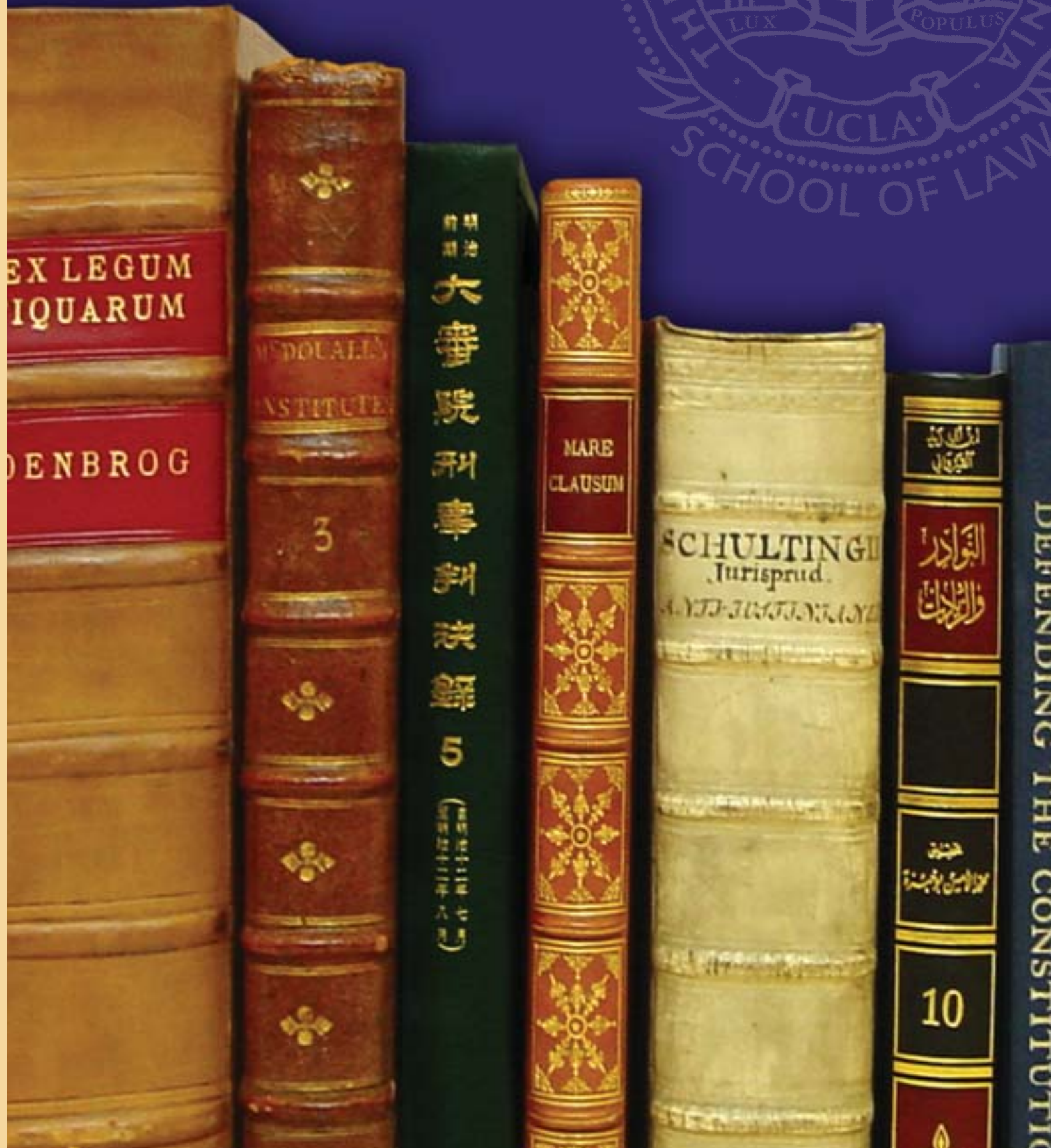


# UCLA

## SCHOOL OF LAW

THE MAGAZINE OF THE SCHOOL OF LAW  
VOL. 25-NO. 1 FALL 2001

# The Law and Beyond





# UCLA School of Law Commencement 2001



# UCLA

## SCHOOL OF LAW

THE MAGAZINE OF THE SCHOOL OF LAW  
VOL. 25 - NO. 1 FALL 2001

### UCLA Law Magazine

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UCLA School of Law  
Suite 951476  
Los Angeles, CA 90095-1476

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**Regina McConahay**, Director, Communications Center  
Managing Editor and Publisher, *UCLA Law Magazine*  
**Robert DeBarge**, Editor  
**Frank Lopez**, Art Coordinator  
**Charles Cannon**, Cover Concept  
**Tricia Rauen**, Treehouse Design, Designer  
**Typecraft, Inc.**, Printer  
**Photographers:** Mary Ann Stuehrmann, Regina McConahay

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# Contents

- 2 A MESSAGE FROM DEAN JONATHAN D. VARAT
- 4 ELEVEN SEPTEMBER
  - JONATHAN D. VARAT - INTRODUCTION
  - PHILLIP TRIMBLE - WAR POWERS AND THE SEPTEMBER 11 ATTACK
  - KHALED ABOU EL FADL - DEFEATISM, ALIENATION AND CONTEMPORARY ISLAM
  - CLYDE SPILLINGER - NO BLANK CHECK TO WAGE WAR
  - JERRY KANG - WHAT 12-7 HAS TO TEACH US ABOUT 9-11
  - JODY FREEMAN - ENVIRONMENTAL PATRIOTISM
  - JUSTIN HUGHES - STAYING THE COURSE
  - PHILLIP CARTER '04 - THE LONG HAUL
  - EUGENE VOLOKH '92 AND STEWART BAKER '76 - CIVIL LIBERTIES IN WARTIME
- 18 THE LAW AND BEYOND
  - BY JILL BROWN '91
  - LAW AND ANTHROPOLOGY
  - LAW AND ECONOMICS
  - LAW AND HISTORY
  - ISLAMIC LAW
  - PHILOSOPHY AND POLITICAL THEORY
  - POLITICAL SCIENCE AND INTERNATIONAL RELATIONS
  - PSYCHOLOGY
  - SOCIOLOGY AND PUBLIC POLICY
- 31 CIVILITY
  - JONATHAN D. VARAT
  - HON. RICHARD D. FYBEL '71
  - BILL VAUGHN '55
  - BRUCE CLEMENS '75
- 33 FACULTY
  - NEW FACULTY; LYNN STOUT, RUSSELL KOROBKIN, GARY ROWE
  - NEW VISITING PROFESSORS AND LECTURERS
  - RECENT SCHOLARSHIP
  - SALUTE TO GARY T. SCHWARTZ
- 42 HERITAGE
  - TWENTY YEARS OF THE LAW SCHOOL MUSICAL
- 44 MAJOR GIFTS
  - THE CHARLES R. WILLIAMS PROJECT ON SEXUAL ORIENTATION AND THE LAW
  - THE SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP ENDOWMENT
  - THE ANN C. ROSENFELD ENDOWMENT FUND SUPPORTING THE GARY T. SCHWARTZ MEMORIAL SYMPOSIUM
- 50 EVENTS
- 56 STUDENTS
- 57 ALUMNI
  - CLASS ACTION
  - WTC: MINUTE BY MINUTE, SEPTEMBER 11, 2001 - LES JACOBOWITZ '85
  - SALUTE TO THE HONORABLE GEORGE SCHIAVELLI [RET.] '74
  - ALUMNI EVENTS AND REUNIONS
  - CLASS NOTES
- 77 HONOR ROLL AND ANNUAL REPORT
  - PLANNED GIVING BY SANDRA KASS GILMAN '75
  - STUDENTS WHO GIVE



# Message from the Dean

Dear Members of the Law School Community,

**E**ach year the opening of school arrives with a whirlwind of excitement and activity. Welcoming returning faculty and students, and introducing our new arrivals to our community, fill our busy days. It was amid this spirit of renewal and launching our academic year that the horror of September 11, 2001, stopped us short.

First there was the shock and tragic devastation that we all experienced. We immediately scrambled to confirm the security and safety of our students placed in externships in Washington D.C., New York City, and key offices on the East Coast. We contacted our professors visiting at law schools in New York City, and the Boston and Washington D.C. areas. As we go to press, we believe that everyone in our immediate community is safe, and we will continue to monitor our alumni family. If you have sustained the loss of a loved one, please accept our deepest condolences.

In the immediate aftermath of the attacks, like so many others, we both kept on with our business and shared our deep sense of loss and emotional turmoil. With the School of Law in session, students gathered in classrooms, of course, but also together in the student lounge, in the courtyard, and—with our larger UCLA community—on the lawn in front of Royce Hall. During office hours and class time, students and professors discussed the events of the day and the rule of law and its challenges in times like these, but also the emotional and social consequences to us all.

In response to our distance from New York and Washington, we would not accept helplessness. We reached out to one another and to the victims. The School of Law joined the wider UCLA community in a memorial service at Dickson Plaza. Students, staff, and faculty raised money for the Red Cross, and BLSA expects record donors for its annual October blood drive here at the School of Law. I am proud of our faculty and our students for their solidarity in support of one another as we mourn our losses, the losses of our fellow Americans, and indeed, liberty loving citizens of the world. **Christopher Gidden '04**, a U.S. Navy counter terrorism expert, was called away from our school to active duty just hours after the attack. Our thoughts and prayers went with him, and his colleagues, and all the heroes who protect our way of life. While Chris was away, our community kept in touch with him, and he kept up with his lessons through e-mail and other postings. He has returned—for now—and has resumed his first-year classes.

The First Monday in October, which marks each year's beginning of a new Term of the Supreme Court of the United States, has become an annual day for reexamination of legal developments and proposals. It is especially fitting, then, as an initial step toward furthering our common understanding of some of the central questions raised after the recent tragedies, that the School of Law, the Near Eastern Legal Society, and the Student Bar Association co-sponsored "A Law School Forum on Law and the Aftermath of September 11" on Monday, October 1. Two days later, Professor Abou El Fadl and I



took part in a campus-wide panel discussion sponsored by the International Studies & Overseas Programs. There is more that can be done, and in time will be done, to address the reality of the lawless assault on our country and its long-term consequences. For now, I invite you to read the thoughtful reflections of our scholars, among them Professors

**Khaled Abou El Fadl, Jody Freeman, Justin Hughes, Jerry Kang, Clyde Spillenger, and Phillip Trimble** and a student, **Phillip Carter '04**, who is a Truman Scholar and Army reserve officer.

This issue of the *UCLA Law Magazine* also highlights the breadth of interdisciplinary legal education offered at your law school—just one more gauge of the exceptional quality of the legal education we provide and one more reason to take pride in your alma mater. In the cover feature, *The Law and Beyond*, **Jill Brown '91**, a lecturer in our Clinical Law Program, documents the tremendous benefits UCLA Law students enjoy from studying with a faculty who possess experience and academic credentials in a number of fields, including international relations and political science, economics, philosophy, psychology, Islamic law, history, sociology, and more.

Our *Faculty* section is dedicated to our beloved colleague, **Gary Schwartz**, who died this summer, whom we will remember **October 29, 2001**, at a campus memorial service, and whose life's work we will celebrate on **April 19, 2002**, at the **Ann C. Rosenfield Symposium**. Also in this section, meet our newest faculty members, and our visitors.

Turn to *Heritage* to reminisce over photos recalling twenty years of the Law School Musical. Our *Events* and *Student* sections report on outstanding achievements and enjoyable events, followed by a photo essay of School of Law lectures, symposia, and awards ceremonies. A new *Major Gifts* section contains news of two exciting and generous gifts. A \$2.5 million donation from Charles R. Williams, facilitated by **Arnie Kasoy '68**, of Manatt, Phelps & Phillips, will endow **The**

**Charles R. Williams Project on Sexual Orientation and the Law**. And the UCLA Law Review Symposium, in perpetuity, will have the generous sponsorship of **Skadden, Arps, Slate, Meagher & Flom LLP** thanks, in large part, to the efforts of **Harriet Posner '84** and **Jeffrey Cohen '88**.

The *Alumni* section offers the ever-popular Class Notes and news of our alumni family, as well as a minute-by-minute report from NYC from **Les Jacobowitz '85**. The *Honor Roll* contains Development information and a very informative message from **Sandra Kass Gilman '75**.

Our graduating Class of 2001 is honored in our *Alumni* section and on the inside cover. Also posted on the inside front cover are some highlights of upcoming events we hope you include in your calendar.

Sadly, Sue Young, the wife of Chancellor Emeritus Charles Young and the "First Lady" of UCLA for nearly thirty years, died September 28 after a long battle with cancer. Sue Young was a generous friend to the School of Law in a number of ways, including as a partner with Chancellor Young in contributing to the Hugh and Hazel Darling Law Library Building Project. Sue Young will long be honored and fondly remembered here.

Our country faces new challenges now, and tomorrow's stewards of democracy will lead a nation that more frequently may be threatened with serious harm, or even be perceived as fragile. We, the UCLA Law family, feel a renewed commitment to educating our next generation of lawyers for their crucial role in preserving our nation's strength and its freedoms, and we call upon our alumni to provide your support to the school and guidance as mentors. I hope to see many of you October 29, when we gather to honor the life of **Gary Schwartz**, a stalwart soldier in the fields of legal education and reform.

"I AM PROUD OF OUR  
FACULTY AND OUR  
STUDENTS FOR THEIR  
SOLIDARITY IN SUPPORT  
OF ONE ANOTHER AS WE  
MOURN OUR LOSSES,  
THE LOSSES OF OUR  
FELLOW AMERICANS,  
AND INDEED, LIBERTY  
LOVING CITIZENS OF  
THE WORLD."

Jonathan D. Varat





In the wake of the terrorist attacks of September 11, there is much to understand and to learn, including very significantly our nation's legal responses and the legality and wisdom of our nation's military, political, social, and economic responses. We continue to grieve for

# ELEVEN SEPTEMBER 2001

## a LAW SCHOOL FORUM ON LAW and the AFTERMATH of SEPTEMBER 11

presentations by  
Professors  
Khaled Abou el Fadl,  
Jerry Kang,  
David Sklansky,  
and  
Phillip Trimble

Monday, October 1, 2001  
4:00 - 6:00 P.M.  
Room 1347

those lost and those left behind and to seek wise paths for all of our futures. We continue to emphasize the importance of caring for one another and for making sure that our community is free of discriminatory acts or harassment of any kind, as sadly has been the case in too many parts of our country. As institutions of higher education, UCLA in general and our law school in particular not only have a special opportunity and obligation to educate our community on all these matters, but we are well positioned to do so. Law and education—always important—become absolutely essential in times of national stress like this is. Here are some thoughts from our students and professors.

—JONATHAN D. VARAT



## WAR POWERS AND THE SEPTEMBER 11 ATTACK

PHILLIP TRIMBLE

The issues raised by Tuesday's attack are less about constitutional war powers than about war wisdom. Under national and international law, the President has fully adequate legal authority to react in self-defense against this invasion of our territory. Even the most vigorous critics of executive power concede that under the Constitution the President is empowered, in Madison's words, to "repel sudden attacks." One might quibble over whether "repelling" an attack, which in the eighteenth century would have been a land or naval invasion by a foreign state, extends in this era to a military response outside the United States to an attack by unknown forces, but the principle supporting the legitimacy of an immediate response of a military nature seems implicit in the original understanding of executive power. Moreover, Congress has expressly acknowledged this executive power and, in addition, has specifically authorized the use of "all necessary and appropriate force" against the persons and organizations that conducted the attack and those states that aided or harbored the terrorists. Likewise, under international law, the United States has the right of self-defense under Article 51 of the UN Charter, and NATO members have invoked Article 5 of the NATO Treaty, declaring the attack as an "attack against them all," so that each of them is obligated "to take such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."

The legal authority of the President to wage some kind of war is therefore clear. The wisdom of doing so is more complex. No doubt some military response will be launched, and in my

view such a response is desirable, in order to underscore the gravity of the matter and to assuage the public cry for justice. Nevertheless, the trick is to fashion an attack or series of attacks on demonstrably relevant targets, without killing thousands of innocents and fueling even more hatred of America in the Islamic world. It is a challenge to this Government to use military force in ways that actually punish demonstrably responsible parties without in turn inciting more terrorist fervor and actually increasing the danger to the physical security of the country.

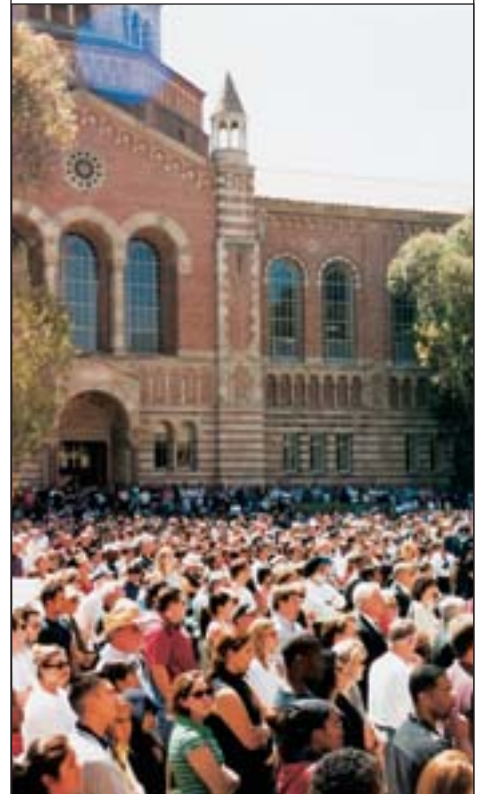
The most important, and most difficult, challenge for the country—Congress as well as the President—is to create an anti-terrorism coalition in Europe, Asia, and Africa, as well as the Middle East that will suppress terrorist conspiracies at their roots. This cannot be done by the United States and NATO from outside, but must be done internally through effective law-enforcement and education by governments, many of which we have been at odds with over a whole range of issues. To induce neutral, indifferent, and even traditionally hostile governments to effectively stop terrorist conspiracies, to deploy sufficient police effort to law-enforcement, to share intelligence information, and to cooperate securely in trans-border investigations, will require significant inducements. This will be the hard part.

First and most generally, the Administration will have to engage other nations, bilaterally and multilaterally, and regain that vague but critical quality of American world leadership. That will require a revision of the tone and attitude of this Administration across the full spectrum of foreign policy issues. It need not require abandoning National Missile Defense or accepting the Kyoto Protocol, but it will require genuine negotiation with our treaty partners.

Second, we will need to reestablish or substantially upgrade diplomatic relations with states that have been anathema to us in the past (e.g. Iran,

Iraq, Libya, Lebanon, and Syria, just to name some in the Middle East).

Third, we will need to offer inducements for genuine cooperation, not only from key states like Iran but also from states that may not in fact turn out to be willing to match action on the ground with public rhetoric. This will require money to support the foreign police and intelligence help we seek. For these appropriations of foreign assistance Congress will have to be generous to a greater degree than in the past.



Fourth, we will need to change failed policies based on economic sanctions and isolation in favor of inducements to cooperation and interaction. This would require Congressional action as well as new Executive Policy.

Fifth, the President and political, social, and religious leaders throughout the country should mount serious public educational efforts to help the American people better understand the extent and basis of the anger against our country, as well as extending public exposure to the expression of compassion that is common to all religious traditions.

Finally, while we affirm our support for Israel, we need to effectively disassociate the United States from support of the Israeli occupation of Palestine.

The fundamental changes in policy that I am recommending of course cannot happen quickly, and can only be brought about if accompanied by tangible benefits in terms of cooperation from members of the antiterrorism coalition. Reciprocity is the protection against responding, and appearing to respond, to the attack itself. In the meantime, let us hope that military vengeance does not preclude the kinds of positive responses that will actually protect the physical security of the country.

*Professor Phillip R. Trimble teaches International Law, Law and National Security, Law and Foreign Policy, and International Human Rights. He served as Vice-Provost and Director for International Studies and Overseas Programs at UCLA for 1999–2000. A noted scholar in international law, he has been a consultant to the U.S. Arms Control and Disarmament Agency, counsel to the U.S. Delegation to the 1990 Nuclear Test Talks, and on an arbitral panel under the U.S.–Canada Free Trade Agreement. His lengthy public career included service as Assistant Legal Advisor for Economic Affairs, Department of State, during the Nixon, Ford, and Carter administrations; as Deputy Mayor of New York City; and as American Ambassador to Nepal during the Carter administration.*



## DEFEATISM, ALIENATION, AND CONTEMPORARY ISLAM

*What happened to the Islamic civilization that produced such tolerance, knowledge, and beauty throughout its history?*

KHALED ABOU EL FADL

Extreme acts of violence, such as the recent terrorist attacks, test the mettle and moral depth of societies—the society that is targeted by the violence and the society that generated it. For instance, the Japanese stealth attack on Pearl Harbor tested both the aggressor and the victim. Pearl Harbor challenged the moral integrity of Japanese normative values, but also tested us—the victim. On our part, we responded to an extreme act of aggression with another extreme act—we interned our Japanese citizens in concentration camps, all of which resulted in deep fissures in our constitutional and civil rights fabric and the infamous Korematsu case.

We do not have a very good record when responding to aggression—as a society we tend to vent our anger and hurt at our own citizens and then spend decades expressing regret and talking about lessons learned. Considering the scale of what has been called the second Pearl Harbor, unfortunately, I fear that there is already an explosion of hate crimes against Muslim and Arab-Americans, both by common citizens and police enforcement agencies. Islamophobic experts started splattering the airwaves with endless talk about the Islamic threat and “I told you so’s.” Anticipating the backlash, Muslim and Arab organizations have rushed to issue condemnations against terrorism and hate-motivated violence, and have gone to great pains to explain that terrorists who happen to be Muslim, do not represent Muslims at large, or

Islam. But, ultimately, this did not matter, and several Arab-looking or Muslim-looking people have been killed or beaten in several places in the United States.

This is distressing because terrorism is first and foremost a hate crime. Hate crimes, and terrorism, rely on a symbolic communicative act of violence that is intended to terrorize a third party. Like terrorism, hate crimes assume guilt by association, target a group as a whole, and indiscriminately select a victim—often the selection of the victim is a factor of opportunity, visibility, and perceived symbolic value more than anything else.

It is important to approach the reality of terrorism from this perspective because such an approach enables us to squarely reflect upon the ways that we, and others around us, inadvertently contribute to this crime. Hate crimes, such as the recent terrorist attacks, call for a serious introspective pause by all. It is imperative that aggressors, victims, and so-called bystanders stop to consider the ways in which our behavior patterns, discourses, and attitudes contribute to the perpetuation of such extreme acts of hate and vengeance.

For instance, as Americans we ought to reflect upon the ways that our own Middle East policies and the arrogance by which we deal with dark-skinned people we collectively refer to as Arabs contributes to the radicalization and polarization of Muslims. On the other hand, Muslims, American and otherwise, should reflect upon the ways that their own discourses and symbolisms contribute to a belligerent and morally irresponsible attitude towards Western countries.

There is no doubt that the vast majority of Muslims are not terrorists and will never take part in acts of violence or hate. And, there is also little doubt that Muslim and Arab organizations have every reason to be genuinely concerned about Islamophobics and the type of frenzied atmosphere of hate they



are capable of generating. Nevertheless, as a Muslim scholar, I feel that the horror of recent terrorist attacks demand a serious conscientious pause—a reflective stand upon the prevailing moral and ethical structure of contemporary Islam. There is little doubt that terrorism and hate crimes are most often an aberration. Terrorism, however, is often an extreme manifestation of underlying mainstream social and ideological currents prevalent in a particular culture. Terrorism is not a virus that suddenly infects the brain of a person; rather, it takes long-standing and cumulative cultural and rhetorical dynamics to produce a terrorist.

The classical culture of Islamic law is uncompromisingly hostile to all acts of terrorism. Terrorism, known as *hirabah* in Islamic law, was considered cowardly, predatory, and a grand sin punishable by death. In fact, the Muslim juristic tradition equated terrorism with the Quranic concept of *fitnah* (betrayal and oppression), which the Quran describes as a crime against humanity. Consequently, classical Muslim jurists considered crimes of terror to be “acts of corruption on the earth”—the most heinous and reprehensible type of crime committed against humanity at large. More specifically, classical Islamic law explicitly prohibited the taking or slaying of hostages or diplomats, even in retaliation against unlawful acts by the enemy. In addition, it prohibited stealth or indiscriminate attacks against enemies, Muslim or non-Muslim, and prohibited the use of weapons of mass and indiscriminate destruction, such as fire or the poisoning of water wells.

It would be disingenuous, however, to propose that this classical attitude is predominant, or even that familiar, especially in modern Arab-Muslim culture. To put it simply and bluntly, I, like many other Muslims, grew up with an unhealthy dose of highly opportunistic, anti-Western, and belligerent rhetoric delivered not only through the official media but also through popular

cultural venues such as local mosques. Even in the United States, it is not unusual to hear such remarkably irresponsible and unethical rhetoric repeated in local Islamic centers or university Muslim student organizations.

All of this begs the question: What happened to the Islamic civilization that produced such tolerance, knowledge, and beauty throughout its history? There is a lot that has happened—Islamic civilization has been wiped out by an aggressive and racist European civilization; by Colonialism; and by the expulsion of the Palestinians. Furthermore, virulently despotic and exploitative

of Islamic law define morality—there are no moral considerations that can be found outside the technical law. Paradoxically, however, it also rejects the classical juristic tradition as an historical aberration and insists on a *de novo* and literal reinterpretation of all Islamic texts. But the *de novo* reinterpretation of Islam is not forward looking; rather, it claims to bring Islam back to its pristine and authentic self. According to puritan theology, there was an Islamic golden age—a period of absolute utopia that lasted from the time of the Prophet until the death of the fourth Rightly Guided Caliph. The



regimes have taken power in nearly every Muslim country, and, like most third world countries, Muslim nation states remain underdeveloped and continued to suffer from chronic economic and political problems. But most importantly, a dogmatic, puritan, and ethically oblivious form of Islam has continued to develop and predominate since the 1970s.

This puritan brand of contemporary Islam is well represented today in several Muslim regimes and mass-based Islamic movements. This brand of Islamic theology is largely dismissive of the classical juristic tradition, and is also dismissive of any notions of universal and innate moral or ethical values. This orientation insists that only the mechanics and technicalities

puritanical insist that if Muslims purify their religion from all corruptions and external influences, they will be able to bring back this Golden Age with all its glory and power. As part of this paradigm, this puritanism tends to be distinctly anti-intellectual. Intellectualism or social thinking that attempts to have a critical approach to Quranic interpretation, or that introduces nuances of meaning to the text, or that attempts to integrate socio-historical insights into the understanding of the doctrines of the Islamic law, is considered to be pure sophistry and a corruption of the purity of the Divine message.

Fundamentally, however, this puritan theology projects its own frustrations and aspirations upon the text. In fact, one notes that it responds to the feelings

of powerlessness and defeat with uncompromising symbolic displays of power, not only against non-Muslims, but also against Muslim women. It is not accidental that this puritan orientation is the most virulent in flexing its muscles against women, and that it is also plagued by erotic fantasies of virgins in heaven submissively catering to the whim and desire of men.

This contemporary orientation is anchored in profound feelings of defeatism, alienation, and frustration. It is a theology that is alienated not only from the institutions of power of the modern world, but also from its own Islamic heritage and tradition. Importantly, this puritan trend compensates for those feelings of defeatism and alienation with a distinct sense of self-righteous arrogance vis-à-vis the nondescript “other”—whether the other is the West, non-believers in general, or even Muslim women.

It is certainly true that the extreme and violent form of puritan Islam does not represent the vast majority of Muslims today. But there are two ways in which contemporary Muslim culture, Arab or non-Arab, inadvertently contribute to and feed these extreme trends. First, since the fall of the Ottoman Empire and the onslaught of colonialism, Islamic intellectuals have busied themselves with the task of “defending Islam” by rampant apologetics. This has produced a culture that eschews self-critical and introspective insight and embraces projection of blame and a fantasy-like level of confidence and

arrogance. Second, confronted by the challenges of modernity, many Muslim intellectuals and activists have tended to give precedence to the logic of pragmatism over any other competing normative requirements. Invoking the logic of necessity or public interest to justify a variety of courses of action, at the expense of normative moral imperatives, has become common practice. Effectively then, Muslims have gotten

into the habit of paying homage to the presumed superiority of the Islamic tradition, but have marginalized this idealistic image in everyday life.

The reality of contemporary Muslims is unfortunate. Easy oil money, easy apologetics, easy puritanism, and easy appeals to the logic of necessity have all but obliterated the incentive for introspection and critical insight. Arab and Muslim organizations in the U.S. are right to worry about hate crimes and stereotypical projections of Muslim and the Islamic religion. The problem, however, is that Muslims themselves responded to the challenge of modernity by stereotyping and then com-

pletely ignoring their own rich moral tradition. It is not surprising that some extremists have taken this tendency to its logical and heinous extreme.

Nonetheless, there are several ways in which the United States contributed to the emergence of these same extreme trends. We, ourselves, have tended to throw around the rhetoric of moral imperatives and commitments, but our foreign policy fell far short of our rhetoric.

Our foreign policy towards Muslim nations remains guided by considerations of realpolitik and pure self-interest. In this vein, we supported and continue to support very repressive and corrupt governments with abysmal human rights records. While touting the cause of freedom and democracy, we consistently refer to these repressive governments as our friends and allies. Even more, we arrogantly claim to be the leader of the free world—whatever that means—but have not proven to be a very benevolent or principled leader.

The claim of leadership comes with a heavy responsibility. It should be understood that the leader becomes the symbolic scapegoat for the frustrations and failures of its purported followers. Significantly, when the leader relies on the logic of unprincipled and pragmatic interest, the lesson taught to others is not a particularly moral one.

I, LIKE MANY OTHER MUSLIMS, GREW UP WITH AN UNHEALTHY DOSE OF HIGHLY OPPORTUNISTIC, ANTI-WESTERN, AND BELLIGERENT RHETORIC DELIVERED NOT ONLY THROUGH THE OFFICIAL MEDIA BUT ALSO THROUGH POPULAR CULTURAL VENUES SUCH AS LOCAL MOSQUES. EVEN IN THE UNITED STATES, IT IS NOT UNUSUAL TO HEAR SUCH REMARKABLY IRRESPONSIBLE AND UNETHICAL RHETORIC REPEATED IN LOCAL ISLAMIC CENTERS OR UNIVERSITY MUSLIM STUDENT ORGANIZATIONS.

KHALED ABOU EL FADL

*Professor Khaled Abou El Fadl, the Omar and Azmeralda Alfi Distinguished Fellow in Islamic Law, is one of the leading authorities in Islamic law in the United States and Europe. He teaches Islamic Law, Middle Eastern Investment Law, Immigration Law, and courses related to human rights and terrorism.*



(l to r) ISOP Vice-Provost Geoffrey Garrett hosted Dean Varat, Professor Abou El Fadl and other scholars to a campus-wide teach-in October 3. UCLA added 50 classes to its curriculum in response to the events of September 11. Law professors participated in the courses.



"A COMMENT CURRENT BOTH IN PRIVATE CONVERSATIONS AND IN THE OFFICIAL CHINESE PRESS IS THAT WHILE TERRORISM IS MORALLY UNJUSTIFIED, U.S. POLICY MAKERS MUST UNDERSTAND THAT U.S. BULLYING AND UNILATERAL ACTION OUTSIDE THE SCOPE OF INTERNATIONAL LAW, COMBINED WITH THE POLITICAL, ECONOMIC, AND MILITARY DOMINANCE OF THE U.S. THAT LEAVES MANY COUNTRIES WITHOUT ANY EFFECTIVE CHANNEL TO REDRESS THEIR GRIEVANCES, INCREASES THE LIKELIHOOD OF TERRORIST ATTACKS ON THE U.S. ACCORDINGLY, THE U.S. SHOULD REFRAIN FROM SUCH HEGEMONIC BEHAVIOR AND EXERCISE ITS POWER WITHIN ESTABLISHED INTERNATIONAL LAW."

RANDALL PEERENBOOM

*Professor Randall Peerenboom teaches International Human Rights, Comparative Law: China, and Doing Business in China, the only transactional clinic of its kind in the United States. His experience includes four years negotiating international business transactions in Beijing, China, where he is now.*

## A VIEW FROM BEIJING

BEIJING—With respect to the U.S. response to the terrorist attacks, China's leaders have emphasized three principles:

- China is willing to cooperate with the U.S. and other nations in the struggle against terrorism.
- Any military action should be based on firm evidence and have a clearly defined objective not involving mass attacks on innocent civilians.
- Responses should be "consistent with the U.N. charter and the principles of international law," with the U.N. Security Council playing its due role. As a permanent member of the Security Council, China would have the power to veto any responses that it found objectionable.

Historically, China has been cautious about external intervention in the internal sovereign affairs of other states, especially by Western powers or Western regional forces such as NATO. On the other hand, China faces its own potential terrorist threats, particularly in the predominantly Muslim western province of Xinjiang. In recent years, China has made overtures to the Taliban government of Afghanistan in the hopes that the Taliban would cooperate in reducing external support for Xinjiang separatists. The U.S. threats to take military action against the Taliban government if bin Laden is not handed over has put Beijing in an uncomfortable position of having to choose between its antiterrorism stance and its efforts to form an alliance with the Taliban to undermine support for Xinjiang separatism. A U.S. attack on Afghanistan would also result in U.S. troops on China's borders.

**Randall Peerenboom**

## NO BLANK CHECK TO WAGE WAR

CLYDE SPILLENGER

Many Americans are understandably concerned about the threat to our civil liberties in the wake of the disastrous events of September 11. But these events, and the rhetoric of government officials in the days since, have exposed an even greater threat to our safety: When it comes to foreign policy and America's role in the world, we are rarely a true democracy; we rarely even have much idea of what is going on. This veil of ignorance has contributed in no small part to these recent ghastly events. If we are to prevent a repetition of them, we as citizens must reclaim some authority over our role in the world, and not simply endorse a "war on terrorism."

Simple justice and morality demand that we regard the acts of the terrorists and those with whom they worked as evil, irredeemable deeds, and that we tirelessly seek justice for their victims. But our revulsion and our determination to bring evil-doers to justice do not require us to abandon the search for the larger causes of such deeds. Sheer pragmatism, not to say the desire for self-preservation, requires that we do all we can to prevent future repetitions of these events.

Such a pragmatic imperative is not adequately served simply by beefing up our intelligence capabilities or by retaliating with military or economic violence. If widespread hatred of the United States is the seedbed of acts like those of September 11, we would do well to reflect on the roots of that hatred. Understanding it does not require that we ratify it, or accede to its fantastic and coercive manifestations, or refrain from passing judgment on despicable acts. It does, however, require that we pause to examine how U.S. policies and attitudes have helped in the making of the world we now regard with fear and revulsion.

With few exceptions, Americans do not have a particularly cosmopolitan vision or understanding of what we are content to call the "Arab world." For many of us, that vision consists of turbaned sheiks conspiring to raise the price of oil; of Arafat, Khomeini, Saddam, and Qadhafi; of nameless terrorists hijacking airplanes; of huddled masses who may have been buried under the sands of Desert Storm, although we're not quite sure, because those faceless masses seem somehow always to be replenished by other faceless masses. Human empathy or identification with the people of this storm-tossed, largely poverty-stricken region is in short supply.

Nor—and this is the most significant point—are most of us truly aware of the role the U.S. has played, for generations, overtly and covertly, in the world that was once the Ottoman Empire. As Professor Abou El Fadl has noted, the destruction of that culture at the hands of an advancing Western imperialism eventually laid much of the Islamic world bare for the attractions of a dogmatic, warlike, fundamentalist variant of Islam. At times we have connived at this development, most obviously in the now bitterly ironic fact that we supported Osama bin Laden and his allies in Afghanistan in the 1980s in their effort to expel Soviet forces. Indeed, our interest in the Arab world (apart from our desire for inexpensive natural resources and markets for our products) often seemed limited to any assistance we might wring from it in the war against communism. No wonder, as reported by Tariq Ali in *The Nation*, one Pakistani general explained militant anti-American feeling in his country as follows: "Pakistan was the condom the Americans needed to enter Afghanistan. . . . We've served our purpose and they think we can be just flushed down the toilet."

