In April, 1982, Dean James O. Freedman assumed the Presidency of the University of Iowa. At the time of his resignation, University of Pennsylvania President Sheldon Hackney praised "Jim Freedman as a complete Dean—institutional leader, faculty recruiter, fundraiser. We shall miss him greatly, but it is a wonderful opportunity for him and a perceptive choice by the University of Iowa regents. He will make an excellent Big Ten University President."

Robert H. Mundheim, University Professor of Law and Finance at the University of Pennsylvania and former General Counsel to the United States Treasury Department, succeeded James Freedman as Dean of the Law School. In announcing the selection, President Sheldon Hackney said, "Robert Mundheim has distinguished himself in the areas of legal scholarship, national governmental administration, and international negotiation. He has served with equal distinction at the University of Pennsylvania where, in 1970, he became the youngest faculty member to hold a chair in the Law School. Because of the breadth of his experience and accomplishment, because of his intimate knowledge of Penn and the Law School, he is uniquely qualified to lead one of the nation's top law schools through the difficult times that lie ahead for higher education in this country."
Summer 1982

University of Pennsylvania
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employment, students and applicants to educational
programs and activities.

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Editor: Libby S. Harwitz
Design and Layout: Gary Hummel
Editorial Assistants: Joseph Landy,
Anne McCollum, Lisa R. Sackett
Photograph Credits:
Rande Anmuth, pages 1, 4, 9, 10
Sylvia Barkan , page 6
Dr. Burton Blender, pages 3, 11
Dr. Richard Lonsdorf, page 5
Although I had known Jim Freedman for a relatively short time, it has been long enough for me to feel keenly the "sweet sorrow" of parting. Over the past year, since I became President of the Law Alumni Society, we have collaborated on the programs and projects of the Society. What a pleasure it has been to work with him! He is a man of strong character, great learning and humanity. His weapons are always those of the scholar, conveying strong convictions with persuasive gentleness.

I have a vivid recollection of the address he made at Law Alumni day in 1979, shortly after he became Dean. On that occasion, he said that one of the books that most influenced his life was Carl Sandburg's autobiography, Always the Young Strangers. In that book, Freedman said, Sandburg writes of the way in which society is renewed every generation by the appearance of the young strangers who come along to assume positions of leadership. Intrigued, I searched for the book and found it at a book auction. This led to a comparison of notes with him, in which he showed me his list of the books he was seeking, and I showed him mine of book stores around the world where he might find them.

The message of the Sandburg book is now right on the mark. Without persons like Jim Freedman, education would be a barren process indeed, suffocated by the constant pressures for more money and more bricks. As a teacher and Dean, he has been instrumental at the Law School in providing for the young strangers sitting in our classrooms, the very best training and vision and wisdom, as they prepare "to undertake the process of enriching the law and renewing society."

With mingled emotions of loss and happiness for his good fortune, we wish him well in the new endeavor.

Bernard M. Borish, '43
President
The Law Alumni Society
1981–1983
One of the important roles of a great university is to form the leaders of other great universities. Thus, as Dean Freedman leaves us for the presidency of the University of Iowa, our reactions are inevitably bittersweet. How fortunate the University of Iowa is to have him as its new president, and how fortunate we have been to have had him at Pennsylvania these past years!

We take it for granted that all professors at the University of Pennsylvania are dedicated teachers and are outstanding scholars. What additional qualities does Jim have that enable him to assume the tasks of administration with such grace, transforming them into opportunities for his own growth and the refinement of his talents? His personal attributes which sometimes appear as contrasts help make him so effective. He is articulate and he is an attentive listener. He is fairminded and he is enthusiastic. He has high standards but remains compassionate. He is cautious yet efficient, energetic yet patient. He respects the feelings of others but acts on the basis of principles. Balanced by this rich array of desirable contrasts, Jim has, above all, a delightful curiosity about ideas, people, literature, history, institutions. With his avid interest in the world about him and beyond him, it is no surprise that he had reviewed novels and other literature books for a local newspaper. I confess it was not accidental that I encouraged Jim to accept the role of our first Ombudsman, and then to serve as Associate Provost of the University and later as Dean of our great Law School, and now to assume the presidency of the University of Iowa.

I knew that to each post Jim would bring a broad intellectual scope; he did so as Dean, not only to the study of law as a profession, but also to law as it relates to history, the social sciences and the humanities. What I did not anticipate was that he would also prove to be a splendid fundraiser as he ignited the enthusiasm of Alumni.

Mostly, we shall miss Jim as a stimulating friend and associate. His range of interests, his warmth, his human and social values as well as his academic integrity, all make him a model for his colleagues and students. Much of Jim Freedman will remain in the spirit and accomplishments of the University of Pennsylvania; I like to think that he will take much of the special character of the University of Pennsylvania to the University of Iowa.

Martin Meyerson
President Emeritus
The University of Pennsylvania
At the time of his appointment as Dean of the Law School, Jim Freedman was already established as a great teacher and as a scholar of front rank. His book on administrative law is a signal contribution to the literature in the field. As Dean, he kept the Law School on an even keel during troubling times, and greatly expanded the level of giving, which at this juncture is of critical importance to the School. His ability to deal with students, colleagues, trustees, and administrative officials is without equal.

In addition to all else, Jim possesses the highest type character. He knows how to combine idealism with wisdom, courage with modesty, conviction with tolerance, reticence with speaking his mind, and personal kindness with adherence to principle. He never evades the duties of citizenship or the probings of his sensitive social conscience, and always seems to find both the time and the strength for all important causes, both large and small.

We are all more grateful than we can say that we have had the privilege of Jim’s association over these last few years that have been so important to the life of the Law School.

The Honorable Arlin M. Adams, ’47
Member, The Board of Overseers
The University of Pennsylvania Law School

It was my privilege to speak for the Faculty of the Law School in inviting James O. Freedman to launch a teaching career in our academic company. Now, alas, he has exceeded our expectations. In his service as teacher, productive scholar and Dean he has performed with marked distinction. He has contributed significantly to legal scholarship in the field of administrative law. And he has been an active force in administrative law circles. He has a lively sense of community as demonstrated by active participation in the work of various civic organizations.

I am sensitive to Pennsylvania’s loss in James Freedman’s departure to Iowa, but I congratulate him upon his appointment as President of the University of Iowa and wish for him distinguished leadership in that fine university.

Jefferson B. Fordham
Dean
The University of Pennsylvania Law School
1952–1970

In the past year, my relationship with Jim Freedman has not been merely the easy, felicitous one which normally exists between an Alumnus and his law school Dean. We have known each other in different roles—those of lawyer and client, he as the neutral Chairman of the Pennsylvania Legislative Reapportionment Commission and I as its (and his) counsel. I have labored with him during the delicate and sometimes frustrating process of redrawing the election districts for both Houses and General Assembly. We have spent practically every waking moment of many days and weeks together in each other’s company—discussing, debating, winning, dining, traveling, talking, but never fighting. If there were flaws in his makeup, this intimacy would have exposed them. There were none. Throughout, Jim exhibited rare qualities of industry, perseverance, good humor and sound judgment. A self-proclaimed novice in the political arena, he quickly proved himself to be a veteran diplomat and earned the confidence and respect of the legislative leaders with whom he was in frequent contact. Most importantly, he was always steadfast and courageous, traits so ingrained in his being that they cause me to conclude this unabashed tribute to him with the words used by Dean Acheson in dedicating his memoirs to Harry Truman: “To the Captain with the mighty heart.”

Thomas N. O’Neill, Jr. ’53
Counsel, The Pennsylvania Legislative Reapportionment Commission
Jim Freedman’s entire professional career has virtually been at the University of Pennsylvania, and it has been an active and versatile one indeed. As Professor of Law, he demonstrated that he is a superb teacher—clear, perceptive, inspiring, one who prepares his students not only for the representation of clients but for active participation in the higher callings of the Bar. As University Ombudsman, at a tumultuous time in the history of universities, he demonstrated an unusual capacity to deal with extremely diverse views of various university groups and a rare ability to achieve compromise without sacrificing values that need to be preserved. As Law School Dean, he achieved much in a mere three years, inspiring an unusual degree of cooperation and support from students, Faculty, Alumni, and university administrators. I mention only one of his significant accomplishments as Dean. This was to provide the leadership necessary to inspire a united Faculty effort for a new emphasis on assuring the highest quality of teaching in the Law School, a quality to match the Faculty’s high level of scholarship, its production of significant books and other writings. Jim’s personal qualities compare to his professional skills. His unassuming manner, his modesty, his courtesy, his unceasing desire to be helpful, his capacity for friendship are his hallmarks. As Jim leaves his present post for his new and larger role at the University of Iowa, he takes with him the highest esteem and, the warmest affection of all who have known and worked with him at the University of Pennsylvania.

Bernard A. Segal, ’31
Member, The Board of Overseers
The University of Pennsylvania Law School

Being associated with Jim Freedman in the affairs of the Law Alumni Society was one of the real dividends of serving as President. He was always accessible, eager to be of assistance and deeply interested in strengthening the Society as a viable organization. His willingness to be involved at any time and place is in large measure responsible for the increased impact that the Society now has in the life of the School. It was a real joy to work with him.

Marshall A. Bernstein, ’49
President
The Law Alumni Society
1979–1981

It has been my great fortune to have had Jim Freedman as my friend for over seventeen years, ever since he first got here to Penn. I think, and I think he thinks too, that our relationship has been unique. We taught over 750 classes together here and we taught perhaps another 150 at other places. Believe me, nobody spends that much time or that kind of time with another human being without getting to know him or her extraordinarily well. It’s probably the equivalent of having been married to someone for twenty-five or more years. Which enables me to say that he is one of the warmest, wisest, most compassionate people I know. I shall miss him terribly.

Richard G. Lonsdorf, M.D.
Professor of Psychiatry in Law
The University of Pennsylvania Law School

James Freedman has served this region well. In addition to a long and distinguished career as Professor and then Dean of the University of Pennsylvania Law School, he was Chairman of the Pennsylvania Reapportionment Commission. Additionally, he has served with distinction on Philadelphia’s Board of Ethics. As a member of that Board, his legal expertise and keen sense of justice and fairness were important in the development of guidelines and standards of ethics for all Philadelphia employees.

I am happy to have had the opportunity to work with Jim Freedman and wish him the best of luck as the new President of the University of Iowa.

The Honorable William J. Green
Mayor
The City of Philadelphia
Symposium

Reunion Weekend—October 16–17

Eight University of Pennsylvania Law School quinquennial Classes—'32, '42, '47, '52, '62, '67, '72, and '77—will gather in October to commemorate what promises to be a new tradition in class reunions. (The Classes of '37 and '57 have scheduled alternate dates for their reunion celebrations; however, they are invited to attend the events of Reunion Weekend).

On Saturday morning, October 16, after a light breakfast at the School, Class members are invited to attend the First Louis B. Schwartz International Conference in which participants will include Law School Faculty, area practitioners, and State and local government officials. A Faculty-Alumni sherry reception will be followed by luncheon at the University's Faculty Club, where Dean Robert H. Mundheim will introduce the guest speaker of the day.

The afternoon will be free of Law School-related activities, but sightseeing information, etc. will be readily available to those wishing to tour Philadelphia and its environs. In the evening, each Class will meet and celebrate at separate planned functions to be held in restaurants and hotels throughout the city.

The weekend activities end with an omelette brunch at the Law School on Sunday morning.

The LL.Ms Go To Washington, D.C.

In February, approximately 50 University of Pennsylvania Law School graduate students visited the nation's capitol. The group of international students, led by Assistant Dean Alice B. Lonsdorf, spent two days touring the area which included the opportunity to view a session of the Supreme Court. The LL.Ms also met privately with Chief Justice Warren E. Burger.

The Law School Light Opera Company Performs “Ruddigore or The Witch's Curse”

The University of Pennsylvania Law School Light Opera Company presented its sixth annual production in early April. Composed of students, Alumni and Faculty of the Law School, the Company offered excerpts from the Opera as part of the Law Alumni Society’s Law Alumni Day program on April 20.

Attention: All Wilson Law Club Members

An updated list of all Club members is in preparation! In order to insure your being included in the mailings for Club news and for information concerning the Annual Dinner and other events, please send your addresses, etc. to Thomas A. Bell, Esq., 500 Public Ledger Building, Philadelphia, PA 19106.

The 1982 Keedy Cup Competition

The Edwin R. Keedy Moot Court Competition will be held on Friday, November 12, 1982. The Bench will include Retired Justice Potter Stewart of the United States Supreme Court, presiding; the Honorable Dolores K. Sloviter of the United States Court of Appeals for the Third Circuit; and Judge Murray Schwartz of the United States Court of Appeals for the District of Delaware.

The Law Review's Symposium


The introductory address was delivered by The Honorable Henry J. Friendly of the United States Court of Appeals for the Second Circuit. Dean James O. Freedman moderated the sessions.

Professors Paul Brest, Stanford Law School, and Karl Klare of the Northeastern School of Law were featured in the morning meetings and Professors Christopher Stone, University of Southern California Law Center, and Robert Ellickson of the Stanford Law School led the afternoon sessions. Commentators were Professors Regina Austin and Frank Goodman of the University of Pennsylvania Law School; Professors Gerald Frug, Morton Horwitz, Duncan Kennedy, and Frank Michelman of the Harvard Law School; and Robert Mnookin of the Stanford Law School.

Professor Paul J. Mishkin to Deliver the 1982 Roberts Lecture

This year's Owen J. Roberts Memorial Lecture will be given by Paul Mishkin, Professor of Law at the University of California Law School at Berkeley and, for many years, a member of the University of Pennsylvania Law Faculty.

The Lecture will be held on Thursday, October 21, at the University of Pennsylvania Museum.
Ongoing Program Pays Tribute to Professor Schwartz

The Louis B. Schwartz International Conference Program has been created to honor the extraordinary achievements and contributions to the law made by Benjamin Franklin and University Professor of Law, Louis B. Schwartz, during his illustrious career. An alumnus of the Wharton and Law Schools of the University of Pennsylvania and Professor at the Law School for 34 years, Mr. Schwartz has written extensively in the fields of Criminal Law and Antitrust Law, and has contributed in an advisory capacity to federal agencies and governmental committees in these areas.

Several Law School classes already have pledged reunion gifts to the Program, and contributions have been made by a number of Professor Schwartz’s longstanding friends and admirers. Alumni wishing to acknowledge Mr. Schwartz are invited to contribute to the Louis B. Schwartz International Conference Program. Checks are payable to “The University of Pennsylvania” and may be sent to the Louis B. Schwartz International Conference Program, c/o The Law School, 3400 Chestnut Street, Philadelphia, PA 19104.

The 1982 Louis B. Schwartz International Conference—October 15–16

The First Louis B. Schwartz International Conference will bring together world leaders, Law School and University of Pennsylvania Faculty and Alumni, prominent members of the legal profession, and State and local government officials to discuss problems of significant international dimension. This year’s Conference will be held in concert with Interface IV, which is a series designed to address important questions on pending trade relationships between East and West.

On Friday, October 15, informal and nonpublic discussions will be held among the 40 Conference participants. A public session on Saturday morning, October 16, will feature a panel discussion entitled “Economic Sanctions As An Instrument of U.S. Strategic and Foreign Policy.”


The Panel will examine U.S. efforts to use economic sanctions to influence the power and behavior of Communist countries, particularly the U.S.S.R., and will explore the strategic, foreign policy, and legal aspects of developing a coherent U.S. policy. Specific attention will be directed to the grain embargo, the restrictions on supplying equipment for the Soviet-Western European pipeline, and the problems of procuring the support of other countries for U.S. measures.

The morning program will be followed by a luncheon at the University of Pennsylvania Faculty Club and is part of the activities of the Law School’s Quinquennial Reunion Weekend. Anyone else interested in attending the Conference on Saturday at 10:00 a.m. may contact the Law School Alumni Affairs Office, 215-898-6321.
Symposium continued...

The First Annual Public Interest Law Conference

Students, Faculty, practitioners and other interested members of the public gathered at the University of Pennsylvania Law School on March 26 and 27 to participate in the first annual Public Interest Law Conference.

The student-run conference explored the topic of "The Future of Public Interest Law and Practice." It focused on the positive responses which can be made by public interest practitioners, the private bar, and law schools to the severe cutbacks in funding of the Legal Services Corporation and public interest law groups. Panelists included advocates from a wide range of public interest law organizations, members of law school faculties, legal services attorneys, and members of the private bar.

