

ROBERT C. FELLMETH

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Present Position: Price Professor of Public Interest Law (faculty from 1977, Price Chair from 1992); Executive Director of the Centers for Public Interest Law (from 1980) including the Consumer Protection Policy Center (CPPC), the Children’s Advocacy Institute (CAI, from 1989) and the Energy Policy Initiatives Center (EPIC, from 2004 (at the University of San Diego School of Law.

EDUCATION

Stanford University
A.B. 1967 w/ Distinction
Honors in Humanities

Harvard University Law School
J.D. 1970
Editor, *Harvard CR-CL Law Review*

LEGAL EXPERIENCE

1968 **Intern** for the Arms Control and Disarmament Agency of the U.S. State Department

Duties included work on Non-Proliferation Treaty ratification, and review of classified international cables and early memoranda relevant to SALT-type agreements under General Counsel George Bunn.

1969–72 **Associate**, Center for Study of Responsive Law

In 1968, co-authored *The Nader Report on the Federal Trade Commission* with John Schulz and Edward Cox. The report criticized the FTC Act for its limited “cease and desist” remedies, and the FTC for inaction. The year after the report’s release, President Nixon requested an inquiry by a committee of the American Bar Association. Several recommendations in the two reports were enacted into law in 1973 and 1975. During the release of the FTC report, the Nader researchers were called “Nader’s Raiders” by the press.

In 1969, raised foundation funds, recruited, and organized groups of law students and young professionals to work with Ralph Nader. The subsequent research produced books including: *Vanishing Air*, *Water Wasteland*, *Sewing the Wind*, *Chemical Feast*, and legislative drafts to address consumer and environmental problems they documented (e.g., early drafts of the Water Pollution Control Act of 1970). Personally directed a group in a study of the Interstate Commerce Commission and critiquing its excessive and anticompetitive regulation, leading to the book: *The Interstate Commerce Omission*, serving as editor and one of 7 authors.

Directed a study of land use policies in California in 1970, which was rewritten in book form as *The Politics of Land*.

1972–73 **Director**, Nader Congress Project

Directed the Nader Congress Project in 1972–73, recruiting journalists, students, and professors for work in Washington, D.C. Led by Catholic Nun Jacquelline Jelley, the project recruited researchers in each of the fifty states and 435 congressional districts. Under the direction of Joan Claybrook (later the director of NHTSA), the Project produced profiles on each member of Congress including census and election data, district spending by agency, floor and committee votes, campaign contributors, background, legislation authored, and other information. The Project published the best-selling paperback *Who Runs Congress?* (Zwick, Fallows, and Green) in 1972. It published the major part of its work in 1976: a six-volume study of the Congress and its major committees—*Ruling Congress*, *The Finance Committees*, *The Money Committees*, *The Environment Committees*, *The Judiciary Committees* and the *Commerce Committees*. Contributed to the *Commerce Committees* book, edited by later Congressman David Price.

1973–81 **Deputy District Attorney**, San Diego County Office of the District Attorney

1979–81 **Assistant United States Attorney**, U.S. Attorney’s Office, Southern District of California

Formed what was apparently the first antitrust prosecution division in a local prosecutor’s office in 1974 in San Diego, under District Attorney Ed Miller. The new unit filed 22 civil and criminal antitrust cases over the following 8 years against such entities such as Revlon Corporation, TFI Companies, Inc., and the National Association of Realtors, alleging price-fixing, kickbacks, exclusive dealing, group boycotts, tie-ins, predatory practices, and other white collar crimes. Reported cases include *People v. National Association of Realtors*, 120 Cal. App. 3d 459 (1981), and *People v. Mobile Magic Sales Inc.*, 96 Cal. App. 3d 1 (1980). In 1975 and 1976, drafted bills to revise California’s antitrust and unfair competition statutes, 4 of which were enacted in 1977. These moved the Unfair Competition Law of the state from Civil Code § 3369 into Bus. & Profs Code § 17200 *et seq.* and added provisions pertaining to civil penalties, prefilng discovery and other provisions through Assembly Bills 1158, 1159, 1160, and 1162 (Sieroty).

Argued *People v. Pacific Land Research* in 1977 before the California Supreme Court 20 Cal. 3d 10 (1977); this case declared a public civil Unfair Competition Act prosecution to be separate and distinct from private counterparts. The following year, argued *Corsetti v. Rice*, 21 Cal. 3d 431 (1978), before the Court. The holding sustained the vertical price-fixing prohibition on liquor, notwithstanding alleged state authority for required resale prices. During this period published, lectured, and assisted other local prosecutors in the enforcement of state antitrust and unfair competition statutes, and taught antitrust at the National College of District Attorneys and the National Judicial College (established by the U.S. Supreme Court to train state court judges).

In 1979, was cross-commissioned as a special Assistant United States Attorney, able to file cases in both state and federal court to enforce both state and federal antitrust statutes.

1977–Present **Professor of Law**, University of San Diego School of Law

1992–Present **Price Professor of Public Interest Law**, University of San Diego School of Law

Have taught a variety of courses at the University of Since 1977: Consumer Law, California Administrative Law and Practice, Public Interest Law Clinic, White Collar Crime, Criminal Procedure, Trade Regulation II, Regulated Industries, Child Rights and Remedies, and Public Interest and Child Advocacy Clinics. Awarded full law school tenure in 1983. In 1990, was designated as the inaugural holder of the “Price Chair in Public Interest Law,” an endowed faculty chair created by a \$1.8 million gift from philanthropists Sol and Helen Price. Teaching related awards since 1990 include: 1997 “University Professor” for “outstanding, balanced, cumulative career contributions supporting the mission and goals of USD”; 2009 named a “Remarkable Leader in Education” by the School of Leadership and Education Sciences (the School of Education) at the University of San Diego; 2012, received the Thorsnes Award for faculty scholarship by the Law School for the text *Child Rights and Remedies*.

1980–Present **Director**, Center for Public Interest Law

1980–95 **Editor-in-Chief**, *California Regulatory Law Reporter*

In 1980, founded the Center for Public Interest Law (CPIL), an academic center of research, teaching, and advocacy in public interest law at the USD School of Law. The Center focuses its efforts on the study of state agencies and boards which regulate business, professions, trades, and the environment. Through its student interns, CPIL examines and analyzes the activities of from 15 to 25 state regulatory agencies, and educates the public on the decisions of these agencies in its legal journal, the *California Regulatory Law Reporter*. CPIL’s goal is to make the regulatory functions of state government more efficient, visible, and accountable by serving as a public monitor of state administrative agencies, and by representing otherwise unrepresented interests in government and judicial proceedings.

In addition to its research and scholarship, CPIL includes the Consumer Protection Policy Center (CPPC) and functions as a statewide public interest law firm on behalf of consumers. Through its professional staff located in San Diego and Sacramento, and assisted by student interns, CPPC drafts and sponsors legislation, litigates test cases, and engages in public advocacy on behalf of underrepresented diffuse and future interests. CPPC projects have included the creation by regulatory petition of the Utility Consumers’ Action Network (UCAN), a 65,000-member entity now representing ratepayers before the California Public Utilities Commission; the creation of the Privacy Rights Clearinghouse, focusing on personal informational privacy; court defense of Proposition 103, the 1988 insurance rate reform initiative (*Calfarm Ins. Co. v. Deukmejian*, 48 Cal. 3d 805 (1989)); advocacy on behalf of open meetings and related “sunshine” statutes (AB 214 (Connelly) (Chapter 936, Statutes of 1985) and AB 2476 (Connelly) (Chapter 641, Statutes of 1986)); institution of a legislative “sunset review” process for state occupational licensing agencies (SB 2036 (McCorquodale) (Chapter 908, Statutes of 1994) and subsequent active participation in the sunset process); government campaign contribution and ethics reform (*e.g.*, Propositions 68 and 131); special prosecutor legislation (AB 410 (Killea)); reform of the state’s physician discipline system (SB 2375 (Presley) (Chapter 1597, Statutes of 1990), SB 916 (Presley) (Chapter 1267, Statutes of 1993), and SB 609 (Rosenthal) (Chapter 708, Statutes of 1995)); economic crime legislation (AB 2249 (Friedman) (Chapter 1616, Statutes of 1990, which enacted the California Corporate Criminal Liability Act); accounting industry reforms following Sarbanes-Oxley, SB 163 in 2011 changing the governance structure of the State Bar from a Board of Governors of 23, 17 of

whom are selected by practicing attorney, to a 19 member Board of Trustees, with 13 selected by public officials, including the Supreme Court; and other legislation, rulemaking, and litigation projects. More recent Bar-related reforms include amendments to fully apply the state's Open Meetings and Public Records Act transparency statutes to the State Bar, and the removal of the "sections" and other trade association functions from this public regulatory body.

In 2007, the Energy Policy Initiatives Center (EPIC) was created as a part of the Center for Public Interest Law. Directed by Scott Anders, EPIC was endowed initially from a grant given by District Attorney Bonnie Dumanis from the settlement of *People v. Duke Energy*, a part of the pattern of alleged offenses during the Enron Energy scandal. I served as a consultant in the prosecution of Duke Energy, a San Diego power producer implicated in the combination, assisting in the prefilings discovery. EPIC does not focus on advocacy, but on the provision of expertise on energy-related matters. Included in that enterprise in the computerized measurement of carbon emissions from all sources, allowing a community to gauge the impact of alternative public policies on its diminution. It also sponsors an annual Symposium attended by leading public officials and academicians, associated with the nation's first law review focusing on global warming, the Journal and Climate and Energy Law. The education program of EPIC includes coursework in energy law, including international treaties and related aspects, and a clinic program where students work with Coastal Commission, PUC, Energy Commission and other public bodies on law related problems and issues.

