help to fix them.”

Wexler sees traction for efforts to level the playing field, and she’s hopeful they will continue to progress. At the same time, she’s concerned about the growing outsourcing of investigative and forensic functions to the private sector. When private companies collect location information, for instance, the Fourth Amendment generally doesn’t apply — even if the companies then turn around and sell that data to law enforcement.

“Outsourcing investigative and forensic functions to private software companies can similarly gut other procedural safeguards,” Wexler says. “But as we’re automating more and more, that’s what’s happening.”

JIM BLOCK





“If you want to be a public defender, you need real competency about technology. In reality, it’s pervading all areas of law.”

— SAMUELSON CLINIC SUPERVISING ATTORNEY MEGAN GRAHAM

TECH SAVVY: Megan Graham (top left) of the Samuelson Law, Technology & Public Policy Clinic confers with students about a project on search warrants for electronic devices and social media accounts.

Fighting for fairness

Outside the school walls, Berkeley Law’s clinical, pro bono, and field placement programs, and many of its Student-Initiated Legal Services Projects [see infographic, page 39], let students take their quest for reform into the real world.

Last year, the Death Penalty Clinic released an exhaustive study that found people of color — especially African Americans — were disproportionately excluded from California juries through prosecutors’ peremptory challenges. The report prompted the state legislature to pass a reform bill aimed at making juries more representative of California’s demographics.

A recent International Human Rights Law Clinic report exposed how Oakland police often traumatize the families of murder victims a second time, through discriminatory treatment, devastating financial burdens, and psychological trauma, with inadequate government support.

A years-long effort by the Policy Advocacy Clinic to abolish steep, regressive fines and fees in criminal cases is sparking change around the country [see *Winning Playbook*, page 32]. The East Bay Community Law Center is fighting against the longstanding practice of criminalizing poverty and the inability to access housing as a way to drive poor people away from commercial districts.

And the Samuelson Law, Technology & Public Policy Clinic is pushing on several fronts. Just two examples: Forcing the Federal Bureau of Prisons and Justice Department to disclose records about their monitoring of confidential attorney-client

emails, and advocating for the removal of copyright restrictions on California’s jury instructions.

Megan Graham, a supervising attorney at the clinic, and students are working with public defenders to help them better advocate for their clients on technology issues, running tech-specific trainings for public defenders and defense attorneys. She and students have also provided tailored advice, templates, and tools to public defenders on issues that come up often, from device searches to facial recognition to challenges over the Stored Communications Act.

“So much of the use of technology in the criminal legal system is secret that it can be daunting to try to spot — let alone litigate — tech issues,” Graham says. “The trainings and the students’ clinical work aim to close the gap.”

At this pivotal moment, sustaining the reform movement will require cutting through what Simon calls “the fog of misunderstanding” around crime and policing after decades of messaging that more punishment will make us safer. The research, policy, and advocacy work happening at Berkeley Law will continue to push the pace on meaningful change.

“We’re still recovering from half a century of racialized and politicized crime hysteria which will probably not abate until my generation — Baby Boomers — leaves the political stage,” Simon says. “A lot of my optimism leans on Millennials and even younger people, like our current students, who have a long agenda of urgent issues for our legal and political order to tackle and who don’t share their parents’ extreme fear of crime.”

Student Initiatives Target Criminal Justice

Berkeley Law’s Student-Initiated Legal Services Projects develop lawyering and leadership skills while serving the community. Founded by Berkeley Law students and open to all of them, these projects involve direct client service, legal research, educational outreach, and community organizing.

Students help close the justice gap, gain practice skills, alleviate burdens, and receive valuable training, supervision, and mentoring. Several initiatives focus squarely on criminal justice issues:

Contra Costa Reentry Project

- Helps the Contra Costa County Office of the Public Defender Clean Slate practice by working to remove barriers a prior conviction can present to employment, housing, public benefits, and family reunification
- Enables students to research eligibility for reclassification or record clearance, and to draft expungement applications and petitions
- Assists in providing legal services at community outreach events and Clean Slate workshops

DA Accountability and Participatory Defense Project

- Works on projects to support Oakland’s Urban Peace Movement, which builds youth leadership in Oakland to combat community violence and mass incarceration in communities of color
- Prepares family members from the participatory defense hub to present statements about their incarcerated loved ones
- Writes reports, compiles data, conducts legal research and writing about local criminal policies, and prepares educational materials

Post-Conviction Advocacy Project

- Trains students to assist incarcerated people in California with the parole process
- Pairs law students with individuals serving life sentences to help get them ready for and represent them at their parole hearing under supervision from attorneys at UnCommon Law
- Ensures that indigent prisoners, who regularly receive inadequate representation from board-appointed attorneys, are well prepared for and supported at their hearings

Prisoner Advocacy Network

- Supports people incarcerated in California state prisons with severe unmet needs, including those in solitary confinement, security housing units, administrative segregation, and gender-based segregation
- Provides nonlitigation advocacy for those experiencing discrimination, retaliation, medical needs, and civil rights violations
- Works with activists and jailhouse lawyers who are advocating for their rights from the inside

Reentry Advocacy Project

- Coordinates with Root & Rebound, an Oakland nonprofit founded by Berkeley Law alumni, to provide legal information to individuals reentering society from prison
- Offers public education, direct legal services, and policy advocacy to low-income communities and communities of color
- Works to resolve nuanced legal questions and provide reentry resources for issues such as voting rights, registration laws, employment, and housing

Youth Advocacy Project

- Coordinates students to support juveniles who are or were incarcerated at Contra Costa County’s juvenile hall, as well as their public defenders
- Facilitates students’ one-on-one work to prepare clients for release and help connect them with community resources
- Aids juveniles in navigating education rights, reentry planning, probation violations, and other challenges they face during and after custody

Sara Jaramillo '22

Connecting the Dots, Exposing the Truth

Heading into her 2L year, Sara Jaramillo still had doubts about becoming a lawyer. She didn't see how to link her interest in global human rights, or her experience with community organizing around food justice, to what she'd learned as a 1L. But when Jaramillo joined the International Human Rights Law Clinic, she finally found her niche.

"It sharpened my focus and helped everything fall into place," says Jaramillo, adding that her Federal Indian Law, Critical Race Theory, and Environmental Justice courses also felt more relevant. "It was my most difficult, challenging, and rewarding law school experience so far."

She spent much of her two clinic semesters compiling existing research about police violence against African Americans in San Francisco in support of a new truth commission there. That commission (and similar ones in Boston and Philadelphia) will conduct victim-centered investigations of a pattern of violence or repression that publicly documents and acknowledges police

violence and racial injustice — and develop policies to help communities heal from the trauma.

"We haven't collectively grappled with our history as a country, and these commissions are a way to accomplish a collective understanding and truth telling in a healing way," Jaramillo says. "Seeing this project take seriously the human rights violations that happen here every day felt like a unique and important opportunity to apply international human rights law to a U.S. context."

The research, to be published as a memo and working paper later this year, shows years of anti-Black violence by San Francisco police. The publications suggest best practices learned from similar commissions worldwide.

Jaramillo also co-wrote an amicus brief for an Inter-American Court on Human Rights case about the intrusive, unlawful, and at times violent surveillance of human rights defenders in Colombia. A *Berkeley La Raza Law Journal* editor, she says these projects helped her learn to write concisely and persuasively for different audiences, and to work well within a team.

"Working on subjects so traumatic and challenging, my teammates and I became very close," she says. "We all cared deeply about doing the project the right way, and developed a lot of trust while writing collaboratively and learning from each other."





“It’s finding the intrinsic holistic connection between things that seem separate. I hadn’t found that until I came to this clinic.”

NEW HAVEN: For Sara Jaramillo, the International Human Rights Law Clinic illuminated a welcome path forward.

Co-leader of Berkeley Law’s Students for Economic and Environmental Justice, Jaramillo also co-led a remote pro bono Berkeley Law Alternative Service Trip last spring to work with California Central Valley families involved with the justice system and children in the immigration system.

