The background of the cover is a photograph of a man and a woman sitting in a library. The man, on the left, has a beard and glasses, wearing a grey button-down shirt. The woman, on the right, has blonde hair and glasses, wearing a dark patterned jacket. They are both looking towards the camera. Behind them are wooden bookshelves filled with books and a large window with multiple panes.

the magazine of the ucla school of law

UCLA LAW

volume 29 no. 1

fall 2006

THE NEW FACES of BUSINESS LAW

business law and policy program
profiles: ucla law alumni in business
ucla law tax program
ziman center for real estate
community economic development clinic
ucla-sloan foundation research program

q&a on corporate
governance with
professors lynn stout &
stephen bainbridge

UCLA LAW

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Vol. 29 / No. 1 / Fall 2006

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Dean's Message

With this issue of our magazine, we are pleased to share with you news of faculty, students, scholarship and events that are part of UCLA School of Law's Business Law and Policy Program. This important core program focuses on key issues that affect today's corporate environment. As I hope you are aware, our Business Law and Policy Program offers a tremendous breadth of policy- and practice-oriented courses taught by some of the nation's most influential scholars. With broad and deep expertise in the areas of tax law, bankruptcy, securities regulation, corporate governance and transactions, UCLA School of Law has emerged as one of the top law schools to offer a curriculum reflecting the reality that lawyers who work in the corporate world require broad-based business expertise.

The Business Law and Policy Program faculty are a remarkably diverse group whose scholarship spans ideological perspectives and includes a mixture of both theorists who present cutting-edge ideas of how business law should work and policy should function and experts with substantial real-world experience at the forefront of practice. Our Business Law and Policy Program also takes an interdisciplinary approach, with faculty using the insights and methodologies of economics, finance and other social sciences.

We are delighted to highlight several UCLA Law alumni who have used their law degrees as a launching point for outstanding and successful careers in business. Our alumni are at the very top leadership positions in a wide variety of corporate enterprises. We have selected just a few to demonstrate the level of achievement and variety of industries in which our alumni work. We anticipate spotlighting other UCLA School of Law alumni in business in future magazines as well. A quick survey of alumni suggests that in virtually every prominent industry, there is UCLA Law leadership. Many graduates, especially from our Business Law and Policy Program, practice in the business departments of law firms. But others take a different route: executive management in leading corporations; real estate development; investment management; venture capital; executive recruitment; sports business and management; banking; agribusiness; and food manufacturing and marketing, among other areas. In the pages that follow we invite you to read more about UCLA Law alumni in business.

We are also pleased to highlight faculty scholarship over the last two years with an update of recent publications and synopses of some key books published by our prolific faculty. Additionally, we are proud to announce appointments for three endowed chaired professorships: Stephen Bainbridge has been named the William D. Warren Professor of Law; Khaled Abou El Fadl has been named to the newly created Omar and Azmeralda Alfi Chair in Islamic Law; and Lynn Stout has been named the Paul Hastings Professor of Corporate and Securities Law. These endowed chairs were made possible by the generosity of our alumni—and friends—generosity we need and truly appreciate. We must continue to make endowed chairs a top fundraising priority and hope to announce other new chairs in upcoming magazines. We must create at least a dozen more to compete with our peers and remain competitive for faculty among top American law schools.

You will also read about our outstanding and very encouraging fundraising results from this past fiscal year. We are thrilled that contributions to our school increased nearly 50 percent over the previous year and that our alumni giving participation rate rose to 27 percent. While these results show increasing alumni commitment and leadership, we must redouble our efforts to secure the funding needed to sustain excellence and to secure our future. We are dedicated to ensuring that the UCLA School of Law continue to thrive as an important, dynamic, innovative, accessible, collegial, relevant and truly great law school. To do this we must attract the finest faculty in the nation to a city that is also one of the most expensive in which to live. We must invest in programs that train future leaders in law and business even though the price of those investments will be steep. And, we must make it possible for students who demonstrate promise and show merit, but lack financial resources, to get the same superior education that previous generations of alumni received, even though the current cost of tuition and fees exceeds \$25,000.

I encourage you to read these pages and become reacquainted with your school. I hope you become even more excited about the vast array of activities and meaningful discourse happening on a daily basis at UCLA School of Law. Please visit the school for one of our lectures, events, or symposia—we welcome you back! ■



All-Alumni Weekend

All-Alumni Weekend was kicked off with a lively discussion about trying high-profile criminal cases with three alumni who are among the best in the business. Leslie Abramson '69, Harland Braun '67 and Roger Diamond '67 talked candidly about their specific cases and the challenges of working in criminal law. The discussion was moderated by *Los Angeles Times* journalist Timothy Rutten.



Leslie H. Abramson '69

Leslie H. Abramson is one of the most well-known criminal defense specialists in the country. She has owned her own practice since 1976 and during that time has served as chief counsel on 18 death penalty cases. Her clients have included Phil Specter, who was charged with fatally shooting actress Lana Clarkson and Erik Menendez, accused with his brother, Lyle, of killing his parents, among many other high-profile defendants. She is the author of the book *The Defense is Ready: Life in the Trenches of Criminal Law*. In the mid-90's Ms. Abramson was a legal analyst and commentator on the O.J. Simpson trial. She has also appeared on "20/20", a "Barbara Walters Special", "Larry King Live", "Good Morning America", "48 Hours", "Politically Incorrect", "Dateline NBC", "Court TV", "Face the Nation" as well as many local and national news broadcasts. Ms. Abramson earned her B.A. from Queens College in New York in 1964. She earned her J.D. from UCLA School of Law in 1969 where she was Order of the Coif. From 1970 - 1976 she served as the Deputy Public Defender of Los Angeles County.

Harland W. Braun '67

Harland W. Braun is a premier Los Angeles criminal defense attorney, certified criminal specialist by the State Bar of California Board of Legal Specialization. He is particularly esteemed for his expertise in navigating the state and federal judicial systems, his ability to interface with news media when desirable to help guard against bias in high-profile and celebrity cases, and his efforts to insure his clients receive fair and equal treatment. Mr. Braun has been in private practice since 1973. In the thirty-plus years he has been practicing law, he represented Officer Theodore Briseno, acquitted in the federal Rodney King beating case. He represented Assembly Whip Gwen Moore in political corruption case in Sacramento. He represented attorney Vincent Bugliosi in perjury case arising out of Charles Manson prosecution. He represented physician Robert Nejdil in the "Kaiser Doctors" murder case establishing that a physician can disconnect an I.V. in a comatose patient. He represented Elizabeth Taylor's physician, Michael Gottlieb, in an over-prescribing case. He has also represented celebrities Robert Blake, Roseanne, Chris Farley, Steven Segal, Easy-E, Ed O'Neill, Gary Busey, Harry Morgan, Dennis Rodman and many others in both high-profile and discreet criminal matters.



Mr. Braun received his B.A. from UCLA in 1964 and his J.D. from UCLA School of Law in 1967, where he was a member of the UCLA Law Review.



Roger Jon Diamond '67

Roger Jon Diamond is certified by the California Bar as a criminal law specialist. He has handled a number of criminal cases, including death penalty murder, rape, robbery, and tax evasion, among others. In his extensive career, Mr. Diamond has obtained a dismissal of the death penalty case of People v. David Sconce, who was charged with poisoning a rival mortician. The murder case was part of the Lamb Funeral Home cases that are the subject of three books. He won an acquittal for Randy Karnes, who shot the unarmed victim three times but still claimed self defense in this first degree murder case. He was appointed by the California Supreme Court to represent Bobby Davis who murdered four Highway Patrol Officers in 1970 in the worst law enforcement disaster in history. Diamond represented Andrew Luster, who fled in the middle of the trial and was later apprehended in Mexico. He also obtained a summary reversal of the obscenity conviction in the case of Reitano v. California, 413 U.S. 911 (1973).

Mr. Diamond has handled a number of trials and appeals in other jurisdictions including Texas, New York, Florida, West Virginia, Nevada, Hawaii, Tennessee, and others. He is admitted to practice in New York and California and all federal circuits.

Mr. Diamond received his B.A. from UCLA in 1964, and his J.D. from UCLA School of Law in 1967. He published a student comment at the UCLA Law Review. ■



Later that day, the school held the inaugural affinity reunion, an informal, intimate reception recognizing the many organizations that help define our students time at UCLA Law. Alumni from groups such as Moot Court, UCLA Law Review, Public Interest Law Program, and La Raza attended to catch up with old friends and classmates.

On Saturday, after the family BBQ and pool party, alumni from the reunion years attended the reception and dinner, held in the Shapiro Courtyard and the Hugh and Hazel Darling Law Library.

Affinity Reunion



Reunion Dinners



Reunion Dinners



SAVE
THE
DATE

All-Alumni/Reunion Weekend
May 18-19, 2007

*we encourage
you to join us
for a day of fun
frolicking
festivities!*

UCLA Law Alumna Aims to Serve the Public Interest

For UCLA Law alumna **Syd Whalley '01**, working at the Western Center for Law and Poverty is truly the culmination of her diverse, accomplished career as a nurse, patients' rights advocate, and ultimately, as a public interest lawyer. Assuming a leadership position that she views as an enormous honor and privilege, she was recently named executive director of this prestigious, powerful advocacy organization, which advances and enforces the rights of low-income Californians in the areas of health, housing and public assistance.

Whalley's first career was as a pediatric oncology nurse and her first UCLA degree was a master's in nursing, which she earned in 1980. As a nationally renowned clinical expert, she designed and developed the Bone Marrow Transplantation Program at Childrens Hospital Los Angeles, served as an assistant professor at the UCLA School of Nursing, and won numerous awards for her leadership and service.

After 15 years in nursing, in which she learned and strived to be an effective patients' rights advocate, Whalley

students conducted a massive project researching the conditions of public schools in California. She used her connections with the California School Nurses Association to gather data on the deplorable conditions of the public schools around the state. The class compiled findings that were used by the ACLU and other public interest law firms to sue the state, demanding and winning improved educational conditions.

This satisfying effort gave her a taste of what she wanted to do with her legal career. "I wanted to write and enforce the laws that shape public policy," she explains.

As executive director of the Western Center, Whalley will certainly be able to do just that and more. The Western Center is the oldest and largest legal services support center in the state. Its mission is broad, providing legal education and research assistance to legal services providers, conducting legislative and administrative advocacy in Sacramento, and initiating impact litigation whenever necessary to enforce and advance the rights of poor people.

"Elected officials listen to lawyers, but they don't always listen to nurses, teachers and social workers, who have a wealth of experience to guide public policy."

came to the conclusion that "Elected officials listen to lawyers, but they don't always listen to nurses, teachers and social workers, who have a wealth of experience to guide public policy." With that insight, she made the incredible decision to dedicate three years to earning a law degree in order to become a more influential and effective advocate.

Whalley entered UCLA Law's Juris Doctor Program with the second class of our renowned and competitive Program in Public Interest Law and Policy (PILP). During her tenure here, she was incredibly motivated by the substance of her classes like Civil Procedure with Professor Bill Rubenstein, Constitutional Law II with Professor Ken Karst, and a seminar on the U.S. Civil Rights Commission with former UCLA Law Professor Cruz Reynoso.

She initiated the "Women's Issues Discussion Series," bringing friends like Peg Yorkin of the Feminist Majority Foundation, Judy Lichtman of the National Partnership for Women and Families, and Beth Cranston, UCLA Law alumna, of the Rape Treatment Center, to the law school.

Whalley's most rewarding class was Professor Gary Blasi's Public Policy Advocacy Clinic, in which she and 10 other



Syd Whalley '01

Whalley will be charged with overseeing the organizational structure of the Center, spearheading fundraising and building consensus and bridges to other organizations.

Over the years, Whalley has maintained strong ties with UCLA Law. Each summer, she hosts the new PILP student welcome in her home, and this past summer, the Western Center's two summer associates were UCLA Law students. Whalley notes that her goal in attracting UCLA Law students is to ensure that the next generation of lawyers remains engaged in serving the public interest. ■

UCLA Law Places a Record 47 Judicial Clerkships Nationwide

UCLA School of Law has successfully placed 47 students and alumni into judicial clerkships for the 2006-2007 term, a huge increase over placements last year. This notable rise in clerkships reflects one of the top priorities of Dean Michael H. Schill and the hard work of UCLA Law's Office of Career Services, which works with professors to identify strong student candidates and promote them among judges.

"We have consistently placed more students into clerkships over the last several years," says Elizabeth Moeller, assistant dean for career services. "This ongoing success is a testament to the excellent caliber of our students as well as UCLA Law's strong relationships with individuals serving on the bench nationwide."

Building off the education our business law students receive from some of the most prominent corporate law, bankruptcy and tax professors in the country, UCLA Law placed two clerkships this year with Vice Chancellor Leo E. Strine, Jr. of the Delaware Court of Chancery and Judge Joseph H. Gale of the United States Tax Court. Additionally this year, two alumni have secured international clerkships: one with Justice Edwin Cameron of the Supreme Court of Appeal in South Africa and one with Justice Asher Grunis of the Israeli Supreme Court.

UCLA Law students and alumni also secured 13 clerkships at the U.S. Court of Appeals, the majority of which are in the Ninth Circuit. This year, UCLA alumni will be clerking for Judges Arthur L. Alarcon, Rosemary Barkett, Carlos T. Bea, Richard R. Clifton, Sandra Segal Ikuta, Margaret McKeown, Johnnie B. Rawlinson, Milan D. Smith, A. Wallace Tashima and Kim McLane Wardlaw. One recent graduate will serve as a staff attorney for the Seventh Circuit Court of Appeals, while another will clerk for Justice Norman Epstein of the California Court of Appeal. Three additional UCLA Law alumni have been placed into clerkships at the Los Angeles Superior Court.

Sixteen recent graduates will be clerking at other federal courts in California. Within the Central District for California, UCLA Law alumni have secured clerkships with Judges David O. Carter, Dale S. Fischer, Consuelo B. Marshall, Mariana R. Pfaelzer, Virginia A. Phillips, Dean D. Pregerson, George P. Schiavelli, Suzanne H. Segal, James V. Selna, Christina A. Snyder and Alicemarie H. Stotler. UCLA Law graduates will also be clerking for Judges Thomas B. Donovan and Maureen A. Tighe of the Bankruptcy Court in the Central District. Outside the Central District of California, UCLA Law has placed a clerk with Judge Martin J. Jenkins in the Northern District of California and another clerk with Judge Oliver W. Wanger in the Eastern District of California.

Many of our recent graduates also desire to gain experience outside the state of California. As a result, UCLA has secured nine clerkships in federal and state courts across the country with the following judges: Judge Robert C. Broomfield of the District of Arizona; Judge Raner C. Collins of the District of Arizona; Chief Judge Jose A. Fuste of the District of Puerto Rico; Judge Robert G. James of the Western District of Louisiana; Judge James L. King of the Southern District of Florida; Judge Shirley W. Kram of the Southern District of New York; Judge Jon P. McCalla of the Western District of Tennessee; Judge Jorge A. Solis of the North District of Texas; and Judge Joel E. August of the Hawaii Second Judicial Circuit Court. ■

PATH to the BENCH

In April 2006, students and alumni were treated to a forum discussing the career path to the bench. Those UCLA Law community members wishing to find out how one becomes a judge heard from a panel of distinguished federal and state court jurists, including Judges Kim McLane Wardlaw (U.S. Court of Appeals for the Ninth Circuit), George P. Schiavelli (Central District Court of California), Karen L. Robinson (Orange County Superior Court), and Craig E. Veals (Los Angeles Superior Court). The panel was moderated by Justice Steven Z. Perren (California Court of Appeal).



The Honorable Steven Z. Perren

This forum provided a wonderful way to network with esteemed judges and enabled students and alumni to get an inside scoop on the opportunities that might lead them to the bench. ■

New UCLA Role for Professor Emeritus Norm Abrams

On July 1, 2006, longtime UCLA Law Professor Emeritus **Norman Abrams** assumed the role of acting chancellor of UCLA to fill the position created by Chancellor Albert Carnesale's departure at the end of the 2005-2006 academic year. In appointing Abrams to the post, UC President Robert Dynes commented, "Professor Abrams is an accomplished scholar and administrator, and he knows the UCLA community well. I am confident he will provide thoughtful and strong leadership during this transition."

When asked for his comment on the appointment of Abrams, UCLA School of Law Dean Michael Schill said, "Norm Abrams is the gold standard of university administrators. I have never seen any one figure who engenders as much respect and admiration as my colleague and now my boss, Norm Abrams."

Abrams, who served as interim dean of the law school from 2003 to 2004, has taught and written extensively in the fields of criminal procedure, evidence, anti-terrorism law and federal criminal law. Over the duration of his long career, Abrams has significantly contributed a number of major scholarly works on prosecutorial discretion, federal criminal jurisdiction, and evidence. He is perhaps most renowned for authoring a groundbreaking casebook on federal criminal law, *Federal Criminal Law and Its Enforcement* (with Beale), which is now in its fourth edition.

Abrams also served as UCLA's vice chancellor of academic personnel from 1991 to 2001, overseeing faculty appointments and promotions, as well as the faculty grievance and disciplinary process on the campus.

Although Abrams is the acting chancellor while the search for a permanent leader is underway, his presence is already making an enormous impact on the UCLA community. Abrams has already taken courageous action on a number of issues affecting the campus. In late August he increased protection of UCLA faculty members who were threatened by extremists in the animal rights movement. Apparently, anonymous activists claimed responsibility for the attempted firebombing near the residence of one UCLA researcher, while another was harassed to the point of suspending his primate research. Declaring these actions as acts of "domestic terrorism," Abrams offered to double the FBI's reward of \$30,000 in the attempted attacks. He also quickly enhanced security for those threatened.



Additionally, Abrams has ordered an overhaul of the campus' undergraduate admissions policy, precipitated by the lack of diversity—especially among African-Americans—of this fall's incoming freshman class. Abrams was able to persuade a key faculty committee to consider a new "holistic" approach to the admissions process, whereby applicants' academic records will be considered within the context of their personal history and the challenges they have faced. This new approach, which was approved by three faculty committees, will be implemented in time for next fall's application filing period.

Professor Abrams summarized not only his vision of his new role—albeit impermanent—but displayed his dedication to the university by telling the *Los Angeles Times*, "UCLA is a very dynamic place, with a lot of forward motion, and I view my role as keeping it moving forward. When an issue comes up that needs a decision, I'll just do what I think the chancellor in this kind of position has to do, make my best judgment and try to do what's right for UCLA." ■

The Williams Institute Sponsors Marriage Debates

In April 2006, The Charles R. Williams Institute on Sexual Orientation Law and Public Policy teamed up with The Marriage & Family Law Research Grant of the J. Reuben Clark Law School at Brigham Young University and the UCLA Interdisciplinary Relationship Science Program to present a number of thoughtful debates about issues surrounding same-sex marriage.

Held over two days, the forum, entitled "Marriage Debates: Five Law and Policy Debates on Extending Marriage and Adoption to Same-Sex Couples," presented five lively debates covering such issues as the purpose of marriage, California's Proposition 22, studies of gay and lesbian parents, and education and religion.

The debates featured many prominent scholars and experts on both sides of the issue, including M.V. Lee Badgett, visiting professor of UCLA Law's Williams Institute; Allan C. Carlson, president, The Howard Center for Family, Religion and Society; Scott Ferrin, professor of law and professor of education at Brigham Young University; Gary Gates, senior research fellow, UCLA Law's Williams Institute; Anthony R. Picarello, Jr., president and general counsel, The Becket Fund; Jennifer C. Pizer, senior counsel, Lambda Legal Defense and Education Fund; Andrew Pugno, chief counsel, Proposition 22 Legal Defense and Education Fund; and Camille Williams, Marriage & Family Law Research Grant, J. Reuben Clark Law School, Brigham Young University.

The Williams Institute Marriage Debates program was videotaped and aired in August and September 2006 on UCTV, the University of California's broadcast television outlet. The series of debates are currently available on-demand at www.uctv.tv using the latest in Web-delivery technology. ■

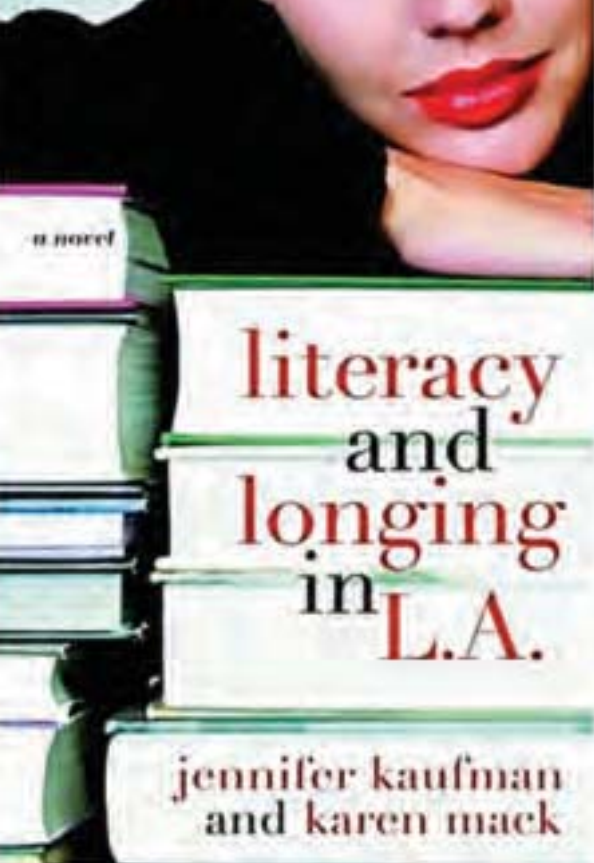


Pictured from top to bottom; Professor M.V. Lee Badgett and Gary Gates, Williams Institute senior research fellow; Allan C. Carlson, president, The Howard Center for Family, Religion and Society; R. Bradley Sears (center), director, Williams Institute



UCLA LAW THIRD ANNUAL INSTITUTE ON TAX ASPECTS OF MERGERS & ACQUISITIONS

The UCLA Center for Mergers & Acquisitions held its Third Annual Institute on Tax Aspects of Mergers and Acquisitions on May 31, June 1 and 2, 2006 in New York City. Once again, the Institute assembled an outstanding group of nationally recognized corporate tax specialists and key government officials. The panels explored current developments, issues and tax planning in this dynamic area of tax law. The event was co-sponsored by The City Bar Center for CLE, New York City Bar. ■



Alumna Karen Mack Trades Scripts for Novels

UCLA Law alumna **Karen Mack '75** has co-authored her first novel (with Jennifer Kaufman), *Literacy and Longing in L.A.*, for which *The New York Times Book Review* has offered a rave review in its June 19, 2006 issue. This 325-page work of fiction, published by Delacorte, focuses on the life of Dora, whose secret obsession is to indulge on romance novels, aka "chick lit."

In her *New York Times* book review entitled, "Chick Lit That Mixes Voltaire With Vogue," reviewer Janet Maslin notes, "So Ms. Kaufman and Ms. Mack have used reading itself as their book's source of sex appeal and have done it with enjoyable brio...It is not that this gambit is so unusual; there are plenty of books about the allure of reading. But the fusion of bibliomania and romantic comedy is appealingly offbeat."

Mack, a former practicing attorney, earned a J.D. degree at UCLA School of Law, after graduating cum laude from UCLA with a B.A. in political science. Before entering the writing trade, Mack was an award-winning film and television producer. She won the 1992 Golden Globe for Best Mini-Series or Motion Picture Made for TV for "One Against the Wind," a movie-based on a

true story-about Mary Linden, who worked for the French Red Cross in Occupied France during World War II and helped allied soldiers who had been shot down to escape to the unoccupied side.

Since Mack's book debuted in May 2006, she and her co-author have trekked across the country on a book tour that has taken them to Las Vegas, San Francisco, Santa Monica and Lake Forest, Washington, among other locales.

