



alumni BRIEFS

Jackie Glass, '84, Presides Over Nevada v. O.J. Simpson

By Arash Ebrahimi

The Honorable Jackie Glass, '84, Clark County District Court Judge, recently presided over *Nevada v. O.J. Simpson*. The high-profile case cast Glass into a media whirlwind earning her international recognition, exposure on national news and even a “Saturday Night Live” spoof depicting her in the Simpson trial. Luckily for Glass, she is no stranger to the media.

“Being a former journalist has helped me in dealing with high profile cases,” says Glass. “I understand the ‘story’ from the media perspective.” Her reporting background also taught her the importance of being concise and getting to the point.

After graduating with a degree in journalism from the University of Georgia in 1978, Glass moved to Las Vegas and began a career as a journalist. She started as a radio news reporter for KORK-AM 920 and quickly moved up to eventually anchor the KTNV-TV, Channel 13 news. As a Las Vegas journalist, Glass earned a reputation as an approachable, highly skilled reporter.

Her work as a crime beat reporter on KTNV-TV led her to pursue a career in law. Glass graduated from the University of San Diego School of Law in 1984. Her most notable moment at USD that helped her prepare for a career as a district court judge came in class with Professor Frank Engfelt, who passed away in 2007.



“My conflicts professor taught me that it was important to follow the ‘K.I.S.S.’ doctrine—K.I.S.S is short for keep it simple stupid. I agree. I don’t like to beat around the bush, and I tell it like it is.”

In 1990 Glass and her husband, fellow lawyer Steve Wolfson, formed the Wolfson & Glass law firm where she primarily handled criminal cases. After 18 years of private practice, Glass launched a campaign for judge of District Court’s department 5. She was elected and took office on January 6, 2003.

Her experience as a journalist and previous handling of other high-profile cases has allowed Glass to keep her cool in front of local and national news cameras. In 2005 she presided over *Nevada v. Craig Titus & Kelly Ryan*, a case

accusing former professional bodybuilders of murdering their assistant. She also presided over the criminal trial of Ae Kwon, a minister accused of extorting \$20 million from Rene Angelil, Celine Dion's husband.

"The high-profile cases require a significant amount of planning," explains Glass. "In the Simpson case, I was involved in the planning from the beginning. I wanted to ensure we could provide a high-profile defendant with a fair trial and provide the media with access. We had challenges and not everyone, from the media to the attorneys, was happy with all the decisions. I believe that all of our hard work paid off."

"Inside the courtroom, I know that it doesn't matter whether it is a high-profile case or an 'average' case; I handle them all the same," she continued. "You could sit in on any given day in my courtroom, and you would see the same Judge Jackie Glass."

The Simpson case brought a new level of media attention to Glass. Never before had she been parodied on television.

"Being spoofed on SNL and appearing in videos on Jay Leno was like having an out-of-body experience," said Glass. "It was funny, and I had a good time laughing at it . . . and myself!"

Outside her responsibilities as a district court judge, Glass works as a legal advocate on a local and national level. She is a leader in the nationwide movement to improve the criminal justice system's handling of mental illness. Her efforts helped establish the Clark County Mental Health Court in December 2003 and the Clark County Competency Court on November 16, 2005. The latter was recognized in 2007 by the National Association of Counties with an Achievement Award for its effectiveness and innovation.

Judge Glass has lectured at the University of Nevada, Las Vegas Boyd School of Law, spoken on law topics at local high schools and appeared on the KLVX show, "Law and the Layman." She served as an alternate domestic referee, URESA (Uniform Reciprocal Enforcement of Support Act) hearing master, paternity hearing master, and alternate juvenile referee. Judge Glass also served as a member of the Las Vegas Housing Authority Board and spent six years as a board member of the Senior Citizens Law Project.

When asked for words of wisdom for aspiring attorneys Glass said, "Take your work seriously, but don't take yourself too seriously. You have to be able to take a step back and laugh at yourself when it gets really tough or else you might spend a lot of time crying."

Theodore J. Boutrous, Jr. '87

By Tonya Malek



Theodore J. Boutrous, Jr., has built a reputation of remarkable success challenging excessive damage awards in high-profile cases. He has represented a variety of large companies in fighting for civil justice reform in Congress, state legislatures as well as state and federal courts throughout the country. In the past 20 years, Boutrous has

represented Ford Motor Co., DaimlerChrysler, the *Wall Street Journal*, Time Inc. and Wal-Mart. He received his law degree summa cum laude from the USD School of Law, where he was valedictorian and editor-in-chief of the *San Diego Law Review*. He is currently a partner in the Los Angeles office of Gibson, Dunn & Crutcher LLP, and has received several awards, including One of 100 Best Lawyers in California and Best of the Bar.

"It's really nice to get that kind of recognition," says Boutrous. "But it's the work itself and helping the clients that's the most gratifying."