On Friday evening, Charles Halpern, Professor of Law at Georgetown University and Dean-designate of Queens (NY) Law School, gave the keynote address entitled "The Contribution of Law Schools to Public Interest Law." A panel discussion on the topic of the socialization process within law schools followed. Panelists included Douglas Frenkel (Clinical Director, University of Pennsylvania Law School), Howard Lesnick (University of Pennsylvania Law Faculty, presently on leave at New York University Law School), Stewart MacAuley (University of Wisconsin Law Faculty), and Nadine Taub (Rutgers University Law Faculty).

Saturday's day-long session covered a wide range of public interest law topics. University Provost (and first President of the Legal Services Corporation) Thomas Ehrlich, welcomed the assembly and Alan Houseman, former Research Director of the Legal Services Corporation, spoke on the topic of "Poverty Law in the Eighties." A panel discussion followed focusing on the issue of "The Future of the Legal Services Corporation and the Response of the Private Firms' Pro Bono Work." Panel participants included Jonathan Stein (Community Legal Services), Bari Schwartz (Coalition for Legal Services, Washington, DC), and Ken Shear (Executive Director, Philadelphia Bar Association). In the afternoon, the Conference focused on current and alternative approaches to public interest law practice. Professor Ralph Smith spoke on the subject of "Civil Rights Law in the Eighties." Panelists Alice Ballard (Samuel, Ballard & Hyman), Ben Lerner (Philadelphia Defender's Association), David Ferleger (solo Mental Health Law practitioner), Thomas Gilhooli (Public Interest Law Center of Philadelphia), and Susan Kellock (Equal Justice Foundation; Washington, DC), discussed their own work in the public interest. Professor Edward Sparer moderated and participated in the panel discussions throughout the conference.

The Conference would not have been possible without the sponsorship of: the Louis Goffman Fund, the Douty Foundation, the Student Academic Committee, the National Lawyers Guild, and the Law School Faculty; or the endorsement of: the Black Law Students' Union, the Latino Law Students' Association, the Asian-American Law Students' Association, the Equal Justice Foundation, and the Women's Law Group. Also appreciated were the generous efforts of Dean Robert Mundheim, Vice-Dean Margo Post Marshall, Assistant Dean Robert Maguire, Gloria Watts, and the Placement Office. Professor Edward Sparer offered his guidance and assistance throughout the planning of the conference.

The Law School Hosts American Bar Association

Members of the Law Student Division of the American Bar Association were in town, in October, 1981 to attend the Third Circuit's Annual Fall Round Table.

The Third Circuit, which includes all of the law schools in Pennsylvania, New Jersey, Maryland and Delaware, is one of fifteen circuits which comprises the Law Student Division. The Fall Round Table is designed to promote inter-school relations within the Circuit, as well as to provide a forum for the discussion of issues facing both the division and the legal profession.

The two-day meeting began with a cocktail reception at the Law School. Delegates were then given a guided tour of the city. On Saturday, the delegates began with a working breakfast. After lunch, Kenneth Shear, Executive Director of the Philadelphia Bar Association, presented a talk on the future of the Legal Services Corporation and the role of pro bono work in a lawyer's career. The day ended with a film and panel discussion by Concern For Dying, an educational group interested in the various legal, medical and ethical issues which revolve around the terminally ill.
The following is the errata for the 1980 Alumni Directory.

<table>
<thead>
<tr>
<th>Name</th>
<th>Business Address Details</th>
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<tbody>
<tr>
<td>AXELROD, ROBERT N.</td>
<td>Business address is Comsat General Corporation.</td>
</tr>
<tr>
<td>BALDWIN, FRANK B., III</td>
<td>Business address is IU International Corporation, Suite 1800.</td>
</tr>
<tr>
<td>BANK, RICHARD D.</td>
<td>Business address is Attorney at Law, 222 Keswick Avenue, Glenside, PA 19038.</td>
</tr>
<tr>
<td>BARTLE, HARVEY, III</td>
<td>Business address is Dechert, Price &amp; Rhoads, 3400 Centre Square, 1500 Market Street West, Philadelphia, PA 19102 Undergraduate School: Princeton.</td>
</tr>
<tr>
<td>BOHNETT, WILLIAM H.</td>
<td>Firm name is Gaston, Snow, Beekman &amp; Bogue.</td>
</tr>
<tr>
<td>CAMPBELL, BERNARD A. JR.</td>
<td>Firm name is Mason, Griffin &amp; Pierson.</td>
</tr>
<tr>
<td>CHIOU, SHWU JY</td>
<td>Should be Taiwan and not Thailand.</td>
</tr>
<tr>
<td>CONROY, DOUGLAS C.</td>
<td>Business address is 555 South Flower St.</td>
</tr>
<tr>
<td>DESIDERIO, JOHN M.</td>
<td>Business address is 230 Park Avenue, Suite 935, New York, NY 10169</td>
</tr>
<tr>
<td>FRANKEL, ROBERT P.</td>
<td>Undergraduate School: Univ. of North Carolina</td>
</tr>
<tr>
<td>GLACKIN, FRANK P., JR.</td>
<td>Business address should be 300 76th Avenue.</td>
</tr>
<tr>
<td>GROSS, BERNARD M.</td>
<td>Business address is 1500 Walnut Street, 6th Floor, Philadelphia, PA 19102.</td>
</tr>
<tr>
<td>HEISLER, EDMOND H.</td>
<td>Address changed to 3938 Netherfield Road, Philadelphia, PA 19129.</td>
</tr>
<tr>
<td>HU, JOY</td>
<td>Taipei, Taiwan, ROC.</td>
</tr>
<tr>
<td>HWANG, CHIUAN</td>
<td>Taipei, Taiwan, ROC.</td>
</tr>
<tr>
<td>KAIL, KENNETH STONER</td>
<td>Business address is Simpson, Thacher &amp; Bartlett, One Battery Park Plaza, New York, NY 10004.</td>
</tr>
<tr>
<td>KEIM, BRIAN T.</td>
<td>Undergraduate School: Yale.</td>
</tr>
<tr>
<td>KILGARIF, JOSEPH M.</td>
<td>Address is 112 South 16th Street and not 1125 16th Street.</td>
</tr>
<tr>
<td>KRAVITCH, PHYLLIS</td>
<td>Graduated in 1943 and not 1944.</td>
</tr>
<tr>
<td>LEACH, THOMAS J.</td>
<td>Business address is Drinker, Biddle &amp; Reath, 1100 PNB Building, Phila., PA 19107.</td>
</tr>
<tr>
<td>LEE, MENG CHENG</td>
<td>Taipei, Taiwan, ROC.</td>
</tr>
<tr>
<td>LEVINE, DAVID I.</td>
<td>Business address is Assistant Professor, Hastings College of Law, University of California, 195 McAllister Street, San Francisco, CA 94102.</td>
</tr>
<tr>
<td>MORGAN, DAVID W.</td>
<td>Address changed to Farr, Reifsteck, Wolf &amp; Ware, A Professional Corporation, Eastern International Executive Office Center, Suite 201, Benigno Boulevard and Heller Road, Bellmawr, NJ 08031.</td>
</tr>
<tr>
<td>PALESE, DONALD D.</td>
<td>Business address is JDRJ Domestic Relations Court House, Camden, NJ 08101.</td>
</tr>
<tr>
<td>PHILLIPS, DAVID F.</td>
<td>Tachung, Taiwan, ROC.</td>
</tr>
<tr>
<td>POLIKOFF, HARRY</td>
<td>Business address is 50 East 42nd Street, New York, NY 10017.</td>
</tr>
<tr>
<td>POWERS, MARGARET M.</td>
<td>Business address is Schnader, Harrison, Segal &amp; Lewis, 1719 Packard Building, Philadelphia, PA 19102, Partner</td>
</tr>
<tr>
<td>READING, JOHN W.</td>
<td>Business address is One Post Office Square, Boston, MA 02109.</td>
</tr>
<tr>
<td>SHIH, YU-LYNN</td>
<td>Taipei, Taiwan, ROC.</td>
</tr>
<tr>
<td>SOMMER, JANE E.</td>
<td>Business address is Cutter House, Smith College, Northampton, MA 01063.</td>
</tr>
<tr>
<td>STECK, DAVID L.</td>
<td>Business address is 211 S. Broad Street, Philadelphia, PA 19107.</td>
</tr>
<tr>
<td>STEINHARDT, ARNOLD H.</td>
<td>City should be Hazleton and not Hazelton.</td>
</tr>
<tr>
<td>STONE, STEVEN</td>
<td>Business address is Vice President, General Counsel &amp; Corporate Secretary, Blue Cross of Greater Philadelphia, 1333 Chestnut Street, Philadelphia, PA 19107. Undergraduate School: Univ. of Pittsburgh.</td>
</tr>
<tr>
<td>STRUK, THEODORE O.</td>
<td>Firm name is Dickie, McCamey &amp; Chilcote.</td>
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<tr>
<td>TEETERS, RALPH N.</td>
<td>Firm name is Reed, Smith, Townsend &amp; Munson.</td>
</tr>
<tr>
<td>VICKERY, HAROLD K., JR.</td>
<td>Business address is Vickery, Prapone, Pramuan &amp; Suthee, Ltd., Suite 604, Dust Thani Office Building, 946 Rama IV Road, Bangkok 5, Thailand.</td>
</tr>
<tr>
<td>WAGMAN, LEE H.</td>
<td>Business address is Northwest and Crestwood Plaza, 500 Northwest Plaza, Suite 1200, St. Louis, MO 63074 and Undergraduate School: Univ. of Pennsylvania.</td>
</tr>
<tr>
<td>WASSERMAN, SEYMOUR</td>
<td>Business address is 220 Locust Street, Philadelphia, PA 19106.</td>
</tr>
<tr>
<td>WEPNER, ROY H.</td>
<td>Business address is Lerner, David, Littenberg &amp; Samuel, 195 Elm Street, Westfield, NJ 07090.</td>
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<tr>
<td>WOLFMAN, BERNARD</td>
<td>Delete middle initial.</td>
</tr>
<tr>
<td>DUNOPT, ELISE WOOD</td>
<td>Class of 1979. Address is Patterns, Rockland, DE 19732.</td>
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</tbody>
</table>
Bequests to The Law School: 1981–1982

Throughout the past year, the University of Pennsylvania Law School has been the benefactor of the generosity of numerous Alumni and Friends who chose to express their loyalties to the School in extraordinary ways.

The Louis J. Goffman Fund was established by "his partners at Wolf, Block, Schorr and Solis-Cohen to honor the memory of Louis J. Goffman, a graduate and devoted friend of the University of Pennsylvania Law School who, in the course of a distinguished career at the Bar served as a Chancellor of the Philadelphia Bar Association, a President of the Pennsylvania Bar Association and a Governor of the American Bar Association. Its purpose is to support those activities at the Law School which, as Mr. Goffman did in his lifetime, advance the public interest through the professional service of the attorney. The Fund shall be utilized to promote research and instruction relating to the organization and functions of the Bar, the professional responsibilities of the attorney, and the use of the law as an instrument for the improvement of society."

The Nicholas F. Gallicchio Professorship of Law was established by Nicholas F. Gallicchio, a member of the Law School Class of 1934 and a graduate of the College of the University of Pennsylvania, Class of 1927. Upon graduation from the Law School, Mr. Gallicchio was appointed Solicitor in Chancery of the Chancery Court of the State of New Jersey. In 1943, he was appointed both a Special Master of the Court of Chancery of New Jersey, and a New Jersey Supreme Court Commissioner. Mr. Gallicchio also served as attorney for the Borough of Stockton, New Jersey, and for the Township of West Amwell, Hunterdon County, New Jersey, where he served for 12 years. In 1948, at the request of the Boards of Commissioners of East Amwell, West Amwell and Delaware, Mr. Gallicchio organized and established the first multi-municipal court system in a county. He was that Court's first judge and sat on the Bench until his resignation in 1960. He was a Director and attorney for the Lambertville National Bank until its merger as the New Jersey National Bank and, presently, he sits on that Bank's advisory board for the Lambertville Branch. Mr. Gallicchio is active in civic affairs as Governor of the Moose Lodge of Lambertville, as the Exalted Ruler of the Elks Lodge in Lambertville, and as the twice-elected President of the Lambertville Kiwanis Club.

Upon presentation of the Nicholas F. Gallicchio Professorship of Law, Mr. Gallicchio received a citation from Dean James O. Freedman which read, "Your career at the bar exemplifies the ideal of the lawyer who has pursued the private practice of law while also serving his community in positions of public trust. We applaud your vision, your generosity, and your devotion to the future of the University and the legal profession in establishing the Nicholas F. Gallicchio Professorship of Law."
The Samuel and Fannie Weinstein Memorial Fund was established through the generosity of the late James C. Winston, a friend of the Law School who died in 1979. M. Stuart Goldin, '49, the attorney and Executor of the Estate of the late Mr. Winston, presented the Law School with the sum of $100,000 to establish the Fund. What follows are the remarks offered by Mr. Goldin at the presentation ceremony:

I want to say a few words about Jim Winston and the circumstances of this most generous bequest.

James C. Winston was born Charles Weinstein. He was born in Russia and he died in Atlantic City, New Jersey, at the age of 73. He spent most of his adult life in Philadelphia where he was engaged in the luncheonette business. His business was called “Wagon Train Delicatessen” and was and is located at 2122 Race Street, in Philadelphia.

He did not have a college education and he had no connection with the legal profession other than as a client. His legal matters were those which a small business man would be expected to have.

He worked hard and saved his money and lived very modestly.

He could be brusk and businesslike but in essence he was a gentle, self-effacing man.

Central to his life was the strength he derived from the memories of his mother and father, Samuel and Fannie Weinstein.

I was his attorney in 1973. At that time, he expressed the desire to memorialize his mother and father with the bulk of his estate. It was his desire that such a bequest benefit young needy people who wanted to advance themselves and who would serve the community-at-large.

He settled upon the use of the fund for the training of future lawyers at the University of Pennsylvania Law School.

After his death I learned that Jim Winston remained excited and had elevated feelings about the prospect of this gift and this remained true until his death.
Dean Mundheim was born in Hamburg, Germany in 1933. He earned a B.A. degree at Harvard College (1954), an LL.B. degree at Harvard Law School (1957), and received an Honorary M.A. from the University of Pennsylvania (1971). After one year as a Frederick Sheldon Traveling Fellow in 1967-68, he practiced law in the New York City firm of Shearman and Sterling. Mr. Mundheim went on to serve as Special Counsel to the Securities and Exchange Commission in 1962.

In 1966, Dean Mundheim joined the Faculty of the University of Pennsylvania Law School and was appointed Fred Carr Professor of Law in 1970. In September 1980, he was named University Professor of Law and Finance.

He was appointed General Counsel to the United States Treasury Department by President Jimmy Carter in 1977, playing a major role in the drafting of the Chrysler Corporation loan guarantee package, in the freezing of Iranian assets in the United States and in heading the Treasury's anti-dumping and countervailing duty programs. For his distinguished service at the United States Treasury, he received that Department's highest recognition, the Alexander Hamilton Award. In 1981, having returned to the Law School from his term at the Treasury Department, Mr. Mundheim was recalled to government service as a member of the team which helped free the American captives in Iran.

During his years as a member of the University of Pennsylvania Law Faculty, Mr. Mundheim served as the Chairman of the University of Pennsylvania Committee on Open Expression and Dissent, authoring its initial guidelines. He also was President of the University of Pennsylvania Chapter of the American Association of University Professors and the first Counsellor to the University Trustees' Committee on Corporate Responsibility.

Dean Mundheim is Director of the Center for Study of Financial Institutions. He also serves as a Director of the First Pennsylvania Corporation, The First Pennsylvania Bank, and Commerce Clearing House, Inc. He is presiding officer of the International Faculty for Corporate and Capital Market Law and is General Editor of The Journal of Comparative Law and Securities Regulation. He is also a Consultant to the American Law Institute's Project on Corporate Governance.

Mr. Mundheim has been a Visiting Professor at the Duke, Harvard and UCLA Law Schools as well as at the University of Konstanz in Germany. In addition, he has led seminars in Tokyo on securities markets and their regulations.

He is married to Guna Smitchens Mundheim, an Assistant Dean at the College of the University of Pennsylvania and Lecturer in Painting. The Mundheims and their children, Peter and Susan, reside in University City.

