



Colleagues in Law

A Celebration of Alumni Achievement



William Black

Class of 1987
Dean's Counselor

1. Of what success are you most proud?

I have two sons and five grandchildren, and I've been married for 36 years to the same woman, whom I met when I was 15, in junior high school. We've been through good times and bad, but "for better or for worse" she's still the one.

2. What does being a Western State alum mean to you?

Western State was a great school/opportunity for me because it gave me the ability to finish law school while I was working and still get an absolutely top quality legal education. As far as being a Western State alum, there are a lot of really high quality WSU alum practitioners in Southern California. I run into them every day, and it's a good feeling of community.

3. What do you like most about the practice of law?

Probably the thing I like most about the law is that it is dynamic. A lawyer is constantly facing new challenges, dealing with new issues, and encountering new material. It's an endless opportunity to grow and develop professionally.

4. What do you like least?

You know, I love being a lawyer. I enjoy what I do. There are some tasks that become tedious and repetitive, but I try to focus on doing them more quickly and efficiently, and getting them done as soon as

possible. Practicing law can be like the old saying about combat: “hours of tedium punctuated by moments of sheer terror.”

5. How has the practice of law changed from when you first started?

What I have seen is an increased emphasis on Specialization. The practice has evolved into practitioners increasingly becoming narrowly focused subject matter experts. A friend who is a very knowledgeable ERISA lawyer recently told me “every day it seems I know more and more about less and less.” I have spent 20 some odd years as a corporate general counsel, and I tease outside lawyers that being General Counsel is as close as you can come to being a general practitioner and still retain any dignity at all. And no, there is still no such thing as a universal genius.

6. What do you see as the most important/pressing issue in the legal system?

That’s a great question. We live in a time of cultural conflict and polarized partisan values. As a result, there are severe strains on the protection of rights and the exercise of freedoms by different groups of people that conflict with each other. The biggest challenge to the system as a whole is to find a way to recognize and give deference to the legitimate positions of proponents on both sides of an issue rather than to reward one side at the expense of the other. It’s like driving a car with one backseat driver telling you to turn right and the other backseat driver telling you to turn left. Both sides are more than confident that they are absolutely right, and both bristle at the thought of the law not agreeing with them. Sometimes a compromise is possible, but sometimes the conflict can result in you driving straight into oncoming traffic.

7. What is your first memory of Western State?

I was working as an investment banker in So. Cal., and decided it was time to go back to law school. Western State was a top choice; it had a good reputation, working on provisional ABA approval, and it offered a flexible schedule. I was already married with a mortgage and kids. The people in admissions and the Dean at the time were incredibly receptive and accommodating; I had a very good feeling dealing with them. They also let me know about the “President’s Scholar” Contest. It was an essay writing contest based on a 1000 word submission. The first prize was a full scholarship to law school. The topic was, “The role of the attorney in today’s society.” I submitted my essay and won the first prize, so I had a free ride.

8. What are your favorite memories?

<smiles> I remember a funny class session one evening. An adjunct professor went through one of the cases in the case book, and in my opinion he got it dead-wrong. It was a death-penalty case as I recall. I told him that I disagreed, and he made me brief the case. He was very respectful and said he’d go back and rethink it—and he didn’t flunk me! He earned my respect that evening.

9. Can you speak on your work with the State Department?

To a certain extent... With top-secret clearance, there are certain things I can't talk about. I was G.C. for a French aerospace/defense company and I handled all their export control issues. We had a massive ITAR violation involving a navigation component for commercial aviation that inadvertently contained military technology. I handled a voluntary disclosure to the Bureau of Political Military Affairs at the Department of State along with a group of 20 air frame manufacturers and airlines. We had to provide testimony in Congressional hearings and we actually obtained a Presidential Waiver from George W. Bush to sell this military technology to China. We ultimately re-designed our component and settled our violation with no fine at all. Later, I was contacted by a British aerospace/defense company that had bought a U.S. defense contractor. In the response to their CFIUS application to approve the acquisition, they were required to fill certain positions with U.S. Nationals approved by the Department of State. I was on the short list. When the US Department of State offers you a job, sometimes it's "an offer you can't refuse." Of course, the job involved handling the legal issues for 1,750 personnel on forward fire bases in Iraq and Afghanistan, so it was more than a job – it was an adventure.

10. How effective have sanctions been as a policy instrument?

I think sanctions have been moderately effective, but obviously they are not a panacea, and their effect is not short-term. Borders are porous, and creative commercial and industrial firms find ways of violating every sanction regime. Sanctions can put pressure on noncompliant governments and encourage them to shift their policy and change their position somewhat, usually in response to the internal societal pressures that sanctions create. Sanctions are a double edged sword though, and they cause pain in both the sanctioned and the sanctioning countries.

11. What are some of the most startling distinctions you've experienced in non-American legal systems?

There are a number of distinctions that are not commonly recognized, but not necessarily startling. In France and many other European countries, for example, there is no Attorney-Client Privilege afforded to In-House lawyers. The theory is that a lawyer must be independent, and if a lawyer works for a single company as an employee, that lawyer lacks independence and cannot act as a true attorney at law. In fact, if a member of the French bar (an Avocat) joins a company as in-house counsel, they must withdraw from the bar and cease to be an avocat for the time they are in-house. Also in litigation in the French courts, a lawyer is not permitted to prepare a witness to testify. It is considered an ethical violation to assist a witness with any part of their testimony; it is viewed by the courts sort of like witness tampering or obstruction of justice.

Without exception, the single most startling difference that struck me is the British anti-money laundering statute. Under UK law, lawyers (called Solicitors) who believe or suspect that their clients may be involved in a criminal enterprise or may have obtained money illegally must report their client to the government and then must go through a charade of pretending to represent the client without telling them that they have been reported or that they are under investigation by the Government. If a solicitor fails to report a client under circumstances where the solicitor "knew or should have known" that the client possessed funds that had been obtained illegally, the solicitor is guilty of a crime and can be prosecuted by the government. If the

lawyer alerts the client that they have been reported or are under investigation, the lawyer is guilty of “tipping” and is subject to criminal prosecution.

I am dual-qualified as a lawyer in the United States and a Solicitor in England and Wales. If confronted with a client I suspected of obtaining funds through illegal means, my legal obligation under UK law would directly conflict with my ethical obligations under US law. The most ironic aspect of this dilemma is that most people assume that since US law is largely derived from English common law, the US and UK laws would be similar, but that is NOT always the case. We are like “two peoples separated by a common language.”

Western State College of Law is fully accredited by the American Bar Association (321 North Clark Street, Chicago, IL 60610, (312) 988-5000). Western State College of Law at Argosy University is a campus of Argosy University.

Argosy University is accredited by the Senior College and University Commission of the Western Association of Schools and Colleges (985 Atlantic Avenue, Suite 100, Alameda, California, 94501, <http://www.wascsenior.org>).

Programs, credential levels, technology and scheduling options are subject to change. Western State College of Law at Argosy University, 1111 North State College Blvd., Fullerton, CA 92831-3014 ©2014 Western State College of Law.

See wsuprograms.info for program duration, tuition, fees, and other costs, median debt, federal salary data, alumni success, and other important info.