

KINGHALL

2019

COUNSELOR

**Cruz
Reynoso's
honorable
career:**

*From the farm fields
to the California
Supreme Court
to King Hall*

PLUS:

UC Davis Law's state
high court justices

Afra Afsharipour's
remarkable journey

UNIVERSITY OF CALIFORNIA, DAVIS, SCHOOL OF LAW

MESSAGE FROM THE DEAN

Public service has been part of UC Davis School of Law's mission since its inception more than half a century ago. In 2001, we welcomed to our faculty one of the most shining examples of public service in California history: former state Supreme Court Justice Cruz Reynoso.

Professor Emeritus Reynoso has dedicated his life to the ideals associated with Dr. Martin Luther King Jr., the inspiration for our law school building's name.

Reynoso has fought on behalf of underrepresented communities, and the rule of law, since boyhood. He received the Presidential Medal of Freedom and the UC Davis Medal, and remained genuine and gracious throughout. Always accessible to students and alumni who seek out his wisdom, he is a treasured part of King Hall's tight-knit community.

The latest *U.S. News & World Report* ranks UC Davis among its top 10 law schools for student diversity. King Hall also scored high in *The Princeton Review's* "Best Law Schools 2019" rankings, placing in the top 10 nationally in resources for minority and female students, and in faculty diversity. And most recently, UC Davis School of Law was named No. 2 on *The National Jurist Magazine's* list of the most diverse law schools.

Ours is a rare "majority-minority" faculty among the nation's premier law schools. Faculty members publish prolifically in leading national and international journals, and consistently finish in the top 25 in scholarly impact rankings.

In these tumultuous times, King Hall scholars provide clarity. They help make sense of the most pressing issues of the day. Like this signal moment in U.S. Supreme Court history, following Justice Anthony Kennedy's retirement and Justice Brett Kavanaugh's appointment.

UC Davis School of Law is able to attract faculty members who can help us make sense of it all, and produce future judges and political leaders, because of generous support. In the past year, the King Hall community has contributed more than \$4 million, from nearly 1,100 donors, to the law school.

As you read about your fellow King Hall community members in this issue of the *Counselor*, I hope you will join me in taking pride in what we have accomplished together.

Sincerely,



Kevin R. Johnson, law school dean, Mabie-Apallas Professor of Public Interest Law, and professor of Chicana/o Studies at the University of California, Davis



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Cruz Reynoso:
From the farm fields to the California
Supreme Court to King Hall

Cruz Reynoso with President Barack Obama and first lady Michelle Obama

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Class of 2018 COMMENCEMENT

celebrates graduates, King Hall's values



Roza Patterson '18



“This year, we celebrate a half-century’s worth of graduates who possessed the energy, curiosity, and perseverance needed to graduate from King Hall.”

— Kevin Johnson, dean,
UC Davis School of Law

The UC Davis School of Law commencement, held May 19 at the Mondavi Center for the Performing Arts, celebrated the

Class of 2018 along with King Hall’s dedication to diversity, social justice and community.

In a change from past ceremonies, the nearly 250 graduates were seated on stage instead of in the orchestra section. Friends and family members could see the graduates who were smiling and waving at the audience. Law school and campus leaders also shared the stage with the Class of 2018.

The keynote speaker, the Chief Justice of California, **Tani G. Cantil-Sakaue**, emphasized her long history with the School of Law, from which she graduated, alongside her sister, Kim, in 1984. Had she not been speaking at the commencement, she would have been in the audience cheering on her niece, Kira Cohen '18, Cantil-Sakaue said.

“I am proud Auntie Tani,” she said. Cantil-Sakaue, the daughter of farmworkers, pointed out how remarkable it was to have three J.D. degrees in the family.

“I don’t keep score, but I am just going to say, three women from my family—a farmworker family—are lawyers out of UC Davis!” she said.

When she and her sister were in law school, there were slightly more female than male students, she said. But there was only “a small group of minority students, and we all knew each other.”

“I am proud to say as we fast-forward, UCD Law has really set the pace and is making history,” the Chief Justice continued. She cited the School of Law’s ranking among the top 10 most diverse law schools in the country, and



“Every UCD grad I meet speaks affectionately and wistfully about their time here at the school.”

– Tani G. Cantil-Sakauye,
Chief Justice of California

commended its First Generation Advocates program for students who are the first in their families to attend college or professional school.

A desire to ensure equal access to justice motivated her 2017 open letter to the Trump administration expressing opposition to immigration enforcement agents apprehending people at California courthouses, she said.

“People were feeling disenfranchised from justice, and would not come to court” on their designated court dates, she said.

School of Law Dean Kevin R. Johnson, the event’s emcee, also referenced the shifting legal landscape under the Trump administration. King Hall students and faculty had responded swiftly and impressively to constitutional challenges, he said. Members of the Class of 2018 helped detainees when the travel ban went into effect in early 2017, and Professor Elizabeth Joh started a popular podcast called “What Trump Can Teach Us About Con Law.”

UC Davis Chancellor Gary S. May, who assumed his post in 2017, also was topical in his first commencement speech for the School of Law.

“Racial tensions are polarizing our country,” May said. “Our immigrant communities are under attack. Hate speech is no longer whispered in the shadows, but shouted out in public spaces.”

Graduates of King Hall, named after Dr. Martin Luther King Jr., are positioned to fight this tide, May said.

Roza Patterson ’18, recipient of the Dean’s Merit Scholarship, California Bar Foundation Diversity Scholarship and Milton L. Schwartz/David F. Levi American Inn of Court Scholarship, was the student speaker. Professor David Horton spoke on behalf of the faculty.

Brittani Bowers Frink ’18, winner of the 2018 Law School Medal honoring the highest academic achievement among J.D. candidates, accepted her award on stage. Professors Clay Tanaka and Floyd Feeney acted as marshals, and Senior Assistant Dean Hollis Kulwin announced the graduates’ names.

The 50th commencement served as a kind of culmination of the law school’s 50th anniversary celebration three years ago.

“This year, we celebrate a half-century’s worth of graduates who possessed the energy, curiosity, and perseverance needed to graduate from King Hall, and to carry its principles into the world,” Johnson said.

Those graduates include the Chief Justice, who in her keynote address spoke of meeting fellow UC Davis law alums in her travels up and down the state. All have benefited from the school’s “atmosphere of collegiality and warmth and inclusion,” she said.

“Every UCD grad I meet speaks affectionately and wistfully about their time here at the school.” 🌟



Eduardo Díaz '76 completed a goal on his bucket list: he participated in commencement more than 40 years after he graduated, receiving a huge round of applause.

Sister Simone Campbell '77

to receive Distinguished Alumna of the Year award

Sister Simone Campbell '77, executive director of NETWORK Lobby for Catholic Social Justice in Washington, D.C., will receive the UC Davis School of Law 2019

Distinguished Alumna Award. Campbell will return to UC Davis on March 14 for the awards ceremony. "Celebrating King Hall" also recognizes scholarship recipients, King Hall donors, and the winner of the Distinguished Teaching Award.

Campbell, who joined the Sisters of Social Service in 1964, had a long history of social activism before she became a national celebrity in 2010 following the publication of the "Nuns' Letter," which she wrote in support of the Affordable Care Act. Fifty-nine organizations, including the Leadership Conference of Women Religious, signed on, drawing widespread media attention and prompting a controversy that included a Vatican investigation.

During the summer of 2012, she led Nuns on the Bus, a NETWORK-organized tour of the United States in which sisters criticized federal budget cutbacks in services for the poor, again drawing criticism from the church hierarchy. She was invited to speak at the 2012 Democratic National Convention and became a regular interview subject for national media including *60 Minutes*, *The Daily Show*, *The Colbert Report*, CNN, and National Public Radio.

Born in Santa Monica, Campbell worked as a community organizer in Portland during the '70s until she realized she needed a legal education in order to best serve underrepresented communities. UC Davis School of Law, with its strong commitment to public service, was her first

choice. As a law student she served as editor of the *UC Davis Law Review*, did legal aid work in the community, and served an externship working with the California Assembly Committee on Water, Parks, and Wildlife.

Campbell founded the Community Law Center in Oakland, practicing as the lead attorney there from 1978 until 1995, when she became general director of Sisters of Social Service, overseeing the religious community's activities in the United States, Mexico, Taiwan, and the Philippines.

She went on to serve as executive director of the interfaith advocacy group Jericho before assuming her present role as director of NETWORK in 2004.

Campbell's book, *A Nun on the Bus*, was published in 2014. That year, the American Bar Association's *Human Rights* magazine profiled her as a "Human Rights Hero." Barnard College, the prestigious women's college affiliated with Columbia University, awarded her the 2016 Barnard Medal of Distinction. Campbell has many honorary degrees including those from Church Divinity School of the Pacific, Loyola University Chicago, and Trinity Washington University. The Roosevelt Institute also honored her work with the Roosevelt Freedom Award and she is the recipient of the Defender of Democracy Award from the International Parliamentarians for Global Action. In her role at NETWORK, Campbell continues to work on issues of immigration reform and healthcare.

In 2017, Campbell delivered the commencement address for the UC Davis School of Law graduation ceremony. 🏆





Angela Yahaira Breining '19 awarded prestigious Skadden Fellowship

The Skadden Foundation has selected UC Davis School of Law student Angela Yahaira Breining '19 as a 2019 Skadden Fellow. The Skadden Fellowships provide two years of funding to help launch the careers of public-interest lawyers.

Breining is the second-ever UC Davis Law student to receive this highly competitive fellowship—the first was in 1989—and is one of 28 graduating law students and judicial clerks from across the country to receive it this year.

Breining will work with Centro Legal de la Raza to create mobile clinics that provide legal services and community education to low-wage immigrant workers in Yuba, Sutter, Butte and Colusa counties. Breining will focus on assisting workers with employment issues ranging from wage and hour claims to discrimination and retaliation to workplace safety.

At UC Davis Law, Breining has demonstrated excellence academically and as a student leader serving as former co-chair of the UC Davis La Raza Law Students Association. She also helped build the Workers' Rights Clinic, a student organization that provides legal assistance to low-wage workers in the area. 🏠

Schwartz/Levi American Inn of Court marks 25 years

On June 13, the Schwartz/Levi Inn of Court celebrated a quarter-century of serving as a vessel for Sacramento and Yolo County lawyers, judges, law professors and students to get together to talk shop and listen to experts address the most pressing legal issues of the day.

During a special 25th anniversary dinner at Sacramento's Citizen Hotel, members recalled the Inn's beginnings as the brainchild of UC Davis School of Law Professors Ed Imwinkelried and Margaret Johns. The Inn's first president, David F. Levi, served as keynote speaker at the anniversary dinner.

Levi recalled being eager to accept an invitation to join the new Inn in 1992, when he was an Eastern District of California judge with quarters in Sacramento. Sacramento's older Anthony M. Kennedy Inn of Court had never issued him such an invitation, Levi said jokingly. (The Sacramento/Yolo Inn was named for Levi, who recently stepped down as dean of Duke Law School, and the late Milton L. Schwartz, another Eastern District judge.)

The Inn paid special tribute at the dinner to Professor Emeritus Cruz Reynoso (see profile, page 23) and UC Davis School of Law Dean Emeritus Rex Perschbacher. Professor

Emeritus Alan Brownstein offered warm remarks about the honorees, both former colleagues.

Professor Pershbacher, who had been battling a long illness, was not able to attend the event. He died a few weeks later. To read a tribute to Professor Perschbacher, see page 34. 🏠



Professor Emeritus Alan Brownstein

Photo by Ryan Norman

UC Davis School of Law makes multiple **top-10 lists for diversity**

UC Davis School of Law has been recognized as one of the nation's most inclusive law schools by two leading arbiters, *U.S. News & World Report* and *The Princeton Review*.

The 2019 *U.S. News & World Report* ranks UC Davis among its top 10 law schools for student diversity. The ranking, which appears in the 2019 edition of "America's Best Graduate Schools," is based on the total proportion of minority J.D. students.

The diversity index rating measures the likelihood of law students encountering peers from different ethnic groups including Hispanic, Asian, African American, American Indian, Pacific Islander, Caucasian and multiracial.

