

Berkeley Law Center for Law and Business

2023-2024 ANNUAL BULLETIN



LETTER FROM THE EXECUTIVE DIRECTOR

Berkeley | Means Business

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"The Berkeley Center for Law and Business provides a center of gravity for students, faculty, entrepreneurs, investors, and organizations on issues of law and business throughout the world."

Erwin Chemerinsky, Dean, Berkeley Law The Berkeley Center for Law and Business has dived into a variety of topics in 2023. If there is a conversation happening at the intersection of business and law, we want to be leading it.

The Berkeley Center for Law and Business has stayed busy in 2023 focusing on a range of topics from Sustainability to FinTech to Women in Business Law.

Most notably, we gained a new member of faculty, Ofer Eldar, who joins us from Duke University School of Law. His research examines corporate governance, entrepreneurial finance, social impact, and law & economics. He also serves as a research member of the European Corporate Governance Institute. His work has been showcased in leading legal and economic publications such as the *Journal of Financial Economics* and *The Review of Financial Studies* as well as *Columbia Business Law Review* and *Yale Law & Economics Research*. We are lucky to have him!

This year we also launched our Inaugural Emerging Leaders Cohort as part of our Women in Business Law Program. A highly-selective program, admitted first-year law students are provided leadership development opportunities through personal reflection, site visits to Bay Area headquartered companies and major law firms, as well as trainings on personal development and mentorship. The early success of this program promises a bright future ahead.

Finally, we successfully launched our Sustainability Regulatory & Policy Advocacy Initiatives aiming to push governments to incorporate sustainability considerations in various economic and financial laws and regulations. Our very first written evidence on the role of natural capital in the green economy was published by the UK Parliament.

As we head into 2024, the Center continues to focus on building a thriving community of thought for a more resilient, sustainable economy. Our small but mighty team has accomplished much more than can be said in these few paragraphs. Read on for additional details!

Angeli Patel *Executive Director, Berkeley Center for Law and Business*

THE BERKELEY FORUMS

In April, the Berkeley Center for Law and Business hosted its ninth annual **Spring** Forum on M&A and the Boardroom and in October, the center hosted its eight annual Fall Forum on Corporate Governance.

Over two thousand attendees participated, virtually and in-person, at the two events.

PARTIAL LIST OF SPEAKERS:

Delaware Court of Chancery Chancellor Kathaleen McCormick and Vice Chancellors Nathan Cook and Paul Fioravanti

FTC Chair Lina M. Khan

SEC Commissioner Hester Peirce

Andrew Fair, CFIUS Staff Chair and Director, Office of Investment Review & Investigation U.S. Department of the Treasury

Gurbir Grewal, Director of the SEC's Division of Enforcement U.S. Securities and Exchange Commission

Commissioner Cloey Hewlett, California Department of Financial Protection & Innovation

Giuseppe Bivona, Bluebell Capital

Lucia Bonova, Head of Unit—Digital Platforms at DG Competition European Commission

Che Chang, General Counsel, OpenAl

David Marcus, Senior Writer & Host, The Deal

Trâm Phi, SVP and General Counsel, Databricks

Anne Simpson, Global Head of Sustainability, Franklin Templeton

The forums were presented with Cooley and Freshfields as Presenting Sponsors. Platinum Sponsor included Davis Polk. Sponsors included Berkeley Law Executive Education; Debevoise & Plimpton; Fenwick; FGS Global; Gibson Dunn; Gladstone Place Partners; Innisfree; Joele Frank; MacKenzie Partners; Morris, Nichols, Arsht & Tunnell; PJT Camberview; Robbins Geller Rudman & Dowd; and Sullivan & Cromwell. Contributing Organizations included H/Advisors Abernathy; FTI Consulting; Richards, Layton & Finger; Potter Anderson & Corroon; SRS Acquiom; Young Conaway; and Weil.









HIGHLIGHTS

ACADEMICS



core business law faculty members

Courses Offered



core business law



Berkeley Center for Law and Business

teaching business law courses

faculty members and leading practitioners





PROGRAMMING

BERKELEY BOOSTS

Our webinar series covered cutting-edge topics including the FTX Crypto Saga, Elon Musk and Twitter, and Fundamentals of Blockchain.

