

MICHAEL B. SALERNO

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PROFESSIONAL:

Clinical Professor of Law and Associate Director, Center for State and Local Government Law, University of California Hastings College of the Law. Courses: Legislation; Legislative Process; Current Problems of State and Local Government Seminar; Bill Drafting, Analysis, and Statutory Interpretation; Advanced Legislative Process Seminar; and, the Legislation Clinic.

Executive Director, California Fair Political Practices Commission (3/07-7/08).

Principal Legislative Counsel Deputy, Legislative Counsel Bureau, California Legislature 12/79- 11/05 (Principal Deputy 5/90-1/03; Deputy, 12/79-4/90*). Legal Counsel to Conference Committee on State Budget (2001-2004); Assembly Committee on Appropriations (1998-2000; 1990-1993); Assembly Committee on Education (1998-99); Assembly Committee on Ways and Means (1987-89); Assembly Committee on Elections and Reapportionment (1983-84); Joint Committee on Campaign Finance Reform (1983-84); and, the Senior Legislature of California (1981-1988). Expertise is in the following areas: bill drafting; political law (elections, ethics, and political reform, regulation of financial interests of public officials, campaign finance, and expenditure of campaign funds); state budget; legislative procedure; and, structure and theory of federal and state government.

* On leave of absence from 5/1/81-6/3/81 and 9/23/81-6/16/82, during which time I traveled and lived in Europe and from 4/89-4/90 to serve as chief counsel to Assembly committee on Economic Development, International Trade and Technology (see below).

Faculty, Orientation in USA Law, UC Davis. A summer program for foreign lawyers and jurists to orient them in US law. Course: legislative/administrative law processes (7/94-7/95, 7/99 to 7/09).

Visiting Professor, University of San Diego School of Law (Summer 2007). Course: Legislation.

Visiting Professor, Instituto Tecnológico Autónomo de México, México D.F. (Summer 2006). Course: Introduction to the Law of the United States—Public Law.

Adjunct and Visiting Professor, School of Law, UC Davis Courses: Legislative Process; Advanced Legislative Process Seminar (8/93-6/96).

Fulbright Scholar, Rome, Italy, 1995-96 academic year. Hosted by Libera Università Internazionale degli Studi Sociali (LUISS) 1995 Fall Semester. Conducted comparative research on Italian Parliament and lectured on USA law-making process and system of government.

Chief Counsel, Assembly Committee on Economic Development, International Trade, and Technologies, California Legislature, Assembly Member Sam Farr, Chair (4/89-4/90).

Associate Consultant, Senate Select Committee on Penal Institutions, California Legislature. Sen. John Nedjedly, Chair (4/74-11/76).

Legislative Assistant, Sen. Joseph Kennick, Vice-Chair Senate Rules, California Legislature (11/73-4/74).

EDUCATION:

Juris Doctorate, UC Davis (May 1979)
Special Status Student, Harvard Law School (Spring Semester 1979)
Legal Intern, Center for Law & Education, Cambridge, MA (Fall Semester 1978)

Graduate Studies, Law & Society, UC Davis, Department of Sociology/ Law School (11/72-8/73)

Bachelor of Arts Degrees in Psychology and Sociology, UC Santa Barbara (6/72)

MEMBERSHIP:

State Bar of California; admitted to practice in the US District Court, Eastern District, and the Ninth Circuit Court of Appeal.

PUBLIC SERVICE:

Chair, TWC Memorial Fund, UC Davis School of Law (10/86-present)
Regent, University of California (7/77-6/78)

PUBLICATIONS:

The California Constitution: A Reference Guide (part of the Oxford University Press series on state constitutions), coauthored with Joseph Grodin and Darien Shanske (to be published fall 2015).

“Blurred Lines” Op/Ed, SACRAMENTO BEE, coauthored with Prof. David Jung, regarding the California Supreme Court’s order removing Proposition 49 from the ballot (9/7/14).

“There is Another Way to Put Tax Plan on the Ballot” Op/Ed, SACRAMENTO BEE (6/16/11).

