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HIGHLIGHTS OF ACADEMIC YEAR 2000-2001

Bust of Penn Law Founder James Wilson is Unveiled

Justice O'Connor Presents Remarks at Sesquicentennial Reception

Professors Kreimer and Scheppele Speak on Democracy and the Constitution at International Reunion

First Reunion of International Alumni

Dean Fitts "Hoops It Up for Legal Aid"

Walter Dellinger Delivers Segal Lecture

Levy Conference Center is Dedicated

Faculty Panel on Presidential Election Crisis
To the Penn Law School Community,

In these pages we are proud to report on the remarkable progress the Law School has made in remaking its academic program in recent years. When our Strategic Plan was drafted just four years ago, we envisioned the Law School expanding and deepening its connections with the preeminent law related professional schools that sit next to us on the Penn campus, as well as with other unique institutions in the City of Philadelphia. In the compelling feature article you will come to understand much of what has been achieved in our collaborations throughout Penn, and what we aspire to create in the future.

As part of this effort, in Academic Year 2001-2002, Penn Law School welcomes six new faculty members to its already accomplished body—perhaps as many as we have added in any year in the history of the school. They deepen our already existing strengths in corporate law and inject momentum into areas we have been building over the last years, most notably in health law, technology, and constitutional law. We are in the process of remaking the curriculum for lawyers of the 21st century, as our graduates increasingly traverse the integrated worlds of law and these other professions.

To provide the means to expand in these areas the Law School is dependent on the generosity of its alumni and friends. In May of this year a remarkable gift was made to the Law School that buoyed the corporate law program. The Winding Way Foundation made a commitment of $4 million in honor of Saul A. Fox, a member of the Class of 1978, a Philadelphia native, and Chief Executive of private equity management firm Fox Paine in Foster City, California. This gift funds the new Saul A. Fox Distinguished Professorship in Business Law, an endowed chaired professorship to which Professor Edward B. Rock, co-director of the Institute for Law and Economics, was named this Fall. In addition, it funds the associated Saul A. Fox Research Fund.

With our historic 150th year now past, our eyes are trained on the future. So many of you took advantage of last year's celebrations to return to the Law School, and I encourage you to come back again for the lectures and symposia highlighted in the Calendar of Events. For our distinguished lectures this year we will welcome David Boies, who argued U.S. v. Microsoft and Bush v. Gore, and distinguished Judge and former Dean of Yale Law School, Guido Calabresi, among other eminent speakers. Our students will mount symposia that examine Native American Law and the Constitution, and Municipal Unions and Governance, for example. Finally as a prelude to the Institute for Law and Economics' Bankruptcy Roundtable, we offer an excerpt in this magazine from Professor David A. Skeel Jr.'s new book Debt's Dominion: A History of Bankruptcy Law in America.

Feel welcome to return to Penn Law School, and keep in touch to let us know what is news with you.
Building Bridges Between the Professions

Penn Law as the Model for Interdisciplinary Education

In 1974, after earning joint B.S./M.S. degrees summa cum laude through a submatriculation program at the Wharton School, Perry Golkin applied for admission to the Law School. In 1978, the former business student was a member of the team that won the Law School’s Edwin Keedy Cup moot court competition. The transition from business to law was a natural one for him, and he found that the intellectual rigors of legal education stimulated his mind as business studies alone had not.

Today, Golkin has crossed the bridge back to finance again and serves as a Member of Kohlberg Kravis Roberts & Co., the famed leveraged-buyout firm in New York. He joined KKR in 1986 from New York law firm Simpson Thatcher & Bartlett where he was involved in a broad corporate practice including corporate financings, mergers and management buyouts. This Fall he begins a term as an Overseer of the Law School.

“The value of a Penn Law education transcends the standard legal career paths,” says Golkin. “For example, two of the three founding partners of KKR went to law school, and over one-third of the other partners (myself included) received law degrees... This is not to say that law schools should abandon their historical role and train executives for investment firms. However, broadening the law student’s education with more diverse offerings can only make law school more attractive and might in fact lead to wider choices for them in career alternatives.”

The value of a Penn Law education transcends standard legal career paths.

Perry Golkin's confidence in the value of a Penn Law degree to the career of a finance professional, in his case, or any professional, is an eloquent statement for why the University of Pennsylvania Law School has committed itself to educating students across the professions. Golkin's experience at Law School and throughout his career as an entrepreneur and financier has become the standard, indeed, the model, for the 21st century lawyer.
INTRODUCTION

In 1997 the University of Pennsylvania Law School unveiled a Strategic Plan that established a course for the Law School at the dawn of the 21st century. When Michael A. Fitts was named Dean of the Law School in 2000, his first objective was to assess the progress made toward achieving the goals of the Strategic Plan. Next, he determined what needed to be done to complete the stated goals. The numerous achievements so far, and a strategy for how the Law School will accomplish the remainder of the objectives in the plan, are highlighted in the pages that follow.

What is immediately apparent is that Penn Law has created a new model for legal education by placing a premium on interdisciplinary studies. This model builds on the Law School's strengths because of the unparalleled alliances that exist between the superior schools and centers that comprise the University of Pennsylvania.

Penn Law students who pursue opportunities to augment their legal education with classes in other fields will possess an advantage in an evolving legal marketplace that demands that the best practitioners be knowledgeable in areas outside the law. "For lawyers in the so-called traditional practice of law, increasingly they must be familiar with the underlying substantive areas in which they are operating," explains Dean Fitts. "At the same time, many attorneys are literally moving over to 'practice' or work in the business or non-profit world in which their traditional practice took them. When they make such changes, they find that conventional legal training offers incredible insight and comparative advantage, but that they also need to understand the substantive area in which they are now operating."

Penn Law has created a new model for legal education by placing a premium on interdisciplinary studies.

A CONTEXT FOR INTERDISCIPLINARY STUDIES AT PENN

In the coming century, all lawyers will be called upon to integrate the findings of an ever-wider array of human knowledge, change specialties and update substantive knowledge more frequently, and move readily across professional boundaries. The goal of the Law School's strategic plan is to become the national leader in building the intellectual capital and training the human capital for this vision of "lawyer-leadership" in the 21st Century.

In 1997, the preceding statement was published in the Fall issue of the Penn Law Journal. The genesis of the Strategic Plan was University of Pennsylvania President Dr. Judith Rodin's charge to each of Penn's schools to outline strategies to bridge Penn's transition from the 20th century to the 21st century.

Dean Michael A. Fitts, who was then on the faculty of the Law School and serving as Associate Dean, was called upon to serve on the University Provost's Academic Planning and Budget Committee to consult and help draft Penn's vision statement for the future.

The outcome, the Agenda for Excellence, identified the assets of the University's component schools and ways that each could strengthen its base through curriculum integration with other schools. At the heart of the Agenda was an outline of institutional goals and strategies, the pre-eminent goal being the shared aspiration to solidify and advance Penn's position as one of the world's premier teaching and research universities. The Strategic Plan was the blueprint for how these ambitious goals would be achieved at the Law School.
BUILDING BRIDGES BETWEEN THE PROFESSIONS

The Agenda for Excellence and the Law School's Strategic Plan both stated that students would grow from the experience of crossing boundaries – between the arts and sciences and the professions; between learning and creating knowledge; between traditional methods and new technology; between faculty and students; and between academics and campus life. As Associate Dean to Dean Colin S. Diver, then-Professor Fitts was the first to implement the beginning stages of the Law School's Strategic Plan. He began by setting up several joint degrees programs with Penn's allied schools.

Today, Dean Fitts has reinvigorated the Strategic Plan by tightening the focus in five areas for curriculum development, and faculty and student recruitment. In each area we have built bridges to Penn's affiliated schools that connect the Law School to the following disciplines:

Law and Health Sciences
- School of Medicine
- Center for Bioethics
- Department of Bioengineering

Law and Business
- Wharton School
- SAS Department of Economics

Law and Technology
- School of Engineering Arts & Sciences
- Department of Bioengineering
- Wharton School

Law and Communications
- Annenberg School for Communication
- Annenberg Center for Public Policy

Law and Constitution Studies
- National Constitution Center
- SAS Department of History
- SAS Department of Philosophy

Each responds to the reality that in the 21st century the acquisition, communication and use of knowledge will be even less contained within the boundaries of a single discipline or school than is true today. More than most of its peers, Penn is well positioned for leadership in this context.

Additionally, the Law School has developed submatriculation programs on campus with the College, Wharton, the School of Engineering and the School of Nursing. Exceptionally qualified Penn undergraduates may submatriculate in the J.D. program after completion of their junior year in college and complete both the undergraduate and law degrees in a total of six years. Law students may seek approval to take up to four courses in any graduate program at Penn outside the Law School and have the coursework count toward their J.D. degree. The opportunities abound.

The Law School has good fortune – and a good location – on its side to assure the success of these aspirations. The good fortune is that the Law School already boasts a number of faculty who are leaders in each of these cross-disciplinary areas.

Unlike comparable law schools that are part of leading research universities, all the schools to which Penn Law is building bridges are located within a couple minutes' walk from the Law School. It is easy to get to classes at the other schools and inviting to take advantage of the revitalized neighborhood to meet with colleagues and classmates at a variety of venues nearby. The Law School environment – its faculty, students, administrators, and physical layout – encourages taking advantage of every opportunity the University of Pennsylvania offers.
As a component of the first of the University's academic priorities, Life Science, Technology and Policy, we aspire to develop the foremost interdisciplinary program in law and medicine.

A key component of this priority is its emphasis on health policy, health services, and society. This offers great potential for the future, particularly as we move to a managed care environment that places ever-greater emphasis on health economics, communications and information flow, and law.

Among the most promising and far-reaching initiatives that Penn Law School has undertaken since 1997 has been in the area of health law and policy. Much that has been achieved has grown from the successful alliances the Law School has made with outstanding institutions long established at the University of Pennsylvania. In addition, with the arrival of new faculty at the Law School this academic year, the collective expertise offered is impressive. On the horizon, Penn Law envisions establishing an Institute in Law and Health Policy that would offer pre-eminent symposia, roundtables and lectures at the Law School.

Three new faculty with an expertise in health law who joined the Law School this year are Assistant Professor Eric A. Feldman, a scholar of comparative health law who joins Penn Law from NYU Law School; Assistant Professor Kristin M. Madison, a specialist in health economics; and Assistant Professor Arti K. Rai, a scholar in health care regulation and intellectual property who joins Penn Law from the University of San Diego Law School. (See full profiles of each on page 45).

Coursework offered recently at the Law School in the area of Health Sciences includes the following: “Bioethics and the Law” taught by Professor Anita Allen-Castellitto; a yearlong seminar in “Biotechnology and the Law” co-taught by Professors Colin S. Diver Charles A. Heimbold Jr. Professor of Law and Edward L. Rubin; “Health Care Regulation and Allocation” taught by Professor Arti K. Rai; and last year’s seminar “Education for the Professions: The Intersection of Law, Medicine and Social Work” taught by Professor Barbara Bennett Woodhouse.

The University of Pennsylvania’s School of Medicine was ranked fourth in the nation this year by U.S. News & World Report. Although there is no formal M.D./J.D. degree program at Penn, if a student applies to Penn School of Medicine and the Law School and is accepted to both programs, the medical and law schools will work together with that student to develop an integrated program. Through these efforts it may be possible to complete both degrees in a total of six years rather than seven.

One student who has undertaken this option is Aaron Kesselheim. In his pursuit he has been a pioneer in navigating the terrain and setting a path for future J.D./M.D. matriculants. After two years in the classroom at the School of Medicine, in 1998 he entered the Law School to begin his legal education.
BRIDGING LAW AND HEALTH SCIENCES

"When I was an undergraduate, I studied the history of science and learned how science and medicine are affected by the laws of society. The way doctors practice medicine is affected by more factors than just science. The way doctors practice medicine is influenced by laws. By entering law school, I wanted to gain a sophistication of how laws have impacted the practice of medicine."

One course that he recalls with enthusiasm was "Biotechnology and the Law," taught by Colin S. Diver and Edward L. Rubin. "That was a great class. It was exactly what I was interested in finding out about – the intersection of law, ethics, medical practice, court cases and medical research methods. It was a very synergistic class that combined the fields."

Kesselheim was on rotation at the Hospital of the University of Pennsylvania this summer. He will complete his law degree in 2002, one year after his classmates, but close to the finish line of his joint degree experience at Penn.

Faculty who address the substantive areas of law and health studies frequently are scholars in the areas of ethics and philosophy.

One such scholar is Stephen J. Morse, Ferdinand Wakeman Hubbell Professor of Law who holds an additional appointment as Professor of Psychology and Law in the Psychiatry Department. He is a renowned expert in law, criminal behavior, mental health, insanity defense and moral philosophy. Last year he team-taught a perspectives course in "Cognitive Neuroscience" with a psychology professor and a research associate in philosophy in the College of Arts and Sciences. At the Law School he teaches "Freedom and Responsibility" and lectures as a member of the Institute for Law and Philosophy.

Several students have pursued coursework through the Center for Bioethics at the University of Pennsylvania, an interdisciplinary, interprofessional unit of the Penn Health System. In the School of Medicine, the Center comprises a Division of Bioethics in the Department of Molecular and Cellular Engineering, and its concomitant Institute for Human Gene Therapy. The Center's mission in all these capacities is to advance scholarly and public understanding of ethical, legal, social and public policy issues in health care.

In 1997, the Center for Bioethics developed one of the first – and largest – master's programs in the nation in the field. The Master of Bioethics degree integrates training in empirical methods, liberal arts and medical school teaching. It is designed to give medical professionals as well as those in related fields the interdisciplinary training needed to address the ethical challenges in health care today and tomorrow.

The joint J.D./M.B. degree in Law and Bioethics is designed to provide students with the interdisciplinary training they will need to address legal, moral and policy challenges in the healthcare and biotechnology industries.

The path that Lamine Reese C'97, GGS'01, L'01 took illustrates an intersection of ambition with opportunity. Reese graduated a semester early from the College of Arts & Sciences at Penn with a degree in medical anthropology, a field that looks at how diseases, infectious and degenerative, affect population. In the course of his work at a subsidiary company of Cigna Healthcare, Reese came across a website and learned about the emergence of master's degree programs in bioethics. This captured his attention.

"I was most concerned about the unequal distribution of health care and the way that affected population health dynamics," Reese says. "In some respects this is an ethical question of how we will distribute our limited resources to meet our national health care needs...I always say that the degree was a good fit for me because, in the end, most of the questions discussed in bioethics are eventually determined in a courtroom."

Reese took courses at the Law School, Wharton, and through the Center for Bioethics where electives in one school often counted as required credits in the other. Two law courses that were credited to the M.B. degree were "Publicly Financed Health Care Law" and "Topics in Health Care Law."

"I think it was a great experience that gave me a better perspective on my law school experience as a whole," Reese observes. He plans to return to the field of health policy in a few years after gaining experience in litigation at Venable, Baetjer Howard & Civiletti in Washington, DC.

Recent graduate Beth Roxland L'01, M.B. '01 recalls that she chose to come to Penn Law because there was the opportunity to earn a master's degree in bioethics at Penn, whereas the few other schools she considered that offered the concentration had Ph.D. degree programs only. She pursued both J.D./M.B. degrees in her second and third years of law school.
“I wrote an extra-long comment on stem cell research ("Federal Funding for Stem Cell Research") so that it could be counted toward my master's thesis as well. I took as many courses as I could in the Law School that would count toward my masters, such as "Bioethics and the Law" and "Biotechnology and the Law.”

Lisa Dagostino, a candidate for the J.D./M.B. degrees, calls herself a “poster child” for interdisciplinary study. The third-year law student holds an M.D. degree from UMDNJ Robert Wood Johnson Medical School where she trained as an obstetrician/gynecologist. Because of her work in this field she was motivated to study the legal and ethical issues surrounding human reproduction.

“Part of the reason why I wanted to study at Penn was because I felt that Penn really encouraged interdisciplinary students and that I would have the possibility of doing the Bioethics degree along with the J.D.,” Dagostino states.

She speaks of the case with which she has been able to take courses in both areas and receive cross-credits toward each degree. Dagostino has been able to fulfill her law school coursework by working on a law and bioethics issue related to assisted reproductive technology, specifically in-vitro fertilization. The issue revolves around the potential legal and ethical ramifications of the emergence of pre-implantation genetic diagnosis as a means of genetic testing. In addition, Dagostino has been managing editor for the American Journal of Bioethics published by the Center for Bioethics.

Rounding out Penn's offerings in the discipline of health sciences policy and, in turn, to Law students eager to take advantage of these elective courses, are Wharton's Health Care Systems Department and the Leonard Davis Institute of Health Economics based in the School of Medicine. As we observed this past summer in the Congressional debates and parrying over a patient's bill of rights, policymakers need to know how the economics of health care systems are designed while keeping in mind the impact on human and health services their policy decisions might have.

Wharton's Health Care Systems Department was developed around the idea that the health care industry is now the nation's second-largest employer and has had an increasingly important impact on the U.S. economy. Public concern about the management and delivery of health care services is at the top of the national agenda, and the factors and policies influencing health care systems in the U.S. and around the world are a natural subject for researchers.

An audience including lawyers, legal scholars, medical students, physicians, philosophers and ethicists attended a conference on bioethics at the Law School in April co-hosted by Professor Anita Allen-Castellitto of the Law School and Arthur Caplan Ph.D., Director of Penn's Center for Bioethics.

“The Bioethics Center is indeed one of the jewels of the crown at Penn,” commented Dean Michael A. Fitts in introductory remarks before the first panel that asked the question “Who Are Bioethicists and What Do They Do?” Answers ranged from advising healthcare providers, drug companies, and biotech companies, to serving on government panels and commissions, counseling individual patients and families, and giving expert testimony in lawsuits.

Daniel Berger, Esq. led the discussion “From the Front Line: Litigating Ethics and Injury.” A partner with Berger and Montague P.C. in Philadelphia, Berger has been at the forefront of medical class action suits. He discussed the legal doctrine and framework the firm used to challenge the government’s use of human radiation experimentation (HRE) at the end of World War II when terminally ill patients were injected with plutonium. He presented another case in which students at a school for mentally disabled children in Massachusetts were fed radioactive oatmeal to test the effects of ingestion.

He characterized the terrain of building cases such as these “a complex, often bewildering, area. There was a tendency among public policymakers to minimize what was done. In many cases the offenses were committed decades ago and evidence was lacking. They claimed it was a time when biomedical ethics were different. The HRE victims were just the tip of the iceberg. There were uranium miners, mostly poor Native Americans, who were injured. There were workers at the major nuclear facilities. We’re talking about every child born in the U.S. between 1951 to 1963 because of atmospheric effects of radiation testing. It is all a result of the entire nuclear arms and energy industry.”

Internationally recognized legal ethics expert Geoffrey C. Hazard Jr. Trustee Professor of Law contributed to a panel with three law professors from other institutions that discussed “The Duties of Bioethicists: Conceptualizing Professional Standards and Duties.”

Colin S. Diver Charles A. Heimbold Jr. Professor of Law and Arthur Caplan concluded the day’s symposium on the subject “Looking Ahead: Shaping the Policy and Research Agenda.” Caplan commented, “The research enterprise will be the single largest economic entity in the United States for the next 20, 30, 50 years. If lawyers get in the way of that they will get trampled.” Caplan extolled the positive value that bioethicists add to our society. “Why is bioethics so American? It’s a way that Americans can talk about life and death, and ethics, and cloning by crossing racial, religious and ethics boundaries. We get to have metaphysical conversations. I see bioethics as a cultural critic.” He concluded, repeating his vision, “There is a role bioethics will play in the future that the law shouldn’t stifle. Bioethicists should inspire a cultural dialogue.”
BRIDGING LAW AND HEALTH SCIENCES

Current subjects of faculty research in Wharton's Health Care Systems Department include research into alternatives to managed care insurance; exploring whether tax-advantaged employer-paid health insurance is sufficient and equitable; and options for developing a comprehensive national health policy for Medicare.

The Leonard Davis Institute of Health Economics (LDI) was established in 1967 in response to growing national need for high quality research and education to inform policies critical to the financing and management of the nation's increasingly costly and complex health care system. It is a cooperative venture among Penn's business and health professions schools (Wharton, Medicine, Nursing, and Dental Medicine).

LDI’s Health Policy Program translates Penn's wide-ranging activities in health policy research and education into a form useful to private sector decision-makers through such activities as conferences, seminars, workshops, and other interdisciplinary events. The Program provides opportunities for dialogue among health services researchers, students, policy makers and industry leaders.

As a research institute LDI does not confer degrees. Its core mission is to advance interdisciplinary health services education in the management, clinical, social, and behavioral sciences.

LAW & BIOTECHNOLOGY

Ask the next person you run into to define the term “biotechnology.” You'll most likely find a person struggling to find the meaning by parsing the word. At best, you’ll likely hear a reference to Frankenstein’s monster.

Merely a year after the course “Biotechnology and the Law” was introduced at Penn Law School, there is speculation by analysts that his decision this summer concerning the future of stem cell research may be the issue that defines George W. Bush’s presidency. The analysis of how law impacts scientific discovery, and vice versa, is at the core of the Law School’s ambitions in this area.

“Biotechnology and the Law,” a yearlong seminar taught by Professors Colin S. Diver and Edward L. Rubin, attempts to explain this field to law students. The course is described this way: “Dramatic progress in biotechnology, such as decoding genetic information and manipulating organic cells, has already produced many innovative applications. In the near future, this technology may give us the power to re-engineer life itself. The seminar explores the legal, public policy, and ethical issues raised by these developments.”

As a Visiting Professor last year, new permanent faculty member Arti K. Rai taught the introductory course “Intellectual Property in the New Technological Age.” She introduced the four major systems of intellectual property protection – trade secrets, patent, copyright, and trademark – and then applied the regimes to biotechnology and computer technology. She clarifies that trade secrets and patent law are the main regimes for biotechnology, where all four regimes apply to computer technology.

In a class that Rai says “included everyone from English majors right out of college to Ph.D. biochemists,” she found the students tended to divide into two groups: technophiles interested in science and technology, and those who weren’t.

She will teach a modified version of the same course this Fall tailored more specifically to technophiles, particularly in the areas of biotechnology and computer software. A second course, “Intellectual Property Rights and Biotechnology” will look at the law and business of biotechnology, with a focus on how patent and trade secrets laws have facilitated the development of the biotech and pharmaceuticals industry.

In addition, Rai will teach a seminar in “Science and the Public Domain” which will look at both biotech and computer technology, particularly computer software. It will examine the ways in which the public and private sectors interact in these areas.

In June, the University of Pennsylvania’s Department of Bioengineering in the School of Engineering Arts & Sciences was awarded a $14 million Leadership-Development grant from the Whitaker Foundation. This grant will be matched by University support of $42.8 million for a total $56.8 million initiative in bioengineering.
There is speculation by analysts that his decision this summer concerning the future of stem cell research may be the issue that defines George W. Bush's presidency.

Daniel A. Hammer, professor and chair of bioengineering at Penn and principal investigator on the award stated, "This is an extraordinary time for biomedical engineering in the U.S. and Penn, with its strengths in engineering and medicine, is well-poised to take advantage of new medical discoveries and new advances in human health."

With this award, the Bioengineering Department will gain a new building, with modern research and educational facilities, and will allow the department, now 14 faculty members strong, to grow in size by more than fifty percent.

APPLYING CRITICAL LEGAL THINKING TO HEALTH LAW & ETHICS

One cannot extract the specialized academic disciplines from the core education that takes place at the University of Pennsylvania Law School. A Penn Law degree represents three years of education not only in academic subjects but also in codes of ethics and morality as a student progresses through the program.

Today we observe not only the intersection of law and medicine but also the frequent clashes between the two fields. What is required are lawyers who are confident in negotiating in an environment of emerging science and technologies. Those who will succeed will be lawyers who are experts in critical thinking and adept at mediation so that science can advance within the boundaries of reasonable and ethical standards.

The Law School's Institute for Law and Philosophy provides the theoretical framework for thinking about complex moral and ethical issues within the context of the law. More than any other aspect, alumni who trained in the law and pursued careers in other fields say that the critical thinking they learned at Penn Law School gave them the advantage and the insights to adapt to professions beyond the law.

Training students how to "think like lawyers" includes a rigorous program of study in constitutional law and constitutional theory which is the foundation for legal discourse.