FINTECH FORUM

We brought together state and federal regulators, businesses, advisors and academics at the inaugural FinTech Forum with the goal to understand the current state and future of the industry.

ICONIK FORUM

We brought together experts with front-line experience to discuss the evolution of corporate governance.

FINANCIAL FRAUD

Our annual "Fraud Fest" program hosted a special session at the SEC. Diana Henriques presented and discussed her latest book *Taming* the Street: The Old Guard, the New Deal, and FDR's Fight to Regulate American Capitalism.

STUDENT-LED SYMPOSIUM

The 2023 BBLJ Symposium focused on the associate experience in Bay Area business law. After an introduction on the differences between corporate and litigation practices, the symposium then transitioned to a discussion on the various types of corporate transactional niches in the Bay Area, including but not limited to emerging company work, private equity, and technology-focused work.



"It isn't just Berkeley Law students that are benefiting from the work of the Berkeley Center for Law and Business, but the entire corporate community in the Bay Area and beyond who have attended the center's world-class and cutting-edge industry programs."

Allison Bennington, Executive Board Member, Berkeley Center for Law and Business, and Partner, PJT Partners

BUSINESS IN SOCIETY INSTITUTE

A SOCIALLY RESPONSIBLE BUSINESS LAW PROGRAM

Investors, regulators, employees, and the public are increasingly asking companies to manage their environmental and social impact. The global pandemic, racial injustice, rising income inequality, and climate change are heightening the demands for capitalism to take account of its stakeholders. As an institute within the Berkeley Center for Law and Business, the Business in Society Institute (BISI) is leading the way in defining and advancing a legal and policy agenda that encourages companies to account for stakeholders and the environment.

"Sustainable Capitalism and ESG Online is a masterful top-to-bottom review of ESG, ranging from the underlying theory and history to the latest in reporting frameworks and board governance. Given its breadth, it provides a solid introduction for newcomers, but also offers enough depth for ESG experts."

Nicole Diaz, Global Head of Integrity & Compliance Legal, Snap Inc.



STUDENT OPPORTUNITIES

RESEARCH OPPORTUNITIES BISI is actively engaged in research with academics and students on emerging ESG and stakeholder governance topics.

COURSES Our courses include, Business in Society, Social Enterprise Law, Structuring for Impact: Exploring the Role of Tax Exempt Organizations & Hybrid Structures, Business and Human Rights, and Corporations in Crisis.

PLACEMENTS BISI works with leading corporations and NGOs to place students in ESGfocused field placements and internships.

RESEARCH HIGHLIGHTS

The Sustainable Capitalism & ESG Insights team at the Business in Society Institute provides cutting-edge research on sustainability, ESG, regulation, and corporate trends. We are dedicated to helping businesses, investors, and policymakers understand and navigate the rapidly evolving landscape of sustainable capitalism and ESG investing.

PROGRAMMING HIGHLIGHTS

SUSTAINABLE CAPITALISM & ESG INSIGHTS cutting-edge research on sustainability, ESG, regulation, and corporate trends.

ESG UNIVERSITY: SUSTAINABLE CAPITALISM IN PRACTICE an executive education course for practitioners.

ESG UNIVERSITY: SUSTAINABLE CAPITALISM FOR DIRECTORS an online course designed for corporate board members.

REGULATORY ADVOCACY using business power to address some of the world's biggest challenges today by advocating for regulations and policies promoting sustainability, equity, and inclusion.

STARTUP@BERKELEYLAW

DRIVING INNOVATION

As a joint initiative of the Berkeley Center for Law and Business and Berkeley Law Executive Education, Startup@BerkeleyLaw serves law students, entrepreneurs, and investors by delivering educational programs and services on critical issues faced by early-stage companies.

