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# university of san diego

SCHOOL OF LAW

## advocate



**Supreme Court of California  
Historic Special Session at the  
University of San Diego  
School of Law**

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*Thanking those who gave to the School of Law in the 2003-2004 fiscal year.*

# message from the dean

## Dean Rodriguez Steps Down



**A**t the end of this academic year, I will step down as dean of the School of Law. In the end, I will have served seven years in this position, having arrived in San Diego with enthusiasm in the fall of 1998. Although ambitious and excited about the opportunities that awaited me as I made the transition from northern California to the southland, I could not have dreamed then that I would have had such a wonderful experience. It has been a true pleasure and a major adventure for me and my family, and I thank the university for giving me the opportunity to lead this excellent law school during the past several years.

I also thank each alum I have met or interacted with in some way—by now, this number is in the thousands—for their support, advice and encouragement. The achievements of the law school during the fifty years of its existence have been built squarely on the shoulders of the achievements of its alumni. And, at the top of my list of reasons why this leadership opportunity has been so fulfilling for me, is the connection I have worked to nurture with our fabulously interesting and impressive group of lawyers.

I am proud of the progress the law school has made during the past several years. The credentials of our students are at an all-time high; the bar passage rate is squarely within the pantheon of the leading public and private law schools in California; and the professional opportunities available to these talented students have grown im-

mensely. The faculty is, quite simply, one of the finest group of law teachers and legal scholars in the United States. The faculty ranking—#22 in the U.S.—tells just part of the story. My faculty colleagues are energetic, active, important contributors to public debates over law and legal reform and to legal scholarship; they are valued public servants, representing the interests of the public at the local, state, national, and international level; and they are excellent teachers, remembering that the reason we are all in this endeavor is to educate lawyers—indeed, educate the best lawyers for the new century.

As I return to full-time service as a law teacher at USD, I will cherish the memories of my tenure as dean, and I hope to have the opportunity to thank many of you in person for all your contributions to the success of the law school during these exciting years.

DANIEL B. RODRIGUEZ  
DEAN AND PROFESSOR OF LAW

## USD Law Students Awarded State Bar Foundation Scholarships for Public Service

**U**niversity of San Diego law students Karen Prosek '05 and Hanna Gibson '06 were recently awarded Foundation of the State Bar of California Merit Award Scholarships. According to the foundation, scholarships "are given to law students whose strong academic records and public/community service activities exceed those of the average student."

Nominated by Carrie Wilson, assistant dean for student affairs, Prosek and Gibson's contributions have not only been above average, but inspiring.

Prosek, the winner of the Chase Merit Award Scholarship, advocates for those who cannot speak for themselves—children. Her efforts have included helping homeless/runaway youth access Medi-Cal, developing and coordinating an independent living skills program for current and former foster youth, helping a former foster youth recover \$2,000 in wages, and teaching classes on foster care youth rights. She is also the chair of the Pro Bono Legal Advocates student organization and co-chair for the Public Interest Law Foundation.

Gibson, the winner of the MBNA

Merit Award Scholarship, works with children and animals. Working with children in the inner city, she feels that the dog fighting and animal abuse/neglect that occur there will ultimately desensitize children, making them more likely to later accept violence against humans. She has spent the last decade working as a social activist, teacher, animal cruelty investigator, sociologist and law student to stem the tide of violence in our society. She is also president and secretary of the law school's chapter of the Animal Legal Defense Fund and former vice president of the Public Interest Law Foundation.

The awards were presented on October 7, 2004 at the Foundation of the State Bar of California Annual Scholarship Reception in Monterey, California.



**Hanna Gibson '06 and Karen Prosek '05 receive Foundation of the State Bar of California scholarships at a luncheon reception.**

## School of Law Hosts International Tax Conference

*Procopio International Tax Institute Update highlighted U.S.-Mexico cross-border tax issues*

**O**n January 27 and 28, 2005, the University of San Diego School of Law hosted the first conference to bring together top United States and Mexican international tax experts, which drew numerous tax attorneys from both countries.

The Procopio International Tax Institute's *U.S.-Mexico International Tax Update*—which was co-sponsored by

the law school; the law firm Procopio, Cory, Hargreaves & Savitch LLP; Bank of America; and the State Bar of California, Taxation Section, International Tax Committee—featured preeminent tax advisors who discussed the newly-enacted American Jobs Creation Act of 2004 as well as the latest Mexican international tax reforms.

Keynote speaker Harry (Hal) J.

Hicks, chief international counsel at the Internal Revenue Service, highlighted the conference. In addition, members of the USD law faculty, including Dean Daniel Rodriguez and Professors Richard Pugh, Bert Lazerow, M. Carr Ferguson, Jorge Vargas, Karen Burke, Hon. David Laro, Richard Shaw and Dennis Lilly, spoke at the conference.

Other featured speakers included Lic. Alfredo Gutierrez Ortiz Mena, chief counsel of the Mexican Tax Administration Service; Jeffrey Davidow, immediate past U.S. ambassador to Mexico; and Patrick W. Martin, immediate past chair of the State Bar of California's Taxation Section, International Tax Committee.

The tax faculty at the University of San Diego School of Law is currently the highest rated in the Western United States among law faculties with graduate tax programs and is ranked 11th overall in the nation.



**Richard Pugh, distinguished professor of law, USD; IRS Chief Counsel (International) Hal Hicks, Esq.; Rufus von Thielen Rhodes, Esq.; and Reuven Avi-Yonah, Irwin I. Cohn Professor of Law, University of Michigan, discuss the American Jobs Creation Act.**

*U.S. District Court praises CAI for their work in child advocacy*

## Children's Advocacy Institute Awarded \$100,000

**T**he School of Law's Children's Advocacy Institute (CAI) was recently awarded \$100,000 by the U.S. District Court for the Northern District of California as part of the court's *cy pres* distribution of leftover funds in Nickel v. Bank of America (No. C94-2716 SBA), a class action involving the alleged mishandling of certain trust accounts.

In April 2004, the district court ordered that these monies be allocated among organizations that served children, families and the elderly because trusts are often established to provide basic care for these groups. The court worked with attorneys for all parties in generating a list of thirty such organizations. CAI was included on the list at the recommendation of Oakland firm Murray & Howard, counsel for the plaintiff.

As one of the selected organizations, CAI was asked to write a proposal and appear at a hearing to discuss their achievements, goals and how they would use the funds. CAI emphasized their Child Advocacy Clinic and how the clinic was preparing law students to practice in the field of child advocacy. Applauding the institute's accomplishments, the court awarded CAI a total of \$100,000 to be spent on development of their legal clinic.

## California Supreme Court Holds Historic Outreach Session at School of Law

**A**s a capstone to the School of Law's 50th anniversary celebration, the California Supreme Court held a special oral argument session in USD's Kroc Institute for Peace and Justice on December 7 and 8, 2004.

One of the largest collaborative public events in state court history, the session drew more than 1,200 high school and law school students, and was televised statewide and to 15 off-site locations, where judges and attorneys met with students to lead discussions. During the two-day session, students from San Diego and Imperial counties listened to oral arguments and participated in a question-and-answer session. Court materials were made available to students before the session so that they could study the cases in their classrooms.

Although the California Supreme Court generally meets in Los Angeles,



**Above left:** Associate Justice Marvin R. Baxter and Associate Justice Ming W. Chin.

**Above right:** A student questions the Supreme Court justices.

**Below:** The Supreme Court of California hears counsel's oral argument.



Sacramento and San Francisco, every so often oral argument sessions are held in other cities as part of an effort to "better acquaint the public with the role of the courts and to better acquaint the courts with the concerns and interests of the public," said Chief Justice Ronald George.

Dean Daniel Rodriguez saw the ses-

sion as "not only a fitting and special end of our anniversary celebration, but also a keen reminder of the tasks before us all in the legal community and the promise of an even brighter future for us as we renew our efforts in legal education and the promotion of justice here at the University of San Diego School of Law."



## 1L Orientation: A Winner at Petco Park

**O**n Thursday, August 19 and Friday, August 20, 2004, the law school welcomed members of its entering class with a wide array of social and academic activities.

Organized and directed by Professor Heather Murr, Thursday's events featured a continental breakfast at Colachis Fountain followed by a welcome by Dean Daniel Rodriguez and a keynote address by the Honorable Richard Huffman, California Court of Appeal, Fourth District. On both days, faculty members and others presented a variety of panel discussions and question-and-answer sessions for the new law students.

The two-day orientation was capped by a dinner Friday evening at The Tin Fish in the Gaslamp Quarter attended by more than 400 law students, faculty and administrators, followed by a major league baseball game at the new Petco Park, in which the San Diego Padres defeated the Florida Marlins 6 to 1.



**Left: Prof. Heather Murr draws a cold one at The Tin Fish.**

**Below: More than 400 first-year law students, faculty and administrators gathered at The Tin Fish on Aug. 20, 2004.**



## Kevin L. Cole Named Interim Dean



**A**ssociate Dean and Professor of Law Kevin L. Cole has agreed to serve as the law school's interim dean when Dean Daniel B. Rodriguez steps down on June 30, 2005, it was recently announced by Anne M. Donnellan, Ph.D., USD's interim vice president of academic affairs and provost.

Cole has been serving as the law school's associate dean since 2001 and has been a member of the law faculty at USD since 1987, teaching and writing primarily in the areas of evidence and criminal law and procedure. He received his B.A. from New College in 1979 and his J.D. from the University of Pennsylvania in 1983. Cole was executive editor of the *University of Pennsylvania Law Review*, clerked on the U.S. Court of Appeals for the Sixth Circuit, and practiced law in Philadelphia before joining the faculty. He served as reporter for the Committee on Forfeiture in Drug Offense Cases of the National Conference of Commissioners on Uniform State Laws. He is co-author of both the *Federal Sentencing Guidelines Handbook* (Shepard's/McGraw-Hill) and the *Federal Sentencing and Forfeiture Guide* (Del Mar Legal Publishers). Cole has also been a visiting professor of law at Georgetown University.

Recently, Cole served as chair of the steering committee for the self-study portion of the NCAA certification process for USD's athletics program.

## School of Law Receives \$2.7 Million to Create Energy Policy Initiative Center (EPIC)

**A** \$2.7 million settlement from a lawsuit against Duke Energy will be used to establish the Energy Policy Initiative Center (EPIC) at the USD School of Law, San Diego County District Attorney Bonnie M. Dumanis and Dean Daniel Rodriguez announced February 4.

An academic and research center, EPIC will study energy supply, costs, and opportunities and how they affect the San Diego County region and Southern California. "The EPIC will integrate research, law school study, and public education, and legal advocacy to provide expertise and information about future energy needs and their efficient and environmentally responsible provision," stated Rodriguez. "Our school is extremely grateful to the Office of the District Attorney for giving us this opportunity and entrusting us with the responsibility to build a center that will provide long term benefits to San Diego County residents."

"We pursued this case because we felt it was critical to hold Duke Energy accountable," stated Dumanis. "As our office vigorously prosecuted our case, we knew that the most effective use of any settlement funds would not result in nominal returns to rate payers, but instead would be used to educate those committed to finding permanent solutions to our region's ever-growing energy problems."

In addition to San Diego County, these *cy pres* distributions went to other counties throughout the state participating in a class action suit against energy giant Duke Energy



Photo by Fred Greaves

**An EPIC beginning: Professor Robert Fellmeth; Steve Robinson, economic crimes chief deputy district attorney; Dean Daniel Rodriguez; Tony Samson, senior deputy district attorney (fraud); District Attorney Bonnie Dumanis; and John Massucco, chief deputy district attorney (fraud), at the announcement of the launch of the Energy Policy Initiative Center.**

for overcharging consumers on their utility bills during 2000 and 2001. At the urging of Robert Fellmeth, USD law professor and executive director of the USD Center for Public Interest Law, the law school presented the state Attorney General's office with a unique proposal for San Diego's portion of the settlement that would create a unique center that would educate the public concerning energy policy issues and policies, provide law school courses, conduct research, issue detailed reports on energy trends and policy options, and encourage the use of alternative, environmentally friendly energy resources. The proposal was ultimately approved by Dumanis.

Fellmeth noted, "the EPIC program is unique and conceivably the only one of this type in the nation. The EPIC will train public officials and students alike. The center will increase public awareness and interest in finding reliable alternative energy sources that capitalize on Southern California's ideal weather."

## Alan K. Brubaker '76 Receives 2004 Distinguished Alumni Award

**A**lan K. Brubaker '76 was honored with the School of Law's 2004 Distinguished Alumni Award at an alumni reception and luncheon at the Wyndham San Diego at Emerald Plaza on November 23, 2004. The Distinguished Alumni Award is the Law Alumni Association Board of Directors' highest honor.

Brubaker came to the law school from the University of California, Riverside, where in 1973 he received his B.A. in political science with high honors. He is a partner and former managing partner of Wingert Grebing Brubaker & Goodwin LLP. His law practice includes business, intellectual property, and trusts and estates litigation. Brubaker is a master in the American Inns of Court, Louis M. Welsh Chapter. He has served on the faculty of the National Institute of Trial Advocacy and will be president of the San Diego Chapter of the American Board of Trial Advocates in 2005.

Brubaker currently serves on the law school's Board of Visitors, and is a former president of the USD Law Alumni Association Board of Directors. He is listed in *The Best Lawyers in San Diego* and *The Best Lawyers in America*.



Gary W. Schons '76 (who received the Distinguished Alumni Award in 2002) and USD law Professor Grant Morris were guest speakers at the luncheon, and Dean Daniel B. Rodriguez presented the award.

## A Kickoff at a Baseball Game?

*USD Alumni Kick Off the 2004-2005 Law Firm Challenge at Padres/Dodgers Game*

**O**n September 21, alumni from 16 law firms met at Lou & Mickey's in San Diego to give the 2004-2005 Law Firm Challenge a roaring kickoff. After enjoying appetizers, cocktails and a campaign pep talk, the group headed to the Padres/Dodgers baseball game in San Diego's new Petco Park.

The Law Firm Challenge was created to reconnect alumni to the School of Law and encourage involvement in the Law Annual Fund. Firms compete in a friendly face-off for highest participation and total giving. To be eligible, firms must have three or more alumni in San Diego, Orange and/or Los Angeles counties.

The Law Annual Fund provides resources where the need is greatest, including financial aid, student counseling, clinics and other programs and services directly affecting students. The fund is not only a great way for alumni to contribute to the School of Law, but it also increases the value of their degree by helping make USD more competitive with top law schools across the country.

This year's kickoff hosted the following participating firms: Anderson & Kriger, PC; Branton & Wilson, APC; Daley & Heft LLP; Foley & Lardner LLP; Gordon & Rees, LLP; Gibson, Dunn & Crutcher LLP; Gray Cary Ware & Freidenrich, LLP; Heller, Ehrman, White

& McAuliffe LLP; Higgs, Fletcher & Mack LLP; Klinedinst PC; Knobbe, Martens, Olson & Bear, LLP; Littler & Mendelson PC; Luce Forward Hamilton & Scripps LLP; Procopio Cory Hargreaves & Savitch LLP; Solomon Ward Seidenwurm & Smith, LLP; and Wingert Grebing Brubaker & Ryan, LLP.

Congratulations also go to Higgs, Fletcher & Mack LLP; Knobbe, Martens, Olson & Bear, LLP; and Wingert Grebing Brubaker & Ryan, LLP for achieving 100% participation in the 2003-2004 Law Firm Challenge.

If your firm would like to sign up, please contact Trevin Hartwell, director of Development and Alumni Relations, at (619) 260-4692.

## Media vs. Civilization

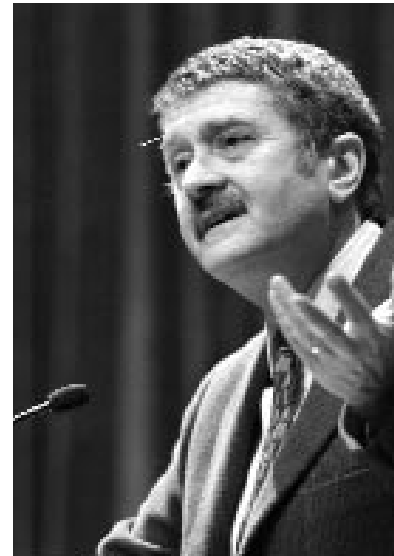
*Noted Author, Film Critic and Radio Talk Show Host Michael Medved  
Launches Bowes-Madison Distinguished Speaker Series*

**A**merican civilization is in danger because of our addiction to television, declared author, film critic and nationally syndicated talk show host Michael Medved, in the first presentation of the Joan E. Bowes-James Madison Distinguished Speaker Series, "Media vs. Civilization: How the Messages of the Entertainment Industry Undermine the Foundations of a Free and Ordered Society."

Before a capacity audience of almost 300 in the Kroc Institute for Peace and Justice theatre on November 15, Medved explained that watching so much television (more than 29 hours per week for the average American) is destructive because the nature of TV "erodes the very pillars upon which civilization must rest," namely, a sense

of patience and perspective; a conviction of optimism and self-confidence; and a durable existence of community and family. Medved also criticized the political ads of the 2004 presidential campaigns, saying they represented "the debasement of civilized politics in this country." His presentation was videotaped and later broadcast nationally by C-SPAN.

Joan E. Bowes of La Jolla established the series through the School of Law to inspire law students and other members of the San Diego community and promote the open exchange of ideas. Also bearing the name of James Madison—fourth president of the United States and "Father of the Constitution"—this annual series will bring distinguished speakers from



the fields of law, diplomacy, government and politics to the University of San Diego.



Michael Medved, USD Distinguished Professor of Law Bernard H. Siegan, and La Jolla resident and USD benefactor Joan Bowes.



On Saturday, May 22, 2004, diplomas were awarded to nearly 400 graduates of the University of San Diego School of Law, with about 3,800 family members and friends on hand in the Jenny Craig Pavilion to celebrate their achievements.

USD law Professor Lawrence Solum, who was awarded the 2003-2004 Thorsnes Prize for Excellence in Teaching, was the featured speaker at the commencement ceremonies. "Let me thank you now for the decision that many of you will make to forego lucrative practices and enter public service; for becoming a judge, a legislator, a council member; for taking a seat on the board of education; for becoming a congressman, senator or governor," Solum said.

Professor Fred C. Zacharias was presented with the 2003-2004 Thorsnes Prize for Outstanding Legal Scholarship, and Prof. Graham Strong received the 2003-2004 Award to a Visitor for Excellence in Teaching.

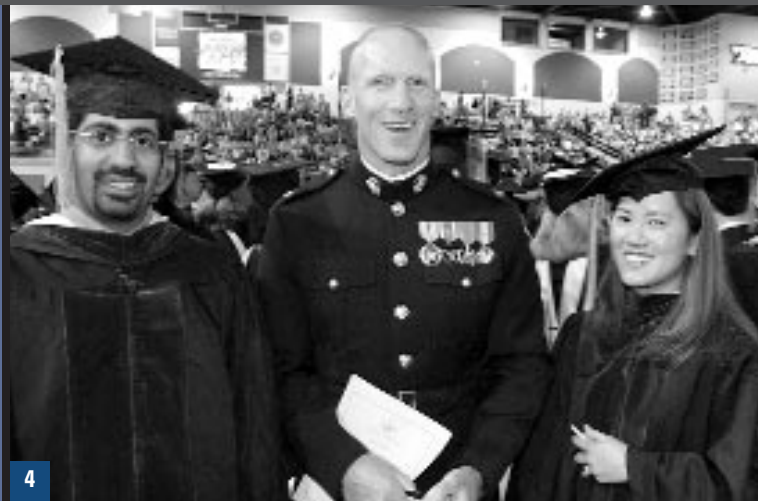


# graduation2004



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**From far left:** 1. Daniel Lavoie and Dana Larkin get lined up for the Processional. 2. New grads are all smiles on their big day. 3. Nikayela Gipson, who is about to be awarded her LL.M. in Taxation, waves to the crowd. 4. Faisal Al-Rayes, Lt. Col. John Henry (USMC) and Natasha Wong are proud recipients of LL.M. in International Law degrees.



4



7



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5. Ramie Niederkorn and Jennifer Nicolalde survey the audience as they make their way to their seats in the Jenny Craig Pavilion. 6. Professor Lawrence B. Solum gives an inspiring commencement address. 7. Chad Ens, Class of 2004 valedictorian. 8. Faculty Marshals Professor Steve Hartwell and Professor Julie D'Angelo Fellmeth join USD President Mary E. Lyons in applause onstage. 9. Dean Daniel B. Rodriguez congratulates the members of the Class of 2004 on their achievements. 10. Huggy Price sets his sights on a bright future.



