

## Justice Sheathes Her Sword

USC Law alumni thrive at the forefront of mediation and arbitration

BY DARREN SCHENCK



BILL YOUNGBLOOD

Caroline Vincent '78, Richard Chernick '70, James P. Gray '71 and John K. "Jack" Trotter '62 help resolve disputes through the less adversarial means of mediation and arbitration.

Sometimes you want your attorney to wage war. You're angry and indignant, and you'll feed your team all the money it needs to blaze a no-holds-barred, shock-and-awe campaign of righteous legal fury.

Litigators can do that; in some cases, they should. But sometimes it takes \$50,000 of discovery to learn you want your problem resolved in a manner that puts less strain on your pocketbook — and on your coronary arteries.

That's when you tell your lawyer you want to go to mediation, where you and your opponent will sit with a mediator, and talk, listen and negotiate. It's not the winner-take-all scenario to which the public has been habituated, but both sides get some of what they want and can get back to their lives.

As alternatives to litigation, mediation and arbitration occupied a fairly rarefied stratum in the legal world until the 1980s, when they assumed a larger role in the lawyer's playbook and the client's imagination.

USC Law alumni are to thank for that.

"When I first started, people did not know the difference between arbitration and mediation," says the Honorable John K. "Jack" Trotter (Ret.) '62, former presiding justice on the California Court of Appeal and founding member of JAMS, the world's largest alternative dispute resolution firm. "Now they're everyday tools in the arsenal of settlement."

Trotter says that California superior courts helped sow the seeds of private mediation in the 1950s and '60s, when they began the practice of conducting settlement conferences.

"I thought mediation offered the litigants an opportunity to settle cases quickly and more economically," he says. "People don't want to be in a courtroom; it's a distraction from their business."

For a long time, most mediators came from the bench;

many, like the Honorable Dickran M. Tevzizian (Ret.) '65, another accomplished JAMS neutral, still do. The Honorable James P. Gray (Ret.) '71, an attorney in the first decade of his career, served as a trial judge for 25 years, including two decades with the Orange County Superior Court, before last year joining the Orange County office of another top mediation firm, ADR Services, Inc.

"Mediation gives me the opportunity to continue to do the most gratifying thing that I did as a judge — to help people resolve their disputes voluntarily," says Gray, author of *Wearing the Robe: the Art and Responsibilities of Judging in Today's Courts* (Square One Press, 2009). "When I was a practicing attorney, it was considered a sign of weakness even to suggest settlement or mediation. But times have changed, because now people consider it more from the beginning."

Although much of the public may still be in the dark about alternative dispute resolution (ADR), Gray thinks the push toward mediation is coming from clients, more so than from attorneys.

"Litigation is truly expensive, not only in terms of money, but also in lost productivity and stress," he says. "Mediation is also in the attorney's best interest. I tell both parties and their counsel that as a mediator I am in the dissatisfaction distribution business. But in the long run, everyone usually comes out well ahead. And happier clients lead to repeat business."

Today, the mediation and arbitration business has seen a tremendous influx of mid-career attorneys. USC Law alumni like Charles Bakaly, Jr. '52, a vice president with JAMS, helped blaze that path, as well.

When another JAMS vice president, Richard Chernick '70, left a prosperous litigation practice to enter ADR full time in 1994, he raised eyebrows throughout the legal

(cont. to page 2)

## Dorothy W. Nelson Seeks Alternatives

BY LORI CRAIG

On an occasion that marked the 40th anniversary of her installment as dean of the USC Gould School of Law, the Honorable Dorothy W. Nelson '56 presented the 2009 Justice Lester W. Roth Lecture Oct. 13.

Nelson, a pioneer in advocating for mediation and arbitration, addressed the transcendent norms needed to achieve justice in the world, and the role alternative dispute resolution — or "appropriate" dispute resolution, as she calls it — can play in resolving conflict.

"Justice, to me, means to consider the welfare of the community as one's own," Nelson said. "It means to regard humanity as a single individual and one's own self as a member of the corporeal form and to know of a certainty that if pain or injury afflicts any member of that body, it must inevitably result in suffering for all the rest."

Among the norms that must be recognized before justice can be achieved in society are the need for universal education; the abolition of racism; the elimination of the disparity between rich and poor; and the recognition of the equality of women and men, Nelson said.

Nelson in 1957 became the first woman to hold a full-time faculty position at USC Law and was an early proponent of teaching mediation. She served as dean from 1967 until 1980, when she was appointed to the United States Court of Appeals for the Ninth Circuit and helped initiate one of the first mediation programs for a federal appellate court.

"After 30 years on the bench, I'm convinced that a decisive moment is at hand for our court system," she said. "The use of mediation and other forms of

(cont. to page 2)



STEVE COHN

Dorothy W. Nelson '56



4 | Alumni Scene



6 | Faculty in Focus



8 | Student Scene



10 | USC Law Life



11 | Reunion

## alumni scene

### Justice *(cont. from page 1)*

community. Most lawyers at the time shunned mediation in part because they concluded, often correctly, that faster dispute resolution inevitably led to fewer fees and smaller incomes.

"In the early days of arbitration and mediation, other attorneys thought it was ridiculous to try and make a living that way," says Chernick, who is managing director of JAMS' arbitration practice. "As a result of being one of the very first high-profile litigation partners in a big law firm who gave up litigation for an alternative dispute resolution practice, I was very visible to the dispute resolution community."

Chernick had always been interested in ADR, thanks to former USC Law Dean Judge Dorothy W. Nelson, whose groundbreaking work in mediation encouraged him to gain experience conducting arbitrations as a volunteer with the American Arbitration Association (AAA).

"Judge Nelson was a pioneer in the field, and when I was a student, she chose me to edit her casebook on judicial administration," he says. "I am forever grateful to her for mentoring me."

Chernick helped pave the way for attorneys like Caroline Vincent '78, who came to mediation as a transactional lawyer. She had always considered herself a problem-solver in a system that was too adversarial.

"Our system is about top dog, get the most you can, win at every cost," says Vincent, now a mediator with ADR Services, Inc. "I went for training in community mediation in '83 and saw that mediation was the best way to help people solve problems in a collaborative, productive way. And I immediately became better at being a transactional lawyer."

Vincent says a mediator can help clients find a more constructive way to resolve their disputes.

"At the community level, they get caught up in legal rights and theory and think, 'I want a lot of money,' when sometimes they just want an apology," she says. "If we want to become a collaborative society, we have to change the system. We'll probably always need a civil way to have a duel, so we don't

kill each other! But we need that to be our last, not first, resort."

Vincent says students and young attorneys should learn all they can about mediation and volunteer with community dispute resolution organizations, then court panels.

Gray agrees that mediators ought not to consider a job in mediation straight from law school.

"As a mediator, you have to see things from many different perspectives. A good mediator is somebody who is experienced, well traveled and well read," says Gray. "You don't have to come from the bench, but to be an effective lawyer you need to know what goes through a judge's mind."

Today, mediation has become such a popular option for clients, says Trotter, that JAMS has taught lawyers to make it a marketing pitch.

"Lawyers figured out that the best way to get clients is to tell them that they do mediation," he says. He has also helped steer JAMS toward a deep level of community investment and involvement, providing training for mediators worldwide and directing ADR grants to community organizations.

For attorneys considering a career in mediation, Chernick offers some advice: 1) develop a high degree of expertise as a trial lawyer; 2) get trained as an arbitrator and mediator; 3) become part of the community by joining dispute resolution organizations such as Dispute Resolution Services (the L.A. County Bar's dispute resolution program), California Dispute Resolution Council and Southern California Mediation Association; and 4) don't pass up any opportunity to do any kind of case work, no matter how small.

"It can be a long hard road for attorney mediators," adds Vincent. "You always have to be putting yourself in front of people. But I couldn't have a better law school to have come from. As a practicing mediator, that's one of the biggest bullets on my resume: that I went to USC Law."

Trotter concurs: "There's nothing better than being a mediator, and there's no better school than USC."

### Dorothy W. Nelson *(cont. from page 1)*

appropriate dispute resolution show great promise and may alleviate the need for vast numbers of new judges and vast numbers of new courthouses."

When Nelson joined the bench, she was amazed there was no mediation program in place. Since then, the Ninth Circuit has expanded its mediation program to a staff of 10 full-time mediators. Out of the circuit's 15,000 cases each year, mediators handle close to 1,000, with an 85 percent success rate in which parties come up with their own solution, Nelson said.

