

2006

Alumni News, Winter 2006

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ALUMNI NEWS

GGU Students Win Parole Board Reversal for San Quentin Inmate

Under the tutelage of **Professor Susan Rutberg (JD 75)**, three students with the GGU Innocence Project (which closed in Dec. 2005) and Rutberg's "Wrongful Convictions" class hit a milestone in their efforts to win the release of Marvin Mutch, serving a life sentence in San Quentin State Prison.



Professor Susan Rutberg and Dan Taylor (JD 06)

Mutch has been in prison for 30 years since being convicted at age 18 of first-degree murder. After an in-depth investigation into Mutch's case in which they turned over every piece of old evidence during the fall 2005 and spring 2006 semesters, Innocence Project students **Dan Taylor (JD 06)** and **Lisa Sloman (JD 05)** became convinced of Mutch's innocence, as did **Heather Ledgerwood (JD 06)**, who took on the case more recently as an Honors Lawyering Project intern.

Without DNA or other new evidence, there was no hope of overturning Mutch's conviction in the courts. So Rutberg and her students decided to seek another avenue for release: parole. To win a release date for a "lifer" like Mutch, their task was to convince the parole commissioners of the prisoner's suitability to live in society.

Mutch is the elected statewide chairman of the Men's Advisory Council, a group that works with the San Quentin administration to prevent violence at the facility. Rutberg and her students obtained over 30 letters of support from people inside and

continued on page 2

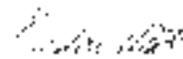


Dean Frederic White

Dean's Message

I hope you enjoy this new biannual newsletter from Golden Gate University School of Law. Keeping up with all of our student and faculty achievements and exciting programmatic developments can be a challenge. This newsletter, along with *Class Action* magazine and our other communications to alumni (such as my recent letter to you about new challenges and initiatives under way in the School) should help keep you better informed of goings-on at your alma mater.

Sincerely,



New Environmental Law Newsletter

The School of Law has produced a new biannual newsletter about programs and activities of its environmental law students, programs, and clinics. To see it online, go to www.ggu.edu/law.

The School of Law is also pursuing the idea of producing a new environmental law journal.

Bar Passers Sworn in at Ninth Circuit Court in December



Alumni who passed the July 2005 California bar exam were officially sworn in as members of the State Bar of California and became eligible to practice in the US District Court Northern District of California at a

December ceremony at the James R. Browning US Courthouse. The **Hon. Gail Dekreon (JD 81)** of the Superior Court of California and The **Hon. Carol A. King (JD 84)** of the US Immigration Court of the Executive Office for Immigration Review led the cer-

emony. The annual event is both unique to San Francisco and a powerful testament to our grads' will to succeed. Best of luck to alumni taking the February exam!

Parole Board Reversal (continued from page 1)

outside the prison (including former San Quentin Warden Jill Brown), all lauding their client's successes in advocating for humane treatment of prisoners, de-escalating potentially violent situations, and teaching tolerance. Ledgerwood, Taylor, and Sloman all came to like and respect Mutch and to look forward to their visits with him—though they did find the walk past Death Row on the way to the visitor's area unnerving.

On January 11, Rutberg and Ledgerwood went to San Quentin to argue for Mutch's release before the parole board. In a rare move, the board agreed Mutch should be released. The full parole board has 120 days from that date to review the commissioners' decision and make it final; the governor then has 30 days to review and uphold or reverse the commissioners' decision.

"It's a victory just to get this far," says Taylor, who has worked in the Alameda County Public Defender's Office and hopes to eventually become a public defender.

Whatever the outcome for Mutch, the experience has been a life-changer for Rutberg and her students. "Although I spent countless hours working on his case, I always wanted to do more," Sloman says. "There's just something about Marvin's case that will always be a part of my life. I intended to go into prosecution work, but after working with Susan, I changed my focus to defense work."