Many in the Arab world understand that American money and military equipment have been involved in the loss of untold innocent life,



whether indirectly as in the slaughter of Lebanese civilians during Israel's invasion in 1982, or directly as in the Gulf War, where military violence was followed by the economic sanctions that have wrought havoc upon the lives of half a million children in Iraq. Whether one agrees or disagrees that such acts can legitimately be termed "state terrorism" on a par morally with the cowardly acts of September 11 is not important. What is important is that the historical behavior of the U.S. toward the "Arab world" has convinced many there that militant resistance to the U.S., violent if necessary, is justified.

That is the history that so many Americans, mesmerized by a few images and truisms concerning the "Arab-Israeli conflict," have perceived only dimly. We are now asked to write a blank check for a "war on terrorism," to "destroy the terrorist networks," even to restore the glory days of the C.I.A. by permitting it once again to employ what are euphemistically called "unsavory characters" (i.e. terrorists) as operatives and to engage in the magnificent business of state-sponsored assassination. What is not explained is what our avowed policy should be; who are we really support-

ing and how is that affecting the lives of millions throughout the world; how might we reverse the unremitting hostility to the U.S. pledged by large numbers throughout the Arab world; in a word, how we can establish a genuine security against terrorist attacks, and not simply a temporary and uneasy shield enforced by punitive military and economic policies, policies that would beget future violence directed at us.

Readers will understandably ask how such easy generalities can be translated into specific proposals. As to that, Professor Trimble's wise observations are well worth heeding. There is no suggestion here that there is a simple route to take in the Israeli-Palestinian conflict, which is the lightning rod (but scarcely the only cause) for Arab resentment of the West and the U.S. in particular. Nor is there any assurance that militant hostility to the United States can easily be altered in those regimes for which that hostility is an essential, if pathetic, motive force. Of paramount importance, however, is that we citizens not abdicate our responsibility to understand, and to exercise meaningful influence over, the uses to which our sovereign power is being put. President Bush has assured us that "We will lead the world to victory, to victory," but over whom, and at whose expense? No American should feel satisfied to endorse a "war" of undetermined length and unarticulated aims. To confer unchecked power on our government to prosecute a "war on terrorism," with no assurance that we will not be spreading the same misery and generating the same rage that lie behind the recent events, is unacceptable.

*Professor Clyde Spillenger currently teaches Civil Procedure, Conflict of Laws, and American Legal History. His principal research interest is in American legal and constitutional history. Of particular note are his articles on Louis D. Brandeis.*



*\*In certain Asian and Asian American cultures, memorable events are noted in date forms like this. For instance, Koreans call the 1992 Los Angeles riots sa-i-gu—4-29.*

## WHAT 12-7 HAS TO TEACH ABOUT 9-11\*

JERRY KANG

The terrorist attacks on 9-11 have frequently been analogized to Pearl Harbor. In many ways, the analogy is apt. Just as that attack launched us into World War II, the attacks on the World Trade Center and the Pentagon have launched us into a new kind of war, against terrorism. But waging this sort of borderless war poses great risks, not only to the soldiers commanded to fight but also to core American values. In this way, Pearl Harbor raises other disturbing memories, those of the internment.

Like the recent explosions on the East Coast, the bombing of Pearl Harbor on 12-7, shattered our feeling of national security. How could this have happened? Ordinary individuals, prominent journalists, and government officials soon started pointing the finger at the Japanese in America. Viewing these "Orientals" as incurably foreign, speaking foreign languages, perpetuating foreign



cultures, practicing foreign religions (Shinto, Buddhism), American society could not distinguish between the Empire of Japan and Americans of Japanese descent. As General DeWitt, in charge of the Western Defense Command, put it, "A Jap's a Jap." In testimony, he elaborated: "[R]acial affinities are not severed by migration.

The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship have become 'Americanized' the racial strains are undiluted." As government reports rushed to the conclusion that Japanese Americans aided and abetted the attack, the wheels of the internment machinery began turning.

On February 19, 1942, President Franklin Roosevelt issued Executive Order 9066, which authorized military commanders in the Western U.S. to issue whatever orders were necessary for national security. Although prompted by DeWitt's ominously titled "Final Recommendation" for mass internment, the Order conveniently made no mention of race or ethnicity. In March, Congress criminalized disobedience of military regulations issued pursuant to the executive order. By December, an efficient, empowered military had concentrated nearly all Japanese on the West Coast into ten desolate camps, surrounded by barbed wire and armed sentries. All this without the declaration of martial law. All this without any individualized determinations of guilt or disloyalty.

The internment was challenged in courts of law, but the Supreme Court affirmed the constitutionality of the curfew and exclusion orders in the 1943 and 1944 cases of *Hirabayashi*, *Yasui*, and *Korematsu*. While protesting loudly that racial prejudice should trigger the highest scrutiny, the Court nevertheless deferred to the government's

vague claims of military necessity. Was the internment in fact justified as a matter of military necessity? A Congressionally appointed blue ribbon commission concluded in 1982 that the "broad historical causes which shaped these decisions were race prejudice, war hysteria, and a failure of political leadership," not any genuine military necessity. In other words, it was a tragic wartime mistake. For that, all branches of the U.S. government have apologized.

What lessons then should we learn from this mistake? One lesson could be that this was just an accident, in a time of war, and that the Supreme Court erred because it

was not given complete, accurate information. It turns out that the Executive Branch (Department of War and Department of Justice) suppressed key evidence from the Office of Naval Intelligence, Federal Bureau of Investigation, and Federal Communications Commission. This exculpatory evidence, in the form of smoking gun documents (burned reports, edited footnotes, and the like), was uncovered in the early 1980s and helped eventually reverse the criminal convictions of the World War II litigants.



PROFESSOR JERRY KANG (L) AND FRED KOREMATSU, ONE OF THE MOST FAMOUS LITIGANTS IN THE HISTORY OF THE U.S. SUPREME COURT, WHO CHALLENGED THE INTERNMENT OF 110,000 JAPANESE AMERICANS BY THE U.S. GOVERNMENT DURING WWII. PROFESSOR KANG WARNS OF PARALLELS TO THE TREATMENT OF MUSLIMS TODAY.

Applied to the present crisis, this lesson would counsel against law enforcement zeal that prevents a fair, balanced consideration of all the facts by our political leaders, the judiciary, and the American people.

But learning only this lesson would be to commit another error. We did not intern *en masse* German and Italian Americans, even though we were at war with those nations too. We did not intern *en masse* the huge numbers of Japanese in Hawaii (where Pearl Harbor is), for doing so would have meant shutting down that economy. We did not abstain from drafting Japanese Americans from the very internment camps that kept jailed their traumatized parents. The Supreme Court knew and understood this. Even without the suppressed evidence, Justice Murphy knew enough to dissent in *Korematsu* and lament that the majority had fallen into “the ugly abyss of racism.” The more important lesson, then, is not that wartime creates mistakes; instead, it is that wartime coupled with racism and intolerance create particular types of mistakes. Specifically, we overestimate the threat posed by racial “others” (in WW II, Japanese Americans; today, Arab Americans, Muslims, Middle Easterners, immigrants, and anyone who looks like “them”). Simultaneously, we underestimate how our response to those threats burden those “others” (in WW II, shattering lives through the internment; today, intimidation and violence by individuals, and racial profiling by the state).

And what will happen if we make such mistakes today? Consider another analogy with the internment. In *Hirabayashi*, the Court noted that because American society had discriminated against the Japanese legally, politically, and economically, they had been kept from assimilating and integrating into mainstream society. Exactly right. But then, the Court went on to explain—in an entirely rational but still disturbing way—that therefore the Japanese posed a greater national secu-

rity risk. This presents a horrible Catch-22: Because America has treated you badly, you have reason to be disloyal; therefore, America has reason to treat you still more badly, by restricting your civil rights. In our public and private response to the horrors of 9-11, will we force another group of Americans into the same impossible situation? I hope that by learning the lessons of 12-7 we will not.

*Professor Jerry Kang teaches Asian American Jurisprudence, Communications Law & Policy, and Civil Procedure. Besides his newly published course books in communications law and policy and Japanese internment, his scholarly works address cyberspace privacy and “cyber-race” (the techno-social construction of race in cyberspace).*

## ENVIRONMENTAL PATRIOTISM

JODY FREEMAN

As the U.S. prepares to respond to the ghastly terrorist attacks of September 11, the hard task will be to choose among effective options while minimizing the costs. Environmental concerns might seem trivial and even unpatriotic at a time like this, but the environmental effects of military action pose long-term dangers that we would be foolish to ignore. Thinking in environmental terms at this moment should not be surprising. We must be alert to the likelihood that aggression toward the United States may increasingly take the form of environmental terrorism, including biological and chemical warfare. Even conventional attacks create environmental risk. Witness the concern over asbestos exposure for rescue workers at the World Trade Center. Terrorists may not care about such things, but we should. Our military response should be tailored to mini-

mize and mitigate collateral environmental damage wherever possible. Environmental losses are casualties too. They ought to be included in our strategic thinking about where and what to strike. This is in our national interest. Patriotism and environmentalism go hand in hand.

As the President has made clear, our response will come at a price. One of the costs, which will affect all of us down the road, will be environmental degradation. Depending on where and how we strike, we risk exposing large populations, including our own troops, to lethal toxic substances. We have some experience with the long-term effects of exposing military and civilian personnel to potentially dangerous chemicals such as the defoliant Agent Orange in Vietnam and a variety of toxic agents in the Gulf War. These health effects can be devastating.

Just as terrorism knows no borders, neither do environmental problems. Those environmental harms that do not affect foreign civilians or our own troops directly will eventually come home to roost in the form of polluted air and water, destroyed habitat, and even climate change—which affect us all. Surely, the environmental devastation from the Gulf War (recall oil fields ablaze) ought to give us pause. Environmental losses that occur halfway around the world will not observe geographic boundaries.

In addition to human casualties, our counter-attacks might ravage fragile ecosystems. An ecosystem sounds awfully abstract compared to the concrete image of those toppling towers and the compelling figure of Osama bin Laden. But environmental problems are real and they are serious. Ecosystem health is crucial to the viability of future generations.

Domestically, the terrorist attacks and plans for our response have necessarily pushed every other priority off the national agenda. Here too, however, we should be careful. The understandable need for bipartisanship will weaken the Democratic and moderate Republican



opposition to Bush's environmental agenda which, prior to September 11, included ambitious plans to open millions of acres of public lands to drilling, including the pristine Arctic National Wildlife Refuge, and to favor fossil fuel burning over renewable energy. Conflict in the Gulf may embolden the administration in its quest for greater oil independence, without any accounting of the environmental consequences.

Many of the Bush administration's environmental initiatives, which ought to be subject to debate, will slip under the radar, including the budget proposal to shift a significant percentage of EPA's enforcement capacity to the states. Environmental rulemaking on matters like arsenic levels in drinking water, once front page news, will now likely be relegated to the background. Ironically, the administration's recent multilateralism in seeking broad support in the new war on terrorism stands in sharp contrast to its unilateral decision to abandon the Kyoto Protocol, the international agreement to control greenhouse gas emissions responsible for global warming. Let's hope that this new spirit of

cooperation prompts a reconsideration of that decision when the dust settles.

As Prime Minister Tony Blair has said, terrorists place no moral limits on their actions. They will stop at nothing. It is fair to suggest that in a crisis, some matters must be put to one side. But even if this war is inevitable, the environmental effects of our response both at home and abroad require careful consideration because of their serious long-term implications. The environment is often thought to be an issue for the wealthy, a luxurious concern best addressed in times of prosperity. But it is exactly in times like these that we ought to be especially mindful of the fragility of the planet we are now trying to repair.

*Jody Freeman was named Professor of the Year by the Class of 2001 and teaches Environmental Law, Administrative Law, and Toxic Torts. She is also a fellow at the Bren School for Environmental Science and Management at UC Santa Barbara.*

## STAYING THE COURSE

JUSTIN HUGHES

When I was a law student, the *Challenger* space shuttle blew up. Students gathered in the student lounge for hours, watching in disbelief. In a way, it was more existential than Tuesday, September 11. We watched the same ten seconds of the shuttle explosion over and over again, without there being a trace of the Shuttle anywhere in the world. That day was a technological disaster, a mechanical disaster that Americans, in our inimical fashion, could quickly fix.

What law students watched on Tuesday, September 11, and the week following in our student lounge, was a social and political disaster. Watching the events unfold was a lot less existential and a lot more practical because

it is a disaster that will have a far greater impact on their world—and they, in turn, can affect that impact.

As I explained to my class that day, in the next months and years, we as a society will rethink everything from privacy to business organizations to architecture. Businesses will look at Morgan Stanley's experience—occupying much of the World Trade Center—and think again about the virtues of further decentralization of operations. Just as architecture in the 1970s seemed to respond to the turmoil of the 1960s (consider the fortress-like administration building at the University of Michigan or the FBI building in Washington), we may see architecture change in the future. Aside from a defiant impulse to rebuild the World Trade Center itself, perhaps we will want smaller buildings—that are easier to evacuate and not as self-promotingly visible. Perhaps we will insist, despite what our engineers tell us, that big buildings be built stronger. Consider that when an admittedly lighter, slower plane (a B-25 bomber traveling at about 200 mph) crashed into the Empire State Building in 1945, that majestic skyscraper sustained relatively little damage.

But most of our rethinking will concern law—how we will balance understandable demands for improved security with our right to privacy, our freedom to travel, our free speech, our policy of welcoming immigrants, and our commitment to a tolerant society. Once we learn how the terrorists learned to fly these Boeing planes, should we place new restrictions on pilot training? Access to flight simulators? First Amendment experts may rightly be concerned about such restrictions—we may have, in effect, a replay of the debates about publishing how to build a bomb.

As to privacy, expect a rash of proposals to improve security which will have varying degrees of impact on people's anonymity. There had been some outcry earlier this year when (unknownst to them) fans attending this year's SuperBowl in Tampa Bay had

“CONTRIBUTIONS TO ENVIRONMENTAL ORGANIZATIONS ARE LIKELY TO DRY UP IN THE NEAR TERM GIVEN THE TREMENDOUS OUTPOURING OF CHARITABLE GIVING TO THE DISASTER RELIEF EFFORTS AND THE SENSE THAT NOTHING ELSE, AT THE MOMENT, MATTERS.”

—  
ANN CARLSON

*Professor Ann Carlson is Founding Director and current Co-Director of the Frank G. Wells Environmental Law Clinic.*

their faces scanned for matches to criminal records. A few headlines have also been made by cameras meant to capture, "red-handed" so to speak, people who run stop lights. We can expect Tuesday's tragedy to shift the debate about such surveillance, with more citizens preferring the comfort of the cameras instead of the somewhat greater freedom of anonymity.

The debates about privacy, free speech, and everything else on the Internet will also be reshaped by Tuesday. There are already reports that the FBI is seeking greater cooperation from Internet Service Providers in their monitoring of net traffic through the "Carnivore" system (a name that shows the FBI can blunder in even the simplest of public relations situations).



And there will be much to do in international law—how civilized nations may justly—and *effectively*—respond when invisible enemies wage "war" upon us. Just as the young United States had to seek out and attack stateless pirates who were plaguing American ships in the early eighteenth century, we will have to

"I TAUGHT MY LAW SCHOOL CLASS THAT DAY FOR THE SAME REASON THAT THE CAMPUS WAS OPEN: THAT NEITHER WE NOR ANY OTHER DEMOCRATIC SOCIETY CAN LET OURSELVES BE BROUGHT TO A HALT WHEN SOMEONE STRIKES AT US. IF ANYTHING, WE MUST PROVE THAT WE WILL CONTINUE BEING EXACTLY WHAT WE ARE."

—  
JUSTIN HUGHES

find an acceptable way to bring our strength to bear against these terrorists.

On all these issues, the university students of today—not just the law students—are the policymakers of tomorrow. They might as well join the fray now. It will be their civil liberties at stake—as well as their universities, office towers, and 767s that could be on future target rosters.

As usual, there has been some doom and gloom. The media is constantly telling us that America is

changed forever, sometimes with the tinge that we will inevitably lose some freedoms. On Tuesday night, one network characterized Washington as "under siege" just because there was armed military in the city. For those of who have lived in places through sustained periods of terrorism—like Paris during a bit of the 1980s or long stretches of time in Jerusalem—this seems an overstatement.

A democratic, civil society like ours—with rich procedural protections and robust civil rights—can survive a lot. As I said to my class, there is only one thing a civil society cannot survive. In the words of the political philosopher John Rawls "If we are to remain free and equal citizens, we cannot afford a



general retreat into private life." Not on Tuesday, not tomorrow, not ever.

*Visiting Professor Justin Hughes joins the UCLA faculty for the 2001–2002 academic year teaching Copyright Law, Trademark Law, and the Law of Cyberspace. He is a former ABA Baxter Scholar at the Hague Court.*

## THE LONG HAUL

PHILLIP CARTER '04

Patriotism means more than affixing a flag to your car, or answering a CNN poll in favor of war. Almost all of America now drapes itself in red, white, and blue—embracing the outward symbols of our American identity. But true patriotism requires a level of commitment and sacrifice that runs far deeper than these outward symbols.

The war we now face will be different than any the world has ever seen. It will require sacrifices on the magnitude of those of World War II. Black Tuesday was but a glimpse of the hell that will be unleashed upon our cities and towns. Before this conflict ends, we will see more death and destruction inflicted on us; more innocence destroyed. We must adjust to a world where we are not safe in our own nation. No amount of intelligence or security will prevent our enemies' bold and determined acts from killing innocent Americans. There is no question that another attack will occur on American soil—the only question is whether we will be ready.

We will have to send our sons and daughters into harm's way. They will face an enemy that our own C.I.A. trained to be the very best guerillas in the world. Our soldiers and Marines will fight in the most unforgiving terrain imaginable; terrain so difficult that it stopped the Soviet war machine dead in its tracks. It is true that our military possesses the best technology, the best intelligence, and the best aviation in



the world. But it is also true that this type of war will not be won by hi-tech gadgetry. This type of war will be won by tough men and women fighting as infantry has fought for thousands of years—on their feet, at close range, within sight of their enemy. For almost three decades, our all-volunteer military has shouldered the burden of America's defense. This will likely change for this war.

Few among us remember the daily tragedy visited on families during Vietnam, Korea, and World War II. My generation has never felt the pain of a protracted conflict. We have seen war, but only through the lens of CNN in

"THROUGHOUT THE DAY, I SAW THAT MANY OF MY CLASSMATES FOUND COMFORT WITHIN THE WALLS OF OUR LAW SCHOOL. MANY OF US, MYSELF INCLUDED, ARE NOT FROM CALIFORNIA AND HAD NO FAMILY TO TURN TO. IN ONE OF MY CLASSES WE DISCUSSED THE EVENTS OF THE DAY. THIS WAS EXTREMELY BENEFICIAL. FINALLY, WE HAD AN OPPORTUNITY TO EXPRESS OUR FEELINGS, CONCERNS, AND FEARS. LOOKING BACK, I CAN UNDERSTAND WHY WE HAD CLASS THAT DAY."

BRETT D. COOK '04

places like Kuwait and Panama. Even in Somalia, we watched from afar. We do not know the hardships we are about to face. In many respects, the best parallel to draw here is with Pearl Harbor. Our innocence resembles the innocence of that generation. High school seniors and college students today must feel the same emotions that students felt in 1941. Will we fight? Will they call me? Will I go? Will I die?

The sacrifice will extend beyond those who actually go to fight. Every American will feel the pain of this war, either directly through terror attacks or indirectly through the deprivations of prolonged total war. Unlike World War II, where our nation fought abroad but had peace at home, this war will consume our homes and our targets. We will fight the forces of terror in our cities and our backyards while our soldiers fight overseas. Our diplomatic and military actions abroad will now have repercussions at home, and will be paid for in American blood.

Patriotism is important. We must all come together to rally behind those who have lost loved ones, behind our leaders, and behind our cause. But we must remember that empty symbolism and gestures of patriotism are not enough. We must back those symbolic acts with our own personal courage—our own willingness to sacrifice. We have started this war with an answer of defiance. But in the hard months and years ahead, our defiance will be tested. We must persevere until we attain total victory, or else America's enemies will rule our country with terror for generations to come.

*Phillip Carter '04 is a Truman Scholar and Army reserve officer. He was named 1996 UCLA Senior of the Year.*

## BAILOUT THE AIRLINE INDUSTRY NOW

In 1979, Chrysler Corporation was on the brink of financial ruin. Thousands of jobs hung in the balance while federal and state governments helped facilitate an out-of-court workout. The resulting bailout package consisted of government loan guarantees, among other things. As a result, Chrysler averted bankruptcy and not one penny was ever paid on the loan guarantees. Moreover, communities were preserved. The ripple effect of the bankruptcy of thousands of parts suppliers and their employees also was averted.

In 2001, the airline industry is on the brink of financial ruin. Free market economists will howl at the suggestion, but it is time for another government bailout. Unless the government is prepared to nationalize the airlines, the government must help stabilize the turbulent private markets. Only government intervention will prevent the massive financial ruin that will accompany the bankruptcy of America's major air carriers. The ripple effect would extend through the entire economy as airline manufacturers, travel agents, hotels, resorts, and tourist destinations suffer their own financial calamity.

The thought of a government bailout runs counter to our free market instincts. But our markets are not perfect; at the margin, they are chaotic. We cannot ignore the enormous transaction costs that would result from the meltdown of our airline industry. State and federal governments will save billions in unemployment benefits and lost tax revenues alone if they step up to the plate and provide loan guarantees. There is little time for speech and debate. The time to act is now.

**Ken Klee**

*Bankruptcy expert Professor Ken Klee was one of the attorneys who represented Chrysler Corporation and Chrysler Financial Corporation in their 1979–1980 financial restructuring. He actively participated in creating the government loan guarantee program.*



"OUR FREEDOM AND OUR RIGHTS,  
MANY OF US TAKE FOR GRANTED  
BECAUSE WE HAVE NEVER BEEN  
DENIED THEIR PROTECTION  
HERE OR ELSEWHERE."

M. CATHERINE OLIVERSMITH '04



The images on these pages reflect UCLA's and the UCLA School of Law's interest in honoring the victims of the September 11 attack and seeking answers to the issues that surround us. Dean Varat and Professor Abou El Fadl participated in a teach-in sponsored by the International Studies & Overseas Programs, pictured on page 8. The student lounge was a gathering site to watch news accounts—and be interviewed by the media. UCLA Chancellor Carnesale led an all-campus service held at Dickson Plaza. The School of Law also held a private forum October 1, which was not photographed.

## CIVIL LIBERTIES IN WARTIME

STEWART BAKER '76 AND  
EUGENE VOLOKH '92

This exchange originally appeared online in *Slate Magazine*, September 18, 2001, as part of a week-long series on civil liberties and national security.

### Dear Eugene

Frankly, I don't hear a lot of calls for sacrificing civil liberties today. Anyone who's dug deep enough has probably already seen twenty warnings about the risk to civil liberties for every proposal they've heard that would significantly restrict our freedoms—unless you think that curbside check-in is enshrined somewhere in the Magna Carta (a position the ACLU's probably briefing at this moment).

Why do we insist on looking for an Authoritarian Bogeyman Under the Bed? If you'd asked Queen Victoria about the threats her society faced, she'd probably have worried aloud about a breakdown in sexual and other morality. Ask a Hollywood producer the same question, and he'll cite the threat of sex-hating moralists. Every age seems to warn itself most sternly about the risks that are least likely to do it harm.

When I was in government and I read some press story about the foreign adversaries we were spying on, I knew our enemies would read the same story. They then would go back through their communications to find the message we had intercepted. They would add encryption to the channel or get rid of the compromised equipment or execute the spy that gave us our insights. Sooner or later, we'd pay a price—a price that would never be known by the cheerily iconoclastic reporters, so proud of wresting their story from the heart of overweening authority or the climbing officials who

tossed them the intelligence to curry their favor. It gave me a helpless sinking in my stomach—the same one we all felt last Tuesday.

The risk that worries me isn't that our leaders will suddenly embrace authoritarianism. It's that they'll keep leaking, and the press will keep reporting, and the terrorists will keep getting smarter. That we'll go on treating the Defense Department and the intelligence agencies the way Chicago's Near North Side treats its cops—expecting absolute protection while offering a mix of Christmas tidings and genial contempt.

Why aren't we debating when journalists should reveal the names of officials who compromise secret military plans? Sure, they'd be burning their sources. But in the light of recent events, what conceivable calculation makes protecting *The Washington Post's* sources more important than protecting the CIA's?

Stewart Baker '76

*Stewart Baker '76 is head of the technology practice at Steptoe & Johnson, a former general counsel of the National Security Agency, and co-author of **The Limits of Trust: Cryptography, Governments, and Electronic Commerce.***

### Dear Stewart

I've long bristled when people have talked about civil liberty, which is to say freedom from government oppression, as if it were the most important thing in life. And, yes, it can seem that way—when we are physically safe. But when our lives are in danger, we realize that we'd like to have both freedom from government oppression and freedom from oppression by others. Once we see that, it's pretty obvious that some trade-offs might be needed.

And no one has a magic formula for how to make these trade-offs.

So not having any real answer to any really tough questions, let me just offer a few general thoughts:

1. This isn't about civil liberties in wartime. The phrase suggests that we're somehow in a temporary wartime that calls for temporary measures, which will vanish when we return to peacetime. Well, peacetime isn't going to happen. So the measures we adopt today—constitutional rules, statutes, and perhaps even media ethics principles—won't be temporary. They won't go away. This doesn't mean these measures are wrong; they may be good permanent measures to have. But let's not fool ourselves that we can have them just for a few months and then return to business as usual. This is going to be business as usual.
2. All the time we limit some freedoms in order to get some security—and we have to. Consider the constitutionally recognized power of the police to search even your home, if they have probable cause and a warrant. Consider airport X-ray searches. Consider the government's ability to arrest and detain alleged dangerous criminals, if probable cause is present, even before they are tried and convicted. Should we allow still more searches? More detentions? More speech restrictions? Fewer?
3. Unintended Consequences. Finally, we have to remember an obvious but too easily forgotten point: Good intentions don't equal good effects. Disarming the public is intended to decrease armed violence; but there's good reason to think that this doesn't work. Arming airplane passengers, as some now suggest, is intended to facilitate armed resistance to terrorists; but there's good reason to think that this won't work, either.

Intelligence agencies, vital as they are to our survival, are subject to all the flaws of human institutions. They may err; and it's hard for the public to decide whether they've erred enough to need substantial reform unless the public is told the underlying facts.

I can't say this for certain; you spent years at the NSA and I didn't. I'm an expert on constitutional law, not on intelligence policy. I have no doubt that in many situations, perhaps most, press silence is the right answer. And perhaps, to anticipate one response, secrecy is so important to intelligence-gathering that the checks and balances must be provided solely by confidential congressional oversight committees—not by the press, the public, and the policy experts among the public.

So I hope that the press takes your advice very much to heart. Certainly they should think many times before publishing anything that might help terrorists. But at the same time, the question, "Who will guard the guardians?" (a question one might also ask about the press, but that I ask here about the intelligence community), remains. And we need to guard not just against our leaders suddenly embracing authoritarianism, but against much more mundane failings as well—failings that unfortunately tend to thrive more in the absence of public scrutiny.

*Eugene Volokh '92*

*Professor Eugene Volokh '92 teaches constitutional law at the UCLA School of Law and is the author of a new book, **The First Amendment: Law, Cases, Problems, and Policy Arguments**, and many law review articles on rights questions.*

"I WOULD LIKE TO SAY 'THANKS' TO ALL OF MY CLASSMATES AND PROFESSORS THAT HAVE BEEN SO SUPPORTIVE WITH THEIR E-MAILS. ADDITIONALLY, I WILL FOREVER BE IMPRESSED WITH UCLA LAW FOR ALL OF THEIR HARD WORK IN PUTTING TOGETHER A SYSTEM TO HELP ME CONTINUE MY COURSE WORK EVEN WHILE DEPLOYED OVERSEAS. THE SCHOOL OF LAW HAS BEEN INCREDIBLY SUPPORTIVE AND I REALLY APPRECIATE ALL THAT THEY HAVE DONE."

—  
CHRISTOPHER GIDDEN '04

*Lieutenant Commander (Select) Christopher Gidden of the U.S. Navy graduated from the University of Pennsylvania with a triple major in political science, finance, and management. He served on active duty for more than six years in Asia and Europe and for the past two years as a federal special agent specializing in counterintelligence and counterterrorism.*



# The Law and Beyond

JILL BROWN '91

Students at the UCLA School of Law benefit from a faculty, all of whom excelled in their legal studies and are recognized as leading scholars in a wide array of legal subjects. Additionally, many of our professors hold doctorates or have significant expertise in fields other than law. These faculty members bring insights from their other disciplines—anthropology, behavioral science, economics, history, international relations, Islamic studies, philosophy, political theory, psychology, public policy, and sociology—to their teaching and scholarship. Among those who employ their training in other fields to enrich their law teaching and scholarship are three

who joined the faculty this year: Russell Korobkin, who is interested in rational choice theory, Lynn Stout, who brings expertise in economics, and Gary Rowe, an American legal historian.

■ “One of the many features that makes our faculty so impressive is the amazing variety of people with knowledge in other fields,” says Dean Jonathan Varat. “Their backgrounds enrich both our curriculum and the scholarship that they produce.” ■ This issue of the magazine takes a look at how these faculty members bring perspectives from disciplines other than the law to their legal teaching and scholarship.

## LAW AND ANTHROPOLOGY

Michael J. Connell Professor of Law **Rick Abel** remembers his days as a graduate student in London, and speaks with a fond sadness. “Africa was a continent of hope in the mid sixties,” he recalls. “Before we fully realized the impact of the scourge that is AIDS, and such sweeping poverty and famine, there was the excitement of political change. To its credit, the government of South Africa called upon scholars from all over the world to participate in constructing its new constitution. The result is a court system that is thoughtful in borrowing what it needs from constitutions, court decisions, and policies from all over the world

and weaving it into the South African rule of law. To this day opinions from the South African Supreme Court might cite cases from Britain,

or America, or another country.” It was the challenge of this “New Africa” that drew Professor Abel’s scholarly attention.

Following completion of his LL.B. from Columbia, Professor Abel spent two years reading African law and legal anthropology in London, and then did a year of field work in Kenya, studying the ways in which primary courts staffed by and serving the African population had preserved indigenous notions of law and procedure within European institutions. He began teaching at Yale in 1969, and returned to the University of London School of Oriental and African Studies, completing his Ph.D. in law followed by an LL.D. from the University of Westminster. He joined the UCLA Law faculty in 1974 and has been active in the Program in Public Interest Law and Policy and the Concentration in Critical Race Studies. His publications include critical studies of racism, apartheid, the profession of law, and lawyers in society.

An expert in the profession of law in the United States as well as in England and Wales, Professor Abel often teaches courses on that subject.

He also teaches *Community Law, Law and Social Change*, and *Torts*. An international authority on legal anthropology, he is the editor of *African Law Studies* and of the *Law & Society Review*; and a member of the editorial boards of journals in the law and society fields in the United States, Europe, and Australia. He has served as president of the international Law & Society Association. Professor Abel is spending the fall 2001 semester as a visiting professor at New York University.

**Taimie Bryant** holds a Ph.D. in anthropology from UCLA, where she focused on the substantive fields of legal and psychological anthropology while pursuing various research topics in Japan. She teaches courses that combine perspectives from anthropology and law, including *Japanese Law and Society*, *Japanese Family Law*, *Nonprofit Organizations*, and *Animals and the Law*.

Professor Bryant’s *Animals and the Law* course uses case studies and examination of proposed legislation to give students an overview of current social and legal issues involving food animals, companion animals, laboratory animals,



RICK ABEL





TAIMIE BRYANT

wild animals, and performing animals. Students read about attitudes toward animals and farm husbandry practices in Europe and the U.S., in addition to materials about the laws themselves. "I also incorporate discussion and materials about non-legal means of improving the condition of animals," Professor Bryant explains.

Her scholarship examines the law within an anthropological context: "I am interested in questions of how law operates within society—does it only solidify change that occurs through other avenues of education and practice? To what extent are legislation and litigation part of the processes of change in society?" Currently, she is analyzing how nonprofit organizations in Japan have operated both before and after the 1998 nonprofit incorporation law was passed in Japan. She also writes about attitudes toward feral cats and how those attitudes are reflected in local ordinances.

## LAW AND ECONOMICS

Law and economics are natural partners, and exploring legal problems through the lens of economic analysis has become one of the dominant trends in legal scholarship. Indeed, even those legal scholars who reject economic analysis spend much of their time responding to those who endorse it. A substantial number of our faculty members regularly bring economic perspectives to the classroom and to their writing.

When researching stories about the economic and sociological impact

of demographic changes, such as those reported in the 2000 Census, the *Los Angeles Times* knows whom to call—**Richard Sander**, a regular "source" who is always ready with empirical studies and expert testimony on policy issues ranging from urban housing to living wages. Providing insight on many law and economics issues, he speaks to students in the classroom; faculty, government agencies, and civic organizations at colloquia and town hall meetings; and to the general public through the media. He also has written widely on public policy, including class-based affirmative action programs for law school admissions and housing segregation, and has conducted a series of leading studies on legal education and the legal profession.

Professor Sander pursued a doctorate in economics while getting his law degree at Northwestern University. His master's degree in economics is from Harvard. "I've always had a strong interest in public policy," he says, "and it seemed to me that approaching policy from two fields would give me much more perspective, and a wider range of analytical tools."

His work comes alive in the classroom. Professor Sander explains, "Two of my courses directly draw on my social science training: I teach *Quantitative Methods for Lawyers* in the general law school curriculum, and *Public Policy Analysis* within the public interest law curriculum. Both courses aim to introduce students to

new ways of thinking about legal issues, and both seek to increase the comfort level of students in dealing with empirical data and research. In my first-year property course, I follow a more conventional curriculum, but I do introduce economic analysis at points along the way, such as in covering nuisance law and landlord-tenant law."

"One of my current projects examines the effect of fair housing laws upon housing discrimination and segregation. We have developed a computer simulation model in which we can program different assumptions about how the housing market and how the laws will work, and then evaluate which assumptions best describe the realities we observe in urban America. This makes discussions of the law more meaningful: We have some idea of whether particular laws are having an effect, and how legal and enforcement strategies can improve," he observes.

Professor Sander notices a trend toward people coming to the study, practice, and teaching of law with an interdisciplinary approach and academic backgrounds beyond the law. He points out that "the level and breadth of student training is gradually increasing, and I am regularly impressed by the projects students are able to carry off. But the more dramatic change is in the faculty. Probably a majority of our recent hires now have post-graduate training in some social science field, in addition to legal training. Legal scholarship has increased



RICHARD SANDER

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dramatically in empirical, statistical, and methodological sophistication over the past generation." Professor Sander has worked closely with Dean Jonathan Varat and Associate Dean Myra Saunders to provide better "research infrastructure" for faculty doing empirical and interdisciplinary work. The result: the UCLA Law **Empirical Research Group**, which in its three years of operation has already become a model for other law schools.



JOHN WILEY

**John Wiley** integrates economic theory and analysis into his course, *Antitrust Law*. "Any good antitrust lawyer or scholar must be competent in economic analysis," he says. Much of this theory is just rigorous common sense, as with the notion that "a monopolist will charge what the traffic will bear." The key, according to him, is to understand the logical core of the theory well enough to describe it in terms that every judge and juror can understand. Professor Wiley has received the University-wide Harriet and Charles Luckman Distinguished Teaching Award.

A former federal prosecutor, Professor Wiley holds an M.A. in economics from UC Berkeley. He combined economic theory with criminal law topics in two essays for the forthcoming second edition of the *Encyclopedia of Crime and Justice*: "Economic Crime: Antitrust Offenses" and (with co-author Eric Zolt) "Economic Crime: Tax Offenses." Professor Wiley's advice? "File your returns, and if someone invites you to join an international price fixing cartel, just say no."



ERIC ZOLT

**Eric Zolt's** research and teaching interest are in individual, corporate, and international taxation and the tax systems of transitional economies. He joined the UCLA Law faculty in 1985, and since July 2000, has been a Visiting Professor at the Harvard Law School, serving as Faculty Director of the International Tax Program, and as the John Harvey Gregory Lecturer on World Organizations.

Professor Zolt received a B.S. in Economics from the Wharton School, University of Pennsylvania, and a M.B.A. and J.D. from the University of Chicago. The following year he became a CPA. He has twice served as the Jacquelin D. Bierman Visiting Professor of Taxation, Yale Law School, and as a visiting professor at NYU and Aoyoma Gakuin in Tokyo, Japan.

