



UNIVERSITY  
OF  
CALIFORNIA

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# Office of the General Counsel

Biennial Report

2011





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University Of California  
Office of the General Counsel

2011 Biennial Report

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# General Counsel Overview

The Office of General Counsel (OGC) presents this Biennial Report of Operations covering fiscal years 2009-2011. This report focuses on key events in the past two years which demonstrate OGC's continuing dedication to delivering quality legal services at a reasonable cost. I extend my deepest gratitude to all my colleagues here in Oakland and on the campuses and Medical Centers for their continued efforts during these difficult times. They are the key to OGC's ability to provide an outstanding level of legal service for the world's best public university system.

OGC continues to exceed expectations for cost savings. In two years, outside counsel costs have seen a 20% reduction, nearly \$20 million. Our Preferred Provider Panels have resulted in reduced outside counsel billing rates and a savings of over \$780,000 in an 18-month period, and we've expanded the Panels to include patent matters. The filling of attorney vacancies, resulting in the addition of 14 new attorneys, provides a savings of over \$207,000 per attorney per year, given the lower cost of providing legal services in-house, rather than through outside counsel. In addition, over the past two fiscal years, this Office helped recover over \$56 million through legal actions in a number of areas, including contracts, gifts, and construction.

Administratively, we have initiated improved data gathering and analytic support which allows us to track outside counsel expenses by practice area, and in-house matters by campus and practice area. Using this data, we are able to identify areas generating the greatest costs and target strategies in response: training for clients in best practices; negotiated reduced billing rates; and targeted recruitment of in-house counsel, to name a few.

We have also enhanced our website, providing a wider range of client self-help tools; we have initiated office and practice group legal advisories for interested clients (posted on our website); and we have initiated specialty workgroups in several areas, including copyright, the First Amendment and Conflict of Interest, with attorneys from Oakland and the campuses, all designed to assure consistent advice throughout the system, monitoring legal developments and sharing perspectives among attorneys and with clients.

Some of our notable achievements in the past two years are highlighted in the pages that follow. As one example, the University intervened in a case before the U.S. Supreme Court and was successful in protecting continued federal funding for human embryonic stem cell research. The University is also defending a legal challenge to "video-streaming", which provides access to video material for instructional purposes to students on computers outside individual classroom settings. This is a cutting edge copyright issue of national significance. Also of note, Managing Counsel Martin Simpson received the 2011 Business Journal/Business Times Best Bay Area Corporate Counsel IP Lawyer Award, and OGC attorneys continue to serve on a wide variety of University and community committees and boards, including the Board of Directors of the National Association of College and University Attorneys.

These times require flexibility and an openness to change. OGC continues to implement new ideas geared to maximize efficiency and customer satisfaction: office mentoring and training programs, diversity education and training, improved software systems, and much more. We welcome your ideas or suggestions as to how OGC can better serve you.

**Charles F. Robinson**

Vice President & General Counsel

# Summary of OGC Annual Legal Expense Report 2011

The Office of the General Counsel's Annual Report of Legal Expenses for Outside Counsel, presented for fiscal year 2010, reviewed the progress of OGC's outside counsel expense savings project, initiated in the spring of 2008. Over the two-year period since instituting this project, the University's gross legal expenses for outside counsel were reduced by approximately 20% or nearly \$20 million (from \$99.4 million in FY 2008 to \$79.8 million in FY 2010).

Significant developments include the following:

- A 4.5% reduction in outside legal expense in FY 2010, despite a reduction of in-house capacity due to the mandatory furlough program.
- More than a 14% decline in outside legal expenses from FY 2009 to FY 2010 (the data for both years excludes the costs of four major litigation matters — highly unusual in their scope).
- \$44 million in affirmative recoveries in FY 2010 in areas such as trusts and estates, bankruptcy, commercial transactions, reimbursement for hospital services and securities litigation.

- Patent prosecution panel firms agreed to a two-year commitment to lower rates for a variety of tasks, contributing to a 19% reduction in gross legal expenses in that practice area. A similar program in immigration law resulted in a 10.5% reduction in legal fees since implementation in January 2010.

These cost savings resulted from the continuation of formal programs initiated by OGC in close partnership with the Office of Risk Services. OGC continues to achieve savings through strategic in-sourcing of legal functions in key substantive areas, including health law, labor and employment and environmental law, and through expansion of the rate reduction program with new panel counsel in patent prosecution and immigration law.

To see the full Report, go to:

[http://www.ucop.edu/ogc/documents/annual%20rpt\\_outsidecounsel\\_exp10.pdf](http://www.ucop.edu/ogc/documents/annual%20rpt_outsidecounsel_exp10.pdf)

# Working Smarter: A New Model for Legal Services

## **BACKGROUND**

Outside counsel expenses represent four times the OGC operating budget. While these costs cannot be eliminated due to workload and specialized expertise, OGC has reduced costs via Preferred Provider Panels and in-sourcing.

## **GOALS**

Preferred Provider Panels are selected panels of “preferred provider” firms which offer lower outside counsel rates on a broad array of specialized work. In-sourcing involves filling OGC vacancies to reduce legal expenses in labor and employment, administrative hearings, contract disputes, tax, and health sciences enterprise advice.

## **SUCSESSES**

Preferred Provider Panels: In the 18 months following January 2010, savings exceeded \$781,000, with high client satisfaction. (See Fig. 1)  
In-sourcing: OGC filled fourteen attorney positions, with savings of over \$207,000 per attorney per year. (See Fig. 2) As a result of these improved operational models, outside counsel costs have dropped by \$19.6 million over a two year period, a nearly 20% reduction. (See Fig. 3)

## **INITIAL INVESTMENT**

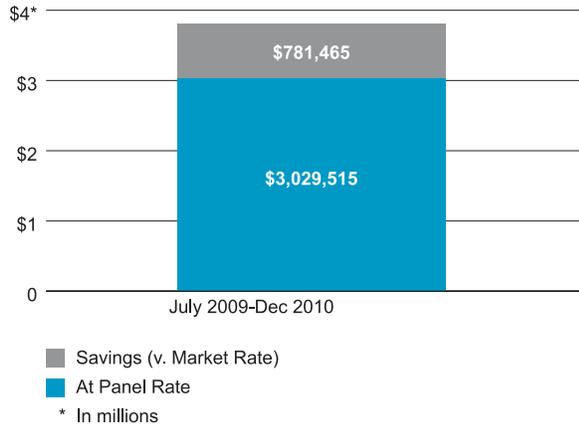
UCOP Office of Risk Services provided significant support, as did new management-reporting and business-intelligence tools.

## **FISCAL RESULTS**

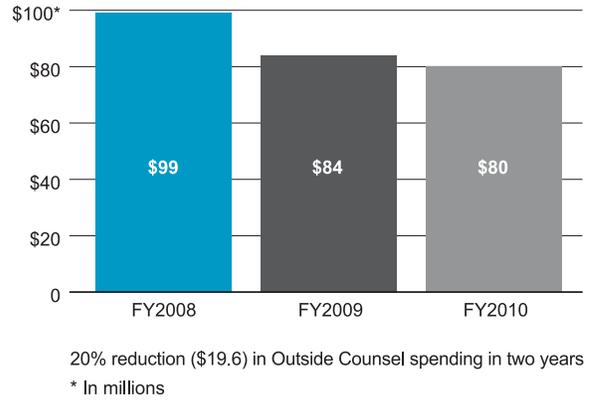
Projected annual savings from hiring in-house counsel is \$2.9 million minimum.

OGC will continue to strive to maintain these savings through continued negotiation of panel rates, expanding provider panels, maximizing the use of in-house counsel, and closely monitoring the use of outside counsel. Enhanced analytics have also revealed potential savings in legal invoice processing, with better billing guideline enforcement and legal-spend data tracking.

