



UC DAVIS
SCHOOL OF LAW

FACULTY NEWS

**University of California, Davis School of Law
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Editorial Assistant: Brigid Jimenez**

May 2009

AFRA AFSHARIPOUR was a panelist on the "Corporate Governance and Securities Law Responses to the Financial Crisis" roundtable event at the University of Maryland School of Law in April. She also presented her work-in-progress, "Paying to Break Up: The Rise of Reverse Termination Fee Provisions," at our own faculty workshop in April. She will be serving as the newsletter editor for the AALS Comparative Law section.

DIANE AMANN served as discussant on a paper respecting "The Responsibility to Protect," prepared by former U.S. Ambassador David Scheffer, at an experts meeting of the Crimes Against Humanity Initiative in April at Washington University School of Law, in St. Louis, Missouri and presented "John Paul Stevens and Equally Impartial Government," for the Equality panel at the **UC Davis Law**



Review symposium for which she was faculty advisor. Diane was elected to a 2-year term as Vice President of the American Society of International Law, at Society's annual meeting in March in Washington, D.C. She was interviewed about the Somali pirate case now before a federal court in New York, on "The Osgood File," national broadcast on **CBS News** radio in April and was quoted in Daphne Eviatar, "Can U.S. Courts Free Innocent Gitmo Prisoners?," **Washington Independent**, April 7, 2009 and in Irv Leavitt, "Museum also reminds visitors genocides didn't end with Holocaust," **Skokie Review**, April 6, 2009 and in Tony

Mauro, "Coming of Age: Slowing Down? Hardly. Justice John Paul Stevens Is Playing a Lead Role This Term," **Legal Times**, March 9, 2009.

ASSOCIATE DEAN FOR ACADEMIC AFFAIRS VIKRAM AMAR

published a **First Amendment/Free Speech Anthology** volume for the **Bill of Rights series by Prometheus Press**, and also a law review article on "The Constitution and the Roberts Court in Business Cases," for a symposium issue of the **Santa Clara Law Review**. He also published numerous on-line essays for **Findlaw.com**, and he co-authored an op-ed with **PROFESSOR ALAN BROWNSTEIN** that came out in the **San Francisco Chronicle**. He delivered the **endowed Annual Lecture on State Constitutional Law** at Rutgers Law School, Camden, and served on two panels at the annual conference of the United States District Court for the Northern District of California in Napa. He testified before a joint subcommittee of the United States Senate and the United States House of Representatives in Washington, DC, on various constitutional amendment and statutory proposals concerning the means of filling vacancies in the United States Senate. He was the luncheon speaker for the annual "Operation Protect and Defend" Luncheon in Sacramento. He conducted numerous media interviews, and

appeared on **National Public Radio** (NPR), various local NPR affiliate programs such as KQED's "**Forum**," and KPPC's "**AirTalk**," as well as in various newspapers, including the **Wall Street Journal**, the **Los Angeles Times**, the **San Jose Mercury News**, the **Baltimore Sun**, the **San Francisco Chronicle** and others. He is currently serving (along with **DEAN KEVIN JOHNSON**) on U.S. Senator Barbara Boxer's Advisory Committee for the Eastern District of California.

KEITH AOKI published (1) "Latinos and the Law: Cases and Materials: The Need for Focus in Critical Analysis," in the **Harvard Latino Law Review** (with Dean **KEVIN JOHNSON**); (2) "Seeds of Dispute: Intellectual Property Rights and Agricultural Biodiversity," in the **Golden Gate University Environmental Law Journal**; (3) "Free Seeds, Not Free Beer": Participatory Plant Breeding, Open Source Seeds and Acknowledging User-Innovation in Agriculture," in the **Fordham Law Review**; (4) "Half-Full, Half-Empty? Asian American Electoral 'Presence' in 2008," in the **Denver University Law Review**; and (5) "(In)visible Cities: Three Local Government Models, Immigration, Non-Citizen Voting and Language Regulations," in the **Oregon Review of International Law**. Keith also gave presentations at Indiana School of Law-Bloomington, Southwestern Law School, University of Tulsa Law

School and Fordham Law School.

