

USC **LAW**

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UNIVERSITY OF SOUTHERN CALIFORNIA

THE LAW SCHOOL | fall 2004



# USC **LAW**

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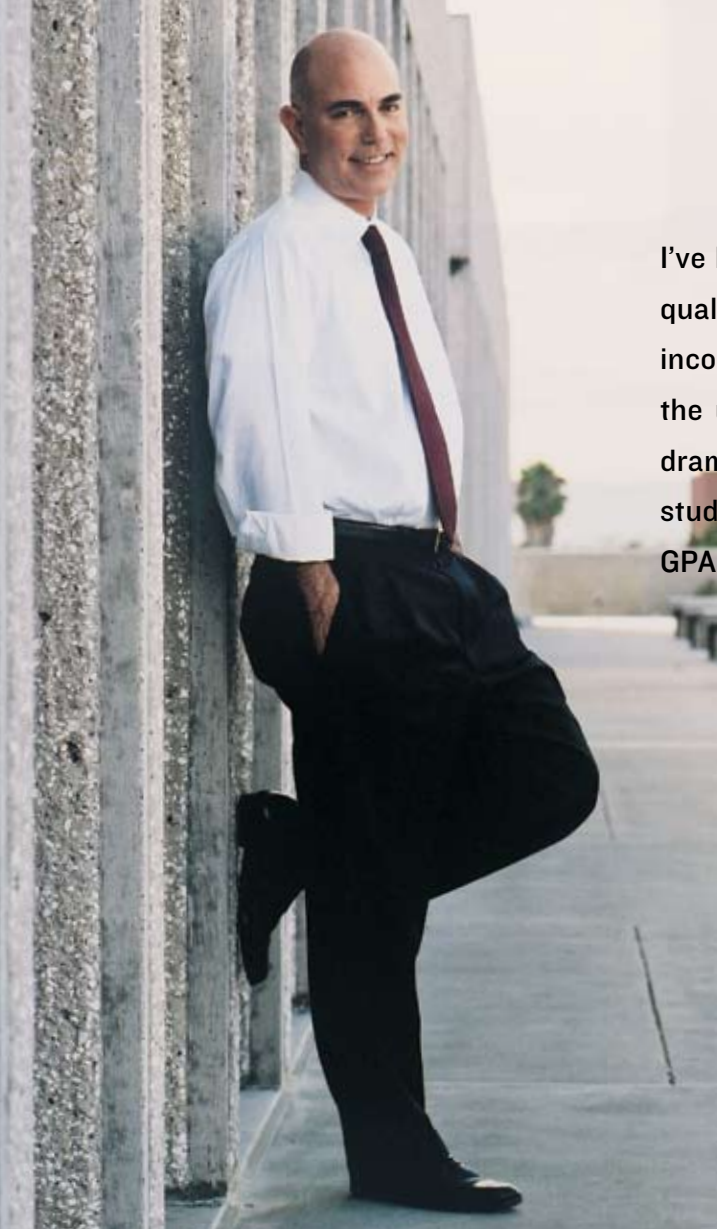
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Dean Matthew L. Spitzer

I've been talking a lot lately about one of my favorite subjects — the quality of the students at USC Law. For the past two years, our incoming classes have set new records for LSAT and GPA scores, and the upward trend shows no signs of slowing. The ascent has been dramatic: From 2001 to 2004, the median LSAT for our incoming students climbed from 164 to 166. From 2001 to 2004, the median GPA went from 3.55 to 3.66.

The rise in quality is evident at all levels. At the 25<sup>th</sup> percentile — the point at which the bottom 25 percent of incoming students are marked off from the top 75 percent — we've seen an even more impressive jump. From 2001 to 2004, LSATs at the 25<sup>th</sup> percentile rose from 160 to 163, and GPAs rose from 3.33 to 3.55. At the 75<sup>th</sup> percentile, our 2004 entering class boasts a whopping 167 LSAT and a 3.76 GPA.

This immense improvement is the result of several strategies. Our new Summer Fellows Program brings in superb students by offering scholarship assistance and a guaranteed summer position at a top firm, business or public interest organization after the first year of law school. Outreach programs — matching top applicants with professors whose specialties correspond to students' undergraduate majors — show students that USC Law can be a continuation of their interests, rather than an abrupt end to the things they care about. We also benefit from USC's rise as a university. Students around the country are more aware of USC than at any time in recent memory, making it easier to recruit from other states.

What does the rise in student quality mean for us? Our professors can move more quickly through material in class, and the quality of discourse is higher. Because top-caliber students tend to have a broader range of goals and interests, we now have more students interested in clerkships, academic careers and work beyond the legal profession. And I suspect these students also will be extremely successful graduates. Still, I am an empiricist. Check back in 15 years, when we will start to be able to observe long-term results.

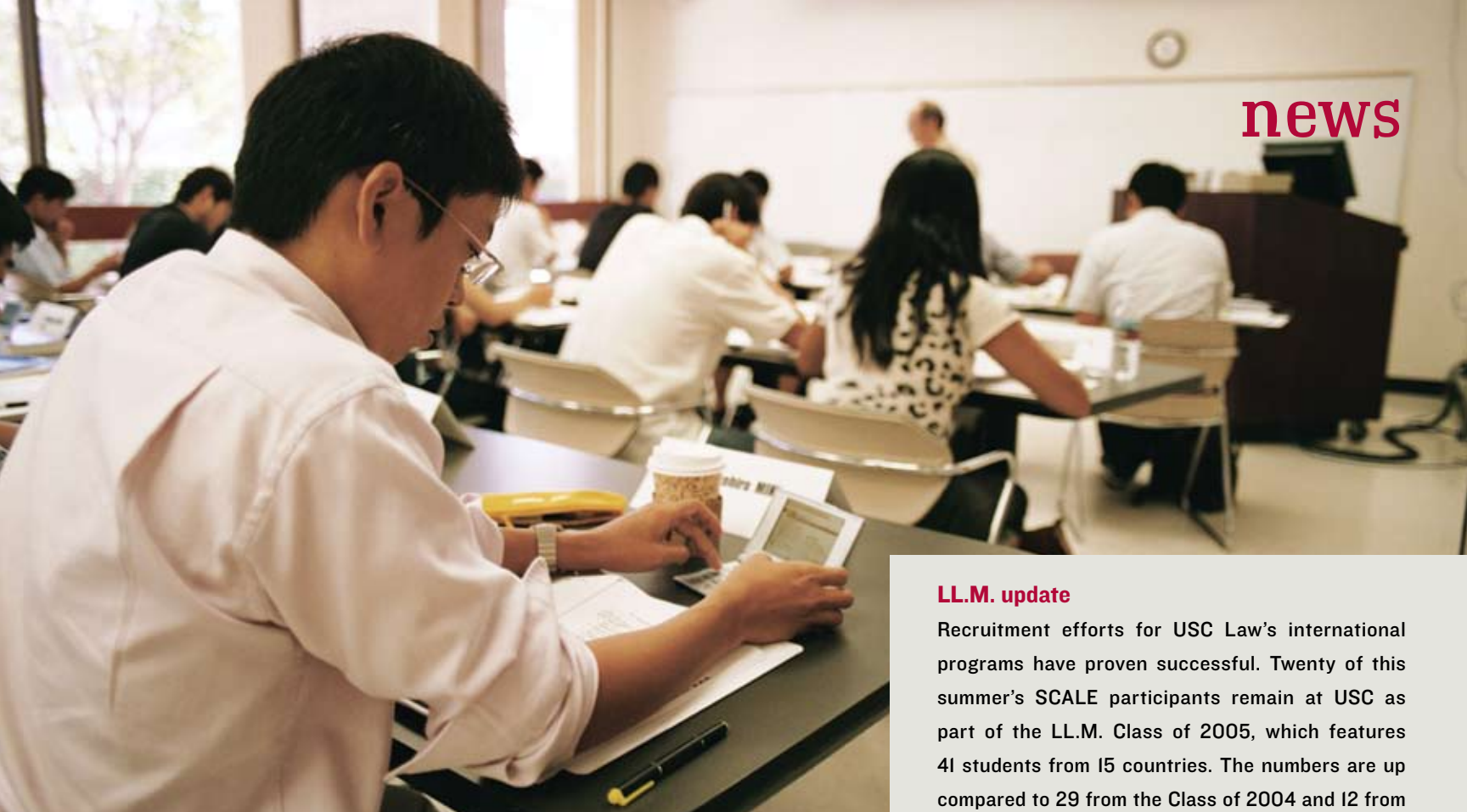
What difference does all of this make to you? If you are in a position to hire our graduates, you should now feel even more confident in hiring USC Law alumni. And all graduates and friends of the Law School should feel proud of our high quality. I know I love to brag about USC Law, and our student quality is a pretty good bragging point.

I look forward to hearing from you about this column, or about anything else for that matter.

Matthew L. Spitzer

Dean and Carl M. Franklin Professor of Law

## A SCHOOL WORTH BRAGGING ABOUT



### LL.M. update

Recruitment efforts for USC Law's international programs have proven successful. Twenty of this summer's SCALE participants remain at USC as part of the LL.M. Class of 2005, which features 41 students from 15 countries. The numbers are up compared to 29 from the Class of 2004 and 12 from the program's inaugural Class of 2003.

## FULL-SCALE LAUNCH

### New law and language program attracts 22 international students

On July 12 about two dozen students from around the globe sat attentively in class and eagerly absorbed information on housing and health insurance and, much later, an introductory lecture on American law. It was their first day of school in America.

As part of orientation, they learned about the student health center, were given tips for travel safety around Los Angeles (*don't read a map while driving!*), and discovered the benefits of shopping at discount stores like Target and Wal-Mart. At an informal luncheon, they were welcomed by Professor Edwin M. Smith, academic director of USC Law's international programs.

"You are participating in a maiden voyage," Smith told his audience. "As part of our crew, remember that your suggestions are very valuable to us. You are helping to build a new program, and you will help make it into a better one."

Hailing from Japan, Thailand, Taiwan, China and Korea, these men and women — participants in the newly launched Southern California American Law and English (SCALE) Program — symbolize an impressive and steady growth in USC Law's international scope.

Conceived a year ago, SCALE is a four-week summer certificate program that helps prepare international students for LL.M. programs in American law. SCALE is offered by the Law School in conjunction with the internationally recognized USC Rossier School of Education Language Academy. By morning, students are introduced to fundamental areas of U.S. law, including the Constitution, intellectual property and torts. By afternoon, Language Academy instructors engage them in lessons and discussions that complement the law curriculum. It is a simple yet unique approach to teaching American law to foreign students, according to Assistant Dean Deborah Call.

"Most [LL.M. prep] programs do one or the other, whereas ours is really a hybrid," Call says. "English classes taught in the afternoon actually include vocabulary used in the morning law classes. That helps ensure a deeper understanding of the subject."

Although SCALE is designed to prepare students for LL.M. programs around the country, it also benefits participants who simply want to learn more about American law while improving their legal English skills — such as recent graduates of foreign law schools and foreign lawyers who may not be able to participate in a full-year LL.M. program.

Says Call: "Our vision is to attract students from all over the world."

— R.B.





Rothman Scholar Jennifer Gulick

“In visiting the Law School, I was particularly impressed by the quality of the faculty. The Rothman Scholarship made it possible for me to come to USC and learn from those professors. It really was an easy decision to choose USC once the scholarship was on the table.”

## CREAM OF THE CROP

### Rothman Scholarship program attracts top students and inspires creation of new scholarship program

Bringing the best law students in the country to USC takes a lot of energy, patience, perseverance — and money.

