

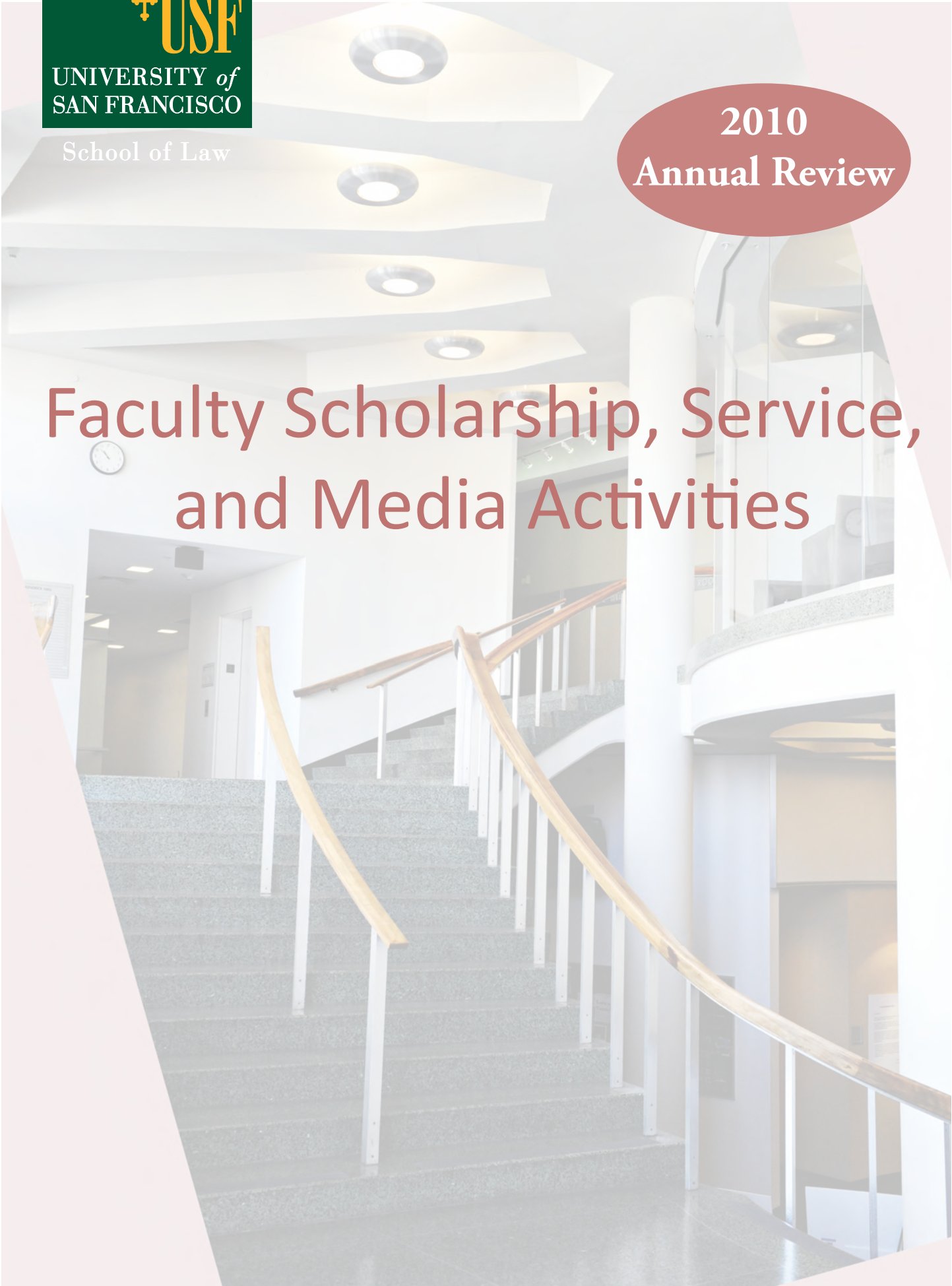


UNIVERSITY of
SAN FRANCISCO

School of Law

2010
Annual Review

Faculty Scholarship, Service, and Media Activities





School of Law

Scholarship is central to our mission as a law school and enhances all of the tasks we undertake. As teachers, it helps us to maintain our passion for our areas of expertise, to keep abreast of recent developments in the law, and to explore cutting-edge ideas with students. As members of the larger community, our publications can influence the strategies of lawyers, the rulings of judges, and the laws that legislatures enact. As scholars, we have the responsibility of following our critical judgment wherever it may lead, even if its practical applications may not be immediately apparent and even if our thoughts may upset conventional wisdom or the powers that be.

USF School of Law faculty have published articles that have shaped the law and the casebooks that students read. Our professors have relied on their research when testifying before Congress, advising judges, drafting amicus briefs, and arguing before courts. Some of their scholarship has been cited by the United States Supreme Court as support for dramatic changes in legal doctrine. From identifying false confessions, to recognizing connections between slavery and immigration, to proposing how to contain nuclear materials, to helping people balance their work and family lives, to applying international law to juveniles facing the death penalty and life without the possibility of parole, and so on, our faculty members address issues of great theoretical and practical import.

This volume contains a report of the activities of our faculty members for each month in 2010, describing faculty writings, presentations, and efforts to serve the community as well as the media attention in which those efforts have resulted. Perusing its pages gives you the opportunity to learn about our impressive scholarly achievements.

A handwritten signature in black ink, appearing to read "Joshua Davis", is positioned above the printed name.

Joshua Davis
Associate Dean for Faculty Scholarship



School of Law

[FACULTY FOCUS]

Scholarship and Service

Professor Connie de la Vega's article "International Legal Accountability Over Non-State Actors: An Analysis of the Report of the Special Representative of the Secretary General," authored with Amol Mehra '09, was published in the German journal *Zeitschrift für Menschenrechte* (Journal for Human Rights). De la Vega participated in the panels "Juvenile (In) Justice: Human Rights Can Break the School-to-Prison Pipeline" at an International Human Rights Funders Group conference and "New Voices in Human Rights" during a session on international human rights at the Association of American Law Schools 2010 Annual Meeting.



Professor Susan Freiwald is the author of "[A Comment on James Grimmelmann's Saving Facebook](#)" in the *Iowa Law Review Bulletin*. She taught a two-hour class to foreign Master of Law students on the Fourth Amendment protection of cell site location information at a Stanford Law, Science, and Technology Colloquium in January. Freiwald also recently presented on two panels exploring what a new Electronic Communications Privacy Act should regulate and the politics of reform at the University of Colorado Silicon Flatirons Center for Law, Technology, and Entrepreneurship conference "Reforming Internet Privacy Law."

Professor Peter Jan Honigsberg's [Witness to Guantanamo](#) project recently launched its website. The website includes an overview of Guantanamo Bay post 9/11 and video testimony of detainees.



Research Professor of Constitutional Policy John Denvir is a visiting professor at UC Berkeley School of Law this semester where he is teaching Constitutional Law.

At the Association of American Law Schools 2010 Annual Meeting in New Orleans, **Professor Rhonda Magee** participated in the panel "Who Am I? The Role of Education in Shaping Professional Identities." She also led a guided meditation for law professors.

Professor Bill Ong Hing's article "Institutional Racism, ICE Raids, and Immigration Reform" was recently published in the *University of San Francisco Law Review*.



Marshall P. Madison Professor of Law Jesse Markham Jr. served on the faculty of the Erasmus Mundus Master Course European Master in Transnational Trade Law and Finance at the Universidad de Deusto in Bilbao, Spain. Markham's nine-hour segment titled "Global Competition Law: The United States Perspective" was presented via videoconference.

Professor Dolores Donovan was appointed to the International Board of Advisors of the Center for Public Law and Jurisprudence of the Jindal Global University in New Delhi, India.

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Professor Jack Garvey authored “To Fix the Nuclear Non-Proliferation Regime—Avoid State Classification,” published in the *Florida Journal of International Law*.

Professor Alice Kaswan served as faculty advisor to the California Water Law Symposium “Who Controls the Water? Reforming California Water Law Governance in the Age of Scarcity.”

With California professors of family law, **Professor Maya Manian** signed an amicus brief relating to *Perry et al v. Schwarzenegger et al*. The brief asserts that the defendants’ arguments to deny same-sex couples the right to marry lack merit from a constitutional or family law perspective.

Media



Dean Jeffrey Brand was quoted in a [New York Times](#) story about the law school’s 35 percent increase in applications. The story was picked up by the *Seattle Times* and other papers. The [ABA Journal](#) also published its own version of the story. Brand was quoted in the *San Francisco Business Times* article “Wilson Sonsini Meets Client Calls, Tries Flat Fees.”

