USC Law celebrates 75 years of clinical legal education

Clinical programs provide community services, hands-on training

When Justin Miller joined USC Law as dean in 1927, the criminal law expert envisioned a mandatory one-year course in the delivery of legal services to the poor. Two years later, the Legal Clinic at USC opened its doors.

Directed by John Bradway, a pioneering champion of clinical legal education in American law schools, USC’s clinic operated just like a law firm, where students opened cases and received training to resolve them professionally and efficiently. By the time the clinic officially became the Legal Aid Foundation of Los Angeles in 1937, USC Law students and attorneys had assisted more than 19,000 clients.

Ever since, USC Law has been a national leader in clinical legal education, providing hands-on legal training to thousands of students and crucial legal aid to underserved communities throughout Southern California. Today, USC Law offers five clinical programs: the Post-Conviction Justice Project; the Immigration Clinic; the Intellectual Property Clinic, the Children’s Project; and the Employer Legal Advice Clinic.

The Post-Conviction Justice Project

While Gray Davis was governor of California, the state’s Board of Prison Terms recommended parole for 368 of more than 27,000 inmates serving life sentences. Davis approved parole for just six of them; two were clients of USC’s Post-Conviction Justice Project (PCJP).

Since 1993, more than 200 USC students have worked with over 700 CIW inmates in matters ranging from consultation to representation in parole hearings, as well as lawsuits involving civil and parental rights, custody and visitation. Today, under the supervision of Clinical Professors Michael Brennan and Carrie Hempel, students continue to successfully represent state prisoners in parole hearings, with a particular focus on battered women. Since Gov. Arnold Schwarzenegger commuted the sentences of two clients, USC’s Post-Conviction Justice Project (PCJP) has been instrumental in securing parole for many other inmates.

Dean’s Message

Clinical legal ed at USC — 75 years and thriving

Seventy-five years ago, USC Law created its first legal clinic — and embarked on an experiment that has helped define American legal education. By combining classroom training with practical application of skills — all while providing legal aid to the community — USC helped pioneer the notion that the best way to learn to be a lawyer is, well, to practice.

The birth of clinical legal education can be attributed in large part to John Bradway, who helped establish legal aid clinics at several of the country’s top law schools during the late 1920s and early 1930s. Already the first law school dean to offer academic credit to students working in legal aid, USC Law Dean Justin Miller hired Bradway to establish an in-house clinic providing legal services to clients with “meritorious legal claims but not much money in their pockets.” USC’s Southern California Legal Aid Clinic Association opened its doors in fall 1929.

Eventually, the Legal Aid Clinic outgrew USC and became the Legal Aid Foundation of Los Angeles (LAFLA), now California’s largest legal services organization. Several years later, USC established another major clinical program, the Western Center for Law and Poverty, to pursue legal reform litigation and advocacy on behalf of the poor and underrepresented. Marty Levine, now USC’s vice provost of faculty affairs and UPS Foundation Professor of Law and Gerontology, was the clinic’s first executive director; Derrick Bell (who later taught at Harvard and is now at NYU) served as Marty’s successor, and others — including Gary Bellow and Earl Johnson — were

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President Bush names USC Law professor to federal tax reform panel

Panel to release recommendations for revising U.S. tax code this fall

President George W. Bush appointed USC Law Professor Elizabeth Garrett to his nine-member bipartisan Advisory Panel on Federal Tax Reform. An expert in budget and tax policy and director of the USC-Caltech Center for the Study of Law and Politics, Garrett is helping develop recommendations for revising the U.S. tax code. Former Sens. Connie Mack (R-Fla.) and John B. Breaux (D-La.) are chairing the advisory commission.

President Bush has said that reforming and simplifying the federal tax code is a top initiative on his domestic policy agenda for Congress. The Tax Reform Panel has held hearings throughout the country as it prepares to make recommendations for restructuring the tax code to Secretary of Treasury John Snow. The panel is expected to release its recommendations in September.

Garrett served as the tax and budget counsel for former Sen. David L. Boren (D-OK) from 1991 to 1993 and was his legislative director from 1993 to 1994. She is the author of several articles on the congressional budget process and tax policy and the co-author of the nation’s leading casebook on legislation.

“Comprehensive tax reform is one of the top domestic challenges facing our country,” Garrett said. “Since the last major tax reform in 1986, the tax code has been continually amended so that it is more complex and less likely to achieve the goal of raising sufficient revenue fairly and in a way that ensures strong economic growth.”

Garrett was one of three professors appointed to the panel. Bush also appointed Edward Lazear, an economics professor at Stanford University, and James Poterba, a professor at MIT.

— Gilien Silsby

Enhanced rights may hurt shareholders, professor argues

An article by USC Law Professor Eric Talley was named one of the 10 “Best Corporate and Securities Articles of 2004” by the Corporate Practice Commentator, a quarterly newsletter.


The article examined the costs and benefits of granting shareholders more governance power particularly in the context of takeovers.

Talley and Arlen argue that in some cases, granting shareholders enhanced rights to oversee takeover defenses might actually hurt shareholder interests over the long run.

“A number of corporate law scholars have recently proposed various types of shareholder empowerment schemes,” Talley said. “Most commentators agree that shareholder oversight is justified only insofar as shareholders enjoy a bona fide advantage over managers in evaluating and responding to hostile bids, and thus the debate has generally circulated around whether shareholders hold such an advantage.”

Talley and Arlen challenge even that basic premise, arguing that even if shareholders did enjoy an advantage over management in reacting to hostile bids, it does not follow that a shareholder choice regime is desirable. The core reason, according to Talley, is that takeover bids happen only infrequently, and at the end of a process that is inescapably dominated by day-to-day managerial decisions.

“And therein lies the rub,” Talley concludes. “A shareholder choice regime could give managers an incentive to search early on for ways to manipulate governance, contracting practices, or corporate culture in ways that make the firm an unattractive takeover target to begin with,” Talley said. “If management’s reaction ensures that no takeover bid ever occurs, then the additional leverage that shareholders have in evaluating such bids would be a hollow victory.”