Boutrous knew that he wanted to practice appellate and constitutional law of the moment he graduated law school. He landed a job at Gibson Dunn's Washington D.C. office, where partner Ted Olson had just started an appellate practice group. Olson, who went on to become Solicitor General of the United States, and Boutrous developed a great relationship. That connection played a vital role in boosting Boutrous' career and practice.

"In the appellate world you see almost every kind of legal issue and many different types of clients and that provided an avenue for me to build a widely varied practice over the years," he says. "I also happen to love my job, which helps"

Towards the beginning of his career, Boutrous was also interested in journalism and the First Amendment. He had the privilege of working with famed First Amendment lawyer and current federal appeals court judge, Robert Sack. Boutrous explains, "Even when I was junior associate, I got the chance to work with the top lawyers at the nation's leading news organizations on cutting edge issues."

Boutrous emphasizes the need for a common law privilege for reporters and their confidential sources, arguing that the First

Amendment should protect reporters from revealing their sources.

"I am a strong believer in the idea that reporters play the essential role in a democracy of keeping the public informed about the workings of their government and other matters of public concern," he says. "They need the necessary tools, including protection from forced disclosure of their confidential sources, to do that job effectively."

Boutrous believes that an undeniable argument for a federal common law reporter's privilege exists, and that the path to recognizing the privilege is clear and beginning to catch on.

In response to the concern that protecting every source in every situation may give reporters an excuse not to really gather the news, Boutrous stands firmly behind his view they need to be used carefully and sparingly. He explains that most reputable news organizations, as well as journalists, prefer an on the record source, as it makes for a better story.

Boutrous believes that there is nothing inconsistent about protecting confidential sources, on the one hand, and advocating for open courtrooms on the other hand. He states, "Confidential sources are crucial to allowing journalists to report to the public on the most difficult stories about the workings of our government and other important societal institutions."

Going along with the Supreme Court's view that what happens in a courtroom is public property, Boutrous believes that the public has a First Amendment right to see and hear what happens there and that public scrutiny is vital to ensuring fairness and protecting against abuse. He claims, "Reporters act as surrogates for the public when they cover trials and other judicial proceedings."

Boutrous has indeed worked with several high-profile clients and organizations; however, he says the legal work is the same, regardless of the fame. "The main difference in representing a high-profile client is that you need to be prepared to deal with the news coverage and other public scrutiny that such a client may attract. It's important to work closely with the client to anticipate and address this aspect of the case to protect the client's rights, reputation and interests."

Boutrous enjoys his position as a partner and as part of the team at Gibson. "We have a really collegial, diverse, open and inclusive culture that makes it a true pleasure to go to work every day. I never imagined that practicing law could be so fulfilling and enjoyable when I got out of law school, but from day one at Gibson Dunn it has been a wonderful experience."

The Honorable George "Woody" Clarke '77

By Lindsey Biggs



Prior to aiding in the 1995 prosecution of O.J. Simpson, George Clarke, '77, became one of the country's leading experts on how to use DNA evidence in the courtroom. He began his career in 1982 at the San Diego District Attorney's office. After working on several cases involving blood evidence, he quickly became very knowl-

edgeable in the new science of DNA.

"During the Lucas case he was introduced to the area of serology and became quite an expert," explains Steven Feldman who served as opposing counsel on several capital cases Clarke helped prosecute. "In that case, we used experts from throughout the country and he became fairly close with some of them, including representatives from the FBI. So he learned at the beginning, and was there at the beginning working with some of the foremost experts in the field."

Over the years, Clarke has been a key player in many high profile southern California cases, many of which he discusses in his new book, *Justice and Science: Trials and Triumphs in DNA Evidence* (Rutgers University Press, 2008). Feldman, who represented David Westerfield (another of Clark's cases) continues, "I've said to many that he and I spent more time across the table with each other over those years than we did with our wives."

Although the manner in which DNA is tested and used has changed very little since it was introduced in 1987, its use has greatly expanded. Sexual assault and homicide cases paved the way for DNA evidence, which is now used to prosecute virtually every type of crime. DNA evidence has also become easier to collect and test due to the development and use of polymerase chain reaction (PCR). In the past,

samples of 50,000 cells or more were required for evidence; however PCR has made it possible to test and profile degraded and extremely small samples of twenty-five to fifty cells.

Jurors have come to expect DNA evidence in a wide variety of cases and give such evidence great weight when it is presented. Clarke always made it a priority to ensure that jurors understood the significance of results from testing techniques in relation to the surrounding facts, circumstance and evidence of the case. In order to make the complicated subject of DNA evidence comprehensible to the average juror, Clarke compared the technology to non-forensic uses such as disease diagnosis and the identification of the remains of soldiers killed in war.

Jeff Dusek, chief deputy district attorney in San Diego, served as co-counsel on several cases with Clarke. Dusek distinguishes Clarke's approach from others. "DNA can be a very complicated and mind-numbing area. Woody makes it simple, understandable and credible for both other attorneys and jurors. He knows what to explain and what to omit. His audience walks away from his explanation thinking they actually understand DNA."

