On July 1, I became the 13th dean of Berkeley Law, and I am enormously excited to be here. In my first few months, I have gained an even greater appreciation for all that makes this such a special place.

The quality of any educational institution is a product of its faculty, staff, students, and programs. All are outstanding at Berkeley Law, and I wanted in this booklet to provide you a sense of what makes this such a thrilling time for the law school.

The faculty is superb, and as you’ll see in these pages, they are highly prolific and engaged in path-breaking scholarship across countless disciplines. Once more, U.S. News and World Report ranked Berkeley Law’s intellectual property program first among all in the country. A recent study ranked Berkeley Law third in business law. The programs in environmental law and international human rights—with faculty, a clinic, and a center in each area—are terrific. No law school in the nation has a greater commitment to public service.

Also, as featured in these pages, the law school is engaged in adding wonderful new colleagues to our faculty. Six new faculty members joined the law school this year: Abbye Atkinson (who was a fellow at Stanford Law School and specializes in consumer law), Adam Badawi (who was a professor at Washington University and specializes in corporate and business law), Catherine Fisk (who was a professor at University of California, Irvine and specializes in labor and employment law), Joy Milligan (who was a fellow at Berkeley Law and specializes in administrative law), Frank Partnoy (who was a professor at University of San Diego and specializes in corporate and business law), and myself. We have eight additional faculty slots to fill this year, allowing us to enhance an already terrific faculty.

I am stunned by the vast array of outstanding programs, clinics, and centers at Berkeley Law. Just since I have arrived, the clinics have had important successes in the courts and in the California legislature. The centers hold great events almost every day. And new programs are constantly being created.

I am tremendously proud to be part of Berkeley Law and to lead it into this exciting new era. I hope you will enjoy this booklet, which provides just a glimpse of the many great things about this law school.

Warm regards,

Erwin Chemerinsky
Incoming Faculty Cite New Berkeley Law Colleagues as Powerful Draw

BY ANDREW COHEN

For Abbye Atkinson, Adam Badawi ’03, Erwin Chemerinsky, Catherine Fisk, Joq Milligan, and Frank Partnoy, their lofty opinion of Berkeley Law’s faculty sparked a powerful incentive to join it.

Atkinson called her new cohort “unmatched in its intellectual depth and range.” Badawi said “the faculty was a huge part of what drew me back to Berkeley.” Milligan noted that “there’s no law school faculty I admire more.” Partnoy called the business law faculty “among the very best in the country.”

Atkinson, Badawi, Chemerinsky, Fisk, and Milligan began their positions this year, Chemerinsky also taking on the role of dean. Partnoy will join the faculty in 2018.

Abbye Atkinson
Atkinson’s new gig represents a homecoming of sorts. A Stanford Law School fellow and lecturer, she earned her undergraduate degree in Dramatic Arts at UC Berkeley—where she was a Regent’s Scholar and received the Mark Goodson Prize for distinction in the performance arts.

At Harvard Law School, she was a research assistant to Professor Elizabeth Warren, now a U.S. senator, on a consumer bankruptcy project, and a teaching assistant in her Bankruptcy Law course.

“She was a master teacher who always encouraged me to think about the law’s real-life implications,” Atkinson said. “That’s been a huge influence in how I’ve approached my scholarship.”

Atkinson has enjoyed a rewarding and varied career, working as a special-education teacher, a clerk for two federal judges, and an associate with Gibson Dunn & Crutcher in San Francisco. At Stanford, her research probed bankruptcy law’s impact on the economically vulnerable.

“Bankruptcy Law concerns itself with helping people who are in a precarious financial position rebuild themselves,” she said. “We often think about that in a middle- or upper-class context. But if bankruptcy is an important mechanism to let people reboot financially, why does it exclude people on the lower end of the socioeconomic spectrum—people whose financial troubles are often borne of bigger social issues?”

Atkinson, who will teach Contracts and consumer law courses, also looks forward to joining Berkeley Law’s growing group of scholars and students working on consumer justice issues. “It’ll be great to get involved in that community,” she said.