— Gilien Silsby
Scholars in voting rights, corporate law join USC Law faculty

Two rising scholars have joined the USC Gould School of Law faculty: Kareem Crayton, an authority on election law, voting rights and politics; and James Spindler, an expert on securities laws, disclosure and corporations.

USC Law Dean Matthew L. Spitzer said Crayton and Spindler will enhance scholarly life at USC Law and further elevate the school’s national stature and reputation for academic excellence.

“We couldn’t be more pleased that Kareem and James have accepted our offers, especially because they each had very attractive opportunities at other top law schools,” said Spitzer. “Kareem’s expertise in race and politics will certainly enhance the work of our Center for the Study of Law and Politics, and James’ expertise in securities and corporations will further amplify our strength in corporate law. We are confident both Kareem and James will emerge as leading scholars in their fields.”

Crayton, who earned his bachelor’s degree in government from Harvard University and his law degree and Ph.D. in political science from Stanford University, said he chose USC Law because of its high-quality faculty, its tradition of interdisciplinary work, and its location.

“There are precious few schools that take interdisciplinary work as seriously and fewer still that actually have the personnel who can really bridge the law with other fields,” said Crayton, who was a fellow and instructor of law at Vanderbilt University Law School before accepting USC’s offer. “I also found this law school and Los Angeles as a whole are culturally and socially rich places to conduct research on the intersection between race and politics.”

Crayton has studied congressional elections, legislative decision-making and political representation. His dissertation, “What’s New about the ‘New South’?”, examines problems with various empirical assumptions about the effect of the 1965 Voting Rights Act on congressional redistricting. His current research considers some of the political and constitutional questions related to possible amendments to reauthorization of the Voting Rights Act.

Spindler comes from University of Chicago Law School, where he was a visiting assistant professor. He holds a law degree from Harvard and a bachelor’s degree from Princeton University.

“I chose USC because of its outstanding faculty and its reputation for producing quality interdisciplinary work,” Spindler said. “It’s also a very supportive environment for research, which is especially important for junior faculty like me.”

Spindler’s specialty is in regulation of securities and capital markets. He’s particularly interested in how legal rules affect the ability of parties to communicate information to one another, and how those rules affect the way parties strategically structure their transactions.

Spindler has taught courses on federal securities regulation, commercial law, and corporate and securities law. He has studied how corporate perks play a role in employee misbehavior and trends in underperformance in the IPO market.

— Gilien Sikdy

Dean’s Message

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important figures in WCLP’s success. WCLP also outgrew its USC home and became an independent legal services agency, it continues to advocate on behalf of society’s most vulnerable members.

USC’s strategic plan calls this “service learning”; the learning opportunities come through the practical application of skills as well as the questions, ideas and problems that students bring back to the classroom. USC was named Time magazine’s College of the Year 2000 in recognition of such innovative learning programs. Of course, law schools have been doing it for decades.

I hope you enjoy reading more about our clinics — as well as the many other exciting endeavors of our distinguished faculty members — inside this issue of USC Law Faculty Footnotes.

Matthew L. Spitzer
Dean,
Carl M. Franklin Professor of Law and Professor of Political Science
USC Law celebrates 75 years of clinical legal ed

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Schwarzenegger took office, five more battered women represented by PCJP have been granted parole. And in the last five years, another has had her sentence set aside because of habeas petitions drafted by students.

“We realize that prisoners are not politically popular, but the women we’ve been able to help should have been released before — way before — we ever represented them,” Hempel says. “And because they had valid legal claims, their cases provided excellent teaching vehicles for our students. These are not cases that get settled. They move forward.”

The Immigration Clinic
Directed by Assistant Clinical Professor Niels Frenzen since its inception in spring 2001, the clinic provides pro bono representation to clients in a variety of immigration cases including asylum, applications for relief under the Violence Against Women Act, and applications for relief from removal. Many of the clients are victims of torture, including rape and other forms of severe violence. In some cases, the client’s life or freedom is at stake.

Asylum cases comprise most of the Immigration Clinic’s docket, which normally lists 50-70 open cases. Currently the clinic is representing clients from 25 different countries. Most come from Africa; others hail from Southeast Asia, the Middle East, Europe and South America. Frenzen, who has practiced immigration law since 1985, supervises all student work on behalf of clients.

The Intellectual Property Clinic
Directed by Jennifer Urban, assistant clinical professor of law, the IP clinic is a joint project of the USC Gould School of Law, the USC Annenberg Center for Communication, and USC Information Services Division.

The clinic focuses on cutting-edge public interest issues in intellectual property and technology law. It handles specific cases and engages in issue advocacy, providing students with a range of opportunities, including developing patent licenses and filing friend-of-the-court briefs. Recently, the clinic submitted comments to the Library of Congress regarding copyright issues related to orphan works.

“IP affects social interactions — at its most fundamental level, it regulates very basic interactions related to communication, creativity and scientific innovation,” says Urban, who was a clinical instructor at the Samuelson Law, Technology & Public Policy Clinic at the UC Berkeley Boalt Hall School of Law prior to joining USC Law last fall.

“Learning about IP law in a clinical setting allows students to think deeply about these kinds of issues and to use their analysis in real-world scenarios.”

The Children’s Project
Through USC’s Children’s Project, law students assist clients with a range of civil cases involving children under the direction of Clinical Professor Lee Campbell. Throughout the year, the clinic represents children and their interests in such legal and administrative proceedings as guardianships for abused and neglected children, and special-education entitlements for children with physical or emotional disabilities.

Children’s Project students also work with Public Counsel, a Los Angeles public interest agency, to provide free legal assistance to families wishing to adopt a child who previously was a ward of the dependency court. Clinical students provide assistance to families during Adoption Day proceedings, a twice-yearly event when dependency court judges spend a Saturday in court to handle adoptions.

The Employer Legal Advice Clinic
USC’s urban community has a wide range of organizations that serve public needs. The services the agencies offer are critical — which makes the work of the Employer Legal Advice Clinic equally important.