Legal, Legislative, and Rule Drafting in Plain English with Professor R.J. Martineau (West 2005).

“Preventing conflicts of Interest,” Trusts, e Attività Fiduciarie, Trimestrale di Approfondimento Scientifico e Professionale (Luglio 2003, Ipsoa Scuola d’Impresa).

“Preventing Conflicts of Interests (Under US Law and the Italian Proposal),” Centro di Studi e Ricerche di Diritto Comparato e Straniero, Università degli Studi di Roma (La Sapienza) Facoltà di Giurisprudenza, SAGGI, CONFERENZE E SEMINARI NO. 46, 2001.

“La Prevenzione dei Conflitti D’Interessi (La Regolamentazione degli Interessi Finanziari di Pubblici Ufficiali Negli USA),” (2000/01) Studi Urbinati, di Scienze Giuridiche, Politiche ed Economiche (Università degli Studi di Urbino, 2000/01, Nuova Serie A – N, 52, 4).

“Dibattiti: La prevenzione dei conflitti d’interesse: La regolamentazione degli interessi finanziari di Pubblici Ufficiali negli USA e in California,” L’Associazione Italiana dei Costituzionalisti (A.I.C.) 3/01 on association's web site) at: <http://www.associazionedeicostituzionalisti.it/dibattiti/conflitto/salerno.html>

“The Process of Constitutional Amendment under the Legal System of the United States,” Il Procedimenti di Revisione Costituzionale nel Diritto Comparato, Università degli Studi di Urbino, edited by Eduardo Roza Acuna, (Edizioni Scientifiche Italiane, 1999).

“Il Procedimento Legislativo e la Disciplina del Conflitto di Interessi negli Stati Uniti,” Libera Università Internazionale degli Studi Sociali (Roma) Istituto Ceradi (Fall 1995).

“Influences Behind, Substance and Impact of the New Determinate Sentencing Law in California” with Professor Raymond I. Parnas, *UC Davis Law Review*, Vol. 11, No. 1, May 1978.

PROFESSIONAL ACTIVITIES:

Conducted a workshop for the Center for Parliamentary Studies at Libera Università Internazionale degli Studi Sociali (LUISS), Roma: “Teaching Legislative Drafting: Experiences and Perspectives” (6/29/15).

Amicus Brief for *Jarvis v. Padilla (Bowen)*, pending before the California Supreme Court, regarding Proposition 49, concerning the court’s removal of a legislative measure from ballot (1/30/15).

Chair, Educational Effectiveness Committee, responsible for ABA Self-Study (7 year reaccreditation of law school). Edited final report and participated in site visit (2013-14).

Moderator: “Citizens United” panel, Institutional Investor Educational Foundation, San Francisco (3/16/11).

Moderator: “The Law of Modern Direct Democracy,” 2010 Global Forum on Modern Direct Democracy, UC Hastings San Francisco (8/1/10).

Principal Presenter: “The USA Corporation as a Person: The Citizens United US Supreme Court Decision,” Università degli Studi di Urbino, Facoltà di Giurisprudenza/Facoltà di Scienze Politiche, Urbino, Italy (11/23/10).

Principal Presenter: “Citizens United and its Impact,” Libera Università Internazionale degli Studi Sociali (LUISS), Centro di studi sul Parlamento, Istituto Ceradi, Rome, Italy (11/25/10).

Organized, lectured, and moderated panels: Briefing Tour on California Direct Democracy, for the Initiative and Referendum Institute Europe, in Sacramento (7/29/10).

Participant: Briefing Tour on Modern Direct Democracy, hosted by the Initiative and Referendum institute and the Swiss Government, Switzerland (6/10-15/10).

Panelist, New America Foundation: “The Promise and Perils of Direct Democracy,” UC Hastings (5/26/10).