Adam Badawi ’03
While he enjoyed his two years as a University of Chicago law fellow and lecturer and seven years as a professor at Washington University of St. Louis, Badawi—who earned three degrees from UC Berkeley—relished a chance to come back.

“There’s nowhere like it,” he said. The prospect of joining the business law program, which he says is “influential, energetic, and thinks about research and teaching in innovative ways,” made returning to his alma mater “an easy decision.”

Badawi clerked on the U.S. Tenth Circuit Court of Appeals and practiced at Munger, Tolles & Olson before entering academia. His research focuses on shareholder litigation, how boards operate, and the interplay between debt contracts and corporate governance. A current project explores the influence lawyers and law firms have on the public disclosures they help draft for clients.

“What draws me to business-related research is the importance that effective corporate governance has for producing growth and employment in our economy,” said Badawi, who will teach Contracts and business law courses. “It helps that there are massive amounts of data available on how firms and corporate governance interact.”

Currently co-writing a Business Associations casebook, Badawi wants his students “to think about how lawyers can improve deals rather than just win the litigation that results when those deals turn problematic. I know the Berkeley student body’s love of intellectual engagement and commitment to its ideals will never go away. That makes for a dynamic classroom and I can’t wait to be a part of it.”

Erwin Chemerinsky
Chemerinsky joined the faculty as the Jesse H. Choper Distinguished Professor of Law when became the 13th Dean of Berkeley Law on July 1, 2017.

From 2008-2017, he was the founding Dean and Distinguished Professor of Law, and Raymond Pryke Professor of First Amendment Law, at University of California, Irvine School of Law, with a joint appointment in Political Science. Before that he was a professor of law and political science at Duke University, and a professor at the University of Southern California Law School, including as the Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, and Political Science.

He also has taught at DePaul College of Law and UCLA Law School. He teaches Constitutional Law, First Amendment Law, Federal Courts, Criminal Procedure, and Appellate Litigation.

He is the author of ten books, including The Case Against the Supreme Court, published by Viking in 2014, and two books published by Yale University Press in 2017, Closing the Courthouse Doors, How Your Constitutional Rights Became Unenforceable and Free Speech on Campus [with Howard Gillman]. He also is the author of more than 200 law review articles.

He writes a weekly column for the Sacramento Bee, monthly columns for the ABA Journal and the Daily Journal, and frequent op-eds in
newspapers across the country. He frequently argues appellate cases, including in the United States Supreme Court. In 2016, he was named a fellow of the American Academy of Arts and Sciences.

In January 2017, National Jurist magazine again named Dean Chemennsky as the most influential person in legal education in the United States.

Catherine Fisk
Fisk joins the Berkeley Law faculty as the Barbara Nachtrieb Armstrong Professor of Law. She was Chancellor's Professor of Law and a member of the founding faculty of the University of California, Irvine Law School. Fisk was a law professor at Duke University from 2004 to 2008, and before that, she was a professor at the University of Southern California Law School and Loyola Law School of Los Angeles.

She regularly teaches Labor Law, Employment Law, and Employment Discrimination, along with Civil Procedure, First Amendment, and Legal Profession.

“One of the reasons I came to Berkeley as a student and one of the reasons I came back as a faculty member is because of a longstanding commitment to scholarly rigor that is also policy relevant,” Fisk said. “To use law in a way to advance the cause of social justice broadly defined. So in my field, some of my recent work is, even when it’s historical, explicitly about social problems that I think could be addressed by changes in the law.”

Fisk is the author of five books and scores of articles. Her recent books include Writing for Hire: Unions, Hollywood, and Madison Avenue, and two casebooks: Labor Law in the Contemporary Workplace and The Legal Profession. She is also the author of Working Knowledge: Employee Innovation and the Rise of Corporate Intellectual Property, 1800-1930, which won two book prizes of the American Historical Association and the American Society for Legal History.

Her recent articles cover a wide range of subjects including police unions, the history and current experiences of unionized writers in the entertainment industry, labor protest and the First Amendment, the governance of worker center and labor unions, class action employment claims, and the theory and methods of sociolegal history.

