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Becoming the most diverse top law school
Alumni adjuncts

SPRING / SUMMER
2007

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Race, Rap and
Redemption

SPRING / SUMMER 2007

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A SPECIAL MESSAGE FROM THE PROVOST

Robert K. Rasmussen named USC Law dean

On behalf of President Sample, I am pleased to announce the appointment of Robert K. Rasmussen, J.D., as dean of the USC Gould School of Law, effective August 1, 2007.

Professor Rasmussen is currently the Milton Underwood Chair in Law at the Vanderbilt University Law School and director of its Law & Human Behavior Program. His scholarly expertise is focused on the interaction of market forces and corporate reorganization law, and his most recent work addresses fundamental changes in corporate reorganization practice. He has developed a reputation as one of the nation's outstanding legal scholars in the fields of bankruptcy and corporate reorganizations and as a strong administrator during nearly two decades at Vanderbilt, earning acclaim for his teaching, mentoring, university-wide service and interdisciplinary approaches to legal scholarship.

Professor Rasmussen will take the helm of the Gould School at an important moment in its history — a moment in which it is refining an approach for legal education that can serve as a model for other legal and professional schools. Cross-disciplinary approaches, global partnerships, public service and lifelong education are among the keys to achieving this goal.

USC will now have as dean of the Gould School one of the most celebrated teachers in the 125-year history of the Vanderbilt Law School, demonstrating USC's steadfast commitment to providing the finest legal education in the world. In addition to his many scholarly and administrative achievements, Professor Rasmussen has received Vanderbilt's prestigious Hartman-Hall Award for outstanding teaching six times.

Many people contributed to the dean search process. I would like to thank Dean Jack Knott of USC's School of Policy, Planning, and Development for chairing our search advisory committee, as well as Vice President Elizabeth Garrett and the members of the search advisory committee for their hard work. Thanks are due as well to USC Law Board of Councilors members Bruce Karatz, Bruce Ramer and Glenn Sonnenberg for their counsel during this search process.

We are deeply grateful to Professor Edward J. McCaffery for his outstanding work as dean on an interim basis over the past year. During his service as interim dean, the law school has continued to recruit leading scholars to the faculty, maintained its tradition of excellence in clinical education and public service, recruited an outstanding class of entering law students, and cultivated its connections with alumni and members of the bar. As professor of law, economics and political science, and as the holder of USC's Robert C. Packard Trustee Chair in Law, Professor McCaffery will continue his work as one of the country's leading scholars in tax law.

I hope the entire USC academic community will join President Sample and me in thanking Ed McCaffery for his service and in welcoming Bob Rasmussen to our Trojan Family. We eagerly look forward to the next chapter in the Gould School's ongoing rise.

C.L. Max Nikias



Robert K. Rasmussen, left, with USC Provost C.L. Max Nikias

ROBERT K. RASMUSSEN

CREDENTIALS: J.D., *cum laude*, 1985, University of Chicago Law School; comment editor of the *University of Chicago Law Review*. B.A., *magna cum laude*, 1982, Loyola University of Chicago.

EXPERIENCE: Worked in the Civil Division Appellate Staff at the U.S. Department of Justice; clerked for the Honorable John C. Godbold, Chief Judge of the 11th U.S. Circuit Court of Appeals. Joined Vanderbilt Law School in 1989; has served as chair-elect and chair of Vanderbilt's faculty senate; as a member of university committees dedicated to recruitment and retention of women and minority faculty and numerous other areas of academic and administrative life; as associate dean for academic affairs at the law school; and as director of Vanderbilt Law School's Law & Economics Program. Was visiting professor at the University of Chicago and University of Michigan Law Schools. Is a director of the American Law and Economics Association.

SCHOLARLY PUBLICATIONS: Numerous publications in many of the nation's best law reviews, including *Supreme Court Review*, the *University of Pennsylvania Law Review*, the *Stanford Law Review*, and the *Michigan Law Review*. Principal author of three amicus curiae briefs: on behalf of nine law professors in the 1999 Supreme Court case *Bank of America v. 203 North LaSalle Street Partnership*; on behalf of three law professors in *In re Integrated Telecom Express, Inc.*, a 2004 3rd U.S. Circuit Court of Appeals case; and on behalf of seven law professors in *In re Owens Corning*, a 2005 3rd U.S. Circuit Court of Appeals case.

EDITOR'S NOTE: The announcement of Dean Rasmussen's appointment came near press time. Stay tuned for more stories about USC Law's new dean in forthcoming publications.

Charles T. Munger offers advice to nearly 300 graduating students

Commencement 2007



Charles T. Munger

Charles T. Munger praised the benefits of lifelong learning during his commencement speech to nearly 300 USC Law graduates this May.

Munger, vice chairman of Berkshire Hathaway Inc., encouraged the Class of 2007 and friends and family in the audience to “go to bed every night a little wiser” than when they woke.

“Wisdom acquisition is a moral duty,” said Munger, 84, noting that he and business partner Warren Buffet spend the majority of their time learning through books or from other people. He urged students to not view the closing of their legal educations as the end of learning. “You’re not going to get very far in life based on what you already know. You’re going to advance in life by what you’re going to learn after you leave here.”

Munger addressed 194 Juris Doctorate, 89 Master of Laws and three Master of Comparative Laws recipients during the ceremony. A founding partner of the prestigious firm Munger, Tollles & Olson, Munger also is chair and CEO of Berkshire subsidiary Wesco Financial Corp. During his speech, he offered insights into the personal practices that have contributed to his success and standing as one of the wealthiest people in the world.

“The safest way to get what you want is to try and deserve what you want. It’s such a simple idea – it’s the golden rule, so to speak,” Munger said. “You want to deliver to the world what you would buy if you were on the other end. There is no ethos, in my

opinion, that is better for any lawyer or any other person to have. By and large, the people who have this ethos win in life.”

Because commencement was held on Mother’s Day, Dean Edward J. McCaffery recognized all the mothers among the graduates, law faculty and audience members. Mothers provide a love at the beginning of life that should continue to serve as a guide, McCaffery said.

“Find love and meaning in your work,” McCaffery said. “If you can’t love your job, then do your job for the love of others: do your job for family, for others, to give back to the poor and the needy. And if you can’t do that, get another job, because life is too short to live without love.”

“You want to deliver to the world what you would buy if you were on the other end.”

Graduating international students selected LL.M. graduate Rosemary Mwanza, a native of Kenya, to present remarks on their behalf. Lawyers hold a hallowed place in society, Mwanza said.

“As Earl Warren, chief justice of the United States, said: ‘It is the spirit and not the form of law that keeps justice alive,’” Mwanza said. “We are the bearers of that spirit, no matter where our lives shall lead us. And society looks upon us and depends upon us to do so.”

— Lori Stuenkel

LISTEN AND LEARN

This year was a good one for talkers and listeners at USC Law. A veritable “who’s who” of the legal world came to USC to present research, discuss hot topics, debate ideas and share insight. A new speaker series, “Conversations with the Dean,” set the tone by welcoming a wide range of guests to informal discussions with Dean Edward McCaffery and standing-room-only crowds of students, faculty and alumni.



1.



4.



4.



2.



3.

1. **Joe Shew** and attorney **Robert Fairbank** helped launch the “Conversations” series with a startling and moving discussion of Shew’s securities fraud conviction in connection with the collapse of Homestore.com. Shew, who cooperated with the Department of Justice during its investigation of Homestore, was later sentenced to six months in prison for his involvement. “You’ve got to be able to say, ‘This isn’t right,’” Shew told students. “Always have a presence at the table. Assert yourselves and become decision-makers with the heads of development. Even if just one person makes the right decision because I’m speaking out, it’ll make me proud like you wouldn’t believe.”

2. Just as the final counts were in for the November 2006 election, political consultant **Chuck Winner** offered students an insider’s view on the campaigns that support — or doom — ballot measures. “I think it has been abused and overused,” said Winner of the initiative process. “My opinion is that when you circumvent the legislative process or representative democracy to solve a problem, you can take it to an extreme, and that extreme becomes, in some ways, worse than the problem you were trying to solve in the first place.”

3. *Los Angeles Times* U.S. Supreme Court reporter **David Savage** discussed the high court’s turn toward the right during his “Conversation with the Dean.” Despite the appointments of John Roberts and Samuel Alito to the court, Savage expects to see relative ideological balance on the court — at least until the next justice retires. “I don’t think that this group of justices is going to make a dramatic change, because Justice Anthony Kennedy is still in the middle,” Savage said. The direction of the court will almost certainly be a factor in the next presidential election, Savage predicted.

4. “Conversations with the Dean” culminated in a special luncheon and panel discussion focusing on work-life balance. Eight panellists spoke about the challenges and successes they’ve experienced while balancing demanding careers in the law with the demands of family and home life. The topic is near to **Dean McCaffery’s** heart: “It’s been a challenge for me to balance work and family,” he said, with a smile toward his wife, **Solina Kwan**, and infant daughter **Sabrina**, in the audience. “If you can’t pay the bills and have meaningful relationships and love and family, you’re not going to be happy. I think this is a conversation that is important to have at law schools.”



5.

5. A number of other groups and organizations invited speakers to USC's campus this year, including student groups. The newly formed Legal Aid Alternative Breaks Project, the group that organized a student trip to the Gulf Coast this spring (see story Page 7), brought civil rights attorney **Tracie Washington** to USC Law to talk to students about the challenges, legal and otherwise, that residents of hurricane-ravaged areas still face. "We never thought that we would be called to do this work," said Washington, who is director of the NAACP Gulf Coast Advocacy Center. "This work is to figure out a way to rebuild the social and justice foundation of an entire community. Isn't it wonderful that we, as lawyers, can be the catalyst for social change?"

6. Adjunct professor and famed entertainment lawyer **Larry Stein** '69 spoke to students at a lunch gathering about the field of entertainment law, the career options students face, and how to find a fulfilling job. "The real questions are: Who are the firm's clients? What side of the issue are the clients on? What will I be doing at that firm? Who will I be working with at that firm?" Stein said. "You have to realize where your heart is, where your values are, and you have to put yourself in a place that will honor those values."



6.



8.

7. As always, USC Law's renowned workshop programs brought a wealth of academic stars to USC to present works-in-progress to faculty and students. The workshops, known for providing rigorous review and unfiltered critiques of scholarly research, showcased the work of more than 40 professors from around the country. **Michael Heller**, Lawrence A. Wien Professor of Real Estate Law at Columbia University, was among the long list of distinguished guests. He presented chapters from his forthcoming book on "The Missing Market."

8. In addition to faculty workshops, USC Law was host this year to myriad conferences and symposia, including a Federal Communications Commission hearing on media ownership (hosted by the Center for Communication Law and Policy), a conference examining the impact of direct democracy on the geography of American cities (hosted by the Center for the Study of Law and Politics), and the Center for Law, History and Culture's annual Law and Humanities Distinguished Lecture, offered by **Martha Minow**, the Jeremiah Smith, Jr., Professor of Law at Harvard University. Minow discussed curtailed rights in an age of terrorism. "The story of our time is that the government is overreacting — most explosive are the exposure of secret detention centers and the conditions of the Abu Ghraib prison," she said.

7.



Three international LL.M. students hope to incorporate elements of the U.S. legal system in their high-profile work at home



From left: Yeoung Jun Park, Chih-Hao Wu and Young Sou Kim

When legal worlds collide

They come from countries halfway around the world, from different backgrounds and cultures, with one purpose: to learn more about the U.S. legal system so that they can be better judges and prosecutors at home.

Students in USC Law's growing LL.M. program for foreign-trained legal professionals are learning far more than they expected — and planning ways to use their newfound knowledge to improve their work in their native countries.

Launched in 2001 with an inaugural class of 12 students, USC's LL.M. program welcomed more than 90 students this year. LL.M. students take courses alongside J.D. students, providing extraordinary opportunities for intellectual and cultural exchange throughout USC Law's academic programs.