The Employer Legal Advice clinic has helped more than 80 Los Angeles-area nonprofits navigate the complexities of employment law. Student work ranges from updating employee handbook policies to identifying special exemptions for religious non-profits, evaluating the legality of employee random drug testing, and designing supervisor training programs on sexual harassment.

“Hiring an attorney to write an employee handbook can cost $15,000 to $20,000,” says Clinical Professor Noel Ragsdale, directing attorney for the Employer Legal Advice Clinic and a USC Law veteran of more than 20 years. “These organizations don’t have that kind of money. Their funds are needed for the services they’re providing to the community.”

— Rizza Barnes
Within days of the terrorist attacks of Sept. 11, 2001, Congress debated numerous measures to help victims and stabilize the nation’s economy in the face of what many saw as an assault on the American way of life.

Legislation must be passed, argued Sen. John McCain, to help people avoid the “vast uncertainty of our litigation system” and the “tangle of lawsuits” that would surely follow. Something must be done, Sen. Orrin Hatch worried, to keep courts from offering large awards to some victims while leaving others “out in the cold.”

To USC Law Professor Gillian Hadfield, the debate missed an important point. “I found it odd that in the wake of what people saw as an attack on American democracy and the rule of law, we responded with such ambivalence toward our legal system,” she says.

In an article published this spring by the Defense Research Institute — an international association of defense lawyers — Hadfield offers a startling perspective on the impact of the Victim Compensation Fund (VCF) established by Congress to provide financial assistance and an alternative to civil litigation for survivors of the attacks. Thousands of families were eligible to register with the VCF to receive compensation, but, in return, they were required to forgo their right to pursue a claim in court.

For Hadfield, the issue isn’t about assigning blame, but rather who gets to decide whether blame should be assigned. Clearly, some Sept. 11 families felt their rights were sacrificed. Through interviews with victims’ families, Hadfield found that several were frustrated by the “choice” presented to them: either receive immediate assistance through the fund, or pursue a lengthy, expensive claim in court. Even those who wanted to pursue a claim found that few lawyers would take their cases.

Money is not what the families were concerned about,” Hadfield says. “If more people died than needed to because of poor fireproofing, shouldn’t we want to know that and address it?”

Now, as Congress reviews the Terrorism Risk Insurance Act of 2002 — which established the VCF and is set to expire next year — Hadfield is one of several scholars and attorneys associated with the Defense Research Institute who are examining the act’s effectiveness as a model for future tragedies. Hadfield’s recommendations include eliminating any requirement to forego litigation in exchange for compensation or establishing a forum to provide victims and families with a streamlined version of the essential powers of a civil lawsuit.

“Civil litigation is an extraordinary democratizing instrument,” Hadfield says. “It is the only way that a housewife from New Jersey, for example, can make the president of American Airlines show up and answer questions about her husband’s death. The system is obtuse, open to distortion and incredibly slow. But the answer isn’t — and can’t be — to throw out the system entirely.”

— Melinda Vaughn
Pauline Aranas was named Associate Dean, Chief Operating Officer and Adjunct Professor of Law at USC Law. A 1981 graduate of USC Law, she was a member of the USC law library staff from 1984 to 1994. She then served as assistant dean for library and information technology at Vanderbilt University Law School and as associate law librarian at the University of California, Los Angeles. Dean Aranas is vice president and president-elect of the Southern California Association of Law Libraries and a member of the American Association of Law Libraries and the State Bar of California.

David B. Cruz, Professor of Law, was elected 2005 chair of the Sexual Orientation and Gender Identity Issues Section of the Association of American Law Schools (AALS). He presented “The Meaning and Marketing of the Federal Marriage Amendment” at George Washington University Law School and discussed “Marriage as a Special Right” as part of the family law panel of Southwestern University Law Review’s Symposium on Lesbian, Gay, Bisexual and Transgendered Issues and the Civil Rights Agenda. Cruz also delivered the annual Social Justice Diversity Lecture, “Marriage Rights, Privileges, and Immunities,” at Santa Clara University School of Law, where he received one of the Dukeminier Awards for his article “Disestablishing Sex and Gender.” He presented “The Constitution of Sex and the Sex of the (U.S.) Constitution” at Manchester Metropolitan University and “Opportunistic Federalism” at Willamette University College of Law.

Mary L. Dudziak, Judge Edward J. and Ruey L. Guirado Professor of Law, History and Political Science, received a James H. Zumberge Research Grant from USC to support research on her new book project, Exporting American Dreams: Thurgood Marshall and the Constitution of Kenya. She was elected to the Law and Society Association board of trustees and appointed to the editorial board of the Law and History Review, the preeminent legal history journal. She also was appointed to the nominating committee of the Association for American Law Schools. Professor Dudziak served as editor for a special edition of American Quarterly, “Legal Borderlands: Law and the Construction of American Borders,” to be published in September 2005, and co-organized a symposium on the same subject. She presented the Maynard Pirsig Memorial Lecture, “Law in the Shadow of War,” at the William Mitchell College of Law. She also presented “Exporting American Dreams: Thurgood Marshall and the Constitution of Kenya” at a William Mitchell faculty workshop, as well as at the University of Chicago Department of History and at UCLA Law School. She presented her paper, “The Constitution as Cold War Propaganda — or — Toward a Diplomatic History of ‘Domestic’ American Law,” as part of a panel on “Dilemmas of Performing Legal Subjectivity” at the Association for the Study of Law, Culture and Humanities Conference in Austin, Texas. In addition, Professor Dudziak spoke on “Brown and the Civil Rights Movement on the International Stage” at the Newberry Library in Chicago; “Federalism and Foreign Affairs in 1960s Civil Rights Reform” at the annual meeting of the American Political Science Association in Chicago; “Countdown to the Election: The Supreme Court” at a USC Unruh Institute event; Lawrence Friedman’s scholarship at the University of Tulsa Law School; and human rights at Columbia Law School. Professor Dudziak is serving as the William Nelson Cromwell Visiting Professor at Harvard Law School for the 2005-06 academic year.