Her current book project, a legal history of lawyers for the labor movement links with the administrative state’s institutional design. One recent project compared the trajectories of racial and religious discrimination in the Supreme Court’s constitutional jurisprudence.

“The fundamental question in civil rights law is why do we still see so much entrenched inequality—particularly racial inequality, after the ‘Civil Rights Revolution?’” Milligan said. “Why has law not been more effective in bridging this gap? That issue underlies my research.”

Milligan has worked for the NAACP’s Legal Defense & Educational Fund and clerked on the U.S. Ninth Circuit Court of Appeals.

Looking ahead to teaching Civil Procedure and a survey course in antidiscrimination law, she values a pragmatic approach. “In Civil Procedure,” Milligan said. “I want students to learn the key practical tools and know how to use them, because I’ve seen firsthand how procedure impacts the fate of cases.”

Frank Partnoy
Partnoy, who has taught at the University of San Diego (USD) School of Law for 20 years, is plenty familiar with the business law group he will join next year. He and Professor Steven Davidoff Solomon recently published a piece in The Atlantic about their unique adventure as shareholder activists.

“Very few law schools offer the sheer number of business courses or substantive opportunities to interface with the business community,” Partnoy said. “The business law group is energetic, accomplished, and running on all cylinders.”

Partnoy worked as a derivatives structurer at Morgan Stanley and two years as a lawyer at Covington & Burling. He studies financial markets and fraud.

One area of focus has been credit rating agencies, which he said “were at the center of the 2008 financial crisis and continue to pose all kinds of significant problems.” Partnoy has testified before Congress on credit rating agencies and some of his proposals were included in the Dodd-Frank Act of 2010. Since then, however, he has seen a lack of oversight and enforcement despite reports of various violations.

The director of USD’s Center for Corporate and Securities Law, Partnoy has authored six books, including textbooks. He incorporates technology in his teaching and strives to connect business and law in meaningful ways. “My courses are partly vocabulary courses,” he said. “This is a new language for some students, and I want them to become as fluent as possible in the language of business and the nuances of the markets.”
This intensive five-nation study goes inside corporations to examine how the people charged with protecting privacy actually do their work, and what kinds of regulation effectively shape their behavior. And the research yields a surprising result. The countries with more ambiguous regulation had the strongest corporate privacy management practices, despite very different cultural and legal environments. The more rule-bound countries trended instead toward compliance processes, not embedded privacy practices.

DAVID D. CARON (EDITOR WITH STEPHAN SCHILL, ABBY COHEN SMUTNY & EPAMINONTAS TRIANTAFILOU)
Practicing Virtue: Inside International Arbitration
OXFORD UNIVERSITY PRESS, 2016

This book looks at international arbitration from the ‘inside,’ with an emphasis on its transnational character. Instead of concentrating on the national and international law governing international arbitration, it focuses on those who practice international arbitration, in order to understand how it actually works, what its sources of authority are, and what demands of legitimacy it must meet.

ERWIN CHEMERINSKY
Free Speech on Campus
YALE UNIVERSITY PRESS, 2017

Hardly a week goes by without another controversy over free speech on college campuses. In this clear and carefully reasoned book, Chemerinsky and Howard Gillman argue that campuses must provide supportive learning environments for an increasingly diverse student body, but can never restrict the expression of ideas. This book provides the background necessary to understanding the importance of free speech on campus and offers prescriptions for what colleges can and can’t do when dealing with free speech controversies.

ERWIN CHEMERINSKY
Closing the Courthouse Door: How Your Constitutional Rights Became Unenforceable
YALE UNIVERSITY PRESS, 2017

On matters of access to courts, the Supreme Court’s record over the past generation has been almost uniformly hostile to the enforcement of individual citizens’ constitutional rights. Chemerinsky shows the effect of these decisions: taken together, they add up to a growing limitation on citizens' ability to defend their rights under the Constitution. Chemerinsky argues that enforcing the Constitution should be the federal courts’ primary purpose, and they should not be barred from considering any constitutional question.