UC Davis School of Law Dean Kevin R. Johnson said the school has worked diligently to increase its diversity. In the past few years, UC Davis Law has jumped from *U.S. News'* top 25 for diversity of students into the top 10. UC Davis School of Law is the only school among *U.S. News'* overall top 40 law schools to crack the top 10 in diversity.

"We at UC Davis School of Law are proud that, among American law schools, we have a unique combination of



academic excellence and diversity in our faculty, students and staff," Johnson said. "Our community is stronger because of it."

UC Davis also scored high in *The Princeton Review's* "Best Law Schools 2019" rankings. Those rankings place the school in the top 10—among 165 law schools assessed—in resources for minority and female students, and in faculty diversity.

Princeton Review lists its 165 "Best Law Schools" alphabetically, without assigning overall rankings, but offers top-10 rankings in various categories. UC Davis finished at No. 3 in the *Review's* "Greatest Resources for Minority Students" rankings, and No. 7 on its "Greatest Resources for Women" list.

UC Davis School of Law also landed in the *Review's* 2019 "Most Diverse Faculty" top 10, at No. 6. King Hall is known for its "minority-majority" faculty—a rarity among the nation's top-tier law schools.

And most recently, *The National Jurist Magazine* named UC Davis School of Law No. 2 on its list of the most diverse law schools. 🏆



King Hall diversifies and expands **successful job fairs**

In just a few years, the Career Services office at the UC Davis School of Law has created a strong foundation for employers from all legal sectors to recruit students on campus.

Craig Compton, UC Davis Law assistant dean of career services, says his office has brought employers of various sizes and areas of law to King Hall. This process started in early August when the school's robust On-Campus Interview (OCI) program attracted large firms and public-sector employers from Sacramento, San Francisco and Los Angeles to campus to interview students for summer positions and post-graduation jobs.

Then in late October, King Hall held its Fifth Annual Small and Midsize Firm Fair, which has more than doubled in size since its inception. It was a busy night with around 100 students and 50 employers filling the halls of the building.

Elaine Won '16 is an attorney at Churchwell White LLP. As an alumna of King Hall, Won says she wanted to give students the same experience that she had.

Won said attending the Small and Midsize Firm Fair as a student gave her an advantage because she was able to establish a rapport with King Hall alumni at the firm where she now works.

"Events like these are critical for helping UC Davis law students get hired for summer clerkships and attorney positions," she says.



Small and Midsize Firm Fair at King Hall in October 2018

Compton added that a number of students secure post-graduate positions that started with meetings at this fair.

Building on the success of its Small and Midsize Firm Fair, King Hall launched its first Public Interest and Government Career Fair in November. In its first year, more than 100 students and around 40 employers participated in the fair.

Jenni Gomez '12, supervising attorney and pro bono coordinator for Legal Services of Northern California, came to King Hall to meet students. She says it is great to see that the law school now offers a career fair focused on public-interest law.

"Many students choose to attend King Hall because they are passionate about public service. I was one of them," she says. "Providing targeted opportunities for students to learn about and explore various public sector and nonprofit opportunities is crucial for their professional and career development." 🌟

ACLU National Legal Director draws overflow crowd to King Hall

By Carla Meyer

When David Cole agreed to become national legal director of the American Civil Liberties Union in summer 2016, he was dead-certain about the outcome of the November 2016 presidential election.

"Hillary Clinton was going to win the presidency, she would name Justice (Antonin) Scalia's replacement, and for the first time in four decades, we would have a liberal-majority Supreme Court," Cole recalled while delivering UC Davis School of Law's annual Edward L. Barrett Jr. Lecture on constitutional law in September.

Cole and the ACLU had to quickly adjust to Donald Trump's unexpected victory. Since Trump took office, the ACLU has filed lawsuits tied to Trump's Muslim-targeted travel ban, the separation of migrant families at the United States-Mexico border, and many other civil liberties issues.

And Cole said national ACLU membership has jumped from 400,000 to 1.8 million since Trump's election. Moreover, the Women's March, early 2017 airport protests against the travel ban, post-Parkland student gun-control efforts and the #MeToo movement all have ties to Trump's presidency.

Cole is a longtime Georgetown University Law Center professor. He has litigated many cases in the Supreme Court, including *Texas v. Johnson* and *United States v. Eichman*, which extended First Amendment protection to flag-burning. 🌟



ACLU national legal director David Cole delivered the 2018 Edward L. Barrett Jr. Lecture. *Photo by Jose Alfonso Perez*

Garrett Dailey '77 gives \$2 million to UC Davis School of Law

Garrett Dailey '77 has given \$2 million to fund an endowed chair in family law at UC Davis School of Law. Dailey's gift is one of the largest ever received by the law school.

A longtime King Hall benefactor, Dailey practices family law in Oakland. He is also the publisher, CEO and co-founder of Attorney's BriefCase, Inc., the world's first self-contained computer legal research database. Established more than 30 years ago, Attorney's BriefCase is California's leading research software for family law.

Dailey acknowledges a debt to public education in general and King Hall in particular.

"My wife, Lynn, and I have benefited greatly from California's and Arizona's essentially free systems of higher education," he said. "It breaks our hearts to see students now burdened with tens of thousands of dollars in debt."

Dailey said they have pledged to give back to the schools that gave them so much. This gift will enable the School of Law to appoint a faculty member as chair in family law, thus facilitating greater research and wider dissemination of scholarship in this area.

"Garrett Dailey's generosity will allow UC Davis School of Law to build on its outstanding scholarship in the area of family law," UC Davis School of Law Dean Kevin R. Johnson said. "We are grateful for this opportunity to expand our faculty excellence in this field and for Garrett's steadfast support over the years."

Dailey's gift "will have an impact on the School of Law for generations," added Karen Charney, executive director of development and alumni relations for UC Davis School of Law.

Dailey attributes his initial interest in family law to a class he took from founding King Hall faculty member Brigitte M. Bodenheimer, noting "how interesting she made it seem."

"Then I chose my first law firm because Dean Edward Barrett was of counsel," Dailey said, referring to UC Davis School of Law's founding dean. "The firm asked me to do one year as a family-law associate, and the rest is history."

Dailey has received many legal accolades, including the Lifetime Achievement Award from the State Bar of California, Family Law Section. Before attending law school, he was a pilot in the United States Air Force. 🏆



Garrett and Lynn Dailey

Professor Pruitt

elected to the American Law Institute

Professor Lisa R. Pruitt was elected to the American Law Institute (ALI) in late 2018. A Martin Luther King Jr. Professor of Law at UC Davis, Pruitt holds a J.D. from the University of Arkansas School of Law and a Ph.D. in Laws from the University of London.

Before joining the King Hall faculty in 1999, Pruitt worked abroad for almost a decade in settings ranging from international organizations to private practice. She worked with lawyers in more than 30 countries, negotiating cultural conflicts in several arenas.

Once Pruitt was granted tenure in 2004, she took the risky step of seeking to establish a new sub-discipline—one that explored rural-urban difference in relation to how people engage law and the state. Her central premise was that law and legal scholarship has become metro-centric and that most lawyers and law professors, along with many judges, knew little about rural people and places and how they differed from what had become the implicit urban norm. Pruitt reveals, for example, how the economic, spatial, and social features of rural locales profoundly shape the lives of residents, including the junctures at which they encounter the law. This work also considers how rurality inflects dimensions of gender, race, and ethnicity. Indeed, the most recent thread of Pruitt's scholarship explores critical whiteness studies as a thread of critical race theory. Among other projects, Pruitt challenges the conflation of rurality with whiteness, while also seeking a more nuanced understanding of rural and working-class whites, especially in the era of Trump. This work has taken Pruitt back into an exploration of the global orientation from which she came to King Hall.

The American Law Institute—widely considered the nation's most important non-governmental organization of legal reform—oversees law-reform projects that often form the basis of laws enacted across the country. 🌱



American Law Institute members

King Hall counts 16 faculty and emeriti who are members of the prestigious institution. The UC Davis law faculty includes ALI members Dean **Kevin R. Johnson** and Professors **Ashutosh Bhagwat, Gabriel “Jack” Chin, William S. Dodge, Robert W. Hillman, Thomas W. Joo, Lisa Pruitt** and **Leticia Saucedo**, as well as Professors Emeriti **Alan Brownstein, Carol S. Bruch, Joel C. Dobris, Daniel W. Fessler, Angela P. Harris, John B. Oakley, Edward H. Rabin** and **Daniel L. Simmons**.

NEW FACULTY and appointments in 2018-2019



Afra Afsharipour

Afra Afsharipour has been named Senior Associate Dean for Academic Affairs at UC Davis School of Law. A Professor of Law, Afsharipour joined the King Hall community in 2007. Her areas of research include comparative corporate law and governance, mergers and acquisitions, and transactional law. Read more about Afsharipour on page 18.



Menesh Patel

The School of Law is pleased to welcome **Menesh Patel** as a new faculty member. He joins King Hall as an Acting Professor. Patel's primary research interests are in business law, including corporate law, antitrust, securities regulation, and capital markets.



Robert Miller

Robert Miller is a Legal Writing Fellow at UC Davis School of Law. Miller practiced law with the California Department of Justice, Office of the Attorney General for 28 years. 🏛️

UC Davis reappoints **Kevin R. Johnson**



“Under Kevin’s leadership, and building upon the excellence of the faculty and students of King Hall, the stature of the law school and UC Davis have been greatly enhanced.”

– Chancellor Gary S. May

Kevin R. Johnson has been reappointed as dean of UC Davis School of Law, a position he has held since 2008. Johnson currently is the longest-serving dean on campus.

During Johnson’s service as dean, UC Davis School of Law became the only leading American law school with a “majority-minority” faculty. The School of Law also ranks in the national top 10 in student diversity, according to the latest *U.S. News & World Report* ratings and most recently, UC Davis School of Law was named No. 2 on *The National Jurist Magazine’s* list of the most diverse law schools. The law school’s King Hall Outreach Program (KHOP) and First Generation Advocates initiatives help facilitate greater access to education for underrepresented communities.

Recent faculty hires have furthered King Hall’s tradition of robust scholarship. UC Davis School of Law ranks in the top 25 in *U.S. News’* peer-reputation category.

An internationally recognized scholar in the fields of immigration law and policy, refugee law and civil rights, Johnson often is cited in immigration court cases. Leading media outlets regularly seek his insights on immigration law in the Trump era.

Johnson, Mabie-Apallas Professor of Public Interest Law, and professor of Chicana/o Studies, joined the UC Davis law faculty in 1989 and received the law school’s Distinguished Teaching Award in 1993. He became associate dean for academic affairs in 1998. 🏛️

‘Supreme Court Year in Review’ panel weighs 2017-18 cases

By Carla Meyer

Professor Carlton F. W. Larson was succinct in assessing the 2017-18 U.S. Supreme Court term. It was “a phenomenal, wonderful term if you are a conservative, and the term from hell if you are a liberal,” Larson said.

He was addressing a lunchtime crowd gathered for UC Davis School of Law’s “Supreme Court Year in Review” event in July at the Weintraub Tobin law firm in Sacramento. Larson joined Dean Kevin R. Johnson and Professors Chris Elmendorf and Aaron Tang for the panel discussion moderated by UC Davis Law’s Executive Director of Marketing and Communications Kelley Weiss.

“Essentially, every big case went the conservatives’ way, culminating in Justice Kennedy’s retirement,” Larson continued.

The “Year in Review” event took place a day after President Trump announced D.C. Circuit Judge Brett Kavanaugh as his choice to replace retiring Justice Anthony M. Kennedy.

Since Justice Kennedy had announced his retirement that June, many had worried that a reconfigured court would be staunchly conservative. But the 2017-18 term had shown the high court was practically there already, Larson said.

Kennedy joined or led the majority in key conservative-leaning decisions, including those in *Janus v. AFSCME*, which delivered a severe blow to public-sector unions; *Masterpiece Cakeshop v. Colorado*, in which the court sided with a baker who refused to make a wedding cake for a gay couple; and

Trump v. Hawaii, in which the court upheld Trump’s travel ban restricting entry into the United States by people from seven, mostly majority-Muslim countries.

Johnson, the panel’s immigration expert, predicted *Trump v. Hawaii* will have little lasting impact on immigration policy.