Before practicing law, Professor Zolt was a member of the research staff of the Center for Policy Alternatives at the Massachusetts Institute of Technology. Before beginning teaching, he was a partner in the Chicago office of Kirkland & Ellis. He has served in two positions at the Office of Tax Policy, U.S. Department of the Treasury. He was Deputy Tax Legislative Counsel and the founder and Director of the Treasury's Tax Advisory Program for Eastern Europe and the former Soviet Union. Working with the IMF, the World Bank, and the U.S. Treasury Department, Professor Zolt has provided technical assistance in reforming tax systems in over twenty-five countries.

Professor Zolt is on the faculty of the UCLA Corporate Law Program and co-teaches a course on *Elements of*

*Economic Organization ("Deals")* for law students and business students in the Anderson School of Management. He has taught *Federal Tax*, *Corporate Tax*, *International Tax*, *Tax Systems in Transition*, and *Contracts*.

A popular teacher, Professor Zolt received UCLA's Distinguished Teaching Award in 1989, the School of Law's Rutter Award for Excellence in Teaching in 1997, and has twice been elected by the graduating class as Professor of the Year.

Professor Zolt says he is anxious to return to Los Angeles before his already fragile tennis game deteriorates any further.



WILLIAM KLEIN

Richard C. Maxwell Professor of Law Emeritus (recalled to teach) **William Klein**, a member of the faculty since 1971, majored in economics in college and has found the subject valuable throughout his legal career. He has taught and written in the fields of federal income taxation and business organizations, and currently co-teaches *Elements of Economic Organizations*, a course offered jointly by the School of Law and the Anderson Graduate School of Management. The course relies on outside speakers from law and business who describe and explain specific "deals." Students study the relevant documents and write papers examining underlying common elements such as allocation of control, risk, and return, and the role of incentives in mediating conflict of interest. "My approach can be thought of as applied, or common sense, economics, informed or suggested by formal economics."

In his writing, Professor Klein uses

the basic concepts and insights of economic theory but translates them into plain English. His book, *Business Organization and Finance*, explores economic incentives and their effect on the organization of economic activity. His recent article, "Connected Contracts" (co-authored with fellow UCLA Law Professors Mitu Gulati and Eric Zolt), offers the metaphor of connected contracts for understanding collaborative economic activity, where connected contracts refers to the interrelating agreements and relationships among the participants in a business venture.



STEPHEN BAINBRIDGE

Virtually every faculty member who teaches business law courses depends to some extent on economic theory. A prime example is **Stephen Bainbridge**, an enthusiastic proponent of law and economics, which he describes as the "most successful example of intellectual arbitrage in jurisprudence." He introduces economic analysis into all of his courses, which include *Business Associations*, *Corporate Finance*, *Securities Regulation*, *Mergers and Acquisitions*, and a seminar on corporate governance. In his classes, economic analysis is never applied merely for its own sake, it is brought into play gradually and only in instances where it adds significant educational value. His guiding principle is Judge Harry Edwards' well-known remark: "Theory wholly divorced from cases has been of no use to me in practice." Yet, Professor Bainbridge clearly believes that economic theory can facilitate both the understanding of doctrine and the planning of transactions.

Professor Bainbridge emphasizes both the positive and normative uses of economic analysis. "The point of the positive economic analysis of law is to determine how people are likely to behave under a given legal regime," he explains. "Would issuers of securities voluntarily disclose optimal levels of information in the absence of the mandatory disclosure regime, for example?" In making such behavioral predictions, he brings to bear modern microeconomic tools—cost-benefit analysis, collective action theory, decision-making under uncertainty, risk aversion, and the like—on legal rules. In discussing normative uses of law and economics, Professor Bainbridge unabashedly claims that "society should make efficient decisions that maximize social wealth."

Professor Bainbridge's scholarship likewise focuses on economic analysis of issues in corporate governance and securities regulation. He is the author of a forthcoming treatise on the law and economics of corporations, which offers a unifying method of analyzing them through the use of a few basic tools of law and economics, such as price theory, game theory, and the theory of the firm literature. He also has written more than thirty law review articles, all of which draw on law and economics to varying degrees. His most recent publication, "Mandatory Disclosure: A Behavioral Analysis," brings insights from neoclassical economics, cognitive psychology, and experimental economics to the problem of mandatory disclosure in securities regulation. (If Professor Bainbridge's approach to law sounds scientific, it may be because his master's degree is in chemistry.)

The corporate law curriculum is not the only place that students encounter economic theory. **Gillian Lester**, an expert in contracts and employment law, also uses economic theory in her teaching, although often surreptitiously. "Sometimes I find that if I tell students that I am analyzing a case from an economic perspective, they



GILLIAN LESTER

will resist learning it, or at least enjoy it less because they think economics is dull or complex. So every once in a while, I disguise lessons from economics by avoiding the use of economic terminology. Students may think they are learning just another policy argument, and only later realize that they've just learned the Coase Theorem (or some other important principle from economic theory)," she explains.

Disguised or not, students enjoy Professor Lester's approach. According to Paul Foust '02, who took Professor Lester's contracts class, "One of my favorite methods that I learned in her class was to analyze which party was best suited to avoid a cost or insure against a loss. Analyzing cases under this principle frequently offered an explanation for a decision that might otherwise appear arbitrary. I learned nearly as much about economic analysis in that semester as I did about substantive contract law, and I continue to use the economic skills at least as much as I do the knowledge of contract principles."

Professor Lester's writing also is increasingly influenced by economic theory. In her most recent article, she analyzed recent proposals to expand eligibility for unemployment insurance to include more part-time and low-wage workers. "An important component of my analysis was to study the economic theory behind insurance, and determine whether law reform proposals were compatible with the predictions of economists. Bringing an economic analysis to bear on these proposals added a dimension to my article that is lacking in much of the existing legal literature on the subject."



Professor Lester believes that scholars of employment law can learn a great deal from labor economists, both theoretical and empirical. "Oddly, scholars of labor and employment law have been slow to engage the rich economics literature. Conversely, labor economists have tended to ignore the finer institutional details of labor markets, including how existing legal regimes affect behavior. These complementary omissions open up a wide territory for scholarly exploration. My work is part of that exploration."



KIRK STARK

Tax specialist **Kirk Stark** is interested in the area of public finance economics, particularly issues relating to fiscal federalism and local public finance. In his taxation classes, he introduces economic theories in a variety of ways. "In my multistate tax course I introduce students to the Tiebout Hypothesis, advanced by economist Charles Tiebout in an influential 1956 article. Tiebout posited that the market for public goods at the local level is comparable to a private market because of taxpayer mobility and competition among local jurisdictions to attract mobile taxpayers. The Tiebout model, and the vast literature it has spawned, has important implications for the study of state and local tax systems, which are shaped by the market forces of taxpayer mobility and interjurisdictional competition."

Similarly, much of Professor Stark's scholarship relates to local public finance and the Tiebout Hypothesis. He currently is working on an article concerning the implications of the Tiebout model for how we think about

the deduction for state and local taxes. As he explains, "As a general rule, the federal income tax does not allow deductions for private market consumption (e.g., going to the movies). Tiebout's model suggests that under certain assumptions local taxes will approximate market prices. Focusing on local taxation, my analysis seeks to identify those situations where Tiebout's conditions are likely to hold and those where it will not. More specifically, I am investigating the possibility that local income homogeneity may serve as a proxy for the extent to which local taxes are more likely to approximate market prices."

Professor Stark was elected Professor of the Year in 1999.

New faculty member **Russell Korobkin** is interested in "rational choice theory," which assumes that people always will act so as to maximize their self-interest. "In all of my classes, we analyze law assuming rational choice theory is accurate, and conversely challenge economic theory by considering the reasons rational choice theory might be descriptively inaccurate and considering how this would affect our view of law," he says. His course, *Law and Behavioral Science*, is devoted completely to this type of analysis—first using economic theory and then challenging it from competing perspectives, such as cognitive and social psychology. In Professor Korobkin's other classes, he uses the same approach to analyze discrete topics. "In Contracts, for example, certain remedies for breach of contract might



RUSSELL KOROBKIN

make sense if contracting parties are perfectly rational actors, but otherwise be suboptimal. In the field of health care policy, if all citizens had complete information and could process extremely large amounts of complex information perfectly and accurately as basic economic theory assumes, we probably would not need a 'patient's bill of rights.' In a less perfect world, however, we probably do."

The same style of analysis defines Professor Korobkin's scholarly research. "In articles on contract formation, settlement negotiations, health care policy, and general legal theory, I have challenged the economic orthodoxy on what motivates citizens to act and have reconsidered law and legal systems from the resulting perspective. My forthcoming casebook on negotiation, which relies heavily on economics and psychology, considers both the dynamics of bargaining between perfectly economically rational actors and the psychological factors that can cause negotiators to deviate from this model in practice."



LYNN STOUT

New business law faculty member **Lynn Stout** applies various theories of economics to her teaching and scholarship of the law. Coming to UCLA from the Georgetown University Law Center, where she was Professor of Law and Director of the Sloan Project on Business Institutions, she teaches *Business Associations*, *Securities Regulation*, and *Law and Economics*. Professor Stout regularly employs economic ideas in each of these classes and in her scholarship. "I think this sort of analysis is a good way to encourage students to think carefully about what our society

is trying to accomplish and the trade-offs we have to make in the process," she says. In keeping with her general enthusiasm for economic analysis, Professor Stout is the co-author of a series of casebooks on law and economics and past President of the AALS Section on Law and Economics. She received her M.P.A. from Princeton concurrently with her law degree from Yale. She does not follow the Chicago school approach of assuming that the market is always right. "To the contrary, I think the more interesting problems in economics are those that arise when the market gets it wrong. I also disagree with the neoclassic model of human behavior as always rational and selfish. I think that people are often irrational and altruistic, and I have recently become interested in exploring these phenomena in my scholarship."

## LAW AND HISTORY

Three law school faculty members who are completing Ph.D.s in history enrich the curriculum not only by teaching legal history, but also by making strictly "legal" subjects like *Torts* and *Civil Procedure* more understandable to students.



CLYDE SPILLINGER

**Clyde Spillenger** earned his M.Phil. in history from Yale. His interests are in American legal and constitutional history but extend beyond that into American intellectual, cultural, and political history. He teaches *American Legal History* and also brings a historical perspective to *Conflict of Laws*, *Constitutional Law*, and *Civil Procedure*. As he explains, "Civil

Procedure lends itself a bit less to 'historical' treatment, but I do generally think that doctrinal developments in law, like all conceptual developments, are best understood 'genetically'—with a sense of how they emerged. Thus, a classic illustration, with which all civil procedure teachers are familiar, is the move in the world of personal jurisdiction from the nineteenth-century world of *Pennoyer v. Neff* with its emphasis on physical presence to the 'minimum contacts' regime of *International Shoe*. It really does exemplify the change in law from formal, categorical thinking, to the world of 'reasonableness' and 'balancing.' Understanding what the law changed from helps us understand what the law changed to. I also think that the arcana of pleading, the distinction between law and equity, and numerous other quirks of civil procedure are better understood when given a little historical context."

Michael Weinberger '02 describes Professor Spillenger's *American Legal History* course as "fascinating" and where he "taught the evolution of American law not just as a set of formalistic rules that are occasionally overturned. Rather, he helped us understand the evolution of law as a bumpy history—reflecting the experiences and problems that our growing country faced. . . . Ultimately, the class reinforced a notion I already had about the importance of studying history, but it also made me more appreciative of the often cynical study of law."

Much of Professor Spillenger's scholarly work has focused on Louis Brandeis. "I find Brandeis an interesting figure from a personal or psychological point of view, not as a disembodied icon. The choices he made in particular situations are what interest me. I am interested in exploring the dilemmas, legal and otherwise, faced by cultures or historical figures, as a way of illuminating our own."



JONATHAN ZASLOFF

**Jonathan Zasloff**, who teaches *Torts*, *Criminal Justice Policy*, *Administrative Law*, and *Legal History*, has an M.A. in history from Harvard and is completing his doctoral dissertation. He uses historical information to help students place legal materials in context. "For example, torts students are often frustrated reading the ever-present Cardozo opinions, mainly because they can't seem to draw a rule out of them. I try to put Cardozo's approach to judging in context—by say, talking to them about Langdellian formalism, and how Cardozo represented the beginnings of a rebellion against that approach. There's a nice passage from *The Nature of the Judicial Process* where Cardozo talks about searching for clarity and being totally unable to find it. I then point out to them that Cardozo's frank admission of these things was regarded at the time as (in Grant Gilmore's words), 'the judicial equivalent of hard-core pornography' (which always gets a laugh). This also allows me to make a broader point: that often there isn't 'an answer' to a legal problem—what makes the good lawyer is his or her ability to frame questions and facts, and argue for competing positions based upon previous cases."

Professor Zasloff's legal scholarship consists of historical pieces. He recently completed a piece attempting to trace the influence of legal theory on U.S. foreign policy from 1900 to 1920. "In general," he explains, "I think that historical work is important because it contextualizes law and shows the contingency of the present arrangement—the latter point is also very good for

teaching. It forces us to modify and nuance social scientific theories that might be parsimonious, but can't explain enough facts. History and social science work well together—social science by providing overarching theory, and history by bringing theory down to earth and avoiding simplistic explanations."



GARY ROWE

Gary Rowe joined the faculty this summer, after spending the last several years pursuing his doctorate in history at Princeton University. His primary interest is in American legal history, especially the early American republic. His work examines the constitutional landscape before courts obtained a monopoly over determining constitutional meaning. This year, he is teaching *Federal Courts* and *Civil Procedure*.

Professor Rowe holds an M.A. in modern history from Princeton and an M.St. in history from Oxford. While at Princeton he taught English constitutional and American legal history. He is currently at work on his doctoral thesis, *The Practice of Constitutionalism in the Early Republic, 1787–1840*.

In a recent essay on the *Lochner* era published in *Law and Social Inquiry*, Professor Rowe recounts how contemporary scholars have nearly demolished the traditional view that *Lochner*-era judges simply and wrongly imposed the personal preferences of their class on the nation. "In that piece," he explains, "I attempted to show how the needs of constitutional law shaped the way histories of the *Lochner* era were constructed. The older vision of the *Lochner* era, to which contemporary revisionist scholars were reacting, had

become firmly established as the starting premise for constitutional law thinking. Showing that the traditional vision of *Lochner* rested on a faulty foundation, consequently, had the potential to utterly shake up constitutional law, and this destabilizing possibility helped explain why the traditional view of *Lochner*, though discarded in the most sophisticated histories, had not yet been displaced among constitutional law scholars. In short, I tried to demonstrate the way in which constitutional history and constitutional law intersected and influenced one another, for better and for worse."

## ISLAMIC LAW

Khaled Abou El Fadl, the Omar and Azmeralda Alfi Distinguished Fellow in Islamic Law, is one of the leading authorities in Islamic law in the United States and Europe. He has studied Islamic law both in Egypt and Kuwait and in the United States, where he received a Ph.D. from Princeton in Islamic studies.

In addition to courses in Islamic and Middle Eastern legal systems, Professor Abou El Fadl teaches *Immigration Law*, *Middle Eastern Investment Law*, and other courses related to human rights and terrorism. He says of his classroom approach, "I think that I tend to emphasize the dynamics between law and society—the way that the law reflects the social search for self-definition and identity. Most definitely, I am constantly drawing on examples from other legal systems, and I tend to approach all legal problems from a comparative perspective. I do not treat American law as simply a product of the American experience, but I tend to approach it as part of the international discourse on the nature, role, and function of law."

Professor Abou El Fadl's scholarship is exclusively in the field of Islamic and comparative law. His most recent books include: *Conference of the Books: The Search for Beauty in Islam* and



KHALED ABOU EL FADL

*Speaking in God's Name: Islamic Law, Authority and Women*, as well as *The Authoritative and Authoritarian in Islamic Discourse*. Additionally, he has two more books that have just been published: *And God Knows the Soldiers* and *Rebellion and Violence in Islamic Law*. See the Faculty section of this magazine for more on Professor Abou El Fadl's recent books.

## PHILOSOPHY AND POLITICAL THEORY

Seven School of Law faculty members hold advanced degrees in philosophy or political theory, and one is self-taught in moral philosophy. They bring philosophical insights to their teaching, not only in obvious courses that combine law and philosophy, but also in more strictly "legal" courses like *Contracts*, *Criminal Law*, and *Ethics*. And in their scholarship, these faculty members use philosophical analysis to create novel approaches to topics ranging from theories of punishment to questions of the intellectual property rights of the human genome.

As an undergraduate at UCLA, Herb Morris developed a keen interest in philosophy, literature, and psycho-



HERB MORRIS



analysis. Following graduation, he attended Yale and earned his law degree. Then he experienced “a resurgence of philosophic interest” and traveled to Oxford, where he studied the philosophy of law under the legendary H.L.A. Hart (as did Stephen Munzer) and was examined for his doctorate by the leader of Oxford’s school of ordinary language philosophy, J.L. Austin. Later in his career, starting in 1976, he spent twelve years as a Research Clinical Associate at the Southern California Psychoanalytic Institute.

Professor Morris has held joint appointments in the School of Law and the Department of Philosophy since 1959. He served as Dean of Humanities of UCLA’s College of Letters and Science from 1983 to 1993 and Interim Provost of the College during 1992–1993. He chaired the Board of Governors of the University’s Humanities Research Institute from 1988 to 1990. He is a Professor of Law Emeritus recalled to teach *Criminal Law* and, occasionally, *Legal Philosophy*.

To learn even basic criminal law from Professor Morris is an experience to treasure. “Apart from my interest in the law, I have long had interests in and some modest knowledge of philosophy, literature, and psychoanalysis. Great literature, of course, be it the works of Sophocles, Shakespeare, Dostoyevsky, or countless others, concerns itself with crime, guilt, and punishment. And so it is natural to illustrate themes within criminal law by drawing attention to how these themes surface in literature. The basic concepts of criminal law, concepts such as culpability, guilt, and punishment, are concepts I have dealt with in my philosophic work. My most fundamental interest over a long period of time has been with the concept of guilt and I have written rather extensively on punishment, its meaning, and its justification from a philosophic point of view.”

Professor Morris has written widely in the area of legal philosophy and the philosophy of punishment, including the book, *On Guilt and Innocence: Essays in*

*Legal Philosophy and Moral Psychology*, and a 1999 article, “The Future of Punishment,” for the *UCLA Law Review*.

Professor Morris’ scholarship as well as his teaching calls for perspective from both disciplines. “Law generally, but most vividly criminal law, is embedded in human life and the most fundamental questions of human responsibility and our practice of praise and blaming in everyday life connects closely with basic issues of criminal law.”

Infusing philosophy into subjects of law, particularly dealing with issues of punishment is demanding, so Professor Morris is gratified to have more educated and experienced students pursuing law. “I notice the trend and there is no question that the more broadly and deeply educated the students, the richer and deeper the class discussion,” he says.



PETER ARENELLA

Shortly after joining the faculty in 1987, **Peter Arenella**—already a noted teacher and scholar of constitutional criminal procedure and criminal law at Boston University who had clerked for the Chief Justice of the Massachusetts Supreme Judicial Court and practiced criminal law as both a public defender and private counsel—expanded his scholarship, and eventually his teaching, to address more deeply the broad problem of punishing persons who may not be fully morally responsible.

Professor Arenella is a self-taught moral philosopher, whose impressive accomplishments in exploring fundamental connections between moral philosophy and criminal law have been acknowledged by many leading, formally educated legal philosophers.

He first tackled questions of moral responsibility in the context of the insanity defense and the defense of diminished capacity in articles such as “The Diminished Capacity and Diminished Responsibility Defenses: Two Children of a Doomed Marriage” (*Columbia Law Review* 1977). He then began to explore a “character-based” or “moral capacities” model of moral agency, as distinguished from a more conventional “conduct attribution” or “rational choice” model that focuses primarily on what a defendant has done and whether he or she had a fair chance to act otherwise. His proposals—well articulated in “Convicting the Morally Blameless: Reassessing the Relationship Between Legal and Moral Accountability” (*UCLA Law Review* 1992)—would ask, before assigning criminal culpability, whether a defendant is an appropriate moral agent by examining the three critical attributes of moral understanding, moral responsiveness, and causally efficacious moral motivation. His scholarship in this area not only explores what capacities a person must possess to qualify as moral agent, but also undermines retributivist justifications for criminal punishment.

Professor Arenella’s philosophical insights have enriched his classroom, as well as the many academics and courts who regularly draw on his work. The 1999 recipient of the UCLA School of Law’s Rutter Award for Excellence in Teaching, and holder of Boston University’s highest award for teaching excellence before he joined our faculty, he has taught seminars on criminal law excuse theory and moral culpability. In his advanced criminal law courses, he includes readings from moral psychology and moral philosophy to provide a conceptual framework for considering issues relating to moral responsibility for criminal acts. Students interested in moral philosophy find these courses—as well as his basic courses in criminal law and criminal procedure—exciting, provocative, stimulating and thought-

provoking. Gary Chartier '01 declared himself "gratified by [Professor Arenella's] attention to the fundamental moral and political questions raised by the criminal law"—a sentiment shared by many students.



STEPHEN MUNZER

Oxford-educated philosophy scholar **Stephen Munzer**, before entering law teaching, taught philosophy at Rutgers University, where his interests crystallized around moral and political philosophy and the philosophy of law.

Professor Munzer teaches a seminar, *Property and Biotechnology*, in which he helps students understand that it is important not only to learn the relevant legal doctrine and life sciences background, but also to appreciate the philosophical aspects of these issues. "For instance," he explains, "to decide whether there ought to be intellectual property rights in genes or gene fragments it is essential to get a clear understanding of what having such rights would mean, their metes and bounds, and the ways in which such rights might be philosophically justified. A quite different example has to do with courses and seminars pertaining to modifications of the human body or, as I call them, bodily inscriptions. I am trying to work through a project that emphasizes meaning and identity in bodily inscriptions. One question that I try to get students to wrestle with is whether sex-reassignment surgeries and treatments *really* change sex in a metaphysical or biological sense, or whether they merely produce alterations that suffice for recognizing a change in gender or legal status."

Professor Munzer believes that his philosophical background also influences the way he teaches *Property* and *Contracts* to first-year students, albeit indirectly, through his focus on argument—a key feature of philosophical thinking. "I try to get students to focus carefully on the various steps in the arguments that they encounter—whether those arguments are present in judicial opinions or are expressed in class by me or their fellow students. I help them develop skills in picking apart legal arguments. This is one place where I think that the qualities of mind useful in philosophy can also prove highly useful to law students and lawyers."

Students praise Professor Munzer's focus on argument and reasoning. "After picking apart a court's argument with a student, he would look up with a quizzical expression and ask frankly, 'Do you buy it?' It was empowering as a first-year student to know that we could disagree with the arguments of these cornerstones of contract law, and that there were other, sometimes better, solutions out there," says Jeremy Gladstone '03. "On my final exam, Professor Munzer praised the reasoning I used on one question and gave me a high score for that question even though the conclusion I reached completely contradicted his model answer," adds Hailyn Chen '03.



DAVID DOLINKO

**David Dolinko** was a graduate student in philosophy at UCLA for eight years before entering the UCLA School of Law. After graduating from law school, he finished his dissertation and obtained his Ph.D. His dissertation concerned the questions of whether

human actions have causes or not—an issue that he describes as "an arcane question but relevant to the never-ending squabble between free will and determinism." Since joining the law faculty in 1982, his philosophical interests have further shifted to the philosophy of punishment and questions about the nature and validity of law.

Professor Dolinko integrates his philosophical interests into his courses, *Criminal Law* and *Constitutional Criminal Procedure*, and generally writes about issues concerning the philosophical foundations and ramifications of legal doctrines rather than the law itself. He draws students' attention to the foundations and validity of the various concepts and rules whose mastery is a vital part of the course content. "For example, in the criminal law class, I like to explore issues like whether it should ever be legally permissible—noncriminal—for someone to take the life of an innocent human being because doing so is the only way to save his own life. As another example, I'll devote some attention to puzzling over the curious fact that an unsuccessful attempt to commit a crime (especially a really serious one like murder) commonly carries a lesser sentence than the successful crime, yet the difference can often turn on factors totally outside the control or the culpability of the defendant. If John and Jane both try to kill people, and John succeeds but Jane happens not to because (unknown to her) her intended victim was wearing a bulletproof vest, why should Jane get a lesser sentence? She's every bit as 'guilty' as John in her intentions and desires, and took the same steps to effectuate those intentions, and is just as 'socially dangerous'—this is the kind of puzzle I love to direct students' attention to."

"The largest group of my publications has concerned what I argue are the weaknesses and the dangers of the currently prevalent retributive justification for criminal punishment."

In 1998, Professor Dolinko received the School of Law's Rutter Award for Excellence in Teaching.



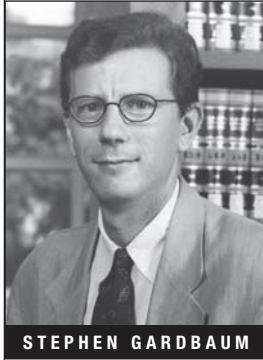
SEANA SHIFFRIN

Another Oxford-educated philosophy scholar, **Seana Shiffrin**, holds a joint appointment with the UCLA Department of Philosophy. As a Marshall Scholar at Oxford University, she specialized in political and moral philosophy and Kant. At the School of Law, she teaches *Constitutional Rights and Individual Autonomy*, which explores different conceptions of individual rights in constitutional jurisprudence. In the course, Professor Shiffrin and her students explore topics such as the right to abortion, the right to die, and freedom of speech, by analyzing Supreme Court cases and discussing leading theoretical articles from law reviews and philosophical journals.

Says Professor Shiffrin. "In many introductory courses that, by necessity, survey a wide swath of material, students read cases anthropologically. They see a landscape of competing interests and arguments but they distance themselves from them. They don't make themselves identify with the views behind the case or develop and defend their own views. I try to go more slowly through the cases and force students not just to describe what others' positions have been, but also to be responsible for and defend their own positions. I think it's a useful approach because it helps students to develop legal advocacy skills."

In her scholarship, Professor Shiffrin uses philosophic methods to analyze particular legal doctrines and the justifications for them. In her recent article, "Paternalism, Unconscionability Doctrine and Accommodation," published in *Philosophy and Public Affairs*, she challenges the traditional view that the

doctrine of unconscionability in contract law rests on paternalistic concerns. She explains, "One hazard of some purely philosophical writing is that it's quite general. I find that looking at a concrete legal issue helps in making progress with the philosophical issues."



STEPHEN GARDBAUM

Political theorist **Stephen Gardbaum**, who practiced law in England before coming to the United States, received his Ph.D. in political science from Columbia. His dissertation analyzed and critiqued communitarian political theory, and his current interests in the field are in autonomy and liberal theory.

Professor Gardbaum introduces several concepts from political theory into his *Comparative Constitutional Law* course, such as (a) the concept of constitutionalism, in which liberalism and democratic theory are central issues, (b) the compatibility of judicial review and democracy, and (c) whether positive constitutional rights or having constitutions bind private actors are problematic from a liberal/autonomy perspective.

"For me, the theoretical focus Professor Gardbaum adopted made his comparative constitutional law course especially interesting," says former student Gary Chartier '01. "Designing a constitution forces a country and its intellectual and political leaders to address philosophical issues that might ordinarily be far from the top of the national agenda. I appreciated Professor Gardbaum's attempt to ask repeatedly about the conceptual underpinnings of the constitutional structures on which our class reflected.

He encouraged my attempts to think through the links between constitutional structures and philosophical ideas in ways that made his course a great deal of fun."

Professor Gardbaum's scholarship has focused on constitutional law and the foundations of liberal legal and political theory, and his current research is in the area of comparative constitutional law and, in particular, the comparative structure of constitutional rights. "One work-in-progress, 'The New Commonwealth Model of Constitutionalism,' analyses a new, hybrid form of judicial review developed in Canada, New Zealand, and the United Kingdom that enables the legislature to have the final say on whether rights trump legislation that conflicts with them," Professor Gardbaum explains. "The second analyzes various approaches to the issue of whether, and to what extent, constitutional norms bind private actors."



RANDALL PEERENBOOM

**Randall Peerenboom**, who teaches in the areas of international and comparative law, with an emphasis on Chinese law, obtained his Ph.D. in philosophy from the University of Hawaii, where he specialized in pragmatism, social-political philosophy, legal philosophy, and Chinese philosophy. He takes a philosophical approach both in his survey class, which examines the rule of law in Chinese society, and his course in international human rights, where he focuses on the difficult philosophical issues raised by human rights, supplementing the text with readings on different philosophical theories.



Professor Peerenboom brings his background in philosophy to his writing on Chinese law. In his recent book on the rule of law in China, he develops alternative philosophical conceptions of the rule of law, rather than simply assuming China will develop a liberal democratic rule of law. He also explores the ways in which China's indigenous philosophical traditions influence contemporary understandings of law and human rights.



SHARON DOLOVICH

Sharon Dolovich received her Ph.D. in political theory from Cambridge University before attending law school. Her background in political theory informs her theoretical approach to teaching legal ethics, which involves examining the justifications underlying the ethical rules. She helps students learn not only the ethical rules, but also helps them examine the arguments behind the justifications for the rules. Her training in political theory, she says, "pushes you to figure out the categories and concepts underpinning the rules we take for granted." The focus of her ethics course, in addition to giving her students a sense of the social and political framework for the regulation of the legal profession, is "trying to unpack the concept of zealous advocacy," which she describes as the major conceptual building block of the adversary system in which law students will practice.

Professor Dolovich's writing focuses on the intersection between criminal justice policy and political theory. In her in-progress article, "The Ethics of Private Prisons," she argues that the policy debate surrounding private

prisons assumes that the only relevant considerations are cost savings, harm to inmates, and overall standards of care. And as a result, policymakers have ignored the important consideration of the political legitimacy of that policy in a liberal democracy.

## POLITICAL SCIENCE AND INTERNATIONAL RELATIONS

Two of the faculty members who bring to the School of Law an extensive background in international relations are **Richard Steinberg** and **Kal Raustiala**.

**Richard Steinberg**, who teaches *International Trade Law*, *International Business Transactions*, and *Theories of International Law*, earned his Ph.D. in political science (international relations) from Stanford. He believes that one cannot think about international law without drawing on political, economic, and sociological analytical models, saying, "The biggest intellectual wave in international law in the last thirty years is the application of international relations theory to understanding international law."



RICHARD STEINBERG

Professor Steinberg describes his course, *International Trade Law*, as an effort to understand the development of that body of law through three competing analytics: liberalism, realism, and constructivism—an effort growing out of sociology and linguistics that defines law as a social construction.

Similarly, everything Professor Steinberg writes about international

law is filtered through the lens of politics. "The main challenge in understanding international law is understanding the ways in which international law affects state behavior independent of power politics," he explains. His book on the development of international environmental law in international trade organizations examines the relationship between the development of environmental law and the power structure of international trade organizations such as NAFTA and the WTO. "Environmental law is greener and more developed in international trade organizations where power is concentrated in the hands of wealthier, greener states."



KAL RAUSTIALA

**Kal Raustiala** holds a Ph.D. from U.C. San Diego in international relations and comparative politics. He studies multilateral agreements with a specific focus on environmental protection.

Professor Raustiala's background in political science is central to the way he teaches *International Environmental Law* and *Public International Law*. He explains, "For international law courses, understanding the law is only half the battle—at best. What is also critical is how world politics and domestic politics shape the use and role of international law, and vice versa. Sometimes, for example in understanding the legality of the NATO intervention in Kosovo, legal analysis necessarily draws on the facts of international relations and changes in our conceptions of core ideas such as 'sovereignty' and the 'state.' More generally, because international law is the product of state choices, specific rules—such as those

governing global climate change—make sense only with an understanding of international politics.”

Professor Raustiala’s scholarship draws extensively on theories of international relations and domestic politics. He is currently working on an analysis of why states sometimes negotiate legally binding agreements and other times nonbinding agreements, and on a study of compliance with international law, co-authored with Anne-Marie Slaughter of Harvard Law School.

## PSYCHOLOGY

Before joining the UCLA Law faculty, **Gary Blasi** spent twenty years doing complex litigation on behalf of the homeless and poor. Upon stepping up to the lectern, an experienced lawyer but novice teacher, he set out to learn what other disciplines know about how novices become experts, so that he could do a better job of expediting that transition in both himself and his students. He sees effecting that transition as the main job of clinical teaching. He encountered much literature on novice/ expert differences and the acquisition of expertise, which, in turn, led him more generally into cognitive science. He says, “Apart from a couple of undergraduate courses, I am self-taught in psychology (as well as law). But I now find myself sitting on Ph.D. committees in the Psychology Department and reading as much cog-

nitive science as law, both because it is intrinsically interesting, and because so much of it is relevant to practicing and teaching law.”



GARY BLASI

PROFESSOR BLASI CALLS PSYCHOLOGY A “FOUNDATIONAL SUBJECT FOR LAWYERING, MUCH AS PHYSICS IS A FOUNDATIONAL SUBJECT FOR ENGINEERS. LAW IN THE REAL WORLD IS MAINLY ABOUT PEOPLE, HOW THEY THINK, WHAT THEY DO, AND HOW THEY CAN BE PERSUADED TO THINK OR DO SOMETHING DIFFERENTLY. IT IS THEREFORE HARD FOR ME TO THINK OF ANYTHING THAT LAWYERS DO THAT IS UNRELATED TO PSYCHOLOGY.”

Interestingly, Professor Blasi is a member of the Bar, but never received his J.D. He does hold a master’s in political science from Harvard and apprenticed with lawyers to qualify for the Bar.

Professor Blasi teaches clinical and public interest lawyering courses, including *Clinical Seminar in Public Policy Advocacy*. “I believe that situated, practical experience of the kind we provide in the clinical program is essential to putting future lawyers on the path to expertise. Essential, but not sufficient. We also must try to provide conceptual frameworks and theories that help all of us make sense of our experience. I try to do that in all the courses I teach: to provide mentored experience and as deep as possible a theoretical understanding of what’s going on.”

Virtually all of Professor Blasi’s scholarship has been influenced by his interdisciplinary work in psychology and cognitive science. He is the author of the influential article, “What Lawyers Know: Lawyering Expertise, Cognitive Science, and the Functions of Theory.” And his recent article, “Advocacy and Attribution: Shaping and Responding to Perceptions of the Causes of Homelessness,” examines differences in the perceived causes of social problems like homelessness or poverty and

the implications for structuring advocacy in such fields. He also is also working on a much larger project and accompanying text, *Creativity in Law*, which explains how creative approaches to solving legal problems arise and spread. Professor Blasi says of his project, “Much more than psychology is involved, but every creative move in the law certainly involves what goes on in individual minds, particularly through the application of analogies from one field to another. And it is psychological processes as well as social structures that determine whether potential innovations survive and spread or simply fade away.”



ROBERT GOLDSTEIN

Before attending law school, **Robert Goldstein** completed all requirements except his dissertation for a Ph.D. in clinical psychology, including a clinical internship through the Harvard Medical School. Professor Goldstein’s training in clinical psychology gives him a broader understanding of the law of abortion and child abuse and neglect, two areas about which he teaches and writes.

Professor Goldstein’s interdisciplinary course, *Child Abuse and Neglect*, brings together law students and students from the schools of Education, Medicine, Nursing, Psychology, Public Health, and Social Welfare. “Child abuse is a topic that can’t adequately be addressed solely through looking at the coercive methods of the legal system,” he says. “You also need the input of psychology and social welfare theory in order to understand and treat the victim and the abuser.” Similarly,

Professor Goldstein's textbook on child abuse and neglect introduces students to relevant psychological considerations, such as the memory debate in child abuse cases, emotional reactions of lawyers to child abuse cases, and the phenomenon of counter-transference.

In his book, *Mother-Love and Abortion: A Legal Interpretation*, Professor Goldstein argues that psychoanalytic theory's understanding of the relationship between mother and child provides a more coherent foundation for the law of abortion than the traditional focus on competing interests between a woman and the state. According to him, "It doesn't make sense to view the law of abortion by relying on the individualistic categories that adults use in conceiving the world."

## SOCIOLOGY AND PUBLIC POLICY

**Joel Handler**, the Richard C. Maxwell Professor of Law, has written, co-authored, or edited some twenty books and more than fifty scholarly chapters and articles, nearly all of which explore the sociology and public policy issues of the systems that address poverty law. Although Professor Handler does not hold an advanced degree beyond his Juris Doctorate, he has, since 1960, immersed himself in public policy scholarship and the sociological realities of welfare, labor, law, and bureaucracy. He was awarded the American Political Science Association's 1997 Gladys M. Kaemmerer Award for the "best political science publication in the field of U.S. national policy" for his book,



JOEL HANDLER

*Down from Bureaucracy: The Ambiguity of Privatization and Empowerment*. Of his work, Amherst College's Austin Sarat commented, "Handler demonstrates a stunning grasp of a wide variety of research and scholarship. He is clearly among the best students of public policy in the United States."