“I want my work to see the connections — between the injustices here and in Colombia, between racial injustice in San Francisco and in Minnesota where I grew up,” she says. “It’s finding the intrinsic holistic connection between things that seem separate. I hadn’t found that until I came to this clinic.” —*Sarah Weld*

Dumitru Sliusarenco LL.M. '22

The Right Home Away From Home

His LL.M. shopping didn't take long.

“Nowadays social justice issues intertwine more and more with technology and the internet, and there’s no better place to study human rights and technological innovation than Berkeley Law,” says new program student Dumitru Sliusarenco. “I’m eager to explore the nature of online hatred, misinformation, and polarization — and to understand new technology used to spread them, in particular algorithmic decision-making and artificial intelligence.”

His experience and aspirations mesh well with Berkeley’s public mission and top-ranked tech law program. For 10 years, Sliusarenco has confronted gender-based violence, hate crimes, and discrimination in his native Moldova — making a tangible impact.

As an international consultant for the Council of Europe, he leads a working group on reforming Moldova’s mechanisms of disaggregated data collection. His efforts are helping law enforcement agencies and courts begin collecting and providing key information related to hate crimes, fueling a more efficient approach in dealing with them.

In 2012, Moldova adopted for the first time an anti-discrimination law that established legal and institutional

frameworks for combating discrimination based on numerous characteristics.

“As I grew up in a society full of violence and discrimination, it came naturally to me to dedicate my professional career to fighting these issues,” Sliusarenco says. “There were very few lawyers interested in this area of law, so I knew I had to do my best.”

He has since litigated before national and international courts, and worked to mitigate domestic violence, rape, and other forms of gender-based brutality.

Sliusarenco also fights systemic abuses against people with disabilities placed under guardianship, “which in Moldova, for over 25 years, meant being deprived of all rights,” he explains. Appearing before the nation’s highest judicial court, he helped win a case that led to a revamped national guardianship template and a more progressive civil code.

Adapting human rights courses and manuals for Moldovan lawyers and legal professionals, Sliusarenco also serves as a trainer in human rights education programs.

“We’re implementing different ‘training of trainers’ geared toward police officers, judges, and prosecutors,” he says. “This is a very inspiring job, which offers the opportunity to break a lot of stereotypes and make our society a little better.”

Also focused on racial justice, Sliusarenco has represented Roma, Black, refugee, and migrant individuals in discrimination and hate crime cases.



In April, the United Nations Committee on the Elimination of Racial Discrimination ruled favorably on an employment case he litigated.

“It’s the first case in which the Committee admits situational testing as a valid type of evidence in discrimination cases, a very important aspect for international jurisprudence,” he says.

Eager for legal and policy knowledge related to social networks, cybersecurity, technology, and media, Sliusarenco is relishing his new LL.M. home.

“Berkeley couldn’t be a better fit,” he says. —*Andrew Cohen*

“As I grew up in a society full of violence and discrimination, it came naturally to dedicate my career to fighting these issues.”

ACTIVE ADVOCATE:
Dumitru Sliusarenco speaks at the Open Society Foundation’s 2017 International Conference on Legal Aid in Tbilisi, Georgia.

“I have met
some of the
smartest, most
passionate, most
caring people I
have ever met in
my life at
Berkeley Law.”



STEPPING UP:

Alyssa Kewenvoyouma was named the National Native American Law Students Association 2L of the year.

Alyssa Kewenvoyouma '22

Nurturing the Native Legal Community

Berkeley Law wasn't Alyssa

Kewenvoyouma's initial top choice — until she came for a visit.

After a slew of meetings (including with Dean of Admissions and Financial Aid Kristin Theis-Alvarez, Professor Seth Davis, and two then-students of Native descent), Kewenvoyouma, who grew up in Arizona and is Hopi and Navajo, was hooked.

"After witnessing the amazing work they had done to build a Native community, I knew I wanted to be a part of it," she says.

As a 1L, she was a Berkeley Center for Law and Business Scholar, a program for students interested in business law — a nod to her prior work in the finance sector. She jumped into the *Berkeley Law Raza Law Journal*, the La Alianza Law Students Association, Berkeley's chapter of the National Native American Law Students Association (NNALSA), and the Native American Legal Assistance Project, a Student-Initiated Legal Services Project.

"My mother is Mexican-American and my dad is Native. Being able to honor all sides of my identity and give back to these communities has been extremely significant to me," Kewenvoyouma says. "Being a part of all of these helps me stay connected to why I came to law school as well as my unique identity."

She says she has particularly loved the Berkeley Law and broader NNALSA community. Just 2,640 of the more than 1.2

million attorneys in the United States identify as Native, so finding other Native students means a lot, as does the broader support of other Black, Indigenous, People of Color organizations at the school.

Earlier this year, NNALSA named Kewenvoyouma its national 2L of the year — as well as the organization's representative for the region including California, Arizona, Hawai'i, and Nevada — for her work at Berkeley Law.

"NNALSA has been a place for all of us to come together," Kewenvoyouma says. "It's also a place for us to come up with ideas on how to raise awareness and take substantive steps to impact and help the Native community."

Berkeley Law members have been there to support one another through the stress of the COVID-19 pandemic. They've also been busy, pushing for awareness of repatriation of indigenous remains on campus and advocating for professors and organizations to incorporate an acknowledgement of the university's location on xučyun territory — unceded Ohlone land.

After law school, Kewenvoyouma will pursue an MBA at UC Berkeley's Haas School of Business. She wants to represent Tribal Nations and entities, particularly in the energy and finance sectors.

"I have met some of the smartest, most passionate, most caring people I have ever met in my life at Berkeley Law," she says. "They motivate and inspire me to be the best version of myself and to be the best advocate I can for my communities." —*Gwyneth K. Shaw*

Criminology and corporate governance. Economics and international law. The political implications of modern-day racial rhetoric and the legal history lessons gleaned from an 1831 slave rebellion. Over the past few months, Berkeley Law scholars once again amassed significant honors for the impact — and import — of their work.

Stockholm Prize in Criminology

**Professor Franklin Zimring
(and Philip Cook)**

Zimring received the field's top international award for his seminal scholarship on evidenced-based explanations of gun policy effects

Society of American Historians Francis Parkman Prize

Given annually to a nonfiction work of history

Virginia Historical Society Richard Slatten Award

Given annually for excellence in Virginia biography

Professor Christopher Tomlins

In the Matter of Nat Turner
Princeton University Press

Law and Society Association Article Prize

**Professor Rachel Stern
(with Lawrence Liu)**

"The Good Lawyer: State-Led Professional Socialization in Contemporary China"
Law & Social Inquiry

American Economics Association Distinguished Fellow Award

Given annually to four top economists in the United States and Canada

Professor Alan Auerbach

President of the Western Economic Association International, Auerbach has been president of the National Tax Association and editor of three major economic journals

Law and Society Association Dissertation Prize

Ph.D. student Tobias Smith

"The Contradictions of Chinese Capital Punishment"

American Bar Foundation 2021-22 William H. Neukom Fellows Research Chair in Diversity and Law

Professor Ian Haney López

The project honors and builds on López's book *Merge Left*, his "Race-Class Academy" video series, and his related work on the use of racism as a class weapon in electoral politics

**Corporate Practice
Commentator Top
10 Corporate and
Securities Law
Articles of 2020**

(from a pool of over 300 articles)

**Professor Robert Bartlett
& Professor Frank Partnoy**

“The Misuse of Tobin’s q”
Vanderbilt Law Review

**Professor Steven Davidoff
Solomon & Berkeley
Center for Law and
Business Senior Fellow
Matthew Cain (with Sean
Griffith and Robert
Jackson Jr.)**

“Does Revlon Matter? An Empirical
and Theoretical Study”
California Law Review



From the foundational pillars of our justice system to current-day legal conundrums, Berkeley Law professors regularly deliver research and analysis that moves the needle, reframes the issues, and charts the next steps forward. **Here is a sampling of our prolific faculty's recent scholarship.**



▲ **JONATHAN GOULD**

Codifying Constitutional Norms

Georgetown Law Journal

Amid growing concern about threats to America's democracy, Gould considers the push for formally enacting constitu-

tional norms into law. He explores the practical and legal barriers — and concludes codification can be a tool, but isn't a panacea. "Law can certainly help strengthen constitutional norms," Gould writes. "But constitutional norms depend on more than just better laws. Better politics are required as well."

