

Kevin S. Reed



VIA EMAIL

June 2, 2015

Search Committee, General Counsel
President's Office
110 Johnson Hall
1226 University of Oregon
Eugene, OR 97403-1226

Re: Application for Position of Vice President and General Counsel

Dear Search Committee:

I am pleased to submit this letter and *curriculum vitae* as my application for the position of Vice President and General Counsel to the University of Oregon.

I believe I am uniquely qualified for the position, given my experience in the past twelve years as the chief lawyer for two similarly complex and important educational institutions in California: the Los Angeles Unified School District and, for the past seven years, the University of California, Los Angeles.

Through my work at LAUSD and UCLA, I have significant experience running a large public law office for an intensely scrutinized public institution, in addition to a well-developed understanding of the complex forces that drive and buffet a public institution of higher education with a robust research mission, a nationally recognized and independent-minded faculty, and a nationally prominent athletic program. As my resume demonstrates, I had significant experience at LAUSD in running a complex and diversified law office – 40 plus attorneys who delivered legal services to the nation's second largest school system across the broad spectrum of issues that confront an organization with nearly 100,000 employees and enormous political and financial challenges. LAUSD had an annual budget at the time in excess of \$6 billion, a \$20 billion capital program, and was a public institution under intense public scrutiny. While there, I supervised the delivery of all legal services, provided direct representation to the Superintendent and the Board of Education, ran the Ethics Office, the Educational Equity Office and the Public Records Office and personally directed labor relations and collective bargaining involving 13 different bargaining units.

The position of General Counsel of LAUSD was an intense job, strongly tied to public service and driven by a mission to make a difference in the lives of 700,000 young people. At LAUSD, I was a direct report and senior advisor to the Superintendent of Schools, while

responsible for the representation of the entity itself, the policies and positions of which were set by majority vote of a seven-member elected board. I was comfortable in that role, embracing the notion that my boss was a leader I admired, but not my "client," *per se* and not one who could unilaterally give me the direction a lawyer needs from her or his client. I enjoyed being both a trusted advisor to the board and a key member of the Superintendent's leadership team. Indeed, the President of the Board and the Superintendent under whom I served the majority of my time at LAUSD remain good friends of mine to this day.

At UCLA, I have taken the skills I used at LAUSD and honed them in the higher education domain at an institution with a great many similarities to the University of Oregon. Here, I have many of the same responsibilities I had at LAUSD, but the subject matters my work touches have become even broader, requiring me to become facile in advising my client in such diverse areas as academic freedom, intellectual property, equal protection in admissions, athletics compliance, research compliance and criminal law. I thoroughly enjoy my work at UCLA, and I have been quite successful in my five years here. The opportunity at Oregon, however, presents me with a chance at professional advancement by allowing me to resume the position of general counsel and to return to a role more directly tied to governance, things I have missed here.

While I consider myself to be primarily a civil rights litigator with a strong grounding in constitutional and government law, I am also a well-rounded generalist. There is almost no subject matter listed in the VPGC position description that I have not had some involvement with in my career. The legal issues that have brought unwanted attention to UO in the past several years are issues I have handled with success at UCLA, along with many other potentially mission-interrupting matters. I have had a leadership role in restructuring UCLA's response to sexual violence and sexual harassment on campus (the Title IX office currently reports to me). I have had direct involvement in several sensitive athletics compliance issues (the Director of Compliance in our Athletics Department has a reporting relationship to me). While I do not currently supervise our public records office (I ran that office at LAUSD), I advise that office on a weekly basis (UCLA fields more than 700 records requests each year).

