Reflections on a Deanship

Faculty, students, and alumni pay tribute to Dean Jeffrey S. Brand as he steps down after 14 years
Dear Alumni and Friends,

It’s a moment that had to come sometime, no matter how much I love our community and my work. This will be my last missive as dean of the University of San Francisco School of Law, a position I’ve proudly held for 14 years and a length of tenure I never imagined in 1999—before the dot com crash, before 9/11, before an African American in the White House, before two world championship flags flying over AT&T Park, indeed before changes that the world could never have imagined.

The tsunami of change of course has also swept over our noble profession and the law school we love. The new dean will be charged with the awesome responsibility of refashioning legal education to meet the challenges of a dramatically changed professional and educational landscape, in which skills training and engagement with employment opportunities are a predominant focus. It’s going to take time and a long-term commitment to radical change. The law school is lucky to have the leadership of John Trasviña, someone whose extraordinary career in public service, commitment to USF values, and deep roots in the community will serve us well as we begin our second century.

And who better to take on that challenge than the University of San Francisco School of Law, on the heels of our Centennial celebration when our compelling mission is clearly in focus, our energy fresh, and our commitment to our second century steadfast. I cannot imagine a more exciting time to be dean, but I also know that fresh eyes and a long-term commitment are essential to our success. So it’s back to the faculty to work with our community to achieve our common goals.

If I’ve achieved anything in my time as dean, it’s only because of the incredible support that I’ve gotten from all of you, whether it be time, money, or counsel. For that, our law school is the better and I am forever grateful.

So how does one end a 14-year run as dean? It turns out simply by saying thank you for the honor and privilege of serving our students and you! To be continued.

Jeffrey S. Brand
Dean and Professor of Law

Message from the Dean
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Reflections on a Deanship
Faculty, students, and alumni pay tribute to Dean Jeffrey S. Brand as he steps down after 14 years.

The Road Less Traveled
Many with legal backgrounds pursue creative employment options that draw upon skills honed during their JD education. USF School of Law graduates demonstrate how their law degree opened doors to innovative and rewarding careers.

Closing Argument
Alone in the American Legal System
By Anna Ciesielski ’06
The USF School of Law marked its centennial with a week-long series of events in February, ranging from a special session of the California Supreme Court to a black tie gala at San Francisco City Hall.

Hundreds of alumni, faculty, students, and community members attended the events, which together highlighted the law school’s 100-year history of distinguished legal education in San Francisco.

“I am cognizant that serendipity places me on this landing at this propitious moment in our history,” Dean Jeffrey Brand said at the Centennial Gala at City Hall on Feb. 7. “All that we are, and all that we celebrate, are the result of the contributions of so many. Tonight, as USF billboards proclaim, the law school of the university of the best city ever joyously celebrates its own storied first century.”

The week began with a full-day session of the California Supreme Court on Feb. 5 in McLaren Center at USF, in which the court heard oral arguments in cases ranging from legal issues surrounding the state’s medical marijuana dispensaries to a death penalty appeal, and answered students’ questions. The day concluded with a reception with the justices, faculty, staff, and students.

Associate Justice Ming Chin, a 1964 graduate of USF and 1967 graduate of the law school, offered welcome remarks, which he noted took place in a building where he once served as a resident advisor.

“I have many fond memories of my seven years here on the hilltop,” Chin said. “The Jesuits were outstanding teachers to me in every possible way. I’m deeply...
grateful to all of my professors here at USF for being such terrific role models and being such an important part of my life and my career.”

The week continued with the Centennial Gala that drew nearly 550 people to the historic City Hall rotunda. The evening featured First District Court of Appeal Associate Justice Maria Rivera ’74 as emcee and a conversation on legal education in the 21st century moderated by Brand and featuring USF Professor John J. Osborn Jr., author of *The Paper Chase*, and lawyer and bestselling author Scott Turow, author of many books including *Presumed Innocent* and *One L.*

The following day, dozens of the law school’s alumni judges gathered in Kendrick Hall to dedicate the new Judges Recognition Wall in the moot courtroom. The wall features photographs of hundreds of USF School of Law graduates who have been elevated to the bench. Speakers included Associate Justice Chin and Illinois Supreme Court Justice Mary Jane Theis ’74.

“There is something really special about this law school and I knew it even as a young person,” Theis said. “Teaching law here wasn’t just about a logic exercise or a historical analysis. At USF we learn the moral dimension of what it means to be a lawyer.” In addition, she said, her USF legal education gave her the practical lawyering skills to succeed. “My transition from law school to practice was seamless. I felt at home in the courtroom immediately. My entire legal career is a direct line from a moot courtroom at USF to the Supreme Court courtroom in the state of Illinois.”

The week came to a close with a community-wide day of service, part of the Student Bar Association’s Centennial Challenge to complete 10,000 community service hours this year. On Feb. 9, students, faculty, staff, and alumni fanned out across the Bay Area to work on service projects with nonprofit organizations including Habitat for Humanity and Glide Memorial Church. [USF]
John Trasviña, Assistant Secretary for Fair Housing and Equal Opportunity in the U.S. Department of Housing and Urban Development, has been appointed dean of the University of San Francisco School of Law, effective June 17. Assistant Secretary Trasviña succeeds Jeffrey S. Brand, who is stepping down after 14 years to return to the faculty.

“As one of the nation’s leading civil rights advocates, Assistant Secretary Trasviña brings to this position a unique combination of executive management experience, fundraising acumen, institution building skills, and strong relationships with legal, business, and government leaders both locally and nationally,” USF Provost Jennifer Turpin said. “Underlying all of his work is a deep commitment to public service, education, and social justice. I am confident that his proven track record of successful organizational change and revitalization will serve the law school well as it begins its second century.”

Assistant Secretary Trasviña has served in the Obama administration since 2009, when his nomination was unanimously confirmed by the Senate. He leads more than 580 employees in 43 offices across the country to enforce the nation’s fair housing laws. Previously, he served as president and general counsel of the Mexican American Legal Defense and Education Fund (MALDEF), where he oversaw six litigation and policy offices across the country, expanded services, and significantly increased fundraising efforts.

Assistant Secretary Trasviña began his career as a deputy city attorney in San Francisco in 1983 before joining MALDEF in Washington, D.C., as a legislative attorney in 1985. He later worked for U.S. Sen. Paul Simon as general counsel and staff director for the U.S. Senate Judiciary Subcommittee on the Constitution. In 1997, President Bill Clinton appointed Trasviña special counsel for immigration-related unfair employment practices. In that capacity, he led the only federal government office devoted solely to immigrant workplace rights and was the highest ranking Latino attorney at the U.S. Department of Justice.

A graduate of Harvard University and Stanford Law School, Assistant Secretary Trasviña has also taught immigration law at Stanford Law School and was director of the Discrimination Research Center in Berkeley.

His ties to communities in the Bay Area and beyond run deep: he was a member of the San Francisco Elections Commission, president of the Harvard Club of San Francisco, and a board member of the La Raza Lawyers Association, Latino Issues Forum, Campaign for College Opportunity, Lowell High School Alumni Association, and Pacific Coast Immigration Museum.

“I have been highly impressed with everyone at the USF School of Law and it is a tremendous honor to be called on to lead the team forward,” Trasviña said. “It is an exciting opportunity to train the next generation of lawyers and to serve San Francisco and the greater community as the law school begins its second century. I care deeply about the cause of legal education and about this institution, which has produced leaders for social justice in our courtrooms and communities locally, nationally, and internationally.”
Esteemed Alumni Judge Advocacy Competition

California Supreme Court Associate Justice Ming Chin BA ’64, JD ’67 was among several esteemed alumni judges of the Advocate of the Year Competition that spanned several weekends in September and October. William Knox-Davies 3L won the competition finals on Oct. 19.

In addition to Chin, Saundra Brown Armstrong ’77 of the U.S. District Court for the Northern District of California and James A. Richman ’65 of the California Court of Appeals for the First District served as competition judges.

“The AYC is a great opportunity for upper-division students to develop their written and oral advocacy skills while testing their mettle against fellow students,” said Derik Hilliard 3L, advocacy director of the 2012–2013 USF Moot Court Board. “This year’s competition was fierce, and I am pleased that participants gave it their all, culminating in a terrific final round that impressed our alumni judges and the audience as a whole.”

This year’s competition explored what standard the U.S. Supreme Court should apply when deciding whether a school district has the authority to discipline students for Internet speech.

“When you go from making an argument as a paper to making an oral argument, you tend to slim down, organize, and make sense of the material in a way that you don’t when writing a paper,” he said. Jeremy Koo 2L won best brief, and Megan Casebeer 3L won second best brief of the Advocate of the Year Competition. [USF]

Law Review Symposium Explores Affirmative Action

The University of San Francisco Law Review symposium “The Future of Affirmative Action After Fisher” gathered lawyers, law professors, non-profit leaders, and others on Feb. 22 to consider the role of affirmative action in society today.

Fisher v. University of Texas is a case currently before the U.S. Supreme Court concerning the use of affirmative action in the admissions policy of the University of Texas at Austin. The court is considering whether to overrule Grutter v. Bollinger, a 2003 case involving the University of Michigan in which the court ruled that race could play a role in admissions policies.

“Today we gather to discuss the United States Supreme Court’s pending decision in Fisher v. University of Texas, which has the potential to undo 60 years of progress to racial equality and 150 years of struggle to make the emancipation proclamation truly emancipating,” USF School of Law Dean Jeffrey Brand said.

The keynote speaker was Syracuse University Chancellor Nancy Cantor, who argued that affirmative action is critical to democracy. “Social mobility, national security, global competitiveness, and the legitimacy of our democracy depend on the pathways of access to institutions of higher education being open” to students of color, Cantor said. “We are educating fewer and fewer of precisely the groups that are growing so fast. It is a perfect storm. We will be a nation in peril if we leave talent behind.”

