USC | LAW

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Created Equal

USC Law alumnus leads courtroom fight against "don't ask, don't tell"

BY LORI CRAIG

BILL YOUNGBLOOD

Rachel Feldman '06, Dan Woods '77 and Devon Myers '05

It was a military policy that altered the lives of 14,000 of the nation's service personnel over 17 years. President Barack Obama vowed, even before taking office, to wipe it from the books because "we are a nation that believes all men and women are created equal."

For Dan Woods '77, the historic courtroom fight against "don't ask, don't tell" was about resolving inconsistencies: disparity in government leaders' statements and the laws their departments enforced; contradiction between the declared need for strong national security and the military's dismissal of qualified soldiers; and the conflict between the Constitutional rights of free speech and due process and government-sanctioned bias against a group of Americans.

"This case has, obviously, a much greater emotional appeal than much of the business litigation that I handle," says Woods, an accomplished trial lawyer. "This case had a much greater impact on our country than the cases that may involve huge sums of money.

"We made history in this case and we're very proud of that."

Woods successfully represented the Log Cabin Republicans in the landmark Los Angeles federal court challenge to "don't ask, don't tell." The White & Case partner led a pro bono team of attorneys who were interested in the case, including three USC Law alumni: Rachel Feldman '06 and Devon Myers '05, who, for the first time, examined witnesses at a federal trial; and Patrick Hagan '09, who was a first-year associate when he worked on the case.

Last fall's trial, held in Riverside, Calif., followed six years of wrangling with the Justice Department, which continues to defend the Clinton-era policy as necessary to promote unit cohesion despite statements from President Obama and Joint Chiefs of Staff Chairman Navy Adm. Mike Mullen that it weakens national security.

"It was a fantastic trial from my perspective," Woods says. "Trials are always a struggle to get your witnesses there, put them on the stand in the right order, have them

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Kudos for Dan Woods '77

2011 John Minor Wisdom Public Interest and Professional Award - ABA
2011 Attorney of the Year Award - *California Lawyer*
2010 "Attorney of the Year" - *The Recorder*
One of Top Verdicts of 2010 - *Daily Journal*
Team recognized as "Stand Out" - *Financial Times*
One of "Five Outstanding Pro Bono Projects" in CA - *Daily Journal*

Young Alumni Cut Their Teeth on Historic Case

BY LORI CRAIG

Standing with Dan Woods '77 in the momentous *Log Cabin Republicans v. United States* was a team worthy of the challenge. Among the eight attorneys were three Trojans who helped make history: Rachel Feldman '06, Patrick Hagan '09 and Devon Myers '05.

Each of the White & Case associates jumped at the chance to help with the case.

"It was a great opportunity," says Feldman, who mostly handles commercial litigation and consumer protection class-action defense, often resolved prior to trial.

Feldman acted as a liaison to lawyers handling other "don't ask, don't tell" challenges across the country, and during the trial got her first opportunity to examine an expert witness. She examined at trial three expert witnesses, and she defended them and several lay witnesses in depositions.

Myers examined three lay witnesses and helped draft the opposition to the government's motion *in limine* to exclude Log Cabin's exhibits.

"They played big roles in the trial," Woods says. "It was a great experience for them to be involved in such a big, high-profile, historic case but also to stand up in front of a courtroom and ask witnesses questions."

Myers was the first of the associates to question a witness at trial.

"It was a little bit of flying in the dark," says Myers, who handles commercial litigation matters. "Once I was able to get into the rhythm, everything else just fell away and it was just the witness and I moving through the testimony."

Hagan, who in February joined Holme, Roberts & Owen, drafted requests for admission and helped locate expert witnesses.

"I felt very lucky," Hagan says. "It sounds corny, but as we were preparing for trial, I really never needed an alarm clock because I was so excited to work on the case I just jumped out of bed every morning."

"I'm really grateful to White & Case and to Dan for giving us this opportunity," Myers says. "They allowed us to take the time that we needed to really prep for trial, and Dan was a fantastic team leader. He took the opportunity to teach us how to put together witness outlines and how to handle objections. We had team meetings on a daily basis so we really felt we were integral to the process. It was an honor getting to be part of something that was so tremendous."

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HONOR ROLL

Do you have news you would like to share for the next Honor Roll? Please send an e-mail to delib@law.usc.edu. And find out what other alumni are up to by viewing Class Notes at (http://law.usc.edu/classnotes).

Yvonne Burke '56 was appointed by Gov. Arnold Schwarzenegger to the California Transportation Commission. Burke, a former member of the state assembly and United States Congress, most recently served as a Los Angeles County supervisor from 1992 to 2008.

Larry Flax '67, co-founder and co-CEO of California Pizza Kitchen, received the Alumni Merit Award at the 78th Annual USC Alumni Awards ceremony.

Laurie Hasencamp '85 received the Co-Presidents Award from the Lesbian and Gay Lawyers Association of Los Angeles.

Gregory H. Hoffman '93 was named chair of the Corporate Counsel Section of the New York State Bar Association. Hoffman is senior commercial counsel at BT Americas Inc.

John Molina '89 was appointed to the board of directors of the Federal Reserve Bank of San Francisco's Los Angeles branch. Molina also spoke at USC Law this spring, in an installment of the "Conversations with the Dean" speaker series.

Kenneth H. Moreno '82 was elected to membership in the Federation of Defense & Corporate Counsel. Moreno is partner-in-charge of Murchison & Cumming's San Diego office.

Henry R. "Dick" Reeve '82, deputy district attorney and general counsel for the Denver District Attorney's office, was appointed by the White House Executive Office of the President to serve as an advisory member of the Interagency Working Group of the National Science and Technology Council Subcommittee on Forensic Science.

Alison Dundes Renteln '91, professor of political science at the USC Dana and David Dornsife College of Letters, Arts and Sciences, was named political science chair for the 2011-12 academic year.

Kelly G. Richardson '83 was appointed to the National 2011 Board of Trustees of the Community Associations Institute. He is co-founder and managing partner of Richardson & Harmon.

Sam Yebri '06, partner at the litigation boutique Merino Yebri LLP, was appointed by L.A. Mayor Antonio Villaraigosa to serve on the city's Board of Civil Service Commissioners.

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say what you hoped they would say and have them deal with cross-examination. And in any trial you have fights about admissibility of evidence and other legal issues, and all of those things worked out really well."

Building the case

Woods took the case in 2004 at the request of a colleague and Log Cabin Republicans board member, who thought the policy should be challenged based on the Supreme Court's 2003 ruling in *Lawrence v. Texas* that sexual privacy is a constitutional right under the 14th Amendment. Woods, then head of his firm's pro bono program, knew he had the trial experience the case needed and thought the fresh approach could work.

"The government's argument was that it just needed a rational basis for 'don't ask, don't tell' to survive our constitutional challenge, and we argued all along that there had to be a higher level of scrutiny applied to it because it does discriminate and punish homosexuals for who they are," Woods says.

Woods put out the call to senior and junior attorneys at White & Case and assembled a team of lawyers with a range of expertise, including skilled litigators and two bankruptcy associates, who would dedicate thousands of hours to the case during the next six years.

A "gripping" trial

"We put on a lot of evidence, all of which was designed to show that 'don't ask, don't tell' basically doesn't work and, in fact, undermines unit cohesion and troop morale," Woods says.

Testimony came from experts who discussed the history of the integration of women and blacks into the military; the ease with which other countries — including the United Kingdom, Canada and Israel — allow open service by homosexuals; and the disproportionate effect of "don't ask, don't tell" on women, who account for 14 percent of military personnel but 38 percent of discharges under the law.

"The original idea [of the law], in part, was to protect people in combat situations, but that has nothing to do with discharging doctors, dentists, nurses, lawyers, computer operators or translators — all these people who also were discharged," Woods says. "And the statistics showed there were more people discharged in times of peace than in times of war. That doesn't make sense, given their reasoning for these policies."

There was moving testimony from homosexual men and women, like Mike Almy, whose military service was cut short by the policy. Almy was a former Air Force major with 13 years of service who led a team maintaining the systems controlling the airspace over Iraq. One of Almy's colleagues decided to snoop through some of the hundreds of emails in a folder marked "personal" and found messages dealing with Almy's relationships with other men. Armed with that evidence of his homosexuality, supervisors discharged Almy, who later testified that he went home, took off his uniform, crawled into a fetal position on the bathroom floor and "cried like a baby."

"Every single member of his unit wrote a letter in support of him that said, 'We cannot afford to lose him,'" Woods says. "His commanding officer, while the discharge proceedings were pending, recommended [Almy] to be promoted from major to lieutenant colonel.

"Of course, once he was gone, his unit's performance suffered, so his loss absolutely weakened the military," Woods says.

There also was testimony from straight former service members, like Stephen Vossler, who saw the law negatively affect their jobs and units.

Vossler, who was defended at deposition by Feldman and prepped for trial and examined by Myers, testified that he had two homosexual roommates while serving in the Army. Vossler considers one of those men his best friend. After Vossler's own stint in the Army concluded, he began speaking out against "don't ask, don't tell."