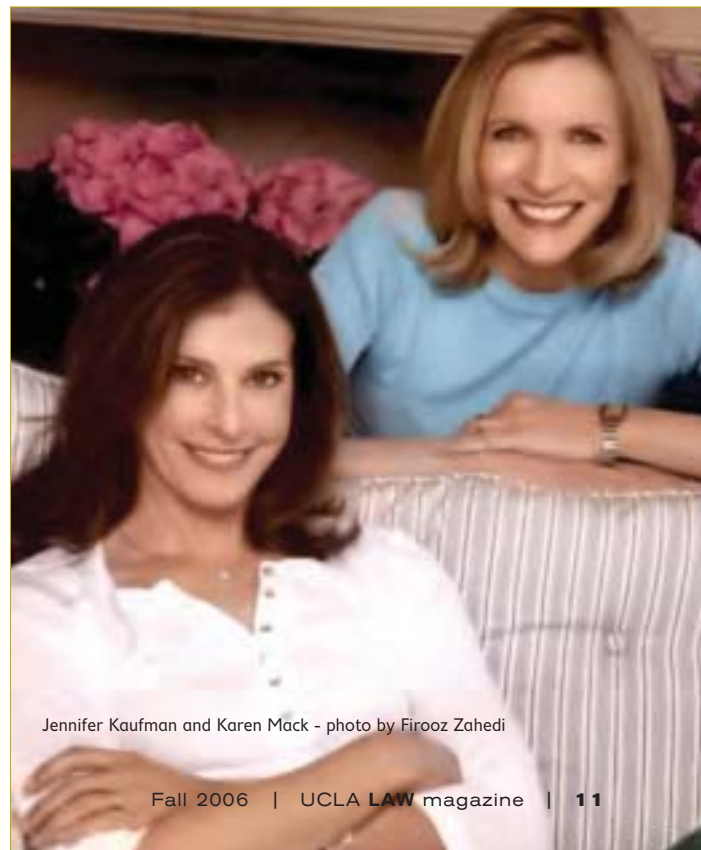
Below is a brief synopsis of Mack's book:

"Some women shop. Some women eat. Dora cures the blues by bingeing on books-reading one after another, from Flaubert to bodice rippers, for hours and days on end. In this wickedly funny and sexy literary debut, we meet the beguiling, beautiful Dora, whose unique voice combines a wry wit and vulnerability as she navigates the road between reality and fiction."

"Dora, named after Eudora Welty, is an indiscriminate book junkie whose life has fallen apart -- her career, her marriage, and finally her self-esteem. All she has left is her love of literature, and the book benders she relied on as a child. Ever since her larger-than-life father wandered away and her book-loving, alcoholic mother was left with two young daughters, Dora and her sister, Virginia, have clung to each other, enduring a childhood filled with literary pilgrimages instead of summer vacations. Somewhere along the way Virginia made the leap into the real world. But Dora isn't quite there yet. Now she's coping with a painful separation from her husband, scraping the bottom of a dwindling inheritance, and attracted to a seductive book-seller who seems to embody all that literature has to offer --intelligent ideas, romance, and an escape from her problems."

"Joining Dora in her odyssey is an elderly society hair-brusher, a heartbroken young girl, a hilarious off-the-wall female teamster, and Dora's mother, now on the wagon, trying to make amends. Along the way Dora faces some powerful choices. Between two irresistible men. Between idleness and work. And most of all between the joy of well-chosen words and the untidiness of real people and real life. ..."

For more information on *Literacy and Longing in L.A.*, visit Mack's Web site at <http://www.literacyandlonginginla.com>. ■



Jennifer Kaufman and Karen Mack - photo by Firooz Zahedi

Professor Devon Carbado Named Academic Associate Dean

UCLA Law Dean Michael Schill has appointed **Professor Devon Carbado** to the position of academic associate dean. Professor Carbado has been a member of the UCLA School of Law faculty since 1997 and teaches and writes in the areas of constitutional criminal procedure, constitutional law, critical race theory, and criminal adjudication, employment discrimination, and identity. At the moment, Carbado is also studying African-American responses to the internment of Japanese Americans.

“As associate dean of the law school, Professor Carbado is entrusted with all matters having to do with faculty development and the intellectual life of the school,” commented UCLA Law Dean Michael Schill. “Devon Carbado is one of UCLA’s most valued faculty members. He is a scholar of the first rank, a man of unimpeachable integrity and someone to whom the faculty looks for leadership.”



“Devon Carbado is one of UCLA’s most valued faculty members. He is a scholar of the first rank, a man of unimpeachable integrity and someone to whom the faculty looks for leadership.”

In 2005, Professor Carbado was the recipient of the Fletcher Fellowship, which awarded him \$50,000 to further his work in race relations and American law. Modeled after the Guggenheim Awards, the Fletcher Fellowship was designed to mark the 50th anniversary of the landmark 1954 Supreme Court decision *Brown v. Board of Education*. The funding enabled Carbado to continue work on three books: *Race and Law Stories* (With Rachel Moran), *Working Identity* (with Mitu Gulati), and *Racial Naturalization*, all of which deal with various issues ranging from the historical role race has played in shaping American jurisprudence, to the significance of the *Brown* decision for the contemporary workplace, to the relationship between citizenship and the criminal process.

Most recently, Professor Carbado penned a chapter (with Cheryl Harris) in the new book, *After the Storm: Black Intellectuals Explore the Meaning of Hurricane Katrina* (The New Press, 2006, edited by David Dante Troutt). The book was released around the one-year anniversary of Hurricane Katrina, and in it, he and his peers attempt to cover complicated issues of poverty, housing, governmental decision-making, community development and political participation raised by the events of Hurricane Katrina and its consequences.

Other achievements by Carbado include being elected Professor of the Year by the 2000 and 2006 UCLA School of Law graduating classes, receiving the Rutter Award for Excellence in Teaching in 2003 and being bestowed the Distinguished Alumni Award from Harvard Law School’s Black Law Students Association. ■

UCLA Law Hosts Frankel Symposium

In April 2006, the Evan Frankel Program in Environmental Law held the 2006 Frankel Symposium, providing an opportunity for practicing environmental lawyers, environmental law scholars, students and a host of other professionals and academics such as environmental planners, geologists, ecologists and sociologists to gather and discuss current environmental issues. This year's symposium focused on the role of environmental law and policy in preventing and responding to catastrophe.

Recent catastrophic events, including Hurricanes Katrina and Rita, as well as earthquakes and tsunamis abroad, put the Frankel Symposium into a real-world perspective. The Symposium focused on the need to incorporate our awareness of natural processes into our strategies for creating and maintaining sustainable communities. It also explored some of the technical and societal challenges communities face in planning for and recovering from catastrophe, as well as ways in which society can use environmental laws to make our communities more sustainable and to respond more effectively when catastrophe strikes.



Bruce Babbitt

The Symposium's keynote address was delivered by former United States Secretary of the Interior **Bruce Babbitt**, who served in the Clinton administration and who recently authored the book, *Cities in the Wilderness: A New Vision of Land Use in America* (2005). During the lunchtime discussion, Babbitt focused on the recent Hurricane Katrina disaster and discussed ways to rebuild the city with lower risk in the future.

Babbitt's key message was that land use planning was essential to environmental preservation and disaster prevention.



from left to right: Frankel Program director Sean Hecht, Professors Ann Carlson and Mary Nichols, Dean Michael Schill, Bruce Babbitt, Andrew Sabin, Leonard Gordon and Ernie Frankel

The all-day event also boasted additional panels on Natural Catastrophe and Human Nature; Wetlands and Floodplains in Catastrophe

Planning; and Legal Scholars' Perspectives on Environmental Law and Catastrophe. In addition to UCLA faculty, other participants and speakers included individuals from the United States Army Corps of Engineers, Topping Associates International, Department of Water Resources, and law faculty from Cornell, Duke, Harvard and UC Berkeley. ■

UCLA Law Professor Kenneth L. Karst Retires

UCLA Law Professor **Kenneth Karst**, who taught his last class on Tuesday, April 25, is “officially” retiring after 41 years teaching law at UCLA. Karst, who is the David G. Price and Dallas P. Price Professor of Law Emeritus, retired some time ago, but was recalled to teach. It’s no wonder, as he won the University’s Distinguished Teaching Award in 1980, the School of Law’s Rutter Award for Excellence in Teaching in 1994, and has been twice elected by graduating classes as Professor of the Year.



Standing O! – Students and faculty give Professor Karst a standing ovation at the end of his final lecture

A fellow of the American Academy of Arts and Sciences, Karst is a nationally known constitutional law scholar and a pillar of the UCLA Law community. His prolific scholarship has centered on the principles and values of equality and the law, cutting a wide swath across substantive areas, including desegregation, affirmative action, women’s roles, sexual orientation, and the socialization of children.

The author of countless articles and six books, Karst anticipates remaining actively engaged in scholarship. For example, in 2004 he published “The Revival of Forward-Looking Affirmative Action” in *Columbia Law Review*, an article examining the Supreme Court’s landmark decision in *Grutter v. Bollinger*, upholding race-conscious affirmative action in admissions to the University of Michigan Law School. The same year, he published “Justice O’Connor and the Substance of Equal Citizenship” in the *Supreme Court Review*, changing the focus on the Justice from her institutional role to her commitment to substantive justice.

Karst also wrote the seminal book *Belonging to America: Equal Citizenship and the Constitution* (1989), which received the James A. Rawley Prize from the American Organization of Historians for “the best book on race relations in the United States.” He is also co-editor of the *Encyclopedia of the American Constitution* (2nd ed., 2000).

A UCLA alumnus, Karst earned his bachelor’s degree here in 1950, and he received his LL.B. from Harvard Law School in 1953. ■



From left to right: Dean Michael H. Schill, Smiley Karst, Professor Kenneth Karst, Professor Jonathan Varat and Interim UCLA Chancellor Norman Abrams



THE EVOLUTION OF EXECUTION:

The debate over lethal injection in California is just the latest move in America's ongoing search for a painless method of execution

by Professor Stuart Banner

reprinted from the *San Jose Mercury News*, 5/14/2006

At the heart of the debate over death by lethal injection that is raging throughout the country is an apparent paradox. It may seem inconsistent to worry about prisoners' suffering when we've decided to kill them, but Americans have long held two principles when it comes to putting people to death for their crimes: While most Americans support capital punishment, we have always sought to make executions as painless as possible.

The goal of killing without pain is what motivated all the changes in our execution methods over the centuries, from hanging to the electric chair to the gas chamber to lethal injection. Whenever it has become technologically feasible to switch to a new method that promised to be less painful, we have always made the change. Today's debate over lethal injection -- now our main execution method -- is just the latest chapter in a very old and very American story.

The battle in California is slated to resume in September, when a federal district judge in San Jose will hold evidentiary hearings on the details of the state's lethal injection procedure. Among the other states embroiled in court battles over lethal injection are Florida, Missouri and Tennessee. The question being thrashed out in all the cases is whether lethal injection as performed now is needlessly painful and therefore cruel and unusual punishment outlawed by the U.S. Constitution. Eventually, the Supreme Court is likely to weigh in on whether the method is constitutional.

The search for a painless execution began even before the United States became a country. The trap-door scaffold was invented in the late 1600s. Before then, criminals had been hanged by pushing them off ladders or by standing them on horse-drawn carts, which could be pulled out from under them. Such hangings were often very painful. Whenever the condemned people dropped too slowly for the noose to sever their spinal cords, they would instead suffer slow, excruciating deaths from strangling. The idea behind the trap-door scaffold was to make the drop faster.

The trap-door scaffold may have increased the percentage of painless hangings, but hanging still often caused a slow and painful death. As a result, in the early 1800s many states redesigned their gallows.

Rather than being dropped down, condemned people were yanked up. The end of the rope not around the prisoner's neck was run over a pulley and attached to a heavy weight. When officials let the weight drop, the prisoner would be jerked into the air. Again, the idea was to apply a greater force more suddenly to the neck, to try to ensure that the cause of death would be an instantaneous spinal cord injury.

Even the new gallows could not make all hangings painless, so in the late 1800s states began to abandon hanging in favor of the latest technology: electricity. Just as Americans were wiring cities

to bring electricity into their homes, they began executing criminals in the electric chair.

Many of the early proponents of electrocution were doctors, who emphasized the speed with which electricity could kill. The chair would be "absolutely painless," one physician urged. "The electric current passes through the body of the criminal, and even before the bystanders have consciousness of the act of pressing the button all is over."

The electric chair turned out to be far from perfect. Botched electrocutions could be just as painful as botched hangings. Criminals sometimes caught on fire. Sometimes beads of blood appeared like sweat on their faces. On average, though, electrocution was almost certainly less painful than hanging, which is why more than half the states switched from hanging to the electric chair by the middle of the 20th century.

But even as the electric chair was being used by more states, some Americans were searching out even newer technology. After a spate of apparently painful electrocutions in the early 20th century, several of the states that had not yet adopted the electric chair jumped straight to the latest technology, a small airtight room that could be filled with poisonous gas.

The gas chamber turned out not to be perfectly painless either. Inmates sometimes spent their last minutes gasping and choking. But, like the electric chair, the gas chamber was most likely less painful on average than hanging. As a result, by the 1950s, hanging had almost vanished as a form of state punishment. Over the next few decades, the electric chair and the gas chamber were the usual ways Americans executed criminals.

By the late 1970s, however, occasionally gruesome electrocutions and gas chamber deaths had eliminated the optimism associated with these technological advances. Americans turned once again to a new execution method that promised to be painless: lethal injection. This method is now used in the vast majority of executions in the United States.

Today, new research suggests the sequence of three chemicals used to conduct lethal injections may inflict more pain than we thought. The first of the three may not always render the inmate unconscious. If it doesn't, the subsequent chemicals, which paralyze the inmate's lungs and stop the heart, may be just as painful as a slow hanging.

As a result of these findings, inmates facing execution have begun to challenge the constitutionality of the three-drug procedure. The California case was filed by Michael Morales, who was scheduled to have been executed in February. Morales' complaint contends that California in effect conducts executions by suffocation, by paralyzing the lungs of an inmate who is still conscious and capable of perceiving pain.

Morales' execution was postponed after state officials could not comply with a district judge's conditions for allowing the lethal injection to proceed; one option the judge presented was to have anesthesiologists witness the execution to ensure Morales remained unconscious during the procedure. The execution is now on hold until a full hearing on California's lethal injection method is held in September.

Cases like the one filed by Morales are challenges to a particular lethal injection procedure, not challenges to capital punishment itself. Even if Morales wins, all he will win is the right to be put to death by some other method.

If the U.S. Supreme Court one day addresses the issue on the merits, the court is extremely unlikely to reach any decision affecting anything about the death penalty other than the procedure by which it is carried out. But, assuming the recent medical research is correct, there is a good chance that the states will be forced to tweak their drug regimen or come up with some other method to ensure that inmates don't end up dying paralyzed but in pain.

Why this constant concern with pain? Part of it, no doubt, is about the spectators and government officials present at an execution rather than about the condemned person. A painful execution can be a nauseating thing to watch. But that doesn't explain all of it. Many people who will never see an execution are genuinely interested in making it as painless as possible.

We can easily imagine all sorts of ways of making executions more painful, but few seriously suggest doing so. To the contrary, if there has been one consistent pattern in the history of capital punishment in the United States it has been our persistent desire to do whatever is technologically feasible to make executions as painless as possible. Why?

For centuries the main reason for capital punishment has been a widely shared sense that retribution is a fundamental aspect of justice. Ideas about deterrence and rehabilitation have come and

gone, but there have always been a great many Americans who believe that there are certain crimes so grave, or certain criminals so evil, that death is the only just punishment. The appropriate punishment, in this view, has been death, not death preceded by torment.

A painful death has always been within our power to inflict, but it has always been viewed as too severe. For all our rhetoric about imposing the harshest punishment on the worst criminals, we have never actually been interested in imposing the harshest punishment. Some things are worse than death, but death has always been enough.

Americans have been divided over capital punishment itself since the late 1700s, but the concern with the pain felt by those being executed has been shared by supporters and opponents alike.

Opponents have sometimes tried to use the painfulness of a particular execution method as a way of turning the public against the death penalty, and supporters have sometimes viewed allegations of pain as a trick to accomplish indirectly what opponents could never accomplish directly. But the earlier transitions from one execution method to another were, in the end, supported by both sides. And the transitions had little effect on public opinion about capital punishment.

People who didn't like the death penalty when it was inflicted by hanging didn't like it any better after the move to the electric chair; people who favored it before the switch still favored it after.

The same is likely to be true if we modify our current lethal injection procedure. Whatever the new method is, it won't change many minds about capital punishment. Our grandchildren may look back on the sequence of chemicals we now use the same way we remember the gallows, the gas chamber and the electric chair—as just one more obsolete technology, one more step in the continual search for a painless way of killing our criminals. ■

UCLA Law Co-Sponsors Wrongful Conviction Conference

The debate about wrongful convictions and the death penalty has been a key issue in California and national politics over the last year. In April 2006, UCLA Law served as host of "The Faces of Wrongful Conviction: A Conference Examining Wrongful Convictions and the Administration of the Death Penalty in California." The conference featured dozens of wrongfully convicted men and women who spoke out about the errors and biases that unjustly landed them behind bars. They were joined by murder victims' family members, former prosecutors, and national experts to discuss the failings of California's criminal justice system generally and of California's death penalty specifically. The conference was co-sponsored by UCLA Law's Program in Public Interest Law and Policy.

UCLA Law Dean Michael Schill welcomed the attendees to the conference, speaking about the importance of this issue to the state, nation and the legal community. Participants included such leading experts as attorney and professor Barry Scheck, co-director of New York's Innocence Project, which has helped free

more than 100 people through DNA evidence; nationally acclaimed death penalty attorneys Stephen Bright and Bryan Stevenson; and California state Sen. Gloria Romero, legislative liaison to the California Commission on the Fair Administration of Justice.

The conference also featured UCLA Law's own Stuart Banner, who moderated the panel, "Death Penalty 101: Current Issues, Recent Changes, and Public Opinion." Professor Banner was the first scholar to provide a comprehensive account of the capital punishment with his 2002 book, *The Death Penalty: An American History*. Unlike most authors, Professor Banner did not set out to attack or to defend the death penalty; instead, he offers a balanced history of capital punishment in the United States, discussing changes over time in the arguments pro and con, in execution methods and rituals, and in the ways Americans have understood and experienced the death penalty over the last few centuries. ■

Q&A on Corporate Governance with Business Law Scholars Lynn Stout and Stephen Bainbridge

with Scott Woolley,
Forbes Magazine

What's wrong with corporate America? The conventional wisdom is straight-forward: From Enron's implosion to the current scandal over backdated stock options, shareholders have been getting abused. And, the argument goes, they will continue to be abused until they are given enough power to stand up for themselves.

But what if the conventional wisdom has it all wrong?

That's exactly what an increasingly influential group of UCLA law professors argue. Explains **Lynn Stout**, the Paul Hastings Professor of Corporate and Securities Law at UCLA: "There is a UCLA school of corporate governance emerging that is going up against one-size-fits-all, shareholder-power-is-always-the-solution, corporate-governance-is-broken school." Stout and **Stephen Bainbridge**, the William D. Warren Professor of Law and a popular blogger, both warn that efforts to help shareholders by giving them more power are more likely to have precisely the opposite effect.

Both Stout and Bainbridge are, by their own description, devout capitalists. So why do they oppose laws like Sarbanes-Oxley and their seemingly salutary focus "shareholder empowerment"? The two sat down recently to explain in a conversation with Scott Woolley, a westcoast bureau chief for *Forbes* magazine.



Woolley: So, despite all the scandals, the American system of corporate governance is not, in your view, broken?

Stout: *One thing that many people have missed is that if US corporate governance is “broken” then it has been “broken” for 70 years. It was in 1932 that Berle and Means published their famous book, *The Modern Corporation and Private Property*. In it they described boards as self-perpetuating bodies that controlled public companies, and pointed out that shareholders had very little power. And yet, in spite of that, the U.S. corporation went on to become one of the greatest economic engines in history. Indeed, the United States corporation was viewed as the model for economic efficiency in the ‘50s, ‘60s, and up into the ‘70s. So it’s remarkably shortsighted to suddenly say that a large number of high-profile frauds proves that corporate governance is now broken. Are we to believe that managers only figured out how to break the rules after 70 years?*

Woolley: What was it about the old rules that made American companies into such economic powerhouses in the 20th century?

Stout: *The strength of American corporate law, traditionally, has been the tremendous variety of business forms and governance structures that it allows. If you didn’t like the rules, you could draft up whatever you want and put it in your charter. Think of the business world as an ecological system. Different organizations evolved to fill different niches. We not only have corporations, we have closely held corporations, partnerships, limited partnerships, limited liability companies. U.S. law at the state level, traditionally, enabled all of these to exist.*

Bainbridge: *I’m writing an article now on the role of the board of directors post Sarbanes-Oxley, and one of the sections is entitled *A Eulogy for Statutory Minimalism*. The Delaware Corporation Code says, “You ought to have a board of directors,” but it lets you have as many directors as you like, you can impose what fiduciary duties you like on them, you can have committees or not have committees, and so on. It’s minimalist. It’s enabling. It says, “Look, here’s some basic structures. Go take this and make money.”*

Woolley: So the mystery is: why would all these structures have evolved if they really are as terrible as many of the reformers now say they are?

Stout: *One of the questions to ask is: “How do entrepreneurs structure companies when they’re going public?” That is the first time they are selling shares to outside investors. No one’s putting a gun to the head of the pension fund manager and saying: “You have to buy stock in this firm.” So the entrepreneur has every reason to design a corporation that will let investors receive the maximum possible returns. And when you look at what companies do at the IPO stage, what you see is very clear. They either go for the default rules, which give a lot of power to directors, or they customize them to give even more power to directors.*

A classic example is the staggered board. In the 1990s, up to 80% of companies going public had staggered board provisions. The really extreme example was dual-class capitalization. Look at Google. Google is a governance disaster, yet it has done very well. Enron, by contrast, had perfect corporate governance. They had a majority of outside directors, they had stock option compensation and they had a majority of outsiders on the audit committee. Enron did everything right. I would much rather have my money in Google.

Woolley: So what is the advantage of all these structures that limit shareholders’ power? Why do so many companies choose them?

Stout: *There’s a lot of economic theory that suggests that if shareholders are given unleavened control of a firm, then lots of important stakeholders will not want to get deeply involved with that firm.*



Lots of different stakeholders make illiquid investments in firms, meaning you can't easily separate the investments from the company. In economic-speak we call them "specific investments." Any employee-particularly in a knowledge economy-is going to have an enormous illiquid investment in their firm. If they were to come to work one day and find the meteorite had destroyed



the company, they would suffer a major economic loss. Chances are they would not be able to find another position at an equivalent salary. Customers make illiquid investments too. I have a huge illiquid investment in United Airlines. If they go under I lose all my frequent flyer miles and all my chances for upgrades. I am tied to them.

Woolley: So how do you encourage customers, employees, and other people to make these illiquid investments?

Stout: The question becomes: Who do you want to leave in control of these illiquid investments? There's a lot of problems leaving it in the hands of shareholders because they can threaten to destroy the value of the illiquid investments. The shareholders can go to the employees and say: "You know what, we've decided that we're going to close the down the plant- unless you're willing to make some wage concessions." The shareholders have an economic incentive to do that; it will increase profits.

So there are a lot of different groups that make illiquid investments who will not make them if they think that they can be easily expropriated by shareholders. Our theory is that one of the reasons why companies are run by boards is that

they put in a layer of insulation that makes it less likely that the shareholders would be able to use their power trying to threaten these other groups.

Woolley: Professor Bainbridge?

Bainbridge: Here's where we disagree. Lynn's model includes the notion that directors are "mediating hierarchs." That is to say they run the company but they mediate between all these competing illiquid investments. My take starts in a different place.

Why don't we see shareholders in publicly-held companies running the company? Economist Kenneth Arrow says there's basically two ways of making decisions, consensus and authority. Consensus means we all have some mechanism for sitting around and collectively reaching a decision. Authority is characterized by having an organization where all the information falls to the central decision maker. Authority becomes essential when three conditions are met. When you have stakeholders who have different interests, they have information asymmetries, and they have collective action problems. Clearly that's true for shareholders of public corporations.

Now, the flipside of authority is accountability. Will I use my authority in ways that are accountable? The shareholders have, in a sense, said to the directors, "Look, here's the contract. We make an investment. You get to run the company, but you have to maximize our wealth. That's the deal." Part of that deal, I've argued, is that shareholders recognize that there's a tension between authority and accountability.

Woolley: Can you give an example of that trade-off?

Bainbridge: The example I use for when I'm teaching this in class to try to make it easy for the students to get, is I say, "Suppose the dean was sitting up in the back of the room with a big stack of money that represents my pay for this month. I'm

up in front of the class teaching away, and I'm watching the dean out of the corner of my eye. The dean has said, 'Steve, you run the class. You teach it the way you want.' But every time I do something the dean doesn't like, he takes some money out of the stack and puts in his pocket. Well, pretty soon I'm not running the class the way I want. Instead, I'm teaching the class the way the dean wants, so as to keep the dean from taking money off of the stack."