Stephen R. Perry John J. O'Brien Professor of Law and Philosophy is Director of the Institute for Law and Philosophy. He has a joint appointment to the SAS Department of Philosophy as does William B. Ewald Professor of Law and Philosophy. The Institute boasts the affiliated faculty and course offerings of Anita Allen-Castellitto Professor of Law and Philosophy ("Justice and the Rule of Law," "Bioethics and the Law"); Regina Austin William A. Schnader Professor of Law ("Advanced Torts: Cultural Conflict and Intentional Torts"); Leo Katz Professor of Law ("Problems in Law and Morality"); and Stephen J. Morse Ferdinand Wakeman Hubbell Professor of Law; Professor of Psychology and Law in Psychiatry ("Freedom and Responsibility").
Bridging Health Law and Critical Thinking

Professor Geoffrey C. Hazard Jr. Trustee Professor of Law is internationally renowned as an expert in legal ethics. He writes a weekly column on professional ethics for the National Law Journal and is regularly called on by the media to make sense of moral and ethical questions that arise in the practice and delivery of legal services. Hazard teaches “Comparative Professional Ethics” at the Law School.


With the addition of Professor of Law Claire Finkelstein this year, the Institute for Law and Philosophy expands its faculty. In the Fall semester, Finkelstein will teach the seminar “Theory of Rights,” which introduces students to the basic ideas of rights theory and explores applications of that theory in moral, political, and legal contexts, that is, issues that question animal rights, rights of the unborn, and the right to die, for example.

As Director of the Gittis Center for Clinical Legal Studies, Professor Douglas N. Frenkel supervises the Mediation Clinic which has grown in popularity over recent years, especially with an influx of foreign LL.M. students who, through word of mouth from their compatriots, wish to study this uniquely American evolution in justice. Frenkel’s recent presentations to professional audiences include “Mediating Physician-Patient Disputes” to the Pennsylvania Psychiatric Society in Philadelphia, and “Emerging Ethical Issues for Neutrals and Advocates in Mediation” to the American Arbitration Association.

In another opportunity for students to gain practical legal experience, Clinical Practice Professor Alan M. Lerner co-teaches the Child Advocacy Clinic with Dr. Cindy Christian of the Medical School, and supervises the Civil Practice Clinic.

The University of Pennsylvania offers a joint degree in law and philosophy. A few highly qualified students can earn joint J.D./Ph.D. degrees in Law and Philosophy in a six-year program of study that includes a program in ethics, political philosophy, and the philosophy of law.

Recent graduate and Ph.D. candidate Thomas Sullivan ’01 says he would have applied to Penn Law School in any case, but the opportunity of pursuing a joint degree while at Penn made it the obvious place to attend.

“I knew I wanted to go to law school, but not right after college.” Sullivan earned a master’s degree in Philosophy at the University of Reading in England where he developed an interest in moral, political and legal philosophy. He came to Penn to enter the Ph.D. program in Philosophy in 1996 and entered the Law School in 1998.

Sullivan has worked for the last two summers as a summer associate in the litigation department of Morgan Lewis & Bockius in Philadelphia. To fulfill the mandatory public service requirement he worked for the Education Law Center in his first year, then spent the next two years teaching the course “Know Your Rights” on Saturday mornings at West Philadelphia High School and the Salisbury Middle School in West Philadelphia. He created the course by working with Penn’s Center for Community Partnerships. His ambition was to teach members of the community the basics about criminal law, labor
Penn prepares students very well. Law has changed a lot in recent years and Penn had faculty and students in place who represented all fields of study.

and employment law, and contract law. In addition, he taught Philosophy to undergraduates at Penn.

He knew some of the Law and Philosophy faculty from his studies in the Philosophy Department where Law faculty cross-teach, but when he entered the Law School he learned about the vibrant student body firsthand.

“I was pleasantly surprised by the well-roundedness of the students and the different experiences they bring to class. In Torts there was a doctor who spoke about medical malpractice. In another class there was someone with a master's degree in education and we had many discussions about different theories of education. Also, there were many people with experience in business and finance who were able to contribute a lot in corporations, for example.”

“Penn prepares students very well,” Sullivan continues. “Law has changed a lot in recent years. Penn had faculty and students in place who represented all fields of study.”

Sullivan plans to write his Ph.D. dissertation on issues of privacy generally. Law professors Stephen Perry and Anita Allen-Castellitto, whom he observes is “really wonderful – she knows everything about privacy and the law,” will serve on his dissertation committee along with Samuel Freeman, a member of the philosophy department who teaches at the Law School as well.

“I am really lucky to have a committee which consists of people who are the leaders in the field,” says Sullivan.

In the immediate future, he will clerk for the Honorable Anita B. Brody on the District Court for the Eastern District of Pennsylvania.

Another J.D./Ph.D. Philosophy student is third-year student John F. Oberdiek.

“The prospect of pursuing a J.D. and a Ph.D. in Philosophy together was what most attracted me to Penn,” says Oberdiek. “It’s possible to pursue both degrees at a number of schools, but Penn’s is not an ad hoc joint program – the two sets of degree requirements dovetail.”

Before enrolling at Penn, Oberdiek studied Philosophy at Oxford University and New York University. He sought the Penn joint degree program because he thought a legal education would make him a more competent legal and political philosopher. He speaks with enthusiasm about the Penn faculty he has studied under.

The fact that Penn had so many law professors with interests (and degrees) in philosophy made it clear to me that Penn was committed to the study of law and philosophy.

“Penn has a number of faculty appointed in both the Law School and the Philosophy Department who work primarily in moral, political, and legal philosophy, which encompass my main academic interests. It’s common when choosing a philosophy program to choose according to faculty members who one would like to work with, and my decision to come to Penn was based in large part on its faculty. Stephen Perry and Samuel Freeman were the faculty with whom I most wanted to work at Penn. The fact that Penn had so many law professors with interests (and degrees) in philosophy made it clear to me that Penn was committed to the study of law and philosophy.”

After he finishes his degrees, Oberdiek predicts that he will work for a law firm for a few years before pursuing a career as an academic. “In a perfect world, I’d have a primary appointment in a law school and an appointment in a philosophy department, but we’ll see.”
We aspire to build a world-class program in law and business, one that will make Penn an international center for the study and teaching of the role of law and legal professionals in the design and management of institutions.

Strategic Plan of the University of Pennsylvania Law School, 1997

Across the wide range of private and public organizations in existence today, the need for creative and effective management — and the challenges in its path — are profound. The global marketplace has become a reality, with large and small, domestic and multinational firms competing for markets and opportunity.

The University of Pennsylvania Law School has made great strides to achieve the goals set in 1997. The school has added to its stellar faculty new scholars who are at the forefront of relationship building between the disciplines and professions.

With the addition of two chaired professorships in the area of corporate and business law in 2001, Penn Law School's progress in expanding the faculty and curriculum in this area of the Strategic Plan has been outstanding.

The Winding Way Foundation of the Jewish Community Foundation's Endowment Fund made the largest single gift establishing a chair in the history of the University of Pennsylvania. The $4 million gift was made in honor of Saul A. Fox, a 1978 graduate of the Law School and a member of its Board of Overseers. The gift created the Saul A. Fox Distinguished Professorship of Business Law and the associated Fox Endowed Research Fund. As the inaugural Saul A. Fox Distinguished Professor, Edward B. Rock ’83 will hold a primary appointment to the faculty of the Law School and a secondary appointment to the faculty of Penn's Wharton School.

In addition, with a gift to the University of Pennsylvania Law School of $2 million, the Honorable Roxana Cannon Arsh L’39 endowed The S. Samuel Arsh Professorship in Corporate Law at the Law School. The professorship was established in memory of her husband, S. Samuel Arsh, who died in 1999, a 1931 graduate of the Wharton School, a 1934 graduate of the Law School, and a named partner of Morris, Nichols, Arsh & Tunnell in Wilmington, Delaware. Judge Arsh is retired from the Family Court bench of the State of Delaware and holds the distinction of being Delaware’s first female judge.

With resources in place and growing, Penn Law’s offerings in the field of corporate law are enviable. Its affiliation on campus with the nation’s top business school, the Wharton School, and its proximity to both the nation’s financial core in New York and policy core in Washington have fostered the creation of a think-tank on the East Coast in Philadelphia.

In the arena of economics, Michael L. Wachter William B. Johnson Professor of Law and Economics co-directs the Institute for Law and Economics (ILE), founded in 1980. An economist, Wachter includes among his current research interests the economic analysis of corporate and labor law. He received his Ph.D. in economics from Harvard University and joined the Penn faculty in 1970. He served as the University’s deputy provost from July 1995 to January 1998, and as interim provost from January to December 1998. He has been a frequent consultant to the U.S. government on labor and economics issues and a senior advisor to the Brookings Panel on Economic Activity.

Wachter plays a significant role bridging the relationship between the Law School and the Department of Economics at Penn because he holds a joint appointment to both divisions. Through the School of Arts and Sciences’ Department of Economics, the Law School offers joint J.D./Ph.D. degrees in Law and Economics.
His co-director of the Institute is Edward B. Rock, a member of the faculty since 1989. Rock joined Penn's faculty from the Philadelphia law firm of Fine, Kaplan and Black where he specialized in antitrust, corporate and securities litigation. His current research focuses on the role of norms in corporate law, close corporations, international capital markets, and the use of internal labor market theory to elucidate the contractual relationships of the corporation.

The Institute for Law and Economics hosts off-the-record roundtables for industry professionals and advisory board members on the subjects of corporate law, labor law, tort reform, environmental law, and the forthcoming session on bankruptcy law. The Institute has built solid relationships with members of the Delaware judiciary, the core of Delaware corporate law, who frequently attend Institute for Law and Economics' events and lecture to the Law School.

The associated faculty in the field of law and economics include Professor Matthew Adler, Professor Howard F. Chang, Professor Colin S. Diver, Dean Michael A. Fitts, Assistant Professor Peter H. Huang, Jason S. Johnston Robert G. Fuller Jr. Professor of Law, Professor Leo Katz, Professor Michael S. Knoll, Professor Friedrich Kübler, Professor Charles W. Mooney, Jr., Professor Curtis Reitz, Professor Reed Shuldiner, and Professor David A. Skeel, Jr.

Johnston who teaches a seminar, lectures, and writes about economics and land use reform through the Program on Law and the Environment (POLE), is building a bridge to Wharton's real estate department which is affiliated with its Samuel Zell and Robert Lurie Real Estate Center. There, in studies of housing policy, local public finance and urban economics, the impact of global restrictions on urban areas, faculty pursue the intersections of law, economics, and real estate development. In June of this year, Johnston, along with the University of Virginia, hosted a conference entitled "Covenating the Future: Reforming Environmental Regulation Through Innovative Resource and Land Management." (see article on page 31)

Charles W. Mooney Jr. Professor of Law is internationally regarded as an expert in commercial law, debtor/creditor law, and bankruptcy law. He teaches the yearlong course “Commercial Credit” at the Law School. Mooney serves as an advisor to the Standby Committee on Uniform Commercial Code Revision of Article 9 (Secured Transactions) and as coordinator of the United States delegation for the U.S. Department of State on the Draft Convention on International Secured Financing of Mobile Equipment, sponsored by the International Institute for the Unification of Private Law (UNIDROIT).

With the forthcoming publication of his book Debt’s Dominion: A History of Bankruptcy Law in America (see excerpt on page 39), David A. Skeel, Jr. Professor of Law emerges in the field as an expert not only in corporate law but in history as well. Skeel is an active participant of the Institute of Law and Economics which will present a roundtable on bankruptcy law as part of its schedule of programs this year. He teaches Corporations and Commercial Credit at the Law School.

With individual tax reform on the minds of most Americans, and at the top of the agenda of the Bush Administration, Penn Law has the territory covered with a complement of scholars in tax law and policy. The faculty include Associate Dean and Professor of Law Reed Shuldiner, adjunct faculty member David Shakow, and William Tyson, a Wharton professor with a joint appointment to Law, who also teaches “Securities Regulation.”

Professor Michael S. Knoll joined the faculty in 2000 from the University of Southern California Law School. He teaches tax law and corporate finance with a joint appointment to the faculty of the Real Estate Center at the Wharton School. In the Spring semester he will co-teach a course in tax policy with Shuldiner, with an offering of guest lecturers who are academics, lawyers, economists, and government regulators.
This Spring Knoll will also co-teach “Taxes and Business Strategy” - an innovative course in tax planning for Law & Wharton students - with Edward B. Kostin, an adjunct professor at Wharton. This is the first time Knoll will co-teach this course – based on Myron S. Scholes and Mark Wolfson’s classic text - that he has also presented at USC, the University of Toronto, University of Virginia, Georgetown and at Penn Law, as a visiting professor.

Unlike a course in tax codes this course takes the subject to a higher level by adding a framework for how tax rules affect business decisions so students can deal with any tax regimes that occur any time in their careers. Unique among law schools, with an integration of law and business students, Knoll explains that the goal of the course will be “to think actively about tax, which is usually thought about passively. This will teach students basic tax structures and basic finance principles. Where there are inconsistencies in the code there are opportunities – not just for loopholes but to avoiding mistakes.”

Upon arrival at the Law School, Knoll noted, “Other schools have interdisciplinary programs, but they don’t have the caliber of people and schools that Penn does.”

Knoll’s enthusiasm for teaching the principles of finance to law students is palpable.

“Our goal is to give students the background in finance so they can handle it themselves or know how to ask the right questions when dealing with experts,” he says. “All of this is training for a lawyer – being able to understand what your client is trying to do. We’re trying to take the strategic thinking they learn in law school and use it to integrate the law and business into everyday life. How does the law impact their clients’ lives? We’re looking at the rules and the consequences. It’s part of the critical thinking we teach.”

The Law School, together with Wharton, offers opportunities to address hard questions of management in the public sector – questions about the financing and delivery of social services in a free market economy, the application of outcome measures to social service agencies, and the growth of ‘public-private partnerships.’

There are many ways that Law students can augment their legal studies through Wharton. The Law School and Wharton offer a joint program enabling students to earn J.D./M.B.A. degrees in four years rather than the five it would take to earn the two degrees sequentially. In addition, students can obtain a Certificate in Business Management at Wharton.

Russell Bjorkman L’01, WG’01

earned degrees from Wharton and the Law School this Spring before joining Freshfields as an associate in the London office.

“When I applied to graduate schools, I knew that I wanted to enter the J.D./M.B.A. program,” Bjorkman recalls. “And, having studied at the University of Southern California, I wanted to experience the Northeastern part of the U.S. Because of those two reasons, and the fantastic chance that Penn afforded me, I came to Penn.”

Bjorkman took advantage of opportunities allowed by the joint degree program. During the summers between years of law school, Bjorkman worked in the area of tax law for Exxon in Houston, studied Russian at Moscow State University, and worked in the Hong Kong and London offices of the law firm Linklaters. Last summer, he traveled for five weeks in China through a Wharton program before working for McKinsey in London.

Our goal is to give students the background in finance so they can handle it themselves or know how to ask the right questions when dealing with experts.

All of this is training for a lawyer – being able to understand what your client is trying to do.

The two degrees both provide such important and complementary skills,” he observes. “The law degree, which incidentally is the one that I would choose if I had to pursue only one degree, provides incredible training in critical thinking, analyzing from both perspectives, arguing with other intelligent people, differing respectfully with those in a position of authority, and paying attention to detail. The M.B.A. degree helps develop the skills of dealing with internationally diverse co-workers and environments, thinking ahead of the pack, working in teams, and presenting yourself and your work.”

Kimberly Chainey, a third-year student specializing in corporate law, chose to attend Penn because of the strength of both the Law and Wharton programs. Before entering Penn, the Harvard graduate worked for Procter & Gamble’s Customer Business Development Division.

“I pursued this career path because of my love of the law - the structures and legal regimes that help business run efficiently in a capitalist system,” Chainey says. “I also was interested in understanding and advising companies and individuals on the options that make legal and financial sense for most U.S. corporations.”
Chainey spent the summer after her first year of the program as a summer associate at Morgan Lewis & Bockius in Philadelphia. This summer, she worked for Goldman Sachs in New York.

Another way Law students can round out their education is through Wharton's Department of Public Policy and Management. The department offers students coursework that examines the deregulation of the airline and railroad industries, and the telecommunications industry; development and implementation of urban public policies, including privatization of services; corporate governance and environmental issues; government funding of public broadcasting; intellectual property and contracting; and internet and public policy issues such as how government actions will structure the market.

ALUMNI LEADERS, ENTREPRENEURS & INNOVATORS

Betsy Z. Cohen L'66
CHAIRMAN & CEO - RESOURCE ASSET INVESTMENT TRUST

Pamela Daley L'79
VICE PRESIDENT & SENIOR COUNSEL - TRANSACTIONS
GENERAL ELECTRIC

Anita DeFrantz L'77
PRESIDENT - AMATEUR ATHLETIC FOUNDATION
VICE PRESIDENT - INTERNATIONAL OLYMPIC COMMITTEE

Saul A. Fox L'78
CHIEF EXECUTIVE - FOX PAINE LLP

Steven S. Fischman L'68
PRESIDENT, COO - NEW ENGLAND DEVELOPMENT CO.

Perry Golkin W'74, WG'74, L'78
MEMBER - KOHLBERG KRAVIS ROBERTS & CO.

Paul G. Haaga Jr. L'74, WG '74
EXECUTIVE VICE PRESIDENT - CAPITAL RESEARCH & MANAGEMENT COMPANY

Paul S. Levy L'72
SENIOR MANAGING DIRECTOR - JOSEPH LITTLEJOHN & LEVY

Robert M. Potamkin W'67, L'70
CHAIRMAN - POTAMKIN COMPANIES

James P. Schellenger W'41, L'47
CHAIRMAN (RETIRED) - DELAWARE FUNDS, INC.

Henry R. Silverman L'64
CHAIRMAN, PRESIDENT & CEO - CENDANT CORP.

Robert I. Toll L'66
FOUNDER & PRESIDENT - TOLL BROTHERS INC.

Pamela F. Wilford L'83
MANAGING DIRECTOR AND SVP - PNC ADVISORS

Richard D. Wood, Jr. L'64
PRESIDENT & CEO - WAWA, INC.

Bridging
LAW AND TECHNOLOGY

The Law School seeks to develop international distinction in the field of law and communications and information science.

Strategic Plan of the University of Pennsylvania Law School, 1997

Information science and technology are transforming the world, our lives and our understanding of who we are at a pace that grows faster every day. The University of Pennsylvania leads in fields relating to information science and its impact on society, and is well positioned to grapple with issues relating to the societal impact of information technology.

Lawyers build the institutional infrastructure upon which commercial enterprise is created. As business ventures become increasingly focused on technology, lawyers must have the skills to address the unique legal and policy issues that advancing technology raises. Current research indicates that highly trained and skilled lawyers are a critical aspect of the development of a business environment that attracts and nurtures high technology companies.

As business ventures become increasingly focused on technology, lawyers must have the skills to address the unique legal and policy issues that advancing technology raises.

In order to play this vital role, lawyers must be properly trained. The traditional repertoire of skills and knowledge required for success in the legal profession has been largely unchanged for hundreds of years. Sound analytic reasoning, the ability to develop arguments, rhetorical skills, and an approach that balances public good with client objectives remain the baseline from which good lawyers operate.
BRIDGING LAW AND TECHNOLOGY

But to participate in the development of a high-tech legal infrastructure, lawyers must have additional tools, such as: a working familiarity with a diverse array of technology; the ability to effectively communicate with (and on behalf of) engineers and scientists; creative approaches to solving problems; and, a knowledge of the extant legal rules governing the development and exploitation of high technology. Accordingly, the legal profession (as well as the business community) is calling for adjustments and enhancements to legal education to meet these new challenges.

At Penn, students may learn the foundation of intellectual property law through a wealth of courses and seminars. Penn Law faculty who teach in the substantive areas of intellectual property and copyright have seized opportunities to add to the curriculum timely offers of seminars that address current legal issues before the markets and innovators. Additions to the technology curriculum last year alone included “Electronic Commerce: Law, Technology and Business” and “Intellectual Property: Patent Law” taught by Assistant Professor R. Polk Wagner; co-taught by Edward L. Rubin Professor of Law and Wharton professor Daniel Hunter of the Legal Studies Department; a seminar in “Electronic Communications and Regulatory Institutions” and a cross-over course in “Intellectual Property in the New Technological Age” taught by new faculty member Arti K. Rai.

“Legal Aspects of Entrepreneurship” will make its debut this Spring as a course that is offered jointly to Law students and students in the School for Engineering Arts & Sciences. The course will review legal issues encountered by the founders and legal counsel of high-tech entrepreneurial ventures. The topics that will be covered include developing intellectual assets; company ownership issues including corporate form, shareholder agreements and stock incentives; and legal and strategic issues surrounding private and public equity financing. This course evolved from the course “High Tech Ventures” that was offered jointly to Law and Engineering students last year.

R. Polk Wagner, new to the faculty in 2000, has energized the law and technology curriculum offerings and has suggested a framework to develop this area at Penn Law School.

“I am particularly interested in providing opportunities for our students to interact with engineers (and to some extent, M.B.A.s) – in the real world, lawyers and their clients (who in the high-tech context are usually engineers) must form partnerships to succeed.”

Wagner outlines what, in his view, Penn Law School can and will do to prepare students to become leading lawyers in the tech arena: provide opportunities for exchange between Law and Engineering students; teach students the language and reasoning of technology, so that they can interact with their clients with some understanding of both the law and the underlying business/technology challenges; and persuade students that an interdisciplinary approach is the norm, not just something practiced by those with advanced degrees in multiple fields.

“Modern lawyers are called upon to solve all kinds of problems, not just those that fit neatly into a traditional ‘legal’ category,” Wagner states. “By exposing students to subjects such as technology in a way that they can understand it, we can offer a guide for further learning into the future”

Wrapping up curricular offerings, Professor Anita Allen-Castellitto teaches “Privacy in Law” and spoke on this subject at the University of Houston Law Review Symposium on “E-Commerce and Privacy” this past June where she presented the paper “Minor Distractions: Protecting Children from E-Commerce.”
Through the Port of Technology, students developed relationships with scientists and innovators already established in their fields. Through Wharton, Law students collaborated with student business start-ups.

In practical matters, through the Small Business Clinic in the Gittis Center for Clinical Legal Education, Practice Professor Dina Schlossberg introduced a sub-specialty advising technology start-ups. Although it is not a formal part of the Small Business Clinic, its success bodes well for students this year. In Academic Year 2000-2001, students in this clinic advised six different Internet companies as clients. The clients came through collaborations with the Wharton School and the Port of Technology Center of the University City Science Center. (The Port of Technology was launched after it received a multi-million dollar grant from the Commonwealth of Pennsylvania to create a corridor of technology companies, an incubator of start-ups, on Market Street in University City.)

Clinic students wrote up privacy statements and terms of use contracts for Internet sites. They drafted articles of incorporation and executive compensation agreements for the nascent companies. Through the Port of Technology students developed relationships with scientists and innovators already established in their fields. Through Wharton, Law students collaborated with student business start-ups.

"Teaching students how to deal with different kinds of clients is part of our purpose educatively," Schlossberg comments. "These are good experiences for the students to learn from because sometimes the Internet business people won't stop to think about the legal implications of what they're doing. That's the lawyer's role."

Students are immersed in copyright analysis, patent and trademark issues not to mention crafting stock option plans. "They're totally capable of doing this type of work," Schlossberg notes.

When students hit a wall where the law doesn't match up to the innovation they can call on other professors. For example, last year a Muslim client wanted to form an Internet banking company that didn't charge fees or interest because that runs counter to his beliefs. The students consulted with securities law professor William Tyson to try to figure out a way a bank could run this way. The exercise opened up a dialogue where the academic met the regulatory, and theory met practice.

ALUMNI IN THE TECH SECTOR

Safra A. Catz W'83, L'86
EXECUTIVE VICE PRESIDENT
ORACLE CORP.

Timothy F.S. Cobb L'89
CHIEF EXECUTIVE OFFICER
EDAFLOW CORPORATION

Pamela F. Craven CW'74, L'77
VICE PRESIDENT & GENERAL COUNSEL
AVAYA INC.

Peter N. Detkin EE'82, L'85
VICE PRESIDENT LEGAL AND ASSISTANT GENERAL COUNSEL
INTEL

Michael T. Everett L'74
CHIEF FINANCIAL OFFICER
NETWORK ROBOTS, INC.

H.S . Hamadeh L'97, WG'97
CO-FOUNDER & PRESIDENT
VAULT.COM

Vincent Hatton C'72, L'75
VICE PRESIDENT & DIRECTOR
CORNING INC.