But while J.D. students might not always see how their coursework will apply to their careers, USC's international students clearly connect their studies to their work at home. In fact, three of this year's LL.M. students serve in high-ranking positions in Asia and plan to implement changes in their work based on knowledge gained during their time at USC.

As a Judge Advocate General (JAG), the chief prosecutor of the High Prosecutor's Office in the Korean Navy, Young Sou Kim defends, prosecutes and presides over military court-martial cases. Commanders in the Korean Navy turn to him for guidance on military issues involving the laws of war and rules of engagement. Kim also advises the military on issues involving government contracts, environmental law, labor and administrative issues, as well as claims against the Korean government. He also assists in providing service members and their families with a range of pro bono legal services.

"Before I came to USC Law, I had primarily worked in the judicial fields of the JAG Corp.," says Kim. "I felt the necessity to have more knowledge in specialized areas like international law and intellectual property. However, I wasn't acquainted with the case method used in law schools here, and, initially, I had a hard time adjusting. The method to approach an issue is totally different from that in my country."

Yeoung Jun Park is a prosecutor in the Special Investigation Bureau of Korea's Ministry of Justice, in the Gyeongju branch office of the Daegu District Prosecutor's Office in the southern region of Korea. His portfolio includes crime trafficking, sexual abuse against the disabled, bribery, embezzlement and property disputes.

"There have been numerous debates in Korea on whether to implement the American law education system or not," Park says. "I just wanted to experience the American educational system for myself."

Based on his course on Evidence — taught by Professor Thomas Lyon, who Park says "is very funny" — Park is developing ideas for recommending changes in his own country's judicial process.

"The federal rules of evidence here in the U.S. are very detailed," Park says. "From [Professor Lyon's] classes, I have learned many hints on how to recommend the rules to my government in Korea and to apply those rules in our judicial system."

As a judge in Taiwan's Kaohsiung District Court, Jason Chih-Hao Wu has presided over both criminal and civil cases for the past five years. Learning all the details of a legal system is difficult to do in one year, but Wu says he already sees many advantages of the U.S. legal system. "I do prefer the methodology and rationale given by judicial decisions, statutes or theories here [to] those I have learned in my country," he says.

Wu recently published a two-part report on U.S. dispute resolution programs in Taiwan's *Judicial Weekly* newspaper, a Mandarin publication distributed to all the judges and prosecutors in Taiwan.

"To me, the most significant influence after studying here, and what I can use in my job in the future, is that I have found a valuable resource [in] the extensive and practical references to various legal issues," Wu adds. "After my course here, I will return to Taiwan to help my judicial administration to promote Taiwan's ADR system."

— Aaron Goh

USC Law students returning to the Gulf Coast find the region still has tremendous needs — legal and otherwise

Still reeling



When Andy Miller arrived in New Orleans with 31 other USC Law students over spring break, he was struck by how little had changed since he visited a year ago. Although most of the debris was gone and crumbling houses demolished, many residents were still in despair and even lacked basic necessities, not to mention legal help.

“It’s amazing how much work there is still to do,” says Miller ’08, who worked with the Center for Racial Justice and helped organize the trip. “It has been a full year and people are still grappling with the same issues and difficulties that they were a year ago. It was difficult for many of us to process how little had changed.”

During spring break 2006, nearly 40 USC Law students traveled to the Gulf Coast to provide legal aid and other assistance to victims of Hurricane Katrina. A contingent of USC Law students returned to the area this year to assist in legal efforts in New Orleans and Biloxi, Miss. Working alongside practicing attorneys, students helped with class-action lawsuits, examined housing claims, and even sifted through criminal cases at the Department of Justice. They were placed in jobs with a variety of agencies, including the Mississippi Center for Justice, Juvenile Justice Project of Louisiana, FEMA and the NAACP.

The effort was organized by the new USC Law student organization Legal Aid Alternative Breaks (LAAB). The USC students joined more than 500 other law students from across the country and the national Student Hurricane Network, which has assisted or placed more than 2,700 law students with legal organizations in the Gulf since Katrina hit in 2005.

“It’s trips like these that re-connect me with the reasons I came to law school,” says Greg Pleasants, who graduated in May with a JD/MSW. “It offered me a brief respite from the endless jumping-through-hoops of law school and let me refocus on the rich relationships and challenging work offered by service and public interest law.”

Pleasants knew from his experience last year that legal aid is vital to the overall relief effort in the Gulf region. This year, he interviewed people at free community health care clinics in the Biloxi and Gulfport areas of Mississippi. “We learned a lot of ‘law’ during this trip — I now know more about federal and Mississippi laws regarding Medicaid coverage than I ever imagined I would. More important, however, we witnessed first-hand the powerful impact that changes in the law can have on people’s lives and how the effects that flow from those changes are often quite different than what they are purported to be.”

About half of the students who made this year’s trip also participated last year. For the others, the visit was an eye-opener.

“I know that many people have lost hope and are frustrated — including the lawyers and other volunteers in the region,” says student Paula Mayeda ’09, who worked with the Student Hurricane Network on a FEMA trailer and survey mapping project. “I’m hoping that our group will help publicize the needs that the region still has.”

Associate Dean Lisa Mead, who joined the students in New Orleans and Biloxi and heads the USC Law Office of Public Service, says the skills students learn in public service can’t be duplicated in the classroom.

“Law students from across the country traveled to the Gulf Coast to lend all kinds of assistance — legal, physical and emotional — to the victims of the hurricanes,” says Mead, who with students presented a report on the trip to the USC Board of Trustees in April.

“There is a very strong interest in service among a significant number of very thoughtful, articulate and motivated students — some of whom are going into public service as a career and some who will be going to law firms — and all have found this experience to be moving, even life-changing. The students have a very clear sense of the value of these trips to them as well as to the people they help.”

— Gilien Silsby

DIE, DEATH TAX, DIE!

It may well be the most talked about tax of recent years, but apparently



reports of the estate tax's imminent demise are greatly exaggerated.

Although Congress has voted on proposed repeals more than once in recent years, the estate tax isn't going anywhere soon, said USC Law Dean Edward J. McCaffery during his keynote presentation at the annual USC Tax Institute, held in January in downtown Los Angeles.

A number of factors combine to make repeal unlikely, McCaffery says. It is an issue of high stakes to only a small group; any repeal of the tax would be permanent; the issue has more than two sides (19 sitting Senators have flipped their votes); and the tax has little or no "ballot box significance."

"Nobody is getting elected or not getting elected because of this issue," McCaffery says. Which is too bad, because "you can make a very good case that the existence of the estate tax has led to greater problems. It's the existence of the estate tax, and the existence of generation-gifting tax, that has led to dynasty trusts."

McCaffery, an internationally renowned expert in tax law, was among a top-notch list of speakers at USC's Tax Institute, a three-day conference dedicated to exploring trends and pressing issues in estate planning, corporate and business tax planning, real estate, ethical dilemmas facing tax practitioners, and partnerships and individual tax planning. Among the presenters: Lindy L. Paull, former chief of staff, U.S. Congressional Joint Committee on Taxation; Donald L. Korb, chief counsel for the Internal Revenue Service, who also presented a session on tax court litigation; Blake Rubin of Arnold & Porter, who discussed partnership and real estate tax; and Mark J. Silverman of Steptoe & Johnson, who discussed corporate taxation.

PUBLIC INTEREST, BY THE NUMBERS

A snapshot of public interest work and honors for USC Law students in 2006-07

3,627	Number of pro bono hours logged (a record)
39	Number of students honored by the L.A. County Bar for 35 hours or more of public interest work
30	Number of community organizations that benefited from the work of USC Law Public Interest Law Foundation (PILF) clinic participants
27	Number of PILF summer grants awarded (a record)
8	Number of students honored for donating 100 hours or more of community service
4	Number of law firms sponsoring public interest grants (Sidley Austin, Kirkland & Ellis, Gibson, Dunn & Crutcher, and Sonnenschein, Nath & Rosenthal)
3	Number of full-time post-graduate fellowships received (two USC Law Irmas Fellowships, one Equal Justice Works fellowship)
1990	Graduation year of USC Law alumna Caron Caines, honored as PILF's 2007 Attorney of the Year for her work at Neighborhood Legal Services
1979	Graduation year of USC Law alumnus and Irell & Manella partner Richard B. Kendall, who received the 2007 Paul Davis Memorial Award in recognition of his commitment to pro bono work

PUBLIC INTEREST



TAX TEAM TRIUMPH

USC students won the western regional competition and placed third in the national finals of the prestigious Deloitte Tax Case Study Competition last fall.

USC's team, composed of Karin Harwood '07 and Alexis Petas '07 — both JD/Master of Business Taxation graduates, pictured at center and far right above — and MBT student Kevin Brown and accounting/MBT student Janet Lin, was one of six graduate teams to compete in the finals. The grueling, five-hour competition required teams to analyze information taken from a real-world problem covering

corporate, international, partnership, individual, trust and estate tax issues. Each team received copies of the Internal Revenue Code and Treasury Regulations to cite in their written solution, which was judged by a panel of Deloitte Tax LLP experts.

Harwood said that law school-learned skills of "issue-spotting and taking law school exams and writing memos under time pressure" were key to the team's success. "We wrote 18 memos within that five-hour period," she said.

The experience also gave Harwood and Petas a jump-start on their tax-focused careers. After graduating with their dual degrees in May, Harwood will work with Deloitte Tax in L.A., and Petas will join Pillsbury Winthrop Shaw Pittman in Palo Alto, Calif.



NO MOOT POINTS HERE

Michelle Keogh won the 2007 Hale Moot Court Honors Program competition after heady debate over two constitutional issues: whether Congress exceeded its authority by making it a felony for a U.S. citizen who travels in “foreign commerce” to engage in an illegal commercial sex act with a minor; and whether a defendant’s Sixth Amendment right to confrontation was violated when a person’s statement to police was deemed non-testimonial.

As the winner of the oral competition, Keogh receives a BAR/BRI award covering half the cost of a bar review course. Alicia Clough was named runner-up. Finalists Sirena Castillo and Lauren Grubb, along with Keogh and Clough, received the Judge E. Avery Crary Award, named after a 1929 graduate of USC Law.

Judging this year’s competition were U.S. Court of Appeals Judge R. Guy Cole, Jr.; Supreme Court of California Associate Justice Kathryn M. Werdegar; and Supreme Court of Arizona Chief Justice Ruth V. McGregor. All seemed impressed with the students’ presentations and preparedness.

“The four of you performed excellently,” Cole said, following deliberations. “You handled your assignments masterfully and we would like to commend you for your expert work.”

Bottom row, from left: Lauren Grubb, Sirena Castillo, Alicia Clough, Michelle Keogh
Top row, from left: Judge Kathryn M. Werdegar, Judge R. Guy Cole, Jr., Judge Ruth V. McGregor, Dean Edward J. McCaffery

VERBATIM

“Leave your thumb drive behind.”

— Professor Jennifer Urban, in *Business Week*, discussing lessons learned from an intellectual property dispute between Mattel and MGA Entertainment after a former Mattel employee allegedly copied trade secrets and then accessed them while working at MGA

WORLD FOCUSED

There’s a big world beyond USC Law’s doors, and second-year law student

Josh Lockman wants his fellow classmates to see it.

So, this year, Lockman ’08 launched USC Law’s first International Relations Organization, a student group that seeks to raise awareness of the connection between international affairs and the law and, hopefully, spark lifelong interest in global events and issues among USC Law students.

The group brought an impressive list of speakers to USC this year, including John Prendergast, senior adviser to the International Crisis Group, who shared a chilling insider’s perspective on the crisis in Darfur, Sudan. Other events included a talk on immigration with Thomas Saenz, chief counsel to the Los Angeles mayor, and a forum on global piracy and the film industry.

Lockman, who took international business transactions and an international environmental law seminar (see story on Page 27) at USC Law this year, is pleased that USC’s international course offerings are expanding.

“As law firms expand internationally, having a foundation in international law is vital to a career in a number of different fields,” he says. “But, more importantly, these are issues that affect all of us as citizens and leaders.”