Symposium panels explored the legal history of affirmative action leading up to Fisher and how affirmative action is used in contexts beyond higher education. The day concluded with a roundtable discussion of how universities and law schools may need to reshape admissions policies with Dean Frank Wu of UC Hastings College of the Law and John A. Powell, director of the Haas Institute for a Fair and Inclusive Society at UC Berkeley, moderated by Brand. [USF]
USF Moot Court Team Clinches National Title

A team of three USF School of Law students beat out 45 other teams in March to win the Robert F. Wagner National Labor and Employment Law Moot Court Competition, the premier national competition dedicated exclusively to labor and employment law.

Kathryn Fraser 3L, Zach Webster 3L, and Alyssa Bussey 2L made up the team. Fraser attributes the team’s success to the support from faculty and alumni and to the team’s willingness to challenge each other.

“It was our ability to argue the law and facts passionately and persuasively that set us apart from the other teams,” Fraser said. “Law isn’t dry. If you are making it dry then you are doing it wrong.”

The team also was awarded second place for Best Petitioner Brief and Fraser was named most outstanding oral advocate of the competition, which is run by the New York Law School.

“I’ve never felt so proud to be a part of something,” Fraser said. “I hope that this win on the national stage in some small way gives something back to the law school that has given so much to me.”

The 2012-2013 academic year was a banner year for USF’s external moot court teams, with more than 50 students competing at the local, regional, and national level. In October, four students participated in the Sacramento Regional of the Thomas Tang National Moot Court Competition, taking home second best brief and a best oral advocate win. In November, another team came in second place at the San Francisco Trial Lawyers Association Mock Trial Competition. Other students represented USF at the U.S. Pacific Qualifying Round of the Jessup International Moot Court Competition in Portland, Ore., placing fourth out of 23 teams.

In addition, USF sent two teams to the San Francisco Regional of the National Appellate Advocacy Competition (NAAC) in February, where two graduating students, Kasey Hawkins and Jamal Anderson, prevailed against 35 other teams, winning all five of their rounds. The team also won second place best brief, and Jamal Anderson was awarded fourth place best advocate. Anderson and Hawkins became the first USF team to win the regional competition and advance to the NAAC national finals in Chicago.

Students Teach Basics of Copyright Law

USF law students recently taught more than 60 Marin County high school music students the basics of copyright law. The class was part of the Intellectual Property Rights Lecture Series, organized by the Marin Bar Association Pro Bono Committee and the University of San Francisco School of Law.

“Young musicians are often naive and make uninformed contractual commitments that will determine their financial future,” said Colleen Shaw, head of the Marin Bar Association Pro Bono Committee. “This series hopes to help young Marin artists get a foundation of knowledge that may help them make better decisions about protecting, promoting, and profiting from their creative enterprises.”

The series included three presentations on the laws that protect the creative property of musicians and artists. In addition to copyright law for musicians, USF law students participating in the Internet and Intellectual Property Justice Clinic presented on trademark law for visual artists and licensing creative works. Clinic students also visited Tamalpais High School, Marin Academy, Marin Catholic High School, and Marin School of the Arts.

“We spent several weeks preparing for our presentation on copyright law and copyright licensing for music students,” Francesca Peretti 2L said. “We were delighted when the students engaged in our presentation and asked challenging questions. They were eager to apply what we taught them to their music endeavors.”
Kasey Hawkins is a captain in the U.S. Air Force who graduated from the Air Force Academy with a degree in legal studies. She is co-executive director of the Moot Court Board, overseeing the school’s advocacy teams, and has been on the National Appellate Advocacy Team for two years. In addition, she is president of the USF chapter of the Federalist Society, active in the St. Thomas More Society, and co-chair of the Graduation Committee.

What most influenced your path to law school?
My experience as a cadet at the U.S. Air Force Academy. I was a freshman the year after the sexual assault scandal of 2003. There was a huge push at that time to educate cadets about sexual assault, and specifically about the legal definition of consent. We had lots of classes from commanders, chaplains, first responders, and, most importantly, from Air Force judge advocate generals (JAGs). I was so inspired by one of the female JAGs who talked to us. She was poised, articulate, and incredibly passionate about the law and the pursuit of justice. I sat there and thought, that’s it, that’s what I want to do! I changed my major to legal studies and embarked on the journey that eventually brought me to law school.

Did you dream of being a lawyer as a kid?
Not really. My father is a lawyer and I think I subconsciously resisted following him into the profession. But now I couldn’t be more excited to share it with him. He is an incredible writer, a great advocate, and a fantastic example to follow.

How do you plan to use your law degree?
I’ll be an Air Force JAG. I’ve attended law school through the Air Force Funded Legal Education Program, which has allowed me to maintain my active duty status while the Air Force funds my law school tuition. It’s been an incredible opportunity and I can’t wait to give back to the Air Force.

What is one of your most memorable experiences at USF?
My participation in the National Appellate Advocacy Competition, both my 2L year and this year, has been incredible. This year my teammate and I won second place Best Brief and advanced to the national finals. It’s great when all your hard work pays off, especially when you’re working on a team.

What is the best way to de-stress as a law student?
Hands down, running through Golden Gate Park.

Which class has challenged you the most?
Professor Adler’s Constitutional Law class. As one of the more conservative students at USF, I felt compelled to give voice to this minority. This required me to constantly evaluate my personal beliefs and fine-tune my arguments. Professor Adler was amazing about always making sure the class discussion was open to all viewpoints, and he really challenged me to better articulate my views.

What’s in store for you after graduation?
Once the bar is over, I’ll head to my next Air Force assignment at Spangdahlem Air Base, in Germany, where my husband has been stationed for the last year. [USF]
“The Riverside case is a fascinating example of our ‘laboratories of democracy’ in action. It illustrates the difficulties created when each level of government...stakes out a different regulatory position on a controversial subject.”

Herbst Foundation Professor of Law Julie Nice in a San Jose Mercury News article about the California Supreme Court session, held at USF, featuring arguments in a case involving the city of Riverside’s ban on medical marijuana dispensaries.

“Press clippings

“The information that Aaron Swartz was downloading, these were academic articles, and why wouldn’t academic articles be available to the public without charge? After all, academics are paid handsome salaries to create works that benefit the public and their students, and yet services—whether it’s Westlaw or Nexus—are charging more and more in subscription fees. There’s a sort of general concern about the propertization and charging and walling off of information.”

Professor Susan Freiwald in a KPCC 89.3 interview on supporters of late Internet activist Aaron Swartz calling for changes in how the government prosecutes certain digital crimes.

“USF SCHOOL OF LAW IN THE NEWS

“There’s very little real competition, so they weren’t really doing their job, they were just kind of bowing to the desires of the investment bank to get these securities high ratings.”

Professor Tim Iglesias in a KCBS interview about the accusation that Standard & Poor’s inflated the grades of mortgage investments, which helped lead to the financial crisis.

“This guy is definitely not out of the woods…. If (Belize) gives assurances to the U.S. that they will afford him sufficient due process, and there is an agreement between the two countries, they’ll extradite him.”

Professor Bill Ong Hing in a San Francisco Chronicle article about software developer John McAfee who was wanted for questioning in Belize about the murder of a neighbor.

“The court decision would tend to benefit large corporations with strong market power, while hurting smaller businesses and consumers.”

Professor Joshua Davis, who worked on a brief supporting Comcast subscribers, in a Reuters article about the U.S. Supreme Court’s ruling in favor of Comcast Corp. in a case over how much it charged a group of cable TV subscribers.

“A court might say, ‘Well, it says person and a corporation is a person so that’ll work for the carpool lane.’ It’s possible but I doubt it.”

Professor Robert Talbot in a CBS 5 interview about a Marin County man who is fighting a ticket he received for driving alone in the carpool lane, saying that he did have a passenger at the time he was pulled over. That passenger was his corporation papers, which he carried with him in the passenger’s seat.

“I think it’s extraordinary that the FBI believes he’s innocent because they tend to be very conservative…. The process that produced the statement is more important than the statement itself. If the interrogation wasn’t recorded, we don’t know how the sausage was made.”

Professor Richard Leo in a Buffalo News article about Josue Ortiz, who in 2004 confessed to a double murder and who law enforcement officials now believe is innocent.

“Wilmington suffers from a legacy of land-use practices that didn’t adequately control the development of industrial sources and their relationship to residential areas.”

Professor Alice Kaswan in an article in The Nation about the fairness of California’s cap and trade program and how it affects communities like Wilmington, a district of Los Angeles that is home to several oil refineries.
The Witness to Guantanamo Project Completes 100 Interviews

Witness to Guantanamo, a project that has traveled the globe interviewing former Guantanamo Bay detainees and others involved with Cuba’s notorious detention camp, has filmed its 100th first-person interview.

Under the direction of USF School of Law Professor Peter Jan Honigsberg, this unique project has created the world’s most extensive collection of filmed first-person narratives about post-9/11 Guantanamo. In these interviews, available for viewing at www.witnessstoguantanamo.com, men and women describe their experiences at the controversial detention center that remains open with 166 detainees more than 11 years after its opening.

The project owes its start to the generous support of two USF law students. In 2009, a student connected Honigsberg with The Handleman Foundation (now called Left Tilt Fund), which provided funding for Honigsberg and a videographer to conduct interviews in Europe. A second round of funding—this time from the Max and Anne Levinson Foundation—came through another student and provided a rare opportunity to travel to the island nation of Palau and meet with former Uyghur detainees. In addition, USF law students have participated in extensive research for the project, as well as reached out to potential interviewees to arrange for their participation.

As current and future generations untangle the legacy of the War on Terror, Witness to Guantanamo interviews are a valuable resource that offer multiple perspectives. They bring a voice to reports of rule of law and human rights violations ranging from extreme interrogation methods to holding detainees without charges for years, Honigsberg says.