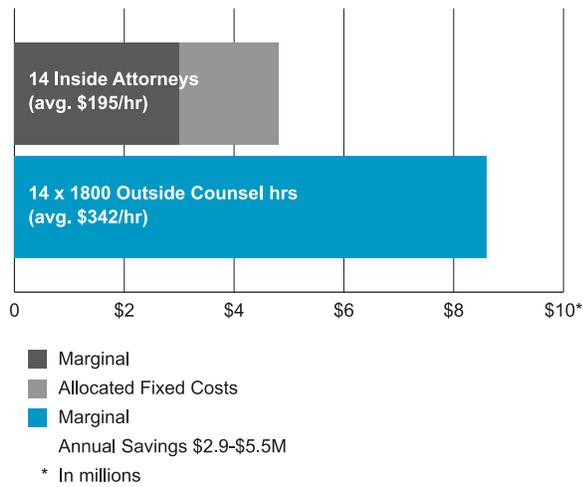
**Panel Billings (Fig. 1)**



**Trend in Outside Counsel Expenditures (Fig. 3)**



**Annualized Marginal Costs of Hiring Attorneys (Fig. 2)**



# Management Reporting and Human Resources Initiatives

## MANAGEMENT REPORTING

In collaboration with the University's Risk Services Program, OGC launched a new management reporting platform in October, 2010, using IBM's Cognos Business Intelligence Tool to provide:

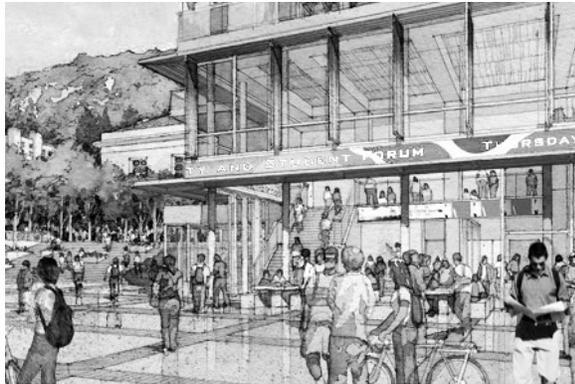
- Automated financial reporting on Outside Counsel Expenditures on a monthly basis for use by OGC and University leadership
- Additional ad hoc reporting capabilities previously unavailable without expensive system development (e.g., developing new reports on outside counsel budget variances, trends in average rates by firm or practice area, etc.).

Overall, by automating these reporting functions, we have increased the consistency and accuracy of our financial reporting, as well as the timeliness. The process no longer relies on human data entry or manipulation; reports which took several days to produce and distribute can now be run with the literal push of a button.

## HUMAN RESOURCES INITIATIVES – FY 09-10

- Developed and implemented a Talent Development Program for OGC employees – a planned approach to provide resources for career development and succession planning.
- Created on-boarding procedures and guidelines to streamline process for hiring and orienting new staff.
- Began updating job descriptions and establishing performance standards for non-attorney positions in the Oakland office based on current business needs.

# Special Interest Items



## **REVITALIZING SPROUL PLAZA (BERKELEY)**

OGC attorneys helped define the scope and obtain approval for a capital project to create a modern, student-oriented center in Lower Sproul Plaza on the Berkeley campus. The project will create 78,000 gross square feet of new space, and renovate 63,000 gross square feet of existing space. The project includes the following elements:

- Multicultural Center with lounge, conference/meeting rooms and catering kitchen;
- New offices and conference space, performance and event space for student organizations and events;
- Space for a 24/7 food service and café;
- Transit Center on Bancroft Way.

## **PATENTS AT RISK (SYSTEMWIDE)**

In the fall of 2009 the U.S. Court of Appeals surprised the university community and federal government by ruling that Stanford University's patent agreement by which faculty assign patents on inventions to Stanford, as well as a specific patent assignment to Stanford, were subordinate to a patent assignment agreement that Stanford's inventors signed as "visitors" at a Roche facility. The Roche agreement executed by the visitors assigned to Roche all inventions the Stanford visitors later discovered at Stanford, "[made] as a consequence of" what the visitor learned at Roche. Stanford's patent agreement, which is similar to the patent agreements of many other universities, including UC, states that a Stanford inventor will assign future inventions as requested by the University. The federal government depends on such patent agreements as a basis to protect the federal government's rights in inventions arising under federally funded research at universities. The Court of Appeals essentially held that Roche "got there first" with its assignment of rights in future inventions, leaving Stanford and the federal government with no rights. Stanford asked the U.S. Supreme Court to reverse this ruling and confirm decades of settled practice regarding university invention rights, at least for inventions arising under federal funding.

The University of California participated in amicus briefs supporting a request for rehearing by the Court of Appeals, as well as urging the U.S. Supreme Court to hear the case on appeal, and finally on the merits of the case, supporting Stanford and the federal government in seeking a reversal. Over eighty university and university community organizations signed this last amicus brief on the merits. On June 6, 2011, the Supreme Court affirmed the adverse ruling of the Court of Appeals based upon the Supreme Court's interpretation of the Bayh-Dole Act, which governs ownership of University inventions made using federal funding. The university community is now addressing employees' contracts with outside entities that purport to control the employees' future inventions at their universities.

UC is also studying possible changes to its Patent Acknowledgment form in light of the Supreme Court decision.

### **A NEW SCHOOL OF MEDICINE (RIVERSIDE)**

Planning for the new School of Medicine — the first School of Medicine (SOM) to be approved in four decades — has required a team approach, including OGC attorneys, to address a multitude of issues. The distributed clinical model is both innovative and unique for UC because it does not rely on an on-campus hospital. This presents special challenges in negotiating and structuring business agreements that will guide relationships between the SOM and its affiliates and partners. These relationships range from relatively simple

relocation agreements to complex affiliation agreements governing the education and training of graduates and doctors, as well as the relationships between the SOM and its partnering hospitals and medical groups. The residency programs and research enterprise will have an immediate impact on the Inland Empire and healthcare access and delivery in Southern California. The efforts underway to structure the new SOM will not be final until full student enrollment and financial self-support is achieved, currently projected to be in 2021.



**UNIVERSITY COURSE APPROVALS  
DEFENDED (SYSTEMWIDE)**

UC reviews all California high school courses submitted for approval for “a-g” credit, i.e., courses that meet UC’s admissions requirements. An association of private Christian schools and the publishers of the textbooks the schools were using, along with an individual school and several students, challenged in court the University’s decision not to approve certain courses. The plaintiffs argued that the courses were not approved because of their Christian orientation, and this violated their First Amendment rights. OGC attorneys helped successfully defend the University’s decisions, which were based on a variety of academic considerations. Among the most controversial issues in the case was a decision not to approve for science credit courses using a biology textbook advising students that Darwin’s findings on evolution were untrue. The University’s position was that the textbook did not reflect knowledge generally accepted in the scientific and educational communities. The court upheld the University’s academic decisions.

**HATE SPEECH/CRIMES (MULTI-CAMPUS)**

OGC attorneys provided prompt legal advice on complex issues involving the First Amendment, Title IV and Title VI of the Civil Rights Act of 1964, and criminal hate crime laws in connection with a number of incidents involving racially charged acts. OGC attorneys also helped craft new student code of conduct policies, addressing conduct where the

actor intends to cause a reasonable person to fear bodily harm or death, and providing for enhanced sanctions when any violations of the code of conduct are motivated by an individual’s race, ethnicity, religion, or other protected categories. These, along with numerous other initiatives addressing campus climate and student concerns, are designed to help effectively meet the University’s commitments to its diverse community.

**DISRUPTION AND THE FIRST AMENDMENT  
(MULTI-CAMPUS)**

A number of students from Irvine and Riverside disrupted a speech given on the Irvine campus by the Israeli ambassador to the United States. Campus attorneys advised that the students did not have a right to preclude someone else’s right to speak (the Ambassador) or others’ rights to listen and ask questions (members of the audience). The matter was referred to the student conduct office. The student organization at Irvine was disciplined. Criminal charges have also been filed against the students. The matter has been controversial both on and off campus.