9



10

## ORDER OF THE COIF

### Class of 2004 Members

Melissa Deanise Ables  
Morgan Skye Adessa  
Kirstin J. Andreasen  
Robert M. Augst  
Eric Edward Bowman  
Charles B. Chapman  
Michelle Lori Cole  
Carrie Schoomaker Dolton  
Chad R. Enszen  
Samantha Marie Everett

Bibianne Uychinco Fell  
Jennifer Ilyse Freedman  
Janet Dean Gertz  
Erik John Greupner  
Jessica Kimberly Heldman  
Samuel Ryan Hellfeld  
Delaney Michael Henretty  
Michele Ann Hon  
Jennifer A. Kagan  
Leif E. Knutson  
Nowell Alexander Lantz

Dana Paul Larkin  
Christopher J. Longman  
Erin Diane McCartney  
Autumn D. McCullogh  
Dawn Allison Messick  
Van N. Nguy  
Mustapha Parekh  
Damien M. Schiff  
Jeffrey Michael Singletary  
Benjamin Jason Stirling  
Mark H. Wagner



1



2

**From above** 1. Michele Fischbein receives hugs and roses after being awarded her LL.M. in Taxation. 2. Jake Hamilton is congratulated after receiving his law degree. 3. Jessica Heldman is all smiles on the big day. 4. New Master of Laws graduates gather for a photo. 5. Abigail Hughes, Meredith Ruston, Jessica Heldman, Summer Peterson and Daniel Lavoie are recognized for their accomplishments by the Center for Public Interest Law and the Children's Advocacy Institute. 6. Suzanne Skov displays the Irwin J. Kahn Award, which she received for excellence in real property courses. 7. Assistant Dean Carrie Wilson honors Laurie Gormican for her service as president of the Student Bar Association. 8. Troy Atkinson congratulates fellow Order of Barristers Award recipients Autumn McCullogh and Alfonso Morales.



3



4

# graduation2004

## Graduates Receive Awards

### CENTER FOR PUBLIC INTEREST LAW AND CHILDREN'S ADVOCACY INSTITUTE

Outstanding Contributors to the *California Regulatory Law*

Reporter: Morgan Adessa, Bridget Fogarty, Abigail Hughes

Outstanding Public Interest Advocate Award: Jack Dailey

James A. D'Angelo Outstanding Child Advocate Award: Jessica

Heldman, Daniel Lavoie, Summer Peterson, Meredith Ruston

### LEGAL CLINIC AWARDS

Outstanding Civil Clinic Interns:

Po Satia Chhim, Da C. Duong

Outstanding Criminal Clinic Interns: Delaney Henretty,

Kyle Rowen (Prosecutor); Michael Stuart (Defense)

Outstanding Entrepreneurship

Clinic Intern: Amanda Mineer

Outstanding Land Use

Clinic Intern: Jennifer Wernberg

Outstanding Mental Health Law

Clinic Intern: Jack Dailey

Outstanding Small Claims

Clinic Intern: Adam Lewis

Outstanding Special Education

Clinic Intern: Joshua Brothers

Outstanding Tax Clinic Interns:

Charity Babington, Tong-Jyh Lee

Outstanding Environmental Clinic Intern: *Professor Robert*

*& Dolores Simmons Award for Excellence in Environmental Law*

*Practice:* Ranjan Lahiri

### INTERNATIONAL ACADEMY OF TRIAL LAWYERS AWARD

Excellence in Advocacy Course and Trial Court Work:

Anthony Thompson, Steven Wedeking II

### COMMUNITY DEFENDERS, INC. AWARD

A Demonstrated Commitment to Indigent Criminal Defense:

Jennifer Nicolalde, Michael Stuart

### APPELLATE MOOT COURT PROGRAM

Board Members: Dean Adams, Sheila Eckert, Sonia Garcia,

Megan Godochik, Paige Hazard, Paul Hirst, Duke Kang,

Takeo Kellar, Karen Luh, Autumn McCullogh, Rhonda

Moore, Van Nguy, Melanie Snyder, Justin Watkins,

Jennifer Wernberg, Michael Zech

Chair Award: Melanie Snyder

### MOCK TRIAL PROGRAM

Marin Aarons, Ankush Agarwal, Kirstin Andreasen, Troy

Atkinson, Amy Bamberg, Monte Bennett, Eve Brackmann,

Noel Fischer, Megan Godochik, Terri Hunt, Alfonso Morales,

Jr., H. Price, Paul Reizen, Kyle Rowen, Celeste Kaisch,

Jorge Vargas



# graduation2004

## **AMERICAN BOARD OF TRIAL ADVOCATES AWARD**

Outstanding Trial Competition Team: Kirsten Andreasen,  
Troy Atkinson, Amy Bamberg, Megan Godochik,  
Alfonso Morales, Jr., Kyle Rowen

## **THORSNES, BARTOLATTA & MCGUIRE AWARD**

Excellence in Trial Advocacy:  
Alfonso Morales, Jr.

## **ORDER OF BARRISTERS AWARDS**

Martin Aarons, Dean Adams, Troy Atkinson, Eve Brackmann,  
Shiela Eckert, Noel Fischer, Megan Godochik, Autumn  
McCullogh, Alfonso Morales, Jr., Kyle Rowen  
Statue of Justice: Melanie Snyder

## **LAW REVIEW AWARDS**

Members: Melissa Ables, Morgan Adessa, Ankush Agarwal,  
Virginia Alspaugh, Eric Bowman, Shelby Brown, Ross  
Campbell, Charles Chapman IV, Michelle Cole, Karen  
Convery, Bibianne Fell, Hal Gibson, George Gonzalez,  
Jessica Heldman, Samuel Hellfeld, Nowell Lantz, Sean  
Piccola, Gabriela Salazar, Monica Sanchez, Damien Schiff,  
Steven Wedeking II

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Natasha Wong

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## **COMPARATIVE LAW AWARD**

Highest Cumulative Grade Point Average in the Master of  
Laws in Comparative Law Program: Evelyn Heuberger

## **LUCE, FORWARD, HAMILTON & SCRIPPS AWARD**

Highest Cumulative Grade Point Average in the Master  
of Laws in Taxation Program: Thomas Vidano

## **DISTINGUISHED SERVICE AWARDS**

Van Nguy, Nathan Thomas, Ethan Watts

## **LEGAL SCHOLARSHIP AWARDS**

Highest Cumulative Grade Point Average, Evening Division:  
Charles Chapman IV

Highest Cumulative Grade Point Average, Day Division:  
Chad Ensz

## **VALEDICTORIAN AWARD**

Chad Ensz

By Erin Drenning '07  
Photos by Rodney Nakamoto

# FORMULA FOR SUCCESS

Presenting the  
School of Law's  
newest faculty  
members

Four outstanding professors—Donald A. Dripps, Adam J. Kolber, David Stephen Law and Lisa P. Ramsey—recently joined the faculty of the University of San Diego School of Law. Whether as an amateur photographer or comedian, a yogi or teacher, each brings a unique life experience to the table. In addition to being first-rate teachers and scholars, they are all interesting, multifaceted individuals.

## DONALD A. DRIPPS

Like many San Diego transplants, Professor Donald Dripps is a child of the Midwest. Having received a B.A. from Northwestern University near Chicago and a J.D., *magna cum laude*, from the University of Michigan, it's no surprise that the Southern California weather had something to do with Dripps' decision to teach at USD. But the daily dose of sunshine was only a small factor compared to the school's academic reputation.

"University of San Diego is a very exciting place to come to," says Dripps. "This law school is an institution that has built itself up from something ordinary to something extraordinary in very recent years." Dripps joins the faculty as a criminal law, criminal procedure and evidence professor and brings to the position a wealth of knowledge accumulated from 20 years of teaching at the law schools of the University of Illinois, Duke University, Cornell University, and most recently, the University of Minnesota.



Though Dripps has been teaching standard doctrinal courses for years, he still enjoys exploring the relationship between the state and the individual, a connection that he finds is most dramatic in criminal law. "I'll never get bored because the law is ever changing," he notes.

Truly a legal scholar, if Dripps were "thrown out on (his) rump" from teaching, he would likely continue in the academic realm in another capacity or work in the more

creative field of literature and publishing. He has already authored numerous law review and journal articles, as well as the recent book *About Guilt and Innocence—The Origins, Development and Future of Constitutional Criminal Procedure* (Westport, Conn.: Praeger, 2003).

Dripps has a long queue of writing projects lined up for the future, including an examination of the moral limits on criminal law and an investigation into the old criminal procedure tension between protection of the individual and the accurate application of facts to law. "It's publish or perish in this business, and the difference between a short book and a long article is how hard the cover is," he jokes.

With the addition of Dripps to the faculty, USD is sure to enjoy continued ranking among the top schools in the nation in criminal law and procedure.

## ADAM J. KOLBER

Though he spends most of his time contemplating deep ethical dilemmas in the law, Adam Kolber certainly has a lighter side. The USD assistant professor of law performed stand-up and improvisational comedy for three years in the Washington, D.C. metro area after earning a B.A., *summa cum laude*,



in philosophy from Princeton University. A business ethics consultant at PricewaterhouseCoopers by day, Kolber worked the crowd in the nation's capitol on amateur nights and introduced an improv troupe that included the host of Comedy Central's *The Chris Wylde Show*.

Kolber left his comedy stylings behind to earn a J.D. at Stanford University, graduating Order of the Coif. "I knew all along that I would go back for more education," he says. "I just hadn't settled on a field. I considered getting a doctorate in philosophy, but feared being too removed from the real world. I had an undergraduate professor who suggested I consider legal academia." While in law school, Kolber focused his studies on ethical issues in the law, including animal rights and organ donation.

He practiced general litigation for a year at Davis Polk & Wardwell in Manhattan and then spent a year clerking for the Honorable Chester J. Straub of the U.S. Court of Appeals for the Second Circuit before joining the USD faculty. "I was attracted to USD because of its world-class scholarship and the many opportunities presented by its Institute for Law and Philosophy," says Kolber. "The other members of the faculty have been very willing to mentor junior faculty and have made me feel right at home."

New to teaching, Kolber's remarkable educational background and dedication to the field make him a welcome addition to the faculty. "I find teaching to be very exciting," he says. "I like the world of ideas, and this is a way to be engaged in the world of ideas but still keep two feet on the ground." Kolber is teaching 1L criminal law, as well as a seminar on bioethics and the law.

The perfect blend of serious scholar, gifted philosopher and lighthearted comic, Kolber enhances an already nationally ranked program in law and philosophy at USD.

## DAVID STEPHEN LAW

David Law has always worn many hats, and it doesn't look like a move to the mellow city of San Diego will slow him down anytime soon. The Vancouver native splits his time here between two different academic worlds: he is an assistant law professor at USD in the areas of federal courts, administrative law and comparative public law and works as an assistant adjunct professor in the political science department at the University of California, San Diego.

Law's impressive background comes as no surprise, then, considering his zeal for the fields of political science, theory and law. He earned a B.A. from Stanford University, followed by a J.D., *magna cum laude*, from Harvard University. He also clerked for the Honorable Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit and practiced law with Munger, Tolles & Olson LLP in Los Angeles for a few short years before returning to Stanford to work on his Ph.D. With Stanford's blessing and funding, he took a leave of absence to earn a B.C.L. in European and Comparative Law from the University of Oxford. Law completed his Ph.D. at Stanford in June 2004, and today he accents an accomplished faculty body at USD.

"The public law faculty here is terrific," he says. "I clearly wasn't hired to fill a gap; I'm here to build on the existing strength of the program." Law was drawn to San Diego not only by the outstanding faculty but also by the environment. He takes yoga classes, has tried surfing, which "went reasonably well," and frequently goes running on the boardwalk at Mission Beach. "These opportunities are not the sort of thing you can take for granted that you'll be able to do anywhere else," Law notes.

Aside from the federal courts and administrative law classes he teaches at USD, Law intends to collaborate with a UCSD faculty member to offer a seminar that will give law students and graduate

students in political science an opportunity to meet and exchange views on research at the intersection of political science and law. He encourages students to take his federal courts class as a backdrop for a clerkship in the federal courts. "I knew before I went to law school that I wanted to clerk," says Law. "It's a rare opportunity for young people to break through the crust of bureaucracy and play a meaningful role in the public service forum."

Law's enthusiasm and breadth of academic interests are certain to bring renewed vigor to the existing public interest program at USD.



## LISA P. RAMSEY

Newly hired assistant professor Lisa Ramsey has been connected to this university for longer than most of the tenured faculty. She came to USD soccer camp at the age of 12, and her childhood assistant soccer coach was Larry Alexander, USD's Warren Distinguished Professor of Law. A native of the area and graduate of University City High School, Ramsey went on to University of California, Los Angeles, to earn a B.A., *magna cum laude*, and a J.D., Order of the Coif.

She clerked for a year for the Honorable Rebecca Beach Smith of the U.S. District Court, Eastern District of Virginia before returning to her home town to practice intellectual property law at the firm of Gray Cary Ware & Freidenrich, where she had once been a summer associate. About two years later, she was introduced to USD law professor Mike Ramsey, they started dating and she began to contemplate a career in teaching.

"Being a professor sounded like the greatest job," Ramsey recalls. "I loved to write, and I also liked research. As a law professor, you get to write about what you care about and you get to teach. I felt like it would really be a good fit for me."


Ramsey decided to quit practice after four years and try her hand at teaching, but not before globe-trotting around the world for six months with her new husband, Mike. They explored Thailand, Italy, Ireland and Australia, among other exotic destinations, all of which are memorialized in black and white on her office walls, showcasing her talent as an amateur photographer.

Upon return from their whirlwind tour, Ramsey wrote her first published law review piece on descriptive trademarks, further supporting her belief that she was cut out to be a professor. "As a lawyer, you have to apply the law, even if you don't agree with it," she notes. "But I was very frustrated about the law and wanted to change it, and I found that this article helped me to tackle what was troubling me." Ramsey felt that, as a professor, she would no longer be bound by the application of the law, but could explore legal problems and issues plaguing the judicial system.

As she worked her way into the academic world, Ramsey started her own firm, where, among other things, she did some appellate work with USD alumnae Mary Lehman. For now, she's left practice and has decided to devote herself 100 percent to teaching intellectual property and international IP classes at the law school.

No matter how often the travel bug bites, Ramsey has found her home as a professor and scholar at the University of San Diego School of Law.





# Launching *Law of the Sea*




By George Decker

**July 1969.** While most of the world's attention was fixed on the moon and man's first footsteps thereon, the members of the *San Diego Law Review* had their sights set on the seas.

That month marked the publication of their inaugural "*Law of the Seas*" issue—Volume 6, No. 3 of the *Law Review*, to be exact. It was the first issue of a law journal dedicated exclusively to the law of the sea, and it began a 21-year run of *Law of the Sea* issues in the *Law Review*. Over the years, *Law of the Sea* would come to attract articles from preeminent scholars and practitioners in this field and enhance the prestige of the *Law Review* and the School of Law.

***How a  
Nautical  
Niche  
Helped  
Put the  
Fledgling  
San Diego  
Law Review  
on the Map***



Ironically, the idea of the *Law Review* having a special *Law of the Sea* issue sprang largely from the imagination of a student, who came to the law school from landlocked Arizona, Robb Royse '68.

In the spring of 1967, Royse, who today has an alternative dispute resolution practice in Oklahoma, became the *Law Review's* lead article & book review editor. He had his work cut out for him, as it was only the *Law Review's* third year of publication.

"It was almost impossible to get good articles for the *Law Review* at that time," Royse recalls. "When I would contact potential authors, they would decline for the reason that USD was a law school with no reputation, which they said would diminish the importance of their articles and their own reputations. We did not have a selection of incoming articles. In addition, we were sent virtually no books to review. I was really losing sleep over this. I wasn't used to failing, and I didn't want to fail as lead article & book review editor of the *San Diego Law Review*."

One afternoon in late spring or early summer 1967, Royse read an article in a local newspaper announcing that the American Bar Association annual meeting was set for Hawaii and that one of its topics would be the law of the sea.

"When I saw that article, I said 'We've got it!'" says Royse. "The *San Diego Law Review* and the law school needed something distinctive to put them on the map. At that time, we had a tuna fleet in San Diego. We had SeaLab. It all came together as a perfectly formed picture in my mind: We should start publishing articles about the law of the sea, hold conferences, symposia. There was nothing to indicate it wouldn't succeed."

The next morning, Royse told Dean Joseph A. Sinclitico, Jr. that he had discussed his idea with others on the *Law Review's* board, including Editor-in-Chief Peter Fluornoy '68, and that they were all excited about it. Sinclitico agreed that it was a great idea, adding, "Although we have limited funds, I would like to send you and Mr. Fluornoy to Hawaii for the ABA convention."

"That was the plan," Royse recalls. "I wanted to meet the people involved in the law of the sea." To his dismay, Royse wasn't able to go to Hawaii, but his *Law Review* colleagues Fluornoy and Michael Thorsnes '68 did make it to the ABA meeting and brought back with them an announcement of a seminar on the law of the sea to be held in September in Long Beach, California.

After reviewing the list of names, Royse, Fluornoy and Notes & Comments Editor Michael Rogers '68 decided to get in touch with Robert B. "Bud" Krueger, a Los Angeles attorney and a member of

the California Coastal Commission who Royse says was “a mover and shaker” in the law of the sea. After securing Sinclitico’s approval, Royse contacted Krueger and invited him to visit the law school.

Krueger brought along an associate, Gary Knight. After Krueger, Knight and Royse went out to lunch with Sinclitico, Royse gave the two visitors a tour of the law school and law library. Near the end of the tour, Krueger told Royse: “You have no law library dealing with international law and no international law faculty, and you tell me that the *San Diego Law Review* is going to specialize in the law of the sea?”

“And I looked him right in the eye and said ‘Yes we are,’” Royse remembers. “His response was ‘Then what can I do to help?’ I told him that he could help us by giving us the names and addresses of important people in this field and allow us to tell them that we were referred to them by Bud Krueger. He agreed to that. Krueger was the key.”

Over time, that key unlocked many doors for the *Law Review*. “When I called people and mentioned Bud Krueger’s name, the response was ‘How can we help you, Mr. Royse?’”

Krueger died several years ago. Knight, who now owns and operates a publishing company in Texas, left Krueger’s law firm in 1968 to join the faculty at the Louisiana State University Law Center, where he was Campanile Professor of Marine Resources Law until he retired in 1985. For much of that time, he also served as the informal faculty advisor for the *San Diego Law Review’s Law of the Sea* issue. In that role, Knight helped the *Law Review* connect with major law of the sea scholars and practitioners and made sure the articles selected for publication were timely and cutting edge.

“When Bud got interested in something, he was a dynamo,” says Knight. “He wanted to promote writing and research in the law of the sea, especially on the West Coast. The *San Diego Law Review* was



**Gary Knight**

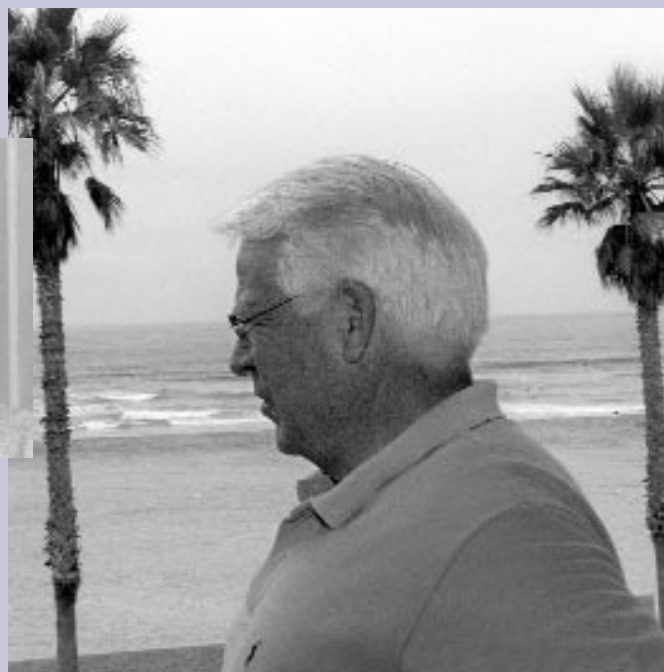
his way of doing that. As far as I know, it was the first law journal to have an issue dedicated exclusively to the law of the sea. The annual *Law of the Sea* issue was one of the half-dozen places for the major players in this field to present their views.”