“We have met our original goal of collecting diverse and rarely shared narratives about post-9/11 Guantanamo. These unique first-person stories shed light on the humanity of those involved. Our interviews capture how Guantanamo has permanently and profoundly impacted the lives of the many individuals we have interviewed.”

— Professor Peter Jan Honigsberg

Honigsberg has visited 14 countries to interview 45 former detainees and 55 “witnesses.” Witnesses include families of detainees, prison guards, chaplains, interrogators, interpreters, lawyers, FBI agents, psychologists, military officials, and government officials, such as Lawrence Wilkerson, chief of staff for Secretary of State Colin Powell.

Some stories confirm reports of torture and medical mistreatment, as well as human rights and rule of law violations. Other interviews reveal eye-opening moments for Americans working at Guantanamo.

In her interview, Judge Advocate General Attorney Lt. Col. Yvonne Bradley shares how meeting her client for the first time began with fear and ended with a sense of anger. “So I walk into the cell thinking, ‘oh my God, this guy’s a terrorist…’ I walk out saying, ‘this is total nonsense.’ Almost angry because I realized for the first time that whatever I knew about Guantanamo, whatever I read about Guantanamo, whatever information they had about [my client] was likely not true.”

Witness to Guantanamo has received high praise from its participants, some of whom have rarely spoken publicly about what they witnessed or experienced. “It’s exactly people like you who give me the hope we can get through this,” Brigadier General John Adams said to Honigsberg. “What you’re doing with this project is very, very helpful to our country.” [USF]
Garvey’s New Book Proposes Path to Nuclear Counterproliferation

“In lucid prose, Professor Garvey substantiates why counterproliferation on its present course is failing. He then presents a new approach using an instrument at hand.”

— Harold Palmer Smith Jr.


Garvey’s proposal is designed to remedy the widely acknowledged breakdown of the Nuclear Non-Proliferation Treaty, which he says can no longer be relied upon for global nuclear security.

“Nuclear weapons security risk has become much more dire as the technology and material for nuclear weapons is increasingly accessible, including its availability to the most dangerous governments on earth and to terrorists,” said Garvey, who began working on the book three years ago by studying every stage of the production and risk of nuclear weapons, from securing the fissile material to detonation. “But I believe that the legal and institutional tools and political conditions are available, if properly orchestrated, for achieving profoundly greater nuclear security. My hope is that readers will take away this understanding and this conviction.”

Garvey has authored numerous articles on international law, appearing in the *Yale Law Journal*, the *American Journal of International Law*, and the *Oxford Journal of Conflict and Security Law*, among others. His article “Toward a Reformulation of International Refugee Law,” first published by the *Harvard Journal of International Law*, is being republished this spring in *Human Rights and Refugee Law*, a collection of the most influential English language works in the field as selected by Professor James Hathaway, director of the University of Michigan’s Program in Refugee and Asylum Law.

In his book, Garvey proposes a new counterproliferation architecture, to be built on available scientific, legal, and institutional resources, which could achieve a critical reduction of nuclear risk and an expanded deterrence. The principal mechanism for implementation would be a United Nations Security Council Counterproliferation Resolution applying equally for all states.

Harold Palmer Smith Jr., former assistant to the U.S. defense secretary, who supervised removal and security of the nuclear weapons of the former Soviet Union under the Nunn-Lugar Program, says Garvey’s book offers an important proposal. Smith is currently a professor at the Goldman School of Public Policy at UC Berkeley.

“A new vision for the counterproliferation of nuclear weapons may be our most critical national security need,” Smith said in a review of the book. “In lucid prose, Professor Garvey substantiates why counterproliferation on its present course is failing. He then presents a new approach using an instrument at hand. He explains that the current evolution of Chapter VII of the United Nations Charter, if seized to realize a new path, may offer the best—and perhaps the only—means to counter the spread of nuclear weapons. His New Grand Bargain should be studied with care.” [USF]
Faculty Scholarship & Service

Professor John Adler moderated the panel “The Road to Fisher” at the 2013 University of San Francisco Law Review Symposium. He also co-presented “Affirmative Action After Fisher v. University of Texas,” sponsored by the University of San Francisco American Constitution Society, Black Law Students Association, and La Raza Students Association.

Associate Professor Shalanda Baker presented “All Fall Down: Energy Production and the Convergence of Environmental and Financial Risks” at Vermont Law School’s Third Annual Colloquium on Environmental Scholarship. She presented her paper “Contracting in the Binary: Fissures Along the Public-Private Border and the Growing Systemic Risks of (International) Development” at the University of Wisconsin Law School ClassCits V Workshop.

Professor and Associate Dean for Faculty Scholarship Joshua Davis filed a brief, on behalf of the American Antitrust Institute, with the U.S. Supreme Court in support of respondents in Comcast v. Behrend. He co-presented the report he drafted on jury instructions in civil antitrust cases at the National Press Club in Washington, D.C. Davis was quoted in “Pay-for-Delay Pharma Deals” in California Lawyer, and in “A Touch of Class: Certification, Says One Bni, ‘Is the Ballgame’” in the ABA Journal.


Professor Dolores Donovan presented “The Chain of Legal Command: Regional and Country-Specific Considerations for Counter-Trafficking Program Design” at the Asia Foundation in Nepal, and “Comparative U.S. and Chinese Legal Education” at the East China University of Political Science and Law.

Professor of Law and the Humanities John Denvir presented his paper “Cinema’s War on Law” at the Fiuminense Federal University and the Carnegie Council for Ethics in International Affairs’ “Representations of Social Violence in Brazilian Cinema” in Rio de Janeiro, Brazil.

Vargas Publishes Building Better Beings


Beginning with a discussion of ordinary convictions about responsibility and free will and their implications for a philosophical theory, Vargas argues that no theory can do justice to all the things we want from a theory of free will and moral responsibility. He goes on to show how we can nevertheless justify our responsibility practices and provide a normatively and naturally adequate account of responsible agency, blame, and desertion.

“I had been thinking and writing about responsibility and free will for a long time, but many of the core ideas of the book came together because I started thinking about the social purposes that might be served by blame,” Vargas said. “If our blaming does things for us—individually and collectively—then we have reason to think responsibility is an important idea even if some ways of understanding it are threatened by physics, neuroscience, and psychology.”

Previously, Vargas published Four Views on Free Will (Blackwell, 2007) with John Martin Fischer, Robert Kane, and Derk Pereboom. He is editing Rational and Social Agency: Essays on the Philosophy of Michael Bratman (with Gideon Yaffe). Vargas’ research focuses on the nature of moral agency, the philosophy of law, Latin American philosophy, especially historical work on race and identity, and questions of philosophical methodology.

Vargas was a recipient of the first American Philosophical Association Prize in Latin American Thought, and his research on responsible agency has been recognized with yearlong research fellowships from the National Endowment for the Humanities, the Radcliffe Institute for Advanced Study at Harvard University, and the Stanford Humanities Center. He has also been a visiting fellow at the McCoy Center for Ethics in Society at Stanford University, and has held visiting appointments at UC Berkeley and the California Institute of Technology. [USR]
Professor Leo Earns Lifetime Achievement Award

Professor Richard Leo was recently named the 2013 winner of the William J. Chambliss Lifetime Achievement Award in recognition of more than two decades of influential and award-winning research in the sociology of law, crime, and justice.

The award, granted by the Society for the Study of Social Problems, honors career-spanning excellence and achievement in the study of law and society. This is only the second time the award has been given.

“The division’s award committee was pleased to bestow the 2013 Chambliss Award upon Dr. Richard Leo in recognition of his long and distinguished record of groundbreaking, insightful, interdisciplinary, and practically relevant scholarship on overlapping empirical research topics, including police interviewing and interrogation, the practical impact of the Miranda v. Arizona ruling, false confessions, and wrongful convictions,” said Tim Berard, associate professor of sociology at Kent State University, on behalf of the award committee.

Nationally and internationally acclaimed for his pioneering empirical research on these topics, Leo has authored more than 80 articles in leading scientific and legal journals, as well as several books, including the multiple award-winning Police Interrogation and American Justice, which has become the definitive social scientific work on the subject of police interrogation in America. His research has been cited by numerous appellate courts, including the U.S. Supreme Court on multiple occasions.

Additionally, Leo is regularly invited to lecture and present training sessions to lawyers, judges, police, forensic psychologists, and other criminal justice professionals, and is often called to advise and assist practicing attorneys. [USF]

Assistant Professor and Director of the Child Advocacy Clinic Patricia Fitzsimmons was featured in the articles “Phone Breaker was an Advocate for Juvenile Justice” and “Childish Things” in the Daily Journal.

Associate Professor Deborah M. Hussey Freeland presented “Consortium Grand Rounds: Speaking Science to Law” at the UC San Francisco/UC Hastings Consortium on Law, Science, and Health Policy. The presentation provided both Continuing Legal Education (CLE) credit and Continuing Medical Education (CME) credit.

Assistant Professor of Legal Writing Amy Flynn co-presented “In Defense of the Objective Memo: Advancing Core Skills through Detailed Objective Analysis” at the Legal Writing Institute Workshop at UC Berkeley School of Law.

Professor Emeritus Jay Folberg, as part of a Mediators Beyond Borders delegation, traveled to Ecuador to participate in the First Ecuadorian Congress on Mediation. He led workshops, lectured at plenary sessions, and consulted with government officials, judges, lawyers, mediators, and business leaders on increasing the use of mediation to resolve disputes. Folberg also co-authored “Principles for Designing Negotiation Instruction” for the Hamline Journal of Public Law & Policy.

Professor David Franklyn and the McCarthy Institute for Intellectual Property and Technology Law, which he directs, were awarded a $50,000 grant from Microsoft Corp. to conduct further empirical research on Internet search results labeling paid ad placement. He co-presented his paper “Trademarks as Keywords: Much Ado About Something?” at Stanford Law School. He coordinated the Fourth Annual USF School of Law McCarthy Institute and Microsoft Corp. Symposium, “Trademark Law and Its Challenges,” held Feb. 28 and hosted by Fox Entertainment Group in Los Angeles. He was a panelist in the session titled “Crunching the Numbers: State-of-the-Art Empirical Work in Trademark Law—Measuring Consumer Perceptions in Litigation Surveys and Academic Research.”

