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University of San Diego School of Law

advocate

Called to **SERVICE**

USD School of Law supports
veterans with new initiatives

Fall 2013

Plus: Highlights from
Commencement 2013



On the cover, from left: Director of USD's Initiative to Protect Student Veterans Col. Patrick Uetz (ret.), Vincent LaPietra '07 (JD), and USD's Veterans Clinic Supervising Attorney Robert F. Muth.

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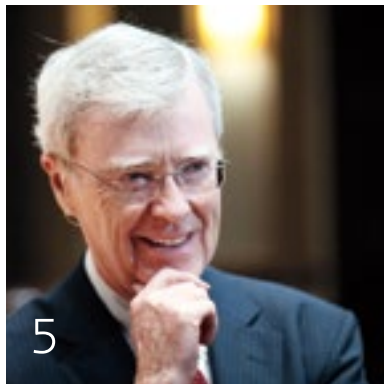


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*Dean Stephen C. Ferruolo and 2012
Rising Star Recent Alumni Award
recipient Laurie G. Rowen, '04.*

"THEY CARED THAT I DID WELL"

This issue of the *Advocate* provides a glimpse into the remarkable level of activity here at USD and the many ways in which our alumni are using their legal educations to serve their communities and advance justice and the rule of law. Since I became dean two years ago, not a day has gone by that I have not been inspired hearing about the achievements of our faculty, our students and our alumni.

"They cared that I did well," says Vincent LaPietra, '07, praising the support he received from our faculty as they helped him to complete law school successfully despite the disruptions of a three-year deployment to lead a platoon in Kosovo and activation to fight wildfires in Southern California during his last semester. Like so many of the alumni I meet, LaPietra emphasizes the vital role of our faculty of scholar-teachers to his success. The Faculty

Footnotes section of this issue tells of some of the scholarly achievements that place our faculty among the Social Science Research Network's (SSRN) Top 25 World Law Schools. This entire issue tells of the impact that our faculty's teaching (in the broadest sense) has on our students and of the valuable ways in which our graduates use the education they receive in our classrooms and clinics to be leaders in both law practice and public service.

There is currently much discussion about how legal practice is changing. Our 2012 Rising Star Recent Alumni Award recipient, Laurie Rowen, '04, is at the forefront of these changes as the co-founder of the Montage Legal Group, a network of highly experienced freelance attorneys providing contract legal services for leading law firms nationwide. Among our more than 100 alumni who have served on the judiciary, two are recognized here for their exemplary leadership: our 2013 Commencement speaker, Michael J. Streit, '75, former associate justice of the Iowa Supreme Court, and Robert J. Trentacosta, '79, presiding judge of the San Diego Superior Court. The two alumni who received USD's Author E. Hughes Career Achievement Awards, San Diego City Attorney Jan Goldsmith, '76, and James Waring, '73, executive chairman and co-founder of CleanTECH San Diego, evidence other notable examples of outstanding public and community service.

"I use a lot of the international law experience I gained at USD," says Lt. Col. Christopher Shaw, who received his LLM degree in international law in 2009 and currently serves as special assistant to the secretary of the Navy for legislative and legal matters. USD has long been committed to teaching international and comparative law and to providing opportunities for our students to gain valuable international legal experience. The new semester exchange programs we are establishing with leading law schools around the world (discussed in Campus Briefs) are expanding and enriching those opportunities.

This issue of the *Advocate* also highlights other activities that show the success of our students, the academic vibrancy of our community and the impact of our law school on society. These include challenging competitions like the Paul A. McLennon, Sr. Honors Moot Court

Competition and Vis International Commercial Arbitration Moot; the events sponsored by our Institute for Law and Religion, Center for Corporate and Securities Law, and Center for Intellectual Property Law and Markets, where major legal issues are being publicly addressed; and the vital advocacy work being done by our Children's Advocacy Institute and our new Initiative to Protect Student Veterans.

Our alumni have every reason to be proud of the achievements and growing legacy of this great law school. I certainly am.



Stephen C. Ferruolo

Dean, USD School of Law

JD candidate
Rosibel Mancillas
Lopez giving the
invocation at
Commencement
2013.



discovery

2012

Honors and Highlights

NOTEWORTHY MOMENTS FROM THE PAST YEAR



Sara Belvill

March 1, 2012

Student Victory at Moot Court Competition

Second-year law student **Sara Belvill** took top honors at the 2012 Paul A. McLennon Jr. Honors Moot Court Competition. Belvill argued for the respondent in a fictional case, inspired by a recent Seventh Circuit decision, that focused on an association of atheists and agnostics who sued to invalidate the National Day of Prayer statute.

The final-round oral argument was presided over by the Honorable M. Margaret McKeown, circuit judge for the U.S. Court of Appeals, Ninth Circuit; the Honorable Thomas C. Ludington, district judge for the U.S. District Court, Eastern District of Michigan; and the Honorable Ronald F. Frazier, San Diego Superior Court judge.

Honorable Diarmuid O'Scannlain gave the 2012 Hugh and Hazel Darling Foundation Lecture on Constitutional Originalism.

September 5, 2012

An Originalist Perspective on the Role of Federal Judges

USD School of Law's Center for the Study of Constitutional Originalism presented the Hugh and Hazel Darling Foundation Lecture on Constitutional Originalism with distinguished speaker the **Honorable Diarmuid O'Scannlain**, United States circuit judge for the Ninth Circuit Court of Appeals. Judge O'Scannlain's lecture, "The Role of the Federal Judge in the Constitutional Structure: An Originalist Perspective," discussed the structure established by the Constitution, the roles that each branch plays in that structure, and the respect that the federal branches owe to the states and to the people. More specifically, he examined the structure and features using an originalist perspective on the federal judge's role in the constitutional structure.



October 4, 2012

California Bar Foundation Awards Students

Claude Durden Jr.

The California Bar Foundation selected first-year student **Claude Durden Jr.** from a competitive pool of more than 220 applicants to receive one of only 19 diversity scholarships, which support incoming law students from historically under-represented ethnic or racial groups in the legal profession. The scholarship is awarded based on a student's academic excellence, financial need

and commitment to the community.

The foundation also named third-year student **Lisa Heng Charukul** the Jim Pheiffer Scholar, recognizing her commitment to children's issues. Named in honor of the California Bar Foundation's founding executive director, the scholarship is given to students who aspire to be public interest lawyers.

October 12–13, 2012

Institute for Law and Religion Hosts Inaugural Event

Law and religion experts from across the country gathered to discuss “Freedom of the Church in the Modern Era.” This event served as the official launch of USD School of Law’s new **Institute for Law and Religion**.

The institute’s inaugural event featured Professors Richard Garnett from Notre Dame Law School and Andrew Koppleman from Northwestern Law School debating “Is Religious Freedom in America at Risk.” During the two-day conference, jurists and scholars debated whether there is any constitutional commitment to freedom of the church and if it is derived from the more fundamental constitutional commitment to freedom of religion.



Honorable Robert J. Trentacosta



A. John Murphy Jr.

November 16, 2012

Distinguished Alumni Awards

USD School of Law presented the 2012 Distinguished Alumni Awards to the Honorable **Robert J. Trentacosta**, '79, San Diego Superior Court presiding judge, and **A. John Murphy Jr.**, '72 (BA), '75 (JD), managing partner at the Palo Alto, Calif., office of Wickersham & Murphy. The law school also presented the Rising Star Recent Alumni Award to **Laurie G. Rowen**, '04,

co-founder and co-owner, Montage Legal Group.

Both awards are presented to law school alumni who have distinguished themselves in their chosen profession at an exemplary level and embody the high ethical standards and commitment to community service that USD School of Law seeks to instill in its graduates.

campus briefs




Children's Advocacy Institute Wins Sweeping Victory for Children

San Diego Superior Court Judge Judith F. Hayes struck down regulations issued by the California Department of Social Services (DSS) that blocked the ability of the public and media to discover why child welfare agencies failed to act to prevent deaths from child abuse or neglect.

Based on research by the University of San Diego School of Law's Children's Advocacy Institute (CAI) that shows most of these fatalities were preceded by reports of abuse to child

welfare agencies, the petitioners argued that it is critical for the public and the media to discover these circumstances and causes to help prevent future deaths of endangered children.

Judge Hayes ruled that the department's regulations were inconsistent and in conflict with Senate Bill 39 (Migden), a landmark 2007 California law enacted to promote and encourage public scrutiny of child welfare practices when those practices fail to prevent a child's death.



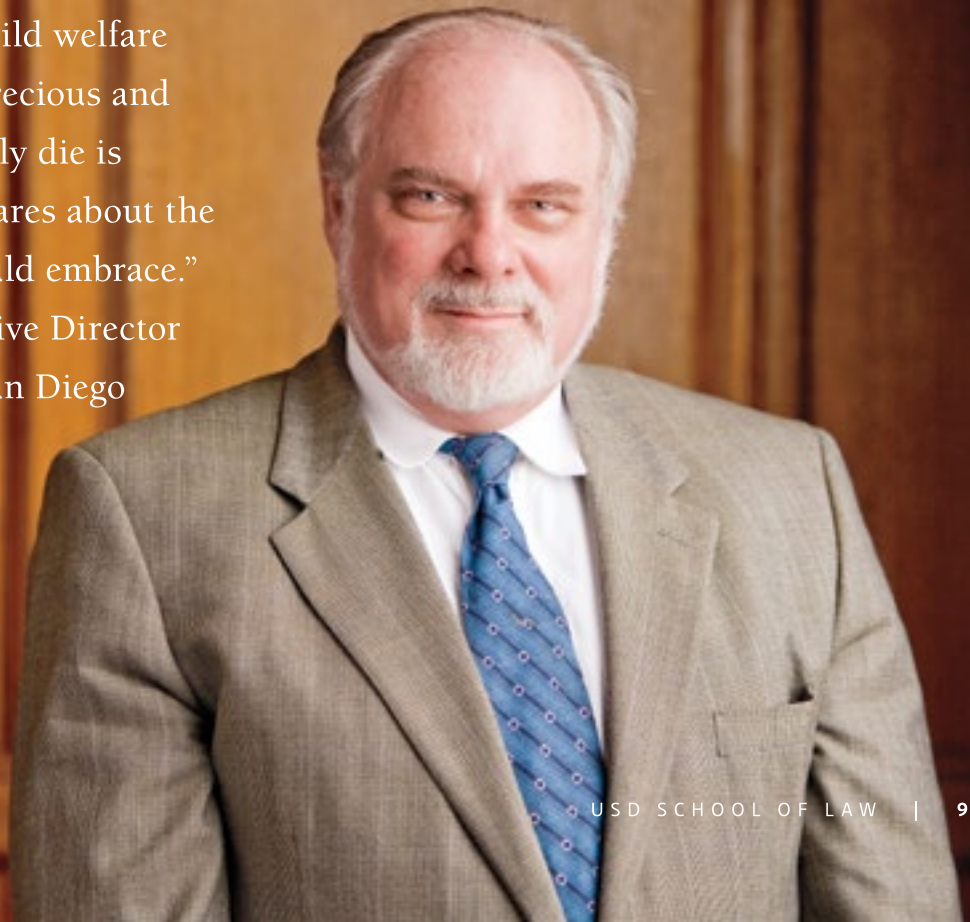
SB 39, co-sponsored by CAI and the National Center for Youth Law, has facilitated public scrutiny and news reporting of systemic child welfare problems throughout the state, but especially in Sacramento and Los Angeles counties.

“Public scrutiny of local child welfare practices when our most precious and vulnerable citizens tragically die is something everyone who cares about the well-being of children should embrace,” said Executive Director of CAI and University of San Diego School of Law Professor **Robert Fellmeth**, who served as co-counsel in the lawsuit along with Morrison & Foerster.

The lawsuit succeeded in overturning DSS regulations that excluded deaths caused by individuals such as the mother’s current boyfriend, the babysitter, the child care provider, or anyone other than the parent or guardian.

Other challenged limitations included reporting only deaths that were directly caused by an abuser through a single act or event. The petitioners argued that the reporting requirement properly applied when earlier abuse and neglect may have contributed substantially to the death. The petition and granted writ adopt the broader causation interpretation to allow public examination of factors that lead to deaths from child abuse or neglect.

➤ “Public scrutiny of local child welfare practices when our most precious and vulnerable citizens tragically die is something everyone who cares about the well-being of children should embrace.”
—Robert Fellmeth, Executive Director of CAI and University of San Diego School of Law Professor



Cherie Blair—human rights barrister, part-time judge and wife of former British Prime Minister Tony Blair—delivered the Jane Ellen Bergman Memorial Lecture on September 19, 2012. Co-sponsored by the law school and USD’s Joan B. Kroc School of Peace Studies, the series invites students, faculty, staff and the community to hear distinguished lecturers speak about women, children and human rights issues.

In her speech, “Forging the Future: Human Rights, Justice and the Law,” Blair shared lessons from her life as a lawyer, from the early challenges of being a female lawyer in the 1970s to the uncommon decision to continue working while her husband served as prime minister.

Blair emphasized her firm belief that a robust legal education is a huge force for good in the world, noting that her own education not only opened doors but also gave her the confidence to walk through them. She encouraged lawyers to value their role in a worldwide community of lawyers, sharing a commitment to human rights and justice.

“People say all the time that they don’t see lawyers as change makers,” said Blair. “But the role of law and lawyers is to help bring stability. All lawyers share something in common, and that’s a commitment to justice. The law is my passion, and I see it as being crucial to a just and stable world.”

