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university of san diego SCHOOL OF LAW

advocate



Daniel Rodriguez:
Seven Years of Forward Motion

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WRITERS

Professor Nancy Carol Carter
Jennifer Coburn
George Decker
Erin Drenning '07
Kristin Essner '06
Abigail Gurney
Angie Jensen
The Honorable H. Lee Sarokin
Jessica Winters '07

CONTRIBUTORS

Erin Drenning '07
Michael Egenthal '09
Kristin Essner '06
Trevin Hartwell
Theresa Hrenchir
JoEllen Kay
Anna A. Long '06 (LL.M.)
Brent Wakefield

PHOTOGRAPHERS

Brigid Bennett
George Decker
Angie Jensen
Pablo Mason
Rodney Nakamoto

DESIGN

Patera, a graphic design company

COVER PHOTO

Pablo Mason

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Please address all correspondence to:
The *Advocate*
University of San Diego School of Law
5998 Alcalá Park
San Diego, CA 92110-2492
Phone: (619) 260-4207
E-mail: lawpub@sandiego.edu

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message from the dean

Supporting Faculty Projects



Our faculty continues to gain national recognition for its accomplishments. For example, in a survey this semester, the faculty ranked 23rd nationally in the impact of its scholarship, as measured by how often its work is cited in other scholarship. This latest confirmation of the faculty's quality, coupled with the article in this issue announcing the school's capital campaign, presents a good opportunity to illustrate how the faculty's accomplishments are aided and abetted by the financial support of alumni and other friends of the school.

Consider just two faculty members whose work is currently being supported by donations to the school.

Professor Michael Ramsey is currently the law school's Herzog Endowed Scholar. Professor Ramsey joined the faculty in 1995 after clerking for United States Supreme Court Justice Antonin Scalia and working at Latham & Watkins. The author of several law review articles, including articles in the *Yale Law Journal* and the *University of Chicago Law Review*, Professor Ramsey is currently working on a

book, to be published by Harvard University Press, entitled "The Constitution's Text in Foreign Affairs."

Professor William Lawrence currently holds the law school's Class of 1975 Professorship. Professor Lawrence also joined the faculty in 1995 after establishing a national reputation as an expert in commercial law as the Robert W. Wagstaff Professor of Law at the University of Kansas. He is the author of several books in the field, including three treatises—on sales, personal property leasing, and commercial paper. He is currently revising his treatises to keep them up to date while also authoring law review articles in the field.

Both the Herzog award and the Class of 1975 Professorship are supported by endowments, permanent accounts created by gifts that are invested to generate income. We use the income from these endowment accounts to give faculty reduced teaching loads that allow completion of intense scholarly projects and to cover the expenses of scholarly endeavors. Part of the income from the gift is plowed back into the account to keep pace with inflation. The result of these endowments is perpetual support to the law school, along with recognition for the donor or the person whom the donor wishes to honor by his or her gift. These endowments also permit us to recognize the past accomplishment of faculty while supporting their current work.

Assistance of this kind is essential to the school's ability to remain competitive in the market for the best available

faculty. Gifts below the endowment level can also support faculty work. For example, we aggregate gifts to our annual fund to provide summer research grants to support worthy faculty projects and to fund faculty travel to national conferences. Faculty participation in these conferences raises the profile of both the faculty member and the school.

Of course, supporters of the school may designate the purpose for which their funds will be used, and many other aspects of the school's mission—including scholarship aid and loan forgiveness, to mention just two—are sustained by generous gifts from alumni and other friends. The focus here on faculty projects merely illuminates one important (and perhaps nonobvious) way in which the financial support by alumni and other friends has helped USD on its continued rise into the upper echelon of American law schools.

A handwritten signature in dark ink that reads "Kevin Cole". The signature is written in a cursive, slightly slanted style.

KEVIN COLE
INTERIM DEAN AND PROFESSOR OF LAW

Running for Dean

The law school has just completed interviewing its four finalists for dean. In some ways the process reminds me of running for president—of the United States, that is.

Each candidate has spent two consecutive and, judging from their schedules, *grueling* days giving presentations to, being interviewed by and dining with the law school's key leaders and constituencies. For example, one candidate began his first day here at 7:30 a.m. by joining alumni for breakfast, and then continued nonstop for eight more sessions with faculty, administrators and students before ending his day with a 6:30 p.m. dinner with faculty members. His *second* day of vetting was no less tiring.

This does not seem so different from a day in the life of a candidate campaigning in the New Hampshire presidential primary. His or her agenda might begin with breakfast with union or religious leaders at a Manchester diner, followed by a gathering at a V.F.W. hall; shaking hands with workers outside a factory; a rally at a shopping mall; a meeting with newspaper editors; an appearance on a local TV news program; and dinner with members of an ethnic organization.

The thorough way we evaluate prospective deans—similar to the way prospective presidents are evaluated—underscores the importance of the choice to the law school's diverse stakeholders. Though exhausting to the candidates, I can think of no better way for the law school to get to know them and for them to get to know the law school. Our thanks go to Professor

Steve Smith and the members of the Law School Dean Search Committee for the hard work they have put into this endeavor and the thoughtful judgment they have exercised in selecting the finalists.

The cover story of this issue of the *Advocate* looks back at Daniel Rodriguez' seven years as dean. I anticipate that the cover story of the *next* issue will profile the new dean and his vision for the law school. I'm already taking good notes.



A handwritten signature in cursive script that reads "George Decker".

GEORGE DECKER
DIRECTOR OF PUBLICATIONS

Four Outstanding New Law Faculty Join USD

The School of Law recently concluded an extremely successful year of faculty hiring, resulting in the arrival of four outstanding new full-time professors whose expertise and diverse backgrounds will greatly enrich the law school's academic life.

ORLY LOBEL ASSISTANT PROFESSOR OF LAW



Orly Lobel joins the USD law faculty after serving as a lecturer at Yale Law School. She writes and teaches in the areas of employment law, administrative law, legal theory, and torts. Before coming to USD, she also served as a fellow at the Harvard University Center for Ethics and the Professions, the Kennedy School of

Government's Hauser Center for Non-Profit Research, and the Weatherhead Center for International Affairs. Lobel clerked for Justice Professor Itzhak Zamir of the Supreme Court of Israel. Her current research focuses on new models of law and governance in the context of the new economy, the labor market, privatization and new public management techniques. Lobel's recent publications include "The Renew Deal: The Fall of Regulation and the Rise of Governance in Contemporary Legal Thought," 89 *Minnesota Law Review* 342 (2004); "Setting the Agenda for New Governance Research," 89 *Minnesota Law Review* 498 (2004); "Orchestrated Experimentalism in the Regulation of Work," 101 *Michigan Law Review* 2146 (2003); "Interlocking Regulatory and Industrial Relations: The Governance of Workplace Safety," *Administrative Law Review* (forthcoming); and "The Four Pillars of Work Law," *Michigan Law Review* (forthcoming). She is also the author of *Labour Law* (Ethics Press, 1998) [in Hebrew], a book on Israeli employment and labor law.

Lobel holds an LL.B., *magna cum laude*, from Tel Aviv University and is a candidate for an S.J.D. from Harvard University.

"I am excited to join the faculty and help develop the employment and work law curriculum," says Lobel. "In San Diego, a border county, it's important to understand the consequences of globalization upon trade, labor, migration and economic growth. I look forward to thinking with my students and my new USD colleagues about these hot topics and contributing to the key fields of social justice and policy reform."

LESLEY K. MCALLISTER ASSISTANT PROFESSOR OF LAW



Before joining the USD law faculty, Lesley McAllister clerked for the Honorable Fern M. Smith of the U.S. District Court for the Northern District of California and also worked for Earthjustice and the U.S. Environmental Protection Agency Office of Regional Counsel. Her scholarly interests

are interdisciplinary, encompassing the fields of environmental studies, law and social science, and law and development. She teaches in the areas of environmental law and property law. McAllister's doctoral dissertation, "Environmental Enforcement and the Rule of Law in Brazil," focused on the role of Brazilian prosecutors in environmental enforcement. Her other publications include "Judging GMOs: Judicial Application of the Precautionary Principle in Brazil," 32 *Ecology Law Quarterly* (2005) and "Public Prosecutors and Environmental Protection in Brazil," *Environmental Issues in Latin America and the Caribbean* (Springer Press, 2005).

McAllister holds a B.S.E., *magna cum laude*, from Princeton University, a J.D. with distinction from Stanford University and a Ph.D. from the University of California, Berkeley.

"Being at USD—so close to the Mexican Border—presents exciting and unique opportunities to study and teach how different legal systems interact and work together," says McAllister.

“USD is a great place to think seriously about the law without taking yourself too seriously.” —Professor David McGowan

DAVID MCGOWAN PROFESSOR OF LAW



David McGowan joins the USD law faculty from the University of Minnesota Law School. He teaches and writes in the areas of antitrust, copyright, contracts, corporations, securities regulation, professional responsibility and freedom of expression. His current research includes the regulation of digital content, website access,

and the relationship between copyright and freedom of speech, among other areas. Before joining the Minnesota law faculty, McGowan practiced law in San Francisco with the firms Skadden, Arps, Slate, Meagher & Flom, and Howard Rice Nemerovski Canady Falk & Rabkin, where he became a director in 1998. Before entering practice, he was a law clerk to the Honorable A. Raymond Randolph of the U.S. Court of Appeals for the District of Columbia Circuit. From 1995 to 1998, Professor McGowan was a lecturer at Boalt Hall School of Law. His recent publications include “The Trespass Trouble and the Metaphor Muddle,” 1 *Geo. Mason J. Law Econ. & Pol’y* (forthcoming); “Why Not Try the Carrot? A Modest Proposal to Grant Immunity to Lawyers Who Disclose Client Financial Misconduct,” *Cal. L. Rev.* (forthcoming); and “Why the First Amendment Cannot Dictate Copyright Policy,” 65 *U. Pitt. L. Rev.* 281 (2004).

He holds a B.A., *magna cum laude*, from the University of California, Los Angeles, and a J.D. from the University of California, Berkeley.

“I decided to come to USD because of the people in the law school community,” says McGowan, whose wife, Miranda Oshige McGowan, has also recently joined the USD law faculty. “When we visited last fall, we found that our colleagues on the faculty are terrific and engaged scholars who are also fun people to be with. Our students were

smart and worked hard, and they had managed to hang on to their sense of humor, which helps a lot near the end of the semester. USD is a great place to think seriously about the law without taking yourself too seriously.”

MIRANDA OSHIGE MCGOWAN PROFESSOR OF LAW



Miranda Oshige McGowan comes to USD from the University of Minnesota Law School. She teaches and writes in the areas of employment discrimination, constitutional law, race and gender identity, law and literature, and jurisprudence. Her current research includes an empirical analysis of U.S. Supreme Court

Justice Antonin Scalia’s methodology in statutory interpretation cases and an analysis of the nature of group identity and its relationship to protection from discrimination under the Equal Protection Clause of the 14th Amendment. Professor McGowan clerked for the Honorable John T. Noonan, Jr., of the U.S. Court of Appeals for the Ninth Circuit. After her clerkship, she practiced employment discrimination law and complex litigation with Howard Rice Nemerovski Canady Falk & Rabkin in San Francisco until she joined the University of Minnesota Law School faculty in 1998. McGowan’s recent publications include “From Outlaws to Ingroup: *Romer*, *Lawrence*, and the Inevitable Normativity of Group Recognition,” 88 *Minn L. Rev.* 1312 (2004); “Certain Illusions about Speech: Why the Free-Speech Critique of Hostile Work Environment Harassment is Wrong,” 19 *Con. Comm.* 101 (2003); and “Reconsidering the Americans with Disabilities Act,” 35 *Georgia L. Rev.* 27 (2001).

McGowan holds a B.A., *magna cum laude*, from the University of California, Berkeley, and a J.D., with distinction, from Stanford University.

Hughes Career Achievement Award Presented to Hon. Napoleon Jones Jr. '71



On Saturday, April 30, 2005, the University of San Diego presented the Honorable Napoleon Jones Jr. '71, U.S. District Court for the Southern District of California, with the Author R. Hughes Career Achievement Award.

The award originated in 1995 in honor of President Emeritus Author E. Hughes for his outstanding achievements and his commitment to excellence. The award is given every year in recognition of the professional accomplishments of five graduates—one from each of the university's academic divisions.

Before attending the University of San Diego School of Law, Jones was a social worker in Foster Home Placement and Child Protective Services. After graduating from law school, he worked for California Rural Legal Assistance and Defenders Inc. He later went into private practice from 1975 to 1977 before serving as a San Diego Municipal Court judge and as a San Diego Superior Court judge. President Clinton appointed Jones to the U.S. District Court for the Southern District of California in 1994.

A member of numerous professional organizations—including the California Judges Association and the California Association of Black Lawyers—Jones has said he believes the greatest benefit of being a judge is creating an atmosphere in which justice can be pursued.

The School of Law Website Gets an Extreme Makeover

On Monday, May 16, 2005, the law school's new website went live online after more than a year of collaborative effort by the Law School Publications department, key law school administrators and faculty, members of USD's Information Technology Services and the San Diego web development firm PINT.

While not nearly as controversial as Fox TV's "The Swan" or as emotional as Ty yelling "Move that bus!" on ABC's "Extreme Makeover: Home Edition," the redesign of the law school's website was definitely extreme. "We left nothing untouched—appearance, navigation, content, the search engine—we rebuilt the site from the ground up," says George Decker, director of Law School Publications.

The overall objective of the redesign was to develop a user-friendly site structure, consolidate content and create an appealing design for the website consistent with the new USD website look and feel.

The site also takes advantage of the latest in PHP and cascading style sheets. PHP is a scripting language that provides websites with additional functionality. Cascading



style sheets dictate how different elements on Web pages appear throughout an entire site. Previously, a change in navigation or style would take days to make; now these changes take a fraction of the time.

So if you haven't seen the new website yet, visit www.law.sandiego.edu for your own personal unveiling.

Federal Appellate Judges Kozinski, McKeown and Sarokin Hear 2005 McLennon Moot Court Final Round

On March 11th, two members of the law school's Class of 2006—Kriste Draper and Christopher Turtzo—fielded a barrage of tough questions from a panel of three distinguished federal appellate judges in the final round of the 2005 Paul A. McLennon, Sr. Honors Moot Court Competition, held at the Joan B. Kroc Institute for Peace and Justice on the USD campus.