"Startup@

BerkeleyLaw's

like me. Without

Weijia Huang, Pengram

(Y Combinator Winter

2019 Batch)

FORM+FUND Series is a

must take, particularly

for first time founders

Universities Report 2023)

LAW STUDENTS In 2023, Startup@BerkeleyLaw offered Berkeley Law students a variety of unique courses specifically focused on venture capital finance and entrepreneurship. To obtain practical experience, Berkeley Law students were invited to participate in the Startup Law Initiative—pairing law students with attorneys to incorporate and support new businesses.

FORM + FUND Now in its seventh year, FORM+FUND is Berkeley Law's workshop series for Berkeley-affiliated entrepreneurs and has supported over 750 founders since its inception. FORM+FUND teaches the core legal, financial, and organizational aspects of starting and scaling a venture-backed business.

FORM+FUND, we would sacrifice development time on figuring out legal matters on our own. It significantly accelerates our startup process."

VC UNIVERSITY In partnership with the National Venture Capital Association and Venture Forward, Startup@BerkeleyLaw hosts VC University—an online executive education program—with supporting live events in emerging venture ecosystems. The goal of VC University is to democratize access to venture capital and since its inception, the program has supported over 3,000 participants and has awarded over 550 scholarships to participants from historically underrepresented groups.



BERKELEY RISING 1400+ entrepreneurs and 1300+ funded startups have come out of Berkeley and/or been started by Berkeley alums since 2006 (according to Pitchbook

WOMEN IN BUSINESS LAW INITIATIVE

MAKING THE LEGAL WORLD MORE INCLUSIVE

The Women in Business Law Initiative (WiBL) at the Berkeley Center for Law and Business is designed to address the many challenges to achieving gender equity in law and business. Since its inception in 2016, the WiBL has offered best-in-class career development, mentorship, and networking programs to help students and professionals excel both in their lives and their careers. Beyond mentorship, the Women in Business Law Initiative provides a platform for legal scholars and practitioners to engage in fruitful discussions regarding the challenges to and furtherance of diversity and inclusion in the legal field.

"The WiBL mentorship program is a great way to build your network while learning about what it's like to be a woman practicing corporate law. For me, WiBL is a way to pay forward all the invaluable guidance I have received from female mentors throughout my career."

Rachel Racine, attorney at Wilson Sonsini



WIBL EMERGING LEADERS PROGRAM The Mentorship Program revisited! An exclusive cohort-based experience designed to accelerate the careers of talented and motivated future women lawyers. The selective program is designed for applicants who have passion for leadership, commitment to their own personal and professional growth, and desire to build long-term professional relationships.

The cohort of Women in Business Law Emerging Leaders offers a number of opportunities to develop networks and career strategy, including: site visits with General Counsels of companies in the Bay Area, unique events with major law firms, coaching sessions on networking and leadership, resume reviews, receptions and dinners, and more.

PROGRAMMING This year, the Women in Business Law Initiative Mentorship Program hosted multiple student-attorney mixers and a two-part career coaching program to help students build their professional skills and networks.

INFLUENCING INDUSTRY In furtherance of its mission to improve gender equity and diversity in the workforce, the Women in Business Law Initiative invites scholars, policymakers, and practitioners to engage in discussions regarding the current state of inclusion in the legal world and beyond.

ART, LAW, AND FINANCE PROJECT

ARTS & CULTURE AT THE CORE OF ECONOMIC AND SOCIAL IMPACT

The Art, Law, and Finance Project is an interdisciplinary effort dedicated to exploring issues at the intersection of art, law, finance, technology, and culture. It seeks to be at the forefront of discussions on hot topics such as repatriation, artificial intelligence, securitization, and fraud in the art world. The project hosts an annual symposium featuring leaders from a variety of relevant fields, and also releases a periodic newsletter, Canvas, to keep interested readers up to date.

"We are honored to host the Berkeley Art, Finance, and Law Symposium at SFMOMA. The Symposium shares the museum's goals of exploring the power of art and its impact on society. The Symposium is an important catalyst for cross-industry collaboration, and a deeper examination into the fascinating ways that art, finance, and law intersect."