Marie L. Hurabiell L'96
VICE PRESIDENT & GENERAL COUNSEL
RED HERRING COMMUNICATIONS

James W. McKenzie, Jr. WG'86, L'87
SENIOR VICE PRESIDENT & GENERAL COUNSEL
VERTICALNET INC

Richard B. Price L'73, WG'73
PRESIDENT & CEO
ICON

Herbert F. Schwartz L'64, C'64
SENIOR PARTNER, INTELLECTUAL PROPERTY
FISH & NEAVE
With the integration of high technology into our culture, fundamental precepts of the law have been questioned and brought to the fore. In the seminar "The First Amendment in the 21st Century" Seth F. Kreimer Professor of Law addresses how discussion of the First Amendment's guarantees of freedom of speech, press and assembly has, during the second half of the 20th century, occupied a central place in the Supreme Court's practice of judicial review. As the century closed, the information age brought new urgency to some elements of the discussion, and threatened to transform others. Kreimer's seminar examines the development of the federal doctrines protecting freedom of expression, and the ways in which these doctrines are likely to occupy the courts in the next decade. Class discussion includes problems of incitement and threats (e.g. the Nuremberg Files); compelled speech; anonymity; libel; obscenity; emotionally abusive speech; intellectual property; commercial speech; privacy; and media structure.

The relationship between First Amendment matters and communications policy is an intimate one. Law professor C. Edwin Baker Nicholas F. Gallicchio Professor of Law is a nationally known authority in constitutional law and mass media policy. A passionate proponent of freedom of individual speech, he also believes that government ought to regulate certain aspects of media and social policy. His work of recent years on media policy reflects an expansive view of the multimedia nature of the global generation at the millennium.

"I draw heavily on political philosophy, economics, and communication scholarship," Baker said of his recent influences, including consultations with Oscar Gandy, professor at Penn's Annenberg School for Communication. Baker's new book on the subject — The Relation of Media, Markets, and Democracy — was published by Cambridge University Press this year.

Professor of Law Friedrich K. Kübler has held an appointment with Penn Law since 1985. He spends half the year at Penn, and the remainder of the year in Germany where he teaches law, and practices at Clifford Chance. He offers a unique bicultural perspective in the seminar he teaches, "Comparative Mass Communications Law." Through his role as an advisor to one of Germany's state television networks and as a member of the German commission for the control of media concentration, Kübler hopes to continue to mitigate the effects of European Time Warner/Viacom-type aspirants. Kübler has called for a German legal framework structured to foster and advocate for the professional responsibility of journalists.

Law students can earn joint J.D./M.A. degrees in Communications from the Annenberg School for Communication. The Annenberg Center for Public Policy is emerging as another locus for invigorating research at Penn. The Public Policy Center addresses public policy issues at the local, state, and federal levels in such areas as information and society, media and the developing mind, media and the dialogue of democracy, and communication and health policy.
The Center for Public Policy’s radio program *Justice Talking* is co-sponsored by the National Constitution Center in Philadelphia. The show tapes debates at Carpenter’s Hall in the Independence Mall complex that air nationwide on National Public Radio. Going into its third season this Fall, the program is designed to provide a forum for civic debate around contemporary issues in constitutional law. Each program is formatted as a debate between knowledgeable attorneys who are actively engaged in the issue at hand. Several Penn Law faculty have been called on and have participated in these heated and informative debates.

The addition of Nathaniel Persily, Assistant Professor of Law, to the Law School’s faculty this year adds to our connections to the Annenberg School and, in particular, its public policy program. Before joining the Law School, Persily was Associate Counsel at the Brennan Center for Justice, affiliated with NYU School of Law, where he specialized in voting rights and election law. In addition to filing Supreme Court amicus briefs in *Bush v. Gore* and *California Democratic Party v. Jones*, Persily was one of the lawyers who represented Senator John McCain in his successful challenge to the 2000 New York Republican presidential primary ballot access laws. Throughout the 2000 presidential election controversy, he was an election law analyst for ABC News Radio, FoxNews television, and several other national and local radio and television programs. (See profile on page 45)

Building on the substantial strengths that exist at Penn Law, Persily’s arrival signals the expansion of the Law School’s efforts to bridge law with communications and public policy. This relationship often intersects with the Law School’s strength in constitutional law.
The Law School seeks to strengthen and expand its existing programs of teaching and research in constitutional law, civil rights and liberties, administrative law and urban law.

Strategic Plan of the University of Pennsylvania Law School, 1997

In 1997, Philadelphia Mayor Edward G. Rendell presided over a ribbon cutting at the Law School to open the Journal of Constitutional Law’s offices. When Biddle Law Library was moved from the second floor of Silverman Hall to the new Nicole E. Tanenbaum Hall in the early 1990s, renovations to the original space were urgently needed to update them for modern use.

John K. Castle, a former member of the Law School’s Board of Overseers and father to William S. Castle L’99, funded the project to provide the physical think tank for the newest student-run journal. His generosity is formally credited as the “Gift of William Sherman Castle L’99 in Memory of His Forefather, Roger Sherman, Signer of the Declaration of Independence, Constitution of the United States, and Signer of the Bill of Rights.”

The following year, the Journal of Constitutional Law of the University of Pennsylvania launched its first volume, its mission to provide a forum for the interdisciplinary study of constitutional law. The subjects examined in its inaugural issue included the regulation of hate crimes, religious freedom, and free speech. Since then, the Con Law Journal has published symposia editions on Contextuality & Universality: Constitutional Borrowings on the Global Stage (in two parts); Existing and Emerging Constitutional Rights of Children; Race, Crime and the Constitution; and the 2001 symposium on Equal Protection After the Rational Basis Era: Is it Time to Reassess the Current Standards of Review? The symposium planned for February 2002 will focus on Native American Law and the Constitution.

The current faculty advisors to the journal are professors Matthew Adler and Kim Lane Scheppele. Editor-in-Chief Andrew C. von S. Smith speaks with enthusiasm about the evolution of the Con Law Journal.

“One very exciting development in the Journal is our recent decision to publish four issues in the upcoming volume, as opposed to three as has been our practice in the past,” Smith reports. “The movement to a quarterly publication is a reflection of our confidence in the Journal’s ever-growing academic audience and is the direct result of a marked increase in scholarly submissions over the past few years. From Volume 2 to Volume 3, submissions for publication more than doubled, and submission numbers for Volume 4 have already shown a similar increase.”

He notes that the Con Law Journal “is the only constitutional law journal in the Ivy League, and one of very few nationwide, which as a practical matter means we receive and publish the work of some of the most prominent constitutional law scholars from all over the world.”

“The Journal has been well received by students because the breadth of issues falling under the gambit of constitutional law is so large,” Smith says. “Students are attracted to both the freedom of potential comment topics this entails and also the diverse nature of the works they will be editing as Associate Editors.”

The alliance that will offer opportunities without bound to the Law School is with the National Constitution Center (NCC) based in Philadelphia. Congress established the NCC in 1988 to increase awareness and understanding of the U.S. Constitution, the Constitution’s history, and the Constitution’s relevance to our daily lives.
The Constitution Center will bring scholars to Philadelphia for sustained interaction with the law school, as well as for important lectures and debates.

In January 1997, under the direction of University of Pennsylvania President Judith Rodin, the NCC and Penn forged a partnership to promote NCC's educational mission. Since that time, a strong and mutually beneficial partnership has emerged. Professors from different departments of Penn are helping to conceptualize NCC's role as an educational organization, helping create the Center's programs and working on plans for the NCC's museum. The Law School plans to house the Fellows of the National Constitution Center and two of these scholars will teach courses at the school each year.

The NCC broke ground to construct an exhibition hall and research complex several blocks long in September 2000. The goal is that it will open next Fall and progress on the site, on the north side of Market Street, across from the Liberty Bell, is steady.

Associate Dean and Professor of Law Sarah Barringer Gordon, an expert in law and history, serves as one of the 27 national scholars on the board of the National Constitution Center.

"The law school and the NCC are vital centers of constitutional learning, debate and scholarship," Gordon observes. "The Constitution Center will bring scholars to Philadelphia for sustained interaction with the law school, as well as for important lectures and debates. The Law School, which is already one of the top schools in the country in constitutional law, is the natural place for scholars visiting the center to find an intellectual community. Scholars will have offices in the Law School, and will participate in workshops, symposia and teaching at the school. The overall goal of our collaboration is to expand scholarly opportunities for meaningful constitutional research and writing, as well as the establishment of Philadelphia as the center for innovative work on the Constitution."

The partnership between the two institutions has grown and strengthened since that time. Comparative constitutional law scholar Kim Lane Schepple Professor of Law and Sociology was one of the first Visiting Scholars of the NCC. The Center co-sponsored the inaugural symposium for the Journal of Constitutional Law in 1998. Penn Law technical experts built and hosted the NCC's first website - quite a site to see when the idea of the center was still only in the minds of the architects and historians behind the multi-year federal and state endeavor.

Alumni who serve on the National Constitution Center's Board of Directors include Gilbert F. Casellas L77; Stuart F. Feldman C'58, L'61; Paul C. Heintz L'65 and the Honorable Dolores K. Sloviter L'56.

Michelle F. Seldin is in her third year of Law School at Penn, and ABD (all but dissertation) toward her Ph.D. degree in American Culture from the University of Michigan.

While in the latter stages of finishing coursework for the Ph.D. she had started in 1996, it occurred to Seldin that she needed more education to round out the scholarship of her dissertation. The subject of her study is the history of legalization movements, specifically the movement to legalize prostitution in the United States in the 1870s in response to a public health crisis of venereal disease.

"When I look back at the legal research I did during my Ph.D. program, I realize I didn't know what I was doing," Seldin laughs. "I was trying to do legal history without any legal thinking skills. There was no way for me to understand the struggle in the 1870s without understanding the criminal justice system at all levels."

She took courses in the philosophy of criminal law and torts with professors Stephen Morse and Heidi Hurd, respectively. She "sought out" all the faculty who work within the law and humanities, taking constitutional litigation with Seth Kreimer, comparative constitutions with Kim Lane Schepple, and religion and the law with Sarah Barringer Gordon.

"I loved my first year of law school," Seldin recalls. "It advanced my thinking so much. Before beginning law school, I knew my training needed something else that I wasn't going to get from reading history texts. But, I didn't want to abandon history entirely; so working in an interdisciplinary setting while in law school was crucial to me."

This past academic year, along with fellow students, Seldin started a feminist legal theory group. Faculty members such as Gordon, Howard Lesnick, and Catherine Struve visited the group's weekly meetings to make presentations. Struve spoke about gender issues in civil procedure.

Professor Sarah Barringer Gordon and Hon. Amin Adams L'47, Hon'98

The Constitution Center will bring scholars to Philadelphia for sustained interaction with the law school, as well as for important lectures and debates.

Published by Penn Law: Legal Scholarship Repository.
"Penn's a small place and professors and administrators make themselves available," Seldin says. "When we saw an opening in the curriculum, we created our own seminar. It was approved practically on the spot and many faculty members participated as guest lecturers."

Seldin worked as a summer associate at Arnold & Porter in Washington, D.C. this past summer and will clerk for Judge Dolores Sloviter on the Third Circuit Court of Appeals after graduation.

Coursework recently offered at the Law School in this area includes "Constitutional Criminal Procedure" taught by Senior Fellow David Rudovsky, "Constitutional Litigation" and "First Amendment in the 21st Century" offered by Professor Seth F. Kreimer, "Constitutionalism" taught by Professor Kim Lane Scheppele, "Federal Courts," and "Constitutional Theorizing" taught by Professor Frank Goodman, a seminar on “Blasphemy: Religion, Rights and Differences in America” taught by Professor Sarah Barringer Gordon, and "Race Relations and the Constitution," a seminar offered by visiting professor Tanya Hernandez.
The Public Service Program was started in 1989 under Dean Colin S. Diver and Professor Howard Lesnick in collaboration with its first director, Judith Bernstein-Baker. This team established one of the first law school programs in the nation that made mandatory the performance of public service in order to graduate. Since its founding, the Penn Law model has been copied by law schools throughout the country.

In their second and third years Penn Law students must provide a total of 70 hours of public service law-related work. Since 1989, more than 2,400 students have performed more than 200,000 hours of pro bono service for low income clients, who otherwise might not have had access to legal representation. More than 80 percent of the program's graduates continue to actively participate in pro bono work after graduation.

In 2001 the 20th Edward V. Sparer Symposium was presented on the subject of “Social Movements and Legal Reform.” This year, in a collaboration between Public Service Program Director Susan Feathers and law professor Edward L. Rubin, the program was remodeled to provide an academic component to what has traditionally been an issues-oriented conference. Over two days, academics presented papers and practitioners in the field of public interest law provided commentary on them. The conference in April 2002 will take “Public Interest Litigation” as the focus of its examination.

Faculty and course offerings in this area include Edward L. Rubin (“Human Rights”), Regina Austin (“Cultural Conflict and Intentional Torts”), and Seth Kreimer (“Constitutional Litigation”). Through the work of the Gittis Clinical Program and the Public Service Program, Penn Law students serve Philadelphia neighborhoods and communities in great numbers. They are ambassadors who embody the success of Penn Law School’s mission to educate thoughtful and practical lawyers for the future in which innovation and an adherence to the high standards of the legal profession go hand-in-hand.

The scholarly explorations of social welfare issues have been broadened with the addition of Amy L. Wax Professor of Law to the faculty this year. Wax will teach social welfare law and policy, and plans to continue writing about welfare policy. Among her recent publications are “Rethinking Welfare Rights: Reciprocity Norms, Reactive Attitudes and the Political Economy of Welfare Reform” 63 Law & Contemporary Problems 257 Winter/Spring 2000; “Caring Enough: Sex Roles, Work, and Taxing Women” 44 Villanova Law Review 495 (1999), and “Technology Assessment and the Doctor-Patient Relationship, a Comment on Einer Elhauge’s ‘Regulating Medical Innovation.’” 82 Virginia Law Review 164 (1996). (See profile on page 44)

THE FUTURE

The ambitious goals set forth in the University of Pennsylvania’s Agenda for Excellence and the Law School’s Strategic Plan in the late-1990s are being achieved according to plan and schedule. As a result, the Law School has been energized with the addition of new faculty members, and diverse students eager to expand their knowledge through studies in law and other professional disciplines, and through innovative modifications to the curriculum.

The joint endeavors of the University and the Law School to build bridges between the schools and to ease the process of taking advantage of these resources have been successful. Penn Law students learn and graduate ahead of the curve. The training and education that they receive at Penn positions them well to become leaders in the profession. For many, the interdisciplinary knowledge they’ve mastered, combined with the critical thinking skills they’ve acquired, will give them an advantage in their careers. We already see it in the alumni of Penn Law School who are changing the legal profession with entrepreneurial vigor and becoming leaders of innovation within the profession.
Honorary Fellows of Penn Law School Gather Together for the First Time in a Roundtable Discussion of Public Interest Lawyering

In honor of the University of Pennsylvania Law School's Sesquicentennial Year, the school hosted the first reunion of its cadre of Honorary Fellows. Each year at graduation, Penn Law names a lawyer whose contributions to public interest law have been historic or exemplary to become an Honorary Fellow of the Law School.

This year's gathering, held on the Thursday evening before the start of the Sparer Symposium, provided an occasion for these maverick lawyers to be nostalgic, jovial, impassioned, and hopeful about the future of lawyering in the public interest. David Rudovsky moderated the roundtable discussion that was video recorded for posterity along with individual oral history interviews with the participants. To begin the discussion, he asked the panel to describe some of their successes, their failures, and what they, as practitioners, can do to make changes to further the public interest law movement in 2001. Some of their responses appear on the facing page.

(Back row, left to right): Rhonda Copelan, Vice President-Center for Constitutional Rights; Andre L. Dennis, Partner-Stradley Ronon, Stevens and Young; Judith Bernstein Baker, Director-Hebrew Immigration Advocacy Services; David Rudovsky, Senior Fellow, University of Pennsylvania Law School and Partner, Kairys & Rudovsky; Robert M. Hayes, Founder-National Coalition for the Homeless; Carl (Tobey) Oxholm III, Partner-Fox Rothschild O'Brien & Frankel, LLP; Daniel Greenberg, Executive Director and Attorney in Chief-Legal Aid Society NYC; Eli Rosenbaum, Acting Director of the Office of Special Investigations Criminal Division for the U.S. Department of Justice; Alexander Polikoff, Former Executive Director of Business and Professional People for the Public Interest (BPI); Manlin Chee, Sole Practitioner in Immigration Rights; Janet Stotland L'69, Co-Director-Education Law Center; Bruce Terris, Partner-Terris, Pravik & Millian LLP.

(Front row, left to right): Millard Farmer, Civil Rights Attorney & Founder-Team Defense Project; Margaret Burnham L'69, Partner-Burnham Hines & Dilday; Hans Loeser, Partner-Foley, Hoag & Elliot; Cruz Reynoso, Former U.S. Delegate Presidential Appointee to the U.N. Commission on Human Rights; Jerome Shestack, Trial Attorney & Chair-International League for Human Rights & International Bar Association Standing Committee on Human Rights, and President of the American Bar Association; Ira Kurzban, Partner-Kurzban, Kurzban, Weinger & Tetzeli.
“Historically what made a difference was the New Deal. Lawyers who worked in that effort and then returned to private practice maintained that approach to fixing problems. A sea change occurred with Martin Luther King and the civil rights movement and Sargent Shriver’s War on Poverty. Today the ABA has a pro bono requirement that makes public service an ethical obligation of lawyers.”

JEROME SHESTACK

“We would have been far worse off had we not had the public interest law movement of the last 35 years. We should celebrate the creation of this movement.”

ALEXANDER POLIKOFF

“We’re still reeling from the 1996 Immigration Act. The Immigration Bar has been nothing short of courageous at chipping away at that law. Now we have Alan Greenspan saying immigration is good. Immigrant groups that have remade the cities are organizing.”

JUDITH BERNSTEIN BAKER

“I don’t think lawyers can lead social movements, but we can organize and work with community groups.”

CRUZ REYNOSO

“I’m honored to be among these people (Fellow Roundtable participants). I see myself as a virus in the law firm where I work. I try to corrupt others with the virus. Take on one public interest case at a time.”

CARL (TOBEY) OXHOLM III

“John F. Kennedy, Martin Luther King, Bobby Kennedy – today we don’t have anyone who approximates these men. Had it not been for the Vietnam War I think Johnson would have been re-elected because of his War on Poverty… today lawyers have to realize their limits. The only way we, as public lawyers, are going to be successful is if society changes. The movements come from the streets.”

BRUCE TERRIS

“When Janet (Stotland) and I were in law school, it was a great time to get committed to public interest advocacy.”

MARGARET BURNHAM L’69

“The only way to affect change is to feel in your heart that something’s wrong. That’s the only motivation you need.”

MILLARD FARMER
Penn Law Professor Seth Kreimer presents "Technologies of Protest and the First Amendment: 'It Isn't Nice' Version 2001"  

Over two days in March, Penn Law School was host to a body of academics and practitioners who examined the history of social movements and legal reform, and added to the growing literature by presenting papers that analyzed the legacy of activism. The 20th Annual Edward V. Sparer Symposium was co-sponsored by the Public Service Program, the Public Law Group, and the University of Pennsylvania's Law Review. It marked the debut of the Public Governance Group, coordinated by Professor Edward L. Rubin and Public Service Program Director Susan Feathers to bring together an examination of public interest law and scholarship about the field.

The symposium looked at the study of social movements, a leading topic in contemporary political and social theory. These movements span American history, from the labor movement through civil rights, environmentalism, welfare rights, consumerism, and women's and gay rights. Many major statutes and regulatory programs are the direct results of these movements, or the indirect results of the normative transformations that they have generated.

A selection of the papers will be published in the 150th volume of the University of Pennsylvania Law Review. The Sparer Symposium was established in 1981 to memorialize the career of Edward V. Sparer, a professor at Penn Law School and a maverick in the field of public interest law and policy. The 21st Annual Edward V. Sparer Symposium will be held in April 2002 and will examine litigating in the public interest.
A Blizzard of Bids at 
Equal Justice Foundation Auction

A February blizzard that left unprepared weather forecasters speechless did not hamper the festivities of the annual Equal Justice Foundation Auction at the Law School. More than anything, the snow helped transform Silverman Hall into a storm shelter and its inhabitants into revelers. This year the Silent Auction items were also listed on the Internet at www.webcharity.com so bidders could shop and bid on select items in advance, during and after the auction. In total, $41,000 was raised for students to pursue jobs in public interest law during the summers between law school. Next year’s event is scheduled to take place at the Law School on Thursday, February 21, 2002.

Students Honored for 
Exceeding Pro Bono Service Commitment

The occasion honored 80 Penn Law students who have gone above and beyond the mandatory 70 hours of public service to the community. The Fifth Annual Public Service/Public Interest Awards Ceremony in April honored students who worked two summers in public interest jobs; performed over 80 hours of public service; coordinated a special public service event; or acted as a manager or served as a board member of a student service project, such as Christmas in April, during which students rehabilitated a house in West Philadelphia. The Henry Meacham Public Service Award, awarded by fellow students, was presented to Chandra Bhatnagar 2L. Bhatnagar spent two summers performing public service at the NAACP Legal Defense Fund in New York, and for the Bonded Labor Liberation Front in New Delhi, India. He is president of the United Law Students of Color Council.

Con Law Journal
Sponsors an Evaluation of Equal Protection

The Fourth Annual Symposium of the Journal of Constitutional Law examined “Equal Protection After the Rational Basis Era: Is it Time to Reassess the Current Standards of Review?” The symposium, co-sponsored by the Penn Center on Professionalism and the National Constitution Center, explored the standards of review employed in Equal Protection cases. Taking into account recent modifications to a once clear-cut structure for judicial review, the Symposium examined the goals and principles behind constitutional standards of review and discussed the continuing viability and desirability of the existing framework. This academic year the Con Law Symposium, “Native American Law and the Constitution,” will take place on February 1-2, 2002.
Can Professionals Remain Religious and Retain Professionalism?

Martha Minow Delivers the Owen J. Roberts Memorial Lecture

Martha L. Minow, Professor at Harvard Law School, delivered “The Religious Professional: What Role Should Religious Commitment Play in the Work of Lawyers and Doctors” as the annual Owen J. Roberts Memorial Lecturer in February. Stating that she was “humbled by this topic,” Minow shaped her talk around two questions: when there is a conflict between religion and norms for lawyers and doctors, which should prevail? And, in the absence of direct conflict what are the benefits for society of professionals who rely on their religion in their decisions? Professor Minow is a leading scholar on the legal treatment of children, women, immigrants, persons with disabilities, and members of ethnic, racial, and religious minorities. The Owen J. Roberts Lecture is supported by an endowment from the law firm of Montgomery, McCracken, Walker and Rhoads and is sponsored by the Order of the Coif and the Penn Law Alumni Society.

Judicial Independence at the Crossroads
An Interdisciplinary Look at the Courts

Stephen B. Burbank David Berger Professor for the Administration of Justice and Barry Friedman, a constitutional law professor from NYU School of Law, were hosts for a conference examining judicial independence March 31-April 1, 2001 at the Law School. Co-sponsored by Penn Law, the American Judicature Society and the Brennan Center for Justice, “Judicial Independence at the Crossroads: Developing an Interdisciplinary Research Agenda” brought together some 40 leading scholars from different disciplines. The conference posed an essential question to the scholars: “What do we mean when we talk about ‘judicial independence?’” In addition participants were asked to question common wisdom on the subject. In notes for a forthcoming volume that will include papers from the conference, Burbank and Friedman wrote: “Believing that the debate over judicial independence has produced more heat than light, and that scholars in different disciplines have been talking past one another, we convened a conference of prominent academics with backgrounds spanning four disciplines to discuss what we know, and ought to know, about judicial independence. A fundamental premise of the meeting was that, despite the appearance that the ground of judicial independence has been plowed and re-plowed, in fact we know far less about the subject than we should. The working sessions confirmed our intuition, producing a flood of good ideas and more rigorous thinking on the subject than one encounters in existing literature on the subject.” Through six sessions over two days, research papers were presented in an informal format that inspired a rolling discussion and a lively atmosphere. Sessions were organized around the subjects: Public Opinion and Judicial Independence; Truths and Myths about Judicial Independence; The Respective Roles of Formal and Informal Rules in Determining Judicial Independence; The Role of Courts, Judges and Law in Judicial Independence; Judicial Independence for What?; and The Promise and Problems of Comparative Perspectives.