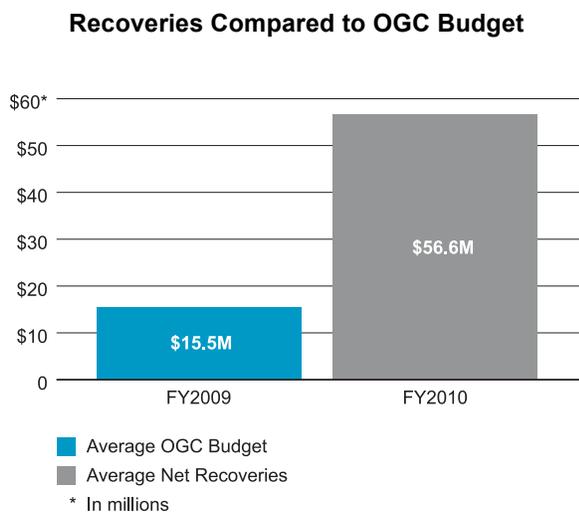
OGC attorneys have advised on conflicts between students sympathetic to Palestinians and those sympathetic to Israel on a number of campuses. OGC attorneys have also helped respond to several investigations by the Office of Civil Rights, in the U.S. Department of Education, in response to complaints of discrimination associated with these conflicts. In many cases, both sides believe their First Amendment rights, and their right to

access educational benefits without a “hostile atmosphere,” are being violated.

### **MILLIONS RECOVERED (SYSTEMWIDE)**

In the past two fiscal years, the Office of the General Counsel has either initiated or participated in litigation that has resulted in an average net recovery for the University (after payment of attorneys’ fees and costs) of \$56.6 million per year. These recoveries were obtained from University-initiated lawsuits in three areas: breach of contract litigation on behalf of hospitals against health insurers; estate and trust litigation vindicating the University’s rights to decedents’ assets; and commercial or securities fraud litigation.

By comparison, in the past two fiscal years, the budget for the Office of the General Counsel has averaged \$ 15.5 million per year.



### **STUDENT DISCIPLINE (BERKELEY)**

The Berkeley student conduct process was severely challenged after campus protests over increased tuition and fees erupted in November 2009. Students charged with involvement in building occupations and their supporters complained about the fairness of the campus’s student discipline procedures and the manner in which those procedures were implemented. Some of the students charged also sought to attack the process collaterally by bringing small claims actions for damages against faculty and student members of their hearing panels, a move that threatened to intimidate faculty and students and discourage them from volunteering for that duty. Berkeley’s Office of Legal Affairs (OLA) has been heavily involved in working to meet these challenges. OLA has worked with the Office of Student Affairs to provide guidance regarding student rights and appropriate procedures as required by both the Constitution and the Student Code of Conduct. OLA, the Oakland Office and outside counsel have worked to defend students and faculty panel members who have been the target of small claims suits by filing actions in superior court to block the proceedings. OLA is also participating on a campus task force composed of students, faculty and administrators, which is reviewing the student conduct process and the Conduct Code. The task force is working to develop recommendations aimed at addressing concerns about the fairness and efficiency of the process.

## **VIDEO STREAMING (LOS ANGELES)**

Video streaming provides access to video material for instructional purposes to students via computers outside traditional classroom settings. It is an increasingly common practice at universities around the country. Despite, or perhaps because of, the increasing availability of video streaming, an aggressive legal challenge to its legality has been mounted and focused on UCLA.

In response, OGC, through a collaboration of counsel at UCLA, Irvine, and Oakland, assisted the campus in developing a legal position. The University's defense reflects the fact that University instruction is no longer limited to a physical classroom. Students and instructors interact with each other, and with learning resources, on a 24/7 basis. The virtual classroom *is* the University classroom of today. Streaming video is an essential type of content for instruction. Faculty strongly believes that this service must be available in the virtual classroom, along with other types of educational content that are appropriate and necessary to the pedagogy of the course.

Use of streaming technologies, whether for video, audio, or other types of media, facilitates time shifting for students and faculty, which produces significant educational benefits. Students can study and interact with their educational course materials at times that best suit their learning needs. It is unquestionably consistent with copyright laws for a teacher to show a particular piece of multimedia to students enrolled in a class that meets in a physical classroom because that use serves the



purpose of copyright law — to promote the progress of science and useful arts. That purpose is also served by permitting the viewing or hearing of that multimedia, through time-shifting technologies, in a virtual classroom that restricts access to those same enrolled students.

The copyright law grants educational institutions the right to use content in classroom teaching and in distance learning, provided it is a fair use. These rights are important to innovation and education and advance the tripartite mission of the University of California. Thus, supported by the OGC, the University has assumed a national leadership role in defending these important rights in the litigation filed against UCLA.

## **FURLOUGHS, SALARY REDUCTIONS, AND UNFAIR LABOR CHARGES**

Labor, employment and benefits attorneys advised the Office of the President on the adoption and implementation of the systemwide furlough plan, which was designed to address a significant budget shortfall. The plan ran from September

2009 through August 2010. It called for employees to experience pay reductions and take corresponding unpaid days off based on salary, with those earning more absorbing a larger pay cut than those earning less. To accommodate the organizational diversity at the University, the plan exempted certain groups of employees and allowed certain locations to develop alternative plans. OGC advised on a broad range of legal and practical issues generated by the plan, including wage and hour requirements, collective bargaining implications, immigration law requirements, contract, and grant compliance, as well as the effect of the plan on leaves of absence and benefit programs.

Various unions filed unfair labor practice charges relating to the implementation of the plan or similar savings programs undertaken under the terms of existing collective bargaining agreements. The labor and employment group has been handling those cases, successfully achieving dismissal or resolution in some cases. Others remain pending at this time.

# Campus Counsel Overview

Campus Counsel directly support the mission and purpose of their respective campuses, as well as the systemwide Office of the General Counsel, by providing advice and counsel to senior management on the campuses. These attorneys also support the academic and administrative offices and provide advice on a broad range of legal issues impacting the various campuses. Campus Counsel provide assistance on matters affecting faculty, students, and staff in many areas, including: student affairs, labor and employment, affirmative action, faculty issues, research, healthcare, intellectual property, business affairs, litigation, real property, intercollegiate athletics, academic affairs, privacy, and compliance, as well as regulations and policies of The Regents.

Through collaboration, trainings, and early intervention, Campus Counsel engage in preventive lawyering in an effort to identify and address legal risks before matters become costly legal disputes. Campus Counsel also provide coordination and liaison with the attorneys in the Office of the General Counsel and outside counsel engaged on behalf of the campuses.



**UC BERKELEY OFFICE OF LEGAL AFFAIRS**  
**RECENT REPRESENTATIVE MATTERS**

**Magnes Collection of Jewish Art and Life  
at the Bancroft Library**

Campus Counsel provided key legal support for a complex transaction that involved the transfer of the Judah L. Magnes Museum collections to the University of California, Berkeley. The 10,000-piece collection (including music, art, rare books and historical archives) represents one of the world's top collections on Jewish life and history.

**Student Athlete High Performance Center**

Campus Counsel provided legal support for the on-going construction of a state of the art training facility (the Student Athlete High Performance Center) for UC Berkeley's intercollegiate athletes. Campus Counsel has provided support throughout the construction of the project, including successfully challenging a denial of an insurance claim, thereby helping the project to stay on budget.

**Intercollegiate Athletics**

Campus Counsel supported the Department for Intercollegiate Athletics by helping to negotiate strategic partnership agreements, advising on compliance programs, and providing legal advice in connection with the campus's decision to restructure the department.

**UC BERKELEY OFFICE OF LEGAL AFFAIRS**

**Christopher Patti**  
Chief Campus Counsel & Associate  
General Counsel

**Michael Cole**  
Assistant Campus Counsel & Director of  
Construction Policy and Claims

**Julie Conner**  
Associate Campus Counsel

**Jahlee Arakaki**  
Principal Legal Analyst & Executive Assistant

## **UC DAVIS OFFICE OF CAMPUS COUNSEL** **RECENT REPRESENTATIVE MATTERS**

### **Title IX Challenge**

Campus Counsel continues to help defend the University in a lawsuit alleging that UC Davis failed to offer equal opportunities to female athletes in violation of the federal gender equity law known as Title IX. The focus of this lawsuit is whether the Davis campus was in compliance with Title IX at the time the plaintiffs were enrolled, nearly ten years ago, when the campus followed what is commonly known as a “prong two” compliance approach: demonstrating a history and continuing practice of program expansion for the underrepresented gender. Prong 2 compliance is an issue of first impression in the courts.