Professor Handler, who holds a joint appointment with the UCLA School of Law and the UCLA School of Public Policy and Social Research, also directs UCLA Law's Foreign Graduate Program, acting as an advisor to the L.L.M. candidates. "I've always been interested in comparative law and social systems," Professor Handler explains, "in the summer of my sophomore year in college I spent three months studying the labor movement in England, and ever since, I've been fascinated by how other countries deal with their social policies and how some governments want to move more towards models of a welfare system." Professor Handler has held fellowships and has consulted with both national and international organizations. He was president of the Law & Society Association and in 1999 was honored with the coveted ACLU Distinguished Professor's Award for Civil Liberties Education.

"I think that in Poverty Law, the name of the game is the street-level: the interactions between the low-visibility caseworker's discretionary decisions and the client. Statutory law and especially administrative regulations at the state and local level are crucially important—not court opinions," explained Professor Handler. And his students benefit greatly from that sociological viewpoint. "One day, my class had provided advocacy services for General Relief applicants. We were 'wrapping up' when one case worker asked us, 'You're here to represent the applicants. Who represents us?' And then," enthused Professor Handler, "a new education for us began. That discussion showed our students, in concrete terms, that overworked, underpaid,

and often untrained caseworkers were expected to track an overwhelming caseload of relief clients. Students learned how these stressful, demanding, and often exhausting working conditions could lead to dehumanizing the client, how clients with problems became problems."

Increasingly, students come to the study of law after completing advanced degrees or with professional experience in another field. Additionally, the School of Law offers seven joint degree programs as well as concentrations of study available to students who wish to incorporate a more interdisciplinary approach to their training. The added experience and academic strengths enhance the richness of the classroom discussion and contributions, "Especially," says Professor Handler, "in a class like Poverty Law."



LAURA GÓMEZ

**Laura Gómez** earned her Ph.D. in sociology from Stanford concurrently with her law degree. An expert in the sociology of the law, Chicano/a studies, and race relations, she teaches *Latinos/as and the Law*, *Criminal Law*, *Law and Society*, and *Comparative Racialization and the American Legal System*, which explores how the legal system has historically worked both to reinforce and reduce racial distinctions and racism. She holds a joint appointment with the School of Law and the Department of Sociology. She is the founding co-director of UCLA Law's Concentration in Critical Race Studies.

"A sociological approach influences all the courses I teach," she says. "Mainly, the idea is to place legal doctrine and



legal practice (courts, lawyers, legislatures) in a larger sociological and historical context. Where I can, I introduce the students to social science research methods and data, so that there is an empirical grounding for claims about how the legal system works.”

“When I teach first-year Criminal Law (a required course first semester), I situate the primary source materials—appellate decisions—into a criminal process context. I think it’s important for students to know, for instance, that only some crimes lead to arrests and that, in many jurisdictions, more than ninety-five percent of prosecuted cases don’t go to trial. Appellate cases are, literally, the tip of the iceberg, in the context of the entire criminal justice system.”

Professor Gómez views herself as “a sociologist who writes about legal actors and legal systems.” She is the author of *Misconceiving Mothers: Legislators, Prosecutors and the Politics of Prenatal Drug Exposure*, an empirical study of how two California institutions constructed and responded to the “crack baby” problem in the late 1980s. Recently, she published “Race, Crime and Colonialism: Mexicans and the American Criminal Justice System in Territorial New Mexico” in the *Law & Society Review*. The article takes both a historical and sociological approach to politics, race, and crime, arguing that the law sometimes plays unexpected and even empowering roles for racial minorities, citing the example of the dominance of Mexicans on juries in criminal trials of European-American defendants in some nineteenth-century New Mexico counties.

# CIVILITY

## LAW SCHOOL'S ROLE IN TEACHING CIVILITY

Jonathan D. Varat

*Excerpts from an article originally appearing as a “Golden Rule” in the May 31, 2001 edition of the LA Daily Journal as part of a forum on ethics for litigators.*

Recently, lawyers and the general populace have become concerned about attorneys’ increasing rudeness and unduly harsh behavior. In response to this nationwide epidemic, some courts have adopted codes of behavior. Some bar associations have implemented educational programs with such telling names as the Rambo Abatement Program in order to curb the excesses of lawyers who believe that it is acceptable, even desirable, to make others miserable.

Perhaps economic pressure has led some lawyers to succumb to the lowest common denominator in the false belief that tough means abrasive, that zealous means uncaring, or that effective advocacy means indifference to the facts.

Passion does not substitute for fairness, and intensity does not erase obligations of empathy and truth. The ends do not justify the means, and no less than the rule of law is at stake when that maxim is compromised. The advocate who maintains decorum in and out of the courtroom is the winner.

Law is a learned and noble profession. The profession has made ethical conduct and the development of higher standards of integrity a top priority in law schools; professors weave lessons of ethics and professional standards into core academic and clinical course work at every level. Moot court and mock trial opportunities train future litigators to be sharp on their feet, not in their attitudes. Students are reminded that lawyers are held to higher standards of conduct than others and are urged to pursue their public and private goals professionally and responsibly through ethical conduct.

Law schools provide mentors for

law students and newly minted associates, and effective ways for seasoned practitioners to impart strategies, wisdom, and grace. Many law schools also provide a forum for dialogue among practitioners, ethicists, and academics about the state of the profession and the issue of civility.

These activities can make a difference in the quality of the profession for years to come.

**Jonathan D. Varat** is Dean of the UCLA School of Law.

“Education series with such names as the Rambo Abatement Program should curb the excesses of attorneys who believe it is acceptable to make others miserable.”

*The excerpts on the following page are drawn from the responses we received from Dean Varat’s article. We encourage your response. Please write to [civility@law.ucla.edu](mailto:civility@law.ucla.edu) or to the School of Law, Suite 951476, Los Angeles, CA 90095, Attn: Regina McConahay*

## CIVILITY ENHANCES THE CRIMINAL JUSTICE SYSTEM

*Hon. Richard D. Fybel '71*

I have observed the criminal bar at virtually every stage of a case. I have been impressed by the consistently high level of courtesy counsel show to each other. In contrast to civil law, there is little, if any, personal enmity on display between counsel in criminal cases. This reasonable, deliberate approach to cases helps to enable the criminal justice system reach just results. Based on my observations and discussions with others, my preliminary conclusions on the explanations for this conduct by the criminal bar are, as follows:

1. Criminal law practitioners recognize that the only way the system can work is if the lawyers cooperate in discovery, pre-trial proceedings, and at trial.
2. Lawyers know that gamesmanship does not advance their cause before a judge or jury. Advocacy for their clients is focused on marshaling the evidence, evaluating credibility of witnesses, and applying the law.
3. Criminal lawyers appear in court virtually every day. Their individual, office, and firm reputations are at stake with every appearance. Exaggerations, uncooperative behavior, and misleading statements are discouraged and remembered by their adversaries, with whom they often practice together in the same courthouse on a daily basis.
4. In general, I have observed that the more experienced criminal law practitioners go to the heart of a case and directly deal with issues on their merits, thereby showing leadership by example to new practitioners.

*The Hon. Richard D. Fybel '71 serves as Judge for the Orange County Superior Court. He is a former partner at Morrison & Foerster.*

## CREDIBILITY —THE HEART OF CIVILITY

*Bill Vaughn '55*

*Don't unnecessarily make your opponent your enemy. You may need his or her cooperation some day.*

Some will say that's a soft-bellied approach to what is by its nature an adversarial contest. They say every ploy, productive or not, should be brought to bear and the more pain it causes the better. There are such lawyers who enjoy total warfare and believe that fighting at every turn is attractive to clients, at least until their clients get the huge bills that such tactics produce.

For me, being conciliatory has its rewards. By that I do not mean that one should surrender any fundamental position, but if it seems you will be unable to prevail on a minor point, give in on it at a tactically appropriate time. This builds credibility—the heart of persuasion with judges, juries, or opponents. Credibility is the path to desired results, whether in trial or settlement negotiations.

*Bill Vaughn '55 practiced with O'Melveny & Myers for over four decades, chairing the firm's litigation department for nearly ten years. He has co-chaired two committees of the ABA Litigation Section and was elected to the American College of Trial Lawyers Board of Regents. In 1991, he received the Learned Hand Award from the American Jewish Committee.*

## THE GOLDEN RULE LOOKS TARNISHED

*Bruce A. Clemens '74*

In twenty-seven years of family law practice, I have not seen significant changes in the professional behavior of family lawyers. Marital dissolutions involve everything in the world that clients own, plus their children, plus the disposition of their future income. Lawyerly ethics—for reasons of personal financial gain, poor judgment, or a personality disorder—often go right out the window.

For the most part, ethical rules and California law leave lawyers free to practice within a wide range of permissible behavior. The character of the attorney, which developed long before law school, is the major force that controls conduct. On the job training, mentoring, and modeling may nurture good character, but do not create it.

Just as we all expected in elementary school that the yard-duty teacher would appear and drag the bully away, many of us expect judges, as the reigning authority figure in litigation, to put a stop to the legal bullies. It hasn't worked out that way, although some have tried.

The system only weeds out the very worst of the bad apples, and even then only occasionally. Like Al Capone and Leona Helmsley, a few high profile prosecutions make interesting reading but don't change much. Most lawyers prefer to avoid sanctions, if only for the embarrassment factor—monetary loss is usually only a minor irritation. Lawyers whose behavior is out of the mainstream are unmoved by any fear of embarrassment. Sanctions work like locking your car—it stops amateur thieves, but not the professionals.

*Bruce A. Clemens '74 is the managing partner of Jaffe & Clemens of Beverly Hills. His practice is limited to complex family law matters involving large estates.*

# NEW FACULTY

We are very pleased to announce the addition of three new faculty members to our law school family. Lending particular strength and distinction to the UCLA Corporate Law Program, Professor **Lynn Stout** has joined us to teach *Business Associations*, *Securities Regulation*, *Law and Economics*, and a seminar on corporate law. Before joining UCLA, she was Professor of Law at the Georgetown University Law Center and Director of the Georgetown-Sloan Project on Business Institutions. She also has taught at Harvard Law School, NYU Law School, and George Washington University National Law Center, and served as a Guest Scholar at the Brookings Institution in Washington, D.C. Professor Stout is the author of numerous articles on the stock market, finance theory, corporate governance, social norms, and a casebook—*Cases and Materials on Law and Economics* (with Barnes, 1992). Her current research focuses on social norms and the behavioral phenomenon of altruism. Professor Stout is a member of the Board of Trustees of the Eaton Vance family of mutual funds. During law school, she served as a senior editor of the *Yale Law Journal*. She received her M.P.A. concurrently with her law degree, and following graduation, clerked for Judge Gerhard Gesell on the U.S. District Court for the District of Columbia. She then practiced law with the Washington, D.C. firm of Williams & Connolly.

After visiting UCLA School of Law last year, Professor **Russell Korobkin** has joined the faculty and is teaching *Negotiation*, *Contracts*, *Health Care Law*, and *Law and Behavioral Science*. His scholarship focuses on the application of behavioral science and cognitive psychology to legal policy, contract law, health law, and legal negotiation. Professor Korobkin's textbook, *Negotiation Theory and Strategy*, will be published in 2002. He also has published numerous articles on the application of economics, behavioral economics, and cognitive psychology to legal policy, contract law, health law, and legal negotiation. He has taught at the University of Illinois and the University of Texas. He earned both his undergraduate and law degrees from Stanford University. A

Los Angeles native, Professor Korobkin is our first full-time, permanent faculty member who is the scion of an alumnus — **Alvin J. Korobkin '65** is Russell's father.

**Gary Rowe** has joined the faculty as Acting Professor of Law to teach *American Legal History*, *Federal Courts*, and *Civil Procedure*. His principal area of scholarly interest lies in American legal history, particularly the history of the Constitution and the early American republic. A 1988 graduate of Harvard, he attended Oxford as a Henry Fellow and received the Sara Norton Prize in history. During law school, he was the notes editor of the *Yale Law Journal*. After graduating, he worked as an associate at Wilmer, Cutler & Pickering in Washington, D.C., as a law clerk for Judge William A. Norris of the U.S. Court of Appeals for the Ninth Circuit, and as a special assistant to the administrator of the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget. He then enrolled in graduate school at Princeton University, where he taught English constitutional and American legal history and was awarded a Woodrow Wilson Fellowship. Professor Rowe is currently at work on his doctoral thesis, *The Practice of Constitutionalism in the Early Republic, 1787–1840*.

## NEW VISITING FACULTY

Our distinguished visitors this year include **Stuart Banner**, who is teaching *Property*, *American Legal History*, and a seminar on the Supreme Court during the 2001–2002 academic year. A legal historian who is intensely interested in current issues, especially capital punishment, he has been on the law faculty of Washington University since 1993. In law school, Professor Banner was articles editor of the *Stanford Law Review*. Upon graduation, he clerked for Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit and then Justice Sandra Day O'Connor of the U.S. Supreme

We are delighted to welcome back the Arjay and Frances Fearing Miller Professor of Law, **Susan Westerberg Prager '71**, who has returned to the law school after serving two and one half years as Provost of Dartmouth College.



Court. He practiced law at Davis Polk & Wardwell and then at the Office of the Appellate Defender in New York City. Professor Banner's most recent books are *The Death Penalty: An American History* (forthcoming, 2002) and *Legal Systems in Conflict: Property and Sovereignty in Missouri, 1750–1860* (2000).

**Justin Hughes** joins the UCLA faculty for the 2001–2002 academic year to teach *Copyright Law*, *Trademark Law*, and the *Law of Cyberspace*. A 1986 graduate of Harvard Law School, his research and teaching interests focus on intellectual property and Internet issues. Professor Hughes has practiced law in Paris and Los Angeles; he also clerked for the Lord President of the Malaysian Supreme Court in Kuala Lumpur. He is a former Henry Luce Scholar, Mellon Fellow in the Humanities, and ABA Baxter Scholar at The Hague Court. From 1997 to 2001, he worked as an attorney-advisor in the U.S. Patent and Trademark Office, focusing on the Administration's initiatives in Internet-related intellectual property issues, Eleventh Amendment immunity issues, intellectual property law in developing economies, and on copyright appellate filings for the United States (including the Napster litigation). He taught the *Law of Cyberspace* at Cardozo Law School in New York in 2000 and 2001. Professor Hughes is the author of several articles on intellectual property, linguistics, and international arbitration.

Boalt Hall's Robert D. and Leslie Kay Raven Professor of Law, **Rachel Moran**, will visit this spring to teach *Torts*. Professor Moran previously taught at UCLA Law during the late 1980s. She graduated from Stanford University and went on to Yale where she was editor for the *Yale Law Journal*. Following law school, she clerked for Chief Judge Wilfred Feinberg of the U.S. Court of Appeals for the Second Circuit in New York. She joined the Boalt Hall faculty in 1982. From 1993 to 1996, she chaired the Chicano/Latino Policy Project at UC Berkeley's Institute for Study of Social Change. In addition to teaching at UCLA as a Visiting Professor, she also has taught law at Stanford, NYU, the University of Miami, and the University of Texas at Austin. Her publications include many articles on diversity and education, as well as a recent book, *Interracial Intimacy: The Regulation of Race and Romance* (2001).

This fall, the School of Law also is honored to welcome **David Nimmer**, who will teach *International Intellectual Property*. A long-time member of the UCLA Law family, Professor Nimmer is of counsel to Irell & Manella and a Distinguished Scholar at the Berkeley Center for Law and Technology. A leading authority on copyright, he lectures widely in the copyright arena and has testified before Congress. In law school he was an editor of the *Yale Law Journal*. He is the son of the late UCLA Law Professor **Melville B. Nimmer**, and he continues his father's life work, by updating and revising the semi-annual *Nimmer on Copyright*. Besides contributing to many scholarly treatises, Professor Nimmer has authored numerous law review articles on domestic and international copyright issues. He recently authored a book-length manuscript on intellectual ownership of the Dead Sea Scrolls.

## NEW LAWYERING SKILLS FACULTY AND LECTURERS

**Patrick D. Goodman** teaches *Lawyering Skills* and assists in the Clinical Program. A double Bruin, Professor Goodman holds his undergraduate as well as his master's degree in Education from UCLA. During law school, Professor Goodman was a Harlan Fiske Stone Scholar, head notes editor of the *Columbia Human Rights Law Review*, and recipient of the Jane Marks Murphy Prize for Excellence in Advocacy. After law school, he joined Morrison & Foerster as a litigation associate. In 1998, he joined the Office of County Counsel as a staff attorney specializing in juvenile law and was then promoted to Senior Associate County Counsel. In November 1999, he became Deputy County Counsel, a position he held before joining the School of Law.

While in law school, **Sandy Roth '91** served as an articles editor of the *UCLA Law Review*, was a teaching assistant, and was involved in public interest activities. Following law school, she clerked for Judge Procter Hug Jr. of the Ninth Circuit Court of Appeals. She then worked as a litigation associate at Wilson, Sonsini, Goodrich & Rosati in Palo Alto, and at Crowell and Moring in Washington, D.C., after which she spent two years working on the Microsoft litigation at the

Antitrust Division of the Justice Department. Immediately before joining the UCLA Law faculty, she was of counsel at Legal Community Against Violence in San Francisco, where she counseled local governments and public health organizations regarding firearms regulations.

**Michael S. Taggart** teaches *Lawyering Skills* and assists in the Clinical Program. During law school, he was senior editor of Harvard's *Journal of Law and Public Policy* and served as a teaching assistant in a first-year legal argument and brief writing class. Upon graduation from law school, he clerked for Judge Stephen S. Trott of the Ninth Circuit Court of Appeals. Since 1994 and before joining the School of Law, Professor Taggart worked at the Federal Public Defender's office in Anchorage, Alaska, where he served as an Assistant Federal Defender.

**Pat Sekaquaptewa** co-teaches the *Indian Law Clinic* with Professor Carole Goldberg and helps supervise the Hopi externships and other field placements for the year. She received her B.A. from Stanford and her J.D. from UC Berkeley's Boalt Hall. In 1998, she worked as an attorney for Alexander & Karshmer, representing American Indian tribes, Alaska Native villages, and inter-tribal organizations. She is co-founder and Associate Director of the Tribal Law & Policy Institute in Oakland, where she coordinates conferences on national legislation and laws affecting tribal courts, federal tribal and tribal-state relationships, and comparative tribal law.

**Jack Paul** teaches *Government Contracts* this fall. He is a leading practitioner in the field of government contracts and runs a major government contracts training program for senior executives in government and industry. Among his clients are the Johnson Space Center, the Army, the Navy, Boeing, Lockheed, and Westinghouse. He hopes to share with law students his vast legal and practical experience in a field that involves a substantial portion of the world's economy. Professor Paul graduated from UCLA and then earned his LL.B. from Stanford and his LL.M. from Harvard. He began his career by serving as a legal officer in procurement at Air Materiel Command Headquarters. He then entered private practice and started the Government Contracts Program at UCLA. He is the author of *U.S. Government Contracts* for the American Bar Association and the American Law Institute.

**Steven Thomas** teaches *Art and the Law* this semester. He currently practices at Irell & Manella in the areas of art, real estate, and finance. Following his undergraduate work at the University of Florida, Professor Thomas attended Yale Law School, where he was the book review editor for the *Yale Law and Policy Review*. After law school, he clerked for the Honorable John A. Mackenzie, Chief Judge for the U.S. District Court for the Eastern District of Virginia.



**Brad Sears** has taken on additional responsibilities as the Administrative Director for the Charles R. Williams Project on Sexual Orientation and the Law. He also teaches the *Lawyering Skills* section for the Program in Public Interest Law and Policy. While in law school, Professor Sears was editor-in-chief of the *Harvard Civil Rights-Civil Liberties Law Review*. From 1995 to 1997, he clerked for the Honorable J. Spencer Letts of the U. S. Central District of California. He then worked as a staff attorney for the HIV/AIDS Legal Services Alliance of Los Angeles (HALSA) and as Director of the HIV Legal Checkup Project, a legal services program he founded. He serves on the board of directors of Being Alive, an organization for people with HIV/AIDS, and the advisory committee of Correct Help, which advocates for incarcerated persons living with HIV/AIDS; and he litigates HIV/AIDS discrimination and confidentiality cases on a pro bono basis. In 2000, Professor Sears wrote a white paper for the U.S. Department of Health and Human Services, "The Role of Legal Services in Assisting Persons Living With HIV/AIDS in Securing Access to Health Care."



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# Recent Scholarship by UCLA Law Faculty

### Khaled Abou El Fadl

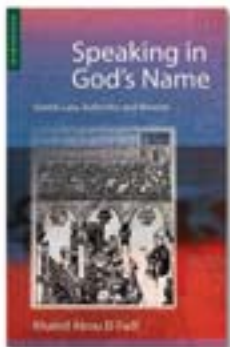
*And God Knows the Soldiers: The Authoritative and Authoritarian in Islamic Discourses.* Univ. Press of America (2001).  
Revised edition of *The Authoritative and Authoritarian in Islamic Discourses*.



*Conference of the Books: The Search for Beauty in Islam.* Univ. Press of America (2001).  
*Rebellion In Islamic Law.* Cambridge University Press (2001).



*Speaking in God's Name: Islamic Law, Authority and Women.* Oneworld Press (2001).



"Negotiating Human Rights Through Language," *Journal of International Law & Foreign Affairs* (2001).

### Michael Asimow

"Embodiment of Evil: Law Firms in the Movies," *UCLA Law Review* (2001).

### Stephen Bainbridge

*Agency, Partnerships, and Limited Liability Entities* (with Klein and Ramseyer). Foundation Press (2001).

*Business Associations: Agency, Partnerships, LLCs and Corporations: Statutes and Rules* (with Klein and Ramseyer). 4th ed. Foundation Press (2001).

*Business Associations: Cases and Materials on Agency, Partnerships, and Corporations* (with Klein and Ramseyer). 4th ed. Foundation Press (2000). Supplement (2001).

### Paul Bergman

*Deposition Questioning: Strategies and Techniques* (with Binder and Moore). West Publishing (2001).

*Nolo's Deposition Handbook* (with Moore). 2nd ed. Nolo.com (2001).

*Represent Yourself in Court: How to Prepare and Try a Winning Case* (with Berman-Barrett). 3rd ed. Nolo.com (2001).

*The Criminal Law Handbook* (with Berman-Barrett). 3rd ed. Nolo.com (2000).

### David Binder

*Deposition Questioning: Strategies and Techniques* (with Bergman and Moore). West Publishing (2001).



**Gary Blasi**

"Implementation of AB633: A Preliminary Assessment, a Report for a Joint Committee of the Legislature," (2001). See *Recent Scholarship* at [www.law.ucla.edu](http://www.law.ucla.edu).

"Advocacy and Attribution: Shaping and Responding to Perceptions of the Causes of Homelessness," *St. Louis University Public Law Forum* (2001).

"Lawyers, Guns and Money: Scientific Approaches to Legislative Categorization," (forthcoming, 2001).

"Reforming Educational Accountability," *California Policy Options 2002* (forthcoming, 2001).

**Grace Ganz Blumberg**

*Blumberg's California Family Code Annotated*. 7th ed. West Group (2001).

"The Regularization of Nonmarital Cohabitation: Rights and Responsibilities in the American Welfare State," *Notre Dame Law Review* (2001).

**Devon Carbado**

"The Fifth Black Woman" (with Gulati), *The Journal of Contemporary Legal Issues* (forthcoming, 2001).

"Interactions at Work, Remembering David Charny" (with Gulati), *Harvard Blackletter Law Journal* (forthcoming, 2001).

**Ann Carlson**

"Recycling Norms," *California Law Review* (forthcoming, 2001).

**Jody Freeman**

"The Contracting State," *Florida State University Law Review* (2001).

"Regulatory Negotiation and the Legitimacy Benefit" (with Langbein), *NYU Environmental Law Review* (2001).

"Privatization and Public Choice," *Cornell Law Review* (forthcoming, 2001).

**Stephen Gardbaum**

"Constitutional Revolutions" (book review), *Ethics* (forthcoming, 2001).

"The New Commonwealth Model of Constitutionalism," *American Journal of Comparative Law* (forthcoming, 2001).

"Recent Developments in U.S. Constitutional Law," *Revue française de Droit constitutionnel* (forthcoming, 2001).

**Laura Gómez**

"Race and Law," *Blackwell Companion to Law and Society* (Sarat, ed.) (forthcoming, 2001).

**Carole Goldberg**

*Research Priorities: Law Enforcement in Public Law 280 States* (with Singleton). National Institute of Justice (forthcoming, 2001).

**Gaurang Mitu Gulati**

"Sovereign Piracy" (with Klee), *The Business Lawyer* (2001).

"The Fifth Black Woman" (with Carbado), *The Journal of Contemporary Legal Issues* (forthcoming, 2001).

"The Happy Charade: An Empirical Examination of the Third Year of Law School" (with Sander and Sockloskie), *Journal of Legal Education* (forthcoming, 2001).

"Interactions at Work, Remembering David Charny" (with Carbado), *Harvard Blackletter Law Journal* (forthcoming, 2001).

**Jerry Kang**

*Race, Rights & Reparations: Law & The Japanese American Internment* (with Chon, Izumi, Wu, and Yamamoto). Aspen Publishers (2001).



*Communications Law and Policy*. Aspen Publishers (2001).



"E-Racing E-Lectrons," *Loyola Law Review* (forthcoming, 2001).

**Ken Karst**

"Women's Roles and the Promise of American Law," *Democracy and the Rule of Law* (Dorsen and Gifford, eds.). Congressional Quarterly Press (2001). Symposium for the Bicentennial of the Library of Congress.

**Kenneth Klee**

"Tithing and Bankruptcy," *American Bankruptcy Law Journal* (2001).

"Sovereign Piracy" (with Gulati), *The Business Lawyer* (2001).

**William Klein**

*Agency, Partnerships, and Limited Liability Entities* (with Bainbridge and Ramseyer). Foundation Press (2001).

*Business Associations: Agency, Partnerships, LLCs and Corporations: Statutes and Rules* (with Bainbridge and Ramseyer). 4th ed. Foundation Press (2001).

*Business Associations: Cases and Materials on Agency, Partnerships, and Corporations* (with Bainbridge and Ramseyer). 4th ed. Foundation Press (2000). Supplement (2001).

#### Kristine Knaplund

*A Practical Guide for Law School Academic Assistance Programs* (Johnson et. al, eds.). Law School Admissions Council (forthcoming, 2001).

#### Russell Korobkin

"A Multi-Disciplinary Approach to Legal Scholarship: Economics, Behavioral Economics, and Evolutionary Psychology," *Jurimetrics Journal* (forthcoming, 2001).

#### Gillian Lester

"Restrictive Covenants, Employee Training, and the Limits of Transaction Cost Economics," *Indiana Law Review* (2001).

"Unemployment Insurance and Wealth Redistribution," *UCLA Law Review* (forthcoming, 2001).

#### Lynn LoPucki

"Can the Market Evaluate Legal Regimes? A Response to Professors Rasmussen, Thomas, and Skeel," *Vanderbilt Law Review* (2001).

"The Failure of Public Company Bankruptcies in Delaware and New York: Empirical Evidence of a 'Race to the Bottom'" (with Kalin), *Vanderbilt Law Review* (2001).

#### Tim Malloy

"Regulating by Incentives: Myths, Models and Micro-Markets," (forthcoming, 2001).

#### William McGovern

*Wills, Trusts and Estates Including Taxation and Future Interests* (with Kurtz). 2nd ed. West Publishing (2001).

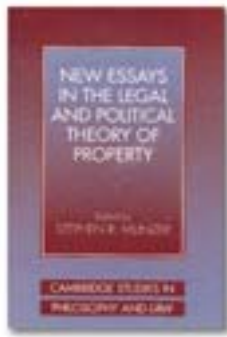
#### Al Moore

*Deposition Questioning: Strategies and Techniques* (with Bergman and Binder). West Publishing (2001).

*Nolo's Deposition Handbook* (with Bergman). 2nd ed. Nolo.com (2001).

#### Stephen Munzer

*New Essays in the Legal and Political Theory of Property* (Munzer, ed.). Cambridge Univ. Press (2001).



"Heroism, Spiritual Development, and Triadic Bonds in Jain and Christian Mendicancy and Almsgiving," *NUMEN: International Journal of the History of Religions* (2001).

"Limited Property Rights in Umbilical Cord Blood for Transportation and Research" (with Smith), *Journal of Pediatric Hematology/Oncology* (forthcoming, 2001).

#### Randall Peerenboom

"Law and Religion in Early China," *Religion, Law and Tradition* (Huxley, ed.). Curzon Press (2001).

"Law Enforcement and the Legal Profession in China," *Law Implementation in China* (Otto et al, eds.). Law International (2001).

"A Government of Laws: Democracy, Rule of Law and Administrative Law Reform in the People's Republic of

China," *Rule of Law and Democracy: Political Reform in China* (Farer and Reiner, eds.). Lynne Reiner (2001).

"Globalism, Path Dependency and the Limits of Law: Administrative Law Reform in the People's Republic of China," *Berkeley Journal of International Law* (2001).

"Seek Truth from Facts: An Empirical Study of Enforcement of Arbitral Awards in the People's Republic of China," *American Journal of Comparative Law* (2001).

"Let One Hundred Flowers Bloom, One Hundred Schools Contend: Competing Conceptions of Rule of Law in the People's Republic of China," (forthcoming, 2001).

#### Kal Raustiala

"Non-state Actors and the Framework Convention on Climate Change," *International Relations and the Climate Change Regime* (Luterbacher and Springz, eds.). MIT Press (forthcoming, 2001).

"Compliance and International Law" (with Slaughter), *The Handbook of International Relations* (Carlnaes et al, eds.). Sage Press (forthcoming, 2001).

#### William Rubenstein

"A Transactional Model of Adjudication," *Georgetown Law Review* (2001).

"The Concept of Equality in Civil Procedure," (forthcoming, 2001).

"Do Gay Rights Laws Matter? An Empirical Assessment," (forthcoming, 2001).

#### Richard Sander

"Living Wages and the Problem of Inequality in California" (with Williams and Blakley), *California Policy Options* (Mitchell and Nomura, eds.). School of Public Policy and Social Research, UCLA (2001).

"The Happy Charade: An Empirical Examination of the Third Year of Law School" (with Gulati and Sockloskie), *Journal of Legal Education* (forthcoming, 2001).

"Living Without Affirmative Action: Five Years at UCLA School of Law," *Academic Questions* (forthcoming, 2001).

#### Seana Shiffrin

"Lockean Theories of Intellectual Property," *New Essays in the Political Theory of Property* (Munzer, ed.). Cambridge University Press (2001).

#### David Sklansky

"Some Cautious Optimism About the Problem of Racial Profiling," *Rutgers Race & Law Review* (2001).

#### Clyde Spillenger

"David M. Rabban and the Libertarian Tradition That Time Forgot," *Law & Social Inquiry* (2001). Review of *Free Speech In Its Forgotten Years* by David M. Rabban.

#### Kirk Stark

"The Quiet Revolution in U.S. Sub-national Corporate Income Taxation," *Bulletin for International Fiscal Documentation* (2001).

"The Unfulfilled Tax Legacy of Robert H. Jackson," *Tax Law Review* (2001).

"The Right to Vote on Taxes," *Northwestern University Law Review* (forthcoming, 2001).

"Tiebout and Tax Revolts: Re-examining the Role of School Finance Reform" (with Zasloff), (forthcoming, 2001).

#### Lynn Stout

"Trust, Trustworthiness, and the Behavioral Foundations of Corporate Law" (with Blair), *University of Pennsylvania Law Review* (2001). Symposium on Norms and Corporate Law.

#### Jonathan D. Varat

*Constitutional Law: Cases and Materials* (with Barrett and Cohen). 11th ed. Foundation Press (2001). Supplement (2001).

#### Eugene Volokh

*The First Amendment: Law, Cases, Problems, and Policy Arguments*. Foundation Press (2001).

*Cyberspace Law for Non-Lawyers* (with Lessig and Post). Random House (forthcoming, 2002).

"How Might Cyberspace Change American Politics?," *Loyola Law Review* (2001).

"Freedom of Speech, Religious Harassment Law, and Religious Accommodation Law," *Loyola Law Review* (forthcoming, 2001).

"How the Justices Voted in Free Speech Cases, 1994–2000," *UCLA Law Review* (forthcoming, 2001).

#### John Wiley

"Economic Crime: Antitrust Offenses," *Encyclopedia of Crime and Justice*. (forthcoming, 2001).

"Economic Crime: Tax Offenses" (with Zolt), *Encyclopedia of Crime and Justice*. (forthcoming, 2001).

#### Jonathan Zasloff

"Tiebout and Tax Revolts: Re-examining the Role of School Finance Reform" (with Stark), (forthcoming, 2001).

"Law and the Shaping of American Foreign Policy: From the Gilded Age to the New Era," (forthcoming, 2001).

#### Eric Zolt

"Economic Crime: Tax Offenses" (with Wiley), *Encyclopedia of Crime and Justice*. (forthcoming, 2001).

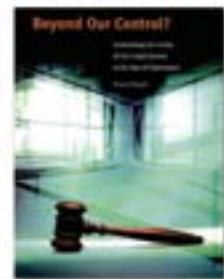
#### Stephen Bainbridge

*Securities Law: Insider Training*



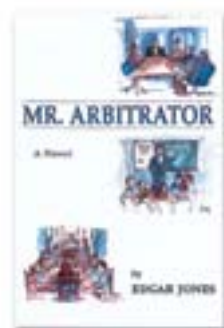
#### Stuart Biegel

*Beyond Our Control?: Confronting the Limits of Our Legal System in the Age of Cyberspace*



#### Edgar Jones

*Mr. Arbitrator*



#### Xia Chen

*Limitation of Liability for Maritime Claims: A Study of U.S. Law, Chinese Law, and International Conventions*





# Torts Professor Gary T. Schwartz

## Memorialized and Honored

**T**orts scholar and UCLA Law Professor Gary T. Schwartz died in his home in the early morning hours of July 25 at the age of 61. He had been diagnosed in the spring with a brain tumor. Professor Schwartz was a particularly gifted and popular teacher, and he was recognized internationally for his scholarship in the field of torts.

The UCLA Law community will gather together with Professor Schwartz's family, friends, and other law professors from across the nation on **Monday, October 29** to remember our friend and colleague. Remembrances will be offered by a number of individuals, including students, faculty, and long-time friends such as Ninth Circuit Judge Raymond Fisher and American Law Institute Director and former Columbia Law School Dean Lance Liebman.

In addition, in honor of his exceptional contributions to legal education and scholarship, the leading torts scholars from throughout the country and around the world will gather at the School of Law on **April 19, 2002**, for the Ann C. Rosenfield Symposium, to deliver important scholarly papers dedicated to Professor Schwartz and his work. The essays of these truly distinguished scholars, together with additional tributes, will be published thereafter in a special edition of the *UCLA Law Review*. Please join us for that especially appropriate event as well.

A member of the UCLA Law faculty since 1969, Gary Schwartz held the William D. Warren Chair. He was a recipient of the Rutter Award for Excellence in Teaching and at the time of his death was the Reporter for the *Restatement (Third) of Torts: Liability for Physical Harm (Basic Principles)*, to be presented by the American Law Institute.

"Gary was the premier torts scholar of the day, probably this generation," commented Professor Michael Green of Wake Forest Law School, who collaborated with Gary on the *Restatement of Torts*. "It was such a joy to work with an academic as accomplished as Gary."

Columbia Law Professor Lance Liebman, who is Director of the American Law Institute and a friend and classmate from Harvard Law School, reflected, "Gary Schwartz was a champion of interpersonal discourse and friendship."

UCLA Law Professor Paul Bergman, who had worked with Gary Schwartz for over thirty years said, "Gary was a first-rate scholar who was not only devoted to torts but to legal education. He knew 'who was writing what' and kept in touch with people from all over the country and the world. His recreation was talking about sports, attending sporting events, and especially playing softball and tennis. His death will leave a huge and probably irreplaceable hole in the faculty tennis foursome; he was a wonderful man."

Tennis partner and fellow law Professor Michael Asimow simply said, "Here we are, months later, and I still catch myself reaching for the phone to call him. I can't believe he's gone."