1984–85 **Partner:** Lorenz, Alhadeff, Fellmeth, Arkin & Multer (private law firm)

1985–87 **Partner:** Clark & Gumpel (private law firm)

1987–92 **California State Bar Discipline Monitor**

Appointed to the legislatively created position of "State Bar Discipline Monitor" by then-state Attorney General John Van De Kamp in January 1987. The position was instructed to investigate California's attorney discipline administered by the State Bar and to recommend reforms to the legislature and the Chief Justice of the California Supreme Court. In conjunction with CPIL, drafted and published 11 reports on the system (every six months for five years), commencing with June 1, 1987. During this term, assisted with the drafting and legislative advocacy of SB 1498 (Presley) (Chapter 1159, Statutes of 1988), and other reform proposals. These included the creation of the current State Bar Court—independent of the practicing bar.

1989–Present **Executive Director**, Children's Advocacy Institute

In 1989, we created the Children's Advocacy Institute (CAI) as part of the Center for Public Interest Law at the USD School of Law. CAI operates the Child Advocacy Clinic at the School of Law representing allegedly abused and neglected children. As an academic center, CAI trains future lawyers to represent the interests of children, and as a statewide law firm, advocates on their behalf in the courts, the legislature, before administrative agencies, and through public education programs.

CAI's work has included litigation such as *CTA v. Huff* (to preserve \$355 million in state education funding for high-priority preschool child care and development programs); *Barrow v. DHS* (to compel a state agency to adopt public playground safety regulations to prevent child injury);

California Foster Parents Association v. Wagner (challenging state rates for family foster care and resulting diminished supply and adoption decline); *E.T. v. George* (a class action challenging court and attorney caseloads); and *Butterfield v. Lightbourne* (challenging Department of Social Services adopted regulations that authorize concealment of child deaths and near deaths from child abuse or neglect in violation of federal law (CAPTA) and in violation of California legislation co-sponsored by CAI (SB 39)). See cases outlined below.

Legislation drafted and sponsored by CAI include statutes to overhaul the regulation of child care facilities and to create “Kids’ Plates” (a personalized vehicle license plates program whose proceeds are earmarked for child care regulation, child abuse prevention, and child injury prevention programs); legislation to require protective measures in residential swimming pool construction to prevent child drownings; legislation which characterizes child support orders as tax liens, thereby enabling the state Franchise Tax Board to collect them and enhance statewide child support collection efforts; statutory change to set minimum standards for attorneys who represent children in dependency court; a new law regarding education rights of foster children, including transfers between schools; revisions to the law pertaining to disclosures and transparency where children die from abuse or neglect; legislation to clarify that juvenile courts have the authority to create trusts for foster children—effective before and after they age out of care; revision of family law to remove previous law provisions limiting the number of persons with parental rights to two, whatever the circumstances, and allowing some flexibility where in the best interests of the child; statutes to limit abuses by private for-profit schools with deceptive claims and promises and resulting debt burden without employment qualification; and over fifty other sponsored, enacted statutes covering issues of child protection, safety, and educational enhancement.

Research and publications include a report on *Multi-Disciplinary Single Interviews of Abused Children*; the CHILDREN’S REGULATORY LAW REPORTER; the Children’s Legislative Report Card (based on voting record favoring children); and the publication of the CALIFORNIA CHILDREN’S BUDGET annually from 1994–2004—a 600-page report on the condition of California’s children and on federal and state child related spending trends, with recommendations. More recent reports include national studies (and the grading of state by state performance) in the provision of public information where children die from abuse or neglect, and state performance in providing counsel for foster children; a report on California’s performance in helping foster children through Proposition 63 grants (the Mental Health Services Act) released in 2010; and a national report released in 2011 in Washington D.C. on confiscatory takings by counties and states from their own foster children, including takings of SSI and survivor benefits allocated to those children, and the imposition of a low asset cap that prevents those children from saving for their post 18-year-old transition to self-sufficiency. For citations and details, see CAI’s annual reports and the twenty-year retrospective of CAI published in December 2009 at www.caichildlaw.org.

In 2007, CAI won a three-year contract to provide education and training for all new attorneys practicing in juvenile court. CAI organized educational programs that included teaching and panels from experts in various aspects of child litigation. Over 600 new juvenile court attorneys received this instruction.

In 2021, CAI was retained to examine juvenile probation practices and recommend reforms, the study was commissioned by the Probation Officer of California, which paid for the resulting 2022 Report, prepared by CAI’s Jessica Heldman.

From 2020–2022, the California Supreme Court’s Judicial Council retained and paid CAI to provide numerous classes on attorney representation of children in Juvenile Court proceedings (for both Dependency and Delinquency cases). Numerous classes were taught, some by Zoom given the pandemic and starting in 2022, in-person presentations throughout the state.

REPORTED CASES LITIGATED

People v. Pacific Land Research, 20 Cal. 3d 10 (1977) (*amicus* for CDAA) Private and public antitrust/unfair competition cases not subject to mandatory consolidation

Corsetti v. Rice, 21 Cal. 3d 431 (1978) (*amicus*) Vertical price fixing in wine sales, state action defense not available without bona fide independent state supervision

People v. Mobile Magic Sales Inc., 96 Cal. App. 3d 1 (1979) Antitrust; tie ins, required market power and product definition, preliminary injunction criteria

People v. National Association of Realtors, 120 Cal.App. 3d 459 (1981) Price fixing, tie-ins, group boycotts, restraints pertain to multiple listing services

People v. National Association of Realtors, 155 Cal. App. 3d 578 (1984) Scope of Unfair Competition Act includes antitrust, calculation of civil penalties liberal

Tom Hudson and Associates v. City of Chula Vista 746 F.2d 1370 (9th Cir., 1984) A statute may confer “state action” immunity to a city to grant trash haul exclusive contracts (monopolies) without separate state supervision

Pacific Gas and Electric v. Public Utilities Commission 475 U.S. 1 (1986) (*amicus*) Utility free speech rights limit billing insert rights granted by PUC to consumer group

49er Chevrolet v. General Motors, 803 F. 2d 1463 (9th Cir., 1986) A franchisor may influence the prices set by franchisees

Calfarm Ins. Co. v. Deukmejian, 48 Cal. 3d 805 (1989) (w/ Cotchett, Rosenfield, *et al.*) Proposition 103 constitutional except for CUB provision and limited by fair rate of return assurance as to rollbacks and maximum rates

Center for Public Interest Law v. Fair Political Practices Commission 210 Cal.App.3d 1476 (1989) Proposition 68 (campaign finance reform) not reconcilable with proposition 73 which received more votes on similar subject area, canceling 68

Austin v. Michigan State Chamber of Commerce 494 U.S. 652 (1989) (*amicus*) Right of state to control political campaign contributions.

Leon S. Kaplan v. County of Los Angeles 894 F.2d 1076 (9th Cir., 1990) High assessment (\$80,000) to gain access to official voter’s pamphlet for judicial candidate not a constitutional violation

State of California v. American Stores Company 495 U.S. 271 (1990) (*amicus*) Application of merger/monopoly law to retail grocery chains

Le Bu Thi Dao v. Board of Medical Quality Assurance (w/Wheaton) (1st Dist. Ct. Of Appeal Case No. A046101 (1990) Civil rights may lie in categorical denial of licensure by Medical Board to Vietnamese physicians educated in Saigon who escaped to US and met all examination and internship qualifications

Belth v. Gillespie (w/ Oshiro) 232 Cal.App.3d 896 (1991). Public Records Act request regarding junk bond related records of Department of Insurance not exempt and attorney's fees appropriate

J.C. Penney Cas. Ins. Co. v. M.K. 52 Cal.3d 1009 (1991) (*amicus*) Homeowners insurance coverage barred for child molestation damages by "intent to harm" statutory exclusion as a matter of law

Adoption of Michael H. 10 Cal.4th 1043 (1992) (*amicus*) Rights of adoptive parents supersede belated parenting rights of "Kelsey" biological father

Moore v. California State Bd. of Accountancy (w/D'Angelo) 2 Cal. 4th 999 (1992) (*amicus*) Board rule that only CPAs may use term "accountant" in describing themselves overly broad and in restraint of trade

Lyon v. Franchise Tax Board 4 Cal.App.4th 267 (1992) Solar power tax credit not available although qualified under adopted rules

Gerald Rubin v. Norma Green 4 Cal.4th 1187 (1993) (*amicus*) State Bar Act not amenable to private enforcement through the Unfair Competition Act

California Teachers Association v. Huff [Children's Lobby, et al.] 5 Cal.App. 3d 1513 (1992) Preschool child development programs of the Department of Education are part of the education budget and are within proposition 98 budget protection

Frank H. Martin v. County of Stanislaus (w/Mallinger, *amicus*) (1993 U.S. App LEXIS 24273 (9th Cir., 1992). Child Protective Service workers not subject to criminal search warrant requirement threshold in civil investigation of child abuse report intended to protect children.

Nat'l Assoc. of Community Health Centers v. Shalala (DC Dist. #1:94cv01238) (1994). (*amicus* as National Association of Child Advocates). Federal waivers for Medicaid variations which deprive children of services violate statutory intent; factual presentation of waiver impacts

Keith G. v. Brian Bilbray, 41 Cal.App.4th 618 (1995) (*amicus*). Trial court's order to reform unconstitutional and unlawful conditions at juvenile hall reversed

MWD v. Imperial Irrigation District, et al. 80 Cal.App.4th 1403. Transfer of water to higher use must be facilitated by MWD wheeling at out-of-pocket rates where space available under applicable law; MWD denied confirmation of rates at high levels which blocked transfer

and water conservation. CPIL served as public interest intervenor and granted party status. The trial court adopted CPIL's argument concerning the interpretation of state wheeling statutes, but the Los Angeles based Second District Court of Appeal reversed, upholding MWD prices at many times marginal cost effectively inhibiting the transfer of water to best, highest and most environmentally sound use. MWD then settled the case prior to Supreme Court disposition and CPIL collected private attorney general fees.

James W. OBrien v. Bill Jones 23 Cal. 4th 40 (2000) (*amicus* for CPIL). Revisions to the State Bar Act allowing legislative appointment of two of the five State Bar Court judges and eliminating the one non-attorney judge from the Review Panel upheld.