Law schools like USC need to promote problem-solving learning and teach students that there are usually numerous "right" answers to a problem, even if the outcome is relatively certain. Schools should follow USC Law's lead in providing academic courses and clinics that promote negotiation, mediation and collaborative processes, Nelson said.

USC Law offers upper-level courses in mediation, negotiation and ADR and a semester-long clinic in which students mediate six or more Los Angeles County Superior Court cases (see Q&A on page 6).

"We need to build on this work and explore how good dispute resolution and problem-solving skills can take the lawyer's role as process architect to new levels of innovation that will at times involve non-lawyers as well," Nelson said. "We need to develop new processes and more creative solutions with more heads and hearts at the table."



Nelson's official dean's portrait

# HONOR ROLL

**Do you have news you would like to share for the next Honor Roll? Please send an e-mail to [delib@law.usc.edu](mailto:delib@law.usc.edu). And find out what other alumni are up to by viewing Class Notes at <http://law.usc.edu/classnotes>.**

**Bob Baradaran '96**, a real estate partner at Greenberg Glusker, was named chair of the firm's Real Estate Group.

**Catherine E. Bauer '85** has been selected by the Ninth U.S. Circuit Court of Appeals to fill a judgeship vacancy in the U.S. Bankruptcy Court for the Central District of California. Pending a background check, Bauer will fill a judgeship vacant in Riverside. Bauer has spent the last eight years with the U.S. Attorney's Office in the Central District of California.



**James Scott Bell '82** has published his 22nd novel, *Try Fear*, released in July by Center Street.

**Richard Chernick '70** and **Diane Wayne '67**, both neutrals with JAMS, have been recognized as "Power Mediators" by *The Hollywood Reporter* as part of their annual "Power Lawyers" special report.

**Farzin Emrani '04** and **Steven Yazdani '05**

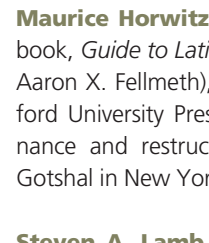


were named managing directors of Carlton Advisory Services and co-managers of the new Los Angeles office. Their initial focus will be originating and placing performing loans, non-performing loans and REO for financial institutions with assets on the West Coast.



**Cynthia L. Fountaine '88**, professor of law at Texas Wesleyan University School of Law, was awarded a Fulbright Scholar grant to lecture at Universitat Bayreuth in Bayreuth, Germany, during the 2009-10 academic year. Fountaine is teaching U.S. Constitutional Law and U.S. Common Law Methodology to German law students.

**Ralph C. Hofer '78** was appointed to the Los Angeles County Superior Court by Gov. Arnold Schwarzenegger. Hofer previously was a partner for Blecher & Collins.



**Maurice Horwitz '07** has published his first book, *Guide to Latin in International Law* (with Aaron X. Fellmeth), released in August by Oxford University Press. Horwitz is a business finance and restructuring associate with Weil Gotshal in New York City.

**Steven A. Lamb '87** has been named partner of Katten Muchin Rosenman. Lamb handles IP, real property and environmental matters.

**Karl R. Lindegren '86**, a partner in the Irvine, Calif., office of Fisher and Phillips, was included in *The Best Lawyers in America 2010* ranking, based on a peer-review survey. Lindegren represents employers in labor, employment, civil rights, employee benefits and immigration matters.

**Michael T. O'Halloran '81** was named 2009 Pro Bono Attorney of the Year by the San Diego Volunteer Lawyer Program (SDVLP). O'Halloran has a solo bankruptcy practice in San Diego and has contributed more than 1,000 hours of service for the HIV/AIDS Legal Services Project, Veterans Stand Down and the Women's Resource Fair in his 15 years as a SDVLP pro bono attorney.



**Elizabeth Watson '81**, a partner in the Climate Change and Sustainability and Real Estate groups at Greenberg Glusker in Los Angeles, achieved the designation of a Leadership in Energy and Environmental Design Accredited Professional (LEED AP) by the United States Green Building Council. Watson also was listed in *L.A. Business Journal's* "Who's Who in the Law" listing for 2009.



**Clarification:** The Summer 2009 issue of *Deliberations* stated that **Justin Sanders '00** had left his practice with The Sanders Firm. Sanders remains a partner in the firm, focusing on business litigation, criminal defense and government counseling.

[ PROFILE ]

## All Roads Lead to Boston

BY MARIA IACOBO



MARIA IACOBO

Jay Hachigian '85, James Hoodlet '85 and Mark Jenness '86 in front of Boston's John Hancock Tower.

Although a number of USC Law graduates stay in California, many others have found themselves in distant locales by design or happenstance. And for those who graduated before the ascendance of the Internet and social networking sites, it was easy to lose track of former classmates.

So it was with Jim Hoodlet '85.

After graduating from USC Law, Hoodlet went home to Boston, where he joined the venerable John Hancock. Busy with his career and far from the alumni activities in Los Angeles, Hoodlet lost touch with classmates. Recently, Hoodlet learned that two Trojan colleagues — Jay Hachigian '85 and Mark Jenness '86 — were also in the Bay State. Jenness was a few blocks away and Hachigian's office about a dozen miles.

Twenty-four years after leaving the USC Law campus, the three met in downtown Boston recently to recall the career paths that led them there.

Jenness completed a joint Master of Business Taxation degree with the USC Marshall School of Business before taking a job with a downtown Los Angeles firm.

An offer from Sutton Place Investments brought Jenness to Lake Tahoe — where he commuted to work in Reno — for 10 years. Three years ago, a branch office in Boston opened and Jenness, a native Californian, moved his family east.

"The business of law has changed and I think that working for only one firm your whole career is the exception now," Jenness says. "I think it's important to stay flexible and nimble because circumstances change fast."

Like Jenness, Hachigian thought he would spend his entire career in Los Angeles. But he crisscrossed the country, working first in L.A., then New York and the Bay Area, where he and five other lawyers started their own firm.

The firm, Gunderson Dettmer, specializes in forming companies and representing them through the formation cycle of venture capital financing or mergers and acquisitions. In addition, the firm represents more than 100 venture funds nationwide.

The impetus to move east was Hachigian's wife's desire to return to her native Massachusetts; opening an east coast branch of his firm was "high risk."

"There were firms that had been in Boston for 100 years," Hachigian says, laughing. "It was a big question as to whether we could compete. We don't do any litigation. We had to convince clients to work with us and we only do a certain set of things."

In Boston for 10 years, Hachigian's office now employs 30 attorneys.

Hoodlet remained with John Hancock and is now vice president and counsel. For well over 100 years the company was a stalwart insurance company, but during Hoodlet's career it has gone through a myriad of changes and is now a stock company and a subsidiary of Manulife Financial Corporation. The changes have allowed Hoodlet to practice in a number of areas, such as IP, securities and insurance.

"Law challenges you every day in a different way," Hoodlet says. "It allows you to keep pace with the changes in society and react to political changes, regulatory changes and changes in technology."

Jenness agrees.

"Before I went to law school I didn't realize how diverse the practice of law is. It's broad enough that you can find some things that you like and want to excel in."

All three agree that their USC Law education prepared them to navigate the changes in the legal landscape over the years.

"It's like red wine," Hachigian says of the practice of law. "It's gotten better with time. The more experience you have, the more you can base good advice on that experience. The level at which I advise today is very different than 15 years ago. The kinds of transactions and the role I play is very different today than it was 15 years ago, which is much more rewarding. I think you learn in this job until the last day you are working."

# Pop Quiz

Want to test your knowledge of USC Law's alumni entrepreneurs? See if you can match each business below with the alumnus/a who launched it:

1. All American Dispute Resolutions On Line, online dispute resolution service
  2. California Pizza Kitchen, national casual dining chain
  3. CHUMBA Racing, mountain bike manufacturer
  4. CourtCall, telephonic court appearance system
  5. Demand Media, social media distributor
  6. hello! SkinnyJeans, slimming jeans label
- 
- a. Jack A. Draper III '74
  - b. Larry S. Flax '67
  - c. Catherine Hart '84
  - d. Alan Kang '04
  - e. Richard Rosenblatt '94
  - f. Mark S. Wapnick '72

To check your answers to this quiz, visit <http://law.usc.edu/quiz>.



[ PROFILE ]

## What Works for Women Lawyers

BY LORI CRAIG

Despite gains in pay equity, female law firm partners still earn an average of almost \$66,000 less per year than their male counterparts. Women also constitute fewer than 16 percent of equity partners, based on a recently released annual survey of the nation's 200 largest law firms by the National Association of Women Lawyers (NAWL).

