



Christopher Edley, Jr.
Dean and Professor of Law

February 2006

Dear Alumni and Friends,

As the new year begins here at Boalt, I continue to marvel at the spirit and energy throughout the building. Students and faculty alike seem reinvigorated as they embark on a fresh season of courses, clinical work and research projects that address the most challenging law and public policy issues facing California and the nation. Our 1Ls, having survived their first four months of law school, seem every bit as captivated as any of us were by the world of the law newly opened to them. Their reactions to new and visiting professors have confirmed the faculty's excitement in making our new hires. The 2Ls, most with summer jobs already lined up, are starting to feel itchy about the many things remaining to be explored at Boalt and Berkeley, with half of their campus experience already behind them. And the Class of 2006 is triumphantly rounding third and heading for home.

Some of the cheering you hear is for the tremendous progress we are making toward the goals I laid out last year at this time: the expansion of our world-class faculty by 40 percent is well underway; the design of financial aid improvements to guarantee our graduating students freedom of career choice is near completion; and the detailed engineering, environmental and architectural work for a building to house our ambitions had a magnificent start and is advancing quickly. A fourth objective—to create and grow multidisciplinary research centers—is building breathtaking momentum as Boalt's brightest minds in every field from environmental law to business law to intellectual property to social justice bring their talent to bear on many of the cutting-edge issues that matter most. Let me give you a sense of the scope of these activities.

Research Centers: Leading the Way

There is ample reason for all of us to take pride in what Boalt is doing. In the areas of stem cell research, corporate governance, disaster planning and recovery, reauthorization of the Voting Rights Act of 1965, nuclear waste in the oceans, immigration reform, and more—Boalt's research centers are clearly making a difference and have an impressive agenda slated for the coming months. Here are some examples.

Our new **California Center for Environmental Law & Policy (CCELP)** has embarked on an exceptional semester. Drawing on the real-life challenges raised in the wake of recent natural catastrophes, Professor Dan Farber has created *Disasters and the Law: The Legal Implications*

of *Hurricane Katrina*, an innovative teaching-research course that touches on disaster planning and prevention, tort law and compensation issues, environmental law, land use planning, tax and insurance law, and social justice concerns. The class will culminate in a report weighing these issues against the natural and social calamity that devastated New Orleans and surrounding areas.

Moving beyond the classroom, CCELP teamed up with Boalt's **Center for Social Justice** earlier this month to present *Après le Déluge: Rebuilding a Sustainable City After Katrina*, a unique full-day "charette" in which legal scholars, attorneys, environmental experts and Boalt students examined how law can contribute to an environmentally and socially sustainable community.

Professor Farber is working with colleagues from Boalt and across several other disciplines around the campus to explore the feasibility of a major, multi-year effort to study the legal and policy "infrastructure" for anticipating and responding to disasters and catastrophes. These events strain the "ordinary" arrangements of contract, insurance, and liability regimes. They test federalism and the intergovernmental character of our systems in relation to everything from building codes and land use to unemployment insurance and toxic waste cleanup. Hundreds of billions of dollars are spent, and millions of lives are affected, but leading law schools and universities have as yet contributed little to the systematic study of these issues. It's time to get started.

On a related and perhaps more urgent question of disaster preparedness, Professor Steve Sugarman is mounting an effort, again drawing in colleagues from around campus, to consider the legal framework for dealing with public health disasters, such as the prospective avian flu endemic. We have a century-old framework of public health statutes to handle such issues as quarantines and condemnations, and a vastly changed institutional and legal landscape affecting everything from the delivery of healthcare to our conceptions of due process, liberty, privacy and regulatory takings. If thousands or even millions fall ill, will our laws and legal institutions be prepared?

At the same time, CCELP welcomes new associate director and 1997 Boalt graduate Cymie Payne to its ranks, returning to Berkeley from the United Nations Compensation Commission in Geneva where she served as a senior lawyer responsible for addressing environmental damage resulting from the Gulf War. She arrives in time for the upcoming February conference *California and the Future of Environmental Policy*. Planned in conjunction with the Goldman School of Public Policy, the conference has set the goal of helping to chart the course for our state's environmental agenda for the next 20 years.

Joining CCELP on the front lines of society's most demanding and current legal issues, Boalt's **Berkeley Center for Law, Business and the Economy (BCLBE)** will discuss California's new \$3 billion stem cell research initiative at a three-day symposium in March, *California's Stem Cell*

Initiative: Confronting the Legal and Policy Challenges. Together with Boalt's **Berkeley Center for Law & Technology (BCLT)**, the *Berkeley Technology Law Journal*, and the campus's Travers Program on Ethics and Government Accountability, BCLBE will host what promises to be an illuminating and provocative program addressing everything from intellectual property rights associated with stem cell research to issues of bioethics, state investment strategy, implications for healthcare, and related political process. The conference will parse this difficult but critical subject and lay the groundwork for important public policy decisions in the year ahead. Among the questions on the table: When the state stem cell initiative makes a grant, who owns the resulting intellectual property, and will the state taxpayers recoup any financial benefit?