Before the lecture, Blair visited with USD School of Law LLM student **Fekadu Senbeta**, the first scholarship recipient of the law school’s partnership with the Africa Justice Foundation (AJF). USD is the first U.S. law school to partner with AJF, a global initiative co-founded by Blair to support the development of government systems and judicial process in African nations.



Left: Cherie Blair;
below: Blair with
with Fekadu
Senbeta.



Cherie Blair Delivers Bergman Lecture, Meets First AJF Student

Senbeta received his LLM in comparative law from USD in 2012. He returned to the Ethiopian Ministry of Justice to head the Gulele Federal Justice Office.

In her opening remarks, Blair expressed her delight to meet Senbeta in person and acknowledged the generosity of USD in teaching him new principles of law to implement in his home country’s legal system.

Visit law.sandieg.edu/blair2012 to see Cherie Blair’s full lecture.

CCSL Events

Bring Big Names to Campus



Federal Prosecutor Preet Bharara spoke on financial fraud enforcement at CCSL.

USD School of Law's Center for Corporate and Securities Law (CCSL) helps enrich scholarly and popular debate on a wide range of issues related to corporate governance, financial regulation and other business law topics. CCSL continued to bring top-name practitioners and policy experts to campus throughout the 2012–13 school year.

On October 24, 2012, CCSL brought together a panel of financial and trading experts for a candid and lively discussion about the “**Wild World of Insider Trading**.”

Moderated by Mark Anson, managing partner at Oak Hill Investment Management in Menlo Park, Calif., the panel included Joshua Klein, co-founder of Petrillo, Klein & Boxer LLP; Carol Moody, senior portfolio manager for CalPERS

Investment Compliance and Operational Risk; and Carolyn Miller, former chief legal officer of Galleon Group and now counsel at Goodwin Procter LLP.

The panel discussed the increasing number of insider trading civil actions brought by the U.S. Securities and Exchange Commission (SEC), which have increased by more than 50 percent from 2009 through 2011. Many of those cases involved financial professionals, hedge fund managers, corporate insiders, attorneys and even government employees who unlawfully traded on material nonpublic information, undermining the integrity of the capital markets.

On January 27, 2013, CCSL presented “**Regulatory and Legal Issues in the Year Ahead: What Directors, Shareowners and Management Should Know**,” a bonus session for the annual Directors Forum. The event welcomed noted corporate and securities experts SEC Chief Accountant Lynn Turner; Cooley LLP partner Koji F. Fukumura; Robbins, Geller, Rudman & Dowd LLP partner Darren J. Robbins; and the Honorable Ronald S. Prager of the San Diego Superior Court.

On January 28, 2013, U.S. Attorney for the Southern District of New York **Preet Bharara** discussed prosecutions under President Obama's Financial Fraud Enforcement Task Force, the broadest coalition of law enforcement, investigatory and regulatory agencies ever assembled to combat fraud. Over the past three fiscal years, the Justice Department has filed more than 10,000 financial fraud cases against nearly 15,000 defendants, including more than 2,700 mortgage fraud defendants. Bharara also provided career advice and conducted a Q&A session with students. On February 4, 2013, Commissioner **Troy A. Paredes** of the SEC gave a presentation to law school faculty and led a discussion of securities law topics at a dinner attended by a small group of CCSL members, law school alumni and local securities lawyers.

New Semester Exchange Programs



Back row, from left: USD School of Law Vice Dean Mary Jo Wiggins, USD School of Law Director of International and Comparative Law Programs Michael Ramsey; front row, from left: USD School of Law Dean Stephen C. Ferruolo, EBS Associate Dean of International Relations Axel Schumacher.

USD School of Law expanded its international reach by launching five new semester exchange programs with schools in Argentina, China, Germany, Israel and Singapore. The programs allow USD students to attend law school abroad for one semester, and allow students from partner institutions to attend USD for one semester.

"These exchange programs provide USD law students the opportunity to learn about global issues from a different perspective and prepare them for legal practice in the ever-expanding global market," said Michael Ramsey, law professor and director of international and comparative law programs at USD.

UNIVERSIDAD TORCUATO DI TELLA (Argentina)

Hosted by the Universidad Torcuato Di Tella School of Law, USD law students study economics, tax and international law, with a special focus on European Union, civil and criminal law.

PEKING UNIVERSITY SCHOOL OF TRANSNATIONAL LAW (China)

Hosted by Peking University School of Transnational Law, USD law students focus on common-law subjects with a transnational and comparative law emphasis. Upper-division courses mix more advanced electives with a full curriculum of Chinese law courses.

EBS LAW SCHOOL (Germany)

Hosted by EBS Law School, this program combines legal and business studies to deliver top-level research, teaching and executive education of high practical relevance, not only in the legal field but also at the intersection of business and law.

HEBREW UNIVERSITY OF JERUSALEM (Israel)

Set to begin in the fall of 2013, USD law students will attend Hebrew University to explore international law from an interdisciplinary approach, with a special emphasis on human rights, intellectual property and international business law.

SINGAPORE MANAGEMENT UNIVERSITY SCHOOL OF LAW (Republic of Singapore)

Set to begin in the fall of 2013, USD exchange students will attend Singapore Management University School of Law to explore an emphasis on international law and the intersection of law, business, economics and politics.

USD launched its first semester exchange program in 2004 at the [University of Copenhagen Faculty of Law in Denmark](#), where USD students study European Union laws relating to intellectual property, constitutional, business and corporate, and human rights law.

Learn more about the law school's semester abroad programs at law.sandiego.edu/studyabroad.

First Post-Grad Training Program

During the fall 2012 semester, USD School of Law hosted its first post-graduation training program for alumni. Funded by the generous gift of law school alumnus **George Strong**, '74, Professor **Allen Snyder** led a six-week practical training program focused on oral advocacy trial skills. The program was free for all recent graduates and provided 36 hours of continuing legal education (MCLE) credit.

The recent graduates who attended the program were enthusiastic about the training they received.

"I thought the group of instructors was spectacular. I truly felt like I was working with world-class professionals," said one attendee. Another stated that participants learned "there is really no substitute for preparation and critical thinking about the case and about the particular activity."

The program faculty was composed of exceptional volunteer practitioners who have substantial experience representing a range of clients in criminal and civil matters. Instructors included the Honorable **Judy Hayes**, '77; **Alan Brubaker**, '76; **Monique Carter**, '05; **Bibi Fell**, '04; **Michelle Ialeggio**, '04; **Knut Johnson**, '86; **Lynne Lasry**, '79; **Virginia Nelson**, '79; **Jim Sandler**, '75; and **Jessica Wilson**, '06. Linda Lane, a graduate of the University of Colorado Law School, also joined the volunteer faculty.



Hong Kong, site of the annual competition.

> VICAM Team Advances to Final Round

In March 2012, USD School of Law's Vis International Commercial Arbitration Moot (VICAM) team advanced to the final round in the 2012 Willem C. Vis International Commercial Arbitration Moot competition in Hong Kong. The team also received an honorable mention for the claimant's brief.

Each year, the law school's VICAM team competes against more than 275 law schools from 70 countries in the annual competition in Vienna and Hong Kong. Teams compete in the area of international commercial law and arbitration, also known as alternative dispute resolution. The law school's VICAM 2012 team included second-year law students **Alex Willett**, **Stephanie Parazo**, **Giorgio Sassine** and **Matthew Carter**. **Michael McDonald**, also a second-year student, served as the team's student coach.

"The chances of making it into the advanced rounds is 17 percent," said team advisor and mentor **Michael T. Thorsnes**, "but against those odds, [our] team has advanced in three out of the past four years."



Joan B. Kroc Institute rotunda during the Patent Law Conference at USD.

Third Annual USD School of Law Patent Law Conference

On January 17, 2013, USD School of Law's Center for Intellectual Property Law and Markets hosted its third annual Patent Law Conference at the Joan B. Kroc Institute for Peace & Justice. Co-hosted by the San Diego Intellectual Property Law Association (SDIPLA), the event featured a series of panels and presentations by judges, professors, prominent corporate counsel and law firm attorneys.

Titled *The Future of Patent Law Remedies*, the conference addressed landmark changes in patent law remedies taking place at the federal circuit, Supreme Court and global levels.

The Honorable Jimmie V. Reyna of the U.S. Court of Appeals, Federal

Circuit, delivered the event's keynote address after joining the Honorable Marilyn L. Huff and the Honorable Janis L. Sammartino for the judges' panel. Judge Huff and Judge Sammartino both are from the U.S. District Court, Southern District of California, and part of a 10-year congressionally funded pilot program training judges in the complexities of patent law.

The attorneys' panel, moderated by Professor John H. Duffy from the University of Virginia, included well-known attorneys Fred Berretta from Knobbe Martens, James Isbester from Kilpatrick Townsend, David Kleinfeld from Goodwin Procter, Michael M. Rosen from Fish & Richardson, and Chris Longman from Qualcomm. The

panel discussed how recent seminal patent case decisions affect the availability of injunctive relief and other remedies.

USD Professor of Law **David McGowan** and DLA Piper partner and law school Adjunct Professor **Erin Gibson** hosted the ethics panel on newly proposed U.S. Patent and Trademark Office professional responsibility rules. USD Professor of Law **Ted Sichelman** and University of Minnesota Professor of Law Thomas Cotter concluded the first day of the conference with the professors' panel

on recent developments and a comparison of the U.S. system with other major patent systems.

The conference provides attorneys, academics and guests the opportunity to network and participate in the discussion. This year's conference was sponsored by Qualcomm, DLA Piper, Fish & Richardson PC, Goodwin Procter, Kilpatrick Townsend & Stockton, Knobbe Martens Olson & Bear, Wilson Sonsini Goodrich & Rosati, and SDIPLA.

Watch the full conference at law.sandieg.edu/plc2012.

> School Launches New Intellectual Property Law Clinic

USD School of Law launched its new Intellectual Property Law Clinic in August 2012. Led by Professor **Ted Sichelman** and Adjunct Professor **Dana Robinson**, the clinic pairs law students with local law firms to provide pro bono legal services to individuals and companies in the areas of patent, trademark, copyright and trade secret law.

Adjunct Professor **Michael Attanasio** Victory in Roger Clemens Case



On June 18, 2012, USD School of Law Adjunct Professor **Michael Attanasio**, alongside lead attorney Rusty Hardin, achieved a complete trial victory representing former Major League Baseball pitcher Roger

Clemens. Clemens was found not guilty of all six charges brought by the U.S. Attorney's Office contending that Clemens lied to Congress in 2008 when he testified that he never took performance-enhancing drugs.

The trial, which lasted more than two months, was the focus of media attention across the United States and

of sports fans all over the world.

"Clemens deserved nothing less," Attanasio said. "The case against him was riddled with profound problems. This jury wasn't taken in. It's been an epic saga, and we are all thrilled that such a decisive verdict has been delivered. Roger is innocent, and he should never have been charged."

Attanasio teaches white collar and corporate crime law at the law school. He is partner-in-charge of the San Diego office and vice chair for the firmwide litigation department of Cooley LLP.



Vincent LaPietra, '07 (JD)



Nicole Hudspeth, '03 (JD)

FROM TOP: TIM MANTOANI, SANDERS HALL,
CPL. EMMANUEL RAMOS



Christopher Shaw, '09 (LLM)



CALLED SERVICE

By Leslie A. Gordon

For these three alumni
who have achieved stellar legal careers in the U.S. military,
USD School of Law provided the ideal foundation

With its distinguished faculty, nationally renowned legal education programs and unique proximity to several of the country's most recognized military bases—including the Marine Corps Base Camp Pendleton, Marine Corps Air

Station Miramar and naval bases in Coronado and San Diego, University of San Diego School of Law is a top choice for active, retired or aspiring military service members to study law. Meet three alumni—Vincent LaPietra, '07;

Nicole Hudspeth, '03; and Christopher Shaw, '09 (LLM)—who have taken the exceptional legal education they gained at USD School of Law and applied it to achieve standout military and civilian careers in the United States and abroad.



VINCENT LAPIETRA '07 (JD)

Balancing a criminal law career and service for the JAG Corps

After graduating from the Virginia Military Institute, where he studied philosophy, Vincent LaPietra debated between returning to a commission in the National Guard or attending law school. “I was sure I wanted to be a prosecutor. Criminal law was the one thing I knew I wanted to do.” So he took the LSAT “to see what opportunities arose.”

With his career direction set and law school acceptance letter in hand, LaPietra took a commission in the California Army National Guard and moved to San Diego, where he enrolled at USD School of Law. But after spending just one year in law school, he was deployed to Kosovo, where he started off as platoon leader and left

“The professors were very helpful in my transition. I got a sense they cared that I did well. I was very impressed with the level of support.”

as an executive officer. He was gone for three semesters.

“When I came back to law school in the third week of the second semester, the professors were very helpful in my transition,” LaPietra says. “I got a sense they cared that I did well. I was very impressed with the level of support.”

In 2007, during his last semester, the National Guard activated him once again to help battle the Southern California wildfires. “I missed over a week of classes,” LaPietra recalls. “I didn’t fall too far behind, though, because [Assistant Dean of Student Affairs] Carrie Wilson arranged for lecture notes to be taken for me. That kind of help was truly instrumental in getting me through the program.”

Upon graduation, LaPietra transferred to the National Guard’s inactive reserves and took the first step in his goal to become a prosecutor by working as a law clerk at the San Diego District Attorney’s Office.