Professor Jorge Vargas, who served as faculty advisor to the *Law of the Sea* issue from 1984 through 1989, knew of its outstanding reputation around the world even before he joined USD’s law faculty in 1983.

“When I was a member of the Mexican delegation to the United Nations Law of the Sea Conference in Geneva—which was the largest conference held by the U.N. in which delegates from 150 nations participated—each of the delegates used to get *and treasure* the *Law of the Sea* issue from USD,” says Vargas, who teaches, among other things, the law of the sea at the School of Law. “It was how I became familiar with USD.”

And as of fall 2004—after a 14-year hiatus—the *Law of the Sea* issue is back at the law school, but this time as one of the two issues of the *San Diego International Law Journal* publishes each year.

“The law of the sea governs 73 percent of the surface of this planet,” Vargas points out. Given the importance of its subject matter, it is no wonder that the *Law of the Sea* issue is back at its natural home—the University of San Diego School of Law.



**Robb Royse '68**

## FACULTY ESSAYS

AT ONE TIME—BACK IN THE LATE 1970S AND EARLY 1980S—THE ALUMNI MAGAZINE OF THE UNIVERSITY OF SAN DIEGO SCHOOL OF LAW FEATURED ESSAYS ON TOPICAL LEGAL ISSUES AUTHORED BY MEMBERS OF THE LAW SCHOOL'S FACULTY AND ITS ALUMNI. THAT MAGAZINE, HOWEVER, WAS NOT THE *ADVOCATE*—IT WAS CALLED *EN BANC*, A JOURNAL OF ALUMNI NEWS AND LEGAL ANALYSIS.

WITH THIS ISSUE OF THE *ADVOCATE*, WE ARE BRINGING BACK THE FACULTY-AUTHORED ESSAY: PROFESSOR JORGE A. VARGAS WRITES ABOUT MEXICO'S ROLE IN THE WAR ON TERRORISM; PROFESSOR LESTER B. SNYDER DISCUSSES SCRAPPING THE FEDERAL INCOME TAX AND REPLACING IT WITH A CONSUMPTION TAX; PROFESSOR JOHN H. MINAN ARGUES WHY CALIFORNIA'S REGIONAL WATER CONTROL BOARDS SHOULD NOT BE ELIMINATED, AS THE CALIFORNIA PERFORMANCE REVIEW COMMISSION (CPR) HAS RECOMMENDED; AND PROFESSOR HERBERT I. LAZEROW REMEMBERS LONGTIME USD LAW PROFESSOR MIKE NAVIN, WHO DIED LAST YEAR.

MORE FACULTY-AUTHORED ESSAYS WILL BE FEATURED IN COMING ISSUES OF THE *ADVOCATE*.



BY JORGE A. VARGAS

*Professor of Law*

## Mexico and the War on Terrorism



The shock, anguish and devastation of September 11 are three years behind us. However, even today, University of San Diego law students are moved to approach me after class to ask: How are our border security efforts with Mexico coming along? Is our "Border Partnership Action Plan" with Mexico working? Is our neighbor truly engaged in fighting terrorism as our ally?

Most of these students are concerned about the "openness" of our long border with Mexico. They know that the international boundary that separates and unites our two countries is only an imaginary and invisible line measuring 1,954 miles. They also know that the Border Patrol is unable to stop some 100,000 Mexican migratory workers that sneak in and get into our country unlawfully every month.

Could not terrorists do the same?

Others remember reading in the news that Latin America is on alert as the threat of Al-Qaeda rises, and that Mexico and other countries in the region are being combed by Al-Qaeda members looking for recruits to carry out attacks. Only a few still recall that Mexico joined France and Germany in the Security Council at the United Nations to condemn the United

States for unilaterally attacking Iraq, and continue to express certain uneasiness about our neighbor's political allegiance.

Last year's terrorist attack on a passenger train in Madrid, Spain, which resulted in hundreds of victims and tens of millions of dollars in damages—including an intense and shocking wave of fear that swept throughout the European Union at the time—indicates that terrorists appear to be prepared and willing to launch surprising and destructive attacks against our allies.

Today, Mexico is our second largest trade partner. More than a million people cross the U.S.-Mexico border every day. Mexico is the top foreign destination for Americans, totaling 16 million tourists every year (and nearly 10 million Mexicans visit the U.S. each year). Ten million Mexicans live in the United States and close to half a million Americans live in Mexico on a permanent or semi-permanent basis. Almost 70% of that country's direct foreign investment comes from the United States. As the world's largest oil pro-

ducer, Mexico's exports of this resource come directly to America every day. As a result of NAFTA, \$600 million in trade enters our country from Mexico on a daily basis.

#### **THE UNITED STATES-MEXICO BINATIONAL COMMISSION (BNC)**

Since the terrorist attack on the World Trade Towers in New York City in 2001, the U.S.-Mexico Binational Commission has been the official forum to discuss, at the highest level, time-sensitive information on homeland security and border cooperation along with other important bilateral questions. This Commission meets annually, alternating between Washington, D.C. and Mexico City.

The 21st meeting of this Commission recently took place at Tlatelolco, Mexico's Secretariat of Foreign Affairs (SRE), on

November 9, 2004. The U.S. delegation, headed by Colin Powell, secretary of state, was formed by six cabinet-level officers, including Tom Ridge, then Secretary of Homeland Security, all of whom met with their respective Mexican counterparts.

The commission included fourteen groups, ranging from Homeland Security and Border Cooperation, Foreign Policy, Migration and Consular Affairs, Law Enforcement and Counter-Narcotics to Trade and Economics, Transportation, Energy, Labor, Environment and Health.

In a joint press conference with Dr. Luis Ernesto Derbez, Mexico's Foreign Affairs secretary, Colin Powell recognized that the U.S.-Mexican relationship is "central" to the well-being and future prosperity of the citizens of both countries. With respect to the safety of American citizens in Mexico he indicated that "the reality is that most Americans who come to Mexico, who live in Mexico, who retire in Mexico, and go back and forth across the border

constantly feel quite safe and welcome in Mexico. And that is, I think, a sign of the strength of our relationship."

As a consequence of September 11, Mexico established at a domestic level a "Multi-Agency Federal Commission" (CFMI) to coordinate national security and anti-terrorism issues. Participants include the secretary of defense, the chiefs of the Navy and Air Force, the Office of the Attorney General and the Federal Preventive Police (PFP). The Secretariat of the Interior (*Gobernación*, under Secretary Santiago Creel, a likely presidential candidate for the PAN to succeed President Fox in 2006) oversees the commission's interactions.

Through the U.S. Embassy in Mexico City, the Mexican federal agencies coordinate their activities with their U.S. counterparts, such as the FBI, the DEA, the

CIA, etc. In turn, the PFP created a special SWAT team formed by 92 highly-trained members who train with U.S. Marshals and security teams and with selected counter-terrorism units from France and Israel. This special force supplies undercover air marshals on some flights from Mexico to the United States.

Ridge and Mexican Secretary of the Interior Creel in late 2003 established a secure hotline to give them the ability to pass time-sensitive information on security matters.

#### **THE U.S.-MEXICO BORDER PARTNERSHIP ACTION PLAN (BPAP)**

The protection and security aspects associated with the U.S.-Mexico border are found in the *U.S.-Mexico Border Partnership Action Plan*. This plan was originally announced by President Bush in his weekly radio address on March 23, 2002, delivered while on a Latin American tour to visit Mexico, Peru and Venezuela. He said:

"The United States is working closely with Mexico and Canada to create a common border that is open to commerce and legitimate travel but closed to drug trafficking and terrorism." During his visit with Mexican President Vicente Fox in Monterrey, Mexico, both presidents agreed to move towards the creation of a "smart border" between the two nations.

The BPAP's objectives are divided into three parts: to modernize the border (*Secure Infrastructure*), to bolster security (*Secure Flow of People*), and to facilitate legal trade and human transit (*Secure Flow of Goods*).

#### **SECURE INFRASTRUCTURE**

The main goal is to develop and implement a long-term strategic plan that ensures a coordinated physical and technological infrastructure that keeps pace with growing

### **MORE THAN A MILLION PEOPLE CROSS THE U.S.-MEXICO BORDER EVERY DAY.**



cross-border traffic. Some of the most recent accomplishments include a bilateral committee that examines transborder infrastructure and communication and transportation networks, the creation of sector-focused working groups designed to identify critical infrastructures, develops protection priorities, and takes compatible steps to eliminate or mitigate vulnerabilities, a joint infrastructure assessment at all ports of entry, etc. Interestingly, whereas 90% of the infrastructure in the U.S. is privately owned, the majority of Mexican infrastructure is governmental.

#### SECURE FLOW OF PEOPLE

The SENTRI system (Secure Electronic Network for Travelers Rapid Inspection) is among the best state-of-the-art technology to track and secure flows of people, with the goal of promoting low-risk travel through vehicular and pedestrian ports of entry. Started as a pilot program in Otay Mesa in 1994, today it is already in place in San Ysidro, California, and El Paso, Texas. Participants pass a background check and receive machine-readable cards and transponders. Early in 2004, Ridge and Creel announced plans to open eight new

SENTRI lanes in six ports of entry that account for 90% of cross-border trade.

US-VISIT (U.S. Visitor and Immigration Status Indicator Technology) seeks to establish an automated entry/exit system to verify visitor identity and compliance with visa and immigration policies immediately upon arrival at a port of entry. The program collects, maintains and shares information (including biometric identifiers) on foreign nationals requesting entry to the United States.

APIS (Automated Passenger Information System) is an automated capability for performing database queries on passengers and crew members *prior* to their arrival in or departure from the U.S. APIS data is electronically transmitted to the Bureau of Customs and Border Protection (BCBP). Other initiatives include methods to facilitate the transboundary movement of NAFTA travelers, maintaining binational consultations on visa policies and screening procedures, and conduct joint training programs on investigation and document analysis.

#### FLOW OF GOODS

Three binational working groups have been created to constantly monitor the border, enforcement, and technology and customs

procedures. C-TPAT (Customs-Trade Partnership Against Terrorism) is an interesting joint initiative between government and business designed to expedite customs processing at the ports of entry by shifting some responsibility for secure shipment to the private sector. U.S. and Mexican customs officials certify shippers that ensure the integrity of their shipments throughout the supply chain and receive in return expedited processing at the ports of entry.

Since March 2004, Mexico and the U.S. agreed to implement an electronic system to collect and cross reference data on all northbound land border

transactions. The Container Security Initiative (CSI) ensures the integrity of inbound sea cargo, in force since October 2002. Mexico has equipped railway crossings with gamma ray machines that transmit images to customs officials in both countries so these officials can cross-reference images with administrative manifests to verify that shipments have not been compromised. Moreover, these machines have been installed by Mexico at the majority of truck crossings on the U.S.-Mexico border and soon are expected to be installed along Mexico's southern border with Guatemala and Belize.

It is unquestionable that the U.S. and Mexico—their peoples, their economies and their well-being—are closely intertwined. They share not only a present but a common future. A terrorist attack to either of these countries would generate dire consequences to both of them. The stakes for not being fully prepared to repel a common terrorist threat are so high that both nations are working today as a single country. It gives us confidence to know that Mexico and the U.S. realize that what started three years ago has become the sound beginning of a new and long lasting relationship.



BY LESTER B. SNYDER

*Professor of Law*

## The Truth About Consumption Taxes

After his re-election, President Bush stated that he intends to overhaul our tax law by scrapping the federal income tax and putting in its place a national sales tax or a tax on what we spend rather than on what we earn. Some members of Congress and others have proposed various consumption-type taxes over the past several years, but this is the first time a president has put the power of his office behind the proposal of such a radical reform of our tax system. Why is it being advanced now, and what are some of the pros and cons of a consumption tax?

There is widespread dissatisfaction with the 80-year old federal income tax, which now generates more than 90% of the federal tax revenue (excluding social security contributions). The \$1 trillion or more of income tax dollars taken each year from individual and business taxpayers is done so in an extraordinarily complex and discriminatory manner. Despite the neutrality of the Sixteenth Amendment in 1913, empowering Congress to levy a tax on "income from whatever source derived," Congress has gradually over the years accorded disparate tax consequences to different types of income-producing activity. This has, in effect, politicized the distributional tax burden treating specifically defined groups of individuals and businesses differently from others.

Replacing the income tax (in its entirety or only partially) with a national sales tax or one of the consumption taxes, such as the most "popular" (yet least understood) Flat Tax, raises a number of problems. These

concerns range from potential effects on low-income people, who consume most of their income, to international trade, where the treatment of exports and imports should be coordinated with the Value-Added Tax and other World Trade Organization precepts. These questions require careful explanation, not as yet publicly disclosed by the administration or Congress. Let's look at some of the key issues:

- All consumption-type taxes have a common linchpin: Savings and investments are exempt from taxation. An income tax, it is argued, taxes savings and investment income twice; once when the amount is earned, and again when the amount saved earns interest in later years. This discriminates against those who postpone their purchase of consumer goods and services until future years. A sales tax is an ideal mechanism to encourage people to save or invest since it reaches only retail purchases of tangible goods and services by the consumer. The same is true of a Value-Added Tax, a popular form of consumption tax, which is on top of an income tax in most developed countries. Under a VAT each business pays taxes on the difference between what it sells a product for and the cost to acquire or produce the product. A VAT is supposedly easier to administer and reduces tax evasion problems because the tax is collected at each stage of production. But here again, the total VAT that has accumulated at various stages of pro-

duction, is normally passed on to the consumer at the time of retail purchase. The same result can also be achieved by restructuring our individual income tax to allow a full deduction against income as we know it for investments and savings, leaving only consumption items subject to tax. The earlier proposed Flat Tax achieves the same effect by taxing only wages and services income in the first instance. One major improvement over the current income tax is that, theoretically at least, *ALL* savings and investments would be treated alike, thus eliminating the numerous tax advantages given, for example, to capital gains from selected investment activity.

- A national sales tax, as the President and others in Congress intend to propose, has an attractive feature for those seeking anonymity from the IRS: No tax returns identifying the purchaser are required to be filed. There is no traceable record of an individual's income or wealth, perhaps frustrating any government law enforcement action, such as securities fraud and bribes, where income tax returns have been a prime evidentiary source.
- By far the most contentious issue in adopting a national sales tax (or a VAT) in place of the income tax is the regressive feature of such a tax. Consumption as a percentage of annual income is greater for low-income families than for high-income households. Rich folks would be taxed only on a small percentage of their

wealth. The sales tax becomes more difficult to administer when we introduce exemptions for food, clothing and shelter—although some state sales taxes already do so. The bill introduced by Rep. John Linder would provide for cash payments to low-income individuals, and make the tax rate for others 30% of items purchased. Some economists calculate the rate needed to make up for the \$1 trillion in lost income tax revenue at over 40%! Enter the Flat Tax proponents who make their consumption tax less burdensome by using remnants of the income tax to provide for a low-income allowance of \$20,000-\$30,000 for each household, and applying a single rate of say 17% to wage-related income. Their proposal does have an element of progressivity at the low end of the income scale, but, while simpler than the current law, it does require the retention of much of the Internal Revenue Code to measure taxable income. Of course, there is no assurance that Congress would allow the tax rate to remain low or “flat” for long.

- However, before we can determine a tax rate for any consumption tax we must decide what to tax and what not to tax—the so-called “tax base” issue. Just by way of example, should we tax health care services, buying a home, purchase of life insurance (is it investment or consumption?), lottery and gambling winnings (less losses?), investment in pension plans. And what about some big ticket items such as Internet transactions, intellectual property, telecommunications, transportation, and purchases made out of the country? Most of these items are still lingering in a cloud of uncertainty (and potential litigation) in the European Union and other VAT countries and subject to inconsistent treatment even under our state sales taxes. Before we can estimate any rate of tax we must decide what is meant by the “retail sale of goods or services”—no small task in today’s changing economic climate. Adding any of these items to the tax base reduces the

rate of sales tax. The proponents of these new regimes would remind us that many of these issues are still not satisfactorily answered under our current income tax laws.

- Those opposed to a consumption-type tax point to its unfairness as being essentially a tax on “wages” or labor. While basically correct, how different is it in reality from our present federal income tax where, according to IRS statistics, over 85% of the tax is collected from wages and salaries? In fact, many experts conclude that a consumption-type tax (with appropriate low-income allowances) would end up imposing roughly the same tax liability on wage earners as they pay now. Then why change the tax structure? One reason given by those who favor consumption taxes is that it would encourage more savings by getting you to purchase non-taxed items, such as stocks and bonds. A second reason is to change the way we tax businesses.
- Adopting a national sales tax by itself would not change the tax on business income; it is unlikely that Congress would completely repeal the corporate tax and the income tax on other businesses. Legislation in the past few years has reduced taxes for many large and some small businesses, but only selectively. The American Jobs Creation Act of 2004 inadequately deals with imbalances in international trade. Proposals in Congress in the mid-1990’s (the Flat Tax and USA Tax) created a unique hybrid approach to coordinate the taxation of individuals and businesses by (1) eliminating the double tax on an individual’s savings; (2) taxing all businesses, including partnerships, limited liability companies, and small business “S” corporations, alike; (3) eliminating the double-tax on corporate profits; (4) allowing businesses a full 100% write-off in the year of purchase of property used in business (eliminating the morass of depreciation accounting); and (5) following the VAT system, the USA Tax would have excluded from business level taxation sales of

goods and services provided outside the United States, and receipts from export sales. Imports would be taxed as they enter the U.S. at the border. This latter structure would place the United States in a more competitive position with other VAT countries and the World Trade Organization. It would also make us less susceptible to penalties for showing more favorable tax treatment to our businesses that sell products overseas. Revising our business tax structure by adopting Value-Added Tax principles may well require renegotiating free trade agreements (such as NAFTA) and making changes in treaties with other countries. Those with clients involved in international transactions would be well-advised to become more familiar with VAT and other consumption tax concepts.

- Other issues that Congress and the president will need to address if they are serious about replacing the present income tax with a consumption-type tax include: (1) crafting transition rules for those who invested and were taxable under the income tax (this taxed money would be taxed again under the new system when they spend it); and (2) coordinating any change in the social security system with a consumption tax (for example, would contributions to the private investment portion be treated as an investment or consumption?).

Even if the tax reform advocates accomplish what they set out to do and increase savings, lower rates of tax, and increase international competitiveness, they must reckon with the impact these proposals would have on a variety of significant economic activities, such as the \$4-\$6 trillion pension plan system, the life insurance industry, multiple controlled business entity structures, the state and local governments (financed with tax-favored bonds), and home ownership. If the dust ever settles, we should not be surprised to find Congress retaining the present income tax (perhaps with lower rates), but adding a consumption tax to help pay-down our huge deficit.



BY JOHN H. MINAN

*Professor of Law and  
Chairman, San Diego Regional Water  
Quality Control Board*

## Throwing the Baby Out With the Bathwater?

### WHY CALIFORNIA'S REGIONAL WATER CONTROL BOARDS SHOULD NOT BE ELIMINATED

#### EDITOR'S NOTE:

*In late October 2004, the California Performance Review (CPR) Commission recommended to Gov. Arnold Schwarzenegger that the state's Regional Water Quality Control Boards be eliminated. The future of the regional board system is uncertain. The following essay is an adaption of Prof. Minan's response to the CPR's recommendation. It describes the role of the Board and its importance to the region. At the February 9, 2005 Board meeting, Prof. Minan was elected to his fifth consecutive term as its chairman.*

The proposed elimination of regional boards raises questions concerning the public's involvement in the decision-making process and the protection of water quality. As explained below, the rationales for their elimination are not persuasive. The CPR raises important issues, but they can best be addressed within the current regional board structure.

#### WHAT'S RIGHT WITH THE REGIONAL BOARD SYSTEM?

The Regional Board structure has a long history of effectively implementing measures to protect water quality. Under the authority of the 1949 Dickey Act, and later under the authority of the Porter-Cologne Act, the San Diego Water Board has virtually eliminated point source discharges of municipal and industrial waste to San Diego Bay. In 1970, the regional board received an

award recognizing this accomplishment from the Federal Water Quality Administration, the predecessor of the U.S. Environmental Protection Agency (US EPA). Other boards surely may point to their specific successes.