Troxel v. Granville 530 U.S. 57 (2000) (*amicus* for National Association of Counsel for Children, co-author, counsel of record). Washington state statute allowing broad discretion to trial courts to require visitation over objections of parents (*e.g.*, where adjudicated in "the best interests of the child") is overly broad and unconstitutional. See Kennedy's dissent consistent with *amicus* argument that the child has a constitutional right to a parent coextensive with the fundamental liberty interest of a parent to a child. See also SUPREME COURT DEBATES, Congressional Digest, Vol. 3, No. 3, March 2000 at 89.

In Re Zeth S. 90 Cal.App.4th 107 (2002). *Amicus* contribution on behalf of Children's Advocacy Institute, with Janet Sherwood in lead, urging California Supreme Court review of appellate case to clarify the right of minor's counsel to bring before the court of appeal new evidence adduced *pendente lite*. The *amicus* acknowledged the hesitation of appellate courts to grapple with fact finding, but cited the unique, continuing jurisdiction the court exercises in these cases, the long time periods taken to decide the placement of children, and urged liberal allowance for the presentation of new status, condition and other information that may be relevant to the best interests of the child. The Supreme Court regrettably refused to acknowledge the very different circumstance of continuing court jurisdiction over a child (not a property dispute or matter involving strictly past events) and held that post-juvenile court judgment review could not include new evidentiary submissions relevant to the child, and also denied the child's right to appellate counsel, opining that any such counsel must be appointed, if at all, by the appellate court.

County of Los Angeles v. Superior Court (Terrell R.), 102 Cal.App.4th 627 (2002) Second Appellate District, Division Five, No. B157850, [Los Angeles County Superior Court No. BC235677] On November 5, 2002, Fellmeth and Debra Back collaborated on a 13-page *amicus* letter to the Second Appellate District urging the California Supreme Court to accept review and to reverse the improvident decision of the Second District Court of Appeal in *Re Terrell R.* This child had allegedly been molested and was placed in foster care by the juvenile court, but was then allegedly molested in his placement (a "friend of the family" who had the boy sleep with him). Numerous protective provisions of California law were violated by LA County. Nevertheless, the court held that the child protective system mandate focuses on reunification, not protection, and the mandatory "shall" language covering 28 child protective measures applicable to the county were actually discretionary, and that sexual abuse was not a part of applicable child protection legislative intent. Accordingly, no duty lay that could impose liability on the county or its employees for any damage incurred. The National Association of Counsel for Children signed on to the brief. Regrettably, although

Kennard and Moreno voted to hear the matter, two more votes were needed and review did not occur. However, CAI succeeded in legislatively reversing the decision over the opposition of the Department of Social Services in 2003 with the enactment of AB 1151 (Dymally).

United States of America v. Visa, et al. 344 F.3d 229 (2d Cir. 2003). *Amicus* brief written with Yale Law School Professor Ian Ayres on behalf of many consumer groups seeking Second Circuit affirmation of the trial court finding of antitrust violations in the capture of all banking based credit card marketing by Visa and Mastercard. See U.S. District Court for the Southern District of NY, No. 9807076 (BSJ). Second Circuit Docket No. 02-6074(L). The plaintiffs allege that Visa and MC operate largely in concert, and preclude by explicit boycott arrangement by any bank with American Express, Discover, or other new entrants. Brief supports government position that antitrust offenses have occurred and remediation is necessary and was filed on July 3, 2002, resulting decision affirmed prosecution.

Scripps Clinic v. Superior Court (Patricia Thompson, et al.) 108 Cal.App.4th 917 (2003) *Amicus* brief advocating reversal of a demurrer to plaintiff's complaint. Plaintiff contended that a major medical provider group (over 600 physicians) implements a policy automatically terminating from all provider services any patient who files an "intent to file suit notice" against any of the physician members. The policy automatically terminates such plaintiffs, and all members of their immediate family, from subsequent treatment by any participating physician without reference to the merits of the complaint. CPIL argued that this practice was violative of constitutionally grounded public policy and was voidable as an unfair act in competition. The decision of the Fourth District Court of Appeal held that no business practice can be "unfair" under the Unfair Competition Act (Bus. & Profs. Code § 17200) unless also violating an existing statute or rule, effectively foreclosing the plaintiff's action. CPIL drafted an *amicus* letter for the Supreme Court to review this erroneous holding (§ 17200 by origin is a remedy for common law—nonstatutory—business tort offenses). The petition received two of the four votes necessary for its granting.

Sinaiko v. Medical Board of California (C045502). *Amicus* brief to the Third Appellate District urging the granting of a petition for review by a disciplined physician. The Medical Board disciplined Robert Sinaiko, M.D. for administering common anti-fungal treatment to an alleged ADHD child in order to test a possible allergen based cause for his symptoms. The trial court upheld the discipline because Sinaiko failed to follow the expert advisory "step ladder approach" of Ritalin or other amphetamine administration. The *amicus* brief of CAI argued that reflexive amphetamine prescriptions to children now include over 4 million under treatment and cited the extensive and recent evidence of problems, harms and overuse—relying primarily on National Institutes of Health findings over the last two years. It urged reconsideration of the Board-imposed regimen of amphetamine administration and the sanctioning of those who seek—without harm or danger—scientifically-based alternatives. In January 2004, the petition was granted to hear the case, and in November 2004 the court of appeal reversed the decision of the ALJ and remanded for reconsideration, holding that the hearing failed to consider the expert testimony of the Respondent.

David Mittleholtz v. IMR (SDSC Case No. GIC846200/BC267700). Counsel for the plaintiff class (Norman Blumenthal and David Arias lead counsel) in case brought in Los Angeles and

transferred to the Honorable John Meyer in San Diego Superior Court. Case alleged contamination of alleged herbal remedies outside of FDA regulation by small quantities of prescription drugs to affect symptoms of prostate cancer (product PC-Spes), arthritis (RA-Spes), breast cancer and other alleged cures. The contaminants included DES, xanax and coumadin. Court awarded \$28 million to the class in August 2007.

Children's Advocacy Institute and Robert Fellmeth v. Orange County Social Services Agency, Case no. 06CC07904, filed in Orange County Superior Court. This action was filed to compel Orange County to comply with AB 1111, a statute sponsored by CAI that requires the disclosure of the name, date of birth and date of death of any child who dies while in foster care. CAI surveyed the 58 counties for death incidence data and Orange County refused to comply, contending that the juvenile court retained authority to determine whether disclosure was required under California law. The juvenile court in Orange County then ruled that county data should be disclosed consistent with the statute, making further pursuit of the litigation moot. CAI received its attorney's fees as a prevailing party. Judgment was entered August 22, 2007.

California State Foster Parent Ass'n et al. v. John A. Wagner, __F.3d__ (9th Cir. 2010). Originally filed in United States District Court for the Northern District of California, No. C 07-05086 WHA. CAI, serving as counsel for the state's three associations representing family foster care providers, contended that state compensation rates violate federal law, are set below the actual cost of care, and have impeded the supply of family foster care placements, limiting adoption opportunity, separating siblings and allocating substantial numbers of abused children into group home placements at eight times the sums paid to families for their care. The result is a decline of family placements from 16,000 to 5,000, fewer adoptions, unsuccessful outcomes, and greater expense as children instead end up in much more expensive group home placements. Morrison and Foerster served as *pro bono* co-counsel. The case included extensive discovery of the state, and expert testimony for the plaintiffs, including a report from the University of Maryland indicating California rates were 30% to 43% below the actual costs of care. The district court granted summary judgment (declaratory relief) for the plaintiffs, declaring the state to be in violation of federal law in failing to consider actual costs, or in meeting them. Attorneys' fees were awarded to plaintiff counsel. The state appealed to the Ninth Circuit and in 2010 the Court of Appeal affirmed the trial court's judgment. The case was remanded and an All County Letter has increased compensation over 30% to compensatory and lawful levels and, most importantly, will be increased thereafter with inflation. The new rates are expected to increase supply and placement choices, hopefully yielding fewer sibling separations and more adoptions.

Shames v. Hertz, __F.3d__ (9th Cir. 2010) Originally filed in United States District Court for the Southern District of California, No. 07CV 2174H. Counsel (as CPIL) for plaintiff class alleging antitrust price fixing offenses by the 7 rental car corporations operating out of California airports, and Bagley-Keene Open Meeting Act violations by the co-conspirator California Travel and Tourism Commission. CPIL represented the class, joined by antitrust attorneys Dennis Stewart and Don Rez. The federal district court denied the defendant rental car firms' motion to dismiss under Rule 12(b)6, but granted dismissal as to the CTTC. The plaintiff class appealed that dismissal to the Ninth Circuit. Fellmeth argued the case before the Ninth Circuit on March 4, 2010. Although initially affirming the dismissal, the three-

judge panel responded to a motion for rehearing by reconsidering the decision, vacating it, and issuing a new opinion reversing the trial court, reinstating CTTC as a defendant, and holding that the relevant statute did not intend or provide authority for a “pass through” price fix on consumer billing in order to collect “industry fees” due from the seven competing rental car firms to fund the CTTC.

Devin Daniels v. Phillip Morris, No. 07-740. *Amicus curiae* brief to the U.S. Supreme Court on behalf of petitioners seeking writ of *certiorari* contesting a California Supreme Court on behalf of both CPIL and CAI, December 29, 2007. The case involves a state supreme court precedent that a class action challenging a tobacco industry marketing effort that targets youth for purchase and addiction must be dismissed. The court held that even the state’s broad Unfair Competition Law cannot be applied to such tobacco marketing because it is preempted by the Federal Tobacco Labeling Act and by commercial free speech rights of tobacco as enunciated in the U.S. Supreme Court *Lorillard* precedent. *Certiorari* was denied, but the U.S. Supreme Court in a related case later held that state unfair competition laws (examining the Maine statute in *Altria v. Good*) were not pre-empted by the Federal Tobacco Labeling Act and the California Supreme Court subsequently heard the case of *In re Tobacco II Cases*, __ Cal.4th __, 93 Cal.Rptr.3d 559 (Cal. 2009) apparently acknowledging the application of the state’s Unfair Competition Law to tobacco marketing and also holding that a class action under that statute did not require all members of the class to have suffered financial harm under Proposition 64, and to have “relied on the charged misrepresentation”—just the class representatives.