It's a grim reality: The cost of a top-quality legal education is high, and many prospective law students feel priced out of the best schools even before they've begun their applications. For them, the search for the perfect law school necessarily includes questions not only about the quality of a school's academic program, student life, and job placement opportunities, but also financial aid availability.

USC Law already offers a rigorous academic program, accessible faculty who are leaders in their fields, an unbeatably friendly atmosphere and excellent job prospects. And now, thanks to the Frank Rothman Scholarship program, full-tuition scholarships are helping USC attract some of the nation's most sought-after law students.

The Frank Rothman Scholarship is a prestigious scholarship established in 2002 to honor the legendary litigator and 1951 graduate of USC Law School. Awarded each year to a top incoming student, the scholarship covers full tuition for three years and includes a summer fellowship — a guaranteed

placement at Skadden, Arps, Slate, Meagher & Flom during the summer after the scholar's first year of law school.

The high caliber of the Rothman Scholarship recipients has proven that scholarship funding really can be the deciding factor for an exceptional student. As a result, the Law School has created the Centennial Scholarship program to provide additional full-tuition merit scholarships for top applicants. Together, the Rothman Scholarship and the burgeoning Centennial Scholarship program will undoubtedly make USC Law the law school of first choice for the nation's best students.

“The Frank Rothman Scholarship and the Centennial Scholarship program do three crucial things for USC,” says Dean Matthew L. Spitzer. “They bring in superb students who might have been deterred from USC by the cost. They will help reduce the debt burden on our graduates. And they connect our finest graduates and friends to a succeeding generation of the best and brightest law students.”

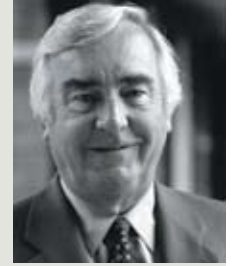
This year's Rothman Scholar, Jennifer Gulick '06, graduated magna cum laude from USC in 1996 and earned a master's degree from the University of Michigan, Ann Arbor, in



### Frank Rothman LLB '51

One of the nation's most respected and well-known trial attorneys, Frank Rothman represented clients including Warner Bros., Walt Disney, Paramount Pictures, 20th Century Fox, the NFL, NBA and PGA. He was chairman and CEO of MGM studios from 1982 to 1986, but his lifelong passion was the law. In later years, he was an antitrust specialist and partner in the Los Angeles office of Skadden, Arps, Slate, Meagher & Flom. He was a member of USC Law's board of councilors and a lifelong supporter of the Law school. He passed away in 2000 at the age of 73.

The Frank Rothman Scholarship was established in 2002 by Rothman's wife, the Hon. Marianna Pfaelzer, and with support from a number of Rothman's friends and colleagues. Each year, one incoming student is selected to receive the scholarship, which is awarded solely on the basis of merit.



### George Vandeman JD '66

George Vandeman's ties to USC Law are deep. After earning his law degree at USC in 1966, Vandeman maintained a close relationship with the Law School through Legion Lex, a fund-raising organization. He is a member of the school's board of councilors and co-chaired the school's most recent fund-raising campaign. From 1995 to 2000, he served as senior vice president, general counsel and secretary of Amgen, a global biotechnology company. Prior to that, he was head of mergers and acquisitions at Latham and Watkins, where he worked for nearly 30 years.

anthropology. A stellar student by all accounts, Gulick had her pick of the top law schools — Northwestern, Michigan, UCLA, Berkeley. But when USC put the Frank Rothman Scholarship on the table, her choice was clear.

"As an alumna, I already knew that USC was a wonderful school," says Gulick. "In visiting the Law School, I was particularly impressed by the quality of the faculty. The Rothman Scholarship made it possible for me to come to USC and learn from those professors. It really was an easy decision to choose USC once the scholarship was on the table."

To help ensure USC can continue to attract students like Gulick, George Vandeman has committed \$700,000 to endow the George Vandeman Centennial Scholarship. The scholarship will pay full tuition for one USC Law student through the duration of his or her legal education. Every three years, a Vandeman scholar will graduate from USC and a new Vandeman scholarship will be awarded.

Vandeman believes the Centennial Scholarship program will help solidify USC's place among the nation's elite law schools.

"We lag behind in our ability to provide full scholarships,"

Vandeman says flatly. "These scholarships help us become more competitive with other top law schools."

Vandeman is just the first in what Dean Spitzer hopes will be a long line of USC Law graduates to establish Centennial Scholarships. Named scholarships are by nature prestigious, Spitzer notes — even more so when the scholarships are named for people who are as accomplished and prominent as Rothman and Vandeman.

"Who knows?" Spitzer says. "Wouldn't it be great if we had a line of Vandeman scholars who established their own Centennial Scholarships? For me, these scholarships are the embodiment of the USC alumni network: successful grads giving back to ensure the success of the next generation."

— M.V.



Alexandra Webber

## BORDER LINES

### Fulbright scholar will assess human trafficking in Mexico and at the U.S.-Mexican border

In the fall semester of her second year at USC Law, Alexandra Webber '04 came to a crossroads and sought guidance from clinical professor Niels Frenzen.

"Did you ever think that maybe law school wasn't for you?" Webber asked.

An immigration law specialist, Frenzen himself followed a non-traditional path after earning his law degree. A legal education, he told Webber, could be a powerful tool for any number of careers beyond the firm world.

"That talk really energized me," says Webber, who later conducted research at the USC Immigration Clinic. "Working in the clinic sharpened my focus, and the mentoring I received from Neils enabled me to connect to the Law School.

"It makes a difference when you have a friend in a professor."

Webber's research assignment from Frenzen eventually segued into what many would consider the crowning glory in her law school career — becoming a Fulbright scholar.

Frenzen's project involved transnational human smuggling issues, and Webber's tasks included interviewing representatives from the U.S. Department of Justice, the Office of Refugee

Resettlement and various non-governmental organizations from San Diego County to Arizona and Washington, D.C. The research enabled her to network with a group that examines the connection between smuggling and human trafficking in Tijuana and San Diego. Later, she wrote her note based on her research findings. Then she received an e-mail about the Fulbright Program and decided to apply.

This spring, Webber became the second USC Law graduate to receive a Fulbright grant. The award will enable her to spend one year in Mexico researching efforts to combat human trafficking for labor and sexual exploitation. She also will examine efforts to foster bilateral collaboration along the U.S.-Mexican border, as well as the legal mechanisms available to prosecutors and law enforcement to protect human rights.

"I always knew something like this was up her sleeve," Frenzen says with a smile. "Alex is really focused on her goals. She's smart, and she knows what she wants to do. It's not an easy thing to get a Fulbright, and I hope other students can use her experience as an example."

Webber will be based in Ensenada, Mexico, and will visit Mexico City and Juarez to complete her Fulbright project. She will evaluate various programs along the U.S.-Mexican border to identify the most effective mechanisms and best practices employed by government officials and non-governmental organizations to address the global problem of trafficking people.

In August 2005, two months after her field research concludes, Webber will produce a handbook listing the "who's who" in combating human trafficking issues in the United States and Mexico. The handbook will be distributed to several organizations, including the Project on Reforming the Administration of Justice in Mexico based at the Center for U.S.-Mexican Studies at the University of California, San Diego.

"I look forward to making a contribution that will help protect human rights," Webber says. "I'm excited to see how this next year goes. I think there's a real opportunity for me to specialize in this area in the near future."

— R.B.

### Smuggling vs. Trafficking

Quite distinct from the "smuggling" of voluntary migrants from one country to another, trafficking in persons involves the coerced relocation of human beings for the purpose of labor or sexual exploitation. The U.S. Department of State calculates that more than 700,000 individuals are trafficked throughout the world each year, with approximately 50,000 women and children trafficked to the United States alone.

## THE SKY'S THE LIMIT

### Three USC Law grads are chosen to serve on the Los Angeles Airport Commission

On June 30, Los Angeles City Council members unanimously approved three nominees — all graduates of USC Law — to a board that oversees Los Angeles International Airport as well as airports in Ontario, Palmdale and Van Nuys.

Appointed by Mayor James Hahn and approved by the City Council, entertainment executive Walter Zifkin '61, sports attorney Jerome Stanley '84, and attorney and community leader David Voss '86 now are part of a highly visible, seven-member panel responsible for the formulation of policy, as well as the management and operation of one of the world's busiest airports.

"The Mayor is always so pleased when people of their caliber, extensive professional careers and history of service to the community step up and say, 'I want to serve,'" says Press Deputy Elizabeth Kaltman.

Voss, founder of Voss & Associates, is an elected representative of the Westchester/Playa del Rey Neighborhood Council and is past president of the Westchester/LAX/Marina del Rey Chamber of Commerce. Through his involvement with these organizations, Voss has read all 25,000 pages of the LAX master plan — the first part of which was drafted when Richard Riordan was mayor.

"Being on this commission is like serving on the board of a billion-dollar corporation," Voss says. "While we look forward to implementing the decision of the City Council regarding the future of LAX and our regional airports, our day-to-day focus actually has little to do with the master plan. It's about exercising oversight, acting as proper stewards, and looking after one of the biggest assets of Los Angeles."

Zifkin, who is chief executive officer emeritus of the William Morris Agency, has numerous charitable and civic affiliations throughout the Los Angeles area and has served on the Cedars-



From left to right: David Voss, Walter Zifkin and Jerome Stanley

Sinai Health System executive committee and the board of Vista Del Mar Child and Family Services. He also recently joined the Los Angeles Police Foundation.

"I'm at the point in my life where I have time to contribute to the community," Zifkin says. "I regard myself as having been very fortunate in terms of what my community and my country have enabled me to do. I'm a first-generation American, the first in my family to go to college and law school, and I've benefited greatly from the opportunities given to me. Therefore I feel thankful and honored to give back in the areas where I can."

Stanley, president of sports law firm Stanley and Associates, previously served on the commission overseeing the L.A. Convention Center. He says serving the city not only is an honor — it's also therapeutic.

"My work involves a contained universe, and there's a lot of stress in the sports environment," says Stanley, who has represented such athletes as Keyshawn Johnson, Rodney Peete, Brian Shaw and Baron Davis. "Serving on the board of airport commissioners is a nice break from what I do, and I will participate in a fair, focused and meaningful way."

— R.B.





Clockwise from top: Frederic Woocher of Strumwasser & Woocher, Pamela Karlan of Stanford, M. Dane Waters of the Initiative and Referendum Institute at USC, and Elizabeth Garrett of USC

### Post-mortem event examines recall's lessons

Scholars, political figures and journalists gathered last fall to discuss California's historic gubernatorial recall election and its impact on future policy at a Recall Election Post-Mortem event, sponsored by the USC-Caltech Center for the Study of Law and Politics and the Initiative and Referendum Institute at USC (IRI).

Pamela Karlan, Stanford law professor and commissioner on the California Fair Political Practices Commission, voiced concerns about a political climate in which "elections can occur at any time, and results can be revisited again and again."

But voters — facing a depressed economy, an energy crisis and a multi-billion-dollar budget shortfall — wanted change, some panelists noted. "The message of hope, the message of change all played into the voters' thinking when they went to the voting booths," said Joel Fox, past president of the Howard Jarvis Taxpayers Association and a policy consultant for Gov. Arnold Schwarzenegger.

Assemblyman Mark Ridley-Thomas and others discussed moves to reform recall election law. But M. Dane Waters, founder and chairman of IRI, defended the recall mechanism. "The recall device is a fundamental check and balance of representative government, and I hope it will stay in the hands of the average citizen," Waters said.

— P.C.

## TAKING THE INITIATIVE

**An international research center brings the study of the initiative, referendum and recall to USC**

Does the increasing presence of initiatives, referendums and recalls on the ballot represent the reawakening of politics by the people, for the people — or the death of the legislative process?