The Facts on Clerkships

For the 2001 Court Term, 42 University of Pennsylvania Law School graduates will clerk for judges throughout the United States. Of this figure, fifteen will clerk on the Federal Court of Appeals level.
Collaboration Called for Between Developers & Government

Environmental Law Conference Draws National Leaders

The University of Pennsylvania Law School and the University of Virginia School of Law co-sponsored “Covenanting the Future: Reforming Environmental Regulation Through Innovative Resource and Land Management” in June at the Law School. The conference sought to examine points of intersection between environmental regulation and natural resources management by identifying the key defining features of this new approach and by drawing on the case study experience of public officials, private practitioners, environmentalists, and business leaders. Second, the conference considered how law and regulation must be changed to better facilitate the new cooperative, contractual approach to manage the environment. Jason S. Johnston Robert G. Fuller Jr. Professor of Law and Director of the Program on Law and the Environment (POLE), spoke on the panel “Environmental Contracts and the Synthesis of Environmental and Natural Resource Regulation: Background, Rationale and Promise.” The plenary speakers were the Honorable Michael Fisher, Attorney General of Pennsylvania, and the Honorable James Greenwood, U.S. Representative, Pennsylvania. Ann Klee L’86, Counselor to the U.S. Secretary of the Interior, presented the Keynote Address. Other participants in the two-day gathering included David Hayes, Former Deputy Secretary of the Department of the Interior; Susan Moore, Vice President – Environmental Affairs for Georgia-Pacific; Christopher Rose, Chief Strategist for Greenpeace UK; Gregg Cooke, Regional Administrator for the U.S. Environmental Protection Agency, Region VI; Robert Stephens, Assistant Secretary for the California Environmental Protection Agency, Environmental Management and Sustainability; Michael O’Connell, Senior Government Relations Representative for the Nature Conservancy; and James Conrad, Senior Counsel of the American Chemistry Council. The conference was followed the next day by a Roundtable discussion of how federal environmental regulators can better facilitate state level policy innovation. Participants in the discussion included Deputy EPA Administrator Linda Fisher, former EPA Deputy Administrator and Assistant Attorney General for Land and Natural Resources Hank Habicht, California Secretary for Resources Mary Nichols, Maryland Environmental Secretary Jane Nishida, and Minnesota Commissioner for the Environment Karen Studders.

The Relevance of Labor Unions in Present and Future Economies

“The Role of Labor Unions in the 21st Century Economy” was the subject of examination by the Journal of Labor and Employment Law in January. Panels included: The Future of Organizing: Should We Return to the Policy of the Wagner Act?; New Directions for Organizing: Professional, High Technology, and Contingent Workers; and Unions and Globalization. Academics and organizers from around the nation gathered to explore the continuing relevance of unions in a de-industrialized, global economy.
Black Law Students Association
Presents 13th Annual Sadie T. M. Alexander Awards

The Inn at Penn was the setting for the 13th Annual Dr. Sadie Turner Mossell Alexander Commemorative Dinner sponsored by the Black Law Students Association at Penn. "Pioneering Women, Enduring Legacies" was the theme of the evening. Patricia A. King, Professor of Law, Georgetown University Law Center, delivered the Keynote Address. She is the Carmack Waterhouse Professor of Law, Medicine, Ethics, and Public Policy and the Director of the Center for Applied Legal Studies. Among the evening's honorees were Claire Wallace L'95, Associate Director in Penn Law's Career Planning & Placement Office, and Niki T. Ingram L'79, a Member specializing in workman's compensation at Marshall Denehey Warner Coleman & Goggin in Philadelphia. Sadie T. M. Alexander ED'18, GR'21, L'27, was the Law School's first black woman graduate and the first black woman to be admitted to the Pennsylvania Bar. She served on President Harry Truman's Committee on Civil Rights.

A Call for Service to the Profession Inspires at 2001 Commencement

Commencement exercises for the Class of 2001 of the University of Pennsylvania Law School were held on Sunday, May 20, 2001 at the Academy of Music, Philadelphia's premier concert hall. Former Harvard University President Derek C. Bok delivered the commencement address in which he inspired the young graduates to make commitments to family and to community part of the character of being a lawyer. Anthony G. Amsterdam L'60, Edward M. Weinfeld Professor of Law and Director of the Clinical Program at NYU Law School, was made an Honorary Fellow of Penn Law School, an honor bestowed on professionals who have been at the forefront of delivering legal services to the under-served. Class of 2001 president Heath Tarbert delivered remarks using wit and gentle mimicry to capture the experience of his classmates' three years of legal education at Penn. Roberta de Oliveira e Corvo spoke
And, If Their Day Jobs Don’t Work Out...

Law Students “Hoop it Up for Legal Aid”

In April, the Jewish Law Students Association (JLSA) sponsored a student basketball tournament and faculty/staff free-throw competition in Penn’s Hutchinson Gym to raise money for legal aid. All told, Dean Michael A. Fitts, Assistant Dean Janice Austin, Professors Douglas Frenkel, Alan Lerner, David Rudovsky and Cathie Struve took shots in the competition. Showing an overhand finesse that proved his success, Professor Lerner made the most baskets in his attempts - 7 out of 10. Over $1,000 was raised and designated for Community Legal Services of Philadelphia.
Before a room that was full-to-overflowing with attendees, Professor Michael L. Wachter commented, “This is an amazing start for what I think will be a glorious talk.”

Paul S. Levy ’72, Senior Managing Director of New York investment firm Joseph Littlejohn and Levy, and the newly installed Chairman of the Law School’s Board of Overseers delivered the Law & Entrepreneurship Lecture “Private Equity: Difficult Investing in a Difficult Time.” He began with an explanation of how he made the transition from law practice to investment management.

“I didn’t particularly enjoy practicing the law. I was chafing at the bit to strike out on my own. My legal training taught me about process that has served me well in structuring deals.”

In 1983 he was with the investment firm Drexel Burnham & Lambert in New York. “I was one of two people in the Special Situations Group working on the firm’s clients that had gotten into trouble, based on their balance sheets.” He shared a lesson he learned very quickly, “when you’re working with a troubled company, speed is of the essence.”

In 1988 he left Drexel to set up Joseph Littlejohn and Levy with similarly-trained colleagues to use their collective expertise to help troubled companies. “We do it in part because it’s the training we had. We do it because we avoid the auction market where there’s deal frenzy and overheated prices. We’re price-conscious. We buy cheap and increase a company’s value with our stake in ownership. We are structured much like the typical LBO firm.”

The downturn in the private equity market was due, Levy stated before unveiling “Levy’s 31 Rules” for life and the private equity manager. First on the list: “I’d rather make my own mistakes than complain about another’s failures.

Be a control equity investor.”

Number six: “All CEOs go their own way at the end of a deal. Handle the sale yourself.” Number twenty-five: “Beware of relative value! Assume a particular widget is fundamentally worth $1 and comparable widgets are trading at $10. You haven’t found a bargain if you’re given the opportunity to buy one for $5. This is what investment bankers do.”

On a philosophical note, Levy’s Rule Number 31: “Try to remember that life’s a journey and not an end point. Money is good to have but the process of getting it is better than having it, and giving it away is better than having it, but not quite as much fun as the thrill of earning it. Enjoy what you do and don’t do it only for money. I have met several billionaires: few are particularly nice and few seem profoundly happy.”

Levy was the inaugural lecturer in the Segal Moot Court Room in the newly restored Sharswood Hall. It was a gift to the Law School from Mr. Levy and his wife Karen that funded the renovation of the second floor of Silverman Hall and its transformation into the Levy Conference Center in 2000.

The Law & Entrepreneurship Lecture Series is supported by the Ronald N. Rutenberg Fund.
“Administering Capital Punishment: Is Texas Different?”
Hon. Patrick E. Higginbotham Delivers Distinguished Jurist Lecture

“The debate over capital punishment has recently suggested that Texas is different from other states in matters of capital punishment, different in meaningful ways from the 37 other states that now have the death penalty. States with capital punishment have a wide choice among procedures, choices that can be made fairly free of constitutional restraint. Today I want to talk about these perceived differences and why they should be studied.”

Thus began the Distinguished Jurist Lecture delivered by the Honorable Patrick E. Higginbotham on March 6, 2001 at the Law School. Presented to an audience that included faculty from the Law School and the University, students, and esteemed jurists, Judge Higginbotham shaped his talk with two overarching questions.

The first, addressing the “shallow” observation of whether the difference between California and Texas is that California wants to keep the death penalty but lacks the political will to execute a prisoner, or whether, in fact, “the political will is not so conveniently dichotomized but is rather being frustrated by procedures and structures that hamstring the system.” Second, Judge Higginbotham questioned whether there is common ground between forces opposing and the forces supporting the death penalty. He stated that “on that common ground we must locate the procedures and practices that offer greater fairness in the system without frustrating it.” Citing statistics in California, Virginia and Pennsylvania, Judge Higginbotham spoke of how Texas compared and what the government and courts of the state have undertaken to improve the delivery of legal services to those charged with capital crimes.

Judge Higginbotham was appointed to the United States District Court, Northern District of Texas, in 1975 and in 1982 to the United States Court of Appeals, Fifth Circuit. He serves as a faculty member of the Federal Judicial Center and is Adjunct Professor of Constitutional Law at SMU Law School where he teaches courses in constitutional law and federal courts.
Prestigious Fellowships Granted to Young Alumni & Students

by Ann Murray*

Penn Law School graduates have consistently pursued and attained highly coveted jobs in the public interest world: post-graduate Public Interest Fellowships. These Fellowships provide funds to recent law school graduates wishing to begin careers in service to society. Through the years the Fellowships have grown in stature as fellows have pursued projects that have had great, often maverick, impact on American communities. This year, the Law School has an impressive crop of new lawyers entering public interest careers through these prestigious programs.

"These awards honor both our students and the Law School," notes Dean Michael A. Fitts. "National organizations, receiving applications from top-notch candidates from law schools nationwide, have recognized the talent, leadership, and commitment of our students and graduates. At the same time, these Penn Law alumni will now be able to begin their careers pursuing their own goals and interests in ways that are beneficial to the communities they will be serving."

Over the past several years, the Law School has been coordinating its public interest efforts in substantial ways through the Public Service Program and the Career Planning & Placement Office to offer students the base from which to launch their public interest careers. The Law School is home for the American Bar Association's 2000 Pro Bono Publico Award-winning Public Service Program, which has broadened its work with students in myriad ways that expand students' horizons and expertise.

"Recent initiatives, including the Sparer Summer Fellowship Program, the Public Interest Scholars curriculum and the expansion of student-initiated legal clinics, have created a strong culture of public service both at Penn and in the broader public interest community," notes Susan Feathers, Director of the Public Service Program.

All these efforts have paid off. This Fall, five Penn Law graduates will begin their careers through some of the most prestigious public interest fellowship programs in the country.

SKADDEN PUBLIC INTEREST FELLOWSHIPS

The Skadden Public Interest Fellowships, created in 1989 in honor of the 40th anniversary of the law firm of Skadden, Arps, Slate, Meagher & Flom, is one of the best known of the postgraduate fellowships. Since its inception, the Skadden Fellowship Foundation has awarded twenty-five fellowships nationwide each year to graduates working in public interest law organizations providing civil legal services to poor, elderly, homeless and disabled individuals, children and persons deprived of their civil or human rights. Two Penn Law students received these fellowships this year.

Damon Hewitt L'00, currently clerking for the Honorable Eric L. Clay, U.S. Court of Appeals for the Sixth Circuit, received a Skadden Fellowship to work with the NAACP Legal Defense and Education Fund in New York. Hewitt will be working to ensure that children at risk for suspension or expulsion, and children referred to juvenile authorities, continue to receive the educational services to which they are entitled. His project will challenge the denial of basic and special educational services to children both before and after they enter the juvenile justice system. He will also work with "at-risk" children to prevent their involvement with the juvenile justice system.

Throughout his years at Penn, Hewitt was an active member of the Law School community. He was one of four Public Interest Scholars chosen each year to receive a two-thirds scholarship based on his past public interest work, his commitment to public interest and his leadership and future as a public interest practitioner. He lived up to this scholarship serving as President of Penn's Black Law Students
Association and spending his time working for the Philadelphia Urban Law Student Experience and the Penn Advocates for the Homeless. Additionally, he worked for the Lawyers Committee for Civil Rights and the US Department of Justice, Civil Rights Division during the summers between law school.

Jennifer Pokempner L’00 clerking with Judge Andre M. Davis, U.S. District Court, District of Maryland, received a Skadden Fellowship to work at the Juvenile Law Center in Philadelphia. Pokempner will work with former Skadden Fellow Laval Miller-Wilson L’95 on a project involving older children in foster care. Pokempner will represent youth who are “aging out” of the foster care system and advocate for their rights to receive adequate educational and other services that will allow them to live independently as adults. She will participate in litigation to ensure the rights of older youth in foster care and contribute to a statewide task force on foster care and independence. She will also prepare materials to educate judges and attorneys on the rights of children in foster care.

Pokempner’s public interest career began before law school as a paralegal for the Legal Aid Bureau in Baltimore. She expanded her commitment to the needs of the poor and under-served while at Penn, working for Penn’s Guild Food Stamp Clinic as both an advocate and a mentor to other students. Additionally, she spent the summers between law school employed at the Federal Public Defender’s Office in Washington, D.C., and at the Juvenile Law Center where she also worked while in law school. It was through her work at the Juvenile Law Center that she conceived of and created the project she will head as a Skadden Fellow in 2001.

NAPIL FELLOWSHIPS FOR EQUAL JUSTICE

The National Association of Public Interest Law (NAPIL) Fellowships for Equal Justice is the nation’s largest postgraduate legal public service fellowship program, supporting nearly 140 fellows in 1999-2000 alone. NAPIL Fellows work with host organizations to advocate for under-served communities in the U.S. and its territories through a variety of approaches, including community legal education and training, organizing, direct service, litigation, transactional work, and administrative or legislative efforts.

Victoria Lopez L’01 was selected as a NAPIL Fellow to work with the Florence Immigrant and Refugee Rights Project in Florence, Arizona. Lopez’s project will focus on the special needs of immigrant women in Immigration and Naturalization Services detention. Victoria will provide legal representation, education through “Know Your Rights” presentations, and referral to social, medical, and other services that the women detainees require.

As an active member of Penn’s National Lawyers Guild and Hybrid: The Journal of Law and Social Change, Lopez distinguished herself as an advocate committed to public service. In 2000, Victoria helped to plan and implement the 19th Annual Edward B. Sparer Conference that focused on policing and prisons. Her work both before and during law school focused on the issues she is passionate about and led her to create a women’s project with the Florence Immigrants and Refugee Rights Project. Lopez worked on issues of immigration and services for women, both through direct services and policy work, while in college in her native Chicago. At Penn Law, she continued to work on these issues at the People’s Law Center in Chicago during the summer between her first and second years of law school. During the second summer, she was awarded the National Lawyers Guild’s Haywood Burns Memorial Fellowship to fund her work at the Florence Immigrant and Refugee Rights Project.
Prestigious Fellowships Granted to Young Alumni & Students

**PRETTYMAN/STILLER POST-GRADUATE FELLOWSHIP PROGRAM**

Georgetown Law Center's E. Barrett Prettyman and Stuart Stiller Fellowship Program is designed to combine postgraduate study in criminal justice with training in the practical aspects of indigent criminal defense. Each year, the five Fellows accepted into the program undergo intensive training in criminal law, procedure, evidence, and trial practice and represent clients in criminal cases before District of Columbia courts. Later, Fellows are given the opportunity to supervise law students in Georgetown's criminal justice clinic. At the end of the two-year program Fellows are awarded Masters of Laws in Advocacy and often go on to work for prominent indigent criminal defense organizations across the country.

This year Andrew Ferguson L'00, a former clerk to Chief Judge Carolyn Dineen King, U.S. Court of Appeals for the Fifth Circuit, and Jordan Barnett L’01 have been selected to participate in the program. Ferguson spent the summers between law school at the Federal Public Defenders Office in New York and the American Civil Liberties Union in Philadelphia. Barnett worked at the San Francisco Public Defender's Office and the Southern Center for Human Rights in Atlanta where he pursued death penalty issues.

“The Prettyman/Stiller Fellowship is a wonderful program,” says Barnett. “I feel very lucky to spend the next two years working there. The clinical program at Georgetown will provide a great place to learn the practice of indigent criminal defense.”

**GEORGETOWN WOMEN’S LAW AND PUBLIC POLICY FELLOWSHIP PROGRAM**

Jessica Feierman L’00, a former clerk to the Honorable Warren Ferguson, U.S. Court of Appeals for the Ninth Circuit, was selected for the Georgetown Women’s Law and Public Policy Fellowship Program. This program enables law graduates with a special interest in women’s rights to work on legal and policy issues affecting women.

**OPEN SOCIETY INSTITUTE FELLOWSHIP**

Luna Yasui L’01 received a fellowship through the Open Society Institute Community Fellows Program to start the Immigrant Day Laborer Advocacy Project at the National Employment Law Project in New York City.

**HUMAN RIGHTS INSTITUTE OF COLUMBIA LAW SCHOOL**

Chandra Bhatnagar L’01 was selected as an LL.M. Human Rights Fellow by the Human Rights Institute at Columbia Law School. There he will represent clients through the Human Rights Clinic and will study human rights law.

As these outstanding students and graduates begin their new jobs this Fall, they are following in the footsteps of many talented and committed Penn graduates who have also started their careers through public interest fellowships. Moreover, these graduates will have the opportunity to serve as role models and mentors to other students considering public service careers, just as current and past fellows have served as mentors to them.

* The writer, Ann Murray, is Associate Director for Public Interest & Government Careers in the Law School’s Career Planning & Placement Office. She works with students seeking fellowships and other public sector opportunities. Murray has developed programs, established funding contacts, provided individual counseling and created a Fellowship Handbook to support students seeking fellowships. This collaborative effort complements services provided by the Public Service Program of the Law School.
As of the late 1920s, on the eve of the New Deal, general bankruptcy lawyers and the reorganization bar remained almost entirely distinct. Like the reorganization bar, general bankruptcy lawyers were notoriously clannish, even for lawyers, and they tended to congregate in urban areas—especially the urban Northeast. Distinguishing the two bars was an enormous gulf in status and class. Unlike reorganization lawyers, the general bar was distinctly nonelite. From the earliest days of the 1898 act, general bankruptcy lawyers fought a continuous battle to rise above their mildly unsavory reputation.
A great irony of New Deal bankruptcy reform is that this somewhat unsavory bar, unlike its corporate reorganization counterpart, survived the New Deal unscathed — indeed, the bar emerged from the 1930s stronger in many respects than it had been at the outset of the decade. This chapter explores the how and why of the general bankruptcy bar's success. Although the chapter places particular emphasis on the growing importance of the bankruptcy bar, the competing interests that were melded together in the 1898 act continued to set the parameters within which the influence of bankruptcy professionals played out. Ever since 1898, American bankruptcy law has been defined by creditors, the prodebtor forces unleashed by federalism, and the bankruptcy bar.

The relationship between these interests and the political parties was very much in flux. Democrats remained more sympathetic to prodebtor views, and creditors exerted much of their influence through the Republican party. By the end of the 1930s, however, Democrats rather than Republicans would be the principal advocates of expansive federal bankruptcy legislation, as the New Deal culture took hold. After the 1930s, creditors, prodebtor interests, and bankruptcy professionals would continue to dominate the bankruptcy debates, but party affiliation would fade further and further into the background.

The New Deal brought two very different sets of bankruptcy reforms. The first set of reforms had its root in the pre-New Deal era. In 1929, at the outset of the Great Depression, simmering complaints about bankruptcy administration erupted into a full-scale scandal in the Southern District of New York. A district court investigation headed by William Donovan and a follow-up investigation launched by the Hoover administration produced a pair of highly critical reports — the Donovan report in 1931 and the Thacher report in 1932. Based on the specific proposals outlined in the Thacher report, Senator Hastings of Delaware and Congressman Michener of Michigan introduced a bill (the Hastings-Michener bill) that called for sweeping reform of the administrative process of bankruptcy. At the heart of the bill was a proposal to appoint a staff of administrators to oversee bankruptcy. Although the House and Senate Judiciary Committees sprang into action and held lengthy hearings in 1932, they did not send the bill to Congress. The following year, the legislation was reintroduced with many of its most controversial provisions deleted. Congress enacted part of the legislation at the end of the Hoover administration in 1933 — including provisions for individual and farmer rehabilitation and the first codification of railroad reorganization — and lawmakers then added codified large-scale corporate reorganization for the first time in 1934. By the time the 1933 and 1934 amendments were enacted, however, the principal Thacher report proposals were long gone.

The second stage of the New Deal reforms commenced even before the first round was finished. After the 1932 hearings, a group of bankruptcy lawyers, academics, and judges banded together to form the National Bankruptcy Conference. This group produced a pair of highly critical reports that dealt with large corporate reorganizations with a far more dramatic overhaul. Although many members of the conference protested, and several criticized the SEC reforms in the legislative hearings that followed, the conference lent its formal support to the SEC's reorganization proposals in return for the SEC's support for the rest of the legislation. Out of this awkward alliance came the Chandler Act of 1938, the most extensive bankruptcy reform since the enactment of the 1898 act. The changes to general bankruptcy practice were modest and incremental, the changes to large-scale reorganization revolutionary. The evolutionary changes will be our focus in this chapter, the revolutionary ones in chapter 4. Behind each, of course, lies a remarkable political story.

This chapter begins by describing the general bankruptcy bar of the 1920s and the early 1930s — picking up, in a sense, where the discussion in chapter 1 left off. In addition to briefly profiling several of the leading members of the bar, the first section describes the Donovan and Thacher investigations that were prompted by complaints about bankruptcy practice. The next section then provides the theoretical apparatus for understanding the influence of bankruptcy lawyers and referees, as well as the limits of this influence. After a brief introduction to interest group theory, the section discusses a variety of interest groups other than lawyers, each of which has an important stake in the shape of bankruptcy law. After discussing the nature of bankruptcy professionals' influence, the chapter chronicles the two most dramatic examples of the bar's
success: the rapid demise of the proposed administrative reforms in 1932 and the expansion of general bankruptcy practice in 1938. Of particular interest is the role of the National Bankruptcy Conference, which was formed after the initial bankruptcy hearings and has become the single most prominent influence on bankruptcy legislation. The chapter concludes by briefly considering several issues—such as exemptions and individual rehabilitation plans—that underscore the continuing relevance of creditors and populist ideology.

THE DONOVAN AND THACHER INVESTIGATIONS

The bankruptcy bar benefited almost immediately from an effective lobbying base and from the efforts of several visible spokesmen. The Commercial Law League devoted much of its energy to bankruptcy issues; the American Bar Association could be counted on for support; and such prominent leaders as Frank Remington spoke and wrote widely and regularly testified before the House and Senate Judiciary Committees.

In the era after World War II, after the cries for bankruptcy repeal had largely subsided, a new group of bankruptcy leaders emerged. A particularly good example is Reuben Hunt, who would figure prominently prior to and throughout the New Deal. Located in California, Hunt, like many bankruptcy lawyers, represented a wide range of individuals and small businesses. From the 1920s on, he became increasingly prominent in the Commercial Law League, holding a variety of leadership posts and penning regular commentary for the Bulletin (which was later renamed as the Commercial Law Journal). Hunt also served on the Commercial Law Section of the ABA, and in each of these capacities, he testified regularly before Congress.

On the East Coast, two of the most prominent bankruptcy professionals were Randolph Montgomery and Jacob Weinstein. Montgomery was located in New York and served for many years as counsel for the National Association of Credit Men, the principal lobbying group for unsecured creditors, and wrote regularly for the NACM publication Credit Monthly. Weinstein was located in Philadelphia and figured prominently in the same bankruptcy organizations as Hunt. Weinstein's prominence also reflects an important demographic characteristic of the early bankruptcy bar. In the Northeast especially, many bankruptcy lawyers were Jewish. Shut out of the most high-profile firms in New York, Philadelphia, Boston, Jewish lawyers were forced to carve out niches outside of elite firm practice, in areas as general bankruptcy practice.