The case before the court, *Kincaid v. United States*, dealt with the constitutionality of the DNA Analysis Backlog Elimination Act of 2000 ("DNA Act"). The petitioner, Thomas Kincaid, had been released from prison after serving seven years for armed robbery. Pursuant to the DNA Act, Kincaid was notified he was required to submit a blood sample to the probation office. Kincaid refused, claiming the



Christopher Turtzo

Act violated his Fourth Amendment right against unreasonable search and seizure.

Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit presided over a panel that included fellow Ninth Circuit Judge M. Margaret McKeown and Judge H. Lee Sarokin of the U.S. Court of Appeals for the Third Circuit (ret.), who had been the



Kriste Draper

law school's Distinguished Jurist-in-Residence from 1999 to 2005. Last year, U.S. Supreme Court Justice Antonin Scalia served as presiding judge for the final round of the competition.

In the competition's final round, Turtzo represented petitioner Kincaid, and Draper represented the U.S. The questions directed to Turtzo mainly concerned the likelihood of felons to commit crimes again, and the value of DNA not only as an identifier, but also as a deterrent. Draper was questioned on whether taking such samples diminished the right of an individual to be presumed innocent until proven guilty. The panel ultimately gave the win to Draper while acknowledging that the final round was "very close."

Established through the generosity of USD law professor Michael Devitt and his family in honor of longtime family friend, attorney, and naval aviator Paul A. McLennon, Sr., the McLennon Honors Moot Court Competition provides an opportunity for students to develop their brief writing and advocacy skills and to test these skills in rigorous competition.



Judge M. Margaret McKeown and Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit, and Judge H. Lee Sarokin of the U.S. Court of Appeals for the Third Circuit (ret.).

Our Lawyering Skills I Faculty

Teaching students the skills that pay the bills

As first-year law students hurriedly work on researching and preparing for their first oral argument, our thoughts turn to the Lawyering Skills I instructors who are making them work so hard. The Lawyering Skills I program is the first class to teach students the bare bones of legal research and writing.

"They're really committed to the students," says Professor Janet Madden, director of the Academic Support Program, who works closely with first-year law students. "They are here on Saturdays and late at night. They have a lot of one-on-one conferences with the students."

Professor Leslie Oster, program director since 2001, is equally im-

pressed by the dedication and caliber of this year's faculty. "We've got a great group of instructors this year. All of them have impressive backgrounds," says Oster. "Our three returning instructors bring their USD teaching experience to the table, and our three new instructors bring their varied legal practice experience. As a group, we have been working together to think about how best to teach lawyering skills to our students, and we've been having a lot of fun in the process."

NEW FACULTY

Elisabeth "Lisa" Cannon previously worked for Latham & Watkins, where she was a member of the Ethics Com-

mittee and an associate attorney, practicing business litigation, for five years. She graduated *magna cum laude* from the Georgetown University Law Center, where she twice received an Outstanding Public Service award and was elected to the Order of the Coif. Cannon's bachelor's degree is from Harvard College, *cum laude*, in American History and Literature.

Kris B. Panikowski received her J.D. from the University of Virginia, where she was a senior editor of the *Virginia Journal of International Law*, recipient of the graduation prize for Outstanding Student in Trial Advocacy, and a Dillard Fellow, in which capacity she taught legal writing and research. She has a bachelor's degree in English and Spanish, and a master's in Communication from the University of Utah. Panikowski comes to USD after working at the law firm of Fish & Richardson P.C. Previously, she was an associate attorney at Luce, Forward, Hamilton & Scripps and a political consultant.

Junichi P. Semitsu taught at the University of California at Berkeley in both the law school (Boalt Hall) and in the Department of African American Studies before joining our staff. Semitsu is an honors graduate of Stanford Law School, where he won the Best Individual Oral Advocate award in the Kirkwood Moot Court Competition and served as senior editor/ombudsman of the *Stanford Law Review*. After graduation, Semitsu clerked for the Honorable James R. Browning of the United States Court of Appeals for the Ninth Circuit. His



From left to right: Professors Lisa G. Pearl, Leslie Oster (program director), Elisa A. Brandes, Junichi P. Semitsu, Toni Martinson, Kris B. Panikowski, and Elisabeth "Lisa" Cannon

publications include "Burning Cyberbooks in Public Libraries: Internet Filtering Software vs. the First Amendment," *Stanford Law Review*, as well as essays in the *Chicago Tribune* and the *New Crisis*.

RETURNING FACULTY

Elisa A. Brandes returns for her fourth year in the Lawyering Skills I program. She is a *magna cum laude* graduate of the University of San Diego School of Law, where she finished fifth in her class. Before joining our staff, Brandes worked as a criminal prosecutor in the City Attorney's Office, an associate at Seltzer Caplan McMahon Vitek and, most recently, she ran her own practice handling criminal appeals.

Toni Martinson begins her fifth year of service in our program. She received her J.D. *cum laude* from the University of Arizona College of Law, where she was a member of the Moot Court Board and the *Arizona Law Review*, and was elected to the Order of the Coif. Martinson worked for various Southern California civil litigation law firms, most recently Hayes Simpson Greene in San Diego, before joining our staff.

Lisa G. Pearl is back for her second year teaching in our program. After Pearl received her J.D. *cum laude* from Northwestern University School of Law, she served as a law clerk to the Honorable Elaine E. Bucklo of the United States District Court for the Northern District of Illinois. She taught at both DePaul University College of Law and Northwestern University School of Law before joining USD.

Professor John H. Minan Surveys Potential Impact of U.S.-Mexico Border Fence

On March 7, 2005, University of San Diego law Professor John H. Minan joined about 40 other government officials in a tour of the San Diego Sector of the U.S.-Mexico border infrastructure system conducted by members of the U.S. Border Patrol.

Because of Minan's expertise and background in environmental issues, the governor's office asked him to take part in the tour. In February 2005, Minan, who teaches and writes in the areas of land-use planning and water rights law, was elected to his fifth consecutive term as chairman of the San Diego Regional Water Quality Review Board.

During the tour, Minan focused on the potential impact on the environment of a controversial proposed fence along the border.

"The clash between homeland security and the environment was evident

during a familiarization briefing I attended on the completion of a proposed border fence adjacent to the Tijuana River National Estuary," says Minan. "Among other things, the proposed fence has the potential to increase settlement loads in the estuary. Such increases can choke the natural flows of water through the estuary and threaten its ecological value.

"Under the federal Clean Water Act, the federal government is required to secure a 401 certification from California that the proposed fence will meet state water quality standards. Unless the proposed fence is exempted by the president of the United States, the Regional Water Board has the regulatory authority to issue this certification. At this point, it is not clear whether the Department of Homeland Security will recommend to the president that the project be exempted."



From left to right: Crawford Tuttle, deputy secretary for external affairs, California Resources Agency; Professor John H. Minan; Meg Caldwell, chairperson, California Coastal Commission; and Terry Tamminen, cabinet secretary to the Governor of California.

Photographs by George Decker

GRADUATION



Johannes E. Benz, Susan Berry and Anne Forquenot de La Fortelle make their way to their seats along with other Master of Laws in Comparative Law recipients.

On Saturday, May 28, 2005, diplomas were awarded to 359 graduates of the University of San Diego School of Law, with thousands of family members and friends on hand in the Jenny Craig Pavilion to help them celebrate the occasion.

Jeffrey T. Thomas, a member of the law school's class of 1982 and its Alumni Association Board of Directors, and partner-in-charge of the Orange County, California, office of Gibson, Dunn & Crutcher LLP, was the featured speaker and honorary recipient of the Order of the Coif at the commencement ceremonies.

Professor Walter W. Heiser was awarded the 2004-2005 Thorsnes Prize for Excellence in Teaching; Professor Steven D. Smith received the 2004-2005 Thorsnes Prize for Outstanding Legal Scholarship; and Professor Heather Murr received the 2004-2005 Award to a Visitor for Excellence in Teaching.

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Heather Kinney,
a USD university
minister, gives
the invocation.



Dean Daniel B.
Rodriguez on stage
with USD President
Mary E. Lyons.

"This celebration is made somewhat bittersweet for me, as this is the last opportunity I will have to address the law graduates as dean. But, like all of you, I take solace in the fact that this milestone is not really an ending but a transition, a transition that bridges one important professional stage and another. I can tell you from the vantage point of my experience and the experience of my colleagues on this stage, this next era in your careers—the era in which you take your considerable talents, your training and your ambition to the practice of law—will be rewarding and invigorating."

Dean Daniel B. Rodriguez
University of San Diego School of Law



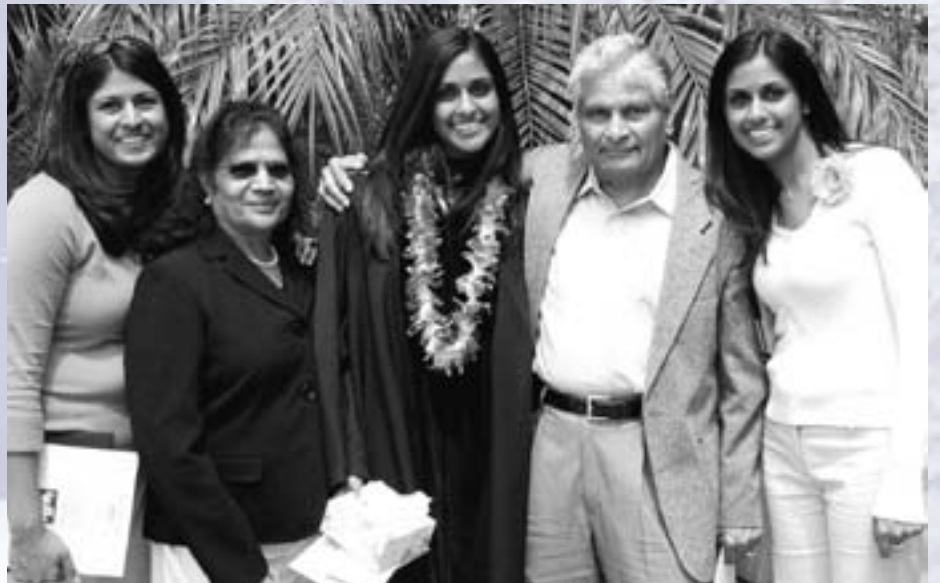
Michael Masterson gets
help with his robe from
Norman Academia.



Gary McCarthy, Justine Phillips, Yip Yu, Kara Keating-Stuart and Mario Correa take a moment to congratulate each other.



Marsha Amin and family stop for a post-graduation photo.





1



2



3

1. John Conroy and Cormac Kehoe celebrate.
2. Leonard Ward poses with proud wife and daughter.
3. Theresa Wolanin is barely visible among all her well-wishers.
4. Lourdes Epley is joined by her best friend Andrea Ochaba '04 (left) and her sister Marcela Harris (right).



4

GRADUATES RECEIVE AWARDS

1. Alan K. Brubaker, Esq. presents the Outstanding Trial Competition Team award to Norman Grissom, S. Elise Kert, Anna Yum and Pamela Tahim.
2. Fellow award recipients Ameca Park, Sarah P. Weber and Liam Duffy applaud as Karen Prosek receives the James A. D'Angelo Outstanding Child Advocate Award.
3. Sebastian Lucier receives the Valedictorian award.



CENTER FOR PUBLIC INTEREST LAW AND CHILDREN'S ADVOCACY INSTITUTE

Outstanding Contributor to the *California Regulatory Law Reporter*: Sarah Weber
 Outstanding Public Interest Advocate Award: Karen Prosek
 James A. D'Angelo Outstanding Child Advocate Award: Liam Duffy, Nichole Loble, Ameca Park, Karen Prosek

LEGAL CLINIC AWARDS

Outstanding Civil Clinic Intern: Adriana Cordoba
 Outstanding Criminal Clinic Intern: Daisy Hung
 Outstanding Entrepreneurship Clinic Intern: Elizabeth Razzano
 Outstanding Land Use Development Clinic Intern: Dorothy Chan
 Outstanding Small Claims Clinic Intern: Roberto Gorostieta
 Outstanding Special Education Clinic Intern: Lori Gaines
 Outstanding Tax Clinic Intern: Kelly Mooney
 Outstanding Environmental Clinic Intern: *Professor Robert & Dolores Simmons Award for Excellence in Environmental Law Practice*: Karen Skaret

INTERNATIONAL ACADEMY OF TRIAL LAWYERS AWARD

Excellence in Advocacy Course and Trial Court Work: Rebecca Thiebes

COMMUNITY DEFENDERS, INC. AWARD

A Demonstrated Commitment to Indigent Criminal Defense: Shelley Blair

APPELLATE MOOT COURT PROGRAM

Board Members: Marek Adamo, Matthew Brehm, Greg Garrison, Jennifer Hall, Maura Hartmere, Denny Kim, Linh Lam, Lindsey Mercer, Kimberly Miller, Ashley Piggott, Greg Thomas
 Chair Award: Lindsey Mercer

MOCK TRIAL PROGRAM

Cynthia Adams, Jason Armand, Philip Azzara, Scott Caldwell, Daniel Eisman, Charity Fowler, Greg Garrison, Norman Grissom, Cormac Kehoe, S. Elise Kert, Tate Lounsbery, Jeff Moore, Ameca Park, Scott Pirrello, W. Tattnall Rush, Karyn Stokke, Pamela Tahim, Dana Veazey, Anna Yum

AMERICAN BOARD OF TRIAL ADVOCATES AWARD

Outstanding Trial Competition Team: Norman Grissom, S. Elise Kert, Pamela Tahim, Anna Yum

MICHAEL T. THORSNES AWARD

Excellence in Trial Advocacy: Pamela Tahim

ORDER OF BARRISTERS AWARDS

Greg Garrison, Norman Grissom, Jennifer Hall, Maura Hartmere, Tate Lounsbery, Lindsey Mercer, Kimberly Miller, Pamela Tahim, Rebecca Thiebes, Anna Yum
 Statue of Justice: Lindsey Mercer



Norman Grissom, Anna Yum, Kimberly Miller, Greg Garrison, Pamela Tahim, Jennifer Hall, Lindsey Mercer, Rebecca Thiebes, Maura Hartmere and Tate Lounsbery line up as Professor Richard Wharton presents them with the Order of Barristers award.