"For me, a gripping moment of that testimony was when I asked him why he spent so much time and effort to speak out about this policy," Myers says. "He stopped talking. There was a long pause and I realized he was starting to choke up. And then I choked up.

"And his answer was: I did it because this is not my country. My country would not allow this type of discrimination to go forward against people who want to serve and are willing to give their lives for their country."

The government, represented by Department of Justice Trial Attorney Paul Freeborne and a group of seasoned litigators from the D.O.J., presented no exhibits aside from the law's legislative history and presented no witnesses. But the D.O.J. didn't lie down, either.

"They fought everything," Woods says. "They made it as difficult for us as they possibly could. And I wish they had put on witnesses because it would have been even more fun at the trial to cross-examine any witness who might have said that 'don't ask, don't tell' worked or was necessary or useful for the military."

Woods presented evidence that the discharges left the military short of people in critical operations. In his closing statement, he reiterated that to fill those holes, the government lowered admission standards to accept felons into service, even some convicted of violent crimes.

"I got to say in my closing argument that the government would rather give a convicted felon a gun than give a gay guy a typewriter," Woods says.

The fight continues

At the conclusion of arguments, U.S. District Judge Virginia A. Phillips did not indicate how she intended to rule, but Woods says he was cautiously optimistic.

"I thought we had won, I thought we deserved to win, and I had some faith that the system would work and that we would win," Woods says.

Not only did Judge Phillips rule in their favor, she wrote an 86-page opinion declaring the law an unconstitutional violation of First and Fifth Amendment rights. Woods says the opinion was thorough, well-researched and well-written, and that the ruling will help the Log Cabin Republicans fight the government's appeal before the Ninth Circuit Court of Appeals.

In the meantime, President Obama signed legislation repealing "don't ask, don't tell," likely prompted in large part by the victory in this case. However, the repeal won't go into effect until 60 days after the joint chiefs, the defense secretary, and the president certify that the military is ready to implement the change.

"The work on this case continues," Woods says. He filed his opposition brief with the Ninth Circuit in March and the government filed its reply in late April. Once the briefing is complete, Woods will ask the Ninth Circuit to expedite the oral argument.

Over the years of legal wrangling, what started as a fight for his client became a passion for Woods.

"It is unfair and un-American to judge people on something other than their performance," he says. "The people who want to enlist voluntarily in our military and who want to conform to military standards and values ought to be able to do that whether they're gay or straight."

Woods claims he is "not an activist," before admitting that, by definition, he now might be.

"I've repeatedly gone back to the old quote from Sen. Barry Goldwater: 'I don't care if you're gay or straight, as long as you can shoot straight,'" Woods says. "And that's the way I've always felt."

Following Judge Phillips' ruling, Woods found himself in the spotlight.

"I can't say that I knew it would be this big, but I thought it had the potential to be a historic case," he says. "After we survived motions to dismiss or motions for summary judgment, I thought this was going to be the case that would change the law. I would have team meetings and say, 'We're going to make history.' It's not every day you can walk in to a team meeting and say that."

A Steadfast Adjudicator

BY GILIEN SILSBY

James "Jimmy" Reese '46 is a busy man. On a recent day, he did some early stock market day-trading, arbitrated a dog bite case at JAMS and set up meetings for his fledgling education intervention program.

At 91 years old, Reese doesn't plan to slow down any time soon.

"You have two choices when you wake up in the morning: live life or stay in bed," he says with a chuckle. "I choose to stay busy and enjoy every day. You never know if it'll be your last."

Reese has been an active member of the California Bar for 65 years, opening his law practice after graduating from USC Law and later becoming the first African-American Los Angeles Superior Court commissioner. He also worked as an attorney for music legend Ray Charles in the 1950s and '60s.

"I came out to California while I was on active duty in the military during World War II, and I met Crispus Attucks Wright '38, who was one of about a dozen black attorneys in Los Angeles. I talked to him and saw what he did, and wanted to do the same thing."

Two weeks before his military duty was up in 1943, Reese dropped by USC Law Dean William G. Hale's office the Friday before classes were scheduled to start.

"I said I wanted to go to law school," Reese said. "The dean's secretary looked at me, and gave me a test. She corrected it and told me to show up for classes on Monday. That was that."

After graduating, Reese opened his own firm. In 1952 Ray Charles asked him to work on retainer and later convinced him to join Ray Charles Enterprises as in-house counsel.

Reese worked for Charles through the 1960s, though from 1965 to 1967 received a special assignment from Gov. Edmund G. Brown to head California's Office of Economic Opportunity. In this position, Reese increased free legal aid from two programs to more than 100.

"This is one of the proudest accomplishments of my career," he says.

In 1970, Reese became the first African-American L.A. Superior Court commissioner. Five years later, Gov. Jerry Brown appointed him as judge to the Municipal Court and, eventually, Superior Court. During his tenure on the Court of Appeal and in the Appellate Department of the Superior Court, Reese authored more than 30 opinions certified for publication.

At 70, he retired from the bench to work for JAMS, where he has heard more than 1,000 cases and developed a reputation as a skilled mediator. He has particular expertise in settling personal injury, medical malpractice, business, law and discovery, labor relations, real estate, sexual harassment and wrongful termination cases.

"Judge Reese is a well-respected and seasoned mediator and arbitrator," says Gina Miller, vice president for JAMS' Southwest Region. "His intelligence, compassion, generosity and calm demeanor make him a favorite among clients and staff alike."

Reese grew up in racially segregated New Orleans. He says a pivotal moment came when he was about 10 years old and his father made an ugly, drunken scene at his elementary school.

"I'll never forget my teacher took me in her arms and said, 'Jimmy, you're not your father. You can really be someone one day.' I always remembered that. It carried me through," Reese says, tearing up. "I get emotional when I think about that."

Today, Reese is hoping to launch an intervention program for 10-year-old low-income boys attending public schools in Los Angeles' inner city.

"Many of them are in fourth grade and can't read," Reese says. "If you can't read, you can't write and you can't communicate. I think we have given up on these boys and eventually they wind up incarcerated. I think a case may be made that their constitutional rights to a good education are being violated. I want to create a program that will teach these boys once and for all how to read."

BILL YOUNGBLOOD

Wind Wheels and Deals

BY LORI CRAIG

BILL YOUNGBLOOD

Karen Wong '86 never expected to find both success and personal fulfillment at a big firm doing project finance.

"I kind of fell into the industry, luckily," says Wong, a partner in the Global Project Finance Group of Milbank, Tweed, Hadley & McCloy. Wong specializes in the financing of clean energy projects and has represented sponsors and financing parties in numerous multimillion- and multibillion-dollar deals. "My goal was to do really interesting, exciting work and see where it took me."

Hailing from a Trojan family (her husband, two siblings, father and four aunts and uncles all went to USC), Wong built strong connections to the school as an accounting undergraduate and then at USC Law, where she received a Shattuck Award for her "potential for becoming an outstanding member of the bar."

As chair of Reunion 2011, she is looking forward to reconnecting with former classmates at her 25th class reunion, to be held June 25 at the Fairmont Miramar in Santa Monica, Calif., with 10 other USC Law classes from 1961 through 2006.

"It's a great opportunity to rekindle friendships," Wong says. "Especially as you get older, you look at the things that matter. Work is always there, but it's the personal relationships that are meaningful."

An accounting major, Wong anticipated graduating law school and finding a business-related job. Following her second year, thanks to an interesting international tax course, she took a summer job with a boutique tax firm.

"It turned out that tax work, after spending 12 weeks doing it, was going to be really boring," Wong says. "I spent the summer writing memos and researching, spending a lot of time in the library … and I just thought, 'I'm never going to see a client for five years at this rate.'"

Upon graduation, Wong changed direction and joined Jones Day, excited by the possibilities of working in a large international firm, yet she quickly found herself specializing in the area in which she has practiced for 24 years.

As the only one of six new associates in the firm committed to doing transactional work, Wong was soon working on the first project finance deal to take place in Los Angeles, the funding of a power project located in Carson, Calif.

That project led to a series of assignments, including one in which Wong's firm represented three syndicate banks while Milbank — then one of the more active project financing firms — represented the lead agent bank. Realizing she'd prefer to be on the front line of negotiating, Wong joined Milbank in 1990.

Since then, she has continued to focus on the energy sector, restructuring the Mojave wind farms in Tehachapi, Calif., advising the sponsors of a lignite-fired project in Lao People's Democratic Republic, and securing a $1.45-billion federal loan guarantee for an Arizona solar project. Having wrapped up several overseas projects, today Wong spends less time traveling and more time with her husband, 8-year-old son and 16-year-old daughter.

Her rich balance in life is admired by those close to her, such as Dr. Mitchell Lew, president of the USC Asian Pacific Alumni Association, who also serves on the USC Alumni Association Board of Governors and is a member of the USC Associates.

"Karen is one of the few people I know who is able to balance a career, marriage, parenting and friendships with the absolute highest level of success," Lew says.

Wong is excited to see an influx of projects closer to home as emphasis has shifted to renewable, clean energy including wind and solar. Wong and her team have handled a couple hundred such projects in the past 10 years.