China, online

USC Law is now one of a few American law schools with access to the *National Taiwan University of Law Journal*, a premiere Chinese legal publication, and the *Southern California Law Review* may well become priority reading for Taiwanese lawyers, thanks to an agreement forged by the USC Law library. Under the agreement, USC Law offered access to the *Southern California Law Review* and the *Interdisciplinary Law Journal* in exchange for the National Taiwan University College of Law publication as well as the *Asian Journal of WTO & International Health Law and Policy*. USC joins Harvard, Yale, NYU, Washington, UC Berkeley and Minnesota law schools in the unique exchange.

Through exploration of rap music, two law professors hope to build community and challenge preconceptions of justice and equality

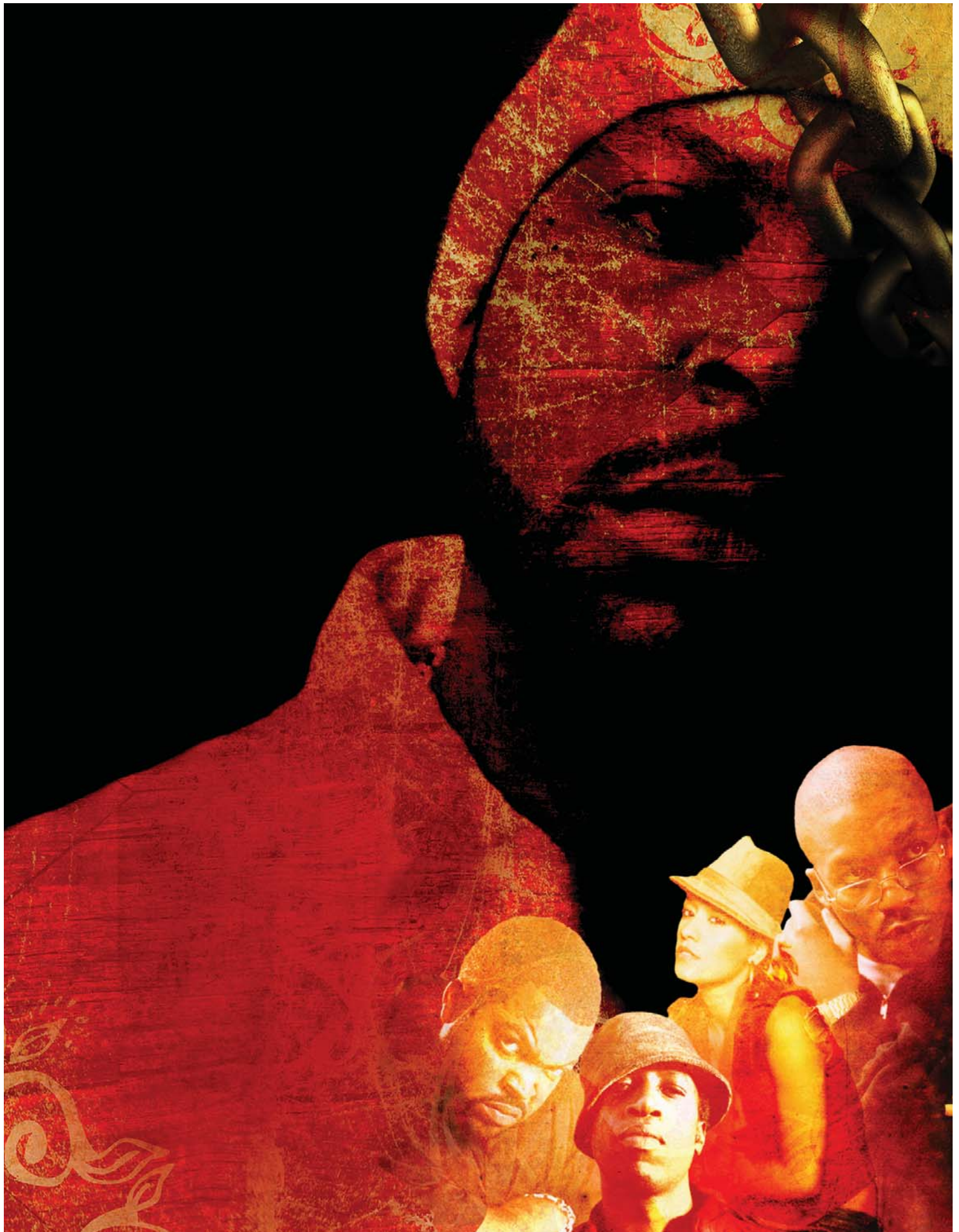
Profane and profound

By Lori Stuenkel

WHEN THE RAP GROUP “NIGGAZ WITH ATTITUDE” WAS AT THE TOP OF THE MUSIC CHARTS IN 1988, USC LAW PROFESSOR JODY ARMOUR HAD SOMETHING OF AN EPIPHANY.

DUE TO INFLAMMATORY LANGUAGE AND A MESSAGE OF REBELLION AGAINST THE POLICE, THE GROUP’S MUSIC WAS BANNED BY A NUMBER OF RADIO STATIONS. BUT WITHIN THE PROFANITY, ARMOUR HEARD “STREET PROPHECY.” HE HEARD A NARRATIVE THAT DEMANDED SOCIAL JUSTICE AND CALLED FOR SOLIDARITY IN THE FACE OF DISCRIMINATION AND ADVERSITY. AND HE SAW AN OPPORTUNITY TO USE POPULAR CULTURE AS A MEANS FOR EXPLORING ISSUES THAT MANY PROFESSORS WERE AFRAID TO BROACH IN THE CLASSROOM:

Ice Cube (in the background and first on left in the foreground), as well as Saul Williams, Mayda de Valle and Lupe Fiasco were scheduled performers at “Race, Rap and Redemption.” Photo illustration by Eve NaRanong



racial profiling, class distinction among blacks, high rates of imprisonment of young black men, poverty, and the subtle and not-so-subtle ways in which racism permeates our culture and day-to-day lives.

“No one had ever done anything like these rap artists. No one had ever talked about those issues in the bluntest possible language,” says Armour, the Roy P. Crocker Professor of Law at USC and author of *Negrophobia & Reasonable Racism: The Hidden Costs of Being Black in America* (New York University Press, 1997). “The message wasn’t being heard because the messenger was being discounted or reviled. I was looking for an antidote, a way to form an alternate discussion.”

That alternate discussion has since infused Armour’s teaching and scholarship, culminating this spring in a major production called “Race, Rap and Redemption,” an event co-designed with USC Law Professor Ronald Garet ’81 and sponsored by USC’s Visions and

his toddler son at his feet, slam poet Saul Williams embraced the word “Negro”:

“I am a negro! Yes, negro, negro from ‘necro’ – meaning death
I overcame it so they named me after it
and I be spitting at death from behind ...
and putting ‘Kick me’ signs on its back
because I am not the son of Sha-Clack-Clack.”

“**Race, Rap and Redemption**” grew from a presentation Armour gave at the annual meeting of the Association of American Law Schools (AALS) in New Orleans in 1997. A scholar of cognitive psychology and law, Armour studies how unconscious mental processes can generate racial discrimination among juries, judges, prosecutors

“My father found the key to his jailhouse door in the warden’s own law books. That was when I learned that words are acts with consequences.”

Voices program, the Provost’s arts and humanities initiative. The event, held at Bovard Auditorium before 1,000 students, alumni and faculty, combined live rap, dance and spoken word performances by artists including rapper Ice Cube, slam poet Saul Williams, singers and musicians from the Macy Gray Music Academy, spoken-word artist Mayda del Valle, dancers from the Lula Washington Dance Theatre, and actor Mailon Rivera. The goal: to challenge the audience’s understandings of race, discrimination and justice.

“The key for us was to create an evening in which the Ivory Tower met the ‘boulevard’ in a way that transformed both sides,” Armour says.

Indeed, the event opened eyes and ears. Arriving on stage with

and public officials that affects criminal and civil justice. At the AALS, he planned to speak about the nature of language and prophecy and the “street prophets” of rap who warned of rising tensions in Los Angeles years before the 1992 riots.

So he stood in front of 200 law professors — from universities around the country — and recited Ice Cube’s “Nigga You Love to Hate”:

“You wanna sweep a nigga like me up under the rug
Kicking sh** called street knowledge
Why more niggas in the pen than in college?
Now ‘cause of that line I might be your cellmate
That’s from the nigga ya love to hate.”

In spite of the stunned silence that greeted his presentation, Armour also saw professors connect to his message.

“Each rap song can be a text in its own right that you can look at individually and do interpretations of, just like you can interpret a legal case,” says Armour.

After coming to USC Law in 1997, Armour found a kindred spirit in Professor Ronald Garet, a fellow music lover. The Carolyn Craig Franklin Professor of Law and Religion, Garet studies theological ethics and constitutional law. One afternoon, Armour invited Garet out to his car to listen to a new song, “Just a Moment,” by rap artists Nas and Quan. Garet’s father had recently passed away, and Armour knew the song would speak to him.

“As I listened to that song, I started crying because the music is about remembering all of those who have gone before and are no longer here,” Garet says. “That meant a lot — that he was sharing something important with me that could broaden my horizons.”

The pair began to share popular music with each other and students. They first presented a modest version of “Race, Rap and Redemption” at the law school in 2005. Last year, they presented it to a wider audience at USC’s 25th Annual Dr. Martin Luther King,



Jr., Birthday Celebration.

“There are times in life when you want to be part of something bigger than yourself, and that’s what this is for me,” Gareth says. “This is very much about my friendship with Jody. A friend reaches out and takes you on a journey to someplace you’ve never been before, and I feel honored that Jody has done that with me.”

“Can we please have a moment of silence?
That’s for my niggaz doin’ years of confinement ...
And can we please have another moment of silence?
For brothers who died from black-on-black violence”
- rappers Nas and Quan (“Just a Moment”)

During “Race, Rap and Redemption,” the music video for “Just a Moment” is projected on a large screen onstage. The lyrics apply the “politics of solidarity,” Armour says; the narrators perform liba-

feel solidarity with those who are described by the narratives. By the end, Armour says, “we want the audience — as a result of those feelings of solidarity — to feel the impetus to act.”

“Race, Rap and Redemption” asks tough questions — many of which cannot be answered by a three-hour event or even a semester-long course. But by continually exploring the issues, Armour and Gareth hope to inspire students and colleagues to rethink their ideas of race and justice, and to maybe begin to identify with those who struggle under the weight of poverty, inequality, poor education and lack of opportunity.

Armour introduces Gareth, the final — and the only white — presenter in the “Race, Rap and Redemption” production. “In another time, Ron would have been one of those whites on the Underground Railroad risking his own neck to help me escape from bondage,” Armour says.



From left: Professor Ronald Gareth, Saul Williams, Mailon Rivera, Maya del Valle. Previous page: Professor Jody Armour

tions, not just for the departed ancestors who are traditionally honored during the ritual, but also for criminals and crime victims, for gang-bangers, single mothers and children trapped in the system. The song celebrates solidarity between the haves and have-nots within the black community.

Armour sees the “politics of solidarity” as a response to what Harvard Law Professor Randall Kennedy calls the “politics of respectability,” which seeks to distinguish a class of black people — “respectable Negroes” — from the “niggas” who commit crimes.

The subject is personal for Armour. He says he could be considered a “nigga” because his father was imprisoned for much of Armour’s young life. While serving a sentence for a crime he didn’t commit, Armour’s father taught himself the law and filed writs of *habeas corpus* until *Armour v. Salisbury* reached the 6th U.S. Circuit Court of Appeals and the conviction was reversed.

“My father found the key to his jailhouse door in the warden’s own law books,” Armour says. “That was when I learned that words are acts with consequences. Lawyers and legal scholars know that best: We lawyers know that word work is sublime.”

That’s another key objective of the “Race, Rap and Redemption” odyssey: Armour wants to engage in a critical study of how language reveals uncomfortable truths, acts as both personal expression and critical reflection, and calls for salvation, or social justice.