After completing his clerkship, he interviewed at the Attorney General’s Office, where he met a lawyer—also a USD School of Law graduate—who encouraged him to explore the Judge Advocate General’s (JAG) Corps reserves. The JAG Corps provides legal counsel to commands, and defends and prosecutes military law. So in February 2010, LaPietra traveled to Charlottesville, Va., to do just that.

“As a JAG Corps reservist, I handle administrative law, trials and medical reviews,” he says. “It runs the gamut.”

LaPietra now works as a deputy attorney general in San Diego, handling criminal appeals, writs and trials before the California Court of Appeal as well as federal habeas corpus petitions.

LaPietra was recently sent to Alabama for a year to handle criminal matters for a brigade commander. Whenever he is deployed, he receives 30 days of paid military leave from the Attorney General’s Office. Although the rest of the leave is unpaid, his seniority and retirement benefits are unaffected.

When not formally deployed for the JAG Corps, LaPietra devotes one weekend a month to a legal operations detachment to support local reserve units. He also attends two weeks of extended training during the summer. “We provide any kind of legal help,” he explains, including drafting wills and trusts for service members. “We are a starting point, even if they have civilian legal problems.”

LaPietra enjoys applying his legal skills “back and forth” between criminal law and the military. “It allows you to broaden the scope of your proficiency as a lawyer,” he says, “and you don’t get pigeonholed into one aspect of law.”



NICOLE HUDSPETH '03 (JD)

Adjudicating for the Navy-Marine Corps

When Nicole Hudspeth began her undergraduate studies at the University of North Carolina at Charlotte, a military career was the furthest thing from the mind of this self-described “total sorority girl.” But when she graduated in 1993 with a criminal justice degree, she knew she wanted to work in federal law enforcement and was confident that a sure-fire way to meet her career goal was to join the Marines.

“I was impressed with the ethics and physical fitness standards set by the Marines,” Hudspeth recalls. “I’m an overachiever, and I think it’s the most difficult of the services. I wanted to be part of the best.”

She joined the Marine Corps in 1994, serving as an air defense control officer as well as handling many other collateral duties. First stationed at Camp Pendleton and later at Marine Corps Air Station Miramar, Hudspeth began to feel that “it was difficult enough being a woman in what is literally a man’s world, and I was ready to leave the Corps to pursue a career in law enforcement.”

In 2000, she decided to go to law school and set off across the country to attend USD School of Law. “The law school’s stellar reputation coupled with the convenience of USD to the area bases make it an excellent choice for military personnel,” she says. “Military support was nearby, and I was always guaranteed a summer internship. Plus, there is the pure beauty of the campus. I was lucky to attend USD Law.”

Hudspeth describes serving as chair of the law school’s moot court board as an outstanding experience, recalling that the competitions were a highlight of her law school years. “I learned hands-on advocacy. It took law out of the realm of theory.”

She recalls how her professors often described the poor quality of briefs they saw from attorneys in the field compared with the high-level writing they demanded from students. “I always kept that

“The law school is an excellent choice for military personnel.”

in the back of my mind,” she says. “I didn’t want to become one of those attorneys.” Even today, Hudspeth still thinks about her professors and how they would view the quality of her work.

After graduating in 2003 with a JD degree, Hudspeth served as an attorney at nearby Camp Pendleton. Before long, she was deployed to Iraq, where she worked for Iraq’s Central Criminal Court handling cases involving terrorist threats, and for the embassy in Baghdad, where her team juggled hundreds of cases. Her husband, a Marine infantry officer on active duty, remained home in the states with their infant daughter.

After six months in Iraq, Hudspeth returned to the United States and earned an LLM degree at the Judge Advocate General’s (JAG) Legal Center and School in Charlottesville, Va. With a husband and two kids in tow, she returned to North Carolina in 2008 with an assignment to work on federal employment law cases for the Eastern Area Counsel office. In 2011, she returned to criminal law, becoming a judge in the Navy-Marine Corps Trial Judiciary in the Eastern Judicial Circuit. “The Marines want you to be well-rounded,” Hudspeth explains. “You’re not on a track. They want you to be a jack-of-all-trades.”

Handling criminal and court martial cases has always been a favorite assignment for Hudspeth. “I was born for it,” she says.

Eligible to retire from the Marines next year, Hudspeth is considering her options. Her husband was recently granted a promotion, so she is unsure where they will be stationed. But no matter where they end up, Hudspeth knows she will “do law forever,” she says. “I want to stay in the courtroom. I’m a litigator.”



From left: Robert F. Muth, Veterans Legal Clinic supervising attorney, and Patrick Uetz, director of the Initiative to Protect Student Veterans.

New Initiative to Aid Military Veterans

USD School of Law strives to develop resources and clinics that will make it possible for students to give back to the community—and with San Diego County’s estimated veteran population of 250,000 and more than 2 million veterans living in California—there is no doubt that many will benefit from the Initiative to Protect Student Veterans.

Launched in August 2012, the initiative—the first of its kind in the nation—joins the efforts of military leaders and elected officials to educate and protect veterans from the often misleading practices of many for-profit schools and lenders. Under the direction of Patrick Uetz, ’93 (LLM), a retired colonel and judge advocate in the U.S. Marine Corps, the initiative takes a multipronged approach, focusing on research, advocacy and providing free legal services through the Veterans Legal Clinic. The initiative advocates on both the state and national levels to educate legislators and policymakers, raise awareness of issues related to veterans’ education, and propose changes in current laws and regulations to prevent future abuses.

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CHRISTOPHER SHAW '09 (LLM)

Applying an international perspective to military law

As a Marine lawyer and former infantry officer, Christopher Shaw likes to say that he has been “trained to use both the pen and the sword.” But his experiences serving the United States, both at home and abroad, have taught him an invaluable lesson about which is mightier. “The pen,” he says, “when honed by rigorous legal study, is not only the strongest spear but also the strongest shield.”

He came to this realization after attending the U.S. Naval Academy and Boston College Law School, where he graduated in 2004. As a new lawyer, Shaw was assigned to Camp Pendleton, where he served as a prosecutor with

Legal Team Echo, the busiest military trial team in the Department of Defense. During this time, he was also deployed for 13 months in Iraq, working on detention operations and criminal cases, and helping Iraqis follow the rule of law.

It was then that Shaw, who had always been interested in government and politics, decided to pursue a master's in international law at USD School of Law. “I thoroughly enjoyed the experience” he recalls, “mainly because of the students, faculty and facilities. Everyone was very welcoming to a military member.”


TIM MANTOANI

“I used a lot of the international law experience I gained at USD.”

Professor Jorge Vargas, in particular, encouraged Shaw to write a scholarly paper, “The International Proscription Against Torture and the United States’ Categorical and Qualified Responses,” which was published in 2009 by the *Boston College International and Comparative Law Review*. “Professor Vargas pushed me to greater academic pursuits,” Shaw recalls.

After earning his LLM degree in 2009, Shaw served in the U.S. Marine Corps Forces, Pacific, as the deputy staff judge advocate. He was later promoted to lieutenant colonel and advised the commanding general on legal issues related to the employment of more than 74,000 Marines and sailors from Arizona to India. Shaw also instructed senior military officers at international conferences and bilateral engagements on international human rights law and the law of armed conflict. In that role, he says, “I used a lot of the international law experience I gained at USD.”

Last year, Shaw was assigned to Marine Corps Base Quantico as the staff judge advocate. In this role, he advises the commander on all tenant commands, including military justice, fiscal law and administrative law matters. He also supervises a team of six attorneys and paralegals. Recently, he was selected to serve as the secretary of the Navy’s special assistant for legislative and legal matters.

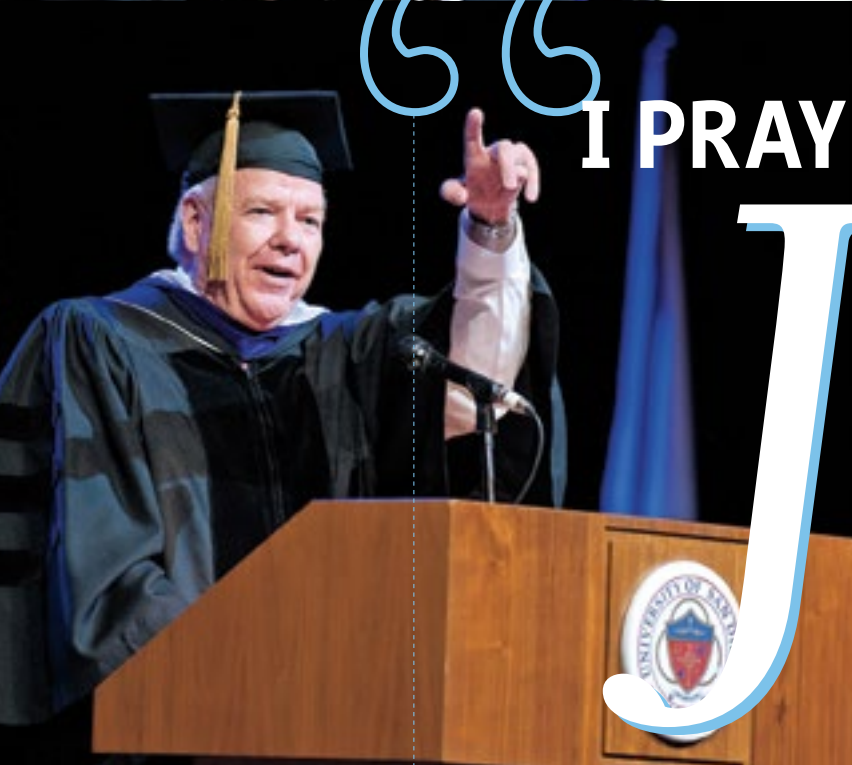
Without question, Shaw says, the alternative dispute resolution and the international human rights courses he took at USD School of Law profoundly influenced his practice. “The classes were fascinating, and I gained a keen understanding of cultural and gender differences in how we approach problems. We are all looking for security, fairness, opportunities and getting to yes,” says Shaw. “I draw on what I learned at USD today when I interact not only with the people I work with, but also in cross-cultural negotiation. The courses I took there were incredibly powerful.” 

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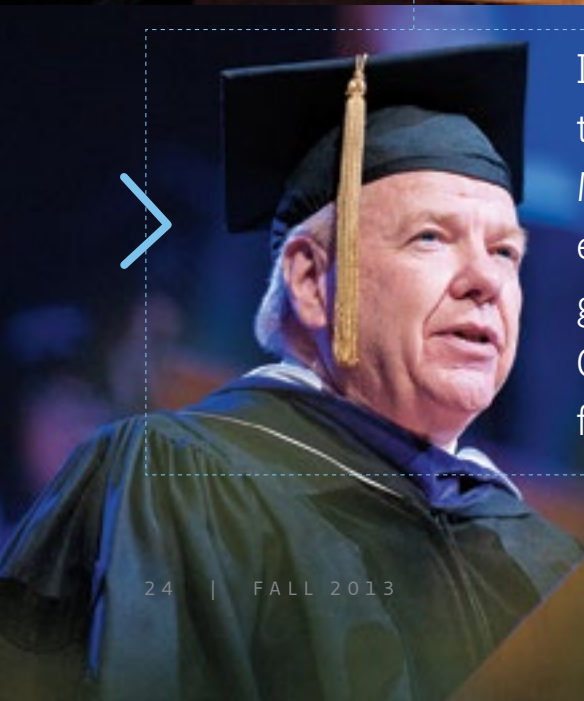
Law school Professor Robert Fellmeth’s long-established efforts and success in increasing consumer protection through regulatory reform also provided a ready framework to assist the initiative. He coordinated collaborative efforts among longtime consumer protection partners leading to coalitionlike support. This provides the opportunity to now champion changes in regulations to provide student veterans with accurate and transparent information, increasing their ability to make well-informed choices about using their GI Bill benefits.

The initiative also conducts research studies aimed at identifying and documenting institutional practices as well as veterans’ experiences in the for-profit and post-secondary sectors.

Led by supervising attorney Robert F. Muth—also a Marine Corps veteran—and operated by upper-level USD School of Law student interns who work under the supervision of the clinic’s staff attorneys, the Veterans Legal Clinic provides free legal assistance to veterans and military family members in disputes with for-profit institutions over the use of GI Bill funds and related loans. If veterans have been defrauded of their benefits or misled, the clinic can sue on their behalf or handle cases through alternative dispute resolution. The clinic also offers free legal advice, including assistance in navigating a school’s contract before signing on the dotted line. The Veterans Legal Clinic is one of USD School of Law’s 11 legal clinics, which are devoted to both training law students through hands-on legal experience and providing free legal services to the community.



“ I PRAY THEE DO
JUS



In a stirring address to the class of 2013, Justice Michael J. Streit, '75 (JD), encouraged the new graduates to uphold the Constitution without fear, favor or hope of reward





TICE

TO ALL





University of San Diego School of Law alumnus, 2012 recipient of the John F. Kennedy Profile in Courage Award and former Iowa Supreme Court Associate Justice Michael J. Streit, '75, addressed graduates at the 56th Conferral of Law Degrees on Saturday, May 18, 2013, at the University of San Diego's Jenny Craig Pavilion. Justice Streit offered his congratulations and urged the new graduates to be the force—the hope of our people—to understand and support the rule of law in our system of justice.

Justice Streit opened his address with a story about Iowa Judge Charles Clark Bradley, who served at a time when the Great Depression and the agricultural damage caused by the Dust Bowl were driving farmers throughout the Midwest into foreclosure. In April 1933, a crowd of nearly 100 farmers stormed into the Plymouth County Courthouse and demanded that Judge Bradley stop signing foreclosure actions. The judge refused, stating that he had to follow the law according to his oath of office.