With James McLaughlin, another early stalwart, came powerful evidence of the rapid maturation of the bankruptcy bar. McLaughlin was one of the first in a series of full-time law professors to champion bankruptcy law. Like several of his successors, McLaughlin taught at Harvard Law School, and he wrote more frequently in the pages of the Harvard Law Review than in practitioner periodicals such as the Commercial Law Journal. More even than Hunt, Montgomery, or Weinstein, it was McLaughlin who assumed Remington's mantle as the Judiciary Committee's de facto bankruptcy expert from the late 1930s through the 1950s. (In a revealing gesture, the conservative, sometimes prickly McLaughlin later changed his last name to MacLachlan after learning this was the original Scottish spelling.)

If Hunt, Montgomery, Weinstein, and McLaughlin personified the strength of the early bankruptcy bar, its festering sore was the perception that bankruptcy practice was grimy and, far worse, operated as a low-level racket. Bankruptcy lawyers handled the cases of individuals and small businesses, so the practice was not inherently lucrative. Debtors could not pay substantial fees; creditors often did not have enough at stake to justify hiring a lawyer. For many bankruptcy lawyers, serving as trustee was a more dependable source of income, though trustee fees were relatively small. Even better was serving as counsel for the trustee—particularly if one could obtain this appointment on a regular basis. Unlike the trustee, the trustee's counsel was not paid a set fee; he could charge an hourly wage for as many hours as it took to administer the estate. In theory, a debtor's creditors could select the trustee, and the trustee then hired the attorney of his choice. But in some areas bankruptcy lawyers quickly developed a device for commandeering the appointment process. Knowing that most creditors had little interest in getting actively involved, bankruptcy lawyers would obtain their proxies to vote for a trustee of the lawyer's choice. The trustee could then be expected to hire the lawyer of one of his friends as counsel. To make matters worse, bankruptcy lawyers sometimes short-circuited the process altogether by arranging to be appointed as receiver of the debtor's assets. Although the receiver's only job was to oversee the assets until a trustee could be appointed, bankruptcy professionals, acting as receiver, often delayed the appointment of a trustee until they had completed nearly all the tasks of administering the bankruptcy estate. These were practices that outsiders bitterly attacked as the "bankruptcy ring."

In the late 1920s, the complaints about bankruptcy practice in New York City grew so loud that a federal grand jury issued a report concluding that bankruptcy practice had been "characterized by serious abuses and malpractices upon the part of attorneys, receivers, trustees, appraisers, custodians, auctioneers and other persons, associations or corporations within and subject to the jurisdiction of the United States District Court." The Association of the Bar of the City of New York, which included the most of the elite New York bar, then filed as formal petition with Judge Thomas Thacher asking to participate in an extensive investigation under the auspices of the district court. The judge agreed, and the association took charge. Heading up on the investigation on behalf of the association was Colonel William Donovan. By Donovan's count, "Over 1,000 court files of cases, and some 4,000 witnesses were examined" during daily hearings that lasted from June to September 1929.
Even as chronicled by a defender of existing practice, the findings of the Donovan investigation were dramatic and shocking and suggested a wide-ranging conspiracy to control bankruptcy administration:

As a result of this investigation, twelve attorneys were indicted; one absconded and committed suicide; two pleaded guilty and received jail sentences; one was already serving sentence for subornation of perjury; four other attorneys resigned from the Bar of New York; four others were disbarred; another was censured, and disciplinary action was taken against other attorneys. The United States auctioneer and two custodians were indicted; a clerk of the Bankruptcy Record Room was dismissed an attempted to commit suicide, and during the progressive of investigation one Federal judge resigned.7

In July 1930, in the wake of the Donovan report, President Hoover appointed Thomas Thacher, who had recently given up his district court judgeship to become solicitor general, "to undertake an exhaustive investigation into the whole question of bankruptcy law and practice."8 Thacher's investigators then gathered extensive statistical data on every bankruptcy case closed during the fiscal year ending June 30, 1930, and visited the bankruptcy courts in twenty-one cities in a total of sixteen states. Although its details are not nearly as eye-popping as the Thacher's investigators then gathered extensive statistical reports, the stock market hearings in Congress inspired the securities law reforms of 1933 and 1934

With respect to New York, the principal focus of the reports, the evidence suggests that the complaints of corruption were well founded. One searches in vain the pages of Credit Monthly, the principal publication for the National Association of Credit Men, or the Commercial Law League's Bulletin, which spoke for the general bankruptcy bar, for any serious defense of bankruptcy practice in New York. When the district court responded to the New York problems by appointing a single bank, Irving Trust, as trustee for all New York cases, the New York bankruptcy bar bitterly complained about Irving Trust's monopoly on trusteeships. But no one argued that the indictments handed down in New York as a result of the Donovan report were mistaken or trumped up.

The real question was whether the corruption was limited to New York, or whether it could be found in bankruptcy practice throughout the country. Many bankruptcy lawyers insisted that New York was a blight on an otherwise clean practice, and the American Bar Association issued a report to this effect. Yet other observers were not so sure. Writing in Credit Monthly, Randolph Montgomery, who served as counsel to the National Association of Credit Men, pointed out that the Donovan investigators had examined several other cities in addition to New York. "It is difficult to reconcile the statements in the report of the American Bar Association to the effect that 'the only place where flagrant abuses and grossly illegal practices were found to exist...was in the Southern District of New York,' Montgomery wrote, "with the same committee's conclusion that the primary reason for dissatisfaction with bankruptcy administration lies in the abuse and misuse of proxies...[If the abuse of proxies] is prevalent 'in the larger communities,'...then the conclusion would seem to be inescapable that the conditions found by Colonel Donovan in the Southern District of New York are not unique, but are typical of those which exist in the larger communities everywhere."11

As Montgomery's comments suggest, although the level of corruption seems to have been extreme in New York, the system of selecting trustees through proxy voting reinforced the unsavory reputation of bankruptcy practice throughout the nation. In most cities, a small group of lawyers dominated the practice, a problem that had bedeviled general bankruptcy practice since the earliest years of the act.

To remedy the ills uncovered by the Donovan investigation, the Thacher report proposed a wide range of reforms to U.S. bankruptcy law. The most important of the reforms would have significantly altered bankruptcy's administrative structure, conforming it much more to the English approach. The Thacher report called for Congress to create "a staff of 10 full-time salaried administrators under the Attorney General."12 The ten administrative overseers would hire, as civil service employees, a cadre of examiners to conduct a searching examination of each bankrupt who filed a bankruptcy petition. Another of the administrators' responsibilities was to police the appointment of trustees. Although creditors would retain their right to select a trustee...
also recommended that the courts be authorized to suspend or clear: lawmakers should shift a large dose of control from the parties and their lawyers to governmental administrators.

In addition to the administrative proposals, the Thacher report also recommended that the courts be authorized to suspend or delay a debtor’s discharge, much as they do under English bankruptcy law. Courts must be “given power to discriminate between the different classes of bankrupts,” the report concluded. Otherwise, “vast numbers of people for whom the law was never designed will continue to pervert its objects without the slightest hindrance, all to their own demoralization and the injury of the public interest.”

Permitting courts to tailor to debtor’s discharge to his or her specific circumstances would assure that debtors were discharge only from debts that they genuinely could not pay.

The Donovan and Thacher reports bore the unmistakable influence of Progressive thinking. Centered in the urban northeast, the Progressive movement of the early twentieth century sought to achieve wide-ranging social reform and often used empirical investigations to motivate the reform. In contrast to their sometime allies, southern and western populists, the Progressives often came from the urban elite classes, and their reforms had somewhat paternalistic flavor. Best known for the wage and working condition reforms they promoted early in the twentieth century, the Progressives included Presidents Theodore Roosevelt and Woodrow Wilson in their number. The Donovan and Thacher reform program was Progressive both in personnel and in its optimism about regulation. (Thacher’s principal lieutenant, Lloyd Garrison, is a striking illustration. Garrison later became dean of the University of Wisconsin Law School, where he helped founded the Progressive-influenced law-and-society movement.)

One of the principal contributors to the Donovan and Thacher reports was a man who would go on to become the single most important New Deal reformer on bankruptcy issues, and who will occupy much of our attention in chapter 4: William Douglas. Shortly before the Donovan and Thacher investigations began, Douglas had embarked on an extensive empirical study of New Jersey and Boston bankruptcy cases. Although Douglas has long been remembered as an advocate for the “little guy,” he strongly believed, like the other members of the Donovan and Thacher investigations, that lawmakers and courts should distinguish between deserving and undeserving debtors. Debtors who had misbehaved or were capable of repaying their creditors should not, in Douglas’s view, simply receive an immediate discharge.

Propelled by the Donovan and Thacher findings, Senator Hastings and Representative Michener introduced the Thacher proposals as the Hastings-Michener bill in 1932. Given the shocking findings of the Donovan study and the support of the Progressive reformers, the time seemed ripe for major reform of general bankruptcy practice. But the administrative reforms were not to be. Bankruptcy professionals detailed the administrative proposals for good in 1932. The Chander Act reforms of 1938 would bring numerous amendments, but the bankruptcy bar – or at the least, its most prominent members – would be the source rather than the target of the changes. Despite the scandals and the enormous disruption brought by the Great Depression, the general bankruptcy bar survived.

Although the political factors that steered the bankruptcy debates away from an administrative, English-style system have never fully disappeared, serious movements to add a governmental overseer to bankruptcy emerged in both the 1930s and the 1970s. Of particular interest for present purposes is the earlier movement, which grew out of the Donovan and Thacher reports in the early 1930s. As we saw earlier, the Thacher report recommendations quickly found their way into Congress as the 1932 Hastings-Michener bill and were the subject of extensive hearings before the House and Senate Judiciary Committees. Although there was general agreement that bankruptcy practice in New York was corrupt, witnesses debated whether there were similar problems elsewhere and whether the administrative proposals were an appropriate solution.

8. Strengthening of Procedure, 1. President Hoover’s announcement is quoted and the details of the Thacher investigation are described at 1.
15. The best account of Progressivism and populism is still Hofstadter, The Age of Reform.
AMY L. WAX
Professor of Law

Amy L. Wax joins Penn Law's faculty from the University of Virginia Law School where she was on the faculty from 1994 until 2001, most recently as the Class of 1948 Professor of Scholarly Research in Law. Professor Wax was a Visiting Professor at Penn Law School during this past academic year. She holds a J.D. from Columbia Law School (1987) and studied for a year at Harvard Law School. She earned an M.D. with distinction in neurosciences from Harvard Medical School (1981 cum laude), a B.S. in molecular biophysics and biochemistry from Yale College (1975 summa cum laude), and was a Marshall Scholar in Philosophy, Physiology, and Psychology at Somerville College of Oxford University. Professor Wax began her law career clerking at Shea & Gardner in Washington, DC, followed by a summer internship with the Office of the Solicitor General in the U.S. Department of Justice. Professor Wax was a clerk to the Honorable Abner J. Mikva, U.S. Court of Appeals for the D.C. Circuit (1987-88), and was Assistant to the Solicitor General from 1988-1994. She has argued 15 cases before the U.S. Supreme Court. Among her publications are "Rethinking Welfare Rights: Reciprocity Norms, Reactive Attitudes and the Political Economy of Welfare Reform" 63 Law & Contemporary Problems 257 Winter/Spring 2000; "Caring Enough: Sex Roles, Work, and Taxing Women" 44 Villanova Law Review 495 (1999), and "Technology Assessment and the Doctor-Patient Relationship, a Comment on Einer Elhauge's 'Regulating Medical Innovation'," 82 Virginia Law Review 164 (1996). Forthcoming publications include the coursebook, co-authored with Anne Alstott, Social Welfare Law and Policy, and "A Reciprocal Welfare Program" in the Virginia Journal of Social Policy & Law. Professor Wax will teach the courses Civil Procedure, Remedies, and the seminar Law and Economics of Work and Family this year.

ERIC A. FELDMAN
Assistant Professor of Law

Eric A. Feldman joins the Penn Law faculty from NYU School of Law where he was Associate Director of the Institute for Law and Society from 1996 until Spring of this year. A scholar in health law and Japanese law, Professor Feldman has been a visiting professor most recently at Seikei University in Japan and the Institut D'Etudes Politiques de Paris, Sciences Po. He was a Consultant to the World Health Organization's Global Programme on AIDS/United Nations Programme on AIDS (1995-1996), and a Consultant to the Toyota Foundation of Tokyo (1993-1996). Professor Feldman holds a Ph.D. in Jurisprudence and Social Policy from the University of California at Berkeley (1994), a J.D. from Boalt Hall School of Law at U.C. Berkeley (1989), a B.A. in History and Philosophy of Science from Vassar College (1982 cum laude). He is the author of The Ritual of Rights in Japan: Law, Society, and Health Policy (NY: Cambridge University Press, 2000) and editor, with Ronald Bayer, of Blood Feuds: AIDS, Blood and the Politics of Medical Disaster (NY: Oxford University Press, 1999). Professor Feldman has published dozens of articles in subject areas including health law, AIDS and public policy, and Japanese law. He is presently Principal Investigator on "Tobacco Control and the Liberal State: The Legal, Ethical and Policy Debates," a 27-month comparative international project examining the regulation of tobacco in seven countries in collaboration with 12 scholars. Professor Feldman will teach the prospects elective Law and Society in Japan.

CLAIRE OAKES FINKELSTEIN
Professor of Law


New Faculty
KRISTIN M. MADISON
Assistant Professor of Law

Kristin M. Madison joins the Law School after completing her Ph.D. in Economics from Stanford University where she was the recipient of a National Science Foundation graduate student fellowship for her studies in health economics, industrial organizations, institutions, and law and economics. She holds a J.D. from Yale Law School (2000) and a B.A. in Economics from the University of California at Berkeley (1992). She was a teaching assistant in the Department of Economics at Stanford, and at Yale Law School, and was a research assistant at Yale Law School, Stanford University, the National Bureau of Economic Research, and Lewin-VHI in California. She co-authored, with Ian Ayres “Threatening Inefficient Performance of Injunctions and Contracts,” for the University of Pennsylvania Law Review 148 (1999) and “Threatening Inefficient Performance” for European Economic Review 44 (2000). Professor Madison’s forthcoming publications include “Effects of Anti-Kickback and Anti-Referral Laws on the Health Care Industry,” “Government, Signaling, and Social Norms: A Review of Law and Social Norms,” and “The Role of Hospital-Physician Affiliations in the Market for Medical Care.” She will teach Health Care Law and Contracts.

NATHANIEL PERSILY
Assistant Professor of Law

Before joining the law school, Professor Persily was Associate Counsel at the Brennan Center for Justice, where he specialized in voting rights and election law. In addition to filing Supreme Court amicus briefs in Bush v. Gore and California Democratic Party v. Jones, Professor Persily was one of the lawyers representing Senator John McCain in his successful challenge to the 2000 New York Republican presidential primary ballot access laws. Since 1999 he has published several articles on the legal regulation of political parties (Columbia Law Review, NYU Law Review, and Georgetown Law Journal) and on issues surrounding the 2000 Census and redistricting process (Stanford Law Review and Minnesota Law Review). He is editor and contributor to The Real Y2K Problem: Census 2000 Data and Redistricting Technology (Brennan Center, 2000). Throughout the 2000 presidential election controversy, Professor Persily was an election law analyst for ABC News radio, FoxNews television, and several other national and local radio and television programs. The following semester, he was an Adjunct Professor at Columbia Law School teaching “Advanced Constitutional Law: The Political Process.” Before joining the Brennan Center, Professor Persily clerked for Judge David S. Tatel on the U.S. Court of Appeals for the District of Columbia Circuit. He is a graduate of Yale College (B.A. & M.A. 1992) and Stanford Law School (1998), where he was President of Volume 50 of the Stanford Law Review. Currently completing his dissertation on the legal regulation of political parties, he is a Ph.D. candidate in political science at U.C. Berkeley.

ARTI K. RAI
Assistant Professor of Law

MATTHEW ADLER  Professor of Law was a participant at the
Analytical Legal Philosophy Conference in April. In December, Adler presented
"Expressive Theories of Law" at a Faculty Workshop at UCLA Law School. In
October 2000, he participated in roundtables on "Principles of Fairness versus
Human Welfare" at the University of San Diego Law School and Columbia
University Law School. He provided a comment at the University of Maryland
Law School's Conference "The Expressive Dimension of Governmental Action."
He was a participant in a conference on Constitutional Law sponsored by the
University of Virginia Law School last September.

ANITA L. ALLEN (CASTELLITTO) Professor of Law and
Philosophy presented "Minor Distractions: Protecting Children from E-
Commerce" at the University of Houston Law Review Symposium on "E-
Commerce and Privacy" in June. In March, she spoke on the ethical dimensions
of biotechnology at "Innovations," a Talk Magazine/Miramax/Faison/Webber
conference in Santa Barbara, California. She addressed the topic of "Open
Adoption" at the 2001 Meeting of the Association for the Study of Law, Culture
and Humanities. Professor Allen was also the featured speaker at the AALS
Section on Privacy and Defamation meeting "Perspectives on Enforcing Privacy,"
and delivered the keynote address at the Third Annual Alain Locke Conference
sponsored by the Howard University Philosophy Department in Washington,
D.C. She presented "Origins and Sources of Privacy Law" for the Practicing
Law Institute's conference on "Strategies for Compliance in a High Tech and
Changing Regulatory Environment" in New York. Professor Allen spoke on
"Internet Privacy" for a Symposium on E-commerce at Widener Law School;
"Privacy and Accountability" for a Legal Theory Workshop at the University
of Michigan Law School; "Is Privacy Still Possible" at New School University
in New York; and spoke at Georgetown University Law Journal Symposium
on "The Unwanted Gaze." She spoke on "Public Intervention, Private Life-
The Changing Role of the State" for the Pennsylvania Bar Institute and Penn
served as a panelist on "Women, Privacy and Cyberspace" for a Symposium on
"Cyberspace and Privacy: A New Legal Paradigm" at Stanford University
Law School; on "Adoption and Mental Health" and "Obligations for Birth
Parents" at a University of Massachusetts Symposium on "The Ethics of
Adoption;" and gave the address "Why Journalists Can't Respect Privacy" at
the conference "Privacy in the System of Free Expression" at the Northwestern
University Center for the Advanced Study of Free Expression.

Minor Distractions, Houston Law Review (Forthcoming 2001)
Privacy and Law (in volume of conference papers), ed. Beate Roessler (Stanford University
Press, Forthcoming 2001)
The Wanted Gaze, Georgetown Law Review (2001)
The Ethics of Interracial Marriage, in Women of Color Do Philosophy, ed. Naomi Zack
(Routledge, 2000)
Privacy-as-Data Control: Conceptual, Practical, and Moral Limits of Paradigm, Connecticut
The Public Right to Know, in The Encyclopedia of Ethical Issues in Politics and the
REGINA AUSTIN  William A. Schnader Professor of Law presented “Tort Damages and Black People’s Money” at Penn Law’s Faculty Retreat in September 2000. The paper is one of a series of articles exploring why African American’s money is worth less than that of other ethnic groups. Professor Austin also presented her paper, “Disparate Impact Analysis and the Economic Disenfranchisement of Minority Ex-Offenders,” at the University of Pennsylvania Seminar on Racial Statistics and Public Policy.


C. EDWIN BAKER  Nicholas F. Gallichio Professor of Law made the following presentations: he spoke on “Media and Democratic Theory” at the Law & Society Conference in Budapest, Hungary in July 2001; he delivered “Foundations of Libertarian Socialism” at the Seminar on Philosophy and Social Science in Prague, Czech Republic where he also was a commentator on Scheuerman, Liberal Democracy and the Empire of Speed. At the Copyright Law and Communication Policy Symposium at Cardozo Law School in April, Baker was a panelist for the discussion “Copyright and the First Amendment.” In February, as a guest, he led the Bernard Williams and Robert Post Seminar on Free Speech in Berkeley, California where he presented “Speech and Harm.” He spoke on “International Free Trade in Media Products” at NYU Law School’s Innovation Policy Colloquium. He delivered “The Descriptive and Normative Failure of Equal Protection Scrutiny Analysis” as the keynote speech for Penn Law’s Symposium on Equal Protection after the Rational Basis Era. Baker presented “The First Amendment and Arts Funding” at a Conference on Art and Freedom of Expression at the American Craft Museum in New York in January. Last October, he delivered the Comment “Injustice and the Normative Nature of Meaning” at the University of Maryland Law School’s conference on Expressivist Jurisprudence in January. He presented “Free Trade in Media Products” at University of Chicago Law School’s Faculty Work-in-Progress Workshop in June 2000 and “Democracy versus Trade in Media Products” for the University of Chicago Law School’s International Human Rights Student Association in May 2000. Baker presented “Informational Privacy” at a colloquium for the Law and Philosophy Workshop at the University of Chicago Law School in April 2000. He presented “The Consequences of Digital Communications for a Democratic Media Order” at a Conference on a Free Information Ecology in the Digital Environment held at NYU School in April 2000. He also participated in the Canadian Consulate and New York University’s Prospects for Culture in a World of Trade Conference panel presentation on “Corporate Consolidation and Global Media Empires” in March 2000. Lastly, he presented “Democracy and the Structure of the Press” for the AALS Mass Communication Section in Washington, DC and New Orleans in January 2000.

Implications of Rival Visions of Electoral Campaigns, in Mediated Politics: Communication in the Future of Democracy, eds. Lance Bennett and Robert Entman (Cambridge University Press, 2001)
Injustice and the Normative Nature of Meaning, 60 Maryland Law Review (2001)
Media, Markets, and Democracy (Cambridge University Press, 2001)

HOWARD F. CHANG  Professor of Law organized a panel discussion on international law for the annual meeting of the American Law and Economics Association in May. He delivered the 23d annual Kenneth M. Piper Memorial Lecture at the Chicago-Kent College of Law in April 2001 on “Immigration and the Workplace.” He also presented this paper in March 2001 at the 7th National Asian Pacific American Conference on Law and Public Policy at Harvard University, at a law faculty workshop at the University of California at Davis, and at a seminar at the Copenhagen Business School in Denmark. He also presented “The Economic Analysis of Immigration Law” at the University of Michigan Law in February 2000. His paper “A Liberal Theory of Social Welfare: Fairness, Utility, and the Pareto Principle” was presented at the annual meeting of the American Law & Economics Association in May 2000, at seminars at the National Bureau of Economic Research (NBER) Summer Institute in August 2000, at Harvard University School in December 2000, at seminars at New York University School of Law in January 2000, at the Wharton School in March 2000 and the Copenhagen Business School in March 2001. Chang lectured on “The Use of Trade Restrictions to Promote Conservation and Their Legal Status Under the GATT” at a symposium on international fisheries held in Tokyo in March 2001 under the auspices of the Ministry of Foreign Affairs of Japan and the Association for Comparative Studies of Legal Cultures. He serves on the 2001-2002 executive committee of the Association of American Law Schools (AALS) Section on Law and Economics.


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Published by Penn Law: Legal Scholarship Repository.

Humanitarian Intervention: Legality, Morality and the Good Samaritan, Orbis (Forthcoming 2001)
The Rule of Law and the Roles of Law in China (review essay of "The Limits of the Rule of Law in China"), in Sina-Platonic Papers (Fall 2000)

WILLIAM B. EWALD  Professor of Law and Philosophy recently delivered "What's So Special About the American Legal System?" as the Quimby Memorial Lecture at Oklahoma City University.

Cumberland and the Reform of Natural Law, in Jahrbuch für Recht und Ethik (2000)
Clair Oakes Finkelstein Professor of Law

Comment on Gerald Postema in Proceedings of Sofia Conference on Philosophy of Law and of Politics (Forthcoming 2001)
Two Men on a Plank, Legal Theory (Forthcoming 2001)

Positivism and the Notion of an Offense, 88 California Law Review 335 (2000)


CLaire Oakes Finkelstein  Professor of Law

Comment on Gerald Postema in Proceedings of Sofia Conference on Philosophy of Law and of Politics (Forthcoming 2001)
Two Men on a Plank, Legal Theory (Forthcoming 2001)

Positivism and the Notion of an Offense, 88 California Law Review 335 (2000)


DOUGLAS N. FRENKEL  Practice Professor of Law and Clinical Director gave a workshop on Negotiation in March, and consulted on professional responsibility teaching at the University of Sydney Faculty of Law in Australia. He also spoke on "Trends in U.S. Clinical Legal Education" at a faculty workshop at the Law School of the City University of Hong Kong.


FRANK I. GOODMAN  Professor of Law serves on several committees of the University of Pennsylvania including the Committee on Misconduct in Research, the Senate Executive Committee, and the Committee on Honorary Degrees. He represents the Law School to the Pennsylvania State Board of Bar Examiners.