▼ **TEJAS NARECHANIA**

Convergence and a Case for Broadband Rate Regulation

Berkeley Technology Law Journal (forthcoming)

A White House executive order aimed at promoting greater economic competition

cited a forthcoming paper from Narechania showing customers served by monopoly providers — roughly 20% of the country — pay more for worse internet service than when they're in a competitive market. Narechania also lays out various ideas for how to regulate monopoly providers, in particular broadband carriers, in order to better protect consumers.





◀ **ABBY ATKINSON**

Commodifying Marginalization

Duke Law Journal
(forthcoming)

Atkinson explains how public pension funds increasingly rely on questionable investments in risky subprime debt that tends to concentrate in and among historically marginalized communities. Her article notes how the tenuous socioeconomic condition of such marginalized borrowers is now a source of wealth accumulation for workers, and argues that retirement security has shifted into the hands of private financial markets.

▼ **SETH DAVIS**

Tribalism and Democracy

William & Mary Law Review

In these fraught times, commentators often decry the United States' "political tribalism," with some citing American Indian Tribal governance as antithetical to democracy — a thesis that also appears within federal Indian law. In a recent article, Davis says this has had dire consequences for tribes, and that Indian Tribalism is compatible with democracy, largely because it leans heavily on discourse and negotiation.



▲ **DAVID A. CARRILLO**
WITH **DANNY Y. CHOU**

California Constitutional Law

West Academic Publishing

The first casebook on the California Constitution uses essays and case excerpts to make the law accessible to

students. Carrillo and his co-author illuminate the state constitution's relationship to the federal and other state constitutions, and the provisions that establish the design of California's state and local governments, protect individual rights, and govern areas such as elections, public finance, and water rights.



◀ **KATERINA LINOS**
WITH **LAURA JAKLI AND**
MELISSA CARLSON

Fundraising for Stigmatized Groups: A Text Message Donation Experiment

American Political Science Review

People in need often belong to stigmatized groups. Linos helped lead an experiment through a text-to-give campaign in Greece, which showed that while donations did not increase by appealing to the in-group (a Greek child), they were halved when referencing a stigmatized out-group (a Roma child). Her article discusses similar results from other studies and implications for providing public goods in a time of rising nationalism.



▲ **ANDREA ROTH**
WITH JANE R. BAMBAUER

From Damage Caps to Decarceration: Extending Tort Law Safeguards to Criminal Sentencing

Boston University Law Review (forthcoming)

Civil defendants may not be subject to grossly excessive punitive damage awards. Calling for a similar test to guard against grossly excessive criminal punishments, Roth and her co-author note that “it seems odd that large corporations committing civil wrongs enjoy greater protection against over-punishment than criminal defendants, given the devastating effects of mass incarceration, particularly on communities of color.”

REBECCA GOLDSTEIN ▶
WITH MATTHEW BAUM,
BRYCE DIETRICH, AND MAYA SEN

Estimating the Effect of Asking About Citizenship on the U.S. Census

Journal of Politics (forthcoming)

Goldstein and her co-authors examine the decision to include a question about citizenship status on the 2020 census and its implications. Their article probes the impact



on data quality if some residents refuse to participate and others decline to report a Hispanic household member to avoid potential prosecution, and how that could affect the way federal funds are allocated and congressional districts are apportioned.

▼ **DANIEL FARBER**

Exceptional Circumstances: Immigration, Imports, the Coronavirus, and Climate Change as Emergencies

Hastings Law Journal

Farber explores how the Trump Administration invoked emergency powers to serve key parts of his policy agenda — including the travel ban, border wall funding, and tariffs on many imports — as well as the responses of the courts. His article assesses how future presidents could use such actions as precedents, the risks of normalizing the use of emergency powers, and the forces that may prod presidents in that direction.



▲ **LETI VOLPP**

Migrant Justice Now

University of Colorado Law Review

Volpp juxtaposes the “Migrant Justice Platform,” a set of policy recommendations by a coalition of immigrant rights

activists to overhaul the U.S. immigration system, with President Biden’s campaign plan. She describes how the Platform aims to expand our collective political imagination, and outlines how limiting reform pursuits to what is deemed politically pragmatic or reasonable restricts the chance for transformative change.



LAUREN B. EDELMAN ▶
WITH JESSICA CABRERA

Sex-Based Harassment and Symbolic Compliance

Annual Review of Law and Social Science

The #MeToo movement prompted businesses nationwide to create or revise their sex-based anti-harassment policies, complaint procedures, and training programs. Edelman and her co-author describe why most of those actions protect employers from liability more than they



protect employees from harassment. Their article says courts often fail to distinguish between strong compliance and merely symbolic policies and procedures that do not protect employees.

PETER S. MENELL ▶
WITH SHYAMKRISHNA
BALGANESH

Restatements of Statutory Law: The Curious Case of the Restatement of Copyright

Columbia Journal of Law & the Arts

The co-authors lament how the American Law Institute set about restating U.S. copyright law in 2015, highlighting its failure to adapt the restatement model (built for common law subjects) to statutory law and the distinctive method of interpreting statutes. Tracing the history of ALI restatements, they contend that the copy-

right law restatement produced “incoherent, misleading, and seemingly biased results that risk undermining the legitimacy of the eventual product.”



▲ SONIA KATYAL
WITH CHARLES GRAVES

From Trade Secrecy to Seclusion

Georgetown Law Journal (forthcoming)

While trade secret law is now viewed as a major category of intellectual property (IP) law,

Katyal also sees the law being pushed past its traditional, market-competitive boundaries. Her article asserts that trade secret law increasingly doesn't just protect IP against misappropriation, but often is used for concealment — raising major concerns and distorting the flow of information that should be available to the public.

CATHERINE FISK ▶
WITH BRENT SALTER

Assumptions about Antitrust and Freelance Work and the Fragility of Labor Relations in the American Theatre

Ohio State Law Journal (forthcoming)

Amid the search for strong self-regulation models in a gig economy, Fisk and Salter examine longstanding assumptions about playwrights' independent contractor status. Using previously unavailable archival sources, they show that antitrust law has needlessly complicated collective negotiation

between stage producers and writers and argue for a reconsideration of antitrust, copyright, and labor law regulating theatre work relationships.



Above and Beyond

Before Margaret Chen '12 arrived at Berkeley Law, she'd never lived on the West Coast and didn't know what to expect. Both as an admitted student and an enrolled one, she reached out over and over to one of the school's most valuable assets: Its alumni network.



"Berkeley Law alums were always so generous with their time," Chen says. "I found it so helpful to talk to someone who was further down the line, to ask them, 'What are the steps I need to do?' and hear how it was working for them."

Chen, now an Assistant U.S. Attorney in Los Angeles, wants to return the favor. So during admission season, she volunteers with the Admissions Advisors program to chat with prospective students — and contacted an astonishing 26 admits last cycle.

She also counsels 2Ls through the Public Interest/Public Service mentoring program, helping them navigate the process of finding a job for their last summer in law school.

"It's a tangible way that I can give back and support current Berkeley Law students," Chen says. "I'm happy to pass it along and share with them how I've gotten where I am."

Matching students and alumni is easier than ever thanks to the new Berkeley Law Connect platform, which helps students find mentors by their areas of interest and expertise. Launched in January, the platform lets alumni create a profile once that can be used to volunteer for multiple programs.

Nearly 200 alumni stepped up to help with Early Interview Week and Public Service/Public Interest student mentoring. In addition, almost 150 incoming 1L students were matched with Alumni Guides through the platform.

CARING COUNSEL: Margaret Chen '12 speaks regularly with admitted students, and with 2Ls pursuing public interest or public service careers.

“Many of our alumni have volunteered for two or three of the programs this year, and we’re looking to expand the platform further in 2022,” Director of Alumni Engagement Erin Dineen says.

Chen recalls that during her own student days, reassurance from alumni was critical to keeping her confidence up.

“Law school can be a grueling time, and the whole experience changes you,” she says. “I think talking to alumni is a big part of figuring out what you want to do at

the end of three years.”