With the arrival of the Initiative and Referendum Institute (IRI), USC Law is poised to lead the discussion on the impact of direct democracy on politics as usual. IRI, the nation's most prominent educational and research organization focused on direct democracy, moved to USC earlier this year and is now affiliated with the USC-Caltech Center for the Study of Law and Politics (CSLP). Together, the organizations form the nation's leading center for the study of the initiative, referendum and recall.

Founded in 1998 in Leesburg, Va., IRI is a nonprofit, non-partisan organization dedicated to tracking political trends on its award-winning Web site and through its Ballotwatch service. IRI provides expert opinion for journalists and policy-makers, hosts international conferences, and publishes policy monographs, reference books and scholarly work.

John Matsusaka, professor of finance and business economics and law at USC, has been named IRI's president. IRI's founder, M. Dane Waters, was named chairman and head of the institute's East Coast office. USC Law Professor Elizabeth Garrett, director of the CSLP, serves on IRI's board of directors.

"With the recent historic recall election in California, we have seen that voter-driven legislation is spurring profound changes in the political landscape, especially in the Western states," said Waters. "Our relocation to Los Angeles will enhance our visibility, allow us to work more closely with the excellent scholars at USC and Caltech, and establish the institute as the critical source for information on the initiative, referendum and recall."

The Center for the Study of Law and Politics conducts rigorous studies of all aspects of the democratic process, including public opinion, voting, the role of media, the role of money, and public policy. Combining CSLP's scholarly talent with IRI's wealth of data will create the nation's most prominent center for the study of the initiative, referendum and recall at the local, state and international levels, said Garrett.

"We look forward to working with outstanding scholars in law, political science, economics and public policy throughout the United States to produce rigorous analysis and information about this vital part of the democratic process," Garrett said.

— G.S.

## PUBLIC SERVICE CHAMPION

### PILF 2004 Outstanding Graduate continues commitment to community

According to USC Law Dean of Students Lisa Mead, they don't come along every day like Tracey Jensen '95.

"All of our students are exceptional — and then there are some who are exceptionally devoted to public service," says Mead, who has known Jensen for 11 years. "From time to time, we encounter alumni who not only stood out as students but continue to stand out as graduates. They are extraordinarily committed to the Law School and to the needs of the community.

"Tracey is one of those."

This spring, Jensen's tireless efforts over the past decade were highlighted at the 2004 Pro Bono Awards luncheon, where she was presented with the Public Interest Law Foundation (PILF) Outstanding Graduate Award.

For the past nine years Jensen has served as adviser of the PILF student executive board and has reached out to students to assist them with resumes, interview preparation, and grant and fellowship applications. She says her dedication to USC Law simply is a reflection of the rewards she reaped as a student.

"I liked that USC has PILF," Jensen says. "I felt the school had a strong public interest focus, and the professors were so accessible. People cared about the students, and they cared about public interest. In fact, I continue to benefit from tremendous support from the faculty and staff."

Jensen is the first USC Law grad to receive the very prestigious post-graduate Skadden Fellowship (see profile on Page 30 of a recent Skadden fellow). During the two-year fellowship, Jensen first worked with breast cancer victims and survivors and then with low-income clients in need of family law assistance.

For the next six years, she continued to work on family law issues at the Public Law Center and the Los Angeles Center for Law and Justice. She also was an adjunct professor for four years at Whittier Law School's Center for Children's Rights. Today Jensen is a U.S. District Court law clerk working on habeas petitions and prisoners' civil rights actions.

An avid volunteer, Jensen also has been actively involved in leadership positions with the state and county bar associations and the Women Lawyers' Association. Most recently, she began volunteering at the Police Athletic League in Santa Monica, helping underprivileged children with their homework and teaching teens the basics about applying to college and obtaining financial aid.



Tracey Jensen

"I learned from my parents that, because I was born with certain advantages, I should help those who are less fortunate," Jensen says. "I am continuously amazed by what my clients have so courageously endured, and I'm honored to assist them. At least they'll know that someone cared enough to take the time to help."

— R.B.

### 2004 PRO BONO AWARDS

**This spring, PILF honored more than 80 USC Law students and alumni for exceptional service to the public.**

- 26** students received PILF summer grants
- 33** students and recent grads received LACBA pro bono awards for devoting at least 30 hours to public interest work
- 2** graduates were named Sydney and Audrey Irmas Fellows
- 6** students were named Sidley Austin Brown & Wood Fellows
- 17** alumni and students received other awards, grants, externships or fellowships



Bruce Karatz

## Seek and find

Reach out. Abandon your ego. Ask for help. These are some of the sage words that Bruce Karatz '70, chairman and CEO of KB Home, offered to USC Law's Class of 2004 at commencement this spring. During the ceremony, 218 students received juris doctorate degrees and 28 foreign graduate students received master of laws degrees.

Seeking help from others, Karatz said, "isn't a sign of weakness but of enormous moral and intellectual strength. You'll find that when you ask for help, people will give it to you. And I can tell you first-hand that influential men and women respect those who ask good questions far more than those who claim to know the answers."

KB Home is one of the largest homebuilding companies in the United States and France. Under Karatz's leadership, the company has recognized dramatic growth, exceeding \$5.8 billion in revenue in 2003. An active civic servant, Karatz also serves on the board of councilors at USC Law School and was chair of the school's most recent fund-raising campaign, which raised \$74.5 million. He recently contributed \$1.5 million to USC Law for construction of a new student cafe.

## Smart and interesting

When members of the Class of 2007 arrived at USC Law School this fall, they brought the highest median undergraduate GPA in USC Law School history — 3.66 — and a wealth of diverse experiences.

Chosen from more than 7,600 applicants — up from about 7,000 in 2003 and 5,700 in 2002 — the 204 students in this year's entering class include 103 women (50 percent), 95 minority students (46 percent) and 96 students who attended college outside California (47 percent). They are an interesting bunch as well. An unusually large number of entering students were teachers. One student owns a clothing company; another owns a cruise travel agency. One student is a Red Cross disaster relief worker; another worked as an advocate in

the Homeless Assistance Project of the Bar Association of San Francisco.

Associate Dean Bill Hoyer helped introduce students to each other at Orientation Day in August. "Quite a number of you are openly gay or lesbian. Several of you are raising children. A few of you have disabilities. And many of you have overcome significant economic and social disadvantages to be here," he said. "It is from this rich diversity that we derive our strength as a community."

## Character counts

Complaints about the lack of ethics in the legal world are all too common. USC hopes to do something about it by instilling a sense of professional ethics in the next generation

of lawyers. New mandatory workshops on character and ethics discuss everything from plagiarism to alcoholism — and how little slips can destroy a career.

"Every year we see a few students struggle with these issues," says Dean of Students Lisa Mead. Those struggles may have lasting impact: Violations of the student conduct code can lead to not only academic sanctions, but also negative reports with the California State Bar.

"As a lawyer, you have other people's lives in your hands," said Alexander Lavinsky, who spoke at a workshop about her drunken-driving conviction, which led to the bar withholding her license to practice for eight months. "If you can't be honest about your own life, why would the bar trust you with other people's lives?"

## Master mooters

Is it a Second Amendment violation to prohibit gun possession for individuals who are subject to domestic violence restraining orders? Does racial profiling at airport security checkpoints violate the Equal Protection Clause? These questions were at the heart of USC's 2004 Hale Moot Court Competition, an oral advocacy contest among second-year students. Denica Anderson took top honors; the other finalists were Candice Lee, Bryan Smith and Douglas Strasnick.

Judges David M. Ebel of the 10<sup>th</sup> U.S. Circuit Court of Appeals, Richard A. Paez of the 9<sup>th</sup> U.S. Circuit Court of Appeals, and Albert M. Rosenblatt of the New York Court of Appeals were roundly impressed by the competitors. "We have rarely seen a moot court competition of this quality," Ebel told students. "I don't think I have ever judged a moot court where the arguers had a better command of the law and legal thought." Paez echoed the sentiment: "For all the oral advocacy that I see, I wish the lawyers were as articulate and knowledgeable as the ones I see today," he said.

## Step toward equality

Fifty years ago, *Brown v. Board of Education* outlawed school segregation. The milestone was predated, however, by a lesser-known but equally important California case, *Mendez v. Westminster*.



In 1945, the parents of five Mexican American children sued their Orange County school district for the right to attend the same schools as white children. Federal Judge Paul McCormick, a former USC Law professor, ruled that “segregation of Mexican American youngsters found no justification in the laws of California and furthermore was a clear denial of the ‘equal protection’ clause of the 14th Amendment.” David C. Marcus ’27 argued on behalf of the Mendez family in superior court. On appeal, the case was heard — and McCormick’s ruling upheld — by a 9th U.S. Circuit Court of Appeals panel that included Hon. Albert L. Stevens Jr., a 1903 USC Law grad.

After losing at the 9th Circuit and in the face of overwhelming community support for the Mendez family, the school district dropped its appeal. And in 1947 — seven years before he served on the U.S. Supreme Court that delivered the *Brown v. Board* ruling — California Gov. Earl Warren signed into law a bill eliminating all segregation laws from the California Educational Codes.

## BLSA energized, honored

USC’s Black Law Students Association received the 2003-04 National Black Law Students Association-Western Region Chapter of the Year Award, capping a year of growth for one of USC’s most active student organizations.

BLSA’s goal was to create a stronger sense of community at USC Law. In addition to a range of activities, mixers and lunches, the group created a mentor program to connect law students with alumni, USC undergrads and high school students. BLSA also sponsored academic support workshops on exam preparation and interviewing skills. “In order to continue the legacy of those who have forged the path before us,” 2003-04 BLSA President Maritza Knight said, “our activities focus on developing our members and ensuring that they will contribute not only to the legal community but also to the community at large.”

## Students give — big

More than 50 percent of the Class of 2004 gave a gift to the Law School this spring in commemoration of their graduation — the highest rate of gift participation ever reached

by a USC Law class in one year. Students contributed a total of \$19,311, funds which will be used to support scholarships.

“We’re thrilled with the level of support students showed this year,” says Associate Dean John G. “Tom” Tomlinson. “Given that these are people on the cusp of their careers, with student loans still waiting to be paid, their generosity is incredible. They truly understand the importance of supporting their law school.”

## Careers for life

Students are helping shape USC Law’s career services efforts through a new advisory committee, established to gauge student concerns and inform students of the school’s ever-growing range of job-search aids. Among student requests: more information on smaller firms and jobs outside the legal profession. USC is now working with UCLA and Loyola law schools to reach out to smaller firms that traditionally aren’t part of the On-Campus Interviewing program. USC also hired a new career counselor to assist with clerkship applications and provide career advice to alumni.

“We’re interested in helping students develop the skills to look for jobs — not just while they’re here at USC but in the future as well,” says Assistant Dean Melissa Balaban, who manages career services at USC Law. “We want them to leave USC Law School with the kinds of skills that they can take with them for life.”

## Teen justice

A partnership between USC’s La Raza Law Students Association and Manual Arts High School brought Teen Court to USC last spring. With help from USC law students, a team of O’Melveny and Myers attorneys and L.A. Superior Court Judge David Sotelo, the high schoolers served as jurors, bailiffs and translators in the case heard at USC, which resulted in the program’s first acquittal.

Modeled after other successful teen diversion programs, Teen Court gives first-time juvenile offenders an opportunity to appear before a jury of their peers and avoid a permanent criminal record. “We’re excited La Raza can play a role in such an important neighborhood program,” said law student Oscar Medellin.