Professor Susan Freiwald published “Do Lawyers Violate the Driver’s Privacy Protection Act When They Obtain Drivers’ Motor Vehicle Records to Solicit the Drivers’ Participation in Litigation Without Obtaining the Drivers’ Express Consent?” in the American Bar Association’s Preview of United States Supreme Court Cases. She was interviewed in the broadcast “‘Aaron’s Law’ Leads to Mixed Reactions” by AirTalk 9.3 KPCC. She was quoted in a number of articles on electronic information privacy by the San Francisco Chronicle, the San Jose Mercury News, CNET, and other publications. Freiwald delivered an oral argument in the U.S. Court of Appeals for the Fifth Circuit in the case In Re Applications of the United States of America for Historical Cell Site Data. She was also appointed to the Palantir Council of Advisors on Privacy and Civil Liberties.

Professor Tristin Green presented “It’s Me, Not You: Assessing an Emerging Relationship Between Systemic Employment Discrimination Law and Social Science” at the Association of American Law Schools Annual Meeting.

Professor Bill Ong Hing served as a presenter and panelist on immigration law issues at numerous recent events including the Fulbright Visiting Scholars Conference, the UC Los Angeles Rebellious Lawyering Conference, the Bipartisan Policy Center Fourth Annual Political Summit, and a Fordham International Law Journal symposium. He participated in a KCBS broadcast on immigration issues, blogged on The Huffington Post, and was featured in several publications including the San Francisco Chronicle and the Daily Journal.

Professor Peter Jan Honigsberg authored blog postings “In Memory of Adnan Latif: ‘Timmy’ and a Hospital Corpsman in Guantanamo” and “Isolated Inside the Administration” for the American Constitution Society. He presented on the panel “National Security’s New Paradigm: Confronting the Post-9/11 Past” at New York University. Honigsberg was interviewed in “Feinstein: Guantanamo Detainees Can Be Moved to U.S.” by CBS 5. The Witness to Guantanamo project, which he directs, reached a milestone of 100 interviews of detainees and other people involved in Guantanamo issues.
Professor Tim Iglesias co-authored “Fair Housing at 30: Where We Are, Where Are We Going?” for California Real Property Journal. He was interviewed for several KCBS radio broadcasts concerning the U.S. foreclosure rate and charges against financial service corporations over mortgage ratings and loans.

Professor Alice Kaswan authored “Domestic Climate Change Adaptation and Equity” for the Environmental Law Reporter’s News & Analysis. She was quoted in “Climate Change Cases Make Waves This Year, a Trend Expected to Continue in 2013” in the Daily Journal. She was also elected as a member of the American Law Institute, an association of lawyers, judges, and law professors who produce scholarship that is influential in courts, legislatures, and legal education. Kaswan moderated a panel and served as a panelist at a second session at the State Bar of California Environmental Law Section. In addition, she presented at Vermont Law School’s Annual Colloquium on Environmental Scholarship. Kaswan met with a research group from the University of Kassel, Germany, and discussed environmental justice and cap-and-trade programs in California and the United States.

E.L. Wiegand Distinguished Professor in Tax Daniel Lathrope co-authored the seventh edition of Black Letter on Corporate and Partnership Taxation.


Professor Rhonda Magee presented “Mindfulness and Professional Identity Development for Lawyers” at a UC Davis Initiative for Mindfulness and Law event. She also presented the closing keynote at the Phoenix School of Law’s “Lawyers as Peacemakers and Healers—Cutting Edge Law Conference.”

Professor Maya Manian authored “The Side Effects of Abortion Restrictions” for the Balkanization blog. She was quoted by the Washington Post in “Mourdock Rape Comment Adds to Election-Year Furor Over Social Issues.” Manian presented “Lessons from Personhood’s Defeat: Abortion Restrictions and Side Effects on Women’s Health” at Santa Clara Law’s Faculty Workshop and the Williams Institute at UCLA School of Law.

Senior Professor J. Thomas McCarthy published the latest edition of his treatise, McCarthy on Trademarks and Unfair Competition. The treatise was cited as an authority by the U.S. Supreme Court in Already, LLC v. Nike, Inc. It was the 10th time the U.S. Supreme Court has cited his publication. McCarthy was also featured in the video “The McCarthy Interview” on the Thomson Reuters Westlaw website.

Professor Maria Ontiveros authored “A Strategic Plan for Using the 13th Amendment to Protect Immigrant Workers” in the Wisconsin Journal of Law, Gender & Society.

Professor Robert Talbot was quoted in “A Man and His Papers Claims Two in Carpool Dispute” on NBC Bay Area News and “ConsumerWatch: What Are Your Rights for Service Call No-Shows?” on CBS 5 Eyewitness News.

Professor Michelle Travis participated in the first session of the “Working Group on Pregnancy Accommodation” in San Francisco. This group is working on a two-year strategic plan for advancing the legal rights of pregnant women in the workplace.

Professor of Philosophy and Law Manuel Vargas was awarded the Chair in the Humanities grant by the National Endowment for the Humanities and authored “Why the Luck Problem Isn’t” in Philosophical Issues. He recently published a new book, Building Better Beings: A Theory of Moral Responsibility (Oxford University Press 2013).

Director of the Dorrance Zief Law Library Ronald Wheeler co-authored State Documents Bibliography: Georgia, which was published in the State Document Bibliography Series. He presented “Update on the American Association of Law Libraries” at the annual meetings of the Association of Law Libraries of Upstate New York and San Diego Area Law Libraries Chapter of the American Association of Law Libraries. He was a panelist at the Association of American Law Schools 2013 Annual Meeting and was featured in the National Jurist article “What Makes a Great Law Library Today?”

Herbst Foundation Professor of Law Julie Nice authored “Whither the Canaries?: On the Exclusion of Poor People from Equal Constitution- al Protection,” in the Drake Law Review. She presented and moderated several recent presentations and panels at events including the University of Wisconsin Law School ClassCrits V Workshop and the 2013 University of San Francisco Law Review Symposium, “The Future of Affirmative Action After Fisher.” She was quoted in “California’s Medical Pot Wars Spark Up Again” in the San Jose Mercury News and in an 89.3 KPCC radio broadcast on the same topic.
REFLECTIONS ON A DEANSHIP
A guiding principle in the life and times of Jeffrey S. Brand is simply this:

the law can make the world a better place.

This conviction is the common thread that has woven his decades-long career, from law student to civil rights worker to public defender to administrative law judge to law professor to dean of the USF School of Law. This summer, Brand concludes his 14-year tenure as dean, a role that allowed him to draw on all of his past experiences in order to help advance the cause of justice locally and globally.

“I love my job as dean. To step away is very, very difficult. Yet the time is absolutely right to do it,” he says.
As dean, Brand directed the transformation of the school’s facilities, including the completion of the Dorraine Zief Law Library and a complete reconstruction of Kendrick Hall. He has overseen an expansion of the faculty, significantly increased fundraising, and sharpened the law school’s mission of educating for justice. Brand has expanded clinical offerings and other opportunities for students, and increased international courses, externships, and global justice programs through the Center for Law and Global Justice, which he founded in 1999 and where he continues to serve as chair.

His scholarly and professional work has focused on human rights, global justice, constitutional law, and civil procedure and evidence issues. As a faculty member, he spearheaded several global justice and international legal assistance projects, including a program to promote the rule of law with justice in Cambodia and training judges and advising the Supreme Court in Vietnam, among many others. Brand received the law school’s Distinguished Professor Award four times. He has taught in the fields of civil procedure, constitutional law, evidence, labor law, and remedies.

Prior to joining the faculty in 1986, he served as a public defender in Contra Costa County and as a private criminal defense attorney. He was appointed by Gov. Jerry Brown as an administrative law judge on the Agricultural Labor Relations Board and later became a private labor lawyer specializing in Title VII plaintiff’s litigation with the firm of Fransworth, Saperstein and Brand, bringing successful class action suits against companies that included Fireman’s Fund and State Farm Insurance. Brand also co-founded and was editor-in-chief of the Federal Litigator magazine.

He traces all of this work to his coming of age during the civil rights era in Los Angeles and Berkeley.

“From a very early moment, even in high school, I was involved in civil rights efforts and hoped I could make a difference. I graduated from high school in the San Fernando Valley in 1962 at a time when racial disparities were horrific, from separate water fountains to segregated schools,” Brand says. “Then I had the privilege of going to college in Berkeley, where I was focused on political activity in one way or another.”

The unwavering belief in law as a tool for social change even drove him to drop out of UC San Francisco School of Medicine.

“In 1965 I quit med school because I had the idea that it wasn’t political enough. I returned to Berkeley for law school because of my belief that law could make a difference in the world. I believe it as much today as I believed it then.”

It remains to be seen just what’s in store for the next chapter of his life-long work to advance the rule of law with justice. When he concludes his term as 17th dean of the law school at the end of this academic year, Brand will remain on the faculty and take a year-long sabbatical.

“I’m not sure that what our graduating students are going to try to do and what I’m going to try to do after May are all that different. We are trying to find fulfilling ways to lead our lives. That’s what I look forward to most as I transition out of the dean’s office.”
A Heart for His Students

By Jamal Anderson ’13, Student Bar Association President

There is a folder on the desktop of my computer with one simple name: Jeff Brand. I created the folder last year in anticipation of announcing the establishment of a lecture series in his honor, and over the course of the year, every time I’ve had a thought about what could or should be said about Dean Brand—or read something written by or about him—I simply filed the information away in the folder. Unsurprisingly, the contents reveal a remarkable man who has left an indelible mark on the USF School of Law and every student who has been privileged to attend.