UCLA Law Professor Alison Anderson concurred: "Gary was deeply engaged in his work. He loved to work in torts, loved to teach torts, and students loved to learn from him. He was deeply immersed in the law school. He participated in the personnel process, the hiring, and really enjoyed the faculty-student softball games and participating in sports with friends."

A Cleveland native, Gary was a loyal Cleveland Indians baseball fan, but he adapted to his adopted city by sharing

UCLA  
PSYCHIATRY PROFESSOR  
MARIAN SIGMAN,  
WHO FIRST MET GARY  
AT OBERLIN COLLEGE,  
SAID "GARY WAS  
NOT ONLY A MEMBER  
OF OUR UCLA  
FAMILY, HE WAS AN  
HONORARY UNCLE  
TO OUR CHILDREN  
AND THE CHILDREN  
OF OUR FRIENDS."

PROFESSOR SCHWARTZ'S FAMILY HAS REQUESTED THAT ANY MEMORIAL CONTRIBUTIONS BE MADE TO THE UCLA FOUNDATION/LAW, TO THE ATTENTION OF DEAN VARAT, UCLA SCHOOL OF LAW, BOX 951476, LOS ANGELES, CA 90095-1476

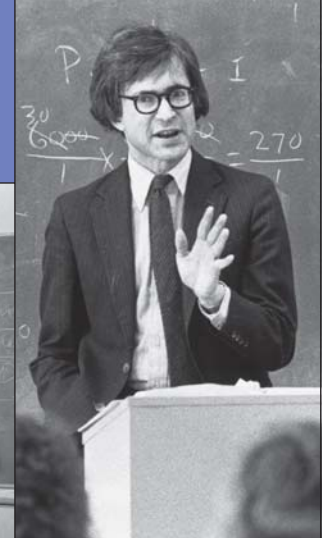
Dodger season tickets with several faculty members. He also loved the opera.

Deborah Stipek, Dean of the Stanford University School of Education, shared Gary's passion for the opera and for teaching. "The most distinctive memory I have of Gary is his animation when he discussed his teaching, his colleagues, and his research. We might enjoy a fabulous evening of opera, then over dinner he would enthusiastically relate stories about his students, or his work."

In a message to faculty, students, and staff, Jonathan D. Varat, Dean of the UCLA School of Law wrote, "We have lost another true friend, colleague, and mentor all too soon. But in the years that he lived so vitally among us, he taught and touched many deeply. He brought to his remarkable and insightful scholarship a deep sense of history, a pragmatic sense of economic reality, and a keen sense of justice."



*"Gary Schwartz was a champion of interpersonal discourse and friendship."*



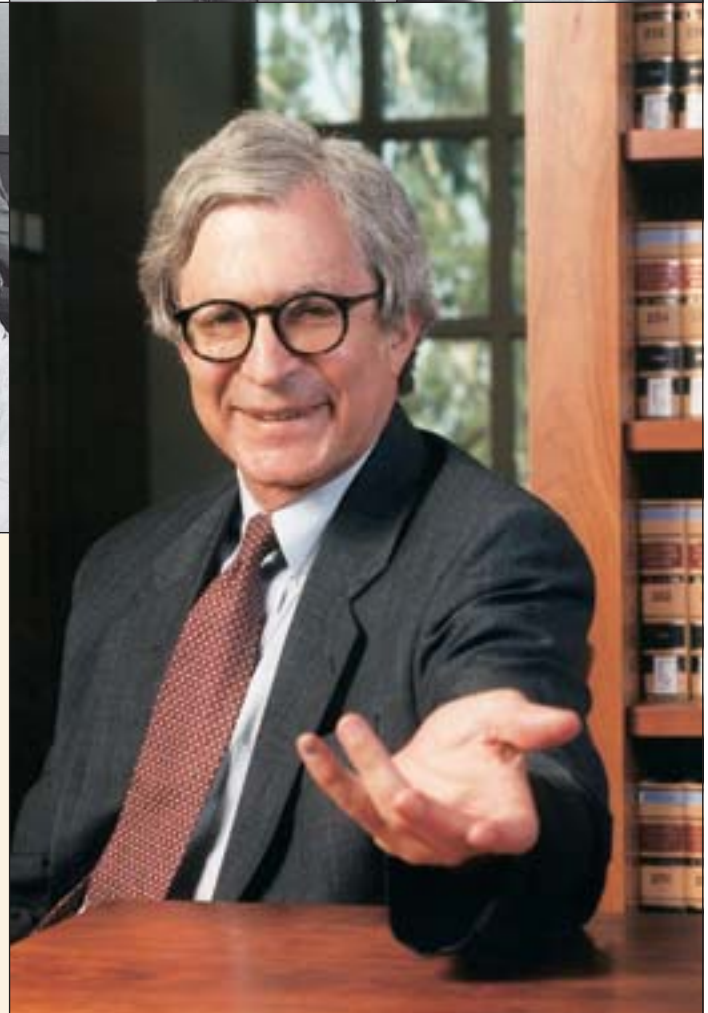
**Top right:** *The Law School Musical* with Professors (L) Susan Prager and (R) Laura Gomez.

**Middle left:** Professor Schwartz received the School of Law's 1987 Rutter Award for Excellence in Teaching from William A. Rutter.

**Middle right:** Schwartz on Torts

**Lower left:** A few of the faculty that have been awarded the School of Law's Rutter Award for Excellence in Teaching. (Standing rear, l to r) Dean Jonathan D. Varat, William A. Rutter, and Professors David Dolinko, William D. Warren, Steve Derian, and Gary Schwartz. (Sitting front, l to r) Professors Ken Karst, Alison Anderson, Eric Zolt, and Michael Asimow.

**Lower right:** Professor Gary Schwartz



# Heritage







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Twenty Years of the Law School Musical

## Historic Gift for Lesbian and Gay Think Tank

Businessman and academic Charles R. Williams has agreed to donate \$2.5 million to the School of Law over the next ten years—or sooner—to endow the nation's first think tank on sexual orientation law—The Charles R. Williams Project on Sexual Orientation and the Law. Mr. Williams also has agreed to make sizable annual donations for current expenditures to allow for the Project to begin operation immediately. The gift will fund research, publications, and events, with the goal of stimulating scholarship and teaching in the field of sexual orientation law. Mr. Williams' attorney, Arnie Kassoy '68 of Manatt, Phelps & Phillips, LLP, facilitated the gift.

Mr. Williams and his lawyers approached the School of Law with the idea of supporting legal scholarship and policy analysis that would have a "real world impact." The concept of a policy think tank emerged through a series of discussions between Mr. Williams, Dean Jonathan D. Varat, Professor William B. Rubenstein, and other law school faculty.

"The School of Law is honored to be the recipient of this historic gift," Dean Varat said. "Mr. Williams' donation is one of the largest gifts from an individual donor to the School of Law and will broaden our substantive law program, for which I am particularly grateful, because strengthening and broadening our teaching and scholarship is the heart of our mission." Mr. Williams' munificence will make UCLA the first law school in the country to have a program dedicated to developing lesbian and gay legal scholarship and policy. "We have plans to sponsor a symposium this spring to begin bringing together the leading thinkers in this area immediately," the Dean announced.

Heading up the Project as the Faculty Director is Professor William B. Rubenstein, former Director of the ACLU Lesbian and Gay Rights Project and a nationally recognized expert on sexual orientation law. Other UCLA Law faculty—



William Rubenstein



Charles R. Williams

*Mr. Williams is the President of Williams & Associates. He received his B.A. and M.B.A. from UCLA and has had a successful career in teaching and management. Most recently, he has taught business courses in policy and strategy and consults in this area. Before 1985, Mr. Williams worked as a senior executive for Sperry Corporation, where he held several positions, including Vice President for Strategic and Business Planning and Vice President and General Manager for Worldwide Operations.*

Brad Sears



including Professors Devon Carbado, Chris Littleton, Kenneth Karst, and Brad Sears—are nationally recognized scholars and lawyers whose work often involves issues of sexual orientation law, making UCLA Law a natural center for this developing area. “By being centered at UCLA, the Charles R. Williams Project will be able to draw on the tremendous intellectual and material resources of one of the nation’s leading universities, allowing us to shape and inform legal and policy debates about sexual orientation law,” said Professor Rubenstein. Brad Sears has been selected as Administrative Director.

This year, the Charles R. Williams Project will organize a speakers’ series and will host a spring symposium exploring the use of scientific and social science data in legal arguments about lesbian and gay rights. During the

2002–2003 academic year, the Project will convene a national judicial education conference on sexual orientation law. Future plans include hosting educational conferences for practicing attorneys and publishing original policy papers and legal scholarship. The Project also seeks to raise the visibility of sexual orientation law as a viable career option for law students.

Mr. Williams hopes that his gift will be the first step toward creating a national center for the study of sexual orientation law at UCLA. His agreement with the School of Law envisions the Project growing into an institute with an endowment of at least \$10 million. In addition to continuing the programs of the Project, the institute would fund an endowed chair at the School of Law, a visiting scholars program, and a regularly published journal on sexual orientation law and policy.

*To learn more about The Charles R. Williams Project on Sexual Orientation and the Law, please contact Brad Sears, Administrative Director and Lecturer in the Program in Public Interest Law and Policy, at (310) 267-4382 or sears@law.ucla.edu.*

Arney Kassoy '68



AS FAR AS IS KNOWN, THE CHARLES R. WILLIAMS PROJECT ON SEXUAL ORIENTATION AND THE LAW WILL BE SUPPORTED BY THE LARGEST DONATION EVER GIVEN TO ANY INSTITUTION IN SUPPORT OF A GAY AND LESBIAN ACADEMIC PROGRAM IN ANY DISCIPLINE. IN ADDITION TO THE PLEDGE OF \$2.5 MILLION DOLLARS, MR. WILLIAMS WILL DONATE OPERATING FUNDS FOR THE PROJECT UNTIL THE ENDOWMENT IS FULLY FUNDED. THE UNIVERSITY OF PENNSYLVANIA RECEIVED A \$2 MILLION GIFT LAST YEAR FOR A LESBIAN AND GAY STUDENT CENTER, AND \$1 MILLION WAS DONATED TO YALE UNIVERSITY THIS YEAR FOR A LESBIAN AND GAY STUDIES PROGRAM.

*Arnie Kassoy '68 is a triple Bruin, having received his undergraduate degree, M.B.A., and J.D. from UCLA. He published in the UCLA Law Review in 1968. Mr. Kassoy also graduated from the London School of Economics. He is the founder of—and for ten years chaired—the UCLA Entertainment Tax and Financial Institute. He is the vice president of the Board of Directors of the Santa Barbara Film Festival and vice chair of the Board of Directors of the AIDS Research Alliance. Mr. Kassoy is an expert in negotiation, primarily representing talent in the entertainment industry.*



## Skadden, Arps, Slate, Meagher & Flom LLP Endows UCLA Law Review Symposium

The law firm of Skadden, Arps, Slate, Meagher & Flom LLP has made a precedent-setting gift of \$400,000 to endow the annual UCLA Law Review Symposium in perpetuity. Recognizing the value of contributing to the education and training of UCLA Law students, **Harriet Posner '84** and **Jeffrey Cohen '88**, both partners in the firm's Los Angeles office, were instrumental in helping secure this gift. Ms. Posner said, "The UCLA School of Law provides an

excellent foundation for a career in law, and we are delighted to support such a fine institution." Mr. Cohen added, "We look forward to the close relationship with the law school community that our involvement with the Symposium will provide."

"This endowment will enhance the Law Review Symposium significantly in a permanent way, and the entire UCLA Law community is grateful for such a generous gift. The partners of Skadden, Arps want to help us fulfill our educational mission by investing in our students," said Dean Jonathan Varat. "We value their support."

Organized by UCLA Law Review students and faculty advisors, the Symposium brings together nationally and internationally recognized legal

scholars and social scientists in a forum for ideas and discussion. Papers presented at the Symposium are published in the August issue of the *UCLA Law Review*. Editor-in-Chief Ted Maya '02 said, "We are incredibly thankful to Skadden, Arps for this generous gift to the Law Review on its fiftieth birthday. It will make a huge difference to us, not just now, but for the years to come, ensuring that we will be able to hold great symposia on any topic." Alyson Dinsmore '02, Symposium Editor for the March 2002 Symposium, added, "We're grateful to Skadden, Arps for their support. This gift will allow us to focus our energies on the substance of the Symposium and host an event in which the entire law school community can participate. Thank you!"

PRIVATIZATION AND "THIRD PARTY" GOVERNANCE MARCH 1, 2002

# UCLA LAW REVIEW SYMPOSIUM

SUPPORTED BY A GENEROUS GIFT FROM SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

The United States, like other Western democracies, increasingly contracts with the private sector to provide a range of services, such as incarceration, policing, and education. Almost every government benefits program, such as Medicare and public assistance, depends on private actors to a significant extent. President Bush has recently called upon private communities, notably faith-based organizations, to bear more of the burden traditionally borne by government. This Symposium will present:

- A review of recent trends toward privatization, including subcontracting, devolution, decentralization, and deregulation.

- A critical evaluation of the implications of the government ceding a portion of its power to, or significantly reconfiguring its relationship with, private actors.

The Symposium will also address such questions as:

- What are the constitutional constraints on this activity?
- What is the propriety or legality of delegating responsibility for public services to private organizations, or relying on the private sector to a significant extent without a formal delegation of these responsibilities?
- Even where there are no constitutional obstacles to the private exercise of such powers, are private actors subject to more or less oversight than public agencies?
- How are services to the public affected?

### INFORMATION AND RESERVATIONS:

Please contact the UCLA Law Review Symposium Editors at (310) 825-4929 or e-mail Alyson Dinsmore at [dinsmore@2002.law.ucla.edu](mailto:dinsmore@2002.law.ucla.edu) or Glen Mastroberte at [mastrobe@2002.law.ucla.edu](mailto:mastrobe@2002.law.ucla.edu).

The Evan Frankel Environmental  
Law and Policy Program

*Inaugural Symposium*

## “INTEGRATING HUMAN COMMUNITIES AND NATURAL ENVIRONMENTS”

UCLA School of Law  
Environmental Law Center

March 8, 2002

Keynote Speaker:  
The Hon. George Pataki  
Governor of New York

The Evan Frankel Environmental Law and Policy Program is proud to present its inaugural symposium. Four panels will feature nationally and internationally known experts in environmental law and policy exploring the following topics:

### Smart Growth

Is the search for “Smart Growth” just a new form of NIMBYism in disguise? Does accounting for population growth necessarily imply unavoidable environmental impacts? Whose interests are served when policy makers engage in comprehensive planning, and who gets left out when “the market” is trusted to ensure equity?

### Toxic and Noxious Land Uses

There are both human health and environmental risks to consider when locating noxious and toxic land uses in densely populated, environmentally sensitive areas. The panel will weigh the concerns that affect the siting process, including the distribution of risks across socioeconomic, racial, and ethnic lines, and the extent to which technology and management might effectively mitigate these risks.

### Collaborative Processes and Land-Use Decisions

Traditionally, a developer submits a development plan to a municipality without prior community input and with limited advance government review, leading in some cases to contentious public hearings and heated political conflict. In some communities across the country, developers, community members, and municipalities are experimenting with a new approach to land-use decision-making in which the developer and community members collaborate directly in forming the development plan. The panel will focus on this alternative, exploring, among other things, whether it actually generates meaningful public involvement and results in equitable, sound planning decisions.

### Preservation of Open Space— Private Versus Public Acquisition and Management

This panel will explore how best to preserve dwindling amounts of open space in various settings (urban, rural, suburban). Are private approaches through, for example, the use of donations of land to nonprofit trusts, and the imposition of conservation easements more effective and more politically palatable than public acquisition of lands? Which approaches ensure effective management of open space resources? Will the public sector appropriate sufficient funds and provide sufficient personnel to take care of open space? Will private organizations? Will private individuals who continue to own the underlying property on which a conservation easement is imposed? What about public access to open space lands? Is there an appropriate mix of private versus public open space?

For more information, contact Barbara Biles, Executive Director, UCLA Environmental Law Center, at [biles@law.ucla.edu](mailto:biles@law.ucla.edu) or (310) 749-5272; or [events@law.ucla.edu](mailto:events@law.ucla.edu) or call (310) 825-0971.



# The Ann C. Rosenfield Endowment Fund Supports The Gary T. Schwartz Memorial Symposium April 19, 2002



This academic year, the Ann C. Rosenfield Endowment will fund the April 19, 2002 Symposium honoring the life work of renowned torts scholar, Professor **Gary T. Schwartz**. In a tribute to Professor Schwartz, scholars from throughout the United States, Canada, and Australia will present their own papers and offer a variety of perspectives on Professor Schwartz's work. Alumni and friends of the UCLA School of Law are encouraged to attend. Please contact [events@law.ucla.edu](mailto:events@law.ucla.edu) or (310) 825-0971. Participants include:

- **Mark Grady '70**, Dean and Professor, George Mason University School of Law
- **Michael Green**, the Bess & Walter Williams Professor, Wake Forest University Law School
- **James A. Henderson Jr.**, the Frank B. Ingersoll Professor, Cornell Law School
- **The Honorable Allen Linden**, Federal Court of Canada
- **Robert Rabin**, the A. Calder MacKay Professor, Stanford Law School
- **Kenneth Simons**, Professor, Boston University School of Law
- **Jane Stapleton**, Professor of Law, The Australian National University
- **Stephen Sugarman**, the Agnes Roddy Robb Professor and Director of the Family Law Program, Earl Warren Legal Institute of UC Berkeley, Boalt Hall
- **Ernest Weinrib**, the University of Toronto, Faculty of Law

The Ann C. Rosenfield Endowment Fund, facilitated by **David Leveton '62**, provides, in perpetuity, an annual symposium to provide a forum on law-related issues for diverse audiences and to promote intellectual distinction for the UCLA School of Law. On April 20, 2001, the Ann C. Rosenfield Endowment provided support for a symposium celebrating the thirtieth anniversary of the founding of the UCLA School of Law Clinical Program, presenting **The Changing Face of Practice: Perspectives from the Profession and the Law School**, as well as a gala dinner honoring Professor **David Binder** as he was awarded a lifetime achievement award for his contribution to clinical legal education. The inaugural Ann C. Rosenfield Endowment sponsorship supported the **2000 Corporate Governance Conference**.



## The 2001 Ann C. Rosenfield Clinical Symposium 4/20

▼ Greg Nitzkowski '84, Managing Partner at Paul, Hastings, Janofsky & Walker, tackles the controversy surrounding high salaries at law firms.



► Daniel Grunfeld, President and CEO of Public Counsel, addresses the April 20 symposium. Mark Fenster of Irell & Manella looks on.



◀ The Honorable Ann Kough '78, Los Angeles Superior Court, responded to the question, "The Decline of Professionalism: Fact or Fiction?"

► Larry Feldman, partner at Fogel, Feldman, Ostrov, Ringler & Klevens, smiles at Morrison & Foerster's James Brosnahan lively discussion of professionalism in the legal world.



## Professor David Binder Lifetime Achievement Award 4/20



▲ Many students, faculty, alumni, and friends of the School of Law attended the ceremony. Pictured here, three clinical faculty members: Professors Sue Gillig, Director of the Clinical Program, along with Al Moore and Steve Derian.



▲ Professors David Binder and William Warren have worked together for over three decades.

▼ Professor David Binder accepts a Lifetime Achievement Award. The April 20, 2001 event capped a day-long symposium celebrating thirty years of clinical legal education.



▲ Professors Binder, Bergman, and Assistant Dean Andrea Sossin-Bergman share a laugh with Professor Al Moore.



◀ (l to r) Mitch Menzer '84, Professor Paul Bergman

▼ The Honorable Rich Fybel '71



▼ Dorothy Wolpert '76



▲ (l to r) Leslie Freeman Kahlrow '95, Melinda Binder, Doug McCormick '95, and Melissa Rush McCormick '95 enjoy the festivities with Professor Binder.

# events



## Public Interest Law Foundation Trivia Challenge 10/00



▲ Professors Tom Holm, Jody Freeman, and Jonathan Zasloff were faculty panelists for the PILF Trivia Challenge, which pitted students against professors and kicked off the Public Interest Law Foundation's annual fundraising drive last October.



## Wagatsuma Conference 1/19

▲ Professors Arthur Rosett and Randall Peerenboom with former faculty member Mark Ramseyer (center) discuss issues of international politics with Amy Chua at the UCLA Wagatsuma International Law Symposium held in January.



## Public Interest Career Day 2/3

The Sixteenth Annual Public Interest Career Day, held February 3, 2001, attracted recruiters from more than eighty public interest and public sector employers from within and outside California. The next Public Interest Career Day is scheduled for February 2, 2002.



## 25th Annual UCLA Entertainment Law Symposium 2/9



▲ Hard choices: Student trivia whizzes discuss what winning the Challenge or even providing one correct answer may mean for their grades, and ultimately their futures.



◀ Jack Valenti, President of the Motion Picture Association, provides industry insight as the keynote speaker at the 25th Annual UCLA Entertainment Law Symposium. The next Entertainment Law Symposium is scheduled for January 25–26, 2002.



▲ The staff of Lexis-Nexis smile for the camera. Lexis-Nexis' generous sponsorship helped make February's symposium a success.



▲ With his thinking cap on, Professor Kirk Stark ponders the cast of The Brady Bunch. Meanwhile, colleague and long-time fan club president Professor David Dolinko poises thumb over answer button.



▼ Panelist Robin Richards (far right) of MP3.com shares a laugh with Professor Ken Ziffren '65 (second from right) and other symposium attendees.



## City Attorney Debate 2/15



▲ Los Angeles Times columnist Patt Morrison served as moderator for the L.A. City Attorney Debates held at the School of Law last winter and co-sponsored by the L.A. County Bar Association.



◀ Then-Deputy Mayor and now L.A. City Attorney Rocky Delgadillo.



▲ Lisa Jaskol (center) of the L.A. County Bar Association and organizer of the debate, confers with Patt Morrison and candidate Frank Pavelman, Deputy District Attorney.



▲ (From left) Candidates Lea Purwin D'Agostino, Deputy District Attorney, and former City Council member Michael Feuer talk with UCLA Law Dean of Students Elizabeth Cheadle '81.

## UCLA Law Review Symposium—Law and Popular Culture 2/23

▼ Professor Carrie Menkel-Meadow, Georgetown University Law Center, discusses legal ethics in popular culture at the February symposium. Professor Michael Asimow, co-author of *Reel Justice: The Courtroom Goes to the Movies*, listens. The next UCLA Law Review Symposium is scheduled for March 1, 2002.



◀ Professor Paul Bergman, co-author of *Reel Justice: The Courtroom Goes to the Movies*, speaks on the redemptive path laid out for lawyers by the movies.



▲ UCLA Law Professor Jody Freeman responds to informal questions.

▶ John B. Owens of O'Melveny & Myers spoke on the work of author John Grisham.



▲ Professor Lawrence M. Friedman, Stanford Law School, discusses how the mystery novel reflects changes in law and society.



▲ Inside television legal dramas: (l to r) Jill Goldsmith, writer for *The Practice*; William Fordes, writer for *Law & Order*; Chuck Rosenberg, advisor for *LA Law* and *The Practice*.

▶ Edward Lazarus is developing a new television program based on cases heard before the U.S. Supreme Court.



# events



## Nimmer Lecture 3/1



▲ 2001 Melville B. Nimmer Memorial Lecturer, Professor Lawrence Lessig of Stanford University Law School, speaks with Gloria Nimmer. Professor Lessig, a world-renowned expert on the Internet and copyright law, presented the lecture, Copyright's First Amendment, at the UCLA Faculty Center on March 1, 2001. The next UCLA Law Nimmer Lecture is scheduled for March 12, 2002.



▲ (l to r) Visiting Professor David Nimmer, Professor Lawrence Lessig, Dean Jonathan D. Varat, and Professor John Wiley.

## Career Services 3/7



▲ Donna Black '75, past president of the UCLA Law Alumni Association, discusses the working world with students at the Office of Career Services Annual Small Firm Reception held in March.

## Asian Pacific American Law Journal Symposium 3/9



▼ (Standing, l to r), Kathay Feng, Asian Pacific American Legal Center; Professor Ling-chi Wang, UC Berkeley; Professor Keith Aoki, U. of Oregon Law School; Professor Jerry Kang, UCLA Law. (Sitting, l to r), Professor Leland Sato, UC San Diego; Professor Pei-te Lien,



◀ (Standing, l to r), California State Assembly Member Carol Lui; Westminster City Council Member Tony Lam; Justice Ming Chin of the California Supreme Court; Warren Furutani, L.A. Community Colleges Board of Trustees. (Sitting, l to r) Minnesota State Senator Satveer Chaudhary; Monterey Park City Council Member Judy Chu.



▲ (Standing, l to r), Professor Bill Hing, UC Davis School of Law; Poka Laenui, Executive Director of Hale Na' au Pono; Quynh Nguyen, Asian Pacific American Labor Alliance; Debra Suh, Executive Director of the Center for the Pacific-Asian Family. (Sitting, l to r), Myron Quon, Lambda Legal Defense and Education Fund; Jaideep Singh, UC Berkeley University of Utah.

## Public Interest Law Foundation Auction 3/9



► Professor and amateur auctioneer Ann Carlson takes bids for Dean Varat. The Dean agreed to take notes for a student for an entire day.



▲ Students, faculty, alumni, and friends of the UCLA School of Law attended the annual Public Interest Law Foundation Auction in March. This year the auction raised over \$35,000 in stipend money for students pursuing public interest work during the summer.

► Professors Clyde Spillenger (guitar) and Steve Derian (bass) of The Usual Suspects jam at the auction.





### Moot Court Competition 3/15

▼ Finalists and judges for the 2001 Moot Court competition held in March. (Back row, l to r) Hon. Dean D. Pregerson, District Judge of the Central District of California; Dean Jonathan D. Varat; Hon. Rhesa Barksdale, Fifth Circuit Court of Appeals; Henry Self '02, finalist; Tim Martin '02, finalist. (Front row, l to r) Sylvia Rivera '02, finalist; SBA President Celeste Drake '02, winner of the competition; Hon Rosemary Barkett, Eleventh Circuit Court of Appeals and former Chief Justice of the Florida Supreme Court.

### Lincoln Sculpture Presented to the School of Law 3/21

► This spring, George Turner '68 (left) presented the School of Law with a sculpture of Lincoln created by his friend Emil Seletz, M.D. Mr. Seletz's daughter and widow flank Dean Varat.



### Governor Ryan 4/4



▲ Governor Ryan talks with Adam Lang '02.

▼ The Honorable George H. Ryan (left), Governor of Illinois, spoke on expanding the moratorium on the death penalty. Professor William Warren (right) introduced the governor at the April 4 event held at the School of Law.



### Rutter Award 4/19

▲ Professor Al Moore (center) was this year's recipient of the School of Law's Rutter Award for Excellence in Teaching. Dean Varat (left) and William A. Rutter (right) congratulate him during the April ceremony held at the School of Law. William A. Rutter established the award in 1979 in the belief that universities must reward excellent teaching as they do critical research. The award has become not only a symbol of recognition but also an opportunity to celebrate our success as one of the great teaching law faculties in legal education.



▲ Al Moore '78 celebrates his day with his wife and classmate Sherrill Johnson '78.



▲ Collegial faculty:  
From (L) Professor Gillian Lester, Associate Dean Barbara Varat, Professors Al Moore '78 and Ann Carlson.

# events



## Equal Access to Justice Colloquium 4/21

▼ Panelist Alicia Dixon of The California Endowment answers questions about fund raising.



▲ David Lash '80 of Bet Tzedek Legal Services (and recipient of the 2000 Public Interest Award) addresses the Equal Access to Justice Colloquium held at the School of Law in April. The Colloquium was co-sponsored by the Pepperdine University School of Law and the Association of American Law Schools.



# events

## Admissions Day April



▲ Dean Varat talks with admitted students during the School of Law's Admissions Day, which is held every April.



▲ Law Alumni Association President Rick Davis '87 addresses admitted students.

## Public Interest Awards Ceremony 4/24

Each spring, the School of Law recognizes an alumnus, a faculty member, a second-year student, and a third-year student for their outstanding commitment to the public interest.



▲ (Back row, l to r) Professor Alison Anderson, recipient of the Fredric P. Sutherland Public Interest Award; Olga Fuentes '01, recipient of the Nancy J. Mintie Public Interest Award; Meghan Lang '02, co-recipient of a Joseph Hairston Duff Public Interest Award; Andrew Elmore '02, co-recipient of a Joseph Hairston Duff Public Interest Award; and Yolanda Vera '87, recipient of the Antonia Hernandez Public Interest Award. (Sitting, front, l to r) Joseph Hairston Duff '71, Dean Jonathan D. Varat, and Nancy J. Mintie '79.



▲ Professor Gary Blasi presents the Antonia Hernandez Public Interest Award to Yolanda Vera '87.

▼ Joseph Hairston Duff '71 congratulates Andrew Elmore '02. Andrew and fellow student Meghan Lang '02 (not pictured) were co-recipients of the Joseph Hairston Duff Public Interest Award.



▲ Olga Fuentes '01 received the Nancy J. Mintie Public Interest Award.



## Women & Philanthropy 4/25

▼ Marion Wilson introduces Dean Jonathan Varat, Professor Ann Carlson, and Class of 2001 graduates Christa Shaw and Joanna Wolfe to Women & Philanthropy members at an event April 25. The event showcased the UCLA Environmental Law Center which, as Dean Varat told the audience, "We intend to become the leading environmental law resource center in the nation."



▼ Marion Wilson is currently the President of Women & Philanthropy at UCLA. She and her husband Bob Wilson, who attended UCLA Law before choosing a business career, have been remarkably generous to the law school and campus-wide, providing leadership with their dedication and support.



## An Evening with Ben Ferencz 5/22

▼ Former Nuremberg war crimes prosecutor Ben Ferencz (pictured with his wife Gertrude) visited the School of Law on May 22, 2001, and recounted his experiences prosecuting Nazis at the end of World War II. Mr. Ferencz has dedicated his life to fighting hate crimes throughout the world.



## Summer Academic Program 8/20

► Dean Varat addresses incoming students during the Summer Academic Program held in August.



► Professor Kristine Knaplund, Director of the School of Law's Summer Academic Program.



▲ 2001 graduates of the Program in Public Interest Law and Policy. Program Director Catherine Mayorkas sits front and center.

## Commencement 5/20

▼ 2001 graduates of the Corporate Law Program. Joining them are Professors Dan Bussel (top left), Grant Nelson (middle row, left), and Ken Klee (front row, third from right).



# students

## Law School Musical: Care or Sell 2/3



▲ *Producer, director, choreographer, law professor, and author of nine evidence volumes of Federal Practice and Procedure, Professor Ken Graham finds time to share a laugh with pianists Shannon Lassen (left) and Dana Peterson '02 (right).*



▲ *Don't miss Professor Graham's next musical extravaganza: No Diploma! 02/02/02. Tickets are now available. [graham@law.ucla.edu](mailto:graham@law.ucla.edu) or (310) 825-4992.*

▼ *Hoping to jumpstart a career in medical malpractice, Scott Dewey '03 plays to the house. Chris Scott '03 admires his fellow thespian's costume.*



▼ *The cast of Care or Sell vamps for the camera.*

## BLSA 2/16

▼ *(From left) Professor Devon Carbado, Law Fellows Outreach Coordinator Tony Tolbert, Darrell Miller, inaugural presenter of last year's Outreach Resource Center Discussion Series, and Law Fellows Outreach Program participant George Turner at the annual Black Law Students Association dinner, which was held in the Hugh & Hazel Darling Law Library last February.*



## Barrister's Ball 2/24

▼ *Gerald Sequeira '02 sweeps Jasmine Ejan off her feet at the annual Barrister's Ball held in February.*



## APILSA 4/18

▶ *Asian Pacific Islander Law Students Association members discuss the merits of Professor Alison Anderson's throwing arm during the annual APILSA Carnival and Dunk Tank held in April.*



▲ *More accustomed to throwing chalk, Professor Alison Anderson gives it her all.*

## American Bankruptcy Institute Award June

▼ *This June, Professor Ken Klee presented Shira Roth '02 with the American Bankruptcy Institute's Award for student scholarship.*





# Class Acts

**M**any of our graduates have careers based in law and business on the East Coast; indeed, our Alumni Board President **Rick Davis '87**—who is safe—is Counsel to JP Morgan Chase, so we are continuing to work hard to confirm the safety of our alumni family. Please note the minute-by-minute story of **Les Jacobowitz '85**, as he describes the scene. We extend to you our deepest sympathies if you have lost a loved one, a colleague or friend in the events of September 11.

It is truly gratifying to see how you have responded to your law school at this time of our country's peril. **Dean Varat** points out that the students we have in class today will necessarily play instrumental roles in securing our nation's future, in the rule of law, democracy, and indeed, our very way of life. He has called upon us all to be creative in our sense of community and helping one another. His words were especially poignant at the **Mentor Reception** the week following the attacks. That event, which brings together volunteer alumni to provide guidance and fellowship to first-year students, was better attended than ever before. Meaningful discussions between students and practicing lawyers and other law school graduates stretched late into the evening. Attendance at other events that have been scheduled to foster School of Law alumni fellowship, such as the **tailgate party at the Chancellor's picnic** before the Ohio State football game, have far exceeded our expectations. Our **in-home dinner program**—your opportunity to host a student in your home, or office, or club for lunch or dinner—is also recording stunning numbers of participants. We thank you for coming together with us and providing support to our mission.

I am sorry to report that we have lost alumni over the past several months. From our first graduating class, **Richard Thomas Hanna '52** died on June 9, and **Bruce Hochman '52** on August 12. We lost **Marshall Whitehead Vorkink '54** on September 7, and **Robert Blaylock '58** on August 25. Last spring took **William**

**Johnson Mitchell '61, Leonard Herman Smith '64, Thomas P. Burke '65, Edwin C. Amos Jr. '66**, and his classmate, **Alan Charles Oberstein '66** as well as **John C. Spence III '67. Peter P. Covette '79** died August 14 of complications of lupus. **Jason Baba '83** was lost off the island of Oahu while kayaking and **Elizabeth Alexander King '84** died July 15. We extend our warmest condolences to families, friends, and classmates. Our law school family sustained a tremendous loss when **Professor Gary Schwartz** succumbed to a brain tumor this July. The loss is especially personal for Gary's uncle, **Roland Childs '58**, and his cousin, **Toby Rothschild '69**. Our community has responded by donating to a memorial fund in Gary's name. I hope to see you **October 29** and again **April 19**, as we salute Professor Schwartz and his work.

Alumni have stepped up to support the school in other ways as well, providing financial support through the Annual Giving campaign, and arranging for the school to benefit from their own—and their clients'—planned giving programs. In fact, **Sandra Kass Gilman '75** submitted an article about the tax advantages of the program in the Honor Roll section of this magazine. This support is vital to our mission and we are truly thankful for your inclusion of the UCLA School of Law in your giving plans.

As our school matures, our alumni assume ever more challenging and exciting career positions in cities throughout the country, and around the world. Every year Dean Varat, Assistant Dean for Career Services **Amy Berenson Mallow**, and I visit our alumni in various regions. I want to thank our alumni for welcoming us to your cities, and especially for welcoming the best and brightest prospective students to UCLA Law. Your recruitment efforts have certainly been instrumental in encouraging accepted applicants to come to UCLA. A strong, connected, and supportive alumni association is one of the strongest elements that prospective students evaluate when they select schools, so thank you! We'll see you in New York, Boston, D.C., Philadelphia, Chicago, San Francisco, and

Palo Alto this spring. And if you are closer to us than that, I hope to welcome you next May as we honor the **UCLA Law Alumni of the Year**. And if you would like to nominate a graduate that has shown particular leadership in public service or the practice or business of law, please submit your nomination to [alumni@law.ucla.edu](mailto:alumni@law.ucla.edu).

The **Alumni for Life** program has doubled in size since last year. By registering for this free program, you are automatically notified of UCLA Law news and events and, additionally, can subscribe—for free—to **UCLA Law Community in the News**, an electronic news clipping service updating you, via your Alumni for Life e-mail address, of alumni, professors, and students in the news. If you would like to register, contact me at [alumni@law.ucla.edu](mailto:alumni@law.ucla.edu).