Taking the time to make a phone call here and there, Chen says, is an easy way to contribute to the school. And it helps keep her in touch with classmates and others who attended at the same time, too.

“I enjoy getting the emails from the alumni office just to see how many people I know who are doing this as well,” she says. “It’s very heartening that many alumni also choose to get involved.”

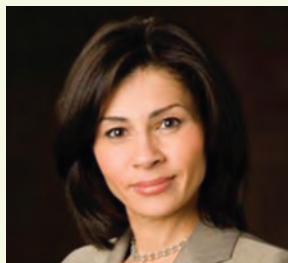
—Gwyneth K. Shaw

“Many of our alumni have volunteered for two or three of the programs this year, and we’re looking to expand the platform further in 2022.”

—Erin Dineen,
Director of Alumni Engagement

Welcoming the New Crew

The Berkeley Law Alumni Association, which aims to strengthen relationships among graduates, faculty, and students and to promote the advancement of the law school, welcomed four new members to its board of directors in July.



Jami Floyd '89
Senior Editor for Race & Justice, New York Public Radio

“I am terribly excited about helping to facilitate networking among active alumni, and serving as an ambassador for the school in our collective work to encourage alumni to give back to ensure that current and future students can continue our legacy. I look forward to working as a school community to strengthen familiar bonds and forge new connections. Onward, together.”



Hon. Terry Friedman '76
Retired Mediator and Arbitrator, JAMS

“For 45 years, my education and experiences at Berkeley Law have opened doors in my professional and personal life that were unimaginable to me when I was a student. All of us alums have an obligation to ensure that current students enjoy those same opportunities. I’m particularly interested in helping our students find ways to engage in public affairs while at school and in their careers.”



Ricardo Garcia '95
Public Defender, Los Angeles County

“Berkeley has led the way in academics, social change, and legal scholarship for decades and is poised to continue. My priority on the board is to help achieve our goals in diversity, equity, inclusion, and empowerment. As alumni, our engagement with Berkeley Law and our community sets an example of who emerges from the school’s halls and depicts the many options possible in our profession.”



Quyen Ta '03
Partner, King & Spalding (San Francisco)

“I am thrilled to join Berkeley Law’s alumni board. Berkeley Law has been instrumental to my professional and personal success and I am excited to give back to the community, particularly to the First Generation Professionals, clinical education, and in ensuring that an excellent public legal education remains accessible to individuals from all walks of life.”

**CAPITAL GAIN:**

Dylan Nicole de Kervor '09 is one of several graduates who helped launch Berkeley Law's new Regional Engagement Alumni Chapter in Washington, D.C.

Cross Country Quest

Berkeley Law's relentless push to extend its reach manifests in many forms: pathbreaking research, policy guidance, student programming — and alumni engagement. This year's launch of the Washington, D.C., Alumni Chapter signals another key step in that direction.

"I've worked with the alumni office through the years to help cultivate a strong network," says Dylan Nicole de Kervor '09, one of the chapter's key organizers. "I was so excited to hear the school would be formally launching an alumni chapter here and was more than happy to help with it."

Part of Berkeley Law's Regional Engagement Alumni Chapters (REACH) program, the new chapter launched in March with "The Year Ahead for America Through a D.C. Lens," a virtual event hosted by president and Hogan Lovells partner Lillian Hardy '06 and moderated by Georgetown Law Professor and Davis Polk partner Howard Shelanski '92.

Workplace Giving

The panel featured Richard Albores '92, attorney advisor in the Office of General Counsel's Solid Waste and Emergency Response Law Office; Catherine Meza '05, senior counsel at the NAACP Legal Defense and Educational Fund; and Funmi Olorunnipa Badejo '07, special assistant to the president and associate counsel in the White House Counsel's Office.

They discussed their Washington career paths, challenges ahead for the environment and climate change (Albores), civil rights and racial justice (Meza), and COVID-19 and health law (Badejo) — as well as initiatives best suited to confront them.

With numerous fellow grads as colleagues in the U.S. Justice Department's Civil Rights Division, de Kervor notes that many others work at agencies across the federal government, national advocacy organizations, top Washington firms, and the White House. Last spring, she participated in the school's virtual alumni panel for admitted students during Admitted Weekend Experience.

"It's important for prospective and current students to know that a degree from Berkeley Law sets you up well for a legal career in D.C.," she says. "I think there's been a misconception that if you want to work here you have to go to an East Coast school, and that's just not true."

Another notable chapter event in June, also led by Hardy, featured Dean Erwin Chemerinsky discussing "The Path Forward for American Democracy," the working title of a book he's writing.

"We want to find ways alumni can engage with the law school," he says. "Creating the D.C. Alumni Chapter is a wonderful step. Helping us to recruit students, host events, put on programs, and reach out to admitted students are all very useful."

Other REACH chapters have launched in San Francisco, Silicon Valley, and Los Angeles, with New York soon to come.

"I know I don't speak for just myself in welcoming more Berkeley Law alumni to join us in D.C.," de Kervor says. "We're happy to support them in any way we can."

—Andrew Cohen

One of Berkeley Law's cornerstone philanthropic programs, Partners in Leadership is a workplace giving challenge initiative — led by alumni — to increase alumni giving participation and annual fund support for the law school's core needs. In this era of declining state funding, the program is vital to help sustain Berkeley Law's excellence, grow its innovative offerings, and make the school truly accessible for all qualified applicants.

The campaign, running May 1 to June 30, includes workplaces with multiple Berkeley Law alumni, with captains at each firm leading the charge. This past fiscal year, the program included 73 firms and organizations (14 of which reached 100% giving), welcomed 20

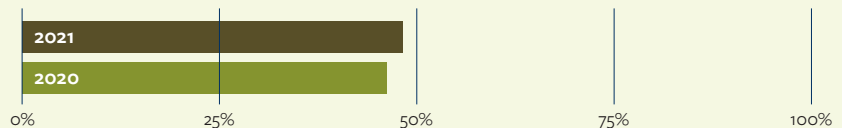
new captains, and saw 28% growth in donations compared to the previous fiscal year.

To learn more about becoming a Partners in Leadership captain, please contact Katie Fournier at kfournier@law.berkeley.edu.

Giving percentage from alumni in participating workplaces

Fiscal Year 2021: 45%

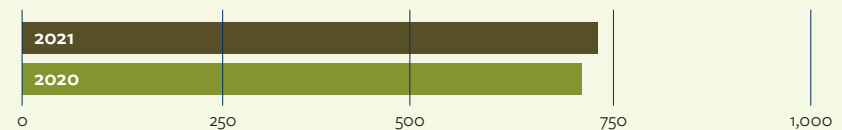
Fiscal Year 2020: 42%



Total number of program donors

Fiscal Year 2021: 718

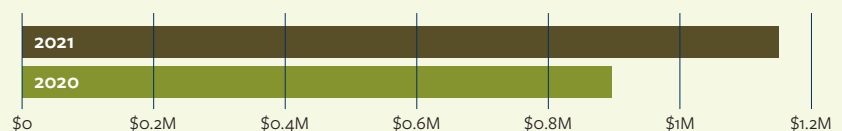
Fiscal Year 2020: 702



Total program giving

Fiscal Year 2021: \$1,150,859

Fiscal Year 2020: \$896,454





A Fitting Bequest Environment

Julia Epley Klee '80 took an untraditional path to Berkeley Law. She'd earned a chemistry degree and done a stint in the Peace Corps, and was writing environmental citations for the Bay Area Air Quality Management District when an epiphany struck.

"One day I was staring up at some smokestacks, and I decided maybe a law degree and a focus on environmental law would be a better way to make an impact," Klee says.

The field was still finding its footing in the late 1970s, and when Klee arrived as a 1L there were seminars but no core environmental law course. She quickly found a community at the student-run *Ecology Law Quarterly* (ELQ), and later at the *California Law Review*.

Klee found her calling, too — a career working in California, Washington, D.C., China, and with the U.N. in Switzerland with a focus on the environment. She recalls how in the early 1990s, while at the UC Berkeley Office of Environment, Health & Safety, she heard researchers talking about the accelerating pace of climate change.