Two weeks after the symposium, **BCLBE** will turn its sights to the debate over adoption of the Sarbanes-Oxley Act at *Post-Enron Corporate Regulation: Has the Pendulum Swung Too Far (Or Not Far Enough)?* This is the first conference of its kind to engage corporate law scholars, economists, regulators, investors and lawyers in exploring the effects of new corporate oversight rules.

BCLT joined with Stanford and Texas law schools to again host the *Advanced Patent Law Institute* in San Jose. Considered one of the most important conferences in this field, this year's program addressed issues faced by corporate information technology departments and leading law firms, with sessions ranging from prosecution strategies to protecting IP in China.

Meanwhile, antitrust and regulation in the telecommunications industry took center stage earlier this month at *Balancing Antitrust & Regulation in Network Industries: Evolving Approaches in Europe and the United States*, an international symposium in Paris jointly sponsored by BCLT and the Écoles des Mines, led by Professor Howard Shelanski '92. The symposium brought together distinguished legal and economic scholars, practitioners and regulators from the United States and the European Union for a two-day event that culminated in a roundtable discussion of whether network industries should have sector-specific merger policies.

And the **Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity**, which I direct, is engaged on several fronts: school finance reform, reform of the No Child Left Behind Act, and other issues of K-12 educational equity; higher education access and the impact of California's Proposition 209; comprehensive immigration reform now pending in Congress; and voting rights. In February, the Warren Institute will hold a symposium in Washington, D.C., on reauthorization of the Voting Rights Act of 1965. Scholars from Berkeley and around the country will present over 15 commissioned legal and social science papers. Then we will be briefing a bipartisan group of Congressional staff on the research results, as the House and Senate prepare for legislative hearings. In April, the Warren Institute will hold a major conference to release two-dozen new studies exploring the notion of education as a "fundamental right." Assistant Professor Goodwin Liu is leading that effort.

Forgive a bit of boastfulness here: I grow ever more confident that the way in which our research centers drive innovation in the curriculum and solidify our public mission helps us to compete for the very best faculty and students. The evidence is clear, week by week, in the recruiting work that we do. It is also clear that leaders of the Berkeley campus are increasingly appreciative of the role the law school and other professional schools play in mobilizing our vast academic riches to create truly *distinctive* excellence in Berkeley's teaching and research *campus-wide*. There simply is no other law school with anything that can rival the collaborations we are strengthening with the faculties in business, public policy, public health, education, natural resources, economics, political science, sociology, engineering and information management systems. Former Secretary of State Madeleine Albright spoke often of the United States as "the indispensable nation" in global affairs because of our necessary centrality in addressing critical problems. Much the same can be said of our profession. And I believe Boalt will increasingly be viewed that way by our colleagues at Berkeley and across the University of California.

The Campaign for Boalt Hall: Progress Report

The Campaign for Boalt Hall is building steam. As you know, our goal is to raise \$125 million from alumni and friends as part of a long-term strategy for investing in students, faculty expansion, innovative curriculum and research enterprises, and a new landmark facility. Commitments to the campaign have already exceeded the total raised in our last capital campaign. In connection with the research centers and our clinics, we have had encouraging early success with several foundations and corporations. It is clear that for our campaign to succeed, we will need, not only the renewed and deepening generosity of our alumni, but also their Rolodexes. I have no doubt that the excellence we have at Boalt, together with the commitment we have to marshal that excellence to make a difference, presents a compelling picture to potential donors who care about important issues.

On the new-building front, the environmental review process and design work will continue into the summer of 2006. We have conceptual drawings, and over the next eight months or so the architects and consultants will add the details needed to finalize cost estimates and ready the project for bidding.

In the meantime, some news that will delight our students and faculty: We are at long last starting the internal renovation of Boalt by creating much-needed smaller and updated classroom space. If you wandered through the library this summer, you may have seen some heightened activity in the Wilson Sonsini Goodrich & Rosati Reading Room that had more to do with renovation than reading. Workers were busy refinishing the interior wood paneling, installing a

new floor and restoring furnishings that reflect the room's original design and materials. The shelves, chairs, and, best of all, the books have returned as renovation of this classic, sun-filled space is nearly complete.

Faculty: Distinction Abounds

It is a pleasure to recognize five particularly distinguished colleagues as newly appointed chair holders. Professor Lauren Edelman '86 has been named to the Agnes Roddy Robb Chair for her work in addressing the ways in which large-scale organizations influence and are influenced by their regulatory environments. Professor Aaron Edlin, a nationally renowned scholar in the field of law and economics, has been appointed to the Richard W. Jennings '39 Chair. Professor Robert Kagan, who began teaching political science at Berkeley 32 years ago and is a leading figure in the field of regulation studies, has been named to the Emanuel S. Heller Chair. Professor Kristin Luker, who splits an appointment between the law school and UC's Department of Sociology, is the new holder of the Elizabeth Josselyn Boalt Chair in recognition of her work in the fields of sociology of gender and morality, psychology, law, and public policy. Professor Pamela Samuelson, a preeminent scholar of intellectual property law, computer software and information management, and recipient of a MacArthur Foundation "genius" award, is the first Boalt faculty member to hold the Richard M. Sherman '74 Distinguished Professorship.