More telling, Johnson said, was the *Jennings v. Rodriguez* decision, in which the court ruled immigrants do not have the right to periodic bond hearings while in detention.

Johnson said the separation of minors from their parents in particular had dominated the conversation in summer 2018. “This is going to continue to be an issue because it is a tool being used aggressively by the (Trump) administration, and it has been used by past administrations as well.”

Individual liberty scored a victory late in the 2017-18 term, when the Supreme Court ruled in *Carpenter v. United States* that the government needs a warrant to access a person’s cellphone location history.

The decision indicates that “these detailed records of where we have been are so private in their nature, and so revealing of some of our innermost thoughts, that (they) in fact trigger a reasonable expectation of privacy,” Tang said.

Elmendorf, a scholar in election law, said it is difficult to predict what Kavanaugh’s appointment will mean for gerrymandering cases. This highly contested issue will be especially significant as the 2020 general election approaches. But Elmendorf said the Supreme Court’s record of doing little in its rulings to change the status quo—including during the 2017-18 term—makes it unclear what will happen in the future. ■



2018 ALUMNI OF THE MONTH



Michael Marriott '11
Assistant Regional Counsel, Social Security Administration

Michael practices in a few areas including federal appellate litigation for the Social Security Administration. He also volunteers for the UC Davis School of Law Mentorship Program, helping his mentee to pass the July 2017 Bar exam.



Enrique Fernandez '16
Woodland City Council member

Enrique was the youngest-ever mayor of Woodland, Calif.; successfully campaigning for Woodland City Council while he was still a student at King Hall.



Esmeralda Soria '11
Fresno City Council member

Esmeralda is the only woman serving on the council and the second Latina ever to serve on the City of Fresno Council.



Garrett C. Dailey '77
CEO and Co-Founder, Attorney's BriefCase, Inc.

Garrett has his own family law practice and is the publisher, CEO and co-founder of Attorney's BriefCase, Inc. He has received the Lifetime Achievement Award from the State Bar of California, Family Law Section. See profile, page 10.



Luis Alejo '01
Chair, Monterey County Board of Supervisors

Luis chairs the Monterey County Board of Supervisors. He previously represented the Monterey Bay region in the California State Assembly for six years and served as mayor of Watsonville.



Maggy Krell '03
Chief Legal Counsel, Planned Parenthood Affiliates of California

Maggy is the chief legal counsel at Planned Parenthood Affiliates of California. She previously served as supervising deputy attorney general at the California Department of Justice.



Eduardo Díaz '76
Director, Smithsonian Latino Center

Eduardo works to diversify pan-institutional Latino presence at the Smithsonian by supporting research, leadership and professional development programs for emerging Latinx scholars and museum professionals.



Karen Johnson-McKewan '85
Partner, Orrick

Karen specializes in litigation and has represented Oracle, NVIDIA, Netflix, Wells Fargo and Levi Strauss & Co. She devotes her time to pro bono work and to serving on The Marine Mammal Center board of directors.



Katie Briscoe '12
Managing Associate and Employment Law Attorney, Orrick

Katie practices employment law in Orrick's Sacramento office. She also participates in King Hall's mock interview program. Previously, she taught Analytical and Persuasive Writing at King Hall.



Judge Lauri Damrell '05
Sacramento Superior Court

Judge Lauri was appointed to the Sacramento Superior Court bench in 2017. She is a former partner at Orrick where she specialized in employment law. 🏛️

UC DAVIS LAW REVIEW SYMPOSIUM



For its annual symposium, the *UC Davis Law Review* chose a landmark 40-year-old United States Supreme Court affirmative-action case with UC Davis roots and legal implications still in play. The October “*Bakke at 40: Diversity, Difference & Doctrine*” symposium drew top legal experts to King Hall to discuss the lasting impact of the 1978 decision in *Regents of the University of California v. Bakke*. 🌟

UC Davis Law Professor Brian Soucek

Rwandan Minister of Justice speaks at King Hall

In November, Johnston Busingye, the minister of justice and attorney general of Rwanda, delivered a lecture “The Collective Memory of Genocide.” Grant Harris, CEO of Harris Africa Partners LLC and former senior director for African Affairs for the Obama administration, moderated the discussion. 🌟

Preet Bharara addresses students

In October, Preet Bharara visited King Hall and held an intimate classroom conversation with law students. Bharara served as the U.S. attorney for the Southern District of New York from 2009 to 2017, and is a distinguished scholar at NYU School of Law. Bharara worked on some of the most significant insider-trading, corporate-corruption, and government-corruption cases over the past decade. 🌟





A SHIFT IN THE HIGHEST COURT

During its previous term, the United States Supreme Court delivered important decisions on immigration, public-sector unions and whether a baker can refuse to make a wedding cake for a same-sex couple.

But the biggest development of the 2017-18 term was Justice Anthony M. Kennedy's retirement announcement. Although ideologically conservative, Kennedy was a crucial swing vote in landmark cases that upheld abortion rights and effectively legalized same-sex marriage, among others.

Whomever President Donald Trump chose to replace Kennedy would have been contentious, since the new justice likely would cement a firmly conservative

majority on the high court. Trump's nomination of D.C. Circuit Judge Brett Kavanaugh proved explosive after allegations of sexual misconduct surfaced. Kavanaugh was confirmed in a 50-48 Senate vote after testimony from one of his accusers, Christine Blasey Ford, a brief FBI investigation and widespread public protest.

It is too soon to know the impact of a newly reconfigured Supreme Court. But here, esteemed King Hall scholars give insights into what could happen in some areas of the law, and how relationships among the justices might work. On page 13 is a rundown of UC Davis Law's July 2018 "Supreme Court Year in Review" event, which looked at key decisions from Kennedy's final term.

A boost for corporate free speech? By Professor Ashutosh Bhagwat

One of the most noteworthy developments in recent free speech law has been the extremely strong constitutional protections the Supreme Court has extended to speech by corporations. Two important opinions in this line, both authored by newly retired Justice Anthony M. Kennedy, are the 2011 decision in *Sorrell v. IMS Health* striking down a law prohibiting pharmaceutical companies from using data about the prescribing habits of doctors to market prescription drugs to doctors, and of course *Citizens United*, the 2010 decision holding unconstitutional any restrictions on independent election spending by corporations.

Might Justice Brett Kavanaugh extend the free-speech protections that his (and my) former boss Justice Kennedy granted to corporations? He might indeed. Two areas in particular concern me. First, data. One of the most profound questions facing us today is how to protect personal privacy in the age of big data. Can and should the government regulate the use and sale of such data collected by corporations (including, but not limited to, internet



Ashutosh Bhagwat

corporations)? As a matter of policy, perhaps, but such efforts might easily be invalidated by the Court. The problem is that arguably, data is speech because data is information, and information is speech. If that is the case, then regulating data would raise profound First Amendment concerns. Justice Kennedy hinted at such an outcome in *Sorrell*, but did not fully adopt this theory. Look to the Court to do so soon.

The second concern is internet corporations such as Facebook, Google, and internet service providers such as Comcast. Today, there is growing pressure to regulate such firms to either ensure nondiscrimination (in the case of ISPs) or require such firms to do a better job in restricting hate speech and incitement. However, in a D.C. Circuit case which upheld the (since repealed) Obama FCC's net neutrality rules, then-Judge Kavanaugh dissented from denial of rehearing en banc on the grounds that net neutrality violated ISPs' First Amendment rights of editorial control. This suggests an extraordinarily robust view of the First Amendment rights of internet corporations, which almost certainly would doom all regulatory efforts.

Rift between tribes and high court might widen By Professor Katherine Florey

My two areas of specialty in which the Supreme Court looms largest are civil procedure and federal Indian law. Substantively, I do not think Justice Brett Kavanaugh's appointment will bring dramatically different results in either of these areas, simply because the Court already has moved significantly to the right in both, and in both cases Justice Kennedy was not merely a persuadable swing vote but a core member—and sometimes leader—of the conservative majority.

In civil procedure, I expect Kavanaugh will continue to vote with the other conservative members of the Court (occasionally with the support of more liberal justices) to limit personal jurisdiction, increase the role of arbitration and forum selection clauses, impose more stringent pleading requirements, and limit the reach of class actions. These changes will have a cumulatively large impact on the procedural landscape in the U.S., but one that is both gradual and already ongoing.

In federal Indian law, the situation is a little different. Justice Kennedy was arguably the Supreme Court justice who displayed the single greatest hostility to tribal interests, particularly in the areas of tribal jurisdiction and self-governance. By contrast, Justice Kavanaugh is mostly an unknown. His modest record does not suggest any special



Katherine Florey

sympathy with the tribal perspective—quite the opposite. Nonetheless, justices' votes on tribal issues do not always fall along predictably ideological lines.

On the one hand, then, we will have to wait to see how Justice Kavanaugh votes in Indian law cases. At the same time, the haste with which Kavanaugh was confirmed despite credible allegations of sexual assault is—from a tribal perspective—particularly problematic for two reasons. First, the Court in recent decades has intervened aggressively in tribal matters despite the lack of clear constitutional authority to do so. For many tribal advocates, the legitimacy of the Court's Indian law rulings is already questionable, and the damage that the Court's institutional reputation has suffered in the confirmation process compounds the problem.

Second, the Court may soon be asked to rule on tribes' inherent power to prosecute and punish sex offenders. Especially given the sometimes-intemperate reactions Judge Kavanaugh displayed in his confirmation hearings, tribes have legitimate questions about whether he can rule fairly and dispassionately in this area. As a result, Kavanaugh's appointment may herald a further breakdown in the already-frayed relationship between tribes and the Court. ■

Afra Afsharipour:

A remarkable journey to King Hall

By Carla Meyer

“With the immigration debates that we are having now, I just don’t know how someone like me would adjust their status and be able to become a citizen.”

– Afra Afsharipour





During her first days in the United States, Afra Afsharipour marveled at the clear windows. “It was amazing to me to have windows you did not have to tape,” said Afsharipour, who arrived in Northern California from Iran at age 10. In Iran, which had been rocked by revolution and a war with Iraq, everyone used painter’s tape on windows, to brace for explosions.

Afsharipour would grow up to embody the immigrant’s dream in the United States. She earned undergraduate and J.D. degrees from Ivy League schools, negotiated multimillion-dollar deals as a Manhattan and Silicon Valley corporate lawyer, and excelled, again, after transitioning to academia. A UC Davis School of Law faculty member since 2007 and an internationally esteemed corporate law scholar, Afsharipour was named Senior Associate Dean for Academic Affairs in July 2018.

But before all that success was a journey, marked by chaos, challenges and resilience, that mirrors those of so many current immigrants in California.



Afsharipour started elementary school in Tehran in the midst of the Iranian Revolution that would overthrow the Shah of Iran and install an Islamic republic under the Ayatollah Khomeini.

“I remember when I was going to kindergarten, our bus being surrounded by people literally revolting around us, and not being able to get home,” Afsharipour said while sitting in her art-filled office in King Hall. “I remember watching someone get lashed 100 times in the town square. You remember very violent, horrible things.”

Under Khomeini’s rule, “you had to pray every day, several times a day” at school, Afsharipour recalled. But her parents were not practicing Muslims, and “I did not know how to pray,” she said. “I got punished a lot.”

In 1984, the family fled to the U.S. Afsharipour, her parents and brother moved into a family friend’s spare room, then their own small apartment, in the East Bay. Her father, who had worked for the government tax authority in Iran, took odd jobs. Her mother worked for a clothing supplier.

They had come to the United States with only a few suitcases. Shortly after arriving, Afsharipour’s mother took her shopping for school clothes at Kmart. Afsharipour picked out tank tops and shorts—items so different from the hijab, with a heavy coat, she had been made to wear to school in Iran.

“I wanted to be free,” Afsharipour said.

She did not speak much English when she arrived in the United States. “All I knew was ‘yes,’ ‘no’ and ‘thank you,’” she said. Some of her American classmates “would swear at me, and I would say, ‘Oh, thank you.’ They thought it was hilarious.”

But she was an ace at math, like her dad. He eventually became an accountant at a firm owned by an acquaintance from Iran. By then, the family was in Marin County, where Afsharipour attended high school. There were few other recent immigrants at the school.