Panelist: Libera Università Internazionale degli Studi Sociali (LUISS), Rome, Centro di studi sul Parlamento, Istituto Ceradi : Workshop on “U.S. Congress’ Rules of Procedure and Recent Evolutions in the Relationship Between Majority and Opposition” (3/11/10).

Panelist: Università degli Studi di Urbino, Facoltà di Giurisprudenza/Facoltà di Scienze Politiche: “Democrazia Popolare: Forma di Governo Ideale?” (3/ 9/10).

Panelist: “CA Constitutional Convention: Common Sense or Wishful Misunderstanding?” Bay Area for Change, Cupertino (1/20/10)

Project Director: Contract between Center for State and Local Government Law and State Auditor: Analyzed Prop. 11 (Citizens Redistricting Commission), recommended regulations to implement measure, and assisted drafting regulations (1/09-5/09).

Panelist: "Drowning in Ballot Measures? Rethinking the California Initiative Process," American Constitution Society, San Francisco (10/27/09).

Panelist: ABA Young Lawyers Division, Fall Conference, San Diego
"Campaigns and Compliance: The Basics of Election Law" (October 3, 2008).

Panelist: Italian Elections 2006, American University of Rome (March 24-25, 2006).

Panelist: International Conference on Justice Reforms, Università degli Studi di Urbino, Facoltà di Giurisprudenza (March 23, 2006).

Presentation to Selected Members and staff of Camera dei Deputati, Italian Parliament
Re: California reserved powers and recent recall (November 28, 2003).

Panelist: "Regulating Conflicts of Interest: The USA Approach and the Italian Proposal," selected members of the Italian Parliament, Hotel Europa, Rome Italy (March 7, 2001).

Panelist: International Conference, "Revision of the Italian Constitution," Università degli Studi di Urbino, Facoltà di Giurisprudenza (April 22-24, 1997).

Panelist: Conference: "Public Law of Latin America," Università degli Studi di Urbino, Facoltà di Giurisprudenza, Istituto di Relazioni e Comparazioni tra gli Ordinamenti (November 26, 1996).

Member: Delegation of academicians and lawyers to Nicaragua to observe planning for the 1989 general election (June 1989).

LECTURES:

3rd International Conference on Legislative Drafting and Law Reform, Washington, DC: "Principles and Challenges of Bill Drafting: Are They Cross Cultural?" Organized by the Federal Bar Association, the International Judicial Academy, the International Journal of Legislative Drafting & Law Reform, the Global Forum on Law, Justice & Development, and the World Bank Legal Vice-Presidency (7/1/15).

Beijing Normal University Law School: "Administrative law in the US Legal System" (11/13).

Law School of the Central University of Finance and Economics (Beijing): "Structure and Function of Local Government" (11/13).

League of Women Voters

San Francisco: "The Initiative Process" (5/9/13).

Monterey: "California's Initiative and Referendum Process: Is Democracy Being Served?" (2/13/13).

Alameda: "California's Initiative and Referendum Process: The Good, the Bad, and the Ugly" (11/29/12).

Università Bocconi, Scuola di Giurisprudenza, Milano

"*INS v Chadha* and the Legislative Veto" (11/24/11).

"Influencing Legislation (Lobbying) in the US Law-Making Process" (11/25/11).

Libera Università Internazionale degli Studi Sociali (LUISS), Roma

Centro di studi sul Parlamento, Istituto Ceradi

“Il ruolo dei Parlamenti davanti a Esecutivi legittimati direttamente” (3/27/06).

Facoltà di Giurisprudenza

“Regolamentazione dell'attività dei gruppi di interesse” (12/20/95).

“Gli interessi economici e gli incarichi pubblici: Il conflitto di interessi” (12/13/95).

“Il Meccanismo di formazione degli atti normativi nell'ordinamento federale e nella disciplina stati membri” (12/6/95).

“Legislative/Administrative Processes of the United States” (11/23/95).

Facoltà di Scienze Politiche

“Law-Making Process of the United States” (12/21/95).

Università degli Studi di Bologna,

Departmento di Giurisprudenza

“Federalism under the USA Legal System: Historical and Recent Developments” (4/3/01).

