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Diversity panel draws over 100 students; speakers include Alma Soongi Beck (LLM 04), left

Mort Cohen’s crusade to improve prison conditions

Dispatches from the summit by Chip Conradi (JD 78, MBA 81); to his left is fellow climber Tim Smallsreed (JD 77)

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Going to the State Bar?

Attend the School of Law Alumni Reception at the State Bar of California Annual Meeting in Monterey! Mingle with former classmates, learn from Dean Frederic White about law school developments, and enjoy beverages and hors d’oeuvres.

School of Law Alumni Reception
Friday, October 6, 2006, 5:45-6:45 pm
Salon 205, Monterey Marriott

RSVP to lawalumni@ggu.edu or 415-442-6625.

Also in Monterey:

• Stop by the School of Law Booth (#79) in the Exhibit Hall to catch up with GGU Law faculty, pick up giveaways, and enter a free drawing! The booth is open from Thursday evening through Saturday afternoon, Oct. 5-7.

• Cheer on our students receiving 2006 Foundation of the State Bar Awards! The students will receive their awards at the Foundation of the State Bar’s reception on Thursday, Oct. 5 at 11 am in the Monterey Portola Plaza Hotel.

Dean’s Message

I hope you enjoy this latest edition of Golden Gate University School of Law Alumni News, now an electronic publication. As you’ll see, we have many exciting programs planned both on campus and off, and much exciting news to report. Over the last few years we have made a concerted effort to downsize our entering class while maintaining its overall quality, and I am pleased to report not only that we have hit our enrollment targets, but that our entering class is one of the strongest we have had in years. Our new full-time faculty members, whom we introduced to you in the winter/spring 2006 Class Action alumni magazine, are actively engaged in teaching and scholarship and are joined by two new visiting faculty members, Brent Plater and Joseph Lavitt, whom you’ll learn more about in our upcoming alumni magazine.

Our students continue to distinguish themselves on many fronts. For example, four of our JD students are receiving Foundation of the State Bar of California Awards at the 2006 State Bar Annual Meeting. Another student received a William Bullinger Memorial Scholarship from the Federal Circuit Court.

Our alumni donations have increased substantially in 2006, thanks in no small part to Ivan T. (JD 17) and Helen G. Crase and their generous bequest of $3.1 million to the law school, which will go a long way in helping us better serve our students and the legal community.

Dean Frederic White
“Diverse Paths” Career Panel Draws Nearly 100 Students, Faculty, and Alumni

In July, Law Career Services sponsored “Diverse Paths: Examining Diversity Issues in the Legal Field and Finding the Employer That Is Right for You.” The second annual diversity panel was attended by approximately 100 students from Bay Area law schools, practicing attorneys, and legal employment consultants, including GGU Law alumni.

The panelists were Warrington S Parker III, partner with Heller Ehrman; Wilma Wallace, vice-president and associate general counsel at Gap, Inc.; and Alma Soongi Beck, attorney with the Beck Law Group and diversity consultant (and a 2004 graduate of GGU’s LLM in Taxation Program). The moderator was L. Julius M. Turman, Of Counsel, Morgan Lewis.

The panelists agreed that support for diversity must come from the top. Wallace suggested that job seekers review a firm’s mission statement and try to determine whether the firm is being held accountable for any purported commitment to increasing diversity. Parker encouraged graduates to be direct in job interviews. “Take your stock interview questions—‘What direction is the firm going in?’ . . . ‘Where does the firm hope to be five years from now?’ to the next level,” he suggested, and ask, “What is the firm’s commitment to diversity?”

GGU alumna Alma Soongi Beck discussed different “cultural work styles” (e.g., relationship-oriented versus task-oriented) and led the audience through exercises to determine members’ own styles. These styles often differ between men and women and among people of different racial and cultural backgrounds, she noted. In addition, firms may have their own such styles. Knowing one’s own work style and a firm’s work style can help job seekers find the best match, she said.

Ultimately, no matter how well suited minority employees may be in the workplace, they will always face challenges, noted Turman. “There are always going to be barriers,” he said. “What you need to do is push through them.”

Dean Frederic White welcomed attendees to the diversity panel, which drew law students from several Bay Area schools.

Watch for Golden Gate Lawyer!

The School of Law alumni magazine, Class Action, is getting a new name: Golden Gate Lawyer. We feel this new title better reflects the magazine’s content and that of our people and programs; it also better positions us as part of Golden Gate University in downtown San Francisco. Please continue to send us “Class Notes” information (photos welcome!) and your story ideas for future editions of the magazine.

Jill Goetz, Editor
415-442-6625; jgoetz@ggu.edu

Attention East Coast Alumni!

