2009 Year-in-Review

University of San Francisco
School of Law

Faculty Scholarship, Service, and Media Activities
Professor Peter Jan Honigsberg presented on a proposed Guantanamo Truth Commission in the New Voices in Human Rights Program at the Annual Meeting of the Association of American Law Schools in January. Honigsberg recently received a Jesuit Foundation research grant for a feasibility assessment of the Guantanamo Truth Commission.

Professor Joshua Davis and Attorney Eric Cramer presented “Judicial Resolution of Contested Facts in Antitrust Cases” at the Future of Private Antitrust Enforcement American Antitrust Institute Symposium in Washington, D.C. Davis also moderated a panel on lawyer civility, which featured Robert T. Lynch ’63, Hon. Mary E. Wiss ’72, and James Geagan ’75, at the USF School of Law in January.

Professor Reza Dibadj’s article “Panglossian Transnationalism” was published in the summer 2008 Stanford Journal of International Law. Dibadj argues that the comparative method may provide the means for a deeper understanding of international law and a path for transnationalism to move forward.

Professor Susan Freiwald, with Patricia L. Bellia, authored “Fourth Amendment Protection for Stored E-Mail” in volume 2008 of the University of Chicago Legal Forum. The issue focused on the application of law in a networked world.

Marshall P. Madison Professor of Law Jesse Markham Jr. led a nine-hour seminar in conjunction with the Transnational Law and Finance Master Program at the Universidad de Duesto in Bilbao, Spain. Markham, who presented via video conference, introduced U.S. antitrust law and specialized applications of the law in the context of intellectual property, standard setting, and international enforcement.

Professor David Franklyn presented on intellectual property issues from an academic perspective at the 26th Annual National CLE Conference on Intellectual Property in Vail, Colo.

Assistant Professor and Director of Externship Programs S. Isabel Choi was re-elected to serve another three-year term on the board of the Asian American Bar Association of the Greater Bay Area. The organization is one of the largest Asian American bar associations in the nation and one of the largest minority associations in California.

Visiting Professor Bill Hing was appointed to a three-year term to the Committee on Curriculum Issues of the Association of American Law Schools (AALS). A nonprofit association of more than 160 law schools, AALS aims to improve the legal profession through education.
Director of Human Rights Programs Michelle Leighton was appointed as the 2009–10 chair on social vulnerability by the United Nations University and Munich Re Foundation. Leighton will focus on human rights standards to protect the poor and most vulnerable in developing countries who are forced to migrate because of climate change.


Adjunct Professor Richard Trachok II authored “Disadvantages of Reciprocity,” published in the Nevada Lawyer by the State Bar of Nevada.

Professor Emeritus Jay Folberg presented an all-day workshop on advanced mediation in Amsterdam. The event was organized by JAMS and Result ADR Training & Research Center.

Media


Professor Bob Talbot spoke with various media outlets regarding the recent Oakland BART shooting. He was featured on KQED’s Forum and KCBS Radio News, and was quoted in the San Francisco Examiner, San Francisco Chronicle, and San Jose Mercury News.

Professor Connie de la Vega participated in the KALW 91.7 radio broadcast marking the 60th anniversary of the International Declaration of Human Rights on Dec. 9. Listen to the broadcast here.

Associate Professor Richard Leo was featured in numerous articles and blog postings, including “Death-Row Inmate Poorly Served by Defense,” published in the Orlando Sentinel, “OPD Homicide Detectives Focus on Interrogation” published in the Contra Costa Times, and “Clemency Campaign Renews Misery,” published in the Washington Post. Leo’s book The Wrong Guys: Murder, False Confessions, and the Norfolk Four was reviewed in the January 2009 American Lawyer.

Dean Jeffrey Brand was quoted in the San Francisco Business Times article “Recessions Boost Grad Schools—Or Maybe Not.”
Scholarship and Service

Professor Rhonda Magee authored “Toward an Integral Critical Approach to Thinking, Talking, and Writing About Race,” published in the USF Law Review. Magee also was elected to the national board of the Center for the Contemplative Mind, gave the keynote address at the San Francisco Public Utilities Commission and San Francisco Municipal Transportation Agency Black History Month Luncheon, and participated in a panel at the USF Law Review Symposium.

Professor Maria Ontiveros served as faculty advisor to the 2009 USF Law Review Symposium “The Evolving Definition of the Immigrant Worker: The Intersection Between Employment, Labor, and Human Rights Law.” At the symposium, Ontiveros moderated two panels, which discussed Immigration and Customs Enforcement raids, human rights, and legal approaches to the newly defined immigrant worker.


Professor Alice Kaswan presented at the University of San Diego School of Law Climate and Energy Law Symposium “Federal Preemption or State Prerogative: California in the Face of National Climate Policy,” and at a national climate teach-in at the University of San Francisco in February. She also sent comments to Rep. Henry Waxman regarding carbon emissions trading.

Professor Tim Iglesias testified at the California Assembly Committee on Human Services hearing “Working Together to Ensure Housing Opportunities for People with Disabilities and Children” in Sacramento.

Professor Connie de la Vega participated in the panel “The Impact of Human Rights Law on Civil Legal Services” at the 2009 Trina Grillo Public Interest and Social Justice Retreat at Stanford University. De la Vega and Director of Human Rights Programs Michelle Leighton’s “Sentencing Our Children to Die in Prison: Global Law and Practice” was included in the University of La Verne Law Review’s “Selective Bibliographic Index of Juvenile Law Publications” (2007/08).

Professor Dolores Donovan presented “International Development as Human Rights Lawyering” at the 2009 Trina Grillo Public Interest and Social Justice Retreat in February. This fall, Donovan made presentations worldwide, comparing legal education in the United States to legal education in China, Thailand, and India.

Professor Joshua Davis moderated a panel that reviewed revisions to the California Rules of Professional Conduct held at Townsend and Townsend and Crew.
Philip and Muriel Barnett Professor of Trial Advocacy Steven Shatz led a workshop on “Narrowing Death Eligibility” at the Capital Case Defense Seminar sponsored by the California Attorneys for Criminal Justice and the California Public Defenders Association.