LAW REVIEW AWARDS

Members: Benson Barrera, James Bond, Philip Bordages, Stefan Cap, D. Scott Carlton, John Conroy, Carol Dwyer, Aubrey Haddach, Stuart King, Nicole Kwock, Patrick Lavender, Nathan Lowery, Jesica Pandika, Thomas Prouty, Elizabeth Razzano, Anthony Rippo, Amy Schweitzer, Ryan Simkin, Allison Stanley, Hillery Stones, Nikki Weiner, Monika Yoon, David Zachry

Editors: Marsha Amin, Joshua Beser, Mathieu Blackston, Robert Booher, Jessica Boschee, Jennifer Bosse, Samuel Bristol, Sylvia Cediell, Tonya Cross, Charity Fowler, Deborah Gubernick, Lisa Kahle, Vanessa Locklin, Kevin Logan, Sebastian Lucier, Michael Masterson, Carolyn Mo, Heather Stone, Rachelle Thompson, Steven Tietsworth, Joseph Walsh

Editor-in-Chief: Marsha Amin

SAN DIEGO INTERNATIONAL LAW JOURNAL AWARDS

Members: Alexander Brown, Susan Bushong, Justine Phillips, M. Todd Ratay, Mary Ross, Linda Schweitzer

Editors: Tyler Andrews, Matthew Brehm, Kristen Degischer, Michael Diaz, James Fessenden, Ryan Friedl, Naveen Gurudevan, Jennifer Hall, Daniel Hembree, Candice Kim, Kierra Kirtley, Samantha Lebeda, Tate Lounsbery, Rachel Nelson, Amit Parekh, Lauren Rinsky, Rory Schermerhorn, Massoud Shamel, Aine Smith, Blair Soper, Hilary Stauffer, Edward Truit, Micah Yang

Editor-in-Chief: Amit Parekh

THE HONORABLE GERALD BROWN PROGRESS AWARD

**Greatest Increase in Grade Point Average,
First to Third Year:** Robert Chung

IRWIN J. KAHN AWARD

Excellence in Real Property Courses: Dorothy Chan

RALPH GANO MILLER TAX AWARD

Excellence in Taxation Law: Andrew Travis

GENERAL GEORGE W. HICKMAN, JR. AWARD

Outstanding Student in Constitutional Law: Maura Hartmere

OWEN STARK HERIOT AWARD

**Outstanding Student Who is a Veteran or Current Member
of the Armed Forces:** Ben Ammerman

RANDOLPH A. READ LAW AND PSYCHIATRY AWARD

Outstanding Contribution to Law and Psychiatry:
Justine Phillips

JAMES R. WEBB ENVIRONMENTAL LAW AWARD

Outstanding Student in Environmental Law: Eric Lazarus

ALEC L. CORY PRO BONO AWARD

**For Contributions to Pro Bono Causes during
Law School Years:** Karen Prosek

PAUL, PLEVIN, SULLIVAN & CONNAUGHTON AWARD

**Highest Cumulative Grade Point Average in the General
Master of Laws, Master of Laws in Business & Corporate
Law, and Master of Laws in International Law programs:**
Christian Phanco

DAVID FROMAN & SANDRA M. WAGNER COMPARATIVE LAW AWARD

**Highest Cumulative Grade Point Average in the Master of
Laws in Comparative Law Program:** Frank Stapper

DISTINGUISHED SERVICE AWARDS

Sonia Chien, Tonya Cross, Charlotte Haase

LEGAL SCHOLARSHIP AWARDS

Highest Cumulative Grade Point Average, Evening Division:
Tonya Cross

Highest Cumulative Grade Point Average, Day Division:
Sebastian Lucier

VALEDICTORIAN AWARD

Sebastian Lucier

ORDER OF THE COIF 2005

Ben P. Ammerman

Tyler Ryan Andrews

Benson Barrera

Joshua Adam Beser

James Robert Bond

Robert Jason Booher

Philip "Drew" Bordages

Jessica Anne Boschee

Alexander Lee Brown

Daniel Scott Carlton

Dorothy S. Chan

Robert Chung

John F. Conroy

Tonya Marie Cross

Charity Ayn Fowler

Naveen Gurudevan

Maura McCormick Hartmere

Cormac Aonghas Kehoe

Nicole Kwock

Vanessa S. Locklin

Kevin Hugh Logan

Sebastian E. Lucier

Alejandro Morales

Rachel Ann Nelson

Jesica N. Pandika

Justine Phillips

Thomas Prouty

LeAnna Ellen Shields

Rachelle Harley Thompson

Steven Charles Tietsworth

Andrew Travis

University of San Diego School of Law

Launches Capital Campaign

Doubling of endowment could help fulfill the law school's potential to become

The University of San Diego School of Law has come a very long way in only 51 years, thanks to the accomplishments of its faculty, students and alumni. But the inescapable truth is that much greater financial resources are needed for it to become one of the nation's truly outstanding law schools.

Because of this, the Campaign for the University of San Diego School of Law has set a goal of doubling its current endowment and seeks generous contributions from alumni, members of the San Diego legal community and other supporters to reach this goal.

The law school needs endowed funds to build for the future. Over the years, these funds grow in value through sound investment and provide a major source of supplemental income. Instead of depending almost entirely upon revenues from tuition to fund its annual budget—as it now does—the law school could count on endowment income to sustain long-term commitments to its faculty, students and academic programs—and to plan new initiatives.

A substantial increase in funding will greatly bolster the core missions of the law school—education and research. It will make

more resources available for faculty salaries and support, student financial aid and other services, and program development. More specifically, a significantly larger endowment will bolster the law school in several key areas. It could fund the creation of faculty chairs in strong curricular areas such as constitutional law, tax law, legal theory, civil rights, and public interest law (only one such chair now exists at the law school). The addition of chairs in biotechnology and other high-tech fields will help the law school solidify ties to growing San Diego firms in these fields.

Student assistance is another critical need that will be met through gifts to the Campaign. These funds will help to bring more of the most able law students to San Diego, regardless of their financial circumstances. Additional funds will also enable USD to expand and improve its career and academic counseling services, which require additional staffing and other resources to keep pace with student need.

The law school also urgently needs to be able to invest income from endowed funds in curricular reform and growth. The faculty

Susan and Jerry Gonick Pledge \$1.75 Million to Endow Chair in Elder Law

Protecting the legal rights of the elderly *and* supporting the University of San Diego School of Law are both very important to Susan and Jerry Gonick.

"We see a lot of elderly people living on fixed incomes—people who have worked hard and paid taxes all their lives—whose rights are not being protected," says Susan Gonick, who was awarded her Juris Doctor from the School of Law in 1986 and is a member of its Board of Visitors. "There's a lot of elder abuse—as we grow older we see more of that."

"I have a real passion for the law school," she adds.

"I have a vision that the law school can make it into the top tier of law schools nationwide, and I want to do everything I can to help it get there."

"I see elder law as an area of growth and the wave of the future, and I want to help USD to get to the forefront of it," says Jerry Gonick, who received his Master of Laws in Taxation from the law school in 1984.

That's why Susan and Jerry Gonick recently made a pledge commitment in the amount of \$1.75 million to endow a chair in the field of elder law at the School of Law. In recognition of their leadership and generosity, the law school will name the chair the Susan S. and Jerry G. Gonick Chair in Elder Law.

"We are very grateful to Susan and Jerry Gonick for this generous planned gift and for Susan Gonick's valued service on the law school's Board of Visitors," says Interim Dean Kevin Cole. "This Chair will help us attract and retain distinguished teachers and scholars in an area that is increasing in importance not only to law students but also to a growing yet underserved part of the community."

Susan Gonick recently retired from a successful career as a partner specializing in securities litigation with several prestigious firms, including Heller, Ehrman, White and McAuliffe, and, earlier, Milberg Weiss Bershad Hynes & Lerach LLP. She has also taught corporate governance at UCLA's Anderson School of Management. Jerry Gonick, who holds multiple advanced degrees in law, engineering and business, has retired from the practice of law and is a consultant primarily to the plaintiffs' securities class action bar. He was a member of the original design and development team for the space shuttle at IBM.

The Gonicks have been married to each other for more than 26 years. "It was Jerry who convinced me to go to law school," recalls Susan Gonick. "He was the best cheerleader in the world."



a major force in American legal education

wants to develop new elective courses, particularly ones related to the recent growth in the San Diego economy, such as biotechnology. Doubling the endowment will expand opportunities for students to acquire practical legal skills and serve the community by participating in one of USD's legal clinics. At present, interest in several of these clinical experiences far outstrips the number of positions the law school is able to underwrite.

The University of San Diego School of Law has reached a decisive point in its history. It has risen quickly to national prominence for its teaching and scholarship, and now stands poised to build upon this achievement and secure its place among America's elite law schools. In order for the law school to succeed, it is turning to its alumni and other loyal supporters for assistance. Contributions to this campaign will make the difference in shaping the law school's future.

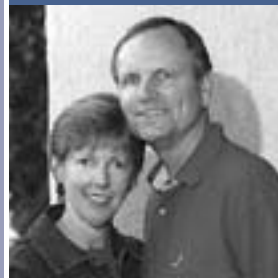
For more information about the Campaign, please contact the Office of Development and Alumni Relations at (619) 260-4692.

Krause Family Makes \$1 Million Pledge Commitment to School of Law

This summer, James C. Krause—a member of the law school's class of 1975 and chair of its Board of Visitors—and his wife, Gale, helped launch the Campaign for the University of San Diego School of Law with a pledge commitment of \$1 million.

"We are very grateful to the Krause family for this unrestricted gift and for Jim Krause's leadership with the law school's Board of Visitors," said Professor Daniel B. Rodriguez, who was dean of the law school at the time the gift was first announced. "Their gift will help the School of Law continue to provide our students with a first-rate legal education, build on the school's past achievements and take us to the next level of excellence."

"The law school has improved tremendously over the years," observed Jim Krause. "We are excited and pleased to help support its teachers and students with this gift. We would also like to motivate other people to give to the law school—the better the law school does, the more it benefits the legal community and all of the graduates of the law school. In addition, raising our children to be good citizens of the community has been very important to us. We want them to be philanthropic, and the best way to do that is to set a good example."



A principal in the San Diego law firm of Krause Kalfayan Benink & Slavens LLP, Jim Krause practices in the areas of antitrust litigation, class actions, commodities litigation, securities arbitration and securities litigation. He earned his B.A. from Haverford College in Pennsylvania and his J.D. at the University of San Diego, *magna cum laude*, and served as

comments editor of the *San Diego Law Review*. In May 2000, the University of San Diego awarded him honorary membership in the San Diego Chapter of the Order of the Coif. He was a law clerk to the Honorable James M. Carter (deceased), senior judge, U.S. Court of Appeals for the Ninth Circuit, taught securities regulation as an adjunct professor at the School of Law and has authored numerous articles on securities law.

Gale Krause, who earned her bachelor's degree at Mercer University in Atlanta and her M.B.A. at Tulane University, has been active in several educational and community organizations, including the parents associations at High Tech Middle School and The Bishop's School, the Thursday Club, and the Children's Hospital Auxiliary. The couple has three teenage sons.

Jim and Gale Krause have been longtime supporters of the University of San Diego and First United Methodist Church in San Diego. The church named its administrative building after the Krauses in recognition of their gifts. The Mission Valley YMCA's 53,000 square foot skate park—San Diego's premier skate park—was named after the Krause family in recognition of their gifts to create the park.

"After college, I had no money and threw all my belongings into my Ford Pinto and drove it out to California to attend law school at USD," recalls Jim Krause. "There had been no lawyers in my family. I really enjoyed law school, and I've been very fortunate."

"I don't think either one of us thought we'd ever be in a position to make major gifts," says Gale Krause. "We've been blessed, and our interpretation of scripture is that we are expected to give something back."

S E V E N Y E A R S O F

F O R W A R D

M O T I O N

Daniel Rodriguez steps down as dean
after a remarkable tenure

BY JENNIFER COBURN

PHOTOS BY PABLO MASON AND GEORGE DECKER

Listening to Daniel Rodriguez is a lot like watching a game of four-wall handball. You've got to pay close attention or you'll miss an important part of his fast-paced, intense game of precision.

During his seven-year tenure as dean, Rodriguez elevated the status of the University of San Diego School of Law by recruiting and retaining top level faculty, reforming the curriculum and bolstering opportunities for interdisciplinary and practical training. Interim Dean Kevin Cole, who served as Rodriguez' associate dean, says his predecessor is so ambitious that he views down time as a bad thing. "He's always on the job," says Cole. "He's driven by this desire for excellence both personally and for the institution, and that manifests itself in a very high energy level." Cole says the amount of work Rodriguez published while dean speaks volumes about his commitment to legal education. "It is probably unparalleled in the country."



As dean, Daniel Rodriguez time and again displayed his superb public speaking skills.



Flipping burgers at a first-year student orientation, Rodriguez wore many different hats as dean.

Bob Fellmeth, USD professor of law and executive director of the Center for Public Interest Law and the Children's Advocacy Institute, agrees. "When I think of the incredible amount of time and work he put into teaching, scholarship and fundraising, I am impressed and mortified," he says with a laugh. "He put himself out there day after day, night after night, traveling, attending events, meeting with alumni after the rest of us had gone home to our families or are doing other things."

Rodriguez' efforts have paid off, Fellmeth notes. "He made a very favorable impression on all kinds of people who matter to the success of the school. He moved the ball forward many yards for USD. It's been extraordinary and I'm grateful."

When Rodriguez, then a 36-year-old law professor, was offered the position as dean of the School of Law in 1998, his primary objective was to take the law school to the next level of academic prestige. Having gradu-

ated *cum laude* from Harvard Law School and taught for a decade at the University of California, Berkeley's Boalt Hall School of Law, Rodriguez understands the value of a school's reputation.

"Every law school must continue moving forward or it's going to be left behind," said Rodriguez during his final month as dean. He wasn't looking to reposition the law school for status' sake. He had a vision that with greater presence in the national law school scene and San Diego business community, USD law graduates would become a more integral part of the booming technology industry.

Though his personal academic passion lies at the intersection of law and political science, Rodriguez knows that San Diego is a biotech hot spot, ripe for attorneys who want to specialize in intellectual property. As such, he made adjustments to the law school and its curriculum to make it more relevant to the modern economy.

"We certainly have strengthened our core academic structure," Rodriguez explains. "We did a major reform of the curriculum, changed the structure of the first year, increased skills training to acknowledge the more technical environment and de-required some of the upper-level courses while adding new classes, so we could expand offerings to students. There's a great demand for high-tech and intellectual property courses and we want to help students build a specialization."