The work begins: Judge Nora M. Manella ’75 (bottom) of the U.S. District Court for the Central District and Justice Candace D. Cooper ’73 (top) of the California Court of Appeal helped welcome 2003 graduates to the bar at USC’s annual swearing-in ceremony last winter. They also offered advice to the new lawyers. “Have fun — don’t just work. But when you do work, work well,” said Cooper. Manella delivered a warning: “You have picked a labor-intensive profession. There is simply no substitute for elbow grease.”





# on law and POLITICS

During USC Law's Reunion 2004, four political experts from the USC Law family — Elizabeth Garrett, professor of law and director of the USC-Caltech Center for the Study of Law and Politics; John Matsusaka, professor of business and law and president of the Initiative and Referendum Institute at USC; Alan Hoffman '91, former chief of staff to Sen. Joe Biden (D-Del.); and Michael Schroeder '82, former chairman of the California Republican Party — presented a panel discussion on the impact of the 2004 election on law and politics. Afterward, they gathered for a Q&A with *USC Law* magazine. The conversation covered issues ranging from ballot initiatives to campaign finance reform, gerrymandering to deficit spending. Following are some excerpts:



From left to right: Alan Hoffman, Michael Schroeder, John Matsusaka and Elizabeth Garrett

**In the recent election, we saw 11 initiatives on state ballots to restrict marriage to one man and one woman. These measures seemed to energize conservative voters, and some think that's why President Bush won reelection. Are we going to see the initiative process become a tool for manipulation by political strategists hoping to get certain groups to the polls?**

*Elizabeth Garrett:* I disagree with your term "manipulation." In most of this country, we have a mixed system of representative and direct institutions: a hybrid democracy. Initiatives often partly determine what policymakers and citizens talk about and shape political campaigns. It is entirely appropriate to let people play a role in shaping political agendas.

*Alan Hoffman:* It works if you have an educated electorate. I'm not saying that voters are not intelligent. But we all received the sample ballots, and how many of us can sit down and read them and truly understand what each initiative is about? I

think voters make decisions based on what movie star is in favor of it, or how popular the governor is. There is an opportunity for evil, if you will, on either side to try to get propositions or initiatives on the ballot that will have an influence.

*Michael Schroeder:* You have to separate the way issues play in national campaigns vs. state campaigns. Many states don't even have the initiative process. Very little evidence exists to suggest that initiatives drive national elections. At the state level, initiatives do have an effect on the way campaigns turn out. Some people want to talk about that as if it's a new phenomenon, and that's just nonsense. The clearest example of that is not Arnold Schwarzenegger, it's Pete Wilson. Pete Wilson was down 32 points and he pulled out that election by campaigning on Prop. 187 and three strikes.

*John Matsusaka:* I can imagine national candidates might use initiatives in certain ways, but it's a mistake to view the cur-

rent set of marriage measures as in any way connected to the national campaign. These are essentially local issues that were responses to the Massachusetts Supreme Court's ruling. It's not that Karl Rove decided this would be a great idea; these were things that happened because of citizen groups in these states. Initiatives allow citizen groups to create or require public discussions on issues and not leave it simply to candidates. I don't view that as pernicious.

*Garrett:* I want to address the point Alan raised about whether people really understand ballot measures. People don't have to read and understand the whole ballot question to vote competently. They only need to know which groups are spending money on each side; that information provides voting cues or shortcuts. If, for example, Larry Flynt is spending a lot of money in favor of an initiative, then, armed with only that data, many can decide accurately to vote against it. The Initiative and Referendum Institute is studying the use of voting cues. We also want to study the design of disclosure statutes and how to provide voters information that serves as the basis of accurate voting cues.

*Hoffman:* But how do you regulate for the disparities in funding? One of the concerns I had in campaign finance reform was these 527 organizations, which could be financed by business entities vs. other constituencies who don't have the resources. There really is a disparity. I think this year it may not have been played up that way because you have people who were very wealthy from the Democratic Party who came forward, but for the most part you will see levels in funding that are not consistent between the two parties.

*Schroeder:* I don't think you try to regulate it. Every time you address one thing in the campaign finance system, it will just pop up elsewhere. The only answer is if you're going to use government financing, use it to educate the voters as to who's supporting what and where they're spending the money.

*Garrett:* I don't worry that money determines what initiatives win. In the end, what wins is what the majority of people want, and people are pretty savvy in using voting cues. What I do worry about is ballot access: Groups are guaranteed ballot access if they have enough money to pay petition circulators. So instead of politicians controlling the political agenda, well-funded groups do.

*Matsusaka:* What is the solution? Lower signature requirements to make it easier?

*Garrett:* We need to consider reforms designed to empower grassroots groups. For example, what about different signature thresholds depending on whether a group is using paid circulators or volunteers? Other reformers have suggested using the Internet for petition circulation, although much more work needs to be done before this proposal can be seriously considered. Because of *Meyer v. Grant* [484 U.S. 414 (1988)], states can't ban paid circulators — the Court declared that a violation of the First Amendment. So we have to consider more creative reforms.

*Schroeder:* But if you have something that you can't raise a dime for, absolutely can't raise a dime for, then you know what? No one's going to vote for it anyway. I don't think we should rig the system. Let's let it all go on and let the voters sort it out.

*Garrett:* But the system is currently rigged; *laissez faire* rigs system in favor of economic wealth. As long as there is unequal distribution of wealth, and wealth is a sufficient condition for getting on the ballot, it's not accurate to say that 'no regulation' doesn't rig the system.

*Matsusaka:* I think the point is to make sure that people that don't have money can get their proposals out. There's a very easy way for those to get on the ballot: Lower the signature requirement to 2 percent.

*Hoffman:* We need to try to find a system where we can provide greater access to more individuals for an array of initiatives. Right now it is slanted in favor of those who have financial wealth and the resources to do what's necessary to get it on the ballot.

**If the goal is to make sure people have a say in the issues that are being discussed and legislated, why aren't we fixing the legislative system to make sure legislators are being responsive to their constituencies?**

*Schroeder:* The reason is gerrymandering. With gerrymandering, the Democrat candidates tend to be on the far left and the Republicans tend to be on the far right, and they have no reason to get along. You have gridlock and important issues don't get resolved, which is why we need the initiative process as a safety valve.

*Garrett:* Out of 435 representatives in the House of Representatives, at most 35 faced competitive elections this

year. That's unacceptable in a democracy. Voters must be given real choices. As long as the legislators design the districts, they're going to protect incumbents and protect their parties. Reform has to move redistricting out of the legislatures and to entities like nonpartisan commissions. The initiative process is one way to force that kind of reform.

*Matsusaka:* I would actually question part of the assumption that we should have a legislature do everything. We have legislatures because it's too costly and time-consuming to have general public involvement in most laws. But take an issue like stem cell research, which has a lot of moral components. Why shouldn't it properly be made by the people? We're technologically at the point now where people can decide the big issues, and the legislature can budget and write the details of legislation. So the people would say, "Stem cell research is OK, and you guys figure out the details, you administer it."

*Schroeder:* I'm a firm believer in the initiative process. But the problem is, as far as the budgeting, voters are only looking at one specific issue at a time rather than the whole picture. The initiative process works best when it's dealing with policy issues, but it doesn't work nearly as well when it's deciding just one piece of a complicated budget.

*Matsusaka:* I don't want to claim that it's perfect. But look at Prop. 98, which is the one that says a certain fraction of the state budget must go to education. It's perfectly appropriate for the people to say, "This is where we want the money to go to. You guys can work out the budget, but we're requiring you to put this much of the budget toward education."

*Hoffman:* You also truly hamstring members of the legislature.

*Matsusaka:* Last year I studied all the initiatives that passed in California and counted how much of the budget was actually locked in, and it's much less than what you would think. If you count education, it's about 32 percent on the spending side with almost no constraints on the revenue side. One problem I do see is that when you pass a statutory initiative, it can never be amended except by another initiative unless the initiative allows it. Almost all other states allow the legislature to amend initiatives with a  $\frac{3}{5}$  vote or after five years.

*Schroeder:* The propositions that come from the left tend to allow the legislature to make changes. The ones that come from the right come from the point of view that they don't trust government, don't believe that the legislators can be

trusted, and they're passing these things because the legislature hasn't dealt with it. I absolutely, positively wouldn't trust the legislature to deal with many such issues. For example, the reason we were able to pass three strikes was that the legislature wouldn't deal with it and people were just sick with things like the Polly Klass situation, where the guy who killed her shouldn't have been on the streets in the first place.

### **Let's look ahead to the next presidential election. What issues over the next four years deserve attention and reform?**

*Garrett:* If politicians do not address the serious fiscal crisis in the federal retirement programs, such as Social Security, as well as the federal deficit, they will be terribly irresponsible not only with respect to this generation, but mainly to future generations. Both parties bear responsibility for failing to deal with the time bombs of Social Security, Medicare and the deficit. Democrats and Republicans on Capitol Hill have been spending money as though the bill will never need to be paid, and that is irresponsible.

*Hoffman:* One of my concerns is that the discourse has gotten so polarizing. I saw it go from bad to worse, and every time you say it can't get worse, it gets worse. It's truly amazing. I think the new minority leader is right, even though he's received a lot of criticism from Democrats, in saying, "The election happened, now I need to work with the president because he's the president of the entire country. Now we need to try and work together."

*Schroeder:* I would echo Beth's points about Social Security. The other time bomb is public employee pensions, which are dramatically underfunded. Spending in the next four years will be completely out of control, even more so than in the last four years. I also hope that we can address the issue of gerrymandering and the issue of campaign finance reform. I think those two areas are dysfunctional.

*Matsusaka:* At the federal level, the budget is an issue, Iraq is an issue. But for a guy living in Los Angeles, I'm not sure those are going to be the issues that impact him except in some indirect way. Four years ago, we wouldn't have been able to predict movements on stem cell, gay marriage, medical marijuana. Who knows what kinds of things will come up? And those are the things that make a big difference in the daily lives of people, for better or worse.







# Litigating LOSS

USC alumni work to draw attention to — and right  
the wrongs of — Holocaust-era theft

Randy Schoenberg '91 remembers seeing the stunning golden painting during a trip to the Austrian Gallery as a small boy: Gustav Klimt's portrait of Adele Bloch-Bauer, today one of the artist's most revered paintings. "That's Maria's aunt," Schoenberg's mother told him.

She was referring to Maria Altmann, a close Schoenberg family friend whose uncle fled Vienna in 1938, just as the Nazis invaded Austria. The family's personal belongings, including six Klimt paintings, were seized by Nazis.

The story of the escape from Nazi horrors was familiar to Schoenberg. He didn't know, however, that it would one day consume his professional life.

In February, Schoenberg appeared before the U.S. Supreme Court to argue that Altmann has the right to sue the Austrian government in U.S. courts to recover her family's artwork. The issue before the justices: Whether the Foreign Sovereign Immunities Act's (FSIA) expropriation exception affords U.S. courts jurisdiction over claims against foreign states based on conduct that occurred prior to the enactment of the Act in 1976 and before the United States adopted the restrictive theory of sovereign immunity in 1952, which limited immunity in cases involving commercial activity.

On June 7, against all odds, the court ruled 6-3 in Altmann's favor. Whether she will be able to recover the paintings is yet to be seen. But the ruling does allow her to continue fighting the case on U.S. soil.

For many, the landmark decision not only breaks new ground in U.S. and international law but also sets the stage for other Holocaust-era victims to pursue similar claims. For Altmann, it is an opportunity to win back the artwork, valued at \$150 million, and to fulfill her dream of seeing them hang in museums in North America.

"I'm thrilled that there's justice in the world," Altmann told reporters after her Supreme Court victory.


So far, the law has been on her side, but at 88 years old, time is not.