“I kind of learned to force, or create, spaces for myself, if one was not already there,” Afsharipour said. “I started the Amnesty International and the Feminist Majority Foundation groups at my high school.”

The family had spent several years as undocumented immigrants. They eventually received green cards when she was in high school, and Afsharipour became a U.S. citizen while an undergraduate at Cornell University.

Her own experience leads her to empathize “very, very strongly” with current DACA students whose legal status has been threatened by President Trump’s administration, and with refugees struggling to obtain asylum, she said.

“With the immigration debates that we are having now, I just don’t know how someone like me would adjust their status and be able to become a citizen, and be able to contribute to this country,” Afsharipour said.



At Cornell, and later, Columbia Law School, Afsharipour seemed poised for a career in human rights. She wrote her undergraduate honors thesis on the women’s movement in India, and helped edit the *Columbia Journal of Gender and Law* along with the *Columbia Law Review*.

But she always had done better in business law classes than other classes. She decided on her practice area after clerking for Judge Rosemary Barkett of the U.S. Court of Appeals for the Eleventh Circuit. Barkett, also an immigrant to the United States, encouraged her to go into corporate law, and lead by example, Afsharipour said. She still tries to do that, at King Hall.

After law school, Afsharipour worked in the corporate law division of Davis Polk & Wardwell. She started with the firm in Manhattan and transferred to its Menlo Park office when her husband, macroeconomist Diego Valderrama, took a job in San Francisco.

Afsharipour again made a space for herself. But she had more help this time, forging strong relationships during her nearly seven years with the law firm.

Afsharipour was “fearless” at Davis Polk, said Alan Denenberg, head of the firm’s Menlo Park office and one of Afsharipour’s mentors there. “She was never shy about leading a discussion or negotiation, no matter who was in the room. ... It was clear she was exceptional.”

Part of what makes her exceptional is that she is “warm and compassionate, and cares about people and making a difference in their lives,” Denenberg said.



The topic of mentorship comes up a lot with Afsharipour. As senior associate dean, she now officially helps mentor faculty. But she already had served for years on the faculty appointments committee, chairing it last year.

“You get very invested in the faculty you hire,” said Afsharipour, who also frequently comments on junior scholars’ papers at conferences. In early 2018, she received the Association of American Law Schools Section on Business Associations’ Outstanding Mentor Award.

Part of the reason she accepted her new post was so she could study the management style of Dean Kevin R. Johnson. Now in his third term, Johnson is the longest-serving dean in UC Davis School of Law’s history.

“Professor Afsharipour has all the ingredients to be an excellent leader of UC Davis School of Law,” Johnson said. “Her commitment to scholarship, teaching, service and the King Hall community is unsurpassed. We are extremely fortunate that Professor Afsharipour agreed to serve.”



Afsharipour began seriously considering academia while teaching an asylum-law clinic at Stanford, as part of her pro bono work at Davis Polk. “Teaching really ignited something in me,” she said. “As a friend of mine once said, he liked being a beetle, but he really wanted to be an entomologist.” She wanted to look beyond the latest merger or acquisition, and study “how corporate lawyers behave and the bigger role of how we organize our markets and our economy,” Afsharipour said.

When she was seeking a law school faculty position, UC Davis School of Law’s emphasis on inclusion and public service attracted her, along with its reputation for outstanding scholarship.

At King Hall, she did not have to create a space for herself.

“Because I came from a practice area that is not that diverse, I could experience the difference it made from the very first year I was here. Within the faculty meetings, it was a much more democratic process. More voices were heard.”

She lives in San Francisco with Valderrama, who is Peruvian and Costa Rican, and their two boys, Emilio and Dario—“we are an international family,” she said with a smile.

That she has reached the level of senior associate dean speaks to UC Davis School of Law’s commitment to inclusion, Afsharipour said.

“It’s not often that you get to come to another country ... and get this kind of opportunity,” she said. “In many ways, I think King Hall embodies the best of what’s in America—the fact that we have an incredibly diverse faculty and a diverse student body, and support all those people in becoming the best of what they want to be.” 🌟

“Her commitment to scholarship, teaching, service and the King Hall community is unsurpassed.”

— Dean Kevin R. Johnson



Dennis Cota '86

takes the bench as a federal magistrate judge

By Carla Meyer

Dennis Cota '86 traces his first inkling that he someday might be a judge to a framed drawing he saw on a wall during his first year at King Hall.

Hung outside Dean's Assistant and Registrar Thelma Kido's office, the pen-and-ink artwork depicted a law student in a Led Zeppelin T-shirt, followed by images of the same student in suit-and-tie courtroom attire and, finally, judicial robes.

"It was an image that stuck with me that this was part of the progression of the education that started at King Hall, and the opportunity to go full circle," Cota said during a recent visit to the law school.

A desire to serve has inspired Cota, 60, to become a magistrate judge for the United States District Court for the Eastern District of California. Appointed to the Eastern District's Redding courtroom, Cota took the bench for the first time in September. He has left the Roseville law firm he co-founded, Cota, Cole & Huber LLP, which continues as Cole Huber LLP.

"It was time for me to serve in a different capacity, to give back to a profession that had been so generous to me," Cota said.

He had not expected to be appointed on his first attempt to gain a judgeship, but he was. Now he and his wife, Becky, are in the process of moving to Redding. Their children are grown: daughter Stephanie, a 2017 King Hall alumna, is a Sacramento attorney, son Andrew is a recent Fordham School of Law graduate, and son Brian works in customer service for Tesla.

Cota already has given back to his profession for years, from teaching and coaching trial practice at King Hall to being a longtime donor to the school. He's still teaching, and would like to continue for as long as he is able, he said. But doing so is subject to court approval, and he only has it for a year so far.

He became a trial practice adjunct professor in 2004, not long after moving back to the Sacramento region from Southern California. At first, he handled labs for Professor Ed Imwinkelried, his own former trial practice teacher.

"It was so exciting, because when I was a third-year, it was Imwinkelried's first year as an instructor here, and he took me to my very first trial practice competition," Cota said. "As I have told him many times, he changed my career path. I arrived here thinking I would get a law degree but ultimately go into politics or something where the degree was in the background. Then the litigation bug bit—and



Cota already has given back to his profession for years, from teaching and coaching trial practice at King Hall to being a longtime donor to the school.

opened my eyes to the absolute thrill of being in front of a courtroom."

When Imwinkelried retired, Cota began teaching classes and running the trial advocacy program.

"Dennis was not only one of the most enthusiastic participants in the history of King Hall's trial advocacy program, (but) his enthusiasm and affection for the program continued after he graduated. King Hall owes a huge debt to Dennis," Imwinkelried said.

Cota has expanded the program's competitive aspect. He started a 1L event, dubbed the "Cota Competition" by his students, that just completed its fourth year, with nearly a third of the first-year class participating.

In October, the program hosted its inaugural Martin Luther King, Jr. Civil Rights Trial Competition in Sacramento. The event attracted 16 schools, including UCLA and No. 1-ranked Florida Stetson. 🏆

STATE HIGH COURT JUSTICES

A King Hall tradition

UC Davis School of Law has had the great fortune, for the past 18 years, to serve as a base for Professor Emeritus and former California Supreme Court Associate Justice Cruz Reynoso.

Reynoso's lifelong civil rights advocacy includes his protest on behalf of Mexican American students at his school in the 1940s; his longstanding efforts as a young lawyer to protect and uplift migrant farmworkers and the rural poor; and an 11-year stint as vice chair of the United States Commission on Civil Rights.

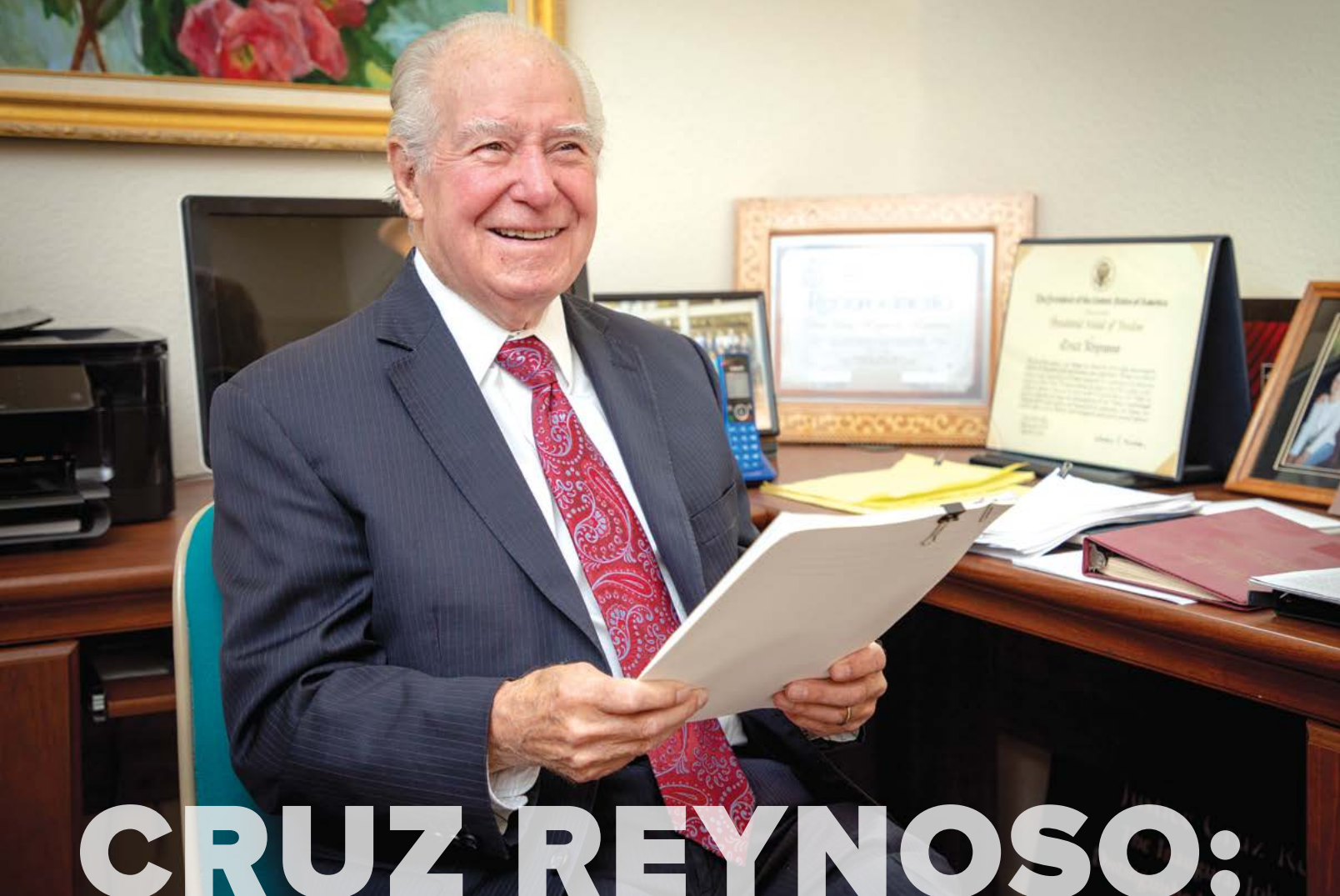
Reynoso is one of several former or sitting state Supreme Court justices with ties to UC Davis School of Law, which always has valued public service and attracted students of like mind.

Currently, four UC Davis alumni sit on the highest courts in their respective states: The Chief Justice of California, Tani G. Cantil-Sakauye '84; Arizona Supreme Court Justice Clint Bolick '82; Nevada Supreme Court Justice Kristina Pickering '77; and Alaska Supreme Court Justice Craig Stowers '85.

In "State high court justices trace roots of success to King Hall," (page 27), these justices discuss King Hall's influence on their time on the bench. 🏛️



Cruz Reynoso, top row, second from right, was appointed to the California Supreme Court in 1981.



CRUZ REYNOSO:

An honorable career

Photo by Jose Alfonso Perez

By Karen Nikos-Rose

He has served under four U.S. presidents and three California governors. When introduced to public audiences, he is the Honorable Cruz Reynoso.

