

RESUMÉ

MARK NEAL AARONSON

Born April 25, 1944
Married with children and grandchildren

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Academic Positions

Hon. Raymond L. Sullivan Professor of Law (Emeritus)
University of California Hastings College of the Law
200 McAllister Street
San Francisco, CA 94102

Since May 1992, I have been Assistant Clinical Professor of Law (1992-1995), Associate Clinical Professor of Law (1995-1998), Clinical Professor of Law (1998-2007), Professor of Law (2007-2013) and Professor of Law, Emeritus (2013-present) at U. C. Hastings College of the Law. I was hired to establish the in-house civil clinic at the school. My responsibilities have included classroom teaching, directly supervising students who have lead responsibility for handling actual client cases, scholarly research and writing, and faculty committee assignments.

From my initial employment until July 2008, I served as the Director of the Hastings Civil Justice Clinic and was responsible for its overall management, which included financial and organizational operations, hiring and supervising two support staff personnel, and leading an academic and professional staff consisting of up to seven tenure-track, long-term contract, and fellowship instructors.

My recent course responsibilities have included the Community Economic Development Clinic, where students for the entire academic year work on community-impact transactional matters affecting the Tenderloin, a mainly low-income neighborhood adjacent to the law school; and Problem Solving and Professional Judgment in Practice, an inter-disciplinary simulation course on lawyer decision making, which draws on writings from cognitive and social psychology, economics and philosophy, and which

pedagogically utilizes expanded case hypotheticals and role plays to further student learning and understanding.

Visiting Scholar (September 2013-August 2014)
Institute for Research on Labor and Employment
University of California, Berkeley

Past Legal Employment

Associate Attorney (partnership tendered)
Adams, Broadwell, Joseph & Cardozo
651 Gateway Blvd., Suite 900
So. San Francisco, CA 94080
(415) 589-1660

From July 1990 to April 1992, I was associated with a 9-person law firm which specializes in environmental, constitutional, land use and real estate law. The firm's clients are principally construction trade unions, who are seeking to further environmental as well as economic objectives. My practice involved litigation, regulatory and legislative issues, and transactional matters.

Executive Director
S. F. Lawyers' Committee for Urban Affairs (now Lawyers' Committee for Civil Rights of the S. F. Bay Area)
131 Steuart St., Suite 400
San Francisco, CA 94105
(415) 543-9444

From August 1977 to July 1990, I served as the Executive Director of the San Francisco Lawyers' Committee, an anti-poverty and civil rights organization, which employs a legal staff both to develop and coordinate pro bono attorney participation and to serve as co-counsel with volunteer attorneys on certain policy impact cases. My responsibilities included management of the Committee's financial and corporate affairs and supervision of its program of legal assistance and representation. When I began as Executive Director, there was a secretary and no other attorneys on staff. The annual budget was less than \$80,000, which was sufficient to add one other attorney. When I left, the Committee's staff consisted of seven attorneys, two legal fellows and six support staff, and had an annual budget in excess of \$850,000. In the interim, the Committee had started, had operated for almost nine years, and then had spun off the Child Care Law Center with its own staff of three attorneys. Other special projects

started under my direction included the Immigrant and Refugee Rights Project and the Bayview Legal Advocacy Project. By the end of my tenure, the Committee generated each year volunteer legal services valued at over \$10.5 million. Financial support for the Committee's broad range of activities came from charitable donations, foundation grants, the State Bar's Interest on Lawyer Trust Accounts (IOLTA) Program (which I was instrumental in starting), and attorneys' fees awards. In addition to my management and supervisory responsibilities, I regularly provided representation in a number of major Lawyers' Committee cases.

Reginald Heber Smith Community Lawyer Fellowship

Mandel Legal Aid Clinic, University of Chicago Law School, 1969-70
Neighborhood Legal Services, Hartford, Connecticut, 1970-71

Past Teaching Employment

Visiting Assistant Professor, Political Science, University of California, Berkeley, Spring 1990
Subject: Constitutional Law

Lecturer, Political Science, University of California, Berkeley, 1976-77
Subjects: American Legal System, Law and Bureaucracy, Law and Social Change (seminar and field placements)

Lecturer, Political Science, University of California, Davis, Spring 1976
Subjects: Law and Bureaucracy, Environmental Politics

Assistant Professor, Political Science, City College, C.U.N.Y., Fall 1975
Subjects: Introduction to Law, the Judiciary

Acting Instructor, Political Science, University of California, Berkeley, 1974-75
Subject: American Politics

Teaching Asst., Political Science, University of California, Berkeley, 1971-72
Subjects: Tutorial in Political Theory, History of Political Theory