## OVERDUE COMPENSATION

Michael Bazylar calls it the greatest murder and the greatest theft in history. When the Nazis murdered six million Jewish men, women and children, they also stole assets worth an estimated \$230 billion — \$320 billion in today's dollars — from Europe's Jewish population.

Priceless family heirlooms. Records, documents and certificates. Historical artifacts and masterful works of art. Family homes. Unthinkable loss compounded by more unthinkable loss.

"The greatest evil of the Holocaust was mass murder," says Bazylar, a 1978 graduate of USC Law School and author of *Holocaust Justice: The Battle for Restitution in America's Courts* (New York University Press, 2003). "No one can forget



that. And restitution for property stolen during the Holocaust can never make up for the heinousness of the genocide that the Nazis perpetrated. But the survivors deserve some measure of compensation for their financial losses.”

And they are getting some compensation, finally, through the American courts.

Bazyler, himself the child of Holocaust survivors, has been researching and writing about Holocaust restitution litigation for the past five years. A professor of international law at Whittier Law School, he always has been interested in issues of international human rights law. For many years, he avoided studying the Holocaust because of his own personal connection to it. But in the mid-1990s, as the media began reporting allegations that Swiss banks were withholding money deposited by Jewish families before the Holocaust, Bazyler began studying the legal and moral aspects of Holocaust restitution in the context of his research work in human rights. His new book examines Holocaust litigation and the impact such cases have had on U.S. courts.

“The real hero of this story is the American justice system,” he writes in the preface to *Holocaust Justice*. “It is a tribute to the U.S. system of justice that American courts were able to handle claims that originated more than 50 years ago in another part of the world. The unique features of the American system of justice — including the right of foreign citizens to file suit in the United States

over human rights abuses in foreign lands; the recognition of jurisdiction over foreign defendants who do business in the United States; class action lawsuits; fixed and affordable court filing fees for civil cases; a judiciary that is independent from political branches of government — are precisely the factors that make the United States the *only* forum in the world where Holocaust claims could be heard today.”

Whether that system will work in Maria Altmann’s favor has yet to be determined.

#### DAVID V. GOLIATH

Adele Bloch-Bauer died in 1925. Her husband, Maria Altmann’s uncle Ferdinand Bloch-Bauer, died in exile in 1945, leaving all of his possessions to his nieces and nephews. Altmann, who arrived in the United States as a refugee in 1942, is the remain-

ing survivor. Under post-war restitution laws, some Austrian families whose possessions were stolen by Nazis were able to retrieve their property or receive compensation from the government. In order to recover the bulk of their property in a timely fashion, the Bloch-Bauer family surrendered its claim on the Klimt paintings. The Austrian government then turned the paintings over to the state museum.

In the late 1990s, a new law in Austria recognized the rights of Holocaust victims to recover stolen property — including

“It is a tribute to the U.S. system of justice that American courts were able to handle claims that originated more than 50 years ago in another part of the world.”

items that may have been “improperly” negotiated away during initial property settlements. Altmann tried to sue in Austrian courts to recover the paintings but ultimately could not afford the court’s \$135,000 filing fee. Another concern was the strain of potentially lengthy proceedings on the octogenarian.

Schoenberg decided to try another strategy, and in 2000 Altmann filed suit in U.S. District Court, alleging that the Austrian government was withholding stolen property in violation of international law. The Austrian government argued that the U.S. courts have no jurisdiction over a sovereign foreign state in such a case, but the judge found that the case fit into the Foreign Sovereign Immunities Act’s expropriation exception, which limits sovereign state immunity in cases where possession of stolen property violates international law.

In December 2003, the 9<sup>th</sup> U.S. Circuit Court of Appeals upheld the District Court’s ruling, noting that the Austrian government profits from the paintings “by authoring, promoting, and distributing books and other publications exploiting these very paintings” in the United States. The Austrian government appealed the ruling, and the U.S. Supreme Court heard oral arguments in the case in February.

Altmann’s Supreme Court victory has been likened to a David-over-Goliath decision. Not only did Thomas Hungar, deputy to U.S. Solicitor General Theodore Olson, argue on behalf

of the Austrian government before the Court, but foreign governments ranging from Mexico to Japan also filed amicus briefs in support of Austria. A win for Altmann, opponents argued, would open the floodgates to any number of similar cases from the past against foreign governments, adversely affecting U.S. foreign relations.

Schoenberg says Austria's arguments are exaggerated because most such suits would be denied by the courts for other reasons.

Bazyler, who helped another family win a landmark settlement against a foreign government in 1996, agrees. In Bazyler's case, *Siderman v. Republic of Argentina*, the 9th Circuit held that Argentina implicitly waived its immunity under FSIA by continuing to operate businesses expropriated by the military from the Sidermans — and actively advertising and soliciting clients in the United States. The case marked the first time a lawsuit brought before a U.S. court led to a foreign government being held accountable for damages from human rights abuses that occurred abroad.

"These cases against Austria and Argentina are very fact-specific," Bazyler said. "There are a few exceptions to sovereign immunity, and these exceptions don't come up very often. In the Altmann case, Austria is using the painting for commercial activities in the U.S., and that's the hook.

"When we won the *Siderman v. Argentina* case, people called me from all over the world to see if their claim against other foreign governments could be pursued, but I couldn't help them because their specific facts did not fit within any of the sovereignty exceptions."

Still, Bazyler says there are thousands of other Nazi-looted artwork in circulation. According to *Holocaust Justice*, the Nazis between 1933 and 1945 stole approximately 600,000 pieces of art worth more than \$20 billion today. Prior to the Altmann case, many other individuals have filed lawsuits over property plundered during the Holocaust, but most of them are against museums or private collections. *Altmann v. Austria* is the first of its kind against a government.

"This case so far has been an enormous success, and it's so important," Bazyler says. "As an older graduate of USC Law School, I'm looking at a younger graduate, and I'm cheering for him. This is great, this is inspirational! It shows that when you persevere, you just don't know how far you'll succeed."

## PERSONAL MISSION

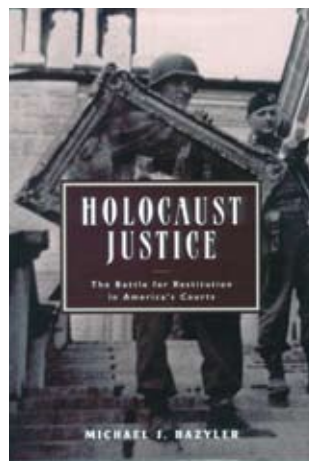
On Sept. 10, Altmann overcame another legal challenge when U.S. District Judge Florence-Marie Cooper denied the Austrian

government's motion to dismiss the case. A trial date has been set for Nov. 1, 2005.

For Schoenberg — whose grandmother grew up in pre-war Vienna and often told stories of Viennese artists and thinkers of her time, such as Klimt, Freud and Mahler — this case is as much a personal mission as it is a professional challenge.

"It's very personal for me to be able to work on these cases, and not just because Maria is a close family friend," says Schoenberg, who also is representing a law student in another high-stakes, high-profile Nazi art theft case, *Bennigson v. Alsdorf*, involving a Pablo Picasso oil painting worth an estimated \$10 million. Next year, the California Supreme Court will determine whether California courts have jurisdiction to adjudicate ownership of personal property brought into the state for sale.

"This is my family's history as well," Schoenberg says. "This was an incredible generation of people — so educated, so cultured. The world lost so much during the Holocaust. It's meant a lot to me to tell this story to a new generation."



Hailed by the *Los Angeles Times* as "enlightening and provocative," *Holocaust Justice: The Battle for Restitution in America's Courts*, by Michael J. Bazyler '78, was published in 2003 by New York University Press and is in its second printing.





# An educator **IN FULL**

**Former Dean Scott Bice** has returned full time  
to the classroom and his first love — teaching

Scott Bice '68 may fit the bill of the proverbial law professor, but his legacy as the consummate teacher and distinguished dean wasn't always obvious. After all, despite his present air of genteel confidence, Bice was once just another fresh face among the many students making their way through USC Law School.

Those early years, however, would prove to be enormously defining for the young Los Angeles native. He was, by all accounts, a fiercely intelligent and ambitious student. And while he would go on to become one of the longest-serving, most beloved deans at the Law School, it is his first career as a teacher that perhaps best defines him.

"Watching Scott Bice teach is like watching Michael Jordan play basketball," says Dean Matthew Spitzer '76, Bice's successor and former student. "It is perfection, pure and simple."



Over the decades, Scott Bice has taught torts to thousands of USC Law students.

## SWIMMING LESSONS

Bice's talent for teaching surfaced at age 16, when he began spending summers at a Catalina Island Boy Scout camp. As a counselor he taught swimming, canoeing and life-saving skills to 11-year-olds. Helping scared and homesick scouts transform into confident swimmers by the end of the week was extremely gratifying, he recalls.

"I think that influenced early on my sense that being an educator might have a lot of positives," Bice says. "But I didn't conceive of myself at that point of ever being a teacher."

He spent the following seven summers working at the camp — all the way through his undergraduate years at USC and his first year at USC Law School. (He met his wife of 37 years,

Barbara, during his last summer in Catalina.) Not surprisingly, Bice was promoted to camp director by the time he left. And although it was no longer in his job description during his final years at the camp, he continued to teach swimming lessons.

"In many ways, teaching kids how to swim is no different from teaching first-year law students," says Bice. "Both groups are being challenged to do things they've not done before. There's a certain level of anxiety about their ability — yet they're eager, interested, engaged. And you're helping them acquire skills and knowledge that makes them different from when you first met them. That's enormously rewarding."

## TEACHING PHILOSOPHY

As a student at USC Law School in the mid-1960s, Bice came under the tutelage of several professors who would influence his own teaching style. Among them were Martin Levine, George Lefcoe, Christopher Stone and David Slawson. In addition to the fact that all of these names remain on the USC Law faculty today, these professors share another common factor: Each of them taught in the Socratic tradition. That is, the style of legal teaching involving give-and-take between students and professor known as the Socratic Method.

The intellectual discipline demanded by his professors made a lasting impression on Bice. Using Socratic discourse, many of them prodded their students to articulate, develop and, just as often, abandon and restate their legal arguments. They were forming critical thinkers and problem solvers. For Bice, this kind of academic rigor was a revelation.

"They just blew me away," he recalls. "The process of legal reasoning and argumentation, I just found fascinating."

There is, of course, more than one way to teach in the Socratic tradition. Others — such as the infamous Professor Kingsfield in the film, "The Paper Chase" — have used it to strike fear in students by peppering them with esoteric questions. That kind of intimidation has turned many professors away from the method, but Bice continues to embrace the approach because he believes it forces students to come to class

"Students would be lucky to have him as a professor. That's the bottom line. But they better be prepared."

prepared and ready to make well-reasoned responses based on a careful reading of their materials. He does not use the Socratic Method to humiliate or unnerve students. He wants them to understand that law can often be imprecise and ambiguous. By working out these gray areas in their own minds, he argues, they learn to become independent critical thinkers.

This is clear to any IL who has taken Bice's Torts class, a course that he has taught nearly every year since he began teaching full time at USC in 1969.

"It was clear from the beginning that he had very high expectations of how we performed in his classroom," says

Allyson Sonenshine '96. "He was particularly adept at employing the Socratic Method for eliciting the kind of preparation and performance he desired. He was strict, but he didn't instill fear — rather, respect. When Professor Bice walked in the room, people shut up. He never asked us to be quiet, he never had to raise his voice, simply because of who he was and the way he carried himself. I learned from that — from him — that there is tremendous value in always acting professionally.

"Students would be lucky to have him as a professor. That's the bottom line. But they better be prepared."