While I enjoy the role of advisor on law and policy matters to UCLA's Chancellor and Provost, I remain an active participant in the legal work done in my office. I review major gift agreements. I draft head coach contracts. I advise the campus on FERPA and HIPAA issues. I remain involved in directing all significant litigation involving the campus. I advise our campus police on interpretations of the penal code and the constitution. I led UCLA's defense of felony charges filed against the university and a member of our faculty arising out of a tragic and fatal fire in one of our chemistry labs. I have led the legal efforts focused on protecting our animal-model researchers from the violent acts of animal rights extremists. I provide leadership and legal advice on-site during campus protest activities. I serve on committees that oversee audit and compliance for the campus and help supervise certain compliance investigations. I advise our admissions offices on strategies for achieving diversity and adherence to constitutional requirements surrounding affirmative action. I advise all senior leadership on conflicts of interest and ethics policies. In short, I have been successful as the chief legal officer of a complex, AAU, NCAA Division 1, PAC-12 flagship institution. I would jump at the chance to do that work in a setting as exciting as the University of Oregon.

My style as a lawyer and as a manager is one of collaborator and consensus builder. I resist the tendency of letting the legal office become the place where all good ideas go to die – but, at the same time, I am not afraid to tell clients when the course on which they have embarked is unlawful, unethical, or unduly risky. I pride myself on working with clients to find a way to achieve their objectives within the boundaries of law and policy, helping to manage risks within the clients' tolerance. I support my team, and take responsibility for the work of my office, but I have terminated employees when warranted. I believe strongly in transparency, accountability, good communication, and taking the high road. I am a zealous litigator, yet I take great pride in maintaining the respect of those with whom I have had to disagree in the past. I count among my friends former opposing counsel and union leadership against whom I was engaged in hard bargaining.

I consider the VPGC position at Oregon a unique, once-in-a-career opportunity. The UO is a highly respected institution that, while facing some challenges, has all the basics in place. I believe recent developments have poised the university for a drive towards increasing greatness. The changes in governance are especially exciting to me; I work now on a campus that is governed by a board that has no unique ties to our mission and we find ourselves regularly working through limitations imposed by being part of a unitary 10-campus system. The newly forged independence of the UO governance structure creates terrific new possibilities. Additionally, the university's recently launched capital campaign, if successful, has the potential to forge opportunities to build a great future from a strong academic base. Finally, and most significantly, I believe UO has just appointed a visionary President. I got to know Michael Schill well as a client and colleague at UCLA when he was Dean of the UCLA School of Law. I served on the committee that reviewed Dean Schill's first five years as dean and know from the many many reports the committee received that he is a great leader, a terrific intellect, a driven educator and a collaborative force. I can think of no better role than to be a member of his leadership team as he works to bring the University of Oregon to reach new heights.

I thank you for your consideration of my candidacy.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kevin S. Reed", with a long horizontal line extending to the right.

Kevin S. Reed

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PROFESSIONAL EXPERIENCE

UNIVERSITY OF CALIFORNIA, LOS ANGELES

Vice Chancellor, Legal Affairs and Associate General Counsel, March 2008 – present.

As chief legal officer at one of the world's highest-ranked public research universities, I am responsible for all legal matters on the campus (the largest of ten in the 10-campus University of California system – 43,000 students, annual budget approximately \$6 billion). I am involved in some way in most major strategic and policy efforts for the campus, including instructional, research, enrollment, marketing, licensing, capital-raising, and health system expansion. I play a key role in all campus initiatives proposing engagement in the field of K-12 education. I manage a legal team that provides all legal support and strategic advice for the nationally prominent UCLA Health System, the campus police department, university-operated museums, auxiliary enterprises, athletic department, student affairs, purchasing, and all faculty academic areas. I am an active leader of all major litigation, whether civil or criminal, at UCLA. I advise the Chancellor and senior leadership on diverse issues ranging from education and health law to student admissions, procurement, brand management, constitutional law, academic freedom, ethics, NCAA compliance, corporate compliance, online education, governance, research misconduct, the protection of academic researchers, contracts, public records demands, police conduct, student discipline, construction law, and student and patient privacy. I work with the Chancellor and systemwide General Counsel in advising and supporting the University of California Board of Regents in their governance and oversight of the campus, including presenting to the Board and its committees on major litigation and significant initiatives of the campus. I serve as member of the Chancellor's senior executive team and participate on numerous standing and ad-hoc committees including health system compliance committees, search committees for senior administrators and professional school deans, audit and oversight committees and committees that oversee student athlete drug testing, laboratory safety and human subject research protections. I have taken leadership responsibility in campus efforts on responding to sexual assaults in the campus community, providing protection for animal model researchers threatened with acts of violence, the protection of academic freedom in the face of sweeping public records requests, the use of technology in the classroom and advancing diversity within the constraints of state laws restricting the use of affirmative action.