This doesn't mean Rodriguez focused solely on the high-tech economy. While adding depth to the curriculum, the dean also spearheaded the launch of an entrepreneurship clinic which couples students with working attorneys who assist micro-enterprises in San Diego. People who are starting small businesses and need assistance with regulations, labor laws and contract negotiations can turn to the law school for guidance through this clinic.



Playing host to U.S. Supreme Court Justice Antonin Scalia in February 2004.



Opening the annual Red Mass in USD's Founders Chapel.

With a grant from the Internal Revenue Service, Rodriguez also implemented a low-income taxpayers program which enables the law school to give legal representation to underserved people facing tax disputes. "The principal purpose of the low-income tax clinic is two-fold: first to give our students a worthwhile opportunity to gain practical legal skills in the tax area and, second, to provide a public service to low-income individuals in representing their interests before the IRS and the Tax Court. As with our other clinical programs, these goals reinforce one another and represent a critical element in our educational program," says Rodriguez.

Rodriguez has forged alliances with other educational institutions as well. "It's important to have a deep grounding in the application of economic analysis to the law, social science and politics, so we started a workshop that calls upon the able resources in the community," he says. Specifically, the law, economics and politics work-

shop is collaboration between the School of Law and the University of California, San Diego department of political science. "There's a benefit for both schools because we get together and pursue joint scholarly activities," says Mat McCubbins, UCSD political science professor and longtime friend of Rodriguez. "We've had well-known scholars from all over the world present at the seminars and conferences."

While he has introduced an impressive number of new programs to the law school, Rodriguez notes that his greatest accomplishment as dean is the recruitment and retention of outstanding faculty members. He points out that many of the professors come from prestigious universities, including the University of Pennsylvania, Notre Dame, Boston University, Loyola Los Angeles, the University of Minnesota and the University of Michigan.

"The twenty or so faculty members hired during my tenure as dean, along with the many members kept at USD in the face

of rigorous competition from other leading schools, will pay dividends to generations of USD law students," says Rodriguez. "I'm very proud of my part in securing the future progress of the school through attention to the hiring, retention and well-being of our excellent faculty."

Rodriguez has surpassed his goal of taking the law school to the next level, moving forward several levels. Student credentials are at an all-time high and the bar passage rate is comparable to top law schools in California. Recently, first-time bar passage among USD law students was extraordinary, tying for second place in California among private law schools. The only private law school with a higher passage rate was Stanford.

McCubbins adds, "The ranking of the law school has skyrocketed." In an address to the alumni and students, Rodriguez pointed out that the law school's faculty ranking is #22 in the United States. Rodriguez adds, "Beyond the quantitative information, however, are the qualitative



Daniel Rodriguez often found himself before the cameras, promoting the law school in the news media.

measures—the true measures—of the success of our program. We have extraordinary alumni practicing law and working in business and the public sector throughout the United States. I believe that the opportunities for our students to participate in the leadership roles in the legal profession have grown greatly over the past few years.”

After a year-long sabbatical, Rodriguez will return to teaching full time. As dean, he taught a class at the law school each semester. “Even though he wasn’t required to, he taught two classes every year and took it very seriously,” says McCubbins. Focusing on his love of politics, Rodriguez will likely offer USD law students a new course on state constitutional law. During his sabbatical, he will develop curriculum and course materials. He will also return to several writing projects, one of which is a book on statutory interpretation of federal legislation he is co-authoring with McCubbins.

“I suspect that the principal focus of my time over the next

several months will be, first, to accomplish some key professional and academic goals, and second to spend quality time with my family, the sort of time and energy that has been difficult to juggle with the consuming responsibilities of the deanship,” Rodriguez says.

The vacancy left by Rodriguez is enormous. As the search committee interviews a nationwide pool of candidates, Rodriguez says the key qualities that the incoming dean should possess are not only strong academic values, but an understanding of the mission and objectives of the law school and an ability to work constructively with alumni and community members to continue to expand the reputation of the law school. Cole says there is no particular model for the next dean, though he or she must share Rodriguez’ passion for continuing to build the law school. “Because of the outstanding job he did, we are in a much stronger position to recruit a dean than we were last time.” Cole adds, “And we did very well last time.”



Welcoming back the School of Law’s founding dean, Thomas Fanning, in September 2003.

THE SEARCH FOR A NEW DEAN

A university committee has solicited and reviewed a national pool of highly qualified candidates to serve as the law school’s next dean. The committee is comprised of key constituents within and without the University of San Diego. Now that the committee has narrowed the field to a group of finalists, it is bringing those individuals to the campus for a series of more in-depth interviews. Until the new dean is seated, Professor Kevin Cole will serve as interim dean.

faculty essays



BY NANCY CAROL CARTER

*Legal Research Center Director
and Professor of Law*

California Indian Gaming Today

When the expansion of gambling is presented as an alternative to tax increases, the toleration of gaming as an acceptable form of entertainment increases, according to the National Conference of State Legislatures. The phenomenal expansion of legalized gambling in the United States seems to prove the point.

Laws that long prohibited gambling as an illegal vice have been replaced in 48 states with a combination of state-sanctioned lotteries, race track betting, and casino operations, both on and off Indian reservations.

Indian gaming captures the most attention in California, but on a national scale, gambling on Indian reservations generates

just one-fifth of total gambling revenue. Still, 20 percent of the national gambling pie added up to a whopping \$19 billion in gross Indian gaming revenue in 2004. California Indian casinos raked in \$5.3 billion of that total and lead the nation in Indian gambling revenue.

California has more Indian casinos than



any state simply because it has more Indian reservations. Instead of supporting the creation of the eight large reservations recommended by federal Indian agents and negotiated with California tribes through treaties in the 1850s, the California congressional delegation had the treaties shelved before they could be acted upon by the United States Senate. Land that was to be federally reserved for Indians was kept open to general settlement for an additional three to four decades. When near extinction, the post-gold rush remnants of the overrun California tribes were allocated small reservations of land throughout the state. Eventually, 107 small reservations were created as homelands for federally recognized tribes. Each tribe stands in a government-to-government relationship with the United States and exercises sovereignty over its internal government and lands.

In an exercise of sovereignty, California tribes established some of the earliest reservation gambling operations in the country and have been in the legal spotlight ever since. This is a review of California Indian gaming legal highlights and recent legal developments.

A BRIEF HISTORY OF INDIAN GAMING

California Indian tribes overcame legal objections to commercial gambling operations on reservation lands for themselves and other tribes in the United States Supreme Court. The case of *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987) denied states the power to regulate gambling on Indian lands if the state allowed any form of legalized gambling within its borders.

The controversy over this court decision led to the passage of the federal Indian Gaming Regulatory Act of 1988 (25 U.S.C.A. §§ 2701-2721). Congress attempted to balance state and tribal interests by requiring tribes to negotiate compacts with state governments before initiating casino-style gaming operations.

States were required to negotiate in good faith, but when tested in the United States Supreme Court, this congressional mandate on state governments was voided. Tribes could not use federal courts to compel states to negotiate a gaming compact. (*Seminole Tribe of Florida v. Florida*, 517 U.S. 44 (1966)).

In California, bargaining on gaming compacts stalled when Governor Pete Wilson rigidly backed an agreement that tribes found too restrictive. After years of frustration, California tribes successfully forced the issue with a state ballot proposition in 1998. Proposition 5 engendered one of the most expensive political campaigns in California history, but won overwhelming voter support. By adopting Proposition 5, the people of California commanded the governor to finalize gaming compacts more acceptable to the tribes (<http://ca.lwv.org/lwvc.files/nov98/pc/prop5.html>). The new governor, Gray Davis, was favorably disposed to Indian gaming and quickly complied. Sixty-one tribes signed a tribal-state gaming compact in 1999.

Almost immediately, a state constitutional challenge to the legality of casino-style gambling was raised. Once again, tribes called upon the voters. Proposition 1A was adopted in 2000. It amended the California Constitution and removed the last legal impediment to Indian gaming in the state (<http://ca.lwv.org/lwvc.files/mar00/id/prop1A.html>).

The contracts, or compacts, between California and the tribes were to run for 20 years. Two revenue sharing schemes are included. One is a per-machine charge that ranges from \$9,000 down to \$1,999 for each slot machine over a baseline of 350. The other assessment is based on revenue for all slot machines beyond a baseline of 200. The revenue assessment ranges from seven to 13 percent. These assessments are paid into state trust funds, one of which aids non-gaming Indian tribes in California.

With the bursting of the dot-com bubble, California headed into a steep eco-

nomie decline.

Costly droughts and fires added to the troubles and an energy crisis drained state funds. With their once fiscally healthy state government falling into deficit, discontented voters backed the recall of Governor Gray Davis. While successfully campaigning in favor of the recall and his own election as governor, Arnold Schwarzenegger called upon Indian tribes to "pay their fair share" to help the state solve its financial crisis.

RECENT NEGOTIATIONS AND VOTER INITIATIVES

After taking office, Governor Schwarzenegger started discussions aimed at renegotiating tribal-state compacts far in advance of the end of their 20-year term. His goal was to convince tribal leaders to change the contracts so that deficit ridden state coffers benefit from a much larger bite of Indian gaming's golden apple. The tribes looked for additional benefits in exchange for giving up revenue. Tribes also realized that new agreements might help to derail a harsh Indian gaming voter initiative launched by card clubs and race tracks.

In June 2004, five tribes agreed to new terms. They will finance a \$1 billion bond to benefit the state and pay the state an additional \$150-\$275 million per year. The concerns of local governments dealing with the off-reservation impact of gaming operations and of environmentalists and labor interests are also more fully addressed in the new agreements. In return, the state has lifted caps on the number of slot machines these tribes can operate in their casinos. An additional five compacts were renegotiated in August 2004. The legislature has approved all but one of the new compacts. The details of the new compacts may be viewed at the governor's website at www.governor.ca.gov.

As tribes and the new governor began negotiations, three Indian gaming initiatives were certified by California's



Secretary of State for the November 2004 ballot (www.ss.ca.gov/elections/elections_j_031704.htm). One quickly fell dormant, but signature campaigns for the other two were successful.

Initiative 1027 (Proposition 68) was introduced through an expensive television advertising campaign started in April 2004. Called by opponents "the Flynt initiative," this measure was sponsored by card clubs and racing tracks where revenues have declined as casino gambling has spread across California. One of the backers was Larry Flynt, owner of *Hustler Magazine* and other businesses, including card clubs.

If the initiative was adopted, the governor was to renegotiate Indian gaming compacts to require tribes to pay 25 percent of revenues from slot machines and other devices to the state. Gaming tribes also would become subject to State of California jurisdiction and forced to comply with a variety of state laws. Unless all gaming tribes agreed to these terms within 90 days, 16 specific race tracks and card clubs would be authorized to install 30,000 slot machines.

To make this sizeable expansion of gambling into urban areas more acceptable to voters, the initiative includes a provision for using 33 percent of revenue from the 30,000 new slot machines to support public safety and social programs. Backers invested more than \$12 million in the initiative, but three months before the election, the Initiative 1027 campaign lost its hired consultants and fell into debt. Governor Schwarzenegger opposed the measure after some tribes agreed to funnel more gaming revenue to the state.

Initiative 1046 (Proposition 70) was sponsored by the Agua Caliente Tribe as a counter to 1027. It would have instructed the governor to renegotiate gaming compacts to increase the tribal contribution to the State of California in return for a guarantee of the tribal monopoly on casino gambling, a lifting of the cap on the number of slot machines, and an extension of the term of the gaming compacts to 99

years. Gaming tribes would annually give the state a contribution based on the prevailing state corporate tax rate. Tribes also would offer public notice and comment periods and fund off-reservation environmental impact statements when building or expanding casinos.

Under California law, voter adoption of either of these initiatives would have voided any new compact terms arrived at through the governor's negotiations. If both initiatives were adopted, the one with the most votes would have prevailed under the California judicial test for resolving voter adoption of conflicting initiatives in the same election.* In fact, both Proposition 68 and 70 were roundly defeated in the Fall 2004 election. The "Flynt Initiative" was opposed by 83 percent of the voters and the Agua Caliente tribal initiative by a 76 percent negative vote.

WHAT IS NEXT?

Today, 61 of California's 107 federally recognized tribes have negotiated a gaming compact with the State. Nine of these tribal casinos are in San Diego County and more are planned. After years of virtually ignoring the existence of Indian reservations and their poverty-stricken inhabitants, California has in a very short time seen the evolution of a new and very powerful player on the state scene.

Two successive governors of different political parties have supported tribal gaming. More recently, a governor has wrung substantial new state revenues from Indian casinos. Tribes have compromised on some issues of sovereignty to silence critics and are funding increased regulation of gaming operations and programs for problem gamblers. Tribes are entering agreements with county governments across the state to mitigate the impact of casinos and are laying out millions for road and safety upgrades. Newly wealthy tribes are becoming more adept at both the political uses of money and the benefits of public philanthropy.

The millions of dollars spent by opponents of Indian gaming have not meaningfully impacted public policy. In fact, California voters and the legislature have repeatedly consented to the acceptability of Indian reservation gambling and have offered affirmative support at every critical juncture. While the development of individual casinos will continue to occasion debate within adjacent communities, Indian gaming has survived strong social and political challenges and stands on solid legal ground.

The new challenge to Indian gaming is the market. Nationwide, some Indian casinos have opened and closed, simply for lack of business. Many others are fiscally marginal operations. Although some Indian casinos in California are spectacularly profitable, all operate in an increasingly saturated marketplace. With so many legalized forms of gambling and so many destinations to choose, the continuing success of Indian gaming operations is now in the hands of the consumer. Tribes have reason for optimism: Americans spent about \$95 billion on all forms of gambling last year.

**Taxpayers to Limit Campaign Spending v. Fair Pol. Practices Com.*, 51 Cal. 3d 744, 770 (1990) (only the measure receiving the most votes will be operative when conflicting initiatives are passed by the voters); *Yoshisato v. Superior Court*, 2 Cal. 4th 978, 988-89 (1992) (when complementary or supplemental propositions are approved in the same election all non-competing clauses are put into effect).