Associate Professor Maya Manian presented “Rights, Remedies, and Facial Challenges” at the Hastings Constitutional Law Quarterly Symposium. In January, Manian presented “The Future of the Federal Courts and FOCA Under the Obama Administration” at an abortion seminar sponsored by the Bixby Center for Reproductive Health at the University of California, San Francisco.

Director of Human Rights Programs Michelle Leighton participated in a panel addressing “Climate Change and Conflict: Drivers of Environmental Migration” at a Fordham University School of Law symposium. Leighton was appointed as one of four advisors to the United Nations Population Fund, which will help create the 2009 State of the World Population Report focused on climate change.

Professor Michelle Travis moderated “Past, Present, and Future: High-Skilled Immigrants in the U.S. Workforce” at the USF Law Review Symposium. Travis also spoke at the San Francisco Bar Association’s conference on “Building a More Flexible and Accessible Profession: What Changes are Possible?” in January. Last fall, Travis signed an amicus brief filed in the U.S. Supreme Court pending pregnancy discrimination case *AT&T Corp. v. Hulteen*.

Professor Susan Freiwald presented “Electronic Communications Surveillance and the Fourth Amendment” at the Colloquium on Information Technology and Society series, administered by New York University’s Information Law Institute and the Department of Culture and Communication.

Media

Professor Bob Talbot was quoted in the *San Francisco Examiner* article “Did He Lie? Barry Bonds on Trial” and the *Kiplinger’s Personal Finance* article “Why It’s Hard to Fight Brokers.”

Professor Connie de la Vega and Director of Human Rights Programs Michelle Leighton were featured in the *Pittsburgh Tribune-Review’s* “Does an 11-Year-Old Deserve Life in Prison?” and *Des Moines Register’s* “Give Lifers Sentenced as Kids Second Chance.”

Associate Professor Richard Leo’s book *The Wrong Guys: Murder, False Confessions, and the Norfolk Four* was reviewed in the *Isthmus*.
Scholarship and Service

Senior Professor J. Thomas McCarthy participated in the panel “An IP Year in Review: Patent Law, Trademark Law and Right of Publicity, and Copyright Law” at the USC Gould School of Law 2009 Intellectual Property Institute in March. He also presented a lecture on United States Trademark Anti-Dilution Law at a February conference on trademark law at the University of London in England.

Professor Alice Kaswan published “Climate Change, Consumption, and Cities” in the Fordham Urban Law Journal. Her article argues that proposed federal legislation does not sufficiently address energy consumption, and local and federal legislation should be adopted in a vertically integrated approach to promote green building, address land use, and reduce emissions. Kaswan also participated in the “State Summit on Climate Change and Preemption,” convened by the National Association of Clean Air Agencies and the Center for Progressive Reform in Washington, D.C., and moderated the Green Energy Career Panel at the USF School of Law.

Professor Michelle Travis presented her paper “Lashing Back at the ADA Backlash: How the Americans With Disabilities Act Benefits Americans Without Disabilities” to faculty and students at the Labor and Employment Law Colloquium at Northwestern University School of Law in February.

Associate Professor Maya Manian was an invited speaker to the Duke Journal of Gender Law and Policy Public Health Symposium, where she presented “The Irrational Woman: Informed Consent and Abortion Decision-Making.”

Marshall P. Madison Professor of Law Jesse Markham Jr. has been appointed to serve on the Continuing Education of the Bar (CEB) Advisory Committee. The advisory committee is a group of practicing attorneys, academicians, and other legal professionals tasked with oversight of CEB’s educational programs and publications.

Associate Professor Deborah Hussey Freeland was an invited participant to the Third Annual Critical Race Symposium at the UCLA School of Law, addressing the significant nexus between science and the law that is forming in this field.

Visiting Professor John Osborn and Christina Gallagher Nelson ’88, a partner at Greene Radovsky Maloney Share & Hennigh LLP, hosted an estate planning reception for students, alumni, and practitioners in January.
In February and March, Professor Emeritus William Bassett served in Kabul, Afghanistan, on a rule of law project sponsored by the U.S. Agency for International Development. He wrote materials and taught Law of Real Estate Transactions to 40 university students graduating in legal studies, public administration, and politics. The Afghan students were the highest TOEFL candidates selected from six major universities. Bassett also conducted twice-weekly seminars for Afghan law professors coming from universities in Herat, Balkh, and Kabul.

Assistant Professor Grace Hum presented “From Case Briefing to Complex Case Synthesis: How to Get from Here to There in Three Easy Classes” at the 2009 Rocky Mountain Legal Writing Conference Spring Training in March.

Librarian Shannon Burchard was elected vice-president/president-elect of the Northern California Association of Law Libraries.

Professors Reza Dibadj and Joshua Davis, as well as Visiting Professor Xiling Jia, presented at faculty teaching workshops at the USF School of Law.

Media

Dean Jeffrey Brand and Bryan Hinkle, director of career planning at the USF School of Law, were featured in the San Francisco Attorney article “The Economy’s Effect on Law Schools and Students.” Brand was also quoted in The Recorder article “Ramey Returns to Lead Law School” and on Cal Law blogs The Shark and Legal Pad, which highlighted a recent USF Women Lawyers Committee career panel that addressed the changing outlook of the legal industry.

The Chronicle of Higher Education published an article on Professor Robert Talbot and the Investor Justice Clinic titled “Amid Downturn Law Students Give Aggrieved Investors a Day in Court,” which was featured on the front page of the April 3 publication.

Professor Julie Nice was interviewed Feb. 28 on KFOG’s Beat of the Bay and March 5 on KCBS News Radio on Proposition 8.


Director of Human Rights Programs Michelle Leighton was featured in the Pittsburgh Tribune-Review article “Adult or Juvenile Offenders? State Lacks Leeway.”
Scholarship and Service

Professor Peter Jan Honigsberg is the author of *Our Nation Unhinged: The Human Consequences of the War on Terror*, published by the University of California Press. The book discusses the executive abuses and erosion of due process that occurred after September 11 under the leadership of the Bush administration.