Outraged at his refusal to waive these foreclosures, the farmers dragged him into the square, where the judge again refused to abandon his oath. So the farmers threw him into the back of a truck and took him to the outskirts of town, where the judge was blindfolded, smeared with axle grease and forced into a noose.

The farmers then tossed the noose over an electric pole and lifted him up off the ground. They lowered him and then asked the judge to pray.

"I do that gladly," he replied. "Oh Lord, I pray thee do justice to all men."

Interpreting his prayer as sarcasm, they lifted Judge Bradley off the ground again. Luckily a newspaper reporter stepped in and warned the mob that going any further would be murder. The judge was released. The next day, Judge Bradley wasn't on the bench, but another judge was there to carry out the rule of law.

"Bradley could not have done more to uphold our court system, a system of justice that you graduates now join," stated Justice Streit.

Nearly 80 years later, Justice Streit faced a different type of mob in his own efforts to uphold the rule of law. In November 2010, Justice Streit and two fellow Iowa Supreme Court justices were dismissed by Iowa voters for their unanimous decision in *Varnum v. Brien* to strike down a statutory same-sex marriage ban as unconstitutional in the state of Iowa.

The judges knew that their decision would be unpopular with some people and understood that they could lose their jobs because of their vote. "But we took an oath of office, promising to uphold the Constitution without fear, favor or hope of reward. And that is what we did."



ALAN DECKER





Left: Justice Michael J. Streit and Dean Stephen C. Ferruolo. Above: USD President Dr. Mary E. Lyons. Above right: Professor Laurence Claus accepting the Thornes Award for Excellence for Outstanding Legal Scholarship. Below: Graduates celebrate.

In May 2012, Caroline Kennedy presented Justice Streit and two fellow former justices with the John F. Kennedy Profile in Courage Award. The award is given to public servants who have made courageous decisions of conscience without regard for the personal or professional consequences.

"The Profile in Courage Award was unexpected because when we cast our votes in the marriage equality case, we weren't thinking about being courageous. We only wanted to do our job to protect the equal rights of all people."

Today, Justice Streit is of counsel in the litigation, dispute resolution and investigations practice areas at the Des Moines, Iowa, office of Ahlers & Cooney PC.

Justice Streit concluded his address by laying out how our founding fathers wisely created a government based on the rule of law, but warned that the rule of law cannot exist without judicial independence.

"Judicial independence does not give judges the freedom to rule as they want or they wish," he said. "It gives them the freedom to rule as they must."

The preservation of our system of fair and impartial justice is not solely the responsibility of judges, but of all citizens, especially lawyers.

"To do otherwise weakens the ability of our courts to uphold the rule of law, to protect social, political, economic and civil rights of all citizens, not just those of the most vociferous, the most popular, the most organized and the most powerful."

At the end of the day, Justice Streit suggested, the debate about controversial court decisions and the people who make them boils down to a simple question: What kind of court system do Americans want—a court system that issues rulings based on public opinion polls, campaign contributions and political intimidation, or a court system that issues impartial rulings based upon the rule of law?

"Remember what Judge Bradley said just before he was pulled up by a noose around his neck. 'Oh Lord, I pray thee do justice to all.'" [a](#)

“WE ONLY
WANTED TO
DO OUR JOB TO
PROTECT THE
EQUAL RIGHTS
OF ALL PEOPLE.”



faculty footnotes



From publishing scholarly articles and books to organizing conferences, the USD School of Law faculty is committed to advancing the study and practice of law. In these pages, learn how our professors are impacting law at national and global levels.

Larry Alexander

Larry Alexander's book chapter "Voluntary Enslavement" was published in *Paternalism: Theory and Practice* (Coons and Weber, eds.) (Cambridge University Press, 2013). Other book chapters published include "Reply: Fletcher on The Fault of Not Knowing" in *Fletcher's Essays on Criminal Law* (with Ferzan) (Christopher, ed.) (Oxford University Press, 2013); "Self-Defense" in *The Routledge Companion to Philosophy of Law* (Marmor, ed.) (Routledge, 2012); "Risk and Inchoate Crimes: Retribution or Prevention?" in *Seeking Security: Pre-Emptying the Commission of Criminal Harms* 103 (with Ferzan) (Sullivan et al., eds.) (Hart Publishing Ltd., 2012); "Precedential Constraint, Its Scope and Strength: A Brief Survey of the Possibilities and Their Merits" in *On the Philosophy of Precedent* (Bustamante et al., eds.) (2012); and "Legal Objectivity and the Illusion of Legal Principles" in *Institutionalized*

Reason: The Jurisprudence of Robert Alexy (Klatt, ed.) (Oxford University Press, 2012).

Alexander published numerous articles, including "Other People's Errors" in *Ethical Theory and Moral Practice* (January 2013); "You Got What You Deserved" 6 *Criminal Law and Philosophy* (June 2012); "Danger: The Ethics of Preemptive Action" in 9 *Ohio State Journal of Criminal Law* 637 (with Ferzan) (2012); "The Method of Text and ? : Jack Balkin's Originalism with No Regrets" in *Illinois Law Review* 611 (2012); and "What's Inside and Outside the Law?" in 31 *Law & Philosophy* 213 (2012). His forthcoming articles include "What Are Principles and Do They Exist?" (forthcoming 2014); "Recipe for a Theory of Self-Defense: The Ingredients and Some Cooking Suggestions" (forthcoming 2014); "The Means Principle" in *Criminal Law & Philosophy* (forthcoming 2014); "The Objectivity of Morality, Rules and Law: A Conceptual Map" in *Alabama Law Review* (forthcoming

2013); "Originalism, the Why and the What" in 82 *Fordham Law Review* (forthcoming 2013); "Redish on Freedom of Speech" in 107 *Northwestern University Law Review* (forthcoming 2013); "The Ontology of Consent" in *Analytic Philosophy* (forthcoming 2013); "Yaffe on Attempts" in *Legal Theory* (forthcoming 2013); and "Disparate Impact: Fairness or Efficiency" in 50 *San Diego Law Review* (forthcoming 2013).

Alexander attended conferences as a presenter and participant including Analytic Legal Philosophy Conference, New Haven, Conn. (April 2012); Conference on the Philosophical Foundations of Intellectual Property, San Diego (May 2012); Southeastern Association of Law Schools Conference, Amelia Island, Fla. (August 2012); Roundtable on Federalism and Secession, San Diego (September 2012); Conference on Freedom of the Church, San Diego (October 2012); Conference on the Philosophical Foundations of the Law of Torts, Camden, N.J. (November 2012); Roundtable on Theories of Complicity, San Diego (February 2013); Originalism Works-in-Progress Conference, San Diego (February 2013); and Conference on The New Originalism in Constitutional Law, New York, N.Y. (March 2013).

Jordan Barry

Jordan Barry published three articles, "Explanation of *PPL Corporation v.*

Commissioner" in 40 *American Bar Association Preview of United States Supreme Court Cases* 201 (with Darnell) (2013); "Explanation of the Anti-Injunction Act Issue in *HHS v. Florida* (Affordable Care Act Litigation)" in 39 *American Bar Association Preview of United States Supreme Court Cases* 15 (with Camp) (2012); and "Is the Individual Mandate Really Mandatory?" in 135 *Tax Notes* 1633 (with Camp) (2012).

Barry delivered presentations including "On Derivatives Markets and Social Welfare: A Theory of Empty Voting and Hidden Ownership" at William and Mary School of Law (January 2013) and University of San Diego School of Law (May 2012); "Moral Coaxing" at the 16th Annual Conference of the International Society for New Institutional Economics, University of Southern California Law School (June 2012); "Electing Simplicity" at the annual meeting of the Law and Society Association (June 2012); "The Law and Economics of Campaign Contributions" at Arizona State University Legal Scholars Conference (March 2012); and "Young Leadership Panel" at the International Youth Fellowship World Camp (August 2012). Barry was a panelist at ClassCrits V at University of Wisconsin Law School (November 2012) and at the International Tax Policy Roundtable at the Annual Meeting of the California Tax Bar and California Tax Policy Conference (November 2012).



In the News:

On June 24, 2013, Professor of Law Gail Heriot, a member of the U.S. Commission on Civil Rights, appeared on PBS *NewsHour* to discuss the Supreme Court's decision on *Fisher v. University of Texas*. In a 7-1 vote, the justices remanded the case to the Fifth Circuit, rather than ruling on whether affirmative-action policies at public colleges are unconstitutional. Heriot discussed recent research and public opinions on the value of racial preferences in college admissions, echoing the concurring opinion written by Justice Thomas.

In the News:

In a May 9, 2013 post by Paul Caron on the TaxProf Blog, USD School of Law ranks 23rd worldwide in all-time faculty downloads on the Social Sciences Research Network (SSRN). In addition to its placement among the top 25 in the latest SSRN world law school faculty rankings, USD ranks 21st in all-time SSRN downloads among American Bar Association (ABA)-accredited law schools and fifth among California law schools—behind only Stanford, UC Berkeley, UCLA and USC.

Abraham Bell

Abraham Bell's book chapter "Property Law" was published in *The Economic Approach to Law* (with Parchomovsky) (Procaccia, ed., in Hebrew) (Stanford University Press, 2012), and his position paper "Reinvigorating the Discussion of Israel's Rights in the West Bank" appeared as BESA Center Perspectives Paper No. 176 (2012). His forthcoming articles for 2013 include "Economic Analysis of the Law of Territorial Sovereignty" in *Research Handbook on the Economics of Public International Law* (Kontorovich, ed.) (forthcoming 2013) and "Property Lost in Translation" in 80 *University of Chicago Law Review* (with Parchomovsky) (forthcoming 2013).

Bell presented "The Case Against Tit-for-Tat Proportionality" at the American Society of International Law Mid-Year Conference at University of Georgia Law School (October 2012); "The International Laws of Terrorism and the Arab States" at the Fifth Annual Association for the Student of Middle East and Africa Conference in Washington, D.C. (October 2012); "Toward a Theory of State-Owned Property" at the 16th Annual Conference of the International Society for New Institutional Economics at University of Southern California (June 2012); "The Problem of State-Owned Land" at the conference Israel as a Nation State at Bar Ilan University Faculty of Law (May 2012); and "Property Lost

in Translation" to the Property Works-in-Progress Conference at Fordham University Law School (May 2012) and at the Third Annual Meeting of the Association for Law, Property and Society at Georgetown University Law Center (March 2012).

Laura Berend

Laura Berend published the teacher's manual for *Criminal Litigation in Action*, 2nd Ed. (with Ramirez) (Carolina Academic Press, 2012).

Berend's professional activities included event coordinator for Science or Schmience: You Be the Judge at the University of San Diego (January 2013) and event coordinator and co-moderator for Sentencing in a New Age at the University of San Diego (January 2012). Berend also supervises a legal clinic for the chronically homeless at the First United Methodist Church in Pacific Beach, which offers dinners and community resources through the Welcome Door Foundation.

Roy L. Brooks

Roy L. Brooks published *Structures of Judicial Decision Making from Legal Formalism to Critical Theory*, 2nd Ed. (Carolina Academic Press, 2012) and *The Law of Discrimination* (supplement) (with Carrasco and Selmi) (LexisNexis, 2012).

Brooks delivered numerous presentations, including "A Demographic

Culture of Post-Racial America” at the New Mexico Court of Appeals Library in Albuquerque, N.M. (October 2012) and “The New Civil Rights Scholarship: Focusing Less on Discrimination and More on Subordination” at Maryville University (April 2012).

Karen Burke

Karen Burke published *Federal Income Taxation of Partners and Partnerships*, 4th Ed. (West Group, 2013). Burke presented the article “Passthrough Entities: The Missing Link in Business Tax Reform” at Pepperdine University Law School (January 2013). The article will be published in 40 *Pepperdine Law Review* (forthcoming 2013).

Laurence Claus

Laurence Claus published *Law’s Evolution and Human Understanding* (Oxford University Press, 2012). Claus was named University Professor at USD for 2013.

Robert Fellmeth

Robert Fellmeth’s article “Victims of Corporate Crime Compensation” concerning SB 2015 and other changes to this compensation fund, which has been a subject of controversy, was published by Lexis in March 2013. The article is linked to the statute in Lexis as part of the recently created Research Solutions scholarly comment system. Fellmeth’s

recent conference presentations include “U.S. DHHS Enforcement of Child Welfare Standards” at the National Association of Counsel for Children, Chicago (with Harfeld and Riehl) (August 2012) and “Training Social Workers for Thorny Legal Concepts: 4th Amendment Joint Investigations” at American Association of Public Welfare Attorneys, San Diego (with Seiser) (September 2012).

Fellmeth is involved in two ongoing cases: *Butterfield v. Lightbourne* in San Diego Superior County Court (37-2011-00097858CUMCCTL)



Professor Jordan Barry Interviewed on Radio and TV About San Diego’s Tourism Tax

On November 27, 2012, Professor Jordan Barry appeared on KPBS-FM “Midday Edition” and KPBS-TV “Evening Edition” to discuss recent changes to San Diego’s tourism tax. At issue were the legality and merits of a 2 percent tax charge to San Diego hotel guests that would finance the city’s tourism promotion. Funds raised would be managed by individual hotels, which could set a precedent of private individuals determining tax rates without oversight or accountability. The designation of tax funds to private entities raised many concerns.