Ray Flores, assistant dean for information technology, joined USC Law. He holds a bachelor’s degree in computer information systems from California State Polytechnic University and an MBA in technology management and strategy from the USC Marshall School of Business. Prior to joining USC Law, he served as director of technology infrastructure at the USC Marshall School from 2001 to 2004. He also has served in information technology positions at Children’s Hospital Los Angeles, Northrop Grumman Corp. and DRT Inc. He is a member of the National Society of Hispanic MBAs and serves on a number of committees at USC, including the USC Wireless Advocacy Group and the USC Security Liaison Group.

Alice Galstian was named assistant dean and chief financial officer at USC Law. She brings extensive experience as a chief financial officer, management consultant and manager. She has worked with organizations ranging in size from multi-billion-dollar publicly traded companies to small closely held firms on a national and international basis. She received her MBA from USC Marshall School of Business and became a certified public accountant upon completing her bachelor’s degree from Pace University in New York. She serves on the national board of the USC Marshall Alumni Association and is president of the association’s Los Angeles chapter.

Ronald R. Garet, Carolyn Craig Franklin Professor of Law and Religion, served as president of the faculty at USC in academic year 2004-05. He spoke about ethics and integrity at the annual Student Senate Retreat and at a retreat for administrators and staff of the Office of Student Affairs. He spoke about teaching at the annual New Faculty Orientation for USC faculty and at a lecture sponsored by USC’s Center for Excellence in Teaching. He spoke...
about USC’s Code of Ethics and Strategic Plan at the President’s Leadership Retreat, and about faculty governance while introducing President Sample at the president’s annual faculty address. He appeared in KCET’s video tribute to President Sample and served on the committee that advised President Sample on the selection of USC’s new provost. He served on the university’s strategic planning committee and co-chaired its subcommittee on service learning. In a forum at USC Law, Professor Garet, along with Professor Jody Armour, discussed the interplay of hip-hop music, racial justice and spiritual transcendence. Professor Garet received a teaching award from the USC Latter-Day Saints student association. He presented “The Last Full Measure of Devotion: Sacrifice and Textual Authority” at a conference on “Text, Tradition and Reason in Comparative Perspective” held at Cardozo Law School.

Elizabeth Garrett, Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, Political Science, and Policy, Planning and Development, was named Vice Provost for Academic Affairs. As a member of President Bush’s bipartisan Tax Advisory Panel, she traveled to several locations to participate in meetings and discuss proposed reforms. She discussed tax reform at the Tel Aviv University and several Los Angeles law firms. She joined the national governing board of Common Cause, a nonprofit organization that works to make government more accountable to citizens. Professor Garrett continues to serve as director of the USC-Caltech Center for the Study of Law and Politics, through which she and John Matsusaka, president of the Initiative and Referendum Institute at USC, recently received an $80,000 grant from the John Randolph Haynes and Dora Haynes Foundation to support research on initiatives and referendums at the local level in Southern California. She commented on a series of papers at conferences at USC, the University of San Diego Law School and the University of California, San Diego. She presented “Who Chooses the Rules?” at the American Political

Joint appointments

USC Law’s interdisciplinary focus means faculty of other schools and departments on campus often are integrally involved in research and teaching at USC Law. For this reason, the law school extends joint appointments to faculty of other disciplines. Receiving new or renewed joint appointments this year are:

**Clifford Ando, Associate Professor of Classics and Law**
USC College of Letters, Arts and Sciences, Department of Classics

**Judith M. Bennett**
USC College of Letters, Arts and Sciences, Department of History

**Geoffrey Cowan, Dean and Professor of Journalism and Law**
USC Annenberg School for Communication

**Howard A. Gillman**
USC College of Letters, Arts and Sciences, Department of Political Science

**Cynthia B. Herrup**
USC College of Letters, Arts and Sciences, Department of History

**Timur Kuran, Professor of Economics and Law**
USC College of Letters, Arts and Sciences, Department of Economics

**Sharon A. Lloyd, Associate Professor of Philosophy and Law**
USC College of Letters, Arts and Sciences, Department of Philosophy

**W. Bentley MacLeod, Professor of Economics and Law**
USC College of Letters, Arts and Sciences, Department of Economics

**John G. Matsusaka, Professor of Business and Law**
USC Marshall School of Business, Department of Finance and Business Economics

**Kevin J. Murphy, Professor of Business and Law**
USC Marshall School of Business, Department of Finance and Business Economics

**John Rolph, Professor of Business and Law**
USC Marshall School of Business, Department of Information and Operations Management

**Todd M. Sandler, Professor of International Relations, Economics and Law**
USC School of International Relations

**Hilary M. Schor, Professor of English and Law**
USC College of Letters, Arts and Sciences, Department of English

**Mark J. Weinstein, Associate Professor of Business and Law**
USC Marshall School of Business, Department of Finance and Business Economics

**Gideon D. Yaffe, Assistant Professor of Philosophy and Law**
USC College of Letters, Arts and Sciences, Department of Philosophy

*beginning fall 2005*
Science Association’s annual meeting in Chicago and “The Purposes of Framework Laws” at the University of Michigan Law School and Stanford Law School. Professor Garrett also was named to joint appointments in the Political Science Department of the USC College of Letters, Arts and Sciences and in the USC School of Policy, Planning and Development.

**Thomas D. Griffith**, the John B. Miliken Assistant Professor of Law, pre-symposium, “The Civil Trial: assistant dean and adjunct assistant professor of law, was named to a joint appointment in the Political Science Department of the USC College of Letters, Arts and Sciences and in the USC School of Policy, Planning and Development.