"It's still the same interesting legal work," Wong says. "What I like is that my practice is pretty mixed. I've represented lenders, sponsors, construction companies and other players in the mix, which keeps the focus of my legal work fresh and interesting all the time."

Anti-Trash Tactician

BY DARREN SCHENCK

BILL YOUNGBLOOD

Leslie Tamminen '88 discovered a passion for protecting the environment during a childhood trip to Lake Havasu in Arizona. On a stroll through pristine wilderness just minutes from her family's rented houseboat, Tamminen climbed a hill and came upon mounds of garbage dumped in a gully.

"I was horrified," she says. "I bagged it all up and dragged it to our houseboat, but my parents said we couldn't take it all. I had to leave some of it behind."

Today, Tamminen still fights to remove pollution, but at its source — and on a much larger scale.

In 2007, Tamminen and her husband, former Secretary of the California Environmental Protection Agency Terry Tamminen, founded Seventh Generation Advisors, a Santa Monica-based not-for-profit organization focused on sustainability issues. The name was inspired by a tradition among some Native American tribes to assign a councilperson to represent the interests of descendants who would inherit the land — and potential problems — the current generation would leave behind.

Tamminen promotes legislation and regulatory policy that would ban plastic grocery bags, polystyrene packaging and other single-use items for which there are sustainable alternatives. She says the science indicates that such products are a significant component of marine plastic pollution.

But Tamminen is no tree-hugger.

"I'm not a warm and fuzzy, flora and fauna person. I do this for people, for you and me," she says. "The earth doesn't need us to protect it; we need to protect ourselves so we can stay on it."

Before working at Seventh Generation Advisors, Tamminen spent 15 years at the not-for-profit Heal the Bay in Santa Monica, Calif., and she led the creation of the first state board-approved K-12 curriculum for environmental education.

Heal the Bay President Mark Gold praises Tamminen as an "extraordinary advocate" who was "relentless" in ensuring funding, quality work and progress for AB 1548, California's Education and the Environment Initiative.

"But her success stems from her willingness to sit down with anyone and try to find common ground," he says.

California State Senator Fran Pavley also has worked closely with Tamminen.

"Working on behalf of Heal the Bay, Leslie not only faced down opposition from state agencies and others, she also worked for five years behind the scenes to ensure that the quality of the educational materials was top-notch," Pavley says. "The people of California are lucky to have such an environmental champion working for them."

Tamminen says her legal training was valuable during the regulatory hearings and court cases she fought over water pollution. But after years of long court battles and even some victories, including passage of the state's first trash pollution limit, she changed tactics.

"We keep educating, and we keep cleaning up and that's not fixing the problem," she says. "I thoroughly believe we need to regulate, legislate and, if necessary, litigate."

But Tamminen is also convinced that pollution-curbing laws and regulations ultimately are good both for cash-strapped governments and businesses.

"If you do source reduction as a city, you don't spend so much money land-filling and cleaning up pollution," she says. "And if you make manufacturers pay for the life cycle of their products, which Europe does with extended producer responsibility, you end up creating sustainable California jobs."

Among the colleagues who can attest to Tamminen's effectiveness in this legislative arena is Richard Baum, former executive director of the California Commission for Economic Development.

"Leslie is incredibly bright and has a real generosity of spirit that allows people to connect with her," Baum says. "Her ability to listen carefully and articulate a course of action makes her a very effective advocate for ideas."

Although her legal skills helped prepare her for a career of long-fought battles, Tamminen had never intended to go to law school. As a young adult, she had planned to follow her inclination toward science into medical school.

"Then I failed organic chemistry!" she says.

She turned her eyes to law school and USC, and she's glad she did.

"USC had a scholarly reputation, and the skills I learned are useful even in a non-courtroom, non-corporate arena," she says.

Despite the glacial pace of change, she will continue using those skills to help rid the oceans of trash, ensuring future generations will have a safer, less sullied environment to live in.

"This is such an important topic," she says. "It deserves my focus. I want to be the queen of cleaning up trash."

Navigating the Job Market with Volunteer Grants

BY MARIA IACOBO

After taking the California bar exam last summer, Zachary Fanselow '10 started looking for a job. So did thousands of other recent law school graduates.

While waiting for the bar results, Fanselow volunteered at the Los Angeles Department of Water and Power. He worked for several attorneys, drafting memos and doing research. When he passed the bar, one of the attorneys approached him.

"He said, 'Hey Zach, I think I have a job for you,'" Fanselow recalls. "He referred me and got me an interview that day. The [DWP] general counsel called to provide a reference."

Where Fanselow's story differs from that of other law school graduates is that his volunteer work was funded by USC Law's Graduate Volunteer Grant program. The program was open to 2009 and 2010 graduates and in place from Sept. 2010 through May 2011; 36 graduates participated.

"The program provides graduates the chance to gain more legal work experience in positions that are often times unpaid, but are great opportunities," says Matt DeGrushe, assistant dean of the Career Services Office. "It's hard for people to commit to do this work without any financial backing, so for them to receive a grant from their law school is something they see as valuable."

Fanselow says the program was beneficial in multiple ways.

"People coming out of law school in this environment need some financial support," he says. "Having the grant encourages people to volunteer, get some experience and make connections. It doesn't look good to a future employer to see that someone is sitting around."

The program required participating graduates to do at least 100 hours of legal work with a government or nonprofit legal organization. Participants received $1,500 for every 100 hours worked; their maximum was 200 hours.

"The graduates are honing their legal skills — something employers see as centrally important — and serving their community," Dean Robert K. Rasmussen says. "I'm pleased we can provide our graduates this support at a time when the legal hiring market has yet to recover fully."

Allison Reynolds '10 took advantage of the program in two cities: Portland, Ore., where she interned with a city agency overseeing the clean-up at a Superfund site; and then Washington, D.C., where she interned at the Department of Agriculture.

"I think the most valuable part of the program is it gives you a foot in the door with organizations that might not want to take someone on — but you are coming with a stamp of approval from USC," Reynolds says. "An employer is willing to take you seriously as an intern because USC is vouching for your work."

Reynolds successfully parlayed her experience into a full-time position as a legislative counsel with an environmental nonprofit.

"The Career Services Office can give advice, but they can't get you a job," Fanselow says. "This program actively encourages you to do more."

MARIA IACOBO

Zach Fanselow '10

Moreno Urges Grads to Protect Access to Services

BY MARIA IACOBO

With a personal story of the difficulties obtaining access to a public education and healthcare and social services in the United States, retired California Supreme Court Justice Carlos R. Moreno urged USC Law's new graduates to use their "hard-earned education and skills" and "reflect on all the work that must still be done if you are to level the playing field for everyone in our justice system, our educational system and our social and economic systems."

Justice Moreno's story of his struggle to navigate the maze of state and federal agencies after adopting an autistic child illustrated the obstacles an individual has to manage in order to obtain services that he or she is entitled to by law. Even as a federal judge, Justice Moreno confided, he was stymied a number of times over the course of several years.

"What I concluded from my experience is that we as a nation must make a concerted effort to make a philosophical sea change to make access to medical and legal and educational services uppermost in our minds," said Moreno, who stepped down from the bench earlier this year and is Of Counsel at Irell & Manella.

Moreno's words resonated with a class that spent time in a number of public service projects around the country, from bringing 100 at-risk local teenagers to the law school for a mentoring program to spending their spring break in New Orleans working with residents who still feel the scars of Hurricane Katrina.

USC Law Dean Robert K. Rasmussen conducted the law school's 2011 commencement ceremonies on a beautiful May afternoon. Family, friends and law school faculty saluted the 220 J.D. candidates, 125 LL.M. candidates and five M.C.L. candidates as they received their diplomas.

Amit Makker, USC Law 2011 class president, spoke on behalf of the graduating J.D. candidates; Gary Reichman, an LL.M. candidate from Great Britain, spoke on behalf of the international program candidates.

ZIVA SANTOP/STEVE COHN

Carlos R. Moreno

In Memoriam

JAMES F. NELSON, retired judge and husband of former USC Law Dean Dorothy Nelson '56, died Feb. 26, 2011. Nelson, a Loyola Law School graduate, served as a deputy district attorney in Los Angeles for three years before entering private practice from 1957-65. He served the juvenile court, L.A. Superior Court and L.A. Municipal Court; he was a retired Superior Court judge from 1989-93. Nelson is survived by Dorothy; their son, Frank; and a granddaughter.

ERVIN YODER, who with his wife, Florine, established USC Law's Florine and Ervin Yoder Chair in Real Estate Law, died Dec. 24, 2010. He was 85.

ARTHUR CROWLEY '48, possibly Hollywood's first celebrity divorce lawyer, died April 20, 2010, at the age of 85. He was a veteran of WWII. During the course of his storied career, Crowley won a $20 million settlement for Johnny Carson's third wife, sued Howard Hughes and helped divide Frank Sinatra's estate. Crowley is survived by his children and grandchildren.

ELMER STONE '48 died March 8, 2011. Stone enlisted in the U.S. Marine Corps during WWII and served again during the Korean War; he retired with the rank of major in 1958 with two Purple Hearts. His professional career spanned more than 50 years of law practice largely in the field of international business. He also was a corporate attorney and general counsel, and in private practice formed a national firm prior to joining an international firm to manage offices in Asia. He is survived by his wife, Paula; three daughters; and three grandchildren. He was predeceased by his three siblings.