ROBERT H. MUNDHEIM....On Being Dean
LSH: As a member of the negotiating team responsible for the return of the American hostages from Iran, you participated in one of modern history’s major dramas. As General Counsel to the United States Treasury Department for three-and-one-half years, you wielded tremendous power in our government. And now, as Dean of the University of Pennsylvania Law School, you will be confronted with new challenges. What long-range goals do you hope to accomplish as you embark on this new career?

Dean Mundheim: This Law School is an excellent institution with an excellent reputation. However, in order to maintain its role as a first-rate law school, it has got to keep pace with new developments. Helping the Law School chart its course for the future will be my central role as Dean and, as I see it, will be a formidable personal challenge.

A dean, first and foremost, should be a leader. At this particular time, I see the leadership of this institution as requiring the building of a consensus on many issues. This can be a time-consuming task. It means developing a consensus among the Faculty, the Administrative staff and, certainly, among the students. On certain issues, it means getting a sense of what the Alumni are thinking. I feel that the graduates of this School are an important part of the Law School community, and I would like to see them take an important role in the shaping of its future.

LSH: Yes, and we have upwards of 6200 Alumni who, time and again, express the desire to participate in Law School activities, in addition to donating money, of course. How do you plan to tap this eager resource?

Dean Mundheim: Alumni have always helped our students in the area of job recruitment. Particularly important, however, are those Alumni who practice and live in areas distant from the Philadelphia/Pennsylvania vicinities. Although Penn is a national law school, we find that the vast majority of our students are placed in jobs in this relatively concentrated area. We would like to see our students more geographically dispersed, and Alumni could help.

Also, we have a fairly substantial number of foreign graduate students who come here each year to earn LL.M. degrees. We want to give these students not only a sense of life in America but, more particularly, a sense of the life of an American lawyer. Our Alumni can be helpful here. In the coming year, we are initiating a program under the leadership of Mark Kessler, '60, to bring Alumni into that process. I hope that through this program individual Alumni will take the 50 or so graduate students under their wings, so to speak, and see that they get a social introduction to Philadelphia and, in addition, some feel for the practice of law and the legal institutions in this country. I think that this would mean a great deal to our foreign graduate students. They might then view Philadelphia and its environs, as well as the Law School, as a home away from home.

Alumni have the opportunity to remain in touch with the Law School through the annual Alumni Forum/Alumni Luncheon Series which have proven most successful over the years. There are also other programs like the Thomas A. O’Boyle Visiting Distinguished Practitioner Lectureship which is held at the Law School annually and which is attended by many Alumni, as well as other members of the Philadelphia legal and business communities. Of course, we have our annual events like the Owen J. Roberts Memorial Lecture and the Edwin M. Keedy Moot Court Competition which are attended by our Alumni. I do hope that there will be other conferences and events of intellectual importance which will be attractions for our Alumni so that they will be returning to the School regularly.

LSH: What high priority needs of the Law School require your immediate attention?

Dean Mundheim: One of the great strengths of the Law School has been its strong sense of community. The open, friendly atmosphere here is a function of the Law School’s relatively small size, and this particular quality is one which must endure. On the other hand, by maintaining a relatively small student body, we have also maintained a relatively small faculty. One major need that I plan to deal with is the expansion of the size of our Faculty. It is quite difficult for Faculty members at the Law School to have the kind of collegial interchange in specific subject areas which is so important for scholarly creativity. This problem has been particularly true since interests have become increasingly specialized. As a result, Faculty members are often unable to find colleagues who might be examining similar sets of problems, and they don’t have the sounding boards needed to test ideas. An increase in faculty size would also better our Student-Faculty ratio, which has become higher than that of many of our peer schools. If we are to maintain the ease of communication on a one-to-one basis which we want to encourage between our students and our Faculty, such an expansion must occur. One-to-one contact and supervision in the area of writing, for instance, is difficult to achieve with the existing size of our Faculty.

There is also discussion that our Faculty is composed of too few women. And that’s true. And unfortunate. But, that is changing rapidly. Indeed, the first Faculty appointments made since I became Dean have been of two
women: Courtney Howland, a young lawyer who practices in New York, and Drucilla Cornell, a former labor organizer who is now clerking for Judge Ferguson in California.

Another controversial issue concerning the Faculty is in the area of minority recruitment. At present, we have two minority Faculty members and that is certainly not to be viewed as a limit. The Appointments Committee has been making a concerted effort to locate and to recruit minority faculty, and that effort will be pursued vigorously while I am Dean.

Another problem related to the Faculty which needs much work is in their compensation scale. A student graduating from the University of Pennsylvania Law School going to work in a major New York City law firm will earn only slightly less in his or her first year than the median salary of our Faculty. Therefore, it is very difficult to attract and to retain first-rate faculty at the Law School.

The Biddle Library is another area which needs attention. Library expenditures, particularly book costs, have escalated enormously. The amount that we have been able to budget for the Library, unfortunately, has not kept pace with those escalated costs. Unless we find a remedy for this problem, we will find that our great Library will have become a mediocre library.

The Law School physical plant is in need of improvement. There are too few inviting areas for our students and Faculty to congregate and to sit and work, or just to socialize.

Our Clinical Program, a very important aspect of the curriculum, is housed in the Law School dormitories adjacent to the main building. Separating it physically from the School has given it the sense of being excluded from the central concerns of the Law School. I would like very much to be able to bring it back into the physical center of the Law School so that there would be no doubt as to its importance.

LSH: Some Alumni and students will be pleased to note your positive attitude towards the Clinical Program since its existence is of concern to many of them. How do you view the future of the Clinic in the Law School curriculum?

Dean Mundheim: Obviously, the Clinical Program in the '80's is one that can serve a variety of uses and purposes at the School. This past semester, there was a very interesting new feature of the Program. A business counseling clinic known as the "Small Business Clinic" was conducted by a University of Pennsylvania Law School Alumni, Samuel Diamond, '55, of the Philadelphia firm of Diamond, Polsky & Bauer, who spent three full days a week for six months on a quasi-sabbatical leave from his practice to lend his expertise to students of the Clinic. Although one often thinks of a clinical course as being essentially a litigational experience, many lawyers do not engage in trial work. Therefore, to give students some opportunity to practice and to learn about other lawyering skills in the clinical context is very healthy. But clinical programs are enormously expensive, and I do not know whether we will have the money to be able to offer this program next year. There are also many efforts to provide a clinical experience through simulated problems, and we hope to do some more experimentation with that approach. I think that there are varieties of ways to provide the clinical experience which will prove most effective for this School and for our student body.

LSH: So you are going on record as being in favor of the practical-laboratory experience provided by the Clinic in addition, of course, to the strictly academic curriculum.

Dean Mundheim: Yes. We have developed a strong clinical program with substantial academic context, and that kind of program is worthwhile. But the cost of the program is very high relative to many other programs.

LSH: As a Professor of Law and Finance, many of your students have been business-oriented, corporate types. The Law School Student Community is a composite of minorities and women, Law Review and Lawyers' Guild members—all promoting their special needs and interests. How do you plan to deal with the diversity?

Dean Mundheim: One has to come up with diverse answers in order to fill these diverse demands. Certainly the curriculum here cannot reflect my particular interests but, as always, it will reflect the students' interests and the Faculty's capabilities.

One aspect of my own teaching interests, however, may have an important reflection on what happens here. The financial area is one where we have reached out successfully to other parts of the University in order to build complementary strength to what we offer at the Law School. I see that as a continuing trend in a variety of fields. University President Emeritus Martin Meyerson used the phrase "One University" to describe the great strengths that exist around here. I very much subscribe to that philosophy and think that one of the major advantages offered by this School is the strength of the University. And we will continue to deepen our involvement with its other aspects to supply intellectual excitement to our Law School.

LSH: Your public image as a hard-hitting, demanding administrator belies a warm sense of humor and a side of your nature which is sensitive and responsive to the needs of others.
Dean Mundheim: I am viewed as a problem solver who tries to move as rapidly as is appropriate in order to come to grips with issues, and I bring that characteristic—for good or for ill—to the deanship. That characteristic, however, is hopefully not necessarily inconsistent with having a sense of humor and being responsive to the needs of others. Whether or not I exhibit those human and personal qualities which, as you suggest, are very important requisites, will have to be determined by my record.

LSH: Had you not taken the road marked "Lawyer" what would it have been?

Dean Mundheim: Actually, I am very happy as a lawyer and have not thought much about alternatives. I did want to be a professional athlete, but, I was not good enough.

LSH: Rumor has it that you aspired to be a professional baseball player.

Dean Mundheim: Absolutely. But I learned early enough in life that I did not have the needed skills, so I gave up baseball many years ago. However, I do play tennis.

LSH: I understand that there are a substantial number of tennis trophies at home.

Dean Mundheim: My children, Peter and Susan, have won most of the trophies. They play competitive tennis. Frankly, I find watching them competing in matches more exhausting than playing the game myself.

LSH: And what of the other Dean Mundheim? Is she still painting?

Dean Mundheim: Oh, yes. My wife, Guna, is an Assistant Dean for Academic Counselling at the College of the University of Pennsylvania and is a Lecturer in Painting in the College of General Studies. Actually, the real reason I had to take this job was to get equality of title at home.
An American Lawyer in Thailand

By Harold K. Vickery, Jr., '66

Mr. Vickery, a resident of Bangkok, Thailand, is a founding partner in the law firm of Vickery, Prapone, Pramuan and Suthee Ltd., which was formed seven years ago.

"What brought you to Thailand?", Congressman Larry Coughlin (R-PA) from Villanova asked me at breakfast in Bangkok on the last Saturday in August. The American Chamber of Commerce in Thailand, of which I was then vice-president, hosted the meal to brief a delegation of ten Congressmen on the need for action now on legislation to keep and, hopefully, bring more Americans overseas. An object in increasing the presence of U.S. businessmen in foreign countries: to raise exports, which creates more domestic jobs.

The occasion was also used to express thanks to the Congressmen for having just removed a major obstacle to American business activity abroad by the amendment of Section 911 of the Internal Revenue Code to permit exclusion from U.S. taxation of $75,000 of overseas earned income by qualified individuals commencing in 1982, rising $5,000 annually until reaching $95,000 for 1986 and thereafter. We had been lobbying for passage of such a law since enactment of the Foreign Earned Income Act of 1978 which, for all practical purposes, eliminated the earned income exclusion in existence in various forms since 1953. The tax treatment of Americans working overseas did not bring me to Thailand, but it is a factor in my staying abroad.

Back to the question. Thailand is half way around the world from Philadelphia and certainly was not in my thoughts when I graduated from The Law School in 1966. But, along with my male classmates, I faced an obligation to serve in the armed forces. A place named Vietnam was very much on our minds.

After admission to the Massachusetts Bar, I became a judge advocate in the Air Force. There was nothing exotic about my initial assignment: trial and defense counsel in a succession of courts-martial in drug, assault and larceny cases at Minot Air Force Base, a Strategic Air Command installation on the wind-swept plains of Ward County, North Dakota. Definitely not East Coast. Fascinating as criminal trial work is (hats off to Professor Schwartz, who asked me to write this piece) and dramatic the difference in seasons (arctic winters and blazing summers), a year at Minot was enough. I eagerly accepted reassignment to Thailand, where a major Air Force buildup was in progress.

In August, 1968, I reported for duty at U-Tapao Airfield, a facility of the Royal Thai Navy on the shores of the Gulf of Thailand, about 120 miles south of Bangkok. With 5,000 U.S. Air Force personnel, it was a launching pad for B-52 heavy bomber attacks on Vietnam and the home base for the KC-135 tanker fleet that performed aerial refueling missions in the skies of Southeast Asia.

My principal job was U.S. Air Force Foreign Claims Commissioner for Thailand, with responsibilities under the Foreign Claims Act. For over ten years, primarily from 1965 to 1976, when all American combat forces withdrew, the Air Force had at times upwards of 40,000 personnel operating from seven bases in Thailand, without the benefit of a status of forces agreement. So, swift and appropriate settlement of claims made by local residents within the broad scope of the Act was vital to U.S. interests. It was an exciting two years which passed quickly despite (or perhaps because of) a standard six day (7 a.m. to 6 p.m.) work week. There was also ample time to enjoy, at least in moderation, pleasant diversions offered in the "Land of Smiles". Anyway, 75% of the four-year term of service was finished.

When not adjudicating claims, I was kept busy serving as counsel on courts-martial. Implementation of the Military Justice Act of 1968 required the use of military judges on all general and special courts-martial from August 1, 1969. I was designated a military judge on that day, and my active duty career ended as a special courts-martial judge based in Bangkok,
An American Lawyer in Thailand continued...

riding a circuit for trials in Thailand, Vietnam and Taiwan. I have remained a reserve judge advocate, assigned for training as legal advisor to the Joint United States Military Advisory Group, Thailand.

The end of 1971, my military duty done, it was time to get a job. Finding it difficult to abandon the charms of the orient and, a bird in hand being worth at least two in bush, I accepted an offer from a Bangkok law firm with a corporation and tax practice. The novelty to me of the legal system of Thailand aside, the challenge of working here was enhanced by its unique language—tonal when spoken and written with distinctive script. My name is printed

น.ก. เฮโรดิ เกอร์บิ วิเคอร์ จูเนียร์

being a phonetic rendition of its English pronunciation. Fortunately for my professional survival, laws and administrative regulations are usually translated into English by commercial publishers.

I've taken a long time to answer Congressman Coughlin's question. But now having told how I got here, I must write a bit about Thailand, a country which, while frequently in the news, is little known or understood by many Americans, as I have discovered on visits to the United States.

Thailand, formerly known as Siam, is about the size of Texas and has a population of 47 million, with 5 million people living in the capital city of Bangkok. It is on the same latitude as Guatemala and the climate is hot. Agriculture is the backbone of the economy, with Thailand being a rice exporter as well as an important producer of tapioca, sugar, corn, jute and rubber. The sale of tin is a foreign exchange earner and there are substantial proven deposits of natural gas in the Gulf of Thailand which are now being used for the generation of electricity.

The Kingdom of Thailand can be traced to beginnings in the 13th century. The Chakri Dynasty reigned as absolute rulers from 1782 until 1932, when a constitutional monarchy was established. Thailand was never colonized by Western powers and was a buffer between the British interests in Burma and Malaya, to the west and south, and French control in Laos and Cambodia, on the north and east. Over 95% of the population is of the Buddhist religion. Together with Indonesia, Malaysia, the Philippines and Singapore, Thailand is a member of the Association of South East Asian Nations (ASEAN).

Law and legal institutions in Thailand are well developed. It has a civil law system with four principal Codes: Civil, Penal, Civil Procedure and Criminal Procedure, together with hundreds of Acts (e.g. Revenue Act, Patent Act, Nationality Act). The Codes were drafted in this century and drew on the law of western continental Europe and, to some extent, that of England, India and Japan, while family, inheritance and property law was influenced by Thai tradition.

The court system is independent of the legislature and executive and is staffed by career judges admitted to judicial service on a highly competitive basis, usually by examination. The court structure is three-tiered with at least one trial court of general, civil and criminal jurisdiction in each of the 72 provinces plus several such courts in Bangkok, an intermediate Court of Appeals, and the Supreme Court which is the appellate court of last resort.

There are no juries. A quorum of judges decides all questions of law and fact. There are no delays in starting civil and criminal trials, and the first taking of evidence from plaintiff or prosecutor is normally within two months of an action being filed. Trials then proceed at a stately pace, with a hearing being held once each month for about three hours. So, what would be a four day trial in the United States can easily have an elapsed time of a year in Thailand.

There are no court reporters. The judge writes the testimony in long hand and reads it out in open court, whereupon it is signed by the witness and counsel and becomes part of the case file. Needless to say, the system encourages counsel to pursue exposition of the facts in the most concise manner. The raising of one's voice in a courtroom or a flamboyant display would be unthinkable.

Lawyers and judges wear robes and are subject to a strict dress code (e.g. shirts must be white, neckties black). Courtroom decorum is high but comfort often low; few courtrooms are airconditioned so wearing a robe with the obligatory suit underneath is hot. Witnesses stand in a box when testifying and spectators must keep both feet firmly on the floor, the crossing of legs being prohibited.

Appeals are made on written briefs with no oral argument. Claimants and appellants in civil cases, unless indigent, must pay a court fee of 2.5 percent of the amount claimed up to a maximum fee equivalent to $8,700. Costs of opposing counsel's professional fees are taxed against the losing party in a civil case, but at rates established 47 years ago, many of which are no longer realistic.

