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Faculty News and Research Highlights

On November 14, 2012, **Nancy Wallace** accepted a position with the [US Department of the Treasury](#). She will serve on the Financial Research Advisory Committee of the Office of Financial Research (OFR) where she joins 29 distinguished professionals in economics, finance, financial services, data management, risk management, and information technology. Wallace's focus will be the mortgage market and asset backed securitization. [Press release is here>](#)

On November 15, 2012, **Robert Bartlett** spoke at the SEC's Government-Business Forum on Small Business Capital Formation. The forum was divided into two panel discussions: the first panel focused on the JOBS Act implementation and the second focused on small business capital formation issues not addressed by the JOBS Act. [Read more>](#)

Prasad Krishnamurthy provided written and oral testimony in support of the bill on wage garnishment, [AB 1775](#), to the CA Senate Judiciary Committee and the Governor's office on behalf of the bill's sponsors. The bill was recently signed into law by Governor Brown, and gives workers relief in a state that leads household debt. [Read more>](#)

On December 15, 2012, **Robert Bartlett** will participate in a business roundtable at the University of Pennsylvania where he will be commenting on "[Private Equity Performance: What Do We Know?](#)" paper co-written by Steven Kaplan, Chicago Booth.

With "[Law, Economics, and the Burden\(s\) of Proof](#)," **Eric Talley** provides an overview of the theoretical Law and Economics literature on the burden of proof in litigation. It clarifies core legal definitions and provides a conceptual roadmap for analyzing the major contributions to theoretical law and economics. The essay concludes by offering a number of recommendations about where applied law and economics scholars could direct their research efforts. [Read more>](#)

The Network Highlights

The newly formed category "[Firm Advice: Weekly Update](#)," reviews the latest updates and client alerts from law firms around the SF Bay Area and beyond.

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Events

Monday, November 19, 2012

Boalt Hall, Warren Room; 12:00-2:00 pm

Law & Economics Workshop

[Law and Economics: A View from the Bench](#)

Honorable Douglas H. Ginsburg, US Court of Appeals for the District of Columbia Circuit

One of America's most important Federal Court of Appeals judges explains his understanding and use of economic analysis in judicial decisions. The objective is to give students a perspective on the economic analysis of law and to consider the implications of that analysis for the proper role of the judiciary.

Tuesday, February 5, 2013

San Francisco

[Russian Market: Legal and Business Perspectives](#)

In light of increased Russian venture capital in the Bay Area and strong interest of US companies in the emerging Russian market, BCLBE and [LegalConnect RU](#) will sponsor a conference examining various aspects of Russian business practices.

[Discussion topics](#) will include the Russian market and current investment projects, pros and cons of establishing a business presence in Russia, cross-border transactions and financing, IP protection, life of Russian start-up companies in the US, Russia's membership in the WTO, as well as general principles of the Russian contracting and legal system.

Among the participants will be representatives of INNOPOLIS and SKOLKOVO, the major Innovation Centers and IT Parks from Russia, [Russian Trade Representation](#), Chamber of Commerce, RVC-USA Inc., other Russian and US investment funds, venture capitalists, entrepreneurs, businesses and associations, as well as representatives from academia and major international law firms including Reed Smith LLP, Mayer Brown Europe – Brussels LLP, and Baker & McKenzie.

Additional sponsors for the event are [Russian Chamber of Commerce in the USA](#), Reed Smith LLP, and Mayer Brown Europe – Brussels LLP.

For more information about participating and sponsorship opportunities click [here](#) or contact [BCLBE](#).

The Network Highlights (continued)

The blog recently posted Wilson Sonsini's comments on the recent decision in [In re: Zappos.com Inc., Customer Data Security Breach Litigation](#) which considers the enforceability of "browse wrap" agreements, those in which users are bound to a website's terms and conditions by accessing a website with posted terms.

The blog also discussed Skadden presenting "[The 2012 U.S. Supreme Court Term: Business Cases to Watch.](#)" The upcoming term has several important business-related cases, including three class action cases: [Amgen](#), [Comcast](#), and [The Standard Fire Insurance Co.](#) In *Royal Dutch Petroleum*, the Court will also be considering whether actions may be brought against companies for human rights abuses committed in other countries. Skadden's update provides brief summaries of these and other business-related cases facing the Court this term.

"[Are Emerging Growth Companies Using the JOBS Act's Reduced IPO Filing Requirements?](#)" gives an update on the [JOBS Act](#), signed into law by President Obama last April. The post points out that, while much of the Act left to the SEC the responsibility of designing regulations to implement the Act, it specifically set out provisions designed to ease IPO filing requirements for "emerging growth companies." There is some question as to how many are utilizing these already implemented provisions. Berkeley Law lecturer [Donna Petkanics](#), a partner at Wilson Sonsini provides her insights. [Read more>](#)

"[SEC and CFTC Establish Capital and Margin Requirements for Security-Based Swap Market Participants.](#)" The Dodd-Frank Wall Street Reform Act tasked the Commodity Futures Trading Commission and the Securities and Exchange Commission with creating a regulatory structure to better maintain the [derivatives market](#). [Read more>](#)

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Curriculum Highlights

In Spring 2013, **Stavros Gadinis** will teach [International Business Transactions](#). The goal of the course is to introduce students to the complications that might arise when a business transaction involves international elements. Typical examples of such transactions would be: concluding a supply deal with foreign providers, acquiring a foreign company, seeking financing from foreign investors, and financing a foreign company through the US markets. The course will follow a structure that tracks closely the structure most often followed in transactional practice and reflected in most transaction documents. [Read more>](#)

Jeffrey Newman, partner at Farella Braun & Martel and **Leslie Chin**, lecturer at USF School of Law, will teach "[Skills of Exceptional Lawyers — Social Intelligence and The Human Dimension.](#)" The course will cover a wide range of interpersonal skills including body language and facial expression recognition, rapport-building, conflict resolution, and decision-making. "I want more students to understand that the human side of being a lawyer is where the challenge — and the fun — really is," Mr. Newman says. [Read more>](#)

Events Recap

[M&A Across Borders: An Insider's Look at US Companies Shopping Overseas](#)

Dr. Joachim Rosengarten, partner at Hengeler Mueller, who attended Boalt Hall as an LL.M. student, shared details on the intricate pattern of laws governing international mergers and acquisitions by proposing and then analyzing a hypothetical acquisition of a German company by a US operation.

He breaks the process down to three rules: know the laws, get the stocks, and get the price right. Dr. Rosengarten thinks that the challenge in acquiring a German corporation starts with the understanding of the applicable laws that will govern the purchase. Click [here](#) to view Dr. Rosengarten's presentation. [Read more>](#)

[Berkeley Law Pays Tribute to Its First One Hundred Years](#)

Berkeley Law has been playing a central role in advising policymakers on energy and environmental regulations, criminal justice reforms, the impact of law on business and the US and global economies, and human rights protections.

"We have an obligation to confront the most vital issues in our research," Edley said, "and to position our students to do likewise in their careers." [Watch the Centennial video>](#)

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