BY THE HONORABLE H. LEE SAROKIN

*U.S. Court of Appeals for the Third Circuit (retired),
University of San Diego Distinguished Jurist
in Residence (1999-2005)*

Friendship 101

I recently moderated a panel of corporate general counsel for the purpose of demonstrating to students the advantages or disadvantages of corporate counsel jobs and how to go about obtaining them. In



my introductory remarks, I made some fairly innocuous comments about the role law school friendships had played in my career. To my surprise, each of the general counsel present picked up on the theme and recited events in their own lives which were generated by their law school and later friendships. Realizing that inadvertently I may have come upon some gem, I thought that it might be interesting to share that newfound wisdom with you.

My introduction answered the question that I am often asked as to how I came to

be a judge. I wish that I could attribute it to my remarkable academic record at Harvard Law School, but that would not be true. I became a judge because I played intramural basketball there. My closest friend and teammate was Larry Fleisher. Larry loved basketball, and on his own initiative formed the National Basketball Players Association out of his own pocket. His intent was not to make money, but rather to obtain free tickets to the Boston Celtics and New York Knicks basketball games.

It turned out to be an incredible success, and Larry Fleisher wound up representing virtually of all the great basketball players of his (and my) time. Among his clients was Willis Reed, the then captain of the championship New York Knicks, and Larry sent him to me as a client. I cannot tell you what it means to walk down the main street of Newark, New Jersey alongside of Willis Reed. First, one has a stiff neck looking up to his 6' 10" face, but in addition, people left their cars running in the middle of the street to run over and shake his hand. Crowds followed us, and people clapped and cheered along the route.

But I digress. Larry called me and asked if I would represent Bill Bradley, who was moving to New Jersey and was looking to buy a house. I was a trial lawyer at the time, but in order to meet the legendary Bill Bradley, member of the championship N.Y. Knicks, Rhodes Scholar, Olympic gold

medal winner, highest scorer in the history of the National Basketball Championships and the third highest scorer in college basketball, I would remember (or learn) how to close title on a house.

Bradley bought a house, and actually got good title through my efforts. We and our spouses became great friends, and when he decided to run for the U.S. Senate in New Jersey, he asked me to be his finance chairman. I told him that I knew nothing about politics and even less about political fundraising, and the quintessential Bradley reply was, that was exactly why he wanted me. No cloud. No baggage. He was only interested in integrity and reputation.

He won and asked me to become federal district court judge. The financial sacrifice was tremendous, but I agreed and under his sponsorship was appointed by President Jimmy Carter. When President Clinton was elected, Senator Bradley again urged me to go on the Court of Appeals, and I was appointed and confirmed.

So I became a federal judge because I played basketball in law school—but more importantly, I made a friend who changed my life. I do not suggest that you make friends for what you may derive from them someday, but rather that you keep, maintain and cherish those friendships that you enjoy, because it is those friendships that will enrich your lives in ways that you might never imagine.

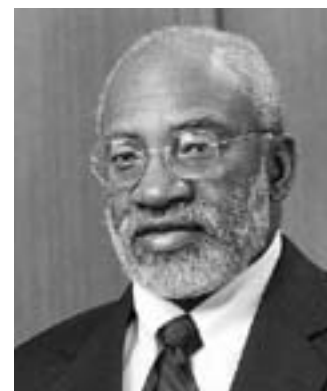
ROY L. BROOKS presented papers at universities in Chicago, Oxford and Warsaw. He also appeared on "Connie Martinson Talks Books" (Public Television) and "Ear Tyme" (Public Radio) to discuss his recent book, *Atonement and Forgiveness* (published by the University of California Press as the first imprint of the George Gund Foundation Fund). Brooks' most recent major publications include *Structures of Judicial Decision Making from Legal Formalism to Critical Theory* (published by Carolina Academic Press) as well as several articles, including "Getting Reparations for Slavery Right: A Response to Posner and Vermeule," 80 *Notre Dame Law Review* 251 (2004) and "Affirmative Action in Higher Education: What Canada Can Take From The American Experience?," 23 *Windsor Year Book of Access to Justice* 1 (2005). Professor Brooks was named University Professor by the University of San Diego and was selected as the recipient of the Distinguished Alumni Award by the University of Connecticut. He has been invited to present papers on his work-in-progress at Yale University and Brown University.



KAREN BURKE contributed a chapter to a book on the development of business taxation, *Business Tax Stories* (Foundation Press, 2005). Her chapter provides a historical perspective on United States v. Hendler, a landmark Supreme Court decision that set the foundation for the modern tax treatment of liabilities in connection with tax-free reorganizations and incorporations. She also published three articles addressing various aspects of tax shelter abuses. Two of those articles focus on a corporate tax-shelter case (United States v. Black & Decker Corp.) that is currently on appeal. In view of the widespread marketing of contingent liability shelters, this case affords an opportunity to provide much-needed guidance in curbing abusive transactions. The third

article explores the relationship between the judicially-developed economic substance doctrine and the partnership anti-abuse rules. In another article, she has proposed modifications to the rules governing partnership basis adjustments following a sale or liquidation of a partnership interest. In 2005, Burke also completed a revised third edition of *Federal Income Taxation of Partners and Partnerships* and co-authored (with Professor Grayson McCouch) a review of Michael Graetz and Ian Shapiro's book concerning the politics of estate tax repeal, *Death By a Thousand Cuts: The Fight Over Taxing Inherited Wealth* (Princeton, 2005).

In 2005, Burke participated (with McCouch) in a panel discussion of estate tax issues at the University of Virginia and presented her work on corporate tax shelters at Northwestern University. In addition, she partic-



ROY L. BROOKS

ipated in various bar-related activities and was a panelist at the 2005 meeting of the ABA Section of Taxation in San Diego. She is currently working on an article concerning recent legislative proposals that would significantly expand incentives for tax-deferred savings beyond traditional individual retirement accounts (IRAs).



PAUL HORTON published the third compilation of his students' work, a collection of case notes and case briefs on about 150 United States Supreme Court decisions dealing with issues relating to family law and titled "The Supreme Court and the Family," 14 *Journal of Contemporary Legal Issues* 1-534 (2005). He has begun work on another compilation dealing with "rights

of parents," also featuring his students' work, which is scheduled to appear in 16 *Journal of Contemporary Legal Issues* (2006).

Horton's proposal for a course in business torts has been accepted for inclusion in the law school's curriculum, and is scheduled for its maiden voyage in the Spring 2006 semester employing course materials he has been preparing. He continues to supervise the law school's judicial internship program.



ADAM J. KOLBER was selected by the American Society for Law, Medicine, and Ethics and the Center for Health Law

materials at another law school.

Lazerow has been appointed to the Members' Consultative Committee of the American Law Institute Study, *Principles of the Law of Nonprofit Organizations*, because of his art law expertise. The drafting group is currently studying organizational issues, such as the creation and management of charities, and the liabilities of trustees of charitable organizations for breach of their duties of loyalty and care.



ORLY LOBEL joined the faculty in the fall of 2005 as an assistant professor. Her recent and forthcoming articles include

"Orchestrated Experimentalism in the Regulation of Work" in the *Michigan Law Review* was reprinted in a new casebook, *Employment Discrimination Law: Cases, Problems and Critical Perspectives* (Prentice Hall 2005). Her review essay titled "The Four Pillars of Work Law," demonstrating the fragmented nature of employment policies, labor law, employment discrimination and employee benefits law, and introducing an integrated framework for studying the law of the workplace is forthcoming in the *Michigan Law Review*.

Other recent publications include, "Beyond Experimentation: The Case of Occupational Health and Safety Admin-



KAREN BURKE



PAUL HORTON



ADAM J. KOLBER



BERT LAZEROW

Studies at Saint Louis University School of Law to present at this year's Health Law Scholars' Workshop. Each year, up to five junior faculty health law scholars are selected from across the country to participate. Kolber's topic addresses legal and ethical issues associated with new pharmaceuticals that affect memory. In addition, in April 2005, Kolber gave an interview with KZSU Stanford Radio on the subject of neuroethics and the law.



BERT LAZEROW'S article in the *San Diego Law Review's* 50th Anniversary Commemorative Issue, "The Criteria of International Tax," has been frequently downloaded from its electronic database, and will be used this semester in teaching

"The Renew Deal: The Fall of Regulation and the Rise of Governance in Contemporary Legal Thought," on developments in regulatory theory, the role of the state, and administrative action. The article was followed by a reply article and a surreply by Lobel, titled "Setting the Agenda for New Governance Research," both articles appear in the *Minnesota Law Review*, Vol. 89 (2004). Her article on occupational safety and reform policies at OSHA, "Interlocking Regulatory and Industrial Relations: The Governance of Workplace Safety," is forthcoming in the *Administrative Law Review* and is the recipient of the 2005 HLS Irving Oberman Memorial Award for best paper on a current legal issue in law and governance. Lobel's article

Administrative Governance in the United States" forthcoming in *New Governance and Constitutionalism in Europe and the United States* (Hart Publishing: Oxford, UK 2005); "Rethinking Traditional Alignments: Privatization and Participatory Citizenship" in *Progressive Lawyering, Globalization and Markets: Rethinking Ideology and Strategy*; "Making Consumption Decisions by Following Personal Rules," forthcoming in *Inside Consumption: Frontiers of Research on Consumer Motives, Goals, and Desires* (Routledge Press 2005) (co-authored with On Amir & Dan Ariely); "Between Individualism and Solidarity: Collective Efforts for Social Reform in the Heterogeneous Workplace," forthcoming in Vol. 14 *Research in the Sociology of Work* (2005); and "Gender Discriminatory Behavior during Adoles-

FACULTY FOOTNOTES

cence and Young Adulthood: A Developmental Analysis," forthcoming in *Journal of Youth and Adolescence* 2004 (co-authored with Thalma Lobel, Nohar Nov-Krispin, Daniela Schiller & Amit Feldman).

Lobel presented at the fifth annual Yale/Stanford Junior Faculty Forum in June 2004. She participated at the Law and Society Association Annual Meetings in Chicago, 2004 and Las Vegas 2005, where she serves on the committee for conditions of work. She also presented at the Conference on Entrepreneurship and Human Rights, Fordham University, August 2005; a conference at Harvard University on New Governance in a

sional responsibility. Examples include an article on the lessons of *United States v. Microsoft*, which he presented at the Antitrust Section of the American Association of Law Schools and at the ABA Antitrust meeting; an article on the trespass to chattels tort as applied to website access disputes, which he presented at George Mason University Law School; presentations on open-source software at New York University Law School, and on copyright and consumer protection at the University of Washington Law School; an essay on lawyer disclosure of client financial misconduct, published in the *California Law Review*; an essay on freedom of expres-



ORLY LOBEL



DAVID MCGOWAN



JOHN H. MINAN

Globalized World: A Critical Engagement with the Emergence of Soft Law and Non-State Norms and Regulation, February 2005; a conference on Comparative Administrative Law, University of California, San Diego political science department—University of San Diego School of Law, January 2005; New Governance and Constitutionalism in Europe and the US, July 2004 Cambridge, UK; The New Legal Realism Conference, University of Wisconsin, June 2004. This summer, Lobel participated at the Law and Society Summer Institute in Oxford, UK.



DAVID MCGOWAN wrote articles and presented papers on topics related to antitrust, intellectual property, and profes-

sion published in the *Minnesota Law Review*; and a review of a book on the ethics of rhetoric, which will be published in *Constitutional Commentary* later this year. His current projects include an economic analysis of the entity client rule, and an analysis of legal realism and the free speech critique of copyright law.



JOHN H. MINAN published two articles in 2005. "The Clash Between Farmers and the Endangered Species Act: 'Whose Water Is It?'" was published in the *Urban Lawyer*. His piece, "A Viewpoint: Storm Water Regulations" appears in *The Builder*, published by the Building Industry Association.

In April 2005, Minan participated in the Nation on Edge series held at the

University of San Diego. His paper, "A Response to Professor McEvoy" will appear in the book "Losing Ground: Nation on Edge" to be published by the Environmental Law Institute (ELI) in the near future. Also forthcoming are two law review articles he has authored. His article "Municipal Separate Storm Sewer System (MS4) Regulation under the Federal Clean Water Act: The Role of Water Quality Standards" will be published in the *San Diego Law Review* in late 2005. In the January 2006, he will participate in the symposium "The Slippery Slope: Urban Runoff, Water Quality, and the Issue of Legal Authority" at Chapman

Chair of the Environmental Law Committee, State and Local Government Section of the American Bar Association. Professor Minan recently was nominated for the 2005 American Bar Association Award for Excellence in Environmental and Resources Stewardship. Among other things, the nominator observes that "[t]he Municipal Storm Water Permit, adopted and administered under the competent leadership of Chairman Minan, currently serves as a model of effective environmental regulation throughout California and portions of the United States."



and do not assert a right to refuse medication, few patients would be affected by more aggressive attorney advocacy.

In April, 2005, Morris traveled to Ashland, Virginia, to speak at Randolph-Macon College on legal issues involving mentally disabled people.



DANIEL B. RODRIGUEZ completed his seven-year service as dean of the School of Law at the end of June 2005. Effective July 1, 2005, he began serving as Warren Distinguished Professor of Law at the law school and also as adjunct professor at the University of California, San



GRANT MORRIS



DANIEL B. RODRIGUEZ



LESTER SNYDER



MARY JO WIGGINS

University, and will be contributing a law review article for the symposium.

In June 2005, Minan delivered a paper and moderated a panel for the American Bar Association in Anchorage, Alaska. The focus was on Alaska vs. United States, one of the largest quiet title actions in the history of the United States. The United States Supreme Court added to the timeliness of the discussion in Anchorage by issuing its written opinion during the conference.

Minan currently is the chairman of the San Diego Regional Water Board and is the Board's representative to the Southern California Wetlands Recovery Project and the San Diego River Conservancy, of whose governing board he serves as vice chair. In August 2005, he became the

GRANT MORRIS wrote an article titled "Pursuing Justice for the Mentally Disabled" that was published at 42 *San Diego Law Review* 757 (2005). The article considers whether lawyers act as zealous advocates when they represent mentally disordered, involuntarily committed patients who wish to assert their right to refuse treatment with psychotropic medication. Morris discusses an empirical study that clearly demonstrates that lawyers do not do so and explores the reasons for this inappropriate behavior. Nevertheless, Morris questions whether aggressive attorney advocacy on behalf of patients would substantially improve the situation. Because most patients accept—or are coerced into accepting—medication that their doctors prescribe

Diego School of International and Pacific Studies. During the 2004-05 school year, Rodriguez was a Distinguished Visiting Scholar at the Hoover Institution, Stanford University.