Lisa Gilford '93, NAWL's 2009-10 president, is leading the call for change.

"The legal profession still lags behind, in terms of having women at the top levels of firm governance," says Gilford, a partner in the product liability group at Alston & Bird in Los Angeles. "I plan to make sure that NAWL lives up to our billing as the voice of women in law and that we provide professional support for women lawyers to make sure we are advancing to leadership positions."

Firms have made strides offering women flexible work arrangements, adopting programs targeted to retain talent, and offering partnership opportunities, Gilford says. More mentor opportunities are needed to help women acquire business development skills and overcome some of the barriers they face at work.

"Organizations like NAWL have a great role to play to build support systems and networks so women don't leave the profession," Gilford says.

Gilford is no stranger to the struggle of combining family life with a law practice. She and husband Andy Gilford, also a partner at Alston & Bird, have two children: Isabel, 6, and Evan, 5. There was a question of whether Gilford would return to work after what was essentially two years of maternity leave.

She worked out a two-year, part-time arrangement with her firm that kept her practice active but scaled down, didn't require a lot of time in court and provided more flexible hours. The following year was a transition period in which her practice grew, but she maintained a lower level of responsibility at the firm.

"My experience taught me that the firm's flexibility was essential to me staying there: That they allowed me to chart my own course and set the terms of my employment were essential to me to stay," Gilford says. "It allowed me, after I returned full time, to come back to the firm to get great work assignments, travel again and make the transition to equity partner."

"Firms that are able to sit down with women and make a plan for transition are the firms that are successful in retaining female talent."

Her interest in women's issues dates back to her years at USC Law, when she took courses from professors Judith Resnik and Susan Estrich.

"Both of those professors really had an impact on me, and classroom experience with them really steered me in that direction," she says.

She also knew she wanted to be a litigator, and the pro bono work she did through the Public Interest Law Foundation solidified that aspiration. She joined Alston & Bird after two years teaching at Georgetown University Law Center's Institute for Public Representation, where she also received an LL.M. Today, her practice focuses on torts, including substantial class-action work; product liability; and general commercial litigation.

"I like the forensics aspect of my work, and every day I get to learn something new about how things work and a particular industry far removed from business at a law firm," Gilford says.

In addition to juggling work and family, Gilford cares for her mother, volunteers at her children's school, and is active in several organizations, including the DuPont Minority Job Fair and Step-up Women's Network.

"One of the answers to how you do it all is: marry the right person," she says. "If you have the right partner you can accomplish anything."



BILL YOUNGBLOOD

[ PROFILE ]

## Steering a New Course

BY GILIEN SILSBY



SCOTT ROBINSON

Since graduating from USC Law, Andrew Silverman '06 has worked at the U.S. Department of Justice in Washington, D.C., representing the government and its employees in cases such as alleged immigration violations and unlawful seizures of money.

Soon, he will get a first-hand look at another side of the justice system — this time from the judge's perspective.

Silverman has landed a much-coveted clerkship with the Hon. Dennis Jacobs, chief judge, Second Circuit Court of Appeals, in New York.

"Having spent three years learning the lawyer's side of handling a case, I thought that it would be invaluable to see and experience cases from the judge's or clerk's perspective," Silverman says. "There are many issues of strategy and tactics — from if and when to file a motion to what witnesses to call to testify or to depose, to what word choices a lawyer makes in a filing — that lawyers debate on a daily basis. I am curious to know what impact, if any, those choices have on the decider."

Silverman was attracted to the Second Circuit's diverse docket, which includes substantial corporate and securities cases challenging legal issues regarding terrorism and national security. The Second Circuit also hears cutting-edge cases involving the environment.

"The range of cases is like no other," he says. "And the possibility of living in New York City with all that it has to offer struck me as wonderfully fascinating and exciting."

In his third year of law school, Silverman applied for the Attorney General's Honors Program, the only avenue for law students to land a job in the Department of Justice. He was accepted and after graduating joined the Constitutional and Specialized Torts Office, where he's worked as a trial attorney since October 2006. Silverman represents federal employees who are sued for alleged actions taken in the performance of their federal duties.

"My job mostly involves the subjects covered in Constitutional Law I and II, Federal Courts, Civil Procedure, Criminal Procedure, Torts, and Evidence," Silverman says. "Not coincidentally, those were my favorite subjects in law school."

While most clerks apply for the position as law students, Silverman wasn't certain if a clerkship was what he wanted to do immediately. After working at the DOJ for a few years, he realized that a clerkship could only further his career.

"I think that my work and law school have prepared me to clerk and then for whatever job lies ahead," he says. "Law school taught me to be a critical, legal thinker and a hard worker, and I think those things will prepare me well for the clerkship."

Silverman's best memories of USC Law involve the friends he made there.

"Studying for finals is certainly not a great memory, but studying with friends on the top floor of the library at the long tables definitely made it more bearable," he says. "Seeing friends get called on in class and really rise to the occasion and do a great job under pressure are also great memories."

### Andrew Silverman's advice for law students considering clerkships:

1. Prepare to apply as soon as possible. Get good grades your 1L year and consider an externship, public interest or government work during the summer.
2. Take classes that prepare you for clerkships early, so that your application lists either those grades or that you are enrolled in those classes.
3. Make connections with professors and other potential recommenders your first year. A great letter from a professor who knows you well can go a really long way.
4. Be prepared for judges to call you directly. Some judges will personally call for an impromptu interview. If you get a call from a number you don't recognize, either let it go to voicemail or make sure you are prepared to have a conversation with the judge.
5. Be professional with your fellow students, especially those who are a year or two ahead of you. They might be the clerk who reads your application.
6. Listen to the Career Services Office. They really do know what they're talking about and are an incredible resource.

## In Memoriam

**VIOLET G. RAUM '37** died on Nov. 19, 2009, at her home in Washington, D.C. She was 97. Born to Jewish Austrian immigrants in Passaic, N.J., Raum's family moved to the Los Angeles area when she was a child. She was a Phi Beta Kappa graduate of Wellesley College, majoring in French. She graduated second in her class from USC Law and was one of the first women to serve as associate editor of the law review. She married Robert E. Kopp and for a short period in the 1940s was a Los Angeles assistant district attorney. After her husband died in 1953, she joined his law firm. In 1957, she married Arnold Raum, a U.S. Tax Court judge, and moved to Washington, D.C., where she became a political volunteer. She was active with the Women's National Democratic Club, the League of Women Voters and the Washington Wellesley Club. Raum is survived by three children from her first marriage, Robert Kopp, Elizabeth Levin and Katherine Kopp; and four grandchildren; she was predeceased by her second husband.

**SOL PRICE '38**, a founder of Price Club and philanthropist, died Dec. 14, 2009, at his home in La Jolla, Calif. He was 93. Price, who received his undergraduate and law degrees from USC, practiced law in San Diego before opening discount store Fed-Mart in 1954. Fed-Mart grew to 13 stores in California, Arizona and Texas. In 1976, Price and his son Robert revolutionized the discount warehouse club industry when they opened the first Price Club in San Diego, offering products at cut-rate prices to members who paid a small annual fee. Price Club grew to nearly 100 stores in the U.S., Canada and Mexico before it merged with Costco in 1993. Price turned his energy to his philanthropic activities, starting real estate investment trust Price REIT; the Aaron Price Fellows Program; and the Price Family Charitable Fund, which he established with his wife, Helen. Price contributed to a number of civic and educational causes and was active in Democratic politics. He was predeceased by his wife. He is survived by sons Robert and Larry; five grandchildren; and four great-grandchildren.

**GEORGE H. LOWERRE III '48** died on Sept. 1, 2009. He was 88. A Missouri native, he moved to California with his parents, brother and sister, all of whom pre-deceased him in 1936. After graduating from UCLA and serving as an Army lieutenant during World War II, he earned his J.D. from USC Law. After law school, Lowerre opened his office in Manhattan Beach, which he maintained for 50 years until his son Mark took over. Not one for long conversations, Lowerre kept a small sign on his desk reading "BE BRIEF." Lowerre did not want to be called an attorney — he always said he was a country lawyer. He is survived by his wife of 67 years, Barbara; two daughters, Lindalee Wahl and Janet Laws; sons, George IV, Mark and Dean; nine grandchildren; and five great-grandchildren. He was predeceased by his daughter, Karen Salem.