### **Opportunities in Spain**

Campus Counsel coordinated legal advice in connection with a proposed new campus in Madrid, Spain, including advice on student demand and financial feasibility studies and financial reporting obligations.

### **Discontinuance of Four Intercollegiate Sports**

Campus Counsel provided advice to the Department of Intercollegiate Athletics (ICA), Student Affairs, the Chancellor, and the ICA Budget Advisory Work Group on meeting ICA budget reduction targets of over \$2 million, with particular focus on compliance with Title IX. The



resulting painful decision to discontinue four ICA sports caused significant upset and resulted in student grievances filed by members of the discontinued sports, legislative hearings by a state senator, and a substantial number of requests for University records pursuant to the Public Records Act. The Office provided legal advice in support of all of these processes.

## **UC DAVIS OFFICE OF CAMPUS COUNSEL**

**Steven Drown**  
Chief Campus Counsel & Associate  
General Counsel

**David Levine**  
Associate Health System Counsel

**Anna Orlowski**  
Chief Health System Counsel

**Michael Sweeney**  
Associate Campus Counsel

**Michele McCuen**  
Executive Assistant

**Lynette Temple**  
Information Practices Coordinator

## **UC IRVINE OFFICE OF CAMPUS COUNSEL** **RECENT REPRESENTATIVE MATTERS**

### **Fraudulent Reimbursement Claims**

Campus Counsel provided legal analysis and advice throughout all stages of a whistleblower investigation, which concluded that a faculty member had submitted several hundred thousand dollars in fraudulent reimbursement claims. The University pursued discipline as well as restitution of the amounts previously paid to the faculty member.

### **Thesaurus Linguae Graecae (TLG)**

Campus Counsel provided legal advice and analysis, in consultation with outside counsel, to TLG in connection with TLG's collections and digitization of most literary texts written in Greek from Homer to the fall of Byzantium in AD 1453. Campus Counsel and outside counsel were able to persuade a rival project to cease using TLG's materials.

### **Recoupment Action Involving Medical Center Laboratory Services**

Working with outside counsel and the hospital's compliance department, Health Sciences Counsel successfully appealed the Medicare fiscal intermediary's determination to seek a refund of \$1.5 million paid to the Medical Center for laboratory services. As a result, no refund will be required.



### **Challenge to Medi-Cal Billing Manual**

Working with outside counsel and the hospital's compliance department, Health Sciences Counsel successfully challenged a Medi-Cal Billing Manual interpretation. The interpretation was disallowed as an impermissible "underground regulation," because Medi-Cal had failed to go through the required rule making process. As a result, certain Medi-Cal claims for reimbursement that would have been processed at a lower rate of reimbursement will instead be processed on the basis of current regulations.

## **UC IRVINE OFFICE OF CAMPUS COUNSEL**

### **Diane Fields Geocaris**

Chief Campus Counsel & Associate  
General Counsel

### **Kyhm Penfil**

Campus Counsel

### **Peter Schneider**

Chief Health Sciences Counsel

### **Lindy Grishkoff**

Executive Assistant and Office Manager

### **Diane Triantis**

Assistant to Chief Health Sciences Counsel

**UC LOS ANGELES OFFICE OF LEGAL  
AFFAIRS RECENT REPRESENTATIVE  
MATTERS**

**Animal Activist Harassment of  
Research Faculty**

Campus Counsel continues to work closely with faculty and senior Administration in dealing with the activities of animal activists. In particular, Campus Counsel has been involved in responding to numerous Public Records Act requests involving thousands of pages of documents.

**Lease Extension for the Rose Bowl**

Campus Counsel, in collaboration with attorneys in the Oakland Office of the General Counsel, and working in consultation with representatives from the campus's Department for Intercollegiate Athletics, successfully negotiated a 30-year extension to an existing lease with the City of Pasadena for UCLA's continued use of the Rose Bowl. Terms of the existing lease were significantly revised to reflect the City's commitment to undertake large-scale renovation of the stadium at no additional cost to UCLA. Significant savings to UCLA were also achieved as a result of the University handling this matter internally, without the assistance of outside counsel.

**Construction Litigation Relating to the  
Ronald Reagan UCLA Medical Center**

Campus Counsel, attorneys in the Oakland Office of the General Counsel, and outside counsel worked closely with senior administration of the campus and the campus's medical enterprise to

negotiate resolution of the largest lawsuit ever filed against the University of California. The lawsuit involved claims asserted by a construction contractor for additional compensation for work performed at the Ronald Reagan UCLA Medical Center. Extensive investigation of and an aggressive opposition to the contractor's alleged claims allowed the University to minimize the contractor's recovery (at approximately 20% of the amount claimed).

**UC LOS ANGELES OFFICE OF  
LEGAL AFFAIRS**

**Kevin Reed**

Vice-Chancellor, Legal Affairs and Associate General Counsel

**Meghan Archdeacon**

Senior Counsel, UCLA Health System

**L. Amy Blum**

Senior Campus Counsel

**Jane Boubelik**

Chief Counsel, UCLA Health System

**Shari Faris**

Senior Counsel, UCLA Health System

**Glen Fichman**

Senior Campus Counsel

**Patricia Jasper**

Senior Campus Counsel

**Carrie Recksieck**

Principal Counsel, UCLA Health System

**Jody Grossman**

Assistant to Vice-Chancellor Legal Affairs

**Yolanda Israel**

Administrative Analyst

**UC Los Angeles Office  
of Legal Affairs** continued

**Jessica Kubel**  
Administrative Specialist

**G. Jane Lopatt**  
Administrative Officer and  
Conflict of Interest Coordinator

**Susan Mangel**  
Senior Legal Analyst

**Noel Serrano**  
Legal Office Manager

**Eleanor Wise**  
Administrative Assistant

**UC MERCED CAMPUS COUNSEL**  
**RECENT REPRESENTATIVE MATTERS**

**Campus Development**

Campus Counsel, in addition to other attorneys in the Oakland Office of the General Counsel, provided key legal support to the campus in connection with a broad array of matters relating to development of the new campus, including construction of new facilities, implementation of the wetlands restoration project and development of the local infrastructure needed to support the growing campus.

**UC MERCED CAMPUS COUNSEL**

**Elisabeth Gunther**  
Chief Campus Counsel & Associate  
General Counsel

**UC RIVERSIDE OFFICE OF CAMPUS COUNSEL**  
**RECENT REPRESENTATIVE MATTERS**

**Academic Integrity**

Campus Counsel helped to successfully resolve, without litigation, a four year old academic integrity matter.

**Educational Outreach**

As part of its educational efforts, Campus Counsel conducted numerous training seminars throughout the campus addressing important issues of legal liability, ethics, and diversity. Such seminars include: Ethics session of Building Core Supervisory Competencies; Managing in Difficult Times: How to Reduce Liability and Decrease Risk; The Legal Essentials of Academic Leadership Workshop: Strategies of Avoiding Legal Risk; Managing for the Future: How to Sustain Excellence Through Diversity & Avoid Legal Risk; Ethics Presentation for the Emerging Leaders Program; and Managing the Firestorm: How to Reduce Liability and Decrease Risk.

**Refund of Improper Compensation**

Campus Counsel provided substantial oversight as well as key strategic advice and support for various conflict of commitment settlements with faculty members. These settlements resulted in a return, to the University, of compensation that had been improperly received by certain faculty members; monies returned to UCR in connection with these efforts exceeded \$100,000.