"I thought, 'This is extraordinary, it can't happen that fast,'" she says. "As I sit here in Bend, Oregon, with fires all around, it

GALVANIZED: Julia Epley Klee '80 on January 1, 2020. The COVID-19 pandemic inspired an urgency to create her legacy and cement her bequest to UC Berkeley, including the law school.

makes the work of organizations like Berkeley Law's Center for Law, Energy & the Environment (CLEE) significant and urgent."

Now retired, Klee is giving back, to ensure students can find their own place at the school. She recently made a bequest commitment to create the Julia Epley Klee Fund, a 10-year term endowment to support teaching and research in the areas of environmental law and international and comparative law. Klee has also committed to supporting CLEE, as well as the school's Human Rights Center (HRC), and is including Berkeley's Rausser College of Natural Resources in her estate plans.

"It's a small way of helping the school maintain its excellence and its emphasis on environmental issues that has grown enormously since I was a student," Klee says.

Klee was born in Lithuania and immigrated to the U.S. after World War II. She was raised to look beyond one nation's borders and also wants to support the school's international law curriculum. Plus, her experience at the U.N. drew her to the benefits of HRC's work on human trafficking and sexual violence.

"Both CLEE and the Human Rights Center offer students an immediate opportunity to have a productive impact while they're still studying," she says. "I really wanted to foster that."

Klee says the COVID-19 pandemic, which began shortly after she and her husband moved to Oregon following 22 years abroad, sparked a desire to finalize her estate planning. She came away from conversations with Berkeley Law's Development & Alumni Relations Office impressed with the school's direction and eager to make her own mark — and perhaps help other law students shift their direction.

"It's my way of acknowledging what I feel is a great debt to the university for the fact that the law school changed my life, and changed the path that I took," she says. "It's a way to leave a legacy."

—Gwyneth K. Shaw

Closing the Gap

As senior trademark counsel at Google, Monique Liburd '08 strives to elevate her company and inspire co-workers to do the same. As a proud graduate of Berkeley Law, she takes a similar approach with her school.

That mindset recently spurred Liburd to join the Leadership Council, a community of alumni whose financial support helps Berkeley Law educate the most promising, diverse group of law students, recruit and retain top faculty, and advance its public mission. Members make five-year gift commitments of at least \$5,000 annually to one or more of the school's operating funds.

"The more donors who commit to longer-term investments, the easier it will be to forecast budgets, plan programming, and identify areas of shortfall and critical need," Liburd says.

Berkeley Law had over 300 more donors last fiscal year than the year before. But alumni giving — both in participation rate (around 20%) and total revenue — remains well below the school's peers and makes up just a quarter of its total fundraising revenue. Fellow Top 10 public law schools Virginia and Michigan have alumni giving rates of 55% and 36% respectively.

FULLY COMMITTED:

Monique Liburd '08 and other Leadership Council members value Berkeley Law as a long-term investment.

"It seems there's less of a culture of giving in our public institution arena," Liburd says. "Many of our alumni may not be fully aware of the way costs have skyrocketed for legal education in the last decade or so."

Prior to the 2000s, state support provided over 75% of the school's annual operating revenue. But various factors led to a sharp drop across UC campuses, and this fiscal year Berkeley Law expects to receive just 7% from the state.

That decline forced a hike in J.D. tuition to a level on par with its private and public law school peers. But even at almost \$60,000 per year, that only covers about 60% of Berkeley Law's annual operating costs, and market forces constrain future increases.

"Given these developments, I wanted to make a longer-lasting, sustaining gift to the school," Liburd says.

As a trademark expert, she also sees the Council as a way to maintain Berkeley Law's excellence — not to mention its No. 1 ranking — in intellectual property law.

"Whether considering protection for life-saving medical treatments and vaccines, or implementing technologies that improve our environment, or standards governing appropriate online conduct, intellectual property — its definition, construction, protection, and application to civil society — impacts us all," she says.

The Leadership Council's investment, Liburd adds, enables Berkeley Law "to recruit the brightest minds to consider, debate, and advocate these topics and for the clinics, journals, and centers that do this work to be best positioned to create a better society for all of us."

Council members are invited to exclusive annual events with Dean Erwin Chemerinsky in their home region and on campus. Those interested in joining are invited to meet with him and development staff to discuss membership in more detail.

—Andrew Cohen



Class Notes

All in the Alumni Family

Your Classmates Want to Hear From You!

Contact Us

By Email

classnotes@law.berkeley.edu

By Mail

University of California, Berkeley
School of Law
Development & Alumni Relations
224 Law Building
Berkeley, CA 94720-7200

1966

Michael Tigar has a new book, *Sensing Injustice: A Lawyer's Life in the Battle for Change*. A renowned human rights lawyer, law professor, and writer, Michael was just 28 when he won a unanimous U.S. Supreme Court victory that freed thousands of Vietnam War resisters from prison. He has represented numerous high-profile clients, including Angela Davis, the Chicago Eight, and leaders of the Black Panther Party.

1967

James McManis has been named to *The American Lawyer* "Trailblazers West" awards list, which honors attorneys in California and other Western states who have made significant marks on the practice, policy, and technological advancements within their sector. James, who started his private practice 50 years ago, handles commercial, trade secret, and intellectual property matters, in addition to his civil rights work.

1968

Paul Bergman, UCLA Professor of Law Emeritus, published his 15th book, *Real to Reel: Truth and Trickery in Courtroom Movies*, with co-author and fellow UCLA Professor of Law Emeritus **Michael Asimow '64**. The book ranks over 200 courtroom movies using a one- to four-gavel system, and explains where the trial process revealed the truth or concealed it.

Larry Struve has a new book about his experiences as Nevada Department of Commerce director in the 1980s. *Building Trust in Government* provides an inside view of working under a chief executive (former Gov. Richard H. Bryan) "who successfully performs the subtle 'art of governance,'" Larry writes. A 10% discount is available at keystonecanyon.com with the code BUILDING TRUSTFRIENDS.

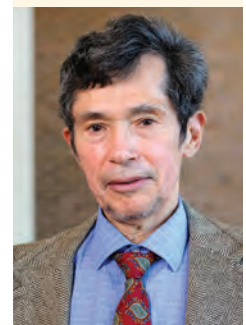
1973

William Capps has been named one of the 500 most influential people in the Los Angeles business community by the *Los Angeles Business Journal*

for the third year in a row. Chair of the corporate law department at Mangels Butler & Mitchell, William focuses his practice on mergers and acquisitions, corporate governance, international dispute resolution, corporate finance, and management of significant litigation.

1974

Richard Delgado has Amazon's No. 1 and No. 2 bestselling entries in general constitutional law for the paperback and audiobook of *Critical Race Theory* (third edition). A University of Alabama law professor, his work in the 1970s helped originate Critical Race Theory, a body of scholarship that explores how racism is embedded in laws and legal institutions. He has written over 200 journal articles and 20 books, eight of which have won national awards.



Jerry Kurland '83

Riding the Mediation Wave

1975

Sherry Broder was featured in a *Bloomberg Businessweek* article about her longstanding work to gain compensation for victims of the regime of former Philippines president Ferdinand Marcos. Sherry has helped lead the arduous effort to recover over \$5 billion of stolen funds.

1982

Tim Nader was sworn in as a San Diego County Superior Court judge after being elected to the position last year. His career prior to serving on the bench included 17 years in the civil and criminal divisions of the California Attorney General's office, a term as mayor of Chula Vista, California, and 10 years on the board of Southwestern Community College.

1985

Richard Wood Jr. says while he never practiced law, his Berkeley Law training "was useful in many ways." Now retired, he was an engineer before law school and became head of Fairfield, California's Water Treatment Division. "First and foremost, (law school) made me a better person and

Even while immersed in America's adversarial legal system, Jerry Kurland always maintained a knack for diplomacy.

From UCLA student body president to in-house counsel at a large real estate development firm, Kurland's pull to unite people and help them resolve problems never wavered. So when the Los Angeles County Bar Association distributed materials for mediation training, it felt like a sign.

Kurland dove into the training courses, volunteered extensively in court settlement officer and mediation programs, served as a judicial arbitrator and judge pro tem, and joined the American Arbitration Association's panel of mediators and arbitrators.

