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Faculty News and Research Highlights

At a meeting with the California State Bar's Task Force on Admissions Regulation Reform last month, Prof. **Eric Talley** [emphasized the correlation](#) of technical skills in business and finance, which are not routinely taught in law school, with a corporate lawyer's ability to serve clients. According to a recent survey of transactional specialists conducted by [Talley](#), document drafting, professional ethics, and fact development and analysis were among the most crucial skills needed for practice. [Survey>](#)

In his latest [paper](#), Prof. **Prasad Krishnamurthy** creates a hypothetical cost-benefit analysis to examine the effectiveness of government banking regulations. In the wake of Dodd-Frank, he looks at specific rules that can help regulators manage risk in the face of market uncertainty.



Congratulations to the winners of the Pircher, Nichols & Meeks 2014 Joint Venture Challenge! The winning teams were composed of Haas and Berkeley Law students: **First Place:** [Ben Bradbury](#) (MBA), [Mary Loum](#) (JD), [Arkadiusz](#)

[Malinowski](#) (JD), and [Kim McGinnis](#) (MBA); **Second Place:** Zane Keller (MBA), Steven McCarthy (JD), and Sam Wang (MBA). And thanks to our Judges: [Phil Nichols](#) and [Stevens Carey](#), partners at the sponsoring firm, and [Josh Myerberg](#), Executive Director at Morgan Stanley's San Francisco office. The JV Challenge was organized by BCLBE, with support from Pircher, Nichols & Meeks and [Leo Pircher](#) '57. [Read more>](#)

Prof. [Aaron Edlin](#) has published the final edition of [Activating Actavis](#). The article helps courts and counsel fill in the gaps in the Supreme Court's recent decision in *FTC v. Actavis* which explored the relationship between antitrust and intellectual property law in the context of litigation settlements in which a brand name drug manufacturer (and patent rights holder) paid a would be generic competitor to stay out of the market. The paper describes the elements of a plaintiff's affirmative case and justifications that may be offered by defendants. For private cases, it outlines an appropriate procedure for evaluating damages and suggests specific jury instructions. [Read more>](#)

Curriculum Highlights

This Fall, **Thomas Brown** teaches **The Law & Policy of Modern Consumer Payment Systems**. Technology has created a revolution in the consumer payment industry. Bitcoin and other technologies are rapidly disrupting how people store and move value. Mobile communications and cryptography are changing how we define value and authenticate transactions. As in any industry where novelty, convention and regulation clash, legal issues abound. This class uses the consumer payment and lending industry to demonstrate how practicing lawyers use their legal training to solve complex business and legal problems while introducing students to the new world of the consumer financial services industry. [Brown](#) is a partner at Paul Hastings in San Francisco, where he practices in the Antitrust and Competition, and Global Banking and Payment Systems groups.

Also this Fall, **Jay Finkelstein** and **Hilary Gevondyan** will co-teach **International Business Negotiations**. This course is based on experiential learning structured around a semester-long simulated negotiation of a business transaction. The students will represent either a US pharmaceutical company (KJH Pharmaceutical) or an African agricultural production company (Malundian Cassava Corporation). 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 that uses the cassava produced by Malundian Cassava. [Finkelstein](#) and [Gevondyan](#) are respectively partner and associate at DLA Piper.

April Lectures and Events

Smart Course Planning: What to Take in Business Law and Why
Tuesday, April 15 | Boalt 100 | 12:45 – 1:45 pm

Join BCLBE for an information session about the business law courses at Berkeley Law presented by the business law faculty. The session will review the Fall 2014 classes and highlight new course offerings. **Eric Talley** will also present the results of [his survey](#) of practicing attorneys on what courses are essential to develop effective skills as young lawyers and to position students to succeed in landing their first job and excelling in it. The program will also review the [Business Law Certificate](#) requirements.

Faculty News and Research Highlights [cont.]