**BRUCE FREEMAN BUNKER '50** died June 24, 2009. He was 84. A World War II veteran, he graduated from Porterville College and then earned his J.D. at USC Law. He practiced law in Bakersfield, Calif., for 58 years. Bunker

specialized in civil litigation, business and estate planning, real property and natural resources law. He chaired several committees for the State Bar of California. Although his professional passion was the law, Bunker's greatest zeal was education. He was a voracious reader and the power of the written word dominated both his professional and personal lives. He was predeceased by an infant son, Charles. He is survived by his wife of more than 60 years, Betty; brother, Rodney; sister, Marthellen Petersen; daughters Carolyn, Suzanne Bunker-Kishimoto and Robin Bishop; eight grandchildren; and three great-grandchildren.

**EDWARD SANDERS '50** died Nov. 30, 2009, at his home in Los Angeles. He was 87. Sanders practiced law in Los Angeles and became a prominent leader in the Jewish community, serving President Jimmy Carter as a special advisor on Mideast policy. A graduate of UCLA, Sanders served in the Army during World War II prior to attending USC Law. He joined Irell & Manella and became active in a number of civic groups. While serving as president of the Jewish Federation Council of Greater Los Angeles during the 1973 energy crisis, Sanders challenged a letter from Standard Oil Co. to 300,000 stockholders that appeared to support a pro-Arab Mideast policy. In 1978, he was named an advisor to President Carter and Secretary of State Cyrus R. Vance on Mideast policy and the Jewish community, and helped plan the historic Camp David summit. He also served on the President's Commission on the Holocaust. Sanders later returned to Los Angeles, where he formed Sanders, Barnet & Goldsmith, later merged into Reed Smith. Sanders is survived by his wife of 63 years, Rose Eisen Sanders; children Susan Sanders Witkow and Michael Sanders; and four grandchildren.

**THE HON. DANIEL LEEDY '51** died on July 31, 2009, at the age of 86. Leedy had a lengthy law career as an attorney and a judge but he may have made his most obvious mark on his local community as a North County Johnny Appleseed, spearheading a tree-planting project in Encinitas in the 1950s and later working on a beautification project in Rancho Santa Fe. After several years in the Navy, including serving as captain of amphibious assault ships in the Pacific during World War II, Leedy married and moved to California, where he earned his J.D. from USC Law. He was appointed a North County Municipal Court judge in 1962 and he was elevated to the Superior Court in 1970. He was active in many community organizations. He is survived by three sons, David, John and Thomas; a daughter, Lisa Thomson; a brother, David; 10 grandchildren; and three great-grandchildren.

**WILLIAM H. WINSTON, JR. '54** died on July 27, 2009. He was 82. Winston was a Long Beach Municipal Court judge from 1973 to 1984, and a Superior Court judge from 1984 until his retirement in 1993. A Long Beach native, he served in the Army Air Corps during World War II and later returned to service as a member of the Marine Corps, where he was on active duty during the Korean War, and achieved the rank of captain. He earned his undergraduate

degree and J.D. at USC. Winston spent nearly two decades in private practice before Gov. Ronald Reagan appointed him to the bench in 1973. He was later elevated by Gov. George Deukmejian. He was active in numerous professional, charitable and civic organizations. He is survived by his wife of 43 years, Elaine Winston; two daughters, Rebecca and Karen; and four grandchildren.

**HERBERT WESTON "WES" WALKER '58** died on Oct. 28, 2009, at the age of 76. A third-generation Californian, Justice Walker's legal career spanned 42 years. He was an attorney in Northern and Southern California, a state trial court judge in Napa County, and an associate justice of the Court of Appeal, First Appellate District, based in San Francisco. As a superior court judge, he authored the Napa County Rules for Administration of Civil Litigation on delay reduction, which he also administered. Before joining the bench, he was in private law practice, specializing in business, real property, and construction law. An accomplished photographer and vintner, Walker published his photographs of landscapes and vineyards in books and calendars, including three books of his own. He is survived by his wife, Marsha Johnston; six children; 14 grandchildren; and one great-grandchild.

**ROBERT M. TAKASUGI '59** died on Aug. 4, 2009. He was 78. Takasugi was the nation's first Japanese-American federal judge. He was shaped strongly by his childhood experiences, as he was a survivor of a World War II relocation camp for Japanese Americans. After the war, he graduated from UCLA in 1953 before earning his J.D. from USC Law. In 1973, Gov. Ronald Reagan appointed him to the Los Angeles Municipal Court. Two years later, Gov. Jerry Brown elevated Takasugi to the Superior Court and in 1976 President Gerald R. Ford nominated him to the federal bench. In the courtroom, Takasugi was a fearless defender of constitutional protections, particularly for persecuted minorities. Takasugi is remembered as a fair and polite judge. Outside the courtroom, he taught a pro bono bar review course for people who had failed the state bar exam at least once. He is survived by his wife, Dorothy; his son, Judge Jon R. Takasugi '90; his daughter, Leslie; and two grandchildren.

**JOHN HOWARD HEINE '75** died on Sept. 4, 2009, at the age of 59. Born in Inglewood, Calif., he earned a B.A. degree in Economics with a minor in Literature from U.C. Davis. He then attended USC Law, where he earned his J.D. He practiced law in Los Angeles for many years, specializing in recent years in immigration cases. He was very active with community service organizations, and privately helped many in need. He is survived by his mother, Carolyn Heine; his brother, Michael Heine; and his domestic partner, Anita Nalli.

## Robert S. Thompson LL.B. '42



BILL YOUNGBLOOD

Robert S. Thompson, a former associate justice of the California Court of Appeal who taught at USC Law for 11 years, died Oct. 2, 2009, in San Diego. He was 91.

Thompson joined the USC Law faculty in 1979. He taught Evidence and also was an expert in appellate advocacy, civil procedure and remedies. His publications include the popular textbook *Remedies: Damages, Equity and Restitution*, and *Law Clerks and the Judicial Process*.

Associate Dean Robert M. Saltzman was mentored by Thompson during Saltzman's first year of teaching nearly 30 years ago.

"I made plenty of mistakes that first year, but happily I remember clearly Bob's calm responses when I had handled an issue or an incident in a manner that

needed improvement," Saltzman said. "Fortunately for me, Bob was also quite accomplished at hiding his astonishment on those occasions when he realized the depth of my lack of understanding of a breadth of legal concepts and theories that were second-nature to him.

"I have been fortunate over the years to have several patient and excellent colleague-mentors; Bob was extraordinary in that role — and I benefited greatly from his time, counsel and his efforts on my behalf."

Thompson received his bachelor's degree in business from USC prior to attending the law school, where he met his wife. He was editor-in-chief of the *Southern California Law Review*.

He served as a captain in the Army Air Force for four years before beginning his practice in Los Angeles with Thompson, Royston & Moss. He later practiced with Nossamon, Thompson, Waters & Moss.

In 1965, he was appointed to the Los Angeles Municipal Court, where he served for one year. He then served two years in Los Angeles Superior Court before being appointed to the California Court of Appeal, where he served until 1979, when he joined USC Law. He took emeritus status in 1990.

His wife, Betty, died in 2005. He is survived by his daughter, Elizabeth, and son, William.

# Q&A

with Professor Lisa Klerman



As director of USC Law’s Mediation Clinic, Prof. Lisa Klerman’s main objective is to teach law students the conflict resolution skills needed to craft creative solutions in emotionally charged situations.

Although these skills are at the heart of mediation, “learning these techniques will help students in all kinds of law practice, not just mediation,” said Klerman, who launched the USC Law Mediation Clinic in 2007. Mediation is one the fastest-growing areas of law, especially in California. In teaching the Mediation Clinic, Klerman draws upon her experience in mediating hundreds of cases in her own private mediation practice, as well as her prior experience in representing clients as a partner at Morrison & Foerster in Los Angeles. Prof. Klerman spoke to Gilien Silsby about the Mediation Clinic.

**What skills are students learning in the Mediation Clinic?**

In the Mediation Clinic, students learn active listening techniques and effective questioning to uncover underlying interests, as well as methods for breaking an impasse and closing deals. These are essential skills, because when students graduate and begin working as lawyers, a large percentage of their time will be spent negotiating deals as transactional attorneys, or negotiating settlements as litigators.

**Why is mediation important for law students to learn?**

Because we have all been trained to be highly analytical in our approaches to clients’ legal problems, lawyers are sometimes accused of losing sight of what really matters most to a client in the course of a business deal or representation in litigation. Clients will be drawn to lawyers who they feel are really listening to them and who make an effort to uncover and understand their true objectives, the nature of their business and its goals, and how the current legal problem they are facing can be resolved using a variety of creative approaches. Students who are exposed to mediation processes and techniques in law school will have an edge, plain and simple. Their knowledge will make them much more effective in representing clients in any situation.