"I came into law school wanting objective, concrete answers to problems — much like solving a mathematical equation," he says. "I had to shift the way my mind works and realize that there may not be only one 'right' answer."

Having built a thriving alternative and dispute resolution practice, in 1995 Kurland joined JAMS (formerly Judicial Arbitration and Mediation Services), then comprised of retired judges — becoming one of its first attorney-mediators.

Focusing on the legal expertise that fueled his ascent as a neutral dispute resolver — construction, real estate, and commercial law — he quickly found his footing.

In October he finished one of his most challenging cases, resolving claims relating to the sinking Millennium Tower in San Francisco. The litigation involved four adjacent properties, a homeowners association, hundreds of individual plaintiffs, many defendants and insurance carriers, and over 100 lawyers.

"I worked on it for over two years, including early-morning, late-evening, and weekend collabora-

tions," Kurland says. "One reason I never lose my drive as a mediator is because the process of settling a case like Millennium involves continual thinking and creativity, as if you were piecing together a difficult puzzle."

Consistently named one of California's top "neutrals" by the *Daily Journal*, Kurland sees two factors propelling mediation's growing popularity.

"First, litigation costs are often prohibitive, frequently exceeding the settlement value of a case," he says. "Second, a trial or arbitration is unpredictable — no matter how good people think their case may be."

As for the keys to mediation success, Kurland touts the 3 Ps: Preparation, patience, and perseverance.

"Hit the ground running to start a mediation so you don't have to ask questions that can be answered with advance preparation," he says. "Remain neutral and be flexible in letting each negotiation take its course in a way that's comfortable for the parties. And if a matter isn't settling, never give up. I follow up with the parties by phone, Zoom, or subsequent mediation sessions to explore every possible way to resolve the case." —*Andrew Cohen*



citizen,” he says. “Second, it gave me the confidence and insight to do a better job for Farfield.”

1988

Gary Ogden joined Hinshaw & Culbertson as a real estate partner in the firm’s Los Angeles office. He regularly chairs and lectures in professional continuing education programs on various aspects of real estate development, leasing, and management. Gary also chairs the board of directors at the Valley Family Center, a counseling services and educational support foundation serving low-income families and individuals.

1992

Juan Cornejo was recently appointed to serve as the deputy director and chief counsel at the California Department of Motor Vehicles. He had been assistant general counsel at McClatchy, a national media company.

Rey Rodriguez was named to the board of Bet Tzedek Legal Services, which works to build stability and hope for communities experiencing structural disparities and exploitation. For over 11 years,

Rey was assistant chief counsel with Walt Disney Studio Motion Pictures. He now serves on the boards of the Western Center for Law and Poverty and Proyecto Pastoral.

1994

Ray Cardozo, an appellate partner at Reed Smith’s San Francisco office, has been elected president of the California Academy of Appellate Lawyers. He has been his firm’s litigation department global chair, San Francisco office managing partner, and firmwide appellate practice group leader. Consistently ranked by multiple publications among the nation’s top appellate lawyers, Ray also serves on the Lawyers’ Committee for Civil Rights board of directors and on the leadership council of the Center for Youth Development Through Law.



Marc Katz, managing partner of DLA Piper’s Dallas office, was named to *D Magazine*’s 2021 Best Lawyers in Dallas list. Representing corporate clients in high-stakes trade secret and unfair competition litigation, fiduciary duty and partnership disputes, and collective and class action cases, Mark has tried some of the nation’s largest and most sophisticated employment cases.

1995

Cynthia Lie was nominated to serve as an associate justice of California’s Sixth District Court of Appeal. A Santa Clara County Superior Court judge, she previously worked as a federal public defender, in several law offices, and at San Francisco’s Office of Citizen Complaints.

1996

William Cole joined Amin Talati Wasserman at the firm’s new Los Angeles office. He previously worked at Call & Jensen and was first assistant U.S. attorney, chief of the National Security and Cybercrimes Section and chief of the Criminal Division in the federal Southern District of California, where he received one of the Department of Justice’s

highest honors for his investigatory work on al-Qaeda.

Bill Grantham, who co-founded the Beverly Hills firm Rufus-Isaacs, Acland & Grantham LLP in 2010, has seen it win media sector litigation law firm of the year awards in California from seven different organizations this year.

1998

Wendy Bogdan was reappointed as general counsel at the California Department of Fish and Wildlife.

Jessica Delgado has been appointed to serve as a judge in the Santa Clara County Superior Court. She previously was an attorney at the county’s Alternate Defender’s Office and Public Defender’s Office, the Monterey County Public Defender’s Office, and the Law Offices of Paul Meltzer in Santa Cruz.

Michelle Lara has joined DLA Piper as a partner in the firm’s employment practice in San Diego. She handles a broad range of executive compensation and employee benefits matters for a wide variety of clients, from large, publicly traded corporations to startups.

2000

Matthew Orr joined Amin Talati Wasserman’s new Los Angeles office. Previously a partner at Call & Jensen, he specializes in complex litigation and class action defense. Earlier this year, Matthew helped win a landmark federal appellate case for Target, establishing that federal law preempted California law claims regarding a popular vitamin supplement.

Neha Sampat was misidentified in the fall 2018 issue of *Transcript*, which included a class note about her that described the achievements of a different Neha Sampat. We apologize for the error, for the unconscious bias that contributed to it, and for the harm it caused.

2001

Giesela Rühl LL.M. was recently appointed Professor of Law with tenure at Humboldt University of Berlin, where she is the chair for civil law, civil procedure, private international law, international civil procedure, and comparative law.

John Therien, a partner at Smith Anderson, has been listed among the top practitioners in North Carolina by

Chambers USA, one of the world's leading research, analytics, and rankings agencies for the legal profession. He co-leads Smith Anderson's AgTech group and advises a broad range of clients in commercial transactions involving intellectual property.

2003

Carrie Williamson, deputy managing partner of DLA Piper's Silicon Valley office, was named to the *Silicon Valley Business Journal's* 2021 Women of Influence list honoring the executives, entrepreneurs, business owners, and community leaders making a mark in the area. Carrie is a trial lawyer with 17 years of experience managing and trying patent litigation matters for large and small companies.

2006

Mark Fathi Massoud was promoted to professor of politics at UC Santa Cruz, where he also directs the Legal Studies Program. Earlier this year, his second book, *Shari'a, Inshallah: Finding God in Somali Legal Politics*, was published by Cambridge University Press. Next year, Mark, who earned his Ph.D. in 2008 from Berkeley Law's Jurisprudence and

Sheila Swaroop '99

Protecting Patents, on Both Sides of the Courtroom

Sheila Swaroop arrived at Berkeley Law knowing she wanted to focus on intellectual property. What she didn't know — but soon happily learned — was that the horizon-expanding education awaiting her would launch a remarkably versatile career.

The school's top-ranked IP law program offered dozens of courses, valuable internships, and tantalizing networking opportunities. Collectively, they propelled Swaroop toward a unique and satisfying patent practice.

After externing at the U.S. District Court for the Central District of California during law school, Swaroop then clerked in the Northern District of California for a year after graduating. She joined Knobbe Martens in 2000 and has been there ever since, rising to partner as an IP litigator working at the district court level as well as at the International Trade Commission and the Patent Trial and Appeal Board.

Based in the firm's Irvine office, Swaroop has carved out a nimble niche for herself: A thriving patent practice has her enforcing patents for her clients as well as defending against claims of patent infringement.

"I have come to realize this is a unique position in the legal world, since most attorneys are usually on one side or the other," she says. "Doing both plaintiff-side and defense-side work has given me a better perspective on how to litigate cases."

More than two decades into her career, Swaroop still sees skill-building as an ongoing process.

"I try to learn something new with every case I litigate, whether it's a new technology or a new legal issue," she says. "One of the aspects I enjoy most about patent law is that the law is constantly changing, and so is the technology, so there are always new opportunities to learn."

That drive has led her into leadership roles,



too. Swaroop is a founding member of the Howard T. Markey Intellectual Property Inn of Court, and was president of the South Asian Bar Association of Southern California. She has also served as a member of the Ninth Circuit Judicial Conference and a board member of the Association of Business Trial Lawyers' Orange County chapter.