Associate Professor Richard Leo wrote “Psychological and Cultural Aspects of Interrogations and False Confessions: Using Research to Inform Legal Decision-making,” with Mark Constanzo and Netta Shaked-Schroer, published in volume two of *Psychological Expertise in Court*.

Professor Michelle Travis authored “Lashing Back at the ADA Backlash: How the Americans with Disabilities Act Benefits Americans without Disabilities” in the *Tennessee Law Review*. This article was listed on SSRN’s top 10 download list for disability law, employment statutes, and employment law. In conjunction with the Respecting Expecting: The 30th Anniversary of the Pregnancy Discrimination Act Symposium at Yale University, Travis’s article “Causation Transformation: A Pregnancy Discrimination Act Success Story” was published in the *Yale Journal of Law and Feminism*.

“Sentencing Our Children to Die in Prison: Global Law and Practice,” authored by Professor Connie de la Vega and Director of Human Rights Programs Michelle Leighton, was cited by the California Court of Appeal, Fourth District, in its ruling that the sentencing of a minor to life in prison constitutes cruel and unusual punishment. De la Vega participated in a panel at the Stefan A. Riesenfeld Symposium, “Beyond the Bush Era: International Human Rights Law Looking Forward,” and Leighton presented “Protecting the Most Vulnerable in a Climate-Changed World” at the 19th Annual Fulbright Symposium for the American Society of International Law at Golden Gate University.


Professor Sharon Meadows was invited to join the American Civil Liberties Union Drug Law Reform Project to lobby Congress about the disparity between crack and powder cocaine federal sentencing laws.

Professor Bob Talbot presented on financial regulations and consumer risk at the UC Hastings College of the Law symposium “Beyond the Bailout: Risk, Responsibility, and the Road Ahead.”
Professor Susan Freiwald submitted a brief to the U.S. Court of Appeals for the Third Circuit concerning the procedure by which government agents may compel cell phone providers to disclose stored information that indicates their subscribers’ physical location. She also participated in a brainstorming session with other privacy and technology scholars and activists at the University of Maryland School of Law.

Assistant Professor Thomas Nazario helped coordinate the Dalai Lama’s recent visit to the Bay Area, which included a fundraiser for The Dalai Lama Foundation and a visit by the Dalai Lama to a local soup kitchen.

Associate Professor Bruce Price was selected to be editor of the Siegel’s series *Contracts: Essay and Multiple Choice Questions and Answers* (forthcoming 2009).

Professor Tim Iglesias presented “FHAA and the Internet: The Prospects for Self-Regulation” at a fair housing symposium at Golden Gate University.

Associate Professor Maya Manian presented “Informed Consent and Abortion Decision-Making after *Gonzales v. Carhart*” at the Association for the Study of Law, Culture, and the Humanities Annual Conference at Suffolk University School of Law.

Professor Alice Kaswan participated in the panel “The Federal and State Regulatory Landscape: How Laws Promote and Impede Renewable Energy Development” at Lewis and Clark University.

Professor Maria Ontiveros presented “Immigrant Workers and the 13th Amendment” at the Loyola University Chicago School of Law’s symposium “Slavery, Abolition, and Human Rights: Interdisciplinary Approaches to the 13th Amendment.”

Professor Emeritus Jay Folberg, who serves on the ABA Committee on Mediator Ethical Guidance, co-presented “Mediation Tips from the Masters” at the annual meeting of the ABA Dispute Resolution Section.

The Center for Law and Global Justice hosted a group of 18 LLM students and four Thai law professors the week of April 27. The visitors attended classes and previewed courts and other legal institutions. Professor Dolores Donovan and Professor Joshua Rosenberg presented an orientation to the U.S. legal system with special emphasis on tax and commercial law.

Research Professor of Constitutional Policy John Denvir was an invited participant to a two-day roundtable discussion on how movies and television portray law and business at the University of Illinois College of Law.
Media

Professor Bob Talbot discussed the Sandra Cantu case on KRON 4 Morning News, KRON 4 Early News, KRON 4 News at 11, KRON 4 News Weekend, and NBC11 News: The Bay Area at 11. Talbot was interviewed by the Wall Street Journal for the article “Investor’s Face Tough Duel When Fighting Brokers,” featuring the Investor Justice Clinic and Christopher Ulrich 2L.

Professor Connie de la Vega discussed juvenile life sentences on KPFA’s Flashpoints.

Professor Susan Freiwald was a guest blogger, with Ohio State University Professor Peter Swire, on the American Constitution Society Blog. Freiwald and Swire argued that phone tracking should require a warrant.

Professor Peter Jan Honigsberg authored “I Debated a War Criminal,” published on The Huffington Post. The blog posting discussed his debate at the USF School of Law with Professor John Yoo of UC Berkeley. Honigsberg also discussed his new book, Our Nation Unhinged: The Human Consequences of the War on Terror, on WNJC AM’s The Rob Kall Bottom-Up Radio Show in Philadelphia.

Senior Professor J. Thomas McCarthy was noted as a trademarks expert in the Wall Street Journal article “The Scariest Monster of All Sues for Trademark Infringement.”

Assistant Professor Thomas Nazario was quoted in the San Jose Mercury News, the San Francisco Examiner, and numerous other papers regarding the Dalai Lama’s visit to a San Francisco soup kitchen.

Herbst Foundation Professor of Law Julie Nice discussed Proposition 8 in the OutNow Magazine article “Pushing the Envelope.”
Scholarship and Service

Professor Joshua Davis presented “Judicial Activism and Judicial Resolution of Contested Facts in Antitrust Cases” at the Loyola University Chicago School of Law’s Ninth Annual Antitrust Colloquium sponsored by the Institute for Consumer Antitrust Studies.