“Normally we have a vote of the people or elected representatives to decide these things. Some people are very nervous about the idea that private companies can set tax rates,” said Barry during the KPBS interview. “[In] this election that the hoteliers had, it’s not even clear exactly how many votes each hotel had, so it’s a lot of concern about power being allocated in private hands.”



Professor David Brennan Helps Mexican Law Schools Create New Programs

Professor David Brennan continued his work with four Baja California law schools to implement two programs for Mexican law students: a series of courses called the “Academy” that prepare students for the legal realities of the new Mexican criminal justice system in Baja California, and the Universidad Autónoma de Baja California (UABC) Clinical Intern Program that places students in legal offices throughout Mexicali for school credit.

“These programs enable the Baja California law school students to actually experience a new level of skills training that will be required for future participation in their reformed criminal justice system,” said Brennan.

Academy students were handpicked from four participating law schools—UABC in Mexicali, Tijuana and Ensenada as well as University Ibero-American. Training was provided to develop the students’ skills in making opening and closing statements, conducting direct and cross examinations, using experts, learning trial strategies and understanding practices that are part of the new trial system.

challenging the Department of Social Services Regulations to implement SB 39—a bill sponsored by the Children’s Advocacy Institute—as unlawfully restricting disclosure of child abuse deaths contrary to the statute’s intent, and *Fraley v. Facebook*, the San Francisco Federal District Court case (CV 11-01726) (July 12, 2012) objecting to a proposed settlement that would allow Facebook to expropriate child postings and photos for its commercial use and

retransmission as it decides—without effective prior consent from either the child or his/her parent. Fellmeth also published an op-ed in the *San Diego Union-Tribune*, “California Falls Behind in Child-Abuse Death Disclosure” (May 30, 2012) and is now working on the fourth edition of *California White Collar Crime* (with Papageorge) (Tower Publishing, forthcoming 2014).

Ralph Folsom

Ralph Folsom authored or co-authored books and shorter works, including *International Business Transactions (IBT): A Problem Oriented Casebook*, 11th Ed. (West, 2012); *IBT: Contracting Across Borders*, 2nd Ed. (West, 2012); *IBT: Foreign Investment*, 2nd Ed. (West, 2012); *IBT: Trade and Economic Relations*, 2nd Ed. (West, 2005); “The History of Growth of the European Union: Part One” *USD Legal Studies Research Paper Series*, No. 12-089 (July 2012); *International Trade and Economic Relations in a Nutshell*, 5th Ed. (West, 2012); *International Business Transactions in a Nutshell*, 9th Ed. (West, 2012); *International Business Transactions Practitioner Treatise*, 2012–13, 3rd Ed. (Thomson Reuters, 2012). Folsom’s 2012 treatise supplements include *State Antitrust Law* (Matthew Bender, two volumes) and five volumes in the *Connecticut Estates Practice Series* (Thomson Reuters, 2012).

Karl T. Gruben

Karl T. Gruben has a forthcoming article, "Working at the Law Library: A Practical Guide" in *Law Librarianship in the 21st Century* (Scarecrow Press, forthcoming November 2013). Gruben served as a panelist at Finding the Future: Position Your Organization for Long-term Viability at the American Association of Law Libraries and presented his paper "Roller Coaster Planning" (July 2012).

Walter Heiser

Walter Heiser published the third edition of his casebook *California Civil Procedure* (LexisNexis, 2012) and his book *Understanding Civil Procedure—California Edition* (with Raven-Hansen and Gardner) (LexisNexis, 2013). Heiser's recently published articles include "Can the Tolling of Statutes of Limitations Based on the Defendant's Absence for the State Ever Be Consistent with the Commerce Clause?" in 76 *Missouri Law Review* 385 (2011) and "Using Anti-Suit Injunctions to Prevent Interdictory Actions and to Enforce Choice of Court Agreements" 2011 *Utah Law Review* (2012). Heiser also was named USD School of Law Class of 1975 Endowed Professor in 2013.

Gail Heriot

Gail Heriot published "The Sad Irony of Affirmative Action" in 14 *National Affairs* (2013); "Sleeping Giant?: Section Two

of the Thirteenth Amendment, Hate Crimes Legislation, and Academia's Favorite New Vehicle for the Expansion of Federal Power" in 13:3 *Engage* (with Somin) (October 2012); online Fisher symposium: "Is the era of race-preferential admissions drawing to a close?" in SCOTUSBlog (with Eastman) (September 5, 2012). Professor Heriot delivered a commissioner statement in the U.S. Commission on Civil Rights report titled "School Discipline and Disparate Impact" (April 2012). Heriot was a presenter and roundtable participant at conferences, including Civil Rights: Who Benefits from Affirmative Action and Race and Gender Consciousness? at the National Lawyers Conference, Federalist Society, Washington, D.C. (November 2012); Colloquium: Liberty and the Logical Foundations of Constitutional Democracy: James Buchanan's *The Calculus of Consent* after Fifty Years in Charlottesville, N.C. (September 2012); and Colloquium: Liberty, Responsibility & the Legal Profession in Los Angeles (February 2012).

Paul Horton

Paul Horton created the following unpublished course materials: "Trademarks 2012: Lectures and Supplemental Readings," 8th Ed. and "Business Torts: Course Materials on Commercial Litigation" (2012).

➤ **In the News:**
In January 2013, Frank Partnoy, George E. Barrett Professor of Law and Finance and co-director of the Center for Corporate and Securities Law, co-authored a cover story in the January/February issue of *The Atlantic* magazine with Pulitzer Prize-winning reporter Jesse Eisinger. "What's Inside America's Banks?" summarizes an investigation of the financial statements of Wells Fargo Bank to gauge whether it is possible to make informed judgments about the financial risks a bank may carry.

William Lawrence

William Lawrence published *Understanding Secured Transactions*, 5th Ed. (with Henning and Freyermuth) (LexisNexis, 2012).

Orly Lobel

Orly Lobel is working on the completion of her book *Talent Wants to be Free: Why We Should Learn to Love Leaks, Raids and Free-Riding* (Yale University Press, forthcoming 2013). In addition, Lobel published "The Talent Commons: Human Capital Knowledge Creation and the Reach of Intellectual Property" in *International Journal of Commons* (2013); "Talent Wants to be Free: Human Capital & Knowledge Flows" in *Networks for Prosperity: Connecting Development Knowledge Beyond 2015* 159 (United Nations Industrial Development Organization, 2012 [special U.N. invitation]); "A Comment on Orin Kerr's 'A Theory of Law': The Cognitive-Citation App™" in 16 *Green Bag* 213 (2012) and 2 *Journal of Law; A Periodical Laboratory of Legal Scholarship* 497 (2012). Her article "Linking Prevention, Detection, and Whistleblowing: Principles for Designing Effective Reporting Systems" will be published in 54 *South Texas Law Review* (forthcoming 2013).

Lobel delivered presentations, including "Linking Detection and

Prevention: How Behavioral Research Informs Policy Design" at Citizen Employees: Whistleblowers and Other Employees Acting in the Public Interest, University of Houston School of Law (March 2012); "Comparative Administrative Law in Asia" at the Sinica Institute in Taipei (August 2012); "The Talent Pool: Human Capital, Knowledge Creation, and the Reach of Intellectual Property" at the International Association for the Study of Commons conference at the Université Catholique de Louvain, Belgium (September 2012) and at the United Nations Industrial Development Organization Networks for Prosperity Initiative (September 2012); "Innovation Motivation" at the Midwestern Law and Economics Conference at Washington University (October 2012) and at a faculty workshop, University of Denver (February 2013); "Risk Management for the Future, Insurance and Consumer Law Section" at the Conference on Empirical Legal Studies at Stanford University (November 2012) and at the Association of American Law Schools (AALS) National Conference (January 2013); "Human Capital Law" at the Law and Economics Workshop at Tel Aviv University (December 2012), the Law and Business Speakers Series at University of Colorado (February 2013) and the Works-in-Progress Intellectual Property

at Seton Hall (February 2013); and "Whistleblowing and Privatization" at the Israeli Law and Society Conference (December 2012).

Miranda McGowan

Miranda McGowan has a forthcoming article "Lifting the Veil on Rigorous Rational Basis Scrutiny" in 97 *Marquette Law Review* (forthcoming 2013). Professor McGowan published "Defense Lawyer Tries out Freedom Argument" with her analysis in the *San Diego Union-Tribune* (March 2012). McGowan served as a panelist for The Health Care Cases: What Happens Next? at the San Diego Lawyer's Chapter of the American Constitution Society, San Diego (July 2012). She presented "Issues Facing Diverse Women Lawyers" at The Lawyers Club, San Diego (March 2012) and "The Constitutionality of the Affordable Care Act" at the University of San Diego Constitution Day, San Diego (September 2012). McGowan also made numerous appearances on programs, including "The Supreme Court Grants Cert. in *Perry v. Hollingsworth* and *Windsor v. United States*" on KUSI-TV, San Diego (December 7, 2012), and "The Dissents in the Health Care Cases" on KUSI-TV, San Diego (June 29, 2012).

John Minan

John (Jack) Minan updated his book, *The Little Green Book of Golf Law—The Real Rules of Golf*, 2nd Ed. (2013).

Frank Partnoy

Frank Partnoy published various articles, including “What’s Inside America’s Banks?” in *The Atlantic* (January/February 2013, cover story with Jesse Eisinger); “Why a Long Presidential Race Is Good for Democracy” in the *Washington Post* (October 5, 2012); “Should Lunch Breaks Be Mandatory?” in *BBC News Magazine* (September 6, 2012); “Who Are the True Villains of the Stan Chart Tragedy?” in the *Financial Times* (August 8, 2012); “Make Banks Pay If They Cheat on Labor” in the *Financial Times* (July 15, 2012); “Act Fast, but Not Necessarily First” in the *Harvard Business Review* (July 13, 2012); “Beyond the Blink” in the *New York Times* (July 6, 2012); “Waiting Game” in the *Financial Times* (June 22, 2012); and “Rebuild the Pillars of 1930s Wall Street” in the *Financial Times* (May 13, 2012).

Partnoy also attended numerous conferences and presented “The Political Economy of Financial Regulation” at George Washington University Law School (February 2013); “The Financial Industry: How Has It Performed Since 2008?” at the Directors Forum, University of San Diego (January 2013); “What to Expect in Litigation: 2013” at the Directors Forum Pre-Session,

University of San Diego (January 2013); the keynote address at the BrandFinance India, India (January 2013); “Encumbered Shares in Context” at the American Bar Association Business Law Section fall meeting, Washington, D.C. (November 2012); “How Fast Is Too Fast?: High Frequency Trading and the Role of Delay” at the Liquidnet U.S. Conference, New Orleans (November 2012), the Liquidnet EMEA Conference, London (October 2012), the Council for Institutional Investors conference, Seattle (October 2012), and the PIRC Seminar, London (September 2012);



Professor Miranda McGowan Publishes Op-Ed on Obamacare in the *San Diego Union-Tribune*

An op-ed by Professor Miranda McGowan titled “Obamacare’s day in court: What kind of conservatism will win?” was published on March 28, 2012, by the *San Diego Union-Tribune*. The piece, which was published prior to the U.S. Supreme Court’s Obamacare ruling, described the legal battle over the Affordable Care Act in terms of two differing views of what it means to be a conservative judge.

“The legal battle over health care reform is often portrayed as a battle between liberals and conservatives. It is that, but the most telling conflict is more likely to be between two different views of what it means to be a conservative judge.” McGowan continued, “A lot turns on this case, but even more turns on what kind of conservatism the conservative justices decide to embrace.”

In the op-ed, McGowan correctly predicted Chief Justice Roberts’ reluctance to overrule federal law.

In the News:

In January 2013, USD's Don Weckstein Professor of Labor and Employment Law Orly Lobel was named one of "The 50 Sharpest Minds of Israel" by *The Marker Magazine*, Israel's leading business journal. Featured in the magazine's January 2013 issue, Lobel discussed her career choice, connections to Israel, upcoming book and current research.

"Financial Innovation and Law" at the Kauffman Conference, Laguna Niguel, Calif. (July 2012); "The Future of Finance" at the Osher Lifelong Learning Institute, University of California, San Diego (May 2012); and "Lawyers and Delay" at the Association of Business Trial Lawyers, San Diego (April 2012).

Partnoy presented "Wait: The Art and Science of Delay" around the world at investment conferences in Sweden, Norway and Denmark (January 2013); University of San Diego Student Affairs Development (December 2012); Sempra, San Diego (December 2012); Thomas Jefferson Law School (October 2012); Southern Festival of Books, Nashville, Tenn. (October 2012); Say: Create Conference, Carmel, Calif. (September 2012); Google, Mountain View, Calif. (August 2012); STAR, La Jolla, Calif. (July 2012); Warwick's, La Jolla, Calif. (July 2012); USD Executive Leadership Program, San Diego (July 2012); Town Hall, Seattle (July 2012); Securities and Exchange Commission, Washington, D.C. (July 2012); Royal Society for the Arts, London (July 2012); Behavior Decision Research in Management conference, Boulder, Colo. (June 2012); ProPublica, New York (June 2012); Council on Foreign Relations, New York (June 2012); and the Directors College at Boston College Law School, Boston (June 2012).

Jean Ramirez

Jean Ramirez published *Criminal Litigation in Action*, 2nd Ed. (with Berend) (Carolina Academic Press, 2012). Ramirez also served on various committees, including Il Curriculum Review (2012–2013); Law School Space Planning Taskforce (2011–2013); and the Institutional Review Board—ad hoc consultant regarding prisoner-related research in 2012 and 2013.