MEIR DAN-COHEN
Rights, Persons, and Organizations: A Legal Theory for Bureaucratic Society (2nd edition)
QUID PRO BOOKS, 2016

Corporations have legal rights, and so do many other large-scale organizations. But what does it mean to ascribe rights and “personhood” to such entities, and what is the rationale for doing so? Rights, Persons, and Organizations: A Legal Theory for Bureaucratic Society remains an essential part of any analysis of organizations and their place in the state, fair dispute processing, and real people’s rights.

MEIR DAN-COHEN
Normative Subjects: Self and Collectively in Morality and Law
OXFORD UNIVERSITY PRESS, 2016

Normative Subjects alludes to the fields of morality and law, as well as to the entities, self and collectivity, addressed by these clusters of norms. The book explores connections between the two. The conception of self that informs this book is the joint product of two multifaceted philosophical strands, the constructivist and the hermeneutical.
Fred Cate and Jim Dempsey examine national practices and laws regarding systematic government access to personal information held by private-sector companies. Their initial research finds that these data collection programs, often undertaken in the name of national security, were cloaked in secrecy and largely immune from oversight, posing serious threats to personal privacy. After the Snowden leaks confirmed these initial findings, the project morphed into something more ambitious: an effort to explore what should be the rules for government access to private-sector data, and how companies should respond to government demands for access.

Holly Doremus, Fred Cate, and Jim Dempsey examine national practices and laws regarding systematic government access to personal information held by private-sector companies. Their initial research finds that these data collection programs, often undertaken in the name of national security, were cloaked in secrecy and largely immune from oversight, posing serious threats to personal privacy. After the Snowden leaks confirmed these initial findings, the project morphed into something more ambitious: an effort to explore what should be the rules for government access to private-sector data, and how companies should respond to government demands for access.

Holly Doremus (co-editor with Steven R. Beissinger, David D. Ackery, and Gary E. Machlis)

Science, Conservation, and National Parks

University of Chicago Press, 2017

Parks and protected areas worldwide are under increasing threat from storms and fires of greater severity, plant and animal extinctions, the changing attitudes of a more urbanized public, and special interest groups. This book gathers a group of scholars to address these problems and, in so doing, to secure a future for protected areas that will push forward the frontiers of biological, physical, and social science in and for parks.

Lauren B. Edelman

Working Law: Courts, Corporations, and Symbolic Civil Rights

University of Chicago Press, 2016

Since the passage of the Civil Rights Act, virtually all companies have antidiscrimination policies in place. Although these policies represent some progress, women and minorities remain underrepresented within the workplace as a whole and even more so when you look at high-level positions. They also tend to be less well paid. How is it that discrimination remains so prevalent in the American workplace despite the widespread adoption of policies designed to prevent it?

Daniel Farber (co-editor with Marjan Peeters)

Climate Change Law


Climate Change Law provides a guide to the rapidly evolving body of legal scholarship relating to climate change. This book focuses on concepts that are of concern to researchers, students and policymakers rather than on the details of national legislation. It provides a comprehensive discussion, with more than 50 structured entries developed by experts from across the world.

Sean Farhang (co-author with Professor Stephen Burbank)

Rights and Retrenchment: The Counterrevolution Against Federal Litigation

Cambridge University Press, April 2017

Farhang and Burbank contribute to an emerging literature that examines responses to the rights revolution that unfolded in the United States during the 1960s and 1970s. The pair discover that, although the counterrevolution largely failed in more democratic lawmaking sites, an increasingly conservative and ideologically polarized Supreme Court has transformed federal law, making it less friendly, if not hostile, to the enforcement of rights through lawsuits.

Catherine L. Fisk

Writing for Hire: Unions, Hollywood, and Madison Avenue

Harvard University Press, 2016

Required to sign away their legal rights as authors as a condition of employment, professional writers may earn a tidy living for their work, but they seldom own their writing. Fisk traces the history of labor relations that defined authorship in film, TV, and advertising in the mid-twentieth century. Fisk examines why strikingly different norms of attribution emerged in these overlapping industries, and she shows how unionizing enabled Hollywood writers to win many authorial rights, while Madison Avenue writers achieved no equivalent recognition.