Heather Ledgerwood (JD 06)

Ledgerwood's six visits to San Quentin included serving as a witness at his wedding. (She was held at the prison for hours after the ceremony while guards did a head count.) The mother of two young children who commutes to GGU from Palo Alto, Ledgerwood says the entire experience has been intensely emotional and moving, but not without its lighter moments— as when she had to explain to her seven-year-old son that

she was not "going to prison."

Her work on the Mutch case has strengthened Ledgerwood's resolve to pursue a career in criminal defense law. First, she'll have to pass the bar. But some things take precedence over even that. "When Mutch gets exonerated, I don't care what I'm doing—even if I'm studying for the bar—I'll drop everything to celebrate with him!" she says.

Katie York (JD 06) published an article titled "Too Often, Informants' Lies Poison Justice With Wrongful Convictions" in the December 15, 2005 issue of the *San Francisco Daily Journal*.

Justin Fish (JD 06) and Elizabeth Nguyen (JD 07) won the Appellate Advocacy Competition in the fall 2005 semester, arguing in a case involving a search and seizure issue before Justices Timothy Reardon and Pat Sepulveda and Chief Magistrate Judge James Larson at GGU's Moot Court Room on November 29. The judges have repeatedly taken time from their busy dockets to participate in School of Law programs like this one, and they frequently hire GGU students and graduates to work in their courts.

In late October 2005 a team of GGU students prevailed over three other Bay Area law schools in a mock trial competition sponsored by the San Francisco Trial Lawyers Association. Third-year JD students **Sean Kensinger** and **Tim Galstan** acted as the attorneys, while 3Ls **Kimberly Cazinha** and **Emily Cole** played witnesses in a mock dispute involving a highway accident. They actually won twice: advocating for the defense in the morning and the plaintiff in the afternoon. With help from **Professor Bernie Segal** and alumna **Wendy Bemis (JD 01)** of Bemis & Associates, the students defeated teams from UC Hastings College of the Law, Boalt Hall School of Law, and University of San Francisco School of Law.



From left: Kimberly Cazinha, Sean Kensinger, Tim Galstan, and Emily Cole.



Analisa Pratt (JD 06), left, and US District Court Judge Claudia Wilken

Analisa Pratt (JD 06) will be clerking for United States District Court Judge Mary Murguia in Phoenix beginning in the fall of 2006. She has served as editor-in-chief of the *Golden Gate University*

Law Review. Her achievements include authoring an article in the "Law and Social Change" issue of the *Law Review* in which she examines the citation of unpublished opinions in courts of appeals. While at GGU she has also been a summer associate at Lewis, Feinberg, Renaker & Jackson, P. C., a plaintiff-side ERISA law firm, and a judicial extern for District Court Judge Claudia Wilken.

Erin Frazor (JD 07) will be a summer associate with DLA Piper Rudnick Gray Cary in San Francisco this summer. Erin has been an active member of the Honors Lawyering Program, *Golden Gate University Law Review*, and Golden Gate University Moot Court Board. Her *Law Review* manuscript was recently selected for publication. In 2005 Erin worked as a judicial extern to the Honorable Justice Patricia Sepulveda at the California Courts of Appeal.

FACULTY NEWS



Bernhardt

Professor Roger Bernhardt's new casebook, *Bernhardt, Palomar & Randolph, Property: Cases and Statutes*, has been published by Carolina Academic Press. Bernhardt is editor of the *California Real Property Law Reporter*, for which he writes regular columns and case comments.



Cohen

Professor Morton P. Cohen was interviewed in January on the "KRON 4 at 6" news program about lethal injection as a means of prison executions.



Gallagher

Visiting Professor William Gallagher, a former partner at Townsend and Townsend, was interviewed by KGO Channel 7 ABC News in a story on trademark issues surrounding Mexican beverage company Los Jarritos and a Mission District restaurant of the same name.