Adine Varah, General Counsel, SFMOMA



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ANNUAL SYMPOSIUM AT SFMOMA The Art, Law, and Finance Symposium is an annual event bringing together leading figures in the art, law, finance, technology, and culture worlds. Past speakers include: Che Chang (OpenAI), Lance Esplund (WSJ), Jessica Feinstein (U.S. Attorney's Office, SDNY), Sharon Cohen Levin (Sullivan & Cromwell), Professor Peter Menell (UC Berkeley), Professor Pamela Samuelson (UC Berkeley), and more.

LAW STUDENTS In collaboration with the student-led *Berkeley Art Society*, we launched BCLB Art Talk!, a series of lunch talks to expose students to experts from law practice, industry, and the artist community to speak on current topics related to the art world. This year we hosted Che Chang, General Counsel of OpenAI to discuss artificial intelligence in the arts, and Andy Gass, Partner at Latham & Watkins to discuss intellectual property and copyright issues.

Featured Papers:

- Von Appen
- Iris Gartstein

ARTS & CULTURE AT THE CORE OF ECONOMIC AND SOCIAL IMPACT

RESEARCH *Canvas*, a periodic newsletter that highlights academic research and addresses the most current topics in the art world and its intersection with law, finance, technology, and culture.

Technoheritage by Sonia Katyal

Misreading Campbell: Lessons for Warhol by Shyamkrishna Balganesh and Peter S. Menell US and EU Regulation on Fractionalized NFTs – Navigating Unchartered Waters by Antonia

History Repeating Itself: Russia's Mission to Eliminate Ukrainian Cultural Identity by Eleanor

My Case for the Copyrightability of Some AI-generated Artworks by Dallin Johnson Documenting the Violin Trade in Paris: the Archives of Albert Caressa and Émile Français, 1930-1945 by Carla Shapreau, Jean-Philippe Échard, and Christine Laloue

BERKELEY BUSINESS LAW JOURNAL

The Berkeley Business Law Journal (BBLJ) is a Berkeley Law student-run organization through which students are able to practice leadership, organizational, and technical skills while making an impact on business law scholarship.

As of 2023, BBLJ is tied with California Law Review as the largest active student group at Berkeley Law. The journal publishes 2 issues per year of articles by industry-leading academics. In collaboration with BCLB, the journal also runs The Network, a blog dedicated to financial regulation, financing innovation, and capital markets that features entries written by BBLJ members. In addition to publishing, BBLJ hosts a variety of events with the goal to support students in building both their professional skills and their network. Some of these include the student-to-student mentorship program, networking workshops, and practice area exploration events.

"BBLJ's strength comes in its ability to provide students of all backgrounds the opportunity to become involved in corporate law the moment they enter Berkeley Law. Encouraging a diverse range of students to actively participate in corporate law while fostering an environment that promotes and values inclusivity makes me proud to be a member of BBLJ."

Joe Ross, J.D. Class of 2025



RECENT SCHOLARSHIP

VOLUME 20.2

Randomization as an Antitrust Remedy by Francesco Ducci

The Influence of Artificial Intelligence and Emerging Technologies on the Regulation of Insurance Companies in the US: An Exemplary Analysis of California's Rate Making Law by Lukas Boffel

Back to Basics in Securities Fraud Class Actions: The Case for Rewinding the Basic *Presumption* by Chris Pappavaselio

University Oversight of Public University-Affiliated Foundations: Who Watches the Watchers? by Lisa H. Nicholson

Strategic Management, Firm Behavior and the Law of Potential Competition by Shilpi Bhattacharya

THE NETWORK

Chrome's "Sandbox": Corporate Advertisements and Consumer Privacy by Vincent Jou, J.D. '26

The Failure of the US Antitrust Laws in Tackling Predatory Pricing by Ali Mousavi, LLM '24

The Semiconductor Rivalry between the U.S. and China by Anna Shao, J.D. '25

BERKELEY LAW EXECUTIVE EDUCATION

ADVANCING CAREERS IN BUSINESS AND LAW

Our executive education platform connects legal practitioners, investors, executives, and nonprofit leaders to world-class in-person and online certificate programs.

"Berkeley Law Executive

Education's General

Counsel Institute was

transformative for me.