Herbst Professor of Law Julie Nice participated in several broadcast interviews on Proposition 8, including “Proposition 8 Trial Underway” on KCBS Radio. Nice was also quoted in the *San Jose Mercury News* article “Proposition 8 Trial at a Crossroads.”

Professor Alice Kaswan authored the CPRBlog posting “[Murkowski Proposal Shuttles the Only Game in Town: The Clean Air Act.](#)” She was also featured on [Legal Planet](#), the environmental law and policy blog of UC Berkeley and UC Los Angeles.

Professor Peter Jan Honigsberg authored The Huffington Post blog posting “[Stateless Pawns in the Global Game of Superpowers.](#)”



Professor Tim Iglesias discussed *Memphis v. Wells Fargo* and a Southern California case that could affect affordable housing in San Francisco with KCBS radio. He also discussed local affordable housing in a [Channel 7 ABC News broadcast](#) and with the [San Francisco Examiner](#).

Associate Professor Richard Leo was featured in several articles about the Brendan Dassey case in Wisconsin, including “Police Coerced Dassey to Confess, Expert Testifies.”

Adjunct Professor Robert Brownstone was quoted in the *ABA Journal* article “[E-Degree: Group Seeks Standards for Discovery Workers.](#)”

University of San Francisco law students were featured in several news broadcasts on their participation in a bankruptcy law clinic in Fresno.



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Scholarship and Service



Associate Professor Richard Leo co-authored “Police-Induced Confessions: Risk Factors and Recommendations” and “White Paper Commentaries: Looking Ahead,” published in the peer-reviewed journal *Law and Human Behavior*. In January, Leo spoke at the Association of American Law Schools meeting in New Orleans regarding his scientific research on police interrogation and false confessions for a chapter in the forthcoming *Modern Scientific Evidence: The Law and Science of Expert Testimony* and at Northwestern University School of Law on his forthcoming paper “One Hundred Years of Getting It Wrong? Wrongful Convictions After a Century of Research.” He gave two talks at Emory University School of Law in February, one to faculty on an article he is co-authoring titled “When Lightning Strikes Twice: Analyzing Double Wrongful Convictions” and one to students on police interrogation and false confessions. He also presented at a Fordham University School of Law conference at the 2010 Capital Attorneys for Criminal Justice and the California Public Defenders Association Capital Defense Seminar in Monterey. Leo’s paper “Adapting to Miranda: Modern Interrogators’ Strategies for Dealing with the Obstacles Posed by Miranda” (*Minnesota Law Review*, 1999), co-authored with Welsh S. White, was cited by the United States Supreme Court in *Maryland v. Shatzer* in February.

Philip and Muriel Barnett Professor of Trial Advocacy Steven Shatz testified at the United States District Court for the Northern District of California as an expert witness on the California death penalty in the case of *Ashmus v. Wong*. He also participated in the panel discussion “The California Death Penalty” at UC Davis and presented “The State of the Death Penalty in the United States” at the Beth El Synagogue in January.

Professor Michelle Travis published “The Future of Work-Family Policy: Is ‘Choice’ the Right Choice?” in the *Employee Rights and Employment Policy Journal*.



In February, **Professor Rhonda Magee** presented “Chattel Slavery as Immigration?” during a panel at the University of La Verne Immigration Law Symposium. With UC Hastings Professor Richard Boswell, she also presented at the USF School of Law Justice Forum “Crisis in Haiti: What We Can Do.” Her article “Slavery as Immigration?” was recently published in the *University of San Francisco Law Review*.

Professor Susan Freiwald filed a brief before the United States District Court for the Southern District of Texas in January. She also participated in an oral argument before the United States Court of Appeals for the Third Circuit in February. She argued that the government should be required to obtain a warrant to retrieve cell site tracking information. Listen to the testimony [here](#).

[FACULTY FOCUS]



Director of Advocacy Programs Henry Brown received the 2009 Hon. Robert Keeton Faculty Award from the National Institute for Trial Advocacy (NITA). He has taught NITA courses around the world, including public service programs in Africa.

In January, **Professor Emeritus Jay Folberg** conducted a five-day family mediation training of judges, lawyers, and social workers at the University of the West Indies, St. Michael, Barbados. The training was sponsored by the government of Barbados under the auspices of the Office of the Attorney General through a loan from the Inter-American Development Bank. The second edition of Folberg, et al, *Resolving Disputes: Theory, Practice, and Law*, was published in February by Aspen Publishers.

Marshall P. Madison Professor of Law Jesse Markham Jr. authored “The Unfair Practices Act” and co-authored, with **Professor Joshua Davis**, “Public Enforcement of California Antitrust Laws.” The chapters were included in the California State Bar publication *California State Antitrust and Unfair Competition Law*.

Professor Joshua Davis presented “Antitrust, Class Certification, and the Politics of Procedure” at a meeting of the Bay Area Civil Procedure Scholars and “The Inherent Structure of Free Speech Law” at McGeorge School of Law.



Professor Connie de la Vega’s book *International Human Rights Law: An Introduction* (University of Pennsylvania Press, 2007), co-authored with David S. Weissbrodt, is being published in paperback.

Professor David Franklyn presented “Basic Principles of Trademarks” at the World Intellectual Property Organization/Unitar Seminar on International Intellectual Property in New York City.

Professor Alice Kaswan submitted comments to the California Air Resources Board on California’s preliminary draft cap-and-trade regulation in February. She also presented “Carbon Trading: Help or Harm? A Domestic Environmental Justice Perspective” at the UC Berkeley Sixth Annual Environmental Justice Symposium.



Technical Services Librarian Shannon Burchard is co-organizer of the Northern California Association of Law Libraries (NOCALL) 2010 Spring Institute “Piracy on the Barbary Coast: From Pillaging on the High Seas to Plundering on the Net,” which will take place in March. The institute will explore piracy from sea abductions to copyright and trademark infringement to cybersquatting and identity theft. Burchard is the vice-president of NOCALL.

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Director of Human Right Programs Michelle Leighton participated in the UC Los Angeles School of Law American Constitution Society for Law and Policy forum “Should Juveniles Face Life in Prison for Non-Homicide Offenses?”

For the past several months, **Professor Tim Iglesias** has served as chair of the University of San Francisco search committee for the new provost.

Media



Professor Susan Freiwald spoke with several media outlets, including [The Pacifica Evening News](#) on KPFA 94.1 and the Bill Handel Show on KFI radio in Los Angeles, regarding cell site tracking information and her testimony before the United States Court of Appeals for the Third Circuit. Articles were published by *The New York Times*, [CNET News](#), *The Philadelphia Inquirer*, and others. Freiwald was also quoted in an Associated Press story on a Pennsylvania school district accused of secretly activating webcams inside students’ homes that ran in numerous media outlets, including the *Nightly Business Report* (PBS), *Kansas City Star*, and *Washington Post*.

Associate Professor Richard Leo was featured in “Key Witness Recants in Ryan Ferguson Case,” published in the [Missourian](#).

Professor Joshua Davis was quoted in the Law360 article “Second Circuit Ruling Highlights Twombly Trouble.”

Professor Connie de la Vega authored a letter to the editor published in the [San Francisco Chronicle](#) on Jan. 5.



Professor Alice Kaswan was featured in the *Daily Journal* article “Industry Challenges New Fuel Law.” *California Energy Markets* also interviewed Kaswan about her presentation at the UC Berkeley Sixth Annual Environmental Justice Symposium.

Professor Robert Talbot was interviewed about jury trials in the United States by a Japanese news program on the Fuji Television Network.

University of San Francisco law students who will be traveling to Miami during spring break to assist Haitians applying for temporary protected status in the United States were discussed in [USA Today](#).



School of Law

[FACULTY FOCUS]

Scholarship and Service



The University of San Francisco, under the direction of **Professor Connie de la Vega**, was one of the primary organizers of a San Francisco consultation that took place this month regarding the Universal Periodic Review (UPR), a United Nations Human Rights Council process where the human rights records of U.N. Member States are assessed. De la Vega welcomed attendees and provided an overview of the UPR process. She moderated a panel exploring disability rights and a panel on criminal justice, the death penalty, and prison conditions. De la Vega spent two weeks at the U.N. Human Rights Council with students, who made oral presentations to the council on issues such as counter-terrorism and prison privatization. She also provided opening comments at the UC Hastings International and Comparative Law Review Symposium “Health as a Human Right: The Global Option” and participated in the roundtable discussion “Human Rights as Essential Conditions for Human Health.”

Professors Maya Manian and Bruce Price moderated panels at “The Future of Same-Sex Marriage” symposium. Manian and Price were granted tenure and promoted to full professor in March. Manian’s papers “Privatizing Bans on Abortion: Eviscerating Constitutional Rights through Tort Remedies” and “The Irrational Woman: Informed Consent and Abortion Decision-Making” have been included on SSRN’s top 10 download list for Reproductive Justice, Law, and Policy.