“The Interrelationship between Statutory and Decisional Law in the USA” (3/21/00).

“The USA Presidential System and the Independent Counsel Law” (3/3/98).

Facoltà di Giurisprudenza, Istituto Giuridico "A. Cicu”

“The California Initiative Process of Enacting Law” (11/29/96).

“The USA Legal System- Preventing Conflicts of Interest in Law-Making” (11/30/95).

“The USA Legal System- How Law is Made and Interpreted” (11/28/95).

“The USA Legal System- An Overview” (11/27/95).

Università degli Studi della Calabria,

Dipartimento Organizzazione Aziendale e Amministrazione Pubblica,

“La Forma di Governo negli Stati Uniti d'America” (12/5/95).

Università degli Studi di Genova, Facoltà di Giurisprudenza

“The US Legislative Process and Regulation of Financial Interests” December 6, 1996,

“The US Constitutional System of Government” (12/14/95).

Università degli Studi di Macerata, Dipartimento Diritto Pubblico e Teoria del Governo

“Il Conflitto di Interessi: Soluzione Americana e Progetti Italiani” (2/27/02).

Scuola di Formazione Politica "Pedro Arrupe," Palermo

“Conflicts of Interest in Law-Making under USA Law” (11/14/95).

Università degli Studi di Perugia, Facoltà di Scienze Politiche

“Procedura Legislativa e Disciplina Del Conflitto di Interessi, Stati Uniti” (2/26/02).

Università degli Studi di Roma, La Sapienza

Istituto di Diritto Comparato

“Legal Education and Practice in the United States” (3/10/10).

“The USA Undivided Government and the Administrative State” (3/28/06).

“Introduction to the Legal System of the United States of America” with Prof. James F. Smith, UC Davis School of Law (3/22-24/04).

“Preventing Conflicts of Interests (Under US Law and the Italian Proposal)” (3/5/01).

“The Role of Statutory Law in the United States Today” (3/10/99).

Università degli Studi Roma, Tre

Dipartimento di Istituzioni Politiche e Scienze Sociali

"The US System of Presidential Elections" (3/29/00).

"The US President, the Independent Counsel, and the Impeachment" (3/11/99).

"Codificazione e Restatement: Problemi Tecniche di Uniformazione del Diritto" (312/98).

Università degli Studi di Udine

Dipartimento di Scienze Giuridiche

"Federalism under the USA Legal System: Historical and Recent Developments" (4/5/01).

"The Interrelationship between Statutory and Decisional Law in the USA" (3/22/00).

Università degli Studi di Urbino

Facoltà di Giurisprudenza/Facoltà di Scienze Politiche

"Regulation of Politics and the California Political Reform Act" (11/19/07).

"The USA Undivided Government and the Administrative State" (3/28/06).

"Politica Comparata Dell'Immigrazione: Stati Uniti, Italia e America Latina," with Prof. James F. Smith, UC Davis School of Law (3/19/04).

"La Revoca Del Mandato Nel Diritto Comparato" (12/4/03).

"The Strange Case of Bush v. Gore and Federalism in the USA Legal System" (4/6/01).

"Conflitti d'Interesse e Soluzione negli Stati Uniti d'America" (2/28/02).

"The Interrelationship between Statutory and Decisional Law in the USA" (3/24/00).

"The US President, the Independent Counsel, and the Impeachment" (3/5/99).

"The Judiciary in the US and the Role of Judges" (3/5/98).

"Modello Presidenziale degli Stati Uniti" (12/7/95).

University of Nevada, Las Vegas, Boyd School of Law

"The Ascendancy of Legislation and the Importance of Statutory Law" (9/19/08).

Multiple lectures concerning determinate sentencing and other criminal justice matters before various groups, including: Conference on Determinate Sentencing, Boalt Hall, University Research Corporation (June 1977); California Attorneys for Criminal Justice Annual Conference (April 1977), California District Attorneys Annual Conference (December 1976).