Associate Professor Richard Leo’s book *Police Interrogation and American Justice* (Harvard University Press, 2008) received the prestigious 2009 Herbert Jacob Book Prize from the Law and Society Association and the 2009 Distinguished Scholarship Award Honorable Mention from the Pacific Sociological Association. Leo’s *North Carolina Law Review* article, “The Problem of False Confessions in the Post-DNA World” (2004), with Steve Drizin, was cited in the recent U.S. Supreme Court decision *Corley v. United States*. During the spring semester, Leo presented to the Texas Court of Criminal Appeals in Austin and at the annual death penalty seminar co-sponsored by the California Attorneys for Criminal Justice and the California Public Defenders Association in Monterey, the San Francisco Public Defender’s Office, the Illinois Institute for Continuing Legal Education’s seminar on the death penalty in Chicago, the Contra Costa County Public Defender’s Office, and the National Association of Criminal Defense Attorneys meeting in Santa Fe, N.M.

Philip and Muriel Barnett Professor of Trial Advocacy Steven Shatz was the recipient of the Sarlo Prize for Excellence in Teaching at the 33rd Annual Service and Merit Awards of the University of San Francisco. Shatz was recognized for his rigorous and academically challenging classes as well as his contribution to death penalty reform, including his guidance of USF law students in the Keta Taylor Colby Death Penalty Project summer internship program.

Professor David Franklyn participated in the panel “Internet Law: Latest Developments of the Internet and Internet Blogging on Trademark Law” at the annual meeting of the International Trademark Association in Seattle.

Professor Maria Ontiveros presented “Creative Lawyering: How We Can Make a Difference” at a USF School of Law Justice Forum, co-sponsored by the Building Bridges Committee.
Professor Susan Freiwald spoke on the legitimacy of and recent developments relating to Section 230 of the Communications Decency Act at the Bar Association of San Francisco seminar “Web 2.0, Defamation on the Web, and the Role for Web Providers.”

Professor Michelle Travis presented “The ADA and You—How Laws Intended to Help the Disabled Affect Those With and Without Disabilities” at an event sponsored by the USF SBA Diversity Committee and SBA Representatives for Students with Physical and Learning Disabilities.

Professor Connie de la Vega authored an entry for the Encyclopedia of Human Rights, published by Oxford University Press this month.

Media

Professor Bob Talbot and the Investor Justice Clinic were featured on the national broadcast “Frustrated Investors Get Surprising Assistance” on the NBC Nightly News. Talbot also discussed the Sandra Cantu and Richard Allen Davis cases on KRON 4 News.

Professor Peter Jan Honigsberg discussed his book Our Nation Unhinged: The Human Consequences of the War on Terror and the torture that took place in Guantanamo Bay on KTVU's Mornings on 2.

The 2008 report “Sentencing Our Children to Die in Prison,” authored by Director of Human Rights Programs Michelle Leighton and Professor Connie de la Vega, was cited in the May 13 Pittsburgh Tribune-Review article “U.S. Supreme Court May Alter Juveniles’ Life Sentences.”

Professor Maria Ontiveros was featured in the May 27 San Francisco Chronicle article “Demographic Shift Shows In Sotomayor Pick.”

Herbst Foundation Professor of Law Julie Nice discussed the California Supreme Court ruling on Proposition 8 in “Cheers, Anger, and Tears in Response to Decision on Gay Marriage” (Los Angeles Times) and “Nation’s Eyes on State After Prop. 8 Ruling” (San Francisco Chronicle).

The USF School of Law Predatory Lending Clinic, directed by Shirley Hochhausen, and the clinic’s recently published report “Loan Default and Foreclosure: A Brief Guide for California Homeowners” were featured in the San Jose Mercury News on May 15.

Professor Susan Freiwald was quoted in the May 21 Washington Internet Daily article “Yelp Plans Defense Fund for Reviewers.”

Associate Professor Richard Leo’s 2008 book The Wrong Guys: Murder, False Confessions, and the Norfolk Four was reviewed in the last issue of California Lawyer.
Scholarship and Service

Director of Human Rights Programs Michelle Leighton was selected to join a transatlantic study team supported by the German Marshall Fund that will research and analyze policy relating to the impact of climate change on natural disasters and migration patterns. In June, Leighton participated in the German Marshall Fund Transatlantic Workshop on Climate Induced Migration.

Professor Connie de la Vega and Director of Human Rights Programs Michelle Leighton secured a $140,000 grant from the Ford Foundation for their efforts to abolish juvenile life without parole (JLWOP) sentences in the U.S. The JLWOP project seeks to introduce international human rights standards to U.S. courts. In concordance with the project, de la Vega and Leighton will file an amicus brief before the U.S. Supreme Court, establish a brief bank as a collaboration of the Center for Law and Global Justice and National Juvenile Defender Center, and train members of the bar on how to utilize human rights law in their juvenile justice cases.

Senior Reference Librarian Lee Ryan presented “Bridge to Nowhere? Successfully Spanning the Legal Research Gap” at the Northern California Association of Law Libraries Annual Spring Institute in April.

Professor Susan Freiwald was a selected commentator and session media- tor for a paper written by UCLA Professor of Law Jerry Kang on self-analytic privacy at the UC Berkeley School of Law and George Washington University Law School Second Annual Privacy Law Scholars Conference in June.

Associate Professor Maya Manian published “Rights, Remedies and Facial Challenges” in the Hastings Constitutional Law Quarterly. Manian’s “The Irrational Woman: Informed Consent and Abortion Decision-Making,” forthcoming in the Duke Journal of Gender Law & Policy, has been listed on SSRN’s Top 10 download list for Sexuality and the Law; Sexuality Law: Constitutional Claims; Equity, Justice, Inequality, and Other Normative Criteria and Measurement; and Health Law Journals.

During a university-sponsored immersion trip to El Salvador, Professor Tim Iglesias presented “Selecting Supreme Court Justices in the United States and El Salvador” to the Fundacion Salvadorena para el Desarrollo Economico y Social (Salvadoran Foundation for Economic and Social Development).