**Ariela J. Gross**, Professor of Law and History, was appointed to the editorial board of the Law and History Review, the preeminent legal history journal. She presented “Litigating Mexican American Whiteness in the 20th-Century United States” at the annual meeting of the American Studies Association in Atlanta and “Mexican Americans and the Politics of Whiteness in the 20th-Century Southwest” at the University of Chicago Law School and the American Bar Foundation. She also presented “Native Identity, Citizenship and Land Allotment in the Early 20th-Century United States” at the American Society for Legal History annual meeting in Austin, Texas; “Administering Citizenship, Identity and Land in Indian Territory, 1865-1907,” at Cardozo Law School; and “Evidence of Race” at the American Association of Law Schools Annual Meeting. Professor Gross gave a keynote presentation titled “Racial Identity on Trial in the United States” at the Social Construction of Race Symposium at the University of Utah, and she moderated a panel on “Race, Gender, and ... Is CLASS Still Relevant?” at a conference at the University of California at Berkeley.

**Gillian K. Hadfield**, Professor of Law, was appointed to the editorial board of the Law and Social Inquiry journal. She presented “Economic and Democratic Theories of Litigation: Differentiating Between Individual and Organizational Litigants in the Assessment of the Changing Disposition of Federal Civil Trials” at a Stanford Law Review symposium, “The Civil Trial: Adaptation and Alternatives.” She discussed the “vanishing trial” and the availability of data about the work of the judicial system at Brooklyn Law School and discussed whether legal origins matter for contemporary institutions at the annual meeting of the American Economics Association in Philadelphia. The presentation was based on her chapter, “The Many Institutions That Support Contractual Commitment,” which is forthcoming in the Handbook of New Institutional Economics. Professor Hadfield also commented on issues involving the “Battle of the Forms” in domestic and international settings at a conference in Florence, Italy.

**Leeanna Izuel**, assistant dean and adjunct assistant professor of law, joined the USC Law faculty to oversee continuing legal education programs. Dean Izuel holds an LL.M. in taxation from Loyola Law School, a juris doctorate from UCLA Law School, and a bachelor’s degree in economics and business from UCLA. Prior to beginning her LL.M. degree in 2002, she practiced law for six years with Gibson, Dunn and Crutcher, where she led more than 65 finance, securities, and mergers and acquisitions transactions. Prior to her work with Gibson, Dunn, she practiced with Fulbright & Jaworski for five years. She serves as a pro bono attorney and corporate secretary for HP Education Fanon and is active in the UCLA Alumni Association.

**Ehud Kamar**, Associate Professor of Law, presented his article, “Beyond Competition for Corporations,” at the American Law and Economics Association 2005 Annual Meeting, Harvard Law School, New York University School of Law, Fordham University School of Law, University of Texas School of Law, and Southwestern University School of Law. In addition, he presented his article, “Does Shareholder Vote Matter? Evidence from Corporate Acquisitions,” at the law firm of Kirkland & Ellis LLP. His article “The Myth of State Competition in Corporate Law” (co-authored with Professor Marcel Kahan of New York University) was selected as one of the 10 best corporate and securities articles of 2003 by the Corporate Practice Commentator. Professor Kamar is serving as a visiting professor at New York University School of Law during 2005.

**Gregory C. Keating**, William T. Dalessi Professor of Law, presented “Abusing Duty” at Florida State University Law School.

**Daniel M. Klerman**, Professor of Law and History, received the prestigious Sutherland Prize for his article “Was the Jury Ever Self-Informing,” 77 Southern California Law Review 123 (2003). The prize is awarded by the American Society for Legal History to honor the best article of the year on a subject in English legal history. Professor Klerman also was appointed to the editorial board of the Law and History Review, the preeminent legal history journal. With co-author Paul Mahoney, he presented “The Value of Judicial Indecence: Evidence from 18th-Century England” at the annual meeting of the American Law & Economics Association in Chicago. Professor Klerman presented “Jurisdictional Competition and the Evolution of the Common Law: A Hypothesis” at Washington & Lee Law School and was a discussant at the National Bureau of Economic Research (NBER) law and economics summer institute.

**Thomas D. Lyon**, Professor of Law and Psychology, was named to a joint appointment with the USC Department of Psychology. He received a grant from the USC Undergraduate Research Program for his project “Improving Child Witnesses’ Performance: Integrating Legal Practice and Developmental Psychology.” He was a co-author on three research papers presented at the Society for Research in Child Development conference in Atlanta: “Children’s memory for time,” “Maltreated children’s understanding of fantasy,” and “Maltreated children’s understanding of the legal system.” Professor Lyon also presented several topics at the American
Professor of Economics

Dorothy W. Nelson was named associate director, Legal Writing and Associate Dean and Professor Robert Alexy on legal positivism and Social Philosophy, held in Spain, debating of the International Conference of Legal and Philosophy, spoke in a special plenary session of the ABA National Conference on Children and the Law.


Andrei Marmor, Professor of Law and Professor of Philosophy, spoke in a special plenary session of the International Conference of Legal and Social Philosophy, held in Spain, debating Professor Robert Alexy on legal positivism and natural law. Earlier he presented a paper on constitutional interpretation at McGill Law School in Montreal. Marmor founded a new online peer reviewed journal, Journal of Ethics & Social Philosophy, which launched in April 2005 (jesp.org).

Jean Rosenbluth, Director, Legal Writing and Advocacy, and Adjunct Professor of Law, was appointed to the State Appellate Judicial Evaluation Committee, which reviews the governor’s nominees to the California Court of Appeal, evaluates their qualifications to serve, and issues assessments of their suitability for the court. She gave a presentation to the Los Angeles Center for Law and Justice on effective legal writing and served on the Survey Committee of the Association of Legal Writing Directors, which is responsible for preparing the 2005 Annual Survey of the Legal Writing field, in conjunction with the Legal Writing Institute.

Elyn R. Saks, Orrin B. Evans Professor of Law, Psychology, and Psychiatry and the Behavioral Sciences, was appointed Associate Dean for Research at USC Law. She received a two-year grant from the Greenwall Foundation for a project called “Competency to Refuse Treatment: An Empirical Study of Judges’ Understanding of this Concept in California, Massachusetts, and New York.” She presented “Determining Capacity” at the Southern California Bioethics Committee Consortium and “Competency to Consent to Research” at the PRIM&R (Public Responsibility in Medicine & Research) annual conference in San Diego. She is serving as a board member of the Association of American Law Schools’ Section on Mental Disability Law.