Education

A.B. University of California, Berkeley, 1965 (Political Science)
M.A. University of California, Berkeley, 1966 (Political Theory)
J.D. University of Chicago, 1969 (Law)
Ph.D. University of California, Berkeley, 1975 (Political Science)

Academic Honors

Phi Beta Kappa, Alpha of California
A.B. awarded with general honors
M.A. awarded with distinction
National Political Science Honor Fraternity

Scholarships

California State Scholarships, 1962-65
University of Chicago Law School Scholarships, 1967-69
National Institute of Mental Health Post-Doctoral and
Pre-Doctoral Fellowships in Law and Society, 1972-74
Research Grant from Chancellor's Patent Fund,
University of California at Berkeley, 1974-75

Bar Memberships

State Bar of California (1/70), State Bar of Connecticut (9/70), U.S. District Court for the Northern and the Central Districts of California, U.S. District Court for the District of Connecticut, U.S. Court of Appeals for the Second and Ninth Circuits, U.S. Supreme Court.

Major Written Work

Articles and Essays

“Judgment-Based Lawyering: Structuring Seminar Time in a Non-Litigation Clinic,” in Susan Bryant, Elliott Milstein & Ann Shalleck (eds.), *Transforming the Education of Lawyers: Theory and Practice of Clinical Pedagogy* (Carolina Academic Press forthcoming 2014)

“Representing the Poor: Legal Advocacy and Welfare Reform during Reagan’s Gubernatorial Years,” 64 Hastings Law Journal 933 (2013) (book-length work published as Special Issue)

“Teaching Problem-Solving Lawyering: An Exchange of Ideas,” 11 Clinical Law Review 485 (Spring 2005) (with Stefan H. Krieger)

“Thinking Like a Fox: Four Overlapping Domains of Good Lawyering,” 9 Clinical Law Review 1 (Fall 2002)

“Ideas Matter: A Review of John Denver’s *Democracy’s Constitution*,” 46 Univ. of San Francisco Law Review 937 (Summer 2002)

“We Ask You to Consider: Learning about Practical Judgment in Lawyering,” 4 Clinical Law Review 247 (Spring 1998)

“Scapegoating the Poor: Welfare Reform All Over Again and the Undermining of Democratic Citizenship,” 7 Hastings Women’s Law Journal 213 (Summer 1996)

“Be Just to One Another: Preliminary Thoughts on Civility, Moral Character and Professionalism,” 8 St. Thomas Law Review 113 (Fall 1995)

“Dark Night of the Soul: A Review of Anthony T. Kronman’s *The Lost Lawyer: Failing Ideals of the Legal Profession*,” 45 Hastings Law Journal 1379 (July 1994)

“Litigating Federal Statutory Claims Under Section 1983,” in Civil Rights Litigation and Attorney’s Fees Annual Handbook, Vol. 1 (Clark Boardman 1985)

“Placing Pro-Bono Publico in the National Legal Services Strategy,” co-author with C. Palmer, 66 ABA Journal 851 (July 1980)

Contributor to “Criminal Justice in Extremis: Administration of Justice during the April 1968 Chicago Disorder,” 36 University of Chicago Law Review 455 (Spring 1969)

Commentaries and Book Reviews

“Empathy Pains,” San Francisco Daily Journal, May 26, 2009, p. 6

“Commentary: Yielding Leadership to Dollars,” The Recorder, December 10, 1993, p. 8

“Book Review: A Conflict of Rights--The Supreme Court and Affirmative Action,” California Lawyer (March 1991)

“In Review: Environmental Advocacy Commemorated,” The Recorder, November 1, 1990, p. 7

“Commentary: Examining Divided Powers,” The Recorder, February 25, 1988, p. 4

Doctoral Dissertation

“Legal Advocacy and Welfare Reform: Continuity and Change in Public Relief” (Univ. of Calif., Berkeley, September 1975)

Unpublished Papers

“Welfare Litigation as a Political Strategy,” prepared for delivery at the 1975 Annual Meeting of the American Political Science Association

“The Consensus for Dissent: An Essay Concerning the Institutionalization of Dissent,” Master's Essay (Univ. of Calif., Berkeley, May 1966)

Oral Presentations

Speaker, “Experiential Learning and the New Normal in Legal Education,” California State-Federal Judicial Council Meeting, San Francisco, CA, June 5, 2015

Panel Moderator, “Current Manifestations and Impact of the Tech Industry,” Conference on What’s the ‘G’? Gentrification and the Myth of Fair Housing, Hastings Race & Poverty Law Journal, San Francisco, CA, February 4, 2015