## PERPETUAL EDUCATOR

Bice's first time in front of a class came while he was still a third-year law student. His professor, Martin Levine, was due to attend a conference on the East Coast. So Levine asked Bice, who had been identified by this point as one of the school's most promising prospects, if he wanted to fill in as the instructor.

"I said, 'You know... sure,'" he says. "I'll try, right. And so I taught two sessions of the class and apparently the students responded well to it."

Bice now knew he wanted to teach. He spent the first year after graduation clerking for Chief Justice Earl Warren of the U.S. Supreme Court. In 1969, just before Christmas, he was offered a position on the USC Law School faculty. With the exception of a year as a visiting professor at the University of Virginia, he has been at USC ever since.

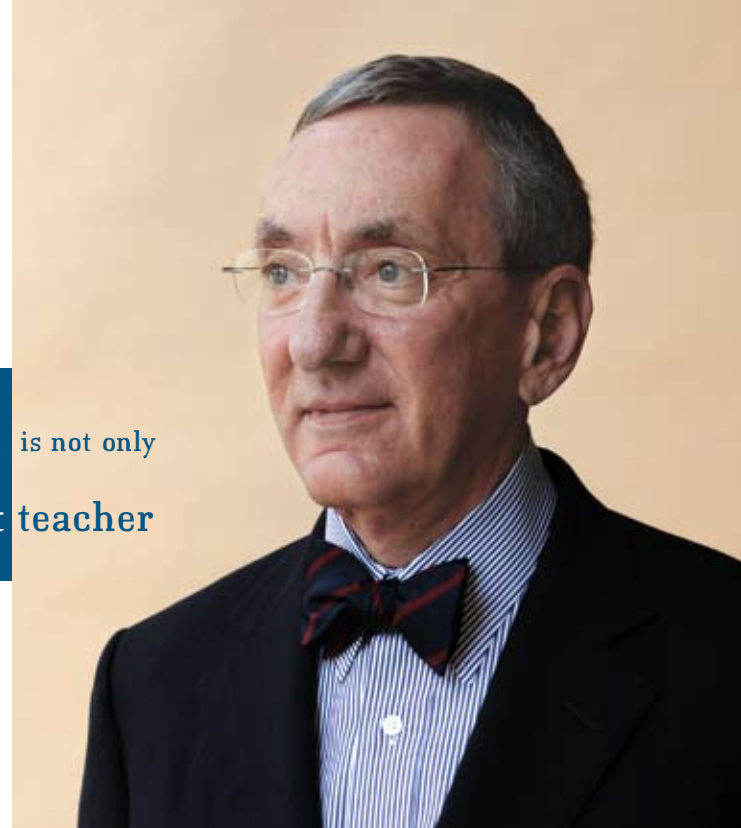
And even as he moved up the ranks of the Law School's administration, from associate dean for academic affairs to the dean's office itself, he kept on teaching.

"He has always taught. He thought it was important to get to know the students and transmit to them his philosophies," says wife Barbara Bice, a veteran educator who serves on the board of trustees of Scripps College in Claremont, Calif. "He's always been passionate about teaching, and since I was a teacher, I can appreciate Scott's abilities — especially his gift for constructing analogies that make legal principles unforgettable."

## HIGHEST HONOR

Of course, Bice has received tremendous accolades for his work. He has twice been awarded the Associates Award for Excellence in Teaching, the highest honor given by the university faculty to one of its members. But the most poignant recognition comes from his peers and his students. Current

"The student consensus over the years is that Scott is not only a remarkable instructor, he is the best teacher they have ever known."



Dean Matthew L. Spitzer calls Bice "the best professor I have ever had. His classes were beautifully organized, meticulously thought out, and deeply intellectual. I am by no means the only student who felt — or feels — this way. He consistently has some of the highest teaching ratings on the faculty."

Dorothy Nelson, the former dean of the Law School and now a U.S. Court of Appeals judge, says Bice "was a great and committed teacher and scholar, using interdisciplinary techniques to shed light on social problems of the highest significance in his special field of constitutional law."

Levine says of his former student: "The student consensus over the years is that Scott is not only a remarkable instructor, he is the best teacher they have ever known. I have heard that remark said of Scott time and again over many decades, and the accolade is particularly remarkable because our law faculty includes many outstanding teachers and several great ones."

But the ever-modest Bice seems to pay little attention to this sort of horn tooting. Each time he steps in front of a class full of impressionable young students, he is pursuing a far greater mission than obtaining a few teaching awards or words of praise.

"I explain to my students that from my perspective, the day that they start law school, they are entering the legal profession," Bice says. "And one of my jobs is to inculcate in them as best as I can those values of professionalism that are so essential to being a good lawyer: competence, reliability and ethical behavior. I tell them, 'My ultimate responsibility is to your clients. I want you to understand that you're representing clients starting today.' "

#### BICE BY THE NUMBERS

**1965** Bice enters the Law School

**1969** begins teaching at USC

**1980** assumes the deanship

**\$6 million:** amount of the Law School's endowment when Bice became dean

**\$130 million:** amount of the endowment when he stepped down as dean

**\$1 million:** amount of Scott and Barbara Bice's gift pledge to the Law School

**4** number of endowed faculty positions when he started his tenure

**29** number of endowed faculty positions when he ended his deanship

**4,000** approximate number of students Bice has guided through the Law School

**65,000** square feet of expanded facilities created during the Bice years



## FACULTY FOOTNOTES

(a selection of recent faculty activities)

**David B. Cruz**, professor of law, was named one of the *Los Angeles Daily Journal's* Top 20 Under 40, a list of California's top young legal professionals, for scholarly achievements and activism in civil rights and gay and lesbian issues. He co-authored an amicus brief before the Supreme Judicial Court of Massachusetts on behalf of the plaintiffs in *Goodridge v. Department of Public Health*, the decision that led to marriage rights for same-sex couples in Massachusetts. Cruz joined the faculty advisory committee of the Charles R. Williams Project on Sexual Orientation Law and Public Policy at the UCLA School of Law and the National Advisory Committee of Equal Justice Works (formerly NAPIL).

**Mary L. Dudziak**, Judge Edward J. and Ruey L. Guirado Professor of Law and History, was awarded a Rockefeller Foundation Residency at the Rockefeller Study and Conference Center in Bellagio, Italy, for four weeks in July. She was in residence with 14 other scholars and artists from around the world. The fellowship allowed her to work on her manuscript, "Exporting American Dreams: Thurgood Marshall and the Constitution of Kenya." Dudziak is co-editor of a law-related special issue of *American Quarterly*, the journal of the American Studies Association, which will focus on "Legal Borderlands: Law and the Construction of American Borders" and will be published in September 2005. A symposium on the topic was held in September 2004 at the Hart Institute for American History at Pomona College. Dudziak was an Ida Cordelia Beam Distinguished Visiting Professor at the University of Iowa, and she spoke at dozens of colleges and universities around the country and in England about issues related to the history of civil rights reform. She also presented lectures at a number of events around the country related to the 50th anniversary of *Brown v. Board of Education*, including a Library of Congress symposium marking the

event with remembrances from the journalists who covered it. She was appointed to the Distinguished Lectureship Program of the Organization of American Historians, through which she will give lectures on behalf of the OAH each year for three years. Her book, *September 11 in History: A Watershed Moment?* was published in October 2003 by Duke University Press.

**Susan Estrich**, Robert Kingsley Professor of Law and Political Science, served on Governor Arnold Schwarzenegger's transition team. She continued to appear as a legal analyst on Fox News and published columns in the *Indianapolis Star*, discussing issues related to California's recall election, the 2004 presidential race, the war in Iraq and the Kobe Bryant rape case.

**Elizabeth Garrett**, professor of law, was named to the editorial board of the *Election Law Journal* and to the advisory board of a new Social Science Research Network journal, *Legislation and Statutory Interpretation*. She spoke at schools around the country on issues ranging from the California recall election to campaign finance reform. Garrett talked about ballot issues likely to be factors in the November 2004 elections at the Western Knight Center's seminar for journalists on "Covering Campaign Finance: From the Checkbook to the Ballot Box." She organized and moderated a panel on "Congressional Oversight of the Regulatory State" at the Association of American Law Schools conference in Atlanta. The panel was sponsored by the AALS Section on Legislation, which Garrett chaired this past year. She presented her paper, "Conditions for Framework Laws," at a conference on legislatures in Banff, Canada. Garrett is serving on the faculty committee of the USC Urban Initiative.

**Gillian Hadfield**, professor of law, presented a talk on the role of legal markets in legal reform in Slovakia at the World Bank. The talk was based on her interim report on her work for the government of Slovakia, where she is developing recommendations to improve the organization and regulation of markets for legal services in support of the transition to a market-based democratic system. She presented a paper documenting the changing disposition of cases in federal court, notably an apparent drop in settlements and increase in non-trial adjudication during the past 30 years, at the "Symposium on the Vanishing Trial" sponsored by the American Bar Association's Section on Litigation.

**Daniel M. Klerman**, professor of law and history, presented "The Value of Judicial Independence: Evidence from 18<sup>th</sup>-Century England," at the 16<sup>th</sup> British & Irish Legal History Conference in Dublin, Ireland. He presented the same paper at the National Bureau of Economic Research (NBER) Law & Economics Summer Institute, at Stanford Law School's law and economics seminar, at UCLA's legal history workshop, and at the annual meeting of the American Law and Economics Association. He also spoke at the American Society for Legal History's annual meeting and at Harvard Law School's seminar on "The History of Capitalism."

**Edward J. McCaffery**, Robert C. Packard Trustee Professor of Law, presented ideas outlined in his book, *Fair Not Flat*, to the Joint Economic Committee of Congress panel on Rethinking the Tax Code. He spoke at a session at the U.S. Treasury Department about the estate tax. He also spoke at the National Tax Association annual meeting in Chicago and at the Rand/Institute for Civil Justice workshop. McCaffery co-chaired the USC-Caltech Center for the Study of Law and Politics' second conference on Behavioral Public Finance,

From left to right: Elizabeth Garrett, David B. Cruz, Gillian Hadfield, Elyn R. Saks, Edward J. McCaffery, Susan Estrich, Daniel M. Klerman, Mary L. Dudziak, Eric L. Talley



held this year at the University of Michigan business school. Papers presented at the conference — two of which were McCaffery's — will be published in a book, *Behavioral Public Finance*, co-edited by McCaffery.

**Elyn R. Saks**, Orrin B. Evans Professor of Law, Psychology, Psychiatry and Behavioral Sciences, received the 2004 USC Associates Award for Creativity in Research, which honored her research on law and mental health. She also received the Phi Kappa Phi Faculty Recognition Award for her recent book, *Refusing Care: Forced Treatment and the Rights of the Mentally Ill*. The book received positive reviews in the *New England Journal of Medicine*, the *Journal of the American Medical Association*, the *British Journal of Psychiatry*, and the *Times Literary Supplement*, which praised it as “an erudite and academically impeccable argument.”

**Eric L. Talley**, professor of law, received (as a co-principal investigator) a three-year \$1.5 million grant from the Kauffman Foundation for his part-time work as senior economist at the RAND Corporation's Institute for Civil Justice. The grant will launch the RAND/ICJ Kauffman Center for the Study of Small Business and Regulation. Talley spoke at a conference on “Historical and Empirical Bases for the Law Merchant” at the University of Chicago and a conference on “Settlement as and Incentive for Ex Ante Behavior” at the Georgetown University Law Center.

*\*For a more inclusive list of faculty activities, visit Faculty Footnotes, the annual publication of the USC Law faculty, at [www.law.usc.edu/news/publications](http://www.law.usc.edu/news/publications).*



Erwin Chemerinsky



Catherine Fisk

## A fond farewell

USC Law Professors Erwin Chemerinsky and Catherine Fisk said goodbye to students and colleagues at USC this fall and headed to new posts at Duke Law School in Durham, N.C. Chemerinsky had served on USC Law's faculty for 21 years; Fisk joined USC in 2003 after more than 10 years at Loyola Law School.