Robert M. Saltzman, Associate Dean and Adjunct Professor of Law, was named to the Los Angeles City Ethics Commission by Mayor Antonio Villaraigosa. He also was elected to a two-year term on the Board of Directors of the Gay and Lesbian Leadership Institute, a national non-profit organization that supports the full participation of gays and lesbians in the government. He completed a two-year term as chair of the Skills Readiness Inventory (SRI) Task Force of the Law School Admission Council, which is working to create a testing instrument to help potential law school applicants assess their readiness for law school long before they apply, so they have time to develop and improve the skills necessary for success as law students. At USC Law, Dean Saltzman created an Academic Support Program designed to assist students in developing and improving their skills of legal analysis and problem-solving.

Matthew Shakespeare was named associate dean and chief development officer, overseeing all development and alumni relations activities for USC Law. He was previously director of development for Harvard’s American Repertory Theatre (ART) and Loeb Drama Center. He also has served in development positions in Harvard’s medical school and associated institutions and at the University of Texas-Houston. He holds a master’s degree in theological studies from Harvard Divinity School and a B.A. from the University of Massachusetts, Amherst.

Michael H. Shapiro, Dorothy W. Nelson Professor of Law, served as a guest lecturer at the Keck School of Medicine at USC, speaking on human enhancement in a course on “Genetics in Preventive Medicine and Public Health.” He delivered a seminar on human enhancement at the Joint Bioethics Colloquium of the National Institutes of Health. He was a speaker and panelist discussing “Does Specifying the Neurophysiological Correlates of Mental Functioning and Behavior Require Reconstruction or Abandonment of Concepts of Personal Responsibility and Culpability?” at the conference on “Our Brains and Us: Neuroethics, Responsibility, and the Self” at the Massachusetts Institute of Technology. He was a speaker and panelist discussing “Limiting Access in Times of Crisis” at a conference titled “Apocalypse Now: Seeking Justice and Protecting Rights in Health Care Disasters” at the Center for Christian Bioethics at Loma Linda University. He also spoke at the Los Angeles branch of the American Medical Women’s Association on “Stem Cell Research: Future Applications and Legal Ramifications.” As a panelist, he discussed “Evidentiary Standards in Formulary Decision-Making” at a WellPoint Pharmacy Management seminar and “Is it Possible to Say When Human Life Begins? Can Ethical,
Legal, and Biological Conceptions of the Human Embryo Converge?” at the Burnham Institute Conference in La Jolla, Calif. He was a speaker and participant at a conference of the Personal Identity, Social Philosophy and Policy Center of Bowling Green State University, and he spoke on a panel discussing “Stem Cell Research: New Legal and Medical Frontiers” at the Thomas Jefferson School of Law.

Dan Simon, Professor of Law, received a renewal on his $176,000 grant from the National Science Foundation to support research on “Coherence-based Decision Making: A Theoretical Framework and Practical Applications,” a joint project with Stephen J. Read (USC Department of Psychology) and Keith J. Holyoak (UCLA Department of Psychology) that concerns psychological experimentation and applications to law. He presented “The Anatomy of a Wrongful Conviction” and “Harmless Error and the Iago Principle” at the Law and Society Association annual meeting; “The Polarizing Effect of Dichotomous Choices” (with Chadwick J. Snow and Stephen J. Read) at the American Psychological Society annual convention; “The (Unbearable) Polarization of Legal Decisions” (with Stephen J. Read and Chadwick J. Snow) at the American Law-Psychology Society annual conference; and “Decision Making by Constraint Satisfaction” (with Keith J. Holyoak & Daniel C. Krawczyk) at the Society for Judgment and Decision Making annual meeting.

Edwin M. Smith, Leon Benwell Professor of Law, International Relations and Political Science, spoke about “The Problematic U.S. Relationship with Multilateral Approaches to Global Security” in a UCLA course titled “Beyond the Headlines: The World Today.”

Nomi M. Stolzenberg, Nathan and Lilly Shapell Professor of Law, presented “Liberals and Libertines: The Marriage Question in the Liberal Political Imagination” at the University of San Diego Law School as part of the Law and Philosophy Conference on Marriage; her presentation is to be published in the upcoming issue of the *San Diego Law Review*. She presented her work on “The Paradox of Tolerance” at the University of Minnesota Law School and at the Cornell Law School workshop series. Professor Stolzenberg also presented a paper on the case of Kryas Joel at a conference on “The Ethics of the Neighbor” sponsored by the UCLA Center for Jewish Studies. She helped to organize and participated in the third annual Interdisciplinary Law and Humanities Junior Scholars Conference, co-sponsored by the USC Center for Law, History and Culture and Georgetown, Columbia and UCLA law schools, and she attended the International Philosophy Conference at the Hartman Institute in Jerusalem.

Christopher D. Stone, J. Thomas McCarthy Trustee Professor of Law, delivered the annual Odum lecture, titled “Ethics and the Global Environment,” at the University of Georgia’s Center for Humanities and Arts. He also delivered the fifth annual Cornell-Gladstone-Hanlon-Kaufmann lecture at the State University of New York, Oneonta. His speech was titled, “Mending the Earth: the Ethical Dilemmas.” He spoke at the University of California, Santa Barbara, Bren School of Environmental Science and Management’s Program on Governance for Sustainable Development Project on Institutional Dimensions of Global Change. His presentation was titled “The Challenges of International Environmental Law.” He also spoke at the University of Pennsylvania’s Program on Law and the Environment on “Global Ethics.”

Eric L. Talley, Ivdelle and Theodore Johnson Professor of Law and Business, and Senior Economist, RAND Corporation, presented a paper titled, “Corporate Governance, Executive Compensation, and Securities Litigation” (joint with Gudrun Johnsen) at the 2004 Public Economic Theory Conference, held at Peking University in Beijing. He attended the NYU/Penn corporate roundtable conference in New York and presented a paper (with Gudrun Johnsen) called “Executive Compensation, Corporate Governance, and Securities Litigation.”