LOS ANGELES UNIFIED SCHOOL DISTRICT

General Counsel, May 2004 to March 2008, **Acting General Counsel**, June 2003- April 2004. For nearly five years, I served as General Counsel for the Los Angeles Unified School District, the nation's second-largest school district, with an annual budget in excess of \$6 billion, a capital program in excess of \$20 billion, and nearly 100,000 employees represented by several collective bargaining units, all of them serving over 700,000 students in grades K-12. During my work at LAUSD, I reported to the superintendent of schools and worked on a daily basis with him and the

seven-member elected board of education, advising them on the full spectrum of legal, legislative regulatory, and strategic issues facing the entity. Working in a highly charged and intensely political environment, my areas of responsibility included providing legal and strategic advice and coordination in virtually all matters, including instructional, curricular, employment, labor relations, capital, bond financing, financial reporting, restructuring of post-employment benefits and all other major legal and financial matters. I have deep experience in the structuring of licensing and other vendor contracts for instructional materials and in the District's procurement of services, major systems and programs. My tenure there provided me with broad experience in the art of discovering solutions even when the technical, financial, and political considerations produced complexity.

STRUMWASSER & WOOCHEER LLP, Santa Monica, California

Partner, July 1999 to April 2004, Associate 1996-1999. Specialized in civil litigation and counseling on issues of education law, constitutional law, civil rights, election law, insurance regulation, class actions, government law and advice to non-profits. Matters handled ranged widely in subject matter, though they shared the trait of intense complexity. Cases involved a constitutional challenge to the methodology employed in distributing state funding for school construction — resulting in over \$600 million in state funding to Los Angeles Unified School District.

NAACP LEGAL DEFENSE & EDUCATIONAL FUND, INC., Los Angeles, California

Managing Attorney, Western Regional Office, 1990 to 1996. Handled civil rights impact litigation in areas of police abuse, housing discrimination, health care and environmental and criminal justice. Was directly responsible for all aspects of litigation in trial and appellate courts in nation's oldest non-profit civil rights law firm. As managing attorney, was responsible for ensuring compliance with IRS rules governing non-profits, designing office technology and information systems and launching the 50-year-old organization's first automated document assembly system and first LAN. Supervised and trained clerical and para-professional staff on law office and court procedures; oversaw office hiring of professional staff and summer law-student internship program.

FLORIDA STATE UNIVERSITY SCHOOL OF LAW, Tallahassee, Florida

Visiting Professor of Law, Tobias Simon Chair in Public Interest Law, April 1996. Taught seminar on police abuse litigation to second- and third-year law students.

SUPREME COURT OF MICHIGAN, Detroit, Michigan

Judicial Law Clerk to Justice Dennis W. Archer, 1989 to 1990.

HARVARD PRISON LEGAL ASSISTANCE PROJECT, Cambridge, Massachusetts

Student Attorney, 1986-1989. Sole responsibility for the representation of prison inmates in administrative disciplinary hearings.

HARVARD DEFENDERS, Cambridge, Massachusetts

Student Attorney, Spring 1989. Sole responsibility for the defense of indigent criminal defendants charged with misdemeanors and minor felonies.

KOSTELANETZ, RITHOLZ, TIGUE & FINK, New York, New York
Summer Associate, Summer 1988. Assisted in white-collar criminal defense.

CENTRE FOR APPLIED LEGAL STUDIES, Johannesburg, South Africa
Summer Intern, Summer 1987. Conducted research on human rights, civil rights, labor law.