In the past year, Rodriguez was the co-editor of a special issue of the *Journal of Contemporary Legal Issues* on "New Perspectives on Statutory Interpretation." In that volume, he co-authored an introduction and an article entitled "Canonical Construction and Statutory Revisionism: The Strange Case of the Appropriations Canon of Statutory Interpretation." In addition to this publication, he continued his interdisciplinary work on statutory interpretation and legislative policymaking, work involving collaborations with two leading political scientists, Mathew

McCubbins at UCSD and Barry Weingast at Stanford. As well, he continued his research on various public law topics, including state and federal police power, administrative law, and local government law, all projects that will carry over into his 2005-06 post-decanal sabbatical year.

During the 2004-05 year, Rodriguez made a number of academic presentations. He presented his co-authored paper, "A Fly on the Wall: Lessons for Statutory Interpretation from the Positive Political Theory of Legislation" at the University of Chicago Law School and at a Northwestern University Law School Conference on "Positive Political Theory." He co-organized a major seminar series entitled, "Nation on Edge: Exploring why America Builds and Rebuilds on the Edge of Disaster." This seminar series was a joint effort of USD, Pace Law School, and the Yale School of Forestry and Environmental Studies. In connection with this series, he participated in a panel presentation at Yale University in April 2005.

In addition, Rodriguez participated as a discussant at a conference on Direct Democracy sponsored by University of California, Irvine; the University of Southern California Law Center, and California Institute of Technology in January 2005. Also in January, he co-organized and participated as a panelist in a USD/UCSD conference on Administrative Procedure in the U.S. and Abroad. In that same month, Rodriguez convened and participated in a panel at the American Association of Law Schools Annual Meeting in San Francisco on the topic, "New Perspectives on Legislation." He also participated at AALS in a panel on the future of the Solomon Amendment.

In 2004-05, Rodriguez served as chair of the AALS Section on Legislation. He also served on various professional committees in connection with his service as dean, including the Executive Committee of the American Law Deans Association.



In addition to the book he is currently writing, titled "Double Take—Unequal Taxation of Equals", **LESTER SNYDER** is writing an article titled, "Assessment of The Virtues of Graduate Tax Programs in Law Schools." The purpose of this article is to evaluate the different types of tax programs and where they succeed or fail in their stated goals.



MARY JO WIGGINS was invited to present a paper in June 2005 at an international bankruptcy conference at the Tel Aviv University School of Law in Tel Aviv, Israel. The conference, sponsored by the Cegla Center for Interdisciplinary Research of the Law, featured academic discussions as well as meetings with policymakers in Israel in order to consider pending bankruptcy legislative reforms currently under debate in Israel. The papers from the conference will be published in *Theoretical Inquiries in Law*, a journal published by the Tel Aviv University School of Law. Wiggins' paper is titled "Economic Conservatism, Conservative Economics, and Optimal Consumer Bankruptcy Policy." It examines the relationship between conservative economic theories advanced by the Bush administration and the theoretical underpinnings of recent Congressional consumer bankruptcy legislation.

Wiggins published six chapters in *Collier on Bankruptcy*, the leading scholarly treatise in the field of bankruptcy law. She published an op-ed piece titled "The New Bankruptcy Law: Winners and Losers" in the April 21, 2005 edition of the *San Diego Union-Tribune*. Wiggins also spoke at the 2005 Annual Meeting of the National Association of Consumer Bankruptcy Attorneys in San Diego on recent case law from the United States Supreme Court and the federal Courts of Appeal on the topic of consumer bankruptcy. She spoke at the State Bar of California Business Law Section Educational Program in San Diego on the topic of notice to creditor issues under the new bankruptcy law.

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*, University of San Diego School of Law, Publications

Department, 5998 Alcalá Park, San Diego, CA 92110-2492. You may also e-mail your news to lawalum@sandiego.edu.



Allen Minker '73

'62

ELDON BERGSTROM is the retired vice president of the trust department at Continental Bank of Chicago, now Bank of America. He does occasional arbitration for the Circuit Court of Cook County, Ill.

'63

GUS PAPPAS of Chula Vista, Calif., retired from law practice on January 1, 2002.

'65

RUFUS YOUNG has taken "of counsel" status at Burke, Williams & Sorensen, LLP in San Diego. His practice areas include the Clean Water Act, the Safe Drinking Water Act and homeland security issues.

'67

THE REV. HENRY MANN recently retired as Canon to the Ordinary in the Episcopal Diocese of San Diego.

J. MICHAEL WELCH recently completed a two-year term as presiding judge of the San Bernardino Superior Court Criminal Division.

'68

FRANK DAMON is an active member of Las Angelitas del Pueblo, a volunteer docent group that conducts tours of Los Angeles historical sites. He also directs the organization's docent training classes.

'69

MANUEL MARTINEZ JR. joined the public defender's office in Los Angeles County and married wife Jonmarie, also a deputy public defender. The couple has a daughter (11) and two sons (9 and 6).

RONALD MIX started his own law firm two years ago, representing retired professional athletes in workers' compensation claims.

'72

DONALD RUBIN was appointed chief assistant county counsel for Orange County, Calif., in 2004.

'73

DAVID DARUGH retired after serving as an attorney for the United States government for 30 years, finishing his career as chief counsel for the Department of Energy's Savannah River Nuclear Site in Aiken, S.C. He and his wife, Gayle, are owners of the Beechwood Inn Bed and Breakfast in Clayton, Ga.

ROBERT JOHNSON bought a 42-acre ranch in Montana, where he raises Tennessee walkers and Missouri foxtrotters. He married Patti Marmer on July 5, 2003, on the ranch. The couple also has a home in Monarch Beach, Calif.

ALLEN MINKER received the 2004 John L. Seitz Award for community service from the San Luis Obispo County Bar Association. Minker, who retired from the Arizona Supreme Court bench in 1998, has counseled and

represented clients through California Rural Legal Assistance in San Luis Obispo for the past four years in both English and Spanish.

WILLIAM TERRY practices in the area of criminal defense. He has served on various panels of the State Bar of Nevada, including its ethics committee and fee dispute committee.

'74

STEVEN CARROLL (LL.M. '86) has been head of the San Diego County Public Defender's Office since 1996.

TELEMAC CHRYSIKOS has been on the legal staff of Washington Gas and Light since 1980. He has three children: Paul, who practices law in Philadelphia; Marybeth, who is a physical therapist; and Tim, who is a senior at Swarthmore College.

HOWARD TARR has practiced intellectual property law since 1994.

'75

JAMES C. KRAUSE, a principal of Krause & Kalfayan of San Diego, and his wife, Gale, recently made a pledge commitment of \$1 million to the University of San Diego School of Law, where he is chair of the Board of Visitors and previously served as president of the alumni association.

'76

ALBERT V. DELEON was appointed to the New York City Industrial Development Agency board of directors in June.

GORDON L. GERSON of San Diego was recently admitted as a fellow to the American College of Mortgage Attorneys.

MARY HOWELL is editor of the *Journal of Community Association Law*. She is also a past member of the board of governors of the College of Community Association Lawyers.

PAUL LONGO of Sacramento, Calif., retired from his position as general counsel of the California Commission on Teacher Credentialing and works as a consultant in the area of educator misconduct.

'77

JOHN M. HOCHFELDER served five years as village judge in White Plains, N.Y. Now a personal injury lawyer, he was recently appointed to the New York State Crime Victims Board Advisory Council.

MARY LEE LINDQUIST has been in private practice for 24 years. Her practice is limited to family law mediation and collaborative divorce, and is located in Irvine, Calif. She has two children, ages 20 and 17, and has been performing in community theater for 11 years.



James C. Krause '75

J. DARRYL NYZNYK is president and chief executive officer of a real estate development company near Los Angeles. In his spare time, he is working on his second novel. He and his wife celebrated their 26th anniversary in June.

'78

MICHAEL KELLEHER served 21 years in the U.S. Army as a Judge Advocate General officer. After retirement, he returned to San Diego and became a deputy district attorney. In 2002, he transferred to the Department of Child Support Services for San Diego County.

LESLIE "LES" E. MURAD II was appointed San Bernardino Court commissioner in February. He had worked as a deputy city attorney in San Bernardino for the previous two years.



Elizabeth Smith-Chavez '78

ELIZABETH SMITH-CHAVEZ of San Diego married Fred Chavez on Feb. 14, 2004. She is a member at Seltzer Caplan McMahon Vitek, where she is head of the real property practice group.

'79

JAY SACKS of San Diego has been performing with the Renaissance group Courtly Noyse and also with the Gregorian chant group Schola Pacifica, which just released its third compact disc.

JOHN STEINER works in Southern California as an underwriting manager with a large asset-based lender. He has been married for 21 years; he and his wife have three sons. He recently attended his 25th reunion at USD and roomed with one of his former law school roommates. "I am so gratified to see the continued strides USD is making," he writes.

Two Law Alums Take Their Friendship and Law Practice to “Higher Ground”

Sarah Mason '86 and Paula Garrison Tupper '86 are finally doing what they have been talking about since they were best friends at the University of San Diego School of Law; they have started a practice together called Higher Ground Law Center LLP.

About twenty years ago, Mason and Tupper met on the first day of law school. “We were in the same section, and right away I knew this was somebody I wanted to get to know better. It just clicked,” Mason says. “We’ve been close friends ever since.”

Although close, Mason and Tupper aren’t exactly two peas in a pod, but rather the perfect complements. “Paula is great in front of a jury or an audience. She loves to talk to a crowd. She is very persuasive; a great orator. She likes that, but doesn’t like the negotiation and one-on-one stuff as much. But I love it,” Mason says. “We’re complementary styles. I am more of the researcher, writer, negotiator person. We mesh well together. I guess you would say I am the quieter one, but people who know me would laugh.”

Not surprisingly, Sarah Mason went on to law review and Paula Garrison Tupper was involved with moot court. Both value the education and experience they got at the School of Law. “I really loved the entire experience. It was the best educational experience I ever had. I really felt that the school was excellent and that the professors really cared,” Mason says.

When they decided to start their San Diego-based firm, it was finally the right time in both of their personal lives. Characteristic of their polar-opposite friendship, Tupper was ready because she no longer needed as much flexibility, and Mason was looking for something with more flexibility. Originally, Tupper worked at more traditional law offices, but eventually became an independent contract litigation support attorney with a focus on general tort litigation, as it gave her more control over her schedule while attending to the needs of her family. Now that her children have grown and she no longer has to care for elderly relatives, she has time to spend building the new practice. Mason, on the other hand, was a partner at Stephenson Worley Garratt Schwartz Garfield & Prairie and wanted something more flexible and with more autonomy. “We kind of looked at each other and said ‘it’s either now or never,’” Tupper says.

They also wanted to have the freedom to take a different approach. Instead of the standard “warfare” model, they wanted to



be able to focus on the big picture and assess all of the client’s costs and options. “We do not believe in the scorched earth policy, which is often the interpretation of zealous advocacy,” says Tupper.

The firm is centered around the idea that it is possible to represent a client aggressively without the blood letting, which can often be counter-productive.

“We think it is more important to look at the needs of your client and how the situation can best be approached to fulfill those needs rather than just look at a win at all costs,” says Tupper.

When they first meet with clients, they listen to clients’ stories and priorities. They are upfront with their clients about the costs (time, emotions, money) and options. All too often they found that clients are winning in litigation, but losing businesses and important relationships.

When asked if they are able to keep their friendship on “higher ground” while business partners, Tupper replies, “I think we are lucky that we had been friends for such a long time before we became partners because the friendship has mellowed and matured as we have. We know each other’s foibles, and we have long since decided that, yes, we can deal with them. I think that if we were partners when we first got out of law school we might have killed each other.”

Mason just laughs. “People tease us, asking us how many fights we have had so far; the answer is none. When forming the partnership, we decided that our friendship was more important. We really have fun being together. We kind of knew intuitively that we would be a good fit.”

class action



Jeffrey T. Thomas '82

ALICE YARDUM-HUNTER was honored in the "Super Lawyer 2004" issue of *Los Angeles Magazine* in its immigration law category. Alice represents foreign citizens, their American employers and their close relatives, and has begun working as an expert witness in cases where immigration law issues impact litigation.

'80

BENJAMIN HADDAD recently was appointed by the City of San Diego to a new six-year term on the San Diego County Water Authority Board of Directors, and was appointed by Governor Schwarzenegger to the California Coastal Commission as an alternate. He married Ann Miller on August 14, 2005.

CLIFFORD M. LEVY was appointed as a permanent workers' compensation judge for the San Diego Workers Compensation Appeals Board in March.



Leslie E. Devaney '83

PHILIP MATRICARDI chairs the Washington Association of Realtors' Legal Affairs Committee and the Seattle King County Association of Realtors' Governmental and Public Affairs Committee. He also is chairman of the Seattle King County Association of Realtors' "First Citizen" Scholarship Foundation.

VENUS (SOLTAN) WINTEMUTE is in private practice in Orange County. She was named one of California's top 50 female litigators in 2004 by the *Daily Journal*.

'81

SANFORD JOSSEN received the President's Award from the Consumer Attorneys of Los Angeles for his work on behalf of dependent minors. He was also recently featured in *South Bay People*.

JAMES POOLE practices patent law in Loveland, Colo. He recently gained a dismissal for a local trademark applicant against a large phone company represented by a major New York City law firm.

'82

JANICE BELLUCCI is general counsel for the California Space Authority.

ROGER KANNE is a partner in the Indianapolis law firm of Zeigler, Cohen & Koch, specializing in medical malpractice defense. He represents all the prison physicians in the state of Indiana.

ROBERT RYDER is the founding partner of an insurance defense and business litigation firm. The firm has expanded to four locations in the Southwest since 1997. Robert is based in the Orange, Calif., office but also tries cases in Las Vegas. He has been married 22 years to wife Marbury and has two sons; Phillip, a senior at the Wharton School of Business at the University of Pennsylvania, and Matthew, a freshman at the Carroll School of Management at Boston College.

JEFFREY T. THOMAS, a partner at Gibson, Dunn & Crutcher LLP in Orange County, was the guest speaker at the 2005 USD School of Law commencement.

'83

GEORGINE BRAVE has been working at her own family law firm, Georgine Brave & Associates, for 21 years. She has volunteered for the American Cancer Society's Reach to Recovery, a breast cancer survivors' peer counseling program, since 1994.