SARAH BARRINGER GORDON Associate Dean and Professor of Law is a visiting scholar at the National Constitution Center, where she also serves on the advisory committee overseeing the content of displays on Constitutional History and Interpretation. Gordon has lectured to groups on constitutional history and worked with University of Pennsylvania Press on the development of a new scholarly book series.

The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America (Legal History Series), (University of North Carolina Press, Forthcoming 2001)

GEOFFREY C. HAZARD, JR. Trustee Professor of Law continues as a member of the American Bar Association’s Ethics 2000 Commission, which presented a set of recommended revisions of Model Rules of Professional Ethics to the annual meeting of the ABA in August 2001. He lectured on ethics to law firms and to lawyers specializing in estate planning. He has served as an expert witness in matters of professional ethics in several major lawsuits. In May 2001 he and his colleagues presented a revision of a proposed code of civil procedure for international commercial disputes to the American Law Institute. The revision was also presented this past summer to an advisory committee of UNIDROIT (International Organization for Unification of Private Law) at a weekend meeting in Rome. Hazard serves on the American Bar Association’s Special Commission to Review Rules of Professional Conduct.

Teaching Corporate Law from an Options Perspective, Symposium: Teaching Corporate Law, 34 University of Georgia Law Review 571 (2000); excerpted and reprinted as Corporate Finance: An Options Perspective, 10 Derivatives Report 17 (2001)


On the Market for Ecosystem Control, Virginia Environmental Law Journal (Forthcoming 2001)

Should the Law Mirror Commercial Norms?: A Comment on the Bernstein Conjecture and its Relevance for Contract Law Theory and Reform, Michigan Law Review (Forthcoming 2001)

Experimental Results on Bargaining under Alternative Property Rights Regimes (co-author Rachel Croson), Journal of Law, Economics and Organization (Forthcoming 2000)


The Law and Economics of Environmental Contracts, in Environmental Contracts and Other Innovative Approaches to Environmental Regulation, eds. Deketelaere and Orts (Forthcoming 2000)

A Comment on Scott Shapiro’s “Theory of Rules,” Instituto de Investigaciones Jurídicas, (Forthcoming 2001)


Conflicts of Rights and the Outbreak of the First World War, Legal Theory (Forthcoming 2001)


Michael S. Knoll, Professor of Law and Real Estate joined Penn Law and the Wharton School from the University of Southern California Law School in 2000. He teaches courses in corporate finance and taxation in the Law School, the Wharton School and the Wharton Executive Program. He is also an affiliate of the Zell/Lurie Real Estate Center at the Wharton School and the editor of Forensic Economic Abstracts, an electronic journal published by the Social Science Research Network. Professor Knoll obtained his undergraduate and J.D. degrees from the University of Chicago. He also earned a Ph.D. in Economics at the University of Chicago. Professor Knoll joined the USC faculty in 1990 as an Assistant Professor and was promoted to full Professor in 1995. He was a Visiting Professor of Law at Penn for the Academic Year 1998-1999. More recently, he visited the University of Virginia Law School and Georgetown University Law Center. He was a John M. Olin Senior Research Scholar at Columbia University School of Law, 1996-1997 and a Visiting Scholar at New York University Law School, 1996-1997. He clerked for the Honorable Alex Kozinski on the U.S. Circuit Court of Appeals, 9th Circuit, from January to August 1986, when he was appointed legal advisor to the Vice Chairman of the U.S. International Trade Commission. He has published extensively in the fields of corporate finance, taxation, economics and real estate finance.


Corporate Law, Corporate Finance, and Finance Theory (co-author Peter H. Huang), 74 South California Law Review 175 (2000).

Published by Penn Law: Legal Scholarship Repository.
A. LEO LEVIN: Leon Meltzer Professor of Law Emeritus was presented with the 2001 American Bar Association Judicial Division Lawyers Conference "Award of Excellence in Judicial Administration" at the ABA's meeting in Chicago in August.

BRUCE H. MANN: Professor of Law and History, along with Christopher L. Tomlins of the American Bar Foundation, organized "The Many Legalities of Early America" Conference for the Omohundro Institute of Early American History and Culture. The conference papers were compiled and published in volume with the same title in April. Professor Mann co-edited the volume. He continues to serve as a member of the Board of Directors and chair of the Publications Committee for the American Society for Legal History, and as a member of the Advisory Council of the McNeil Center for Early American Studies.

Charles W. Mooney, Jr.: Professor of Law continues to serve as Position Coordinator and member of the United States delegation for the U.S. Department of State on the Draft Convention for the International Secured Financing of Mobile Equipment, and will represent the United States as a diplomatic conference in South Africa in November 2001. He also continues as an advisor to the Standing Committee on Uniform Commercial Code Revision of Article 9 (Secured Transactions). In October 2000 and March 2001 he spoke at ALI-ABA Programs, and in January 2001 he was a facilitator at the Eastern District of Pennsylvania Annual Bankruptcy Conference. Professor Mooney spoke at a conference on secured financing in San Salvador, El Salvador in April 2001.

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Harris’s Methodological Positivism, in Harris’s Postscript, ed. Jules Coleman, (Oxford University Press, 2001)

CURTIS REITZ Algernon Sydney Biddle Professor of Law, together with Professor Charles W. Mooney, Jr. and Professor Steven Harris, has completed a new edition of Professor John Honnold’s classic casebook on Sales and Sales Financing. The Sales part, by Professor Reitz, expands the coverage of the UNIFORM COMMERCIAL CODE on Contracts for International Sales of Goods. The Secured Financing part, by Professor Mooney and Professor Harris, is founded on Revised UCC Article 9, which took effect in most States on July 1, 2001. Professors Mooney and Harris were the Reporters for the drafting of new Article 9. The two parts are published as independent books. In the coming year, the two parts will be merged into a combined work.

EDWARD B. ROCK L’83 was named the inaugural Saul A. Fox Distinguished Professor of Business Law in September, a chair established in honor of a 1978 graduate of the Law School. Rock, as Co-Director of the Institute for Law and Economics (ILE) with Michael L. Wachter, organized a two-day international conference on “Norms and Corporate Law” which explored the relationship between law and non-legally enforceable norms in the governance of business organizations. Over 100 scholars from around the world participated, as did nearly all of the members of the Delaware Supreme and Chancery Courts. Rock and Wachter’s paper, “Islands of Conscious Power” was presented at the symposium and, along with the other papers presented, will be published in the Spring 2001 symposium issue of the University of Pennsylvania Law Review. Rock also presented “Islands of Conscious Power” at Harvard Law School and Vanderbilt Law School, and was an invited commentator at an April 2001 conference on the “Role of Judges in Corporate and Securities Law” at the University of Michigan Law School.

Greenhorns, Yankees and Cosmopolitans: Venture Capital, IPOs, Foreign Firms & U.S. Markets, Theoretical Inquiries in Law (Forthcoming 2001)
Encountering the Scarlet Woman of Wall Street: Speculative Comments at the End of the Century, 2 Theoretical Inquiries in Law 257 (2000)

EDWARD L. RUBIN Professor of Law is the Secretary-Elect of the Academic Senate. He co-organized the University of Pennsylvania Law School’s Sesquicentennial Year Edward V. Sparer Symposium on “Law Reform and Social Movements.” The papers presented at the symposium will appear in Volume 150 of the University of Pennsylvania Law Review.

Getting Past Democracy, 149 University of Pennsylvania Law Review 711 (2001)
The Inevitability of Rehabilitation, 19 Minnesota Journal of Law & Inequality 343 (2001)
Legal Scholarship, in The International Encyclopedia of the Social and Behavioral Sciences (Pergamon, 2001)
Puppy Federalism and the Blessings of America, 574 Annals 37 (2001)
The New Legal Process Movement and the Limits of Law (Book Review), 3 Jurist 7 (online journal at jurist.law.pitt.edu) (October, 2000)
DAVID RUDOVSKY Senior Fellow

Law Enforcement by Stereotypes and Serendipity: Racial Profiling and Stops and Searches Without Cause, 5 University of Pennsylvania Journal of Constitutional Law 296 (2001)
The Law of Arrest, Search and Seizure in Pennsylvania (Pennsylvania Bar Institute Press, 2001)

LOUIS S. RULLI Practice Professor of Law moderated two panel discussions at the Pennsylvania Bar Institute and Penn Law School's Family Law 2000 Symposium held in November, and delivered historical remarks on the subject of New Voices: Listening to Children. Professor Rulli presented a continuing legal education lecture, "Litigating Employment Discrimination Cases," at Federal Court in December 2000. He serves as counsel to the Philadelphia Bar Association's Commission on Judicial Selection and Retention. In addition, Professor Rulli was elected Chairman of the Board of Directors of Philadelphia Legal Assistance, Philadelphia's primary federally funded legal services program providing free legal assistance to the poor. Finally, he was made a member of the Subcommittee on Gender Bias, of the Pennsylvania Supreme Court's Committee on Racial and Gender Bias in the Justice System, examining issues relating to access to justice in family court.


KIM LANE SCHEPPELE Professor of Law and Sociology presented "Counter-Constitutions" at the annual meetings of the American Sociological Association in August in August and "Dependence on Standing Body of State: One Fatal Flaw in Bush v. Gore" at the American Political Science Association meeting in September. In July, Professor Scheutte co-chaired the program committee for the joint meeting of the Law and Society Association and the Research Committee on the Sociology of Law, held at Central European University in Budapest, Hungary where she also presented a paper called "The Quarantined Past." The Budapest program was the largest in the history of these meetings, with more than 1,000 papers presented and about 1,500 people in attendance. The focus of the conference was "Law in Action" and featured the work of scholars working at the intersection of law and the social sciences from around the world with a particular focus on the role of law in democratic transitions. As the recipient of a grant from the National Science Foundation, after receiving permission to undertake a study of petitions from ordinary citizens to the Russian Constitutional Court, Scheppele inaugurated a research project at the Court, where she will conduct research in Spring 2002. Her study will focus on what happens to unexamined petitions and how the court answers them in unofficial ways, creating what she calls a body of "subdoctrinal constitutional law." She gave a talk called "Requiem for the Rule of Law: The 2000 Election and the Failure of American Courts" at the Harvard Law School Workshop on Constitutional Law and Constitutional Theory in February.

The Constitutional Basis of Hungarian Conservatism, 9(4) East European Constitutional Review 51 (Forthcoming 2001)
The Constitutional Law of Politics in America, Élet és Irodalom (Life and Literature), 24 November 2000 (Budapest)

REED SHULDINER Professor of Law and Associate Dean has been researching, along with Professor David Shakow, a proposal for wealth taxation in the United States. Shuldiner and Shakow have undertaken a study of how the so-called phase-out of itemized deductions actually operates within the federal income tax.

DAVID A. SKEEL, JR. Professor of Law presented "Virtual Privatization: Governance Reforms for Government-Owned Firms" at a series at Penn Law in June and at a conference on Government-Owned Corporations in Brisbane, Australia in July. Chapters from his book manuscript, Debt's Dominion, were presented at the Woodrow Wilson School of Princeton University in April. In May, Professor Skeel participated on a panel called "Best and Worst of the Proposed Bankruptcy Legislation" at the AALS Bankruptcy Section conference in St. Louis. He also made a presentation of his article "Shaming in Corporate Law" to a faculty workshop at Vanderbilt University School of Law in February, at Fordham University School of Law in November 2000, and at the Institute for Law and Economics Conference on Norms and Corporate Law. Lastly, he presented a chapter from Debt's Dominion in Howard Rossell's "Politics and Finance" class at Princeton University in April 2000. Skeel delivered "The Rise and Fall of the SEC in Bankruptcy" at the University of San Diego School of Law in September 2000.

Shaming in Corporate Law, University of Pennsylvania Law Review (Forthcoming 2001)
Debt's Dominion: A History of Bankruptcy Law in America (Princeton University Press, 2001)

CLYDE SUMMERS Jefferson B. Fordham Professor of Law Emeritus


Michael L. Wachter William B. Johnson Professor of Law and Economics and Co-Director of the Institute for Law and Economics (ILE), organized, with co-director Professor Edward B. Rock, a Roundtable on Corporate Law at Penn Law School in the Spring. In addition, Wachter co-organized a Labor Law Roundtable with ILE board member Marshall Baldson of Jones, Day, Reavis & Pogue. In December, under the auspices of the ILE, Wachter and Rock organized a major two-day conference on Norms and Corporate Law, a symposium on the relationship between law and non-legally enforceable norms in the governance of business organizations. Wachter and Rock's paper, "Islands of Conscious Power: Law, Norms and the Self-Governing Corporation," was one of thirteen papers presented at the symposium and slated for publication in a special issue of the University of Pennsylvania Law Review, which co-sponsored the symposium.

Difficulties in Deregulation When Wage Costs are the Major Cost (co-authors Barry T. Hirsch and James W. Gilula), in Future Directions in Postal Reform (Kluwer Academic Publishers, 2000)

Amy L. Wax Professor of Law

The End of Evolutionary Psychology: Group Selection and Sex Selection in Law and Policy (in progress)
Something for Nothing: The Liberal Case Against Welfare Work Requirements (in progress)
Rearing the Next Generation: A View from the Economics of Public Finance (Coursebook on Social Welfare Law and Policy) (co-author Anne Alston) (Forthcoming 2002)
A Reciprocal Welfare Program (Olin Foundation Essay), Virginia Journal of Social Policy and Law (Forthcoming 2001)
Expressive Law and Oppressive Norms, 86 Virginia Law Review 1731 (November 2000)
Largest Single Chaired Professorship in Penn’s History Established at the Law School

The University of Pennsylvania Law School added to its growing corporate law program with the creation of the Saul A. Fox Distinguished Professorship of Business Law and the associated Fox Endowed Research Fund in June. This is the largest single gift establishing a chair in the history of the University of Pennsylvania.

The Distinguished Chair, the most prestigious form of endowed professorship at Penn, was created through a $4 million gift from the Winding Way Foundation of the Jewish Community Foundation’s Endowment Fund in honor of Saul A. Fox, a 1978 graduate of the Law School and a member of its Board of Overseers. The purpose of the gift is to enrich the academic resources of the University of Pennsylvania Law School.

The Saul A. Fox Distinguished Professor will hold a primary appointment to the faculty of the Law School and a secondary appointment to the faculty of Penn’s Wharton School.

Mr. Fox has participated in academic symposia and has lectured frequently at Penn Law School and at the Wharton School where his late father, Jerome Fox of the Philadelphia accounting firm Gelrod Fox & Company, pursued studies after World War II.

Fox is Chief Executive Officer of Fox Paine & Company LLC, a private equity investment firm he formed with Dexter Paine in 1997 in Foster City, California. Fox began his career as a tax attorney with the law firm Latham & Watkins in Los Angeles. He then joined Kohlberg Kravis Roberts & Co. in San Francisco in 1984 and was made a General Partner in 1990. A Philadelphia native, he earned his undergraduate degree from Temple University in 1975.

In accepting the gift, Law School Dean Michael A. Fitts noted Fox’s dedication to the future of Penn Law School: “Time and again, Saul Fox has demonstrated his commitment to assuring the finest quality of legal education for Penn students. This gift, made in his honor, is a fitting tribute to Saul’s career which is the interprofessional model of the modern Penn Law graduate.”

Dr. Judith Rodin, President of the University of Pennsylvania, commended the Winding Way Foundation for its recognition of Fox’s dedication to Penn: “In his philanthropy to Penn through the years and in his volunteer leadership as an Overseer, Saul Fox has modeled the education ideals he learned as a student at Penn. The University of Pennsylvania is deeply grateful to the Winding Way Foundation for its foresight in recognizing Saul’s passion for Penn’s future.”

Edward B. Rock L’83, co-director of the Institute for Law & Economics, has been named the inaugural Saul A. Fox Distinguished Professor of Business Law.

Theodore K. Warner, Jr. is Honored at the Law School

Theodore K. (Ted) Warner, Jr. C’31, L’34 was honored by the University of Pennsylvania Law School and the Independence Foundation at a luncheon at the Law School in June. The Independence Foundation, a Philadelphia-based, private foundation specializing in funding for nurse-managed primary healthcare, culture and the arts, and public interest legal services, endowed the Theodore K. Warner, Jr. Professorship in Business Law in 1998 to honor Mr. Warner for his service to the Foundation as a member of its Board of Trustees since 1991, including service as President and Secretary and Treasurer.

Dean Michael A. Fitts and University of Pennsylvania President Dr. Judith Rodin made remarks paying tribute to Mr. Warner’s loyalty to Penn and to his rich career spent in service to the profession.

Susan Sherman, President of the Independence Foundation, along with Mr. Warner, welcomed dozens of friends from Penn and the Independence Foundation for the celebratory occasion.

Classmate Eugene C. Fish W’31, L’34 reminisced about their nearly seven decades of friendship, and the Honorable Phyllis W. Beck of the Pennsylvania Superior Court and Chair of the Independence Foundation, joined in honoring Mr. Warner’s dedication to the foundation.

Mr. Warner spent 30 years with the Pennsylvania Railroad (later Penn Central), rising to the position of Vice President of Accounting and Taxes and president of Canada Southern Railway, a PRR subsidiary. He spent two years serving of counsel at the Philadelphia law firm of Duane Morris & Heckscher, and then became counsel to the firm of Harper & Driver in 1975.

When it was named, Mr. Warner expressed his wish that the chair donated in his honor be designated for the area of business law, reflecting both his own legal career and the strategic priorities of the Law School.

Class of 2001 Fundraising Effort ‘Head & Shoulders’ Above Tradition

Raising a record $6,270 from 124 members of the JD and LLM classes, faculty and staff of Penn Law, the Class of 2001 was able to commission the creation of a marble bust of University of Pennsylvania Law School founder and first professor James Wilson as their parting gift to the school upon their graduation.

Heath Tarbert and John F. Caccione, president and vice president, respectively, of the Class of 2001, guided the James Wilson Project, as it was called during the fundraising stage, to a sterling success. Eager to recognize the Law School’s 150th Anniversary, the class voted on the choice of the Wilson bust to leave their legacy at the school. (See related story on page 33.)
Law School Soars Past Fundraising Goal for 2000-2001 Academic Year

As the Penn Law Journal goes to press, the University of Pennsylvania is closing the books on Academic Year 2000-2001. Preliminary figures indicate that the Law School surpassed its fundraising goal of $8 million by raising $9,940,000 in new commitments. In the area of major gifts, two chaired professorships were established last year—the Saul A. Fox Distinguished Professorship in Business Law and its associated Fox Endowed Research Fund (see article on facing page), and the S. Samuel Arsht Professorship in Corporate Law endowed by the Honorable Roxana Cannon Arsht L’39. Judge Arsht established the endowed professorship in memory of her husband S. Samuel Arsht W’31, L’34, who died in 1999, and was a partner of the Wilmington, Delaware firm Morris, Nichols, Arsh & Tunnell. Additionally, the Law Annual Giving fund for unrestricted support of the Law School raised $2.5 million, reflecting a 25% increase over the past two years.

A Challenge Gift Inspires the Class of 1971

Barry J. London W’68, L’71 and his wife, Nancy C. Floyd, presented an anonymous challenge to the Class of 1971 on the occasion of his 30th year reunion. To inspire more classmates to participate in the class gift to the Law Annual Giving fund, Mr. London put up $100,000 and challenged his classmates to raise $150,000 in cash and commitments to match it. The Committee, chaired by Arthur W. Lefco and the Honorable G. Craig Lord, rallied 56 members of the class to surpass the challenge by raising $151,573, bringing the grand total of the class gift to $251,573.

NEWS FROM THE BOARD OF OVERSEERS

Charles A. Heimbold, Jr. Fêted as Outgoing Board Chair

At a dinner held in conjunction with the Overseers Spring meeting at the Penn Club in New York, Charles A. Heimbold, Jr. L’60 was celebrated and honored for his service on the Board of Overseers of the University of Pennsylvania Law School. Mr. Heimbold had served as Chairman of the Board since 1992. He was the subject of a tribute in an original short film created by the Law School that tracked his career from 1960 as a beginning law firm associate, to the present as Chairman and Chief Executive Officer of pharmaceuticals company Bristol-Myers Squibb, from which he retires at the end of this year.

Representing the University of Pennsylvania, Provost Dr. Robert Barchi thanked Mr. Heimbold for his service not only to the Law School but also to Penn at large because of his ongoing service as a member of the University's Board of Trustees.

On behalf of the Law School, Dean Michael A. Fitts presented to Mr. Heimbold a collection of rare books on the subject of sailing, a favorite pastime of Mr. Heimbold's. Dean Fitts also gave him a one-of-a-kind crystal bowl engraved with the Law School’s Sesquicentennial Seal to commemorate the 150th year of legal education at Penn and Mr. Heimbold's oversight of this historic year.

In turn, Mr. Heimbold presented the “keys” to the Law School to Paul S. Levy L’72 who succeeds him as Chairman of the Board of Overseers. Mr. Levy is Managing Partner of private equity firm Joseph Littlejohn & Levy in New York.

Mr. Heimbold has been nominated by President George W. Bush to be United States Ambassador to Sweden, the native country of Mr. Heimbold’s wife, Monika.

Kenneth I. Tuchman L’76, WG’76 Named to the Board of Overseers

Kenneth I. Tuchman L’76, WG’76 is Vice Chairman of Dresdner Kleinwort Wasserstein in New York where he is a senior merger and acquisition specialist and oversees the consumer, retail and financial sponsor groups. Prior to joining Wasserstein Perella in 1997, Mr. Tuchman spent 16 years at Lehman Brothers where he was co-head of the Global Mergers & Acquisitions Group as well as head of the consumer and retail industry groups. Prior to joining Lehman Brothers he practiced securities law at Fried, Frank, Harris, Shriver & Jacobson. Mr. Tuchman is a 1972 graduate of SUNY Buffalo, where he was elected to Beta Gamma Sigma and received the Wall Street Journal/Student Achievement Award. Mr. Tuchman resides in Alpine, New Jersey with his wife, Deborah, a graduate of the University of Michigan Law School, and four daughters, Erica, Jillian, Hallie and Rebecca.
Independence, Democracy, Trolleys and Museums
Penn Law Welcomes Reunion of International Alumni

For their first reunion ever in the United States, the Penn Law European Society (PLES) joined with international alumni of Penn Law in Philadelphia to commemorate the school's 150th anniversary. Over three days, graduates of the LL.M. program and their guests were tourists in Philadelphia as they participated in a reenactment of the events of July 1776 through the Lights of Liberty show at Independence Hall and enjoyed a trolley tour of Philadelphia's historic neighborhoods. The social events kicked-off with a reception at the Law School at which Dean Michael A. Fitts, Colin S. Diver Charles A. Heimbold Jr. Professor of Law, and former Law Alumni Society president Arlene Fickler CW'71, L'74 welcomed alumni back to Penn Law. The following day, Professor William Ewald was the Keynote Speaker on the subject of the LL.M. program curriculum at a luncheon at the Law School. The international audience then attended a panel discussion on the subject of the 2000 presidential election debacle: "Popular Democracy: American Style." Professors Seth Kreimer and Kim Lane Schepple, constitutional law scholars, joined with Murray Greenberg C'65, L'68, Chief Counsel of Dade County, Florida and Sir Nicolas Bratza, Judge on the European Court of Human Rights and former Penn Law faculty member, to discuss the legal posturing during the 36 days. The Honorable John Colyer QC questioned what Americans are doing to remedy the problems, "This has been enormously bad publicity not only for America but for democracy" he observed. Professor Kreimer responded, "Given the hard feelings that came out of this election, I doubt any change will occur in the next decade because of political repercussions that are still being played out.