Woolley: So what is it about the traditional system of board governance that gets this balance right?

Bainbridge: The key insight that Arrow had is the notion that the power to review is the power to decide. If somebody like a shareholder has the power to review what directors are doing by suing them, by voting them out of office, what we've done is to say to the shareholders, "Well, now you have the power to decide." Shareholders recognize that the power to review is the power to decide, so what shareholders have done is to say, "As part of this contract we're going to tie our hands." What we're going to do is have a very limited system of accountability that only kicks in, basically, when you're cheating.

Think about the business judgment rule. It says, "Director decisions relating to operational matters are immune from judicial review pretty much so as long as there's no conflict of interest. That's the tradeoff that shareholders have made: they've decided that they're going to give up a lot of accountability mechanisms because authority is so central to efficient governance

Stout: In my writing I call directors "hierarchs," but it's the same idea. What makes a hierarch a hierarch is that nobody can come in and tell them what to do. Steve and I agree that if you look at corporate law, it clearly makes directors hierarchs. It insulates them from shareholder lawsuits and insulates them from shareholder attempts to remove them from office, not 100%, but quite a bit. So now the question becomes: Why?

Steve raised two arguments: efficient decision-making and informed decision-making. That may explain 80% of the value of director governance, but it doesn't explain the remaining 20% that I think is absolutely essential. For example, under Delaware

Professor Lynn Stout Named to Paul Hastings Chair in Corporate and Securities Law



UCLA School of Law has appointed Professor Lynn Stout to the Paul Hastings Endowed Chair in Corporate and Securities Law. The Paul Hastings Chair was created through the generosity of the international law firm Paul, Hastings, Janofsky & Walker LLP. It is the first endowed chair UCLA Law has received from a law firm, and it is also the first endowed law firm chair in the city of Los Angeles.

Upon Professor Stout's appointment to the Paul Hastings Chair, UCLA Law Dean Michael Schill commented, "Lynn Stout is a business and corporate law scholar of who displays in her work and teaching enormous creativity and insight. We are grateful to have in this important chair an individual who generates such influential and pioneering scholarship."

Professor Stout is an internationally renowned business law scholar who specializes in the areas of corporate governance, securities regulation and law and economics. A prolific writer, she publishes path-breaking research that seeks to advance our understanding of the economic and social functions of corporations and the principal issues involved in corporate governance.

"UCLA School of Law professors are among the finest legal scholars in the nation, and we're pleased to support the school's efforts to continue raising the bar on the caliber of its faculty," said Greg Nitzkowski, managing partner of Paul Hastings, and a 1984 alumnus of UCLA School of Law. "We're pleased that someone of Professor Stout's prominence will serve as the inaugural holder of the Paul Hastings Chair."

Professor Stout has authored a casebook series on law and economics, as well as numerous articles on corporate governance, the theory of the corporation, stock markets, finance theory, and economic and behavioral analysis of law.

Professor Stout is the principal investigator for the UCLA-Sloan Foundation Research Program on Business Organizations. She is a director of the American Law and Economics Association, past chair of the American Association of Law Schools (AALS) Section on Law and Economics and past chair of the AALS Section on Business Associations.



Professor Stephen Bainbridge Selected as the William D. Warren Professor of Law

UCLA School of Law has named Professor Stephen Bainbridge as the William D. Warren Professor of Law. The William D. Warren Endowed Chair in Law was created through the kindness of many donors, including several UCLA Law alumni, in honor and recognition of former UCLA School of Law Dean William Warren, whose academic expertise was in the areas of commercial, consumer, real estate and bankruptcy law.

"We're enormously pleased to have a scholar of Stephen Bainbridge's intellectual caliber fill this chair, which honors one of UCLA Law's most beloved deans, William Warren," said UCLA Law Dean Michael Schill. "Professor Bainbridge is not only one of country's most productive scholars, but also one of its most influential."

Professor Bainbridge is a prolific scholar, whose work covers a variety of subjects, with a strong emphasis on the law and economics of public corporations. He has written more than 50 law review articles, which have appeared in such leading journals as *Virginia Law Review*, *Northwestern University Law Review* and *Stanford Law Review*.

Recently, Professor Bainbridge has focused his attention on research regarding a director primacy model of corporate governance. He has two recent articles based on this research: "Director Primacy and Shareholder Disempowerment" (*Harvard Law Review*, Vol. 119, Jan. 2006), and "The Case for Limited Shareholder Voting Rights" (*UCLA Law Review*, Vol. 53, pp. 601-636, 2006).

Professor Bainbridge currently serves on the editorial advisory board of the *Journal of Markets and Morality* and is on the executive committee of the

Federalist Society's Corporations, Securities & Antitrust Practice Group. His blog, ProfessorBainbridge.com, is one of the most widely read political and legal weblogs on the Internet. He also maintains another blog, ProfessorBainbridgeOnWine.com, on which he offers piquant wine commentary and tasting notes.

Corporate Law, even if each and every shareholder were to deliver to the board a unanimous demand that the board pay a dividend, the board is free to say no. If they were to deliver a unanimous demand that the board fire the CEO, the board can say no. If they were to deliver a unanimous demand that the board sell the company to the highest bidder, the board is free to say no. Now, obviously, that's not a coordination problem: all the shareholders agree. And those are not the sorts of decisions where shareholders don't have good information. The shareholders ought to know whether they would rather have their shares trading at \$50 a share or sell them for \$75 a share. So I don't think that the coordination argument goes far enough to explain what we're seeing.

Woolley: How does your third colleague, Iman Anabtawi, fit into this debate?

Stout: *She's the third leg of the UCLA stool, as it were. Iman has just published an article in the UCLA Law Review where she makes an intriguing argument. She lays out all the ways in which shareholders can have differing interests, the ways in which a corporate raider such as Carl Icahn can make money by picking the other shareholders' pockets. She argues that one justification for board governance is that the board is a kind of insulation that reduces shareholder power. In this case, the board reduces shareholders' ability to exploit each other. I agree with both Steve's coordination argument and Iman's argument, which we call the "intra-shareholder in-fighting" argument.*

Woolley: Both of which can coexist with your focus on other stakeholders' illiquid investments...

Stout: *Yes. Shareholders are willing to tie their own hands and give up control to boards because they realize the only way they can get customers, executives, employees, suppliers to commit, and to make themselves vulnerable to make these illiquid investments is to leave the control of the firm in the hands of someone who doesn't have the incentive to try to rip them off later.*

Bainbridge: Here's where we disagree. In my piece in the *Northwestern Law Review* on director primacy I ran through the cases and there's no justification, I think, for saying that the cases permit directors to mediate between shareholder and stakeholder interests, and here I'm talking about Delaware law. We observe that in about half the States, a little more than half the States, they have by statute authorized directors to act in a certain mediating fashion. The statutes are almost never used. I've had research assistants go out and look for cases. They're almost never cited in cases, so I don't treat these statutes as having much weight. I think a fair reading of the case law is that directors have an obligation to maximize shareholder wealth. It think that explains 100% of what's going on. Shareholders made a deal with the directors that essentially says: "We want you to maximize shareholder wealth, and we think the best way to do that is through a model in which shareholders have fairly limited power."

Stout: Since *Dodge v. Ford* there has never been a case where shareholders successfully sued directors for damages based on the theory that they were doing something to benefit other groups at the shareholders' expense. A lot of cases have tried to make that claim, unsuccessfully. So I look at corporate law and think: "Clearly, the boards are acting as mediators." On this issue, Steve, you are the one who's arguing for a one-size-fits-all solution. You're basically saying that corporations should all be run to maximize shareholder value. My response to that is: if that is efficient you are free to put it in the corporate charter. There is no reason why you couldn't create a company charter that says, "The purpose of this company is to maximize shareholder wealth." If that were really attractive to investors they would flock to buy it. And yet I've never seen a charter that says that.

Woolley: Regardless of exactly why boards came into existence, you both believe it was for a very good reason. What does that imply about the risks of "reforming" the system to changes those longstanding rules.

Bainbridge: I think Lynn very ably makes the point in a lot of her writings that we keep throwing reforms at corporate governance which turn out to have serious unintended consequences. It's something that both of us have been particularly troubled by in recent years. I think it is implicit in what Lynn was saying that most of these reforms take a one-size-fits-all attitude. Sarbanes-Oxley is a good example of that. Every company has to have an audit committee. Every company has to have a compensation committee. Every company has to have a nominating committee, and if there's one thing I've learned in studying corporations for 20 years now, it's that one size does not fit all.

It's clear that there were fairly significant problems with financial disclosure in the late '90s, and I think that the story really starts with the 1993 budget act in which Congress changed the rules on deducting compensation paid to highly paid executives, capping non-performance based compensation at a million dollars a year. The effect was to accelerate the shift of the bulk of executive compensation into options. That was a shift that had begun back in in the '80s, but it really accelerated post-1994. This shift created a set of incentives for managers to start managing the numbers and, in particular, the quarterly numbers to keep their stock options in the money, which resulted in financial shenanigans at a lot of companies. After Enron, the SEC did a study of the Fortune



500 and virtually all the Fortune 500 ended up having to restate their financials because they had either overstated earnings or understated income.

Stout: Stock options are the classic example of a simplistic approach that said: “We can come up with a top down solution that’s going to improve corporate governance of all firms.” Instead, it ended up causing a series of disasters. You can trace Enron, WorldCom, Tyco, all of these cases, you can trace them to executive’s fixation on option compensation



Many people have responded all these problems by saying: “The solution is to give shareholders more power.” But how you get from the analysis that we’ve got a problem to deciding that more shareholder power is the solution is still unclear to me. It seems to me there’s an enormous logical gap there that has yet to be filled.

There is something interesting happening here: A UCLA School of Corporate Governance is emerging. It is going up against the one-size-fits-all, shareholder-power-is-always-the-solution, corporate-governance-is-broken school. That is a school of thought that lacks any sense of business history, as far as I can tell. Between Steve and myself and a Iman Anabtawi, we have got the three most compelling theories of why you need to leave corporate governance matters in the hands of directors and not in the hands of shareholders.

Bainbridge: What we here at UCLA have done is to come up with a series of explanations for why the current system works, and when I say the current system what I, basically, mean is Delaware Corporate Law.

Stout: Right-the system that evolved over 60 years.

Bainbridge: The system that evolved gives us a very efficient system for dealing with large publicly held entities, and the reformers have got to take on both stories. They got to prove that both of us are wrong in order to make the case for reform.

Stout: And Iman, too. We are involved in a very deep structural debate about what the corporation is all about. The problem is that we’ve now had a generation who have grown up believing the shareholders “own” a corporation and that it is obviously efficient to maximize several of their “values,” which is, generally, measured by stock prices. That story is so brain dead simple.

Bainbridge: That’s right. One of the things that UCLA has done is to bring together people who, even though we may have different stories, have come up with an explanation of corporate law that fits the facts better than what’s going on elsewhere. Regardless of the story, we are forcing people to say: there are at least three very good arguments for why the traditional board-centered system of corporate governance works. So before we start changing that system, we need to consider the possibility of unintended consequences.”

Stout: Top-down planning-essentially Stalinist economics-is not going to produce a better result. Some policymaker or academic in an armchair somewhere is not going to have a better idea of how to run a company than the people who created it, who go to work there every day, who put their money into it. So Steve and I are both fighting against the tide by saying: “These business forms didn’t evolve because they don’t work, and investors didn’t line up to purchase shares in these entities because they’re getting ripped off.” ■

the new faces of business law

by dan gordon

Learning tax law without a larger understanding of the implications of tax-related decisions on a corporation's health is often insufficient, argues **Professor Steven Bank**, faculty director of UCLA Law's Business Law and Policy Program. Similarly, he suggests, being well versed in corporate law without seeing the wider view of how private transactions affect the public interest ignores a vital piece of the business law puzzle.

By building a comprehensive program in business law—with full-time faculty experts in all aspects of corporate law, tax law, bankruptcy, securities regulation and corporate governance together with an array of transactional clinics—UCLA School of Law has emerged as one of the only top law schools to offer a curriculum reflecting the reality that lawyers who work in the corporate world require broad-based business expertise.

"There is a growing recognition of the need to study business and law together," says Bank. "Issues of corporate governance, for example, are more than just the arcane disputes among individual shareholders in law books—these are issues that are critically important to everyday life and the workings of the economy. Law firms, too, recognize that a well-educated lawyer who doesn't know something about business is not as likely to be successful."



Steven Bank

business law program offers breadth and depth

UCLA Law's Business Law and Policy Program studies key issues in business law and offers a tremendous breadth of policy—and practice-oriented courses taught by some of the nation's most influential scholars and practitioners. By promoting innovative research, preparing students to be legal leaders in the new economy, and hosting timely conferences and other scholarly events that advance the public discussion, the program has emerged as a leading national voice in the legal and policy debate over the critical issues affecting the regulation and governance of business.



Ken Klee

The strength of the program is both its breadth and its depth, with multiple scholars in areas such as tax policy and public finance, corporate governance, bankruptcy and real estate. "We offer a curriculum that is both broad and deep, so that if students decide, for example, that they want to go into tax law, they're not stuck after two classes with nothing left to take," says Bank. "We have full-time faculty leading all of these fields with some of the top casebooks for instruction, as well as some of the most creative scholarship. Having this specialization focuses us on making sure we are offering enough courses and enough variety, and having so many strong business law professors creates synergies and attracts other leading faculty."



Stephen Bainbridge

faculty are diverse in many ways

The Business Law and Policy faculty is a remarkably diverse group, and not only in terms of gender and ethnicity. The program's scholars span the ideological perspective, and include a mixture of both theorists who produce cutting-edge ideas of what the law should look like and practitioners with substantial experience in law firms and at the highest levels of policy-making—people such as **Professor Kenneth Klee**, one of the foremost bankruptcy lawyers in the country, who was one of the original drafters of the bankruptcy code. To facilitate the exchange of ideas, monthly luncheons are held at which faculty informally discuss current events, often joined by faculty from UCLA Anderson School of Management.

"Most faculties tend to self-replicate, because people hire others who are exactly like

themselves," says **Paul Hastings Professor of Corporate and Securities Law Lynn A. Stout**, a national figure in corporate governance, securities regulation and law and economics. "That's not UCLA. We actually like to hire people who have ideas that are different from our own. There is also a respect for all kinds of different approaches, whether it's empirical, economic, or broader social sciences. When you combine that with our interest in the public policy implications of corporate law, you get a very exciting intellectual environment where there is a lot of ferment."

uniqueness of ucla law's business program

Professor Bank points out that unlike many think-tank types of programs, this one has no agenda, other than to help disseminate faculty scholarship

and opinions to policy makers. That occurs in many ways, including through publication of op-ed pieces, often deriving from larger scholarly works; through testimony before Congress and other consultations with political

leaders; and by inviting prominent policy makers to campus to participate in conferences and exchange ideas with faculty and students. An example of the latter was a visit to UCLA Law last year by Don Korb, chief counsel for the Internal Revenue Service. Korb was so moved by the overflow turnout for his lecture and the exchange of ideas with students and faculty that he asked to return this fall.



Adam Winkler



Iman Anabtawi

“One of the reasons many law schools are thin in the business law department is that they tend to think of business as a private matter, of interest only to the parties entering contracts,” says Stout. “At UCLA, we treat the business world as a part of society, and we are deeply involved in the policy debates of the day.” Stout, for example, has worked with William D. Warren, **Professor of Law Stephen Bainbridge** and **Professor Iman Anabtawi** in advancing policy arguments about the best way to approach the perceived corporate governance failures of the last decade. Other faculty, including **Professors Scott Cummings** and **Adam Winkler**, have also written on the issue of social responsibility of corporations.

staying ahead of the curve

Security Pacific Bank **Professor of Law Lynn LoPucki**’s most recent book, *Courting Failure: How Competition for Big Cases is Corrupting the Bankruptcy Courts* (University of Michigan Press), makes a compelling case that “forum shopping”—in which

attorneys choose courts that offer the most favorable outcome for their bankrupt clients, and courts lower their standards to compete for these lucrative cases—has gained widespread attention and helped to drive the debate on the bankruptcy

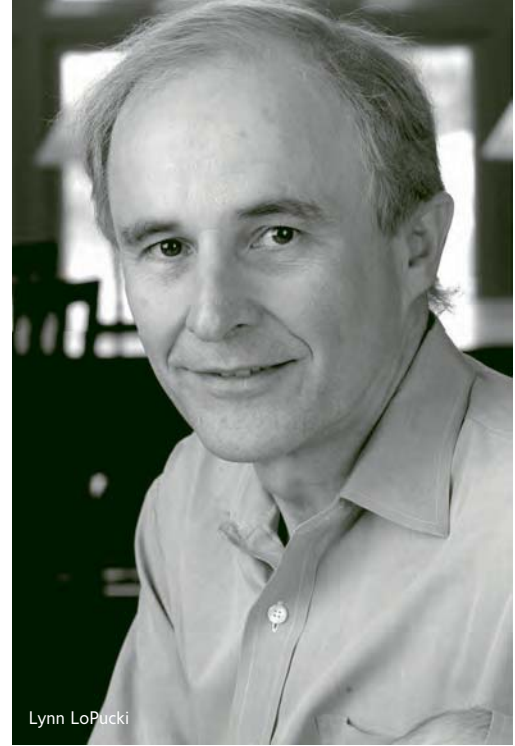
court system. LoPucki has also done extensive empirical research on the bankruptcy reorganization of large, public companies. His Bankruptcy Research Database, a byproduct of that research, enables other researchers to design and instantly execute empirical studies of large, public-company bankruptcy cases through a powerful searchable database (<http://lopucki.law.ucla.edu>).



Kirk Stark

Bankruptcy is one of many areas in which the Business Law and Policy Program faculty have been ahead of the curve. Professor Anabtawi, writing in the *North Carolina Law Review*, was among the first to expose the practice of backdated options—in which compensation is delivered to top executives in a manner not adequately disclosed to shareholders. Stout and Bainbridge have also written on the concern, which has become a major corporate issue. In the tax area, Bank published a paper on dividend taxation the same week the Bush administration proposed its plan to reform the dividend tax; using a historical approach, he refuted the contention of the Bush

administration that dividends were declining because of the tax burden. “These are just a couple of examples of hot public issues in which we didn’t have to piece together sound bites for the media; we had already been thinking and writing about them,” says Bank. “That happens only when you have academics who are both fully enmeshed in the theory and intellectual exercise in their field, and also connected to what’s going on in the business world.”



Lynn LoPucki



Eric Zolt

nationally ranked tax law program

Tax law continues to be one of the cornerstones of the Business Law and Policy Program, both in terms of curricular offerings and faculty strength. While no ranking system can legitimately capture the quality of an academic program, the tax law program was ranked seventh in the nation by *U.S. News & World Report*, which asks faculty from all accredited law schools to rank specific programs of all institutions. In addition, the scholarly papers of UCLA's tax law faculty were downloaded more often than any other tax law faculty's papers other than Harvard's, according to rankings compiled by the Social Science Research Network. What sets UCLA's tax law program apart is its large number of full-time faculty, Bank explains. Indeed, the UCLA program has more full-time tax faculty than many LL.M. programs, except that at UCLA they are primarily focused on J.D. students. "As a result, we can offer an incredible array of classes dedicated to the J.D. tax students, rather than merely made available to J.D. students but focused on tax LL.M. students" Bank says.

The renowned lineup of tax scholars at UCLA Law includes Bank, who specializes in how historical developments have shaped the corporate tax system, and has organized conferences on historical perspectives in tax policy and critical tax theory; **Professor Kirk Stark**, a nationally recognized expert in state and local taxation in the context of economics and public finance policy; **Professor Eric Zolt**, who consults on tax policy all over the world and in this country, where he served in the Office of Tax Policy of the U.S. Department of the Treasury from 1989 to 1992 and was one of the principal drafters of the tax reform plan for corporations; and **Professor Samuel C. Thompson, Jr.**, one of the foremost experts on tax, mergers and acquisitions, and corporate and securities law, who recently testified before Congress on corporate tax reform. The UCLA tax law group boasts strengths in corporate and

individual taxation and in tax jurisprudence; it includes professors who are active as scholars, teachers and consultants at home and abroad.

Colloquia Connect Faculty

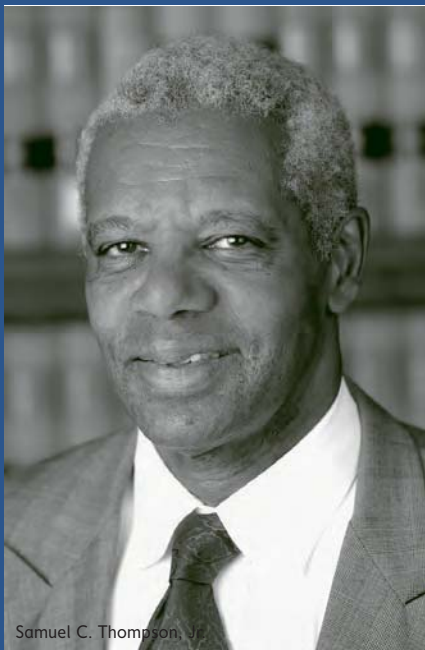
The Business Law and Policy Program has established two colloquia, one on tax policy and public finance and one on corporate governance, in which professors from UCLA and across the country are invited to present works in progress to students and UCLA Law faculty. "These are opportunities for students to see cutting-edge work from many different people before it's even been published," says Bank. "They get to comment on it and influence it. Too often, students are exposed to faculty scholarship only when they go off on their own and read what is being written by their professors. In this case, students become part of the scholarly process." The colloquia have covered topics being



Lynn Stout

ucla-sloan foundation research program

With funding from the nonprofit Alfred P. Sloan Foundation, the UCLA-Sloan Foundation Research Program on Business Organizations seeks to advance societal understanding of the economic and social functions of corporations and the principal issues involved in corporate governance—including the competing interests at stake; the duties of corporate officers and directors in responding to these interests; the goals and concerns that motivate officers, directors, and the firm itself; and the role of legal and extra-legal institutions influencing corporations and the individuals who act for them.



Samuel C. Thompson, Jr.

Practitioner-Focused M&A Center

Professor Samuel C. Thompson, Jr. directs the UCLA Law Center for the Study of Mergers and Acquisitions, which was established in 2003 to examine corporate, securities, tax, antitrust, and other legal and economic issues that arise in such transactions. The center engages practitioners and policy makers through a series of institutes covering key issues in tax, mergers and acquisitions, and corporate and securities law. Participants discuss the topics and hear different perspectives from academic, corporate and government lawyers who are closest to the issue. The center also hosts the First Monday Forum, a monthly discussion of current issues in mergers and acquisitions that brings together scholars, jurists and practitioners to discuss major cases and court decisions pertaining to this field.

The program, headed by Professor Stout, brings together a critical mass of leading scholars interested in studying the modern business firm, provides research support for their work, and helps disseminate their findings through publications, lectures and conferences. “A program such as this is very unusual,” says Stout. “Often, corporate governance programs are funded by companies interested in research on how markets work from the perspective of enhancing profits. Sloan is relatively new on the corporate governance scene, but it’s making a big splash with its interest in interdisciplinary work that looks at the corporation’s broader social purpose.”

transactional clinics give students practical experiences



Grant Nelson

Several innovative initiatives within the Business Law and Policy Program present unique learning opportunities for students. UCLA Law’s Community Economic Development Clinic, under the supervision of Professor Scott Cummings, trains students to represent community-based organizations in projects designed to create jobs, build affordable housing, and provide critical services in low-income neighborhoods. Last year, the clinic prepared a report on the garment industry for a group working with the City of Los Angeles to create a package of incentives promoting garment production that combines efficient production and respect for workers’ labor rights. The previous year, a group advised the Los Angeles Community Redevelopment Agency on the legality of proposed changes to its affordable housing plan and made recommendations for new policies that would prevent the elimination of affordable units from the downtown area.



Scott Cummings

The Community Economic Development Clinic is one of seven transactional clinical offerings that are giving UCLA Law students practical experiences. While many law schools have established litigation-based clinics, UCLA Law was one of the first in the nation to provide future transactional lawyers with the opportunity to hone their skills in practical settings. Faculty have been hired specifically to work in the transactional skills program, training students with both simulation-based techniques and live-client representation, as with the Community Economic Development Clinic. Every student enrolled in the Business Law Program specialization is required to take at least one such course.

new real estate center enhances interdisciplinary opportunities

One of the most recent centers of influence established at UCLA is the Richard S. Ziman Center for Real Estate, which is a joint center between UCLA School of Law and UCLA Anderson School of Management. The establishment of this center marks the first such venture between top-tier schools of business and law.