Point sources in the San Diego area and most of California are effectively regulated today because the regional board structure has worked. The principal challenge today is nonpoint sources of pollution, principally in the form of runoff from industrial and construction sites and flows of waste in municipal stormwater conveyance systems. Effectively regulating these sources is a controversial task, but so are most efforts to protect water quality. The aggressive approach taken by our board in the San Diego region is already paying dividends in the form of effective management practices by those parties responsible for these sources of pollution. In April 2004, the San Diego Regional Board was recognized and received an award from US EPA for "its outstanding work in establishing a strong, comprehensive and effective regulatory program to control stormwater runoff." This is not the time to abandon the regional board structure

that is effectively addressing these difficult issues.

One of the main advantages of the regional board structure is its openness and accessibility. This structure has served California's citizens well and has advanced the public's participation in the democratic process. Each regional board meeting begins with a "public forum" where members of the public may speak on any issue pertaining to water quality not on the agenda. Citizens are empowered by this structure, which also



promotes staff and board accountability.

With respect to meeting agenda items, board members openly deliberate the facts



and the reasons for their decisions. The business before the board is carried out publicly. While some of the affected parties may be dissatisfied with a particular decision, the record before our board is enviable. Over the past five years, we have taken more than 300 regulatory actions. Most involved the adoption of permits and enforcement orders, including the assessment of millions of dollars in civil penalties. Many of our decisions have been controversial and subject to review by the state board and the courts.

One measure of the regional board's effectiveness is the integrity of its decisions. Of the 300 or so decisions by our regional board during the past five years, 25 have been appealed to the state board. Of these, the state board affirmed the regional board decisions in 17 instances.

This suggests that the regional board is making sound decisions. But this is not the only evidence. Only seven cases have been subjected to judicial review. Of these, more than half were settled. As of August 2004, the remaining cases are pending. Most parties appearing before the regional board appear to go away with the belief that they have been given due process, regardless of the board's ultimate decision.

Some may argue that regional boards are too costly to operate and that eliminating them will produce a real economic savings. This argument is illusory. By statute, the total compensation available to each regional board may not exceed \$13,500 in any fiscal year. For the nine regional boards the savings would amount to a maximum of \$121,500 (9 x \$13,500).

What are the benefits received for this modest expenditure? Regional board members provide significant service to California at bargain prices. They spend countless hours reading agenda materials and other documents in preparation for each meeting. They also spend many hours in board meetings examining pertinent issues and listening to various stakeholders before rendering decisions. Because meetings are held regionally, board members' travel costs are minimal. Members also speak at and attend various other activities and meetings as representatives of the regional board and are an important and visible presence in the community.

Another non-economic benefit is worth considering. By statute, the nine regional boards are established on a watershed basis. Placing the decision-making author-

ity in the hands of locally based regional board members tends to insure that regional factors (such as precipitation, topography, population, and competing demands for recreation, agriculture, industry and economic development) are considered.

### **WHAT'S WRONG WITH THE REGIONAL BOARD STRUCTURE?**

Before we fix a problem, we ought to know what the problem is. It is somewhat difficult to figure out the problem from the CPR Report. The criticisms seem to be: 1) Lack of accountability; 2) Environmental decisions not reflecting an integrated understanding of different types of pollution; 3) Significant overlap in jurisdictional functions within CalEPA; and 4) Environmental programs dispersed throughout government. To the extent that these issues are

quently because the appointee fills part of an unexpired term. This gives the governor and legislature an expedited opportunity to consider reappointments.

To whom is the appointed board member not accountable? It is true that once a board member is appointed by the governor and confirmed by the legislature, he or she cannot be removed absent some malfeasance. But isn't this exactly what we should demand as a matter of public policy? Rather than being a vice, it is a virtue of the current system.

The governor should carefully screen each appointee—and so should the legislature during the confirmation process. This is the best way to promote accountability. The appointee should then be trusted to make decisions that are in the best interests of protecting California's water quality,

that this is a valid concern. In fact, this concern was specifically identified by the state board and regional boards in their November 2001 Strategic Plan and listed as a high priority. How this recognized and valid concern translates into a call for the elimination of the regional boards is not clear.

Similarly, the CPR concerns about overlapping jurisdictional functions within CalEPA and environmental program dispersal can easily be addressed within the regional board structure. It is not necessary to eliminate regional boards to effectively deal with these concerns.

### **CONCLUSION**

Regional boards have played an important historical role in protecting water quality at a regional and watershed level. The more recent experience suggests that re-

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deemed persuasive, they all seem to be addressable within the current structure without the elimination of regional boards.

The claim that regional boards are not accountable is perplexing. The legislature has established the criteria for appointment and the governor appoints the board members for terms of four years, taking these criteria into account. As part of its oversight responsibility, the legislature considers the appropriateness of the appointment and confirms it.

Board members who wish to continue beyond their initial four-year term are subject to review and the reappointment process. The governor is under no obligation to continue a board member nor is the legislature. While the statute sets an initial four-year term, most initial appointments run shorter than the maximum term, fre-

insulated from political influence.

In addition to the public, the governor and the legislature, regional boards are accountable to the state board. Although regional boards possess some independence, regional boards are required by law to follow the appropriate statewide policy dictates and directions of the state board. The relationship between the state board and regional boards is a cooperative relationship working to preserve, protect and enhance the waters of the state.

The view that "environmental decisions do not reflect an integrated understanding of different types of pollution" is a broad brush criticism generally based on the MTBE experience. Notwithstanding the fact that most regional board decisions do not implicate "different types of pollution" beyond those impacting water quality, there is no question

regional boards continue to play an important role in protecting and preserving the waters of the state. Our region, for example, was singled out for an environmental award by U.S. EPA in April 2004. This doesn't sound like a structure that is broken and in need of elimination.

The administrative modifications proposed in the CPR can be made while preserving regional water boards as the primary decision-making body for water quality matters. The elimination of regional boards would not result in any significant economic savings. Moreover, the costs would be high. The elimination of regional boards would deprive local citizens of the ability to actively participate in the decision-making process on water quality issues that affect their community. To think otherwise is chimera.



BY HERBERT I. LAZEROW

*Professor of Law*

## Mike Navin—A Remembrance

### EDITOR'S NOTE:

*Professor Mike Navin, who taught for 14 years at the University of San Diego School of Law and went on to become dean and professor of law at Dickinson School of Law in Carlisle, Pennsylvania, died February 26, 2004. The following remembrance by USD law Professor Bert Lazerow, a longtime friend and colleague of Navin's, was videotaped for presentation at a March 2004 memorial. Lazerow's poignant remembrance not only tells a great deal about Navin, but also about the law school during the time Navin served on our faculty (1973-1987).*

I am sorry to not be with you today, because if Mike Navin was about anything, it was about a community coming together with common goals. But I hope that electronics will substitute for physical presence. Mike himself made a special trip to San Diego to visit my colleague Darrell Bratton when he was dying, then came back to San Diego several weeks later to speak at Darrell's funeral.

When I heard about Mike Navin's death, I thought of a scene in Shakespeare's *Hamlet*. Hamlet and Horatio, returning to Elsinore,

chance upon the gravedigger preparing Ophelia's grave. The gravedigger shows Hamlet the skull of Yorick, the king's jester, and Hamlet says, "Alas, poor Yorick. I knew him, Horatio; a fellow of infinite jest, and most excellent fancy. He hath borne me on his back a thousand times...."

And I thought: "I knew Mike Navin; a fellow of infinite jest, and most excellent fancy. He hath borne me on his back a thousand times."

At a time like this, we strum the chords of our memory of Mike. In Jewish practice, the five books of Moses are divided into 53 portions, one of which is read each week until the work is completed. One of those portions that is read in late fall is called *Khayah Sarah*, the Life of Sarah. But, the rabbis objected, the portion contains no mention of the life of Sarah. The first words are "The life of Sarah was 127 years", and there follow the long arrangements to buy a burial plot, then the story shifts to Rebekah at the well. The rabbis asked why the portion is called "The life of Sarah". The easy answer is that in ancient times, most texts were named for their first significant words. That is true even today for the encyclicals of the Roman Catholic Church. But easy answers did not satisfy the rabbis, so they declared that the naming had the purpose of reminding us that what is important about a person is not her death, but the quality of her life. "The life of Sarah" was supposed to focus us back on Sarah's life.



**Professor Mike Navin**

I first met Mike Navin when the world was young. It was the winter of 1971. He was teaching law at Willamette. Willamette was looking for a dean. The search committee invited me to Salem to interview. Mike impressed me greatly in my two days there. Here was a person who would be the foundation of a great law faculty. Very bright, with good, practical legal experience and a warm personality that would appeal to both students and future colleagues. He was also an optimist. Never mind that the previous dean had come to Willamette without tenure and needed to seek a job at another school when he resigned. Never mind that the university president had constructed his own office in the law building, hinting that the law dean's autonomy

blossom into the law school USD is today. And the world was still young when we asked Mike Navin to join the USD faculty, and he accepted. It was then that I truly came to know Mike Navin.

Shakespeare aside, can you really know another person? We can scarcely know ourselves. Am I the benevolent superman presented by the university's public relations department? Or am I the demon of my worst nightmares? Or some of each? But I knew Mike Navin; he was a fellow of infinite jest and most excellent fancy.

He was certainly a fellow. He was, of course, a person of the male persuasion. But when Hamlet uses the term "fellow", I believe he means something different. He means someone like a fellow at an Oxford

it.) We never used the same casebook. Each of us was convinced of the superiority of the casebook he used and tried without success to persuade the other to adopt the better product.

Mike was indeed a fellow of infinite jest. He liked to hear a good joke; he liked to tell one, and he told jokes well.

Both Mike and I were disciples of the late Alice Roosevelt Longworth. For those of you who are too young to remember her, Alice Roosevelt was the eldest child of President Theodore Roosevelt. She married handsome socialite Congressman Nicholas Longworth of Ohio, who later became speaker of the House. Alice was a legendary Washington hostess and had one of her favorite sayings embroidered on

## MIKE NAVIN AFFECTED US ALL. IN CONVERSATION, HE WAS A PLEASURE. IN ACTION, HIS WORDS AND HIS ACTIONS PLUCK OUR MYSTIC CHORDS

would be narrowly circumscribed. Mike convinced me that under my leadership Willamette would quickly become one of the finest law schools in the country. But one of the luckiest things that happened to me in a lucky career was that I was not offered that deanship.

Another lucky thing that happened then was that Don Weckstein, one of Mike's old teachers at the University of Connecticut, who also interviewed for the Willamette deanship, did not receive the offer either.

Mike always denied any responsibility for either decision. He claimed that this was a decision made exclusively by the president of Willamette, and I have no reason to doubt that story. But Mike, if you were at all responsible for the fact that neither Don nor I became dean at Willamette, I thank you.

The result is that Don Weckstein was available when the offer came to be dean at the University of San Diego and to plant a thousand legal flowers that would

College, a member of a group of equals with a common purpose. Mike did more than his share of teaching, more than his share of committee work, and more than his share of socializing, and that made him a fellow in high standing on the USD faculty.

In those days, USD had a student who was a good tennis player, and an even better tennis teacher. So on Sunday mornings when the world was young, the Navins and the Lazerows would truck out to Valhalla High School, which seemed as far as its name implied, to take tennis lessons. Other Sundays, the Navins and the Lazerows (and usually their young children) could be found playing doubles on the USD tennis courts. This was a matter of frustration for Joan and Jane, as their husbands seemed more disposed to analyze the play of the previous point than to play the next point.

When the world was young, both Mike and I taught Property. (In those days we each taught two full year-long sections of

her throw pillows: "If you can't say something nice about someone, come sit here next to me and we'll talk." Mike Navin was a gossip, and so am I.

Gossips suffer a bad rap. That bad rap is largely undeserved. In fact, in a professional setting, gossip can be very useful. Mike often knew that Professor X was mad at his dean, Professor Y was unhappy with his colleagues, and Professor Z wanted to find a warm place to teach in the winter. Knowing is one thing, telling is another, but for true utility, one must be prepared not only to gossip, but to act. My colleague Walter Rauschenbush, Justice Brandeis' grandson, was then on the Wisconsin faculty. Mike heard that he was interested in a winter visit in a warm place. He confirmed the truth of this in a conversation with Walter, and Walter reports that within a week, he received an offer to visit at USD for the spring semester. There followed half-a-dozen spring semester visits, followed by Walter's complete retirement

from Wisconsin and purchase of a permanent home in San Diego.

Mike was not only a fellow of infinite jest; he was also a fellow of most excellent fancy. That is, his tastes and pleasures were broad, and conversation with him was a pleasure.

He liked to characterize himself as "the resident Neanderthal" when opposing change. He realized that all change has costs, and that change is not necessarily progress. But the resident Neanderthal was instrumental in instituting a major student writing program at USD, in reforming the grading system, and in other USD institutions.

It seemed that Mike could talk about any subject with equal ease. Talking with Mike sometimes even made the world seem young again.

years. I explained that deans are treated like commercially grown mushrooms. The first year, they are kept in the dark. The second year, they are covered with manure. The third year, they get canned. But it was no use. Mike's natural optimism put him beyond our reasoned entreaties.

Whatever the results of the deanship, it is clear that Mike and Joan found something in Carlisle that satisfied them. Many of us in San Diego wanted them to return to USD, but Mike was never willing to consider it.

"He hath borne me on his back a thousand times." Well perhaps that exaggerates. Several hundred might be more accurate, and surely more than a dozen. But he has borne me in two senses. The

able preparation, on no notice whatsoever, so that a colleague could take advantage of an awarded fellowship. So one summer he taught International Environmental Law, one summer he supervised a clinic where students were placed with law firms doing international business advisory work, and next summer he was to have taught International Litigation.

When Mike was at USD, he was Mr. Committeeman. This is a necessary job, for without active committees, nothing gets done. But it is a thankless job. Salary increases do not appear for good committee work; nor do offers from other schools. But Mike never hesitated to bear the burden of committee and administrative work.

## HE ACCOMPLISHED MUCH. WHEN SOMEONE LIKE THAT DIES, HE DOES NOT SIMPLY VANISH. OF MEMORY, AND HE LIVES ON IN WHAT HE INSPIRES US TO DO.

My colleague Lester Snyder, who taught Mike at Connecticut and whom Mike was instrumental in hiring at USD, said that Mike Navin was the best student he ever had anywhere. Our dean Don Weckstein agreed with that assessment.

At USD, we have "works-in-progress" presentations by our own faculty or visitors on a weekly basis. Mike was not particularly interested in the finer points of legal theory. I frequently found these presentations nearly incomprehensible. Mike, on the other hand, clearly followed these presentations so well that he could frequently pose a short question that went to the heart of the presenter's thesis, sometimes strengthening a weakly stated premise, sometimes undermining a structure that had previously seemed impregnable.

When the world was young, Mike was offered the deanship at Dickinson. After properly congratulating him, I tried to dissuade him. I pointed out that the average job tenure of a law school dean is only three

minor meaning is that he has put up with me. Mike has directed summer programs for me in Dublin, London, and Barcelona, and was scheduled to direct Oxford. I am a hands-on person, and produce requirements for my on-site directors that some have characterized as perfectionist. Mike has done it, and without a word of protest.

In another sense, he has figuratively carried me on his back. Mike was my "go-to" guy. Whenever I was in a jam, I would call Mike. He recommended many people to teach for us either in San Diego or on our programs abroad, including Dickinson's Katherine Pearson and Larry Backer. Sometimes, Mike was able to solve the problem himself. Unlike most law professors today, who have taught only three or four different law courses, Mike has taught around the curriculum. He did not hesitate to undertake a new preparation, even in a truncated summer session. I understand that he even taught Tax once, a subject one does not undertake without consider-

Mike Navin affected us all. In conversation, he was a pleasure. In action, he accomplished much. When someone like that dies, he does not simply vanish. His words and his actions pluck our mystic chords of memory, and he lives on in what he inspires us to do.

In the Jewish tradition, we light a candle at home on the anniversary of a loved one's death. The candle is constructed to burn for 24 hours. Each time we enter the room, we are reminded of him by the unaccustomed flame. Mike wore many hats in his life. He was son, husband, father, colleague, teacher, coach, leader and friend. If each of us lights a candle the end of every February and tries to emulate Mike in some way, the world will profit from it.

In Hamlet's last scene, Hamlet asks Horatio to tell the story truly, and Hamlet dies. Horatio says of him, as we say of Mike: "Thus cracks a noble heart. Good night, sweet prince, and flights of angels sing you to your rest."

# class action

Class Action is an update on the personal and professional news of your classmates and other alumni.

Please submit information and photographs to the *Advocate*, USD School of Law, Publications Department,

5998 Alcalá Park, San Diego, CA 92110-2492. You may also e-mail your news to [lawalum@sandiego.edu](mailto:lawalum@sandiego.edu).



Kathleen Strickland '74



Brett Goodson '76

## '62

**PETER PALERMO** has practiced at the same firm for 39 years and is currently a senior partner specializing in estate planning, trusts, probate and tax.

## '67

**CHARLES E. JONES**, a retired Imperial County judge, was assigned to hear a lawsuit challenging the legality of the San Diego mayoral election after the entire San Diego Superior Court bench had been recused. Jones previously worked as a prosecutor in Imperial and San Diego counties and had a private practice in Carlsbad.

## '68

**SIDNEY GLICK** recently earned an LL.M. degree from Case Western Reserve University.

## '69

**CRAIG HIGGS**, a partner at the law firm of Higgs, Fletcher & Mack LLP, has been inducted as a fellow of the American

College of Civil Trial Mediators (ACCTM), a nonprofit organization of professionals distinguished by their experience, skill, ethical standards, and professional commitment to mediation, conflict management and alternative dispute resolution.

## '71

**FEDERICO CASTRO** is retired and sitting by assignment as a San Diego superior court judge.

## '72

**ALAN ROBERT BLOCK** is currently in private practice in Los Angeles specializing in land use regulation. He previously had been a member of the of the California State Attorney General's Office, the Los Angeles County Beach Advisory Commission and the State of California Senate Select Committee on Small Business Enterprises Advisory Board.

**ROBERT L. GRIMES**, a member of Grimes & Warwick in San Diego, was inducted as a fellow in the American College of Trial Layers in March 2004.

## '73

**M. DANIEL MARKOFF** specializes in trial and appellate litigation. He spends his spare time restoring and operating airplanes, as well as a steam locomotive that was originally built in 1875.

**GROVER TRASK II** has announced that he will not run for re-election when his sixth term as Riverside County district attorney ends in March 2006. When this term ends, he will have served as the county's top prosecutor for an unprecedented 24 years.

## '74

**DENNIS BARLOW** has been head of the Burbank City Attorney's Office for eight years.

**DAVID CASEY JR.**, past president of the Association of Trial Lawyers of America and senior partner with Casey Gerry Reed & Schenk LLP in San Diego, was honored with the Daniel T. Broderick III award at the 20th Annual Red Boudreau Trial Lawyers Dinner in October 2004.

**JOE CHIRRA** retired from law and teaches political science and legal classes at MiraCosta College in Oceanside.

**KENNETH GOODWIN** is an attorney in New Orleans handling cases involving engineering work and flood damage. He is planning to retire from the law in the next few years.

**JANIS POGALIES STOCKS** was elected as the 2004-2005 president of the Southern California Chapter of the American Academy of Matrimonial Lawyers. She also serves on the board of directors of the San Diego Volunteer Lawyer Program.

**KATHLEEN STRICKLAND** and husband **MICHAEL J. KOTIN** are established in San Francisco, where she works for Holland & Knight LLP and he is the assistant public defender for Contra Costa County. The couple has three daughters: Elizabeth (25), Stephanie (22) and Natalie (20).

## '75

**CHARLES BYLER** has been assigned to the Legal Instruction Section of the Drug Enforcement Agency, where he provides legal instruction to basic research specialists.

**JOSEPHINE KIERNAN** became director of training for the San Diego District Attorney's Office in April 2003.

**JOHN LITTLE** received two outstanding trial lawyer awards in September 2004 from Consumer Attorneys of San Diego.

## '76

**DON CHRISTENSEN** completed a one-year term as president of the Washoe County Bar Association in June 2004. He and **BOB L. EISENBERG** have coached the Reno High School mock trial team, two time state champions, for six years. At the 2003 national competition in New Orleans, they met **BRETT GOODSON**, attorney coach for the Ohio Mock Trial Champion Team

**JAMES R. DAWE**, a shareholder with Seltzer Caplan McMahon Vitek, recently received the Judge Learned Hand Award from the San Diego Chapter of the American Jewish Committee for his impact as an advocate and promoter of literacy and the arts.