Armour invites his audience to first accept rap as a series of texts, with language that is a vehicle for political action. Once the medium is accepted, Armour hopes the audience will accept the message and

Gareth begins with a recitation of hip-hop artist Lupe Fiasco’s words:

“The well is running dry, the days of Malcolm and Martin
have ended
Our hope has descended and us to the side...
But God has another solution, that has evolved from the hood”

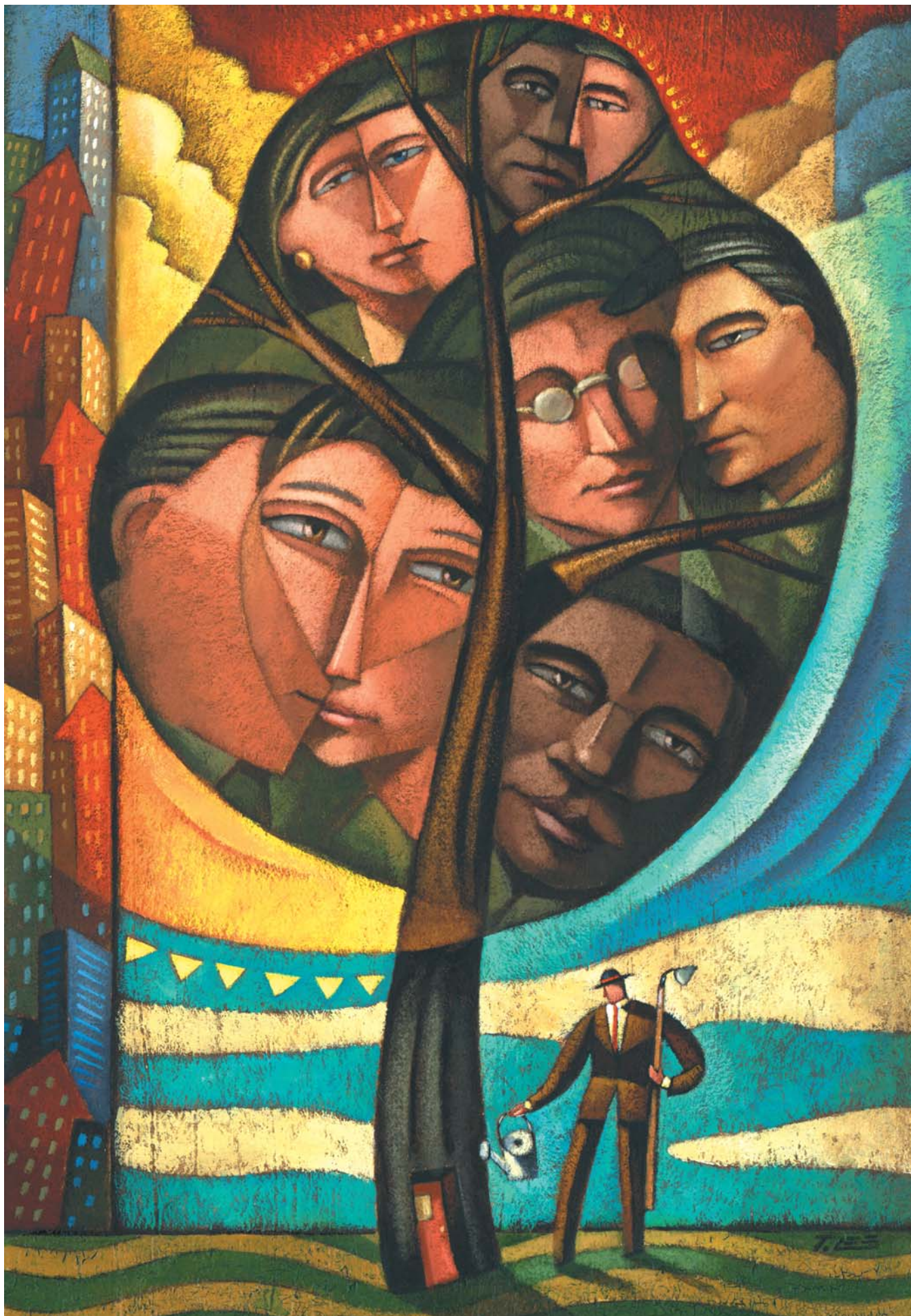
The audience is quiet as the words first start pouring from his mouth; some people chuckle to see a white man rap. But by the end of the stanza, they erupt into applause and cheers, and then listen with rapt attention as Gareth continues.

Gareth tells a version of the biblical story of the Good Samaritan, only it is set outside an urban gated community. The neighbors in Gareth’s story are a Latina woman and Brenda, the 12-year-old subject of rapper Tupac Shakur’s song, “Brenda’s Got a Baby.”

“The neighbor is the one who heals, because she knows hurt,” Gareth said. “The neighbor is our redeemer, and though we do not see her face, hers is the face of the poor and the molested...The neighbor is our redeemer, and though we do not see his face, his is the face of the enslaved and the lynched.”

And as he offers the hope of redemption and a better future through solidarity and understanding, Gareth invites listeners to assume their own roles.

“We are the defendants, the prosecutors, the judge and the jury,” Gareth says. “We are the accuser and those who stand accused. Bring light to us tonight. Bring light to the lonely and dark places. Amen.”



USC Law has become the nation's most diverse elite law school. Here's how it happened — and why it matters.

The colorful face of USC Law

By Karen Newell Young

When Joseph E. Porter III '71 arrived at USC Law in 1968 wearing a Malcolm X T-shirt and a six-inch afro, he looked around and saw very few black men. He had no idea he would help change the course of minority enrollment at USC Law, or that the law school he chose would someday become one of the most diverse in the nation.

By 1968, the country was shaken by years of anti-war protests and civil rights demonstrations. Martin Luther King Jr. and Robert Kennedy had been assassinated. The Watts riots rocked the city of Los Angeles.



And students of all colors were becoming increasingly politicized. Many were looking into law school — a higher-education privilege enjoyed mostly by white students; 1968 and the years that followed changed that, and set USC Law on a course that has enriched and defined its character in recent years.

“Porter’s first years at USC were watershed years,” says John G. “Tom” Tomlison, Jr., an associate dean who is writing a history of USC Law. “Enrolled here at that time were people who started the activist student organizations that ended up bringing many more minorities and changing the social demographic of the entire school.”

PROTESTING FOR CHANGE

Jesus Estrada Melendez ’71, among the first Latinos to earn a law degree at USC and a founder of the Mexican American Law Students Association, remembers organizing protests calling for a more diverse student body. Students held sit-ins and attempted to close down law school administrative offices until officials heard their demands.

“Considering what was going on at the time, it felt perfectly natural to meet in groups to promote our cause,” says Melendez. “The whole world was changing, and you could feel it changing at ’SC.”

As Porter, now a lawyer in the entertainment industry, remembers it, there was only one African American at the law school (then the USC Law Center) in the class ahead of him — John H.

Sandoz ’70, now a retired L.A. Superior Court judge. Porter’s Class of 1971 had six black students — at the time, the largest African American class in the school’s history.

While Melendez, now an attorney with the L.A. Unified School District, and his colleagues were organizing Mexican-American students, Porter was uniting students into the Black Law Students Association (BLSA) and arguing for broader criteria for measuring applicants’ potential during the admissions process. Both groups worked to encourage other students of color to enroll and stay in school.

Dorothy W. Nelson LLM’56, the first female dean of a major American law school and now senior judge with the 9th U.S. Circuit Court of Appeals, is widely credited with bringing the campus administration, the USC Board of Trustees, students and faculty together on diversity issues at USC Law. She says she faced distrust and animosity from both.

“It was an angry time,” says Nelson, who served as dean of the law school from 1968 to 1980. But Nelson believed that if people of opposing sides could come together and talk, anything could be resolved.

“There was pressure to stop diversity efforts, but we decided we would work to strengthen the program,” she says. “We became one of the first law schools to actively recruit minority students. This was the beginning of affirmative action and the diversification of USC.”

A DIVERSITY OF ORGANIZATIONS

A sampling of some of the student organizations at USC Law that include and serve diverse groups.

Alliance for Life
Asian Pacific American Law
Students Association
Black Law Students
Association
Christian Legal Society
Community Service
Affairs Committee
J. Reuben Clark Society
Jewish Law Students
Association
La Raza Law
Student Association
Law Students for Choice
Legal Aid Alternative
Breaks Project
Middle Eastern South
Asian Law Association
Public Interest
Law Foundation
OUTLaw

Republican Law
Students Association
Review of Law and
Social Justice
Street Law
USC Law Democrats
Women’s Law Association



Members of La Raza Law Student Association at their annual Judges and Lawyers banquet.

COMMITTING TO DIVERSITY

Tomlison says that by the early 1970s, with small but increasing numbers of underrepresented students enrolling at USC, the political winds began shifting. By the mid-1970s, the law school was fully committed to diversifying the student body. “By my take, there was a partnership of wills among the dean, the faculty and those students who showed up to make it work,” he says.

Porter also remembers that by this time, the law school was encouraging him and other student leaders of color to “speak out and bring in more black students.”

“We could get the word out pretty quickly that ’SC was welcoming applications from black students at a time when black students still believed they were not welcome,” he says.

As minority enrollment increased, students, faculty and administrators worked together to create programs, such as scholarship funds and student organizations, that would support a diverse student body and help attract more minority applicants.

At the same time, nonprofit organizations such as the Ford Foundation and the Andrew W. Mellon Foundation were awarding scholarships to gifted students from disadvantaged backgrounds. The Mexican American Legal Defense and Education Fund (MALDEF) — co-founded in 1968 by USC Law grad Albert Armendariz ’50 with a \$2.2-million seed grant from the Ford Foundation — and the NAACP were carving political and legislative inroads that made it easier for blacks and Latinos to seek college degrees.

“All of these things helped trigger this demographic change at ‘SC and sparked the growth of diversity,” says Tomlinson. “The history of these student groups helps answer how we got to be where we are today.”

A LEADER IN DIVERSITY

Today, approximately 35 percent of USC Law students are minorities, making the USC Gould School of Law one of the most diverse law schools in the nation and the most diverse of the country’s top 20 law schools. *Princeton Review* hails USC Law as one of the top 10 schools with the “best environment for minority students,” and *Hispanic Business* magazine has named USC Law among the top 10 law schools for Hispanic students in five of the last six years.

Dozens of student organizations serve women; gays and lesbians; students from the Middle East and Southeast Asia; as well

“The law school values diversity,” says Chloe Reid, associate dean for admissions and financial aid. “We believe that the significant legal debates in this country will include issues of gender, culture and race. Wherever the next range of legal challenges is, we want to have all of those voices as part of the discussion.”

Continuing to enroll top-quality, diverse students is a top priority, says Robert M. Saltzman, associate dean and dean of students. He notes, however, that law schools, universities and communities must also address the factors that perpetuate an inherently small number of minority students who apply to — and are qualified for — law school.

Saltzman cites obstacles that continue to hinder many minority students as they seek to enroll in law school: comparatively weak preparation in pre-college education, limited ability to prepare adequately for standardized tests, and the application process itself.

“The whole world was changing, and you could feel it changing at ‘SC.”

as African Americans, Latinos and Asians. Two of the largest and most active groups are the Black Law Students Association (BLSA), the same organization Porter helped organize in the late 1960s, which now claims 50 members, and La Raza Law Student Association. These programs, along with alumni involvement, school-sponsored mentoring programs, academic support and financial aid, provide vital support for minority students as well as other law students.

La Raza, formed more than two decades ago to help guide Latino students through law school, comprises about 40 members. Along with fund raising, academic support and community service efforts, the group offers a network to help students interact with the legal community.

Gabriela Sanchez ’08, community service chair of La Raza, says the group is particularly helpful for students who don’t come from a family of college graduates. “A lot of Latino students who come in don’t have a family tradition of attending law school,” says Sanchez, whose parents did not attend college. “We provide all kinds of support, and we’re open to anyone.”