Like the United States, Thailand is experiencing an explosion in the number of law
students. The LL.B. is a first academic degree and is normally obtained after four years of study. Three government universities: Thammasat, Chulalongkorn and Ramkhamhaeng, offer the degree and, in 1980, granted it to 3,922 persons. Admission to Thammasat and Chulalongkorn Universities is by competitive examination and their first year classes number 672 and 185 respectively. Ramkhamhaeng University has an open enrollment and its present first-year class has 37,465 students. Women account for 45%, 50% and 18% respectively of the first-year classes of the three universities. Law courses are taught by the lecture method and students are expected to memorize provisions of the Codes.

Receipt of an LL.B. entitles the holder to a license to practice law without examination, subject to routine annual renewal. The Thai Bar Association offers a one-year postgraduate course of study leading to a competitive examination entitling those who pass to be designated Barristers at Law. In 1980, 4,111 persons enrolled in the course and 548 (i.e. 13%) passed the exam. Failure does not limit a license holder’s ability to act as a lawyer, but passing the exam is a prerequisite to sitting for examinations to qualify as a judge or public prosecutor.

Until nine years ago there were no restrictions on foreign lawyers working in Thailand. They could not appear as counsel before the courts because they did not have lawyer’s licenses, which are available only to Thai citizens. But they could do what the English call “solicitor’s work”. Until recently, litigation was about the only activity for which a lawyer was hired, foreigners posed no competition to the local bar. However, in the late 1960’s and early 1970’s, several aliens—mostly Americans—established law firms in Bangkok and became very successful by giving legal advice, thus drawing attention to themselves and the services they offered.

In the past ten years as a civilian working in Thailand, I have witnessed many changes. The country has had seven prime ministers, one violent overthrow of government, and two successful and two unsuccessful coups d’état. In 1975, nearby South Vietnam fell to the communists and today Vietnamese soldiers, with the support of the Soviet Union, occupy Laos and Cambodia (now called Kampuchea) on Thailand’s borders. However, Thailand is a unified country with a homogenous population and a strong sense of national identity, cemented by reverence for the monarchy and the Buddhist religion, and has retained its independence for centuries despite turmoil in neighboring lands. The lower house of Parliament is democratically elected by universal suffrage and the present constitution, the thirteenth since 1932, vests significantly increased powers in the lower house commencing in 1983.

As a lawyer, I have experienced developments in the legal framework affecting foreigners in Thailand. In 1970, there were virtually no limitations on aliens doing business in Thailand outside of their being restricted to engaging in commercial banking, commercial transportation, some commodity export, commercial fishing, and mining above the 11th parallel, which runs across Southern Thailand north of Chumphon.

No work permits were required. Under a law enacted in 1941, intended to promote work for Thais, aliens were forbidden to pursue 13 occupations; however, none of the prohibited work was the sort of thing that Western foreigners would be likely to do. Such restricted occupations included hair cutting, casting Buddha images, salt farming, making women’s clothing and the typesetting of Thai characters by hand.

Pursuant to bilateral treaties, aliens from fifteen countries could own land in Thailand in specified amounts, the privilege being afforded to nationals of England, Switzerland, Germany, Denmark, Norway, the Netherlands, France, India, Belgium, Sweden, Italy, Japan, Burma, Portugal and Pakistan.

Immigration procedures effectively provided no material barrier to an alien staying in Thailand to engage in business. The Immigration Law permitted the granting of permanent resident status to 200 persons per year per country. The number of applicants from the United Kingdom, Nationalist China, Japan, India and the United States often exceeded the quota allotted to those countries, but persistent businessmen of those nations were usually given permanent residence.

As the decade of the 1970’s advanced, there were changes. Restrictions were introduced affecting the ability of foreign business to operate in Thailand. In 1972, all bilateral treaty rights for aliens to acquire land had ceased to be effective. Therefore, it became possible for an alien to commence to hold land only in the consequence of Board of Investment promotion for use in the promoted activity, or with permission in a designated industrial estate.

The era under which foreign businessmen now live, was announced without prior notice by banner headlines in the Bangkok newspapers at the end of 1972. The ruling Revolutionary Council, headed by Field Marshal Thanom Kittikachorn, issued National Executive Council Decree Number 281, the Alien Business Law.
An American Lawyer in Thailand continued ...

The Royal Decree issued under the Alien Business Law contains three Schedules, each listing business activities in which restrictions exist for aliens. Businesses listed in Schedule A operating when the Law became effective, could continue for two years under alien ownership and then were required to close unless they ceased to be alien. Westerners particularly liable to be affected by the closure requirement were those providing services in the accounting, law, architecture, advertising, brokerage and agency and building construction businesses. Under the Law, with certain exceptions, no alien can now commence to engage in any business listed in Schedule A.

Businesses specified in Schedule B owned by aliens could continue in operation, subject to restrictions. With a few exceptions primarily relating to Board of Investment promotion, no new business activity listed in this Schedule could be commenced by aliens. Schedule B includes the activities of: manufacturing of pharmaceuticals, timber processing, manufacturing of cement, manufacturing of garments or footwear (except for export), printing and newspaper publishing, all retailing (except machinery, equipment and tools), the tour agency and the hotel business, (except for hotel management).

Schedule B businesses operating when the Law became effective are permitted to continue indefinitely as alien owned, but are subject to two conditions: without the permission of the Director General of the Commercial Registration Department, no new branches may be opened and, without such permission, they cannot increase production or sales by more than 30 percent per year based on 1972 figures. The 30 percent increase limitation is not compounded but is cumulative. For example, if 1972 production or sales were 100, then the 30 percent increase permitted would be 30; so the maximum sales or production figures for 1973 would have been 130, for 1974–160, for 1975–190, etc. In recent years, the Director General has granted a waiver of this growth limitation to all affected businesses, most recently in 1979 for each financial year through 1982.

Existing alien-owned business in Schedule C, like those in Schedule B, could continue to operate indefinitely, subject to the same growth and expansion restrictions placed on Schedule B businesses. But new alien businesses conducting Schedule C activities can be established, if permission is granted by the Director General. Regulations of the Ministry of Commerce impose conditions for obtaining permission to establish a business in the categories enumerated in Schedule C, which include maximum debt equity ratio, minimum investment, and period of time in which the business must become majority Thai-owned. Schedule C business endeavours include all domestic wholesaling not specified in other Schedules; all exporting, mining; all service business not included in Schedules A and B, and all construction work, except building construction which is an activity prohibited to aliens under Schedule A.

Under the Alien Business Law, the term “alien” is defined as a natural person or a juristic person without Thai nationality and includes:

(1) A juristic person with half or more than half of the capital belonging to aliens;
(2) A juristic person with half or more than half of the number of its shareholders, partners or members being aliens, regardless of the amount of the capital invested by aliens; and
(3) A limited partnership or a registered ordinary partnership of which the managing partner or manager is an alien.

Of course, an alien business can cease to be alien, and thus not be subject to Alien Business Law restrictions if it becomes majority Thai-owned or, otherwise, no longer meets the definition of “alien” in the Law.

The Alien Business Law applies only to business activities listed in the three Schedules and there now still remain many business endeavors that can be pursued by aliens in Thailand, mostly in the manufacturing area. The Department of Commercial Registration, by way of giving some examples, has published a list of 79 business activities open to aliens.

There are exceptions to the application of the Alien Business Law. An alien granted promotional privileges by the Board of Investment may engage in Schedule B business activities. The Law does not apply to aliens engaging in business by permission of the Thai Government. Thus, foreign contractors, such as the American-owned Canadian company that built the 254-mile long natural gas pipeline in the Gulf of Thailand, may be allowed to carry out business for the Government. Another exception relates to benefits that may be afforded nationals of certain countries by virtue of bilateral treaties. The two relevant treaties are with the United States and the Netherlands.

The Treaty of Amity and Economic Relations between the United States of America and Thailand entered into force in June 1968. It is effective in perpetuity, but may be terminated by either party on one year’s prior notice. The Treaty provides that businesses incorporated in
the United States or in Thailand that are majority-owned and controlled and managed by United States citizens, and United States citizens themselves, shall be accorded national treatment which means that, but for certain exceptions, Americans can engage in business in Thailand on the same basis as Thais. The exceptions are that Thailand may apply restrictions to Americans (as, in fact, Thailand does) from engaging in communications, transport, fiduciary functions, banking involving depository functions, the exploitation of land or other natural resources, and domestic trade in indigenous agricultural products. But for these exceptions, Americans are exempt from the provisions of the Alien Business Law so long as the Treaty remains in effect and, to date, neither party has given notice of termination.

The Treaty of Economic Cooperation between Thailand and the Netherlands was signed in June 1972, five months before the promulgation of the Alien Business Law, and was ratified in February 1973. This Treaty appears to give Dutch citizens and companies "most favored nation treatment". Since the United States is the most favored nation, it seems that the Dutch should be able to enjoy the same exemption from application of the Alien Business Law afforded Americans. The Netherlands Treaty remains in effect indefinitely, but it may be terminated with effect in March 1983, or any time thereafter on one year's prior notice by either party. However, Treaty benefits for Dutch investments made prior to termination would continue in effect for ten years following the date of termination.

In 1973, for the first time, aliens working in Thailand were required by the Alien Occupation Law, being National Executive Council Decree Number 322, to have work permits. The Law prohibited aliens from commencing to engage in 39 occupations. The list includes those jobs specified in the 1941 law plus several job categories favored by Westerners including civil engineer, architect, auditor and accountant, lawyer, secretary, broker or agent and tour guide. However, under the Law, aliens admitted to Thailand with permanent resident status when the Law became effective, were given work permits to pursue their occupations for the rest of their lives, even if the job was on the prohibited list. Thus, today there are about 15 foreign lawyers, including me, active in Thailand with work permits under this "grandfather clause". Royal Decrees have, from time to time, amended the list of prohibited occupations. For example, the current list dated May 1979, altered the restriction of working as an auditor to permit conducting occasional inter-
nal auditing, and an alien is now allowed to be a broker or agent in international business. In 1978, the Decree was replaced by the Alien Employment Act which is quite similar to the Decree.

The third area of law in Thailand affecting the ability of aliens doing business, is the Immigration Act which became effective in its present version in May 1979. However, it was not until late 1980 that the regulations implementing the Act were issued. The Act is administered by the Immigration Division of the Police Department. Stated policy is that permanent residence status will be given only to persons who actually intend to remain indefinitely in Thailand and whom the Government considers desirable to do so. The Act imposes a quota permitting the granting of permanent residence to not more than 100 people per country and 50 stateless persons annually. Businessmen and their families who are here on assignments of a limited duration are to be given year-to-year stay permits. Presently, the Immigration Division is reviewing job positions held by aliens with a view that once a position is approved, the incumbent and his or her successors will be given permission, automatically, to reside in Thailand to fill the position.

While in the past ten years there have been legal restraints imposed on aliens doing business in Thailand, foreign, industrial and commercial activities beneficial to the country are generally made welcome. Prime Minister Prem, on a visit to the United States, gave speeches to businessmen in New York City and Dallas inviting investment in Thailand. The American Chamber of Commerce in Thailand's 300 company members include local operations of many major U.S. corporations. American private investment in Thailand is estimated to exceed one billion dollars.

Our firm, which opened on February 19, 1975—a date selected on advice as being auspicious—has grown in a manner that confirms the judgment of the consulting astrologer. My three partners are: Prapone Sataman, an English trained barrister and retired Thai Supreme Court Justice; Pramuwan Thongbu, a former officer of the Port Authority of Thailand, who took a one-year sabbatical leave of absence from the firm to receive an LL.M. at the Law School of the University of Pennsylvania; and Suthee Dumnuadee, a Barrister-at-Law who resigned as a Provincial Court Judge to enter the firm.

Our practice is about evenly divided between litigation and advisory work, but we generally limit ourselves to matters relating to corporation, taxation, banking, securities and commercial transactions. We emulate the U.S. style in office operation (e.g., hourly billing, IBM word-processing equipment, and the latest in Xerox copiers).

Continued...
An American Lawyer in Thailand continued...

The initial Thais to graduate from the University of Pennsylvania Law School were Uttit Sankosik and Sudharm Bhadrakom, each members of the Class of 1955. Uttit received the first S.J.D. awarded by the University and passed away 16 years later after a bout with lung cancer. He had a brilliant career in the Department of Public Prosecution and his early death was a great loss to Thailand. (See box)

Sudharm Bhadrakom, LL.M. '55, is one of Thailand's most distinguished jurists. He earned an LL.B. from Thammasat University in 1937, but commenced 45 years of public service in 1935 as a fifth grade civil servant in the Ministry of Justice, when 18 years old. Appointed a judge in 1943, he advanced through several important positions in trial and appellate courts prior to being named Chief Justice of the Supreme Court in 1974. A few weeks after mandatory retirement in 1977, at the age of 60, he was called upon to become Minister of Justice, a post he has held until 1980.

Despite the demands of his judicial work, Sudharm lectured at Thammasat, Chulalongkorn and Ramkhamhaeng Universities, teaching civil procedure to generations of law students. Active on the Civil Law Revision Committee and as a member of the Board of Governors of Chulalongkorn University, his numerous public honors include LL.D.'s from Thammasat and Chulalongkorn. Sudharm claims gardening as his hobby, but is in no sense retired. In vigorous good health, he continues to teach at Chulalongkorn and Ramkhamhaeng as well as in the Thai Bar Association postgraduate program, and is legal advisor to a major business group.

Twenty-six years elapsed before Twekiat Menakanist, LL.M. '81, became the third Thai to graduate from the Law School. He received an LL.B. with second class honors in 1975 from Thammasat University and, after qualifying as a Barrister-at-Law a year later, commenced an academic career at his alma mater. Now 28 years old and an assistant professor, Twekiat is dedicated to teaching and writing in the criminal law field.

I have a warm attachment for Thailand, its culture and its people. It was a chance military assignment that brought me to Bangkok, and a succession of fortuitous circumstances that led to my joining in the establishment of a law firm here. In Uttit, Sudharm and Twekiat, the Law School has gained outstanding Alumni, and I am privileged to be able to live and to practice my profession in their country.
His Excellency Dr. Sudharm Bhadrakom, '55, formerly Chief Justice of Thailand's Supreme Court and later the Kingdom's Minister of Justice, in court dress with insignia of Knight Grand Cordon (Special Class) of the Most Exalted Order of the White Elephant.

Sudharm Bhadrakom, '55, Twekiat Menakanist, '81, and Harold K. Vickery, Jr., '66, at the statue of Prince Rapee in Bangkok, Thailand. Prince Rapee (1874-1920) set up the first law school in Thailand and was a founder of the modern Thai legal system.
Harold K. Vickery, Jr., ’66, presenting to His Majesty King Bhumipol Adulyadej a donation to a Royal Charity on behalf of the foreign business community in Thailand at the Chitrlada Palace in Bangkok on April 13, 1981, the traditional Thai New Years Day. His Majesty is the ninth monarch of the Chakri Dynasty, which is observing its bicentennial in 1982. (Photograph by Royal Courtesy.)
Dr. Uttit Sankosik died in Bangkok in 1971 at the age of 47, after a long illness. An official of Thailand's Department of Public Prosecution, he was one of the three Thais to graduate from the University of Pennsylvania Law School and the first person to earn the Doctor of Juridical Science (S.J.D.) degree from the Law School. The following is taken from an article, "Dr. Uttit Sankosik, an Exemplary Friend," which appeared in a book published for distribution at Dr. Uttit's cremation. It was written by Siri Nantaragsa, a former student at the Wharton School of The University of Pennsylvania, the late Kawee Praphasawat and Bhisesbhongse Mathayomchand, both alumni of Temple University.

When the three of us arrived in Philadelphia at the end of August 1954, we found accommodation in a house at 3266 Sansom Street, which belonged to Mr. and Mrs. Logue. The owners of the house, an elderly couple, were very kind to us and we endearingly referred to them as "Pop and Mom". Many of our countrymen who have become successful in government service and private occupations used to stay there during their student days. The Thai community in Philadelphia generally referred to this house as "Alum House" ("alum" is called "sansom" in the Thai language). At the front of the house was a signpost bearing the colors of the Thai flag and Thai writing which said "Thai Students' Residence". In this house we met Sudharm Bhadrakom and Uttit Sankosik, who were studying law at the Law School, University of Pennsylvania. Since we were from the same university in Bangkok, namely Thammasat University, it was very easy for us to become better acquainted later on. Our group regarded Sudharm and Uttit as our elder "brothers" and followed their advice on the matters such as buying things we needed, and we would ask them to take us to places where we had to go, for example, the student registration office, the immigration office, etc. We also relied on them as the source of information on the general knowledge and the way of life of the American people, and especially, on the likes and dislikes of the owners of the house.