More importantly, these skills are valuable in other aspects of law practice, and even life in general. So much of good lawyering involves connecting with people, and persuading them — whether you are

talking about clients, law colleagues, staff, senior partners at law firms, opposing counsel, parties, judges, or jurors. Dispute resolution skills are useful no matter who you are or where you work.

**How does the Mediation Clinic work?**

In the first half of the course, I teach mediation skills to the students. In the second half of the semester, the students each mediate six or more live cases that are pending in the Los Angeles Superior Court. The students spend all their “live” clinic time at the courthouse. The mediations they handle are an integral part of the court system. The judge or courtroom clerk introduces them to the litigants, and they mediate the dispute right there in a courthouse conference room. In many cases they return with the parties to the courtroom to put the settlement on the record. It is exceptionally rewarding work, because you’ve taken a very bad situation and — often in the face of enormous barriers to settlement — assisted the parties in reaching a resolution and achieving peace.

**What kinds of cases are Mediation Clinic students involved in?**

I teach the students to mediate a wide range of cases, because they must be ready to mediate whatever cases the court assigns them. The most common cases are those involving civil harassment restraining orders, disputes between neighbors, family conflicts, landlord/tenant matters, and contractual disputes. The vast majority of the cases the clinic students handle are cases involving parties who would never be able to afford the

cost of private mediation services. In many cases their court filing fees have been waived.

**Can you describe some of the more unusual mediation cases students have taken on?**

Sometimes the cases capture unique aspects of our Los Angeles culture. In one case from last year, a young rap artist had sued his agent for various performance breaches. A couple of years ago a pair of clinic students mediated a medical malpractice case where a woman had scraped together her meager savings to pay for a plastic surgery procedure that was botched. Another case started out as a simple contract dispute between two parties who each claimed the other owed them money, until the defendant — a struggling screenwriter — offered to give the plaintiff — a struggling actress — the leading role in his movie as a condition of dropping her lawsuit.

**Is mediation gaining ground in the legal world?**

Absolutely. We’re at the point now where less than 2 percent of the cases filed in court actually make it to trial. For those students entering firms as a litigator, I can almost guarantee that they’ll be spending much more time in a mediator’s office than in trial. By some estimates, there are several thousand mediation professionals in the greater Los Angeles area, although not all are full-time. Here at USC, I can think of at least four faculty members that have alternative dispute resolution practices outside of their teaching obligations.

**Is mediation taught in other classes or programs at USC Law?**

We have a terrific “Negotiation and ADR” course co-taught by professors Alex Polsky and Brenda Radmacher. This is a skills course concentrating on negotiation techniques in the first half of class, followed by a component on mediation, with an emphasis on representing clients during mediation. In addition, we offer a course on “ADR Law and Policy” from time to time. Prof. Gillian Hadfield and I have both taught this course in the past. There are also several specialized ADR courses, such as the International Arbitration class, and the International Negotiation and Mediation class, both taught by Prof. John Garman.

**Are there any new developments for the Mediation Clinic?**

Beginning this spring, the Mediation Clinic will expand to accept more students. In addition, there will be an Advanced Mediation Clinic for the students who have already completed the regular Mediation Clinic in a prior semester. Students in the Advanced Mediation Clinic will learn additional mediation skills that will enable them to mediate more sophisticated and complex court cases, and they will also assist with the training and mentoring of the beginning student mediators. It’s a very exciting development that should benefit both beginning and advanced students.

## FOR THE RECORD

The recession has triggered or sped up a number of changes in the way law firms operate. What do these changes mean for the legal profession in the years to come, particularly after the economy fully recovers?

**BRYANT DANNER**  
Lecturer in Law



Initial responses to the current recession indicate that fundamental changes may be in the offing — but the polls are still open.

Citing “economic reasons,” many firms have laid off associates, deferred the date when new hires can begin work, reduced their future hiring targets, and/or cut starting salaries. (Previously, such actions were rare and thought to pose significant reputation risks.) Clients are more focused on overall legal costs, problems with

the traditional hourly billing method, and questions about the cost/benefit value of junior associates. In response, many law firms are showing flexibility on alternative fee arrangements and several large firms are adopting comprehensive new approaches to training, evaluation, and compensation of junior associates, modifying the seniority-based “lock step” compensation model.

Whether these (and other) initial recession responses will result in significant, long-term changes depends on how the “voters” will answer some key questions. Examples:

- Will partners in firms that are launching new associate development programs be motivated to devote the additional time and effort necessary to make these programs work effectively? Will firms develop information and incentive systems that encourage use of alternative fee structures?
- Will clients support a law firm’s new program for training associates and offering alternative fee structures? Will cli-

ents, for example, commit to use the firm (including junior lawyers) for a broad category of legal work — departing somewhat from the clients’ tendency to “hire lawyers, not law firms?”

- Will law students avoid seeking employment at law firms that have recently laid off or deferred a large number of junior lawyers? Will they be attracted to, or avoid, firms with new training and compensation systems that place more value on performance than seniority?
- To improve the firm’s ability to reduce headcount quickly in response to future recessions, will law firms revise tenure agreements with equity and non-equity partners?

While acknowledging the many uncertainties, it appears to this observer that the ultimate tabulation of the votes on these questions will point toward some substantial — and largely beneficial — changes in the firms and their client relationships.

**GILLIAN K. HADFIELD**

Richard L. and Antoinette S. Kirtland  
Professor of Law and Professor of Economics



The changes we are seeing in (business) legal markets in response to the financial crisis and recession of the past year — reduced hiring of newly minted J.D.s, reductions in associate salaries and bonuses, flat rate billing instead of hourly billing, efforts to move to merit rather than lock-step compensation in firms, greater use of outsourcing and

contract lawyers, and so on — are the types of changes that have been long coming.

The recession has sped up the process of change but it hasn’t caused it. The causes of the changes, in my view, lie much more deeply in the growing mismatch between how law is currently practiced and delivered and the needs of a fast-paced, globally

competitive and web-based economy. The new economy needs a lot more law, to structure rapidly changing network-based relationships dominated by complex risk- and information-sharing, often spanning many countries. But the law we are offering in our legal markets is increasingly complex, expensive and remote from the on-the-ground realities facing businesses, communities and governments. A significant part of the pushback from clients — empowered by the downturn that gives them greater bargaining power — is rooted in the disconnect between cost and value in law, a problem clients have been complaining about for many years.

The current shifts thus can be understood as a challenge to legal practitioners to understand the nature of what’s not working and how to get on the innovation bandwagon to develop better, cheaper and more well-tuned strategies and solutions, for businesses and governments. The changes we are already seeing are small steps in that direction: Efforts, for example, to link the price of legal work more closely to the value created by legal work. But the pressures are great for even more dramatic changes. The tremendous transformation in how work gets done outside of law should produce substantial transformation in work gets done within law.

**GREGORY C. KEATING**

William T. Dalessi Professor of Law and Philosophy



I should warn the reader that my crystal ball is cracked; my guess, however, is that this recession will linger and that the recovery from it will look different from previous recoveries. For longer than I have been a lawyer and a law professor, the elite law firm market has been dominated by an ongoing change in the way corporate law firms have done business and by a boom in demand for their services.

Corporate law practice has become more New York-centric in the past 30 or so years, and more focused on financial transactions. With a few hiccups, until this last recession began the financial sector boomed. That boom made elite corporate firms bigger, richer and more concentrated on transactional work and large-scale litigation.

The model of the “Wall Street Law Firm,” which reigned from the end of World War II until the late 1970s, withered away. Compensation became less lock step and more business generation-based, lawyers became more mobile and partnership appointments became more lateral, and clients went from having longstanding relationships with a few firms to shopping their business around and going with the best firm for the job. Lawyers moved from a world where “no one starved” to one where everyone “ate what they killed.”

For now, the food supply has shrunk. There are fewer banks and less work to go around. It seems very unlikely that the financial sector will soon return to the boom times that prevailed not long ago. The demand for the services that elite firms have been built to provide appears to be slack. Corporate clients will have more power in negotiating fees, and firms may find that they cannot pass costs through to clients as they once did. In the short run, this will be hard for elite law firms because the business model they have built does not match the world that we appear to be in.