SALLY K. CHENAULT has been hired at the Modesto, Calif., firm of Damrell, Nelson, Schrimp, Pallios, Pacher & Silva. Formerly, she was in-house counsel for Kinko's Service Corp.

LESLIE E. DEVANEY, former San Diego executive assistant city attorney, is a shareholder at Stutz Artiano Shinoff & Holtz, where she spearheads the firm's government relations and municipal law group.

LISA GREEN has worked as a deputy district attorney in Bakersfield, Calif., for more than 20 years and has been involved in more than 100 trials. She was named supervisor over the homicide and sex crimes unit in 2001.

JOHN HUNT, a Las Vegas divorce lawyer, is extensively cited as one of five experts in the recently published book *The Marriage Medics* by Cynthia Cooper.

ROD PACHECO, an assistant district attorney in Riverside County since 2002, recently announced his candidacy for the county's district attorney position. Elections will be held in March 2006.

MICHAEL SHAMES, who founded the Utility Consumers' Action Network while in law school and works as executive director of the organization, published his first book, *Secrets of the World's Greatest Consumer, Essential Tools for the 21st Century Consumer*.

'84

CAMERON CAMPBELL has been an asset protection attorney since 1986 and opened a practice in north San Diego County last year. He was knighted by the Knights of Malta in Italy for his legal assistance in overseas humanitarian projects. He is also president of the San Diego Networking Association.

STEPHEN R. DOYLE was elected president of the California Building Industry Association for 2005. The association represents more than 6,000 member companies and promotes quality construction and an adequate supply of new homes. Doyle recently received the "Spirit of Life" award from the city of Hope, Calif., in recognition of his professional and philanthropic accomplishments.

DENNIS M. GRADY formed the San Diego employment law firm of Grady & Associates in 1992. He earned his LL.M. with an emphasis on employment law from New York University in 1991.

KEITH KLEIN recently made partner at the Oklahoma City law firm of Ryan Whaley Coldiron, where he continues to practice environmental and business litigation.

WILLARD SMITH was a contestant on "Survivor: Palau" as a member of the Koror tribe. Smith lives with his wife Pamela in Bellevue, Wash.

'85

WAYNE BECKER of Darien, Conn., is vice president of international development and programming at The Golf Channel. He previously worked as senior vice president of programming and event management at ESPN STAR Sports.

WILLIAM D. GOREN has been married to Susan I. Gerber for four years and they are the proud parents of Maya Isadora (1). Goren has spent the last three years as an associate professor at Northwestern Business College's Naperville, Ill., campus teaching paralegals. He is currently working on a second edition of his book on the Americans with Disabilities Act, originally published by the ABA in 2000.

TODD LITMAN (LL.M. '87) has for 17 years operated his own law firm, which specializes in estate planning and elder law. He teaches classes at Coastline College in Costa Mesa, Calif. He, wife Lisa and two sons live in Orange, Calif.

ROBERT WILDER of Encinitas, Calif., recently launched a mutual fund called PowerShares WilderHill Exchange-Traded Fund based on emerging alternative energy source companies.

'86

STEVEN ALTMAN was made president of Qualcomm, a San Diego-headquartered wireless technology company that netted \$1.7 billion last year, this March. He previously served as corporate counsel, executive vice president and president of the company's technology licensing group.

CAROLYN (EMME) CAIETTI, a partner at Walters & Caietti, APC, in San Diego and Temecula, was elected to the American Board of Trial Advocates in December. Caietti is an expert in civil litigation and specializes in personal injury, employee and real estate law.

MAJOR DOUGLAS C. FENTON serves as an Army chaplain at Fort Myer, Virginia.

DEBRA (KANEVSKY) MIGDAL is an assistant defender for the federal public defender's office in Akron, Ohio.



Michael Shames '83



Steven Altman '86

From Full-Time Mom to Part-Time Lawyer: Tips from Gretchen Landherr '92

Gretchen E. Schmidt Landherr '92 just made a successful transition from full-time mom to part-time lawyer, not always an easy move to make.

A recent survey by the taskforce The Hidden Brain Drain published in the *Harvard Business Review* shows that although 93 percent of women who took time off work eventually wanted to go back, only 74 percent of them successfully rejoined the workforce.



So we took some time to catch up with Landherr and find out what made her transition so successful. Landherr works 15 to 20 hours a week in pharmaceutical litigation for Baker Sterchi Cowden & Rice, L.L.C., a law firm with offices in Missouri and Kansas that focuses on product liability. She and her husband, Curtis, live in Leawood, Kansas and have two children: Ben (6) and Maggie (4). This spring, she reentered the workforce after a six-year hiatus. Here is what worked for her.

LEAVE A GOOD IMPRESSION

"I know it sounds really obvious, but the first thing is to just make sure you do a great job and make a big impression before you leave. Nothing really matters more than excellent work product. You should try to be indispensable to your firm or company; it will open up a door for you later—they will remember you."

MAINTAIN RELATIONSHIPS

"Establish and develop relationships with the people you are working with, whether it's colleagues or the partners you work for. . . . Don't just work with people, but really get to know them. They will care about your future and your career, so when you decide you want to reenter the work force later, your former colleagues will want to help you. . . . Going back, they are actually partners now, and they were the ones who thought of me and called me about this opportunity."

KEEP UP WITH YOUR FIELD

"Luckily, I have a husband who is a lawyer, so I really tried to connect with him and the different kinds of cases he was working on so that I could keep myself at least peripherally involved with the law. . . . Otherwise, try to keep up with your lawyer friends and talk to them about their practice to keep up to speed."

"I didn't take any continuing legal education during my hiatus, and, in retrospect, I wish I had done that a little bit more. I read my USD law magazine and my bar license publications, but that was about it. I didn't take any courses because they were very expensive, and we had limited funds."

"Another thing I wish I had done, where I felt I had to play catch-up on when I went back to work, was to keep up in the area of technology. Technology had changed so dramatically in just a few years. With computers, e-mail, the way court filings and legal research are done, my legal practice was different in many ways. I had a little apprehension about going back to the workplace and feeling like a dinosaur with respect to technology. Basically I just dove back in and asked for help, and realized I wasn't the only one in that situation. The other part-time mothers who had come back to work felt the same way. You catch on quite quickly once you are back in there."

PREPARE YOUR CHILDREN

"I think it would have been difficult to return to work when my children were younger because they have separation issues and it was really important to me to spend their early years with them. But now I am past that stage. . . . They were used to having an occasional babysitter or grandparent watch them. I think it would be helpful for the mother to share as much responsibility as she can throughout babyhood and toddlerhood with her husband so that they are used to someone else taking care of them. I know some mothers who do everything, and when they have to leave or go it's really difficult for the entire family."

"We also talked about it for several months before I went back, 'that it was important for mommy to go back to work too. She really likes her job too and it is important for her to get out and help our family in that way.' They were ready for it and knew it was going to happen, and it didn't seem to really be a problem for them."

LOOK FOR OPPORTUNITIES

"I think it is kind of a new phenomenon to work part-time as a lawyer; maybe even five, ten years ago there were very few part-time lawyers. . . . I think it is a little bit trickier to work part-time for lawyers; however, the opportunities are out there. I think a lot of job opportunity, at least with firms, is in the area of discovery and document production."

"I think there is definitely more opportunity with e-mail and working from home situations. I know some mothers that do consulting and project-based work for law firms. I definitely think there is a developing niche for mothers who do want to go back."

KNOW WHAT YOU WANT

"[My job] is definitely not a partner track position . . . At this point that is no longer a goal of mine. I thought at one point it would bother me: I'm now perfectly content with my level of involvement. . . . I really like the balance I have."

'87

LESLIE (ZWINGENBERG)

DETWILER relocated her law practice to Redding, Calif., after living in San Diego for 19 years. She lives in Redding with her husband and two children, Chase and Paige.

ROBERT D. GERARD recently completed his term as president of the 9,000-member Orange County Bar Association. While president, he started the association's "Lawyers for Literacy" program, in which lawyers and judges read books to third-grade classes. Gerard is also chairman of Surf Aid International's board of directors and is on the boards of the Ocean Institute and the Balboa Bay Club.

Amateur golfer **STEVE HAKES** shot a 4-under-par 68 at Torrey Pines South Course in October 2004 to qualify for the PGA Tour's 2005 Buick Invitational. Hakes has won the San Diego City Senior Amateur and several other city senior tours and has qualified for the U.S. Mid-Amateur and U.S. Senior.

KATHERINE NAKAMURA was elected to the San Diego Unified School District board in 2002. A teacher for 25 years, Nakamura represents Sub-District B, which includes Scripps Ranch, Patrick Henry and Hoover high schools.

'88

VICTORIA ERIQAT of La Jolla, Calif., has spent 16 years specializing in real estate, contracts, landlord-tenant issues and estate planning. She also volunteers as a judge in area courts. Her daughter Suzanne and son-in-law recently became attorneys.

JON D. FERGUSON was recently appointed as a San Bernardino County Superior Court judge. He previously practiced in the county as a deputy district attorney for 15 years.

EARL H. MAAS III was recently appointed to the San Diego Superior Court. Prior to his appointment, Maas litigated legal malpractice for more than 15 years.

THOMAS MAURIELLO has been living in the San Francisco Bay area since 2000 with wife Nancy and daughter Natalie (5). His law practice is in the Financial District and focuses on securities litigation and arbitration.

LT. COL. MICHAEL MCINTYRE was recognized as the staff judge advocate at the Al Udeid Air Base in Qatar in July 2005. He is senior legal advisor to the wing commander at the base and has been an Air Force JAG since 1989.



Leslie (Zwigenberg) Detwiler '87

GEORGE MEANS has been practicing law in the Los Angeles office of Sidley Austin Brown & Wood LLP since 1988. He is happily married to Terisa and is a proud father of Lindsay (14), Abby (12) and Sophie (6). "My mild midlife crisis resulted in rediscovering the joys of off-road motorcycling," he writes.

'89

JUDITH C. CLARK, Riverside County's deputy district attorney for 16 years, has been appointed to the Riverside County Superior Court.

THOMAS DIACHENKO has his own law practice in San Diego focusing on medical malpractice, personal injury, employment and business litigation.

KIMBERLEE LAGOTTA, previously a deputy district attorney in North County, has been promoted to assistant chief of the Vista, Calif., District Attorney's Office. Lagotta is married and is the mother of three sons.



George Means '88

'90

JOHN T. EDWARDS recently helped to form the Boise, Idaho, general litigation practice of Holzer, Edwards & Harrison, Chtd. He is also an adjunct business professor at Boise State University.

RON GREEN and classmate **JOEL R. BRYANT** formed Green Bryant & French, LLP in January 2005 with offices in San Diego and Palm Desert, Calif. Green is a civil litigator specializing in construction, mold, personal injury and real estate fraud.

SALEEM MARSOOF (LL.M.) was appointed as a Sri Lankan Supreme Court judge in February.

DAVID P. MORGAN passed the Virginia Bar Exam and opened his own firm, providing family law and general litigation services. He sits on the Board of Directors of three non-profit organizations and serves as chair of an east coast insurance services company.



Richard J. Healy '93 LL.M.



Daniel K. Bean '94

'91

JOHN ALTOMARE started a wills and trusts practice in Chula Vista, Calif., in 2001. He and his wife, Sharie, recently adopted a newborn baby.

WILLIAM J. SNYDER has been named partner in the San Diego office of Murchison & Cumming, LLP after several years with the firm. He specializes in employment and environmental law, as well as catastrophic injury and general liability.

J. TODD TENGE founded Tenge Law Firm, LLC in 1993. The firm handles all types of litigation, commercial and business law, family law and personal injury. He and his wife Denise have two daughters, ages 9 and 7, and live in Boulder, Colo.

TIMOTHY R. WALSH has been appointed to the San Diego Superior Court. For the past 13 years, he served as a San Diego County deputy district attorney. He is also a former USD adjunct professor of law.

JAMES WARD recently retired from his position as a patent counselor for Space and Naval Warfare Systems Command in San Diego. He is traveling and consulting for other intellectual property attorneys.

RICHARD VALDEZ is currently teaching in the paralegal program at the University of San Diego. He specializes in general civil litigation, including complex business and commercial disputes, product liability and disability access defense.

MICHAEL ZELNICK interns at University of California, San Diego, and the San Diego Veterans Administration.

'92

LORNA A. ALKSNE was appointed to the San Diego Superior Court. She previously worked as a San Diego family law court commissioner.

BEVERLY KALASKY of Belle Mead, N.J., owns Total Wellness, a health and wellness business.

COLLEEN H. LOWE began working at San Diego's Grace Hollis in 1995 and was named partner in 2001. The firm changed its name from Grace Brandon Hollis to Grace Hollis Lowe Hanson & Schaeffer LLP in May to reflect Lowe's significant leadership role.

SARAH OVERTON was named partner in the law firm Cummings, McClorey, Davis & Acho PLC, in its Riverside, Calif. office.

JILIEEN RUBIN has been a jury consultant for 10 years and has handled several cases that have received national media attention. She is a consultant to Fox News and local San Diego news programs.

'93

KENDRA HALL, a certified appellate specialist, was hired as an of counsel attorney by Procopio, Cory, Hargreaves & Savitch LLP in San Diego. Previously, she was a partner at Klinedinst, PC.

RICHARD J. HEALY (LL.M.) works for the California Parole Advocacy Program (CPAP) in Susanville, Calif. The CPAP, a program of McGeorge School of Law, was selected as program of the year by the California Public Defenders Association. He is married to Toni, recent recipient of the Clay Award for Criminal Law.

MARY SMIGIELSKI and her husband Gregory Barnes of Evanston, Ill., had their first child, Sabrina Katherine, on April 28, 2004. Smigielski is a partner in the labor and employment section of Neal & Leroy, LLC.

DENNIS VILLAVICENCIO of Carlsbad, Calif., came in sixth place at last year's Catalina Marathon. He participated in Ironman Hawaii in October 2004.

TROY ZANDER joined Sheppard, Mullin, Richter & Hamilton LLP as a partner in the firm's downtown San Diego office. He continues to focus on commercial finance, corporate matters and insolvencies.

'94

DANIEL K. BEAN has been named partner at Holland & Knight LLP in Jacksonville, Fla. A commander in the United States Naval Reserve, Bean practices commercial litigation in state and federal courts.