Charles H. Whitebread, George T. and Harriet E. Pfleger Professor of Law, spoke at the Florida Coastal School of Law on “Recent Issues in Criminal Law and Procedure.” He gave a search and seizure update to the judges of the 9th U.S. Circuit Court of Appeals in San Francisco and a luncheon address to the Orange County Constitutional Rights Foundation. He gave his exam-taking lecture at dozens of universities and colleges, including the University of Pennsylvania, Rutgers-Camden, Villanova, Harvard, Duquesne, Loyola of Los Angeles, Capital Law School in Columbus, UCLA, USC, Berkeley and the University of Arizona, among others. He presented “Recent Decisions of the U.S. Supreme Court” to judges’ groups in Oklahoma, Washington, Delaware and Wisconsin, as well as to public defenders in Milwaukee, the Minnesota Criminal Justice Institute, the Criminal Justice Institute of the Washington State Bar Association, the Arizona Prosecutors Bench and Bar Conference, judges of the 2nd U.S. Circuit Court and at the American Judges Association annual meeting. He presented “Integrity and Independence: Observations on the Role of Law Clerks as Fellow Guardians of the Rule of Law” at a conference of 9th U.S. Circuit Court clerks.

from left to right: Michael Shapiro, Dan Simon, Edwin Smith, Nomi Stolzenberg, Christopher Stone, Eric Talley and Charles Whitebread.
USC Law visiting faculty

Douglas Lichtman, Visiting Professor of Law (Spring 2005), is a professor of law at the University of Chicago Law School. His research focuses on issues at the intersection of technology and traditional legal rules, such as patent, copyright, and trademark law; telecommunications regulation; information economics; and issues related to technology startups and the Internet. He submitted an amicus brief (with Kenneth J. Arrow, Ian Ayres, Gary Becker, William M. Landes, Steven Levitt, Kevin Murphy, Randal Picker, Andrew Rosenfield, and Steven Shavell) in support of petitioners, MGM Studios, Inc. v. Grokster Ltd. He participated in a panel discussion of “The Internet and the Law” for Odyssey, WBEZ Radio. While at USC this spring, Professor Lichtman taught Telecommunications Law.

Clare Pastore, Visiting Assistant Professor of Law (Fall 2005) and senior counsel at the ACLU Foundation of Southern California, was selected as a Wasserstein Fellow at Harvard Law School for 2004-05. She was named co-chair of the Model Statute Task Force of the California Access to Justice Commission. She was honored by a resolution of the California State Assembly in August 2004 for 15 years of work defending the rights of low-income Californians. Professor Pastore has taught courses in poverty law and administrative law at USC since 1997.

Daniel B. Rodriguez, Visiting Professor of Law (Fall 2005-Spring 2006), joins USC Law after serving as dean and professor of law at the University of San Diego School of Law for seven years. He previously was professor of law at the University of California, Berkeley, Boalt Hall School of Law. During the 2004-05 academic year, he served as a distinguished visiting scholar at the Hoover Institution at Stanford University. His research focuses on legislation, state and local government law, constitutional law, law and social choice theory, administrative law and comparative judicial reasoning.

Professor David Slawson retires after 37 years at USC Law

Distinguished career included service on the Warren Commission

Professor David Slawson, the Torrey H. Webb Professor of Law at USC, retired in December 2004 after 37 years of service to USC Law and a career distinguished by service to his country and leadership in the field of contracts law.

As a young man from Grand Rapids, Mich., Slawson was on the path to a career in physics. After graduating from Amherst College as class valedictorian, he studied theoretical physics at Princeton, where he earned a master’s degree and was a National Science Foundation Fellow.

When he realized the relative isolation of the mathematical life was not for him, he decided to volunteer for the draft “just to get it over with.” He served in the U.S. Army from 1954 to 1956. During a leave, he visited a friend who was attending law school and sat in on some of the classes. Later, while stationed in Utah, he watched the Moot Court competition at a local university and spoke with the law librarian. By the time he left the Army, his mind was made up. Slawson went to Harvard Law School on the GI Bill and received his L.L.B. in 1959.

He moved to Denver — where he became active in the Democratic Party and once ran (and lost) for state legislature — and was practicing with a private firm when he received a call inviting him to serve on the Warren Commission. “Being part of the commission was very exciting. I think it changed the course of my life,” he says. “It broadened my horizons and made me realize that I wanted to be a teacher. I thought that being a law professor would give me the freedom to explore a variety of subjects.”

After serving on the Commission, Slawson was Attorney-Advisor to the Department of Justice Office of Legal Counsel, where he helped draft the Civil Rights Act. He joined USC Law in 1967, and from then on, his teaching career was interrupted only once — when he served for one year as general counsel for the Price Commission economic stabilization program in 1971.

An influential writer in the field of contract law, Slawson’s work is often cited. His book, Binding Promises: The Late 20th Century Reformation of Contract Law, is widely recognized as a modern classic in the field. Slawson’s book, Binding Promises: The Late 20th Century Reformation of Contract Law, is widely recognized as a modern classic in the field. His earlier book, The New Inflation: The Collapse of Free Markets, influenced the formation of government policy to control inflation. Slawson is now living in Washington, where he continues to conduct research and write scholarly articles.