GORDON JACOBSON '49 died Nov. 22, 2010. He was 85. Jacobson was a WWII Navy combat veteran and worked for the L.A. County District Attorney's office for 37 years. He is survived by his wife, Ellen; their three children; and seven grandchildren.

FRANK SNYDER '49 died Oct. 31, 2010. A Los Angeles native and the youngest of six children, Snyder flew for the U.S. Naval Air Corps in WWII prior to attending USC, where he earned a B.A., M.A. and J.D. and met his future wife, Anne Rose. For 20 years, Snyder held positions as a teacher/coach, principal and assistant superintendent. He combined his interests in education and law and practiced educational labor law for the rest of his career. Snyder is survived by his wife; four children; and seven grandchildren.

JUANEITA MARIE VERON '50, a pioneering lawyer who spent more than 20 years on the local bench, died Feb. 12, 2011. She was 85. Veron, the first in her family to attend college, completed her undergraduate degree at USC before attending USC Law, where she was one of five women in her graduating class of 300. Veron entered private practice and was appointed to the L.A. Municipal Court bench in 1977; she retired in 1994. She was married to J. Fred Foster until his death in 2006. The couple were staunch supporters of USC.

GEORGE COX '51 died Nov. 14, 2010, at the age of 86. Following his WWII service as a Navy pilot, Cox received his bachelor's degree from UCLA, where he met Mary Frances Hays, whom he later married. Cox served for more than 30 years as general counsel to the Associated General Contractors and was a respected labor attorney and negotiator. Cox is survived by his daughters, Mary Elizabeth Johnson and Martha Cox-Nitikman; son, George; and seven grandchildren.

VIRGINIA DICKEY '52 died Nov. 21, 2010, at the age of 81. Born and raised in Los Angeles, Dickey received her undergraduate and law degrees from USC, where she was on the *Southern California Law Review.* Dickey worked as a research attorney for the L.A. Superior Court for several years before leaving her practice to raise her family. She, her husband, John '53, and her son, Daniel, raised prize-winning orchids. Dickey is survived by Daniel; her daughters, Dorothy and Denise '82; and a granddaughter.

ROBERT A. SCHLESINGER '53 died Dec. 16, 2010. Soon after graduating from USC Law he moved to Palm Springs, where he had a successful estate planning practice. Due to Schelsinger's interest in piano and musical theater, he took pleasure in representing artists including composers and actors. He is survived by his wife of 58 years, Marie; daughter, Diane; son, Bill; and three grandchildren.

DAVID R. THOMPSON '55, senior circuit judge for the Ninth U.S. Circuit Court of Appeals, died Feb. 19, 2011, at the age of 80. Thompson was born and raised in San Diego's Point Loma district, where he kept chambers until his death. Before being appointed by President Ronald Reagan to the bench in 1985, Thompson practiced for 28 years in the family firm, Thompson & Thompson. The appointment was speculated to be an attempt to balance a liberal bias on the bench; however, Thompson's rulings proved to be based on law rather than ideology. Thompson was predeceased by his wife of 54 years, Arna. He is survived by two sons, Daniel and Adam; his daughter, Caroline Thompson Kelly; and four grandchildren.

LEONARD MARO MARANGI '56 died Feb. 21, 2011. Upon graduation from UCLA, he became an officer in the U.S. Navy and served in the Korean War. Following his service, he attended USC Law and graduated Order of the Coif. Marangi practiced at Hahn and Hahn in Pasadena for his entire career. He is survived by his wife of 52 years, Janet; three children; and seven grandchildren.

PETER C. TOURNAY '58 died Dec. 25, 2010. Tournay was a U.S. Army veteran of WWII, after which he attended USC and received his B.A. and J.D. He spent his career in Orange County, serving as the assistant city attorney for Costa Mesa prior to moving into private practice. He was predeceased by his wife, Nedra. He is survived by two sons and five grandchildren.

THEODORE PETER "TED" POLICH JR. '60 died Dec. 24, 2010, at the age of 75. He married Marilyn Moser in 1960 and together they raised their family in San Marino. In 1969, Polich helped found what is now known as Morris Polich & Purdy. For the next 40 years, Polich practiced law and guided the firm as it grew to 80 lawyers in five cities. Polich is survived by his son, Ted; daughters, Carey Yount, Lisanne Kern and Crista Murray; and seven grandchildren.

ALBERT JOHN GALEN '63 died Jan. 29, 2011, at the age of 82. A native of Montana, Galen earned his undergraduate and law degrees from the University of Montana prior to attending the LL.M. program at USC Law. Galen was an Air Force veteran of the Korean War; he achieved the rank of First Lieutenant. He was a tax attorney, employed for 40 years as partner in Holley and Galen in Los Angeles. Galen was predeceased by his wife, Sheila Sullivan. He is survived by his wife, Peggy; four children and nine grandchildren.

JOSEPH CHOATE JR. '66 died Oct. 14, 2010. He was 69. Choate was a graduate of Pomona College, USC Law and Harvard University, where he earned an LL.M. He served in the U.S. Army with the Judge Advocate General Corps and was lead defense counsel at the Presidio Mutiny Trials. Later he joined Choate and Choate, founded by his father, Joseph Sr. '25, where Choate practiced for 43 years. Choate is survived by his wife, Rosemary; sons, John and David; and granddaughter, Sofie.

LEE K. HARRINGTON '75, a strong advocate for Southern California's economic development, died Feb. 4, 2011, at the age of 63. Harrington was executive director of the Southern California Leadership Council. From 1995 to 2006 he was president and chief executive of the Los Angeles Economic Development Corp.; when he retired he had helped retain or create more than 100,000 jobs in the county. Harrington had been an officer in the Navy Supply Corps. He is survived by his wife, Margaret; and son, Ryan.

Q&A

with Mary Dudziak

BY MARIA IACOBO

MARY M. PHOTOGRAPHY

Mary Dudziak is the Judge Edward J. and Ruey L. Guirado Professor of Law, History and Political Science and a legal historian whose research focuses on international approaches to legal history in the 20th century and the impact of war on American democracy. She has written extensively about the impact of foreign affairs on civil rights policy during the Cold War and about other topics in 20th century American legal history. Dudziak is the author of *Exporting American Dreams: Thurgood Marshall's African Journey; Cold War Civil Rights: Race and the Image of American Democracy;* editor of *September 11 in History: A Watershed Moment?* and co-editor of *Legal Borderlands: Law and the Construction of American Borders*. Dudziak received her A.B. from the University of California, Berkeley, and her J.D., M.A., M.Phil. and Ph.D. in American Studies from Yale University.

What drew you to the intersection of law and history?

During my first-year constitutional law class when I was a student, I thought that, to understand what the impact of a Supreme Court case was, or why the Court decided an issue the way it did, I needed to go beyond the casebook. My professor (Robert Bork) was interested in a certain kind of history: "original intent," or the intent of the Constitution's framers. I thought we needed to set the cases within the political and cultural context of their times. To understand what equality meant in the civil rights era, or how security was conceptualized during the early years of the Cold War — these issues mattered in the cases, and to unpack them, I thought I needed a much deeper understanding of American history than I was going to get in law school.

How would you characterize your scholarship now?

My work is part of a new approach to American history: the internationalization of American history. U.S. history used to be thought of as happening largely within U.S. borders. Now, scholars look for global connections even for "domestic" topics like civil rights. After writing *Cold War Civil Rights*, which explores the impact of foreign affairs on Cold War-era civil rights reform [a new edition will be published by Princeton Univ. Press in the fall], I wanted to follow American law overseas. I focused on Thurgood Marshall, who served as an advisor to Kenyan nationalists during constitutional negotiations with the British government before independence. This was a highlight of Marshall's life, coming just as he was about to transition from his career as a civil rights lawyer to a judge, in 1961.

My current work aims to bring the world into American legal history in a different way, examining the persistent impact of military engagement and militarization on American law and politics during the 20th century. Legal scholars usually think of war's impact as episodic, as something that comes and goes. But my newest book problematizes the way we think about "wartime," and the idea that war is confined in discrete temporal boundaries. [*War•Time: An Idea, Its History, Its Consequences*, forthcoming from Oxford Univ. Press, Jan. 2012]

Are there areas of history you think are particularly rich for lawyers and/or law students?

I think all areas of history matter, and it's important to think across the categories. For my first book, I was curious about why *Brown v. Board of Education* was decided during the McCarthy era. That question led to archival research that helped me to see that questions of equality were tied in with U.S. national security during the early Cold War years.

How valuable do you find blogs as a forum for discussion?

Blogs are a great way to keep up with what is happening in your field. I created the Legal History Blog (http://legalhistoryblog.blogspot.com) because I thought legal history needed a more dynamic presence on the web. And it's become a place for scholars around the world to check in to see who's writing what, what conferences are being held, what grants to apply for, etc.

Are there blogs that practicing attorneys would find useful or entertaining?