Our **Class Correspondence** program is growing. We'd love you to participate either by volunteering to receive and forward news of your classmates to us, or by sending updates to:

**Jerry Goldberg '53**,  
Goldberg1953@alumni.law.ucla.edu;  
**Louise Lillard '85**,  
Lillard1985@alumni.law.ucla.edu;  
**Jeffrey Cowan '91**,  
Cowan@alumni.law.ucla.edu;  
**Tom Monheim '92**,  
Monheim1992@alumni.law.ucla.edu;  
**Joseph Gauthier '94**,  
jtgauthier@aol.com;  
**Jenny Meier-Kowal '96**,  
Meier1996@alumni.law.ucla.edu;  
**Terrence Mann '00**,  
Mannt2000@alumni.law.ucla.edu;  
**David Simonds '01**,  
Simonds2001@alumni.law.ucla.edu.

Now, how about you?



Have you spoken with your colleagues from the Classes of '61, '71, '81, and '91 or '56, '66, or even '76? You'll learn that we have had great success with reunion committees that generate some very different get-togethers. **Roger Cossack '71**, Dean of Students **Liz Cheadle '81**, and **Milton Miller '56** are just a few of the alums that have generated interest, support, and enthusiasm for the event. Join us as we plan the reunions for the classes of '52, '57, '62, '67, '72, '76, '82, and '92. Write to us at [alumni@law.ucla.edu](mailto:alumni@law.ucla.edu) or feel free to call (310) 206-1121 if you'd like to be a planner.

As we begin our new academic year, I want to make special note of saluting Immediate Past President **The Honorable George Schiavelli [Ret.] '74**. I am reminded of how much George gives to our school as I visited with him at the recent Mentor Reception. And I thought you might enjoy reading the *LA Daily Journal* feature profiling him. It has truly been a pleasure to work with George, a very dedicated and creative alumni volunteer. As he retires as our Board President, he in fact has stepped up support of UCLA by joining the Foundation Board, and has launched into a new career in private practice and ADR work. Several innovative projects were undertaken under his leadership, including aligning the board schedule with the school calendar to be more in sync with our future alumni—a project that required an additional six months' commitment as President of the



*Immediate Past President The Hon. George Schiavelli [Ret.] '74 congratulates The Hon. Elwood Lui '69, recipient of the UCLA Law Alumni of the Year Award for Public Service.*

Alumni Board. In his year-and-a-half term he helped focus the Alumni Board, created a mission statement for the Alumni Association, reached out to the students through the moot court and mentor programs, reviewed the Alumni Association's past, and brought it into the present. **Rick Davis '87** has taken the helm of the Alumni Board, making his personal and professional mark on our future.

Finally, I bring your attention to **The Honorable Steven Z. Perren '67**. On June 22, 2001, several alumni joined with state and county officials in a beautiful and vast field in Ventura County to honor and dedicate the groundbreaking for Ventura



*In June, groundbreaking began for the new Justice Steven Z. Perren Juvenile Justice Center located in El Rio, Ventura County. The \$65 million dollar complex will open in 2003 and house up to 420 juvenile offenders, replacing a dilapidated and overcrowded sixty-year-old facility. Justice Perren '67 is a former Ventura County Juvenile Court judge.*

**"WHEN A JUVENILE OFFENDER IS APPROPRIATELY MONITORED IN THE COMMUNITY, WE SAVE MONEY AND WE SAVE KIDS. WE MAY NEVER KNOW WHAT OFFENSE WAS NOT COMMITTED, WHAT PROPERTY WAS NOT TAKEN OR WHAT INJURY WAS NOT INFLICTED. BUT IF WE DO NOT DEDICATE OURSELVES TO THE REHABILITATION OF OUR COMMUNITY'S YOUTH WE WILL CONDEMN THEM TO A LIFE OF CRIME AND THE COMMUNITY TO THE DANGER THAT UNREPENTANT, UNEDUCATED, AND UNPREPARED YOUTH WILL PRESENT EACH TIME HE OR SHE IS RELEASED FROM CUSTODY; AND THE ASSOCIATED COSTS OF CUSTODIAL CONFINEMENT."**

THE HONORABLE STEVEN Z. PERREN '67

County's Justice Steven Z. Perren Juvenile Justice Complex. It became apparent why this facility is being named after Justice Perren, as he was very instrumental in making the juvenile justice complex a reality. Not only did he secure the state funding for this project, he fought for this project because he knew it would help children and teens of Ventura County. I hope you enjoy these snapshots of the groundbreaking ceremony.

Please remember to include the activities of your law school in your calendar for the coming year.

*Kristine Werlinich  
Director, Alumni Relations  
[alumni@law.ucla.edu](mailto:alumni@law.ucla.edu)  
(310) 206-1121*



*(l to r) Supervisor John Flynn, Hon. Steven Z. Perren '67, State Assembly Member Hannah-Beth Jackson, and George Eskin '65.*

# MINUTE BY MINUTE, SEPTEMBER 11, 2001

*An excerpt of one of the e-mails received from our alumni family*

LES JACOBOWITZ '85 WITH DIANA KIEL

Thanks for all your heartfelt concern and warm wishes. Diana and the children—Jennifer, Ryan, and Benjamin—are all doing fine. Described below is a chronology of the September 11 disaster.

## Tuesday, September 11, New York City, Downtown

**8:20 a.m.** Took our daughter Jennifer to kindergarten (she is late for everything—like her mom). The taxi ride, which takes less than five minutes, travels directly under The World Trade Center. Her school is four blocks north of there.

**8:35 a.m.** Said goodbye to Jennifer with our usual “Eskimo kiss.”

Decided it might be best to vote this morning. Walked down the west side of West Street (West Side Highway) from Public School (P.S.) 89 to One World Financial Center to vote.

**8:45 a.m.** Between Liberty and Vesey Streets (halfway to One World Trade Center) I heard a tremendous explosion. I looked up and saw flames and debris coming down on me. I thought it was a bomb.

Ran as fast as I could to World Financial Center. I tried to enter the building but the doors were locked. I was protected from falling debris by an overhang. Saw people on the other side of West Street (next to One World Trade Center) engulfed in flames which construction workers smothered out. People next to me were crying.

**8:46 am** Ran to the corner of West and Vesey Streets to stop cars from coming into the disaster area. I directed cars back up the West Side Highway (north) since every other direction would have put people in danger and blocked emergency vehicle access.

A few emergency vehicles raced by me in the first ten minutes. When emergency personnel arrived, they asked if I was the person in charge. They explained to me that all their communications were down.

**9:05 a.m.** Area was secured and decided I should check on Diana and the twins. Stupidly, I walked south along West Street.

Walked thirty feet and heard what sounded like a B-1 bomber: A plane was heading straight for the twin towers (and me). The plane was gunning its engine, as if for takeoff, and slammed into Two World Trade Center with a horrific explosion. Someone cried out, “Not again—why can’t they leave us alone?”

Ran as fast as I could back to my apartment, past the voting booth at One World Financial Center, which was already abandoned.

Our apartment in Battery Park City is four blocks south of the World Trade Center and has a clear view of the twin towers.

**9:08 a.m.** Checked in with Diana—she and the twins were okay. To avoid falling debris, she remained in our apartment. We worried about Josephine, who helps Diana with the children three days a week, since she uses the World Trade Center subway stop. We agreed that I should go to Jennifer’s school to help out.

**9:15 a.m.** Battery Park City had already become the staging ground for ambulances. Walked along the water with throngs of workers leaving from World Financial Center.

**9:20 a.m.** Jennifer’s school was very chaotic. The ball field was being used as a helicopter pad. I was directed to the windowless auditorium, where I met many hysterical parents and sobbing teachers. The children were all watching a cartoon. I found Jennifer and played with her and her friends.

**9:30 a.m.** We were ordered to evacuate the school. A fireman told me in a stern voice to “move the hell out of here.” Thousands of people were walking up the West Side Highway, away from the towers.

<p><b>10 a.m.</b> The first tower collapsed. To distract the kids, I told them, “We’re all so silly for not putting suntan lotion on today,” and we made a game of it.</p> <p>Borrowed a cell phone to see how Diana and the boys were—fine. Josephine had showed up. The windows were all closed and sealed; she had the radio and heavy duty flashlight by her side. Diana is former head of emergency response for the State of New Jersey Department of Health—I knew the boys were in good hands.</p>	<p>Jennifer and I jumped on a crowded uptown train. She immediately fell asleep in my arms.</p> <p><b>4:00 p.m.</b> After dropping Jennifer off at my sister’s, I met Diana and crew walking up 2nd Avenue from the boat dock at 34th. Gave them all a big hug and kiss.</p> <p><b>5 p.m.</b> Headed up to New Rochelle to stay with my parents.</p> <p><b>Night</b> Spent all night trying to track down friends in the neighborhood.</p>
<p><b>11 a.m.</b> Tried to cross the West Side Highway with emergency vehicles racing past us. We went in shifts. It took the kindergartners about ten minutes.</p>	<p><b>Wednesday</b> Went shopping for clothes for the boys, Jennifer, Diana, and myself.</p>
<p><b>Noon</b> Went to check in with Diana again. Cell phones were not working too well and all pay phones had long lines, so I walked a few blocks to the nearest subway, jumped the turnstiles, and used the pay phones there. She was okay, although she could not see out the windows—it was pitch black outside.</p>	<p>Ordered out from a Chinese restaurant. The owners found out that I was at the World Trade Center. Waited in the parking lot for my food. Thought about things for the first time. Went back inside and they insisted I not pay—it was emotionally touching.</p>
<p><b>12:15 p.m.</b> Took Jennifer and some of her classmates to Joe’s Pizza for lunch. Tried to visit a nearby playground but it was closed. There were no cars on the streets of the Village.</p>	<p><b>Thursday/ Friday</b> Went to a book store to get books for the kids. While waiting on line to pay, I realized I was in Borders and it dawned on me that I no longer had a Borders in the neighborhood, nor dozens of other stores that had been in the World Trade Center. The people in Borders made it out okay.</p>
<p><b>1 p.m.</b> Called Diana. They were evacuating our building. We agreed that she should stay there as long as possible to minimize the twins’ exposure to the debris and the long wait to be evacuated.</p>	<p><b>Saturday/ Sunday</b> Diana’s eyes are feeling better and Josephine’s headaches are gone.</p>
<p><b>1:30 p.m.</b> Checked in with Diana. We agreed that I should try to come help.</p>	<p><b>Monday</b> First day back at work. Spoke to several people who had lost someone at the World Trade Center. A parent from the neighborhood asked me to join him in returning to the neighborhood to retrieve some of our belongings. Observations from Battery Park City are as follows:</p>
<p><b>2:30 p.m.</b> Went as far south as we could—Federal Plaza—before we were turned back. Called Diana to tell her to get out of there. We decided to meet at my sister’s apartment at 40th and 2nd.</p>	<p>Jennifer’s school appeared fine (being used as a command post). All of Battery Park City is sealed and patrolled by the National Guard.</p>
<p><b>3:00 p.m.</b> Diana, Josephine, and the boys left our building and walked to Battery Park, where boats typically depart for the Statue of Liberty and Ellis Island. Diana reported seeing dozens of abandoned strollers covered with debris.</p>	<p>Went through Rockefeller Park (the north park of Battery Park City). Someone had placed masks (which I was wearing) on the little statues of cartoon characters.</p>
<p><b>3:30 p.m.</b> Since they were some of the last out of the neighborhood, they have to wait to be evacuated. Eventually, the boys get their first tugboat ride.</p>	<p>Walked past the year-old New York City Police Memorial. Along the Battery Park City promenade, police officers, firefighters, and construction workers were asleep on park benches.</p>



A thirty-foot pile of flattened emergency vehicles was stacked alongside our building as well as a piece of the World Trade Center.

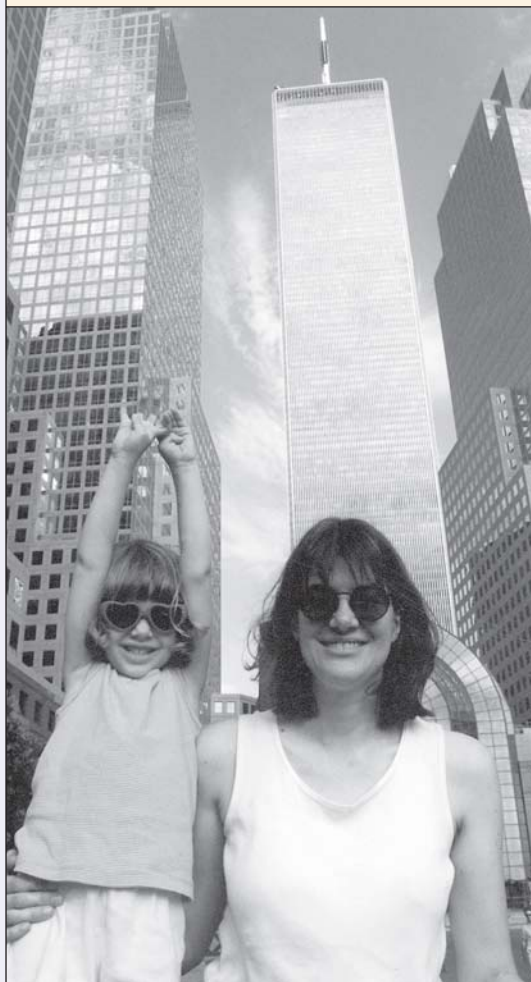
The soccer field by our apartment was covered with tons of paper, presumably from people's desks from the World Trade Center.

Our building was fine. From our apartment on the eighth floor I could see a lot of smoke and steam coming from the fifteen-story frame and rubble of what had been one of the towers.

We were some of the lucky ones.

*This story was condensed from eight pages.  
We apologize for its brevity.*

*Jennifer, daughter of Les Jacobowitz '85 and Diana Kiel M.P.H. '83, poses with her mom near her school well before September 11.*



## Flexible Genes

*This feature on The Hon. George P. Schiavelli '74 [Ret.] was originally published in the April 11, 2001 LA Daily Journal. Copyright 2001 Daily Journal Corp. Reprinted with kind permission.*

**W**hen **George P. Schiavelli '74** left the bench last year to become of-counsel at Crosby Heafey Roach & May's Los Angeles office, a newspaper account implied he did it for the money. He did need more income—to provide for his mother's round-the-clock medical care for Parkinson's disease. But for Schiavelli, 52, the decision was never in doubt. His mother, a former showgirl and model, uprooted herself to move her two young sons across the country after a bitter divorce in the early 1950s.

"As a child, I remember my mother being beleaguered in handling disputes between my brother and me," Schiavelli, who became a full-time arbitrator and mediator last August, says. "But what served her well was that she didn't jump into our disputes too quickly. She always remained flexible."

That relationship between Schiavelli and his mother, coupled with his longtime career as an appellate attorney and appellate court judge, has given him a unique perspective as a neutral. As a mediator, he stays flexible by not only listening to what both sides are saying—something mediators are expected to do—but also by listening to what the parties are not saying. While most disputes on the surface appear financially driven, they often are motivated by something deeper, he believes. Often, he determines what that is by looking into a party's eyes.

"I had one case recently where the person really wanted an apology," he says. "If you can find what the parties are really upset about, you can focus on that and steer them around to where the financial dealings take on less importance."

Mediation, Schiavelli says, "is getting each side to understand that, when the other side is not responding the way [a party] wants, it doesn't mean they're being intransigent. What both sides have to do is recognize both points of view. Then you can mediate."

Schiavelli was raised in New York but moved with his mother and younger brother, Douglas, to Los Angeles when he was 6. A performer with impresario Billy Rose's extravaganzas, Johanna Schiavelli's face appeared on the covers of several magazines and was used on hundreds of billboards advertising Coca-Cola beverages. The same face, as it appeared in the 1940s, appears around Los Angeles on the sides of old diners and on serving trays used to advertise the soft drink.

Growing up in a household with a single mom was a hardship, but Schiavelli and his brother, who died in 1992, never saw their lives that way. "I remember us trying to move into family apartments and being told we were not a family," he says. "But

she provided for us, and all we knew in that house was that we were loved. She made it seem like we were rich."

His mother also taught Schiavelli that he could be successful through sheer will. In fact, when a junior-high-school teacher asked Schiavelli what he wanted to be when he grew up, without hesitation, Schiavelli replied, "Justice of the U.S. Supreme Court." Although he may not reach that goal, he is content with the path his career has taken. "I went from financial sacrifice to financial suicide. That's why I decided not to stay on the bench. But I had to take off the financial burden, if you will," he says, explaining his decision to return to litigation and combine that with assignments from Alternative Resolution Centers.

After graduating from Stanford University in 1970 with a degree in English literature, Schiavelli took a year off to play semi-professional football as a tight end with the San Fernando Valley Free Lancers. "It was a nice break. It gave me the intellectual rest that enabled me to do well in law school," Schiavelli, who finished first in his class of 300, says.

After earning his degree from the University of California, Los Angeles, School of Law in 1974, he went to work for the Los Angeles firm of O'Melveny & Myers, where he specialized in commercial and corporate litigation. He left O'Melveny in 1976 to go with Ervin, Cohen & Jessup, where, as a partner, he focused on unfair competition and trade secret litigation. But not until he

two days, the discussions broke down, but Schiavelli did convince one side that it needed to rethink its position more carefully. Schiavelli sees that as positive. "Even if you don't settle but get the parties to rethink their positions, there's a better chance you will settle later on," he says.

Schiavelli is also known for the astuteness of his legal briefs. "As an editor, he's the best editor I've ever seen, as far as appellate briefs go," Los Angeles sole practitioner Norman Pine says. "First and foremost, you need an incredibly analytical mind. No. two, you need a gift of reducing things to their essence. And No. three, you need a gift of communication. And he excels in all three," Pines says.

An undergraduate major in English helps, Schiavelli says. "George has written some superb papers. He loves to do that," Roy Wuchitech, a partner in Erin Sheppard Mullin Richter and Hampton of Los Angeles who has known Schiavelli for twenty-six years, says. "You have to be very good with language, a creative writer, and be able to work with a huge volume of material and bring it alive. He's extremely good at that."

Affability is another quality that has served Schiavelli well as an arbitrator and mediator. "He has that personality to make people feel comfortable," James Turkin, a partner in the L.A. office of Thelen Reid and Priest who has known Schiavelli for years as an attorney and judge, says.

**"YOU HAVE TO ENJOY DOING LEGAL RESEARCH AND ENJOY THE ANALYSIS. YOU'RE TAKING A RECORD APART AND ANALYZING IT—A RECORD YOU DIDN'T CREATE—AND LOOKING FOR FLAWS."**

joined Horvitz & Levy ten years later did he discover his true love, appellate work.

A judge once told him, "At the trial, you're trying to save the tree. On the appellate side, you're trying to show where the tree fits in the forest." Schiavelli has taken that sentiment to heart. "I enjoy the intellectual challenge of taking a set record and looking at it with different eyes than lawyers at the trial," Schiavelli says. "You have to enjoy doing legal research and enjoy the analysis. You're taking a record apart and analyzing it—a record you didn't create—and looking for flaws."

He was appointed to the Los Angeles Superior Court in 1994 after distinguishing himself as an expert in appellate procedure. His last appointments, in 1999 and again in 2000, were as presiding judge of the court's appellate division. Schiavelli sat by assignment of the chief justice in the Court of Appeal.

Schiavelli draws on that appellate background when he analyzes cases. "I had a situation recently in which I felt I was conducting an oral argument with one side because the other side simply could not present to me a viable legal theory," Schiavelli recalls. "If I were going to persuade the other side that they should alter their settlement position, I needed to do so within an available legal theory, but they had no theory." After

For Schiavelli, a little bit of diplomacy can go a long way. "Lawyers unfamiliar with mediation can get in the way. They'll posture and won't give you an inch," Schiavelli says. "Hopefully, you can get them to let go of that, even if it's a little bit."



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*The Hon. George Schiavelli [Ret.] '74*



1

## CLASS of '55

1. Class of '55
2. (l to r) Marsha Lewin and fiancé Forrest Latimer '55; Joan and John Engman '55; Sanford Ehrman '55 and wife Sally



2



1

## CLASS of '60

1. Class of '60
2. (l to r) Barbara Boyle '60, Stuart Simke '60, Vicki Pass Simke



2

# Reunions

1



3

1. Family of Charlie English '65
2. High Rollers (l to r): Stan Jones '65, Alvin Korobkin '65 (proud father of UCLA Law's Professor Russell Korobkin), and Dick Shay '65.
3. "You haven't changed a bit!" (l to r) Jack Newman '65, Carlos Rodriguez '65, and Larry Nagler '65 ponder graduation photos.
4. Class of '65

## CLASS of '65



4



2



1. Class of '70
2. (l to r) Dean Varat, Dennis Brown '70, John Jakle '70

## CLASS of '70



2



1

1. Will Clarke '75, Moses Lebovits '75, Margaret Levy '75
2. Mark Waldman '75, Stanley Rothbart '75, Miriam Rothbart
3. Class of '75

## CLASS of '75



1



3

2



1. Fish Story (l to r): Darrel Hieber '80, Sig Luther '80, unidentified-yet-amazed fisherwoman, Howard Posner '80
2. Class of '80
3. Class Truants: William Warhurst '80 (l) and Kathleen Hogaboom '80 (r) are brought up to speed on a lecture they missed in Professor Stephen Yeazell's civil procedure class.

## CLASS of '80



1

# Reunions



2



3

## Alumni Mentor Reception September 12, 2001

During August of each year the Office of Alumni and Development and Office of Career Services are busy recruiting alumni and students to participate in the Mentor Program. The program matches first-year students with alumni professionals, who will act as role models and are available to share information with students on an array of topics ranging from insights regarding their practice area or profession to interviewing and networking skills.

This year more than 160 alumni mentors were matched with students, and many alumni are already planning on participating again next year in this rewarding program. We hope that you are interested in acting as an alumni mentor as we strongly believe that our students benefit from your experiences. Please contact Kristine Werlinich, Director of Alumni Relations, at [alumni@law.ucla.edu](mailto:alumni@law.ucla.edu) or (310) 206-1121.



1. Karen Stigler '04 and Donna Dean '96
2. Joe Hilberman '73 and Phillip Carter '04
3. George Halverson '62 and Jon Henderson '04
4. Brent Jex '04 and Paul Beechen '74

# Alumni



## Alumni of the Year Award

1. Honoree Elwood Lui '69 (right) with his wife, Crystal, and son, Christopher.
2. Dan Jaffe '62 and Bruce Clemens '74 were among the many alumni who attended the award ceremony in support of their colleagues and their law school.
3. (Front, l to r) Alumni of the Year for Public Service Elwood Lui '69, Dean Jonathan D. Varat, and Alumni of the Year for Professional Achievement Skip Brittenham '70. (Rear, l to r) Shedrick Davis '87, Vice-President of the Alumni Association; Hon. George Schiavelli [Ret.] '74, President of the Alumni Association. The April 24, 2001 event was the most well-attended Alumni of the Year Award Ceremony ever.
4. Honoree Skip Brittenham '70 (center) is congratulated by Barbara Boyle '60 and Michael A. Helfant '83.



## Alumni and Friends

Please Join

### THE NEAR EASTERN LEGAL SOCIETY (NELS)

Providing Near Eastern students and alumni with a support and education network

NELS has provided the following activities and services to its members:

#### Academic Support:

- Outlines and study guides
- Exam preparation workshops

#### Social Activities & Cultural Programs

- Dinners
- Parties
- Persian New Year

#### Community Service Activities

- Fundraiser for Indian Earthquake Victims
- Minority Admissions Workshop

#### Symposia

- Banished from the Constitution: Immigrants and the First Amendment
- Armenian Genocide: Legal Implications

#### Forums

- Law and the Aftermath of September 11 (co-sponsored by UCLA School of Law and the Student Bar Association)

To join or for more information contact:  
nels@orgs.law.ucla.edu  
<http://www.law.ucla.edu/students/studentorgs/NELS>

*Looking for a way to get involved in your law school community?*

## The Public Interest Law Foundation NEEDS YOU!

### *Sponsor • Donate • Attend*

Please help us raise money for student public interest grants by supporting the following events:

#### **PILF Trivia Challenge—October 23, 2001**

Purchase a ticket and join the fun as students challenge faculty!

#### **PILF First Annual Jog-a-Thon—January 19, 2002**

Sponsor a runner or come run for fun and funds!

#### **PILF Auction—March 1, 2002**

Every year, PILF raises money to provide grants to law students who pursue otherwise unpaid work in public interest organizations. Grant recipients spend the summer working with organizations that serve underrepresented communities and causes. Last year students worked at Public Counsel, Santa Monica BayKeeper, Bet Tzedek Legal Services, Break the Cycle, the L.A. Center for Law and Justice, and other organizations throughout the country.

The most successful events are those supported by alumni and friends.

The favorite auction items are the most creative.

Would you:

- |                                                              |                                                                                                                                       |
|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| ■ Sponsor a student's summer public interest work?           | ■ Donate your firm's tickets to athletic or cultural events?                                                                          |
| ■ Donate travel miles and hotel coupons?                     | ■ Offer a week in your firm's condo, or lunch with your managing partner?                                                             |
| ■ Donate a case, or even a bottle of your favorite wine?     |                                                                                                                                       |
| ■ Donate music, scripts, celebrity posters, and memorabilia? | Let's get creative! Any and all ideas are welcome. Donations are tax deductible and contributions will be acknowledged at the events. |
| ■ Donate a car?                                              |                                                                                                                                       |

If you would like to sponsor a PILF event or program, donate to PILF, attend an event, or learn more about our work and our program, please contact us at (310) 206-8625 or pilf@orgs.law.ucla.edu; or contact Catherine Mayorkas, Director of Public Interest Programs, at (310) 206-9155 or mayorkas@law.ucla.edu.

PILF • UCLA School of Law • Box 951476 • Los Angeles, • CA 90095-1476





Diana Abdullian



Enrico Alis



Michael Alt



Vanessa Alvarado



Elizabeth Andersen



Erin Anzai



Corry Ausink



Peter Ballance



John Baker



Brian Bark



Jennifer Beatty



Ira Bibbero



Daphne Bishop



Heather Blackington-Herd



Jeffrey Blank



Susanne Blossom

# Class Notes

DOUBLE BRUIN **BRUCE I. HOCHMAN '52**, A MEMBER OF THE SCHOOL OF LAW'S INAUGURAL CLASS, DIED AUGUST 12. HE WAS 72. MR. HOCHMAN HOLDS THE DISTINCTION OF BEING THE FIRST GRADUATE OF THE UCLA SCHOOL OF LAW TO HAVE PASSED THE BAR, AS HIS IMPENDING MILITARY ASSIGNMENT CALLED FOR AN EARLY TEST DATE. IMMEDIATELY FOLLOWING LAW SCHOOL HE ENLISTED IN THE JUDGE ADVOCATE GENERAL CORPS OF THE U.S. AIR FORCE. MR. HOCHMAN FOUNDED, IN 1956, THE LAW FIRM NOW KNOWN AS HOCHMAN, SALKIN, RETTIG, TOSCHER & PEREZ, AND PRACTICED CIVIL AND CRIMINAL TAX LITIGATION FOR MORE THAN FORTY YEARS. HE NEVER RETIRED FROM THE PRACTICE OF LAW, AND WAS ACTIVELY INVOLVED IN TAX FRAUD CASES AT THE TIME OF HIS DEATH.

A NATIONAL PRESENCE, MR. HOCHMAN WAS ACTIVE IN JEWISH CHARITIES, PROFESSIONAL ORGANIZATIONS, AND ON THE LECTURE CIRCUIT. HE LECTURED ON RULES OF LAW AND TAX FRAUD TO AGENTS OF THE INTERNAL REVENUE SERVICE. HE ALWAYS WAS PROUD OF HIS ASSOCIATION WITH THE SCHOOL OF LAW AND CONTRIBUTED AS A FOUNDER. HE LEAVES A WIFE, HARRIETT, TWO DAUGHTERS, AND TWO SONS.

## 1950s

**Martin J. Schnitzer '52** was appointed Senior Vice President and General Counsel of Long Term Care Group, Inc., which is engaged in the business of administering long-term care insurance programs for many of the major insurance carriers in the country. This is his first in-house experience after spending his entire career in private practice.

Appellate court **Justice Norman L. Epstein '58** has joined the ranks of the legal giants honored by the Witkin Medal Award he founded nine years ago. Epstein was chosen to receive the 2001 award, which he created in 1993 to honor his longtime friend and colleague, the late Bernard E. Witkin. A five-person panel selected Epstein in secret, surprising him with the news. Epstein received the award at the annual California State Bar meeting, September 8, 2001. Justice Epstein co-authored a respected law resource and has won eight awards for educational contributions and service on the bench, activities that won him the prestigious Witkin Award. The award recognizes attorneys, judges, and legal scholars whose lifetime body of work has altered the legal landscape.

**THOMAS BURKE '65**, THE HEAD OF BROBECK, PHLEGER & HARRISON'S LABOR AND EMPLOYMENT GROUP, DIED JUNE 5 AT THE FIRM'S LOS ANGELES OFFICE. HE WAS 63. A SAN BERNARDINO NATIVE, HE JOINED BROBECK IN 1994 AFTER EIGHTEEN YEARS WITH PETTIT & MARTIN. WITHIN TWO YEARS OF ARRIVING THERE, HE WAS MADE MANAGING PARTNER OF THE LOS ANGELES OFFICE. FOUR YEARS LATER, HE TOOK OVER MANAGEMENT OF THE FIRM'S LABOR AND EMPLOYMENT GROUP, REPRESENTING CLIENTS SUCH AS AIRLINES, CABLE TELEVISION COMPANIES, STEEL MANUFACTURERS, AND HOSPITALS. HE WAS ALSO A LEADER IN THE AMERICAN BAR ASSOCIATION, SERVING AS CHAIR OF VARIOUS EMPLOYMENT-LAW COMMITTEES. AN EXPERIENCED TRAVELER, HE OFTEN VISITED FRANCE'S WINE COUNTRY AND HAD TREKKED THROUGH NEPAL. HE ALSO LOVED TENNIS AND BICYCLING. HE IS SURVIVED BY HIS WIFE, JUDY, THEIR FOUR CHILDREN, AND TWO GRANDCHILDREN.

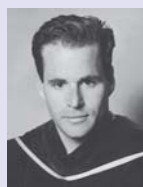
## 1960s

*California Law Business* named **David R. Carmichael '67**, Senior Vice President of Pacific Life Insurance, to its annual list of California's top fifty counsel.

**Martin Majestic '67** has joined the firm of Finnegan Henderson Garrett & Dunner in their Palo Alto office.



Brady Bustany



Christian Buckley



Marti Breier



Hardip Brar Passananti



Erica Bose



Marina Bogorad



Star-Shemah Bobatoun



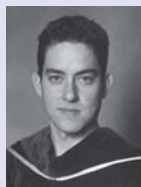
Eric Buhr



Michael Byerts



Laura Cadogan



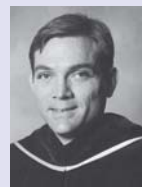
Daniel Callender



Maren Calvert



Camille Carey



Eric Carpenter



John Carrigan



Kelly Casillas



Claudia Castillo



York Chang



Gary Chartier



Melanie Chavira



Ji-Li Chung



Chi-Ling Chen



Ronnie Cheung



Jennifer Chow



Ben Chung



Joseph Cilic



Lee Crawford



Ana Damonte



Lina Davidian



Marisa Deutsch

FEW PEOPLE REALIZE HOW PERFECTLY **Ed Amos Jr. '66**, A GIFTED LITIGATOR AND PERSONAL INJURY LAWYER WHO PASSED AWAY MARCH 28 FROM COMPLICATIONS OF EMPHYSEMA, WOULD HAVE FIT IN AS A LAW STUDENT AT UCLA IN 2001. LIKE SO MANY OF TODAY'S STUDENTS, HE CAME TO LAW AS A SECOND—OR THIRD CAREER. FOLLOWING GRADUATION FROM THE UNIVERSITY OF PITTSBURGH, AND AFTER SERVING IN THE KOREAN CONFLICT, HE STARTED A FAMILY OF THREE CHILDREN AND SUPPORTED THEM AS A STONEMASON. AT AGE 35 HE DECIDED TO PURSUE A LIFE-LONG DREAM, AND WITH HIS WIFE EDITH'S BLESSING, HE ENROLLED AT UCLA SCHOOL OF LAW. TODAY MR. AMOS WOULD BE AIDED WITH MODERN TECHNOLOGY, A FABULOUS LIBRARY, AND A STUDENT SUPPORT SYSTEM—OWLS (OLDER AND WISER LAW STUDENTS). BUT MR. AMOS RELIED ON

HIS FAMILY AND THE COLLEGIALLY OF HIS MUCH YOUNGER CLASSMATES TO BALANCE WORK AND SCHOOL.

AFTER GRADUATION, MR. AMOS WORKED FOR FIVE YEARS IN THE CITY ATTORNEY'S OFFICE AND THEN MOVED TO CHERNOW & LIEB, WHERE HE SPENT THE REMAINDER OF HIS CAREER. MR. AMOS IS REMEMBERED FOR HIS EXCELLENCE AS AN ATTORNEY, BUT MORE IMPORTANTLY TO HIS FAMILY, AS A "GENTLEMAN'S GENTLEMAN." "THAT'S WHAT REALLY TOUCHES ME THE MOST," REFLECTED HIS SON, NOTED NEUROSURGEON DR. ED AMOS III, "AT HIS MEMORIAL SERVICE, THE LEADING ATTORNEYS IN HIS FIELD SHARED STORY AFTER STORY ABOUT HIS KINDNESSES, HIS CIVILITY, AND GRACIOUSNESS. IT'S WHAT A LAWYER SHOULD BE. IT'S WHAT A PERSON SHOULD BE. I AM SO PROUD OF MY DAD."

California Law Business named **Louis M. Meisinger '67**, Senior Vice President of Walt Disney, to its annual list of California's top fifty counsel.

**William Roth Jr. '67** has been living in Thailand since August 1996. For the past four years he has been a lecturer in the Department of English at Chulalongkorn University, Bangkok.

The May 7, 2001 issue of the *National Law Journal* profiled the Los Angeles legal search firm of Waldorf Associates, Inc. **Michael Waldorf '67**, president of

the firm, is also a founder of NALSC, and served on its Board of Directors and as chair of its Ethics Committee. He is also past president of the **UCLA Law School Alumni Association**.

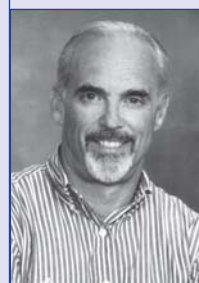
**Steven Wawra '67** announces the formation of Wawra Dispute Resolution. Steven spent sixteen years in general counsel offices of three corporations—eight years as general counsel and senior vice president of Mitsui Real Estate Sales USA Co., Ltd., three years as associate general counsel of Vidal Sassoon, Inc., and five years as assistant general

counsel and corporate secretary of a publicly-held financial service company.

Heller Ehrman White & McAuliffe has named **David Geerdes '68** managing partner of its forty-two-attorney San Diego office. He practices in labor and employment law and general litigation, advising clients on labor relations, union matters, management organization, business strategies, employee matters, negotiations, litigation strategies, and avoidance.

**Tom Larmore '68**, partner in the Santa Monica law firm of Harding, Larmore, Kutcher & Kozal, has been recognized by the Santa Monica Chamber of Commerce with a President's Award for his extraordinary work on behalf of the business community. This is the third time that Tom has been honored with the President's Award for his countless hours of volunteer work representing the interests of local businesses.

California Law Business named **Eberhard G.H. Schmoller '68**, Senior Vice President of CNF Transportation, to its annual list of California's top fifty counsel.



*ForeWord Magazine*—a high honor for a first-time author.

The first book in the "California Chronicles" trilogy of historical fiction, *Pale Truth*, by **Daniel Alef '69**, has been named Book of the Year in General Fiction by



Jeffrey Diener



Tracy Ding



Lisa Dittman



Nicholas Donovan



Elizabeth Downey



Harry Enfijan



Martin Ericson



Jessica Farthing

The Bush administration and California's two Democratic senators have reached agreement on a process for judicial nominations that will give each party significant ability to veto potential judges. The central element of the process will be a bipartisan Judicial Advisory Committee. The panel will have subcommittees in each of the state's four federal judicial districts. Those subcommittees will be composed of three Democratic and three Republican members. A judicial nomination will be forwarded to the White House only if it gets at least four subcommittee votes. The Los Angeles subcommittee will be chaired by **Elwood Lui '69**, a former state Court of Appeal judge who is now a partner at Jones, Day, Reavis & Pogue, one of the nation's largest law firms. Judge Lui received the 2001 UCLA Law Alumni of the Year Award for Public Service.