— Rizza Barnes
Center for Law, Economics and Organization

**CLEO**

Co-Directors: Gillian Hadfield and Bentley MacLeod

**WORKSHOPS**

**Ronen Avraham** (Northwestern University)  
“Incomplete Contracts with Asymmetric Information: Exclusive v. Optional Remedies”

**Marcel Boyer** (University of Montreal)  
“Real Options, Preemption, and the Dynamics of Industry Investments” (with Pierre Lasserre, Thomas Mariotti and Michel Moreaux)

**Judith Chevalier** (Yale University)  
“How Do Consumers Make Durable Goods Purchase Decisions?”

**Linda Cohen** (University of California, Irvine)  
“Patented Drugs, Generic Alternatives and Intellectual Property Regimes in the Developing Countries”

**Avner Grief** (Stanford University)  
“Commitment, Coercion, and Markets: The Nature and Dynamics of Institutions Supporting Exchange”

**Gillian Hadfield** (USC Gould School of Law)  
“The Many Legal Institutions that Support Contractual Commitments”

**Oliver Hart** (Harvard University, Department of Economics)  
“Agreeing Now to Agree Later: Contracts that Rule Out but do not Rule In”

**Peter Huang** (University of Minnesota Law School)  
“The Unexpected Value of Litigation: A Real Options Model of Litigation” (with Joe Grundfest)

**Edward Iacobucci** (University of Toronto)  
“Revisiting the Law and Economics of Franchise Tying Contract”

**Mark Lemley** (Stanford University)  
“Probabilistic Patents”

**Brett McDonnell** (University of Minnesota Law School)  
“Delaware, Federalism, and the Expertise-Bias Tradeoff”

**John McMillan** (University of Stanford, Graduate School of Business)  
“How to Subvert Democracy: Montesinos in Peru” (with Pablo Zoido)

**Katharina Pistor** (Columbia Law School)  

**Suzanne Scotchmer** (University of California, Berkeley)  
“Digital Rights Management the Pricing of Digital Products” (with Yooky Park)

**Kathryn Shaw** (Stanford University, Graduate School of Business)  
“How to Subvert Democracy: Montesinos in Peru” (with Pablo Zoido)

**Kathryn Zeiler** (Georgetown University Law Center)  

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**WORKSHOPS**

**Anna Kirkland** (University of Michigan)  
“Identity and the Properly Functioning Individual: Imagining the Confluence of Fat Rights and Disability Law”

**Michael Klarman** (University of Virginia Law School)  
“From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality”

**John Witt** (Columbia University)  
“Crystal Eastman and the Internationalist Beginnings of American Civil Liberties”

**Leti Volpp** (University of California, Berkeley)  
“Engendering Culture”

**David Rabbani** (University of Texas)  
“The American School of Historical Legal Thought: From the 1860s through Holmes and Pound”

**Marianne Constable** (UC Berkeley, Department of Rhetoric)  

**Gregory Rowe** (University of Victoria)  
“Roman Law in Action”

**David Bollier** (USC Annenberg School for Communication)  
“One of the Great, Unheralded Trends in American Culture Today, the Market Enclosure of the Cultural Commons”

**Gregory Alexander** (Cornell University)  
“From Social Obligation to Social Transformation? South Africa’s Experiment with Constitutional Property”

**Scott Shapiro** (Cardozo School of Law)  
“Interpretation and the Economy of Trust”
CONFERENCES
2005 Distinguished Law and Humanities Lecture
Presented by Patricia Williams (Columbia Law School)
Symposium on Law, History and Culture of Intellectual Property
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Fourth Annual Law & Humanities Interdisciplinary Conference
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CHALLENGES OF PARTICIPATORY DEMOCRACY WORKSHOP SERIES
Joshua Cohen (MIT, Department of Linguistics and Philosophy)
“Participation and Deliberation”

Thomas Hollihan (USC Annenberg School for Communication)
“The Los Angeles Student Voices Project: A Study of Youth Civic Engagement” (with Julie Silvers, Patricia Riley, and Colleen Keough)

John Ferejohn (Stanford University, Department of Political Science)
“Participation and Democracy”

Janelle Wong (USC, Department of Political Science)
“Political Parties and Immigrant Mobilization”

Gillian Hadfield (USC Gould School of Law)

Sharon Lloyd (USC Department of Philosophy)
“Democracy and Moral Responsibility”

CONFERENCES
The 2004 Election: What Does It Mean For Campaigns and Governance?
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“Mexican-Americans and the Politics of Whiteness in the Twentieth-Century Southwest”

Stephen Choi (University of California, Berkeley)
“Innovation in Boilerplate Contracts: An Empirical Examination of Sovereign Bonds” (with Mitu Gulati)

Patrick Randolph (Visiting at USC)
“Chinese Real Estate — the Global Securitization Project”

Jeremy Waldron (Columbia Law School)
“Can There Be a Democratic Jurisprudence?”

Mary Dudziak (USC)

Gideon Yaffe (USC Philosophy Department)
“‘The Government Beguiled Me’: The Entrapment Defense and the Problem of Private Entrapment”

Lee Epstein (Washington University in St. Louis School of Law)
“The Effect of War on the Supreme Court”

David Golove (New York University School of Law)
Supplemental Memorandum and “The War on Terrorism in the Supreme Court”

Tracey Meares (University of Chicago)
Memorandum, “When 2 or 3 Come Together” (with Kelsi Brown Corkran, Ehud Kamar), “Beyond Competition for Incorporations”

Doug Lichtman (University of Chicago Law School)
“Patent Prosecution and the Doctrine of Equivalents”

Heinz Klug (University of Wisconsin Law School)
“Getting to Democracy: Is There a Role for Transitional Mechanisms and Conflicting Principles in Constitution-Building?”

Jules Coleman (Yale Law School)
“Costs of the Costs of Accidents”

Gregory Alexander (Cornell Law School)
“From Social Obligation to Social Transformation? South Africa’s Experiment with Constitutional Property”

Diane Amann (UC Davis, Visiting Professor at UCLA)
“Law Without Empire”

Eric Talley (USC Gould School of Law)
“Uncorporated Professionals”

Devon Carbado (UCLA Law School)
“Working Identity”
Selected faculty publications, 2004-05


**Cruz, David B.** “Mystification, Neutrality, and Same-Sex Couples in Marriage.” In Just Marriage (Mary L. Shanley with others, eds.) (Oxford University Press, 2004).


**Estrich, Susan.** How to Get into Law School (Riverhead Books, 2004).


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