Professor Bill Ong Hing is the author of *Ethical Borders: NAFTA, Globalization, and Mexican Migration* (Temple University Press, 2010). He also addressed the San Francisco Board of Supervisors Rules Committee this month regarding arrests by the U.S. Immigration and Customs Enforcement of undocumented youth who have not been convicted of a crime.

Professors Maria Ontiveros, Michelle Travis, and Tristin Green organized the Jack Pemberton Legacy Event. This event included the Sixth Annual Jack Pemberton Lecture on Workplace Justice, which was held at the U.S. Court of Appeals for the Ninth Circuit in March, and an academic conference held at the law school titled “Moving Equality Forward: A Conversation on Present and Future Directions of Lawyering for Equality.” Ontiveros also moderated “Exercising Religion” at “The Future of Same-Sex Marriage” symposium.



Herbst Professor of Law Julie Nice served as faculty advisor to the *University of San Francisco Law Review* symposium “The Future of Same-Sex Marriage.” She also discussed her paper “What the ‘Responsible Procreation’ Canard Reveals About How Rights Matter” during the panel “Analyzing the Federal Challenge,” moderated by **Professor John Adler**.

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Associate Professor Richard Leo co-authored “The Three Errors: Pathways to False Confession and Wrongful Conviction,” published in *Interrogations and Confessions: Current Research, Practice, and Policy Recommendations* (2010). At a UC Berkeley School of Law faculty colloquium this month, Leo presented “When Lightning Strikes Twice: Analyzing Double Wrongful Convictions.” He presented two continuing legal education lectures to the Department of Army, United States Trial Defense Service in Ft. Lewis, Wash., on the psychology of false confessions and litigating coerced or false confessions. Leo’s paper “Studying Wrongful Convictions: Learning from Social Science” has been included on SSRN’s top 10 download list for LSN: Empirical Studies; Experimental and Empirical Studies; and Law and Rhetoric. His paper “Psychological and Cultural Aspects of Interrogations and False Confessions: Using Research to Inform Legal Decision-Making” has been included on SSRN’s top 10 download list for Law, Brain, and Behavior Journals; Law, Cognition, and Decisionmaking; and Law and Psychology.

Professor Susan Freiwald participated in a panel on privacy law at the “Intelligent Privacy Management Symposium” at Stanford University. Freiwald’s article “First Principles of Communications’ Privacy” (*Stanford Technology Law Journal*, 2007) was republished in *State Surveillance and Privacy Exception* (Amicus Books, 2010) and *Professional Privileges and Judicial Approach* (Amicus Books, 2009).

Professor Alice Kaswan presented “CARB’s Draft Cap-and-Trade Regulation and What It Means for California: An Environmental Justice Perspective” at the UC Berkeley School of Law Center for Law, Energy, and the Environment Spring Speaker Series and “Climate Change Federalism and Regional Equity” at the Association of Property, Law, and Society Annual Meeting at Georgetown University Law Center.



Marshall P. Madison Professor of Law Jesse Markham Jr. hosted a visit from Mandakh Dashdorj, chairman of the Authority for Fair Competition and Consumer Protection of Mongolia. Dashdorj was invited to the United States under the auspices of the U.S. Department of State’s International Visitor Leadership Program to gather information for the protection of consumers and fair competition. Markham will spend time in Mongolia this summer assisting the Authority for Fair Competition and Consumer Protection with the passage and implementation of antitrust legislation. Markham also presented “The Structure of the Legal Academy” at the Society of American Law Teachers program “New Teacher Pipeline Project” and his article “Too Big To Fail: The Antitrust Response to Catastrophic Business Failure” at the Fordham Corporate Law Center Murphy Forum.

Professor Sharon Meadows moderated and presented during “The Criminalization of Poverty” panel at the Society of American Law Teachers conference “Vulnerable Populations and Economic Realities.”

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Professor Joshua Davis moderated “Mobilizing Movements” at “The Future of Same-Sex Marriage” symposium. His paper “Comparative Deterrence from Private Enforcement and Criminal Enforcement of the U.S. Antitrust Laws” has been listed on SSRN’s top 10 download list for LSN: Antitrust. In addition, his paper “Of Vulnerable Monopolists?: Questionable Innovation in the Standard for Class Certification in Antitrust Cases” has been included on SSRN’s top 10 download list for Litigation, Procedure, and Dispute Resolution Journals.

E.L. Weigand Distinguished Professor in Tax Daniel Lathrope served as a reviewer for a proposal on modernizing and rationalizing the depreciation system that was authored by the Tax Policy, Practice, and Legislation Committee of the California Bar Association Taxation Section.

Director of Human Right Programs Michelle Leighton presented on juvenile life sentence without possibility of parole at a San Francisco consultation on the United Nations Human Rights Council Universal Periodic Review.

Professor Emeritus Jay Folberg was a featured speaker at an educational conference of the National Association of College and University Attorneys titled “Higher Education Employment Law: Changing Campuses, Continuing Challenges.” His panel presentation was on mediator, defense attorney, and plaintiff attorney perspectives on successful mediation.

Media



Professor Robert Talbot and the Investor Justice Clinic were profiled in the *San Francisco Chronicle* article “[USF Center Seeks Justice for Small Investors](#).” Talbot was also interviewed by *KTVU News at 5* for the broadcast “[Tainted Drug Lab Could Lead to Dismissal of 1,400 Narcotics Cases](#).”

Dean Jeffrey Brand was quoted in “[Law Schools Adjust Curricula to Changing Profession](#)” in the *San Francisco Business Times*.

Associate Professor Richard Leo was featured in “Chambersburg Man Gets 20–40 Years for Killing,” published in the *Chambersburg Public Opinion*.

Professor Bill Ong Hing was quoted in “[Fight Over Sanctuary Policy Continues](#)” on SF Appeal.

Adjunct Professor Robert Brownstone was featured in “East Coast E-Discovery Ruling Gives Insights on Errors, Sanctions” in the *Minnesota Lawyer*.

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University of San Francisco law students who volunteered in Miami during spring break were featured in “Fees, Deadlines Loom for Haitians in Florida” in the *Daily Business Review* and *The National Law Journal*.

The *University of San Francisco Law Review* symposium on same-sex marriage was discussed in the article “[Tax Code May Offer Relief for Some Domestic Partners](#),” published in the *Bay Area Reporter*.



School of Law

[FACULTY FOCUS]

Scholarship and Service



Director of Human Rights Programs Michelle Leighton has received a Fulbright scholarship to support her teaching and research in Kyrgyzstan during the 2010–2011 academic year. She will focus on climate change and human rights impacts as well as children’s rights issues and juvenile justice. In March, Leighton presented at the USF event “Juvenile Justice: Juvenile Life Without Parole.” This month, she presented on the human rights implications of climate change at the United Nations Institute for Training and Research seminar “Environmentally Induced Migration on Climate Change.” She participated in the panel “Forging International Law and National Policy Responses.” She also presented to European delegates in Brussels at a German Marshall Fund policy meeting on the legal issues surrounding forced migration from poor countries to wealthier countries due to climate disasters. In February, Leighton toured Senegal in a study for the German Marshall Fund.

At the American Bar Association’s Annual Conference of the Section of Dispute Resolution, **Professor Emeritus Jay Folberg** participated in two panels on effective mediation and the future of business conflict, and moderated the panel “Weinstein International Fellows—A Visitor’s View of ADR in the U.S.”



Senior Professor J. Thomas McCarthy published “Are Preliminary Injunctions Against Trademark Infringement Getting Harder to Achieve?” in the fall 2009 *Intellectual Property Law Bulletin*. He also participated in the panel “An IP Year in Review: Patent Law, Trademark Law and Right of Publicity, and Copyright Law” at the University of Southern California Gould School of Law 2010 Intellectual Property Institute.

Professor Bill Ong Hing spoke at the “AB 540 Student Teach In: Undocumented Students and their Struggle to Achieve Higher Education” at Stanford University’s School of Education. Hing, a member of the curriculum committee of the Association of American Law Schools, attended the bi-annual committee meeting in Washington D.C.



Dean Jeffrey Brand spearheaded the University of San Francisco Haiti Teach-In on behalf of the Provost Council. The teach-in explored the context in which January’s devastating earthquake occurred and the international response. Brand welcomed attendees and moderated the panel “Cultural, Political, Religious, Historical Context.” Dana Isaac 2L, Jessica Morreale 3L, and Mariam Danielyan 3L also participated in panels, and **Professors Dolores Donovan and Bill Ong Hing** moderated panels on humanitarian aid and the legal response.