ANDREA BJORKLUND's article, "Economic Security Defenses in International Investment Law," was published in the inaugural volume of the **Yearbook of International Investment Law and Policy**. In March, she addressed "Recent Developments in NAFTA" on a panel at International Law Weekend–West in Salem, Oregon and later participated on a panel "The New Face of Arbitration" at the UC Davis Journal of International Law and Policy Symposium, an event that she co-chaired. The following week she participated in the International Law Colloquium at the University of Georgia, where she gave a paper on "State Immunity in International Investment Law." At the end of March, she attended the American Society of International Law's annual meeting, where she was elected to the Society's Executive Council. In April Professor Bjorklund gave a talk on "Regulatory Expropriation in International Law" at the spring meeting of the ABA's Section on International Law and Practice. She attended a festschrift for Professor Michael Reisman at Yale Law School on April 24. On May 13, she gave a talk at Columbia University at a symposium entitled "Preventing and Managing Conflict in Energy and Other Natural Resource Investment Relations."

ALAN BROWNSTEIN published an Op-Ed article in the May 11 **Los**

Angeles Times arguing that states that recognize same-sex marriage should try to protect both the autonomy of religious individuals and institutions and the rights of gay and lesbian couples and co-authored with **ASSOCIATE DEAN VIKRAM AMAR** an op-ed on gay marriage and religious liberty that appeared in the **San Francisco Chronicle**.

HOLLY COOPER recently argued before the Ninth Circuit Court of Appeals on whether to afford Chevron deference to an agency decision in *Robles v. Holder*. She taught a nationwide webinar for the Immigrant Legal Resource Center on Challenging Immigration Detention and is set to speak on the issue in June for the American Immigration Lawyers' Association national conference. Holly's article for the AILA conference will be published in June. Holly and her students won an immigration hearing for a detained mentally ill refugee from East Africa who was also a former UC Davis student. Her students filed three briefs to the Ninth Circuit Court of Appeals this semester on criminal immigration issues and international law issues.

JOEL DOBRIS published an article on investing private foundation endowments in the **American College of Trusts and Estates Counsel Journal** and attended a meeting of the American Law Institute Advisers on the Principles of the Law of Nonprofit Organizations.

HOLLY DOREMUS published "Of Babies and Bathwater: Why the Clean Air Act's Cooperative Federalism Framework Is Useful for Addressing Global Warming," in the **Arizona Law Review** (with W. Michael Hanemann); "A Challenge for the Obama Team: Put Science and Federal Scientists to Better Use," in the **Ecology Law Currents**; and a commentary for **Slate.com** on the Supreme Court's ruling on Navy sonar use. She is a contributor to the new Environment & Law blog, a collaborative venture of UC Berkeley and UCLA. She was a keynote speaker at a Stanford takings law conference and at the Shasta-Lassen Winter Ag Meeting. She also gave presentations at Chicago-Kent College of Law, UC Berkeley's Energy and Resources Group, the Center for Progressive Reform winter meeting, and the California Native Plant Society Conservation Conference.

FLOYD FEENEY was quoted on the need to revise the California Constitution in a special section of the **San Francisco Chronicle**, and was interviewed concerning the May ballot propositions by **Capitol Public Radio**. He appeared on **KCRA News** (Sacramento) discussing the arrest of a suspect in a highly publicized child sex abuse and murder case. He also commented on this case for the **Sacramento Bee**. The **Stockton Record** quoted him in its discussion of a case in which a woman had assisted her brother who was

disabled and in great pain to commit suicide.

BOB HILLMAN completed the sixth edition of **Securities Regulation: Cases and Materials** (co-authored with Jim Cox and Don Langevoort). He gave a talk on lawyer mobility issues at the annual South Carolina Bar Association convention. Bob provided support to the Liberian government on mining issues, and was quoted in the **Wall Street Journal** on SEC attempts to regulate indexed annuities; **Reuters** on the stress tests for banks; the **New York Law Journal** on vicarious liability on law partners, and the **ABA Journal** and **Bloomberg News** on the SEC's investigation of Allen Stanford.