## '77

**PHILLIP S. AURBACH** recently celebrated 16 years of practice at Marquis & Aurbach in Las Vegas. He says his six-million dollar arbitration award against a local HMO for breach of contract was eclipsed by his tennis victories at the 4.5 senior regionals last year.



Phillip S. Aurbach '77

**CHRISTINE BOLOGNA** and **JOHN LAROCCO** have eight-year-old twins, Lauren and Jeffrey, who are in third grade. Bologna has volunteered in their classroom and served as room parent. She telecommutes one day a week for the California State Personnel Board.

**KATHERINE HAMILTON** retired as a Los Angeles city attorney after 25 years of service. Her last assignment was as chief of the Appellate Branch, coordinating and managing appeals in criminal, liability and municipal council cases.

**DAVID K. TAKASHIMA**, who works for Kahl/Pownall Companies in Sacramento, was formerly their chief deputy director for the Department of Finance, but has now joined on as a lobbyist and public affairs consultant. He previously managed the public affairs offices at both Southern California Edison and Pacific Gas and Electric.



Katherine Hamilton '77

## '78

**MARK BONENFANT** has been a partner at Buchalter, Nemer, Fields & Younger since 1986. He chairs the firm's corporate/business practice group and works as an adjunct securities regulation professor at the University of Southern California Law School.

**FREDERICK SCHENK**, senior partner at Casey, Gerry, Reed & Schenk, LLP, was named the city's top asbestos attorney by San Diego Magazine and is credited with winning the largest punitive damages case in the city against an asbestos manufacturer.

## '79

**IRMA POOLE ASBERRY** was the 2003-2004 co-chair of the Riverside County Bar Association Family Law Section. She has been a coordinator and panelist in pre-marital seminars since 1995.

## class action

**RUTH FRITSCH HARGROVE** has been a professor of legal writing at California Western School of Law in San Diego for the past five years. She has two sons, ages 11 and 13. Her husband recently returned to his day job after two years of active duty as a U.S. Navy Seal.

**JAMES LEWIS** recently remarried and moved to the country where he raises horses. He is a principal in a start-up technology company and is involved in various venture capital endeavors, as well as his commercial law practice.

**ABBY SILVERMAN** is the new chair of the Scripps Health Board of Trustees. Internationally recognized in employment and business law and commercial litigation, she is a partner in the San Diego office of Baker & McKenzie. She joined the Scripps Health Board in 2000.

### '80

**JAMES G. CONWAY** was appointed to the vacant Illinois Mercer County resident circuit judge position on May 20, 2002 by unanimous vote of the Illinois Supreme Court. On November 2, 2004, he was elected to his own six-year term.

**DAVID SKELTON (LL.M. '85)** was appointed as a Chapter 13 bankruptcy trustee for the southern district of California in 1990. He administers about 2,000 active cases.

### '81

**LILIA GARCIA** was the 2004 president of the La Raza Lawyers Association of San Diego.



**Abby Silverman '79**

**JOEL SELIK (LL.M.)** was recently elected to the board of directors of the North San Diego County Bar Association.

**JEFFREY E. THOMA** was appointed public defender for Solano County in June 2004. He is on the board of directors of the National Community Sentencing Agencies and the Board of Governors of California Attorneys for Criminal Justice. He is also a consultant and faculty member for the National Drug



**Joel Selik '81**

Court Institute, a faculty member at the Death Penalty College and on the Board of Trustees for the Northern California Innocence Project at Santa Clara University School of Law.

### '82

**DAVID HENRY DOLKAS** has joined McDermott Will & Emery's Silicon Valley office as a partner in its Intellectual

## Frances Fragos Townsend '85 Appointed Homeland Security Advisor



**O**n May 28, 2004, President Bush appointed Frances Fragos Townsend '85 as homeland security advisor. Townsend reports to President Bush on U.S. Homeland Security policy and Combating Terrorism matters and chairs the Homeland Security Council.

Regarding her appointment, President Bush stated, "Frances Townsend has been a trusted advisor on global terrorism in my Administration. Her strong background in law enforcement, coupled with her experience in the intelligence community, makes her an excellent choice to be Assistant to the President and Homeland Security Advisor as we face the continuing challenges of protecting America from the terrorists who seek to do us harm."

Prior to her appointment, Townsend served as deputy assistant to the president and national security advisor for combating terrorism. Some of her past assignments include heading counterterrorism for the National Security Council's new Iraq Stabilization Group and leading numerous delegations to Saudi Arabia to eradicate terrorist financing.

She is married to John Townsend, a managing partner in the law firm of Hughes Hubbard & Reed LLP in Washington, D.C.

Property Department. His practice focuses on complex intellectual property litigation, commercial disputes, product liability litigation and unfair trade practices. He also serves as an instructor at Santa Clara University School of Law.

**WILLIAM POE** has chronicled his life on the website [www.poorwilliam.net](http://www.poorwilliam.net).

**DAN TRIGOBOFF** is the new business editor of *The Fayetteville Observer* in North Carolina. He has worked at various newspapers and magazines as a writer and editor for more than 20 years. He and his wife, Debra, have two children: Jacob and Lindsay.

## '83

**ROBERT FRANCAVILLA**, a partner at Casey, Gerry, Reed & Schenk, LLP, focuses his practice on personal injury and wrongful death actions. In 2005, he will become president of Consumer Attorneys of San Diego, an organization that has honored him three times with an "Outstanding Trial Lawyer" award.

## '85

**DEBRA CARRILLO** earned a master's degree in screenwriting and producing at the University of California, Los Angeles, after several years as a trial attorney. She works

as a freelancer and legal consultant to television dramas.

**GUYLYN R. CUMMINS** has joined the San Diego office of Sheppard, Mullin, Richter & Hampton LLP as a partner in its Entertainment and Media Group. Cummins previously practiced at Gray Cary Ware & Freidenrich LLP for 20 years.

**THOMAS W. DOMINICK**, whose practice is in civil litigation, estate planning, and probate and trust administration and litigation at Fullerton, Lemann, Schaefer & Dominick, LLP in San Bernardino and Palm Desert, recently became certified as a specialist in estate planning, trust and probate law by the State Bar of California, Board of Legal Specialization. Dominick resides in Rancho Cucamonga, Calif., with wife Deborah and two children Ryan (15) and Heather (12).

**SANDRA FLANNERY** is a Los Angeles County deputy district attorney. She and her husband, Randy, have two sons: Joseph Aloysius and Daniel MackLeroy.

**TIMOTHY JONES**, in 2002, won the CLAY award from *California Lawyer* for the lasting benefit *Central Co. v. U.S.* will have for those seeking redress for water damage created by federal water projects. Jones argued the case before the United States Supreme Court and obtained a unanimous decision to reverse the trial court's granting of a motion to dismiss against his client.

**SANDRA SCOTT** is working as a court-appointed guardian for legally incompetent individuals.

**DOUGLAS M. VENTURA** is acting executive vice president of operations for the Reynolds & Reynolds Company. He was selected for the position in 2004, eight years after joining Reynolds.



Doug Ventura '85

## '86

**MATTHEW DESMOND** has been named corporate vice president of real estate of SUPERVALU INC., a Fortune 100 company. He previously served as director of real estate at Wal-Mart and group real estate director at Kmart Corporation.



Bruce Winkelman '86

**ULRICH MCNULTY** is currently litigating civil cases in Palm Springs at the law firm of Schlecht, Shevlin & Shoenberger after 18 years of prosecuting criminal cases for the Riverside County District Attorney's Office in Indio.

**BRUCE WINKELMAN** opened the firm Craig & Winkelman, focusing on complex insurance coverage litigation, in March 2003 in Berkeley, Calif. He also has an active mediation practice and is an adjunct professor in insurance and alternative dispute resolution. He and wife Peg, have three children, ages 10, 12 and 14.



Richard Shipley '88



Jeff Snyder '90

## '87

**GREGORY G. BROWN** recently sold his senior partner interest in the firm of Kring & Brown to Brown & Charbonneau, LLP, a boutique trial, litigation, business and family law firm. He also founded a trial presentation and technology consulting firm called On Trial, LLP and serves as vice chairman of the board and chairman-elect for the Orangewood Children's Foundation/ PALS. He is an avid triathlete, having recently completed an internationally sanctioned Ironman Triathlon.

**GEORGE CABOT (LL.M.)**, a shareholder in the Walnut Creek, Calif., law firm Morgan Miller Blair, was recently inducted as president of the Walnut Creek Sunrise Rotary Club. He practices business and tax law and is certified as a tax specialist by the State Bar of California.

**MARC KELLY**, former Fighting Irish basketball player and current superior court trial judge in Orange County, has been named second vice-president of the Notre Dame Monogram Club. He will serve as president of the organization from 2007 to 2009.

**KNEAVE RIGGAL (LL.M.)** published his 30th tax article, "The Tax Traps Lurking in Subchapter 5," in the September 2003 issue of

*Los Angeles Lawyer*. He practices tax law in South Pasadena, Calif., and teaches in Loyola Law School's Tax LL.M. program.

## '88

**MARTHA DAVIS ALEXANDER** retired in 1999 to be a stay-at-home mother. She and her husband are in the process of adopting three siblings: Kristofer (3) and Armando (2) who have stayed with the couple for two years, and Mikayla (3 months), who has been with the family for just over a month.

**ROBERT BERNSTEIN** and wife Robyn married in July 2003 and share a home in the Rancho Peñasquitos neighborhood of San Diego with her two children: Destineé (9) and Chance (8).

**SANDRA AUGHINBAUGH MCBETH** is a solo practitioner concentrating on bankruptcies and collections. She is a member of the panel of Chapter 7 trustees for the Central District of California, handling cases in the northern division.

**KIMBERLEE STUBBS RAWERS** and husband Brian announced the birth of their second child, Emma Caroline, on March 1, 2004. Rawers is a partner in the San Diego law firm Lotz, Doggett & Rawers LLP where she specializes in defending hospitals.

**RICHARD H. SHIPLEY**, recently voted onto the American Board of Trial Advocates, opened a new San Diego law firm, Shipley & Kirch, in the spring of 2004. His practice specializes in insurance and coverage issues, and business and personal injury litigation.

## '89

**JAMES T. BLOMO** was sworn in as an Arizona Superior Court commissioner in May 2004.

**JEFFREY DOGGETT** is a partner at Lotz Doggett & Rawers LLP, a San Diego health law litigation office that opened in 2002. His practice focuses on defending against premise liability and medical product defects claims and actions filed under federal ADA legislation.

**JEANNIE HUBERT** and her husband, Steven, have two children: John William (2) and David Steven (born October 2004). She works part-time at the law offices of Steven C. Laird, P.C. in Fort Worth, Texas. The family is moving to suburban Southlake, Texas, in the coming months.

**VICKIE POCHELLE WHITNEY** received the Attorney General's Award for Excellence in May 2004 for her work on the Attorney General's Energy Task Force. During her tenure on the task force, Whitney worked to compel energy suppliers to continue supplying energy to California in

the face of rolling blackouts. She litigated proceedings at the Federal Energy Regulatory Commission in Washington, D.C., recovering more than three-billion dollars in refunds to the state, and she individually negotiated settlements with two energy companies for more than \$23 million.

## '90

**TERESA DWYER BECK**, mother of three, is a partner at Lincoln, Gustafson & Cerco, representing organizations such as the Zoological Society of San Diego, Sea World and the San Diego Convention and Visitors Bureau.

**JOHN M. FEDOR** joined the San Diego office of Farmer & Case as a partner in August 2004, practicing alongside **ANTHONY T. CASE**. His practice is in civil litigation, and he handles third party criminal acts litigation, employment law and insurance bad faith matters.

**JOHN J. GRIEGER JR.** married Ines Pacheco in her hometown of Barranquilla, Colombia, on October 3, 2003. The couple resides in Chicago.

**BRIAN MOSS** and wife **VICKY BIEDEBACH MOSS** practice law in California, where he is an equity partner in the firm of Manning & Marder, Kass, Ellrod, Ramirez LLP and she practices business litigation.

**JENNIFER HOOPER MCCAIN** announced the birth of her daughter, Marilyn Jane, on July 29, 2004.

**JEFF SNYDER** was recently appointed to the Board of Directors of Thoits, Love, Hershberger & McLean in Palo Alto, where he continues to practice employment law and business litigation. He and his wife, Jeanese, have two children: Natalie (7) and David (1).

## '91

**KEVIN MANN** recently relocated from New Jersey to Cleveland, Ohio, to develop and run Degussa Corporation's NAFTA Compliance Program.

**KATHERINE MATTES** is teaching in the criminal law clinic at Tulane Law School in New Orleans where she lives with husband Jeff and seven-year-old daughter Colleen.

**KATHRYN G. MURRAY** is a partner with Mount & Stoelker, P.C. and focuses her practice in the areas of business litigation and employment law. She serves on the board of trustees for the San Jose Repertory Theater and is a member of the board of directors of the Morgan Center.

*Theo Epstein '00 and his Boston Red Sox win the 2004 World Series*

## "That Championship Season"

**T**he Fall/Winter 2003–2004 issue of the *Advocate* featured an article titled "That (Almost) Championship Season" on Theo Epstein '00, the general manager of the Boston Red Sox, and his near miss for a trip to the 2003 World Series. But with the Bosox's ground-shaking comeback in 2004, there was nothing "almost" about this season.

October 27, 2004, Boston could be seen celebrating in the streets after the Red Sox won their first title since 1918, breaking the "Curse of the Bambino." Epstein has been credited by the media and fans as one of the main reasons for the team's success. "It's impossible to name an achievement in the past year that brought as much universal and unifying joy to New England as the long, long overdue Red Sox triumph. Many deserve credit, but one man coolly remade the team, then guided it with boldness and backbone," stated *The Boston Globe* in an article that named Epstein as the *Bostonian of the Year*.

Epstein is already looking ahead. "They [the 1918 team] were a dynasty, and they set a standard for excellence in the game," stated Epstein in the same article, "It would be terrific if we could get back to that."



Photo courtesy of Julie Cordero/Boston Red Sox

# '92

**TODD EWING** celebrated the birth of his third child, Collin Nathaniel, on May 18, 2003. Ewing was named managing partner at the Riverside, Calif., office of Hanna, Brophy, MacLean, Mcaleer & Jensen, LLP in 2004 and hired two recent USD law school graduates: **JON E. SHETLER ('02)** and **NAM A. TRAN ('03)**.

**GREGORY GEELAN** and Rosemary (Luellen) welcomed their first child, Anastasia, on Oct. 17, 2004. He works at home as general counsel and editor of an online magazine. The family lives in Lone Tree, Colo.



**Courtney Coyle '94**

**JOHN JOSEPH HENRY** is a partner in Fitness 19, which has 17 locations in six different states.

**ROBERT SPARKS** recently married wife Tiffany, and the couple welcomed their first son Kenneth Jonathan on Feb. 11, 2004. The family lives in Las Vegas, where he practices civil litigation at the firm of Black, LoBello & Pitegoff.



**Marsha Kelliher '94**

# '93

**JEFFREY GAFFNEY** was unexpectedly mobilized to Bahrain in April 2004.

**JAMES GORDON MYLES** has completed the inaugural Leadership Development Program administered by the Social Security Administration



**Ron Mukai '94**

and now serves as the special assistant to the associate commissioner for the Office of Hearings and Appeals in Falls Church, Va.

**PAMELA ETTER RAND** practices criminal law alongside her husband in the Banker's Hill neighborhood of San Diego. She is president of the South Bay Bar Association.

## Judge Judith Keep '70 Left Us Her Example

**J**udith Keep '70, district judge for the Southern District of California, died on September 14, 2004, at age 60 after a three-year battle with ovarian cancer. The first female federal judge and the first female chief judge in San Diego, Keep was used to opposition. Judith McConnell, a justice with the 4th District Court of Appeal, points out, "She faced many huge challenges because she always had to prove herself. She always thought that the best way to make changes was to lead by example. She wanted to be the best judge she could be and hoped others would follow."

Keep's drive for excellence and love of life continued even during her battle with cancer. No longer able to come into work every day, she asked an assistant to bring legal papers to her home so she could continue her work.

After graduating from University of San Diego School of Law, Keep worked with Defenders, Inc. and in private practice before she was appointed as a judge of the San Diego Municipal Court in 1976. In 1980, President Carter appointed her as a federal judge, and in 1991, she served as the chief judge of the Southern District of California. From 1998 to 2004, she served as a member of the Defender Services Committee of the Judicial Conference of the United States, to which she was appointed by Justice Rehnquist.



# '94

**COURTNEY ANN COYLE** was named 2003 Attorney of the Year for Environmental Law by *California Lawyer* magazine. Coyle, whose office is in the La Jolla neighborhood of San Diego, represented the Quechan Indians of California's Imperial County, who opposed development of a gold mine on land they consider sacred. Her efforts led to new state legislation regarding mining in protected areas of desert containing sacred places. In November, Coyle and husband Steve McDonald had a baby girl, Alexandra Katherine.

**MARSHA KELLIHER (LL.M.)**, former dean of the Graduate School of Management at St. Edward's University in Austin, Texas, was recently appointed as dean of the School of Management and Business, serving both undergraduate and graduate students.

**RON MUKAI** left practice and began working in real estate development. He recently completed his first shopping center, the East L.A. Civic Center Plaza. He was married in December 2000.

# '95

**MONTE BREM**, managing director with a La Jolla private equity firm, Pacific Corporate Group, is married to wife

Elizabeth, a securities litigation attorney at Gibson, Dunn & Crutcher LLP. The couple and their three-year-old son, Aidan, live in Encinitas, Calif.

**REBECCA DE LA CERRA** received a master's degree in education after working three years for the Los Angeles County Public Defender's office. She taught high school for two years before returning to law. She has an office in Rancho Cucamonga, Calif.

**MATTHEW W. PASKERIAN** has been named partner in the real estate group at Morgan, Lewis & Bockius LLP in Irvine, Calif. His practice includes development planning, development, leasing, financing, acquisition and disposition.

# '96

**ADDISON ADAMS** is a partner at Richardson & Patel LLP and is married to wife Karin.

**RICHARD AMES** has joined the San Francisco office of Carroll, Burdick & McDonough LLP as an associate in the asbestos practice group.

**THERESA M. ERICKSON** and her sister, Mary Ann Lathus, opened Conceptual Options, a center for surrogacy and egg donation, in Scripps Ranch five years ago. Erickson, who acts as director and coordinator of the program, is one of a handful of attorneys in the nation who specializes exclusively in reproductive

law and. Conceptual Options offers an array of services to women and couples who are trying to conceive.

**JACK R. LEER** recently became a shareholder at the law firm of Seltzer Caplan McMahon Vitek. Leer's practice encompasses general civil and commercial litigation.

**STACY ROCHELEAU** gave birth to daughter Jessica on February 10, 2004. She opened Rocheleau Law Group in Las Vegas in May 2003.

**RENEE ST. CLAIR** was named partner in the firm of Trovillion, Inveiss, Ponticello & Demakis in June 2004. She has worked at the firm since 1996, practicing employment law defense, workers' compensation defense and defending claims under The Longshore and Harbor Workers' Compensation Act.

# '97

**PERRY HARIRI** was named vice president of YCH Development LP, the new land development and entitlement entity of residential home-builder YCH Communities L.L.C., located in Pleasanton, Calif.

**PONZIO OLIVERIO** is a professor of criminal justice at National University and the University of Phoenix. He is also a columnist for the *San Diego County Herald* newspaper and was published in *True Blue*, a best-selling police anthology.



**Matt Paskerian '95**



**Jack Leer '96**



**Stacy Rocheleau '96**



Naoki Kawada '98



Matthew Buttacavoli '99

**JOHN E.D. NICHOLSON** and Cynthia (Kovol) welcomed their second child, John Frederick, on Dec. 9, 2004. The family resides in San Luis Obispo, Calif.

'98

**NAOKI KAWADA** has joined the international law firm of Greenberg Traurig, LLP as of counsel in the corporate department in the Los Angeles office as a corporate and securities counsel to Japanese clients. Previously, Naoki was an associate at Squire, Sanders & Dempsey LLP (formerly, offices of Graham & James LLP).