Professor Dolores Donovan organized a visit from a delegation of 26 Thai students and faculty from Assumption University. In addition to

[FACULTY FOCUS]



visiting federal courts and Sacramento, the delegation attended lectures by Donovan and **Professors Jesse Markham Jr. and Joshua Rosenberg.**

In March, the Inter-American Commission on Human Rights (IACHR) issued an admissibility decision on a petition the Frank C. Newman International Human Rights Law Clinic has been handling for three years on behalf of Human Rights Advocates and fos*ters. Under the direction of **Professor Connie de la Vega**, the clinic raised the issue of death row phenomena as a violation of various treaties and declarations on behalf of an inmate at San Quentin who has been on death row for 18 years without a hearing for his first appeal. The IACHR ruled that the petitioner does not have to exhaust domestic remedies to raise the claim that the long delays on death row constitute torture because there are none readily available to him under the procedures that exist in the United States. The IACHR also ruled that the claim regarding the denial of medical care could not go forward without exhaustion of administrative remedies that are available to him. Numerous alumni and Brahmani Houston 3L also worked on this case.



Professor Peter Jan Honigsberg spoke and presented video clips of interviews with former Guantanamo detainees at the Harvard University Carr Center for Human Rights Policy and at the Harvard Social Anthropology Program Seminar Series event “Witness to Guantanamo.” He also discussed and presented video clips on the Witness to Guantanamo project at a conference on Guantanamo at New York University’s Cantor Film Center.

Professor Alice Kaswan moderated the USF School of Law panel “BallotPaloosa: A Woodstock for Political Junkies.” At a faculty scholarship workshop, she presented “Decentralizing Cap-and-Trade? State Controls Within a Federal Greenhouse Gas Trading Program.”

Professor Rhonda Magee facilitated the panel “Contemplation in Teaching” during a USF Mission Conversations program at the Lane Center.

Media

Professor Robert Talbot was interviewed in a broadcast on the Debra Maddox investigation on Channel 2’s *The Six O’Clock News*. With May Chang ’09, Talbot was featured in the *7 On Your Side* broadcast [“Iranian Comedian Wins Class-Action Against Schwab.”](#) He was also featured in the *CBS 5 Eyewitness News* broadcast “Arizona Enacts Tough Illegal Immigration Law.”

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Herbst Professor of Law Julie Nice was interviewed for several news broadcasts, including those on [KTVU Channel 2 News](#) and *Bay Area News at 7*, on the announcement by gay rights activists to abandon plans to challenge Proposition 8 in the 2010 election.

Professor Bill Ong Hing was quoted in *SF Weekly's* "[Immigration: Defending Juvie Probation Chief Proves Expensive](#)." Hing authored "[Solve Undocumented Immigration—Bail Out Mexico](#)" on North Philly Notes, the Temple University Press blog.

Associate Professor Richard Leo was featured in the Bay Area section of the *New York Times* in "[New Evidence Indicates Murder Conviction Made in Error](#)" and the AOL News article "[Confession Prompted by Lies, Prisoner Fights for Freedom](#)."

Professor Susan Freiwald was quoted in the Yahoo News article "[High Court Goes High Tech: Justices to Hear Employee Texting Case](#)."



Professor Alice Kaswan authored the CPRBlog posting "[Mind the Climate Gap: New Study Highlights the Need to Design GHG Cap-and-Trade Policies to Improve Local Air Quality](#)."

Professor Emeritus Jay Folberg was featured in the *Daily Journal* article "Change Meant for the Boeings May Hit the Krafts, Too."

Law student Andrea Goddard 1L was featured in "Lawyers Offer Pro Bono Work to Former GA Recipients" on [Oakland North](#) and [SF Gate](#).

The USF School of Law was featured in *U.S. News and World Report's* "[Schools of Law: The Top 100 Schools](#)" and "[Part-Time Law Schools: The Top Schools](#)."



School of Law

[FACULTY FOCUS]

Scholarship and Service



Research Professor of Constitutional Policy John Denvir authored the book *Freeing Speech: The Constitutional War Over National Security*, published by NYU Press.

Senior Reference Librarian Lee Ryan was awarded the Fr. William Dunne Award at the University of San Francisco Merit Award ceremonies. The award is the highest individual honor that the university bestows, recognizing an individual who has demonstrated excellence to USF and the community through service, creativity, innovation, and leadership.

Marshall P. Madison Professor of Law Jesse Markham Jr. authored “The Supreme Court’s New Implied Repeal Doctrine: Expanding Judicial Power To Rewrite Legislation Under The Ballooning Conception of ‘Plain Repugnancy’” (*Gonzaga Law Review*, 2010). He also joined other law professors in signing an open letter to support legislation capping the size of U.S. banks.



The United States Supreme Court cited **Professor Connie de la Vega and Director of Human Rights Programs Michelle Leighton’s** research on juvenile sentencing, including an amicus brief and their report “Sentencing Our Children to Die in Prison: Global Law and Practice” (*University of San Francisco Law Review*, 2008), in the court’s decision that the Eighth Amendment’s Cruel and Unusual Punishment Clause does not permit a juvenile offender to be sentenced to life in prison without parole for a non-homicide crime. De la Vega presented on Frank C. Newman International Human Rights Law Clinic student projects during a brown bag lunch organized by the USF Center for Latino Studies in the Americas. Her paper “The Role of Women in Peacekeeping and Peacemaking: Devising Solutions to the Demand Side of Trafficking” was listed on SSRN’s top ten download list in the categories of Women, Gender, and the Law; HRN Women’s and Gender Studies Research Network; LSN: International Organizations; WGS Subject Matter eJournals; and Women, Law, and Human Rights eJournal.

Professor Peter Jan Honigsberg’s Witness to Guantanamo project filmed interviews with a former Guantanamo prison guard who had converted to the Muslim religion and a former military JAG officer. The JAG officer represented a young man who was 14 when first captured and kept in Guantanamo for more than eight years.

Professor Bill Ong Hing participated in an immigration reform panel during the 40th anniversary celebration of the UC Los Angeles ethnic studies program. He also participated in a panel on labor issues that transcend the United States–Mexico border at the 36th Annual Conference of the Southwest Labor Studies Association at UC Santa Cruz.

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Professors Michelle Travis, Maria Ontiveros, and Tristin Green organized the first meeting of the USF School of Law Labor and Employment Advisory Board, which took place in May.



Professor Maya Manian authored “Response, Hein and the Goldilocks Principle,” which was published on the *Mississippi Law Journal’s* online companion MISSing Sources.

Senior Professor J. Thomas McCarthy presented lectures on trademark and anti-dilution law to 30 federal judges at a Federal Judicial Center intellectual property seminar at UC Berkeley this month.

Professor Alice Kaswan attended a bi-annual meeting of the Center for Progressive Reform and led a session for scholars preparing a white paper on climate change and federalism.

Professor Joshua Davis is the author of “Comparative Deterrence from Private Enforcement and Criminal Enforcement of the U.S. Antitrust Laws,” which was listed on SSRN’s top ten download list in the category of Antitrust: Antitrust Law and Policy.

Media



Professor Bill Ong Hing was quoted in “[Arizona Illegal Immigrant Law Spurs May Day Protests](#)” in the *Contra Costa Times* and *San Jose Mercury News*, “[Opinion: Immigration Policy in Arizona and at Home](#)” in the *San Francisco Bay Guardian*, and “[New Arizona Law has Asian Communities Concerned](#)” in *China Daily*. He was also featured in a [KRON 4 News Weekend](#) broadcast on immigration reform and radio broadcasts on KCBS and KPFA/KPFK.

Professor Connie de la Vega discussed the United States Supreme Court decision to ban juvenile life without parole sentences in non-homicide cases with [KTVU Ten O’Clock News](#) and [KQED](#). She was also quoted in the Bay City News article “[USF Professor Applauds Supreme Court Decision Barring Life Sentences for Teens.](#)”

Marshall P. Madison Professor of Law Jesse Markham Jr. authored the opinion piece “[Intellectual Property Rights Under China’s Anti-Monopoly Law: Problems of Price Regulation and Uncertainty](#),” published by *People’s Daily* in China.

Professor Robert Talbot and the Internet and Intellectual Property Justice Clinic were featured in the *Daily Journal*.

Dean Jeffrey Brand authored the blog post “[Back In Hanoi—Connecting, Learning, Assisting Again.](#)”



School of Law

[FACULTY FOCUS]

Scholarship and Service

Associate Professor Richard Leo's book *Police Interrogation and American Justice* is the inaugural winner of the Edwin H. Sutherland Outstanding Scholarship Award conferred by the law and society division of the Society for the Study of Social Problems. His paper "Selling Confession: Setting the Stage with the 'Sympathetic Detective with a Time-Limited Offer'" has been listed on SSRN's top ten download list for LSN: Experimental Studies.