From the U.S. president to the UC president, when leaders have wanted help with a sticky situation—reviewing voting irregularities, civil rights issues or a police action, leading a commission or task force, or mediating a controversy—they often have called on Cruz Reynoso.

The UC Davis law professor emeritus and former small-town lawyer who became the first Latino appointed to the California Supreme Court always offered a warning: “Just be sure you know, I am known for having an opinion, and I’m not afraid to state it,” he says, a serious face giving way to a quick smile. “And they’d tell me they want me to do it anyway.” Now retired from teaching and public life, Reynoso is looking through papers, books and old photographs as he works on his memoirs in his offices at his Davis home and a local law firm. A poster-size card, handwritten and signed by his adult children, hangs inside the front door of his home reminding their father to write his memoirs. “My children,” he gestures toward the poster board and smiles. “Still telling me what to do.”

The public might know him best for his ouster from the state Supreme Court in a venomous campaign that also unseated two other “Rose Bird Court” justices in 1986. But in his closer circles, he is better known for his many accomplishments and service outside his five years on the high court bench.

Earning the right to be called ‘honorable’

His lack of popularity in some circles is the very thing that has brought adulation in others. He has served under four U.S. presidents and three California governors. When



introduced to public audiences, he is the Honorable Cruz Reynoso. The “honorable” can and does refer to his time in the judiciary. But he is honorable in countless other ways to his many admirers: Migrant farmers who have sought his counsel, and paid him only with a box of lettuce. Students who have listened to his lectures and made good-natured fun of him for his Socratic technique of saying “query” before he poses a question.

He was a caregiver to his late wife of 50 years and then again for his second wife. Until recently, he rose before dawn to attend to his wife, Elaine Rowen Reynoso, who was critically injured in a 2010 car accident. She passed away in late 2017.

He sees himself as professor, lawyer, farmer, a fussy grandpa known for taking many of his 17 grandchildren on trips—even cross-country by rail; a father like any who worries for his adult children, who range in profession from artist, to educator, to lawyer. Photos of his immediate and extended family fill his home. In the last year he welcomed his first great-grandchild.

Many biographies list him simply as “civil rights activist.” He would be the first to say he is just “folk,” a term he uses when addressing others in audiences large and small.

At 87, he is still active. For most of his teaching life, he went to his office at UC Davis, often arriving by 7:30 a.m. in suit and tie, toting a large briefcase. He has taught Remedies on occasion, one of his favorite courses to teach, and he speaks to nearly everyone who seeks his conversation. Now he dresses more casually and spends much of each morning working on his autobiography.

A life of righting wrongs

“I became a lawyer because I saw so many injustices,” Reynoso says.

He still does.

He laments that too many people still don’t have health insurance. He wishes more law students went into public service, but he understands the financial limitations. He wants to see more done for civil rights. Most of all, he sees the poverty everywhere. “I don’t know what the solution is, but it has to be a multi-pronged approach,” he explains, adding that it touches on immigration, joblessness, and lack of education, and affects people of all walks of life. “There are so many ways people can become homeless.”

Born one of 11 children in the Orange County town of Brea to a farmworker family, he witnessed injustices at an early age, beginning with his enrollment in a segregated grade school for children of Mexican descent. “They told us we had to attend that school to learn English. But my brothers and I already spoke English. That didn’t make sense.”

He saw other injustices. Failure to deliver mail to the Latino barrio where he lived. Segregation at a high school dance. He fought them all.

Life as ‘Bruce Reynolds’

After graduating from Pomona College, he joined the Army, serving in the Counterintelligence Corps. His fellow soldiers were confused by his name, he recalls. “They called me Bruce often, because they had never heard the name Cruz. Reynoso was strange to them too, so they assumed my name was ‘Reynolds.’ So, when someone called for Bruce Reynolds, I answered.”

After graduating law school at UC Berkeley, he studied constitutional law at the National University in Mexico City. He had the credentials for many legal pursuits, but he wanted to be a small-town lawyer. After returning to California, he went into private practice in the Imperial County community of El Centro, near the Mexican border.

He worked initially for a small firm and then hung out a shingle and ran a practice where he did everything—workers’ compensation cases, civil suits of

various kinds, and divorces—while his wife, Jeannene, ran the front office.

Getting political

In 1964, he was recruited by the local Democratic Party to be the county's first Latino candidate for the California Assembly. He lost.

He decided he didn't like running for office. And at that time, of course, he didn't foresee the kind of publicity he and his colleagues would be subject to in the campaign to unseat him as associate justice in the 1980s.

In 1993, Reynoso was appointed by Congress as vice chairman of the U.S. Commission on Civil Rights, and later reappointed by President Clinton. During his 11 years of service, the commission looked at a range of issues: from civil unrest following a Ventura County jury's acquittal of four Los Angeles police officers accused of beating motorist Rodney King, to voting irregularities in Florida in the 2000 presidential race between Al Gore and George W. Bush. Reynoso criticized that election, saying the "greatest sin" was that people were not allowed to vote.

From rural poor to the California Supreme Court

In the late 1960s, Reynoso was the first Latino to direct California Rural Legal Assistance Inc., which assists migrant

laborers and the rural poor. Then-Gov. Ronald Reagan tried to cut CRLA's funding, but the agency resisted the challenge.

During those years, Reynoso remembers, he thought he might like to be a judge someday, but figured no one would ever appoint "a trouble-making lawyer" like himself. "Jerry Brown had other ideas," he quips.

Brown, during his first gubernatorial term, appointed Reynoso to the Third District Court of Appeal in 1976, and elevated him to the highest court in California in 1981. Reynoso says it was a good job. "I could make decisions based on what is right and lawful, and not worry about what people think."

That was how he viewed it, anyway. But then came the infamous "Bird Court" ouster. Up for confirmation a year after his appointment, Reynoso survived a first attempt to unseat him and other justices. That recall effort, Reynoso says, was led by George Deukmejian, the state attorney general at the time who had opposed his initial appointment and was a major advocate of capital punishment. (Deukmejian later was elected governor in 1982). A second challenge in 1986—aimed at Reynoso, Chief Justice Rose Bird and Associate Justice Joseph Grodin—was successful. The campaign against them, accusing the three of being soft on crime and failing to enforce the death penalty, was well-funded.

Reynoso actually had voted to uphold California's death penalty, but the firestorm of criticism buried his judicial

Below: Cruz Reynoso with President Barack Obama and first lady Michelle Obama. Right: Reynoso with President Bill Clinton.



Michelle Obama



record, which included extending environmental protections and individual liberties and protecting civil rights. As justices, they chose to stay out of the political fray, taking out no ads and engaging in no political messaging. The ouster gave then-Gov. Deukmejian the opportunity to appoint three conservative judges to the state's high court.

Reynoso still sees such politicizing of the judiciary as a major flaw in the governmental system of checks and balances. "Judges should not be thinking about the next election when they are making court decisions. That's not justice."

Life after the Supreme Court

For Reynoso, there was much life after the Supreme Court.

He returned to private practice, but was called to the academic life. He joined the UCLA School of Law faculty, where he taught for a decade. Susan Prager was dean at UCLA at that time. "His decade at UCLA was truly extraordinary for all who were taught by him or came to know him because he is such a unique combination of wisdom, determination, purpose, passion, humility and impact," says Prager. While at UCLA Reynoso advised the *Chicano-Latino Law Review*, served on the U.S. Commission on Civil Rights, and served on a special dean's committee.

The UC Davis years

Kevin Johnson, dean of the UC Davis School of Law, as associate dean at the time, worked with then-Dean Rex Perschbacher to bring Reynoso to UC Davis in 2001. The shorter commute, and the offer of an endowed chair, were major enticements in luring him to King Hall.

Dedicated to freedom and equality at UC Davis, he would be called upon in 2011 to provide another service to the

University of California. That was when President Mark Yudof asked him to head a task force to investigate the pepper spraying of students by UC Davis police after a days-long "Occupy" movement protest on the Quad.

The panel, which became known as the Reynoso Task Force, concluded in releasing its report in April 2012 that officers' use of pepper spray was unjustified.

The university responded to this report and other studies with various reforms in place today.

Reynoso's effect on students throughout his academic career is immeasurable.

"He is a legal giant and a social justice icon," exclaims Adrian Lopez '00, J.D. '03, a former law student of Reynoso's.

"As an immigrant, English language learner and former continuation school student I was blessed to have achieved a law degree," says Lopez, who is now director of state government affairs on campus. "Cruz taught me that I had a moral imperative to give back to those that weren't as fortunate in life's journey."

Johnson, current dean at the law school, speaks about Reynoso's humility.

"I have never met somebody so humble, decent, caring and down-to-earth as Cruz Reynoso," says Johnson. "He treats all people—students, faculty, opponents of his views and others—with respect and humanity. I never have known him to say anything mean to anybody. I truly cannot think of a more decent person." 🌟

Donations to the Cruz and Jeannene Reynoso Scholarship for Legal Access can be made online: <https://give.ucdavis.edu/Go/reynososcholarship>

Some of Cruz Reynoso's **honors, awards and service**

- Inaugural holder, Boochever and Bird Chair for the Study and Teaching of Freedom and Equality.
- Presidential Medal of Freedom, the country's highest civilian honor, given by President Bill Clinton, 2000, for his efforts to address social inequities, and his public service.
- U.S. Commission on Civil Rights, vice chair, 1993-2004. Also served on U.S. commissions covering immigrant and refugee policy as well as immigration and human rights.
- President Barack Obama's transition team, 2008.
- UC Davis Medal, the highest honor the campus bestows, 2007.
- Cruz and Jeannene Reynoso Scholarship for Legal Access to help students with financial needs. Since the 2009-10 school year 19 students have received this scholarship.

State high court justices trace roots of success to King Hall

By Carla Meyer

UC Davis School of Law has produced dozens of esteemed judges over its 53-year history. But even for a law school accustomed to alumni on the bench, the current roster of state Supreme Court justices is remarkable.

King Hall counts four alumni who serve on the highest courts in their states: The Chief Justice of California, Tani G. Cantil-Sakauye '84; Arizona Supreme Court Justice Clint Bolick '82; Nevada Supreme Court Justice Kristina Pickering '77; and Alaska Supreme Court Justice Craig Stowers '85.

These justices, along with Justice F. Philip Carbullido '78 of the territory of Guam, have maintained strong relationships with UC Davis School of Law, often choosing King Hall students for clerkships or externships.

Here, Cantil-Sakauye, Bolick, Pickering and Stowers talk about how the knowledge they gained and relationships they made at King Hall helped to shape their careers.

TANI G. CANTIL-SAKAUYE '84, Chief Justice of California

UC Davis School of Law gave Tani G. Cantil-Sakauye a foundation in the law while confirming her belief in the power of camaraderie, she said.

“One of the reasons I went to law school at UC Davis is that it had a reputation for being collegial,” Cantil-Sakauye said during an interview in her Sacramento chambers. “At Davis, unlike at other schools—as I have come to learn—students helped each other. It was competitive, but it wasn't cutthroat.”

Cantil-Sakauye has promoted teamwork and cordiality throughout her time on the bench. She had served more than 20 years on California trial and appellate courts before Gov. Arnold Schwarzenegger appointed her, in 2010, to lead California's Supreme Court and the state's judicial branch. She is the first Filipina American and second woman to serve as California's chief justice.

“I bring that same collegiality and no-competition (atmosphere) to my meetings with the justices on cases, and to policy problems and challenges in the statewide branch,” Cantil-Sakauye said. “And even when I am working as head



*Tani G. Cantil-Sakauye '84
(courtesy of California Supreme Court)*

of the judicial branch, with the governor and the Senate and the Assembly, it is about having a common interest. And that is because of UC Davis Law.”

It helped that her first interactions with the Legislature's leadership involved Darrell Steinberg, who, as a fellow member of King Hall's Class of 1984, also was schooled in collegiality.

“When he was the President Pro Tem of the Senate, I was in my first year as chief justice, so we had a lot of business together—often contentious, but always among friends,” Cantil-Sakauye said of Steinberg, now mayor of Sacramento.

Cantil-Sakauye is a proud “double Aggie,” having obtained her undergraduate degree from UC Davis. Her sister and niece are UC Davis Law alumnae, and her daughter is a current UC Davis undergraduate.