**NIMISH PATEL** has been appointed to a two-year term on the board of directors of uWink, Inc., a digital entertainment company based in Los Angeles. He is a partner at the law firm of Richardson & Patel LLP, a Los Angeles corporate securities firm.

'99

**MICHAEL BUSCEMI** and wife Lauren live in the Mission Beach neighborhood of San Diego. He is an associate attorney at Walsh & Furcolo LLP in downtown San Diego.

**MATTHEW S. BUTTACAVOLI** and wife Kara welcomed their second daughter, Angelina Marianne, on August 27, 2004. He continues to work as a litigation associate with Green & Hall, APC in

Orange, Calif., and was recently admitted to the United States Supreme Court Bar.

**JENNIFER ELOWSKY** was hired as an associate at Lynch, Gilardi & Grummer in San Francisco. Her work focuses on employment, products liability and general litigation.

**VANESSA IMBERG** was recently hired as an associate at Stoel Rives LLP in San Francisco with the litigation practice group, which focuses on product liability, environmental litigation, toxic tort and general litigation matters. She was previously with Lewis Brisbois Bisgaard & Smith.

'00

**ERICK SCHRANER** joins Seltzer Caplan McMahon Vitek, one of San Diego's oldest business and trial practice law firms, as an associate. His focus is on land use and environmental law.

**JASON WISNIEWSKI** has been hired at Dorsey & Whitney LLP in Irvine, Calif., as an associate in the corporate group.

'01

**SHANA LATHROP** co-founded Rainmaker Business Group, a San Diego-based business consulting firm. The firm works with entrepreneurs, start-up companies and small businesses seeking capital, strategic alliances or select

professional consulting services.

**DANIEL LIEB** and his wife moved back to California after three years on the East Coast. The couple recently had a baby girl, Rachel, and started a wedding videography business.

**MATT R. STOHL**, who practices breach of contract law for Quintral & Associates, was the first San Diegan to finish the June 6, 2004, Suzuki Rock 'n' Roll Marathon. He placed 17th overall with a time of 2 hours, 34 minutes, 19 seconds. Stohl hopes to shave about 11 minutes off his time to qualify for the 2008 U.S. Olympic Marathon Trials.

**ERIC STRONGIN** practices law in the areas of insurance and business litigation. Since joining Jones Turner, LLP, he specializes in the areas of insurance coverage and insurance bad faith litigation.

'02

**BRETT BROGE** was married to Elizabeth Hunter, a third-year law student at the University of California, Berkeley, in October 2004. He works as an associate at Lerch Sturmer LLP, a law firm in San Francisco.

**JIM P. DELANEY** and wife Maria celebrated the arrival of their first child, Ava Catherine, on Oct. 26, 2004.

## Maren Hanson '76 Fights Counterfeiting in Saudi Arabia

**D**o you ever worry that the shampoo you're using isn't the real McCoy? If you lived in Saudi Arabia, you might—justifiably so.

About half of the shampoos and conditioners in the market are counterfeit says Maren Hanson '76, a commercial and intellectual property attorney in Saudi Arabia. "Everything from luxury items (handbags, watches, etc.) to automobile spare parts to pharmaceuticals to computer and game software/music/movies to everyday items is counterfeited! There is even a huge counterfeiting market for cleaning supplies such as Clorox."

Intellectual property is still a very new area of practice in Saudi Arabia, and many of the protections you would find in other countries are non-existent there. Hanson and her firm, the Law Offices of Dr. Mohamed H. Hoshan, have been working hard to change this. In fact, the firm filed the very first patent application in Saudi Arabia when its first patent law was enacted in 1989.

Hanson moved with her husband to Riyadh, Saudi Arabia, after she graduated from the University of San Diego School of Law in 1976. At the time, she was the second female lawyer practicing in the country and the first to do so from a law office. She later moved to France where she obtained a *Diplôme d'Etudes Approfondies* in Public Law in 1982 from the Faculty of Law, University of Tours, later becoming a member of the Paris Bar. In 1983, she obtained a Diploma in Islamic and Middle Eastern Law from the University of San Diego School of Law Institute on International and Comparative Law, Alexandria, Egypt. In 1989, she moved back to Riyadh and has been practicing there ever since.

In the late 1980s, her firm decided to organize Gulf Consultants for the Protection of Intellectual Property, a professional corporation for the registration and protection of trademarks and other

intellectual property. The corporation has a national partner in each of the six Gulf Cooperation Council (GCC) countries—Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates. Later her firm joined the International Trademark Association; Hanson is an active member serving on various committees covering different aspects of trademark law.

Some of the challenges she has encountered practicing intellectual property law in Saudi Arabia are the length of time it takes to resolve a case and a lack of industrial protection laws, developed procedural laws and public awareness. Accounting is another major problem. "The Saudi tax structure depends upon wealth and not income, which does not require the same type of record keeping," says Hanson. Although western accounting procedures are being introduced, until firms are required to implement them it will be impossible "to determine the illegal gains made by the infringer and the corresponding losses to the legal producer/importer of a product."

The concept of intellectual property is also something that is completely foreign to the traditional laws of the region. "Many times, intellectual property litigation appears to be beyond the comprehension of lower courts, which may believe that foreign companies are trying to take advantage of local citizens," explains Hanson. "Therefore, it is necessary not only to present such *new* causes of action in ways that not only point to the obvious benefits to the courts but to make these new concepts seem less foreign, to make them an extension of what is already present."

Despite the challenges, Hanson enjoys practicing law in Saudi Arabia. She particularly enjoys the flexibility of the legal system in Saudi Arabia. When working with a case, she gets to draw on common and civil law elements and sometimes can bring in elements from other legal sys-



tems. "All in all, I live in a very stimulating country," says Hanson. "Far different from the way it is portrayed in the media."

Being female has also presented its share of challenges. Although Hanson stresses that, "In Saudi Arabia, I am regarded as a professional person with knowledge of the law and have no particular problems being female," the country's strict separation between the sexes does present some problems. While females are allowed to practice in the country, they cannot be licensed as attorneys. Although this restriction also applies to both male and female foreigners, only male foreign attorneys are granted working visas. Hanson is able to practice because she entered the country on a wife visa and works in her husband's firm. Women also do not generally enter government offices, cannot drive and have separate work areas.

"Professionally speaking, changes are taking place. Although there are no Saudi law schools for women, Saudi women have studied and become lawyers in Bahrain and other Arab countries, returning home with their degrees. Several law firms are opening sections for women who appear to deal mainly with female clients," says Hanson. "Slowly the Ministry of Justice is permitting female lawyers to provide legal services for women, in particular, regarding family and inheritance law."



**Eric Strongin '01**

**BRENDAN FORD** joined the Orange County office of Snell & Wilmer L.L.P. His practice is concentrated in product liability litigation with a focus in automobiles and medical devices.

**TAMARA MCCORMIC** started a real estate firm specializing in residential sales and property management.

**MANFRED MUECKE** is enrolled in an evening M.B.A. program at San Diego State University.

**JEANNE MURRAY** and husband Scott welcomed their first child, daughter Kelly Helene, on Dec. 14, 2002.

**JASON SWEENEY** joins Seltzer Caplan McMahon Vitek, one of San Diego's oldest business and trial practice law firms, as an associate. His focus is on business and commercial transactions.

**'03**

**ROBERT DANIELS** is a new associate at Palecek, Skaja & Broyles, LLP, an Escondido, Calif., law firm.



**Brendan Ford '02**

**KRISHNA HANEY** recently joined San Diego law firm La Bella & McNamara, LLP as an associate attorney practicing white-collar criminal defense and commercial litigation.

**ANGELA J. PIERCE** has been hired as an associate at Sullivan Wertz McDade & Wallace in San Diego. Her practice focuses on land use and governmental relations.

**MARK H. WAGNER** recently joined the Phoenix office of Lewis and Roca LLP as an associate in the personal injury and wrongful death practice group.

**'04**

**SUMMER DALESSANDRO** was married to Adam Vincent on March 20, 2004, in Del Mar. The couple resides in San Diego.

**COURTNEY L. BUNT** recently joined Cozen O'Connor's San Diego office as an associate in the firm's subrogation and recovery department.

## In Memoriam

The University of San Diego School of Law community would like to extend its deepest sympathy to family and friends.

**DOROTHY JEANNE ALMOUR '76** died in her sleep on September 13, 2004, at age 70. She had most recently worked with Appellate Defenders, specializing in juvenile dependency. Almour lived at the Wesley Palms Retirement Community the last two years of her life and was an active member of the Pacific Beach United Methodist Church.

**MORLEY BARSKY '76**, a former ear, nose and throat surgical specialist in San Diego, died of a rare form of cancer on July 13, 2004. He practiced medicine for 26 years, during which time he served as chief of surgery at Alvarado Hospital Medical Center and president of the San Diego Academy of Otolaryngology. He also was involved in the local legal community as chairman of the liaison committee of the San Diego County Bar and San Diego County Medical associations.

**BOB MITINGER '66**, former Penn State All-American defensive end and NFL Rookie of the Year for the San Diego Chargers, died September 25, 2004, at Mount Nittany Medical Center in State College, Pa., of an undiagnosed illness. He was 64 years old. Mitinger was called to duty in 1966 and later went to the U.S. Military Academy at West Point, N.Y., where he served as captain of the military police and coached freshmen football. He worked as an attorney for the AFL Players Association before returning to State College to practice law in the 1970s. He started his own firm in 1984, specializing in real estate, personal injury and divorce.

**CARL ALFRED SMITH '84**, a retired chief warrant officer in the Navy, died in his Point Loma home on September 13, 2004, of an apparent heart attack. After graduating from the law school, he worked as vice president of sales and later sales manager at San Diego Alarm Co. and explored real estate and insurance sales. Smith, age 64, had planned to retire from sales to embark on a career as a teacher and consultant in the field of homeland security.

**COLONEL BRUCE M. WALLACE JR. '80** died on August 28th, 2004, and was buried November 12th at Arlington National Cemetery with full military honors, horse-drawn caisson, Air Force band, bugler and riflemen.

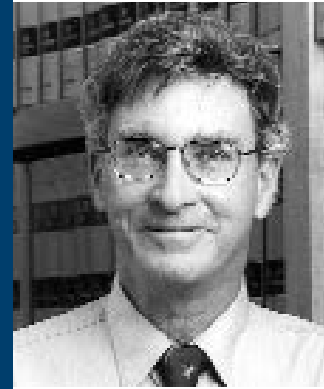
## FACULTY FOOTNOTES

WE ARE DELIGHTED TO PRESENT  
*FACULTY FOOTNOTES*—NEWS ABOUT  
FACULTY MEMBERS' PUBLICATIONS AND  
PRESENTATIONS SINCE JANUARY 1,  
2003—IN A BRAND NEW FORMAT.

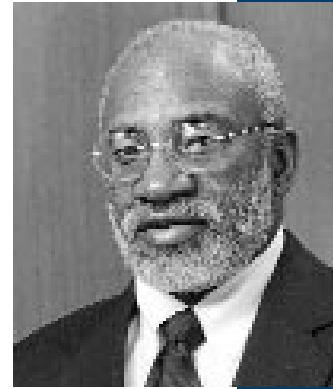
Previous Fall/Winter issues of the *Advocate* set forth *Faculty Footnotes* as a comprehensive catalog of all faculty members' publications and presentations for a particular calendar year. In this issue, we have changed to a narrative and, we believe, more readable and interesting format. Moreover, we have asked USD law faculty to give us only their most significant publications and presentations. In sum, the new *Faculty Footnotes* are much more in line with similar features of other top law school alumni magazines.

One more thing: Instead of appearing only in the *Advocate's* Winter issue, *Faculty Footnotes* will be included in every issue of the magazine. That way, readers will have the most up-to-date highlights of our faculty's considerable accomplishments.

During the past two years, **LARRY ALEXANDER** was named University Professor by the University of San Diego; completed a book on freedom of expression that Cambridge University Press will release in March 2005; published 14 articles, encyclopedia entries, and chapters in anthologies; presented papers at nine conferences or colloquia; organized and/or participated in 14 additional conferences and roundtables; and was the featured lecturer at events at University of California, San Diego, Palomar College, and Universidad Torcuato di Tella in Buenos Aires. He also served as chair of the AALS section on Jurisprudence, editor of Volume 13 of the *Journal of*



LARRY ALEXANDER



ROY L. BROOKS

*Contemporary Legal Issues*, and became the managing co-editor of *Legal Theory*, a Cambridge University Press journal.



**ROY L. BROOKS** presented 15 papers at conferences held in New Haven, Washington, D.C., Chicago, San Francisco, Los Angeles and other cities, and gave radio interviews with the BBC Radio and several Public Radio stations in the United States. His recent major publications include a book on reparations, *Atonement and Forgiveness* (published by the University of California Press as the first imprint of the George Gund Foundation Fund), which Boris I. Bittker, professor emeritus of Yale Law School, predicts "will certainly become the standard

examination of the issue." Brooks also wrote a number of solicited law review articles, including "Brown v. Board of Education Fifty Years Later: A Critical Race Theory Perspective," 47 *How. L.J.* 581 (2004) that appeared in the 50th Anniversary Issue of the *Howard Law Journal*; "Slave Redress Litigation in the United States," which was published in both English [22 *The Windsor Y. B. Access Just.* (2004)] and French [22 *Recueil Annuel de Windsor D'Acces A La Justice* (2004)]; and articles titled "Clarence Thomas" and "Drugs and Racism" published in the *Encyclopedia of Race and Ethnic Studies* (London: Routledge Press, 2004).



**NANCY CAROL CARTER** moderated a panel on "New Issues in Indian Law" at the California Indian Law Association Annual Meeting on Feb. 28, 2004, and introduced and moderated "What's Fair: New American Indian Gaming Initiatives," a public forum held in conjunction with the USD American Indian Celebration on April 14, 2004. She presented

"Native American Law: California and Beyond," at USD's Invisible University on April 21, 2004, and a CLE program for the Foothills Bar Association entitled "American Indian Law: Ten Things Every California Lawyer Should Know," on Nov. 17, 2004. She reviewed two books for *Law Library Journal*: Charles D. Bernholz, *Kappler Revisited: An Index and Bibliographic Guide to American Indian Treaties* (2004) and Michael F. Brown, *Who Owns Native Culture* (2004). In July 2004, the Academic Library Section of the American Association of Law Libraries recognized Carter's article, "The Special Case of Alaska: Native Law and Research," *Legal References Services Quarterly*, Vol. 22 (4) (2003) with an Outstanding Article Award. She expanded and updated her Internet site on San Diego tribal groups, the *USD Native American Website* ([www.sandiego.edu/nativeamerican](http://www.sandiego.edu/nativeamerican)).



In April 2004, **DONALD DRIPPS** presented "The Fourth Amendment and the Fallacy of Composition" at the Fourth Amendment Symposium sponsored by The National Center for Justice and the Rule of Law at the University of Mississippi School of Law. His article will appear in the *Mississippi Law Journal*. In May 2004, his revision of Perkins & Boyce criminal-law-and-procedure casebook was published by Foundation Press. In November 2004, Driggs contributed another conference paper, "Overcriminalization, Discretion, Waiver: A Survey of Exit Strategies" to the Criminal Procedure Forum held at the University of Louisville.



**ROBERT C. FELLMETH'S** *Child Rights and Remedies* (Clarity, 2003) was published in early 2003. This first edition is designed for child-related law classes and for graduate studies in public health, social work, and education. Fellmeth completed his third supplement to the treatise *California*



*White Collar Crime* (w/ Papageorge, Nexis) in 2004 and published the *California Children's Budget 2004-05*, a 610-page analysis of child demographics, rulemaking and legislative changes, court decisions, and spending by child-related account.

Fellmeth presented papers or remarks on California's Unfair Competition Act, a subject receiving wide publicity for alleged attorney abuse and the subject of a 2004 electoral proposition (Proposition 64). His views were invited by and presented to the State Senate Business and Professions Committee (January 10, 2003); a joint hearing of the state assembly and senate Judiciary Committees

mission and presented a paper and remarks on September 27, 2004. He was then asked to appear before the state's Little Hoover Commission to testify on structural reform issues raised and justifications and efficacy measures for state boards and commissions, and did so on December 8, 2004.

In November 2004, Fellmeth was elected secretary of the National Association of Counsel for Children. He has been on the Board of Directors of this umbrella association of attorneys representing children since 1994 and now joins its executive committee by vote of the membership.



Bar Association Business Law Section mid-year meeting panel presentation on "Lawyer's Duties After Enron" in Los Angeles and made several media appearances commenting on various corporate and securities law topics. He also moderated a USD School of Law MCLE panel program, "Are the Markets Out of Control?" As the law school's longest serving faculty member, Friedman offered a historical retrospective at the law school's 50th Anniversary inaugural event in September 2003. Among other activities, he continues to serve as a member of the San Diego County Bar Association's Law School Relations Committee and on the Board of Directors of the Corporate



NANCY CAROL CARTER



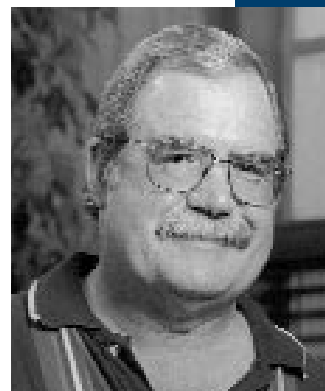
DONALD DRIPPS



ROBERT C. FELLMETH



C. HUGH FRIEDMAN



PAUL HORTON

(January 14, 2003); and to the California Bar Section on Antitrust (May 7, 2004). In his role as director of the Children's Advocacy Institute, Fellmeth presented CAI's *California Children's Budget 2004-05* to the Children's Roundtable in Sacramento—a combine of 300 organizations interested in child policy—on July 8, 2004. On September 30, 2004, he joined Barbara Bennett Woodhouse of the University of Florida, to present the case for greater public visibility for juvenile dependency court proceedings and foster child conditions, in a Congressional Roundtable convened in Washington, D.C., by the First Star Foundation.

Fellmeth was invited to comment on the Initial Report of the California Performance Review Commission staff to the Com-

**C. HUGH FRIEDMAN** published the 18th edition (March 2003) and 19th edition (March 2004) of his two-volume California corporate practice treatise, *California Practice Guide: Corporations* (Rutter Group/West Group). The work has been increasingly cited and quoted in decisions of the California appellate courts. He also presented his annual update, "Developments in Business Law," to the San Diego County Bar Association's Business and Corporate Law Sections in February 2003 and March 2004, and made a series of presentation to various major California law firms during 2003 and 2004 on "Corporate Governance After Enron" and "Attorney's Disclosure Duties Under The New SEC Rules."

Friedman participated in the American

Directors Forum. He organized and moderated a panel on "Looking at Ethics in the Boardroom Today" for the Corporate Directors Forum in October 2004.



**PAUL HORTON** contributed to the *San Diego Law Review's* commemoration of the School of Law's 50th Anniversary with an article on the disconnect between the Eleventh Amendment and state sovereign immunity: "*Lapides v. Board of Regents* and the Untrustworthiness of Unanimous Supreme Court Decisions," 41 *San Diego Law Review* 1057 (Summer 2004). He also completed his third compilation of his students' work—a collection of case notes and case briefs, which appeared in early 2005 as "The Supreme Court and

## FACULTY FOOTNOTES

the Family," 14 *Journal of Contemporary Legal Issues*, Issue 1 (2005).

Horton is nearing completion of a set of materials for a course in Business Torts, which he hopes to offer at the School of Law commencing in spring 2006. He continues to supervise the law school's judicial internship program.



Demonstrating that their universities' bitter football rivalry does not extend to their law schools, in December 2004, both the *Michigan Law Review* and the *Ohio State Journal of Criminal Law* paid tribute to **YALE KAMISAR** on his retirement from teaching at the Michigan Law School. Among the dozen contributors to the Michigan *festschrift* were U.S. Supreme Court Justice Ruth Bader Ginsburg, Judge Harry Edwards of the U.S. Court of Appeals for the D.C. Circuit and Jeffrey Lehman, President of Cornell University (and a former student of Kamisar's). The contributors to the Ohio State *festschrift* were another former student, Judge Ronald Gould of the U.S. Court of Appeals for the Ninth Circuit; and Profes-

sors Ronald Allen, Albert Alschuler, Tracey Maclin, and William Miller.