**UC RIVERSIDE OFFICE OF CAMPUS COUNSEL**

**Michele Coyle**

Chief Campus Counsel & Associate  
General Counsel

**Lia Duncan**

Senior Paralegal Specialist

**Regina Villasenor**

Administrative Assistant

**UC SAN DIEGO OFFICE OF THE  
CAMPUS COUNSEL RECENT  
REPRESENTATIVE MATTERS**

**Affirmative Recoveries**

Campus Counsel actively pursued various matters involving outside entities failing to honor contractual commitments to the University. In particular, in three recent matters, Campus Counsel successfully negotiated the recovery and collection of combined sums exceeding \$1.2 million. In each of these instances, Campus Counsel resolved the matter without resorting to litigation and without any assistance (and therefore expense) from outside counsel.

**Scientific Center in Florence, Italy**

Campus Counsel assisted with the provision of legal advice – on a wide array of issues – in connection with the campus’s Jacobs School of Engineering’s efforts to establish a scientific center in Tuscany. The proposed center, known as Studiosi Americani per Eccellenza Regionale (SAPER), represents a unique collaboration between the campus, The Region of Tuscany (the Regional Government), and the Regional Health Authority (in Florence) to bring UCSD researchers to Florence. To help foster this relationship, UCSD has been offered the opportunity to set up its operations in the historic House of Amerigo Vespucci, located in the heart of Florence.

**DFEH Investigation**

Campus Counsel successfully defended the University in an investigation brought by California’s Department of Fair Employment & Housing in response to allegations that the campus failed to provide reasonable academic and housing accommodations to a disabled student. By fully handling this matter in-house, Campus Counsel achieved this favorable outcome while also saving the campus from incurring significant expenses in outside counsel fees.

**UC SAN DIEGO OFFICE OF THE  
CAMPUS COUNSEL**

**Dan Park**  
Chief Campus Counsel & Associate  
General Counsel

**Dennis Klein**  
Associate Campus Counsel

**Annette Corsello**  
Administrative Specialist

**Lynn Do**  
Administrative Coordinator

**UC SAN FRANCISCO OFFICE OF  
LEGAL AFFAIRS RECENT  
REPRESENTATIVE MATTERS**

**Correcting Inaccurate Sales Tax Assessments**

Campus Counsel spearheaded the University's effort in a legal challenge to the California Board of Equalization's regulations. By reaching an early resolution, without the assistance of outside counsel, Campus Counsel saved the University from significant sums in potential attorneys' fees as well as substantial sales tax assessments that the Board of Equalization had erroneously concluded the University owed in connection with research-related transactions.

**Electronic Health-Care Record Solution**

Campus Counsel negotiated a multi-million dollar contract on behalf of the campus's Medical Center for the Epic electronic health-care record solution.

**President's Emergency Plan For AIDS Relief (PEPFAR)**

Campus Counsel and OGC-Oakland worked together with the Global Health Sciences Institute to prepare a proposal for registration of Foreign Affiliates in countries on the list for the President's Emergency Plan For AIDS Relief (PEPFAR), beginning with four African countries where UCSF has grants from the Centers for Disease Control. The Chancellor approved the proposal and forwarded it to the systemwide Provost for approval. Campus counsel has worked with the Global

Health Security Initiative (GHSI) to identify and establish relationships with local counsel in the countries where the Foreign Affiliates are to be located.

**UC SAN FRANCISCO OFFICE OF  
LEGAL AFFAIRS**

**Marcia Canning**  
Chief Campus Counsel & Associate  
General Counsel

**David Bergquist**  
Senior Campus Counsel

**Greta Schnetzler**  
Deputy Campus Counsel

**Ann Sparkman**  
Deputy Campus Counsel

**Diane Wynshaw-Boris**  
Senior Campus Counsel

**Thomas Dellner**  
Analyst III/Executive Assistant

**Karen Forte**  
Analyst II/Executive Assistant

**Pat Tashima**  
Analyst IV/Supervisor/Paralegal

**UC SANTA BARBARA CAMPUS COUNSEL**  
**RECENT REPRESENTATIVE MATTERS**

**Long-Range Development Plan**

Campus Counsel worked closely with OGC-Oakland land use attorneys on the adoption of the campus's new Long-Range Development Plan, including negotiating agreements with local jurisdictions to address impacts of the campus development. As a result of this collaborative effort, there were no legal challenges to the environmental documents and the campus avoided the expense of retaining outside counsel.

**Contract Negotiations**

Campus Counsel worked closely with the campus's Contracts and Purchasing Departments to develop best practices and provide them with contract negotiation strategies. This collaboration has helped the campus expedite the processing time for campus contracts.

**Multiple Employment Disputes**

Campus Counsel successfully negotiated the resolution of several employment related disputes. In addition, Campus Counsel collaborated with Risk Management to identify several matters for settlement prior to litigation. These efforts resulted in substantial savings in outside counsel expenses for the campus.

**UC SANTA BARBARA CAMPUS COUNSEL**

**Nancy Hamill**  
Chief Campus Counsel & Associate  
General Counsel

**UC SANTA CRUZ OFFICE OF CAMPUS  
COUNSEL RECENT REPRESENTATIVE  
MATTERS**

**Campus Sustainability Practices**

Campus Counsel helped negotiate an agreement with a nonprofit organization related to campus's recycling efforts. Under the terms of the agreement, the nonprofit entity will provide financial support to the campus's recycling program in furtherance of the University's Policy on Sustainable Practices.

**Housing Development Project**

Campus Counsel was an integral part of the legal team (that also included attorneys from the Oakland Office of the General Counsel as well as outside counsel) that successfully resolved a long term dispute with a private developer and subcontractor relating to construction of a faculty housing project.

**Supporting UCSC Collaboration  
with the Community**

Campus Counsel advised on campus collaboration with a local school district, designed to train UCSC graduate students to communicate ecological issues to a diverse community as well as provide school teachers with research experience and tools to help their students become well informed natural resource stakeholders.



**UC SANTA CRUZ OFFICE OF  
CAMPUS COUNSEL**

**Carole R. Rossi**  
Chief Campus Counsel

**Katina Ancar**  
Associate Campus Counsel

**Emily Baer**  
Administrative Assistant

**Liv Hassett**  
Associate Campus Counsel

**Gennevie Herbranson**  
Office Manager/Paralegal

# Practice Groups

## **BUSINESS TRANSACTIONS GROUP**

The Business Transactions Group provides advice and support to the Office of the President, campuses, medical centers and Berkeley national laboratory on business and corporate structures, competitive bidding, complex business, finance and energy projects, and international initiatives. The group also advises on nonprofit organizations, charitable giving and tax matters.

### **Highlights include:**

- The group has facilitated 10 financings totaling \$2.7 billion in support of the operations and development of the University. As part of this effort, the group designed and implemented innovative financing structures in connection with public-private partnerships and other third party developments.
- The group advised on international activities and collaborations, including plans to construct a \$1.2 billion Thirty Meter Telescope in Mauna Kea, Hawaii and the establishment of research field offices in North Africa.
- The group has also been lead legal and regulatory advisor to the Office of the President and campuses in the development of the systemwide online education pilot and other campus-originated online education initiatives, including graduate school and University Extension online education programs.

- The group has worked with the State to finance the University's ongoing capital program.

## **BUSINESS TRANSACTIONS GROUP MEMBERS**

**Tina Combs**  
Deputy General Counsel

**Scott Abrams**  
Senior Counsel

**James Agate**  
Senior Counsel

**Lloyd Lee**  
Principal Counsel

**Mary MacDonald**  
Senior Counsel

**Barbara Rhomberg**  
Counsel

**Barbara Bray**  
Legal Support Specialist

**Karen Lau**  
Executive Secretary

**Lissa Ly**  
Legal Support Specialist

**Valerie Marble**  
Legal Support Specialist

**Gloria Samson**  
Legal Support Specialist

## **CONSTRUCTION GROUP**

The group provides legal services to the University's \$8 billion annual construction program on the campuses and at the medical centers. Most transactional services are provided in-house (e.g., advice, contract drafting and non-litigated claims resolution). The group works with outside counsel on litigated disputes if the work exceeds in-house capacity.

**Over the past two years, several popular client service projects have been continued and/or expanded, for example:**

- "UC and the Law," an annual training session designed to help clients deliver projects on time and within budget.
- The construction law symposium, a forum for public sector construction attorneys to share effective strategies.