Swaroop has also been on nonprofit boards, where she says her lawyer's analytical skills are deeply valued — another place where the networking skills learned at Berkeley Law come in handy.

It's just a sliver of what Swaroop says has stuck with her over the past 20 years.

"Outside of the main curriculum, I attended many thought-provoking sessions on the practice of law that I still quote to my colleagues today," she says. "I also really enjoyed being part of the larger Berkeley student community, through courses at the business school and making friends with graduate students all around the world whom I still stay in touch with now." —Gwyneth K. Shaw

In Memoriam

Walter L. Chandler '35
Louis R. Baker '38
Joseph L. Bellin '51
Robert J. Pia '53
Paul A. Peterson '56
Cruz Reynoso '58
Robert R. Burge '59
Donald P. Whyte '59
Draper P. Gregory '60
John D. Hussey '60
Anthony C. Joseph '61
Walter M. Schey '61
Benjamin R. Hippe '62
Mark B. Pepys '63
Judge E. Patricia Herron, Ret. '64
Roy F. Doolan '65
Ramsay Fifield '65

Tom C. Leuteneker '65
William J. Pannier III '65
Gerald M. Franklin '66
Robert N. Joehneck '66
Paul H. McGilvra '66
Robert E. Gyemant '68
James O. Pearson '69
James P. Watson '69
David F. Boyle '73
Padam H. Khanna '73
Anthony G. Sousa '73
Johnnie S. Harrison '74
Guyla W. Ponomareff '74
Rick Sherman '74
Donald E. Schlotz '74
Roy E. Boggs Jr. '75
Paula S. Downey '76

Samuel E. Goldstein '77
Elizabeth Harrison Hadley '81
Cynthia A. Astuto '83
Michael Estrada '86
John H. Knox '87
Stephen Matchett '87
Jacqueline A. Hoepfner-Freitas '88
Marquette K. Jones '98
Dawn C. Van Tassel '99
Heather M. Fox '02
Sherwin L. Siy '05
Thomas F. Cleary '06
Gary L. Juskowiak II '12
Nicholas E. Calcatera '20
—
Alvin H. Baum

Stephen E. Block
S. Robert Freedman
Diane P. Glazer
Alfred E. Heller
William S. King
Barbara McCarthy
Barbara J. McClain
Robert L. Middlekauff
Kathleen J. Peterson
Joan R. Platt
Julianne Hagar Rumsey
Sharon Ruzumna
Marshall L. Small
Gladys J. Stephens
James S. Vera
Martin Wachs
Beverly Kasper Watterson

Social Policy Program, will deliver the Sir Evans-Pritchard Lectures at the University of Oxford.

2008

Sarala Vidya Nagala was nominated to the U.S. District Court for the District of Connecticut. Deputy chief of the U.S. Attorney's Office Major Crimes Unit in the District of Connecticut, she has served in numerous office leadership roles, including as hate crimes coordinator.

2009

Andrew Verriere has been appointed to the Contra Costa County Bar Association board of directors. He serves on the board for the organization's President's Committee on Membership, and on the California Lawyer's Association Trusts and Estates Section Litigation Subcommittee. A principal at Hartog, Baer & Hand, Andrew handles trust and estate litigation, conservatorship litigation, financial elder abuse, and appeals.

2012

Hilda Chan was honored by the Legal Aid Association of California with an Award of Merit. A staff attorney at Bay Area Legal Aid since

Builders of Berkeley Law

Three of Berkeley Law's most consistently generous supporters recently passed away. Their inspiring commitment to the school helped sustain its excellence and public mission.

Judge E. Patricia Herron '64



Herron's half-century of giving fortified the Berkeley Law Fund,

created the E. Patricia Herron Scholarship (up to \$10,000 each year to a student clearly committed to women's issues), and included an estate gift to the Thelton E. Henderson Center for Social Justice. The Contra Costa County Superior Court's first female judge, Herron started Barricia Vineyard in 1978, which was later sold to Ravenswood. She also worked in private practice and as an ADR judge, and received Berkeley Law's Citation Award, the school's highest honor, in 2011.

Richard M. Sherman '74



Over Sherman's 35 years of support, he estab-

lished the Richard M. Sherman Distinguished Professorship Program Fund, an endowed chair held since 2005 by Professor Pamela Samuelson, and made an estate gift supporting it. He also helped Berkeley Law keep its top tech law ranking by supporting several school funds. Sherman joined Irell & Manella after graduating, mainly representing real estate developers and airlines. He was managing partner of the firm's Newport Beach office for six years, and spent 14 years on the firm's Executive Committee.

Werner F. Wolfen '53



Wolfen and his wife Mimi were prominent philanthropists who

donated to many law school areas for nearly 50 years. They include the International Human Rights Law Clinic Fund and Endowment, scholarship funds, and faculty chairs now occupied by Professors Frank Partnoy, Aaron Edlin, and Calvin Morrill. Wolfen and his family came to America in 1938 as refugees from Nazi Germany. He spent his entire career at Irell & Manella, where he focused on tax and entertainment law matters before retiring in 1999, and received Berkeley Law's Citation Award in 2007.

Remembering Cruz Reynoso '58

August 2018, she specializes in housing and domestic violence law.

Cora Lea Rose

was ordained as a Minister of Word and Service on July 25 at St. Mark's Lutheran Church in San Francisco. Believed to be the first female lawyer-deacon in North America, she continues her work as a public interest/legal aid attorney and her volunteer efforts in the rural community along the Oregon-California coastal border.



2014

Alex S. Li published his first outer space-related article in the *Oklahoma Law Review*. Entitled "Ruling Outer Space: Defining the Boundary and Determining Jurisdictional Authority" (73 Okla. L. Rev. 711 (2021)), the piece proposes a new boundary solution for outer space and constructs a decision-tree framework for determining jurisdictional authority in this environment.

A towering figure in the Berkeley Law community, Cruz Reynoso '58 died on May 7 at age 90. The son of Mexican immigrant farm workers, he went from laboring in the fields as a child to becoming the California Supreme Court's first Latinx justice.

Reynoso was a heralded civil rights advocate whose work aided immigrants, farm workers, and the rural poor. He also relentlessly strived to help underrepresented students achieve a law career.

"Cruz Reynoso was a role model for all of us in how to use one's career to advance social justice," says Berkeley Law Dean Erwin Chemerinsky. "He accomplished so much and did so with such warmth and humility."

The annual Cruz Reynoso Fellowship supports Latinx Berkeley Law students pursuing summer public interest internships and judicial externships. Before the annual fundraising gala, members of La Alianza (formerly the La Raza Law Students Association) would hold a luncheon with Reynoso.

"He reminded us to maintain our conviction, have courage, and center our communities," says Maria Beltran '19. "He was a trailblazer for us all."

After starting his own practice, Reynoso joined an area chapter of the Community Service Organization — a Latinx civil rights group led by César Chávez. He was also

associate general counsel of the Equal Employment Opportunities Commission and the first Latinx director of California Rural Legal Assistance, where he gained vital physical and environmental protections for farm workers.

After four years as a University of New Mexico law professor, Reynoso was named a California state appeals court judge in 1976. Five years later, Gov. Jerry Brown appointed him to the California Supreme Court, calling him "a man of outstanding intellect, superior judicial performance, high integrity, and rare personal qualities."

Hailed for his detailed and conscientious approach, Reynoso wrote the court's ruling that interpreters must be provided to non-English-speaking defendants at each phase of the criminal process. But in 1986, Reynoso, Rose Bird '65, and Joseph Grodin were voted off the court after a well-funded recall movement alleged that they did not enforce the death penalty and were too lenient with criminals.

Reynoso then spent 11 years with the U.S. Commission on Civil Rights, became a UCLA Law professor in 1991, and joined the UC Davis Law faculty in 2001 — one year after receiving the Presidential Medal of Freedom.

An award-winning documentary about his life, "Cruz Reynoso: Sowing the Seeds of Justice," was released in 2010. —*Andrew Cohen*



CENTER OF ATTENTION: Cruz Reynoso '58 (seated) at the 2017 fellowship luncheon with members of Berkeley's La Raza (now called La Alianza) Law Students Association.