Perry v. Mirfasihi before the United States Supreme Court, *amicus* supporting petition for writ of *certiorari*, written by CAI (by R. Fellmeth), filed in 2009 concerning consumer law questions relating to proper interpretation of the Fair Credit Reporting Act. The writ was intended to correct a regrettable judicially created exemption that threatened to swallow the rule. Privacy Rights Clearinghouse and the Consumer Federation of America signed onto our *amicus* draft. Cert was not granted.

E.T. v. Ronald George, later E.T. v. Tami Cantil-Sakauye, No. 2-09-CV-01950-FCD-DAD, filed in 2009. This class action was brought on behalf of four Sacramento County foster children against the Chief Justice of the state Supreme Court, the Administrative Office of the Courts, and the presiding judge of Sacramento County. The complaint contends that children subject to juvenile dependency court jurisdiction have a constitutional right to counsel, and that the caseloads extant in the county for judges (at 1,000) and for counsel at above 350, violate the constitutional rights of the child class, as well as federal and state statutes assuring due process and an effective “guardian ad litem” for these children. The district court invoked the doctrine of “abstention” to defer to his state court colleagues. CAI’s brief to reverse that decision as an abdication of federal court responsibility as a constitutional check was filed in 2010. The Court issued a *per curiam* decision summarily affirming the district court case. CAI sought rehearing and was joined by *amici* from major child advocacy organizations and noted Constitutional law scholars. The Ninth Circuit modified its initial decision but nevertheless affirmed this regrettable abstention, a doctrine in equity to decline to hear a case where it would “interfere” with state court proceedings. Note that the writ was sought against the *administrative* agency of the court which arranged the allegedly violative contracts for foster child counsel and interfered with no pending judicial case. Professor

Fellmeth has described this abdication as one of the most flawed and ethically repugnant decisions in his career.

Camreta v. Greene __ U.S. __ (2011). In early 2010, the Ninth Circuit decided the *Camreta* case, holding that where social workers have evidence of the molestation (or other abuse) of a child, they may interview that child in school—*only* if a parent consents or a probable cause warrant is issued. This barrier to child protection investigations is problematic because parents are often the suspects and probable cause standards may often only be met after adducing evidence from the victim. The child is not the target of these investigations and the posited barriers to question this possible victim are unjustified. The brief submitted by CAI, principally written by Fellmeth, argued that “reasonable suspicion” was the correct standard for such civil, child protection interviews of suspected victims. The brief was selected as “Brief of the Week” by the NATIONAL LAW JOURNAL on February 3, 2011. The Supreme Court held that full consideration was not appropriate, but vacated the flawed Ninth Circuit decision.

Butterfield v. Lightbourne (San Diego Superior Court, 2011) This case challenged the California Department of Social Services (DSS) regulations to implement SB 39, the statute sponsored by CAI to comply with the federal CAPTA statute and disclose the circumstances of child deaths from abuse or neglect. Under pressure from public employees, the Department has issued regulations contrary to the intent of the statute, and which would seriously restrict transparency. For example, a death must be caused by a parent or guardian directly to be subject to the statute as the regulations erroneously and outrageously read—hence a death from a boyfriend, a child care provider or at school, et al. would not be subject to circumstance disclosure. Plaintiff Butterfield is a USD Law graduate and the founder of the San Diego Child Abuse Prevention Foundation. The case started discovery in 2011, and major motions will be filed in 2012. The case is assisted by pro bono counsel from Morrison and Foerster (Steve Keane). In December 2012 the Honorable Judith Hayes granted the writ of mandate as to each of the four flaws identified. DSS subsequently adopted compliant final rules.

Fraley v. Facebook Hon Richard Seeborg, Federal District Court, Case No. CV 11-01726. Facebook sought to settle with a purported “class.” The settlement will allow Facebook to use the postings of children and expropriate them for commercial use (the so-called “sponsored stories” program). Consent was obtained through a notice on the small print “use agreement” of Facebook in “blanket form”, allegedly involving categorical waiver of prior notice and consent requirement by minors and parents. CAI intervened on behalf of objector children and parents who believe that such unauthorized use of postings intended for specific persons must be preceded by notice of what will be captured, how it will be formatted and to whom it will be sent, followed by required consent of parents. Class counsel—lacking experience in privacy issues and in any prior child representation or advocacy, has requested \$7.5 million in fees for just over one year of “litigation,” to which Facebook will not object if the settlement can be accomplished. Despite its alleged problems, Federal District Court Judge Richard Seeborg approved the final settlement and objectors, including CAI for Objector Depot, appealed to the 9th Circuit and then petitioned for cert to the U.S. Supreme Court, regrettably and erroneously rejecting the post-settlement objections. See www.caichildlaw.org/Misc/Petition_Writ_Cert.pdf

Barrow v. California Department of Public Health, San Diego County Superior Court, 11-26-13, Case No. 37-2013-00077377-CU-MC-CTL. This case challenged the practices of the Department of Public Health in its administration of the “Kids Plate” statutory program sponsored by CAI during the 1980s. CAI was assisted in the litigation by the pro bono section of Morrison and Foerster, including James Huston, Erin Bosman and Jessica Roberts. The complaint alleged that improper costs of administration were being deducted from the revenues collected for these personalized plates (including a star, heart, hand or plus sign), and that the grants approved did not correspond with legislation intent. The case was settled October 16, 2014.

People v. Superior Court, J.P. Morgan Chase Real Party in Interest, Ca. Court of Appeal, 2d District, #B264228. *Amicus* drafted by CPIL (Fellmeth) in support of the right of the Attorney General to discovery of bank records as part of her law enforcement powers. Documents were refused based on the alleged jurisdiction of the Office of the Comptroller of the Currency, which does not apply and should not impede an unlawful and unfair competition investigation by the Chief Law Enforcement Officer of the State, filed in March 2015.

Vergara v. State of California, CTA, 246 Cal.App. 4th 619 (2015) *Amicus Curiae* Letter to the California Supreme Court in Support of Petition for Review, May 24, 2016.

Re the Dependency of SK-P, *amicus* brief, primary author: Baker & McKenzie, before the Washington Supreme Court, Supreme Court No. 94970-1 Court of Appeals No. 48299-1-II, February 2, 2018.

Ms. L v. ICE, *amicus* brief for CAI, filed in Federal District Court Dana Sabraw re seizure of children at border, May 4, 2018, with other child and public interest *amici*.

Nicole K. et al. v. Stigdon, federal district court in Southern District of Indiana, Evansville Division, Case No.: 3:19-cv-00025-RLY-MPB. Lead counsel for CAI, along with Steve Keane of Morrison & Foerster and Kathleen Delaney of Delaney and Delaney. First amended complaint filed in March 2019. Case brought by child class representatives for foster children in three counties to establish the constitutional right of children in foster care to counsel, a holding that was obtained in the *Kenny A.* case in federal district court in Georgia, but was not appealed, giving it no weight outside of that state. But almost 20 other states violate its holding. This case was intended to reach the 7th Circuit and create a nationally impacting precedent. However, the district court found for the defendants and refused to proclaim a constitutional right to counsel, appeal to the 7th Circuit yielded a nonsensical affirmation of that decision in a deeply flawed opinion by Justice Eastlander. Fortunately, it was an unpublished decision. The U.S. Supreme Court declined CAI’s petition for cert.

The Children’s Advocacy Institute v. Office of Refugee Resettlement, et al. This is a Freedom of Information Act case brought against all three federal immigration agencies in federal district court in San Diego, assigned to Judge Curiel. For 6 months starting in 2018, the agencies refused to produce requested documents responsive to 8 categories sought. Accordingly, on March 11, 2019, CAI filed a FOIA case to compel production. Some documents were then produced.

V.R. & B.R. v. County of San Diego Health and Human Services Agency, Child Welfare Services Petition for Writ of Mandamus to require payment of Social Security Administration benefits to children (SSI and OASDI) currently embezzled by San Diego County and other state/local governments throughout the U.S. where payees are abused children who are dependents of said states. Case filed in March 2023.

Other: Contributor or sign-on to 30 additional *amicus* briefs on consumer or child rights where not a party or counsel for plaintiff or petitioner.

CONSULTING EXPERT TESTIMONY [Selected Cases]

Jan. 1991: Consultant to U.S. Attorney's Office (William Hayes) to serve as expert witness for the federal government on legal ethics in *U.S. v. Stites* (prosecution of attorneys in Orange County for abuse of *Cumis* counsel status, mail fraud and overbilling. Prepared rebuttal for anticipated defense of "custom and practice." No testimony was offered, but was retained as an expert to testify in rebuttal depending on the nature of the defense.

Jan. 1991: Expert witness for defendants in *In Re Technical Equities Coordinated Litigation* (Santa Clara County Superior Court No. 600306, Coordination Proceeding Master File No. 1991); hired by Thelan, Marrin, Johnson & Bridges in approximately October 1990; was deposed on January 15, 1991, regarding the nature and intent of § 17200 of the Business and Professions Code defining unfair competition.

Dec. 1992: Expert witness for Fireman's Fund Insurance Company in *Tarkington, O'Connor & O'Neill v. Firemen's Fund Insurance Company*, Alternative Adjudication No. 91-3 (Robert Kroninger, Arbitrator) regarding attorney billing practices and fair competition. Retained by McNitt, Edwards & Schraner, 701 B Street, 10th Floor, San Diego, CA 92101; opposing counsel was Tarkington, O'Connor & O'Neill, One Market Plaza, Spear Street Tower, 41st Floor, San Francisco, CA 94015. Was deposed on December 2, 1992; testified at arbitration hearing on January 20, 1993.

