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## News



March 28 - **Robert Bartlett** talks with Cory Johnson on Bloomberg Television's "[Bloomberg West](#)" about the SEC's scrutiny of so-called secondary markets. The SEC has begun requesting data from the markets where buying and selling of private shares have surged in recent years.

April 25, 2011, SF Chronicle, "[The Winklevi typify culture of whiners](#)" - **Eric Talley** comments on the growth of cases typified by the Facebook-Winklevoss appeal. Despite releasing their claims on Facebook, the twins are appealing for a larger stake of the social media site.

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## Recent Publications

### [A Model of Optimal Government Bailouts](#)

In their paper, "A Model of Optimal Government Bailouts," **Eric Talley** and co-authors Antonio E. Bernardo and Ivo Welch, identify circumstances in which the government can (and cannot) serve a useful purpose in bailing out banks and other "too big to fail" institutions. They assess the Troubled Asset Relief Program (TARP) bailouts in 2008-9 and recommend that future policymakers exercise such power in very limited circumstances. When bailouts do occur, governments should avoid an active role in firm management, eliminate the owners (shareholders) and managers who led the firm into failure, and finance bailouts through a tax on the business community generally, not solely on the bailed out firms that recover.

## Events

Wednesday, May 11, 2011

### **Berkeley Law Business Law Certificate Ceremony**

Goldberg Room, Boalt Hall, 3:30 - 5:00 pm

On May 11, 2011, we will honor the recipients of the Certificate of Specialization in Business Law. The Business Law Certificate recognizes those students who have successfully pursued a course of study to prepare for professional practice as legal advisors to businesses, business and finance oriented NGOs and government entities. Students completing the program have breadth, expertise and preparation for future growth.

Wednesday, April 6, 2011

### **Financial Emergency: The Crises that Began and Ended the Decade** *The Honorable Michael G. Oxley*

The co-author of the Sarbanes-Oxley Act, one of the most far reaching, and controversial, financial regulation laws in American history, spoke about the fiscal crashes that ended the dot-com bubble and that once again have plunged the economy into recession. Please visit this [video link](#).

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## News continued

April 19, 2011, "China Realtime Report," Wall Street Journal - **Stanley Lubman's**, "[Film Dispute Shines a Light on China's Foot-Dragging](#)," uses American films to discuss China's eagerness to join the WTO, yet unwillingness to abide by the trade body's decisions.

### Beijing Arbitration Commission (BAC)

This summer, BCLBE will send a summer fellow, **Hua Zhao**, to participate in the Beijing Arbitration Commission (BAC) internship program. The BAC is one of China's foremost non-profit arbitration organizations. Since it was established, the BAC has accepted more than 15,000 cases in total. The internship will provide candidates with the opportunity to practice what they have learned thus far in their legal education, as well as broaden and improve their knowledge about Chinese dispute resolution mechanisms and legal practice.

**Matthew R. DalSanto's**, "[The Economics of Horizontal Government Cooperation](#)," analyzes the economic properties of intrastate and interstate cooperative agreements. A review of the legal case law surrounding compacts is conducted to analyze the legal properties from an economic perspective. These economic properties are used to develop a simple game-theoretic environment and a neoclassical growth model. The models demonstrate that the compact mechanism can lead to superior outcomes for the signatory governments' citizenry.

March 16, 2011, "China Realtime Report," Wall Street Journal - **Stanley Lubman's**, "[Jungle of Problems: Beijing's Failure to Protect Consumers](#)," discusses China's food and product safety crisis as a problem that requires less political and publicity campaigns and more consumer protection laws and the means to enforce them.

### [The Network: Business at Berkeley Law](#) SEC Rolls Out the "Skin in the Game" Regulation to Mitigate Moral Hazard for Lenders and Bond Issuers Involved in Asset-Backed Securities

On March 31 the SEC began seeking public comment on its proposed "skin in the game" regulation, which would require lenders and bond issuers of asset-backed securities (ABS's) to retain 5% of the credit risk of the securities they issue. This requirement would apply to each of the tiers of ABS's issued individually, preventing a lender or bond issuer from issuing a large proportion of risky securities and yet only retaining its 5% stake in those safer, higher-grade securities it issues. To continue [reading...](#)

## Events continued



Monday, April 18, 2011

### The Renaissance Life of the Talented Professor Buxbaum

*Professor Richard Buxbaum, UC Berkeley, School of Law*

Many of you may be familiar with Professor Buxbaum's leading work in Corporations Law and Comparative Law, and as a pillar of the Berkeley Law's business faculty. What you may not know is that his many contributions extend far beyond shaping jurisprudence in the United States and around the world. They are also deeply rooted in public service, affirmative action, free speech, national defense, and reparations issues. In his final year of teaching at Boalt, BCLBE hosted a very special lunchtime talk where Professor Buxbaum reflected on his experiences during the social and political events of the 1960s and 1970s. Please visit this [video link](#).

Friday, March 11, 2011

**Financial Regulatory Reform: Dodd-Frank and Beyond**  
Berkeley Business Law Journal (BBLJ) and BCLBE hosted a Symposium on "[Financial Regulatory Reform: Dodd-Frank and Beyond](#)." Click to view [video proceedings](#) of the event.

### [Berkeley Law VC Research Blog](#)

#### Fenwick & West Q4 2010 Venture Capital Survey

Fenwick and West has recently released the results of its 2010 Fourth Quarter Venture Capital Survey. The survey, which is updated quarterly, summarizes deal terms for recent financings in the Silicon Valley. The latest edition can be found [here](#).

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