The present situation will also be hard for lawyers more generally: strapped state and city governments are not going to pick up the slack in private sector hiring. In the longer run, if the 30-year boom in the financial sector really is over, firms and legal practice will change.

Perhaps the era of mega-firms dominated by their transactional and litigation departments will give way to an era of smaller and more diversified firms, capable of providing more diverse services to a broader array of clients. That may not be a bad thing.

# Celebrating LAFLA’s 80th Anniversary

BY MARIA IACOBO

PHOTOS: JOSEPH RICHARD NEGRO



The Legal Aid Foundation of Los Angeles commemorated 80 years of leadership and service at USC Law in September. Events included a symposium with USC Law Profs. Clare Pastore and Niels Frenzen participating in a roundtable discussion on “New Realities for L.A.’s Poor and Low-Income Communities,” a keynote address by former USC Law Prof. Justice Earl Johnson, Jr., and opening remarks by Dean Robert K. Rasmussen.

Frenzen traced recent immigration trends in Los Angeles and California. Although California still has the largest immigrant population in the country, Frenzen cited studies that indicate new immigrants to the state — and L.A. County in particular — have declined for the first time in 100 years.

“Relative to the rest of California, L.A. continues to receive less-skilled immigrants with lower levels of education” Frenzen said.



Some of the reasons for this reversal are the slowing economy, anti-immigrant sentiment and the number of jobs available, he adds. Non-traditional immigrant-receiving states are starting to see these populations.

“Historically, most new immigrants have tended to live and work in areas where fellow immigrants from their home countries have settled, but the data indicates that these social factors are declining in importance. Economic factors are playing a greater role for immigrants in general and more highly educated immigrants in particular,” Frenzen said.

After surveying the bleak recent poverty figures for California, Pastore noted several “bright spots” for advocates to examine, including one long-term project underway in Great Britain that has reduced child poverty rates dramatically in the past 11 years.

“The boldness of the goal and the steps they’re taking to meet it are exciting,” Pastore said. “Where

are the creative initiatives that are making a difference in this country?”

Pastore, who worked in nonprofit legal services in Los Angeles for 15 years, likened public service commitment to the Eagles song “Hotel California,” where “you can check out anytime you like, but you can never leave.”

That’s also true of LAFLA and USC Law. LAFLA’s roots are at USC Law; it was initially established at the law school in 1929 providing students with hands-on training and local residents with legal assistance. Within six years, the large numbers of people needing legal representation and the volumes of cases forced the clinic to find a larger location. For 80 years USC Law students have been serving as interns and externs, providing legal services to individuals who could otherwise not afford legal assistance.



## Law Students Serve as Ambassadors to Local School



Every good teacher has occasionally been daunted by the challenge of reaching his or her students. But when the students are seventh-graders at Foshay Learning Center, a few blocks from USC, and the “teachers” are students from an elite law school, the glazed-eyes potential increases exponentially.

So Maisha Jamerson '11 and Cristina Peña '11 had an idea: bring in law students who share the

middle-school students' ethnic and socioeconomic backgrounds, and they might be more apt to listen. That is the animating principle behind USC Law's new Ambassadors program, launched in Fall 2009 in consultation with the Office of Public Service. Law students serving as ambassadors aim to inspire local students to both raise their career aspirations and learn more about the law and how it affects them.

“We'd been looking for a project to partner on, where black and Latino students can together go out and do something in the community,” says Jamerson, who is active with the Black Law Students Association (BLSA). “Malissa Barnwell of OPS helped set up the program and secure commitments from the Foshay principal and teachers.”

Peña, who serves as community service chair for the Latino Law Students Association (LLSA, formerly known as the La Raza Law Students Association), says the first session, held on Oct. 9, featured lively and substantial discussions with students about the law.

“The school is made up predominantly of Latino

and black students, so it was a good opportunity for them to have role models they could identify with,” she says. “They were very responsive to us, and our being there told them that people in their position can go to law school — it's obtainable.”

Two groups of three USC Law students met with Foshay students in two English classes. The year-long program will feature three discussions and a possible field trip, including one to L.A. Superior Court, each semester.

To engage the students, Jamerson, Peña and the other law students used real examples and news stories of local minors who were caught in the legal system, including the example of a child who was convicted of making an obscene phone call and sentenced to four years of reform school. The case sparked a lively discussion about legal procedure and criminal investigation.

“We're challenging them to think a little bit differently,” says Peña. “The most important thing they get out of this is critical thinking skills, which they can apply to everything they do.”

-Darren Schenck

## Crime and Punishment



PHOTOS: MARIA IACOBO

Prof. Rummel, Keel and Reich spoke to students and parents during Trojan Parents Weekend.

Two law school events held on Trojan Family Weekend in October drew audiences of more than 150 students and their parents.

Connie Keel, a woman who was represented by a USC Law student after spending 29 years in prison for sitting in a car while her husband robbed and killed a shop owner, gave a heart-felt talk about her ordeal. She was joined by Adam Reich, the third-year law student who represented her, and Prof. Heidi Rummel, co-director of USC Law's Post-Conviction Justice Project clinical program.

“The first seven years, I was angry,” Keel said. “But then I realized I had to make something of my life for my kids.”

She began attending several counseling and self-help groups offered in the prison. She sought intense therapy for the emotional, physical and sexual abuse she endured as a child.

After six rejections, Keel's parole was recommended in October 2008 after Reich argued her case.

“Fighting for Connie was my mission,” Reich said. “I knew I had to do everything in my power to help her.”

She was released from prison on April 1, 2009.

Following Keel's presentation was an event featuring Los Angeles County District Attorney Steve Cooley '73; Pat Nolan '75, vice president of Justice Fellowship, the criminal justice reform arm of Chuck Colson's Prison Fellowship Ministries; and Prof. Jody Armour.

“Crime, Punishment and Rehabilitation: The Politics and Policy of California Prisons” was co-sponsored by USC Law, the Jesse M. Unruh Institute of Politics and the USC College of Letters, Arts and Sciences.

Cooley and Nolan, a former conservative state assemblyman who spent 25 months in federal prison after being convicted of accepting illegal campaign contributions, debated the merits and methods of punishment in the justice system.

“It wasn't until I went to prison that I saw that the laws that I supported [as a lawmaker] weren't making us safer,” Nolan said.

Too many drug addicts and non-violent offenders fill California's overcrowded prisons, he said, while too little is done to rehabilitate criminals.

Cooley, who directs prosecutors not to pursue a three-strikes conviction for non-serious or non-violent crimes, agreed to disagree.

“It's actually a very thoughtful system that, if implemented properly, does identify those individuals

who should not be among us,” Cooley said. “Punishment is a legitimate goal of the justice system, but so is rehabilitation — that's where we agree. My impression is that we are not investing in the rehabilitation that some prisoners would benefit from.”

-Lori Craig and Gilien Silsby



Cooley, Prof. Armour and Nolan '75



Steve Cooley '73

## Art Law Experts Paint the Picture for Students

Leading attorneys specializing in art law recently shared with students how they broke into the industry and rose to represent some of the world's most famous museums, artists and collectors.

Speaking at the lunchtime discussion sponsored by the Art Law Society were: William Brutocao, who represents artists, including muralist Kent Twitchell; Robert Darwell, who worked on the Louis Vuitton collaboration with Takashi Murakami for MOCA; and Maria Seferian, who worked on the Armand Hammer Museum restructuring.

Representing artists wasn't something Brutocao sought to do. In 2006, he represented Twitchell in a lawsuit against the U.S. government for painting over his 70-foot-tall landmark mural. The \$1.1-million settlement is one of the largest under the Federal Visual Artists Rights Act (VARA) and the

California Art Preservation Act (CAPA).

“The Twitchell case got me directly involved in litigation of artists' rights,” said Brutocao, who heads the litigation department at Sheldon Mak Rose & Anderson. “It's not something I planned.”

Darwell, founder of Sheppard Mullin's fashion and apparel practice, initially set out to be an entertainment lawyer, although he quickly found that entertainment extends beyond “Hollywood.”

“My interest has always been the intersection between art and commerce and the commercialization of art,” he said. “In law school I took one copyright class and an entertainment law class but knew I wanted to be an entertainment attorney. Once I started practicing I quickly realized that sports, fashion, art and entertainment are very much related.”

The learning curve can be high when representing artists and museums, said Seferian, who also worked with MOCA during its recent financial difficulties and is a partner at Munger, Tolles & Olson.

“Museums are rich and poor at the same time,” she said. “They're rich in their collections, but they are often living hand to mouth off relatively tiny endowments.”