In a letter to students, Chemerinsky and Fisk, who are married, said the decision was “incredibly difficult and very much based on family considerations.”

“We have no doubt that anything we have been lucky enough to accomplish, or ever will accomplish, is in large part due to our associations with USC,” they said. “One of the very best parts of USC Law School is our terrific students. This year — and in Erwin's case for the last 21 years — it has been a tremendous pleasure and honor to teach such outstanding students.”

Their announcement was met with sadness but also warm wishes from students, faculty and staff. “I know everyone at USC thanks Professors Chemerinsky and Fisk for their many contributions to USC and the Los Angeles community, and we all wish them the best in their new endeavors,” said USC Law School Dean Matthew L. Spitzer.

Chemerinsky came to USC in 1983 from DePaul University. Professor Scott Bice, who was dean when Chemerinsky joined USC's faculty, recalls observing his performance in the classroom. Even during those early years of his career, Bice says, Chemerinsky was “an exceptional teacher” who cared “passionately about his students' learning.”

Chemerinsky also was extremely active in the Los Angeles community, serving on a variety of public advisory committees and task forces including the high-profile Charter Reform Commission, which developed a new city charter approved by voters in 1999. His independent analysis of the Rampart police scandal and his vocal advocacy for police reform helped make him a public fixture in Los Angeles.

Before joining USC's faculty, Fisk was the William M. Rains Fellow at Loyola Law School. With her solid expertise in labor and employment law, Fisk was an exceptional addition to USC's faculty. Her work often extended into community issues as well; her recent research focused on the union organizing among immigrant janitors in Los Angeles. She served on the board of directors of the ACLU of Southern California and as a member of the AFL-CIO Lawyers' Coordinating Committee.

— M.V.





Carolyn and Carl M. Franklin

## CARL M. FRANKLIN, 1911 - 2004

Carl M. Franklin, who was USC's vice president emeritus for financial affairs, chief legal officer and a law professor during a university career that spanned five decades, died of pneumonia Sept. 6, in Pasadena. He was 93.

Franklin, a native of Spokane, Wash., joined the USC Law School faculty in 1953, teaching subjects ranging from international law to contracts and restitution. He became USC's vice president for financial affairs in 1960.

In 1970, Franklin's title changed to vice president for financial and legal affairs. In 1991, at age 80, he was named vice president emeritus by then-President James H. Zumberge. He continued working until his death, raising about \$4 million per year for USC.

"Carl and his wife, Carolyn, dedicated their lives to USC," USC President Steven B. Sample said. "For more than half a century, they worked together to advance the university. Carl was an inspiring law professor, superb administrator and passionate fund-raiser who continued working for USC up until his most recent illness.

"His energy and devotion to his family and to USC made him an inspiration to all of us. I speak for many when I say I will miss him deeply," Sample said.

Over the years, the Franklins raised more than \$150 million for chairs, professorships, scholarships, buildings and equipment in many schools and departments at USC. In 1983, friends of the couple endowed the Carl Mason Franklin Dean's Chair in Law, which is held by Matthew L. Spitzer, dean of the USC Law School. Franklin later honored his wife by endowing the law school's Carolyn Craig Franklin Professorship in Law and Religion, which is held by Ronald R. Garet.

"Carl Franklin was a great man who cared deeply about philanthropic support of higher education and helping young people to learn," Spitzer said. During their lifetimes, the Franklins themselves donated more than \$13 million to various charities and institutions and to USC, including the Loker Hydrocarbon Institute, USC Law School, and Town and Gown. In 1985, Town and Gown named its fountain to honor the couple.

After his wife's death in 1993, Franklin gave \$2.2 million to USC in her name and wrote a book, *To Carolyn With Love*, about their life together. In 1996, he and Carolyn were awarded the Presidential Medallion — USC's highest honor. The Carolyn Craig Franklin Library Garden Courtyard and Fountain, just north of Doheny Library, was finished in November 2001 to commemorate what would have been her 82nd birthday.



Franklin's professional accomplishments included stints as chair of the Association of American Law Schools' committee on international law, and as president of the Association of Independent California Colleges and Universities. He served as a trustee of the Seeley G. Mudd Fund, Rufus B. von KleinSmid Trust, John Stauffer Trust, and Donald and Katherine Loker Foundation, among others.

Franklin earned an A.B. in economics from the University of Washington; a master's degree in economics from Stanford University; a master's degree in university administration from Columbia University; an MBA from Harvard University; a J.D. from the University of Virginia; and a J.S.D. in international law from Yale University.

In 1959, he held the Chair of International Law at the U.S. Naval War College in Newport, R.I., where he wrote *Law of the Sea*, which became an important reference book for the U.S. Navy.

Franklin also served as a lieutenant (junior grade) in the U.S. Navy in the early 1940s. He met his wife during World War II when he recruited her into the WAVES (Women Accepted for Volunteer Emergency Service).

Franklin is survived by his brother, Glen Franklin, and his adult children, Craig, Sterling, Larry and Priscilla.

Memorial donations may be sent to the Carolyn and Carl Franklin Scholarship Fund of Town and Gown and the Dr. Arthur C. Bartner Endowment Fund for the USC Band Director, in care of the Office of the USC Senior Vice President for Advancement, Los Angeles, CA 90089-4017.

## DAVID W. CARROLL, 1932-2004

David W. Carroll, scholar and beloved USC Law professor, died of pulmonary failure May 19 in Canton, Ga. He was 72.

Adored by students, Carroll was honored by the USC Student Bar Association in 1981 for helping to create a supportive academic environment at the Law School. He was named the Leon Benwell Professor of Law in 1983 and became an emeritus professor in 1992.

"Dave was a wonderful man, and it was my great privilege to serve with him on the faculty," says Dean Matthew L. Spitzer. "He had great intelligence, insight and strength of character. He also had an infectious sense of humor, and he was an effective and popular teacher and a superb colleague."

A native of Hillsboro, Ohio, Carroll was a widely recognized scholar in commercial law and consumer protection. He received his bachelor's and juris doctor degrees from Ohio State University, where he was elected to the Order of the Coif and was editor in chief of the *Ohio State Law Journal*.

Carroll began his teaching career at the University of Toledo, while practicing law as a partner at Coburn, Yager, Smith and Falvey. He also served as a senior lecturer at Ahmadu Bello University in Nigeria. Carroll later joined the Boston College Law School faculty and was a Fulbright Visiting Professor of Law at Makerere University in Kampala, Uganda, from 1971 to 1974.

In 1975 he joined the USC Law faculty and taught commercial law, contracts, corporations, and consumer law. He retired in the spring of 1992 and moved to Canton, where he lived until his death.

Although he contracted polio at a young age and was a triplicic most of his life, colleagues and former students agree that his lifelong struggle with illness only made him a more compassionate individual.

"Dave was a very loving man — his kindness toward others made all the more striking because of his essential strength," said Ronald R. Garet, Carolyn Craig Franklin Professor of Law and Religion. "He was a fighter, as he had to be just to get through each day. I've never known anyone who had his combination of warmth and toughness."

Carroll was a member of the White House Conference on the Handicapped, director of the Western Law Center on the Handicapped, a member of the Los Angeles Mayor's Committee on the Handicapped, a member of the Los Angeles Building and Safety Housing Appeals Board, and a board member of Disabled American Veterans Charities of Los Angeles.

He is survived by nephews Peter Nelson, Ed Nelson and Clay Nelson, niece Cindy Hanauer, seven grand-nieces and one grand-nephew.



David Carroll



Martha Matthews



Jennifer Urban

## 2 NEW PROFESSORS, 1 NEW CLINIC

### MARTHA MATTHEWS

Martha Matthews, formerly the Bohnett Staff Attorney at the American Civil Liberties Union of Southern California, is the new director of the USC Law School Domestic Violence Clinic.

Matthews joins USC after 14 years of public interest work on behalf of youth and low-income families. As clinical professor and directing attorney of the university's Domestic Violence Clinic (DVC), she oversees law students in providing legal services to survivors of domestic violence and creates training programs for child protective services workers, attorneys, and other professionals in family and dependency court.

"I enjoy working with students, and I hope that part of what I will do at USC will help in the development of a new generation of lawyers who are committed to doing public interest work either as a job or through pro bono efforts," Matthews said.

DVC is the only clinical legal program in Los Angeles County offering students the experience and training necessary to serve survivors of domestic violence. The clinic works with the USC School of Social Work, the Keck School of Medicine at USC, and social services agencies to provide a range of support services to domestic violence survivors and their families.

In addition to her work at the ACLU, Matthews also was a staff attorney for the Oakland-based National Youth Law Center and directed a family advocacy program at Stanford Law School. A Swarthmore College graduate, Matthews received her J.D. in 1987 from the Boalt Hall School of Law at the University of California at Berkeley.

### JENNIFER URBAN

Jennifer Urban, a specialist in intellectual property law and policy, is director of the new USC Intellectual Property (IP) Clinic — a joint project of USC Law School, the USC Annenberg Center for Communication, and USC Information Services Division.

Beginning in the spring 2005 term, the IP Clinic will allow second- and third-year law students who have taken an introductory course in IP to work on cutting-edge public interest issues in intellectual property and technology law. Students will gain practical experience through such projects as helping "starving artists" register copyrights, working on open source licenses, and thinking through the complex public policy questions surrounding intellectual property in the digital age.

Urban comes from the Samuelson Law, Technology & Public Policy Clinic at the UC Berkeley Boalt Hall School of Law, one of the first IP law clinics in the country. She taught technology law and policy to law students as well as graduate students from Berkeley's School of Information Management and Systems.

"It's wonderful to be a part of the growing IP public interest community and the emerging phenomenon of IP clinics," Urban said. "This position gives me a wonderful opportunity to combine my enthusiasm for public interest law and intellectual property with my belief that clinical legal education is deeply valuable to students."

Prior to teaching, Urban was an attorney with the IP division of Venture Law Group in Menlo Park, Calif. A first-generation college student, Urban earned a B.A. in biological science in 1997 from Cornell University and received her J.D. in 2000 from Boalt Hall.

— R.B.

## NSF GRANTS FUND INTERDISCIPLINARY RESEARCH BY USC LAW FACULTY

Two USC Law professors whose individual research activities investigate the crossroads of law and psychology have received grants from the National Science Foundation. Professor Dan Simon was awarded \$351,000 to continue a project designed to determine how people — especially judges, jurors and litigants — process information and make decisions. Meanwhile, Professor Tom Lyon's \$239,000 NSF grant will be used to study how children — specifically child witnesses — recall the times of past events.

### Coherence-based decision making

Dan Simon's current work was sparked by his 1997 Harvard Law School S.J.D. dissertation, "From Conflict to Closure: The Bi-Directionality of Legal Reasoning," which examines the cognitive aspects of judicial reasoning.

In collaboration with psychologists Keith Holyoak of UCLA and Stephen Read of USC, Simon has gone on to develop a theoretical framework for understanding the cognitive processes that enable fluid, flexible and effective mental processing in complex tasks. According to the trio, tasks are considered complex when the variables are numerous, contradictory, ambiguous and incommensurate — as is the case in many legal decisions.

Their current collaborative research continues a previous NSF-supported project that resulted in a dozen published articles, including Simon's "A Third View of the Black Box: Cognitive Coherence in Legal Decision Making," published this year by the *University of Chicago Law Review*.