TIMOTHY EARL celebrated the birth of his first son, Tyler Douglas, with wife Kim on Sept. 13, 2004. Earl has become shareholder at the San Diego law firm of Sullivan, Hill, Lewin, Rez & Engel.

DEBORAH ENGEL of San Diego recently joined McMillin Realty to work as a realtor/broker associate.

Congresswoman Shelley Berkley '76 represents Las Vegas in the U.S. House of Representatives

What Happens Here...Can Lead to a Seat in Congress

A law degree from the University of San Diego can take you far—just ask Congresswoman Shelley Berkley '76.

"Without the law degree and background in the law I received at USD, I would not be in Congress now," says Berkley, a Democrat who has represented Nevada's First Congressional District—which includes the Las Vegas metropolitan area—since January 1999. "It gave me a foundation upon which to build."

Berkley's service in the U.S. House of Representatives is the culmination of a series of key positions she has held. Upon graduating from law school, she returned to Las Vegas to begin her career, which featured public service in the Nevada State Assembly and on the Nevada University and Community College Board of Regents, of which she was vice chair. In the private sector, Berkley has been in-house counsel for Southwest Gas Corp., vice president of government and legal affairs for the Sands Hotel, and national director of the American Hotel-Motel Association.

It seems that Capitol Hill, though, had been her ultimate goal for a long time.

"I always knew I would be an attorney and an elected official," says Berkley. "My grandparents were immigrants from Europe. It was my way of giving back to the United States for taking my family in. I had been in the Nevada State Assembly and had been a university regent. I waited for the right opportunity to run for Congress—it was the only office I could think of in which I could work on both domestic and international issues."

Berkley's committee assignments in the House of Representatives reflect her interest in both domestic and international affairs—she serves on the International

Relations, Transportation and Infrastructure, and Veterans' Affairs committees. Her membership on the House Subcommittee on the Middle East and Central Asia involved her in Congressional oversight of the war in Iraq.

"This is an important time to be serving in Congress," says Berkley. "I voted in favor of the intervention in Iraq. I was shown maps of where weapons of mass destruction were located. I was told that Saddam would have nuclear capability within six months. In hindsight, none of those reasons were accurate—our intelligence was flawed. Today Iraq is a quagmire that is sapping our strength and resources—it's a very serious situation. If we knew then what we know now, we wouldn't have gone for it."

There are unique challenges and opportunities involved in representing the Las Vegas area in Congress, she points out. "If you're going to represent Las Vegas, you had better know something about the gaming industry. It's also important to dispel the myths that surround Las Vegas. It has the same issues and problems as any other city in the Southwest—many are growth-driven. There are 7,500 new residents per month in the Las Vegas Valley."

Berkley has fond memories of her law school days at USD in the mid-1970s. "It was a wonderful small school with a great student body and supportive, accessible teachers," she says. When asked if she recalls any favorite professors or courses at the law school, she replies enthusiastically, "I remember every single one of them!" giving particular mention to Professor Paul Horton's Torts class.





Adam Philipp '95

DELMAR WILLIAMS and wife, Susan, of Temecula, Calif., are the proud parents of twin sons Ben and Jack, born Feb. 12, 2004. They join Alyson (5) and Delmar Jr. (3).

'95

MAJ-LE (TATE) BRIDGES and husband Drew started their own law firm in Pasadena, Calif., Bridges and Bridges. The practice specializes in higher education, business and employment law.



Wayne Beaudoin '96

TRACEY (KEVALL) DELANGE currently practices business and securities litigation at Paul, Hastings, Janofsky & Walker LLP in the Carmel Valley neighborhood of San Diego. She and husband **TIMOTHY DELANGE '97** had a second child, Aidan Patrick, on Oct. 16, 2004. The couple also has a 3-year-old daughter named Sophia.

ANTHONY DEMARIA has been a partner at McCormick, Barstow, Sheppard, Wayte & Carruth LLP in Fresno, Calif., since 2000. He and his wife Kim have three sons: Alec (7), Blake (3) and Cameron (1).

MICHELLE GRAHAM (LL.M. '98) was named senior counsel at Holland & Knight LLP in Rancho Santa Fe, Calif., in March. She practices in the firm's private wealth services group. Previously, she was a senior associate at Baker & McKenzie.

ADAM PHILIPP recently became a named member of the Seattle technology and entertainment law firm Hallisky & Philipp. He lives with his wife, Masako, and his two children, Samantha and Max, on Mercer Island, Wash.

M. JULIA RAMIREZ-STONE works at the law offices of her husband, Kenneth, in San Diego. They are the proud parents of twins, Max and Ariela, born in July 2004.

'96

WAYNE E. BEAUDOIN has been named partner at the Luce, Forward, Hamilton & Scripps LLP office in Los Angeles, where he works in the business and complex litigation group. Beaudoin also offers pro-bono legal representation to victims of the 9/11 terrorist attacks.

JENNIFER BROBST is developing a new student legal clinic on domestic violence at North Carolina Central University Law School.

NICHELO CAMPBELL has practiced real estate and construction defect law in Los Angeles for the past six years. He recently was admitted to practice law in Arizona and before the U.S. Supreme Court.

SEAN EDWARDS is director of business development for the west coast at UTEK Corporation. He lives with his wife, Jessica, and children—Jake (6) and Kylie (3)—in the Carmel Valley neighborhood of San Diego.

KATHLEEN (WHITNEY) ROHR (LL.M.) is an elder law attorney, handling estate planning, trust, probate, MediCal and elder abuse issues.

'97

TRACY BROOKS-HUNN is managing partner of Brooks, Hunn and Reynolds, LLP, a Houston transactional law firm. She married husband Mark in 1997.

TIMOTHY DELANGE practices securities litigation at Bernstein, Litowitz, Berger & Grossman in the Carmel Valley neighborhood of San Diego. He and his wife **TRACEY (KEVALL) '95** had a second child, Aidan Patrick, on Oct. 16, 2004. The couple also has a 3-year-old daughter named Sophia.

THOMAS FRANKLIN has been named partner at the Townsend and Townsend and Crew LLP Denver office.

TARA (DAVIDOFF) KAMIN wed Steven Kamin at the Beverly Hills Hotel in September 2003. She recently joined a commercial real estate firm, NAI Capital Commercial, as a senior associate specializing in sales of investment properties.



Craig H. Russell '98

U.S. ARMY COL. JAMES LOVEJOY (LL.M.) recently was assigned to Washington, D.C., to serve as assistant chief in the Personnel, Plans and Training office for the Army Judge Advocate General Corps. He, his wife Lisa and their four children enjoy the sights of living near Washington, D.C.

JOHN "JED" NICHOLSON, who has practiced at Adamski Moroski Madden & Green LLP since 2001, was recently named partner in the San Luis Obispo firm.

JAMES PATRICK (LL.M.) is chief executive officer of National Healing Corporation in Boca Raton, Fla., the fastest growing wound management health care service in the United States.

KARYN (REICH) REED gave birth to a son, Alexander Morgan, on July 8, 2003. She is a partner at Karyn K. Reed & Associates in Brea, Calif.



Laura Borst '99

'98

MARK BORDEN, who practices at Borden & Goddard LLP in Oshawa, Ontario, welcomed his first child in June.

MATTHEW DEARMEY and wife Vickie of Anaheim, Calif., proudly announce the birth of their first child, Dominic Joseph, on Feb. 3, 2004.

JASON "JAY" DINWOODIE has joined Dewey Ballantine LLP in New York as director of marketing and communications.

CRAIG H. RUSSELL is employed as an assistant attorney general in Austin, Texas, where he represents the state in civil rights litigation. He also serves as a JAG officer in the Texas Army National Guard and is currently serving a one-year tour in Iraq, where he trains soldiers regarding the laws that apply to them in combat. Russell and his wife, Carleen, had their first child, Ryan, in September 2004.



Joshua White '00

'99

LAURA BORST, who practices at the Minneapolis branch of the international law firm of Fulbright & Jaworski L.L.P., was recently named an "Up and Coming" attorney by *Minnesota Lawyer* magazine.

VERA FRY lives in Okinawa, Japan, with her husband and her daughter where she recently opened her own practice focusing on business immigration and family immigration for U.S. personnel stationed in Japan.

BRUCE MARLEY and **DEBRA BACK** were married on Sept. 25, 2004, at the Church of St. Mary Magdalene and held their reception at the Hilton San Diego resort in Mission Bay. The couple honeymooned in Costa Rica. He works for Motorola and she is the associate managing attorney for Protection & Advocacy, Inc. in San Diego.

PHILIP PESIN has been named to the board of directors at Cornerstone BioPharma, Inc., a specialty pharmaceutical company located in North Carolina. He is founding partner of Pesin & Blatz and founded The Sorrento Financial Group.

JOHN SHALE is medical director for mental health services for San Diego County. He is also an associate clinical professor of psychiatry at University of California, San Diego, School of Medicine, and an adjunct professor at USD's School of Law. In addition, he does some private forensic medical consulting.

'00

DESS (ALDREDGE) BENEDETTO started her own real estate planning practice in Martinez, Calif.

DALE L. RIEGER has taken the title "of counsel" at Jones Day's San Diego office. His area of practice is intellectual property within the pharmaceutical and biotechnology industries. Previously, he was a principal in Fish & Richardson P.C.'s intellectual property group.

JOSHUA WHITE earned a master's degree in real estate development at the University of California School of Policy Planning and Development in May. White continues his legal practice, specializing in



Elena Iuga '02 LL.M.

business law and asset management. He recently started a real estate development company, Whitecap Development Company, in Los Angeles.

'01

LYNNAE LEE started her own law firm in 2004 and has two attorneys and four office staff members working for her. The firm specializes in family law, real estate, personal injury and appellate matters.

ELIZABETH PARKER married Timothy Gamber on Oct. 16, 2004.

'02

JENNIFER (RODRIGUEZ SLIPP) BAUMANN and her husband, Grant, welcomed their first child, Rachel Kelsey, on June 1, 2004.



Court Turner '03

TODD D. CARPENTER has joined the San Diego firm of Casey Gerry Reed & Schenk, LLP as an associate. His areas of focus are product liability, personal injury, diet supplement litigation and consumer fraud.

WILLIAM GLEASON works at Merrill Lynch in San Diego.

ELENA IUGA (LL.M.) is working for the Law Offices of Paul Strauss and Associates in Washington, D.C. She is a member of the New York, Virginia and D.C. bars.

KENNETH WHITE graduated in 2004 with a master of arts degree in political science from San Diego State University. He is entering a Ph.D. program in political science at Claremont Graduate University.

'03

ARIEL R. BEDELL, an associate at the Loftin Firm in Carlsbad, Calif., is assistant secretary for the board of directors of BRAVO San Diego, a community organization that supports the arts.

AMANDA LYN HOLGUIN had her first child, Isabelle Manna, on Oct. 8, 2003. Holguin recently took a position in the Arizona Attorney General's office appeals unit in the child and family protective services section.

COURT R. TURNER has been promoted to vice president of strategic alliances and senior legal counsel at San Diego's Kalypsys, a private company that does drug discovery and development.

'04

KRISTEN DENNIS recently completed an internship at the San Diego City Attorney's Office. She began working for the Naval Criminal Investigative Service in October 2004.

In Memoriam

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

JACK KATZ '68 of San Diego died on May 12, 2005, at the Sharp Grossmont Rehabilitation Center. He was 81. Katz served two tours in the Navy during World War II and was a decorated fighter pilot in the Korean War. He was married nearly 56 years to Alene, whom he met during his Air Force training in Texas. As a civilian, Katz worked in the San Diego City Attorney's Office, starting out as a budget analyst and working his way up to chief deputy city attorney before retiring in 1992.

RUSSELL GLENN TANNER '71 of Poway, Calif., died at the age of 78 on November 20, 2004. He served the California Highway Patrol for 40 years and received his law degree upon retirement. He practiced in Escondido, Calif., with partner Reb Toner.

HENRY E. SIKORSKI '74 died February 15, 2004 of a heart attack. He worked in the Law Offices of Laura Basaloco-Lapo in San Francisco.

on the docket

JANUARY 2006

Washington, D.C. Alumni Reception
Contact the Office of Development
and Alumni Relations
(619) 260-4692

JANUARY 19, 2006

Maudsley Fellows Reception
Contact the Office of Development
and Alumni Relations
(619) 260-4692

JANUARY 24, 2006

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

FEBRUARY 2006

Nathaniel L. Nathanson Memorial Lecture
Distinguished Lecturer: Professor Georg Ress,
Judge, European Court of Human Rights
By Invitation Only
Contact Theresa A. Hrenchir
Director of Special Projects
(619) 260-7438 or hrenchir@san Diego.edu

FEBRUARY 21, 2006

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

FEBRUARY 23 AND 24, 2006

University of San Diego School of Law-
Procopio International Tax Institute Conference
U.S.-Mexico International Tax Update
Contact the Office of Academic Planning
and Graduate Law Programs
(619) 260-4596

MARCH 2006

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

MARCH 21, 2006

Orange County Alumni
and New Student Reception
Contact the Office of Development
and Alumni Relations
(619) 260-4692

MARCH 22, 2006

Los Angeles Alumni
and New Student Reception
Contact the Office of Development
and Alumni Relations
(619) 260-4692

MARCH 23, 2006

San Francisco Alumni Reception
Contact the Office of Development
and Alumni Relations
(619) 260-4692

APRIL 2006

San Diego Alumni
and New Student Reception
Contact the Office of Development
and Alumni Relations
(619) 260-4692

APRIL 11, 2006

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

MAY 2, 2006

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

MAY 26, 2006

School of Law Graduation Awards Ceremony
Contact the Office of Development
and Alumni Relations
(619) 260-4692

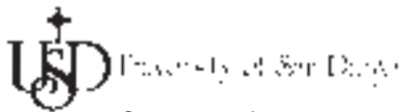
MAY 27, 2006

School of Law Commencement
Contact the Office of Development
and Alumni Relations
(619) 260-4692



parting shot

Disorder in the Court? Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit (top row, center) gets almost everyone to make faces for the camera after the final round of the law school's 2005 McLennon Honors Moot Court Competition on March 11th. Kozinski, who served as presiding judge, was joined on the judicial panel by Judge M. Margaret McKeown of the U.S. Court of Appeals for the Ninth Circuit (to his left) and Judge H. Lee Sarokin of the U.S. Court of Appeals for the Third Circuit (ret.) and Distinguished Jurist-in-Residence at the School of Law from 1999-2005 (to his right).



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