Cantil-Sakauye gives back often to UC Davis. She was the School of Law's 2018 commencement speaker, and has been instrumental to a program in which King Hall externs work full-time for a semester at the California Supreme Court.

Amid all this collegiality, Cantil-Sakauye does recall an instance when a more competitive spirit won out. In 1981, Cantil-Sakauye and some fellow King Hall students formed an intramural basketball squad they dubbed “Sandra O and the Supremes,” in honor of Sandra Day O'Connor, who had just become the first woman on the United States Supreme Court.

“We were terrible,” Cantil-Sakauye said with a laugh. “But we were aggressive.”

CLINT BOLICK '82, Arizona Supreme Court Justice

Clint Bolick '82 did not see a judicial post in his future while at King Hall.

"I would say that if my classmates had voted on the student least likely to be a judge, I probably would have won that honor, running away," Bolick said. "I was such a fierce advocate for my positions, and I think the sort of student who would just weigh things very carefully and deliberately would be more likely to be seen as a judge down the line."

His decades working as a public-interest litigator for the Institute for Justice, which he co-founded, and the conservative and Libertarian think tank the Goldwater Institute also had seemed to rule out a judicial appointment, Bolick said.

"Very few people who practice public-interest law end up becoming judges," Bolick said. "The reason for that is you tend to take on very, very controversial cases, and they make it difficult to establish a consensus on a nomination to a court."

But Arizona Gov. Doug Ducey thought differently, appointing Bolick to the state's high court in 2016. Although Bolick never sat on a lower court, he had litigated cases all the way to the U.S. Supreme Court, where he assisted in a successful defense of vouchers for private and parochial schools, and helped winery owners win the right to ship products across state lines.

Along the way, Bolick became a lawyer who could weigh things thoughtfully and deliberately—qualities he has applied to his short time on the bench.

"A successful public-interest lawyer very carefully evaluates the merits of a case before taking it on, and then proceeds to litigate the case," Bolick said. "As it turns out, judging requires that very, very same objective evaluation."

Bolick currently is serving as a model of circumspection for King Hall alumna Danielle Lauber '18, his clerk at the Arizona Supreme Court. But he remembers his own



Clint Bolick '82 (courtesy of the Arizona Supreme Court)

firebrand days at UC Davis fondly. While in law school, Bolick took a class in local government from Professor Edward Rabin.

"I thought it would be a class about how local government functions, or perhaps about being an attorney for local government, but much to my surprise and delight, it turned out to be a course about suing the local government," Bolick said with a laugh. "So, it was just an epiphany. ... I didn't even wait to leave Davis before I used that."

Bolick challenged the city of Davis' \$35 campaign-contribution limit, on First Amendment grounds. He even scraped up \$35.01, as a broke law student in 1982, to donate to a candidate to test the limit.

Soon after, Bolick graduated and moved to Colorado, and he does not know what happened with the lawsuit. But the outcome was never as important as suing the government—an act he would repeat many times during his career.

"It was Ed Rabin's class that gave me the tools to do that," Bolick said.

KRISTINA PICKERING '77, Nevada Supreme Court Justice

Kristina Pickering always keeps a little bit of King Hall with her: The textbook *Plain English for Lawyers*, by Pickering's UC Davis School of Law Professor Richard Wydick, sits in her chambers at the Nevada Supreme Court.

"Dick Wydick's instruction in research and editing, and his instruction in Evidence, put me in really good stead" for her careers as a litigator and judge, Pickering said. She has purchased several copies of *Plain English* over the years.

"I give the book to all my law clerks, when they come," Pickering said. Some of those clerks have been from King Hall.

"I have maintained my contact with the law school through my (UC Davis) clerks, who have come and excelled," Pickering said. "Every single one of them has just been superb. I really enjoyed working with them, and the



Kristina Pickering '77 (courtesy of Nevada Supreme Court)

(Career Services) office has forwarded me really wonderful applicants. I am looking for the best I can get, and UC Davis has never disappointed.”

A native Nevadan who received her undergraduate degree from Yale, Pickering is just the fifth woman to sit on Nevada’s high court. She was first elected to the court in 2008, after a long career litigating cases in state and appellate courts.

Pickering spent her third year of law school at Georgetown, after her husband took a job in the Washington, D.C. area. But she remained committed to King Hall, completing her stint on the *UC Davis Law Review* “even though I was kind of straddling both places,” she said.

“I really cherish the time I spent at UC Davis. I did the bulk of my education there, and we had such wonderful professors—Richard Wydick, Gary Goodpaster, Ed Barrett.” Barrett’s class on constitutional law “taught me how to think deeply and critically about the Constitution,” Pickering said.

She first considered a judicial role for herself just after law school, when she clerked for Bruce Thompson, a Reno U.S. District Court judge who often also sat by designation on the Ninth Circuit.

“I really enjoyed that work, and I admired him enormously,” Pickering said of Thompson, after whom Reno’s federal courthouse is named.

She urges today’s UC Davis Law students to “focus on learning how to debate sides of questions without vilifying the opposing side,” Pickering said. “Law teaches people how to disagree in a civil way, and to reach a result that is better perhaps than either side can imagine. And the civility of the dialogue and the discourse is, I think, fundamental to sound government, and to sound management of disputes between people.”

CRAIG STOWERS ’85, Alaska Supreme Court Justice

Craig Stowers took a roundabout route to law school after receiving his undergraduate degree.

“I had been a park ranger for many years, including five years at Mount McKinley (now Denali) National Park in Alaska, before I lost my mind and went to law school,” Stowers said with a laugh.

When he entered King Hall, Stowers did not intend to practice law but rather was “attempting to acquire the skill sets to think like a lawyer” to apply to a policy role at a conservation or environmental organization, he said.

But then Stowers took classes taught by King Hall Professor Daniel Fessler, forging a relationship with Fessler

that would lead Stowers toward a career as a litigator. And back to Alaska.

Stowers took Business Law from Fessler, who had been hired to revise the Alaska Corporations Code. Fessler recruited Stowers to help with the revisions, and accompany him to Alaska, where Fessler introduced Stowers to Ninth Circuit Judge Robert Boochever.

Stowers clerked for Boochever, and for Alaska Supreme Court Justice Warren Matthews. Stowers then became a trial lawyer specializing in medical and attorney malpractice defense, eventually with his own firm.

Stowers first took the bench in 2004, after being appointed to the Alaska Superior Court by Gov. Frank Murkowski. In 2009, Stowers was appointed to his current seat on the state’s Supreme Court by Gov. Sean Parnell, who had just taken over after Gov. Sarah Palin resigned.

Stowers just completed a three-year term as the state’s chief justice. (The Alaska Constitution requires chief justices to step down after three years, and forbids consecutive terms.)

During his time as a justice, Stowers has helped keep things moving in that lesser-known Alaska pipeline—the one running to King Hall, which often supplies clerks to Alaska’s courts.

“Dan Fessler was part of it in his day, but I don’t know when it started,” Stowers said of the King Hall-Alaska connection. “I was in school from ’82 to ’85, and every year a justice from the Alaska Supreme Court would swing by Davis as part of a circuit.”

Stowers now serves as the main scout for potential clerks to work in Alaska, which lacks a law school of its own. When he travels to law schools in California, “I am interviewing in a sense for every court in (Alaska),” Stowers said. “I take notes and write summaries.”

For the past few years, he also has visited King Hall to talk to 1Ls and 2Ls about qualities they will need to obtain clerkships later. Two members of King Hall’s Class of 2018, Kyle Edgerton and Amanda Saunders, currently are clerking for Stowers.

King Hall factors in other ways as well in Stowers’ role as a justice.

“I got an excellent education in the foundational concepts of the law” at UC Davis, Stowers said. “I think that is what a law school is supposed to provide to its students.” 🌟



Craig Stowers '85

Professor Shestowsky

leads new Lawyering Education Skills Program

Professor Donna Shestowsky has been named director of the new Lawyering Skills Education Program at UC Davis School of Law.

Shestowsky will teach Lawyering Process, a new, mandatory spring-semester course for first-year students. She also oversees the law school's skills curriculum, including the legal research and writing, trial-practice and appellate-advocacy programs.

"I am very excited" about the new position, Shestowsky said. "It is great that the faculty and the dean took steps to ensure that all students will have the opportunity to hone some of the advocacy skills that lawyers are most typically called upon to use for their clients in today's legal world."

The new course "focuses on the interpersonal skills that are needed for effective representation," Shestowsky said. "How should lawyers interview new clients so they truly understand their interests and goals? How should they explain the law to them in conversation, and brainstorm effective solutions to their problems? How should they negotiate with opposing counsel to get an outcome that meets their needs?"

Shestowsky proposed the course after speaking to students and alumni, and convening a focus group, to "better understand what law students wished they had learned during their 1L year," she said. "A common theme that came



Professor Donna Shestowsky

out of these discussions is that students would benefit from honing their client-counseling and negotiation skills while in school."

In her larger role as director, Shestowsky supervises and supports existing skills programs. Shestowsky's new position dovetails with her longtime role as coach of King Hall's highly successful Negotiations Team, which she helped found, and her teaching and research in the areas of negotiation and client counseling. 🌱



Tribal Justice Project holds inaugural symposium at King Hall

On Sept. 21, the Tribal Justice Project at the Aoki Center for Critical Race & Nation Studies held its first symposium, "Enhancing Sovereignty through Tribal Courts." The event featured panelists from Alaska, Arizona, California and Utah, many of whom are tribal court judges. The event began with a presentation by Professor Mary Louise Frampton, director of the Aoki Center, and Hon. Christine Williams, director of the Tribal Justice Project. UC Davis Associate Vice Chancellor for Academic Diversity and Professor of Law Raquel Aldana, School of Law Professor Kelly Behre, and Native American Studies department Student Affairs Officer Melinda Crow served as panel moderators. Established in 2018, the Tribal Justice Project is a collaborative effort with California tribal judges, lawyers and leaders that seeks to enhance the capacity and sovereignty of tribes in California by providing culturally appropriate training for tribal judges and court personnel.



FACULTY SCHOLARSHIP

Afra Afsharipour, *Senior Associate Dean for Academic Affairs and Professor of Law*

- “Enhanced Scrutiny on the Buy-Side” (with J. Travis Laster), *Georgia Law Review* (forthcoming 2019)
- “Reevaluating Shareholder Voting Rights in M&A Transactions,” *Oklahoma Law Review* (2017)

Raquel Aldana, *Associate Vice Chancellor for Academic Diversity and Professor of Law*

- *From Extraction to Emancipation, Development Reimagined* (edited collection with Steven S. Bender), American Bar Association and Carolina Academic Press (2018)
- “The Challenges and Potential of an International Human Rights Regime to Manage Migration” in *Compassionate Migration & Regional Policy in the Americas* (William Arrocha et al., eds. Palgrave Macmillan) (2017)

Kelly Behre, *Lecturer*

- “Ensuring Choice and Voice for Campus Sexual Assault Victims: A Call for Victims’ Attorneys,” *Drake Law Review* (2017)

Karima Bennoune, *Professor of Law and U.N. Special Rapporteur in the field of cultural rights*

- “Universality, Cultural Diversity and Cultural Rights,” report to the United Nations General Assembly, UN Doc. A/73/227 (2018)
- “The Impact of Fundamentalism and Extremism on the Cultural Rights of Women,” report to the United Nations General Assembly, UN Doc. A/72/43 (2017)

Ashutosh Bhagwat, *Martin Luther King Jr. Professor of Law*

- “In Defense of Content Regulation,” *Iowa Law Review* (2017)
- “Free Speech Categories in the Digital Age,” in Susan J. Brison and Katharine Gelber, ed.s, *Free Speech in the Digital Age*, Oxford University Press (forthcoming 2019)

Mario Biagioli, *Distinguished Professor of Law and Science and Technology Studies*

- *Beyond Publish or Perish: Metrics and the New Ecologies of Academic Misconduct* (with Alexandra Lippman eds.) MIT Press (forthcoming 2019)
- “Justice Out of Balance,” *Critical Inquiry* (2019)

