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Faculty News and Research Highlights

The America Invents Act of 2011 (AIA) made extensive changes to U.S. patent law. Perhaps the most significant change went into effect March 16, 2013 when the US changed from the “first-to-invent” system to the more widely followed “first-to-file” (i.e., first-inventor-to-file) system. **Eric Talley** discusses the implications for the historic shift in US patent law on KPCC.org. [Listen>](#)

[The California OBR Practitioner Leadership Group](#)

One of the most exciting and innovative energy financing tools newly available in parts of the US today partners utilities with private lenders to offer a scalable, low-cost financial product, entitled “Onbill Repayment Financing” (OBR). This product is intended to help homeowners and commercial building operators overcome the first-cost barrier to achieving building-related energy efficiency, reduce carbon emissions, access energy and financial savings, and improve home health. BCLBE, in collaboration with Saving Neighborhood Energy to Generate Neighborhood Wealth (SNEG NW), has initiated a Statewide OBR Practitioner Leadership Group, led by BCLBE Senior Research Fellow, Lori Bamberger.

Launched in February, 2013, this group convenes municipal utilities, [CCA](#) providers, and investor-owned utilities in California that are preparing to launch homeowner-specific OBR financing. To date, this group includes innovative utilities thinking through the details of implementation in ways that best serve homeowners, and includes: Marin Energy Authority’s MCE, the Sacramento Municipal Utility District (SMUD), and PG&E. Both MCE and SMUD are launching the State’s first Onbill pilots for homeowners. SNEG NW, a new non-profit intermediary, was established to help expand access to energy financing and provide energy savings to underserved markets.

Robert Bartlett was [interviewed](#) by KGO on the Jobs Act a year after its enactment. Bartlett said “I think that it’s primarily going to change the way securities lawyers draft documents. It was done in an election year when jobs were at the forefront of the economy.... Oddly enough, nothing in the act actually says that to benefit from these provisions, you actually have to have employees, or you actually have to hire them.”

Eric Talley [comments](#) on HP’s governance changes to avoid another failed acquisition like Autonomy. Shareholder outreach is among the deputy GC’s new responsibilities at HP.

Events

[The First Five Years of China's Antimonopoly Law](#)

Monday, April 15, 2013

Boalt Hall 100, 12:45-1:45 pm

Nathan Bush, O’Melveny & Myers

Co-sponsored with the *Center for Chinese Studies*

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China’s first comprehensive competition statute, the Antimonopoly Law, took effect on August 1, 2008. Since then, China has emerged as a significant antitrust jurisdiction as its competition authorities have blocked or imposed conditions on worldwide mergers, fined foreign cartels, and even challenged the commercial practices of some state-owned enterprises. [Read more>](#)

[Sovereign Debt and Sovereign Default: What Next?](#)

Wednesday, April 17, 2013

Federal Reserve Bank of San Francisco

Professor Dr. Christoph Paulus, Humboldt University Berlin

Chair: Professor Barry Eichengreen, UC Berkeley,

Department of Economics

This event is by invitation only. Hosted in collaboration with the *Federal Reserve Bank of San Francisco*.

Professor Paulus is a leading academic expert on the political and legal issues of sovereign financial distress and the author of several books, articles, and policy reports on the mechanisms of resolving sovereign defaults. Since 2005, he has been a consultant to the International Monetary Fund (IMF) on the insolvency statutes of transition states, the insolvency proceedings for states under the sovereign debt restructuring mechanism (SDRM), and on the draft of the IMF Principles and Guidelines for Insolvency Proceedings. He was also a consultant to the World Bank concerning the “odious debt” problem.

Professor Paulus is currently working on the structure and role of Collective Action Clauses.

Curriculum Highlights

A new course to be offered Fall 2013 is **International Business Negotiations**, jointly taught with Stanford Law School. This course is based on experiential learning structured around a semester-long simulated negotiation of a business transaction. Students will represent either a fictional US pharmaceutical company or an African agricultural production company. The opposing party to the transaction will be represented by a counterpart class at Stanford Law School. The two companies are interested in working together to exploit a new technology developed by the pharmaceutical company that uses the cassava produced by the agricultural business. The transaction can take various structures and the negotiations will take place through written exchanges and through real-time negotiations conducted both face-to-face and via videoconference. The goals of this course are (i) to introduce students to transactional law, (ii) to provide negotiations training in the context of transactional practice, and, (iii) to further practical legal skills.

This innovative course will be taught by DLA Piper attorneys, Hilary Metra Gevondyan and Jay Gary Finkelstein.

The Network Highlights

The Network provides an online forum for academics, professionals and students to engage in online dialogue about the impact of law and regulation on business and the economy. The Network invites you to submit posts and comments. You can email your submissions to: BCLBE@law.berkeley.edu. The following are selections from recent posts:

“**Firm Advice**,” takes a look at the [Dodd-Frank Progress Report](#), recently issued by Davis Polk. As of April 1, 2013, a total of 279 Dodd-Frank rulemaking requirement deadlines have passed. Of these, 176 have been missed and 103 have been met with finalized rules. [Read more>](#)

“**Week in Review**,” talks about how the Obama Administration has continued its aggressive prosecution of suspect players in the financial meltdown that shaped most of the President’s first term. [Read more>](#)

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Events (continued)

International Financial Regulation Workshop

April 19-20, 2013 (Friday and Saturday)

Boalt Hall

This event is by invitation only. Co-sponsored with the *European Union Center of Excellence* and the *Miller Institute for Global Challenges and the Law*

The workshop focuses on the challenges that increased global competition poses for financial regulation, and the concerns that growing financial markets raise for the safety and soundness of the US and global financial system. [Read more>](#)

Events Recap

Social Entrepreneurship: Legal, Financial and Public Policy Dimension

This forum, led by **Eric Talley**, brought together practicing attorneys and entrepreneurs to discuss the emerging business venture of social entrepreneurship. The program focused on the creation of, investment in, and management of business ventures that seek both profitability and the pursuit of larger socially desirable goals not captured by shareholder returns such as environmental responsibility, increased literacy, and poverty reduction. Social ventures have historically faced a significant dilemma.

Under the standard corporate form, executives owe a fiduciary duty to shareholders to maximize profit. The conflict for social ventures is how to contribute to social, environmental, or global causes while simultaneously maximizing profit. The panel discussed recent innovations in state laws regarding corporate formation designed to ease this burden on social ventures. Speakers: New Resource Bank CEO, Vince Siciliano, Westaway Law Founder, Kyle Westaway, Jones Day Partner R. Todd Johnson, GC of New Island Capital, Jordan Breslow, and Hanson Bridgett Partner, Jonathan Storper. [Read more>](#) or [Watch>](#)

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