Herbst Foundation Professor of Law Julie Nice presented “Proposition 8, Rights Stripping, and Marriage Mobilization” and “No Politics, No Rights, and No Dialogue About Poverty” at the 2009 Annual Meeting of the Law and Society Association in May.
Adjunct Professor Iain Macdonald, who has taught Bankruptcy Law since 1984, authored “Confirming the Plan in the Individual Chapter 11 Case,” published in the 2009 *California Bankruptcy Journal*.

Professor Alice Kaswan participated in an all-day meeting at the University of Southern California, in which participants discussed a research agenda for climate justice issues.

Professor Joshua Rosenberg presented “Interpersonal Dynamics” at the Institute for Law Teaching and Learning Conference “Implementing Best Practices and Educating Lawyers: Teaching Skills and Professionalism Across the Curriculum.” Rosenberg’s article “The Inherent Structure of Free Speech Law: Government as Patron or Regulator in the Student Speech Cases,” authored with Professor Joshua Davis, was listed on SSRN’s Top 10 download list for Education Law: Primary & Secondary Education.

On behalf of professors of disability law, disability rights law, and special education law, Professor Michelle Travis signed a letter in support of the confirmation of Judge Sonia Sotomayor to the U.S. Supreme Court.

Professor Peter Jan Honigsberg presented “The Human Consequences of the War on Terror and the Closing of Guantanamo” at an event sponsored by the World Affairs Council in April.

Media


Professor Alice Kaswan authored the June 17 CPRBlog posting “The Waxman-Markey Bill’s Federal-State Partnership.”

Professor Peter Jan Honigsberg was interviewed by *The Talking Dog* about the publication of his recent book, terrorism, and national security.
Scholarship and Service

*Associate Professor Richard Leo* published “What Do Potential Jurors Know About Police Interrogation and False Confessions?” (with Brittany Liu) in the May/June issue of *Behavioral Sciences & the Law*.


*Professor Connie de la Vega and Director of Human Rights Programs Michelle Leighton* filed a brief in July before the U.S. Supreme Court on the issue of juvenile life sentences without parole. De la Vega also filed a brief before the Inter-American Commission on Human Rights on behalf of an inmate who has been on death row in California for 18 years without a hearing for his first appeal.

In May, *Director of Human Rights Programs Michelle Leighton* presented on the impact of climate change on migration, enhancing early warning and informed policy in response to migration, and environmental issues that have an impact on migration and regional security at the Organization for Security and Co-operation in Europe 17th Economic and Environmental Forum in Athens, Greece.

*Professor Michelle Travis and Professor Maria Ontiveros* presented a review of labor and employment cases at a July 7 Bar Association of San Francisco event.

“Benefits from Private Antitrust Enforcement: An Analysis of 40 Cases,” by *Professor Joshua Davis* and Robert Lande, was selected as one of five finalists for the 2008 Jerry S. Cohen Award for Antitrust Writing by the American Antitrust Institute.

*Senior Professor J. Thomas McCarthy* lectured on trademarks and anti-dilution law to 30 federal judges at the UC Berkeley Federal Judicial Center Intellectual Property Seminar in May.

*Professor Emeritus Jay Folberg* presented “Mediator Qualification: Public Protection or a Conspiracy Against the Public?” at the Japan Association of the Law Arbitration and Alternative Dispute Resolution at Waseda University in Tokyo on July 11.
Professor Dolores Donovan and five International Internship Program students met with Judge Xia, senior judge of the Intellectual Property Division of the Chinese Supreme Court. Xia and Donovan discussed the differing roles of the judge and judicial opinions in the Chinese and U.S. legal systems.

Media

Professor Maria Ontiveros discussed the confirmation hearings of U.S. Supreme Court nominee Sonia Sotomayor July 13 in the KCBS radio interview “Serving on the High Court.”

Professor Alice Kaswan was quoted in the Greenwire article “California Air Chief Still Fighting for Changes to Waxman-Markey Bill.”

The Washington Post reported that John Grisham, the author of popular novels such as The Pelican Brief and The Firm, will write a screenplay on the wrongful conviction of the Norfolk Four that was detailed in Associate Professor Richard Leo’s book The Wrong Guys: Murder, False Confessions, and the Norfolk Four. Leo was featured in the Livingston County Daily Press & Argus articles “Confession to Murders Questioned,” “False Confession ‘Is Quite Possible,’ Psychologist Says,” and “Judge Won’t Allow Testimony on False Confessions in Murder Trial.”

The Center for Law and Global Justice Juvenile Life Without Parole Project was featured in the Miller McCune article “Should Minors Ever Face Life Without Parole?” and the Pittsburgh Tribune-Review article “Study: Incarcerating Youths in Adult Prisons Leads to Abuse, Higher Costs.”

The USF School of Law Legal Employment Symposium was featured on The Common Scold, a blog authored by Monica Bay ’82.
Scholarship and Service


Senior Professor J. Thomas McCarthy spoke on recent developments in trademark law at a seminar hosted by the Thomson-Reuters-West Publishing Company during the National Bar Association Annual Meeting in August.

In relation to the Witness to Guantanamo project, Professor Peter Jan Honigsberg filmed interviews with 16 former Guantanamo detainees in five European countries (Albania, Bosnia, France, Germany, and England) during August. The interviews focused on the detainees’ treatment from the time they were captured to the time they were released.

Assistant Professor Grace Hum presented “From Case Briefing to Complex Case Synthesis: How to Get from Here to There in Three Easy Classes” at the 2009 Northwest Regional Legal Writing Conference titled “Legal Writing in a Green World: Recycle, Reuse, Rethink,” sponsored by Lewis and Clark Law School and the University of Oregon School of Law.


Professor Michelle Travis presented “The Legal ‘Back Door’ to Work-Family Balance” at the Sixth International Carework Conference held at UC Hastings College of the Law.