Feb. 1993: Consultant in areas of ethics and professional responsibility; retained by Rosenfeld, Meyer & Susman, 9601 Wilshire Blvd., Fourth Floor, Beverly Hills, CA 90210-5288, in *Armitrage v. Pope*, San Diego County Superior Court case no. 689073, on behalf of Gibson, Dunn & Crutcher in connection with professional negligence/breach of fiduciary duty litigation. Opposing counsel includes Jennings & Drakulich, 12770 High Bluff Drive, Suite 270, San Diego, CA 92130; Levine, Stenberg & DePasquale, 1200 Third Avenue, Suite 1400, San Diego, CA 92101; and Call, Clayton & Jensen, 610 Newport Center Drive, Suite 700, Newport Beach, CA 92660.

Nov. 1993: Expert witness for the Attorney General in disciplinary proceedings against a Superior Court judge in San Diego; details of the proceedings of the Commission on Judicial Performance are confidential. Testified before the Commission panel.

Jan. 1996: Expert consultant/witness at request of the United States in *U.S. v. Malkus et al.*; federal RICO prosecution of three San Diego judges and attorney Patrick Frega for alleged corruption. Did not testify. Conviction occurred November 1996.

Aug. 1996: Retained as expert on merger mitigation matter in Public Utilities Proceeding (Pacific Bell-SWBell Merger) by the Utility Consumers' Action Network (UCAN). Submitted Testimony September 26, 1996, Reply Testimony November 21, 1996.

Mar. 1999: Retained as expert in *Bosco* and *Saskia Smith* cases before Montana Supreme Court by Ross and Hardies, of Chicago (Bob Carter, Patricia Moots) representing St. Paul Insurance. 312-750-2769. Case involves requested rule of court by petitioners "In the Matter of the Rules of Professional Conduct and Insurer Imposed Billing Rules and Procedures" Montana Supreme Court #98-612. The request would void use of outside independent auditors in reviewing attorney fee bills, in particular the standards of review undertaken (prior approval to hire expert, approval of discovery plan, etc.). Filed Affidavit Report with the court to be used by principal expert Prof. Hazard in April 1999.

Mar. 1999: Retained as expert by Steinbock & Hoffman, 408-298-3800 re Unfair Competition Act investigation involving First Alliance Mortgage Company (FAMCO) dealing with elderly consumers. Case filed by AARP, settled in 2001.

Feb. 1999: Retained by Much, Shelist, Freed, Denenberg, Ament & Rubenstein of Chicago 312-346-3100 re *Landin v. LA Cellular*, LA superior court #BV143305; case concerns "dropped call" policy of Deft. and application of Unfair Competition Act, primary jurisdiction doctrine et al. submitted expert declaration in April 1999. Case settled in 2001.

1993–1998: Retained by District Attorney of San Diego County and by State Attorney General to consult on white collar crime offense investigations and prosecutions, and remedies; leading to *People v. Cox Cable* and three companion cases, and *People v. Oso Niguel* and eight companion cases, et al. Cases settled for civil penalties, injunctive and restitutionary relief. The cable companies are compelled to offer *cy pres* relief including the wiring of individual classrooms throughout their territories for broad band education reception, arranged through the County Office of Education.

Jan. 2000: Retained by Don Hildre, DHildre@aol.com; 232-9131, cell phone 954-2212; fax 232-7317, re *Castano and Related Litigation: Fee Award Arbitration*, concerning national tobacco litigation, the Master Settlement Agreement, and proper attorney fee award under applicable law, focusing on the *Davis, Ellis v. Philip Morris* settlement in California as the vehicle for fees. Consulted with plaintiff counsel in hearing preparation in New Orleans, testified at the hearing in New York. The three-judge panel awarded substantial fees to the California counsel, including the 200 Castano attorneys litigating the case nationally, a total of \$1.4 billion.

April 2000: Retained by John Van de Kamp, President and General Counsel, Thoroughbred Owners of California W. Huntington Drive, Arcadia, CA 91007, consultation re technical matters relevant to purse calculations, regulatory standards, enforcement policies, and other organizational needs requiring statutory/regulatory/case law analysis.

Feb. 2001: Retained by the District Attorney of San Diego County to investigate possible economic crimes involving gasoline pricing within San Diego County. Report on impediments to competitive pricing submitted to the District Attorney in 2002, testimony before the Port District Board in 2002.

Mar. 2001: Retained by the District Attorney to investigate possible antitrust offenses by Duke Energy and other power producers during the 2000–2002 energy crisis. Drafted pre-filing document discovery in five successive waves, evaluated documents, made confidential recommendations. Case settled in October 2004 statewide for \$207 million. Office of District Attorney received \$3.2 million, \$440,000 for costs and the remainder to fund and endow the Energy Policy Initiatives Center (EPIC) in San Diego County to work for solar and other renewable energy, educate the public and officials and represent the interests of county ratepayers.

Aug. 2002: Member of Attorney General Task Force on the Reform of California's Unfair Competition Law

Sept. 2002: Retained by the Los Angeles Office of District Attorney, consumer fraud division (Michael Kraut and Allan Fork) on criminal prosecution of "Ponzi Scheme" sold to low-income women in Los Angeles. Testified at trial on October 15, 2002. Defendants convicted of criminal fraud.

Oct. 2002: *State Bar of California v. Trevor Law Group, et al.* Expert Witness for the Office of Trial Counsel of the State Bar in investigating certain counsel allegedly bringing mass Unfair Competition Act cases against small businesses and demanding settlements.

Feb. 2003: Retained by the Office of Chief Trial Counsel of the State Bar of California as an expert witness in the case of *State Bar vs. Trevor Law Group* and involving alleged abuses of the private attorney general authority conferred under the state's Unfair Competition Act (Bus. & Profs. Code § 17204), including the submission of settlement demands to over 1,000 auto shops based on minor citations issued by the Bureau of Automotive Repair and other mass demands for compensation. Interim suspension order granted by the State Bar Court in May 2003.

March 2003: Retained by plaintiff in *Horowitz v. Orange County*, wrongful termination case brought by an Orange County social worker who allegedly was dismissed due to his testimony before local child care regulatory board about failure of child care provision for neglected children subject to "family preservation" services—in violation of applicable federal and state law. Testified in court in 2003.

June 2003: Retained by plaintiff in *Almanza v. Correal*, the father of a little girl beaten to death by his former wife's boyfriend after multiple warnings to Orange County Child Protective Services. Testified at deposition on January 12, 2004, and at trial July 7, 2004. Testimony focused on allocation of fault between the county and other actors. The jury returned a verdict of \$500,000 for the plaintiff, plus costs. See Ray Brown of the Law Office of Federico Sayre, 900 N. Broadway, Santa Ana, California 92701.

Nov. 2004: Retained by the State Bar (President John Van De Kamp) to review documents and interview enforcement personnel and advise the Board of Governors on the performance of the disciplinary system and on recommended improvements.

January 2006: Retained by the State Bar of Washington for expert testimony in the disbarment case of Shane Han, one of the partners of the Trevor Law Group (see above).

June 2006: Retained by the District Attorney of San Diego County to assist in the investigation and possible prosecution of antitrust and commercial bribery offenses by major insurance carriers and insurance brokers in the area of employer sponsored life, disability and health insurance. The District Attorneys of Alameda and Los Angeles counties joined in the investigation. Case resulted in civil penalties of just over \$1 million and a stipulated injunction to halt unlawful rebates.

January 2008: Retained by the District Attorney of San Diego County to help in a joint inquiry with the Los Angeles District Attorney into restraints of trade, unfair competition and commercial bribery within the real estate brokerage and title insurance industries in California. Case expanded in 2012 to include DA offices in Orange and Ventura Counties.

November 2011: Retained by the office of district attorney of Ventura County to assist in an antitrust investigation of the propane industry together with the offices of district attorney of seven other counties. Case settled in 2014.

2005–present: Retained by the Bankruptcy Trustee in federal Bankruptcy Court to serve as “Privacy Expert Witness” advising the court on privacy protection issues in selected cases.

TEACHING

Faculty of the National Judicial College (1978)

Faculty of National College of District Attorneys (Antitrust and Trade Regulation) (1975–77, 1979–80)

Faculty of the California Judicial College (1991)

Faculty of University of San Diego School of Law (1977–present)

Price Professor of Public Interest Law (1992–present)

Faculty, The Training of New Juvenile Dependency Court Attorneys in California under the Federal Children’s Justice Act, 2007–2010.

APPOINTMENTS / SERVICE

1976–81 **Commissioner, Athletic Commission**, State of California

In December 1976, appointed to a four-year term as one of five commissioners regulating boxing, wrestling, and karate in California, serving as Chair in 1978 and 1979. He was reappointed in 1981 to complete the drafting of a statute creating a comprehensive disability and pension plan for professional boxers (California Business and Professions Code § 18880 *et seq.*), and served as chair that year, resigning in 1982. During that tenure, the Commission conducted a competition study leading to deregulation, established a medical review committee, and approved the nation’s first

boxer pension plan. In 2009, this plan began providing benefits to veteran boxers, over 500 of whom now have vested.