Kinch Hoekstra (co-editor with Al Martinich)

The Oxford Handbook of Hobbes

Oxford University Press, 2016

This book consists of twenty-six original chapters by a group of distinguished philosophers, political theorists, historians, and literary scholars from North America and Europe. All the contributors have made substantial contributions to Hobbes scholarship. The book is divided into five parts: Logic and Natural Philosophy; Human Nature and Moral Philosophy; Political Philosophy; Religion; and History, Poetry, and Paradox. The goal of each chapter is to advance the understanding of Hobbes’s thought.

Chris Jay Hoofnagle

Federal Trade Commission Privacy Law and Policy

Cambridge University Press, 2018

The Federal Trade Commission has evolved into the most important regulator of information privacy—and thus innovation policy—in the world. Despite its stature, however, the agency is often poorly understood by observers and even those who practice before it. Hoofnagle redresses this confusion by explaining how the FTC arrived at its current position of power.
CHRISTOPHER KUTZ
On War and Democracy
PRINCETON UNIVERSITY PRESS, 2016

Kutz provides a richly nuanced examination of the moral justifications democracies often invoke to wage war. He argues that democratic principles can be both fertile and toxic ground for the project of limiting war’s violence. Only by learning to view war as limited by our democratic values—rather than as a tool for promoting them—can we hope to arrest the slide toward the borderless, seemingly endless democratic “holy wars” and campaigns of remote killings we are witnessing today, and to stop permanently the use of torture and secret law.

ERIC RAKOWSKI (EDITOR)
The Trolley Problem Mysteries
OXFORD UNIVERSITY PRESS

A rigorous treatment of a thought experiment that has become notorious within and outside of philosophy—The Trolley Problem—by one of the most influential moral philosophers alive today, F.M. Kamm.

HARRY SCHEIBER (WITH CO-AUTHOR JANE SCHEIBER)
Bayonets in Paradise: Martial Law in Hawai‘i during World War II
UNIVERSITY OF HAWAI‘I PRESS, 2016

Scheiber recounts the extraordinary story of how the army imposed rigid and absolute control on the total population of Hawaii during World War II, immediately after the Pearl Harbor attack. Based largely on archival sources, this study places the long-neglected and largely unknown history of martial law in Hawai‘i in the larger context of America’s ongoing struggle between emergency powers and the defense of constitutional liberties.

HARRY SCHEIBER (EDITOR)
Constitutional Governance and Judicial Power: The History of the Supreme Court
BERKELEY PUBLIC POLICY PRESS, 2016

Constitutional Governance and Judicial Power tells the story of the Court, from its founding at the dawn of statehood to modern-day rulings on issues such as technology, privacy, and immigrant rights. In this comprehensive history, we see the Court’s pioneering rulings on the status of women, constitutional guarantees regarding law enforcement, the environment, civil rights and desegregation, affirmative action, and tort liability law reform.

HARRY SCHEIBER
Science, Technology, and New Challenges in Ocean Law (co-editor with James Kraska and Moon-Sang Kwon)
MARTINUS NIJHOFF, 2015

This book offers fresh perspectives on a set of vital issues in the field of ocean law and policy. In this volume, several leading authorities in the field address major dimensions of the interface of science, technology and ocean law—both historically and in current-day perspective—and emergent challenges in legal ordering of ocean uses for sustainability and equitability.

ERIC STOVER AND ALEXA KOENIG (CO-AUTHORS WITH VICTOR PESKIN)
Hiding in Plain Sight: The Pursuit of War Criminals from Nuremberg to the War on Terror
UC PRESS, 2016

Stover and Koenig tell the story of the global effort to apprehend the world’s most wanted fugitives. Beginning with the flight of Nazi war criminals and their collaborators after World War II, and ending with America’s pursuit of suspected terrorists post-9/11, the book explores the range of diplomatic and military strategies adopted to pursue and capture war crimes suspects.

KAREN TANI
CAMBRIDGE UNIVERSITY PRESS, 2016

States of Dependency traces New Deal welfare programs over the span of four decades, asking what happened as money, expertise and ideas travelled from a federal administrative epicenter in Washington, D.C., through state and local bureaucracies, and into diverse and divided communities.