Associate Professor Richard Leo presented “Litigating False Confession Cases” and “The Psychology of Forced Confessions” to the Indiana Public Defender Council at a seminar titled “Fundamentals for Criminal Defense Lawyers.” Three members of the Norfolk Four, the subject of Leo’s book *The Wrong Guys*, received conditional pardons from Virginia Gov. Timothy Kaine.
Director of Human Rights Programs Michelle Leighton participated as one of 20 experts in a workshop on climate change, the environment, and migration hosted by the U.N. Environment Program, International Organization for Migration, United Nations University and Munich Re Foundation in Munich, Germany. The goal of the workshop was to establish a global research agenda for international agencies.

Marshall P. Madison Professor of Law Jesse Markham Jr. was one of six speakers to present at the American Law Institute/American Bar Association forum “How Revived Antitrust Enforcement in the Obama Administration Will Affect Your Clients.” At the request of the International Chamber of Commerce, Markham submitted comments to the National Development and Reform Commission of the People’s Republic of China concerning draft regulations on horizontal and vertical price fixing and monopoly pricing.

Director of Predatory Lending Clinic Shirley Hochhausen participated in a housing resource fair that provided counseling services for Bay Area residents. Hochhausen spoke on the procedure to follow when one is unable to make mortgage payments.

Professor John Adler is consulting at the Redwoods, a senior community, on ethical issues involving residents. He is also working with the Redwoods to establish an ethics committee that will promote discussion on issues that arise in the community.

Media

Associate Professor Richard Leo and his work to free the Norfolk Four was featured in The New Yorker’s “The Talk of the Town.”

Herbst Foundation Professor of Law Julie Nice was interviewed by ABC News regarding Obama’s move to repeal the same-sex marriage ban; the interview was broadcasted Aug. 17, several times per day, in San Francisco, San Diego, and Fresno.

Director of Predatory Lending Clinic Shirley Hochhausen was featured in The Daily Journal of San Mateo County article “Housing Fair Offers Help.”

Professor Alice Kaswan authored the Aug. 26 CPRBlog posting “Why a Cap-and-Trade System Needs Regulatory Backstop.”

Professor Bob Talbot was quoted in the San Francisco Examiner article “Gascon Urges More ‘Creative Ideas’” regarding the new police chief in San Francisco.
Scholarship and Service


Associate Professor Deborah Hussey Freeland presented “Speaking Science to the Law: Ethical Considerations” at the 90th annual meeting of the American Association for the Advancement of Science, Pacific Division, in August. In September, she presented “Maieutic Ethics in Law” at the Bay Area Civil Procedure Forum.

Assistant Professor Grace Hum participated in the panel “Diversifying Law School Faculty at All Levels” hosted by the Bar Association of San Francisco in September.

Professor Tim Iglesias authored the book chapter “Our Pluralist Housing Ethics & Public-Private Partnerships for Affordable Housing,” which was published in Affordable Housing and Public-Private Partnerships in September.

Professor Alice Kaswan presented “Environmental Justice and Domestic Climate Change Policy” at the University of Oregon conference “Advocating for an Environmental Equality: Legal and Ethical Duties in a Changing Climate.”

Associate Professor Richard Leo gave a colloquial talk to the UC Hastings law faculty in September titled “Police-Induced Confessions: Risk Factors and Recommendations.”


Professors John Adler, Julie Nice, and Maria Ontiveros discussed the U.S. Supreme Court selection process and Justice Sonia Sotomayor at the USF School of Law Constitution Day.

Professor Maria Ontiveros was elected a member to the American Law Institute in September.

Professor Peter Jan Honigsberg read from his book Our Nation Unhinged: The Human Consequences of the War on Terror at Barnes and Noble in Jack London Square, Oakland.
Philip and Muriel Barnett Professor of Trial Advocacy Steven Shatz spoke in the panel “Litigating Death Eligibility” at the California Attorneys for Criminal Justice 2009 Capital Training Program in Los Angeles.

Professor Connie de la Vega presented her paper “The Special Measures Mandate of the International Convention on the Elimination of all Forms of Racial Discrimination” at the Northern California International Law Scholars Roundtable. Suggestions made in de la Vega’s article were adopted by the United Nations Committee on the Elimination of Racial Discrimination in General Recommendation 32.

Professors Judi Cohen, Tim Iglesias, and Rhonda Magee began offering guided meditation sessions on a weekly basis to the law school community this month. The sessions will continue throughout the fall semester.

Media

Dean Jeffrey Brand was quoted in “Virtual Law Firms Thinking Outside the Legal Box,” which was published in the Nashville Business Journal, San Francisco Business Times, and other regional business journals.

Professor Sharon Meadows and the Criminal and Juvenile Justice Law Clinic were featured in the fall 2009 San Francisco Attorney magazine.

Professor Alice Kaswan was quoted in the San Francisco Daily Journal article “Court Revives Climate Change Case Against Utilities.” She also authored “Second Circuit’s Decision in Connecticut v. AEP Makes Clear No One Is Above the Law,” published on the CPRBlog.

Professor Peter Jan Honigsberg published the blog posting “The Witness to Guantanamo Project: In-Depth Filmed Interviews with Former Guantanamo Detainees” on The Huffington Post.

The USF School of Law Legal Employment Symposium was featured in the San Francisco Business Times article “Debating the Future of Young Legal Eagles.”

Professor Connie de la Vega authored a letter to the editor of the California Lawyer magazine that discussed the Bakke case and special measures to help achieve racial equality.
Scholarship and Service

**Associate Professor Richard Leo** co-authored, with Saul Kassin, Steven Drizin, Thomas Grisso, Gisli Gudjonsson, and Allison Redlich, “Police-Induced Confessions: Risk Factors and Recommendations.” The article was published online by *Law and Human Behavior* in July. Leo also authored “False Confessions: Causes, Consequences and Implications,” published in *The Journal of the American Academy of Psychiatry and the Law*.

**Philip and Muriel Barnett Professor of Trial Advocacy Steven Shatz** co-authored, with Nina Rivkind, the third edition of *Cases and Materials on the Death Penalty* (West, 2009).