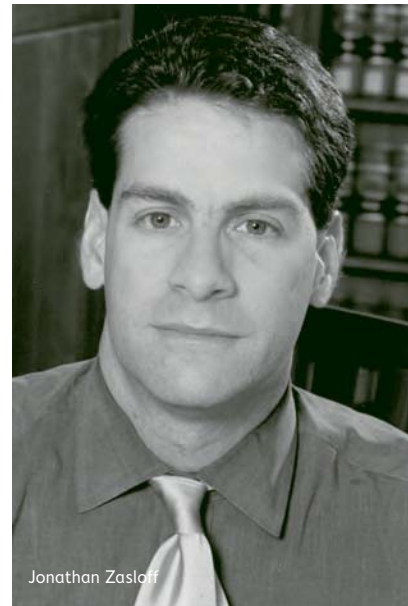
“UCLA has pioneered an interdisciplinary approach to legal studies,” said **Dean Michael Schill**, who is one of the nation’s top scholars in real estate and housing policy, deregulation, finance and discrimination. “Through courses and research integrated across campus, this partnership will offer all of our students and faculty a more holistic view of real estate, land use and development.”



Michael H. Schill

The UCLA Ziman Center for Real Estate offers students a full range of coursework that considers real estate and its significance in the economy and urban environment. The center’s Faculty Research Fellows Program includes scholars from seven academic departments at UCLA, including UCLA Law’s own Professor Grant Nelson, the nation’s foremost expert in real estate finance law and real estate transactions.

In July 2006, UCLA Law **Professor Jonathan Zasloff** was appointed associate director of the UCLA Ziman Center for Real Estate. In this newly-created position, Zasloff, an expert in torts, land use, environmental law, and comparative urban planning, will collaborate with UCLA Anderson Professor Eduardo Schwartz, who is director of the Ziman Center, to develop some exciting curricular and programmatic initiatives for the Ziman Center. Their efforts will benefit both law and business students, as well as each school’s respective alumni.



Jonathan Zasloff

many ucla law alumni are leaders in business

UCLA School of Law’s Business Law and Policy Program was one of the first in the nation when it was created in 1997 and remains one of only four such programs at a top twenty law school. Students who graduate with a specialization in business law—there are four tracks from which to choose: Business Law, Taxation, Bankruptcy, and Securities Regulation—leave UCLA Law not only with a solid grounding in the law, but also with a thorough understanding of the business client’s goals

and obstacles. Even before this program launched, many UCLA Law students pursued coursework that provided them with the training they needed to be successful in business. One of the remarkable things is the unanimity with which our alumni in agree about how beneficial their law degree has been to their careers and their success in business.

A quick survey of where UCLA Law alumni are found suggests that in virtually every prominent industry, there is a leader with a UCLA Law degree. Many graduates, not

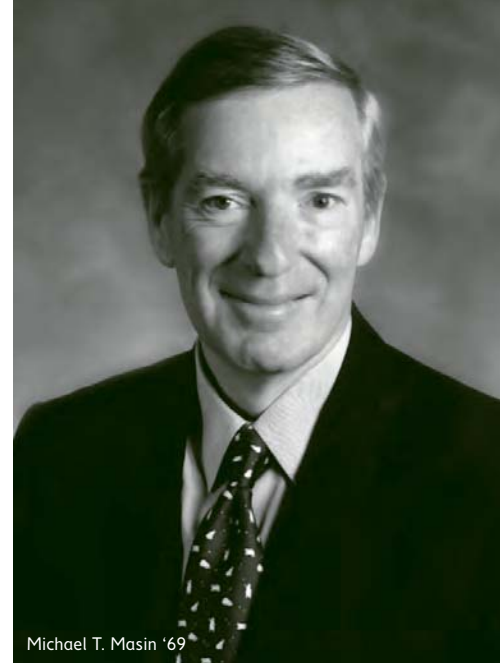
surprisingly, practice in the business sections of law firms.

But others take a different route. Some work in-house at the top levels of corporations. **Michael T. Masin '69** co-

chair of the UCLA School of Law Board of Advisors, is the former vice chairman and chief operating officer of

Citigroup and has also served as vice chairman and president of Verizon Communications—a role he assumed upon the company's formation in 2000 through the merger of Bell Atlantic and GTE Corporation.

Given UCLA's preeminent entertainment law status and its location in the nation's entertainment capital, the law school has produced many of the most prominent entertainment lawyers in the United States, as well as leading studio and talent agency executives such as **Stacey Snider '85**, chief executive officer of Dreamworks; **Jim Berkus '72**, chairman of United Talent Agency (UTA); and **Bob Broder '65**, formerly head of Broder Webb Cherven Silberman Agency before its sale in 2006 to International Creative Management (ICM).



investment management, venture capital and real estate development

Many UCLA Law alumni are leaders in investment banking, private equity firms, venture or hedge funds. For example, **David Matlin '86** is head of Matlin Patterson Global Opportunities Fund, one of the nation's premier funds specializing in distressed companies. **Ed Perlman '82** also runs a hedge fund headquartered in Greenwich Connecticut. Two alumni profiled in this magazine are **Steve Greenberg '77**, a managing director at Allen & Company, LLC., and **Judy O'Brien '74**, the managing director of Incubic Venture Fund in Silicon Valley.

Perhaps influenced by legendary professors Dick Maxwell and Jesse Dukeminier, a legion of UCLA alumni have gone into careers in real estate. **Ralph Shapiro '58** was an early pioneer in real estate syndications and Los Angeles area office buildings; in this role he is landlord to several other UCLA Law alumni! **Michael D. McKee '79** is



vice chairman and chief operating officer of the Irvine Company-responsible, along with Chairman Donald Bren, for overseeing all of the company's functions including land development and asset management. Until this year, **Nelson Rising '67** was chairman and CEO of Catellus Development Corporation, a publicly traded company specializing in large, complicated public/private ventures, before it merged with and into ProLogis.



Stewart Resnick '62

For some of our alumni, one area of business activity is not enough. Their strong entrepreneurial spirit leads them into a variety of ventures. For example, **Stewart Resnick '62**, along with his wife Lynda, owns Roll Corporation, with diverse holdings that include the Franklin Mint, Teleflora, Fiji Water and POM Wonderful. The Resnicks are also the owners of Paramount Farming, the nation's largest producer of almonds and pistachios. Another alumnus, **Lowell Milken '73** is chairman of London-based Heron International, a worldwide leader in property development; he is also co-founder and president of Knowledge Universe Education, L.P., a leading company in early childhood education and educational programs and services.



Nelson Rising '67

Even some of our recent graduates have made names for themselves in business. **Ari Engelberg '99**, co-founded the hugely successful internet postage software company Stamps.com while in law school and now works on other start-up ventures. **Meredith Blake '95** is a top executive in the socially conscious movie company Participant Productions. And, two classmates, **Brian Liu '96** and **Brian Lee '96** have founded LegalZoom, an internet-based legal document preparation company.

Others end up in Sacramento or Washington, D.C., sometimes at agencies such as the U.S. Treasury or the Internal Revenue Service. Given UCLA's location in the entertainment capital, the law school has produced many prominent entertainment lawyers, including a number who started in the tax law arena.

Given UCLA Law's strong commitment to the Business Law and Policy Program, Professor Bank is confident that the number of success stories will grow. "We have a solid business law department with faculty whose teaching and scholarship has been recognized as outstanding," Bank asserts. "Not surprisingly, student enrollment in the Business Law Specialization has been steadily growing and the Business Law Association is currently the largest student organization at the Law School." ■



Lowell Milken '73

Stephen Greenberg gave up law for baseball. After 13 years practicing in Los Angeles, he left the firm of Manatt, Phelps & Phillips in 1990 to become the Deputy Commissioner and COO of Major League Baseball.

Such a move wasn't that far of a stretch, really. Greenberg's father was Henry Benjamin Greenberg, a.k.a., Hank Greenberg, Hammerin' Hank, the National Baseball Hall of Fame slugger for the Detroit Tigers of the 1930s and '40s. And in a way, Greenberg's return to baseball brought him full circle. He had played first base (his father's position) while an undergrad at Yale, and then spent five years in the minor leagues before enrolling in UCLA Law School.

Though he left the MLB front office in 1993, Greenberg remains very much in the game today. As managing director for the investment group of Allen & Company since 2002, Greenberg focuses on sports and media. "I assist and advise clients with respect to buying and selling professional sports teams, analyzing potential investments in the sports area and forming sports-related cable television networks," he explains.

Some of his recent transactions have included the sales of the Milwaukee Brewers and the Cincinnati Reds, the purchase of the Cleveland Cavaliers basketball team, and the formation of The Big Ten Network, a new cable network featuring sports programming exclusively from the Big Ten Conference. Among his current projects are the sales of the Atlanta Braves and the Pittsburgh Penguins hockey team.

It sounds like a demanding pursuit, but Greenberg says that his greatest business challenge came after leaving the Baseball Commissioner's office and forming a partnership with a cable entrepreneur to create Classic Sports Network, which subsequently was sold to ESPN in 1997 and now is known as ESPN Classic. "The experience of creating a start-up cable network from scratch was by far the most exciting and difficult business challenge I have faced," he says. "It was also by far the most fun and personally rewarding."

Launching a new business provided Greenberg with "the highest highs and the lowest lows" of his professional career - "often on the same day," he says. For someone with no background in any of the production or technical areas, having to do everything from raising capital to obtaining programming licenses to negotiating carriage agreements with cable and satellite providers to hiring technical staff, "it was a wild ride."

Greenberg also was co-founder and chairman of Fusient Media Ventures, a New York-based sports and media company.

Throughout his business career, Greenberg has relied on three guiding principles "that I believe in absolutely" to see him through.

"Be better prepared than the people on the other side of the table. Be able to relate to people and enjoy interacting with people. And, finally," he says, "have the courage and confidence to try something different when the door opens, and trust that your preparation and judgment will be sufficient to overcome the uncertainty that usually accompanies new challenges." ■



Stephen D. Greenberg '77
Managing Director, Allen & Company,
New York, N.Y.

Stephen and Hank Greenberg

Ten years before David Epstein founded ACS Unclaimed Property Clearinghouse in 1984, he stumbled across something that caught his attention while doing research for the California gubernatorial campaign of Jerry Brown.

“I was reviewing records in the state controller’s office, and I discovered that one of the state’s largest banks had a record of unclaimed savings accounts that allowed them to simply pocket \$85 million in unpaid interest,” he recalls.

Thus began Epstein’s interest in unclaimed property law - an area that has been his specialty ever since and in which he is the pioneer. When Brown won the ‘74 governor’s election, Epstein turned down an appointment to the bench and instead went to work for the California State Controller’s Office, where he set up a program for the state to



David J. Epstein ‘64
Special Consultant,
ACS Unclaimed Property Clearinghouse,
Boston, Mass.

start enforcing its underutilized unclaimed property law and to recover the \$85 million that the bank was holding. Once the audit program was underway, state collections almost immediately leaped from \$2 million to more than \$100 million. Today, California holds \$3.6 billion in unclaimed property.

After that success, Epstein received invitations from other states to help them with their own audit programs. And as a reporter for the Uniform Law Commission, he rewrote and updated the Uniform Unclaimed Property Act, which was adopted by more than 30 states. (Other states had their own versions of the law.)

“Compliance with state unclaimed property law is good for everyone,” Epstein says. “Unclaimed property law is the only law that provides for the lawful owner to get their property back - and there is no charge for recovering that money. You don’t have to pay an attorney. You don’t have to pay the state treasury or other agencies to collect it. And you don’t have to pay the former holder of the property.”

“There is no other law that works this way.”

Founding ACS, which today is among the largest reporters of unclaimed property in the United States, came as an outgrowth of Epstein’s involvement with other states. He was working under contract to assist in identifying and collecting unclaimed property, which included stock and dividends, abandoned bank accounts, payroll checks, “and virtually every other kind of financial asset individuals might own.”

“I became aware that there was no system for corporations to locate stocks and dividends and other monies owed to their missing shareholders,” Epstein says. “It became clear that it was going to take very sophisticated computer programs to analyze records for this type of property and that no individual state had the resources to create such a program.”

Epstein ventured with State Street Bank in Boston to sign up every state for a nationwide program to identify the monies and stocks owed to millions of inattentive shareholders.

Currently states are seeking the owners of more than \$50 billion in unclaimed property. Why is there so much? It is because a large proportion of the U.S. population - about one quarter - moves every year, Epstein explains. After six months, when mail is no longer forwarded, checks, stocks and bank records get returned to sender.

“Believe me,” he says, “this can happen to anyone.”

David Epstein’s career demonstrates the truth of the old maxim, “one can do well, by doing good.” ■



There's no shortage of accolades for Judy O'Brien. *Forbes* has named her one of venture capital's "Most Powerful Dealmakers" for 2001, 2002, 2003, 2004 and 2005, and she was the top woman on the magazine's "Midas List."

O'Brien acknowledges her evident skills, but doesn't hesitate to point out that sometimes other factors may come into play. "While success requires skill and preparedness, significant success is often random and can result from fortuitous decisions rather than careful planning and intelligent execution," she says. "There is a lot of truth in the saying, 'I'd rather be lucky than good.'"

Whether it's been skill or luck—or most likely a well-balanced combination of the two—O'Brien has made a significant impact as managing director for Incubic, a Silicon Valley-based venture-capital fund that concentrates on areas where a core technology can make a valuable difference.

"I enjoy working on the strategy to create a win-win for all sides on a deal," she says. "I have enjoyed meeting, working with and becoming friends with a great number of people whom I have met doing these transactions."

Judy O'Brien '74

Managing Director, Incubic Venture Fund,
Mountain View, Calif.

O'Brien began her career in the venture-capital field in the 1980s with the Palo Alto firm of Wilson Sonsini Goodrich & Rosati, becoming its first woman partner in 1984. "We were a small firm of 20 lawyers working with small venture-backed companies," she recalls. "I loved the work I did in the '80s, helping to build some of the long-lasting tech companies in Silicon Valley such as Sun Microsystems and LSI Logic."

But by the late '90s, the practice had changed. "I had a team of 90 people and a wonderfully large book of business, but I was no longer able to sit down with entrepreneurs and talk strategy; my team did that. I decided it was time to return to my roots and work with startups again," she says.

At Incubic, which she joined in 2001, O'Brien is a business adviser to portfolio companies as they structure and grow their companies, raise additional money and form strategic alliances. "I can provide 25 years of legal/business experience in the Valley and a network of people at companies, law firms, accounting firms, other VC firms and investment banks to assist them in their growth," she says. "My background complements the technical and business backgrounds of my partners as we evaluate new investment opportunities and work on our portfolio companies together."

Her UCLA School of Law training has been invaluable to her career trajectory, she says. "What I learned in law school about analyzing problems has translated into making me an excellent analytical thinker as I help startups strategize on starting and growing their businesses and as I work with management teams and other professionals to structure and negotiate transactions," she says. ■



Victor B. MacFarlane '78

Managing Principal, MacFarlane Partners
San Francisco, Calif.

By any measure, Victor MacFarlane is a pioneer. While most other institutional investors steered clear of the poverty-stricken core of America's urban centers, MacFarlane has since the 1980s championed the profit potential of the inner city. His vision has grown MacFarlane Partners into the largest minority-owned real estate-investment-management firm in the country, with \$9.7 billion in assets under management.

MacFarlane Partners invests primarily in two types of high-yielding real estate assets that historically have been overlooked by institutional investors: real estate development, redevelopment and repositioning projects that are located in urban and high-density suburban areas, and single-family residential land and development projects in metropolitan areas nationwide. To date, the firm has renovated or developed \$6.5 billion in urban properties, involving 1.9 million square feet of commercial space and 6,800 multifamily housing units. The firm's single-family residential programs, meanwhile, have helped to fund the development of more than 30,000 homes and/or residential lots.

He says that opening up the institutional investment world to urban real estate-investment opportunities is among his proudest accomplishments. "When we developed our urban real estate-investment program, we were virtually alone in investing pension-fund capital in urban-development and redevelopment projects," MacFarlane says. "Today, there are literally billions of pension dollars earmarked for urban real estate-investment strategies. I'm proud to have been one of the pioneers."

MacFarlane credits his legal education with helping him to achieve success in business. "A legal education teaches a way of thinking and analyzing that is extremely beneficial in business," he says. "Additionally, when I was first starting the fact that I was not intimidated by contracts gave me a significant leg up over some of my peers."

While MacFarlane's company has been involved in several major developments—Time Warner Center in New York City, the Southeast Federal Center in Washington, D.C.—his most satisfying project has been one on a more modest scale. "It isn't close to being the largest project, or the most complicated, but the redevelopment and repositioning of Ladera Center, a neighborhood shopping center in the Ladera Heights section of Los Angeles, proved the 'urban' concept we espoused and 'gave back' a shopping center to its neighborhood," MacFarlane says. "Along the way, Ladera Center became a 'place to be.' The *Los Angeles Times* described its role in the surrounding community as 'part community center, part social club.'"

That, he says, was a tremendously satisfying experience. "At the end of the day, it is about the quality of the product/service you provide, how you provide it and the quality of the people you employ," MacFarlane says. "If you have those things—and you persevere—you usually will be successful." ■

It is natural for many business lawyers to transition to becoming business principals, Madison Grose says. “Early on in our careers we tend to spend more quality time with business clients than litigators have the opportunity to do. In structuring, negotiating, drafting and closing deals, we tend to learn the underlying businesses.”

In Grose’s case, it was a particular business client with whom he spent quality time who helped his transition to the boardroom. It was the early 1990s, and the S&L meltdown was creating unprecedented opportunities to buy up real estate. “Barry Sternlicht was a brilliant young client of mine. He was starting Starwood Capital to buy real estate from the FDIC and Resolution Trust Corporation,” Grose recalls. “He needed help, and I jumped in. My roles from the beginning have been a mixture of legal and business responsibilities—a hybrid role.”

Starwood Capital, for which Grose typically runs special projects, is a privately held investment-management firm that specializes in real estate-related investments on behalf of select private and institutional investment partners. Starwood Energy, established in 2005, pursues energy-related investments such as power plants and transmission facilities.

While Grose says that he draws upon the legal training he received at UCLA School of Law daily in his business dealings, “the far subtler and more important part of the training was in learning how to think critically and solve problems creatively.” J.D.s in business should not be intimidated by peers or competitors with M.B.A.s, he says. “We can do everything they do—except, perhaps, spreadsheets—and often better.”

Doing it better can mean keeping an eye open to opportunities that arise on account of someone’s misstep. “It never ceases to amaze me how many mistakes are made through the lack of common sense, arrogance, laziness and/or cognitive dissonance,” Grose says. “I’m not complaining. Those kinds of mistakes are often what create investment opportunities.”

For law students—or established attorneys—who may aspire to a business career, Grose offers some words of encouragement: “Most truly successful businesspeople I know have good values, are intellectually honest, believe in themselves and love to work. It may take years before your stars align, but if you approach your career with these qualities, then the chances are pretty good you’ll make your own luck.”



Madison F. Grose '78

Senior Managing Director, Co-General Counsel
Starwood Capital Group Global, LLC; Starwood
Energy Group Global, LLC, Greenwich, Conn.

In the end, he says, the greatest achievement is staying in the game. “Success comes from endurance, and very few careers are linear. As Kipling said, ‘one must learn to treat those two imposters—triumph and disaster—just the same.’ For me,” Grose says, “the goal has been the game itself.” ■

Though growing up Val Ackerman dreamed of becoming a lawyer—"No one in my family had ever been or knew anything about the profession, and I thought it would be very interesting,"—she says being involved in basketball is what comes naturally for her. Because of that, the face of women's basketball is forever changed.

"My dad was a high school athletic director and loved all kinds of sports, and he played everything with me and my brother," she recalls. Ackerman brought that love of sport with her to the University of Virginia where, as an undergraduate, she started for the women's basketball team, and was twice named an Academic All-American. She played professionally in France for a season before returning to the United States to study law at UCLA.

After earning her UCLA law degree, she spent two years with the Wall Street firm of Simpson Thacher & Bartlett. Then, in 1988, everything changed for her—and for the women's game. She was hired as a staff attorney for the National Basketball Association (NBA) and 18 months later became special assistant to Commissioner David Stern, "which accelerated my movement out of the legal department into a full range of sports-business areas."

Ackerman served as NBA director of business affairs and then vice president for business affairs, and while in the front office, she helped to shift some of the league's focus to the women's game. She was instrumental in helping to design the women's national team that won a gold medal at the '96 Olympics in Atlanta.

In 1996, Ackerman was named as the first president of the fledgling Women's National Basketball Association (WNBA), leading the organization for eight years as it evolved into the world's leading women's professional league, with 14 teams and world-class players representing more than 20 countries.

She calls her years with the WNBA "an extraordinary experience" and the greatest challenge of her career. "Women's team sports have made great strides," she says. "The WNBA celebrated its 10th season this summer. When the league launched in 1997, few people would have thought that milestone was possible."

In March 2005, she was elected president of USA Basketball—the national governing body for men's and women's basketball in the United States—for the 2005-2008 term.

Throughout her career, Ackerman says, the legal education she received at UCLA Law has been integral to her success. "While my duties as president of the WNBA and USA Basketball have not required me to practice law per se, my

Val Ackerman '85
President, USA Basketball,
Colorado Springs, Colo.

understanding of legal issues, coupled with the broad-based knowledge law school provides and the work ethic it inspires, have proven a great help to me in my sports career.

"No matter what field you are in, there is no substitute for hard work. Just like in school when you're working hard to make good grades, the same holds true in the business world," Ackerman says. ■



Since 2003, Jon Chait has headed one of the world's leading companies in the professional—and executive—recruitment industry.

“Recruitment is an incredibly dynamic industry,” says Chait, who began his career in Milwaukee as general counsel within a firm that focused on business transactions such as mergers and acquisitions and financial restructurings. “It is an industry that is constantly adjusting in response to changes in the global economy and labor markets.”

Chait points to the trend of employment becoming increasingly transitory in the modern age. “No one even knew what off-shoring was five years ago, but today it is commonplace to hear about

Beginning his career in law was a great start for him, Chait says. “It not only brought me into contact with a variety of companies that I never previously knew or thought about, but it also provided me with a deep insight into how those firms function.” Likewise, “law taught me a great approach to thinking and decision-making. It educated me on how to thoroughly analyze a situation by examining the facts. Once all the facts are laid out on the table, the decision will make itself. Having this ability is incredibly important in any role, but especially paramount for senior-level decision makers.”

As CEO, he says it is incumbent upon him to maintain not just the business's fiscal health, but also its integrity. “With all the corporate scandals



Jon Chait '72, J.D. '75
Chairman and CEO
Hudson Highland Group, Inc., New York, N.Y.

corporations moving various roles overseas, where highly skilled talent is easily accessible yet significantly more cost effective,” he says. “At the same time, whereas older generations knew nothing but lifetime employment, today's workforce typically transitions between jobs every few years. These are trends employers, and consequently recruitment firms, are currently confronting.”

Before coming to Hudson Highland, Chait spent more than 16 years in the recruitment and staffing industries. He previously served as chairman and CEO of Spring Group PLC, a provider of workforce-management solutions, and chairman and CEO of Magenta.com, a developer of human-resource tools for the Web. Prior to that, he served as an executive vice president, director, CFO, managing director and chairman of Manpower Inc., a provider of temporary-employment services.

in the news these last few years, I believe that now more than ever ethical behavior in the workplace needs to start at the top,” Chait says.

He finds working in the recruitment sector “incredibly rewarding.”

“Plain and simple—we help people find jobs,” he says. “Not only are we providing a fundamental service for businesses looking for talent, but also people rely on us for work, one of the most important parts of life.” ■



Jeffrey M. Ettinger '80, J.D. '83

President and CEO
Hormel Foods Corp., Austin, Minn.

Jeffrey Ettinger never imagined when he graduated from UCLA School of Law that he'd someday be running a multinational corporation headquartered in the Midwest. "But I did develop an affinity for business while I was in law school," he says. "I guess I thought I would be running a business of my own someday—but a much smaller one than Hormel Foods."