I went into the two-day

the way I carry on my

day-to-day tasks. I came

away two days later full

of new ideas and a sense

of urgency to re-examine

team and I work."

Infoblox

Wei Chen, General Counsel,

and transform the way my

training hoping to improve

POPULAR PROGRAMS

ARTIFICIAL INTELLIGENCE INSTITUTE A multi-day program that delves into the technical, business, policy, and legal aspects of artificial intelligence.

CORPORATE FINANCE FUNDAMENTALS Teaches participants how to apply financial information analysis and corporate valuation.

GENERAL COUNSEL INSTITUTE Designed for mid-career in-house attorneys who want to gain insight into the skills, techniques, and disciplines of the general counsel role.

INDEPENDENT DIRECTOR INITIATIVE New program designed to train, and help place, individuals from backgrounds underrepresented in venture capital, to serve as independent directors on the boards of venture backed private companies.

LEADERSHIP IN THE LEGAL PROFESSION A virtual business school style course for attorneys who want to advance their leadership, people, and project management skills.

EXECUTIVE SUMMER COURSES A selection of law school courses for practicing attorneys taught by Berkeley Law faculty in the areas of business law, technology, and international and comparative law, among others.

ESG UNIVERSITY (Officially launching in spring 2024) Building on the popular Sustainable Capitalism & ESG Online course, this new program will offer participants two separate tracks, one for practitioners and the other for board directors. Like its precursor, ESG University will explore how to incorporate environmental, social, and governance considerations into business strategy through a combination of focused lectures and case studies, curated readings, and in-depth interviews with thought leaders.

VC UNIVERSITY Practical training on venture finance for entrepreneurs, investors, attorneys, and anyone else interested in early-stage investing.



BERKELEY BOOSTS An ongoing series of free webinars (many with MCLE credit) exploring a range of legal, business, and civil justice related topics.

COMMERCIAL CONTRACT FUNDAMENTALS Surveys the basics of commercial contract review, drafting, and negotiation.

BUSINESS LAW FACULTY

Dynamic Scholarship

The Berkeley Center for Law and Business supports a growing and world-leading business law faculty with wide-ranging expertise. Below is a sampling of recently published and forthcoming scholarships.

FACULTY DIRECTOR

STAVROS GADINIS – corporate law, corporate governance, financial regulation

RECENT PUBLICATION The Quest for Legitimacy in Corporate Law with Chris Havasy)

CORE FACULTY



ABHAY ANEJA - law and economics, law of democracy, social inequality, and criminal justice ECENT PUBLICATION

Can political parties improve minority wellbeing? Evidence from India's 'Silent *Revolution' in the Journal of Development Economic* (with S. K. Ritadhi)



aw and economic inequality RECENT PUBLICATION

ABBYE ATKINSON – consumer debt/credit

Borrowing and Belonging (forthcoming)



KENNETH AYOTTE – bankruptcy law, corporate finance, and law and economics

RECENT PUBLICATION I. Crew, Nine West, and the Complexities of Financial Distress (with Christina Scully)



ADAM BADAWI - business law, shareholder litigation, and debt finance

ECENT PUBLICATION How Informative is the Text of Securities Complaints? Journal of Law, Economics & Organization (forthcoming)

ANDREW BAKER – corporate governance and securities regulation

How Much Should We Trust Staggered Difference-In-Differences Estimates? forthcoming) (with David F. Larcker and Charles C. Y. Wang)



law, venture capital, and private equity transactions ECENT PUBLICATION

ROBERT BARTLETT – finance and business

he Market Inside the Market: Odd-lot Quotes, Peview of Financial Studies (forthcoming) (with Justin McCrary and Maureen O'Hara)





/erification Dilemmas in Law, and The Promise of Zero-Knowledge Proofs

RICHARD BUXBAUM – corporate law

Ex Ante or Ex Post? Legislative or Judicial?

A Comparative Evaluation of the Treatment

and international law

law and economics



of Fiduciary-Duty Breaches by the Controlling Shareholder, in Deutsches, Europäisches, und Vergleichendes Wirtschaftsrecht (with Boris Paul, D. Poelzig & O. Fehrenbacher, eds.)