Professor Reza Dibadj authored "Four Key Elements to Successful Financial Regulatory Reform," published in the *Hastings Business Law Journal*, and "An Uneasy Case for White-Collar Martyrs," published in the *University of San Francisco Law Review*.

Professor Tim Iglesias published "Housing Paradigms" in the *International Encyclopedia of Housing and Home* (Elsevier, Ltd, 2010). He also presented "What Does the Mortgage Crisis Teach Us About the Political Economy of Home Ownership" during the property workshop of the Association of American Law Schools 2010 Mid-Year Meeting.



Professor Michelle Travis published "What a Difference a Day Makes, or Does It? Work/Family Balance and the Four-Day Work Week" in the *Connecticut Law Review*. The paper was recently listed in SSRN's top ten download list for Employment, Labor, Compensation, and Pension Law eJournals; Employment Statutes eJournal; and Women, Gender, and the Law eJournal. Travis presented "Review of the United States Supreme Court Cases on Labor and Employment in the 2009–2010 Term" with **Professor Maria Ontiveros** at the Bar Association of San Francisco.

Technical Services Librarian Shannon Burchard has become president of the Northern California Association of Law Libraries.



Assistant Professor Grace Hum presented at the Emory University School of Law Conference "Transactional Education: What's Next?" during the panel "Legal Writing Professors Morphing into Contract Drafting Professors."

Professor Rhonda Magee presented a commissioned white paper titled "The Contemplative Practice in Law Movement: An Overview" at a conference on contemplative practice in America. Magee also presented "Educating Lawyers to Meditate? An Overview of the Contemplative Practice Movement in Law and an Analysis of its Links to the Movement for Legal Education Reform" at the USF School of Law.

Professor Maya Manian presented "Facial Challenges and the Face of Abortion" at the 2010 Annual Meeting of the Law and Society Association in May.

[FACULTY FOCUS]



Dean Jeffrey Brand presented a half-day seminar on industrial relations law and labor law at the University of Labour and Social Affairs, and a half-day seminar on industrial relations law at the Ministry of Labour, Invalids, and Social Affairs in Hanoi. He also participated in discussions with **Marshall P. Madison Professor of Law Jesse Markham Jr.** and the Supreme People's Prosecution Office in Hanoi.

Marshall P. Madison Professor of Law Jesse Markham Jr. presented a half-day seminar on competition law issues relating to health care and pharmaceutical markets to the Vietnam Competition Authority in Hanoi.

Herbst Professor of Law Julie Nice presented a scholarly paper on comparative social welfare rights at the Law and Society Association meeting in May. She developed a new course on the same topic that she taught in Dublin, Ireland, this month. Nice was also appointed to the Order of the Coif's Book Award Selection Committee.

The Witness to Guantanamo project, under the direction of **Professor Peter Jan Honigsberg**, filmed interviews with three former Uyghur detainees, a chief prosecutor for Guantanamo, and a FBI profiler who worked in Guantanamo.

Professor Joshua Davis' paper "Antitrust, Class Certification, and the Politics of Procedure," with Eric L. Cramer, has been listed on SSRN's top ten download list for Political Economy eJournals.

Media

Professor Bill Ong Hing was quoted in the *San Francisco Chronicle* article "[Feds Challenge Arizona Immigration Law.](#)" He was also interviewed by KCBS news radio for the broadcast "Arizona Governor at White House."



Professor Robert Talbot was featured in the *Los Angeles Times* article "[Evidence Ruling Helps Bonds' Case.](#)" Talbot also spoke with CNN radio on the Barry Bonds' case.

Associate Professor Richard Leo was featured in a [KY3 News](#) article and *The Joplin Globe* articles "[Confession at Issue in Rowan Ford Murder](#)" and "[Expert: Stepfather Falsely Confessed in Rowan Ford Murder.](#)"

Professor Emeritus Jay Folberg was featured in the *Daily Journal* ADR profile titled "Learning by Teaching."



School of Law

[FACULTY FOCUS]

Scholarship and Service



Professors Joshua Davis and Joshua Rosenberg have published “Government as Patron or Regulator in the Student Speech Cases” in the *St. John’s Law Review*. The paper was listed on SSRN’s top ten download list for Education Law: Primary and Secondary Education.

Professor Peter Jan Honigsberg is the author of “Inside Guantanamo” published in the *Nevada Law Journal*.

Professor Bill Ong Hing’s article “Teaching Immigration Law and Immigrant Rights From Your Own Caseload” has been published in the spring 2010 *Saint Louis University Law Journal*. Hing discussed immigration reform as the keynote speaker at an event sponsored by the Asian Pacific Americans for Progress – San Francisco Bay Area Chapter.

Adjunct Professor Mark Tuft authored “Supervising Offshore Outsourcing of Legal Services in a Global Environment: Re-Examining Current Ethical Standards,” published in the *Akron Law Review*.



Professor Tristin Green authored “Race and Sex in Organizing Work: ‘Diversity,’ Discrimination, and Integration,” published in the *Emory Law Journal*.

Professor Connie de la Vega participated in the panel “The U.N. Human Rights Council and the Universal Periodic Review” at a University of San Francisco School of Law event that also included a presentation by Associate Director of International Programs Julianne Cartwright Traylor on human rights in America. *International Human Rights Law: An Introduction*, co-authored by de la Vega and David S. Weissbrodt, has been nominated for the University of Pennsylvania Press Certificate of Merit for Preeminent Contribution to Creative Scholarship, sponsored by the American Society of International Law.

Assistant Professor Grace Hum presented “What Students Should Know About Good Grammar, But Don’t—Jeopardy Style!” at the 14th Biennial Conference of the Legal Writing Institute.



Director of the Law Library Ronald Wheeler began his three-year term as executive board member of the American Association of Law Libraries (AALL) in July. He proposed, coordinated, and moderated the panel “Arizona’s SB 1070: Necessary Protection from Illegal Immigration or a License to Discriminate?” at the AALL annual meeting. Wheeler is the author of “Georgia Practice Materials: A Selected Annotated Bibliography,” with Nancy P. Johnson, published in *State Practice Materials: Annotated Bibliographies* (William S. Hein & Co., Inc., 2010).

[FACULTY FOCUS]

Technical Services Librarian Shannon Burchard coordinated and presented during the “Innovative Law Users Group” at the American Association of Libraries 103rd Annual Meeting and Conference in Denver, Colo. She also coordinated “Looking Up from the Bottom: Bankruptcy Law and Research.”



Associate Professor Richard Leo co-authored “Moving Targets: Placing the Good Faith Doctrine in the Context of Fragmented Policing,” published in the *Forham Urban Law Journal*. Leo’s paper “Selling Confession: Setting the Stage with the Sympathetic Detective with a Time-Limited Offer” (*Journal of Contemporary Criminal Justice*, forthcoming) has been listed on SSRN’s top ten download list for the Criminology eJournal. His paper “One Hundred Years of Getting It Wrong? Wrongful Convictions After a Century of Research,” with Jon Gould, is listed on SSRN’s top ten download list for Criminology eJournal, LSN: Criminal Law (Public Law – Crime), LSN: Sentencing and Corrections, Law and Society: Public Law – Crime, Criminal Law and Punishment eJournal, Criminal Procedure eJournal, and Criminal Law eJournal.

Professor Alice Kaswan presented “State Controls with a Federal Cap-and-Trade Program” at the Southeastern Association of Law Schools’ Annual Meeting.

Media

Professor Bill Ong Hing was interviewed on KQED’s *Forum* in a June 30 broadcast on immigration. He also analyzed Arizona’s immigration law on *CBS 5 Eyewitness News* and KCBS radio.



Professor Alice Kaswan was interviewed for KPFA’s *Letters to Washington* broadcast on climate change bills being considered by the Senate. She authored the CPRBlog posting “[Climate Change: The Ball’s Bounced Back to the States, EPA, and DOE.](#)”

Associate Professor Richard Leo was quoted in the *Chicago Tribune* article “[What Causes People to Give False Confessions? Recent Cases Throw Spotlight on Police Interrogation Techniques.](#)” He was interviewed for the July 7 *KTVU Channel 2 News* broadcast “[Accusations of Delivering ‘Hit List’ Levelled Against Former Bey IV Attorney,](#)” and featured in the program “[False Confessions: Fact or Fiction?](#)” on Voice America, a live internet talk radio station.

Professor Robert Talbot was featured on *KTVU Ten O’Clock News* in a broadcast on a DNA machine that has been out of use in San Francisco.



School of Law

[FACULTY FOCUS]

Scholarship and Service

Professor Joshua Davis co-authored an amicus brief with Avidan Stern of Lynch & Stern LLP and Eric L. Cramer and Andrew C. Curley of Berger & Montague PC on behalf of the American Antitrust Institute that was filed before the United States Court of Appeals for the Seventh Circuit. The brief argued that a lower court applied an incorrect standard when it rejected class certification on the ground that plaintiffs couldn't show common evidence of injury to every member of the proposed class. Davis' article "Benefits from Private Antitrust Enforcement: An Analysis of 40 Cases," with Robert H. Lande, was cited by the United States District Court for the Eastern District of Wisconsin.