Presenter and Panelist, “Legal Services and the War on Poverty in Historical Perspective,” Conference on the War on Poverty, 1964-2014: The Role of Attorneys in Alleviating Poverty in the 21st Century, Hastings Race & Poverty Law Journal, San Francisco, CA, February 13, 2014

Presenter and Panelist, “Rebuild CPMC the Right Way,” UCSF/UC Hastings Consortium Grand Rounds, San Francisco, CA, September 25, 2013

Conference Organizer and Panelist, “Representing the Vulnerable and Remembering Ralph Abascal,” UC Hastings College of the Law, San Francisco, CA, March 16, 2012

Plenary Session Panelist, “Integration and Transfer,” AALS Conference on Clinical Legal Education: Learning to Transfer–(Re)conceptualizing What We Do in Clinics and Across the Curriculum, Seattle, Washington, June 16, 2011

Presenter and Panelist, “Complex Clinical Clients: Lawyering Beyond the Individual Client,” Seventh International Clinical Conference, sponsored by UCLA and the Univ. of London, Lake Arrowhead, CA, November 4-7, 2010,

paper on the nature of representation and the role of clinics in mobilizing and changing law

Presenter and Panelist, “Thinking Outside the Trial Paradigm: Preparing Students to Master ‘The Informal Encounter,’” AALS Conference on Clinical Legal Education: Clients, Complexity and Collaboration in a Cross-disciplinary Lens, Cleveland, Ohio, May 8, 2009

Moderator, “Selected Aspects of the Clinical Method,” and Speaker, “Choices in Clinic Design and Clinic Goals,” Sho Sato Conference on Clinical Legal Education in Japan and the U.S., co-sponsored by Boalt Hall School of Law and Waseda Univ. Institute of Clinical Legal Education, Berkeley, CA., March 11, 2006

Moderator and Panelist, “Policy Advocacy in a Clinical Setting,” Northern California Clinical Conference, hosted by Stanford Law School, Stanford, CA, February 25, 2006

Presenter and Panelist, “Revisiting the Relationship between Clinics and Social Justice,” Sixth International Clinical Conference, sponsored by UCLA and the Univ. of London, Lake Arrowhead, CA, October 27-30, 2005, paper presented on “Representing the Poor: Ralph Santiago Abascal and Welfare Policy Making during Ronald Reagan’s Gubernatorial Years”

Moderator and Panelist, “Care Not Cash,” Hastings College of the Law, November 17, 2004 (panel sponsored by the Hastings Women’s Law Journal and Hastings Race and Poverty Law Journal on changes in San Francisco’s General Assistance program)

Presenter and Panelist, Second International Conference on Creative Problem Solving, California Western School of Law, March 4-6, 2004, remarks re: “On Structuring Student Self Learning about Problem Solving”

Presenter and Panelist, Conference on Shaking the Foundations, Stanford Law School, November 7-9, 2003, remarks re: “Implementing a Social Justice Curriculum”

Panelist, AALS Law Clinic Directors’ Workshop, Vancouver, Canada, May 13-14, 2003, plenary session on “Messages Regarding Professionalism from Choices in Clinic Design and Administration”

Presenter and Panelist, UCLA/Univ. of London Institute of Advanced Legal Studies Fifth International Clinical Conference, Lake Arrowhead, CA, November 8-11, 2001, paper delivered on “Four Overlapping Domains of Good Lawyering”

Presenter and Panelist, AALS Regional Equal Access to Justice Conference, Boalt Hall, Berkeley, CA, March 17, 2001, remarks on changing California demographics and the administration of justice

Presenter and Panelist, California State Bar’s Midyear Meeting, San Francisco, CA, April 2, 2000, remarks on young lawyers as an untapped resource

Guest speaker, Law and Society Center, Boalt Hall School of Law, UC Berkeley, October 12, 1998, comments on “Why Clinical Legal Education”

Guest speaker, Workshop on Lawyering Competencies and Clinical Education, Stanford Law School, September 14, 1998, comments on “Learning about Practical Judgment in Lawyering”

Presenter and Panelist, UCLA/Univ. of London Fourth International Clinical Conference, Lake Arrowhead, CA., October 23-26, 1997, paper delivered on “Practical Judgment in Lawyering”

Presenter and Panelist, Calif. State Bar and ABA Conference on Professionalism, UC Hastings College of the Law, August 3, 1997, comments on the “Role of the Law School in Educating the Whole Lawyer”

Featured speaker, Lawyers' Committee for Civil Rights of the S. F. Bay Area Annual Meeting, November 12, 1996, comments on “Welfare Reform All Over Again”