Doreen Anthony ’08, president of BLSA, says the law school environment can be difficult for students not only because they may be the first in their family to pursue a professional degree, but because family is often far away. “Many of our members are from out of state, and the transition can be difficult, especially when you are the minority in your environment,” she says.

A LONG-TERM COMMITMENT

Those familiar with the uphill struggle to diversify the student body say the law school has made dramatic progress by making it a long-term, school-wide commitment.

Potential applicants from more affluent communities have inherent advantages. The challenges can be daunting to the applicants.

“One significant issue is whether the student is adequately prepared for the rigors of law school itself,” Saltzman says. “Unfortunately, socioeconomic factors limit the number of students who can realistically consider law school. But one way we can help is to show them minority role models who have already succeeded here.”

When reviewing applications for USC Law, using innovative methods to look beyond the traditional benchmarks is key, says Reid.

“We’re using factors that go beyond the numerical predictors,” she says. “We are looking for potential for leadership, community service, overcoming disadvantages. These are the sorts of traits that distinguish all USC Law students and help us attempt to predict their potential for success in law school and in the legal profession.”

One thing is easy to predict: USC Law’s diversity will have a lasting and positive impact on all the students who study here — no matter what race or ethnicity they claim.

“We are extremely proud that we have been able to enrich the school with a broad variety of viewpoints, ideas, backgrounds and life experiences,” says Dean Edward J. McCaffery. “Ethnic and racial diversity makes our programs stronger and gives all our students vital exposure to the people, concerns and histories they will encounter in their careers and lives beyond USC. We all have benefited from the richness of our diversity — and will for years to come.”

Judge Dickran Tevrizian commits portion of his JAMS income to a scholarship fund at USC Law

A career honored, a connection strengthened

By Gilien Silsby

Dickran Tevrizian '65 retired from the U.S. District Court in April after serving 21 years and presiding over a variety of high-profile cases, including the Barry Minko fraud case and the Anthony Pellicano wiretapping case.

But retirement has not slowed this devoted USC Law alumnus down.

Shortly after his retirement, Tevrizian joined JAMS, the nation's largest provider of alternative dispute resolution services. At a spring event honoring his new affiliation with JAMS, Tevrizian announced that he plans to donate a portion of his JAMS earnings to the Dickran Tevrizian Fund at USC Law, which provides need-based scholarships to law students.



“I thought it would be a good way to give back,” says Tevrizian, the first Armenian-American to serve on the federal bench. “The scholarship helps needy kids struggling to get through law school. Top kids will always get scholarships. I want this to be for married students with children, or for inner-city kids.”

The Dickran Tevrizian Fund was set up in 2001 with a \$250,000 gift from the Lincy Foundation, which provides grants for infrastructure in Armenia and funds a variety of organizations in the United States. Paul Orfalea, founder of Kinko’s and a longtime friend of Tevrizian’s, contributed another \$100,000 to the fund.

“Judge Tevrizian has always been a tremendous supporter of USC, but the creativity and generosity of this gift are truly extraordinary,” says USC Gould School of Law Dean Edward J. McCaffery. “Generating new support for scholarships is a top priority for the law school, and this gift lends great momentum and energy to our efforts. We are all very grateful for the judge’s leadership and commitment.”

Tevrizian, who received his undergraduate degree in finance at USC’s Marshall School of Business, has been a strong supporter of many programs at USC, including the business school and the College of Letters, Arts and Sciences. In 2005, the USC Institute of Armenian Studies honored Tevrizian for 32 years of public service and his support of the Institute. Tevrizian was recently named a professor in the office of the provost by USC’s Provost Max Nikias; the appointment allows him to teach in any USC school that invites him. He hopes to teach a trial course at USC Law someday.

“I truly believe in the Trojan Family,” says Tevrizian, whose wife, Geraldine, attended USC along with his three brothers and sisters. “It’s not something that is simply talked about. We are truly loyal and do not forget where we came from. My success is due to the wonderful education I received at USC.”

Tevrizian began his judicial career at age 31, making him the

youngest judge appointed to the California judiciary at that time. He served on the Los Angeles Municipal Court from 1972 to 1978, as an appointee of then-Gov. Ronald Reagan, and on the Los Angeles Superior Court from 1978 to 1982, as an appointee of then-Gov. Jerry Brown.

“It’s funny the way things work out,” Tevrizian says. “When I left law school, I wasn’t even planning to practice law. I was going to go into construction, but that fell through. I got a job at Arthur Andersen and thought I’d practice finance. They made a mistake and had me preparing tax returns for wealthy people and attorneys. After doing that for a short time, I realized I should practice law, rather than filing returns for lawyers.”

Tevrizian left Arthur Andersen to join Kirtland & Packard, where he soon made partner. In 1972, he began his judicial career, serving on the bench for 10 years before retiring in 1982 to once again practice law.

“I really wanted to do big cases for national firms,” Tevrizian says. “I wanted to go back to practicing law because I felt I never reached my peak.”

But in 1985 he was made an offer he couldn’t refuse — a lifetime appointment on the federal bench, from President Ronald Reagan. Because he appealed to both Democrats and Republicans, Tevrizian’s confirmation was one of the swiftest ever.

“My hearing was on November 8, I was confirmed on December 2, and I was sworn in on December 17. That was rocket speed,” he says. “It was a lifetime appointment, which made it pretty appealing.”

The son of an immigrant from Turkey, Tevrizian says his parents were his inspiration. “They were so proud. For them it was an honor to know an attorney, much less than have an attorney in your family. I think they were bowled over when I became a judge. They taught me to never forget your roots and to give back. That’s why this scholarship fund is so important to me.”

The new Southern California Innovation Project will study how the law helps — or hinders — innovation in business and law

Innovate or regulate?

By Gillian Silsby

Google's offices in Mountain View, Calif., set a distinct tone: scooters are everywhere, a Speedy Gonzales cartoon plays on a cafeteria wall. As USC Law Professor Gillian Hadfield saw it, "It's like a giant day-care center."

But the company's fun atmosphere may do more than make visitors smile. It's logical to assume that employees who have fun at work stay in their jobs longer. For a company like Google, where employee ideas and creativity are the currency of success, keeping an employee means protecting trade secrets and avoiding the risk of a talented innovator taking his or her ideas to a competitor. So, for Google, a wacky work environment may well equal marketplace, and Wall Street, success.



But would this model work for other businesses? How do the laws that govern employee-employer relationships help or hinder a business from creating such work environments? What other kinds of business and legal strategies and structures can help businesses advance in an economy that increasingly prizes creativity, innovation and ideas?

Such are the questions that a new research center at USC Law will examine. The Southern California Innovation Project, funded by a \$675,000 grant from the Ewing Marion Kauffman Foundation, is a multi-disciplinary, multi-campus research center that will study the role of law in supporting — and sometimes inhibiting — innovation in business.

Under the direction of Hadfield, the Richard L. and Antoinette S. Kirtland Professor of Law and Professor of Economics at USC, and Suzanne Scotchmer, a visiting professor of law, business and economics at USC, the interdisciplinary center will work closely with top business and legal professionals to study the processes by which businesses and legal firms generate and sustain productive creativity.

“This new initiative creates an extraordinary opportunity for USC scholars to work side-by-side with business leaders and entrepreneurs to develop research that can have tremendous impact on the way business is done,” said USC Law Dean Edward J. McCaffery. “I believe this new endeavor will generate very important discussions about the role of the law in supporting and stifling creativity in business.”

The cross-campus research center will draw leading academics from law, business, economics, sociology, engineering and other

sciences, at USC, Caltech, the University of California system and elsewhere. The effort will bring together multiple disciplines to generate concrete data about the relationship between entrepreneurship, innovation and legal structures.

A cornerstone of the Innovation Project is the study of entrepreneurship. While entrepreneurship leverages individual insights to build technologies, markets and organizations, it also heavily relies on the legal environment, which may or may not promote economic welfare, said Hadfield.

“Sophisticated academic analysis and common sense show that legal structures can support or impede innovative entrepreneurial activity,” Hadfield said. “What laws encourage innovation? What laws impede it? Our goal is to investigate these questions through ground-level collaborative research into what really happens in innovative settings.”

A key goal of the project is to work closely with professionals in business and law to develop research agendas, serve on advisory boards, and participate in research projects.

“The idea is that a partnership with business and law practitioners will identify the questions that academics miss, and hopefully, get businesses interested in participating in research projects at their companies,” said Scotchmer, who is a public policy and economics professor at UC Berkeley, and a visiting professor at USC Law during spring 2007.

“Conventional research on innovation and law has focused heavily on intellectual property rights and relatively abstract economic analysis of incentives,” added Hadfield. “While this is a very useful approach, our goal is to extend that analysis in two directions: beyond intellectual property, and beyond ownership rights as the primary incentive to innovate.”

As an example she cited the need to investigate whether the emergence of “patent trolls” — firms that accumulate patent portfolios exclusively for licensing purposes but do not engage in innovation or production themselves — is an obstacle to innovation, particularly for smaller entrepreneurial firms. Other research might explore the role of contracting mechanisms, particularly on the Internet, in structuring the explosion of ways in which collaborative products such as search engines are produced; the securities law issues raised by the development of markets in intangible property; and the role of employment law in creating innovative work environments such as Google’s.

Hadfield also emphasized that the center includes within its purview the study of innovation in law itself, a topic that is closely aligned with her current research efforts.

“We’re interested in understanding why innovation in law, legal products and the structure of legal markets is so slow in a world characterized by such rapid innovation in markets generally; and why costs in law continue to spiral while innovation and globalization bring down costs in so many other areas,” Hadfield said.

The Southern California Innovation Project is actively seeking business and scholarly partners; if you are interested in collaborating with the center, contact Hadfield at ghadfield@law.usc.edu or Scotchmer at sscotchmer@law.usc.edu.

Faculty

*Footnotes (a selection of recent faculty activities)



ARMOUR HONORED BY USC BLACK ALUMNI ASSOCIATION

Jody Armour, Roy P. Crocker Professor of Law, was honored at the annual USC Black Alumni Association gala for his scholarship, teaching and commitment to social justice issues. He presented the keynote address at the “Strategies for the Development of the Man of Color” conference presented by Los Angeles Southwest College, 100 Black Men of Los Angeles, the Coalition of 100 Black Women and a consortium of community organizations and community colleges. He helped mount a major production of USC’s Visions and Voices Program, “Race, Rap and Redemption” (see story on Page 10), featuring rap artist Ice Cube and slam poet Saul Williams, among others.



BICE RECEIVES INAUGURAL RUTTER TEACHING AWARD

Scott Bice, Robert C. Packard Professor of Law, received the inaugural William A. Rutter ’55 Distinguished Teaching Award during USC Law’s annual awards ceremony. Rutter endowed the award with a \$3 million gift to USC Law designed to honor teachers who excel in the classroom. “While Professor Bice might strike fear in the heart of the student whose name is called during a classroom lecture,” said Dean Edward J. McCaffery while presenting the award, “nearly everyone who leaves his classroom is a better lawyer, a better listener, and a better person for having learned from him.” Bice has served on USC’s faculty since 1969; he served as the school’s dean from 1980 to 2000.



GARRETT ELECTED VICE CHAIR OF COMMON CAUSE

Elizabeth Garrett, Sydney M. Irmas Chair in Public Interest Law, Legal Ethics, Political Science and Professor of Policy, Planning and Development, was elected vice chair of the national governing board of Common Cause and chair of its finance committee. Common Cause is a nonprofit, nonpartisan advocacy organization that encourages citizen participation in democracy. She was honored as the 2007

College of Arts and Sciences Distinguished Alumna at the University of Oklahoma, her alma mater. In addition to receiving this distinction, which recognized her contributions to social science, Garrett presented “The Politics of Advice: Substance, Structure and Sunshine,” a lecture focusing on her work on President Bush’s Advisory Panel on Federal Tax Reform and the efficacy of advisory panels. Garrett is USC’s vice president for academic planning and budget.