Keane

Professor Peter Keane was interviewed on KRON Channel 4 TV News on January 11 to provide perspective on the constitutional law issues on which Senate Judiciary Committee members were questioning Judge Samuel A. Alito Jr. for his nomination to the US Supreme Court.



Ng

Professor Doris Ng made a presentation before the San Francisco Human Rights Commission Employment Rights Committee in December 2005. Her presentation concerned labor abuses in the garment industry. She described a recent case that the GGU Women's Employment Rights Clinic tried on behalf of nearly 300 garment workers who were not paid for their work for several months.

Professor and Associate Dean David Oppenheimer published an op-ed in November in the *San Francisco Chronicle* titled "Color-Blind Equality? A US Solution to What Ails France—Affirmative Action." Oppenheimer, an expert on discrimination law and director of GGU's Summer Study Abroad program in Paris, argues in the essay that the riots in African-French ghettos were spurred by segregation, inferior education, and high unemployment—undermining France's claims to be



Oppenheimer

a "color-blind society." His other recent publications include a chapter in *Employment Discrimination Stories* (Foundation Press) and an op-ed in the Feb. 3 *San Francisco Daily Recorder* titled "State Bench a Model For D.C."

Professor Clifford Rechtschaffen published an op-ed on EU environmental leadership in January in the *San Francisco Chronicle*; versions also appeared in the *East Bay Daily News* and the winter 2006 issue of GGU's *Environmental Law News* newsletter. His article on Proposition 65 was published in both the *ELR News & Analysis* and the *Environmental Law Reporter*.

Professor Susan Rutberg (JD 75) has been featured in newspapers ranging from the *Sacramento Bee* to the Lowell High School newspaper in recent months. She and former GGU Adjunct Professor **Janice Brickley** coauthored an op-ed in the *San Francisco Daily Journal* and *San Francisco Chronicle* calling for an innocence commission to investigate wrongful convictions. In January Rutberg testified before the Public Safety Committee in Sacramento in support of a bill she coauthored with Brickley that would simplify the process a wrongfully convicted person must undergo to prove innocence. Her upcoming presentations include one on GGU's criminal law externship program at Stanford University and another on the Pete Rose case at a UCLA conference on wrongful convictions.

Professor Chris Okeke has coauthored an article with James A.R. Nafziger titled "United States Migration Law: Essentials

for Comparison," to appear in the *American Journal of Comparative Law*, v. 54 supp. 2006.

Professor Sompong Sucharitkul authored an article titled "Liability and Responsibility of the State of Registration or the Flag State in Respect of Sea-Going Vessels, Aircraft and Spacecraft Registered by National Registration Authorities" to appear in the *American Journal of Comparative Law*, v. 54 supp. 2006. He is editor and national reporter of the *American Society of Comparative Law*.

Dean Frederic White was interviewed on KCBS Channel 5 "Eyewitness News" and on KGO Radio in early December about the Solomon Amendment, then being argued in the US Supreme Court. The School of Law has been a key opponent of the amendment, which would allow the government to withhold financial aid funds from universities that ban military recruiting on campus.

Two School of Law adjunct professors have made headlines recently. **Adjunct Professor Timothy Simon** was named Appointments Secretary to Governor Arnold Schwarzenegger in early January. And **Adjunct Professor Beverly Baker-Kelly**, an Oakland attorney who teaches international human rights law at GGU, was featured in an article and contributed an op-ed to the *Oakland Post*; both pieces highlighted her work monitoring elections from August through December 2005 in Ethiopia, Liberia, and Palestine for the Carter Center and the National Democratic Institute.



Rechtschaffen



Rutberg



Okeke



Sucharitkul



White

Golden Gate University School of Law Alumni News is a new publication from the School of Law that will mail in summer and winter, between editions of *Class Action* magazine. Editor: **Jill Goetz (415) 442-6636, jgoetz@ggu.edu**. Designer: Wendy Jung, www.jungdesign.net. This newsletter is also available online at www.ggu.edu/law.