ACADEMIC

J.D., 1989, Harvard Law School, *cum laude*, Board of Student Advisers

B.A., 1986, University of Virginia with high distinction, Phi Beta Kappa

REPRESENTATIVE MATTERS HANDLED AND SUPERVISED

Regents v. UCLA Primate Freedom Project, et al., LA Superior Court SC097145. Supervised case that enjoined animal rights extremists who engaged in threats of violence against UCLA animal model researchers.

People v. Regents of the University of California, Supervised defense of university in felony prosecution arising out of fatal laboratory accident; result was deferred prosecution agreement disposing of all charges.

AIME v. Regents of the University of California, US District Court, CD Cal., 10-cv-09378. Supervised successful defense of university's use of video streaming technology under copyright challenge by video publisher setting new precedent for use of digital technologies in education.

Medivation, Inc. v. Regents of the University of California, SF Superior Court, CGC 11-510715. Supervised successful defense of contract with licensee, securing university's \$35 million-plus annual royalty stream for prostate cancer therapeutic.

Valentini v. Shinseki, US District Court, CD Cal, 11-cv-4846; Supervised university's intervention in case challenging Veterans Administration failure to house homeless veterans and negotiated resolution of dispute over use of Veterans Affairs property for baseball stadium.

Mendoza v. State of California (2007) 149 Cal. App. 4th 1034. Supervised legal challenge to legislation that would have transferred substantial control of Los Angeles Unified School District to the Mayor of Los Angeles. Participated as counsel at trial and argued successful appeal. Handled press queries on litigation from local and national media.

State of California ex rel. Barakat v. Department of Water and Power SB SCVSS 100293. Supervised representation of Los Angeles Unified School District in challenge to rate-setting by municipal utility. Resulted in \$234 million verdict against the utility, with \$94 million due the District.

Godinez v. Davis, LASC No. BS 061535. Served as co-lead counsel for intervener Los Angeles Unified School District in case that successfully challenged the State of California's discriminatory "first-come, first-served" school construction funding system that had systematically funneled billions of dollars in state funds for new schools to suburban and exurban school districts to the detriment of the severely overcrowded Los Angeles school district. Settlement resulted in over \$600 million in state bond funds for LAUSD.

Benford v. Webb, CD Cal. Civ. No.01-05388 GAF. Co-lead counsel for Los Angeles Unified School District in defending constitutionality of school district's years-old policy of randomly searching students for weapons. Achieved rapid resolution with settlement with plaintiffs represented by ACLU that requires the District to reinforce for school administrators the importance of the controls designed to protect the rights of students.

Authorship of Measure K, \$3.35 Billion School Construction Bond. Worked directly with the office of the Los Angeles Unified School District Superintendent on the structure and language of the nation's largest ever local school construction bond measure, including the ballot measure's provisions governing independent oversight of bond expenditures.

Supervised Authorship of Measure R (\$3.87 Billion) and Measure Y (\$3.985 Billion). Supervised all aspects of writing and placing on the ballot two subsequent multi-billion dollar bond measures. Advised Superintendent and Governing Board on all aspects of bond measure election and ensured legal compliance with prohibitions on public agency electioneering.

Advocacy Related to School Construction Funding. Worked intensively in Sacramento on Los Angeles Unified School District-sponsored legislation of core importance to the District's massive school construction program. Was a primary architect of the "Critically Overcrowded Schools" program included in AB 16, a program that targets state school bond funding to densely developed urban school districts. Was primary author of District-sponsored AB 401, a statute that dramatically increased the amount of state funding available for projects in which the District re-utilizes administrative space.

BOARD SERVICE

UCLA ANDERSON SCHOOL OF MANAGEMENT, Certificate from Director Education Program, October 2013.