Lots of practicing attorneys follow my blog, or follow it on Twitter! I think everyone would want to follow a subject-area blog related to his or her practice. A few good ones are: Election Law Blog, Balkanization (mostly con law), Opinion Juris (international law), Feminist Law Professors, Tax Prof Blog, SCOTUS Blog (on the Supreme Court, more practice-oriented, with breaking Supreme Court news and analysis). USC Law Prof. David Cruz covers GLTB issues on Cruz Lines. Many other law prof blogs can be found at Law Blog Central: http://lawblogcentral.blogspot.com/

USC Law Recruits Two Top Scholars

BRIAN McCONKEY

Lee Epstein

LEE EPSTEIN, an internationally renowned scholar of law and judicial policies at Northwestern University School of Law, will hold joint appointments as the inaugural Rader Family Trustee's Chair in Law at USC Law and the Provost Professor of Law and Political Science at the USC Dana and David Dornsife College of Letters, Arts and Sciences.

"Lee Epstein is a pioneering figure in the study of judicial behavior and we are delighted she is joining us," says USC Law Dean Robert K. Rasmussen. "It is fair to say that Lee has been the initiator in applying rigorous methods of empirical analysis to the decision-making of judges. She has also been an academic leader at Washington University and Northwestern. Lee's appointment underscores that USC has become a destination for scholars of the first order."

Epstein is a fellow of the American Academy of Arts and Sciences and the American Academy of Political and Social Science. She has authored or co-authored more than 100 articles and essays, as well as 14 books, including *The Choices Justices Make,* which won the C. Herman Pritchett Award for the best book published on law and courts, and the Lasting Contribution Award for a book or journal article, 10 years or older, that has made a lasting impression on the field of law and courts, both presented by the Law and Courts Section of the American Political Science Association.

Epstein earned her B.A., M.A. and Ph.D. in political science from Emory University.

BRIAN McCONKEY

Nancy Staudt

NANCY STAUDT, a distinguished tax and tax policy scholar at Northwestern, will be the inaugural holder of the Edward G. Lewis Chair in Law.

"We are thrilled to bring Nancy Staudt to USC," Rasmussen says. "As a leading scholar on tax and budgetary issues, she examines some of the most pressing issues facing our country today. Nancy has been at the center of important debates on tax policy. Her recent work brings empirical methodology to judicial decision making, with a special focus on fiscal issues. Adding Nancy to the faculty continues the USC tradition of analyzing law through an interdisciplinary approach."

Staudt has published extensively on tax and tax policymaking in both the legislative and judicial branches of government, including the recent *The Judicial Power of the Purse: How Courts Fund National Defense in Times of Crisis* (Chicago University Press 2011).

Staudt holds a B.A. from Ohio State University, a J.D. *cum laude* from the University of Minnesota Law School and a Ph.D. in public policy from the University of Chicago.

"The decision to join the USC community was easy," Staudt says. "I teach and write in the area of tax law and policy, and several of the nation's leading tax scholars are at USC Law. The fact that the law school is right next door to a great policy school and will facilitate cross-disciplinary training and research is also a real plus."

FOR THE RECORD

Three USC Law professors have been featured in the speaker series "Spirit of the Law," sponsored by the USC Dornsife College of Letters, Arts and Sciences and the Office of Religious Life, which examines how legal professionals find meaning, purpose and identity in the law. We asked these professors to share their reflections.

JODY ARMOUR

Roy P. Crocker Professor of Law

The spirit of the law that animates my work strives to increase solidarity between morally bad criminals and morally good non-criminals, because I recognize how much morally we are at the mercy of luck.

For instance, consider how circumstantial luck — luck in the choices and moral tests our circumstances present to us — undermines the moral distinction between people like me — without criminal records — and people like the guys I grew up with who have records.

Just like my friends, from ages 11 to 14 I got good at hustling cards, craps, and pool to quiet stomach rumblings while growing up in a neighborhood with The Haven of Rest Rescue Mission for the homeless on one corner and notoriously drug- and prostitution-infested Grace Park on the other.

What lifted me out of that hard-knock plight was the fortuitous intervention of two Great Society programs: Upward Bound and A Better Chance. My closest friend, who I'll call "Randy" (a better student at the time), heard about Upward Bound too late to apply. Quite possibly the only difference between Randy's life of crime and mine was a life-altering event beyond the control of either of us, namely, hearing about an application deadline in time to meet it.

Luck — not pluck — landed me and not Randy in Upward Bound. Upward Bound in turn led me to A Better Chance, which shipped me to a boarding school on The Main Line, a historical bastion of "old money" and sprawling estates in the western suburbs of Philadelphia.

Consequently, while Randy continued to hustle on the streets, I hobnobbed with highly oxygenated Main Line blue bloods at "keggers," gala fundraisers, and pep rallies. Of course, I put in hard work once I got the chance, but it cannot be denied that luck contributed at least as much as my own personal exertions to anything for which I get credit or he gets blame.

This humbling realization keeps my work focused on the legal plight of unlucky have-nots.

RONALD GARET

Carolyn Craig Franklin Professor of Law and Religion

My close friend and colleague Jody Armour warns against the "body-snatchers." When we choose not to speak our viewpoint in class, we are wearing a groove for silence, rendering our personal responses irrelevant. But the self's boundaries aren't fixed, and that is a blessing. Many of the greatest joys and sources of fulfillment in my life were not within my horizon when I was a young man.

Marriage; parenting; teaching… None of these were within the horizon of my young self. Some other good things, like poetry and music, were. The fact that I write is not a surprise to me.

My legal calling as I understood it in college was to work with churches, litigating for social reform.

One spring break, I visited the Yale Divinity School, staying as a guest at the dean's house. The dean and his wife were also sheltering in their home a pregnant teenager. Only much later would I recognize myself in her. But I have yet to offer love and hospitality like the dean.

In graduate school, aiming to learn how to write a complaint, I took Procedure. There I encountered Justice Rehnquist's position that one who receives a benefit "inextricably intertwined" with procedural limitations "must take the bitter with the sweet." I thought this position terribly wrong, but could not explain. This moment of inadequacy multiplied until it became my routine condition. I was becoming a law professor.

Later, a student of mine trusted me enough to share with me the story of his pain, a pain that was preventing him from growing into a lawyer. I listened, but could find within me no wisdom. This moment also multiplied into my routine condition. I was becoming a teacher.

At "Race, Rap, and Redemption" events, Prof. Armour sometimes will say that if he were on the auction block, he would know that his friends Ron and Tom would steal him away to freedom. I pray to grow into such a friend.

The murderers come for my grandfather at Auschwitz. But in a vision I see him befriended and sheltered, all unlooked-for, by the big black man.

DARIA ROITHMAYR

George T. and Harriet E. Pfleger Chair in Law

Growing up, I attended Catholic school in Pascagoula, Miss. My experiences there helped shape my focus on persistent racial inequality.

First, I learned by watching people exercise power over each other, by way of the coercive power of collective social norms, and in particular moral values, religious values and social values. Anyone who's even watched a movie about Catholic school won't be surprised by this. Guilt and shame played a big role, in Catholic school and in the way people enforce racial exclusion. For example, before Chicago had laws prohibiting people of color from moving into white neighborhoods, people found ways to shame, boycott or harass real estate brokers who sold across racial lines. It was a very coercive informal system before law even entered the picture.

Second, growing up in Mississippi in the '60s, I couldn't help but be sensitized to racial issues. I formed my identity as a "bridge person" early on. My mother is from Mexico City and my father is from the U.S., but his parents and brother are from Austria. My passion about talking across cultural and racial boundaries comes from there; I was the product of both of those cultures and traditions, and sometimes caught in the conflict between them as well. As a Latina in the black-white paradigm of Mississippi, neither clearly one nor the other, I moved more fluidly than most between groups, and felt the coercive power of norms when it came to the rules of how things were for both groups in the South.

Third, I learned to think critically in school. That came from participating in debate. I remember having an argument with my father about the war in Vietnam, a topic that I spoke about quite a bit in extemporaneous speaking. I realized suddenly that he was toeing the party line on the war, and the scales fell from my eyes, so to speak. That moment carried with it all at once the possibility of challenging my parents' authority, the government's authority and the law's authority. In some ways, critical race theory was tailor made for me.

A Decade of Law, History and Culture

BY GILIEN SILSBY

USC's Center for Law, History and Culture (CLHC) celebrated its 10th anniversary this spring with a Conference on Law and Memory that featured more than a dozen of the nation's leading legal and humanities scholars.

"The law is seeped in human and cultural values. That's what we decided to focus the discussion on," says Nomi Stolzenberg, Nathan and Lilly Shappell chair in law.

Stolzenberg co-directs CLHC with Ariela Gross, John B. and Alice R. Sharp professor of law and history; and Hilary Schor, professor of English, comparative literature, gender studies and law.

"Instead of having a purely technical discussion or crunching policy analysis, we really wanted to get at the 'felt experience' of law," Stolzenberg says.

Conference speaker Annette Gordon-Reed, Harvard Law professor and Pulitzer Prize-winning author of *The Hemingses of Monticello: An American Family*, discussed the importance of recapturing family stories of enslaved African-Americans, while USC Law Prof. Mary Dudziak spoke about time, memory and the meaning of 9/11. USC Law Prof. Tom Lyon spoke about the effectiveness of questioning child witnesses on a panel that looked at trials, narrative and memory.