**Professor Emeritus Jay Folberg** served on the planning committee for the invitational conference “Developing Second Generation Global Negotiation Education,” which took place in Istanbul, Turkey, in October. He participated with 40 other international teachers of negotiation and helped design an adventure learning component that required participants to negotiate in the Istanbul spice bazaar.


**Professor Rhonda Magee** presented her paper “Chattel Slavery as Immigration” during the works-in-progress colloquia at the 14th Annual LatCrit Conference.

**Professor Michelle Travis** presented “What a Difference a Day Makes, or Does It? Work-Family Balance and the Four-Day Work Week” at a law symposium on the implications of a four-day work week at the University of Connecticut.

**Associate Professor Bruce Price** revised the latest edition of *Contracts: Essay and Multiple Choice Questions and Answers*, which was published in October by Aspen Publishers.

With the law school’s Center for Law and Ethics, **Professor David Franklyn** co-hosted and moderated “A Conversation with Harry Swerdlow: A Dichotomous Life—Doing Well and Doing Good.” Swerdlow, a Los Angeles attorney still practicing at the age of 91, spoke on his life as a commercial and public interest lawyer.
Professor Alice Kaswan submitted the memo “Integrating Environmental Co-Benefits into AB 32’s Economic Analysis” to the Economic and Allocation Advisory Committee, which is responsible for implementing California’s climate change law. She also provided brief comments to the committee at a public meeting.

Assistant Professor and Co-Director of the Academic Support Program Richard Sakai introduced law and law school to aspiring minority students attending Bay Area colleges and universities at an event sponsored by the Bar Association of San Francisco in October.

Marshall P. Madison Professor of Law Jesse Markham Jr. co-presented “Overview of Developments in Antitrust and Unfair Competition Law” at a California State Bar antitrust conference. Markham presented with Thomas Papageorge of the University of San Diego School of Law and Thomas Greene, executive director of the Financial Crisis Inquiry Commission, which was created by Congress to investigate the causes of the financial collapse.

At a recent Justice Forum event, Professor Peter Jan Honigsberg discussed the Witness to Guantanamo project and presented several interviews with former Guantanamo detainees that he filmed this summer.

Media

Professor Alice Kaswan authored “Boxer-Kerry: Integrating Regulation and Cap-and-Trade” on the CPRBlog.

Associate Professor Richard Leo was quoted extensively in “Experts: Lies by Law Enforcement Jeopardize System” in the Coloradoan. He was also featured in “I Was Just a Junkie” in The Texas Observer, “Stay Granted in Double-Murder Trial” in the Livingston County Press & Argus, and “Expert Witness Testifies at Nelson Trial” in the Siskiyou Daily News.

Professor Susan Freiwald was quoted in the Wired magazine article “Cell Tracking Bills Require Info Dump for Missing Persons.”

Professor Connie de la Vega authored “CERD Recommendation 32 on Special Measures” on the IntLawGrrls blog.

Professor Bob Talbot was interviewed in a broadcast on Michael Jackson on KSRO 1350’s The Drive with Steve Jaxon.
Scholarship and Service

**Professor Maria Ontiveros** authored “Labor Union Coalition Challenges to Governmental Actions: Defending the Civil Rights of Low Wage Workers,” published in the *University of Chicago Legal Forum*, and the book chapter “Employment Discrimination” in *Human Rights in Labor and Employment Relations: International and Domestic Perspectives*. Ontiveros presented on the importance of legal history to the USF Labor and Employment Law Students Association (LELSA); the fight for labor rights in the U.S. at a law school event sponsored by the Equal Justice Society and LELSA; and effective exam feedback at a USF School of Law Faculty Scholarship and Teaching Workshop.

**Associate Professor Richard Leo** authored “Studying Wrongful Convictions: Learning from Social Science” with Jon Gould, published in *The Ohio State Journal of Criminal Law*. He also authored an amicus brief for *State of Florida v. Powell* and engaged the firm McDermott, Will & Emery to file it on his behalf with the U.S. Supreme Court. Leo’s book *Police Interrogation and American Justice* was selected by the Academy of Criminal Justice Awards Committee to receive the Outstanding Book Award. Leo presented “When Lightning Strikes Twice: Studying Double Wrongful Convictions” and participated in the panel “Authors Meet Critics: The Wrong Guys: Murder, False Confessions, and the Norfolk Four” at the annual meeting of the American Society of Criminology. He also delivered the keynote address at a conference hosted by the Illinois Office of the State Appellate Defender and the Illinois Institute for Continuing Legal Education.

**Online Research Services Librarian Amy Wright** presented “Blogs and Social Bookmarking” and participated in a panel discussion at the Northern California Association of Law Libraries’ fall workshop “Marketing Uses of Social Media in the Law Library.”

**Senior Professor J. Thomas McCarthy** presented the keynote address, titled “Trademark Law Needs New Defenses,” at the USF School of Law symposium “The Brand as Property: Trademark Law and its Challenges in the New Era.”

**Professor Emeritus Jay Folberg**’s article “Mediating Family Property and Estate Conflicts: Keeping the Peace and Preserving Family Wealth,” is the cover article of the American Bar Association’s *Probate and Property* (November/December 2009).

**Professor Peter Jan Honigsberg** presented on the Witness to Guantanamo project to law and graduate students at the Joan B. Kroc Institute for Peace and Justice at the University of San Diego.

Professor Dolores Donovan delivered a lecture on American legal education at East China University of Politics and Law in Shanghai. Donovan also presented a talk on comparative Thai-U.S. legal education at Assumption University in Bangkok.

“Of Myths and Evidence: An Analysis of 40 Cases for Countries Considering a Private Right of Action for Competition Law Violations,” by Professor Joshua Davis, has been listed on SSRN’s top 10 download list for Corporate Governance: Social Responsibility and Social Impact; Enforcement and Litigation; Business Practices and Ethics, Corporate Social Responsibility/Corporate Citizenship; Regional Arrangements; Corporate Law Litigation; Antitrust; Legislative and Political Process; and Statutory Creation.