Professor Jack Garvey authored "Nuclear Containment in the 21st Century: A Mandatory International Nuclear Forensics Data Bank," published in the Oxford University Press peer-reviewed *Journal of Conflict & Security Law*.

Professor Alice Kaswan published "Decentralizing Cap-and-Trade? State Controls within a Federal Greenhouse Gas Trading Program" in the *Virginia Journal of Environmental Law*.

Professor Connie de la Vega's article "The Special Measures Mandate of the International Convention on the Elimination of all Forms of Racial Discrimination: Lessons from the United States and South Africa" has been published in English and Spanish in the *ILSA Journal of International and Comparative Law*. An abstract of this article was included in the newsletter of the American Society of International Law International Organizations Interest Group.

Senior Professor J. Thomas McCarthy participated in a panel with intellectual property professors at the 10th Annual Intellectual Scholars Conference at UC Berkeley.



Professor David Franklyn published the remark "The European Court of Justice Rules on Keyword Ads and Trademark Rights" in the spring 2010 *Intellectual Property Law Bulletin*.

The Witness to Guantanamo project, under the direction of **Professor Peter Jan Honigsberg**, interviewed and filmed five individuals, including former Guantanamo detainees living in Europe. As of August 2010, the project has filmed 36 interviews of 24 former detainees and 12 other witnesses.

Associate Professor Richard Leo's book chapter "Three Prongs of the Confession Problem: Issues and Proposed Solutions," authored with Deborah Davis, has been included on SSRN's top ten download list for the Criminology eJournal.

[FACULTY FOCUS]



Professor Susan Freiwald was a panelist at the Bay Area Lawyer Chapter of the American Constitution Society Event “Privacy Law 2.0—Modernizing the Electronic Communications Privacy Act” held at the Northern California office of the American Civil Liberties Union. Her paper, “A Comment on James Grimmelman’s Saving Facebook,” has been listed on SSRN’s top ten download list for LSN: Patent Law/Intellectual Property.

This semester, **Professors Tim Iglesias and Rhonda Magee** are offering drop-in guided meditation sessions for the USF law community.

Professor Bill Ong Hing read from his book *Ethical Borders, NAFTA, Globalization, and Mexican Migration* at the Modern Times Bookstore.



Professor Sharon Meadows participated in the panel “Transforming Our Communities” at the National Conference of Women’s Bar Associations Leader Summit in August. She presented on the development of law school clinics and its relationship to inspiring community activism within the legal community.

Professor John Adler presented “Politics and Justice: Focus on the Supreme Court” to the Marin Seniors for Peace organization.

Media

Professor Bill Ong Hing was featured in articles on birthright citizenship in the [Washington Post](#), [The Globe and Mail](#) (Canada), [The Christian Science Monitor](#), [Time-News](#), and [The Financial Times Limited](#) (Thailand). Hing also authored the Slate blog posting “[Challenges to Birthright Citizenship Are Just a Distraction.](#)”



In the month of August, **Herbst Professor of Law Julie Nice** was featured in nearly 50 television and radio broadcasts as well as numerous print articles regarding United States District Judge Vaughn Walker’s ruling that deemed Proposition 8 unconstitutional and the subsequent appeal process. Media highlights include radio broadcasts on National Public Radio’s *All Things Considered* and *Morning Edition*; television broadcasts in San Francisco and Los Angeles on *NBC Bay Area News*, *CBS 5 Eyewitness News*, *KRON 4 News*, and *CBS 2 News*; and articles by [Courthouse News Service](#) and the *San Francisco Examiner*.

Professor Joshua Davis was quoted in the Law360 article “AAI Pushes for Class Certification in Hospital Merger Suit.”

Associate Professor Richard Leo was interviewed by the *San Francisco Examiner* for the article “[Prosecutors Drop Case Against Man Wrongly Accused of Bomb Threat.](#)”



School of Law

[FACULTY FOCUS]

Scholarship and Service

Associate Professor Richard Leo's article, "From False Confession to Wrongful Conviction: Seven Psychological Processes," co-authored with Deborah Davis, has been published in the *Journal of Psychiatry and Law*. Leo presented "Miranda at 50: What Have We Learned?" at the Seattle University School of Law. His article "The Gatehouse and Mansions: 50 Years Later," with Alexa Koenig '03, has been included on SSRN's top ten download list for PSN: Other Political Institutions: Constitutions.



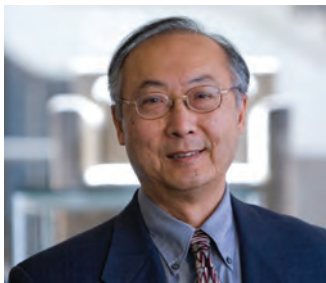
Associate Dean for Faculty Scholarship Joshua Davis co-authored "Anti-trust, Class Certification, and the Politics of Procedure," published in the *George Mason Law Review*.

Dean Jeffrey Brand, Professor Rhonda Magee, and Professor Tim Iglesias discussed the value of contemplative legal practice at the USF School of Law lecture "Educating Lawyers to Meditate: Contemplative Practice and Effective Lawyering."

Professor Connie de la Vega was a guest speaker during a juvenile advocates training in association with the Juvenile Justice Project of Louisiana.

Professor Peter Jan Honigsberg presented on the Witness to Guantanamo project to Sheppard Mullin Richter & Hampton LLP in San Francisco.

Professor Bill Ong Hing is the author of "Systemic Failure: Mental Illness, Detention, and Deportation," published in the spring 2010 *UC Davis Journal of International Law and Policy*.



Professor Michelle Travis presented "Toward a New Universality: The Americans With and Without Disabilities Act" during the Fifth Annual Colloquium on Current Scholarship in Labor and Employment Law at the Washington University School of Law in St. Louis, Mo. She also attended the National Employment Law Institute's "Americans With Disabilities Workshop" in August.

Professor Alice Kaswan presented "Sea Level Rise and Equity: A Domestic Perspective" during the University of Oregon Wayne Morse Center for Law and Politics Conference "Ocean Impacts of Climate Change: Science, People, and Policy" in Eugene, Oreg. She also presented "U.S. Supreme Court Environmental Law Cases, 2009–2010 Term" at the California State Bar Annual Meeting.

Associate Professor Deborah Hussey Freeland presented "Lawyers and the Ethics of Representation" at Pacific McGeorge School of Law.

[FACULTY FOCUS]

Media



Professor Susan Freiwald was featured in the Associated Press article "[Court Judges Can Demand Warrant for Cell Locales](#)," which was published in *Business Week*, *USA Today*, and other newspapers. She was also featured in *The Legal Intelligencer* article "[Third Circuit: Prosecutors May Need Probable Cause for Cell Phone Data](#)," and in articles by the *Pittsburgh Post-Gazette* and *Pittsburgh Tribune-Review*.

Professor Peter Jan Honigsberg authored The Huffington Post piece "[Dignified, But Broken](#)." He was also featured in the Andy Worthington blog posting "[The Witness to Guantanamo Project](#)."

Professor Bill Ong Hing was quoted in the Bay City News story "[Undocumented Students Rally at Feinstein's Office](#)," published in the *San Francisco Examiner* and SF Appeal. He was also featured in the op-ed "Thomas Elias: More Fiction than Fact About 'Anchor Babies' Born in U.S.," and in articles published in *The Record* (Stockton), *The Arizona Republic*, and *Vida en la Valle*.



Associate Professor Richard Leo was featured in the *Chicago Tribune* article "[Two Alleged False Murder Confessions for Waukegan Police Officer](#)."

Research Professor of Constitutional Law John Denvir's book *Freeing Speech: The Constitutional War Over National Security* was reviewed on the legal blog [Concurring Opinions](#).

Professor Robert Talbot was quoted in the *SF Weekly* article "['Sky-scraperman' Dan Goodwin May Climb Over Trespassing Charges](#)."

Herbst Professor of Law Julie Nice was quoted in the Courthouse News Service article "[California High Court Won't Order Proposition 8 Appeal](#)."

Adjunct Professor Kevin Ryan was quoted in the Associated Press article "[U.S. Justice Department Sues Arizona Sheriff in Civil Rights Probe](#)," published in the *Los Angeles Times*, *San Jose Mercury News* and other media outlets.



School of Law

[FACULTY FOCUS]

Scholarship and Service

Professor Rhonda Magee assisted in organizing “The Mindful Lawyer: Practices and Prospects for Law School, Bench, and the Bar” at UC Berkeley School of Law. At the conference, she presented her paper on contemplative law practice and legal education reform as the lead speaker during the panel “Educating Lawyers: The Meditative Perspective as a Complement to Traditional Legal Education and Training.”