Darwell advised students that if they're truly passionate about art law, show it.

“Volunteer for a museum, take an art history class or, best of all, do an externship with California Lawyers for the Arts,” he said.

-Gilien Silsby

PHOTOS: MARIA IACOBO



Josh Wattles, John Malcom and Jon Healy listen as Prof. Jonathan Barnett opens the discussion.

## Challenges in Copyright Law

Whether it's downloading a song through iTunes, watching a favorite show on Hulu, or using BitTorrent to download computer software, students on university campuses across the nation are undoubtedly familiar with some of the major players and problems in the ever-expanding field of copyright law.

USC Law students packed Room 7 of the law school in October to listen to several top industry minds tackle "Current and Future Challenges in Copyright Law."

The event was presented by the USC Federalist Society, the USC Intellectual Property and Technology Law Society, the USC International Law Society and the Gould/Marshall Alliance. It was supported by a grant from the John Templeton Foundation.

Alongside USC Law professors Jonathan Barnett and Jack Lerner on the panel were John Malcolm (Motion Picture Association of America), Carlos Linares (Recording Industry Association of America), Jon Healy (*Los Angeles Times*) and Josh Wattles (deviantART.com).

Healy discussed two potential business models to fit within the current market framework of lower profit margins per item and higher volume. One was a subscription model where consumers might pay for music like they do cable television and the other was Lala.com's model, where customers pay only 10 cents per song, but access to songs is limited to an online "locker."

Malcolm was not sold on the necessity to adhere to low-margin, high-volume setup because said he has not given up on law enforcement cracking down on piracy expressly to create a better climate for legal downloading. But he stressed that content generators no longer have the upper hand.

"The consumer is king and the consumer is speaking in terms of how it wants to enjoy copyrighted material: where, when and at roughly what price points," he said.

Wattles added several colorful commentaries to the discourse, including an opinion on why the internet is not a perfect fit for the movie and music industries. He explained that in most technology transfers (VHS to DVD, for example), the new technology was designed specifically for its industry. But that's not the case with the internet, leading to a number of growing pains.

"You have to speak to the medium, understand the technology and design your product to that technology," Wattles said.

Linares made the case that technology that is not designed for music has diminished the sound quality of downloadable songs. Song writers and publishers, in addition to recording labels, are trying to survive, Linares said, and everyone needs a quality end-product.

"Technology has made it so much easier for things to get so much worse," he said.

The discussion continued for over two hours as the panelists fielded student questions about international piracy enforcement, protection of an individual's copyrighted work, taxation of distribution points and more.

Perhaps the most encouraging comment for the students in attendance came from Wattles, as he discussed the parties that need to work together to solve copyright issues and keep the affected industries afloat.

"It's going to be great for lawyers," he said.

-Jason Finkelstein



Josh Wattles



Carlos Linares

## Alumni Encourage Students to Seek Clerkships



Students and alumni mingle.

"I always say that my clerkship was the best year of my legal career," Dave Walsh '85, a partner with Paul Hastings and the chair of USC Law's Board of Councilors' Clerkship Committee, told a crowd of more than 100 first-year law students at the annual Fall Clerkship Reception in October.

The event features guest speakers who encourage students to pursue judicial clerkships after graduation.

Tamerlin J. Godley '96, a partner with Munger, Tolles & Olson told the students that a clerkship is the "very best way" to start a legal career.

"It's something that goes with you throughout your career," said Godley.

"It's part of your resume. It's part of who you are. It's a gold star."

Prof. Jean Rosenbluth '93, who did two clerkships before joining the U.S. Attorney's office in Los Angeles, encouraged students to look at clerkship opportunities outside of California, which is a competitive market.

John Francis Hilson, a partner at Paul Hastings, underscored that suggestion with a story of a trial from his clerkship with the Superior Court of Massachusetts. Hilson wowed the audience with details of a murder case in which the defending attorney was the legendary Boston trial attorney James D. St. Clair. St. Clair's trial history includes representing President Richard M. Nixon during the Watergate hearings and serving as an assistant attorney during the Senator Joseph R. McCarthy hearings in 1954.

-Maria Iacobo



From left: Dave Walsh '85, Dean Robert K. Rasmussen, John F. Hilton and Eleanor Mercado '05

PHOTOS: MIKEL HEALEY

## Law and Business Team Up

Two powerhouse USC schools have formed one strategic alliance.

Although the buildings in which they study are mere yards from one another, students at USC Law and the USC Marshall School of Business had not previously spent much time interacting, despite the growing intersection of legal and business issues in today's economy.

But this year, students from both schools joined forces to create the Gould/Marshall Alliance, a club comprising of members from both schools that is geared toward enhancing interaction between the two student bodies.

"There is a lot of desire from law students and business students to work together and get to know each other," said Philip Castro '11, president and founder of the group.

In its first year, the Gould/Marshall Alliance has already sponsored events ranging from professional to philanthropic to fun. One highlight was a panel, co-sponsored with USC Law's Federalist Society, on current issues in intellectual property and copyright law.

The group also sponsored an inter-school competitive blood drive (won by USC Law) and a tailgate for a USC football game.

In the spring, in addition to a "rematch" blood drive, a panel discussion on entrepreneurship is in the works.

Castro believes that interaction between the two schools will benefit both student bodies.

"Students are hopefully finding it easier to reach out and use either school as a resource," he said.

-Jason Finkelstein

PHOTOS: MIKEL HEALEY



Richard Rosenblatt '94 and Dean Robert K. Rasmussen

## Internet Visionary

BY LORI CRAIG

His websites attract more visitors than CNN.com and Twitter. He's made a \$650-million deal with Rupert Murdoch. But it took a failed business venture to teach Richard Rosenblatt '94 about success.

Rosenblatt sat down with USC Gould School of Law Dean Robert K. Rasmussen for the fall 2009 installment of "Conversations with the Dean" to talk about new-media industries and the future of advertising-driven content.



Rosenblatt, co-founder, chairman and CEO of Demand Media, is a self-described "serial entrepreneur." He started his first business — an advertising firm that employed 20 people — before entering USC Law. After graduating, he worked at a firm for six months before becoming bored, so he left to found iMALL, which allowed users to build their own e-commerce stores. In 1999, he sold iMALL to Excite@Home for \$565 million.

Soon after, feeling infallible, Rosenblatt took on the task of turning around a website that was "worth zero." Amid the dot-com bust, he fell short.

"Had I not realized you could fail, I never would have been able to go into my next project and turn it around," Rosenblatt said. "I'm so optimistic, but knowing that you can fail makes you a better executive."

Next Rosenblatt became CEO of eUniverse.com, which later became InterMix, owner of a then-little-known site called MySpace.com. Seeing the potential of social media, Rosenblatt built MySpace into one of the most popular sites on the web.

"For the first time, anybody could create any content they wanted, on any topic," Rosenblatt said.

MySpace grew from one million to 24 million users in two years, setting the stage for the biggest deal of Rosenblatt's career. He met with News Corp's Rupert Murdoch on a Thursday.

"I walked into a room with 15 lawyers, and I sold it in 20 minutes," Rosenblatt said. "We made a \$650 million deal on a handshake and closed four days later."



In May 2006, Rosenblatt co-founded Demand Media, which comprises five major websites that attract about 80 million unique users each month: eHow, LiveStrong, Trails, Cracked and GolfLink. Demand Media now produces 5,000 new pieces of content daily and is the largest content provider to YouTube, with more than 180,000 videos on the popular site. With more than \$200 million in revenues expected this year, Rosenblatt sees only more potential in online media spending.

"There's going to be another very fast growth coming," Rosenblatt said. "I'm a believer that social media pervades everything."

## The Business of Entertainment

BY GILIEN SILSBY

USC Law and the Beverly Hills Bar Association in October hosted the annual Institute on Entertainment Law and Business conference, "Lemons to Lemonade: Squeezing the Upside in Troubled Economic Times." More than 500 people attended.

The program included in-depth examinations of the newest trends in animation, television advertising and the music business and opportunities in talent agency businesses. Teaching sessions were also offered on taxes, the attorney-client relationship, guilds, entertainment litigation, bankruptcy and intellectual property.

The event, held at USC, featured Robert A. Iger, president and CEO of The Walt Disney Company, as the keynote luncheon speaker. Bruce M. Ramer of Gang, Tyre, Ramer & Brown, Inc., led a discussion with Iger on the current landscape of the entertainment industry.