The conference, which drew 120 professors and students from across the country, also showcased and celebrated a decade of interdisciplinary scholarship at CLHC.

CLHC, based at the USC Gould School of Law and USC Dana and David Dornsife College of Letters, Arts and Sciences, has pioneered interdisciplinary studies of law as a historical and cultural institution since 2001.

"Our center was among the first to truly encourage and foster scholarship that inspires an understanding of how law, history and culture intersect and relate on a human level," Stolzenberg says. "We've done a lot to create a cultural movement that looks beyond legal theory and sees the big human picture. The impact on legal scholarship has been tremendous."

BILL YOUNGBLOOD

Nomi Stolzenberg, Hilary Schor and Ariela Gross

New Study Abroad Programs Add International View

Annie Deng '11 in Thailand

With the recent addition of Bond University in Queensland, Australia, Bocconi University in Milan, Italy, and Jean Moulin University in Lyon, France, to the law school's study abroad options, more USC law students now have the opportunity to study abroad. Five programs are now available — a response to increasing interest from students.

The overseas law schools were chosen based on results from a survey of student interest, faculty input, and research on the partner institutions including their other top U.S. law school partners. USC Law hopes to expand the offerings even more over time.

"The students who visit from other schools add a lot to the classroom because they share different perspectives and international experience," said Anne Marlenga, assistant director of graduate and international programs at USC Law.

For USC students who are able to study abroad, the experience is unparalleled.

"Everyone has a different world view from each other, so it makes for an interesting discussion," said Annie Deng '11, who studied at the University of Hong Kong. "It was informative to learn law from an international perspective. Hong Kong has commonwealth law because of its British heritage, so professors discussed cases from all over: the UK, Australia, Canada."

Beyond classes, it's clear that study abroad students value the opportunity to meet different people.

"The best thing was being able to meet so many people from different backgrounds, who all study law, are all brilliant and would be great international contacts in the future," Deng said.

-Steffi Lau

Deng in Vietnam

A "Great" Week of Support for New Orleans

"Are you ready for a great day? Because there is a great day to be had!" Ryan Estes '12 exclaimed to a group of 54 USC Law students on their first (and second, third, fourth and fifth) workday in New Orleans.

USC Law's Legal Aid Alternative Breaks (LAAB) organization coordinated the annual spring break trip to New Orleans, where students provided legal services and performed manual labor in the Lower Ninth Ward, one of the areas hardest hit by Hurricane Katrina in August 2005. The group performed more than 2,200 hours of community service in one week.

Five years after the hurricane, the Ninth Ward has a mere 20 percent of its pre-Katrina population and remains devastated by a lack of resources, including schools, hospitals and elderly care. Working with the Holy Cross Neighborhood Association, USC Law students helped residents rebuild their homes, worked on community services such as a neighborhood garden project and performed blight beautification on many abandoned lots.

Of the group, 22 students provided legal services through the New Orleans Office of the Public Defender. Megan Hopkins '13 served as a Spanish-language interpreter, and worked on legislation regarding court rules for interpreters and three criminal cases.

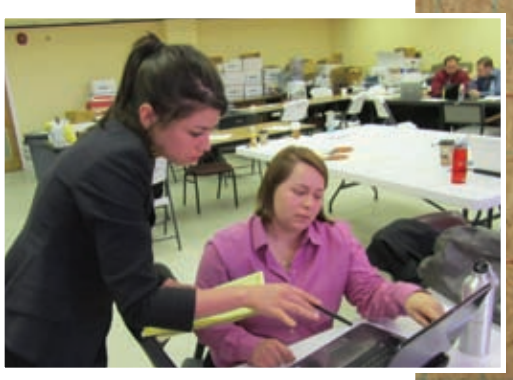
"We live in a system of adversariality, and the systems fails if either side overpowers the other in resources and staff," Hopkins said. "What we did as volunteers was even the playing field, if only for a week."

The trip provides a unique opportunity for law students to work for a community in need.

"LAAB, for me, is the culmination of everything that I wanted to experience in law school," said Ian Magladry '12, LAAB president. "The guiding principles for this year's LAAB board were simple: provide an opportunity for law students to learn valuable skills and experience new and dynamic challenges in an unfamiliar environment while providing the greater New Orleans area with needed legal skills and manual labor. This is part of what sets lawyers apart from other professionals: a willingness, and indeed a moral duty, to lend their time, knowledge and intelligence to benefitting the community."

-Valerie Gerard '12

PHOTOS: VALERIE GERARD



Immigration Policy "Fundamentally Broken?"

MARIA IACOBO

Frenzen

High emotions. Disregard of facts. Changing demographics. Unclear laws. Inconsistent adjudication.

These are just some of the challenges facing anyone seeking to reform the nation's immigration policy, according to two panels of experts at the 2011 Southern California Review of Law and Social Justice Symposium, held at USC Law. Titled "Fundamentally Broken? The Past, Present, and Future of U.S. Immigration Policy," the event covered the most pressing problems of immigration policy, as well as proposals for reform.

Prof. Niels Frenzen, director of USC Law's Immigration Clinic, opened with a brief history of immigration policy, which he said was basically non-existent until the late 19th century.

"We have been historically a country of open borders," Frenzen said. "As a young country, we encouraged immigration. There were checks, in that it was difficult to get here, but there were no legal checks."

Eventually, the U.S. Supreme Court ruled that Congress has the plenary power to make whatever immigration laws it sees fit, Frenzen said.

Prof. Dowell Myers, director of the Population Dynamics Research Group at the USC School of Policy, Planning, and Development, spoke about the immigration debate in terms of population trends. He said the imminent problems attributed to immigration have nothing to do with immigrants but with what he called the "Baby Boomer tsunami."

Myers said the U.S. needs more workers and taxpayers to care for the elderly, not fewer. He also demonstrated that, as they age, immigrants earn more and buy homes, and their children pursue education.

"Do we want them? Do we need them? You bet we do."

Other symposium panelists included Karen Tumlin, managing attorney for the National Immigration Law Center's Los Angeles office; Judy London, directing attorney of Public Counsel's Immigrants' Rights Project; the Hon. Bruce J. Einhorn, a retired federal immigration judge; and Dr. Roger Pilon of the Cato Institute.

-Darren Schenck

Making the Case for Art

PHOTOS: MARIA IACOBO

Kantor, Liu, Steiner and Kohanchi

USC Law's Art Law Society held a panel discussion on the business forecast of art and the roles attorneys play in the art world.

The student organization, now in its second year, delivered a stellar lineup for an audience of law students and USC Law alumni set in one of USC's Fisher Museum galleries.

Offering a glimpse of their day-to-day activities, three panelists illustrated the range of roles an attorney, gallery owner and museum general counsel play. Jessica Kantor, an associate in the Art Law Practice Group in Sheppard, Mullin, Richter & Hampton, served as the panel's moderator.

"Art is cyclical to some extent," said Christine Steiner, an attorney with a private practice in art law who has taught at Loyola Law School for 13 years. "There are legal issues in the life cycle of any art collection, beginning with its acquisition."

The final activity with any piece of art is its sale, which according to Steiner is a result of the "three Ds: death, divorce or debt."

For panelist Addison Liu, a typical day is that of any small business. Liu represents a variety of artists in a Los Angeles gallery, HVW8 Art + Design, which he co-founded, advises clients in the music business and is a documentary film producer. Day-to-day issues include determining a calendar of future exhibits, obtaining insurance for events and exhibits and space planning.

"A rotating broad base of work" is how Pamela Kohanchi, associate general counsel for the Los Angeles County Museum of Art, described the many areas of law she encounters on the job.

"I deal with a variety of issues in employment law, intellectual property, licensing, acquisitions and insurance," Kohanchi said. "I'm never bored."

The attorneys shared a fundamental piece of advice for students interested in pursuing a career in law and art: be a good lawyer first and foremost; you don't need to know a lot about art.

-Maria Iacobo

Women on the Bench

PHOTOS: MARIA IACOBO

Ashmann–Gerst

Imagine graduating from law school, passing the bar and being told by law firms that you weren't right for the job because of your gender. Imagine.

Chills might have gone down your spine — and not the good kind — when you heard two judges speak about the early years in their legal career at a recent USC Law event.

The Hon. Judith Ashmann-Gerst, a California Court of Appeals judge, was unable to land a job in a firm after graduating from law school not quite 40 years ago. When interviewing for a job in the state attorney general's office in Los Angeles, Ashmann-Gerst was asked how her "husband felt about [her] working late" and her "child bearing plans."

Ashmann-Gerst was one of three judges who participated in a panel discussion, "Women on the Bench," sponsored by the Women's Law Association and the Office of Public Service. The panel was the third in a series focusing on women in legal careers.

Ashmann-Gerst said she distinguished herself at work by focusing on women's rights, civil rights and consumer fraud cases. She was appointed to the Los Angeles Municipal Court in 1981; she was elected to the Superior Court five years later and elevated to the United States Court of Appeals in 2001.