Golden Gate University School of Law is fully accredited by the American Bar Association (ABA). On December 9, 2005, the ABA placed the School of Law on two years' probation based on our first-time bar passage rate on the California bar examination. While the School of Law is on probation it remains fully accredited by the ABA, and students who matriculate and graduate from the school during this time can sit for the bar examination in any jurisdiction.

Current students who visit Law Career Services often want to know what they can do to succeed in securing a meaningful post-graduate position. We tell these motivated, yet anxious, students to simply “keep their feet moving” through law school. “Keep your feet moving?” Yes! Essentially, we would like for students to view each semester as an opportunity to contribute meaningfully to their career growth by, for instance, joining a bar association, conducting informational interviews, or interning in a law office.

This same advice applies to practicing attorneys as well. Alumni, such as you, need to be mindful that in order to contribute meaningfully to your own career growth, you need to do more than show up for work and write briefs and file motions; this is especially true for the solo and small firm practitioners among us. Because solo and small firm practitioners often shoulder great responsibility to contribute to the vitality of their firm earlier in their career than their colleagues at larger law firms, these lawyers need to be actively tapped into creative ways in which they can effectively market themselves and/or their firm at an earlier, and often, accelerated pace.

What steps can busy lawyers take to ensure that they are effectively marketing themselves or their firm? We’ve included at right an excerpt from an article titled “Marketing for Solos and Small Firms” by Thomas E. Kane, Esq. that might lend some order to the confusing, and sometimes intimidating, idea of marketing in the legal arena. For readers who have already successfully woven some of Kane’s marketing suggestions into their careers, perhaps his checklist will offer some reassurance that you are on the right outreach path. For readers who are not so well-acquainted with some of the marketing tools that appear on Kane’s checklist, hopefully it will serve as a framework for you to get going and eventually keep those feet of yours moving.

Remember, you have continued access to Law Career Services long after you’ve earned your degree. If you have any questions for us about your career path, please send LCS an email (lawcareer@ggu.edu) or give us a call (415-442-6625). Please also keep in contact with our office if you have a career update or have any interest in working with our current students.

*The following is an excerpt from an article written by Thomas E. Kane, Esq., appearing in **The Practical Lawyer**, June 2005. Thomas E. Kane, Esq. is principal of Kane Consulting, Inc., a legal marketing consulting firm based in Sarasota, Florida. He can be reached at tkane@kaneconsultinginc.com, and you can find his marketing tips on his blog at www.LegalMarketingBlog.com. This article is based on a paper the author prepared for a seminar sponsored by the ABA’s General Practice, Solo and Small Firm Section.*

MARKETING FOR SOLOS AND SMALL FIRMS

By Thomas E. Kane, Esq.

Communications + contacts + relationships + friendships = long term clients.

It is not uncommon for me to hear solos and lawyers in small firms say that they can’t compete with the lawyers in large firms. I couldn’t disagree more. In fact, sometimes the small firm can compete more effectively. Not that they have the resources that a large firm has, it’s that lawyers in the larger firms don’t utilize them or think they don’t have to.

Some of the most effective ways to establish and enhance client relationships (in order of the time it takes to see a return on investment) include the following:

CLIENT VISITS. The goal of a client visit is to learn more about a client’s business or industry, or meet someone you haven’t met before, or tour a new facility. Genuinely show interest in the client and the relationship, but the purpose is to get in the client’s place of business where you can learn more about the client’s day-to-day problems and concerns—this will lead to immediate business in a majority of cases;

ENTERTAINMENT. Clients like to be entertained, and entertainment is still an effective one-on-one marketing effort. It not only allows quality time with a client, prospect, or referral source, but allows you to enhance a relationship or friendship on a highly personal level;

CLIENT FEEDBACK. Clients like an opportunity to provide feedback. Appropriate times include the conclusion of a matter, or on an annual or biannual basis. Clients appreciate this opportunity, and it can give you the chance to solve a problem that will help you to retain the client for the long term;