Another of Clarke's significant contributions to the legal community is the role he played in the State of California's decision to compensate a San Diego inmate who was exonerated by DNA evidence after having served ten years in prison. Judge Clarke believes that "any state that does not have such a compensation scheme should carefully consider implementing such a system."

In response to the number of exonerations DNA evidence has produced, a growing majority of states and the federal justice system have statutes that authorize a defendant to seek post-conviction DNA testing. In cases where DNA evidence is produced at trial, defense attorneys tend to attack the one true weakness of this scientific evidence, that DNA testing results cannot show how and when biological evidence was placed in the location in which it was discovered.

Since being appointed a Superior Court Judge by Governor Gray Davis in 2003, Judge Clarke has used his extensive knowledge of DNA evidence to ensure that the evidence is presented to the jurors in an appropriate manner. Judge Clarke is well liked among his colleagues. "Woody is one of the all-time nicest guys you will ever meet," says Dusek. "He has something nice to say about everyone. I have never seen him upset, unless he skulls a chip shot."

Justice Ambeng Kandakasi, '90

By Anna Phillips

In addition to providing foreign trained lawyers with an outstanding education in the laws and legal system of the United States, USD's LL.M in Comparative Law brings top legal talent from across the world to USD where they interact, sometimes in the same class, with J.D. candidates. One example of an exceptional legal mind that graced the halls of USD Law is Justice Ambeng Kandakasi, LL.M.C. '90, who now sits on the Supreme Court of Papua New Guinea.

In New Guinea, the Supreme and National Courts are the highest courts in the judicial structure. The Supreme Court is made up of an ad-hoc panel of National Court Judges. The court has original and exclusive jurisdiction over Constitutional issues and has authority to hear appeals from the National Court. The decisions of the Supreme Court are binding on the National Courts, as well as lower courts, although its decisions are not binding upon itself. Like the U.S. Supreme Court, however, the Supreme Court of Papua New Guinea rarely strays from precedent.

The National Court, on the other hand, has original jurisdiction over all criminal cases and civil cases valued over 10,000 kina (approximately \$3,600), and has jurisdiction over appeals from the District Court, judicial reviews, and administrative tribunals.

One interesting and challenging hurdle Justice Kandakasi must deal with in each of his decisions is the Underlying Law



Act of 2000, which requires the courts to incorporate the common laws of England and the customs of New Guinea into the underlying laws. Custom, unlike English Common Law, has not been recorded and is therefore difficult to discover and apply. Since the law school in Papua New Guinea does not offer a course on custom, the legislators have left the court to develop and apply the underlying law on its own. The courts have made little progress in this area having only adopted and applied a few customary norms. This is because the Constitution of New Guinea requires the courts to first identify a custom and then decide whether it is applicable to the entire country and not contrary to basic principles of humanity.

Justice Kandakasi has also performed groundbreaking work in alternative dispute resolution. As the Chairman of the Judicial Committee on Alternative Dispute Resolution (ADR), Justice Kandakasi has been essential in making ADR a formal component of New Guinea's legal system. Although the National Court provides opportunities for ADR through case management processes and court rules, the Court does not have an official ADR program. The executive branch of New Guinea's government, however, has already passed legislation proposing to formalize ADR in the National Court. The bill will soon go to Parliament.

"The training at USD gave me an opportunity to learn a few things I would not have otherwise learned, especially in the area of international trade and commerce. In fact, for a couple of my judgments, I fell back on my USD notes and textbooks for help," said Justice Kandakasi. "I do have the fondest memories of USD and would like to take my family there one day...and show my family the school that has made a lot of difference in my life and career. USD Law is doing a marvelous job in training not only lawyers but many world leaders in their own right and circles. So please keep up the good work USD."



Jan Goldsmith, '76, Elected San Diego City Attorney

By Vincent Lapietra

Jan Goldsmith, '76, was elected San Diego City Attorney in November, 2008, marking another accomplishment in an already distinguished career. After graduating law school, Goldsmith practiced civil litigation and eventually co-founded his own firm. Shortly thereafter, he left the practice of law and entered politics, going on to become Mayor of Poway and then a State Legislator. For the last ten years Goldsmith has served as a San Diego County Superior Court Judge. He said that his decision to leave the world of politics was based in part upon his passion for the law. "In the state legislature, I focused more on legal-related issues that any other field."



His latest career move was made as a result of the unique opportunity presented. In Goldsmith's view the position of San Diego City Attorney offers him the opportunity to serve his community while at the same time allowing him to address a unique challenge.

"Rebuilding a 135 attorney law firm that has been decimated is the equivalent to our profession of a hiker climbing Mount Everest."

"The first few years of your law practice are critical," said Goldsmith when asked what advice he would give to young alumni hoping to emulate his success. "I was blessed with excellent training as a new lawyer 32 years ago. I never lost that professional foundation. Go for the best training and develop high level professional habits. View your career in law as your profession. If you want to participate in politics, view your role as service."

Jan is married to the Honorable Christine K. Goldsmith, '76. Their son Scott Goldsmith, '08, also attended USD School of Law. 