During our first months there, our daily activity was to go to the University in the morning and return home in the afternoon to read our books. We never saw Uttit until after 8:00 p.m. We later learned that Uttit studied and did his research work in the library until after dark every day. He did not simply go to study in class and then yearn for his bed, as the three of us did. Sometimes we did not see Uttit for many days. We might then knock at the door of his room to ask how he was. We would find Uttit laughing and chuckling in good humor, which was his personal character. He normally read text books and listened to classical music at the same time, a strange thing that we could not then understand. We were even more surprised that he went into the city to listen to music at the Academy of Music in spite of the cold weather and the expensive cost of admission. We were unable to appreciate opera and classical music, but rather enjoyed watching films, the advantages of this being that the admission fee was cheaper and that if we selected a right time we would be able to see two films without having to pay an extra fee.

Our group only watched football, both at the University athletic stadium and on television at the beginning of the academic year. In the midyear and at the end of the year, we would see basketball and baseball. As for Uttit, he watched all kinds of sport and had a thorough knowledge of them and could go into the details as to telling the position of a team in the league. Uttit preferred baseball to other sports and would follow it closely at the stadiums and on television, or even listen to the radio on the days when the game was not televised. To tell the truth, our group could not see anything interesting in baseball; it was no more than one player throwing the ball to the batter, and if the batter could not hit the ball,
well, the pitcher was supposed to be clever. On the other hand, if the batter hit the ball so that the other side could not catch it, he was then a hero. We really did not understand the spirit of the game at that time.

In summary then, our group and Uttit had different tastes. This caused us to wonder whether all Ph.D. candidates had to have such preferences, namely watching baseball and opera and listening to classical music. We were not studying on the Ph.D. level and, therefore, thought that we had no reason to imitate his ways.

Finally Uttit successfully completed his doctorate and became a Doctor of Juridical Science. On the day the University awarded him the degree, we were also at the ceremony. As it happened there was only one law student who graduated with a doctorate in that academic session and, to our pride and joy, it was him, Uttit Sankosik, who was a Thai and staying under the same roof. Uttit later went back to Thailand and resumed his government service in the Department of Public Prosecution.

We stayed on in Philadelphia for our studies. Our work became more difficult and onerous. We held Uttit as a good example of endurance and diligence. In our thoughts we were, without a doubt, physically bigger and stronger than Uttit and there was no reason why we could not sustain the cold weather and endure hardship in the library as he had done. As soon as we got into our third year, we were immersed in the library until after dark, the same way as Uttit had been. We were beginning to understand Uttit. We found ourselves not very much interested in seeing football in the cold weather at the stadium. Instead, we preferred watching baseball in rather warm weather, and, especially, in the evening when the atmosphere was more pleasant. On any day that the Phillies played, even though we knew for certain that they would lose, we still went to support them.

We often went downtown to buy classical music records at the same shop where Uttit had bought his. We became members of various classical music clubs. Some evenings we ignored the cold weather and went to the city to watch the opera and listen to classical music at the Academy of Music, paying expensive admission fees. There were always world famous opera groups and orchestras coming to perform at the Academy.

We did not know exactly when we started imitating Uttit, but when we realized what we were doing, it was clear to us that what we had obtained from him was something precious and inestimable. That is to say:

— He was most diligent and this resulted in his graduation at the highest level.

— He had listened to the best of music, and it just happened that at the time the Philadelphia Orchestra, conducted by Eugene Ormandy, was one of the finest in the world.

— He had preferred the best of sports, namely baseball, which is a game requiring much flair and speed. This game does not depend simply on strength, stamina or the instruction of a coach. (Baseball is in fact a strange game. It is the only game where the referees must wear suits.)

After Uttit returned to Thailand he got married and later had to go to the U.S.A. on official business, taking his wife along with him. He stopped over to visit us in Philadelphia and, we were impressed by his successful and happy life. We could not resist the temptation of whispering to Uttit that we were now living in such a way he had done but that, when it came to the matter of studying, we could not compete with him. Uttit chuckled the same as usual.

Alumni Briefs


'29 Benjamin Slobodin relocated his offices to 200 E. 66th Street, New York, NY 10021.

Irvin Stander, Workmen's Compensation Referee of Pennsylvania's Department of Labor & Industry, was the guest lecturer in the course "OSHA and Worker's Compensation" presented by Professor Edward V. Sparer of the University of Pennsylvania Law School. Stander appeared at the class sessions of March 4 and 25, 1982, and covered Substantive Pennsylvania Workmen's Compensation Law; Current Trends and Recent Developments, and Advocacy Issues and the Presentation of Medical Evidence in Cardiovascular Cases.

Referee Stander is the author of "Guide to Pennsylvania Workers' Compensation," and writes a column called "Workers' Compensation Corner" in the Pennsylvania Law Journal-Reporter. He is chairman of the Workers' Compensation Committee of the Philadelphia Bar Association and is a faculty member at the National Judicial College, the American Society of Law and Medicine, and the Pennsylvania Bar Institute.

Continued on page 35
Professor Alexander M. Capron is Executive Director of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. On March 25, 1982, Professor Capron delivered the following lecture as part of the University of Pennsylvania Law Alumni Society's Alumni Luncheon Series.

**Life, Death and The Law** by Professor Alexander M. Capron

As a Philadelphian who has spent the past several years in our nation's capital, let me say it is a great pleasure to be back here with you in this distinguished company today. I am reminded of another Philadelphian—an adopted son like myself—who lived here back at a time when to say that you were from Philadelphia and from the nation's capital was to be redundant. You will recall that, writing as Poor Richard, he opined that "Nothing in life is certain but death and taxes."

Today—at least in Washington—things are seldom put so bluntly. In the euphemisms I hear daily, Franklin's words would become "There are only two things in life that are certain: negative patient outcome and revenue enhancement." I'll leave discussion of "revenue enhancement" to others. I'm here to talk about what might be called "negative patient outcome." Indeed, I have to apologize at the outset that the Alumni Society has me flying under false colors—they announced that I would be speaking about "Life, Death and the Law"—but actually I'll restrict myself to the latter two. I don't suppose that you would expect to learn much about the former topic from a law professor turned Federal commissioncrat anyway.

There are two aspects of the topic of death that are of concern to the President's Commission. In light of our limited time, I'd like to focus on only one of them—the so-called "definition of death," and then to reserve a few words at the end for the more complex question which is still before the Commission, namely when is it proper to forego treatment for a person who is dying but still alive. Continued...
The Eight Questions You've Been Dying to Ask

To address the first issue, I thought I might ask eight questions on your behalf that you've always wanted to ask about the definition of death and were afraid to do, and then supply eight answers to them. I think that two of the answers may be mildly controversial and one of them more than mildly so. I'll be interested to see whether I'm right about that—it may turn out that I have chosen the wrong ones in thinking which are controversial or that you may take exception to more of the answers.

Why Are We Studying This Topic?
The first question that I know you've always wanted to ask is why in the world a Presidential Commission is studying this issue—indeed, why is it appropriate to be addressed as a matter of public policy at all? The simple answer would be to say that Congress told us to study it. But then the question would really just become, why is it justifiable for Congress to think this is something which should be studied? The answer is not a surprising one. Simply put, for the past twenty years it has become increasingly recognized, not only in the medical community but in the general population, that the ability of medical science to sustain respiration and circulation in patients who have had traumatic or nontraumatic injuries to their brains presents a problem for society. The problem arose because the common law held that death occurs only when there is cessation of all bodily functions while these artificial means of support are able to produce respiration and circulation.

Clearly, the legal rule that is involved was developed at a time before the existence of such artificial means of "life support," in other words, before it was possible for a person to have no brain function and still to have heart and lung function. Nevertheless, those legal rulings were repeated up until the beginning of the last decade, squarely in the face of medical testimony in cases that involved patients who were in that condition. Consequently, the reason why this becomes a matter of public policy which deserves attention from a Presidential Commission is that it is necessary for the law to change if the law is not only going to be realistic in a biological and medical sense but if it is to avoid causing serious problems in the delivery of health care and in the administration of justice.

What Change Should Occur?
That leads then to the second question. What kind of changes should occur? Here I suppose we come to an area which involves some controversy. The conclusion that the President's Commission reached—with which some of you may already be familiar—was that the change should come about through statutory law. That conclusion may be puzzling on its face since the initial law arose from judicial decisions. For most people law, as a general matter, is only relevant when there is some sort of controversy. Whatever concern academic lawyers may have with the pristine nature of the law, there is no general concern that the law be "right" in the abstract. Thus, why not simply wait for the controversies to arise and then for the judges to decide them? And, indeed, if one looks at the cases that have arisen the past eight years (and there have been a number of them in different states), one sees that with one exception the courts, when pressed, did indeed respond by changing the common law and recognizing that the cessation of all functions of the brain can stand in parallel with all functions of the heart and lungs as a means of determining death.

Nevertheless, although this new medical standard has found acceptance in these court cases, a deeper underlying problem with relying on that process of common law revision remains.

This simple answer, however, covers up the real complexities, which have three aspects. The first is that the process of waiting for common law revision by the courts assumes that the cases as they arise—not the legal cases, but the medical cases—can be resolved prior to an updating of the old common law rule. In fact, when decisions had to be made, the people who had to make those decisions have felt comfortable going forward and making the right decision in the face of the uncertainty of the law. Sometimes when the law is uncertain, one goes ahead in the expectation that judges will behave in a predictable fashion later. But in the climate of tension and contention between law and medicine today, that is not a matter on which a great many people have confidence.

A dramatic example of this problem arose last year in Connecticut in a case involving a young woman named Melanie Bacchiochi. Ironically, Connecticut actually has a statute on the determination of death, but it is an amendment to the Anatomical Gift Act. Ms. Bacchiochi had gone in for dental surgery, and a very unusual complication resulted from that surgery that left her in a coma. After a period of intensive treatment in the hospital attempting to reverse the coma, the physicians diagnosed that she had lost all functioning in her brain. She was not, however, regarded as a suitable donor for organs. And, therefore, the doctors and the hospital administrator said that the "definition" of death law did not apply to her.

The state's attorney then got involved and announced to the doctors that: "If you turn off the machine that is keeping her lungs functioning, on the basis that you believe the woman is dead, I will prosecute you for murder, because she is not dead, and she is not covered under the Connecticut statute." So, needless to say, decisional paralysis set in for a while, and the doctors said they were not going to take the risk that a judge might later reverse the state's attorney if and when they were prosecuted. Finally Ms. Bacchiochi's family sought a declaratory judgment that she was dead. Rather than reaching a judicial decision, the judge engineered an out-of-court conference at which the state's attorney pronounced that in this case—and in this case only, without
any predictions about what would happen in the future—there would be no prosecution if the machine were turned off. The doctors then turned off the machine from what they had thought for many days was a dead body and indeed the lungs stopped functioning. So that is the first problem with relying on the common law method of revision, namely that the problem of uncertainty which may lead to paralysis.

The second problem with relying on the courts is that even when decisions are made, the whole genius of the common law is that the decisions are tied to the facts of the case in which they arose. And so to a certain extent in saying what the law is, one must take account of those earlier cases and their facts. Sometimes in this area the courts have even made that quite explicit.

In Massachusetts, several years ago, the Golston case was decided involving a brain death issue which arose in a not atypical fashion. A criminal defendant argued that it was not his action of assaulting the deceased that had lead to the demise, but rather it was the doctors taking the deceased off the respirator that was responsible. At the time that the doctors declared him dead and removed the respirator, the deceased’s heart and lungs were still functioning which was, after all, inconsistent with death under the Massachusetts “definition” at the time. The courts rejected this defense and upheld the conviction. In so doing, the Supreme Judicial Court of Massachusetts explicitly held, however, that its ruling would apply in future criminal cases. Although the judges broadened it beyond the particular homicide case, they kept it within the criminal law, so that if one were in Massachusetts in an organ donation situation not involving a criminal assault, it would seem on the face of it that the Supreme Judicial Court had warned: don’t rely on this yet, we haven’t reached the question of the application of this in the civil law. And that court in so doing, like most of the courts that have looked at this issue, went on to say: we really wish the legislature would deal with it.

I think the reason that judicial bodies have wished for legislative action constitutes the third failing of relying on the courts to revise the common law on this subject. This is an area which peculiarly requires the kind of fact-finding and elaboration that the courts are not very good at. The judges are limited in many ways to the contentions the parties put before them. In many cases they are limited to the very witnesses that the parties bring into court. Though a judge may have the power to request expert testimony and may be able to get it, in most cases the basic evidence and even the terms of reference are established by the parties. So a judge may therefore not see the full spectrum of opinion on an issue, whereas a legislative body (or a commission acting in an adjunct capacity to the legislative body) is in a position to hold the kinds of hearings that bring out the full range of issues and positions. For that reason also, the judges have repeatedly said, we would very much like to have the legislators help us on this issue. Therefore, the answer to the second general question that I posed—What kind of change do you want in the law?—the Commission answered by saying, you want statutory change even though the original rule requiring cardiopulmonary cessation had its origins in the common law.

**What Level of Enactment?**

The third question is: What level of enactment is appropriate? The question here focuses on whether one wants a state statute or a Federal statute. Now, since we are a Federal commission, it might seem that we would, therefore, tend to favor a Federal response. But on the contrary, the Commission decided that this is an issue which has been, quite properly, a matter of state determination for a long time. Most of the situations involving the issue will involve other matters of state law. And the Commission did not see a basis for federalizing this subject. Typically, the Federal government will step into an area and preempt it only when there has been an involvement of interstate matters, so that to allow the states to continue to set rules would either create or perpetuate a chaotic situation. That does not, at the moment, seem a proper characterization of this subject in light of the movement toward uniformity.

**Should the Law be Uniform?**

But that conclusion is linked then with the next question which is: Ought the law to be uniform among the states? Here I gather that our conclusion that, “Yes, it must of course be uniform,” is regarded by some people as mildly controversial. In talking about uniformity we are really talking about two things. First, within a jurisdiction, the law should be uniform among all people. Everyone should be treated the same. There shouldn’t be some people in a particular physiological condition who are called dead and other people who are in the same physiological condition who are regarded as living. That could arise through the application of a “definition” to only a particular branch of the law or, as it did in Connecticut, by the attachment of the “definition” to the Anatomical Gift Act. The latter is particularly troublesome because being assigned to the category of being an organ donor, is an arbitrary act. It is subject to reversal as a matter of human choice at any time. Under the Anatomical Gift Act, most organ donations have not been made by people choosing for themselves before they die, but by their next-of-kin making such a choice afterwards. And if the very question of whether a person is dead or not can turn on what the family decides as to whether or not the person is an organ donor, one has an example of the kind of arbitrariness which I think the law cannot tolerate.

The second aspect of uniformity is uniformity among the states. Why is that important? Certainly in the urbanized society that we live in, where metropolitan boundaries effectively extend across state borders in many cases, it would be awkward, to say the least, if a person were to rise like Lazarus from the dead as an ambulance crossed the state line, or alternatively were...
to die in the middle of the Benjamin Franklin Bridge, being brought for treatment at Pennsylvania Hospital. It is the Commission’s view that any statute ought to be written in a way that is readily understandable to any reader. The Commission concluded that a statute would only make sense if it avoids arbitrary distinctions which do not have any grounding. Therefore, we believe that it must be uniform as to people and uniform as to jurisdictions. That does not mean, however, that the Federal government must at this time step in to insist upon a Federal statute. We believe that the initiative should rest with the states, in confidence that reasonable uniformity will result from state by state action. I will say more about that in a moment.

What Ought to be Legislated?
The fifth question is: What is it that ought to be legislated? In a way, that reminds me of the fact that the whole term in which this discussion goes forward down to the very name of the Commission’s report which is Defining Death, is in some ways misleading. We wanted, on the cover, to put the word “defining” in quotes; throughout the rest of the book it is in quotes. But we were told by our graphics people that that would look absurd and that no one would understand it—they would have thought we just left the quotes in the wrong place, that they should have been around “death” too.