PROPOSALS. Informally, this consists of asking for the opportunity to present your credentials on an issue or matter that has been identified by the client, or a problem he or she has mentioned in a conversation. In this case, you may have the opportunity to present your expertise without competing head-to-head with others;

FREQUENT COMMUNICATIONS. Let clients know what is going on. They don’t complain when you keep them in the loop, but do complain if they feel ignored. The best ways of maintaining written contact are handwritten notes, next letters and lastly emails;

SPEAKING ENGAGEMENTS. Speaking not only lets you demonstrate your skill, but it puts you in the same room with potential clients—some of whom might need advice on exactly the topic under discussion;

WRITING ARTICLES. Writing to demonstrate your expertise is an effective marketing tool, since it will show that you have the expertise to assist readers with their legal issues;

MAKING MEDIA CONTACTS. When you develop friendships with members of the media, reporters will be more likely to call you for the legal angle on a story, particularly when they are facing deadlines, and that is good publicity for your practice;

NETWORKING. Make acquaintances, and give them reasons to introduce you to the people they know; and

JOINING ORGANIZATIONS. You will meet people that you can work with, and demonstrate your skills and commitment.

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Below are just a few items about our interesting and influential alumni. We'll run a much more extensive list in the "Class Notes" section of *Class Action*. Be sure to continue sending your news throughout the year to Jill Goetz, jgoetz@ggu.edu.

William M. Audet (JD 84), a member of the San Jose firm of Alexander, Hawes & Audet, received the "Champion of Justice" Award from the Bar Association of San Francisco in October 2005. The award is granted "to individuals who have shown exemplary leadership and commitment to either the advancement of justice or to the philanthropic support of the charitable efforts of the Bar Association of San Francisco." Audet has prosecuted class action and individual cases involving securities, product liability, fraud, consumer and limited partnership claims; has won multi-million-dollar settlements on behalf of plaintiffs; and has successfully tried civil rights cases in federal court. He has been a strong supporter of the School of Law Women's Employment Rights Clinic.

Heather Borlase (JD 01), vice president of Bayer & Borlase, is the incoming president-elect of the Barrister's Club of the Bar Association of San Francisco. Specializing in employment litigation, Borlase has also recently begun a practice in election law, aimed at providing counsel to candidates, non-profit organizations and political groups regarding local regulations—and state and federal election laws.

Julie Brush (JD 96) spoke to mid-year admitted students (who this year number 41) at their January orientation. Brush is cofounder of Solutus Legal Search, LLC, a legal recruiting firm in Redwood Shores that was voted one of the top 10 legal recruiting firms in California by *The Daily Journal*. In a panel on professionalism, she stressed the role that appearance, attitude, preparedness, and promptness play in perceived credibility and in obtaining legal jobs and



Julie Brush (JD 96)

Also participating in the professionalism panel was San Francisco Superior Court Judge **Gail Dekreon (JD 81)**, who led the mid-year-admitted students' recitation of the "Oath of Professionalism."

Joanna (Opperman) Frazier (JD 98) has been elected the president of the Queen's Bench Bar Association of the San Francisco Bay Area for 2006. She is the assistant general counsel of Sheppard Mullin Richter & Hampton, LLP. She is married to **Kyle Frazier (JD 97)**, a real estate broker with Frank Howard Allen Realtors in Marin. They have a daughter, Scarlett.

Tamiza Hockenhull (JD 98), a legal writing and research instructor at UC Hastings, and **Jeff J. Anhalt (JD 01)**, an associate with Duane Morris LLP, spoke in a career services panel for 2006 mid-year-admitted students. The alumni advised students to treat law school like a job, carefully schedule their time, and "get connected" in every way possible with other students and the local legal community.