GROSS DISCUSSES LAW, RACE AND SLAVERY ACROSS THE GLOBE

Ariela Gross, professor of law and history, was a visiting professor at Tel Aviv University Law School in December, teaching a class called “Law, Race and Slavery in Comparative Perspective.” While there, she also presented “Of Portuguese Origin: Litigating the Citizenship and Identity of the ‘Little Races’ in 19th-Century America” at Tel Aviv University, Haifa University and the Interdisciplinary Center-Herzliya; she also lectured at the Tel Aviv University History Department on “Cultural-Legal Histories of Race and Slavery in the United States.” She was awarded a grant, along with USC American Studies Professor Judith Jackson Fossett, from the USC Fund for Innovative Undergraduate Teaching to develop a course on law, race and slavery in comparative perspective.



KEATING ELECTED TO THE AMERICAN LAW INSTITUTE

Gregory Keating, Associate Dean and William T. Dalessi Professor of Law and Philosophy, was elected to the American Law Institute, an elite organization of lawyers and judges dedicated to legal research and reform. USC Law Professors Scott Bice, Edward McCaffery, Elyn Saks, Matthew Spitzer, Christopher Stone, Robert Thompson and Charles Whitebread also are members of ALI. Keating was named associate dean for academic affairs at USC Law in January. Last fall, he presented “Must Liberal Law Be Private?” at the “Tort Law and The Modern State” conference at Columbia Law School.



GRANT TO SUPPORT KLERMAN'S STUDY OF ROOTS OF COMMON LAW

Daniel Klerman, professor of law and history, received a grant from the USC Advancing Scholarship in the Humanities and Social Sciences Initiative to support his forthcoming book, *Jurisdictional Competition and the Evolution of the Common Law*. The book argues that early English law was designed to favor plaintiffs so that judges, who collected fees on a per-case basis, could motivate plaintiffs to return with new cases. Competition among early English courts — and government constraints on that competition — influenced important features of current common law, including procedures and fees, Klerman asserts.



LYON RECEIVES GRANT FOR STUDY OF CHILD WITNESSES

Thomas Lyon, professor of law, received a grant from USC's Undergraduate Research Program to support a study of the transcripts of child witnesses testifying in sexual abuse cases. Lyon published "Filial Dependency and Recantation of Child Sexual Abuse Allegations" (co-authored with L. Malloy and J. Quas) in the February 2007 issue of the *Journal of the American Academy of Child and Adolescent Psychiatry*. His article, "From Post-Mortem to Preventive Medicine: Next Steps for Research on Child Witnesses" (co-authored with Karen Saywitz), was published in the *Journal of Social Issues*. Lyon also presented research and training sessions to attorneys and healthcare professionals throughout the country on subjects ranging from the questioning of child witnesses and the rules of evidence to the latest research on recantation of abuse.



PASTORE TO SERVE AS USC'S FIRST PROFESSOR OF THE PRACTICE OF LAW

Clare Pastore was named associate professor of the practice of law at USC. The position recognizes and supports her continuing work as a civil rights attorney, enabling her to bring her significant real-world experience into the classroom. Pastore, who is senior counsel at the ACLU Foundation of Southern California, also was named to a new task force of the California Commission on Access to Justice that will advise the administration and legislature on issues related to Gov. Schwarzenegger's proposal for a \$5-million pilot program to test the expansion of counsel to civil litigants in three counties.



SLAWSON HONORED FOR LIFETIME ACHIEVEMENT

David Slawson, Torrey H. Webb Professor of Law, Emeritus, received the USC Faculty Lifetime Achievement award at USC's annual academic honors convocation ceremony this spring. Slawson was honored for nearly 40 years of service to USC and extensive contributions to the law and the legal profession. Among the most respected scholars in his field, Slawson was instrumental in the reform of contract law, promoting the need for improvement throughout his scholarly career. His book *Binding Promises: The Late 20th Century Reformation of Contract Law* (Princeton University Press, 1996) is widely considered a modern classic in the field. He served as assistant counsel to the Warren Commission, which investigated the assassination of Pres. John F. Kennedy, and was an attorney with the U.S. Department of Justice before joining USC Law in 1967.

DUDZIAK RECEIVES 2007 GUGGENHEIM



USC Law Professor Mary Dudziak received a John Simon Guggenheim Memorial Foundation Fellowship, as well as a fellowship from the Institute for Advanced Study, to support her book project, *How War Made America: A Twentieth Century History*.

In her book, Dudziak, the Judge Edward J. and Ruy L. Guirado Professor of Law, History and Political Science at USC, will reexamine the history of 20th-century America as a war story. War is often perceived as an interruption to normal life, but for most of the 20th century, conflict was the norm rather than the exception, Dudziak says.

"Post-9/11, we still speak of wartime as a break, or an exception, to regular time, so that policies pursued during 'wartimes' are conceptualized as ephemeral, even though they have long-standing

impacts," Dudziak said. "My project will look instead at the persistent impact of war and national security on American democracy across the century. War and preparations for war persistently shaped the nature of American democracy, the powers of government, the rights of citizens, and the nation's place in the world. Law is often thought of as a source of limits to government war power, but in 20th-century America, law helped entrench war-related state-building."

Dudziak is the only law professor to receive a 2007 Guggenheim Fellowship, awarded to just 189 of 2,800 applicants. The prestigious awards are given to scholars and artists with a demonstrated, exceptional capacity for productive scholarship. At the Institute for Advanced Study, in Princeton, N.J., Dudziak will serve in-residence as part of the Institute's School of Social Science focus for 2007 on "The Rule of Law Under Pressure."

Capron

named to newly endowed chair in law and medicine



Photos, left to right: Capron, left, with Joseph Brandlin, Scott Bice and Terry Bonecutter; USC Provost Max Nikias, left, talks with Brandlin and Bonecutter; Capron, Barbara Bice, Capron's wife, Kathleen West, and Scott Bice

Professor of Law and Medicine Alexander Capron was named the inaugural holder of the Scott H. Bice Chair in Healthcare Law, Policy and Ethics in a February ceremony that honored Capron's global leadership in healthcare policy and medical ethics.

The Bice Chair was established by a \$1.5-million gift from QueensCare, a public charity that works to make health care accessible, compassionate, comprehensive and affordable for low-income and uninsured working families and individuals in Los Angeles County.

"It's easy to see the importance of dealing with the problem of access to care," said Capron, a world-renowned expert in law and medicine, health policy and bioethics who from 2002 to 2006 served as director of the World Health Organization's ethics unit in Geneva. "What makes this such a great issue and a great problem is that access to health care is tied to quality and money, and when one is squeezed, the others bulge."

Capron says his time at the WHO shed light on the similarities between healthcare access problems in the United States and those around the world. Though First- and Third-World countries may approach them differently, the conflicts between personal choice and public welfare and the juxtaposition of technology and humanism in care are global issues, Capron said.

Capron joined the USC Law faculty in 1985. He also teaches at the Keck School of Medicine at USC and is co-director of the USC Pacific Center for Health Policy and Ethics. A widely published scholar, Capron has served on numerous national and international advisory committees, including President Clinton's National Bioethics Advisory Committee. He recently was selected to join USC's Biomedical Nanoscience Initiative Steering Committee. In 1991, he was named a University Professor at

USC, one of the university's highest academic distinctions.

A longtime supporter of USC, QueensCare provides direct patient care as well as charitable grants to other nonprofit healthcare agencies with similar goals. By partnering with the community, other funders, healthcare providers and government agencies, QueensCare develops and supports a range of critical health programs for underserved populations.

QueensCare was co-founded by USC Law graduate Joseph Brandlin '38, who — along with QueensCare President Terry Bonecutter, QueensCare's board of directors, and Senior Vice President Barbara Brandlin — was instrumental in the creation of the Bice Chair.

The chair's namesake, Scott H. Bice '68, served as dean of USC Law from 1980 to 2000 and is a respected leader in the legal academy. He said he is honored to have his name associated with QueensCare, a longtime supporter of top-quality healthcare research.

"QueensCare is truly an outstanding organization and a truly splendid force for good in our community," Bice said. He noted that Capron, the first recipient of the Bice Chair, is a "pioneering, scholarly teacher of the highest national reputation, who is absolutely at the pinnacle of our profession."

USC Provost C. L. Max Nikias said the chair represents the coming together of three of the most important elements in academia: a world-class professor, a distinguished university leader and a great partner organization.

"The inaugural holder of the Bice Chair is suitably one of the most renowned academics in the world today," Nikias said. "As such, the benefit of this chair will be global and enduring."

— Lori Stuenkel

Professor emeritus honors a lifelong connection to USC with a major gift

A legacy honored

You would have to reach back more than six decades to find a time when Robert S. Thompson '42 was not connected to USC. It was where the USC Law alumnus met his wife, educated his children, taught law to generations of future lawyers and spent many of his 89 years.

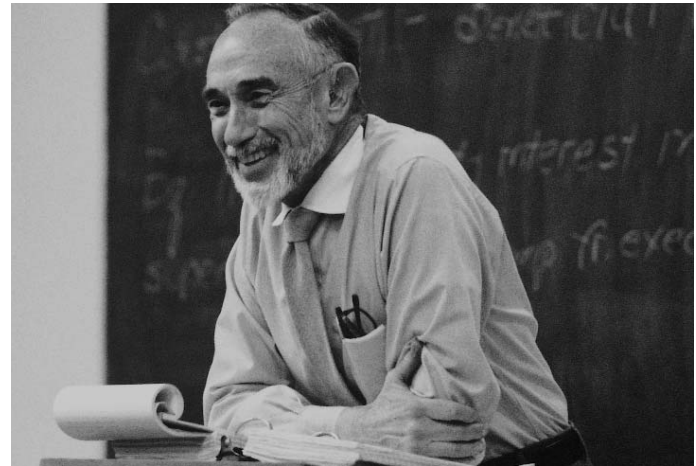
So the law school seemed an obvious beneficiary when he and his late wife Betty, who earned her undergraduate degree in anthropology in 1973 and her Ph.D. in 1980 at USC, began estate planning in 2001. And now, the Thompson family trust names USC Law as the final beneficiary of the Thompsons' estate; the charitable remainder unitrust is valued at \$6.5 million.

"Many of us have such fond memories of teaching with or learning from Bob Thompson," says USC Gould School of Law Dean Edward J. McCaffery. "This gift will ensure that his legacy at USC Law will benefit students and faculty for many more generations to come. We are lucky enough to have had Professor Thompson on our faculty for so many years; we are doubly lucky that he has chosen to honor the law school with this tremendously generous gift."

"There is no other charity more deserving," says Thompson, who retired as a law professor in 1990. "I enjoyed the time I spent there more than any other time in my life, and I know it helped me enormously in my law career. Of course I have a soft spot because my wife and I were courting (while I attended law school) and my children received their degrees there."

Thompson earned a business degree at USC in 1940 before going on to complete his law degree. As an undergraduate, he was a member of Skull and Dagger, Phi Kappa Phi, Beta Gamma Sigma and Blackstonian. At the law school, he was an editor on the *Southern California Law Review* and a member of Delta Theta Phi; he graduated Order of the Coif.

After law school, he enlisted in the U.S. Army and served until 1946. When he returned home, he practiced law in Los Angeles, first with the firm of Thompson, Royston & Moss and later with Nossaman, Thompson, Waters & Moss; among his partners were the late Laughlin Waters '46, a U.S. District Court judge, and the late Conrad Moss '49, a California Court of Appeal justice. Thompson himself spent 24 years on the bench, including 12 years at the California Court of Appeal. He returned to USC in 1979 to teach and was named Legion Lex Professor of Law in 1984. Since retiring, Thompson has served on the law school's Board of



Robert Thompson in the classroom at USC

Councilors and numerous university boards and organizations.

"I almost cannot remember a time when I was not connected to USC," he says. "My years teaching there were among the happiest years of my life."

Today's USC Gould School of Law is quite different from the school he attended in the early 1940s. "The classes were smaller, and it was a lot easier to get into," says Thompson. The primary qualification for entrance in the late 1930s was ability to pay, he recalls; selectivity was achieved by most of the students "flunking out."