Professor David Franklyn, director of the McCarthy Institute for Intellectual Property and Technology Law, helped organize the institute’s symposium “The Brand as Property: Trademark Law and its Challenges in the New Era,” which was co-sponsored by Microsoft, Unitalen, and the World Intellectual Property Organization. At the symposium, Franklyn participated in the panel “Keywords and Search Engine Liability” and introduced the keynote speaker. He also participated in the panel “Trademark Year in Review” at the California State Bar’s 34th Annual Intellectual Property Institute.

Assistant Professor and Co-Director of the Academic Support Program Richard Sakai introduced law and law school to aspiring minority students attending San Francisco Bay Area colleges and universities at the Bar Association of San Francisco College to Law Diversity Program in November.

The updated and expanded edition of Professor Emeritus William Bassett’s multi-volume treatise Religious Organizations and the Law was published by Thomson-Reuters in November.
Media

Professor Connie de la Vega is quoted in “18 and a Life to Go” published online by Newsweek. De la Vega was also featured in “Life Without Parole: A Juvenile’s Case Comes Before the Supreme Court” in The Oregonian.

Professor Maria Ontiveros was interviewed by KTVU Channel 2 News at 6 on a San Francisco ordinance addressing undocumented juveniles. Visiting Professor Bill Hing was also quoted in the broadcast.

Senior Reference Librarian Lee Ryan was featured in “Book Sense,” published by the Daily Journal.

Professor Bob Talbot was interviewed by KGO Newstalk AM 810 on the Phillip Garrido case. To listen to the interview visit here, and then click 5 to 6 p.m.

Associate Professor Richard Leo’s book Police Interrogation and American Justice was reviewed in the San Francisco Chronicle.

Adjunct Professor James Tuthill co-authored “Privacy Concerns in Google Voice Call Recording” with Michael Katz ’08. The article was published in the San Francisco Chronicle.

The USF School of Law was included in the top 10 list of law schools that produce the most Super Lawyers in Northern California by Super Lawyers magazine.
Scholarship and Service

**Professor Joshua Davis** presented in the panel “The Legality of Reverse Payments” at the American Antitrust Institute’s symposium “The Future of Private Antitrust Enforcement.” He also testified before the United States Congress House of Representatives’ Subcommittee on Courts and Competition Policy in regards to H.R. 4115, Open Access to the Courts Act.

**Professor Alice Kaswan** recently published “Greening the Grid and Climate Justice” in *Environmental Law* and “Decentralizing Cap-and-Trade? The Question of State Stringency” in the *San Diego Journal of Climate & Energy Law*. She participated in the Bar Association of San Francisco panel “The Supreme Court Takes on Environmental Law: Our Annual Supreme Court Review” in November. An excerpt of Kaswan’s article “Environmental Justice and Domestic Climate Change Policy” has been published in *Environmental Justice: Law, Policy & Regulation*. Kaswan also submitted comments to the California Climate Action Team’s Public Health Workgroup in response to a meeting on the health impact assessment of cap-and-trade programs in California.

At the Human Rights Day Celebration in Berkeley, **Professor Peter Jan Honigsberg** presented excerpts of video footage from the Witness to Guantanamo project. Honigsberg also traveled to Palau in December to interview former Guantanamo detainees.

**Professor Dolores Donovan** was appointed to the board of the Center for Justice and Reconciliation (CJR) in Phnom Penh, Cambodia. CJR is a nonprofit non-governmental organization that promotes justice, reconciliation, and democratic values in Cambodia.

**Professor Connie de la Vega** commented on Hofstra University Professor Julian Ku’s paper “The Curious Case of Corporate Liability under the Alien Tort Statute” at the American Society of International Law Annual Workshop for the Domestic Courts Interest Group at UC Berkeley. She also presented “The Universal Declaration on Human Rights and the Convention on the Rights of the Child” at the Human Rights Day Celebration.

**Director of Human Rights Programs Michelle Leighton** served as an editor of the report “Protecting People and the Planet: A Proposal to Address the Human Rights Impacts of Climate Change Policy,” co-published by the Center for Law and Global Justice and UC Berkeley’s International Human Rights Law Clinic and Miller Institute for Global Challenges and the Law in December.

**Professor Emeritus William Bassett’s** work on community property, *Bassett on California Community Property Law*, was published by Thomson-Reuters and on Westlaw in its 21st edition in December.
Adjunct Professor James Madison, a Menlo Park lawyer and arbitrator-mediator, received the Donald Weckstein Award for Outstanding Contribution to the ADR Neutrals Profession at the annual meeting of the California Dispute Resolution Council. Madison was also appointed chair of the State Bar of California ADR Committee for 2009–10.

Adjunct Professor Mark Tuft authored “Supervising Offshore Outsourcing of Legal Services in a Global Environment” in the Practising Law Institute Litigation and Administrative Practice Course Handbook Series. This article will also be published in the Akron Law Review.

Media

Professor Joshua Davis was quoted in the San Francisco Business Times article “Drug Makers Quicker to Embrace Settlements to Delay Low-Cost Generics” and the Waco Tribune-Herald article “Judge Denies Request by Matt Baker’s Attorney to Let Them Withdraw From Case.” He was also mentioned in the Civil Procedure and Federal Courts Blog posting “More Congressional Activity on Iqbal.”

Associate Professor Richard Leo was featured in the article “U.S. Supreme Court to Hear Case on Tampa Police’s Use of Miranda Warning,” published in The Miami Herald and the St. Petersburg Times. He was also featured in the editorial “Clear Up Confusion on Police Warning” in the St. Petersburg Times, and in an article published in the Green Bay Press-Gazette and The Post Crescent.


Senior Professor J. Thomas McCarthy was quoted in “The Rise and Fall of Design Within Reach,” published in the December issue of Fast Company.

The Center for Law and Global Justice was mentioned in the “Climate Change and International Human Rights Law” posting on Legal Planet: The Environmental Law and Policy Blog of Berkeley Law and UCLA Law.