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PROFESSOR SETH F. KREIMER

Alumni Society president Arlene Fickler CW'71, L'74 welcomed alumni back to Penn Law. The following day, Professor William Ewald was the Keynote Speaker on the subject of the LL.M. program curriculum at a luncheon at the Law School. The international audience then attended a panel discussion on the subject of the 2000 presidential election debacle: "Popular Democracy: American Style." Professors Seth Kreimer and Kim Lane Schepple, constitutional law scholars, joined with Murray Greenberg C'65, L'68, Chief Counsel of Dade County, Florida and Sir Nicolas Bratza, Judge on the European Court of Human Rights and former Penn Law faculty member, to discuss the legal posturing during the 36 days. The Honorable John Colyer QC questioned what Americans are doing to remedy the problems, "This has been enormously bad publicity not only for America but for democracy" he observed. Professor Kreimer responded, "Given the hard feelings that came out of this election, I doubt any change will occur in the next decade because of political repercussions that are still being played out." Professor Schepple added, "There was supposed to be a political ending to this story by throwing the question to Congress, but the Supreme Court gave it a judicial ending." After a black tie dinner held at Philadelphia's historic Union League, the weekend events wrapped up with a visit to the nearby Barnes Foundation galleries to view the largest collection of Impressionist art collected outside of Europe. The next gathering of PLES will take place in June 2002 in Berlin, Germany.
Returning to
Reunite and Celebrate Penn Law’s Bonds
1936, 41, 46, 51, 56, 61, 66, 71, 76, 81, 86, 91, 96

Penn Law graduates reunited in May to visit with classmates and to rediscover the Law School. Events began with the Law Alumni Society Third Annual Awards Reception. Dean Michael A. Fitts was joined by outgoing Law Alumni Society president Richard E. Rosin W’65, L’68 to honor distinguished graduates. The Honorable Arlin M. Adams L’47, HON ’98, Retired Judge of the U.S. Court of Appeals for the Third Circuit, was presented with the James Wilson Award, which was accepted on his behalf by his wife Neysa Adams. The Young Alumni Award was presented to John J. Grogan L’93, founder and former director of Camden Legal Services. The Alumni Award of Merit was presented to Arlene Fickler C’71, L’74, Partner at Hoyle Morris & Kerr, and Marcia D. Greenberger CW’67, L’70, Co-President of the National Women’s Law Center. Retiring Professor and Director of Biddle Law Library Elizabeth S. Kelly was presented with the Distinguished Service Award in recognition of her retirement from Penn Law School.

My goal is to be on top of the media in the courtroom where I’m in trial. The coverage in the media may affect the delivery of justice to my client.

NICHOLAS J. NASTASI L’67

Reunion events continued on Saturday with an Alumni/Faculty panel on “Law and Pop Culture” which offered the morning audience an extra jolt of caffeine delivered from the energetic and personable panelists. Dean Fitts moderated the discussion that featured Henry Schleiff C’70, L’73, Chief Executive Officer and CEO of Court TV: “The law gives you the opportunity to see human conflict. It’s the opportunity to view raw human emotions. You can tell an inspiring story. There is nothing that gives you a better foundation for drama.” Lisa Scottoline C’77, L’81, author of eight legal thrillers including The Vendetta Defense (2000): “Every book I write asks ‘What is justice?’ It’s a question everyone asks and everyone has an answer. This week people at the bus stops are talking about the delay in Timothy McVeigh’s execution and the process of discovery – what papers should the FBI have turned over?” Nicholas J. Nastasi L’67, Philadelphia trial attorney: “My goal is to be on top of the media in the courtroom where I’m in trial. The coverage in the media may affect the delivery of justice to my client.” And, Assistant Professor of Law Peter Huang who teaches “Law and Pop Culture” at the Law School: “I began wondering about the emotional reasons why people apply to law school. What do they think lawyers are? Ally McBeal? The Paper Chase? L.A. Law? Pop culture appeals to our passions and the law appeals to our minds.” Festivities continued through the day with a family picnic and through the night at dinners held in the Law School complex and in Center City Philadelphia.
The Kanter Family Foundation endowed a prize for legal writing in 1999 in memory of Lipman (Lippy) Redman C'38, L'41. The first recipient of the Lipman Redman Prize in Legal Writing for the Best Appellate Brief by a first year student was Emily Goldberg, a member of the Class of 2003. Redman, who died in 1997, was a founding partner of the distinguished Washington law firm of Melrod Redman & Gartlan. He specialized in tax law and was a former chief of the American Bar Association Tax Section. He was Editor-in-Chief of the Law Review in his student years, and as an alumnus served the Law School as a member of the Board of Overseers, acted as class agent and actively participated in numerous fundraising efforts on behalf of the Law School.

The Honorable Arlin M. Adams L'47, HON'98 was honored by Susquehanna University in Selinsgrove, Pennsylvania which named the Arlin M. Adams Center for Law and Society for him. The program is intended to bring together interdisciplinary fields for the study of law and society. Judge Adams, who lectured at the University of Pennsylvania Law School for twenty-two years and completed eighteen years of service on the U.S. Court of Appeals for the Third Circuit was the recipient of the James Wilson Award from the Law Alumni Society of Penn Law School at a ceremony held during Reunion Weekend in May. The award was presented to him in honor of his service to the legal profession.

The Honorable Harold Berger EE'48, L'51 has been appointed chair of a special bench-bar liaison committee by the Federal Bar Association. The committee intends to help familiarize members of Congress with the functions of the Common Pleas Court, and educate jurors about the importance of their service in the justice system. Judge Berger, a former Philadelphia Common Pleas Court Judge, was named to the Board of Overseers of Penn's School of Engineering and Applied Science. A managing principal and senior partner of Berger & Montague PC., Berger is the past Chairman of the Federal Bar Association's National Committee on the Federal and State Judiciary and the American Bar Association's Aerospace Law Committee.

Harold Cramer L'51 has been re-elected to serve as the President of the Theodore F. Jenkins Memorial Library. The Theodore Jenkins Memorial Library, which had been known as the Library of the Philadelphia Bar Association, is the oldest law library in the nation's history, having been founded in 1802. Cramer is a retired partner of Schnader Harrison Segal & Lewis, LLP in Philadelphia.

Arthur Levy W'52, L'55, shareholder of Eckell, Sparks, Levy, Auerbach, Monte, Rainer & Swayne, PC of Media, Pennsylvania, recently received The Pennsylvania Bar Foundation 2001 Louis Goffman Award for individual achievement in pro bono service. Levy has served as a member of the Board of Directors of the Delaware County Legal Assistance Association since 1990 and has been its President since 1993.

Vincent X. Yakowicz L'56 was named in the 2000/2001 edition of "Who's Who in American Law" and the 2001 edition of "Who's Who in America." Mr. Yakowicz has held two cabinet positions as Secretary of Revenue and Solicitor General for Pennsylvania. In 1979, he was Chief of Tax Litigation in the Pennsylvania Department of Justice.

Richard M. Rosenbleeth W'54, L'57, former general counsel to MBIA MuniServices Company and a retired partner of Blank, Rome, Comisky & McCauley, LLP, has launched a mediation and arbitration practice located in Philadelphia. Rosenbleeth has also been active in advocating the use of ADR through his work with the CPR Institute for Dispute Resolution and the American College of Trial Lawyers ADR Committee. He is a Distinguished Neutral on the CPR panel of Distinguished Neutrals for Pennsylvania.

The Honorable Allen G. Schwartz L'58 was awarded President’s Medal of Baruch College at the school’s 2001 commencement exercises “in recognition of [his] distinguished career in the field of law as a Federal Judge of the Southern District of New York and as public servant.” During his career, Judge Schwartz was Corporation Counsel of the City of New York, a senior partner of the firm of Proskauer Rose and, earlier, an Assistant District Attorney in New York County.

John J. Francis, Jr. L'59 of Drinker, Biddle & Shanley in Florham Park, New Jersey was appointed Vice Chair of the New Jersey Supreme Court’s Ad Hoc Committee on Bar Admissions. Francis is a litigator who concentrates his practice in intellectual property. He previously served as Chairman of the New Jersey Supreme Court Committee on Character.
David C. Auten C'60, L'63, a partner and international lawyer at Reed Smith, headed the local lawyer's planning committee that advised a delegation of Russian lawyers who visited Philadelphia through a program run by the Center for Citizen Initiatives through the U.S. Department of State. This program was a collaborative effort between various law firms and legal organizations in Philadelphia and Washington, D.C.

Charles A. Heimbold Jr. L'60 Chairman of Bristol-Myers Squibb Company, was nominated by President Bush to be U.S. Ambassador to Sweden. Heimbold was awarded the Distinguished Service Award by the Law Alumni Society of the University of Pennsylvania Law School at an awards ceremony during Reunion Weekend in May. The award recognizes members of the Penn Law community who have distinguished themselves by their outstanding service to the Law School.

John F. Ledwith C'60, L'63, a shareholder of Marshall, Dennehey, Warner, Coleman & Goggin in Philadelphia, presented "Practical Effects of Indemnity Clauses in Construction Litigation" at the annual meeting of the Federation of Insurance and Corporate Counsel in 2001. He concentrates his practice in construction litigation, defending construction companies against personal injury and property damage claims.

Gerald M. Levin L'63, Chief Executive Officer of AOL Time Warner, was honored with the Media Man of the Year Award at the Media Lions Award Ceremony in London. Levin, who oversees the company's six businesses, was formerly Chairman and CEO of Time Warner Inc. and was the leading architect of the Time Inc and Warner Communications merger in 1990, as well as the Time Warner 1996 agreement to merge with Turner Broadcasting Systems. The award was given in recognition of Levin's success in establishing AOL Time Warner as one of the world's leading companies.

David H. Marion W'60, L'63, Chairman of Montgomery, McCracken, Walker & Rhoads LLP in Philadelphia, co-chaired The Sedona Conference on Complex Litigation in Santa Fe, New Mexico in April. Marion, a former chancellor of the Philadelphia Bar Association, is a trial lawyer who concentrates his practice in business litigation, antitrust, securities, professional liability and communication law.

H. Robert Fiebach W'61, L'64, co-chair of the Commercial Litigation Department and chair of the Professional Liability Practice Group at Cozen & O'Connor in Philadelphia, spoke at the Pennsylvania Bar Institute's continuing legal education seminar on "Anatomy of the Legal Malpractice Case," in Pittsburgh and in Philadelphia. Fiebach received the Pennsylvania Bar Association's President's Award during the group's annual meeting in Pittsburgh in May.

Marian Pearlman Nease L'64 of Boca Raton, Florida has joined Buckingham, Doolittle & Burroughs' Health Law Practice Group as Of Counsel. Previously, she was vice president in charge of the life care division at Cenlliv Development Corp.

The National Law Journal recognized Herbert F. Schwartz G'64, L'64 as one of the outstanding practitioners in the U.S. Court of Appeals for the Federal Circuit. He has many Federal Circuit cases to his credit, in which he has represented clients including Digital Equipment Corp., Polaroid Corp. and Motorola Inc. Schwartz, who teaches patent law and copyrights at the University of Pennsylvania Law School, also authored the Federal Judicial Center's text "Patent Law and Practice."

David M. Kozloff L'66 has been named as a member of the Million Dollar Advocates Forum, a group of trial lawyers who have won million and multi-million dollar verdicts, awards and settlements. He specializes in serious personal injury and death claims, fire and explosion litigation at Kozloff Stoudt PC in Reading, Pennsylvania.

The Pennsylvania Association of Criminal Defendam Lawyers presented Robert M. Rosenblum L'66 the Alan Jay Josel Advocacy Award in April "in recognition of his extraordinary and superlative efforts and advocacy."

Glen A. Tobias W'63, L'66 was named to a two-year term as National Chair of the Anti-Defamation League. Mr. Tobias was formerly with Bear Stearns in New York and serves as a member of the Law School's Board of Overseers.

Peter G. Glenn L'68 will step down from his post as Dean of the Dickinson School of Law at the end of the 2001-2002 academic year. Glenn, who has held the position since 1994, oversaw the merger of Dickinson with Penn State during his incumbency will return to full time teaching at Dickinson Law.

Frank A. Orban III L'68, formerly International Counsel at Armstrong World Industries, Inc. and a senior United States diplomat, has joined the Washington, D.C. office of DeKieffer & Hogan. Orban will practice in the international trade and customs law area as well as handle transactional and foreign investment matters related to the former Soviet Union, China, Central Europe and the Balkans.

Earl T. Britt L'64, a founding partner of Britt, Hankins, Schaible & Moughan in Philadelphia, was recently awarded the GEM award by St. Joseph's University Law Alumni Chapter for his efforts in community and university affairs.
ALUMNI BRIEFS

1960s

Stacy L. Wallach L'68 has joined real estate company Cushman & Wakefield as senior operations executive for the New York area, comprised of New York City, New Jersey, Westchester Country, Southern Connecticut and Long Island. He was formerly the senior vice president and general counsel for Insignia/ESG.

Harry First C'66, L'69 has returned to his position as Professor of Law at New York University School of Law, after a two-year leave during which he served as Chief of the Antitrust Bureau of the New York State Office of the Attorney General.

In April, Michael L. Levy, L'69 was appointed to serve as Interim United States Attorney for the Eastern District of Pennsylvania, which includes nine counties in Eastern Pennsylvania. He will remain in the position until President Bush appoints and the Senate confirms a new U.S. Attorney. Since 1993, he has been the First Assistant U.S. Attorney in the district.

1970s

Marcia D. Greenberger CW'67, L'70, co-president of the National Women’s Law Center in Washington, D.C., was awarded the University of Pennsylvania Law School’s Alumni Award of Merit by the Law Alumni Society at an awards ceremony during Reunion Weekend in recognition of her professional achievements and support of the Law School.

Edmund L. Harvey, Jr. L'70 was named Chair of the Probate and Trust Law Section of the Philadelphia Bar Association for 2001. He is a Fellow of the American College of Trust and Estate Counsel and a partner in the Philadelphia law firm of Tecters & Harvey.

Steven R. Waxman L'70, formerly a partner at Kleinbard Bell & Brecker, has joined the commercial litigation team at Fineman & Bach in Philadelphia.

Robert L. Whitelaw L'70, Managing Partner and co-chair of the litigation department of Obermayer, Rebmann, Maxwell & Hippel LLP, was honored with the Big Brothers Big Sisters Association of Philadelphia’s highest award, the Charles Edwin Fox Memorial Service Award in May. Whitelaw has been a member of the board of directors for Big Brothers and Big Sisters of Philadelphia for over ten years and served as the Association’s president from 1996 to 1998.

Barry M. Abelson L'71, partner at Pepper Hamilton LLP in Philadelphia, was reelected to the executive committee of the firm.

Jane L. Dalton L'71 was named to the board of the Philadelphia Bar Association. Dalton is a partner at Duane, Morris & Heckscher LLP.

In May, Intellectual Property, a Legal Times magazine, ranked Steven L. Friedman L'71 as one of the twenty-two leading “movers and shakers” of Intellectual Property world because of his victory before the Federal Circuit Court of Appeals in the State Street case which confirmed the legitimacy of business method patents and “galvanized a new era in patent law, especially as it relates to the Internet.” Friedman is Co-Chair of the Litigation Department at Dilworth Paxson LLP and a member of the Executive Committee.

The Honorable G. Craig Lord L'71, a former judge of the Philadelphia Common Pleas Court, was named to the board of Philadelphia’s Industrial Development Corporation, a non-profit economic development organization. Lord is a partner at Blank, Rome, Comisky & McCauley LLP.

Sandra Sherman L'71, G'93, a professor of British Literature at the University of Arkansas, has been appointed as a visiting fellow at the Lucy Cavendish College of Cambridge University. Her book, Imagining Poverty: Quantification and the Decline of Paternalism, was published by Ohio State University Press (2001). She is also the author of Finance and Fictionality in the Early Eighteenth Century: Accounting for Defoe (Cambridge University Press, 1996).

Randy J. Holland L'72, a judge on the Delaware Supreme Court, edited Delaware Supreme Court Golden Anniversary (2001), a history of the bench.

Nancy M. Weinman L'72, a member of the Health Law Practice Group of Montgomery McCracken Walker & Rhoads, was a speaker at the Fall Educational Conference of the Pennsylvania Medical Group Management Association (PAMGMA) held in Valley Forge. As a follow-up to her presentation at the Spring PAMGMA conference, where she offered a roadmap and practical tips on how to implement a compliance plan for physician practices, Weinman gave the attendees pointers on how to interpret and respond to warning signs often hidden in audit and review letters sent to physicians by Medicare carriers and intermediaries.

Charles E. (Trip) Dorkey III L'73, Managing Partner of the New York office of Torys, has been appointed to the Advisory Council for the Housing Part of the Civil Court of the City of New York. Dorkey heads the firm’s New York litigation practice and is a member of Torys’s Executive Committee. He was appointed by President Bush to be a member of his Justice Transition Advisory Team in March.
Allen E. Rennert C'69, L'73 has left Richards, Watson & Gershon after twenty-eight years to join the new Los Angeles law firm of Neufeld, Jaffe, Levin & Colantuono, LLP, where he will continue to specialize in transactional matters. Rennert is also the senior member of the Board of Directors of the Beverly Hills Education Foundation.

Henry S. Schleiff C'70 L'73, Chairman and CEO of Court TV, was a panelist in the Alumni and Faculty Exchange "Law and Pop Culture" at Penn Law during Reunion Weekend in May. The panel discussed the portrayal and representation of the law in contemporary fiction and on TV.

Donald K. Stern GL'73 has joined the Boston law firm of Bingham Dana LLP. Previously, he was the United States Attorney for the District of Massachusetts. As a partner in the firm's litigation department he concentrates on business regulation and white collar defense work.

Ian M. Comisky W'71, L'74, a Partner in the Tax and Fiduciary Department at Philadelphia's Blank, Rome, Comisky & McAuley LLP, participated in the American Bar Association Criminal Justice Section and the Center for Continuing Legal Education's 15th Annual National Institute on White Collar Crime 2001. He was a panel member for the session "Here Today - Gone Tomorrow: Seizing, Freezing and Forfeiting Assets."

Michael T. Everett L'74 was appointed to the position of Chief Financial Officer at Network Robots in Pleasanton, California with primary responsibility for leading all aspects of its financial operations. A networking start-up company, Network Robots is developing a high performance programmable networking platform that will enable service providers to deliver high value services, such as managed security, networked storage, content delivery and broadband streaming to customers. Everett, who has previously held executive posts with Raychem and Nitro Corporation, was formerly a partner at the international law firm of Heller, Ehrman, White & McAuliffe as a specialist in corporate finance.

Arlene Fickler CW'71, L'74, partner at Hoyle Morris & Kerr, LLP, was presented with the University of Pennsylvania Law School's Alumni Award of Merit by the Law Alumni Society at a ceremony during Reunion Weekend in recognition of her professional achievement and support of the Law School.

Covanta Energy Corporation of New York named Jeffrey R. Horowitz C'71, L'74 as its Senior Vice President for Legal Affairs. He served previously as Executive Vice President, General Counsel and Secretary of OEG, where he had oversight of the Company's legal matters.

Carrie J. Menkel-Meadow L'74, Visiting Professor of Law at Harvard Law School in 2001, recently published Mediation: Theory, Practice and Policy (Ashgate Press, 2001) and received a grant from the William and Flora Hewlett Foundation to found and direct a graduate fellows (L.L.M.) program in Dispute Resolution and Problem Solving at Georgetown University Law Center. She is Professor of Law and Director of the Georgetown Center for Public Resources Institute for Dispute Resolution Commission on Ethics and Standards in Alternative Dispute Resolution.

Manuel Sanchez L'74 was elected Chairman of the Board of Trustees at Northern Illinois University. He will be the first Hispanic in Illinois to hold the top post on a public university's governing board. Sanchez became one of the founding members of NIU's board in 1996 when he was appointed by then-Governor Jim Edgar. He is founder and partner of Chicago law firm Sanchez & Daniels.

Michael D. Green L'75 was appointed to the Bess and Walter Williams Distinguished Chair in Law at Wake Forest University. He previously taught at the University of Iowa.

Robert S. McIntyre L'75 was profiled in the New York Times (May 21, 2000) for his role in the tax debate in Congress. McIntyre is the director of a nonprofit and nonpartisan organization called Citizens for Tax Justice in Washington, which analyzes congressional tax proposals.

PURCHASE PENN LAW GEAR

The Council of Student Representatives (CSR) offers Penn Law gear for sale to benefit the student groups of the Law School. T-shirts, sweatshirts, hats, shorts and coffee mugs are not available through the Penn Bookstore, but they are available through CSR.

CONTACT:
CSR President
Vijay Kapoor
215-898-7483
vkapoor@law.upenn.edu
Robert L. Wallace, Jr. L75, currently Managing Director of FleetBoston's trucking and trade leasing group, has been appointed to the Board of Directors of Transportation Equipment Asset Management Corporation ("TEAM") in Coral Gables, Florida.

Wendy S. White L75 was named Vice President and General Counsel of the University of Pennsylvania in July. She joined Penn in 1999 from the Washington, D. C. offices of Shea & Gardner, where she had been the administrative partner, specializing in litigation and in issues related to non-profit institutions. Since then, as Deputy Counsel for Penn, she has played a key role in developing Penn's legal responses to a variety of major challenges, managed the legal activities for a broad range of institutional issues across the University, and provided advice and counsel on numerous other issues.

Bruce E. Bratton L76 was appointed to fill a vacancy on the Court of Common Pleas of Dauphin County, Pennsylvania. Bratton has been in general practice in Harrisburg for almost twenty-five years, the last thirteen of which as a partner and managing partner of Martsolf & Bratton, where his practice has emphasized general civil litigation.

Joseph S. Finkelstein L76, partner at Wolf, Block, Schorr and Solis-Cohen LLP, has been appointed to the Editorial Board of The Retail Law Strategist, a new monthly publication of the International Council of Shopping Centers. Finkelstein specializes in real estate financing, shopping centers, retail and commercial properties, and title insurance.

Kathleen O'Brien CW'69, L76 partner at Montgomery, McCracken, Walker & Rhoads, was profiled in Philadelphia Business Journal in March for her work with Philadelphia's Forum of Executive Women. As the co-chair of the Forum's Executive Suites Committee she works to promote awareness in the limited "vertical" career mobility of women. In alliance with a number of sister organizations in Atlanta and Boston, the Forum hopes organize programming to raise awareness of this issue.

Lawrence V. Stein L76 was named Senior Vice President of American Home Products Corporation in Madison, New Jersey. He previously served as a Vice President and Deputy General Counsel for the company.

David D. Aufhauser L77 was named General Counsel of the U.S. Treasury Department. Aufhauser is in charge of the department's 2,400 lawyers and offers legal advice to Secretary O'Neill. In the aftermath of the November 2000 election, he headed a volunteer legal team for the Bush campaign that oversaw the counting of crucial overseas military ballots in Florida.

Gilbert F. Casellas L77 has been elected to a three-year term on the Board of Trustees of the Woodrow Wilson National Fellowship Foundation in Princeton, New Jersey. Casellas, President and CEO of Q-LINX Incorporated is also on the Board of Trustees of the University of Pennsylvania and previously served as Chair of the U.S. Equal Employment Opportunity Commission.

Kenneth I. Tuchman L76, WG'76 is Vice Chairman of Dresdner Kleinwort Wasserstein in New York, where he is a senior merger and acquisition specialist and oversees the consumer, retail, and financial sponsor groups. He was previously with Wasserstein Perella which he joined in 1997, after spending sixteen years at Lehman Brothers. He was named to the Board of Overseers of Penn Law School this year.
**1970s**

Lewis I. Gantman W'74, L'77, was elected to the board of directors of the Pennsylvania Economy League. Gantman is also the president of Kravco Incorporpod located in King of Prussia, Pennsylvania.

David F. Simon L'77 was appointed Chief Counsel of the Pennsylvania Insurance Department in May. Among his first responsibilities is a key role in the rehabilitation of Reliance Insurance Company, one of the largest receiverships in insurance history. Simon was previously Chief Legal Officer of Aetna U.S. Healthcare and its predecessor, U.S. Healthcare Inc., and prior to that time was a partner at Wolf, Block, Schorr and Solis-Cohen in Philadelphia.

James E. Nevels L'78, WG'78 chairman and CEO of the Swarthmore Group Inc., has been elected to the Greater Philadelphia First board of directors.

Philippe Sarraillh GL'78 has joined White & Case as a partner in the Paris office where he will continue his practice in corporate, merger and acquisition and finance transactions with a special emphasis on cross-border transactions and related dispute resolution.

The Philadelphia Bar Association has elected Albert S. Dandridge III GL'79 to the board of governors. He is a partner at Schnader Harrison Segal & Lewis.

Raymond W. Hepper L’79 joined Pierce Atwood in Portland, Maine, as a partner in the Utilities & Energy Group. Prior to accepting this position, Hepper served for six years as General Counsel at Central Maine Power Co., Maine's largest electric utility. In that position, he led CMP’s legal and business team that guided the utility through deregulation. He headed the team that negotiated the $846 million sale of the company's generation assets and successfully litigated against the buyer's attempt to avoid closing. At Pierce Atwood, Hepper will continue his practice representing utilities, customers, lenders and developers in all aspects of utility law and deregulation.