Lisa Ramsey

Lisa Ramsey attended several conferences in 2012 where she presented "An Impersonation Theory of Trademark Law" at the Works-In-Progress Intellectual Property Law Colloquium, University of Houston (February 2012); the Second Internet Law Works-in-Progress Symposium, New York Law School (March 2012); the Intellectual Property Scholars Conference at Stanford Law School (August 2012); and the Intellectual Property Scholars Roundtable on intellectual property and the Constitution, University of New Hampshire (September 2012). Ramsey also presented "Mechanisms for Limiting Trade Mark Rights to Further Competition and Free Speech" at the International Intellectual Property Scholars Roundtable, Marquette University Law School (April 2012) and the Trademark Works-in-Progress Colloquium, American University Washington College of Law

(September 2012). Ramsey also gave lectures titled the “Trademark Year in Review” at the Los Angeles Intellectual Property Law Association Spring Seminar (June 2012) and “Trademark Defenses in the Internet Domain Name Space” at the Conference on International Aspects of Intellectual Property Law at Arizona State University (November 2012). She is currently the chair of the law school’s curriculum committee.

Michael Ramsey

Michael Ramsey published “American Federalism and the *Tragedy of Gonzales v. Raich*” in 31 *University of Queensland Law Journal* 203 (2012) and co-authored “Foreword: After Kiobel: International Human Rights Litigation in State Courts under State Law” in 3 *UC Irvine Law Review* 1 (with Whytock and Childress III) (2013).

Michael B. Rappaport

Michael B. Rappaport will publish “Originalism and the Colorblind Constitution” in *Notre Dame Law Review* (forthcoming 2013). His book, *Originalism and the Good Constitution* (with McGinnis) will be published by *Harvard University Press* (forthcoming 2013). Recently, Rappaport spoke on “Originalism and Affirmative Action” at the Constitutional Law Colloquium, Georgetown Law School and University of Kent at Canterbury in England.

Maimon Schwarzschild

Maimon Schwarzschild’s forthcoming articles include “A Class Act? Social Class Affirmative Action and Higher Education” in 50 *San Diego Law Review* (forthcoming 2013); “How Much Autonomy Do You Want?” in *Journal of Contemporary Legal Issues* (forthcoming 2013) and in the symposium issue of *Freedom of the Church* and published in a slightly different form in 14 *Conversations* 32. Schwarzschild was a presenter at the Conference on the Ethics of Secrecy, University of Pennsylvania Law School (May 2012) and at the Conference on the Competing



Criminal Procedure Expert Yale Kamisar Named Professor Emeritus

Known as the “Father of Miranda,” retired Professor Yale Kamisar was named Professor of Law Emeritus in 2012, as voted by the law school’s faculty and approved by the university’s Board of Trustees. Kamisar joined the school of law in 2002, where he taught and wrote in the areas of criminal procedure, criminal law and the administration of criminal justice before his retirement in 2011.

Kamisar is one of the nation’s foremost authorities on criminal procedure, having written a large number of the seminal articles and texts on the subject, many of which have been quoted or cited by the U.S. Supreme Court. He is also the Clarence Darrow Distinguished University Professor of Law Emeritus at the University of Michigan Law School, where he began teaching in 1965.



Professor Frank Partnoy Acclaimed for Recent Book on Decision Making

Professor Frank Partnoy released his book *Wait: The Art and Science of Delay* (PublicAffairs, 2012) in June 2012 to widespread praise and national press coverage, including an appearance on *CBS This Morning*. The book weaves together hundreds of studies in fields ranging from neuroscience and psychology to finance and law, developing a picture of decision making with a surprising conclusion: Slowing down our response time when making almost any decision consistently yields better results.

Partnoy's national media appearances continued when on October 22, 2012, *60 Minutes* producers turned to him when Goldman Sachs would not speak on camera about former Goldman Sachs investment banker Greg Smith's new book titled *Why I Left Goldman Sachs: A Wall Street Story*. When asked by host Anderson Cooper if he felt Goldman Sachs has ethical business practices, Partnoy responded, "Wall Street ethics is a sort of oxymoron, but you can trust Goldman Sachs more than just about anyone else."

Claims of Law and Religion: Who Should Influence Whom?, Pepperdine University School of Law (February 2012). In addition, Schwartzschild was visiting professor of law at the University of Paris/Sorbonne in December 2012, teaching a course on the American constitutional system.

Ted Sichelman

Ted Sichelman's forthcoming book chapters include "Funk Forward" in *Intellectual Property at the Edge:*

The Contested Contours of IP (Dreyfuss, Ginsburg and Rose, eds.) (forthcoming 2013); "Startups & The Patent System: A Narrative" in *Law & Society Perspectives in Intellectual Property* (Halbert and Gallagher, eds.) (forthcoming 2013); and "The Vonage Trilogy: A Case Study in 'Patent Bullying'" in *Perspectives on Patentable Subject Matter* (Abramowicz, Duffy and Kieff, eds.) (forthcoming 2013).

Professor Sichelman published "Patents as Promoters of Competition: The Guild Origins of Patent Law in the Venetian Republic" in 49 *San Diego Law Review* 1267 (with O'Connor) (2012); "Paving the Path to Accurately Predicting Legal Outcomes: A Comment on Professor Chien's Predicting Patent Litigation" in 90 *Texas Law Review* 97 (with Kesan and Schwartz) (2012); "High Court Case Could Change IP Litigation Strategies" in *Daily Journal* (November 2012); and "5 Things to Do Before the New Patent Law Takes Full Effect" in *Xconomy* (May 2, 2012). Sichelman also has an article, "Enforcement as Substance in Tax Compliance," in 70 *Washington and Lee Law Review* (with Lederman) (forthcoming 2013).

Sichelman presented "Purging Patent Law of Private Law Remedies" at the University of California, Los Angeles, Entertainment, Media and Intellectual Property colloquium workshop, UCLA School of Law (November 2012); Solutions to the Software Patent

Problem conference, Santa Clara University School of Law (November 2012); IP In the Trees speaker series, Lewis & Clark School of Law (January 2012); DePaul University College of Law (February 2013); Washington University School of Law (February 2013); and The Future of Patent Remedies conference, University of San Diego School of Law (January 2013). Sichelman presented “Patents as Promoters of Competition: The Guild Origins of Patent Law in the Venetian Republic” at the Foundation of Intellectual Property conference, University of San Diego School of Law (May 2012); the IP Scholars conference, Stanford Law School (August 2012); and Qualcomm (November 2012).

Sichelman also presented “Some Reflections (and a Suggestion) on the America Invests Act” at the Second Annual University of San Diego School of Law Patent Law Conference (January 2012); “Communities of Innovation: A Critique” at the Law & Entrepreneurship Retreat, Indiana University School of Law (February 2012); “Third Party Participation in the America Invents Act” at the Patent Office Visits San Diego conference, University of San Diego School of Law (February 2012); “Moral Coaxing” at the International Conference on Contract Law, Thomas Jefferson School of Law (March 2012) (presented by

Jordan Barry); “The Transition from First to Invent to First Inventor to File” at the Intellectual Property Counsel Forum, San Jose, Calif. (March 2012); “High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey” at the American Intellectual Property Law Association (AIPLA) Electronic and Computer Patent Law Summit, University of San Diego School of Law (April 2012); “Funk Brothers’ Myriad Failures” at the Intellectual Property on the Edge conference, Columbia University School of Law (April 2012); “A Panel Discussion Markets for Patent Scope” at Pat Con 2, Boston College Law School (May 2012); “How the New Patent Law Affects Engineers” at the San Diego Institute of Electrical and Electronics Engineers (IEEE) (July 2012); “Intellectual Property Rights” at the World Resources Sim Center High Noon lunch series (August 2012); “The Patent Wars” at the Osher Institute, University of California, San Diego (August 2012); “Minding Patent Infringement” at the Works-in-Progress in Intellectual Property conference, Seton Hall Law School, Newark, N.J. (February 2013); and “The Mathematical Structure of the Law” at Harvard Law School (February 2013).

Sichelman was a co-organizer of the conference U.S. Patent & Trademark Office Public Hearing

and Genetic Diagnostic Testing at the University of San Diego School of Law (March 2012) and the AIPLA Electronic and Computer Patent Law Summit, University of San Diego School of Law (April 2012).

Steven Smith

Steven Smith published the chapter “That Old-Time Originalism” in *The Challenge of Originalism: Essays in Constitutional Theory* (Huscroft, ed.) (Cambridge University Press, 2012). His book chapter “Religious Neutrality: Imperative and Impossible” will be published in *Religious Diversity, Politics, and Law* (Schilbrack, ed.) (Blackwell Series, forthcoming 2013). “The Constitution and the Goods of Religion” was presented at the Conference on Dimensions of Goodness, organized by Notre Dame’s Institute for Humane Studies, and will be published with the conference proceedings (forthcoming 2013). Professor Smith also published “Law as Language” in 63 *Mercer Law Review* 891 (2012).

Thomas Smith

Thomas Smith published “The Zynga Clawback: Shoring Up the Central Pillar of Innovation” in 53 *Santa Clara Law Review* (forthcoming 2013).

New Faculty Join USD

> This spring the law school confirmed the appointments of seven tenured and tenure track faculty. The hires include five highly regarded law professors and two junior faculty members. “These appointments solidify the status of our tax program and strengthen important parts of our core curriculum,” said Dean Stephen C. Ferruolo.

Howard Abrams (Emory University): Partnership and corporate taxation and director of tax programs.

Miranda Fleischer (University of Colorado): Individual taxation, federal estate and gift tax, and tax-exempt organizations.

Victor Fleischer (University of Colorado): Partnership and corporate taxation, deals, tax policy and private equity.

Dov Fox (Entry level): Biotechnology, bioethics and health law.

Adam Hirsch (Florida State): Wills and trusts, creditors’ rights and American legal history.

Sharmila Sohoni (Entry level): Civil procedure, administrative law and legislation.

Horacio Spector (Universidad Torcuato Di Tella, Buenos Aires): Legal theory, law and economics, and international law.

Dalton and Devitt Awarded Clinical Tenure

Effective September 2013, Professors Margaret Dalton and Michael Devitt will become tenured members of the full-time faculty. According to Dean Ferruolo, “These promotions are well deserved and express the faculty’s commitment to enhance and expand our already strong clinical and advocacy programs.”

For more information about USD’s new and existing faculty, go to law.sandiego.edu/faculty.

Jorge A. Vargas

Jorge A. Vargas’ article “The 2012 U.S.-Mexico Agreement on Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico: A Blueprint for Progress or a Recipe for Conflict?” was published in 14 *San Diego International Law Journal* 3 (2012). Other forthcoming publications include “California Marina: Myths, Explorers and Gray Whales”; “International Civil Litigation between Mexico and the United States”; and “Introduction to Mexico’s Legal System.”

Mary Jo Wiggins

Mary Jo Wiggins had a transcript of her March 2012 speech at the Business Law Center’s Symposium on Business and Commercial Law published in 39 *Western State University Law Review*.

Dean Wiggins continued her service as vice dean of the law school. She was selected for “GROW USA,” a senior-level leadership development program for high-level university administrative talent who have demonstrated the ability to exceed expectations and who have a reputation as a leader. She served as faculty advisor and coach for the law school’s Duberstein Bankruptcy Moot Court team for the ninth consecutive year. She also served on the university-wide faculty development committee and the university-wide search committee for the associate provost for diversity and inclusion.

calendar

Visit the alumni calendar for a complete listing of events and registration information:

law.sandiego.edu/alumni-events

Regional alumni events are regularly held in San Diego/North County, Los Angeles, Orange County, San Francisco, Silicon Valley, Sacramento, Riverside/San Bernardino, Washington, D.C., New York, Phoenix, Las Vegas, Denver, Dallas, Houston, Boston, Chicago and Seattle.

SEPTEMBER 2013

September 5

Houston USD Law Alumni Happy Hour
6 – 8 p.m.
Location TBA

September 6

USD in the Bay
Time TBA
Hotel Nikko

September 11

Dallas USD Alumni Happy Hour
6 – 8 p.m.
Location TBA

September 19

Los Angeles USD Alumni Networking Night
6 – 8 p.m.
The Daily Grill

September 19

New York USD Alumni Lifelong Learning
Event
6:30 – 9 p.m.
Cosmopolitan Club

September 28

San Francisco Giants vs. San Diego Padres
Baseball Game & Pre-Game Party
11 a.m. – 4 p.m.
Pete's Tavern & AT&T Park

OCTOBER 2013

October 4

USD Law Alumni Milestone Reunions
Classes of 1963, 1973, 1983, 1988
Various USD Campus Locations

October 5

USD Law Alumni Milestone Reunions
Classes of 1993, 2003, 2008, 2012
Various USD Campus Locations

October 7

Red Mass
6 – 8 p.m.
Founders Chapel

October 17

Washington, D.C. USD Law Alumni Event
6 – 8 p.m.
Location TBA

October 24–25

9th Annual Procopio International Tax
Law Institute
Joan B. Kroc Institute for Peace & Justice

NOVEMBER 2013

November 3

5th Annual Climate and Energy Law
Symposium
Time TBA
Mother Rosalie Hill Hall

November 22

Distinguished Alumni Awards Luncheon
11:30 a.m. – 1:30 p.m.
Westin Gaslamp Quarter

DECEMBER 2013

December TBA

State Bar of California Swearing-In
Luncheon
11 a.m. – 1 p.m.
Tom Ham's Lighthouse

December 11

San Diego USD Law Alumni Holiday
Happy Hour
5:30 – 7:30 p.m.
O'Toole's

JANUARY 2014

January 31

4th Annual USD School of Law Patent
Conference
Time TBA
Joan B. Kroc Institute for Peace & Justice

FEBRUARY 2014

February 5

Careers in the Law
5:30 – 7:30 p.m.
Warren Hall

February 21–22

Hugh & Hazel Darling Foundation
Originalism Works-in-Progress
Conference
Time TBA
Joan B. Kroc Institute for Peace & Justice

February 28–March 1

Institute for Law and Religion Conference
Time TBA
Warren Hall

MARCH 2014

March 24

Campus Visit Day Luncheon with
Admitted Students
12 – 1:30 p.m.
Hahn University Center Forum C

APRIL 2014

April 7

Campus Visit Day Luncheon with
Admitted Students
12 – 1:30 p.m.
Hahn University Center Forum C

April 10

San Diego USD Law Alumni Reception
6 – 8 p.m.
La Gran Terraza

April 11

Center for the Study of Constitutional
Originalism Conference
Time TBA
Warren Hall

April 25

Campus Visit Day Luncheon with
Admitted Students
12 – 1:30 p.m.
Hahn University Center Forum C

MAY 2014

May 16

Graduation Mass
4 p.m.
Founders Chapel

May 17

School of Law Commencement
9 a.m.
Jenny Craig Pavilion

JUNE 2014

June TBA

State Bar of California Swearing-In
Luncheon
11 a.m. – 1 p.m.
Bali Hai

in memoriam

➤ Faculty

Casil Hugh Friedman, a prominent San Diego business attorney, legal advocate and University of San Diego School of Law professor, passed away on January 29, 2013, following a prolonged illness. He was 81.