We are not just trying to be cute by putting the word defining in quotes, however. What is involved here at least in my view, is a question of “defining” death in terms very different than when one speaks currently about the question of “defining” life. This is probably the most controversial, single question that the Commission has confronted. And it relates to the reason why the Commission’s report, when it was issued last July, ended up on the front page of the Inquirer, the Washington Post, the New York Times, and so forth. That was because, on the very same day that the Commission came out with its report, Senator East and his committee on Capitol Hill were holding hearings on the “human life statute.” All the editors must have said to themselves, “Bonanza! Here we can run this right on page one, side-by-side stories headlined: Hill Committee Defines Life—Presidential Commission Defines Death.” It might appear that the Commission and the Congress were both doing the same thing. But I think such appearance is really very mistaken. Very simply, what is involved in the statute proposed by the Commission is the recognition, the social acceptance of medical standards for determining the end of biological life. What is controversial in the other area is not deciding when biological life begins. That is a matter for a small argument; but what is really at the heart of the concern of Senator East and others is establishing the point at which the legal rights attached to this living being, this person-to-be, will outweigh other legal rights of human beings, namely of a woman who is carrying this new biological life. So the Commission did not find itself “defining” death in the same sense that one talks about “defining” life at all. Instead, it was merely talking about the standards for determining that death has occurred; in other words, that life has ended as a biological matter, and then trying to translate those into an effective social recognition through the law. I realize, however, that some people will take exception to that and this may turn out to be a point of controversy for you.

Is “Brain Death” Really Death?
The sixth question which you have all been dying to ask is whether “brain death” is really death. I don’t usually put the question that way at all, although the philosopher who worked on our staff always put it that way. I object to that particular phrasing, although I just used it because the term “brain death” is misleading. In the report, we go out of our way to avoid using it. It’s misleading because it confuses two separate subjects. It can mean the cessation of all or part of the functioning of the brain as an organ. But the term is also used to describe what one characterizes as the outcome for a particular person based upon the cessation of functions in that organ. That is to say, this person is “brain dead.” Some people who use the term “brain death” would apply it, for example, to a person like Karen Quinlan who still has brain functions that are responsible for her respiration and other bodily functions, but who has not gained consciousness in the past seven years, since April of 1975 when she lapsed into a coma. Other people would use it for the same kind of meaning that we use in the statute—this is the total and complete cessation of the brain functions.

What is really meant by the question, “Is brain death really death” is “Do we have a diagnostic basis from brain functions of knowing that death has occurred that is as reliable as the traditional means of determining that death has occurred?” The traditional means—looking for loss of respiration and circulation is something with which we are all familiar, either from personal experience—although in terms of actual personal experience, that this is getting to be less and less a part of our ordinary lives as it was 25 or 50 years ago—or through “art,” we’ve all seen the cowboy hero bend down next to his best friend and hold the mirror up to the nose and see if it clouds, or listen for the heartbeat, and then say, “Well, they got my partner.”

The answer at which we arrived on the question of reliability, based upon consultation with leading physicians including Tom Langfitt at the University of Pennsylvania, is decidedly affirmative. Indeed, among physicians this is really not a matter of controversy at all. We published a set of guidelines drawn up by our consultant physicians—some 50 of them—as an appendix to our report setting forth the criteria for diagnosing that death has occurred. That has been printed in the Journal of the American Medical Association, along with a very laudatory editorial, and has been reprinted elsewhere in medical/legal publications. This statement is generally recognized now as the most definitive up-to-date statement on the criteria for
determining death. It, in effect, replaces what were called the "Harvard Criteria" that originated in the publication in JAMA in 1968 from a report of an ad hoc committee at Harvard Medical School.

The criteria set forth by the President's Commission's consultants—not as a matter of government policy but of the best, current medical procedures and, unlike the statute, subject to revision over time—provide a basis for determining that death has occurred either through cardiopulmonary functioning or through brain functioning. Each is regarded as fully as reliable when correctly applied. Indeed, I think that the cases in which people are alleged to have been misdiagnosed are all almost entirely matters of diagnosis based on heart and lung functions. All the studies done, on thousands of cases of brain-based determinations, show no mistakes.

In addition to that aspect of looking at reliability, we also did a study of the incidence of outcome of respirator-supported, comatose patients. We did this not to determine so much the issue of reliability itself, but to see what happens when this miraculous medical capability of the artificial respirator and its related intervention is used with comatose patients who have had a severe injury to their brain. Has medicine in the respirator in effect created a sorcerer's apprentice, which results in diagnostic problems in permanently supported comatose or is there a reason in terms of beneficial outcome for its use? The study revealed that, on the one hand, for about 10 percent of such patients a determination that death has occurred is now being made based upon brain measurements where respiration continues because of the mechanical ventilator. A small percentage, fewer than 10 percent at the other extreme, are supported well enough through the acute phase of their respiratory and neurological impairment to recover and leave the hospital, if not always to their homes, at least to another facility when they have less than full recovery from their brain injury.

**Is Determining Death Relevant Only to Organ Transplants?**

The seventh question is whether this is a problem which ought to be linked statutorily with organ donation. Now the reason that this is sometimes raised is that the whole subject of the "definition" of death came into popular thinking about 1968 with the development of heart transplantation. We can think back, briefly, to that first headline about Christian Barnard and the notion that he had removed a heart, which we have always identified with life, from a "dead body" and yet this same heart was functioning in the chest of someone else whose own heart had been removed. The recipient, we would have thought, was dead, but he was alive, whereas, the body from which the beating heart was taken was dead. And that kind of shock caused people to say, "Now wait a second, what do we mean by death—how is it defined?"

Although this linkage exists as a matter of history, the study that we conducted shows that in only about 15% of the cases in which a determination of death is made based upon absence of brain functioning, is organ transplantation anywhere in the picture. For that reason alone, it would be appropriate not to link the two. And for the reason I gave earlier, in discussing the Bacchiochi case, I think it is also apparent that any linkage is not only statistically unnecessary, but actually leads to very bizarre legal results.

**Should the "Definition" Also Cover Withdrawal of Treatment?**

Now there is a final issue and that is whether one ought to link the statute on the determination of death with the legal rules about whether or not treatment should be ceased. For many of the patients that we are talking about, there is an obvious overlap in appearance. If you or I—at least, those of you who are not physicians—were to walk into a hospital room in which a comatose patient were on a respirator, we would probably at first have little way of knowing whether or not that patient was dead rather than having received severe but nonfatal brain injuries inconsistent with consciousness. Of course, it is appropriate to cease treatment of the dead patient, but ceasing it for the merely unconscious though perhaps dying patient is more difficult. At least, it seems a matter of decision not definition.

The Commission chose to keep the two issues distinct. We chose to treat separately the question of the determination of death and the question of making a choice about terminating treatment on people who, although they are still alive, have no prospect of recovery and for whom it seems ethical to cease their treatment. We heard testimony suggesting to us that we should wrap the two issues up together. And the reason that we did not was, it does not seem to us enlightening for public discussion to have the very agonizing choice that one has to make about ceasing treatment for a patient who is still alive swept under the definitional terms of death. And the thought that someone could, for example, call Karen Quinlan dead, though she continues to breathe on her own, simply because she has no prospect for recovery and cannot any longer engage in most any activity that we recognize as being human other than simply breathing and absorbing and eliminating her nutrients, did not seem to meet the popular understanding of what is meant by death.

The Commission has therefore chosen to treat that issue separately and we will later in this year have a report on the question of foregoing treatment.

**THE COMMISSION'S RECOMMENDATION**

What then was the statute with which we came up, to be adopted by the states and to be as uniform among them as possible? Our response was brought about through cooperation with the American Medical Association, the American Bar Association, and the National Conference of Commissioners on Uniform State Laws. Each of those bodies already had a "model statute." Those statutes, along with a statute which I drafted with a...
physician and published in the University of Pennsylvania Law Review in 1972, had been adopted in about 25 states. The result was a crazy quilt pattern across the map of this country.

Our impression was that in the remaining 25 or so states, including Pennsylvania, further statutory action was not occurring because of the existence of the multiplicity of competing statutes, competing model statutes. So the single most important thing we could do was to facilitate the development by the three groups of a single proposal. This goal was realized, and these groups have now all agreed to sponsor a single statute, which is called the Uniform Determination of Death Act. It is very brief:

"An individual who has sustained either irreversible cessation of circulatory and respiratory functions, or irreversible cessation of all functions of the entire brain, including the brain stem, is dead. A determination of death must be made in accordance with accepted medical standards."

Two important phrases in the statute bear particular emphasis. The first is "the entire brain, including the brain stem." It is the brain stem that is responsible for prompting respiration. When in the past the functions of that lower part of the brain were gone, circulation and respiration ceased. Today, a respirator can cause the lungs to function, even without the nervous guidance of the brain stem, so the loss of brain functions is not equivalent to the loss of respiration or of circulation, which can resume once the lungs are forced to work again.

The second important part of the statute is "accepted medical standards." It was for the purpose of making clear that such "accepted standards" are available today that the Commission developed the guidelines through the medical consultants. Those guidelines are not a part of the statute because we recognize that it will be necessary and appropriate for medical practice on how death is determined to change over time. The particular tests by which an irreversible cessation of circulation and respiration—such as the absence of heart beat are measured somewhat differently today from those employed 25 years ago. The standard is still the same—the permanent absence of respiration and circulation—but the actual criteria and tests have evolved. Similarly, with the developments in neurology, somewhat different techniques are used now than were set forth in the 1968 Harvard Criteria for measuring the absence of brain functions. And that change must continue to go on if medicine is not to be frozen into a particular time and place.

Under the guidelines we suggested, even today, different hospitals will use different methods because of the capabilities that are available to them. Each method is accompanied by its own appropriate safeguards. One technique may be appropriate for a six hour measurement, while using another technique, physicians ought to wait 12 or 24 hours, depending on the condition of the patient as well as the diagnostic capabilities that are available. Those guidelines are not part of the statute but they are incorporated by reference and over time those can change without any need for changing the statute.

The statute has been adopted in the past year in six states; it is pending in several others, including Pennsylvania, and in some it has passed one house of the legislature. It is our hope that through this process, the uniformity which we believe should characterize this area of the law will be achieved without Federal intervention. We have also recommended to the Congress that the statute be adopted for areas under Federal jurisdiction so that we not find ourselves in a situation in which a Federal judge ruling on a determination of death from an occurrence on a Federal reserve would find it necessary to decide whether to borrow from the existing state common law in that state, from the law of other states that have adopted modern statutes, or to create Federal common law, as has occurred on other topics. The Commission saw it as rather inconsistent for the Federal government to have recommended the statute and not to have adopted it.

Let me close with just a few words on the second subject, which is really more controversial. It is the Commission's hope to clarify the standards and situations in which it is appropriate to forego treatment and allow a person to die. It is not our belief that it will necessarily require a statute. I think you are all familiar as lawyers and doctors with the ways in which this question has arisen, particularly when a patient is no longer able to participate in the decision and it falls to the family to decide. You are probably also aware of some of the legislative responsives that have occurred—the so-called natural death acts—which allow a person to prepare a directive to his or her physician. Our impression in looking at those statutes is that the process of compromise by which they where drafted (particularly the original 1976 California act) so badly undermined the statutes that they are perhaps worse than useless. But that remains to be seen, and it is too soon to say whether the Commission will suggest any alternative or simply suggest standards by which the law would develop.
A Challenge to New Americans on Their Becoming Citizens by Associate Professor Ralph R. Smith

Early this year, Professor Smith addressed newly-naturalized United States citizens on the occasion of their "swearing-in". Former Dean of the University of Pennsylvania Law School, the Honorable Louis H. Pollak, of the United States District Court for the Eastern District of Pennsylvania, presided at the naturalization ceremonies.

I am honored to be invited here today to witness this ceremony as 101 men and women choose to relinquish their allegiance to other governments and to become citizens of the United States. And I am honored no doubt beyond merit to be asked to address the group at this time.

I do not take lightly the obligation that attends the office of Distinguished Guest and Speaker, and I am hopeful that my remarks will do justice to the confidence reposed in me. With your permission, Judge Pollak, and with the indulgence of our other guests, I would like to address my remarks directly to those who, just minutes ago, have taken the oath.

Any person who is born a citizen of this country and who is at all thoughtful would be somewhat hesitant about addressing a group such as this. That hesitancy would arise because of the certain knowledge that, as citizens by choice and not by chance, each of you here today has made a decision that most of us do not even think about. Moreover, there would be some hesitancy because of the certain knowledge that although you come here from different countries and by different roads, if your individual stories were told we would be compelled to conclude that by your sense of purpose, by your willingness to persevere and by your courage, you have earned not only the status of citizen but also the rank of hero. Because I know that you are heroes, my words this morning are intended not to persuade or to convince or even to inspire. I wish to support your decision and to urge you to bring to the task of citizen that same sense of purpose, that same perseverance, that same courage that brought you here.

Do not allow the solemnity of the oath administered today to encourage you to confuse loyalty within blind allegiance. Do not cease to question or to criticize. Do not hesitate to point out the blemishes and the flaws. Ignore those who would suggest that gratitude is expressed best by silence.

Resist the temptation to surrender to despair, even when your efforts seem in vain, even when it seems that—like Sisyphus—you are doomed to struggle the rock up the hill, only to have it roll down again. PERSEVERE!! Resist strenuously the inevitable pressure to assimilate. Hold on to your identities. Cherish your cultures and customs and languages. Wear your accents with pride.

until this nation's performance matches its people's highest aspirations.

Resist the temptation to surrender to despair, even when your efforts seem in vain, even when it seems that—like Sisyphus—you are doomed to struggle the rock up the hill, only to have it roll down again. PERSEVERE!!

Resist strenuously the inevitable pressure to assimilate. Hold on to your identities. Cherish your cultures and customs and languages. Wear your accents with pride.

Continued...
Permit me to elaborate on that last point. Admittedly, it might seem somewhat indulgent to encourage diversity in a world which has the capacity to feed all and yet abides the reality of starving millions; in a world with a growing schism between the haves and the have-nots; in a world that is threatened with extinction by the biological and thermonuclear weapons made possible by our technological society. But especially in such a world, diversity is not an indulgence. It is quite possibly a necessity.

Depending upon your religious beliefs, you may or may not foresee that some divine force will intervene to move the world back from the edge of the abyss.

But there are others—many others of different colors and creeds—who look to the United States of America in hope of the leadership that yet might be essential to the salvation of humankind. Only the future will tell whether the hope is misplaced. Only by looking back will we know whether the burden was too great.

What we do know is that this most powerful and influential and affluent of nations cannot shirk from the task. This nation must accept the challenge. What impels that acceptance must be more than the arrogance of power or some abstract notion of manifest destiny. That acceptance must be premised on strength. And that strength rests not in this nation's economy nor in its technology nor in its grain nor even in its arsenals.

The source of the strength of the United States is in its people—people who, because they come from all parts of the world, because they are of all races, all religions and all age groups—imbue the nation with a special capacity to understand and, therefore, to lead.

If this nation is to reach an accord with its powerful ideological and geopolitical adversaries, it will not be because of the expertise of Sovietologists and Sino-American scholars. It will be because of citizens who, while disagreeing with the government and the policies of those nations, share a common culture and ancestry with the peoples of the Republics in the Soviet Union and of the Provinces of China.

If this nation is to learn to deal with the changing world order brought on by the emerging and newly-emergent nations it will because there are American citizens who understand both the suffering and the aspirations of those who have been exploited too long.

It is through the ears of the Native American that this nation can come to hear muffled voices of indigenous peoples oppressed in their ancestral lands and displaced by powerful forces beyond their control.

Because Africans were brought to these shores in chains and because, even after slavery was ended, Blacks and successive waves of immigrant minorities experienced various degrees of discrimination, this nation can understand and seek to interpret the anger of national, ethnic, racial, religious and linguistic minorities around the world who seek to defend their dignity and assert their humanity.

If this nation can speak forcefully and with credibility on the matter of human rights, it is because hundreds of thousands and even millions of American citizens have witnessed first-hand the tragic consequence of authoritarian and totalitarian regimes, and still bear the scars of those experiences on their bodies and in their souls.

Whether this nation can lead others depends, in large measure, on how well it responds to its own domestic issues. As we enter this, the latter portion of the Twentieth Century, ours is a nation facing difficult decisions and painful choices. It is a nation coming to grips with the reality of finite resources even as it finds unavoidable the necessity of allocating those resources so as not to perpetuate the consequences of past and continuing discrimination. Issues of economic justice will demand priority on the nation's agenda as we discuss proposals for a guaranteed annual income and a real full employment, and as we confront the necessity of finding better ways to protect our human treasures—those who are young and those who are old.