CHRISTOPHER TOMLINS (EDITOR, WITH JUSTIN DESAUTEELS-STEIN)
Searching for Contemporary Legal Thought
CAMBRIDGE UNIVERSITY PRESS, 2017

For more than a century, law schools have trained students to “think like a lawyer.” In these times of legal crisis, both in legal education and in global society, what does that mean for the rest of us? In this book, thirty leading international scholars examine what is distinctive about legal thought.
AMANDA TYLER
Habeas Corpus in Wartime: From the Tower of London to Guantanamo Bay
OXFORD UNIVERSITY PRESS, 2017

Tyler unearths and presents a comprehensive account of the legal and political history of habeas corpus in wartime in the Anglo-American legal tradition. The book draws upon a wealth of original and heretofore untapped historical resources to shed light on the purpose and role of the Suspension Clause in the United States Constitution, revealing all along that many of the questions that arise today regarding the scope of executive power to arrest and detain in wartime are not new ones.

JOHN YOO (CO-EDITOR WITH DEAN REUTER)
Liberty’s Nemesis: The Unchecked Expansion of the State
ENCOUNTER BOOKS, 2016

Liberty’s Nemesis explores the expanding administrative state and the unchecked growth of power in government agencies ranging from healthcare to climate change, financial markets to immigration, and more. It argues that the concentration of power in administrative agencies is the greatest—and most overlooked—threat to our liberties today.

JOHN YOO (WITH CO-AUTHOR JEREMY RABKIN)
Striking Power: How Cyber, Robots, and Space Weapons Change the Rules for War
ENCOUNTER BOOKS, 2017

Threats to international peace and security include the proliferation of weapons of mass destructions, rogue nations, and international terrorism. Yoo and Rabkin argue that the United States should respond to these challenges to national security and world stability by embracing new military technologies such as drones, autonomous robots, and cyber weapons.

FRANKLIN E. ZIMRING
When Police Kill
HARVARD UNIVERSITY PRESS, 2017

Zimring analyzes the use of lethal force by police in the United States and how its death toll can be reduced. He compiles data from federal records, crowdsourced research, and investigative journalism to provide a comprehensive, fact-based picture of how, when, where, and why police resort to deadly force.

FRANKLIN ZIMRING (CO-EDITOR WITH MAXIMO LANGER AND DAVID TANENHAUS)
Juvenile Justice in Global Perspective
NYU PRESS, 2015

Zimring fills a gap in the study of juvenile justice by comparing criminal justice and juvenile justice systems across the world, looking for points of comparison and policy variance that can lead to positive change in the United States.

OTHER TITLES

ROBERT C. BERRING, AND MICHAEL LEVY
The Legal Research Survival Manual with Video Modules, 2nd ed.
WEST ACADEMIC PUBLISHING, 2017

ANDREW BRADT, STEPHEN BUNDY AND WILLIAM FLETCHER
(WITH GEOFFREY HAZARD)
FOUNDATION PRESS, 2015

ERWIN CHEMERINSKY
Constitutional Law, 5th ed.
WOLTERS KLUWER, 2017

JESSE CHOPER (WITH CO-AUTHORS STEVEN SHIFFRIN AND FREDERICK SCHAUER)
1st Amendment: Cases-Comments-Questions, 6th ed.
WEST ACADEMIC PUBLISHING, 2015

JESSE CHOPER (WITH CO-AUTHORS RICHARD FALLON, JR., YALE KAMISAR, STEVEN SHIFFRIN, MICHAEL DORF AND FREDERICK SCHAUER)
Constitutional Law: Cases, Comments, and Questions, 12th ed.
WEST ACADEMIC PUBLISHING, 2015

WILLIAM FERNHOLZ, STEPHEN ROSENAUM AND SUSAN SCHECHTER (WITH MANY CO-AUTHORS)
Building on Best Practices: Transformative Legal Education in a Changing World
WEST ACADEMIC PUBLISHING, 2016