On February 28, 2004, Kamisar participated in a conference at the University of California on Earl Warren. His paper, "How Earl Warren's Twenty-Two Years in Law Enforcement Affected His Work as Chief Justice," will be published by the Institute of Government Studies Press as part of a collection of essays on Earl Warren.

Kamisar addressed the Criminal Justice Section at the AALS annual meeting on January 3, 2004. An expanded version of the talk, "A Look Back on a Half-Century of Teaching, Writing and Speaking about Criminal Law and Criminal Procedure," appeared in the Fall 2004 issue of the *Ohio State Journal of Criminal Law*. Because he discussed the "fruit of the poisonous tree" doctrine in his article and the U.S. Supreme Court decided two important "poisoned fruit" cases when the article was in press, Kamisar wrote a second article that appeared in the same issue of the Journal severely criticizing the Court's decisions: "Postscript: Another Look at Patane and Seibert, the 2004 Miranda 'Poisoned Fruit' Cases."

Other publications by Kamisar in 2004 were *Criminal Procedure and the Constitution* (2004 rev. ed.) (with Jerold Israel & Wayne Lafave); *Why I Write (and Why I Think Law Professors Generally Ought to Write)*, Fall 2004 issue of the *San Diego Law Review*; and *Gideon at 40: Facing the Crisis, Fulfilling the Promise* (with Abe Krash, Anthony Lewis & Ellen Podgor), Winter 2004 issue of the *American Criminal Law Review*.



**ADAM J. KOLBER** published "A Matter of Priority: Transplanting Organs Preferentially to Registered Donors," at 55 *Rutgers L. Rev.* 671 (2003). In the piece, he argues that we should encourage people to register to donate bodily organs upon death by offering them some priority to receive an organ should they need one during life. Doing so, he argues, would save lives by



encouraging many more people to donate, yet would not violate laws prohibiting organ donors from receiving financial compensation. In addition, Prof. Kolber participated in the USD Institute for Law and Philosophy's roundtable on the legal enforcement of morality.



**DAVID STEPHEN LAW** joined the faculty in the fall of 2004 as an assistant professor and holds an adjunct appointment in the political science department at the University of California, San Diego. He has four articles slated for publication in 2005. "Generic Constitutional Law,"

first, "Appointing Federal Judges: The President, the Senate, and the Prisoner's Dilemma," will appear in a symposium issue of volume 26 of the *Cardozo Law Review*. The second, "Why Nuclear Disarmament May Be Easier to Achieve than an End to Partisan Conflict Over Judicial Appointments," was written in collaboration with Sanford Levinson of the University of Texas Law School and will appear in the Allen Chair Symposium issue of volume 39 of the *University of Richmond Law Review*.

Law has been selected to present a paper at the 2005 annual meeting of the Midwest Political Science Association in

nors of the Southern California Wetlands Recovery Project. He has received awards and recognition for his clean water activities from the U.S. Environmental Protection Agency, the City of San Diego, and the Lakeside Conservancy.

Minan recently published two articles in the *San Diego Law Review*. In the Winter 2003 issue, he published "Municipal Storm Water Permitting in California." In the Summer 2004 issue, he authored "The San Diego River: A Natural, Historic, and Recreational Resource." Minan's article on *South Florida Water Management District vs. Miccosukee Tribe of Indians*, a federal Clean Water Act case decided by the



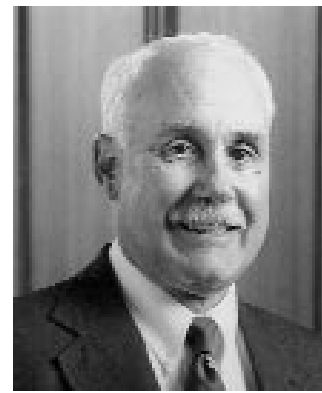
YALE KAMISAR



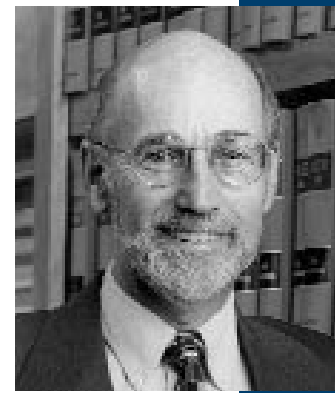
ADAM J. KOLBER



DAVID STEPHEN LAW



JOHN MINAN



GRANT MORRIS

which appeared in the February 2005 issue of the *Minnesota Law Review*, identifies and explores similarities in constitutional theory, analysis, and doctrine around the world. "Strategic Judicial Lawmaking: An Empirical Investigation of Ideology and Publication in the U.S. Court of Appeals for the Ninth Circuit" will appear in issue 3, volume 73 of the *University of Cincinnati Law Review*. In this article, Law performs a statistical investigation of the relationship between judicial ideology and limited publication practices in asylum cases, and finds that certain judges vote more ideologically in published cases than in unpublished cases.

Two other articles by Law will be appearing in law review symposia on the federal judicial appointments process. The

Chicago. The paper, "The Paradox of Omnipotence: Courts, Constitutions, and Commitments," will consider the difficulties courts encounter when attempting to enforce commitments made by sovereigns. In 2004, Law also performed grant proposal review for the Social Science and Humanities Research Council of Canada, and a peer manuscript review for the *Law & Society Review*.



**JOHN H. MINAN** was appointed to the San Diego Regional Water Quality Control Board in 1999, and is now in his fourth consecutive one-year term as the chairman of the water board. In addition, Minan serves on the San Diego River Conservancy and is on the board of gover-

United States Supreme Court in 2004, was published in the Winter 2004 issue of *The Urban Lawyer*. The article is an adaptation of his piece, "Miccosukee an Environment Committee Hot Topic," which appears in the ABA Section of State and Local Government, vol. 28, No. 1, p.3 (Fall 2004). He also authored an article for the *Building Industry Magazine* entitled "Storm Water Regulation: The MS4 Permit." Professor Minan is a co-author (with Professor William H. Lawrence) of the treatise, *The Law of Personal Property Leasing*, with annual updates.



**GRANT MORRIS** published an article in *San Diego Law Review's* symposium issue celebrating the law school's 50th anniversary.

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sary: "Mental Disorder and the Civil/Criminal Distinction," 41 *San Diego L. Rev.* 1177 (2004). Morris also published two articles based on an empirical study that he conducted with adjunct professors Ansar Haroun, M.D., and David Naimark, M.D. that assesses the competence of forensic psychiatrists and forensic psychologists to assess competency to stand trial in criminal cases. The articles are: "Assessing Competency Competently: Toward a Rational Standard for Competency-to-Stand-Trial Assessments," 32 *J. Am. Acad. Psychiatry & L.* 231 (2004) and "Competency to Stand Trial on Trial," 4 *Hous. J. Health L. & Pol'y* 193 (2004). Morris also published "Escaping the Asylum," 40 *San Diego L. Rev.* 481 (2003).

Morris spoke at the conference "Capacity to Consent to Treatment and/or Research: Legal and Psychiatric Dimensions," conducted at the Southern California Law Center on April 17, 2004. His presentation was titled "Pursuing Justice for the Mentally Disabled." Morris also made two presentations at the Professional Staff Colloquium at Atascadero State Hospital. His presenta-

tion in February 2004 was "Killing at God's Command: Murder as Religion or Delusion," and his presentation in February 2003 was "Defining and Determining Dangerousness."

In recognition of his contributions to society, Morris was honored as "A Living Legend" by Phi Epsilon Pi Fraternity at its 100th anniversary celebration on October 30, 2004 in New York City. He was re-appointed by the governor of California to the Atascadero State Hospital Advisory Board in 2003 and was elected chairperson of the Board in November 2003.



**LISA P. RAMSEY** joined the USD law faculty as an assistant professor in fall 2004. She currently teaches Introduction to Intellectual Property and International Intellectual Property. The editors of the *Intellectual Property Law Review* recently selected her article, "Descriptive Trademarks and the First Amendment," 70 *Tenn. L. Rev.* 1095 (2003), as one of the best intellectual property articles of 2003 and included the article in the 2004 edition of an anthology published annually by West Group.



During 2003–04, **MICHAEL D. RAMSEY** published two major articles: "American Insurance Association v. Garamendi and Executive Preemption in Foreign Affairs," 46 *Wm & Mary L. Rev.* 825 (2004) (co-authored with Professor Brannon P. Denning); and "Presidential Declarations of War," 37 *U.C. Davis. L. Rev.* 321 (2003). He also wrote four short pieces: "The Empirical Dilemma of International Law," 41 *San Diego L. Rev.* 1243 (2004); "Reinventing the Security Council: Lessons from Locke," 79 *Notre Dame L. Rev.* 1529 (2004) (published as part of the symposium: "Do We Need a New Legal Regime after 9/11?"); "International Materials and Domestic Rights: Reflections on *Atkins and Lawrence*," 98 *Amer. J. Int'l. L.* 69 (2004).



(contribution to the symposium "Agora: The United States Constitution and International Law"); and a book review, "Textbook Revisionism," 43 *Va. J. Int'l L.* 1111 (2003) (reviewing Curtis A. Bradley and Jack L. Goldsmith, *Foreign Relations Law: Cases and Materials*).

In 2003, Ramsey spoke at the Notre Dame Law School symposium "Do We Need a New Legal Regime after 9/11?" (later published in the *Notre Dame Law Review*). In 2004, he spoke at the University of Colorado Law School's conference "Challenges Facing Developing Countries," and at the International Law Association's Annual Meeting. Ramsey also testified before Congress on the use of international materials in constitutional interpretation (*Testimony on H.Res. 568*, testimony to U.S. House of Representatives, Committee on the Judiciary, Subcommittee on the Constitution, March 2004).



**LESTER B. SNYDER** received the 2003 Bernard E. Witkin Award for academic excellence from the San Diego Law Library Justice Foundation. He participated on a Value Added Tax panel of the American Bar Association, Taxation Section, at its January 2005 annual meeting, speaking on "The Truth About Consumption Taxes". He published an article in the 50th Anniversary Issue of the *San Diego Law Review*, volume 41, page 1311: "Does The Tax Law Discriminate Against The Majority of American Children?: The Downside of Our Progressive Rate Structure and Unbalanced Incentives for Higher Education." He also published an article in *Tax Notes*, "Does The Bush Tax Plan Open Unexpected Doors?", pointing to the significant tax reform issues raised in the taxation of investments and the disparate ways we tax large and small businesses in the United States.

Snyder is completing an article with a graduate student on some tax policy as-

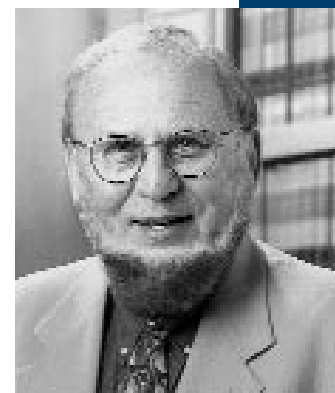
pects of same-sex marriages, comparing all forms of unmarried cohabitation with traditional marriage, including the issue of whether the federal government should impose its laws on state-recognized marriage. He is working on a book titled *Double Take*, describing a wide variety of scenarios dealing with "unequal taxation of equals." Snyder was recently re-elected to the Academic Advisory Board of the Tannenwald Foundation for Excellence in Tax Scholarship, which sponsors an annual faculty sponsored student writing competition.



LISA P. RAMSEY



MICHAEL D. RAMSEY



LESTER B. SNYDER

**LAWRENCE SOLUM** taught a new intellectual property seminar on "The Future of Copyright" in fall 2004. Students in the class developed a Blog (or weblog). You can visit *Copyfutures* at <http://lsolum.typepad.com/copyfutures/>. He was among 125 persons, including 56 law professors, nominated as one of the "Top Twenty Legal Thinkers in America" by *Legal Affairs* magazine. You can vote for Solum at <http://www.legalaffairs.org/poll/>.

Solum published "The Layers Principle: Internet Architecture and the Law," in volume 79 of *The Notre Dame Law Review*. His recent publications also include "An Economic Analysis of Domain Name Policy," in volume 25 of *The Hastings Comm/Ent Law Journal* and "Virtue Jurisprudence: A Virtue-Centered Theory of Judging" in volume

34 of *Metaphilosophy*—the latter article was reprinted in *Moral and Epistemic Virtues*, an anthology published by Blackwell. Solum has a number of other articles forthcoming, including "Popular? Constitutionalism?," coauthored with Professor Larry Alexander, due out shortly in *The Harvard Law Review*. His "Procedural Justice" will appear in the spring in *The Southern California Law Review*.

In fall 2003, Solum gave a talk titled "Virtue Jurisprudence: An Aretaic Theory of Law" on three occasions to the Legal Theory Workshop at Columbia University School of Law (in November), to the Committee on Law and Philosophy at Arizona State

University (in September) and to *The Table*, an interdisciplinary colloquium that meets annually in Carefree Arizona (in June). Solum also presented *The Future of Copyright* at University of San Diego 50th Anniversary program in April 2004 and a talk titled "Judicial Vice" to the Federalist Society Milwaukee Chapter in June. He presented his paper "The Virtue of Justice: An Aretaic Approach to Legal Formalism" at the Midwest Political Science Association National Conference in April 2004 and the paper "Ideology or Virtue? at the Symposium—The Chronic Crisis: Reconsidering the Federal Judicial Appointments Process," at Benjamin N. Cardozo School of Law of Yeshiva University in March. Solum also presented his paper "The Layers Principle:

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Internet Governance and the Law," to the Center on Internet and Society at Stanford University in February.



**JORGE A. VARGAS** completed two books that Thomson/West is to publish in early 2005. The first book, *Mexico's Federal Civil Code*, consists of an English-Spanish bilingual edition of that country's civil code, enacted in 2000. It also contains the major judicial decisions

Are These Damages Equivalent to Punitive Damages?" 35 *U. Miami Inter-Am L. Rev.* 183 (2004); "Privacy Rights under Mexican Law: Recent Emergence and Legal Configuration of a New Panoply of Rights," 27 *Hous. J. Int'l L.* 73 (2004); "An Introductory Lesson to Mexican Law: From Constitutions and Codes to Legal Culture and NAFTA," 41 *San Diego L. Rev.* 1337 (2004) (Celebrating the 50th Anniversary of the University of San Diego School of Law); and "Electronic Guide to the Best Mexican Law Web Sites." *The International Journal of Legal Information*, Vol. 32, No. 1, Spring 2004 at 34-108.



LAWRENCE SOLUM



JORGE VARGAS



MARY JO WIGGINS

rendered by Mexico's federal appellate courts on civil matters, including in particular Mexico's Supreme Court's *Jurisprudencias* (which are legally binding) regarding each of the 3,074 Sections of the Code. The book ends with two specialized legal bibliographies. The second book is a bilingual (English-Spanish) edition, also annotated, of Mexico's Code of Commerce, formed by 1,463 Sections and originally enacted in 1889. These are probably the two most important codes in Mexico. With the *Mexican Legal Dictionary and Desk Reference* (published by Thomson/West in 2003), these books form the triad recently authored by Vargas on Mexican law.

In addition, Vargas published "Moral Damages under the Civil Law of Mexico.

On July 14, 2004, Vargas filed a complaint with Mexico's National Commission of Human Rights (CNDH) against the Government of Mexico on behalf of a group of Texas land claimants whose lands were despoiled in violation of Article VIII of the Treaty of Guadalupe Hidalgo of 1848, the International Convention on Claims between the U.S. and Mexico of 1941, and Mexican constitutional and human rights. The group of U.S. claimants is formed by 836 original claimants and the value of their lands totals \$245.1 million, as estimated by Mexico's Secretariat of Foreign Affairs (SRE) during the proceedings of the U.S.-Mexico International Claims Commission in 1927. No U.S. claimant has ever received any indemnification from

Mexico regarding their property loss.

Vargas also participated as a speaker at the international conference "U.S.-Mexico Extradition and Cross-Border Prosecution" organized by the USD Trans-Border Institute at the Kroc Institute for Peace and Justice on December 1, 2004, and attended by government officials and specialists from both countries.



**MARY JO WIGGINS** published two chapters in *Collier on Bankruptcy*, the leading scholarly treatise in the field of bankruptcy law. She published her article "Finance and Factionalism: The Uneasy Present (and Future) of Special Interest Committees in Corporate Reorganization Law" in volume 41 of the *San Diego Law Review*. Wiggins completed her second three-year term on the United States Judicial Conference Advisory Committee on Federal Bankruptcy Rules, and presented papers at the Biennial Bankruptcy Institute at the University of Kentucky School of Law and at the Spring Meeting of the American Bar Association Section of Business Law in Seattle, Washington. She was an invited faculty member at the American Bankruptcy Institute's "Symposium on the Fiftieth Anniversary of the Bankruptcy Code" in Washington, D.C.

Wiggins was appointed to the Editorial Board of the *American Bankruptcy Institute Law Review*. She served as a member of the Program Planning Committee for the National Conference of Bankruptcy Judges (NCBJ) 2004 Annual Meeting and she moderated a panel on "Bankruptcy Ethics" at the NCBJ 2004 Annual Meeting in Nashville, Tennessee. She served as coach and advisor to the University of San Diego School of Law's bankruptcy moot court team at the 2003 Conrad Duberstein Bankruptcy Moot Court Competition in New York, New York.

# academic year in review

## SCHOOL EVENTS

*USD faculty and student groups host a variety of extracurricular events which enrich the intellectual life of the School of Law community. The following list includes many of the highlights of the 2003-2004 academic year.*

**"Everything You Need to Know About Securing a 2L Summer Position,"** sponsored by the Student Bar Association, August 2003.

**"Oral Advocacy Opportunities at USD School of Law,"** sponsored by the Appellate Moot Court Board, the National Mock Trial Team and the USD ATLA Chapter, August 2003.

**Graduate Programs Fall Reception,** sponsored by the Office of Graduate Law Programs, September 2003.

**"Abogados sin Fronteras,"** USD law students join Professor Jorge Vargas for an hour each week to learn proper legal terminology, read contracts and the Mexican constitution in Spanish, and converse with bilingual professionals from both the United States and Mexico, fall 2003.

**Mediation Training Program,** sponsored by Pro Bono Legal Advocates, September 2003.

**Lunch and discussion with The Honorable John Chiang,** State Board of Equalization, Fourth District, sponsored by the Graduate Tax Law Program and the Tax Law Society, September 2003.

**"Special Ed Training,"** with guest speaker Margaret Dalton, sponsored by Pro Bono Legal Advocates, September 2003.

**"How to Give a Closing Argument"** with distinguished local attorneys and guest speakers Ben Bunn and Chris Hulbert, sponsored by the Association of Trial Lawyers of America, September 2003.

**Alumni Torts Competition,** sponsored by the Appellate Moot Court Board, September 2003.

**"Islam vs. the West: Is America to Blame for Terrorism?"** with guest speaker Dinish D'Souza, presented by the Republican Law Student Association with the assistance of the Young Americans Foundation, September 2003.

**"50th Anniversary Inaugural Celebration"** (reception and historical program), sponsored by the School of Law, September 2003.

**"War Stories about Finding a Job and Working in IP Law"** with guest speaker Laurie Axford (partner, Pennie & Edmonds), sponsored by the Intellectual Property Association, October 2003.

**The Red Mass,** a Mass traditionally celebrated on the first Monday in October where it coincides with the opening of a new session of the United States Supreme Court, celebrated by the Most Reverend Salvatore J. Cordileone '78, Auxiliary Bishop of San Diego, co-sponsored by the USD School of Law and St. Thomas More Society of San Diego, October 2003.

**"Do Guns Cause Crime?"** with guest speaker John Lott, Jr., author and American Enterprise Institute scholar. Presented by the USD Federalist Society for Law and Public Policy Studies, October 2003.

**"The Power of the ATLA,"** with guest speaker David Casey '74 (national president of ATLA and partner at Casey Gerry Reed & Schenk), sponsored by the USD School of Law ATLA Chapter, October 2003.

**Dedication and Naming of the Darrell D. Bratton Classroom,** hosted by the School of Law, October 2003.

**"Success in the Practice of Law"** — an insightful lunch program for all USD law students, with guest speakers The Honorable J. Richard Haden (Judge, San Diego Superior Court) speaking on "Successful Interaction with Decision Makers;" Todd Stevens '88 (past president of the San Diego County Bar Association) speaking on "Successful Interaction with Opposing Counsel;" and Kenneth C. Turek (Endeman Lincoln Turek & Heater) speaking on "Personal Attributes of Successful Lawyers." Sponsored by the San Diego County Bar Association and its Law School Relations Committee, October 2003.