FACULTY SCHOLARSHIP

Andrea Cann Chandrasekher, *Professor of Law*

- “Dual-Process Theory of Racial Isolation, Legal Cynicism and Reported Crime” (with John Hagan, Bill McCarthy, and Daniel Herda), *Proceedings of the National Academy of Sciences* (2018)
- “Arbitration Nation: Data from Four Providers” (with David Horton), *California Law Review* (forthcoming 2019)

Gabriel “Jack” Chin, *Edward L. Barrett Jr. Chair of Law, Martin Luther King Jr. Professor of Law, and Director, Clinical Legal Education*

- “The War Against Chinese Restaurants” (with John Ormonde), *Duke Law Journal* (2018)
- “Chevron and Citizenship” (with Steven Vong and Nicholas Starkman), *UC Davis Law Review* (2018)

William S. Dodge, *Martin Luther King Jr. Professor of Law*

- “Customary International Law, Change, and the Constitution,” *Georgetown Law Journal* (2018)
- “Personal Jurisdiction and Aliens” (with Scott Dodson), *Michigan Law Review* (2018)

Christopher S. Elmendorf, *Martin Luther King Jr. Professor of Law*

- “From Educational Adequacy to Representational Adequacy: A New Template for Legal Attacks on Partisan Gerrymanders,” *William & Mary Law Review* (2018)
- “Solving ‘Problems No One Has Solved’: Courts, Casual Inference, and the Right to Education” (with Darien Shankse), *University of Illinois Law Review* (2018)

Katherine Florey, *Professor of Law*

- “A Successful Experiment: California’s Local Laboratories of Regulatory Innovation” (with Andrew Doan), *UCLA Law Review Discourse* (2018)
- “Making It Work: Tribal Innovation, State Reaction, and the Future of Tribes as Regulatory Laboratories,” *Washington Law Review* (2017)

Jasmine E. Harris, *Acting Professor of Law*

- “The Aesthetics of Disability,” *Columbia Law Review* (forthcoming 2019)
- “Sexual Consent and Disability,” *NYU Law Review* (2018)

Robert W. Hillman, *Professor of Law, Fair Business Practices and Investor Advocacy Chair*

- *Securities Regulation: Cases and Materials* (with James Cox and Donald Langevoort), Aspen, 8th ed. (2017)
- *Hillman On Lawyer Mobility: The Law and Ethics of Partner Withdrawals and Law Firm Breakups*, Wolters Kluwer, 3rd ed. (2017)

David Horton, *Professor of Law*

- “Arbitration About Arbitration,” *Stanford Law Review* (2018)
- “Arbitration Nation: Data from Four Providers” (with Andrea Cann Chandrasekher), *California Law Review* (forthcoming 2019)

John P. Hunt, *Professor of Law*

- “Help or Hardship?: Income-Driven Repayment in Student-Loan Bankruptcies,” *Georgetown Law Journal* (2018)
- “Constitutionalized Consent: Preemption of State Tax Limits in Municipal Bankruptcy,” *Yale Journal on Regulation* (2017)

Lisa Ikemoto, *Martin Luther King Jr. Professor of Law*

- “DIY Bio: Hacking Life in Biotech’s Backyard,” *UC Davis Law Review* (2017)
- “Reproductive Rights and Justice: A Multiple Feminist Theories Account” in *Feminist Jurisprudence Project* (Cynthia Bowman & Robin West eds.) (forthcoming 2019)

Irene Oritseweyinmi Joe, *Acting Professor of Law*

- “The Prosecutor’s Client Problem,” *Boston University Law Review* (2018)
- “Rethinking Misdemeanor Neglect,” *UCLA Law Review* (2017)

Elizabeth Joh, *Professor of Law*

- “Private Security Robots, Artificial Intelligence, and Deadly Force,” *UC Davis Law Review* (2017)
- “Feeding the Machine: Policing, Crime Data, & Algorithms,” *William & Mary Bill of Rights Journal* (2017)

Kevin R. Johnson, *Dean and Mabie-Apallas Professor of Public Interest Law and Professor of Chicana/o Studies*

- *Immigration Law and Social Justice* (with Bill Ong Hing and Jennifer M. Chacón) (and Teacher’s Manual), Aspen Casebook Series, Wolters Kluwer (2017)
- *Understanding Immigration Law* (with co-authors) 3rd ed., Carolina Academic Press (forthcoming 2019)

Thomas W. Joo, *Martin Luther King Jr. Professor of Law*

- “Urban Renewal and Sacramento’s Lost Japantown,” *Chicago-Kent Law Review* (2018)

Courtney Joslin, *Professor of Law*

- “Autonomy in the Family,” *UCLA Law Review* (forthcoming 2019)
- “Discrimination In and Out of Marriage,” *Boston University Law Review* (2018)

Carlton F.W. Larson, *Professor of Law*

- *The Trials of Allegiance: Treason, Juries, and the American Revolution*, Oxford University Press (forthcoming 2019)
- “The 1778-1779 Chester and Philadelphia Treason Trials: The Supreme Court as Trial Court,” in *The Supreme Court of Pennsylvania: Life and Law in the Commonwealth, 1684-2017* (John J. Hare ed.) Penn State University Press (2018)

Peter Lee, *Professor of Law*

- “Rethorizing the Impact of Intellectual Property Rights on Industry Structure,” *Vanderbilt Law Review* (forthcoming 2019)
- “Innovation and the Firm: A New Synthesis,” *Stanford Law Review* (2018)

Albert C. Lin, *Martin Luther King Jr. Professor of Law*

- “Herding Cats: Governing Distributed Innovation,” *North Carolina Law Review* (2018)
- “Carbon Dioxide Removal After Paris,” *Ecology Law Quarterly* (forthcoming 2019)

Camille Pannu, *Director, Water Justice Clinic*

- “Bridging the Safe Drinking Water Gap for California’s Rural Poor,” *Hastings Environmental Law Journal* (2018)

Menesh Patel, *Acting Professor of Law*

- “Institutional Investors, Common Ownership, and Antitrust,” *Antitrust Law Journal* (2018)

Lisa R. Pruitt, *Martin Luther King Jr. Professor of Law*

- “Legal Deserts: A Multi-State Perspective on Rural Access to Justice” (with Hannah Haksgaard, Amanda Kool, Lauren Sudeall Lucas, Danielle M. Conway and Michele Statz), *Harvard Law and Policy Review* (2018)
- “The Women Feminism Forgot: Rural and White Working Class Women in the Era of Trump,” *Toledo Law Review* (2018)

Shayak Sarkar, *Acting Professor of Law*

- “Exclusionary Taxation” (with Josh Rosenthal), *Harvard Civil Rights-Civil Liberties Law Review* (2018)
- “The Financial Regulation of Immigration,” *Georgetown Law Journal* (forthcoming 2019)

Leticia Saucedo, *Professor of Law*

- “States of Desire: How Immigration Law Allows States to Attract Desired Immigrants,” *UC Davis Law Review* (2018)
- “Employment Authorization and Immigration Status: the Janus-Faced Immigrant Worker,” *Ohio Northern Law Review* (2017)

Darien Shanske, *Professor of Law*

- “The Games They Will Play: Tax Games, Roadblocks, And Glitches Under the 2017 Tax Overhaul” (one of five primary authors), *Minnesota Law Review* (forthcoming 2019)
- “Expanding State Fiscal Capacity in the Age of Trump, Part I: A New and Improved Consumption Tax Paired with a Tax on a Federal Windfall (the QBI deduction),” *Florida Tax Review* (forthcoming 2019)

Donna Shestowsky, *Professor of Law and Director of Lawyering Skills Education Program*

- “Inside the Mind of the Client: An Analysis of Litigants’ Decision Criteria for Choosing Procedures,” *Conflict Resolution Quarterly* (2018)
- “When Ignorance is Not Bliss: An Empirical Study of Litigants’ Awareness of Court-Sponsored Alternative Dispute Resolution Programs,” *Harvard Negotiation Law Review* (2017)


Brian Soucek, *Professor of Law*

- “The Case of the Religious Gay Blood Donor,” *William & Mary Law Review* (forthcoming 2019)
- “Queering Sexual Harassment Law,” *Yale Law Journal Forum* (2018)

Aaron Tang, *Acting Professor of Law*

- “Rethinking Political Power in Judicial Review,” *California Law Review* (2018)
* winner, Association of American Law Schools’ Scholarly Paper Competition (2018), presented at Yale / Stanford / Harvard Junior Faculty Forum (2018)
- “Life After Janus,” *Columbia Law Review* (forthcoming 2019)

Dennis J. Ventry, Jr., *Professor of Law*

- “The Failed Free File Program Should Be Reformed, Not Codified,” *Tax Notes* (July 16, 2018)
- “Stitches for Snitches: Lawyers as Whistleblowers,” *UC Davis Law Review* (2017) 

Professor and Dean Emeritus Rex R. Perschbacher

The King Hall community mourns the loss of one of its most beloved members, Dean and Professor Emeritus **Rex R. Perschbacher**. He died on June 30 after a long illness. He was 71.

Professor Perschbacher was dean of UC Davis School of Law from 1998-2008, during which time he grew and diversified the faculty and devised an ambitious, ultimately successful plan to renovate and expand King Hall. Construction on the project, begun while he was dean in 2007, was completed in 2010 under his successor, Dean Kevin R. Johnson.

“Professor Perschbacher personified all that is great about King Hall,” said Johnson, who served as associate dean for Professor Perschbacher. “His vision led to the beautiful addition and renovation of King Hall. He led an intellectual renaissance of UC Davis School of Law, overseeing the scholarly ascendance of the school, hiring a diverse and excellent faculty and staff, bolstering the law school’s true sense of community and commitment to teaching, and much more. And he was as good a person as I have ever met. We all will miss him.”

Professor Perschbacher joined the King Hall community as a Professor of Law in 1981. His scholarship focused on civil procedure, professional responsibility and clinical legal education. He received the law school’s Distinguished Teaching Award in 1992, and a Special Citation Affirmative Action and Diversity Achievement Award in 2001. He held the Daniel J. Dykstra Endowed Chair, and was Director of Clinical Legal Education, before he retired in 2016.

Professor Perschbacher discussed his affinity for teaching in a 2017 video interview with Professor Emeritus Bruce Wolk, Professor Perschbacher’s predecessor as dean, and for whom he served as associate dean. The video was recorded as part of the UC Davis Emeriti Association’s Video Records Project.

“I really did love the students, and cared about their education, and getting them as prepared as possible in the classroom,” Professor Perschbacher said. “I wanted them to be up on the law, and up on the materials.”



Rex R. Perschbacher

In the video, the pair recall fondly how Professor Perschbacher’s students once showed up for class dressed as their professor, in blazers, black-framed eyeglasses and fake mustaches.

“They loved you back,” Wolk tells him.

Professor Perschbacher grew up in the suburbs of Chicago, Il. He came to California to attend Stanford, where he received a bachelor of arts in philosophy. He earned his J.D. from UC Berkeley School of Law, where he was articles editor of the *California Law Review* and was elected Order of the Coif. After law school, he clerked for the Honorable Alfonso J. Zirpoli of the United States District Court for the Northern

District of California, and entered private practice with Heller, Ehrman, White & McAuliffe in San Francisco.

Professor Perschbacher attended Berkeley Law at the height of the anti-war movement—an experience that helped instill a sense of social responsibility he would impart to faculty and students as dean of UC Davis School of Law.

His eye for diversity while hiring faculty laid the groundwork for what would become the only majority-minority faculty among the nation’s top law schools.

“Rex was committed to King Hall having a diverse faculty,” Professor Emeritus Alan Brownstein said last year at a Schwartz/Levi Inn of Court event in Sacramento at which Professor Perschbacher was honored. “He rejected out of hand the excuses made by law schools that defended their lack of diversity on the grounds they could not find qualified candidates to hire.”

Professor Perschbacher was “a decent, soft-spoken person, but there was steel in his values,” Brownstein said.

Professor Perschbacher is survived by his wife of nearly 30 years, Debbie Bassett; two children, Julie McLaughlin and Nancy Bateman; a sister, Lisa Magee; and four grandchildren. 🌻

Donations in Professor Perschbacher’s memory may be made to the Rex Perschbacher Scholarship at the law school: <https://give.ucdavis.edu/LFIS/14376>

King Hall founding faculty member *Floyd Feeney*

Professor **Floyd F. Feeney**, a founding UC Davis School of Law faculty member and a beloved teacher to generations of King Hall students, died on Jan. 8, 2019 after a short illness. He was 85.