BILL HING was invited to present at the University of Chicago's Workshop on the Reproduction of Race and Racial Ideologies, the topic was Institutional Racism and ICE Raids. He was keynote speaker at the Korean American Bar Association Annual Awards Dinner, Los Angeles. Bill presented a series of lectures on Asian Americans and Civil Rights at the East China University of Political Science and Law, in Shanghai, China. Bill was did a panel presentation at University of San Francisco School of Law, Law Review Symposium on Immigration Law. Topic: The Effect of ICE Raids on Immigrant Families.

LISA IKEMOTO gave a faculty workshop and a law school presentation on the use of human

eggs in the fertility industry and in stem cell research at the Georgia State College of Law. She ran a works-in-progress session at the Conference of Asian Pacific American Law Faculty, which was hosted by King Hall, and participated in the 20th anniversary conference of Critical Race Theory at the University of Iowa College of Law. Lisa presented a paper on reproductive tourism at a symposium hosted by the **University of Minnesota Journal of Law and Inequality**. She co-taught (with Professor Ben Rich) a bioethics course for the U.C. Davis Stem Cell Research Training Program. Lisa also taught the bioethics component of the U.C. Davis Howard Hughes Medical Institute training program in translational research. Lisa recently was interviewed by the **Fort Worth Star Telegram** about regulation of the fertility industry and by **KDVS** about ethical and legal issues arising from the HINI flu outbreak.

In March, **ED IMWINKELRIED** appeared on the program, **Great Minds**, a television broadcast to the California judiciary. During the program, Ed was interviewed about expert testimony and uncharged misconduct evidence. Ed taught a Scientific Evidence course at the Chinese University of Political Science and Law (CUPL) in Beijing. At the conclusion of the course, Ed was appointed to CUPL's board of foreign advisors. While in Beijing, he also spoke at the law school of Renmin

University. Ed appeared on a television broadcast on Channel 13 about the use of forensic evidence in the pending Cantu investigation. He lectured on scientific evidence at a criminal defense seminar sponsored by the Solano County Public Defender's Office in Fairfield. Ed's recent publications include: (1) "Rethinking the Limits of the Interpretive Maxim of Constitutional Avoidance: The Case Study of the Corroboration Requirement for Inculpatory Declarations Against Penal Interest (Federal Rule of Evidence 804(b)(3))," in the **Gonzaga Law Review**; (2) "The Need to Resurrect the Present Sense Impression Hearsay Exception: A Relapse in Hearsay Policy," in **Howard Law Journal**; (3) "'This is Like Deja Vu All Over Again': The Third, Constitutional Attack on the Admissibility of Police Laboratory Reports in Criminal Cases," in **New Mexico Law Review**; (4) "The Use of Forensic Entomology in Determining the Time of Death" in the **Criminal Law Bulletin**; (5) "Redress for Loss of Private e-data" in **Trial**; and (6) "Poetic a National Law Journal column discussing the February 2009 report of the National Research Council on forensic science.

ELIZABETH JOH presented papers at Stanford's Center for Internet and Society, and the Stanford Faculty Workshop. She provided guest commentary on the ethics of DNA databasing for the Economist.com. Elizabeth's article,

"Breaking the Law to Enforce It," will be published in the **Stanford Law Review**.

In March, **MARGARET JOHNS** and UC Davis School of Law were recognized for providing pro bono representation for appellants before the United States Court of Appeals for the Ninth Circuit.