Professor Maria Ontiveros authored “Immigrant Workers and the 13th Amendment,” published in *Promises of Liberty: The History and Contemporary Relevance of the 13th Amendment* (Columbia University Press, 2010).

Professor Alice Kaswan was the faculty advisor and co-organizer of the University of San Francisco School of Law symposium “Clean Technology and the Law: The Legal Infrastructure for Promoting the Development and Dissemination of Clean Technologies.” She introduced a USF debate on Proposition 23, and presented “Recent Developments in the U.S. Supreme Court and Courts of Appeals” at the California State Bar Environmental Law Section Annual Meeting and “Ethics and Fairness” at the Fordham University Center for Research in Contemporary Finance Conference on Carbon Politics and Finance.

E.L. Distinguished Professor in Tax Daniel Lathrope published *Selected Federal Taxation Statutes and Regulations* (West, 2010 Edition) and *Selected Sections—United States International Taxation* (Foundation Press, 2010 Edition).

Professor Bill Ong Hing presented the keynote address at San Jose State University’s Silicon Valley Center for Global Innovation and Immigration Annual Conference on Immigration Studies. He also participated in the panel discussion “Immigration and its Impacts: A Deeper Understanding of Today’s Reform Debate” at the UC Berkeley School of Social Welfare and in a panel on immigration reform at “Shaking the Foundations: The West Coast Conference on Progressive Lawyering” at Stanford Law School.

The Witness to Guantanamo project, under the direction of **Professor Peter Jan Honigsberg**, conducted three interviews with former detainees in Europe at the end of September. Honigsberg also interviewed a former prison guard. The project has been awarded a grant for 35,000 English pounds from the Sigrid Rausing Trust in London.

Director of the Dorraine Zief Law Library Ronald Wheeler coordinated, moderated, and presented “The Impact of WestlawNext on Legal Research and Legal Research Instruction” at the Western Pacific Chapter of the American Association of Law Libraries Annual Meeting in San Francisco.



[FACULTY FOCUS]



Professor Reza Dibadj authored “Conscious Parallelism Revisited,” published in the *San Diego Law Review*.

Professor Emeritus Jay Folberg co-authored “Bazaar Dynamics: Teaching Integrative Negotiation Within a Distributive Environment,” published in *Venturing Beyond the Classroom*. He participated as a panelist and provided closing comments at the University of Missouri School of Law symposium “Alternative Dispute Resolution and The Rule of Law: Making the Connection.” Folberg also presented on mediation to a delegation of 18 Moroccan judges and lawyers at a symposium sponsored by the World Bank.



Professors Joshua Rosenberg and Joshua Davis co-authored “The Inherent Structure of Free Speech Law,” published in the October 2010 *William and Mary Bill of Rights Journal*.

The Center for Law and Ethics, directed by **Associate Dean for Faculty Scholarship Joshua Davis**, co-hosted “Litigation, Settlement, and the Public Interest: Fluid Recovery and Cy Pres Relief” with the Public Health Trust. Davis moderated a panel featuring viewpoints from current and former judges.

Marshall P. Madison Professor of Law Jesse Markham Jr. presented “Antitrust Beyond California – The Year in Review” at the State Bar of California Golden State Antitrust Institute in San Francisco. He also moderated the panel “Views from the Bar” at the USF School of Law Cy Pres Symposium.

With The Forgotten International foundation, **Assistant Professor Thomas Nazario** helped organize a visit by the Dalai Lama to a middle school in East Palo Alto, where he addressed 500 young people on the topic of creating a meaningful life. The Dalai Lama also visited the Ronald McDonald House in Palo Alto.

Associate Professor Deborah Hussey Freeland presented “What is a Lawyer? A Reconstruction of the Lawyer as an Officer of the Court” at Santa Clara Law.



Co-Director of the Academic Support Program Richard Sakai introduced law and law school to aspiring minority students attending Bay Area colleges and universities during an event organized by the Bar Association of San Francisco’s Diversity Program in October. The program is designed to increase the opportunities for, and representation of, minorities in the legal profession.

The McCarthy Institute for Intellectual Property and Technology Law, directed by **Professor David Franklyn**, hosted the lecture “IP v. 3.0: The Emerging Role of Intellectual Property Protection in the (Digital) Cloud.”

[FACULTY FOCUS]

The lecture was delivered by Horacio E. Gutiérrez, corporate vice president and deputy general counsel for Microsoft Corporation's worldwide intellectual property and licensing group.

Media

Professor Alice Kaswan was quoted in the Greenwire article "California AG Race Has National Energy Implications," published in [The New York Times](#) and other media outlets. She was also quoted in the Oakland North article "[Vote for Judge Must Weigh Experience, Perspective.](#)"



Associate Professor Richard Leo was featured in the article "[I Did It: Why do People Confess to Crimes They Didn't Commit?](#)" published by *New York Magazine*. He was also featured in "Explaining False Confessions" on [ScienceBlogs](#).

Dean Jeffrey Brand was quoted in the *ABA Journal* article "[Taking Their Pains to the Clinic.](#)"

Professor Peter Jan Honigsberg authored "[Transforming Lives on this Side of the GTMO Wire,](#)" published on The Huffington Post.

Professor Bill Ong Hing was featured in a *KCBS News* broadcast "[Whitman Scandal Highlights Vulnerability of Domestic Workers](#)" and in articles published by [The Sacramento Bee](#) and the *Lexington Herald-Leader*.



Professor Robert Talbot was quoted in the CNET News article "[Accused 'Hurt Locker' Pirates Turn to Law School.](#)" The Dutch National Radio interviewed Talbot for an October broadcast on California's Proposition 19.

Assistant Professor of Legal Writing Amy Flynn was quoted in The Colorado Independent article "[Cagey Stapleton Dogged by Lingering DUI Questions.](#)"

The University of San Francisco School of Law and the Center for Law and Global Justice were featured in [Caribbean360](#) and [PhillyIMC](#) articles.

University of San Francisco law students were featured in the *Daily Democrat* article "[Justice Bus' Offers Free Legal Assistance](#)" and in the PSLawNet article "[Law Students Going Mobile to do Pro Bono.](#)"



School of Law

[FACULTY FOCUS]

Scholarship and Service

Professor Reza Dibadj published “How Does the Government Interact with Business? From History to Controversies” in *Entrepreneurial Business Law Journal*.

Professor Bill Ong Hing was the honoree and delivered the keynote address at the East Bay Sanctuary Covenant Annual Dinner. The event focused on immigration reform with an emphasis on the Dream Act. Hing was also the keynote speaker at the immigration panel “Federalism at Work: State Criminal Law, Noncitizens, and Immigration Related Activity,” co-sponsored by the Loyola University New Orleans College of Law and the *Loyola Journal of Public Interest Law*.



Associate Professor Richard Leo co-authored “The Gatehouse and Mansions: 50 Years Later,” published in the *Annual Review of Law and Social Science*; “Overcoming Judicial Preferences for Person Versus Situation-Based Analyses of Interrogation Induced Confessions,” published in *The Journal of American Academy of Psychiatry and the Law*; and “Selling Confession: Setting the Stage with the Sympathetic Detective with a Time-Limited Offer,” published in the *Journal of Contemporary Criminal Justice*. He also published “Reply to Samuel R. Gross and Barbara O’Brien” in the *Ohio State Journal of Criminal Law* and presented “Purpose-Driven Scholarship and Social Justice: Tackling the Problem of Wrongful Conviction” at a USF School of Law Justice Forum.

Professor Alice Kaswan attended and presented at a workgroup on climate adoption policy, held by the Center for Progressive Reform at George Washington University School of Law. She also presented “The Supreme Court Take on Environmental Law: Our Annual Supreme Court Review” at the Bar Association of San Francisco. Kaswan served as co-organizer of the University of San Francisco teach-in “BP, the Gulf, and Beyond: Environmental and Human Costs of the Gulf Oil Disaster,” where she moderated the panel “The BP Oil ‘Spill’ and the Law.” During this panel, **Professor Peter Jan Honigsberg** addressed conflicts of interest faced by the offshore drilling regulating agency Minerals Management Service.



Professor Dolores Donovan delivered lectures on United States legal education at the National Law School in Bangalore, India, and Assumption University in Bangkok, Thailand. Approximately 25 LLM students from Assumption University visit USF annually to experience American legal education firsthand and observe local courts and legal institutions. Donovan also made a presentation on the USF School of Law’s JD and LLM programs to the law faculty at the University of Herat in Afghanistan, and spoke to law students on the tension between national legal cultures and universal human rights.