Additional panelists and moderators included Irving Azoff, CEO of Ticketmaster, and the heads of four major talent agencies: Jeffrey Berg (ICM), Jim Berkus (UTA), Ari Emanuel (WME), and David O'Connor (CAA). They participated in an informative discussion on "The Future of Agencies: How They Will Adapt, Change and Survive."

The event also included a look at opportunities in animation by Thomas Sito of the Hollywood Animation Guild, International Animated Film Society and USC School of Cinematic Arts.



## Alum for All Seasons

BY LORI CRAIG



MIKEL HEALEY

Call him the face of Reunion 2010. Phil Bosl '75 has been named the inaugural USC Law Reunion Chair.

As his own class prepares to celebrate its 35-year reunion, Bosl — who chaired his two most recent class reunion planning committees — will help nine other classes from 1960 to 2005 "fire the cannon" to get the party going on June 5. Although he'll leave the details to each group, he will attend the first planning meeting for each class and serve as a liaison between the law school and reunion classes.

"USC Law Reunion is a wonderful occasion to reconnect with your classmates," Bosl says. "More importantly, you're going to have an opportunity to give back to the law school, both out of feelings of gratitude for your legal education and also out of a feeling of responsibility to help support the law school for the benefit of future generations of students."

When it comes to giving back to his alma mater, Bosl leads by example. He has been the most regular contributor to USC Law since it started keeping track of gifts in the 1980s. He also gives back in sweat equity by volunteering with Reunion and other law school events.

"Phil understands that alumni support helps us maintain and enhance our stature as one of the country's premier law schools," says USC Law Dean Robert K. Rasmussen. "For 35 years, he has generously given of his time, energy and resources, and we are fortunate that he will serve as our first Reunion Chair."

For Bosl, charitable giving to USC Law and his other pet causes is a combination of obligation and privilege. It's also routine. At the end of each year, he sits down with his checkbook, whether he's been asked or not.

"I was brought up with the philosophy of trying to give back when something good happened to you, and certainly my experiences at USC Law were nothing but good," Bosl says. "I immensely enjoyed my time there and it turned out to be wonderful for me both personally and professionally."

Bosl did his undergraduate studies at the University of California at Santa Barbara and enrolled at USC Law with G.I. Bill tuition assistance following a four-year tour as an officer in the United States Coast Guard.

During his 2L summer, Bosl worked at Gibson, Dunn and Crutcher, and he joined the firm after graduation. For the next 30 years, he specialized in business litigation and for many years co-headed the firm's Securities Litigation Practice Group. He retired four years ago and since then has poured even more of his energy into philanthropy.

Bosl and his wife, Charlene, actively support a number of causes, including Miller Children's Hospital in their hometown of Long Beach; the Long Beach Symphony; the Long Beach Aquarium of the Pacific; Christian Outreach in Action, which provides transitional housing and meals to the homeless; and their church. They have long championed for diabetes research, most recently through the Juvenile Diabetes Research Foundation. Ali, their older of two daughters, suffered from diabetes and in 2006 died from complications of the disease at the age of 22. Their younger daughter, Sara, is a senior at USC.

"Regular, faithful giving can become very meaningful over time," Bosl says. And as a retiree with a fairly aggressive portfolio, Bosl understands the impact the recession has had on charitable giving. "If you don't have money, you give of your time. When you have some money, you give of that as well as your time."

For more information on Reunion 2010, visit <http://law.usc.edu/alumni/events/reunions.cfm>.

## Recreating Memories at Reunion 2009

About 400 USC Law alumni and guests gathered on the USC campus June 13 for Reunion 2009. Alumni from class years 1959, 1964, 1969, 1974, 1979, 1984, 1989, 1994, 1999 and 2004 attended an all-class evening reception at Argue Plaza outside the USC Alumni House before enjoying separate dinners for each class held in the law school and the University Club. Alumni from classes prior to 1959 attended the Golden Years Luncheon on June 12 in Crocker Plaza.

PHOTOS: STEVE COHN AND MIKEL HEALEY



## HEARD IN THE HALLS...

Taking the attorney's oath of office in December were 102 recent graduates of USC Law who passed the bar exam last February. The Hon. James N. Bianco '87 and the Hon. Jacqueline Chooljian '86 swore in the newly minted attorneys. Chooljian advised the lawyers to "be prepared, be punctual and be polite;" good advice for any professional... Dean Robert K. Rasmussen presented the 4th Annual Robert I. Weil Lecture, "The Future of Legal Education and the Role of ADR," along with University of California, Irvine, School of Law Dean Erwin Chemerinsky. The lecture is named for L.A. Superior Court Judge Robert I. Weil '51... 3L Becky Raizman '10 won the California State Bar Public Law Section's Student Writing Competition last spring. Her article was titled "Legal and Policy Justifications for Transitioning Foster Youth Services as an Entitlement in California: Section 391 Hearings and Continuing Court Jurisdiction"...

Associate Dean and Prof. Elyn Saks had a hospital ward named in her honor at Pelham Woods, a women's mental health hospital in Surrey, England. A multi-disciplinary team at the hospital nominated Saks for the honor after reading her memoir about life with schizophrenia... Rachel Kronick Rothbart joined the Career Services Office as an assistant director through next fall to help the office assist the increasing number of students and alumni who are seeking its services during these tough economic times. If you are one of them, reach the office at 213.740.7397... Prof. Ariela Gross will travel to Japan's Kyoto University for a two-week residency in the history of race and racial ideology... Prof. Ronald Garet presented the first installment of the "Spirit of the Law" speaker series, presented by the USC Department of Religious Life....

Students heard from a number of notable speakers during the fall 2009 semester, including Boston College Prof. R. Shep Melnick, who discussed the changing nature of civil rights litigation and implementation with Prof. Kareem Crayton and USC Department of Political Science Prof. Jeb Barnes; U.S. Magistrate Judge Patrick Walsh, who encouraged students to pursue clerkships; and Jeremy Horowitz '02, assistant general counsel of the San Diego Padres, who spoke about his experiences and legal issues affecting Major League Baseball... Post-Conviction Justice Project Co-Director Prof. Heidi Rummel testified before the California Assembly Public Safety Committee in support of SB399, which would create a review process and resentencing for juveniles sentenced to life without the possibility of parole in California... Mathew D. McCubbins, a nationally recognized interdisciplinary scholar, joins the faculty as a Provost Professor. He will share appointments in the USC Marshall School of Business, USC College of Letters, Arts and Sciences and USC Law... Save the date of Saturday, Feb. 27, for the 20th Annual Public Interest Law Foundation Silent and Live Auction, to be held at Union Station...

## USC LAW deliberations

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## Examining the High Court's 2009-10 Term

BY GILIEN SILSBY



BILL YOUNGBLOOD

Three constitutional law experts discussed a handful of the most important cases the U.S. Supreme Court will hear during the 2009 Term at a USC Law event.

Theodore B. Olson, former U.S. Solicitor General; Pamela Karlan, Stanford Law professor; and Rebecca Brown, USC Law professor, examined several high-profile cases involving criminal law, juvenile sentencing and First Amendment rights. Freedom of religion, animal cruelty and gun ownership were also addressed.

Elizabeth Garrett, USC Law professor and an expert on law and politics, moderated the discussion.

The Oct. 5 event, held at USC's University Club, drew an audience of nearly 200 USC Law alumni, students, faculty, staff and local attorneys.

The panelists discussed and debated the current U.S. Supreme Court Term, which began that day. They looked at the dynamics of the Court, the addition of Justice Sonia Sotomayor and the Court's future.

"This is probably the most active bench in the history of the Supreme Court in terms of how many questions they ask," Karlan said. "And this year more than any other, I expect many cases will be closely divided."

Added Brown: "Four or five cases that the justices took up involve issues in which Justice Sandra Day O'Connor was very pivotal. Now that Justice O'Connor has been replaced with Justice Samuel Alito, the justices are going to take a second look and perhaps change some earlier rulings."

Although it was not yet before the Supreme Court, Garrett asked Olson to discuss his challenge to Prop. 8, the ban on same-sex marriage in California, which is now in the federal courts. Olson is challenging the constitutionality of the ban with longtime adversary David Boies, who was on the opposite end of the *Bush v. Gore* case that Olson argued and won in 2000.

"Someone is going to bring a case and I thought it should be done right," Olson said. "It's a terrible, tragic mistake that we're discriminating against people who happen to want to be married to people of the same sex... This isn't a Republican issue or Democratic issue but a human rights issue."