- 1981–85 **Board of Directors**, Consumers Union of U.S. (publisher of *Consumer Reports*)
- 1986–91 **Board of Directors**, California Common Cause; Litigation Chair 1989-91
- 1991–2018 **Board of Directors, National Association of Counsel for Children**,
 - 2005–2012 Executive Committee,
 - 2010–2012 **President of the Board of Directors**
 - 2013–2014 Executive Committee of the Board, Chair of the Audit Committee
 - 2014–2018 Board Policy Committee, Board Nominating Committee
 - 2019–present Member of Emeritus Board
- 1992–Present **Board of Directors**, Public Citizen Foundation, Washington, D.C.
 - 1995–2012 **Chair of the Board of Directors**
 - 2012–present Board Litigation Committee, Board Audit Committee
- 1992–95 **Board of Directors**, National Association of Child Advocates
- 1994–97 **Member, Committee on Judicial Appointments for the Southern District**
- 1995–98 **Consultant**, Unfair Competition Act Review, California Law Revision Commission
- 1996–Present **Board of Directors**, Maternal and Child Health Access Project Foundation
 - Chair 1996–2004
- 1997–2005 **Member, Board of Directors**, USA Foundation—Youth in Action
- 2000–01 **Member**, San Diego County Election Campaign Finance and Control Commission
- 2001–03 **Member**, Judicial Appointments Committee for the S. District of Ca.
- 2001–Present **Member, Board of Directors**, First Star Foundation, (child advocacy), D.C.
- 2002–13 **Counsel to the Board of Directors**, Voices for America’s Children, D.C.
- 2007–Present **Member of Oversight Committee**, Energy Policy and Initiatives Center, USD Law
- 2007–17 **Member of the Advisory Board**, Center for Education Policy and Law (CEPAL) of the School of Leadership and Education Studies, USD
- 2008–16 **Member of the Judicial Screening Committee** for the Federal Judiciary, Southern District of California (Senator Boxer Committee)

- 2013–23 **Member, Board of Directors of the Partnership for America’s Children (PAC)** 2014–23 Member of Board, Treasurer, Counsel to the Board, 2019–present Co-Chair of the Policy Committee
- 2019–23 **Board Member of the CHILD ADVOCACY CONSORTIUM**, a new entity proposing web sites and assistance for foster care transition, joint venture with First Star and Children’s Rights in NY.
- 2018–Present **Board of Directors of the California Coalition on Children’s Safety & Health (CCCSH)**, Board member, and available Counsel

BOOKS/CHAPTERS

THE NADER REPORT ON THE FEDERAL TRADE COMMISSION, with Schulz and Cox (Baron 1968)

THE INTERSTATE COMMERCE COMMISSION (Grossman 1970)

THE VOTER’S GUIDE TO ENVIRONMENTAL POLITICS (contributor) (Ballantine 1970)

WITH JUSTICE FOR SOME (contributor) (Beacon 1971)

THE POLITICS OF LAND (Grossman 1972)

AMERICAN GOVERNMENT, edited by Peter Woll (contributor) (Little, Brown 1972)

Profiles of Members of Congress (editor) (Congress Project 1972)

CORPORATE ACCOUNTABILITY AND THE AMERICAN CONSUMER, edited by Ralph Nader (contributor) (Grossman 1973)

THE COMMERCE COMMITTEES, edited by David Price (contributor) (Grossman 1976)

A TREATISE ON STATE ANTITRUST LAW, with Papageorge (Bureau of National Affairs 1978)

CALIFORNIA ANTITRUST LAW AND PRACTICE, with Folsom (treatise) (Butterworths 1983)

CALIFORNIA REGULATORY LAW AND PRACTICE, with Folsom (treatise) (Butterworths 1983, Supplements 1985, 1987, 1989)

CALIFORNIA ADMINISTRATIVE AND ANTITRUST LAW, with Folsom (treatise) (Butterworths 1991)

“The Child Care System in the United States,” Unit 2, Article 5, “HEALTH AND WELFARE FOR FAMILIES IN THE 21ST CENTURY, Edited by Helen Wallace (contributor) (Jones & Bartlett, 4th edition, 2007), pp. 171–197.

CALIFORNIA WHITE COLLAR CRIME & BUSINESS LITIGATION, with Papageorge (treatise) (Parker 1995, Supplements: Lexis/Michie, 1997, 1999, 2d edition 2001, Tower Publishing, 3d edition 2010, 4th edition 2013, 5th edition 2016, 6th edition 2020) 1120 pages.

CHILD RIGHTS AND REMEDIES (text) (Clarity Press, 2002, 2006, 2011), 4th Edition with co-author Jessica Heldman, (Clarity Press, 2019).

“Expert Testimony in Child Related Litigation”, (w/ David Chadwick, M.D.), Chapter in THE HANDBOOK OF PEDIATRIC FORENSIC PATHOLOGY (ed. by R. Byard and K. Collins, Springer Publishing) 2014. 58 pages.

“Legal Issues”, Chapter 31 in CHILD MALTREATMENT, Physical Abuse and Neglect (ed. D. Chadwick, A. Giardino, R. Alexander, STM Learning) Encyclopedic Volume, 4th edition, 2014, 30 pages.

“Foster Youth: Transitioning from Foster Care Into Self Sufficient Adulthood,” (w/Delgado), Chapter 23 of CHILD WELFARE LAW AND PRACTICE (AKA “THE RED BOOK” for juvenile attorney training), ed. by Duquette *et al.*, Bradford Publishing, 2010, 2016), 483-508.

REGULATORY LAW AND THE PUBLIC INTEREST, (to be published in 2023) text book.

PUBLISHED REPORTS (For recent reports and articles, see www.cpil.org or www.caichildlaw.org)

The Interstate Commerce Commission, The Public Interest And The ICC: The Ralph Nader Study Group Report On The Interstate Commerce Commission And Transportation (New York: Grossman Publishers 1970)

Power And Land In California: Preliminary Draft (Washington, D.C.: Center for Study of Responsive Law 1971)

Robert H. Mollohan: Democratic Representative From West Virginia (New York: Grossman Publishers 1972)

Antitrust Practice for the Business Lawyer (CEB, March 1975)

California State Antitrust Law (CEB, February 1982)

Developments in California Regulatory Law (CEB, August 1982)

Proposition 103 (CEB, August 1989)

Initial Report of the State Bar Discipline Monitor (June 1, 1987)

First Progress Report of the State Bar Discipline Monitor (November 1, 1987)

Second Progress Report of the State Bar Discipline Monitor (April 1, 1988)

Third Progress Report of the State Bar Discipline Monitor (September 1, 1988)

Fourth Progress Report of the State Bar Discipline Monitor (March 1, 1989)

Fifth Progress Report of the State Bar Discipline Monitor (September 1, 1989)

Sixth Progress Report of the State Bar Discipline Monitor (March 1, 1990)

Seventh Progress Report of the State Bar Discipline Monitor (September 1, 1990)

Eighth Progress Report of the State Bar Discipline Monitor (March 1, 1991)

Final Report of the State Bar Discipline Monitor (September 1, 1991)

A Code Blue Emergency: Physician Discipline in California, (1992)

1988–1992 California Children's Budget—Preliminary Findings (July 2, 1993)

1994–1995 California Children's Budget (CAI, May 22, 1994)

Child Poverty in California: An Early Release of Chapter 1 of the California Children's Budget 1995–96 (CAI, May 9, 1995)

Unfair Competition Litigation, Recommendation and Report, CALIFORNIA LAW REVISION COMMISSION, State of California, November 1996

California Children's Budget 1995–96 (June 20, 1995)

California Children's Budget Data Report 1996–97 (May 23, 1996)

California Children's Budget 1997–98 (June 2, 1997)

California Children's Budget 1998–99 (June 24, 1998)

California Children's Budget 1999–00 (June 7, 1999)

California Children's Budget 2000–01 (June 15, 2000)

California Children's Budget 2001–02 (June 11, 2001)

California Children's Budget 2002–03 (June 1, 2002)

California Children's Budget 2004–05 (July 1, 2004)

Expanding Transition Services for Emancipated Foster Youth: An Investment in California's Tomorrow (with Delgado, Packard, Prosek and Weichel), CAI, January 2007.

State Secrecy and Child Deaths in the U.S., (multiple authors) A report by CAI and First Star, April 29, 2008.

A Child's Right to Counsel, A National Report Card on Legal Representation for Abused and Neglected Children, Foreword w/ Samuelson, researched & written by Weichel, Riehl, Harfeld, *et al.*, pp. 1-156, 2009.

Proposition 63: Is the Mental Health Services Act Reaching California's Transition Age Foster Youth, 158 page report, principal author: Melanie Delgado, May 2010.

The Fleecing of Foster Children, Fellmeth and Samuelson, with substantial staff authorship from CAI and First Star, March 2011, pp. 1–30. A study of the diversion of social security benefits intended for foster children by counties among the several states for their own cost recovery. A section on identity theft and other abuses of foster children largely abandoned at age 18.

A Child's Right to Counsel, Fellmeth, Samuelson, Weichel, *et al.* 3d Edition, CAI and First Star, Washington, D.C., February 12, 2012, pp. 1-159, 4th edition 2019.

State Secrecy and Child Deaths in the U.S., Fellmeth, Weichel, Riehl, Samuelson, *et al.*, Second Edition, CAI and First Star, April 17, 2012, pp. 1-100.

Shame on U.S., with Weichel, Juell, Riehl, and Harfeld, CAI and First Star, A study of the failure by all three federal branches to enforce child welfare mandates relevant to foster children and child abuse, Capitol Press Conference, 88 pp. (January 27, 2015)

Failing U., A study of the statutes in all fifty states compared to a model, with grades and scores, CAI, M. Delgado primary author (January 2018).

CALIFORNIA CHILDREN'S REGULATORY LAW REPORTER, (contributions to "Child Impact" sections) two issues annually from 1998 to the present.

CALIFORNIA LEGISLATIVE CHILDREN'S REPORT CARD (annually, 1996 to the present) With Weichel, Diaz/Sanchez and Ed Howard. The Report Card analyzes child related legislation each year, and grades members of the legislature in their public votes.

ANNUAL REPORT, Children's Advocacy Institute, including a "*Director's Overview*" discussion of the status of children in California and the nation, annually, 1991 to the present.

A White Paper on America's Family Values—Facts About Child Maltreatment and the Child Welfare Financing System (CAI, September 2018), pp.1–38, plus Appendix A 1–24.