In May, **DEAN KEVIN JOHNSON** published a book review in the **Law & Politics Book Review** and recently presented his research at conferences at Yale Law School (as well as presenting his latest book at a lunchtime presentation), the University of Iowa College of Law, and San Jose State University. In March, he presented a paper on "The Intersection of Race and Class in U.S. Immigration Law and Enforcement" at the Center for the Study of Race, Ethnicity and Politics at UCLA. In recent months he has presented research as part of the Western Center for Agricultural Health & Safety seminar series at UC Davis, a USF Law Review Symposium, and a conference on diversity at Sacramento City College. Kevin has been quoted recently in the **U.S. News & World Report, USA Today, Los Angeles Daily Journal, National Jurist, Sacramento Bee, and National Review**. U.S. Senator Barbara Boxer named Kevin and Associate Dean **VIKRAM AMAR** to the judicial advisory committee that will make recommendations to the

senator regarding positions of U.S. District Court Judge and U.S. Marshal for the Eastern District of California. Kevin has continued to visit with King Hall alums and prospective students, including recent events in San Francisco, Los Angeles, Sacramento, and Orange County.

TOM JOO presented a paper on corporate governance and global warming at a symposium at Wake Forest University in March. He commented on papers at the Conference of Asian Pacific American Law Faculty (CAPALF) here at King Hall in March and at the Critical Race Theory conference at University of Iowa in April.

RAHA JORJANI was chosen as Non-Profit Scholarship Recipient for AILA NorCal for AILA's Lobby Day in Washington, D.C. and spent a day Lobbying Congress on detention issues. She was chosen as the Public Service Graduation 2009 faculty speaker. Raha did training at the Yuba County Public Defender-Training in Immigration Consequences of Criminal Convictions and also the Solano County Public Defender-Training in Immigration Consequences of Criminal Convictions.

COURTNEY JOSLIN authored a short article entitled "Further Thoughts on Proposition 8 and Retroactivity: A Response to Choper," which has been published in

the **Berkeley Journal of Politics and Policy**. The second edition of **Lesbian, Gay, Bisexual, and Transgender Family Law** was released mid-April. She is a co-author of the book. Courtney joined an amicus brief, filed by Family Law Professors from around the country, in *Maniaci v. Kulstad*, which is currently pending before the Montana Supreme Court. She was instrumental in getting the ABA to approve a policy recommendation supporting legislation that would permit a person to sponsor his or her same-sex partner for permanent residence in the U.S.). Courtney was interviewed by **KCRA, Capital Radio's Insight** program, **KOVR 13** (CBS), and **Vanguard Radio** (5/13/09). She participated in a panel at King Hall on the Proposition 8 oral arguments and gave a talk on marriage and Proposition 8 to the UC Davis Alumni Board.

In February, **CARLTON LARSON** spoke at UC Hastings College of Law at the **Hastings Law Journal's** symposium, "The Second Amendment After Heller." His paper, "Four Exceptions in Search of a Theory: *District of Columbia v. Heller* and Judicial Ipse Dixit," will be published in the June issue of the **Hastings Law Journal**.

PETER LEE presented a paper entitled "Toward a Distributive Commons in Patent Law" at the Intellectual Property Scholars Roundtable at Drake University Law

School and the Conference of the Asian Pacific American Law Faculty at UC Davis School of Law. This paper will appear in the Wisconsin Law Review later this year. Peter published "Contracting to Preserve Open Science: Consideration-Based Regulation in Patent Law" in the **Emory Law Journal** as well as "Interface: The Push and Pull of Patents" in the **Fordham Law Review**. Peter also coached a student team participating in the Giles S. Rich Intellectual Property Moot Court Competition.

ALBERT LIN participated in the Searle Center Research Roundtable on Environmental, Health, and Safety Risks of Emerging Technologies at Northwestern University School of Law and was quoted in the **Daily Journal** regarding *Burlington Northern*, a recent Supreme Court decision regarding CERCLA liability for chemical manufacturers.

SHANNON McCORMACK moderated panel at ABA Tax Section's May 2009 meeting in Washington D.C. The panel was entitled: "Gimme Shelter": A Primer on Complex Tax-Motivated Transactions." Her article, "Tax Shelters and Statutory Interpretation: A Much Needed Purposive Approach" will be published this month in **Illinois Law Review**.

