



PACIFIC LEGAL FOUNDATION

February 20, 2013

Dean Christopher Edley, Jr.
UC Berkeley School of Law
215 Boalt Hall
Berkeley, CA 94720-7200

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Dear Dean Edley:

I am an attorney with Pacific Legal Foundation (PLF). PLF has been contacted by attorneys and authors across the country who are concerned that UC Berkeley may be using race and sex criteria when determining whether to publish articles in the California Law Review. PLF is seeking information that will help us evaluate the concerns of these individuals.

This letter is a formal request for public records within your custody, control, or possession. PLF's right to this information is established in Article I of the California Constitution, as well as the Public Records Act, California Government Code § 6250, *et seq.*

I request copies of the following public records:

1. Any order, agreement, or decree that requires UC Berkeley to solicit race and sex information from individuals who submit manuscripts or articles to the California Law Review (hereinafter "authors").
2. All documents, memoranda, reports, drafts, and e-mail detailing, describing, or debating, whether UC Berkeley should request race and sex information from authors.
3. All documents, memoranda, reports, drafts, and e-mail that mention UC Berkeley's decision to request that authors identify race and sex information when submitting articles for publication.
4. All documents that reference, mention, or use the demographic data that UC Berkeley compiled through article submission forms.
5. All documents describing guidelines or instructions on how to compile or use the demographic data UC Berkeley solicits from authors.
6. All documents and guidance given to professors, employees, or students describing UC Berkeley's policy to request race and sex information from authors, including but not limited to policies, implementation plans, handbooks, worksheets, memoranda, correspondence, data, charts, and drafts.

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If the records and documents sought are stored electronically, please provide the information on a disk readable by an IBM-compatible personal computer and identify the program used or send it as an e-mail attachment to me at jpt@pacificlegal.org. If the information sought is not stored electronically, please provide hard copies. Copies can be mailed to: Joshua Thompson, Pacific Legal Foundation, 930 G Street, Sacramento, California 95814.

If you determine you cannot disclose any of the requested information in its entirety, I request that you release any and all reasonably redacted material that may be separated and released. For any documents, or portions thereof, that you determine to be exempt from disclosure, I request that you exercise your discretion to disclose the materials, absent a finding that a reasonable basis exists to invoke an exemption.

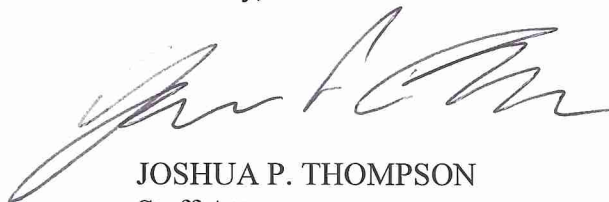
Should you withhold disclosure of documents within the scope of this request, I ask that you provide an index that: (1) identifies each and every document that is withheld; (2) states with specificity the statutory exemption claimed for each document; and (3) explains how disclosure of a particular document would damage the interest protected by a particular exemption.

Please provide me with the responsive documents no later than March 2, 2013. Government Code § 6253(c) requires a response with ten (10) days of the receipt of this request. If you are unable to provide copies of the requested information to me within the time specified, please contact me immediately at (916) 419-7111.

Lastly, we respectfully request that you waive any costs. PLF is a nonprofit public interest foundation which subsists on charitable donations and we are seeking this information in the public interest. If you determine that the documents requested are too numerous or lengthy to provide courtesy copies, please contact us so that we may discuss the cost of providing the documents.

Thank you for your immediate attention to this matter. If you have any questions, please contact me at jpt@pacificlegal.org or (916) 419-7111.

Sincerely,



JOSHUA P. THOMPSON
Staff Attorney

cc: Professor Eleanor Swift, California Law Review Faculty Director
Elizabeth Kim, California Law Review Editor-in-Chief