One of the items filed away in my folder is a video of Dean Brand’s December 2012 lecture, “The Outskirts of Hope.” It was a moving speech punctuated by personal stories and reflections, but it also prominently featured the words and experiences of a particularly special group of people—a group Dean Brand simply referred to as “my students.” Though he spoke specifically and passionately about Adam, Ashley, Melissa, and Blake, all of whom he spent time with in Cambodia, he very well could have been referring to any of the countless students with whom he has interacted during more than 30 years at the law school.

What I saw and heard in his speech about hope aligns with who I know Dean Brand to be—a man who cares as much about the power of the law as he does the people who are empowered to use it. It is not an accident that students interested in international justice come to USF. It is not an accident that our students and alumni have a deep and genuine commitment to community and collegiality. And it is not an accident that our school is among the most diverse in America. These are outcomes attributable to our dean, the man who has led our law school with passion, grace, and integrity for nearly 14 years; the man I’ve seen walk the halls of Kendrick for no other reason than to marvel at the energy, intellect, and humanity of his students; a man who I have come to know, respect, and admire for his vision, his values, and his voice. Dean Brand has always had a heart for his students and we will always have a heart for him.

“It is not an accident that our students and alumni have a deep and genuine commitment to community and collegiality. And it is not an accident that our school is among the most diverse in America. These are outcomes attributable to our dean, the man who has led our law school with passion, grace, and integrity for nearly 14 years.”
A Legacy Built on Character
By Ronald H. Micon, Associate Dean for Academic Affairs and Professor

I was serving as associate dean when Jeff’s appointment was announced. I didn’t assume he would want me to stay on as his associate dean and wasn’t sure I wanted to continue. We soon met over lunch at Mel’s Diner to talk about it. Although we had been faculty colleagues for years, the conversation was tentative until we both acknowledged it felt awkward. I can’t remember exactly what we went on to talk about, but by the end of the meal we both assumed I would, at least for a while, stay on as the associate dean.

That was the last time I had any doubt about being Jeff’s associate dean. We effortlessly began what quickly became and remains an extremely close working relationship. Fourteen years later, I have a unique, although admittedly personal, perspective on Jeff’s tenure and what he has meant to the law school.

Overall, Jeff’s time as dean is marked by significant growth and change. Some changes are very visible. The renovation of Kendrick Hall finally gave us a modern and well-designed physical facility. Many extraordinarily gifted teachers and scholars joined our faculty. Student services were expanded and student engagement grew. Centers and institutes were established, symposia and guest speakers became common place, and we embraced globalization while significantly increasing our involvement with local, national, and international communities and with the profession.

The complete list is long, but it’s no surprise that Jeff has been able to accomplish so much. The reason is simple: Jeff inspires people—faculty, staff, students, alumni, and donors alike—to contribute in some way to the success of the law school. He leads by example. He is tireless and works harder than anyone else at the law school, never asking or expecting anyone to do something he’s not willing to do. Jeff encourages and unfailingly supports individual initiative. Most important, Jeff is sincere and passionate about his commitment to give our students a quality education, to train them to become skilled, effective and ethical professionals, and to show them that law is a noble profession.

Although we have worked closely throughout Jeff’s deanship, we certainly haven’t always agreed. Nonetheless, we remain close and Jeff welcomes my candor even when our opinions differ. After 14 years, it’s understandable that Jeff is ready to step down. I know he’ll miss many parts of his role as dean and I’ll miss working with him. I’m sure, though, that his work for the law school and our friendship are, to borrow his phrase, “to be continued.”

“Jeff inspires people—faculty, staff, students, alumni, and donors alike—to contribute in some way to the success of the law school. He leads by example. He is tireless and works harder than anyone else at the law school, never asking or expecting anyone to do something he’s not willing to do.”
Building Bonds that Last a Lifetime
By Molly Moriarty Lane ’90

I first met Jeff Brand in 1987 as a student in his civil procedure class. I had him again as a professor for evidence in 1988. Jeff’s energy, passion, and ability to relate to students made subjects as mundane as civil procedure and evidence immensely enjoyable. As he paced back and forth in front of the classroom, waving his arms in the air, he wove his lessons on class certification and the hearsay rule with stories about his passions outside the law school, including his children, his work as a class action plaintiffs’ lawyer, and baseball. He explained difficult principles in a way that made it easy to understand by using real examples to which we could all relate. It was hard not to enjoy his class or to be drawn in by his charisma and enthusiasm. It’s no surprise that he received the USF School of Law Distinguished Professor Award four times.

Even then, perhaps without intention or knowledge, Jeff was luring in future active alumni. During one of our civil procedure classes, Jeff mentioned that he was headed to Spring Training and offered to buy dinner for any of our classmates who showed up at the Pink Pony at 7 p.m. the Friday of Spring Break week. Although he did not have any takers that year, seven of my classmates showed up the following year and Jeff, staying true to his word, bought them all dinner. Those seven classmates have now grown to 12 who have made the Spring Break “tour” an annual tradition. They were honored to reciprocate Jeff’s generosity eight years ago when he re-joined them in Arizona for dinner. When one of my classmates was sworn in as a judge several weeks ago, Jeff was featured prominently in the remarks at the ceremony. He helped to create and foster a relationship among those classmates that has kept them connected to one another and to the law school for 23 years and counting.

I have had the privilege of working with Jeff on the USF School of Law Board of Governors and Board of Counselors for more than 10 years. During that time, I have learned that the Class of 1990 Spring Training story is not unique. One of Jeff’s greatest strengths is his ability to connect with students and alumni and to keep them linked to the law school. He has used the same energy, passion, charisma, and enthusiasm that was responsible for earning him the Distinguished Professor Award to build a strong, involved, and generous alumni community. Some of Jeff’s greatest contributions to the law school—including the transformation of the law school facilities and the expansion of law school programs—were possible because of the robust alumni community that Jeff cultivated.

Although we will all miss Jeff greatly as dean, the contributions that he has made to both the school and its alumni network leave the school with a strong foundation that will serve as Jeff’s legacy for many years to come.
The Book of Legends is the largest book in my office. It was a gift from Jeff Brand. This weighty volume is an English translation of the Hebrew classic Sefer Ha-Aggadah, a compendium of texts from the Talmud and Midrash covering everything from biblical exegesis to allegories and rabbinic biographies, history, parables, proverbs, and folklore. The topics covered include God, community, suffering, good and evil, the world of nature, and the art of healing.

“It is because Jeff draws from that deep well of wisdom and spirituality that he has enlarged the Jesuit Catholic soul of USF with the riches of Judaism.”

Jeff Brand first publically shared the riches of his Jewish tradition as co-homilist with Donal Godfrey, S.J. at a December baccalaureate mass a number of years ago when the dates for Hanukkah and graduation coincided. Another time, he graciously accepted my invitation to lead an instructive and inspiring Torah study session with the 24 members of the University Leadership Team. In Jeff’s touching eulogy for USF benefactor Art Zief, he used illustrative samplings from his Jewish tradition to capture Art honestly and lovingly, as only he could. This year, the newly formed University Council on Jesuit Mission established a lecture series, Seeds of Hope. They asked Jeff to kick off the series. He spoke to a standing-room-only crowd of faculty and staff and set an impossibly high standard for subsequent speakers with a talk that was stunning for the depth of wisdom and breadth of humanity it evidenced. He opened the hearts and minds of everyone in the room.

Throughout my time as president, Dean Brand was a member of the University Leadership Team. He rigorously engaged all of the issues and challenges facing USF with passion, intelligence, civility, self-deprecating humor, and a profound appreciation for our Jesuit tradition. Yet he did more than that. He once told me that he could not fulfill his responsibilities as dean of the USF School of Law without being more deeply rooted in his own Jewish tradition, and so he went back to Torah study every Saturday that he was home in Berkeley. It is because Jeff draws from that deep well of wisdom and spirituality that he has enlarged the Jesuit Catholic soul of USF with the riches of Judaism. USF has a more expansive and universal spirit because Jeff Brand, “S.J.” (“still Jewish,” as he likes to say) has so freely and sensitively shared himself with colleagues and students in the law school and across the university.
Ten years ago, I found myself in the enviable position of sitting in Jeff Brand’s office being interviewed for a faculty position. As our conversation was ending, Jeff leaned forward, lowered his voice, and shared his most profound insight about law school teaching. “The best law professors,” Jeff confided, “are like jazz conductors.” He continued with a smile, “A great law school class is jazz music at its finest.” I was duly awed, and I returned my most knowing nod—trying my best to conceal that I had no idea what this visionary leader was talking about.

After the interview, I set aside my books on effective teaching techniques and began researching the art of conducting jazz. I learned that jazz music is about facilitated improvisation. It’s about allowing individuals to interact as a group while still being able to hear each individual player. It’s about being open to possibility. I learned that successful jazz conductors have a deep knowledge of the players and instruments, but they don’t dictate the score. They resist the urge to conduct every move, but instead instill confidence and joy in each musician, which allows improvisation at its best. An extraordinary jazz conductor knows how to get the musicians started, teaches them to listen to the rhythm section, and then stands back and lets them play.

Because of the exceptional students at the USF School of Law, I have now experienced many unforgettable jazz moments in the classroom, which keeps me as excited about being a professor now as I was when I sat in Jeff’s office a decade ago. I can now nod back at Jeff with unfeigned understanding and appreciation when he talks about law teaching and jazz. But I’ve also discovered something else about Jeff’s jazz analogy: it describes even better what makes an extraordinary law school dean.