Ettinger was named CEO of Hormel in September 2005—just the ninth chief executive in the company's 115-year history. "I am fortunate to be working for a company that values long careers," he says. Ettinger joined Hormel Foods in 1989 as a corporate attorney and rose through the company ranks, becoming a product manager, treasurer, vice president, president and COO, and CEO of the company's Jennie-O Turkey Store. He was Hormel's president and COO when he was elevated to the chief executive's post.

His education at UCLA Law laid the foundation for his future path, he says. Besides being "a great school with a very talented faculty," UCLA provided him, Ettinger says, with "the skills of analysis, negotiation and seeking solutions that benefit many stakeholders." He also benefited from having worked in Hormel's law department before moving to the business side. "I got to know so much about the company and its people by virtue of handling such disparate areas as contract law, acquisitions, real estate, product liability, antitrust and pricing, and environmental law," he says.

Perhaps Ettinger's transition from a traditional legal career to business was inevitable even while he was in law school. "I find business to be more proactive," he says. "When I clerked for a law firm after my second year, instead of aspiring to be a partner I found myself aspiring to be the client."

As CEO of a company with some 17,500 employees, 28 plants (including sites in Beijing and Shanghai) and 18 sales offices, Ettinger says he has settled on four main areas where he feels he can make the most contribution: seeking strategic priorities and goals for the company, communicating to key stakeholders, providing points of connection between different business functions and units, and being actively involved in career development across the entire business.

It is a big job, and Ettinger allows that his position presents him with some unique challenges. His biggest surprise thus far at the helm of a giant multinational corporation: "How easy it is to lose control over your schedule!" ■

Joseph K. Kornwasser began his career as a real estate lawyer, but after several years of practicing he was himself acquiring and developing real estate. Soon, as he puts it, “I was no longer practicing law—at least for others.”

In time, he moved into shopping centers, and in 1982 was responsible for putting the Price Club, then a fledgling operation, into its first location in Los Angeles County. As a result of that effort he and Sol Price, the founder of the Price Club, formed a partnership called P&K Associates to develop Price Club-anchored shopping centers throughout the United States. Eventually the partnership developed more than 55 shopping centers that were Price Club-anchored primarily on the West Coast and in the Northeast. Kornwasser was truly a pioneer in creating so called “power centers.” “We were at the forefront of the power center development—where you have major companies like Price Club/Costco, Home Depot, and Target all in one location,” Kornwasser says. “We developed some of the first of these centers in the United States. In the early 1980s people thought Price Club was a fad, but in fact it became a model for all the big box stores and power centers to come.”



Kornwasser became president and CEO of the Price REIT and eventually merged his company with KIMCO Realty to create the largest non-mall REIT in the United States. His new position took him to New York to share in the leadership of this major public corporation, but he eventually returned to his home in Los Angeles where he now resides with his family.

Back in Los Angeles, Kornwasser formed Kornwasser Shopping Center Properties to work on interesting development projects involving power centers primarily in the western states. Currently the company has nine major shopping centers in development, including four in Arizona and four in California. And, it's a family affair—he is proud to work closely with his son-in-law, Steven Usdan '95, also a UCLA School of Law alumnus, in new real estate development activities.

Joseph K. Kornwasser, UCLA BS '68, J.D. '72
Chairman, National Bank of California, Los Angeles, Calif.
Principal, Kornwasser Shopping Center Properties, Los Angeles, Calif.

As if his real estate business activity wasn't enough, he also founded a bank in 1982, the National Bank of California. National Bank of California began as a community bank, and later evolved into primarily a business, real estate and small-business bank with five branches. “That was prior to the interstate banking activity, and I felt it would be a good investment and potentially would be a merger possibility with a national bank wanting to come to California,” Kornwasser says.

Managing both enterprises can be a juggling act. Kornwasser estimates that about 20 percent of his time is spent on the bank and 80 percent is focused on shopping center-development activities.

Kornwasser says that his legal background has been critical in the evolution of his career. “It has enabled me to be a strong negotiator, in memorializing acquisitions of land, dealing with major tenants, and being the master of my own destiny in terms of how deals are structured and the ramifications of the legal documents involved,” he says. “Even though I've had other lawyers do the actual work, my law degree was invaluable in helping me understand the issues involved.” ■

For more than 30 years, David Price has developed innovative public/private partnerships for the management of publicly owned assets, and he has successfully managed numerous municipal and privately held assets. Price was the founder and chairman of American Golf Corporation and National Golf Properties, which he sold in early 2003. American Golf Corporation is a leader in the golf course management business, overseeing more than 325 golf courses in America and abroad, many of which were municipal and third-party leases.

“We started with one facility and built the firm into a worldwide company with more than 300 facilities,” said Price, who acknowledges that this initiative is truly his proudest achievement.

Today, Price is chairman and CEO of American Airports Corp., a frontrunner in the airport-management business. American Airports Corp. manages six airports, including five in Los Angeles County. He also developed the highly successful Supermarine Fixed Base Operation (an airport service center) at Santa Monica Airport. Additionally, he owns the Museum of Flying, which is also housed at Santa Monica Airport. He describes both of these projects as “labors of love.”

David G. Price ‘60

Founder and Chairman, American Golf Corp.
Chairman and CEO, American Airports Corp.,
Santa Monica, CA

Flying has been a part of Price’s life for many years; he flew as a pilot in the United States Navy and today continues to fly his own World War II airplanes. Truly an aviation enthusiast, Price has also competed in the Reno Air Races.

In the many deals and business transactions that Price has negotiated throughout his career, he says his core responsibility has been to “focus my energy on finding good people.” And the most surprising lesson he’s learned from running companies has been “how hard most people work, with great loyalty to their employers.”

Price notes that without his law degree, he could not have accomplished the things he’s done in business. He says his law degree “gave me great confidence in analyzing situations and deals.”

Over the years, Price has consistently demonstrated his appreciation and gratitude to the law school, which he says has had a profound impact on his life. His most prominent gesture has been endowing a chaired professorship at UCLA School of Law: The David G. Price and Dallas P. Price Chair in Law. ■



Faculty Profiles

Professor Cheryl Harris Explores Katrina Aftermath



In the chapter she authored for the new book, *After the Storm: Black Intellectuals Explore the Meaning of Hurricane Katrina* (The New Press, 2006, edited by David Dante Troutt), Professor Cheryl Harris writes about how the lens of race filters our perception of facts and shapes our understanding of social events and inequality in contemporary America. Exploring the racial divide in public opinion over the reasons for the human crisis in the wake of the Hurricane, Harris writes, “Katrina offers profound insights into how race operates in American society—insights into how various facts about our social life are interpreted through racial frames.”

Her contribution to *After the Storm*, which was published on the first anniversary of the hurricane and includes a dozen prominent black intellectuals addressing the difficult questions that Katrina raised about poverty, housing, governmental decision-making, and political participation, continues Professor Harris’ work on critical race theory, which has been at the core of her scholarship and teaching since coming to UCLA in 1998. In addition to teaching a course in critical race theory, she also teaches constitutional law, civil rights and employment discrimination.

In an interview with the *San Francisco Bay View* newspaper in November 2005, Professor Harris noted that Katrina had “refocused attention on racial inequality, and now is the time to make effective changes.” She went on to state that the structural racial and economic inequality revealed by the storm is not limited just to the devastated Gulf Coast but are “also present in Southern California.”

In addition to writing about the Katrina aftermath, Professor Harris has spoken at public forums on the issues

raised by the storm. Some of her recent scholarship includes “Whitewashing Race: Scapegoating Culture,” 94 *California Law Review* 907-943 (2006), which reviews *Whitewashing Race: The Myth of a Color-Blind Society* by Michael K. Brown. She also recently wrote “In the Shadow of Plessy,” 7 *Journal of Constitutional Law* 867 (2005), a reconsideration of *Plessy v. Ferguson*, in which Professor Harris examines the power that the *Plessy* decision still holds, despite the fact that it was formally rejected by Brown.

As an expert in civil rights, Professor Harris is continuously recognized for authoring “Whiteness as Property” in *Harvard Law Review* (1993). “It is a highly celebrated and seminal piece of scholarship in this area,” commented Devon Carbado, academic associate dean at UCLA Law.

Professor Harris also is a committed human rights activist. Since the early 1990s she has worked in support of human rights in South Africa and was a leader in establishing a dialogue with progressive lawyers towards the development of South Africa’s landmark democratic constitution. More recently, she was part of a groundbreaking workshop in Bellagio, Italy on transitional justice and was the co-recipient of a Mellon Foundation grant to convene an interdisciplinary working group on redress in law, literature and history at the Humanities Research Institute at UC Irvine.

In June 2005, Professor Harris, who is a graduate of Wellesley (B.A.) and Northwestern (J.D.), received the Distinguished Professor Award by the ACLU Foundation of Southern California for her work in the classroom and in the community in support of educational access and equity. ■



Professor Russell Korobkin Focuses on the Stem Cell Debate

Professor Russell Korobkin is right in the middle of one this country's most hotly debated issues: stem cell research. In an op-ed published in the *Los Angeles Times* in March 2006 in response to a lawsuit filed in Alameda County, he wrote that pro-life and anti-tax opponents of Proposition 71, the California Stem Cell Research and Cures Initiative, made frivolous arguments they know are without legal merit to inappropriately tie up the bond issue to fund stem cell research. Such an attempt to use the courts to sabotage the 2004 initiative, which permits the state to issue \$3 billion of bonds to support stem cell research, is an abuse of the legal system, Korobkin contends. "What is most troubling is not that the plaintiffs' arguments lack legal heft, but that they no doubt realize this, yet argue anyway," he wrote.

Korobkin's salvos in support of stem cell research continued with another *Times* op-ed in August 2006, in which he and Visiting Professor Judith Daar challenged a bill before the California legislature that precludes scientists from paying women for their eggs—an essential raw material necessary for advancing stem cell research. And in September 2006, he participated in a debate on federal funding for stem cell research sponsored by UCLA Law's Program in Public Interest Law and Policy, the American Constitution Society and the Federalist Society. Professor Korobkin argued in support of research and funding. He also participated in UCLA's annual Stem Cell Conference and Symposium in February 2006.

Professor Korobkin teaches negotiation, contracts and health care law, serves as a faculty associate at the UCLA Center for Health Policy Research, and is a senior fellow at

the UCLA Center for Society and Genetics. With more than 30 law journal articles to his credit, Professor Korobkin's recent publications include "Psychological Impediments to Mediation Success," 21 *Ohio State Journal of Dispute Resolution* 281-327 (2006); "Harnessing the Positive Power of Rankings: A Response to Posner and Sunstein," 81 *Indiana Law Journal* 35-45 (2006); "The Battle Over Self-insured Health Plans, or 'One Good Loophole Deserves Another,'" 1 *Yale Journal of Health Policy, Law, and Ethics* 89-136 (2005); and "Possibility and Plausibility in Law and Economics," 32 *Florida State University Law Review* 781-95 (2005).

Professor Korobkin is completing a book (with Professor Stephen Munzer) entitled *Stem Cell Century: Law and Policy for a Breakthrough Technology* that will be published by Yale University Press in Fall 2007, and he is writing a series of shorter law journal articles on stem cell issues. He is a graduate of Stanford (B.A., J.D.). ■

Professor Jennifer Mnookin Focusing on Evidence



When Professor Jennifer Mnookin examines evidence, she looks at the issues that are raised through a prism of historical perspective rather than as abstract philosophical inquiries.

“My work, much of which has focused on the cultural history of the law of evidence, lets me examine in an interdisciplinary way how and why we have come to develop our ideas about what counts as evidence in a court of law,” says Professor Mnookin, who joined the UCLA School of Law faculty in 2005—after years as a professor of law at the University of Virginia Law School. “Evidence is a wonderful area in which to teach and write because it spans such a range of issues, from very practical doctrinal concerns to profound epistemological questions about the nature and meaning of proof.”

Professor Mnookin’s scholarship focuses on areas of evidence theory, expert evidence, and law and culture, and she is currently working on a book on the intertwined history of expert and visual evidence, from the advent of photography through DNA profiling. She teaches evidence, torts and a seminar in scientific evidence.

“Jennifer Mnookin is without a doubt the leading evidence scholar of her generation,” said Michael H. Schill, dean of UCLA School of Law. “She is also an excellent teacher and a wonderful community builder.”

Earlier this year, Professor Mnookin lectured in an interdisciplinary speaker series at the University of Pennsylvania. Her talk, “Envisioning Evidence: Visual and Expert Evidence in the U.S. Courtroom,” discussed both

historical and current controversies surrounding expert testimony and visual evidence. This fall, in addition to participating in three academic conferences, she will participate in a practitioner-focused Webinar on Rule 26 and electronic discovery. The forum, which is sponsored by *BusinessWeek* magazine, targets the general counsels of the Fortune 1000. The specific case on which the Webinar is based is *Zubulake v UBS Warburg*, which is generally considered the first definitive case in the United States on a wide range of electronic discovery issues.

Some of Professor Mnookin’s recent scholarship includes “Reproducing a Trial: Evidence and Its Assessment in *Paradise Lost*,” in *Law on the Screen*, Austin Sarat, Lawrence Douglas, Martha Merrill Umphrey, eds., Stanford University Press (2005) and “Uncertain Bargains: The Rise of Plea Bargains in America,” 57 *Stanford Law Review* 1721 (2005). Her most recent piece is “*People v. Castro*: Challenging the Forensic Use of DNA Evidence,” in *Evidence Stories* (Richard Lempert, ed., 2006).

Professor Mnookin has served as chair of the AALS Section on Evidence and as a member of the section’s executive committee. She is a graduate of Harvard University (A.B.), Yale University (J.D.), and Massachusetts Institute of Technology (Ph.D. in History and Social Study of Science and Technology). ■



Professor Kirk Stark Takes the Sting Out of Tax Law

Who would have thought that tax law could be so intoxicating? Professor Kirk Stark appears to have made it so, with many students who might otherwise have shunned the course now saying that tax is a must-take class at UCLA. As one acolyte remarked upon completing Professor Stark's basic tax course: "Had there been a 'tax army' I would have immediately enlisted!"

There is something infectious about Professor Stark's enthusiasm for what others might assume is a brutally dry subject. Tax, he says, is where the action is. "It is the site of many of the great debates about the relationship between the individual and the larger community." He tells his students on the first day of class that many of the world's greatest thinkers devoted much of their writing to the question of tax. "Tax," Professor Stark says, "implicates all the big, important questions: What do we owe each other and why? How should we allocate among ourselves the cost of our collective activities? To what extent do we 'deserve' the outcomes that we achieve in our market economy?"

It is little wonder that Professor Stark was elected Professor of the Year by the law school graduating classes of 1999 and 2002, and in 2003 he received the University Distinguished Teaching Award.

It may sound entertaining, but tax law clearly is complex and serious, and Professor Stark teaches a serious class and writes serious articles on the subject. He was chosen as a 2006-2007 Fellow for the UCLA Center for American Politics and Public Policy; he will study the use by several of

the world's major federations of fiscal equalization grants and whether the United States should adopt similar policies to alleviate existing fiscal disparities among state governments. Recent publications include "Taxation over Time," 59 *Tax Law Review* (2006), with Lee Anne Fennell of the University of Illinois College of Law; "What Do We Know About the Interstate Economic Effects of State Tax Incentives?" 4 *Georgetown Journal of Law & Public Policy* 133-64 (2005), with Daniel J. Wilson, an economist with the Federal Reserve Bank of San Francisco; and "Should California Adopt an Earned Income Tax Credit," which appeared in the 2006 edition of *California Policy Options*.

In addition to writing and teaching—federal income taxation, taxation and distributive justice, financing state and local government, and the first-year property course—Professor Stark is a sought-after speaker. In May 2006, he participated in a panel entitled "The Role of Citizen Attitudes and Knowledge in the Formation of Tax Policy" at the Spring Symposium of the National Tax Association in Washington, D.C., and he also spoke at the Tax Policy and Public Finance Colloquium at UCLA in February 2006 on "Time Consistency and the Choice of Tax Base."

Professor Stark is a graduate of Georgetown University (B.S.F.S.) and Yale Law School (J.D.). ■



UCLA School of Law has named **Professor Khaled Abou El Fadl** to the Omar and Azmeralda Alfi Endowed Chair in Islamic Law, which was created through the generosity of Dr. Omar Alfi and Mrs. Azmeralda Alfi.

"I'm pleased that someone with Khaled's strength of character, conviction and scholarship was named to this important professorship," commented Dean Michael H. Schill. "He is truly among the world's leading Islamic scholars and jurists."

Professor El Fadl was trained in Islamic legal sciences in Egypt, Kuwait and the United States. After law school at the University of Pennsylvania, he clerked for Arizona Supreme Court Justice James Moeller. Later, while in graduate school at Princeton, where he earned a Ph.D. in Islamic Studies, Professor El Fadl also practiced immigration and investment law in the United States and the Middle East.

Professor Khaled Abou El Fadl Appointed to Alfi Chair in Islamic Law

Professor El Fadl's recent book, *The Great Theft: Wrestling Islam from the Extremists* (HarperSanFrancisco, 2005), takes aim at Muslim puritans and discourses on how extremist factions of Islam blatantly defy the true values of the religion. Notably, it is the first and only book to define the differences between moderate and extremist Muslims on key points of theology and practice. Professor El Fadl, who has long been an outspoken critic of the Saudi-sponsored Wahhabi sect of Islam, has been a target Islamic extremists who eschew him and his beliefs.

Other books by Professor El Fadl include: *The Search for Beauty in Islam: A Conference of the Books* (Rowman & Littlefield, 2nd. ed. 2005), *Islam and the Challenge of Democracy* (Princeton University Press, 2004), *The Place of Tolerance in Islam* (Beacon Press, 2002), *Speaking in God's Name: Islamic Law, Authority and Women* (Oneworld Publications, 2001), *And God Knows the Soldiers: The Authoritative and Authoritarian in Islamic Discourses* (Rowman & Littlefield/University Press of America, 2001) and *Rebellion and Violence in Islamic Law* (Cambridge University Press, 2001).

Professor El Fadl, who was a 2005 Carnegie Scholar in Islamic Studies, teaches courses in Islamic law, immigration law, national security law, investment law, and terrorism and the law. He also conducts a seminar in human rights. Professor El Fadl often serves as an expert witness in international litigation involving Middle Eastern law, and in cases involving terrorism, immigration law and political asylum claims. ■

Professor Ann Carlson wins Rutter Award

Professor Ann Carlson, who has served as the academic associate dean for the last two academic years, was honored with the 2006 Rutter Award for Excellence in Teaching. Professor Carlson, who has taught at UCLA since 1994 and serves as co-director of the Frank G. Wells Environmental Law Clinic, is certainly one of our finest teachers. As anyone who has taken one of her courses or observed her teaching can attest, she is someone who deeply and passionately cares about her students. She is also, without question, one of the most well-liked teachers in the law school. Professor Carlson is consistently praised for her humanity, passion and great interest in the students' success—both within her classes and long after graduation.

As Dean Michael Schill often says, “At UCLA Law, teaching matters. Our graduates go on to become the leaders of the state, and in many instances, the nation. Indeed, we expect that our professors recognize this inevitability and take full advantage of the time those future leaders spend within our walls to inspire rigorous study and elicit great thought.”



In first year classes like Property, Professor Carlson is commended for her organization, her clear and concise explanations, and her engaging demeanor on the topics at hand. As one student said “Property was definitely my favorite course...it wasn’t a class where I felt I learned only from the casebook and supplemental materials, but from class itself.” This is truly a testament to her ability to engage students in the classroom.

Professor Carlson gave a thoughtful, funny and touching speech upon receiving the prestigious Rutter Award, in which she discussed the challenges, joys and her own perspective on the art of teaching. She closed her comments with the observation about what teaching is and should be:

“At the end of the day, finding the right way to teach is about figuring out a way to leave a mark, however small, on our students, who will, after all, become the leaders of our cities, our states, even our country. It’s about trying to inspire them to make a smarter and cleaner legal argument, to be both an effective and an honest, decent lawyer, to instill in at least some of them a passion for subject you’re teaching—in my case a passion for the environment or for land use or for wills and trusts or housing. It’s about hoping that something in your teaching grabs a hold of them and changes—if only in a small way—their lives as lawyers and as people.”

Professor Carlson’s scholarship in environmental law focuses on important constitutional questions affecting environmental law and policy, including standing, federalism and preemption, as well as on the role social norms play in affecting

environmentally cooperative behavior. She also edits the *Southern California Environmental Report Card*, published by UCLA’s Institute of the Environment.

Professor Carlson is looking forward to returning to teaching full-time this year after having spent the last two years as academic associate dean, where she has been instrumental in working closely with Dean Schill on a variety of projects that benefit and advance the entire law school community. ■

Professor Steve Yeazell named UCLA Faculty Research Lecturer

Professor Steve Yeazell, the David G. Price and Dallas P. Price Professor of Law, was named by the Academic Senate as the Spring 2007 UCLA Faculty Research Lecturer. This lectureship is the highest scholarly honor the university bestows on its faculty.



Each year, the Faculty Research Lecture Committee, a part of the UCLA Academic Senate, reviews scores of nominations for this important honor. The group gives primary consideration to extraordinary achievements in research and public service. As part of the honor, the selected recipient delivers a lecture of interest to a broad community of scholars and, in general, to a cultivated public.

“One of the many joys of serving as dean of UCLA School of Law is the opportunity to work with some of the greatest scholars and faculty members in the country,” said Dean Michael Schill. “Given Steve’s remarkable scholarly record as the leading civil procedure scholar of his generation, I’m sure our alumni, students, faculty and staff won’t be surprised to learn that he was the unanimous choice of the Faculty Research Lecture Committee. I congratulate Steve on this tremendous honor and extend him a heartfelt thanks for his dedication to his work, his teaching and our community.”

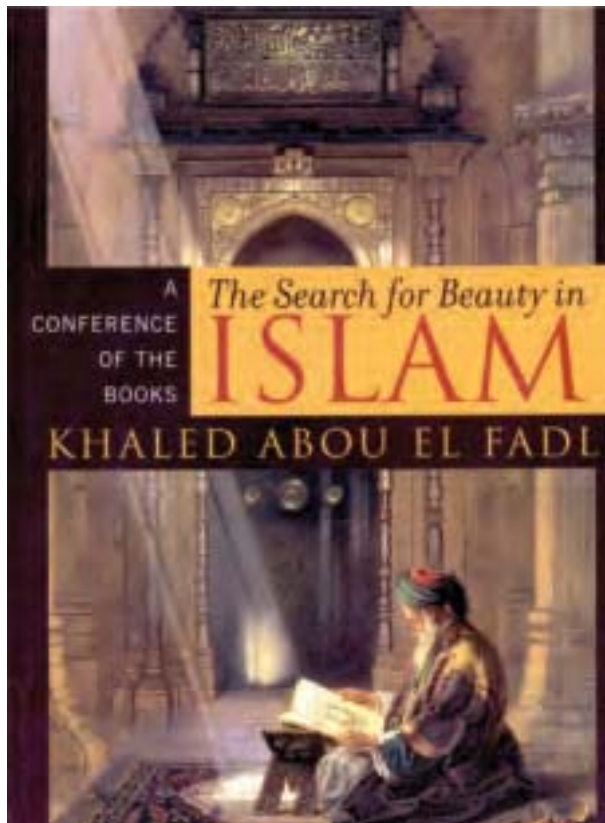
Professor Yeazell has taught at UCLA School of Law for more than 20 years. He has written extensively in books and articles—and to much acclaim—about the history and theory of procedure. He teaches courses that correspond to these interests: Civil Procedure, Dynamics of Contemporary Civil Litigation, International Civil Litigation and Dispute Resolution, and an occasional foray into Legal History.

A legendary teacher at UCLA Law, Professor Yeazell has received the University’s Distinguished Teaching Award and was the first recipient of the law school’s Rutter Award

for Excellence in Teaching. Active in service to both the law school and the university, Professor Yeazell has served as chair of the UCLA Academic Senate (2000–2001) and as associate dean of UCLA Law (1995–1998).

Before studying law, Professor Yeazell taught English and history in junior high schools in New York City, an experience, he reports, that has made him appreciate the relative calm of even the feistiest law school class. After law school, Professor Yeazell clerked for Justice Mathew Tobriner of the California Supreme Court. ■

LookInside!