**Michelle Lyman, USD graduate and Chief Counsel for the California Coastkeeper Alliance,** discussing her career practicing environmental law as well as summer internship possibilities, sponsored by the USD Environmental Law Society, October 2003.

**"Has America Lost its Moral Consensus? Are We Defining Deviancy Down?,"** Ann Hendershot, USD professor and author, discusses her book, *The Politics of Deviance*, presented by the Republican Law Student Association, October 2003.

**Guest speaker Michele Benedetto, Esq., Equal Justice Works fellow, Youth Outreach Program, Legal Aid Society of San Diego, Inc.,** discussing career planning and opportunities, including fellowship projects and public interest law careers, sponsored by Pro Bono Legal Advocates, October 2003.

**Guest speaker Harold W. Fuson, Jr., vice president and chief legal officer of The Copley Press Inc.,** discussing media and First Amendment law, sponsored by the Sports & Entertainment Law Society, November 2003.

**The 2003 USD School of Law Distinguished Alumni Award**, presented by the Law Alumni Association Board of Directors, to The Honorable Peter W. Bowie '71 and Theodore J. Boutrous, Jr. '87, sponsored by the Office of Development and Alumni Relations, November 2003.

**Jessup International Law Moot Court Competition — Final Round**, sponsored by the Appellate Moot Court Board, November 2003.

**"Discussion: The Patriot Act,"** with guest speaker Candace Carroll, sponsored by the Women's Law Caucus, November 2003.

**Annual Consumer Attorneys of San Diego Mock Trial Competition**, November 2003.

**Sports & Entertainment Law Society presents Reid Middleton '95 and Chris Stuart '96 of the Upper Deck**, who discussed their respective roles as senior corporate counsel and director of licensing for this worldwide sports and entertainment company, November 2003.

**"Are the Markets Out of Control?"** an MCLE program with guest speaker William Lerach, a nationally recognized securities lawyer with the firm of Milberg Weiss Bershad Hynes & Lerach, along with speakers/USD professor Michael Devitt, Hugh Friedman, and Frank Partnoy. Sponsored by the Office of Development and Alumni Relations, November 2003.

**"How Catholic Should a Catholic Law School Be?"** a forum headed by Dean Daniel Rodriguez, presented by the St. Thomas More Society, November 2003.

**A Celebration of the Life of Professor Darrell Bratton**, mass and reception, December 2003.

**"Career Opportunities with Accounting Firms"** with guest speaker Donald Blackwell, tax partner at Ernst & Young, LLP, sponsored by the USD Graduate Tax Program and the Tax Law Society, January 2004.

**Graduate Programs Spring Reception**, sponsored by the Office of Graduate Law Programs, January 2004.

**"Bedlam in the Courtroom: Mental Health Defenses,"** a seminar focusing on recent developments in the ever-changing intersection of the criminal justice and mental

health systems, with moderators USD law Professor Laura Berend and adjunct law Professor Alex Landon and various guest speakers. Presented by the School of Law, the San Diego Psych-Law Society and the San Diego Psychological Association, January 2004.

**22nd Annual Careers in the Law** — a brief panel presentation followed by a reception with alumni. Sponsored by the School of Law, the Law Alumni Board of Directors, the Office of Development and Alumni Relations, and the Career Services Office, February 2004.

**"Illegal Tobacco: Extortion Masquerading as Law,"** an event presented by the Federalist Society featuring Dr. Robert Levy, Senior Fellow in Constitutional Studies, CATO Institute, February 2004.

**"Trial Advocacy in the Public Sector"** with guest speakers Matt Greco, deputy district attorney, and Steve Wadler, alternate public defender, sponsored by USD ATLA, February 2004.

**"The Bush Immigration Plan: Slow Motion Amnesty?"** with guest speaker Ira Mehlman (Federation for American Immigration Reform) discussing President Bush's new immigration proposal, sponsored by the Republican Law Student Association, February 2004.

**"Employment Law: Ever Changing, Always Expanding"** with guest speaker Abby Silverman, sponsored by the Women's Law Caucus, February 2004.

**The USD Environmental Law Society presents guest speaker Nicole Capretz**, legal and policy advisor to San Diego City Council Member Donna Frye, February 2004.

**"Final Round Arguments of the Paul A. McLennon, Sr. Honors Moot Court Competition"** before guest judges The Honorable Antonin Scalia (Associate Justice, United States Supreme Court), The Honorable Michael Hawkins (Judge, United States Court of Appeal, Ninth Circuit), and The Honorable Judith Haller (Associate Justice, California Court of Appeal, Fourth District), sponsored by the Appellate Moot Court Board, February 2004.

**Multi-Cultural Law Day**, tour and visit by high school students and prospective students, February 2004.

**2004 Law School Visit Day** for accepted applicants, including a tour, financial aid and career services overviews, a class presentation and lunch with members of the campus community, sponsored by the School of Law, March 2004.

**"Restoring the Lost Constitution,"** with guest speaker Randy Barnett, sponsored by the Federalist Society, March 2004.

**50th Anniversary Event — Casino Night**, sponsored by the Student Bar Association and the School of Law, March 2004.

**"Water Quality Issues in San Diego: a Panel Discussion"** — featuring representatives from the governmental, nonprofit, and industrial sectors of San Diego, including Jack Minan, chair, California Regional Water Quality Control Board and USD professor of law; Bruce Reznik, executive director, San Diego Baykeeper; and S. Wayne Rosenbaum, special counsel, Foley & Lardner LLP. Presented by the Environmental Law Societies of University of San Diego School of Law and Thomas Jefferson School of Law, March 2004.

**"A Panel on Life as In-House Counsel,"** including Bernard Porter, Jr., vice president of risk management and assistant general counsel of the San Diego County YMCA, presented by the Business Law Society, March 2004.

**Symposium: "Secret Settlements v. The Public Interest,"** exploring the propriety of counsel demanding or participating in secret agreements and the imprimatur frequently given to them by the courts. Moderated by Judge H. Lee Sarokin, U.S. circuit judge (retired) and USD distinguished jurist-in-residence, with panelists The Honorable M. Margaret McKeown, U.S. circuit judge; The Honorable Barry Ted Moskowitz, U.S. District Court judge; Laurence Claus, USD professor of law; Michael Devitt, USD professor of law; William Sullivan, Esq., and Arthur Lipper III, businessman and entrepreneur. March 2004.

**"Fall Interviewing and Hiring: The Employer's Perspective"** seminar, with speakers from Cooley Goodward, Fish & Richardson, and Pillsbury Winthrop, sponsored by the Career Services Office, March 2004.

**Charity Fundraiser Auction** of faculty experiences and local business items, including a ride on a professor's private jet, wine tasting, and a courtroom tour. Sponsored by the Women's Law Caucus, March 2004.

**Debate: "Is Same Sex Marriage a Civil Right?"** sponsored by Pride Law and the Republican Law Society, March 2004.

**USD ATLA Spring Mock Trial Tournament**, April 2004.

**2004 Law School Visit Day** for accepted applicants, including a tour, financial aid and career services overviews, a class presentation and lunch with members of the campus community, sponsored by the School of Law, April 2004.

**"Islamic Law, Reform and Constitutionalism in Iran,"** with guest speaker Dr. Ali Gheissari (USD professor, Departments of Theology & Religious Studies and

History, and law graduate of Tehran University), including a discussion on U.S. attempts to craft constitutions in Afghanistan and Iraq. Sponsored by the Islamic Legal Society, Muslim Students Association, and the International Law Society, April 2004.

**"17 Years on Death Row, 7 Hours from Execution,"** with guest speaker William Neal Moore, one of seven men who have had their death sentences commuted by the Georgia Board of Pardons and Paroles and the only one who has been released. Sponsored by Pro Bono Legal Advocates and Public Interest Law Foundation, April 2004.

**Nathaniel L. Nathanson Memorial Lecture Series, 20th Lecture, "Memories,"** with guest speaker **The Honorable John Paul Stevens, Associate Justice, United States Supreme Court**, who also delivered the inaugural

lecture in this distinguished lecture series, April 2004.

**Guest speaker Zeke Lopez** (formerly in-house counsel for MGM Studios, entertainment lawyer with Arnold & Porter's Century City office, and currently an entertainment lawyer at Greenberg Traurig's Santa Monica office; has represented Pierce Brosnan, Kevin Costner and others) on how to start out as an entertainment lawyer and build your career towards that area of practice. Presented by the Sports & Entertainment Law Society, April 2004.

**"Thomas More and the Meaning of Conscience,"** a lecture and discussion with USD law Professor Steven Smith, Warren Distinguished Professor of Law, sponsored by the St. Thomas More Society, April 2004.

#### USD-UCSD Law, Economics, and Politics Workshops, 2003-2004

The Law, Economics, and Politics Workshop Series is a collaborative effort sponsored by the University of San Diego School of Law and the University of California at San Diego, Department of Political Science. The series is hosted by Dean Daniel B. Rodriguez of USD and Professor Mathew D. McCubbins of UCSD, and features distinguished scholars from around the country as well as from USD and UCSD. Lectures rotate between the two venues and provide a forum for the intellectual exchange of ideas as well as foster fruitful collaborations between two distinguished and unique academic institutions in San Diego.

**Philip Keefer**, senior research economist, Development Research Group, World Bank: "Democratization and Clientelism: Why Are Young Democracies Badly Governed?" October 2003.

**Einer R. Elhauge**, professor of law, Harvard Law School: "Preference-Estimating Statutory Default Rules," October 2003.

**Kathryn E. Spier**, professor of management and strategy, Kellogg School of Management, Northwestern University: "Manufacturer Liability for Harms Caused by Consumers to Others," November 2003.

**Elizabeth Garrett**, professor of law and communication, University of Southern California; director of the USC-Caltech Center for the Study of Law and Politics: "Framework Legislation," November 2003.

**Daniel A. Farber**, Sho Sato Professor of Law; director, Environmental Law Program, University of California, Berkeley School of Law: "Is There a Text in this Class? The Conflict Between Textualism and Antitrust," November 2003.

**Peter L. Strauss**, Betts Professor of Law, Columbia University School of Law: "Statutes That Are Not Static: The Case of the APA," December 2003.

**Frederick Schauer**, Frank Stanton Professor of the First Amendment, John F. Kennedy School of Government, Harvard University: "The Tyranny of Choice and the Rulification of Standards," February 2004.

**Adrian Vermeule**, Bernard D. Meltzer Professor of Law, University of Chicago: "The Judiciary Is a They, Not an It: Two Fallacies of Interpretive Theory," April 2004.

**Gillian Hadfield**, professor of law, University of Southern California Law School: "Do Most Cases Settle? What We Know and Don't Know About the 'Vanishing Trial' and the Changing Disposition of Federal Civil Cases," April 2004.

**Kim Lane Scheppele**, John J. O'Brien professor of comparative law and professor of sociology, University of Pennsylvania: "States of Exception and the Temptations of 9/11," April 2004.

**Eric Talley**, professor of law, University of Southern California Law School and RAND Corporation: "Corporate Governance: Executive Compensation and Securities Litigation," April 2004.

**Jerry L. Mashaw**, Sterling Professor of Law and Management, Yale University: "Agency Statutory Interpretation," May 2004.

# academic year in review

## faculty colloquia

*A listing of the faculty colloquia presented during the 2003-2004 academic year.*

**Nicole Garnett**, associate professor of law, University of Notre Dame Law School: "Property Regulation and the Public Order," September 2003.

**Richard Garnett**, associate professor of law, University of Notre Dame Law School: "Religion, Division, and the First Amendment," September 2003.

**Norman W. Spaulding, III**, acting professor of law, University of California, Berkeley School of Law: "Constitution as Counter-Monument: Federalism, Reconstruction and the Problem of Collective Memory," September 2003.

**Jill E. Fisch**, Alpin J. Cameron Professor of Law, Fordham University School of Law: "The Qualified Legal Compliance Committee: Using the Attorney Conduct Rules to Restructure the Board of Directors," October 2003.

**Lan Cao**, professor of law, College of William & Mary, Marshall-Wythe School of Law: "The Diaspora of Ethnic Economies: Beyond the Pale?," October 2003.

**William Van Alstyne**, William R. and Thomas S. Perkins Professor of Law, Duke University School of Law: "Federalism Decisions and the Rehnquist Court," October 2003.

**Stanley Fish**, dean, College of Liberal Arts and Sciences, University of Illinois, Chicago; **Stephen G. Gey**, Fonvielle and Hinkle Professor of Litigation, Florida State University College of Law; **Leslie C. Griffin**, Larry and Joanne Doherty Chair in Legal Ethics, University of Houston Law Center; **Michael J. Perry**, Robert W. Woodruff Professor of Law, Emory University School of Law; **Nomi M. Stolzenberg**, Nathan and Lilly Shapell Professor of Law, University of Southern California Law School: Institute for Law and Philosophy Roundtable on Religion, November 2003.

**William Araiza**, professor of law, Loyola Law School, Los Angeles: "The Section 5 Power and the Three-Tiered Structure of Equal Protection," November 2003.

**F. Scott Kieff**, associate professor of law, Washington University School of Law (St. Louis): "The Case for Registering Patents and the Law and Economics of Present Patent-Obtaining Rules," November 2003.

**Stacey L. Dogan**, associate professor of law, Northeastern University School of Law: "Trademarks and Consumer Search Costs on the Internet," February 2004.

**Martha Fineman**, Robert W. Woodruff Professor of Law, Emory University School of Law: "The Autonomy Myth: A Theory of Dependency," February 2004.

**Steven Smith**, professor of law, University of San Diego School of Law: "Nonestablishment 'Under God'? The Nonsectarian Principle," February 2004.

**John S. Dzienkowski**, John S. Redditt Professor in State and Local Government, University of Texas at Austin School of Law: "The Judicial Regulation of Lawyers' Conduct in the Litigation," March 2004.

**Randy E. Barnett**, Austin B. Fletcher Professor of Law, Boston University School of Law: "Restoring the Lost Constitution," March 2005.

**Connie Rosati**, professor, University of California at Davis Philosophy Department: "Some Puzzles About the Objectivity of Law," March 2004.

**Christopher R. Drahozal**, professor of law, University of Kansas School of Law: "Ex Ante Selection of Disputes for Litigation," March 2004.

**Stanley Fish**, dean, College of Liberal Arts and Sciences, University of Illinois, Chicago; **Dagfinn Follesdal**, professor of philosophy, Stanford University, Department of Philosophy: Institute for Law and Philosophy Roundtable: "What is Legal Interpretation?" April 2004.

**John A. Swain**, associate professor of law, University of Arizona James E. Rogers School of Law: "Piercing the Veil to Assert Personal Jurisdiction Over Corporate Affiliates: An Empirical Study of the Cannon Doctrine" and "Cybertaxation and the Commerce Clause: Entity Isolation or Affiliate Nexus?" April 2004.

**Allen Buchanan**, professor of philosophy, University of Arizona Department of Philosophy, and Fellow of the National Humanities Center: USD Institute for Law and Philosophy Public Lecture, April 2004.

**Paul Horwitz**, visiting professor of law, University of San Diego School of Law: "Grutter's First Amendment," April 2004.

**Richard H. Pildes**, Sudler Family Professor of Constitutional Law, New York University School of Law: "Emergency Contexts Without Emergency Powers: The United States' Constitutional Approach to Rights During Wartime," May 2004.

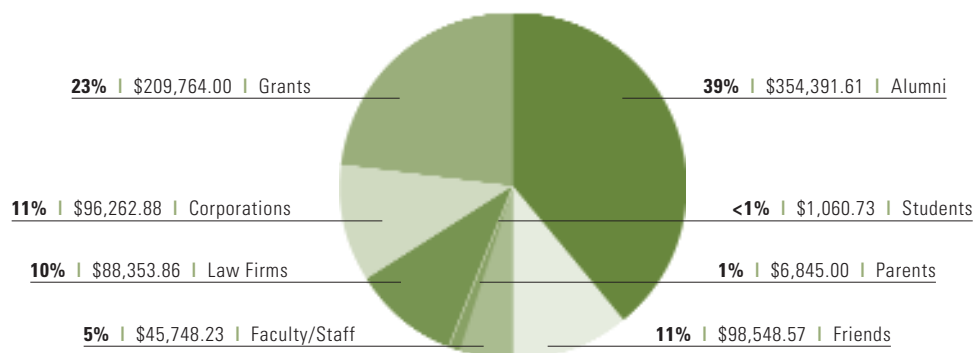
# honor roll



## School of Law Annual Giving

**A**s the 2003-2004 chair of the University of San Diego School of Law's Development Committee, I am pleased to present the School of Law's Annual Report on Giving for fiscal year 2003-2004. We greatly appreciate the generous support and dedication of our alumni, students and friends. Your support is critical to the success of the school—it helps the School of Law remain healthy and allows us to meet the challenges of the future.

The USD School of Law received more than \$900,000 during the 2003-2004 fiscal year. Contributions were used to help fund a variety of areas, including faculty endowment, financial aid, the legal clinics, the Legal Research Center, the Center for Public Interest Law and the Children's Advocacy Institute. The generosity of our donors is illustrated in the following chart.



To everyone listed in these pages, thank you for your support. If you were unable to contribute in 2003-2004, I invite you to join the thousands of alumni and friends whose donations have helped USD rise to one of the most prominent law schools in the country. Your generous contributions are essential to the future of our school and our students.



Dennis Doucette '86  
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# honor roll

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*The Dean's Circle, founded in November 1995, recognizes those individuals and organizations whose cumulative philanthropy through June 30, 2004 to the USD School of Law totals or exceeds \$100,000. USD is most grateful to these members of the Dean's Circle.*

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The following clubs recognize alumni, faculty, students and friends who contributed to the USD School of Law during the 2003–2004 fiscal year at various levels.

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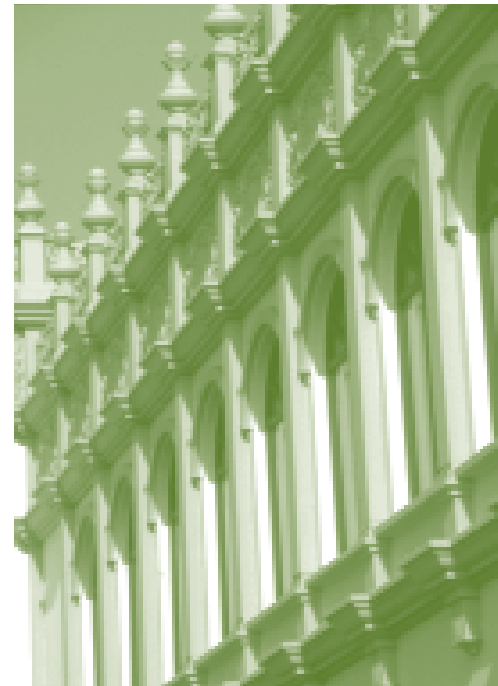
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**APRIL 2005**

Recent Alumni Happy Hour  
Contact the Office of Development  
and Alumni Relations  
619-260-4692

**APRIL 13, 2005**

Special Session: U.S. Court of Appeals  
for the Ninth Circuit  
Peace and Justice Theatre,  
Kroc Institute for Peace and Justice  
9:00 a.m. to 11:00 a.m.  
Contact Theresa A. Hrenchir  
Director of Special Projects  
619-260-7438 or [hrenchir@sandiego.edu](mailto:hrenchir@sandiego.edu)

**APRIL 30, 2005**

Alumni Honors Celebration and Dinner  
Contact the Office of Development  
and Alumni Relations  
619-260-4692

**MAY 3, 2005**

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

**MAY 27, 2005**

School of Law Graduation Awards Ceremony  
5:00 p.m., Shiley Theatre  
Contact the Office of Development  
and Alumni Relations  
619-260-4692

**MAY 28, 2005**

School of Law Commencement  
9:00 -11:00 a.m.  
Jenny Craig Pavilion  
Contact the Office of Development  
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U.S. Supreme Court Justice **Sandra Day O'Connor** is pictured chatting with University of San Diego law students **Tim Cross '06** and **Ryan Stack '06** on August 12, 2004. Justice O'Connor visited USD to take part in a La Jolla Music Society concert hosted by the School of Law at the Kroc Institute for Peace and Justice, at which she spoke of the relationship between music and the law.

parting shot



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