Since the first day of Jeff’s deanship, he has understood the importance of selecting the right musicians. Of the law school’s 33 full-time faculty members, 20 have joined the faculty under Jeff’s leadership, and we are now among the most diverse law faculties in the nation. Each faculty member that Jeff recruited believes in USF’s mission and values—i.e., our rhythm section—while also being dedicated to reaching further outside the law school to impact legal developments at local, state, national, and global levels. Jeff has transformed the faculty in ways that have moved the law school forward without compromising our core commitments to teaching excellence, diversity, and training ethical professionals to work for justice. Our faculty members publish scholarship that influences courts, affects policymakers, inspires litigators, and mobilizes activists. We testify before legislatures. We write amicus briefs. We draft agency guidelines and administrative rules. And we are integrally involved in our communities, both inside and outside the law school. Most importantly—and because of Jeff—we do it all with confidence and joy, eyes open to possibility.

Trombonist J.J. Johnson once said, “Jazz is restless. It won’t stay.” So we knew this day would eventually come—the day when our maestro, Jeff Brand, has gotten us started, taught us to never stop listening to the rhythm section, and must now stand back and hear us play his inspired form of jazz music into the law school’s second century.
The Road
Career paths after law school are increasingly leading in directions beyond traditional law firm practice. Instead, many with legal backgrounds pursue creative employment options that draw upon the communication, critical thinking, and writing skills honed during their JD education. It’s this flexibility of a law degree that can open doors to a variety of innovative and rewarding career options, as many USF School of Law graduates demonstrate.
Lee Faller Burgess ’08 began her legal career in the most traditional of ways—practicing commercial litigation for a large international law firm—but she quickly veered off that path. Less than a year in, she realized that she’d always been passionate about helping others, tutoring in high school, college, and law school.

Her one-on-one law school and bar exam tutoring company, Amicus Tutoring, was born. “It really marries my passion for the law and my passion for teaching,” she says.

Burgess has also taught as an adjunct law professor and co-founded two online resources aimed at law students and those studying for the bar. All those avenues, Burgess says, reflect her own approach to using her JD.

“It’s not about opting out or leaving the law,” Burgess says. “It’s about finding your place.”

As the private legal market contracts, that “place” may be outside traditional law practice for many attorneys. Although law students may be thinking more creatively and broadly about career options earlier than in generations past, there has long been a flow of practicing attorneys choosing to take their careers down different paths, says Johanna Hartwig, senior director of the USF School of Law Office of Career Planning. Compliance and risk management, education, business, even healthcare administration are but a few of the areas one can find people with legal training.

“There is a very wide range of career options and the reason is that employers know that a JD education prepares a student well in terms of critical thinking, communication, writing, and many other skills.” —Johanna Hartwig, Senior Director, USF School of Law Office of Career Planning

Some USF graduates, like Adrian Tirtanadi ’12, choose different paths that still directly utilize their law degrees. Tirtanadi, who launched Bayview/Hunters Point Community Legal with several other USF graduates in January, and serves as executive director, describes the nonprofit as a “primary care law center” for residents of one of San Francisco’s poorest neighborhoods.

So far, about 35 clients have retained the nonprofit to handle legal issues, primarily concentrating on public benefits, family law, and landlord/tenant issues. For matters that require more specialized expertise or litigation, Tirtanadi helps clients find other attorneys who can assist.

Services are provided to clients—the vast majority of whom earn less than $14,000 per year—free of charge, with a request for a minimal donation per meeting. As the organization continues to grow, Tirtanadi hopes to tap into the client network to do community development work with other nonprofits in the area. Many clients, he says, want to donate their time and many nonprofits have projects they need assistance with, but lack a volunteer base.

“My I knew I was going to do this before I went to law school,” says Tirtanadi, who worked in community development for a nonprofit prior to law school. “It was the reason I went to law school.”

Dana Reedy ’05 didn’t necessarily see herself practicing law, but she did just that at Reed Smith’s Oakland office after law school. It wasn’t long before she realized working in a firm wasn’t the right fit.

“I really thought, after looking at my peers and partners, particularly female partners, ‘I don’t see how this fits into my life in five years, 10 years,’” Reedy says.

When she got engaged, she saw it as a chance to consider a career change and left the firm. She eventually looked into real estate and passed the exams. Still not entirely sure of the field, she began working for Coldwell Banker’s Orinda office.

She realized her law degree could help get her fledgling real estate business off the ground, especially in an area where other agents could tout their decades of experience or longtime family ties. Reedy had neither, but she had a JD after her name. That, she says, helped counter her lack of real estate experience and secure her initial clients.
“The law degree gives you a ton of credibility,” Reedy says. “Having it sets me apart. People make an assumption that if you’re a lawyer you’re either really smart or you work really hard.”

The degree, Reedy says, also benefits her during negotiations and in everyday client interactions. Though not acting as an attorney, she says her training provides her with a keen understanding of such things as the need to disclose everything—and the implications for not doing so. Complex wording in real estate contracts instantly makes sense and she knows when to advise clients to seek legal counsel.

“For me (the degree) has helped me become successful faster,” Reedy says. “It’s given me confidence.”

Greg Blaine ’91, CEO of California Property Services, also found success in real estate.

After college, he worked at his parents’ condo management business and eventually moved to Los Angeles to work in radio or television broadcasting. As he waited for a job with Stephen J. Cannell Productions to start, he began in Coldwell Banker Commercial’s training program. In three and a half years, Blaine rose from entry-level worker to a vice president of three offices. His commercial real estate career looked promising, but when ownership changes appeared on the horizon, Blaine decided it was time for graduate school.

“Rather than go to business school, I felt the best way for me to spend time in getting a graduate degree would be in something I couldn’t get in the marketplace, and that piece, to me, was the law,” Blaine says.

Blaine had no plans to practice law; instead he saw the degree as a strategic step in entering senior management in commercial real estate. After law school, he eventually returned to his family’s business to grow it and manage the company’s investments. The JD, he says, clearly benefits him in the business world. Not only has it made it easier to interact with a wide range of attorneys, including estate, tax planning, and land-use, but it also improved his writing skills and provided a useful background on how business works structurally.

“I think I would have been successful without the law degree, but who can ever really say?” Blaine says. “With my law degree, I felt more comfortable going farther. It added leverage to what I already knew and I’ve used that leverage effectively.”

Understanding the structure of the banking system, for example, helped him start a conversation with a banker and ask the right questions to obtain better financing. One experience then leads to another, all building on the combination of legal training and business experience, he says.

“I enthusiastically recommend having a legal background and applying it to a business career,” Blaine says. “The possibilities are fascinating and endless.”

Faisal Shah ’86 shares that view. Shah, founder of several companies, including MarkMonitor, credits his legal background for his business success. After law school, Shah followed a traditional career path, joining Lillick McHose and Charles in Los Angeles, but had a nagging desire to fulfill a childhood dream of owning a company. Two years after being named partner, Shah received an unexpected offer from his college roommate—leave his law practice, move to Boise, Idaho, and work as general counsel for a nutritional supplement start-up.

On leave of absence from the firm, Shah accepted with the caveat that they also consider taking the company public. At the start-up, he learned entirely different legal practice areas, including intellectual property, trademark, patents, and copyright law. When the company was acquired, Shah was at a crossroads: “Do I now step on my own track and start a company? Or do I go back to the law firm?” Shah says.

He withdrew from the firm and six months later came up with a plan: “This couldn’t have happened. Ever. Even my aha moment came as a result of the knowledge I had from law school and my legal practice.”

— Faisal Shah ’86, Founder, MarkMonitor

“I enthusiastically recommend having a legal background and applying it to a business career. The possibilities are fascinating and endless.”

— Greg Blaine ’91, CEO, California Property Services
with a business idea during a Boise law firm’s seminar on trademark infringement on the Internet.

“It was 1999 and the Internet was still nascent, but it was clear it was going to explode in popularity and use,” Shah says. “I realized intellectual property misuse was going to be a big problem on the Internet.”

That led to the creation of MarkMonitor, an online company with a suite of brand protection solutions, including anti-counterfeiting, anti-piracy, and domain registration solutions. The company grew from two employees to more than 400 and last year was sold to Thomson Reuters. Shah also founded FTF Technologies Inc. (First to File), an online patent management system that was sold in March to CPA Global.

What if Shah hadn’t gone to law school? “This couldn’t have happened. Ever,” he says. “Even my aha moment came as a result of the knowledge I had from law school and my legal practice.”

MarkMonitor was designed for attorneys, so Shah drew on his legal experience to create a product they would actually use. He tapped into his background in selling the product, connecting with attorneys by understanding the issues they face. His legal background also helped on an operational level, Shah says, because he understood the legal ramifications and nuances involved in starting a business.

The business world no doubt has its share of notables with JD after their names. Consider Marjorie Scardino ’75, who until last year was the CEO of Pearson. Before stepping down, Scardino spent 16 years at the London-based global and educational media conglomerate, leading a period of aggressive acquisitions and tripling the company’s sales and profits. Before joining Pearson, Scardino was chief executive of The Economist Group. She also had been a partner in a Savannah, Ga., law firm and co-founded the Georgia Gazette, which won a Pulitzer Prize in 1984.

Closer to USF, Elisa Stephens ’85 has established herself as an influential player in San Francisco. As president of the Academy of Art University, Stephens has grown the private university to more than 18,000 students and has pioneered the creation of online education programs in art and design.

Although it seems only fitting that Stephens would lead the academy founded by her grandfather and then later led by her father, her path was not a direct route. After law school, she worked with in-house counsel at an engineering startup that later transitioned into a holding company. While there, she helped the academy on legal matters.

“There seemed to be more and more legal issues coming up and they would forward them to me,” Stephens says.

Before long, Stephens was the academy’s in-house counsel, working on a broad range of issues, such as insurance, contracts, employment, First Amendment, copyrights, and trademarks. By early 1992, she was appointed president.

These days, Stephens puts a buffer between her and the academy’s legal dealings, but says her background assists her as president “every day.” Not only can she foresee potential legal complications and have a sense of which are worth fighting, but Stephens says her degree taught her that the devil is in the details. The big picture vision can only happen if all the details are attended to, every day, she says.