When he was asked to plan the program for his 50th class reunion in 1994, Thompson wrote that the size of the student body had doubled from what it was when he attended, and the number of faculty had increased by more than five times. And most of Thompson's classmates were white men, a stark contrast to the diverse classrooms of today's USC Law.

Thompson — whose daughter, Anne E. Thompson, earned her USC law degree in 1983, and son, William B. Thompson, earned a USC degree in computer science — says the growing presence of women and minorities is one reason that USC's law school has become one of the finest in the nation.

"Now it is thriving and national in focus," he says. "That can't help but enrich the school."

Thompson lives in La Jolla, Calif., where he lived with his wife until she passed away two years ago. For much of their married life, the Thompsons were regular benefactors of USC Law — an effort that even their children have proudly supported.

"They told me they are well taken care of and either you can pick the charity or you can leave us to pick the charity," says Thompson. "This is what Betty would have wanted."

— Karen Newell Young

USC Law expands non-litigation clinics, offering new service-learning opportunities



Susie Goliti, director of administration for Inner-City Arts, works with James Accumanno, a student in the Employer Legal Advice Clinic.

Learn and serve

A decade after USC launched its first non-litigation clinic, the USC Gould School of Law will offer a new course this fall aimed at small businesses and nonprofit organizations.

The Small Business Clinic, to be taught by Visiting Clinical Assistant Professor Michael Chasalow, will provide the Los Angeles business community with a wide range of services while teaching students the ABCs of business law, primarily relating to the formation of small businesses.

The business clinic is modeled after the school's first non-litigation clinic, the Employer Legal Advice Clinic, developed in 1997 by Professor Noel Ragsdale. Ragsdale, who has taught labor and employment law at USC since joining the school in 1983, created the clinic in part to extend legal aid to the USC community, which was torn by high unemployment and civil unrest throughout the mid-1990s.

When the clinic launched, non-litigation clinics in which students handle real cases were considered innovative. Now they are considered essential in training future lawyers. Ragsdale says such "live-client," non-litigation clinics broaden the skills of future lawyers and provide important public services to the community.

"The view now is that it is often a more powerful experience for the students than simulated cases," Ragsdale says.

Vice Dean Scott Altman says USC is developing more of these clinics in response to a growing recognition of their value in legal training. Other non-litigation clinics at USC Law include the Intellectual Property and Technology Law Clinic and a new Mediation Clinic.

"Traditionally, law schools have focused on litigation because it was thought that's what most law students planned to do when they graduated — litigate," says Chasalow. "Our non-litigation clinics aim to expand on that. It's a great service for students not

going into litigation, and it's a great service for clients who can't afford legal services."

"The law school feels a responsibility to the community," Ragsdale adds. "We have resources to offer, and it gives students an extremely rich experience from which to develop their lawyering skills."

Students often find the clinics offer more real world experience than traditional law classes. Lily Kang '07 says Ragsdale's clinic has helped her with a wide range of hands-on skills and provided the kinds of challenges she expects to encounter in the workplace. And she appreciates the service component of the clinic.

"I feel as though I'm finally adding value to the world by being able to give back, instead of just passively absorbing all the knowledge I've gained," she says. "This is something you can't get in a typical classroom setting."

Professor Jennifer Urban was recruited from the University of California at Berkeley to launch the Intellectual Property and Technology Law Clinic at USC Law, which she has taught for three years. Students work in teams of two for two semesters on real cases involving copyright law, intellectual property and cutting-edge technology issues, all of which are evolving at hyper-speed.

"What I hope the students take away from this is a deep understanding of the substantive areas of law that are embedded in the projects, as well as professional responsibility, analytical and negotiation skills, and a belief in serving the client," Urban says.

Altman says non-litigation clinics also help students experience various types of law before leaving school.

"Most students come to law schools unclear about the specific area they want to pursue," he says. "So it's important for students to be exposed to a wide range of legal training and skills. The best way for students to gain skills is in the clinical setting."

— Karen Newell Young



Seminar explores the murky waters of international environmental law

The laws of nature

Drawing parallels between 19th-century abolitionists and today's environmental activists, USC Law student Steven Malm '08 suddenly breaks into an English accent to portray parliamentarian William Wilburforce from the 2007 movie "Amazing Grace."

Malm is using the film, about the passionate British crusader whose efforts led to the abolition of the slave trade in the 19th century, in a comparison of the anti-slave movement and current efforts to cut carbon emissions.

The class is USC Law's International Environmental Law Seminar, taught by Christopher Stone, holder of the J. Thomas McCarthy Trustee Chair in Law and author of several books and essays on law and the environment.

Malm's presentation illustrates the range of media (from PowerPoint to movies) and methods encouraged by Stone to get his students to discover how international law and the environment intersect, leading them through a journey of head-scratching imponderables: How can disparate countries join to protect the environment in an equitable fashion? How can governments protect the seas without damaging the fishing industry? How should the law and public institutions address climate change, ozone protection, natural resources?

At a time of global accords to limit greenhouse gases, an ongoing debate over the Kyoto Treaty and the success of Al Gore's documentary film, "An Inconvenient Truth," Stone's seminar explores the very issues that have pushed international environmental law to center stage. The course examines legal rights to global resources, the growing efforts of international treaties and trade sanctions to control use of natural resources, and the fairness and morality of such agreements.

An expert in environmental law, Stone has long been interested in the legal rights of resources. He is author of the landmark article "Should Trees Have Standing? – Towards Legal Rights for Natural Objects," in which he argues that natural resources have legal rights, and *Should Trees Have Legal Standing? And Other Essays on Law, Morals and the Environment* (1996 Oxford University Press), the 25th-anniversary book based on the article (see sidebar story). In 1993 he wrote *The Gnat is Older than Man: Global Environment and Human Agenda* (Princeton University Press), about mankind's abuse of global resources.

He also has been a principal investigator for the U.S. Department of Energy on legal, institutional and financial aspects of natural resources, and counseled the U.S. Sentencing Commission on corporate crime.

It is this breadth of expertise that students have come to appreciate in Stone's classroom.

"He has such a vast knowledge base that he brings a multitude of perspectives to the class," Malm says. "He does a great job of presenting us with all sides to the environmental story and he takes care to illustrate that some solutions to problems may have some unexpected, adverse consequences."

In the years that Stone has been teaching the International Environmental Law Seminar, the students have become a bit more passionate about their concern for the environment.

"I think the main difference in the students now is the increasing awareness that the planet's resources are in jeopardy," he says. "There may be more of an urgency to think about solutions to the problems — what can I do to protect the world once I leave law school?"

— Karen Newell Young

CELEBRATING TREES

In the 35 years since USC Law Professor Christopher Stone wrote the seminal article, "Should Trees Have Standing? – Towards Legal Rights for Natural Objects," he often has been asked how he came up with the idea of endowing natural "resources" with legal personality.

Stone says the idea evolved from an introductory class he was teaching on property law. He had been leading a discussion on what "things" are ownable, but minds were drifting. In an effort to lasso student attention, Stone asked, "What would a radically different law-driven consciousness look like? One in which Nature had rights." The very idea, Stone later recalled, was greeted with stormy skepticism.

It was Stone's effort to make sense of his spontaneous hypothetical question that led to the original 1972 article in the *Southern California Law Review*. "It launched as a vague if heartfelt conclusion tossed off in the heat of lecture," he wrote in his introduction to *Should Trees Have Standing? And Other Essays on Law, Morals & the Environment* (1996 Oxford University Press). But U.S. Supreme Court Justice William O. Douglas almost immediately supported the idea, landing it in the public, as well as legal, domain.

Many scholars say "Should Trees Have Standing" was the first and most cogent case for protecting natural resources.

"It is impossible to overemphasize the significance of this graceful and elegant essay," writes Professor Eric Katz of the New Jersey Institute of Technology. Says Philippe Sands of University College of London: "Stone is a guiding intellectual beacon for those interested in legal and policy aspects of environmental protection."

Many USC Law alumni offer their time and resources in support of the law school. Some have returned to the classroom to impart wisdom and experience to students. This collection of profiles highlights four outstanding USC Law adjunct professors — who also happen to be USC Law alumni.

A win-win situation

Adjunct professor shares mediation skills, USC Law students benefit

Mike Young '85 always planned to dedicate some part of his career to teaching. His father was a faculty member at UCLA, and Young saw him as the epitome of a college professor.

“He always focused on the teaching part of his profession, and I looked up to that,” says Young, a partner and head of the Intellectual Property Practice Group at Weston Benshoof Rochefort Rubalcava MacCuish in Los Angeles. “I’ve always tried to tailor my class so that the students would not only enjoy learning but want to learn.”

Ten years ago, Young approached USC Law with the outline for a course in negotiation and mediation, at the time a burgeoning area of law practice and study. Young designed his course to focus on skills development. His students engage in 10 different negotiation and mediation exercises during the semester, which the class then discusses as a group.

“I wanted to take the fear out of negotiations, to allow students to understand how and why the process works, and then to negotiate themselves — and do it frequently,” Young said. “There is a lot of negotiation in life, and if you apply these skills properly, you can often resolve conflicts in ways that aren’t destructive to a relationship. It makes solving problems a lot more fun.”

Nancy Grant '07 says she took Young’s course as a 2L partly because it went beyond lecture and theory and focused on practical skills.

“The skills that Professor Young teaches for successful mediation or negotiation — active listening, empathy, and coming up with creative solutions to satisfy both parties’ goals — can be used in everyday life,” Grant says.

The mock negotiations and mediations that distinguish Young’s classes from the norm were a step outside Grant’s comfort zone — in a positive way.

“I was nervous knowing that I would be practicing mediations in front of the class and one-on-one with my peers, but I figured that the classroom would be a safe environment in which to hone these skills,” says Grant, who after graduation will join Allen Matkins’ Los



Angeles office. “Professor Young is a passionate and enthusiastic guy. He smiles a lot, and you can tell he clearly enjoys what he does.”

Young began mediating in 1989, inspired in part by a USC Law Roth Lecture presented by U.S. Court of Appeals Judge Ralph K. Winter, Jr., that Young attended as a student. Litigation as a method for resolving disputes moved slowly, was expensive and often bogged down in unnecessary procedural skirmishes, Winter noted at the time. He challenged law students to become part of the solution.

When Young started mediating he realized it provided resolution that avoided many of the litigation and trial pitfalls Judge Winter raised.

“It’s efficient, it’s faster and you can get better results,” says Young, who also founded and chairs his firm’s Neutral Services Department. “You can settle cases where both sides actually win. So I started seeing the power of mediation as my way of helping the system operate.

“That’s not to say I don’t love a good trial,” he says. “I’m not afraid of conflict, but I look to resolve it in the most constructive and advantageous way. Sometimes that’s trial; but more often it is through negotiation.”

— Lori Stuenkel



Varied talents, hectic schedule

Kristen Pelletier does it all — and shares her experiences with students

Depending on the day, Kristen Pelletier may wear any number of hats.

Once a week, she is a USC Law adjunct professor. Two evenings a month, she is a city attorney. And on occasion, she is a police trainer.

But common throughout is that Pelletier is a lawyer, specializing in land use and constitutional law issues with Bannan, Green, Frank & Terzian in Los Angeles.

Pelletier, a '91 USC Law graduate, began co-teaching Land-Use Controls at USC Law with Margaret Sohagi two years ago. Despite her busy schedule, Pelletier was excited to return to the law school as an adjunct professor.

"I probably would have said no if I had been asked to teach by any other law school," she says. "I'm pretty busy, but I enjoy the class and the students. They are bright, interested and involved."

Pelletier, who is a partner at her firm, defends cities in civil rights and alleged police excessive force suits, and land use issues, such as eminent domain, building code disputes and environmental law. She also counsels city officials on First Amendment and conflict-of-interest issues.

"I enjoy the variety of work and the different cities," she says. "I also like working with firefighters and police officers. I do a fair amount of education and training with them on things like use-of-force and harassment issues."

A year ago, Pelletier took over as city attorney for Rolling Hills Estates. Her law partner, Dick Terzian, was the city attorney there for more than three decades.

