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## Faculty News and Research Highlights

An ABA task force recently made a proposal to establish minimum requirements within ABA-accredited law schools for “experiential” learning related to building practical skills and competencies. While an important invitation for law schools to re-imagine how they deliver legal education, the proposal raises the question of what constitutes “skills and competencies.” Within business law, this challenge is perhaps greatest for transactional attorneys. However, it is unclear how much, if any, input these practitioners/educators have had on the process of drafting guidelines, or whether there has been much systematic analysis of what topics constitute important “skills.” To address these gaps, Berkeley Law faculty, led by [Eric Talley](#), devised an on-line survey instrument to help gauge what sorts of core competencies established professionals consider important. The preliminary [results can be found here](#). We hope the results will help both practitioners and legal educators assess (and if necessary, work to amend) the current proposed ABA guidelines.

Prof. [Eric Talley](#) [comments](#) on the proposed Comcast-Time Warner Cable merger, which has brought to light issues surrounding monopsonies: single, dominant buyers that create imbalances in price purchasing power. Because monopsonists exert considerable influence as dominant buyers, sellers are adversely affected and undermined. According to [Talley](#), Comcast-Time Warner Cable’s defense of their deal will likely center around suppliers’ (like Netflix’s) extensive market power, and the cable companies’ ability to translate the merger into more bargaining power for its consumers.

India’s public distribution system (PDS) distributes subsidized food to India’s poor. Reforms to the PDS in the state of Chhattisgarh have been lauded as a model for the National Food Security Act that other states can emulate. Prof. [Prasad Krishnamurthy](#) and two co-authors analyzed the impacts of these reforms on rice consumption in the state for the decade ending 2010. Their [findings](#) suggest that sustained reforms, when coupled with political and social will can improve access to food and other essentials through the PDS, but in the absence of such commitments, any PDS improvements may be insubstantial or unsustainable.

## Upcoming Lectures and Events

### Regulation and the Future of Money: Mobile Payments and Virtual Currencies

[Thomas Brown](#), Paul Hastings

Wednesday, April 2 | Boalt 100 | 12:45 – 1:45 pm  
*CLE credit available*

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Bitcoin is just one of the technologies that are rapidly disrupting how people store and move value. Mobile communications and cryptography, in particular, are changing how we define value and authenticate transactions. Regulation, for better or worse, is playing and will continue to play a substantial role in how this industry evolves. Thomas Brown will bring his decades of experience to describe the evolution of payment systems innovations from credit cards to the new world of mobile payment systems and virtual currencies. Join us to find out what is and will be in your electronic wallet.

### BBLJ/BCLBE Symposium: Shareholder Activism

Keynote: [Larry Sonsini](#), Wilson Sonsini Goodrich & Rosati

Friday, April 4 2014 | Boalt Hall Warren Room; 9:00am – 3:00 pm  
*5 hours CLE credit available*

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Activist shareholders acquire significant stakes in publicly traded companies for many reasons: making short-term profits, increasing companies’ profitability over the long-term, and changing companies’ policies in order to comport with the shareholders’ social and environmental goals. Not surprising, given these disparate motivations, activist investors are perceived by various stakeholders as threats to be avoided, part of the current landscape, and powerful forces motivating social responsibility. The symposium will allow regulators, attorneys, academics, and business leaders to share their unique views on this important aspect of modern business and law.

### Compliance Risks and Pitfalls in China

[Gregory Wajnowski](#), GE Energy

Tuesday, March 18 | Boalt 100 | 12:45 – 1:45 pm  
*CLE credit available*

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The recent GlaxoSmithKline bribery scandal and other recent scandals in China underscore the need for companies doing  
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## Lecture and Event Recaps



On February 24, [BCLBE](#) hosted a lunch presentation featuring **Eugene Ludwig**, [founder and CEO of Promontory Financial Group](#). In his talk titled “Financial Regulation in the Post Reform Era:

Putting Dodd-Frank in Context,” Ludwig shared his perspectives on the [Dodd-Frank Act](#) and other regulation efforts within the context of earlier cycles of crisis and reform. He discussed what the changes mean for the evolution of the American regulatory model and the transformative potential of the financial services industry. [Video>](#) [Read more>](#)

On February 25, Prof. [Steven Schwarcz](#), Duke University, discussed Systemic Risk and the Financial Crisis. Schwarcz focused on how regulations should address systemic risk – “the risk that the failure of financial markets or firms harms the real economy by increasing the cost of capital or decreasing its availability.” [Read more>](#)

## 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. Topics of recent posts include a [briefing from Skadden](#) on the benefits, and challenges, of multinational companies gaining US recognition of a foreign plan of reorganization, a [discussion](#) of the recent US Supreme Court case on Sarbanes-Oxley whistleblower protections, and recaps of the presentations by [Eugene Ludwig](#) and [Steven Schwarcz](#) on systemic risk, Dodd-Frank and the financial crisis. 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.

## BCLBE Directors

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## Upcoming Lectures [cont.]

business there to understand and manage the risks associated with common business practices that are prohibited by US and Chinese law. Wajnowski will take us through some risks and common practices and explain how to compete effectively while still being compliant.

### Financing Social Enterprises from Start-up Through Exit

Thursday, April 3 | Boalt Warren | 3:30 – 7:00 pm

The Boalt Social Enterprise Group and the Impact Law Forum will host a symposium on social enterprise finance to explore the unique challenges that mission-driven companies face throughout various stages of capital-raising. The symposium will consist of two panels: the first on preserving social/environmental mission through start-up and early stage financing, and the second on overcoming the challenges of later stage financing and “exit” for social enterprises. A networking reception for students, practicing attorneys, and entrepreneurs will follow. For more information contact Jennifer Barnette at [jennifer.barnette@gmail.com](mailto:jennifer.barnette@gmail.com).

### Cross-Border Mergers and Takeovers: A US-German Law and Practice Perspective

Dr. [Joachim Rosengarten](#), LL.M. '92, Hengeler Müller, Frankfurt  
Wednesday, March 19 | Boalt 141 | 12:45 – 1:45 pm  
*CLE credit available* [REGISTER>](#)

Using a hypothetical example taken from a recent event, Dr. Rosengarten will present and illuminate the steps required under the US and German legal regimes to carry out both friendly and hostile combinations in a transborder context.

### Pircher, Nichols & Meeks

#### 2014 Joint Venture Challenge Award Ceremony

Wednesday, March 19 | Boalt Warren | 4:30 – 6:00 pm

*This event is open to all participants in the JV Challenge and to guests by invitation only. For information, email [BCLBE@law.berkeley.edu](mailto:BCLBE@law.berkeley.edu)*

The Berkeley Center for Law, Business, and the Economy will host a celebration of the results of the Pircher, Nichols & Meeks 2014 Joint Venture (JV) Challenge. The judges will present their analysis of the JV Challenge problem and announce the winners. The first place team will receive a \$2,000 prize and the runner up team will receive a \$1,000 prize. Judges are [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 is organized by BCLBE, with support from Pircher, Nichols & Meeks and [Leo Pircher](#) '57.

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