“Legal education teaches you great discipline, perseverance, and respect for the complexity of matters,” Stephens says. That’s a background that is invaluable in a whole range of fields, says Hartwig, and it’s a point the law school is working with students on by connecting them with resources and making sure panels include more than just practicing attorneys. Yet whether graduates decide to pursue a less traveled road early in their careers or later, Hartwig points out the benefit—a different path simply may align better with a particular person’s skill set and personality and offer greater fulfillment for them, while still building on their legal training.

As Burgess explains, “Just because you choose something alternative to the typical career path, it doesn’t mean you are opting out of the law. You are finding your own place in the community to support the law, support clients, or your passion.”

— Elisa Stephens ’85, President, Academy of Art University
Burke Supports Next Generation Through Planned Gift

As a third generation San Franciscan, John Burke ’51 has a deep connection to the city and to the University of San Francisco as a fixture of the city. So when he sat down to make planned gifts, it seemed only natural to include the USF School of Law.

“They enabled me to earn a living,” said Burke, who practiced law in San Francisco for more than four decades. “I have to be thankful I was there.”

Burke attended the School of Law on the GI bill, after serving as a Navy officer during World War II and then completing his bachelor’s degree at Stanford University. As he considered graduate school, Burke followed the suggestion of his father and opted for law school.

After earning his JD, Burke worked as in-house counsel for various corporations and the federal government. The types of law he practiced while in those roles varied, Burke said, as did the locations—across the Bay Area, New York, even Europe.

By 1964, Burke returned to San Francisco and entered private practice. While he worked for various firms during his time in private practice, the majority of the years were spent with the now-defunct San Francisco-based O’Gara and O’Gara.

As a private practice attorney, Burke practiced “every kind of law,” from family to personal injury to criminal. In the latter part of his career, he focused primarily on probate, trusts, wills, and conservatorships. Burke retired after 43 years in private practice, all of which were in San Francisco.

“There’s a great deal of satisfaction when you do a good job for a client or clients,” Burke said.

Burke wishes that his bequest be designated for scholarships at the USF School of Law—he wants the gift to help the school train the next generation of lawyers, just as it trained him.

“The school was the foundation of me earning a living,” Burke said, “and I wanted to make a gift to them for that.”

— John Burke ’51

Legacy Giving

A charitable planned gift offers several benefits

Simplicity.

Just a few sentences in your will or trust are all that is needed. You can also include USF as a beneficiary (partial or full) in an IRA, other account, or insurance policy.

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If your estate is subject to estate tax, your gift is entitled to an estate tax charitable deduction for the gift’s full value.

USF also offers gift planning ideas that produce income during your lifetime, in addition to certain tax benefits.

To learn more about legacy giving options at USF, contact Director of Development Robin Keating at 415-422-2551 or rrkeating@usfca.edu, or Director of Planned Giving Chris Nicholson at 415-422-4658 or cmnicholson@usfca.edu.
“It seemed that Facebook had decided it would make money any way it wanted to, its users’ interests be damned. It made me angry.”

— Jonathan Jaffe ’09

Jaffe Takes on Facebook in Class Action

Less than two years out of law school, Jonathan Jaffe ’09 made a name for himself by filing a case against social media giant Facebook over the company’s “Sponsored Stories” ad program, which publicizes users’ “likes” without their consent. He’s now on the eve of settling the class action, Fraley v. Facebook, with a federal judge giving preliminary approval in December of a $20 million negotiated settlement.

“The gut-level injustice of it drew me to the case,” said Jaffe, who has his own practice in Berkeley. “Facebook’s hubris kept me going. Facebook’s exploitation of the trust between friends for its financial gain is wrong. It’s doubly wrong to put someone in an advertisement without even attempting to seek permission, to not permit the user to get out of those ads, and to refuse to remunerate him or her as a model, particularly when it’s that person’s appearance that is doubling the value of the ad. It seemed that Facebook had decided it would make money any way it wanted to, its users’ interests be damned. It made me angry.”

Under the settlement, users can claim a $10 payment for having appeared in ads and any funds left over will go to advocacy groups. For Jaffe, the settlement is about more than money—most importantly, he said, Facebook will give users meaningful control over whether and in what advertisements they appear. Currently, users have no control. For minors, both they and their parents will get control over whether minors appear in ads at all.

Jaffe first learned about “Sponsored Stories” from a friend immediately after their debut in early 2011. He promptly researched the law, drafted a complaint, and successfully pitched the case to mentor and Adjunct Professor Robert Arns, founder of The Arns Law Firm in San Francisco.

Jaffe, who took Arns’ trial practice course, said he would not have had the gumption to pursue such a case so soon after law school without his mentorship. And while the prospect of taking on Facebook was intimidating, Jaffe was drawn to the David vs. Goliath fight and to the chance to help protect privacy rights.

“Privacy is necessary for individuals and society to flourish,” Jaffe said. “As people lose the ability to control what is known about them, they begin to self-policing their thoughts and actions. They begin to conform to convention. Convention is safe, but it’s not very interesting. Without privacy, a society becomes mired down in its own fear of stepping outside the norm. That is just not a place in which I want my children to grow up.”

[USF]
for plaintiffs. He also was included in the 19th edition of *The Best Lawyers in America* in the practice areas of mass tort litigation/class actions—plaintiffs and personal injury litigation—plaintiffs, and in the “Top 100 Northern California Super Lawyers” list for 2012.

**1973**

Florence C. Fee ’73 is executive director of No Health Without Mental Health, which works to integrate behavioral and primary health care. The nonprofit was recognized in the 2011 annual report of the Patient Centered Outcomes Research Institute.

**1974**

Hon. Mary Jane Theis ’74 has been elected to the Illinois Supreme Court. She has served on the court since 2010 when she was appointed to complete the remainder of retiring Justice Thomas Fitzgerald’s term.

**1976**

Bill Monning ’76 was elected to the California State Senate for District 17 on Nov. 6. He previously served as the assembly member for District 27.

Rosemary Pfeiffer ’76, a retired judge, was featured in the *Daily Journal*. Pfeiffer was the first female judge elected in San Mateo County in 1990.

**1977**

David Fishman ’77 traveled to Moscow where he served as a consultant to the American Bar Association Section of International Law, Russian Eurasian Law Committee, and Rule of Law Initiative in conjunction with the U.S.-Russia Bilateral Presidential Commission Innovation Subcommittee.

Joseph M. Moran ’77 has joined Landye Bennett Blumstein LLP’s Anchorage office. His practice focuses on representing local and national banks in Alaska, advising public utilities, and handling real estate, title insurance coverage, and foreclosure matters.

**1980**

Rebecca Eisen ’80 has been appointed to the California State University Board of Trustees by Gov. Jerry Brown. Eisen is a partner at Morgan, Lewis & Bockius LLP and president of the Oakland School for the Arts board of directors.

**1982**

Jylana D. Collins ’82, general counsel of the East Bay Municipal Utility District in Oakland, was featured in the *Daily Journal* in January.

Frank M. Pitre ’77 was featured in the “Top 100 Northern California Super Lawyers” list for 2012.

**1983**

Duane H. Mathiowetz ’83 joined the Schiff Hardin LLP San Francisco office as a partner in the intellectual property group. Mathiowetz was previously with Pillsbury Winthrop Shaw Pittman LLP.

**1984**

Aileen Casanave ’84 has received a Bar Association of San Francisco Unity Award for her work to advance diversity in the legal profession.

Tracy Green ’84 was elected to the board of directors of the Bay Area Bankruptcy Forum. Green is a partner at Wendel, Rosen, Black & Dean LLP in Oakland.

Kevin Ryan ’84, adjunct professor at the USF School of Law and former U.S. Attorney, was featured in the NPR broadcast “How Did Lance Armstrong Avoid Doping Prosecution?”

**1985**

Carolyn Barbee ’85 is the relationship manager for West Coast clients at BMO Retirement Services. Barbee was previously relationship manager with TIAA-CREF.

Art Hartinger ’85, a principal at Meyers Nave Riback Silver & Wilson, A Professional Law Corporation, has been selected as one of the *Daily Journal*’s “Top 100 Lawyers in California” list for 2012. Hartinger led the defense team in *Booker v. City of Richmond*, a multimillion dollar employment lawsuit that was listed in the *Daily Journal*’s “Top Verdicts List of 2012.”
1986
Barbara C. Jacobs ’86, an assistant director for corporation finance at the U.S. Securities and Exchange Commission, was featured in Bloomberg Businessweek and Business Insider stories on her role in ensuring that Facebook disclosed relevant information to investors before its public offering.

1987
Allan Anderson ’87, partner at Ropers Majeski Kohn Bentley PC, has been selected as a fellow of the Litigation Counsel of America. Anderson is resident director at the firm’s Los Angeles office.

Kandis Westmore ’87, magistrate judge for the U.S. District Court for the Northern District of California, was featured in The Recorder article “Don’t Throw in the Towel on Discovery” in November 2012.

1988
Frank O’Barski ’88 was elected to Illinois’ DeKalb County Board District 10.

Meri Glade ’88, chief compliance officer and general counsel at FordDirect, was granted the General Counsel Award by Crain’s Detroit Business. Glade has helped lead FordDirect, a joint venture between Ford Motor Co. and its dealers, in its establishment of online vehicle sales.

James Schutz ’88 was appointed president and chief executive officer at Oculus Innovative Sciences, Inc. and will also continue to serve as a director with the company.

1989
Eliza Rodrigues ’89 was elected to the 2012-2013 board of governors executive committee of California Women Lawyers. Rodrigues was appointed president and is the associate general counsel and ethics counsel at Sedgwick LLP in San Francisco.

1990
Joshua A. Bloom ’90, partner at Barg Coffin Lewis & Trapp LLP, was elected chair of the executive committee of the Bar Association of San Francisco’s Environmental Law Section for 2013. Bloom was previously vice-chair and treasurer of the section.