At the end of a spirited debate between [Jamie Yood](#) '14 and [Joseph Santiesteban](#) '14, the latter won the prestigious [McBaine Moot Court Competition](#). The competitors argued their cases before a trio of prominent judges: UC President [Janet Napolitano](#), California Supreme Court Justice [Goodwin Liu](#), and Northern District Court of California Chief [Judge Claudia Wilken](#) '75. This fall, Santiesteban will begin work at Ropes & Gray, where he will focus on intellectual property and privacy.

The Network Highlights

[The Network](#) blog provides the opportunity to academics, professionals and students to engage in dialogue about the impact of law and regulation on business and the economy.

Recent posts include [Skadden's briefing](#) on the [Securities and Exchange Commission](#)'s recent roundtable on the issues and challenges cybersecurity presents for market participants and public companies; and [Arnold & Porter's Advisory](#) covering the U.S. Supreme Court oral arguments in the much anticipated *Halliburton Co. v. Erica P. John Fund, Inc.*, No. 13-317. The *Halliburton* case presents a critical issue regarding the viability of maintaining a private securities fraud lawsuit as a class action: whether the plaintiffs are permitted to invoke the "fraud-on-the-market" presumption to establish that there are common issues of reliance sufficient to certify a class. To submit posts and comments [contact BCLBE](#).

Job Opening

BCLBE is currently looking for an Associate Director of Corporate & Foundation Relations to work closely with the BCLBE Executive Director and the Berkeley Law development team to secure grants and gifts to support BCLBE's research, education, and policy activities. This is an exciting opportunity to join a dynamic team at Berkeley Law. Go to [Berkeley Jobs](#) and search #16419.

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Sponsors



April Lectures and Events [cont.]

Women in Business Law Panel

Tuesday, April 15 2014 | Boalt Hall Goldberg & Warren Rooms; 5:30 – 8:30 pm

Join the Berkeley Business Law Journal and the Berkeley Center for Law, Business and the Economy for our annual Women in Business Law Panel. The evening will begin with a networking reception in the Goldberg Room at 5:30pm where dinner will be served, followed by a symposium in the Warren Room featuring a panel of successful female lawyers who will share their unique perspectives on the challenges confronting women in business law and how to succeed in this still largely male-dominated field.

The panel includes: [Elizabeth Cabraser](#), Lief Cabraser Heimann & Bernstein; [Bree Hann](#), Bingham McCutchen; and [Catharina Min](#), Reed Smith, and is moderated by [Ken Taymor](#).

Lecture and Event Recaps

On April 4, the [Berkeley Business Law Journal](#) and BCLBE hosted a symposium on [Shareholder Activism](#). With the rise in shareholder activism in publicly traded companies, activist campaigns are "perceived by various stakeholders as threats to be avoided, part of the current landscape, and powerful sources motivating social responsibility." The Symposium explored this topic through panel discussions with regulators, attorneys, academics and business professionals. [Panel 1](#) gave an overview on what shareholder activism is; [Panel 2](#) discussed recent developments that have shaped the current business law landscape; [Panel 3](#) opened a conversation among panelists addressing "Where do we go from here." Keynote speaker [Larry Sonsini](#) of Wilson Sonsini Goodrich & Rosati also shared his experience and insights on the subject. Audio recordings: [Panel 1](#) [Panel 2](#) [Panel 3](#)

On April 2, [Thomas Brown](#), Paul Hastings, gave a presentation on *Regulation and the Future of Money: Mobile Payments and Virtual Currencies*. He explored how mobile communications are changing the way we define value and authenticate transactions. Brown noted that the Bitcoin technology is raising some compelling questions about what virtual currencies might be able to accomplish in the future. [Video>](#) [Read more>](#)

On March 18, [Gregory Wajnowski](#), GE Energy, discussed *Compliance Risks and Pitfalls in China*. He provided an overview of the US [Foreign Corrupt Practices Act](#) (FCPA) and its implications for doing business in China. Wajnowski explained how companies could manage risk and compete effectively within the confines of the FCPA and other domestic regulations. [Video>](#) [Read more>](#)

Thanks to the following contributors:

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