JOHN OAKLEY published the 12th edition of his Foundation Press

casebook, "Federal Courts" and "American Civil Procedure: A Guide to Civil Adjudication in US Courts," co-authored with Associate Dean **VIKRAM AMAR**. He spoke at a conference on teaching civility to law students sponsored by the University of Pacific, McGeorge School of Law, and presented a paper to the Bay Area Civil Procedure Forum at UC Berkeley, UC Davis, Hastings, and Stanford. He was elected to represent UC Davis in the Assembly of the system-wide Academic Senate of UC, and was appointed by the Academic Senate to represent it on the Advisory Board of the University of California Retirement System.

LISA PRUITT published "Latina/os, Locality and Law in the Rural South" in the **Harvard Latino Law Review** and "The Forgotten Fifth: Rural Youth and Substance Abuse" in the **Stanford Law and Policy Review**. She was a keynote speaker for the **Montana Law Review's** symposium on Rural Law in April and the journal will be publishing her article. Lisa delivered two talks at Northern Kentucky University and Salmon P. Chase College of Law, "Rurality as Identity" as part of their spring speaker series and "Blogging as a Tool for Teaching Critical Thinking and Writing" as part of their series about pedagogy. She was elected co-chair of the Rural Studies Interest Group of the Rural Sociological Society and will be serving on an ad hoc sub-committee of the Section on Women in Legal Education to draft a

proposal for a mid-year meeting program.

CRUZ REYNOSO went to Ireland pursuant to the relationship with the University College of Dublin (UCD) where he met with students and delivered a lecture. He spoke at the 80th anniversary of the League of United Latin American Citizens in Orange County; Hamline University School of Law. He was the Distinguished Visiting Professor for a week at John Marshall School of Law where he met with students, lectured in classes and delivered a major talk on "Latinos in a Changing America." He spoke at Stanford on "Civil and Human Rights in the United States and the Obama Promises;" at the UC Davis La Raza Culture Days on "Chicano Culture as it is Changing America Culture"; Fullerton State College, the Orange County Hispanic Bar, two local radio stations, lectured at the Sacramento Presbyterian Church. Cruz commented in the **Daily Journal** on a new bill before Congress that could end certain restrictions on federally funded legal aid attorneys.

DONNA SHESTOWSKY coached a team of students representing the King Hall Negotiations Team at the national ABA Law Students Negotiations Competition in Boston, where the team placed second in the country. In late February, she was an invited speaker at Practicing Law Institute's Advanced Licensing Agreements conference in San

Francisco. In April, she was an invited speaker at the ABA's annual ADR conference in New York City.

DAN SIMMONS received the Charles P. Nash prize for his work as an advocate for faculty. The University Assembly recently confirmed his nomination by the Academic Council to serve in 2009-10 as the vice-chair of the University of California Academic Senate and as faculty representative to the UC Board of Regents, he will become the chair of the Senate in 2010.

DENNIS VENTRY published an article in **Tax Notes** that the Department of Justice Tax Division forwarded to a federal appeals court as important authority for consideration in its en banc rehearing of a seminal tax work product case. In addition, he presented papers at the USD School of Law Tax Law Speaker Series, the Indiana University School of Law Tax Policy Colloquium, the annual meeting for the Law and Society Association, and the Jr. Tax Scholars Workshop. Dennis also provided commentary to the press on various subjects, including tax tea parties, tax protests, the IRS whistleblower program, and privilege issues in the tax context.

MARTY WEST presented a paper at National Taipei University's international conference on Gender Equity. She met with Taiwan's

Minister of Labor discussing the progress in Taiwan of enacting parental leave laws. Marty has been serving as an advisor on the law review published by National Taipei University. She continues to teach Gender and Law for the Women's Studies program. In April she participated in a 2-hour "webinar" for the magazine **Diverse Issues in Higher Education** focusing on women faculty in higher education.

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Copies of this newsletter are provided to the law school faculty and senior staff, as well as Joe Martin (King Hall Counselor), and Claudia Morain (Campus News Service). A copy and previous issues are also posted at <http://www.law.ucdavis.edu/faculty/faculty-research.html>. For more King Hall news, please be sure to visit <http://www.law.ucdavis.edu/>.