In addition, the group is working to extend "best value" contracting legislation used for the new hospital at Mission Bay to all of UC San Francisco and to other campuses.

Efforts to resolve construction disputes continue to save the University money. Two recent examples — a \$1.3 million claim for recovery of back-charges and delay damages was settled for \$275,000, and the University recovered \$5.8 million for construction defects in a laboratory and a classroom building.

## **Other recent projects of note:**

- Bimonthly Construction Group Newsletter to clients.
- Advising UCOP Capital Project Delivery Work Groups on strategic resourcing, Building Information Modeling (BIM)/Integrated Project Delivery, non-project specific procurement, revisions to the UCOP Facilities Manual , Early Notification to The Regents Regarding Significant Projects.

## **CONSTRUCTION GROUP MEMBERS**

**Tina Combs**  
Deputy General Counsel

**Stephen Morrell**  
Managing Counsel

**Holly Ackley**  
Senior Counsel

**David Bergquist**  
Senior Counsel

**Mike Cole**  
Assistant Campus Counsel

**Glen Fichman**  
Senior Campus Counsel

**David Robinson**  
Senior Counsel

**Cheryl Marshall**  
Paralegal Services Manager

**Damyanti Naicker**  
Legal Support Specialist

**Debbie Potter**  
Legal Support Specialist

**Lexie Tillotson**  
Legal Support Specialist

**Paul Townsend**  
Litigation Specialist

## **COPYRIGHT AND TRADEMARK GROUP**

The Copyright and Trademark Group provides copyright and trademark services to the Office of the President and serves as a resource to the campuses and medical centers. The group provides transactional services (e.g., providing advice, reviewing and drafting license agreements, identifying trademark and copyright infringement, and sending and responding to cease and desist letters) and dispute resolution. The group also advises on the use of the University of California name and unofficial seal. It oversees domestic and international counsel retained to register and enforce University trademarks.

### **Highlights include:**

- University counsel and library representatives advised Google on higher education needs in the proposed (and recently denied) settlement in a class action copyright infringement suit brought by publishers and authors against Google for its digitization of library holdings. The University has contributed a significant number of University holdings for digitization and was one of a handful of universities invited by Google to provide such consultation.
- Counsel in this group joined with copyright counsel on the Berkeley, Irvine, and Los Angeles campuses in forming the first inter-campus/OGC-Oakland Copyright Working Group, which issued a Legal Advisory on the impacts of the federal court's decision regarding the electronic reserves system used by Georgia State University. The Working Group is charged

with promoting a strategic vision in the area of copyright law, developing OGC's and UC's reputation as a national leader in educational copyright law and policy and providing consistent legal advice throughout the University system.

- The group is also spearheading a draft revision of the University's Policy on the Photocopying of Copyrighted Works for Teaching and Research.

## **COPYRIGHT AND TRADEMARK GROUP MEMBERS**

**Tina Combs**  
Deputy General Counsel

**Rita Hao**  
Senior Counsel

**Mary MacDonald**  
Senior Counsel

**Lissa Ly**  
Legal Support Specialist

**Debbie Potter**  
Legal Support Specialist

## **EDUCATIONAL AFFAIRS GROUP**

The educational affairs attorneys advise campuses and the Office of the President on a wide variety of issues involving students, faculty and academic life, including admissions, fees, financial aid, housing, student conduct, international studies, research compliance and faculty and Academic Senate matters. Attorneys in the group serve as the general legal advisors for UC Merced, the Division of Agriculture and Natural Resources, and Senate Privilege and Tenure committees throughout the system.

### **Some highlights of the group's work during the last two academic years:**

- Draft revisions to Student Conduct Code to address "terrorizing conduct" and add sanctions for violations motivated by hate, and a model code providing discipline for criminal convictions.
- Revise policies on sexual, racial and other forms of harassment to address First Amendment concerns and developments in case law.
- Advise on use of medical marijuana on campuses.
- Advise on charging "tuition" in addition to "fees," and the implications for student financial aid awards.
- Analyze amendments to the Native American Graves Protection and Repatriation Act and respond to faculty concerns.
- Promulgate a policy for involuntary withdrawal of students who pose a danger to themselves or others.

## **EDUCATIONAL AFFAIRS GROUP MEMBERS**

**David M. Birnbaum**  
Deputy General Counsel

**Katina Ancar**  
Counsel

**Ellen Auriti**  
Senior Counsel

**Bill Eklund**  
Senior Counsel

**Elisabeth Gunther**  
Senior Counsel

**Fred Takemiya**  
Senior Counsel

**Beverly Barker**  
Executive Secretary

**Shari Guzman**  
Legal Support Specialist

**Lissa Ly**  
Legal Support Specialist

**Valerie Marble**  
Legal Support Specialist

**Gloria Samson**  
Legal Support Specialist

## **GOVERNANCE GROUP**

The governance group provides legal services in the areas of governance (open meeting laws, Regents' bylaws/standing orders/policies, Regents items and delegations of authority), conflict of interest, the California Public Records Act, FERPA, and electronic records. The Regents are a major client of the group, as well as the Office of the President and the campuses.

### **Significant projects during the last two years include:**

- *Legal Advisory* issued on "Form 700 and Reporting of Payments in Connection with Speeches, Panels and Seminars."
- New client self-help tool posted on the OGC website: "FERPA 101," explaining students' privacy rights under the Family Educational Rights and Privacy Act.
- Guidance regarding use and collection of Social Security numbers.
- Formulating systemwide email outsourcing contracts (Google and Microsoft).
- Proposing master provisions for campus contracts with California Department of Public Health that appropriately handle privacy and security issues.
- Participating in systemwide work groups on the subjects of the UC website branding initiative, streamlining Presidential policies, delegations of authority, mandatory training, and Records Management and Privacy (RMP) Series policies related to privacy and public records.

## **GOVERNANCE GROUP MEMBERS**

**Kathleen Quenneville**  
Principal Counsel

**Nancy Hamill**  
Senior Counsel

**Stella Ngai**  
Counsel

**Maria Shanle**  
Senior Counsel

**Cynthia Vroom**  
Senior Counsel

**Karen Lau**  
Executive Secretary

**Karin Rice**  
Administrative Assistant

**Lexie Tillotson**  
Legal Support Specialist

## **HEALTH LAW AND MEDICAL CENTER SERVICES GROUP**

The group supports the University's eight medical centers, five medical schools and faculty practice plans, and the Office of Health Sciences and Services in the Office of the President. The group works with hospital and medical school personnel to ensure that medical facilities comply with the complex array of federal and state regulations that govern the provisions of clinical services. The group also provides support for clinical and research collaborations.

### **Highlights for the health law group in FY 2009-10 and FY 2010-11 include:**

- Recovering over \$6 million for the University by partnering with hospital finance personnel to secure payments from large managed care plans that failed to make full, timely payment for patient care services furnished by the University's medical centers and medical schools.
- Promoting access to health care by helping to structure the acquisition of multiple physician practices by UC medical centers that increased their capacity to furnish primary and specialty services.

- Helping to convince the D.C. Circuit to vacate a preliminary injunction prohibiting the National Institutes of Health (NIH) from funding research using human embryonic stem cells. The University successfully moved to intervene in the case in order to protect continued NIH funding for such research. UC was the only university invited to submit a brief.