The Falcon's Gyre: Legal Foundations of conomic Innovation and Growth

ROBERT COOTER – intellectual property

DHAMMIKA DHARMAPALA – economic analysis of law



Controlling Externalities: Controlling Shareholders, Cross-Firm Externalities, and Dual-Class Stock (with Vikramaditya S. Khanna)



AARON EDLIN - antitrust, business law, and contract theory

Antitrust Analysis: Problems, Text, and Cases, 8th edition (with P. Areeda, L. Kaplow, and S. Hemphill)

OFER ELDAR – corporate governance, venture capital, corporate social impact



The Rise of Dual-Class IPOs (with D. Aggarwal, Y. V. Hochberg, and L. Litov)

JONAH GELBACH - law and economics, civil procedure, evidence, securities



litigation



Free PACER, in David Freeman Engstrom, ed., Legal Tech and the Future of Civil Justice (forthcoming)



SONIA KATYAL – intellectual property, advertising, and technology

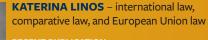




financial regulation, antitrust and competition policy, law and development, and distributive justice

PRASAD KRISHNAMURTHY -

Forgiving Student Loans: Progressivity, Inequality, and Welfare



Back to Basics: The Benefits of Paradigmatic International Organizations (with Kristina Daugirdas)



ADAIR MORSE – consumer finance, venture finance, impact investing, FinTech, and corruption

How Pervasive is Corporate Fraud? (with Alexander Dyck and Luigi Zingales)



and consumer financial contracts ECENT PUBLICATION Markets and Mandates: Retirement in

hile and the United States

MANISHA PADI – law and economics



FRANK PARTNOY – law and finance, business associations, financial fraud, and securities litigation





PANOS N. PATATOUKAS micro and macro interdisciplinary capital markets research

Synthetic Governance (with Byung Ahn, Jill Fisch, and Steven Davidoff Solomon)



VICTORIA PLAUT – law and psychology and inclusion and diversity in tech

RECENT PUBLICATION

Diversity Resistance Redux: The Nature and mplications of Dominant Group Threat or Diversity and Inclusion (with Celina A. Romano, Kyneshawau Hurd, and Emily Goldstein)



DANIEL RUBINFELD – antitrust, federalism, public economics, state and local finance, economics of litigation, and applied econometrics

Revising the U.S. DOJ-FTC Horizontal Merger *Guidelines – Accounting for Algorithmic* Collusion (with Michal Gal)



VERONICA AOKI SANTAROSA economic and legal history, financial regulation, law and economics

RECENT PUBLICATIONS Contracts without Courts: The Value of Contractual Protection in an Era of Absolute Sovereign Immunity (with Ben Chabot)



RACHEL STERN – legal profession, authoritarian legality, political science, social change and globalization, environmental regulation

> RECENT PUBLICATION Colling Back Transparency in China's Courts (forthcoming) (with Benjamin L. Liebman, Xiaohan Wu and Margaret Roberts)

MOLLY VAN HOUWELING – intellectual



Property

property law and open licensing The New Private Law and Intellectual



NANCY WALLACE - mortgage contracting, pricing, securitization, and market structures, underwriting energy efficiency in commercial mortgages, and the valuation of executive stock options.

RECENT PUBLICATION Algorithmic Fairness (with Sanjiv Das and Richard Stanton)



The Berkeley Center for Law and Business

convenes programs and supports research in law and business. We connect scholars, practitioners, and students to address challenges related to capital markets, corporate innovation, and sustainability. In the process, we train the next generation of leaders for the global economy.

We aim to be the leading venue for conversations about corporate governance, equity and inclusion, financial fraud, mergers and acquisitions, venture capital, and other important policy issues, consistent with the University of California, Berkeley's role as the world's leading public university. If there is a debate about law and business, we want to lead the discussion.

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Berkeley Law Center for Law and Business

BUSINESS IS AT A CROSSROADS. BERKELEY LAW IS PROVIDING DIRECTION.





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