David Waggoner (JD 05) joined the Positive Resource Center (PRC) as a staff attorney in its Benefits Counseling Program after passing the July 2005 bar exam. PRC assists people affected by or at risk for HIV/AIDS through culturally appropriate counseling, education and advocacy in making informed choices that maximize available benefits and employment opportunities. Waggoner also serves on the National Lawyers Guild's National Executive Committee and on the State Bar of California Committee on Sexual Orientation and Gender Identity Discrimination.

succeeding in them. In September she was named by *San Jose Business Journal* as one of the "40 Under 40" people to watch in the Bay Area legal community.

Family and Friends: Law Alumni Services Coordinator **Andrew Kaufteil** was mentioned in a December 29 *Sacramento Bee* article about the Law School Consortium Project. His predecessor **Kevi Brannelly** is now development director of the Center for Constitutional Rights in New York. **Rod Duncan**, retired Alameda County Superior Court judge as well as a former GGU adjunct faculty member and ongoing strong supporter of GGU family law students and alumni, was featured in an interview in the January 15, 2006 *San Francisco Chronicle* Sunday magazine about his book *Win Your Lawsuit: A Judge's Guide to Representing Yourself*.



Andrew Kaufteil

A Message from the Law Alumni Services Coordinator

As the weeks pass, I am fortunate to meet more and more Golden Gate University School of Law alumni. The recent "Beat the Clock" MCLE seminar—which drew a crowd of 180 School of Law alumni, faculty, and students—was no exception. While the lectures drew the most praise from alumni, my favorite part of the event was the networking luncheon. Frankly, watching GGU School of Law graduates from the class of 1960 to the class of 2005 interact, draw parallels, and build connections justified the long hours of voicemails, coffee orders, and database queries. This is exactly why I am so excited about our upcoming reunions on November 18, 2006. If you graduated with a Class Year of 1 or 6, you should be excited too! Contact me at akaufteil@ggu.edu or 415-442-6602 if I can do anything to keep you connected to your alma mater through the reunion or otherwise.

CALENDAR OF EVENTS



FEBRUARY 22: Bar Luncheon

Noon–1:30 pm, City Center Grill, Oakland Marriott City Center, 1001 Broadway, Oakland

FEBRUARY 23 : Jesse Carter Speaker Series Lecture

USF Professor Maria Ontiveros, “California Farmworkers from Father Junipero Serra to Governor Arnold Schwarzenegger: Integrating Labor Law, Immigration Law and Human Rights to Create a Just Future,” noon–1 pm, GGU School of Law, 536 Mission Street, SF

MARCH 14: Public Interest Law Foundation (PILF) Fundraising Auction

5–9 pm, Club NV, 525 Howard Street, SF (www.ggupilfauction.com)

APRIL 6: Jesse Carter Speaker Series Lecture

Georgetown University Professor Carrie Menkel-Meadow, “The DES Claims Procedure and the Birth of California ADR,” noon–1 pm, GGU School of Law, 536 Mission Street, SF

APRIL 7: 15th Regional Meeting of the American Society of International Law/16th Annual Fulbright Symposium on Current International Legal Issues

6 MCLE credits available, free for GGU alumni, 9 am–5 pm, GGU School of Law, 536 Mission Street, SF

APRIL 19: “Super Lawyers” Reception and Photo Shoot

Reception 5:30 pm, photo shoot 7 pm, 6th floor atrium, GGU School of Law, 536 Mission Street, SF

MAY 12: School of Law Graduation Ceremony

2–4 pm, Nob Hill Masonic Auditorium, 1111 California Street, SF

NOVEMBER 18: School of Law Reunion

Classes 04, 01, 96, 91, 86, 81, 76, 71, 66 and earlier, 5 pm mixer, 7 pm dinner, The World Trade Club, One Ferry Plaza, SF

PASS IT ON!

Serve as a guest speaker, volunteer, or mentor and help GGU students and the School of Law continue to thrive. Speakers and mentors are being sought in all areas, particularly intellectual property law and licensing. Contact Jill Goetz (415) 442-6636, jgoetz@ggu.edu.

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