## **HEALTH LAW AND MEDICAL CENTER SERVICES MEMBERS**

### **Max Reynolds**

Deputy General Counsel, UCOP

### **Meghan Archdeacon**

Senior Counsel, UCLA Health System

### **Jane Boubelik**

Chief Health Sciences Counsel, UCLA

### **Auburn Daily**

Principal Counsel, UCOP

### **Shari Faris**

Senior Counsel, UCLA Health System

### **David Levine**

Health System Counsel, UC Davis

### **Rachel Nosowsky**

Principal Counsel, UCOP

### **Anna Orlowski**

Chief Health System Counsel, UC Davis

### **Carrie Recksieck**

Principal Counsel, UCLA Health System

### **Peter Schneider**

Chief Health Sciences Counsel, UC Irvine

**Health Law and Medical Center  
Services Members** continued

**Greta Schnetzler**

Deputy Campus Counsel, UCSF

**Rani Singh**

Principal Counsel, UCOP

**Ann Sparkman**

Deputy Campus Counsel for Health Affairs,  
UCSF

**Diane Wynshaw-Boris**

Senior Counsel, UCSF

**Beverly Barker**

Executive Secretary

**Barbara Bray**

Legal Support Specialist, UCOP

**Thomas Dellner**

Analyst II/Executive Assistant, UCSF

**Karen Forte**

Analyst II/Executive Assistant, UCSF

**Gwendolyn James**

Administrative Specialist, UCLA

**Margaret Navarra**

Administrative Specialist, UC Davis

**Mary Peters**

Paralegal, UC Davis

**Pat Tashima**

Analyst IV/Supervisor/Paralegal, UCSF

**LABOR, EMPLOYMENT AND  
BENEFITS GROUP**

Collective bargaining issues continue to be a focus for the group. Labor and employment attorneys provide advice and support on strategic systemwide initiatives, including implementation of the salary reduction and furlough plan; negotiation support on bargaining agreements with several unions, including UPTE RX and TX, UAW Postdoctoral Scholars, and UAW Graduate Students and advising on reopener bargaining over wages and benefits for CNA and UPTE HX; benefit reopener negotiations for AFSCME PCT, AFSCME Service, UPTE RX and TX, and successor negotiations for CNA. Members of the group regularly appear before the Public Employment Relations Board (PERB) on unfair practice charges and representation proceedings.

**Highlights of the group's recent advice practice include:**

- Reviewing campus affirmative action plans and Office of Federal Contract Compliance Program audits.
- Reviewing compensation matters requiring Regental approval.
- Providing advice on the restructure of the bonus and incentive compensation program.
- Development of a Special Complaint Resolution Policy for cancelled bonuses and deferred incentives.

- Integrating the new federal health care reforms into the University's programs.
- Providing advice on UC's application to participate in the federal Early Retiree Reimbursement Program that saved the University over \$11,000,000 in retiree health care costs.
- Counseling on legal issues raised by the proposals and final recommendations of the President's Task Force on Post-employment Benefits.
- Managing employment claims in the non-litigated employment risk program to promote early resolution and cost saving.

**Valerie Shelton**  
Senior Counsel

**Leslie Van Houten**  
Senior Counsel

**Lissa Ly**  
Legal Support Specialist

**Valerie Marble**  
Legal Support Specialist

**Damyanti Naicker**  
Legal Support Specialist

**Debbie Potter**  
Legal Support Specialist

**Gloria Samson**  
Legal Support Specialist

**Lexie Tillotson**  
Legal Support Specialist

**LABOR, EMPLOYMENT AND BENEFITS**  
**GROUP MEMBERS**

**Karen Petrulakis**  
Deputy General Counsel

**Allison Woodall**  
Managing Counsel

**Mia Belk**  
Counsel

**Barbara Clark**  
Principal Counsel

**Stephanie Leider**  
Senior Counsel

**Ina Potter**  
Senior Counsel

**LAND USE AND ENVIRONMENTAL HEALTH AND SAFETY GROUP**

The land use and environmental health and safety attorneys have continued to work with all ten campuses and UCOP’s Physical Design and Development team to implement the new capital project approval process that delegated responsibility for approval of mid-size projects to the Chancellors. The attorneys have worked with the campus planners and project managers to ensure 100% on-time review and approval.

**The group’s other recent projects include:**

- Providing California Environmental Quality Act (CEQA) and land use advice on several high profile projects, including UC Santa Barbara’s Long-Range Development Plan, UC Berkeley’s seismic retrofit and renovations to the historic California Memorial Stadium, UC San Diego’s new East Campus Bed Tower, and the rehabilitation of UC San Diego’s historic University House, located on a Native American site overlooking the Pacific Ocean.
- Defense of litigation challenging UC Berkeley’s Student-Athlete High Performance Center. The litigation was recently settled, and is widely viewed as the foundation for improved, collaborative relationships between the campus and the residents of surrounding communities. In addition, the California Supreme Court upheld an appellate court decision finding that the Environmental Impact Review for the three-phase Stadium project was legally valid under CEQA.

**LAND USE AND ENVIRONMENTAL HEALTH AND SAFETY GROUP MEMBERS**

**Tina Combs**  
Deputy General Counsel

**Kelly Drumm**  
Senior Counsel

**Anthony Garvin**  
Senior Counsel

**Elisabeth Gunther**  
Senior Counsel

**Barbara Bray**  
Legal Support Specialist

**Gloria Samson**  
Legal Support Specialist

**LEGISLATIVE AFFAIRS**

The Office of the General Counsel provides legal analysis and advice regarding proposed state and federal legislation to State Governmental Relations and Federal Governmental Relations at the Office of the President.

**LEGISLATIVE AFFAIRS GROUP MEMBERS**

**Tina Combs**  
Deputy General Counsel

**David Robinson**  
Senior Counsel

**Debbie Potter**  
Legal Support Specialist

## **LITIGATION GROUP**

The Litigation Group represents the University and oversees outside counsel in all litigation except construction, patent and environmental matters. The largest number of litigated cases consistently fall within the University's professional, employment, and general liability self-insurance programs. The remaining cases include commercial, probate and academic cases, including constitutional challenges to University policies and practices. The group handles litigation in a variety of forums, including internal administrative hearings, state and federal trial courts, and appeals.

### **Highlights of the Litigation Group's work in FY 2009-10 and FY 2010-11 include involvement in a number of cases of national importance:**

- In *Martinez v. Regents of the University of California*, the California Supreme Court unanimously upheld a California statute that allows certain nonresidents, including some undocumented students, who attend and graduate from a California high school to pay in-state tuition at the State's public colleges and universities.
- In *Goldbaum v. The Regents of the University of California*, the California Court of Appeal reaffirmed The Regents' Constitutional autonomy under Article IX, section 9 of the California Constitution, holding that a fee shifting statute (Labor Code §218.5) under the wage and benefits laws did not apply to the University of California.



- For a final example, see the description in "Special Interest" items of the defense of the University's decision not to approve certain courses offered by private Christian schools.

The Litigation Group continues to pursue affirmative litigation to recover money for the University. In FY 2008-09, recoveries totaled over \$69 million, aided substantially by a \$28 million recovery in the class action against Enron in which the Regents served as the lead plaintiff. In FY 2009-10 recoveries totaled \$44 million, for a two year recovery total of over \$113 million. The group also continues to strive to reduce outside counsel fees by handling as many matters in-house as possible and by selecting panels of attorneys to offer legal services at discounted costs.

## **LITIGATION GROUP MEMBERS**

**Karen Petrulakis**  
Deputy General Counsel

**Eric Behrens**  
Managing Counsel

**Litigation Group Members** continued

**Holly Ackley**  
Senior Counsel

**Michael Goldstein**  
Senior Counsel

**Norman Hamill**  
Senior Counsel

**Sunil Kulkarni**  
Senior Counsel

**Cynthia Vroom**  
Senior Counsel

**Richard Wilson**  
Senior Counsel

**Margaret Wu**  
Senior Counsel

**Elisabeth Yap**  
Senior Counsel

**Carolyn Yee**  
Senior Counsel

**Beverly Barker**  
Executive Secretary

**Barbara Bray**  
Legal Support Specialist

**Charlie Goodrich**  
Paralegal Specialist

**Shari Guzman**  
Legal Support Specialist

**Sandra Hoy**  
Senior Paralegal Specialist

**Antoinette Lewis-Long**  
Senior Paralegal

**Lissa Ly**  
Legal support Specialist

**Damyanti Naicker**  
Legal Support Specialist

**Carrie Schmidt**  
Legal Support Specialist

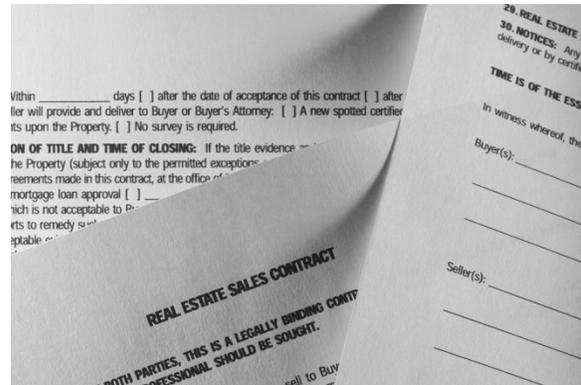
**Lexie Tillotson**  
Legal Support Specialist

## **REAL ESTATE GROUP**

The real estate group provides legal advice and assistance to campuses and the Office of the President on major commercial real estate transactions and drafts and negotiates contracts.