MARCI HOFFMAN AND ROBERT C. BERRING
International Legal Research in a Nutshell, 2nd ed.
WEST ACADEMIC PUBLISHING, 2017

JOHN MCNULTY (WITH KAREN BURKE)
Federal Income Taxation of S Corporations, 2nd ed.
FOUNDATION PRESS, 2014

PETER MENELL AND ROBERT MERGES (WITH MARK A. LEMLEY)
Intellectual Property in the New Technological Age
CLAUSE 8 PUBLISHING, 2016

MELISSA MURRAY AND KRISTIN LUKER
Cases and Materials on Reproductive Rights and Justice, 1st ed.
FOUNDATION PRESS, 2014

DAVID B. OPPENHEIMER (WITH SHEILA R. FOSTER, SORA Y. HAN, RICHARD T. FORD)
Comparative Equality & Anti-Discrimination Law, 2nd ed.
COMPARATIVE EQUALITY PRESS, 2017

DANIEL L. RUBINFELD (WITH ROBERT S. PINDECK)
Microeconomics, 9th ed.
PEARSON, 2017

STEVEN DAVIDOFF SOLOMON (WITH CO-AUTHORS CLAIRE HILL AND BRIAN J. M. QUINN)
Mergers and Acquisitions: Law, Theory, and Practice, 1st ed.
WEST ACADEMIC PUBLISHING, 2016

PAUL M. SCHWARTZ (WITH DANIEL J. SOLOVE)
Privacy Law Fundamentals Paperback – 2017
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FACULTY SCHOLARSHIP

KATHRYN ABRAMS
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B.A., Harvard University [1980]
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Kathryn Abrams, Seeking Emotional Goals with Legal Means, 103 Cal. L. Rev. 1657 [2015]

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J.D., New York University [1998]
LL.M., Georgetown University [2004]
Ty Alper, The Ignoble History of the 3-Drug Cocktail, Los Angeles Times [April 20, 2017].
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B.A., Harvard University (1971)  
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Robert Berring, The Lost Library, 19 Green Bag 2d 139 (2016.)  
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Robert Cooter, Community Versus Market Values of Life, 57 Wm. & Mary L. Rev. 713 (2016).

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CALIFORNIA SUPREME COURT SIDES WITH CLINIC ON PRIVACY CASE

The Samuelson Law, Technology, and Public Policy Clinic won an important case before the California Supreme Court, People v. Macabeo. The issue was whether officers who stop someone for a traffic infraction can do a full “search incident to arrest” and then decide, based on what the search reveals, whether to arrest, cite or release the person. In this case, police stopped defendant Paul Macabeo in 2012 for a minor bicycle infraction. Police searched Macabeo’s cell phone without a warrant—and then arrested and jailed him after finding pornographic photos on his phone. Assistant Clinical Professor Catherine Crump and Professor Charles Weisselberg supervised teams of students on briefs. Weisselberg argued the case in the California Supreme Court. The court ruled that officers could not search cell phones unless they had probable cause to believe that a crime had occurred.

CLINIC LEADS NATIONAL EFFORT TO END DISCRIMINATORY JUVENILE JUSTICE FEES

A major Policy Advocacy Clinic (PAC) report prompted several California counties to eliminate or reduce draconian juvenile justice fees that disproportionately affect families of color. The fees fall especially hard on low-income families and result in large bills they cannot afford to pay. Cited by The New York Times and U.S. Justice Department in urging reform, that work led to a major grant positioning PAC to spearhead a similar nationwide effort. The clinic also helped develop legislation which would end these fees in California. The bill is on the governor’s desk for signature.

NEW LAB TRAINS STUDENTS TO GATHER HUMAN RIGHTS ABUSES EVIDENCE

Berkeley Law’s Human Rights Center has launched the Human Rights Investigations Lab, the first university-based lab of its kind. It has trained over 60 graduate and undergraduate students to conduct “open source investigations” of human rights cases. The students use publicly available data and cutting-edge techniques to verify videos and photos from war zones for use in human rights reports and news stories. They document evidence of genocide, crimes against humanity, and war crimes to preserve for criminal courts worldwide.