"Hugh's passing is a terrible loss both to USD School of Law and the San Diego community," said Dean Stephen C. Ferruolo.

"During his 55-year association with USD School of Law, Hugh was beloved by his faculty colleagues and inspired generations of students. As a lawyer, he compiled an exemplary record of service at the local, state and national levels, always giving generously of his time and talents. Hugh was a trusted advisor to his clients; a great teacher and mentor; a dedi-

cated husband, father and grandfather; and a talented jazz musician—in all, a wonderfully vibrant man. Hugh lived a very rich life and leaves an enduring legacy."

A graduate of Yale University in 1953 and Stanford Law School in 1956, Friedman began his legal career as a deputy attorney general for the state of California. In 1958, he moved to San Diego to become in-house corporate counsel with Westgate-California Corp. He then practiced business law as a senior partner with Friedman, Kahan, Dysart & Frasier.

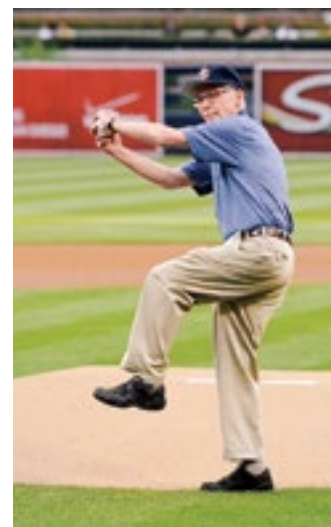
Friedman, who was married to former Congresswoman and 1970 USD School of Law alumna Lynn Schenk, began his association with the law school in 1958. He became a full-time law faculty member in 1977 and received an honorary LL.D. from USD in 1976. Friedman taught and wrote on corporate, business planning and securities law

until his passing in January 2013.

He had many publications and articles on education and law, but perhaps his greatest contribution was his two-volume *California Practice Guide: Corporations*, which was published in 1984 and printed its 28th edition in 2012. It's considered a "standard desk reference for practitioners."

Friedman was active in the local community in leadership and supporting roles at the American Red Cross, Boys Club of San Diego, Civic Light Opera Association, San Diego Hospice, American Heart Association and Eagle Scouts Alumni Association. He also was part of a group that successfully brought the San Diego Padres from the Pacific Coast League into Major League Baseball as a 1969 National League expansion team. Just last season, Friedman threw out a ceremonial first pitch before a Padres game at Petco Park.

Other notable achievements include an appointment by former President Bill Clinton to the White House's Conference on Small Business Commission and an appointment by former California Gov. Gray Davis to the California State Air Resources Board. Friedman was a former director for the San Diego County Bar Foundation and a member of the American Bar Association, International Bar Association and the American Law & Economics Association.



Professor Hugh Friedman's first pitch at a San Diego Padres game.

RIGHT: 2012 SCOTT WACHTER/THE SAN DIEGO PADRES

USD School of Law Professor of Law Emeritus **Joseph J. Darby** passed away on June 13, 2013, after a battle with amyotrophic lateral sclerosis, or Lou Gehrig's disease. He was 82.

Darby joined the USD School of Law faculty in 1965, teaching and writing in the areas of international and comparative law for more than 40 years before retiring in 2012. During that time, he also taught as part of the International Faculty of Comparative Law in Strasbourg, France, and lectured by invitation at universities in Austria, Belgium, China, France, Germany, Israel, Poland and South Africa. In 1996, Darby received a Fulbright grant to teach American law in Russian to law students, prosecutors, attorneys and judges in the Russian Federation.

"Joe Darby ranks among the great scholar-teachers who built the reputation of USD School of Law," says Dean Stephen C. Ferruolo. "He was a leader in recognizing the importance of international law and training lawyers to have a global perspective. Several generations of our students benefited from his legal expertise and from the values that he exemplified in his life and teaching."

Darby, a native of New Jersey, received his BS degree from Georgetown University and his JD degree from Fordham University Law School. He also earned MA and PhD degrees from Columbia University and a Doktor Juris (Dr. iur.) degree from the University of Cologne in Germany.

Prior to entering academia, Darby served for three years as a cryptologic officer in the U.S. Navy on assignments in Turkey, Germany and the Mediterranean region. He transferred to the Judge Advocate General Corps as a reserve officer and served in various positions over 26 years before retiring as a captain in 1990.

Darby cherished his long career at USD. He remarked at a fall 2012 celebration of his USD career, "Future generations of students, teachers and administrators will surely make our beloved USD [School of Law] an even better place, building on the accomplishments already made. But the hard work, sacrifice and belt-tightening of the old-timers back in the 1960s should not be forgotten."

Darby was active in the community, including Rotary Club, Thomas More Society of San Diego and Mary Star of the Sea Catholic Church in La Jolla.

Darby will be greatly missed. He is survived by his wife of 49 years, Ursula, and his four children: Christiane Darby of San Diego; Gabriella Hennington of Spokane, Wash.; Thomas Darby of Annapolis, Md.; and Heidi Zadeyan of La Jolla.

In December 2012, the law school established the Darby Endowed Scholarship Fund with a generous gift from the Avery-Tsui Foundation at the request of Natasha Wong, '04 (LLM), made in recognition of Darby's outstanding scholarship and inspirational impact on law students. The annual recipient, known as the Darby Scholar, will be an LLM student with an interest in international law. To contribute to the Darby Endowed Scholarship Fund, please call the USD School of Law's Office of Development and Alumni Relations at (619) 260-4692.



*Professor of Law Emeritus
Joseph J. Darby.*

Harvey Levine, 68, died on February 5, 2013, in San Diego following a lengthy illness. Levine had a high-light-reel legal career that included work outside the courtroom as an adjunct professor at USD School of Law and a stint as a liaison for the United Nations in Italy. Known for representing a diverse set of clients, Levine was elected by the State Bar of California to the Trial Lawyer Hall of Fame in 2007 and inducted into the Consumer Attorneys of San Diego Hall of Fame in 2008.

Levine's legal career focused on representing clients in bad-faith claims against insurers. His San Diego law firm also represented numerous clients in personal injury cases.

In 2003, Levine won a \$12 million settlement for the San Diego Padres from Lloyd's of London for a disability claim over relief pitcher Randy Myers. The Padres contended they were owed the money for two contract years Myers could not pitch because of injuries.

In 2007, Levine won a \$16.5 million judgment in Sacramento for the family of Jennifer Strange. Strange

died from water intoxication after participating in a radio station's on-air drinking contest.

"The insurance industry knew that if he took a case, they had better look at it closely before they fought it," said USD Professor of Law Robert Fellmeth, executive director of the school's Children's Advocacy Institute. Fellmeth says Levine was selective with cases, lacked bombast in the court and put clients' interests first.



'75

James Krause, 62, died from pancreatic cancer on August 16, 2012, in San Diego.

During his successful legal career, he specialized in securities fraud, and at the time of his death, he was

a senior partner at Krause Kalfayan Benink & Slavens. He also served as an adjunct professor at USD, teaching securities law.

Krause joined USD's Board of Trustees in 2009 and served on the audit and student affairs committees. He graduated from USD School of Law in 1975, became an adjunct professor in 2007 and was a longtime member of the law school's Board of Visitors.

"Jim was a distinguished alumnus and generous benefactor of the law school," said Dean Stephen C. Ferruolo. "For several years, he also capably taught securities regulation as an adjunct professor. He will be fondly remembered, among other things, for the passion, energy and commitment so evident in both his teaching and his service to the law school and the University of San Diego."

Classroom 2B in USD's Warren Hall was named for Gale and James Krause in 2005 in recognition of their generous support of USD School of Law's endowment campaign.



Alumni

'64

Richard Neely, '73, passed away on February 18, 2013, from complications of cancer. As a prosecutor, he tried death penalty cases, ran a special award-winning unit and lobbied Sacramento to strengthen sentences. By the mid-1980s, he'd become the No. 2 man in the District Attorney's Office, under then District Attorney Ed Miller. He later moved to the judicial bench to be a juvenile court referee, where he oversaw cases involving children who had been removed from their homes.

'66

Kenneth L. Hake, '71, a retired Sacramento Superior Court judge, died April 25, 2012, after a brief illness. A former prosecutor with little name recognition outside the legal community, Judge Hake won competitive races to serve on the bench. He joined the judiciary in 1985 after scoring an upset win for a municipal court seat over heavily favored Sam Jackson, who later became Sacramento city attorney. Three years later, Judge Hake defeated prominent defense lawyer Michael Sands for the Superior Court. He presided over many criminal cases and had a reputation for integrity. He retired in 2005 but continued working as a retired judge until 2009.

'70

Philip Arthur Demassa, '67, passed away on May 27, 2012, in a scuba diving accident off the coast of Hawaii. Demassa was a prominent San Diego criminal

defense attorney who zealously represented his clients throughout the United States for more than 40 years. While at USD, Demassa was a member of the San Diego Law Review and Appellate Moot Court team.

'76

Daniel Bergman, '69, the vice president of Environmental Affairs at Dallas Fort Worth Airport, passed away on December 1, 2012. Bergman dedicated his life and career to public service and to inspiring others to achieve their maximum potential.

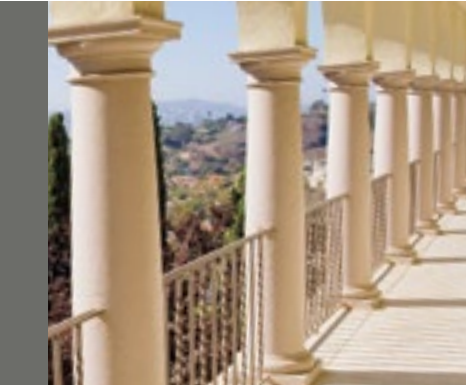
'77

George "Woody" Clarke, '61, a nationally recognized expert on DNA evidence who helped prosecute O.J. Simpson and David Westerfield, passed away on November 13, 2012. Clarke spent 21 years as a prosecutor in San Diego County, handling many high-profile cases. He was appointed to the bench in October 2003 by Gov. Gray Davis.

'97

Beverly I. Ward, '54, a commission counsel at the Massachusetts Commission Against Discrimination (MCAD) for nearly 15 years, died on August 6, 2012. An expert on the agency's legislative history and a staunch advocate of its civil rights work, Ward made a significant contribution to the body of law preserving the MCAD's jurisdiction and discretion. Prior to her tenure with the MCAD, she was an assistant attorney general in the Civil Trial Division of the Government Bureau.

class action



Class Action compiles personal and professional news about USD School of Law alumni from independent update submissions and international media resources. Tell us what's new with you. Submit your news online at law.sandiego.edu/keepintouch, or email your update and photo (jpg or tif format, 300dpi) to lawpub@sandiego.edu.

'69

Stephen Ronald Cloud was named president of Fresno Distributing Co. and RV Cloud Co. in Campbell, Calif.

'70

California Gov. Jerry Brown reappointed former U.S. Rep. **Lynn Schenk** to the California High-Speed Rail Authority, where she has served since 2003. She is vice chairperson of the board.

'74

Steve Daitch joined Catapult Growth Partners, LLC as senior consultant and managing director of thought leadership events and research.

'76

Sandy Arledge was named the newest member of the American Quarter Horse Association Executive Committee.

'79

Irma Poole Asberry, the first African-American woman appointed as judge to the Riverside Superior Court, gave the 2013 Athena Lecture at Riverside City College in March.

Sacramento City Council member **Steve Cohn** was named vice chair of the Sacramento Area Council of Governments Board of Directors.

Nevada Gov. Brian Sandoval appointed **Kerry Earley** to the Eighth Judicial District Court in Clark County, Nev.

'80

Karen Rooney joined Miller Law Group as partner in its recently opened Los Angeles office.

'81

Hazel Aker was named senior vice president, general counsel and corporate secretary of Cadence Pharmaceuticals Inc. in San Diego.