GREEN DOT PUBLIC SCHOOLS CALIFORNIA, Chair of Board of Directors; (Member, Board of Directors, 2011-present. Vice-Chair of the Board, 2012-14. Chair of Governance Committee, 2011-2013). GDPS is a nationally recognized Charter Management Organization engaged in operating innovative independent public schools serving the most challenging neighborhoods in Los Angeles. We have led the nation in path-breaking public school transformations for secondary school students, taking over the operation of three of Los Angeles' most chronically failing middle and high schools and dramatically improving rates of retention, graduation and college attendance. Green Dot focuses on high quality instruction, high expectations for students and a progressive partnership with teacher leadership in its unionized faculty. We have eighteen schools in operation and an annual budget in excess of \$140 million. We recently launched an effort at national expansion, and Green Dot is opening schools in Memphis and in the state of Washington. I helped plan and execute the governance changes necessary to enable this expansion, helping to create a new board to oversee all regions, then stepping up to chair the California regional board. As Chair of the board, I oversee and support management in meeting financial goals and measurable educational outcomes for students. I participate in strategic planning discussions with our senior management team, review the organization's budget and audit and evaluate the CEO annually.

EXED, Member, Board of Directors, 2008-present. Member, Audit Committee. ExEd works with established community-based organizations and proven educators to help create and support high achieving charter schools in Southern California, providing back-office and financial acumen to independent operators of over 50 charter schools in Los Angeles and San Diego. ExEd has innovated

charter school facility financing through the use of New Markets Tax Credit financing, helping to place over \$130 million in financing to create facilities for students in the most impoverished neighborhoods in Los Angeles.

EDUCATION PIONEERS, Member, Local Advisory Board, 2010- present. Education Pioneers works to identify, train, connect, and inspire a new generation of leaders dedicated to transforming our educational system so that all students receive a quality education.

UCLA COMMUNITY SCHOOL, Member, School Site Governing Council, 2010-present. Serve as one of the UCLA Chancellor's representatives to the school-site governance council of a K-12 Pilot School operating within LAUSD in the Robert F. Kennedy Community Schools Complex in the Korea Town/Pico Union neighborhood. UCLA-CS is a significant initiative by UCLA's Chancellor and the UCLA Graduate School of Education and Information Studies, representing a partnership between UCLA and the Los Angeles Unified School District to help transform a school in one of Los Angeles' most challenged neighborhoods.

EXPERT WITNESS TESTIMONY

Sacramento City Unified School District v. Girard and Vinson, et al., Sacramento Sup. Ct., 2010; Testified as expert on behalf of plaintiff school district in professional malpractice action; testified on standard of care of school district attorney to the district and its governing board.

LECTURES AND SEMINARS

Taught and spoke at seminars and conferences on such issues as school law, class actions, constitutional litigation, police abuse law, public interest law, fair housing law and redevelopment law. Engagements include: regular lectures at UCLA School of Law on issues relating to education law, National Association of College and University Attorneys, California Council of School Attorneys, National School Boards Association Council of School Attorneys, Los Angeles County Bar Association "Hot Topics" seminar (Employment Class Actions); Constitutional Litigation seminar presented by the Black Lawyers Association of South Africa in Johannesburg, South Africa; guest teaching in police abuse seminars at UCLA and Stanford law schools; presentations on careers in public interest law at USC and UCLA law schools; and local seminars on redevelopment law.

PROFESSIONAL AND PERSONAL AFFILIATIONS AND BAR MEMBERSHIPS

Member, California, New York, and Massachusetts State Bars

Martindale-Hubbell AV rating

Admitted to practice before: United States Courts of Appeal for the Ninth and Tenth Circuits, United States District Courts for the Central and Northern Districts of California

Member, Los Angeles County Bar Association

Member (2003-04), Leadership Council, Topanga Elementary (Charter) School

Director (1995-2000), Federal Bar Association, Los Angeles Chapter;
Chair, FBA Civil Rights Section

Former President, Trout Unlimited, Los Angeles County Chapter
Warden (1997) and Member of Vestry (1996-1998),

St. Augustine by-the-Sea Episcopal Church, Santa Monica

Member, Beekeepers Association of Southern California

Member, North American Versatile Hunting Dog Association