[FACULTY FOCUS]



Director of the Child Advocacy Clinic Patricia Fitzsimmons presented “Juvenile Dependency Law—Attorneys Collaborating with Clinicians” to post-doctoral candidates and clinicians from the Child Trauma Project, Child and Adolescent Sexual Abuse Resource Center, and the San Francisco Child Abuse Prevention Dependency Center at San Francisco General Hospital.

Professor Emeritus Jay Folberg presented “Strategies for Using ADR to Resolve Disputes Around the Globe” to 65 international lawyers at a program sponsored by Hanson Bridgett LLP titled “Managing Global Litigation Risk.”

Co-Director of the Academic Support Program Richard Sakai introduced law and law school to aspiring minority students attending Bay Area colleges and universities during an event organized by the Bar Association of San Francisco’s Diversity Program in November.

Professor Susan Freiwald presented during the panel “Privacy Rights and Social Media” at the Globalaw Annual Members Meeting hosted in San Francisco by Hanson Bridgett LLP.

Herbst Professor of Law Julie Nice moderated the USF School of Law panel “Prop 8 Update” in November. In October, Nice presented a paper at the UC Hastings College of Law symposium “The Constitution on Campus: The Case of *Christian Legal Society v. Martinez*.”

Professor David Franklyn presented at a McCarthy Institute Lecture with professors from Harvard Business School and the University of Illinois College of Law on a project they are conducting regarding keyword advertising by internet search engine companies.



At the October conference “The Mindful Lawyer: Practices and Prospects for Law School, Bench, and the Bar,” **Professor Tim Iglesias** presented “Are We Teaching a Techne or a Praxis and What Difference Does it Make?” during the panel “Religious, Spiritual, Secular: Situating Mindfulness.”

Professor Peter Jan Honigsberg presented on the Witness to Guantanamo project at the 2010 Amnesty International USA Western Coast Regional Conference.

Media

Associate Professor Richard Leo was featured extensively in the PBS *Frontline* documentary “[The Confessions](#),” which focused on the Norfolk Four case. An edited transcript of Leo’s full interview with PBS *Frontline* is available [here](#). He was also featured in “False Confessions Often an Escape,” published by *The Clarion-Ledger*.

[FACULTY FOCUS]



Professor David Franklyn was featured in the Bloomberg TV program *Fast Forward*, in which he discussed Google's ability to resolve government troubles and the European Union's investigation into the company's search results.

Director of the Child Advocacy Clinic Patricia Fitzsimmons participated in the live radio program "[Troubled Transition: Post-Foster-Care Youth in San Francisco](#)" on *City Visions Radio*.

Professor Bill Ong Hing was quoted in *The Sacramento Bee* article "[Former Whitman Housekeeper's Wage Claim Before Panel Today](#)."



Professor Robert Talbot was featured in the CNNTech article "[Giants Win Sparks High-Tech 'Riots' in San Francisco](#)"; in the CNET News article "[Did Jammie Thomas Case Backfire on File Sharers?](#)"; in the Torrent Freak article "[Law School Professor Defends Alleged Hurt Locker Pirates](#)"; and in a CBS radio broadcast on the Mehserle verdict and response.

Center for Law and Global Justice Assistant Director for Haiti Programs Nicole Phillips was featured in several articles regarding Haiti's election, including the Reuters' article "[Haiti Elections Rocked by Fraud Charges and Protests](#)" and the *Globe and Mail* article "[Election Results Prevail Amid Protests in Haiti](#)."

Professor Emeritus Paul McKaskle was featured in *The Sacramento Bee* editorial "[Dan Walters: Remapping Panel Must Avoid Traps](#)," which was republished in the *Santa Maria Times*, the *Korea Times*, *The Fresno Bee*, among others.

Professor Peter Jan Honigsberg authored a blog posting on a street-naming ceremony for civil rights leader Bob Hicks, published on [The Huffington Post](#).



Professor Alice Kaswan was quoted in the *Daily Journal* article "Voter Initiative Could Stymie New Rules on Emissions." She authored the CPRBlog posting "[Cap-and-Trade is Still Alive \(In California\)](#)."

Adjunct Professor Carol Langford was quoted in the article "[Lawyer in Chauncey Bailey Case is Resigning from Practice of Law](#)," published in the *San Jose Mercury News*, *The Oakland Tribune*, and other newspapers.



School of Law

[FACULTY FOCUS]

Scholarship and Service

The United States Court of Appeals for the Sixth Circuit cited **Professor Susan Freiwald** and Patricia L. Bellia's article "Fourth Amendment Protection for Stored E-Mail" (*University of Chicago Legal Forum*, 2008). The court held that email users have a reasonable expectation of privacy and if government agents compel an internet service provider to disclose its user's stored emails this constitutes a search under the Fourth Amendment and requires a warrant or an applicable explanation.



Professor Reza Dibadj authored the book chapter "Compagnie des Indes: Governance and Bailout" in *Origins of Shareholder Advocacy* (Palgrave Macmillan, 2010).

Professor Connie de la Vega and Director of Human Rights Programs Michelle Leighton's article "Sentencing Our Children to Die in Prison: Global Law and Practice," published in the *University of San Francisco Law Review*, was cited in the dissenting opinion of the Missouri Supreme Court case *State v. Andrews*. De la Vega spoke on the right to food at a Human Rights Advocates event in celebration of International Human Rights Day. Associate Director of International Programs Julianne Cartwright Traylor, Jeffrey Kaloustian '09, and Birte Scholz '99 also presented at the event.



Professor Rhonda Magee participated in the panel "The Mindful Social Justice Lawyer: Contemplative Practices and Making the World a Better Place" at the Society of American Law Teachers conference "Teaching in a Transformative Era: The Law School of the Future." Magee's paper "Educating Lawyers to Meditate? From Exercises to Epistemology to Ethics" was included in SSRN's top 10 download list for LSN: Legal Education.

The *Asian Pacific American Law Journal* published **Professor Bill Ong Hing's** keynote speech at the Korean American Bar Association of Southern California's 29th Annual Installation and Scholarship Awards Dinner. Hing participated in a plenary panel titled "Rebellious Lawyering and its Legacy" at the Society of American Law Teacher conference and delivered a keynote address at the City of San Pablo International Migrant Day Celebration.

The Witness to Guantanamo project, under the direction of **Professor Peter Jan Honigsberg**, filmed interviews with three individuals in December, including the former general counsel for the Navy and a former Muslim chaplain for the Army.

Professor Alice Kaswan submitted comments on the proposed California cap-and-trade regulation to the California Air Resources Board in December.

[FACULTY FOCUS]



Associate Dean for Faculty Scholarship Joshua Davis presented on class-wide recoveries at the Bay Area Civil Procedure Forum in December. At the American Antitrust Institute Fourth Annual Conference in Washington, D.C., Davis participated in the panel “Developments in Class Certification,” in which he discussed class certification in antitrust cases.

Assistant Professor Grace Hum presented “The Nuts and Bolts of Teaching Legal Research and Writing” at the 2010 Legal Writing Institute Teaching Workshop at Santa Clara University School of Law.



At the 2010 Legal Writing Institute Teaching Workshop, **Assistant Professor Amy Flynn** presented during the panel “Thinking Forward.”

Media

Professor Robert Talbot was featured in the *San Jose Mercury News* article “[Three Guilty of Abusing Shackled Teen to Be Sentenced.](#)” He was also quoted in [CNET News](#) and [SF Weekly](#) articles.

Professor Alice Kaswan authored the CPRBlog postings “[AEP v. Connecticut: Will the Supreme Court Shut the Door Again?](#)” and “[EPA Marches On: Regulating Stationary Source GHG Emissions Under the Clean Air Act.](#)” She was also featured in an [Environment News Service](#) article and on [Scotusblog](#), which focuses on United States Supreme Court cases. Kaswan was quoted in the *Daily Journal* article “The Environment in 2010.”

Associate Professor Richard Leo was quoted in “[Murder Verdict Against Ryan Ferguson Relied on Confused Confessor](#)” in *The Kansas City Star*.

Professor Tim Iglesias was featured on a KCBS radio broadcast discussing banks that inappropriately broke into homes they thought were foreclosed.



Professor Susan Freiwald authored a blog post on [Concurring Opinions](#) regarding the *United States v. Warshak* ruling. Freiwald was also interviewed on the CBS 5 broadcast “[Consumer Watch: More Retailers Scanning ID's During Returns.](#)”

Professor Connie de la Vega's letter to the editor was published in the December issue of *California Lawyer*. De la Vega was also interviewed for a Univision broadcast on Virginia federal court decision relating to the United States health care reform law.

“The Mindful Lawyer: Practices and Prospects for Law School, Bench, and Bar,” a national conference co-sponsored by the USF School of Law, was featured in a *Daily Journal* article.