Professor Khaled Abou El Fadl

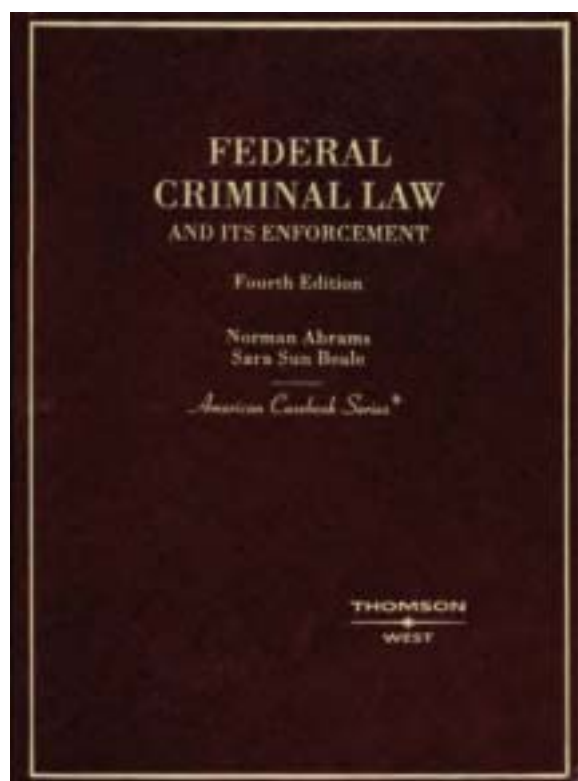
The Search for Beauty in Islam: A Conference of the Books

Lanham, Md.: Rowman & Littlefield (2005).

Khaled Abou El Fadl is a classically-trained Islamic jurist, an American lawyer and law professor, and one of the most important Islamic thinkers today. In this updated and expanded edition of *The Search for Beauty in Islam*, Abou El Fadl offers eye-opening and enlightening insights into the contemporary realities of the current state of Islam and the West. Through a “conference of the books,” an imagined conference of Muslim intellectuals from centuries past, Abou El Fadl examines the ugliness that has come to plague Muslim realities and attempts to reclaim what he maintains is a core moral value in Islam—the value of beauty. Does Islamic law allow, or even call for, the gruesome acts of ugliness that have become so commonly associated with Islam today? Has Islam become a religion devoid of beauty, compassion and love?

Based on actual cases, this book tackles different issues and problems in each chapter through a post-9/11 lens, discussing such topics as marriage, divorce, parental rights, the position of women, the veil, sexual abuse, wife-beating, terrorism, bigotry, morality, law, and the role of tradition. Abou El Fadl argues that the rekindling of the forgotten value of beauty is essential for

Muslims today to take back what has been lost to the fundamentalist forces that have denigrated their religion. ■



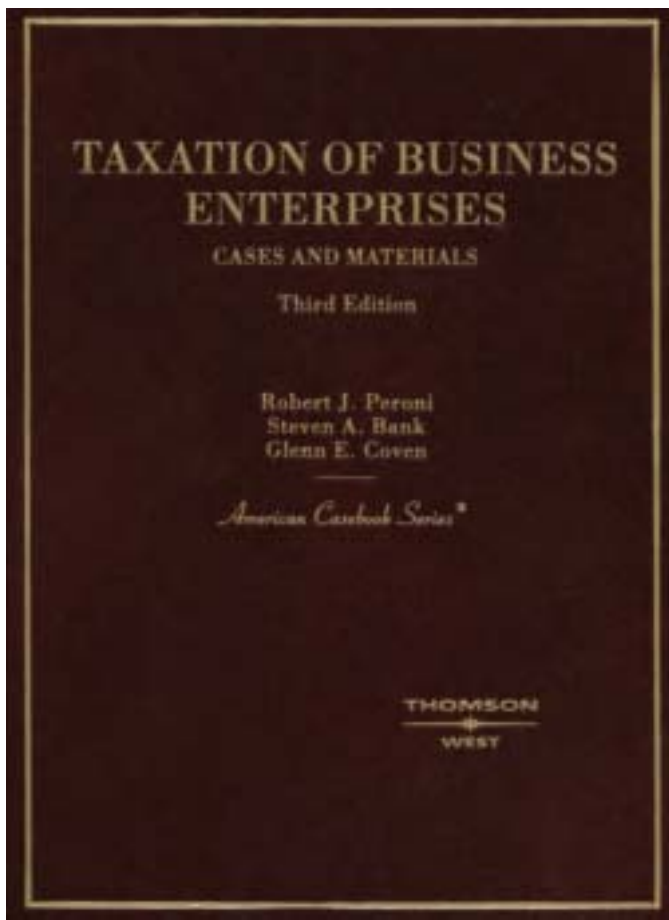
Professor Norman Abrams

Federal Criminal Law and Its Enforcement

(with Sara Sun Beale)

4th edition. St. Paul: West Group (2006).

This new edition of the classic casebook has been entirely reworked, and text and note materials are used much more extensively than in the previous editions to present doctrinal developments. The book contains the latest Supreme Court decisions in the field, new legislation and legislative proposals, and the latest versions of the Sentencing Guidelines and prosecutorial policies culled from the U.S. Attorneys' Manual. It can be readily taught in a first year, second-semester criminal law offering, or, as it has been traditionally used, for advanced criminal law courses on federal criminal law, white collar crime, RICO, or similar topics. ■

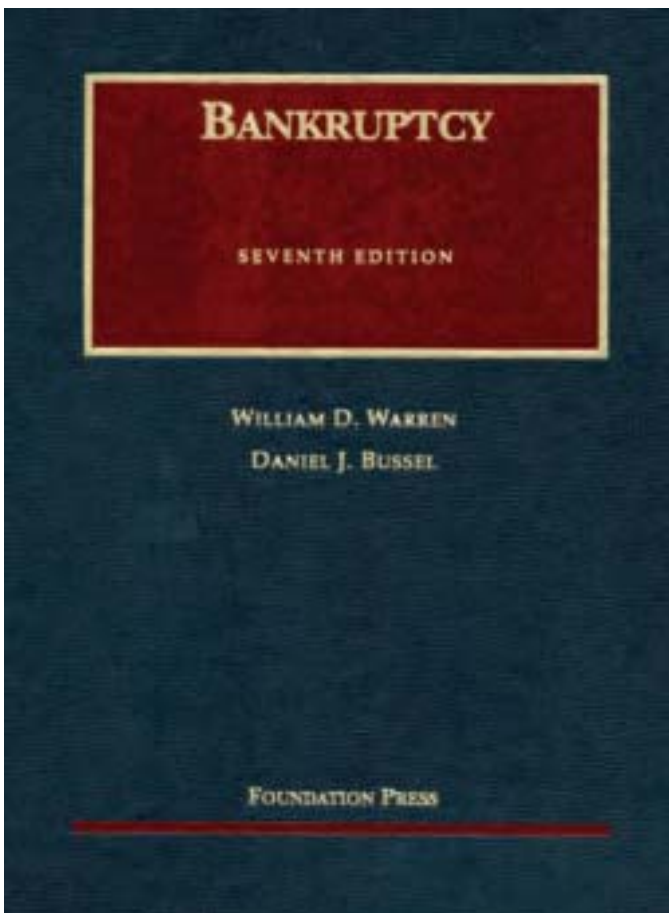


Professor Steven Bank

Taxation of Business Enterprises: Cases and Materials

(with Robert J. Peroni and Glenn E. Coven)
3rd ed. St. Paul: West Group (2006).

The new edition of this casebook retains the basic organization and approach of previous editions, but has been thoroughly revised to reflect the 15% tax rate on dividends and capital gains. Materials have been updated to reflect all important recent developments, including the 2004 JOBS Act changes, new Section 362(e), revisions to the corporate reorganization and division regulations, the Littriello case (involving the check-the-box entity classification regulations), the Hurst case (involving Section 302(b)(3)), and various other new regulations, cases, and rulings. The authors have also completely revised and modernized chapters on incorporation transfers and corporate reorganizations and divisions. ■



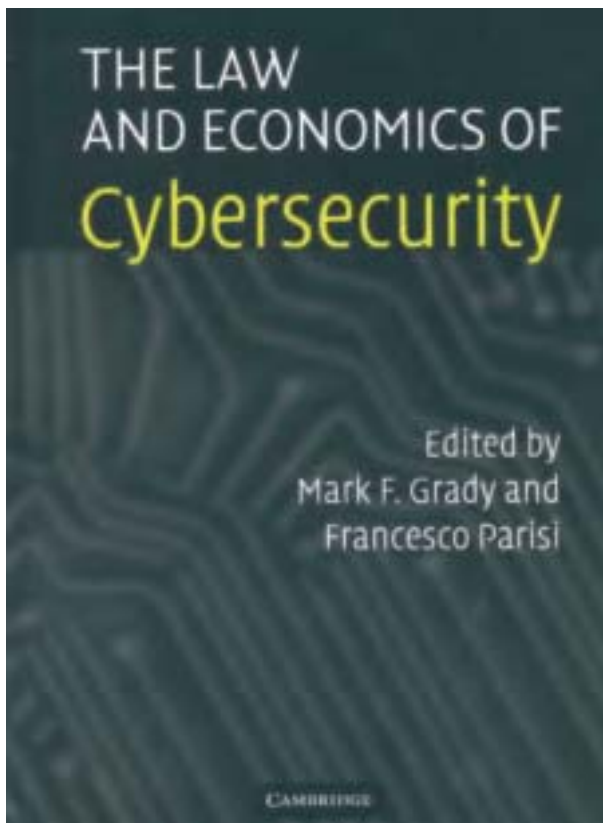
Professors Daniel Bussel and William Warren

Bankruptcy

7th ed. New York: Foundation Press (2006).

The casebook provides detailed information on bankruptcy law. The casebook provides the tools for on-point study of the fundamentals of all types of bankruptcy issues. Part of the University Casebook Series®, it includes selected cases designed to illustrate the development of a body of law on a particular subject. Text and explanatory materials designed for law study accompany the cases.

The Seventh Edition of Warren and Bussel's *Bankruptcy* treats in detail the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. It features important new cases and other recent developments in this fundamentally changed area of law. ■



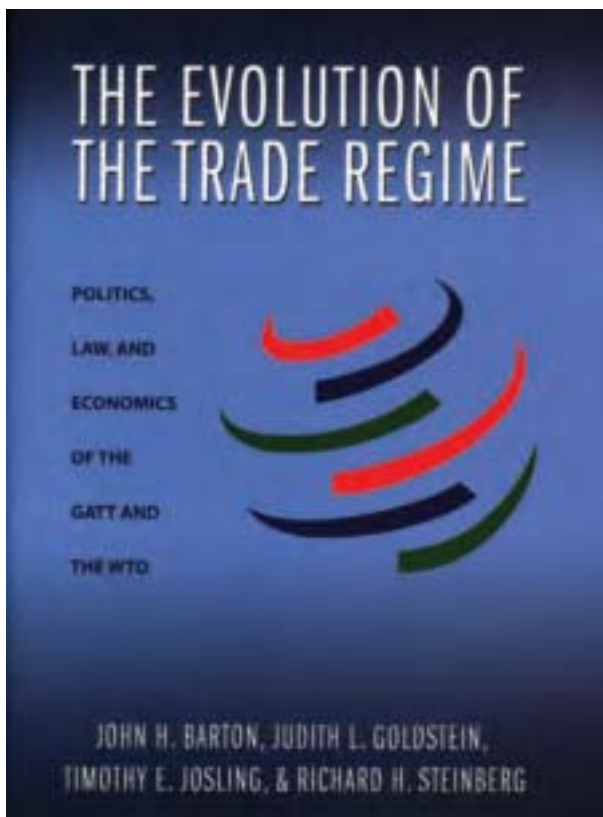
Professor Mark Grady

The Law and Economics of Cybersecurity

(edited by Mark F. Grady and Francesco Parisi)

New York: Cambridge University Press (2005).

Cybersecurity is a leading national problem for which the market may fail to produce a solution because individuals often select less than optimal security levels in a world of positive transaction costs. The problem is compounded because the insecure networks extend far beyond the regulatory jurisdiction of any one nation or even coalition of nations. This book brings together the views of leading law and economics scholars on the nature of the cybersecurity problem and possible solutions to it. Many of these solutions are market based, but in need of aid, either from government or industry groups or both. ■



Professor Richard Steinberg

The Evolution of the Trade Regime: Politics, Law and Economics of the GATT/WTO

(with John Barton, Judy Goldstein, and Timothy Josling)

New Jersey, Princeton University Press (2006).

The Evolution of the Trade Regime offers a comprehensive political-economic history of the development of the world's multilateral trade institutions, the General Agreement on Tariffs and Trade (GATT) and its successor, the World Trade Organization (WTO). While other books confine themselves to describing contemporary GATT/WTO legal rules or analyzing their economic logic, this is the first to explain the logic and development behind these rules.

The book begins by examining the institutions' rules, principles, practices, and norms from their genesis in the early postwar period to the present. It evaluates the extent to which changes in these institutional attributes have helped maintain or rebuild domestic constituencies for open markets.

The book considers these questions by looking at the political, legal, and economic foundations of the trade regime from many angles. The authors conclude that throughout most of GATT/WTO history, power politics fundamentally shaped the creation and evolution of the GATT/WTO system. Yet in recent

years, many aspects of the trade regime have failed to keep pace with shifts in underlying material interests and ideas, and the challenges presented by expanding membership and preferential trade agreements. ■

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2005 - 2006

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Khaled Abou El Fadl

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Norman Abrams

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Michael Asimow

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Steven Bank

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Paul Bergman

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Criminal Law Handbook: Know Your Rights, Survive the System (with Sara Berman-Barrett). 8th ed. Berkeley: Nolo.com (2006).

Daniel Bussel

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Mark Grady

The Law and Economics of Cybersecurity (edited by Mark F. Grady and Francesco Parisi). New York: Cambridge University Press (2005).

Lynn LoPucki

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Albert Moore

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Grant Nelson

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Michael H. Schill

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Richard Steinberg

The Evolution of the Trade Regime: Politics, Law, and Economics of the GATT/WTO (with John Barton, Judy Goldstein, and Timothy Josling) (2006).

Jonathan Varat

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Eugene Volokh

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William Warren

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Richard Abel

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Paul Bergman

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Myra Saunders

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Kirk Stark

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Eric Zolt

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Commencement 2006





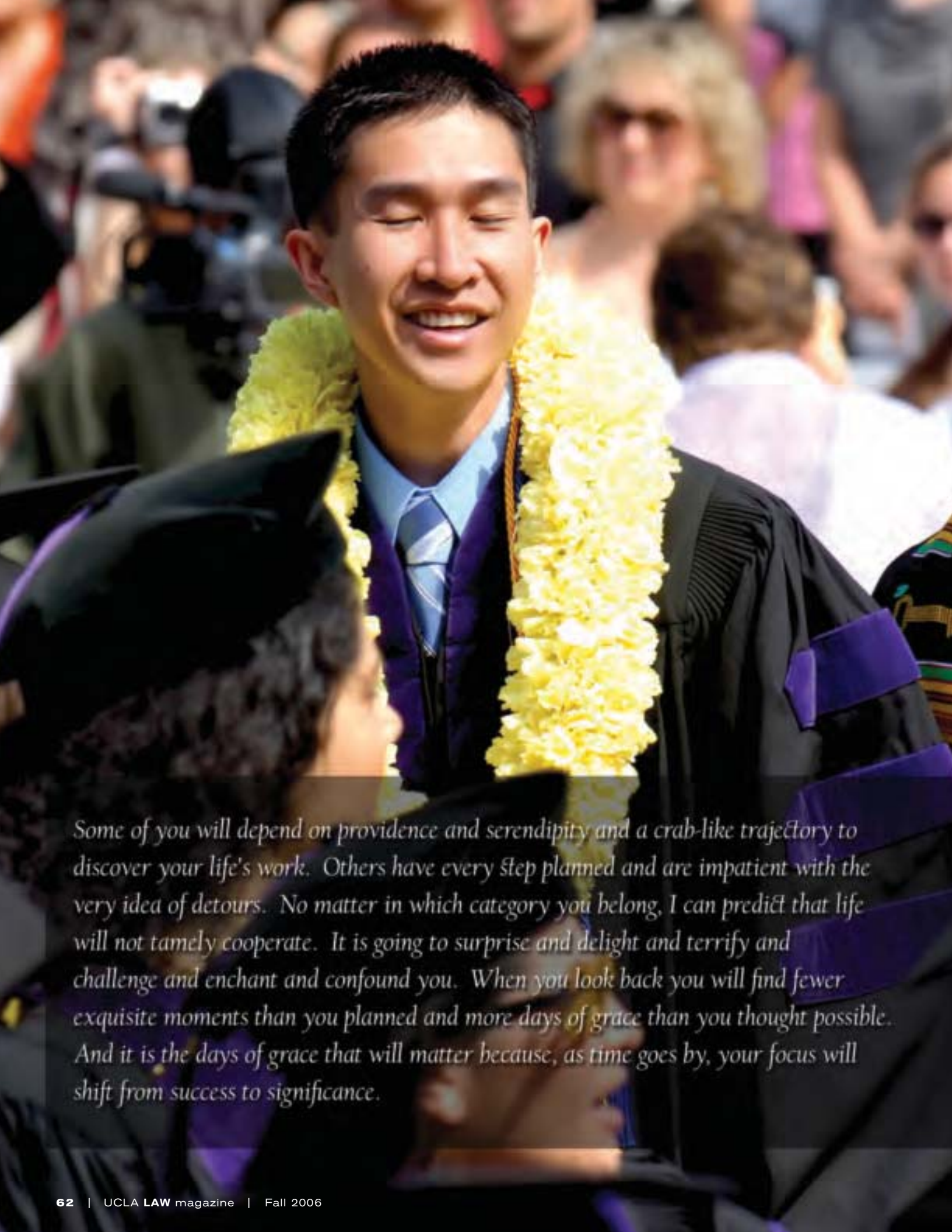
A graduation is always a special occasion. And the feeling of it - the sense of triumph and relief - is never quite forgotten. Even now when what I once euphemistically called “senior moments” have morphed into “intermittent periods of lucidity”, I still remember my graduation - 29 years ago -- vividly. Not the commencement speech, of course, just the day.

A LITTLE TRAVELING MUSIC

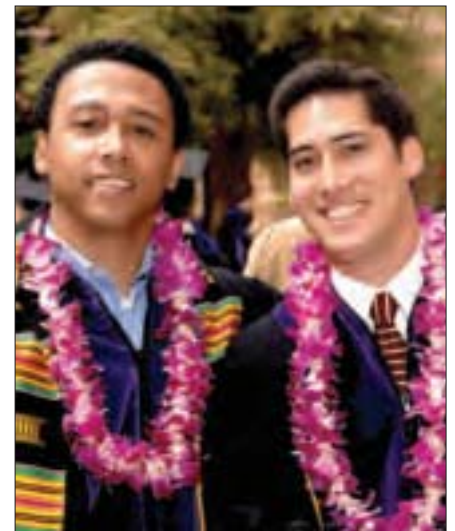
excerpts of address given by D.C. Circuit Court of Appeals
Justice Janice Rogers Brown '77

...I was here with my two best friends from law school, surrounded by friends and family, who had cameras slung around their necks and huge smiles on their faces. We were outfitted in full academic regalia - just as you are today - with sleeves and front placket adorned with purple velvet, carrying hoods of purple satin, edged in gold. We were, if I do say so myself, resplendent!





Some of you will depend on providence and serendipity and a crab-like trajectory to discover your life's work. Others have every step planned and are impatient with the very idea of detours. No matter in which category you belong, I can predict that life will not tamely cooperate. It is going to surprise and delight and terrify and challenge and enchant and confound you. When you look back you will find fewer exquisite moments than you planned and more days of grace than you thought possible. And it is the days of grace that will matter because, as time goes by, your focus will shift from success to significance.



The broader reaches of the idea of family includes the whole community of human aspiration and - on the most basic level - the survival of the human endeavor depends on our ability to trust a commitment of the spirit. Throughout your lives, you will be part of many families: the family of blood, the family of fellow workers; the family forged by the bonds of friendship; and the family of faith. Cherish them. Make family and friends a priority... Offer hospitality,



the peace and serenity of your home, the bounty of your table, warmth and laughter and serious conversation. Create new traditions or carry on the ones you already have. Spend as much time as you can in the present moment. Life is not a rehearsal. It is not a play. You will not get a "do over."



The Honorable Janice Rogers Brown '77





WE CANNOT KNOW WHAT THE FUTURE HOLDS.

The world you take for granted today was virtually inconceivable to the class of 1977. And the class of 2025 may be unable to comprehend a world as backward as this. All we can do (I mean you, the class of 2006) is deserve the future's respect.

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Tan Nguyen
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U.N. International Criminal Tribunal for Rwanda

Karen Hauser Memorial Summer Fellowship

Alexandra Stern
The Alliance for Children's Rights

Harold Horowitz Summer Fellowship

Alisa Daubenspeck
Central American Resource Center

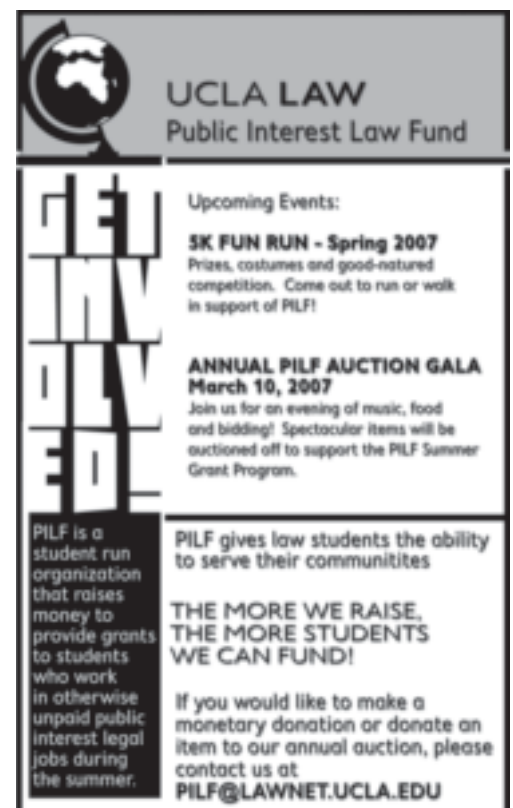
Robert and Milly Kayyem Family Fellowship

Sara Jackson
NAACP LDF

Kelly Knapp
Los Angeles County Public Defender

Robert A. Pallemo Memorial Fellowship

Roderick Donald
U.S. Attorney's Office, Eastern District of California



The poster features a globe icon with the text "UCLA LAW Public Interest Law Fund". It lists upcoming events: "5K FUN RUN - Spring 2007" and "ANNUAL PILF AUCTION GALA March 10, 2007". It also includes a description of PILF as a student-run organization and a call to action for donations.

UCLA LAW
Public Interest Law Fund

Upcoming Events:

5K FUN RUN - Spring 2007
Prizes, costumes and good-natured competition. Come out to run or walk in support of PILF!

ANNUAL PILF AUCTION GALA
March 10, 2007
Join us for an evening of music, food and bidding! Spectacular items will be auctioned off to support the PILF Summer Grant Program.

PILF is a student run organization that raises money to provide grants to students who work in otherwise unpaid public interest legal jobs during the summer.

PILF gives law students the ability to serve their communities

THE MORE WE RAISE, THE MORE STUDENTS WE CAN FUND!

If you would like to make a monetary donation or donate an item to our annual auction, please contact us at PILF@LAWNET.UCLA.EDU

UCLA SCHOOL OF LAW SETS RECORD YEAR IN FUND RAISING

UCLA School of Law had a successful and record-setting 2005-2006 fiscal year, raising some \$9.2 million. Of that amount, \$6.2 million will go towards the law school's endowment, while \$3 million will be funds available for current use, including \$1.7 million for important discretionary funds. The discretionary funds enable UCLA School of Law Dean Michael Schill to advance the mission of the law school by responding quickly to changing needs and demands. They provide flexibility for the law school to pursue new and unexpected opportunities that help us will meet today's challenges.

UCLA School of Law received a total of 3,543 gifts, an increase of 13 percent over the last fiscal year. We're also pleased to report that alumni giving increased dramatically and totaled \$4.6 million. The UCLA Law alumni participation rate is 27 percent, and while that rate is the highest among all of UCLA's professional schools, we'd like to see it continue to increase in the future. Our goal in making that happen will be to keep our alumni actively engaged in law school through a variety of activities and events throughout the year, including All-Alumni Weekend, which will be held May 18-20, 2007.