The School of Law, School of Taxation & Accounting, and Edward S. Ageno School of Business invite alumni to a reception in New York City on Monday, October 23, from 5:30 to 7:30 pm at PricewaterhouseCoopers, 300 Madison Avenue. Get updates on both schools from Deans Frederic White and Mary Canning and enjoy beverages and hors d’oeuvres. RSVP to lawalumni@ggu.edu or 415-442-6636.

Congratulations To Our 2006 “Super Lawyers”!

If you were named a “2006 Northern California Super Lawyer”, we congratulate you! Nearly 100 GGU Law alumni (and GGU Law Professor Roger Bernhardt) were chosen by their peers in the annual poll as outstanding attorneys; their names appear in the August 2006 issue of Northern California Super Lawyers magazine. One of our “Super Lawyer” alumni, Marc Van Der Hout (JD 77), is also the subject of a feature article in the magazine, titled “Let My People Come: Marc Van Der Hout Opens Doors for Immigrants”. We’ll include a complete listing of our latest crop of “Super Lawyer” alumni in our winter alumni magazine.
Law Professor Morton Cohen Celebrates Opening of a More Humane Jail

by Jill Goetz

law school professors routinely face pressures in preparing courses, advising students, and handling the budgetary and political battles endemic to academic life. But Golden Gate University School of Law Professor Morton Cohen has felt the added pressure of knowing that many San Francisco prisoners’ fates rested in part on the outcome of his advocacy on their behalf.

Some of that pressure was lifted when hundreds of prisoners were walked from the notorious San Francisco County Jail #3 (California’s oldest operating county jail) to a new jail just 100 yards away in late August. County Jail #5 is infinitely safer for inmates, staff, and the residents of unincorporated San Mateo County where the jails are located.

“I’m so pleased that I can actually touch something after all these years,” says Cohen of the new jail, the result of three lawsuits he brought against the City and County of San Francisco over a quarter-century to end inhumane conditions for inmates awaiting sentencing.

With prodigious energy (he still runs marathons) and a passion for public service, Cohen seems younger than his 70 years. The Brooklyn-born son of a truant officer, he knew early on that he wanted to work toward improving conditions for vulnerable populations—particularly the poor, the elderly, the mentally ill, and the incarcerated. As a Ford Fellow at Harvard Law School, he first began representing clients pro bono. Later he served as a trial attorney with the US Department of Justice and as a consultant to the California Mental Health Association and California Advocates for Nursing Home Reform. He has taught civil procedure and criminal law at Golden Gate University School of Law for over 30 years.

Cruel and Unusual Punishment

In 1978, San Francisco County Sheriff Michael Hennessey, a onetime Vista volunteer who had worked on improving jail conditions, needed an attorney to represent inmates in the San Francisco jails. He knew Cohen had defended clients in the Attica Prison and Wounded Knee uprising cases of the 1970s and saw in him, as he told a New York Times reporter in 2004, “a kindred soul willing to take on unpopular and not very lucrative cases.”

The two got to know each other, and Cohen filed a lawsuit on behalf of an inmate in Jail #1 at the Hall of Justice in downtown San Francisco, citing inhumane conditions due to excessive overcrowding. In 1982 the city agreed to reduce overcrowding and improve medical, recreational, and other conditions at the jail. Yet in 1985, a doctor at the jail told Cohen that conditions at the jail had not significantly improved.

Working with Bingham McCutchen LLP attorney Beth Parker, Cohen brought a motion of contempt for noncompliance against the city and county. Though later challenged, the motion was unanimously upheld by the Ninth Circuit Court of Appeals and led to the building of County Jails #8 and #9 at the Hall of Justice.

In 1991 Cohen and Parker turned their attention to Jail #3, located adjacent to San Bruno, on land that had been leased by San Francisco since the jail was first opened in 1934 as a prison farm. Jail #3 had been criticized for its conditions as early as 1945 by a grand jury. These conditions included severe overcrowding (two prisoners in 6 by 7 foot cells, often in lockdown 16 to 23 hours per day); deplorable sanitation (openly flowing raw sewage)
conditions; broken windows causing extreme heat and cold; unbearable noise and lighting levels; and inoperable building parts.

But perhaps the worst feature of Jail #3—and the one that propelled Cohen and Parker to devote countless hours of pro bono on behalf of inmates housed there—is its linear design, which prevents guards from being able to monitor prisoners. In 1991, a teenager named Billy Besk was incarcerated while awaiting sentencing on marijuana possession—and ended up being raped by a cellmate who was also a sexual predator, beyond the watch of guards.