There can be no doubt that the experiences and the insights of those who have come from other countries will be invaluable as we seek to make rational decisions in the years ahead.

This nation needs your special skills and your talents. But even more, this nation needs more than ever that unique perspective that is shaped by your experiences.

In sum, I suppose what I offer today is a challenge—a challenge not to fade into the greyness that some call the silent majority. It is a challenge to bring that perseverance, that purposefulness, that courage and that special identity to contribute to the still unfinished task of the great American experiment—an experiment that is as noble in aspiration as it is grand in design. If you accept the challenge, you will surely understand why I end these remarks by paraphrasing the words of the great American poet Robert Frost:

... We have promises to keep
And miles to go
Before we sleep.
Welcome!!
The Faculty

Professor Martin J. Aronstein has been appointed Chairman of the Subcommittee on Investment Securities of the Uniform Commercial Code Committee of the Section on Corporation, Banking and Business Law of the American Bar Association.

Helena Clark, Director of Placement, and Lyn Davis, Assistant Director of Placement, attended the annual conference of the National Association for Law Placement in St. Petersburg, Florida, in May.

Professor and Associate Dean Robert A. Gorman became the 38th president of the American Association of University Professors—an organization which represents the interests of 70,000 professors across the nation. He served on the group's executive committee for four years. Mr. Gorman, a judge on the World Bank Tribunal, is the only American to sit on that prestigious council.


Professor George L. Haskins attended a special ceremony in Washington, DC for the presentation to Chief Justice Warren E. Burger of his recently published Volume II, Part I, of the History of the United States Supreme Court. The volume, entitled "John Marshall: Foundations of Power", includes a second part on the business of the Court authored by Herbert A. Johnson, of the University of South Carolina. The event was sponsored by the Supreme Court Historical Society and the American Society of Legal History, of which Mr. Haskins is a former President and a recently elected Honorary Fellow. The presentation took place in the reception room of the United States Supreme Court building, with approximately 200 judges, lawyers and historians present.

On November 6, 1981, Dr. Haskins delivered the opening address at a Conference in Boston on the Development of the Massachusetts Legal Profession. His speech, "Lay Judges: Justices and Magistrates", will be published next year with eleven other papers, by the Colonial Society and the Massachusetts Historical Society, which jointly sponsored the Conference. He has completed and submitted his paper, "Man Versus Political Power: A Crisis in American Constitutional Law", for publication in 1982 to the Recueil des Travaux de la Societe Jean Bodin, Brussels.

Professor Haskins has been elected a Fellow of the Medieval Academy of Ireland, with headquarters at University College, Cork, Ireland. On March 28, 1982, he was presented the Legion of Honor by the Chapel of the Four Chaplains, Philadelphia, "in recognition of service to all—regardless of race or faith."

On Law Alumni Day, 1982, Professor Haskins received, from the Pennsylvania Chapter of the Order of the Coif, the "Coif Award for Legal Scholarship in recognition of the publication of his Part I, Volume II, of the History of the United States Supreme Court."

Professor John O. Honnold was the recipient of the 1982 Sharswood Law Club Award from the Pennsylvania Chapter at its annual dinner held on March 25, 1982 at the Warwick Hotel, Philadelphia.

Professor Noyes E. Leech has been elected to the Board of Philadelphia Volunteer Lawyers for the Arts.

Professor A. Leo Levin was Halle Lecturer and Visiting Scholar at the Cleveland-Marshall Law School of Cleveland State University, the Case-Western Reserve Law School and the Cleveland Bar Association from April 19–22, 1982.

Assistant Dean Alice B. Lonsdorf was a participant on a panel entitled: Face to Face With History: Independence National Historical Park at the 1982 meeting of the Organization of American...
Historians. She delivered the paper, "The Public Response: Developing Organized Public Support for History".

**Vice-Dean Margo Post Marshall** has been named a Director of the International Aneurysm Foundation.

**Assistant Dean Arnold J. Miller** retired at the end of July, 1982 after almost 15 years as the Law School's Dean of Admissions.

**Emeritus Professor Covey T. Oliver** has been elected President of the Washington-based American Society of International Law. He will be teaching full-time at the College of Law, American University during the next academic year.

**Professor Louis B. Schwartz** has been involved in the AT&T controversy since his publication of "The U.S. Surrenders to AT&T" in The Philadelphia Inquirer and for the Knight-Riddor news syndicate, and "Stacked Competition and Phony Deregulation for AT&T", which appeared in the Hastings Journal of Communications and Entertainment Law. He and Professor Almarin Phillips presented a seminar at the Annenburg School of Communications of the University of Pennsylvania, and a discussion on "Fresh Air", a news analysis program on the local public broadcasting station on the subject of AT&T. Mr. Schwartz also dealt with the topic at the 23rd Annual Columbia Law School Alumni Symposium, where he joined on a panel with Attorney General Baxter of the Antitrust Division. In April, he spoke to the San Diego, California Bar Association and the New York City Bar Association on the AT&T settlement, and appeared on a program in Washington, DC presented by The Law Times.

Professor Schwartz represented the American Law Institute at the annual meeting of the American Academy of Political and Social Science in April. His Studying Law for Fun and Profit was reprinted in 31 Journal of Legal Education, also in April.

In May, Mr. Schwartz and Dr. Richard Lonsdorf, the Law School's Professor of Psychiatry in Law, did a one-hour dialogue on Cable Television News on the Hinckley case and the insanity defense. Schwartz also addressed the annual conference of the American Association for Personal Privacy on Evolution of Penal Policy Relating to Homosexuality at the University Museum. On May 27, Professor Schwartz lectured in Washington, DC to the Seminar for Newly-Appointed U.S. District Judges, under the auspices of the Federal Judicial Center, directed by Law School Professor A. Leo Levin.


**Associate Professor Ralph R. Smith** coordinated a workshop entitled "Minority Bar Involvement in the Delivery of Legal Services" on March 28, 1982, in Philadelphia. Jointly sponsored by the National Legal Aid and Defender Association, the Philadelphia Chapter of the National Conference of Black Lawyers, and the Community Legal Services of Philadelphia, the workshop was designed to provide information for minority attorneys in order that they might involve themselves in the delivery of legal services to the poor.

Mr. Smith’s article “The Invisible Lawyer” won honorable mention in the best non-technical article category from the Chicago Chapter of the American Society for Business Press Editors. The article appeared originally in The Barrister.

For Professor Smith’s address to the newly-naturalized American Citizens delivered earlier this year, see this issue of The Journal.

**Professor Edward V. Sparer** was the faculty Sponsor of and moderated and participated in “The Conference on the Future of Public Interest Law and Practice,” which was held in late March. (See Symposium).

**Professor Clyde W. Summers** appeared on a panel in Washington, D.C., in February presented by the Georgetown University Law Center titled, You’re Fired: A Review of Limitations on the Employer's Right to Dismiss an Employee. He spoke on the topic “The Doctrine of Employment-at-Will”. In March, Mr. Summers was part of a colloquium conducted by the New York University School of Law entitled, The Labor Movement and the Crossroads. Professor Summers delivered the James McCormick Mitchell Lecture at the State University of New York in Buffalo, in April, on the topic, "Past Promises, Present Thinking and Future Needs in Labor Legislation".
he was the moderator at the Philadelphia Bar Association’s Bench-Bar Conference discussion on Alcoholism.

Alfred W. Hesse, Jr., former President of Reading Company, has become counsel to the firm Obermayer, Rebmann, Maxwell & Hippel, Philadelphia.


'Michael C. Rainone, of Philadelphia, was presented with the Legion of Honor Bronze Medallion in February in a Vesper Service at the Chapel of the Four Chaplains. He was recognized for his time and effort in many cultural, charitable and fraternal organizations. Mr. Rainone is the 1982-83 Parliamentarian of the Philadelphia Bar Association. He is also President-Elect of the Philadelphia Trial Lawyers Association and First Vice-President of the Lawyers’ Club of Philadelphia.

Leonard Sarner, of Sarner, Stein & Lewis, has relocated the firm’s offices to the Atrium, Suite 328, 1900 Market street, Philadelphia, PA 19103.


'47 Robert M. Landis, President of the Pennsylvania Bar Association and Senior Partner at Dechert, Price & Rhoads, Philadelphia, has been named Deputy Chairman of the Board of the Federal Reserve Bank of Philadelphia for 1982.

Mr. Landis was a principle speaker at the Williamsburg Seminar on the Administration of Justice, a Seminar convened annually by the Chief Justice of the United States through the Brookings Institution bringing together members of all three branches of the United States Government to consider and discuss problems of the Administration of Justice.

Mr. Landis was elected to serve a six-month term on the Board of Governors of the American Bar Association filling the unexpired term of Louis J. Goffman, who died in January. He will represent the ABA’s Third District, which includes Pennsylvania, Delaware and New Jersey. He spoke at the mid-winter meeting of the American Bar Association’s Committee on Life Insurance Law, in Palm Beach, Florida. He participated in the panel discussion on Benefits and Practices: Discrimination by Insurers as Employers. Mr. Landis also was the guest speaker at the Naturalization ceremonies sponsored by the Philadelphia Bar Association in 1981 and, in addition, gave a speech entitled, “An Incursion of the Federal Judiciary” to the Judicial Conference of the Tenth Circuit in Santa Fe, New Mexico.


He spoke at the Third Luncheon Lecture in the Fall Series sponsored by the Philadelphia Bar Association’s Committee on Professional Education in December, 1981. His presentation, “Claims for Mental Suffering and Emotional Injury”, covered the subject of damages for mental and emotional injuries, the elements of intentional and negligent infliction of emotional distress, and suggested methods of presentation of claims of this nature to a jury.
Alumni Briefs continued . . .

John T. Miller was appointed to a 10-year term as Judge of the Court of Common Pleas of York County by Pennsylvania’s Governor Thornburgh.

'50 Kenneth F. C. Char is President of the Hawaii Visitors Bureau having resigned as Vice-Chairman of Aloha Airlines. Mr. Char is chairman of the East-West Center’s Board of Governors, Chairman of the Governor’s Advisory Council on China Affairs, Vice-President of the University of Hawaii Foundation, and Chairman of the advisory board of the University’s School of Travel Industry Management.

Peter Flory, of Haddonfield, New Jersey, celebrated a triple anniversary at a meeting of the National Academy of Arbitrators: twenty years as an attorney, thirty-five years since his immigration from his native Germany, and thirty years of citizenship. He holds numerous umpireships and helps to resolve contract disputes all over the nation. Mr. Flory also participated in a training session at the American Arbitration Association in Dallas, Texas, and spoke to the Arbitration Committee of the Labor Law Section of the American Bar Association in Key Biscayne, Florida.

'51 Judge Harold Berger, formerly of the Philadelphia Common Pleas Court, chairs the Federal Bar Association’s new standing committee on the Federal and State Judiciary. The purpose of the committee is to develop better working relations between Federal and State judges throughout the United States and to study diverse problems affecting the judiciary.

Judge Berger is Chairman of the Pennsylvania Committee for an Independent Judiciary and a member of the national Conference of State Trial Judges and its State and Federal Court Relations Committee. He formerly served as Chairman of a Special Judicial Liaison Committee of the Philadelphia Bar Association charged with studying bench-bar relations.

Louis C. Pulvermacher, of New York City, was elected Chairman of the Federal Bar Council, a group of attorneys involved in litigation in the Federal Courts.

'52 Almanina Barbour is Vice-President of the Metropolitan Christian Council of Philadelphia.

John Rogers Carroll, of the Philadelphia firm Carroll & Carroll, received the Fidelity Award of the Philadelphia Bar Association in December. The Resolution honored him, “in recognition of his unlimited pro bono dedication to the cause of education, assistance and rehabilitation in the fields of drug addiction; alcoholism.” Mr. Carroll has served as chairman of the Special Committee on Drug and Alcohol Problems of the Pennsylvania Bar Association and has chaired the Lawyer and Judges Assistance Committee of the Philadelphia Bar Association.

Joseph P. Flanagan, Jr., of Philadelphia, chairs the new ‘Committee on Tax Exempt Finance’ under the Philadelphia Bar Association Section on Corporation, Banking, and Business Law.

Anthony S. Minisi, of the Philadelphia firm of Wolf, Block, Schorr and Solis-Cohen, has been elected to the Board of Governors of the Philadelphia Bar Association for a three-year term. He has been active in many Bar-related activities over the years and was Vice-President and Member of the Board of the Lawyers’ Club of Philadelphia and was past president of the Philadelphia Junior Bar Association. He has been past chairman of the Philadelphia Bar Association’s Unpopular Cause Subcommittee of the Public Service Committee and is a past member of the Association’s Family Law, Judiciary and Elections Committees.

'53 A. Theodore Flum, is a partner in the Bryn Mawr investment firm of Elkins and Co. He has been an investment broker for the past fourteen years specializing in securities portfolio planning.

Judge David N. Savitt, Administrative Judge of the Philadelphia Court of Common Pleas, was the supervising judge of the first two investigative grand juries to be convened under the New Investigative Grand Jury Act. Judge Savitt is preparing a book of his rulings and opinions analyzing the Investigative Grand Jury Act, rights of witnesses, and powers of the supervising judge.

'54 Paul C. Astor, of Astor, Weiss & Newman, has moved his firm’s law offices to 700 Three Penn Center, Philadelphia, PA 19102.

S. Gerald Litvin, of Litvin, Blumberg, Matusow & Young, was among the faculty members participating in seminars presented by the Practicing Law Institute. Litvin discussed the subject, “Product Design Liability.”

Robert Montgomery Scott, of Montgomery, McCracken, Walker & Rhoads, was re-elected to the advisory board of Philadelphia Volunteer Lawyers for the Arts.

'55 Phillip E. Berens has become associated with the Philadelphia firm Schubert, Mallon, Walheim & deCindis.

Irving M. Hirsh was reappointed to a fourth term as Municipal Court Judge in North Plainfield, New Jersey.

Charles D. Lemmond, Jr., of Wilkes-Barre, Pennsylvania, has been elected to the Board of Directors of First Eastern Bank, N.A.

'56 George L. Bernstein, of Philadelphia, Executive Partner of international accounting firm Laventhol & Horwath, has been named a charter member of the Board of Advisors for the School of Accounting at the University of Southern California. He will serve a three-year term on the board.
'58 Jacques H. Geisenberger, Jr., has opened offices at 120 North Shippen Street, P.O. Box 488, Lancaster, PA 17603, and 401 Walnut Street, Columbia, PA 17512.

Howard Gittis, of Wolf, Block, Schorr & Solis-Cohen, Philadelphia, was elected to the Board of Directors of the Philadelphia Orchestra Association.

Baron E. Kessler practices with Jacques H. Geisenberger, Jr., 120 North Shippen Street, P.O. Box 488, Lancaster, PA 17603. He is of Counsel to the firm.

Harry A. Kitey has formed a partnership under the name of Kitey & Matzkin, First Valley Bank Building, 12 North Seventh Street, Allentown, PA 18101.

Carolyn E. Temin addressed the issue of criminal law implications of the Human Life Amendment at the Philadelphia Bar Association's Seminar held in February, 1982.


'60 Frederick Cohen is a partner in the firm of Pechner, Dorfman, Wolfe, Rounick & Cabot, with offices in Philadelphia and Norristown, Pennsylvania.

Charles A. Heimbold, Jr., has been named Senior Vice President-Planning and Development of Bristol-Meyers Company. He joined the Company in 1963 as a staff attorney and was named Counsel to Bristol-Meyers Products division in 1967. Mr. Heimbold became Director of Corporate Development for Bristol-Meyers Company in 1970 and Vice President-Planning and Development in 1973.

David S. Shrager of the Philadelphia firm of Shrager, McDaid & Loftus, participated in the Philadelphia Bar Association's Seminar on the Human Life Amendment in February, 1982. He discussed the Amendment's impact upon Tort Law.

'61 Howard M. Jaffe, is now counsel to the firm of Lewis, D'amato, Brisbois & Bisgaard, Five Park-Suite 300, 261 South Figueroa Street, Los Angeles, CA 90012.
Alumni Briefs continued . . .

Richard E. Nathan has moved from Washington to the New York office of Marshall, Bratter, Greene, Allison & Tucker. He specializes in federal regulations of securities and commodity futures. From 1975 to 1979, Mr. Nathan served as Deputy General Counsel of the Commodity Futures Trading Commission and, prior to that, he was Assistant General Counsel to the Securities & Exchange Commission.