Another '70s law school graduate, the Hon. Margaret A. Nagle, did not have an easier time getting a job. Working as a summer associate at a New York City firm, one partner called her "a tough cookie."

"It was so antithetical of my view of myself," said Nagle, now a U.S. District Court magistrate judge. "I realized you had to have qualities that men would relate to" to be taken seriously in the workplace.

Jumping ahead 20 years, Elaine Lu did not face the same hurdles the previous speakers encountered. Graduating from law school in the '90s, she accepted a job as an assistant U.S. attorney. She was appointed to the Los Angeles County Superior Court in 2007 by then-Governor Arnold Schwarzenegger.

"You're lucky to be in law school here [in Los Angeles]," Lu said. "The practice of law is so vibrant. This is the time to try everything out."

-Maria Iacobo

Nagle and Lu

Student Advocates Shine Nationally and at Home

JOSH ROSS

Braziel '11 and Vessey '11

USC Law students excelled in moot court competitions at home and across the nation this spring, gaining valuable appellate advocacy experience along the way.

Drew Anderson was named the champion of the law school's annual Hale Moot Court Honors Competition. He competed with fellow second-year students Max Castro, Anthony Chavez and Andrew Quinio in a final round of oral arguments before Arizona Supreme Court Judge W. Scott Bales, U.S. Court of Appeals Judge Marsha Berzon and Federal Public Defender Sean K. Kennedy. The judges offered feedback and praise for the finalists.

"I really respected your ability to stand up there and engage and take risks, even make occasional, thoughtful concessions, and really try to answer the questions and see where it leads you," Kennedy said. "You were all tough and independent and strong and I was really impressed with how good you could be as students."

JOHN FARRELL

Baravarian '11 and Farrell '11

Students who participate in the student-run Hale Moot Court Honors Program are eligible the following year to be a part of USC Law's national moot court team. Two members of this year's team, Tina Baravarian '11 and Jenny Farrell '11, won best brief and reached the oral argument semi-finals in the Dean Jerome Prince Evidence Competition. Held at Brooklyn Law School, the competition included 36 teams and spanned three days.

"The whole moot court experience will be one of the best experiences I had in law school," Baravarian says. "It's the experience through which I learned the most about law and about myself and what I'm passionate about."

USC Law teammates Dana Vessey '11 and Megan Braziel '11 argued their way into the semi-finals at the National First Amendment Moot Court Competition, sponsored by the First Amendment Center and Vanderbilt University Law School and held in Nashville, Tenn. It was the first time USC Law students had competed in this moot court competition against student advocates from 34 law schools.

"It has been a social and creative outlet for me," Braziel says. "The ability to think on your feet is a skill that you can apply to any other forum. It gives a lot of students the confidence to deal with any issue."

-Maria Iacobo and Lori Craig

JOSH ROSS

Hale Moot Court finalists Anderson, Castro, Chavez and Quinio with judges Bales, Berzon and Kennedy

Fete Accompli: Annual Award Winners

BY DARREN SCHENCK

Students, faculty and staff assembled outside the law school this spring to celebrate their own at the law school's annual awards ceremony. To enthusiastic cheers, Dean Robert K. Rasmussen and Student Bar Association President Alberto Muñoz '11 recognized individuals who have made significant contributions to the school's community.

Muñoz presented the SBA Outstanding Staff Member of the Year Award to someone "full of energy": Liam Gillen, associate director of Financial Aid & Student Affairs.

The Outstanding Professor of the Year Award went to a faculty member whose commitment to justice is "inspiring": Heidi Rummel.

Donald Scotten, who serves as Of Counsel for Akerman Senterfitt LLP and teaches business law, received Adjunct Professor of the Year Award.

Dean Rasmussen presented the William A. Rutter Distinguished Teaching Award to "one of the true giants in legal education": Prof. Christopher Stone.

Six 3Ls — Philip Castro, Maisha Jamerson, Alberto Muñoz, Yves Nguyen, Lucas Quass and Rebekah Wise — received a Shattuck Award because they "demonstrate the greatest potential for becoming outstanding members of the bar."

Special recognition was given to two international students who have led LL.M. student participation in the school community: Gary Reichman of the United Kingdom and Ane Saraiva of Brazil.

The dean presented the Miller-Johnson Equal Justice Prize to Cristina Peña '11, in recognition of her advocacy and public service work. The final honor, the Mason C. Brown Award, went to Jennifer Farrell '11, who worked with the Post-Conviction Justice Project to win parole for a client who maintained her innocence throughout her imprisonment.

STEVE COHN

The 2011 Annual Award winners with Dean Rasmussen, center

1Ls Matched with Alumni at Mentor Lunch

BY JILL CARMACK

USC Law alumni and 1L students filled the cardinal and gold ballroom of Town and Gown to attend USC Law's notable networking opportunity, the annual Mentor Lunch.

The luncheon matches students with alumni working in the field of the students' interests. The event was the most highly attended mentor lunch to date; attendance was up more than 25 percent, with 210 alumni and 188 students.

A recent alumna, Andrea Fontana '10, was inspired by her experience with the program as a 1L and was enthusiastic to give back.

"People like me are obligated to come back to an event like this. That is what the Trojan network is all about," Fontana said.

Dean Robert K. Rasmussen opened the event, saying that no other law school is capable of holding a networking event of this magnitude.

"No one can compete with us on the strength and depth of commitment our alumni have to this law school," Rasmussen said.

Anna Bijelic '13 hoped to utilize the opportunity to begin a career-advising relationship with alumni who work in corporate law and litigation.

"Alumni look fondly upon their time at USC, and they want to maintain the values of their degrees by reaching out," Bijelic said.

As an employer, Rhonda Saunders '82 also finds the annual lunch a valuable opportunity. Many students she has met at the event have ended up working as clerks for the district attorney's office where she practices criminal law, Saunders said.

Jesse Fruman '05, a graduate of the JD/MBA program, found his first job though USC alumni connections. Fruman believes networking is an invaluable way to grow as a professional.

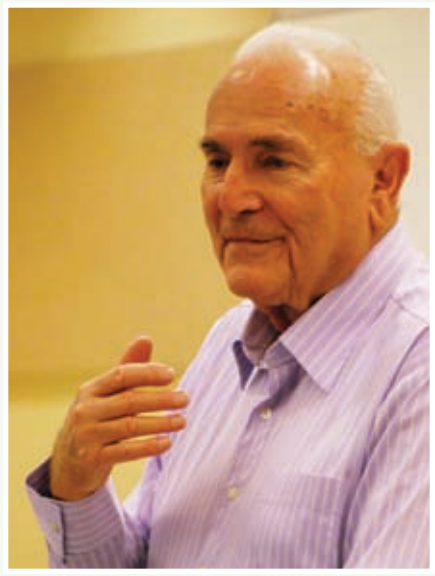
"I don't find deals sitting at my desk," Fruman said. "I get more work done out of the office when I meet people and make connections."

Lakers' General Counsel Does it All

BY MARIA IACOBO

He is an alumnus who didn't need an introduction to a classroom full of students interested in careers in sports law.

Jim Perzik '62, secretary and general counsel for the Los Angeles Lakers, answered questions about his career path, the areas of law that apply to his job and collective bargaining. And of course, Kobe and Shaq, trade rumors and whether or not a collective bargaining agreement would be reached between the players union and the NBA before the June 30 deadline.



MARIA IACOBO

Jim Perzik '62

Chuckling when asked how he got into sports law, Perzik said, "I happened to be standing on the corner when the Buss came by."

Perzik is referring to Lakers owner Jerry Buss (also a USC graduate), a longtime client when Perzik practiced real estate law. When Buss decided to transition into sports franchises, he asked Perzik to jump on board.

In 1979, Perzik closed the sports world's largest deal at the time: Buss acquired the NBA's Lakers, the NHL's Kings and the 18,000-seat Los Angeles Forum.

"There are special things that make working in every sport unique," Perzik said. "With the NBA, you need to know their 'rule books' for collective bargaining, bylaws, and sponsorship and broadcast agreements."

In addition to contracts for the Lakers players and coaches, Perzik handles employment agreements for about 75 full-time employees including trainers and general staff; operational issues and the lease agreement for the Staples Center.

Recently, Perzik managed an unprecedented agreement between the Lakers and Time Warner Cable to distribute all games via two regional sports networks — including the first national Spanish-language regional sports network — for 20 years.

Perzik took away some of the allure of traveling by describing life on the road.

"You leave right after the game," he said. "By the time you land and get to the hotel, it's 3:30 a.m. The team practices at 11 a.m. and returns to the hotel until the game. After that game, it's back to the airport for another flight. And that's a West Coast trip. Imagine the East Coast trips."

Judging by the line of students waiting to speak with Perzik after his talk, the glamour of working in sports law may not have been too tarnished.

Perzik also hosted members of the student Sports Law Society for dinner and a tour of the Lakers' practice facility in El Segundo. The group explored the practice court, locker rooms, training areas and coaching and scouting offices.

HEARD IN THE HALLS...