Learning about this and other such incidents at Jail #3, often from plain manila envelopes surreptitiously sent to him at his law school office by deputy sheriffs, Cohen brought Besk vs. the City and County of San Francisco, which contended that Besk’s 14th Amendment right to due process had been denied. Besk ultimately agreed to a settlement and returned to his native New Hampshire, and the city agreed, yet again, to address problems of jail overcrowding, particularly among sexual predators and prey.

“I felt like I had sold out,” Cohen recalls of the settlement. “I knew that these crimes would continue. The walls of Jail #3 had to be torn down.”

The Besk case was reopened a few years later, when the city failed to comply with the settlement. Called Jones vs. the City and County of San Francisco, the class action lawsuit was named for a mentally ill and homeless Vietnam veteran incarcerated in a Jail #3 cell with an AIDS patient who regularly threatened to bite him. The case led to US District Judge William Orrick’s landmark ruling that the San Bruno jail was unconstitutional, violating the Eighth Amendment protection against cruel and unusual punishment.

The city agreed to replace Jail #3 with a modern facility, one that would allow guards to directly monitor inmates in their cells. But construction of the jail was delayed by two failed bond measures and construction problems. Like other prisoners’-rights advocates of the time, Cohen faced often hostile reactions to the idea of a new jail (an on-air debate with one jail opponent almost led to fisticuffs), and a generally more difficult environment in the wake of the 1997 Prison Litigation Reform Act.

**MOST IMPORTANT, (THE NEW JAIL’S) DIRECT SUPERVISION LAYOUT ENSURES THAT PRISONERS CAN BE MONITORED INSIDE AND OUTSIDE THEIR CELLS.**

**Safer All Around**

But in late August, reporters, city and county officials, and local residents touring the new jail saw in stark relief the results of Cohen’s decades-long fight: the state-of-the-art Jail #5, standing in the shadows of the cavernous, antiquated and monolithic Jail #3. The new jail features modern medical and dental clinics, classrooms, a law library, and sophisticated seismic and fire safety features. It was built through private funding.

Most important, its “direct supervision” layout ensures that prisoners can be monitored inside and outside their cells. The jail’s 16 circular housing units enable deputies to see into cells, and a sophisticated complex surveillance system (including 375 cameras and 600 electronically controlled doors) lets jail personnel keep tabs on prisoners wherever they are and makes escape—which was yet another problem at Jail #3—virtually impossible.

The new security system means more than enhanced public safety. It reduces the likelihood that vulnerable inmates like Billy Besk will be raped, beaten, and worse in jail.

“For me, one of the highlights of this whole experience was when Billy called me from New Hampshire,” Cohen recalls. When I told him about the new jail he responded, “You mean people won’t get raped there anymore?”

Parker, who served as co-counsel with Cohen on the San Bruno jail cases, says his ability to connect and empathize with jail inmates and staff made their job easier. “One of Mort’s gifts is that he is a wonderful person person,” she says, “and he was able to learn a lot from inside the system about what was happening that proved invaluable to our work.”

Though well aware of the public’s apathy—or hostility—toward improved prison conditions and the construction of new jails, both attorneys say the closure and planned demolition of Jail #3 should be welcome news for all Californians.

“While inmates are not the most sympathetic of clients, they deserve to be treated humanely,” Parker says. “The great majority at the San Bruno jail have not even been sentenced. Instead, they are confined pending trial because they are too poor to post bail. The conditions of confinement at San Francisco jails before these suits began was really deplorable. No citizen of our country should be proud to subject another human being to these conditions.”

Eileen Hirst, Sheriff Hennessey’s chief of staff, says it was “very emotional watching the sheriff and Mort tour the new jail together; they had both worked so hard to see it get built.”

She adds, “It would not have happened had Mort not taken these cases.”
The School of Law Announces Two Major Symposia in Fall 2006

“IP Law and the First Amendment”
The 2006 School of Law Intellectual Property Law Conference

Do laws like the Digital Millennium Copyright Act, designed to protect copyright owners, violate free speech protections? IP law attorneys and faculty discuss the contentious debates surrounding this issue and likely outcomes. Panel topics include “The Supreme Court and Congress Tackle Patent Law”; “Copyright and the Internet: Search Engine Liability Issues”; and “The Right of Publicity and the First Amendment: Lessons from the World of Fantasy Sports Leagues.”