In addition, two of Boalt's esteemed colleagues have switched chairs. In view of Phil Frickey's standing as an internationally acclaimed scholar in the fields of statutory interpretation, legislative process, federal Indian law and constitutional law, he will assume the Alexander F. and May T. Morrison Chair. (He is the previous holder of the Richard W. Jennings '39 Chair.) And in light of Steve Sugarman's distinction in the area of torts, he will move from the Agnes Roddy Robb Chair to the Roger J. Traynor '27 Professorship.

And finally, Frank Zimring, who holds the William G. Simon '40 Chair, has been appointed as the first Wolfen Distinguished Scholar. Werner '53 and Mimi Wolfen established a \$1 million endowment that provides a distinguished member of the Boalt faculty additional time for a term of years to conduct research away from daily teaching responsibilities. The newly created post of Wolfen Research Scholar recognizes Professor Zimring's extraordinary accomplishments in the fields of criminal justice and family law. (The guy produces books like clockwork. And they are *great*. Pretty scary.)

Awards: Alumni Citation, Young Alumnus and Faculty Lifetime Achievement

This year, we will salute distinguished father and son—Michael Tigar '66 and Jon Tigar '89—with a pair of Boalt's highest honors. Michael Tigar will receive the Citation Award while his son Jon accepts our Young Alumnus Award.

“Brilliant” is no overstatement when it comes to Michael’s career. A renowned trial attorney and constitutional law scholar, Michael has argued cases before the U.S. Supreme Court and nearly every U.S. Court of Appeals. His *Who’s Who* list of clients extends from the Chicago Seven to Oklahoma City bombing accomplice Terry Nichols. He is a research professor of law at American University’s Washington College of Law and specializes in litigation, federal courts, criminal law, public international law and comparative law. Among other achievements, Michael was elected to the American Law Institute in 2003, chaired the ABA’s 60,000-member Section of Litigation, advised the African National Congress on drafting a new constitution for South Africa, and penned three plays on legal subjects (in his spare time).

Judge Jon Tigar was 39 years old when Governor Gray Davis appointed him to the Alameda County Superior Court. An accomplished litigator and trial attorney, Jon was formerly a partner at Kecker & Van Nest in San Francisco and a San Francisco public defender. Jon’s commitment to public service has inspired his career. On the bench, Jon is respected for his patience, humor and fairness. He has served as a family law judge and currently hears civil cases. In 2001, Jon received the Wiley M. Manuel Award for Pro Bono Legal Services from the State Bar of California.

I am beyond proud to announce that I. Michael Heyman, esteemed Herman F. Selvin Professor of Law, Emeritus, and former UC Berkeley Chancellor, will receive this year’s Faculty Lifetime Achievement Award. A member of the Boalt faculty since 1959, he has held a joint appointment with the Department of City and Regional Planning since 1966. He served brilliantly as UC Berkeley’s sixth Chancellor from 1980 to 1990, was counselor to the secretary and deputy assistant secretary for policy at the U.S. Department of the Interior, and in his spare time ran the Smithsonian Institution as secretary from 1994 to 1999. Mike’s accomplishments would fill several lifetimes and we are extremely fortunate he has seen fit to achieve them during ours.

And Finally, This (Moving) Update

Like any good messenger, I have saved the best for last. When I wrote to you in September, the citizens of New Orleans and surrounding areas in the South were still reeling from the natural catastrophe wrought by Hurricane Katrina. A few days after the disaster struck, the Boalt faculty voted unanimously to enroll students from the two affected law schools, tuition-free, as visiting non-degree students. Eighteen Tulane students took us up on our offer.

What happened next was nothing short of inspiring. The Boalt and UC communities immediately welcomed the students into their hearts and homes. Our faculty and alumni went out of their way to make the Tulane students feel like part of the family. Students shared notes and outlines, books and friendship. Staff worked overtime to make sure the students were registered for classes, received their financial aid and healthcare, and were able to keep on track with job interviews. Boalt received donations to help with computers and other needs of our visitors.

Each one of the Tulane students acted with superb grace, courage and intelligence in the wake of such crushing circumstances. Indeed, they did so well in their classes that Dean of Students Victoria Ortiz reports that a number of them would have received Honors and even High Honors had they been Boalt students. They have all expressed their deep gratitude for our school's help and support.

Our 18 visitors are now back at Tulane and face the staggering task of rebuilding their school and their city. I am deeply proud of how we as a law school community acted without hesitation in a time of extraordinary crisis. This is quite a community, inside our classrooms and beyond.

In closing, I want to take a minute to thank you for your interest in and ongoing connection to Boalt. This is a thrilling time in our school's history, and there will be much to discuss in the months ahead. We are redoubling our efforts to connect with alumni and friends, and you will feel the force of that effort. You are partners with today's faculty, students and staff in turning our aspirations into accomplishments. The calendar can mark our on-rushing future. That's mere inevitability. But *building* that future so that it meets our standards, matches our ambitions and sustains our traditions—building the future we *want*—requires a commitment to and of community.

Sincerely yours,



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