Regarding the UCLA Law Annual Fund, we saw the Dean's Circle members increase 30 percent to 164 members. The Law Firm Challenge had yet another stellar year, increasing the number of participating law firms some 30 percent to 57 firms. And the participation rate among all of those firms was an astounding 70 percent, up 21 percent over last year.

While we are pleased with these results, we must continue to grow, and we will rely on your help and support in helping us maintain UCLA School of Law as one of the best law schools in the country. The faculty, students and alumni of UCLA School of Law are second to none and we must work together collaboratively to continue to build our institution, which plays such an important role in all of our lives. ■

Development

Message from the Law Annual Fund Chair



Donna Cox Wells '92

We closed the 2005-2006 books on the UCLA Law Annual Fund on June 30. Once again, a number of records were set for alumni participation and dollars raised. Fully 27% of our alumni made a gift to the law school, contributing over \$3 million in current-use gifts, with \$1.72 million wholly unrestricted. These are critical accomplishments as Dean Schill strives to close the gap between our revenue and that available to our peer schools.

Annual gifts are making a tremendous difference as our alma mater comes to grips with over \$25,000 tuition and fees and no new financial aid appropriations. The law school we care about, from which we were given so much, is thriving at the same time as it struggles to provide educational access to deserving students. Your gifts provide critical student financial aid, build stellar academic programs, and help to keep our professors where they belong.

Thank you for your commitment to the life of the law school. Thank you for your appreciation of the important role this institution plays in all our lives. And thank you for your generous future support!

Donna Cox Wells '92
Law Annual Fund Chair

Message from the Law Firm Challenge Chair

The UCLA Law Firm Challenge has had another banner year, with a record-setting 70% of the alumni at the 56 participating firms making a gift to the law school during 2005-2006. These are not merely excellent statistics; they are nation-leading results. In less than four years, we have moved UCLA's fledgling law firm support program from being an experiment into the forefront of creative law school resource building and have helped raise the law school's overall participation rate from about 16% to more than 27%. Thank you all for joining in this venture and joining in the future. Here are our impressive participation giving rate numbers for the four year history of the Challenge:

2002-2004	4 firms, 31% participation giving rate
2003-2004	31 firms, 42% participation giving rate
2004-2005	44 firms, 58% participation giving rate
2005-2006	56 firms, 70% participation giving rate



James D. C. Barrall '75

I am particularly excited by the team-building nature of our expansion. The Challenge is drawing more and more alumni and their law firms into the vibrant life of the law school. We all benefit from this involvement, whether we are recruiting new lawyers to our firms, developing client relationships, encouraging current students in their professional growth, leveraging our firm's resources to support the law school or sharing good times with law school classmates and friends.

The upcoming school year 2006-2007 should be another great year as we seek to involve even more law firms and increase our rate of participation in giving. And we will continue to find more ways to build stronger and mutually beneficial ties between the law school and our firms. Please contact Charles Cannon, Director of Development, at (310) 206-1121 or cannon@law.ucla.edu, to make certain your firm is not left out of the fun this year.

James D. C. Barrall '75
UCLA Law Firm Challenge Founding Chair

If you are 70 ½ or older, have an IRA, want to avoid estate taxes, and want to make a gift to UCLA School of Law, read on!

The Pension Protection Act of 2006, just signed into law on August 17, 2006, contains a two-year IRA charitable rollover provision that will allow people age 70½ or older to make tax-free distributions from their traditional or Roth IRAs for direct gifts to a qualified charity, and exclude this amount from their adjusted gross income for the year. UCLA School of Law is a qualified charity.

Alums, Being 70 ½ or Older Has Never Been Better!



You might benefit from this new IRA rollover rule if :

- You will reach age 70½ by December 31, 2007 and are subject to mandatory withdrawal
- You currently do not itemize deductions
- You are subject to “tax friction”
- Your heirs may be subject to both income and estate tax if you leave them your IRA

Highlights of this new law:

- You must be 70½ at the time of transfer to ensure favorable tax treatment
- The transfer must pass directly from the IRA custodian to a qualified charity like UCLA School of Law.
- The transfer is limited to \$100,000 per tax year (2006 and 2007) and per spouse
- The transfer is not limited to 50% of adjusted gross income (AGI) like other cash gifts.
- The Act applies only to traditional, rollover, and Roth IRAs, not to other types of plans like 401(k), 457, 403(b), etc. However, funds from these other plans may be rolled into a traditional IRA in order to make the gift.
- The transfer cannot be made to a donor advised fund or a supporting organization, or be used to fund a charitable gift annuity or a charitable remainder trust.

We encourage you to contact your tax advisor if you have any questions. Otherwise, please contact Donna Colin, director of major gifts, UCLA School of Law, at colin@law.ucla.edu, or 310-825-3025. ■

Class Agent Program

Class Agents serve as liaisons between their respective classes and the Law School. They communicate personally with classmates to maintain a strong connection between UCLA School of Law and its graduates and to support the efforts of the Annual Giving Program.

Class Agents solicit classmates via phone and in writing, in non-reunion years for annual gifts. During class reunion years, the Agent is on hiatus and the reunion committee collectively carries out the Agent's role.

Class Agents enjoy the opportunity to keep in touch with former classmates and provide vital support to UCLA Law. If you would like to be a Class Agent or learn more about the Class Agent program, please contact Rebecca Melville, associate director of annual giving, at 310-206-1170 or e-mail melville@law.ucla.edu. Melville was recently promoted to this position and will be responsible for the Class Agent Program, which encompasses the class and reunion giving programs, the Law Firm Challenge and the Honor Roll publication. She holds a B.A. in history from UCLA. ■

CLASSNOTES

1950s

Jean Bauer Fisler '52 currently has two grandchildren attending Yale as undergraduates: Diana Damrosch is a sophomore majoring in psychology, and Pete Martin is a freshman still exploring all his options. Both are enthusiastic about their overall experiences.

Charles Zubieta '53 retired in 1994 from active law practice in Los Angeles and moved to Cary, N.C., to be closer to his daughter, who lives in Roanoke, Va., with her husband and two children. Although he periodically serves as an arbitrator for the American Arbitration Association on large energy- or natural resource-related disputes, he is essentially retired and spends two or three days a week playing golf, reading history or science, playing duplicate bridge and working out in a gym. He and his wife take two or three trips a year to various parts of the world and to Elderhostel educational programs in the United States. This past winter, they were in St. Augustine, Fla., for an Elderhostel program on history and music, and in July they went on a cruise to St. Petersburg and the Baltics. They hope to continue these activities so long as their health and curiosity remain at or near current levels. Their two sons, twins, remain in Los Angeles, where they work in the film and television industry. Further, the affiant hath nothing to sayeth.

At a recent Cal-Arizona game in Berkeley, **Christian E. Markey '58** was honored with the 2006 Glenn T. Seaborg Award, presented annually to a former Cal football player for distinguished career achievements. Markey was a member of the Cal Bears football team in the 1950s; he went on to serve in the Marines, then practiced privately for 15 years and was appointed to the Los Angeles Superior Court in 1974.

John Wigmore '58 writes: "Living by the sea in Leucadia, CA. Stay in shape by taking long walks: in June, across England from Irish Sea to North Sea, and in August, walked a portion of the chemin de Saint Jacques de Compestelle in France. The latter will require another 60 days to complete. Anybody wish to join me?"

David W. Fleming '59, of counsel at Latham & Watkins, has been named chairman of the Los Angeles Area Chamber of Commerce. His tenure begins Jan. 1, 2007.

1960s



Lee Coleman '61

Lee Coleman '61 has been named as the 2006 Democratic candidate for the Oregon House of Representatives for District 26.

Alan Halkett '61 recently served as a judge for the UCLA Law moot court competition and also participated as a judge in Susan Nash's appellate advocacy class.

"I'd Kill for a Parking Place," a play written by **Jerry Levitin '62**, was presented in San Francisco to full houses and favorable reviews. It's the story of a traffic court judge who becomes a suspect in a series of apparent racial killings; the killer's identity is ultimately revealed during a courtroom drama. Levitin's play "Colors" was presented at Maine's Camden Opera House last year. It's the story of an attorney who starts talking only in colors and how this affects his wife, his secretary and a newfound friend.

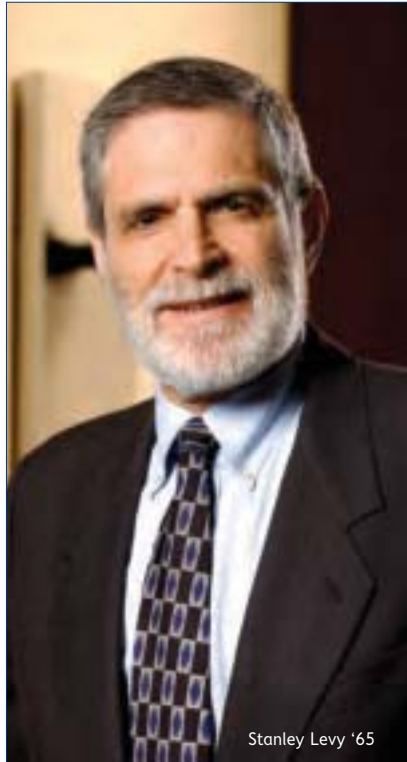
A 1963 alumnus of the UCLA School of Law who has previously served on the law school's alumni board has been named to receive the highest honor given by the California Judicial Council, the Jurist of the Year Award. The award will be presented to **The Honorable Richard D. Aldrich '63** of California's 2nd District Court of Appeal, Division 3, at the California Judicial Administration conference on Nov. 2, 2006. Justice Aldrich was selected for his extraordinary contributions to



Richard Aldrich '63

the California court system and for his dedication to the highest principles of the administration of justice statewide. The Judicial Council is the constitutionally created body charged with the operation and administration of all the courts in the state of California.

Los Angeles-based law firm Manatt, Phelps & Phillips LLP has named attorney **Stanley W. Levy '65** chair of its pro bono practice. The firm's pro bono director, Cristin Zeisler, will work with Levy to advance the company's pro bono initiative, which was launched last year. Levy, who has served as a member of Manatt's labor and employment group for nearly 10 years, is a member of the executive board of the California Fashion Association.



Stanley Levy '65

Prior to joining Manatt, he was the general counsel of Los Angeles denim giant Guess? Inc. Levy was one of the original staff attorneys at the Western Center on Law and Poverty and served as its deputy director. He was the founding executive director of the pro bono law office Public Counsel and co-founder of Bet Tzedek, a public-interest law firm on whose board he continues to serve. He also served as the first director of training for the Los Angeles city attorney's office. He was appointed to the White House Apparel Industry Task Force, founded by President Clinton to set labor standards for overseas apparel and footwear production. Levy is a rabbi who has been the spiritual leader of Congregation B'nai Horin Children of Freedom for 38 years.

Clifford Douglas '67 and his wife, Mary Ann (B.A. UCLA '69), have three children on the move. Their son John graduated from Georgetown School of Medicine in May 2006 and has started a residency in pediatrics at Loma Linda University. Their son Matthew earned his J.D. from Washington University in St. Louis School of Law in May 2006 and is beginning UCLA Law's LL.M. program in August, in international law. Their daughter Christin is a third-year law student at the University of Virginia School of Law.

Bill Roth '67 has lived and worked in Bangkok, Thailand, since 1996. He is currently academic counselor to the Interdisciplinary Department of European Studies in the graduate school of Chulalongkorn University. However, Bill continues to teach occasional classes at the university's Faculty of Law and has plans to attend his 40-year law school class reunion in May 2007. He can be contacted at bbsbill@gmail.com.

Bob Weeks '67 has been appointed to another two-year term representing the Santa Clara County Bar Association in the ABA House of Delegates. He was appointed by the presiding judge to serve on their local Temporary Judges Working Group to implement new state rules for temporary judges. The really big news is that Nancy and Bob celebrated their 40th wedding anniversary on Sept. 10 with a blessing ceremony at the Center for Spiritual Enlightenment, where they attend services. On the travel front, they've been to Fiji, Africa and Hawaii this year.

Leatrice Lynne Latts '67, J.D., C.P.A., although still practicing business and transactional law in Pasadena, is very involved in and committed to her Web site, www.SeeMovement.com.

Arthur Schonfeld '67 is almost retired and teaches Tai Chi as a hobby at the Holy Spirit Retreat Center in Encino on Wednesday nights from 7 p.m. to 9 p.m.

Mark Ivener '67, of Ivener & Fullmer LLP in Los Angeles, recently was listed in Britain's *Citywealth* as one of the top 100 wealth advisors and managers for the Americas in 2006. He was the only immigration lawyer named to the list. *Citywealth* is an international Internet newsletter published in London for professionals worldwide who represent high-net-worth individuals and families; the publication surveyed approximately 2,000 U.S., U. K. and international wealth advisors and managers and asked them to recommend their most highly respected peers in North and South America.

Peter Douglas '69 was listed among the "West 100," the Los Angeles Times' list of the most powerful people in Southern California. Douglas is executive director of the California Coastal Commission. The article stated, "Douglas doesn't get a vote on the commission, but he is no mere bureaucrat. As the panel's senior staffer for more than 20 years, he has as much - if not more - influence over coastal communities and beachfront access as any of its 12 members. After the commission beat back Hollywood mogul David Geffen's effort to keep the public off the beach near his Malibu home, Douglas didn't mince words: 'With all of the lobbying power and legal power he could afford to buy, in the end, the public's right prevailed.'"

1970s

Skip Brittenham '70 was listed among the “West 100,” the *Los Angeles Times*’ list of the most powerful people in Southern California. Brittenham is an entertainment lawyer at the firm Ziffren Brittenham Branca Fischer Gilbert-Lurie Stiffelman, Cook Johnson, Lande & Wolf, LLP. The article stated, “Operating largely under the radar, the highly trusted and intensely competitive Brittenham represents more top studio executives than any other Hollywood lawyer, while also counting among his clients some of the town’s biggest A-list stars—Tom Hanks included—and major corporations. Indeed, Brittenham has factored into virtually every huge deal in Hollywood over the last two decades, including the sales of DreamWorks SKG to Viacom and Pixar Animation Studios to Disney.”

Bill Wardlaw '72 was listed among the “West 100,” the *Los Angeles Times*’ list of the most powerful people in Southern California. Wardlaw is a principle at Freeman Spogli & Company. The article stated, “Wardlaw was a key advisor to two of the last three mayors, and he put L.A. Councilman Bernard Parks through mock oral exams the first time he was running for LAPD chief. He’s a friend of Supervisor Zev Yaroslavsky and has the key of Sen. Dianne Feinstein. Wardlaw’s clout has waned since Villaraigosa’s election—he chaired James Hahn’s reelection campaign—but not much. The reason? He’s an old friend of Villaraigosa too. Most importantly, the Freeman Spogli & Co. attorney understands the crucial nexus in L.A. between Democratic politics, labor politics and ethnic politics.”



Mark Grady '73

Prominent trial lawyer Pierce O'Donnell has established a new firm, O'Donnell & Associates, with an emphasis on complex business and public justice litigation. Joining the firm as of counsel is UCLA School of Law professor **Mark F. Grady '73**. Professor Grady is director of the law and economics program at UCLA Law and is former dean of George Mason University

School of Law. A respected professor in the field of torts, antitrust and intellectual property, Grady earlier this year served as an expert in support of the court-approved landmark Semptra settlement of the class-action suit prosecuted by O'Donnell and his fellow lead counsel, Thomas Girardi and Walter Lack. “Pierce has one of the

most important and most exciting practices in the country,” Grady remarked. “I am enthusiastic about collaborating on his high-impact public interest cases, particularly in his current efforts to secure justice for Hurricane Katrina victims.”



Antonia Hernandez '74

Antonia Hernandez '74 was listed among the “West 100,” the *Los Angeles Times*’ list of the most powerful people in Southern California. Antonia is president and CEO of the California Community Foundation. The article stated, “The foundation—which boasts assets of \$800 million and shepherds tens of millions of dollars in donations to local nonprofits each year—is one of the

most vital philanthropic organizations in L.A. County. Since taking charge of the group in 2004, Hernandez has pushed it in new directions, focusing on quality-of-life issues for the elderly and at-risk youth while steering away from job training and other areas where it has been harder to show gains. Before coming to the foundation, Hernandez for 18 years headed the Mexican American Legal Defense and Educational Fund.” Antonia was recently honored for her achievements by the Women Lawyers Association of Los Angeles.

Andrew J. Guilford '75 recently was appointed as a judge of the United States District Court for the Central District of California. The judge-designate has practiced since 1975 in the Costa Mesa office of Sheppard, Mullin, Richter & Hampton. His specialty is business litigation, including professional liability, intellectual property, finance and unfair competition cases. In addition to having been president of the State Bar of California, and before that the Orange County Bar Association, Guilford has served as a lawyer representative to the 9th Circuit Judicial Conference, an arbitrator and judge pro-tem in the Orange County Superior Court, a member of the Judicial Council task force on self-represented litigants and the state Supreme Court’s task force on multijurisdictional practice, a founding officer of the Association of Business Trial Lawyers of Orange County, and president of the Public Law Center, Orange County’s pro bono public-interest law firm. He is also a fellow of the American College of Trial Lawyers and holds a lifetime achievement award from the OCBA and a Jurisprudence Award from the Anti-Defamation League.

Dale Kinsella '74, formerly a name partner at Greenberg Glusker Fields Claman Machtinger & Kinsella LLP, recently opened a new law firm based in Santa Monica, Calif. The new firm, Kinsella, Weitzman, Iser, Kum & Aldisert, will focus on media and entertainment.

Robert Kirschenbaum '74 has transferred to the Washington, D.C., office of Baker & McKenzie as a partner. Kirschenbaum has worked in the Palo Alto and San Diego offices of Baker & McKenzie, where he has been a partner since 2001. He will continue to assist companies in planning and defending their transfer-pricing strategies while structuring their businesses in a tax-efficient manner.

Paul Ted Suzuki, '74 has been elected commissioner of the Los Angeles Superior Court. Formerly of the Los Angeles law firm Suzuiki & Ito, Suzuki said that he was looking forward to the shift from advocate to adjudicator. "I think that this is an opportunity to do something in the form of service to the community, not just to clients," he said, adding that as a third-generation Japanese American he considers it important for courts to be made up of people of different backgrounds.

As Latham & Watkins' lead attorney investigating possible stock-option backdating, **James D.C. Barrall '75** recently told the *The Wall Street Journal*, "The backdating scandal is fairly unique in its complexity and scope and how many clients it touches and how serious and important it is to them."

President George W. Bush nominated **Valerie L. Baker '75** as a district judge for the United States District Court for the Central District of California on May 4, 2006. She is currently serving on the Los Angeles Superior Court.



James D.C. Barrall '75

Tim Lappen '75 founded and is the chair of the Family Office Group at Jeffer, Mangels, Butler & Marmaro, where he has practiced since 1984. Lappen's group provides comprehensive outside general counsel services to high- and ultra-high-net-worth individuals, their families and their businesses anywhere in the world, assisting with such disparate tasks as estate planning, real estate, litigation, tax, corporate, health care, hospitality and even the acquisition of aircraft, watercraft, motor vehicles—most recently a Bugatti Veyron—and fine art. The practice is unique, so much so that Lappen recently was profiled in the Los Angeles Business Journal.

Jonathan Solish '75 left Jenkins & Gilchrist in September 2006 to become a partner at Bryan Cave; he brought with him his franchise group, consisting of six other lawyers.

Proskauer Rose LLP recently named **Fred Bernstein '76** partner in its entertainment group. A former president of Columbia TriStar Motion Picture Companies, Bernstein also served as senior vice president of the MCA Motion Picture Group, where he managed the operations of Universal Pictures and its affiliates, and was president of worldwide production and senior vice president of business affairs at Columbia Pictures. He began his career in the film industry after leaving Manatt, Phelps & Phillips as an associate, serving as vice president of business affairs at Casablanca FilmWorks and later at Time-Life Films.

Mark Neubauer '76 has joined Steptoe & Johnson LLP, an international litigation, regulatory and corporate law firm, as a partner and will open a new office in Century City. Neubauer was previously a member of Alschuler Grossman Stein & Kahan LLP's executive and compensation committees and served as co-chair of the firm's business litigation department. A trial attorney with special emphasis in securities, entertainment, employment, business, real estate and commercial law, his trial experience includes both state and federal matters for clients that include many of the nation's largest corporations. Within the past six months, Neubauer has won a significant arbitration award and successfully defended a two-and-a-half-week specific-performance real estate trial in the Los Angeles Superior Court, in addition to prevailing in two published opinions from the California Court of Appeal.

Paul S. Rutter '78 has joined Maguire Properties Inc. (NYSE:MPG), a Southern California-focused real estate investment trust, as executive vice president for major transactions. He was most recently managing shareholder at Gilchrist & Rutter Professional Corporation, a real estate law firm in Los Angeles that he co-founded in 1983. Rutter has represented and worked closely with Maguire entities for almost 25 years and has represented many public and private real estate companies throughout his career, including Thomas Properties Group, Commonwealth Partners, JP Morgan Investment Management and Trammell Crow. He has strong administrative skills and extensive experience in executing complex real estate transactions.

Michael D. Schwartz '79 was recently appointed special assistant district attorney in Ventura County.

1980s

Paul Schmidhauser '80 has joined Rutan & Tucker's Orange County office as senior counsel in the real estate section.

Regina "Ginger" Covitt '81 has joined Loeb & Loeb LLP as a partner in the tax and wealth services department.

Gov. Arnold Schwarzenegger named Unemployment Insurance Appeals Board Administrative Law Judge **Mary Lou Villar '82** to the Los Angeles Superior Court. Villar has served as an administrative law judge since 1991. Previously, she served as directing attorney with the Legal Aid Foundation, as managing attorney for San Gabriel Valley Pasadena Legal Services and as an attorney with Protection and Advocacy.

Steve Glickman '82 is currently president of the Consumer Attorneys Association of Los Angeles, the L.A. area's plaintiff's trial bar. Next year, he will serve as president of the Los Angeles chapter of the American Board of Trial Advocates.

Bruce J. Graham '83 was named as one of four lawyers to head up the recently opened Los Angeles office of Goodwin Procter LLP. Along with a new office in San Francisco, Goodwin's California platform will feature two of its preeminent practices—real estate/real estate capital markets and complex litigation—and will broaden the reach of the firm's nationally recognized technology, life sciences, private equity and intellectual property practices. Graham, a veteran public finance and real estate lawyer, specializes in the financing and refinancing of public and private projects, including all forms of public infrastructure; utilities; multifamily housing projects, single-family master-planned communities; industrial, manufacturing, transportation and recreational facilities; hospitals and other nonprofit facilities; and commercial and residential redevelopment projects.

President George W. Bush has nominated Los Angeles Superior Court Judge **Philip S. Gutierrez '84** to serve as a judge on the United States District Court for the Central District of California. The nomination was announced by the White House on April 24, 2006. If confirmed by the Senate, Gutierrez will fill the vacancy created when Judge Terry J. Hatter Jr. took senior status on April 22, 2005. Gutierrez has served on the Superior Court since 2000 and currently sits in the Pomona division, where he presides over felony trials, preliminary hearings, probation violations and pretrial motions. He also served as a municipal court judge in the Whittier judicial district. Prior to coming onto the bench, he had been a partner in the law firm of Cotkin & Collins in

Santa Ana (1988-97), an associate at the law firm of Kern & Wooley in Los Angeles (1986-88), and an associate and law clerk at the law firm of Wolf, Pocrass & Reyes in Beverly Hills (1982-86). Active in judicial governance and education, Gutierrez currently serves on the Los Angeles Superior Court's executive committee and on the California Judges Association's committee on judicial ethics, of which he is a former chair. He serves on several committees of the California Center for Judicial Education and Research, where he also is a member of the faculty.

Mitchell B. Menzer '84 has joined Paul Hastings Janofsky & Walker LLP, where he will continue with real estate transactions and land-use matters. Previously, he practiced at O'Melveny & Myers LLP.



Timothy Silvestre '84, fourth from left, with his family. From left to right: son Alden, wife Allie Acker '88, daughter Catalina-Claire, and father-in-law, Chuck Acker.

Timothy Silvestre '84 joined Stradling Yocca Carlson & Rauth to open its new Santa Monica office. "This is really an exciting challenge and opportunity for me to join a shop like Stradling and develop an L.A. space for the brand," said Silvestre. Silvestre previously practiced at the now-defunct Los Angeles law firm Riordan & McKenzie. He left in 2000 to take the position of executive vice president of business and legal affairs at InterPacket Networks. He returned to private practice in 2002, when he joined Newmeyer & Dillion as a partner.