Noted entertainment lawyer **Ken Meyer '69** has joined Bryan Cave LLP, one of the nation's largest law firms, as of counsel to lead the firm's entertainment industry practice based in Santa Monica. Ken began his career with a prominent entertainment law firm, where he was a partner, specializing in motion picture and television production and distribution agreements, joint ventures, and other financing arrangements, as well as individual talent representation. For the past five years, he has built his own private law practice. Previously, he was Senior Executive Vice President of Metro-Goldwyn-Mayer, Inc., where he supervised legal and administrative areas, as well as television production and distribution. He also served as Executive Vice

President and General Counsel of MTM Entertainment, Inc.

**Lon Sobel '69** has been named a Distinguished Scholar at Boalt Hall and its Berkeley Center for Law and Technology. He joins the Center after a long career in legal education, including fifteen years as a Professor at Loyola Law School and a year as a Visiting Professor at **UCLA School of Law**, where he taught copyright and entertainment law, and two summers in London where he taught international entertainment law for the University of San Diego Law School. He will continue as editor of the *Entertainment Law Reporter*, a monthly periodical he founded twenty-three years ago. He and his wife Carol live in Santa Monica.

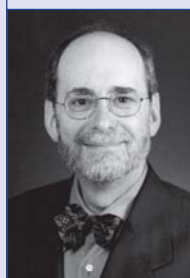
## 1970s

After practicing law for twenty-eight years, Renaissance Man **Richard Blacker '72**, retired. His first three years were with Ervin, Cohen and Jessup in Beverly Hills, then he was with Weissburg and Aronson, Inc. in Century City, which, in 1996, merged with Milwaukee-based Foley and Lardner. Most of Richard's career involved counseling and providing transactional services for nonprofit organizations and for health care organizations and professionals. His legal career followed a much shorter (eight years) career in chemical engineering research and development on the East Coast. This coming fall he will start work on his second bachelor's degree at Loyola Marymount University in Los Angeles, where he will major in music, with an emphasis on music theory and

composing. Richard said, "It remains to be seen whether this will lead to career number three."

Television personality Judge **Joe Brown '73** was honored at the 23rd annual United Blackmen of Fresno Community Awards Banquet at the Radisson Hotel in downtown Fresno. Founded in 1979, the Fresno organization's goal is to educate African-American boys and teenagers about dignity, God, a strong work ethic, self-worth, and family values.

Judge Brown, in accepting the award, talked about altruism and unselfish concern for the welfare of others. To illustrate a point, he pointed toward a former **UCLA Law** classmate, Fresno lawyer **Willie J. Smith '72**. He told the crowd how Smith was a defensive tackle on the 1966 Rose Bowl football team and through sheer determination helped win the game. "But if you don't have your act together, you can't do it for someone else," he said.

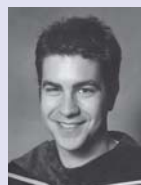


**Joshua Dressler '73** has joined the faculty at the Michael E. Moritz College of Law at The Ohio State University. Joshua, the Edwin M. Cooperman Designated

Professor of Law, is consistently ranked among the top five criminal law scholars in the U.S. He was formerly a faculty member at McGeorge School of Law at the University of the Pacific in Sacramento, Calif.



Tzvia Feiertag



Chad Fitzgerald



James Fitzgerald



Nancy Fong



Samuel Fortenbaugh



Steven Friend



Blanca Fromm



Olga Fuentes



Bruce Gibney



Susan Gerin



Rasha Gerges



Oliver Genicot



Amy Gaylord



Anupama Gandhi



Linda Funasaki





Jeffrey Goldberg



Lee Goldberg



Maya Golden-Krasner



Sean Goldstein



Thelma Gonzalez



Jennifer Gould



Trenton Goulding



Gina Gutierrez



Dinh Ha



Matthew Hayes



Randall Hegarty



Carrie Hellwig



Susan Heydenrych



Elizabeth Hisserich



Pui Ho



Phuong Hoang



Joy Holman



Janet Hong



Cara Horowitz



Crystal Howard



Katherine Hsu



Connie Hum



Tamlyn Hunt

**Robert Fischer Jr. '73** has joined the Los Angeles office of Fulbright & Jaworski, LLP. As a partner, his practice will continue to focus on commercial litigation, including securities, real estate, and insurance matters, as well as general business counseling. Before joining the firm, Robert was a partner with Dewey Ballantine, LLP.

**Laura K. McAvoy '73** has joined Jackson, DeMarco & Peckenpaugh (JD&P) as a shareholder. She will be based in the Westlake Village office. Laura is a long-time business attorney from Ventura County who represents organizations in various industries as general counsel, including oil, real estate, agriculture, and other businesses.

**Victor Kenton '74** has been appointed U.S. Magistrate Judge. He will preside over matters in Los Angeles.

**Bob Kirschenbaum '74** reports that he is a partner with Baker & McKenzie, affiliated with their Palo Alto/San Francisco office and specializing in international taxation matters. He steadfastly remains an Arizona resident (where he has resided since law school with his wife of thirty years, Ellen). They have two children—Amy, a recent Yale graduate, and Scott, a Yale sophomore.

**Richard Yang '74** faxed us an update on what he has been doing. "After over twenty years of commuting to midtown and downtown L.A., I opened up my own law firm on the Westside. Now I have a five-minute commute and can't believe I put up with the drive and traf-

fic jams for so long. I even get home for lunch and dinner with my wife almost every weekday—another first! I'm still learning the tough and rough ropes of being a solo, but I really don't miss the partner meetings and staff/personnel hassles of the past. Best of all, I'm very close to my dear alma mater, so I'm hoping to be at EVERY basketball game at Pauley from now on! I truly enjoy and continue to emphasize real estate, business/LLC/corporate and commercial/banking law, and I have a large practice in trusts and estate planning. Luckily, I've gotten used to e-mailing, faxing, and teleconferencing. So, my move out west should be hardly noticeable, I hope! At home, our daughter Lauren is graduating from UC San Diego next month with degrees in urban studies and economics. She will be spending the next year in Japan teaching English to youngsters through a joint Japanese-American Embassy program. Our son Kyle is finishing his first year as a second-generation Bruin, which makes dad and mom very proud (and grateful too). Going to the games at the Rose Bowl and Pauley Pavilion are even more fun now, as we all try to spot each other across the field/court with binoculars and debate the plays by cell phone."

The May 7, 2001 issue of the *National Law Journal* profiled the Los Angeles legal search firm of Seltzer Fontaine Beckwith. Among the firm's members is **Sandra Kass Gilman '75**, past chair of the **UCLA School of Law Dean's Annual Fund**. She is also a board member of the Los Angeles JD/MBA Association. Sandra has written an article about planned giving for this issue of the *UCLA Law Magazine*.

*California Law Business* named **Mark D. Michael '77**, Senior Vice President of 3Com, to its annual list of California's top fifty counsel.

**Rene Pimentel '77** founded the Riverside Latino Film Festival late last year. Rene, who handles personal injury and workmen's compensation cases, got a local law firm to set up a nonprofit organization called Chicharron to produce the festival and other future cultural events. He'd convinced friends to put some money in the foundation and soon he had lined up some of the sponsors. Rene and his partners were able to get nine feature and documentary films for their brand-new festival.

**Fred Sainick, '77**, a 1974 UC Irvine graduate and a UCI Alumni Association officer, is the UCI's association's choice as Alumnus Regent for the University of California for the next two years. Fred is a partner in the Newport Beach law firm Sainick & Coté.

Rudloff Wood & Barrows in Emeryville has taken on **Stephen Barry '78** as an associate. Stephen comes to the property insurance and bad faith defense firm from Hagenbaugh & Murphy in Glendale, where he worked as an associate in insurance defense, insurance coverage, and business litigation.

Veteran federal prosecutor **Patrick K. O'Toole '78** was sworn in June 2, 2001, as interim U.S. Attorney for San Diego and Imperial Counties. Patrick, appointed by Attorney General John Ashcroft, will serve until a permanent U.S. Attorney is nominated by President Bush and confirmed by the Senate. Patrick—a politi-



Shelly Hurwitz



Allison Hyatt



Paul Iannicelli



Alexa Isbell



Ur Jaddou



Brewster Johnson



Anne Jollay



Andrew Jones

cal independent not registered with any party—is not a candidate for the permanent job, which is all but certain to go to a Republican. “The permanent position is a political position,” he said. “I generally describe myself as nonpartisan.”

**James G. Scadden '79** has joined the San Francisco office of Carroll, Burdick & McDonough LLP as a partner after having been a name partner in the San Francisco-based Scadden, Hamilton & Ryan. He will continue to focus his litigation defense practice on all aspects of products liability, professional negligence, suspected fraudulent claims, construction defect, and general commercial litigation matters. His experience includes multiple arbitrations and mediations, as well as numerous jury trials ranging from motor vehicle accident cases to multimillion dollar asbestos actions against manufacturers of industrial equipment. Before founding his own firm in 1991, James was a partner with Los Angeles-based Shield & Smith, where, with two other partners, he established the firm's San Francisco office in 1989.

**Geraldine A. Wyle '79** joined the firm of Ross, Sacks & Glazier. She formerly was with Gibson, Dunn & Crutcher, and Valensi, Rose & Magaram. Her practice emphasizes estate and trust litigation and administration, with past experience in general business litigation. She also has extensive appellate experience.

## 1980s

*California Law Business* ranked **Anne O. Baskins '80**, Vice President of Hewlett-Packard, the number-one attorney in its annual list of California's top fifty counsel.

**John T. Rogers Jr. '81** has joined the firm of Holland & Knight LLP. Specializing in the administration and taxation of trusts and estates, with an emphasis on fiduciary responsibility and related litigation, John has represented fiduciaries (both corporate and individual) and beneficiaries in a variety of highly complex matters. He is a certified specialist in estate planning, trust and probate law (California Board of Legal Specialization), and a Fellow of ACTEC. Before joining Ross, Sacks & Glazier in 1996, he was a partner in the trusts and estates department of Parker, Milliken, Clark, O'Hara & Samuelian.

**Cara R. Richter-Daneman '82** has become a partner of Buter, Buzard & Dunaetz LLP, a Brentwood law firm specializing in family law. Cara and her husband, Kenneth Daneman, have two sons, Jonathan, 12, and Noah, 10.

**Victoria Jacobs '82**, has accepted a position as managing attorney of the Voluntary Legal Services Program of Northern California, a Sacramento-area pro bono program that provides volunteer attorneys to assist low income people with their civil law problems. [vjacobs@vls.org](mailto:vjacobs@vls.org).

**Lawrence M. Chew '83** was appointed associate general counsel at Franklin Templeton Investments, an investment management and mutual fund company.

**David R. Kuhlman '83**, who joined Procopio, Cory, Hargreaves & Savitch LLP on May 1, 2001, will serve as of counsel on Procopio's litigation team.



**Frank Salazar '83** was elected vice president and to the executive committee of Sutin Thayer & Browne. Frank practices primarily in the areas of construction law, government contracts, commercial litigation, and commercial lease matters.

The law firm of Sheppard, Mullin, Richter & Hampton LLP announced that **Guy N. Halgren '84** has been elected chair of the firm's executive committee. Guy is a labor and employment attorney. He joined Sheppard Mullin's San Diego office shortly after it opened in 1986. He is the first San Diego-based chair in the firm's history. Guy's principal area of practice is general employment and labor law. He has a special expertise in handling wage/ hour class actions, having represented employers in more than a dozen such cases in recent years. He currently serves as Chair of the Wage and Hour Subcommittee of the National Retail Federation's Committee on Employment Law and is a consultant to the Continuing Education for the Bar publication "Handling a Wrongful Termination Action." He is past chair of the San Diego County Bar Association Labor and Employment Law Section and is a member of the Labor and Employment Law Sections of the American Bar



Derek Jones



Gail Kahan



Sara Kamienowicz



Caryl Karnuk



Patricia Keane



Hans Keeling



Caroline Keller



Talin Khachatryan



Denise Kramar



Jolene Konnersman



Shino Komine



Jeffrey Klein



Danielle Klausner



Benjamin King



John Kim



Noah Krasner



Ross Kutash



Su Kwak



Christy Kwon



Nazanin Lahijani



Keith Larson



William Lavery



Jane Lee



Soomee Lee



Susan Lee



Lisa Lenker



Kevin Leung



Amy Levine



Guang Li



Emily Lieberman



Michael Lopez



Amanda Loveland



Quan Luc



Marc Luesebrink



Karen Macarah



Emily Mah



Ryan Mallen



Rachelle Mandel

Association, the California State Bar Association, and the San Diego County Bar Association.

Gov. Gray Davis has named San Diego lawyer and Deputy Senior Assistant Attorney General **Laura Whitcomb Halgren '84** to the San Diego Superior Court.

**Dan Olivas' '84** first book, *The Courtship of María Rivera Peña: A Novella*, was published in December 2000 by Silver Lake Publishing. The novella is loosely based on his paternal grandparents' migration from Mexico to Los Angeles in the 1920s. His fiction and poetry also have been featured in several anthologies, including a children's collection of thirteen Latino writers, *Love to Mamá: A Tribute to Mothers*, edited by Pat Mora and published by Lee & Low Books in April 2001. During the day, Dan is still a California Deputy Attorney General specializing in land use and environmental enforcement. Dan and his wife, **Susan L. Formaker '84**, recently moved deeper into West Hills (San Fernando Valley), where their son Benjamin is "having a blast enjoying the hiking trails just beyond their backyard."

Skadden, Arps, Slate, Meagher & Flom LLP has made a precedent-setting gift of \$400,000 to endow the annual UCLA Law Review Symposium in perpetuity. **Harriet Posner '84** and **Jeffrey Cohen '88**, both partners in the firm's Los Angeles office, were instrumental in helping secure this gift. Harriet said, "The UCLA School of Law provides an excellent foundation for a career in law,

and we are delighted to support such a fine institution."

President George W. Bush announced his intention to nominate five individuals to serve in his administration, among them, **James Edward Rogan '83** for the post of Under Secretary of Commerce for Intellectual Property and Director of the U.S. Trademark Office. James served in the U.S. Congress from the State of California from 1997 to 2001 and was a member of the California State Assembly from 1990 to 1994. He is currently a partner with the firm of Venable in Washington, D.C.

*California Law Business* named **Doug Scott '84**, Senior Vice President of Science Applications, to its annual list of California's top fifty counsel.

**Val Ackerman '85**, president of the Woman's National Basketball Association (which includes the Sacramento Monarchs), is one of the keynote speakers at The Sacramento Bee's eighth annual A Woman's Day Professional Conference & Exposition at the Sacramento Convention Center on Thursday, Oct. 18, 2001. The other keynote speakers are Tipper Gore and Dr. Bertice Berry, a lecturer, comedian, and author. Val started her career as a staff attorney with the NBA in 1988. As a member of the Board of Directors of USA Basketball, she also helped create the 1995-96 USA Basketball Women's National Team program, which culminated with a gold medal performance at the 1996 Summer Olympics in Atlanta. She graduated from the University of Virginia in 1981,

where she was a four-year starter for the women's basketball team. She later played one season of professional basketball in France before attending the UCLA School of Law.

The May 7, 2001 issue of the *National Law Journal* profiled the San Francisco legal search firm of Major, Hagen & Africa. Among the firm's star members is **Charles Fanning Jr. '85**, who is also co-founder of a publication that focuses on teaching developments in the field of employment law.

**Stacey Snider '85**, chair of Universal Pictures, received The H.E.L.P. Group's 2001 H.E.L.P. Humanitarian Award at The Teddy Bear Picnic, the group's 24th annual spring luncheon. A Los Angeles-based nonprofit organization, The H.E.L.P. Group is dedicated to serving children challenged by autism, Asperger's Syndrome, learning disabilities, emotional development problems, mental retardation, abuse, and neglect. The H.E.L.P. Group has a long-standing tradition of honoring organizations and individuals that have made important and enduring contributions to furthering the causes of children. Stacey was appointed chair of Universal Pictures in November 1999. During her tenure, Universal broke its all-time domestic box office record in both 1999 and 2000, and recently broke the billion-dollar mark in domestic box office for the first time in its history. It broke its all-time international record in 1999, and, in 2000, became the first studio in modern box office history to open five consecutive films at number one. With the recent





Heather Marlow



Maria Martínez



Tanya Mason



Sandra Matrick



Ronald Matten



Eve McCabe



Daniel McQueen



Steven Megibow

opening of *The Mummy Returns*, the studio had the second biggest opening of all time and the biggest ever non-holiday opening in history. *Variety* has named her entertainment business woman of the year.

Need2Buy has named **Kevin Frankel '86** Senior Vice President, Business Development and General Counsel. Most recently, Kevin was Senior Vice President of Operations and General Counsel for Aurora National Life Assurance Company.

**Mark Peterson '86** and **Lily Chau-Chow '87** have formed a new litigation boutique, Peterson, Picker, Chow & Freisleben. The firm is based in Newport Beach, with an office in Los Angeles, and will handle civil and business litigation.

**Robert Sacks '86** and Margaret Lodise '88 have started their own firm, Sacks, Glazier, Franklin & Lodise LLP. Their practice will focus on trust, estate, and conservatorship litigation and administration.

After graduating, **Frank Bennett '87** took a teaching post in the University of London (teaching Japanese law). Three years ago, he moved to Nagoya University in Japan, where he teaches comparative law and the emerging law of the Internet. Frank publishes a daily newsletter on Internet-related Japanese legal developments: <http://www.nomolog.nagoya-u.ac.jp/~benett/jen/>.

Los Angeles Mayor elect James Hahn named **Tim McOsker '87** to one of the most powerful jobs in Los Angeles. As

Hahn's chief of staff, Tim will be the gatekeeper, the top aide to the mayor of the nation's second-largest city. As Hahn's first appointment, he will have to assemble the rest of the mayor-elect's new staff. After law school, Tim worked for a downtown firm that specialized in municipal law, then as deputy city attorney in Long Beach. He returned to private practice before Hahn hired him in 1997. The two had met through law conferences and other business functions.

*California Law Business* named **Lauri Shanahan '87**, Senior Vice President of The Gap, to its annual list of California's top fifty counsel.

Skadden, Arps, Slate, Meagher & Flom LLP has made a precedent-setting gift of \$400,000 to endow the annual UCLA Law Review Symposium in perpetuity. **Jeffrey Cohen '88** and **Harriet Posner '84**, both partners in the firm's Los Angeles office, were instrumental in helping secure this gift. Jeffrey said, "We look forward to the close relationship with the law school community that our involvement with the Symposium will provide."

**Carlos Goodman '88** was featured in a *California Law Business* article, "20 Under 40", the annual picks of up-and-coming attorneys making their mark on the state's legal profession. Carlos is a partner at Lichter Grossman Nichols & Adler.

**Scott Lengua '88** is living in Israel with his wife Carrie and their three daughters, ages 5, 2, and 5 months. He has recently joined the Ecom Group as a founding partner. The Ecom Group is a venture

capital investment company that provides funding and hands-on support to Israeli technology companies that serve the internet infrastructure, software, and telecommunications markets. You can e-mail scott at: [scottl@emicomgroup.com](mailto:scottl@emicomgroup.com).

**Margaret Lodise '88** and **Robert Sacks '86** have started their own firm, Sacks, Glazier, Franklin & Lodise LLP. Their practice will focus on trust, estate, and conservatorship litigation and administration.

**Michelle Sherman '88** has been appointed to the position of Deputy Public Defender for Los Angeles County.



**Thomas A. Marrinson '89** is a founding partner of Mulroy, Scandaglia, Marrinson, Ryan in Chicago. The firm opened January 17, 2001. Thomas was formerly with Jenner & Block.

## 1990s

Haight Brown & Bonesteel announced that **Michael Pérez '90**, who served as counsel to former Attorney General Janet Reno and Deputy Attorney General Eric Holder, has joined the firm as partner. Based in the firm's San Diego office, Michael will work with clients on business litigation and international business transactions throughout the United States and Latin America. His practice will focus on civil litigation in the areas of intellectual property, employment law, and fiduciary matters.



Jasmine Mehta



Damon Mircheff



Aaron Moore



Leanne Mouw



Amanda Nagata



Sarah Netburn



Yvette Neukian



Katharine Pagon



Thomas Owen



Nick Ortiz



Michael Orlando



Kristina Ommé



Norman Norton



Rebekka Noll



William Nguyen



Daniel Palumbo



Young Park



Danielle Perry



John Pomeroy



Herbert Poon



Paul Previde



Andre Quintero



Jeffrey Raven



Julie Remer



Mary Reynolds



Devin Robinson



Michelle Rojas



Paul Rose



Pat Rosvall



Michael Roth



Karen Ruthig



Joshua Sandler



Sanematsu, Shirley



Miguel Sanqui



Amparo Saucedo



Thad Schaefer



Jennifer Schmied



Kristen Schultz

Kendig & Ross partner **Jeffrey W. Cowan '91** continues to weave magic into the law, honing his sleight of hand and fire-eating skills. He occasionally performs at the Magicopolis nightclub in Santa Monica and still moonlights at local corporate events. Classmates who would like to enjoy an evening at the Magic Castle should e-mail Jeffrey at [jwcesq@pacbell.net](mailto:jwcesq@pacbell.net).

**Dawn Weekes Glenn '91** and **Myron Glenn '90** have a daughter, Danielle, who is almost 2. Dawn is a partner at Arnold & Porter in Century City, where she handles entertainment and employment transactional matters. [dawn\\_glenn@aporter.com](mailto:dawn_glenn@aporter.com).

After more than five years of practicing personal injury law in private practice, **Kenneth C. Goodsell '91** now represents immigrants seeking asylum in the United States. Ken's office is in Rosemead and he primarily services the local Asian immigrant community. He is married to Allyson Paull and they live in San Marino with son Chase, 4, and daughter Madelyn Claire, 2.

**Richard D. Greta '91** is of counsel to Mayer, Brown & Platt in Los Angeles, where he does corporate, securities, and financing work. He is the father of two daughters and continues to create some of the best barbecue—including his secret sauce—found outside of a restaurant. Rich invites classmates who want to catch up or go golfing to contact him at [rgreta@mayerbrown.com](mailto:rgreta@mayerbrown.com).

**Nancy Kardon '91** is an Assistant U.S. Attorney in Los Angeles, where she works in the major crimes section prosecuting violent crimes and is the office's coordinator of prosecutions involving violence against women. She juggles these duties with caring for her two young sons Steven, 5, and Andrew, 1.

**James Menton Jr. '91** specializes in commercial litigation at Manatt Phelps & Phillips and enjoys traveling. He recently visited Argentina, Chile, Gabon, and Tibet. He also has run the L.A. marathon and was featured in a local television commercial in which he played Forrest Gump.

**Luz Nagle LLM '91** was recently granted tenure by Stetson University Law School. In addition, Luz has just received the Learned Hand Award for Excellence in Scholarship, the highest faculty award that Stetson gives and one that had not been received by a law faculty member for many years.

After nearly five years at Warner Bros., where he headed up the business and legal affairs department for the International TV Production division, **Adam Rosen '91** recently joined RKO Pictures as head of business affairs and general counsel. Adam is married, has two children, and lives in Los Angeles.

**Laurie J. Falik '92** has joined Carroll, Burdick & McDonough LLP after serving as litigation counsel with the global insurance brokerage firm Aon Corp., where she worked in the company's in-house trial department. In 2000, Falik was selected by *California Lawyer* as one of its Lawyers of the Year.

ArQule, Inc. announced the appointment of **Michael Rivard '92** to the newly created position of Vice President, Strategic Development. In this role, Michael will take full-time responsibility for the assessment and acquisition of new technologies and capabilities which ArQule will need to access as it builds a drug discovery organization. He will also continue to manage ArQule's intellectual property portfolio. Michael joined ArQule in 1997 and has held the position of Vice President, Legal and General Counsel.

In January 2001, **Tony Rodriguez '92** became a partner at Morrison & Foerster and will move from the Walnut Creek office to the San Francisco office in mid-2001, continuing his commercial litigation practice. Tony and his wife Dorothy have a son (Jason, 6/98) and a daughter (Lauren, 7/00).

**David Byrnes '93** was featured in the July 30, 2001 addition of *California Law Business*. The article, "Reluctant Self-Promoter Hits Right Notes," discussed Byrnes' practice that divides his time between talent and company-side representation and negotiating for music publishers, talent managers, and film companies.

**Jonathan Drimmer '93** was featured in the May 2001 premier issue of *JD Jungle*. On the next page is an excerpt from the article "Underage Advancement: Fab Four." The entire article is available at [jdjungle.com](http://jdjungle.com).



Charlotte Scott



Lisa Sergi



Allen Seto



Christa Shaw



Paul Shen



Elizabeth Siebel



Scott Silverman



David Simonds

Prosecuting Nazi war criminals for the United States Department of Justice can be slow going. Jonathan Drimmer gets the job done fast. Since joining the D.O.J.'s elite Office of Special Investigations (O.S.I.) three years ago, the thirty-two-year-old **UCLA Law** grad has had a hand in a half-dozen war-crimes convictions and deportations, and he's pitched in on several others. Those are big numbers in the Nazi-hunting business, in which some suspects have avoided capture for more than fifty years.

Drimmer's targets have included a former Treblinka labor camp guard; a Lithuanian auxiliary policeman who held some 4,000 Jews prisoner until they were executed by a mobile killing squad; and a Ukrainian accused of collaborating in the mass liquidations of the Warsaw and Bialystok ghettos. For two years running, Drimmer has received the U.S. Attorney General's Meritorious Award for outstanding job performance. But his biggest payoff comes the moment he introduces himself to his elusive quarry. "There's this instant of recognition," he says. "They know I've got them."

**Judith Gordon-Posner '93** married Barry Posner on March 10, 2001, in Santa Monica. Judy also left Horvitz & Levy LLP and has joined the appellate group in the Los Angeles office of Crosby, Heafey, Roach & May.

**Brian Jones '93** was featured in the June 23, 2001 issue of *The National Journal*, Education Department Profiles. Below is an excerpt.

*Brian W. Jones '93 is General Counsel (designate) and a rising black conservative star member of the Federalist Society. Jones,*

*32, was initially approached by the Bush Administration for a Justice Department job as assistant attorney general for civil rights, but had more interest in a job at Education, and got the post of general counsel.*

*In 1995, Jones left a San Francisco antitrust law practice to help launch the Center for New Black Leadership in Washington. As president of the center, he took an interest in school vouchers for poor children and advocated the establishment of a pilot program in Washington, D.C. He also served as an analyst on MSNBC—on everything from Israel to the new Coca-Cola can.*

*A graduate of the University of California at Los Angeles Law School, Jones spent a year as counsel to the Senate Judiciary Committee before shuttling back to California to be general counsel for then-Gov. Pete Wilson, who was implementing a statewide education test and facing legal challenges of discrimination. He quickly became a believer in tests and their importance to the California reform effort.*



**Gerda Kleijkamp LLM '93** (far left) wrote in that the LL.M. class of 1993 held a reunion in Miami Beach, Florida, in April. They toured the art deco district, enjoyed the outdoors, and caught up with each others' careers. (l to r) **Gerda Kleijkamp, Veronique Huysmans, Maike Lüdersen, Fabiana Lacerca, and Kirstin Pollack.**

**Scott Masel '93** proposed to **DoQuyen "Do" Nguyen '93** on January 20, 2001, on a Florida beach, with a jazz band surprising Do with Duke Ellington and George Gershwin tunes. Scott and Do are planning a September 1, 2001 wedding in Miami. They met at UCLA, where they were in the same first-year section, and Do had to restrain Scott from repeatedly discussing Professor Asimow's contracts course just so he could say "barf test" over and over again.

**Datev Shenian '93** has joined the Los Angeles office of Leland, Parachini, Steinberg, Matzger & Melnick, LLP as a senior associate. Datev was previously employed at the Beverly Hills boutique firm of Vorzimer, Masserman & Chapman. His current practice includes business litigation and transactions, commercial law, intellectual property, employment law, and real estate.

**Bojan Bugarcic's LL.M. '94** article, "Courts as Policy-Makers," has been published in the winter 2001 *Harvard International Law Journal*. In an e-mail to Professor Joel Handler, Bojan wrote, "I am especially indebted to you: without your help and support this would not be possible. I am also indebted to the entire UCLA faculty."

**Rafael Icaza '94** has announced the formation of a new partnership, Duran, Ochoa & Icaza. The Berkeley-based firm will practice in the areas of civil and environmental litigation, personal injury, employment, wills and trusts, immigration, insurance law, and workers compensation.



Leah Smith



Meg Smith



April Snyder



Justin Sobodash



Anna Song



Steven Sorell



Julie Stewart



Michelle Sugihara



Stacy Tolchin



David Theaker



Scott Tenley



Sarah Taylor



Ovsanna Takvoryan



Mark Takla



Gene Takagi





Andrea Toy



Timothy Tree



Spencer Turnbull



Erin Walsh



Stephanie Wargo



William Watkins



David Watts



Chanda Weber



Nina Wessel



Syd Whalley



Gregory Williams



Joanna Wolfe



Aran Wong



Lily Wong



Virginia Wong



Sophy Woodhouse



Kim Worobec



Alison Yager



Siana Yanchio



Rebecca Yee



David Yeremian



Deborah Yin



Jordan Zamir

**Michael Chang '95** spoke at the IT Business Development Mission to Tokyo (May 13–16, 2001) sponsored by the Japan-America Society and the American Chamber of Commerce in Japan, of which he is a representative.

**Marc Jones '95** made partner at McDermott Will & Emery.

**Saul Reyes '96** and **Suzanne Gregoire '96**, married in 1998, announce the birth of Robert Gregory Reyes, born April 27, 2001. Both proud parents practice in Orange County—Saul in juvenile criminal defense and Suzanne in family law.

San Jose's Berliner Cohen has taken on **Seth Cohen '97** as an associate. Seth practices in corporate law and intellectual property.

**Cara Dunne-Yates '97** was featured in the June 24, 2001 *Sunday Telegram* (Worcester, Mass.). Below is an excerpt from the article, "Her Spirit for Living Lights up all Lives."

*That Cara Dunne-Yates is blind does not deter her optimism. It never has. Without sight, Cara became a world-class skier and tandem cycling champion, winning medals in both the winter and summer Paralympics. Without eyes, she graduated magna cum laude as president of her class at Harvard. She overcome all the obvious obstacles—and some hidden ones—as she navigated herself through UCLA Law School. "She is a woman of uncommon courage," remarked Dan Doyle, director of the Institute for International Sport. The institute inducted Cara and twenty others into its Scholar-Athlete Hall of Fame yesterday.*

**Jennifer Mandigo '97**, staff attorney for the Federal Trade Commission and charged with enforcing eventual federal antispam legislation, delivered the opening address at SpamCon, a vendor-neutral event for e-mail abuse management professionals. Jennifer discussed the FTC's concerns with unsolicited commercial e-mail, also known as UCE or "spam." She also described the Commission's experience litigating deception cases involving spam, and the FTC's positions on enforcement of federal legislation currently being debated in Congress. Jennifer is an attorney with the FTC's Division of Marketing Practices. Before joining the FTC, she was an associate at Latham & Watkins in Washington, D.C., where her practice focused on antispam litigation and defending clients who were the subject of government investigations.

**Caroline Morris LL.M. '97** has accepted a regular teaching position at Victoria University, one of New Zealand's leading universities.

**Effie Turnbull '98** has joined the firm of Richards, Watson & Gershon.



**Blanca Quintero '98**, an associate at Cozen O'Connor, was recently appointed to The State Bar of California's Committee on Ethnic Minority Relations for a three-year term.

**Art Foerster '99** has joined the Chicago office of Latham & Watkins.

**Tracy S. Kann '99** has been appointed to the position of Deputy Public Defender for Los Angeles County.

## 2000s

**Carey Allen '00** has joined the firm of Thompson Hine & Flory in their Cincinnati, Ohio office.

**Trini M. Jimenez Jr. '00** has joined the firm of Burke, Williams & Sorensen, LLP in their Los Angeles office.

**Elizabeth Hisserich '01** was featured in the July 23, 2001 issue of *California Law Business*, regarding studying for the state bar exam.



Katie Zwarg



Soniya Ziegler



Sharon Zeferjahn

# Honor Roll 2000–2001

## A MESSAGE FROM THE DEAN

**T**his past year has been extraordinary for the UCLA School of Law, thanks in large part to the continued support of our alumni, students, and friends. We truly are grateful for the generosity that you have shown during the 2000–2001 fiscal year.

As evidenced in the pages to follow, the generous resources provided by individuals, firms, corporations, and foundations have helped the School of Law meet many of our goals. We continue to focus on expanding our programmatic offerings and enhancing faculty opportunities for research and teaching, and I am delighted to announce that we have secured a gift in excess of \$2.5 million from Charles R. Williams that will establish The Charles R. Williams Project on Sexual Orientation and the Law. In its first phase, the Williams Project will support a number of activities, including a speakers' series, a symposium focused on sexual orientation discrimination issues, and a judicial education conference. Ultimately, we intend to build an institute that also will support a visiting scholars program and more.

It also gives me great pleasure to report that the law firm of Skadden, Arps, Slate, Meagher & Flom LLP has made a generous commitment of \$400,000 to the School of Law to endow the annual Law Review Symposium. This gift—the largest gift from a law firm in the law school's history—will enhance significantly the Law Review Symposium, a prestigious event that brings together distinguished legal scholars and social scientists in a forum for debate and discussion at the School of Law.



We also are making significant progress on securing the funds needed to match the Evan Frankel Foundation's \$1 million matching gift challenge for the School of Law's Center for Environmental Law—although we need and continue to seek additional contributors who want to double the impact of their giving and not allow this valuable opportunity to be missed.

Increasing our annual, unrestricted revenue is always a high priority, and I am pleased to report that this past fiscal year was a record year for the Law Annual Fund. Your commitment to helping us fulfill our mission to educate the next generation of lawyers resulted in our raising in excess of \$813,000. We are deeply grateful to each and every one of you for your contributions.

Your continued dedication to your law school has helped make many of our goals a reality. Thank you again for your generous support during the past year. On behalf of the entire law school community, I look forward to working together during the next year at the UCLA School of Law as we strive to attain our first year in which the Annual Fund reaches the \$1 million level. With your continued help, and that of many more graduates in our ever-expanding alumni network, I am confident that together we can surpass that goal.

*Jonathan D. Varat*

Jonathan D. Varat

# Simple, Profitable, and Rewarding Planned Giving

THE UCLA SCHOOL OF LAW IS RECOGNIZED AS ONE OF THE NATION'S OUTSTANDING LAW SCHOOLS, A DISTINCTION WE HAVE ACHIEVED IN MUCH LESS TIME AND WITH FEWER RESOURCES THAN OUR PEERS. WE OPENED OUR DOORS IN 1949, WHILE ALL BUT A FEW OF THE OTHER TOP-TWENTY LAW SCHOOLS BEGAN BEFORE THE TURN OF THE LAST CENTURY. OUR ENDOWMENT RECENTLY STOOD AT \$34 MILLION, COMPARED WITH AN AVERAGE OF \$214 MILLION FOR THESE SCHOOLS. WITH COMPETITION AMONG ELITE LAW SCHOOLS INCREASING, OUR PRIORITY NOW IS TO BUILD THIS ENDOWMENT TO INSURE CONTINUING DISTINCTION IN OUR SECOND HALF CENTURY. SANDRA KASS GILMAN '75 DESCRIBES SOME OF THE IMPORTANT WAYS IN WHICH YOU CAN PROVIDE SUPPORT FOR YOUR LAW SCHOOL, SUPPORT WE NOW ASK YOU TO CONSIDER.

## TAX LAW CHANGES BRING NEW OPPORTUNITIES

Sandra Kass Gilman '72, J.D. '75

In my role as an estate planning attorney, I stress the importance of understanding how the tax laws can affect one's financial planning and how careful planning can result in the maximum benefits for my clients, their families, and the charities they wish to support. While planning can be difficult under the *Economic Growth and Tax Relief Reconciliation Act of 2001* (EGTRRA), since the tax rates and exemptions are scheduled to change almost every year, the Act does present some planning opportunities.

One of the most significant components of the Act is the gradual elimination of the federal estate tax. For many years after its adoption in 1917, the estate tax affected only the very wealthy. However, as asset values have grown, more and more estates have become subject to this tax. The Act counters that by gradually increasing the amount that can be transferred at death

without being subject to the estate tax and concurrently reducing the maximum tax rates. In 2010, the estate tax is scheduled to be eliminated, although the changes which have been made will be reversed unless they are re-enacted by Congress prior to the end of that year. While the amount that can be transferred without being subject to gift tax will not change from the present \$1,000,000 exemption, the gift tax rates will also be gradually decreased over the next nine years.