Jeffrey E. Thoma was re-elected to the board of directors of the National Association of Criminal Defense Lawyers.



Jan I. Goldsmith, '76



James T. Waring, '73

Alumni Honorees

> JAN I. GOLDSMITH '76 AND JAMES T. WARING '73 CELEBRATED AT HONORS GALA

USD School of Law presented [Jan I. Goldsmith](#), '76, and USD's Joan B. Kroc School of Peace Studies presented [James T. Waring](#), '73, with the Author E. Hughes Career Achievement Award at the 2013 Alumni Honors Gala on April 27, 2013. The award recognizes outstanding career achievement and exemplary representation of USD's ideals.

Retired San Diego County Superior Court Judge [Luis R. Vargas](#) joined the San Diego County District Attorney's Office, where he will provide expertise in several areas of the law, including civil litigation, appellate cases and cross-border issues.

'82

Orange County, Calif., Deputy District Attorney [George McFetridge](#) published his second novel, *The White Rose*, under his pen name, Mary Ann Cook.

[Ed McPherson](#), a partner with McPherson Rane LLP in Los Angeles, presented "Disaster Planning and War Stories: Tales From The Trenches" at the 24th Annual North American

Entertainment, Sports and IP Law Conference in Cancun, Mexico, and "Handling Celebrity Stalkers" for the Beverly Hills Bar Association.

'85

[Larry Murnane](#) was named senior strategist at Breakwater Equity Partners, a commercial real estate workout consultancy and investment firm in San Diego.

'86

Gov. Jerry Brown appointed [Paula S. Rosenstein](#) to San Diego County Superior Court.

Goldsmith was appointed as a San Diego Superior Court judge in 1998 and spent his first six years on the bench handling criminal and civil trials and his final years assigned to an independent civil calendar. He retired in December 2008 to assume the office of city attorney for the City of San Diego. Goldsmith served as deputy mayor of Poway from 1989 to 1990, and then as mayor from 1990 to 1992, until he was elected to the state Assembly, where he served three terms representing the Northern San Diego City District.

Waring is the executive chairman and co-founder of CleanTECH San Diego, a not-for-profit formed to stimulate the creation and expansion of a clean technology business cluster in the San Diego region. Prior to CleanTECH, Waring worked for San Diego Mayor Jerry Sanders as the deputy chief operating officer for land use and economic development. Waring was a practicing attorney for more than 20 years and has been a principal in FI Financial, a real estate investment firm, since 1991. In 2012, Gov. Jerry Brown appointed Waring to the California Transportation Commission.

Animal Advocate

> ACTIVIST SARAH SPEED '07 CHALLENGES INCUMBENT FOR PA STATE HOUSE SEAT

In 2012 Democrat **Sarah Speed**, '07, campaigned to represent the 47th State House District, which covers northern York County in Pennsylvania. Speed challenged five-term Republican Keith Gillespie for the seat. Speed's campaign prioritized access to health care for women and children, public education reform, property tax relief and economic expansion for small business job development.

Although Speed lost the seat to incumbent Gillespie, she remains active in her animal rights advocacy as secretary for the State Animal Response team and is the animal law legislative chair of the Pennsylvania Bar Association. Speed dealt a serious blow to Pennsylvania's puppy mill industry by coordinating the efforts between the Humane Society of the United States, American Society for the Prevention of Cruelty to Animals and numerous other animal-related organizations to pass HB 2525. Speed also serves as executive director of Bringing Animals Restitution and Care, the nation's first psychological counseling program targeted specifically at animal abusers.

As a student at USD School of Law, Speed advocated for animal protection legislation in her native California. She was the driving force behind California's SB 353, which was signed into law in August 2007. The legislation made it possible for California judges to include animals in protective orders related to domestic violence.



'88

Susan K. Chelsea was appointed to the State Bar of California's Real Property Law Section Executive Committee.

Paul G. Klockenbrink, partner with Gentry Locke Rakes & Moore, Roanoke, Va., was named a Virginia Super Lawyer for 2012 in employment and labor.

Jeffrey S. Schroer was named chief child support attorney for the San Bernardino County Department of Child Support Services.

'90

Teresa Beck was elected to the National Conference of Women's Bar Associations Board of Directors following a three-year term on the board of the Lawyers Club of San Diego. As a

member of the Woman Advocate Committee of the ABA Section of Litigation, Beck is the co-chair of the Work-Life Management Subcommittee. She also serves on various committees with California Women Lawyers.

'92

Michael A. Cordier joined Murphy Karber PLC, a Phoenix construction, real estate and business law firm, as a third partner. The firm also announced its new name, Murphy Karber Cordier PLC.

Jeff Mazur, former chief of political and economic affairs of the United States Embassy in Trinidad and Tobago, was reassigned to the U.S. Embassy in Kabul, Afghanistan. Mazur is a career diplomat with the U.S. Department of State.

JAG Star

'93

Celia A. Brewer was appointed city attorney of Carlsbad, Calif.

Adam Springel, managing partner at Springel & Fink, was one of the featured speakers at the 2013 Annual Conference of the Claims and Litigation Management Alliance.

'94

Dean Gonsowski was named associate general counsel and senior director of business development at Recomind, a San Francisco-based leader in unstructured data management, analysis and governance technology.

Real Goods Solar Inc. named **Scott Schumacher** operations manager in San Diego, Riverside and San Bernardino, Calif.

'95

Neel Grover was appointed to Coastal Contact's Board of Directors. He left his chief executive position at Buy.com.

Christopher C. Hoffman

was selected by his peers for inclusion in *The Best Lawyers in America 2013*. Hoffman is the founding and managing partner of the Fisher & Phillips LLP San Diego office.

Rich Kim joined Duane Morris' Intellectual Property Practice Group as a partner in its San Diego office.

'96

Craig Cherney and **Laura Jane Edwards** partnered to open their own family law firm, Edwards & Cherney LLP, in Scottsdale, Ariz.

Real estate and land-use attorney **Kenneth A. Kecskes** was named partner in Fox Rothschild LLP's San Francisco office.

'97

Wade B. Gochnour was named to the 2012 Mountain States Super Lawyers.

HEATHER HENDERSON '04 IS ONE OF THE NAVY'S LEADING ENVIRONMENTAL LAW EXPERTS

Lt. Cmdr. **Heather C. Henderson**, '04, has spent the past nine years of her career as a federal service attorney in the U.S. Navy Judge Advocate General's (JAG) Corps. In this capacity, she has skillfully and expertly served as officer in charge of a detachment office at a remote duty station as appellate defense counsel, representing service members before the military's first- and second-level courts of appeals and as a specialist in environmental law for the Navy's southwest region.

After graduating from USD School of Law in 2004, Henderson began her naval legal career at a branch office of Naval Legal Service Office Central in Corpus Christi, Texas, where she served both as a legal assistance attorney and trial defense counsel, as well as officer in charge of the branch. In 2007, she moved to Washington, D.C., to serve as an appellate defense counsel at the office of the Judge Advocate General, Navy and Marine Corps Appellate Review.

Looking for her next challenge, Henderson left the JAG office to attend George Washington School of Law, where in 2010 she earned her LLM in environmental law, graduating with highest honors. Today, she is recognized as one of the Navy's foremost environmental law experts.

Captain and Commanding Officer David M. Harrison says that Henderson's "daily contributions to the Navy's mission, the welfare of its people and the community at large have made a lasting and substantial impact on the Department of the Navy and the law."

Entrepreneurial Spirit



KAYVON POURMIRZAIE '10 WINS UCSD CHALLENGE

USD School of Law alumnus and Nasseo Inc. co-founder **Kayvon Pourmirzaie**, '10, was awarded the first-place prize of \$57,000 at the Sixth Annual University of California, San Diego (UCSD) Entrepreneur Challenge Business Plan competition in late June. The company also received the first-place prize of \$7,500 in cash and legal services at the UCSD Entrepreneur Challenge's Executive Summary competition in April, making Nasseo Inc. the first startup to win both the UCSD Entrepreneur Challenge Executive Summary and Business Plan competitions in the same year.

Nasseo's initial product, the TiArray™ dental implant system, integrates a proprietary surface modification technology to create significantly stronger bone-to-implant bonding at the molecular level. By developing this dental implant system, Nasseo hopes to create new treatment options for previously unreachable patients who are discouraged from receiving implants because of poor circulatory and bone growth issues.

Winning the entrepreneurship challenge has proved to be a turning point for a number of successful San Diego-based startup companies.

'98

William J. Garrison joined Dallas-based Bell Nunnally & Martin LLP as a partner.

'99

Neil Willian joined Edgewood Partners Insurance Center as an account executive in its San Francisco construction practice.

'02

Alain Mégias (LLM) joined Baker & McKenzie in San Francisco as a partner for the firm's international commercial practice.

Scott Rahn, shareholder at Greenberg Traurig, LLP in Los Angeles, presented "Securities Law: Fraud-on-the-Market Theory Demystified" for the Knowledge Group/the Knowledge Congress live webcast series.

Benjamin A. Thinnés was named a shareholder at Tiffany & Bosco in Phoenix, Ariz.

'03

Laurie A. Avedisian was promoted to partner at Lozano Smith in Fresno, Calif. She was also named president of the Fresno County Bar Association.

Cepideh Roufougar joined Jackson Lewis LLP's San Francisco office as partner.

Kahn Scolnick joined Gibson, Dunn & Crutcher LLP as one of 11 new partners.

'04

Eva K. Wojtalewski joined Bousquet Holstein PLLC as an associate attorney.

'05

James Bond was elected as one of four new directors at Fennemore Craig in Phoenix, Ariz.

'06

Joseph Bolmarcich was named director of government contracts and Department of Defense compliance at Remington Defense in Madison, N.C.

Rebecca A. Brophy joined the firm of Smith Anderson.

Laura Keegan was featured in *The Hockey News* as an upcoming sports agent at CAASports in Los Angeles.

'07

Conor Hulburt joined the San Diego office of Pettit Kohn Ingrassia & Lutz.

Kate E. Payerle, an attorney with Robinson Bradshaw, received the Outstanding Pro Bono Service Award for her pro bono legal work for low-income families with Legal Aid of North Carolina in Charlotte.

'08

Venar Ayar (JD/LLM) announced the grand opening of the Ayar Law Group, a boutique tax law firm serving metro Detroit and the greater southeastern Michigan community.

'10

Diana Malhis has joined the Law Offices of Rosenstein and Hitzeman in Temecula, Calif.

Kayvon Pourmirzaie co-founded Nasseo, a medical device startup with new technology to treat dental and orthopedic implant failures. Nasseo won first prize in the sixth annual University of California, San Diego Entrepreneur Challenge competition.

'11

Catherine Gonzaga (LLM) joined the tax law firm of Brown, PC in Fort Worth, Texas.

Michael Nalan joined the professional liability practice group of Klinedinst PC in San Diego.

'12

David N. Israel joined Stutz Artiano's San Diego office.

Freshly Minted Lawyers

The law school's newest attorneys, who were sworn into the bar in June and December of 2012, were honored at luncheons at Tom Ham's Lighthouse.



JUNE 2012 SWEARING-IN



DECEMBER 2012 SWEARING-IN

Spotlighting members of the USD School of Law community at reunions, receptions and other special events

CAREERS IN THE LAW AT WARREN HALL

1. Law Alumni Board member **Buck Endemann**, '07; **Monica M. Sullivan**, '02; and Career Services Assistant Director for Employer Outreach and Communication **Scott Morris**.

2. **Kristen Haden**, '08, and **Warren K. Den**, '02.

3. Law Alumni Board member **Rob K. Butterfield Jr.**, '77, and **Chris S. Cooke**, '88 (BA), '03 (JD).



2012 DISTINGUISHED ALUMNI AWARDS AT THE WESTIN GASLAMP QUARTER

4. Career Services Assistant Dean **Cara Mitnick**; **Bill G. Baumgaertner**, '75; and **Steve R. Hunsicker**, '75.

5. 2012 Distinguished Alumni Award honoree the Honorable **Robert J. Trentacosta**, '79; 2012 Rising Star Recent Alumni Award honoree **Laurie G. Rowen**, '04; and 2012 Distinguished Alumni Award honoree **A. John Murphy Jr.**, '72 (BA), '75 (JD).

6. 2011 Rising Star Recent Alumni Award honoree and Law Alumni Board member **Kristin Rizzo**, '06; the Honorable **Ken J. Medel**, '79; and Debra Medel.



7

2012 MILESTONE REUNIONS

7. Class of 1962 (50th reunion).

8. Class of 1972 (40th reunion).

9. Class of 1982 (30th reunion).

10. Class of 1987 (25th reunion).

11. Class of 1992 (20th reunion).

12. Class of 2002 (10th reunion).

13. Class of 2007 (5th reunion).



8



9



10



11



12



13



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USD School of Law Milestone Alumni Reunions

1963 1973 1983 1988

Friday, October 4, 2013

1993 2003 2008 2012

Saturday, October 5, 2013

Reunion news will be sent by email, so please update
your contact information:

law.sandiego.edu/alumniupdate.

For more information, contact the Office of Development
and Alumni Relations at (619) 260-4692 or
lawalum@sandiego.edu.

View updated reunion information:
law.sandiego.edu/reunions.

Distinguished Alumni Awards

November 22, 2013
Westin Gaslamp Quarter
11:30 a.m.

For more information and for sponsorship
opportunities, call (619) 260-4692 or email
lawalum@sandiego.edu.

Visit the Distinguished Alumni Awards
website at law.sandiego.edu/daa.

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