Students have logged more than 6,000 hours analyzing and authenticating videos of atrocities in countries such as Syria, Yemen, Egypt, Bahrain, Democratic Republic of Congo, and Myanmar.

STARTUP@BERKELEYLAW TO AID

UNDERREPRESENTED ENTREPRENEURS

Startup@BerkeleyLaw, the Berkeley Law initiative that helps new business ventures take flight, has launched a program to help underrepresented entrepreneurs find success in Silicon Valley. “In Silicon Valley, it’s all about who you know, and not just about your idea for a new product or service,” said Professor Robert Bartlett. “Unfortunately, the attorneys and investors that dominate the industry struggle in connecting with entrepreneurs from underrepresented communities.” Access to Entrepreneurship will educate entrepreneurs on how to start and grow their businesses and connect with investors, law students, attorneys, and other startup founders.

CLINIC FORCES STATE TO RELEASE CELL PHONE RADIATION DATA

The Environmental Law Clinic won a final legal ruling that forced the California Department of Public Health to release guidelines on the risks of cell phone radiation and ways to mitigate exposure. The agency had analyzed the scientific data, but suppressed its own findings. After several failed Public Records Act requests, a suit was filed with clinic director Claudia Polsky serving as lead counsel.

NEW REPORT FAULTS CALIFORNIA’S ELECTRONIC MONITORING OF YOUTH

The Samuelson Law, Technology & Public Policy Clinic and the East Bay Community Law Center have collaborated on the first report to analyze juvenile electronic monitoring programs in California. According to “Electronic Monitoring of Youth in the California Juvenile Justice System,” many young people wearing electronic monitors are only allowed to leave the house to attend school, and must obtain special permission days in advance for medical appointments, sports or other outdoor events. Overall, the programs raised privacy concerns, and found the restrictions were often too vague or overly rigid and disproportionately burdened youth of color and low-income families. “We learned that the monitors may be setting kids up for failure,” said Catherine Crump, director of the Samuelson Clinic. “The terms are too onerous, kids are monitored for too long, and the rules are arbitrarily enforced.”
ASIA IP EXPERT TO JOIN TECHNOLOGY LAW CENTER

Mark Cohen is joining Berkeley Law to launch the Berkeley Center for Law and Technology’s new Asia IP Project after he concludes work as senior counsel and senior advisor to the Undersecretary of Commerce and Director of the US Patent and Trademark Office. Cohen is widely recognized as the leading U.S. expert on intellectual property law in China. For over 30 years, he has practiced, written about, and taught intellectual property and international trade law, always with a focus on Asia. He will help design the Asia IP Project, and develop new, collaborative relationships with academic institutions and other partners in Asia. He will also teach, research, and write on IP issues and organize workshops, conferences, and other events.

HUMAN RIGHTS CLINIC WORK FEATURED IN NYT

The International Human Rights Law Clinic’s work representing Colombian victims of a drug lord extradited to the United States received front page coverage by The New York Times. The Times investigation illuminated how a group of Colombian paramilitary leaders who were extradited to the U.S. were handsomely rewarded for pleading guilty and cooperating with the American authorities. The article also describes the struggle of the family of Julio Henríquez, a Colombian anti-cocaine activist killed by extradited drug lord Hernán Giraldo Serna. Because of IHRLC students and clinic co-counsel Wilson, Sonsini, Rosati and Goodrich, a federal district judge recognized the rights of the Henríquez family under the Crime Victims’ Rights Act to speak at sentencing of a paramilitary leader.

STUDENTS HELP FORCE NEW TRIAL IN DEATH PENALTY CASE

The Death Penalty Clinic last year helped secure the reversal of Thao Lam’s conviction and death sentence in Louisiana based on the state’s failure to provide Mr. Lam with constitutionally adequate language interpreting during his capital trial. The state supreme court had remanded the matter back to the trial court to address questions about subpar interpretation services given to Lam, who is Vietnamese, at trial. After an evidentiary hearing, the trial judge ordered that Lam receive a new trial, thanks in significant part to the clinic’s work. No longer on death row, Lau now awaits a new trial or possibly an alternative resolution of his case.