Organizer and participant, Conferences on Rethinking Poverty and Poverty Law Practice, UC Hastings College of the Law (August 14, 1996) and UCLA Law School (September 27, 1996)

Community, Bar and Professional Activities

American Bar Association

Law School Accreditation Site Visit Committees: Fordham (1994), Tulane (1995), Seattle (2006), Faulkner (2008), CUNY (2010), UNLV (2012), Florida State (2015)

Clinical Legal Education Association (CLEA)

Board of Directors (2004-2007)

Annual Awards Committee (2002, 2003, 2006, 2007) (initial co-chair)

Association of American Law Schools

Ethics and Professionalism Committee, Clinical Law Section (1995-1997)

Lawyering in the Public Interest Committee, Clinical Law Section
(1998-2001) (co-chair)

One Justice (formerly Public Interest Clearinghouse)

Board of Directors (2004-present)

State Bar of California

Advisory Committee, Legal Services State Planning Process (1995-96)

Committee on the Administration of Justice (1986-89)

Executive Committee, Legal Services Section (1979-82)

Chair (1981-82), Chair-Elect (1980-81)

Ad Hoc Committee on Attorneys' Fees, Legal Services Section (1982-90)

Ad Hoc Committee on Legal Services Trust Fund (1982)

Standing Committee on Legal Services to the Poor (1977-80)

Bar Association of San Francisco

Volunteer Legal Services Program Committee (1978-90)

Rights of the Mentally Disabled Committee (1977-79)

Local Governmental Affairs Committee (1977-79)

Legal Assistance Association of California

Board (1988-90), Academic Committee (1986-90), IOLTA Distribution
Committee (1985-90), Federal Access Committee (1986-90)

San Francisco Neighborhood Legal Assistance Foundation,

Board of Directors (1978-81), Executive Committee (1980),

Audit Committee (1979-81)

San Francisco Mayor's Homeless Planning Council (1986-87)

San Francisco Human Rights Commission, Employment Committee (1978-82)

San Francisco Mayor's Commission on Public Inebriates (1981)

Awards and Honors

Hastings Public Interest Law Foundation “Celebrating the Struggle” Award for work on behalf of poor and minority communities and commitment to teaching and using the law as a tool to achieve social change (2001)

General Assistance Advocacy Project Award of Honor presented at 10th Anniversary Gala in appreciation of service to San Francisco's poor and homeless community (1994)

S.F. Lawyers’ Committee Award of Honor for leadership provided the Committee and service to the poor and under-represented (1991)

S.F. Neighborhood Legal Assistance Foundation Award of Honor for public service and social responsibility (1990)

City and County of San Francisco Award of Honor for making S.F. Lawyers’ Committee a leading force for civic improvement (1990)

Edwin D. Wolf Award from the Lawyers’ Committee for Civil Rights Under Law for untiring dedication to fighting entrenched poverty and securing equal justice for all (1989)

Honoree and Recipient of Legal Services Award at the 1988 Awards Dinner of California Rural Legal Assistance

Certificates of Honor from San Francisco Board of Supervisors for work on behalf of San Francisco’s poor and minority communities (1982, 1987, 1988, 1990)

San Francisco Mayoral Proclamations for furthering the availability of civil legal services and in recognition of advocacy activities benefitting the poor (1982, 1987)

MARK N. AARONSON

MAJOR REPRESENTATION (1977-1992)

Chamber of Commerce of the United States v. Bragdon, 769 F. Supp. 1537 (N.D.Cal. 1991). This case involved ERISA and NLRA preemption claims and constitutional claims concerning the takings, contracts, and privileges and immunities clauses. The underlying issue concerned the lawfulness of a county ordinance which extended prevailing wage requirements to private industrial projects. In representing concerned labor unions, I worked in support of the enactment of the challenged ordinance and on behalf of its ultimately unsuccessful legal defense in court.

Turner v. McMahon, 559 F. Supp. 603 (N.D. Ca. 1982), 707 F.2d. 110 (9th Cir. 1983), reversed sub nom Heckler v. Turner, 470 U.S. 184 (1985); 830 F.2d 1003 (9th Cir. 1987). This case involved three separate issues.

First, it presented a due process challenge to restrictions on hearing opportunities and inadequacy of notices of action sent AFDC welfare recipients. A Temporary Restraining Order and Preliminary Injunction were obtained concerning the due process violation. The Orders delayed cutbacks in welfare benefits and required recipients to be re-noticed about recent legal changes affecting their benefit amounts. An Interim Consent Decree resolving many of the issues concerning the various due process issues was signed in June 1983. After the State Department of Social Services agreed to a plan for revising the format and preparation of all notices of action sent AFDC recipients, the parties signed a Final Consent Decree approved by the Court in October, 1986. For the work on this issue, plaintiffs' counsel received two attorneys' fees awards totaling, respectively, \$351,245 and \$65,547.