ACADEMIC/PROFESSIONAL ARTICLES:

The Freedom of Information Act and the Federal Trade Commission: A Study in Malfeasance, 4 HARV. CIV. RTS.-CIV. LIB. L. REV. 345 (Spring 1968)

Local Prosecution of Antitrust Violators: A Survey of State Laws, CLASS ACTION REPORTS, Vol. 4, No. 3, at 376 (1976)

A Public Agency Antitrust Manual, National Association of District Attorneys (June 1977)

Antitrust Enforcement by Local Prosecutors, 14 CAL. W. L. REV. 1 (1978)

Regulation By Local Government—A Case Study of Monopoly, State Nonfeasance and Promised Corruption, 3:1 CAL. REG. L. REP. 3 (Winter 1983)

A Theory of Regulation: A Platform for State Regulatory Reform, 5:2 CAL. REG. L. REP. 3 (Spring 1985)

The Discipline System of the California State Bar: An Initial Report, 7:3 CAL. REG. L. REP. 1 (Summer 1987)

Regulation of Telecommunications Utility Modernization Investments: A Proposal to Require an Economic Impact Statement, 8:1 CAL. REG. L. REP. 1 (Winter 1988)

Beyond Regulation: The Indigenous Problem of Attorney Self-Importance and Abuse of the English Language, 8:2 CAL. REG. L. REP. 8 (Spring 1988)

What's Wrong with Lawyers?, L.A. DAILY J., August 31, 1988 at 3

Ethics and the Law, 1:4 ETHICS (Josephson Institute) (1989)

Physician Discipline in California: A Code Blue Emergency, 9:2 CAL. REG. L. REP. 1 (Spring 1989)

The Seminal Regulatory Issue of the '90s: Media Regulation and Competition, 9:4 CAL. REG. L. REP. 9 (Fall 1989)

On the Decline of the American Model: The Ascendancy of the False Ideologues, 10:4 CAL. REG. L. REP. 8 (Fall 1990)

Six Radical Ideas, 11:4 CAL. REG. L. REP. 16 (Fall 1991)

Airline Deregulation: Crash Landings and the Parachute of Aristotle, 12:2&3 CAL. REG. L. REP. 1 (Spring/Summer 1992)

Beyond Airlines: The Failures of Modern Deregulation, 12:2&3 CAL. REG. L. REP. 4 (Spring/Summer 1992)

How to Litigate for Children, 4:1 Child Advocates' Information Exchange 6 (Winter 1993)

The Attorney General's "Circle of Error" Casts a Shadow Over California's Sunshine Laws, 13:1 CAL. REG. L. REP. 1 (Winter 1993) (with D'Angelo).

On Reforming the Regulation of Lawyers, Bulletin of the Federation of State Medical Boards (Spring 1993)

A Perspective on California's Regulation of Tax Preparers, Certified Public Accountants, Architects, and Landscape Architects, 13:4 CAL. REG. L. REP. 5 (Fall 1993) (with D'Angelo)

Do It Yourself: How Businesses Can Bypass the Legislative Process, L. A. DAILY J., February 15, 1995

Agency Access: Rule-Making Procedures Are Complex But Manageable, L.A. DAILY J., March 15, 1995

Having An Agenda: How to Gain Notice of Proposed Agency Action, L. A. DAILY J., April 19, 1995

Freedom and License: Examining Agencies' Power to Discipline Licensees, L.A. DAILY J., May 17, 1995

Changing the Rules: The Office of Administrative Law Faces Defunding, L.A. DAILY J., June 21, 1995.

Representation of the General Public Under California's Unfair Competition Law, 5:1 COMPETITION (the journal of the Antitrust and Trade Regulation Section of the State Bar of California) (Summer 1995)

Food Fight: On Challenges to Marketing Order Requirements, L.A. DAILY J., September 20, 1995

Sunset Screen: Determining a Board's Life Span, L.A. DAILY J., October 18, 1995

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Insurance Rebating Issues, comments before the STATE INSURANCE COMMISSIONER (May 15, 1994)

Reform of State Bar Discipline, testimony to the Discipline Evaluation Committee ("Alarcon Commission") evaluating the attorney discipline system of the STATE BAR OF CALIFORNIA (May 25, 1994)

Policy Advocacy and Budget Advocacy for Children, presentation at the NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN's 18th National Children's Law Conference, Boston, MA (September 1995)

Litigation Tactics for Consumer Advocates — presentation at four advocacy training seminars sponsored by the CENTER FOR PUBLIC INTEREST LAW with a grant from the CALIFORNIA CONSUMER PROTECTION FOUNDATION (September-December 1995)

Sunset Review of Occupational Licensing Agencies — presentation at the Annual Conference of the CALIFORNIA CONSUMER AFFAIRS ASSOCIATION, San Diego, CA (October 1995)

Assessing Board Performance — presentation at the CITIZEN ADVOCACY CENTER's Conference on Regulating Health Care Professionals, San Diego, CA (November 1995)

Regarding California Public Utilities Commission Restructuring — comments before the CALIFORNIA COMMISSION ON CALIFORNIA STATE GOVERNMENT ORGANIZATION AND ECONOMY ("Little Hoover Commission") (August 29, 1996)

Southwestern Bell-Pacific Telesis Merger Proceeding — comments before the Public Utilities Commission (expert witness testimony at the request of the UTILITY CONSUMERS' ACTION NETWORK) (September 25, 1996)

The 1990s: A Decade of Private and Public Abandonment of America's Children — keynote speaker at the first CALIFORNIA CHILDREN'S POLICY SUMMIT, Sacramento, CA (October 1996)

Civil Discovery Techniques, California Consumer Protection Council, California Association of District Attorneys, San Diego, CA (December 2, 1996)

Managed Care Regulation, testimony before a joint meeting of the ASSEMBLY HEALTH COMMITTEE AND THE SENATE INSURANCE COMMITTEE, February 24, 1998

A Children's Budget: Where's the Money? CHILDREN'S DEFENSE FUND Annual Conference, Los Angeles, CA (March 27, 1998)

Child Support Enforcement, CHILDREN'S DEFENSE FUND Annual Conference, Los Angeles, CA (March 28, 1998)

Developing New Legislation from Scratch, NACA Forum for Chief Executives, New Orleans, LA (June 13, 1998)

Spending on Children, NATIONAL ASSOCIATION OF CHILD ADVOCATES Conference, San Diego, CA (December 4, 1998)

How to Win Respect for Attorneys, keynote before the National Conference of Bar Presidents, ABA CONFERENCE, Los Angeles, California (February 5, 1999)

The Right of Abused Children to Representation, Senate Select Committee on Juvenile Justice, December 8, 1999 (Testimony to Special Session), Los Angeles, California.

Cable and Telephony History – Where Are We Going and What Will Be the Effect on the Digital Divide?, Conference on the Digital Divide, CENTER FOR SCIENCE, TECHNOLOGY AND SOCIETY, Santa Clara University School of Law and PacBell, March 24, 2000, Santa Clara, California.

The Greatest Generation, keynote to the CALIFORNIA ALLIANCE ON CHILD AND FAMILY SERVICES Conference, February 11, 2000, San Diego, California.

Child Support Demand and the Underlying Data, Address to the NATIONAL CHILD SUPPORT ENFORCEMENT ASSOCIATION Conference, July 31, 2000, San Diego, California.

Local Government and Ethical Issues for Public Counsel, William Todd Inn of Court, November 15, 2000, San Diego, California.

Where Should Bar Discipline Be Heading, keynote to the NATIONAL ASSOCIATION OF BAR COUNSEL, February 14, 2001, San Diego, California.

Convenor on behalf of CPIL of the 2001 PUBLIC INTEREST LAW SUMMIT, UNIVERSITY OF SAN DIEGO, March 23, 24, 2001; Moderator of Session of Court Reform.

The State of Juvenile Justice, Juvenile Delinquency Law Training Conference, Plenary Session, April 6, 2001, Los Angeles, California.

Show Them the Money, presentation to the NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN, October 2, 2001, San Diego, California.

The State as Child Abuser: Neglect of Foster Care Youth Emancipating to Adulthood, NATIONAL ASSOCIATION OF CHILD ADVOCATES, 2002 Child Welfare Conference, Baltimore, Maryland, September 30, 2002.

Reform of the Unfair Competition Act, Testimony before an informational hearing of STATE SENATE BUSINESS AND PROFESSIONS COMMITTEE, January 10, 2003, Santa Ana, California.

History and Problems Concerning Section 17200 of the Bus. & Profs. Code, Testimony before a joint hearing of the state assembly and senate JUDICIARY COMMITTEES, Sacramento, CA, January 14, 2003.

The Status of Unfair Competition Law Abuses and Reform Efforts, Panel of the CALIFORNIA BAR SECTION ON ANTITRUST, San Francisco, California, May 7, 2004.

The California Children's Budget 2004-05: Findings and Conclusions, Presentation to the CHILDREN'S ROUNDTABLE, Sacramento, California, July 8, 2004.

Confidentiality in Dependency Courts: A Proposal for Transparency Increase, Presentation to the CONGRESSIONAL ROUNDTABLE (First Star Foundation, Washington, D.C.), September 30, 2004.

Comments on the California Performance Review Initial Report, Presentation to the CALIFORNIA PERFORMANCE REVIEW COMMISSION, Sacramento, California, September 27, 2004

Justifications and Efficacy Standards for State Commissions and Boards, Presentation to the LITTLE HOOVER COMMISSION, Sacramento, California, December 8, 2004.

Government Accountability, Testimony to the Senate Committee on Government Modernization Hearing in San Diego, February 3, 2005.

Public Spending on Children: Federal and State Advocacy Issues, National Conference of the NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN, August 25, 2005, Los Angeles, California.

Participant, Fred Friendly Seminar, "Justice for All: Public Trust and Confidence in the California Courts, Statewide Judicial Branch Conference, JUDICIAL COUNCIL OF THE SUPREME COURT, San Diego, California, September 7, 2005.

If I Don't Speak Up, Who Will?, (Moderator of panel) San Diego for Open Government Conference, San Diego, California, October 29, 2005.

The Alco-Pop Problem, Testimony before the SENATE SELECT COMMITTEE ON CHILDREN, YOUTH AND FAMILIES, State of California, March 10, 2006 (oral and written, written attached).

A Critique of the Athletic Commission's Performance in Implementing the Boxer Pension System Mandated by Law, before the ATHLETIC COMMISSION of the State, January 25, 2006, Los Angeles, California.

Comment on Proposed Rules Implementing the Mental Health Services Act (Proposition 63), June 5, 2006, to the CALIFORNIA DEPARTMENT OF MENTAL HEALTH.

Comments re Proposed Rules Pertaining to Permanent Disbarment, Before the STATE BAR OF CALIFORNIA, June 6, 2006.