Molly Moriarty Lane ’90, managing partner of the San Francisco office of Morgan Lewis & Bockius LLP, was profiled in the San Francisco Business Times.

Vivian Leung Lerche ’90 of Bishop, Barry, Drath will speak on insurance coverage issues at the West Coast Casualty Construction Defect Seminar in May. This seminar is the largest event of its kind focusing on construction defect, insurance coverage, and claims.

Barbara Moser ’90 was sworn into the U.S. Supreme Court Bar through the National Attorneys’ Council of Hadassah, the Women’s Zionist Organization of America. The organization inducts 12 members each year. Moser was also featured in the “Top 100 Northern California Super Lawyers” list for 2012.

1991
Kathy (Cheatum) Miller ’91 was elected to the Petaluma City Council in November. She is a partner at Miller & Miller and practices civil litigation in Petaluma.

Kelly Robbins ’91 was elected to the 2012-2013 board of governors executive committee of California Women Lawyers. She is principal at Robins Family Law and focuses on family and divorce law.

1992
George Jones ’92 joined the legal team at the Law Offices of Charles D. Naylor, a maritime personal injury law firm in Los Angeles. Jones will represent injured maritime workers.

Ernest E. Price ’92 joined Meyers Nave Riback Silver & Wilson, A Professional Law Corporation, as a principal. Price serves as lead counsel in federal and state cases with extensive experience handling complex litigation and employment matters.

1994
Robert Allard ’94, attorney and co-founder of Corsiglia McMahon & Allard LLP, and Kimberly Guilfoyle ’94, Fox News anchor and legal analyst, were featured in the Irish Voice’s “Irish Legal 100” list.

1995
Ron Knecht ’95 was re-elected to a six-year term on the Nevada System of Higher Education’s Board of Regents for District 9.

1996
Brendon Woods ’96 was elected public defender in Alameda County in December. He previously served as the senior assistant public defender for Alameda County.

1997
Susanne Kelly ’97 of Gladstone & Associates has joined the law firm Hanson Bridgett LLP as counsel. Kelly focuses her practice on real estate and land-use law.

1998
David Lillevand ’98 has been named partner at Pillsbury Winthrop Shaw Pittman LLP. Lillevand’s practice includes transactions, private equity fund formation, public debt, and equity offerings.

1999
Morin Jacob ’99 has been promoted to partner at the San Francisco office of Liebert Cassidy Whitmore. She is a member of the litigation services, employment law, investigations, labor relations and negotiations services, and public safety practice groups.

Nicole Phillips ’99, Center for Law and Global Justice assistant director for Haiti programs at the USF School of Law, co-authored a report on efforts to restrict the freedom of press by the Haitian government.

2001
Robyn C. Santucci ’01, an attorney with Phillips Lerner, A Law Corporation, was honored with the Spirit Award at the Fourth Annual Our House Grief Support Center Night for Hope. Santucci is on the organization’s associate board of directors and has served as a volunteer for four years.

2002
Caleb Jay ’02 has published the article “10 Things to Know About Arizona Promotions Law” in Arizona Attorney magazine. Jay is senior director of legal affairs and associate general counsel for the Arizona Diamondbacks, and an adjunct professor at Arizona State University College of Law.

2003
Mark Appelbaum ’03 has been named partner at Jones Day. He is a member of the firm’s banking and finance practice.

Yesenia Gallegos ’03 was named Top Lawyer Under 40 by the Hispanic National Bar Association. Gallegos is a partner in the labor and employment department of Fox Rothschild LLP.
Alexa Koenig ’03 was recently named director of the Human Rights Center at the UC Berkeley School of Law. Koenig is also co-writing the book *Hiding in Plain Sight: The Politics of Pursuing War Criminals in the 21st Century*.

**2004**

Matt Quinlan ’04 established the Law Offices of Matthew J. Quinlan, which focuses on personal injury litigation including wrongful death, auto accidents, and catastrophic injury cases. Quinlan is also experienced in products liability, business litigation, and employment discrimination and harassment.

Babak Yousefzadeh ’04, an attorney at Sheppard Mullin Richter & Hampton LLP, was promoted to partner in the firm’s labor and employment practice group. Yousefzadeh represents employers in a range of employment law matters, with a focus on litigation and class actions.

**2005**

Kathryn A. Dittrick ’05 became shareholder and director of Fraser Stryker PC LLP. Dittrick practices labor and employment law and specializes in providing advice and counsel to employers.

David Raczkowski ’05 and Robert Tadlock ’05 have been promoted to partner at Kilpatrick Townsend & Stockton LLP. Raczkowski is a member of the electronics and software team, and Tadlock works with the technology litigation team.

**2006**

Anna Ciesielecki ’06 authored the op-ed “Alone in the American Legal System: It’s Up to Us to Help Undocumented Children,” published in *The Oregonian*.

Abe Gupta ’06 was appointed to the Dublin City Council. Gupta is also an entrepreneur who has advised a number of technology start-ups in the Bay Area.

**2008**

Nasstaran Ruhparwar LLM ’08 has joined the San Francisco office of Carroll, Burdick & McDonough LLP. She defends U.S. and German companies in product liability claims, ranging from single-plaintiff cases to nationwide class actions.

**2011**

Dana Isaac ’11, director of the USF School of Law Project to End Juvenile Life Without Parole, is quoted in the Juvenile Justice Information Exchange article “California Guarantees Chance at Parole for Juveniles Facing Life Sentences.”

**2012**

Liat Blum ’12 is volunteering for Bayview/Hunters Point Community Legal.

Simron K. Gill ’12 joined Hanson Bridgett LLP as an associate in the labor and employment section. Gill served as a recent summer associate in the firm’s San Francisco office.

John Love ’12, Virginia Taylor ’12, and Adrian Tirtanadi ’12 have created Bayview/Hunters Point Community Legal. The new legal services organization strives to build relationships with Bayview and Hunters Point community members, and then leverage these relationships to create income-generating local development projects.

Michael McQuinn ’12 has been appointed assistant to the general counsel at the California Department of Corporations. McQuinn was a law clerk at the California Department of Fair Employment and Housing and a legal extern at the Office of Governor Edmund G. Brown Jr.

**In Memoriam**

We announce with sadness the passing of:

- Alfred Affinito ’53, November 2012
- Patrick Maloney ’54, January 2013
- Robert Folger Miller ’55, February 2013
- Michael Robbins ’59, January 2013
- Charles E. Aguilar ’60, February 2012
- Arthur L. Lafranchi ’62, October 2012
- William “Bill” Carnazzo ’68, January 2013

**what’s new?**

Update your fellow alums on your career and other news. Email your news for inclusion in classnotes to lawalumni@usfca.edu. Please include your name, class year, phone number, and email address. You may also submit updates at www.usfca.edu/law/alumni/updates
An article last August in The New York Times described the crisis of undocumented children in Texas facing deportation. The story began with Juan, a 6-year-old so small he couldn’t be seen over the courtroom bench when he stood to appear before the judge.

Yet Juan, like many children subjected to deportation hearings, was expected to plead his own case in immigration court. These stories of children left to navigate the American legal system without parents—or attorneys—are not confined to Texas. They happen throughout the United States every day.

I practice immigration law in Portland, Oreg., which is home to five facilities that detain undocumented children facing deportation. All of the children in custody have been determined to be in the United States without legal status and without parents who are able to claim them so that they can be released from Immigration and Customs Enforcement custody. The children are all ordered to appear in front of an immigration judge to determine whether they can stay or will be deported. The burden is on the child to prove that she qualifies for a form of legal status that allows her to remain in the United States.

The detained children that I meet and work with come primarily from Mexico, El Salvador, Honduras, and Guatemala. Some have come because they are hungry; others come fleeing for their lives, trying to escape the escalating gang violence in their homelands or abuse at the hands of their parents. Thus far, the youngest child detained in Portland was 4 years old when we first met with her. Determined to be unaccompanied in the United States, she was placed in removal/deportation proceedings and expected to represent herself in court.

These children do not know that they have legal rights, nor do they understand the questions being asked by the judge. Our laws allow adults and children fleeing persecution or human trafficking to remain permanently in the United States with legal status. Moreover there are special protections for children who have been abused, abandoned, or neglected.

But because immigration court does not provide court-appointed attorneys, detained children without parents may never understand that they have these rights. Detained children are expected to understand that they are eligible for a form of relief from deportation and then, on their own, affirmatively file an application for that relief, which involves filling out forms and submitting documentation to the relevant branch of immigration. For example, we expect children to fill out and file their own 10-page asylum applications in English, or apply for special immigrant juvenile visas, or apply for visas as victims of human trafficking. Unless you are an immigration attorney, you would not know where to begin; yet every day, we expect children who cannot read or write to secure their own legal status or face deportation to the life-threatening situations they were forced to flee. A child of 16, let alone a 6-year-old, cannot do this without an attorney.

As graduates of a law school that prides itself on its ethos of social justice, we should not stand by while vulnerable children are forced to represent themselves in court. As attorneys we have a responsibility to these kids that we are not meeting. The first step is knowing that this is even going on. Ultimately, we must help reach a solution by funding services to provide representation to these vulnerable kids.

Children in immigration custody who have a legitimate path to legal status are being deported all the time. Pro bono attorneys cannot take all of these cases by themselves. There are too many children, and there are real costs associated with competent representation.

While we may disagree with our immigration system, we cannot penalize children for those failings. We cannot continue to allow children to be deported simply because they do not have access to legal counsel. [USF]

Anna Ciesielski ’06 is the senior staff attorney at Immigration Counseling Service in Portland, Oreg. Information about volunteering as a pro bono attorney for detained children is available at www.vera.org/projectlunaunaccompanied-children-program.
The USF School of Law greatly appreciates the sponsors who generously supported The Centennial Gala on February 7, 2013, at San Francisco City Hall.

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