### **Significant recent projects include:**

- Negotiated a Memorandum of Understanding with the San Francisco Redevelopment Agency regarding UCSF's obligation to provide affordable housing at Mission Bay.
- After over two and a half years of negotiation, successfully closed the transaction for the development of a \$230 million research building at the UCSF Mission Bay campus set to open in 2012. The transaction is structured as an innovative public-private partnership and financed with the proceeds of Build America Bonds.
- Assisted the Berkeley campus in defining and winning approval for a capital project to revitalize the Lower Sproul Plaza area to create a modern, student-oriented center (see details in "Special Interest" items).



## **REAL ESTATE GROUP MEMBERS**

### **Tina Combs**

Deputy General Counsel

### **Scott Abrams**

Senior Counsel

### **James Agate**

Senior Counsel

### **Lloyd Lee**

Principal Counsel

### **Janet Norris**

Senior Counsel

### **Barbara Bray**

Legal Support Specialist

### **Karen Lau**

Executive Secretary

### **Lissa Ly**

Legal Support Specialist

### **Valerie Marble**

Legal Support Specialist

### **Gloria Samson**

Legal Support Specialist

**STRATEGIC BUSINESS OPERATIONS**  
**(FINANCE, HUMAN RESOURCES,**  
**INFORMATION SYSTEMS**  
**AND PARALEGAL SERVICES)**

OGC launched a new management reporting platform in October 2010 that makes significant improvements in OGC's financial reporting capabilities.

The Operations Group launched several important human capital initiatives, including a review of administrative and paralegal activities within the Oakland office with the aim of identifying the most cost-effective and appropriate level of staffing. This has also involved an initial effort to create articulated career paths for non-attorney staff, as well as updating of job descriptions and establishing performance standards to meet client needs.

**STRATEGIC BUSINESS OPERATIONS**  
**GROUP MEMBERS:**

**Cate Hutton**  
Director, Finance & Business Services

**Peter Church**  
Billing Systems Project Manager

**Susan Fogel**  
Senior Paralegal Specialist

**Charles Goodrich**  
Paralegal Specialist

**Shari Guzman**  
Legal Support Specialist Supervisor

**Annette Hayes**  
Senior Paralegal Specialist

**Diana Hume**  
Residency Analyst

**Sandra Hoy**  
Senior Paralegal Specialist

**Luciana Johnson**  
Accounting Specialist

**Lizzie Kennon**  
Administrative Assistant

**Catherine Lindorfer**  
Principal Paralegal Analyst

**Leslie Liscano**  
Human Resources Manager

**Antoinette Long**  
Senior Paralegal Specialist

**Cheryl Marshall**  
Paralegal Services Manager

**Margaret Michel**  
Principal Paralegal Analyst

**Christine Orr**  
Information Services Project Manager

**Desmond Perryman**  
Administrative Assistant

**Josefina Reyes**  
Accounting Specialist

**Karin Rice**  
Administrative Assistant

**Kenn Saephan**  
Administrative Assistant

**Andrea Simpson**  
Senior Paralegal Specialist

**Strategic Business Operations  
Group Members** continued

**LeVale Simpson**  
Paralegal Specialist

**Rosita Soriano**  
Records Assistant

**Karen Taylor**  
Business Operations Manager

**Melvina Weaver**  
Records Specialist

**Sylvia Woods**  
Records Specialist

**Alleen Yu Zulkowski**  
Paralegal Specialist

**TECHNOLOGY TRANSFER GROUP**

The technology transfer group supports ten campus technology transfer and sponsored projects offices, the UCOP Office of Research and Graduate Studies, and the UCOP Office of Federal Governmental Relations in their efforts to bring the benefits of University research to the public.

**Recent, significant projects:**

- The group assisted on amicus brief efforts in support of Stanford in *Stanford v. Roche* in an attempt to preserve certainty of invention title in the University, and is analyzing possible changes to the University's Patent Acknowledgment form (see description in "Special Interest" items).

- The group assisted in University comments to both houses of Congress regarding pending patent reform legislation, in support of stronger patent rights to encourage investment in innovations.
- The group filed a new patent infringement suit in Germany that involves chromosome painting technology, which is used to ascertain the proper treatment for cancer.

**TECHNOLOGY TRANSFER GROUP MEMBERS**

**Tina Combs**  
Deputy General Counsel

**Marty Simpson**  
Managing Counsel

**Nancy Chu**  
Senior Counsel

**Bill Eklund**  
Senior Counsel

**Rita Hao**  
Senior Counsel

**Catherine Lindorfer**  
Principal Legal Analyst

**Margaret Michel**  
Principal Legal Analyst

**Debbie Potter**  
Legal Support Specialist

**Gloria Samson**  
Legal Support Specialist

# OGC At Work

At the campuses, medical centers, and Oakland office, as well as throughout the state, OGC participated in many committees, working groups, and public service boards during the reporting period. Following are various examples:

## **OGC INTERNAL COMMITTEES**

- All Attorney/ Paralegal Meeting Planning Committee
- Attorney Integration Committee
- Biennial Report Committee
- Diversity Committee
- Immigration Cost Reduction Committee
- Joint Compliance/ Whistleblower Retaliation Committee
- Legal Advisory Committee
- Legal Files Advisory Group
- Library Committee
- Multiple Counsel/Staff Search Committees
- Newsletter Committee
- OGC Speaker's Forum
- Paralegal Advisory Committee
- Patent Prosecution Cost Reduction Committee
- Self Help Tools Committee

## **OGC WORKING GROUPS**

- Conflict of Interest Working Group
- Copyright Working Group
- First Amendment Working Group
- Students/Employees in Distress Work Group
- WikiLeaks Work Group

## **EXTERNAL PARTICIPATION**

- California Medical Association/California Hospital Association Amicus Curiae Committee
- Internal Revenue Service, Advisory Committee on Tax Exempt and Government Entities
- NACUA Board of Directors, Committees
- UC Hastings College of the Law Board of Directors

## **CAMPUS GROUPS**

- Audit Committee
- Chancellor's Cabinet and Senior Management Group
- City/University Task Force
- HIPAA Oversight Committee
- Information Technology Advisory Board on Privacy and Data Protection
- Medical Center Advisory Committees
- Medical Staff Committees
- Multiple Campus Environmental Risk Work Groups
- Multiple Campus Work Groups
- Multiple Local and Campus Task Forces
- Red Flag Rule Task Force
- Security Advisory Committees
- Violence in the Workplace Committee
- Whistleblower Committees
- Work Group on the Use of Copyrighted Materials for Teaching Purposes

## **SYSTEMWIDE / OP GROUPS**

- Campus Ethics and Compliance Risk Committee
- Capital Project Delivery Work Groups
- Decision Support System Advisory Committee
- Delegated Process Work Group
- Email Outsourcing Task Force
- Employment Practices Improvement Committee
- Lesbian Gay Bisexual Transgender Intersex Staff Association
- OP Mentorship Program
- Policy Advisory Committee
- President's Advisory Committee on the Status of Women
- Privacy and Information Security Working Group
- Records Management Committee
- Risk Management Leadership Council
- Systemwide Enterprise Risk Management Panel
- Systemwide Library and Scholarly Information Advisory Committee
- Systemwide Security Breach Response Group
- Whistleblower Retaliation Policy and Practice Review