Other changes made by the Act include the gradual reduction of income tax rates and increases in the amount that can be contributed to Individual Retirement Accounts (IRAs) and in the amount allowed for child care credits. Higher-income taxpayers will also be able to claim more of their itemized deductions than under prior law.

Charitable gifts will still be fully deductible under the Act for both income tax and estate tax purposes. For income tax purposes, cash gifts can be deducted up to fifty percent of adjusted gross income; gifts of stocks and certain other assets that have appreciated are deductible up to thirty percent of adjusted gross income. Gifts in excess of the maximum amounts may



*"As an alumna and  
volunteer, I am very proud  
of my association with  
UCLA."*

Sandra Kass Gilman B.A. '72, J.D. '75

Sandra received two degrees from UCLA and is a very active campus volunteer. She serves as chair of the First Century Society Advisory Council. The Society honors alumni, friends, faculty, and staff who have recognized UCLA through a will, living trust, charitable remainder trust, charitable gift annuity, retirement plan, or other estate planning arrangement.

She also serves on the Board of Directors of The UCLA Foundation and on the Foundation's Planned Giving Committee, chairs the Foundation's Bylaws Committee, has served as an officer and director of Gold Shield Alumnae of UCLA, Prytanean Alumnae, and the UCLA Alumni Association, and has served as a director of Women and Philanthropy at UCLA.

Sandra practices in the areas of estate planning, probate, and real estate law. She has included UCLA in her estate plan because she wants future generations to benefit from the superb teaching, research, and public service that UCLA offers.



## ANNUITY TRUST

MS. FILIA HAD BEEN GIVING HER MOTHER \$6000 A YEAR TO SUPPLEMENT HER INCOME. SHE DECIDED TO TRANSFER \$100,000 OF SECURITIES TO AN ANNUITY TRUST, WHICH WILL PAY HER MOTHER \$7,500 PER YEAR FOR THE REST OF HER LIFE. SHE NO LONGER RECEIVES THE DIVIDENDS OF \$4,000 PER YEAR FROM THE SECURITIES BUT KEEPS THE \$6,000 PER YEAR SHE HAD BEEN GIVING TO HER MOTHER. SINCE THE ANNUITY TRUST ASSETS WILL ULTIMATELY BE DISTRIBUTED TO UCLA LAW, SHE RECEIVED A CHARITABLE DEDUCTION OF \$63,335 THAT RESULTED IN A TAX SAVINGS OF \$19,634 AND PAID NO CAPITAL GAINS TAX ON THE APPRECIATION IN VALUE OF THE SECURITIES. THE PRESENT VALUE OF HER MOTHER'S ANNUITY (\$100,000 LESS THE \$63,335 CHARITABLE DEDUCTION) WAS CONSIDERED A GIFT FOR TAX PURPOSES BUT SHE USED HER ANNUAL GIFT TAX EXCLUSION AND UNIFIED CREDIT TO OFFSET THAT TAX.

be carried forward and used to reduce taxes for up to five years. This year is a great time to make charitable gifts. Since effective income tax rates will be decreasing over the next few years, charitable deductions this year offer you greater savings because they reduce higher income tax rates. Thus, if you are considering a charitable gift in the near future, that gift may well offer you more tax benefits if you make it this year.

## Estate and Gift Taxes under the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA)

Year	Exempt Amount Estate Tax	Exempt Amount Gift Tax	Maximum Rate
2002	\$1,000,000	\$1,000,000	50%
2003	\$1,000,000	\$1,000,000	49%
2004	\$1,500,000	\$1,000,000	48%
2005	\$1,500,000	\$1,000,000	47%
2006	\$2,000,000	\$1,000,000	46%
2007	\$2,000,000	\$1,000,000	45%
2008	\$2,000,000	\$1,000,000	45%
2009	\$3,500,000	\$1,000,000	45%
2010	Tax Repealed *	\$1,000,000	35%

\*Repeal may only be for one year unless Congress re-enacts it prior to the end of 2010.

As you revisit your own plans, I encourage you to consider including the UCLA School of Law in your planning. The support of alumni and friends is critical to the ability of the School to retain its position as one of the nation's premier law schools in the twenty-first century. Here are a few ways that you can help:

### Gifts by Will or Living Trust

A well-drafted will or trust not only provides security for your family and minimize taxes and expenses but also creates a lasting legacy to benefit UCLA Law. The gift can be a specific sum or asset or a percentage of your estate, and the entire gift will qualify for an estate tax charitable deduction.

### Benefits from IRAs and Pensions

Today, many people find that one of the more significant assets in their estates is their retirement plan. Yet it is one asset that can be costly for the owner to pass on to his or her heirs. Under certain circumstances, retirement plans may be subject to significant taxes when the owner dies and the plan assets are distributed, since there may be income in respect of a decedent (income tax that would have been due had the owner received the distribution), as well as

estate taxes and possibly generation-skipping transfer taxes. By making the UCLA School of Law the beneficiary of the final distribution from your retirement plan, you can minimize or avoid the tax liability on your plan assets. UCLA gift planning professionals can provide the appropriate language to use in your plan documents.

### Planned Gifts

There are several types of "planned" gifts which not only provide you with an immediate income tax charitable deduction but also offer additional benefits such as life income, future continued use of the gift property, and avoidance or reduction of capital gain taxes. Here are two examples:

### Charitable Remainder Trust

With a charitable remainder trust, you can irrevocably transfer cash, appreciated securities, or real property to a trustee (such as The UCLA Foundation) with instructions to pay a fixed sum or a fixed percentage of the trust's assets to you or to other designated beneficiaries for a specific number of years or for a lifetime. Upon the termination of the trust (at the end of the term or at the death of the income beneficiary), the remaining assets will be distributed to UCLA Law.

In the year in which you make the transfer, you receive a charitable deduction in an amount equal to the present value of the remainder interest—as determined by current U.S. Treasury regulations. As an added bonus, you may also receive capital gains tax benefits if the transferred assets have appreciated.

#### Charitable Gift Annuity

With a charitable gift annuity, you can also irrevocably transfer cash, appreciated securities, or real property to a charitable organization that contracts to pay a specified annuity to you or to the beneficiary. The annuity rate depends upon the age(s) of the beneficiary(ies) and is actuarially determined. In the year that you make the transfer, you receive a charitable deduction for the amount by which the value of the transferred property exceeds the value of the annuity. In

addition, a portion of each annuity payment is treated as a return of principal and therefore not subject to income tax. As an added bonus, there may also be capital gains tax benefits if the gift is funded with appreciated assets. Annuity payments can begin immediately or can be deferred until you retire or to another future date—a great way to supplement your retirement income while enjoying a significant charitable deduction.

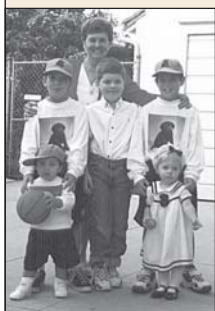
If you would like more information about these gift plans or if you would like to receive a special brochure, *Charitable Giving After the 2001 Tax Act*, please contact the Office of Alumni Relations and Development at (310) 206-1121 or alumni@law.ucla.edu.

## ESTABLISHING A UNITRUST

A NUMBER OF YEARS AGO, MR. AND MRS. ESPERANZA BOUGHT MUTUAL FUND SHARES FOR \$20,000 THAT HAVE NOT ONLY SURVIVED THE RECENT MARKET DOWNTURN BUT APPRECIATED TO \$100,000. THE FUND WAS A GROWTH FUND AND PAID ONLY 3% IN DIVIDENDS. THEY WANTED TO SELL THE SHARES AND INVEST IN A FUND THAT GENERATED MORE INCOME, BUT DID NOT WANT TO PAY CAPITAL GAINS TAXES OF APPROXIMATELY \$16,000. INSTEAD, THEY ESTABLISHED A UNITRUST FOR THE BENEFIT OF UCLA LAW WITH A 6% PAYOUT, WHICH RESULTED IN \$6,000 IN INCOME EACH YEAR INSTEAD OF THE \$3,000 THEY RECEIVED FROM THE MUTUAL FUND. (IF THE UNITRUST ASSETS APPRECIATE, THEIR INCOME WILL ALSO INCREASE.) THEY PAID NO CAPITAL GAINS TAX AND RECEIVED A CHARITABLE DEDUCTION OF \$36,309, WHICH RESULTED IN A NET TAX SAVINGS OF \$13,701 BASED UPON THEIR 36% TAX BRACKET. WITH TOTAL TAX SAVINGS OF \$29,071, THE NET COST OF THE \$100,000 GIFT IS \$70,929 AND THE \$6,000 THEY RECEIVE IS EQUIVALENT TO A YIELD OF 8.5%.

## THE RONALD PHILIP DENITZ FELLOWSHIP FUND—REMEMBERING UCLA LAW

**Ronald Philip Denitz '53** graduated Order of the Coif from the School of Law after serving on the *UCLA Law Review*. He practiced real estate law as a private practitioner and then as general counsel to what is now called Tishman West Companies.

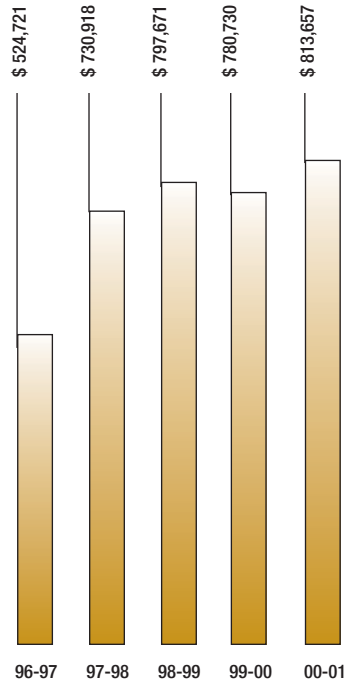


He volunteered as a consultant to the California Law Revision Commission, and as a Jewish Big Brother he provided guidance to a young boy that he mentored until the boy reached adulthood.

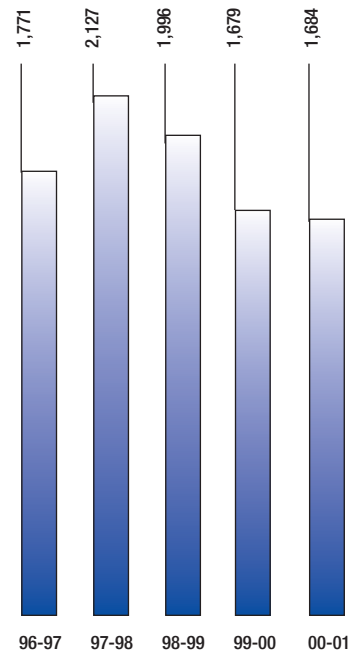
Following his 1991 death, his widow, Betty Denitz, established the Ronald Philip Denitz Fellowship Fund that will, in perpetuity, provide financial assistance to deserving students. Mrs. Denitz made her gift to the School of Law through an IRA designation and a provision in her living trust, and encourages other UCLA alumni and friends to “give thought to our University home.”

*Pictured here is Betty with five of her and Ronald's grandchildren.*

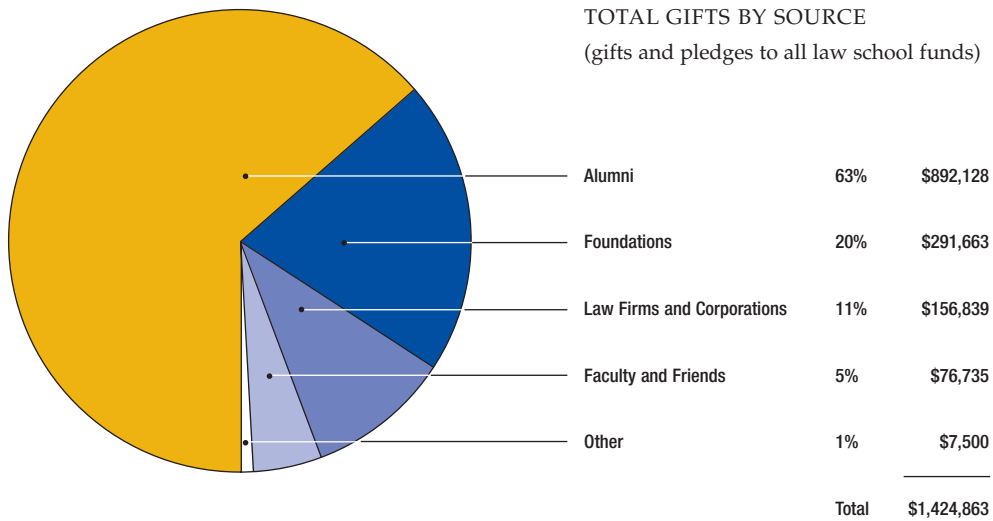
# L A W   A N N U A L   F U N D



5 YEAR GROWTH OF  
LAW ANNUAL FUND IN  
DOLLARS RAISED



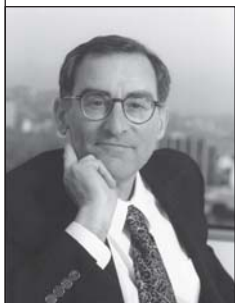
5 YEAR GROWTH OF  
LAW ANNUAL FUND IN  
NUMBERS OF DONORS





# Dean's CIRCLE

## A MESSAGE FROM THE CHAIR



Thank you for making this another record-breaking year for the Dean's Circle. The membership and financial support provided by the Dean's Circle continue to grow impressively.

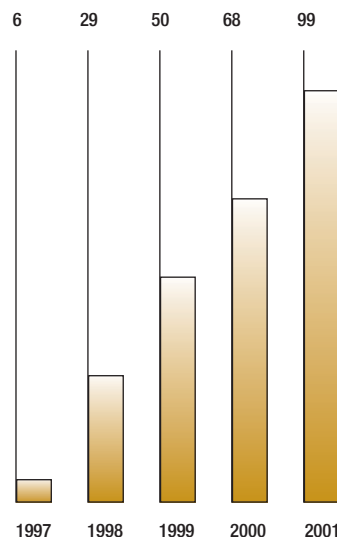
Between July 1, 2000, and June 30, 2001, ninety-nine alumni and friends, a 44% increase over the previous year's membership, contributed a total of \$330,515 to the Law Annual Fund. Your gifts accounted for an impressive 42% of the total unrestricted revenue raised for the School of Law. I truly am delighted to see a broad range of class years represented among the Dean's Circle members—from the School of Law's first graduating class in 1952 through the Class of 1996. Together, you set a wonderful example for your fellow alumni.

For the past three years, it has been my privilege to serve as the Dean's Circle chair. The dedication and loyalty demonstrated by Dean's Circle members have been tremendous and make me proud to be an alumnus of the UCLA School of Law. Thanks to each and every one of you for making this another outstanding year for the Dean's Circle and for the School of Law. We look forward to your continued commitment in the years to come.

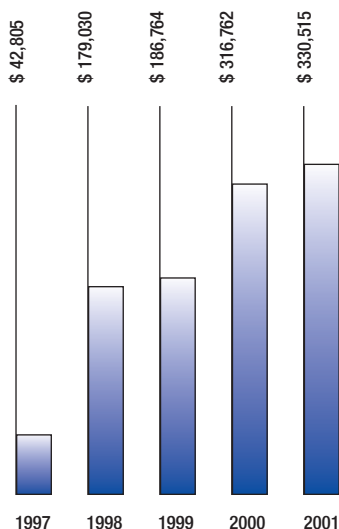
*Marc M. Seltzer*

Marc M. Seltzer '72

The Dean's Circle recognizes alumni and friends who have shown leadership in supporting the highest priority needs of the School of Law through unrestricted gifts of \$2,500 or more to the Law Annual Fund during the past fiscal year. We welcome and warmly thank the new and renewing members of the 2000–2001 Dean's Circle.



GROWTH OF THE DEAN'S  
CIRCLE IN MEMBERS



GROWTH OF THE DEAN'S  
CIRCLE IN DOLLARS RAISED

**T**he UCLA School of Law's ability to achieve great things is remarkable. Founded just fifty-one years ago, it quickly joined the ranks of the nation's top-tier law schools and has the privilege of being the youngest law school in that group. There are many reasons for this rapid ascent: dedicated leadership, an extraordinarily talented faculty, and academically superb students who may choose among a number of top law schools when making their decisions about where to enroll. Philanthropy plays an equally important role in the UCLA Law's success. With discretionary resources from the State of California always extremely limited, the School of Law increasingly has come to rely on alumni and friends to help keep it at the forefront of legal education and research.

As I review the pages that follow, I am reminded of the extraordinary generosity and loyalty of the UCLA Law community. It comes as no surprise, then, that this was a remarkable year for the Law Annual Fund, with a record \$813,657 raised. It is hard to exaggerate the importance of your gift—no matter what the size—to the School of Law Annual Fund. To give you an idea how important your annual gifts are, it would take an endowment principal of nearly \$14.5 million to produce expendable income of \$813,657, the total amount raised during the 2000–2001 fiscal year.

Your gifts make a tremendous difference. You help launch new programs and initiatives, in addition to expanding the existing curriculum. You help recruit and retain the best and brightest new faculty members. You help expand the Hugh & Hazel Darling Law Library collections and the resources both faculty and students rely on to do their work. No less important, you help UCLA Law by providing the critical resources necessary for its day-to-day operations.

On behalf of everyone in the UCLA School of Law community, thank you for your commitment and support.

Marc M. Seltzer '72

# Dean's CIRCLE

Nancy L. Abell '79  
 Julian W. Bailey '74  
**Michael Barclay '79**  
**Ann O. Baskins '80 and Thomas C. De Filippis**  
 Keenan Behrle '69  
 Professor David Binder and Melinda Binder  
 William M. Bitting '65  
 Randolph Blotky '73  
**John G. Branca '75**  
 Harmon A. Brown '79  
 Richard J. Burdge '79  
**Professor Daniel J. Bussel**  
**Timothy J. Carlson '92**  
**Stephen Claman '59 and Renee Claman**  
 Edmund W. Clarke Jr. '75  
 Michael A. K. Dan '69  
 Hugo D. de Castro '60 and Isabel de Castro  
**James H. Eisenberg '83**  
 Buddy Epstein '74  
**B.D. Fischer '58 and Frances Fischer**  
**Ruth E. Fisher '80 and Professor Stephen C. Yeazell**  
 David Fleming '59  
 Michael Flesch '73  
 Dawn Friedman '66 and Stephen Friedman '66  
**Gil Garcetti '67 and Sukey Garcetti**  
 Sandra Kass Gilman '75 and Christopher M. Gilman '75  
 Bruce Glickfeld '72  
 Wilford Godbold Jr. '66  
 William D. Gould '63  
 William W. Graham '73  
 Arthur N. Greenberg '52 and Audrey Greenberg  
 Bernard Greenberg '58  
**Stephen D. Greenberg '77 and Myrna Greenberg**  
 Joel M. Grossman '79  
 Ragna Henrichs '69  
 Kenneth B. Hertz '84 and Teri Hertz  
 Harold Hofer '80  
 Walter Howald '65  
 Stanley R. Jones '65  
 Spencer Karpf '79  
 David Kelton '62 and Lenny Kelton  
 Kenneth A. Kleinberg '67  
 David Kowal '96 and Jennifer Meier Kowal '96  
**Karin Krogus '82 and Scott Mason**  
 Frederick Kuperberg '66  
 Richard A. Lane '67  
 Saul Lessler '65  
**Fred L. Leydorf '58 and Mary Leydorf**  
 Rochelle Lindsey '79 and Ted Obrzut '74  
 Frances Lossing '78

Karen D. Mack '75  
**Michael T. Masin '69**  
**Professor Richard C. Maxwell and**  
**Frances L. Maxwell**  
 John G. Mayer '78  
 Evan Medow '67 and Cheryl Medow  
 Philip Michels '73  
 Lowell J. Milken '73  
 Milton L. Miller '56 and Marceile Miller  
 Ronald Monitz '80  
**Wendy Munger '77**  
 Budge and Brenda Offer  
 Andrea Sheridan Ordin '65  
**Stanley G. Parry '67 and Melinda Parry**  
 Peter T. Paterno '76  
 Louis Petrich '65  
 Harriet Posner '84  
**Shelley P. Resnik**  
**Charles Rickershauser '57**  
 Linda A. Richman '80  
 James Ries '64  
 Charles Rigg '69  
**John H. Roney '59 and Joan Roney**  
 James L. Roper '61  
 Marc M. Seltzer '72 and Christina Snyder  
 Robert Serio '85  
 Robert Shahin '69  
 Ralph Shapiro '58 and Shirley Shapiro  
 Lewis Silverberg '58  
 Sherman Silverman '61  
 Jed Solomon '81  
 Arthur G. Spence '69  
 Scott J. Spolin '70  
 Steven Strauss '81 and Lise Wilson '83  
 Peter C. Thomas '84  
 Richard W. Udsko '67  
**Jeffrey Y. Suto '88**  
 Dirk Van De Bunt '82  
**Jonathan D. Varat and Barbara A. Varat**  
**Judith Welch Wegner '76**  
 Earl Weitzman '71  
 John Weston '69  
 Peter A. Wissner '73  
 Dorothy Wolpert '76  
 Robert J. Wynne '67

*Italics indicate renewing members; boldface indicates membership in the Dean's Cabinet (\$5,000 or more gift to the Law Annual Fund).*

# Honor Roll

## DONORS

### 2000–2001 HONOR ROLL OF DONORS

Fiscal Year July 1, 2000 to June 30, 2001

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Luanne C. Wells and Family  
Syd Whalley '01  
Kenneth Ziffren '65

#### In Memoriam

UCLA Law School received gifts to the Law Annual Fund in memory of the following graduates and friends between July 1, 2000 and June 30, 2001.

Jane Boland  
Muriel S. Brown  
Professor Harold Horowitz  
Professor David Mellinkoff  
Hanna Minkin  
Matthew Henry Small '79  
Nathan H. Snyder  
Katie Williams

#### Gifts from Law Firms, Foundations, and Corporations

American Corporate Counsel Association  
Arnold & Porter  
The Shepard Broad Foundation  
Brobeck, Phleger & Harrison LLP  
California Applicants Attorneys Association  
California Compensation Seminars  
Edison International  
The Florence Foundation  
Foundation for Creativity in Dispute Resolution  
Greenwald Pauly Foster & Miller  
*In Memory of Jane Boland*  
Greines Martin Stein & Richland LLP  
Gunderson Dettmer Stough Villeneuve Franklin & Hachigian LLP  
Hochman, Salkin, Rettig, Toscher & Perez PC  
Hoopa Valley Tribal Court  
*In Honor of Professor Carole Goldberg*  
Los Angeles County Bar Association  
*In Honor of Joan M. LeSage '82*  
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David Simon Estate  
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Torres-Martinez Desert Cahuilla Indians  
*In Honor of Professor Carole Goldberg*  
Union Park  
  
**Law Firm Matching Gifts**  
Arnold & Porter  
Brobeck, Phleger & Harrison LLP  
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O'Melveny & Myers LLP  
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Wilmer Cutler & Pickering  
  
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Abbott Laboratories Fund  
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GE Fund  
Glaxo Wellcome  
Goldman Sachs Fund  
GTE Foundation  
Harcourt General Inc.  
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IBM  
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The Irvine Company  
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Microsoft Corporation  
Miller & Chevalier, Chartered  
Pacific Life Insurance Company  
Pfizer Foundation  
Rockefeller Foundation  
SBC Foundation  
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Sony Pictures Entertainment Inc.

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#### Law Firm and Corporate Sponsors of the Twenty-Fifth Annual UCLA Entertainment Law Symposium

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Olswang  
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#### Supporters of the 2000 UCLA School of Law Bar Swearing-In Ceremony

Hochman, Salkin, Rettig, Toscher & Perez, APC  
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The Honorable George P. Schiavelli '74 [Ret.]  
Sidley & Austin  
Sheppard, Mullin, Richter & Hampton, LLP  
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**Contributors to the Kirkland  
& Ellis Sponsorship of the  
Spring 2001 UCLA School of  
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Michael Baumann  
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Jan Handzlik '70  
Tina Hernandez '99  
Sara Kalin '00  
Roberta Krupka  
Eric Liebler  
Alex MacKinnon  
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Gene Williams '00  
John Zackrisson  
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**Contributors to the Morrison  
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Law Spring 2001 Public  
Interest Awards Ceremony**

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Lisa Hoffman '98  
Linda Lee '98  
Mary Panetta '97  
Naoko Shimazaki '84  
Marcos M. Tarango, Jr. '97

The School of Law is grateful to the following alumni and friends for directing significant Foundation or Trust gifts to the School.

David Leveton '62  
*Director, Ann C. Rosenfield Fund*  
Frederick L. Leydorf '58  
*Trustee, J. W. and Ida M. Jameson Foundation*  
Philip S. Magaram '61  
*Trustee, Joseph Drown Foundation*  
Richard L. Stack  
*Trustee, Hugh and Hazel Darling Foundation*

**Deferred Gifts**

The UCLA School of Law recognizes the exceptional generosity of those individuals who have made commitments to include the School of Law in their estate plans through planned gifts such as bequests, pooled income funds, gift annuities, charitable trusts, gifts of life insurance, and gifts of property. Such generosity and foresight will guide the School of Law as it meets the challenges of the century ahead. We gratefully acknowledge the following individuals:

John A. Altschul '61  
Ethel Tepp Balter  
*In Memory of Harry Graham Balter*  
Gertrude D. Chern '66  
M. Scott Cooper '79  
Hugo D. de Castro '60 and Isabel de Castro  
Betty Gershuny Denitz  
*In Memory of Ronald P. Denitz '53*  
Professor Jesse Dukeminier  
Albert B. Glickman '60 and Judith Ellis Glickman  
Philip S. Magaram '61  
Frances Matlin  
Brenda and Budge Offer  
Frieda Oxman  
Marvin D. Rowen '56  
William A. Rutter  
Dr. David Sanders

Planned gifts from alumni and friends provide important support to the School of Law. Such gifts establish a meaningful memorial for the donor or someone the donor wishes to honor, while enabling the donor to assist in the continuing growth of the school. A carefully planned estate can help you avoid or reduce taxes, increasing the amount you can leave to your heirs and favorite charities. If you wish to provide for the School of Law in your estate plan, or if you have already done so but have not yet informed us, please contact the Development Office at (310) 206-1121.

If you are not a donor and wish to join the UCLA School of Law's family of supporters, please call (310) 206-1121.

We make every effort to ensure the accuracy of our Honor Roll and apologize in advance if any information is inaccurate or if omissions have been occurred. Please contact the School of Law Office of Development and Alumni Relations at (310) 206-1121 if your name is missing or listed incorrectly.

\*Deceased

**E R R A T A**

In the Honor Roll of Donors for the Fiscal Year 2000 (July 1, 1999–June 30, 2000), the following donors were inadvertently omitted:

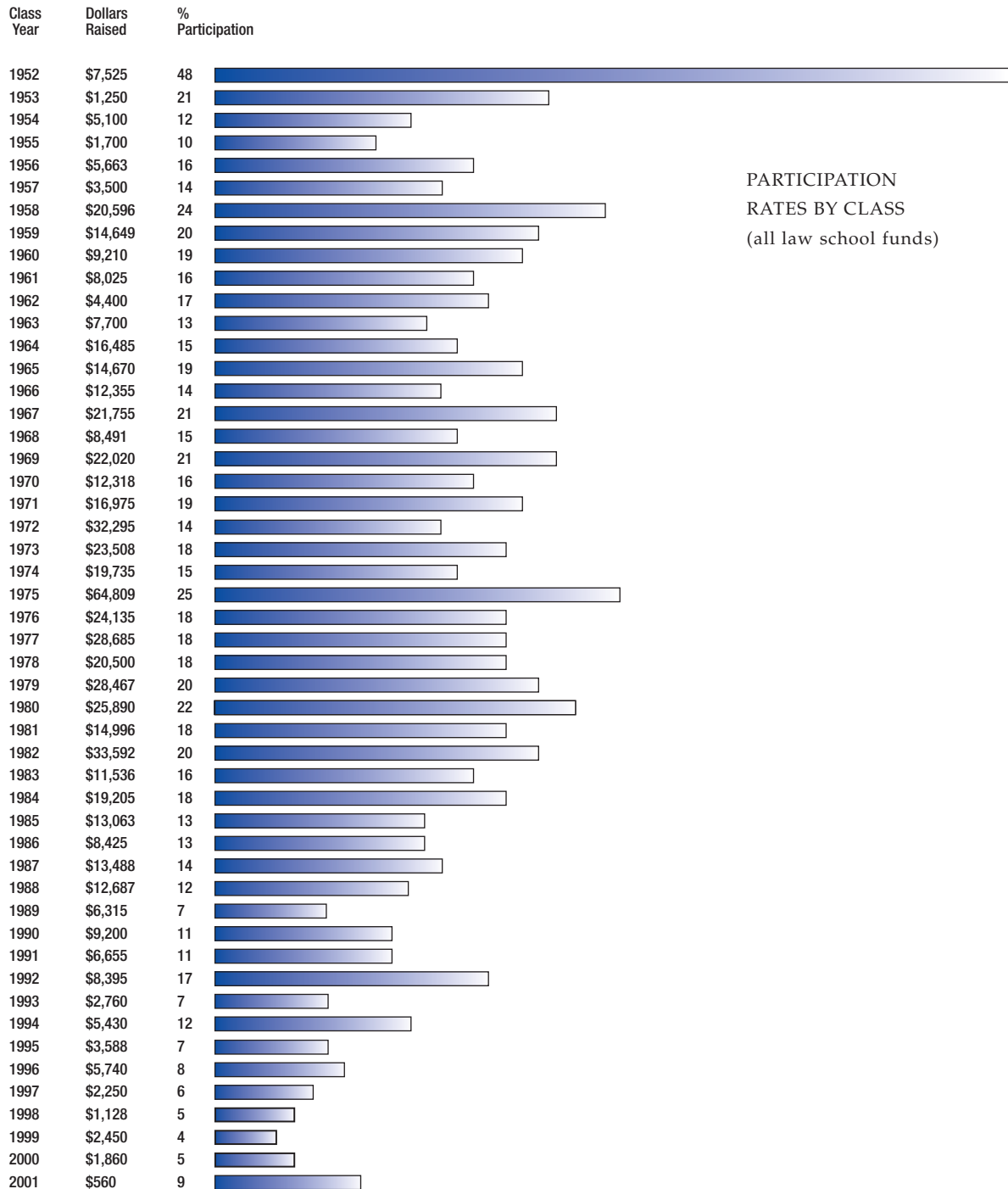
**Richard Ellis '59** should have been listed with his class as a member of the Dean's Roundtable.

**Lydia Levin '70** should have been listed with her class as a member of the James H. Chadbourne Fellows.

**Hortense Snower '67** should have been listed with her class as a member of the Dean's Advocates.



# Participation BY CLASS



## STUDENTS WHO GIVE

## CLASSES OF 2002 AND 2003

The UCLA School of Law is committed to educating prospective lawyers who will be prepared to practice law, conduct business, teach, or take an executive, judicial, or legislative leadership position, while fully understanding and embracing the gravity of their responsibilities as stewards of our democracy. Many students support the school in its mission, **Lisa Sergi '01** and her husband, Roger Neill, for example, contributed a significant gift in support of the **Corporate Law Program**. Several vehicles also have been developed by our students to support one another in pro bono and public interest law work. The following students donated a portion of their summer salaries to the **Public Interest Law Foundation** in support of their colleagues who chose to spend the summer helping to represent the underrepresented. This is not a full list of contributors, as some students have requested that their gifts remain anonymous. We thank the members of the **Classes of 2002 and 2003** for taking this initiative and valuing the work of public interest law.

Amy Abbazia  
Lorenzo Alvarado  
Seta Arabian  
Rick Baker  
Samantha Black  
Toby Bordelon  
Sierra Brandis  
Mariah Brandt  
Natalie Bridgeman  
Brady Bustany  
Steve Byers  
Molly Calvanese  
Dean Chang  
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Toan Tran  
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Amy Whitehurst  
Chris Willard  
Jennifer Winslow  
Helen Wolff

# C A L E N D A R O F E V E N T S

## Mark Your Calendar

### 2001

**Saturday, November 3**  
Class of 1961 Reunion Dinner  
UCLA School of Law  
5:30 P.M. Reception  
6:30 P.M. Dinner  
Please contact  
alumni@law.ucla.edu or  
(310) 206-1121.

**Thursday, November 8 –  
Sunday, November 11**  
Fifth International Conference  
on Clinical Legal Education  
and Scholarship  
UCLA Conference Center at  
Lake Arrowhead  
Please contact the Clinical  
Program office at  
haro@law.ucla.edu or  
(310) 825-1097.

### 2002

**Friday, January 25 –  
Saturday, January 26**  
26th Annual UCLA Entertainment  
Law Symposium  
*The New Reality—Film, Television,  
and Music in a Global Economy*  
UCLA Freud Playhouse  
Please contact  
events@law.ucla.edu or  
(310) 825-0971.

**Saturday, February 2**  
16th Annual Southern California  
Public Interest Career Day  
UCLA School of Law  
Please contact Catherine  
Mayorkas, Director of Public  
Interest Programs,  
at (310) 206-9155 or  
mayorkas@law.ucla.edu.

**Saturday, February 2**  
*No Diploma!*—20th Annual  
School of Law Musical  
Northwest Auditorium  
Please contact  
events@law.ucla.edu or  
graham@law.ucla.edu or  
(310) 825-0971.

**Friday, February 15**  
The Chicano/Latino Law  
Review Symposium  
Please contact  
clr@orgs.law.ucla.edu.

**Friday, February 22**  
The Women's Law Journal  
Symposium  
Please contact  
wlj@orgs.law.ucla.edu.

**Friday, March 1**  
UCLA Law Review Symposium  
*Privatization and "Third Party"  
Governance*  
Supported by a generous gift from  
Skadden, Arps, Slate, Meagher &  
Flom LLP  
Please contact  
events@law.ucla.edu or  
(310) 825-0971.

**Friday, March 8**  
UCLA Evan Frankel Environmental  
Law and Policy Program  
Symposium  
*Integrating Human Communities  
and Natural Environments*  
Please contact  
events@law.ucla.edu or  
(310) 825-0971.

**Tuesday, March 12**  
Melville B. Nimmer Lecture  
Mark Rose, Professor of English  
and Department Chair, UCSB  
Faculty Center  
7 P.M.  
Please contact  
alumni@law.ucla.edu or  
(310) 206-1121.

**Thursday, March 14**  
Roscoe Pound Moot Court  
Competition  
Please contact  
alumni@law.ucla.edu or  
(310) 206-1121.

**Friday, April 19**  
The Ann C. Rosenfield  
Symposium honoring  
Professor Gary T. Schwartz  
UCLA School of Law  
Please contact  
events@law.ucla.edu or  
(310) 825-0971.

**May**  
Law Alumni of the Year  
Awards  
Please contact  
alumni@law.ucla.edu or  
(310) 206-1121.

**Sunday, May 12**  
UCLA School of Law  
Commencement  
Perloff Quad  
2 P.M.

### On the Cover:

We chose a few treasured books  
from the Hugh & Hazel Darling  
Law Library to illustrate our fea-  
ture story, *The Law and Beyond*,  
a profile of several faculty who  
engage in interdisciplinary teach-  
ing and scholarship.



Professor of the Year Jody Freeman and Dean Jonathan D. Varat lead the faculty promenade from the School of Law to Dickson Plaza to confer upon the class of 2001 the Degrees of Master of Laws and Juris Doctor. (Front, middle) Julie Su, attorney for the Asian Pacific American Legal Center of Southern California, addressed the graduates.



UCLA Law Magazine  
UCLA School of Law  
Office of the Dean

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# GARY T. SCHWARTZ

"To his students, he was boyish,  
endearing, encyclopedic  
and brilliant.

He brought to his remarkably  
thorough and insightful scholarship  
a deep sense of history, a  
pragmatic sense of economic  
reality, and a keen sense of justice."

Dean Jonathan D. Varat

1940 - 2001

*The UCLA Law Community  
will remember Gary Schwartz  
on Monday, October 29 at a  
memorial service.*

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*The April 19, 2002 Ann C.  
Rosenfield Symposium will  
be dedicated to Professor  
Schwartz and will celebrate  
his contribution to Torts  
scholarship.*