Friday, October 27, 2006
9 am-5 pm

GGU School of Law, San Francisco
General admission $75;
GGU alumni admission $35;
Student admission $10

Up to six hours of MCLE credit available.
To register, call Ross Lawley at 415-442-6604 or register online at www.ggu.edu/law

“Renewed Interest: The Renewable Energy Sector”
The 2006 School of Law Environmental Law Symposium

With keynote speaker Mary Nichols, former secretary of the California Resources Agency. Panel topics include regulating generation, transmission, and distribution of renewable power; foreign policy aspects of US renewables program; renewable regulations under trade agreements; renewable policy at the World Bank and California Energy Commission; and the solar, wind, and wave energy sectors.

Friday, November 27, 2006
9 am-5:30 pm

GGU School of Law, San Francisco
Registration for MCLE credit is $80
$40 for non-MCLE credit

To register, contact Shayne Weston at sweston@ggu.edu or 415-369-5356.
For program information contact Paul Kibel at 510-499-1649 or psk@policywest.net.

GGU is calling you!

It’s quick and easy to make your annual gift during the phone-a-thon. Your gift will be put to use immediately to help GGU fulfill its mission of providing students with the best possible practical education available.

Please take a moment to speak with the phone-a-thon callers to learn more about The Centennial Campaign for GGU, update your contact information and share how you’ve put your GGU law degree to use.

To make your gift online, please visit www.ggu.edu/giving.

If you would rather be contacted in writing in the future, politely let the caller know and we will update our records and note your preference.

Thank you for your support of GGU!
Summit Aconcagua: Where Mules Fear (Are Too Smart?) To Tread

by Chip Conradi (JD 78, MBA 81)

The following excerpt is from a journal kept by GGU Law alumnus and Advisory Board member Chip Conradi, vice president and treasurer/tax at Clorox, about his climb on Mount Aconcagua in the Andes with a group that included fellow GGU graduate Tim Smallreeds (JD 77), a partner at Fitzgerald Abbott & Beardsley.

The Beginning

It’s hard to believe it’s finally here. This trip, first a blip, then a shadow on the horizon, now looming as large as the mountain we intend to climb. We have been discussing the trip for more than a year, booked it nine months ago, paid for it three months ago... All the gear, the training, the anticipation are at last coming to a head—at least on the calendar. I still struggle visualizing myself on the mountain.

1/14

Our flight arrives in early afternoon and we are met at the Mendoza airport by a representative of Aventuras Patagonicas, our guides. We also meet Tony, the first new member of our climbing group, who is a Dutch tax lawyer living in Nassau. (Where else but a tax haven?) That makes five lawyers on the trip. ...

1/15

We leave the hotel and head to Penitentes, a ski resort near the trailhead. It takes us a little while to get our permits, $500 apiece, to climb the mountain. We also make a side trip to Carrefour, a large merchandise chain, where I do a store check to ensure that all Clorox products are appropriately stocked and displayed. They are. ...

1/16

We have to wait until the mules are ready to take our duffels before we can go to the trailhead and the mules are being rounded up from a nearby pasture. We finally drive to the trailhead, Punta de Vacas (2,408 meters), in several shifts. The trailhead is a dusty place with some traces of green on the Vacas (cow) river. After a few group photos to memorialize the occasion we begin hiking north up the river valley at around 11:40 AM. No turning back now!

1/18

Everything is wet from the rain, and I find out my duffel isn’t waterproof. ...We start hiking at about 8:30 am and have more distance to cover today, 12+ miles. Today is also the day we do several river crossings. I brought a pair of neoprene diving booties which turn out not to be well suited to the task .... [they] don’t protect my feet from the many rocks we hike over and at one point I smash the toes of my left foot hard into a rock, creating a deep bruise....

1/20

We finally start moving up the mountain! ...The first 1.5 hours out of base camp is a slog up the ridge toward the cut. The hiking is strenuous and hot, and Tom [the guide] reminds us of our rest step technique, which is very helpful in these conditions. ...We climb through some penitentes after lunch, which are snow mounds blown up by the wind and melted by the sun into the shape of flames. They are pretty, but difficult to hike through and I am glad we are only hiking a short stretch.

1/22

Tom has described Camp 2 as being about one mile away as the crow flies. Boy do I wish I were a crow for the day! We can almost see the camp on a ledge above us. The distances here are so hard to judge due to the vastness of the space. ...

1/24

This is my first night sleeping in the middle of the three-person tent. It is a little claustrophobic, but I manage to get a fair amount of sleep.

1/27

Today is the day we will carry gear to High Camp at about 19,000 feet. When we camp there tomorrow night, it will be the highest I have ever slept – the crater at Kilimanjaro was about 18,000 feet. The day is warm and sunny and we hike up at a very slow pace. On the way, we spot some wreckage from a helicopter crash a few years ago that strewed wreckage across the mountainside and killed several people. We cross and re-cross paths with another group; they seem to be on the wrong continent. They all have white Kelty backpacks and several of them are from southern California.