Niki T. Ingram L’79, a shareholder in Marshall, Dennehey, Warner, Coleman & Goggin in Philadelphia, has been named co-chair of the workers' compensation section of the Philadelphia Bar Association. She also served as a speaker on behalf of the Pennsylvania Bar Institute at its Ethical Consideration in Worker's Compensation seminar held in Philadelphia in May. In addition, Ingram received a Distinguished Alumni Award at the Sadie Alexander Memorial Dinner sponsored by the Black Law Student Association (BLSA) of Penn Law School.

**1980s**

Federal prosecutor Martin C. Carlson L'80 has been appointed interim U.S. Attorney for the Middle District of Pennsylvania. For the last seven years, Carlson was chief of the criminal division at that office.

Mark L. Mallory L'80 co-founded Mallory & Friedman PLLC in Concord, New Hampshire. He practices exclusively in the field of civil litigation, concentrating on defense of medical malpractice, product liability and insurance coverage disputes. Mallory was formerly a director of the Manchester, New Hampshire firm of Bouchard & Mallory, PA.

Barbara A. McDonnell L’80, former Colorado Deputy Attorney General for state services was appointed general counsel for the Community College of Colorado in Denver.

Peter J. Guffin L’81 has joined Pierce Atwood in Portland, Maine as a partner in the Intellectual Property and Technology Practice Group. Guffin was previously in-house counsel at UNUM Corporation. In 1999, he was appointed by Governor Angus King to serve as co-chair of the State of Maine’s Y2K Readiness Task Force, and he presently serves on the Information Technology Board of the Maine Technology Institute.

Lee A. Ohliger W’78, L’81 was named counsel at the New York office of Carter, Ledyard & Milburn.

Lisa M. Scattolone C’77, L’81, best-selling author of eight legal thrillers and former Philadelphia trial attorney, was a panelist for “Law and Pop Culture” at the Law School’s Alumni and Faculty Exchange during Reunion Weekend this May. She was one of the experts that led a discussion about the portrayal and representation of the law in contemporary fiction and on TV.

Philip H. Spector L’81 has joined the New York office of King & Spalding's finance practice group as partner. He was formerly a partner at Watson, Farley & Williams.

Dean S. Adler W’79, L’83, principal and cofounder of Lubert-Adler Partners in Philadelphia, was named to the board of the National Museum of American Jewish History in Philadelphia.

Lynn R. Axelroth L’83, Managing Partner of the Philadelphia office of Ballard, Spahr, Andrews & Ingersoll LLP and partner in the firm's Real Estate Department, was elected to a three-year term on the Governing Committee of the American Bar Association's Forum on the Construction Industry. Axelroth was elected to the Governing Committee after serving for three years as the first Chair of the Owners and Lenders Committee of the ABA Forum on the Construction Industry. She also serves as Co-chair of the ABA Real Property Section's Committee on Construction Lending and is a member of the Workouts, Foreclosures and Bankruptcy, and Design and Construction Committees. Axelroth has also been named a fellow in the American College of Construction Lawyers.

Susan Laiken Kruger C'79, L'83 has joined Michael S. Morgansten & Associates in Rockville, Maryland to represent personal injury victims.  

Steven K. Ludwig W'80, L'83, a partner at Fox, Rothschild, O'Brien & Frankel, LLP in Philadelphia, has been elected to serve as Vice President of the Board of Directors for Family Support Services, Inc. FSS is a nonprofit agency that provides counseling and education for over 1300 children and their families each year.  

Richard D. Milvenan L'83 has joined McGinnis, Lochridge & Kilgore LLP in Austin, Texas as a partner. He is a member of the firm's communication group, and handles litigation and counseling on communications and high technology industry.  

Alan G. Rosenbloom L'83 has joined the Pennsylvania Health Care Association as executive vice president. Rosenbloom was formerly interim president of the American Association of Homes and Services for the Aging in Washington, DC.  

Matthew J. Comisky L'84, a partner in the Real Estate Department of Blank, Rome, Comisky & McCauley, LLP in Philadelphia, has been elected to membership of the American College of Real Estate Lawyers. Comisky focuses his practice on all aspects of real estate development.  

Mary P. Hughes L'84 corporate counsel of West Jersey Health System in Camden, New Jersey, has been elected to the board of the Mental Health Association of Southeastern Pennsylvania in Philadelphia.  

Jerrilyn G. Marston L'84, a lecturer in law at the Wharton School, was one of the five recipients of the school's 2000 Undergraduate Teaching Awards for Associated Faculty. For the past fifteen years, Marston, a partner, has practiced commercial litigation with Bazelon Less & Feldman.  

Sharin Specter L'84, founder and partner of Kline & Specter in Philadelphia, has been named to the board of the National Museum of American Jewish History in Philadelphia.  

Production Company 20th Television has chosen Judge Lynn C. Toler L'84 to preside in the syndicated courtroom show "Power of Attorney." Toler remains a judge in the Cleveland Heights, Ohio Municipal Court District.  

David N. Feldman W'82, L'85 (david@feldmanassoc.com) was recently elected President of Penn's Wharton School Alumni Association Executive Board. The volunteer position includes overseeing the alumni board and dozens of worldwide alumni chapters. Feldman heads Feldman & Associates in Manhattan, a 13-attorney firm specializing in corporate, securities, venture capital, private equity, litigation, intellectual property, tax, trusts & estates, franchising and bankruptcy. He lives in Hewlett Harbor, Long Island.  

John H. Grady, Jr. L'85 has joined Turner Investment Partners in Berwyn, Pennsylvania as general counsel and chief legal officer. Grady had formerly been a partner in the investment management practice group at Morgan, Lewis & Bockius LLP.  

Seoul-based attorney Thomas P. Pinansky L'85 has been elected Chairman of the Asia-Pacific Council of American Chambers of Commerce (APCAC), an organization that represents the interests of some 50,000 business executives from more than 8,000 business entities engaged in US-Asia trade, services, and investment. Among Pinansky's responsibilities will be the leadership of the annual APCAC delegation to Washington DC which briefs Congressmen, senior members of the Executive Branch, and other political and business leaders on APCAC's positions on issues affecting US business in Asia. Pinansky has been a governor of the American Chamber of Commerce in Korea for over six years and is the Senior Foreign Attorney at the law firm of Kim, Shin & Yu.  

Baker & Hostetler LLP hired John J. Burke L'86 as partner in its Washington, D.C. office. Burke practiced at Pepper Hamilton LLP as chairman of the international trade practice prior to joining Baker & Hostetler.  

Quintin L. King L'86 has been elected to a two-year term as the president of the National Association of Insurance Litigation Management. King is a founding member and senior advisor of Lord & King LLC, a law and lobbying multidisciplinary firm with offices in Chicago and Springfield, Illinois.
Randall J. Boe *L'87*, a former vice president and deputy general counsel of America Online, was promoted to general counsel after the merger with Time Warner.

Tracy D. Hill *L'87* joined Germani & Riggle LLC in Portland, Maine focusing on civil litigation and probate law.

Cuyler H. Walker *L'87, WG'87* was made partner at Pepper Hamilton LLP in Philadelphia. Walker focuses his practice in the areas of corporate law, mergers and acquisitions and securities law.

USA Information and Services (USAIS) of USA Networks in New York has appointed Michael B. Adler *W'85, L'88* Senior Vice President in Finance and Administration. He was formerly the CFO and General Counsel for SchoolSports, Inc. and the Vice President and General Counsel for Cheyenne Software, Inc.

Jeffrey B. First *L'88* has joined Neal, Jacobs & Associates in Philadelphia where he will handle commercial litigation and transactional matters. He was formerly an attorney with Buchanan Ingersoll.

Abbe E. Fletman *L'88*, a partner in the Business Litigation Practice Group at Wolf, Block, Schorr & Solis-Cohen, LLP in Philadelphia has been named by Philadelphia Mayor John Street to the Lesbian, Gay, Bisexual and Transgender Community Advisory Board. She was also recently appointed to Philadelphia’s Human Relations Commission. Fletman concentrates her law practice on commercial litigation and intellectual property disputes, including patent, trademark, copyright, information technology and trade secret matters.

A book by Kenneth A. Adams *L'89*, *Legal Usage in Drafting Corporate Agreements*, was published by Greenwood Publishing Group, a Reed Elsevier company, this year. Adams is an associate at Kramer Levin Naftalis & Frankel LLP in New York.

Timothy E. Davis *L'89*, a shareholder of Buchanan Ingersoll in Philadelphia, has been elected to the Board of the Philadelphia Boy's Choir and Chorale.

Saul Ewing named Abbe A. Miller *C'86, W'86, L'89* special counsel in its bankruptcy and reorganization department in Philadelphia.

J. Denny Shupe *L'89*, a partner at Schnader Harrison Segal & Lewis LLP, has been named president of United Service Organization (USO) Philadelphia.
Wifredo A. Ferrer L'90 was selected for the Aspen Institute's 2000 Class of Henry Crown Fellows. Ferrer, a U.S. attorney in Miami, was chosen from 200 candidates nominated by a panel of national business and community leaders. Designed to develop the next generation of innovative, socially responsible world leaders, the program honors executives under the age of 45 who have already amassed a record of professional success. Ferrer formerly worked in the United States Department of Justice in the Clinton Administration.

Nathan T. Natori L'90 was made partner in the Honolulu office of Davis, Wright, Tremaine.

Thomas N. O'Neill III L'90 has been elected to the partnership of Linklaters, the London-based international law firm and member firm of Linklaters & Alliance, and is relocating from the firm's London to its Paris office.

Wendy H. Schwartz C'86, L'90 was named one of the “Fifteen Lawyers 40 and Under...Making a Difference” in New York Lawyer Magazine. The article highlighted her work in the public service sector. She is an Assistant U.S. Attorney in the Civil Division of the U.S. Attorney's Office, Southern District of New York.

Jonathan Ashley L'91 is a partner at Fortress Investment Group, a private equity fund management firm in New York. Ashley just returned to New York after an assignment in the London office of the firm.

Henry J. DeWerth-Jaffe L'91 has been named Partner at Pepper Hamilton in Philadelphia where he specializes in bankruptcy and creditor's rights.

Lisa Carney Eldridge L'91 has been elected partner of Fox, Rothschild, O’Brien & Frankel LLP. Eldridge practices primarily in the area of general and complex commercial litigation with an emphasis on civil RICO, commercial fraud and insurance insolvency cases. Until recently, Eldridge served for many years on the Board of Directors of Women Organized Against Rape. She also served as a member of the Board of Directors of Women’s Way, the premier women's funding federation in the country, and remains an active member of its Young Women's Initiative. For three years, Eldridge served as Co-Chair of the Legal Advocacy Fund Committee for the Philadelphia branch of the American Association of University Women.

Lisa F. Fox L'91 has been named Counsel in the New York office of Carter, Ledyard & Milburn. Fox specializes in trusts and estates and tax-exempt organizations.

BOYS HOPE GIRLS HOPE (BHGH), an international non-profit organization based in St. Louis, Missouri, appointed Paul A. Minorini L'91 as its chief executive officer in April. BHGH is active in sixteen domestic cities and three countries, providing hundreds of promising young people with a quality home environment and education. Minorini's responsibilities will include overseeing the organization's 37-home network and working to expand the program's mission and reach more children throughout the United States. Minorini has authored several published articles on education and school finance issues. In addition, he has served as a senior consultant to the National Academy of Sciences' National Research Council, Committee on Education Finance. Prior to joining BHGH, Minorini practiced education law in a Washington, DC-based law firm.
Maureen C. Shay L'91 has joined the Atlantic City and Landsdale offices of Fox, Rothschild, O'Brien & Frankel LLP. Shay will concentrate her litigation practice on general commercial, licensing and intellectual property, bankruptcy, securities fraud, employment, real estate and antitrust matters.

Marc E. Hankin L'92 has joined the Los Angeles office of Sonnenschein, Nath & Rosenthal as a partner. Hankin will practice patent law in the 10-person Intellectual Property practice group.

Jonathan M. Korn L'92, associate in the Cherry Hill office of Blank Rome Comisky & McCauley, was installed as a Young Lawyers Division Trustee to the New Jersey State Bar Association at the organization's annual meeting in Atlantic City in July.

Julie E. Korostoff L'92 of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, PC has been named partner in the Business and Finance group in the firm's Boston office.

Enrique J. Martin L'92 has joined the Miami office of Hunton & Williams as a corporate partner.

David L. Richter ENG'87, W'87, L'92 was promoted from Senior Vice President and General Counsel to President of the Project Management Group of Hill International, Inc in March. The company, based in Willingboro, New Jersey, is a worldwide construction claims and project management consulting firm.

Peter J. Rooney L'92 was made partner in the New York office of Shearman & Sterling where he specializes in mergers and acquisitions.

Howard T. Spilko L'92 was elected partner in the New York office of Kramer Levin Naftalis & Frankel LLP. Spilko practices in the area of corporate law.

Craig S. Stein L'92 has been named partner at Schulte Roth & Zabel in New York.

Edward Zimmerman L'92, partner of Lowenstein Sandler in Roseland, New Jersey, chairs the firm's Internet Law Practice Group, a leading growth area for the firm. Business News New Jersey named him to their “40 Under 40 List.”

Wendy Beetlestone L'93, an associate at Schnader Harrison Segal & Lewis LLP, has been selected as a recipient of the “40 Under 40 Minority Executive Awards.” The Award honors forty dynamic, young minority executives in the Philadelphia region. Recipients are selected for their commitment to leadership, professional excellence and demonstrated community service. Beetlestone has also been elected a member of the Board of Directors of WYBE Public TV 35, an independent public television station serving the Greater Philadelphia region. Beetlestone is a member of the Litigation Services Department at Schnader Harrison. She concentrates her practice in general civil litigation, antitrust, technology and Internet issues, and First Amendment law. Beetlestone is active in the Philadelphia 100 Conference and the Eastern Technology Council.

Patricia S. Biswanger C'78, L'93 has been made a member of Philadelphia firm Cozen and O'Connor. She concentrates her practice in professional liability defense, commercial litigation, and labor and employment law.

John J. Grogan L'93, former director of Camden Center for Law and Social Justice, was presented with the University of Pennsylvania Law School’s Young Alumni Award by the Law Alumni Society at a reception during Reunion Weekend in May. He is presently an associate with Sands & Langer in Philadelphia.

Maurizio Levi-Minz L'93 has been named partner at Debevoise & Plimpton in New York. He is a member of the corporate department and specializes in cross-border transactions, including acquisitions, dispositions, direct investments, strategic alliances, joint ventures, financings, and general corporate counseling.

East From Seventh, Joanne Meng-Tsui Ooi L'93's fashion business since 1997, was profiled by Asian Business (April 1, 2001). Ooi's company in Hong Kong comprises two boutiques and an online enterprise with another boutique expected to open in the near future.

Jonathan H. Spergel L'93 has been named partner, specializing in environmental law, at Manko, Gold & Katcher LLP in Bala Cynwyd, Pennsylvania. Prior to joining the firm in 1993, he was a staff consultant with Peterson & Company Consulting where he performed damage analysis and litigation support. Spergel has authored a number of articles on environmental issues, and is a member of the American Bar Association's Section on Environment, Energy and Resources, as well as the Environmental Law sections of the Pennsylvania, Philadelphia and New Jersey Bar Associations.

Jennifer A. Brandt L'94 has been elected to member status at Cozen and O'Connor. She has been named to the executive committee of the Philadelphia Bar Association's family law section.

PENN LAW

ALUMNI BRIEFS

1990s

Mecnu T. Sasser L'95 was appointed to the Board of Directors of the Association for Retarded Citizens (ARC) of Palm Beach County, Florida. Founded in 1958, the ARC of Palm Beach County is a private, non-profit organization whose mission is to improve the lives of children and adults with developmental and mental disabilities and their families, through services, advocacy and education. She is an associate and member of the litigation department of Gunster, Yoakley & Stewart, PC. Sasser practices in the areas of Commercial and Intellectual Property litigation.

Claire Wallace L'95 was the recipient of a Distinguished Alumni Award from the Black Law Students Association (BLSA) of the University of Pennsylvania at the annual Sadie T. M. Alexander commemorative dinner in March. She has been an associate director in the Career Planning and Placement Office of the Law School since 1997. She is liaison to employers and has the responsibilities of marketing law school students to prospective employers and maintaining the database on employment statistics about students graduating from the law school.

Elizabeth R. (Valdes) Blandon L'96's article "Reasonable Accommodation or Nuisance? Service Animals for the Company" focusing on the business of technology and innovation, was published in the March 2001 issue of the Florida Bar Journal. Blandon is an attorney at Shutts & Bowen LLP.

Aaron J. Freiwald L'96 co-founded Layser & Freiwald PC in Philadelphia and Westmont, New Jersey. Freiwald was formerly with Kline & Specter PC.

Red Herring Communications, Inc. of San Francisco, a media company focusing on the business of technology and innovation, promoted Marie L. Hurabiell L'96 to Vice President, General Counsel from Corporate Counsel.

Peter E. Grant L'97 joined Grubman Indursky & Schindler PC. in New York in 2000 as an associate where he concentrates his practice on motion pictures, television and publishing. Grant previously practiced as a corporate associate with the New York office of Morgan Lewis & Bockius.

Mary E. Reidy L'97 and Robert F. Masella L'97, WG'97, corporate lawyers in New York, were married at St. Stephen's Roman Catholic Church in Boston. Mrs. Masella is an associate at Paul, Weiss, Rifkind, Wharton & Garrison. Mr. Masella is an associate at Cravath, Swaine & Moore.


Christopher B. Mora L'99 accepted a commission as an officer in the Navy's Judge Advocate General's Corps. He entered basic training in Newport, Rhode Island in the Fall of 1999 and was appointed to his first tour of duty station on the Mississippi gulf coast in Gulfport-Biloxi. Currently, he is primarily a trial defense attorney having tried over twenty courts-martial across a thirteen-state region representing Sailors and Marines. He also serves as a legal assistance attorney and manages a staff of civilian and military personnel in his law office. Most recently, he was nominated for Officer of the Quarter.

2000s

Michael C. Kochkodin L'00 joined the Philadelphia law firm Drinker, Biddle & Reath as an associate in the firm's litigation department. Kochkodin will focus his practice on commercial litigation.

Margaret O'Shea L'00, who is clerking for the Honorable Myron H. Bright, U.S. Court of Appeals for the 8th Circuit, received a two-year Associate Attorney appointment at the Earthjustice Legal Defense Fund (formerly Sierra Club Legal Defense Fund) in Seattle where she will work on environmental issues affecting the Northwestern United States.

Ilana Knopf L'01 was selected for the U.S. Department of Justice Attorney General Honors Program. Knopf will serve in the Department's Environmental and Natural Resources Division, Enforcement Section.

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In Tribute

Frederic L. Ballard Jr. C'39, L'42

A lifelong member of Philadelphia law firm Ballard Spahr Andrews & Ingersoll, Frederic Lyman Ballard Jr. C'39, L'42 died in March of this year. Mr. Ballard was an expert in corporate law and renowned for his broad skills as an advisor to corporate leaders as well as in the courtroom. As a student, he was Case Editor of the University of Pennsylvania Law Review and was a member of the Order of the Coif. From 1966-1968, and again from 1974-1979 Mr. Ballard was a member of the Law School's Board of Overseers, which he chaired from 1977-1979. His family boasts a proud tradition of Penn Law graduates: his grandfather Ellis Ames Ballard C'1881, L'1883, who founded the firm in the 19th century; his father, Frederic Lyman Ballard C'09, L'12; brothers John Ames Ballard C'45, L'48, Francis Ballard L'49, and Augustus S. Ballard C'44, L'48. Mr. Ballard is survived by his wife Ernesta Ballard, his children Sophie B. Bilezikian MD, Ernesta, and Alice, nine grandchildren and one great-grandchild.

Robert H. Malis C'41, L'47

Formerly a senior litigation partner of Mesirov Gelman Jaffe Cramer & Jamieson of Philadelphia, Robert H. Malis C'41, L'47 died in May of this year in Florida. Mr. Malis was in practice with his father, David S. Malis, and brother, Richard B. Malis L'40 until 1984 when their firm merged with Mesirov Gelman. A member of the Order of the Coif, Mr. Malis was the quintessential Penn Law volunteer, contributing hours and energy as a Firm Solicitor, Agent for the Class of 1947, Chair of Class Reunions, and as a spirited leader of the Law School's Annual Phonathon team. His wife Phyllis Wasserman Malis CW '44, and their children Dr. Charles Malis C'72 and Susan Malis Yoskin survive him. In 1994, he said he would "never forget the experience" of standing on the stage of Philadelphia's Academy of Music to hand a Penn Law diploma to his granddaughter, Mindy Yoskin Kubs L'94, now an attorney in Southeast Florida.
Norman Seidel, a member of the Class of 1941, returned to mark the 60th anniversary of his graduation from the University of Pennsylvania Law School. Here he shares his class picture with Dean Michael A. Fitts, regaling him with a story about the graduation speaker that day in 1941, Chief Justice Horace Stern of the Pennsylvania Supreme Court.
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send news and photos by traditional mail and e-mail to the attention of the Editor.
Every effort has been made to ensure accuracy in this Journal. We offer our sincere apologies for any typographical errors or omissions. Please forward any corrections to the attention of:
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## Calendar of Events
*(Academic Year 2001-2002)*

<table>
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<tr>
<th>Date</th>
<th>Event Description</th>
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| September 6, 2001 | Philadelphia Young Alumni Reception  
                    Rittenhouse Hotel - Boathouse Row Bar                                          |
| September 13, 2001| Law Alumni Society Board of Managers Meeting                                      |
| October 15, 2001 | *The Caroline Zelaznik & Joseph S. Grass Lectures on Talmudic Law*  
                    Moshe Halbertal  
                    Professor of Jewish Thought & Philosophy, Hebrew University  
                    Facing Loss: Laws of Mourning in Jewish Law  
                    Grass Lecture One - "Before Burial: Death and Law"                          |
| October 17, 2001 | Grass Lecture Two - "Law and Grief"                                               |
| October 25, 2001 | Institute for Law & Economics  
                    Law & Entrepreneurship Lecture  
                    Edward G. Rendell, Former Mayor of Philadelphia                               |
| October 27, 2001 | Institute for Law & Economics  
                    Conference on Labor Law                                                        |
| November 1-2, 2001| University Celebration - 125 Years of Women at Penn                                |
| November 9, 2001 | Parents & Partners Day                                                             |
| November 13, 2001| *Irving R. Segal Lecture in Trial Advocacy*  
                    David Boies, Attorney, Gore v. Bush, U.S. v. Microsoft                         |
| November 29, 2001| Institute for Law & Economics  
                    Distinguished Jurist Lecture  
                    Hon. Jack B. Jacobs, Vice Chancellor, Delaware Court of Chancery             |
| December 4, 2001 | *Edward B. Shils Lecture on Alternate Dispute Resolution*  
                    Robert H. Mnookin, Professor, Harvard Negotiation Research Project  
                    Harvard Law School                                                             |
| December 7, 2001 | Institute for Law & Economics Bankruptcy Roundtable                                |
| January TBD, 2002 | Law Alumni Society Board of Managers Meeting                                       |
| January 24, 2002 | Edwin B. Keedy Cup Competition                                                     |
| January 31, 2002 | *Owen J. Roberts Memorial Lecture*  
                    Hon. Guido Calabresi, U.S. Court of Appeals, 2nd Circuit  
                    Former Dean, Yale Law School                                                   |
| February TBD, 2002| Miami Region Alumni Reception                                                      |
| February 1-2, 2002| Journal of Constitutional Law  
                    Symposium on Native American Law                                               |
| February 9, 2002 | Journal of Labor & Employment Law  
                    Symposium on Municipal Unions and Municipal Governance                          |
| February 21, 2002| Equal Justice Foundation Auction                                                  |
| March TBD, 2002  | Sadie T. M. Alexander Conference                                                    |
| March 1-2, 2002  | Penn Law Review  
                    Symposium on Preferences and the Law                                             |
| March 8, 2002    | Law, Culture & the Humanities Conference                                           |
| April TBD, 2001  | *21st Edward V. Sparer Conference: Public Interest Litigation*                    |
| May TBD, 2002    | Institute for Law & Economics Corporate Law Roundtable                             |
| May 10-11, 2002  | Alumni Weekend - Law Alumni Society  
                    Awards Reception & Reunion Celebrations                                           |
| May 13, 2002     | Commencement - Academy of Music                                                    |
| June 7-9, 2002   | Penn Law European Society (PLES) Annual Meeting, Berlin, Germany                   |
| June TBD, 2002   | New York Young Alumni Reception                                                    |

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