Second, the case posed a federal statutory challenge to the states's treatment of mandatory payroll deductions in computing grant amounts for working recipients. In July 1982, the District Court issued a permanent injunction requiring the state to exclude mandatory payroll deductions as available income in determining grants for working recipients. This decision was affirmed by the Ninth Circuit but reversed by the U.S. Supreme Court. As lead counsel, I argued the case before the U.S. Supreme Court.

Third, as a follow-up to the Supreme Court decision, the District Court in June 1986 enjoined the state from seeking to collect the benefits paid out pursuant to the reversed injunction as overpayments collectable against individual recipients. This issue along with an attorneys' fees award of \$33,151 was reversed on appeal by the Ninth Circuit.

Baker v. Prod, S.F. County Superior Court Case No. 80455 (1985). Retroactive enforcement of Turner decision on mandatory payroll deductions for period January 1 to September 1, 1982. A preliminary injunction was issued requiring the state and counties to preserve records pending final resolution of the Turner case on appeal. The injunction was dissolved following the Supreme Court's decision in Turner.

Saldivar v. McMahon, U.S. District Court, N.D. Cal., Case No. C-83304637-TEH (1983). Due process challenge to proposed suspension of timely notice of adverse action being sent AFDC, Food Stamp and Refugee Cash Assistance beneficiaries in certain circumstances. The Court in December 1983 issued a permanent injunction prohibiting implementation of the proposed policy.

Long v. City and County of San Francisco, 78 Cal.App.3d 61 (1978). Challenge to inadequate general assistance benefit levels. I worked on the second successful decision in the case, which held that food stamps are intended to supplement local welfare programs, and in obtaining an attorneys' fees award of \$69,000 for Lawyers' Committee staff time expended on the case.

Coalition for Humane General Assistance Program v. City and County of San Francisco, S.F. County Superior Court, Case No. 763-4211 (1985). Challenge to administrative malfeasance and assistance program. Initial settlement discussions had resulted in important changes in program benefit levels and administration. A final stipulated judgment entered in September, 1985 resolved problems concerning the eligibility process. An attorneys' fees settlement was reached with the City for \$226,000 for the work of all counsel, of which \$27,000 was structured to establish an SSI advocacy unit within the S.F. Department of Social Services.

Odom v. San Francisco Redevelopment Agency, S.F. County Superior Court Case No. 767-186 (1980). Challenge to use of State mortgage revenue bonds to support construction of luxury housing. The case was dismissed after settlement was obtained from the S.F. Redevelopment Agency and the private developer concerning their commitment to construct additional low income housing in San Francisco.

Wilson v. Brown, Marin County Superior Court, Case No. 103454. Challenge to unconstitutional conditions of confinement at San Quentin for mainline prisoners. In September, 1983, the court issued an injunction requiring the state to end double celling of prisoners and to remedy other unconstitutional conditions of confinement. The decision regarding double celling was reversed on appeal in December, 1988.

North of Market Planning Coalition UDAG Development (closing December 1982). Counseling, negotiation and litigation on behalf of community organization seeking to further and maintain low income housing in San Francisco's Tenderloin. This matter involved complicated negotiations and contractual drafting to establish sufficient

funding to acquire and renovate four residential hotels for very low and low income housing. Other participants were S.F. public officials, a private developer who had title to the residential hotels, the developers of proposed luxury tourist hotels who agreed to contribute to the development of low income housing in San Francisco, and financial institutions.

In addition to providing direct representation to clientele, I worked on the drafting of amicus curiae briefs on behalf of the Lawyers' Committee or specific client groups in the following cases: In the United States Supreme Court, Pierce v. Underwood (attorneys' fees under the Equal Access To Justice Act), Cal-Fed v. Guerra (pregnancy disability leave), Bakke v. University of California (affirmative action in higher education admissions), United Steelworkers v. Weber (affirmative action in employment), Minnick v. California Department of Corrections, (affirmative action in employment), Crawford v. Los Angeles Board of Education (anti-school busing proposition); and in the California Supreme Court, Van Atta v. Scott (bail setting and taxpayer standing), De Ronde v. University of California (affirmative action in higher education admissions), Green v. Obledo, (AFDC work-related expenses and class action certification), Price v. Sacramento Civil Service Commission (affirmative action in employment), Hiatt v. City of Berkeley (affirmative action in employment), and Mandel v. Myers (payment of attorneys' fees awards).