USC Law Prof. Elizabeth Garrett was formally installed as USC provost and senior vice president for academic affairs in January, becoming the second-highest ranking officer under USC President C. L. Max Nikias. Nikias said he was "truly delighted to appoint an individual as dynamic and as intellectually keen" as Garrett. … In perhaps the most thrilling pairing of law and music since "Chicago," USC Law's newly formed a capella group, "Lawcapella," has treated the student body to several concerts this academic year. … Graduating 3Ls expressed a deep commitment to USC Law this year through their participation in the annual 3L Class Gift campaign: 71 percent of 3Ls made pledges totaling $34,000. Both figures are more than double what was reached at the conclusion of last year's campaign. …

… The 400 guests at USC's annual Public Interest Law Foundation auction enjoyed unlimited hors d'ouevres, wine and casino games at the "21"-themed gathering, signifying the event's 21st anniversary. Items auctioned ranged from wine tasting in Malibu to a private box for a Clippers game and raised $24,000 for summer public interest grants. … Prof. Andrei Marmor received two thumbs up from University of Illinois Law Prof. Lawrence Solum's Legal Theory blog this spring, when his book *Philosophy of Law* was featured as a recommended book for philosophy of law and his book *Truth in Law* was tapped for download of the week. …

… USC and UCLA law students battled it out in court — the basketball court, that is. The inaugural game pitted USC and UCLA law students against each other to raise $4,000 for the public interest organizations at each school. USC was defeated but plans to come back strong next year. … Alexander Capron has been named USC Law's vice dean for academic affairs. He will oversee the law school's teaching programs, scholarship, academic policies and course offerings, and coordinate the weekly faculty workshops. …

A Supreme Visitor *(cont. from page 12)*

Drawing lavishly and cleverly on the text of "Hamlet," Faerstein recalled "the inky blackness" of the prince's melancholia as an indication of a major depressive episode, and he leaned heavily on the "command hallucination" Hamlet experienced in the form of his slain father's ghost, who exhorts his son to revenge.

Both the defense and prosecution granted that ghost sightings were more common several hundred years ago and therefore not a sufficient indication of madness.

Danette Myers, a 24-year veteran of the L.A. District Attorney's office, detailed the rationality of Hamlet's actions leading up to Polonius's death, particularly the prince's decision not to murder his uncle, the king, when Hamlet found him praying.

"These are the words of a very thoughtful individual," she said. "Acting crazy doesn't make you crazy."

Much of the testimony and cross-examination parsed the definition of insanity as described in the Diagnostic and Statistical Manual of Mental Disorders — referred to throughout the evening as the "Danish Statistical Manual." The attorneys for both sides, and especially the psychiatrists, displayed a formidable recall of the play, heavily quoting from it to buttress their arguments.

The verdict? Ten jurors found Hamlet criminally responsible, or sane, with two jurors finding him not responsible. Justice Kennedy thanked the jurors, lawyers and witnesses before remanding Hamlet to the further conjecture of actors, scholars, readers, lawyers and psychiatrists for generations to come.

A Supreme Lecture

Who better to learn constitutional law from than a Supreme Court justice? First-year students from two Constitutional Law classes had exactly that opportunity when Justice Kennedy delivered a guest lecture at USC Law the morning following Hamlet's trial.

Justice Kennedy, a former Constitutional Law professor, was at ease and kept the class engaged as he covered constitutional law, separation of powers, and history, sprinkling in jokes and anecdotes along the way.

He discussed Article I, Section 8, of the Constitution and to much laughter, joked: "In high school, they called it the Elastic Clause, but it sounded to me like an ad in Vogue."

The class stared at him with such rapt attention that Kennedy had to remind them to take out their textbooks.

"Did you bring your Constitution to class?" he asked. The room was quickly filled with the sound of more than 100 students rummaging through their bags to pull out their books. "When I used to teach, my students would stare at me and I would say, 'It's not written on my shirt.'"

He often referred to historical moments in law, touching on the founding fathers' intentions and how they related to the law.

Of the Federalist Papers, he said, "It's brilliant. It's one of the greatest political documents written in history. And they wrote it over a summer.

"This idea that we are one nation, one people, was powerful. The word 'union' has a rhapsodic, poetic, inspirational, aspirational quality."

His words were a mix of educational, humorous and inspirational.

"Democracy presumes each generation is a trustee for the next," he said. "You will soon be the trustees of freedom."

His extensive historical knowledge impressed students.

"It was really inspirational to see such an amazing legal mind at work, especially one with such a clear affinity for law and history," said Starrett Berry '13. "His grasp of history and its ramifications for legal systems today was really amazing. It was really inspirational to have such a paragon of the legal system show us what a true grasp of law is like."

Toward the end of his lecture, he took questions. One student asked whether the justices paid attention to the news media when making their decisions. Kennedy answered no.

"Courts make decisions with political consequences, but contrary to popular belief, we don't make them in a political way. In my office, I have a window facing the lawn and I see the protestors with their signs and I never know what side they're on," he said, eliciting laughter.

"Everyone sees the Supreme Court as being extremely political," said Matt Roberts '13. "But he showed how the court has a different way of looking at things. They really are just focusing on the legal question, not on the 24-hour news cycle. It was good to hear that they are not focusing on politics, contrary to what people think."

May it please the audience

It might take a fair amount of suspended disbelief to accept that a lawyer can have a sense of humor, but a Supreme Court justice?

Justice Kennedy sat down with Dean Robert K. Rasmussen for an hour-long lunchtime discussion before a sea of students, staff and faculty, filled with humorous anecdotes (such as feeling awkward among misbehaved Congressmen at the State of the Union) and sly asides ("Your professors might claim it takes as much work to write your exams as it does to take them. It doesn't.").

In a conversation that also was introspective and thoughtful, Justice Kennedy reflected on his years on the court, offered advice to the future lawyers and answered questions.

Responding to an opening question from the dean, Kennedy said sitting on the high court wasn't what he expected.

"You have to be there for two or three years to understand the institutional differences, and you write the opinions differently," Kennedy said. "[As a Supreme Court justice], you're giving direction to a system.

"I thought it would be mostly a retrospective-looking task, but I soon realized that stare decisis has a prospective dynamic because you are the first person bound by what you do. Of course, we have a real dispute that we're solving, but we're working in a larger system."

That system, which Kennedy likened to an ocean liner with its sluggish changes in direction, is to some extent renewed by each decision the Supreme Court makes.

"You have to write in a way that you can instill or inspire allegiance in the law," Kennedy said. "You write for the audience so people know you've thought through the questions and can give reasons for what you do."

He recounted the story of a man who, greatly angered by the court's decision to protect flag burning as speech in *Texas v. Johnson*, approached Kennedy to chastise him. In response, Kennedy asked the man to read through the decision, which explained that the court is "required to make decisions because they're 'right'" according to the Constitution. The man returned to shake Kennedy's hand and pronounce that he should be proud to be a lawyer.

"I reached that reader," Kennedy said with pride.

Kennedy, a Sacramento native who was appointed to the federal court by President Ford in 1975 and seated on the Supreme Court in 1988, was in private practice in San Francisco for about 15 years after graduating from Harvard Law School. In his personal life he is a Shakespeare buff and teaches law internationally.

Right and below: Justice Kennedy and Dean Robert K. Rasmussen host a lunchtime talk for students.

Right and below, left: Justice Kennedy guest lectures for two Constitutional Law classes for first-year students.

Dean Rasmussen with Justice Kennedy and USC President C.L. Max Nikias

MIKEL HEALEY

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A Supreme Visitor

BY DARREN SCHENCK, STEFFI LAU AND LORI CRAIG

Method or Madness?

On Jan. 31, literary history's most famous melancholic was subject to a modern American trial. Having suffered the slings and arrows of murderous family and disloyal friends, not to mention a poisoning from which he miraculously recovered, Hamlet stoically endured the scrutiny of attorneys and psychiatrists, judge and jury. Together they parsed Hamlet's soliloquies, speeches and actions to determine whether the young prince was criminally responsible for the murder of Polonius.

Put more colloquially: was Hamlet insane when he stabbed at the arras?

Presented by the Shakespeare Center of Los Angeles and adjudicated by United States Supreme Court Justice Anthony Kennedy, "The Trial of Hamlet" featured top lawyers, expert witnesses and a jury whose early deliberations were broadcast to the audience. The one-time mock trial event was held in USC's Bovard Auditorium.

After the bailiff, attired in period costume, called the court to order, Justice Kennedy outlined the proceedings for the benefit of jury and audience.

"The sole purpose of this trial is to determine, at the time Polonius was killed, was Hamlet criminally responsible?" Justice Kennedy said. He offered that Shakespeare's account of events could be used during the trial.

"After 400 years, we are finally getting our day in court," crowed Blair Berk, a named partner in the firm of Tarlow & Berk, for the defense. "Sane, or not sane, that is the question."

After reviewing the facts of the case and declaring Hamlet not criminally responsible, Berk called for the defense Dr. Saul J. Faerstein, clinical professor of psychiatry at UCLA.

(cont. to page 11)

Above: "Hamlet" played by Graham Hamilton, with Justice Kennedy

Right: The bailiff calls court to order.

Far right: Justice Kennedy instructs the jury.

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