Abbie VanSickle '11

A Pulitzer-Winning Partnership

A Pulitzer Prize was nowhere on Abbie VanSickle's radar when she started researching injuries caused by police dog bites. A journalist with the Marshall Project, a nonpartisan, non-profit news organization focused on criminal justice issues, VanSickle was the lead reporter of a year-long joint investigation.

Granted, the revelatory findings in "Mauled: When Police Dogs Are Weapons" — that thousands of people get bitten every year in America, resulting in serious injuries and sometimes death — garnered ample attention. Still, seeing *The New York Times* and *Wall Street Journal* as the other two Pulitzer finalists hardly sparked overconfidence.

"I was humbled and honored — and stunned," VanSickle says of receiving the prize, the highest honor for a United States-based journalist or organization. "Mauled" also won the White House Correspondents' Association Katharine

Graham Award for Courage and Accountability.

AL.com reporter Challen Stephens contacted the Marshall Project after noticing a troubling pattern of police dog violence in Alabama. They later joined IndyStar and the Invisible Institute, which were probing the issue in Indiana.

"Our investigation was a collaboration across four newsrooms," VanSickle says. "We were better together, which really made me optimistic about the future of journalism. It's a vital, rewarding profession and essential to our democracy."

Relying on court records, they tracked bite cases and created a national database with over 150 severe incidents — sorting them by state, describing the attacks, and providing videos. They found that few victims were armed, most were suspected of nonviolent crimes, and some bystanders suffered bites.

"At a time when our country is focused on examining police use of force, I was surprised that there was no national regulation or tracking of how these dogs were trained and used," says VanSickle, whose work has appeared in *The New York Times*, *Washington Post*, and *Los Angeles Times*.

"Mauled" sparked reforms in various police departments nationwide, and helped to trigger legislative action in Washington State and Massachusetts.

A UC Berkeley Journalism School lecturer, VanSickle previously worked at the university's Investigative Reporting Program, the Center for Investigative Reporting, and the *Tampa Bay Times*.

At Berkeley Law, VanSickle was active in the school's California Asylum Representation Clinic and its Death Penalty Clinic, which she says "helped my journalism career by giving me real-life experience in digging into the criminal justice system; the work I do now is similar in a lot of ways."

"I came to Berkeley Law because I'd been covering criminal justice for several years as a reporter, but I didn't have any formal training in the law," she says. "Berkeley gave me that training and so much more." —Andrew Cohen

2017

Timothy Hsieh LL.M. joined the Oklahoma City University School of Law faculty as a tenure-track assistant professor and will teach Patent Law, IP Law, and Antitrust Law. He was also elected editor-in-chief of the *Journal of the Patent and Trademark Office Society*, the first Asian American to fill that role since the publication's founding in 1918.

2018

Linn Alfredsson LL.M. was named head of legal at Microsoft Sweden in March. One of the youngest people to hold that position, she has been nominated as legal tech personality of the year and as IT woman of the year in Sweden.

2021

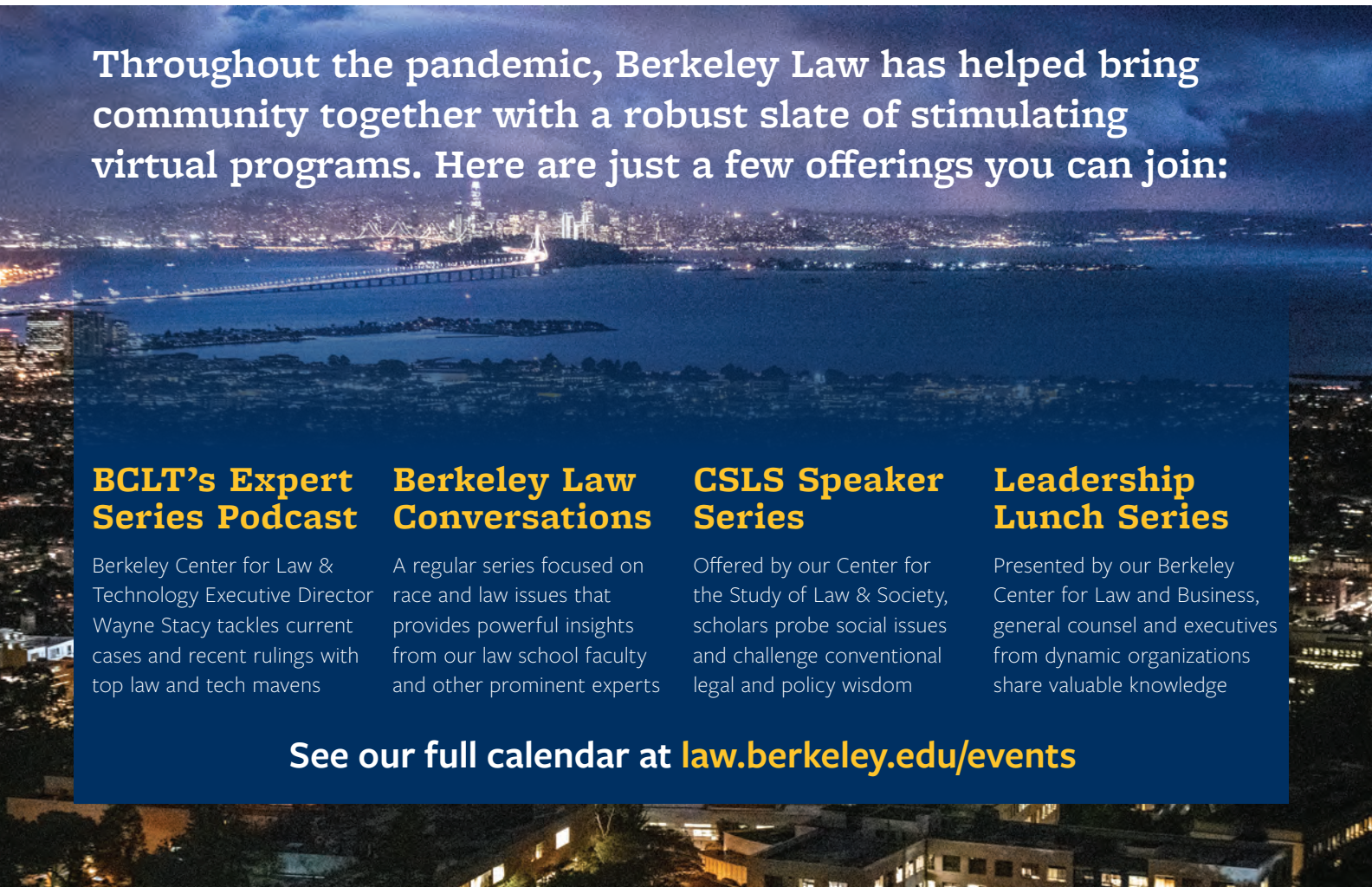
Mattie Armstrong and **Jina Kim** received the coveted Equal Justice Works Fellowship. Mattie aims to prevent the detention and deportation of immigrants with criminal records in Southern California at Al Otro Lado, and Jina will advocate with low-income residents of color in East Oakland for environmental justice and community resilience at Communities for a Better Environment.



Parting
Shot



Umukulthum Almaawy (left) traveled 36 hours from Kenya to walk with daughter Maryam Alhakim '24 to her first day at Berkeley Law. “I did not want to miss the opportunity,” Almaawy said. “This is very exciting for me.”



Throughout the pandemic, Berkeley Law has helped bring community together with a robust slate of stimulating virtual programs. Here are just a few offerings you can join:

BCLT's Expert Series Podcast

Berkeley Center for Law & Technology Executive Director Wayne Stacy tackles current cases and recent rulings with top law and tech mavens

Berkeley Law Conversations

A regular series focused on race and law issues that provides powerful insights from our law school faculty and other prominent experts

CSLS Speaker Series

Offered by our Center for the Study of Law & Society, scholars probe social issues and challenge conventional legal and policy wisdom

Leadership Lunch Series

Presented by our Berkeley Center for Law and Business, general counsel and executives from dynamic organizations share valuable knowledge

See our full calendar at law.berkeley.edu/events