Simon hopes their discoveries will contribute to improving the legal system — in finding ways, for example, to better handle jurors' exposure to impermissible evidence (by identifying the factors that lead to failure to ignore information), and improve jury deliberation (so that decisions are based on the sharing of facts and persuasive arguments instead of pressures to conform with the group's norms and other members' preferences).

"It's very satisfying that the hypotheses I drummed up while writing a thesis nearly 10 years ago are panning out in the experiments we're performing today," Simon says. "Law brings out very acute behavioral phenomenon, often pushing at the edge of what we know about human cognition. My intellectual commitment is to make the legal system more sensitive to psychology."

### Development of memory

All of Tom Lyon's work centers on child witnesses and improving their performance in testimony. In his latest NSF-funded project, Lyon hopes to improve psychologists', educators', and legal professionals' understanding of how children remember the times of past events.

This fall, Lyon and his team of research assistants are documenting testimony from more than 250 sex-abuse trial cases — including a large number of acquittals — involving children ages 4 to 14. Any questions related to time are then tabulated and studied; the goal is to systematically examine thousands of questions and determine how child witnesses interpreted them.

"Prosecuting attorneys tend to ask child witnesses a lot of questions involving specific dates," Lyon says. "But kids have very poor time recollection, and they don't have the ability to make inferences. When you ask a child temporal questions about abusive events that occur in secret, repeatedly, over a long period of time, the problems become immense. It sets up the child for failure."

At the same time Lyon and his co-principal investigator, psychologist William Friedman of Oberlin College, are examining children's performance in court, they also will be interviewing an ethnically diverse group of children to assess their abilities to recall the times of naturalistic events from the past three years.

"This project is unique in that we're not just doing field work but also asking questions in a lab," Lyon says. "And although I find the theoretical issues interesting, I think the real payoff — the real bang for your buck — is going back in the field and helping to improve the system."

— R.B.



Dan Simon



Tom Lyon





**FERNANDO GAYTAN '02**

“Practicing public interest law was my only reason for going to law school. I see it as a tool for people to obtain equal access to the opportunities in this country and, most importantly, equal access to justice.”

## USC'S SKADDEN FELLOW DEDICATED TO EQUAL JUSTICE

One of only three Skadden Fellows ever to come from USC, Fernando Gaytan '02 bears a certain responsibility — but it's an honor he wears well.

At USC Law School, Gaytan received numerous distinctions for his burgeoning legal career, including a Public Interest Legal Foundation grant and the Adam Freeman Scott Memorial Grant. In fact, the Southern California native specifically picked the Law School because of its renowned reputation for public interest law.

“At USC, it's the students who really push public interest, and I found that to be very exciting,” he says. “Practicing public interest law was my only reason for going to law school. I see it as a tool for people to obtain equal access to the opportunities in this country and, most importantly, equal access to justice.”

Gaytan was one of 28 law graduates selected in 2002 for the fellowship, which is sponsored by a foundation established by partners at New York's Skadden, Arps, Slate, Meagher & Flom. The prestigious fellowship is among the few programs nationwide that provide law students with an annual stipend to work in non-profit public interest organizations.

As part of his fellowship, Gaytan is employed at the Los Angeles Center for Law and Justice, serving on the consumer protection unit. His project involves assisting victims of legal and financial services fraud. That's one constituency that hits close to home for this child of immigrants.

“I've always had this commitment to the immigrant community,” says Gaytan, a fluent Spanish speaker. “They are the hardest hit by unscrupulous lawyers who defraud non-English speaking communities. It's very rewarding to help these people gain access to legitimate legal advocacy and justice.”

Gaytan says he never wavered in his pursuit of public interest work during law school. And he doesn't expect to deviate from that path any time soon.

“I managed to stay the course,” he says, “and I'm glad I did.”

— P.C.

## IN PURSUIT OF STALKERS

Her work has benefited some of the most recognizable names in the entertainment industry: Madonna, Steven Spielberg, Gwyneth Paltrow.

But the vast majority of cases that weave their way to Rhonda Saunders '82 — criminal prosecutor and internationally recognized expert in the areas of stalking and threat assessment — involve ordinary people.

"Anybody can be a stalker, and anybody can be a stalking victim," says Saunders, a deputy district attorney with Los Angeles County who has prosecuted hundreds of stalking cases and handled at least a thousand others. "Many people think stalking only involves celebrities because that's what the media covers, but the majority of domestic violence situations actually evolve into stalking behavior."

Reason enough for Saunders to be tenacious not only in court but also in Sacramento.

In 1991, following the doorstep killing of television actress Rebecca Schaeffer by a stalker, California enacted the first law on stalking, making the act a misdemeanor.

But Saunders wanted to make the crime a felony. She wanted to extend the law to protect the victim's family. She wanted better sentencing. So in 1992, Saunders appeared before the California Senate Judiciary Committee.

"I went up there and got kicked out," Saunders says. "One person asked me, 'Why should we put someone in prison for being a pest?'"

Undaunted, Saunders returned. During her second visit — scheduled after a series of stalking-related crimes swept over Sacramento — her ideas sailed through. Today, the ground-breaking stalking laws she helped to write are emulated worldwide.

In 1994, she revised California's stalking law so that a trial court could grant victims a 10-year restraining order (vs. three with a civil RO). She also helped eliminate incarceration as a defense. In 1997 she wrote a new law to facilitate emergency ROs in stalking and workplace violence cases. In 2000 she increased the penalties for aggravated stalking.

"When you see the damage stalking can do — when you talk to victims and their children and realize that some people truly have given up the hope of ever having a safe life... That's why I do this," Saunders says.

The New York native also is a relentless educator, training professionals at the Los Angeles Police Department and through the Secret Service's training division. She recently launched an informational Web site, [stalkingalert.com](http://stalkingalert.com), and she's currently working with Court TV to tape a series of three documentaries, titled "Reasonable Fear," based on her past stalking cases.

"Rhonda really cares about the victims — she wants to give them their life back," said Sergeant Alex Vargas, who worked closely with Saunders for years as a detective with the LAPD threat management unit. "We handled a lot of high-profile and a lot of regular, domestic-violence cases, and she puts the same amount of effort into both. That kind of commitment is rare."

— R.B.

### RHONDA SAUNDERS '82



*Frances Khirallah Noble, who last practiced law in 1997, currently is working on a book that involves belly dancing. Her first book, *The Situe Stories*, was published in 2000, and two of her stories have been anthologized in a collection to be published by the University of Arkansas Press. She also is an outside editor for Syracuse University Press, evaluating fiction manuscripts for publication. Frances has been married for 38 years to Tom Noble '71. They have two children — Ian, 26, and Maureen, 20.*



## WRITING ABOUT GROWING UP ARABIC IN AMERICA

“What was it like growing up Arabic in America?” I’ve been asked. Actually, I was Arabic only on Friday nights; the rest of the week I was Irish Catholic. But on Friday nights, we — my parents and siblings, my aunts and uncles and cousins from my father’s side of the family — congregated at *Situe*’s house, one side of a small duplex, in Alhambra, California.

*Situe* (pronounced situ) is Arabic for grandmother. My *situe* could neither read nor write; she never drove a car; she hardly went anywhere except to the market on Valley Boulevard. She smoked Duke cigarettes or sometimes sat on her front porch puffing on her little white china pipe; she drank bourbon; she never said no. If a granddaughter wanted a cigarette or a drink, that was fine with her. She didn’t call us or anyone else on the telephone — we called her. And at any time of the day or night, she could feed an army with just-made kibbe, spinach pies, tahboubli, her version of spaghetti, string beans and rice with pine nuts, cinnamon and allspice, and Syrian bread that she rolled on the floured floor of her kitchen. I lived with *Situe* and *Jidue*, grandfather, the first three years of my life. It was the end of World War II, and my father was in the Army.

When I decided to leave the practice of law and write fiction full time, I didn’t know what I was going to write about, but I decided to trust the creative process. I shouldn’t have been surprised when *Situe*’s image floated through my mind again and again. She would not go away; I had no choice. Plus I had a lot of “interesting” relatives and tales and traditions

to draw on: how to tell fortunes in coffee grounds and divine futures in dishes of sand; how to enter Ellis Island as a family with one last name and leave with three different ones; how to slip into American ways; how, when the old country traditions break down, it’s the old who often suffer.

When my book was in manuscript form, it was presented to a group of visiting Arabs, former students at the American University in Beirut. Two generations removed from the old country, I wondered how I’d dared write about their culture, since it was only my half culture, transplanted. I felt exposed and vulnerable as they picked up the stories, read them, passed them around. Their verdict: “You got it just right.”

Which brings me to what I guess is the main point of this essay: When it comes to writing fiction and probably most things in life, we know more than we know we know, and all we need to know.

However, once a lawyer, always a lawyer. In addition to reviewing my work for artistic purposes, I couldn’t help looking over the contents from a legal perspective. But, since truth is an absolute defense, and most people like seeing a slice of themselves, however slim, in print, I stopped worrying.

*“When I decided to leave the practice of law and write fiction full time, I didn’t know what I was going to write about, but I decided to trust the creative process.”*



**In Memoriam:** The Library Garden Courtyard and Fountain near historic Doheny Library is a symbol of the dedication USC Vice President and Law Professor Emeritus Carl M. Franklin had for USC, where he worked for more than 50 years, and for his late wife, Carolyn, to whom the garden is dedicated. Professor Franklin passed away this fall at the age of 93 (see obituary on Page 26).



USC **LAW**

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# calendar of events @ USC **LAW**

**Saturday, Nov. 6**

Reunion Day 2004, USC Law School and Millennium Biltmore Hotel

**Saturday, Nov. 13**

Alumni, faculty and student tailgate party, USC Law School south steps

**Saturday, Nov. 13**

USC Law Annual Fund Homecoming Event, USC Law School

**Friday, Nov. 19**

USC Law School 2004 Probate and Trust Conference, Wilshire Grand Hotel (Continuing Legal Education program)

**Monday, Dec. 6**

Bar Admission Ceremony, USC Bovard Auditorium

**Friday, Jan. 7**

USC Law School reception at American Association of Law Schools annual meeting, San Francisco, Calif.

**Friday and Saturday, Jan. 14-15**

“Initiative, Referendum and Recall Processes,” a conference sponsored by USC-Caltech Center for the Study of Law and Politics and the Initiative and Referendum Institute at USC

**Monday through Wednesday, Jan. 24-26**

USC Law School 2005 Tax Institute, Wilshire Grand Hotel (Continuing Legal Education program)

**Friday, Feb. 18**

Hale Moot Court final round of competition, USC Norris Theatre

**Monday, Feb. 28**

4<sup>th</sup> Annual West Coast Law and Literature Symposium, “Politics, Narrative and Justice,” sponsored by USC Center for Law, History and Culture

**Wednesday, March 2**

USC Law Alumni and Student Mentor Lunch, Town and Gown

**Wednesday, March 9**

USC PILF auction, USC Town and Gown

**Thursday and Friday, March 17-18**

2005 Institute for Corporate Counsel, USC Law School and the Corporate Law Section of the Los Angeles County Bar Association, Wilshire Grand Hotel (Continuing Legal Education program)

**Friday, April 15**

USC Law Preview Day for admitted students

**Thursday, April 21**

USC Law School Institute — LACBA Benjamin S. Crocker Symposium on Real Estate Law and Business, Wilshire Grand Hotel (Continuing Legal Education program)

**Monday, April 25**

Sydney M. Irmas Golf Tournament, Wilshire Country Club

**Friday and Saturday, April 29-30**

“Law, History and Culture of Intellectual Property,” a conference sponsored by USC Center for Law, History and Culture

**Sunday, May 15**

Commencement

**Tuesday, May 24**

USC Law School 2005 Intellectual Property Institute, the Beverly Hills Hotel (Continuing Legal Education program)