"The council is great and the work is interesting," she says. "The city is planning a renaissance in the downtown area. It's cutting edge, and quite a few land use issues come up."

Pelletier also is vice president of the City Attorneys Association of Los Angeles County.

After graduating from USC Law, Pelletier initially worked in intellectual property and business law at a now-defunct downtown Los Angeles firm.

She left in 1995 to work at an 800-person New York-based firm's Los Angeles office. After five years, she realized she preferred smaller firms. "We have 12 people at our firm now. Most of us have been together since I started practicing law. It's a tight group and we get along well."

Pelletier says her USC Law education prepared her to handle a variety of different challenges — in both large and small firms.

"I received a great education," she says. "It taught me how to think like an advocate and what questions to ask. It was less practical and more theoretical but you can apply that knowledge to a variety of areas."

The course Pelletier co-teaches, Land Use Controls, covers the federal, state and local laws and regulations that govern the use and development of land.

The class covers the gamut — everything from how a public agency's general plan and zoning codes affect development, to environmental and endangered species protections. Students also learn about eminent domain, due process and takings law, slow growth, affordable housing regulations and anti-discrimination laws.

"We try to teach the class so that it is useful for both students who are planning on working at real estate or development firms and students who want to work for government agencies," Pelletier says. "The class is a combination of property and constitutional law and we explore and balance private property rights against the government's right to regulate for the good of all."

Pelletier is impressed by the quality of the students. "I teach an elective course and you'd be amazed the kind of questions we get," Pelletier says. "They're very thoughtful. The students stay after class, they call me — it's nice."

— Gilien Silsby

Giving back



Adjunct professor relishes supporting students as he was supported

Looking at Jim Curtis's resume, it would be hard to guess that he was the first in his family to attend college, let alone law school.

But for this talented 1982 USC Law graduate, completing law school was just the first of many successes. Today, Curtis is celebrating another achievement in higher education: his 15th year of service to USC Law as an adjunct professor, teaching Commercial Paper, a banking law course. The course covers the law of negotiable instruments, such as checks and promissory notes, and discusses laws that govern the business relationship between banks and customers.

"I am a real-life example of someone from a modest background who, with the help and outreach of the Trojan Family, has been able to improve my life in ways I could only dream about," says Curtis, vice president and senior counsel at Bank of the West.

USC Law is a special place for Curtis because it made such a difference in his life and in the life of his family, he says. That's why he wants to "give something back" to the students here.

"The law school believed in my potential and gave me a chance to learn from the best in the law teaching profession," says Curtis.

Curtis earned his B.A. with high honors in political science from Eastern Illinois University. The son of a truck driver and homemaker, he was motivated to further his education and chose law school because he enjoyed debate and public speaking. He also was determined to be a source of pride for his supportive, hard-working family.

"USC Law gave me an opportunity to grow as a student and as a person," Curtis says. "I felt a strong sense of encouragement and support from the USC Law faculty and professional staff during my time as a student."

Curtis now extends that same encouragement and support to his students. He feels it is important to interact with and help USC Law students reach their potential by sharing skills he learned as a student and attorney. He has served as an advisor to students writing notes for the law school's various scholarly publications, counseled students and offered tips on essay-writing skills.

"Helping students achieve their potential has been rewarding and satisfying to me," Curtis says. "I look forward to many more years of service to an institution I love and admire."

Christopher LeVeque '07 says Curtis listens attentively and answers questions respectfully in class.

"As my note advisor, he was awesome — he helped me find a topic and even mailed me research articles," said LeVeque. "Professor Curtis is a great educator and one of the people who has enriched my USC Law experience."

Outside the classroom, Curtis negotiates and drafts contracts, reviews advertising and marketing materials to ensure compliance with applicable laws, resolves customer claims disputes with the bank, and provides legal services on banking operations matters to more than 200 branches of the Bank of the West.

Curtis recently received the California Bankers Association Compliance Professional Award, which honors dedication to excellence, leadership and advancement of the compliance profession and service to the banking industry.

"I was thrilled to receive the award since the California banking industry is the largest and most competitive in the nation," says Curtis. "To receive special recognition from such a respected organization means a lot to me and shows that USC Law graduates can compete with anyone and succeed as they always have done."

— Jennalyn Magtoto

A quiet SUCCESS

As campus counsel for UC Irvine, Adjunct Professor Kyhm Penfil hopes her work flies beneath the radar



Kyhm Penfil with UC Irvine's mascot, the illustrious anteater

Despite the feeling of empowerment and the thrill of battle, Kyhm Penfil '95 hung up her litigation hat after nearly a decade at Irell & Manella LLP, located in Los Angeles and Newport Beach.

Now in-house counsel for UC Irvine and an adjunct professor at USC Law, Penfil finds that her new career draws on the spectrum of skills she learned in law school.

Her new position is more of a statesmanship role, she says. "It taps into much broader lawyering skills than litigating. I'm not just an advocate for my client; I am a political counselor and business partner. And I really like playing on that broader stage."

Penfil made partner at Irell & Manella in 2002, after starting at the firm as a summer associate while still at USC. After nearly a decade and countless billable hours, she thought she might be standing before a judge and jury for the rest of her career.

"It slowly dawned on me that I had become as practiced in the game of war as I wanted to be," says Penfil, who lives in Newport Beach, Calif. "I started thinking of other opportunities for legal work."

When she decided she wanted to work in-house, she began considering a variety of opportunities. Her conclusion: The public university's mission of teaching, research and public service reflected her personality and career interests better than any other field.

Shifting to a public institution from a private practice involves fundamental changes, in particular the focus from many clients to one — in this case, the university. Another contrast involves publicity: law firms like to promote success stories, whereas sometimes "no news is good news" at publicly funded institutions.

"If I'm doing my job right, much of what I do won't become public," she says.

Penfil says she spends considerable time on First Amendment issues that nobody wants to see played out in the press.

Student groups may book a controversial speaker, upsetting parents and other community members. The legal analysis is pretty straightforward — "we can't discriminate on the basis of free speech," she says. So her job is to provide legal counsel, make sure that all voices are heard and that the issue doesn't become front-page news.

USC Law is the kind of school that prepares its graduates for the broad range of opportunities that alumni find in the real world — especially creative thinking and problem solving, Penfil says.

"One of the things that differentiates a fine law school is really teaching the students the way to approach a legal issue," she adds. "That means teaching them the analytical structure and how to think creatively on finding solutions."

In addition to sharpening her analytical skills and critical thinking, USC has provided other benefits to Penfil and her fellow graduates: it opens doors, creating a sense of camaraderie within the legal and business community. Many of her professional colleagues also graduated from USC Law, including the founders of Irell & Manella, Larry Irell LL.B. '35 and Art Manella LL.B. '41. Penfil taught her first course as an adjunct professor at USC last fall, leading a three-hour class on trademark law, an upper-division elective of about eight students. She also teaches copyright law at Chapman University.

Here again, she draws on her law school experience. "The course is all about deliberating, analyzing and debating, which I couldn't do without my USC background," she says. "There are so many ways that the USC experience touches on what I do and have chosen to do. Advising clients requires not just sharp legal skills, but credibility and judgment. That's all part and parcel of what I learned at USC."

— Karen Newell Young

Call me a nigga

By Jody Armour

Roy P. Crocker Professor of Law

I vividly remember the day I fully embraced my nigga self. I was invited to talk about unconscious racism to the prison guards and administrators at Terminal Island in San Pedro, Calif. I toured the cell blocks and grounds. Without exaggeration, nearly all I saw was black and brown faces.

Of course, as a law professor I knew the statistics about the staggeringly disproportionate rate of minority incarceration, but nothing viscerally registers the reality of those abstract numbers like looking through the cages into the eyes of the young men behind the statistics. I saw in their faces the eyes of the kids I'd grown up with (most of whom did or are doing time) — Junebug, Popeye, P-Comet, Roach, Dede, Money. Each new face was a looking glass, for without serious government intervention in my life (*Upward Bound*, *A Better Chance*), there surely go I.

I also saw in those cold, raw cages the face of my father, who was a prison inmate for most of my youth.

Just before my tour of Terminal Island I saw a tape of a popular Chris Rock routine in which he distinguished between “black folk” and “niggas,” reserving the term “niggas” for blacks who commit crimes. I even started seeing bumper stickers proudly proclaiming, “I love black people but I hate niggas.”

I had also just read a popular book by Harvard Law Professor Randall Kennedy, in which he called for a “politics of respectability,” wherein we in the black community should sharply distinguish between “good Negroes” (law-abiding blacks) and “bad Negroes” (blacks convicted of crimes, those Rock referred to as “niggas”). By this logic, because 56 percent of young black males in Baltimore and 33 percent of those in the state of California are in prison, on probation, or on parole, that percentage of young brothers in those jurisdictions is by hypothesis “niggas.”

There is class bigotry in the politics of respectability, also. (Consider the vitriol that black Brahmin icon Bill Cosby levels at low-income blacks.) Because the crime rates among middle-class blacks and middle-class whites are indistinguishable, most of the black folk committing street crimes are poor. Thus, the “good Negroes” are disproportionately above the poverty line while the



“niggas” are disproportionately below.

You might think people are poor because they are “bad,” but perhaps they are “bad” because they are poor. Their wrongdoing may not be something that can be entirely attributed to their “bad choices” or “bad character” — abject poverty, unemployment, crumbling schools and other external pressures they cannot control share responsibility.

“So that’s how they look at my dad and the brothers I grew up with,” I thought, “bad Negroes and niggas.” Then it struck me: “Because they say the apple never falls far from the tree, and birds of a feather flock together — and above all because there but for the grace of God go I — I guess that makes me a nigga, too.”

When I say “call me a nigga” I am saying in the strongest possible language that I reject Kennedy’s and Rock’s and Cosby’s invitations to play a politics of respectability and distinction by regarding impoverished brothers and sisters locked down in cells and prison yards as so much toxic human waste.

Not that I don’t feel sympathy for the victims of crime. But as Glenn Loury, Director of the Institute on Race and Social Division at Boston University, has observed, “the young black men wreaking havoc in the ghetto are still ‘our youngsters’ in the eyes of many of the decent poor and working-class black people who are often their victims. ... For many of these people the hard edge of judgment and retribution is tempered by sympathy for and empathy with the perpetrators.”

I find the politics of distinction both odious and futile: Odious because it invites and encourages the rest of us to disown and condemn astonishingly high percentages of our own community; futile because the practice of racial profiling (part of what I’ve referred to as “The Black Tax,” a tithe that binds us all together) means that for police and other social actors “respectable Negroes” and “niggas” are cats of the very same hue.

“Call me a nigga” both proclaims my solidarity and internally willed identification with the poverty-stricken pariahs in the black community and acknowledges the externally imposed risks we all share — irrespective of our zip code, pedigree or tax bracket.



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CALENDAR

Saturday, June 9

Reunion 2007
Law School, Town and Gown,
and University Club

Tuesday, Sept. 18

San Diego Regional Reception
University Club of San Diego

Thursday, Sept. 27

Western Center for Law and Poverty's
40th Anniversary Garden Party
USC Argue Plaza & Pardee Lawn

Monday, Oct. 1

26th Annual Sydney Irmas Golf Tournament
Wilshire Country Club

Wednesday, Oct. 3

Clerkship Cocktail Reception
Carl M. and Carolyn C. Franklin Faculty Lounge

Friday, Oct. 12

Probate and Trust Conference
Millennium Biltmore Hotel

Tuesday, Oct. 16

Orange County Regional Reception
Pacific Club

Thursday, Oct. 18

Justice Lester W. Roth Lecture
Featuring the Honorable
Michael W. McConnell
Town & Gown

Saturday, Oct. 27

Institute on Entertainment
Law and Business
USC University Park Campus

Wednesday, Nov. 7

San Francisco Regional Reception

Monday, Dec. 3

Bar Admission Ceremony
Bovard Auditorium

Wednesday through Thursday, Dec. 5 – 6

Institute for Corporate Counsel
Wilshire Grand Hotel