On Compensation for Statewide Officers, Testimony before the CALIFORNIA CITIZENS COMPENSATION COMMISSION, June 23, 2006, Sacramento.

Interdisciplinary Training of Child Welfare Professionals, (w/ Sadler, Sansom & Vanderlaan), SAN DIEGO INTERNATIONAL CONFERENCE ON CHILD AND FAMILY MALTREATMENT, San Diego California, January 22, 2007.

Common Ethical Conundrums in Child Welfare Practice, SAN DIEGO INTERNATIONAL CONFERENCE ON CHILD AND FAMILY MALTREATMENT, San Diego California, January 22, 2007.

Appointment of Counsel for Dependent Children on Appeal, Comment with Exhibits to the JUDICIAL COUNCIL OF CALIFORNIA, February 1, 2007.

Attorney Insurance Disclosure and Client Rights, STATE BAR OF CALIFORNIA, 8-3-2007.

The Status of Abused Children and the Right to Counsel, The SAN DIEGO INTERNATIONAL CONFERENCE ON CHILD MALTREATMENT, Conference Presentation, January 31, 2008.

Comments of the Children's Advocacy Institute on the Draft Recommendations of the California Blue Ribbon Commission on Children in Foster Care (w/ Riehl, Howard, Delgado and Weichel), to the CALIFORNIA BLUE RIBBON COMMISSION ON FOSTER CHILDREN, May 13, 2008, pp. 1-17.

The ABA Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings, comment, ABA, February 27, 2009, pp. 1-5.

The Four Prime Failures of the Child Welfare System, the John Fitzrandolph Memorial Lecture, WHITTIER LAW SCHOOL CENTER FOR CHILDREN'S RIGHTS, March 26, 2009.

Improving Foster Care Outcomes Through Impact Litigation (with Delgado and Riehl, at the National Conference of the NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN, Brooklyn, New York, August 19-22, 2009.

Public Interest Law Options and Techniques, presentation to the AMERICAN BAR ASSOCIATION Annual Forum of national scholarship students on public interest law, Keynote to their San Diego session at the Del Coronado Hotel on October 9, 2009.

Responsible Financing of Public Education 1988 - present. Keynote address to the Center for Student Support Systems Annual Forum on December 11, 2009 at USD—SOLES. Annual conference of public school counselors nationally.

Children and Public Priorities, Keynote Address CENTER ON POLICY INITIATIVES, San Diego conference of the CPI on October 6, 2010.

Implementing the Federal Fostering Connections to Success Act, presentation before the annual conference of VOICES FOR AMERICA'S CHILDREN, Berkeley, California, June 24, 2010.

On Restructuring the State Bar in the Public Interest, testimony before the STATE BAR Task Force on Restructuring, Los Angeles, California, January 20, 2011.

Building a Bridge from Foster Care to Financial Self-Sufficiency, (with Delgado) 2011 Published Conference Manual and panel presentation, NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN, 9-1-2011, Coronado, California.

U.S. DHHS Enforcement of Child Welfare Standards, w/ Amy Harfeld and Christina Riehl. Published Conference Manual and panel presentation, National Association of Counsel for Children, Palmer House Hilton, Chicago, Illinois, August 16, 2012.

Training Social Workers for Thorny Legal Concepts: 4th A./Joint Investigations, w/ Gary Seiser, Panel Presentation, AMERICAN ASSOCIATION OF PUBLIC WELFARE ATTORNEYS, San Diego, September 11, 2012.

The Status of Children in America, Address to the CALIFORNIA HEADSTART ASSOCIATION, San Diego, February 6, 2013.

For-Profit Colleges: Are They a Good Deal of a Path to Bankruptcy? What you need to Know Before you Enroll, Panel Presentation at the Foster Care Education Summit, sponsored by the SAN DIEGO OFFICE OF EDUCATION, workshop with CAI attorney Christina Riehl and foster youth panelist Michael Jackson, San Diego Marriott, June 26, 2014.

Making the Most of Fostering Connections: Helping Transition Age Foster Youth Avoid the Subprime Education Trap, Panel Presentation at the Annual Conference of the NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN, with Riehl and Harfeld, Denver, Colorado, August 18-20, 2014.

The PUC and the Bagley-Keene Act, a Four Part Proposal Involving Transparency and Ex Parte Contact Limitation, before the CALIFORNIA LITTLE HOOVER COMMISSION, Sacramento, California, August 26, 2014 and October 23, 2014.

Private For-Profit Colleges: A Good Deal or a Path to Bankruptcy, 2015 California Foster Youth Education summit, Hilton Hotel, Pasadena, w/ Riehl and Delgado, March 23, 2015.

What to Know Before You Enroll, Presentation before 4th Annual Foster Care Conference, S D State University, SD Office of Education, June 24, 2015 (with Riehl).

Regulation Excesses and Deficiencies -- When to Regulate, How and by Whom?, before THE CALIFORNIA LITTLE HOOVER COMMISSION, Sacramento, California February 4, 2016.

Address on Homeless Children: Causes and Remedies, ABA Anti Poverty Panel, February 5, 2016.

Developments in Child Education, moderator of ACE Panel, April 13, 2016.

Public Interest Law and Fair Competition, Presentation to “BREAKING THRU” Conference, Washington, D.C., April 23, 2016.

Deunify the State Bar, Oral Testimony with 11 Pages of Text and 8 page Appendix, before the STATE BAR BOARD OF TRUSTEES, San Francisco, April 25, 2016.

Private for-Profit School Abuses, Presentation to NATIONAL STUDENT VETERANS CONFERENCE, Anaheim, Ca., October 11, 2016.

The State of the State Bar, Testimony before the Bar Board of Governors, August 9, 2017.

Fostering Quality Postsecondary Education: Policy and Practical Tools, w/ Riehl and Delgado, National Association of Counsel for Children annual conference, New Orleans, Louisiana, August 11, 2017.

Proposed Rules for Title 38 School Qualification, to Vito Imbasciani, Secretary, California State Approving Agency for Veterans Education (CSAAVE), 10-26-17.

Mendez v. Westminster as the Foundation of Brown v. Board of Education, Bergman Memorial Lecture, Panel with Judges Curiel and Aguirre and Dean Spencer, 2-15-18, Kroc Center at the University of San Diego.

Children’s Rights are Human Rights, 2018 ABA Litigation Section Child Rights Symposium, USD, sponsor and presentation at Reception, May 1, 2018.

“Foster Care” and Our Treatment of Children in State Custody. OSH Conference at UCSD, keynote presentation, August 9, 2018.

Advance Screening of the Movie “*Foster Boy*” (serving as expert consultant to production). National Association of Counsel for Children, Annual Conference, San Antonio, Texas, August 23-25, 2018

Homeless Court Summit, ABA Commission on Homelessness and Poverty & Judicial Council, at USD, 11-3-18

Cy Pres Awards, Class Action Mastery Forum, Litigation Conference, University of San Diego School of Law, Panel with Ferruolo, R. Muth and the Hon. John Owens, 1-16-19.

Litigation in Support of a Child’s Right to Counsel, Webinar w/ Amy Harfeld, the National Association of Counsel for Children, 7-16-19.

Keynote Address on Child Safety Priorities, Unintentional Injury Prevention Conference, California Coalition for Children’s Safety and Health (CCCCSH), , 11-15-22.

Law School Centers and Improvement of Legal Education (including Advocacy) American Association of Law Schools (AALS) panel and presentation, 1-5-23.

Creation of a Child Advocates State Model Bill Exchange web site, with examples of successful state statutes in major areas of child concern for mutual replication and relevant outcome measures. The site is intended to broaden effective state statutes through mutual adoption. Created under the auspices of the Partnership for America's Children, 2022.

Testimony before committees of the California Legislature relevant to CPIL and CAI sponsored legislation (*e.g.*, SB 1498 (Presley) (attorney discipline), AB 410 (Killea) (special prosecutor), SB 1434 (Presley) (physician discipline), SB 2375 (Presley) (physician discipline), SB 916 (Presley) (physician discipline), AB 2249 (Friedman) (California Corporate Criminal Liability Act), SB 711 (Lockyer) (ban on sealing of court records), AB 2268 (Caldera) (bicycle helmet requirement for children), AB 3087 (Speier) (child care regulation), and AB 3589 (Speier) (child support collection), SB 163 revising the structure of the State Bar and altering the number of governing board members from 17 of 23 members selected by attorneys, to 6 of 19 so selected, SB 387 subjecting the Bar to the Bagley Keene Open Meetings Act and the Public Records Act, advocacy before the ABA to adopt a model state statute for child representation in juvenile dependency court, approved in August of 2011, and 40 other enacted state and federal statutes and rules (see also CPIL and CAI discussion above).

SELECTED NON-PRINT MEDIA-RELATED WORK

Designated Legal Ethics Expert on 60 Minutes, interviewed by Morley Safer

Designated Medical Board and Regulation Expert on 60 Minutes, Interviewed by Mike Wallace

Screen play story lines, plots and scripts for TV show *LA Law* in association with writer Paul Manning.

Guest Expert on Role of Biological Fathers After Child Adoption by Others, Oprah Winfrey

Comment on Judicial Case Where Child Left in Trunk of Car, Bill O'Reilly

Expert consultant on the script and production of the movie "Foster Boy" produced by Peter Samuelson, starring Mathew Modine and Lou Gossett Jr. Released in 2020.

AWARDS

Holder, Price Chair in Public Interest Law (1992 - present)

Named "Community Champion, for thirty years of work in injury prevention" by the CIVIL JUSTICE FOUNDATION (1997)

University Professorship, UNIVERSITY OF SAN DIEGO (1997–98)

Named “Remarkable Leader in Education” by the SCHOOL OF LEADERSHIP AND EDUCATION SCIENCES, UNIVERSITY OF SAN DIEGO, October 29, 2009.

Thorsnes Award winner for faculty scholarship, UNIVERSITY OF SAN DIEGO LAW SCHOOL, 2012.

UCAN Founder Award, UCAN, 2019.

Witkin Award from the San Diego Library and others for Excellence in Legal Education, 2022.