'62 David W. Miller is a member of the Faculty of the McGeorge School of Law of the University of the Pacific in Sacramento, California. He teaches Evidence, Criminal Law and Criminal Procedure.

'63 David C. Auten of Reed, Smith, Townsend & Munson, Philadelphia, spoke at the Philadelphia Bar Association's "New Mortgage Financing Techniques" luncheon in April, 1982. He planned a Philadelphia Bar Institute Seminar entitled "Handling the Troubled Real Estate Deal: Foreclosures and other Remedies."

Joanne R. Denworth, formerly with the Environmental Hearing Board of Pennsylvania, has formed the partnership Sugarman & Denworth, Suite 510, North American Building, 121 South Broad Street, Philadelphia, PA 19107.

John F. Ledwith has become a member of the firm, LaBrum & Doak, One Montgomery Plaza, Suite 904, Norristown, PA 19401.

Michael J. Rotko has formed a new partnership Rotko, Bockol & Creskoff, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106.

'65 Stephen M. Goodman, of Goodman & Ewing, Philadelphia, is a board member of Philadelphia Volunteer Lawyers for the Arts.

'66 Jay Applebaum was appointed Associate Counsel to New York's Teachers Insurance and Annuity Association-College Retirement Equities Fund, in December. He joined TIAA-CREF in 1974 and was appointed Assistant Counsel the following year.

Michael M. Coleman, a partner in the Philadelphia firm of Pepper, Hamilton & Scheetz, and his wife, Nancy, became the parents of their first child, Benjamin Maxlee, born on November 24, 1981. Mr. Coleman is President of Philadelphia Volunteer Lawyers for the Arts and is a Trustee of Philadelphia College of Art.

Robert S. Gardner has been appointed Circuit Court Judge for Benton and Linn Counties in Oregon. Judge Gardner has practiced with the Corvallis, Oregon firm of Ringo, Walton, Eves & Garner since 1974.

Hermann Rosenberger, 2nd, is Counsel to Goldberg & Silverman, 105 Wynnewood House, 300 East Lancaster Avenue, Wynnewood, PA 19096.

'67 Wilhelm F. Knauer, Jr., has become associated with the Philadelphia firm Cohen, Shapiro, Polisher, Shieckman & Cohen.

Alan L. Spielman is serving another term as Counsel for Concerto Soloists of Philadelphia.

'68 David A. Lissy has joined Gulf & Western Industries as an Executive Assistant. He was previously Assistant Vice-President of Material Management at United Brands.

Richard T. Nassberg, of the Philadelphia firm Schnader, Harrison, Segal & Lewis, was Chair of the annual ACI-ABA symposium on commercial lending.

'69 William A. Burck, III, after a stint with the CIA in Latin America, is presently working in the area of international trade with Data General Corporation, Westboro, MA. He recently spent a month in China negotiating joint enterprises.

Margaret M. Powers has become a member of the Philadelphia firm Schnader, Harrison, Segal & Lewis.

Howard J. Seaver is practicing at 152 Bank Street, Burlington, Vermont, 05401.

'70 Earl David Greenberg was appointed Vice-President, Daytime Programs, West Coast, NBC Entertainment in January, 1981. Prior to joining NBC, he was an attorney with Atlantic Richfield Inc., in Los Angeles. In August, 1980, he became Vice President, Compliance and Practices, at NBC.
Lisa Holzsager Kramer is Vice-President of the Insurance Company of North America and heads the Litigation Department.

Marlene F. Lachman, the Prothonotary of the Pennsylvania Supreme Court, was interviewed by Honorable Marvin R. Halbert , '49 in the January 25, 1982 issue of the Pennsylvania Law Journal-Reporter.

Arthur Mears Larrabee of Philadelphia, has been President of the Pennsylvania Opera Theater since the fall of 1979.

Steven R. Waxman was elected Assistant Secretary to the Philadelphia Bar Association.

'71 Roger E. Kohn has formed the partnership Kohn & Rath, with offices located at P.O. Box 136, Hinesburg, Vermont 15461.

Ronald A. Kriss, of Mahoney, Hadlow & Valdes-Fauli Miami, Florida, has been named a fund member attorney of Lawyer's Title Guaranty Fund.

Samuel Thompson, a former law professor at the University of Virginia is now practicing law in Chicago. He prepared a report for the Federal Trade Commission dealing with the premerger notification program.

'72 Warren L. Dennis has become an affiliate in the Washington, D.C. office of Ballard, Spahr, Andrews & Ingersoll.

Marc D. Jonas, of the Lansdale, Pennsylvania firm of Harnburg, Rubin, Mullin & Maxwell, has been elected to the Board of Trustees of Abington Memorial Hospital.

Holly Maguigan of Kairys, Rudovsky and Maguigan, Philadelphia, participated in the Philadelphia Bar Association Seminar on the Human Life Amendment. She discussed the Amendment’s possible effects.

Steven G. Shore has become a member of the New York firm, Goldfarb & Fleece.

'73 George E. Heck, Jr., has become a member of the firm Kaufman & Heck, P.C., 8618 Germantown Avenue, Philadelphia, PA 19118.

Gordon L. Keen, Jr., has withdrawn from the firm of Obermayer, Rebmann, Maxwell & Hippel to form his own firm, McCausland & Keen, Valley Forge Square, Suite 222, 671 Moore Road, King of Prussia, PA 19406.


Robert D. Owen is a partner in the firm Towne, Dolgin, Furlaud, Sawyer & Owen, 445 Park Avenue, New York, NY 10022. The firm is engaged in general corporate practice and commercial litigation.

Michael K. Schonbrun, Executive Vice-President of Denver’s National Jewish Hospital/National Asthma Center (NJH/NAC), has been appointed President and Chief Executive Officer effective July 1, 1982. He has served as Assistant Director of the Colorado Department of Health and as Assistant for Health Affairs to the Colorado governor.

Akinoi Uesugi is now First Secretary of the Japanese Embassy in Washington. Prior to this post, Mr. Uesugi was an official with the Japanese Fair Trade Commission.

Steven R. Williams has become a member of the Philadelphia firm Mesirov, Gelman, Jaffe, Cramer & Jamieson.

'74 Steven Berk is a member of the firm Segal, Wolf, Berk & Gaines, Penthouse Suite, The Windsor, 1700 Benjamin Franklin Parkway, Philadelphia, PA 19103.

Jack M. Feder has become a member of the firm Lane and Edson, P.C., with offices located at Suite 400 South, 1800 M. Street, N.W., Washington, D.C. 20036.

Jeffrey R. Horowitz, has become a member of the firm Schnader, Harrison, Segal & Lewis in its Philadelphia office.

Wilbur L. Kipnes is a member of the Philadelphia firm Schnader, Harrison, Segal & Lewis.

H. Ronald Klasko spoke at the January 27, 1982 naturalization ceremonies in Philadelphia.

William C. Mack has become a member of the firm of Schnader, Harrison, Segal & Lewis, Philadelphia.

Martha Morris is now an associate in the law offices of Richard I. Moore, at 736 Second Street Pike, Southampton, PA.

'75 Mark B. Goldfus, former Special Counsel to the Chairman of the U.S. Securities and Exchange Commission, is now associated with the Delaware firm Morris, Nichols, Arst & Tunnel, located in Wilmington, Dover, and Georgetown.

Alan I. Reich has become an associate with the Philadelphia firm of Shein & Brookman, P.A.

Jeffrey B. Rotwitt has become a partner in the Philadelphia firm Obermayer, Rebmann, Maxwell & Hippel.

Lawrence White has accepted a full-time position in the Washington office of the American Association of University Professors. His work load encompasses internal association issues in addition to ones concerning the professorate—academic freedom, loss of tenure, etc.

'76 Samuel Foley, Jr., of Philadelphia has assumed the post of administrator of the Progress Nonprofit Charitable Trust for a one-year period. He has supervisory and management responsibilities over the properties owned by the Trust. Dr. Foley works for the international management consulting firm of Towers, Perrin, Forster and Crosby, responsible for new business development in equal employment opportunity and affirmative action programs consulting.

Ann Franke is presently working in the Washington Office of the American Association of University Professors. In this position, she deals with issues concerning internal association problems as well as those involving the professorate—race and sex discrimination, retirement issues and other financial benefits, labor relations, etc.

K. Layne Morrill, a former partner with Jennings, Strouss & Salmon, has formed a partnership under the name of Beus, Gilbert, Wake & Morrill, Suite 1400, United Bank Tower, 3300 North Central Avenue, Phoenix, Arizona 85012.

Ronald A. White announced the removal of his law offices to 904 Pennsylvania Building, 1500 Chestnut Street, Philadelphia, PA 19102.
Alumni Briefs continued...

'77 Deborah S. Fernbach has become associated with the Philadelphia firm of Rawle & Henderson.

Philip A. Gasteier has become associated with the firm Cohen, Shapiro, Polisher, Shiekman & Cohen, with offices located at Twelve S. Twelfth Street, Philadelphia, PA 19107.

Curtis E. A. Kornow is an associate with the firm Fine, Kaplan & Black, located at 1845 Walnut Street, 23rd Floor, Philadelphia, PA 19103.

Edward J. Lentz is associated with the firm Butz, Hudders & Tallman, 740 Hamilton Mall, Allentown, PA 18101.

Mark R. Sussman has become an associate in the Connecticut firm Murtha, Cullina, Richter & Pinney.

'78 Oliver Goodenough is presently associated with the New York firm of Fulop & Hardee. Mr. Goodenough was an associate at Cleary, Gottlieb, Steen & Hamilton since the fall of 1978.

Henry R. F. Griffith has joined the Brussels office of Cleary, Gottlieb, Steen & Hamilton having spent two years at the firm's Washington office.

Steven J. Harwood has joined the firm of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C., One Center Plaza, Boston, MA 02108.

Gerald B. Ingram and Gail P. Wilson were married in September, 1981. They are both assistant District Attorneys for the City of Philadelphia.

David I. Levine will be an Assistant Professor of Law at the Hastings Law School of the University of California in San Francisco in the fall. He will be teaching Torts.

'79 Burkhard Bastuck is an associate in the Dusseldorf-West German law firm of Brukhaus, Kreiels, Winkhaus and Lieberknecht, involved in Commercial and Corporate Law.

Elizabeth G. Bloemen studied at the University of New South Wales from July, 1979 to January, 1980 and is presently working as an advisor to the Executive of the Province of Noord-Holland in Haarlem, The Netherlands, in the area of municipal and provincial law.

Frederic G. Bompaire is in the investment banking department of the Credit Commercial de France in Paris, involved in the preparation of public offers and French securities regulation. He is a lecturer at the ESSEC business school and earned his Doctor of Law degree in June, 1981.


In his spare time, Glenn has been singing and playing piano at various nightclubs and restaurants in Washington.

Elise du Pont was appointed by President Ronald Reagan In August, 1981, to the post of Assistant Administrator for Private Enterprise in the Agency for International Development. She is responsible for promoting American private enterprise and stimulating indigenous private enterprise in 10 targeted countries.

Anthony Haller qualified for the British Bar in November, 1980, and accepted an appointment as Second Secretary in the Foreign and Commonwealth office in London, with responsibilities for East/West African Affairs. He presently practices with the Philadelphia firm of Pepper, Hamilton & Schet,zt.

Gerald A. McHugh, Jr., has become an Associate in the Philadelphia firm of Litvin, Blumberg, Matusow & Young.

Peter Roorda practices with the Amsterdam firm of Stibbe, Blaisse and De Jong, working in the area of labor law.

Martin Smith works as a Solicitor in the London firm of Simmons and Simmons.

Helma Zebregs is with the firm of Nolst Trenite, Hoogenraad and Van Velzen, The Netherlands, in their social department, practicing labor, family and immigration law.

'80 Stephen J. Gibson has become an associate in the firm of Tobin & Tyler, Suite 2145, 135 South Lasalle Street, Chicago, IL 60603.

Rick E. Harris has formed a partnership under the name of Glassroth & Harris, Suite 101, 25 Washington Avenue, P.O. Box 910, Montgomery, Alabama 36102. His former position was as a staff attorney with the Legal Services Corporation of Alabama.

Donna Nelson H eller is practicing with the New York firm of Winthrop, Stimson, Putnam & Roberts, 40 Wall Street. She and her husband, Norman Heller, are the parents of one son, Jacob.

Keith W. Vass has become associated with the Philadelphia firm Braemer & Kessler.

Gail P. Wilson and Gerald B. Ingram, '78, were married in September, 1981. They are Assistants in the Philadelphia District Attorneys Office.

'81 Robert D. Cohen is working at the New York City firm of Wilkie, Farr & Gallagher. He and his wife, Mary Robinson, '81, reside in Manhattan.

David Gitlin is an associate with the Philadelphia firm Wolf, Block, Schor & Solis-Cohen.

Ellen C. Goren has become associated with the Philadelphia firm Mesirov, Gelman, Jaffe, Cramer & Jamieson. She and Anthony J. Vollmer were married in February, 1982.

Gail Latt Koplin has become associated with the Philadelphia firm Marion, Satzberg & Kurland.

Mary T. Robinson practices at the Manhattan District Attorney's Office. She lives in New York City with her husband, Bob Cohen, '81.

Lloyd A. Sanders has become associated with the firm Schnader, Harrison, Segal & Lewis in its Philadelphia office.

Andrew E. Taslitz is an associate in the Philadelphia firm of Schnader, Harrison, Segal & Lewis.

Catherine Votaw is practicing with the Philadelphia firm of Mesirov, Gelman, Jaffe, Cramer & Jamieson.
In Memoriam

'14 Lynn B. Griffith
Warren, OH
July 18, 1978

James C. Luitweler
Tryon, NC
March 1, 1982

'16 Frank S. Dreeben
Philadelphia, PA
December 24, 1981

'19 Ernest R. Keiter
Maplewood, NJ
February 24, 1982

'22 John L. Kilcoyne
Bristol, PA
September 29, 1978

'25 George M. Hillman
Moorestown, NJ

Harry W. Steinbrook
Philadelphia, PA
January 24, 1982

'27 Label Goldblatt
Philadelphia, PA
March 2, 1982

'28 R. A. Livingston
Fort Lauderdale, FL
December 5, 1981

Lloyd L. Rosenberg
Morristown, NJ
August 3, 1981

'29 Harry F. Kaiser
Philadelphia, PA
January 26, 1982

Sidney Schulman
Philadelphia, PA
October 25, 1981

'30 Paul P. Wisler
Collegeville, PA
September 10, 1981

'31 Edward B. Hodge
Devon, PA
October 17, 1981

Irvin J. Kopf
Philadelphia, PA
February 25, 1981

'32 Thomas F. J. Friday
Waverly, PA
November 21, 1981

'33 George D. Brantley
Blackshear, GA
October, 1975

Charles A. Greene
Media, PA
June 11, 1974

'34 William D. Conca
Tullytown, PA
November 10, 1981

'35 Louis J. Goffman
Huntingdon Valley, PA
January 7, 1982

Alan M. Hawman, Jr.
Wyomissing, PA
March 3, 1982

William M. Maier
Bryn Mawr, PA
March 11, 1982

'36 Abraham Pilzer
Philadelphia, PA
April 2, 1982

'37 Margaret L. Myers
Philadelphia, PA
March 18, 1981

Matthew A. Ozehoski
Lake Park, FL
June, 1976

'38 Frank T. Howard
Bryn Mawr, PA
January 16, 1982

'39 Doris E. Montgomery
Margate, NJ
December 23, 1981

'40 Allen H. Ehrgood
Lebanon, PA
September 4, 1981

'42 Robert L. Kunzig
Washington, DC
February 21, 1982

Benjamin L. Perzin
Cherry Hill, NJ
October 17, 1976

'43 Robert R. Artz
Philadelphia, PA
January 16, 1982

Max H. Leister, Jr.
King of Prussia, PA
February 25, 1982

'47 Russel R. Levin
King of Prussia, PA
March 13, 1982

'48 Anita Garaguso Cella
Drexel Hill, PA
December 26, 1981

Thomas E. Wilcox
Wellsboro, PA
February 5, 1982

'49 Charles E. Ingersoll
Penllyn, PA
February 2, 1982

'51 Richard L. Graybill
Lancaster, PA
August 30, 1979

'60 Frederick D. Wood
Philadelphia, PA
1980

'67 Marvin J. Mundel
Philadelphia, PA
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