The Homer G. and Ann Berryhill Angelo Professor of Law at UC Davis, Feeney specialized in criminal law and procedure, and election law. He was an active faculty member from 1968 until his passing. During the fall 2018 semester, he taught Criminal Law and a seminar titled Reforming the Police and Criminal Justice.

A student and alumni favorite, Feeney was a rare two-time recipient of the law school's Distinguished Teaching Award, winning in 1986 and 2008. He also was chosen several times to be a faculty marshal at commencement, most recently in 2018.

Dean Kevin R. Johnson noted that, "Floyd Feeney was the heart and soul of UC Davis School of Law. A legendary teacher devoted to his students, an internationally acclaimed scholar, and dedicated public servant, Professor Feeney represented all that was great about Martin Luther King Jr. Hall. His grace, respect for all, and commitment to excellence can be seen in the law school that he was central in creating. His passing is a great blow to our community and we all will miss Floyd dearly."

Professor Feeney authored seven books and countless articles. He was a member of the influential law reform group the American Law Institute. Professor Feeney also was involved extensively in UC Davis campus governance for many years.

Professor Feeney arrived at King Hall in 1968, the year the law school building was completed. In 2016, he wrote in UC Davis School of Law's *Counselor* magazine about the school's earliest days:

"The first law school class consisted of around 75 students willing to take a chance on the new venture. When Martin Luther King was assassinated in the spring of their third year, law students were the first to recommend that the school building be named in his honor.

"Students and faculty relationships in these early days were extremely close. There were many events that brought students and faculty together outside the classroom. These contacts and the close relationships helped to build a friendly, cooperative spirit. That spirit has endured and

has ever since been an important part of King Hall."

Professor Feeney worked in Washington, D.C., before coming to Davis and served as a law clerk for U.S. Supreme Court Justice Hugo Black during the 1961 term. A 1995-96 Fulbright scholar at the University of Augsburg (Germany), he taught and lectured in China, Germany, Italy, Japan, Mexico, and the United Kingdom.



Floyd Feeney

From 1997-2014, Professor Feeney was director of the School of Law's LL.M. program, which brings lawyers and judges to UC Davis from around the world. As director, he taught, counseled, supervised legal research papers, and generally worked closely with the students. Professor Feeney was instrumental in making the School of Law a leader in international legal education in the United States.

Professor Feeney received his J.D. from New York University School of Law, where he was a Root-Tilden Scholar, the law review's editor-in-chief, and recipient of the Sommer Award as outstanding graduate of 1960. He received his undergraduate degree in history from Davidson College, where he was student body president.

Professor Feeney is survived by daughters Elizabeth Feeney and Linda Fessler; grandchildren William Benn, Michael Fessler, Rupert Smith, Kaitlyn Fessler and Zachary Smith; and sons-in-law Robert Smith and Steve Fessler. 🌟

Donations: At the request of the family, donations can be made to the Floyd Feeney Scholarship Fund at <https://give.ucdavis.edu/LFIS/324397>

Students join fight to help detained migrant children

By Carla Meyer

In fall 2017, Christian Hatchett, Gladys Pimentel Hernandez and Mayra Sandoval, all members of the Class of 2019, traveled to Texas on a fact-finding mission.

What they encountered there would become part of a motion that prompted a judge to order the federal government to seek proper consent before giving psychotropic drugs to detained migrant children.

Immigration Law Clinic students Hatchett, Hernandez and Sandoval interviewed detained children that November at Shiloh Treatment Center, near Houston.

The trio, accompanied by Immigration Law Clinic Co-director Holly Cooper '98 and Civil Rights Clinic Director Carter White, sought firsthand accounts of violations of the Flores settlement agreement, the 1997 class-action settlement that sets standards for the detention and release of juvenile detainees.

Hatchett asked Shiloh detainees how much medication they were being given. "In some of the cases, the children were getting eight pills a day," he said. "That was without their consent and without their parents' consent."

Children also would be injected with psychotropic drugs, without consent, if Shiloh staff determined they were having psychotic episodes, Hatchett said. That, he said, is in violation of the Flores agreement.

The detainees the students interviewed were not among those separated from parents at the U.S.-Mexico border under the Trump administration's "zero tolerance" policy. They had crossed the border without a parent, and had been designated "unaccompanied minors" by authorities.

Obtaining information about conditions at Shiloh required winning the trust of these young detainees.

The students "displayed some of the best interviewing skills I have witnessed in my career," Cooper said. "They were excellent with the children."

The declarations they gathered were used in a motion to enforce the Flores settlement agreement filed in April 2018 in federal court in Los Angeles. Cooper and Carter are part of a team of attorneys representing Flores plaintiffs, and Hernandez helped draft the motion.

In response, Judge Dolly Gee ordered Shiloh to stop administering psychotropic drugs without parental consent or a court order, unless it was an emergency, and to release children to less restrictive housing unless a licensed psychologist or psychiatrist determines a child "poses a risk of harm to self or others." 🌻



From left, Mayra Sandoval '19, Christian Hatchett '19 and Gladys Pimentel Hernandez '19



2018 alumni reunions' success

The 2018 Milestone Reunions event was a great success as we had another record-breaking number of alumni return this year from the classes of 1973, 1978, 1983, 1988, 1993, 1998, 2003, and 2013.

Event highlights from this year included: Alumni Band-Uh marching King Hall alumni to dinner and local partnerships on campus and off. These include homegrown centerpieces created with plants from the Arboretum and books from the Mabie Law Library. The event also featured Davis-area craft breweries like Super Owl Brewing, owned by a King Hall alumna.

Reunion class committee members eagerly volunteered their time to create an enjoyable evening for all by encouraging attendance, gathering old photos, coordinating private class activities and fundraising for the school.

The Class of 1998 reached its ambitious \$100,000 class gift goal earmarked to help current and future King Hall students. Even 20 years out, these classmates were motivated to continue fostering the cooperative and supportive student atmosphere that is the bedrock of the King Hall community. 🌟

DIRECTED GIVING

UC Davis School of Law is proud to recognize the extraordinary contributions that friends, alumni, faculty and staff have made to support endowments and scholarships and other privately raised funds established to benefit the School of Law. Each of these dedicated funds provides invaluable support and is critical to the future of King Hall. Thank you to everyone who contributed so generously to make these supporting funds a reality.

LECTURES

- Dean Edward L. Barrett, Jr., Lectureship on Constitutional Law
- Professor Brigitte M. Bodenheimer Lecture on Family Law
- Central Valley Foundation / James B. McClatchy Lecture on the First Amendment

CHAIRS AND PROFESSORSHIPS

- Homer G. Angelo and Ann Berryhill Angelo Professorship and Fund for International Legal Communication Studies
- John D. Ayer Chair in Business Law
- Professor Edward L. Barrett, Jr., Professorship
- Boochever and Bird Chair for the Study and Teaching of Freedom and Equality
- Daniel J. Dykstra Chair
- Fair Business Practices and Investor Advocacy Chair
- Mabie-Apallas Public Interest Chair

SCHOLARSHIPS

- Edward L. Barrett, Jr., Scholarship
- Helen Bates Scholarship
- David and Mariana Beatty Scholarship
- Stephanie J. Blank Memorial Scholarship
- Brieger-Krevans Scholarship
- Brigitte Bodenheimer Memorial Scholarship
- California Law Reform Scholarship
- Cannata-Cunningham Scholarship
- Jose and Laura Castillo Scholarship
- Celestial Summer Dove Cassman Scholarship
- The Class of '75 Scholarship Fund
- The Class of '84 Scholarship Fund
- Dennis M. Chandler Memorial Scholarship
- John F. Cheadle Memorial Scholarship
- Joel Dobris Student Support Fund
- Christine M. Doyle Scholarship
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- Thomas W. Corn Memorial Endowment Fund
- C. Michael Cowett Award
- Davis Law Students Medalist Prize
- Dean's Discretionary Fund
- Doremus/Anthon Prize

- Daniel J. Dykstra Faculty Excellence Fund
- Environmental Law Endowment Fund
- Richard M. Frank Environmental Writing Prize
- Patrick J. Hopkins Memorial Fund
- Hy and Kay Ikeda Memorial Award
- King Hall Alumni Association Award
- King Hall Annual Fund
- King Hall Legal Foundation (an independent 501 (c) (3))
- King Hall Veterans Support Fund
- Loan Repayment Assistance Fund
- Moses Lasky Anti-Trust Prize
- Theodore M. Pritikin Memorial Fund
- Public Interest Law Fund
- John and Mary Quirk Environmental Award
- William A. & Sally Rutter Distinguished Teaching Award
- Trial and Appellate Advocacy Fund
- UC Davis Law Review Endowment Fund

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2018 Reunions



CLASS OF 1973



CLASS OF 1978



CLASS OF 1983



CLASS OF 1993



CLASS OF 1988



CLASS OF 1998



CLASS OF 2003



CLASS OF 2008



CLASS OF 2013

Class of 2018 returns for Swearing-In Ceremony

In December, members of the Class of 2018 returned to King Hall for one of the most truly celebratory events on the annual law school calendar: the Swearing-In Ceremony.

Recent graduates who had passed the California Bar Examination gathered in Kalmanovitz Appellate Courtroom to become lawyers officially. As they raised their right hands, friends and family members captured the moment by taking photos.

UC Davis School of Law Dean Kevin R. Johnson congratulated the Class of 2018 on its “amazing achievement.” Chosen from among more than 3,000 applicants to attend UC Davis Law, they had completed three years of law school to become the school’s 50th graduating class.

“Today, you complete the circle,” Johnson said. Practicing law will have its challenges but is also “a truly amazing privilege,” Johnson said. “It is a privilege to be able to help people and make a difference.”

But the Class of 2018 already knows this, Johnson added. “As students, you embodied the spirit of King Hall

and devoted thousands of hours to public service. I am sure you will continue to value public service and do great things in your careers.”

Sacramento Superior Court Judge Lawrence Brown ’89 delivered the state oath, and Judge Dale Drozd, of the U.S. District Court, Eastern District of California, administered the federal oath. Drozd echoed Johnson’s sentiments in his remarks to the brand-new lawyers.

“With your talents and your knowledge, and with everything you’ve been exposed to at UC Davis Law, you are now in a position to help people who very much need help,” Drozd said.

Brown, along with being a UC Davis Law alumnus, teaches Judicial Practice at King Hall. He told the Class of 2018 members that they, like all UC Davis School of Law alumni, “are different, in a good way.” King Hall alumni show “modesty and humility,” he said.

“That kindness that you may possess is never to be mistaken for weakness,” Brown continued. “Lest opposing counsel underestimate you, you can then watch them as they come to understand their miscalculation.” 🌟



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2019 UPCOMING EVENTS

March 12, Tuesday
Immigration & Nationality
Law Review Symposium
King Hall, UC Davis

March 14, Thursday
Celebrating King Hall
Mondavi Center

March 15, Friday
Environmental Law
Society Symposium
King Hall, UC Davis

March 16, Saturday
Patiño Banquet
ARC Ballroom

March 22, Friday
Conference on
Academic Brands
King Hall, UC Davis

April 4, Thursday
Business Law Journal
Symposium
King Hall, UC Davis

April 5-6, Fri-Sat
Admitted Students
Weekend
King Hall, UC Davis

April 10, Wednesday
Asian Pacific American
Law Student Association
Annual Banquet
*The Sterling Hotel,
Sacramento*

April 15, Monday
Hopkins Reception
*Walter A. Buehler
Alumni Center*

April 25, Thursday
Public Service
Graduation
King Hall, UC Davis

May 18, Saturday
Commencement
Mondavi Center

June 17-20, Mon-Thurs
Summer Tax Institute
King Hall, UC Davis

August 11, Sunday
Class of 2022
Welcome BBQ
*Alumni Center,
UC Davis*

November 2, Saturday
Alumni Reunions
King Hall, UC Davis

Please visit the School
of Law website at
law.ucdavis.edu and
navigate to "News &
Events" for details and
additional event listings.