Laurie Genevra Cole '85 is a candidate for the Vienna Town Council in Virginia.

The Dallas-based, technology-focused boutique firm Munck Butrus PC has added new shareholder **J. Robert Arnett II '86** to its litigation team. Arnett brings broad experience and impressive credentials to the firm. He has more than 20 years of experience in all aspects of civil litigation at trial and appellate levels in state and federal courts and has represented businesses in the hospitality, real estate, construction, telecommunications and entertainment industries. He also has extensive expertise in bankruptcy cases and provides legal counsel to all types of clients, from individuals to publicly traded Fortune 500 companies. Previously, Arnett was a founding partner of Dallas-based Arnett Gaubert LLP. He served as law clerk to the Honorable Martin Pence, Senior U.S. District Judge for the District of Hawaii.

Chris Cervenak '86 moved to Santiago, Chile, four years ago with her husband and three children. Most recently, Chris has been working on a project to change the country's poorly written six-year-old freedom of information law. She has also done some teaching in international law and negotiations at various universities.

Patrick Harder '86 was elected partner at Nossaman Guthner Knox & Elliott LLP in San Francisco. Harder is a member of the firm's Infrastructure Practice Group and is based out of Los Angeles. His practice focuses on large-scale public works construction projects that involve the use of innovative procurement and financing techniques, including public-private partnerships and design-build projects. He also advises owners and general contractors on large-scale construction projects in the private sector, including hospitals, biomed facilities, industrial plants and similar projects. Nossaman Guthner Knox & Elliott LLP, a California-based law firm, specializes in complex civil litigation; infrastructure; land use, environmental, real property and water; health care; corporate transactions; and public policy law.

Gov. Arnold Schwarzenegger named **Ray G. Jurado '86** to the Los Angeles Superior Court. Jurado has served as an attorney for the Los Angeles County Office of Independent Review, a civil agency that has monitored the conduct of Los Angeles County Sheriff's Department since 2001. Previously, he served as an assistant U.S. attorney in Los Angeles and as a litigation associate for the law firms O'Flaherty & Belgum and Aguirre & Echmann. He also served as deputy district attorney for Los Angeles County.

Gov. Arnold Schwarzenegger appointed **Stanley Blumenfeld '88** to a judgeship on the Los Angeles Superior Court. Blumenfeld has served as an associate and partner at the law firm of O'Melveny & Myers LLP since 1993. He served previously in the U.S. Attorney's Office as assistant to the U.S. Attorney from 1989 to 1993 and served as a law clerk for the Honorable Cynthia Hall from 1988 to 1989.

Juan Carlos Dominguez '89 is now of counsel with Moldo Davidson Fraioli Seror & Sestanovich LLP. Dominguez is a real estate-corporate attorney. He has worked extensively with developers, lenders, redevelopment agencies, landlords and tenants. His experience includes a wide range of real estate and business matters, among them the negotiation and preparation of exclusive negotiation agreements; owner participation and disposition-and-development agreements; ground leases; and environmental indemnification agreements. In addition, Dominguez has extensive experience in complex corporate matters, including international joint venture agreements; preparation of S-1, S-4 and 10k documents; and the formation of corporations and limited liability companies. Transactions representative of Dominguez's practice include the \$55 million sale of the historic Los Angeles landmark known as the Citadel to a

private developer; the development of the Los Jardines shopping center in the city of Bell Gardens; a \$10 million leveraging of a major shopping center ground leasehold; and the development in Bell Gardens and Commerce, Calif., of the Vista Del Rio housing community. Furthermore, he has employed the Polanco Redevelopment Act in the environmental remediation of a contaminated former industrial site.

1990s

Rebecca Edelson '90 has joined Steptoe & Johnson LLP, an international litigation, regulatory and corporate law firm, as partner and will open a new office in Century City. Edelson's practice emphasizes both intellectual property - including trade secrets, trade dress, trademark, patent and copyright - and unfair competition, in which she has broad experience in all phases of state and federal litigation. A leading practitioner in the area of trade secret litigation, she recently co-authored the State Bar of California treatise "Trade Secret Litigation and Protection in California." She also recently served a term as chair of the executive committee of the state bar's Intellectual Property Section.

Rick Hasen '91 is an expert on election law and recently weighed in on the debate over whether a Civil Rights-era voting law requires that recall petitions be distributed in multiple languages so that non-English-speaking voters can understand them. "My main concern in this case is that everyone understand what the rules are in advance," Hasen said. "If the en banc panel agrees [that] the petitions need to be multilingual, that decision should apply to future initiatives. The court should give time to state and local officials to implement the procedure and to allow translation to occur."

Daniel Butler '92 was promoted to senior vice president of business and legal affairs for music at Warner Bros. Pictures. He also recently completed his tenure as president of the California Copyright Conference for 2005-06.

Matthew Fawcett '92 has become vice president and general counsel for JDS Uniphase Corporation (NASDAQ: JDSU), a global supplier of broadband and optical solutions. Prior to becoming general counsel, Fawcett served as JDSU's associate general counsel and senior director of global intellectual property, where he oversaw the development and management of JDSU's intellectual property portfolio and programs, including both organic growth and acquisition strategies. Before joining JDSU, Fawcett provided a broad array of corporate, commercial and intellectual property advice to Fujitsu, and before that in private practice at Morrison & Foerster.

James Li '92 has been appointed by the California State Bar to the Standing Committee on Delivery of Legal Services.

David Eisman '93 was recently named by the *Los Angeles Daily Journal* and the *San Francisco Daily Journal* to their "Top 20 Under 40" list, which highlights California's top young lawyers. The publications cited Eisman's representation of Microsoft co-founder Paul Allen's Vulcan Inc. in connection with the recent \$1.6 billion sale of DreamWorks Studios to Viacom's Paramount Pictures and the initial public offering of DreamWorks Animation, as well as his pro bono representation of Steven Spielberg's Shoah Foundation in connection with its recent merger with the University of Southern California. Eisman is a corporate partner in the Los Angeles office of Skadden, Arps, Slate, Meagher & Flom LLP. He lives in Malibu with his wife, Jennifer, and their 5-year-old son.



Howard Griboff '93 recently was appointed acting deputy chief in the policy division of the international bureau of the Federal Communications Commission. When he's not regulating the satellite industry, he's chasing after his two boys, Ari (born August 2000) and Ezra (born May 2004).

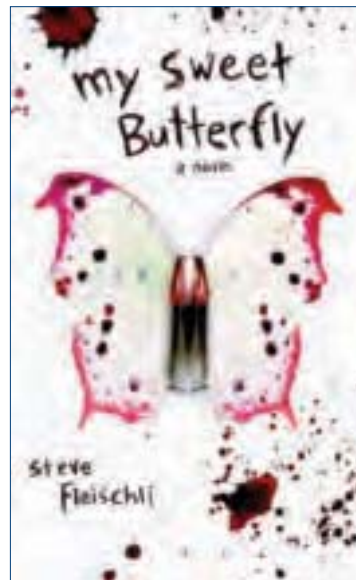
Seong Hwan Kim '93 will join Steptoe & Johnson's Century City office as a litigation partner. Kim was formerly a litigation partner at Christensen, Glaser, Fink, Jacobs, Weil & Shapiro in Los Angeles. He has developed a broad litigation practice that includes entertainment, intellectual property, real estate, securities and other business litigation.



Kim represents multimedia companies, producers, agents and entertainers; banks and other financial institutions; venture capitalists; technology companies; real estate developers and construction companies; hotels and casinos; officers and directors; and government officials and municipalities. Among his many accomplishments, Kim secured a landmark victory on a writ petition to determine the rights of minority shareholders to dissolve and liquidate the corporation in the highly publicized Idealab case, and he secured summary

judgment for the City of Monterey Park in a lawsuit brought by one of its city councilmen. Having spent his early childhood in South Korea, Kim is fluent in Korean and represents Korean and other Asian companies in a variety of commercial and corporate litigation matters. He also represents Latin American and U.S. Spanish-language media companies in entertainment and copyright litigation. "Seong brings us a depth and breadth of litigation experience and strong connections within the international business community on three continents," said Roger Warin, Steptoe's managing partner. "He is an exceptional addition to a new office in which we eventually expect to have some 50 attorneys. Seong and the four partners we earlier announced as part of the Century City startup team will play key roles in creating a strong foundation from which we can significantly expand our presence on the West Coast." Kim also lectures on legal topics and recently appeared at the Orange County Bar Association's trial technique seminar. He has been repeatedly identified as a Southern California "super lawyer" in an independent survey conducted by a local publisher.

Kyle B. Arndt '94 was founding partner of Bocarsly Emden Cowan Esmail Parker & Arndt LLP, which has joined with four East Coast lawyers from Venable Baetjer Howard & Civiletti LLP to form a national affordable housing and economic development practice. Arndt is a founding partner in the new firm.



Steve Fleischli '94 has just published his first novel, "My Sweet Butterfly." The book explores the mind of a teenager ridden with angst who eventually succumbs to his emotions and steals one of his father's guns. In essence, it is a story about a high school shooting, written from the perspective of the shooter. It is also a love story. The book is available in paperback from the leading online retailers.

Hector Gallegos '94, a partner at Morrison & Foerster LLP in Los Angeles, worked with a team of lawyers that won a recent appellate decision against Microsoft. In the decision, Morrison & Foerster's client's patent was allowed to stand and the computer giant was held liable for up to \$65 million in licensing fees.

James Hsu '94 and **Michael Chang '95** were featured recently on KSCI-TV Channel 18's "L.A. Living" segment. They were interviewed in Chinese for an international audience regarding their work as members of the board of the Asian Business League, which is organizing a conference on doing business with China.

Thaine Lyman '94 got married in 2003, and he and his wife, Terri, had triplets in 2004—Angela, Emma and Thaine. After about three years post-UCLA Law working at Capitol Records, Lyman joined Activision's business and legal affairs group in 1997. He moved into a production role at the end of 1998 and is currently a vice president of studios for Activision, overseeing production on the "Call of Duty" brand, among others.



Former CNN correspondent and international journalist **Adaora Udoji '94** has been added to the Court TV news network's on-air team. An award-winning international and legal journalist, Udoji previously served as a general news correspondent for CNN Worldwide based in New York City, beginning in December 2003. She covered a wide range of stories for the network, including Hurricane Katrina, the Terri Schiavo case, the Martha Stewart

criminal trial, the gay marriage debate and the 2004 presidential election. Prior to that, Udoji was an international correspondent for ABC News based in London, reporting and producing international stories on Africa, the Middle East and Europe. She primarily reported for the network's affiliates but also contributed to "Good Morning America," "World News Weekend" and ABC Radio. Her experience also includes jobs as a general assignment reporter for WTVG-TV Channel 13, a Toledo, Ohio-based ABC affiliate, from 1997 to 2000; as an ABC News off-air reporter in Los Angeles; and as an associate producer in New York City. Udoji has covered significant events both in the United States and abroad, including the war in Iraq (from Iraq and Qatar), the war in Afghanistan (from Pakistan), the Israeli-Palestinian conflict (from Israel and Jordan), Pope John Paul II (from Vatican City) and several international sporting events. She also covered the 1996 presidential campaign, the crash of TWA Flight 800 over New York and the O.J. Simpson criminal and civil trials. She was part of the ABC team that won a Cine Eagle award for a 1997 prime-time documentary about death row. The National Academy of Television Arts and Sciences cited her for her coverage of the war in Afghanistan.



Thomas Yoo '94 is representing Merck & Co. in their defense against Vioxx plaintiffs in Los Angeles Superior Court.

Angela Dotson '95 has joined Morrison & Foerster as a partner in the firm's Los Angeles office. She practices in the areas of employment

and commercial litigation. She has represented Fortune 500 companies, small entities and individuals in administrative proceedings and before various state and federal courts on many levels, including on appeal and at trial. In 2004, 2005 and 2006, *Super Lawyers* magazine named Dotson a "Southern California Rising Star."



Paul M. Eckles '95 was recently named partner at Skadden, Arps, Slate, Meagher & Flom LLP. He is resident in the firm's New York office and focuses on antitrust.

Jeremy Mullem '95 recently moved from American University—where he was acting associate director, teaching "Legal Rhetoric: Writing and Research"—to Duke Law School, where he will be a senior lecturing fellow.

David Warner '95 joined the Chicago law firm of Freeborn & Peters in May 2006 as a partner practicing land use and real estate law. Warner and his wife, Chelsie Adams, live in Evanston, Ill., with their 1-year old daughter, Truman, and have another on the way.



Donna M. Dean '96 has been promoted to shareholder of Lurie, Zepeda, Schmalz & Hogan, where she practices business litigation.

Brian Liu '96, CEO of LegalZoom.com, was named as a finalist for the prestigious Ernst & Young Entrepreneur of the Year Award.

Eric Kurtzman '96, CEO of Kurtzman Carson Consultants LLC was named as a finalist for the prestigious Ernst & Young Entrepreneur of the Year award.



Kelly Perdew '96

Kelly Perdew '96, former winner of Donald Trump's "The Apprentice," spoke at Plymouth State University's undergraduate commencement on May 20, 2006. In his speech, he discussed leadership themes highlighted in his new book, *"Take Command: 10 Leadership Principles I Learned in the Military and Put to Work for Donald Trump."* Perdew earned a joint J.D./ M.B.A. degree from UCLA Law

and the Anderson School of Management.

Kristin Holland '96 has become a partner in the litigation department at Katten Muchin Rosenman LLP. She also was named a 2006 "Rising Star" in *Super Lawyers* magazine and *Los Angeles Magazine*. Additionally, Holland has served on the boards of both the Women Lawyers Association of Los Angeles and the Center for Law in the Public Interest. She can be reached at kristin.holland@kattenlaw.com.

Paul E. Ambrosio '97 recently became associate general counsel for Guidance Software, the world leader in computer forensic and enterprise investigation solutions.

Dawn Collins '97 has left Akin Gump Strauss Hauer & Feld LLP and is now practicing at Jackson, Tufts, Cole & Black.

Brian Flavell '97 has been elevated to partner in the real estate practice at Sidley Austin in Chicago. He practices in all areas of real estate law. Prior to joining the firm, Flavell served as a law clerk to the Honorable Stephen V. Wilson of the United States District Court for the Central District of California.

The Honorable José Huizar '97 was honored at a reception hosted by UCLA School of Law and UCLA Government and Community Relations on May 17, 2006, at Roosevelt High School in Los Angeles. Dean Michael H. Schill gave remarks.

Karen Johnson '97 has been named director of strategic partnerships for the Practising Law Institute. She will be based in the New York City office.

Carolyn Young '97 has joined the faculty of Chapman University School of Law in Orange, Calif., as director of the externship program. Previously an attorney with the Disability Rights Legal Center, she remains on its board of directors.

Arnold Barba '98 has joined Brown, Winfield & Canzoneri Inc. in their litigation department. Barba focuses his practice on complex business litigation, real estate litigation, class action litigation, breach of contract, transportation law, securities and financial services litigation, trademark and business torts, constitutional law, and trial practice.

Brent Hamlet '98 and **Felicia Chang '99** recently got married.

Antonio Lopez, Jr. '99, and **Theresa C. Lopez (Archuletta) '99**, are proud to announce the birth of their first child, Nicholas Fermin Lopez, on May 2, 2005. Antonio recently left the Los Angeles County District Attorney's Office and has opened a criminal defense practice. Theresa recently was promoted to counsel at Crowell & Moring LLP. Her practice focuses on construction and commercial litigation.

Scott Tilley '99 is a partner with the law offices of Parker & Irwin. He specializes in insurance defense, workers' compensation defense and employment law.



José Huizar '97

CLASS NOTES ONLINE!

Read expanded class notes online at www.law.ucla.edu. While there, please take a moment to add a note to us about yourself that we can put online or in the next edition of UCLA **LAW** Magazine.

Go to our website and click on www.law.ucla.edu/alumni/news.html

2000s

Brendt Butler '00 was recently elected to partner with the bankruptcy boutique law firm of Klee, Tuchin, Bogdanoff & Stern LLP.

Nicole D. Deddens '00 has joined the newly opened Los Angeles office of Bocarsly Emden Cowan Esmail Parker & Arndt LLP as an associate.

Mary Dolores Guerra '00 will be joining Phoenix International School of Law (PhoenixLaw) as a full-time faculty member in August 2006. PhoenixLaw is a new private law school located in Scottsdale, Ariz., that soon will be moving to central Phoenix.



Mary Dolores Guerra '00

Rick A. Werner '00 has joined Pircher, Nichols & Meeks, a national real estate law firm, as an associate in the corporate department and private real estate funds practice. He is based in the firm's Los Angeles office. Werner has represented privately held and publicly traded companies in a wide variety of industries. He has also represented real estate funds, venture capital firms, investment banking institutions, high-net-worth individuals and other investors. His principal experience has been in private placements, mergers, acquisitions and dispositions, public offerings, general 1933 and 1934 Act matters, and joint ventures and strategic business relationships. Werner also has substantial experience in general business matters such as consulting and employment contracts, partnership agreements, and executive compensation matters. Prior to joining Pircher, Nichols, & Meeks, Werner was a corporate associate for Olshan Grundman Frome Rosenzweig & Wolosky LLP in New York.

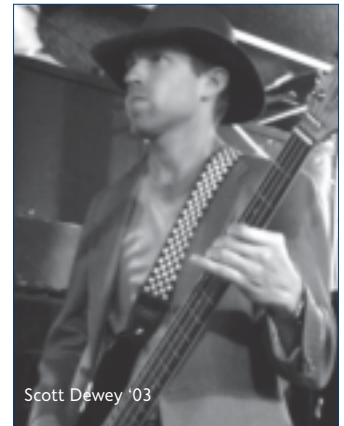
Shinichiro Abe '01 has joined the Asahi Koma law offices in Tokyo, Japan. Asahi Koma is one of Japan's largest law firms, with more than 160 lawyers. Abe also has been appointed assistant professor of law at the Chuo Law School.

Maria D. Martinez '01 has decided to stay in Phoenix, Ariz., indefinitely. She was recently promoted from term law clerk to career law clerk for the Honorable Sarah Sharer Curley of the U.S. Bankruptcy Court in Phoenix.

Cynthia Sanchez '02 has taken a job at Sony Pictures. Previously, she worked at Univision.

Andrew Tran '02 is a litigation associate at Bingham McCutchen. He also recently purchased his first home.

Scott Dewey '03 is joining Chatten-Brown & Carstens. Dewey, who also has a Ph.D. in American environmental history, is the author of *"Don't Breathe the Air: Air Pollution and U.S. Environmental Politics, 1945-1970"* and numerous articles on air pollution, environmental policy and the history of the environmental movement. During law school, he worked with UCLA's environmental law clinic on joint projects with the South Coast Air Quality Management District, Santa Monica Baykeeper and local citizens' groups. He also spent a summer working at the Environmental Protection Agency's Office of General Counsel in Washington, D.C. After graduation, he clerked for Justice Norman L. Epstein of the California Court of Appeal.



Scott Dewey '03

Rasheda D. Kilpatrick '03 has started a new business venture called Esquire Assistance through which she provides various litigation support services to solo practitioners and small law firms. Her primary specialty is preparing deposition and trial transcript summaries for small law firms, consulting firms and expert witnesses. For more information, email Esquire_assistance@yahoo.com

Phuong H. Nguyen '03 recently joined Hayes Davis Ellingson McLay & Scott in their Silicon Valley office. Nguyen's practice focuses on commercial and complex litigation. She has experience handling a variety of matters, including insurance coverage disputes, business tort claims, personal injury, construction defect and other related litigation.



Vicki Steiner '03

Vicki Steiner '03 has been named among the 2006 "Southern California Rising Stars" by *Los Angeles Magazine*. Her practice areas are intellectual property and animal protection litigation - at Collum & Steiner LLP.

Kerri L. Strunk '03 is a family law attorney in Orange County at Smith, Smith, Blonska & Dorey.

Ryan Tacorda '03 recently joined Beveridge & Diamond as an associate practicing environmental law. He had previously worked at Public Advocates Inc. on educational equity issues and at the Asian Pacific American Law Center in its legal services unit.

The Equal Justice Society is proud to announce the selection of **Nicholas Espiritu '04** as its first Judge Constance Baker Motley Civil Rights Fellow. The fellowship is named after Judge Constance Baker Motley (1921-2005), the first African American woman to serve on the federal bench. In her 50-plus years as a jurist, Motley had a major impact on ending racial discrimination. As the NAACP Legal Defense Fund's associate counsel, she participated in writing the briefs for Brown v. Board of Education of Topeka, Kan., et.al., the landmark 1954 U.S. Supreme Court case that ended school segregation. Espiritu is currently the Thurgood Marshall Fellow at the Lawyers Committee for Civil Rights in San Francisco. His practice includes litigation related to voting rights, immigrants' rights and discrimination in the allocation of municipal services. He obtained his B.A. from San Jose State University and his J.D., with a concentration in critical race studies, from UCLA School of Law, where he served as a managing editor of the *Chicano-Latino Law Review*. Espiritu was also one of the inaugural LatCrit Student Scholars, and his article "(E)Racing Youth: The Racialized Construction of California's Proposition 21 and the Development of Alternate Contestations," was published in the LatCrit symposium issue of the *Cleveland State Law Review*. Espiritu will start his Motley fellowship in October 2006.

Robin F. Hazel '04 is an assistant attorney general for the state of Florida in the appellate division in Miami.

Rachel Hemani '04 recently joined Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer PC. She previously was at Latham & Watkins LLP in their New York City office.

M. Catherine OliverSmith '04, with her husband, Brian, and 2-year-old daughter, Bella, welcomed Georgianna Grace "Gigi" OliverSmith on Feb. 26, 2006. The family recently moved back to Southern California and is living in Venice. They are having continued success with their publishing venture, Sounds Publishing Inc., and recently had a wonderful article written about them and the company in the July 1, 2006, edition of the Village Voice. They also have been interviewed on Maxim radio.

Dennis Bent '05 recently joined Orrick, Herrington & Sutcliffe LLP as an associate in the firm's Los Angeles office. He is a member of their structured finance group.

Jinah Lee '05 has moved to Greenberg Glusker from Pillsbury.

In Memoriam

Maurice W. Bralley '52

Norbert J. Mietus '52

Edward B. Smith '52

Martin B. Weinberg '53

Ira Englander '54

Walter E. Gregory '54

W. Garfield McDaniel '54

Howard D. Marshall '55

Joseph A. Wein '55

Joseph D. McNeil '56

Jack Hofert '57

Robert W. Buttrey '58

John R. Schell '60

Richard A. Richards '62

Lawrence M. Schulner '63

Lowell E. Graham '68

Herbert Graham '80

Louise D. Lillard '85

John F. Wester '86

Zane B. Melmed '02

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The UCLA Law Firm Challenge achieved a record 70% participation in giving to the law school, among alumni at the 56 firms competing in 2005–2006. The entire law school family extends its gratitude for the leadership support and material resources the Challenge brings to the school. Personal alumni gifts make UCLA Law the truly great institution it is. Congratulations to the firms and representatives that reached 100% participation in giving to UCLA Law.

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Greenberg Glusker LLP *Robert Marshall '73*
Kirkland & Ellis LLP *Tina Hernandez '99*
Liner Yankelevitz Sunshine & Regenstreif LLP *Joseph Taylor '87*
Manatt, Phelps & Phillips, LLP *Margaret Levy '75 & Nancy Whang '00*
Milbank, Tweed, Hadley & McCloy LLP *David Lamb '79*

GROUP III (up to 10 alumni)

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Howrey LLP *Richard Burdge '79*
Jaffe and Clemens *Daniel Jaffe '62*
Levene, Neale, Bender, Rankin & Brill LLP *Juliet Oh '00*
Lord, Bissell & Brook LLP *Beverly Lu '00*
Pachulski Stang Ziehl Young Jones & Weintraub LLP *Ira Kharasch '82*
Quinn Emanuel Urquhart Oliver & Hedges, LLP *Robert Becher '97*
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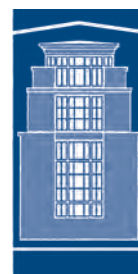
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DEADLINE: January 30, 2007

Updates received by the deadline will be included in the fall 2006 issue of UCLA **LAW** Magazine

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Updates received by **August 15, 2006** will be included in the next magazine.

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