1/29

Summit Day! I sleep fitfully, due to excitement and anticipation. I am often one of the last out of the tent in the morning, but not today. Tom has explained to us the circumstances when he will not wake us (high winds, precipitation, other unfavorable signs) so I am thrilled when he wakes us. It means we will have a shot at the summit today. ...
As we get ready, it is exciting to see everyone’s headlamps dancing in their tents and reflecting off the reflective tape strips on the outsides of the tents. The sky is clear and full of stars. We assemble and are off for the summit precisely at 5:00 am. Our pace is measured, but brisk, and I am glad to catch a good breathing rhythm that I can sustain. We hike for about an hour and take our first break, which is short and still in darkness. ...

The next stretch is the most difficult of the climb for me. The group leaves somewhat before I am ready and I feel like I am chasing them. This stretch includes a steep switch-back up from Independencia followed by the longest steep traverse across a face I have ever seen. After a few minutes of the traverse I am lagging the group and Sebastian points to one of my crampons and says it is loose. Suddenly, the crampon comes loose and is dangling from my boot. Fortunately, Sebastian is able to help me get it reattached.

Tom points to a place on the summit ridge where two hikers are ascending and tells us we’ll be less than 30 minutes from the top at that point. I am very focused and re-energized now and determined to make the top with my group. I am following Tim S., who is pausing from time to time to let the hikers in front of him clear. I adapt my style, taking advantage of every possible mini-break provided. The weather has begun to set in as we approach the summit. At one point I see Tom looking down the mountain behind me with a look of concern. I look back and see that Tony has fallen off the trail. The fall is not serious, however, and Tony is able to get back up and resume hiking.

Finally, the Summit! It is somewhat cloudy and foggy. I am thrilled, but also exhausted, and lay on the ground to catch my breath. The vistas around the summit are limited by the clouds, but still spectacular. We take a variety of group and individual photos, and Joe does some filming. There is a small cross, and a collection of miscellaneous memorabilia in a pile near the cross. I don’t see a book to sign.

We linger on the summit for about 40 minutes and then begin to descend in decreasing visibility. ...Removing my crampons just above High Camp, I notice several lenticular clouds that look like space ships forming around us, which could spell trouble for tomorrow’s summit attempts. I feel very lucky for our fair weather. Back at camp, we celebrate.

1/31

Back to “civilization.” The hiking is generally not strenuous, especially compared to what we have been doing. There is one point where the trail staircases down off a steep bluff and we see remains of 3 mules that have pitched to their deaths from the bluff at one time or another. ...The trail ends near a lake surrounded by beautiful green lawns, with families out enjoying a stroll. I realize how much I have been starved for green these past couple of weeks.

2/2

Since we summited on time we have a bonus day to play and Tim and I decide to tour Argentine wine country. We hire a car and driver through the hotel and spend the day visiting five wineries. They are all different and enjoyable in their way, but the consensus favorite is Katena-Zapata which is housed in a winery designed to resemble a Mayan palace.

2/3

Our wives are waiting for us at the airport when we return, and we are happy to see them. Aconcagua was quite an adventure, but we are happy to be home.
Calendar of Events

October

10/6
GGU Law Alumni Reception, State Bar of California Annual Meeting, 5:45-6:45 pm, Monterey Marriott Salon 205, Monterey, California. Lawalumni@ggu.edu, 415-442-6625.

10/18
GGU Alumni Award Luncheon, 11:30 am, Sheraton Palace Hotel, 2 Montgomery St., San Francisco. For tickets contact ljunker@ggu.edu, 415-442-7824.

10/23
NYC Alumni Reception, School of Law, School of Taxation and Accounting and Edward S. Ageno School of Business, 5:30-7:30 pm, PricewaterhouseCoopers, 300 Madison Avenue, New York City. Lawalumni@ggu.edu or 415-442-6636.

10/27
“IP and the First Amendment” Symposium, rlawley@ggu.edu, 415-442-6604.

November

11/17
“Renewed Interest” Environmental Law Symposium. Psk@policywest.net, 510-367-5379.

December

12/1
Swearing-In Ceremony, 6 pm, US Court of Appeals for the Ninth Circuit, 95 7th Street, San Francisco. Lawalumni@ggu.edu, 415-442-6625.

More than 100 GGU alumni, family, and friends converged in Oakland on July 8 for GGU Alumni Day at the Ballpark Tailgate Party and Game at McAfee Coliseum. Alumni traveled from as far as Folsom for the event. Above, seated, is Barbara Beery (JD 79, LLM 85), with Andrea and Jim Principato (BA 01) at the barbecue prior to the game.